

ITEM 4. BLACKWATTLE BAY AND JOHNSTONS CREEK CATCHMENT AREAS FLOODPLAIN RISK MANAGEMENT STUDIES AND PLANS**FILE NO: S105738****SUMMARY**

On 3 November 2014, Council resolved that the draft Flood Studies, draft Floodplain Risk Management Studies and draft Floodplain Risk Management Plans for both the Blackwattle Bay and Johnstons Creek Catchment Areas be placed on public exhibition. A further report was to be submitted to Council following the public exhibition process with any proposed changes.

The City has now completed the public exhibition process, addressed matters raised in the submissions and amended the study reports as required.

This report is seeking Council's adoption of the draft Blackwattle Bay and Johnstons Creek Catchments Flood Studies, draft Floodplain Risk Management Studies and draft Floodplain Risk Management Plans.

RECOMMENDATION

It is resolved that Council adopt the draft Flood Studies, draft Floodplain Risk Management Studies and draft Floodplain Risk Management Plans for both the Blackwattle Bay and Johnstons Creek Catchment Areas, as shown in Attachments B to H to the subject report.

ATTACHMENTS

NOTE: Hard copies of Attachments B to G will be circulated separately from the Agenda Paper in limited numbers. They will be available for inspection on Council's website and at the One Stop Shop and Neighbourhood Service Centres.

Attachment A: Catchment Plan

Attachment B: Blackwattle Bay Catchment Flood Study (Draft Report)

Attachment C: Blackwattle Bay Catchment Floodplain Risk Management Study (Draft Report)

Attachment D: Blackwattle Bay Catchment Floodplain Risk Management Plan (Draft Report)

Attachment E: Johnstons Creek Catchment Flood Study (Draft Report)

Attachment F: Johnstons Creek Catchment Floodplain Risk Management Study (Draft Report)

Attachment G: Johnstons Creek Catchment Floodplain Risk Management Plan (Draft Report)

BACKGROUND

1. The development of Floodplain Risk Management Studies and Plans for all the stormwater catchments within the City of Sydney Local Government Area (LGA) is a legislative requirement.
2. The City has also developed and adopted a Decentralised Water Master Plan that focuses on water re-use and water quality measures. There are \$25M of initiatives relating to this Master Plan that are expected to be allocated within the Long Term Financial Plan over the next 10 years.
3. 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.
4. The 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.
5. The Floodplain Development Manual 2005, developed by the NSW Government, sets out a four stage approach:
 - (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
6. The preparation and implementation of the various Floodplain Risk Management Plans are critical components in improving the way the City plans and manages flood risks, including infrastructure requirements.
7. There are eight drainage catchment areas (Attachment A) in the City LGA, which are:

Catchment Name	Area (Hectares)	Proportion of the City LGA (%)
Alexandra Canal	1,141	43
Blackwattle Bay	315	12
Centennial Park	153	6
City Area	199	7
Darling Harbour	307	12
Johnstons Creek	224	8
Rushcutters Bay	64	2
Woolloomooloo	265	10
TOTAL	2,668	100

8. 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.
9. 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) Leichhardt Municipal Council;
 - (h) Councillors; and
 - (i) City staff.
10. The Blackwattle Bay Catchment Area (shown in Attachment A) includes the suburbs of Glebe, Chippendale, and parts of Ultimo, Darlington, Camperdown, Redfern and Surry Hills. The study area is entirely within the City LGA.
11. The Johnstons Creek Catchment Area (shown in Attachment A) includes the suburbs of Annandale, Camperdown, Forest Lodge, Glebe and Newtown.
12. The draft Blackwattle Bay Catchment Flood Study and draft Johnstons Creek Catchment Flood Study were reported to the Environmental Committee on 3 December 2012.
13. On 24 June 2013, Council approved the tender to prepare the Blackwattle Bay and Johnstons Creek Catchment Areas Floodplain Risk Management Studies and Plans
14. On 3 November 2014, Council resolved that the draft Flood Studies, draft Floodplain Risk Management Studies and draft Floodplain Risk Management Plans for both the Blackwattle Bay and Johnstons Creek Catchment Areas be placed on public exhibition.

Public Exhibition

15. A Community Engagement Plan was prepared by City staff and all public exhibition activities were conducted in accordance with this plan.
16. The draft Flood Studies, draft Floodplain Risk Management Studies and draft Floodplain Risk Management Plans for both the Blackwattle Bay and Johnstons Creek Catchment Areas were placed on public exhibition from 10 November 2014 to 8 December 2014.

17. The public notice of the exhibition was advertised in four newspapers, namely:
 - (a) The Sydney Morning Herald;
 - (b) Central Sydney Magazine;
 - (c) Inner West Courier; and
 - (d) Southern Courier.
18. A notification letter about the public exhibition of the documents was posted to approximately 3,500 property owners who are within the extent of the Probable Maximum Flood (PMF).
19. The draft exhibition documents were available to view throughout the public exhibition period at:
 - (a) One Stop Shop (Town Hall House);
 - (b) Redfern Neighbourhood Service Centre;
 - (c) Green Square Neighbourhood Service Centre;
 - (d) Glebe Neighbourhood Service Centre;
 - (e) Kings Cross Neighbourhood Service Centre; and
 - (f) the City's website (www.sydneyoursay.com.au).

Community Response

20. The public exhibition page on the City's website received 237 page views.
21. One written response was received during the exhibition period from a resident whose property is located near the natural low section of Bridge Road, Glebe. The resident acknowledged the cause of flooding in that part of the road is the result of it being the lowest point in the immediate area and that it received water from a significant catchment. The resident was concerned about action Council has taken relating to a nearby development proposal that has basement parking. A written response was provided to the resident concerned.
22. Following closure of the exhibition period, two online submissions had been received. The submissions were made using the online resident comment sheet. The submissions were supportive of the studies and plans, and raised no further issues.

23. One week after the public exhibition closed, a resident from Minogue Crescent requested a briefing on the Johnstons Creek Catchment Floodplain Risk Management Study and Plan, and sought a time extension for submission. The City agreed to have a briefing session in January 2015 in a time and venue suitable to the resident and to receive comments within seven days after this briefing. The City's Communication team made several attempts to contact the resident and arrange a convenient venue and time. The City did not receive a response confirming a meeting time and has now closed this issue. All communication with the resident indicated that the key concern related to a request for additional information and there has been no indication that any change to the draft documents was being sought. City staff are available to provide a briefing to the resident upon request.

Sydney Water Comments

24. Sydney Water provided a submission on the studies prior to the commencement of the exhibition period. The submission sought acknowledgement of the Sydney Water assets where appropriate, and more detail of the structural flood mitigation options investigated in the report.

Finalisation of Study Documents

25. Subsequent to the public exhibition, the draft Flood Studies, draft Floodplain Risk Management Studies and draft Floodplain Risk Management Plans for both the Blackwattle Bay and Johnstons Creek Catchment Areas have been amended by:
 - (a) adding details of the public exhibition process;
 - (b) incorporating changes requested by Sydney Water.
26. The Floodplain Risk Management Committee was informed about the public exhibition process and proposed amendments. Amendments to the study documents were circulated to members of the City's Floodplain Risk Management Committee for review and comment. The Committee supported the adoption of the study documents.

KEY IMPLICATIONS

27. Once the Floodplain Risk Management Studies and Floodplain Risk Management Plans have been adopted by Council, the recommendations will be incorporated into a future amendment to the City Plan, and flood planning provisions added to the Local Environmental Plan and Development Control Plan.
28. The current Section 149 Certificate for all properties covered by the Sydney Local Environment Plan 2012 contains the following clause:

"The development on this land or part of this land is subject to flood related development controls refer to Clause 7.15 of Sydney Local Environment Plan 2012 and Section 3.7 of Sydney Development Control Plan 2012."
29. This clause will be updated once the Floodplain Risk Management Plans have been adopted by Council and the recommended planning controls implemented. The update will result in a number of properties having flood related development controls lifted.

30. The Floodplain Risk Management Studies and Floodplain Risk Management Plans will also allow the City to develop future works programs to address floodplain management in both catchments. Once adopted, the City will be in a position to seek grant funding for significant infrastructure required by the Floodplain Risk Management Plans.
31. Following implementation of the infrastructure within the Floodplain Risk Management Plans, further properties may then have the flood control message on the Section 149 Certificate removed.
32. The modelling information developed as part of these studies will be available to the public. This model will result in improved consistency for future engineering assessments undertaken to determine the impacts to the floodplain resulting from development.

BUDGET IMPLICATIONS

33. The cost of implementing the Flood Risk Management Plans is funded by allocations made within the City's Long Term Financial Plan, State and Federal Government Grants and contributions from developers. The total cost of capital works to be completed within 10 years associated with the plans for the two catchments is approximately \$1M.

RELEVANT LEGISLATION

34. Section 733 of 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.
35. 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

36. The City's Floodplain Risk Management Committee steers the development of the Floodplain Management Plans. During the study period, the Committee:
 - (a) received several progress reports regarding the development of the studies and plans;
 - (b) received several presentations regarding the preparation of the studies and plans; and
 - (c) were provided an opportunity to review and comment on the draft edition of both the studies and plans.
37. A community brochure and survey was undertaken for both study areas during the preparation of the flood studies in June 2011. Around 14,400 and 6,500 surveys were distributed to residents within the Blackwattle Bay Catchment and Johnstons Creek Catchment study areas respectively. The surveys were also made available online through the City's website. A total of 122 responses from the Blackwattle Bay Catchment and 59 responses from the Johnstons Creek Catchment were received. As requested, residents reported their experience of flood, difficulty with property access and, in 18 instances, reported that their safety had been threatened.

38. Following completion of the Draft Flood Studies in 2012, the Floodplain Risk Management Committee determined that the public exhibition of these documents should coincide with the public exhibition of the subsequent Floodplain Risk Management Studies and Plans. The Flood Studies were made available to the public on the City's website in December 2012.
39. An additional community brochure and survey was distributed to 8,045 properties within Blackwattle Bay Catchment and 2,933 properties within Johnstons Creek Catchment in 2013 as part of the Floodplain Risk Management Studies. Online versions of the surveys were also included on the City's website.
40. The Floodplain Risk Management Study survey targeted all property owners and residents at risk of flooding. This survey built on the previous consultation and sought additional community input on preferred management measures. A total of 311 responses from the Blackwattle Bay Catchment and 151 responses from the Johnstons Creek Catchment were received. The responses largely supported a preference for stormwater harvesting, drainage network upgrades, improved flood flow paths, strategic planning and flood related development controls. These preferences were considered in preparing the Floodplain Risk Management Study and formulating a plan for both study areas.
41. A workshop was also conducted with representatives from Sydney Water, NSW Office of Environment and Heritage, and NSW State Emergency Services in December 2013. A variety of risk management measures and their preliminary assessment outcomes were presented in the workshop, and feedback was sought from the participants.
42. A community information session was held in Peace Park, Chippendale in March 2014. Preferred management measures for both catchments were presented on a series of posters. Hand-out questionnaires were also provided so that community members could rate their preference for various flood mitigation measures. 38 responses were received, and this assisted in prioritising the measures that have been recommended.
43. A second community information session was held in Foley Park, Glebe in October 2014 to inform residents of the options being proposed and to gather feedback. The information presented was largely identical to the March session, with some minor changes to the naming of the mitigation options. From the around 30 residents that attended the information stand, there was general interest in mitigation options involving structural works and some provided feedback on the options proposed.
44. The draft Flood Studies, draft Floodplain Risk Management Studies and draft Floodplain Risk Management Plans for both the Blackwattle Bay and Johnstons Creek Catchment Areas were placed on public exhibition as detailed earlier in this report.

GARRY HARDING

Director City Operations

George Angelis, Manager City Infrastructure and Traffic Operations
Shah Alam, Senior Engineer – Water Assets