



# COASTAL INUNDATION AND EROSION PLANNING POLICY

## DOCUMENT CONTROL

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<b>Contact number:</b>	(03) 5153 9500
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## REVISION HISTORY *(Completed by Governance Officer)*

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## 1. PURPOSE

To provide a consistent approach to the consideration of applications for land use and development in Gippsland Lakes townships whilst conforming to State Planning Policy which requires Council *to plan for and manage the potential impacts of climate change*.

Our community is concentrated in townships located along our coast which are predicted to be subjected to the impacts of coastal climate change into the future. Council has been proactively advocating for appropriate consideration to be given to the way that we plan for the impacts of coastal climate change in existing established townships this ensures that there is a planned rather than ad hoc approach to planning and importantly, enable the impacted community to participate in that process.

### ***Flood Plain Management and Advice***

The East Gippsland Catchment Management Authority (EGCMA) is the appointed Flood Plain Manager in East Gippsland Shire under the relevant provisions of the Water Act 1989. EGCMA is a Referral Authority for planning applications made to Council under the requirements of Section 55 of the Planning and Environment Act 1987. The EGCMA provides advice to Council in respect to the appropriateness of development occurring in areas subject to catchment flooding in the Shire.

Following the release of the VCS, Catchment Management Authorities in coastal areas were directed to add 0.8m of possible future sea level rise to the declared 1:100 year flood levels used to assess applications and provide advice to Council.

### ***Impacts to our Communities***

Some of our communities are presently impacted by flooding from riverine catchments. For townships located on the Gippsland Lakes the combination of catchment flooding and possible future sea level rise means that these towns may be subject to significant future impacts.

The policy approach and directions required of the EGCMA imposed significant restrictions on the nature and intensity of development considered appropriate in coastal communities.

While the impacts have been most prominent for Gippsland Lakes communities, other coastal communities across East Gippsland are also likely to be impacted into the future by the combination of flooding and sea level rise. As information and our understanding about impacts across our coast develops it is likely that our policy approach will also need to respond.

## 2. POLICY STATEMENT

This policy provides a framework for the consideration of the risks of climate change through our planning and decision making processes both now and in to the future.

## 3. RESPONSIBILITY FOR IMPLEMENTATION AND COMPLIANCE

These management positions are responsible for implementation and compliance monitoring of the policy in their work areas:

<b>Party / Parties:</b>	<b>Roles and responsibilities:</b>
Director Planning and Community	To ensure the awareness and development of the Policy

#### 4. SCOPE OF POLICY

This Policy applies to development that constitutes both greenfield sites<sup>1</sup> and urban infill<sup>1</sup>

##### ***Urban Infill Development***

This Policy is applied to land within the established urban boundary of Gippsland Lakes townships as set out in Clause 21.12 of the East Gippsland Planning Scheme<sup>2</sup>, which is located in an existing built up area and subject to current or future coastal inundation or erosion and where the land is zoned:

- Residential 1
- Township
- Low Density Residential
- Mixed Use
- Business 1
- Business 3
- Industrial 1
- Industrial 3
- Public Park and Recreation
- Public Use

In all circumstances where Council must determine an application for land use and development on land in urban infill areas of townships sited abutting the Gippsland Lakes, that are subject to current or future coastal inundation or erosion Council will plan for a possible sea level rise of 0.2 metres over the current 1 in 100 year flood levels:

Council will not support development of new premises in urban infill areas for the following uses:

- Boarding House (as a residential building)
- Education Facility
- Childcare Centre
- Emergency Services Facility
- Hospital
- Residential Aged Care Facility
- Residential College
- Residential Village
- Retirement Village
- Service Station.

##### ***Greenfield Development***

###### *Information and Advice*

Council will use the best available knowledge and information at the time of making a

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<sup>1</sup> Definition is located at section 7

<sup>2</sup> [East Gippsland PS Home Page](#)

decision regarding proposed Greenfield Development.

Council will seek technical advice regarding flood plain management from the East Gippsland Catchment Management Authority as the designated flood plain manager when land is:

- covered by the “Land Subject to Inundation Overlay”; or
- otherwise known to be subject to inundation in accordance with the declared 1 in 100 year flood; or
- predicted to be impacted by possible sea level rise of 0.8 metres

Council will have regard to the advice of the EGCMA in determining planning permit applications in circumstances where the EGCMA is a recommending referral authority in accordance with Section 55 of the *Planning and Environment Act 1987*.

#### *Determining Applications for Planning Permits*

All applications for development and use will be assessed on their merits having regard for all relevant planning matters.

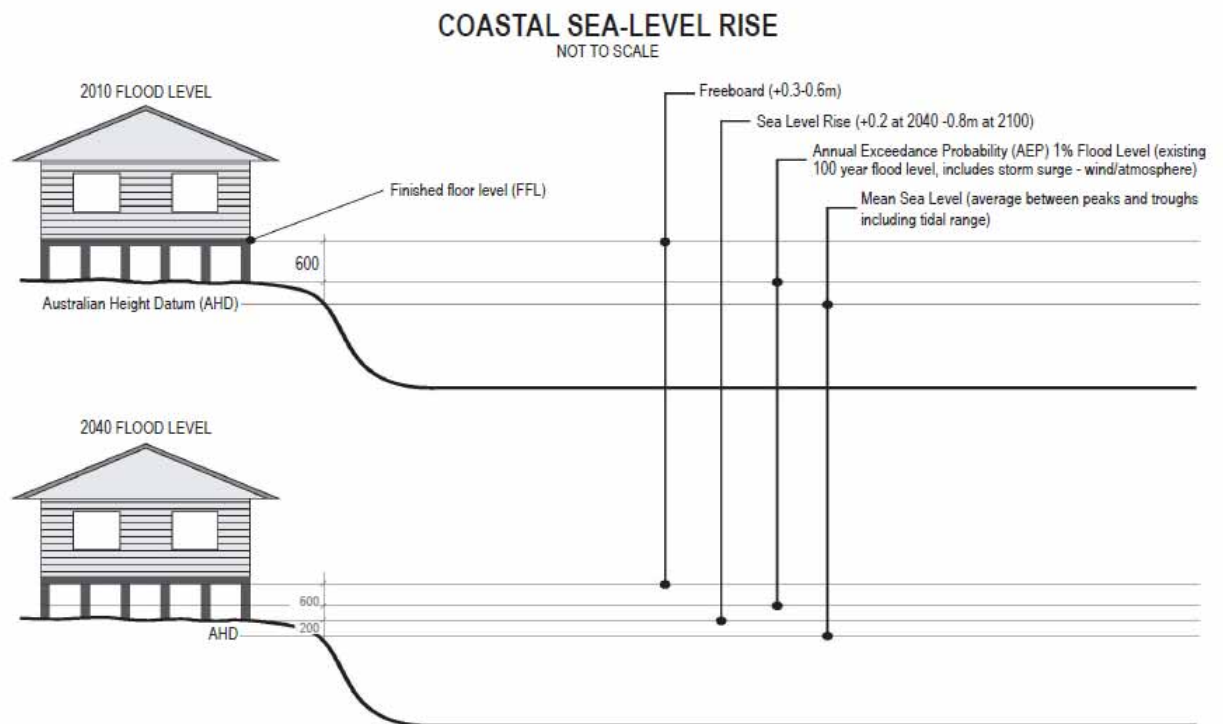
In circumstances where Council must determine an application for the use and development of Greenfield land abutting the Gippsland Lakes and subject to current or future coastal inundation or erosion, Council will plan for a possible sea level rise of not less than 0.8 metres over the current 1 in 100 year flood levels, with the exception of categories of use set out below.

In doing so, Council will ensure that land subject to coastal hazards are identified and appropriately managed to ensure that future development is not at risk by:

- Undertaking long term planning, together with a range of partners, to identify and appropriately manage the impact of coastal hazards for Gippsland Lakes communities to ensure that planning decision making is guided by effective strategic planning.
- Applying this policy only to development of land surrounding the Gippsland Lakes given the flooding is characterised by low velocities and allows for warning to be given to land owners and occupants in respect to the timing and severity of events.
- Requiring the development of Flood Emergency Response Plans to mitigate residual risk from flooding where appropriate.
- Plan for a possible sea level rise of 0.2 metres over the current 1 in 100 year flood levels in Greenfield areas for the following uses:
  - Dwelling extension(*must show that the extension does not increase the risk to the occupiers*);
  - Replacement dwelling other than dual occupancies(*must show that replacement dwelling does not increase the risk to occupiers*);
  - New single dwelling on vacant residential lot (including dual occupancy)(*must show that the risk of flooding of the dwelling is mitigated and adaption principles apply*);
  - Car parking;
  - Minor sheds and outbuildings (*must show that the materials used in the structure are water resistant and all utility outlets are above the declared flood level*).
- Adding an additional 0.2 metre freeboard to building floor levels in addition to the 1 in

100 year declared flood level and 0.3 metre freeboard where required by Building Approvals processes

- Continuing to support the development and operation of Flood Warning Systems and Flood Emergency Plans for the Gippsland Lakes.
- Ensure that development or protective works seeking to respond to coastal hazard risks avoids detrimental impacts on coastal processes by requiring planning permit applications proposing protective works to be accompanied by a Coastal Hazard Vulnerability Assessment prepared by an appropriately qualified person for assessment by Council.



Source: adapted from *Planning for sea level rise*, Melbourne Water, June 2012

## 5. REFERENCES / ASSOCIATED DOCUMENTS

1. Lakes Entrance Inundation and Adaptation Project Framework, (Doc Number 5022859)
2. Guidelines for Coastal Catchment Management Authorities: Assessing development in relation to sea level rise. June 2012(<http://www.vcc.vic.gov.au/page/victorian-coastal-strategy>)
3. The Adopted Policy of the East Gippsland Catchment Management Authority.
4. [The Planning and Environment Act 1987](#)

## 6. PRIVACY AND HUMAN RIGHTS CONSIDERATION

All personal information collected by East Gippsland Shire Council in connection with the Coastal Inundation and Erosion Planning Policy will be handled in accordance with all applicable privacy legislation and will be used only for the purpose of investigating the impact of coastal flooding on individual sites.

The Coastal Inundation and Erosion Planning Policy has been assessed as compliant with the obligations and objectives of the Victorian Charter of the *Human Rights Responsibilities Act 2006*.

## 7. DEFINITIONS AND ABBREVIATIONS

<b>Term:</b>	<b>Meaning:</b>
<b>DSE</b>	Department of Sustainability and Environment
<b>EGCMA</b>	East Gippsland Catchment Management Authority
<b>EGSC</b>	East Gippsland Shire Council
<b>Greenfield site</b>	Greenfield development involves the conversion of rural land to urban use, generally by subdivision into residential and commercial lots and subsequent construction of infrastructure and development.
<b>Land subject to Inundation overlay</b>	This overlay applies to land in either rural or urban areas which is subject to inundation, but not part of the primary floodway.
<b>Strategic Planning Staff</b>	Member of East Gippsland Shire Council (EGSC) staff responsible for answering or responding to a request for information.
<b>Urban infill Site</b>	Urban infill constitutes use and development of land within a built up area. It focuses on the re-use and repositioning of obsolete or underutilized buildings or sites. Urban infill buildings are constructed on vacant or underutilized property or between existing buildings.
<b>VCS</b>	Victorian Coastal Strategy

## 8. SUPPORTING PROCEDURES / GUIDELINES

### 8.1 - East Gippsland Shire Inundation Management Project Steering Committee

In a proactive response to the emerging challenges for our coastal communities, East Gippsland Shire established the East Gippsland Inundation Management Steering Committee (the Steering Committee) in May 2010. This Committee was established with the support of the Victorian Government and brought together membership from a range of Government Departments, Agencies, and the Lakes Entrance community and development industry. Terms of Reference established charged the Committee with the following objectives:

- *Prepare and implement a Community Consultation Strategy to support the project;*
- *Formulate a strategic framework for Inundation Management Planning for townships surrounding the Gippsland Lakes that is capable of implementation and has the endorsement of primary stakeholders;*
- *Assist agencies to navigate immediate policy and other constraints to ensure decision making processes are effective and can provide necessary levels of certainty;*
- *Give appropriate consideration to existing and emerging information, data and decision making tools;*
- *Explore a range of options or approaches that can be used to overcome or ameliorate current and future development constraints caused by inundation including:*
  - *options for appropriate building materials and design,*
  - *development or modification of infrastructure and public assets,*
  - *emergency response management, and*
  - *planning for appropriate land use and development;*
- *Guide the development of processes that will facilitate the ongoing appropriate development of Gippsland Lakes townships until such time as effective and comprehensive strategic planning can be undertaken to guide future adaptation options;*
- *Make recommendations about policy approaches, tools or responses that may be applicable to other locations across the Victorian coast and*
- *Prepare a final report outlining the Committee's findings to the East Gippsland Shire Council*

The Committee assisted Council in preparing Interim Controls that were applied to Lakes Entrance. The purpose of the Interim Controls was:

- *To ensure that existing and future vulnerability to sea level rise is considered in decisions to use and develop land.*
- *To minimise the potential flood risk to life, and ensure the health and safety of existing and future residents from projected combined river, storm tide and sea level rise inundation impacts.*
- *To achieve a fair balance between landowner expectations and the need to plan for the*



*long term impacts of sea level rise by providing interim controls pending the completion and implementation of long term controls from the Gippsland Lakes Inundation Management Project.*

## **8.2 - Council Decision for Long Term Planning Action**

Council considered a recommendation from the Steering Committee in respect to the preparation and funding of the Gippsland Lakes Inundation and Adaptation Management Project at a Council Meeting held 5 July 2011 and resolved as follows:

*That Council:*

- 1. Endorses the Lakes Entrance Inundation and Adaptation Project Framework, generally in accordance with the document dated January 2011 at Appendix 1<sup>3</sup>;*
- 2. Indicates to the Department of Sustainability and Environment that it agrees to be a partner in the Gippsland Lakes and Ninety Mile Beach Local Coastal Hazard Assessment Project;*
- 3. Seeks to integrate the Lakes Entrance Inundation and Adaptation Project Framework with the Department of Sustainability and Environment Local Coastal Hazard Assessment Project to ensure maximum alignment, complementary outcomes and timeframes;*
- 4. Agrees to commence implementation of Stage 1 of the integrated project framework as a pilot project for Gippsland Lakes townships;*
- 5. Endorses the Governance arrangements contained in the Lakes Entrance Inundation and Adaptation Project Framework (Appendix 1) and formally invites the relevant organisations to nominate their representative on the Project Steering Committee; and*
- 6. Writes to the members of the East Gippsland Inundation Management Steering Committee and thanks them for their contribution and advice to Council in determining an appropriate approach to adaptation in for East Gippsland.*

Since that time Officers have been working with the Department of Sustainability and Environment (DSE) to develop an integrated project plan and commence the first stages of the overall project.

## **8.3 – Department of Sustainability and Environment**

The following actions lead by DSE in partnership with East Gippsland and Wellington Shire Councils, East and West Gippsland Catchment Management Authority's, Department of Planning and Community Development and the Gippsland Coastal Board, have been undertaken:

- Completion of a Data Assimilation Project – this project brings together all existing data of relevance to understanding the impacts of coastal climate change for the Gippsland Lakes and Ninety Mile Beach Study area. It collates the data and rates its relevance and accuracy for the purpose of developing and also identifies critical information gaps.

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<sup>3</sup> See Council Minutes dated 5 July 2011

- Appointment of appropriately qualified consultants to undertake the development of a Coastal Hazard Assessment for the Gippsland Lakes and Ninety Mile Beach. This project is designed to:

*The Gippsland Lakes/90 Mile Beach coastal hazard assessment will broadly identify key coastal processes and coastal hazard issues for the Gippsland Lakes & Ninety Mile Beach coastal system generally, and assess and model the potential physical impact of these hazards in detail, using specified critical locations and modeling scenarios. This will enable a clearer understanding of the extent of coastal hazards and their physical impacts for the Gippsland Lakes/90 Mile Beach coastal environment, by taking into account erosion, coastal inundation, climate change effects, as well as combined incidence of catchment and coastal flooding events.*

*The information developed by this project will assist in planning for and managing the projected impacts of climate change in the study area. It will allow management agencies to identify and define triggers as the basis for short, medium and long term management responses. Specifically this information will enable agencies to identify and manage risk, and assist strategic, statutory and business planning, infrastructure maintenance and replacement schedules, natural asset management and budgetary processes.*

As part of this project a more detailed model will be developed for Lakes Entrance and three other representative locations across the study area.

This project is scheduled to be completed in April 2013 and will provide a sound basis for planning for the implications of the various physical impacts for Lakes Entrance.

Obtaining this information allows Council to progress the remaining stages of the project endorsed by Council.

Council is proactively and responsibly planning to understand the strategic future of our coastal towns and responses to the anticipated impacts.

#### **8.4 - Revised State Planning Policy –13.01-1 Coastal inundation and erosion**

In July 2012, the Minister for Planning approved an amendment to the State Planning Policy that provides Council with discretion to plan for the impacts of coastal climate change in established urban areas applying a sea level rise increase of 0.2 metres combined with the declared 1 in 100 year flood level.

This revised policy is applicable to all coastal land in Victoria including land abutting the Gippsland Lakes.

The Interim Controls applicable to low lying parts of Lakes Entrance, which provided a similar decision making framework expired on 30 June 2012.

The revised policy statement does not in itself trigger the need for land owners to obtain a permit, however in the circumstances where a permit is required Council must consider the proposal having regard for (amongst other matters) the Objectives and Strategies State Planning Policy 13.01 Coastal inundation and erosion.

## **8.5 - Guidelines for Coastal Catchment Management Authorities and the role of the East Gippsland CMA**

The Minister for Water has approved new Guidelines designed to support decision making by Coastal CMA's.

The Victorian Government has recently released the above guidelines. The primary objective of the guidelines is to plan for and to manage the potential coastal impacts of climate change in advising on development and use of land.

The guidelines provide Coastal CMA's with relevant criteria and considerations to be taken into account when assessing development proposals that may be affected by sea level rise. They are to be reviewed in 2017 or prior to this if advances in adaptation planning occur before this time.

The guidelines have relaxed the previous assessment criteria for development in existing urban areas, as well as for single buildings outside of existing urban areas, back to assessment against the existing 1% AEP flood hazard.

Under the new guidelines, if development is compatible with the existing 1% AEP flood hazard the development can proceed with additional freeboard of 0.2m, which is an allowance for future possible mean sea level rise. In 'Greenfield areas', development is still required to be assessed against the 2100 1% AEP flood hazard + 0.8 metres.

The new Guidelines also allow flexibility for agreements between CMAs and Councils on determining 1% AEP flood levels to be adopted for assessing the flood hazard where adaptation planning has already occurred or is occurring. The guidelines also require the use of the best available science and information and allow for the use of flood levels in estuaries which have incorporated sea level rise.

In order to provide applicants and the community generally with a clear understanding of how applications will be considered and assessed in East Gippsland, the East Gippsland Catchment Management Authority will determine its position in respect to their interpretation and implementation of the Guidelines. The EGCMA and Council will, as far as possible, align with the EGCMA position with this policy.

## **8.6 - Victorian Coastal Strategy 2008**

The Victorian Coastal Strategy (VCS) includes a range of policy statements in respect to planning for the future impacts of climate change. Key policy statements are:

- 1. Plan for sea level rise of not less than 0.8 metres by 2100, and allow for the combined effects of tides, storm surges, coastal processes and local conditions, such as topography and geology when assessing risks and impacts associated with climate change. As scientific data becomes available the policy of planning for sea level rise of not less than 0.8 metres by 2100 will be reviewed.*
- 2. Apply the precautionary principle to planning and management decision-making when considering the risks associated with climate change.*
- 3. Prioritise the planning and management responses and adaptation strategies to vulnerable areas, such as protect, redesign, rebuild, elevate, relocate and retreat.*
- 4. Ensure that new development is located and designed so that it can be appropriately protected from climate change's risks and impacts and coastal hazards such as:*

- *inundation by storm tides or combined storm tides and stormwater (both river and coastal inundation) - geotechnical risk (landslide)*
- *coastal erosion*
- *sand drift.*

5. *Avoid development within primary sand dunes and in low-lying coastal areas.*

6. *Encourage the revegetation of land abutting coastal Crown land using local provenance indigenous species to build the resilience of the coastal environment and to maintain biodiversity.*

7. *New development that may be at risk from future sea level rise and storm surge events will not be protected by the expenditure of public funds.*

8. *Ensure that climate change should not be a barrier to investment in minor coastal public infrastructure provided the design-life is within the timeframe of potential impact.*

9. *Ensure planning and management frameworks are prepared for changes in local conditions as a result*

A copy of the Victorian Coastal Strategy can be found at:

<http://www.vcc.vic.gov.au/page/victorian-coastal-strategy>

Policy contained in the VCS is implemented through the State Planning Policy Framework and Responsible and Planning Authorities are required to:

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