

Lismore Floodplain Risk Management Committee

Meeting Notice

Lismore City Council acknowledges the people of the Bundjalung nation, traditional custodians of the land on which we meet.

MEMBERS ONLY are requested to attend.

Members of the Community Reference Group are invited to attend as observers.

A meeting of the Floodplain Management Committee will be held at the Council Chambers on Thursday, 11 April 2024 at 1:00 pm

9 April 2024



ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A guiding checklist for councillors, staff and community committees

Ethical decision making

- Is the decision or conduct legal?
- Is it consistent with government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

Conflict of interest

A conflict of interest is a clash between private interest and public duty. There are two types of conflict:

- Pecuniary – an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to yourself or another person or entity defined in part 4 of the Lismore City Council Code of Conduct with whom you are associated.
- Non-pecuniary – a private or personal interest that you have that does not amount to a pecuniary interest as defined in the Lismore City Council Code of Conduct. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.

The test for conflict of interest

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

Identifying problems

- Do I have private interests affected by a matter I am officially involved in?
- Is my official role one of influence or perceived influence over the matter?
- Do my private interests' conflict with my official role?

Disclosure and participation in meetings

- A councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - a. at any time during which the matter is being considered or discussed by the Council or Committee, or
 - b. at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - a person does not breach this clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Non-pecuniary Interests - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. participate in discussion but not in decision making or vice versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as of the provisions in the Code of Conduct (particularly if you have a significant non-pecuniary interest)

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

Agenda

1. Welcome and Acknowledgement of Country

2. Apologies and Leave of Absence

3. Confirmation of Minutes

Lismore Floodplain Management Committee held 29 February, 202424

4. Disclosure of Interest

5. Business

5.1 Draft Flood Risk Management Plan.....6

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6. Next Meeting

Business



Business

Subject	Draft Flood Risk Management Plan
TRIM Record No	BP24/349:EF19/237-6
Prepared by	Senior Strategic Planner
Reason	
Strategic Theme	An inclusive and healthy community
Strategy	Our community is safe, happy and healthy.
Action	Maintain public health, safety and amenity.

Executive Summary

Engeny has completed a draft of the Lismore Flood Risk Management Plan. The Plan is required to go on public exhibition for 28 days. Engeny will provide a presentation on the completed Plan.

Recommendation

That the Committee:

1. Note the presentation.
2. Recommend that Council exhibit the draft Flood Risk Management Plan for a period of 28 days.
3. Recommend a report on any public submissions be presented back to the Committee.

Information

Engeny has finalised the draft Flood Risk Management Plan (FRMP), which is a key output in the Flood Risk Management Framework.

The purpose of the FRMP is to provide a short to medium-term plan to manage flood risk in the Lismore Township. It includes a number of actions Council can pursue under the categories of property modification measures, response modification measures and flood behaviour modification measures.

Engeny will provide a presentation detailing elements of the completed Plan. It is recommended that the Plan be placed on public exhibition to gain community feedback.

Attachment/s

There are no attachments for this report.

Business

Subject	Lismore rail trail section and flood risk assessment
TRIM Record No	BP24/354:EF19/237-6
Prepared by	Senior Strategic Planner
Reason	Committee member request
Strategic Theme	An inclusive and healthy community
Strategy	Our community is safe, happy and healthy.
Action	Maintain public health, safety and amenity.

Executive Summary

The Committee seeks a presentation from the Project Manager of the Rail Trail (South Lismore to Bentley section) to discuss flood risk assessment. This relates to the rail line and viaducts in South Lismore, which modelling has shown impacts the local area during flood events.

Recommendation

That:

1. The Rail Trail Project Manager provide a presentation to the Committee at its next scheduled meeting.

Information

The Committee seeks a presentation from the Project Manager of the Rail Trail (South Lismore to Bentley section) to discuss the project's flood risk assessment. This relates to the rail line and viaducts in South Lismore, which modelling has shown impacts the local area during flood events.

Attachment/s

There are no attachments for this report.

Business

Subject	Update to Council's flood information documents
TRIM Record No	BP24/339:EF19/237-6
Prepared by	Senior Strategic Planner
Reason	Request from Committee member
Strategic Theme	An inclusive and healthy community
Strategy	Our community is safe, happy and healthy.
Action	Maintain public health, safety and amenity.

Executive Summary

Councillor Rob has requested that the Committee investigate updating the flood information documents provided by Council to the community. This includes Last Roads Out, Flood Levels, and History of Lismore flood events documents.

Recommendation

That the Committee:

1. Recommend Council update its Flood Levels and History of Lismore flood events documentation and present to the next FRMC meeting.
2. Recommend Council liaise with SES to update the Last Roads Out information.

Information

Council has a role in providing up-to-date information to the community regarding natural disasters, including floods.

Council's website has section on 'flood information' that provides information on categorisation of floods as minor, moderate and major, with a chart depicting heights of previous flood events over 6m (at the Lismore Rowing Club gauge) in the Lismore LGA.

Councillor Rob has requested that the Committee consider updating information provided on the website, and has provided three documents for consideration:

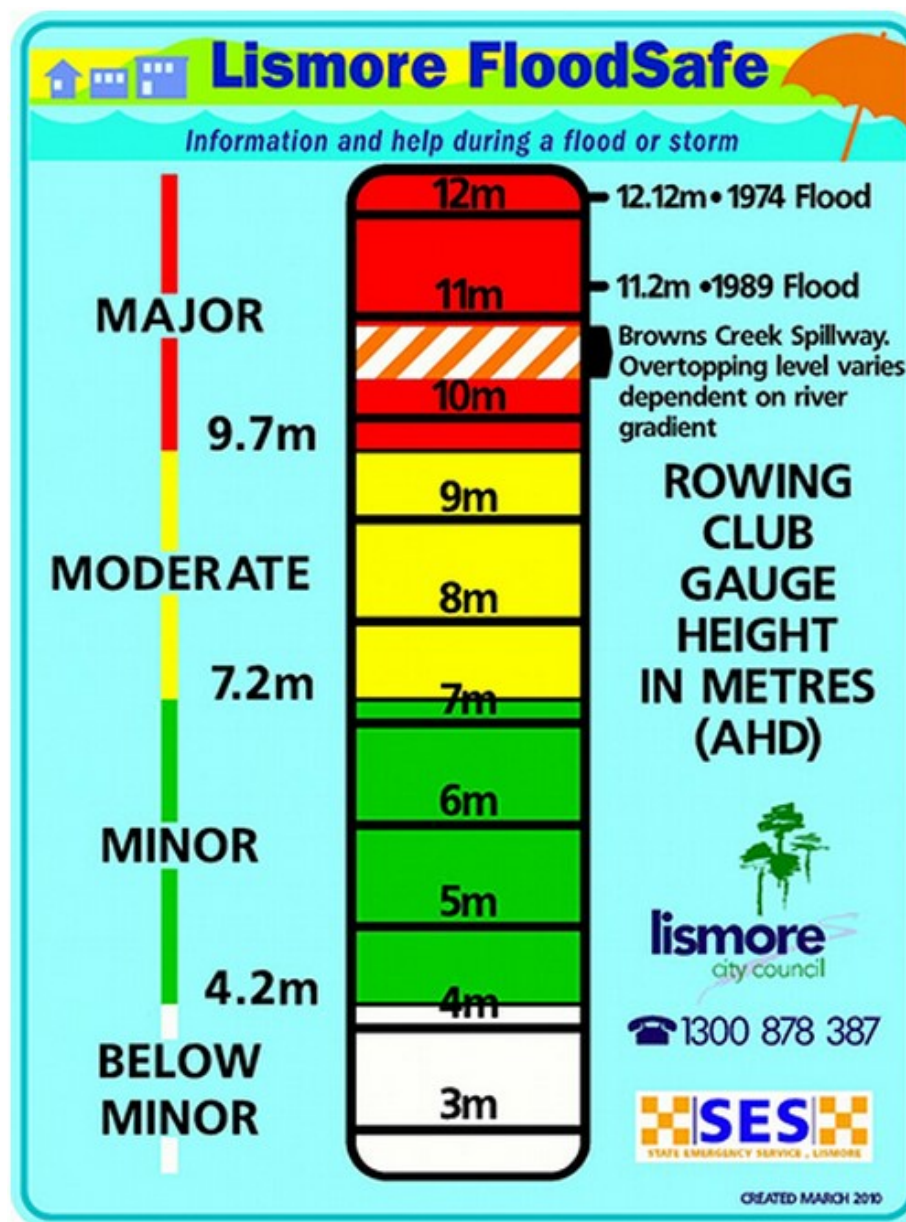
- Lismore Flood Levels – a height measurement bar that includes demarcation of minor, moderate and major floods, as well as information on specific floods and emergency contact details.
- Last Roads Out – a document with evacuation routes based on the last roads to be inundated during a flood event.
- History of Lismore flood events – a chart detailing the heights of known floods higher than the minor flood level at the Lismore Rowing Club gauge.

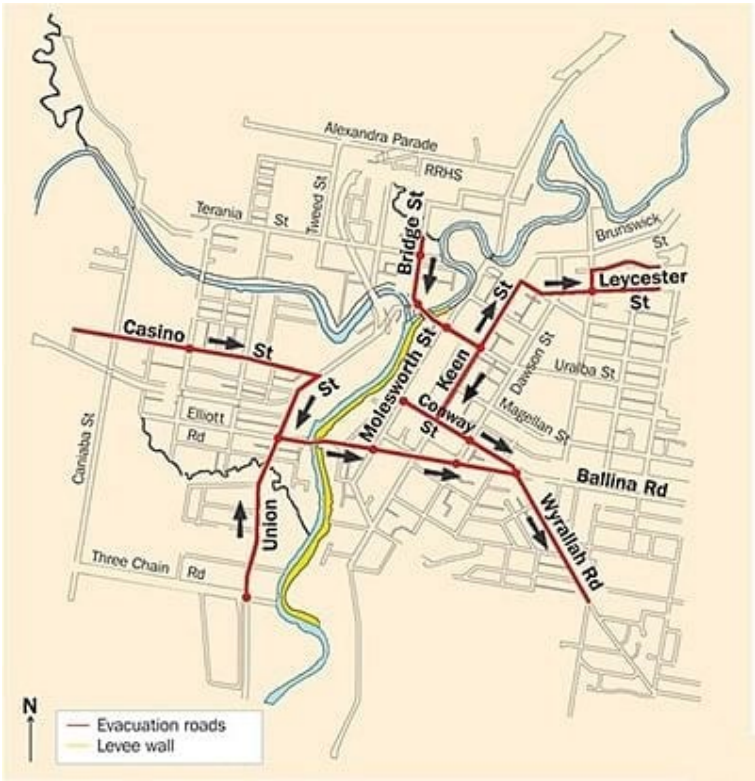
Following an update to Council's website in 2023, currently only the 'History of Lismore flood events' document is provided on the website. A 'last roads out' map is provided on the SES website but is not replicated on Council's website. A Flood Levels graphic is no longer hosted on Council's website.

A copy of the historic 'Lismore Flood Levels' document, and the current 'Last Roads Out' and 'History of Lismore flood events' documents are provided as attachments. Councillor Rob's suggested documents are also provided as attachments.

Attachment/s

1. [↓](#) Lismore Flood Levels - historic
2. [↓](#) Lismore Last Roads Out - current
3. [↓](#) History of Lismore flood events - current
4. [↓](#) Lismore Flood Levels - suggested
5. [↓](#) Lismore Last Roads Out - suggested
6. [↓](#) History of Lismore flood events - suggested

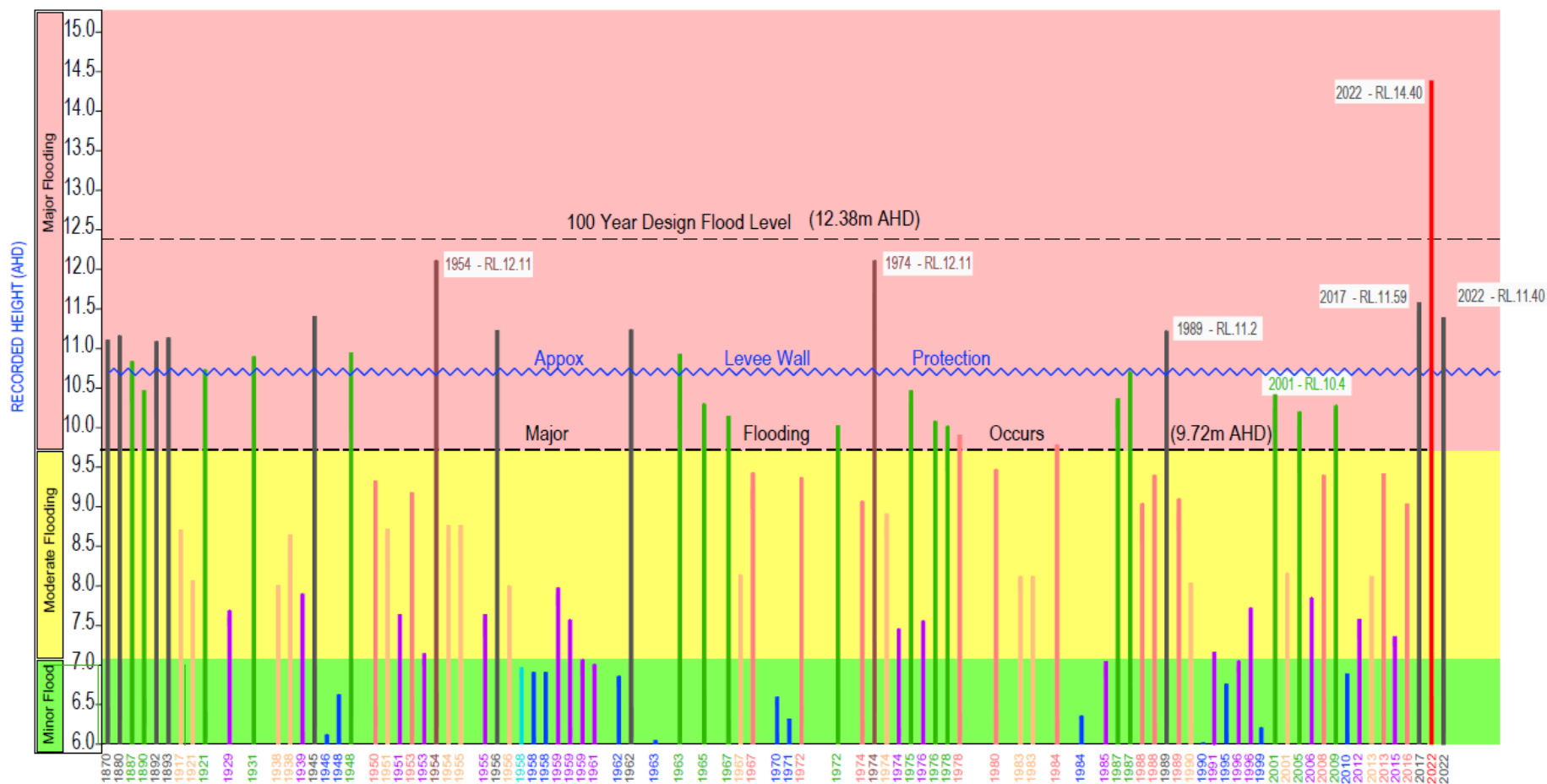






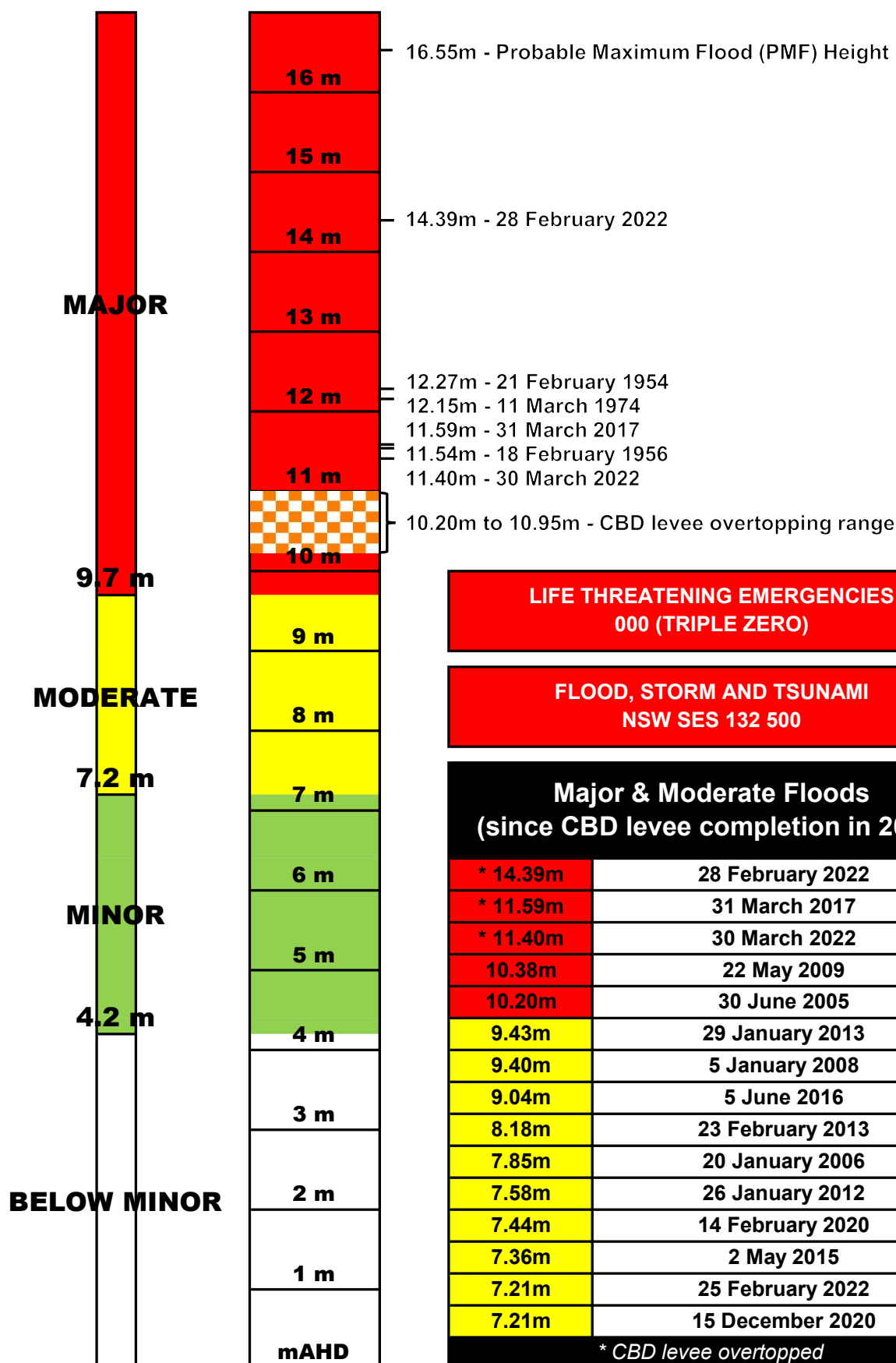
1870-2022

FOR EVENTS HIGHER THAN 6.0m AHD

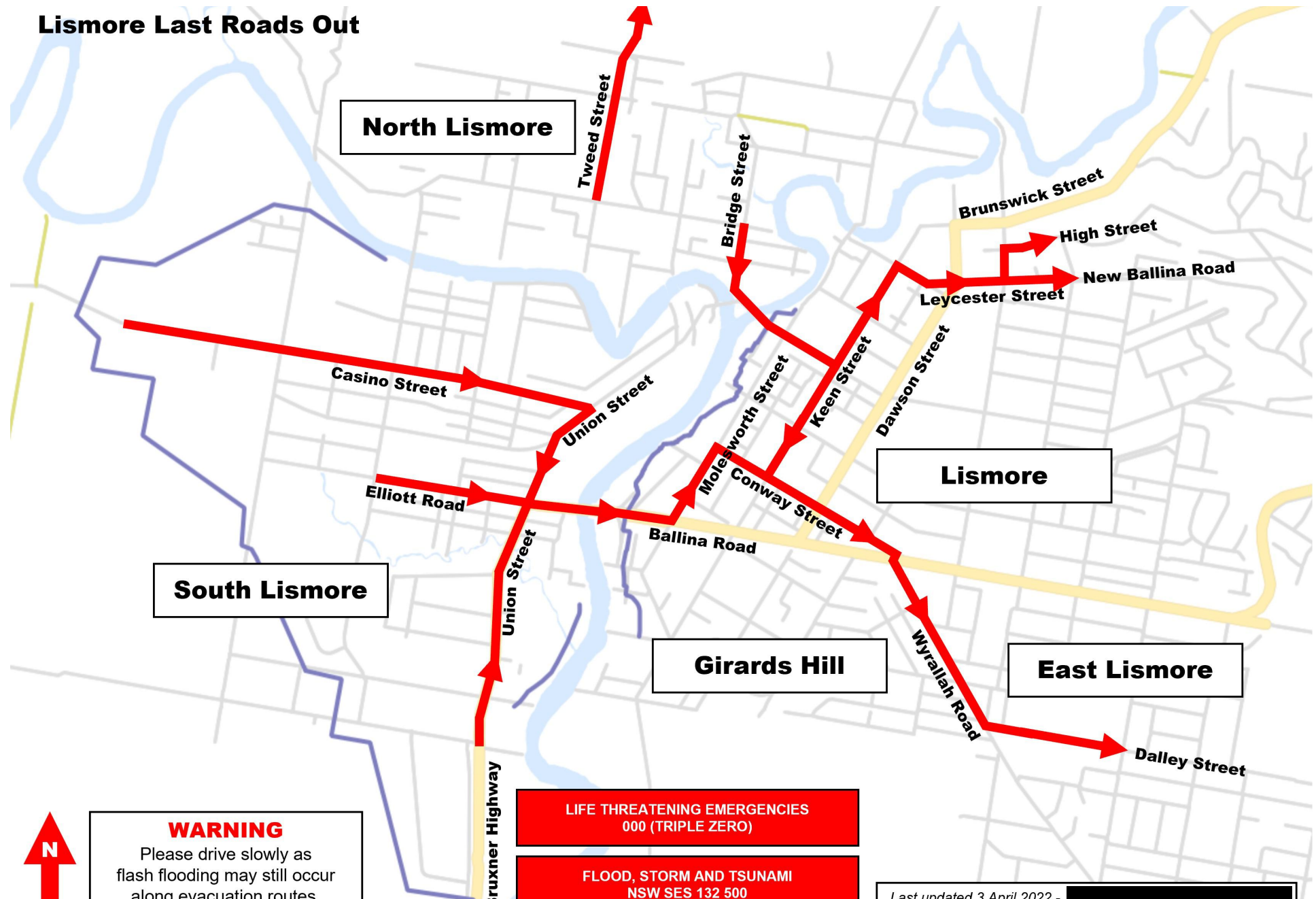


Lismore Flood Levels

- Wilsons River at Lismore (mAHD)



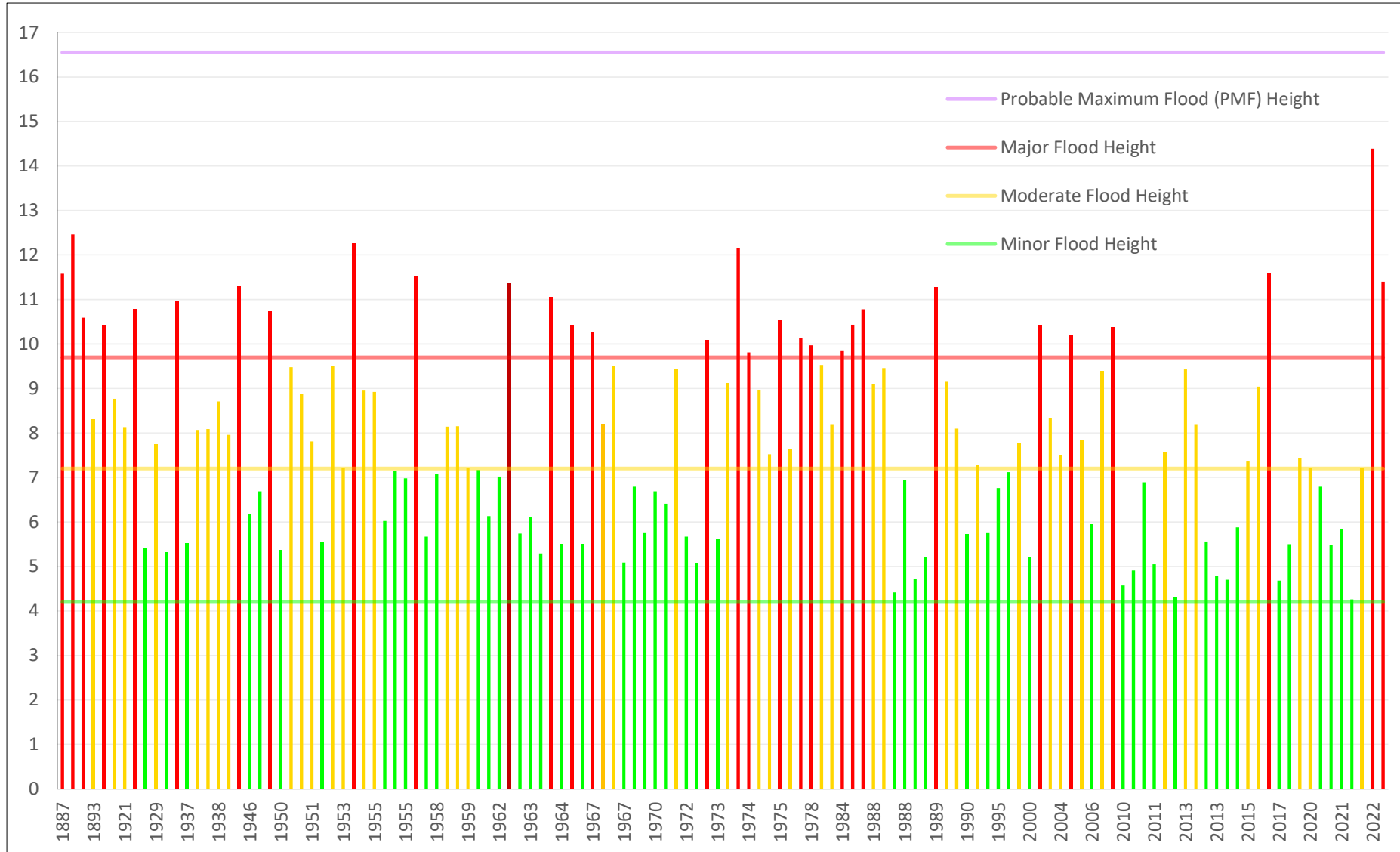
Last updated 30 September 2022 -



Lismore Flood Levels - Chart

Last updated 7 April 2022 - [REDACTED]

- Wilsons River at Lismore (mAHD)



Business

Subject	Change of name of Committee
TRIM Record No	BP24/340:EF19/237-6
Prepared by	Senior Strategic Planner
Reason	Request by Committee member
Strategic Theme	No Strategic Alignment
Strategy	No Strategic Alignment
Action	No Strategic Alignment

Executive Summary

Councillor Big Rob has requested that the Committee consider changing the name of the Floodplain Risk Management Committee to the Flood Risk Management Committee.

Recommendation

That the Committee:

1. Recommend Council rename the Floodplain Risk Management Committee to the Flood Risk Management Committee.
2. Recommend Council update the Terms of Reference of the Committee accordingly.

Information

Councillor Big Rob has requested that the Committee consider changing the name of the Floodplain Risk Management Committee to the Flood Risk Management Committee.

The rationale for this change includes:

- Better reflecting the intent of the Committee in ensuring all flood risk in the Lismore LGA is considered, not just risk on the floodplain.
- Better reflecting the flood risk guiding document, the Flood Risk Management Manual, and the Flood Risk Management Toolkit.

Attachment/s

There are no attachments for this report.

Business

Subject	Lismore Floodplain Risk Management Terms of Reference (TOR)
TRIM Record No	BP24/350:EF19/237-6
Prepared by	Executive Assistant
Reason	To review the Terms of Reference and seek clarification of the requirements for a quorum.
Strategic Theme	An inclusive and healthy community
Strategy	Our community is safe, happy and healthy.
Action	Maintain public health, safety and amenity.

Executive Summary

To review the current Lismore Floodplain Risk Management Terms of Reference (TOR).

Recommendation

That:

1. The Committee recommend that Council update the Lismore Floodplain Risk Management Terms of Reference to clarify the requirements for a quorum.

Information

Please find attached the current Lismore Floodplain Risk Management Terms of Reference for discussion.

Attachment/s

1. [Download](#) terms of reference floodplain management committee as amended 12 May 2022



Floodplain Risk Management Committee

Terms of Reference (As amended by the Committee 12/5/22)

1. Name

Floodplain Risk Management Committee

2. Background

The NSW Government's **Floodplain Development Manual** and the **Flood Prone Land Policy** guide local government in managing flood risk in their communities.

The main objective of the Policy is to reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses. The Policy recognises the benefits of use, occupation and development of flood-prone land. The Policy is incorporated into the NSW Floodplain Development Manual, which emphasises the importance of developing and implementing floodplain risk management plans. The purpose of a floodplain risk management plan is to evaluate all factors (including social, economic, ecological and cultural impacts and flood risk) that affect the use of flood prone land and address existing, future and continuing flood risks in a comprehensive manner through a range of different management measure.

The Manual supports the Policy and guides councils through the floodplain risk management process. The Manual helps councils develop and implement local floodplain risk management plans and outlines the technical assistance provided by the NSW Government.

The **Floodplain Risk Management Guidelines** complement the Manual to help councils to fulfil their role in developing and managing flood-prone land while reducing damage from floods.

The purpose of a **Floodplain Risk Management Plan** is to provide input into the strategic and statutory planning roles of councils. It does not, by intent, purport to be the only document relevant to development of flood prone land. The Plan provides the type of information necessary for adequate forward planning for flood prone land.

The first formal step in the process is the formation of a committee chaired by Council. It is advisory in nature as responsibility for planning matters lies with Council as a whole. Therefore, the committee should report directly to Council.



3. Scope

The principal objective of the Committee is to assist Council in the development and implementation of a Plan for the area(s) under its jurisdiction. However, the Committee also assists in:

- formulating objectives (in accordance with ecologically sustainable development principles), strategies and outcomes sought from the process;
- providing a link between the local community and Council;
- Identifying the flood problem to be assessed and the study areas;
- considering and making recommendations to Council on appropriate development controls for use until the Plan is completed, approved and implemented;
- supervising the collection of necessary data and supervising and monitoring the progress and findings of studies being undertaken in the various stages of the Plan;
- providing input into known flood behaviour as part of the flood study;
- identifying management options and providing input into their consideration as part of the management study;
- identifying implementation strategies for the Plan;
- monitoring and assessing the effectiveness of the Plan during and after its implementation;
- coordinating and monitoring the public education programs essential to the long-term viability of the Plan; and
- coordinating with other relevant agencies.

Once the Committee has completed the prime task of developing a Plan and associated implementation strategy, and Council has adopted these, a limited group, including community representatives, to be defined by Council will remain to oversee implementation.

4. Limitations

- The Committee does not have any formal powers, as it has an advisory role.
- The Committee is unable to commit Council to any expenditure or specific course of action.
- Committee members are not authorised to speak or issue media releases on behalf of the Committee or Council.

5. Membership of the Committee

The Committee consists of:



- A minimum of two (2) Lismore City Councillors (with the Chair of the Committee to be the Mayor or the Mayor's nominee).
- 1 technical specialist from Lismore City Council;
- 1 technical specialist from Rous County Council;
- 1 technical specialist from Southern Cross University;
- 1 representative from DPE; and
- 1 representative from SES.

And up to 6 community members as follows:

- 1 community member from North Lismore;
- 1 community member from South Lismore;
- 1 other community member (not geographically specific)
- 1 First Nation's community member
- 1 community member representing business owners; and
- 1 community member representing environmental groups.

Representatives from the following organisations will be invited as advisory members to the committee but will not be included as formal members of the committee for the purpose of establishing quorum:

- Northern Rivers Reconstruction Corporation; and
- CSIRO

Technical specialist and representative positions on the Committee will be nominated by their relevant organisations. In accordance with the **Floodplain Development Manual**, State and Federal Government agency representatives do not have voting rights but provide advice in relation to their area of expertise and departmental function. The Lismore City Council staff position will also not have voting rights.

Community member positions on the Committee are to be filled following an Expressions of Interest process and selection by Council.

The selection criteria for community representatives will be as follows:

- Demonstration of connection and links to their geographic community or community of interest (as appropriate) and;
- Demonstration of awareness in relation to flood risk management issues.



5.1 Technical Sub-Committee

The Committee should also maintain a specialist Technical Sub-Committee to deal with complex technical issues. The role of the Sub-Committee is to provide technical assistance and advice to enable the Committee to fulfill its advisory role to Council efficiently, confident that studies and option assessments are technically adequate, and the options proposed are practical and feasible.

The Sub-Committee includes membership from Council, Rous County Council and the Department of Planning and Environment (DPE) and other technical experts as required. A representative of SES is also included when the Sub-Committee is considering emergency management issues.

5.2 Term of the Committee

- Membership of the Committee is for a period commencing from the date of selection by Council, to be within six months of the most recent general election and continuing until six months after the next general election, or as soon as otherwise practicable.
- The Committee may be dissolved or established by Council resolution.
- Casual vacancies on the Committee may be filled by Council resolution.
- A Committee member will cease being a member of the Committee if:
 - (a) the Committee is dissolved by Council resolution;
 - (b) a written notice of resignation is provided by a member;
 - (c) a member is absent for three consecutive meetings; or
 - (d) if a technical specialist or representative, a member ceases working for or representing their relevant organisation.

6. Meeting Protocol & Procedure

- Meetings of the Committee will follow the Agenda.
- Agenda items will be requested when a meeting is called.
- Members will speak through the Chairperson.
- Members will be respectful of each other and not interrupt a speaker.
- Professional or specialist advisers may be invited to address Committee meetings from time to time as required.
- Matters will be decided by show of hands. Proxy votes will not be accepted.
- Members of the public will be welcomed to meetings of the Committee but shall not vote on matters before the Committee. Members of the public may



request to make representations to the Committee or to raise questions at the discretion of the Chairperson.

- Members of the public cannot make audio or video recordings of the meetings. Notes can be taken.
- Minutes will be taken at each meeting, and they will be made available to Committee members and the public when they become available.
- Minutes will be reported to the next scheduled Council meeting for consideration and adoption.

7. Meeting Frequency

The Committee will meet as needed during the preparation of the Floodplain Risk Management Plan as directed by the Chairperson.

8. Quorum

Quorum consists of half the currently appointed members plus one.

9. Conflict of Interest

Committee members are required to disclose any potential conflict of interest and appropriately manage any conflict to the satisfaction of Council.

Business

Subject	Resignation of Cindy Roberts
TRIM Record No	BP24/352:EF19/237-6
Prepared by	Executive Assistant
Reason	To note Cindy Roberts resignation
Strategic Theme	An inclusive and healthy community
Strategy	We recognise our Aboriginal and Torres Strait Islander community and cultures.
Action	Provide opportunities for Aboriginal and Torres Strait Islander people to participate in community events and programs.

Executive Summary

Cindy Roberts has resigned from the Lismore Floodplain Risk Management Committee resulting in there being no First Nations community member representative on the Committee.

Recommendation

That the Committee recommend:

1. Council appoints a First Nations community member by Expression of Interest.

Information

Cindy Roberts has resigned from the Lismore Floodplain Risk Management Committee, resulting in there being no First Nations community representative on the Committee.

The Terms of Reference require that *up to* six community members be appointed to the committee. Casual vacancies on the Committee may be filled by Council resolution. The Committee's term extends to six months following a Council election, when a new Committee is to be appointed. A new Committee will therefore be required in March 2025.

Council may choose to appoint a First Nations representative to the Committee to fill the vacancy left by Ms Roberts until a new Committee is appointed in March 2025. Otherwise, the Committee may continue with five community representatives.

Committee to discuss and consider the below options.

1. Council appoints a First Nations community member by Expression of interest
2. Council waits until after the election in September before appointing a First Nations community member by Expression of interest.

Attachment/s

There are no attachments for this report.

Lismore Floodplain Risk Management Committee Minutes

29 February 2024

MINUTES OF THE LISMORE FLOODPLAIN MANAGEMENT COMMITTEE HELD IN COUNCIL CHAMBERS ON THURSDAY 29 FEBRUARY 2024 AT 1:00 PM

Please note: These minutes are subject to confirmation at the next Council meeting. Decisions recorded in the draft minutes are subject to the Council's Code of Meeting Practice in relation to rescinding decisions.

Present

Cr Rob (appointed Chair), Cr Elly Bird (via audio-visual), Cr Vanessa Ekins (arrived at 1.10 pm and left at 3.30 pm), Mr Andrew Logan, Ms Elena Palamara, Mr Scott Moffett, Mrs Leisa Blok, Mr Bill Moorhouse, Mr Eber Butron

In Attendance

LCC Officers: Mr Jewell, Senior Strategic Planner, Miss Hull, Executive Assistant to Chief Community Officer

Presenters: Ms Amy Mouafi (via audio-visual), NSW Reconstruction Authority, Jamie Simmonds – NSW Reconstruction Authority, Dr Jai Vazi – CSIRO (via audio-visual) and Mark Page - Engeny

Observers: Mrs Beth Trevan (via audio-visual), Simon Mumford (Lismore app)

Apologies

Councillor Jensen, Mr Graham Askey, Mr Toong Chin, Mr Col Baker, Mr Graham Askey

Non Attendance

Cindy Roberts

Lismore Floodplain Risk Management Committee Minutes

29 February 2024

Confirmation of Minutes

RESOLVED that the Minutes from the meeting dated 6 December 2023 were confirmed

(Councillor Rob/Member Moorhouse)

Voting For: Councillors Rob, Ekins and Bird; Members Logan, Moorhouse, Blok,

Voting Against: Nil

Disclosure of Interest

Councillor Rob disclosed he had designed the images in agenda item 5.4.

5.1 CSIRO - Northern Rivers Resilience Initiative update

RESOLVED that the Committee notes the presentation provided by Jai Vaze, CSIRO.

(Member Moorhouse/Councillor Rob)

Voting For: Councillors Rob, Ekins and Bird; Members Logan, Moorhouse, Blok,

Voting Against: Nil

5.2 Lismore 2022 Post Flood Event Analysis Report

RESOLVED that the Committee notes the report and presentation provided by Mark Page, Engeny.

(Councillor Ekins/Member Logan)

Voting For: Councillors Rob, Ekins and Bird; Members Logan, Moorhouse, Blok,

Voting Against: Nil

Lismore Floodplain Risk Management Committee Minutes

29 February 2024

5.3 Update from NSW Reconstruction Authority

RESOLVED that the Committee notes the presentation provided

(Members Blok/ Logan)

Voting For: Councillors Rob, Ekins and Bird; Members Logan, Moorhouse, Blok,

Voting Against: Nil

5.4 Update to Council's flood information documents

That the Committee recommend Council:

1. update its Flood Levels and History of Lismore flood events documentation and present to the next FRMC meeting
2. liaise with SES to update the Last Roads Out information

(Members Moorhouse/ Logan)

Voting For: Councillors Rob and Bird; Members Logan, Palamara, Moffett, Moorhouse, Blok,

Voting Against: Nil

5.5 Change of name of Committee

That the Committee recommend Council:

1. rename the Floodplain Risk Management Committee to the Flood Risk Management Committee
2. update the Terms of Reference of the Committee accordingly

(Members Moorhouse/ Blok)

Voting For: Councillors Rob and Bird; Members Logan, Palamara, Moffett, Moorhouse, Blok,

Voting Against: Nil

Lismore Floodplain Risk Management Committee Minutes

29 February 2024

Closure

This concluded the business and the meeting terminated at 3.47 pm.

Additional Notice

Councillor Ekins left the Lismore Floodplain Risk Management Committee meeting on Thursday 29 February 2024 after agenda item 5.3, meaning we no longer had a quorum and therefore items 5.4 and 5.5 will be deferred to our next meeting.