MINUTES

COMMUNITY FOCUS COUNCIL MEETING

TUESDAY 14 MAY 2019
7.00PM

THE SOUTH BARWON FOOTBALL AND NETBALL CLUB
77-79 REYNOLDS ROAD
BELMONT

COUNCIL:
Cr B Harwood (Kardinia Ward)
Mayor
Cr S Asher (Bellarine Ward)
Cr J Mason (Bellarine Ward)
Cr T Sullivan (Bellarine Ward)
Cr E Kontelj (Brownbill Ward)
Cr S Mansfield (Brownbill Ward)
Cr P Murrhy (Brownbill Ward)
Cr R Nelson (Kardinia Ward)
Cr P Murnane (Kardinia Ward)
Cr A Aitken (Windermere Ward)
Cr K Grzybek (Windermere Ward)
1. AMENDMENT C394 – PROPOSED COASTAL INUNDATION OVERLAY

Source: Planning, Design & Development – Strategic Implementation
Director: Gareth Smith
Portfolio Sustainable Development

Purpose

1. To seek Council support to prepare and exhibit Amendment C394 – Proposed Coastal Inundation Overlay.

Background

2. The amendment proposes to implement the Bellarine Peninsula - Corio Bay Local Coastal Hazard Assessment December 2015. The assessment was prepared by coastal engineers from Cardno as part of Our Coast - a multi-agency project which the City managed and provided funding towards.

3. The Our Coast program mapped areas around the Bellarine Peninsula and Corio Bay (from Breamlea to Point Wilson) that will be impacted by sea level rise. It included community consultation in 2016 and publishing of maps and other information on the Our Coast website.

4. Amendment C394 includes policy changes to the Municipal Strategic Statement and applies a new Land Subject to Inundation Overlay (LSIO2) to properties identified as being subject to future flood events and climate change induced sea level rise.

Key Matters

5. Many of the properties are already subject to Greater Geelong Planning Scheme (Planning Scheme) flood overlays. However, the LSIO2 implements the State Government policy of planning for a 0.8m sea level rise.

6. Point Lonsdale is being excluded from the amendment at this time as further flood modelling is required that considers The Point waterway system which is currently under construction (see Attachment 2 for details).

7. The LSIO2 (Attachments 3 and 4) will trigger a planning permit for buildings and works with exemptions including upper storey extensions, additions and outbuildings less than 20 square metres and farm buildings less than 100 square metres.

8. The amendment applies the LSIO2 to 1726 properties around the City’s coast including 1241 residential zoned properties of which 62 are vacant land (see Attachment 5 maps).
Cr Mason moved, Cr Mansfield seconded -

9. That Council:

9.1 Support the preparation and exhibition of Amendment C394 to the Greater Geelong Planning Scheme to:

(a) Amend Clause 21.05 to refer to the Bellarine Peninsula - Corio Bay Local Coastal Hazard Assessment and make minor policy changes;

(b) Introduce Schedule 2 to the Land Subject to Inundation Overlay titled “Coastal Inundation and Hazard” (LSIO2) based on Attachment 4; and

(c) Apply the new LSIO2 to land identified as being inundated by the 1% AEP flood event plus 0.8 metre sea level rise (maps in Attachment 5).

9.2 Request the Minister for Planning to authorise the preparation and exhibition of Amendment C394; and

9.3 Support the future consideration of applying the LSIO2 to the Point Lonsdale area when further modelling is undertaken that includes The Point waterway system.

Carried.
Financial Implications

1. Application of the overlay will not have any significant financial implications to Council with the exception of the usual costs associated with the planning scheme amendment process.

2. As the proponent and Planning Authority, the City will be responsible for all amendment related costs including landowner notification, panel hearing fees and engagement of expert witnesses at a panel hearing.

3. Council officers are in discussions with the State Government on obtaining funding to assist with the amendment and hence implement the Our Coast work which was primarily funded by State Government and resourced by the City.

Community Engagement

4. Community engagement occurred previously as part of "Our Coast" including community open house sessions and publishing of extensive information on the website. This includes the scientific reports, hazard assessments and inundation maps which form the basis of this amendment.

5. However, while there is information publicly available it is likely that many landowners are not aware that their properties have been identified as potentially affected by future sea level rise.

6. If Council resolves to support this amendment the public exhibition process will involve a mail out to all affected landowners and notices in local newspapers and the Victoria Government Gazette as required by the Planning and Environment Act 1987.

7. Interested parties will be able to make submissions which would be considered by Council and most likely referred to an independent panel where submitters could further present their case at a panel hearing.

Social Equity Considerations

8. The amendment is expected to have positive social impacts. Coastal erosion, flooding, sea level rise and storm surge can result in significant costs for the community and the State. It can severely disrupt communities and in extreme cases, cause extensive damage to public and private property, agricultural losses, personal hardship and potential loss of life. The amendment has positive economic and social benefits by identifying areas where planning permit assessment can reduce the risk of these harms.

Policy/Legal/Statutory Implications

9. The amendment is supported by the following policies from the State section of the planning scheme:

10. Clause 13.01-2S Coastal inundation and erosion – the amendment achieves the policy objective "to plan for the potential coastal impacts of climate change" and implements the following strategies:

    10.1 Plan for sea level rise of not less than 0.8 metres by 2100 and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change;

    10.2 Ensure that land subject to coastal hazards is identified and appropriately managed to ensure that future development is not at risk; and

    10.3 Avoid development in identified coastal hazard areas susceptible to inundation.
11. Clause 13.03-1S Floodplain management – the amendment meets the objective to assist in the protection of:
   11.1 Life, property and community infrastructure from flood hazard;
   11.2 The natural flood carrying capacity of rivers, streams and floodways;
   11.3 The flood storage function of floodplains and waterways;
   11.4 Floodplain areas of environmental significance to river health; and
   11.5 The amendment also implements the strategies to “Identify land affected by flooding, including land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority in planning schemes” and “Avoid intensifying the impact of flooding through inappropriately located use and development.”

12. The amendment supports and implements the following policies from the local section of the planning scheme:

13. Clause 21.05-4 Coastal environments:
   13.1 The objectives: To protect, maintain and enhance the coast, estuaries and marine environment and to respect and manage coastal processes; and
   13.2 The strategy: Setback future land use and development from coastal areas, estuaries and coastal wetlands to provide a buffer which is adequate to accommodate coastal recession and the landward migration of coastal wetland vegetation communities such as mangroves and salt marshes.

14. Clause 21.05-5 Climate change:
   14.1 The objective: To plan for and adapt to the impacts of climate change; and
   14.2 The strategy: Avoid land use and development within areas considered at risk of coastal erosion or inundation from flooding, storm surge or rising sea levels.

15. Clause 21.05-7 Flooding – has relevant objectives:
   15.1 To protect floodplains; and
   15.2 To minimise the potential for damage and risks to public safety and property from flooding.

Alignment to Council Plan

16. The proposed amendment aligns with the Council Plan strategic priorities of:
   16.1 Planned sustainable development – including the priority of improving the environmental performance of new developments, using planning controls; and
   16.2 Effective environmental management – including the Climate Change Adaptation Strategy and protection of coastal areas.

Conflict of Interest

17. No Council officers involved in the preparation of the report have a direct or indirect interest in the issue to which this report relates.

Risk Assessment

18. There is a risk that if Council, as the Planning Authority, does not act on the coastal inundation mapping it has available it may be liable if flooding occurs in the future and
damages property. Council can reduce this risk by acting on the scientific based data it has available and applying the appropriate overlay.

19. The overlay will help reduce risk of property damage as a result of sea level rise and coastal storm events by requiring a planning permit for new dwellings and other buildings and works. This will enable both Council as the Responsible Authority and the Corangamite Catchment Management Authority as the Floodplain Management Authority to apply adaptation measures such as raising building floor levels or building designs that allows periodic inundation to occur.

**Environmental Implications**

20. The amendment will help manage the environmental hazard posed by future sea level rise. The Land Subject to Inundation Overlay will trigger a planning permit requirement for relevant buildings and works. This includes new dwellings, subdivision and earthworks that alter natural ground levels. The Responsible Authority and Floodplain Management Authority will be able to assess planning applications in areas identified as potentially vulnerable from future sea level rise and associated environmental hazards such as coastal erosion, flooding and storm surge.
Background

Bellarine Peninsula - Corio Bay Local Coastal Hazard Assessment (Our Coast Project)

1. The Our Coast project is a Victorian Government funded initiative and covers the area from Breamlea to Point Wilson. It expands on two previous climate change coastal research projects undertaken by the CSIRO and the Victorian Government (Future Coasts). The Our Coast assessment is known as a “3rd pass” assessment.

2. The Our Coast Senior Partnership Group has guided the preparation of the Bellarine Corio Bay Coastal Hazard Assessment and the amendment. Agencies involved are: City of Greater Geelong, Borough of Queenscliffe, Department of Land Water Environment and Planning, Corangamite Catchment Management Authority, Barwon Coast Committee of Management and Bellarine Bayside Committee of Management.

3. The Our Coast website states:

   3.1 “Our climate is changing as a result of global warming. These changes will exacerbate existing coastal hazards such as rising sea levels, storm surges and coastal erosion. The Our Coast project brought local Councils and their communities together to plan for these changes…. the Geelong and Bellarine Peninsula region is one of four Victorian coastal regions to undertake Local Coastal Hazard Assessments.”

4. The Bellarine Peninsula and Corio Bay LCHA has involved three key steps:

   4.1 Phase 1 - The Geelong-Queenscliff Coastal Mapping Project – identified areas exposed to erosion and inundation hazards with future sea level rise. This involved a technical assessment of coastal data looking at hazards including catchment inundation, storm surge and erosion; and resulted in a series of hazard maps showing inundation in a range of severe weather events and sea level rise scenarios. The erosion component was not proceeded with following a peer review;

   4.2 Phase 2 – The Geelong-Queenscliff Coastal Climate Change Risk Assessment - This assessment identified the impact of inundation hazards identified in the Geelong-Queenscliff Coastal Mapping project on coastal communities and adjoining natural areas. In particular, it investigated and prioritised risks to private, public, environmental and social/cultural assets; and

   4.3 Phase 3 – Geelong-Queenscliff Coastal Adaptation Program - This phase is investigating adaptation solutions and responses to the coastal hazards and risks identified in the earlier stages of the Our Coast program. This project falls within the Phase 3 process.

5. The Our Coast project does include descriptions of potential adaptation measures that could protect parts of the Bellarine and Corio Bay from sea level rise with examples including:

   5.1 Constructing a higher seawall at Ocean Grove;

   5.2 Raising seaside roads at Portarlington;

   5.3 Raising the railway line at Point Lonsdale; and

   5.4 Back flow valves on stormwater outlets at Barwon Heads.

6. However, the aspect of Our Coast that is ready for planning scheme implementation is the Local Coastal Hazard Assessment (LCHA) Inundation Report prepared by Cardno and the associated flood modelling and mapping of different sea level rise and storm event scenarios. This is the aspect that Amendment C394 is seeking to implement.
7. In 2017 the Our Coast group engaged two experienced planning consultants who are also current and former VCAT and panel members - John Keaney and Michael Kirsch - to provide options on planning scheme implementation for the City of Greater Geelong and Borough of Queenscliffe.

8. The key element of the LCHA to be implemented is the mapping of coastal inundation based on a 1% Annual Exceedance Probability (AEP) + 0.8m sea level rise. This standard approximates the State policy to “Plan for possible sea level rise of 0.8 metres by 2100...”

9. Keaney and Kirsch reviewed the various ‘planning scheme’ options that are available to implement this mapping and to apply a set of planning scheme controls.

10. The key outcomes of the review are:
   10.1 A preferred planning scheme approach to managing sea level rises based on including all land within the 1% AEP + 0.8m SLR area as identified in the LCHA in a Land Subject to Inundation Overlay (LSIO); and
   10.2 A draft LSIO schedule (exempting minor buildings and works from permission), a draft Local Planning Policy and draft changes to the two Municipal Strategic Statements.

11. The approach taken with Amendment C394 directly follows the advice of the Keaney and Kirsh report with some fine tuning to the LSIO schedule.

Discussion

Precedents in other parts of Victoria

12. Amendment C394 is a large amendment for the City due to the number of coastal residential properties affected. The City is showing leadership in moving to implement sea level rise mapping but there are also other parts of the State where the related LSIO has been successfully applied.

13. Five other planning scheme amendments have been exhibited and subject to panel reports and subsequently applied the LSIO to areas affected by future sea level rise of 0.8m as follows:

   13.1 South Gippsland Amendment C81 - applied the LSIO to areas affected by inland flooding and current and predicted coastal inundation, and introduced supporting policy. The LSIO was applied to areas within the predicted 0.8m sea level rise by 2100;

   13.2 Bass Coast Amendment C82 - applied the LSIO to areas affected by riverine flooding and predicted coastal inundation, and introduced supporting policy. Initiated by the Bass Coast Shire Council, West Gippsland Catchment Management Authority and Melbourne Water, and was approved following a panel hearing in 2014. The exhibited LSIO was applied to areas within the predicted 0.8m sea level rise by 2100;

   13.3 Moyne Amendment C54 - implemented Stage 1 of the Port Fairy Floodplain Management Plan, and introduced new flood mapping, through the use of the FO and LSIO, together with a new ‘flooding’ policy and Local Floodplain Development Plan. This amendment was approved in December 2014;
13.4 Moyne Planning Scheme Amendment C60 - implemented the Port Fairy West Structure Plan and applied the LSIO based on the Future Coasts Port Fairy LCHA 2013. This amendment was the subject of a panel hearing held in 2016. The LSIO mapping was based on available modelling and was applied to the area within the predicted 0.8m sea level rise. This amendment was approved in October 2016; and

13.5 Mornington Peninsula Amendment C216 – affecting Westernport Bay in particular around Hastings. It applied the LSIO based on the Western Port Local Coastal Hazard Assessment mapping at 0.8m sea level rise. It was subject to a panel report of August 2018 and was approved in March 2019.

14. In addition, a Coastal Hazard Assessment is now being undertaken by the State Government for all the coastal land around Port Philip Bay. This will eventually roll out into planning scheme amendment for the bayside municipalities.

**Detail of the Amendment**

15. The amendment implements State policy which requires planning authorities to plan for possible sea level rise of 0.8 metres by 2100.

16. The amendment seeks to:

   16.1 amend Clause 21.05 Natural Environment to refer to the Bellarine Peninsula - Corio Bay Local Coastal Hazard Assessment December 2015 and include a new objective and strategy at Clause 21.05-5 Climate Change relating to coastal impacts of climate change;

   16.2 introduce a new Schedule 2 to Clause 44.04 titled “Coastal Inundation and Hazard” (LSIO2); and

   16.3 apply LSIO2 to land identified in the Bellarine Peninsula - Corio Bay Local Coastal Hazard Assessment December 2015 as being inundated by the combined effects of the 1% Average Event Probability (AEP) flood event plus 0.8 metre sea level rise.

17. The objectives of LSIO2 include:

   17.1 to protect land vulnerable to coastal inundation from inappropriate development;

   17.2 to plan for projected sea level rises to ensure that the community and assets are not exposed to an unacceptable level of risk associated with the coastal impacts of climate change; and

   17.3 to ensure that any new development is suitably designed to ensure that it is compatible with the identified flood hazard and local drainage characteristics.

18. Minor policy changes are also required to refer to the Our Coast local coastal hazard assessment.

19. The Land Subject to Inundation Overlay clause from the Victoria Planning Provisions is in **Attachment 3**. The specific Schedule proposed under this amendment, LSIO2, is in **Attachment 4**. Maps of the areas over which the LSIO2 is to be applied are in **Attachment 5**.
Point Lonsdale area

20. The Point residential development (previously Stockland) at Point Lonsdale includes a waterway system that will drain this part of Point Lonsdale. The development was subject to a combined Environmental Effects Statement, Amendment (C150) and Planning Permit approximately 10 years ago. As part of this process modelling was undertaken to show how the new waterway system would function under sea level rise and storm surge events. The mapping at the time showed that The Point residential area and some existing residential areas in Point Lonsdale would also benefit from this waterway system as it would reduce the flood impact.

21. At the time the Our Coast mapping was undertaken The Point waterway was not in existence and hence was not picked up as a topographical feature or part of the drainage system. The mapping produced therefore doesn’t take into account this waterway.

22. It is proposed that further mapping be undertaken that includes the new waterway and the LSIO2 be applied at a later date under a separate planning scheme amendment.

23. The City will also continue to liaise with the Borough of Queenscliffe as its part of Point Lonsdale township is also affected by potential sea level rise. Ideally an overlay would be applied as part of a joint amendment involving both municipalities.
Attachment 3 - Land Subject to Inundation Overlay (State provision)

LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as LSIO with a number (if shown).

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.

To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.

To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

To ensure that development maintains or improves river and wetland health, waterway protection and floodplain health.

Land subject to inundation objectives and statement of risk
A schedule to this overlay may contain:

- Land subject to inundation management objectives to be achieved.
- A statement of risk.

Buildings and works
A permit is required to construct a building or to construct or carry out works, including:

- A fence.
- Roadworks, if the water flow path is redirected or obstructed.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- Rainwater tank with a capacity of not more than 10,000 litres.
- A pergola or verandah including an open-sided pergola or verandah to a dwelling with a finished floor level not more than $900mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than $900mm above ground level.
- A non-domestic disabled access ramp.
- A dependent person’s unit

This does not apply:
- If a schedule to this overlay specifically states that a permit is not required.
- To flood mitigation works carried out by the responsible authority or floodplain management authority.
To the following works in accordance with plans prepared to the satisfaction of the responsible authority:
- The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.
- The erection of telephone or power lines provided they do not involve the construction of towers or poles.
- To post and wire and post and rail fencing.

44.04.3 Subdivision
A permit is required to subdivide land.

44.04.4 Application requirements
An application must be accompanied by any information specified in a schedule to this overlay.

44.04.5 Local floodplain development plan
If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.

44.04.6 Exemption from notice and review
An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 54(1), (2) and (3) and the review rights of section 82(1) of the Act.

44.04.7 Referral of applications
An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

44.04.8 Decision guidelines
Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:
- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:
  - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
  - The flood warning time available.
- The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.

- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.

- The effect of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.

- Any other matters specified in a schedule to this overlay.
SCHEDULE 2 TO CLAUSE 44.04 LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as LSIO2

COASTAL INUNDATION AND HAZARD

1.0 Land subject to inundation objectives to be achieved

To protect land vulnerable to coastal inundation from inappropriate development.
To plan for projected sea level rises to ensure that the community and assets are not exposed to an unacceptable level of risk associated with the coastal impacts of climate change.
To identify land in coastal areas that may be inundated by the combined effects of the 1% Average Event Probability (AEP) flood event plus 0.8 metre sea level rise.
To ensure that any new development is suitably designed to ensure that it is compatible with the identified flood hazard and local drainage characteristics.

2.0 Statement of risk

A number of areas in the municipality are susceptible to flooding, via the flooding of waterways, stormwater runoff and coastal inundation, which have the potential to result in significant adverse economic, social and environmental impacts. Areas of coastal inundation and hazard have been identified in the Bellarine Peninsula - Corio Bay Local Coastal Hazard Assessment - Inundation Report, Cardno for City of Greater Geelong (2015) which is the source of mapping in this overlay.

3.0 Permit requirement

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

- An extension to an existing dwelling, provided the gross floor area of the extension does not exceed 20 square metres.
- Outbuildings and works normal to an existing dwelling including a deck or verandah that do not exceed 20 square metres, landscaping, a pergola, driveway, carport, barbecues and water tank.
- Agricultural and farm buildings less than 100 square metres in gross floor area.
- A building which is open on all sides including a domestic shed, animal enclosure, stockyard or agricultural shed.
- An upper storey extension to an existing building within the existing building footprint.
- A footpath, bicycle path, boardwalk, tennis court or sports ground provided that they are constructed at ground level.
- An in-ground domestic swimming pool or spa and associated mechanical and fencing equipment where the excavated spoil is removed and the perimeter edging of the pool is finished at natural ground level.
- An elevated boardwalk, provided that the new surface levels are above the applicable levels set by the relevant floodplain management authority.
- Repairs and routine maintenance of existing fences if the fence design and materials remain the same.
- A radio mast, telecommunications tower, antenna, power pole or light pole.
- An outdoor advertising sign/structure.
- Earthworks that do not change the rate of flow or the discharge point of water across a property boundary.
4.0 Application requirements

The following application requirements apply to an application for a permit under Clause 44.04, in addition to those specified in Clause 44.04 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A location plan drawn to scale, showing the boundaries and dimensions of the site, surrounding uses, the layout of existing and proposed buildings and works and the distance to coast or estuary.
- Elevation plans taken by or under the direction and supervision of a licensed land surveyor showing natural ground level, finished ground level and the floor levels of any existing and proposed buildings in relation to both AHD and the level as nominated by the relevant floodplain management authority at 2100.
- A detailed site plan with 0.5 metre contours showing the layout of existing and proposed buildings and works, watercourses, access roads, vegetation and all infrastructure that may be affected by flooding, sea level rise or coastal inundation, taken by or under the direction and supervision of a licensed land surveyor.
- An outline of actions or measures required, if any, to the siting and design of the buildings or works, or in association with the use and occupation of all aspects of the proposal in order to reduce the risk to individuals, property, infrastructure and the environment over the predicted life of the buildings or works. These actions may include the consideration of adaptation options such as planned retreat, setbacks, accommodation of changes through floor heights, site and land forming and drainage works.

5.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 44.04, in addition to those specified in Clause 44.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The views of the Corangamite Catchment Management Authority
- Bellarine Peninsula - Corio Bay Local Coastal Hazard Assessment - Inundation Report, Cardno for City of Greater Geelong (Dec 2015)
Attachment 5 – Map of areas proposed for Land Subject to Inundation Overlay