

MINUTES

ORDINARY MEETING OF COUNCIL

TUESDAY, 28 JULY 2020

7.00PM

HELD VIRTUALLY BY ZOOM AND BROADCAST
ON THE CITY'S WEBSITE

COUNCIL:

Cr S Asher (Bellarine Ward)

Mayor

Cr K Grzybek (Windermere Ward)

Deputy Mayor

Cr J Mason (Bellarine Ward)

Cr T Sullivan (Bellarine Ward)

Cr E Kontelj (Brownbill Ward)

Cr S Mansfield (Brownbill Ward)

Cr P Murrhly (Brownbill Ward)

Cr B Harwood (Kardinia Ward)

Cr P Murnane (Kardinia Ward)

Cr R Nelson (Kardinia Ward)

Cr A Aitken (Windermere Ward)

SECTION A - PROCEDURAL MATTERS

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the City of Greater Geelong

SECTION D - ASSEMBLY OF COUNCIL

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4. AMENDMENT C339 – LOWER BARWON AND LOWER MOORABOOL FLOOD INVESTIGATION, LARA FLOOD STUDY AND OTHER FLOODING OVERLAY CHANGES

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

Purpose

1. To seek Council support to prepare and exhibit Amendment C339 which revises the Floodway Overlay, Special Building Overlay and Land Subject to Inundation controls across the municipality.

Background

2. The amendment proposes to implement the recommendations of the *Lower Barwon and Lower Moorabool Flood Investigation, December 2018* and the *Lara Flood Study, March 2020*, together with the application of remaining proposed areas of the *Bellarine Peninsula - Corio Bay Local Coastal Hazard Assessment December 2015 (LCHA)*, to properties in Barwon Heads, Ocean Grove, Wallington and Connewarre.
3. The Lower Barwon and Lower Moorabool Flood Investigation and the Lara Flood Study, were prepared by Water Technology, Water, Coastal & Environmental Consultants, with the Lower Barwon and Lower Moorabool Investigation being a joint project of the Corangamite Catchment Management Authority and the City of Greater Geelong.
4. The majority of the LCHA was implemented by Amendment C394 which applied a new Land Subject to Inundation Overlay Schedule 2 (LSIO2) to areas affected by future sea level rise and storm surge. The Department of Environment Land Water and Planning refused authorisation to exhibit the proposed LSIO2 to land already covered by flood overlays in the Barwon River estuary and Lake Connewarre. The Planning Panel which subsequently considered Amendment C394 recommended that LSIO2 should be applied and this is now being sought as part of Amendment C339.

Key Matters

5. The majority of the affected properties are already subject to Greater Geelong Planning Scheme flood overlays.
6. The mapping changes introduced by the Lower Barwon and Lower Moorabool Investigation and the Lara Study reflect more accurate flood risk assessments than are currently in place, including a reduction in the assessed risk for a number of properties, as well as the removal of controls from large areas currently identified as subject to inundation.
7. The proposed changes to the Schedules to the Land Subject to Inundation Overlay (LSIO1), Floodway Overlay (FO1) and Special Building Overlay (SBO1) introduce exemptions from the need for a planning permits for a range of matters.

Cr Sullivan moved, Cr Mason seconded -

8. That Council:

8.1 Support the preparation and exhibition of Amendment C339 to the Greater Geelong Planning Scheme to:

8.1.1 Revise the extent of application of the Urban Flood Zone, (UFZ) Public Conservation and Resource Zone (PCRZ), Public Park and Recreation Zone (PPRZ), Floodway Overlay (FO), Land Subject to Inundation Overlays (LSIO), Schedules 1 and 2, (LSIO1 & LSIO2) and Special Building Overlay (SBO) in the areas of the respective studies identified in attachments 3, 4 & 5; and

8.1.2 Amend the Schedules to the Floodway Overlay (FO), Land Subject to Inundation Overlay Schedule (LSIO) and the Special Building Overlay (SBO) consistent with the recommendations of the Lower Barwon and Lower Moorabool Flood Investigation and the Lara Flood Study.

8.2 Request the Minister for Planning to authorise the preparation and exhibition of Amendment C339.

Carried.

Attachment 1

Financial Implications

1. Application of the overlays will not have any significant financial implications to Council with the exception of the usual costs associated with the planning scheme amendment process.
2. As the proponent and Planning Authority, the City will be responsible for all amendment related costs including landowner notification, panel hearing fees and engagement of expert witnesses at a panel hearing.

Community Engagement

3. If Council resolves to support this amendment the public exhibition process will involve a mail out to all affected landowners and notices in local newspapers and the Victoria Government Gazette as required by the *Planning and Environment Act 1987*.
4. Interested parties will be able to make submissions which would be considered by Council and most likely referred to an independent panel where submitters could further present their case at a panel hearing.
5. Community engagement was also undertaken during the preparation of the three studies that are being implemented – the Lower Barwon and Lower Moorabool Flood Investigation, the Lara Flood Study and the Bellarine Corio Bay Local Coastal Hazard Assessment.

Social Equity Considerations

6. The amendment is expected to have positive social impacts. Flooding, coastal erosion, sea level rise and storm surge can result in significant costs for the community and the State. They can severely disrupt communities and in extreme cases, cause extensive damage to public and private property, agricultural losses, personal hardship and potential loss of life. The amendment has positive economic and social benefits by identifying areas where planning permit assessment can reduce the risk of these harms.

Policy/Legal/Statutory Implications

7. The amendment is supported by the following policies from the State section of the planning scheme:
8. Clause 13.01-2S Coastal inundation and erosion – the amendment achieves the policy objective “to plan for the potential coastal impacts of climate change” and implements the following strategies:
 - 8.1 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 coastal impacts associated with climate change;
 - 8.2 Ensure that land subject to coastal hazards is identified and appropriately managed to ensure that future development is not at risk;
 - 8.3 Avoid development in identified coastal hazard areas susceptible to inundation.

9. Clause 13.03-1S Floodplain management – the amendment meets the objective to assist in the protection of:
 - 9.1 Life, property and community infrastructure from flood hazard;
 - 9.2 The natural flood carrying capacity of rivers, streams and floodways;
 - 9.3 The flood storage function of floodplains and waterways;
 - 9.4 Floodplain areas of environmental significance to river health; and
 - 9.5 The amendment also implements the strategies to “Identify land affected by flooding, including land inundated by the 1 in 100-year flood event or as determined by the floodplain management authority in planning schemes” and “Avoid intensifying the impact of flooding through inappropriately located use and development.”
10. The amendment supports and implements the following policies from the local section of the Planning Scheme:
11. Clause 21.05-4 Coastal environments:
 - 11.1 The objectives: To protect, maintain and enhance the coast, estuaries and marine environment and to respect and manage coastal processes; and
 - 11.2 The strategy: 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.
12. Clause 21.05-5 Climate change:
 - 12.1 The objective: To plan for and adapt to the impacts of climate change; and
 - 12.2 The strategy: Avoid land use and development within areas considered at risk of coastal erosion or inundation from flooding, storm surge or rising sea levels.
13. Clause 21.05-7 Flooding – has relevant objectives:
 - 13.1 To protect floodplains; and
 - 13.2 To minimise the potential for damage and risks to public safety and property from flooding.

Alignment to Council Plan

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

Conflict of Interest

15. No Council officers involved in the preparation of the report have a direct or indirect interest in the issue to which this report relates.

Risk Assessment

16. There is a risk that landowners may object to the Overlay being applied to their properties. However, there is a greater risk that if Council, as the Planning Authority, does not act on the flood plain and coastal inundation mapping it has available 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 zones and overlays.

Environmental Implications

17. The amendment will help manage the environmental hazard posed by 1% Annual Exceedance Probability (AEP) flood events and future sea level rise. The respective flooding overlays will trigger a planning permit requirement for relevant buildings and works. This includes new dwellings, subdivision and earthworks that alter natural ground levels. The Responsible Authority and Floodplain Management Authority will be able to assess planning applications in areas identified as potentially vulnerable from riverine flooding, future sea level rise and associated environmental hazards such as coastal erosion, flooding and storm surge.

Attachment 2

Background

Lower Barwon and Lower Moorabool Flood Investigation

1. The floodplains of the Barwon and Moorabool Rivers have faced significant riverine floods in 1852, 1880, 1909, 1951, 1978, 1995, 2001 and 2011. Fortunately, given the long and frequent history of flooding along the Barwon and Moorabool Rivers, much of the residential development through Geelong and the wider catchment is located outside of the areas known to be subject to flooding. Consequently, much of the floodplain is now occupied for recreational uses with some land still occupied by commercial and industrial businesses.
2. Completion of the Lower Barwon and Lower Moorabool Rivers Flood Risk Management Study (the study) project increases community resilience and provides the mechanism to manage and reduce future flood damages through the development of a full suite of fit-for-purpose floodplain mapping products to guide land use and development planning, flood response planning and determination of appropriate flood warning arrangements.
3. Corangamite CMA in partnership with the Greater Geelong City Council and Golden Plains Shire Council engaged Water Technology to undertake the study. The overall objective of this project was to review and revise existing flooding information and produce detailed flood mapping for a range of flood scenarios within the study area. The project has involved a definitive flood investigation for the floodplain reaches within the study area, including collation of available relevant data, a comprehensive hydrological assessment, and determination of robust flood levels, velocities, depths and extents for a range of design floods. The project developed an improved understanding of flood behaviour to enable improved land use planning and emergency response.
4. The investigation area and major watercourses are identified in **Attachment 3**.

Lara Flood Study

5. Council resolved at the Community Focus Council Meeting of 14 July 2020 to endorse the preparation of a planning scheme amendment to implement the findings of the Lara Flood Study. Consistent with that decision, implementation of the findings of that study is proposed to be included as part of Amendment C339.
6. The area of the Lara Flood Study is identified in **Attachment 4**.

Exemptions under the Schedule to the LSIO1 and FO1

7. The proposed changes to the Schedules to the FO1 and LSIO1 include the following, which will significantly reduce the need to obtain planning permits for development on land within the respective overlays:
 - 7.1 An extension to an existing dwelling, provided the gross floor area of the extension does not exceed 20 square metres;
 - 7.2 An upper storey extension to an existing building within the existing building footprint;
 - 7.3 A footpath, bicycle path, boardwalk, tennis court or sports ground provided that they are constructed at ground level;
 - 7.4 An in-ground domestic swimming pool or spa and associated mechanical and fencing equipment where the excavated spoil is removed from the 1% AEP floodplain and the perimeter edging of the pool is finished at natural ground level; and

- 7.5 Repairs and routine maintenance of existing fences if the fence design and materials remain the same.
8. These exemptions will apply to all land to which the FO1 and LSIO1, including any land outside of the Lower Barwon and Lower Moorabool Investigation Area and the Lara Flood Study already covered by the overlays.

Bellarine Peninsula - Corio Bay Local Coastal Hazard Assessment (Our Coast Project)

9. When authorisation to exhibit Amendment C394 was sought, DELWP did not support the LSIO2 being applied to land already subject to the LSIO1, and it was therefore excluded from the exhibition process.
10. The C394 Panel recommendation was to:
- 10.1. *“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; and*
- 10.2. *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.”*
11. The 26 May 2020 Council Report on the adoption of Amendment C394 provided the following response to the Panel Recommendation:
- 11.1. *“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; and*
- 11.2. *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.”*
12. The subject land has therefore been included as part of Amendment C339, consistent with the above recommendation, and are identified in **Attachment 5**.

Attachment 3

Lower Barwon and Lower Moorabool Flood Investigation study area



Attachment 4

Lara Catchment and Study Area



WATER TECHNOLOGY
WATER, COASTAL & ENVIRONMENTAL CONSULTANTS

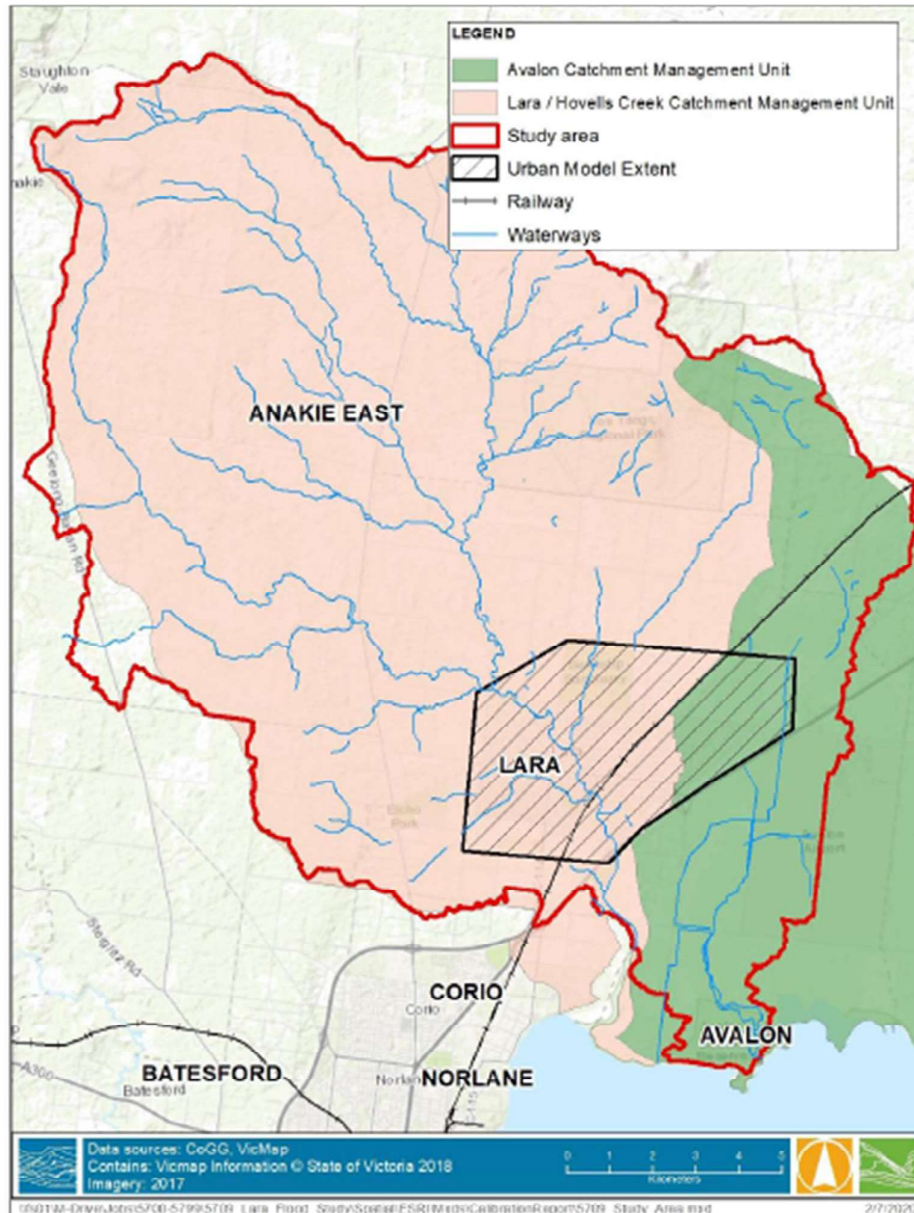


FIGURE 1-1 LARA CATCHMENT AND STUDY AREA

Attachment 5

Proposed LSI02

