

**ITEM 5. INTERIM FLOODPLAIN MANAGEMENT POLICY – ADOPTION****FILE NO: S117853****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 prepared 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 Local Government Area (LGA). This interim policy is required until all floodplain risk management plans are prepared for the City's entire LGA and recommended planning controls are implemented.

On 26 August 2013, Council resolved to place the draft Interim Floodplain Management Policy on public exhibition for a minimum period of 28 days. It was also resolved that following the public exhibition, a further report be presented to Council with any proposed changes.

The City has completed the public exhibition process, with one submission received. During the exhibition period, City staff also tested the draft policy each time a development application was received. The policy has since undergone minor amendments. These amendments have not changed the intent of the controls in the policy.

This report seeks the adoption of the draft Interim Floodplain Management Policy by Council.

**RECOMMENDATION**

It is resolved that Council adopt the Interim Floodplain Management Policy as shown in Attachment A to the subject report.

**ATTACHMENTS**

**Attachment A:** Interim Floodplain Management Policy (with deletions shown in ~~striketthrough~~ and additions in ***bold italics***)

**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. On 4 August 2008, Council resolved to establish a Floodplain Risk Management Committee to assist the City in the development and implementation of Floodplain Risk Management Plans.
6. The Floodplain Risk Management Committee is comprised of representatives from:
  - (a) the community;
  - (b) NSW Office of Environment and Heritage;
  - (c) NSW State Emergency Services;
  - (d) NSW Fisheries;
  - (e) Sydney Water;
  - (f) Waterways Authority of NSW;
  - (g) Councillors; and
  - (h) City staff.

7. Following the establishment of the Floodplain Risk Management Committee, the City has continued the development of Floodplain Risk Management Studies and plans for the entire LGA. 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.
8. Presently, there are limited flood planning controls within the Sydney Development Control Plan (DCP) 2012, the South Sydney DCP 1997, and the Green Square Town Centre DCP 2012. Development within flood affected areas is currently controlled by conditions of consent.
9. The Floodplain Development Manual 2005 requires the implementation of an Interim Floodplain Management Policy until the Floodplain Risk Management Plans are developed and adopted by Council. An interim policy provides controls to facilitate a consistent and technically sound approach for the management of flood risk. Following the adoption of the Flood Risk Management Plans for all of the City's catchments, the City's associated Development Control Plans will require amendment to reflect the recommendations of the Floodplain Risk Management Plans. Once the Development Control Plans amendments are adopted, the Interim Floodplain Management Policy will be withdrawn.
10. The draft Interim Floodplain Management Policy was reported to the Environment Committee on 10 August 2013, following consultation with the City's Floodplain Risk Management Committee. At the Council meeting on 26 August 2013, it was 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 Flood Management Policy be presented to Council following the public exhibition process with any proposed changes.*

### **Public Exhibition**

11. A Community Engagement Plan was prepared by City staff and all public exhibition activities were conducted in accordance with this plan.
12. The draft Interim Floodplain Management Policy was placed on public exhibition from 23 September 2013 to 28 October 2013.
13. The draft policy document was available to view throughout the public exhibition period at:
  - (a) the Town Hall House One Stop Shop;
  - (b) all Neighbourhood Service Centres; and
  - (c) the City's website.
14. Community notices were placed in The Sydney Morning Herald, Central Sydney Magazine, Inner West Courier, Southern Courier, City News and the Wentworth Courier at the commencement of the exhibition period.

**Public Submissions**

15. One submission was received. This submission specifically focused on two existing bridges over Johnstons Creek in the vicinity of Chapman Road. The following issues were raised:
  - (a) potential for blockage of the bridges;
  - (b) potential flood impacts from the Harold Park site; and
  - (c) request for the bridges to be removed.
16. The following comments are provided in response to the submission:
  - (a) the Interim Floodplain Management Policy sets out controls to mitigate flooding in future development. As the subject bridges already exist, the policy is not relevant to these bridges. The potential for blockage will be considered as part of the Johnstons Creek Floodplain Risk Management Study. The study may consider blockage protection works if required; and
  - (b) the policy requires new development to demonstrate that there will be no adverse impact on flooding of other properties. This is a long standing practice for all development and was in place during the approval process for the Harold Park site. This requirement is reinforced by the Interim Floodplain Management Policy.

**Internal Matters**

17. Test assessment of development applications against the draft Interim Floodplain Management Policy commenced during the exhibition period. Testing revealed that the definition of freeboard could be misinterpreted and therefore required further clarification.
18. Another matter identified during testing of the policy was the use of the term “100 year flood”. This is no longer current practice when describing a flood event. The ideal term, and the one used by the Floodplain Development Manual, is 1% Annual Exceedance Probability (AEP) flood.

**Amendments to Draft Policy**

19. No amendments are required as a result of the community submission received.
20. In response to the internal matters identified, the draft Interim Floodplain Management Policy has been amended as follows:
  - (a) the term “100 year flood” was replaced with the term 1% Annual Exceedance Probability (AEP) flood;
  - (b) the wording used to describe the circumstances where freeboard applies was simplified and additional guidance provided to assist in determining which freeboard to apply; and
  - (c) additional guidance has been provided regarding flood planning levels for retail floor space to ensure a reasonable balance between flood protection and urban design outcomes.

21. These amendments, are shown at Attachment A, with deletions shown in ~~striketrough~~ and additions shown in ***bold italics***.

### **KEY IMPLICATIONS**

22. 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.
23. The policy will provide clearly documented criteria for assessing proposals and assist in making decisions.
24. The flood planning levels set in the policy will result in ground floor levels of buildings not always being aligned with the street level. This is required to minimise potential damage to property and loss of life. This is particularly relevant to the City's LGA due to the density and value of development. In these situations, the building will typically require access ramps within the property boundary to enter the building. There are isolated locations in the City's LGA where this outcome is pronounced. Mostly, these locations are clustered and have a history of flooding, including the Ashmore Precinct and parts of Alexandria.
25. The flood planning levels relating to entry points of underground basements will, in some situations, result in these entry points being higher than the buildings ground floor level. This may result in an internal car park entry ramp which firstly ascends before cars descend to the basement. In some locations it may not be possible to build an underground car park. This is necessary as the city's catchments are prone to flash flooding. The likelihood of entrapment from flood waters filling a basement is greater in such situations. This requirement has been current practice for conditions of consent applied by the City for several years.
26. The City is indemnified from liability relating to land being flooded as it has followed the Floodplain Development Manual with respect to the introduction of this policy.

### **BUDGET IMPLICATIONS**

27. No specific funding is required to adopt or implement the Interim Floodplain Management Policy.
28. Testing indicated that the policy will assist in reducing staff time required to assess flooding by providing a central point of reference for information on the City's requirements.

### **RELEVANT LEGISLATION**

29. 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.
30. 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**

31. The interim policy was placed on public exhibition for community comment. The exhibition was undertaken in accordance with a Community Engagement Plan prepared by City staff in keeping with the City's community consultation standards.
32. Stakeholder discussions were undertaken through the City's Floodplain Risk Management Committee during the development of the policy. The Committee was informed of the outcomes from the public exhibition and recommended that Council adopt the Interim Floodplain Management Policy.
33. The amendments were circulated to the City's Floodplain Risk Management Committee as well as internal stakeholders for review and comment.

**GARRY HARDING**

Director City Operations

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