

ITEM NO: 9**SUBJECT: WEED CONTROL PROGRAM FOR NOXIOUS WEEDS ALONG THE
TRANSPORT CORRIDOR ACROSS THE BLUE MOUNTAINS LGA****FILE NO: F04616**

Recommendation:

That the Council receive the report and note the information.

Report by Group Manager, Community and Corporate:**Report Summary**

At its Ordinary Meeting of 21 October 2008, the Council resolved:

1. *That a report comes before the Council detailing the efforts of Council, the State Rail Authority, the RTA, the NSW National Parks and Wildlife Service and private landholders to proactively manage noxious weeds growth along the Great Western Highway.*
2. *That the Council approach the RTA to tender for the highway cleaning.*

(Minute No. 705)

In order to provide for effective noxious weed control across the Blue Mountains LGA and where required, enforced actions under the Noxious Weeds Act 1993, control works and inspection programs need to be planned and undertaken at a broad landscape scale. A significant challenge for Council, as the Local Control Authority (LCA), in implementing this approach has been in dealing with the impact that the narrow transport corridor across the Blue Mountains LGA has historically presented due to the numerous land tenures and government agencies involved in its management.

Over the last two years, in partnership with a number of key State Government Agencies, Council has made significant progress towards developing a co-ordinated approach to weed control within the transport corridor that is now starting to yield significant benefits in the targeted sectors of the corridor. In the longer-term, this collaborative and integrated approach presents the most viable mechanism for the long-term control of a number of key invasive weed species within this difficult management zone.

In regard to the second part of the Council resolution above, the Council is in a position to provide the RTA with a local highway cleaning service, including graffiti removal. A description of the services on offer from the Council and a schedule of rates have been given to the RTA. However, the RTA typically lets long-term highway maintenance contracts that cover a large geographic area, for example the RTA's Sydney Metropolitan Region. The Council has not pursued tender opportunities with the RTA where it involves servicing a large geographic area as it would not provide cost effective revenue benefits to the Council. Liaison will continue between the Council and the RTA to identify any local opportunities to provide a service including cleaning, road maintenance and weed management.

The remainder of this report is dedicated to Part 1 of the resolution and will further detail the efforts of Council and other land managers to manage noxious weeds along the highway.

Background

The Blue Mountains transport corridor has been identified for some time as a significant contributing source-point for a number of key weed species. The transport corridor's situation in the linear ridge top pattern of development traversing the Blue Mountains plateau has a significant influence on the spread of a number of key weed species throughout the adjoining natural systems as well as into many areas of high conservation value and in turn World Heritage Areas in downstream sub catchments in the Blue Mountains.

Examples of the more problematic weed species located in the transport corridor include:

- Scotch Broom (Upper Mountains);
- Montpellier Broom (Upper through to Lower Mountains); and
- Crofton Weed (Mid to Lower Mountains).

All of these weeds have the capacity to establish along the road and rail corridors, in turn dispersing seed into neighbouring waterways and sub-catchments through the transport corridor's engineered drainage structures. In addition, infestations of other weed species such as those listed below can also act as significant source points for distribution by birds into neighbouring lands:

- Lantana (Lower Mountains);
- Bridal Creeper (Lower Mountains); and
- Blackberry (Lower through to Upper Mountains).

With respect to noxious weeds the Council has no regulatory control over the NSW state agency land managers operating within the transport corridor. This is despite the Council's position as the Local Control Authority. The usual tools to ensure compliance were unavailable and the development of a co-operative and supporting approach has achieved significant outcomes. Central to the success of this landscape scale approach is that Council has taken a lead role in land manager co-ordination, assisted the development of strategic weed control programs and encouraged involvement in joint or integrated control programs. This will include regular contact with all public land managers including:

- NSW RailCorp;
- NSW Roads and Traffic Authority (RTA);
- NSW Department of Lands;
- NSW National Parks and Wildlife Service (NPWS);
- Environment Protection and Regulation Division/NSW Department of Environment and Climate Change (DECC);
- Sydney Catchment Authority (SCA); and
- Sydney Water.

The Landscape Scale Approach

Council Staff through the activities of the Blue Mountains Local Weeds Committee and ongoing dialogue between Council and Agency staff has seen in recent times significant

improvements in the level and nature of collaborative weed control programs which are now being implemented as on ground actions.

To support this process Council staff have over a number of years progressively mapped and identified many of the existing infestations and source-points of numerous weed species across the LGA, through the implementation of Council’s internal programs, as well as through regular dialogue with external agencies and from community programs. This accumulated picture of weed distribution patterns in the LGA has placed Council in a position to provide quality and specialist technical advice to relevant land management agencies in order to maximise the benefits from the strategic targeting of key infestations as well as ensuring optimum timing of control works.

Council will continue to further develop existing relationships with the relevant land management agencies to encourage increased levels of collaboration across a range of weed control programs to ensure that the size of areas receiving effective control actions for key weed species in the Blue Mountains area continues to increase across all land tenures. Table one below summarises the key land managers currently involved in this approach and the issues being addressed.

Whilst not being a land manager, the NSW State Government Department of Primary Industry plays an important role in its support to Council in the control of key weed species. Council recently was the recipient of a grant of \$52,000 to support both the coordination and physical control of weeds such as Scotch and Montpellier Broom which in many cases have their origins in the transport corridor. Similarly the Hawkesbury-Nepean Catchment Management Authority continues to support Council in a number of strategic weed control projects providing \$20,000 towards Gorse and Broom control. In addition Council is actively involved in the Blue Mountains / Sydney West Regional Weeds Committee which is the peak regional Weed Management Committee, as outlined in the following table:

Land Management Agency	Weed Management Issues	Current Actions
RTA	The RTA has primary responsibility for management of the vehicular carriageways of the Great Western Highway between the outside shoulder/gutters (including internal medium strips). There are a number of additional small scale parcels of land in RTA ownership and management.	Council is currently communicating with RTA staff to identify RTA assets within the transport corridor that requires weed control works as part of a strategic approach to weed control along the transport corridor. Council is also looking at ways to better utilise a coordinated approach to take advantage of planned closure of sectors of the highway to undertake necessary control work.
RailCorp	This sector of the transport corridor contains significant infestations of key weed species with varying distribution patterns along the length of the corridor.	Council staff are currently working closely with RailCorp representatives and their contractors to assist in the identification of preferred locations and the nature of control works along the rail corridor as well as identifying optimum timing for the works.

Land Management Agency	Weed Management Issues	Current Actions
	Equally of importance is the position of individual infestations of weeds, which often are located at the heads of sub-catchments across the Blue Mountains LGA. This in turn poses considerable threats to important downstream natural systems and World Heritage Area.	This financial year has seen the commencement of an integrated approach to the control of key weed species within the rail corridor and adjoining areas that is now directly linked to other landscape scale weed control initiatives involving other land managers. Works are currently being targeted where it supports community actions and Council investments.
NSW Department of Lands	Generally there are very few parcels of Crown lands within or adjoining the transport corridor that are not managed by a Trust either as a Community Trust i.e. Darks Common, or with Council acting as the Trustee.	Council is working with departmental staff to develop control strategies and where possible financial support to manage the spread of existing weeds to adjoining lands. NSW Department of Lands intends to provide limited funds in the 2008/09 year for integrated weed control programs on Crown land and other lands under the control of the department. At the time of the preparation of this report an announcement of funding allocations had not yet been made.
NPWS DECC SCA	With the exception of a small number of areas across the Mountains and the SCA Special Areas in the Upper Mountains, the National Parks and SCA lands are generally well downstream of the transport corridor and tend to be recipients of the cumulative impacts of all of the urban land uses above them.	Council staff are continuing to build on a good working relationship that exists between Council and NPWS/DECC and SCA staff. Works within the transport corridor are currently targeted to support the downstream community and organisational actions that are occurring across both reserve systems i.e. the annual 'Great Gorse Gorse Walk' and 'Broom Blitz'.
Sydney Water	Residual weed infestation located on lands that have historically been utilised as Sewer Treatment Plants and other sewerage infrastructure (now defunct).	Council is currently working closely with Sydney Water staff and their contractors to assist in the planning and the delivery of a range of weed control works. Works are currently being targeted where it supports Community actions and Council investments in a range of natural systems restoration works. It should be noted that the majority of these works are occurring downstream or well away from the Transport corridor, with the exception of lands in Hazelbrook.

Sustainability Assessment

The development of a co-coordinated and collaborative approach for the control of highly invasive weeds will provide a number of sustainability outcomes described in Table two.

Effects	Positive	Negative
Environmental	Improved control of weeds. Conservation of vegetation, threatened flora and threatened fauna habitat. Protection of World Heritage Area values.	Some weeds such as lantana provide a food and refuge resource that is lost in the short term as a result of weed control, however as native vegetation develops the resource will recover.
Social	Reduced spread of weeds downstream into private lands. Protection of natural areas appreciated for their aesthetic and recreational amenity. Increased communication and engagement between land managers. Increased communication between the public and land managers.	The integrated approach will occasionally include private lands to achieve best outcome, and where Council’s approach of providing landholders assistance with weed management planning is not taken up, there may be need to apply a more stringent regulatory approach.
Economic	Landscape/integrated approach will reduce long term weed management costs to land managers (including Council) and regulatory/compliance costs to Council.	Increase activity by land managers has promoted increased financial commitment to weed management within the corridor by land managers in the past few years.

Financial Implications

The current approach generally will have minimal financial implications for Council, as the works programs associated with this strategic approach are reflective of current works programs which continue to be modified to reflect the changing operational environment. It is anticipated that existing programs will only require minor refinement in the short to medium term to adjust to the anticipated increased participation levels of other land management agencies.

There are additional opportunities for financial benefits in the medium to longer term to the Council associated with efficiency gains linked to this current approach through the buffering and protection of downstream works (this is the landscape where most Council managed lands are located) from reinvasion of key weed species located within the transport corridor.

In addition, whilst not being a direct financial investment from Council, there are numerous community actions supported through Council’s Bushcare Program as well as private landholders as part of Landcare Groups that will benefit indirectly through a more strategic landscape-scale based weed control works program. These benefits will be achieved through

the targeting of weeds in upstream or offsite locations, which are in close proximity to their areas of activity.

Legal and Management Issues

No identified legal issues are associated with the report’s proposed recommendations. The key risk management issue that needs to be considered is Council’s responsibility as LCA relating to the management of the transport corridor in which Council is complying with its responsibilities. In the broader context, risk management may include consideration of occupational health issues. Working on road or rail corridors has inherit risks that vary from relatively low risk in some of the more highly developed areas of the corridor through to high risk locations such as the narrow winding sections of the Great Western Highway i.e. to the west of Katoomba (Explorer’s Tree) through to Medlow Bath. This risk management issue needs to be addressed through the use of appropriate level of traffic control measures and the utilisation of highway closure periods to undertake works within the highway corridor.

External Consultation

This approach to landscape scale weed control continues to be developed in consultation with a range of internal staff as well as staff from all of the relevant agencies. This consultation is being used to identify key target weeds as well as planning and timetabling of the necessary control works. All land management agencies are continuing to be actively encouraged to participate as members of the Blue Mountains Local Weeds Committee.

Conclusion

The Blue Mountains transport corridor will continue to provide a challenging environment to manage weeds in terms of the diversity and extent of weeds, the number of land managers involved in control, the linear extent of the corridor and significant areas of high conservation value bushland downstream and the risks associated with working within a narrow transport route. For weed control to be successful, cost effective and sustainable along the length of the transport corridor it requires a collaborative and integrated approach across all land tenures.

As the LCA, Council has responded by forming a leadership role in this process facilitating the development of relationships between a range of land management agencies, assisting the development of weed management programs for specific land tenures, and finally the integration of control efforts being provided by each of the land managers. This collaborative approach whilst providing strategic benefits in regards to weed control at sub-catchment scale will also maximise returns from the financial investments made by all participating land managers relating to weed management targets. This approach will also indirectly support many of the activities and the time contributed by a range of Blue Mountains community Groups

In the longer-term, a collaborative and integrated approach presents the most viable mechanism for the long term control of a number of key invasive weed species in this difficult management zone.

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ITEM NO: 10**SUBJECT: SOUTH LEURA FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN****FILE NO: F04616, F00274**

Recommendations:

1. *That the Council accept and note the submissions made in response to the public exhibition of the draft South Leura Floodplain Risk Management Study.*
 2. *That the Council adopt the South Leura Floodplain Risk Management Study and Plan.*
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Report by Group Manager, Community & Corporate:**Report Summary**

The purpose of this report is to present the analysis of submissions made on the draft South Leura Floodplain Risk Management Study and Plan (draft South Leura FRMS&P) during the public exhibition period. The report also presents a final South Leura Floodplain Risk Management Study and Plan (South Leura FRMS&P) for adoption by the Council.

This report summarises the following:

- Issues that have contributed to the need for the South Leura FRMS&P;
- Issues that were raised by the community during the stakeholder consultation and submissions made during the public exhibition period;
- How the issues have been addressed through the final report of the South Leura FRMS&P; and
- The resource implications as a result of adopting the South Leura FRMS&P.

The final report of the South Leura FRMS&P is attached separately.

Background

Following some major flooding events in 2002 in Wentworth Falls, the Council recognised the need to create a floodplain management program for the city. This prompted the Council's Environmental Management Branch to begin a process of preparing Floodplain Risk Management Studies and Plans for flood-prone catchments throughout the City. The first FRMS&P was prepared for the Jamison Creek catchment in Wentworth Falls which was adopted by the Council in November 2006. The sub catchment of South Leura was selected as the next catchment to carry out a FRMS&P following a localised flooding event in 2003 which included property and community infrastructure damage.

Flooding in the Blue Mountains can generally be described as 'flash flooding' i.e., where water in creeks, drains and natural watercourses rises very rapidly following large rainfall events and also retreats shortly after the peak flood period due to the steep slopes and escarpments. A 5 yr average recurrence interval (ARI) storm event in 2003 caused damage to several properties and community infrastructure along Spencer Street, Sublime Point Road,

Scott Avenue and Gladstone Road. There were reports of localised flooding including the Leura golf course and several properties between Wilson Street and Sublime Point Road.

The Council successfully applied for State and Commonwealth funding under the NSW Floodplain Management Program and engaged Maunsell Australia Pty Ltd to prepare the South Leura Floodplain Risk Management Study and Plan in line with the NSW Flood Policy and in accordance with the principles of the *NSW Government's Floodplain Management Manual*. Under the Flood Policy, the management of flood prone land remains the responsibility of local government. However, the Local Government Act indemnifies the Council from liability, providing advice relating to flooding is documented on the relevant properties section 149 certificates. In doing so the Council is seen to act in good faith and is in accordance with the principles set out in the *Floodplain Management Manual*.

A South Leura Floodplain Management Committee (SLFMC) was formed, involving key stakeholders from the community, several state government agencies, including the Ward 1 Councillors. Phase 1 involved preparing a Flood Study where the nature and extent of the flood problem was determined including flood levels, depths, velocities and flows in the catchment. Phase 2 involved a Floodplain Risk Management Study where the floodplain management issues were assessed, management options investigated and recommendations made. Phase 3 involved the Floodplain Risk Management Plan detailing how flood prone land within the study area is to be managed. In May 2008, the draft South Leura Floodplain Risk Management Study and Plan was delivered. The South Leura FRMS&P went on public exhibition from 3 June 2008 to 3 October 2008. The submissions from the community during this exhibition period have been incorporated in the final report.

Study Area

The study area covers most of the sub-catchments on the southern side of Leura, including Jamison Creek Tributary, Valley of the Waters Creek, Gordon Creek and Leura Falls Creek. All these creeks are tributaries of the Coxs River, which flows into Warragamba Dam, Sydney's drinking water supply. The area spans from the Great Western Highway on the north to Orchard Lane, Hester Road and West Street in the east, to York Street, Wilson Street and Govett Street in the west and Sublime Point Road in the south. The total area covers approximately 550 hectares. The study area is shown in Figure 1.

The study area contains areas of natural heritage and ecological significance including hanging swamps, waterfalls, Crown Reserves and National Park. In addition there are large areas of residential development, a commercial centre, several large resorts as well as a Golf Course and Country Club. The bushland and sedge swamp ecological communities influence the hydrology and water quality of the creeks, as well as providing habitat for flora and fauna including several species that are rare, vulnerable or endangered. The catchment of South Leura is characterised by moderate to steep slopes and flow is conveyed via a mixture of natural channels, modified grass and concrete lined channels and culverts. The land use is primarily zoned residential with some areas of business (Leura Mall), industrial and recreational land use.

Research and Consultation

In developing the draft FRMS&P extensive research and consultation was carried out including:

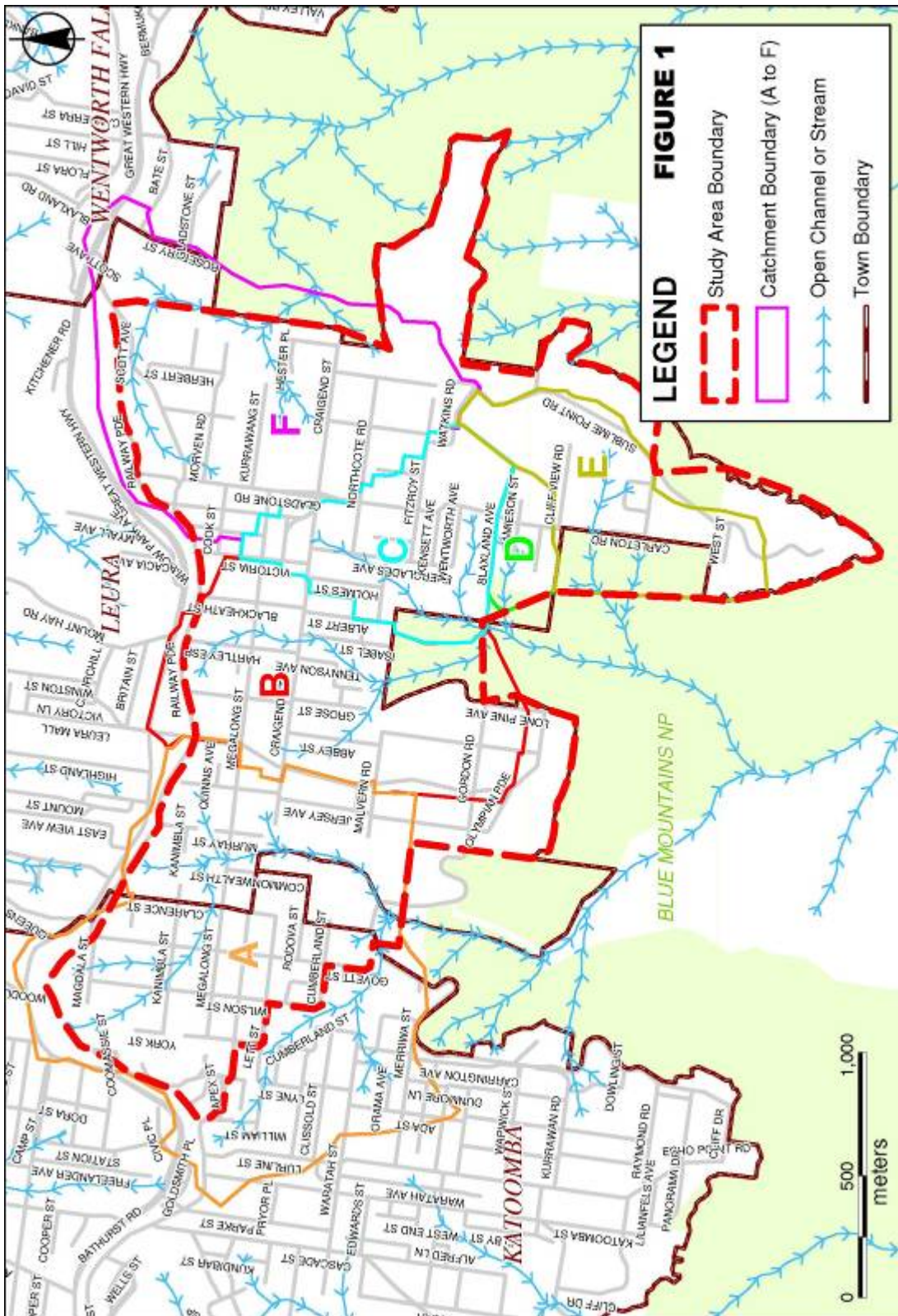
- Review of background information and files including LEP 2005 the Blue Mountains Better Living DCP for Single Dwellings and Subdivision Developments - Stormwater;

- A review of previous studies, rainfall and streamflow data;
- Consultation with internal staff members;
- A Community Residents Questionnaire sent out to all householders in the study area;
- Formation of a South Leura Floodplain Management Committee which met throughout the development of the FRMS&P;
- Survey data collected for area identified as potential flooding ‘hotspots’ as outlined in Figure 1;
- Meetings with key stakeholders and site visits to flood affected properties; and
- Assessment of houses/buildings and roads affected by a 100 year ARI storm event.

The following issues emerge from the community and key stakeholder consultation process including feedback during the meetings of the South Leura Floodplain Management Committee and from submissions received during the public exhibition period:

- It has been shown that the community’s flood awareness is relatively low, particularly in terms of larger floods. Therefore, increasing the community’s flood awareness is critical, and education programs have been recommended as part of the plan;
- The results of the community questionnaire have shown that the majority of people believe that development should not be allowed on flood prone land or areas that pose a high hazard to people. Many responses also indicated that restrictions should be placed on new development, including ensuring that floor levels of new development are above estimated flood levels at the site. The proposed Local Floodplain Risk Management Policy covers these issues of development control and complements the overwhelming community feeling;
- Information regarding which roads are at risk of being flooded in the 100 year ARI storm event was provided to Council’s Emergency Management section to obtain recommendations on what roads need to remain open to allow access during flood events; and
- Submissions received during the public exhibition period came from two polarised groups. The majority of submissions came from residents who believed that there was no risk of their property flooding (they had never seen it flood) and they objected to their properties being listed as ‘flood prone’ on their Section 149(2) Certificates. The other group had experienced flooding and were keen to see the proposed flood mitigation options implemented.

Figure 1: The Study Area for the South Leura FRMS&P



Findings of the FRMS&P

- Flooding in South Leura can generally be described as ‘flash flooding’;
- There have been a number of minor floods in recent years that have resulted in flooding of properties, however no major flood events have been recorded in recent history and as such flood awareness is low;
- The flood hazard categories are predominantly high due to the steep nature of the channels and streams and the rapid rise of the flood waters;
- The land use in the catchment is predominantly residential, with a commercial centre and several resorts. The buildings impacted by flooding are generally residential; and
- Flow in South Leura is predominantly conveyed by a mixture of natural channels, modified grass and concrete lined channels and culverts. In the upper areas of the catchments channels often run between houses, or along the backyards of properties. Many buildings are located in overland flow paths.

The following table provides a summary of the flood problem in South Leura. The flood hazard levels are predominantly high due to the steep nature of the channels and streams and the rapid rate of rise of the flood waters.

Total Number of Properties in study area 2437	100 year average recurrence interval (ARI) storm event	Probable Maximum Flood (PMF)
Number of flood liable properties	205	252
Number of properties with houses in flood path	25	51
Number of houses flooded above floor level	8	18

It should be noted that the above summary doesn’t include properties at risk from nuisance flooding. Houses that have experienced nuisance flooding were identified in the community questionnaire, during the data collection stage. Nuisance flooding can include surface runoff from a neighbouring property, a property located on the low side of road, surface runoff or overland flows from a road and flooding from blocked stormwater infrastructure.

Floodplain Risk Management Measures

The list of flood mitigation options in the study are recommendations made by the consultants, not a plan of future Council flood mitigation works. Council staff will consider the recommendations made in the study and use the study in planning for such works. Any works undertaken by the Council will be dependant on funding, grants that may be available for flood mitigation works and approval processes.

The Floodplain Development Manual (April 2005) defines three ways of managing flood risk. All three types of management measures were considered in this Study, and the community consulted to identify an integrated and effective mix, appropriate for South Leura. These types of measures are:

- Flood modification - Modifying the behaviour of the flood itself
- Property Modification - Modifying (i.e. house raising) or purchasing existing properties and/or by imposing controls on property and infrastructure development and

- Response Modification - Modifying the response of the population at risk to better cope with a flood event.

Flood Modification Measures are a common and proven means of reducing damage to existing properties at risk. Measures considered in this study included detention basins, levees, channel modifications and culvert upgrades.

Property Modification Measures, such as effective land use controls, are essential if the growth in future flood damage is to be contained. Measures considered in this study included adoption of Flood Planning Levels, Section 149 Certificates, Land Use Zoning changes, Development Controls and voluntary purchase.

Response Modification Measures are the most effective means of dealing with the continuing flood problem, which is the risk that remains from floods after other measures are in place. Measures considered in this study included flood education and awareness and flood prediction and warning.

Table 2 outlines the recommended management options for the South Leura catchment, in terms of economic considerations (expressed as a Benefit Cost Ratio, BCR) as well as a qualitative assessment of environmental, social and hazard factors.

Table 2: Recommended Management Options

Option Number	Management Option	Cost (\$)	BCR	Overall Rank	Priority Rating
Property Modification Measures					
48	Incorporate Draft local Floodplain Risk Management Policy in Blue Mountains Better living DCP	N/A	-	-	High
49	Land Zoning Changes	N/A	-	-	High
50	Adopt 100 Year ARI flood level + 500mm as the flood planning level	N/A	-	-	High
51	Section 149 Certificates	N/A	-	-	High
60	Voluntary purchase of identified flood prone properties	To be assessed	0.13	8	Medium
Response Modification Measures					
52	Council to implement a Flood Education and Awareness program	N/A	-	-	High
53	Council to present SES with flooding information presented in this report	N/A	-	-	High
Flood Modification Measures					
Culvert Upgrades					

1	Corner of Kanimbla St and Wilson St	98,000	0.22	6	High
2	Magdala St	58,000	0.13	13	Medium
12	Abbey St (south of Craigend St)	64,000	0.16	10	Medium – Adopt only if option 14 is not feasible
13	Abbey St (south of Craigend St)	150,000			
17	Megalong St to Craigend St	254,000	0.16	16	Low
20	Craigend St (east of Hartley Esp)	72,000	0.10	7	High
21	Craigend St, west side of Spencer St	390,000			
34	Gladstone Rod (south of Wentworth Ave)	56,000	0.2	17	Low
43	22 Gladstone Road to 18-20 Scott Ave	267,000	0.31	2	High
46	Scott Ave (east of Herbert St)	164,000	-	14	Medium
57	Sublime Point Rd	205,000	0.11	12	Medium
Channel Modifications					
9	Wilson St to Govett St	81,000	0.26	15	Low – Not required if options 7 and 8 are feasible
27	Lachlan Ave to Craigend St (east of Victoria St)	40,000	-	19	Low
36	Western St to Govett St	81,000	0.26	15	Low
37	West of Gladstone Road (between No's 101 and 103-5)	42,000	0.98	5	High – Not required if option 35 is feasible

Table 2: Recommended Management Options Cont.

45	Channel running behind houses along Scott Ave (numbers 14 to 42)	103,000	-	21	Low
Detention Basins					
35	Feasibility Study for Golf Course upstream of sub-catchment C2	N/A	-	4	High – Further Investigation required
Leaves/Flood Proofing					
7	Govett St (further investigation)	24,000	0.14	18	Low – Further Investigation required
8	Govett St (further investigation)	24,000	0.70	11	Medium – Further Investigation required
14	Abbey St (further investigation)	24,000	0.32	9	Medium – Further

					Investigation required
29	Everglades Ave	33,000	1.85	1	High
47	Hester Place	32,000	1.04	3	High

Sustainability Assessment (Triple Bottom Line Reporting):

Assessment of adoption of the FRMS&P is outlined below.

Effects	Positive	Negative
Environmental	The FRMS&P outlines a range of flood mitigation measures including Water Sensitive Urban Design (WSUD) that will help protect the environment as well as private property	Nil
Social	The FRMS&P will help raise awareness to the South Leura community of the risks involved with flash flood events.	Nil
Economic	The adoption of the FRMS&P reduces the adverse economic impacts to the community associated with flooding.	While there is no evidence of this, there is concern from some flood affected property owners that property values may be affected.

Financial Implications

It is important to note that adoption of the South Leura FRMS&P is not a commitment by the Council to undertake all the recommended flood mitigation options identified in the report. It is a management tool to identify a range of actions and rank their priority against other Flood Studies in the LGA including the Jamison Creek FRMS&P. The Council will only pursue priority options identified by an internal working group and then only implement the actions where external grant funding is available and sufficient matching funds from Council.

Under the NSW Government's Floodplain Management Program, financial assistance is provided to Councils for the implementation of floodplain risk management measures. Under current arrangements, funds are provided on a 2:1 basis, i.e. Councils fund one third of implementation costs. The provision of State funds is dependent on State-wide priorities and the availability of funds under the Floodplain Management Program.

Legal and Risk Management Issues

On 11 November 2008, the Council adopted the *City of Blue Mountains Flood Liable Land Policy* which provides a city-wide policy framework for the management of flood liable land within the City. In addition there are two relevant planning documents that make reference to land subject to inundation and to stormwater management including LEP 2005 and the Blue Mountains Better Living DCP.

The main driver behind the development of FRMS&Ps throughout the City is that the Council has a duty of care in advising property owners, occupiers and developers on the potential

extent and level of flooding to assist decisions with regard to an appropriate flood planning level. Once a FRMS&P is adopted by the Council and the S149 Certificates amended for identified flood prone properties, the Council is indemnified from litigation related to future flooding damages.

Advice has been provided on Section 149(2) Certificates for properties affected by flooding in South Leura up to the 100 year ARI flood level. The Council's statutory responsibilities include updating S149 Certificates for flood prone properties once a FRMS&P has been carried out in accordance with the *NSW Floodplain Development Manual*. Section 149 (2) and Section 149 (5) Certificates are used to inform property owners, prospective property buyers and property developers of the flood risk associated with a particular allotment and that development may be restricted because of the likelihood of flooding or other risk.

Conclusion

The development of the draft South Leura Floodplain Risk Management Study and Plan involved comprehensive research, field investigation and stakeholder consultation. The plan has sought to; improve management of the identified South Leura and Katoomba catchments with regard to flooding, facilitate the Council's duty of care to identify and notify flood prone affected properties, and oversee and improve planning for future developments.

It is recommended that the Council adopt the South Leura Floodplain Risk Management Study and Plan.

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Enclosure