

## 9.2 FLOOD AMENDMENT POST-EXHIBITION

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<b>Department:</b>	Strategic Planning	<b>File Number:</b>	F24/A05/000016

### Officer Conflict of Interest

Officer disclosure in accordance with *Local Government Act 2020* – Section 130:

☒ Yes ☐ No

**Reason:** Declared conflicts of interest for Map 9 and Map 13 as officers own respective properties are within these locations.

### Status

Defined as confidential information in accordance with *Local Government Act 2020* – Section 3(1):

☐ Yes ☒ No

**Reason:** Nil

## Appendix

### Submissions Response Table (Redacted) (Appendix 9.2A)

### Purpose

To consider all submissions received to Amendment C81hors to the Horsham Planning Scheme.

### Summary

On 28 February 2022 Council resolved to support the public exhibition of Amendment C81hors. It was Authorised by the Minister for Planning on 14 October 2022 and exhibited from 17 November 2022 to 20 December 2022 (with some late submissions accepted). Mapping errors on Amendment Maps 23 and 24 were identified during the exhibition period. The two maps did not display the proposed overlay changes and in light of this error, Council extended the exhibition period for land owners located within Maps 23 and 24 to 20 January 2023. 4,508 notices were mailed to affected owners and occupiers.

Amendment C81hors implements the following six flood studies:

- *Horsham and Wartook Valley Flood Investigation (Water Technology, 2019)*
- *Mount William Creek Flood Investigation (BMT WBM, 2014)*
- *Natimuk Flood Investigation (Water Technology, 2013)*
- *Wimmera River and Yarriambiack Creek Flow Modelling Study Report (Water Technology, 2010)*
- *Warracknabeal and Brim Flood Intelligence Report (Water Technology, 2016)*
- *Lower Wimmera Flood Investigations (Water Technology, 2017)*

The Amendment affects 2,816 properties across the municipality. In summary, the Amendment:

- Revises the mapping extent of the Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO) within the respective six flood study areas
- Replaces the Design and Development Overlay Schedule 9 (stormwater management area) (DDO9) with the Special Building Overlay Schedule 1 (SBO1)
- Amends and introduces new overlay schedules
- Deletes Schedule 4 to the Design and Development Overlay (flood fringe development) (DDO4)
- Rezones land from the Urban Floodway Zone (UFZ) to Public Park and Recreation Zone (PPRZ) and Low Density Residential Zone (LDRZ)

A total of 46 submissions were received. Of these, seven have been resolved and withdrawn, six are resolved and awaiting formal withdrawal, 31 remain unresolved and two supported the Amendment.

**Recommendation**

That Council:

1. Receive and consider all submissions received to Amendment C81hors to the Horsham Planning Scheme, including the two late submissions.
2. Having considered all submissions to Amendment C81hors, approve to:
  - a. Request the Minister for Planning to appoint an Independent Planning Panel under Part 2 8B of the *Planning and Environment Act 1987* to review all submissions to Amendment C81hors; and
  - b. Refer all submissions to the Independent Planning Panel to be appointed by the Minister for Planning including addendums to existing submissions whilst continuing to resolve or improve submitter issues up until the Panel Hearing.

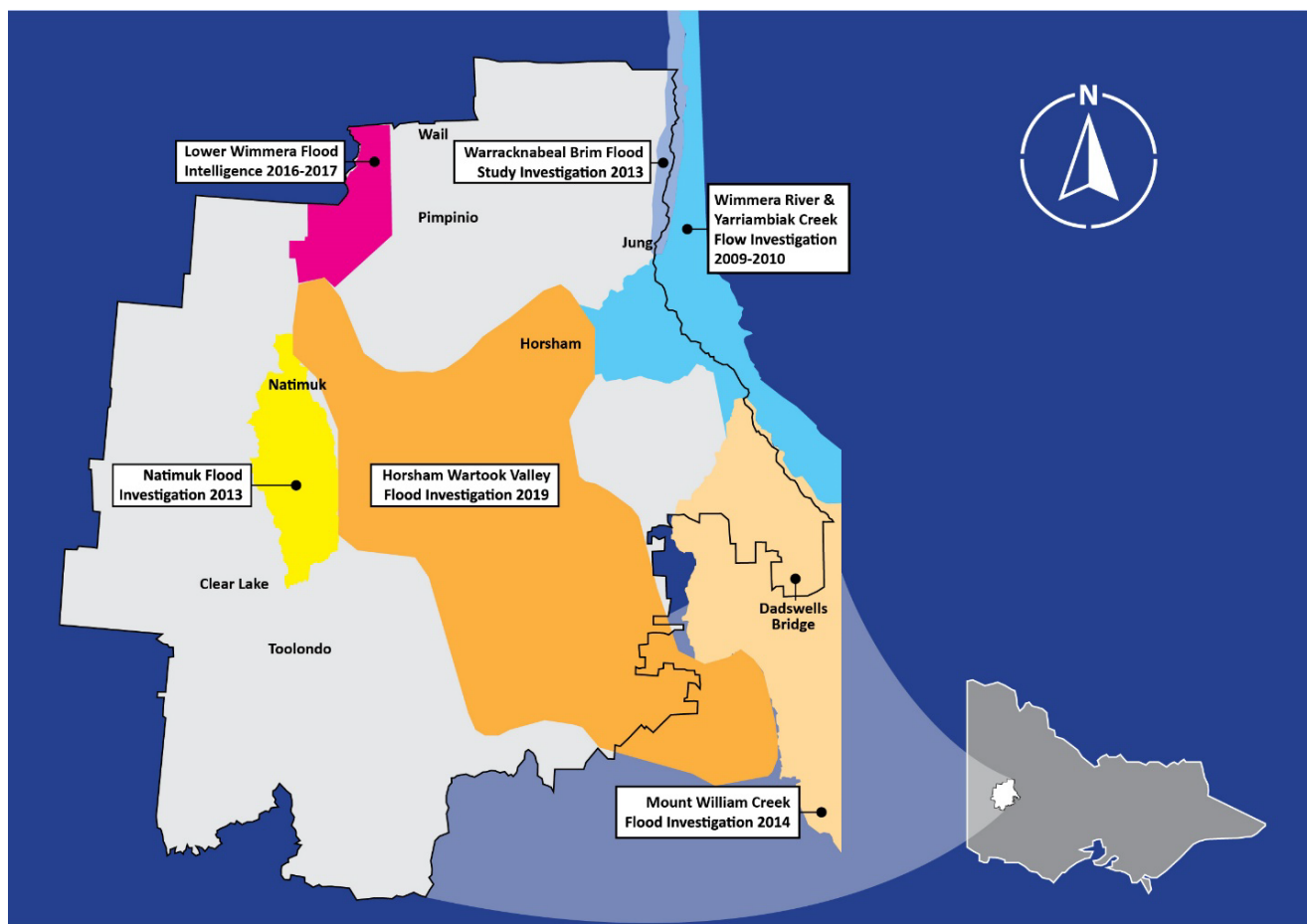
## REPORT

### Background

Amendment C81hors to the Horsham Planning Scheme was prepared by Council officers and planning consultant, Transect Planning. The Amendment implements six flood studies prepared by the Wimmera Catchment Management Authority (Wimmera CMA) through the Horsham Planning Scheme.

It is highly critical that planning decisions are based on all available information. Given that flood extent mapping has been undertaken as part of the preparation of these studies by the Wimmera CMA (as the Floodplain Management Authority), Council has a statutory responsibility to ensure that available flood extent mapping is translated into planning controls and applied in a transparent manner. The *Victorian Floodplain Management Strategy (2016)* at Policy 11a identifies Planning Scheme Amendments as a required output for all flood studies.

The usual controls to identify land affected by a 1% Annual Exceedance Probability (AEP) flood event\* are the Floodway Overlay (FO), the Land Subject to Inundation Overlay (LSIO) and the Special Building Overlay (SBO). The overlays will ensure that buildings and works constructed in areas identified as flood prone are built to a standard that considers future flooding.



#### Six flood studies that cover Horsham LGA extent

\*Annual Exceedance Probability (AEP) means the likelihood of a flood event of a given size or larger happening within a period of one year. A 1% Annual Exceedance Probability (AEP) flood event means you have a 1-in-100 chance that a flood of that size (or larger) could occur in any one year. The 1% AEP, also known as the 1-in-100 year flood, does not mean that if it floods one year, it will not flood for the next 99 years. Neither does it mean that if no flooding has occurred for 99 years that it will result in a flood the following year. For example, some parts of Australia have received two 1-in-100 year floods in one year.

Preparation of the Amendment

Council resolved to seek authorisation from the Minister for Planning to prepare (and then exhibit) the Amendment on 28 February 2022.

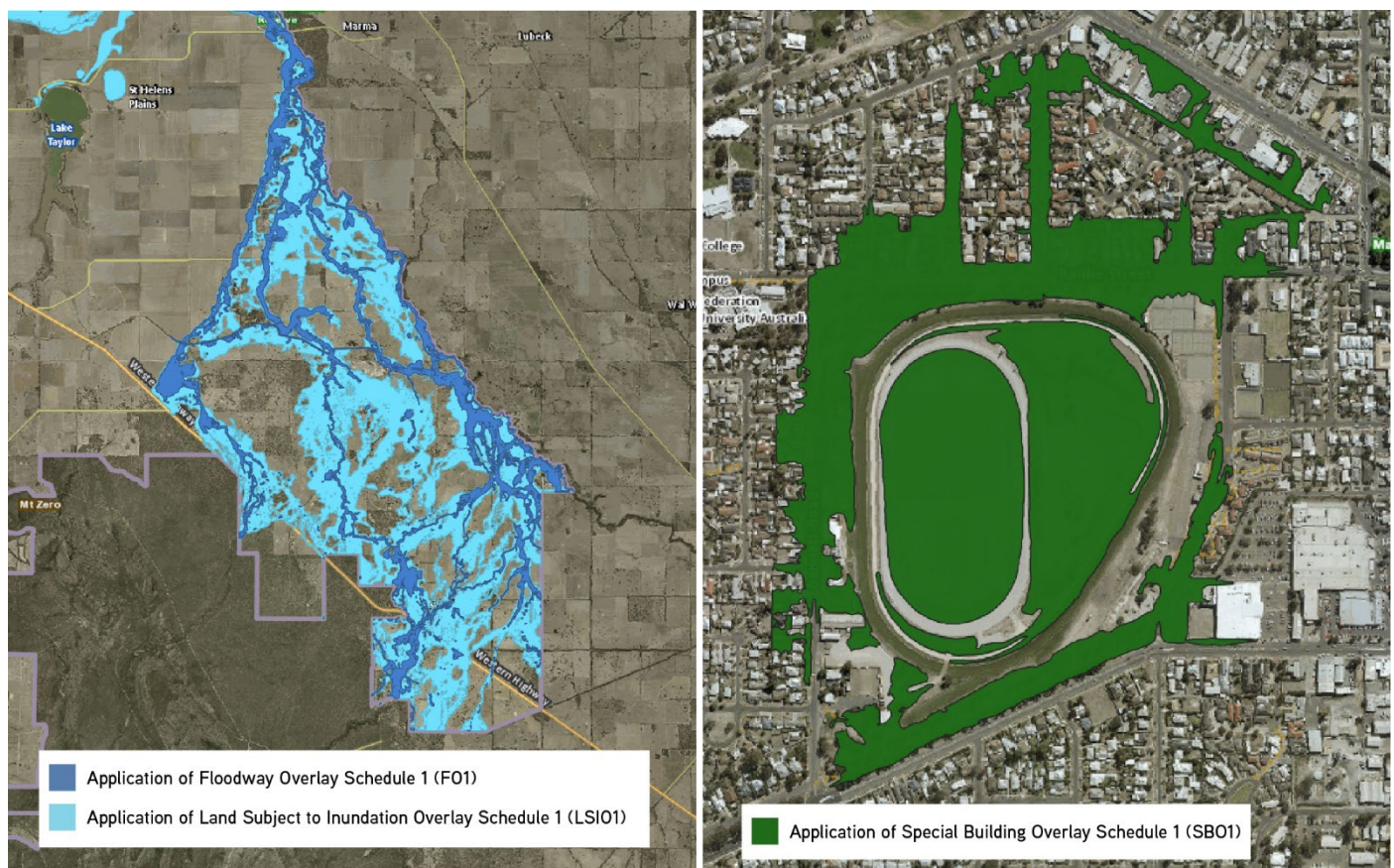
The Amendment applies or amend the existing extent the Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO) on land subject to flooding in a 1% AEP flood event within the study area boundaries of the six flood studies.

The Amendment also applies the Special Building Overlay Schedule 1 (SBO1) to land subject to stormwater flooding. The SBO1 replaces Design and Development Overlay Schedule 9 (Stormwater Management Area). Schedule 4 to the Design and Development Overlay (Flood Fringe Development) is deleted on the basis that it is redundant.

A small zoning change is to occur by replacing the Urban Floodway Zone (UFZ) by the Public Park and Recreation Zone (PPRZ) and Low Density Residential Zone (LDRZ).

The Amendment updates Clause 02.03-3 (Environmental risks and amenity), deletes Clause 13.03-1L (Floodplain management - Horsham) and includes the six flood studies as Reference Documents within the Horsham Planning Scheme.

The GIS mapping for the Amendment was complex and the official amendment maps took Council officers several months to resolve and prepare.



**Excerpts of the proposed Floodway Overlay (FO1) and Land Subject to Inundation Overlay (LSIO1) in Dadswells Bridge, and Special Building Overlay (SBO1) in Horsham town centre.**

### Exhibition of the Amendment

The Amendment was exhibited for one month from 17 November to 20 December using the following combination of statutory and non-statutory notifications:

- Direction notification (letters and pamphlets) to affected property owners and occupiers (approximately 4,508 letters), prescribed Ministers and authorities and key stakeholder agencies.
- Public notices in the Wimmera Mail Times on 18 November 2022 and 16 December 2022, The Horsham Times on 18 November 2022 and 16 December 2022, and the Government Gazette on 17 November 2022.
- The Amendment documents were made available for viewing and download (website/officers and DTP website).
- A FAQs pamphlet made available on Council's website.
- An interactive map showing the extent of the new overlays was also available on Council's website.
- A number of enquiries resulted in further information being provided in response to land owner queries, either by email or telephone.
- Drop in sessions held in Horsham (1 December 2022), Dadswells Bridge (6 December 2022) and Natimuk (7 December 2022) attended by Council, the Wimmera CMA and Water Technology.

For the wider community, the Amendment was also advertised on Council's *Have Your Say* webpage advising that Council was taking submissions in relation to the Amendment. Council officers took over 50 public calls and met with approximately 20 community members who visited Council Offices to discuss in more detail the content of the letters received.

### **Discussion**

#### Submissions received

A total of 46 submissions were received, including two submissions which were received outside the advertised exhibition period (Submissions 44 + 46).

#### Review of submissions

A rigorous review of the submissions received to the Amendment has been undertaken by officers both from Council and the Wimmera CMA as well as Water Technology and Transect Planning.

An information session was held at the Civic Centre on 21 March 2023 with 13 submitters in attendance. Multiple Council and Wimmera CMA officers attended as well as Water Technology and Transect Planning. The purpose of the information session was to provide an overview of the flood mapping methodology, the statutory and consultative processes and to provide an opportunity for submitters to ask questions and discuss common concerns with the Amendment.

11 one-on-one meetings with submitters were also held on the 22 March 2023. An additional one-on-one meeting was held on 11 April 2023 due to a submitter's unavailability.

Council, the Wimmera CMA and Water Technology undertook further technical review in instances where submitters have questioned the application of flood controls on their property due to:

- Accuracy of the modelling
- Where flooding has occurred in the past
- Where the extent of the flood control is minor

Seven site visits were conducted on 13 April 2023 to determine whether the exhibited flood mapping extent was accurate, and if any changes to flood mapping should be considered. Two additional site visits occurred on 13 June 2023.

Following site inspections with two submitters, it was agreed that a survey of the City Gardens Estate comprising 43 properties within the boundaries of Madden Street, Market Lane and Rushbrook Close occur. The survey was undertaken on 5 May 2023 to inform a technical review of the flood modelling and assist in the possible resolution of some submissions.

**Appendix 9.2A** provides a more detailed explanation of the assessment applied in reviewing all submissions and where considered appropriate a proposed change to help resolve the submission.

#### Key issues raised in submissions

16 common issues have been identified in relation to the 46 submissions received, the categorization of which assisted in the review and analysis of the submissions. A summary of these issues and a general Council officer response is provided in the table below. Please note that many of the submissions raised more than one issue.

**Table 1. Summary of submissions by issue with general response**

No	Issue	Submitter No	Response
1	Flood controls unnecessary as land not likely to flood due to land topography/landform	2, 4, 6, 7, 42	Modelling is consistent with historic flood levels across Horsham. The proposed flood controls are based on the best available information, best practice modelling and techniques, developed over many years by experts in this field. The use of computer modelling is acknowledged as the only practical method to reliably map the extent of changes to the flood shape across the municipality.
2	Impact on future development of land	3, 9, 10, 11, 12, 30, 34, 35, 40, 42	The introduction of the flood controls does not prohibit the future development of land. However, future development proposals are required to meet the requirements of the flood controls, such as constructing above the designated flood level. Any future development should be designed so it does not adversely impact adjoining properties.
3	Introduction of flood controls will allow development in flood prone areas which should not be permitted	13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 36, 37, 38	The purpose of the three main flood controls (Floodway Overlay, Land Subject to Inundation Overlay and Special Building Overlay) is to define what is considered an acceptable threshold for managing risk. Council has applied the different flood controls based on the threshold of managing risk identified in the Wimmera CMA flood investigation reports.  Generally, for Greenfield development the Wimmera CMA requires development outside the floodplain unless it can be demonstrated that no impact on neighbouring properties will occur through detailed flood modelling.  The Wimmera CMA uses the <i>Guidelines for Development in Flood Affected Areas (2019)</i> which details conditions for certain land use and development in flood prone areas.
4	Question why LSIO depth is 500mm in Horsham and 350mm elsewhere in Victoria	13, 14, 19, 20, 21, 22, 28, 29	The LSIO applies to riverine and coastal flooding and represents the area of land flooded by the 1% AEP flood. 500mm is the adopted approach to determine LSIO within the Wimmera. The FO is used for flooding above 500mm where the depth and velocity of water presents a risk to life and property.
5	Insurance implications	13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 27, 28, 30, 34, 36, 37, 38, 40, 41	Insurance companies will base their premiums on their own assessment of risk. Insurance is not a relevant planning matter that Council or Planning Panels Victoria is able to take into account when deciding whether to apply a flood control.



			The Wimmera CMA can provide written advice to confirm the extent of flood mapping on site and enable discussions with insurance providers in regards to premiums. Written advice can be requested upon lodgement of an online flood advice form <a href="https://wcma.vic.gov.au/advice-and-services/flood-advice/">https://wcma.vic.gov.au/advice-and-services/flood-advice/</a> or by calling the Wimmera CMA on 5382 1544.
6	Accuracy of modelling questionable and / or incorrect	13, 17, 29, 31, 33, 38, 39, 40, 43	It cannot be assumed that flooding will not occur simply because there is no recollection of previous flooding on a particular property. The flood controls are based upon the 1% AEP Average Exceedance Probability (AEP) flood extent, which means the flood level each year has a 1% chance of occurring (this was previously referred to as a 1-in-100-year flood). This is a standard used across the industry for flood planning and management. In many cases, the 1% AEP event may only result in flooding and inundation for a short period of time, but it is capable of causing damage. The lived experiences outlined in submissions only includes smaller floods, it cannot be used to directly compare to the modelled 1% AEP.
7	Improvement to drainage infrastructure required to mitigate flooding impacts	10, 13, 14, 38	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. 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). The matter of stormwater and drainage is the responsibility of Horsham Rural City Council who have a program of maintenance and upgrades. It is noted that the <i>Horsham and Wartook Valley Flood Investigation 2019</i> includes urban flood modelling which will be used to develop a Drainage Strategy. Properties where this issue was raised: <ul style="list-style-type: none"> <li>• 33 Rennison Street</li> <li>• 3 Olga Avenue</li> <li>• 7 Rushbrook Close</li> <li>• 3 and 5 Sloss Street</li> </ul>
8	Lack of community consultation/need for one-on-one meetings	13, 33, 39	Council has given public notice of the Amendment in accordance with the legislative requirements. In addition, Council held an information session in December 2022 and continues to communicate with submitters. Consultation was undertaken during the preparation of the flood studies. The Wimmera CMA wrote to property owners who were affected and offered one on one meetings.
9	State Government's <i>Guidelines for Development in Flood Affected Areas</i> not followed	16, 20, 22, 26, 27, 33, 36, 37, 38, 41	Council has prepared the Amendment in accordance with State Government's <i>Guidelines for Development in Flood Affected Areas</i> and <i>Planning Practice Note 12 Applying the Flood Provisions in Planning Schemes</i> . As noted above, the flood overlays are not designed to prohibit all development in flood prone areas but to manage the flood risk. Modelling and works are undertaken for major developments to ensure no major impacts occur for flood levels and adjacent land.
10	Stormwater retention principles cannot be achieved in LSIO1	24, 25	Stormwater retention is not a purpose of the LSIO. Its purpose is to ensure that development retains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level if flow velocity. Stormwater retention can be achieved in the LSIO; however, it is prohibited within FO.
11	Land immediately adjacent to a flood plain should have a minimum building flood level of 500mm	29	A planning control that seeks to have a minimum building height above the flood control must be included in a flood zone and/or overlay. The State Government's <i>Guidelines for Development in Flood Affected Areas</i> state that floodplain management authorities apply a range of freeboard, typically 300mm to 600mm, depending on their assessment of flood behaviour.

	above the 1% flood		It is noted that the Victorian Building Regulations prescribe a minimum of 300 mm freeboard (excluding out buildings less than 20m <sup>2</sup> ).
12	Financial, social and asset devaluation ramifications	32, 36	It is Council's policy to implement changes to flood modelling prepared by the Wimmera CMA. Direct financial impacts and impacts on property values are not a relevant planning matter that Council or Planning Panels Victoria is able to take into account. Social impacts must be considered in a broader context. The Amendment should have a positive social benefit on the basis that flood damage can disrupt communities and in extreme cases, cause extensive and costly damage to public and private assets, agricultural loss, personal hardship and loss of life.
13	Removal of flood storage has required the introduction of flood controls	33	The Land Subject to Inundation Overlay (LSIO) planning provisions consider the impact of development on the floodplain to ensure it does not obstruct floodwater, stormwater or drainage water and does not affect or reduce flood storage, or increase flood levels and flow velocities.  <a href="https://planningschemes.app.planning.vic.gov.au/Horsham/ordinance/44.04">https://planningschemes.app.planning.vic.gov.au/Horsham/ordinance/44.04</a>
14	Undeveloped residential zoned land should have a FO	37, 41	Land in Greenfield areas must address potential flood impacts. Due to the land being undeveloped, it is often possible to incorporate flood mitigation measures through stormwater retention systems and local drainage schemes. A Floodway Overlay could still apply if it is considered that there is an-going risk. Development is allowed on LSIO land under the <i>Guidelines for Development in Flood Affected Areas</i> . The <i>Guidelines for Development in Flood Affected</i> include conditions for development in the floodplain which the Wimmera CMA applied when providing a recommendation to Council.
15	HRCC must stop development which does not accord with <i>Infrastructure Design Manual</i>	13, 22, 24, 25, 38, 41	The Wimmera CMA uses the Guidelines for Development in Flood Affected Areas to condition development in the LSIO. This is consistent with the <i>Victorian Floodplain Management Strategy 2016</i> . <a href="https://www.water.vic.gov.au/data/assets/pdf_file/0025/409570/Guidelines_for_Development_in_Flood_finalAA.pdf">https://www.water.vic.gov.au/data/assets/pdf_file/0025/409570/Guidelines for Development in Flood finalAA.pdf</a>
16	Vegetation in river	39	The <i>Victorian Floodplain Management Strategy</i> addresses this matter. If a land owner believes that vegetation is causing flooding, the land owner can commission a flood study to technically assess the issue and present the findings to the Wimmera. If it demonstrates that vegetation is causing flooding the land owner can apply to the Wimmera CMA for a works on waterways permit to remove the vegetation. No study has been conducted demonstrating any such impacts in the Wimmera.

**Note:** Not the table does not include all issues raised, but specific responses and negotiations that have occurred with individual landholders.

### Response to submissions

A summary of each submission received is presented in a Submissions Response Table (**Appendix 9.2A**). The Submissions Response Table offers a detailed response to the submission including a recommendation to retain, modify or remove the flood controls (if appropriate).

Ten changes are recommended on the basis of further review of the submission, submitter meetings, site visits and/or property surveys. These changes will form the basis of the Council submission to the Independent Planning Panel.

The recommended changes to the exhibited Amendment for properties located within the LSIO and FO at this point in time include:



- **Map 6, 173 Hughes Road, Quantong**

Water Technology reviewed the modelling using survey data from Midbrook Engineering and has advised that the FO1 and LSIO1 should be removed from an existing building pad.

- **Map 6, Lot 1, Berry Lane, Natimuk**

During the submitter meeting held on 22 March 2023, Water Technology agreed that the FO1 layer should be removed from the area of land where a wastewater storage plant is located.

- **Map 6, 378 Lake Road, Natimuk**

At a site inspection held on 13 June 2023, Water Technology conducted a review of the modelling. It was agreed that the section of LSIO1 and FO1 should be removed from the property.

- **Map 7, 333 Natimuk Hamilton Road**

Following discussions held the submitter on 25 March 2023, Water Technology conducted a review of the modelling. It agrees that the FO1 and LSIO1 layers should be removed from the area of land where the disused dam is located.

- **Map 8, 503 Three Bridges Road, Horsham**

During the site inspection held on 13 April 2023 Water Technology reviewed the modelling and has agreed remove the LSIO1 and FO1 extents from inside the levy bank to exclude the dwelling.

- **Map 11, 55 Baillie Street, Horsham**

Following discussions held between the submitter, Water Technology and Council on 6 December 2022, a review of the modelling has been completed and it agrees that the FO layer should be removed from the backyard.

- **Map 13, 14 Wotonga Drive, Horsham**

Water Technology conducted a review of the modelling. It agrees that the section of LSIO1 should be removed from the corner of the property.

- **Map 13, 1,2,3,4,5,6,7,8,9 Eastgate Drive, Horsham 1,2,3,4,5,6,7,8,9,10,11,12 Market Lane, Horsham, 14 Madden Street, Horsham, 1,2,3,4,5,6,7,8,9,10,11,12 Rushbrook Close, Horsham.**

Following a review of the survey results, Water Technology agrees that the section of LSIO should be removed from the dwelling floor area for the listed properties within Eastgate Drive, Market Lane, Madden Street and Rushbrook Close.

- **Map 13 5 Sloss Street, Horsham**

During the site inspection held on 13 April 2023, Water Technology reviewed the modelling and agrees that the FO1 should be removed from the property.

- **Map 21 3912 Henty Highway McKenzie Creek**

During the submitter meeting held on 22 March 2023, Water Technology conducted a review of the modelling. It agrees that the FO1 layer should be removed from the area of land where the quarry hole is located.

These changes have been reviewed and endorsed by the Wimmera CMA and Water Technology. Submitter names have not been included in **Appendix 9.2A**. All submissions are public documents under the *Planning and Environment Act 1987* and can be made available upon request.

Next steps

The next step in the Amendment process is to seek an independent Planning Panel.

Making all requested changes to the Amendment as detailed in the submissions is not supported for the reasons set out in **Appendix 9.2A**. A number of changes, however, are recommended to be made to the Amendment, where a clear and evidence based rationale for removing or changing a flood control can be demonstrated.

Council must forward submissions an Independent Planning Panel, if it does not agree to make Amendment changes in accordance with all submissions. Land owners will be provided with an updated response letter to their submission.

Council must make a formal request to the Minister for Planning to appoint a Panel, after which Planning Panels Victoria will advise of the hearing dates.

Following the Panel Hearing, the Panel will provide a report and recommendations to Council and to the Minister for Planning. On receipt of the Panel report, a Council Report will be prepared for Council to consider the Panel's recommended changes.



As the Planning Authority

As the Planning Authority for this Amendment, Council must consider all submissions made to the Amendment and may consider late submissions in accordance with Section 22 (14) of the *Planning and Environment Act 1987*.

Furthermore, under Section 23 (15) (16) of the Act, following consideration of submissions, Council as the Planning Authority must:

- a. Change the Amendment in the manner requested; or
- b. Refer submissions to an Independent Planning Panel; or
- c. Abandon the Amendment or part of the Amendment.

**Options to Consider**

That Council:

1. Receives and considers all submissions received to Amendment C81hors to the Horsham Planning Scheme, including the two late submissions.
2. Having considered all submissions to Amendment C81hors, approves to:
  - a. Request the Minister for Planning to appoint an Independent Planning Panel under Section 8b of the *Planning and Environment Act 1987* to review all submissions to Amendment C81hors; and
  - b. Refer all submissions to the Independent Planning Panel to be appointed by the Minister for Planning including addendums to existing submissions whilst continuing to resolve or improve submitter issues up until the Panel Hearing.

Or

1. Receives and considers all submissions received to Amendment C81hors to the Horsham Planning Scheme, including the two late submissions.
2. Having considered all submissions to Amendment C81hors does not approve to request the Minister for Planning to appoint an Independent Planning Panel and abandons the Amendment.

**Sustainability Implications**

The Amendment will help manage the environmental hazard posed by riverine and stormwater flooding.

The Amendment has positive economic and social benefits by identifying areas where planning permit assessment can reduce the risk of the harm from riverine and storm water flooding and damage due to a storm surge.

**Community Engagement**

As noted above, there has been extensive engagement with the community on the Amendment.

Submitters will be notified of the next stage of the Amendment process following Council's consideration of this report.

Once a Planning Panel is appointed, submitters will be notified of the Panel's appointment, including the hearing dates and proceeding guidelines. When a Panel Hearing is conducted, the submitters will be given the opportunity to present to the Planning Panel.

The Panel will provide a report to Council with its findings and recommendations, and Council is required to release the Panel Report within 10 business days after receipt, as required under Section 26 of the *Planning and Environment Act 1987*.

The Panel Recommendations will be subject to a future report to Council for formal consideration.

### **Innovation and Continue Improvement**

The Amendment helps to ensure that Council through its planning scheme is improving its response to a potential significant risk issue to life and property that may be caused by flooding. The expansion of exemptions from the need to obtain a permit within the FO and LSIO will ensure that landowners are not unnecessarily inconvenienced.

### **Collaboration**

This project has involved important collaboration between Council, Wimmera CMA and DEECA (formerly DELWP). Some collaboration with adjoining municipalities is required to address mapping issues. It will be important that collaboration with the Wimmera CMA and DEECA continue as the Amendment progresses.

### **Financial Implications**

Funding of \$60,000 has been provided by Department of Transport and Planning to assist in the implementation of the Amendment. Funding for this project has been budgeted in the following manner:

- A GIS consultant was previously engaged to compile and 'clean-up' the flood extent GIS files to ensure they were fit for the planning scheme Amendment.
- A planning consultant is currently engaged to lead the Amendment preparation and process up until the Amendment's approval / gazettal.
- Engagement of expert witness from Water Technology to explain to the Panel the flood study methodologies, modelling and changes made to mapping following consideration of submissions.
- Panel costs have been allowed for in Council's Amendment budget.

The grant does not cover expected Planning Panel costs. There is a budget allocation included in the 2023-24 budget to prepare for and exhibit Planning Scheme Amendments. This budget will be used for Planning Panel costs that exceed the grant funding.

It is not expected that this future Planning Scheme Amendment will impose any unreasonable costs on Council.

### **Regional, State and National Plans and Policies**

Clause 13.03-1S of the State section of the Planning Policy Framework includes a number of objectives and strategies on floodplain management. This clause refers to *Victorian Floodplain Management Strategy* (2016)

### **Council Plans, Strategies and Policies**

Clause 13.03-1L of the Local section of the PPF includes a section of flood management in Horsham. This policy was introduced following the completion of the *Horsham Flood Study* (Water Technology, February 2003).

In addition, the Municipal Emergency Management Planning Committee has prepared the following flood plans:

- *Horsham Rural City Council Flood Response Plan*
- *East Horsham Flood Intelligence Report*
- *Natimuk Flood Intelligence Report Risk Implications*

### **Risk implications**

There is a risk if Council as the Planning Authority does not act on the flood mapping it has available. Council could be made liable if flooding occurs in the future and damages property developed subsequent to the flood studies. Council can reduce this risk by acting on the scientific based data it has available and applying the appropriate planning overlays as proposed by this Amendment. It is considered that Council has a duty of care to act and identify flooding and properly control development in flood prone areas.

The proposed overlays will help reduce risk of property damage as a result of riverine and Stormwater flooding by requiring a planning permit for new dwellings and other buildings and works. In particular, it will enable both Council (as the Responsible Authority) and the Wimmera CMA (as the Floodplain Management Authority) to ensure building floor levels are set above the predicted flood levels and hence minimise economic and personal hardship if flooding is to occur.

The 2016 *Victorian Floodplain Management Strategy* stresses the importance of using planning controls to help avoid or minimise flood risks. Planning Authorities are required to use available planning controls to manage risks.

### **Conclusion**

The Amendment proposes to introduce/or revise the application of flood controls across the municipality. In total, 46 submissions were received, and each submission has undergone a rigorous and thorough assessment, supported by both the Wimmera CMA, Water Technology and Transect Planning. It is recommended that the Amendment (together with the suggested changes as set out in **Appendix 9.2A**) be progressed to the next step in the planning scheme Amendment process and that the submissions be referred to an Independent Planning Panel for further consideration.