

**Submission  
No 6**

**INQUIRY INTO RESPONSE TO MAJOR FLOODING  
ACROSS NEW SOUTH WALES IN 2022**

**Organisation:** Rous County Council

**Date Received:** 6 May 2022

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The Director  
NSW Legislative Council Select Committee  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

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Dear Sir/Madam

### **Inquiry into the response to major flooding across New South Wales in 2022**

Rous County Council (Rous) provides bulk water supply, weed biosecurity and flood mitigation to surrounding General Purpose Councils in the Northern Rivers. It is one of only nine County Councils in NSW and the only County Council to provide flood mitigation services. County Councils were historically more common across the state; however, as local councils amalgamated, the functions of County Councils have been increasingly incorporated into these larger organisations.

Rous is the appointed flood mitigation authority for the Richmond Valley, Lismore and Ballina Local Government areas. Rous is also the regional water supply authority supplying bulk water to Ballina, Byron, Lismore and Richmond Valley Local Government areas and the local control authority for weed biosecurity.

This submission provides details on the role and resourcing of Rous and the coordination between stakeholders in response to major flooding of the Wilsons and Richmond Rivers in February and March 2022. The unique arrangement of a County Council covering essential services of flood mitigation and bulk water supply over a number of Local Government Areas is important to understand in reviewing the response to the major flooding in the Richmond Catchment and identifying future improvements.

### **Responsibility for flood mitigation in the Richmond Catchment is not clear**

Although Rous is the flood mitigation authority, appointed under the Local Government Act with associated responsibilities, over time, flood mitigation activities have been also undertaken by Richmond Valley, Lismore City and Ballina Shire Councils. This has eventuated over many years since a flood mitigation authority was first established in the area in 1959. The arrangements are bespoke, historical and aren't well documented. Activities such as development control on flood prone land must be undertaken by a General Purpose Council as they are outside of the delegation of Rous. Over time in the Richmond, the role of Rous has defaulted to managing some but not all flood mitigation infrastructure, the majority of which is in rural areas, and reducing their impact on the environment.

As the Authority, Rous has inherited the legacy and responsibility for the majority of historical flood mitigation infrastructure that has been installed along the Richmond and Wilsons River. Rous is responsible for 80km of levees, 750 individual floodgates and 180km of drains, many which were constructed in the 1950's and 60's and some as early as the 1920's. This infrastructure is difficult to maintain and can have a significant impact on the environment but is very important to the communities who live and work in these areas. This flood mitigation infrastructure was constructed and funded by successive federal, state and local governments, with many constructed through the NSW State Government Public Works program that continued locally until the mid-1970's.

After construction, maintenance responsibility for these assets fell to the flood mitigation authority, with State Government continuing to provide a very small amount of funding to maintain them, with the remainder provided by the General Purpose Councils. Historically, State Government has had a key role in prioritising flood mitigation, identifying and approving works, and funding the construction of infrastructure but has handed over long-term responsibility to maintain and operate these to local councils.

Currently, Richmond Valley, Lismore City and Ballina Shire Councils have responsibility for development controls on flood prone land, undertaking flood studies and preparing risk management plans as well as undertaking flood education and emergency responses. In some instances, Rous plays a minor, supporting role when studies are undertaken, and plans are developed. These Councils generally also own and have responsibility for flood mitigation infrastructure in their urban and CBD areas of their own Local Government areas.

### **With flood mitigation responsibility shared between organisations in the Richmond River there is no clear lead organisation and no whole of catchment perspective**

This leads to confusion before, during and after flood events as to who is responsible for the function and management of different infrastructure, who can provide advice during emergencies, who has relevant expertise on reviewing adequacy and levels of service provided, and who should be involved in discussions on future flood mitigation activities. The current approach contributes to a piece meal approach, limited to the boundaries of each Local Government Area. Understanding these constraints, Rous has attempted to review the current situation, but its bespoke nature, historic arrangements, legislative barriers and restricted funding make it difficult to identify an easy to implement solution.

Examples of the impact of this from the recent floods include:

- During the floods, Rous was never contacted about the state of our flood mitigation infrastructure or to provide advice during the emergency on how they operate, including the Tuckombil Levee, which protects Woodburn. Rous had no input on the risk and impact of the flood and sometimes Emergency Services used incorrect names for structures causing confusion in the community.
- When the Tuckombil Levee was going to be overtopped, putting the village of Woodburn at risk, Rous provided advice to Emergency Services. They did not understand our role, or our expertise and that advice was dismissed.

## **Rous is not recognised as an essential service provider for bulk water supply**

The County Council model and its nature as a service provider to General Purpose Councils also means Rous is not recognised as an essential service provider for bulk water supply. As the regional water supply authority, Rous is responsible for supplying drinking water to the General Purpose Councils for distribution to residents and businesses. The role of Rous and the need to maintain the function of water treatment plants and the distribution system was overlooked and not prioritised, despite servicing 100,000 residents. Local roads were flooded and damaged and meant that it was dangerous or impossible for staff to access the water treatment plant at Nightcap as well as the many pipelines, reservoirs and valves that distribute water throughout the region. Rous staff gained access to critical sites through personal contacts to maintain water supply to flood impacted locations like Coraki and Broadwater or where access couldn't be organised. Rous relied on members of the public voluntarily investigating and reporting back.

## **There is no long-term strategic plan for the future of existing flood mitigation infrastructure**

Rous has inherited a large asset base of aging flood mitigation infrastructure from State Government with no understanding of what different structures do, whether they are still required and what level of service they provide to the community. The future need or role of this infrastructure has not been confirmed by State Government, nor has how they will operate with sea level rise or how their environmental impact can be reduced. Again, understanding this challenge, Rous has attempted to strategically review its infrastructure, but this is costly and complicated, particularly when existing land uses may now rely on infrastructure for drainage as well as flood mitigation.

## **The maintenance and operation of existing flood mitigation infrastructure is not adequately funded**

The existing level of funding from State Government is inadequate to meet current service levels. Funding from the NSW Government to Rous for maintaining flood mitigation infrastructure has not increased since 1985.

Without adequate funding, Rous is unable to maintain all of its flood mitigation infrastructure and undertaking further activities such as strategic reviews and advocating for a new service delivery model is unachievable. Our current level of resourcing limits our role and restricts our activities to maintaining infrastructure, which have a declining level of service to the community as climate impacts such as sea level rise begin to make our assets more vulnerable.

## **Recommendations**

Flood mitigation has an important role in reducing the impact of floods. Following the floods, what further flood mitigation works could be undertaken has been raised and discussed publicly by Federal, State and Local politicians and the local community. Our submission highlights the challenges and issues with managing and maintaining *existing* flood mitigation infrastructure in the Richmond River. Unless these challenges and issues are addressed, the success of future flood mitigation initiatives may suffer the same poor outcomes.

We have three recommendations for State Government that are a priority to implement before further flood mitigation infrastructure is discussed and investigated for the Richmond River.

### Richmond River specific recommendation

**1. The NSW State Government must clarify and establish how flood mitigation will be undertaken in the Richmond River**, identifying the role of the Flood Mitigation Authority and General Purpose Councils. A model is needed that best addresses whole of catchment flooding, and it must be clear and formalised. Once identified, this model must be communicated to all stakeholders and well resourced.

### Region specific recommendations

**1. The NSW State Government provides a clear long-term strategy for existing rural flood mitigation assets, including their function, value and future role.** The strategy must identify the need for this existing infrastructure and the value it provides. Challenges such as sea level rise and reducing the infrastructure's environmental impact must be included.

**2. The NSW State Government provides adequate funding to maintain Rous owned rural flood mitigation infrastructure.** State Government funding to Rous for maintaining its existing flood mitigation infrastructure has not increased in 37 years and has not kept pace with the cost of keeping this infrastructure operational.

**3. The NSW State Government provides funding to General Purpose Councils within the region to provide flood free access to critical water infrastructure.** Rous operational staff need to have reliable and safe access to a number of sites across Byron Shire, Richmond Valley, Lismore City and Ballina Shire Councils, which are critical in maintaining the supply of safe drinking water to more than 100,000 people.

We trust that the above information is useful in your review of major flooding in our area. We are prepared to provide this information as evidence during the inquiry and give approval for this submission to be published.

Yours faithfully

Phillip Rudd  
General Manager