

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

**Organisation:** Ballina Shire Council

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# Independent Flood Inquiry - Submission:

Deadline for submissions: Friday 20 May 2022

## Your Story

Ballina Shire Council has played an important role in responding to the flood event and then assisting our community in recovery.

Council has appreciated the opportunity to partner with Federal and State agencies, non-government organisations and local community groups in the response and recovery to this event.

Within the Ballina local government area, more than 700 properties suffered damage impacts from this flood, including properties where some of our most vulnerable community members reside. The flood also resulted in significant impacts to the local Indigenous community.

Council contributed to the response in many ways, most notably by standing up its Emergency Operations Centre and four evacuation centres. These evacuation centres provided services to more than 2500 people.

Council continues to work with Resilience NSW to manage our recovery. Council has mostly completed the debris clean up, undertaken emergency repairs to infrastructure and operated a Recovery Centre in Ballina and a Recovery Assistance Point in Wardell.

Council has maintained contemporary floodplain management planning policies for nearly twenty years and these policies contributed to mitigating the risk to our community. However there is substantial more work to do to advance these strategies further.

From Council's perspective the work to respond to the flood and commence the recovery has been very positive in the circumstances, however it is important that the Government and Council carefully review this event for lessons to improve our capacity and resilience for future events. In this regard, Council appreciates the opportunity to make this submission to the Inquiry and congratulates the NSW Government for recognising the need for the Inquiry.

## Causes and Contributing Factors

The causes of, and factors contributing to, the frequency, intensity, timing and location of floods in NSW in the 2022 catastrophic flood event, including consideration of any role of weather, climate change, and human activity.

In 2019 Council declared a State of Climate Emergency. In response Council prepared and recently adopted Ballina Shire Council's Climate Change Policy.

The policy sets organisational emissions reduction targets, and provides a framework for progressing climate change mitigation, adaptation and resilience strategies for Council and the community.

The targets are more ambitious than those of the NSW and Australian Governments and aim to achieve rapid emissions reduction by:

- reducing our operational greenhouse gas emissions to net-zero emissions by 2030
- using 100% renewable electricity for our operations by 2030.

The setting of these targets follows comprehensive feedback from our community representing their concerns regarding climate change. Ballina Shire is a coastal community and is therefore directly vulnerable to the impacts of sea level rise and increasing rainfall intensity.

Council's floodplain management risk planning adopts sea level rise predictions from previously published NSW Government policy documents. It is concerning that these policy positions and information were withdrawn and not replaced. Leadership from Government is required to ensure there is a consistent approach and understanding in respect of the data and policy direction to be used in climate planning.

## **RECOMMENDATION**

That the NSW Government reinstate Climate Change Predictions and Policy in a statement to guide the planning undertaken by coastal councils for floodplain management.

## **Preparation and Planning**

The preparation and planning by agencies, government, other entities and the community for floods in NSW, including the accuracy and timing of weather forecasts, current laws, emergency management plans, practices and mitigation strategies, their application and effect.

## **Emergency Management Planning**

Ballina Shire has a Local Emergency Management Plan (Ballina EMPlan) that describes the arrangements at a local level for preventing, preparing for, and for responding to and recovering from emergencies, including flood events. A local Emergency Management Committee (LEMC) gives effect to this plan. The committee comprises Ballina Shire Council representatives and all of the key government agencies, i.e. NSW SES, Resilience NSW, Transport NSW, NSW Department of Community and Justice (DCJ) and others. The committee allocates key responsibilities to the various agencies and ensures that the plan is regularly audited and tested.

In our opinion, the functions of the LEMC operate well in Ballina Shire as a source of cooperation and connection between agency leads. The structure of the emergency management arrangements in NSW is also considered to be very effective in respect of defining roles and responsibilities of agencies and the processes to report and elevate.

However resourcing to support the preparation and planning under this structure is limited. The Regional Emergency Management Officer now covers a region that is geographically twice the size compared to the arrangements that were in place in the Northern Rivers for many years. This means the level of support to councils has diminished. Ballina Council, like many councils, has staff contributing to the emergency planning functions on a very part time basis. Funding support for improving these resource levels is recommended.

Council, with the financial support from Resilience NSW will be employing a Community Recovery Officer. The funding is for two years. It would be ideal if this position could be extended with ongoing funding for a Local Emergency Management and Community Recovery Officer.

## **Weather Forecasts**

In the major flood of 2017, the NSW SES unilaterally proposed to evacuate many thousands of residents from West Ballina and Ballina based on their modelling prediction for the flood extremity. Council has developed a best practice flood plain management strategy supported by modelling. Council officers, using our floodplain model and in consultation with the local SES controller, identified that this SES prediction was unreliable, significantly overstating the likely outcome.

In response to this Council contacted SES officers at the State HQ to share our modelling. These conversations, thankfully, resulted in the withdrawal of the evacuation order and the resultant flood peak did in fact follow Council's predictions.

For this recent event, Council again developed a model and based on the previous experience immediately contacted SES State HQ to offer our advice and assistance which was accepted. The conversations that followed helped to accurately predict the evacuation areas needed for this event.

While this cooperation existed, it is our opinion that if Council did not initiate the connection, it is most likely SES would have again unilaterally used their more regional model without using the more sophisticated local modelling Council can provide.

Notwithstanding this, some of the evacuation orders issued by the SES for this event were confusing to the local community due to the poor geographic references used. Consultation with Council would have addressed this issue prior to the evacuation order and also would have assisted Council to prepare supporting communications and to ensure the Local Emergency Management Committee was informed and ready to support the evacuation orders.

Therefore it is recommended that SES become more familiar with the flood intelligence available within local government and that SES procedures be developed that require engagement with local government and the LEMC prior to issuing evacuation warnings and orders.

While our model produced a reliable prediction, the model is not intended for use in responding to flood emergencies, rather it is a planning tool for predicting impacts of development in flood plains during a typical 1 in 100 year flood. Having said that, Council has a good working relationship with its flood modelling consultants and prior to and during the flood event Council was quickly able to utilise their services in predicting the likely flood levels in the Ballina CBD and elsewhere.

Development of this modelling has been a long and expensive ongoing process, heavily reliant on grant funding. Access to this funding pool is a slow process, further hampered because the funding pool has recently been halved. A specific example would be the update of the Wardell Floodplain Risk Management Plan, last updated in 2009. While the Ballina Floodplain Risk Management is contemporary, the plan makes numerous recommendations for further development hence the reference to an ongoing process. Recurrent funds are required, rather than ad hoc commitments based on infrequent and irregular grant opportunities.

We therefore recommend that councils be provided with funding to develop predictive modelling tools (where this is appropriate for the local catchments) and that more funding be provided for floodplain management planning as the rate of program and project development in this function is not meeting community needs.

### Land Use Planning

It has long been argued by Council that NSW planning instruments do not adequately allow for localised planning issues to be accommodated. The impacts of this flood event on properties particularly in Ballina Island and West Ballina underscores that criticism. The one-size-fits-all LEP template imposed on Councils by Planning NSW limits Council's ability to manage development within floodplains that is reflective of localised knowledge.

### Mitigation

Council's floodplain management planning provides a number of recommendations for the development of mitigation infrastructure. In particular there are recommendations in relation to the raising of certain roads to operate as evacuation routes. The cost of these infrastructure upgrades is beyond the capacity of Council and it is recommended a funding program be developed for mitigation infrastructure.

### Evacuation Centre Planning

In 2021, Council in collaboration with the Department of Communities and Justice (DCJ) completed an audit of the potential evacuation sites within the Shire as listed in the EMPlan. Those evacuation centres (that were still accessible) soon reached capacity due to the scale of evacuation. Evacuations such as Ballina Hospital and aged care homes placed an extra burden on these facilities. The majority of the evacuation sites used were Council facilities.

Therefore further work is needed to understand where additional capacity can be sourced. This will require a whole of government response as education and other government facilities represent opportunities for more capacity. In this event, a school which was stood up as an evacuation centre unilaterally decided to

close the evacuation centre so that it could be reopened for education purposes. Consideration is needed in respect of the authorities to manage these assets during an emergency response so that government agencies cannot make such unilateral decisions. It is also recommended that Government consider education and regulation of aged care and other accommodation service providers to develop their capacity and resilience to self-manage their residents under an evacuation order.

#### **RECOMMENDATION**

The NSW Government provide funding assistance for Councils to employ emergency management officers to lead the local planning and coordination roles undertaken by local government under the emergency management legislation.

#### **RECOMMENDATION**

That SES develop procedures that require robust communication with local government and the Local Emergency Management Committee prior to issuing evacuation warnings and orders.

#### **RECOMMENDATION**

That councils be provided with funding to develop predictive flood modelling tools (where this is appropriate for the local catchments) in addition to floodplain management planning models.

#### **RECOMMENDATION**

That a substantial increase and faster delivery of grant funding from state government to accelerate development of contemporary flood plain modelling and flood mitigation strategies and their integration into emergency management response decision making.

#### **RECOMMENDATION**

The NSW planning instruments be reviewed to allow localised flood planning development issues to be more adequately managed.

#### **RECOMMENDATION**

The Federal and NSW Governments develop a funding program directly targeting the development of flood mitigation infrastructure.

#### **RECOMMENDATION**

A review of the authority for the asset control of designated evacuation centres when they are stood up be undertaken.

#### **Response to Floods**

Responses to floods, particularly measures to protect life, property and the environment, including:

- i. immediate management, including the issuing and response to public warnings;
- ii. resourcing, coordination and deployment, including with respect to the Australian Defence Force;
- iii. equipment and communication systems.

#### **Public Warnings and Evacuation Routes**

As noted previously, there is a lack of a robust protocol for communicating with SES regarding evacuation orders.

The flood event also highlighted the need for improvements in flood evacuation routes, some of which became inundated causing sections of the community to become isolated for several days and preventing delivery of food and other essential services.

The Shire of Ballina was completely isolated for several days with access. Food, medical, fuel and other supplies became critical and had the isolation continued then the magnitude of this issue would have caused significant impacts to a large population.

## Resourcing (ADF)

Council appreciates the contribution made by the ADF to assist our community in response to this event.

Council officers found the ADF officers helpful to liaise with and importantly it is acknowledged that the ADF made a substantial effort to ensure their presence did not add impact to our accommodation or other resources issues for residents.

The ADF assisted us with debris clean up and conducted door knocks from a welfare perspective to see where they could assist.

In our experience tasking the ADF however was difficult because the staff had very limited transport available and no plant or equipment. Where they were able to locate and work alongside our resources this was effective, however tasking the ADF and itself to an area or precinct as a job lot was not possible.

## Equipment and Communications

Major disruption to phone communications lasted several days and created enormous difficulties for emergency response personnel. For instance, personnel had to drive between evacuation centres due to a lack of phone coverage and some key officers had to drive outside of the region towards Queensland to be able to access reliable communications.

The state government has an Emergency Management Operations System (EMOS) for the management and documenting of emergency events. Prior to the emergency events, the Ballina LEMC has regularly attempted to use EMOS and have continued to raise issues with the system. During the emergency event, EMOS was not used due to the known challenges.

## **RECOMMENDATION**

It is recommended that more investment occurs in future proofing communications networks, including better coordination and responsiveness from telecommunication operators. An established backup protocol needs to be established in the event of communications failures.

## **RECOMMENDATION**

The state government review EMOS. The benefits a system like this could provide for the state are valuable, however the currently system deployed is currently not practical to use because of its numerous problems.

## Transition from Incident Response to Recovery

The transition from incident response to recovery, including the roles, structure and procedures of agencies, government, other entities and the community.

## Evacuation Centre Resources

DCJ were the agency responsible for setting up and running evacuation centres and sourcing temporary housing support. However, DCJ have limited resources locally and it was soon evident they lacked the capacity to effectively manage so many evacuation centres. It was therefore necessary for Council and community volunteers to step in and assist.

The capacity of available evacuation centres, mostly utilising Council run facilities and schools, was almost exhausted by the scale of demand. It is important to recognise that a potentially more serious flood event had narrowly been avoided. Council's flood modelling prediction of a plausible worst case (3.1m at Burns Point Ferry), had it been reached, would have resulted in many more homes being inundated (a likely increase in demand for the evacuation centres from 2,500 persons to 10,000). It is therefore crucial that future planning and resourcing is not based solely on this recent flood event, but rather on the worse-case scenario that might have unfolded had predicted flood levels actually been reached.

Vulnerable members of the community were among the many residents taking refuge in evacuation centres. Centre support staff were not qualified to deal with the various problems – mental illness, domestic violence, etc – creating tension and stress. Requests for mental health support and assistance were not able to be met.

Training for community members and council staff is required to support DCJ for these large events.

### Housing

Councils in the Northern Rivers region have been referring to a housing crisis for some time prior to these flood events. This crisis has now deepened and the demand for temporary accommodation for displaced persons became acute.

A lack of housing is one of the biggest legacies of the flood event, in some instances losses can expect to be catastrophic. The ability to advise people when they can return to their homes has been hampered by a lack of resources able to inspect and repair damaged homes. Significantly more resources need to be available to evaluate when peoples' homes are safe for their return.

### Resilience NSW

While Ballina Council has a good relationship with Resilience NSW at a regional level, on the ground their roles and responsibilities are unclear. This flood event was the first occasion that Ballina Council and Resilience NSW have worked together in an emergency situation. Throughout it was unclear as to whether Resilience NSW was or should be operating in a lead or a support role. Perhaps the relative newness of this agency contributed to the problem.

While they are best placed to access out-of-the-area resources and funds, it is equally important that they are connected locally. Initially these connections were difficult due to the high turnover of Resilience NSW officers allocated to Ballina Shire.

Resilience NSW is commended for the work being undertaken, the above comment is to highlight to the Inquiry the organisation is young and further consideration of its role and relationship with local government is needed.

### State Emergency Service

The work by volunteers and staff of the SES to respond to this event is greatly appreciated and their contribution to the response cannot be overstated.

The response by the Ballina SES local unit was significantly impeded by the condition of their Headquarters. This building is in urgent need of upgrade and replacement. Council has allocated significant funds towards this project however the full cost is currently not able to be funded in Council's Long Term Financial Plan. The name of the organisation being the State Emergency Service is entirely inconsistent with the obligation for Council to fund a building for this State service. It is recommended that the State Government commence a funding program for SES buildings.

Council also considers that it is unreasonable to rely on the service of volunteers to the extent we do for events of this type. It is recognised that rescue work and other tasking is best delivered by volunteers, however it is our submission that more, or all of the strategic planning and operational leadership should be undertaken by full time professionals. This will improve the expertise available, assist in accountability and enable volunteers to be active in the field.

## Community Hubs

A feature of the response to this disaster and the recent bushfire has been the creation of community led recovery through community hubs or organisations. The efforts by community members has been both inspirational and essential as these groups are providing welfare and other support beyond the capacity of Government or Council. Resilience NSW is providing support to these emerging organisations and building their capacity for the future is considered important.

### **RECOMMENDATION**

That the Department of Communities and Justice develop or expand programs to train a wider number of community volunteers and council staff to support the operation of evacuation centres.

### **RECOMMENDATION**

That greater clarity be provided around the role of Resilience NSW role during future emergencies.

### **RECOMMENDATION**

That the NSW Government fund a program for the development of SES operational buildings and remove the obligation for councils to be responsible for these facilities.

### **RECOMMENDATION**

That the NSW Government increase the professional resources within the SES to provide the strategy and operational leadership to ensure volunteers are supported to focus on rescue and task delivery.

### **RECOMMENDATION**

That Resilience NSW continue and expand its support for the ongoing development and capacity building for community hubs as key non-government organisations supporting recovery efforts.

## **Recovery from Floods**

### **Recovery from floods, including:**

- i. immediate housing, clean-up, financial support and community engagement measures; and
- ii. Longer-term community rebuilding support.

## General

Council has commenced recovery by establishing a Recovery Committee and is contributing to the Regional Recovery committee processes. Overall Council is satisfied that these arrangements ensure the required communication and connection between councils and other agencies is achieved.

A Recovery Centre was established in Ballina and a Recovery Assistance Point established in Wardell. This has greatly assisted with making services easily accessible to the community.

The management of waste was a significant issue to deal with post the floods. Council worked with Public Works Advisory and the Environmental Protection Authority to establish a temporary transfer station at our Tuckombil Quarry. This facility was stood up very quickly and made a major contribution to the efficient and effective management of waste generated from both the Lismore and Ballina local government areas. The Government is commended for resourcing and facilitating this response.

Council commends the Government for the creation of the Northern Rivers Reconstruction Corporation as this will be essential to optimise the coordination of the delivery of the recovery infrastructure projects.

Council has opted to accept Resilience NSW assistance for funding a Community Recovery Office for a two-year period. This will assist in delivering community-based recovery initiatives and assist people to navigate and access recovery support.



Council has created a distribution hub to manage donated goods. The generosity of the Australian public in making these donations has been extraordinary. Council has also registered as a business partner with GIVIT. In our experience the GIVIT program has been highly effective because of the capacity to target the matching of donors and clients. We find the administration demanding of our resources, however this is preferred to the challenges and limitations we have experienced in managing the donation distribution hub, albeit that too has provided essential support.

The creation of the Northern Rivers Operations Centre, a police command to coordinate tasking was very effective and provided residents with a direct call line once the SES response was complete. This process should be reviewed for lessons learnt and procedures developed to enable a centre to be activated earlier in future events.

### Financial Assistance

Council appreciates the considerable Federal and State Government funding support that has been provided. Of course this has not met all of the demand and it is acknowledged further assistance is required. Council therefore appreciates the ongoing access to Ministers and agency staff as we continue to articulate the need of Council and residents during recovery. Council also acknowledges that on balance the National Disaster Relief and Recovery Arrangements work well however there are also many improvements possible in respect of processing claim efficiencies and a different approach to betterment funding.

The Federal Government announced Australian Government Disaster Recovery Payments Special Supplement for a number of local government areas in the Northern Rivers, however Ballina Shire was excluded from the original announcement. While Ballina Shire was a later inclusion in this program, distinguishing between local government areas while assessments were being completed resulted in significant concerns within our community and unfortunately resulted in very negative feedback in respect of the Government's response to the disaster.

### Housing

Housing for displaced residents is arguably the biggest challenge we face at the moment.

We recognise the Government is moving as fast as possible to respond with the provision of temporary accommodation and it is important to note here that this issue continues to demand significant resources and urgent, ongoing focus and attention.

### Amending the Planning System

Further to the Housing note above, Council has appreciated the opportunity to work with the Government to consider amendments to the planning system to enable the most effective response in the circumstances to the community needs in respect of the reconstruction of business and residential property.

### Mental Health

The Council's Recovery Committee has been established in accordance with the recommendations contained in the NSW Resilience Guidelines. These guidelines recommend the creation of a Health and Well Being Sub Committee.

Standing up this Committee has been a challenge for Council compared to other sub committees where Council is recognised as the lead agency.

From our perspective there is many different agencies involved in social welfare and mental health compared to other portfolios such as Environment or Agriculture. This highlights the need for a sub-committee, however it is our experience no one agency is stepping up to lead in a space Council does not directly operate in.

This is not to say that mental health services are not being provided, they are, however there is a gap in the coordination and prioritisation of resources.

This issue is compounded by a lack of strategy at the regional level. The Regional Health and Well Being Sub Committee has committed to the development of a strategy however that is not yet available and in our opinion this gap is resulting in reduced outcomes in an important part of the recovery. We recognise time and resources are an issue, however we would have preferred to see at least an initial strategy in place well before now and better coordination of the multiple agencies and non-government organisations working in this area.

#### **RECOMMENDATION**

A mental health and well being strategy be developed urgently.

#### **RECOMMENDATION**

The emergency management arrangements be developed to include an operations centre for recovery similar to those used in response.

#### **RECOMMENDATION**

That the NSW Government continue to work with local government to make amendments to the planning framework to support recovery needs in respect of the reconstruction of residential and commercial property.

#### **Any Other Matters**

Any other matters that the inquiry deems appropriate in relation to floods.

#### Insurance

Feedback from business is that a reinsurance scheme underwritten by the Federal Government is essential for business and residents in response to the expected future market failure of insurance products in flood prone land. Council understands the model applied in Northern Queensland has been beneficial and we would support further consideration of such a scheme.

#### **RECOMMENDATION**

That the NSW Government work with the Federal Government to develop a reinsurance scheme to support flood prone properties in recognition of the likely market failure for insurance products in these areas.

#### Betterment

The cost of responding to these events is significant and there can be no doubt building more resilient infrastructure is critical to improving the outcomes for community in the future and reduce the cost of responding to the next event. It is therefore essential the reconstruction effort deliver betterment outcomes and general infrastructure programs be funded to ensure flood resilience is built into the project scope.

#### **RECOMMENDATION**

The NSW Government support infrastructure programs that improve the resilience and capacity of the community to manage natural disasters and that reconstruction efforts recognise the need for betterment funding.