



AGENDA APPENDIX
Council Meeting
Wednesday 25 November 2015

AGENDA ITEM FOR SEPARATE DISTRIBUTION TO COUNCILLORS AND EXECUTIVE LEADERSHIP TEAM DUE TO DOCUMENT SIZE.

THE ITEM IS ACCESSIBLE VIA THE COUNCIL WEBSITE OR BY CONTACTING COUNCIL ON 03 5662 9200.

**E.3 SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C81 –
LAND SUBJECT TO INUNDATION OVERLAY – REFER
SUBMISSIONS TO AN INDEPENDENT PLANNING PANEL**


Appendix 1 – Amendment C81 Submissions

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13 October 2015

Planning Department
South Gippsland Shire Council
Private Bag 4
Leongatha 3953

RE: Submission in relation to the Proposed Amendment C81 Land Subject to Inundation Overlay

Contact Details Paul & Penny Hamlett


We are property owners both within the township of Port Welshpool as well as rural zoned land to the immediate north of the township on Telegraph Rd

Introduction

In making this submission I wish to make it clear that I'm not disputing the validity of the underlying science and the related modelling being used and acknowledge that it is the best available information at this time. I would however like to emphasise the point that the impact of climate change by its nature is incremental, sea level rises and associated storm surges impacts will increase over time. The sea level and wind speed increases are not expected to reach the levels used to inform this proposed overlay until the 2100. In fact the increases will be exponential meaning the most severe impacts will not be experienced until the end of the period. The sea level rise is expected to reach 0.2 m by 2040, 0.4m in 2065 and 0.8m in 2100.

The question that we're all trying answer is how best to meet this challenge and make the best of a situation that will ultimately render many of this regions coastal villages unliveable in their current form. Simply to encourage individuals to raise the floor level of future buildings or infrastructure to be above the expected 2100 worst case water levels is overly simplistic and fails to recognise what might be expected to become the norm in relation to tidal inundation in these areas. ie. eventually low level inundation will occur with every high tide

Suggested changes to the proposed overlay in relation to Port Welshpool and surrounds.

1. Proposed minimum floor levels of 3.4m AHD

The report, Corner Inlet Dynamic Storm Tide Modelling Assessment commissioned by West Gippsland Catchment Management Authority identifies the maximum Total 1% AEP Storm Tide level to be 2.68 m AHD by 2100. When an additional 0.3 m is added as a contingency or free board allowance then the minimum floor level should be 3.0 m AHD not the 3.4 m AHD as proposed for Port Welshpool. Discussion with staff from both the Shire and WGCMA held on the 6 October 2015 have confirmed the figure of 3.4 m AHD was not relevant to Port Welshpool and that 3.0 m AHD was supported by the science.

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This is of particular relevance as the Shire of Wellington has adopted a minimum floor level of 2.25 m AHD for Port Albert to encourage development.

Proposed amendment to C81 – LSIO

That a minimum floor level of 3.0 m AHD be adopted in relation the Port Welshpool and it's surrounds

2. Importation of fill onto properties within the LSIO

The proposal specifically excludes the ability of property owners including those in Rural Zones to import any form of fill unto their properties without obtaining a permit. This has the potential to generate numerous permit applications for very minor or trivial works particularly in relation to farm operations ie track construction and maintenance. Other Local Governments regions (Hume City & Bass Coast) have recommended permits not be required of volumes less than 100 cubic meters. Property owners would not be able to exploit this exemption as they would still be required to obtain a permit if they varied their surface profile by more the 150 mm.

Proposed amendment to C81 – LSIO

That property owners not be required to obtain a permit for the importation of fill up to 100 cubic meters

3. The requirement for surface levels provided as part of a permit application to be 'taken by or under the direction of a licensed land surveyor'.

The establishment of the surface contours for the propose LSIO is the LiDAR system which is providing levels at 0.5 m intervals to an accuracy of 100mm. Given the ready availability of the LiDAR data it would be reasonable to accept this as accurate for the purpose of development plans and the need for a licensed surveyor should only be required in the case of a dispute.

Proposed Amendment to C81 – LSIO

That the LiDAR surface contour data be used to prepare development plans in relation to permit applications. Disputed levels to be resolved by a licensed surveyor at the applicants cost.

4. Coastal Hazard Vulnerability Assessment

My understanding is that this requirement is applied at the discretion of the Shire and/or WGCMA. As this provision could apply to a single dwelling and presumably incur a significant cost prior to making an application for permit, it would be appropriate that a comprehensive assessment be undertaken for the region (similar to that currently being developed for Westernport Bay) and when complete this be used to inform future development. In the interim a CHV assessment should only be required where significant changes to the landform are proposed, such as for high density developments, new subdivisions or in areas where the foreshore is known to be vulnerable to erosion.

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The requirement to provide a CHV assessment no more than six months old fails to recognise that climate change, while incremental, is a relatively slow process.

Proposed Amendment to C81 – LSIO

That a regional Coastal Hazard Vulnerability Assessment be undertaken for Corner Inlet and the results used to inform future development applications.

That Coastal Hazard Vulnerability Assessments only be required for high density developments and subdivisions or where significant changes to the landform are being proposed.

That updated CHV assessments (less than 6 months old) only be required in areas previously identified as vulnerable.

5. Expected life of proposed structures /buildings/assets/infrastructure.

All constructions have a limited or calculable useful life expectancy. These can be imbedded in building regulations, engineering specifications and/or Australia Standards or simply be related the products used. Houses are not built to last for ever and planned redundancy is built into many of the products we purchase, motor vehicles being a prime example. Therefore it's not unreasonable to consider the life expectancy of assets when responding to the consequences of something as all-pervading as climate change and in this case its impact on sea levels. Building a house that can withstand a 1:100 year tidal storm surge event that might occur after 2100 fails to recognise the building in all likelihood was not designed to last 85 years of normal weather conditions or if it would still be fit ,or indeed required, for its original purpose. Recommending a building to have a floor level set above the estimated storm tide level is just one consideration in its design. Questions of the lifespan and design of the supporting infrastructure such as roads, sewer systems, power supply to name a few, also come into play in determining the liveability of a specific site or a region.

What's required is to accept the situation as it stands now, plan for the future, for however long we choose that to be, and make decisions accordingly. Buildings may be transportable, relocatable or use inundation resistant and expendable materials or simply be designed to last for a fixed term. The proponent of the application would need to address the likely impact of inundation on their proposal.

It's worth noting that Melbourne Water in its publication – Planning for Sea Level Rise, recognises that residential building typically have a lifespan of 30-40 years before some form of redevelopment occurs. Future they recommend that "Planning decisions should reflect sea level rise projections for the same period as the intended timeframes of the assessment."

Proposed Amendment to C81 – LSIO

That the Shire of South Gippsland as the Statutory Authority and West Gippsland Catchment Authority as the Referral Authority be required to consider the expected and/or agreed life expectancy of the proposed development when applying any conditions designed to mitigate the rise in sea levels due to the adverse impact of climate change. The exact mechanism would need to be determined but it could be achieved by issuing permits with a fixed term.

In Conclusion

The Shire of South Gippsland along with the West Gippsland Catchment Management Authority are in a position show leadership in developing a response to the obviously adverse impacts of climate change. It's important to ensure information being used to advise the public is transparent and any conclusions drawn from the data are applied in such a way as to stimulate and encourage considered development rather stifle development. To do anything else will ultimately diminish the viability of the region, its unique and beautiful landscapes and life style opportunities.

While it may be easy to throw a blanket over the problem to meet statutory and governance responsibilities this approach rarely results in the best outcomes for the community.

In making these suggested changes to the C81 Amendment I have tried to identify those areas where the information provided was misleading and where proposed regulations failed to consider the practical implications of going about normal activities.

Everyone would acknowledge that climate change and its long term impacts are complex, perhaps some would say even too complex to understand with any surety, let alone to plan for. The shorter the planning period the more predictable the outcome and to this end I implore Council to adopt a position where the community can adapt over time to the changes and not jump to long term solutions that may not be required within the lifespan of any development or land use.

I look forward to your response.

Yours sincerely



Paul Hamlett

To: The Planning Dept.

South Gippsland Shire Council

Private Bag 4, Leongatha 3953

12th October 13, 2015



Re: Amendment C81

To the Council and its Members

I am writing in disbelief at the proposed amendment C81 to the South Gippsland Planning Scheme.

The matters as I see it:

- How can it be possible to place a Land Subject to Inundation Overlay (LSIO) to the areas as shown in the diagram from your correspondence of 28th August?
Using the property that we own at 75 Townsend Street Port Welshpool the property has NEVER been subject to flooding let alone "inundation" of any sort so why on earth would this overlay be put in place?
By placing this overlay it is automatic to assume that inundation or flooding has occurred before. I spoke to a local last week who has lived in the area for over 40 years and he has never seen significant flooding (other than normal events that occur everywhere) – he was probably there before many that are reading this were even born! – **The implication by an overlay is that the area is a FLOOD PRONE AREA – It is not!**
The decision is obviously based on modeling of Climate change which is highly speculative or hypothetical to say the least. The weather bureau can't even predict the weather 3 or 4 days out...so how do we know how Mother Nature is going to perform in years to come albeit there is no doubt change afoot (and I am not a "Denier" as the fanatics have labeled some). Our council who we pay to represent us and to look after the wellbeing of the Shire and its residents and the region in general, are now looking at not only damaging our property values but probably making them unsalable in the future.
- So as a rate payer may I ask what is the council doing to protect the residents in the area from Inundation should this modeling be correct?
- May I also ask isn't the council in place to promote the region and look after the wellbeing of the residents of the Shire?
- Isn't it logical to conclude that rather than putting an overlay in place that the Council should be planning and strategizing and telling us all what is going to be done to protect us? Telling us what is being done to AVOID and PREVENT such inundation instead of just throwing an amendment in place assuming that it could happen?

COPY

Emailed 13/10/15

- What would such events do to the current infrastructure that is in place – Town Water, Sewerage, Roads to name but a few “basics” – should the council be looking forward on how to protect all this infrastructure ...and of course the Shires ratepayers? Instead this amendment sets about destroying the value of properties in the communities affected as well as the confidence of the residents within the Shire.

So in a nutshell what is the Council going to do apart from whacking a planning amendment on resident's properties telling everyone to **STAY AWAY – DANGER** – don't buy or build here and stimulate what is already a “depressed” area of Victoria.

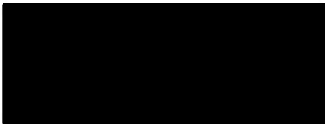
I hope logic and common sense prevails in this matter.

I reserve the right to forward this on to local and State media outlets if this matter is not sorted out to reflect what should be being done instead of just “popping” an overlay on land that will destroy confidence in many areas around the shire.

I am the Executive General Manager of a large Import Company in Melbourne and know how things happen with different areas of business (as the council really is) and I believe that someone has decided to go ahead with an ill conceived plan without either running this past Executives at the council or getting legal or logical input into the matter.

Sincerely,

Kerry Hague



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7 October 2015

Shire of South Gippsland
ATT: Planning Department
Private Bag 4
Leongatha
VIC 3953

Dear Sir/Madam

RE: OBJECTION TO AMENDMENT C81

We are the owners of land at Port Welshpool. We object to the above proposal for the following reasons set out below, not listed in any particular order of priority:

1. **Poor Terminology.** The term 'Land subject to inundation' has a clear meaning - being land that has been subject to known and documented flooding. This is an 'off the shelf' VPP term, however the VPP was framed many years ago now, before issues of climate change were more prominent in the minds of policy makers. It is time for some more appropriate, focussed terms. A potential land purchaser seeing on the Section 32 Statement that there is a LSI Overlay, would reasonably assume that flooding has seasonally occurred. This, clearly is not the case in Port Welshpool.
2. **Negative impact on land value.** Following on from the above point, there will be a negative impact on land values due to a perception that the land is subject to inundation. Moreover, the local estate agents are again being forced to be the de-facto responsible authority, trying to explain that the LSI doesn't *actually* mean the land has ever flooded, but that modelling expects it may do so some time in the future. Potential buyers will be put off, full stop. This will impose a further negative impact on the economic viability of the town.
3. No nexus between study recommendations and proposed Amendment. That is, it is difficult to see the connection between the West Gippsland CMA Recommendations and the specific policy of Amendment C81.
4. **Consideration of population demographic.** Port Welshpool has a demographic noticeably skewed to older persons. Having to climb, in some cases, many steps to enter and leave a house will be inconvenient, in some cases hasten the need to find alternative living accommodation, contrary to current best practice in which elderly persons are encouraged to stay in the family home.
5. **Lack of accompanying guidelines.** The Amendment has not been accompanied by any other guidelines indicating how to design a suitable house under the circumstances of considerably raised floor levels, and how it relates to other important matters such as disabled or access by elderly, energy efficiency, bush fire risk and the like.
6. **Not based on future building projections** - i.e. how many houses will be affected - say in 10, 20, 30 and more years? The council needs to spell out the projected impact of this policy change for existing and proposed dwellings.
7. **Accompanying complementary disaster strategy.** What exactly is the the councils plan for Port Welshpool in the event of a flash flood?



8. *Declared Liability of Council.* At the point this amendment is approved, the Council is acknowledging its expectation that flooding will occur. While this may protect some newer houses with higher floors, all garages (and cars and possessions therein), the sewer system, power and all infrastructure will be out of operation in the event of flooding. Amendment C81 may be viewed as the point in time at which council expected there to be a disaster, but did nothing about it in terms of *real* planning. What planning and action is to be put in place to protect the whole town and its infrastructure?
9. *Contrary to Proper planning.* Council needs to be transparent in terms of the broader strategy and its long term intentions in regard to coastal towns - will they be protected or not? The Council should should make clear its intentions in this regard so the community can plan accordingly. Will it protect the infrastructure or not? If not, why would it allow any new houses at all? It would be best to now compensate existing land owners and plan for the closure or moving of the town. In acknowledging that such a disaster lies ahead, real planning would dictate more decisive action than raising the floor level on a few houses.
10. *Contrary to other policies.* That is, those parts of the Planning Scheme that call for the improvement and economic stimulation of small towns cannot be reconciled by what amounts to an admission that the council will not be taking any companion policy position and works to protect the town from future flooding and inevitable decline and closure.
11. *Premature - what is being done on a State wide basis?* What approach do other coastal municipalities take both in regional and suburban situations? The Amendment is premature until a Statewide strategy is devised.

The default argument of any opposition to this plan may be seen as 'climate change denial'. However, this is not our position. The argument is that any sensible community and government would be taking a broader view and be asking what it can do to protect the whole town and its infrastructure. Look to Europe for many examples of how these works can be accomplished. There won't be much smugness being in a house above the flood level with no electricity or water, sewerage floating everywhere, and the car and garage under water. This would only need to happen a few times for the whole town to implode and everyone just leave.

Council needs to spell out exactly how they expect the flood scenario will play out in terms of existing dwellings, infrastructure and their action plan on the day and beyond. To not be concurrently looking at what works can be carried out to mitigate such a disaster is legally negligent and an insult to the community and their investment. The Council needs to take a more honest, innovative and proactive approach to this potential problem, and the take the community with them.

Yours faithfully

Roger and Donna Harvey



Ken Griffiths

From: Eric Jeffrey <[REDACTED]>
Sent: Thursday, 15 October 2015 3:27 PM
Subject: Submission re C81 Amendment

Dear Sir/Madam,

We are writing this submission regarding the South Gippsland Shire Council's proposed Amendment C81 of the South Gippsland Planning Scheme.

Whilst we understand the need for the Council to prepare for the expected sea level rise over the period mentioned to the year 2100 we do have some concerns with two parts of the proposed amendment as follows:

1. In the Land Subject To Inundation Overlay Schedule the required finished floor level of a habitable building must be 3.4m above the Australian Height Datum.

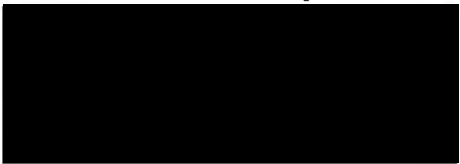
Objection: Given that the expected sea level rise as estimated by the Intergovernmental Panel On Climate Change is up to 0.8 Metres during the period up to 2100 we believe that even taking into account the worst case scenario of storm surge and 1 in 100 year flood we believe the 3.4m finished floor level is too high.

2. The Council's Schedule preamble mentions riverine areas being subject to inundation.

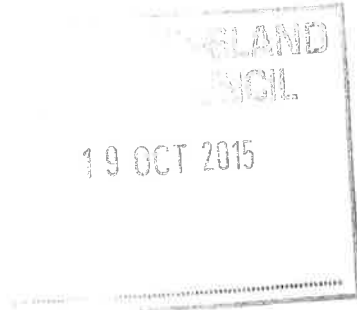
Objection: Port Welshpool is not subject to inundation from a large river system such as the Gippsland lakes and therefore does not experience great fresh water flooding from inland to combine with high tides and storm surges. So we again believe the 3.4 meter requirement is an over estimate of the minimum finished floor height required.

Yours sincerely,

Eric and Barbara Jeffrey



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Planning Department
South Gippsland Shire Council
Private Bag 4
Leongatha
VIC 3953

13/10/2015

Dear Planning Department Representative,

Re; Amendment C81 – Land Subject to Inundation Overlay

As a property owner in your shire I am writing to voice my objection to the proposed C81 amendment to the planning scheme. I object to this proposed amendment for the following reasons;

- 1, The time allowed to respond to this proposal is far too short, indicating to me that council is attempting to "rush" this amendment through with as little scrutiny as possible. Personally I have been away overseas for most of the time the response period has been open. I find the 6 weeks allowed for respondents to be far too short as it does not allow reasonable time for those that may be away or simply live outside the shire and find it difficult to get to one of your display centres to view the detailed information on the proposal.
- 2, The information sent out in the letters from council on this proposal are very light on detailed information and do not specifically outline what the impacts to home owners are of the proposed changes under the amendment. I suspect it means building restrictions will be put in place on those properties effected but I am completely unaware of what those are as the Shire does not outline those in the limited information provided.
- 3, I have only owned this property for little more than 18mths. At no stage when I was considering the purchase of this property did any of the documents relating to the property indicate that the land was subject to inundation, nor did the documents indicate that council was currently considering a change to the overlay on this land. I now know from the council's letter that there was in fact a study being carried out in the background and that council has been considering changes since well before this time. I feel completely ripped off by the non-disclosure of council on this and feel that I have been misled into believing that my property was issue free and now council wish to change the overlay relating to my property which is likely to impact me in several ways. If I want to extend or rebuild, I will likely have most costs associated with complying with the new conditions of the overlay in regards to planning. If I wish to sell my property, I'm sure it will take longer to sell or perhaps even be unsalable as a result of the proposed amendment to the overlay. In addition to this I'm sure that it will reduce the value of my property as the property will become less desirable to prospective purchasers because of the impost relating to more involved planning conditions and the perception that the property could be effected by flood water at any stage. I believe it was councils responsibility to ensure all section 32 vendor statements for property offered for sale in the shire

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reflected the prospect of a potential overlay change for at least 2 years prior to this point. I reiterate, I feel misled by the council's nondisclosure in this matter and feel that it borders on being deceitful.

4, I don't see why council needs to change the overlay on existing residential lots. I can understand them changing the overlay on land that is yet to be subdivided and developed but I don't feel that council has the right to revisit overlays that have been in place for decades and are what residents have based many financial and life decisions on for generations. I feel it is completely unreasonable to change existing overlays when nothing has changed from when they were first put in place except a more detailed study.

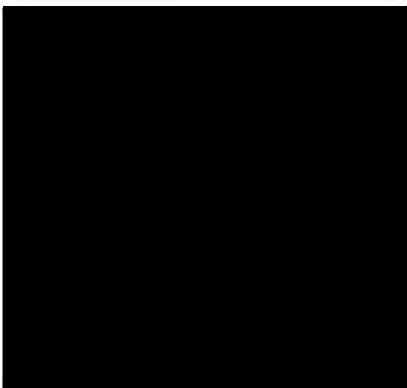
My property is located at 41 Ash Ave, Sandy Point and falls within the boundaries of the proposed amendment (by one house block).

I look forward to your further advice on this matter and would appreciate you making available more detail information for people that can't readily travel to view it at your current display/information centres. Ideally you would also set up a dedicated email address for responses like this one, rather than use the slow option of post.

Regards,



Dale Kerwood





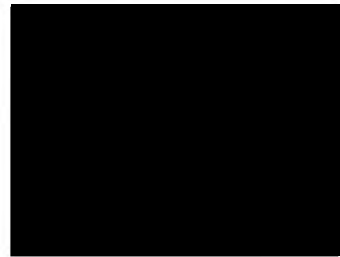
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04 October 2015

South Gippsland Shire Council
Planning Department
Private Bag 4
Leongatha 3953
Amendment C81

JJ Daley and W Daley



This document is a submission opposing the South Gippsland Planning Scheme Amendment C81.

We believe that Amendment C81 in its present form will negatively impact our property.

We have listed our concerns as follows:

- We are greatly disappointed that Amendment C81 is proposed for existing dwellings. We do not see any benefit in this.
- There is a real potential for Amendment C81 to have a detrimental effect on the value of our property.
- It will impact the future saleability of our property. Would you buy an existing property that has a significant inundation overlay?
- Having a significant inundation overlay on the property also raises the question of insurance. It is likely if Amendment C81 is applied that the cost of Premiums will rise. Or worse still that the property will become uninsurable.
- Will Council consider the issue of compensation?

The South Gippsland Planning scheme, Amendment C81 explanatory report. States "Coastal land currently susceptible to storm surge inundation, as well as land **anticipated** to be impacted by coastal inundation (including storm surge inundation) in the year **2100**".

This is mere speculation, inundation may never occur. Yet our property is to have an overlay on it called the Land Subject to Inundation Overlay (LSIO).

- Where is the evidence to support this prediction?

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Having studied the Environmental Significance Overlay 6 (ESO6 Flooding) document and map. The proposed Amendment covers a much greater area including a large proportion of the residential area in Sandy Point.

- Is it necessary for Amendment C81 to be applied now to such an expansive area?

Recommendation as follows:

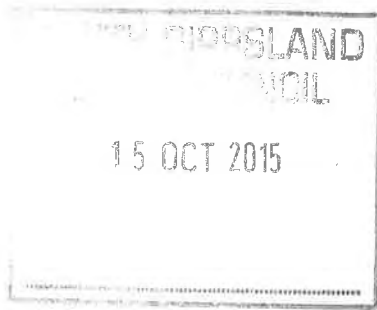
1. That Amendment C81 is altered so that the Township of Sandy Point is not included.

Sincerely Yours, John Daley

A handwritten signature in cursive script that reads "John Daley".

Wendy Daley

A handwritten signature in cursive script that reads "Wendy Daley".



7

J Perry



Monday, 12th October 2015.

Ref : South Gippsland Planning Scheme Amendment C81.

I would like to oppose this amendment.

I would like to point out as a property owner, that this amendment will have wider ranging impacts than just the conditions placed on building permits for planned constructions in areas designated as subject to inundation.

I can see that properties like mine at Sandy Point will become more expensive to insure or perhaps impossible to insure if the amendment goes through.

There is also the potential impact on the property values as there will be a stigma associated with this change.

Will the council provide compensation to property owners facing lost value and higher insurance costs as a result of this amendment if it goes through?

The amendment is based on the prediction that the areas will be subject to flooding due to rising sea levels and storm surges. Surely this is very speculative and subjective. I do not think a 1 in a hundred year event, if it ever happened, has a high enough probability to support such a dramatic and far reaching planning change.

Extreme but rare weather events such as damaging hail stone storms, lightning strikes and torrential rain down pours (as hit Wilsons Prom. a few years ago), are rare but possible events these days. It seems an over reaction to make planning changes for any of these events which have a 'once in a lifetime' probability, as does a storm surge event.

Regards,

A handwritten signature in black ink, appearing to be "Joan Perry".

for

Joan Perry.

Ken Griffiths

From: Jeremy Cicero [REDACTED]
Sent: Thursday, 15 October 2015 12:01 PM
To: Council
Cc: [REDACTED]
Subject: TRIM: Flood overlay C51 Sandy Point ATT: Ken Grissiths

HP TRIM Record Number: D8113115

Dear Mr Grissiths and Mr Stampton,

Thank you for your letter dated 28th August 2015 in regard to South Gippsland Planning Scheme Amendment C81 LSIO

It is our view that Council is seeking to apply the overlay as a way of risk management and limiting corporate responsibility for the area that private homes and property are located in.

We understand Council are acting because there is a once in 100 year risk of flooding and consequent inundation or storm surge damage and that Council does not want to be seen to be approving development in areas at risk of sea level rise. However, many of us have acquired properties and homes in this area prior to the risk being publicly notified.

There is a lot of media, evidence and science to suggest sea levels are rising measurably and we understand this is what Council wishes to address. However, it's our view that by simply declaring the vicinity a flood prone area, doesn't and shouldn't eliminate Council from their responsibility to alleviate the risk of flooding. All we see is Council mitigating themselves from the risk of financial exposure and potential litigation from the impacts of flooding and inundation. This we find unacceptable as the Council strategy does not address the real flood damage risk to rate payers.

Further points of clarification and questions:

1. We would request Council to have a re-consideration of strategy and approach. As rate payers, we require Council to protect the land, our property and the environment rather than deny responsibility for it. Council should be directing their resources to find ways to reduce risk of flooding and/or enhance the existing sea

wall's running in and around Sandy Point. We understand the sea wall is currently owned by a body corporate of coastal adjoining land owners and Council.

I. How are Council directing resources and applying pressure to insist the body corporate improve, build up and maintain the sea wall defences?

II. What are the responsibilities and obligations of the body corporate in regard to maintenance of sea wall defences?

III. What are Councils mandated to do to protect rate payers from the known flood risk you have now identified?

IV. Are these responsibilities and obligations (II.) being monitored, reported against and honoured and further more, by whom?

V. What consultation is occurring with the body corporate?

VI. Is there an independent assessment of suitability of the sea wall defences or has one been scheduled?

VII. Are the responsibilities and obligations of the body corporate for maintenance of sea wall defences relevant today and for the future (responsibilities and obligations were probably developed when these issues were less prevalent) i.e. prescribed height and engineering of sea wall defences were developed in light of "then known knowledge" at some point in the past and not relevant to current "now known knowledge and science" of rising sea levels?

2. Can you please advise how the overlay affects the land (paddock) to the north of Ash Avenue in regard to future development?

3. How will the overlay limit current residents ability to develop or extend their property? This is an important clarification. Existing property owners should not be subject to change in planning regulations should they wish to extend their current property etc versus new build. The overlay could be incredibly restrictive and costly for existing property owners wishing to enhance or extend their property.

4. Insurance premiums are likely to rise as a result of the declaration of the overlay. Have Council considered the discriminatory impact of this?

5. House and property values maybe impacted. How do Council intend to compensate rate payers?

Kind regards

Jeremy and Simone Cicero.



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3/3

LANCER & DINAH WARD

9

Ken Griffiths

From: Paul Stampton
Sent: Monday, 19 October 2015 8:09 AM
To: Ken Griffiths
Subject: TRIM: Fwd: Submission to C81
Attachments: image001.jpg

HP TRIM Record Number: D8102915

Sent from my iPad

Begin forwarded message:

From: Audrey Waddington <Audrey.Waddington@southgippsland.vic.gov.au>
Date: 16 October 2015 2:29:39 pm AEDT
To: Paul Stampton <pauls@southgippsland.vic.gov.au>
Cc: Bryan Sword <bryan.sword@southgippsland.vic.gov.au>, Cavell Ferrier <Cavell.Ferrier@southgippsland.vic.gov.au>
Subject: FW: Submission to C81

Please see below....



Audrey Waddington – | Executive Assistant | Chief Executive Office

P: 03 5662 9204 **M:** 0487 612 484 **F:** 03 5662 3754
South Gippsland Shire Council • 9 Smith Street (Private Bag 4) • Leongatha • Vic • 3953
W: <http://www.southgippsland.vic.gov.au>

Please consider the environment before printing this email

From: Dinah Ward [REDACTED]
Sent: Friday, 16 October 2015 12:09 PM
To: Council
Cc: Mohya Davies; Jeanette Harding; Kieran Kennedy
Subject: Submission to C81

Dear Mr Stampton,

Thank you for your letter dated 28th August 2015 in regard to South Gippsland Planning Scheme Amendment C81 LSIO

It is our view that Council is seeking to apply the overlay as a way of risk management and limiting corporate responsibility for the area that private homes and property are located in.

1/4

We understand Council are acting because there is a once in 100 year risk of flooding and consequent inundation or storm surge damage and that Council does not want to be seen to be approving development in areas at risk of sea level rise. However, many of us have acquired properties and homes in this area prior to the risk being publicly notified.

There is a lot of media, evidence and science to suggest sea levels are rising measurably and we understand this is what Council wishes to address. However, it's our view that by simply declaring the vicinity a flood prone area, doesn't and shouldn't eliminate Council from their responsibility to alleviate the risk of flooding. All we see is Council mitigating themselves from the risk of financial exposure and potential litigation from the impacts of flooding and inundation. This we find unacceptable as the Council strategy does not address the real flood damage risk to rate payers.

Further points of clarification and questions:

1. We would request Council to have a re-consideration of strategy and approach. As rate payers, we require Council to protect the land, our property and the environment rather than deny responsibility for it. Council should be directing their resources to find ways to reduce risk of flooding and/or enhance the existing sea wall's running in and around Sandy Point. We understand the sea wall is currently owned by a body corporate of coastal adjoining land owners and Council.

I. How are Council directing resources and applying pressure to insist the body corporate improve, build up and maintain the sea wall defences?

II. What are the responsibilities and obligations of the body corporate in regard to maintenance of sea wall defences?

III. What are Councils mandated to do to protect rate payers from the known flood risk you have now identified?

IV. Are these responsibilities and obligations (II.) being monitored, reported against and honoured and further more, by whom?

V. What consultation is occurring with the body corporate?

VI. Is there an independent assessment of suitability of the sea wall defences or has one been scheduled?

VII. Are the responsibilities and obligations of the body corporate for maintenance of sea wall defences relevant today and for the future (responsibilities and obligations were probably developed when these issues were less prevalent) i.e. prescribed height and engineering of sea wall defences were developed in light of "then known knowledge" at some point in the past and not relevant to current "now known knowledge and science" of rising sea levels?

2. Can you please advise how the overlay affects the land (paddock) to the north of Ash Avenue in regard to future development?

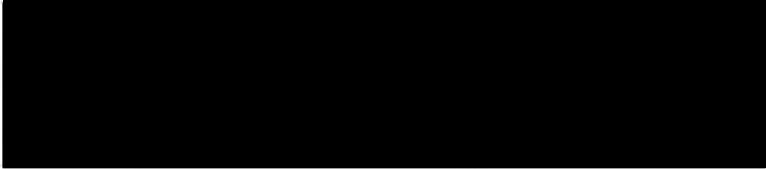
3. How will the overlay limit current residents ability to develop or extend their property? This is an important clarification. Existing property owners should not be subject to change in planning regulations should they wish to extend their current property etc versus new build. The overlay could be incredibly restrictive and costly for existing property owners wishing to enhance or extend their property.

4. Insurance premiums are likely to rise as a result of the declaration of the overlay. Have Council considered the discriminatory impact of this?

5. House and property values maybe impacted. How do Council intend to compensate rate payers?
6. How will the LSIO impact on any plans for mains sewerage in Sandy Point.

Kind regards

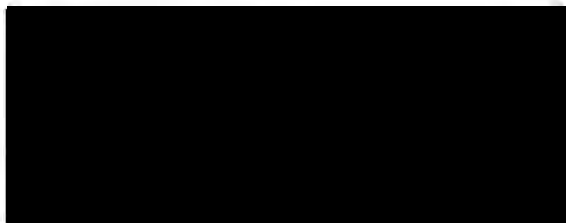
Lance and Dinah Ward



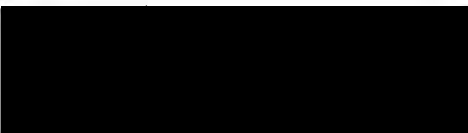
John and Susan Stanecki



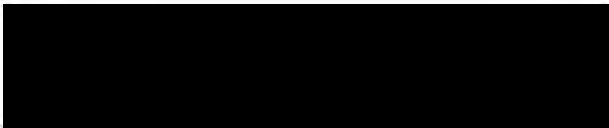
Stuart Konstany and Lynda Lardner



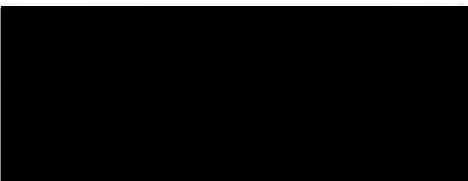
ben & sally watt



Christine and Simon Lorkin



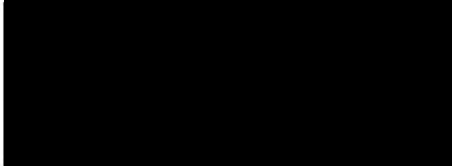
Jury and Rob Christopherson

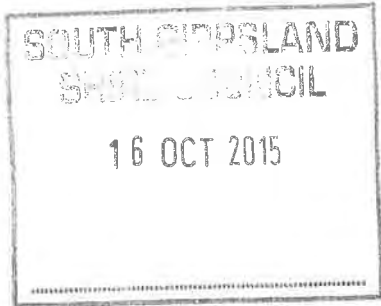


Lisa Witte

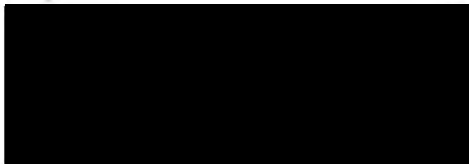


Dave McGavin and Cheryl Dabrera





John & Anita Harris



16th October 2015

Mr Paul Stampton
Manager of Planning
South Gippsland Shire Council
Private Bag 4
LEONGATHA VIC 3953

Dear Sir,

Re: **Amendment C81**

Following our meeting with Mr Ken Griffiths (Planning Co-Ordinator) on Friday 18th September 2015, we left the council office with some of our questions answered with what we thought at the time were based on scientific information. We followed up with some research of our own as most of our farm is under 3.4 metres above sea level.

As Mr Ken Griffiths pointed out that seas are rising by 3.5 mm per year. If this is a confirmed fact, then at the lowest point of our property, it would take several hundred years to reach our boundary fence. We believe that this is highly speculative and at the very least unproven that the sea is rising and will continue to rise at this rate.

Port Arthur installed a high water marker over 200 years ago when the Penal Settlement was operational and water levels have not changed. In the late 1960's Levee banks were installed on private land that fronted Anderson Inlet (that includes our Property) to protect them from any sea inundation or tidal surge. This scheme was a joint venture between the Woorayl Shire (now South

[Handwritten mark]

Gippsland Shire Council) and the land owners. This was known as the Pound Creek Drainage Scheme. This has been very successful for over 50 years with no breaches to date. Should the seas rise then the owners can raise the levee's if required.

It also seems discriminatory that people are allowed to build without these proposed restrictions on the low lying land along Screw Creek, the Inverloch Foreshore or Southbank in Melbourne! Our neighbour has also discussed this issue with Mr Ken Griffiths and the response was that the proposed Amendment C81 Planning Scheme was allowing for a 200 mm rise on urban land and 800 mm on rural land. Can you also explain to us how the alleged rising seas will distinguish between rural and urban land? This again seems discriminatory indeed!

So, if we intend to build on our property on part of the farm that you consider has potential for coastal inundation, it will not only be more costly for us to build but it will also have an adverse affect on the value of the property should the Amendent C81 Planning Scheme go through. If the valuation decreases will our Shire Rates decrease?

We believe that the proposed Amendment C81 Planning scheme would be an unnecessary burden on all the affected land owners, financially and mentally. Given that 99% of the floods we have seen in the last 40 years are fresh water floods eg around Meeniyan, Buffalo and Middle Tarwin, and are not due to coastal storm surge.

We look forward to your response.

Yours sincerely

A Harris

John & Anita Harris





15.10.15

(11)

David Hoy



To Whom This Concerns,

1. We the Hoy family object to Amendment C81.
2. All FZ (flood zones) shown in Map No16 amendment C42 to remain shown on maps.
3. Areas of land shown on map No16 LS10 will allow development in FZ, pose great risk.
4. Prime example of development in FZ is the devastating Queensland floods which resulted in huge loss of life, livestock, animals, wildlife, and government and civil infrastructure that were permitted to build in known FZ areas.
5. Development of land Cussack and Rifle Range roads (FZ) has seen an increase of floodwater onto our property via flooding and drainage (risk of contaminants). See photos
6. Our property is of greater risk of flooding if further development North of Leongatha Golf Club towards railway line is developed. Map No16 amendment C42 shows land in a FZ area, circled in black on map provided. Many times I have witnessed flood water crossing over Strzelecki Hwy forcing HWY to be closed, recent was within 5 years.
7. South Gippsland Shire has a history of flooding and the 1934 & 1980 floods are clear example of flood extent.
8. Consideration of farmland and property should be a concern if FZ are not identified on mapping.

Any enquires regarding this submission contact the above address.

David Hoy

David Hoy

SOUTH GIPPSLAND PLANNING SCHEME - LOCAL PROVISION



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This map should be used in conjunction with the Local Planning Overlay Map (if applicable) as indicated on the BACK TO BACKS.

Overlays

LSIO Land Subject to Inundation Overlay

INDEX TO ADJOINING METRIC SERIES MAP

AUSTRALIAN MAP GRID ZONE 55

AMENOMENT C81

present

Historical link lost

A PIECE of heritage has gone from the community with the re-development of the bridge over the Coalition Creek on the Strzelecki Highway, north of Leongatha.

Lyn Skillern of the Leongatha Historical Society said the earlier concrete bridge was designed and built by local engineer J T Knox.

Mr Knox was noted for designing structures built from concrete. Some of his most famous structures were the old Southern Stand

at the MCG and Kooyong Tennis Centre.

An identical bridge is located on the Mardan Road where it crosses the West Branch of the Tarwin River. This was constructed in 1935 to replace a wooden bridge destroyed in December 1934 in a major flood.

The bridge over the Coalition Creek was opened in 1935 and served the community well until a vehicle damaged the side of the bridge.

New metal sides have been constructed to take the place of the special J T Knox Bridge.

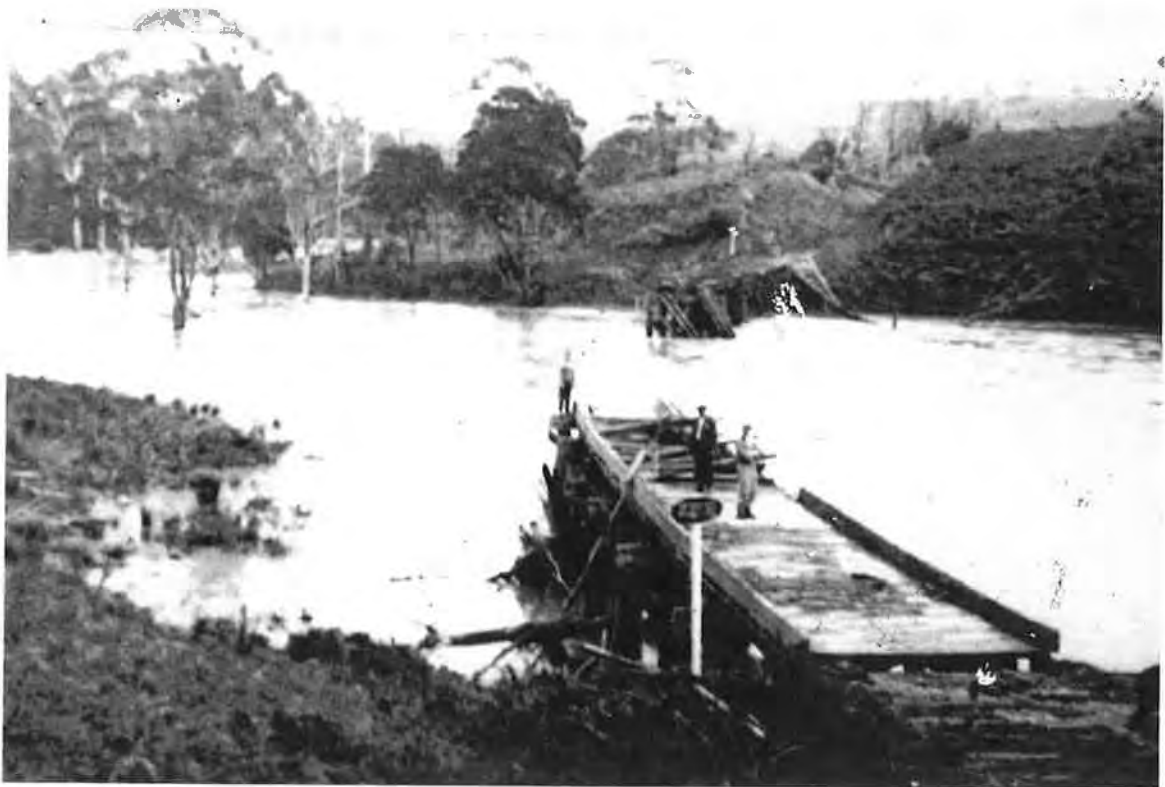


1934 Floods

5



Dead pig washed onto Railways outside Leongatha - 1934



Railway Bridge flooded away near Meenigan - 1934



Drainage from Cassack Rd 27/8/15. runoff
onto our property



Photos taken from swamp on our property.
27/8/15



FLOODING ONTO JIM GEARY'S PROPERTY, 27/8/15



PHOTOS OF FLOODING ONTO OUR PROPERTY + Geary's
27/8/2015 VIA TOWN DRAIN.
DRAIN OFF CUSSACK RD.



Drain in photo our property 27/8/15
TOWN Drain in background. Heaths property beyond.



Reeds in background in photo, unhealthy. 27/8/15
Photo taken from swamp to Council land. Gearys property
in background.



photo taken 11/9/15



FZ Land Located on map pose risk of more floodwaters onto our property if developed.

photo taken 11/9/15

Look
H.P.O.

Wetland Area.
Reeds on our farm
in background.



SCHEDULE 6 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO6

AREAS SUSCEPTIBLE TO FLOODING

Concern (1.0)

Statement of environmental significance

Areas susceptible to flooding are recognised as a land management concern with risks to both rural and non-urban areas throughout the municipality. It is necessary to ensure that any development maintains a free passage and temporary storage of floodwater, minimises flood damage, soil erosion, sedimentation, silting and is compatible with local drainage conditions. However, the identification of waterways, major flood paths, drainage depressions and high hazard areas throughout the Shire has not been completed. Therefore, as an interim measure it is necessary to identify those areas throughout the Shire that may be susceptible to flooding, pending the completion of extensive flood path mapping of the entire Shire.

Concern (2.0)

Environmental objective to be achieved

To identify waterways, major flood paths, drainage depressions and high hazard areas in rural and non-urban areas which have the greatest risk and frequency of being affected by flooding.

To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage, soil erosion, sedimentation, silting and is compatible with local drainage conditions.

To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989, if such have been made.

To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 34 and 35 of the State Environment Protection Policy (Waters of Victoria).

3.0

Permit requirement

A permit is not required to construct the following buildings or to construct or carry out the following works.

Agricultural activities:

- Agricultural activities including ploughing, fencing and the construction of a dam with a capacity of less than 3000 cubic metres.
- Buildings or works specifically identified in a whole farm plan prepared to the satisfaction of the responsible authority.

Infrastructure:

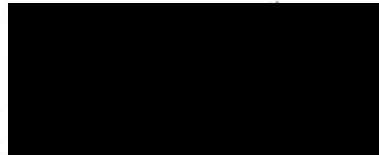
- The lay out of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.

Power lines:

- Telephone or power lines provided they do not involve the construction of towers.



Neil Smith



08/10/2015

To Paul Stampton,
Manager planning authority South Gippsland Shire Council.
Re Amendment C81 potential coastal inundation.

My mother and I have occupied and farmed land in Pound Creek for over 50 years. Approx 75% of the 920 acres on this property is below the 3.4 metres above sea level that is proposed to have severe and costly restrictions applied.

My first point in objecting to this proposal is to question if the seas of the Australian coastline are actually rising? According to Ken Griffiths your strategic planning coordinator for the council informs me the seas are rising by 3.5mm per year. If this is true and a confirmed fact then according by calculations over the next 100 years the sea will rise by 350mm. As the lowest point of our property is 1.75 metres above sea level it will take 500 years for the sea to reach the boundary fence. Unlike the certainty that council rates will rise each year, it is unproven and highly speculative that the seas are rising and will continue to do so. The high water marker that was installed at Port Arthur over 200 years ago when the penal settlement was operational has not changed.

In the late 1960's levee banks were installed on private land that fronted Anderson Inlet to protect them from any future sea inundation or tidal surge. This scheme was a joint venture between the former Woorayl Shire and affected land owners and was known as the Pound Creek Drainage Scheme. The installation and maintenance of these levee banks has been very successful for the past 50 years as there has been no breaches to date. Should the seas rise as suggested then there is no reason why the land owners cannot raise the levee's as required. I think it might be interest to note that the Dutch have been successful at holding back the sea for decades as a lot of their reclaimed land is below sea level.

At the meeting with Ken Griffiths at the Tarwin Lower Hall on 16/09/2015 I asked the question why people are being allowed to build without these proposed restriction on the low lying land along Screw Creek and the foreshore at Inverloch or southbank in Melbourne? The response was that the proposed amendment C81 planning scheme was allowing for a 200mm raise on urban land and 800mm on rural land.

Excuse my ignorance, but can someone explain to me how the alleged raising seas will distinguish between rural and urban land? It is my opinion that the economic losses will be far greater on the urban land rather than rural which is already protected by existing levee's. This difference is discrimination at the very least and could be challenged in a court of law.

This information I have received to date suggests that should I intend to erect a structure in the future I will incur significant extra cost in my application for a planning permit and the actual construction. Is this an example of my current \$27,000.00 rate notice being put to good use? It could also be argued that the proposed changed planning scheme has an adverse value on our property. Will this be reflecting in a reduction in rates next year?

In conclusion even though the Shire may have good intentions with this proposed amendment C81 planning scheme, I believe it an unnecessary burden on all the affected land owners, both financially and mentally. I also are of the opinion that these changes whether at local or at state government level are open to challenge in a court of law on the grounds of discrimination between urban and rural landowners and also the lack of proof that seas are rising. I would suggest that if a landowner in the affected areas submits a planning application that it be granted with the same rules that apply to higher elevated land. It would be required for the applicant to sign a legal document that there is no legal claim against the Shire should the land become inundated from the sea.

Looking forward to your response.

Kind Regards,



Neil Smith.

Planning Department
South Gippsland Shire Council
Private Bag 4
Leongatha 3953



To Whom it May Concern

**Submission/Objection to
Amendment C81-Land Subject to Inundation Overlay**

We refer to Council's proposal to apply Amendment C81 to the South Gippsland Planning Scheme.

We own 2 properties affected by amendment C81:

1. 90 Outtrim Inverloch Rd, Outtrim
L1 PS501601F and L2 TP325941W Parish of Kongwak
2. 190 Ryeburn Rd, Outtrim
L2 PS315524J Parish of Kongwak

With regard to property No: 1, the proposed map places the overlay over the whole property. This mapping is incorrect and is supported by photos I supplied to Mr Ken Griffiths on Friday 18th September 2015.

This particular property has been identified in the current mapping with approximately ½ included within the "flood prone area".

We submit that the current mapping is correct and that the proposed mapping is false.

With regard to property No: 2, the proposed map places the overlay over approximately 80% of the property. This mapping is incorrect and is supported by photos I supplied to Mr Ken Griffiths on Friday 18th September 2015.

We submit that the current mapping is correct and that the proposed mapping is false. We support the current mapping with regards to both of our properties. Computer modelling of contours does not take into account the drainage works that have been carried on many properties to manage rainfall.

We further submit that the proposed map is an over kill to the real situation, yes there are areas that should be added to the maps but many locations should not be included. This submission is specifically about our properties, however we further request that prior to any adoption of a revised map that on-site inspections be carried out to validate any necessary amendments.

We look forward to further discussions regarding this matter.

Yours in anticipation

Ian & Maree Nicholas



1/4

Photos of Ottrim from Cay Nicholas

14-11-13 2-51 PM

Rye Burn Rd Ottrim



22-6-12

9.55

90

Outtrim Inverloch Rd
Outtrim





SOUTH GIPPSLAND
SHIRE COUNCIL
16 OCT. 2015



Planning Dept

In relation to amendment C 919 I would like to draw your attention to the flood overlay on Hudsons Rd. I have been living there for 60 years. Apart from a small area along said rd I have never seen the majority of the area flooded in all that time.

David Whiteside



Ken Griffiths

From: Mike Kearney <mike.kearney@melbournewater.com.au>
Sent: Thursday, 15 October 2015 11:20 AM
To: Ken Griffiths
Subject: TRIM: RE: South Gippsland Amendment C81 - Land Subject to Inundation Overlay - affecting Melbourne Water catchment.

HP TRIM Record Number: D8114215

Hi Ken,

Thanks for this notification and your email of the 12 October'15 while on exhibition. Melbourne Water does not object to Amendment C81 and in particular there are no issues with the changes to the LSIO schedule. Hope this is adequate for your Panel Hearing. Let me know if you need anything else.

Regards
Mike Kearney
Senior Landuse Planner.

From: Ken Griffiths [<mailto:KenG@southgippsland.vic.gov.au>]
Sent: Friday, 24 July 2015 5:23 PM
To: Mike Kearney
Cc: Wayne Gilmour <WayneG@wgcm.vic.gov.au> (WayneG@wgcm.vic.gov.au)
Subject: South Gippsland Amendment C81 - Land Subject to Inundation Overlay - affecting Melbourne Water catchment.

Hello Mike

**SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C81
LAND SUBJECT TO INUNDATION OVERLAY – IMPACTS ON MELBOURNE WATER'S BASS RIVER CATCHMENT**

The purpose of this email is to let you know that South Gippsland Shire Council will shortly be commencing exhibiting of Planning Scheme Amendment C81. We are presently aiming to gazette on 3 September for 6 weeks exhibition. The Amendment extensively changes the application of the LSIO in the WGCMA territory. Similar to Bass Coast Amendment C82, we are also seeking to include the VICID 2100 storm surge area into the LSIO – including in urban areas.

The Amendment makes map changes in the CMA's area only, however we are replacing the LSIO Schedule with a new schedule. This means that LSIO controls will be changed in MW's Bass River catchment west of Korumburra.

A copy of the draft schedule is attached. Some minor elements of the schedule are still to be finalised with the CMA, however the areas where changes are likely to occur are neutral (I believe) in relation to MW's interests. We have borrowed heavily from the Bass Coast C82 Panel version of the LSIO Schedule, which makes our new schedule very coastal focused.

We will be formally referring Amendment C81 to MW for comment during exhibition, however if you do have any significant concerns with the attached drafted provisions, it would be good to identify these before we finalise the schedule. We fully expect the Amendment to require a panel, so there will almost certainly be an opportunity to fine tune the words in the schedule at a later date. While noting this, I'm unaware of the Bass River LSIO actually having triggered a planning permit since it was introduced, so I doubt the schedule words will be too much of a concern to MW. August 7 is the final date we can change the schedule.

If you have any queries regarding the schedule or the Amendment, please let me know.

RECEIVED

15 SEP 2015

PLANNING

Our Ref: CSM 24899

Paul Stampton
Manager Planning
South Gippsland Shire Council
Private Bay 4
LEONGATHA VIC 3953



Dear Paul

**SOUTH GIPLAND PLANNING SCHEME AMENDMENT C81
NOTICE OF THE EXHIBITION OF A PLANNING SCHEME AMENDMENT THAT
MAY AFFECT YOU – LAND SUBJECT TO INUNDATION OVERLAY.**

I refer to Council's correspondence notifying VicTrack of planning scheme amendment C81 which involves changes to the existing LSIO.

VicTrack has no objection to the application of the updates to the LSIO on its land but requests the insertion of an exemption so that routine maintenance and rail related works do not trigger the need for a planning permit.

We recommend that the following wording be inserted under relevant clauses of the LSIO:

No permit is required for buildings and works for railway purposes including signals (and related control buildings), new tracks, track-work and realignment, train stabling, overhead power lines, gantries, buildings and works related to railway power requirements and any work required under Disability Discrimination Act-Disability Standards for Accessible Public Transport 2002.

Should you have any queries, please contact me on 03 9619 0222 or emma.demaine@victrack.com.au.

Yours sincerely

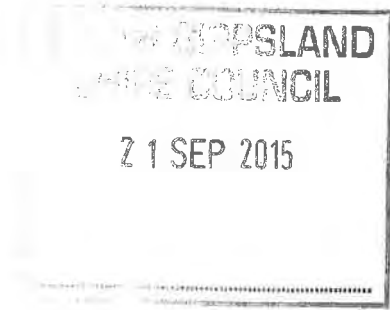
**EMMA DEMAINE
PLANNING MANAGER**

10 / 09 / 2015

17



ABN 98 943 634 870
www.gippslandports.vic.gov.au
feedback@gippslandports.vic.gov.au



08-574

17 September 2015

Paul Stampton
Manager Planning
South Gippsland Shire Council
Private Bag 4
LEONGATHA 3953

Dear Paul

RE Proposed Amendment C81

Thank you for the opportunity to make a submission in relation to the above proposed amendment.

If Gippsland Ports has correctly interpreted the proposed amendment, it will likely, if adopted, create unnecessary issues for it.

Back Ground

Gippsland Ports manages and administers the Ports of Anderson Inlet, Corner Inlet and Port Albert, Gippsland Lakes, Snowy River and Mallacoota, as part of its statutory functions on behalf of the Department of Economic Development Jobs Transport and Resources (DEDJTR) and as Port Manager under the Port Services Act. It is also Waterways Manager over Shallow Inlet and Lake Tyers under the Marine Act.

Gippsland Ports responsibilities cover over 1400 sq km of waterways from Inverloch to Mallacoota along approximately a third of Victoria's coast line and include;

- Wharfs, piers, jetties and marinas development, management and operation
- Berthing and mooring development management and operation
- Navigation, port operations, regulation and compliance
- Waterway management including boating safety, incident management, emergency response, maritime security, marine pollution response, vessel salvage
- Dredging and sand management
- Slipways, boat-lifting and boat repairs

Port Managers

Anderson Inlet
Corner Inlet & Port Albert
Gippsland Lakes
Snowy River
Mallacoota Inlet

Waterway Manager

Shallow Inlet
Lake Tyers

Head Office

PO Box 388
(97 Main Street)
Bairnsdale Vic 3875
Ph 03 5150 0500
Fax 03 5150 0501

Depots

Bullock Island
Lakes Entrance Vic 3909
Ph 03 5155 6900
Fax 03 5155 6901

Lewis Street

Port Welshpool Vic 3965
Ph 03 5688 1303
Fax 03 5688 1658

Boatyards

Slip Road
Paynesville Vic 3880
Ph 03 5156 6352
Fax 03 5156 6816

Bullock Island

Lakes Entrance Vic 3909
Ph 03 5155 6950
Fax 03 5155 6951

2

It is in the context of its port and waterway management responsibilities within the Port of Corner Inlet and Port Albert, and as custodian of designated Crown assets relating to the above listed functions that this submission is made.

Submission

Gippsland Ports contends that the Schedule to the proposed Land Subject to Inundation Overlay should exempt the following works which would otherwise trigger a permit requirement.

“Development and works associated with boating activities including marinas, jetties, boardwalks, landings, boat ramps, dredging, seawalls and groynes, beach refurbishment, swing moorings, navigational aids, beacons and signs”

Gippsland Ports does not believe that this exemption will compromise the purpose of the amendment, which one would reasonably expect not to apply to marine works recognising that for specific developments a planning permit may otherwise be required and indeed Coastal Management Act consent obtained.

The planning scheme should recognise that Gippsland Ports is an appointed Crown Land Committee of Management responsible for specific delegated functions including the management of Crown assets.

Gippsland Ports is keen to ensure that particular types of waterway related infrastructure are reasonably treated, exempt where possible, and that consideration of LSIO permit requirement exemptions is consistent between Planning Schemes over its ports and waterways.

Yours sincerely



Greg Hatt
Operations Manager



Your Reference: Amendment C81

6 October 2015

Mr Paul Stampton
Manager Planning
South Gippsland Shire Council
9 Smith Street
LEONGATHA VIC 3953

Dear Paul

RE: Amendment C81 South Gippsland Planning Scheme

Thank you for your referrals requesting Southern Rural Water's comments on the above Planning Scheme Amendments.

Southern Rural Water has assessed each amendment and concluded that the amendments will have no impact on our business interests; therefore we have no objection to the proposal.

If you require further information, please contact me on (03) 5139 3113.

Yours sincerely

VINCE LOPARDI
MANAGER WATER RESOURCES & CATCHMENT PLANNING

19



SOUTH GIPPSLAND
SHIRE COUNCIL
12 OCT 2015

Mr. Paul Stampton
Manager Strategic Planning & Development
SOUTH GIPPSLAND SHIRE COUNCIL
Private Bag 4
LEONGATHA VIC 3953

27-29 Faithful Street
Wangaratta Victoria 3677
PO Box 1007
Wangaratta 3676
T: 1300 EPA VIC
DX 219454
www.epa.vic.gov.au

01/10/2015

Reference: 5005974

Dear Mr. Stampton

RE: PLANNING SCHEME AMENDMENT: C81

Thank you for your correspondence in relation to the above planning scheme amendment, referred to EPA on 03/09/2015.

EPA has no concerns with the proposed amendment to this planning scheme with the information that has been provided.

If you need additional information or assistance, please contact our Assessing Officer, Monique Claasz on 1300 EPA VIC (1300 372 842).

Yours sincerely

Emily Sanders
Unit Manager
EPA Gippsland
EPA Victoria





13 October 2015

Our Ref: 452/007/001
Your Ref: C81

Mr Ken Griffiths
Coordinator Strategic Planning
South Gippsland Shire Council
9 Smith Street (Private Bag 4)
Leongatha Vic 3953

Dear Ken,

Re: South Gippsland Planning Scheme Amendment – C81

I refer to your letter dated 3 September 2015 regarding the intention to apply the Land Subject to Inundation Overlay (LSIO) to properties throughout South Gippsland Shire Council.

Whilst we commend Council for undertaking such a proactive approach to identifying areas that are subject to flooding, we respectfully request that you remove the application of the LSIO to areas that are mapped applying the overlay to areas identified Public Use Zone Schedule 1.

Under the PUZ1 a service or utility provider does not require a permit to use land, or to construct a building or construct or carry out works. Controls such as the LSIO may introduce planning permit requirements that are considered unnecessary and may result in the restriction of the Corporation's activities within these sites.

We also consider it appropriate to redraft the LSIO to put in place further exemptions from the need for planning permits where works are undertaken by the South Gippsland Water Corporation to establish and construct any new infrastructure that will support approved development.

Should you require further information regarding this matter, please contact me on 5682 0420.

Yours sincerely

Gregory Baud
Strategic Planning and Assets Manager



Department of Environment,
Land, Water & Planning

14 September 2015

Paul Stampton
Manager Planning
South Gippsland Shire Council
Private Bag 4
LEONGATHA VIC 3953

71 Hotham Street
Traralgon Victoria 3844
Australia
Telephone: +61 3 5172 2111
Facsimile: +61 3 5172 2100
www.delwp.vic.gov.au
DX 219284

Our ref: SP454380
Your ref: C81

Dear Paul

AMENDMENT C81 TO SOUTH GIPPSLAND PLANNING SCHEME

Thank you for your correspondence dated 1 September 2015 in respect of Planning Scheme Amendment C81 (Amendment), which was referred to the Minister for Environment, Climate Change and Water pursuant to section 19 (1) (c) of the *Planning and Environment Act 1987*. The correspondence was received on 7 September 2015.

The Amendment proposes to:

- Delete the Environmental Significance Overlay – Schedule 6 (ESO6) entirely from the Planning Scheme – maps and Schedule.
- Amend the current Land Subject to Inundation Overlay (LSIO) to:
 - Apply the LSIO to riverine waterways and adjoining land (floodplains) subject to inundation in areas currently within the ESO6.
 - Apply the LSIO to waterways and floodplains not currently affected by any inundation planning controls.
 - Improve the mapping accuracy of the existing application of the LSIO in coastal and inland areas.
 - Apply the LSIO to coastal areas not currently affected by inundation planning controls. The coastal LSIO includes mapping of anticipated sea level rise and storm surge impacts at the year 2100.
- Replace the existing LSIO Schedule with a new Schedule. The Schedule increases the number of planning permit exemptions offered by the LSIO.
- Make minor changes to the Municipal Strategic Statement and Clause 21.15 Local Areas to acknowledge the updating of the inundation mapping and changes to the LSIO Schedule provisions.

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- Include as a Reference document in the Planning Scheme the 'Corner Inlet Dynamic Storm Tide Modelling Assessment – Water Technology June 2014'.

The department, on behalf of the Minister for Environment, Climate Change and Water, has considered the proposed Amendment. The department supports the Amendment.

These comments are submitted without prejudice for the consideration of the Amendment by the Minister for Planning under section 35 of the *Planning and Environment Act 1987*.

All written correspondence should be sent electronically to gippsland_planning@delwp.vic.gov.au or mailed to:

Manager Statutory Planning Approvals Gippsland
Department of Environment, Land, Water and Planning
71 Hotham Street
TRARALGON VIC 3844

If you have any queries regarding this matter, please contact Regional Planning and Approvals – Gippsland at the department's Traralgon office, telephone (03) 5172 2111.

Yours sincerely



John Brennan
Manager Statutory Planning Approvals Gippsland

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WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

Your ref: Amendment C81

15 October 2015

Planning Department
South Gippsland Shire Council
Private Bag 4
LEONGATHA VIC 3953

Dear Mr Stampton

SOUTH GIPPSLAND SHIRE COUNCIL - PLANNING SCHEME AMENDMENT C81

I refer to your letter dated 3 September 2015 in respect of the above planning scheme amendment and would thank you for the opportunity to provide comment.

In the interests of maintaining an effective, relevant and up-to-date planning scheme, Officers of the Wellington Shire Council recognise the importance of ensuring that the most recent data available is used to accurately inform the application of planning controls, which in this instance is the extent of inundation mapping within the South Gippsland Shire.

Having reviewed the documentation associated with the Amendment, I would advise you that in this particular instance, Officers have no further comment to make on the proposals contained in Planning Scheme Amendment C81, but would again thank you for the referral.

Notwithstanding the above, I would appreciate being kept informed of the progress of the Amendment as it progresses.

Sale Service Centre
18 Desailly Street (PO Box 500), Sale Victoria 3950
Telephone 1300 366 244

Yarram Service Centre
156 Grant Street, Yarram Victoria 3971
Telephone 03 5182 5100

Contact Us Online
Web www.wellington.vic.gov.au
Email enquires@wellington.vic.gov.au

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Yours sincerely

A handwritten signature in black ink that reads "Barry Hearsey". The signature is written in a cursive style with a large initial 'B' and a long, sweeping tail on the 'y'.

BARRY HEARSEY
Coordinator Strategic Planning

Our Ref: BH
ECM: 2006019



24 September 2015

Chief Executive Officer
South Gippsland Shire Council
Private Bag 4
LEONGATHA VIC 3953



RECEIVED
29 SEP 2015
PLANNING

Dear Sir,

SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C81

I refer to your letter dated 3 September 2015 in relation to the above amendment and thank you for the opportunity to provide comment.

Council officers have reviewed the exhibition documentation for Amendment C81 and support the outcomes the amendment seeks to achieve in relation to managing development on land subject to flooding and the effects of climate change. The content of the amendment is consistent with the intent of Amendment C82 to the Bass Coast Planning Scheme which has been through the public exhibition process and has been endorsed for authorisation by Council. Amendment C82 is currently in the process of finalisation for submission to the Minister for Planning for approval.

If you have any queries regarding this matter, please contact Lachlan Sims, Senior Strategic Planner on telephone (03) 5671 2724 or by email at lachlan.sims@basscoast.vic.gov.au.

Yours faithfully

Jodi Kennedy
Manager Strategic Planning



Gippsland Coastal Board
71 Hotham Street
Traralgon 3844

5 November 2015

Dear Paul,

Re: South Gippsland Planning Scheme Amendment C81

Thanks for your letter dated 3 September, 2015. We apologise for the delay in responding to your request for a submission on Planning Scheme Amendment C81, however the Gippsland Coastal Board members only received letters of appointment last week. Subsequently, we held a meet and greet with the new Board, and staff were directed to prepare a brief response on the amendment.

The Gippsland Coastal Board supports the use of the Victorian Coastal Inundation Dataset to update the LSIO schedule for South Gippsland Shire. The Board also strongly supports the consideration of planning for a sea level rise of not less than 0.8 metres by 2100 (Victorian Coastal Strategy, p. 52) which, as you discuss, will mean that coastal risks associated with storm surges will increase in the coming decades. Other considerations in low-lying coastal areas include erosion and accretion, all risks that are associated with higher incidences of flooding and storm surges. An update to the LSIO using the latest information on coastal flood risks will certainly reflect an adaptive management approach by the Council.

The new Gippsland Coastal Board is eager to work with Council to assist with local adaptation strategies. We are also looking forward to discussing the new Gippsland Regional Coastal Plan which is shortly to be announced by the Minister for Environment and Climate Change, Lisa Neville. Adaptive management partnerships, as you will see, are a priority of this Regional Coastal Plan.

If you have any questions on the above, they should be directed to Natasha Vasey-Ellis on 5152 0479 or natasha.vasey-ellis@delwp.vic.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Richard A Ellis".

Richard A Ellis

Chair

Gippsland Coastal Board