

## **ARARAT PLANNING SCHEME**

### **AMENDMENT C29**

#### **EXPLANATORY REPORT**

#### **Who is the planning authority?**

This amendment has been prepared by the Ararat Shire Council, which is the planning authority for this amendment.

The amendment has been made at the request of the Ararat Shire Council.

#### **Land affected by the amendment**

The amendment applies to areas subject to flood risk in the township of Wickliffe, as shown on the attached map.

#### **What the amendment does**

The amendment will implement the findings of the Wickliffe Flood Investigation by introducing floodplain planning controls to those areas identified as being at flood risk.

The amendment proposes to apply the Floodway Overlay and the Land Subject to Inundation Overlay map to areas subject to flood risk as identified in the Wickliffe Flood Investigation.

- Amend Subclause 21.03-1 to improve the performance of the Municipal Strategic Statement with respect to risks associated with flooding,
- Amend Subclause 21.04-2 to improve the performance of the Municipal Strategic Statement with respect to risks associated with flooding,
- Insert Clause 44.03 Floodway Overlay to introduce the floodway overlay to the Ararat Planning Scheme.
- Insert a new schedule to Clause 44.03 Floodway Overlay to introduce the schedule of the floodway overlay to the Ararat Planning Scheme
- Insert Clause 44.04 Land Subject to Inundation Overlay to introduce the land subject to inundation overlay to the Ararat Planning Scheme.
- Insert a new schedule to Clause 44.04 Land Subject to Inundation Overlay to introduce the schedule of the land subject to inundation overlay to the Ararat Planning Scheme
- Insert new Planning Scheme Map No.:30 LSIO-FO. Updates the Schedule to Clause 61.03 to insert planning scheme maps to the Ararat Planning Scheme.
- Minor numbering changes to accommodate the changes to Clause 21.03, as well as changes to the schedule to Clause 61.03 are also proposed by the amendment.

#### **Strategic assessment of the amendment**

- **Why is the amendment required?**

The amendment is required to give effect to the recommendations stemming from the Wickliffe Flood Investigation. The Wickliffe Flood Investigation was prepared in partnership with the Glenelg Hopkins Catchment Management Authority, and the residents of the township of Wickliffe.

The effect of the amendment will be to ensure that new and existing development in Wickliffe responds to risks associated with flooding.

- **How does the amendment implement the objectives of planning in Victoria?**

The Amendment will provide for a pleasant, efficient and safe working, living, and recreational environment for all Victorians and visitors by:

- Recognising those areas which are at risk of flooding
- Applying appropriate planning controls to those areas in order to protect life and property
- Ensuring high risk areas (ie: active flood plains) have the strictest form of planning controls applied

The Amendment will also assist to protect natural and man-made resources by ensuring the natural flood carrying capacity of the waterway within the township remains largely unencumbered.

The Amendment has been prepared in accordance with the objectives of planning as set out in the Planning & Environment Act 1987.

- **How does the amendment address the environmental effects and any relevant social and economic effects?**

The proposed Amendment addresses the potential effects in the following ways:

Environmental Effects

The Amendment will create a regulatory environment that will help to ensure that the capacity of the floodplain to store and convey floodwater is maintained.

The new planning controls will also help to ensure that new development is located and designed so as to respond to the risks associated with flooding.

The Amendment will also enhance recognition and protection of naturally flood-prone areas, which provide valuable habitats for plants and animals and serve as natural water storage areas.

Social and Economic Effects

The Amendment seeks to protect life and property in areas at risk of flooding. The Amendment proposes to apply the strictest controls in areas with the highest risk, and to apply less restrictive controls to areas of lower risk. The effect of this approach will be to mitigate risk associated with flooding, whilst not unnecessarily restricting the development of land.

- **Does the amendment address relevant bushfire risk?**

No additional bushfire risk which will be caused as a result of the proposed Amendment.

The Amendment makes no impact on the ability of the Ararat Planning Scheme to achieve the objectives of Clause 13.05-1 of the Ararat Planning Scheme.

- **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The amendment is consistent with Ministerial Direction No. 11 relating to the Strategic Assessment of Amendments under section 12 of the Planning and Environment Act 1987.

No other Ministerial Directions apply to the Amendment.

- **How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The proposed Amendment supports the State Planning Policy Framework, particularly Clause 13.02 (Floodplains) and Clause 14.02 (Water) by imposing appropriate flood protection measures in areas of known flood risk. The controls are being applied in order to ensure the community is protected from the risks associated with flooding and that the capacity of the floodplain to store and convey floodwater is maintained.

- **How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The proposed amendment seeks to give effect to the Municipal Strategic Statement, specifically Clauses 21.03-1 Townships, and 21.04-2 Catchment Management. These clauses are also being updated, as the conduct of the Wickliffe Flood Investigation has increased the level of understanding of flooding in the shire, and the Planning Scheme is being improved by this new understanding.

- **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment introduces flood specific controls within the Victorian Planning Provisions to the Ararat Planning Scheme. These are the most appropriate tools as they are specifically aimed at protection of life and property, and helping to ensure the free flow of floodwaters. These controls have been applied according to level of risk, consistent with the Practice Note: "Applying the Flood Provisions in Planning Schemes – A Guide for Councils".

Specifically, the Floodway Overlay is to be applied to active floodplains and flood fringe areas where flood waters are deep (in excess of 0.5 metre) or of such a velocity as to pose a significant risk to public safety; and the Land Subject to Inundation Overlay is to be applied to remaining floodplain areas as a means of regulating new development in a way that reduces risks of property damage.

The proposed changes to the Municipal Strategic Statement will help to guide the exercise of discretion associated with the new flooding controls.

- **How does the amendment address the views of any relevant agency?**

The amendment has been prepared in co-operation with the Glenelg Hopkins Catchment Management Authority.

It is considered that the views of other agencies will be canvassed during exhibition of this amendment.

- **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The Amendment will not have a significant impact on the transport system. Therefore the requirements of this Act do not need to be met.

### **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

It is considered that the amendment will have no significant impact on the resource and administrative costs of the responsible authority.

### **Where you may inspect this Amendment**

The amendment is available for public inspection, free of charge, during office hours at the following places:

Ararat Rural City Council, Cnr High & Vincent Street, Ararat.

Lake Bolac Information & Business Centre, 2110 Glenelg Hwy, Lake Bolac.

[www.ararat.vic.gov.au](http://www.ararat.vic.gov.au)

The amendment can also be inspected free of charge at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection).

### **Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by December 24th 2013

A submission must be sent to: Ararat Rural City, PO Box 246, Ararat 3377

### **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: Tuesday 25<sup>th</sup> February 2014
- panel hearing: Tuesday 25<sup>th</sup> March 2014