

WAS IT WORTH IT?

The journey of embedding sea level rise into the Bass Coast planning Scheme

23 November 2017

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Amendment C82 (LSIO)

Adopted 2 June 2016



**Resolution
to prepare
C82**
August 2013

**Ministerial
Authorisation**
October 2013

Exhibition
13 March –
2 May 2014

**Council
Decision
Key Issues**
16 July
2014

**Panel
Hearing
+ Report**
Oct/Nov
2014

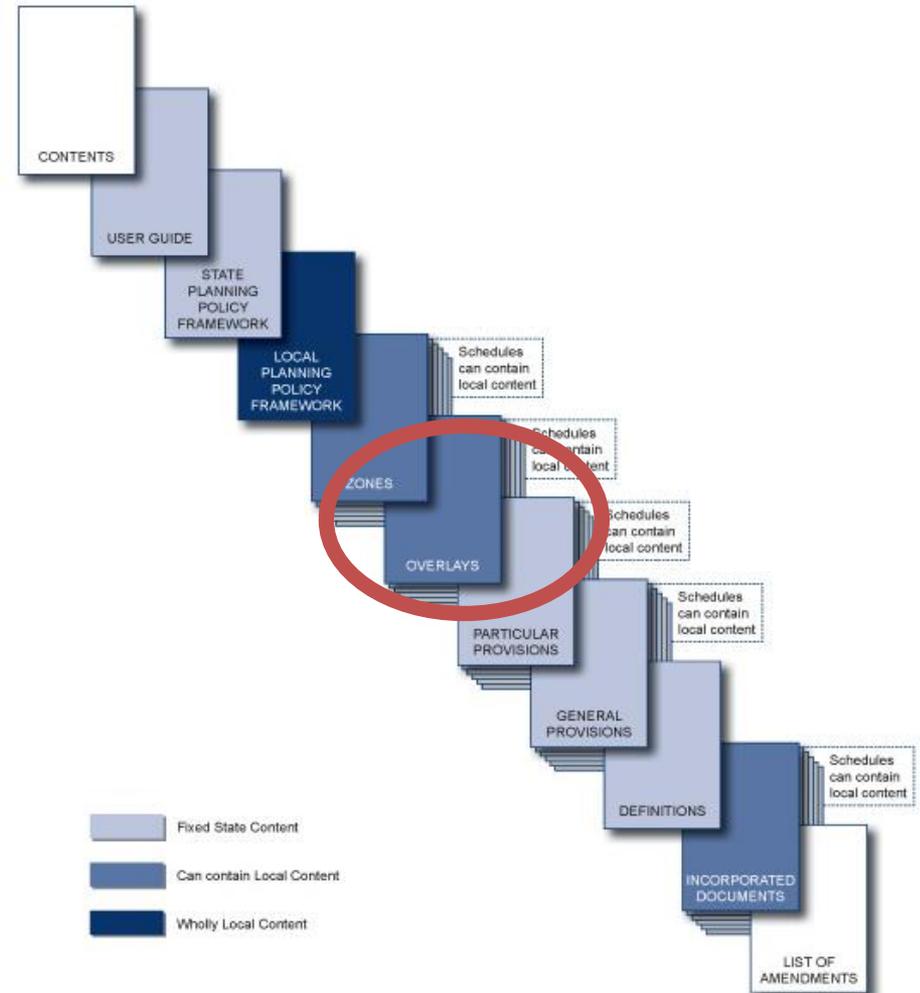
**Council
Decision**
August
2015

Gazetted
2 June
2016

The Victorian Planning Scheme which guides land use planning and decision making



The LSIO is a planning overlay that sits within the Bass Coast Planning Scheme.



- Fixed State Content
- Can contain Local Content
- Wholly Local Content

What is an LSIO?

44.04

21/09/2009
VC60

LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as **LSIO** with a number (if shown).

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.

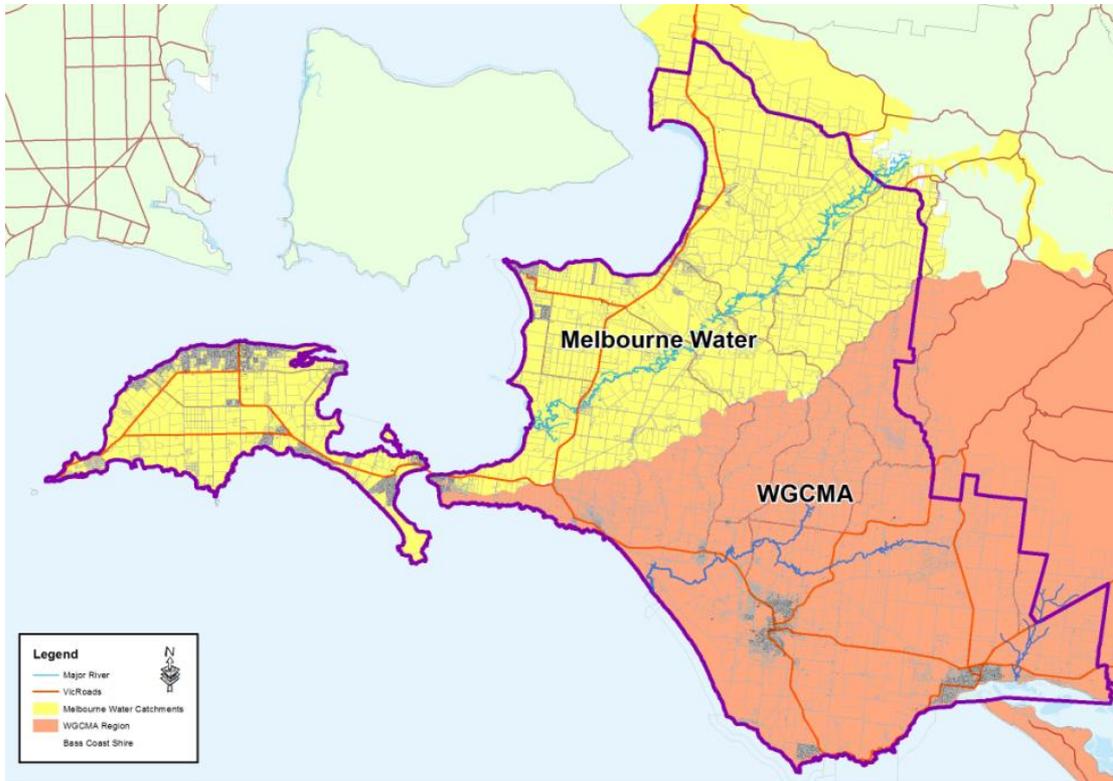
To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.

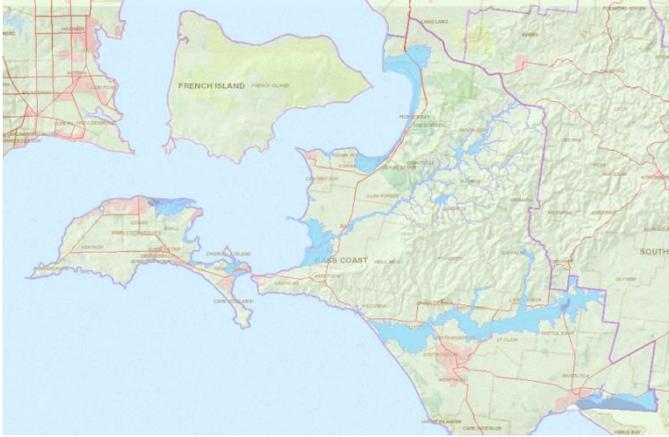
To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Amendment C82 was a Partnership



Background

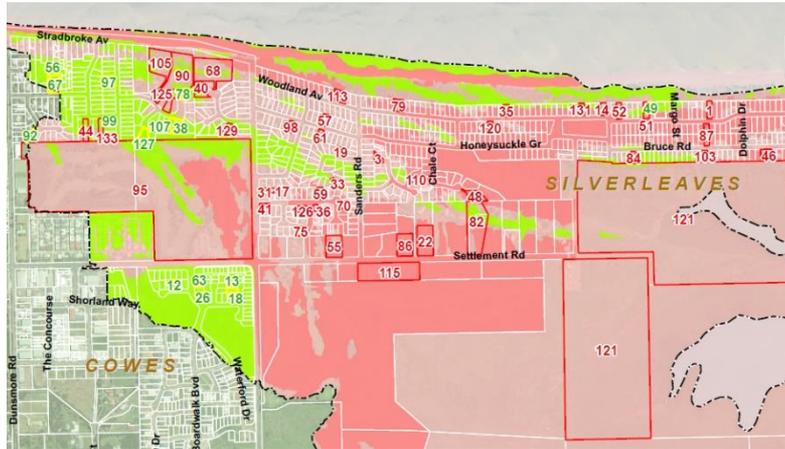


As exhibited, the LSIO affected 1,643 individual dwellings (905 dwellings on Phillip Island and 738 on the mainland)

Community Consultation

- Extended exhibition period (8 weeks rather than calendar month) and accepted many late submissions
- 2,850 notification letters to owners/occupiers
- 32 notification letters to community groups
- Notification letters included Info Sheet
- 14 Drop-in sessions across the municipality – at least 145 parties
- Two rounds of ads in local papers

Background continued



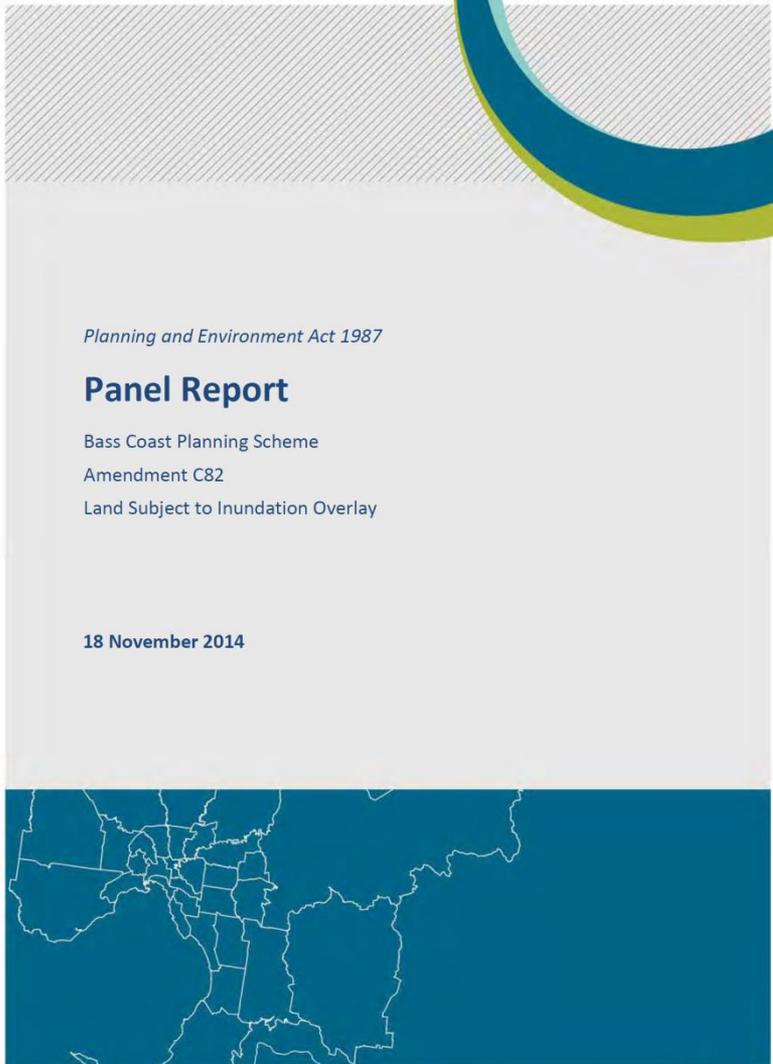
Submissions

- 140 submissions (128 objections)
- **Approx 8% of affected households**
- Many of the submissions to Amendment C82 were from the Cowes East/Silverleaves area

Key Issues

- Concern about the scientific background of the mapping, integrity of the data and probability of such an event occurring – **89 submissions**
- Planning for sea level rise in urban areas – 2040 or 2100? – **26 submissions**

Panel Process



Panel Hearing held in Oct 2014

Panel generally supported the amendment, including the use of the LSIO to address coastal inundation as well as the use of the Future Coasts Victorian Coastal Inundation Dataset (VCID) to map coastal inundation extents.

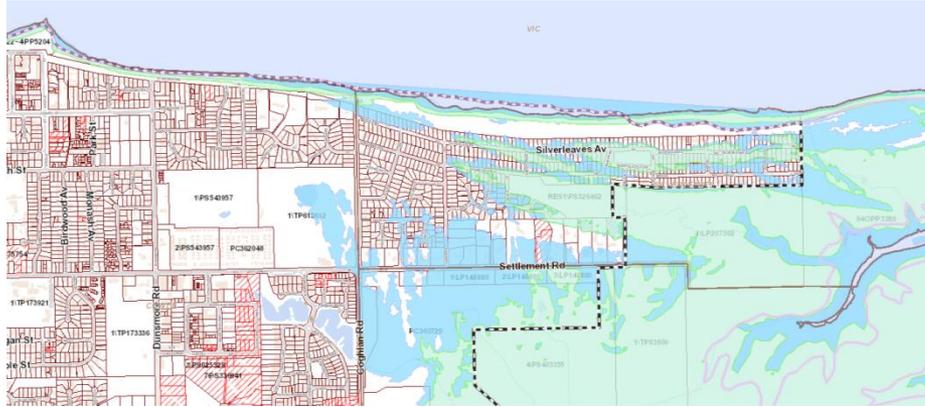
Release of the Western Port Local Coastal Hazard Assessment



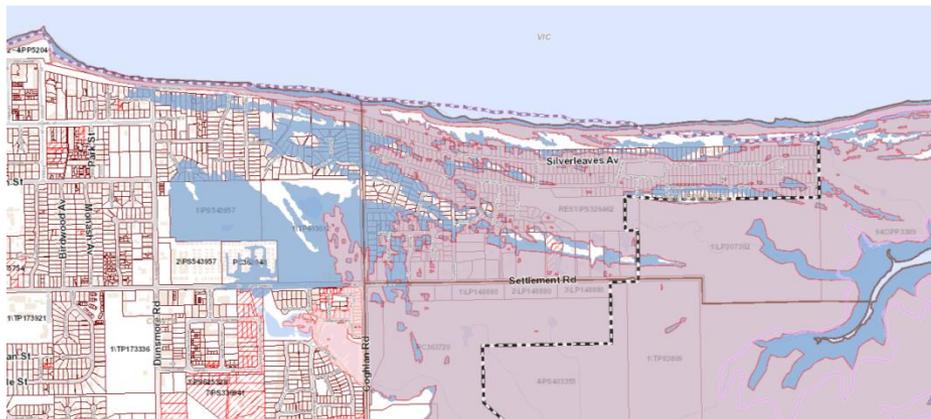
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9/01/2014

Release of the Western Port Local Coastal Hazard Assessment



Cowes East/Silverleaves showing 2040 (0.2m sea level rise) scenario (Light blue - LSIO Future Coasts mapping, green - WPLCHA mapping)



Cowes East/Silverleaves showing 2100 (0.8m sea level rise) scenario (Dark blue - LSIO Future Coasts mapping, red - WPLCHA mapping)

Why use the WPLCHA?

1. Best available information – according to DELWP
2. Panel recommendation - ***“make further amendments to the LSIO as required when further, more detailed modelling becomes available.”***

Why use the WPLCHA?

Panel said:

- *“The use of a 0.2m sea level rise for areas of urban infill is appropriate - It may be that these levels will need to be adjusted once the results of the WPLCHA are made available*
 - *and in the future, if and when more detailed dynamic modelling of the impacts of sea level rise and flooding have been completed, planning for 0.8m sea level rise may be appropriate in urban infill areas.”*
 - *“in circumstances where more detailed modelling has been done; 0.8m sea level rise by 2100 may be able to be applied in urban infill areas at a strategic planning level.”*
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Planning for sea level rise in urban areas



On this issue, the Panel recommended:

- 1. Apply LSIO in urban areas that correspond to sea level rise of 0.2m by 2040;*
- 2. Apply LSIO boundaries in greenfield areas (outside township boundaries) that correspond to sea level rise of 0.8m by 2100; and*
- 3. Make further amendments to the LSIO as required when further, more detailed modelling information becomes available.*

Why plan for 0.8m sea level rise or 2100?



- The LSIO can be mapped to 0.8m while an individual development application could continue to be assessed and built in a way that responds to 0.2m sea level rise;
- Without the LSIO there will be no trigger for considering the impacts of sea level rise on new development (and therefore no opportunity for the two Authorities to undertake their role as the Floodplain Management Authority, nor an opportunity to provide Council with advice on development applications);
- There is a potential risk of exposure to negligence claims arising from the inconsistent disclosure and application of available information;

Why plan for 0.8m sea level rise or 2100? (continued)



- There will be a lack of transparency and information in planning schemes and inconsistency with Property Information Statements regarding identified flood hazard. This is because Property Information Statements issued by Westernport Water identify an inundation hazard on all properties affected by up to 0.8m of sea level rise);
- There will be inconsistency in the treatment of development proposals in urban and rural areas; and
- There would be a mismatch of LSI/O mapping at the rural/urban interface (Figure 5, below).

Planning for sea level rise continued

- Project partners Melbourne Water and West Gippsland CMA disagreed with Panel findings
- Presented to Council on 4 March 2015 regarding their concerns with planning for 0.2m sea level rise, or the year 2040

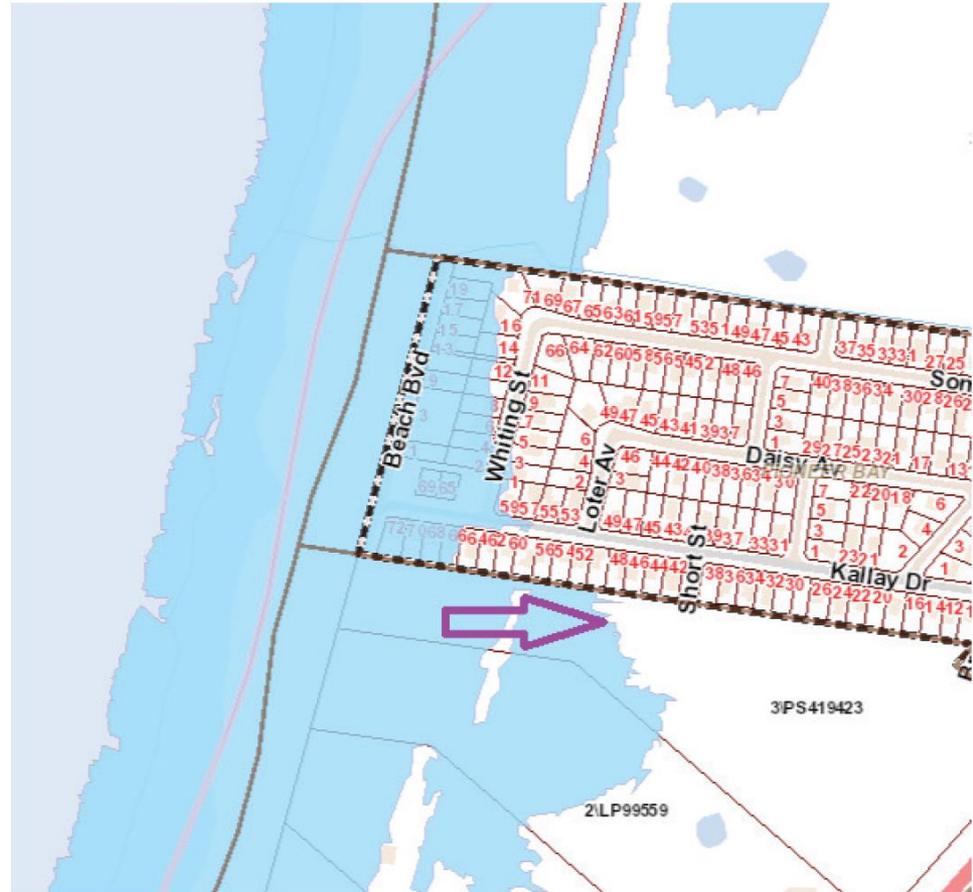


Figure 5: Mismatch of coastal inundation mapping at the rural/urban interface (light blue shows 2040 0.2m sea level rise within the Pioneer Bay settlement boundary and 2100 0.8m sea level rise outside settlement boundary)

Council Position



Recommendation

That Council, having considered the Independent Planning Panel report in accordance with Section 27 of the Planning and Environment Act 1987:

1. Support the recommendations of the Panel report and adopts Planning Scheme Amendment C82 in accordance with Section 29(1) of the Planning and Environment Act 1987, with the following changes;
 - a. Use the Westernport Port Local Coastal Hazard Assessment modelling to map the LSIO, planning for 0.8m sea level rise throughout the Westernport area; and
 - b. Plan for sea level rise of 0.8m in all other areas based on the implications and issues raised by both Melbourne Water and West Gippsland CMA.
2. Submits the adopted amendment to the Minister for Planning for approval in accordance with Section 31(1) of the Planning and Environment Act 1987.

So Was it worth it?

- Definitely!!
 - Others are now implementing (but with far greater ease)
 - Since Gazettal:
 - 16 permits approved
 - 0 permits refused
 - 1 permit withdrawn
 - 6 pending decision
 - Demonstrates that the world did not stop, the LSIIO is there to inform not prohibit development.
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