

**GLENELG PLANNING SCHEME**

**AMENDMENT C108gelg**

**EXPLANATORY REPORT**

**Who is the planning authority?**

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

The amendment has been made at the request of Glenelg Shire Council and the Glenelg Hopkins Catchment Management Authority.

**Land affected by the amendment**

The amendment applies to the Fitzroy River floodplain, including within the town of Heywood, from the edge of the Cobboon National Park to the river mouth at Tyrendarra and the Darlot Creek floodplain from the downstream end of Lake Condah to its confluence with the Fitzroy River.

A mapping reference table is attached at Attachment 1 to this Explanatory Report.

**What the amendment does**

The amendment implements the Fitzroy River, Darlot Creek and Heywood Regional Floodplain Mapping Study (2017) by inserting high confidence mapping into the Glenelg Planning Scheme by way of the Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO). The FO represents the higher hazard portion of the floodplain where flooding may occur equal to or greater than 0.5 metre flood depth or with a depth velocity product equal to or greater than 0.4m<sup>2</sup>/s.

Specifically, the proposed amendment:

- Amends planning scheme map nos. 30LSIO-FO and 32LSIO-FO and inserts new map nos. 26LSIO-FO, 29LSIO-FO and 31LSIO-FO.
- Amends the Schedule to Clause 44.03 (FO) to include mapping reference "FO1".
- Amends the Schedule to Clause 44.04 (LSIO) to include mapping reference "LSIO1".
- Amends the Schedule to Clause 72.03 to list the three new LSIO-FO Maps.
- Amends the Glenelg Shire Local Floodplain Development Plan incorporated document to include the new overlay areas and makes associated changes to the Schedule to Clause 72.04.
- Amends the Schedule to Clause 72.08 to include the Summary Report from the 2017 Fitzroy River, Darlot Creek and Heywood Regional Floodplain Mapping Study as a background document in the planning scheme.

**Strategic assessment of the amendment**

**Why is the amendment required?**

The amendment is required to implement the Fitzroy River, Darlot Creek and Heywood Regional Floodplain Mapping Study that was completed in 2017 by the State Government. The study was initiated by the Department of Environment, Land, Water and Planning (DELWP) in order to define the extent and characteristics of flooding in the Fitzroy River and Darlot Creek catchment so that future planning decisions are soundly based and measures may be put in place to minimise risk to the community.

The amendment is required to insert mapping for the Land Subject to Inundation and Floodway Overlays. This will rectify the current lack of development controls across the entire extent of the

mapped 1% Annual Exceedance Probability (AEP) floodplain in this area, but most importantly will address the current lack of flood risk related planning controls for the township of Heywood.

The inclusion of LSIO and FO mapping into the planning scheme will require the referral of applications proposing to develop flood-prone land to the Catchment Management Authority, thereby ensuring development decisions in the area fully account for flood risks.

### **How does the amendment implement the objectives of planning in Victoria?**

The amendment is consistent with the objectives of planning in Victoria included in section 4(1) of the Act that state:

- (a) *to provide for the fair, orderly, economic and sustainable use, and development of land;*
- (b) *to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- (c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- (d) *to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*
- (e) *to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*
- (f) *to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e)*

Furthermore, Section 6 (2)(e) of the Act 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.*

### **How does the amendment address any environmental, social and economic effects?**

The amendment will have positive environmental, social and economic effects by identifying land that is within the floodplain of the Fitzroy River and Darlot Creek to assist with the protection of life and property through development controls.

### **Does the amendment address relevant bushfire risk?**

The amendment does not have any effect on bushfire risk.

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

The amendment is consistent with the requirements of the Ministerial Direction - The Form and Content of Planning Schemes (section 7(5) of the Act).

The amendment also complies with Ministerial Direction 11 Strategic Assessment of Amendments.

Pursuant to Ministerial Direction 19 written advice from the Environment Protection Authority (EPA) has been sought on the amendment. The EPA advised "...that the scope of the Amendment is such that it presents a low risk of harm to the environment and amenity as a result of pollution and waste."

### **How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

Through the implementation of the Fitzroy River and Darlot Creek regional flood investigation the amendment is consistent with the objectives identified in Clause 13.03-1S Floodplain management and Clause 14.02-1S Catchment planning and management, to assist with the protection of:

- *Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.*

- *The natural flood carrying capacity of rivers, streams and floodways.*
- *The flood storage function of floodplains and waterways.*
- *Floodplain areas of environmental significance or of importance to river, wetland or coastal health.*
- *...catchments, waterways, estuaries, bays, waterbodies...*

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

The amendment is consistent with Clause 02.03-3 Environmental risks and amenity, which states:

#### ***Floodplains***

*Parts of Portland, Heywood, Narrawong, Casterton and Sandford are at the risk of flooding from rivers. Some areas are also vulnerable to flooding from storm surge and sea level rise. The proper management of floodplains protects the natural environment and properties located in areas subject to inundation.*

*The Shire seeks to address floodplain issues by applying the precautionary principle approach to assess development in areas prone to flooding, sea level rise and landslip.*

#### ***Water***

*Protecting the Shire's waterways and wetlands from development.*

*Retaining natural drainage corridors with vegetated buffer areas to function as drainage areas and habitat corridors.*

### **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment proposes to use the Victorian Planning Provisions consistent with the Ministerial Directions. The amendment proposes to utilise the FO and LSIO in accordance with Planning Practice Note 12 and as outlined in the Fitzroy Darlot Flood Overlay Methodology report.

### **How does the amendment address the views of any relevant agency?**

Consultation has been undertaken with the Glenelg Hopkins Catchment Management Authority, DELWP and the EPA.

### **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment does not have a direct impact on the transport system.

### **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment is to be undertaken within Council's operating budget with funding from the Risk and Resilience Grants Program and in-kind assistance received from the Glenelg Hopkins Catchment Management Authority.

The amendment will result in an increase in the number of planning permit applications where development is proposed within the floodplain or within 100 metres of a designated floodplain in rural zones. Future planning permit applications are expected to be processed within prescribed timeframes with current staffing levels maintained or increased as necessary.

### **Where you may inspect this amendment**

The amendment can be inspected free of charge at the Glenelg Shire Council website at <https://www.glenelg.vic.gov.au/Our-Services/Planning-Services/Strategic-Planning>

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

Glenelg Shire Council  
Portland Customer Service Centre  
56 Percy Street  
Portland VIC 3305

Heywood Customer Service Centre  
77 Edgar Street  
Heywood VIC 3304

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection) or by contacting 1800 789 386 to arrange a time to view the amendment documentation.

### **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 8 August 2022.

A submission must be sent to:

Glenelg Shire Council  
Planning Unit

- delivered in person at 56 Percy St, Portland 3305
- by mail to: PO Box 152, Portland VIC 3305
- by email to: [planning@glenelg.vic.gov.au](mailto:planning@glenelg.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: week commencing 31/10/2022
- panel hearing: week commencing 28/11/2022

**ATTACHMENT 1 - Mapping reference table**

<b>Location</b>	<b>Land/Area Affected</b>	<b>Mapping Reference</b>
Condah, Breakaway Creek	Darlot Creek and Lake Condah floodplain	26LSIO-FO
Drumborg	Fitzroy River floodplain	29LSIO-FO
Drumborg, Heywood	Fitzroy River floodplain	30LSIO-FO
Heywood	Fitzroy River floodplain	31LSIO-FO
Tyrendarra, Homerton	Fitzroy River and Darlot Creek floodplains	32LSIO-FO