

GLENELG PLANNING SCHEME AMENDMENT C108gelg

Fitzroy Darlot Regional Flood Investigation Implementation
Glenelg Shire Council
Submission to Panel

Panel Hearing: 29 Nov 2022
Heywood
Glenelg Shire Council

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AMENDMENT SUMMARY

Amendment	Glenelg Planning Scheme Amendment C108gelg
Common Name	Fitzroy Darlot Regional Flood Investigation Implementation
Subject Site	Glenelg Shire
Purpose of the Amendment	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).
Planning Authority	Glenelg Shire Council
Authorisation	7 June 2022
Exhibition	7 July 2022 to 8 August 2022
Submissions	Six (6)

GLOSSARY

Annual Exceedance Probability (AEP)	Refers to the probability or risk of a flood of a given size occurring or being exceeded in any given year. A 90% AEP flood has a high probability of occurring or being exceeded; it would occur quite often and would be relatively small. A 1% AEP flood has a low probability of occurrence or being exceeded; it would be fairly rare but it would be of extreme magnitude.
Australian Height Datum (AHD)	A common national surface level datum approximately corresponding to mean sea level. Introduced in 1971 to eventually supersede all earlier datums.
Average Recurrence Interval (ARI)	Refers to the average time interval between a given flood magnitude occurring or being exceeded. A 10 year ARI flood is expected to be exceeded on average once every 10 years. A 100 year ARI flood is expected to be exceeded on average once every 100 years. The AEP is the ARI expressed as a percentage.
Cadastre, cadastral base	Information in map or digital form showing the extent and usage of land, including streets, lot boundaries, water courses etc.
Catchment	The area draining to a site. It always relates to a particular location and may include the catchments of tributary streams as well as the main stream.
Catchment Management Authority	Any authority with 'direct' or 'delegated' functions for Floodplain Management under Part 10 – Waterway Management, Division 4 – Floodplain management of the <i>Water Act 1989</i> . The main floodplain management authorities are Melbourne Water and the regional catchment management authorities for their respective areas. In areas not covered by the 'delegated' authority, the Minister for Water is the authority.
Design flood	A design flood is a probabilistic or statistical estimate, being generally based on some form of probability analysis of flood or rainfall data. An average recurrence interval or exceedance probability is attributed to the estimate.
Discharge	The rate of flow of water measured in terms of volume over time. It is to be distinguished from the speed or velocity of flow, which is a measure of how fast the water is moving rather than how much is moving.
Flood	Relatively high stream flow which overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam, and/or overland runoff before entering a watercourse and/or coastal inundation resulting from elevated sea levels and/or waves overtopping coastline defences.
Flood frequency analysis	A statistical analysis of observed flood magnitudes to determine the probability of a given flood magnitude.

Flood hazard	Potential risk to life and limb caused by flooding. Flood hazard combines the flood depth and velocity.
Floodplain	Area of land which is subject to inundation by floods up to the probable maximum flood event, i.e. flood prone land.
Flood storages	Those parts of the floodplain that are important for the temporary storage, of floodwaters during the passage of a flood.
Floodway	The channel, stream, and portion of land subject to inundation which conveys the main flow of floodwater. The floodway also usually comprises the high-hazard portion of the floodplain where most development is to be avoided. Floodways are often, but not necessarily, the areas of deeper flow or the areas where higher velocities occur.
FO	Acronym for the Floodway Overlay.
Freeboard	A factor of safety above design flood levels typically used in relation to the setting of floor levels.
Geographical information systems (GIS)	A system of software and procedures designed to support the management, manipulation, analysis and display of spatially referenced data.
Hydraulics	The term given to the study of water flow in a river, channel or pipe, in particular, the evaluation of flow parameters such as stage and velocity.
Hydrograph	A graph that shows how the discharge changes with time at any particular location.
Hydrology	The term given to the study of the rainfall and runoff process as it relates to the derivation of hydrographs for given floods.
Intensity frequency duration (IFD) analysis	Statistical analysis of rainfall, describing the rainfall intensity (mm/hr), frequency (probability measured by the AEP), duration (hrs). This analysis is used to generate design rainfall estimates.
LiDAR	Spot land surface heights collected via aerial light detection and ranging (LiDAR) survey. The spot heights are converted to a gridded digital elevation model dataset for use in modelling and mapping.
LSIO	Acronym for Land Subject to Inundation Overlay.
Mainstream flooding	Heavy rainfall in both urban and rural areas that produces surface run-off which flows into streams and rivers where water overflows the river banks onto adjacent low-lying land causing flooding.
MIKE FLOOD	A hydraulic modelling tool used in this study to simulate the flow of flood water through the floodplain. The model uses numerical equations to describe the water movement.
Nominal Protection Level (NPL)	The 100-year ARI flood level plus a freeboard margin.
Peak flow	The maximum discharge occurring during a flood event.

Probability	A statistical measure of the expected frequency or occurrence of flooding. For a fuller explanation see Average Recurrence Interval.
Probable Maximum Flood	The flood that may be expected from the most severe combination of critical meteorological and hydrologic conditions that are reasonably possible in a particular drainage area.
RORB	A hydrological modelling tool used in this study to calculate the runoff generated from historic and design rainfall events.
Runoff	The amount of rainfall that actually ends up as stream or pipe flow, also known as rainfall excess.
Stage	Equivalent to 'water level'. Both are measured with reference to a specified datum.
Stage hydrograph	A graph that shows how the water level changes with time. It must be referenced to a particular location and datum.
Topography	A surface which defines the ground level of a chosen area.
Wet weather event	Flooding associated with mainstream flooding.

INTRODUCTION

- 1 This report is Glenelg Shire Council's (Council) submission to the Planning Panel for Amendment C108gelg (the Amendment) to the Glenelg Planning Scheme (the planning scheme). This submission responds to the Panels directions, dated 3 November 2022.
- 2 The Fitzroy River, Darlot Creek and Heywood Regional Floodplain Mapping Study was completed for the Department of Environment Land Water and Planning (DELWP) in October 2017.
- 3 The Amendment was prepared by Council at the request of Council and the Glenelg Hopkins Catchment Management Authority (GHCMA).
- 4 The Amendment was authorisation 7 June 2022.
- 5 The Amendment was exhibited from 7 July 2022 to 8 August 2022.
- 6 The Panel was appointed 5 October 2022 with a directions hearing held 2 November 2022.
- 7 In response to Panel directions 1 and 2 a Council representative met with submitters in person at the Heywood Customer Service on 4 November 2022. A discussion on the Amendment took place which included the background, methodology, effects on the submitters land, and matters that could be considered in the planning scheme amendment.
- 8 Council circulated the Expert witness report by 12 noon 22 November 2022 as directed by the Panel. The report is contained at **Attachment 1**.
- 9 The Panel appointed for the Amendment has directed that Council provide its submission by 12 noon 24 November 2022, which specifically is to include:
 - a) *Statements about compliance with Ministerial Directions, Planning Practice Note 11, Applying the flood provisions in Planning Schemes and compliance of the Local Floodplain Development Plan with Planning Practice Note 12, Applying for a planning permit under the flood provisions – A guide for councils, referral authorities and applicants;*
 - b) *a response to all submissions including reference to any discussion or correspondence with submitters since the Council meeting on 27 September 2022;*
 - c) *information on how the proposed overlays affect the properties of the submitters including advice on the potential use and development of properties as indicated in submissions. The information should include individual flood advice details for the property of each submitter;*

- d) *details and justification for any proposed changes to the exhibited form of the Amendment including specific changes required to documentation;*
- e) *Council's final position on the Amendment.*

GENERAL: BACKGROUND TO THE AMENDMENT

Chronology of events

10 A chronology of the key strategic documents and activities that led to the preparation and progression of the Amendment is outlined below:

- Fitzroy River, Darlot Creek and Heywood Regional Floodplain Mapping Study Summary Report was completed October 2017 by Water Technology for State Government (DELWP).
- In 2021 Glenelg Hopkins Catchment Management Authority (GHCMA) reported that the study was completed in 2018 and that Council was responsible for implementation into the Glenelg Planning Scheme with grant funding available to do so.
- In 2021 Council successfully obtained funding through the Risk and Resilience Grants Program (State Government) to implement the study into the planning scheme.
- In January 2022 the project was initiated with Catchment Simulation Solutions appointed to undertake the delineation of the FO and LSIO to inform planning scheme maps.
- In February 2022 Council prepared the draft amendment documents.
- In April 2022 GHCMA and DELWP completed a review of the draft amendment documents.
- 24 May 2022 Council resolved to seek authorisation to prepare and exhibit the Amendment from the Minister for Planning.
- 27 May 2022 authorisation request lodged to the Minister for Planning.
- 7 June 2022 authorisation received under delegation.
- 7 July 2022 to 8 August 2022 public exhibition of the Amendment occurred.
- 27 September 2022 Council resolved to request that the Minister appoint a Panel and to refer all submissions to the Panel.
- 5 October 2022 confirmation of the appointment of a Panel was received under delegation.

Background reports and recommendations to be implemented by the Amendment

11 The Summary Report - Fitzroy River, Darlot Creek and Heywood Regional Floodplain Mapping Study, 2017 is to be inserted as a background document into the planning scheme.

Resolution to prepare the Amendment

12 Council resolved to request authorisation from the Minister for Planning at the 24 May 2022 Council Meeting to prepare and exhibit the Amendment. Refer to **Attachment 2** for the relevant section of the Council Meeting Minutes.

Authorisation

13 Authorisation under delegation from the Minister for Planning was received on 7 June 2022 for Council to proceed with the preparation and exhibition of the Amendment subject to conditions. Refer to **Attachment 3** for a copy of the letter of authorisation.

Exhibition

14 The Amendment was placed on public exhibition from 7 July 2022 to 8 August 2022 in accordance with the requirements of *Planning and Environment Act 1987* including:

- Notices sent to prescribed Ministers under Section 19(1)(c) of the *Planning and Environment Act 1987*.
- Public notice of the Amendment appeared in the Portland Observer on 5 July 2022.
- Notice of the Amendment was placed in the Government Gazette on 7 July 2022.
- Notice of the Amendment via letter was sent to all affected owners/occupiers, including the local Registered Aboriginal Party (RAP).
- The Amendment documentation was made available for viewing in hard copy at Council's Customer Service Centres in Portland and Heywood.
- The Amendment documentation was made available for viewing in electronic format on Council's website and the Department of Environment, Land, Water and Planning (DELWP) website.

15 A copy of the exhibited planning scheme documentation can be found on Council's website at:

<https://www.glenelg.vic.gov.au/Our-Services/Planning-Services/Strategic-Planning/C108gelg-Fitzroy-Darlot-Regional-Flood-Investigation-Implementation>

WHAT IS PROPOSED

Details of the Amendment

- 16 The Amendment was prepared by Council as the Planning Authority at the request of Council and the GHCMA.
- 17 The purpose of the Amendment is to implement the relevant recommendations of 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).
- 18 As exhibited, the Amendment proposes to amend:
 - Planning scheme map nos. 30LSIO-FO and 32LSIO-FO and inserts new map nos. 26LSIO-FO, 29LSIO-FO, and 31LSIO-FO.
 - 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”.
 - The Schedule to Clause 72.03 to list the three new LSIO-FO Maps.
 - 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.
 - 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.

Land affected by the Amendment

- 19 The Amendment applies to the Fitzroy River floodplain, including within the town of Heywood, from the edge of the Cobboboonee 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.

STRATEGIC CONTEXT AND ASSESSMENT

- 20 The following is a summary of the strategic context and assessment of the Amendment:
- 21 The Amendment supports the implementation of the following objectives of planning in Victoria as set out in Section 4 (1) of the *Planning and Environment Act 1987*:
 - 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.

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.

Planning Policy Framework (PPF)

22 The Amendment is consistent with the objectives identified in Clause 13.03-1S Floodplain management and Clause 4.02-1S 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...*

Ministerial Directions and practice notes

- 23 The Amendment is consistent with the requirements of the Ministerial Direction - The Form and Content of Planning Schemes (Section 7(5) of the Act).
- 24 The Amendment also complies with Ministerial Direction 11 Strategic Assessment of Amendments.
- 25 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.”
- 26 Planning Practice Note 11 Applying for a planning permit under the flood provisions is applicable to land where the LSIO and FO are proposed to be applied by the Amendment. Where a planning permit is required, an application must be referred to the Catchment Management Authority for flood advice.
- 27 Planning Practice Note 12 (PPN12) Applying the Flood Provisions in Planning Schemes A guide for councils has been considered.
- 28 The FO and LSIO were assessed by Council and the Catchment Management Authority to be the most appropriate tools for the flood events modelled by the Fitzroy River, Darlot Creek and Heywood Regional Floodplain Mapping Study, 2017. A methodology report (**Attachment 4**) was provided with the exhibited amendment documents to explain this process.
- 29 The schedules to the FO and LSIO already exist in the planning scheme and as such do not require editing aside from an administrative update to include the numeral 1 as required by the form and content of planning schemes.
- 30 The incorporated document ‘Glenelg Shire Local Floodplain Development Plan’ is already included in the planning scheme and is proposed to be revised by the Amendment to update references as applicable such as including the affected urban and rural areas, in addition to updating and removing outdated references.
- 31 The proposed overlays and the revised incorporated document are consistent with PPN12.

Glenelg Shire Council Plan

- 32 The Amendment supports the following themes from the current Council Plan including:

Our Natural Environment – Striving towards a carbon neutral future to protect and enhance the natural environment for future generations.

Our Education, Employment, and Industry - Adapting and growing a diverse economy to embrace employment of the future and educational opportunities.

Our Lifestyle, Neighbourhood and Culture - Creating enriched and vibrant lives through experiences, safe and well planned neighbourhoods.

Our Voice and Action - A highly engaged and capable local government, leading Glenelg to ensure the needs and aspirations of our community are realised.

IDENTIFICATION OF THE ISSUES RAISED IN SUBMISSIONS

33 A total of six (6) submissions were received and accepted by Council for consideration in response to the Amendment. Refer to **Attachment 5** for a copy of each submission.

Submissions to Amendment C108gelg

Submission 1

34 Submission 1 is dated 14 July 2022 objecting to the amendment.

35 The issues raised by the submitters include:

- The land is included in the LSIO despite being built up higher than the surrounding land. Request to exclude the land at 16-18 Cameron St, Heywood from the LSIO mapping.
- Request for flood mitigation works including:
 - Additional culverts.
 - Dredging of the river system.
 - Insurance
- Concerns about property values and Rates.

Council Response to Submission.

36 The issues raised in the submission have been considered.

37 As the land is higher than the surrounding land the modelled flood water will surround the property causing an island effect. The Fitzroy Darlot Flood Overlay methodology outlines the removal of 'Holes' or 'Islands' in the mapping layers. This process is also noted in the Expert Witness Report. The LSIO is proposed in response to the level of risk and water depth for a less frequent flood event on the land.

38 GHCMA reviewed the submission and advised that the land should be included in the proposed LSIO. GHCMA have advised in **Attachment 7** that access to the land will be cut off by floodwater up to approximately 0.2m in depth, which is a low hazard to anyone trying to access, or escape from, the land during a flood of this magnitude.

39 Mitigation works are outside the scope of the Amendment which seeks to map current risk into the planning scheme.

40 Property values, insurance, and rates are outside the scope of the Amendment. The Flood model is already available in the Victoria Flood Database and can be accessed by insurers. The purpose of planning scheme mapping in the flood plains is for regulating future development and not insurance.

41 No changes are proposed to the exhibited planning scheme documentation in response to this submission.

Submission 2

42 Submission 2 is dated 18 July 2022.

43 The issues raised by the submitters include:

- Additional costs in dwelling construction incurred due to the floodplain.
- Insurance.
- Request for flood mitigation works including:
 - Construction of a levy bank.
 - Dredging of the river system.

Council Response to Submission

44 The issues raised in the submission have been considered.

45 Given that 3 Cameron St, Heywood is in the Commercial 1 Zone (C1Z) a planning permit was required for the use and development of a dwelling and shed. The Planning Unit considered the available flood data and required conditions as recommended by the Catchment Management Authority at that time (2013).

46 Insurance is outside the scope of the Amendment. The Flood model is already available in the Victoria Flood Database and can be accessed by insurers. The purpose of planning scheme mapping in the flood plains is for regulating future development and not insurance.

47 Mitigation works are outside the scope of the Amendment which seeks to map current risk into the planning scheme.

48 No changes are proposed to the exhibited planning scheme documentation in response to this submission.

Submission 3

49 Submission 3 is dated 22 July 2022

50 The issues raised by the submitters include:

- Concerns with the theories used in modelling.
- Concerns about the level of 'real data' used, such as rainfall recorded prior to flood events.
- Highest flood levels experienced since 1999 was the build-up of stormwater on the south side of Cameron St, Heywood due to inadequate culvert size.
- Impossible to reach the probable maximum flood level.
- The area is mostly already developed.
- Insurance.
- Uncertainty to replace a dwelling.

- No mention of Heywood under 2.1, 2.2, and 2.3 in the incorporated document.
- Query if historic clean-up efforts by Council would be repeated.
- Statement that without dredging the river, construction of a levee bank, and additional culverts more frequent flooding will occur.

Council Response to Submission

- 51 The issues raised in the submission have been considered.
- 52 The modelling undertaken to inform the FO and LSIO is noted to be high reliability and utilises historic information, LiDAR and survey data to inform the hydrological and hydraulic modelling that was undertaken.
- 53 The historic flood information utilised data from all of recorded history and needs to consider a 100-year flood event. The worst recorded flood to affect the area occurred in 1946 when flood levels reached approximately 25.65 metres AHD.
- 54 The study indicates that the modelled flood extent is possible in a 100-year event like that experienced in 1946.
- 55 The development of the area makes it important to include statutory controls in the form of the FO and LSIO to inform future decision making for development in the area.
- 56 Insurance is outside the scope of the Amendment. The Flood model is already available in the Victoria Flood Database and can be accessed by insurers. The purpose of planning scheme mapping in the flood plains is for regulating future development and not insurance.
- 57 The land is currently within the General Residential Zone (GRZ1) and is proposed to be affected by the LSIO. The right for a dwelling on the land will still exist, however the appropriate construction standard will be considered by the planning assessment.
- 58 The incorporated document is a revision of the existing document already in the planning scheme. Minimal changes have been made as necessary to update that document with the information obtained from the flood study and the GHCMA. The incorporated document is not meant to be an exhaustive guide to flood history, impacts, or information. The summary report from the flood study is to be included as a background document in the planning scheme. If there are any specific requests for insertions into the incorporated document, they can be considered as part of the Amendment.
- 59 Council is actively involved in emergency response efforts, including flood events, as well as clean up and rebuilding efforts after natural disasters.
- 60 Mitigation works are outside the scope of the Amendment. The modelling did consider the impact if mitigation works were undertaken. The proposed FO and

LSIO are required to reflect the current situation to provide the necessary development controls.

61 No changes are proposed to the exhibited planning scheme documentation in response to this submission.

Submission 4

62 Submission 4 is dated 12 July 2022.

63 The submission is in support of the Amendment.

Council Response to Submission

64 The submission is noted.

65 No changes are proposed to the exhibited planning scheme documentation in response to this submission.

Submission 5

66 Submission 5 is dated 1 August 2022.

67 The issue raised by the submitter include:

- Request for flood mitigation works including:
 - Construction of a levy bank.

Council Response to Submission

68 The issues raised in the submission have been considered.

69 Mitigation works are outside the scope of the Amendment which seeks to map current risk into the planning scheme.

70 No changes are proposed to the exhibited planning scheme documentation in response to this submission.

Submission 6

71 Submission 6 is dated 29 August 2022.

72 The submission is in support of the Amendment

Council Response to Submission

73 The submission is noted.

74 No changes are proposed to the exhibited planning scheme documentation in response to this submission.

Summary of submissions

75 The submissions received objecting to an aspect of the Amendment all relate to proposed Map No 30LSIO-FO specifically from Cameron St within the town of Heywood.

76 The submissions predominately relate to matters outside the scope of the amendment and as such could not be resolved in the amendment process.

Council resolution to refer the Amendment to a Planning Panel

77 It was resolved to request that the Minister for Planning appoint a Panel and all submissions be referred to that Panel at the 27 September 2022 Council Meeting. Refer to **Attachment 6** for the excerpt of the Council Meeting Minutes to request a Panel.

THE AFFECT OF THE PROPOSED OVERLAYS ON SUBMITTER'S LAND

78 The land that is the subject of objections received to the Amendment include:

- 16-18 Cameron St, Heywood (Submitter 1)
- 3 Cameron St, Heywood (Submitter 2)
- 13 Cameron St, Heywood (Submitter 3)
- 11 Cameron St, Heywood (Submitter 5)

16-18 Cameron St, Heywood

79 The land is in the General Residential Zone (GRZ1) and is not affected by any overlays at present.

80 The land is proposed to be included on Map No 31LSIO-FO with the land predominately affected by the LSIO and a small section in the FO.

81 The permitted uses are to remain set by Clause 32.08-2 in the GRZ1, however a planning permit will be required for most buildings and works as required by 44.03 or 44.04 dependant on siting of the development.

82 The proposed overlays will require consideration of high confidence flood mapping and referral of any application to GHCMA.

83 Flood advice for the land from the GHCMA is contained at **Attachment 7**.

3 Cameron St, Heywood

84 The land is in the Commercial 1 Zone (C1Z) and is not affected by any overlays at present.

85 A planning permit is required for use and development of a dwelling in the C1Z.

86 A planning permit (P13113) was issued (19/11/2013) for the existing dwelling and outbuilding as required under the C1Z. The Catchment Management Authority at that time recommended appropriate conditions for any permit issued in response to the flood information available at that time.

87 The land is proposed to be included on Map No 31LSIO-FO with the land completely affected by the LSIO.

88 The proposed LSIO will require consideration of high confidence flood mapping and referral of any application to GHCMA.

89 Flood advice for the land from the GHCMA is contained at **Attachment 8**.

13 Cameron St, Heywood

90 The land is in the General Residential Zone (GRZ1) and is not affected by any overlays at present.

91 The land is proposed to be included on Map No 31LSIO-FO with the land predominately affected by the LSIO. There is a small area of flood free land.

92 The permitted uses remain set by Clause 32.08-2 in GRZ1, however a planning permit will be required for most buildings and works as required by 44.04.

93 The proposed LSIO will require consideration of high confidence flood mapping and referral of any application to GHCMA.

94 Flood advice for the land from the GHCMA is contained at **Attachment 9**.

11 Cameron St, Heywood

95 The land is in the General Residential Zone (GRZ1) and is not affected by any overlays at present.

96 The land is proposed to be included on Map No 31LSIO-FO with the land predominately affected by the LSIO. There is a small area of flood free land.

97 The permitted uses remain set by Clause 32.08-2 in GRZ1, however a planning permit will be required for most buildings and works as required by 44.04.

98 The proposed LSIO will require consideration of high confidence flood mapping and referral of any application to GHCMA.

99 Flood advice for the land from the GHCMA is contained at **Attachment 10**.

COUNCIL'S FINAL POSITION ON THE AMENDMENT

Other amendments under preparation, or recently adopted, that may impact the Amendment:

100 Planning Scheme Amendment C106gelg has been adopted by Council and submitted for approval to the Minister for Planning. That amendment proposes to insert the numeral '1' to Schedule 1 of the LSIO and FO on the current planning scheme ordinance and maps.

101 If Amendment C106gelg is approved and gazetted minor administrative changes are required to the Amendment to remove changes that will have already been made to insert the numeral '1' to Schedule 1 of the LSIO and FO.

Proposed changes to Amendment documentation

102 The issues raised submissions predominately include matters outside the scope of the Amendment such as mitigation works, insurance, and values. The planning scheme does not control these matters.

103 Relevant matters such as removing the proposed overlays and additional content be included into the revised incorporated document have been considered.

104 Council does not propose any changes to the Amendment resultant from the submissions received during the exhibition period.

Response to Expert Witness Report

105 Council appointed Catchment Simulation Solutions to undertake an Expert Witness Report for the Amendment. That report made the following conclusions with a Council response included to each of the four points.

- *The Floodplain Mapping Study appears to have been developed in accordance with modern best practice and the 1% AEP flood extent that form the basis for the flood overlays does not appear to overstate the extent of inundation.*

Given this point the amendment is supported as exhibited by the Expert Witness Statement.

- *Community engagement and education is recommended to assist the community in understanding the potential flood risk and how this risk can be managed in the short term.*

Council will continue to work with the GHCMA to engage with and educate the community on flood risk and management.

- *Opportunities to further validate the hydrology for the Fitzroy River at Heywood should be explored in the medium term through development of a*

synthetic rating curve. The flood estimate approach could also be updated in the future to reflect the 2019 revision of Australian Rainfall and Runoff.

Given that the study was completed in 2017 prior to the 2019 revision it was not possible to use that data as part of the study. Council will work with the GHCMA to investigate if mitigation measures are feasible. If any mitigation measures are undertaken a review the modelling can be pursued after they are completed. A review at that stage could also include the development of a synthetic rating curve and update the flood estimation approach as suggested.

- *Flood risk mitigation options that have been suggested by the community could be explored. If these options are found to be feasible and are implemented, the flood overlays should be updated to reflect the revised extent of inundation/flood risk.*

As noted above Council will continue to work with the GHCMA to explore possible mitigation measures. Any mitigation measures will need to be implemented prior to a revision of the flood overlays that are proposed by the Amendment.

106 Council supports the response made in the Expert Witness Report and no changes are sought by Council to the Amendment in consideration of this.

CONCLUSION

- 107 The Amendment was prepared by Glenelg Shire Council as the Planning Authority and reviewed by the GHCMA and the DELWP prior to exhibition.
- 108 The primary purpose of the Amendment is to implement the recommendations of the Fitzroy River, Darlot Creek and Heywood Regional Floodplain Mapping Study, 2017.
- 109 The Amendment was publicly exhibited from 7 July 2022 to 8 August 2022 in accordance with the *Planning and Environment Act 1987*.
- 110 A total of six (6) submissions were received and considered by Council.
- 111 Issues and recommendations raised in submissions were subject to an internal review by Council and GHCMA staff.
- 112 Council resolved to refer all submissions to a Planning Panel for an independent review and recommendation on the issues raised in the submissions.
- 113 The expert witness report generally supports the amendment and recommends further actions by Council that are outside of the amendment process.
- 114 Council respectfully requests that the Panel considers the need for the flood controls proposed and recommends approval of the Amendment.

**Jacob Clements, Strategic Planner
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Glenelg Shire Council
21 November 2022**