

**WARRNAMBOOL PLANNING SCHEME
AMENDMENT C205WARR
EXPLANATORY REPORT**

Who is the planning authority?

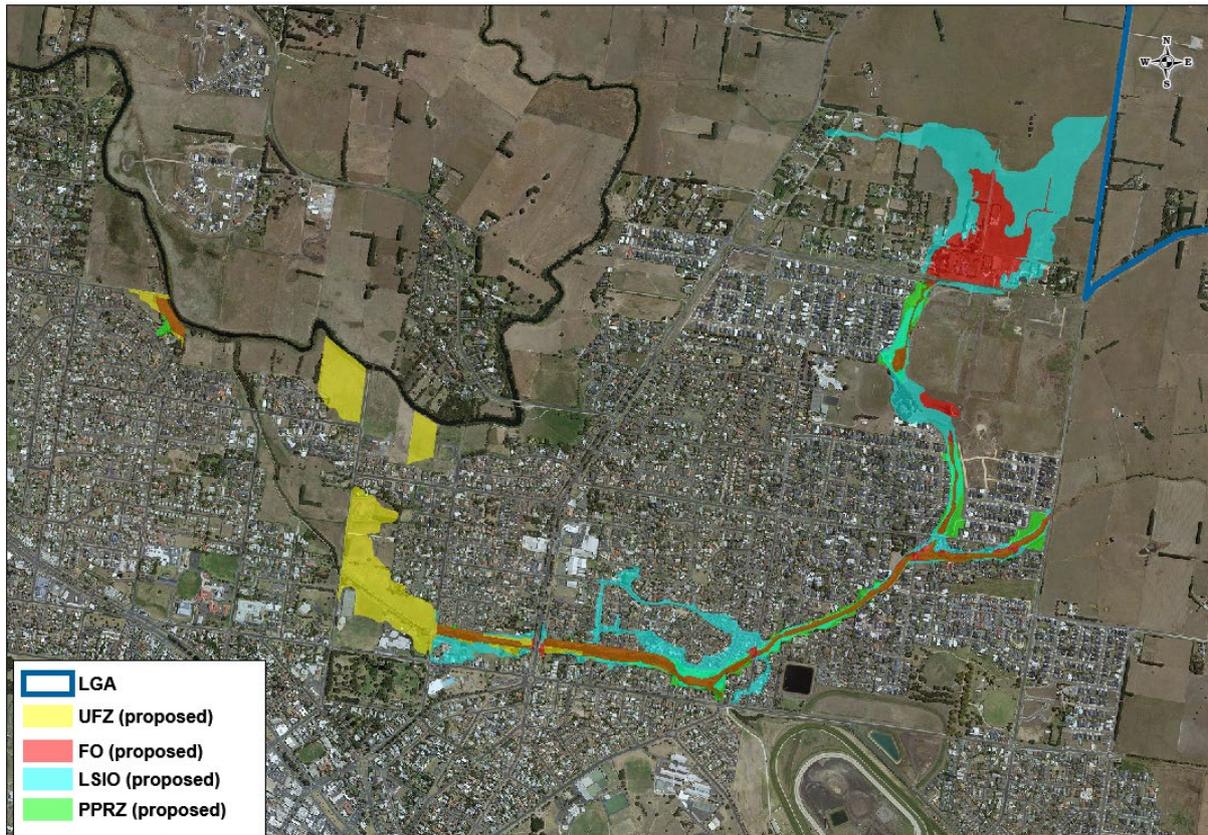
This Amendment has been prepared by the Warrnambool City Council, which is the planning authority for this amendment.

The Amendment has been made at the request of the Warrnambool City Council in conjunction with the Glenelg Hopkins Catchment Management Authority (GHCMA).

Land affected by the amendment

The Amendment applies to land within the Merri River and Russells Creek catchments in north Warrnambool as identified as being liable to floodwater during a 1% Annual Exceedance Probability (AEP) flood event, as indicated on the map below.

Figure 1: Merri River and Russells Creek catchments proposed rezoning and overlays



A mapping reference table is attached at Attachment 1 to this Explanatory Report.

What the amendment does

The Amendment seeks to implement the recommendations of the Russell Creek Flood Mitigation – As Constructed Flood Modelling (Water Technology Pty Ltd, 2017) and Design of North Warrnambool Floodplain Management Plan - Implementation Works (Cardno, 2010).

The Amendment proposes to change the planning scheme by:

- Applying the Floodway Overlay (FO) to areas identified as high hazard flood risk during a 1 in 100 year storm event.
- Applying the Land Subject to Inundation Overlay (LSIO) to areas identified as low hazard flood risk during a 1 in 100 year storm event.
- Amending the Schedule to Clause 72.08 to include Russell Creek Flood Mitigation – As Constructed Flood Modelling (Water Technology Pty Ltd, 2017) and Design of North Warrnambool Floodplain Management Plan - Implementation Works (Cardno, 2010) as a Background Document.

In a number of areas, the application of the extent of the Urban Floodway Zone (UFZ) has been reduced and replaced with the Public Park and Recreation Zone (PPRZ) or General Residential Zone (GRZ), as appropriate.

Strategic assessment of the amendment

Why is the amendment required?

The Amendment is required to provide for more accurate flood mapping in north Warrnambool by implementing the recommendations of the Russell Creek Flood Mitigation – As Constructed Flood Modelling (Water Technology Pty Ltd, 2017) and Design of North Warrnambool Floodplain Management Plan - Implementation Works (Cardno, 2010). These investigations provide for an improved understanding of flood behaviour and identifies land to be included in the UFZ, PPRZ, GRZ, FO and LSIO depending on the nature and extent of potential flooding.

This Amendment comprises a significant update to the UFZ, PPRZ, GRZ, LSIO and FO mapping in north Warrnambool. These controls already cover large parts of north Warrnambool generally in the vicinity of Russell Creek and Merri River.

The amendment only includes areas of the Merri River floodplain in North Warrnambool that were not rezoned as part of Amendment C78 Part 1, generally described as adjoining Membery Way, 123 Queens Road, and 2-18 Daltons Road, Warrnambool. These three areas were the subject of submissions that were received during the exhibition of Amendment C78 to the Warrnambool Planning Scheme. Amendment C78 was subsequently split into two parts, and these areas were included within Amendment C78 Part 2. Amendment C78 Part 1 included the remaining areas within the North Warrnambool Merri River floodplain, and was approved in 2016. Amendment C78 Part 2 has now lapsed, therefore it is considered appropriate to include the remaining areas within this current amendment.

The revised flood information from the Russell Creek Flood Mitigation – As Constructed Flood Modelling (2017) study now represents the most relevant flood information for the Russell Creek floodplain. The change in flood regime as a result of the modifications to Mortlake Road and the installed flood walls necessitate the Amendment. The existing flood controls in the scheme do not provide the community with an accurate representation of the flood risk in the area. Consequently, the Amendment provides an overall community benefit by formalising the flood information and apply it to future land use and development.

In areas subject to the LSIO and the FO a planning permit will be required for subdivision and most new buildings and works. This will ensure that the potential for flooding, as well as floodway management issues are considered during the development process and that any intensification of flood risks are

avoided. An application for planning permit on land affected by these overlays will need to be referred to the relevant floodplain management authority.

How does the amendment implement the objectives of planning in Victoria?

Section 4 of the Planning & Environment Act 1987 sets out the objectives for planning in Victoria, including the following:

- To provide for the fair, orderly, economic and sustainable use, and development of land;
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- To balance the present and future interests of all Victorians.

The Amendment responds to these objectives by:

- Recognising those areas which are at risk of flooding;
- Applying appropriate planning controls to those areas in order to protect life and property;
- Ensuring high risk areas (i.e. active flood plains) have appropriate planning controls applied.

The Amendment will assist landowners in understanding potential hazards and guiding development on their land. It will also assist Council and the GHCA in making more informed and effective decisions on development of land affected by flooding.

How does the amendment address any environmental, social and economic effects?

The Amendment is expected to have positive economic and social benefits for the municipality. Flooding carries significant costs for the community, individual landowners and the state. Flood damage can disrupt communities and in extreme cases, cause extensive and costly damage to public and private assets, cause agricultural losses, personal hardship and loss of life. By careful planning of new development and earthworks having regard to environmental risks, future financial and community impacts of flooding can be reduced.

The Amendment is expected to have a positive effect on the environment. Flooding has environmental benefits as flood-prone areas may provide valuable habitats for plants and animals and serve as natural water storage areas. Areas of environmental significance, such as swamps and wetlands have an important role to play in supporting biodiversity, recycling nutrients and maintaining water quality. By accurately identifying flood-prone areas, these areas can be protected from inappropriate development that may pose a threat to water quality and flora and fauna communities. The identification of flood-prone areas will ensure that development is compatible with local environmental conditions including flood hazards and drainage conditions.

The Amendment seeks to protect new development from the effects of flooding and minimise the effect of development on flood processes.

Does the amendment address relevant bushfire risk?

There is no additional bushfire risk that will be caused as a result of the proposed amendment.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act and Ministerial Direction 11 - Strategic Assessment of Amendments. No other Ministerial Directions apply to the Amendment.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The Amendment implements and is supported by the Planning Policy Framework through the following provisions:

Clause 11 Settlement – identifies that planning for settlements must have regard to health, wellbeing and safety. Clause 11.01-1S identifies that investment and growth is to be focussed in major regional cities, including Warrnambool. The Amendment supports these objectives by documenting the extent of flooding and the degree of risk from its impacts by using the UFZ and FO for areas of high hazard, and LSIO for areas of lower hazard. Applying the most accurate flood data also ensures that developable land is maximised, thereby enabling infill residential growth to occur in areas that are not subject to inundation.

Clause 11.03-2S Growth Areas – requires planning to respond to climate change and increase environmental sustainability. The Amendment implements this clause by introducing updated planning controls that will ensure new development and works respond appropriately to flood risk.

Clause 13 Environmental Risks and Amenity – identifies that planning should strengthen the resilience and safety of communities, and should identify, prevent and minimise the risk of harm to the environment, human health and amenity by applying effective controls to prevent or mitigate significant impacts. The Amendment responds to this clause by applying appropriate flood controls to recognise and mitigate risk associated with flooding and by ensuring new development and works respond appropriately to environmental risks (e.g. river health) associated with flooding.

Clause 13.01-1S Natural Hazards and Climate Change – identifies the need for adaptation response strategies for existing settlements in risk areas to accommodate change over time. The Amendment responds to this clause by providing more accurate information to guide development and works to respond appropriately to flood risk.

Clause 13.03-1S Floodplain Management – identifies that planning is to assist the protection of:

- Life, property and community infrastructure from flood hazard;
- The natural flood carrying capacity of rivers, streams and floodways;
- The flood storage function of floodplains and waterways;
- Floodplain areas of environmental significance or of importance to river health.

The Amendment supports these objectives by improving the mapping of flood extents and hazard associated with the floodplains of Russell Creek and Merri River in North Warrnambool.

Clause 13.03-1L Merri River and Russells Creek floodplains – contains the objective that the integrity of the Merri River and Russells Creek floodplains is to be maintained. The clause further identifies that planning is to discourage the filling of land that is subject to flooding; avoid development that will have an adverse downstream impact in terms of flooding and water quality; and ensure that when drainage and flood protection works are inadequate that habitable buildings are protected from flooding. The Amendment responds to this clause by ensuring that land use and development is directed to locations with no or minor flood risks and carried out in ways that minimises its vulnerability to the threat of flood.

Clause 14.02-1S Catchment planning and management

This clause has the objective to assist the protection and restoration of catchments, water bodies, groundwater, and the marine environment.

The relevant strategies of this clause are to:

- Consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments;

- Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses;
- Require appropriate measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins;
- Ensure planning is coordinated with the activities of catchment management authorities.

The Amendment supports this clause by providing revised planning controls relating to the identification and ongoing protection of the floodplain from inappropriate development, including potential for impacts on catchments. The introduction of new controls will align Council's decision making with the information available from Glenelg Hopkins Catchment Management Authority.

Clause 14.02-2S Water quality

This clause has the objective to protect water quality. The strategies to achieve this objective include discouraging incompatible land use activities in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.

The Amendment supports the objective and strategies of this clause by setting out revised planning controls for the floodplain areas, based on most recent flood data and best practice measures for flood affected areas. This will ensure incompatible land uses are not located in floodplain areas and will reduce impacts on downstream water quality.

How does the amendment support or implement the Municipal Planning Strategy?

Clause 02.03-3 Environmental risks and amenity (Floodplain management) acknowledges that large expanses of land are prone to flooding from the Merri River and Russells Creek. The relevant strategic directions include:

- Protecting floodplains from development that would detrimentally impact their function.
- Protecting life, property and community infrastructure from flood events.

The Amendment supports and implements the strategic directions of the Municipal Planning Strategy by implementing flood controls based on current and updated flood modelling.

Does the amendment make proper use of the Victoria Planning Provisions?

The Amendment uses the flood-specific controls within the Victoria Planning Provisions (VPPs) to recognise flood risk and to provide guidance for future development of flood affected land in the Russells Creek and Merri River Catchments in north Warrnambool.

The UFZ and FO have been used to identify waterways, major flood-paths and high hazard areas within urban and rural areas which have the greatest risk and frequency of being affected by flooding. These controls are the most appropriate tools as they are specifically aimed at protection of life and property and helping to ensure the free flow of floodwaters.

The LSIO has been applied to identify land in a flood storage or flood fringe area affected by the 1% AEP flood. It seeks to ensure development maintains or improves the temporary flood storage potential of the area. The controls have been applied according to level of risk, and in accordance with the Victoria Planning Provisions Practice Note: "Applying the Flood Provisions in Planning Schemes – A Guide for Councils". The controls are applied to ensure that any use or development maintains the free passage and temporary storage of floodwater, minimises flood damage, is compatible with flood hazard and will not cause any significant rise in flood level or flow velocity.

The underlying zone (i.e. PPRZ or General Residential Zone 1) has been applied either where the land is within public ownership or where the existing UFZ is now not applicable for areas of private land. The PPRZ has been applied in accordance with the Practice Note 'Public Land Zones'. Consequently, it is considered that the Amendment utilises the most effective controls available within the Victoria Planning Provisions.

How does the amendment address the views of any relevant agency?

The Amendment has been prepared by Warrnambool City Council with support from the GHCMA. The extent of overlays and the configuration of the mapping included in this Amendment have been prepared in communication with the GHCMA.

Other relevant agencies will be consulted through the exhibition process, in accordance with the requirements of the *Planning and Environment Act 1987*.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The Amendment does not impact on the transport system objectives and decision making principles as set out in the Transport Integration Act 2010.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The Amendment will improve the application and administration of the Warrnambool Planning Scheme by providing certainty for Council, GHCMA, and landowners. The Amendment may result in minor impact on the resource and administrative costs of the Responsible Authority associated with the preparation of the Amendment. Overall however, the removal of existing controls to land no longer deemed to be impacted from flooding will reduce the need for planning permit applications.

Where you may inspect this amendment

The Amendment can be inspected free of charge at the Warrnambool City Council website at <https://www.warrnambool.vic.gov.au/planning-scheme-amendments>

The Amendment is available for public inspection, free of charge, during office hours at the following place:

Warrnambool City Council
Civic Centre
25 Liebig Street
Warrnambool.

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by 29 October 2021.

Please note, the closing date for submissions has been extended from 29 October 2021 to **Friday 12 November 2021**.

A submission must be sent to:

By email planning@warrnambool.vic.gov.au
or mailed to:

Julie Glass
Coordinator City Strategy
Warrnambool City Council
PO Box 198
WARRNAMBOOL VIC 3280

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15, the following panel hearing dates have been set for this Amendment:

- directions hearing: Week beginning 7 March 2022
- panel hearing: Week beginning 11 April 2022

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Warrnambool	Land adjacent to the Merri River and Russells Creek catchments in north Warrnambool	Warrnambool C205warr 001znMap05 Exhibition Warrnambool C205warr 002znMaps05_06_08_09 Exhibition Warrnambool C205warr 003znMaps08_09 Exhibition Warrnambool C205warr 004zn Maps09_10 Exhibition Warrnambool C205warr 005znMaps07_09_10 Exhibition Warrnambool C205warr 006znMap07 Exhibition Warrnambool C205warr 007d-Isio-foMap09 Exhibition Warrnambool C205warr 008d-Isio-foMap10 Exhibition Warrnambool C205warr 009d-Isio-foMap07 Exhibition Warrnambool C205warr 010d-Isio-foMap07 Exhibition Warrnambool C205warr 011znMaps07_10 Exhibition Warrnambool C205warr Isio-foMap05 Exhibition Warrnambool C205warr Isio-foMap06 Exhibition Warrnambool C205warr Isio-foMap07 Exhibition Warrnambool C205warr Isio-foMap09 Exhibition Warrnambool C205warr Isio-foMap10 Exhibition