

From: [NSW Government](#)
To: [Flood Inquiry](#)
Subject: Floods Inquiry
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Attachments: [Flood Inquiry Submission.pdf](#)

Your details

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Submission details

I am making this submission as	Other
Submission type	I am submitting on behalf of my organisation
Organisation making the submission (if applicable)	Kempsey Shire Council
Your position in the organisation (if applicable)	Director Operations & Planning
Consent to make submission public	I give my consent for this submission to be made public

Share your experience or tell your story

Terms of Reference (optional)

The Inquiry welcomes submissions that address the particular matters identified in its [Terms of Reference](#)

Supporting documents or images

Attach files

- [Flood Inquiry Submission.pdf](#)
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19 May 2022

Professor Mary O’Kane AC & Mr Michael Fuller APM
Independent 2022 NSW Flood Inquiry

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Dear Sir/Madam,

2022 NSW FLOOD INQUIRY INTO THE PREPARATION FOR, CAUSES OF, RESPONSE TO AND RECOVERY FROM THE 2022 CATASTROPHIC FLOOD EVENT ACROSS THE STATE OF NSW

I refer to the abovementioned 2022 NSW Flood Inquiry established to examine and report on the causes of, preparedness for, response to and recovery from the 2022 catastrophic flood event across the state of NSW.

Kempsey Shire Council welcomes the establishment of the independent flood inquiry and looks forward to considered and timely action in response to the learnings from the event from all levels of government.

As the Kempsey Shire Local Government Area (LGA) was impacted by the flooding events of 2022, Kempsey Shire Council welcomes the opportunity to make submission. Kempsey Shire Council acknowledges the impact of the 2022 flood event locally was not as significant as a number of local government areas in the Northern Rivers area and our thoughts are with those most impacted in what is a very difficult time. The Kempsey Shire has suffered from many flood events over history, with this submission informed by the flooding events through 2021 and 2022 that have impacted the Kempsey Shire.

The Kempsey Shire saw moderate flood levels reached in both the early March and late March flood events of 2022. The early March event saw evacuation orders issued within the Kempsey CBD and Lower Macleay areas. This event did not see inundation of locations protected by flood mitigation infrastructure. The late March event saw an evacuation order issued for the Lower Macleay area and resulted in inundation of Smithtown and other low lying areas across the Lower Macleay floodplain. Both floods impacted rural properties on low lying land within the Upper and Lower Macleay areas.

The flood events saw a major groundwater flooding event result in the Stuarts Point area. A major response was implemented based on the learnings of a similar event in 2021 that saw numerous dwelling inundated and in excess of 50 dwellings evacuated due to public health risks.

Significant impacts to access within the Kempsey Shire local government area resulted from the flooding events and major damage resulted to Council infrastructure. This damage is cumulative to that caused by the wet period that has occurred from November 2021 and also previous flood events in 2020 and 2021.

Accordingly, Kempsey Shire Council submits the following for consideration of the independent flood inquiry:

Preparation and Planning

1. Consistency in catchments across the state is needed with the provision of river level and rain gauges. These are critical for the purposes of forecasting, managing flood risk and ensuring

the community are well informed. Within NSW various organisations are responsible for this equipment, including local Councils, County Councils, Water NSW and Manly Hydraulics Laboratory. A single responsible authority is essential and a consistent whole of catchment based approach implemented across NSW.

Within the Kempsey Shire there are various gauge owners and over 50% of the Macleay River catchment is within other local government areas. Kempsey Shire Council maintains or contributes to the provision of gauges outside of the local government area as up-river catchment information is critical to flood planning within the Kempsey Shire.

In addition consistency in the type/technology and quality of equipment used, and the frequency of updating data on the Bureau of Meteorology website, are important considerations.

Consistency of application across the state also means the community have confidence in the level of service provided, as do forecasting and responding agencies irrespective of the catchment they are looking at.

The Kempsey Shire has advocated strongly on this matter on numerous occasions, including at the inception of Resilience NSW in 2020.

2. For the flooding events in March 2022 and March 2021 the Macleay River catchment was excluded from the initial 'flood watch' issued by the Bureau of Meteorology, despite all catchments surrounding the Macleay being subject to a 'flood watch'. With an already very wet catchment from very wet periods, the exclusion of the Macleay River from the 'flood watch' is a cause for complacency within the community.

It is noted that for both March 2022 events moderate flood levels were reached for the majority of the Macleay River catchment, thereby demonstrating that a 'flood watch' was warranted to assist in warning the community to commence enacting flood plans and preparations, in particular for those with rural land holdings who require more time to be prepared.

3. Resourcing within the Bureau of Meteorology during a major flood event across a large number of catchments is a cause for concern. Adequate resourcing is critical to ensure flood warnings are updated in a timely manner and detailed modelling can be regularly ran for each catchment subject to flooding. Without this capacity, communities are exposed to risk as there is reduced warning periods available or warnings may be based on information that is not as accurate as it may be.

Timeliness of warnings has also been a concern on multiple occasions in the Kempsey Shire during flooding events in 2021 and 2022, where river levels have reached flooding warning levels at the same time the warning has been issued. This has a considerable impact on the ability for the community to prepare and the combat agency and Emergency Operations Centre to respond appropriately. In addition this results in a lack of trust of emergency authorities by the community.

4. Consideration should be given to the expansion of funding available to Councils and private landowners under the Floodplain Management Program for voluntary house purchase and house raising schemes. Both these avenues provide capacity to assist in managing flood risk and demands on response agencies during and after flooding events for high risk properties.
5. Consideration should be given to a specific funding program to provide for cameras and automated road information signage at critical points, including river crossings or on floodplains. Cameras provide live information and assist the community and response agencies in understanding conditions that exist and decision making critical to safety.

Electronic signage at key river crossings or sections of floodplain where road closures are often required due to flooding would assist Councils and response agencies significantly. Such a program could focus on regional roads. For the Kempsey Shire given the extent of the floodplain and the number of key routes that cross it, monitoring conditions and implementing road

closures are a major logistical exercise, particularly in prolonged events where 24/7 monitoring is required and resourcing becomes limited.

It is recommended that consideration be given to a targeted funding program for provision of cameras and automated signage that can be controlled remotely for high or regular flood risk catchments.

6. For many of the high risk catchments in NSW, flood mitigation infrastructure was put in place 40-60 years ago of which local Councils have been left with the burden of maintaining. Much of this infrastructure is in need of renewal or major refurbishment, which may be beyond the means of local Councils.

This infrastructure requires investment in many catchments to renew it. Typically funding schemes that become available do not provide for eligibility of renewal or rehabilitation of this infrastructure. Consideration should be given to funding support for renewal or upgrading for those Councils that have been left with the burden of this major infrastructure.

7. Within the Emergency Management Plans for many local government areas, school halls are listed as Evacuation Centres. During response events where an Evacuation Centre is required, the Department of Education has not permitted use of the school sites. A NSW Government decision to confirm whether school halls may be permitted for use as Evacuation Centres is required, noting in some locations no suitable alternatives would exist for use as an Evacuation Centre.

Response

8. Decisions to open and close schools are important during flooding responses. Within the Kempsey Shire certain schools are directly impacted by flooding or access is restricted when key road corridors are closed.

Decisions made to open and close schools in all instances should be made in collaboration with the Emergency Operations Centre to ensure consistency and informed decision making. In the recent event individual schools were making their own decisions as to whether to close or not, and in some instances closures were not warranted based on the flood risk that existed or that had already passed. In all instances where an Emergency Operation Centre is activated a local Liaison Officer from the Department of Education is essential. Once a decision is made it is then essential that education websites are accurate, there were instances in the recent flooding event where it is believed this was not the case.

Independent schools should also be subject to direction from the Emergency Operations Centre via the above referred to Liaison Officer as to whether to open or close during an emergency event. This also ensures consistency exists within the community and that independent schools are not unnecessarily closing where no or limited risk exists, or opening when a high flood risk exists.

9. The NSW State Emergency Service are the combat agency for flooding and storm events in NSW. Operational response to the 2021 and 2022 flood events saw the combat agency manage them via an Incident Management Team (IMT) based from regional centres.

This model is seeing reduced decision making ability in a local capacity and stretched resourcing within the IMT when responding to a large number of catchments subject to flooding. Decision making capacity locally is critical to ensure the response is appropriate and timely. In addition this model is resulting in resourcing within the IMT being stretched and unable to adequately support Emergency Operations Centres within each local government area.

The NSW Rural Fire Service establish Fire Control Centres based on zones, which for example in the instance of the Kempsey Shire covers two local government areas (the Kempsey Shire and Nambucca Valley). This provides for an appropriate level of decision making capacity at a local level and ensures the Emergency Operation Centre can act in the role to support the combat agency. To establish this model the NSW State Emergency Service need to be

appropriately resourced with trained staff and volunteers to be able to provide for this response capacity.

10. During the operational responses to the flooding events in 2021 and 2022 there has been occasions where considerable time has passed to move in and out of evacuation orders issued by the combat agency for certain locations. A particular example of this was in 2021 where it took 24 hours to lift an evacuation order for the Kempsey CBD following the passing of the flood peak. In that instance the community and business commenced normal use of the area following the peak passing as the risk no longer existed. Where warnings and orders are not put in place in a timely manner this erodes community confidence in response efforts.

The State Emergency Service may wish to look at the model (or a modified version of) used by the NSW Rural Fire Service for bushfire events where typically the RFS move seamlessly between the varying levels of warning based on the risk that exists.

Within the Kempsey Shire there was also one evacuation warning which seemed to have only been issued to media, not response agencies via the normal distribution list.

11. The Disaster Dashboard websites developed and implemented by Resilience NSW are not being well utilised and are not well localised in terms of content available. Further development is needed to improve the roll-out and uptake within the community. In the instance of the Kempsey Shire the Council website was hit many times over what the Disaster Dashboard was due to the localised content available to support the community.

Transition from Response to Recovery

12. With the establishment of Resilience NSW in the wake of the 2019/20 bushfires, there is a need to better embed the transition from response via the combat agency to recovery under Resilience NSW. Within the Kempsey Shire some confusion was experienced over the transition arrangement from the State Emergency Service to Resilience NSW to assist with restock and supply of an isolated community due to a landslip. Significant efforts on behalf of the landowners was required by Council to advocate for air support for essential supplies during this transition period, which should not have been required for what was a highly vulnerable community.

13. During the March 2021 floods the taskforce of agencies put in place for immediate relief, which included support for the Kempsey Shire, was of considerable value in quickly restoring life back to normal for local communities.

The taskforce support included the Australian Defence Forces, Fire & Rescue NSW, Rural Fire Service, State Emergency Service and Council staff, with other agencies in support including Public Works Advisory, Local Land Services and the Environmental Protection Authority.

The taskforce was put in place quickly and had immediate effect to provide relief to support the clean-up of affected communities. This is a model that should be used for future events, particularly for those communities that have major or greater consequences from disaster events.

14. Where property damage occurs and rapid damage assessments are required these should consider and document likely waste volumes to be generated. Waste generation is a critical issue in the aftermath of flooding events. Ability to estimate the volume of waste that will be generated in the clean-up is of high importance to support waste planning.

Recovery

15. Functioning water and sewer infrastructure is essential for the community to live safely without risk to health during and following flood events.

Water and sewer infrastructure should be considered essential public infrastructure under the NSW Natural Disaster Essential Public Asset Restoration Guidelines and the Commonwealth

Disaster Recovery Funding Arrangements. This is so that Councils and County Councils are eligible to have funding support for the reinstatement of these essential services, which are often subject to major damage during flood events. Many items of critical infrastructure are located in low points, such as pump stations and treatment plants, thereby being vulnerable during flood events.

This infrastructure also needs to be restored in a timely manner to reduce environmental and public health risk, in particular where major plants are impacted by flooding events. Where funding support is not available this may compromise the restoration of these critical (essential) services.

16. Major flooding events across broad areas are having a considerable impact on available resources to undertake asset restoration works.

In particular the flooding events during 2021 and 2022 have seen a large number of major landslips. These landslips require specialist/expert advice and skilled contractors. A limited pool of these resources exist. This scenario is resulting in significant competition between local government areas for these critical resources. Where this scenario occurs the NSW Government may consider taking oversight of the response across regions or statewide to ensure locations are addressed based on priority, including need and risk. This approach would see the greatest need addressed as a priority.

17. Leachate management is a significant issue, not just pre and during flood events, but also post flood events. Kempsey Shire Council is continuing to experience high levels of consistent rainfall, which with a full leachate dam from the flood, is posing ongoing issues. Leachate management post flood event needs to be addressed with the assistance of NSW Government resourcing as local sewage treatment plants and evaporation methods are not adequate to address this issue.

18. Kempsey Shire Council understands that fast and efficient flood waste disposal is essential to enable communities and the economy to recover quickly. However, there needs to be a clear end date to the Environmental Protection Authority (EPA) waste levy exemption for accepting residential flood impacted waste to encourage residents to dispose of flood waste quickly. Council has limited resources and having to go back to individual properties some weeks/months after the flood event can be costly.

The end date for the EPA levy exemption for Council impacted flood waste may need to be for an extended duration however, given that public infrastructure rectification post floods may take many months (i.e. for roads, bridges, river embankments etc).

19. For isolated homes (when entire villages are not impacted) which have been flood impacted, a dedicated hotline for flood waste disposal assistance should be considered. This would enable Councils to undertake flood waste inspections to assess the quantum of waste and determine the appropriate method of assistance and disposal. Councils could achieve a quicker response as well as increase recycling rates with this system in place.

Other

20. The flooding events of 2021 and 2022 on top of the bushfires of 2019/20 have further reinforced the need for full time NSW Government funded Local Emergency Management Officer positions to support the coordination of emergency planning, response and recovery. Disaster events are becoming more frequent and this need is now essential to support the safety and welfare of local communities.

Alternatively, another model for emergency management is required that is funded and appropriately resourced via the NSW Government.

21. The frequency of disaster events and the associated resourcing of response is having a significant impact on delivery of actions and projects from Council Delivery Programs and Operational Plans. This is resulting in challenges for small to medium Councils in particular to

meet the expectations of the community and to deliver upon State and Federal grant funded projects. Higher levels of government need to acknowledge these impacts so that Councils can focus on the response and recovery processes required when disasters occur.

22. Crescent Head Road requires a temporary access to be available from the Pacific Highway to support provision of supplies to Crescent Head during flooding. In these times a major logistical exercise is required to supply Crescent Head Road due to isolation of the community via a road that is cut at multiple locations. The road can be cut for several days when the Lower Macleay floodplain is inundated. A temporary access available from the Pacific Highway would simplify this operation considerably and assist response agencies.

Advocacy in this regard has occurred to Transport for NSW on multiple locations following the 2021 flood event, however no commitment for support has been forthcoming as this point in time.

Whilst our submission largely focuses on lessons learnt and improvements that may be possible, I would like to highlight that many positives have come out of the local response within the Kempsey Shire and recovery from a NSW State Emergency Service, other response agencies and functional areas, Council and community perspective.

I appreciate the time taken to consider our submission and should you have any questions or require further information we would welcome the opportunity to discuss this further. Council's Director Operations & Planning, Mr Robert Fish, can be contacted by phone: _____, mobile: _____ or email _____

Yours faithfully



Robert Fish
Director Operations & Planning
Kempsey Shire Council