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24 October 2017

Regarding: Reforming the Victoria Planning Provisions

The West Gippsland Catchment Management Authority ('the Authority') provides this submission in response to the '*Reforming the Victoria Planning Provisions*' discussion paper released on 16 October 2017.

Overall, the Authority supports the principles of a modernised Victoria Planning Provisions (VPP) and the five proposals:

1. A simpler VPP structure with VicSmart assessment built in
2. An integrated planning policy framework
3. Assessment pathways for simple proposals
4. Smarter planning scheme drafting
5. Improve specific provisions

We provide the following specific comments:

Proposal 3.1: Embed a VicSmart assessment pathway in appropriate particular provisions and overlay schedules –

The Authority supports the proposal to restructure particular provisions and overlay schedules to identify exempt use and development and VicSmart applications, and requests that it be consulted in this process to ensure that increasing exemptions are appropriate and do not inadvertently increase flood risk.

Proposal 3.2: Introduce new code-based assessment provisions for simple proposals to support small business, industry and homeowners –

The Authority considers that further consultation would be required to create the proposed code-based assessment provisions for simple proposals to ensure that the changes do not expose additional people or property to a flood hazard. Particular examples in the proposal (on page 25) of concern are home occupation, secondary dwelling ('granny flat') and the development of a building in a floodway with no other permit triggers.

Proposal 5.1: Improvements to specific provisions –

Land management overlays – The Authority supports the objective to reduce complexity, make the overlay roles more distinct and consider the *Building Act 1993* but considers that significant consultation would be required with relevant authorities, including all Catchment Management Authorities, to ensure that flood risk is appropriately considered and does not inadvertently increase.

Floodway Overlay –

Further consultation would be required to:

- i. Ensure that increasing the opportunity for permit exemptions does not increase flood risk
- ii. Discuss how improving access to flood levels can be best achieved
- iii. Discuss how decisions on whether a design mitigates flood risk can be determined.

Land Subject to Inundation Overlay –

The Authority supports the proposal to update reference to the 1% Annual Exceedance Probability (AEP) flood event.

Further consultation would be required to:

- i. Understand the implications of the proposal to include the protection of drainage assets in the overlay purpose, including how the proposal aligns with the State Drainage Strategy which is expected to be released shortly.
- ii. Ensure that increasing the opportunity for permit exemptions does not increase flood risk
- iii. Discuss how a development's impedance of floodwaters can be best determined
- iv. Ensure that increasing the floor area of building extensions before a permit is required does not detrimentally impact on the passage and storage of floodwaters or increase property damage
- v. Discuss an appropriate process for determination and regulation of minimum finished floor levels.

Special Building Overlay –

The Authority supports the proposal to revise the name of the overlay to better reflect its purpose.

Further consultation would be required to:

- i. Understand the implications of the proposal to include the protection of drainage assets in the overlay purpose, including how the proposal aligns with the State Drainage Strategy which is expected to be released shortly.
- ii. Discuss how appropriate minimum flood levels below which buildings and works are permit exempt can be determined
- iii. Ensure that increasing the opportunity for permit exemptions does not increase flood risk
- iv. Discuss whether the proposal that flooding from council's overland flow paths can be assessed solely by council would apply across the state or be confined to Melbourne Water's catchments, and how it may need to be modified for state-wide application.

Urban Floodway Zone –

The Authority supports the proposed review of the zone to identify whether planning control over flood prone areas could be simplified.

Referral and Notice Provisions –

The Authority supports the proposal to review the classification of referral agencies as 'recommending' authorities or 'determining' authorities and encourage more standard agreements with agencies to reduce the need for referral for minor and low risk matters.

Please ensure that the West Gippsland Catchment Management Authority is included in discussions to refine the proposals presented in the current discussion paper where they relate to flooding issues and VicSmart assessment.

[Redacted]

Yours sincerely,

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