

For the current *Flood-Prone Hazard Areas Overlay* to be included in the draft LPS in accordance with the LUPPA.

Flood-Prone Hazard Areas Overlay

1. The SPPs include a *Flood-Prone Areas Hazard Code* with provisions to “appropriately locate and manage” development located in areas ‘at risk of flooding’.
2. Section 8A (Guideline 1) and Schedule 6, Clause 8D(3) of the LUPAA detail the requirements to transition the *Flood-Prone Areas Overlay* from the Planning Scheme to the draft LPS.
3. This was further articulated by the Commission in correspondence and documentation received in 2021 following Council’s submission of its May 2021 draft LPS to the Commission.
4. In summary, the Commission advised the following options could be considered the *Flood-Prone Areas Hazard Code*:
 - (a) Arrange for the existing *Riverine Inundation Hazard Area (RIHA) Overlay* in the Planning Scheme to transition to the draft LPS without modification, or
 - (b) Submit a ‘new overlay’ supported by a report from a suitably qualified person for the inclusion of all new flood-prone areas in the valley.
5. Clause C12.2.4 of the SPPs would be able to be relied on to assess flood risk of properties located outside of the RIHA Overlay areas, where necessary, in relation to proposed development on land. Clause 12.2.3 and Clause 12.2.4 of the SPPs provide:
 - *C12.2.3*
This code applies to use in a habitable building, or development of land, identified in a report prepared by a suitably qualified person, that is lodged with an application for a permit, or required in response to a request under section 54 of the Act, as subject to risk from flood or that has the potential to cause increased risk from flood.
 - *C12.2.4*
The planning authority may only make a request under clause C12.2.3 where it reasonably believes, based on information in its possession, that the land is subject to risk from flood or has the potential to cause increased risk from flood.
6. As outlined above, as there is further work to be undertaken for a revised overlay to apply to part of the municipal area, it is recommended that a representation be submitted recommending the transition of the *Flood-Prone Areas Overlay*

endorsed by the PA at its meeting in May 2021 to the draft LPS in accordance with relevant LUPAA provisions.