

Floodplain Management Authorities



BUSINESS PAPERS, ANNUAL GENERAL MEETING

1.35pm, Thursday 19th February, 2009

**Albury Convention and Performing Arts Centre
Albury. NSW**

- Item 1 Adoption of Standing Orders and Appointment of Scrutineers**
- Item 2 Apologies & Attendance**
- Item 3 Confirmation of Minutes of 2008 AGM & Business Arising**
- Item 4 Chairman's Report & Business Arising**
- Item 5 Executive Officer's Report & Business Arising**
- Item 6 Treasurer's Report & Business Arising./**
- Item 7 Floodplain Manager Professional Education**
- Item 8 Items Listed for Discussion**
 - 8.1 Is it Time for a federal FMA?
 - 8.2 Motion Regarding Lack of NSW Government Support for Floodplain Management and Flood Mitigation
 - 8.3 Flood Mitigation Infrastructure and Flood Management Programs are great value and MUST be seen as part of "Turning Back the Economic Depression"
 - 8.4 Proposed Constitutional Changes
 - 8.4 NSW Planning Guidelines, new SEPP (Exempt and Complying Codes) and new Building codes,
- Item 9 2010 and 2011 Conference Reports**
 - 2010 Gosford Report
 - 2011 Tamworth Report
- Item 10 General Business**
- Item 11 Next Scheduled Annual General Meeting**
2010 Annual Conference (23rd to 26th February, 2010)
Gosford. NSW.

List of Appendices

Item #1 Adoption of Standing Orders and Appointment of Scrutineers

FMA AGM Standing Orders can be found as an Appendix to the Business Paper. It is suggested that four (4) Scrutineers be appointed for the AGM; scrutineers must be nominated and approved at the AGM. The Chair will call for nominations of scrutineers.

Item #2 Apologies and Attendance

Apologies held by the Executive Officer
Apologies from the floor of the AGM
Call for all present to sign the Attendance Sheet.

Item #3 Confirmation of Minutes of the 2008 Annual General Meeting and Business Arising.

Draft Minutes of the 2008 AGM were circulated to members after the meeting. The meeting minutes can be found as an Appendix
Business Arising will be called by the Chair

Item #4 CHAIRMAN'S REPORT

Welcome to our 2009 Annual General Meeting.

I welcome particularly all delegates attending for the first time. As we have a lot to discuss, I intend to be brief as possible. Please note that there are several items already listed on the Agenda for discussion, these will be dealt with first. When rising to speak on matter please identify yourself and your authority/body/company. Please also remember that persons allowed to vote at the AGM must register and have obtained voting cards from administration before the AGM commenced.

It is also nice to be able to report that the Authorities is in a healthy position in respect to memberships and that Corporate membership is slowly growing. We now need to look at how Government Departments can more formally join with the FMA.

Looking back at 2008

Challenges have included

- Changes in government policy;
- Changes in the delivery of Government programs;
- Multiple changes in State Government Ministers and no response for meeting requests to the current Ministers;

- EMA investigation which continue and appear aimed to “remove” flood mitigation infrastructure from any reasonable level of federal funding;
- Abandonment of the Federal Government commitment to ongoing Flood Mitigation programs;
- Floods which again have exposed failure to inform and prepare communities; raise questions of why mitigation programs have not been funded; raise questions of why “recently & new” development has been flooded.
- Strengthening of relationships with the ASFPM

Yes, 2008 was a year of considerable frustration particularly as we saw flooding again emerge as a visitor of death and damage upon communities. It is frustrating to see communities and individuals suffering losses which may well have been avoided. The penchant for politicians to “fly in, fire off a hand out or two, then fly off” rather than allocate funds to fix the problems will undoubtedly continue until the community sends clear signals that enough is enough. Again it is frustrating that the media does not want to report on resolving the problems but seeks only the 60 second action grab. Flood mitigation is essential but unfortunately not “glamorous and action packed” and at the moment does not appear to be “on the governments agenda”.

What of 2009?

With all the doom and gloom merchants and a myriad of “chicken little’s” screeching in unison, 2009 must be seen as a year of expansion and opportunity and challenge. World recession will undoubtedly see economic problems, but as governments seek to combat recession and ameliorate unemployment by infrastructure spending we must demonstrate to the government the economic, social, environmental and ecologically sustainable benefits of an explosion of funding for floodplain management and flood mitigation programs & projects. This opportunity needs to be driven home to the government before decisions are made to abandon a federal flood mitigation program.

A harsher economic climate should mean closer looking at all programs; now is the time to demonstrate the economic credentials of listed and approved FMA infrastructure projects. For the FMA to remain meaningful and leader in the field, the FMA must develop “sustainable relevancy”. By this I mean relevant policy positions succinctly expressed, well developed linkages to government at all levels, a structure which supports the objectives and facilitates delivery of policy objectives, leadership which will support, nurture, develop and deliver the Authorities program in an inclusive framework.

As I look back over the last decade, there have been major shifts in the organisation and policy areas of the Authorities. In many ways the Authorities have matured in this time from primarily being a single purpose functional “funding lobby group” to a wide ranging group involved flood risk management and flood education, general program delivery, prioritising projects, technical and legal support for members, community education and developed international connections. To prepare for our next 50 years in 2009 we need to nurture and develop some further changes in the Authorities, to our structure and delivery of services. To put some form on this I have grouped my comments under the following headings:

“Form” of the Authorities.

The FMA currently recognises the following membership levels

- Full Members (Councils, County Councils & Catchment Management Authorities within NSW)
- Associate Members (as for full members but outside NSW)
- Corporate Members (Consultants, Manufacturers other organisations involved in Floodplain Management and Flood Mitigation)
- Private Members (Individual persons)

- Life Members (conferred on individuals who have given exceptional service to the Authorities)

Two issues I believe need to be addressed-

- whether full membership should be opened up to all such organisations Australia wide
- how relevant Government departments can best be recognised and invited to formally participate in the Authorities.

Of these two issues, the first is discussed elsewhere in these business papers. With respect to the latter, the Government Departments, I suggest that we consider the recognition under the term “Corporate and Government” membership.

Organisational Structure

The structure of the organisation is at the heart of service delivery. Just how does the Authorities support mechanisms function and provide the additional demands being made on it all within the capacity of members to sustain. In raising this matter I also question the ability to place any meaningful recommendations to this AGM as other fundamental and controlling issues must first be finalised. Once these decisions have been made then reports to quarterly meeting will be made regarding this issue. We will aim to have reports on structure alternatives available for the November quarterly meeting

Policy Development

There is a need that the FMA again engages upon a series of meetings to define a series of policy and strategic positions for the consideration of the next AGM. These are things that to date we could have done better at, but in saying that all need to recognise the limitations imposed by resources available and in particular the heavy reliance upon “free” or “voluntary” service. We will aim to have reports on policy development available for the August quarterly meeting.

Publicity and Press

The FMA needs to do better with press releases and publicity. It really is not sufficient to rely upon the Executive Officer to “whip a few press releases off” in a flood. A much more structured approach is needed and clearly time and effort is required to develop media contacts. There are several ways that the Authorities could go about developing media contacts. What I am seeking is for a full member authority to assist in the short term through existing internal Public Relations staff. If you can assist the FMA in this matter please contact me urgently.

Website

Development of our website again has been slower than was originally anticipated. The 2009 budget proposal contains an allowance to allow upgrading of our site in its front page presentation and to allow the site to be further developed as the repository for all information and records. As for my comments with Publicity and Press, I again seek the assistance of a full member. If you can assist, please contact me urgently.

International Contacts

As reported through the quarterly meetings, I was fortunate enough to be able to attend the ASFPM Conference in Reno Sparks, Nevada, USA, in May 2008. During that Conference I was able to meet with the ASFPM Board and discussed their plans for an international committee for liaison and exchange on Flood Risk, Floodplain Management & Flood Mitigation. I indicated that the FMA would be supportive of such a committee. I understand that a Board meeting will be held shortly before the FMA Conference to further that project and I trust I will have further information at the AGM. As members are aware serious flooding issues are faced by our neighbours; much damage, property and lives are lost in flooding disasters which hit quite frequently. This year Vietnam was particularly struck. An Australian

working in Vietnam on a project in local governance knew of the FMA and emailed a thought that the FMA should offer to assist. We have been able to make initial contacts and at this time of writing this report we are awaiting finalisation of what will happen. I have invited the Vietnamese to provide a keynote speaker for the 2010 Conference and also issued an invitation for attendance at the 2009 Conference. In doing so, I have offered on behalf of the FMA, to provide transportation and accommodation for attendance at the Conference whilst within Australia.

Members wishing for more information on the background on how this all arose should speak to Steve Frost. I must also thank Harry Mansson for his assistance in establishing contacts within the Vietnamese government departments.

I intend that the development of International contacts, particularly within our regional area, will be a focus area for 2009.

The 2010 Conference...Special Invitations

Already the 2010 Conference is shaping up to be a great event. To help celebrate our 50th Anniversary it is proposed to issue invitations to retired leaders in floodplain management (the “old and the bold”) and to specific past keynote speakers and international participants. In issuing invitations to international participants, it may be necessary to meet some costs such as registration, accommodation and transportation. An allowance has been specifically made in the draft budget for such costs. Members are assured that such costs will be incurred only as required and not as a matter of course.

Deputy Chair

To better “spread the load” and to give the Deputy Chair a more defined role within the Executive, I will be discussing the situation with the Deputy Chair and together decide what responsibilities should be defined. I would anticipate the overseeing the day to day operational functioning of the Authorities, ensuring that special report dates are met and treasury matters would be items which would form part of my discussions with the Deputy Chair.

Financial Strength

The financial strength of the Authorities is sound at the moment and will remain so as long as the Authorities are supported by members. In these harsher economic times we must at all times ensure that the funds we raise and how expend those funds is bound by the answers to the questions

- Are we raising only what we need though fees?
- What alternative sources of funds are there and have they been tapped?
- Is the project required?
- Does the proposal “add value” to the project?
- Is there “value for money”?

These are the “blowtorch” questions to be asked for all expenditure in toughening times.

Support Services.

The Executive Officer has reported that there has been no formal response to the call for a full member to accept responsibility for Executive Officer and Executive Support Services. I must report to the meeting that I did have an approach of interest for tendering these services should the Authorities choose to do so. I have discussed the continuing provision of services with the current provider of executive services (Aus Engineers) who has agreed to continue to provide services until the 2010 Annual Conference (effectively this will be an extension from July 2009 to March 2010).

In agreeing to this solution the Authorities now have time to consider more fully the type, nature and delivery of services after the 2010 Conference in the light of decisions to be made in 2009 regarding several issues already discussed. Given the length of time since the initial

calling of the current contract, I would suggest to members that the agreed contract price should be adjusted by CPI.

Whilst the incumbent service provider is in agreement to continue to the 2010 Conference, by the 2010 Conference, the Authorities must have in place alternative Support Service arrangements.

Sudden Rises

At the 2008 Conference, following an offer by Molino Stewart, members agreed to trial the provision of “Sudden Rises” as a two page insert into the Molino Stewart publication “Floodplain Manager”. Floodplain Manager is distributed some six times a year to subscribers. The FMA provides all material for “Sudden Rises” and remains responsible for editorial comment. Floodplain Manager is distributed electronically to full FMA members who were financial at the time of the first distribution. The FMA paid some \$6020 for bulk subscription of members for this service.

As the Sudden Rises arrangement was a “trial” for a twelve month period, members must now reconsider the matter. I am recommending to the AGM that the insertion of “Sudden Rises” into the Floodplain Manager” be discontinued and Molino Stewart thanked for the service in 2008. This recommendation is not a comment on the worth of the publication “Floodplain Manager” rather it is an assessment of “added value” to the FMA and members. One way of looking at this is that all FMA members receive the information contained in “Sudden Rises” through other material circulated by the FMA. Effectively, the only “additional” groups being reached by the FMA through “Sudden Rises” are the non FMA subscribers of “Floodplain Management”. Additionally, if the arrangement is extended to all classes of FMA membership as it could be argued that it should be, then membership fees of all non full member levels would have to be changed and increased to allow for the cost of “Sudden Rises”. In conclusion, it is my belief that the payment of some \$6020 for a two page insertion into “Floodplain Manager” does not represent value for money for the FMA and should not be continued.

Towards 2010 and Beyond

2010 will mark the first 50 years of the Authorities; the 50th anniversary of the first FMA Conference. Already it has been decided that the 2010 Conference theme will be one of “looking forward”. So as we move into 2009 the Authorities need to prepare for the next 50 years.

I suggest that some of the questions we need to ask this year and resolve are

- What is our relevance to Floodplain Management and Flood Mitigation? How can we remain relevant? How relevant are we right “now”?
- What are our Objectives? Are our objectives clearly enunciated?
- What is our Policy base? What is right, what is wrong with policy?
- How can the Authorities better equip themselves to achieve objectives?

A discussion paper has been circulated regarding the possible formation of a “federal” FMA organisation. The debate regarding that paper is listed at a following Agenda item. This is a first step in looking at the FMA, where it has been, where it is at, and where it sets itself to go to in the future.

In 2008 we launched a book on the history of the FMA; that was our retrospective.

In 2009 we will examine where we are at, the present and the challenges of where we go in the future.

In 2010 we will be focused on what we want for the future, how we intend to achieve the goal and the legacy that our actions (or lack thereof) will leave in 2060.

Concluding Comments

Your Executive has worked tirelessly to extend the influence of the FMA, to bring a cohesive approach to Floodplain Management across Australia and to battle the ingrained belief in the media and some government departments that “flooding is something of the past”. Despite the recent flooding and damages, despite impassioned pleas for funding of flood mitigation infrastructure and flood management programs to be funded to levels which would resolve flooding problems, Government at the Federal level has no ongoing budget commitment to funding in 2009/2010 Budget Projections. The State Government meanwhile actively is reducing support for Floodplain Management and Flood Mitigation Infrastructure through such things as the adoption of planning guidelines which do not support Flood Risk Management policy and the active reduction of staffing levels supporting Flood Risk Management policy implementation.

Representations regarding the value of Flood Mitigation infrastructure have been made to state and federal politicians and Ministers. Representations regarding the need to retain staff, to meet obligations under Policy and to protect our communities have been made to state politicians and Ministers.

Representations to both State and Commonwealth parliamentarians must continue if we are to get satisfaction regarding floodplain management and flood mitigation infrastructure funding. Please, at every opportunity, engage your local members of parliament in this debate pointing out the need for your community and the need for the politicians to align their interests with the community interest.

Finally, I am encouraged by the trust that members have shown in my re-election as Chair of the FMA. I look forward to a year which will provide the foundation of the next 50 years growth of the Authorities. However, I have been Chair since 1999 and whilst I believe that I have taken the FMA forward I am convinced that the time is upon us when the FMA must plan to elect new leadership to lead the Authorities into the next 50 years

Yours Faithfully

Cr Allan Ezzy. APM
Chairman

Draft Motion to be moved following the Chair’s Report:

That in respect of the Chair’s Report

- 1) The Report be accepted and actions proposed endorsed
- 2) That the FMA cease to publish “Sudden Rises” as an insert to “The Floodplain Manager” and a letter of thanks be forwarded to Molino Stewart.
- 3) That the FMA Chair be authorized to enter into discussions with the ASFPM and other international organizations involved in Floodplain Management and Flood Mitigation with a view to establishing an international committee.
- 4) That the Chair be authorized to extend the contact of the current Executive Services provider up to March 2010 and that the Executive undertake all necessary actions to have a new Executive Service provider in place by the 2010 Conference.

Item #5 Executive Officer's Report

A Few Stray Thoughts

The FMA, in the form that it has been known for many years, is at a crossroads. I believe that it is not too harsh to say that in reality the choices are stark, either Renew, Refresh and Reinvigorate, or Wane, Wither and Wilt.

Why the stark scenario?

Unless the people within the FMA look at the future and unless new blood steps up to assume the leadership roles, I believe that there will be no future for the FMA.

There are several other factors which will affect the FMA's state of affairs including

- Political will
- Professional drive
- Evolution of federal/state/local government relationships

There is no doubt that post GST there have been significant and irreversible systemic changes within the dynamics of federal/state/local relationships; this change has largely been driven by the change in taxation regimes. Put simply, who has funds and who does not have funds.

There is also no doubt that that there has been significant change in what services governments provide and in how services are delivered by government, in how governments receive information and set priorities and how governments "advertise" and undertake public education. With greater access to the media, Governments have become more "populist" and "myopic" in their vision and attention span.

Governments are also "bitten by the bug" of incessant rebadging and name changing of programs, departments, and Ministers, all occurring with monotonous yet breathtaking regularity. Great if it all produces positive measurable outcomes. But can you measure outcomes when such chaos exists? But then perhaps chaos and non-accountability are the true objectives.

This type of behaviour is not new, indeed it is a resurrection of behaviour observed by the Greeks in their war with the Persians which records complaints about being formed and reformed by different generals without ever mastering any formation. A more modern "bureaucrat", Sir Humphrey Appleby (Yes Minister), observed to Minister Hacker that the Minister "had it wrong" expecting progress from the public service: the public service was all about "activity" and activity was not to be confused by "progress".

So what I am saying is that to be heard it is no longer enough to present facts figures and programs which scream of their need for funding support; we must learn how to engage in a publicity campaign to create demand, how to press on, as a salesman would when interest is shown, to successfully secure the objective: the commitment to flood risk management, sustainable flood mitigation and meaningful funding levels so desperately needed.

Federal Floodplain Management Programs

2008 has been a year of frustration and of "back to the future". With natural resource programs transferred to EMA, EMA launched into a review of funding and delivery of the

program. The upshot of that were delays in decisions and the late calling for a 2008/09 natural disaster program with an inevitable consequent delay in calling for proposals: the delay being so long that even at the writing of this report, no announcements of funding for individual projects has yet occurred.

There is no 2009/2010 federally funded natural resource of flood mitigation program in the forward estimates of the 2009/10 budget. Traditionally the call for nomination of projects to be funded would have been undertaken by now and would be closing at the end of February. Unless such a timetable is held, the program will never be announced to allow commencement within the first half of the financial year.

THIS IS THE FIRST YEAR SINCE 1960's THAT THERE IS NO FEDERALLY FUNDED PROGRAM FOR FLOOD MITIGATION SECURED AND IN PLACE.

At a time when the government fawns infrastructure expenditure as a salvation for threatened unemployment, the Government has effectively withdraw all funding from flood mitigation infrastructure projects and from floodplain management programs; projects with positive cost benefit, projects already consulted with the community.

DOES THIS ALL REALLY MAKE SENCE?

Membership

Under the proposed constitutional changes, Membership would be expanded to allow easier access to membership for government departments. Members are encouraged to spread the word that the FMA is the body fighting for Local Government with respect to flood issues, flood management including mitigation and funding.

Proposed Membership levels:

- Full Members
- Associate Members
- Corporate Members
- Government
- Private Members
- Life Members

Details in the specific item on constitution changes.

2009 Quarterly Meeting Dates and Place

All remaining 2009 Quarterly Meetings will be held in the McKell Building Auditorium, Rawson Place, Sydney at 1100 hrs. Because of prior bookings we have not been able to secure dates requested. Please place these dates in your diary and please pay attention to both date and day.

- May 2009 Quarterly Meeting: Thursday 28th May 2009 @ McKell Building, Sydney
- August 2009 Quarterly Meeting: Tuesday 25th August 2009 @ McKell Building, Sydney
- November 2009 Quarterly Meeting Thursday 26th November 2009 @ McKell Building, Sydney

Meeting time is 1100 to 1300 hrs. A light luncheon is served after the meetings to enable members to network.

Members Survey, new Corporate Plan and Business Plan.

Last year it was proposed that we should undertake a complete review of our corporate and business plans.

For several reasons an early start to the undertaking of this review was not possible; and overall, as the year progressed, there was doubt as to whether a new strategic plan was sensible given the fundamental questions being asked of this AGM.

Delaying a new strategic plan is not a disaster as the delay will in fact mean that the new strategic plans will be built around, and therefore receives impetus from, the decisions regarding the nature and form of any federal FMA. The 2009 Business Plan, including the financial plan, has in consequence been developed as an extension of the 2008 plan.

FMA Book

Last year saw the launch of the FMA book written by Chas Keys '**Making Communities Safer in Times of Flood: the Story of the Floodplain Management Authorities of New South Wales**'

Copies of the book are available at the FMA stand or through the Executive Officer, \$25 per copy plus postage and handling. After the initial flurry, sales continue at a steady dribble. 2010 will see the 50th Anniversary of the FMA.

As with all books of this nature, print run costs mean that there are more books printed than sold. Rather than end up with books left sitting in a corner in 10 years time which then must be thrown away (being out of date & non saleable) approval is sought for the Executive to control ongoing stock numbers by positive disposal of surplus stock. It is proposed to do this by gifting a copy of the book to public libraries (Council & State).

Variable Funding Ratios

As there are new members present and others have expressed uncertainty as to the precise details of the FMA's Variable Funding Ratio proposal, I have reproduced the key tables below and invite further enquiry for the FMA's explanatory document. Under the FMA's proposal, no Council would be "worse off" than the "current" joint funding arrangements of \$1Federal: \$1State: \$1 Local. A significant number of projects would qualify for a better deal with the most disadvantaged Councils receiving funding ratios of up to \$4Federal:\$4State:\$1 Local for commonwealth joint projects and \$8State:\$1Local for state only joint projects. A brief extract from the document:

"Based(*) on historical funding ratios and the need to recognise the financial situation facing some Councils, funding ratios of 1:1:1, 2:2:1, 3:3:1 and 4:4:1 were considered and it is proposed that the funding ratios be applied as follows:

- ***Category I Councils - Council's that receive less than the average Grants Commission grant per head minus 20% be offered the current funding ratio (1:1:1).***
- ***Category II Councils - Council's that receive a Grants Commission grant per head in the range average plus/minus 20% be offered a 2:2:1 funding ratio.***
- ***Category III Councils - Council's that receive more than the average Grants Commission grant per head plus 20% be offered a 3:3:1 or 4:4:1 funding ratio.***

| Suggested Funding Ratio for Council Category and Project Size for Works Projects | | | | |
|---|--------------|----------------------------------|-----------------------------|------------------------------------|
| 1. State Assisted program | | | | |
| | | Council Category | | |
| | | I | II | III |
| | | Relatively Well Resourced | Moderately Resourced | Relatively Poorly Resourced |
| | | 79 Councils | 27 Councils | 49 Councils |
| Project Size | Small | 2:1 | 4:1 | 6:1 |
| | Large | 4:1 | 6:1 | 8:1 |
| 2. Commonwealth & State Assisted program | | | | |
| | | I | II | III |
| | | Relatively Well Resourced | Moderately Resourced | Relatively Poorly Resourced |
| | | 79 Councils | 27 Councils | 49 Councils |
| Project Size | Small | 1:1:1 | 2:2:1 | 3:3:1 |
| | Large | 2:2:1 | 3:3:1 | 4:4:1 |

*** This Table was based upon estimated 2005/06 Grants Commission data. The table could be updated annually as new information becomes available.**

Please remember that unless we can retain a federally funded program, the discussion regarding funding ratios is simply academic.

First things First: Mobilise all your resources to winning the campaign for a federally funded flood mitigation program. Until that battle is won, discussion regarding joint funding and funding ratios simply confuses the key objective.

The Key Objective: The key objective is that the Commonwealth commits to funding an ongoing program for floodplain management and flood mitigation.

Election of Executive Office Holders.

In capacity as Returning Officer I advise as follows:

Following the Calling for Nominations the following Nominations were duly received

Chair

One Nomination Received.....Cr Allan Ezzy, Holroyd City Council

In consequence I declare Cr Allan Ezzy duly elected.

Executive Member Planning

One Nomination Received.....Mr Allan Gear, The Hills Shire Council

In consequence I declare Mr Allan Gear duly elected.

Executive Member Technical

One Nomination Received.....Mr Ian Dinham, Tweed Shire Council

In consequence I declare Mr Ian Dinham duly elected.

Executive Officer & Executive Services Provider

No Nomination Received

This matter is dealt with in Item 4 of the Agenda, the Chair's Report.

Deputy Chair

Two Nominations Received

- Cr Betty Green, Kempsey Shire Council
- Cr Chris Holstein, Gosford City Council

As is usual practice, ballot papers have been distributed to the voting delegates when registering, scrutineers called by the Chair and appointed. Each nominee has up to 5 minutes to address the meeting. Members are then requested to determine their vote, the scrutineers will collect, count and advise the ballot result (note that the meeting will proceed whilst this occurs) The Returning Officer declares result of ballot.

2011 Conference Host.

Following the Call for Nominations, the Executive Officer received one "bid" to host the 2011 Conference. In consequence I declare Tamworth Regional Council to be the "host member" for the 2011 Conference.

2009 will be an exciting year in Floodplain Management. We will all need to work to address the challenges before us.

Yours Faithfully

Wilton C Boyd
Executive Officer

Draft Motion to be moved following the Executive Officers Report:

That in respect of the Executive Officers Report

- 1) The Report be accepted and actions proposed endorsed
- 2) That the Executive be authorised to disperse all excess FMA books retaining a number for gifting as required.

Item #6 Treasurer's Report

2008 Financial Year AUDIT:

The complete Audit Documentation can be found in the Appendices. The Detailed Balance Sheet as at the 31 December 2008 is reproduced below.

Floodplain Management Authorities of NSW

Income and Expenditure Statement For the year ended 31 December 2008

| | 2008 | 2007 |
|--|-------------------------|-------------------------|
| | \$ | \$ |
| Income | | |
| Membership subscriptions | 77,470.00 | 90,220.92 |
| Interest received | 4,743.00 | 5,836.93 |
| Sundry income - conference refunds | 14,517.65 | 1,818.18 |
| Sundry income - book sales | 5,387.71 | - |
| Subsidies received | 43,333.00 | - |
| Total income | <u>145,451.36</u> | <u>97,876.03</u> |
| Expenses | | |
| Accountancy | 2,100.00 | 1,990.00 |
| Advertising and promotion | 4,807.27 | 1,252.27 |
| Audit fees | 1,460.00 | 2,630.00 |
| Bank Fees And Charges | 7.11 | 9.86 |
| Chairman wage | 4,500.00 | 5,250.00 |
| Chairman Allowance | 39.68 | 240.56 |
| Conference & travel expenses | 18,844.98 | 21,807.96 |
| Depreciation - other | 3,235.00 | 3,181.00 |
| Education expenses | 15,000.00 | - |
| Executive services | 37,500.00 | 30,000.00 |
| FMA Book Project | 21,138.07 | 12,310.37 |
| Legal fees | - | 2,750.00 |
| Meeting lunches | - | 1,357.27 |
| Printing & stationery | 1,248.94 | 75.36 |
| Subscriptions | 6,020.00 | 361.82 |
| Tolls/Parking | 221.74 | 27.90 |
| Website maintenance | 2,520.00 | 454.55 |
| Total expenses | <u>118,642.79</u> | <u>83,698.92</u> |
| Profit from ordinary activities before income tax | 26,808.57 | 14,177.11 |
| Income tax revenue relating to ordinary activities | - | - |
| Net profit attributable to the association | <u>26,808.57</u> | <u>14,177.11</u> |

The accompanying notes form part of these financial statements.

2009 Proposed Budget (2009 Business Plan)

General

The proposed 2009 Business Plan (including the proposed 2009 Budget) can be found in the appendices.

As can be seen, the finances are healthy and existing fees sufficient for the Proposed 2009 Budget. However, it is also obvious that there is a serious downturn in our economy and that this downturn will place added burdens upon members and perhaps membership. Overall, the Authorities are in a position that there is some demand for additional services and/or some services previously provided "gratis" by members that can no longer be provided in that fashion. There are no hidden "socks" to raid and any additional funding can only come from new financially rewarding initiatives or from the most readily available source, membership fees.

Membership Fees

Membership fees are to remain as for 2008:

| | |
|------------------------------------|-----------|
| Full Members..... | \$1100.00 |
| Corporate & Associate Members..... | \$550.00 |
| Government Partners..... | \$550.00 |
| Private Members | \$110.00 |
| Life Members..... | Nil |

2009 Budget Details

The proposed 2009 Budget is as follows

FLOODPLAIN MANAGEMENT AUTHORITIES OF NSW Proposed Budget 2008

| | 2008 Budget | 2008 Actual | 2009 Budget |
|---------------------|----------------|-------------------|----------------|
| INCOME | | | |
| Membership Fees (1) | 93,500 | | 93,500 |
| Interest (2) | 4,000 | | 4,000 |
| Sundry (3) | 8,500 | | 0 |
| Grant (4) | 0 | | 0 |
| FMA Book Sales (5) | 5,000 | | 0 |
| TOTAL INCOME | 111,000 | 145,451.36 | 97,500 |

| EXPENDITURE | | | |
|---------------------------------|--------|--|--------|
| Audit & Accountancy Fees (7) | 4,000 | | 4,000 |
| Chairman's Allowance(8) | 6,000 | | 6,000 |
| Executive Services (9) | 35,000 | | 35,000 |
| Special Executive Services(10) | 7,000 | | 7,000 |
| Annual Conference Expenses (11) | 8,000 | | 20,000 |

| | | | |
|---|----------------|-------------------|----------------|
| Entertainment | 1,000 | | 1,000 |
| Media / Promotions | 5,000 | | 5,000 |
| Miscellaneous | 3,000 | | 4,000 |
| Lobbying | 2,000 | | 2,000 |
| Website(15) | 5,000 | | 20,000 |
| Member Visitation & Committees(16) | 4,000 | | 9,000 |
| Legal | 4,000 | | 4,000 |
| Floodplain Professional Education(12) | 25,000 | | 0 |
| Australian Taxation Office | 5,000 | | 0 |
| Bulk Subscription "Floodplain Manager" (13) | 8,000 | | 0 |
| TOTAL EXPENDITURE | 122,000 | 118,642.79 | 117,000 |

| | | | |
|------------------------------------|------------------|------------------|------------------|
| SURPLUS/(DEFICIENCY) | (11,000) | 26,808.57 | (19,500) |
| | | | |
| Carry Over Expenditure (14) | (23,000) | | (6,000) |

- Notes: (1) Income based on 80 Full members and 10 Associate/Corporate/Government Members
(2) Assuming that the economic conditions will lower actual income.
(3) Income assumes return of Conference Advance plus allowance for Conference profit share and DVD sales. No advance was made to Albany for the 2009 Conference.
(4) Grant for Floodplain Management Education Initiative.
(5) No significant numbers of book sales anticipated after 2009 Conference.
(6) ATO Refunds
(7) Fees associated with BAS, Annual Audit etc
(8) Chair's Allowance; has remained constant for several years
(9) Contract Payments
(10) Reimbursement of expenses for attending to FMA business as covered in the contract
(11) Annual "priming" funds for Conference plus payment of registrations and conference fees for FMA and special guests at 50th Conference
(12) Support and Expenses for Education Program
(13) Payment to Molino Stewart for Sudden Rises insert into Flood Plain Manager
(14) Commitments made but not paid in financial year; 2009 mainly Education Program
(15) Allowance made for upgrading of website
(16) Additional Expenditure allowance for Federal Committee

It is proposed that any deficit will be "funded" from accumulated surplus funds as can be readily seen from the following:

Total Members Funds per audit statements over last three years

| 2008 | | 2007 | | 2006 |
|-------------|--|-------------|--|-------------|
| 176,189.79 | | 149,380.72 | | 135,203.61 |

Yours Faithfully,

Wilton C Boyd
Executive Officer.

Draft Motion to be moved following the Treasurer's Report:

That in respect of the Treasurers Report

- 1) The Report be accepted
- 2) The proposed 2009 Business Plan be adopted
- 3) The proposed 2009 Budget be adopted

Item #7 Floodplain Risk Management Education

Ian Dinham and Duncan McLuckie will give a presentation with respect to the education program. A paper may be distributed before the meeting.

Item #8 Items Listed for Discussion

Item 8.1

Is it Time for a Federal FMA?

The discussion paper "Is it Time for a Federal FMA" was distributed on 1 February, 2009. The document is attached as an appendix.

The following draft motion is listed for consideration:

That with respect to the paper "Is it Time for a Federal FMA" the 2009 FMA AGM

- 1) approves in principle the formation of a national FMA body
- 2) approves the formation of a committee headed by the Chair to examine the matter in detail;
- 3) approves the expenditure of funds as indicated in the draft budget for the support of the committee and its work
- 4) requires that the Chair invite appropriate interstate representatives to participate in the committee
- 5) requires that the Chair provide a detailed and substantive plan to the 2010 AGM outlining the nature, formation and timing of the formation of a federal FMA.

Item 8.2

Why are the State Flood & Coastal Staff Disappearing?

Members have for some time raised the continuing and ongoing reduction in support being provided to Local Government bodies throughout NSW. Most recently another position in the Riverina was "lost" when the incumbent left the Department. Staffing levels to support flood management programs has been raised with the current (and previous) Minister by the Chair in writing. The withdrawal of support leaves small rural councils in an invidious position; the withdrawal of support is tantamount to cost shifting by the state; the withdrawal of support exposes Councils and State to costs directly attributable to failure of projects and structures to meet required standards; the withdrawal flies in the face of the governments own policy.

The following motion has been received for the consideration of members at the AGM:
Moved Cr Holstein, Seconded Neil Benning:

“In the Government's Floodplain Development Manual, gazetted in May 2005, the Flood Prone Land Policy provides for “technical support from the State Government to local councils in ensuring that the management of flood prone land is consistent with flood risk and that such development does not cause undue future distress to individuals nor unduly increase potential flood liability to them or the community.” Accordingly, it is moved that the FMA write to the Deputy Premier and Minister for Climate Change and Environment, and the Minister for Emergency Services, expressing its concern at the limited number of DECC professional staff with the relevant qualifications and experience available to assist local government meet its obligations under that Policy and seeking the Minister's assurance that adequate numbers of professional staff with the relevant qualifications and experience will be restored and remain available into the future. This availability is to extend to the full range of activities associated with the Policy and its application/implementation.”

The mover and seconder will speak to the motion

Item 8.3

An Economic Recovery led by Floodplain Management Programs and Flood Mitigation Infrastructure – Is it possible in Australia with government(s) seeking to withdraw funding?

The Executive has been in contact with State and Federal Ministers with respect to

- the non support of continued Flood Mitigation Program funding by the Federal Government
- the effective withdrawal of funding by the State Government
- the incongruity of statements by the Prime Minister regarding increased Infrastructure spending to help the dampening of the economic meltdown to the actions of Government.

I have quoted below some paragraphs from my letters to Ministers raising some of these issues:

To Minister McClelland:

“With the moving of joint flood mitigation programs away from Infrastructure and into Emergency Management and the lack of commitment to any ongoing flood mitigation program in 2009/10 forward budget papers, many FMA members have gained an opinion that the Federal Government is not prepared to take a leadership role in Floodplain Management (and in particular the provision of necessary data and guidelines for excellence in floodplain management to happen) nor to provide funding of Flood Mitigation Infrastructure at a level which will provide relief to threatened communities within a reasonable timeframe”.

“In a toughening economic climate, with the Federal Government spending billions of dollars on packages for Infrastructure projects, it is disturbing that funding for flood mitigation funding is being questioned and effectively reduced. Unfortunately, for our communities that suffer from flooding, the failure of successive governments from 1817 (Governor Macquarie's Orders) to curtail inappropriate floodplain development (both urban and rural) has left a legacy of required and necessary flood mitigation infrastructure projects. At a time when the nation is developing massive infrastructure spending to provide economic stimulus to the economy, little attention appears to be given to flood mitigation infrastructure and the accruing community benefits arising out of them. All flood mitigation infrastructure projects must have a positive benefit cost ratio and meet stringent environmental requirements in order to gain approval for joint funding under current requirements. Additionally, flood

mitigation infrastructure projects have traditionally been jointly funded by all levels of Government, thereby ensuring maximizing of value to the Commonwealth for funding spent. Similarly, the necessary mapping of our floodplains and flood prone land is all but ignored; to be able to ensure that wetlands are retained, that environmental and culturally significant areas are known, that neither urban nor agricultural development is allowed to alienate the floodplain without holistic consideration of sustainability, and the need to be able to inform the community to enable development of resilience all mean that there is a need for our existing floodplains (together with those floodplains already discontinued) to be identified and that information made available to all Agencies (commercial and government) and the Public”.

“With respect to Flood Mitigation Infrastructure benefits and the benefits of Floodplain Mapping, I have attached two recent reports from America. Unfortunately, the FMA does not have the resources nor access to government information to undertake and produce such documentation specifically for Australia, however, experience has shown that there are parallels between the USA experience and that of Australia. Recent instances of flooding including the sandbagging of areas, brings to attention yet again that Australia is a land with cycles of both droughts and floods and our communities ill prepared for flooding. To ignore the ongoing real benefits which would arise from the provision of adequate levels of flood mitigation infrastructure funding when the Federal Government is spending billions on other infrastructure projects appears to be an “oversight” and is questioned”.

To Minister Tebbutt:

“There are several pressing matters that the Authorities wish to discuss with the Minister. These include:

- The ongoing review of the Federal Government’s commitment to natural disaster mitigation, joint funding arrangements and the need for the State to match funding with new State funds rather than the use of existing State flood funds already earmarked for flood related projects*
- Problems arising because of the late funding advice of the 2008/09 Natural Disaster Mitigation Program (NDMP) which is still not announced. The late announcement is causing problems for Members (and perhaps the NSW Government) particularly if it becomes necessary to provide matching funding from future financial years.*
- Lack of commitment to floodplain management and flood mitigation funding in the 2009/10 Federal Government forward budget papers. There is no provision for a 2009/10 NDMP.*
- Climate Change issues*
- Community Resilience issues*
- The delivery and maintenance of professional flood advice & services to local government by DECC and consequences of continuing the withdrawal of such support*
- Administration of grants*
- Establishment of an ongoing consultative program between the Minister & the FMA.*

In a toughening economic climate, with the Federal Government spending billions of dollars on packages for infrastructure, it is disturbing that flood mitigation funding is being curtailed. Unfortunately, the failure of successive governments from 1817 (Governor Macquarie’s Orders) to curtail inappropriate floodplain development has left a legacy of required and necessary flood mitigation infrastructure. With flood mitigation funding now firmly part of emergency management activities, little attention is being given to flood mitigation infrastructure at a time when the nation is developing massive infrastructure spending to provide economic stimulus to the economy. All flood mitigation infrastructure projects must have a positive benefit cost ratio to gain approval for joint funding under current requirements. Similarly, the necessary mapping of our floodplains and flood prone land is all but ignored; to be able to ensure that wetlands are retained, that environmental and culturally

significant areas are known, that neither urban nor agricultural development is allowed to alienate the floodplain without holistic consideration of sustainability, there is a need for our existing floodplains together with those floodplains already discontinued, to be identified. With respect to Flood Mitigation Infrastructure benefits and the benefits of Floodplain Mapping, I have attached two recent reports from America. Unfortunately, the FMA does not have the resources nor access to government information to undertake and produce such documentation specifically for Australia, however, experience has shown that there are parallels between the USA experience and that of Australia. Recent instances of flooding including the sandbagging of areas, brings to attention yet again that Australia is a land with cycles of both droughts and floods.

With respect to the provision of support to local government, the FMA understands from members in the Riverina that existing local professional support has been withdrawn. This could leave several ongoing projects without necessary levels of support. Whilst the FMA has indicated to previous Ministers that it may be able to help support members from within the FMA, the FMA has not the resources to support non-member Councils. The FMA is aware that at least two non-member Councils (Hay & Balranald) have large ongoing projects subsidised by the State and Federal Governments. The decision to withdraw support from rural Councils is of great concern to the FMA. I understand that for all Federal funded flood projects the State Government is required to ensure the technical adequacy of the scheme undertaken by Local Government. I understand this is also the case with NSW subsidised flood schemes. Inevitably the withdrawal of support places greater responsibilities on Councils; small rural Councils may simply not have the access to support required for such flood infrastructure projects. An example of what can go wrong and the need for adequate professional assistance being provided to small local government bodies is the Brewarrina Levee Refurbishment project.

A major problem for the Authorities is the change in how government reshuffles the cards of funding. It is absolutely obvious that our federal government is awash with money and is awash with money for “new” reports which bolster populist ideals; look at some of the grants given and you will see a repetition of objective and form that is amazing. It appears that no longer does the government select pilot schemes and build, rather there are myriads of reports all essentially about the same thing; consulting heaven!! Members may care to cast their minds back to the flood of reports commissioned by governments, conferences and endless committees regarding the “millennium bug”. Members’ staff must be aware/understand of how government grant funding can be turned/interpreted so that floodplain management and flood mitigation programs fall under the funding umbrella. In short we need to be smarter, adopt and adapt the available advertised funding to our needs.

There appears that straight forward logical argument such as the following

- that people are at risk from flooding,
- that our communities will suffer damage and disaster,
- that the whole problem is largely avoidable,
- that to avoid these costs would be cheaper than to suffer and reconstruct (if possible),
- that there is a “duty of care” and that to knowingly continue to place people at risk is both immoral and most likely actionable
- that the ability to define flood prone areas and flood hazard exists and therefore should be funded
- that the ability to undertake flood risk management, floodplain management and flood mitigation before development occurs exists is the cheapest form of protection for our communities and should be required to be undertaken at all times before development occurs
- that the retrofitting of flood mitigation is urgently required within both rural and urban development and communities in order to create sustainable solutions to the flooding

- that flood risk management, floodplain management and flood mitigation plans require to be funded at a level which will resolve the problems in a realistic timeframe.

But it is apparent that our argument is neither persuasive nor even listened to by governments either at Ministerial or Departmental head(s) level.

Whilst we all may agree on the need and the solution, our governments seem reluctant to provide relief and protection to its communities from this clear and present danger. By refusing to adopt programs, by eliminating programs and support and by the denial of funds the governments are in fact giving their reply to the problem and are in fact accepting of the inevitable future disasters to our communities.

Appended to this paper are two reports from USA regarding flooding, flood mapping, flood mitigation and recovery funding. These documents make great sense and have application to our situation.

A draft motion for the consideration of members is as follows:

That 2009 AGM of the FMA endorses the stand taken by the Executive in representations to the Government and

- *Calls upon the Federal Government to immediately announce its support for the continuance of a funded "Flood Mitigation Program & Floodplain Management Program*
- *Calls on the Federal and State Government to substantially increase Flood Mitigation Funding; in this regard, the Authorities request that the Government seek to have funding levels immediately and substantially lifted to at least the same expenditure level as afforded for Bush Fire Mitigation and preferably to a level which would provide for funding of all known projects within the next decade"*

Item 8.4

Proposed Constitutional Changes

Proposed constitutional changes have been circulated; changes are minimal and designed to ensure that actions to put AGM decisions in place are clearly supported constitutionally.

The 2008 Constitution and the proposed 2009 Constitution (with explanations) are to be found in the appendices.

The Chair will "walk" the meeting through each proposed change during discussion of this item.

Item 8.5

NSW Planning Guidelines, new SEPP (Exempt and Complying Codes) and Building Codes

The new SEPP (Exempt and Complying Codes) and Building Codes in NSW gazetted on 12th December, 2008 and in force on 27th February, 2009 demonstrate a lack of support of flooding issues and floodplain management by the NSW Government. In the haste to allow "free range" development the Department and the Government appear more concerned with a 10 day turn round of approvals than "getting it right"; it would appear that the implications are not known, not understood or simply ignored.

A new definition, elements of which were first referred to in the 31 January 2007 "Guidelines", is enshrined in the new SEPP and is also found in modified provisions of Section 149 of the EP&A Act.:

flood control lot means a lot to which flood related development controls apply in respect of development for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (other than development for the purposes of group homes or seniors housing).

Note. This information is a prescribed matter for the purpose of a certificate under section 149 (2) of the Act.

The SEPP and new Code prohibit complying development from flood control lots. What this means is that a Council needs to have all its riverine, ephemeral creeks and gullies, disconnected wetlands, drains, floodplains and its overland flood paths *etc* (that is, all the flood prone land as defined in the Floodplain Development Manual) mapped and defined in a planning instrument otherwise it has no control over the issuing of Complying Development Certificates with respect to flooding. It is estimated that perhaps only up to 10 Councils in NSW hold this information and have mapped their region. Failure to have land affected by flooding mapped and identified in planning instruments will mean that land not identified as being affected by flooding or where a flood related development control does not currently exist, can have a complying residential development approval issued, not by development consent through Council, but by a private Complying Development Certificate.

The FMA concern is that undoubtedly there are going to be compliance certificates issued for dwellings in some very hazardous places.

The FMA has been calling on the State and Federal Governments to provide funds undertake floodplain mapping for some time. The FMA calls upon the State and Federal Governments to identify the funding source(s) available to enable floodplain mapping to be undertaken or to provide new funding sources as a matter of urgency.

This problem is just emerging as the Business Papers are being written. Discussion on these issues will be lead by the Executive Member Planning - Allan Gear. If practical, further information may be circulated before the AGM.

Item #9 2009 and 2010 Conference Reports

2009 Conference Host Gosford City Council will give a presentation
2010 Conference Host Tamworth Regional Council will give a brief presentation. The Tamworth "bid" presentation can be found as an Appendix to the Business Paper.

Item #10 General Business

The Chair will open the meeting for General Business from the floor.
If members are moving a motion it would be appreciated if they provide a written copy for record and see the minute taker, Lynn Cameron, after the meeting.
Remember that written motions received before the start of the meeting facilitate the flow of the meeting.

Item #11 Next Scheduled Annual General Meeting

The Chair will invite members to the next annual general meeting to be held during the 2010 Annual Conference (23rd to 26th February) at Gosford, NSW. The precise date, time and location will be advised.

Chair closes the meeting.

Appendices

The following documents are Appendiced to the Business Paper:

Appendix A - Item 1 Standing Orders

Appendix B - Item 3 Minutes of the 2008 AGM

Appendix C - Item 6 a) Auditor's Report
b) 2009 Business Plan

Appendix D – Item 8.1 Discussion Paper: Is it Time for a Federal FMA?

Appendix E – Item 8.3 a) ASFPM Testimony House T and I Economic Stimulus 1-22-09
b) More Accurate FEMA Flood Could Help Avoid Significant Damages and Losses

Appendix F – Item 8.4 Proposed Changes to Constitution

Appendix G – Item 8.5 NSW SEPP Exempt and Complying Codes

Appendix H – Item 9 Tamworth Regional Council Bid Document.