



Email Letter

From [Redacted]	Date [Redacted]
Direct [Redacted]	Email [Redacted]
Partner [Redacted]	
To [Redacted]	Organisation [Redacted]
	Email [Redacted]

Our Ref MYM:JORS:8887209

Dear [Redacted]

Amendment C69moyn Supplementary Submission, 169a And 183 Princes Highway, Port Fairy

1. We act for [Redacted] in respect of the above matter at 169A and 183 Princes Highway, Port Fairy (**Subject Land**).
2. We refer to the submission made by [Redacted] on behalf of [Redacted] to Amendment C69moyn (**Amendment**) on 15 June 2020 (**submission**).
3. Under the heading 'Coastal hazard' the submission stated:

...

It is noted that hydraulic flood modelling undertaken for the Translation of the Port Fairy Local Coastal Hazard Assessment differs significantly from modelling undertaken by Water Technology. The Glenelg Hopkins CMA is aware of these discrepancies and Rivers Run Estate understands the CMA, with support of Moyne Shire Council, has commissioned a peer review of Translation of the Port Fairy Local Coastal Hazard Assessment.

The outcomes of the peer review will inform Rivers Run Estate's position on this matter once information is available.

4. Our client has engaged [Redacted] to undertake further work to refine their understanding and position on coastal hazard issues raised by the Amendment.
5. This supplementary submission is intended to provide the finer detail of our client's position, and we kindly ask Council refer the supplementary submission to the Panel ahead of the directions hearing on 5 August 2022.

Interstate offices
[Redacted]



6. The Memorandum of [REDACTED], dated 18 July 2022, provided to Council, sets out [REDACTED] preliminary review of Schedule 3 to the Floodway Overlay (FO3) and Schedule 4 to the Land Subject to Inundation Overlay (LSIO4) proposed under the Amendment.

7. We rely on the Memorandum of [REDACTED] in support of the submissions below.

Submissions

8. The application of FO3 to the majority of the Subject Land as proposed by the Amendment is opposed:

8.1 The FO is not an appropriate control in the context of the flood risk.

8.2 The FO is overly restrictive to development and does not allow for a flexible adaptation pathway for climate change considerations.

8.3 The FO is not intended to apply to areas of coastal inundation.

9. Instead, LSIO4 should be applied to the Subject Land (and broader Amendment area where appropriate):

9.1 The LSIO is an appropriate response to the flood risk as it triggers assessment of flood hazard for any development;

9.2 The LSIO would only allow development that can adequately manage flood risk through design of earthworks (and other measures) and the adoption of elevated floor levels to minimise risk.

10. The LSIO4 extent should be based on 0.8m sea level rise (SLR) criteria. Applying 1.2m SLR is overly conservative.

11. The FO3 extent should be remapped for the broader Amendment area, including the subject site:

11.1 FO3 should be based on existing flood risks and reviewed depth/hazard parameters.

11.2 Flood-dominated conditions rather than ocean dominated conditions are appropriate to inform FO3.

Yours sincerely



[REDACTED]
Partner