1

PUBLIC EXHIBITION PERIOD

1 March - 3 April 2018

2

COUNCIL DECISION

Council will review submissions and decide if the amendment will be referred to a panel.
1 May 2018

3

PLANNING PANELS

Provide an independent forum for submitters to be heard.
July- August 2018

Northern Grampians Planning Scheme Amendment C31

Land Subject to Inundation and Flood Overlay

> Avoiding the impact of flooding is cheaper than mitigating the risk or paying for the damage.

Frequently Asked Questions

Q1 Why do we need to consider flooding?

Flooding is a natural process and has both positive and negative impacts.

The positive impacts of flooding, for example, include water for wetland ecosystems and replenishing soil moisture and nutrients.

The negative impacts, however, can bring substantial damages to homes and businesses, critical infrastructure and to farming, such as agriculture and crops as well as risk to personal safety. The negative effects of floods can be reduced with access to accurate information, good planning and the right actions.

Flood planning and action is a shared community responsibility. Local, state and federal governments all have a role to play in reducing the damage from floods in Victoria as well as private landowners and neighbours.

For more general information about flooding check out www.floodvictoria,vic.gov.au

Q2. How were the Northern Grampians flood studies prepared?

The flood studies are based on a combination of historical information (newspaper accounts, recorded peak flood levels), physical conditions (ground contour information and aerial photography), computer modelling and local knowledge. Each flood study was prepared by expert hydrologists, with the guidance of the Wimmera Catchment Management Authority. During the preparation of the studies, information sessions were held to get local knowledge of past events.

Understanding which areas are affected by flooding is crucial for planning how land should be used and developed, as well as planning for emergency responses.

Flood mapping has been prepared for many cities and towns across Victoria, and for some rural areas.

Q3 Why is a change to the Planning Scheme needed?

An amendment is needed to update the planning controls that address the 1 in 100 year flood event in the Northern Grampians Planning Scheme based on new information available on flooding in the shire. Currently there are areas in the municipality subject to flooding that are not identified in the planning scheme.

By updating the planning scheme, landowners and Council can make informed decisions and ensure the impact of flooding on new development will be minimised, and that new development will not alter the flow path of floodwaters, that may in turn, flood areas that would not normally flood. The amendment aims to reduce potential damages and costs associated with flooding.

Q4 What does the amendment do?

The Floodway Overlay and Land Subject to Inundation Overlay (for more information of these overlays, refer to question 6) would be applied to land that has been identified as prone to flooding.

The effect of these overlays is to trigger the need for a planning permit for certain developments/activities on land that is covered by the overlays. This gives Council the opportunity to ensure the effect of the 1 in 100 year flood event on new development, and the effect of new development on flooding, is taken into consideration.

The amendment also includes a series of maps that show the geographical extent of land that is subjected to inundation by floodwaters. It is important to look at these maps carefully, as they identify what land is subject to flooding in the 1 in 100 year flood event (for more information on the 1 in 100 year flood event, refer to question 3).

Q5 What is the amendment based on?

In Victoria, Town Planning and Building controls that deal with flooding are based on a flood that has the probability of occurring in 1 year out of any possible 100 years. This is generally referred to as the 1% flood, the 1 in 100 year flood or the Average Recurrence Interval (ARI). It is not the maximum flood that is possible, but is considered to be a practical way of identifying land that is likely to be affected by floodwater.

The background information for the amendment has come from five flood studies:

- Halls Gap Flood Study, 2016
- Mt William Creek Investigation, 2014
- Upper Wimmera Flood Investigation, 2014
- Dunmunkle Creek Flood Investigation, 2016.

Q6 What is an overlay (e.g. LSIO, FO) and what is the difference between them?

An overlay is part of the Planning Scheme that addresses a specific issue, such as flooding. The effect of an overlay is to trigger the need for a planning permit.

There are a number of overlays in the Planning Scheme, however this amendment only addresses the Land Subject to Inundation Overlay (LSIO) and the Floodway Overlay (FO).

The easiest way to understand what these overlays are attempting to do is to imagine what would happen during a flood. The FO covers those areas where land regularly floods and water will be either deep (over 500mm) or fast moving. In general, the FO applies in the channel section of a stream or river.

The LSIO covers areas that in a 1 in 100 year event are likely to be covered by floodwaters which are more shallow (less than 500mm) and do not have high flow velocity, that is to say the water will be generally still or slow moving.

Q7 How does the amendment affect me/what does it mean for me?

The amendment will only affect land that is covered by the LSIO and the FO, as shown in the maps that form part of the amendment. It is important for you to look at the amendment maps to see how your land is affected.

A planning permit is required for new buildings, some extensions to existing buildings, or other new development. Existing buildings, fences, etc, will not be affected by this amendment.

The primary intent of the amendment is to avoid putting new development on land that is the worst area affected by flooding therefore minimising property damages, risk and costs. The secondary intent is to ensure that where new development can go ahead, floor levels will be high enough to ensure that there is no over floor flooding in floods up to the 1 in 100 year event.

The amendment will mean that new development will be protected from the effects of flooding up to the extent of the 1 in 100 year flood event. Council will be able to provide accurate information of these projected flood heights. It will also mean that new development does not alter the landscape in a way that then changes the extent or pattern of predicted flooding.

Q8 What types of developments will require a planning permit?

A planning permit, when required, will ensure that where buildings and works are permitted, they:-

- Are located on land outside the FO and the LSIO, and where this can be demonstrated to not be practical, be on the highest available natural ground.
- Have a 100-year Average Recurrence Interval (ARI) flood depth less than 500 millimetres above the natural ground level at the building site.
- Have a minimum floor level at least 300mm above the 1 in 100 year flood height.
- Be aligned with their longitudinal axis parallel to the predicted predominant direction of flood flow. This requirement may override other alignment requirements.
- Include flood-proofing measures that minimise the effects of flooding on the building structure and its contents, e.g. the use of water resistant building materials for foundations, footings and floors.
- Limit the size of building (fill) pads to as near as practical to the building exterior.

- Have foundations compatible with the flood risk.
- Minimise site coverage and hard surface areas.
- Maximise permeable surfaces to minimise run-off.
- Have a 800mm free height above ground level where flood levels are not known.

Q9 Does that mean everything needs a permit?

No, there are a number of things that are exempt from requiring a permit. If you are in any doubt, it is best you contact the Council's Town Planning Department to make sure. Some of the types of development that are exempt include:

- Internal alterations to a dwelling
- Repairs and routine maintenance of a building or structure
- A pergola
- A veranda
- An open sided carport
- A utility instillation tower, including telecommunications, electricity, and street lighting
- The addition of a second storey, or other additional stories, on top of the existing building where there is no increase in building footprint
- Swimming pool
- Some road works and maintenance
- Other items listed in the schedules to the overlays.

Q10 If I am already affected by the LSIO, what will the difference be as a result of this amendment?

In a general sense, there won't be much difference. In terms of the need for a permit, the current LSIO already makes a planning permit necessary, although the new version of the overlay makes some things exempt (see question 9). For land in Northern Grampians that remains in the LSIO, there is now more accurate information on flood depth which will lead to better development in the floodplain.

The amendment is a much more accurate description of land in Northern Grampians that is affected by flooding, as such there may be some areas that are currently in the LSIO which will no longer be in the LSIO once the amendment is complete.

Q11 What areas are affected by the amendment?

The areas affected by the amendment are shown on the Northern Grampians Planning Scheme Amendment Maps. There are many maps that make up this part of the amendment, and it is important for you to identify your land on these maps, so that you are aware of whether your land will be covered by the LSIO or FO.

Q12 Can I still build on my land?

If your land is in the LSIO or the FO, you will need to apply for a planning permit for most new buildings (houses, sheds, fences, etc), or works (land forming, access ways, mounds, etc). Some exemptions apply.

If your land is contained within the LSIO, you will be able to build on your land, however you may be directed to a particular part of your land where flood depth and/or access is better. The key consideration is to ensure that the floor level is above the flood level.

If your land is in the FO, you will not be permitted to build. However it is possible that only part of your land is affected by the FO, in which case, subject to other planning considerations (meaning those not associated with flooding), you would be able to build.

Q13 Can I subdivide?

You already need a planning permit to subdivide land, so in this respect there is no change as the result of the amendment. What will change is that flooding issues will be considered as part of determining if your land can be subdivided. An example of how this may happen is that you would need to demonstrate how any proposed new lots could contain new buildings and access ways that are not affected by flooding.

Q14 Can I still farm on my land?

Yes, you can definitely continue to farm your land. This amendment will have no effect on grazing or cropping. It will affect built structures (like sheds, fences, etc), and works (like earthworks, mounds, etc).

Q15 What areas are affected by the amendment?

The areas affected by the amendment are shown on the Northern Grampians Planning Scheme Amendment Maps. There are many maps that make up this part of the amendment, and it is important for you to identify your land on these maps, so that you are aware of whether your land will be covered by the LSIO or FO.

The FO and LSIO are maps can be viewed by going
to http://northerngrampians.pozi.com

Q16 Will I be able to get insurance/will it affect my insurance?

The Insurance Council of Australia advises that flood insurance is not universally available and that riverine flooding (eg. such as would occur from the Wimmera River and other streams) is usually excluded from home building and contents policies. Some insurers will cover all types of flood damage (ie. resulting from storm damage, urban drainage overflow, riverine flooding and flash flooding) in their home building and contents policies.

However, they may charge an additional premium or not offer cover in highly vulnerable areas. For more information refer to the Insurance Council of Australia brochure entitled "Flood Insurance: Are you covered? Information for Consumers" – available at www.ica.com.au.

Householders affected by the revised flood extents and declared flood levels should:

- Check the exclusions on their existing building and contents insurance policies
- Seek confirmation on the extent of cover offered by existing policies and clarify any uncertainties by calling or writing to their insurer(s)
- Ensure that they provide information required under their duty of disclosure obligations prior to the next renewal date of their existing policies
- Seek alternative insurance cover where they consider existing policies to be inadequate.

Q17 Does this mean that I will get flooded/do we need to protect our house from flooding?

If your land is in the LSIO or the FO, it does not mean that you are going to get regularly flooded. It means that in the event of a significant flood event (known as a 1 in 100 year event), your land is likely to be flooded.

Council, in conjunction with the Wimmera Catchment Management Authority, is continuing to undertake research into ways of managing flooding when it does occur.

Q18 Will my property values be affected?

There are many factors that influence property prices and peoples interest to live in certain areas. It is difficult to say that the introduction of the new flooding controls would have an affect on property values, as there are examples within Victoria and more generally within Australia where properties that are known to be within areas subject to inundation command premium prices because of their proximity to the river and associated amenities.

Q19 Where can I find more information?

An information kit has been provided to you, including a copy of the proposed planning controls, an "Explanatory Report" that explains background to the Amendment and the formal public notice.

A full copy of the amendment can be viewed at www.delwp.vic.gov.au/public-inspection.

You can view the flood ftudies that the amendment is based on at http://www.wcma.vic.gov.au/permitsplanningfloodadvice/FloodInvestigations

A hard copy of all of the amendment documents and the flood studies can be viewed at the Council Customer Service Offices in Stawall and St Arnaud, Halls Gap Post Office and Glenorchy Post Office.

Q20 What are the steps involved in a planning scheme amendment?

1

Notify all people who would be affected by the proposed planning scheme changes. This stage is called the notification stage. This stage will run from the 1 March to 3 April 2018. It is during this period that any interested person should make a written submission to Council .

2

After the close of the notification period, Council will consider any submissions. If the Council and WCMA consider the amendment can be changed to resolve issues raised in the submissions, whilst still meeting the need to identify flood prone land, then the Council would make those changes.

If submissions cannot be resolved, Council will ask the Minister for Planning to appoint an Independent Panel to review the amendment and the submissions.

3

If a Panel hearing is required, all people who made a written submission are entitled to be heard at the Panel. If you made a submission, Planning Panels Victoria will send you a form, if you want to speak at the Panel hearing you will fill in the form. The Panel will consider all written submissions.

4

The final step in the amendment process is for Council to consider the Panel recommendations and either adopt the amendment with or without changes, then forward the amendment to the Minister for Planning for approval.

Q21 What if I disagree/want to object?

If you disagree with any part, or all, of the amendment, you have the right to make a submission. You can also make a submission if you want to support the amendment.

All submissions must be received in writing, either by letter or e-mail. Your submission should include reasons why you want to make the submission, and if there are any changes that could be made to the amendment that would resolve your issues. Also, you must provide your postal or email address and phone number so that a Council Officer can contact you regarding your submission.

Written submissions must be made during the exhibition period for the amendment, and will be received until 3 April 2018, which is the close of the exhibition period.

If you make a submission and it can not be resolved with Council, you have the right to be heard at a Panel Hearing.

Contact Details

For general information about flooding go to www.floodvictoria.vic.gov.au.

You can also call Northern Grampians Shire Council:

Evert Grobbelaar
Coordinator Planning Services,
03 5358 8767

or

Wimmera Catchment Management Authority (Wimmera CMA)
Paul Fennell
Floodplain Management Team Leader
5382 1544