

LATROBE PLANNING SCHEME

AMENDMENT C131

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Latrobe City Council, who is the planning authority for this amendment.

The amendment has been made at the request of Latrobe City Council and the West Gippsland Catchment Management Authority (WGCMA).

Land affected by the amendment

The amendment updates flood controls based on modelling from the *Latrobe River Flood Study* (2015) and the *Traralgon Flood Study* (2016). The amendment affects 65,614ha (Vic Map data) of land within the Latrobe municipality which is within proximity of the Latrobe River and the Traralgon Creek, and considered to be at risk of flooding. Refer to Figure 1 below. These properties will either have existing flood controls removed or amended, or new flooding controls applied.

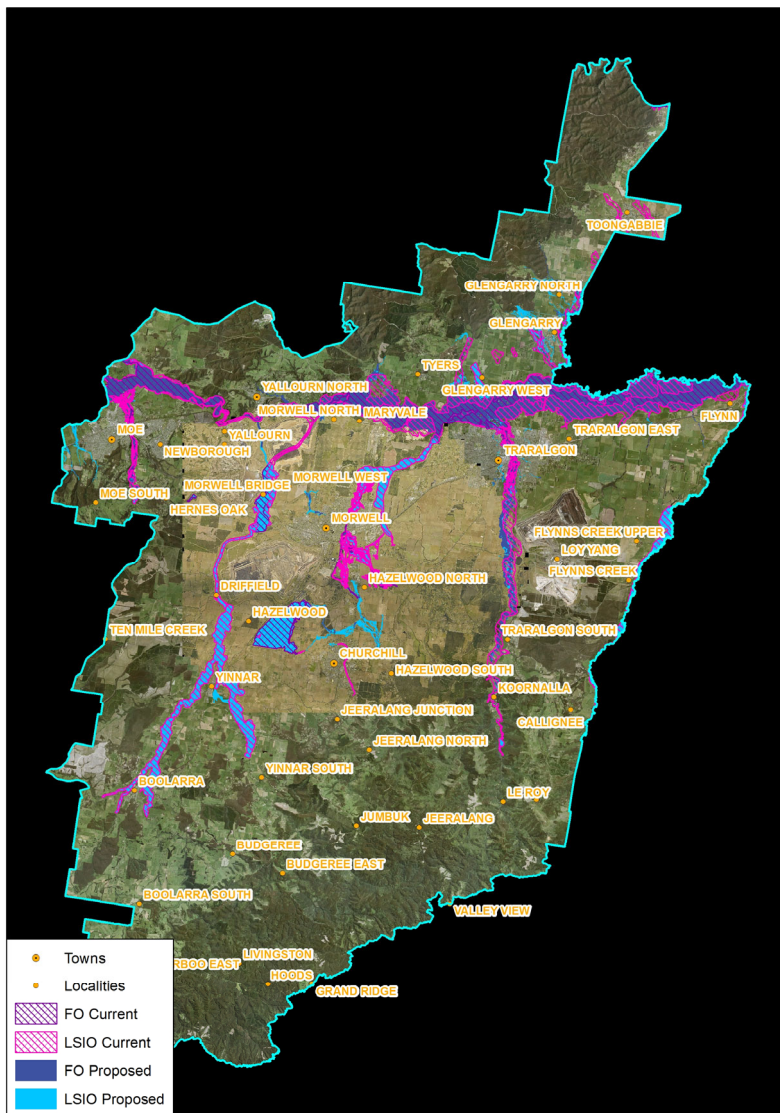


Figure 1: Municipal wide map displaying proposed flood overlay changes.

What the amendment does

The Amendment implements the recommendations of the *Latrobe River Flood Study (2015)* and the *Traralgon Flood Study (2016)* into the Latrobe Planning Scheme.

The Amendment:

- Amend Clause 02.04 (Strategic Framework Plans) to include a new Strategic Framework Plan,
- Amend Clause 11.01-1L (Glengarry) to include a new Glengarry Town Structure Plan (GTSP),
- Amends the Schedule to Clause 72.03 (Schedule to Clause 72.03 What Does This Planning Scheme Consist Of?) to reflect the amended FO/LSIO mapping,
- Amend Planning Scheme Maps:
 - Deletes the following LSIO-FO Map Nos. 2LSIO-FO, 5LSIO-FO, 6LSIO-FO, 7LSIO-FO, 8LSIO-FO, 9LSIO-FO, 10LSIO-FO, and 52LSIO-FO.
 - Amend the following LSIO-FO Map Nos. 11LSIO-FO, 14LSIO-FO, 15LSIO-FO, 16LSIO-FO, 17LSIO-FO, 18LSIO-FO, 19LSIO-FO, 20LSIO-FO, 21LSIO-FO, 22LSIO-FO, 23LSIO-FO, 24LSIO-FO, 25LSIO-FO, 26LSIO-FO, 28LSIO-FO, 29LSIO-FO, 34LSIO-FO, 35LSIO-FO, 37LSIO-FO, 38LSIO-FO, 41LSIO-FO, 42LSIO-FO, 43LSIO-FO, 44LSIO-FO, 47LSIO-FO, 48LSIO-FO, 49LSIO-FO, 50LSIO-FO, 56LSIO-FO, 60LSIO-FO, 61LSIO-FO, 63LSIO-FO, 64LSIO-FO, 65LSIO-FO, 66LSIO-FO, 68LSIO-FO, 69LSIO-FO, 70LSIO-FO, 72LSIO-FO, 73LSIO-FO, 74LSIO-FO, 77LSIO-FO, 78LSIO-FO, 79LSIO-FO, 82LSIO-FO, 83LSIO-FO, 84LSIO-FO, 85LSIO-FO, 86LSIO-FO, 87LSIO-FO, 88LSIO-FO, 91LSIO-FO, 92LSIO-FO, 93LSIO-FO, 94LSIO-FO, 96LSIO-FO, 97LSIO-FO, 99LSIO-FO, 100LSIO-FO, 101LSIO-FO, 102LSIO-FO, 104LSIO-FO, 106LSIO-FO, 107LSIO-FO, 108LSIO-FO, 109LSIO-FO, 110LSIO-FO, 111LSIO-FO, 112LSIO-FO, 114LSIO-FO, 115LSIO-FO, 116LSIO-FO, 117LSIO-FO, 118LSIO-FO, 119LSIO-FO, 120LSIO-FO, and 121LSIO-FO.
 - Inserts the following LSIO-FO Map Nos. 4LSIO-FO, 32LSIO-FO, 33LSIO-FO, 40LSIO-FO, 51LSIO-FO, 55LSIO-FO, 57LSIO-FO, 62LSIO-FO, 67LSIO-FO, 71LSIO-FO, 76LSIO-FO, and 112LSIO-FO.

Strategic assessment of the amendment

Why is the amendment required?

Two flood studies were undertaken in recent years with each recommending that the Latrobe Planning Scheme be amended to introduce updated mapping of the Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO) to reflect the modelling undertaken.

The West Gippsland Catchment Management Authority (WGCMA), in collaboration with the Latrobe City Council and the Baw Baw and Wellington Shire Councils, commissioned a flood study for the floodplains of the Latrobe River from Moe to Lake Wellington and for the Moe River (a major tributary of the Latrobe) from Yarragon to Moe. The *Latrobe River Flood Study* was completed in 2015 by Cardno consultants.

The West Gippsland Catchment Management Authority (WGCMA) Commissioned Water Technology consultants to undertake the *Traralgon Flood Study* which was completed in 2016. The study included detailed hydrological and hydraulic modelling of Traralgon Creek and the Latrobe River, flood mapping of Traralgon, recommendations for flood mitigation works, and a review of planning controls. The study prepared a revised draft Floodway Overlay (FO) and draft Land Subject to Inundation Overlay (LSIO) to reflect the updated flood modelling and mapping produced during the study.

The *West Gippsland Floodplain Management Strategy (2018-2027)*, prepared by the West Gippsland Catchment Management Authority (WGCMA), recommended that the Latrobe Planning Scheme be updated to reflect the best available flood mapping.

The provision of updated flooding information within the planning scheme will have a net community benefit by ensuring that the risk of flooding is properly considered in future planning and that risks from flooding may be managed and minimised. The updated mapping will equip Council to plan for future growth in low-risk locations to minimise the impact of natural hazards on the community, development, and infrastructure.

The revisions to the Strategic Framework Plan at Clause 02.04, and the Glengarry Town Structure Plan at Clause 11.01-1L, are to reflect the updated flood mapping contained in the Planning Scheme Maps.

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

The Amendment meets the following objectives of Planning in Victoria as set out in section 4(1) of the *Planning and Environment Act 1987*:

(a) to provide for the fair, orderly, economic and sustainable use, and development of land;

(b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;

(c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria; and

(f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e).

The amendment will positively implement the objectives of planning in Victoria by providing for accurately applied planning overlay controls that ensure that water management issues are considered during the development process.

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

Environmental Effects

The amendment has considered environmental effects, provides for sustainable land use and development outcomes, and will allow Council to plan to minimise risk to life, property, the environment, and infrastructure from flood hazard. Implementation of revised flood mapping will ensure that forward planning will direct new development to low-risk locations and natural hazards and environmental risks avoided. The amendment will ensure that new development in flood affected areas requires a planning permit to ensure that flooding risks are properly considered as part of the planning process which will include seeking the comments of the floodplain management authority on development applications.

Social Effects

The amendment provides updated flood data and planning provisions to ensure ongoing protection of life, property, and community infrastructure in areas at risk of flooding. The amendment ensures that planning decisions will be made having regard to the most current and accurate flood information in considering development applications and in planning for new urban development.

Economic Effects

Flooding can have significant economic impacts on municipalities and the community as a result of loss of life, damage to public and private assets, and property and agricultural losses. The amendment will ensure that new development is protected from the effects of flooding and that the flood plain is not adversely affected by inappropriate development. The amendment will discourage inappropriate new development that would be impacted by flooding or that may have adverse impacts on flood behaviour.

Does the amendment address relevant bushfire risk?

Bushfire risk must be considered to determine whether an amendment will result in any increase in the risk to life, property, community infrastructure and the natural environment from bushfires. When considering the VPP provisions for bushfire, Clause 13.02-1S (Bushfire Planning) provides policy that must be applied to all planning and decision making under the *Planning and Environment Act 1987* relating to land that is:

- Within a designated bushfire prone area;
- Subject to a Bushfire Management Overlay; or
- Proposed to be used or developed in a way that may create a bushfire hazard.

Latrobe City Council features bushfire risk whereby areas which aren't impacted by a Bushfire Management Overlay (BMO) are within a Bushfire Prone Area (BPA).

Settlement Planning

Relevant policy within Clause 13.02-1S (Bushfire Planning) relates to ensuring that Planning Scheme Amendments *do not* increase bushfire risk;

“Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).”

The amendment will not create additional bushfire risk as it is proposing to apply land management overlays (LSIO and FO) which are to address flooding risks, and no rezoning is proposed to occur.

Views from the relevant fire authority

The views of the CFA will be sought and obtained on this amendment and considered during the exhibition stage. This is because the affected land, while impacted by BMO or BPA, is proposed to not have any development potential increased through land zone changes or policy.

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

The amendment is consistent with:

- The *Ministerial Direction – The Form and Content of Planning Schemes* as required under section 7(5) of the *Planning and Environment Act 1987*. The amendment has been written in plain English.
- Ministerial Direction No. 11 – *Strategic Assessment of Amendments* in this explanatory report, as required under section 12(2)(a) of the Act.
- Ministerial Direction No. 15 - *The Planning Scheme Amendment Process*.

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

The amendment directly supports the following Clauses of the Planning Policy Framework:

Clause 11.02-1S (Supply of Urban Land)

- This clause has the objective to ensure sufficient land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
- The relevant strategies of this clause identify that planning for urban growth should consider the limits of land capability, natural hazards, and environmental quality.
- The amendment proposes to revise flood mapping to ensure natural hazards can be considered in forward planning based on the most current information.

Clause 13.01-1S (Natural Hazards and climate change)

- This policy has the objective to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.
- The relevant strategies of this clause include to:
 - Consider the risks associated with climate change in planning and management decision making processes.
 - Identify at risk areas using the best available data and climate change science.

- Direct population growth and development to low-risk locations.

Clause 13.03-1S (Floodplain management)

- This clause has the objective to assist the protection of life, property and community infrastructure from flood hazard, the natural flood carrying capacity of rivers, streams and floodway's, the flood storage function of floodplains and waterways, and floodplain areas of environmental significance or of importance to river health.
- The relevant strategies of this clause are 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.
 - Avoid intensifying the impact of flooding through inappropriately located use and development.
- The Amendment supports these strategies by applying the most current data available for flooding based on recent flood studies completed for Latrobe. The revised data provides an accurate reflection of the floodplains, including the 1 in 100 year event, and the flood storages and capacities required.

Clause 14.02-2S (Water quality)

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

The amendment supports the objective and strategies of this clause by setting out revised mapping for the floodplain areas, based on most recent flood data to allow for forward planning and management of new development.

In addition to increasing mean sea levels Climate Change is expected to increase the intensity and frequency of storms across the Gippsland Region, as well as change catchment moisture and increase areas burnt by bushfires.

The WGCMA is aware of these catchment processes and the risk Climate Change poses to flooding across our region. Recent flood studies have included Climate Change sensitivity testing to understand what the likely impact will be to our communities. These results show that our waterways are not particularly sensitive to Climate Change impacts other than those areas exposed to sea level rise changes.

Further to this the WGCMA has been working with the Department of Environment, Land, Water and Planning (DELWP) to develop clear guidance for CMAs across Victoria so that the inclusion of non-sea level rise Climate Change processes in flood study outputs is clear, consistent and transparent. Until this work is completed the WGCMA does not recommend that changes to flood mapping and the subsequent Flood Overlays should include the impacts of non-sea level rise Climate Change. It is likely that this work will be completed within the next few years and it follows that any subsequent update to the Flood Overlays will include our better understanding of the changes to these complex catchment processes brought on by Climate Change.

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

The planning scheme contains detailed Structure Plans for settlements under Clause 11.01-1L *Latrobe settlement patterns* to complement policy for Settlement at the State and regional level which seeks to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Accordingly, structure plans are in place in the planning scheme for Churchill, Moe-Newborough, Morwell, Traralgon, Glengarry and Tyers, and Morwell – Traralgon. These structure plans have been informed by an understanding of constraints on development and, where appropriate, they show land within urban floodway's, and land subject to inundation.

It is policy at Clause 11.01-1R *Settlement – Gippsland* to, amongst other matters, support new urban growth fronts in regional centres where natural hazards and environmental risks can be avoided or managed. Flooding is one such environmental risk.

It is policy at 13.03-1L *Floodplain management* that development be discouraged in residential areas within the 1% Annual Exceedance Probability (AEP) flood extent or within 30m of existing waterways. Similarly, raised earthworks, and subdivision, other than realignment or consolidation, is similarly discouraged within the mapped extent of a 1% AEP flood. Both overlays provide the means to control new development.

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

The amendment will amend the existing Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO) maps that form part of the Latrobe Planning Scheme to ensure that they are consistent with current information on flooding in the municipality. The revisions to the overlays have been determined by the recommendations of flood studies which undertook sensitivity testing and flood simulations to identify the extent of potential flooding from the rivers through computer-based models of the flood plains to generate detailed flood maps for a range of flood events.

The amendment has also been prepared with regard to *Planning Practice Note 12 Applying the Flood Provisions in Planning Schemes: A guide for councils* (June, 2015).

The Floodway Overlay (FO) applies to mainstream flooding areas of the floodplain, being the areas which convey active flood flows or store floodwater, in both rural and urban areas. The Floodway land is generally the higher hazard portion of the floodplain and buildings and works may be at significant risk or could impact the behaviour of floodwaters and therefore need to be controlled.

The Land Subject to Inundation Overlay (LSIO) represents the fringe of the floodplain where the flood depths and velocities are lower. These areas have a lower risk to human life and property than the Flood Overlay (FO) however development still needs to be managed to limit risk and maintain the free passage of floodwaters.

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

The amendment has been prepared in consultation with the West Gippsland Catchment Management Authority (WGCMA) being the relevant floodplain management authority and recommending referral authority for applications within the overlays.

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

This amendment is not likely to have an impact on the transport system, as defined by the *Transport Integration Act 2010*.

Resource and administrative costs

It is not expected that council officer workload will increase significantly as a result of the proposed amendment and therefore, additional staff resources are unlikely to be required.

Where you may inspect this amendment

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

The service centres of the planning authority Latrobe City Council located at:

- 141 Commercial Road, Morwell Vic 3840
- 34-38 Kay Street, Traralgon Vic 3844
- 9-11 Philip Parade, Churchill Vic 3842 and
- 1-29 George Street, Moe Vic 3825
- Latrobe City's website at www.latrobe.vic.gov.au/C131

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

Submissions

Any person who may be affected by the amendment make a submission to the planning authority. Submissions about the amendment must be received by 7 March 2022.

A submission must be sent to:

Latrobe City Council
Attention: Strategic Planning Department
PO Box 264
Morwell VIC 3840

Or online at www.latrobe.vic.gov.au/C131 – Attention: Strategic Planning Department.

Panel hearing dates

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

- directions hearing: Week of Tuesday, 7 June 2022
- panel hearing: Week of Monday, 12 July 2022

ATTACHMENT A - Mapping reference table

Lands on which the Land Subject to Inundation Overlay and/or Floodway Overlay is to be applied:

Location	Land /Area Affected	Mapping Reference
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<p>Latrobe City</p>	<p>Whole municipality, including: Yinnar & Yinnar South Yallourn & Yallourn North Tyers Tanjil South Morwell Newborough Maryvale Moe Koornalla Loy Yang Hernes Oak Hazelwood Glengarry Flynn & Flynn's Creek Cowwarr Driffield Callignee Churchill Boolarra Traralgon Toongabbie</p>	<p>Latrobe C131latr Isio-foMap04 Exhibition Latrobe C131latr Isio-foMap11 Exhibition Latrobe C131latr Isio-foMap14 Exhibition Latrobe C131latr Isio-foMap15 Exhibition Latrobe C131latr Isio-foMap16 Exhibition Latrobe C131latr Isio-foMap17 Exhibition Latrobe C131latr Isio-foMap18 Exhibition Latrobe C131latr Isio-foMap19 Exhibition Latrobe C131latr Isio-foMap20 Exhibition Latrobe C131latr Isio-foMap21 Exhibition Latrobe C131latr Isio-foMap22 Exhibition Latrobe C131latr Isio-foMap23 Exhibition Latrobe C131latr Isio-foMap24 Exhibition Latrobe C131latr Isio-foMap25 Exhibition Latrobe C131latr Isio-foMap26 Exhibition Latrobe C131latr Isio-foMap28 Exhibition Latrobe C131latr Isio-foMap29 Exhibition Latrobe C131latr Isio-foMap32 Exhibition Latrobe C131latr Isio-foMap33 Exhibition Latrobe C131latr Isio-foMap34 Exhibition Latrobe C131latr Isio-foMap35 Exhibition Latrobe C131latr Isio-foMap37 Exhibition Latrobe C131latr Isio-foMap38 Exhibition Latrobe C131latr Isio-foMap40 Exhibition Latrobe C131latr Isio-foMap41 Exhibition Latrobe C131latr Isio-foMap42 Exhibition Latrobe C131latr Isio-foMap43 Exhibition Latrobe C131latr Isio-foMap44 Exhibition Latrobe C131latr Isio-foMap47 Exhibition Latrobe C131latr Isio-foMap48 Exhibition Latrobe C131latr Isio-foMap49 Exhibition Latrobe C131latr Isio-foMap50 Exhibition Latrobe C131latr Isio-foMap51 Exhibition Latrobe C131latr Isio-foMap55 Exhibition Latrobe C131latr Isio-foMap56 Exhibition Latrobe C131latr Isio-foMap57 Exhibition Latrobe C131latr Isio-foMap60 Exhibition Latrobe C131latr Isio-foMap61 Exhibition Latrobe C131latr Isio-foMap62 Exhibition Latrobe C131latr Isio-foMap63 Exhibition Latrobe C131latr Isio-foMap64 Exhibition Latrobe C131latr Isio-foMap65 Exhibition Latrobe C131latr Isio-foMap66 Exhibition Latrobe C131latr Isio-foMap67 Exhibition Latrobe C131latr Isio-foMap68 Exhibition Latrobe C131latr Isio-foMap69 Exhibition</p>
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ATTACHMENT B -Table of estimated summary of flood related overlays on properties.

Properties	New FO	Delete FO	New LSIO	Delete LSIO
Latrobe Municipality	652	34	879	301
Callignee	3	0	0	2
Cowwarr	0	9	0	5
Churchill	4	0	18	0
Driffield	0	0	0	1
Flynn	16	0	4	3
Glengarry	44	0	131	18
Hazelwood	11	0	23	0
Hernes Oak	2	2	2	0
Koornalla	23	0	0	18
Loy Yang	11	0	0	5
Maryvale	2	6	1	0
Moe	5	8	44	31
Morwell	32	5	45	0
Newborough	14	0	0	11
Tanjil South	3	0	0	9
Traralgon	444	4	592	164
Tyers	12	0	13	13
Yallourn North	26	0	0	21
Yinnar	0	0	6	0

Note: Property numbers are based off Council's rates database, and therefore present only an estimate, which is greater than the actual number affected.
Toongabbie flood overlay updates is occurring within Amendment C126 – Toongabbie Structure Plan.