






15.4 POST EXHIBITION REPORT-GOULBURN FLOODPLAIN RISK MANAGEMENT STUDY AND DRAFT DCP AMENDMENT - FLOOD AFFECTED LANDS

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- Attachments:**
1. Council Report 1 March 2022 Goulburn FRMSP [↓](#) 
 2. Submissions [↓](#) 
 3. Submission Summary and Responses [↓](#) 
 4. Goulburn Floodplain Risk Management Study and Plan (separately enclosed) 
 5. DCP- Flood Affected Lands - Post Exhibition Version [↓](#) 

Reference to LSPS:	Planning Priority 8: Natural Hazards – Vision 2040 – Natural hazards are identified, planned for and mitigated where possible throughout the planning process.
Submissions:	Nine submissions [6 x Public, 3 x State Agency]
Key Issues:	Natural hazards (flooding) management and planning.

RECOMMENDATION

That:

1. The post exhibition report by the Business Manager Strategic Planning be received on the Draft Goulburn Floodplain Risk Management Study and Plan 2022 and the Draft Amendment to DCP Chapter 3.8 Flood Affected Lands be received.
2. Council adopt the amended version of the Goulburn Floodplain Risk Management Study and Plan as provided in Attachment 4.
3. Council adopt the amended version of the Goulburn Mulwaree Development Control Plan-Chapter 3.8 Flood Affected Lands as provided in Attachment 5.
4. Council publish the Overland Flow Flood Maps (excluding the modelling) as an interim measure until an Overland Flow Flood Risk Management Plan is developed.
5. A public notice be placed in the Goulburn Post and Council Web Site advising of the commencement date of the Goulburn Floodplain Risk Management Study and Plan 2022 amended Goulburn Mulwaree Development Control Plan- Chapter 3.8 Flood Affected Lands.
6. Commencement of the Goulburn Floodplain Risk Management Study and Plan 2022 amended Goulburn Mulwaree Development Control Plan- Chapter 3.8 is to align with the ability to issue Planning Certificates using the new data.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

BACKGROUND

Council at its meeting of 1 March, 2022 considered a report on the Draft Goulburn Floodplain Risk Management Study and Plan (FRMSP) and associated amendments to the Goulburn Mulwaree Development Control Plan (DCP) 2009 flood provisions (**Attachment 1**).

This report follows the public exhibition of the Draft Goulburn Floodplain Risk Management Study and Plan (FRMSP) and the amended Goulburn Mulwaree Development Control Plan (DCP) 2009 Chapter 3.8 Flood Affected Lands.

This report recommends the adoption of the Draft FRMSP and DCP subject to minor amendments following the public exhibition process.

REPORT

Consultation and Submissions made in accordance with Act or Regulations

The draft FRMSP and DCP amendment were placed on public exhibition from 1 April 2022 – 2 May, 2022. The purpose of the exhibition period was to inform the community and other stakeholders about the findings of the study and to invite feedback before the FRMSP and DCP amendment are finalised.

Council organised the public exhibition and promoted awareness of the report and public exhibition period through a range of channels, including:

- Letter sent to all landowners in the probable maximum flood (PMF) extent (approximately 3,500 letters).
- A notice in the Goulburn Post.
- Notice on Council's website and Facebook page.
- Email notification to Council's stakeholder list which includes a variety of land development consultants, builders, conveyancers, real estate agents and other professionals in the development industry (approximately 475 in total).

Interested residents were provided with hard copies of the report at Council offices in Goulburn, and at the library. Alternatively, the report and related materials were provided for download from Council's website. The website contained two videos, one of Council staff explaining key concepts related to flooding in town, and a recorded PowerPoint presentation by GRC Hydro (author of the FRMSP) covering the main findings of the study.

Residents were generally interested in the study and there were a small number of submissions received. The website recorded 98 unique visitors with an average visit of seven minutes, indicating a good level of engagement. The website videos were also posted to Facebook and reached 5,206 people there, and 982 engagements (comments, likes, shares or clicks). Twenty-nine (29) people directly contacted Council staff (via phone, email or in person) and the library experienced a constant turnover of people viewing hard copies of the exhibition material.

Six (6) submissions were received from the public as well three (3) State agency submissions from Water NSW, the SES and Transport for NSW. A summarised copy of submissions with Council comments (and proposed edits where applicable) are provided in **Attachment 2** and a full copy of all submissions (with private information as applicable redacted) in **Attachment 3**.

Post Exhibition Amendments to the FRMSP

There are no significant amendments to the FRMSP following the public exhibition. The FRMSP was partly funded through a grant from NSW Department of Planning and Environment (DPE). The Senior Natural Resource Officer, at DPE for flooding (Environment, Energy and Science) has reviewed the Final Report and is satisfied that it has met both the content requirements (as per State policy/guidelines) and funding requirements as set out in the grant (subject to some minor changes which have been made).

The main amendments to the FRMSP arise from the Water NSW submission. The most pressing issue raised by Water NSW was in relation to allowing hazardous or offensive development within the Flood Planning Constraint Category (FPCC) 3 area. Council has since advised Water NSW that it has resolved to adopt draft Clause 5.22 Special Flood Considerations into its local environmental plan (LEP), this optional clause includes consideration of hazardous and offensive development in all flood affected areas within the probable maximum flood (PMF).

Water NSW' submission is generally supportive of the FRMSP but suggests some minor changes to the document in relation to discussing the relationship between the flood planning area (FPA), the flood planning level (FPL) and the Flood Planning Constraint Categories (FPCC) areas. Additionally clarifying in tables etc that the FPCC2 category actually contains some sub-categories.

Edits were made to the Final Report (Section 9) and the Flood Policy (Appendix H) as discussed in the submission summary comments in Attachment 2. The following clarification of the relationship has been made:

“The [flood planning area] FPA will form the extent of the Flood Planning Constraint Category (FPCC) 3 (see Section 9.1.2.5) for riverine flood planning controls. The areas of FPCC1 and FPCC2 inside FPCC3 are also included in the FPA.”

And in relation to the sub categories for Flood Planning Constraint Categories (FPCCs):

Appendix H, now states “Some development sites may be situated in multiple FPCCs. There are four different FPCC and FPCC2 is split into FPCC2 (Subcategory a,b,c,e) or FPCC2 (Subcategory d).

The Final Report and Attachments for the Floodplain Risk Management Study and Plan are attached (refer **Attachment 4** - separate enclosure).

The adopted FRMSP and associated data will be published on the NSW Flood Data Portal and the Council web site (the web site to include the maps from the study but not the data as it requires specialist software to run this). The NSW Flood Data Portal is the main point of reference for engineering consultants to access the data in order to run the flood model.

Post Exhibition Amendments to the Amended DCP Chapter

A number of minor amendments to the DCP chapter have been made primarily in response to the submission from Water NSW to provide greater clarification of the application of the provisions. These changes are discussed in **Attachment 2** and a revised version of the DCP Chapter is provided in **Attachment 5**.

Planning Certificates

Planning Certificates issued under the provisions of Section 10.7 of the *NSW Environmental Planning and Assessment Act, 1979* will require updating to reflect the adoption and commencement of the new FRMSP.

There are some differences to the mapping between the 2016 Flood Study and the FRMSP 2022 therefore land attributes which trigger the site-specific information on Planning Certificates will need to be updated on Council's data base.

The FRMSP recommends inclusion of the Flood Planning Constraint Categories (FPCCs) on certificates. This will necessitate the creation of a new series of land attributes to be identified for all affected properties to provide for automated responses. Council may have to manually alter certificates for each property until the FPCC attributes are added (as noted above, in reference to a change to the Flood Policy in Appendix H, some properties could have multiple FPCCs apply).

The published commencement date for the FRMSP 2022 and the DCP chapter will need to coincide with the uploading and commencement of the new data in the Planning certificates.

Overland Flow Model and Maps

As advised in the previous report to Council, some overland flow mapping for areas around Goulburn has been undertaken. This mapping can be used as a “red flag” to determine where additional development assessment is required for development applications and to set aside risk areas in planning proposals. It is considered appropriate to publish the maps, however, provision of the model is not recommended an Overland Flooding Risk Management Study and Plan (as recommended in the FRMSP) is undertaken. Maps can be published on Council web site and NSW Flood Portal without the modelling being provided.

Conclusion and Recommendation

In conclusion, the Goulburn Floodplain Risk Management Study and Plan provides up to date analysis of Goulburn’s flood risk and a series of actions in the plan to reduce risk through measures such as Council planning, physical modifications to flood behaviour, flood warning systems etc.

The amended DCP flood chapter adopts recommendations from the FRMSP including a Flood Policy. The amendment to the DCP will facilitate the implementation of the FRMSP and the some of the planning recommendations it contains including the updated information for Planning Certificates.

FINANCIAL IMPLICATIONS

There are a number of recommendations in the Goulburn Floodplain Risk Management Study and Plan which are costed and prioritised. These recommendations will need to be assessed and prioritised in relation to various Council Business Units and their work programs and budgets. The adoption of the FRMSP also facilitates grant applications for listed projects. Mitigation measures in the Plan are also identified to reduce the overall cost of damages due to flooding to the community.

LEGAL IMPLICATIONS

Council is responsible for planning in relation to flooding, the updated Flood Study mapping and Floodplain Risk Management Study and Plan will be used to inform decision making in relation to flooding at several levels.