

Cr Aitken re-entered the meeting room at 7.22pm.

3. AMENDMENT C394GGEE – BELLARINE PENINSULA AND CORIO BAY LAND SUBJECT TO INUNDATION OVERLAY – CONSIDERATION OF PANEL REPORT AND ADOPTION

Source: Planning, Design & Development – Strategic
Implementation
Director: Gareth Smith
Portfolio: Planning

Purpose

1. To consider the Panel report on Amendment C394ggee and adopt the Amendment.

Background

2. Amendment C394ggee (the Amendment) implements the *Bellarine Peninsula - Corio Bay Local Coastal Hazard Assessment* which maps areas that will be impacted by sea level rise and storm surge inundation.
3. The Amendment includes planning scheme policy changes and applies a new Land Subject to Inundation Overlay (LSIO2) to 1600 properties based on 0.8m sea level rise and a 1% AEP storm surge event as required by State Government policy. The map in **Attachment 3** shows the coastal areas subject to the proposed overlay.
4. On 14 May 2019 Council resolved to support public exhibition of the Amendment which occurred in July/August 2019 with notice sent to around 2000 owners and occupiers.
5. A total of 43 submissions were received including 39 objections.
6. On 26 November 2019 Council resolved to refer the submissions to an independent Panel as required under the Planning and Environment Act. The Panel held a hearing on 28 February 2020 and provided its report to Council in early April 2020.

Key Matters

7. The Panel supports the amendment and commends Council on its “forward looking and proactive approach in preparing the Amendment” (see Executive Summary in **Attachment 4**).
8. The Panel concludes that the Amendment is supported by, and implements, the Planning Policy Framework, and is consistent with Ministerial Directions and Practice Notes. It found the LSIO is the most appropriate planning tool available to address the risk of sea level rise and storm-tide surge. It states the Amendment is well founded and strategically justified and provides net community benefit.
9. The Amendment is now ready for adoption and forwarding to the Minister for approval.

Cr Sullivan moved, Cr Mason seconded -

10. That Council

- 10.1 Adopt Amendment C394ggee in the form outlined in Attachment 5 of this report; and**
- 10.2 Submit the adopted Amendment C394ggee together with the prescribed information to the Minister for Planning requesting approval.**

Carried.

Attachment 1

Financial Implications

1. Adoption of the Amendment and application of the overlay will not have any significant financial implications to Council. The project has incurred the usual costs associated with a planning scheme amendment including Panel hearing fees and the cost of engaging an expert witness. A grant is being sought from DELWP's Coastal Planning Grants Program to cover the cost of the Panel hearing (approximately \$27K).

Community Engagement

2. The Amendment was exhibited in accordance with the requirements of the Planning and Environment Act 1987.
3. All submitters had an opportunity to be heard before an Independent Panel appointed by the Minister for Planning. The only submitters that appeared were the Department of Environment, Land, Water and Planning (DELWP) and the Corangamite Catchment Management Authority (CCMA). However, the Panel considered all submissions referred to it, not just the submissions presented at the hearing.
4. The Independent Panel report has been publicly released and all submitters notified of its availability.

Social Equity Considerations

5. The Amendment has positive economic and social benefits by identifying areas where planning permit assessment can reduce the risk of the harm from coastal erosion, flooding, sea level rise and storm surge.

Policy/Legal/Statutory Implications

6. The Amendment is supported by the following State and local planning policies:
 - 6.1 Clause 13.01-2S Coastal inundation and erosion;
 - 6.2 Clause 13.03-1S Floodplain management;
 - 6.3 Clause 21.05-4 Coastal environments;
 - 6.4 Clause 21.05-5 Climate change; and
 - 6.5 Clause 21.05-7 Flooding.
7. If the Amendment is adopted and approved the Land Subject to Inundation Overlay (Schedule 2) will trigger a planning permit for buildings and works (see LSIO2 Schedule for adoption in **Attachment 4**). However, it includes several exemptions such as:
 - 7.1 Extensions to dwellings of less than 20 square metres;
 - 7.2 Outbuildings, decks, verandahs (less than 20 square metres), landscaping, pergolas, driveways, carports, barbecues and water tanks;
 - 7.3 Agricultural and farm buildings less than 100 square metres in gross floor area; and
 - 7.4 Upper storey extensions to an existing building within the existing building footprint.
8. Under the LSIO2 planning permit applications will be referred to the CCMA. In most cases in existing townships the CCMA is likely to allow single dwellings but will set floor levels that consider sea level rise, storm surge level and freeboard.

Alignment to Council Plan

9. The Amendment aligns with the Council Plan strategic priorities of:
 - 9.1 Planned sustainable development – including the priority of improving the environmental performance of new developments, using planning controls; and
 - 9.2 Effective environmental management – including the Climate Change Adaptation Strategy and protection of coastal areas.

Conflict of Interest

10. No Council officers involved in the preparation of this report have any direct or indirect interest.

Risk Assessment

11. There is a risk if Council, as the Planning Authority, does not act on the coastal inundation mapping it has available, that it may be liable if flooding occurs in the future and damages property. Council can reduce this risk by acting on the scientific based data it has available and applying the appropriate overlay.

Environmental Implications

12. The Amendment will help manage the environmental hazard posed by future sea level rise.

Attachment 2

Background

Bellarine Peninsula - Corio Bay Local Coastal Hazard Assessment "Our Coast"

1. Victorian Government policy requires all councils to plan for a 0.8 metre sea level rise by the year 2100. The *Bellarine Peninsula – Corio Bay Local Coastal Hazard Assessment – Inundation Report* (LCHA) was prepared and released in December 2015 in response.
2. The report was prepared as part of the Our Coast project. This project identified properties that will be subject to future flood events and sea level rise and is the basis for the Amendment. Our Coast is a multi-agency Victorian Government funded initiative and covers the area from Breamlea to Point Wilson. It expands on two previous climate change coastal research projects undertaken by the CSIRO and the Victorian Government (Future Coasts) and is known as a "3rd pass" assessment.

Amendment C394ggee

3. The Amendment includes a new Land Subject to Inundation Overlay (LSIO2) and local policy changes. The overlay will require a planning permit for new buildings and works on 1600 coastal properties (including 1244 residential zoned properties) on the Bellarine Peninsula and Corio Bay - as shown in the Overview Map in **Attachment 3**.
4. The Point Lonsdale area was mapped as part of the Our Coast project but is not included in the Amendment. The maps need to be revised to take into account new waterways under construction in The Point residential development. This area will be subject to a later planning scheme amendment.
5. On 14 May 2019 Council resolved to support the public exhibition of the Amendment.
6. The Amendment was exhibited from 11 July 2019 to 12 August 2019.
7. As a result of exhibition, a total of 43 submissions were received. Of these 39 submissions objected and 4 submissions either supported, did not object or provided comments.
8. On 26 November Council resolved to refer the submissions to an independent Panel as required under the Planning and Environment Act. The Panel held a hearing on 28 February 2020 and provided its report to Council in early April 2020.

Panel Recommendations and Findings

9. A copy of the Executive Summary of the Panel report is in **Attachment 4**.
10. The Panel recommends adoption of the Amendment and its comments include:
 - 10.1 *"Having considered the material referred to it, including the Victorian Climate Science Report 2019, the Panel considers that the science on climate change is well and truly settled. Climate change is happening, and its impacts are becoming more keenly felt. The 'precautionary principle' should be applied when considering the risks associated with climate change. Planning for the impacts of climate change in coastal areas achieves State planning policy and responds to the science; and*
 - 10.2 *After considering all written submissions and expert evidence, the Panel concludes that the Amendment is supported by, and implements, the Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The LSIO is the current and most appropriate planning tool available to address the risk of sea level rise and storm-tide surge.*

The Amendment is well founded and strategically justified, and provides net community benefit and sustainable development consistent with the requirements of Clause 71.02-3 of the Scheme. Council is to be commended for its forward looking and proactive approach in preparing the Amendment.”

11. The Panel provides detailed discussion, conclusions and recommendations on a wide range of issues.
12. The following is a summary of the Panel discussions and conclusions on issues where it goes on to make a formal recommendation. A City response is provided to each recommendation. The Planning and Environment Act requires the Planning Authority (Council) to consider panel recommendations hence the focus of this report on these issues. A summary of other conclusions the Panel reaches (without recommendations) is provided later in this Council report. A full copy of the Panel report is online [here](#).

Issue - Strategic Justification

13. The Panel described the strategic issues as:
 - 13.1 whether there is a sufficient evidence base for sea level rise;
 - 13.2 whether the Amendment is premature;
 - 13.3 whether (and how often) the mapping should be reviewed; and
 - 13.4 whether the LSIO is the appropriate tool.
14. Several submissions took issue with the timeframe of predicted inundation (to the year 2100), and considered that this was too far distant in the future to warrant applying an LSIO now and that the Amendment is premature. Some submitters considered that the evidence on which the 2100 levels are based was inaccurate. Some considered that Council should wait until there is actual evidence of sea level rise, rather than predictions.
15. Council called Dr David Provis (the author of the LCHA) to provide expert evidence in relation to the preparation of the LCHA, including the modelling.
16. The Panel explains that the *“Victorian Coastal Strategy refers to studies undertaken at Lorne and Stony Point that have recorded rises of 2.8 millimetres each year and 2.4 millimetres each year respectively since 1991. Dr Provis cited these studies and provided extracts from them in his evidence to the Panel. The Panel is satisfied on the basis of these studies that sea level rise is already occurring. The Panel does not consider that the ‘wait and see’ approach advocated for by some submitters would be a responsible approach.”*
17. The Panel *“acknowledges that planning for an 80 year horizon (to 2100) is a conservative approach. It accepts Dr Provis’ evidence that in effect, much of the land to which the LSIO2 will be applied may not be inundated for many years to come – perhaps even until after the life cycle of buildings that may be erected on the land in the next couple of years. However, the policy framework is clear that planning authorities should be taking the long view, and should be planning for a sea level rise of 0.8 metres by 2100.”*
18. The Panel *“accepts the position of Council, Dr Provis and the CCMA that a LSIO is the current and most appropriate planning tool available to address the risk of sea level rise and storm-tide surge. It has been consistently applied by other Councils who have introduced planning tools to deal with climate related coastal inundation and hazard”*.
19. The Panel concludes the Amendment is strategically justified and should proceed.

20. Panel recommendation:

“Adopt the Amendment as exhibited, subject to the Panel’s specific recommendations.”

21. City Response: The Panel’s recommendation is supported and the Amendment is recommended for adoption.

Issue - The accuracy of the modelling

22. The issue is whether the technical basis of the modelling relied upon in the LCHA is correct.

23. The Panel describes the issue further saying *“Dr Provis acknowledged that the input data had some gaps but that Council had taken the best possible practical measures to address them. He concluded that there were no obvious errors in the mapping. The 2007 LiDAR data is currently the only available data being relied upon for all coastal LSIO mapping in Victoria. Dr Provis acknowledged that the input data had some gaps but that Council had taken the best possible practical measures to address them”*

24. The Panel concludes the modelling in the LCHA has been prepared on the best available information, and the Panel is satisfied as to its technical basis and accuracy.

25. Panel recommendation:

“Before adopting the Amendment, Council should check the accuracy of the 2007 LiDAR data used to inform the modelling in the Local Coastal Hazard Assessment (which in turn informed the mapping of the Land Subject to Inundation Overlay Schedule 2) against the 2019 LiDAR data. If discrepancies appear, Council should undertake further modelling and make any necessary adjustments to the Overlay mapping that may be required.”

26. City Response: In response to this recommendation City engineers compared ground surface levels from elevation data captured by LiDAR survey in 2007 and 2019, at locations in Ocean Grove, Portarlington and St Leonards.

27. Both datasets have a specified vertical accuracy of $\pm 0.1\text{m}$. Both datasets have been through a rigorous QA process in accordance with industry standard. When compared, the vast majority of LiDAR points have between -0.25m to 0m difference. For example, in the Ocean Grove sample over 80% of points tested are within $\pm 0.25\text{m}$.

28. When mapped, the differences are distributed in small patches, with the locations suggesting they can generally be attributed to:

28.1 cut and fill associated with dwelling construction;

28.2 other earthworks;

28.3 tide levels at the time of capture;

28.4 natural accretion and recession within the coastal zone (i.e. movement of sand);
and

28.5 artefacts caused by changes in vegetation coverage.

29. The analysis has shown there’s nothing to suggest that either dataset is ‘wrong’ or that there have been any major changes to the landscape that would invalidate the original modelling. Any variation is what is normally expected with LiDAR and what would be expected over a 12-year period.

30. On this basis, further modelling is not required in relation to the more recent LiDAR data.

Appropriateness of the LSIO mapping - Properties in the Floodway Overlay (FO)

31. The Panel discusses several issues about the LSIO mapping with the one issue that includes a recommendation being whether it is appropriate to exclude properties covered by the FO from the LSIO2.
32. DELWP's authorisation for Council to prepare the Amendment was subject to the following condition:

"Reconcile the extent of overlap of the proposed LSIO mapping with existing flood provisions, in particular the Floodway Overlay mapping at Barwon Heads, Lake Connewarre and Reedy Lake."
33. Council officers explained to the Panel that, in response to the condition, they had removed several properties in the Barwon River estuary area and around Reedy Lake that are within the FO.
34. In response to questions from the Panel, Council indicated that it did not consider it necessary to remove these properties from the LSIO2 simply because they are subject to another flood control. Council preferred to apply both, where more than one flood risk applies. The CCMA indicated that while it has no difficulty in principle with two flood tools applying, the main concern is to ensure that at least one control applies so that permit applications are referred to the CCMA.
35. The Panel says *"Given Dr Provis' evidence about the particular and distinct characteristics of flooding from coastal inundation, the Panel considers that it is prudent to apply the LSIO2 to all properties that are subject to coastal inundation, irrespective of whether another flood tool also applies."*
36. Panel recommendation:

"Apply the Land Subject to Inundation Overlay Schedule 2 to those properties identified in the Local Coastal Hazard Assessment as being subject to coastal inundation, but that were removed from the Amendment prior to exhibition on the basis that they were covered by the Floodway Overlay.

Ensure a process is put in place to notify the owners and occupiers of the affected properties, and provide them with the opportunity to make submissions and (if necessary) have their submissions considered by an independent panel."
37. City Response: The Panel's findings that it is prudent to apply the LSIO2 to all properties including those already covered by a Floodway Overlay in the Barwon River estuary/Lake Connewarre/Reedy Lake vindicates the City's position it put forward to DELWP when seeking authorisation.
38. With regard to applying the LSIO2 to the properties excluded by DELWP Council officers prefer to do this separately to the current C394 Amendment so it can be kept moving through to adoption and approval. It is recommended that the LSIO2 be applied to these properties under a future amendment. A relevant amendment would be the amendment to implement the CCMA's Lower Barwon and Moorabool River Flood Study. This amendment will be put to Council some time in 2020 and then move to exhibition. It updates the flood related overlays along the Barwon River and the LSIO2 could added for efficiency.

Application issues – Permit exemptions

39. This issue relates to permit exemptions. The Panel describes the situation saying that DELWP sought changes at Clause 3.0 of the proposed LSIO2. DELWP suggested that Council replace the words:

Works carried out under the Marine and Coastal Act 2018 or the Crown Land (Reserves) Act 1978 that have had regard to the Bellarine Peninsula – Corio Bay Local Coastal Hazard Assessment and are conducted by a public land manager or a coastal committee under the Marine and Coastal Act 2018

with:

Works that have been granted consent under the Marine and Coastal Act 2018 and are conducted by a Public Land Manager or Committee of Management appointed under the Crown Land (Reserves) Act 1978.

40. DELWP stated that this general consent is typically relied upon to enable minor and like for like repair of existing structures in the coastal zone. This includes rapid repair of sea walls or other structures whose purpose is to manage or mitigate coastal erosion or related risk, and visitor facilities (such as stairways) that are designed to enable safe access to the coastal zone. DELWP supported modifications to the exhibited schedule that enabled such work to proceed without a planning permit.
41. Council accepted DELWP's advice and the changes to the wording of Clause 3.0.
42. The Panel supports the exemption in the LSIO2 relating to coastal protection works and visitor facilities that are consented to under coastal protection legislation
43. Panel Recommendation:
“Amend Clause 3.0 of the Land Subject to Inundation Overlay Schedule 2 to include the following exemption

***Works that have been granted consent under the Marine and Coastal Act 2018 and are conducted by or on behalf of a Public Land Manager or Committee of Management appointed under the Crown Land (Reserves) Act 1978.*”**
44. City response: The Panel recommendation is accepted and the LSIO2 schedule for adoption (see Attachment 4) includes the new wording.

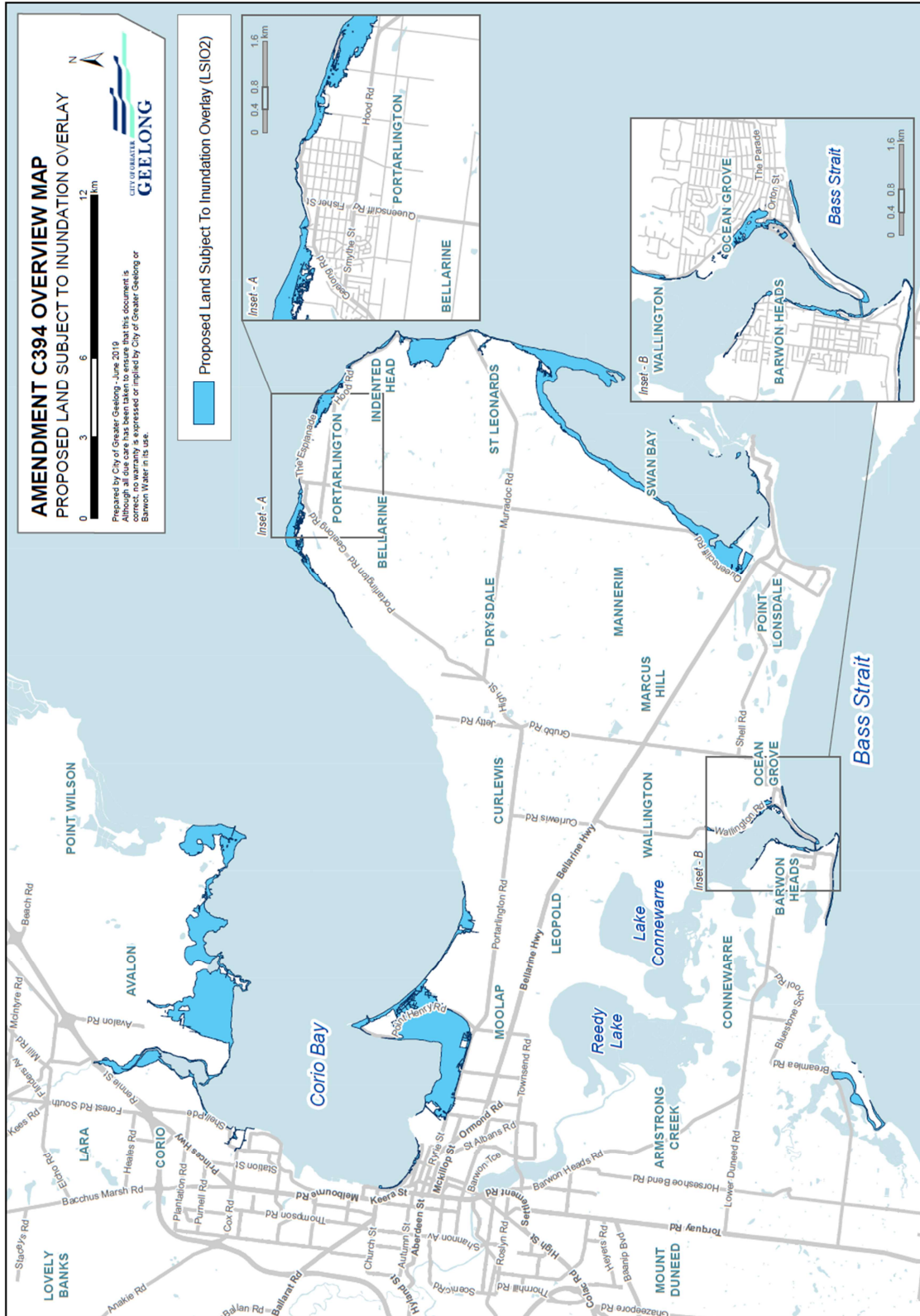
Application issues – views of the floodplain management authority

45. The issue is whether the decision guidelines in the LSIO2 should refer to the views of the relevant catchment management authority, or the floodplain management authority.
46. The Panel states *“it considers it appropriate that the views of the relevant floodplain management authority be sought and considered in relation to permit applications under the LSIO2. However the Scheme already provides for this. Under Clause 66.03, permit applications under the LSIO within the waterway management district of Melbourne Water must be referred to Melbourne Water, and permit applications outside the waterway management district of Melbourne Water must be referred to the relevant floodplain management authority (which in this case is the CCMA). The decision guidelines in the LSIO head clause (Clause 44.04-8) also require any comments of the relevant floodplain management authority to be taken into account. The first dot point in Clause 5.0 of the LSIO2 is therefore not necessary, and should be deleted.”*
47. Panel Recommendation:
“Delete the first dot point in Clause 5.0 of the Land Subject to Inundation Overlay Schedule 2.”
48. City response: The Panel recommendation is accepted and the wording has been deleted from the LSIO2 schedule for adoption (see **Attachment 4**).

Other conclusions

49. Throughout its report the Panel provides a series of conclusions on a range of issues. They are consistent with the City's position on the Amendment. However, they do not include formal recommendations and as such don't require a formal City response, the conclusions include:
- 49.1 Excluding Point Lonsdale from the LSIO2 at this time is appropriate, given the waterway and drainage system at 'The Point' is not yet complete. A future LSIO2 amendment should be progressed by the Greater Geelong and Queenscliff Councils once 'The Point' waterway is constructed, and further modelling is compiled. In the interim, Schedule 21 to the Development Plan Overlay provides appropriate minimum floor level controls for 'The Point' development before the LSIO2 is considered for Point Lonsdale;
 - 49.2 There is no justification for removing the properties in Portarlington or St Leonards from the LSIO2;
 - 49.3 No additional permit exemptions are required for buildings or works undertaken by a public authority relating to watercourse management, environmental improvements or infrastructure services;
 - 49.4 It is not appropriate as part of this Amendment to amend existing planning controls in other parts of the Scheme to allow height limits to be exceeded to accommodate possibly higher floor levels that may be required under the LSIO2. This could be monitored and be the subject of a future amendment if required;
 - 49.5 It is not necessary for the LSIO2 to include requirements relating to overflow relief gully outlets. These are appropriately dealt with as part of the building permit process;
 - 49.6 Consideration of specific coastal protection works projects is beyond the scope of this Amendment. The Panel notes, however, that the 'Our Coast' project is progressing coastal protection works projects;
 - 49.7 The LSIO2 does not prevent development in Moolap and Point Henry. Rather, it will ensure that development appropriately addresses the potential coastal inundation risks; and
 - 49.8 Impacts on property values, insurance costs, and rates are not relevant planning considerations.

Attachment 3 - Overview map of area proposed for LSI02



Attachment 4 – Panel Executive Summary and Recommendations

Greater Geelong Planning Scheme Amendment C394ggee | Panel Report | 3 April 2020

Executive summary

Greater Geelong Planning Scheme Amendment C394ggee (the Amendment) seeks to implement the *Bellarine Peninsula - Corio Bay Local Coastal Hazard Assessment* December 2015 (LCHA). It includes policy changes to the Municipal Strategic Statement, introduces a new Land Subject to Inundation Overlay Schedule 2 (LSIO2), and applies the LSIO2 to the properties identified as being subject to future flood events and sea level rise.

Specifically, the Amendment seeks to:

- amend Clause 21.05 (Natural environment) of the Municipal Strategic Statement to refer to the LCHA and include a new objective and strategy at Clause 21.05-5 Climate Change relating to coastal impacts of climate change
- introduce a new Schedule 2 to Clause 44.04 Land Subject to Inundation Overlay titled 'Coastal Inundation and Hazard'
- apply the LSIO2 to land identified in the LCHA as being inundated by the combined effects of the 1% Average Event Probability (AEP) flood event plus 0.8 metre sea level rise
- amend the Schedule to Clause 72.03 to update the list of maps forming part of the Greater Geelong Planning Scheme (the Scheme).

The LSIO2 will apply to 1,614 coastal properties on the Bellarine Peninsula and Corio Bay at Avalon, Lara, Corio, Geelong, East Geelong, Newcomb, Moolap, Leopold, Bellarine, Portarlington, Indented Head, St Leonards, Swan Bay, Ocean Grove, Wallington, Barwon Heads, Connewarre and Breamlea.

A total of 43 submissions were received – 39 submissions objected, and 4 submissions either supported, did not object or provided comments.

Key issues raised in submissions included:

- concerns over the accuracy of the modelling in the LCHA
- whether the application of the LSIO2 is premature
- whether the flood mapping should be regularly reviewed (say, every 15 years)
- whether certain properties or areas should be included in the LSIO2, based on
 - their physical characteristics
 - the small extent of the property likely to be affected by flooding
 - other flood studies (including that which informed the Portarlington Structure Plan) do not show the area as subject to flooding or coastal inundation
- whether building height limits within the LSIO2 area should be increased to account for the need for higher floor levels due to inundation, and whether requirements relating to height and scale of buildings more generally should be relaxed for properties within the LSIO2
- impacts on the ability to develop, and the cost of developing
- impacts on property values, rates and land tax and insurance costs
- impacts on the Moolap Coastal Strategic Framework Plan and the future redevelopment of Point Henry
- whether Council should be doing more to combat coastal inundation with infrastructure.

Clause 13.01-2S (Coastal inundation and erosion) of the Planning Policy Framework requires planning authorities to plan for and manage the coastal impacts of climate change. Clause 21.05-4 (Coastal environments) requires planning authorities to respect and manage coastal processes, and Clause 21.05-5 (Climate change) requires them to plan for and adapt to the impacts of climate change.

Victorian Government policy requires all Councils to plan for a 0.8 metre sea level rise by the year 2100 (relative above 1990 levels). The LCHA was consequently prepared, and released in December 2015. It considers the combined impacts of a 0.8 metre sea level rise and a 1% AEP storm surge event.

The LCHA was prepared as part of the 'Our Coast' project. This project identified properties that will be subject to future flood events and sea level rise, and is the basis for this Amendment. The project was a Victorian Government funded initiative, and covers the area from Breamlea to Point Wilson. It expands on two previous climate change coastal research projects undertaken by the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and the Victorian Government (Future Coasts). The 'Our Coast' assessment is therefore known as the '3rd pass' assessment.

Having considered the material referred to it, including the Victorian Climate Science Report 2019, the Panel considers that the science on climate change is well and truly settled. Climate change is happening, and its impacts are becoming more keenly felt. The 'precautionary principle' should be applied when considering the risks associated with climate change. Planning for the impacts of climate change in coastal areas achieves State planning policy and responds to the science.

After considering all written submissions and expert evidence, the Panel concludes that the Amendment is supported by, and implements, the Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The LSIO is the current and most appropriate planning tool available to address the risk of sea level rise and storm-tide surge. The Amendment is well founded and strategically justified, and provides net community benefit and sustainable development consistent with the requirements of Clause 71.02-3 of the Scheme. Council is to be commended for its forward looking and proactive approach in preparing the Amendment.

The Panel concludes:

- The modelling in the LCHA has been prepared on the best available information, and the Panel is satisfied as to its technical basis and accuracy. The minor discrepancies between the modelling in the LCHA and the LSIO mapping are not significant enough to affect the Amendment.
- Those properties in the Barwon River estuary and around Reedy Lake that are within the Floodway Overlay and that are identified in the LCHA as being subject to coastal inundation should be included in the LSIO2, subject to the owners and occupiers of the affected properties being notified of the proposed extension of the LSIO2 and being given the opportunity to make submissions.
- Excluding Point Lonsdale from the LSIO2 at this time is appropriate, given the waterway and drainage system at 'The Point' is not yet complete. A future LSIO2 amendment should be progressed by the Greater Geelong and Queenscliffe Councils once 'The Point' waterway is constructed, and further modelling is compiled. In the

interim, Schedule 21 to the Development Plan Overlay provides appropriate minimum floor level controls for 'The Point' development before the LSIO2 is considered for Point Lonsdale.

- There is no justification for removing the properties in Portarlington or St Leonards from the LSIO2.
- The permit exemption for coastal protection works is appropriate, subject to changing the wording to that agreed between Council and DELWP.
- No additional permit exemptions are required for buildings or works undertaken by a public authority relating to watercourse management, environmental improvements or infrastructure services.
- It is appropriate for the views of the relevant floodplain management authority to be taken into account, but this is already provided for under the referral provisions in Clause 66.03 of the Scheme and the decision guidelines in the LSIO head clause. The first dot point in Clause 5.0 of the LSIO2 should therefore be deleted.
- It is not appropriate as part of this Amendment to amend existing planning controls in other parts of the Scheme to allow height limits to be exceeded to accommodate possibly higher floor levels that may be required under the LSIO2. This could be monitored and be the subject of a future amendment if required.
- It is not necessary for the LSIO2 to include requirements relating to overflow relief gully outlets. These are appropriately dealt with as part of the building permit process.
- Consideration of specific coastal protection works projects is beyond the scope of this Amendment. The Panel notes, however, that the 'Our Coast' project is progressing coastal protection works projects.
- The LSIO2 does not prevent development in Moolap and Point Henry. Rather, it will ensure that development appropriately addresses the potential coastal inundation risks.
- Impacts on property values, insurance costs, and rates are not relevant planning considerations.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Greater Geelong Planning Scheme Amendment C394ggee be adopted as exhibited subject to the following recommendations:

- 1. Before adopting the Amendment, Council should check the accuracy of the 2007 LiDAR data used to inform the modelling in the Local Coastal Hazard Assessment (which in turn informed the mapping of the Land Subject to Inundation Overlay Schedule 2) against the 2019 LiDAR data. If discrepancies appear, Council should undertake further modelling and make any necessary adjustments to the Overlay mapping that may be required.**
- 2. Apply the Land Subject to Inundation Overlay Schedule 2 to those properties identified in the Local Coastal Hazard Assessment as being subject to coastal inundation, but that were removed from the Amendment prior to exhibition on the basis that they were covered by the Floodway Overlay. Ensure a process is put in place to notify the owners and occupiers of the affected properties, and provide them with the opportunity to**

make submissions and (if necessary) have their submissions considered by an independent panel.

3. Amend the Land Subject to Inundation Overlay Schedule 2 to:
 - a) include the following exemption in Clause 3.0:

Works that have been granted consent under the Marine and Coastal Act 2018 and are conducted by or on behalf of a Public Land Manager or Committee of Management appointed under the Crown Land (Reserves) Act 1978.
 - b) delete the first dot point in Clause 5.0.

Attachment 5 – Amendment documents and maps for adoption

Planning and Environment Act 1987

GREATER GEELONG PLANNING SCHEME

AMENDMENT C394ggee

INSTRUCTION SHEET

The planning authority for this amendment is Greater Geelong City Council.

The Greater Geelong Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 26 attached map sheets.

Overlay Maps

1. Amend Planning Scheme Map Nos. 19, 27, 29, 50, 56, 81, 83, 86 and 88 LSIO-FO in the manner shown on the 9 attached maps marked “Greater Geelong Planning Scheme, Amendment C394”.
2. Insert new Planning Scheme Map Nos. 26, 28, 38, 40, 42, 43, 44, 45, 51, 57, 62, 63, 73, 74, 84, 85 and 87 LSIO-FO in the manner shown on the 17 attached maps marked “Greater Geelong Planning Scheme, Amendment C394”.

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. In **Local Planning Policy Framework** – replace Clause 21.05 with a new Clause 21.05 in the form of the attached document.
4. In **Overlays** – Clause 44.04, insert a new Schedule 2 in the form of the attached document.
5. In **Operational Provisions** – Clause 72.03, replace the Schedule with a new Schedule in the form of the attached document.

End of document

GREATER GEELONG PLANNING SCHEME

21.05 NATURAL ENVIRONMENT

C384qgee

21.05-1 Key issues and influences

C384qgee

The municipality includes a rich diversity of flora and fauna, including rare and unique species and communities, major waterways, large coastal areas and complex freshwater and marine wetlands.

Remnant vegetation across the municipality is conservatively estimated to be approximately 5% of that which existed pre European settlement.

Many of the municipality's significant natural environments are protected by international and national agreements and legislation.

Urban and rural growth has had a direct impact on the municipality's natural environments and the flora and fauna that they sustain. There is a need to protect and enhance the natural environment and provide for more sustainable development.

The extensive coastline is an important natural feature of the municipality, which is vulnerable to the impacts of urban development, climate change and natural processes.

A number of areas in the municipality are susceptible to flooding, via the flooding of waterways, stormwater runoff and coastal inundation, which have the potential to result in significant adverse economic, social and environmental impacts.

[Areas of coastal inundation and hazard have been identified in the Bellarine Peninsula – Corio Bay Local Coastal Hazard Assessment 2015 and mapped in the LSIO.](#)

A number of areas in the municipality are susceptible to wildfire hazard, including some grasslands around Lara, the foothills of the Brisbane Ranges, and parts of the Anakie township.

21.05-2 Waterways

28/01/2010
C128(Part 1)

Objectives

- To protect, maintain and enhance waterways, rivers, wetlands and groundwater.
- To protect connectivity between waterways and wetlands.
- To reduce the amount of runoff from urban development and improve the quality of stormwater runoff entering waterways, estuarine and marine waters.

Strategies

- Ensure that land use and development avoids isolating wetlands and provides for connective water flows and vegetative links.
- Ensure waterways and wetlands are not drained or adversely affected as a result of development.
- Ensure development provides for appropriate buffer setbacks and fencing to waterways and wetlands.
- Ensure identified groundwater catchments are protected from surface contamination.
- Effectively manage stormwater runoff from development.

GREATER GEELONG PLANNING SCHEME

21.05-3 Biodiversity

23/01/2010
C128(Part 1)

Objective

- To protect, maintain and enhance the biodiversity of the municipality.

Strategies

- Ensure that land use and development enhances areas of native vegetation and other habitats.
- Ensure that land use and development minimises the fragmentation of areas of native vegetation and other habitats.
- Ensure habitats of indigenous species are protected from the impacts of land use and development.
- Ensure that land use and development does not aggravate existing salinity impacts or lead to the generation of newly affected areas, particularly through rising groundwater levels.

21.05-4 Coastal environments

23/01/2010
C128(Part 1)

Objectives

- To protect, maintain and enhance the coast, estuaries and marine environment.
- To respect and manage coastal processes.

Strategies

- Focus urban coastal development within existing urban settlements.
- Prevent lineal urban sprawl along the coast.
- Avoid the loss of, and wherever possible increase, public access to the foreshore environment.
- Restrict development on primary dunes.
- Ensure the potential for existence of acid sulphate soils adjacent to coastal and wetland locations is considered.
- Limit the number of stormwater outlets to the coast.
- Setback future land use and development from coastal areas, estuaries and coastal wetlands to provide a buffer which is adequate to accommodate coastal recession and the landward migration of coastal wetland vegetation communities such as mangroves and salt marshes.

21.05-5 Climate change

C128(Part 1)

Objective

- To plan for and adapt to the impacts of climate change.
- To ensure that the community and assets are not exposed to an unacceptable level of risk associated with the coastal impacts of climate change.

GREATER GEELONG PLANNING SCHEME

Strategy

- Avoid land use and development within areas considered at risk of coastal erosion or inundation from flooding, storm surge or rising sea levels.
- Consider the coastal impacts of climate change in strategic planning and public land management.

21.05-6 Natural resource management

23/01/2010
C128(Part 1)

Objectives

- To use non-renewable resources more efficiently.
- To increase the use of renewable resources.

Strategies

- Encourage all land use and development to incorporate best practice Water Sensitive Urban Design (WSUD) principles.
- Encourage planting of low water use vegetation, particularly indigenous vegetation.
- Encourage the installation of alternative, renewable energy supply systems.
- Encourage the installation of alternative water supply systems, including the use of recycled water where appropriate.
- Encourage development to incorporate best practice energy efficiency design principles and measures.

21.05-7 Flooding

23/01/2010
C128(Part 1)

Objectives

- To protect floodplains.
- To minimise the potential for damage and risks to public safety and property from flooding.

Strategies

- Ensure that land use and development is compatible with flood prone land.
- Discourage land use and development in floodplains where flood function may be impaired.
- Recognise flood hazards associated with waterways and ensure the free passage of water whilst protecting development from flooding impacts.

GREATER GEELONG PLANNING SCHEME

21.05-8 Wildfire

23/01/2010
C128(Part 1)

Objective

- To minimise the impacts of wildfire.

Strategies

- Identify areas at risk of wildfire.
- Ensure that development in identified areas considers the impacts of wildfire.

21.05-9 Implementation

C384ggee

These strategies will be implemented by:

- Using policy and exercise of discretion

Where appropriate, requiring the preparation of Stormwater Management Plans and/or Construction Management Plans which provide for the protection of receiving waterways.

Where appropriate, require applications for marine based development, including aquaculture development, to provide an environmental assessment.

Utilise indigenous species in revegetation programs on public land, including roadsides to improve the overall biodiversity of the municipality.

Ensure urban development on the Bellarine Peninsula complies with structure plan maps as detailed in Clause 21.14.

Further Work

Prepare and implement an updated flood study for Lara.

Work with the Corangamite Catchment Management Authority and the Department of Primary Industries to implement the Salinity Management Overlay Project, which may also include the protection of primary salinity sites via the Environmental Significance Overlay.

Work with the Corangamite Catchment Management Authority and the relevant state agency to implement the Erosion Management Overlay Project.

Investigate the application of the Environmental Significance Overlay to contributory value wetlands.

Investigate the application of the Environmental Significance Overlay or Vegetation Protection Overlay to areas identified as Biodiversity Sites and/or Primary Biodiversity Conservation Zones.

Work with the Department of Environment, Land, Water and Planning to investigate the application of appropriate planning provision(s) to the coastal fringe.

Work with the Department of Environment, Land, Water and Planning to investigate the application of appropriate planning provision(s) to areas identified as containing Bellarine Yellow Gum and Coastal Moonah Woodland.

References

Bellarine Peninsula – Corio Bay Local Coastal Hazard Assessment – Inundation Report, Cardno for City of Greater Geelong, December 2015

GREATER GEELONG PLANNING SCHEME

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Corio Bay Coastal Action Plan, Central Coastal Board and the City of Greater Geelong, 2005.

Corangamite Regional Catchment Strategy 2013-2019, Corangamite CMA, 2013.

City of Greater Geelong Stormwater Management Plan, City of Greater Geelong, 2002.

Central West Victoria Regional Coastal Action Plan, Western Coastal Board, 2003.

Central West Victoria Estuaries Coastal Action Plan, Western Coastal Board, 2005.

Geelong Flood Mitigation Strategy, Gutteridge Haskins & Davey Pty Ltd for City of Greater Geelong, May 1997.

Geelong Regional Floodland Study, Geelong Regional Commission, June 1979.

Hovells Creek, Lara: Flooding – December 10, 1988, prepared by Technical Services Department Shire of Corio, January 1990.

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C394ggee

SCHEDULE 2 TO CLAUSE 44.04 LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as L SIO2.

COASTAL INUNDATION AND HAZARD

1.0 Land subject to inundation objectives to be achieved

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C394ggee

To protect land vulnerable to coastal inundation from inappropriate development.

To plan for projected sea level rises to ensure that the community and assets are not exposed to an unacceptable level of risk associated with the coastal impacts of climate change.

To identify land in coastal areas that may be inundated by the combined effects of the 1% Average Event Probability (AEP) flood event plus 0.8 metre sea level rise.

To ensure that any new development is suitably designed to ensure that it is compatible with the identified flood hazard and local drainage characteristics.

2.0 Statement of risk

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A number of areas in the municipality are susceptible to flooding, via the flooding of waterways, stormwater runoff and coastal inundation, which have the potential to result in significant adverse economic, social and environmental impacts. Areas of coastal inundation and hazard have been identified in the *Bellarine Peninsula - Corio Bay Local Coastal Hazard Assessment - Inundation Report*, Cardno for City of Greater Geelong (2015) which is the source of mapping in this overlay.

3.0 Permit requirement

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A permit is not required to construct a building or carry out works for:

- An extension to an existing dwelling, provided the gross floor area of the extension does not exceed 20 square metres.
- Outbuildings and works normal to an existing dwelling, including a deck or verandah that does not exceed 20 square metres, landscaping, a pergola, driveway, carport, barbeques and water tank.
- Agricultural and farm buildings less than 100 square metres in gross floor area.
- A building which is open on all sides including a domestic shed, animal enclosure, stockyard or agricultural shed.
- An upper storey extension to an existing building within the existing building footprint.
- A footpath, bicycle path, boardwalk, tennis court or sports ground provided that they are constructed at ground level.
- An in-ground domestic swimming pool or spa and associated mechanical and fencing equipment where the excavated spoil is removed and the perimeter edging of the pool is finished at natural ground level.
- An elevated boardwalk, provided that the new surface levels are above the applicable levels set by the relevant floodplain management authority.
- Repairs and routine maintenance of existing fences if the fence design and materials remain the same.
- A radio mast, telecommunications tower, antenna, power pole or light pole.
- An outdoor advertising sign/structure.
- Earthworks that do not change the rate of flow or the discharge point of water across a property boundary.

- Works carried out by any water authority to maintain and replace infrastructure related to sewer and water supply.
- Works that have been granted consent under *the Marine and Coastal Act 2018* and are conducted by or on behalf of a Public Land Manager or Committee of Management appointed under the *Crown Land (Reserves) Act 1978*.

4.0 Application requirements

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The following application requirements apply to an application for a permit under Clause 44.04, in addition to those specified in Clause 44.04 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A location plan drawn to scale, showing the boundaries and dimensions of the site, surrounding uses, the layout of existing and proposed buildings and works and the distance to coast or estuary.
- Elevation plans taken by or under the direction and supervision of a licensed land surveyor showing natural ground level, finished ground level and the floor levels of any existing and proposed buildings in relation to both Australian Height Datum (AHD) and the level as nominated by the relevant floodplain management authority at 2100.
- A detailed site plan with 0.5 metre contours showing the layout of existing and proposed buildings and works, watercourses, access roads, vegetation and all infrastructure that may be affected by flooding, sea level rise or coastal inundation, taken by or under the direction and supervision of a licensed land surveyor.
- An outline of actions or measures required, if any, to the siting and design of the buildings or works, or in association with the use and occupation of all aspects of the proposal in order to reduce the risk to individuals, property, infrastructure and the environment over the predicted life of the buildings or works. These actions may include the consideration of adaptation options such as planned retreat, setbacks, accommodation of changes through floor heights, site and land forming and drainage works.

5.0 Decision guidelines

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The following decision guidelines apply to an application for a permit under Clause 44.04, in addition to those specified in Clause 44.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- *Bellarine Peninsula - Corio Bay Local Coastal Hazard Assessment - Inundation Report*, Cardno for City of Greater Geelong (December 2015)

GREATER GEELONG PLANNING SCHEME

16/11/2018
C334386000

**SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME
CONSIST OF?**

1.0

Maps comprising part of this planning scheme:

16/11/2018
C334386000

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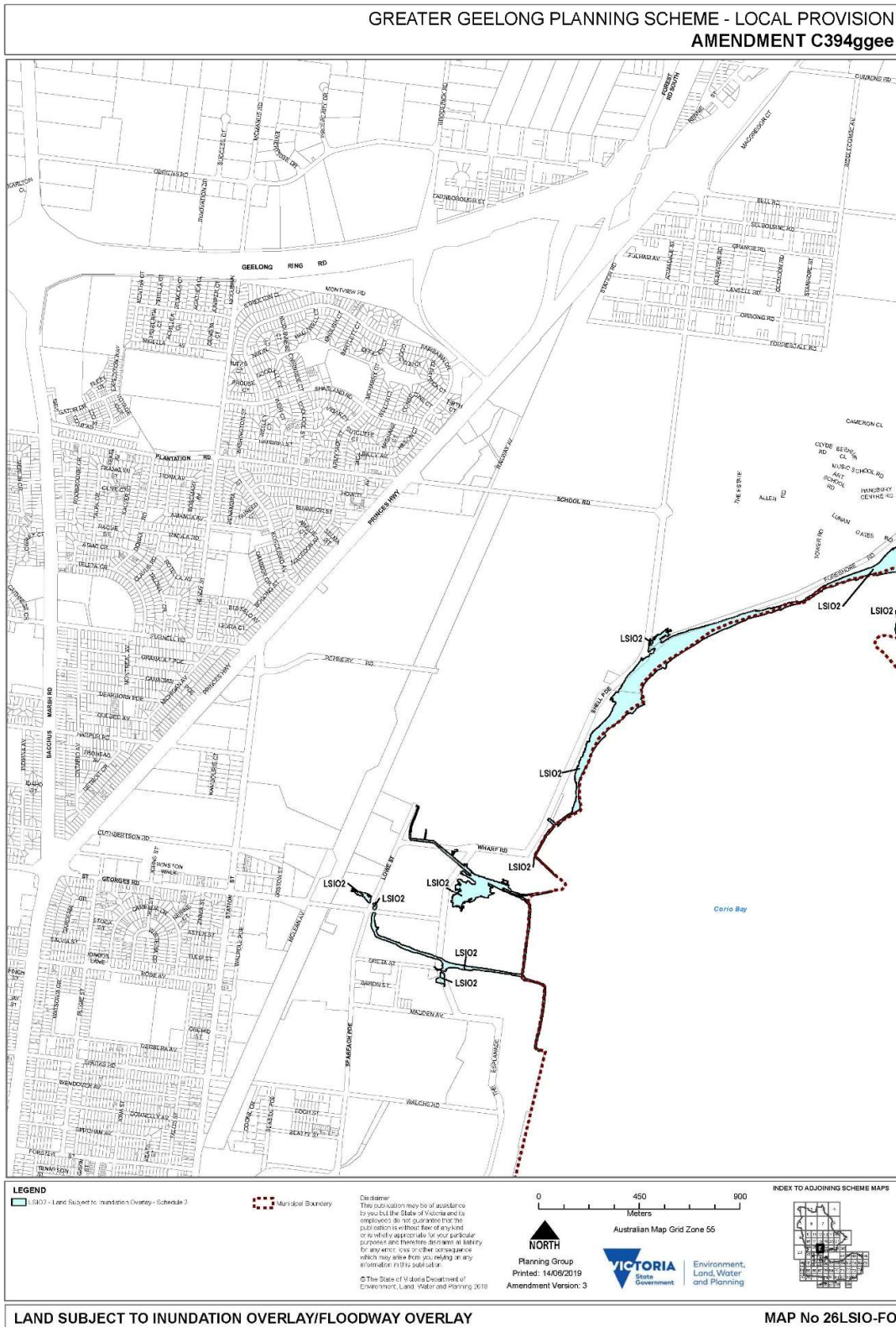
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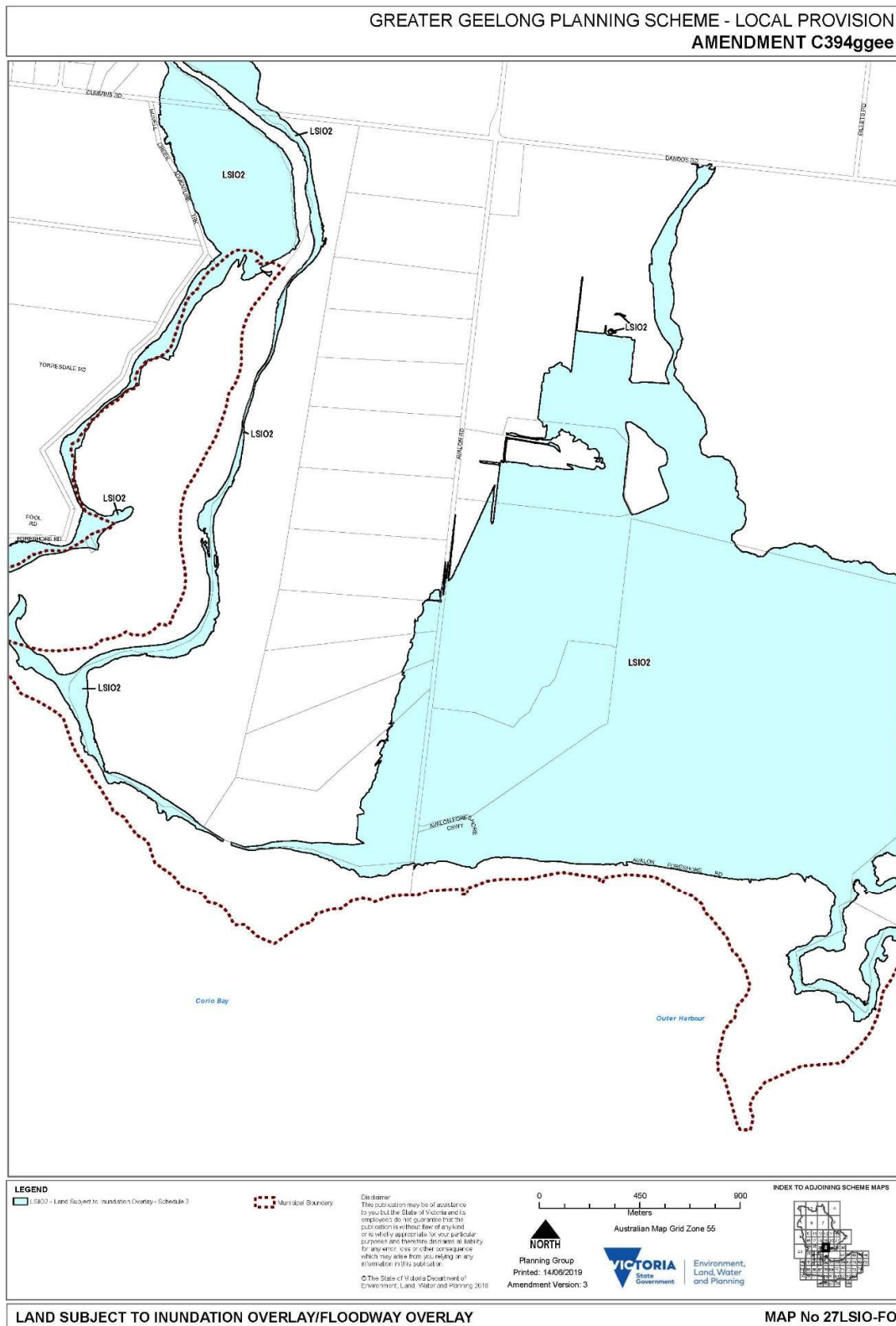
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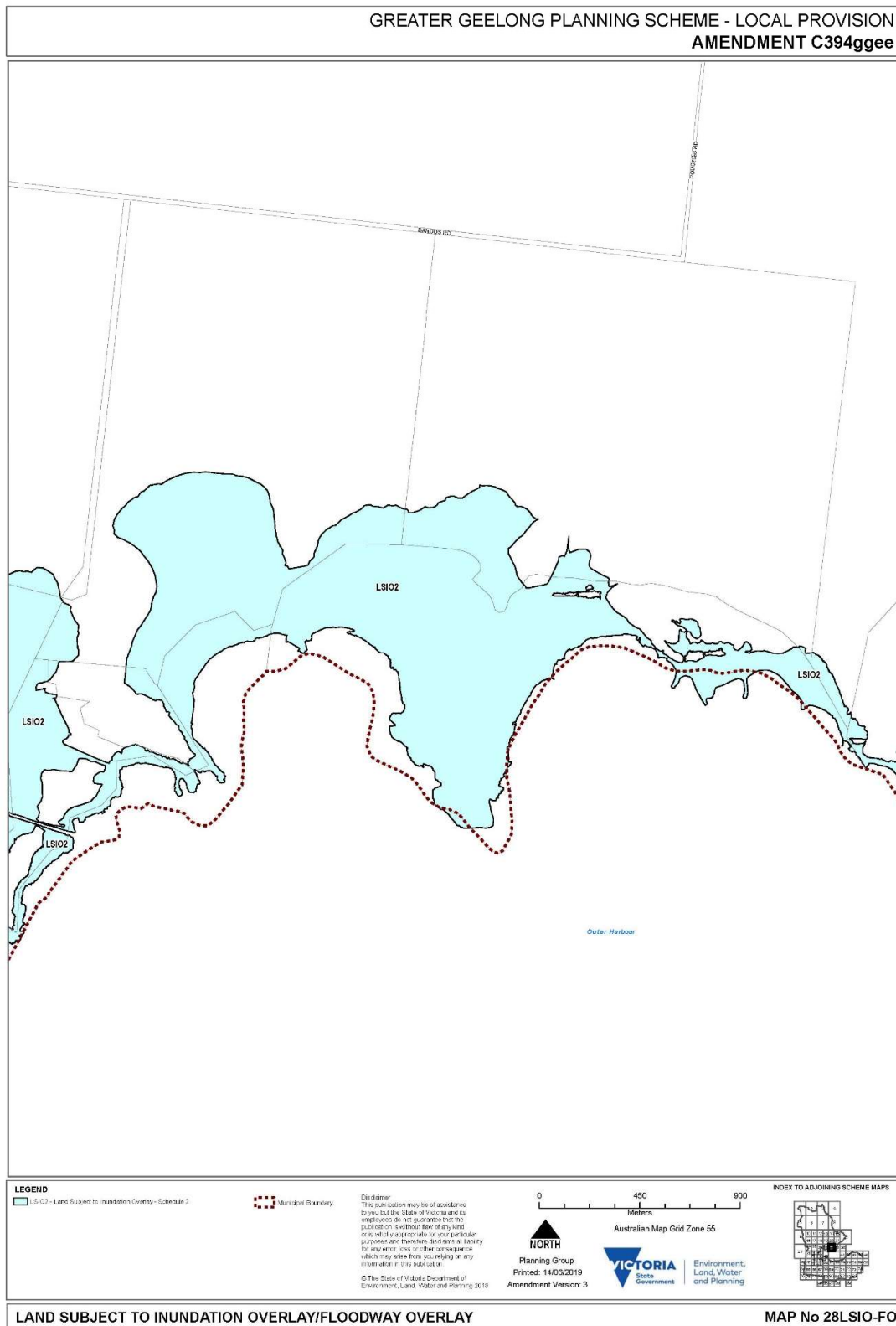
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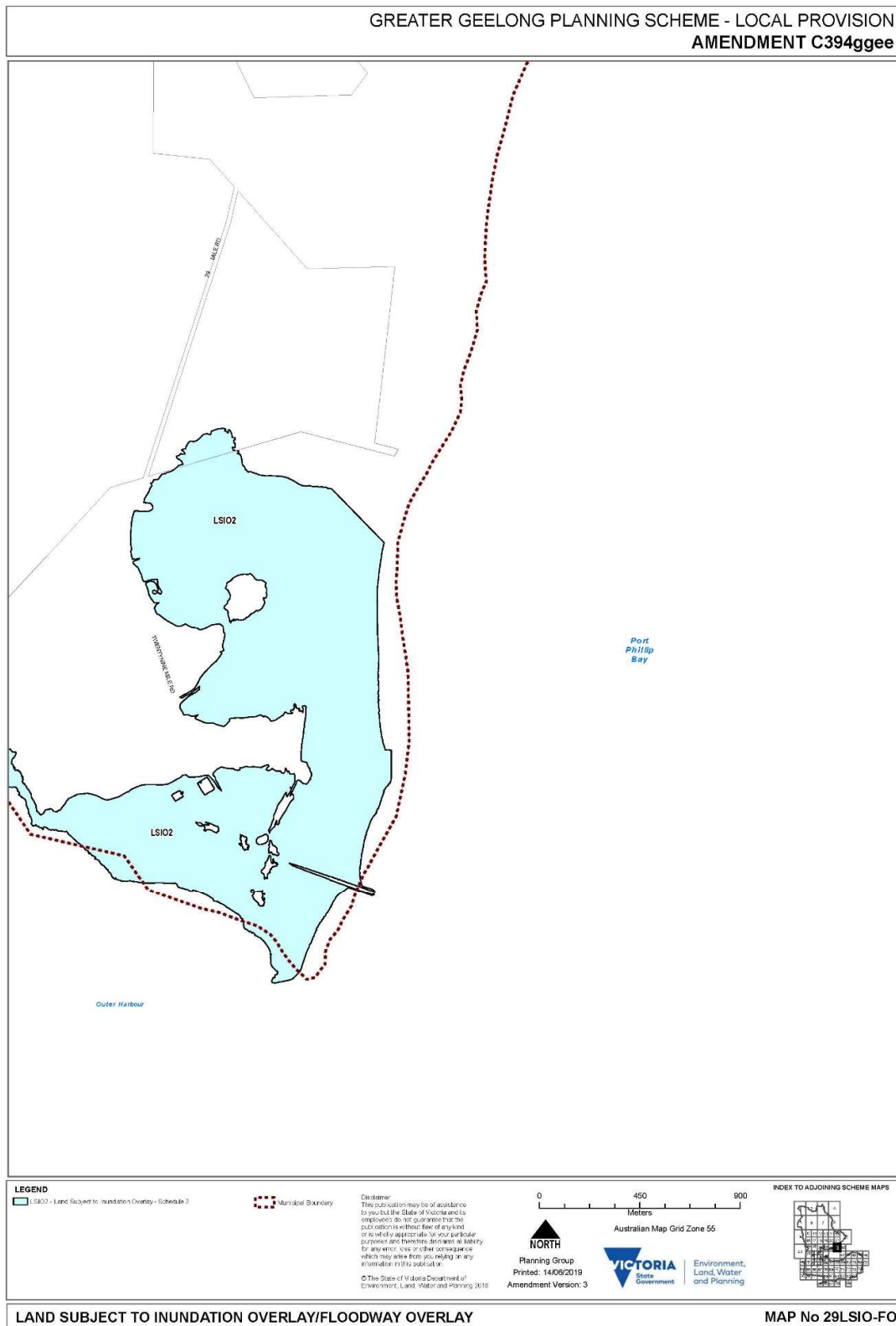
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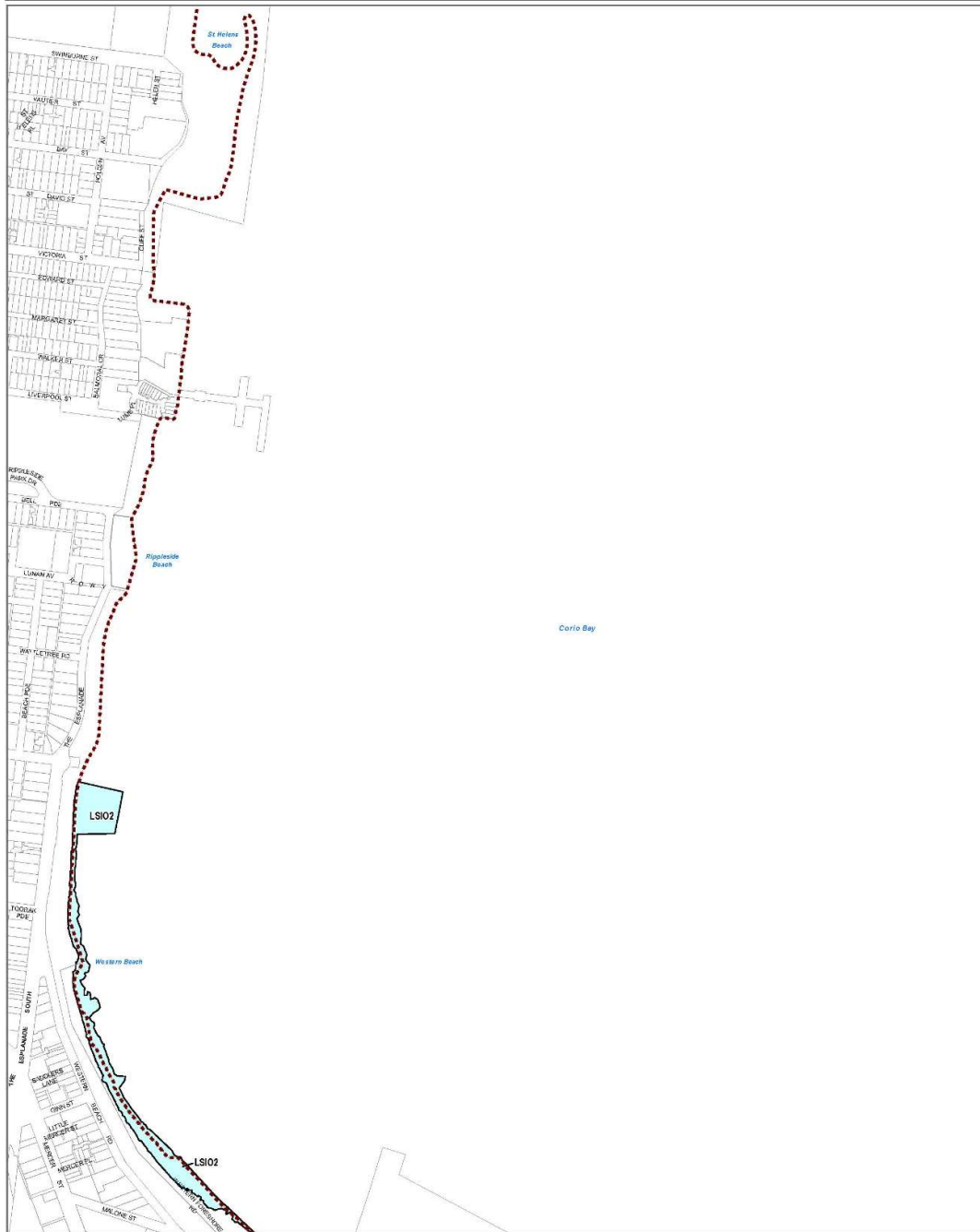








**GREATER GEELONG PLANNING SCHEME - LOCAL PROVISION
 AMENDMENT C394ggee**



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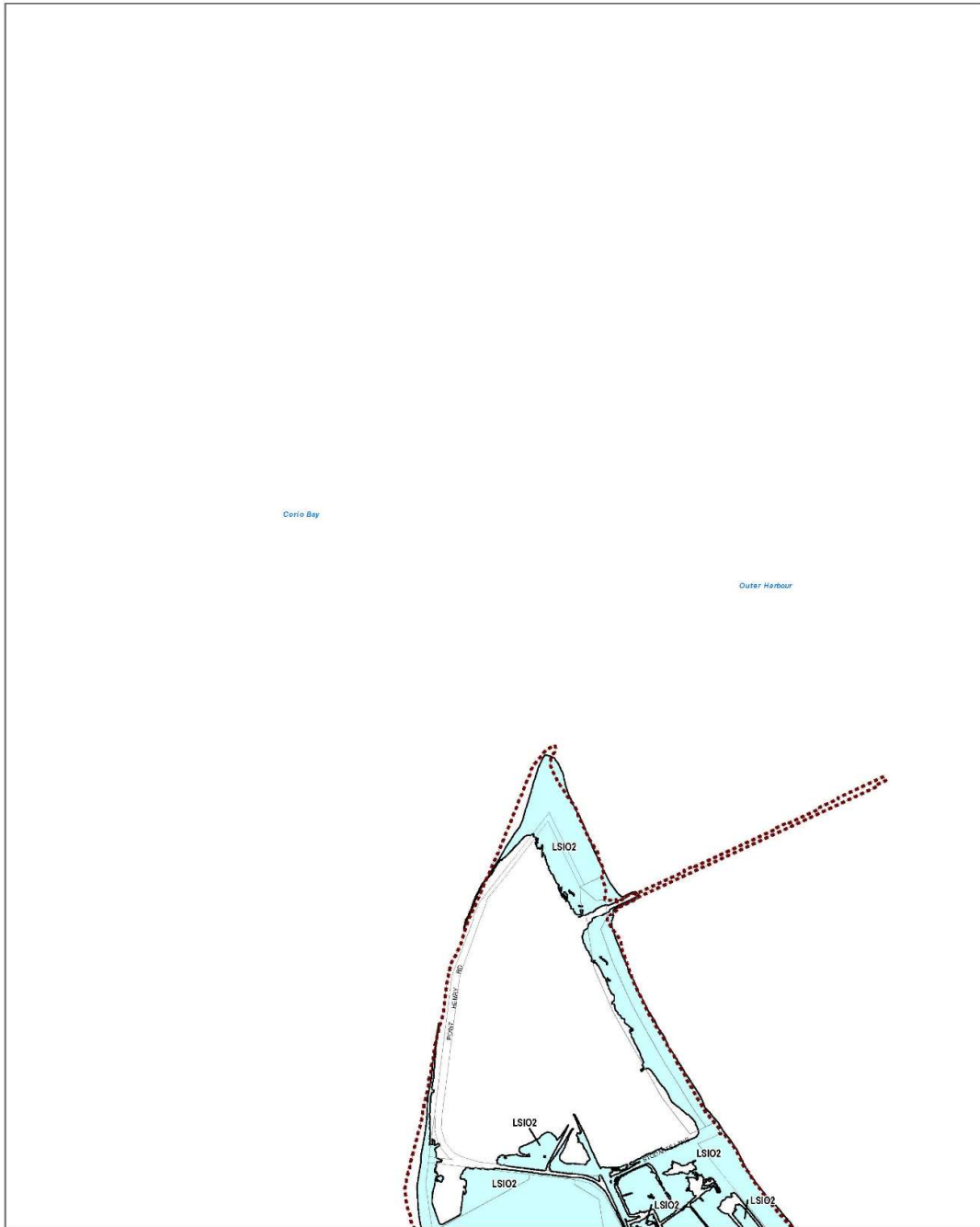
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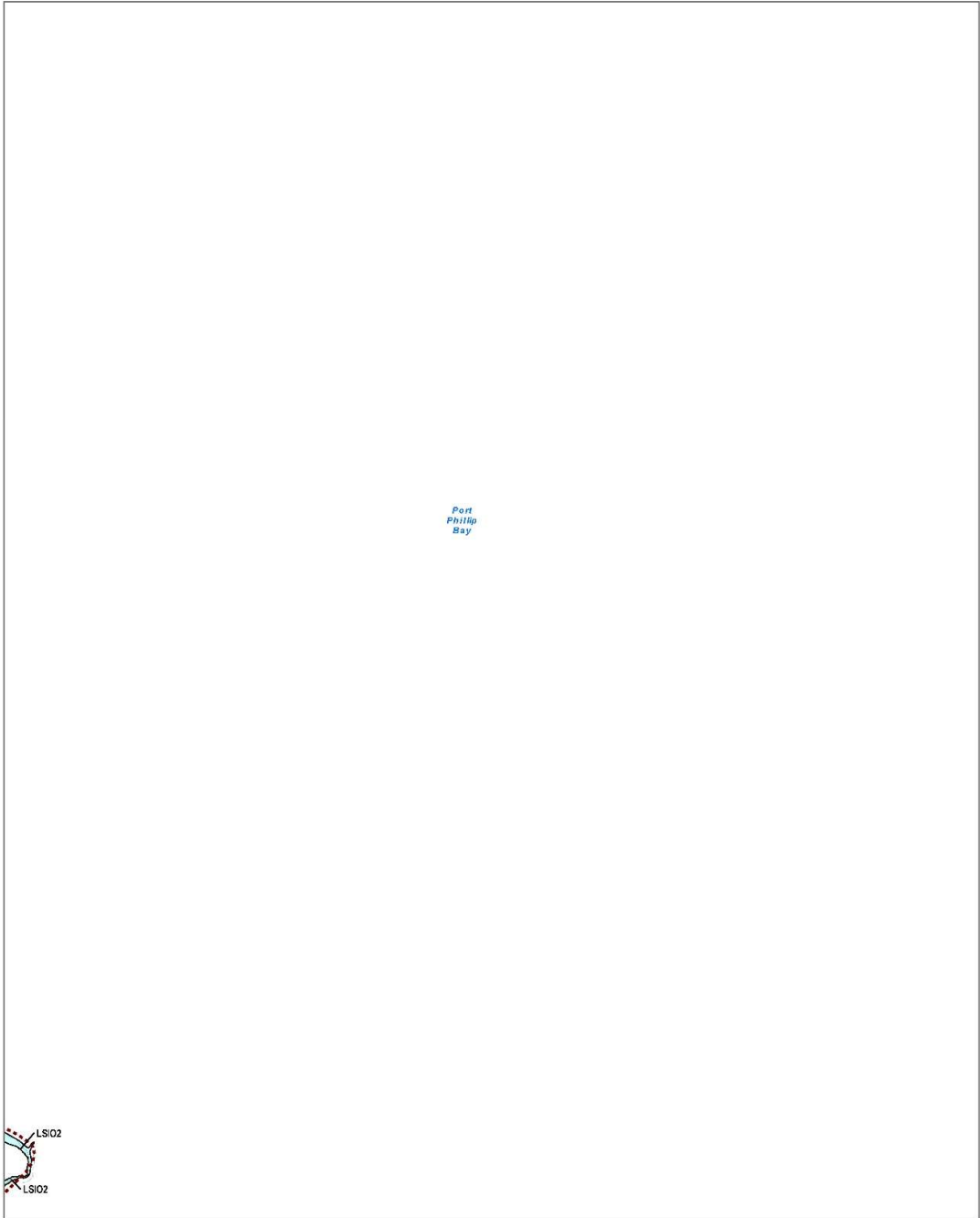
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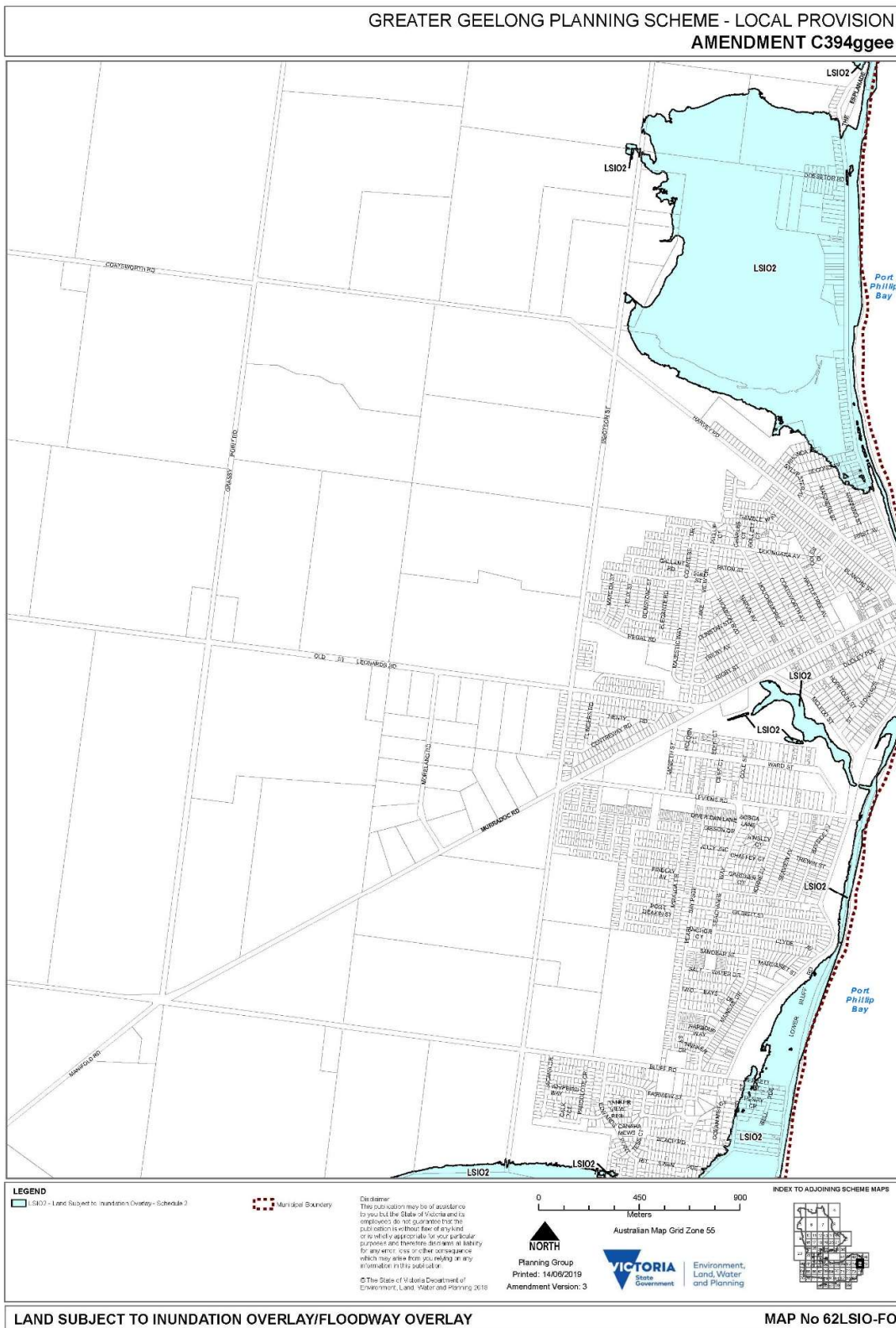
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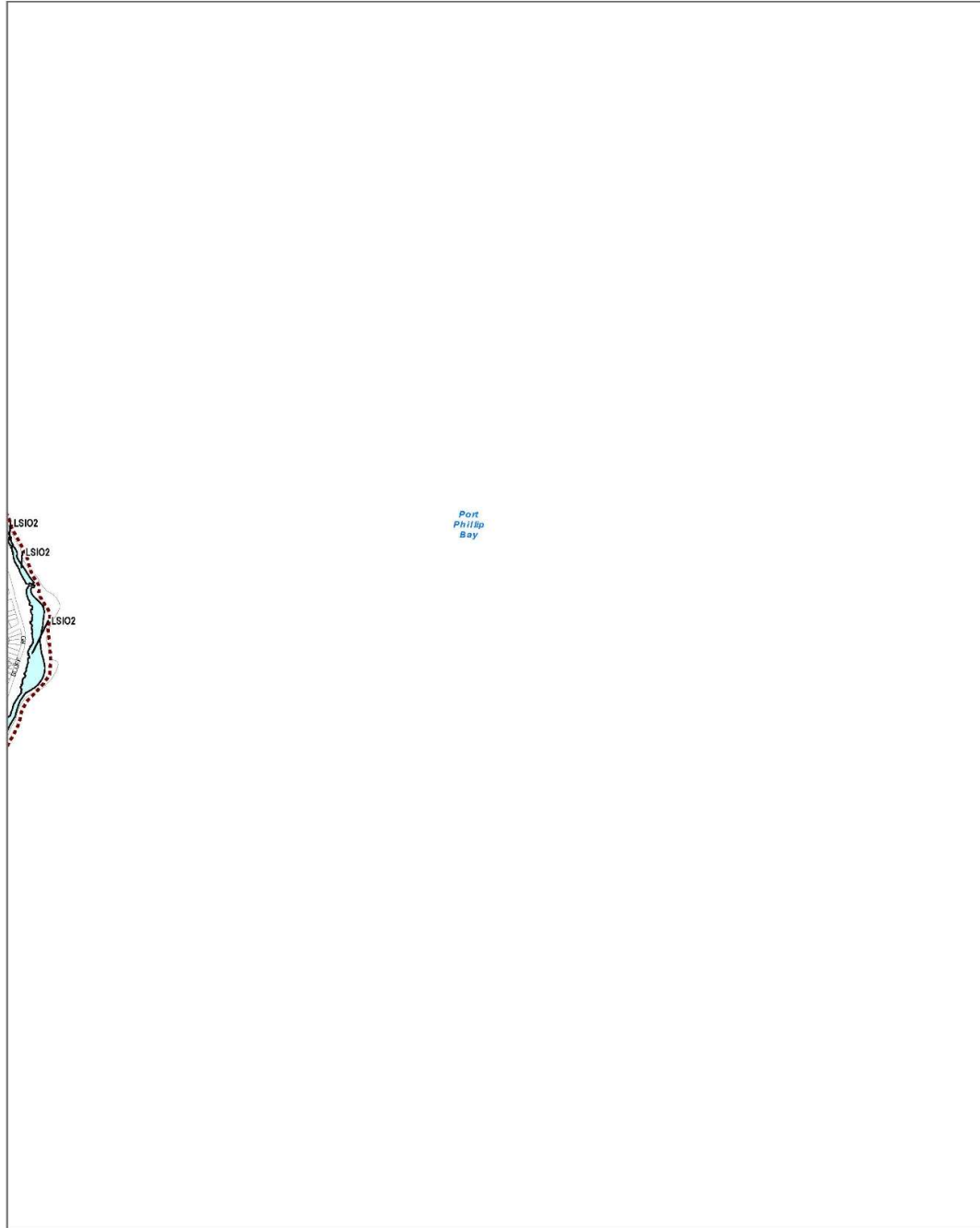








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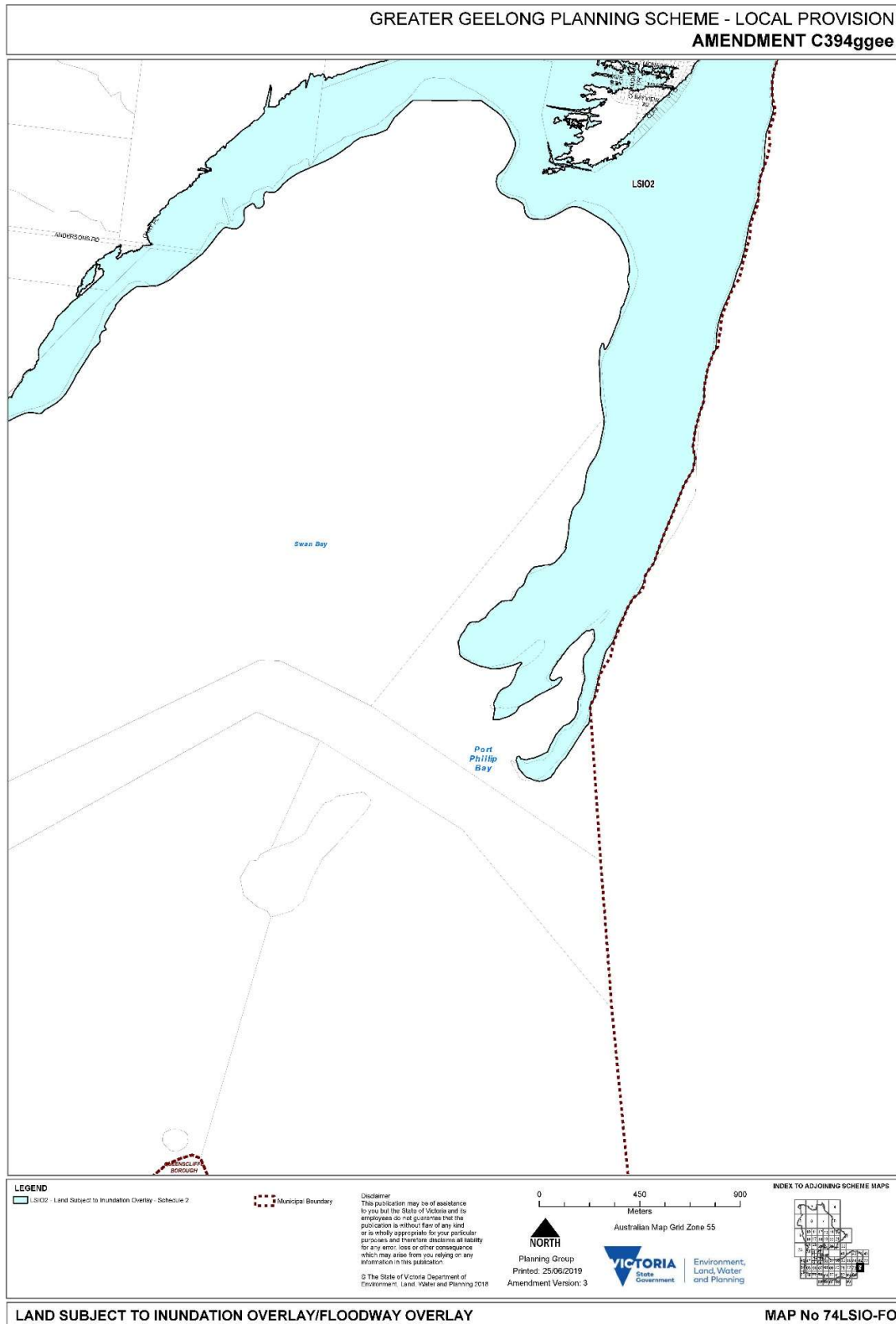
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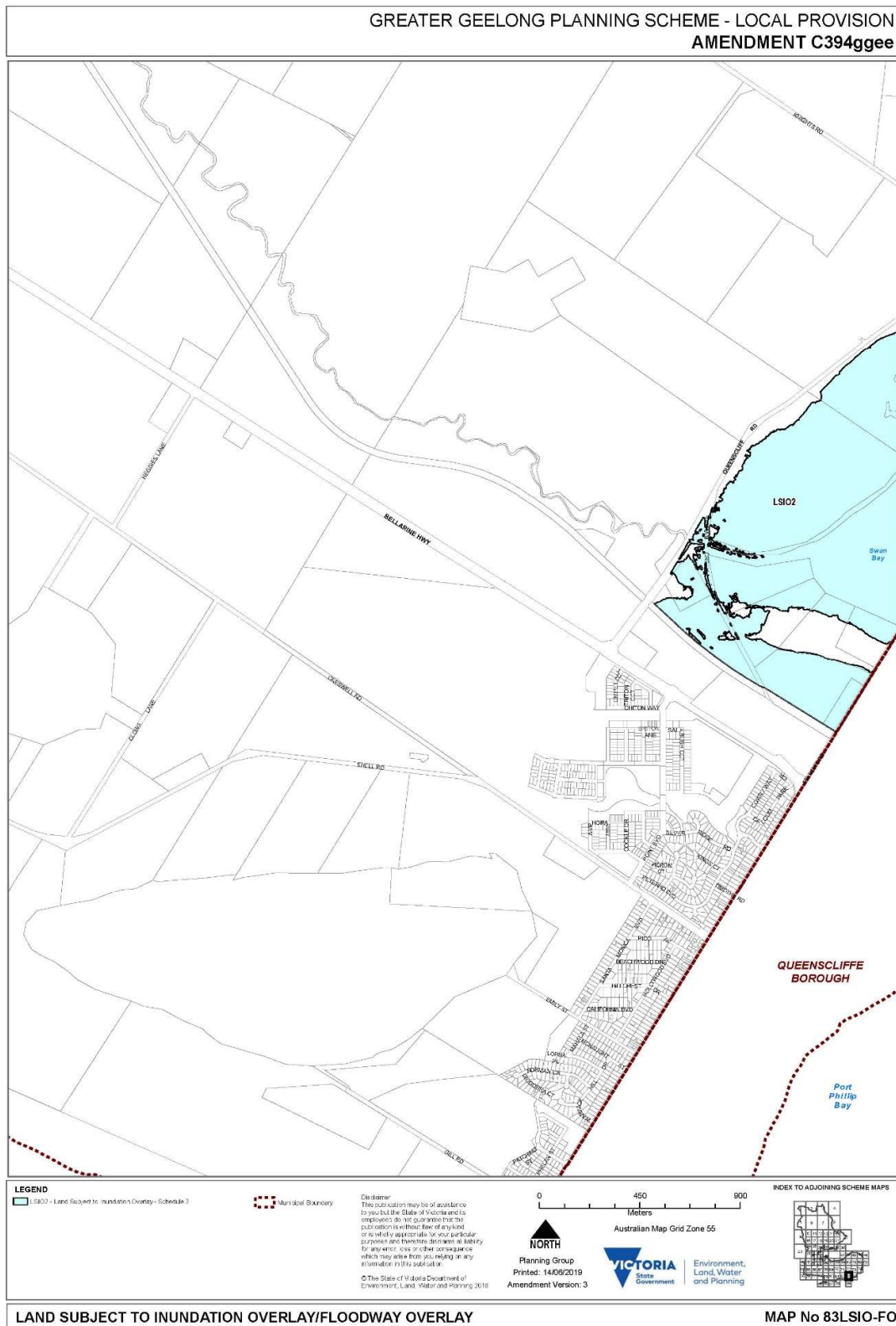
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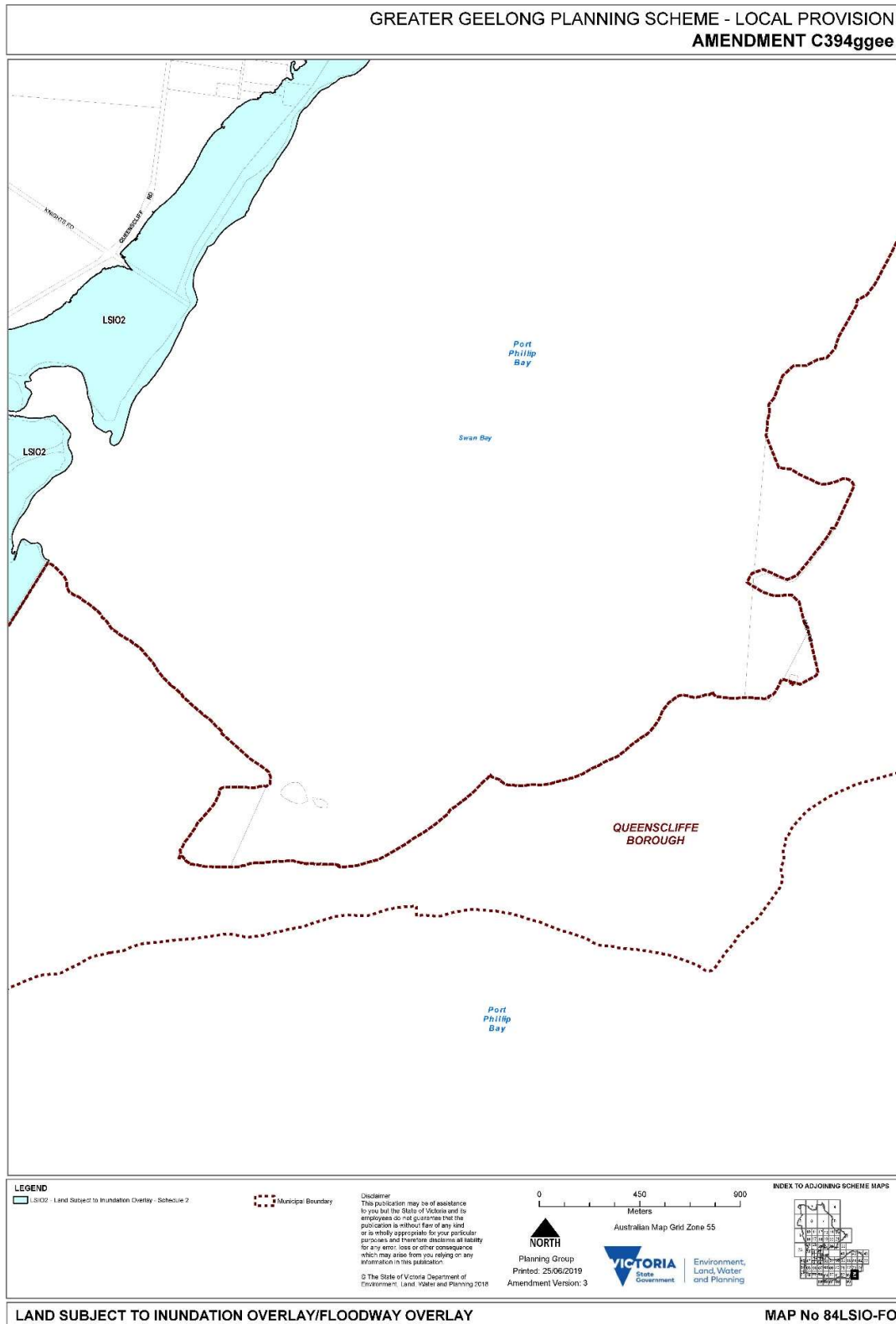
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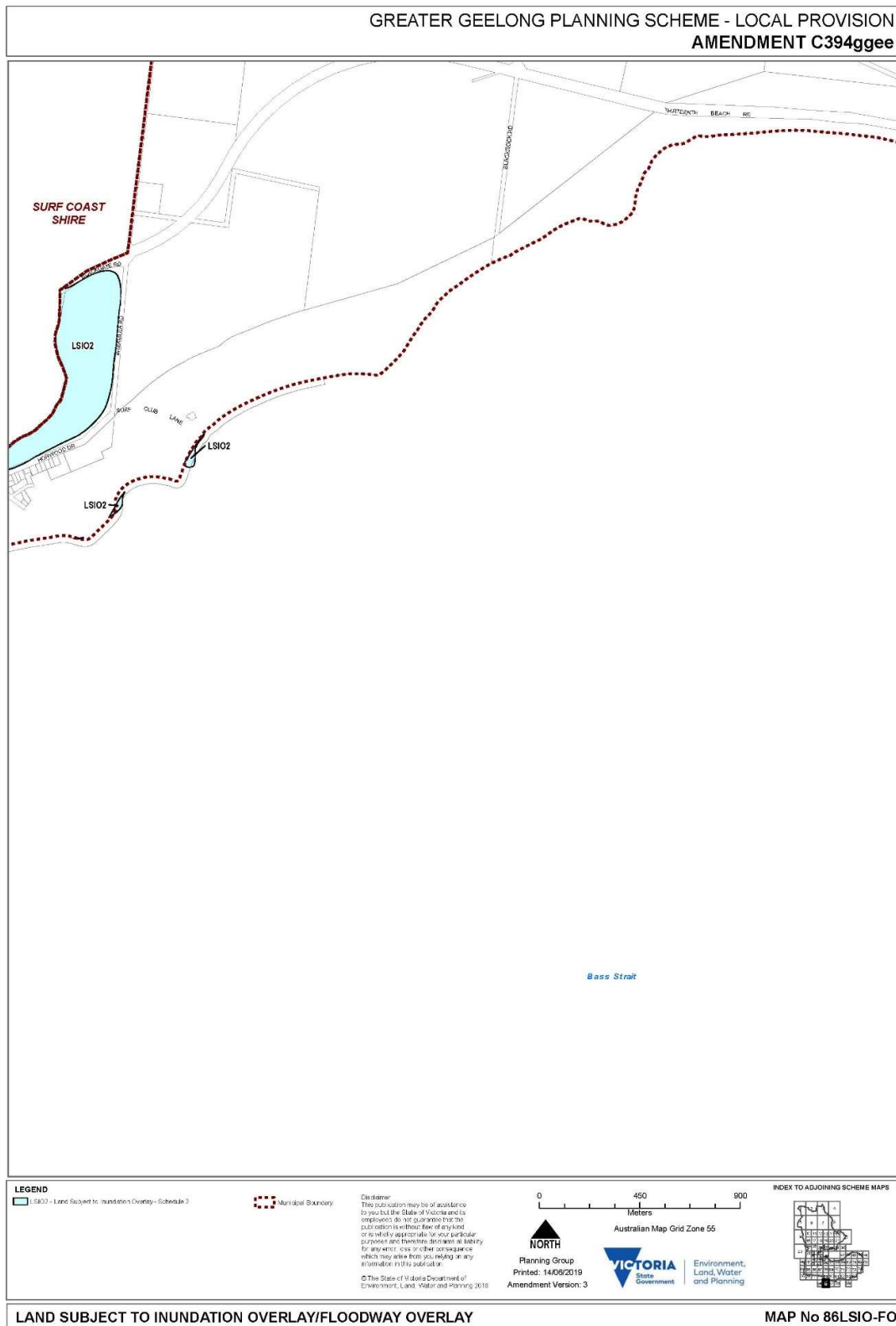
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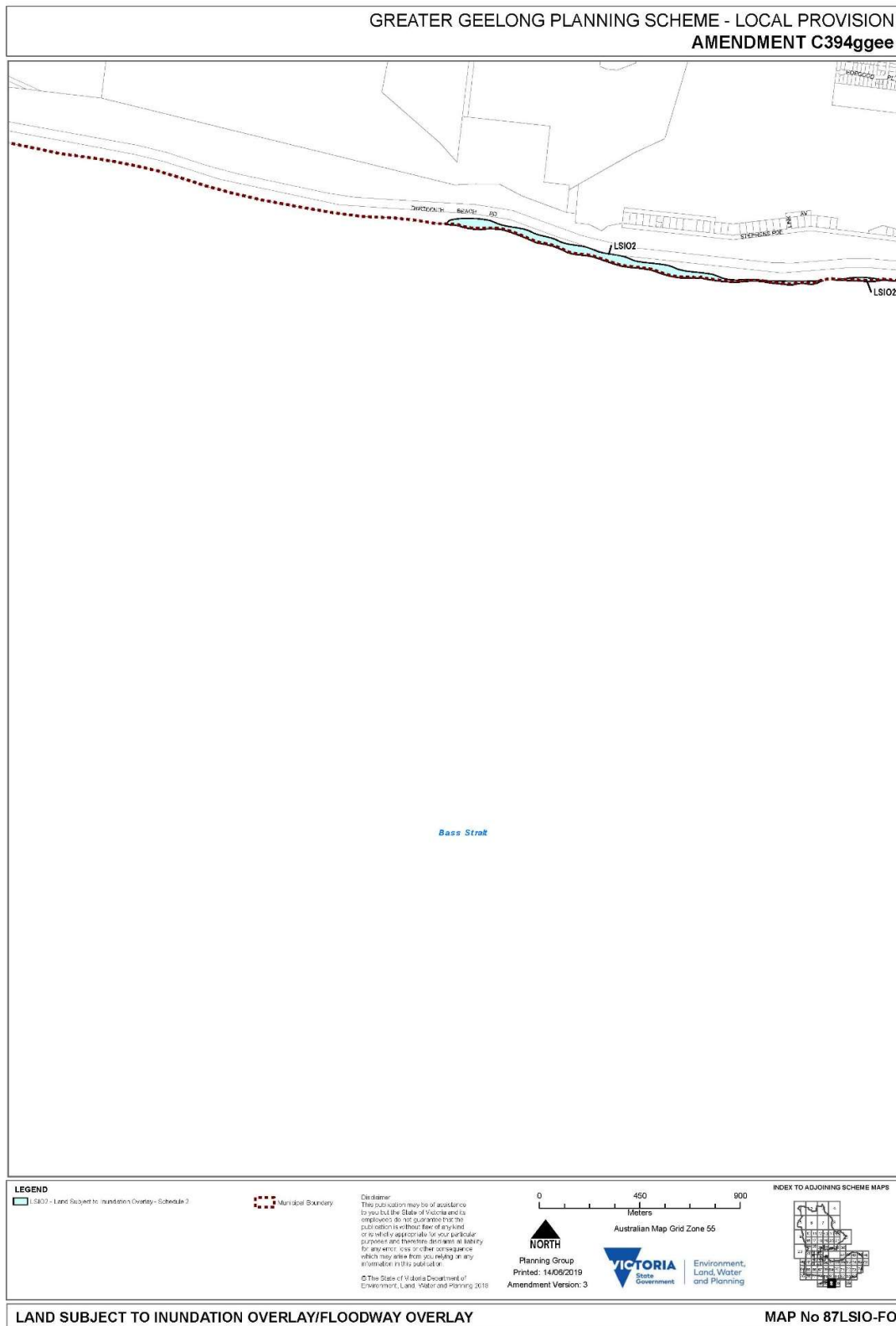
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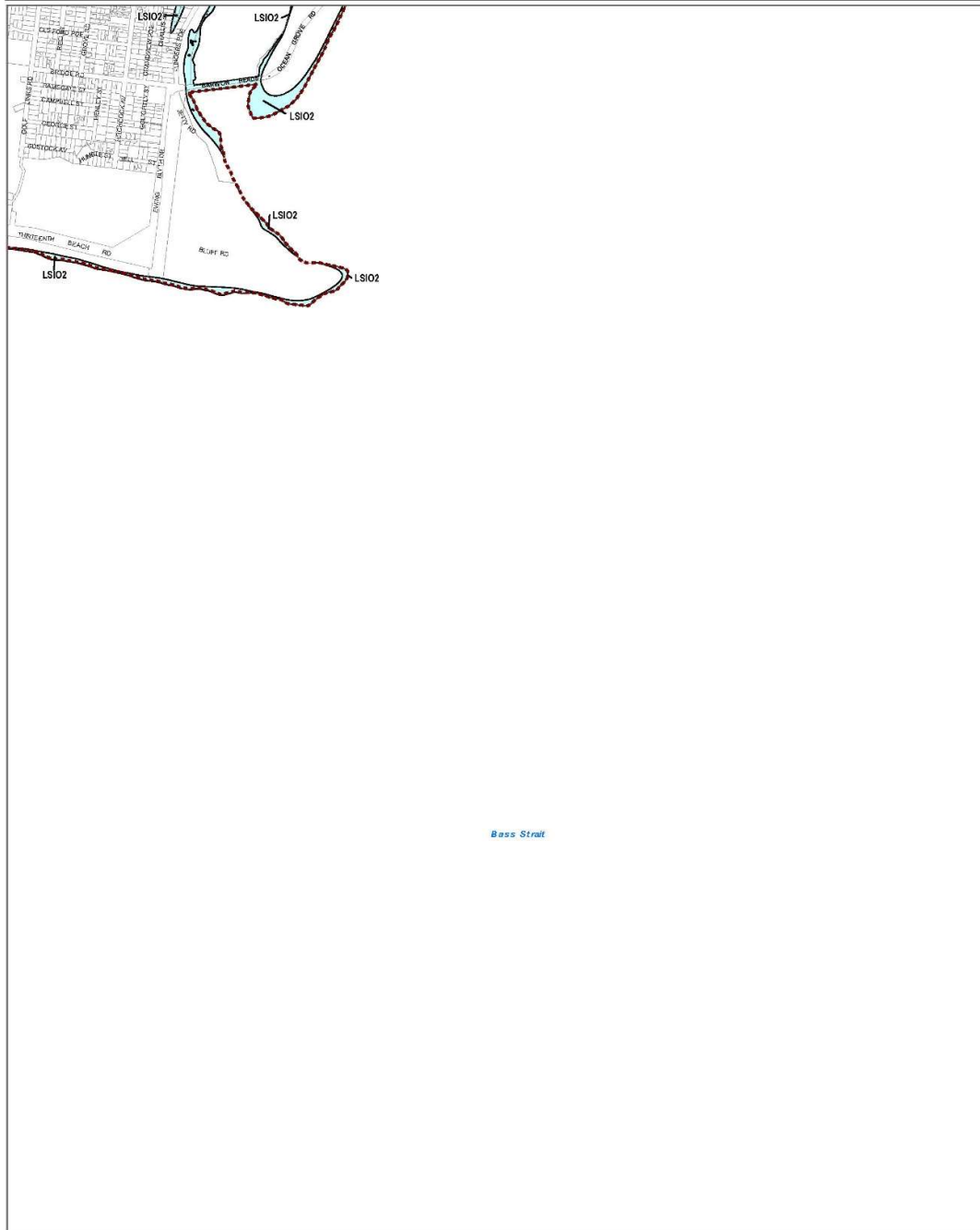
LAND SUBJECT TO INUNDATION OVERLAY/FLOODWAY OVERLAY

MAP No 85LSIO-FO





GREATER GEELONG PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C394ggee



LEGEND
 LSI02 - Land Subject to Inundation Overlay - Schedule 2

Municipal Boundary

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0 450 900
 Meters
 Australian Map Grid Zone 55

NORTH
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INDEX TO ADJOINING SCHEME MAPS



LAND SUBJECT TO INUNDATION OVERLAY/FLOODWAY OVERLAY

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