

**ITEM 2. INTERIM FLOODPLAIN MANAGEMENT POLICY – PUBLIC EXHIBITION****FILE NO: S055537-02****SUMMARY**

The City has a responsibility to manage flood risk to ensure that any new development will not experience undue flood risk, and that existing development will not be adversely flood affected through increased damage or hazard as a result of any new development.

To manage flood risks, the City has developed a draft Interim Floodplain Management Policy. The interim policy provides controls to facilitate a consistent, technically sound, best practice approach for the management of flood risk within the City of Sydney until floodplain risk management plans are prepared for the entire Local Government Area (LGA).

This report recommends that the draft Interim Floodplain Management Policy be placed on public exhibition for community comment.

**RECOMMENDATION**

It is resolved that:

- (A) Council approve the draft Interim Floodplain Management Policy, as shown in Attachment A to the subject report, for public exhibition for a minimum period of 28 days; and
- (B) a further report on the draft Interim Floodplain Management Policy be presented to Council following the public exhibition process with any proposed changes.

**ATTACHMENTS**

**Attachment A:** Draft Interim Floodplain Management Policy

**BACKGROUND**

1. The NSW Government has developed a Flood Prone Land Policy to determine if development on floodplains is appropriate and sustainable. The Policy promotes a merit based approach to balance social, economic, environmental and flood risk parameters.
2. The Flood Prone Land Policy states that individual councils have the primary responsibility for floodplain risk management and the NSW Government will, if required, provide technical and, in some cases, financial support.
3. The Floodplain Development Manual 2005, developed by the NSW Government, sets out a four stage approach as follows:
  - (a) preparation of a Flood Study to identify the nature and extent of flooding;
  - (b) preparation of a Floodplain Risk Management Study to investigate all available flood mitigation solutions or options in consideration of social, ecological and economic factors relating to flood risk;
  - (c) formulation of a Floodplain Risk Management Plan, including preferred solutions and/or options and formal adoption by the council; and
  - (d) implementation of the Floodplain Risk Management Plan.
4. The preparation and implementation of the various Floodplain Management Plans are critical components in improving the way the City plans and manages flood risks, including infrastructure requirements.
5. In 2010, the City commenced the floodplain risk management process by establishing a Floodplain Risk Management Committee. The Committee is an advisory committee, which oversees the development and implementation of floodplain risk management plans and provides advice to Council on floodplain management issues.
6. The City also commenced the development of Floodplain Risk Management Studies and plans for all of its drainage catchments. It is planned to complete the development of floodplain risk management plans for all of the City's drainage catchments by the end of 2015.
7. Once the Floodplain Risk Management Plans have been developed and adopted by Council, the recommendations will be incorporated into future amendments of the City Plan, and flood planning provisions added to the Local Environmental Plan and Development Control Plans (DCP). A key outcome of the Floodplain Risk Management Plans is the development of a local Floodplain Management Policy. Presently, there are limited flood planning controls within the Sydney DCP 2012 and the South Sydney DCP 1997, Green Square precinct amended 2006. As such, development within flood affected areas is currently controlled largely by conditions of consent.

8. The recently adopted Green Square West Kensington Floodplain Risk Management Study and Plan and the current Draft Alexandra Canal Floodplain Risk Management Study and Plan both recommend the implementation of an Interim Floodplain Management Policy for use until all Floodplain Risk Management Plans are developed and adopted by Council. The interim policy provides controls to facilitate a consistent, technically sound, best practice approach for the management of flood risk within the City's LGA. Following the adoption of the Flood Risk Management Plans for all of the City's catchments, the City's associated DCPs will require amendment to reflect the recommendations of the Flood Risk Management Plans. Once amendments to the DCPs are adopted, the Interim Floodplain Management Policy will be withdrawn.
9. The draft Interim Floodplain Management Policy was presented to the Floodplain Risk Management Committee at its 6 March 2013 meeting. A copy of interim policy was also distributed to members of the Floodplain Risk Management Committee following the presentation. Committee members were asked to provide comments to City staff.
10. Three members of the Floodplain Risk Management Committee provided comments. City staff reviewed the comments received and the draft policy has been amended where required.
11. The Floodplain Risk Management Committee has recommended that the draft Interim Floodplain Management Policy be placed on public exhibition for community comment.

#### **KEY IMPLICATIONS**

12. Once the Interim Floodplain Management Policy has been adopted by Council, the controls in the interim policy will be used to control development within flood affected areas.

#### **BUDGET IMPLICATIONS**

13. Sufficient funds are available in the 2013/14 budget for the proposed public exhibition.

#### **RELEVANT LEGISLATION**

14. Section 733 of the Local Government Act 1993 – "*Exemption from flood liability-flood liable land and land in coastal zone*" applies if the City follows the Floodplain Risk Management process.
15. Environmental Planning and Assessment Act 1979 – land use planning and management of flood prone lands through Local Environment Plan provisions rests with councils.

**PUBLIC CONSULTATION**

16. Stakeholder discussions were undertaken through the City's Floodplain Risk Management Committee during the development of this interim policy. The feedback from the Floodplain Risk Management Committee can be summarised as:
  - (a) consideration of climate change should be included; and
  - (b) stormwater quality matters should be addressed.
17. The interim policy was amended with respect to climate change, however, stormwater quality considerations were not addressed as they are beyond the scope of this policy.
18. This report recommends that the interim policy be placed on public exhibition for community comment.

**GARRY HARDING**

Director City Operations

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