

19/09/2022

SUBMISSION TO PLANNING SCHEME AMENDMENT C69 (RE-EXHIBITED)
Part of 106 Princes Highway Port Fairy VIC 3284 (Lot 1 TP19803)

1. We 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 part of the property known as 106 Princes Highway and has frontage to Albert Road and is located at the rear of the existing accommodation facility known as [REDACTED].
4. The property is currently predominantly covered by Floodway Overlay.
5. 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.

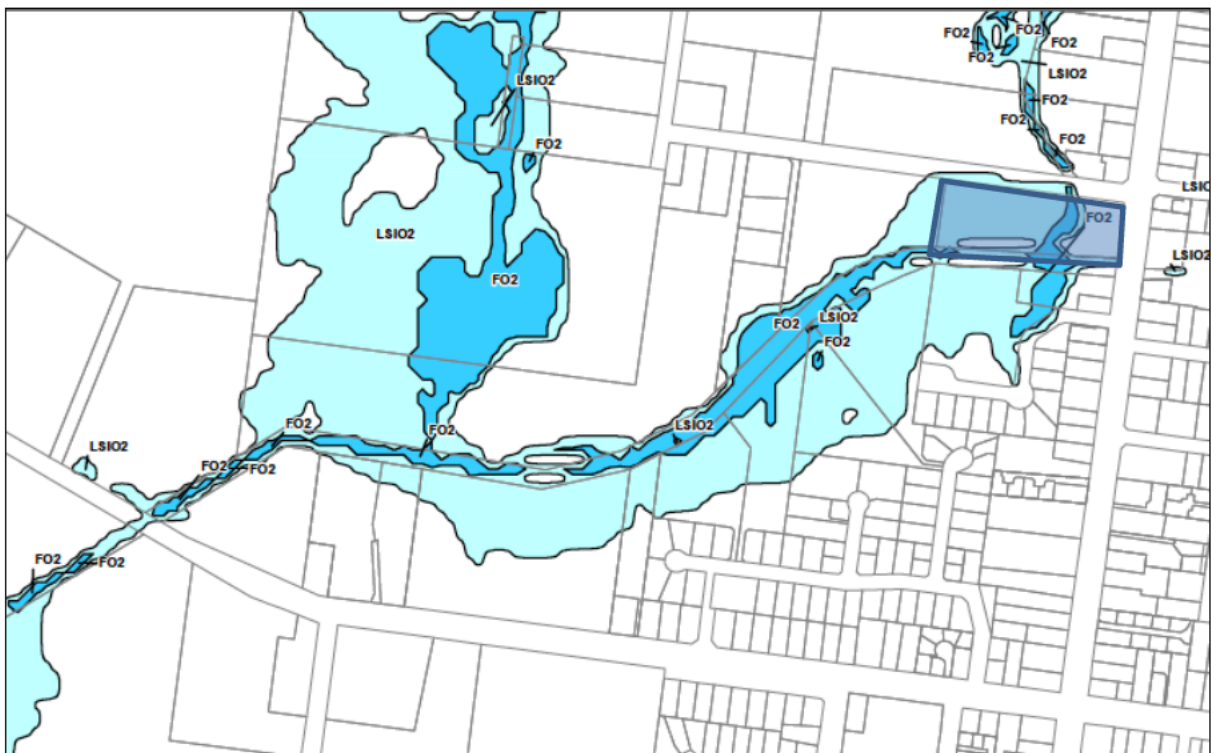


Figure 1 Exhibited Overlay Reedy Creek Environs between Princes Highway and Hamilton-Port Fairy Road with 106 Princes Highway highlighted in Blue

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

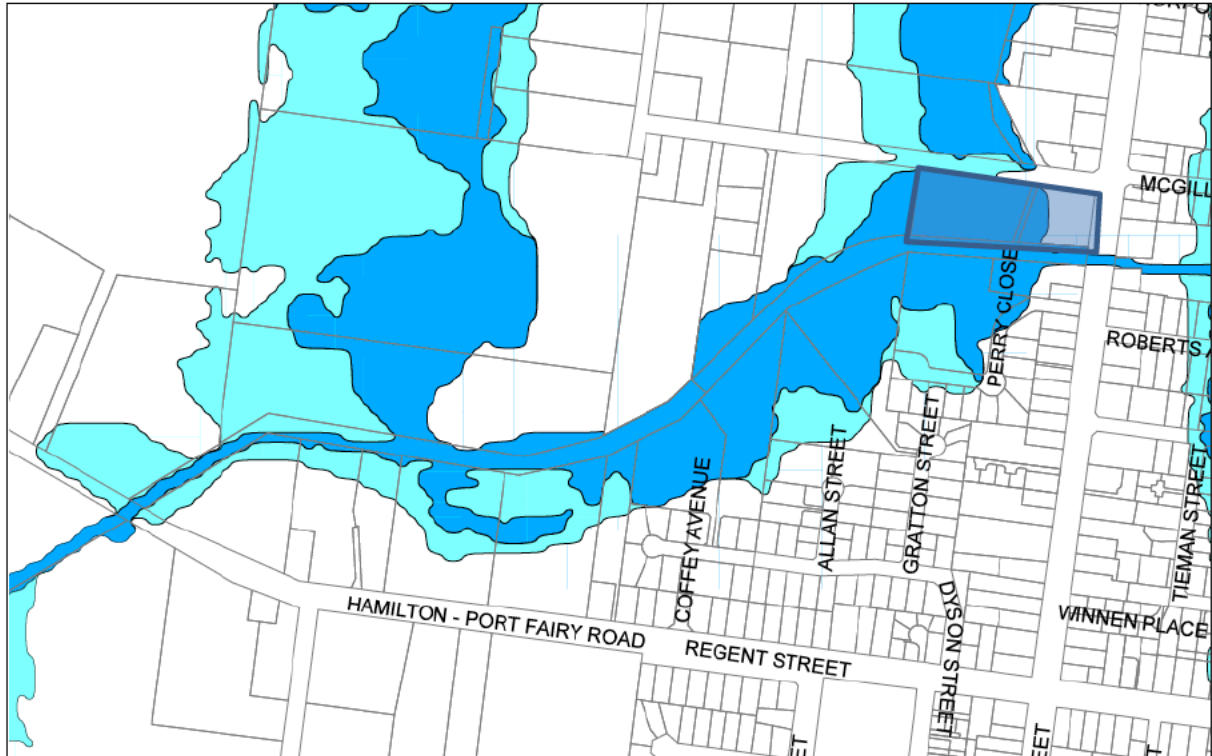


Figure 2 2021 Modelling showing significant change in extent of FO proposed to Reedy Creek Environs between Princes Highway and Hamilton Port Fairy Road

6. 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 develop for a dwelling.
7. 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; that the extent of flooding would not reasonably change and that some pre-planning might have been reasonable to commence for the site.
8. An application has been subsequently submitted to Council to develop the site, which was lodged in December 2021. The landowner has invested considerable funds in preparing the application and has purchased a dwelling that is to be relocated from another site in Port Fairy. There is current and real time pressure, both financially and otherwise, on the landowner for this proposal to be successful.
9. 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.
10. Now that the re-exhibition of the C69 is available, the land is now returned to being entirely located in the Floodway Overlay and may not receive the support of the GHCA to be able to be developed in the future or the current application.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11. 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.
12. 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.
13. 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.
14. 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.
15. The Victorian Planning Provisions through State Planning Policy 13.01-2S (Coastal inundation and erosion) states:

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



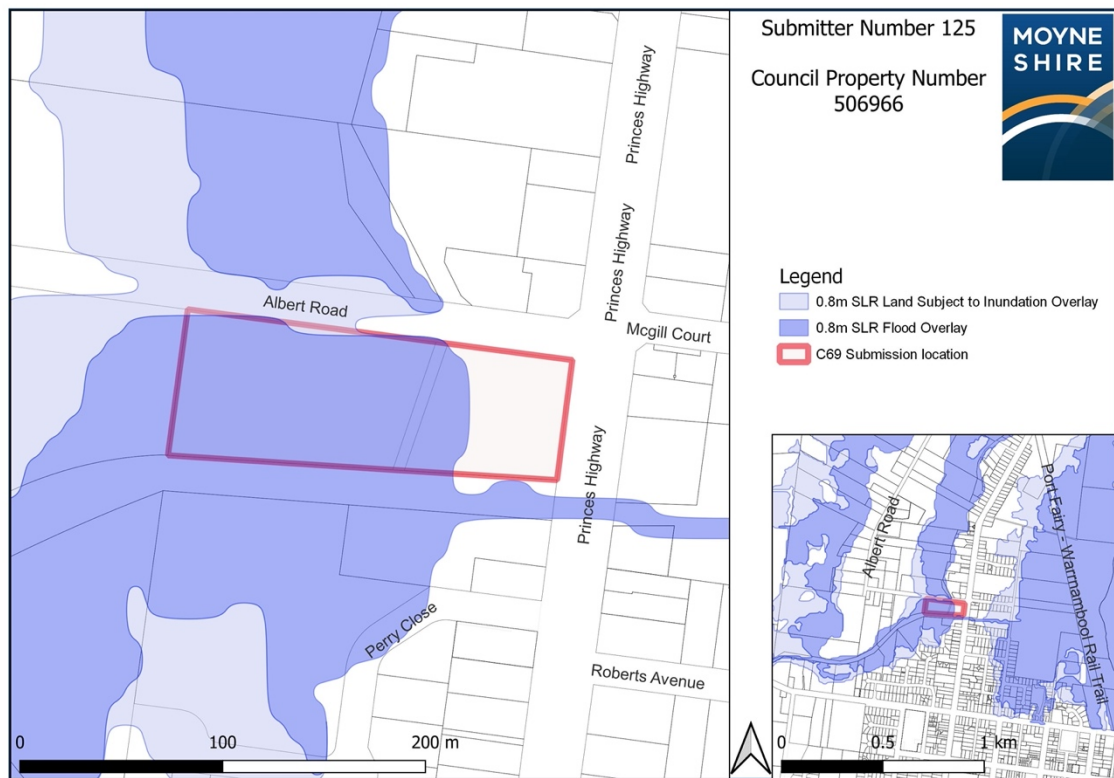


Figure 4 Draft mapping prepared by Council to indicate 0.8m potential controls

16. "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."
17. 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.
18. 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 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.
19. 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 or dwelling extensions on the land.
20. The landowners do not support this change to the planning controls, which would impact the ability to construct a dwelling to meet the future needs of their family or to redevelop the site for some expansion of their established accommodation facility, [REDACTED].

[REDACTED]
[REDACTED]
[REDACTED]

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

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

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

21. 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.

2022 updates

22. [REDACTED] a planning application was submitted to Council to re-locate a dwelling from elsewhere in Port Fairy to the rear 'paddock' with access from an existing crossover from Albert Road. During this process, information was sought from the GHCMA prior to confirmation of the dwelling location on the site, as part of the application process and after the planning permit was issued for the dwelling to assist in siting a garage/shed on the property.

23. The GHCMA supported the relocation of the dwelling based on providing a NFPL plus freeboard under the dwelling, and locating the dwelling on the highest part of the site. The GHCMA did not object to the issue of a permit and a planning permit was granted by Council earlier this year.

Figure 1: Estimated 1% AEP flood depths – post mitigation modelling (Water Technology 2022)

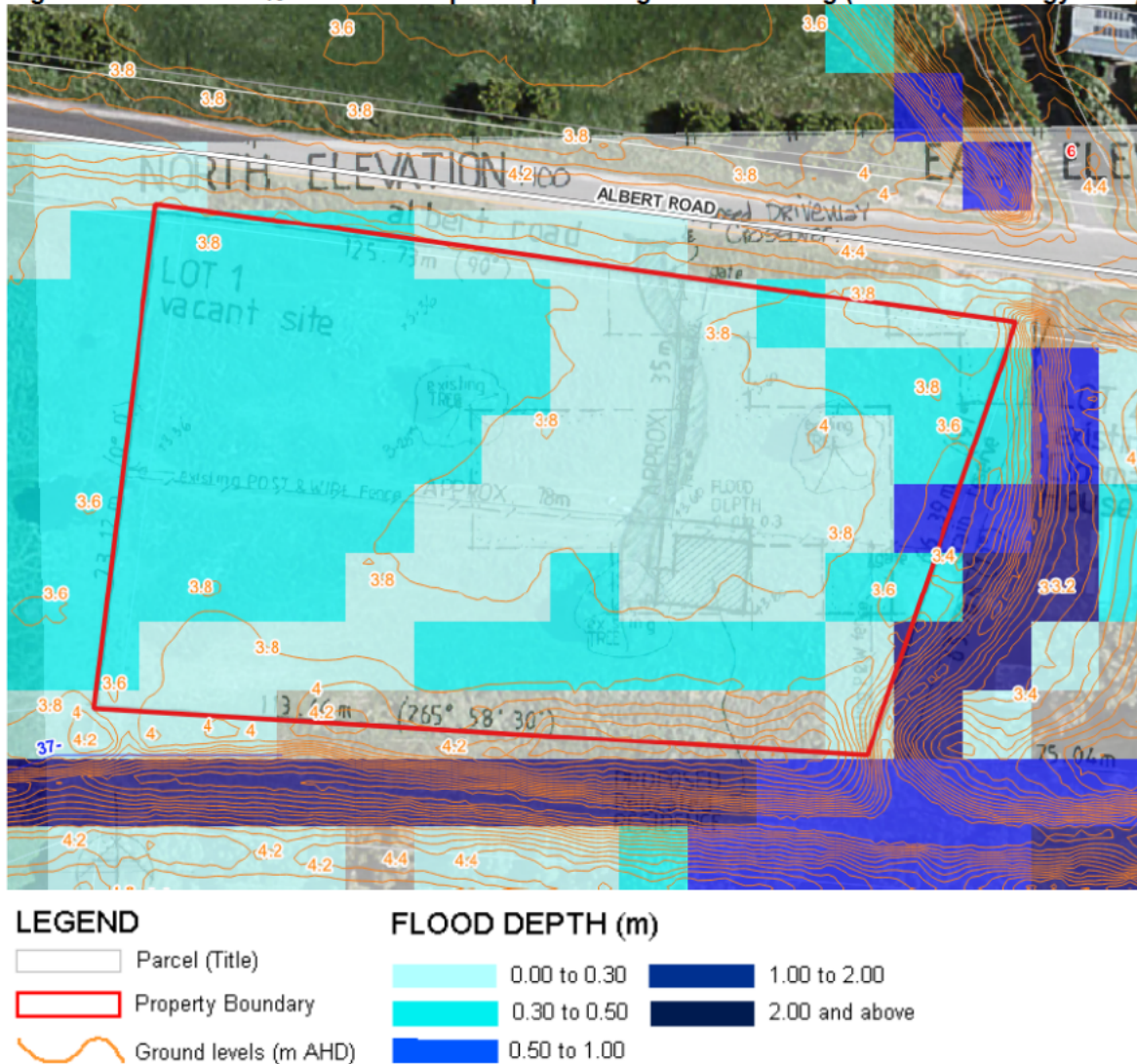


Figure 5 Excerpt from GHCMA Letter of Advice 26 July 2022 – Note reference to Water Technology Modelling

[REDACTED]

24. The landowners understand the property adjoins both Reedy Creek and a northern drain and is subject to inundation in a flood event.
25. Their concern is that through these three referral events in the space of 6 months, they have received three different sets of advice and flood data from the GHCMA. The three letters of advice are attached for your reference.
26. The latest set of data received from the GHCMA is referenced as being prepared by WaterTech 2022 – Our concern is that this is a new data set which shows a significant reduction in potential flood risk, but is not a data set which is proposed to be referenced in the Local Floodplain Management Plan or has been made publicly available.
- 27.
28. Their property is an example of consistent existing flood controls, but differing advice being received from the GHCMA, particularly where there has been no progression in that status of this amendment during this timeframe.
29. Based on the most recent set of flood advice, the landowners have lodged an amended permit application to move the dwelling further west on the property, to increase the separation from their accommodation business at [REDACTED]

Reedy Creek Corridor

30. 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.
31. 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]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]