

2. OBJECTIVE 1 - STRENGTHEN ECONOMIC GROWTH AND PROSPERITY

Councillor Ray Argento left the Council Meeting at 2.05pm with a declared direct interest in Agenda Item 2.1 Planning Scheme Amendment C116 – Land Subject to Inundation Overlay (LSIO) – Authorisation as he is a property owner of land subject to the overlay.

2.1. PLANNING SCHEME AMENDMENT C116 - LAND SUBJECT TO INUNDATION OVERLAY - AUTHORISATION

Development Services Directorate

EXECUTIVE SUMMARY

This Council Report proposes to commence a planning scheme amendment (Amendment C116) to update the application of the existing Land Subject to Inundation Overlay (LSIO) controls in the South Gippsland Planning Scheme. The LSIO is proposed to be applied to the Little Lang Lang River and its tributaries and to a small extent of Muddy Creek on the western urban edge of Toora. It is recommended that authorisation be sought from the Minister for Planning to prepare the amendment and to proceed to exhibit the amendment.

RECOMMENDATION

That Council:

1. Seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C116 to apply the Land Subject to Inundation Overlay to the areas identified in Attachment [2.1.1] – Map of Proposed Flood Control Additions – Melbourne Water and Attachment [2.1.2] – Map of Proposed Flood Control Additions – West Gippsland Catchment Management Authority.
2. Exhibit Planning Scheme Amendment C116 in accordance with the procedural requirements of the Planning and Environment Act 1987.

MOVED: Cr Kiel
SECONDED: Cr Skinner

THAT COUNCIL:

1. **SEEK AUTHORISATION FROM THE MINISTER FOR PLANNING TO PREPARE PLANNING SCHEME AMENDMENT C116 TO APPLY THE LAND SUBJECT TO INUNDATION OVERLAY TO THE AREAS IDENTIFIED IN ATTACHMENT [2.1.1] – MAP OF PROPOSED FLOOD CONTROL ADDITIONS – MELBOURNE WATER AND ATTACHMENT [2.1.2] – MAP OF PROPOSED FLOOD CONTROL ADDITIONS – WEST GIPPSLAND CATCHMENT MANAGEMENT AUTHORITY.**
2. **EXHIBIT PLANNING SCHEME AMENDMENT C116 IN ACCORDANCE WITH THE PROCEDURAL REQUIREMENTS OF THE PLANNING AND ENVIRONMENT ACT 1987.**

CARRIED UNANIMOUSLY

Cr Argento returned to the Council Meeting at 2.09pm.

[Link to next Agenda Item](#)

REPORT

Background

The Land Subject to Inundation Overlay (LSIO) is a planning scheme overlay control that seeks to ensure that land subject to flood inundation is developed in a way that minimises the risk to life and damage to property. State Planning Policy requires planning schemes to be kept up to date with the latest available flood mapping.

The management of waterways in South Gippsland Shire is divided between Melbourne Water, which covers the area generally west of Korumburra, and the West Gippsland Catchment Management Authority (WGCMA), which covers the balance of the Shire, east of Korumburra.

LSIO flood mapping in the Melbourne Water area was initially introduced by Amendment C55 in 2011. The Amendment applied the LSIO to the Bass River and its tributaries only and did not include other waterways due to a lack of available flood data at the time. Flood mapping in the WGCMA area has existed for 20 years and was last updated by Amendment C81, approved in 2016.

The planning scheme's existing LSIO schedule provisions (permit triggers) require a planning permit for many forms of buildings and works in areas susceptible to inundation including new dwellings and ground floor dwelling additions. Avoiding new development in areas subject to inundation reduces the risk to life and property and protects the environmental and infrastructure by minimising waterway pollution and damage caused by debris. A large part of flood recovery costs are directly associated with removing debris from waterways and repairing the damage it causes.

Discussion

Amendment C116 proposes to complete LSIO application in both the Melbourne Water and WGCMA catchment areas

In the Melbourne Water area the Amendment will apply the LSIO over the Little Lang Lang River and its tributaries – see **Attachment [2.1.1]** - Map of Proposed Flood Control Additions – Melbourne Water. The mapping responds to the findings of a recently completed Melbourne Water flood study and identifies land subject to a 1% Average Recurrent Interval flood event (commonly known as a one in 100 year flood). Most of the new LSIO application is to occur on land in the Farming Zone which is unlikely to be rezoned for residential development in the future.

In the WGCMA area the Amendment will apply the LSIO over Muddy Creek and its surrounds at Toora – see **Attachment [2.1.2]** - Map of Proposed Flood Control Additions – WGCMA. The mapping responds to a gap identified in the WGCMA's flood modelling data and is considered a priority due to the area's high flood risk. Further fine-tuning of the mapping to be provided by WGCMA. The proposed LSIO application affects Township Zone and Farming Zone land. Four existing dwellings are proposed to be included in the LSIO. Application of the overlay to existing dwellings does not require any changes to be made to the structures however extensions to habitable areas should consider raising the floor level of new additions to above the flood height.

Amendment C116 only affects LSIO mapping and does not change the Planning Scheme Schedule which controls the planning permit triggers on land affected by the LSIO.

Approval of Amendment C116 will result in the Shire as a whole having updated flood mapping in the Planning Scheme, ensuring compliance with the requirements of the State Planning Policy Framework.

The mapping on which the LSIO application is based is public information and available to insurance companies to use in their consideration of insurance premiums.

CONSULTATION

Amendment C116 will require public exhibition in accordance with normal procedures, including postal notification to all property owners/occupiers affected by the amendment, Council webpage information and a notice in the Government Gazette.

It is noted that the previous Melbourne Water LSIO amendment (Amendment C55) resulted in no objections being received.

RESOURCES

The costs to Council in processing the amendment will be minimal. Statutory fees and some administrative costs (including exhibition postage) will be paid by Melbourne Water in relation to their catchment area. This includes payment of Planning Panel fees, should a panel be required.

Combining Melbourne Water and WGCMA mapping changes provides cost saving to Council as it reduces a duplication of Council's administrative resources to process two separate amendments. It is noted that Melbourne Water are funding the amendment. Should objections be received to only the WGCMA's LSIO (requiring the appointment and payment for an Independent Planning Panel) further consideration will be required on how the WGCMA's

element of the amendment may proceed. Should this situation eventuate, the next Amendment C116 Council Report will recommend how the amendment may proceed after discussing the options with both authorities.

RISKS

The State Planning Policy Framework requires councils to have up to date flood mapping in their planning schemes. Application of the LSIO will ensure the South Gippsland Planning Scheme's flood mapping is fully up to date and in doing so reducing the potential liability risk to Council.

STAFF DISCLOSURE

Nil

ATTACHMENTS

Attachments are available on Council's website: www.southgippsland.vic.gov.au

1. Map of proposed flood control additions - Melbourne Water - PSA 116 [2.1.1]
2. Map of proposed flood control additions - WGCMA - PSA 116 [2.1.2]

REFERENCE DOCUMENTS

Council Policy

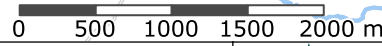
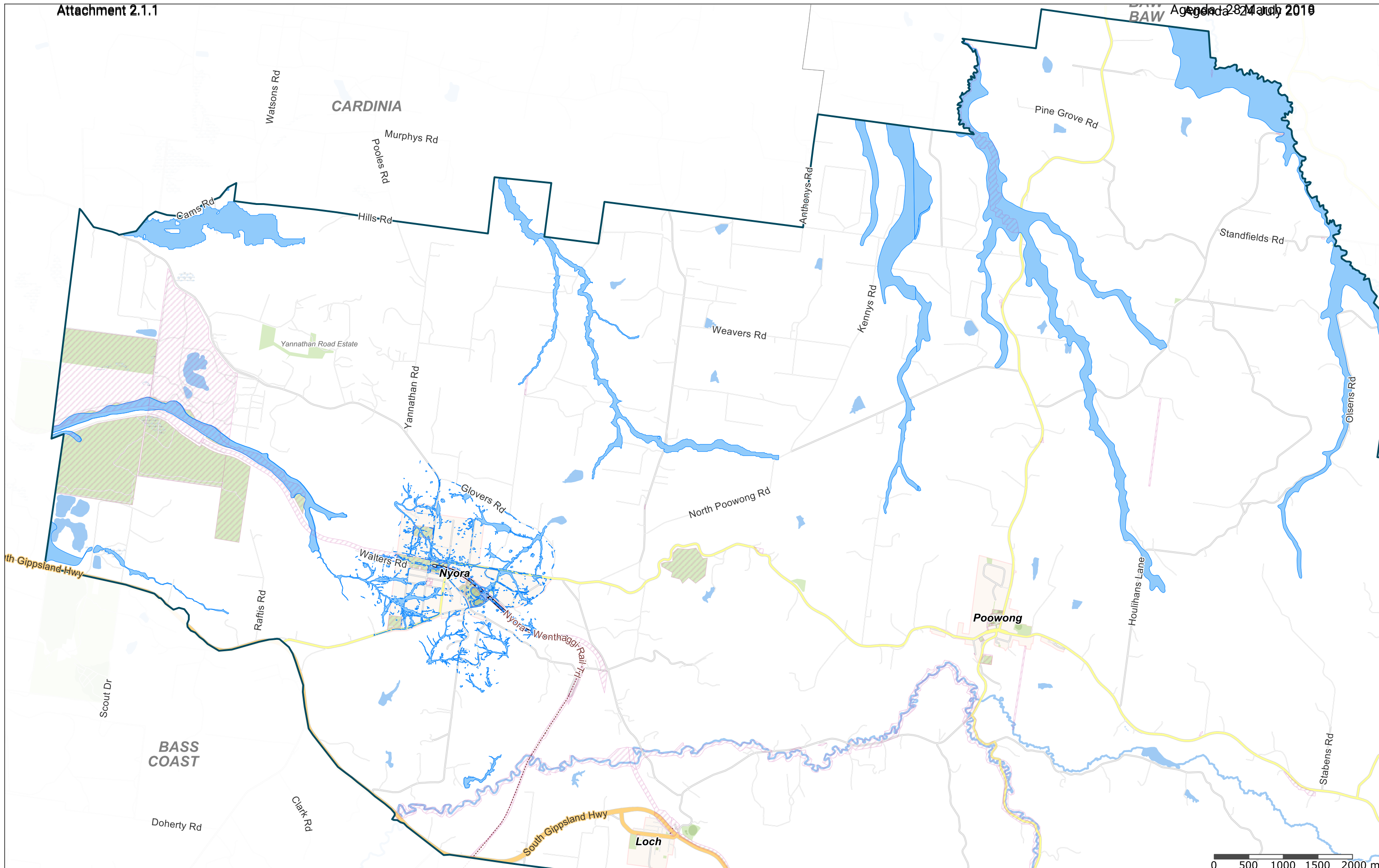
Documents are available on Council's website: www.southgippsland.vic.gov.au

South Gippsland Planning Scheme

Legislative Provisions

Planning and Environment Act 1987

State Planning Policy Framework

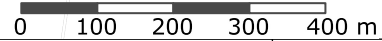
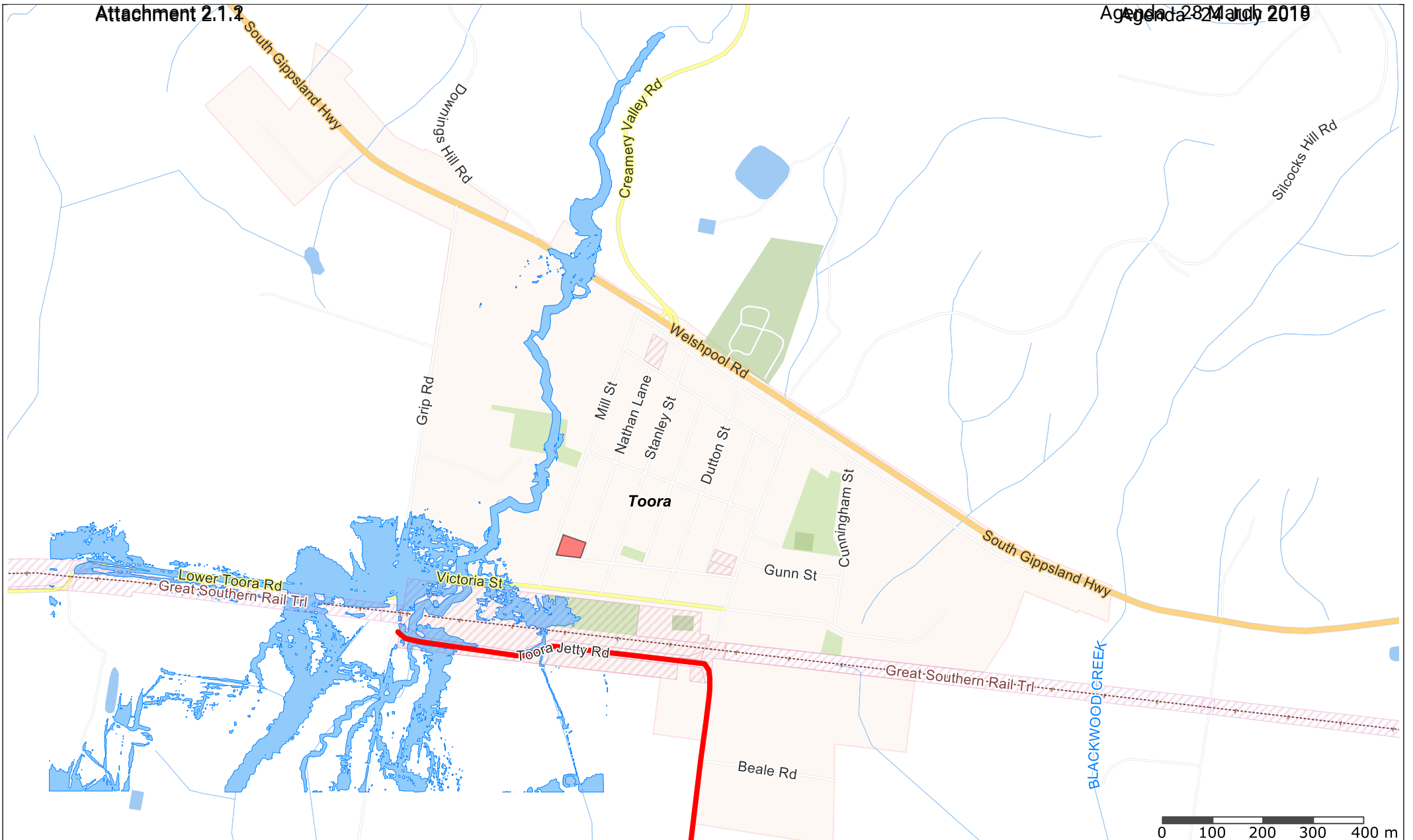


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Melbourne Water
PROPOSED LSIO AMENDMENT
 Prepared By: Lyndal Peterson

16/02/2018
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West Gippsland Catchment Management Authority
PROPOSED LSIO AMENDMENT
 Prepared By: Lyndal Peterson

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