



**WGCMA Ref:** WG-F-2017-0271  
**Document No:** 1  
**Council Ref:** Amendment C109  
**Date:** 13 July 2017

Ken Griffiths  
 Strategic Planning Coordinator  
 South Gippsland Shire Council

Dear Ken,

**Planning Permit Application No. :** 2016/180

<b>Property</b>	<b>Street:</b>	113A and 143B Inlet View Venus Bay, Victoria 3956
	<b>Cadastral:</b>	Lot 1 & 2, PS648056, and Lot 1 TP 172550, Parish of Tarwin

**Applicant(s):** Jacob Van Der Meulen C/- Jardine Johnstone

I refer to your correspondence received at the West Gippsland Catchment Management Authority ('the Authority') on 29 June 2017 in accordance with the provisions of Section 55 of the *Planning and Environment Act 1987*. The Authority notes that the application seeks to rezone the land from the Farming Zone to the Low Density Residential Zone, Township Zone and Special Use Zone to facilitate subdivision of the land into nine lots.

The 1% Annual Exceedance Probability (AEP<sup>3</sup>) flood level (commonly known as the 1 in 100 year flood) under current climatic conditions is 1.96 metres AHD<sup>4</sup>. Under future climatic conditions this level increases to 3.06 metres AHD.

**The applicable 1% AEP flood level for this property is 3.06 metres AHD.**

The Authority is a recommending referral authority for this application. Pursuant to Section 56(1) of the *Planning and Environment Act 1987*, the Authority **objects** to the proposed rezoning and potential subdivision of the land, and to the issue of a Planning Permit based on the following grounds:

1. The proposal is not consistent with the objective of the State Planning Policy Framework (SPPF) Clause 13.01-1 – Coastal Inundation and Erosion - to plan for and manage the potential coastal impacts of climate change.
2. The proposal is not consistent with the objective of the State Planning Policy Framework (SPPF), Clause 13.02-1 - Floodplain Management - to assist the protection of life, property and community infrastructure from flood hazard.
3. The proposal is not consistent with the objectives of the Municipal Strategic Statement (MSS), Clause 21.04-2 – Vision - to ensure that development on floodplains is compatible with the level of flood risk.
4. The proposal is not consistent with the '*Guidelines for Coastal Catchment Management Authorities: Assessing development in relation to sea level rise*' (DSE, 2012).

5. The proposal is not consistent with the West Gippsland Catchment Management Authority policy for development viability in coastal areas in accordance with the '*Guidelines for Coastal Catchment Management Authorities: Assessing development in relation to sea level rise*' (DSE, 2012).

6. The proposal is not consistent with the Principles and Objectives from the West Gippsland Catchment Management Authority's Flood Guidelines, '*Guidelines for development in flood prone areas*' (2013).

7. The proposal is not consistent with the decision guidelines in the Victorian Planning Provision Practice Note PNP11 '*Applying for a Planning Permit Under the Flood Provisions – A guide for councils, referral authorities and applicants*', in that:

- a. It is not consistent with the SPPF (Clause 13.01-1 and 13.02-1).
- b. It is not consistent with the MSS (Clause 21.04-2).
- c. It relies on low-level access to and from the site.
- d. It is likely to increase the burden on emergency services and the risk to emergency personnel.

Pursuant to Sections 64 to 66 and 75 of the *Planning and Environment Act 1987*, please ensure that you provide the Authority a copy of your decision as soon as possible to allow time if an application for review to VCAT is required.

The attached **explanatory report** provides further detail regarding the Authority's assessment.

Should you have any queries, please do not hesitate to contact Penny Phillipson on 1300 094 262. To assist the Authority in handling any enquiries please quote **WG-F-2017-0271** in your correspondence with us.

Yours sincerely,



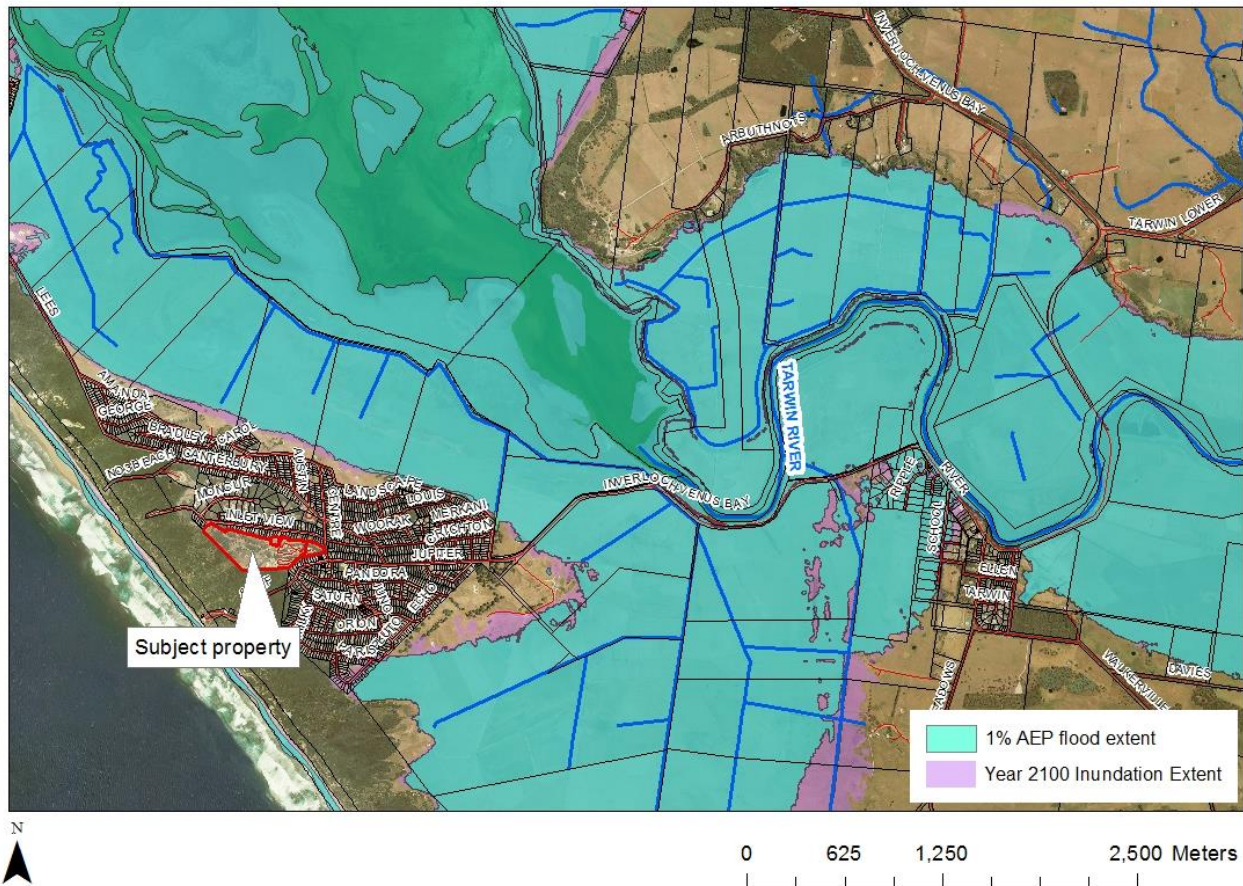
**Martin Fuller**  
**Chief Executive Officer**

Cc: Jacob Van Der Meulen C/- Jardine Johnstone ([chris@jardinejohnstone.com.au](mailto:chris@jardinejohnstone.com.au))

The information contained in this correspondence is subject to the disclaimers and definitions attached.

## EXPLANATORY REPORT

**Figure 1 – 1% AEP flood extent**



### Decision Guidelines

The West Gippsland Catchment Management Authority assesses all applications against the following National, State and Local Policies, Guidelines and Practice Notes:

1. *'Technical Flood Risk Management Guideline: Flood Hazard'* (Australian Emergency Management Institute, 2014)
2. *'Victorian Floodplain Management Strategy'* (Victoria State Government, 2016)
3. Council Planning Schemes, including the:
  - i. State Planning Policy Framework
  - ii. Local Planning Policy Framework
  - iii. Relevant Zones and Overlays
4. *'Guidelines for Coastal Catchment Management Authorities: Assessing development in relation to sea level rise'* (DSE, 2012)
5. *'Applying for a Planning Permit under the Flood Provisions – A Guide for Councils, Referral Authorities and Applicants'* (DELWP, 2015)
6. *'Flood Guidelines - Guidelines for development in flood prone areas'* (West Gippsland Catchment Management Authority, 2013)
7. *'West Gippsland Waterway Strategy'* (2014-2022)
8. *'West Gippsland Regional Catchment Strategy'* (2013-2019)

**Table 1 – Flood Data**

	<b>Current conditions</b>	<b>2100 conditions</b>
1% AEP flood level at development site	1.96 m AHD	3.06 m AHD
1% AEP flood level on road (evacuation route)	2.6m AHD	3.06m AHD
Lowest land elevation on property	3.58m AHD	
Highest land elevation of property	24.67m AHD	
Lowest land elevation on road (evacuation route)	1.7m AHD	
<b>FLOOD DEPTH</b>		
Minimum depth of flooding on property	0m	0m
Maximum depth of flooding on property	0m	0m
Percentage of property flooded	0%	0%
Maximum flood depth on road (evacuation route)	0.9m	1.36m
<b>HAZARD ASSESSMENT</b>		
Hazard category at development site	<b>Low</b>	<b>Low</b>
Hazard category on road	<b>High</b>	<b>Extreme</b>

**1% AEP<sup>3</sup> Flood Level Determination**

Floods are classified by the frequency at which they are likely to occur. In Victoria, all proposals for development on floodplains are assessed against a flood that, on average, will occur once every 100 years. A flood of this size has a 1% chance of occurring in any given year, and is known as either the 100 year Average Recurrence Interval (ARI<sup>5</sup>) flood or the 1% Annual Exceedance Probability (AEP) flood.

Please note that the 1% AEP flood is the minimum standard for planning in Victoria, and is not the largest flood that could occur. There is always a possibility that a flood larger in height and extent than the 1% AEP flood may occur in the future.

The estimated 1% AEP flood level (commonly known as the 1 in 100 year flood) for the property described above is 1.96 metres AHD which was obtained from '*The Effect of Climate Change on Extreme Sea Levels along Victoria's Coast*' (CSIRO, 2009).

The property relies on vehicular access via the Inverloch-Venus Bay Road, which is subject to inundation from the Tarwin River. The '*Tarwin Lower Flood Study*' (Water Technology, 2007) determined that the 1% AEP flood level along this road is likely to be **2.6 metres AHD**. This level includes the combined impacts of a 1% AEP riverine flood with an associated storm surge under current climatic conditions.

Current Victorian Government policy recommends that coastal communities should also be aware of and plan for mean sea level rise of not less than 0.8 metres by the year 2100.

The 1% AEP flood level for Venus Bay and the Inverloch-Venus Bay Road is likely to increase to 3.06 metres AHD by 2100, as estimated in '*The Effect of Climate Change on Extreme Sea Levels along Victoria's Coast*' (CSIRO, 2009).

The '*Guidelines for Coastal Catchment Management Authorities: Assessing development in relation to sea level rise*' (DSE, 2012) outlines the Victorian Government response to the likely impacts of possible sea level rise. The Guidelines include policy direction allowing agreement between Councils and Catchment Management Authorities on appropriate flood level for anticipated sea level rise.

South Gippsland Shire Council and the Authority are currently determining appropriate flood levels for this area and in the interim, will continue to assess applications against a future climate change scenario for the year 2100.

**The applicable 1% AEP flood level for this property and its evacuation route is 3.06 metres AHD.**

The Authority holds no information in relation to the arrangement and capacity of stormwater drainage infrastructure in the area.

#### **Flood Hazard Assessment**

The West Gippsland Catchment Management Authority's '*Flood Guidelines - Guidelines for development in flood prone areas*' (2013) state that where flood depth 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 is not supported as it would increase the amount of people and property exposed to the flood hazard.

Table 1 demonstrates that the above criteria are not met.

Although the subject land is well elevated and not likely to be subject to inundation under current or future climatic conditions, the primary vehicle egress route from the property to a location where emergency relief and recovery facilities can be accessed is likely to be flooded by depths up to 1.36 metres during a 1% AEP flood event under future climatic conditions, which represents an **extreme** flood hazard.

**Definitions and Disclaimers**

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, most closely represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or the local government authority.
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).

Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.

4. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
5. **ARI** as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100 year ARI flood will occur on average once every 100 years.
6. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
7. This letter has been prepared for the sole use by the party to whom it is addressed and no responsibility is accepted by the Authority with regard to any third party use of the whole or of any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it would appear.
8. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.