

## **CENTRAL GOLDFIELDS PLANNING SCHEME**

### **AMENDMENT C31cgoI**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

This amendment has been prepared by the Central Goldfields Shire Council, which is the planning authority for this amendment.

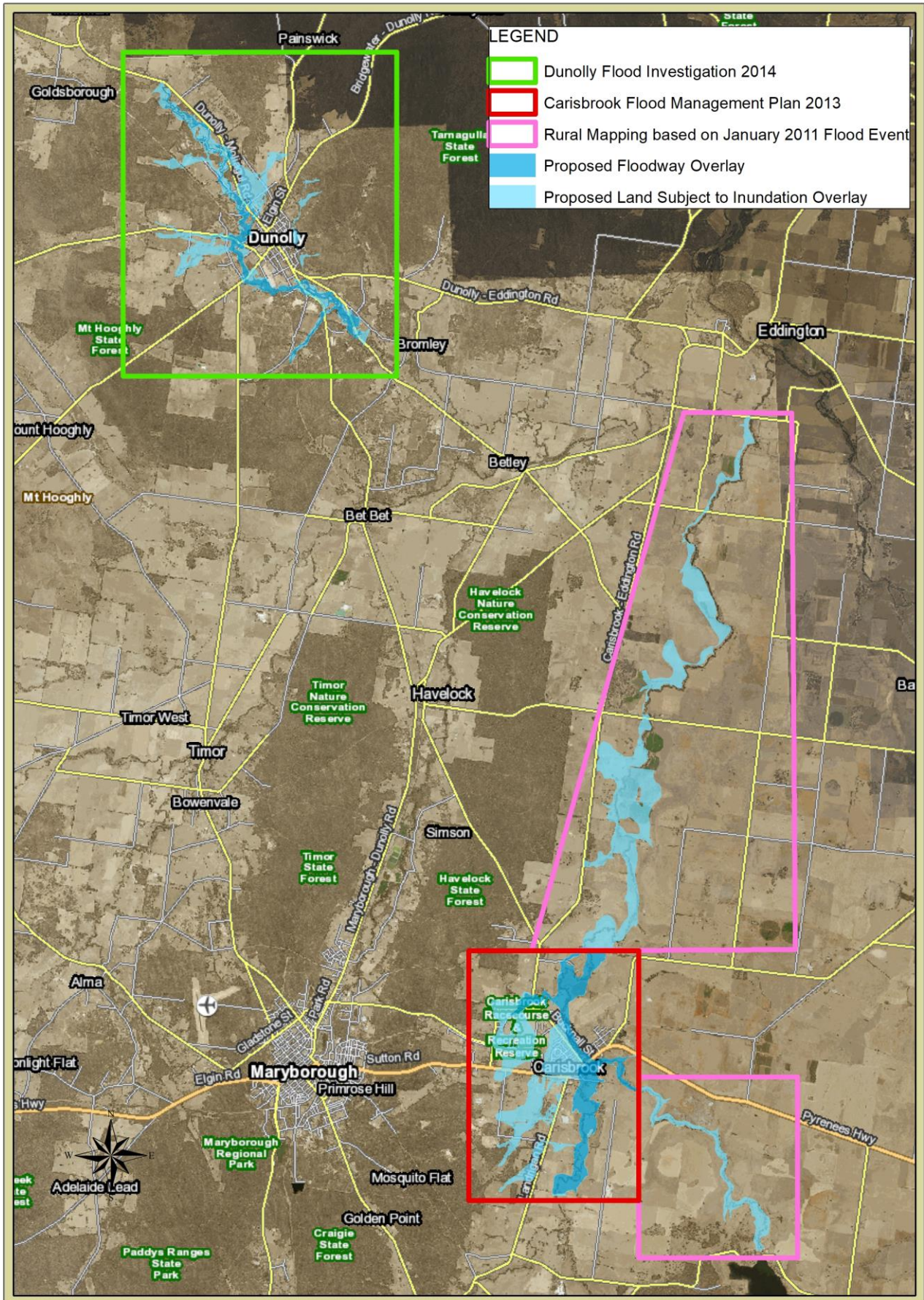
The Amendment has been made at the request of the North Central Catchment Management Authority who is the relevant floodplain management authority for the Central Goldfields Planning Scheme.

##### **Land affected by the Amendment**

The Amendment applies to 754 properties in both Carisbrook and Dunolly and surrounding rural areas, that have been identified as being liable to flooding from McCallums Creek, Tullaroop Creek, Burnt Creek and their tributaries by the *Carisbrook Flood and Drainage Management Plan 2013*, the *Dunolly Flood Investigation 2014*, rural mapping along Tullaroop Creek based on information captured during the January 2011 flood event. The amended flood overlays have taken into account completed flood mitigation works.

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

The amendment also affects land outside the study area in the municipality where the Land Subject to Inundation Overlay (LSIO) already applies by making a minor administrative change to the Schedule to identify it as *Schedule 1* to the Land Subject to Inundation. This will differentiate it from the new areas of mapping introduced as part of this amendment. The area of extent and the planning scheme provisions for this schedule remain unchanged.



## What the amendment does

The Amendment implements the findings of the *Carisbrook Flood and Drainage Management Plan 2013*, the *Dunolly Flood Investigation 2014* which were adopted by Council at its 17 December 2019 meeting. The amendment will apply flood controls to properties that are located within the 1% Annual Exceedance Probability (1% AEP) flood event extent to ensure that flooding is appropriately considered in development proposals.

The amendment:

- Introduces Schedule 2 to the Land Subject to Inundation Overlay (LSIO) to identify properties that experience flooding less than 500 millimetres flood depth within the study boundaries. As a consequence, existing LSIO mapping outside the study boundaries will be renamed from 'LSIO' to 'LSIO1' to differentiate it from this new mapping. No changes will be made to the existing schedule that applies outside the study areas.
- Introduces Clause 44.03 Floodway Overlay (FO) into the Central Goldfields Planning Scheme for the first time. This is accompanied by a new Schedule 1 to the Floodway Overlay to identify properties that experience flooding greater than 500 millimetres flood depth within the study boundaries. No FO mapping is being proposed outside the study boundaries in other parts of the Shire.
- Introduces planning permit exemptions in these flooding controls if certain requirements are met.

Specifically, the Amendment proposes to amend the Central Goldfields Planning Scheme by:

### Mapping changes

- Deleting the LSIO from all land within the study boundaries, approximately 606 properties
- Applying the LSIO2 to approximately 696 properties that experience flooding less than 500 millimetres flood depth within the study boundary
- Applying the FO1 to approximately 290 properties that experience flooding greater than 500 millimetres flood depth within the study boundary.
- Replacing all 'LSIO' maps outside the study boundary to 'LSIO1'
- Applying the LSIO1 to approximately 56 properties that experience flooding from Tullaroop Creek and are outside the Carisbrook Flood and Drainage Management Plan boundary but have been determined to be at risk of flooding from information captured during the January 2011 flood event.

### Ordinance changes

- Amending Clause 21.09 of Municipal Strategic Statement to highlight the importance of managing development within land in the Land Subject to Inundations Overlay and discouraging development on land in the Floodway Overlay in the townships of Carisbrook and Dunolly.
- Inserting Clause 44.03 (Floodway Overlay) into the planning scheme.
- Inserting Schedule 1 to Clause 44.03 (Floodway Overlay) to identify properties that experience flooding greater than 500 millimetres flood depth and provide permit exemptions.
- Amending the Schedule to Clause 44.04 (Land Subject to Inundation Overlay) to identify it as Schedule 1 to the Land Subject to Inundation Overlay.
- Inserting Schedule 2 to Clause 44.04 (Land Subject to Inundation Overlay) to identify properties that experience flooding less than 500 millimetres flood depth and provide permit exemptions.
- Amending Clause 72.08 to include the *Carisbrook Flood and Drainage Management Plan 2013* and the *Dunolly Flood Management Plan 2014* as background documents in the planning scheme.

## Strategic assessment of the Amendment

### Why is the Amendment required?

The amendment is required to implement the findings of the *Carisbrook Flood and Drainage Management Plan 2013* and the *Dunolly Flood Management Plan 2014* (the Flood Plans). In addition, the amendment corrects mapping errors to the rural floodplain of Tullaroop Creek based on information captured by the North Central CMA during the January 2011 flood event.

Major flooding occurred in Carisbrook and Dunolly in September 2010 and again in January 2011. The January 2011 flood being among the highest on record. These events were documented and used to inform the flood modelling undertaken as part of the Flood Plans.

A key objective of the Flood Plans was to investigate and determine the 1% AEP flood levels for use in flood mapping within the Central Goldfields Planning Scheme.

The Flood Plans found that the existing flood controls within the study boundaries are out of date, inaccurate and require updating.

As per Planning Practice Note 12 *Applying the Flood Provisions in Planning Schemes – A guide for councils* (June 2015):

*“Land use planning is recognised as being the best means of avoiding future flooding problems. Through careful planning, flood risks to life, property and community infrastructure can be minimised and the environmental significance of our floodplains protected.”*

This premise is reiterated in the Victorian Floodplain Management Strategy (2016) (VFMS) where it was noted that land use planning and building controls were generally more cost effective than flood mitigation infrastructure, flood warning systems, education programs or emergency responses.

In response to the VFMS, the North Central Regional Floodplain Management Strategy 2018-2028 was developed to determine priorities for updated information in planning schemes. The Strategy identified Carisbrook and Dunolly as high priority areas. Inserting updated flood mapping into the Central Goldfields Planning Scheme will provide the greatest effect to managing development within the floodplain and informing future strategic planning.

The controls do not prevent development but seek to ensure development is sited and designed to minimise the impacts of flooding on the development and on other properties. A range of planning permit exemptions have been included for minor building and works to provide a balance between responding to flood risk and facilitating development.

### How does the Amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria under sections 4(1) and 12(1)(a) of the Planning and Environment Act 1987 by:

- *Providing for the fair, orderly, economic and sustainable use, and development of land.*

The amendment identifies land that is subject to flooding and introduces appropriate provisions and guidance for those seeking to undertake new development.
- *Providing for the protection of natural and human-made resources.*

The amendment ensures that development will not negatively impact flood storage and active flow paths.
- *Securing a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*

The amendment contributes to a planning framework that will minimise risks to life and property from flooding (by using high-quality flood data).
- *Protecting public utilities and other assets.*

The amendment ensures that development does not exacerbate flood risks to these assets.
- *Facilitating development in accordance with the above objectives.*

The amendment establishes clear provisions that allow for different solutions to address flooding issues.

## **How does the Amendment address any environmental, social and economic effects?**

### Environmental Effects

The amendment will help to prevent inappropriate development from occurring in areas subject to flooding that could reduce the capacity of the floodplain to store and convey water or divert floodwater to other land not normally inundated by floodwater.

The amendment will help to manage development in floodplains, ensuring development does not have adverse environmental impacts, such as isolating wetlands, destroying natural habitats, eroding stream channels and increasing siltation.

### Social Impacts

Flooding can have significant psychological and health related consequences for individuals and social consequences for local communities. Effects can include the loss of life, loss of home, temporary or permanent displacement and loss of possessions and memorabilia. The amendment seeks to protect life and property in areas at risk of flooding by applying development provisions in areas that are affected by flooding, to reduce risks to life and property. The new provisions will create a safer living and working environment for the residents within the affected land and ensure development and strategic growth is directed away from high flood hazard areas.

### Economic Impacts

Flooding can have significant economic impacts on individuals, local communities and government. Flooding can destroy or damage buildings, vehicles, fences and public infrastructure such as roads and utility services.

In the short term, some developments may experience an increase in development costs to respond to the flood requirements. However, in the long term the amendment will have positive economic impacts by discouraging inappropriate development on land that has been identified as being exposed to unacceptable levels of flooding and discouraging inappropriate development that exacerbates flooding in other areas.

## **Does the Amendment address relevant bushfire risk?**

Bushfire risk assessment reports (*Statement addressing Clause 13.02 Bushfire for Carisbrook Area, January 2020* and *Statement addressing Clause 13.02 Bushfire for Dunolly area, January 2020*), have been prepared to determine whether the amendment will result in any increase in the risk to life, property, community infrastructure and the natural environment from bushfires. The findings of the assessments demonstrate that the proposed amendment complies with the VPP provisions for bushfire, particularly Clause 13.02-1S Bushfire Planning.

### Landscape Considerations

The reports have identified that the potential risk for each town are significantly different.

The primary risk to land affected by the amendment in Dunolly is from the surrounding forested areas. These forested areas have the potential to impact on the study area. The report identifies the aggregated flood study area is categorised as Landscape Type 3, there is vegetation located more than 150 metres from the site that may result in neighbourhood scale destruction.

The landscape of the Dunolly study area consists of a defined valley and floodplain of the Burnt Creek corridor. Dunolly and its surrounds are generally devoid of any steeply elevated land. There is approximately 30 metres of fall from the north-western (upstream) boundary of the study area to south-eastern (downstream) boundary along a roughly 12km reach of Burnt Creek.

Despite these elevated landscape risks (Type 3) in Dunolly, the Report concludes that property by property assessment shows that there are no examples of unreasonable net increase in bushfire risk due to the removal of the LSIO.

The primary risk to land affected by the amendment in Carisbrook is significantly lower than Dunolly. The report identifies the subject land as Landscape Type 1, there is little vegetation beyond 150 metres of sites within the study area, with the nearest forested areas in most cases more than 200 metres from the existing flood overlay boundaries and more than 300 metres away from the new flood overlay.

The landscape of the Carisbrook study area consists of a defined valley and floodplain of the Tullaroop Creek. Carisbrook and its surrounds is generally devoid of any steeply elevated land.

There is approximately 45 metres of fall from the southern (upstream) boundary of the study area to northern (downstream) boundary along a roughly 25km reach of Tullaroop Creek.

#### Alternative locations for development

The proposed amendment is amending flood controls and is not directing growth to either Carisbrook or Dunolly therefore alternative locations have not been considered.

#### Availability of safe areas

Neighbourhood Safer Places – Bushfire Place of Last Resort exist at both Dunolly and Carisbrook. They are located at Gordon Garden Reserve, Dunolly and Market Reserve, Carisbrook.

#### Site based exposure

The submitted bushfire report notes that the study areas can be characterised as having 10 different property types. The planning scheme requirements for a dwelling were used to assess the net change in risk from bushfire as a result of the amendment.

The bushfire report should be referred to for full details, but the report states that based on the site assessment it is concluded that there is no net increase in risk due to the removal of LSIO from land within the study boundary.

#### Risk Change

It has been assessed that on balance, and because of the nature of this amendment, the potential risk increase is small to none. The amendment is unlikely to result in any increase in risk to life, property, community infrastructure or the natural environment from bushfire as the amendment seeks to manage flood related issues only. Any future development of land will be required to meet planning requirements designed to mitigate any potential bushfire threats posed to the future community.

#### Views from the relevant fire authority

The views of the Country Fire Authority have been sought and note the following:

- A significant number of land parcels are impacted by this Amendment, each of which has their own specific bushfire risk.
- Some of these are covered by the higher risk *Bushfire Management Overlay*. As such a trigger is established under this Overlay to appropriately address Bushfire Risk.
- There are also requirements for "construction" under the *Bushfire Prone Area* mapping that also must be assessed by the Relevant Building Surveyor during Building Permit stage.
- Hence while the change of status to the Flood overlay may impact on properties, other triggers are in place to address bushfire on specific sites.
- CFA are concerned however for any changes that may amend the current vegetation layers such as increasing the quantity of native vegetation.
- Any increase will alter the characteristics of the landscape and may increase bushfire risk overtime.
- Accordingly, any policies aimed at increasing vegetation by revegetation programs associated with the amendments to the Flood Control Overlay must carefully consider 'landscape and 'site specific' Bushfire risk and should be referred to CFA for consideration.

#### **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*, as required by section 7(5) of the *Planning and Environment Act 1987*. The amendment and new provisions have been written in plain English. The new schedules and provisions have been prepared in accordance with the requirements of this direction.

The amendment has been considered against Minister's Direction No. 11 *Strategic Assessment of Amendments*, as required by Section 12(2)(a) of the Act. The explanatory report evaluates and includes a discussion about how the amendment addresses the relevant strategic considerations outlined in the Minister's Direction.

Minister's Direction No. 15 *The Planning Scheme Amendment Process* also applies to the amendment.

## **How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?**

The amendment supports and implements the Planning Policy Framework and aligns with the directions of the *Loddon Mallee South Regional Growth Plan*, (March 2014) by responding to the need for accurate flood mapping and directing growth away from high risk locations.

The amendment supports or gives effect to the following State planning policies:

- Clause 11.01-1S (Settlement) which aims to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. This is achieved by ensuring regions and their settlements are planned in accordance with their regional growth plan and respond appropriately to risks such as flooding.
- Clause 11.01-1R (Settlement – Loddon Mallee South), the *Loddon Mallee South Regional Growth Plan* recognises the risk of flooding to the region and its settlements and requires planning to direct settlement growth away from areas of high risk from natural hazards such as flooding. The Plan calls for land use decisions to be based on the best quality information on flood hazards to minimise risk to life, property and infrastructure. This amendment responds to this direction.
- Clause 12.03-1S (River corridors, waterways, lakes and wetlands), which aims to ensure development does not compromise bank stability, increase erosion or impact on a water body or wetland's natural capacity to manage flood flow. The application of flood controls enables the consideration of the floodplains' natural capacity when assessing development proposals.
- Clause 13.01-1S (Natural hazards and climate change), aims to minimise the impacts of natural hazards through risk-based planning. Strategies include identifying at risk areas using best available data, integrating strategic land use planning with emergency management decision making, directing population growth and development to low risk locations, and by siting and designing development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards (such as flooding).

The amendment applies flood controls, which enables risk-based planning in Carisbrook and Dunolly and considers the impact of development on finite emergency management services.

- Clause 13.02-1S (Bushfire Planning), aims to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

In response to Clause 13.02-1S, an assessment identifying bushfire hazard and the impacts of the proposed amendment has been prepared and included in the amendment documentation.

- Clause 13.03-1S (Floodplain management), which aims to assist the protection of life, property and community infrastructure and floodplain features and environs by:
  - Identifying land affected by flooding, including floodway areas, as verified by the relevant floodplain management authority, in planning scheme maps.
  - Avoid intensifying the impact of flooding through inappropriately located uses and developments.
  - Locating emergency services, community facilities and environmentally hazardous uses and developments outside the floodplain, where possible.

The amendment is consistent with the State strategy of identifying risk in planning schemes and avoiding the intensification of impacts through inappropriate uses and developments.

- Clause 14.02-1S (Catchment planning and management), which aims to protect and restore catchments by ensuring development considers the impacts to the waterways, wetlands and floodplains.

The amendment enables consideration of development impacts on the floodplain.

- Clause 14.02-1S (Water quality), which aims to protect water quality by discouraging incompatible uses and developments in areas subject to flooding or manage their impacts through appropriate design requirements.

The amendment includes requirements to consider the impacts to water quality.

### **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment supports and implements the following clauses of the Local Planning Policy Framework:

- Clause 21.09 (Protection of Land and Water Resources) Objective 2 – Ensure land capability is taken into account in the assessment of land use and development proposals. Strategies include protecting property and life from the risk of flooding and identifying flood prone areas, as well as implementing adopted flood mitigation studies.

The amendment implements these strategies by applying the LSIO and FO to land affected by the 1% AEP flood event as determined by the Flood Plans. The amendment updates the wording of one of the strategies of Objective 2 to reflect the purpose of what the overlays aim to achieve, i.e.:

- Manage development in the Land Subject to Inundation Overlay and discourage development in these areas unless the likely effects of flooding can be minimised to acceptable levels.
- Discourage development in the Floodway Overlay, where deep and fast flowing floodwater can be expected unless stringent design, siting and construction standards can be met.

### **Does the Amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victoria Planning Provisions by applying the most appropriate VPP tools, the LSIO and FO, to identify and manage flooding, based on the type of flooding and the potential level of risk to life and property.

The amendment has also considered the department's Planning Practice Note No. 12, *Applying the Flood Provisions in Planning Schemes - A guide for councils*, June, 2015.

In choosing the tools, consideration was given to:

- The purpose and operation of each overlay;
- The experience of the North Central Catchment Management Authority in working with the overlays in different municipalities;
- The findings of recent planning panels;
- The experience of other municipalities that have developed, or are developing, new flooding provisions; and
- Other relevant technical guidance prepared by authorities or governments.

The amendment does not conflict with or duplicate any existing provision. Instead it updates the existing flooding controls (LSIO) and introduces new controls (FO) in the Flood Plan study area by:

- Applying Schedule 2 to the LSIO to properties that may experience flooding up to 500 millimetres flood depth
- Applying Schedule 1 to the FO to properties that may experience flooding greater than 500 millimetres flood depth.

The use of both the LSIO2 and FO1 is possible due to the availability of highly detailed flood mapping from the Flood Plans.

The use of the FO aligns with guidance provided in Planning Practice Note 12, which directs the FO to be applied to:

- The stream channel and primary flow path areas;



- Areas important for conveying and/or storing floodwater;
- Areas of higher flood depths and/or flow velocities and therefore higher potential risk;
- Rural land which is mainly undeveloped; and
- Urban land which is undeveloped or unsuitable for more intensive urban development than which already exists.

### **How does the Amendment address the views of any relevant agency?**

The amendment has been prepared by Central Goldfields Shire Council in close consultation with the North Central Catchment Management Authority – the relevant floodplain management authority for the Central Goldfields Planning Scheme – who support the content of the amendment.

Additionally, the Flood Plans were led by Steering Committees of key stakeholders and government agencies, including Goulburn Murray Water, the Department of Environment, Land, Water and Planning, Bureau of Meteorology, Victorian State Emergency Services, VicTrack and VicRoads. Key stakeholders and government agencies participated in the projects' steering committees and supported the recommendations of the plans – including future planning scheme amendments (this amendment). The Flood Plans included extensive consultation processes with the public in relation to the accuracy of flood mapping and the plan recommendations.

All other relevant agencies will be given the opportunity to provide formal comment during exhibition of the amendment.

### **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

This amendment is not likely to have a significant impact on the transport system, as defined by the *Transport Integration Act 2010*, as it would not result in any increase in demand on the transport system.

### **Resource and administrative costs**

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

It is unlikely the new planning provisions will have an adverse impact on the resource and administrative costs of the responsible authority as the amendment is updating flood controls that already exist in the study areas.

There will be resource and administrative savings for the responsible authority and the floodplain management authority by removing the need for planning permits for minor buildings and works in areas of lower flood risk. The amendment will enable the resources of the responsible authority to be focused on the types of development that are most likely to be affected by flooding or have the potential to cause adverse impacts to others.

### **Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, on Council's website <https://www.centralgoldfields.vic.gov.au/Planning-and-Building/Strategic-Planning/Current-Planning-Scheme-Amendments>

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](http://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 (Central Goldfields Shire Council). Submissions about the Amendment must be received by Thursday 23<sup>rd</sup> July 2020.

A submission must be sent to:

Amendment C031cgol  
Central Goldfields Shire Council  
PO Box 194  
Maryborough VIC 3465

OR sent via email to: [mail@cgoldshire.vic.gov.au](mailto:mail@cgoldshire.vic.gov.au). Please include 'Amendment C031gol' in the subject field

**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: 21<sup>st</sup> September 2020
- panel hearing: 26<sup>th</sup> October 2020

**ATTACHMENT 1 - Mapping reference table**

<b>Location</b>	<b>Land /Area Affected</b>	<b>Mapping Reference</b>
Dunolly	Land adjacent to Burnt Creek and its tributaries	Central Goldfields C31cgol d-Isio-foMap04 Central Goldfields C31cgol Isio-foMap04 Central Goldfields C31cgol d-Isio-foMap05 Central Goldfields C31cgol Isio-foMap05 Central Goldfields C31cgol d-Isio-foMap07 Central Goldfields C31cgol Isio-foMap07
Carisbrook Central	Land in the central Carisbrook township area	Central Goldfields C31cgol d-Isio-foMap13 Central Goldfields C31cgol Isio-foMap13
Carisbrook North	Land around Carisbrook and to the north along Tullaroop Creek	Central Goldfields C31cgol d-Isio-foMap07 Central Goldfields C31cgol Isio-foMap07 Central Goldfields C31cgol d-Isio-foMap14 Central Goldfields C31cgol Isio-foMap14
Carisbrook South	Land around Carisbrook and to the south along the upstream arms of Tullaroop Creek and McCallum Creek	Central Goldfields C31cgol d-Isio-foMap16 Central Goldfields C31cgol Isio-foMap16 Central Goldfields C31cgol d-Isio-foMap19 Central Goldfields C31cgol Isio-foMap19