

## **WELLINGTON PLANNING SCHEME**

### **AMENDMENT C99**

#### **EXPLANATORY REPORT**

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

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

The Amendment has been made at the request of Wellington Shire Council

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

The Amendment applies to:

- All land currently in the Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO)
- Inland waterways and floodplains identified as being flood prone in a 1% Annual Exceedance Probability (AEP) flood event
- 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.

##### **What the Amendment does**

The Amendment replaces the existing Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO) across the municipality with a revised FO and LSIO to reflect new flood extents established by the East and West Gippsland Catchment Management Authorities including introduction of the LSIO to land identified as subject to coastal inundation in the year 2100; amends the schedules to Clause 44.03 and 44.04 to introduce application requirements and additional planning permit exemptions; strengthens Clause 21.14 to provide clarity and guidance regarding flood issues in Wellington Shire and on the exercising of discretion for development in floodplains, including coastal areas and; introduces two new reference documents at Clause 21.20.

The Amendment proposes to:

- Delete existing LSIO and FO mapping
- Insert new LSIO and FO mapping to:
  - Improve the mapping accuracy of existing LSIO and FO controls
  - Introduce the LSIO and FO to waterways and land that are not currently affected by inundation planning controls to implement recent flood studies undertaken by the West Gippsland CMA and East Gippsland CMA
  - 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
- Amend Clause 21.04 to update sections relating to Climate Change and coastal inundation
- Amend Clause 21.14 to introduce additional contextual information, objectives and strategies in relation to flooding issues in Wellington Shire
- Amend Clause 21.20 to introduce two new reference documents:
  - West Gippsland Catchment Management Authority Flood Guidelines: Guidelines for development in flood prone areas February 2013 (or any superseding document)
  - Guidelines for Coastal Catchment Management Authorities: Assessing development in relation to sea level rise, June 2012 (or any superseding document)
- Amend the Schedule to Clause 44.03 to introduce additional planning permit exemptions
- Amend Clause 44.04 to introduce application requirements and additional planning permit exemptions

## **Why is the Amendment required?**

The Amendment is required to implement new data arising from a number of flood studies that have been completed in recent years (outlined below). This information will be implemented into the Wellington Scheme through the application of the LSIO and FO to land that these studies have identified as being either:

- flood prone in a 1%AEP flood event or
- subject to coastal inundation due to storm surge and sea level rise (up to the year 2100).

The FO will be applied to High Hazard locations. The criterion for delineating the Flood Overlay considers both vehicle and people safety, and are as follows:

- Depth > 0.3 m
- Velocity > 1.5 m/s
- Depth x velocity > 0.3 m<sup>2</sup>/s.

If any of the above criteria is exceeded, the area is considered to be High Hazard and the FO is proposed for these locations.

The LSIO will be applied to Low Hazard areas. Low Hazard areas are locations within the flood extent, but do not exceed any of the above criteria.

The Amendment is also required to strengthen flood management and risk at Clause 21.14-1 and 21.14-3 to provide clarity and guidance regarding flood issues in Wellington Shire and on the exercising of discretion for development in floodplains, including coastal areas.

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

The Amendment implements the objectives of planning in Victoria, specifically:

- To provide for the fair, orderly, economic and sustainable use, and development of land (s4(1)(a))
- To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity (s.4(1)(b));
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria (s.4(1)(c));
- To balance the present and future interests of all Victorians (s.4(1)(g)).

The Amendment implements these objectives by identifying flood prone land to ensure that development within identified areas is appropriately designed and located and doesn't impact the natural flood carrying capacity or flood storage function of rivers, streams, floodplains and floodways.

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

### **Social and Economic Effects**

Flooding carries the potential to severely disrupt communities and, in extreme cases, cause extensive damage to public and private property, agricultural losses, personal hardship and loss of life. By more effectively identifying areas prone to flooding and accordingly applying the FO and LSIO, the proposed amendment will help manage new development and earthworks, such that future flood impacts to properties and persons are minimised. The amendment therefore has significant social and economic merit.

### **Environmental Effects**

It is accepted that flooding is a naturally occurring event, and is an integral part of the environment and the environment's continued health. Floodplains are natural water storage areas, provide valuable flora and fauna habitat and are a rich agricultural asset. Inappropriate development and works on the floodplains threatens these environmental

services and puts other land and assets at risk.

The amendment will have a positive effect on the environment by ensuring that areas prone to flooding are properly identified by relevant planning controls which in most circumstances will trigger the need for a planning permit in these areas. This allows Council to assess any development proposals to ensure that development in floodplains does not detract from the ability to store and convey floodwaters, minimising resultant impact on flora and fauna communities, animal habitats, and quality of waterways.

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

It is acknowledged that many areas within the Wellington Shire are within designated bushfire prone areas (BPA) and/or subject to the Bushfire Management Overlay (BMO).

This proposed amendment notes that there are no direct bushfire implications resulting from the improvements to flood risk mapping.

Indirectly, it is noted that there is potential for development to be pushed away from flood prone areas into areas that are not at risk of flooding. This can potentially increase population densities in surrounding townships and localities affected by BPA or BMO; however, this is not proposed to be controlled or assessed through this amendment. These impacts will be assessed on a case-by-case basis through the planning permit process in consultation with the CFA as needed.

#### **Does the Amendment comply with the requirements of any Minister's Direction applicable to the Amendment?**

The amendment was prepared having regard to the following Ministerial Directions:

- Ministerial Direction – The Form and Content of Planning Schemes
- Minister's Direction No. 11 – Strategic Assessment of Amendments.
- Ministerial Direction 13 - Managing Coastal hazards and the coastal impacts of climate change.
- Ministerial Direction 15 – the planning scheme amendment process

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

##### 12.02 – Coastal Areas

###### 12.02-1S – Protection of coastal areas

The objective of this clause is to recognise the value of coastal areas to the community, conserve and enhance coastal areas and ensure sustainable use of natural coastal resources. Amendment C99 achieves this objective by ensuring development is appropriately located outside of flood prone areas so that it doesn't impact natural drainage patterns within and adjacent to coastal estuaries, wetlands and waterways

##### 13.01 – Climate Change Impacts

###### 13.01-1S – Natural hazards and climate change and 13.01-2S Coastal Inundation and Erosion

The objectives of these clauses are:

- To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.
- to plan for and manage the potential coastal impacts of climate change.

Amendment C99 implements these objectives by planning for possible sea level rise of 0.8 metres by 2100 and identifies areas, via the LSIO, that will be affected by this predicted increase.

The LSIO ensures the consideration of the risks associated with rising sea levels is undertaken in planning and management decision-making processes, where the need for a permit is triggered.

### 13.03 - Floodplains

#### 13.03-1S – Floodplain Management

The objective of this clause 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 implements this objective through the identification of land affected by flooding thereby ensuring that development occurs in appropriate locations and responds to the identified hazard.

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

#### 21.04 – Settlement and Housing

Clause 21.04-3 – Settlement Strategies includes the following relevant strategies:

##### Urban and Rural Townships

- Restrict the development of towns and settlements where such development is subject to flooding (including the effects of tidal flooding), or subsidence (particularly around the Gippsland Lakes).
- Restrict urban development in areas subject to flooding and fire hazard.

##### Infrastructure

- Minimise development (including the construction of roads) within prominent areas such as hillsides, promontories, ridge-lines and headlands, and in fragile, unstable and flood prone areas to lessen their impacts.

The amendment supports these strategies by identifying flood prone land using relevant planning controls which will seek to discourage intensification of land use in the flood plain.

#### 21.08 Heyfield Strategic Framework

Clause 21.08-2 – Diversity of housing choice, aims to facilitate housing choice that is strategically located, well designed, sustainable, inclusive and affordable. One of strategies specified to achieve this objective is to discourage development in flood prone areas.

21.08-11 – Implementation seeks to implement the above strategy by requiring consideration of current flood data available from West Gippsland Catchment Management Authority and through the application of Clause 44.03 FO and Clause 44.04 LSIO on land identified by West Gippsland Catchment Management Authority as being flood prone to ensure that development maintains the free passage and temporary storage of floodwaters.

The Amendment implements the objective of Clause 21.08-2 as it will result in current flood data being reflected in the Wellington Planning Scheme, and therefore able to be considered, through the application of the LSIO and FO to areas in and around Heyfield that have been identified as flood prone.

#### 21.10 – Rosedale Strategic Framework

The objective of Clause 21.10-7 – Diversity of Housing Choice is to improve housing choice and diversity and ensure a sufficient land supply. A relevant strategy in the context of the proposed

amendment is to facilitate future growth while minimising encroachment of development into floodplains and protecting communities from flooding. Clause 21.10-11 specifies that this strategy will be implemented by:

- Considering current Flood Data available from West Gippsland Catchment Management Authority
- Applying Clause 44.03 Floodway Overlay and Clause 44.04 Land Subject to Inundation Overlay on land identified by West Gippsland Catchment Management Authority as being flood prone to ensure that development maintains the free passage and temporary storage of floodwaters
- Implementing the outcome of the Rosedale Flood Study by updating the Land Subject to Inundation Overlay, Flood Overlay and determine which areas are appropriate for residential and industrial development.

The Amendment proposes to implement the outcomes of the Rosedale Flood Study through the application of the LSIO and FO to areas identified in the study as flood prone, thereby allowing consideration of the most up to date flood data available. In doing so, the Amendment directly supports the above objective.

#### 21.14 – Environmental Risk

Clause 21.14-1 – Climate Change Impacts acknowledges the potential impacts of climate change on land use and development within Wellington Shire, including sea level rise and seeks to manage these impacts.

Through the identification of land subject to inundation in the year 2100, the Amendment will ensure land use and development planning and proposals are cognisant of and respond appropriately to possible sea level rise.

Clause 21.14-3 – Flooding recognises flooding as a risk in the municipality and it is an objective of this clause to protect the community from the natural hazard of flooding.

The Amendment is consistent with this objective and implements both strategies specified in the Clause being:

- Restrict development on flood plains and land liable to inundation, and
- Discourage residential development and associated uses in areas that are subject to flooding.

The introduction of additional objectives and strategies at Clause 21.14-1 and 21.14-3 builds on the existing strategies at these clauses and in doing so provides a greater level of guidance on the exercising of discretion for development in floodplains, including coastal areas.

#### 21.15 – Natural Resource Management

Clause 21.15-2 - Sustainable Land Management includes the objective to protect, improve and sustainably manage the Shire's natural environment and diverse landscapes and aims to do this by discouraging residential development and associated uses in areas which have high agricultural value, environmental and/or scenic significance, are near main landfill sites or are in areas that are subject to high fire or flood risk.

The Amendment supports the objective of 21.15-2 by implementing controls to identify land that is flood prone and providing guidance, via additional objectives and strategies at Clause 21.14-1 and 21.14-3, on how development in these locations should be managed.

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

The amendment makes proper use of the Victoria Planning Provisions (VPP), and especially demonstrates consistency with Planning Practice Note 12: 'Applying the flood provisions in Planning Schemes – A guide for Councils' by:

- Applying the FO to areas of mainstream flooding that convey active flood flows and/or store floodwater.

- Applying the LSIO to areas of mainstream flooding that have a lower risk of flooding than areas in the FO.
- Amending the FO and LSIO schedules to include additional exemptions.

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

The Amendment has been prepared in consultation with the East and West Gippsland Catchment Management Authorities.

Other relevant agencies will be consulted during the exhibition period.

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

The amendment is not likely to have an adverse impact on the transport system as defined by 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 new provisions introduced by the Amendment will have minimal impact on the resources and administrative costs of the responsible authority.

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

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

Wellington Shire Council  
Sale Service Centre  
18 Desailly Street  
Sale VIC 3850

Stratford Library  
70 Tyers Street  
Stratford VIC 3862

Heyfield Library  
Heyfield Hub Complex  
42 Macfarlane Street  
Heyfield VIC 3858

Wellington Shire Council  
Yarram Service Centre  
156 Grant Street  
Yarram VIC 3971

Maffra Library  
150 Johnson Street  
Maffra VIC 3860

Rosedale Library  
Rosedale Community Centre  
Cansick Street  
Rosedale VIC 3847

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.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 30 September 2019.

A submission must be sent to:

Strategic Planning

Wellington Shire Council  
PO Box 506  
SALE VIC 3850

**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: [insert directions hearing date]
- panel hearing: [insert panel hearing date] ]



## 21.04 SETTLEMENT & HOUSING

01/05/2014  
C55(Part 1)

### 21.04-1 Overview

01/05/2014  
Proposed  
C99C55(Part 1)

#### Urban townships

Sale is the main employment, education, medical and commercial centre of the Shire. It also fills a service role for its rural hinterland and the smaller towns and settlements. The Shire's other main towns (with populations greater than 1,000) are Maffra, Yarram and Heyfield. These towns act primarily as service centres for surrounding rural communities as well as providing community services, employment and recreation facilities. They are experiencing either low population growth or decline. Most have reticulated sewerage and water supply, and drainage services, and have had urban growth areas identified. The towns of Stratford and Rosedale (populations also greater than 1000) are located on the Princes Highway and have developing specialist functions, such as tourism based retailing and as stopping points for highway travellers.

#### Rural townships

There are a number of smaller inland townships (populations less than 1,000) throughout the Shire which are typically minor rural service centres providing a limited range of commercial, community and recreational facilities to the local population. They generally do not have reticulated sewerage or drainage. Dargo and Licola are recognised access points to the High Plains and Alpine National Park and attract large numbers of visitors, including four wheel drive enthusiasts, horse riders, bushwalkers and fishing enthusiasts.

#### Rural Areas

The Shire contains sparsely populated areas used for broad hectare agriculture. These areas feature a lack of reticulated services and are often far removed from townships. Development within these areas should be associated with agricultural purposes.

#### Rural lifestyle

There are numerous low density residential and rural living areas in the Shire. They are predominantly located in attractive rural or natural settings accessible to township services but beyond the urban fringe and away from urban growth corridors. Key characteristics of these areas include a clustering of lots between 4,000 square metres and 8 hectares, a lack of reticulated services and limited drainage. Longford is well positioned to cater for a significant proportion of the demand for rural living in the Sale area, in accordance with the Sale, Wurruk and Longford Structure Plan, 2010.

#### Infrastructure

Physical infrastructure includes drainage, water, waste and energy services, open space and recreation facilities, roads, pedestrian and cycle paths, railways and airfields. Most larger settlements are connected to reticulated services except for low density residential properties that operate on-site effluent disposal systems. Some rural towns, including Maffra and Yarram, have significant drainage issues and limited infrastructure.

The extent to which residents and visitors to the Shire can access human services is also important. Human services include all of those services and facilities which satisfy the basic needs of the Shire's population and include child care, aged care, hospitals, youth services, public transport, crisis accommodation etc.



## Coastal areas

There are a number of coastal settlements along the Ninety Mile Beach, the largest being the townships of Loch Sport and Port Albert.

Loch Sport's population has declined in recent years; however its earlier growth occurred in a largely unregulated manner. It has no reticulated water infrastructure and only limited drainage facilities. The town has limited commercial and community facilities, with no recognised 'town centre'.

There are significant environmental issues facing development of the existing township area. The soil in the town is excessively porous and little or no purification of waste effluent is achieved prior to the discharge of waste into adjacent coastal waters. Investigations have revealed evidence of groundwater contamination at Loch Sport. This is a major impediment to the growth of the town.

Port Albert is a place of special heritage significance in Gippsland.

Where the other coastal townships have no suitable system for effluent disposal the resultant environmental impacts of inappropriate development are of concern. Any further expansion of urban boundaries should be subject to investigation into the impacts of such growth on the environment, the need for provision of infrastructure, and the development of necessary commercial and community facilities. The development of inappropriate subdivisions in the Coastal areas needs to be restricted and environmental constraints taken into account.

There are over 11,000 subdivided lots along the Ninety Mile Beach between Paradise Beach and the Honeysuckles, east of Seaspray. These lots occur both on the sand dunes of the Ninety Mile Beach and on the adjacent sandy soils. None of the lots are connected to reticulated water or sewerage systems.

The "Wellington Coast Subdivision Strategy: The Honeysuckles to Paradise Beach", February 2007, provides a preferred settlement structure for the Wellington Coast between Paradise Beach and The Honeysuckles, as a way to encourage development that responds appropriately to environmental values and community needs, and prohibits unplanned development outside the defined settlement boundaries shown in Clause 22.08 'Ninety Mile Beach Policy'. Due to existing constraints and acknowledged coastal hazard risks (erosion and inundation) development is prohibited in the area outside the defined settlement nodes apart from some limited exceptions at Glomar Beach. .

Seaspray is located on the sandy soils behind the primary sand dunes of the Ninety Mile Beach. The township has considerable ground water quality problems as a result of using septic systems in the past. Tourism is an important part of the town's economy, however, the impacts of summer tourist activity on the town's effluent management is likely to be a significant problem.

The issue of climate change, in particular potential sea level rise, is an important consideration for coastal communities in this region. [New development in areas identified as being vulnerable to inundation from storm surge and sea level rise impacts up to the year 2100 needs to recognise and respond to this hazard through appropriate built form and other measures that provide effective mitigation.](#) ~~and is currently under investigation in other related coastal studies. The outcomes from these studies need to be considered in detail in relation to the future planning and development of coastal communities. In the interim, Council will exercise its discretion through the planning permit process to require a climate change response plan for new development in areas identified as being vulnerable to sea level rise and inundation.~~

The ~~Gippsland Coastal Board and~~ State government [and the Marine and Coastal Council](#) should continue its work in assessing climate change impacts on the coast in Gippsland together with Wellington Shire Council, other government agencies and the Gippsland coastal communities.

**21.04-2 Settlement Objectives**01/05/2014  
C55(Part 1)

- To accommodate future population growth over the next fifteen years in those settlements that can accommodate change and are expected to grow.
- To provide adequate infrastructure to existing urban settlements and to identified urban growth areas.
- To ensure that urban design and development provides for greater connectivity and amenity that encourages use of public transport services and physical activity (including walking and cycling) throughout the Shire.
- To ensure all development in coastal areas has the necessary infrastructure to protect environmental values, particularly water quality of the Gippsland Lakes.
- To provide rural lifestyle opportunities in appropriate locations.
- To discourage major development outside existing centres other than when a genuine need has been demonstrated and there will be minimal adverse impact on the natural environment.
- To promote improved sewerage infrastructure especially to coastal towns around the Gippsland Lakes and rural townships.
- To provide and improve stormwater systems so that high nutrient and sediment concentrations are prevented from entering waterways and wetlands.
- To protect coal related land and other assets such as airports from inappropriate encroachment by urban settlement.
- To protect agricultural land from inappropriate encroachment by urban settlement.
- To ensure that the aged and other members of the Wellington community with special needs (housing, medical facilities, transportation etc.) are adequately catered for.
- To support and reinforce the regional role of Sale.
- To avoid residential development in farming areas unless it is required for the agricultural use of the land.

**21.04-3 Settlement Strategies**01/05/2014  
C55(Part 1)**Urban and rural townships**

- Ensure that development occurs in accordance with the town strategy plans and other relevant plans included in Clauses 21.05 – 21.12.
- Ensure that rezonings to residential zones only occur when it is demonstrated as necessary to satisfy housing needs within 10 – 15 years or to provide a choice of residential locations.
- Encourage urban development to be consolidated within existing town boundaries and in identified urban growth areas.
- Promote compact urban forms which fully utilise existing residential areas and infrastructure.
- Promote the consolidation of retail, community, civic, education and other important services at key destination points that can be served by public transport and easily 'walkable' for the local community.
- Promote urban design that encourages physical activity and promotes accessibility to public open spaces as part of a broader network of walking and cycling opportunities.

- Ensure that the future development of land identified for urban growth is not compromised by inappropriate rural residential development.
- Ensure future growth directions on the periphery of towns do not detrimentally affect high quality agricultural land or environmental features.
- Ensure that future urban development in rural and coastal townships without adequate effluent disposal systems is contained within the perimeter of such towns.
- Encourage increased housing densities and choice throughout the main townships of the Shire in areas that are close to their town centres.
- Encourage infill medium density housing close to the town centres to provide greater housing choices for the town's ageing population.
- Restrict the development of towns and settlements where such development threatens water quality and ecosystem values of the Gippsland Lakes and coastline.
- Restrict the development of towns and settlements where such development is subject to flooding (including the effects of tidal flooding), or subsidence (particularly around the Gippsland Lakes).
- Restrict the development of towns and settlements where such development minimises the availability of high quality agricultural land.
- Require that development is sympathetic to the existing character and heritage of townships throughout the Shire.
- Require that the scale, height and building materials of development are in keeping with the landscape and heritage character of the townships and their surrounds.
- Encourage planning for land use and development to minimise potential conflicts between industrial and residential land uses.
- Restrict population growth and urban development in environmentally sensitive parts of the Shire, such as coastal areas.
- Restrict urban development in areas subject to flooding and fire hazard.
- Ensure that development adjacent to highways and other main traffic routes throughout the Shire is of a standard, style and overall form which reflects the importance of the area and improves the impression that development in such locations can create.
- Ensure that access to and use of highways and other main traffic routes throughout the Shire reflects the importance of these corridors to all road users, including vehicles, cyclists, pedestrians and the mobility impaired.
- Encourage the incorporation of appropriate streetscape and landscape treatments in the development of industrial areas, particularly where such sites are highly visible to the town centre and town entries.
- Provide suitable land for the development of future noxious or offensive industries such as food and animal processing industries, together with appropriate value adding industries.
- Encourage physical activity and social interaction in new residential areas through development which provides community facilities, open space, recreational activities, pedestrian and cycle paths and spaces.
- Integrate local walking and cycling paths with tourist attractions, natural destinations and other existing infrastructure where appropriate (e.g. drainage channels) to encourage low impact access that links key destinations or creates opportunities for physical activity.
- Restrict development on rural township sites incapable of treating and managing waste disposal until reticulated sewerage is installed.

### **Rural lifestyle**

- Locate rural living areas in close proximity to developed settlements, to utilise existing social, cultural, and infrastructure facilities.
- Encourage rural living proposals to have regard to environmental features and constraints, in particular wastewater and effluent disposal.
- Ensure rural living activities do not reduce or adversely impact on the productive capacity of high quality agricultural land.
- Discourage dwellings in agricultural areas except where there is a clear connection between the use of the dwelling and a legitimate rural activity on the land (eg. farming, mining, timber production, caretakers dwelling, etc.).

### **Rural areas**

- Discourage subdivision and dwellings unless they are directly related to the agricultural use of the land.
- Encourage the consolidation of small lots.
- Maintain the right of existing farms to continue their operations without being adversely affected or constrained by residential concerns.

### **Infrastructure**

- Ensure adequate effluent and stormwater discharge systems are provided in order to lessen existing and future environmental impacts from townships.
- Maintain and further develop existing open space networks and recreation systems throughout the Shire within the framework of Council's Recreation Plan.
- Prevent high concentrations of nutrients and sediments entering waterways, wetlands and groundwater through stormwater systems.
- Discourage the discharge of wastes (particularly to areas of high conservation significance) unless it can be demonstrated that the wastes can be assimilated without detrimental effect to the receiving environment.
- Minimise development (including the construction of roads) within prominent areas such as hillsides, promontories, ridge-lines and headlands, and in fragile, unstable and flood prone areas to lessen their impacts.
- Require that tourist developments provide adequate infrastructure to treat effluent and stormwater run-off, and minimise erosion and loss of vegetation.
- Ensure that new residential developments in outlying areas provide for access to community services and facilities including taking into consideration the needs of an ageing population.
- Ensure that development provides an appropriate effluent treatment system within the boundaries of the lot.
- Ensure that cost effective infrastructure is provided for the present and future development of the Shire's towns.
- Require that development plans achieve efficient utilisation of existing urban infrastructure.
- Require that development plans provide for re-subdivision of low density areas where they are supported with full services, including sewerage.

## Coastal areas

- Discourage development that generates and disposes of wastewater on-site within the setback distances of waterways and/or wetlands as prescribed by the Environment Protection Authority.
- Concentrate development in existing coastal settlements with established physical, social, and economic infrastructure through infill development within existing town or settlement boundaries and restricting development distant from these settlements.
- Consider proposed major developments outside existing coastal centres only when a genuine need has been demonstrated and environmental capability adequately assessed to ensure minimal adverse impact.
- Maintain coastal settlements with little or no existing infrastructure at their present development density and confine development within zone boundaries.
- Maintain the natural condition of the coastline between settlements.
- Consolidate residential development within coastal settlement boundaries before developing new areas for residential purposes.
- Prevent unplanned development outside defined settlement boundaries in accordance with the Wellington Coast Subdivision Strategy, Clause 22.08: Ninety Mile Beach Policy.
- Ensure any further expansion of urban boundaries is subject to investigation into the impacts of such growth on the environment, the need for provision of infrastructure, and the development of necessary commercial and community facilities.
- Require all new coastal residential development or use to provide utility services.
- Encourage all new coastal residential subdivision to have lot sizes of at least 0.4 ha if reticulated sewerage cannot be provided.
- Protect sensitive or dynamic areas such as primary or secondary sand dunes, or the Lake Reeve islands by strongly discouraging new residential subdivision or development.
- Facilitate the restructuring of old and inappropriate coastal subdivisions where restructure is an appropriate strategic response and where the development of such lots will not result in significant environmental impacts.
- Ensure that use or development does not adversely impact on adjacent coastal parks.
- Ensure new buildings in coastal areas are designed to complement the identified or valued character of coastal settlements.
- Ensure development and works within a wetland are associated with the ongoing use of the land as a wetland.
- Promote coastal tourism in areas with attractive natural attributes and appropriate access and infrastructure.
- Encourage the concentration of coastal tourist and commercial recreation development in established centres.
- Consider major developments on freehold land outside existing settlements where they will not have adverse environmental and social impacts.
- Ensure tourist developments along the coastline and lakes foreshore locate on environmentally suitable sites.
- Encourage major tourism uses or developments which are not dependent on a coastal location to develop inside the main existing townships of Loch Sport and Port Albert.
- Encourage commercial facilities in coastal areas to develop within existing town boundaries, and preferably close to the 'town centre' where one exists.

- Encourage a diversity of commercial activity in coastal areas, particularly where it is related to environmentally sustainable tourism.
- Promote low density agricultural uses such as extensive animal husbandry in coastal areas, provided they are not detrimental to the surrounding natural environment.
- Encourage the integration of conservation and agricultural production in coastal areas.
- Promote the conservation of the locality's natural resources through the considerations of potential impacts from proposals including farm size, productive capacity of land to sustain the rural enterprise and whether the use, development or subdivision will have an adverse impact on traditional land uses.
- Promote urban design in coastal towns that encourages physical activity and promotes accessibility to public open spaces as part of a broader network of walking and cycling opportunities.

## 21.14 ENVIRONMENTAL RISK

22/06/2017

Proposed C99C51

This Clause provides a local context to Clause 13 Environmental Risks of the State Planning Policy Framework.

### Overview

There are a number of environmental risks facing Wellington Shire Council which may impact on land use and development decisions. The key environmental risks are detailed in this clause and include:

- Climate change
- Fire
- Flooding
- Salinity and land degradation

### 21.14- Climate Change Impacts

1

19/12/2013  
C70

Climate change has the potential to significantly impact land use and development within the Shire of Wellington, in particular the coastal areas. Wellington's coastal settlements may be the subject of coastal vulnerability from changes to the climate including the possibility of sea level rise. Climate change presents several significant challenges including loss of biodiversity (particularly in coastal, alpine and fragmented landscapes), increased salinisation of wetlands (particularly the Gippsland Lakes), shoreline recession, storm surge, increased fire risk, increased frequency of drought and high temperatures.

### Objective

To manage the potential impacts of climate change on the environment including in areas of coastal vulnerability.

### Strategies

- Ensure land use and development planning and proposals are cognisant of possible sea level rise and its potential impacts on the Shire's coastal settlements.
- Discourage development in areas of significant coastal vulnerability.
- [Assess the viability of development proposals on land affected by sea level rise against the 2100 1% AEP flood level](#)

### 21.14-

2

11/02/2016  
C93

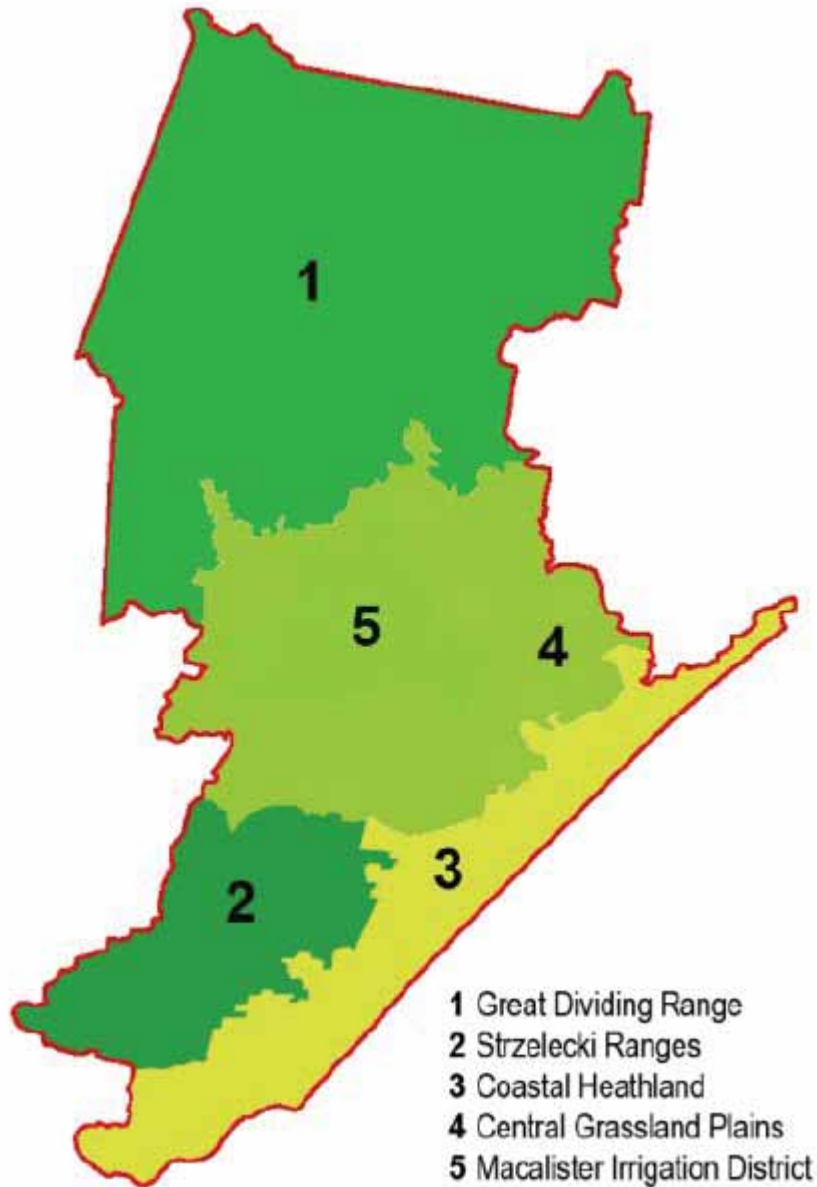
### Fire

A Municipal Fire Prevention Plan has been prepared for the municipality with the objective of creating a safer community. In addition to specifying works and responsibilities, the Plan identifies actions the community can undertake to minimise the risk and to help prepare for fire.

Additionally the municipality has identified five different fire landscapes, which are identified on the following plan.



Figure 1 – Fire landscape types in Wellington Shire



#### Fire Landscape Type 1: Great Dividing Range

The mountainous terrain to the north of the Shire, has been described as the Great Dividing Range (GDR) as per figure 1 above. Several vegetation types exist throughout the GDR landscape including dry sclerophyll mixed forest, wet sclerophyll forests, rainforest, alpine forests and alpine plains. The general rainfall throughout the mid to lower slopes of the GDR is around 600-800mm per annum, which leads to forest types dominated by dry sclerophyll forests. There are two townships in Wellington's portion of the GDR, Licola and Dargo. Several other Wellington townships exist in the southern foothills of the GDR that including Seaton, Glenmaggie, Coongulla and Briagolong.

Much of the GDR was burnt at some intensity in the 2002/03, 2005/06 and 2013 fires. This area is subject to the Department of Environment and Primary Industry (DEPI) Fire Operations Plan. The GDR fire landscape area has a rich fire history, and it is likely that it will be subject to fire in the future.

The dominant forest type throughout the GDR has evolved around fire, and typically has a natural fire frequency of around 5-40 year intervals. Fires in the GDR area are generally of minor to

moderate intensity due to the volume of fuel available for combustion; however fires of higher intensity are not uncommon.

#### Fire Landscape Type 2: Strzelecki Ranges

The Strzelecki Ranges are mountainous and comprise a mosaic of native vegetation, timber plantations and agricultural land use. The Strzelecki's contain a large proportion of wet sclerophyll forests due to the higher average annual rainfall of around 1,000mm per year. Plantations throughout the area are eucalypt and pine. There are a number of settlements throughout the Strzelecki's including; Gormandale, Carrajung, Won Wron and Devon North. Settlements around the foothills of the Strzelecki's include Yarram, Rosedale, Woodside and Longford.

The southern Strzelecki Ranges were impacted by the 2009 Black Saturday fires north of Yarram and east of Callignee. The fire burnt through pine plantation, eucalypt plantation, native forest, agricultural land as well as the Devon North, Won Wron and Carrajung townships.

The Strzelecki Ranges are generally heavily forested (either native forest or plantation) with relatively high fuel loads. These fuel loads, combined with mountainous terrain, favourable climate history and weather conditions creates the potential for extremely intense fires. The wet sclerophyll native forest in the Strzeleckis has a much wider window of fire frequency than dry sclerophyll forests. Data suggests that a major fire will pass through this landscape every 20 - 400 years, and the local ecology has adapted to this scenario. The fire intensity that could be expected in these areas is very high to extreme.

#### Fire Landscape Type 3: Coastal Heathland

The coastal heathland of Wellington Shire exists in one form or another from Dog Island in the west through to Rotomah Island in the east. The area is dominated by the Ninety Mile Beach and three main landscapes including dry land agriculture, wetlands, tall and short heathlands. Banksia, tea tree and eucalypt dominate the area. Rainfall averages across this landscape are between 600 – 800 mm per year. Settlements in the coastal heathland are predominately a mixture of permanently occupied houses and houses owned by absentee owners in the towns of Port Albert, Robertsons Beach, Manns Beach, McLoughlins Beach, Woodside Beach, Seaspray, The Honeysuckles, Glomar Beach, Flamingo Beach, Golden/Paradise Beach, Seacombe and Loch Sport.

The coastal heathlands has a mixed fire history. There has been a mosaic of relatively small fires throughout this landscape over time, whilst some areas have not seen any fire for some time. Fires have been recorded since the early 1980s of varying intensities. The area is also managed as part of the Department of Environment and Primary Industry Fire Operations Plan area.

The coastal heathlands are extremely prone to fire and have typically evolved around a fire frequency of around 15 – 40 years. Significant fuel loads can accumulate without the presence of fire in this landscape. A continuous fuel ladder from the ground surface through to the tree canopy is not uncommon and can lead to extreme fire behaviour and intensity that may generate a severe threat to people and property within this landscape.

#### Fire Landscape Type 4: Central Grassland Plains

The central grassland plains and open woodland describes the relatively flat landscape that lie south of GDR; north of the Strzelecki's in the west and the coastal heathland in the east. An irrigation island known as the Macalister Irrigation District covers a substantial area in and around the Thompson River and Macalister River catchments. Natural rainfall is approximately 600 – 800mm per annum through the Central Grassland Plains. The area is dominated by dry land agriculture with remnant patches of native grasslands and woodlands. The grassland plains is predominantly covered by improved pastures, with very limited native grasslands remaining.

Small scale grassland plain fires are a regular occurrence throughout the landscape. Larger grassland fires are generally uncommon throughout this landscape, however in 2006/07 some significant areas were burnt around the Cowwarr district. Grasslands typically recover quickly, either through seed storage in the soil or re-sowing of paddocks. Native grasslands recover in a short period also through existing root stock, seed storage and seed dispersal.

Grasslands can present various risks to settlements and dwellings either through fires transitioning from the forest into forest/grassland interface or a grassland fire becoming established independently. Grassland fires spread relatively quickly and can vary in intensity depending on fuel load throughout the landscape. Grassland fires only pose a significant threat to the perimeter, of around 100 metres, of any town or settlement. Settlements and towns in this fire landscape area include Yarram, Heyfield, Sale, Maffra, Briagolong, Boisdale, Rosedale, Stratford, Longford, Woodside, Alberton and Tarraville.

#### Fire Landscape Type 5: Macalister Irrigation District

Significant areas of floodplain in and around the Thomson River and the Macalister River are known as the 'Macalister Irrigation District.' These areas access irrigation water from Lake Glenmaggie and Cowwarr Weir and the area is gazetted as a declared water catchment by Southern Rural Water.

There has been very little fire through the Macalister Irrigation District over time, with only some small scale fires in existing reserves and roadsides. Some 'stubble' fires have been deliberately lit as a part of on farm management and have required the assistance of the fire services, however, they have been relatively easy to contain.

The majority of the towns and settlements within the Macalister Irrigation District interface with non irrigated grasslands, therefore these localities are represented two landscape fire types. Towns such as Briagolong, Boisdale, Maffra, Heyfield and Sale all interface both the Macalister Irrigation District and non-irrigated grasslands. The perimeters of those towns, to a depth of around 100 metres, are likely to be subject to grassland fire threat. The interior of these towns would have little exposure to grass fires.

#### Objective

To protect the community from natural hazards such as fire.

#### Strategies

- Ensure that new land use or development, particularly within the identified fire landscapes does not increase the level of fire risk and includes adequate fire protection measures.
- Ensure appropriate buffers are applied between new urban settlement and bushland to mitigate the risk of fire.
- Require dwellings in rural areas to be sited to minimise fire risk and minimise the need for removal of native vegetation.
- Discourage residential development and associated uses in areas which are in areas that are subject to high fire risk.
- Recognise the five fire landscapes and their implication on land use and development and the risk of fire.

21.14-3

#### Flooding

19/12/2013C70

~~Flooding is another recognised environmental risk. Detailed flood mapping has been carried out by the catchment management authority identifying land subject to flooding.~~

Riverine flooding occurs frequently within Wellington Shire, affecting a number of the Shire's townships and resulting in large areas of rural land being inundated.

In the Gippsland Lakes system, flooding can result from high inflows from the incoming river systems as well as high tides and storm conditions off the coast. Floodwaters in the lakes can take a week or more to recede, with properties isolated for up to two weeks.

The coastline in Wellington Shire is subject to coastal inundation as a result of storm surge. Flooding in coastal areas will occur more frequently and at higher levels as sea levels rise into the future due to climate change.

The following locations are subject to significant flood risk:

- Parts of the urban areas of Loch Sport, Seaspray, Rosedale, Sale, McLoughlins Beach, Tinamba, Boisdale, Newry and Port Albert
- The rural areas along the:
  - Dargo River at Dargo
  - Avon River from Valencia Creek to Lake Wellington
  - Tarra River downstream to Tarraville
  - Thomson River and Rainbow Creek from the Cowwarr Weir to the confluence with the Macalister River
  - Macalister River from the Glenmaggie Weir to the Thomson River confluence
  - Thomson River from the Macalister River confluence to the confluence with the Latrobe River south of Sale
  - Lower Latrobe River from Flynn to Lake Wellington
  - Boggy Creek around Tinamba and Riverslea
  - Albert and Jack Rivers
- Rural areas adjacent to the Ninety Mile Beach from Seaspray to Loch Sport

#### Objective

- To minimise flood risk to life, property and community infrastructure and to promote sustainable use and development of the floodplain.
- To ensure that development in the floodplain:
  - Maintains the free passage and temporary storage of floodwaters;
  - Minimises flood damage;
  - Will not cause any significant rise in flood level or flow velocity;
  - Will not cause any adverse impact on neighbouring properties
- To recognise the natural flood carrying capacity of rivers, streams and wetlands and the flood storage function of floodplains.
- To protect surface and ground water quality and preserve important wetlands and areas of environmental significance.
- To minimise risk associated with overland flow of storm water.

~~To protect the community from the natural hazard of flooding.~~

#### Strategies

- ~~Restrict development on flood plains and land liable to inundation.~~
- ~~Discourage residential development and associated uses in areas that are subject to flooding.~~ Assess the viability of all development against the relevant Floodplain Management Authority's policies including "Guidelines for development in flood prone areas" (WGCMA, 2013) or any superseding document.

- Discourage the import of fill to land within the 1% AEP flood extent.
- Discourage the construction of levees in areas regarded by the floodplain management authority as important for flood storage and/or environmental values.
- Discourage earthworks that obstruct natural flow paths or drainage lines
- Ensure buildings and works are appropriately designed and sited to avoid impacts on waterways and floodplain wetlands.

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## Salinity and Land Degradation

Salinity and land degradation can create issues for the viability of agriculture as well as reduce the quality of the environment.

### Objective 1

To protect groundwater quality and aquifer recharge areas, particularly from the impacts of urban run-off.

### Strategy

- Encourage the revegetation of riparian buffers along waterways, gullies, ridge-lines, property boundaries and recharge areas.

### Objective 2

To achieve integrated catchment management that addresses salinity, erosion, sedimentation, water quality, biodiversity and native vegetation retention.

### Strategy

- Locate and design activities such as abattoirs and intensive animal husbandry to minimise environmental damage and loss of amenity to surrounding areas taking into account matters such as effluent control, odour, noise, soil compaction, erosion and protection of water quality.

### Objective 3

To achieve responsible land management in areas of soil erosion and salinity.

### Strategy

- Encourage agroforestry, particularly in areas of low agricultural value and environmental degradation.

### Implementation

These strategies for environmental risks will be implemented by:

Using zones, overlays, policy and the exercise of discretion

- Applying appropriate zones and overlays
- Applying the *Special Water Supply Catchment Areas* policy at Clause 22.01
- Applying the *Rural* policy at Clause 22.02
- Implement any relevant coastal action plan
- Use County Fire Authority guidelines on subdivision, group accommodation, and recreation accommodation in assessing whether a development proposal adequately addresses fire safety issues.

- Apply the following standards for use, development and subdivision in areas subject to fire risk:
  - Buildings, public open space and roads are to be sited, designed and constructed to minimise the impact of emergency conditions arising from fire.
  - Development associated with residential and public use is to incorporate fire prevention measures in accordance with relevant fire prevention guidelines.
  - Access, fencing, and location of dams are to maximise fire fighting potential and minimise interference with fire fighting measures.
  - Plantations are to be designed to minimise the risk of fire.
  - The modification of fuel levels to suitably minimise fire risk.

Undertaking further strategic work

- ~~Actively support and contribute to completing the remaining Maffra related stages of the Flood Data Transfer Project with a view to amending the Wellington Planning Scheme to reflect these changes.~~
- ~~Actively support the proposed West Gippsland Catchment Management Authority flood monitoring program for the Yarram district with a view to amending the Wellington Planning Scheme to reflect relevant findings.~~
- Prepare an overlay identifying land subject to salinity.
- Investigate options to address landslip.
- Develop a policy to promote water sensitive urban design in the Shire in relation to urban run-off.

Other actions

- Implement the Municipal Fire Prevention Plan.
- Implement the Municipal Domestic Wastewater Management Plan.
- Council/EPA to identify further candidate sites for the Environmental Audit Overlay.
- Use Integrated Catchment Management Plans, Salinity Action Plans, and Whole Farm Plans to promote responsible resource management in rural areas.



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## REFERENCE DOCUMENTS

The following strategic studies have informed the preparation of this planning scheme. All relevant material has been included in the Scheme. Decision makers should use these for background research only. Material in these documents that potentially provides policy guidance on decision making but which is not specifically referenced to by the Scheme, should not be given any weight.

- *Assessment of Agricultural Quality of Land in Gippsland, Swan and Volum, 1984*
- *City of Sale Restoration and Conservation Guidelines, May 1983*
- *City of Sale Heritage Study, March 1994*
- *Coastal Spaces Landscape Assessment Study, Municipal Reference Document 2006*
- *Coastal Spaces Landscape Assessment Study, State Overview Report 2006*
- *East Gippsland Regional Catchment Strategy*
- *Gippsland Lakes Coastal Action Plan, 1999*
- *Gippsland Lakes Future Directions and Action Plans, 2002*
- *Gippsland Lakes Shore Erosion and Revegetation Strategy, Department of Natural Resources and Environment, Gippsland Coastal Board, 2002*
- *Group accommodation and Safety guidelines, Country Fire Authority, February 1997*
- *Guidelines for the Assessment of Heritage Planning Applications – Port Albert and District, 2002*
- [Guidelines for Coastal Catchment Authorities: Assessing development in relation to sea level rise, June 2012 \(or any superseding document\)](#)
- *Healthy by Design: A planners' guide to environments for active living, National Heart Foundation of Australia, 2004*
- *Heyfield Low Density Residential Land Supply Study, March 2017*
- *Heyfield Structure Plan, December 2011, including update; Strategic Justification Firebrace Road August 2013*
- *Infrastructure Design Manual (IDM)*
- *Integrated Coastal Planning for Gippsland – Coastal Action Plan, Gippsland Coastal Board*
- *Longford Development Plan, November 2015*
- *Mapped Salinity Discharge and Potential for Recharge within the Wellington Shire and showing Domestic Water Supply Catchments, Department of Natural Resources and Environment*
- *Municipal Reference Document, Wellington Shire, Coastal Spaces Landscape Assessment Study, 2006*
- *Planning conditions and guidelines for subdivisions, Country Fire Authority, September 1991*
- *Port Albert Conservation Study, 1982*
- *Port Albert Masterplan, 2002*
- *Port Albert & Palmerston Urban Design Guidelines, 2007*
- *Recreational accommodation and Safety Guidelines, Country Fire Authority, February 1997*
- *Rosedale Structure Plan, 7 August 2012*
- *Sale and Region Business Opportunities Study, 2003*
- *Sale, Wurruk and Longford Structure Plan, 2010 and updates; Relocation of Sale Greyhound Racing Club Strategic Justification (NBA Group, 2014)*
- *Sale CBD Precinct Plan, 2010*
- *Siting and Design Guidelines for Structures on the Victorian Coast, 1998*



- *Stratford Townscape Study, 1993*
- *Victorian Coastal Strategy, 2014*
- *Wellington Coast Subdivision Strategy: The Honeysuckles to Paradise Beach, February 2007*
- *Wellington Shire Council, Golden Beach/Paradise Beach Urban Design Framework, Coastal Towns Design Framework, Volume 3, March 2007*
- *Wellington Shire Council, Loch Sport Urban Design Framework, Coastal Towns Design Framework, Volume 3, March 2007*
- *Wellington Shire Council, Manns Beach Urban Design Framework, Coastal Towns Design Framework, Volume 3, March 2007*
- *Wellington Shire Council, McLoughlins Beach Urban Design Framework, Coastal Towns Design Framework, Volume 3, March 2007*
- *Wellington Shire Council, Robertsons Beach Urban Design Framework, Coastal Towns Design Framework, Volume 3, March 2007*
- *Wellington Shire Council, Seaspray Urban Design Framework, Coastal Towns Design Framework, Volume 3, March 2007*
- *Wellington Shire Council, The Honeysuckles Urban Design Framework, Coastal Towns Design Framework, Volume 3, March 2007*
- *Wellington Shire Council, Woodside Beach Urban Design Framework, Coastal Towns Design Framework, Volume 3, March 2007*
- *Wellington Shire Heritage Study: Stage 1, May 2005*
- *Wellington Shire Stage 2 Heritage Study, September 2016 (amended August 2017)*
- *Wellington Shire Stormwater Management Plan, 2002*
- [West Gippsland Catchment Management Authority Flood Guidelines: Guidelines for development in flood prone areas February 2013 \(or any superseding document\)](#)
- *West Sale Airport Master Plan Update 2017 (or any superseding documents)*
- *West Sale Aerodrome Public Authority Management Agreement, June 2003 (or any superseding documents)*
- *West Gippsland Regional Catchment Strategy 2013 (or any superseding document)*
- *Wellington Economic Development and Tourism Strategy 2011 15 (or any superseding document)*
- *Wellington Shire Rural Zones Review, Volume 1 and 2, January 2009*

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C99

## SCHEMULE 1 TO CLAUSE 44.03 FLOODWAY OVERLAY

Shown on the planning scheme map as F01 or R F01.

### FLOODWAY OVERLAY

#### 1.0 Floodway objectives to be achieved

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C99

None specified

#### 2.0 Statement of risk

None specified

#### 3.0 Permit requirement

A permit is not required for the following:

##### wellings

- A single dwelling (excluding any fill) on a vacant lot in a residential zone provided that the finished floor level of the dwelling (excluding outbuildings) is at or above the floor level specified in Table 1 and the under-floor area of the dwelling will not restrict the free passage of floodwater, to the satisfaction of the relevant floodplain management authority:

**Table 1**

Township	inished floor Level
Loch Sport	3.00m AHD
Paradise Beach/Golden Beach	3.00m AHD
Honeysuckles	3.00m AHD
Port Albert	2.90m AHD
Robertsons Beach	2.90m AHD
Manns Beach	2.80m AHD
Woodside Beach	2.94m AHD

Floor levels in Table 1 may be varied in the event that updated flood data becomes available subject to the written agreement of the West Gippsland Catchment Management Authority.

- A single dwelling (excluding any fill) on a vacant lot in a residential zone in a location other than those specified in Table 1, provided that it meets the requirements specified in written advice from the floodplain management authority that is no more than 3 months old
- A single dwelling (excluding any fill), where the land is not in a residential zone, provided that it meets the requirements specified in written advice from the floodplain management authority that is no more than 3 months old

#### Extensions

- An upper storey extension to an existing building within the existing building footprint, provided that the total number of bedrooms is not increased;
- The internal alteration of an existing building where the original building footprint remains the same and no change to the use of the building is proposed.

## **Buildings**

- A non-habitable outbuilding, including replacement of existing outbuildings, provided that:
  - The floor area is less than 20m<sup>2</sup>; and
  - The relevant floodplain management authority has advised in writing within the previous three months that the impact on flood storage will be negligible and the flow path will not be obstructed.
- A replacement building (excluding non-habitable outbuildings) where:
  - The floor level is at or above the applicable level specified in written advice by the floodplain management authority; and
  - the under-floor area of the building will not restrict the free passage of floodwater, to the satisfaction of the relevant floodplain management authority; and
  - The footprint of the replacement building is the same or less than the original building; and
  - Safe access from the building to emergency services and relief facilities is available during a 1 in 100 AEP flood event, to the satisfaction of the relevant floodplain management authority.
- An agricultural shed with permanently open sides;
- A rainwater tank associated with an existing dwelling, provided that the footprint of all rainwater tanks associated with the dwelling does not exceed 20m<sup>2</sup>;
- A pump shed;
- A pergola, carport, deck, verandah or in-ground swimming pool associated with an existing dwelling that does not impede the flow of floodwaters;;
- A mast, antenna, power pole, light pole, or telecommunication tower;
- An outdoor advertising sign/structure, provided it does not alter flood flows or floodplain storage capacity.

## **Fences**

- Open type fencing (excluding paling fencing, colourbond fencing, brick and concrete walls) and maintenance to existing fencing;

## **Other works**

- Works ancillary to an existing building, including landscaping and pathways, that do not alter the surface by more than 100 mm;
- Earthworks in accordance with a whole farm plan approved by the responsible authority and floodplain management authority;
- Works associated with vine or horticultural trellises or watering systems; and
- Routine and maintenance works that do not affect the height, length or location of a levee, embankment or road.
- Road works or works to any access way (public or private), including construction of driveways, vehicle crossovers, footpaths or bicycle paths if there is no change to existing surface levels or if the relevant floodplain management authority has advised in writing that the impact on flood storage will be negligible and the flow path will not be obstructed.

## **Buildings & Works**

- Buildings and works undertaken by Gippsland Ports including jetties, boardwalks, landings, beach refurbishment, swing moorings, navigational aids, beacons and signs.
- Buildings and works carried out by a Water Corporation to maintain and replace infrastructure related to sewer and water supply that do not alter the existing surface.

### **4.0 Application Requirements**

An application to construct a building or construct or carry out works must be accompanied by:

- Written advice from the floodplain management authority that is no more than three months old, which assesses the viability of the proposed development; and
- Four sets of plans, drawn to scale, which show:
  - A location plan showing the boundaries and dimensions of the site, surrounding uses and the layout of existing and proposed buildings and works.
  - Elevation plans showing natural ground level, finished ground level and the floor levels of any proposed buildings in relation to Australian Height Datum, taken by or under direction of a licensed surveyor.
  - For inland waterways, the 1% AEP flood level as specified in written advice by the relevant floodplain management authority. The flood level information must not be greater than three months old; and
  - Any additional information requested in writing from the floodplain management authority.

### **5.0 Decision Guidelines**

None specified

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C99**SCHEDULE 1 TO CLAUSE 44.04 LAND SUBJECT TO INUNDATION  
OVERLAYS**Shown on the planning scheme map as **LSIO**.**LAND SUBJECT TO INUNDATION****1.0 Land subject to inundation objectives to be achieved**--/--/20--  
C99

None Specified

**2.0 Statement of risk**

None Specified

**3.0 Permit requirement**

A permit is not required to construct a building or carry out works for:

**wellings**

- A single dwelling (excluding any fill) on a vacant lot in a residential zone provided that the finished floor level of the dwelling (excluding outbuildings) is at or above the floor level specified in Table 1, and the under-floor area of the dwelling will not restrict the free passage of floodwater, to the satisfaction of the relevant floodplain management authority:

**Table 1**

<b>Township</b>	<b>finished floor Level</b>
Loch Sport	3.00m AHD
Paradise Beach/Golden Beach	3.00m AHD
Honeysuckles	3.00m AHD
Port Albert	2.90m AHD
Robertsons Beach	2.90m AHD
Manns Beach	2.80m AHD
Woodside Beach	2.94m AHD

Floor levels in Table 1 may be varied in the event that updated flood data becomes available subject to the written agreement of the West Gippsland Catchment Management Authority.

- A single dwelling (excluding any fill) on a vacant lot in a residential zone in a location other than those specified in Table 1, provided that it meets the requirements specified in written advice from the floodplain management authority that is no more than 3 months old.
- A single dwelling (excluding any fill) where the land is not in a residential zone, provided that it meets the requirements specified in written advice from the floodplain management authority that is no more than 3 months old.

**Extensions**

- An extension to a non-habitable outbuilding (other than industrial or commercial) provided that:
  - the floor area is less than 20m<sup>2</sup>; or
  - where the floor area exceeds 20m<sup>2</sup>, the finished floor level must be above the applicable floor level as specified in written advice by the relevant floodplain management authority within the previous three months; and

- the under-floor area of the building will not restrict the free passage of floodwater, to the satisfaction of the relevant floodplain management authority:
- An extension to an existing building used for accommodation (including a dwelling) provided that:
  - where the floor area is less than 20m<sup>2</sup>, the proposed floor level must be at or above the highest point of the existing floor level; or
  - where the floor area exceeds 20m<sup>2</sup>, the proposed floor level must be above the applicable floor level as specified in written advice by the relevant floodplain management authority within the previous three months; and
  - the under-floor area of the building will not restrict the free passage of floodwater, to the satisfaction of the relevant floodplain management authority:
- An upper storey extension to an existing building within the existing building footprint;

### **Buildings**

- A non-habitable outbuilding ancillary to a dwelling (including a pergola, deck or verandah, open sided garage, carport or in-ground swimming pool) provided that the following conditions are all met:
  - The finished floor level of the outbuilding must be at or above the existing natural surface level
  - All electrical outlets in the outbuilding must be installed at or above the Nominal Flood Protection Level, as specified in written advice by the floodplain management authority within the last three months
  - All high value and hazardous goods must be stored at or above the Nominal Flood Protection Level, as specified in written advice by the floodplain management authority within the last three months
  - Flood resistant building materials must be used up to the Nominal Flood Protection Level, as specified in written advice by the floodplain management authority within the last three months
- A non-habitable building (other than industrial or commercial) provided that:
  - the floor area is less than 20m<sup>2</sup> or ;
  - where the floor area exceeds 20m<sup>2</sup>, the finished floor level must be above the applicable floor level specified in written advice by the relevant floodplain management authority within the previous three months; and
  - the under-floor area of the building will not restrict the free passage of floodwater, to the satisfaction of the relevant floodplain management authority:
- A replacement building (excluding non-habitable outbuildings) where:
  - the floor level is at or above the applicable finished floor level, as specified in written advice by the relevant floodplain management authority within the previous three months; and
- the under-floor area of the building will not restrict the free passage of floodwater, to the satisfaction of the relevant floodplain management authority; and the footprint of the replacement building is the same or less than the original building; An agricultural farm building, or structure, with permanent open sides.
- A rainwater tank associated with an existing dwelling or the agricultural use of land, provided that the footprint of all rainwater tanks does not exceed 20m<sup>2</sup>;

- A non-domestic disabled access ramp;
- A pump shed.
- A mast, antenna, power pole, light pole, or telecommunication tower;
- An outdoor advertising sign/structure, provided it does not alter flood flows or floodplain storage capacity.

#### **ences**

- Open type fencing (excluding paling and Colorbond style fencing, brick and concrete walls) and maintenance to existing fencing;
- A replacement fence of the same materials as an existing fence, in the same location.

#### **or s**

- Works ancillary to an existing building, including landscaping and pathways that do not alter the existing surface by more than 100 mm;
- Earthworks in accordance with a whole farm plan approved by the floodplain management authority;
- Works associated with vine or horticultural trellises or watering systems; and
- Works associated with roads, roadsides or any other access ways (public or private) carried out by a public authority that have received written consent from the floodplain management authority within the previous three months;
- Routine and maintenance works that do not affect the height, length or location of a levee, embankment or road.
- Road works or works to any access way (public or private), including construction of driveways, vehicle crossovers, footpaths or bicycle paths if there is no change to existing surface levels or if the relevant floodplain management authority has advised in writing that the impact on flood storage will be negligible and the flow path will not be obstructed.
- Works associated with dams with less than 3,000 cubic metres capacity, where no fill is imported to the site and where no embankment is proposed above natural ground level.

#### **uildings and or s**

- Buildings and works undertaken by Gippsland Ports including jetties, boardwalks, landings, beach refurbishment, swing moorings, navigational aids, beacons and signs.
- Buildings and works carried out by a Water Corporation to maintain and replace infrastructure related to sewer and water supply that do not alter the existing surface.

### **4.0 Application requirements**

An application to construct a building or construct or carry out works must be accompanied by:

- Written advice from the floodplain management authority that is no more than three months old, which assesses the viability of the proposed development; and
- Four sets of plans, drawn to scale, which show:
  - A location plan showing the boundaries and dimensions of the site, surrounding uses and the layout of existing and proposed buildings and works.



- Elevation plans showing natural ground level, finished ground level and the floor levels of any proposed buildings in relation to Australian Height Datum, taken by or under direction of a licensed surveyor.
- For inland waterways, the 1 AEP flood level as specified in written advice by the relevant floodplain management authority. The flood level information must not be greater than three months old; and
- Any additional information requested in writing from the floodplain management authority.

## 5.0 Decision Guidelines

None Specified



## LEGEND

- FO - Floodway Overlay
- LSIO - Land Subject to Inundation Overlay



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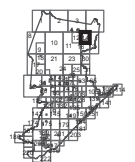
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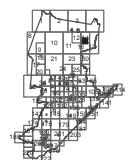
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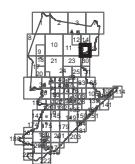
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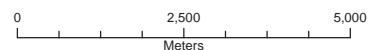
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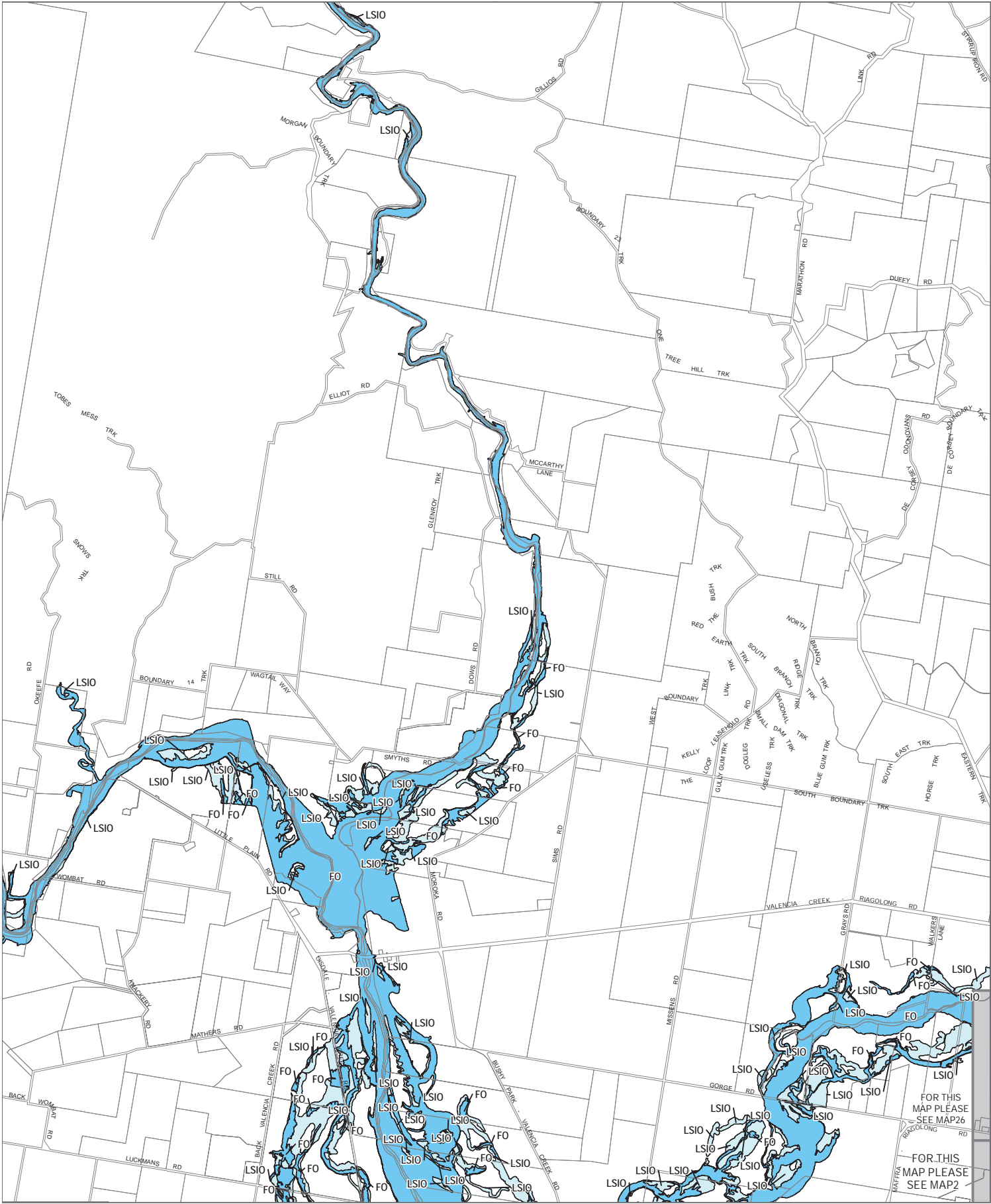
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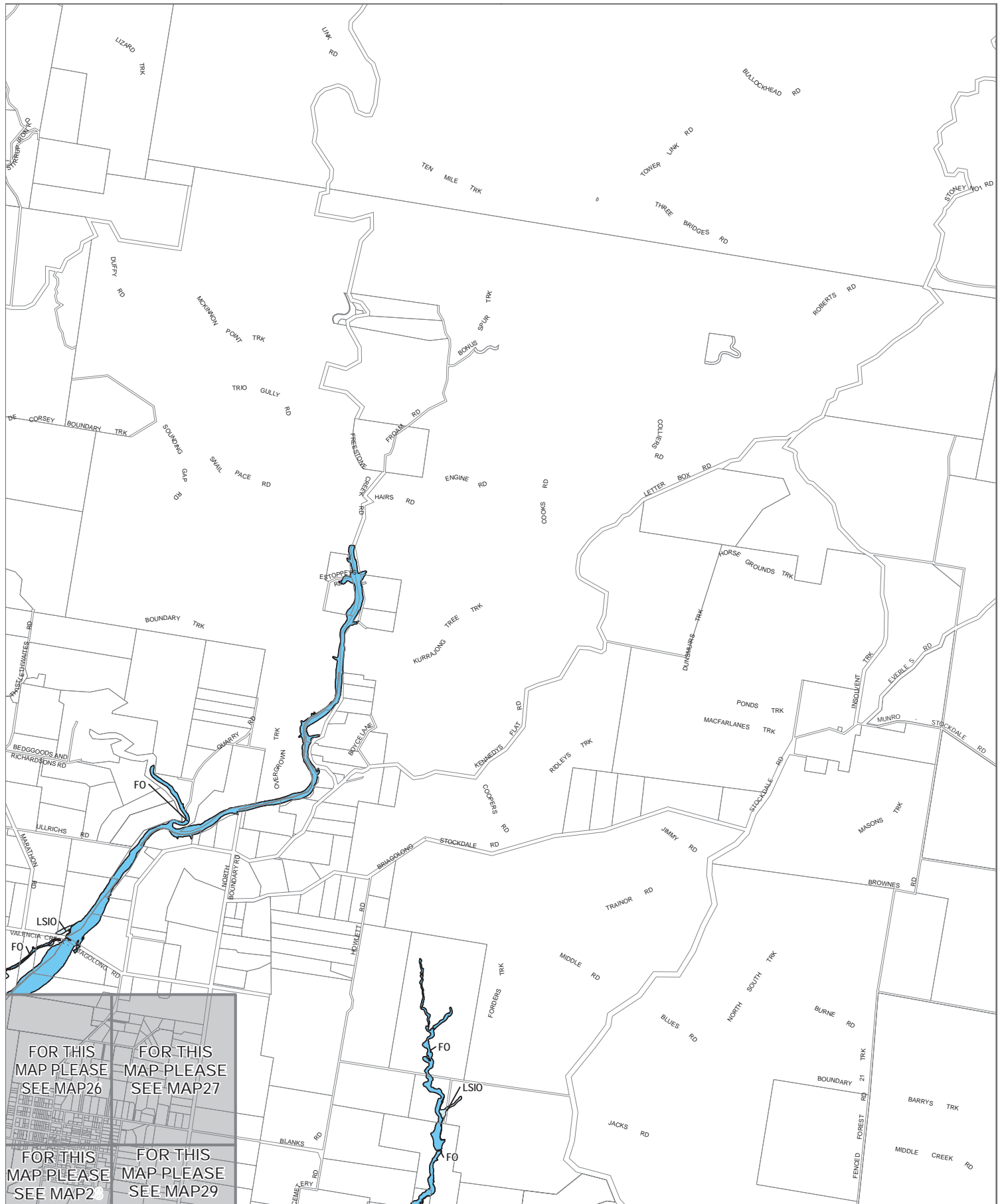
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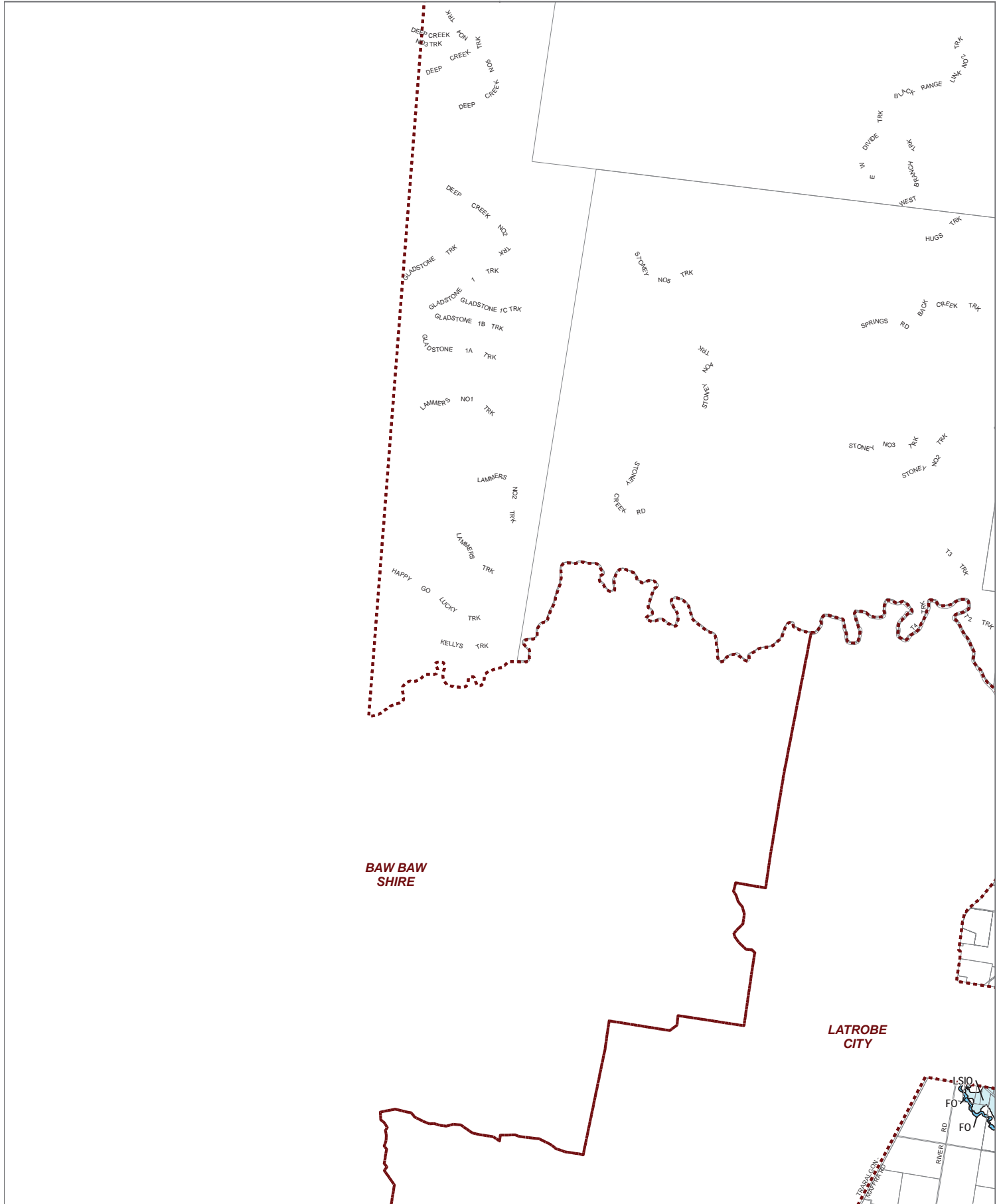
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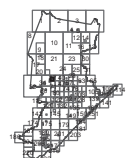
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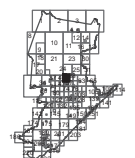
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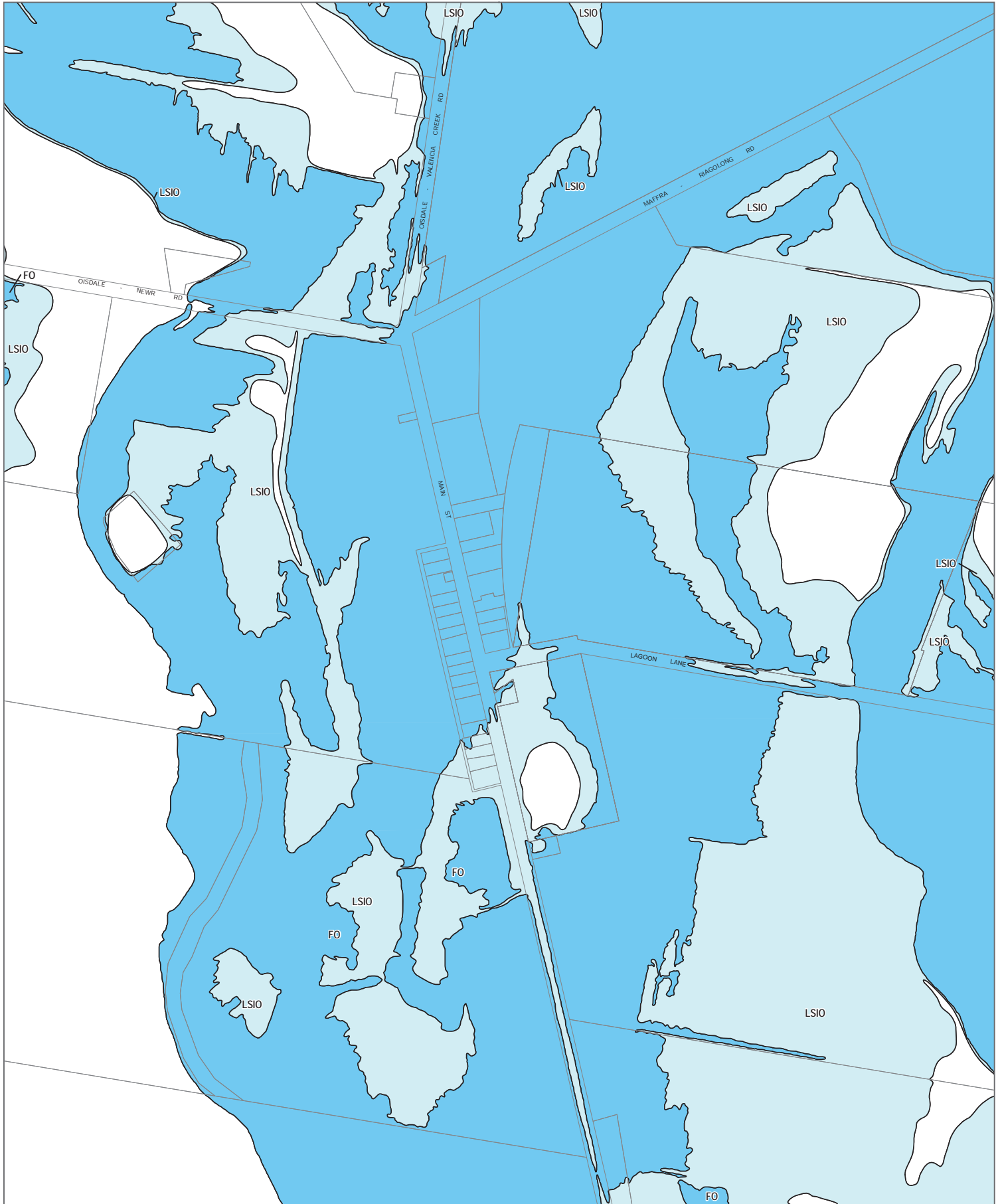
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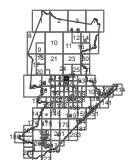
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