



**WEST LAKES CATCHMENT – FLOOD PLAIN MAPPING** Item 3.26

Continued

**Background**

The City of Charles Sturt has conducted analysis of sections of the City's existing stormwater system in conjunction with the Adelaide and Mt Lofty Ranges Natural Resource Management (AMLR NRM) Board.

Where these systems have crossed council boundaries this analysis has also been undertaken in conjunction with the adjacent Council. Phase 1 of this analysis (flood plain mapping) provides a holistic overview of individual catchments.

To date the Stormwater Management Plan (SMP) project (formerly referred to as the Urban Stormwater Master Plan) has undertaken Phase 1 studies on the following Catchment areas:

- Torrens Road (in conjunction with Port Adelaide Enfield)
- Port Road (in conjunction with Port Adelaide Enfield)
- Meakin Terrace
- Trimmer Parade; and
- Henley/Fulham

Tonkin Consulting was engaged to undertake the modelling and preparation of floodplain mapping for the West Lakes Catchment. Including the West Lakes catchment, floodplain mapping for 74% of the area of the City of Charles Sturt has been completed.

In addition, Council has released floodplain maps covering the Meakin Terrace; Trimmer Parade and Henley/Fulham catchments (refer CL 23/05/05, Item 15.11), the Port Road Catchment (refer CL 12/12/05, Item 6.202) and Torrens Road Catchment (refer CL 11/03/2008, Item 6.23).

These maps indicate the likely extent of property inundation as a result of a 1 in 100 year rainfall event and are a precursor to the next phase of developing the Stormwater Management Plan for the Catchment. This stage is a strategic investigation of various options to better manage the stormwater within the Catchment which may include engineering solutions, changes to planning policy and utilising open space where practicable for the purpose of stormwater management.

As a matter of due process, Council also releases the flood plain mapping to affected properties to enable action by property owners to minimise risk of property inundation.

**Report****Sources Used**

Council Report 'Council's Legal Obligations to Disclose Information Relating to Flood Risk', CL 23/05/05, Item 15.11

Council Report 'Flood Mitigation – Legal Aspects of Development Control in Flood Risk Areas', CL 23/05/05, Item 15.12

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Council Report 'Urban Stormwater Master Plan – Overview and Update', CL 23/05/05, Item 6.90

Council Report 'Urban Stormwater Master Plan – Port Road Flood Plain Mapping', CL12/12/05, Item 6.202

**Flood Plain Mapping**

Now that Council is aware of this information it has a duty to disclose this information to the wider community and a duty of care to act on this information and undertake appropriate actions to mitigate the risk of flooding to properties within those areas studied.

However actions should not be confined to Council responsibilities. There are certain measures that property owners should also take to minimise the flooding risk and therefore it is important that Council imparts information on what action it is proposing to undertake and any actions that property owners should also consider.

It is now recommended that Council endorses the public release of this floodplain mapping information for the West Lakes Catchment.

**West Lakes catchment details and number of properties likely to be affected**

The West Lakes Catchment occupies an area of approximately 1,040 hectares and entirely lies within the boundaries of the City of Charles Sturt.

There are 9312 properties within the catchment and includes the AAMI stadium, West Lakes Shopping Centre and surrounding areas.

The mapping indicates that approximately 996 properties (being 11% of total number of properties) have been identified as being at risk of inundation in a 1 in 100 year rainfall event.

Of this figure:

- 876 properties are within the Catchment itself and include approximately 833 residential properties and 30 commercial and industrial properties.
- Approximately 120 properties were identified outside the Catchment boundary as being at risk of inundation from flood water overspilling into the adjacent Port Road and Trimmer Parade Catchments.

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**Obligations**

At its meeting of 23 May 2005, Council was advised of the obligations that arise as a result of receiving this information, including:

**Legal Obligation to Disclose**

Having received the information regarding flood risk to properties, Council has a duty to disclose this information to residents and the owners of those properties affected.

Council's lawyers, Norman Waterhouse, have previously indicated that failure to disclose this information may expose Council to claims of 'negligence' should a third party suffer as a result of Council failing to disclose.

**Land and Business (Sale and Conveyancing) Act 1994 Obligation**

Section 7 of the Land and Business (Sale and Conveyancing) Act 1994 (the LBSC Act) requires a vendor of land to provide the purchaser with a statement concerning a variety of information about the land. Much of the information that is to be provided to the purchaser is to be obtained by the vendor from the Council.

While the requirements under Section 7 of the Act relate to notices and charges affecting the property, Norman Waterhouse have advised that notwithstanding other legal obligations, Council, having received this flood risk information, is obliged and must now disclose it, either as part of the Section 7 enquiry or as a separate note. Until recently, this was disclosed as part of the Section 7 enquiry however, this approach is currently under review. We are seeking further advice following a situation where flood mapping failed to update automatically in relation to a newly created property. Consequently, it is likely a separate note will be used.

**LGA Mutual Liability Scheme Advice**

Council's insurer, the Local Government Association Mutual Liability Scheme (the Scheme) have previously indicated that having received this flood risk information Council must now take 'reasonable' steps to mitigate any risk identified. While Council cannot absolve itself from all possible legal liability, when determining whether to cover Council, the Scheme will assess the actions taken by Council and what steps were 'reasonable' in the circumstances. The Scheme's previous advice is that flood risk disclosure is reasonable from the Scheme's point of view and non-disclosure is not.

**Community Communication Plan**

The following broad community communication plan is proposed:

- Review existing information sheets for the general public outlining the broader issues faced by Council and the community.
- Press release.

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- Review fact sheets outlining the background of the SMP project its outcomes and broad direction on the actions being taken by Council.
- Refresher training of Customer Service, Engineering and Development staff to enable staff to answer questions and issues raised as a result of this information.
- Update question and answer papers to enable staff to provide consistent response to public enquiries.
- Update of Council internet and intranet web sites to provide information to the general public and staff not directly involved in this project.
- Copies of information relating to the Catchment and this Council report sent to local State Members of Parliament and senior government officials.
- Letter to property owners of properties identified as being at risk of inundation. This information will take approximately three months to collate at property level. In the interim, property owners will be able to request detail for individual properties where development is planned.

**Affect on Property Values**

It is recognised that some property owners may have concerns about the impact this information may have on the value of their properties. Information indicates that it is the actual flood event, rather than the disclosure of the information that is likely to have a greater effect on property values.

**Where to from here?**

In keeping with the previous process relating to floodplain mapping, this information should now be made available to the public ensuring that consistent information and advice is provided to those at risk in line with the approach taken with other catchments.

It is important to recognise that flooding of properties is not new and many property owners have experienced flooding in some form or another at some stage in the past. The SMP project merely formally identifies the extent of the issue and for the first time Council is in a better position to understand the effect of a large storm event and strategically plan to minimise the risk of flooding.

**Financial and Resource Implications**

There is no major financial or resource implication associated with releasing of the flood plain maps.

Further stages of the Storm Water Management Plan (SMP) for the West Lakes catchment will identify works to be undertaken to minimise flooding and the costs associated with such works.

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**Customer Service and Community Implications**

Customer Service and community implications are noted in the main report

**Environmental Implications**

There are no environmental implications associated with the release of the flood plain maps.

Further stages of the SMP will define projects that may have some environmental implications.

**Community Engagement/Consultation**

Community Engagement/ Consultation will be an integral part of further stages of the SMP.

**Risk Management/Legislative Implications**

Risk Management / Legislative implications are covered in the main report

**Conclusion**

Council has prepared flood plain mapping for the West Lakes catchment. Now that it is in receipt of this information, it is necessary for Council to endorse the release of the floodplain mapping information for the West Lakes catchment consistent with other catchments.