

JP

Tweed Valley

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Earthworks

Murwillumbah. NSW. 2484

Phone :

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Sunday 3 July 2022

RE: Further information and Aerial Photograph of non DA flood mound restricting flood flow at Byangum as discussed during online Enquiry Hearing with [redacted] and [redacted]

Dear Enquiry,

Thank you for the opportunity to have the online Meeting on the 16th June with [redacted] and [redacted] which was jointly arranged by MP for Lismore Janelle Saffin and the NSW Farmers Association.

During my brief presentation, I raised significant concerns regarding the lack of consistency in Planning rules from Tweed Shire Council.

Specifically, we own the farmland to the [redacted] of the Oxley River ([redacted]) and in the top left corner ([redacted]).

The property at lower left photo, had constructed a flood mound circa 1990 and also a levee bank (adjacent and left of the row of trees centre of photo) . This original flood mound was subsequently built upon by the then owner, I believe this is contrary to the purpose of a flood mound.

The current owner started construction of the new flood mound just prior to the 2017 floods. The owner advised me he did not have a DA from Tweed Shire Council.



As a result of the significant landslips on public roads in Tweed Shire, a significant quantity of material was dumped here by Tweed Shire Council contractors in March and April.

After the 2022 major floods, Tweed Shire Council, together with its contractors, continued to fill the site of the flood mound. The mound protrudes another approximately 40 metres onto the flood plain. When combined with the earlier mound, approx. 80 metres of flood plain width has been blocked of the approximately 480 metre wide valley. **This is an approximate loss of 16 % of the flood plain width. The mound is approximately 6 metres in height.**

Obviously no planning input or Study has occurred re potential flood effects as it is located at the narrowest part of the Floodplain.

Tweed Shire Council's response is that a farmer does not require a DA for a Flood Mound if it is constructed for a Primary Production purpose.

Then how does Council justify their flip flopping position as per my previous emails to the Enquiry where other farmers are advised in correspondence from Council that a DA is required, that hydrological reports may be required and advising that a Planning Consultant would be useful in the process.

Of note, one farmer (,) was told the above but is located at Tyngah, downstream of Murwillumbah on an immense flood plain. There is no major flood flow here.

Cane farmer, , at Condong, was told he was required to follow the above the process for a flood mound. The process for the DA cost him over \$ 5000 and took 9 months. He is also located on a lower flood flow area.

Another land owner, , , was told he was required to follow the above process for any mound over 30 cm.

How can there be such a direct contradiction on flood mounds ?

In my view, Tweed Shire Council does not consistently and fairly implement planning guidelines that directly impact our farming survival.

Further, until now, Council has refused to undertake any studies into dredging of the Tweed River and the flooding impact on our farms upstream of Murwillumbah.

Council has recently decided to investigate raising the Bray Park Weir.

Firstly, there is a registered legal Agreement with Landholders under Council Seal that Council will not raise the Weir. Council has not initiated any discussions with the Signatories to the Legal Agreement. Does Council intend to completely ignore this legal Document?

Secondly, as a result of all the flooding in 5 years , how can a barrier be built higher without adverse flood impacts on landholders and flood flow.

Thank you for the opportunity to raise our concerns to the Enquiry.

Yours sincerely,

JP