

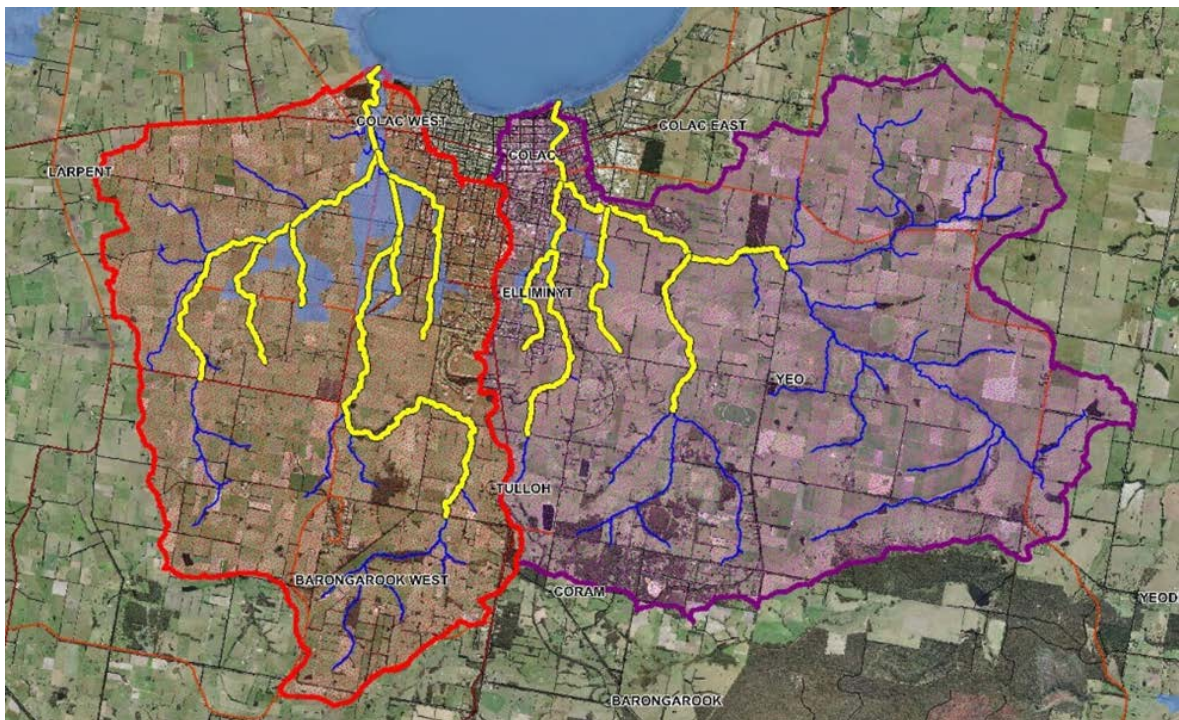
ORDINARY COUNCIL MEETING

AMENDMENT C90 - UPDATE TO FLOOD CONTROLS IN THE TOWNSHIP OF COLAC

OM172510-6

LOCATION / ADDRESS	Colac township and surrounds	GENERAL MANAGER	Gareth Smith
OFFICER	Sean O'Keeffe	DEPARTMENT	Development & Community Services
TRIM FILE	F16/1104	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none"> 1. Amendment C90 - Planning Scheme Changes 2. Amendment C90 - Mapping Changes 		
PURPOSE	To consider Amendment C90 which seeks to revise flood controls in Colac		

1. LOCATION PLAN / AERIAL PHOTO



2. EXECUTIVE SUMMARY

This report seeks Council endorsement to commence Planning Scheme Amendment C90 to the Colac Otway Planning Scheme. This proposed Amendment seeks to amend the Scheme to incorporate the recommendations of the *Deans Creek and Barongarook Creek Flood Study (August 2017)*.

The Study has been prepared by the Department of Land, Water and Planning (DELWP) and Corangamite Catchment Management Authority (CCMA) over several years. It seeks to more accurately quantify flood areas in Colac and surrounds. As a result of this Study, Council is now in a position to update the Land Subject to Inundation Overlay (LSIO) and Floodway Overlay (FO) mapping in the Scheme. This will ensure that any new development is appropriate in the context of flood risk. Changes are also proposed for the Municipal Strategic Statement and Schedules to the Overlays.

In terms of total numbers, 439 properties are impacted by the current flood controls (as well as significant areas of Council and Crown land). This amendment will result in a total of 741 properties being impacted in the revised LSIO and the FO. With regards of total area, currently 617ha of land is included in the current flood controls. Amendment C90 will result in 841ha of land being included in the LSIO and FO in the Colac township and immediate surrounds. Whilst these figures indicate a considerable expansion on the current flooding controls, it is noted that the application of the controls over the tributaries and upper reaches of the Deans and Barongarook catchments, within Farm Zone land, will contribute much of this expansion.

Specific changes proposed to the existing planning controls in the Colac Otway Planning Scheme, besides the mapping changes, include the exemption of certain buildings and works from requiring a planning permit and improvements to the decision making process. These changes will assist in streamlining town planning decision making in Colac, thus positively responding to Council's 'Cutting the Red Tape' initiatives.

3. RECOMMENDATION

That Council:

- 1. Pursuant to section 8A of the Planning and Environment Act 1987, requests the Minister for Planning to authorise the preparation and exhibition of Amendment C90 to the Colac Otway Planning Scheme***
- 2. Pursuant to section 19 of the Planning and Environment Act 1987, place Amendment C90 on public exhibition for a period of 6 weeks and notify the owners and occupiers of the land forming part of the amendment***
- 3. Authorises officers to make any necessary minor formatting and administrative corrections to Amendment C90 documents prior to sending to the Minister for Planning for authorisation.***

4. BACKGROUND / KEY INFORMATION

BACKGROUND

In May 2015, the Department of Environment, Land, Water and Planning (DELWP) commissioned consultants BMT WBM to undertake a study to provide new flood mapping for the Deans Creek and Barongarook Creek drainage catchments in Colac. The consultants worked with the Corangamite Catchment Management Authority (CCMA) and Council staff to prepare the study. The draft Study was completed in early 2016 and further refined in early 2017.

The Study is one of a number of flood studies commissioned by the State Government in response to flood events which occurred across Victoria in 2010. The purpose of the Study is to update the flood mapping so that it more accurately reflects the geographical extent and depth of flood waters within and around Colac associated with riverine flooding.

The Deans Creek and Barongarook Creek catchments encompass most of the Colac township, as well as surrounding rural living and agricultural areas. It is noted that the Study does not assess flood impacts on the existing drainage network of urban Colac, but rather riverine flooding only.

The flood mapping tool in the Planning Scheme that Council currently relies upon in order to ensure that development proposals are considered against known flooding risks is known as the Land Subject to Inundation Overlay (LSIO). This Overlay applies to land that would be flooded in a 1 in 100 year flood event. Development on land covered by the LSIO triggers the need for a planning permit application in the vast majority of cases (with some minor development and works exempted). In some cases, development proposed under the LSIO is permitted to occur with or without conditions depending on the proposal and the flood risks applicable to the particular land. In other cases, development is not permitted to occur at all as the risks to life and property are deemed too great. Applications are referred to the CCMA, who are a Recommending Authority. This means that Council must consider the recommending referral authority's advice but is not obliged to approve or refuse the application on the CCMA advice, or to include any recommended conditions put forward by the CCMA.

A Flood Overlay (FO) is normally applied in planning schemes to areas of flooding with greatest depth and velocity of flood waters, however this overlay only applies to land adjoining Lake Colac at present.

Since 2015, 74 planning permit applications triggered by the LSIO have been considered by Colac Otway Shire. Of these, 32 were for new dwellings or extensions to dwellings, 8 for farming sheds, 8 for other sheds and 5 associated with works to industrial sites. In the majority of cases these applications have been supported through the issue of planning permits.

To change the existing flood mapping in the Scheme (and other related provisions) requires a planning scheme amendment.

The Colac 2050 Growth Plan project will establish a plan for the expansion of Colac's residential housing footprint, business and industry sectors. Colac 2050 also proposes to examine social and recreational infrastructure, traffic and pedestrian needs. Updated flood mapping in Colac is therefore an important input to that project. Council has separately engaged consultants to prepare a Stormwater Strategy for Colac which considers urban drainage requirements.

That work is based on the flood mapping arising from the DELWP Flood Study, and includes modelling of potential drainage outcomes relating to future growth scenarios. The Drainage Strategy will be separately reported to Council at the appropriate time.

KEY INFORMATION

Changes to Mapping

The *Deans Creek and Barongarook Creek Flood Study* seeks to re-examine the extent of flooding in Colac. The Study noted that there is little recorded information regarding flooding from Deans Creek and Barongarook Creek, resulting in an incomplete understanding of flooding within the study area. The Study examined mapping, rainfall information, historic flood records, aerial photography and topographic information and infrastructure to produce complex hydrologic and hydraulic modelling of the catchments. The local community was consulted during the process and encouraged to provide their input and personal experiences. The flood information was also re-checked against more recent flood events in Colac.

The flood modelling produced detailed flood mapping based on projected water depth and velocity across a range of scenarios from 20% AEP (Annual Exceedance Probability) (1 in 5 year flood event) to PMP (Probable Maximum Precipitation) or Peak Flood Depth (worst case scenario). The 1% AEP (1 in 100 year flood event) is used as the standard predictor for flood mapping and will form the mapping base of the amendment.

Results from the Study

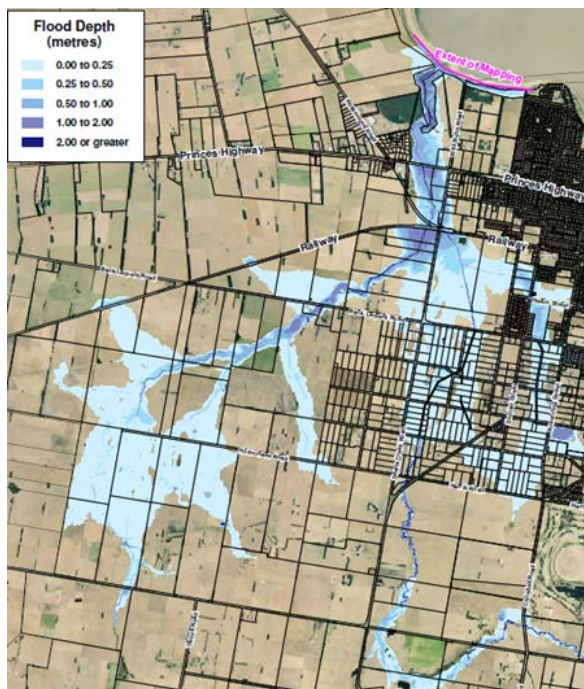


Fig 1 Dean Creek Catchment 1% AEP depth mapping

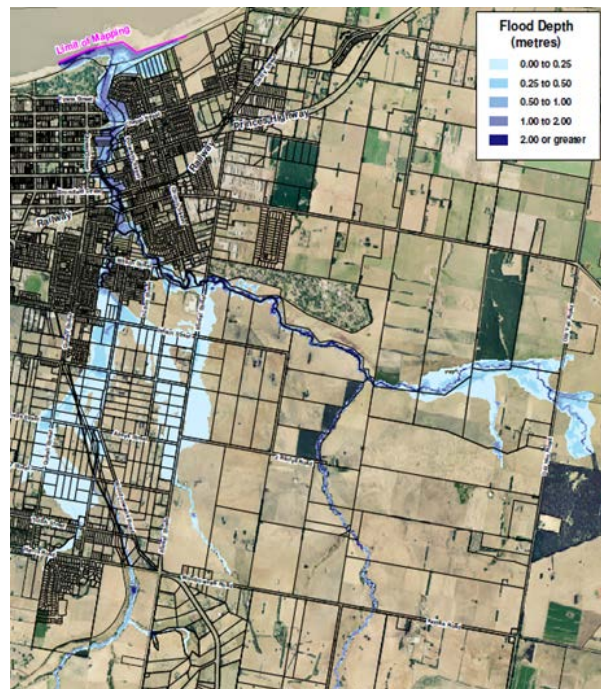


Fig 2 Barongarook Catchment 1% AEP depth mapping

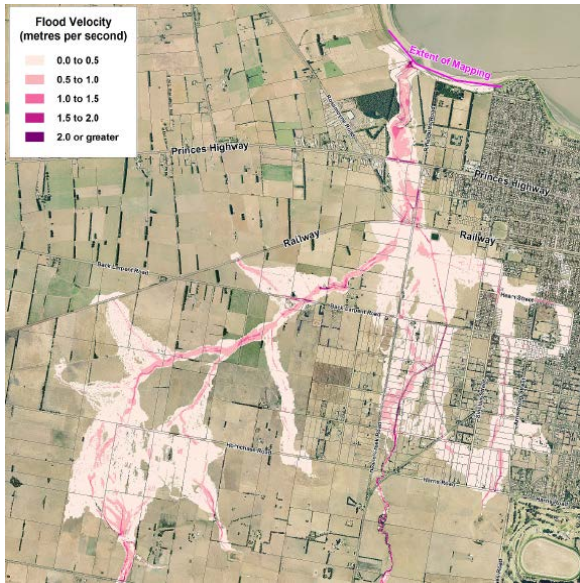


Fig. 3 Deans Creek Catchment 1% AEP

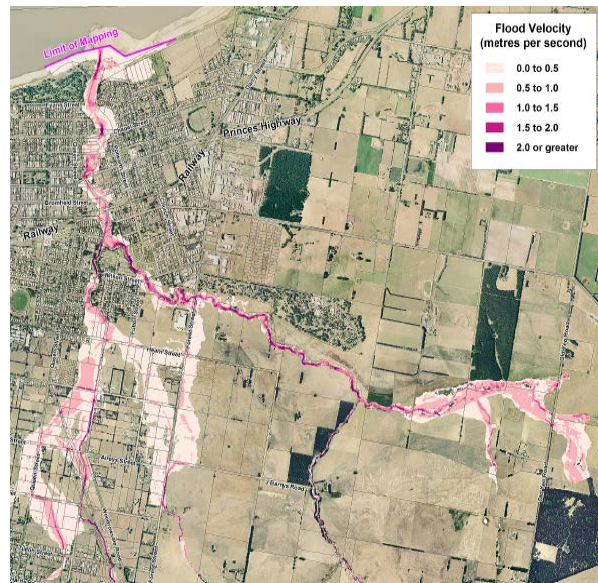


Fig. 4 Barongarook Catchment 1% AEP

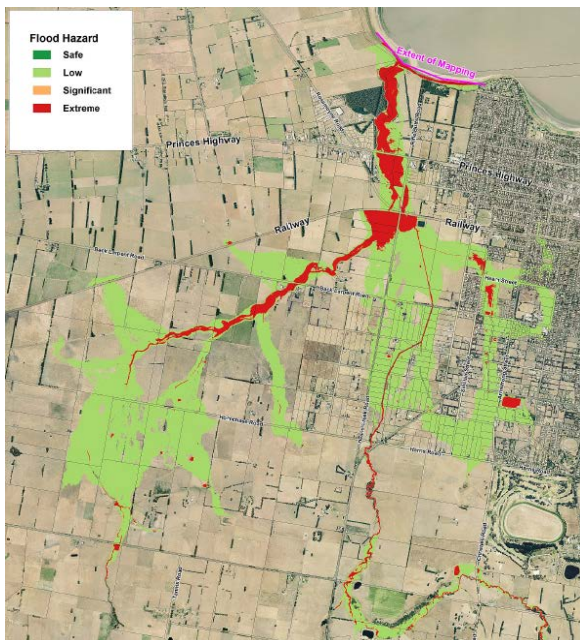


Fig. 5 Deans Creek Catchment 1% AEP

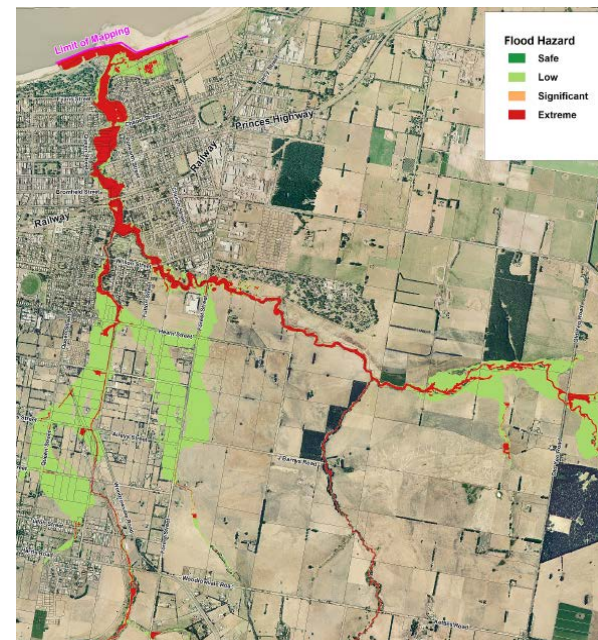


Fig. 6 Barongarook Catchment 1% AEP

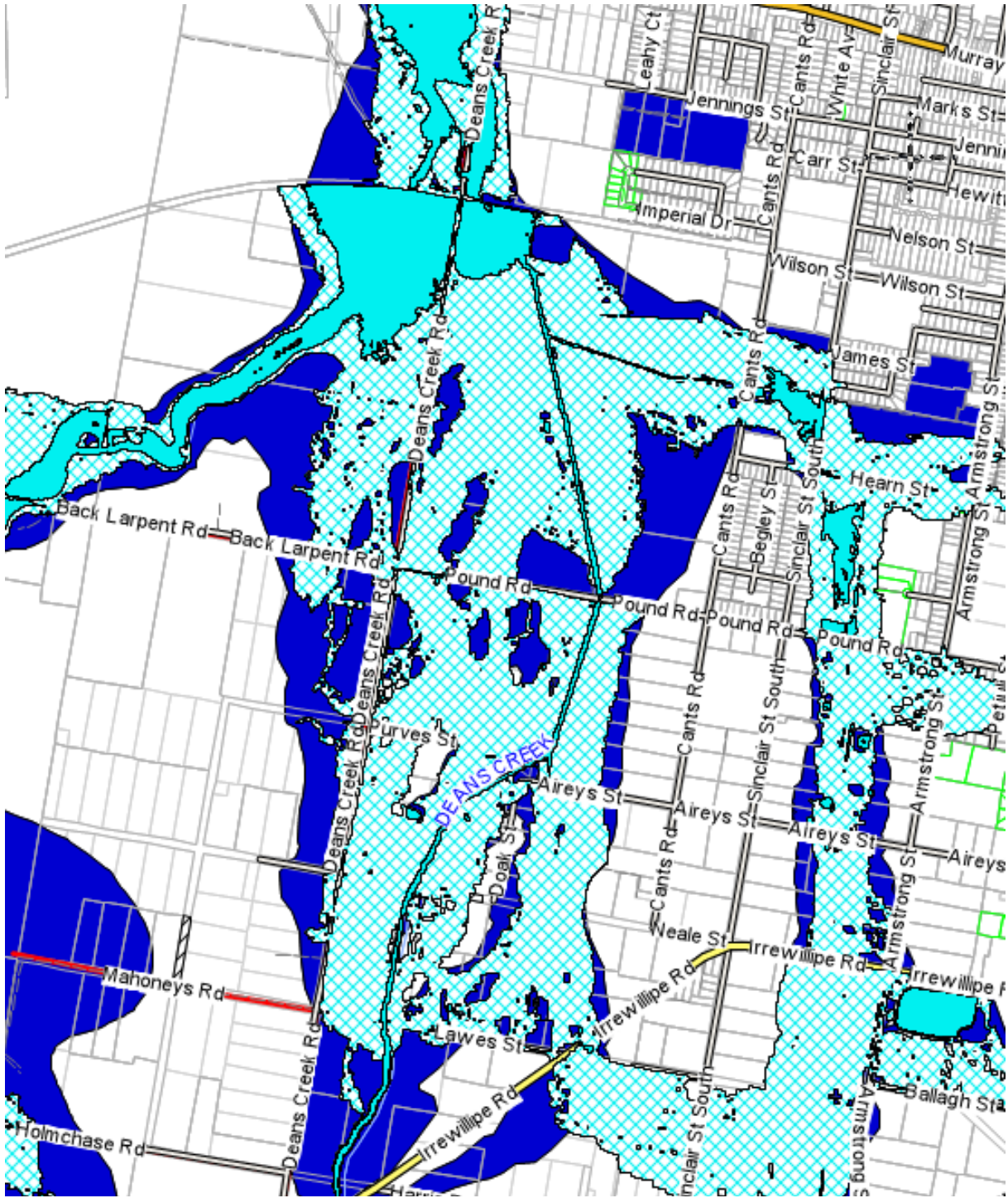


Figure 7 Partial snapshot of Deans Creek catchment existing flood overlay (dark blue) overlaid with proposed updated LSIO (light blue cross hatched) and FO (blue) at 1% AEP

Deans Creek and Barongarook Creek
C90 mapping

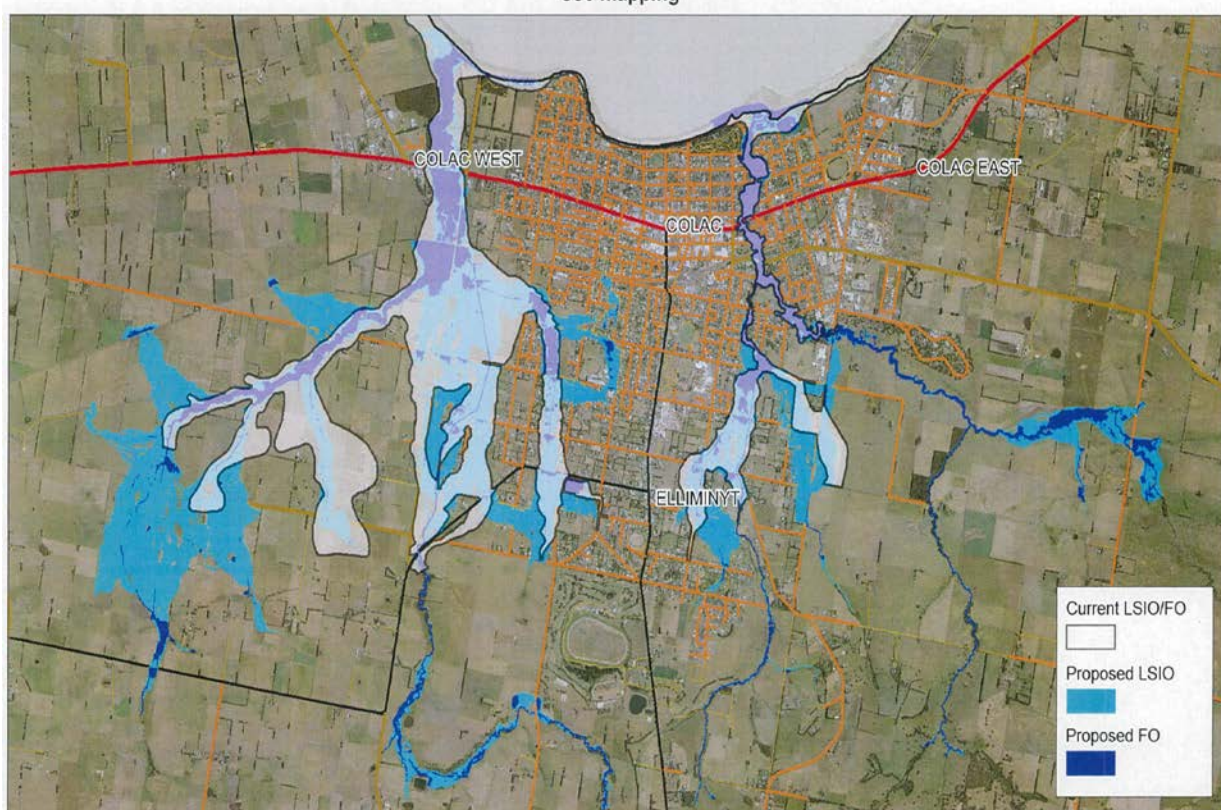


Figure 8. Entire catchment mapping

The proposed mapping changes reflect the more precise methodology employed by the consultants as part of this project as well as the catchment wide assessment. The hazard mapping (extract at Figs. 5 & 6) reveals that the risk of flooding in the Deans Creek and Barongarook Creek catchments is not as severe as current flood mapping in the Colac Otway Planning Scheme indicates. Whilst flooding remains a significant risk which must be managed through the application of planning controls, there are significant areas where the flood mapping can be reduced or removed altogether. However, the Study identified other areas where the flood mapping should be extended (an extract of final proposed overlay maps can be compared with the current flood overlay mapping at Fig 8).

In terms of total numbers, 439 properties are covered by the current flood controls (as well as significant areas of Council and Crown land). This amendment will result in a total of 741 properties being included in the LSIO and FO. With regards of total area, currently 617ha of land is included in the current flood controls. Amendment C90 will result in 841ha of land being included in the LSIO and FO in Colac township. Whilst these figures, on the surface, indicate a considerable expansion on the current flooding controls, it is noted that the application of the controls over the tributaries and upper reaches of the Deans and Barongarook Catchments, within Farm Zone land, will contribute much of this expansion.

The updated flood modelling also indicates that the overall depth of the flood waters is significantly shallower in many locations across the catchments than previously anticipated. This may, in some instances, allow the option for flood mitigation measures to occur as part of development proposals, subject to support from the CCMA. As the mapping currently stands, many development proposals in the areas covered by the flood mapping are refused on the basis of risk to life and property as a consequence of the mapped depth of the flood waters.

Once the flood mapping is updated via this planning scheme amendment process, it will be possible to view many development proposals in a different planning context and offer support or, in many instances, remove the need for a planning permit. Flood mitigation measures may also occur as an outcome of Council's Drainage Strategy (to be considered by Council in the near future).

The estimated depth of the floodwaters at the 1% AEP is indicated in Figures 1 & 2. AEP is defined as the probability that a given rainfall total accumulated over a given duration will be exceeded in any one year. As can be seen in Figures 3 & 4, the majority of flood prone land in Colac will be inundated to a depth of 0 - 0.25m at the 1% AEP.

The Flood Overlay will be applied to some areas currently covered by the LSIO that demonstrate higher risk to life and property. The technical parameters for applying the FO, as opposed to the LSIO, are;

- The 1 % AEP flood depth is likely to reach or exceed 0.5 m; or
- The estimated 1 % AEP flood hazard factor (velocity x depth) can be expected to reach or exceed 0.4 m²/s.

The Environmental Significant Overlay Schedule 2 (ESO2) (Lakes, Wetlands and Watercourses) seeks to protect lakes and waterways by managing the quality of water entering the system. It currently applies to the exact same locations as the LSIO. Updating the ESO2 is a significant undertaking. It is proposed that the ESO2 will not replicate the proposed LSIO/FO, but rather be more targeted to meet identified environmental objectives. The ESO2 will be reviewed as part of the *Cutting Red Tape* amendments which is aimed to commence in late 2017 to be completed in 2018.

Changes to the Municipal Strategic Statement (MSS) and Schedules

Besides mapping updates, Amendment C90 also makes other changes to the Colac Otway Planning Scheme. The Schedule to the LSIO is proposed to be substantially modified and a new Schedule is proposed for the FO.

The Schedules allow Council to tailor the requirements of the generic state wide overlays to individual requirements that meet local needs. At present, the Overlay triggers the need for a planning permit for virtually all development and works. The new Schedules establish (FO) or extend (LSIO) the broad range of works that do not require a planning permit in the Overlays, including some forms of replacement buildings, minor extensions or external alterations to buildings, some forms of fencing and open sided agricultural sheds.

Several Clauses of the MSS will be updated to reference and incorporate the finding of the Study. Other administrative changes to the Scheme are also proposed to support the Amendment.

FURTHER SUPPORTING INFORMATION

5. COMMUNITY CONSULTATION & ENGAGEMENT

The local community has been consulted in the preparation of the *Deans Creek and Barongarook Creek Flood Study* and their comments were incorporated into the Study.

The planning scheme amendment process mandates the formal exhibition of the Amendment. The Amendment will be advertised in a local newspaper and on Council's website. All affected landowners will be directly notified in writing. Any affected parties will have the opportunity to raise their concerns through a formal submission, which must be considered by Council. Any submissions that cannot be resolved by Council will be referred to a Planning Panel for independent consideration. The submitter has the opportunity to speak to their submission at any Panel Hearing.

6. ANALYSIS

ALIGNMENT TO COUNCIL PLAN OR COUNCIL POLICY

The C90 Amendment will contribute to the Council Plan *Our Prosperity – Goal 1 Plan infrastructure, assets and land use with a long-term vision for economic growth* and *Action 7 – Remove unnecessary planning triggers to streamline planning processes.*

ENVIRONMENTAL IMPLICATIONS

By accurately reflecting the flood risk areas in the Planning Scheme, the amendment protects designated flood paths and the riverine areas from development and encroachment from other activities. It also contributes to minimising flood risks to people, assets and properties.

SOCIAL AND CULTURAL IMPLICATIONS

While there are no direct social and cultural implications of the proposed amendment, it will have indirect implications to Colac community by protecting communities, public and private assets from flood risks/damage.

ECONOMIC IMPLICATIONS

While there are no direct economic implications of the amendment, the updated flood controls in Colac will have indirect economic benefits to the local economy. The revised flood mapping combined with proposed streamlined changes to the planning controls will reduce permit triggers within the LSIO and FO. This will facilitate minor developments without needing to go through planning permit processes, which saves money and time for developers. Further the removal of the LSIO and FO from areas that are no longer affected by flooding will allow those areas to be developed to their capacity as allowed by respective zones and overlays.

LEGAL AND RISK IMPLICATIONS

Council has an obligation to the community to ensure that its planning controls accurately reflect risk. If Council does not pursue the mapping update, it could result in risks for Council and the community. For instance:

- People could buy land that they later learn has limited development potential
- People could sell land, believing that the development potential is limited, when it later becomes apparent that the development potential was far greater than they had known at the time of sale
- People could unknowingly develop their land which is subject to flooding.

RESOURCE IMPLICATIONS (FINANCIAL ETC)

Council has received \$30,000 of financial assistance from the DELWP to progress this Amendment. The CCMA will also continue to work with Council in preparing the Amendment. It is noted that the State government has born the substantial costs of the work to date.

If the amendment receives objections that cannot be resolved, Council would be obligated to organise for an independent Planning Panel to hear from submitters to the Amendment.

Costs incurred by Council in the amendment process will be substantially offset (if not completely) by the DELWP funds. Any additional funds required will be funded through the 2017/18 budget allocated for strategic planning.

7. IMPLEMENTATION STRATEGY

DETAILS

Planning Scheme Amendment C90 has been prepared. The Amendment must go through the process prescribed by the *Planning and Environment Act 1987* before it has legal effect. This process includes a public exhibition process, resolution of submissions by an independent panel (if applicable), adoption by Council and approval by the Minister for Planning. Should Council support progression of the amendment, officers will seek Ministerial authorisation for the exhibition process.

COMMUNICATION

The Amendment will be advertised in accordance with the provisions of the *Planning and Environment Act 1987*. Officers will also design a community engagement process that maximises community understanding of the changes being proposed, and their implications. This could include drop-in information sessions and the like.

TIMELINE

Proposed key milestones on the premise that a Panel Hearing is required:

- November 2017 – Seek Ministerial Authorisation for Amendment C90
- February 2018 – Public Exhibition of Amendment
- March – April 2018 – Consider submissions received and make changes if required

- May 2018 – Refer outstanding submissions to Council and request the Minister to appoint an independent Planning Panel to hear the submitters
- July 2018 – Planning Panel Hearing
- September 2018 – Receive Panel Report
- October 2018 – Council considers Panel Report and Amendment C90 for decision
- November 2018 – If Council adopted the amendment, submit the adopted amendment to the Minister for approval

8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.