

From: [NSW Government](#)
To: [Flood Inquiry](#)
Subject: Floods Inquiry
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Attachments: [Flood Inquiry Response - 190522.pdf](#)
[Byron Shire Essays - After the Flood - Mark Swivel .pdf](#)

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Submission details

I am making this submission as	Other
Submission type	I am making a personal submission
Consent to make submission public	I give my consent for this submission to be made public

Share your experience or tell your story

Your story Lets' Create a Changing Climate Community ... that's how we should respond to the floods!

I am a lawyer and councillor based in Byron Bay and was in Mullumbimby when the flood hit and helped set up the community response at Civic Hall. The flood is still in our bodies. This is not

business as usual. But I see huge opportunity and we rebuild and regenerate.

We have a climate emergency and a housing emergency and a generation of underinvestment in basic infrastructure (drainage, sewerage and roads). And that gives us opportunity. Everywhere.

Here's the key - Regional development strategy should drive our response to floods, future natural disaster and climate change adaptation. The NSW Flood Inquiry and Northern Rivers Reconstruction Corporation should be bold, to get the best bang for its buck.

Of course we need better preparation, response and recovery systems but the step change we need from Tweed to Grafton (and across NSW) is serious investment in community building infrastructure that has flood proofing and other disaster resilient features integrated in its core.

In the medium term the cost of climate change disruption to government will be immense - because the disasters and losses will keep coming. Just ask the insurance industry. This is the time to invest proactively to reduce the long term reactive spend. This is beyond politics whoever we vote for. We all benefit from a serious reorientation of the role of government. We get more bang for our local, state and federal buck if we invest in the strength and prosperity of our community rather than applying band aids to a disaster ravaged population, infrastructure and property. It is the most rational approach available.

Many more people will move into Byron shire and the northern rivers region in the next 20 years and beyond. We cannot plan for floods, fire and tsunami without planning for the growth of this expanding, vibrant community. What we need is a clear regional strategy with local

community nuance and adaptation which retains the character of the region and its districts while managing inevitable growth. Above all we cannot kill the golden goose - we must not protect but enrich our environment, our habitats, wetlands, wild life corridors and waterways.

We all have a vision of what this would look like in our hearts. We want to live in this beautiful country - acknowledging its rich history. This is ancient land, it was the big scrub and it remains an incredible world of rainforests and the most amazing beach and surf paradise in the country. We do not want cookie cutter suburbs and malls across this landscape.

In Byron Shire we have a reluctance to develop yet we end up with West Byron, Mercato and the new Jonson St roundabout project - by global standards they are not 'bad' projects but how they serve the soul of the Byron brand is an open question.

Henry Ford invented a popular car when most people would have asked him for a faster horse. So yes we need a serious response to the problems exposed by the preparation for, response to and recovery from the floods. But what we really need is an investment in the region and this Shire. We need a courageous commitment in funding and policy to Reconstruction and Regeneration - so we can create the Changing Climate Community for the next century.

Thank you, Mark Swivel (I have attached my brief submissions on specific issues and the essays I wrote in the wake of the floods).

Terms of Reference (optional)

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

1.1 Causes and contributing factors

Issue: The fundamental cause of climate change in generating extreme flooding and other natural disaster should be integrated in policy at every level.

Recommendation: Accelerate decarbonisation, zero emissions and renewable energy programs across government.

Issue: The major aggravating factor in flood impact was the undercooked or under-maintained drainage and sewerage infrastructure across the region and the shire.

Recommendation: Invest in effective infrastructure as a primary source of climate change impact resilience.

Issue: Climate change denial and 'fringe' theories eg about cloud-seeding persist in this community and can distract or undermine effective responses.

Recommendation: Conduct public education programs to explain the causes of climate change and natural disaster.

1.2 Preparation and planning

Issue: A significant aggravating factor in flood impact was the slow and ineffective warnings given to community members.

Recommendation: Invest in the Bureau of Meteorology to enable at least hourly updates through the night, with formal data integrated with community reports on weather impacts; invest in smart phone and analog (eg siren) systems to improve warning effectiveness.

Issue: A significant impediment to flood response was the lack of information on and training in flood / disaster response and the communication channels across government agencies and with the community.

Recommendation: Design and train communities in 'disaster drill' training – town by town, community by community – so that the chain of command and communication is known among residents.

Issue: The resources in the SES and RFS remain – for example – only a handful of members were able to work in the emergency response and members worked for extraordinary

periods of time without sleep or relief.

Recommendation: Invest in recruitment and resourcing of SES, boosting numbers but also community access to available disaster response assets eg dinghies and chain saws which are accessible via existing funding programs.

1.3 Response to floods

Issue: The floods exposed the need for a redundancy communication system as council itself and councillors were unable to function or communicate in the immediate aftermath of the weather event. The failure of back-up systems and the continuing performance of old systems eg ADSL connections were valuable lessons learned.

Recommendation: Optimise the use of satellite technology and ADSL or other 'old' technology for resilient communication.

Recommendation: Provide key community leaders with 'disaster proof' communications e.g. at home.

Recommendation: Develop 'disaster recovery' operation units (suites) for council staff and management – in each shire and across the region.

1.4 Transition from incident response to recovery

Issue: Our community responded with great initiative, skill and co-operation but the initial emergency response occurred in a relative vacuum or lack of information on the role of government agencies.

Recommendation: Design and train communities in 'disaster drill' programs – town by town, community by community – so that the chain of command and communication is known among residents.

1.5 Recovery from floods

Issue: The amount of funding provided to flood affected families was modest and did not adequately provide for basic needs, forcing people to rely on charity and draw on scarce savings.

Recommendation: Review flood relief programs and allocate disaster program funds to provide more meaningful assistance in the emergency response phase.

Issue: The assumptions of flood relief were based predominantly on inundation or water based damage to property (houses) but many residents and their properties suffered from disconnection due to landslip or inaccessible roads and bridges.

Recommendation: Update flood relief programs to be inclusive of all flood impact – focussing on overall amenity and livelihood impact rather than damage to property.

Issue: Many community members have had to make decisions – in consultation with insurers and builders – in the absence of clear policy guidelines or programs for rebuilding (eg DA processes, programs for ‘voluntary’ purchase or raising). Uncertainty is inevitable but community expectations could be managed more proactively.

Recommendation: Develop communication and engagement strategies so policy and decision makers understand needs of residents in the wake of natural disaster.

1.6 Any other matters

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

Issue: Disputes among landlords and tenants emerged quickly after the floods with uncertainty about who is responsible for cleaning costs, about the definition of inundation for the purposes of terminating a lease, about the abatement (reduction of rent) and the impact of disconnection from property due to landslip or lack of access.

Recommendation: Review and update the standard residential lease and the legislation to provide greater clarity and fairer risk allocation between tenants and landlords.

Miscellaneous suggestions:

Community needs to be empowered to provide housing solutions for neighbours - removing planning bottlenecks and risk aversion.

National / state emergency housing stock - we need good quality, safe, plumbable dwellings ready to go when they are needed. And they will be needed!

Grants for flood zone adaptation - people need a hand in raising, moving power points, doing the obvious practical things to minimise the impact of floods.

Storage and Pets - we need industrial estate areas for post flood storage and housing of peters

Access / agency - - we need to understand not everyone has the capacity to tell their flood story.

Kids - the NSW Flood Inquiry must listen to young people - the voice of future generations.

Supporting documents or images

Attach files

- [Flood Inquiry Response - 190522.pdf](#)
 - [Byron Shire Essays - After the Flood - Mark Swivel .pdf](#)
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Byron Shire **Essays**

The Opportunity of Reconstruction – After the Flood



Mark Swivel

AFTER THE FLOOD

This is a time of recovery and opportunity as we count the cost and begin to repair. The Floods of 2022 should change everything.

We can only take this opportunity if we are honest. And bold. These three short essays – on our future, planning and the floods, try to capture this moment before it passes.

The floods have exposed our systems of government at every level. Despite the great community response and our hard work at council and across the board, many are still suffering and the future is unclear. Some described some of the Covid rules as ‘unworkable’. In the wake of the floods our current system of planning has shown itself to be ‘unworkable’ as we face the great challenge of climate change, future natural disasters and the job of finding homes for our people.

I am not criticising any individuals or the hard working people at our council. It’s much bigger than that. Bigger than all of us. The problem is our systems which generate decisions and social realities that do not meet the needs of our community. Our current ways of planning are ... ‘unworkable’.

But there is hope. Despite all the obvious risks, the Northern Rivers Reconstruction Corporation presents huge opportunities. We can resolve the impasses in our planning system and the failure to properly plan to meet the long-term needs of housing, business and climate change for this community. But only if we are honest – and we are bold. A reckoning approaches. Are we ready?

I look forward to the conversation across our wonderful community.

Mark Swivel 25 April 2022

The vision splendid. Our future: a bolder strategy, a real plan.

MARK SWIVEL

The Northern Rivers Reconstruction Corporation offers a historic opportunity to achieve generational change – helping us prepare for the future challenges of climate change, catching up for the failures of the recent decades and delivering a real plan for community development. The key will be to sell a ‘Masterplan’ for the whole of Byron Shire and beyond.

On 12 May 2040 for my 74th birthday I look forward to riding from Habitat where I still live to Billinudgel along the Bundjalung Bikeway for an ale in the beer garden. The town is a-buzz, now the three time defending Green Wall champion of NSW. 500 people live here. Everywhere you see is green. The

industrial estate is all thriving mixed small businesses pocked by tiny homes on stilts, with a few groovy family capsule homes and even a pet hotel behind the vets. Under the 2032 Food Security Act, the village is ringed by veggie plots. Every land owner must hit market garden yield targets or pay penalty rates to the council. I passed 6 new villages on the way, all built in 12 months after the 2022 floods ...

I’m telling you stories but you get my drift. Our communities will change. But we’ll only get the change we want if we spell out exactly what we want. The alternative narrative is that Byron Shire becomes a hollowed out holiday town where only the rich live. A tropical Monaco. Rents so high our quirky small businesses were taken over by chains. Our less well off families moved to Wollongbar and Casino to live on affordable ‘estates’ long ago – between 2022 and 2025. The pressure was too much and money won the day, as it’s been winning for years. But at least the Casino Music Festival attracts the best young acts from around the world since starting in 2031. Legendary Byron band Parcels begin their farewell tour at Casino on 1 June 2040. But that’s enough!

So here’s the plan. A Masterplan for Byron Shire – for the LGA. That is the story we need to tell the world – and the Northern Rivers Reconstruction Corporation (NRRC). We have the bones in our existing ‘plans’ but not the body we need. We have a masterplan for Byron and Bangalow, and they’re good. We’ve started one for Federal. For some reason Ocean Shores doesn’t have one (overlooked again!). The whole shire needs a ‘boss’ of a plan covering our homes and farms



and businesses. One integrated strategy. Our different plans – the residential, real and business & industrial ‘strategies’ – need to be clarified, co-ordinated and accelerated.

Byron will be bigger by 2040. We’ll have a lot more humans in the shire – maybe 50,000 (up from 35,000). But our community will be alive and inclusive, supported by flourishing businesses making the most of our people’s extraordinary talents and skills. Our Byron LGA Masterplan must address long term structural problems. Starting with the right infrastructure platform, a proactive plan for our future for business and above all for how we provide homes for our people.

This is where the NRRC comes in. They have the power to cut through red tape and road blocks. So let’s use that to our advantage. The NRRC need to know what we want. They need to know what they are ‘reconstructing’. A Byron LGA masterplan (assembled at light speed) can orient and direct the work of the NRRC. Without it the approach the results will be piecemeal and minimalist, determined by the agenda of state government. Their priorities for reconstruction will almost certainly be different from ours. We should position ourselves as part of a regional response that achieves local (LGA) outcomes as part of the overall effort.

I hope on my 74th birthday I can look back and say: we pitched our vision to the NRRC of what we could become and our Byron Shire Masterplan changed everything after years of stagnation and frustration.

We must tell the NRRC that a viable and sustainable community is the best way to prepare for climate change, a growing population and managing the social pressures of the community. For the impacts and the disasters to come. Future proofing. Reimagining. Resilience is what people already do (putting up with things). Reconstruction is enhancement (betterment if you like) – is starting again and aiming high!



We have around 15,000 homes right now. We’re lucky to grow at 350 a year. If we double that rate we might approach another 10,000 homes by 2040. We can only get there by planning proactively – developing dwellings on government and private land to a clear accelerated strategy to meet complex social objectives – young families and established ones. Single mums and essential workers. Downsizing grandparents and disable friendly places. All at once.

Here’s my outline for a Byron Shire LGA Masterplan. Let’s plan for a population of 50,000 by 2040, with up to 10,000 new homes by then. We have new villages along the railway corridor and one in Myocum. Owners and renters have Landcare obligations to enhance our wildlife corridors and wetlands. We deliver the current affordable projects on the stocks within 12 months (we all know the list). By July 2023. We allow MOs and CTs to have secondary dwellings immediately. We do social housing including an indigenous land trust, women’s refuge, mental health halfway houses. We use a community – and agricultural – land trust model to decouple from the market



In 2040, 10 per cent of our population lives in affordable housing projects and we have smaller medium density housing for young families and older people down sizing. A council owned community land trust is home across the shire to young families, older downsizers and has rental properties for key workers, along with shops that offer a return for the council. Our council farming coop is booming and has its own market in Ocean Shores. Electric mini buses and bikes keep us connected. Bike paths and bridges link our communities. Every single sports field has market garden and mini reservoir. Cafes, micro breweries, farm stores, galleries and council owned electric charge stations pepper the landscape. The Bundjalung cultural centre is the centrepiece of our new tourism experience connected to heritage – for all our rich histories here – as much as ‘fun and sun’.

(otherwise money carries the day, every day). We invest in infrastructure to modernise drains and sewerage, flood proofing is built into all new development, we do a flood audit to rule out development on prone land. We incentivise water tanks and wall batteries everywhere. DCPs require green walls and market gardens. We create 2 industrial hubs on the M1 motorway and move the Byron Industrial council depot to Gulgan Rd in 2025. We create a farm co-op owned by council, operated with small farmers serving farmers markets. We deliver a house raising plan that applies to all houses (not just those built before 1986) – and move to higher altitudes. Flood compromised properties should be able to be sold voluntarily to the state government as after the 2017 floods. Compulsory acquisition should be an absolute last resort where housing is objectively no longer viable. Mini-buses and bike paths, inspired by a grand ‘rail trail’ from Murwillumbah to Casino, need investment to connect our communities in the nimble, practical way that will deliver maximum mobility to our communities – especially in disaster or climate event scenarios as we discovered in the floods. This, obviously, is only a ‘sketch’.

Our Byron Shire Masterplan needs to incorporate key learnings and measures in response to the floods. We need extra resources to ‘fast-track’ DAs and financial supports for owners who are rebuilding. Temporary accommodation should not be separated from longer term housing, we need one eye always on the future. We should lobby for fiscal incentives – tax breaks – for investment in new affordable housing. We should lobby for rent reform – controls on rent levels and increases, evictions and the impact of natural disasters. Our disaster risk management policy must be reformed – enabling volunteers through Good Samaritan protection and reinsurance schemes for natural disasters. The West Byron project should be reviewed for increased flood risk by the NRRC. The impact on NCCH properties must be addressed – the destruction to our limited and ageing social housing stock is massive. Our Telcos need to step up – we are a globally wired community with obviously sub-standard, patchy tech that was exposed by the floods. On ‘AirBnB’ or STRA, absentee owners should pay a vacancy tax, all visitors should pay a bed tax and unhosted STRA should have 90 day limits outside ‘tourist’

precincts and be regulated as businesses with permitted use approvals required from 2025. Stamp duty revenue should be recycled into Byron LGA to help fund the Byron LGA Masterplan programs. We should roll all these things into the story we tell to the NRRC. This, obviously, is only a 'sketch' ...

In 2040 we will have mini evacuation centres for every block of 500 people. 100 across the shire. We will have a community disaster drill we are all trained in – and the new Emergency Squad takes charge in any crisis. Understanding chaos and finding order in it, through clear lines for cooperation and communication. Every community has satellite phones. All the agencies have integrated plans to get people working in teams in 'chaos'. We have insurance for disaster volunteers. There is a regional inventory of pod homes in industrial estates – ready for deployment for fire, flood or tsunami. We run world leading courses on disaster response. Our drains and sewers are the absolute top priority in council operations.

The Byron Shire LGA Masterplan sets the goal, we then work backwards to change the zoning and rules to meet the vision with the NRRC. The cart leads the horse right now. It doesn't have to, it really doesn't. It is ridiculous to work through the dizzying complexity of our planning instruments. The EPAA and the maze of planning regulation sits like a festering cloud of acid rain over this beautiful land. It is bad law, badly designed, poorly understood, endlessly contested (with money nearly always carrying the day). It is an unworkable mess. The NRRC is empowered to cut through that mess.

So let's go to the state government and sell our vision splendid. We have a housing summit coming up in June. We have loads of great people at council, who know how to do things. We have local architects, developers and builders. We can learn from elsewhere, too – whether it's the designers of Kyiv making temporary homes in wartime, Nightingale in Melbourne, Alpha house in Newtown or the surprisingly innovative Orange council. We can bring in new blood to complement our existing team. And if not, why not?





Some will say ‘this is social engineering’ – and they would be right. There is always something engineering our communities. Back in the 70s it was the counter culture. From the 90s it was tourism. For the last ten years it has been ‘AirBnB’ and private property. Over time money has been the rising engineer of our community. The only way to change that is by developing a plan based on identified and sensible social outcomes. Byron shire will still be an unequal community with huge disparity in income. That’s life. The market forces unleashed by recent decades can only be managed not stopped. Even a massive planning effort will only achieve a relatively modest outcome. Sad to say.

We have so little time. The floods showed what we can do. So, so much. The cooperation across the community. The philanthropy, the volunteering. The latent energy and teamwork released for all to see on its creative power. The impulse to help

and solve. The job of government is to see and acknowledge what we can do, to enable the community we want to create, and to act today to make it happen. Let’s unleash that energy and creativity on planning our future community.

Let’s tell and sell the NRRC our vision splendid: the Byron Shire Masterplan for the community we plan to be. The people demanded the NRRC and the state government responded. Good on them. The process can deliver for us if we tell the story well. It is an opportunity. All change starts with boldness, with taking your chance. Seeing the hope not the obstacles (which are always, predictably, there). We have until 1 July 2022 when the NRRC starts work. We can do this. You better believe it. Everyone will have their own ideas and I want to hear them. Our future starts today! Are you in?

Mark Swivel 25 April 2022

The unbelievable truth or ... 'Planning: why is there no real plan?'

MARK SWIVEL

Enough blaming. Enough hand-wringing. Enough of council meetings of pedantic hair-splitting and stream of consciousness half-thoughts. We have a housing emergency and a climate emergency. The floods have left thousands devastated. The region is suffering. We have practical problems to solve and a million lessons to learn. We must respond creatively, get ready and plan for a different future.



Last week a Landcom project was announced that would one day provide homes for around 50 people. A three storey building above a car park in the Mullum town centre. The usual issues and criticisms emerged in the media and our community. The mayor presented it

as his own work, as he tends to do. But that's ok, that's politics, or at least it is around here. A community conversation will evolve and the project will be fine-tuned. It's a good project. But it got me thinking about what does this project – or rather this 'concept' – tell us about the state of planning and housing in the shire.

When Landcom addressed our council meeting I asked them when people would start sleeping in this new building – with a fair wind, if everything went well. The answer: Christmas 2024. Over 2 and a half years away. It's a realistic delivery date. But the mayor and others want to frame this project as a response to our housing emergency. We need to pause and reflect here. Only in Byron shire could a project to be delivered at Christmas 2024 be described as a response to our housing emergency. But that's where we're at. By Christmas 2024 people will have already made decisions to rebuild or leave the shire. What is going on here?

I am a new councillor. When elected I expected to learn about all the projects the hard working councillors and staff had on the go that I didn't know about. Because that is the way of the world. Government is always doing so much behind the scenes we don't know about. All the time. But, see, that didn't happen. Because there are no projects in the pipeline, ready to go. And this is why the Mullum project – let's call it 'Carpark Condos' – was presented as such a positive. Because it creates the impression of a plan. But there are no other projects, only more concepts and options. For a later day. Despite council calling a housing emergency in mid 2021, nothing has happened since. We have no

actual plan to deliver homes for people in this community of ours.

Let's be clear. A plan is where you commit to a solid idea of where you are going and then you work steadily towards your goal. That's what we don't have. Most people won't know this and may find it dull but it's important – we have a kind of 'plan' in bits and pieces in so-called council 'strategies'. Byron Shire has 'strategy' documents – for residential, rural, business and industrial land. You can read them on our council website. These 'strategies' outline our situation and problems then describe a range of options. They do not contain a plan or any actual decisions or projects that will happen 'in real life'.

Back to the Carpark Condos. I think it's a good concept for key worker housing. For 50 people. At the end of 2024. We can sort out our parking and flood issues, include a garden roof and features for disabled residents as we go along. It should be great! Not everyone will agree and that's ok. I support the project.

But what took so long to get the Carpark Condos going anyway? The mayor says it was introduced to council 3 years ago? Why so long? Also ... why have we not got Tiny Homes going? Why did we agree to the Byron Hospital project on the condition it could not be used for housing? Why?!? So many questions.

But looking at the bigger picture: what is the larger plan for housing across the shire? Key workers are vital to our community but what about young families of 4 with good incomes looking to buy into the market? What about older couples downsizing? What is our plan to meet these complex needs? What about housing for retired, disabled and vulnerable people? There's none in the pipeline that I know about. Nothing planned.

However ... we do have West Byron to look forward to – that is charging ahead. Despite all the community advocacy, despite all the effort and council opposition and huge amounts of money spent on opposing that



project, it has been approved by our courts. This is the real symbol of what our long-term planning – or lack of it – means for our community and the homes we have planned. We will have dozens and dozens of over-priced cookie-cutter suburban 'villas' onboard before we get our Carpark Condos. Beyond that we have piecemeal projects here and there. But no plan.

We talk endlessly about affordable housing. Again when elected I expected to get a nice surprise. But the opposite was the case. Our projects in the pipeline might deliver homes – some far off day – for a mere 400 people – barely 1 per cent of our population. That's it. We added up the number of 'beds' at a meeting and we were disappointed the number was so low. The mayor was surprised. I was deadset shocked. All the returning councillors should have known the net effect of current projects underway. But they are not underway – they are loose concepts. It's outrageous how bad the situation is when you think about.

(By the way let's be realistic about affordable housing. It's no panacea. If you get offered an affordable housing rental property you might

get knocked back if you don't earn enough. That happened to a friend in Bangalow – had a good job but during Covid the cash was down so didn't get the flat she wanted – her disposable income wasn't high enough!)

The mayor and many others would have you believe our housing woes are all the fault of the state government. But I wonder if in fact we have contributed to our predicament. After all if affordable housing is the 'main game', why is the end result – when responding to a housing emergency declared by the council – only 400 beds if we are lucky? It is always so convenient to have a scapegoat. We can do better than that.

Of course the deeper roots of our predicament lie in 2 decades of preventing development at all costs in the name of environmental protection. The growing wealth of landowners over that period is naturally purely coincidental (pardon the sarcasm). Planning is about the long-term – over decades. Why was council not planning for the housing needs of our diverse community 10 years ago? Because ... that was not the plan. And here we are, reaping the harvest, with West Byron and the Carpark Condos 'concept' as the legacy.



At the same time, we have not planned proper infrastructure for our roads and drains and sewerage systems. We have been in denial here for years that we live in villages towns and suburbs. Like everywhere else in Australia. We joke about potholes. But after the floods and the exposure of our ageing and limited drainage system, no one is laughing. And what is the plan to fix our drains? I still don't know. I'm not sure there was one – many of the community reports of drainage problems post-floods have seemed to surprise council.

Only a few months into the council journey I'm genuinely worried. It's time we woke up to how short changed we are as a community by the lack of urgency, courage and imagination in our planning. I'm not being negative, I'm just being real. This is not about 'me' or 'politics'. I don't need to do local politics, and the politics of it all leave me cold as ice. This is about you. Seriously. We don't have a plan for the future of the shire. You deserve one.

To recap. Since the declaration of the housing emergency nothing has happened and at this stage nothing will happen for a long time. If every affordable housing project got up we could house maybe 400 more people. We have no committed and funded proactive plans for residential property in general or business / industrial or rural lands. Our council essentially waits for projects to come along which we then consider for approval. With this approach it is no surprise that the projects turn out like West Byron or Mercato.

Where's the hope? An unlikely source.

The Northern Rivers Reconstruction Corporation is a huge opportunity to break with our past of passive planning. The NRRC changes the game. We have to pitch our vision of the future – for housing, for infrastructure, for climate change and the real long term.

Business as usual thinking will not work.
More of the same will be a disaster in itself.

We must be bold. Anything else guarantees failure. We need to stop blaming others and accepting process driven mediocrity.

We need to pitch a grand plan for the whole of the Shire. We need to think regionally too. Our lives reach from Tweed to Ballina, from Byron to Lismore. We are in fact a small city spread out across the region. That's the reality and we should plan our future together, regionally and be aware of where we sit within the region.

Indulge me! Once upon a time central Paris was a messy knot of slums and filth. Haussmann's bold and beautiful plan created modern Paris – one of the great places to be and live anywhere on earth (the suburbs are another story). We need to be as bold as that to fix the situation we are in. We do not need to bulldoze any slums – just to be clear. But we need to be that adventurous. Doing things the way we have always done them. Getting lost in the endless maze of rules will have only one result – the victory of the free market and money. It's that simple. We all know that because it's already happening.

We need homes not houses, for our people now. We need to start a proper war. A constructive one. Because our communities have been disrupted and displaced and enough is enough.

Tomorrow my piece will look at the flood response and what we can learn and on Sunday we will look at the vision splendid – or the big plan we can sell to the NRRC. That's the job as I see it: to learn from the floods, to think way beyond business as usual and to create the Byron we want. A Byron with villages through the rail way corridor. A Byron that invests in infrastructure to handle the reality of our village and suburban life. A Byron where wildlife corridors and wetland management are fundamental to our response to the climate emergency.

A future we can be proud of ...

Mark Swivel 23 April 2022



The floods: what will we learn?

MARK SWIVEL

A flood can pick up a house and move it a mile. The water can destroy a bridge. Cars are trashed. Whole hillsides and forests get thrown around and rearranged. It is destructive and devastating. But these forces that cause so much suffering and dislocation are also creative. If you lose your home or your car or your business you have no choice but to get creative – if you can. Government can help, but it's people and community do the hard yards. That's the lesson of the flood. The Government has a profound moral obligation now to support the creative forces unleashed by devastation and disruption – with money and good decisions, planning properly for the long term.

On Tuesday after the first flood I went to Mullum to help out at the Neighbourhood Centre. I have run a legal clinic there on Wednesdays for 4 years. The boss was on holidays so I was asked to drop in to see how things were going. The deputy was delivering a message about risks in a slippery muddy environment when she fell over and did herself a mischief. So I was accidentally the one who turned up at Civic Hall when it was being commandeered by an ex-Army bloke I had never met. My main role was to be 'the grey hair' who contributed a sense of calm as the maelstrom gathered momentum. That was useful.

Across the road at the Ex Services Club the boss Andrew Spice and the deputy mayor Sarah Ndiaye had hosted 350 people evacuating on Monday night – and their dogs. Donations were pouring in – food and bedding, clothes and mattresses. An improvised op shop was developing there – full to overflowing – by Tuesday afternoon.

The mayhem of the moment must be remembered for all time. The key lesson to me is this: we were lucky. Yes, the community and key individuals did amazing things – doing rescues, hiking into the hinterland, pulling off chopper flights. It was amazing – and surprising – more people were not killed or injured by the flood and the emergency response. But seriously hats off to everyone in that first week who got involved, who stepped up. Every beautiful one of you. From people making meals and cleaning houses to tradies ripping out walls and carpets and the legion of counsellors that appeared overnight to give people in need the precious gift of someone to talk to.

There was a vacuum after the flood. Australia is a famously over-regulated place. Larrikins we tell ourselves but also experts in





bureaucracy and putting formal processes in the way of our true wilder natures. That's us.

And in that initial phase the truth is this – no one took charge. The SES, the police, the DCJ, the RFS. Who's job was it? No one knew. No one took charge. Everyone kinda looked at each other and stayed in their lane. It was chilling. Lest we forget that!

As the impact of the disaster bit harder by Wednesday – with no power, with the water running out, with petrol supplies low, with ATMS down and no one with cash – we all did our best. No one took charge and no one knew really who was supposed to be running the show. On a much greater scale Lismore was experiencing the same thing. And locally the stories of the cut-off communities of the hinterland came through and the serious damage done in Ocean Shores and SGB sunk in. Those who were there will never forget this.

There was no flood drill, and that's a fact. We were doing great as a community but it was a debacle. Every office in Australia has a fire drill – and we all sling-off when we rehearse it. But we needed a drill for these floods. Did

we what! And for all the work going on in the background, no one on the street knew what was happening and who was supposed to be running the show.

The Flood Inquiry will hear about so many lessons to learn, so many things to change – from the command and communication structure we really need, to the lack of back-up communications (all leaders and outer communities need satellite phones), the lack of public transport – we need minibuses – was exposed when so many cars were wrecked, the location of evacuation centres – too centralised – was an obvious problem, and the general risk aversion and cautious limits of key agencies – from the ADF to marine rescue – were on display and not serving us. In a crisis we need to ride the chaos, to be fluid and focus on the end goal of looking after each other. It is not business as usual. The community responded to fill the voids left by government.

For me it became immediately obvious that my main contribution was communication. Especially when the phones went down. On the first Wednesday when mobile and internet dropped out in Mullum I went to Bangalow to get medical supplies to send to Huonbrook and Upper Main Arm. I discovered the pie shop had ADSL so for a few days I sent messages to the shire and beyond doing my part by telling the wider world what we needed. It was proper chaos and we all did what we could. And by the weekend when the formal agencies were assembled to take over, so many people were distressed and burnt out. Lest we forget the hyper adrenalised first week in Mullum – repeated in infinite variety and similarity across the region. Roof top escapes. Boulders charging through lounge rooms. Landslips au go go. Bridges broken in the creeks. People in distress being helped by people in distress.

A flood turns a society inside out and shows you how it really works. Government at all levels is not great at spontaneous communication. Let's be honest. Even the

initial warnings were too little too late. Where the hell is the bell – or the siren – in the town square? It isn't there. The warning system failed us and failed us again in the second flood of 30 March.

And where oh where do the people go? Well they camp with friends or family, or get shunted off to a hotel in Byron – safe but lonely and detached from your moorings. And then when Easter came many got sent away from their work and home and supports. To Queensland or Grafton.



Then we discovered that the basic shelter humans need is not there. It simply does not exist – or was not on hand when it mattered – not in Mullum or Lismore or Coraki or South Gold Beach. It was an eye-wateringly horrible discovery.

Yet why should we be surprised? We have known for years that government has moved away from investing in housing in all forms – so why should emergency housing be available? Even the pods from the bushfires were so few in number it exposed how unprepared we are for disasters. How miserably lacking in foresight – and let's be frank – common sense. We need a national disaster housing inventory – a stockpile of pods.

The flood response exposed how we deal with housing generally – the rights of private ownership trump everything, housing has no overriding social purpose in the service of human beings. And we are wedded to planning systems and processes that serve the bureaucracy of the process but not our people.

Who are we? What are our values when it is all said and done? I am sick of hearing the excuses of bloodless bureaucrats who do not have to deal directly with tenants who have lost everything, who are arguing with landlords, with are struggling to make insurance claims because they can't think straight and haven't slept for a week. They can get stuffed! People's needs for shelter, for emotional support must come before everything else or we are savages, who know the price of everything and the value of nothing.

So from a crisis, a real life and death emergency we learn who the bloody hell we are. And the formal agencies cannot wait to get back to 'normal', to business as usual, quick enough. Because that's their 'happy place'. Because the corporates and governments of the world are addicted to 'positive thinking', to resilience – the 'suck it up' ethos that disrespects suffering. Ah, because if we stop to feel what disruption and displacement is then corporates and governments might – for a second – consider the callous realities of the world they have created and the suffering they think is ok.

Someone – who will remain nameless – told me not to worry about people being moved on to emergency accommodation in Byron to Grafton or Toowoomba – because 'this was a natural disaster'. Bugger that! Government lets itself off too easily. Resilience is what people already do. Government picks up the slack from there – because only government can made the society wide decisions and spend the huge amounts of money required to make a difference at the grassroots coal face. And government has done too little, too late.

We should do everything to keep our people near their homes and jobs. Shame on you!

The experience of crisis must be our guide as we move into the grinding calm of recovery. The effort and the challenge of infrastructure repair has been extraordinary. But that great work should not paper over the lessons we have to learn. We must accept the emotional and spiritual impact on people and their communities. We all need a sense of belonging, always, and that above all is what gets shattered. That is what motivates the incredible altruism and acts of giving – a desire to belong to something bigger than yourself. I worked with clients and friends, businesses and community organisations – for tenants and landlords, for people insured and uninsured. I deal with people in tears and in distress – and I am still doing that work, every day. That is a large part of my life's purpose.

A flood has a long, long tail. Publicly we must celebrate what we have done as a community and personally but privately I see the stress and the real suffering which is deep and continues. From people who can't get home and have barely a cent left to others who can't make decisions and can't stop crying ... even though they're insured because they're in a hotel far from home and friends.

So here's the thing – there is no business as usual. Every level of government is in denial. This flood was a warning. People who want to return to the ordinary rhythms of the council or the DCJ or the ADF should wake up to themselves. The flood was the bell in the town square, the siren in the middle of the night. A warning to get ready, to regather, to rebuild, to be creative in ways you cannot imagine yet. To have a new approach to risk. Because the coming risks are existential. Ask an insurer – they know the cost of natural disaster. They know the time to deal with our climate emergency was yesterday or a decade ago.

So that was the lesson of the flood. Listen. Look around and absorb the impact. Then rethink what you are doing, people, and use the creative energy in the chaos and destruction, to make a new community here. An exemplar for elsewhere, all over our fragile planet.



Let's make this place somewhere to be proud of, for real and forever. Let's be the smart canary who got out of the coal mine. Because we did not go back to work, blithely. Because we did not look away from the blindingly obvious.

May we look back one day and say: 'We listened and we worked hard'.

That's what I want to do and I beg you to join me. Let's get stuck in together like we did when the flood first struck. Let's be creative and remake this beautiful place, with some hard won wisdom. Or be damned!

Mark Swivel 24 April 2022



Mark Swivel



Causes

Issue: The fundamental cause of climate change in generating extreme flooding and other natural disaster should be integrated in policy at every level.

Recommendation: Accelerate decarbonisation, zero emissions and renewable energy programs across government.

Issue: The major aggravating factor in flood impact was the undercooked or under-maintained drainage and sewerage infrastructure across the region and the shire.

Recommendation: Invest in effective infrastructure as a primary source of climate change impact resilience.

Issue: Climate change denial and ‘fringe’ theories eg about cloud-seeding persist in this community and can distract or undermine effective responses.

Recommendation: Conduct public education programs to explain the causes of climate change and natural disaster.

Preparation and Planning

Issue: A significant aggravating factor in flood impact was the slow and ineffective warnings given to community members.

Recommendation: Invest in the Bureau of Meteorology to enable at least hourly updates through the night, with formal data integrated with community reports on weather impacts; invest in smart phone and analog (eg siren) systems to improve warning effectiveness.

Issue: A significant impediment to flood response was the lack of information on and training in flood / disaster response and the communication channels across government agencies and with the community.

Recommendation: Design and train communities in ‘disaster drill’ training – town by town, community by community – so that the chain of command and communication is known among residents.

Issue: The resources in the SES and RFS remain – for example – only a handful of members were able to work in the emergency response and members worked for extraordinary periods of time without sleep or relief.

Recommendation: Invest in recruitment and resourcing of SES, boosting numbers but also community access to available disaster response assets eg dinghies and chain saws which are accessible via existing funding programs.

Response to floods

Issue: The floods exposed the need for a redundancy communication system as council itself and councillors were unable to function or communicate in the immediate aftermath of the weather event. The failure of back-up systems and the continuing performance of old systems eg ADSL connections were valuable lessons learned.

Recommendation: Optimise the use of satellite technology and ADSL or other ‘old’ technology for resilient communication.

Recommendation: Provide key community leaders with ‘disaster proof’ communications e.g. at home.

Recommendation: Develop ‘disaster recovery’ operation units (suites) for council staff and management – in each shire and across the region.

Transition from incident response to recovery

Issue: Our community responded with great initiative, skill and co-operation but the initial emergency response occurred in a relative vacuum or lack of information on the role of government agencies.

Recommendation: Design and train communities in 'disaster drill' programs – town by town, community by community – so that the chain of command and communication is known among residents.

Recovery from floods

Issue: The amount of funding provided to flood affected families was modest and did not adequately provide for basic needs, forcing people to rely on charity and draw on scarce savings.

Recommendation: Review flood relief programs and allocate disaster program funds to provide more meaningful assistance in the emergency response phase.

Issue: The assumptions of flood relief were based predominantly on inundation or water based damage to property (houses) but many residents and their properties suffered from disconnection due to landslip or inaccessible roads and bridges.

Recommendation: Update flood relief programs to be inclusive of all flood impact – focussing on overall amenity and livelihood impact rather than damage to property.

Issue: Many community members have had to make decisions – in consultation with insurers and builders – in the absence of clear policy guidelines or programs for rebuilding (eg DA processes, programs for 'voluntary' purchase or raising). Uncertainty is inevitable but community expectations could be managed more proactively.

Recommendation: Develop communication and engagement strategies so policy and decision makers understand needs of residents in the wake of natural disaster.

Any other matters

Issue: Disputes among landlords and tenants emerged quickly after the floods with uncertainty about who is responsible for cleaning costs, about the definition of inundation for the purposes of terminating a lease, about the abatement (reduction of rent) and the impact of disconnection from property due to landslip or lack of access.

Recommendation: Review and update the standard residential lease and the legislation to provide greater clarity and fairer risk allocation between tenants and landlords.

Safety of all emergency service personnel and community first responders

Issue: Some agencies reported concerns about inability to take action due to perceived risk of liability for their organisations or personally.

Recommendation: State government should review the risk management processes of responder agencies to maximise the protection for operational decision-makers that prioritises contribution to disaster response (e.g. in the deployment of assets for purposes not in the usual remit of the organisation).

Issue: Many individuals undertook dangerous activity in the interests of fellow community members, often operating in a 'grey area' as to whether they were covered by insurance or protected from liability.

Recommendation: Review the legislative protection for good Samaritans to ensure that volunteers taking reasonable precautions are able to 'proactively' contribute to emergency response without fear of personal liability.

Preparation and planning for future flood threats and risks

Issue: Evacuation centres performed well but many could not access them and their resourcing was limited, and some community members did not know where they were.

Recommendation: Develop decentralised, smaller evacuation centres on a 'ward' basis so that residents can access a local solution. Explore the use of local public assets as small scale solutions. Encourage awareness of how to prepare and use evacuation centres in emergencies.

Impact on essential services, including electricity supply, water supply and telecommunications

Issue: 'Cash supply' or alternative payment systems need to be explored. In the immediate aftermath of the flood once systems went down the primary of cash became apparent.

Recommendation: Review the provision of cash – already in short supply, especially in regional areas – and the potential of alternative 'token' systems to enable transactions in the event of telecommunications failure.

Land use planning and management and building standards, including:

Issue: The floods exposed the larger crisis in housing across the region and the flood / disaster specific response should integrate long-term solutions to our housing shortage and lack of diversity.

Recommendation: Land use strategy should be integrated – incorporating residential, rural and business & industrial – with 'resilient' community development seen as the best response to climate change and the investment in sustainable communities and economies.

Issue: The community needs clearer guidelines on the areas where (re)building can be undertaken and the on-going scope of (re)purchase and raising schemes.

Recommendation: The response across the region (and the state) should not be business-as-usual relying on existing strategies. The Northern Rivers Reconstruction Corporation should be seen as a historic opportunity to come to the challenge of community planning with fresh eyes, catching up for the lack of housing stock and undercooked infrastructure and creating integrated sustainable communities for the long-term.

Issue: Many community members were exposed to greater losses as a result of a lack of insurance.

Recommendation: Government should explore options for reinsurance or state and national based natural disaster insurance schemes (like 'CTP' car insurance).

Appropriate action to adapt to future flood risks to communities and ecosystems

Issue: As noted above we need clearer policies and programs on (re)building and raising schemes.

Recommendations: Introduce clear policy guidelines or programs for rebuilding (eg DA processes, programs for 'voluntary' purchase or raising).

Issue: The impact on habitat, wetlands, animals and livestock was obvious but a fringe policy issue.

Recommendation: Future policy needs to integrate habitat protection (prioritising riparian areas and wildlife corridors) and food security based land use planning (especially to plan for small scale farming).

Issue: The deployment of the ADF was a key part of the response with much great work performed but the capacity and limits of the ADF were unclear to the community in the unfolding crisis.

Recommendation: Review the deployment processes for ADF and the skill-set match between disaster impact and the specific personnel engaged in the response; maximise direct community representative communication with the ADF to address specific needs and tasks.