

# Panel Submission – Part B

## Planning Scheme Amendment C131latr Flood Overlays Update

Latrobe City Council and West Gippsland Catchment  
Management Authority

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## **ATTACHMENTS**

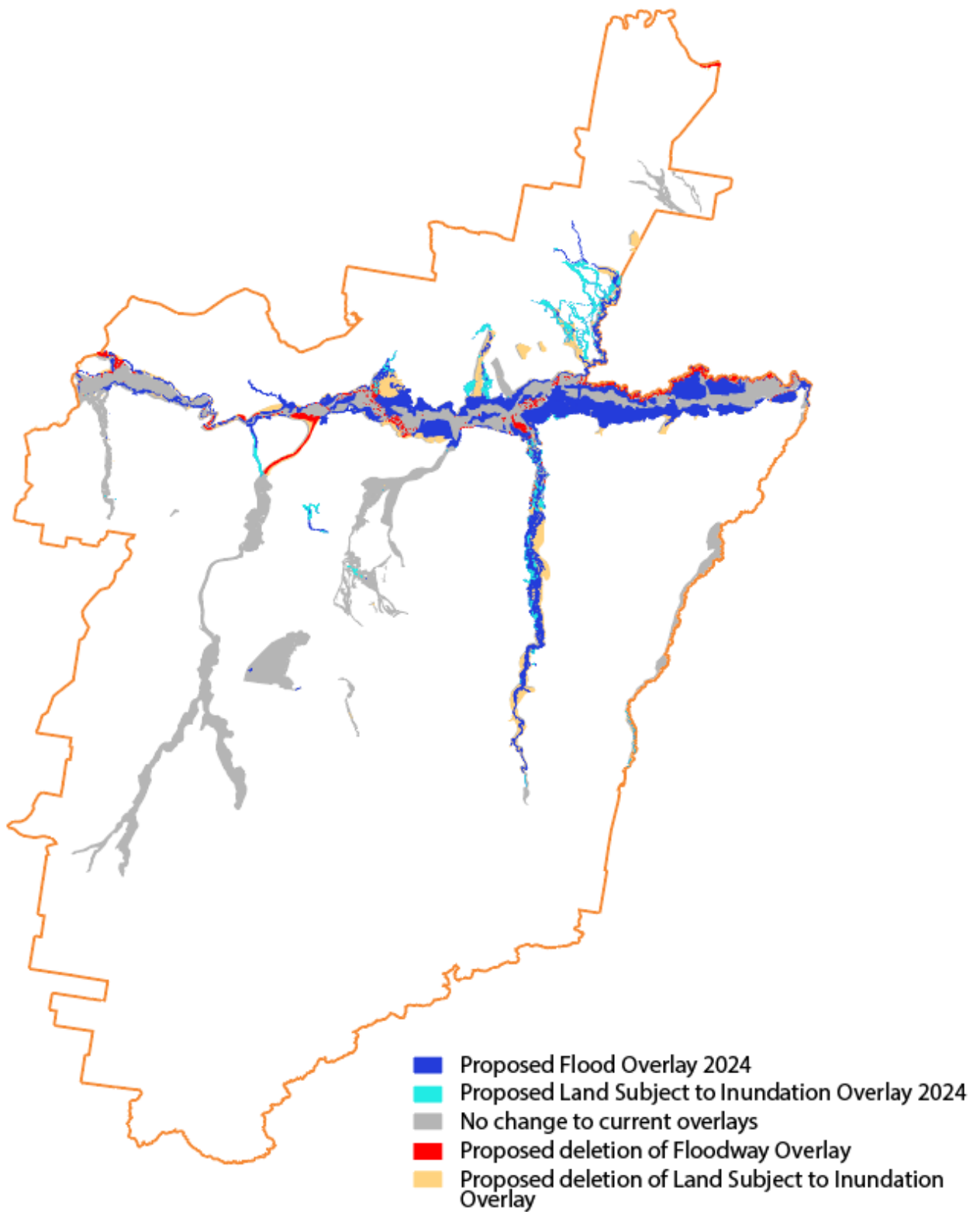
<b>Attachment No.</b>	<b>Description</b>
Attachment 1	Peer Review
Attachment 2	Explanatory Report Day 1 Version
Attachment 3	Instruction Sheet Day 1 Version
Attachment 4	Copy of Planning Permit 2004/4395
Attachment 5	Copy of Advice from WGCMA regarding Lot 33 Bradman Boulevard in 2018
Attachment 6	Copy of Advice from WGCMA regarding Lot 33 Bradman Boulevard in 2023

## 1. INTRODUCTION & OVERVIEW

- 1 Latrobe City Council (Council) is the Planning Authority for this Amendment C131 (the Amendment) to the Latrobe Planning Scheme.
- 2 The Amendment was undertaken on behalf of the West Gippsland Catchment Management Authority (WGCMA) who are the Floodplain Management Authority.
- 3 The Amendment, in the Day 1 version, implements eight (8) flood studies into the Latrobe Planning Scheme by amending, deleting, or inserting the Land Subject to Inundation Overlay (LSIO) or Floodway Overlay (FO). It makes consequential changes to the Strategic Framework Plan in Clause 02.04 and the Glengarry Town Structure Plan in Clause 11.01-1L of the Latrobe Planning Scheme to reflect the proposed extent of the flood overlays.
- 4 The Amendment covers the Latrobe River, Tyers River, Rintouls Creek, Eaglehawk Creek and surrounds, Traralgon Creek and the Morwell North West Development Plan area. The proposed changes are shown in Figure 1.
- 5 A post-exhibition change to the Amendment proposes to include a minor technical correction to the Schedule of Clause 44.04 (Land Subject to Inundation Overlay) to ensure the Application Requirements references the correct parent clause.
- 6 On Monday 24 June 2024, Latrobe City Council circulated its Part A submission to the Amendment in accordance with the Panel's Directions. Part A contained:
  - Physical Context
  - Background to the Amendment including chronology of events leading to the preparation of the Amendment;
  - The Amendment and authorisation letter;
  - Strategic Context and Assessment; and
  - Identification of issues raised in submissions and any Planning Scheme Amendment changes and Council's response;
- 7 This submission is Councils 'Part B' Submission to Amendment C131. This submission seeks to address the issues raised in Direction 17 of the Panel's Directions including:
  - An expanded response to issues raised in submissions; and
  - Latrobe City Councils position on the Amendment.

- 8 This submission is primarily based on the 'Day 1 version' of the Amendment C131 as detailed in Part A of Council's submissions.
- 9 This submission includes a set of Attachments that support Council's position.
- 10 At the end of the hearing (scheduled for Tuesday 9 July 2024) Council will present closing submissions. This will address:
  - Council's response to any questions raised by the Panel throughout the hearing;
  - Council's response to any matters raised by submitters which require a response; and
  - Council's final position on Amendment C131 ahead of receiving the recommendations of the Panel.
- 11 Latrobe City Council welcome the assessment and recommendations of the Planning Panel.

Figure 1: Study Area



## **2. KEY THEMES RAISED BY SUBMISSIONS**

- 12 The key issues raised in the submissions are as follows:
- Support for the Amendment;
  - Concerns that the Overlay relates to stormwater flooding not riverine flooding;
  - Concerns that existing drainage infrastructure is insufficient and requests to upgrades or maintenance of infrastructure to withstand 1% Annual Exceedance Probability (AEP) flood events;
  - Impacts on future development;
  - New development is creating the flood impacts;
  - Local topography would not allow flooding on property;
  - Requests to remove the LSIO or FO from properties that are currently affected by Flood Overlays;
  - Requests to review flood modelling to consider recent development;
  - Previous flooding has not occurred on their property;
  - Overlays should be reduced on property;
  - Belief that the Overlay on property should not be included as the background document was not included in the Peer Review; and
  - Effects on property values, rates, and insurance premiums.
- 13 The response to submissions and these key themes raised will be discussed in further detail in section 3.

### 3. SUBMISSIONS RECEIVED TO AMENDMENT C131

#### 3.1. Summary of Exhibition

- 14 In accordance with Section 19 of the *Planning and Environment Act 1987*, the Amendment was first exhibited from 3 February 2022 to 7 March 2022.
- 15 During this time, Council received 67 written submissions (including 6 late submissions), which comprised of six submissions of support, and 61 submissions objecting. 21 submissions were withdrawn prior to Re-exhibition of the Amendment. The six (6) late submissions are no longer considered late submissions owing to the Re-exhibition of the Amendment.
- 16 At the 5 February 2024 Council Meeting, Council resolved to re-exhibit the Amendment.
- 17 Amendment C131 was placed on Re-Exhibition from 29 February 2024 to 5 April 2024.
- 18 During the re-exhibition of the Amendment, a further 12 submissions were received. This included four (4) supporting the Amendment, and eight (8) objecting. Three (3) of the objecting submissions have been withdrawn resulting in five (5) outstanding submissions. Of those, four (4) are considered to be resolved.
- 19 A total of 79 submissions have been received across both exhibition periods in relation the Amendment, which includes:
- 32 submissions have been withdrawn in writing, with a further four (4) verbally withdrawing.
  - 10 are supporting, and
  - 33 remain outstanding. 13 of the outstanding submissions are considered resolved by Council Officers with the proposed changes to the Amendment in response to submissions.
- 20 Refer to Council's Part A submission for further details in relation to the exhibition process.



### **3.2. Council's Response to Submissions**

- 21 Council's response to submission is documented in Attachment 5 to Council's Part A submission previously circulated to all parties.
- 22 This section of Council's submission provides an expanded response to key themes raised by submissions and responds to Direction 17(a) set by the Planning Panel.
- 23 For the purpose of clarity, and to reduce duplication this report covers Council's response under the following headings:
- Support for the Amendment;
  - Issues raised in First Exhibition that have since been resolved due to Re-Exhibition of the Amendment, including:
    - Stormwater flooding; and
    - Transparency and lack of documentation;
  - Glengarry flood modelling;
  - No history or living memory of flooding;
  - Drainage Infrastructure;
  - Flood mitigation;
  - Flood modelling accuracy;
  - Local topography would not allow flooding on property;
  - Effects on property values, and rates;
  - Effects on insurance premiums;
  - Site specific issues; and
  - Other issues raised.

**3.2.1. Support for the Amendment**

<b><i>Theme 1: General support to implementation of the flood studies and associated Planning Scheme changes.</i></b>	
<b>Place:</b> Municipal wide	<b>Submission(s)</b>  1, 2, 14, 17, 49, 66, 68, 70, 75, 78
<b>Council response:</b> No change required.	

**24. Planning Comment**

25. Comments of support are noted.

**3.2.2. Issues raised in First Exhibition that have since been resolved due to Re-Exhibition of the Amendment**

**Stormwater flooding in Traralgon**

<b><i>Theme 2: Inappropriate use of the Land Subject to Inundation Overlay to map stormwater flooding.</i></b>	
<p><b>Place:</b> Traralgon</p> <p><b>Affected LSIO-FO Maps:</b> 49, 50, 51, 55, 56, 57, 61, 62, and 63</p>	<p><b>Submission(s)</b></p> <p>5, 19, 30, 31, 34, 36, 39, 45, 46, and 60</p> <p><b>Withdrawn</b></p> <p>19, 30, 31, 34, 36, 45, 46, 60</p>
<p><b>Council response:</b> Due to further work currently being undertaken by Council on an Urban Flood Study, maps were updated prior to Re-Exhibition of the Amendment to remove pockets of stormwater. Any further consideration of stormwater flooding may form part of further strategic work.</p>	

26. Ten (10) Submissions objected to the Amendment in relation to stormwater flooding being included in the scope of the Amendment and applying to their properties when they were not within the floodplain for the Traralgon Creek.
27. Whether the LSIO was an appropriate tool to map stormwater flooding and overland flows was raised by Submitter 5 as well.
28. In response to the submissions, the following information is provided:
29. Flood studies use the Australian Rainfall and Runoff (ARR) guidelines to model flood events which is the industry standard and industry best practice. The flood model is usually tested against known flooding events if this information is available. When it can accurately predict the same event based on the same conditions, then the model for riverine flooding is considered accurate. The drainage network is included in the model to look at temporary flood storage before it affects properties as outlined in the ARR guidelines.

30. Furthermore, the flood mapping extents are an output of the flood model, and the extents of the hydraulic mapping are set at the initial creation of the model. The boundary between riverine and stormwater flooding is not known until the model outputs are completed. Consequently, interface areas are often included and later filtered, as has now occurred, to refine the results to the focus of the study – which in this case is riverine flooding.
31. A Peer Review of the flood studies included in the Amendment was commissioned by Latrobe City Council to consider issues raised in the submissions. The scope for the Peer Review included whether the LSIO or the Special Building Overlay should be used to map Stormwater flooding.
32. However, due to Council receiving funding to undertake an Urban Flood Study for Moe-Newborough, Morwell, and Traralgon (see Section 6.7 of the Part A Submission for more detail), all pockets of stormwater flooding including around Gwalia Street were removed from Amendment.
33. West Gippsland Catchment Management Authority provided updated maps that removed the proposed LSIO where areas were delineated by two criteria:
  - Whether the flooding was connected to the riverine extent.
  - Whether the flooding at the area of question had a higher flood level than the adjacent riverine.
34. This did not include the Gwalia Street pocket of flooding as it was sited lower than the riverine flooding. WGCMA have also stated that “*once the Traralgon creek starts to get to its peak the flooding on Gwalia Street will largely be from the footpath/levy connecting Peterkin Street to the railway being overtopped in a 1% AEP flood event.*”

35. Council officers made the decision to exclude the area of flooding in Gwalia Street as it was not identified in the recommended extent of the overlays in the *Traralgon Flood Study 2016* and there was no further documentation on the flood levy overflowing was provided, the area removed is shown in Figure 2.

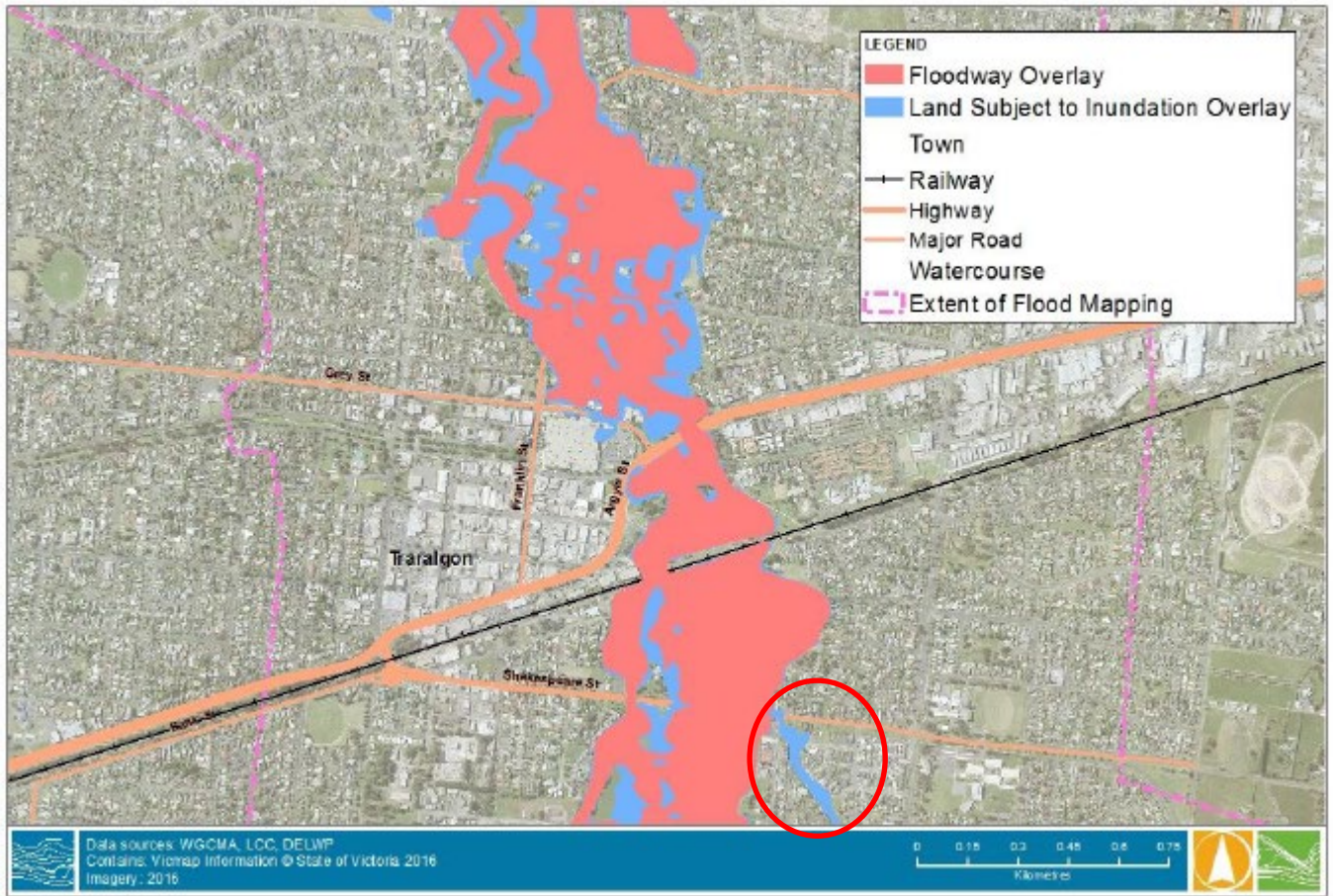
Figure 2: Area of proposed flooding removed from Gwalia Street



36. The mapping that was re-exhibited between 29 February 2024 and 5 April 2024 was consistent with the recommendations of the *Traralgon Flood Study 2016* as shown in Figure 3 except for the overland flow path starting from Shakespeare Street.

37. The overland flow path was removed as it was determined to be from stormwater flooding based on WGCMA’s criteria identified earlier (point 33).

*Figure 3: Draft extent of LSIO and FO from Traralgon Flood Study 2016*



38. **Planning Comment**

39. As the Amendment was re-exhibited without the pockets of stormwater, this issue is considered resolved.
40. Council has proposed no further changes in response to the submissions received based on this theme.

**Lack of transparency and lack of relevant documentation**

<p><b><i>Theme 3: Lack of transparency with the flood modelling and unavailability of documentation to inform the flood overlays.</i></b></p>	
<p><b>Place:</b> Traralgon, Moe South, and Glengarry</p>	<p><b>Submission(s)</b></p> <p>4, 5, 19, 24, and 31</p> <p><b>Withdrawn</b></p> <p>4, 24*, 31</p> <p>*Verbally withdrawn only</p>
<p><b>Council response:</b> The Amendment was re-exhibited with nine flood studies including all reports for that flood study were exhibited. Where a final version of a flood study could not be provided, the area was removed from the Amendment. The ninth study <i>Monash Way, Churchill Scoping Study 2011</i> is proposed to be removed in response to submissions as a post-exhibition change due to a technical error (discussed further in Section 3.2.11.)</p>	

41. Five (5) submitters raised the lack of background documentation justifying why the overlays should be applied in their respective areas as a reason to object to the Amendment.
42. Submitter 4 raised that the information provided showed no impact on their property and that no physical evidence had been provided to justify the proposed decision.
43. Submitter 5 raised issues with the lack of the peer review of the *Traralgon Flood Study 2016* which the submitter suggested showed a lack of transparency and due diligence and that appropriate consultation was not carried out with community members during the preparation of the flood study.
44. Consultation activities during the preparation of the flood studies is discussed in section 4.2 of the Part A submission.
45. Submitter 19 objected on the basis that additional evidence to support the application of the overlays has not been provided.

46. Submitter 24 and 31 raised that the information was not available to be able to appropriately research and understand the proposed application of the Overlays.
47. WGCMA considered submitter 5, 19 and 31's properties and subsequently removed the proposed Overlays from their properties prior to the Peer Review. WGCMA reviewed the modelling techniques used and had some concern with how the stormwater inflow hydrograph was applied to the hydraulic model. The WGCMA were not satisfied that the method used was sufficiently detailed as the large catchment flow was applied to a single point rather than being applied across the hydraulic model as smaller dispersed points as would occur in reality. This lowered the level of confidence in this mapping and as such the decision was made to remove the proposed LSIO from this area.
48. Submitters 19 and 31 then withdrew their submissions.
49. In response to submissions, a Peer Review was commissioned by Latrobe City Council to:
  - Identify the FO and LSIO updates and the flood modelling work undertaken that underpins the updates;
  - Review of the suitability of the modelling work for planning scheme amendments;
  - Review the overlay mapping to determine if it provides a good representation of the flood modelling outputs and floodplain topography;
  - Review how climate change considerations have been addressed;
  - Review the other related planning scheme amendments and development plans to determine if they impact on overlays; and
  - Review the submissions and subsequent amendments following the exhibition of Amendment C131.
50. The Peer Review recommended that eight flood studies, including two that were in a draft format (Upper Traralgon Creek and Glengarry/Eaglehawk Creek), proceed to Re-Exhibition of the Amendment.
51. *Monash Way, Churchill Scoping Study 2011* was provided to Council at a later date and was not peer reviewed.
52. The status of the documents that informed the first Exhibition of the Amendment is seen in **Attachment 1** – Peer Review on pages 15-17.



53. It recommended that Floodplain mapping for Unnamed Reach South-East of Contour Drain and the Floodplain mapping for Unnamed Reach South of Contour Drain be removed from the Amendment which removed the proposed overlays from submitter 4's property.
54. Submitter 4 subsequently withdrew their submission.
55. In response to Submitter 5's concerns around the lack of a peer review, as noted in the Peer Review (p.16) *"there is no formal requirement or industry standard for flood studies to be independently peer reviewed and the decision to have a flood study peer reviewed is made on a study-by-study basis, generally based on the complexity of the study."*
56. However, it is noted that the *Traralgon Flood Study 2016* was peer reviewed by the Department of Environment, Land, Water and Planning's Flood Study Review Panel.
57. **Planning Comment**
58. Planning acknowledges the confusion that was caused by not having all the background documents available during the first Exhibition and has updated internal processes to ensure that such an oversight does not occur in the future.
59. As the documents were made available to the public during the Re-Exhibition of the Amendment and areas that did not have supporting documentation were removed, Council officers believe that concerns around transparency, and the lack of available documentation have been resolved.

**3.2.3. Floodplain mapping in Glengarry**

<i>Theme 4: Floodplain mapping in Glengarry</i>	
<p><b>Place:</b> Glengarry</p> <p><b>Affected LSIO-FO Maps:</b> 15, 16, 17, 18, 19.</p>	<p><b>Submission(s)</b></p> <p>3, 6, 8, 9, 10, 11, 15, 16, 18, 21, 22, 23, 24, 25, 26, 29, 33, 35, part 41, 44, 56, 58, 61, 62, 65, 68, 69</p> <p><b>Withdrawn</b></p> <p>9, 10, 15, 18*, 23, 24*, 25, 26*, 35, 44, 56, 61, 65</p> <p>*Verbal withdrawal only</p> <p><b>Support</b></p> <p>68</p>
<p><b>Council response:</b> LSIO-FO Maps 15, 16, 17, 18, 19, 20 are proposed to be updated to reflect further modelling that was undertaken by WGCMA. No changes are proposed on submitter 3, 6, 21, 22, 41 and 62 properties. Overlays are proposed to be partially removed from submitter 11 and 21’s properties.</p>	

60. Twenty-seven (27) submitters objected to the overlays being applied to their properties in Glengarry, the main reasons included:

- Lack of adequate drainage infrastructure or lack of maintenance on drainage infrastructure;
- No living memory of a flood in the area;
- Increase in insurance premiums;
- Decrease in house values and/or increase in rates;
- Impeding development potential; and
- Flood modelling being inaccurate.

61. These individual themes will be addressed in the sections below from section 3.2.4 onwards.

### **Drainage Infrastructure in Glengarry**

62. Submitters raised drainage infrastructure as the cause of the flooding either due to capacity or lack of maintenance.

63. Council acknowledges that Glengarry has been subject to several flash flooding events, particularly in 2021. Due to the number of unprecedented events, Council has undertaken several actions to improve drainage in Glengarry as well as mitigate future flood events, these include:

- The cleaning out of blocked drains between Rhodes Court and Hambrook Lane;
- The ongoing works to realign culverts along Kyne Street; and
- Glengarry Flood Mitigation – Stage 1 investigations (see Section 6.7 in Councils Part A Submission for more details).

64. Due to the large volume of submissions, a Peer Review was undertaken which included looking at whether the LSIO was being inappropriately applied to areas of mapped stormwater flooding. Importantly, it reviewed whether it was consistent with the ARR Guidelines, it did not do an in-depth review of the modelling itself.

65. The Peer Review found that:

*Other urban areas [aside from Traralgon] included in the overlays are from flood studies representing flooding originating from rivers, creeks, small watercourses, and other overland flow paths as opposed to the capacity of underground (pipe and pit) drainage systems being exceeded resulting in overland flow. As an example, while it is possible that undersized or blocked bridges, culverts and other drainage structures are contributing to the inundation in Glengarry, the flood model does not apply flow to the urban drainage network, rather all flow is applied to the watercourses and floodplain upstream of the township. Therefore, while the mapped LSIO extends into the developed area the mechanism of this inundation is consistent with LSIO. (Page 17)*

66. As such, no changes were proposed to the Glengarry maps prior to Re-Exhibition.

## **Flood Modelling Accuracy**

67. Most of the submissions of the 27 submissions relating to Glengarry were received during the first Exhibition period. Nine of those submissions raised whether the flood modelling was accurate.
68. In response to the submissions received, WGCMA undertook a detailed review of the Eaglehawk Creek/Glengarry Flood Model and found that there was an issue with how the internal rainfall flows had been modelled in the hydraulic model.
69. The rainfall needed to be better distributed, either by dividing the sub-catchment further, each with their own application area or using rain on grid to apply the rainfall evenly across the entire model boundary. The Rain on Grid method was used to better distribute the rainfall.
70. The amended results were determined to be a more accurate representation of flood behaviour and the overlay mapping was amended to reflect the revised modelling results.
71. Further information on the update to the Floodplain Mapping for Glengarry/Eaglehawk Creek can be found in Attachment 9 of Councils Part A Submission.

## **Comments on Individual Properties**

72. **57-59B & 61B Kyne Street, Glengarry**
73. Submitters objected on the basis that their properties had been developed after the flood study was undertaken.
74. The *Floodplain Mapping at Glengarry/Eaglehawk Creek* uses aerial photography from 2014 and the elevation data across the three datasets ranges from 2006 to 2011.
75. In response to submission, it was found that development had occurred after the initial flood modelling was undertaken and the development had raised areas of the two properties, as such, the proposed overlays were readjusted. This adjustment occurred prior to the Re-Exhibition of the Amendment. The submissions relating to these properties were subsequently withdrawn. The difference between the first exhibition and the Day 1 version is shown in Figure 4 and Figure 5.

Figure 4: First Exhibition of Proposed LSIO with Aerial dated 13 March 2014.

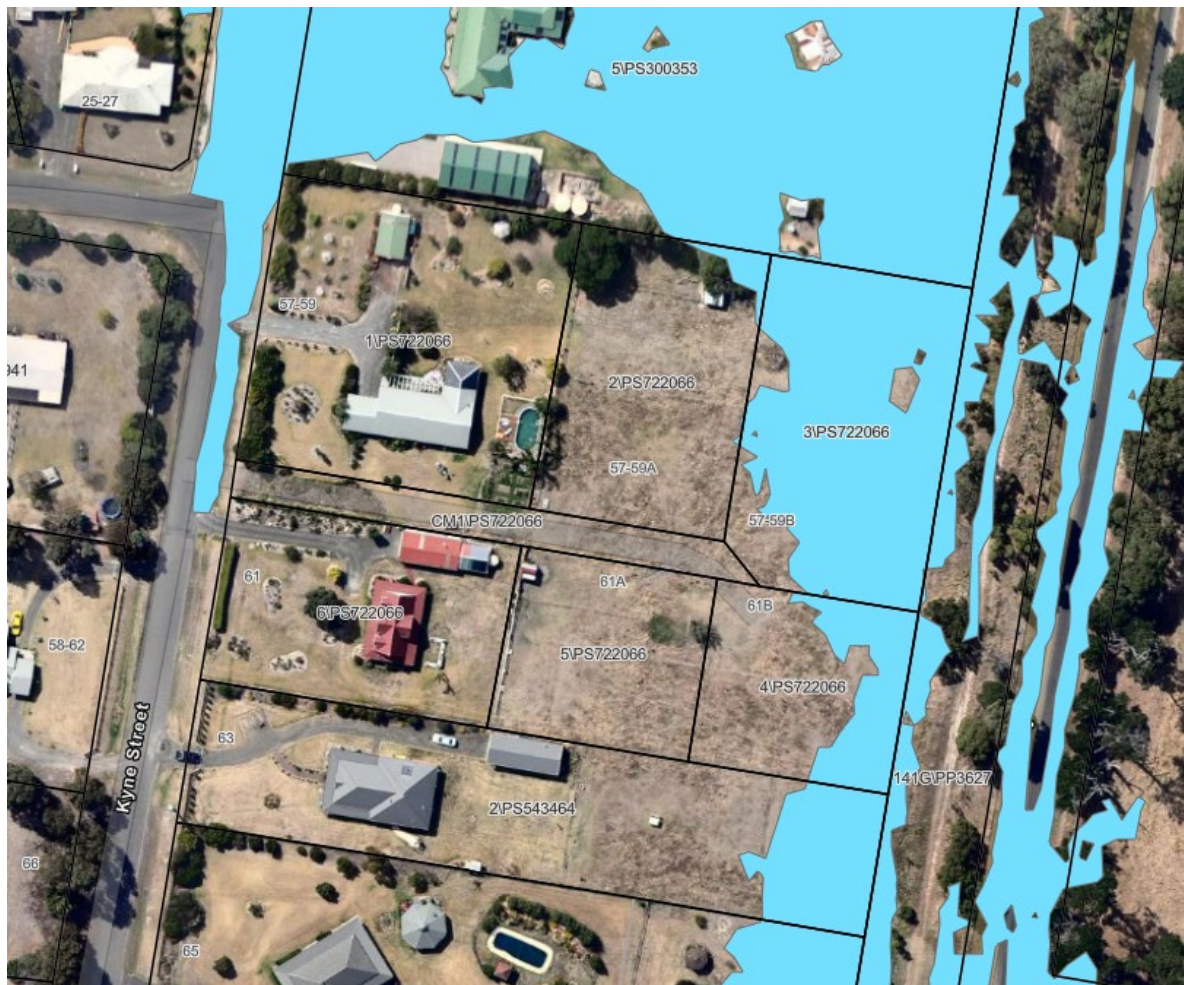
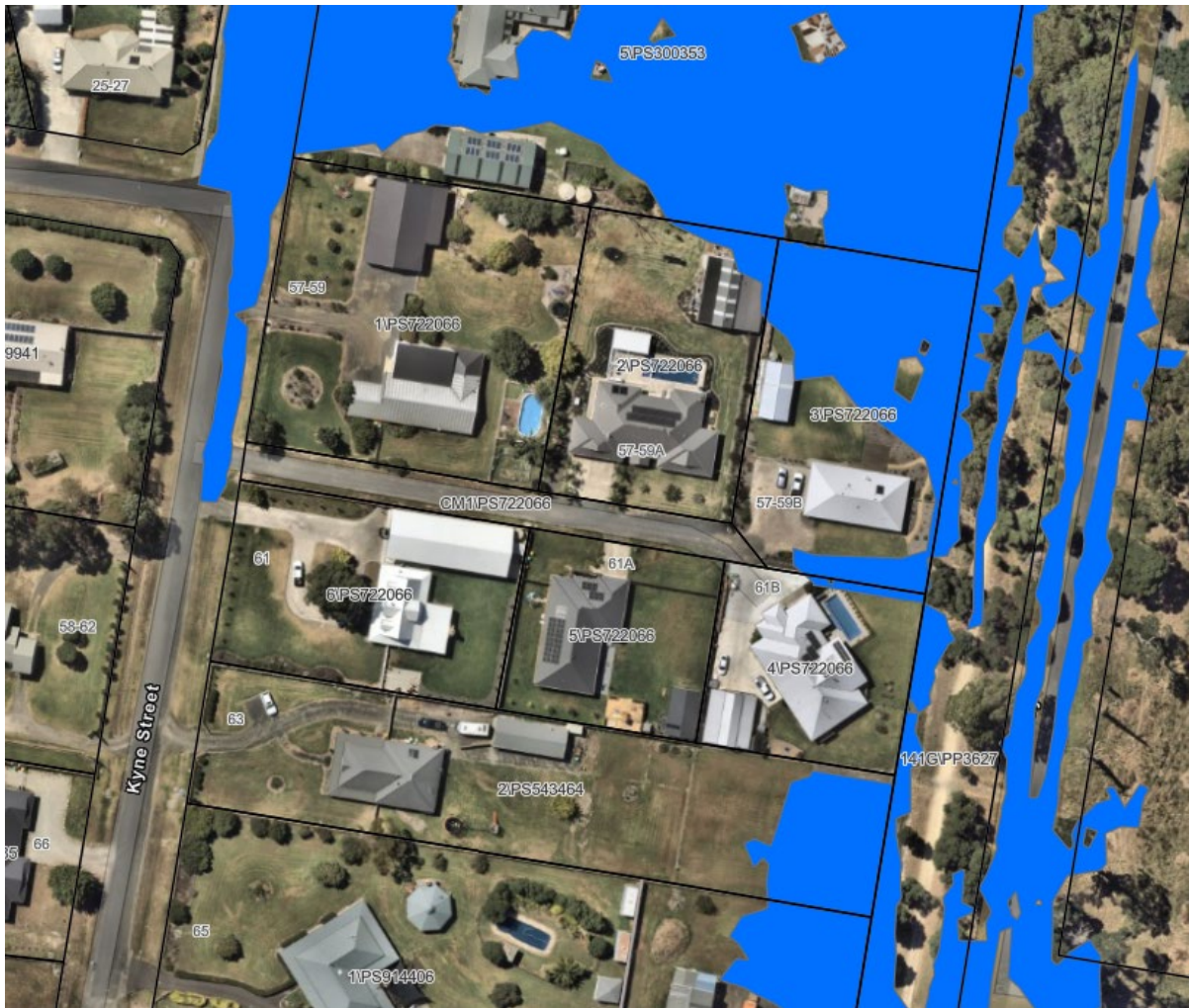


Figure 5: Day 1 version of Proposed LSIO with Aerial dated 24 February 2024.



**76. Planning Comment**

77. The flood overlays are proposed to be amended as per the Day 1 version of Maps 15LSIO-FO, 16LSIO-FO, 17LSIO-FO, 18LSIO-FO, and 19LSIO-FO.
78. This has resulted in a large number of properties down Carey Drive, Moorhouse Close, King Road, and Hambrook Lane having the overlay removed. Only minor changes occurred on the western side of Glengarry. As such, no changes are proposed on submitter 3, 6, 21, 22, 41 and 62's properties. Overlays are proposed to be partially removed from submitter 11 and 21's properties.

**3.2.4. No history of flooding**

<p><b><i>Theme 5: There has been no flooding on the property in the time that the submitter has lived at the property or in the area.</i></b></p>	
<p><b>Place:</b> Glengarry, Traralgon, and Moe</p>	<p><b>Submission(s)</b></p> <p>5, 7, 8, 9, 10, 11, 15, 19, 21, 23, 25, 26, 30, 31, 32, 39, 42, 43, 45, 46, 50, 51, 55, 62, 69, 71</p> <p><b>Withdrawn</b></p> <p>7*, 9, 10, 15, 19, 23, 25, 26*, 30, 31, 42, 45, 46, 51</p> <p>*Verbal withdrawal only</p>
<p><b>Council response:</b> No changes are proposed based on this theme.</p>	

- 79. Twenty-six (26) submitters requested that the proposed overlay be removed as there was no living memory of flooding in the area.
- 80. Submitters 5, 7, 19, 30, 31, 32, 39, 45, 46, 50, and 51 requests relate to stormwater flooding in Traralgon which was discussed in Section 3.2.2.
- 81. Submitters 43 and 55 refer to the application of flood overlays applied through Amendment C9 in Moe which will be discussed further in Section 3.2.12.
- 82. While residents are correct that a flood of the 1% Annual Exceedance Probability has not occurred in the Glengarry, Moe and the Traralgon area, the *Planning and Environment Act 1987 Section 6(2)(e)* enables planning schemes to ‘*regulate or prohibit any use or development in hazardous areas, or in areas which are likely to become hazardous.*’
- 83. In addition, *Building Regulations 2018* Regulation 148 requires Councils to “*prepare maps for all designated special areas within its municipal district*” which includes areas liable to flooding. As discussed in Section 6 of Councils Part A Submission, the *Water Act 1989* requires the Floodplain Authority when making a declaration of a flood prone area it be to the “*probability of occurrence of 1 per cent in any one year.*”

84. Planning Scheme Overlays are the best available tool to share those maps with the public. The *Guidelines for Development in Flood Affected Areas, 2019* published by the Department of Environment, Land, Water and Planning (DELWP) says:

*Land that is affected by flooding should be identified by a flood overlay, unless it is zoned for flood purposes. This makes the flood risk clear to all and provides the necessary trigger for development proposals to be referred to a floodplain management authority. It also enables future purchasers of land to be informed of the flood risk through vendor disclosure statement.*

85. Other legislative requirements are further discussed in Latrobe City Council's Part A Submission.

86. It is also noted that the 2021 flood in Traralgon was approximately a 1:75-year flood event.

87. The application of flood overlays and subsequent updates to the Strategic Framework Plan and Glengarry Town Structure Plan is consistent with Clause 13.03-1S Flood Plain Management which has the objective to “*to assist the protection of life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows*” by using the following strategies:

- Identify land affected by flooding, including land inundated by the 1 in 100-year flood event (1 per cent Annual Exceedance Probability) or as determined by the floodplain management authority in planning schemes.
- Avoid intensifying the impact of flooding through inappropriately located use and development.
- Plan for the cumulative impacts of use and development on flood behaviour.

88. **Planning Comment**

89. The application of the proposed flood overlays is underpinned by the flood studies rather than anecdotal evidence, as such no changes are proposed to the Amendment based on this theme in submissions.



**3.2.5. Need for improved drainage infrastructure**

<b>Theme 6: There is a need for improved drainage infrastructure to mitigate flooding.</b>	
<b>Place:</b> Traralgon and Glengarry	<p><b>Submission(s)</b></p> <p>3, 4, 5, 6, 7, 8, 9, 10, 11, 16, 18, 20, 21, 22, 25, 26, 30, 31, 33, 34, 36, 37, 39, 40, 53, 56, 57, 58, 59, 61, 62, 65, and 69</p> <p><b>Withdrawn</b></p> <p>4, 7*, 9, 10, 18*, 25, 26*, 30, 31, 34, 36, 53, 56, 61, and 65.</p> <p>*Verbal withdrawal only</p>
<b>Council response:</b> Drainage infrastructure provision, maintenance or upgrades are outside the scope of the Amendment and as such, no changes are proposed to the Amendment.	

90. Thirty-three (33) submitters raised that several issues around drainage infrastructure including that:
- A lack of maintenance is causing the flooding;
  - Drainage infrastructure should be upgraded to convey all the 1% AEP flood event; and
  - New developments are causing the flooding due to inadequate drainage infrastructure.
91. Latrobe City Council acknowledges that improvements can be made to the stormwater and drainage infrastructure in older urban flood prone areas. However, this is beyond the scope of the Amendment which is implementing only one aspect being the land use planning aspect of the flood studies.
92. Having said that, stormwater systems are only built to cater to a 20% AEP or 1 in 5-year stormwater flood event. The corresponding road network and controlled overland flow paths convey the rest of the 1% AEP stormwater flooding event.

93. Amendment VC42 introduced Standard C25 under Clause 56.07-4 (Stormwater Management Objectives) on 9 October 2006 which requires that *‘for storm events greater than 20% AEP and up to and including 1% AEP standard provision must be made for the safe and effective passage of stormwater flows.’* As such, any new development approved after 2006 should have considered safe overland flow paths.
94. In addition, Standard C25 ensures that the stormwater system is *“designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.”* As such, new development should not be contributing to increased flows downstream.
95. Council has undertaken a number of works in Glengarry as discussed in Section 3.2.3 of this submission and are currently undertaking an Urban Flood Study in Moe, Morwell and Traralgon which is related to stormwater flooding and discussed in detail in Section 6.7 of the Part A Submission. It is anticipated that the Urban Flood Study will identify an action plan for upgrades to stormwater infrastructure where required.
96. Land use planning is a cost-effective way to reduce future impacts of flooding particularly by ensuring floor levels of new or replacement dwellings are above the flood level. By requiring a planning permit, it also allows some consideration of flood issues prior to approving significant buildings and works (such as dwellings). As stated in the *Victorian Flood Plain Management Strategy 2016* at p.14:
- There is an ongoing role for structural measures, such as levees, retarding basins, culverts and floodways, and the flood-proofing of existing houses. There is a bigger role however for non-structural measures such as land use planning (zones, overlays, freeboard requirements, setbacks), flood insurance, flood warning systems, flood education and flood awareness initiatives.*
97. **Planning Comment**
98. No changes are proposed as a result of this theme.

**3.2.6. Flood Mitigation**

<b><i>Theme 7: More should be done to mitigate the floods through maintenance of waterways and additional levees or retarding basins.</i></b>	
<b>Place:</b> Traralgon, Glengarry, and Leroy	<p><b>Submission(s)</b></p> <p>5, 34, 37, 52, 54, 59, 65</p> <p><b>Withdrawn</b></p> <p>34, 52 and 65</p>
<b>Council response:</b> No changes are proposed.	

99. Seven (7) submitters raised issues with the lack of flood mitigation works which included, issues and questions raised included:

- What has been done to mitigate the floods?
- Has Council considered a catchment basin for storm surges?
- Why are there no meaningful added flood protections only personal liabilities?
- Instead of Overlays, Council should prepare a full flood plan including mitigation options.
- Waterways should be maintained in a clear, unobstructed condition.

100. On ground flood mitigation measures are outside the scope of this amendment.

101. Discussion on projects to mitigate flood risks can be found in Section 6.7 of Councils Part A Submission.

102. **Planning Comment**

103. No changes are proposed as a result of this theme.

**3.2.7. Challenges to the validity of the flood modelling**

<b>Theme 8: The flood modelling used is incorrect or out of date</b>	
<b>Place:</b> Municipal wide	<p><b>Submission(s)</b></p> <p>4, 5, 11, 19, 20, 22, 31, 33, 37, 43, 56, 60, 71, 73</p> <p><b>Withdrawn</b></p> <p>4, 19, 31, 56, 60</p>
<p><b>Council response:</b> The flood studies are based on the methodology outlined in Australian Rainfall and Runoff Guidelines (1987 or 2019) which is the industry standard and are considered the best available information.</p>	

104. Fourteen (14) submissions objected on the basis that the flood modelling was flawed due to:

- The methodology used was not based on real life events, it was only a computer model;
- The modelling had too narrow a scope; and/or
- The age of the documents means the information is out of date.

105. It is noted that Submissions 5, 19, 31, 60 refer to the methodology used to calculate the proposed extent of 1%AEP flood event for stormwater flooding in Traralgon. This has been discussed in section 3.2.2. Submitter 43 refers to issues that are discussed further in section 3.2.12 of this submission.

**106. Flood Modelling Methodology**

107. The ‘design flood event’ for land use planning and building purposes is the 100-year ARI or 1% AEP flood event, which occurs on average once every 100 years and has 1% chance of occurring in any given year. Flood modelling is used to estimate the extent of such a flood.

108. In response to submissions, a Peer Review was commissioned by Latrobe City Council (refer to Attachment 1).

109. The flood study review results can be found below in Table 1.

*Table 1: Flood Study Review Summary*

<b>Study</b>	<b>ARR Revision</b>	<b>Calibration/Validation Methodology</b>	<b>Peer Reviewed</b>
Latrobe Flood Study 2015	1987	Hydrology calibrated to historic events for each catchment and hydraulic model calibrated to gauged levels, flood marks and flood extents for 1978 and 1993 events.  Design event flows validated to Flood Frequency Analysis.	Yes
Floodplain mapping for Rintouls Creek 2015	1987	Hydrology validated to Rational Method and regional Kc routing parameter equations.	No
Floodplain mapping for Tyers River 2015	1987	Believed hydrology calibrated to 2005 flood event at the Morgans Hill and Browns stream gauges with standard loss parameters adopted and critical event selection via comparison to Flood Frequency Analysis results at Browns stream gauge.	Yes
Traralgon Flood Study 2016	1987	Calibrated to 1993, 2012 and 2013 events with hydrology calibrated to the Koornalla, Traralgon South and Traralgon stream gauges and hydraulics to Traralgon stream gauge, flood marks and event photography. Design event parameters validated to Flood Frequency Analysis at Traralgon stream gauge.	Yes
Morwell North-West DCP Drainage Report 2016	1987	Hydrology validated to rational method.	No

Morwell North-West DCP Drainage - WR04 2017	1987	Hydrology validated to rational method.	No
Floodplain mapping for Upper Traralgon Creek 2023	2019	Hydrology calibrated to the June 2012 event at the Koornalla gauge and WaterTech (2012) hydrograph at outlet. Losses validated using Monte Carlo simulation to Flood Frequency Analysis at Koornalla gauge.	Yes
Floodplain mapping for Glengarry/Eaglehawk Creek 2023	2019	Hydrology validated to Pearse et al. regional Kc routing parameter adopted based on Stephens (2019) with Regional Losses without Preburst. Design events defined using Monte Carlo simulation.	Yes

110. ARR is a national guideline document, data and software suite that can be used for the estimation of design flood characteristics in Australia. In 2019 these guidelines were updated from the previous revision which occurred in 1987.

111. The calibration and validation method adopted for each flood study is summarised in Table 1. The Peer Review found that:

*There is no industry standard for the calibration and validation methodology required for flood studies and the methodology adopted is made on study-by-study basis based on the characteristics of the study catchment, the available stream and rainfall data available and the objectives of the flood study. For Amendment C131, the flood studies undertaken on the larger river/creek systems such as the Latrobe River and Traralgon Creek were calibrated to historic flood events and validated to at-Site Flood Frequency Analysis (FFAs) as appropriate. On the smaller waterways the flood models were validated to regional parameters or peak flow estimation techniques. This is considered industry best practice. The Floodplain mapping for Rintouls Creek, Morwell North-West DCP Drainage Report and Morwell North- West DCP Drainage - WR04 were validated to the Rational Method which is no longer recommended in ARR 2019. However...it is recommended that flood studies completed in accordance with ARR 1987 be used for Amendment C131.*

**112. Age of the Documents**

113. Several submissions raised the age of the documents as an issue and whether the LIDAR Data or ground levels were still valid.

114. In response to submissions, the Peer review found:

*During the period between 1987 and 2019 industry practice, data and flood modelling software used in flood studies evolved. The methodologies and flood modelling software adopted in the Amendment C131 flood studies which were all completed from 2015 onwards are completed mostly in line with ARR 2019 except for the design rainfall inputs based on 1987 Intensity-Frequency-Design (IFDs) and 1987 temporal patterns.*

*For the flood studies that were validated to at-Site Flood Frequency Analysis (FFA) or regional flow estimate estimation techniques other than the Rational Method, the adoption of 1987 design rainfall inputs will not significantly influence the estimation of the 1% AEP event and represent the best available information. To update these flood studies would come at a significant cost, result in years of delay and unlikely to result in significant changes to the overlay extents.*

115. Clause 13.01-1S states that to achieve the objective of “*minimise[ing] the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning*” planning should, “*identify at risk areas using the best available data and climate change science.*”

116. In addition, Wangaratta Planning Scheme Amendment C81 Panel Report found that:

*[A] Flood Study is a suitable basis for the flood mapping in the Amendment. It represents the best available information, even though it does not address all recently published standards. It provides a sufficient basis to trigger a statutory planning decision.*

**117. Planning Comment**

118. The eight flood studies that are proposed to be used as the technical basis for the application of the proposed flood overlays are considered to be the best available information.

**3.2.8. Land not considered flood prone due to topography**

<b><i>Theme 9: Issues raised with the topography of the land being incorrect, usually due to recent development occurring.</i></b>	
<p><b>Place:</b> Traralgon, Glengarry</p> <p><b>Affected LSIO-FO Maps:</b> 16*, 18, 19, 48, 49, 50, 71, 76.</p> <p>*No changes proposed to Map 16</p>	<p><b>Submission(s)</b></p> <p>10, 26, 29, 38, 47, 48, 53, 61, 62, 64, 71, 72, 73, 74, 76</p> <p><b>Withdrawn</b></p> <p>10, 26*, 38, 47, 48, 53, 61, 64, 72, 74, 76</p> <p>*Verbally withdrawn only</p>
<p><b>Council response:</b> Recent development has been reviewed by WGCMA, and where appropriate, changes to the mapping have been made. Council considers submission 29, 71, and 73 to be resolved. Submission 62 remains outstanding, as such no changes are proposed to Map 16LSIO-FO as a result of this theme.</p>	

- 119. Fifteen (15) submissions have raised topography as reason for the overlay to be removed from the properties due to recent development occurring.
- 120. Submissions relating to Glengarry are discussed in section 3.2.3.
- 121. While submission 53 discussed topography, the proposed overlays in relation to the submission were adjusted based on the recommendations from the Peer Review to adjust the overlays in Morwell North West on the developed conditions, due to the construction of the drainage infrastructure identified to commence in the near future.

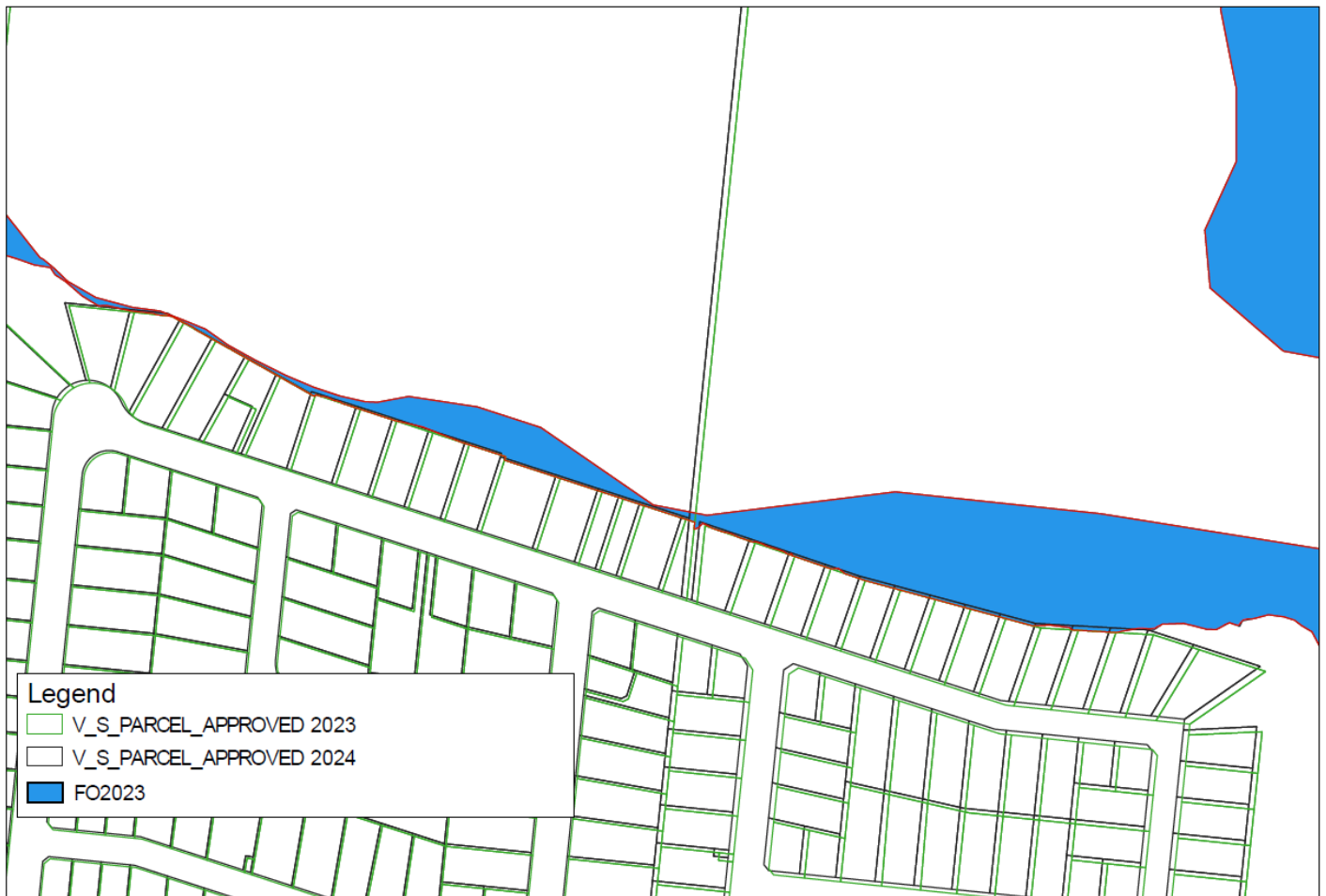
**Retaining Wall in Traralgon**

- 122. Several submitters (38, 47 and 64) did not want the proposed flood overlays on their properties as the northern portion of the land was filled to ensure it was above the 1%AEP flood level and a 400mm high retaining wall was constructed along the northern boundaries of the properties along Riverslea Boulevard, Independent Way, Graduate Place and Earl Court.



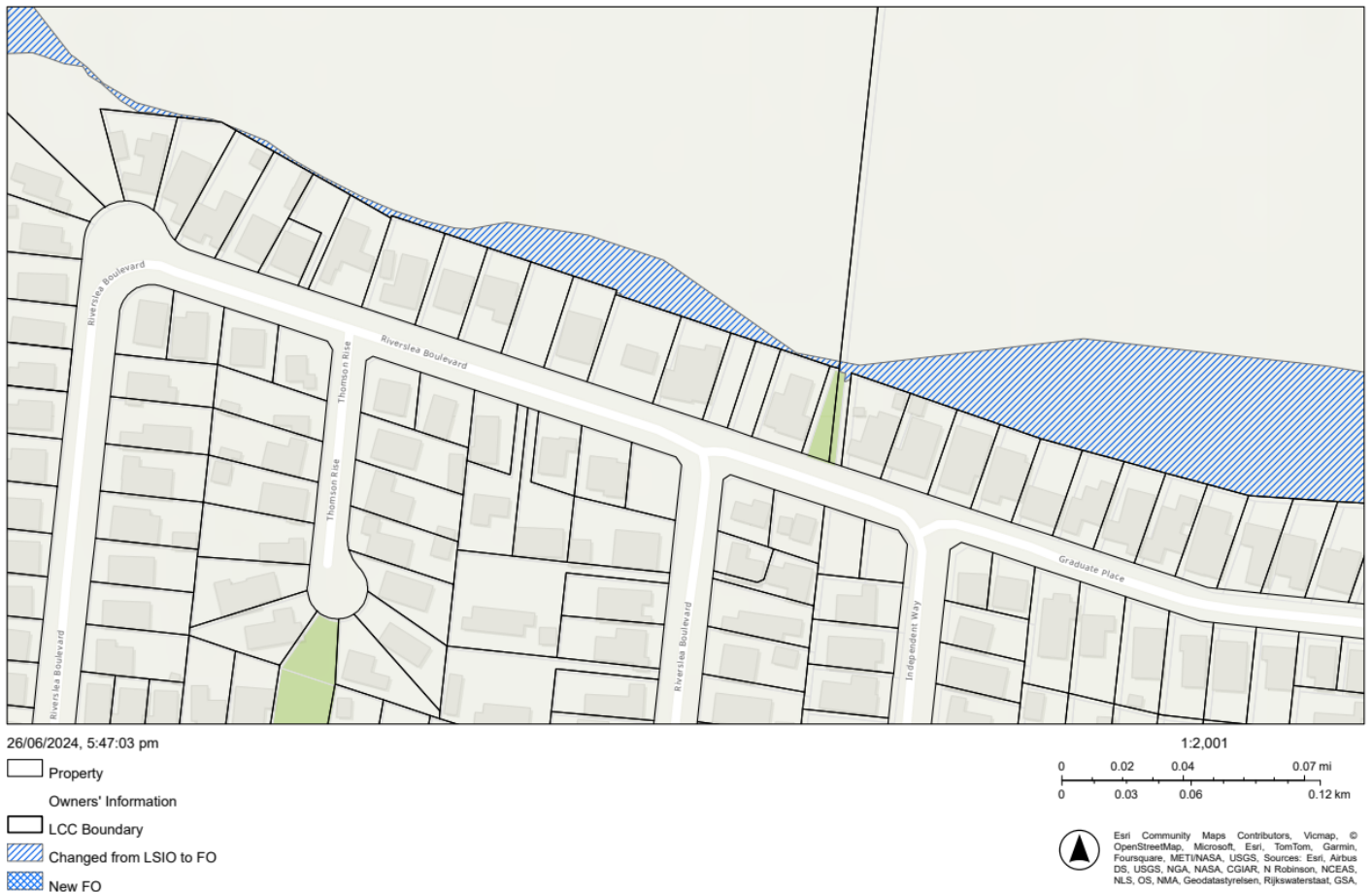
123. This change also relates to submitter 12, 48 and 59’s properties but they did not raise it as a reason why the proposed flood overlays were inappropriate.
124. WGCMA undertook a site inspection and a desktop review of the mapping in this area. It was found that the mapping was based on outdated lidar/land level information. The mapping was adjusted to reflect new lidar/land level information
125. **Planning Comment**
126. In response to submissions, the overlay was proposed to be clipped to the rear property boundary prior to Re-Exhibition.
127. However, in late 2023 a four-year program to accurately display Victorian property boundaries in a digital format was completed. This shifted the property boundaries but not the geo-referenced coordinates of the overlays, which resulted in a thin strip of FO being re-exhibited on the properties as seen in Figure 6.

Figure 6: Proposed overlays with 2023 and 2024 Property Cadastre



128. WGCMA and Latrobe City Council were made aware of this mapping error during the Re-Exhibition of the Amendment and as such the proposed change in response to submissions is to clip the proposed overlays to the rear boundary as shown in Figure 7.

*Figure 7: Day 1 version of Overlays along Graduate Place*



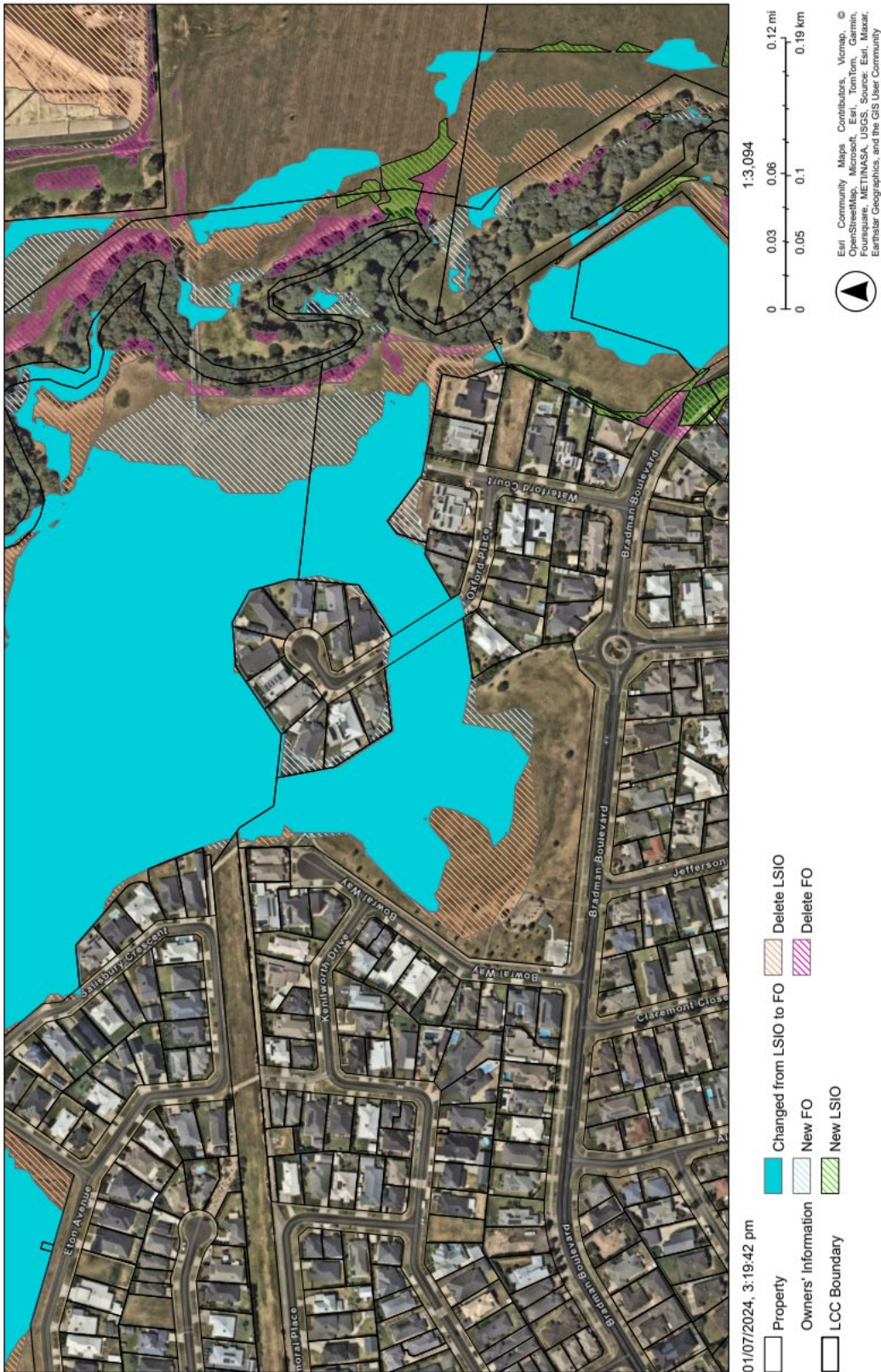
### Oxford Place Review

129. Submissions 71, 72, 73, 74 all requested the overlays be reviewed around Oxford Place. The objection to the overlays related to development occurring since the *Traralgon Flood Study 2016* was completed.

130. The properties in Oxford Place were subdivided in 2013 and development has occurred between 2015 and 2020 with the last house currently under construction.

131. In response to the submissions, WGCMA undertook a desktop review of new lidar/land level information for this area. An inspection of the area was also undertaken. This review and the visual inspection confirmed that land levels in this area had been raised as part of the development. The overlay extents were subsequently revised based on new lidar (2019) information.
132. The proposed changes in the Day 1 version compared to the Re-Exhibition version are shown in Figure 8 and Figure 9.

Figure 8: Re-Exhibition Version of Proposed Overlays on Oxford Place and Waterford Court





**Paul Street and Le Grange Review.**

133. Several enquiries were made about the identified flood levels and whether they matched the local topography along Paul Street and Le Grange, Traralgon.
134. In response to enquiries made and submission 76, WGCMA undertook inspections and surveyed land levels in the area. The surveyed levels were then compared to the newest lidar (2019) available at this location. It was determined that land levels had changed since the flood study was completed and the overlay extents were adjusted based on new lidar information to reflect the new land levels.
135. The proposed changes in the Day 1 version compared to the Re-exhibited version are shown in Figure 10 and Figure 11.

Figure 10: Re-Exhibition Version of Proposed Overlays on Paul Street and Le Grange

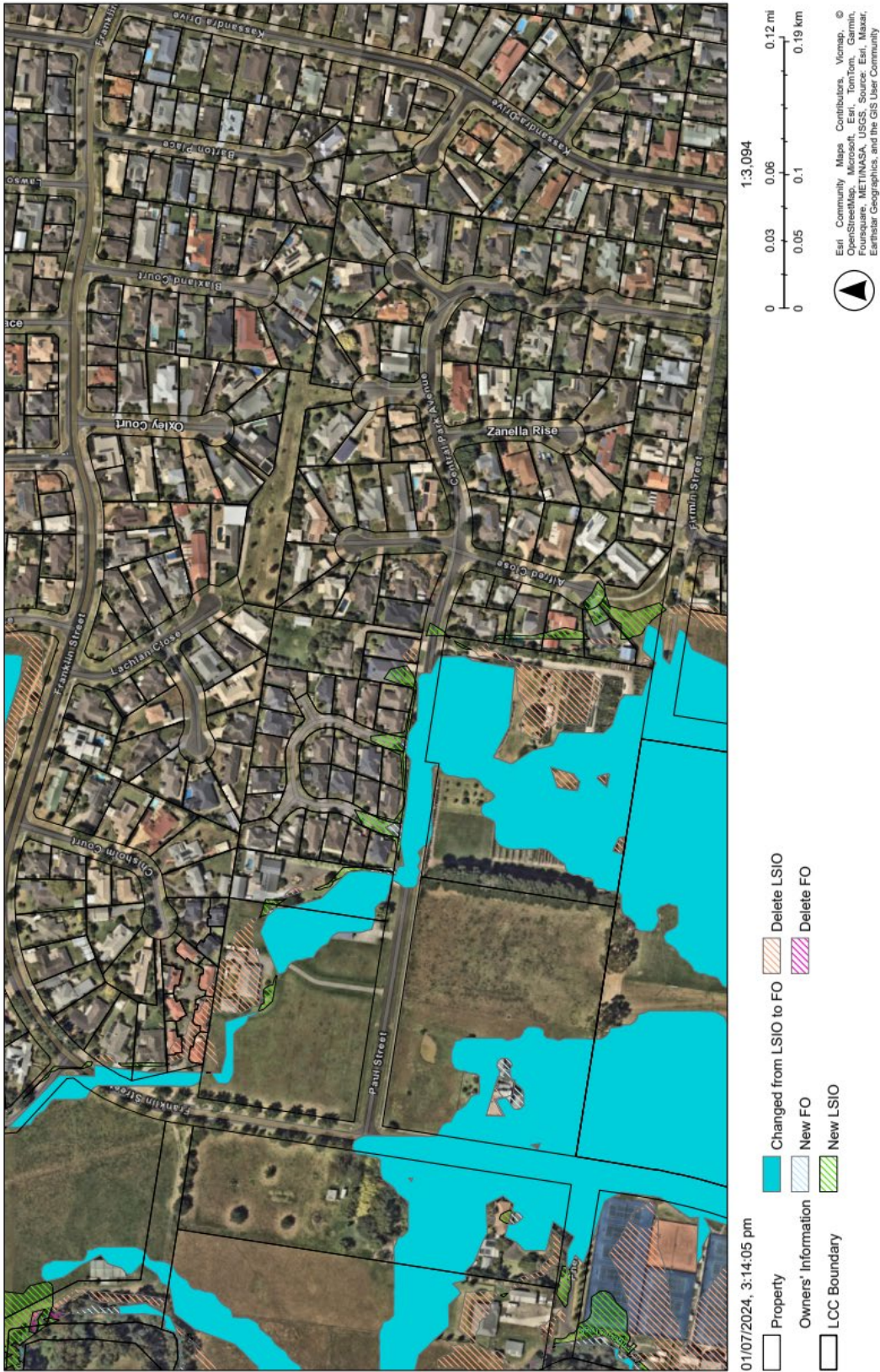
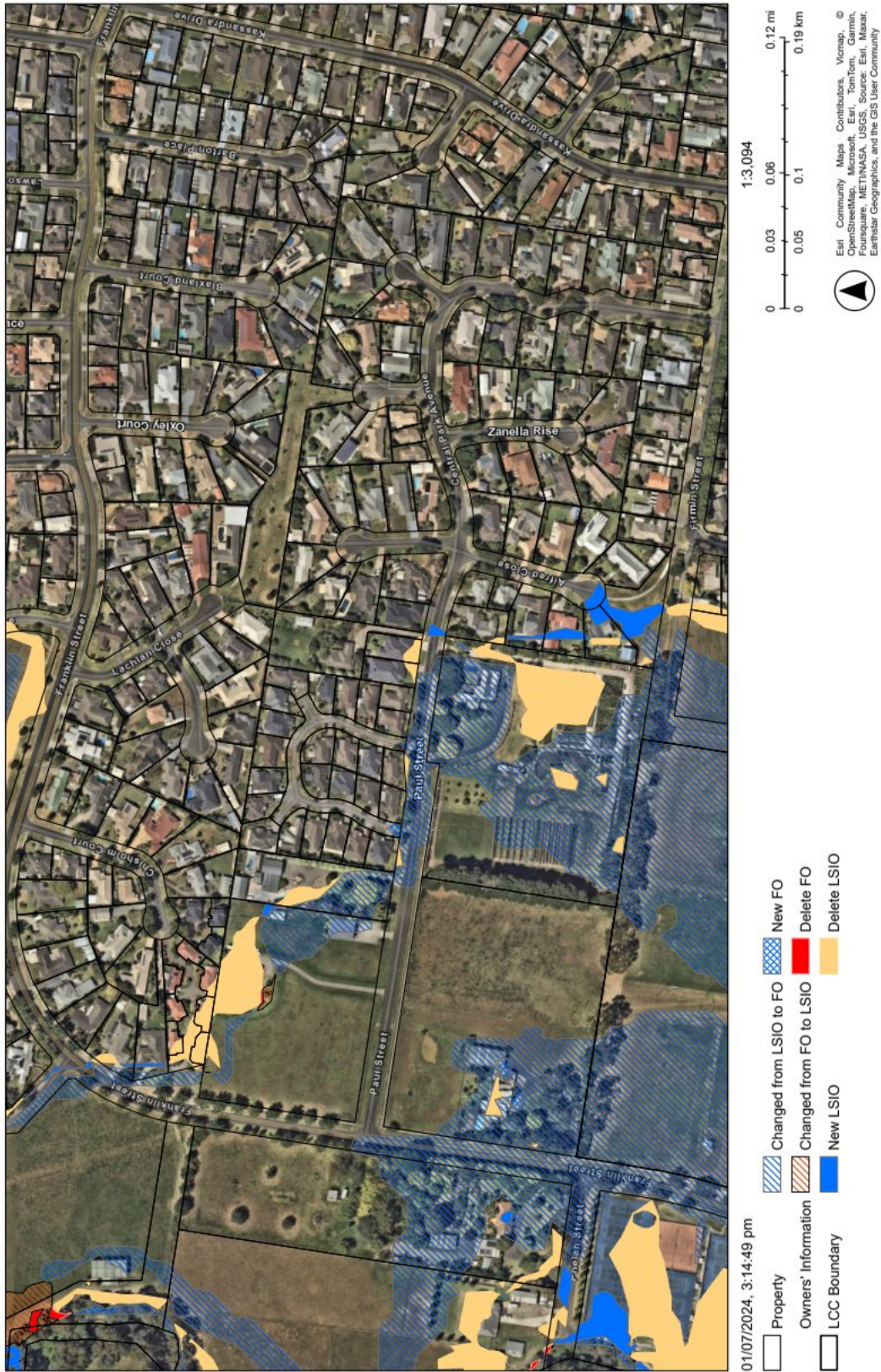


Figure 11: Day 1 Version of Proposed Overlays on Paul Street and Le Grange





136. **Planning Comment**

137. Council proposes to amend maps 48LSIO-FO, 49LSIO-FO, and 50LSIO-FO in response to submissions and the subsequent reviews that were undertaken by WGCMA.

**3.2.9. Impacts on house/property insurance**

<b><i>Theme 10: Impacts on house and/or property insurance.</i></b>	
<b>Place:</b> Municipal-wide	<p><b>Submission(s)</b></p> <p>5, 7, 8, 11, 20, 21, 32, 34, 37, 39, 40, 52, 55, 65, 69</p> <p><b>Withdrawn</b></p> <p>7*, 34, 52, 65</p> <p>*Verbally withdrawn only</p>
<b>Council response:</b> No changes are proposed based on this theme.	

138. Fifteen (15) submissions identified the potential increase in insurance premiums or difficulty to obtain insurance coverage because of properties now being either designated as flood prone or within a Flood Overlay such as the LSIO or FO.

139. Insurance premiums are based on the most up-to-date available flood studies rather than planning scheme controls. The insurance industry has its own National Flood database where this information is obtained from, for example see <https://insurancecouncil.com.au/resource/floodinsurance-explained/>

140. Each insurance company has their own process for calculating their premiums, so submitters with concerns should speak directly with their insurance provider. Individual insurers decide what criteria they use to determine flood risk and calculate premiums. This may include historical flood information, claims history and building type.

141. **Planning Comment**

142. It is part of the Floodplain Management Authority’s role to pass on updated flood information to insurers. However, this is generally undertaken at the completion of a flood study not during the amendment process.

143. No changes are proposed based on this theme.

**3.2.10. Impacts on property values and/or rates**

<i><b>Theme 11: Impacts on property values and/or rates</b></i>	
<b>Place:</b> Municipal wide	<p><b>Submission(s)</b></p> <p>8, 18, 20, 21, 30, 39, 40, 52, 59, 60, 65, 69</p> <p><b>Withdrawn</b></p> <p>18*, 30, 52, 60, 65</p> <p>*Verbally withdrawn only</p>
<b>Council response:</b> No changes are proposed.	

144. Twelve (12) Submitters raised concerns about the potential reduction in property values because of the overlay. Other submissions were received noting the potential impact on the future value, usability and resale of the property or other financial implications.

145. Councils use property values as the basis of its rate collection. Planning Overlays are only one of many factors considered when valuing a property including:

- Planning considerations such as zoning and overlay requirements;
- Property inspections;
- Building and planning permits;
- Recent sales and leasing in an area;
- Lot sizes;

- Types of surrounding properties;
- The level of infrastructure, amenities, and services in the surrounding area;
- Tenancy opportunities;
- Prevailing trends in the 'market cycle';
- The social profile of areas; and
- The quality and maintenance of individual buildings.

146. In addition, designation of an area as 'subject to inundation' does not cause or change the likelihood of flooding but recognises the existing condition of land and its potential to be inundated in storm tide events and when sea levels rise. The value of any property is determined by the complex interplay of many different factors as listed above, and it is difficult to assign what effect the identification of land in a planning overlay may have on the value of a property.

147. In the Amendment C221 Stonnington Panel Report the Panel chair states: "*Previous panels have consistently found that there is no justification for setting aside planning scheme amendments of this type on the basis that property values might be affected, or insurance premiums might increase*" (page 26).

148. **Planning Comment**

149. No changes have been proposed based on this theme.

**3.2.11. Site Specific Submissions**

<b><i>Theme 12: Site Specific concerns often involving development potential</i></b>	
<p><b>Place:</b> Traralgon, Churchill</p> <p><b>Affected LSIO-FO Maps:</b> 49*, 56*, 93</p> <p>*No changes are proposed to these maps as a result of this theme.</p>	<p><b>Submission(s)</b></p> <p>40, 77, 79</p>
<p><b>Council response:</b> Map 93LSIO-FO and reference to Monash Way, Churchill Scoping Study 2011 is proposed to be removed to the Amendment. No other changes are proposed.</p>	

**13 George Street, Traralgon**

- 150. Submission 40 suggested that the backyard of their property should remain in the LSIO as the surrounding development meant that the water flowed around the yard. The submitter stated that this was evident during the 2021 Traralgon flood, where the flood waters did not exceed more than 300mm in their yard.
- 151. The property is currently affected by the LSIO, as shown in Figure 12.

Figure 12: Current Overlays on 13 George Street, Traralgon



152. In response to this submission, WGCMA undertook a desktop review that looked at both the flood levels produced by the Traralgon Flood Study and land levels (2019 lidar) at this location and based on this information were confident in the estimated flood extent and depths at this location. WGCMA and Council Officers also visited the property on 24 May 2024 and surveyed the backyard. It was found that the heights were consistent with the 2019 LIDAR data and that despite the development around the back, the flood waters would overflow from George Street and inundate the backyard through the access gate located at the south of the property between the garage and the dwelling.

153. **Planning Comment**

154. WGCMA has further investigated the properties at 13 George Street and have found the ground levels to be consistent with the levels in the *Traralgon Flood Study 2016*. No changes are proposed.

**L F LP 215154 Silcocks Road, Churchill**

155. Submission 77 objected to the overlay being applied to the property due to the planning scheme map not being included in the Instruction Sheet.

156. In considering the submission it was found that Map 93LSIO-FO could not be considered 'exhibited' as reference to the map had mistakenly not been included in the Instruction Sheet and that this would be considered a procedural defect under Section 39 of the *Planning and Environment Act 1987*.

157. As there was a clear error in the Re-Exhibition process, the map is proposed to be removed. Any reference to *Monash Way, Churchill Scoping Study 2011* is proposed to be removed from the Explanatory Report (See **Attachment 2**).

158. **Planning Comment**

159. Map 93LSIO-FO and reference to *Monash Way, Churchill Scoping Study 2011* in the Explanatory Report is proposed to be removed to the Amendment.

**Lot 33 PS 547909 Bradman Boulevard, Traralgon (Lot 33 Bradman Boulevard)**

160. Submission 79 objects to the proposed application of the FO on Lot 33 PS 547909 Bradman Boulevard, Traralgon as it will impact the development potential of the land, particularly when there is a need for developable land.

161. In considering the submission, the following response is provided.

162. **Planning Controls**

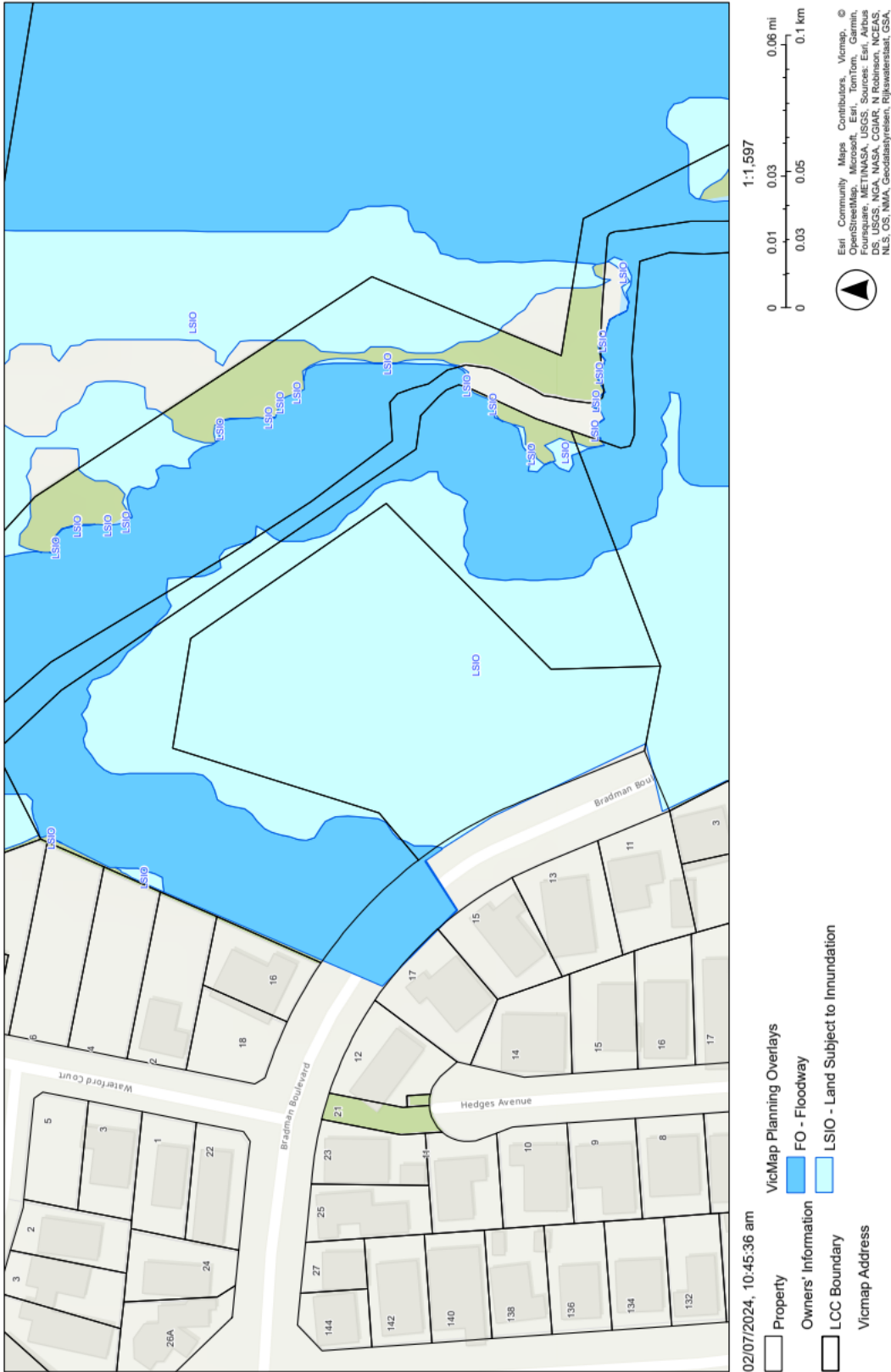
163. The site is currently split zoned Neighbourhood Residential Zone – Schedule 4 and Public Conservation and Resource Zone and has the LSIO applied to the entirety of the site.

164. The LSIO was introduced on the property as a result of Amendment C9. Amendment C9 sought to update the flood extent mapping as a result of the *Traralgon Creek Floodplain Management Strategy* undertaken in 2000, as shown in Figure 13.

165. **Proposed Controls**

166. The overlays on the site are proposed to be changed from LSIO to FO. As shown in Figure 14.

Figure 13: Current Overlays at Lot 33 Bradman Boulevard, Traralgon

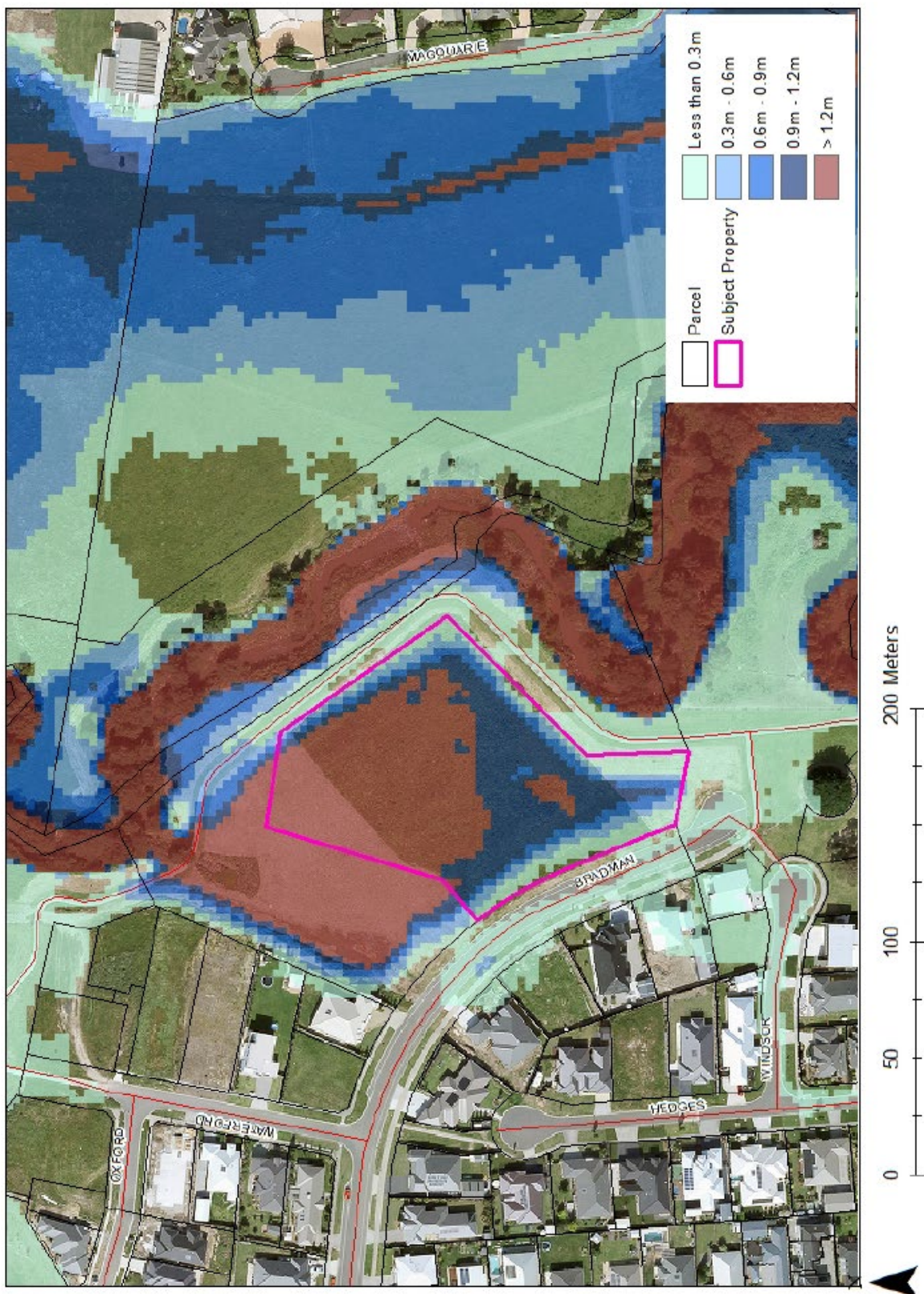






167. The West Gippsland Catchment Management Authority's *Flood Guidelines - Guidelines for development in flood prone areas* (2020) state that where flood depths during a 1% AEP flood event is likely to exceed 0.3 metres over the development site or 0.3 metres over the vehicle route from the property, a proposal that seeks to intensify development through the creation of additional lots or dwellings is not supported as it would increase the amount of people and property exposed to the flood hazard.
168. The proposed application of the flood overlays is consistent with this methodology.
169. The *Traralgon Flood Study 2016* indicates that the flood depths on the majority of the property will have a depth of more than 0.8m in a 1%AEP flood event, as shown in Figure 15.

Figure 15: 1% Annual Exceedance Probability Flood Depth



170. The area where the site is, was originally subdivided in 2004 through Planning Permit 2004/4395.

171. The West Gippsland Catchment Management Authority provided a recommendation as part of their referral response to the original subdivision permit, Planning Permit 2004/4395, to include Lot 33 Bradman Boulevard as a part of the Traralgon Creek Reserve and for Council to accept responsibility for maintenance requirements. Council chose not to accept responsibility for the maintenance of Lot 33 Bradman Boulevard and therefore condition 11 (relating to the use of the land) was required for the planning permit (see **Attachment 4**).

***Additional Controls – Section 173 Agreements***

*Condition 11 of 04395/B– West Gippsland Catchment Management Authority*

*That future development and use of Lot 33 be restricted to low density agriculture or animal husbandry only. No buildings, filling or significant structures shall be permitted on this land.*

172. It does not appear that this condition was ever met, as no Section 173 regarding the use was applied to the title..

173. In addition, Condition 2 of the Planning Permit states that:

*All lots in the subdivision (except Lot 33) must be filled to a level above the Traralgon Creek 100-year average recurrence interval flood event.*

174. It is clear from the conditions on Planning Permit 2004/4395 that Lot 33 Bradman Boulevard, Traralgon was always intended to store flood waters and that no further development was to occur on site.

175. WGCMA has provided advice in 2018 (see **Attachment 5**) and 2023 (see **Attachment 6**) to that affect and that they would not support development or further subdivision on the site due to the flood risk.

176. Furthermore, any proposed development in these areas is considered inconsistent with the Planning Scheme as it does not meet the objectives of Clause 13.01-1S “*to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning*” and Clause 13.03-1S:

*To assist the protection of life, property, and community infrastructure from flood hazard; the natural flood carrying capacity of rivers, streams, and floodways; the flood storage*

*function of floodplains and waterways; and floodplain areas of environmental significance or of importance to river health.*

177. The application of the FO on Lot 33 Bradman Boulevard, Traralgon is consistent with *Planning Practice Note 12 Applying the Flood Provisions in Planning Schemes (PPN12)*.

**178. Residential Development in Traralgon**

179. The submission states that there is an ongoing need for development in Traralgon. In response to the submission, the following information is provided:

180. Traralgon currently has between 14- and 28-years land supply in the currently zoned greenfield land as of the 1 July 2023 as seen in Table 2.

*Table 2: Traralgon Residential Land Supply*

<b>Methodology</b>	<b>Average number of lots/dwellings per year</b>	<b>Current undeveloped zoned land (years supply)</b>
Forecast.id Average Dwelling growth	187	14
Victoria in Future (VIF) Average Dwelling growth	153	17
5-year Occupancy Permit Average Dwelling Growth	180	15
5-year Statement of Compliance (SOC) Average	95	28
2-year Statement of Compliance (SOC) Average	96	28

181. Traralgon currently has 305.9 hectares of zoned greenfield land. Subdivision has occurred at a rate of 95 lots over the past five years; on average 180 number of residential dwellings have achieved an occupancy permit in the past five years, as shown in Table 2.

182. Assuming a single dwelling per lot, the proposal for 6 lots would provide 6% of one year’s supply for lots in Traralgon. That reduces to 3.33% of a year’s supply if you consider the dwelling supply per year. The potential inability to develop on Lot 33 Bradman Boulevard does not significantly affect the land supply in Traralgon.

**183. Planning Comment**

184. No changes are proposed.

**3.2.12. Issues raised that are outside the scope of the Amendment**

<b><i>Theme 13: Other issues not previously discussed that are outside the scope of the Amendment.</i></b>	
<b>Place:</b>  Glengarry, Moe, Traralgon, Yinnar	<b>Submission(s)</b>  5, 27, 28, 37, 43, 54, 55, 63, 67
<b>Council response:</b> Requested changes are outside the scope of the Amendment. No changes are proposed.	

**Bushfire Considerations**

- 185. Submission 63 raised concerns about whether enhancing riparian vegetation along the banks of the waterway has the potential to increase the bushfire risk.
- 186. WGCMA have released a *Waterway Management Plan Guidelines for Urban Developments in Gippsland (WMPG)* in January 2024.
- 187. The WMPG identifies the ongoing bushfire risk and appropriate ways to mitigate the risk. The objectives and principles state:
 

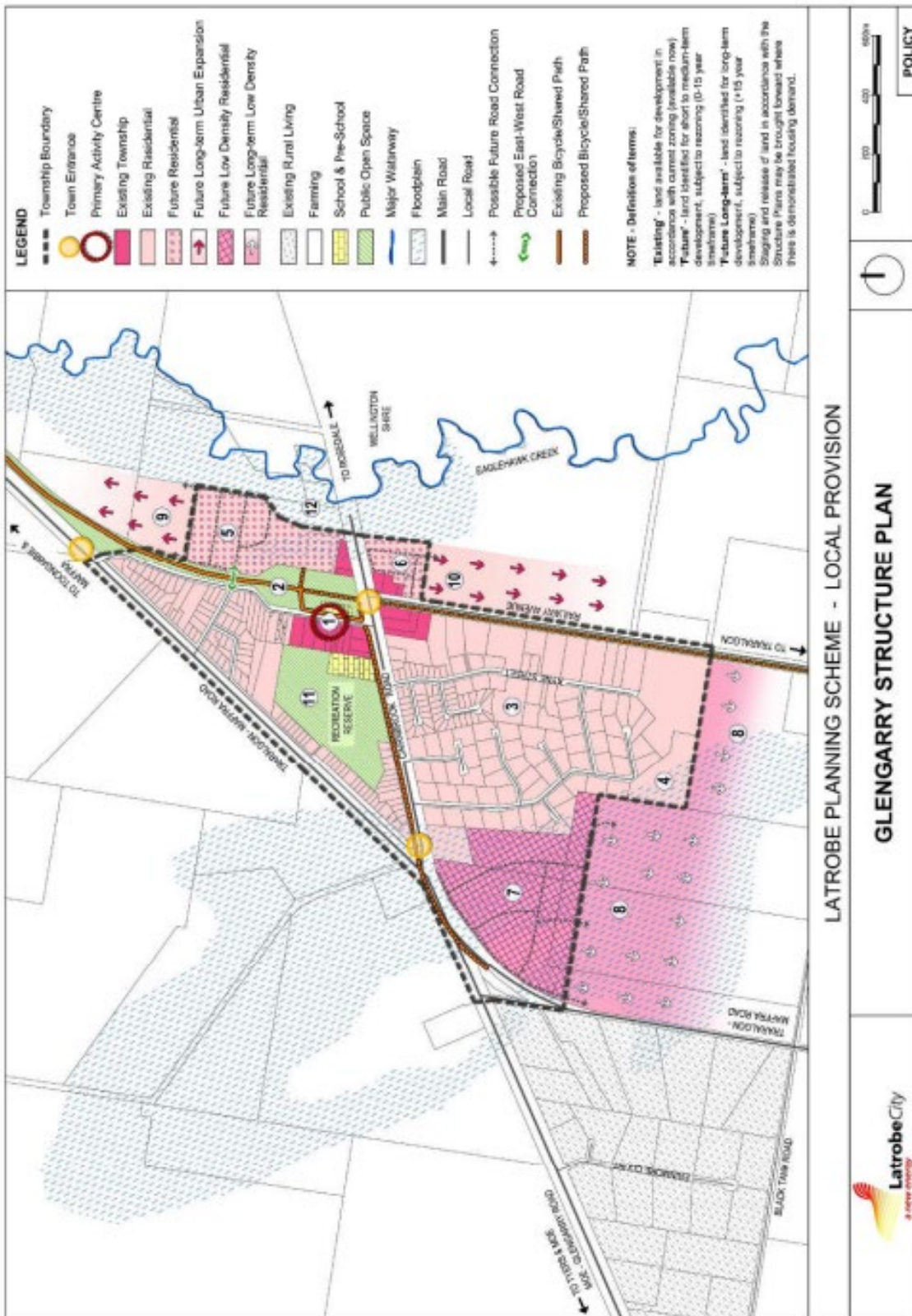
*Proactively plan and design new development and subdivisions that are responsive to the site constraints and end-state bushfire hazard and minimise the risk to people from bushfire. Ensure new urban development setbacks are sufficient to allow for the waterway to be fully restored to the prevailing EVC.*
- 188. While bushfire risk mitigation has been considered by WGMA in the preparation of the WMPG, bushfire considerations are outside the scope of the Amendment.
- 189. No changes are proposed.

**Future Residential Designation in the Glengarry Town Structure Plan**

- 190. Submissions 27 and 28 object to the ‘future residential’ status on their properties in the Glengarry Town Structure Plan in Clause 11.01-1L.
- 191. The Glengarry Town Structure Plan was introduced into the Latrobe Planning Scheme on 10 February 2011 through Amendment C24.

192. Submitter 28's property was first identified as 'Possible Future Long-term Low Density Residential' (Area 8 in the Glengarry Town Structure Plan – Amendment C24 version) in Amendment C24 and was notified at the time of the Amendment as seen in Figure 16. This designation has remained unchanged since the implementation of Amendment C24.

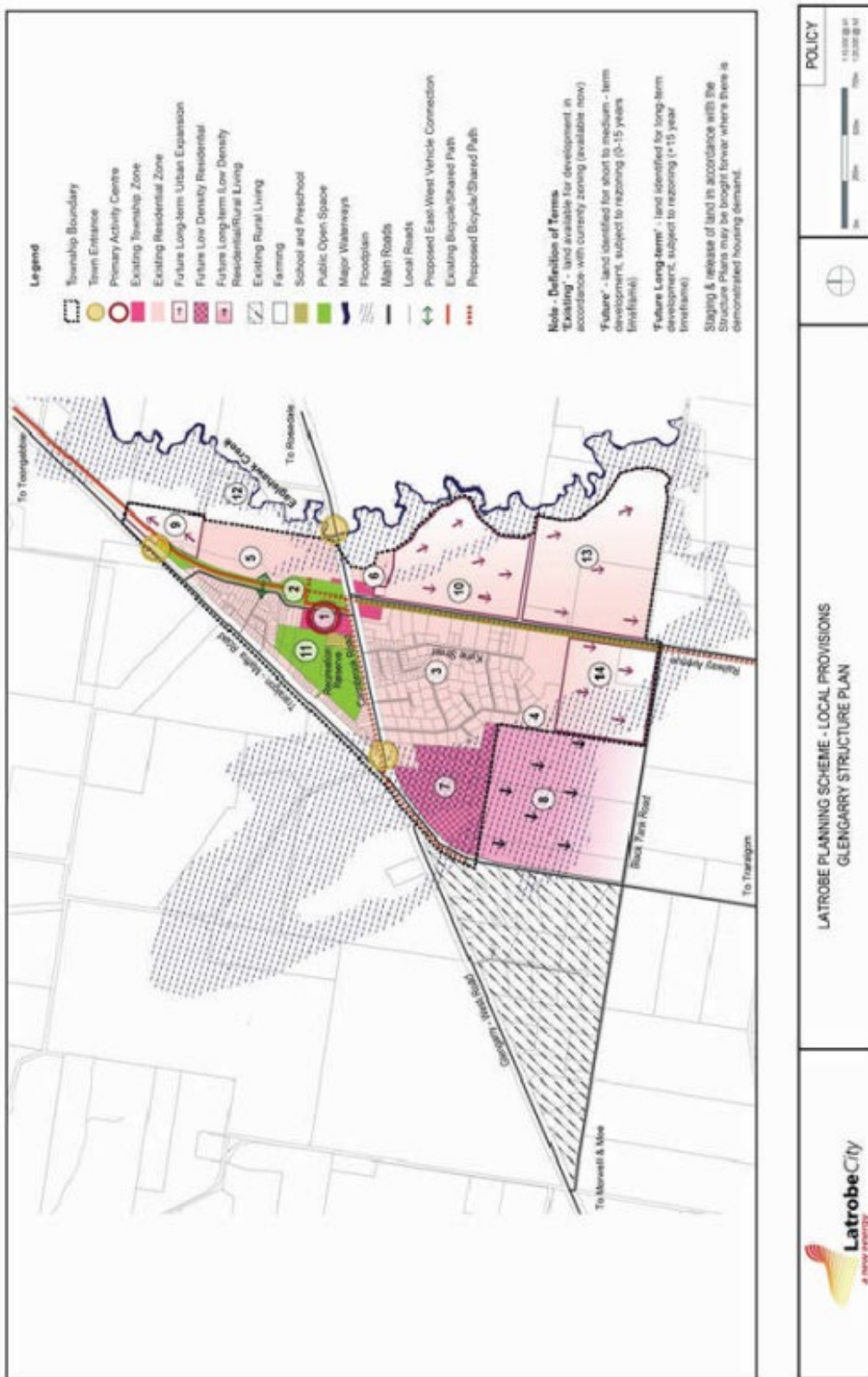
Figure 16: Amendment C24 - Glengarry Town Structure Plan





193. The Glengarry Town Structure plan was then amended to include submitter 27's property through Amendment C87 Part 3 (Traralgon Growth Areas Review) which was gazetted on 10 August 2017, as shown in Figure 17 (Area 13 in the Glengarry Town Structure Plan Amendment C87 Part 3 version).

Figure 17: Glengarry Town Structure Plan Amendment C87 Part 3 Version



194. No direct notification occurred of the change to the Glengarry Town Structure Plan through Amendment C87.

195. The format of the structure plans was updated through Amendment C122 which came into operation on 28 May 2021, but no content changes were made to the structure plans.

196. **Planning Comment**

197. As the Glengarry Town Structure Plan in Clause 11.01-1L has the strategy to “*Encourage development in GTSP Areas 1, 2, 3 and 4 that is sensitive to the Eaglehawk Creek environment and floodplains.*” The extent of the flood overlays is proposed to be amended in the Glengarry Town Structure Plan to ensure accuracy and consistency with the proposed extent of the overlays in order to meet this strategy. No other changes are proposed.

198. The requested change is outside the scope of the Amendment.

**Additional Flood Overlays in Yinnar**

199. Submission 67 requested additional flood overlays on their property in Yinnar.

200. **Planning Comment**

201. As no recent flood study has been undertaken for the Morwell River, and no changes are proposed to the Overlays in Yinnar, this request is outside the scope of this Amendment.

202. No change is proposed.

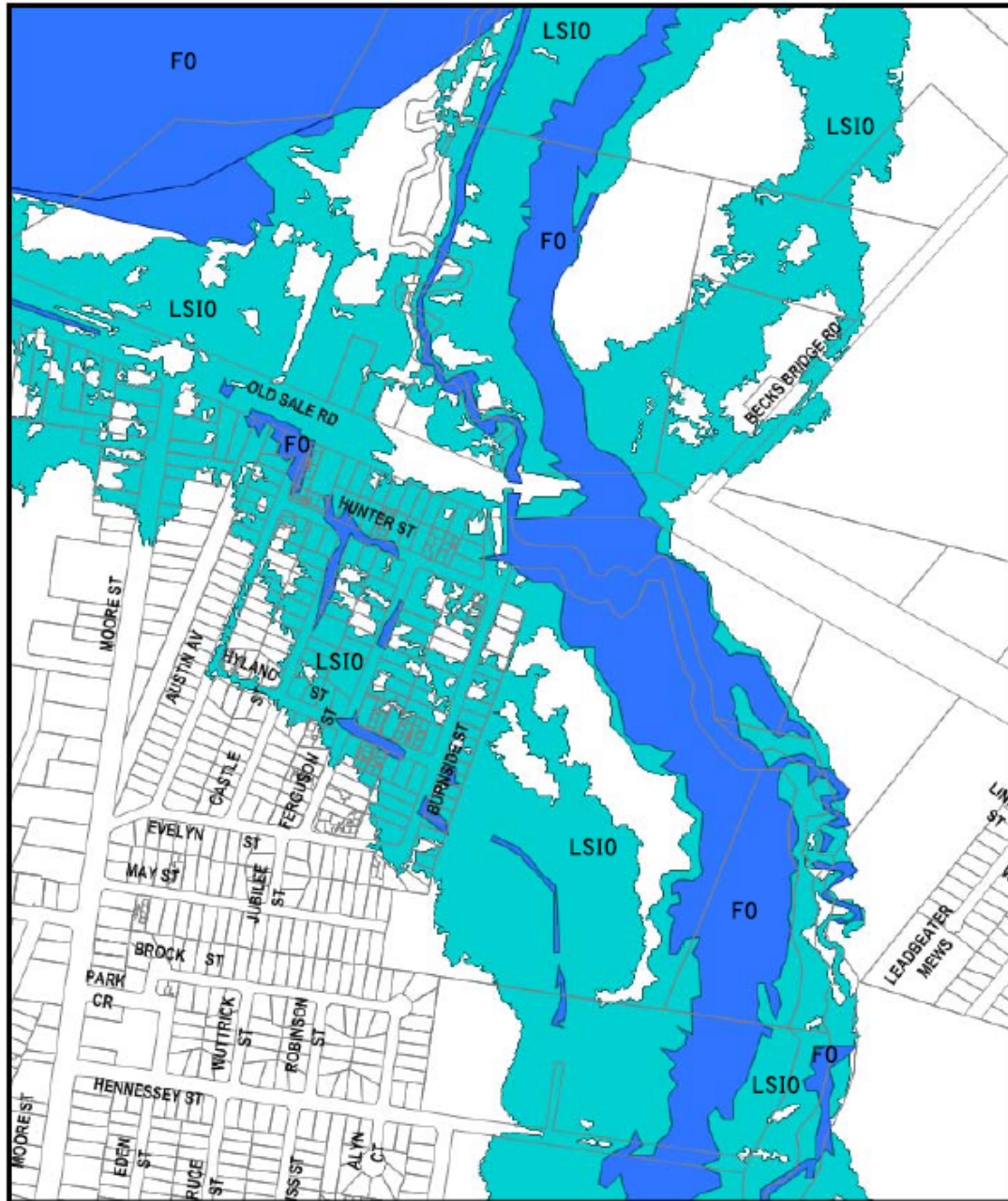
**Removal of Flood Overlays in Moe**

203. Submissions 43 and 55 have requested overlays be removed from their properties in Moe.

204. The flood overlays along the Narracan Creek were implemented into the Latrobe Planning Scheme in Amendment C9 on 29 March 2012, as shown in Figure 18.

Figure 18: Flood Overlays applied in Moe in Amendment C9

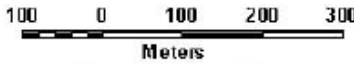
**LATROBE PLANNING SCHEME - LOCAL PROVISION**



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**Legend**

- Land Subject to Inundation Overlay
- Floodway Overlay
- LCC Boundary
- Property Boundaries



Printed Dec 2011

Amendment C9

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205. Amendment C9 implemented the recommendations of *Narracan Creek Flood Study 2007*.
206. Amendment C9 was Exhibited to the public between 7 April 2011 to 31 May 2011, it was adopted by Council on 21 November 2011. The amendment was finalised on 29 March 2012.
207. Submitter 43 raised lack of notification as a reason why the overlay should be removed. It does appear that land ownership for 27 Castle Street, Moe changed on 12 April 2011. All landowners were notified on 28 March 2011. As such, it appears that the previous landowner was notified and did not pass on the information.
208. **Planning Comment**
209. As there is no supporting study and no overlays are proposed to change along the Narracan Creek, no changes are proposed.

### **Traralgon Recreation Reserve Masterplan**

210. Submission 59 initially raised concerns about the drainage infrastructure around the Traralgon Recreation Reserve, further correspondence raised concerns about the pavilion being constructed to a height above the design flood event.
211. Latrobe City Council endorsed a masterplan for the Traralgon Recreation Reserve on 4 July 2022. It was updated after the pavilion was destroyed during the 2021 Traralgon Flood Event.
212. The pavilion has been designed in consultation with WGCMA, and the designs are available on Councils website.
213. **Planning Comment**
214. Drainage considerations and the design of the new pavilion are outside the scope of the Amendment. No change is proposed.

### **Waterway Management**

215. Submission 54 raises the need for the Upper Traralgon Creek in Leroy to have more care and maintenance to improve the capacity of the creek in the event of a flood.
216. The condition of a waterway will impact on the amount of flow through a waterway, whether that is detrimental downstream or not, a flood study assumes that the riverine system is

operating to full capacity. As planning scheme overlays are a static control, it cannot feasibly take into account the condition of a creek at any given point as this changes over time.

**217. Planning Comment**

218. Waterway Management Plans are outside the scope of this Amendment.

219. No changes are proposed.

**Emergency Management**

220. Submission 54 also raised the failure of the early warning system in the 2021 Traralgon Floods as a concern. Submission 5 raised concerns about the SES Local Flood Guide showing the proposed stormwater.

221. The Victoria State Emergency Service (SES) is the emergency control agency for flooding in Victoria, which means that they are responsible for planning for floods, supporting community preparedness and managing flood response if they do occur.

222. The early warning systems are the responsibility of the Bureau of Meteorology (BoM) and SES. There is currently a *Victorian Flood Inquiry* that is looking at the emergency warning system as one of the items of the inquiry and will likely include recommendations to improve them. Latrobe City Council can continue to advocate for the release and implementation of the recommendations from that inquiry. The report is due to be released in July 2024.

223. The Traralgon Local Flood Guide has been updated to remove the stormwater flooding from the it's maps.

**224. Planning Comment**

225. Emergency management during floods is outside the scope of this Amendment.

226. No changes are proposed.

## 4. CHANGES PROPOSED IN RESPONSE TO SUBMISSIONS

227. A number of changes requested by submissions to the Amendment exhibited, were supported and as such amendments have been made to the related Amendment documents (see Attachment 10 –Day 1 version of the policy and Attachment 11 Day 1 version of Maps in the Part A Submission).
228. All changes have been made in consultation with West Gippsland Catchment Management Authority.
229. The majority of requested changes relate to the stormwater flooding being removed from the Amendment in Traralgon prior to Re-Exhibition and the floodplain mapping in Glengarry which is proposed to be updated.
230. The changes made in response to submission of the re-exhibited version to the amendment propose the following:
- Amend maps 15LSIO-FO, 16LSIO-FO, 17LSIO-FO, 18LSIO-FO, 19LSIO-FO, 48LSIO-FO, 49LSIO-FO, 50LSIO-FO, 56LSIO-FO, 63LSIO-FO, 64LSIO-FO.
  - Remove Map 93LSIO-FO from the Amendment
  - Amend Clause 11.01-1L to update the Glengarry Town Structure Plan
  - Amend Clause 02.04 to update the Strategic Framework Plan
  - Update the Explanatory Report to remove references to *Monash Way, Churchill 2011*(See **Attachment 2**)
231. An addition change to amend the Schedule to Clause 44.04 is proposed as a post-exhibition change to correct a technical error.
232. A copy of the Instruction Sheet can be found in **Attachment 3**.
233. A table with the proposed changes to the Amendment in response to submissions can be found in Attachment 6 of the Part A Submission.

## **5. CONCLUSION**

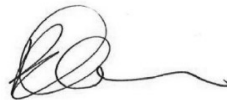
234. The Amendment amends the extend of the Floodway Overlay and Land Subject to Inundation Overlay across the municipality.
235. It is considered that the Amendment has significant strategic justification.
236. The Amendment is considered to be consistent with the objectives of the Planning Policy Framework and Municipal Planning Strategy contained within the Latrobe Planning Scheme.
237. The Amendment ensures the flood hazard is accurately mapped and that future development in areas identified as flood prone can appropriately mitigate the risk.
238. Latrobe City Council respectfully requests that the Planning Panel support Planning Scheme Amendment C131 and consider the proposed changes in response to submissions as detailed in section 4 of this report.
239. This completes the Part B submission for the Planning Authority and Floodplain Authority.



**Tegan McKenzie**  
**Latrobe City Council**  
**Authority**



**Ben Goriuk**  
**Latrobe City Council**



**Ben Proctor**  
**West Gippsland Catchment Management**