

SOUTHERN GRAMPIANS PLANNING SCHEME

AMENDMENT C58SGRA

EXPLANATORY REPORT

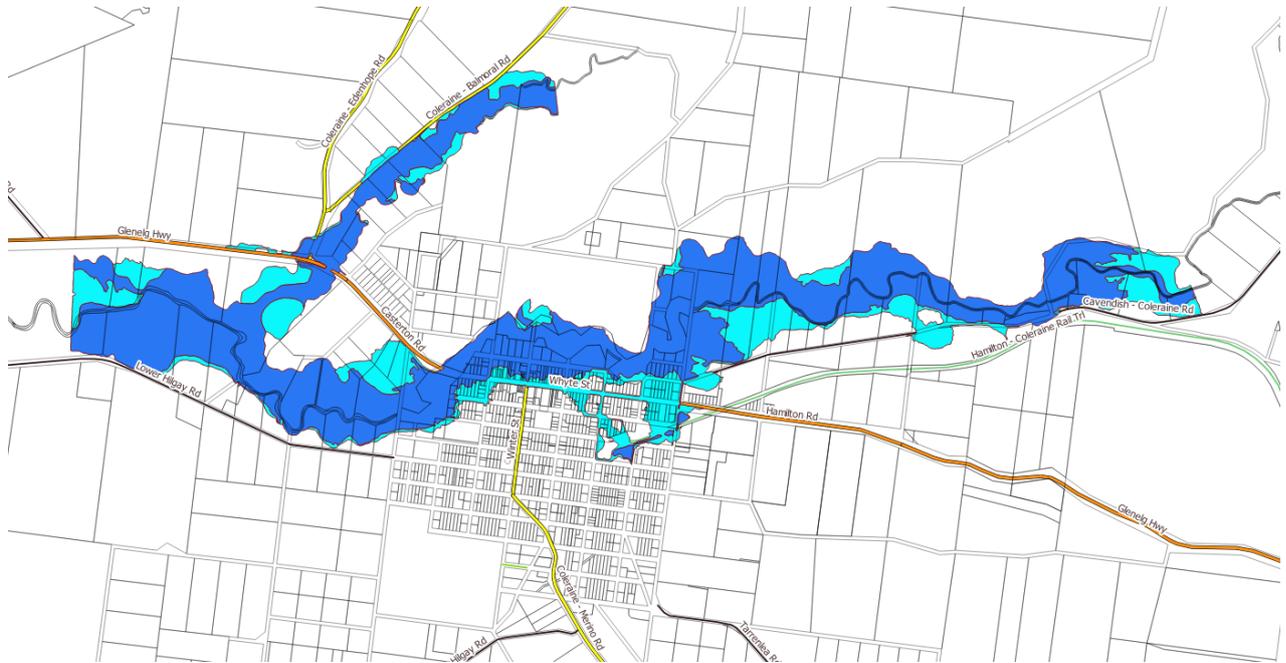
Who is the planning authority?

This amendment has been prepared by the Southern Grampians Shire Council, which is the planning authority for this amendment.

Land affected by the Amendment

The Amendment applies to land within and around the Township of Coleraine, as identified within the *Coleraine Flood Investigation 2018* (Venant Solutions Pty Ltd) to be affected by mainstream flooding during a 100 year ARI (average recurrence interval) flood.

Specific details of land affected by the new controls and modifications to existing flood controls are shown on maps that form part of the amendment.



What the amendment does

The Amendment implements the findings of the *Coleraine Flood Investigation 2018* (Venant Solutions Pty Ltd) by introducing planning controls that seek to improve the performance of the Southern Grampians Planning Scheme in responding to issues relevant to flooding.

The Flood Overlay (FO) is applied to areas that are likely to convey active flood flows and/or store floodwaters to hazardous depths.

The Land Subject to Inundation Overlay (LSIO) is applied to land affected with waterways and open drainage systems. Such areas are commonly known as floodplains. These floodplain areas have a lower flood risk than areas in the FO.

These overlays will trigger planning permits for development, works and subdivision on land affected by flooding. Modified schedules to FO and LSIO have been prepared which remove some unnecessary controls by providing exemptions for some buildings and works. The schedules also

specify Application requirements, Decision guidelines and Referral obligations. The schedules rely on the *Hamilton and Coleraine Local Floodplain Development Plan 2020* which is proposed as an incorporated document at Clause 72.04.

The amendment:

1. Amends the FO and LSIO maps in the Southern Grampians Planning Scheme to reflect updated flood information, leading to one of three outcomes for affected areas within Coleraine:
 - An *increase* in the level of control through variation of the FO and LSIO to newly identified areas.
 - A *decrease* in the level of control through variation of the FO and LSIO.
 - *No change* in the level of control.
2. Inserts a new Schedule 1 to Clause 44.03 FO to exempt buildings and works that are not expected to adversely affect flood flows / levels from having to obtain a planning permit.
3. Inserts a new Schedule 1 to Clause 44.04 LSIO to exempt buildings and works that are not expected to adversely affect flood flows / levels from having to obtain a planning permit.
4. Re-names the existing (unnumbered) Schedule to Clause 44.04 LSIO to "Schedule 2 to the Land Subject to Inundation Overlay".
5. Amends the Schedule to Clause 72.03 to list the new flood overlay maps.
6. Amends the Schedule to Clause 72.04 to insert the *Hamilton and Coleraine Local Floodplain Development Plan 2020* Incorporated Document in the Table of Documents incorporated into the Scheme.

Strategic assessment of the Amendment

Why is the Amendment required?

The flood extents reflected in the Southern Grampians Planning Scheme's current overlays for Coleraine are inaccurate.

The Amendment is required to implement the findings of the *Coleraine Flood Investigation 2018* (Venant Solutions Pty Ltd), providing best available information.

The study identified areas within and around the Township of Coleraine that are affected by flooding and these areas have been mapped as either Floodway Overlay (FO) or Land Subject to Inundation Overlay (LSIO).

Specifically:

- The FO identifies waterways, major flood paths and drainage depressions and has been applied to areas recognised as having the greatest risk and frequency of being affected by mainstream flooding, especially areas that convey active flood flows or store floodwater to hazardous depths; and
- The LSIO identifies land in flood storage or flood fringe areas affected by the 1 in 100 year flood event and has generally been applied to areas affected by mainstream flooding that have a lower risk of flooding and are outside of the FO boundaries. In addition, the LSIO may apply to areas that are known to flood but where there is no available information on flood depths, velocities or level of hazard.

These overlays will trigger planning permit requirements for new development, works and subdivision on land affected by flooding. A new Schedule 1 to the LSIO and a new Schedule 1 to the FO have been prepared. Compared to the existing Schedule to the LSIO, these remove some unnecessary controls by providing exemptions for some buildings and works. The schedules also specify application requirements, decision guidelines and referral obligations. The schedules will refer to and be

supplemented by the *Hamilton and Coleraine Local Floodplain Development Plan 2020*, which is proposed as an Incorporated Document at Clause 72.04.

The application of these updated overlays will assist Local Government, Catchment Management Authority and the community in carrying out more effective planning and management of flood prone land within Coleraine.

How does the Amendment implement the objectives of planning in Victoria?

The amendment implements the following objectives of planning in Victoria as outlined in Section 4(1) of the *Planning and Environment Act 1987*:

- To provide for the fair and orderly, economic and sustainable use, and development of land;
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- To balance the present and future interests of all Victorians.

Furthermore, Section 6 of the *Planning and Environment Act 1987* identifies what planning schemes can provide for, including (among other things) the ability to: *“Regulate or prohibit any use or development in hazardous areas or in areas which are likely to become hazardous areas.”*

The amendment applies overlays to identify land that is flood prone in Coleraine and consequently responds to this requirement by providing a safe environment for all and ensuring that new development is designed and located with flood risk in mind.

How does the Amendment address any environmental, social and economic effects?

Social and Economic Effects

Flooding has the potential to severely disrupt communities and, in extreme cases, cause extensive damage to public and private property, agricultural losses, personal hardship and loss of life.

Coleraine has a known history of flooding with records of at least 7 significant events occurring since settlement in 1870, 1893, 1946, 1975, 1983, 1991 and most recently in 2016 which inundated 24 buildings (residential, commercial and industrial).

By more effectively identifying areas prone to flooding and applying appropriate overlays, the amendment helps to manage new development so that future flood impacts are minimised. Therefore, the amendment has significant social and economic benefits for the community.

The amendment does not prohibit development (excluding some classes of subdivision within the FO). The flood overlays provide discretion for Council and the Catchment Management Authority to ensure that new development is appropriately located and designed to achieve positive social and economic outcomes.

The planning permit process will bring about time and financial costs to development proponents, as well as impacting on Council and Catchment Management Authority resourcing. However, these costs are considered negligible when assessed against the social and economic costs of not recognising and responding to the flood hazard via appropriate design solutions. The flood controls will assist in minimising the personal, social and financial losses that result from the effects of flooding. In addition, minor buildings and works are exempted under the proposed schedules to avoid unnecessary planning regulation.

The amendment provides information to current and future owners altering them to the flood risk. This will allow the community to make more fully informed choices prior to purchasing and developing land.

Environmental Effects

The amendment is expected to have a positive environmental effect, as it will give enhanced recognition to the environmental significance of naturally flood-prone areas. These areas provide valuable habitats for plants and animals and serve as natural water storage areas.

They include swamps, billabongs and wetlands, all of which have an important role to play in supporting biodiversity, recycling nutrients and maintaining water quality. The Amendment contributes

to protecting these by better identifying flood-prone areas and extents of probable flooding. Flood paths are likely to be kept free from obstruction and areas that provide temporary storage of floodwaters are expected to be better protected.

Following the amendment, new developments and works will be appropriately located and designed to satisfy the requirements of the new FO and LSIO, likely preventing damaging changes to flood flows. As a consequence, flood waters are not expected to be diverted significantly from their natural course, minimising resultant impact on flora and fauna communities, animal habitats, and quality of waterways.

Does the Amendment address relevant bushfire risk?

The Amendment addresses the risks arising from flooding. In that regard it is complementary to planning controls that address bushfire risk in that both types of controls are intended to decrease the risk to life, property and community infrastructure.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is consistent with the *Ministerial Direction – Form and Content of Planning Schemes* as identified at section 7(5) of the *Planning and Environment Act 1987*.

The Amendment is consistent with the *Ministerial Direction No.11 - Strategic Assessment of Amendments* pursuant to Section 12(2) (a) of the *Planning and Environment Act 1987*.

No other Ministerial Directions apply to the amendment.

How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment supports and implements the Planning Policy Framework (PPF) by supporting Clause 13.03 Floodplains, Clause 13.03-1S Floodplain Management, Clause 14.02 Water and Clause 14.02-1S Catchment Planning and Management by introducing appropriate flood protection measures in areas of known flood risk. The controls are being applied in order to protect life and property from flood hazard and to ensure the natural flood capacity of waterways remain relatively unencumbered.

The policy states that flood risk must be considered in the preparation of planning schemes and land use planning decisions to avoid intensifying the impacts of flooding through inappropriately located uses and developments.

The Amendment implements policy by proposing that land affected by flooding as identified by the *Coleraine Flood Investigation Study 2018* be recognised and updated on planning scheme maps accompanied by suitable planning controls.

This contributes to the protection of public and private properties from damage, as well as the identification of potential risks to the lives, health and safety of floodplain residents.

Specifically, the inclusion of this information in the scheme triggers the need for planning permits, which help ensure approved development is consistent with the local flood hazard and does not cause damage by altering flood flows and/or the temporary storage of floodwaters.

Additionally it is critical that areas with no current flood controls or outdated flood controls be properly recognised in the planning scheme based on current known information.

How does the amendment support or implement the Municipal Planning Strategy?

The Amendment supports and implements the Municipal Planning Strategy (MPS) by supporting Clause 02.03-3 Environmental Risks and Amenity for Floodplains, by introducing appropriate flood protection measures in areas of known flood risk. The controls are being applied in order to protect life and property from flood hazard and to ensure the natural flood capacity of waterways remain relatively unencumbered.

The Strategy states that there is a need to protect floodplains from inappropriate development and the protection of life and property from flood events. Clause 02.03-3 stipulates that the urban development seeks to mitigate flooding risks, apply the precautionary principle to development within flood prone

areas, and implement a plan for the protection of life, property and community infrastructure from flood hazard.

The Amendment seeks to protect life and property in areas at risk of flooding. The amendment proposes to apply development controls in areas that are affected by flooding, to effectively mitigate against risk to life and property. The new controls will create a safer living and working environment for the occupants of the properties concerned. This contributes to the protection of public and private properties from damage, as well as the identification of potential risks to the lives, health and safety of floodplain residents.

New and existing development (buildings and works) and subdivision on land within the overlays can be considered provided permit applications meet the flood risk minimisation criteria stipulated by the *Hamilton and Coleraine Local Floodplain Development Plan 2020* which is proposed as an Incorporated Document at Clause 72.04.

Does the Amendment make proper use of the Victoria Planning Provisions?

The Amendment has been prepared with reference to the *General Practice Note – Strategic Assessment Guidelines* and the *Victorian Planning Provisions Practice Note 12 - Applying the Flood Provisions in Planning Schemes - A guide for Councils* by:

- Applying the FO to areas of mainstream flooding that convey active flood flows and/or store floodwater; and
- Applying the LSIO to areas of mainstream flooding that have a lower risk of flooding than areas in the FO.

Development (buildings and works) and subdivision on land within the overlays can be considered provided permit applications meet the flood risk minimisation criteria stipulated by the *Hamilton and Coleraine Local Floodplain Development Plan 2020* which will be an Incorporated Document at Clause 72.04.

It is considered that the combination of these controls is the most appropriate use of the available VPP tools, as they are specifically aimed at protection of life and property and helping to ensure the free flow of floodwaters. These controls have been applied according to a level of risk consistent with the Practice Note *Applying the Flood Provisions in Planning Schemes - A Guide for Councils (PPN 12, June 2015)*.

How does the Amendment address the views of any relevant agency?

The Amendment has been prepared in consultation with the Glenelg Hopkins Catchment Management Authority (GHCMA) and is representative of the Authority's views. Other agencies will be consulted via the amendment exhibition process.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The Amendment will not result in any negative impact on the transport system as defined by Section 3 of the *Transport Integration Act 2010*. Inasmuch as the Amendment reduces the risk of flood hazards, it is consistent with Section 13 of the TIA which seeks to improve the safety of the transport system.

Resource and administrative costs

The new planning provisions will improve the application and administration of the Southern Grampians Planning Scheme, by providing greater certainty for Council, GHCMA, landowners and the general community.

Some increased impact on Council resources may be experienced due to more planning permits being triggered in newly identified FO and LSIO areas within and surrounding Coleraine.

Any resource impact from increased permit activity is negligible when compared with the benefits associated with ensuring development responds to flood hazards. Furthermore, as the mapping has been completed, that mapping will inform building permit processes, regardless of the planning amendment. It is less costly to address flood risk via appropriate zone overlay controls than to modify planning permits that are based on incorrect information concerning flood risk.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

- Southern Grampians Shire Brown Street Business Centre, 111 Brown Street, Hamilton Vic 3300.

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **21 September 2020**.

Any submission must be sent to the Southern Grampians Shire Council, 1 Market Place, Hamilton VIC 3300, or by email to planning@sthgrampians.vic.gov.au.

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions hearing: 25 January, 2021
- Panel hearing: 22 February, 2021