

14.11. AMENDMENT C108GELG – FITZROY DARLOT REGIONAL FLOOD INVESTIGATION IMPLEMENTATION

Director: David Hol, Director Corporate Services

Executive Summary

Amendment C108gelg (the amendment) has received authorisation from the Minister for Planning to prepare and exhibit the amendment. Public exhibition has now taken place. This report considers the submissions received from the exhibition of the amendment and provides commentary in response to those submissions. The report recommends that Council proceed with the amendment to receive a recommendation on the submissions from an independent planning panel prior to resolving to adopt or abandon the amendment.

Recommendation

That Council:

1. Request the Minister for Planning appoint an independent Planning Panel under Part 8 of the *Planning and Environment Act 1987* to consider submissions received in response to amendment C108gelg to the Glenelg Planning Scheme; and
2. Refer amendment C108gelg and submissions to the Planning Panel for consideration and recommendation, pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987*.

MOTION

MOVED Cr Smith

That Council:

1. **Request the Minister for Planning appoint an independent Planning Panel under Part 8 of the *Planning and Environment Act 1987* to consider submissions received in response to amendment C108gelg to the Glenelg Planning Scheme; and**
2. **Refer amendment C108gelg and submissions to the Planning Panel for consideration and recommendation, pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987*.**

SECONDED Cr Wilson

CARRIED

FOR: Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Smith and Cr Wilson

AGAINST: Nil

Background/Key Information:

The *Fitzroy River, Darlot Creek and Heywood Regional Floodplain Mapping Study 2017* (Study) was prepared for the State Government. The investigation was completed in 2017 with a subsequent action for Council to complete the implementation into the planning scheme. The amendment seeks to implement the findings of the Study into the Glenelg Planning Scheme (the planning scheme).

The summary report from the Study is proposed to be inserted as a Background Document into the planning scheme. The amendment documents and maps have been prepared, including an updated version of the incorporated document *Glenelg Shire Local Floodplain Development Plan*. Delineation of the flood plain mapping has been completed with support from the Glenelg Hopkins Catchment Management Authority to inform the Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO) mapping proposed to be inserted into the planning scheme.

At the 24 May 2022 Council Meeting Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit the amendment.

Authorisation to prepare the amendment was granted under delegation from the Minister for Planning on 7 June 2022 subject to conditions being fulfilled. Exhibition of the amendment C108gelg was held from 7 July 2022 to 8 August 2022 with six (6) submissions being received to date (refer to Attachment 1). Two (2) submissions received in support or not requiring changes to the amendment documents. Four (4) submissions object to an aspect or require changes to the amendment documents.

A summary of the submissions, planning unit comments, and recommendations are contained in Attachment 2. In summary the issues raised include the following topics:

- The extent of the flood mapping.
- Maintenance/clearing/dredging of the Fitzroy River (Heywood).
- Installation of culverts under the railway line.
- Insurance.
- Valuation.
- Rates.
- Increased construction requirements.
- Construction of a levee bank (Heywood).
- Stormwater infrastructure.
- Subdivision.
- Uncertainty to reconstruct a dwelling.
- Content of the summary report.
- Content of the incorporated document.

The submissions are recommended to be sent to an independent Planning Panel (Panel) to give the submitters the opportunity to be heard on the issues raised in an independent forum. The panel will then provide the Council with a recommendation on how to proceed with the amendment.

a. Council Plan and Policy Linkage

The amendment is consistent with the Council Plan objectives to implement the actions from the Regional Catchment Strategy.

b. Legislative, Legal and Risk Management Considerations

A planning scheme amendment is required to amend the Floodway and Land Subject to Inundation Overlays in the planning scheme. The amendment is in support of the Planning Policy Framework and the Municipal Planning Strategy for floodplains.

For the study to have statutory effect it is required to be included in the planning scheme as a Background document by way of a planning scheme amendment. This process is set out in the *Planning and Environment Act 1987*.

c. Consultation and/or communication processes implemented or proposed

The amendment required formal exhibition under the *Planning and Environment Act 1987*. This has been done in the prescribed manner by the Act.

Notification of individual landowners and occupiers has occurred to notify of the proposed changes to affected properties. Newspaper and website advertising has also occurred. The complete amendment package was available for viewing at the Portland and Heywood customer service centres.

Objections to the amendment that raise issues that cannot be resolved should be referred to a Panel to allow the submitters the opportunity to be heard in an independent forum that will consider the submissions received. The Panel will provide a recommendation to Council on how to proceed with the amendment.

d. Financial Implications and Collaboration

Council has received funding through the Risk and Resilience Grants Program 2021 to assist with the potential costs involved in undertaking the planning scheme amendment. Funding under the Risk and Resilience Grants Program 2021 included \$40,000.

The project expenditure to date includes \$1600+GST to complete the necessary mapping work.

A Planning Panel is required to proceed with the amendment, where it is estimated that \$40,000 may be required for Panel and expert witness costs. These costs are to be covered by the operational budget and funding received.

e. Governance Principles

Local, Regional, State and National plans and policies are to be considered in strategic planning and decision making.

Attachment List

1. Attachment 1 - Submissions Received - C 108 gelg [14.11.1 - 14 pages]
2. Attachment 2 - Schedule of Submissions C 108 gelg [14.11.2 - 7 pages]