



## **Notice of Civil Committee Meeting**

Notice is hereby given that a Civil Committee Meeting will be held in the **Ballina Shire Council Chambers**, Cnr Cherry & Tamar Streets, Ballina on **Monday 12 December 2011 commencing at 4.30 pm**

### **Business**

1. Apologies
2. Declarations of Interest
3. Deputations
4. Committee Reports

Paul Hickey  
**General Manager**

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- 1. Apologies**
  - 2. Declarations of Interest**
  - 3. Deputations**
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- 1. Apologies**
- 2. Declarations of Interest**
- 3. Deputations**

### 4. Committee Reports

#### 4.1 Emergency Management Arrangements

<b>File Reference</b>	Local Emergency Management
<b>CSP Linkage</b>	Resilient and adaptable communities
<b>Delivery Program</b>	Operational Support (Engineering)
<b>Objective</b>	Provide Council with an update on changes to the emergency management arrangements in NSW.

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#### **Background**

At the May 2011 meeting of Council the following resolution was made.

*That the information regarding the review of the Council's Displan be noted and that a workshop be held to further inform the Council about this review and recent changes by government to the NSW emergency management arrangements.*

To respond to this resolution, it is now suggested that rather than a workshop, that the Civil Committee receive the following report.

The information referenced in the above resolution that was noted is reproduced below. This report also provides an update on that status of that information.

#### **Review of the Disaster Plan (Displan)**

*The project to review the Displan was proposed to primarily to meet two objectives. Firstly the review was to enable the update to address any changes in legislation and to generally ensure the plan is contemporary in its presentation and content. The second focus was to enable the enhanced provisions established at a State level in relation to recovery to be reflected in the new local Displan.*

*In addition to recovery, staff have identified that it would be beneficial to review the evacuation centre arrangements in the plan and to review the information in respect of vulnerable communities.*

*It is understood that the interest from Councillors in this project was in part a need to respond to questions about warning systems and other arrangements. It is noted that the Displan itself has the primary objective of determining responsibilities and the general coordination arrangements for response to disasters in the local area. The specifics of how the responses are undertaken, including communication methods, is mainly achieved in the operational plans of the respective agencies such as the SES for the Flood Plan and the RFS for the Bushfire Management Plan.*

*Some of these operational plans form sub plans under the Displan. That is, Council does not have specific responsibilities or any major role in communicating warnings in response to events, those responsibilities are for the lead combat agency for the specific event.*

## 4.1 Emergency Management Arrangements

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*These primary objectives of responsibilities and general coordination are still working effectively and only minor changes in respect of these are expected to arise out of the review. Therefore the delay in preparing the plan is not resulting in any compromise of the ability of the various combat agencies to respond to a disaster or emergency.*

*These provisions are regularly tested through exercises and the function of the Local Emergency Management Committee.*

*The delay in preparing the review has been the result of three factors. These are described below.*

*Firstly, staff were initially of the view that undertaking the review internally was preferred from a knowledge basis and to avoid the cost of additional resources. It is now the case that the project's scope would benefit from external assistance, however it is recognised also that substantial direct time is still required by staff for the project to be successful and this has timeline implications.*

*Secondly, the NSW Government has recently announced changes to the operations of District and Local Emergency Management Committees. These changes were pending for some time and the plan could not be updated until the changes were confirmed. Staff are still assessing the changes and the local implications.*

*Thirdly, the Flood Plan is a major sub plan of the Displan. A project has been established to assist the SES prepare an updated Flood Plan concurrent to the preparation of Council's Floodplain Risk Management Plan. Councillors will recall from previous briefings that this project has included the detailed planning of evacuation routes and warning times through the use and further development of the Council's flood model. This work is nearing completion and will be very useful to the review of the Displan.*

*In response to questions from the community, last year a presentation to business groups, schools and facilities such as nursing homes was arranged to inform these groups about the purpose of the Displan and the emergency management structure generally.*

*Given the questions raised by Council at the last meeting, it is suggested a Councillor workshop to hear a similar presentation would be useful. This would also be an opportunity to explain the changes that are currently being implemented by Government.*

### **Key Issues**

Awareness of changes to the NSW emergency management arrangements

### **Information**

#### **New Arrangements**

During 2010, the NSW Government conducted a review of the emergency management arrangements. A report was prepared, which was not published, making it difficult to provide formal advice to Council. Whilst the report wasn't published, elements of the recommendations have been communicated to agencies and some actions taken in response. It is understood further changes are being considered by the new government with legislative changes proposed.

## 4.1 Emergency Management Arrangements

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The major change that has been undertaken to date has been in relation to adjusting the boundaries of the District Emergency Management Committees (DEMC). By an order from the Minister, it was approved for the boundaries to be adjusted with a resulting reduction in Districts from 18 to 11. The Ballina LGA was previously in the Northern Rivers DEMC, and it is now in the North Coast DEMC.

The new North Coast DEMC combines the former Northern Rivers District with the former Mid North Coast DEMC. This is an area from north of the Hunter region to the Queensland border.

A charter has been adopted for the North Coast DEMC and as per the previous arrangements the Local Emergency Management Officer (LEMO) from each LGA is a member of the Committee. The Group Manager Civil Services is the Ballina LEMO and has been representing Council and the LEMC to the new DEMC.

The main concern with these arrangements relate to the geographic size of the new region. To date, the DEMOs from both the former DEMCs have been appointed as joint executive officers for the new district. Therefore, in effect, the resources available to Council have not changed and the geographic size issue has not been a major impediment.

There have not yet been any changes to the requirements for managing the local committee. It is understood the review contemplated the amalgamation of LEMCs to reflect Police command areas. The justification for amalgamation was that it would be more efficient for state government agency representatives to service a more regional LEMC.

It is the opinion of the Ballina LEMC that this suggestion should be rigorously opposed. The emergency response requirements and resources at the local level vary significantly at each local government area. For example, the flood and rural fire risks are very different in Lismore when compared to the environment at Ballina. Furthermore, whilst Police command boundaries do not align to LGA boundaries, many state government services do, such as the State Emergency Service, the Rural Fire Service, Surf Lifesaving Services and while to some the amalgamation may be considered more efficient, in reality it would be simply a reduction in service.

The most significant issue however is that the local level functioning of the LEMC means the methods of communication and corporate knowledge sharing amongst the key stakeholders is particularly strong and this is invaluable in managing a multi agency emergency response.

It is also understood that the report proposes to make a change limiting the persons to be appointed to the LEMC Chair role to be the General Manager or his / her appointed delegate. The reason for this is to ensure that the LEMC Chair has the authority to allocate Council resources and other required statutory powers.

## 4.1 Emergency Management Arrangements

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In some LGAs the Mayor or a Councillor is the LEMC Chair and the LEMO is often a person with relatively junior authority in the organisation structure. Those supporting this model like the reinforcement of the community input role from an elected person and the more administrative functions that are required of the LEMO are undertaken by non management roles.

The model at Ballina has served Council well and is essentially what is proposed under the report. Under this model, the Mayor is not a member of the LEMC given its operational role, however importantly the Mayor is still briefed to enable him / her to be the public face of the response and interface in respect of community issues in the normal manner.

The general delegations to the position of Group Manager Civil Services work well in terms of the being able to manage the position of LEMO and administrative support is available as efficiency requires. These arrangements appear to be the most effective in terms of the needs for the position of Mayor, yet still enable a senior manager within Council to drive the planning and other responsibilities that are required outside of the response phases to incidents. This seniority is considered important for the LEMO function to be successful.

When further information is available this will be provided to Council.

### Revision of the Disaster Plan

As discussed previously with Council, it is timely to update the Council's Displan and a project to undertake the review was included in the current Council Operational Plan.

The new DEMC has determined that to ensure consistency and to achieve some economies of scale, all the Displans and Emergency Risk Management Plans (ERM) will be updated using an agreed template. Work has commenced on the structure of the template, however it is not expected to be available until the end of 2012.

The current Displan is generally serving us well, the motivation to update it mainly related to including new provisions in respect of recovery arrangements and to connect the Displan and the ERM. The current version of the Displan predates the new recovery arrangements and the Council's adoption of the ERM.

The new recovery arrangements established by the State Government are considered to be an excellent initiative and whilst they are not formally documented in the Displan, they are well understood and there is no barrier to their implementation. In fact the North Coast has been recognised as the area in the State with the most experience in applying these arrangements.

Similarly, the LEMC has been implementing the tasks arising out of the ERM.

This means the hazard analysis in the current Displan is not contemporary and has in effect been replaced by the ERM. However this is well understood by Council's officers and the officers in the local agencies and again the fact it is not in the Displan is not resulting in any operational or planning issues.

## **4.1 Emergency Management Arrangements**

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It has been decided to continue the review of the Displan by developing an interim update. This update will not be a full review to avoid any unnecessary effort in duplication or rework that will result from the new template. There are some tasks however that can be reliably selected for review now that will be useful to inform the full update. By adopting an interim update the Council can be satisfied that it has a contemporary plan.

The work plan for the interim update has reporting to the Council in February 2012 for adoption.

### **Legal / Resource / Financial Implications**

There are no legal, resource or financial implications associated with the recommendation to this report.

### **Consultation**

Provided for public information.

### **Options**

The information in this report is for notation.

### **RECOMMENDATIONS**

That Council notes the contents of this report in respect to emergency management arrangements.

### **Attachment(s)**

Nil



### 4.2 Coastal Walk and Coastal Shared Path Projects

<b>File Reference</b>	Coastal Cycleway - Ballina to Lennox Head
<b>CSP Linkage</b>	A built environment contributing to health and wellbeing
<b>Delivery Program</b>	Engineering Works
<b>Objective</b>	The purpose of this report is to present preliminary concept design information regarding the Coastal Walk and the Coastal Shared Path projects and to determine whether Council now wishes to further advance the projects.

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#### **Background**

The resolution of Council, adopted at the Ordinary Meeting of Council on 23 September 2010, identified two separate coastal path projects:

- Coastal walk, being east of the Coast Road and between Angels Beach and Lennox Head.
- Coastal shared path, being west of the Coast Road and between Angels Beach and Lennox Head, via the Coast Road, Headlands Drive, Skennars Head Road and North Creek Road.

The construction of these projects will be staged to align with the available funds. However it was considered preferable for a range of reasons to advance the design and approvals for the entire concept simultaneously. The advantages include economies of scale, design continuity issues are reduced, consultation is consistent, there will be different lengths of time for approvals meaning some sections will be able to be commenced earlier than others, and importantly approved projects may have an increased chance of receiving grant funds.

To advance these preconstruction activities, several consultancy engagements have been established including the following:

- Concept design work is being prepared by Geolink
- Blackwood Ecological Services are undertaking the ecological and heritage assessments
- NSW Public Works are completing the Review of Environmental Factors (REF) and EIS documentation.

A draft of the concept designs for the Coastal Walk (CW) and the Coastal Shared Path (CSP) project has now been completed.

Blackwoods have completed the ecological assessment for the CSP and have commenced the ecological assessment and heritage assessment for the CW.

NSW Public Works is waiting on confirmation of the preliminary CSP concept design in order to finalise the REF and EIS for the CSP, which would then allow approvals to be obtained, whether by REF or development application.

The purpose of this report is to present and discuss the concept designs prepared by Geolink.

### **Key Issues**

- Concept designs
- Options
- Cost implications

### **Information**

The construction outcomes for the shared path at the southern end of the Lennox Head Village have been the subject of some community discussion and feedback. There has been a wide range of views expressed, including positions of support and opposition.

Some of the negative comments have related to engineering standards such as safety and were the subject of reports to Council for review. Some of the negative comments also related to the design itself and its impact to the natural environment.

It is rare that there is a simple solution or commonly agreed outcome when using infrastructure to providing services in sensitive locations. Once the Council has committed to a project, it is important to establish the right balance between providing the service, construction and maintenance costs, and impacts to amenity and the environment.

The concept design is one key decision point at which time decisions about this balance can be taken.

Based on these comments attached to this report are layout drawings and a design narrative for the two routes. The information attached is considered comprehensive and staff are not in a position to add further detail. The main comment that should be made is that as per the narrative for the design report, the consultants have attempted to balance all the competing priorities such as safety, vegetation, erosion, disabled access, maintenance, visual impact etc. Ultimately this means there must be compromises and the concept designs attempt to provide the right balance between all the variables.

The Civil Committee meeting is an opportunity for staff and the consultants to provide further explanation about the report to both Councillors and interested members of the public. The meeting also provides an opportunity for members of the public to make deputations to Council.

Further reporting, if required, can address any further ideas or issues of interest to the Council.

The design report only addresses the outstanding sections of the projects.

## 4.2 Coastal Walk and Coastal Shared Path Projects

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A group of interested residents have also provided a presentation to a recent B Ward Committee meeting including suggestions and costs estimate for amendments to the Lennox Head to Pat Morton segment of the project.

A copy of that submission and the estimated cost are also provided as attachments to this report. In reviewing this submission it is pleasing to see this group work has worked together to achieve collective outcomes.

The major thrust of the works they propose are designed to minimise the impact of the path on the headland, through further treatments, increased vegetation, plus providing basic amenities such as bins, tables and seats, which in turn should ensure that the users of the locality are concentrated in certain areas. The estimated cost of the work, from the group is as follows.

<b>Item of Expenditure</b>	<b>Estimate (\$)</b>
Concrete treatment for path: 1,800 sqm @ \$17 per sqm	30,600
Bench seating x 8 @ \$2,000	16,000
Picnic tables and bench seats x 2 @ \$3,000 each	6,000
Flora and vegetation planting	3,000
Signage - illustrating heritage and flora and fauna	2,000
Timber cover with seats for open culverts x 2 @ \$6,000	12,000
Bubbler	1,800
Gate for surfer stairs x 2 @ \$350 each	700
Pebble paving: 30sqm @ \$32	960
Natural rock treatment for washaway areas on surf side	3,000
Rock stairs for access to ocean x 4 @ \$500	2,000
Container for dog refuse	1,000
General refuse containers x 2 at picnic area	800
<b>Total</b>	<b>79,860</b>

The above list is in order of priority based on the submission and the works could be staged over two or more years. The estimates are preliminary and have not been verified by Council staff.

When this submission was presented to B Ward there was not unanimous support for all the works, with some members not supporting particular items, such as the further concrete treatment, due to the cost involved.

In reality cost is the key issue for Council for these items in that all the works identified have merit, but each item comes at a cost. Certainly some costs are not significant, although once all works are included the \$80,000 is of significance.

At this point in time, the preference of staff is to focus on funding the completion of the actual shared path and coastal walk, with funding then to be allocated over time to provide improved infrastructure and / or associated amenities. Council has limited funding available, in total, therefore it is difficult to reallocate any of the existing budget allocations when there is still a significant part of the project still to be completed. It is also anticipated that approvals for particularly the shared path component of the project will be obtained early in 2012, so the funding that is available will allow a significant component of the shared path to be completed.

Nevertheless this submission does provide an opportunity for Councillors to identify items they may wish to see implemented immediately and as there is funding in the 2011/12 budget this is a realistic option. If there are specific items that are to be pursued immediately then it would be preferable for Councillors to identify those and Council staff could provide a further report, if needed, confirming the costs and the nature of the works planned.

The other key issue related to this submission is the handrail currently installed on sections of the existing Lennox Head to Pat Morton shared path. Installation of additional handrail is planned for parts of the remaining segment, with this work able to be completed once the current Coast Road landslip construction is finished.

Based on the current work program this remaining segment will not be constructed until February 2012 onwards and on that basis staff are currently pursuing insurance advice on alternative treatment options for the handrail. Once this advice is finalised and available it is planned to report the information to Council to determine whether Council wishes to amend the current plans for the remaining Lennox Head to Pat Morton segment. Importantly that remaining segment will not be constructed until this additional insurance information is considered by the elected Council.

### **Legal / Resource / Financial Implications**

The designs will require regulatory approval for construction, with some works relying on the REF and others requiring a development application. Different design outcomes will result in different capital and maintenance costs. The task for Council is to identify the optimum balance between cost, service provision and impacts to the environment and the amenity of an area.

The current budget has funding of approximately \$1.5 million for these two projects with \$137,000 expended to date. The funding will be allocated based on the approvals obtained.

### **Consultation**

The concept design work to date has involved internal review by Council staff dealing with preliminary environmental and engineering input.

The presentation to the Civil Committee will be the first occasion for public access to the draft concept design.

As discussed, the adoption of a concept design is a key decision in respect of the procurement of the project. It is open to the Council as to whether or not it prefers to place the attached design report on public exhibition. Certainly there will be members of the community who would like to respond to that opportunity and this will enable the Council to assess that feedback.

Alternatively, Council may be of the view that having consulted on the route selection and general project form, this level of design is at a detail where public exhibition will not assist Councillors and the preferred community response is to continue to advance the project.

### **Options**

For Council to identify its concurrence to the concept design as attached to this report, or for Council to identify alternate concept approaches which can be formally assessed and reported to Council.

As identified the Council is also requested to determine if it is preferred to place the concept design on public exhibition for comment.

As these matters are for the judgement of Council, it is difficult for staff to provide a specific recommendation, however the preference is to proceed to advance the project as there has been significant consultation undertaken to date in respect to the route selection and Council now has the benefit of specialist engineering advice in respect to the draft concept designs.

### **RECOMMENDATION**

That Council endorses the draft concept designs, as attached to this report, and authorises the General Manager to further advance the Coastal Walk and Coastal Shared Path projects.

### **Attachment(s)**

1. Lennox Head to Pat Morton - B Ward Submission
2. Coastal Walk and Coastal Shared Path - Draft Concept Designs and Design Report (Separate Attachments)

**Report to B Ward on Development of Improvement  
Strategies Relating to the Shared Path**

**1. Summary of Contents of Report**

The Report addresses the following issues:

- 1.1 The Central Concern Relating to the Visual Aspect of the Shared Path
- 1.2 Potential resolutions and mandate from B Ward, the Mayor and General Manager
- 1.3 The Nature of the Journey to Consensus of the Group regarding Recommendations for Improvement/Enhancement
- 1.4 An Interim Report and Pro Forma Budget for B Ward Consideration
- 1.5 Next Steps for Full Council and Community Consultation
- 1.6 Brief Conclusion

**2. Introduction**

The intention of this report is to offer potential resolutions for enhancement of the completed Shared Path and to point toward a possible template for co-option by Council of members of advisory Wards to be mandated to undertake projects related to community concerns. This would facilitate Council's co-operative leveraging of broad representative groups from the Ward Committee System on specific assignments of community relevance.

**3. Central Community Concern**

The central concern was that an environment of iconic natural beauty had assumed a heavy and industrial visual aspect consequent on the construction of the shared concrete path and metal railing. Certain representative groups in the Community were clearly of the opinion that this treatment was substantially at variance with the natural beauty and tranquillity of the area while others perceived the shared path asset as a highly practical recreational introduction. Thus significant conflict and discord developed over an amenity which Council had intended to comprise a positive asset for the village of Lennox Head.

**4. Potential Resolutions and Mandate**

Community conflict, disillusionment and frustration have a tendency to create social disease, apathy and thus further societal criticism. Clearly a need existed to gain consensus from broad representative groups in the community on a shared vision for the enhancement of the constructed path so that the cycle of enmity and distrust could be broken.

In this context the Mayor and General Manager mandated the convening of a B Ward sub committee/interest group to investigate the potentials for enhancing the shared path and to report back on possible resolutions.

### **5. The Nature of the Journey to Consensus.**

The response by community representative groups to involvement in the project to offer enhancement strategies on the shared path to council was highly positive. The assistance of Councillor Moore was elicited and a number of valuable members of the Interest Group were nominated by him. The Interest Group ultimately comprised of a broadly representative spectrum of community organisations and interests. (See Annexure A for Sub Committee composition)

The Sub Committee met on 5 occasions. Initially views on remedial treatments were broad and disparate ranging from 'Do nothing' to 'Sophisticated artistic embellishment approaches'. However the group process was innately self regulating with radical views gradually softening toward really practical and attractive recommendations.

In addition as the process developed champions of various aspects relating to the shared path emerged and these informal/sapiential leaders were able to direct and focus the group. Paul and Malcolm were particularly noteworthy in these roles. Thus a rational and pragmatic but compelling approach emerged and 'Getting to Yes' on the enhancement strategies became a reality.

### **6. An Interim Report of Enhancement Recommendations and Pro Forma Budget for B Ward Consideration**

The Enhancement recommendations comprise the categories of:

6.1 Material Improvement/Enhancement to the shared Path

6.2 Soft treatments incorporating Vegetation and flora development for the shared path.

Finally a Pro Forma budget is proposed.

The material improvement specifications for the shared path are contained as Item 5.1 under New Matters of the minutes of the meeting of the Interest Group of Thursday 10/ 11/11. (See Annexure B) Paul Jones will present the Consensus Improvements

The soft vegetation treatment is attached at Annexure C and Malcolm Milner will present this.

Budget, conclusion remarks and observations, an explanation of next steps and a motion to B Ward will finalise the Report.

### **7. Next Steps for Full Council and Community Consultation**

It is anticipated that modifications and amendments to the Interest Group's recommendations could emerge at the B Ward Meeting of 14/11. Acceptable proposals need to be incorporated and the final report presented for consideration at a full council meeting.

If Council commitments to the enhancement strategies are attained, the process of community consultation can then be undertaken as detailed under 'New Matters' at Item 5.2.3 of the Minutes of the meeting of Thursday 10/11/11. (See Annexure B)

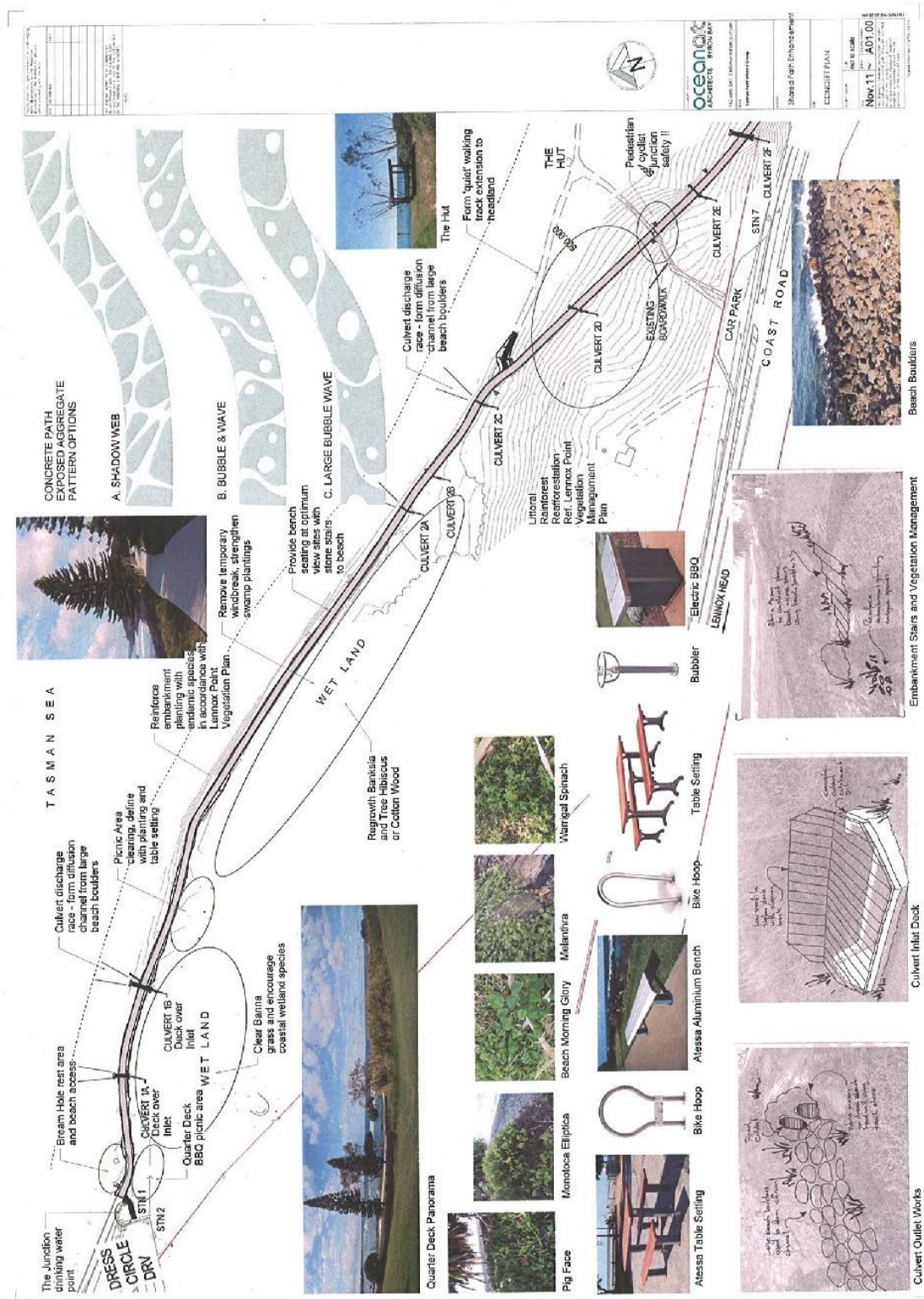
After compiling any cogent modifications from Public meetings and gaining final council agreement, the implementation of the accepted improvement strategies can be initiated and scheduled.

### 8. **Brief Conclusion**

It is apparent that on this specific project, that Council's engagement of centres of influence from the community to focus on enhancement strategies on a controversial piece of infrastructure, has elicited both positively improved psychological disposition of the involved groups and achieved enhanced material outcomes on softening the shared path. It is possible that further joint problem solving approaches through Council co-option of the Advisory Ward Committee system, could promote increasingly constructive solutions and extended ownership of representative community groups.



## 4.2 Coastal Walk and Coastal Shared Path Projects



## 4.2 Coastal Walk and Coastal Shared Path Projects

<b>Pro Forma Budget for Shared Path Enhancement Recommendations</b>	
<b>Item of Expenditure</b>	<b>\$ Est Cost</b>
Concrete Treatment for Path: 1800sqm @17 per sqm	30600
Bench Seating x 8 @ 2000.00	16000
Picnic Tables and Bench Sets x 2 @ 3000ea	6000
Flora and Plants: Trees for Littoral Planting	3000
Sign: Informational illustrating Heritage and Flora and Fauna	2000
Timber Cover with Seats for Open Culverts x 2 @ 6000	12000
Bubbler Fountain with Tap	1800
Gate For Surfers Stairs x 2 @350 ea	700
Pebble Paving Approx 30sqm @ 32.00	960
Natural Rock Treatment for Washaway areas on Surf Side x 4	3000
Rock Stairs for Access to Ocean x 4 @ 500	2000
Container for Disposal of Dog Refuse	1000
General Refuse Containers x 2 at Picnic Area	800
<b>Total</b>	<b>79860</b>
Note: List of Items is in Order of Priority with Intention of Council to phase in listed items in Successive Budgets and as funding permits	

### ANNEXURE A

#### Representatives and Community Organisations Involved in the Shared Path Interest Group

Craig Zerk	Geolink
Don Munro	Surf Riders Association
Daryl Vidler	Combined Sports Association
Fred Goodman	Residents's Association
Fran Byrne	BES
Ian Duncan	Newrybar Community
Lyn Walker	BES
Louise Owen	Chamber of Commerce
Malcolm Milner	Landcare
Margaret Shaw	Secretary for the Interest Group
Mark Waller	Community Artist
Paul Jones	Architect

## 4.2 Coastal Walk and Coastal Shared Path Projects

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### Annexure B

Minutes of a Meeting of the Shared Path Enhancement Interest Group Held on Thursday 10 November at 5.00pm in the Activity Room at the Lennox Head Cultural and Community Centre

1. PRESENT: Don, Darryl, Malcolm, Graham, Craig, Paul, Louise, Margaret

2. Apologies: Fran, Mark W, Lyn W, Ian Duncan

3. Minutes/Notes of Previous Meeting                      These were accepted as an accurate reflection of the discussions.

#### 4. Matters Arising

##### 4.1 Subtle Approach to Exposed Aggregate Treatment.

Paul illustrated 3 potential treatments. The least confronting was selected by the Group as this design would also have the effect of integrating the handrail so that it would not be so starkly outstanding.

##### 4.2 Soft Copy Vegetation Plan for Path Enhancement.

The soft copy had been prepared and Malcolm would send on to Graham for inclusion in the Report to B Ward Committee on Monday 14/10 at 4.30pm. Malcolm agreed to talk to this plan at the presentation of the Report on Monday evening.

##### 4.3 Pro Forma Budget.

Graham presented a list of inclusions agreed at our inspection in loco on 3/11. After discussion and some modification to remove a number of items the budget was agreed. It was suggested that the Budget should prioritise costs and that if accepted by Council that scope would be given to Council to phase in requested item as per their funding schedule for the shared path

##### 4.4 Review of Anticipated Community Needs for Shared Path.

It was agreed that the list of items in the Budget and the illustrations and actions displayed in the Chart which formed the basis of Paul's presentation, comprised the range of reasonable community needs. This would be put to the test at the planned community consultation sessions.

#### 5. New Matters

##### 5.1 Presentation of Outcomes and Recommendations from Inspection in Loco of Shared Path Enhancement Needs.

Paul displayed a highly professional chart which illustrated, summarised and mapped out the suggestions emerging from discussions relating to the inspection and need identification from the previous walk of the shared path of Thursday 3/11

## 4.2 Coastal Walk and Coastal Shared Path Projects

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The Chart illustrated three possible patterns for the concrete aggregate utilising sand blasting techniques to break up the heaviness of the path (shadow, bubble and waves-small and large) See decision of group under Item 4.1.

Locations and illustrations were established for picnic area and furniture. (used by national parks – various options available ) Provision for positioning of seating locations and styles was set out with various significant stopping places marked on the route. The chart also included illustrations of plants which supported Malcolm's general plan. Further composition in the chart comprised locations for enhanced wetland areas, access to the water with natural rock stairs where deep gouges had been cut through by constant human use and creating culvert safety and beautification by providing timber decking and seating over the culvert to disguise and protect the safety of the outlet.

The meeting was unanimous in its support of the content offered by Paul which so effectively reflected previous discussions. Paul was congratulated for his professionalism and was requested to be available to contribute to the presentation at B Ward on Monday 14/11.

### 5.2 Next Steps

#### 5.2.1 Presentation of Progress to B Ward Committee

Agreement had been given for the Outcomes from our deliberations on enhancement of the shared path to be presented to B Ward Committee on Monday 14/11

#### 5.2.2 Full Council Decision

It would then be necessary to determine whether the plan and any amendments agreed at B Ward would require to proceed to a full Council meeting. It also would be necessary to agree to the format most acceptable for public/community consultation on the final adopted plan

#### 5.2.3 Gain Consensus of and From the Community

It is envisaged that a looped and digitised presentation of approximately 20 minutes would be made available at a publicised community meeting in the auditorium of the Community centre on a Saturday running in half hour sessions from 10.00am to 3.00pm. The public would be invited to attend at any time during this period and Feed Back forms would be made available to all to comment in writing. An

Interest Group member would preside over these presentations in rotations of an hour. It was agreed that it was important that the community was aware that the recommendations in the presentation had received input and support from a wide representation of community groups and had received Council commitments

This feedback would be collated by Graham and presented to the Interest Group for further consideration and then to Council to agree any material amendments.

The process contained in next steps was endorsed by the Interest Group.

Graham thanked the group for it's really positive contribution and for generously giving of its time to finalise the recommendation stage.

## 4.2 Coastal Walk and Coastal Shared Path Projects

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### 6. Next Meeting

This would depend on response from B  
Ward members, Councillors and Mayor and the General Manager and relevant staff



### 4.3 Floodplain Risk Management Study and Plan

<b>File Reference</b>	Floodplain Management Plan
<b>CSP Linkage</b>	A built environment contributing to health and wellbeing
<b>Delivery Program</b>	Engineering Works
<b>Objective</b>	To obtain Council approval to exhibit for public comment the Floodplain Risk Management Study and Plan.

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#### **Background**

The NSW State Government has in place a Flood Prone Land Policy. The policy has an objective of reducing the impacts of flooding and reducing private and public losses resulting from floods.

The policy identifies that the primary responsibility for floodplain risk management rests with councils. A NSW State Government Manual, known as the "Floodplain Development Manual, the Management of Flood Liable Land" (April 2005) provides guidance to councils. The manual sets out the State Government's floodplain risk management process, and guides councils in the development and implementation of local floodplain risk management plans.

Furthermore, under Section 733 of the Local Government Act, an exemption from liability is generally offered to councils relating to the management of flood liable land where it has acted in good faith in accordance with the "relevant manual" most recently notified by the State Government.

Section Two of the manual shows a flowchart of the Floodplain Management Process. A copy of the flowchart is provided as attachment one.

Council is well advanced in the process towards adopting a Floodplain Management Plan. A chronology of the work to date is summarised below.

- 2004: WBM Oceanics Australia (now BMT WBM Pty Ltd) was awarded tender T125 for consulting services for the Ballina Flood Study Update. This comprised the completion of a two dimensional (2D) flood model for the lower Richmond River at Ballina including aerial photography and river bathymetry.
- 2008: Completion of Ballina Flood Study Update (BFSU, 2008) and subsequent amendment to Combined DCP, Policy Statement No. 11 - Flood Levels.

- 2009: BMT WBM and Bewsher Consulting were awarded tender T451 for consulting services for the preparation of the Floodplain Risk Management Study and Plan. This also comprised the additional data collection of property floor level surveys which was undertaken in late 2009.
- 2010: The release of the NSW State Government's Sea Level Rise Policy in late 2009 confirmed the benchmarks for sea level rise (SLR) projections. An amendment to the Combined DCP, Policy Statement No. 11 - Flood Levels was made to account for revised fill heights for new developments (greenfield sites). The ongoing progress of the current Floodplain Risk Management Study and Plan was recommended to further assess Council's Combined DCP with respect to infill development.

The Council resolution pertaining to the last dot point was dealt with when considering a comprehensive position statement covering climate change and sea level rise at the 28 January 2010 Ordinary Meeting of Council.

The "Floodplain Management Planning" recommendations resulting from that report read as follows:

- "3. That Council amend Policy Statement No.11 Chapter 1 Ballina Shire Combined DCP in accordance with the requirements of the Environmental Planning and Assessment Act to apply the flood planning levels associated with the latest estimated sea level rise changes to new greenfield developments, as defined within this report.*
- 4. That Council continue to address the floodplain management implications of sea level rise via the existing floodplain risk management process while taking into account the NSW Governments sea level rise policy."*

Council subsequently adopted an amended Combined DCP Policy Statement No.11 - Flood Levels at the 26 August 2010 Ordinary Meeting of Council, thereby fulfilling requirements of point three.

With respect to point four, this report presents the progressive findings of the floodplain risk management process.

A number of recent Councillor workshops have examined key elements of the Floodplain Risk Management Study and DCP.

The main elements of the Floodplain Risk Management Study comprise:

- Flood modification measures, being the ongoing assessment of floodways and waterway openings
- Evacuation capability assessment and emergency management recognising the need for improved flood forecasting and community awareness
- Property modification management measures which largely comprises a proposed draft DCP for floodplain management plus investigation of limited voluntary house raising



Importantly, the proposed draft DCP includes mapping of Flood Risk Precincts, where different planning controls are to be applied, depending upon the level of flood risk. This adds a level of sophistication to floodplain management, when compared to existing practice, and also deals with infill development and SLR.

### Key Issues

- Completion of draft Ballina Floodplain Risk Management Study
- Completion of draft Combined Development Control Plan, Chapter 1, Policy Statement No. 11 Flood Risk Management
- Proposed public exhibition of the documents

### Information

As noted in the background section of this report, the Floodplain Risk Management Study comprises three main elements:

- Flood modification measures (floodway provisions)
- Emergency management (and evacuation and community awareness)
- Property modification management (comprising draft DCP and possible limited house raising)

This section of the report will initially deal with the draft DCP, Climate Change and Sea Level Rise (SLR) and infill development and consider feedback for alternatives to the current policy of filling.

### Draft DCP

A copy of the revised "Draft Combined Development Control Plan - Chapter 1 Policy No. 11 Flood Risk Management", which is recommended for exhibition, is included as a separate attachment to this report.

Council's current flood policy or plan, which was adopted in August 2010, comprises two sets of flood maps. One set, maps 2a and 2b, comprises 2100 climate change scenario (0.9 SLR) and one set, maps 1a and 1b, comprises the 2008 flood study outcomes (0.2 SLR).

The current policy ascribes the 2100 climate change scenario to greenfield sites.

The investigations for setting an appropriate policy for infill development included an assessment of 2100 tides (king tides). Previous reporting to Council is shown as attachment two. Estimated 2100 tide level information is also shown in attachment three.

The modelling predicts that king tide levels in 2100 will reach 1.8m AHD (Australian Height Datum or metres above mean sea level) in and around Ballina Island, whereas current road flooding such as that experienced in Tamar Street and Burns Point Ferry Road approximates 1.1m AHD. Attachments four and five are photos of typical events.

Furthermore, when storm events coincide with existing high tide levels, then localised flooding is exacerbated, as per attachment five.

It is therefore considered appropriate that for reasons of private amenity and positive drainage, that redevelopment (infill development) continue with at least a minimum level of filling to achieve protection from future SLR and tides. (It will be discussed later that this will also achieve incremental flood protection.)

It is important to note that this policy direction is not intending to answer or provide direction regarding all of the significant questions dealing with climate change risks. This policy direction is responding to the private development occurring within the floodplain now, and ensures Council is acting in good faith with appropriate technical direction and recognising climate change.

Whilst the broader climate change issues are being addressed in many forms, such as the Climate Change Action Plan, the input from this study will serve to inform future adaption and mitigation strategies. An important task is the assessment of how Council's public infrastructure and drainage systems will perform into the future.

If Council continues to support a minimum level of filling for infill development due to tides, then this would need to satisfy 2100 tidal inundation levels and be greater than 1.8m AHD. Minimum fill heights with Council's existing policy (maps 1a and 1b) provide for minimum fill heights across Ballina Island and West Ballina of 2.0m AHD and 2.2m AHD. Therefore, a "buffer" for future SLR changes is achieved within the current policy.

Furthermore, with the workshop material presented thus far, it has also been recommended that a 2050 climate change horizon be adopted for establishing flood planning levels for infill development. Section 2.6 of the draft DCP refers to how climate change has been factored into flood planning levels.

The note on page eight states as follows:

*"Under a changing climate, Flood Planning Levels adopted based on 2050 conditions maintain a similar flood immunity over a typical life span as would occur by adopting current flood conditions in the absence of climate change".*

The workshop material illustrating the above is shown as attachments six and seven.

The corresponding minimum fill height levels for the 2050 horizon are shown as attachment eight.

Minimum fill heights across Ballina Island and West Ballina comprise 2.1m AHD to 2.4m AHD.

An adaptive shift in Council policy can be achieved if the 2050 climate change horizon is adopted for infill development and for future tidal protection: This adaptive approach offers benefits as follows:

- maintain minimum fill for tidal protection and positive drainage into the future, (2100 SLR)

- maintain fill and floor heights for flood protection in order to "maintain a similar flood immunity over a typical life span"
- provide minimum departure to existing policy, where fill heights would increase 0.1m to 0.2m across Ballina and West Ballina (and for the moment maintains existing building techniques)
- allows for future change to SLR policy, where the 2050 minimum fill is maintained for tidal purposes, but future SLR and/or flood immunity can be achieved with floor level increases (without corresponding filling) and therefore promote alternative building techniques
- strikes a maximum fill height and discontinues incremental creep of fill height
- Provides direction for private infill development whilst allowing Council to consider public infrastructure and future SLR criteria.

This adaptive approach is illustrated by a workshop graphic being attachment nine.

A further enhancement of the draft DCP is to adjust development controls to suit the flood hazard. This has been implemented by defining Flood Risk Precincts (FRP) across the floodplain according to four categories, Low, Medium, High and Extreme.

FRPs were determined by investigating flood depth and flow velocity. The FRPs are shown on page four of the draft DCP and described on page six.

Within each FRP, the land use category is used to determine the Flood Planning Level (FPL). Land Use Categories are described in Schedule B (page 18) of the draft DCP, and are as defined by the applicable Planning Instruments.

A range of FPLs apply to different land uses and building elements.

Overall this approach allows controls to be graded relative to severity, frequency and consequences of potential floods, and applies a merit approach that also considers social, economic, and environmental factors. A flow chart which defines the process is shown at Figure Two (page 10) of the draft DCP.

With respect to some key features of the draft DCP, a more meritorious approach is being applied to some Land Use Categories, for example:

- Residential - FPL5 applies which is 100yr ARI + 0.5m (freeboard) which is unchanged from existing policy
- Commercial and Industrial - FPL4 applies which is 100yr ARI + 0.2m (freeboard). This represents a reduced freeboard (previously 0.5m) to accommodate better access to non-habitable areas, which is ultimately insurable
- Car parking/garages (urban) - FPL3 applies which is 100 yr ARI. This represents a reduced freeboard where previously the garage was nominally set down from FPL5. This is a very practical outcome for infill development where garage accesses can be assured between low road levels and fixed fill levels, refer Attachment 10.

#### Draft Floodplain Risk Management Study

The following discussion highlights some of the other key outcomes of the draft Floodplain Risk Management Study (FRMS), which is also included as a separate attachment.

#### *Flood Modification Measures*

Due to previous work of the BFSU (2008), the following floodway measures were already recognised as floodway requirements:

- North Creek Canal floodway (adjacent Ferngrove development) - completed
- Emigrant Creek overflow culverts, 50% enlargement of Ballina bypass culverts - in progress
- Ballina Heights Estate floodway - agreed with developers
- Realignment of Cumbalum Way to a new northward Ballina Heights Drive location - in progress
- West Ballina flood relief culverts under old Pacific Highway (adjacent Highway Service Centre) - proposed.

In addition to these, the FRMS confirmed there is benefit in further investigating the "opening" of the Gallans Road cycleway embankment to re-establish Emigrant Creek overflow into North Creek. The Sandy Flat Road floodway proposal is now not considered beneficial in the short term, however may be viable into the future (under climate change scenario).

A further assessment of Deadmans Creek Road was undertaken and confirms that adverse flood impacts occur upstream if the current road remains. The realignment of Ballina Heights Drive (northwards) was based upon Deadmans Creek Road being removed. However, a tidal analysis is being recommended to ascertain whether a low level road (subject to flooding) is practicable.

#### Evacuation Capability Assessment (ECA)

The FRMS follows SES guidelines to establish evacuation scenarios for various "zones" within the floodplain. This has been undertaken for Richmond River flooding and ocean/storm surge inundation events.

Evacuation is not feasible for local catchment flooding (North Creek, Maguires Creek, Emigrant Creek etc) due to short duration storm events causing flash flooding. Warning and sheltering is the recommended response to these events.

The information within the ECA work was presented to Councillors during the workshops.

For Richmond River and oceanic events door knocking as a means of evacuation notification is not feasible. Other multi media techniques will be required. The ECA studies also show that not all zones will achieve evacuation within the allotted time and that improved management options need to be explored.

The ECA work has so far involved liaison with SES. There has been no involvement with the Department of Community Services (DOCS), although invitations have been sought. Further work is required to enlist DOCS support for evacuation planning.

Overall there is a need for improved community awareness and education about flooding and emergency response. With the additional analytical information provided by this study it is envisaged a strategy for community and education purposes will be developed. Major flood events affecting Ballina have been recorded during the 1950's, 1970's and 1980's, with only minor events since that time. This time span has established a lack of awareness of potential flooding at Ballina. The preparation of the Ballina Flood Plan and community education is the responsibility of the SES. However given the extensive information in the Ballina Flood Study and the important community needs in respect of flooding, it will be important for Council to continue to work with and support the SES efforts for these planning and communication responsibilities.

Finally the BOM does not operationally support flood warning forecasting downstream of Woodburn. An outcome of this ECA study is to request the BOM to extend flood prediction services along the Richmond River through to Ballina.

#### Property Modification

The FRMS has also investigated voluntary house purchasing (VHP) and voluntary house raising (VHR) as a means of mitigating flood damages. There is currently in excess of 200 properties which would become inundated with floods between the 1:20 year and 1:100 year flood events. The FRMS concludes there is merit (cost/benefit) in investigating schemes for VHR. More detail is initially required on individual properties.

In summary the FRMS recommends:

- Adoption of the draft DCP
- Investigation and implementation of Gallans Road shared path floodway
- Investigation of voluntary house raising
- Improvements to flood prediction and warnings
- Improve evacuation planning and increase flood awareness.

#### **Legal / Resource / Financial Implications**

This report presents the progressive findings of the floodplain risk management process, and responds to a Council resolution of 28 January 2010. Furthermore the process follows the guidelines outlined in the NSW State Governments Manual "Floodplain Development Manual, the Management of Flood Liable Land" (April 2005) and NSW State Government's advice regarding SLR projections (December 2009). Under Section 733 of the Local Government Act, an exemption from liability is generally offered to Council where it has acted in good faith in accordance with guidelines.

However, following the outcome of this report to Council, it is proposed that the draft FRMS and draft DCP be forwarded to Council's legal representatives and insurers for comment. It is proposed this feedback be sought during the public exhibition period and be reported back to Council.

The draft FRMS has identified a number of initiatives for future investigation and action, dealing with flood mitigation response. The finalisation of the Floodplain Risk Management Plan (FRMP) will follow the exhibition of the draft FRMS. The FRMP will finalise and detail future initiatives and provide estimates for future grant funding opportunities.

#### **Consultation**

Throughout the duration of this project there have been a number of Civil Committees and/or workshop forums where the progressive outcomes of the study have been discussed with Councillors.

At the same time, (following the Councillor meetings), a Community Reference Group (CRG) meeting has been convened. The membership of the CRG, following the completion of the BFSU (2008) has largely comprised rural landowners with land interests in the floodplain in and around Ballina. However meetings during 2010 and 2011 have reintroduced representatives from Ballina and Lennox Head Chamber of Commerce.

A technical group has also been overseeing the progress of the study comprising Office of Environment and Heritage (OEH), SES and Council representatives from Civil Services, Strategic Services and Regulatory Services Groups. As noted earlier DOCS has not been engaged to date, but will be required to acknowledge emergency management aspects of the FRMS.

The public exhibition process for the draft FRMS and the draft DCP is proposed to seek broader community input.

#### **Options**

There are a range of amendments that the Council may wish to make to the draft FRMS and the DCP.

The contents and direction of the documents have been informed by the responses from councillors at the workshops held to progress this project. The project has also been developed with extensive inputs from Council staff over an extended period of time.

This report describes the chronology and key concepts that have led to the outcomes presented in the FRMS and DCP.

Therefore a list of options has not been provided in this report. The Council could express by resolution any amendments it would like to the policy.

Alternatively, if there are key issues that remain unresolved for Council, a report in response to these specific issues can be prepared setting out the options. From the perspective of the technical assessment by Council's staff, it is recommended for the policy to be exhibited.

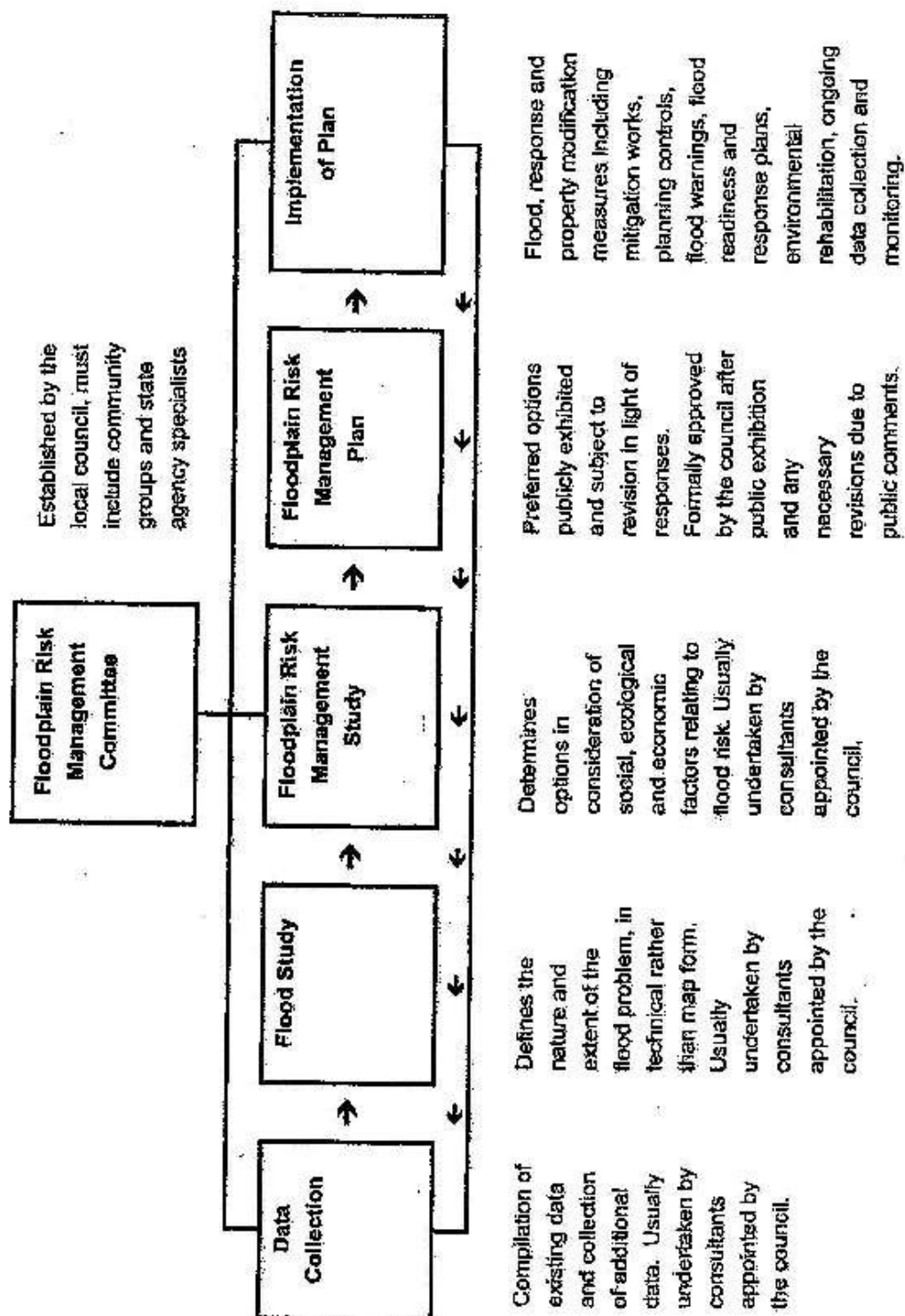
#### **RECOMMENDATIONS**

That the draft "Ballina Floodplain Risk Management Study (November 2011)", and "Ballina Shire Combined Development Control Plan, Chapter 1, Policy Statement No 11 - Flood Risk Management", as included as attachment to this report, be placed on public exhibition in accordance with the requirements of the Environment Planning and Assessment act 1979.

#### **Attachment(s)**

1. Flowchart of the Floodplain Management Process
2. Climate Change - King Tide
3. Tide level information - 2100
4. Photo - King tide levels at Burns Point Ferry Road
5. Photo of exacerbated localised flooding
6. Flood Planning Levels - Current
7. Flood Planning Levels - Due to climate change
8. Maps 1a and 1b (2050 climate change horizon)
9. Ballina Island Graphic
10. Ballina infill development - photo
11. Draft Ballina Floodplain Risk Management Study (separate attachment)
12. Draft Combined Development Control Plan - Chapter 1 Policy No. 11 Flood Risk Management (separate attachment)

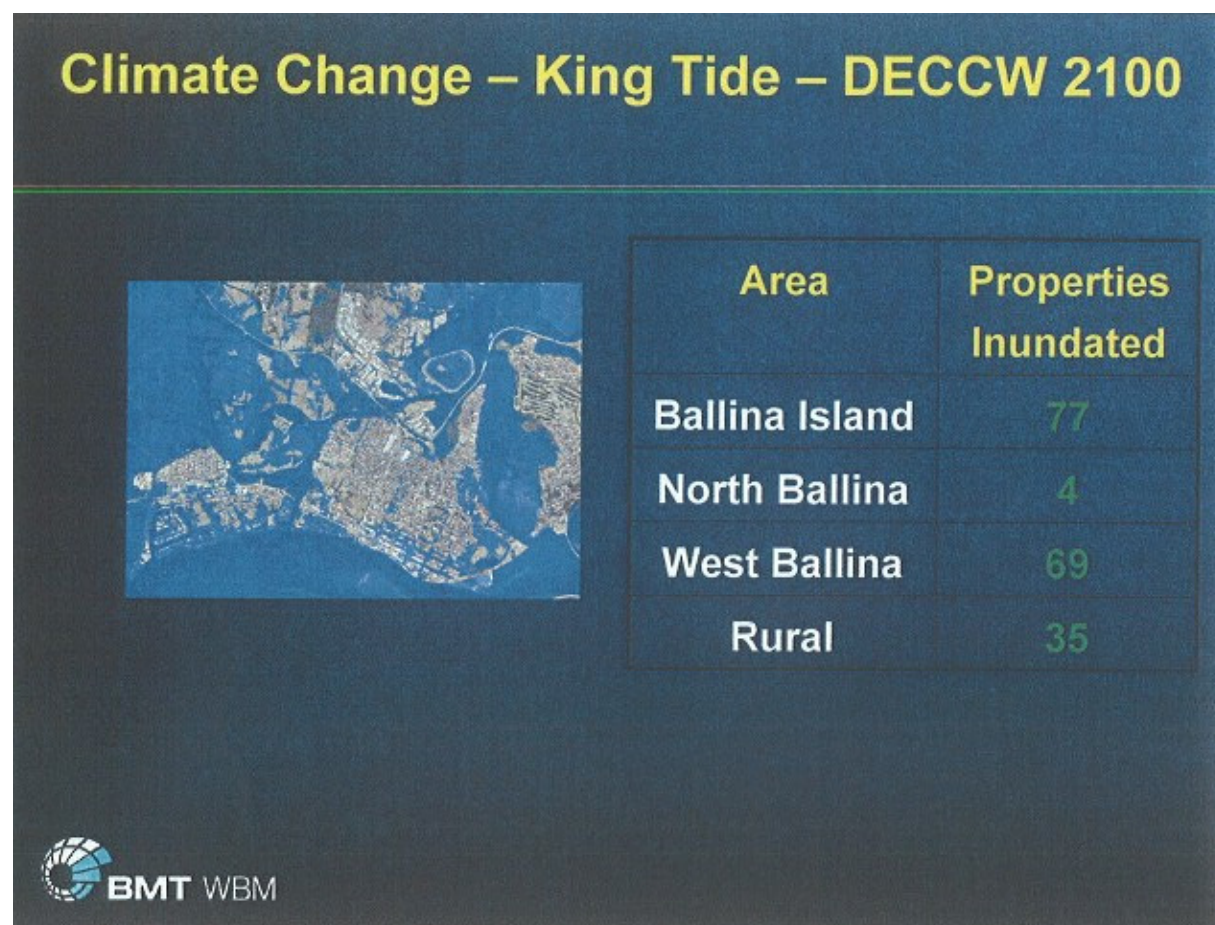
### Attachment 1



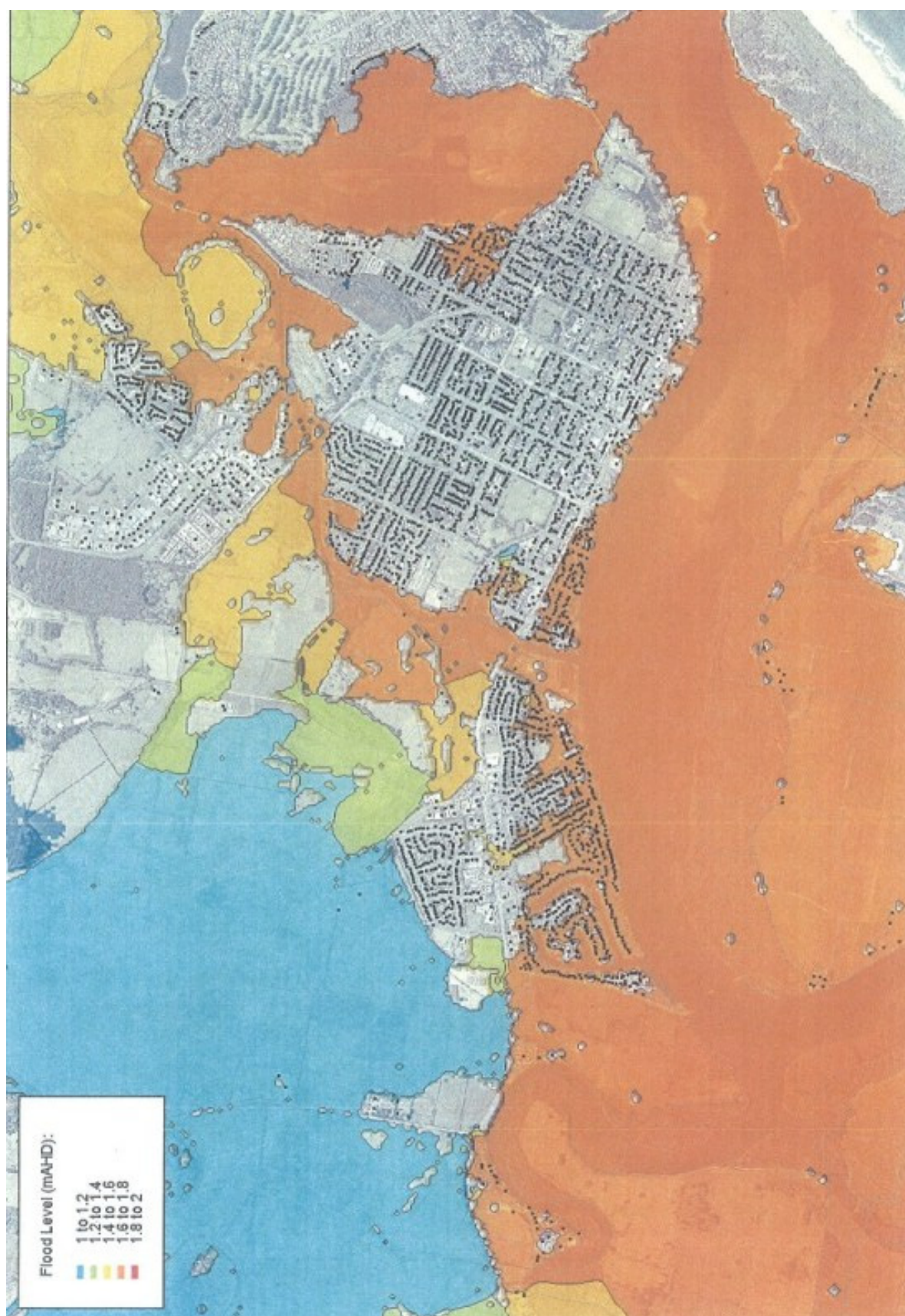
*The Floodplain Risk Management Process*



#### Attachment 2



### Attachment 3





### 4.3 Floodplain Risk Management Study and Plan

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#### Attachment 4

Burns Point Ferry Road – Dec 2010

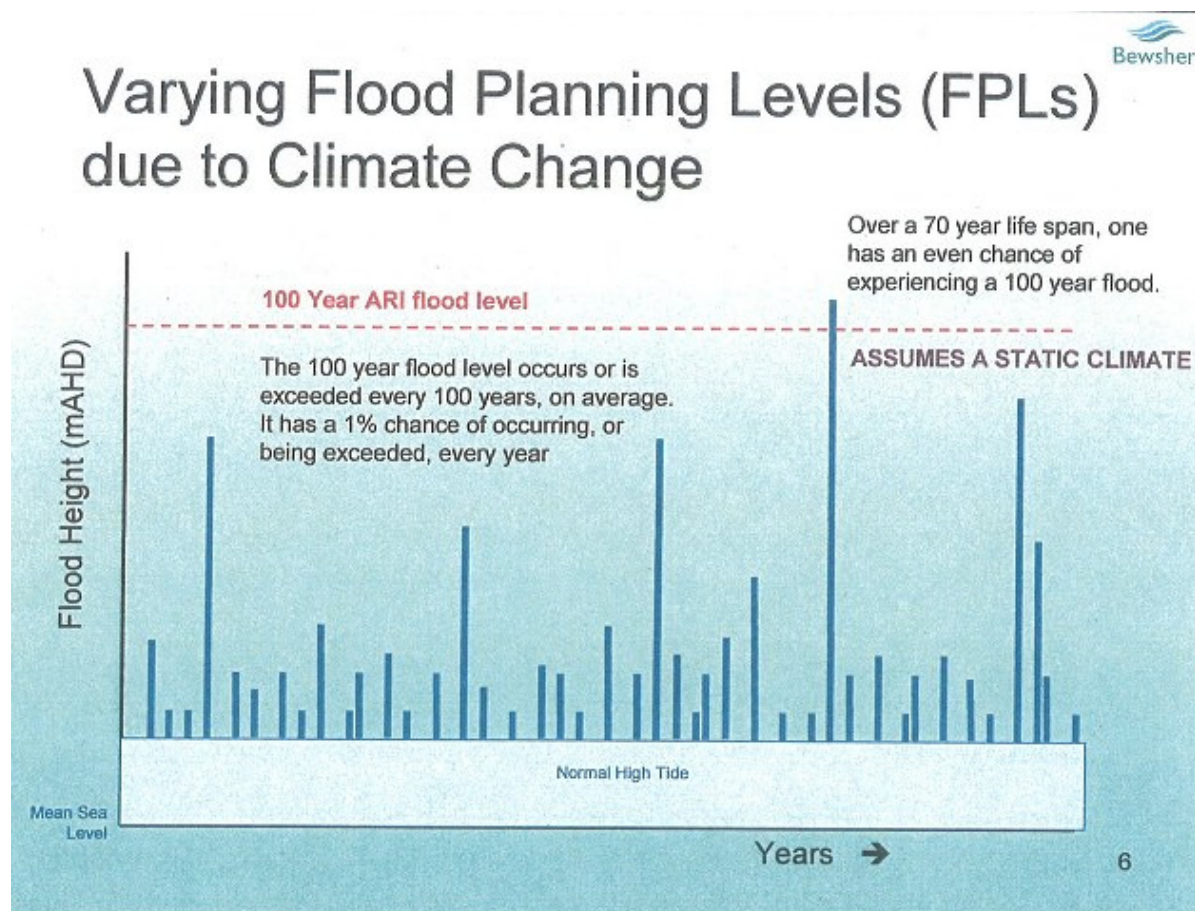


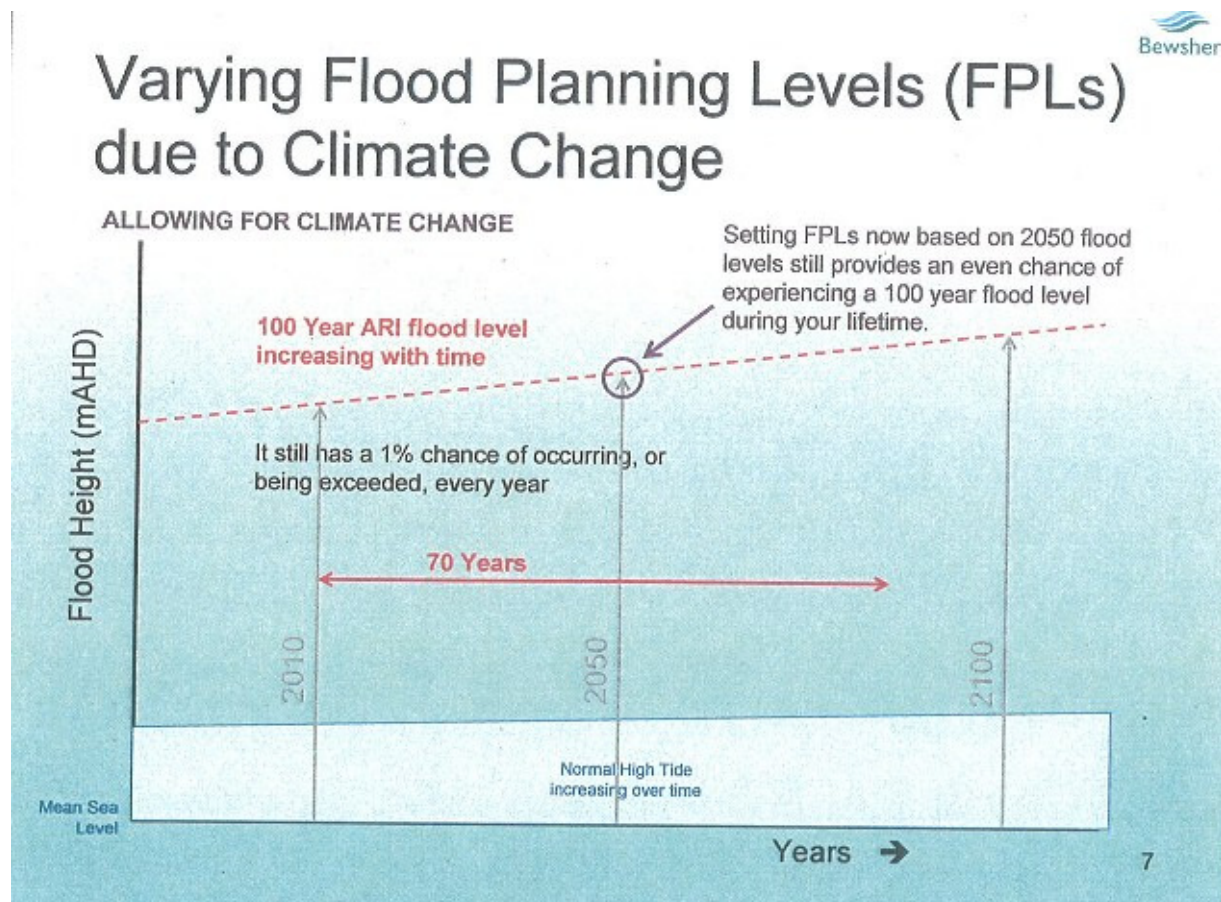
Attachment 5

Crane St, Ballina  
Jan 2010



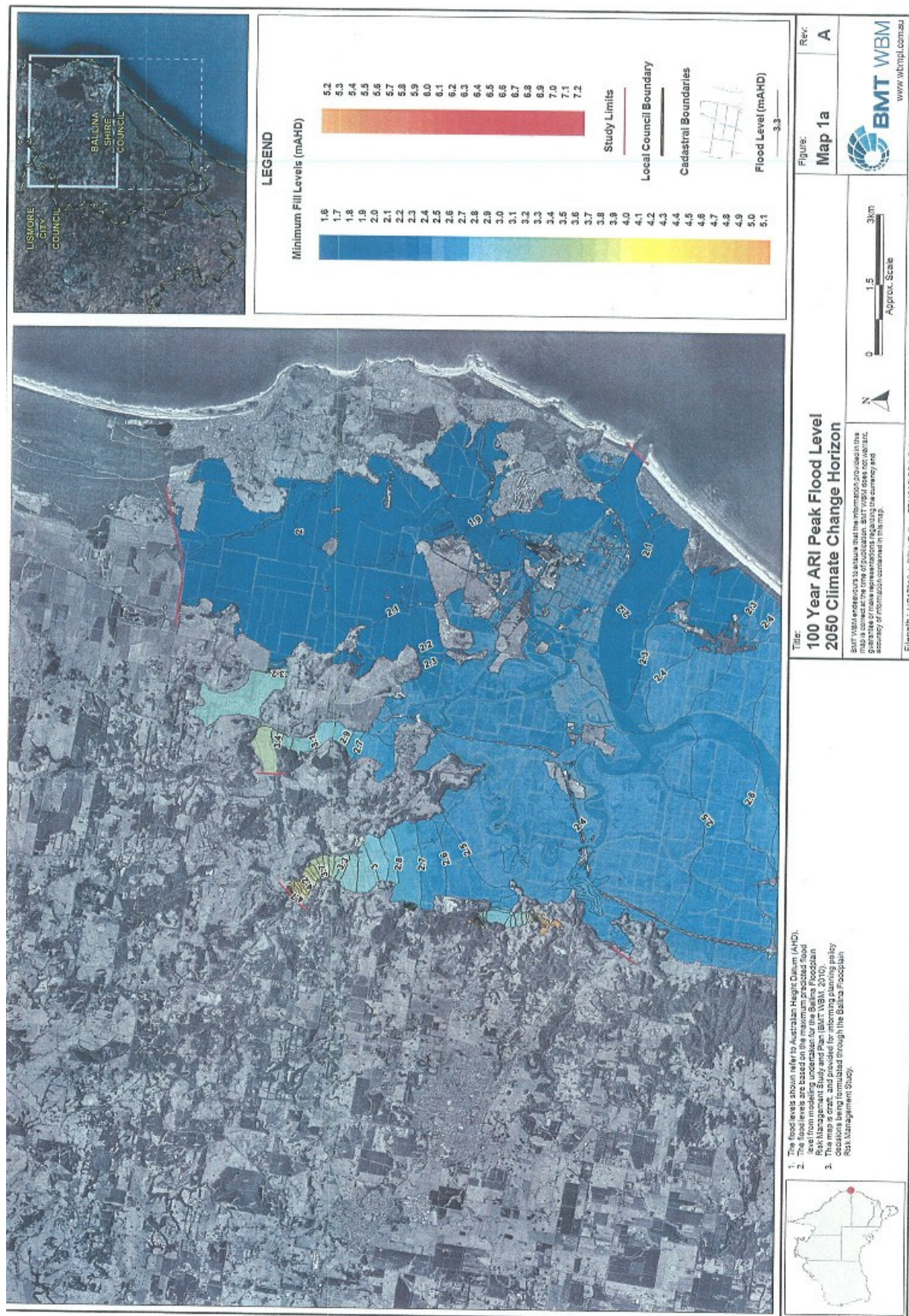






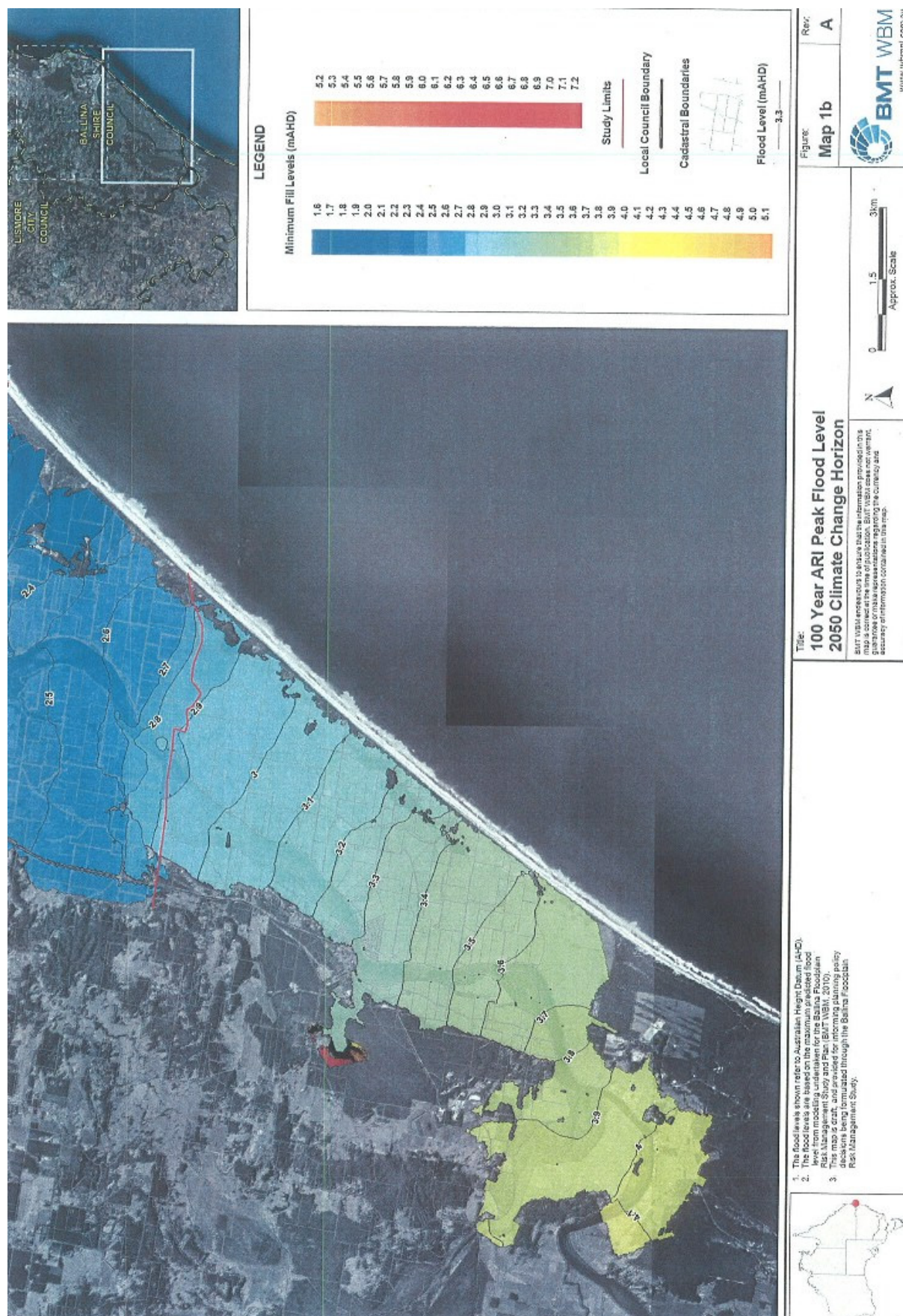


## Attachment 8





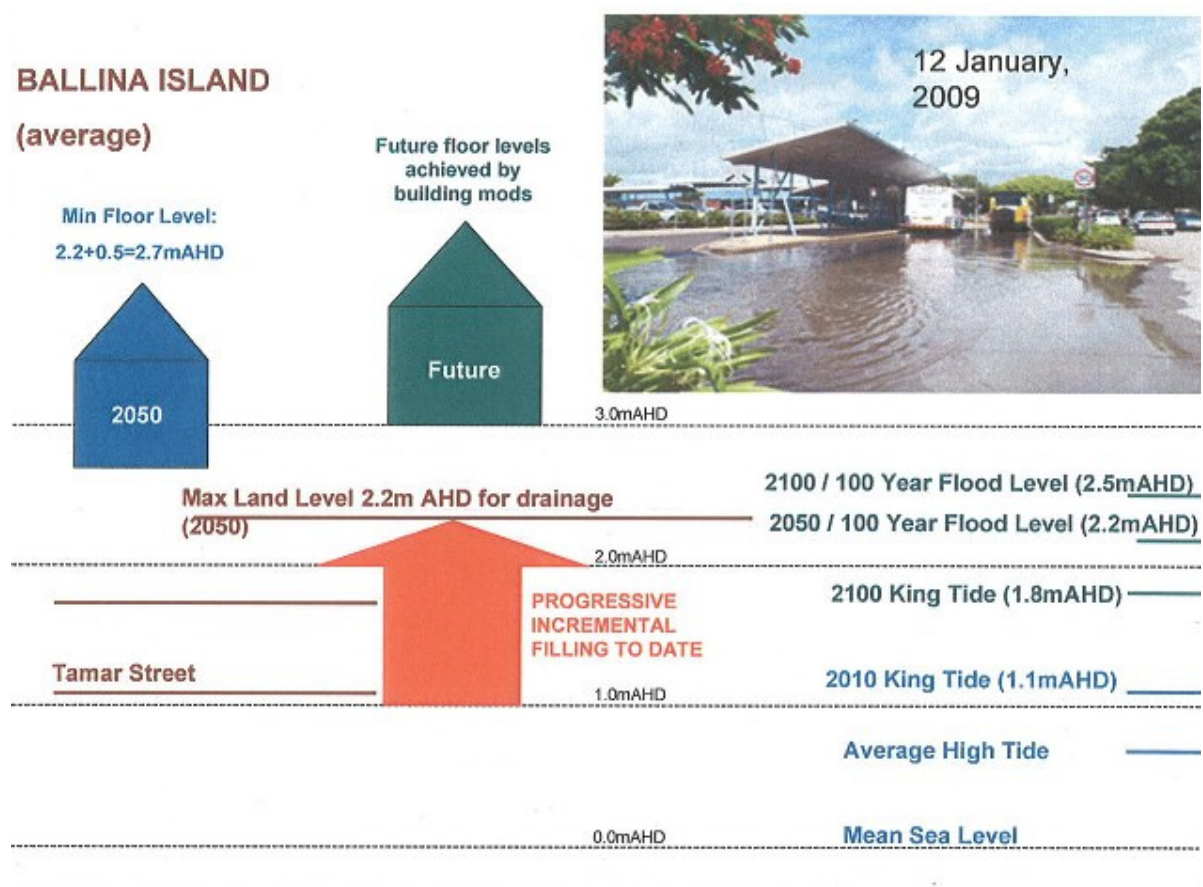
## 4.3 Floodplain Risk Management Study and Plan





## 4.3 Floodplain Risk Management Study and Plan

### Attachment 9



Attachment 10

Burnet Lane, Ballina

