

4.2 INTRODUCING A NEW SPECIAL BUILDING OVERLAY SCHEDULE INTO THE PLANNING SCHEME

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EXECUTIVE SUMMARY

A stormwater catchment analysis has been done to identify significant stormwater inundation areas where a new Special Building Overlay (SBO) in the planning scheme may be appropriate. This SBO would apply to local drainage catchments where Council is the local drainage authority. There is already an SBO in the planning scheme for Melbourne Water's regional drainage catchments.

The SBO will assist in improving the safety of people and property by making future developments better designed to avoid the detrimental impacts of overland flow paths created during an extreme severe storm.

Community information workshops are currently being progressed to help inform property owners and occupiers included within the SBO, on the stormwater catchment analysis and work done to prepare the SBO. Individual information sessions for Councillors have also been held.

Planning scheme maps and a new schedule to the SBO are being prepared. The Schedule has local content for planning permits, application requirements and referrals. Council can now write to the Minister for Planning and seek authorisation to prepare planning scheme amendment C101 and publically exhibit the proposed maps and new SBO schedule.

OFFICER DECLARATION OF CONFLICT OF INTEREST

Section 80C of the *Local Government Act 1989* requires Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter. Stormwater maps referred to and attached to this report have been prepared by independent experts, to show inundation areas where a future Special Building Overlay in the Banyule Planning Scheme would apply.

CITY PLAN

This report is in line with Council's City Plan key direction to “*maintain and improve Banyule as a great place to live*”.

BACKGROUND

The 2012 Banyule Flood Management Plan included various improvement actions to reduce stormwater inundation risk in the City. One of these was to review existing planning scheme overlays. The Municipal Wide Flood Mitigation Study has done this, and other actions of the Flood Management Plan.

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Progress on the Municipal Wide Flood Mitigation Study was reported to Council on 17 February 2014. Council resolved to investigate the preparation of a Special Building Overlay (SBO) to guide development in higher risk stormwater inundation areas, where Council is the local drainage authority. Council also resolved to support an ongoing residents' education program and pre-consultation for the SBO.

A stormwater catchment analysis of local catchment areas has been done, to identify overland stormwater flow paths associated with extreme rainfall events in these local catchments. One of the outcomes of this analysis was the mapping of these flow paths, for future inclusion in the SBO in the planning scheme.

Catchment analysis for regional catchments in Banyule has previously been done by Melbourne Water. Stormwater flow paths for these regional catchments have already been included in the Banyule Planning Scheme and are shown by the existing regional SBO, with Schedule 1.

Expert consultants have done the local stormwater analysis and recognised engineering parameters have been used to understand the stormwater flow. The affected areas are where the 1 in 100 year storm has potential for flow:

- Depths greater than 200mm, and/or
- Velocities that are more significant, where the combination of flow velocity x depth is at least $0.35\text{m}^2/\text{sec}$.

In addition, the mapped boundaries of the proposed SBO are where the flow depth is about 100mm. About 2,600 properties will be included in the proposed SBO.

The stormwater catchment analysis also identified some stormwater flow paths where depths and velocities are less significant than those mentioned above. These areas will be assessed against Building Regulations.

A map showing the existing Melbourne Water regional SBO, the proposed local SBO, and flow paths for the Building Regulations are in **Attachment 1** and are also available from Council's website. More information about this mapping and the catchment analysis is in **Attachment 2**.

HUMAN RIGHTS CHARTER

In developing this report, the subject matter has been considered to determine if it raises any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in this report. It is considered that the subject matter does not raise any human rights issues.

CURRENT SITUATION

The proposed SBO will be converted into planning scheme maps. Local content for planning permits, application requirements and referrals are currently being developed and will form Schedule 2 to the SBO. A draft is attached in **Attachment 3** of this report. This Schedule may need further refinement in the lead up to public exhibition.

The SBO maps and Schedule 2 will form a planning scheme amendment (C101), to pursue changes to the Banyule Planning Scheme. Future public exhibition of C101

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will happen before March 2015 for about 5 weeks. To achieve exhibition in early 2015 Council should seek authorisation to prepare an amendment from the Minister for Planning before the end of the year.

Pre-exhibition consultation

In line with Council's resolution to do consultation prior to exhibiting the planning scheme amendment, three community information workshops have been scheduled for 27 November, 2 and 3 December 2014. These sessions will inform residents how the stormwater catchment analysis has informed the proposed SBO. Residents who are included in the proposed SBO have received a letter inviting them to attend one of these sessions.

Consultation information for the SBO is in **Attachments 4 and 5**. This information includes a Frequently Asked Questions fact sheet and details of the community information workshops.

Proposed consultation during public exhibition of amendment

It is proposed that the following measures will appropriately advertise the amendment in 2015, to meet statutory requirements under the *Planning and Environment Act*:

- Letters to all landowners and occupiers included in the proposed SBO.
- Letters to prescribed Ministers, as per the *Planning and Environment Act*.
- Letters to neighbouring municipalities.
- Advertising in local Leader Newspapers and the Government Gazette.
- Information on Council website.
- Opportunities for meetings with interested parties.
- Updates in the Banyule Banner.

CONCLUSION

Planning scheme maps showing the SBO area and its Schedule 2 have been drafted. Council can now seek an amendment, known as C101, to pursue the SBO's future introduction into the planning scheme. This process will include further public consultation in 2015 and continued refinement for a final SBO. To initiate this amendment process Council needs to obtain the Minister for Planning's authorisation to prepare the Amendment C101.

RECOMMENDATION

That Council:

1. Note the completed stormwater catchment analysis and the proposed Special Building Overlay (SBO) map.
2. Note that pre-exhibition consultation for the SBO is currently underway.
3. Write to the Minister for Planning requesting authorisation to prepare a planning scheme amendment to introduce Schedule 2 of the Special Building Overlay and its associated maps into the Banyule Planning Scheme.

ATTACHMENTS

No.	Title	Page
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- 1 SBO Map
- 2 SBO Development - Technical Report
- 3 Draft Schedule 2 to the SBO
- 4 FAQ's SBO
- 5 SBO information brochure