

19/09/2022

**SUBMISSION TO PLANNING SCHEME AMENDMENT C69 (RE-EXHIBITED)**

**13 Gratton Street Port Fairy VIC 3284**

1. I act on behalf of the landowners of the above address – [REDACTED].
2. On their behalf, the following concerns are raised regarding the proposed C69 amendment to their property.
3. The land is located at 13 Gratton Street it has frontage to Gratton Street and also frontage to the cul-de-sac head of Perry Close.
4. The land also directly abuts and forms part of the riparian surrounds of Reedy Creek upstream of the Princes Highway bridge.
5. The property is currently predominantly covered by Floodway Overlay, with parts of the higher land within the lot being only partly affected by the Land Subject to Inundation Overlay.

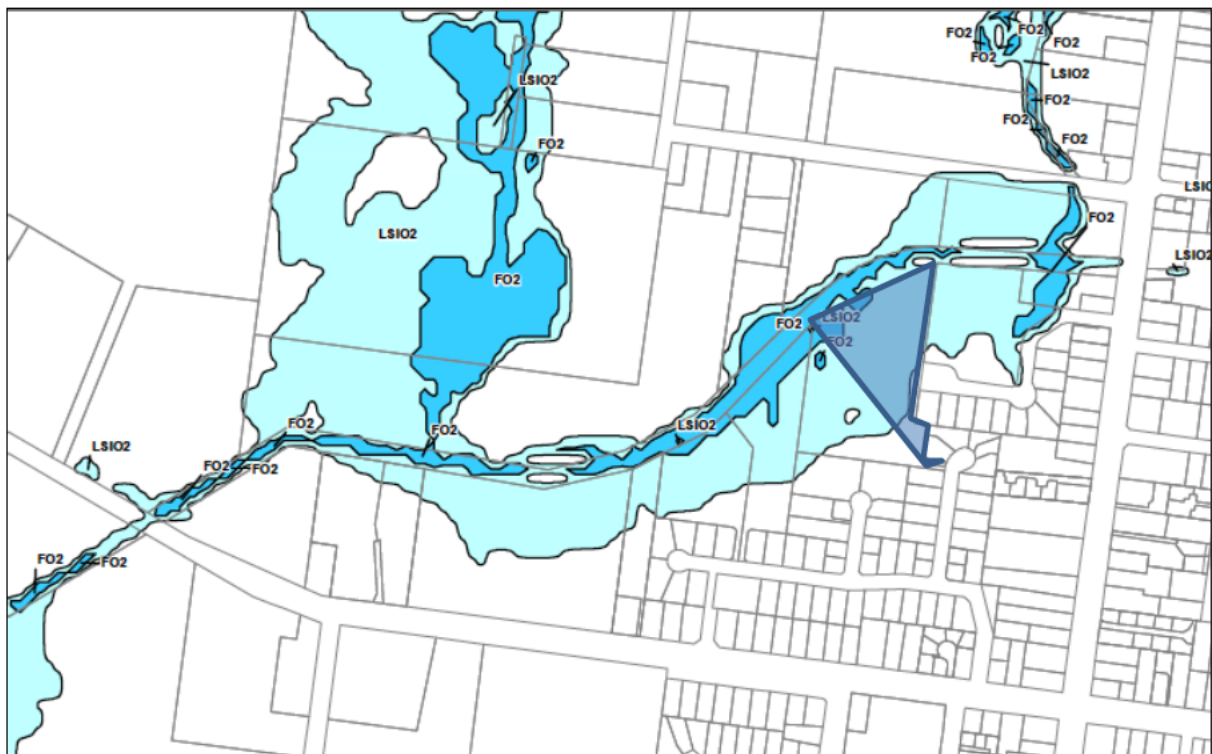


Figure 1 Exhibited Overlay Reedy Creek Environs between Princes Highway and Hamilton-Port Fairy Road with 13 Gratton Street highlights in blue

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

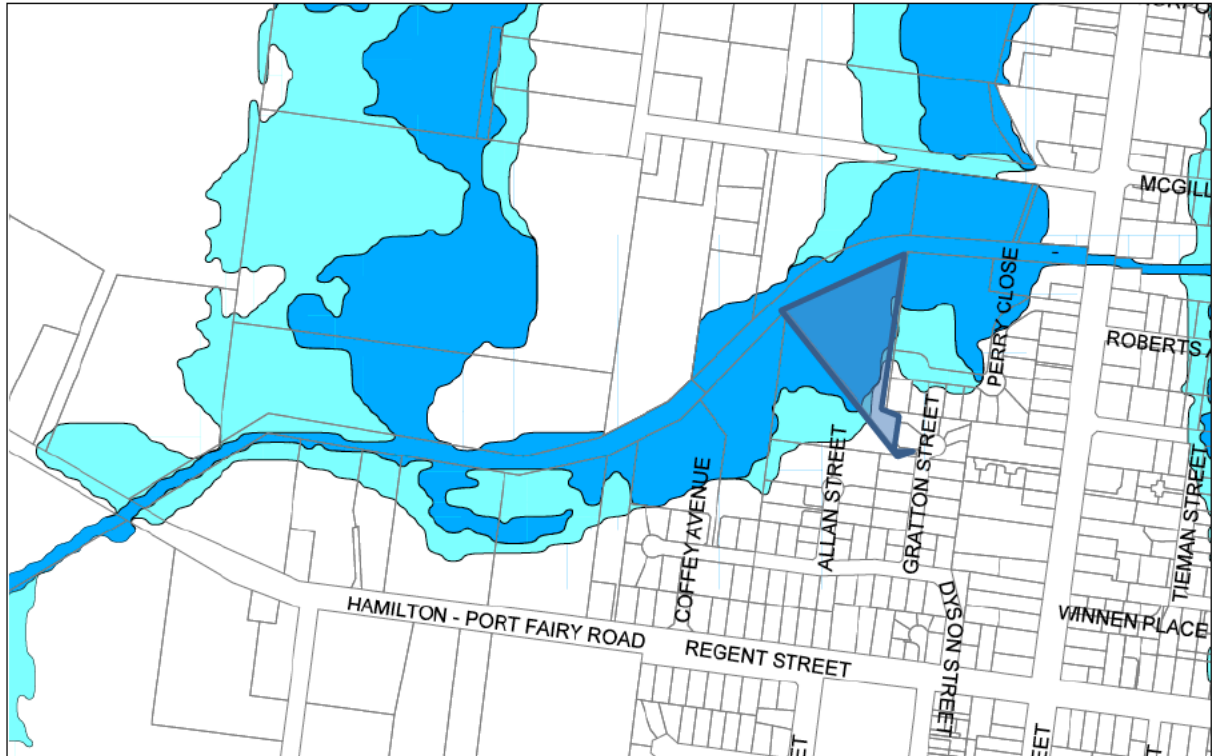


Figure 2 2021 Modelling showing significant change in extent of FO proposed to Reedy Creek Environs between Princes Highway and Hamilton Port Fairy Road

6. The proposed changes in the first exhibition of C69 proposed that the land would have a reduced flood extent and that the bulk of the land would be instead located in the Land Subject to Inundation Overlay.
7. On the basis of the information contained in the first exhibition, the landowner did not consider it was necessary to make a submission to C69 as the flood extent was being reduced on their land to an extent where the rear part of their land may in fact have been viable to subdivide the land to provide another vacant lot for future residential development with a frontage to Perry Close, with a concept building envelope located on the higher portion of the site.
8. Given the reduction in flood extent detailed in the first Amendment exhibition, and in good faith that the exhibited flood controls had been tested and approved for exhibition by DELWP, approved for exhibition by the Council and reports had been peer reviewed; the extent of flooding would not reasonably change and that some pre-planning might have been reasonable to commence for the site.
9. The landowner has invested considerable funds in having engineering costings for sewer and water servicing infrastructure for an additional lot and professional advice to guide pre-planning for a future subdivision proposal. This investment has been provided from domestic funds which is not associated with a professional land development organisation and therefore is considered to be a substantial investment from the individual landowner.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10. It was understood that the modelling for the reduction in flood extent from the first exhibition documents had primarily stemmed from the Reedy Creek drain works lessening the flood extent on the western side of the highway.
11. Now that the re-exhibition of the C69 is available, the land is now returned to being predominantly located in the Floodway Overlay and may not receive the support of the GHCMA to be able to be developed or subdivided in the future, despite the reduction in flood risk from the works undertaken to Reedy Creek.
12. The Flood Summary Report details that the Floodway Overlay has been applied to land where expected floodwater is expected to have a flood depth of greater than 0.5m and a velocity by depth of 0.4m per second or more.
13. When questions on this were posed to Council staff and HARC in December 2021, they indicated the GHCMA had revised the data point at which they recommend the LSIO or FO be applied (my understanding is it was to be reduced from 0.5m to 0.3m but I haven't been able to confirm this – and it wasn't mentioned by the flood experts) and despite the mitigation works undertaken in Reedy Creek desire the adjoining properties generally remain with the Flood Overlay.

requires that the area have a depth of greater than 0.5m or a velocity by depth product of greater than 0.4. The LSIO overlay is the flood extent, with the area of FO removed.

The number of properties impacted in each scenario modelled for each overlay and the total number of properties impacted by the overlay has been calculated is shown in Table 4. This has also been assessed against the previously exhibited overlays, which used a 1.2m SLR case with a 5% riverine and 1% ocean boundary. Note that the new overlay extents have been shifted in accordance with Section 5 of this report.

**Table 4 – Properties included in potential overlays**

Scenario	Properties in FO	Properties in LSIO	Total Properties
Exhibited Overlay (1.2m SLR, 1% Ocean-5% River)	819	820	1,041
A (0.4m SLR, 1%-10%)	442	587	739
B (0.4m SLR, 1%-5%)	482	568	748
C (0.8m SLR, 1%-10%)	579	529	819
D (0.8m SLR, 1%-5%)	622	447	833
E (1.2m SLR, 1%-10%)	860	550	1,065
F (1.2m SLR, 1%-5%)	893	544	1,089

There are a large number of properties that appear in both overlays. It should also be noted that the previously exhibited overlay adopted an alternate method for the determination of the Floodway Overlay. The previous method would result in less area being considered FO.

#### 4.4 Recommended Approach

Figure 3 p27 Flood Summary Report 2021 HARC - emphasis added



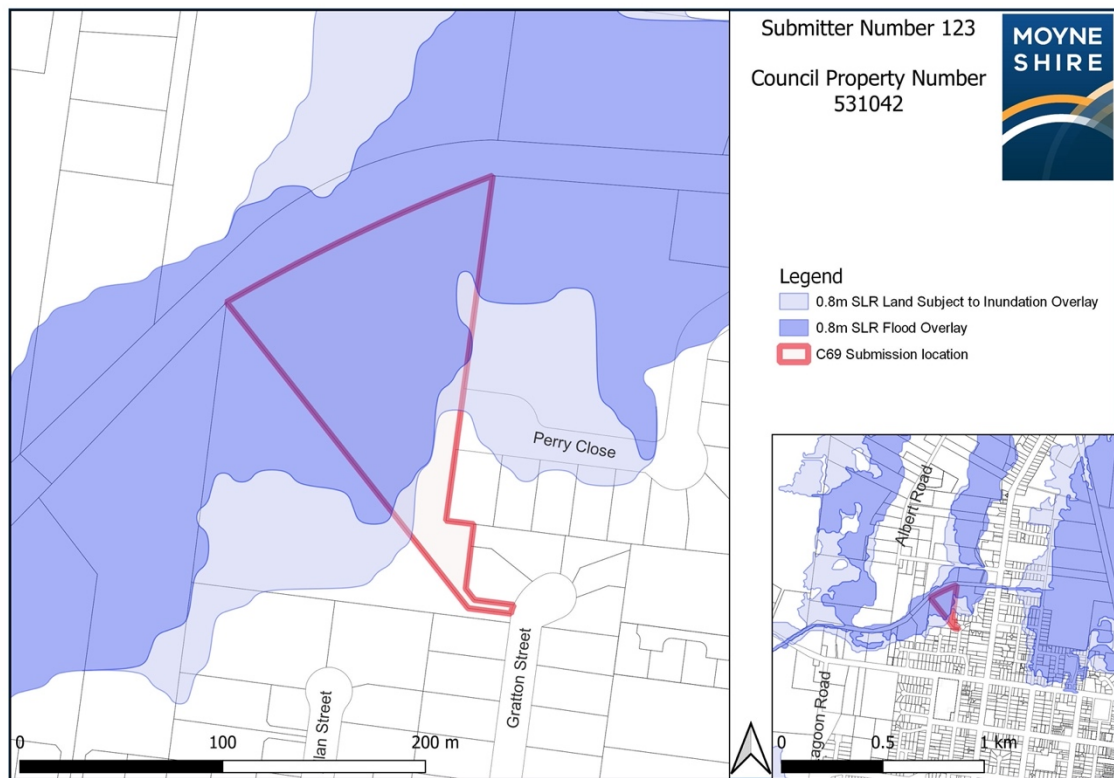


Figure 4 Part A Mapping Showing 0.8m sea level rise conceptual controls

14. The only reference to the change is at p27 of the Flood Summary Report, with no explanation of how or why the method was changed.
15. The strategic basis for this is not well understood, particularly as this area isn't generally subject to impacts from Sea Level Rise and mitigation works have already been undertaken and modelled.
16. The proposed controls map sea level rise to 1.2m and go beyond the accepted standards for calculating risk from sea level rise on urban settlements, resulting in significant increases in planning controls on properties.
17. The Victorian Planning Provisions through State Planning Policy 13.01-2S (Coastal inundation and erosion) states:
18. "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."
19. Strategic documentation prepared for C69 are well in excess of 0.8m sea level rise and set sea level rise (SLR) at 1.2m. The level of risk applied to the Port Fairy Floodplain through C69 is not consistent with State Planning Policy.
20. The landowners have concerns that flood mitigation works to alter levels of Reedy Creek on the eastern side of the Princes Highway are not addressed and/or proposed as part of C69. Investigation and proposal of flood mitigation works such as this would potentially lessen the

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]



impact of residential zoned land on the western side of the Princes Highway to provide for increased viability of land to be used for critically needed land supply that is not directly adjacent to the Belfast Lough and the Moyne River.

21. The Revised Local Floodplain Development Plan and the proposed Floodway Overlay will likely make it very difficult to gain a permit to construct new dwellings, dwelling extensions or subdivision on the land.
22. The landowners do not support this change to the planning controls which retains the bulk of the property within the Flood Overlay, which would impact the ability to subdivide the land to provide a modest subdivision/additional lot to the already crippled land supply in the township.
23. The 0.8m sea level rise mapping shows a reduction in extent of both FL and LSIO near the eastern boundary, which if supported may allow for a two lot subdivision and the construction of a dwelling on a new lot accessed from Perry Close without creating any additional flood risk.
24. The landowners are also concerned about the economic impacts of the amendment which will result in a significant rise in insurance premiums for the property.
25. The landowners have no concerns with the re-zoning of the Reedy Creek corridor to the Public Park and Recreation Zone, but raise significant concern that the policy at Clause 21.09-3 which identify Reedy Creek as a linear reserve providing a path of travel for pedestrians and cyclists between Companion Lagoon and the Belfast Loch is not possible to construct without acquiring adjoining private landholdings.
26. Significant concern is raised that no preliminary investigation has been undertaken to determine the suitability of the landform and width to incorporate any revegetation and path. It is very unlikely based on an assessment of the width adjoining this property that there would be sufficient width to safely provide a corridor of travel towards the Lough or the Lagoon.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]