

HEPBURN PLANNING SCHEME Am.C77hepb. IMPROVED FLOOD CONTROLS

The Creswick and Clunes community and outlying rural properties experienced three separate flooding events during late 2010 and early 2011 causing significant property damage and hardship to residents. In response, the North Central Catchment Management Authority (NCCMA) and Hepburn Shire Council commissioned consultants, 'Water Technology' to undertake the *Creswick Flood Mitigation and Urban Drainage Plan*, February 2012 and the *Clunes Flood Mitigation and Urban Drainage Plan*, June 2013.

The studies found that

- (i) the existing LSIO within Hepburn Shire is insufficient to manage flood risk;
- (ii) there are currently no controls to manage development within flood-prone areas within Creswick; and
- (iii) that some flood-prone areas within Clunes are not covered by the existing LSIO. The flood studies also recommended updates to the existing planning controls in the Hepburn Planning Scheme based on the flood data and flood modelling be undertaken. These updates are now included in this amendment.

The role of the LSIO

The LSIO *"best represents the flooding characteristics, provides transparency about the actual flood risk to the community and enables flexibility in decision making within Hepburn Shire.*

The LSIO is applied to protect life, property and community infrastructure from flood hazards. It will manage and minimise the impacts of flood events on affected residents, Council resources and the wider community. The control is based on the 1% Annual Exceedance Probability (AEP) flood extent in the rural and urban areas of Creswick and Clunes. There are currently no controls to manage development in flood-prone areas of Creswick and there are flood-prone areas in Clunes which are not covered by the existing LSIO.

The three schedules proposed in the amendment

Planning Scheme Amendment C77hepb proposes to apply the Land Subject to Inundation (LSIO) to properties that are likely to be inundated in the 1% flood event such as waterways and open drainage systems.

The Amendment affects the following flood-prone land in the Shire:

Clunes	The amendment applies new Land Subject to Inundation Overlay controls (LSIO1 and LSIO2) to 105 properties and deletes the existing LSIO from 17 properties.
Creswick	The amendment applies a new LSIO1 and LSIO2 to 174 properties.
Rural localities and small settlements	The amendment deletes the existing LSIO and applies a new schedule LSIO3 to these same properties. (The localities include Coomoora, Drummond, Kooroocheang, Smeaton, Mount Beckworth, Yandoit, Mount Cameron and Evansford.)

Whilst a planning permit will be required for specified works and subdivisions, the proposed three Schedules to the LSIO (refer overleaf) will introduce exemptions for low risk buildings and works to minimise permit triggers based on the flood risk according to the projected flooding depth. Note: for the 3 schedules below, NCCMA are the referral authority.

What are the proposed planning tools?

Overlay	Definition	Planning Permit Requirements
LSIO1 Flooding from waterways (depths up to and including 350 mm)	Land affected by creek flooding up to 350mm depth for 1% Average Exceedance Probability (AEP) flood in the localities of Clunes and Creswick	Permit required for buildings and works and subdivision. Exemption for minor works including upper storey extensions if there is no increase to the ground floor footprint, extensions less than 40m ² , replacement dwellings and fences, agricultural buildings with permanent openings, sheds & rainwater tanks.
LSIO2 Flooding from waterways (depths greater than 350 mm)	Land affected by creek flooding over 350mm depth for 1% Average Exceedance Probability (AEP) flood in the localities of Clunes and Creswick	Permit required for buildings and works and subdivision. Exemption for minor works including extensions less than 20m ² , replacement dwellings, agricultural buildings with permanent openings, open fences.

LSIO3	Remaining rural areas currently covered by the existing LSIO controls that are liable to inundation. (These localities include Coomora, Drummond, Kooroocheang, Smeaton, Mount Beckworth, Yandoit, Mount Cameron and Evansford)	Provides permit exemptions for buildings and works including a replacement single dwelling if it is constructed to at least 300 millimetres above the 1 per cent AEP (Annual Exceedance Probability) flood level and the original building footprint is not increased by 20 square metres in area.
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Frequently Asked Questions

What does an overlay mean?	An overlay is a planning control that indicates where special consideration by Council may be required when building or development is proposed. In this case, the overlay is aimed at addressing the impact of flooding. In order to apply the new overlay boundaries, a planning scheme amendment is required – in this case, Hepburn Planning Amendment Scheme C077hep. An Overlay controls buildings and works and subdivision and may result in a planning permit being required.	
What is a LSIO?	The LSIO is applied to land at risk from flooding associated with waterways and open drainage systems.	
What are the flooding Overlays based on?	1% Average Exceedance Probability (AEP) flood extent, which means the flood level each year that has a 1% chance of occurring (this was previously referred to as a 1-in-100 year flood). This is a standard used across the industry for flood planning and management. The 1% AEP has been determined through the Creswick Flood Mitigation and Urban Drainage Plan 2011.	
What does it mean for me?	The amendment will only affect you if you have land in one of the proposed Overlays. The amendment then only affects you if you want to undertake buildings and works or subdivision on your property. A planning permit and support from the Catchment Management Authority may be required. The intent of the amendment is to avoid putting new buildings and works on land that is the most affected by flooding therefore minimising property damage.	
Do all buildings and works need a planning permit?	No, there are a number of exemptions for minor works and where certain conditions are met for all three schedules	
My place hasn't flooded in years, why will it flood in the future?	It cannot be assumed that flooding will not occur simply because there are no recollections of previous flooding at that property. The Overlays are based upon the 1% AEP.	
I am already affected by an LSIO. What's the difference?	The current LSIO already requires a planning permit for some buildings, works and subdivision.	
If flood mitigation works have been built why is a flood overlay required?	The flood mitigation works that have been built, protect Creswick from flood events up to the 2% AEP flood event (which is a flood similar in size to the January 2011 flood). However, the design standard for floods in Victoria is the 1% AEP flood, this is a very rare flood event which is likely to overtop the levees and cause some flooding of the town. Whilst this is a very rare flood event it is important that new development is built to reduce the future risk of flooding.	
If I am in a LSIO will my insurance premiums increase?	Insurance premiums are based on the most up to date available flood studies rather than Planning Scheme controls. The insurance industry has its own National Flood database where this information is kept. In many cases insurances premiums will go down due to the availability of more reliable and accurate information, but of course in some cases where deep flooding is identified, premiums may go up. For further information go to the Insurance Council of Australia at www.ica.com.au	
If I am in an LSIO will my construction costs increase?	It is likely there may be an increase in construction costs to meet any planning permit conditions where a permit is required under the overlay. However, it is also likely the negative costs associated with flooding will be reduced as the impact of flooding will be reduced.	
If I am in a LSIO will this impact the value of my property?	The Flood Overlay does not cause or change the likelihood of flooding but recognises the existing condition of land. If your property has been identified as having a flood risk, the real flood risks on your property have not changed; it's only that flood information is now more transparent through planning scheme flood overlays and planning certificates contained in Section 32 (Vendor's) statements when selling a property.	



Where you can inspect the amendment, free of charge.

You may inspect the amendment along with and any documents that support the amendment at:

- Hepburn Shire Council website. <https://www.hepburn.vic.gov.au/planning-building/flooding-amendment-exhibition/>
- the Department of Land Water and Planning website, www.delwp.vic.gov.au/public-inspection.
- Council will also be running online information sessions. Please go to the above link for further information for dates and times.

(Due to Covid19 restrictions hard copies are not on display)

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority about the amendment. Submissions must be made in writing giving the submitter’s name and contact address, clearly stating the grounds on which the amendment is supported or opposed and indicating what changes (if any) the submitter may wish to make. These details are important so that Council can notify you of the opportunity to attend Council meetings and any public hearing held to consider submissions.

The closing date for submissions is Friday the 11 September 2020.

Submissions must be sent to the Strategic Planning Officer, Hepburn Shire Council, PO Box 21 Daylesford 3460 Victoria or ablacket@hepburn.vic.gov.au. You can also make a submission online via the website <https://www.hepburn.vic.gov.au/planning-building/flooding-amendment-exhibition/>

Public availability of submissions

Council is required to make a copy of every submission available on line for two months after the amendment comes into operation or lapses.

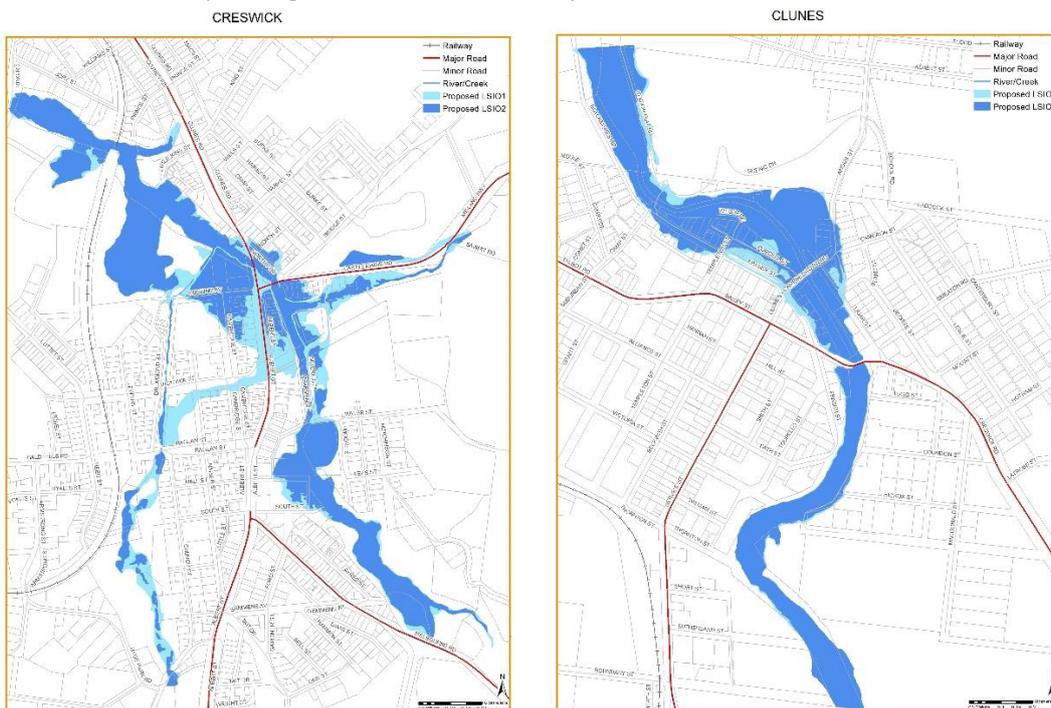
For further information or to discuss how the changes might affect you, please phone Council’s strategic planning officer on 5348 2306 or email ablacket@hepburn.vic.gov.au.

Will Council hold a future Planning Panel Hearing?

If Council receives submissions that it cannot resolve, Council will need to refer the amendment to a Planning Panel. If a Planning Panel is required, the Directions Hearing may be held in early to mid-December 2020 and the Independent Planning Panel hearing may be held in late January. Early February 2021. (Details to be confirmed)

Some of the affected areas in Clunes and Creswick are shown below.

(Please also refer to planning scheme amendment maps via the link to see the full extent of the amendment)



Steps in the planning scheme amendment process
(Where we are now highlighted in black)

