

11.5. FLOODPLAIN RISK MANAGEMENT COMMITTEE ESTABLISHMENT ATTACHMENT

Attachment Titles:

1. Floodplain Development Committee Establishment - Council Report 15 September 2022

Attachment 1 - 20220915 - REPORT - FLOODPLAIN DEVELOPMENT COMMITTEE ESTABLISHMENT**FLOODPLAIN RISK MANAGEMENT COMMITTEE ESTABLISHMENT****1.****REPORT AUTHOR: COORDINATOR GROWTH AND DEVELOPMENT****RESPONSIBLE OFFICER: INTERIM GENERAL MANAGER****2. EXECUTIVE SUMMARY:**

The floodplain management program seeks to provide financial support to local councils and also eligible public land managers to assist in the management of flood risk in their communities. The program supports the implementation of the NSW Government's Flood Prone Land Policy and in 2021/2022 has awarded in excess of \$10 Million to Councils to undertake projects to assess the risks and reduce the impacts of flooding in New South Wales.

Council was successful in 2021/2022 in obtaining a grant to undertake a flood study of the Tumut River catchment given the current development pressures being experienced within the catchment area. As part of the terms of the funding agreement, Council is required to form a steering committee to assist in providing direction to the Council on the proposed Tumut Flood Study.

3. RECOMMENDATION:**THAT COUNCIL:**

- 1. Formally establish a Floodplain Risk Management Committee being an Advisory Committee of Council;**
- 2. Endorse the draft Floodplain Risk Management Committee Terms of Reference (TOR)**
- 3. Accept the funding offer from The Department of Planning and Environment in the amount of \$115,568 dated 16th August 2022 with a funding ratio of 4:1; and**
- 4. Appoint two (2) Councillor representatives to the proposed Floodplain Risk Management Committee.**

4. BACKGROUND:

In 2021, the then New South Wales Department of Planning, Industry and Environment provided an opportunity for NSW Councils and public land managers to apply for grant funding to undertake flood studies and other mitigation works as part of a \$10 Million budget to address flood impacts on NSW communities. Council made two separate applications for funding to enable Council to undertake a flood study of both the Tumut River and associated catchments and also the Tumbarumba Creek and its tributaries. In February 2022, Council was advised that it was successful in obtaining grant funding in the order of \$96,000 with a co-contribution by Council of \$24,000 towards the Tumut Flood Study. The Tumbarumba Creek flood study was unsuccessful in the 2021/2022 round of funding however Council has made another application for the 2022/2023 funding round which is yet to be determined.

In compliance with the grant funding conditions issued by the Department, Council sought competitive tenders for the work by suitably qualified and professional flood hydrologists via the New South Wales Local Government Procurement Tender Panel (LGP). Council utilised, price point, scale and capacity, experience and knowledge of the project in order to select a preferred consultancy. Based on these criteria and in consultation with the Department, Council appointed WMA Water as the preferred tender to undertake the Tumut Flood Study.

Council has an existing flood study of the Tumut catchment which was prepared and adopted in 1987 which remains the current flood study utilised for the purposes of strategic landuse planning, development assessment and also for the purposes of infrastructure planning. The study is required to be updated to reflect revised two dimensional modelling incorporating revised catchment data and localised conditions. There has been many changes within the catchment including development which has occurred and other factors including riverine geometry which is likely to affect both floodplain storage and behaviour.

Whilst Council currently does not have a flood study for Tumbarumba, Council staff investigations with the Department suggest that this grant application outcome is expected in the fourth quarter of this year, with funding likely to be granted to Council for this project. This will enable Council to complete a flood study of the Tumbarumba Creek catchment and along with the flood study of the Adelong catchment in 2017, these studies will provide Council with a complete revised set of studies for the greater urbanised areas of the local government area.

Development pressures have continued to be experienced within the floodplain catchments of Tumut and Tumbarumba and in the absence of revised flood studies, Council's ability to respond to development applications for housing, tourist and visitor accommodation, agricultural pursuits and other landuses is impaired. In 2021, Council received two (2) development applications for residential housing in a designated floodway in Tumut and ultimately both applications were determined by way of refusal as Council was unable to satisfy itself that the proposals were not going to increase the risk to life or property during flood events. Whilst both applications are being litigated, the Tumut flood study will seek to address such matters and will provide both Council and the community the necessary flood data to inform such decision making.

5. REPORT:

As part of the funding agreement issued by the New South Wales Department of Planning and Environment, Council is required to appoint a floodplain risk management committee to provide a level of support to the Council in the development of the Tumut Floodplain Management Study. A draft terms of reference (TOR) has been developed to provide a governance framework for the committee and has been included as an attachment to this report. The committee is expected to be established as a Advisory dcommittee for the study, and the committee will not have any decision making powers nor shall the committee be able to direct the Council on matters associated with the study. Council will be required to appoint two (2) Councillor representatives to the committee with the remainder of the appointments being designated positions within various organisations or members of the community as outlined in the TOR.

Any appointed member is not expected to be remunerated for any attendance at any committee meetings, briefing or other work outside of required meeting dates.

6. LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

Delivery Program and Operation Plan Strategic Directions

Theme 3 - Our Environment

Theme 5 - Our Civic Leadership

Community Strategic Plan Objectives

CSP3 Our natural environment is cared for and protected to ensure future generations can experience and enjoy its beauty

CSP5 Our Civic leadership and organisation government fosters open and transparent partnership with our community

Delivery Program Principal Activities

3.1 Create climate resilience through our actions and advocacy

3.3 Provide a planning and development framework that enhances local amenity through sustainable growth

3.4 Partner with other agencies to protect our natural spaces and environment

5.1 Communicate with our community and provide opportunities for participation in decision making

7. FINANCIAL AND RESOURCES IMPLICATIONS:

As part of the funding agreement the Department has awarded Council \$115,568 Ex GST on a 4:1 funding ratio. Council currently has no funding allocation for the co-contribution within the management plan in the 2022/2023 financial year. As additional funding has been provided by the funding body this is likely to increase Council's contribution to \$28,892 Ex GST which will require a budget allocation for this project in the next quarterly review in order to comply with the terms of the funding agreement.

Council sought tenders from suitably qualified and professional hydraulic / floodplain engineering consultants via the New South Wales Tender Panel where WMA Consulting was awarded the project based on scale, capacity, experience and price point. The tender provided by WMA was \$144,460 Ex GST

It is not expected that any member that is appointed to the Committee will receive any remuneration and therefore no budget allocation has been made towards the establishment of the committee.

8. POLICY, LEGAL AND STATUTORY IMPLICATIONS:

The establishment of a Floodplain Risk Management Committee will comply with the requirements of both the terms of the funding deed and also the New South Wales Floodplain Development Manual Guidelines.

9. RISK MANAGEMENT / COST BENEFIT ANALYSIS:

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
Legal	Potential litigation	The absence of a revised Tumut Flood Study, will likely increase the risk to Council of litigation relating to development matters on floodprone land.	The development of a floodplain study for Tumut will decrease Council's risk to litigation primarily due to increased certainty around development matters and also better infrastructure planning to protect the community from the effects of flooding.
Environmental & Public Health	Nil	Nil	Nil
Financial	Increased co-contribution	Increased grant funding by the NSW Department of Planning and Environment is likely to lead to an increase in Council's contribution which is above Council's existing budget allocation for 2022/2023. Increased budgeted allocation will need to be identified at the quarterly review .	Project will be able to be completed and will likely reduce challenges for development matters in the NSWLEC and reduce Council's risk exposure in flood events.
People	Nil	Nil	Nil
Technology	Nil	Nil	Nil
Stakeholder	The establishment of a committee will enable greater stakeholder participation in the project outcomes.	Nil	Enables greater community insights into the project leading to better project outcomes.
Service Delivery	More informed decision making and strategic planning	Nil	The project will likely lead to more informed decision making processes surrounding development assessment / infrastructure planning and strategic landuse planning throughout the

RISK CATEGORY	RISK/REWARD DESCRIPTION	COST/RISK	BENEFIT/ REWARD
			Local Government Area.

10. OPTIONS:

Option 1:

THAT COUNCIL:

1. Formally establish a Floodplain Risk Management Committee being a steering committee of Council.
2. Endorse the draft Terms of Reference (TOR) provided
3. Accept the funding offer from The Department of Planning and Environment in the amount of \$115,568 Ex GST dated 16th August 2022 with a funding ratio of 4:1.
4. Appoint two (2) Council representatives to the proposed Floodplain Risk Management Committee.

Option 2:

THAT Council not accept the grant funding offer by the New South Wales Department of Planning and Environment and not formally establish a Floodplain Management Committee.

Option 1 is recommended

11. COUNCIL SEAL REQUIRED:

No

12. COMMUNITY ENGAGEMENT AND COMMUNICATION:

There is no expected community engagement requirements as part of the establishment of the committee and acceptance of the funding agreement. Council will undertake engagement with a number of stakeholders and government agencies as the project progresses. Council has provided a media release to the community identifying that Council has been successful in the recent grant applications for 2021/2022 funding round.

13. ATTACHMENTS

1. Floodplain Management Program - FMP0083 - Tumut Flood Study
2. Floodplain Management Program - 2021 FMP 0083 - Funding Agreement
3. Draft Terms of Reference - Floodplain Management Committee