

8.3 AMENDMENT C31 TO THE CENTRAL GOLDFIELDS PLANNING SCHEME

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Responsible Officer: General Manager Infrastructure Assets and Planning

The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

SUMMARY/PURPOSE

The purpose of this report is to recommend that Council resolve to commence the process for a planning scheme amendment to implement recommendations of the *Carisbrook Flood and Drainage Management Plan 2013* and the *Dunolly Flood Investigation 2014*.

LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2017-2021 (2018 Refresh) – Our Community

Outcome: A supported, cohesive community, living full and healthy life.

1.4 Objective: Provide leadership in municipal emergency and fire prevention planning and strengthen public safety.

Initiative: Implement recommendations from flood management plans including flood mitigation works.

Other relevant legislation

Local Government Act 1989

Planning and Environment Act 1987

Catchment and Land Protection Act 1994

North Central Regional Floodplain Management Strategy 2018-2028

Victorian Floodplain Management Strategy 2016

BACKGROUND INFORMATION

Implementing planning scheme amendments associated with flood risk for the townships of Carisbrook and Dunolly is recognised as a high priority in the North Central Regional Floodplain Management Strategy 2018-2028. The North Central Catchment Management Authority (CMA) has received funding to assist Central Goldfields Shire Council to work on flood-related planning scheme amendments.

At the Ordinary Meeting of Council on 23 July 2019, Central Goldfields Shire Council Administrators authorised the CMA to become the planning authority for the Flood Overlay (FO) and Land Subject to Inundation (LSIO) Overlay amendment. This amendment process consigned the CMA to lead a group of Councils in a 'GC' amendment to make changes to the Central Goldfields Planning Scheme. However, this option is no longer being pursued due to

lack of support from the Department of Environment, Land, Water and Planning (DELWP) Water Office.

Consent is now requested to proceed via a local amendment approach (a 'C' amendment) to the Central Goldfields Planning Scheme. This will be led by Central Goldfields Shire Council with project support continuing to be provided by the CMA. The amendment is not expected to unreasonably impact upon the existing priorities of the strategic planning program.

REPORT

The Planning Scheme Amendment Process

The Planning Scheme is a legal document prepared under the *Planning and Environment Act 1987*. Changes to the planning scheme, including updated flood mapping and controls, need to go through a prescribed amendment process that involves consent from the Minister to prepare the amendment and place it on public exhibition.

Council is required to seek authorisation from the Minister for Planning prior to preparation of the amendment to ensure that the amendment is consistent with State planning policy and makes accurate use of the Victoria Planning Provisions. It is common planning practice to prepare a draft amendment first to support a Council decision to seek such authorisation. Amendment C031gol has been drafted by the CMA on behalf of Council and forms the basis of this report. Once authorisation (including any conditions or requested changes) is provided from the Minister, the amendment will be placed on exhibition.

Exhibition will include notice to affected land owners and occupiers via direct mail. Other agencies will be advised and public notices will be placed in the local paper, social media and Victorian Government Gazette. The exhibition process will include public drop in sessions in Dunolly and Carisbrook. The CMA will arrange individual site meetings with land holders if requested, as part of the exhibition process.

Following exhibition, Council will be provided the opportunity to consider all submissions and decide whether to proceed with the amendment, modify the amendment in response to a submission or abandon the amendment.

Council may choose to refer unresolved submissions to an independent panel hearing. The panel will consider the amendment and any submissions and make a recommendation to Council on how to proceed with the amendment. The date for the directions hearing and planning panel will be provided to Council once the Planning Minister provides authorisation.

If Council resolves to adopt the amendment, it must be forwarded to the Minister for Planning for approval.

The following table summarises the process of an amendment:

Table 1

Steps	Status
Council decides whether to seek Ministerial authorisation to prepare the amendment	Current stage
Minister determines whether amendment may be placed on exhibition	10 days after request submitted
Public exhibition of planning scheme amendment	Proposed for Feb-Mar 2020
Submissions received and considered; Council requests an independent panel to consider submissions if required	Proposed for April 2020
Panel hearing and report	TBD
Council considers the recommendations of the Panel, and decides whether to adopt or abandon the planning scheme amendment	TBD
If adopted, send to Minister for approval and gazettal	TBD

Preparation of Amendment C31

Council officers have worked with the CMA to further refine the proposed overlay maps from the flood studies based on best practice evidence flood mapping. The overlay schedules will exempt minor developments from requiring a permit (e.g. minor dwelling extensions, small outbuildings, carports, hay sheds and similar). The amendment documents also include a minor alteration to the Municipal Strategic Statement (MSS) to include the flood risks for these local areas.

The CMA has recently assisted the preparation of recent amendments for Bendigo, Charlton, Donald, Castlemaine, Creswick and Clunes, and therefore has previous experience of the amendment process, using a consistent approach to mapping and appropriate schedules to exempt minor developments from requiring a permit. The CMA has also presented to planning panels.

It is expected that the amendment will provide greater clarity and guidance to development proposals in the affected areas. This is an ongoing concern arising from outdated and inaccurate flood overlays, coupled with limited guidance on what developments will or won't be approved prior to applying for a permit. The nominated exemptions in the proposed overlays will result in a reduction in planning permit applications and development enquires in these flood affected areas.

Flood control selection in Carisbrook, Dunolly and along Tullaroop Creek

View Attachment 1 – Planning Scheme Ordinance – Municipal Strategic Statement (MSS), FO and LSIO and Schedules

Within the Central Goldfields Planning Scheme, Clause 21.09 Protection of Land and Water Resources (part of the Municipal Strategic Statement) will have two additional strategies added relating to environmental risk. These strategies clearly stipulate flooding risk for Carisbrook and Dunolly.

The Central Goldfields Planning Scheme currently utilises only the LSIO flood control for managing flood risk. The existing LSIO will continue to be used in the areas not subject to this amendment (Maryborough and Talbot). These will be retained under the control of the LSIO Schedule 1.

The three other planning controls to manage flood risk within the planning scheme include:

Floodway Overlay (FO) – The FO will be introduced into the Central Goldfields Planning Scheme for the first time and is typically applied to higher hazard areas of the floodplain. These areas convey active flood flows or store floodwaters of greater depths. Generally, these areas can perform their underlying uses as residential, industrial or commercial areas but the flood risk warrants greater control over future development. Subdivision is generally restricted in the FO. The CMA has mapped the FO as areas greater than 500mm in depth which represents areas where new development would have difficulty in meeting floodplain development guidelines. Therefore, a low level of development can be expected in the FO. The FO has been mapped consistently with other areas in the CMA and will only apply within the flood plan boundaries – where the highest quality flood mapping exists and is highly defensible. It will not be applied to the rural areas modelled by the CMA.

Urban Floodway Zone: this zone is not widely used due to its very restrictive nature and is not proposed to be used for Carisbrook or Dunolly.

Special Building Overlay: this is not proposed to be used in Carisbrook or Dunolly.

The preparation of the planning scheme ordinance was drafted by the CMA in consultation with Council. The wording and language utilised in this document has been provisionally approved by DELWP and is similar to the ordinance utilised by other councils (such as Bendigo, Loddon and Macedon Ranges). The schedules to the overlays determine the development which is exempt from requiring a planning permit in these flood affected areas. The existing LSIO flood control only had one exemption (for outbuildings under 120m²). Through the use of clear language and direction, the proposed schedules will provide transparency for landowners considering development and statutory planning staff making decisions.

Dunolly

View Attachment 2

The Central Goldfields Planning Scheme currently includes the LSIO in Dunolly (see orange outline in attachment 2). The existing LSIO is extensive and found to be significantly inaccurate by the *Dunolly Flood Investigation 2014*. The amendment proposes to update the overlays to a combination of LSIO and FO.

The FO is being applied to areas where flooding impacts are more substantial and where development needs to be carefully managed – generally along the immediate environs

of Burnt Creek. The LSIO applies to areas subject to flooding between 0-500mm in depth, where moderate levels of development can still occur subject to planning conditions.

The LSIO is being applied to Burnt Creek and its local tributaries as determined in the flood plan. Draft overlays in the original flood plan included some isolated and non-contiguous areas of FO which have not been included in the proposed amendment mapping of the FO. The LSIO can adequately manage these areas.

The proposed overlays represent a significant reduction in flood controls in Dunolly and also account for the recent flood mitigation works undertaken by Council.

Carisbrook

View attachment 3

The Central Goldfields Planning Scheme currently includes the LSIO in Carisbrook (see orange outline in attachment 3). The existing LSIO is extensive in some parts and lacking in others and generally found to be inaccurate by the *Carisbrook Flood and Drainage Management Plan 2013* ('the Plan'). The amendment proposes to update the overlays to a combination of LSIO and FO.

The FO will be applied from the upstream boundary of the Plan area to the downstream boundary and is shown dark blue in Attachment 3. The FO applies to areas where flooding impacts are more substantial and where development needs to be carefully managed – generally along corridors of McCallums Creek (from south west), Tullaroop Creek (from south east) and a back-water area near the Carisbrook-Eddington Road. The FO affects areas that are largely undeveloped rural land or where development is already being carefully managed through the LSIO (between Bucknall Street and Tullaroop Creek). A low level of development would be permitted in the FO and any development applications would be encouraged to be moved to areas of lower flood risk where possible (e.g. outside the FO or outside the flood extent entirely).

On the Tullaroop Creek arm upstream of Carisbrook (to the south-east) the existing LSIO is extensive and will be significantly reduced based on new flood modelling undertaken by the CMA. This flood modelling was based on parameters from the Plan and whilst it would not be considered as robust as the area modelled by the Plan, it is considered fit-for-purpose for this rural area. It removes clearly inaccurate LSIO to create a reasonable representation of the 1% probability flood event based on ground surveys, modelled flows from the Plan, and aerial flood imagery captured during the January 2011 flood event. This area will only have the LSIO applied and removes a number of houses from the LSIO that were shown not to have flooded in the January 2011 flood event.

The LSIO is to be applied to areas between 0-500mm deep in a 1% probability event, where moderate levels of development can still occur subject to planning conditions. A significant change introduced by this amendment is covering the central Carisbrook township with the LSIO. The LSIO will be applied to the balance of the Carisbrook township and immediate surrounding areas affected by flooding from both the creeks and from overland flows from the west. This area was inundated with flood waters during the 2010-2011 flood and there is firm evidence to show this area will be subject to floodwaters in a significant flood event. The Schedule does make a number of exemptions for minor building and works within this area.

Further, areas where the flood risk is slightly higher than the 1% probability flood event (the "islands") within the main portion of town are included within the proposed LSIO. The rationale for this is two-fold. Firstly, as access to these properties may be affected during a flood event,

development of these sites should be assessed to ensure compatibility with the potential flood risk. Secondly, these island areas were impacted during the January 2011 event.

In assessing development to account for climate change, the CMA has been applying a 600mm freeboard above the 1% probability flood event to all new development in Carisbrook. This ensures that all new development is built above the January 2011 flood event and therefore caters for potentially more frequent extreme flood events.

The proposed overlays also account for the completed portion of flood mitigation works undertaken by Council to the north of the Pyrenees Highway. If further mitigation works are completed, the overlays will be subsequently amended. This process is likely to be undertaken as a more straightforward Ministerial Amendment to the planning scheme, whereby flood controls are removed from land where the risk is no longer apparent.

Tullaroop Creek (downstream of Carisbrook)

View attachment 4

On the Tullaroop Creek arm downstream of Carisbrook (to the north) the existing LSIO is extensive and will be significantly reduced based on new flood modelling undertaken by the CMA (see Attachment 4). This flood modelling was based on parameters from the Plan and whilst it would not be considered as robust as the area modelled by the Plan, it is considered fit-for-purpose for this rural area. It removes clearly inaccurate LSIO to create a reasonable representation of the 1% AEP flood event based on ground survey, modelled flows from the Plan, and aerial flood imagery captured during the January 2011 flood event. This area will have the LSIO applied only. It removes a number of houses from the LSIO that were shown not to have flooded in the January 2011 flood event and reduces the LSIO width by up to 1km in some areas.

CONSULTATION/COMMUNICATION

Pre-exhibition Consultation

View attachment 5

The attachments include the proposed maps and ordinance for the amendment, as well as a Frequently Asked Questions sheet which will be available online and in .PDF format to email to flood group stakeholders. This document has been prepared by the CMA and Council and contains information that will assist the community in understanding the purpose and key elements of the proposed amendment. This document is contained as Attachment 5.

Amendment Exhibition

The exhibition process is prescribed under the *Planning and Environment Act 1987*. Exhibition will meet and exceed the minimum prescribed process, including direct notice to all affected landowners and occupiers, as well as other agencies, and public notices in local papers, social media and Victorian Government Gazette.

There will be several methods of communication utilised during the exhibition phase including direct consultation, electronic media, and press. The exhibition will include public drop-in sessions within Dunolly and Carisbrook. There will be provision for the CMA and Council to follow up landowners onsite to discuss specific issues as required. In consultation with Council's communications department a multi-page question and answer brochure will be developed for use at public drop-ins and council outlets. This will mirror similar content available on social media and Council's webpage. Council's IT department will upload the

proposed overlay maps to the online sharing GIS system POZI, so residents can assess the impact of the changes during the exhibition phase. The overlays will also be added to Council's internal GIS system as an additional layer to aid questions from the community at the front counter and statutory planning department.

Previous community consultation activities have occurred during the development of the Carisbrook and Dunolly flood plans, which were both managed using community-based steering committees. Broader community feedback was sought and used to verify the accuracy of the flood models and when determining the final recommendations of the plans – which included amending the Central Goldfields Planning Scheme with updated flood mapping*.

Members of the public can make submissions to Council during the exhibition process. These submissions must be considered by Council and a possible planning panel, prior to Council making a decision on whether to adopt the amendment.

*Note: an amendment was not listed in Section 13 Conclusions and Recommendations of the *Carisbrook Flood and Drainage Management Plan 2013*, however it was referenced as an action in the Executive Summary (page vi) and recommended in Section 6.2.1 (page 137). It is considered that not listing a planning scheme amendment in Section 13 as a recommendation is an accidental omission from this section of the report.

FINANCIAL & RESOURCE IMPLICATIONS

Amendment costs to Council can generally be categorised into staff time and fees.

Staff time – in this instance, Council is being assisted by the CMA who have received funding for a planning resource for two years to assist local Councils to implement a backlog of amendments, including Carisbrook and Dunolly. Council and the CMA have entered an MOU for the provision of planning services to carry out the majority of tasks required for this amendment. The planning resource will remain an employee of the CMA. There will be a low level of requirement on existing Council staff to assist with exhibition activities and a planning panel if required. The General Manager Infrastructure, Assets and Planning will oversee and manage the CMA employee in accordance with the MOU agreement.

Fees – A small allocation of budget would be required for fees associated with public engagement activities when exhibiting the amendment (e.g. mailouts, venue hire, public notices). Additional fees would be incurred if the application was to go before a Planning Panel to hear unresolved community submissions. The costs associated with a Panel can be significant and are highly dependent on the number of unresolved submissions to be heard. Such fees are normal to an amendment process and are expected to be managed within the existing Strategic Planning budget. Panel costs cannot be estimated accurately at this time but are expected to be in the order of \$10,000. Additional support may be available from DELWP to help cover the costs of any Panel.

The staff time to prepare an amendment is generally the most significant cost of an amendment process and therefore Council should take the opportunity presented by the CMA whilst available. If deferred to a future date, the amendment would need to be managed within Council's own budget and strategic priorities. If consideration is given to Council's current work demands and priorities, it is uncertain when this amendment could be implemented if not completed now.

RISK MANAGEMENT

Managing flood risk through Planning Schemes is a local government responsibility. The Central Goldfields Planning Scheme should be a robust document that correctly identifies known flood risk and provides clear guidance and transparency on potential uses and development of land. Where mapping doesn't exist or is outdated the Planning Scheme should be amended. "LGAs (Councils) are accountable for ensuring that their Planning Schemes correctly identify the areas at risk of a 1% Annual Exceedance Probability (1 in 100 year) flood, and that they contain the appropriate objectives and strategies to guide decisions in exercising land use controls in regard to flooding." *Victorian Floodplain Management Strategy 2016*

Attachments 2-4 clearly show inaccuracies in the flood overlays as compared to updated flood mapping produced through the flood plans. The amendment is required to update the overlay maps and amend the associated ordinance that controls buildings and works to ensure development within the floodplain is appropriately managed.

Managing development through accurate and effective planning schemes is considered the most cost-effective method of managing flood risk and avoiding future flood damages and can promote faster recovery from major floods (e.g. because house floor levels were set above the flood levels). The amendment updates mapping in the Carisbrook and Dunolly townships using information developed in the flood plans. It also removes significant expanses of flood controls in rural areas along Tullaroop Creek where additional new mapping produced by the North Central CMA shows these maps to be clearly wrong (therefore not requiring individuals to obtain permits where flooding is not a risk).

The amendment will also include the introduction of permit exemptions for minor buildings and works, meaning the need for obtaining permits and applying flood-management conditions is only required for developments with a higher likelihood of detrimental flood impacts.

From a consultation perspective, the amendment process is heavily prescribed in legislation and provides transparency and meaningful opportunities for community input. This explicitly defines the scope of community engagement activities and therefore manages any risks associated with community concerns of bias or unfairness. Council will prepare a community engagement plan that aligns with the prescribed process (as a minimum).

CONCLUSION

Amendment C031gol to the Central Goldfields Planning Scheme has been drafted in close consultation with the CMA and proposes to update flood controls in Carisbrook, Dunolly and along the rural areas of Tullaroop Creek as recommended in the *Carisbrook Flood and Drainage Management Plan 2013* and the *Dunolly Flood Investigation 2014*.

Updating the Central Goldfields Planning Scheme with the best practice flood risk information is acting in accordance with the community led Flood Studies of Carisbrook and Dunolly, the North Central Regional Floodplain Management Strategy 2018-2028 and the *Victorian Floodplain Management Strategy 2016*.

ATTACHMENTS

1. Planning Scheme Ordinance – FO and LSIO and schedule and MSS
2. Dunolly FO and LSIO Map
3. Carisbrook FO and LSIO Map
4. Tullaroop Creek FO and LSIO Map
5. FAQ Sheet

RECOMMENDATION

That Council:

1. *Request authorisation from the Minister for Planning to prepare an amendment to the Central Goldfields Planning Scheme to update flood controls for Carisbrook, Tullaroop Creek and Dunolly, in accordance with the Planning and Environment Act 1987 Part 3 and the attached documents;*
2. *Should authorisation be provided, prepare the amendment and place the amendment on public exhibition;*
3. *Delegate the Manager Strategy and Economic Development to make minor changes to the amendment as and if required.*

System Note: The following schedule will be inserted after Sub-Clause:44.04 LAND SUBJECT TO INUNDATION OVERLAY, Schedule:SCHEDULE TO THE LAND SUBJECT TO INUNDATION OVERLAY

C31cgol

SCHEDULE 2 TO CLAUSE 44.04 LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as LSIO2.

FLOODING FROM WATERWAYS (DEPTHS UP TO AND INCLUDING 500 MILLIMETRES)

1.0

C31cgol

Land subject to inundation objectives to be achieved

None specified.

2.0

C31cgol

Statement of risk

None specified.

3.0

C31cgol

Permit requirement

A permit is not required to construct or carry out the following buildings and/or works:

Buildings and works on land subject to a planning permit, restriction or agreement

- If the buildings or works are in accordance with an existing agreement under section 173 of the Planning and Environment Act 1987 or a restriction applying to the land that specifies a minimum finished floor level to be met.
- If the buildings or works are on land that has been developed in accordance with a previous planning permit, where:
 - the previous permit required the ground surface level to be constructed to at least 300mm above the 1 per cent AEP (annual exceedance probability) flood level; and
 - the ground surface level has been constructed in accordance with the ground surface level requirements of the previous planning permit as confirmed by survey plans to Australian Height Datum; and
 - the proposed buildings and works do not lower the ground surface level or result in a finished floor level for a building that is less than 300 millimetres above the 1 per cent AEP flood level.

Extensions and alterations to existing buildings

- An extension to an existing building (not including an outbuilding associated with a dwelling) provided the floor level of the proposed extension is not less than the existing floor level and the gross floor area of the extension does not exceed 20 square meters.
- An upper storey extension to an existing building if there is no increase in the ground floor footprint.
- An extension to an outbuilding associated with a dwelling provided the gross floor area of all outbuildings on the lot does not exceed 20 square metres.

New and replacement buildings

- A replacement dwelling provided the floor level is constructed at least 300 millimetres above the 1 per cent AEP flood level and the additional floor area does not exceed 20 square metres.
- A non-habitable building (including an outbuilding associated with a dwelling) with a floor area of less than 20 square metres and which is the only non-habitable building on the lot.
- An agricultural or farm building that is open on all sides, such as a hay shed, cattleyard, covered horse stable or other similar yards, is less than 200 square metres and which is set back at least 30 metres from any waterway.
- An agricultural shed (other than one used for industrial, retail or office purposes) for the storage of farm machinery, storage of farm vehicles or a workshop associated with a rural use in a rural

zone with a floor area less than 200 square metres and which is set back at least 30 metres from any waterway.

- A relocatable building associated with a caravan park provided the floor level is set at least 300 millimetres above the 1 per cent AEP flood level.

Other buildings and works

- A replacement fence in the same location and of the same type and materials as the existing fence and that is not increased in length.
- A rainwater tank with a capacity of not more than 10,000 litres.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800 millimetres above ground level and a maximum building height of three metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than 800 millimetres above ground level.
- A carport.
- A tennis court at natural surface level with curtain fencing.
- An in-ground swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot, and associated open style security fencing, where the perimeter edging of the pool or spa is constructed at ground level and any excavated material is moved outside the 1 per cent AEP flood extent.
- A sportsground, racecourse or recreation area (with no permanent grandstand or raised viewing area).
- Public toilets.
- A mast, antenna, or light poles.
- A pump shed.
- A disabled access ramp.

Works

- Landscaping, driveways, and vehicle cross overs associated with a dwelling, if there is less than a 50 millimetre change to existing ground levels, or if the relevant floodplain management authority has agreed in writing that the flow path is not obstructed.
- Roadworks, footpaths or bicycle pathways and trails carried out by a public authority if there is less than a 50 millimetre change to existing ground levels, or if the relevant floodplain management authority has agreed in writing that the flow path is not obstructed.
- Earthworks associated with the construction of a dam, where no fill is imported to the site, the dam is not constructed on a waterway, the dam does not exceed 3 megalitres in capacity, there is no embankment, and which is setback at least 30 metres from any waterway.

4.0

C31cgol

Application requirements

None specified.

5.0

C31cgol

Decision guidelines

None specified.

System Note: The following ordinance will be modified in Clause:44 LAND MANAGEMENT OVERLAYS, Sub-Clause:44.04 LAND SUBJECT TO INUNDATION OVERLAY

C31cgol

SCHEDULE 1 TO THE LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as **LSIO1**.

System Note: The following schedule will be inserted before Clause:44 LAND MANAGEMENT OVERLAYS, Sub-Clause:44.04 LAND SUBJECT TO INUNDATION OVERLAY

C31cgol

SCHEDULE 1 TO CLAUSE 44.03 FLOODWAY OVERLAY

Shown on the planning scheme map as **FO1** or **RFO1**.

FLOODING FROM WATERWAYS (DEPTHS GREATER THAN 500 MILLIMETRES)

1.0

C31cgol

Floodway objectives to be achieved

None specified.

2.0

C31cgol

Statement of risk

None specified.

3.0

C31cgol

Permit requirement

A permit is not required to construct or carry out the following buildings and/or works:

Buildings and works on land subject to a planning permit, restriction or agreement

- If the buildings or works are in accordance with an existing agreement under section 173 of the Planning and Environment Act 1987 or a restriction applying to the land that specifies a minimum finished floor level to be met.
- If the buildings or works are on land that has been developed in accordance with a previous planning permit, where:
 - the previous permit required the ground surface level to be constructed to at least 300mm above the 1 per cent AEP (annual exceedance probability) flood level; and
 - the ground surface level has been constructed in accordance with the ground surface level requirements of the previous planning permit as confirmed by survey plans to Australian Height Datum; and
 - the proposed buildings and works do not lower the ground surface level or result in a finished floor level for a building that is less than 300 millimetres above the 1 per cent AEP flood level.

Extensions and alterations to existing buildings

- An extension to an existing building (not including an outbuilding associated with a dwelling) provided the floor level of the proposed extension is not less than the existing floor level and the gross floor area of the extension does not exceed 20 square meters.
- An upper storey extension to an existing building if there is no increase in the ground floor footprint.

New and replacement buildings

- A replacement dwelling provided the floor level is constructed at least 300 millimetres above the 1 per cent AEP flood level and the additional floor area does not exceed 20 square metres.
- A non-habitable building (including an outbuilding associated with a dwelling) with a floor area of less than 10 square metres and which is the only non-habitable building on the lot.
- An agricultural or farm building that is open on all sides, such as a hay shed, cattleyard, covered horse stable or other similar yards, is less than 200 square metres, and which is set back at least 30 metres from any waterway.

Other buildings and works

- A replacement fence in the same location and of the same type and materials as the existing fence and that is not increased in height or length.
- A rainwater tank with a capacity of not more than 10,000 litres and is the only rainwater tank on the lot.

- A pergola or verandah with unenclosed foundations, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800 millimetres above ground level and a maximum building height of three metres above ground level.
- A deck with unenclosed foundations, including a deck to a dwelling with a finished floor level not more than 800 millimetres above ground level and with unenclosed foundations.
- A carport constructed over an existing car space.
- A tennis court at natural surface level with curtain fencing.
- An in-ground swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot, and associated open style security fencing, where the perimeter edging of the pool or spa is constructed at ground level and any excavated material is moved outside the 1 per cent AEP flood extent.
- A sportsground, racecourse or recreation area (with no permanent grandstand or raised viewing area).
- Public toilets.
- A mast, antenna, or light poles.
- A pump shed.
- A disabled access ramp.

Works

- Landscaping, driveways, and vehicle cross overs associated with a dwelling, if there is no change to existing ground levels, or if the relevant floodplain management authority has agreed in writing that the flow path is not obstructed.
- Roadworks, footpaths or bicycle pathways and trails carried out by a public authority if there is less than a 50 millimetre change to existing ground levels, or if the relevant floodplain management authority has agreed in writing that the flow path is not obstructed.
- Earthworks associated with the construction of a dam, where no fill is imported to the site, the dam is not constructed on a waterway, the dam does not exceed 3 megalitres in capacity, there is no embankment and which is setback at least 30 metres from any waterway.

4.0
C31cgol

Application requirements

None specified.

5.0
C31cgol

Decision guidelines

None specified.

System Note: The following ordinance will be modified in Sub-Clause:72.08 BACKGROUND DOCUMENTS, Schedule:SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS

1.0
C31cgol

Background documents

Name of background document	Amendment number - clause reference
Carisbrook Flood and Drainage Management Plan 2013	C31cgol
Dunolly Flood Investigation 2014	C31cgol

System Note: The following ordinance will be included after SCHEDULE TO THE SALINITY MANAGEMENT OVERLAY

44.03
C31cgol

FLOODWAY OVERLAY

This sub-clause and sub-clause sections will be included.

System Note: The following ordinance will be modified in Clause:21 MUNICIPAL STRATEGIC STATEMENT

PROTECTION OF LAND AND WATER RESOURCES**Overview**

The Central Goldfields Shire is situated in the Loddon dry land catchment and is part of the wider Avoca Loddon-Campaspe catchment.

The Regional Catchment Strategy prepared by the North Central Catchment Management Authority aims to achieve integrated catchment management through its programs of biodiversity protection, salinity, waterways and water resources, soil health, pest plants and animals, and regional development.

With a significant area of the Shire situated in the catchment of the Tullaroop and Laanecoorie Reservoirs, the planning scheme must address the need for sustainable land management in water supply catchment areas. Part of the catchment for Lake Cairn Curran is situated to the east of the Shire.

Water quality in the Loddon catchment is a priority issue. The Loddon Catchment Water Quality Strategy advances proposals for reducing the incidence of algal blooms and improving the water quality of the Loddon river. A Loddon Campaspe River Management Authority is proposed to be established under the auspice of the North Central Catchment Management Authority.

Forests and bushland areas in the Shire are a major feature and provide a forest setting for urban areas, most notably Maryborough.

Parks and Reserves within the area are renowned for wildflowers in spring, and are popular areas for bird-watching, tourism and passive recreation such as picnicking and camping. Significant active uses of state forest, not usually catered for in Parks and Reserves include car rallies, horse riding, hunting, four wheel driving, domestic firewood collection and fossicking.

The availability of better biodiversity information and mapping will improve the planning scheme and place council in a more informed position to make decisions in relation to land use and development proposals that may have an impact on biodiversity resources.

Protecting remaining vegetation, encouraging revegetation and preventing degradation of State forests will conserve habitats and significantly reduce the threat of extinction of plants and animals.

Issues

- Water supply catchments of Tullaroop and Laanecoorie Reservoir need to be protected to safeguard water quality.
- Retention of native vegetation and establishment of links to larger blocks of remnant vegetation is identified as a high priority for the Goldfields Bioregion in both the North Central Vegetation Strategy and the Victorian Biodiversity Strategy.
- Box ironbark forests in the shire are a major environmental asset and resource. Of particular concern is the loss of flora and fauna habitats in these forests and across the landscape, particularly on freehold land.
- Maryborough is almost entirely surrounded by bushland which provides a protective natural greenbelt. These natural resources have been identified in the Maryborough Bushland Conservation Study (Hogan 1993).
- Potential for land use conflict at the interface of public and private land where forested public land is adjacent to urban areas.
- Significant areas of the shire have been identified as being of moderate or high fire risk. Appropriate risk management measures need to be introduced.

Objective 1

Maintain and protect water quality and quantity in the Loddon and Avoca catchments.

Strategies

- Ensure the use and development of land protects the water quality of the Loddon and Avoca Rivers and Bet Bet Creek waterway systems.
- Protect the environs and water catchments of Tullaroop and Laanecoorie reservoirs and Lake Cairn Curran.
- Minimise the potential impact of existing and new developments to cause water pollution, land degradation, and risk of salinity and erosion.
- Ensure that method and location of effluent disposal systems in unsewered areas minimise the risk of pollution to watercourses and that efficiency of effluent disposal systems is monitored at regular intervals.
- Promote water conservation practice in mining, industry and agriculture and wastewater management.
- Encourage sewerage and waste pre-treatment and innovative recycling and co-generation techniques within industries.

Objective 2

Ensure land capability supports land use and development proposals, particularly in environmental risk areas.

Strategies

- Ensure land capability is taken into account in the assessment of land use and development proposals.
- Ensure environmental management plans are prepared as part of planning permit applications where land is susceptible to degradation, requires native vegetation removal or contains environmental features.
- Ensure appropriate effluent disposal systems are suitably located in circumstances where sewerage is not available and that systems are monitored at regular intervals.
- Implement the Victorian Biodiversity Strategy (1998), North Central Regional Catchment Strategy, Loddon Catchment Salinity Management Plan, Maryborough Bushland Study (1993) and relevant water quality, flood management and other relevant natural resource strategies.
- Protect property and life from the risk of flooding and identify flood prone areas.
- Identify potential to link the shire's natural resource base with ecological sustainable development opportunities.
- Implement adopted flood mitigation studies.
- Manage urban development in the Land Subject to Inundation Overlay to ensure the likely effects of flooding can be minimised to acceptable levels.
- Discourage urban development in the Floodway Overlay unless stringent design, siting and construction standards can be met.
- Further identify areas where bushfire behaviour is likely to pose a significant threat to life and property.
- Assist in the implementation of the North Central Catchment Management Strategy by addressing Strategy programs such as biodiversity protection, salinity, waterways and water resources, and soil health.

Objective 3

Enhance, protect and augment remnant vegetation and wildlife corridors on freehold land, roads, streams, railways and other public land.

Strategies

- Encourage the establishment of buffer areas and adequate setback distances on freehold land as a means to enhance and protect significant vegetation on all land tenures.
- Consider extension of the Vegetation Protection Overlay to flora and fauna reserves and extensive bushland around Maryborough in the first review of the Planning Scheme.
- Encourage the use incentives to support and facilitate retention of stands of native vegetation on private land.
- Ensure that land use and development proposals are consistent with regional vegetation plans.
- Encourage retention of remnant vegetation and habitat corridors and areas for Victorian Rare and Threatened Flora and Fauna Species.
- Assist, in association with relevant organisations, with the formulation of a major environmental education program to increase recognition of the need to protect Box Ironbark forests.
- Encourage and provide support for the implementation of recommendations of the Environment Conservation Council Study of the Box-Ironbark Ecosystem (when released).
- Assist in the implementation of the developing Regional Catchment Strategy by addressing Strategy programs such as biodiversity protection, salinity, waterways and water resources, and soil health.

Implementation

These strategies will be implemented by:

- Application of Environmental Significance Overlays to cover the Loddon River, major creeks in the shire, water supply catchment areas and other areas identified as having environmental significance.
- Application of Salinity Management Overlay to cover areas identified as being of salinity risk including areas north and east of Bealiba, west of Dunolly, north of Maryborough, north and east of Timor, and in the south of the shire in the Talbot district.
- Application of the Erosion Management Overlay to areas identified in previous rural land mapping and land capability studies.
- Application of Land Subject To Inundation Overlay for areas adjacent the Avoca River and Bet Bet and McCallums Creeks.
- Inclusion of the Tullaroop Roadside Conservation Assessment in the Vegetation Protection Overlay.
- Inclusion of relevant salinity and nutrient catchment management plans as reference documents in the planning scheme.
- Application of Wildfire Management Overlays for areas identified as being of high fire risk hazard when appropriate mapping becomes available.
- Application of Public Conservation and Resource Zone for Council owned or managed flora and fauna reserves.
- Use of Vegetation Protection Overlays based on information contained in the Central Goldfields Biodiversity Components maps and facilitate, in consultation with the Department of Natural Resources and Environment, production of more accurate remnant vegetation maps.
- Use of a Box Ironbark Forest Local Policy to encourage no net loss of Box Ironbark forests and ensure proposals are consistent with regional vegetation plans.
- Inclusion of the following documents as reference documents:
 - DNRE Selected Biodiversity Components - LGA Central Goldfields.

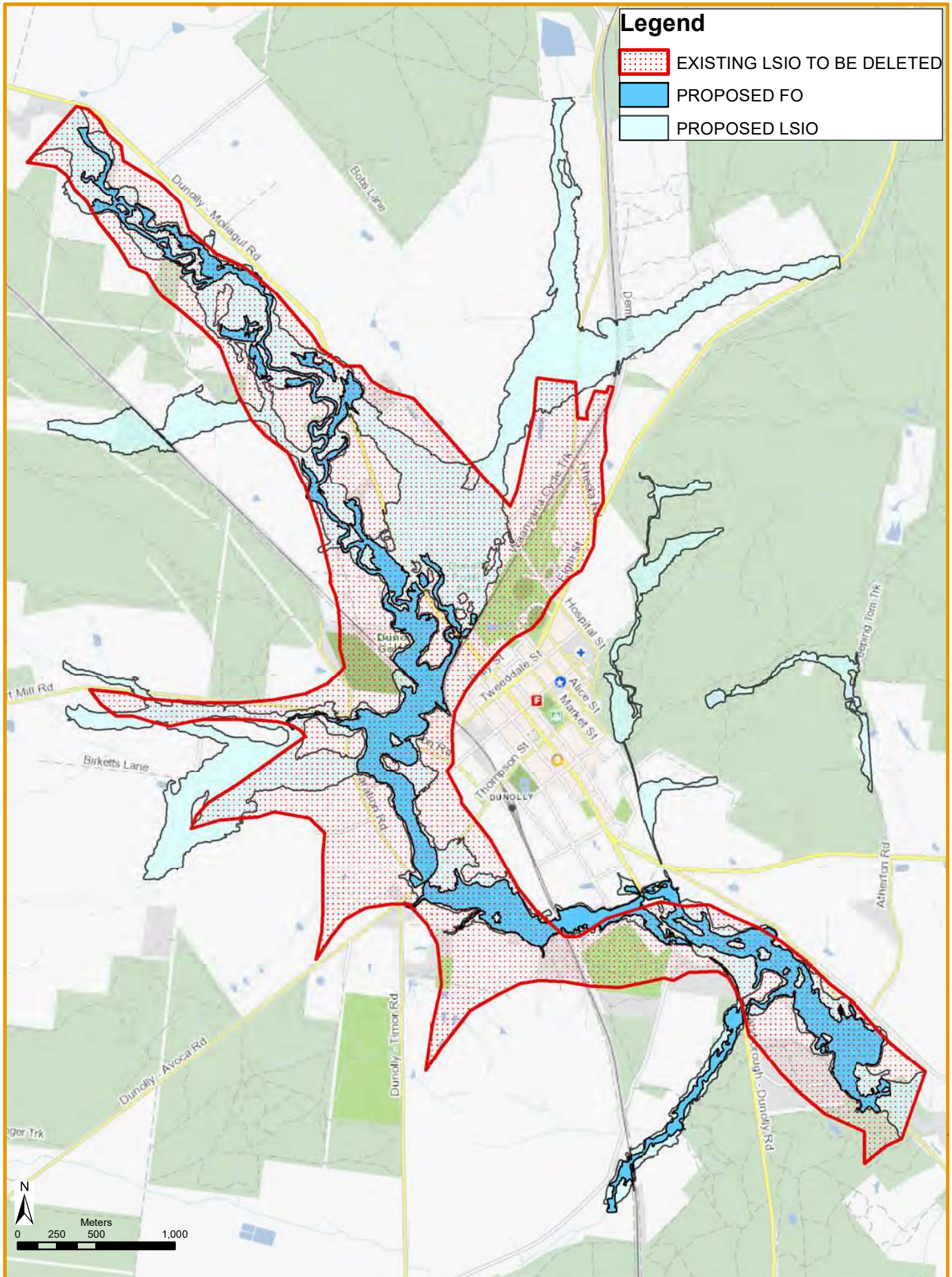
AMENDMENT C31CGOL

- Maryborough Roadside Management Plan.
- Planning Conditions and Guidelines for Subdivision CFA 1991.
- North Central Vegetation Strategy.
- North Central Regional Catchment Strategy.
- Maryborough Bushland Study (1993).
- Agenda for Action - Nature Conservation in the Avoca-Loddon-Campaspe Region.
- Paddys Ranges State Park – Draft Management Plan.
- Avoca-Loddon-Campaspe Regional Landcare Plan.
- Loddon Catchment Salinity Management Plan.
- Assessment of Roadside Conservation Values in the Shire of Tullaroop.

Undertaking further strategic work




- Compile a remnant vegetation inventory for significant sites on freehold land.
- Complete a Roadside Management Plan for the Shire and implement local and regional roadside conservation strategies.
- Undertake, in association with the Department of Natural Resources and Environment, land capability studies for rural areas of the shire that have not previously been the subject of a study and detailed mapping for specific crops eg olives and grapes.
- Develop and resource the Box Ironbark Eco Tourism and Environmental Education and Research Centre at the Goldfields Reservoir site.

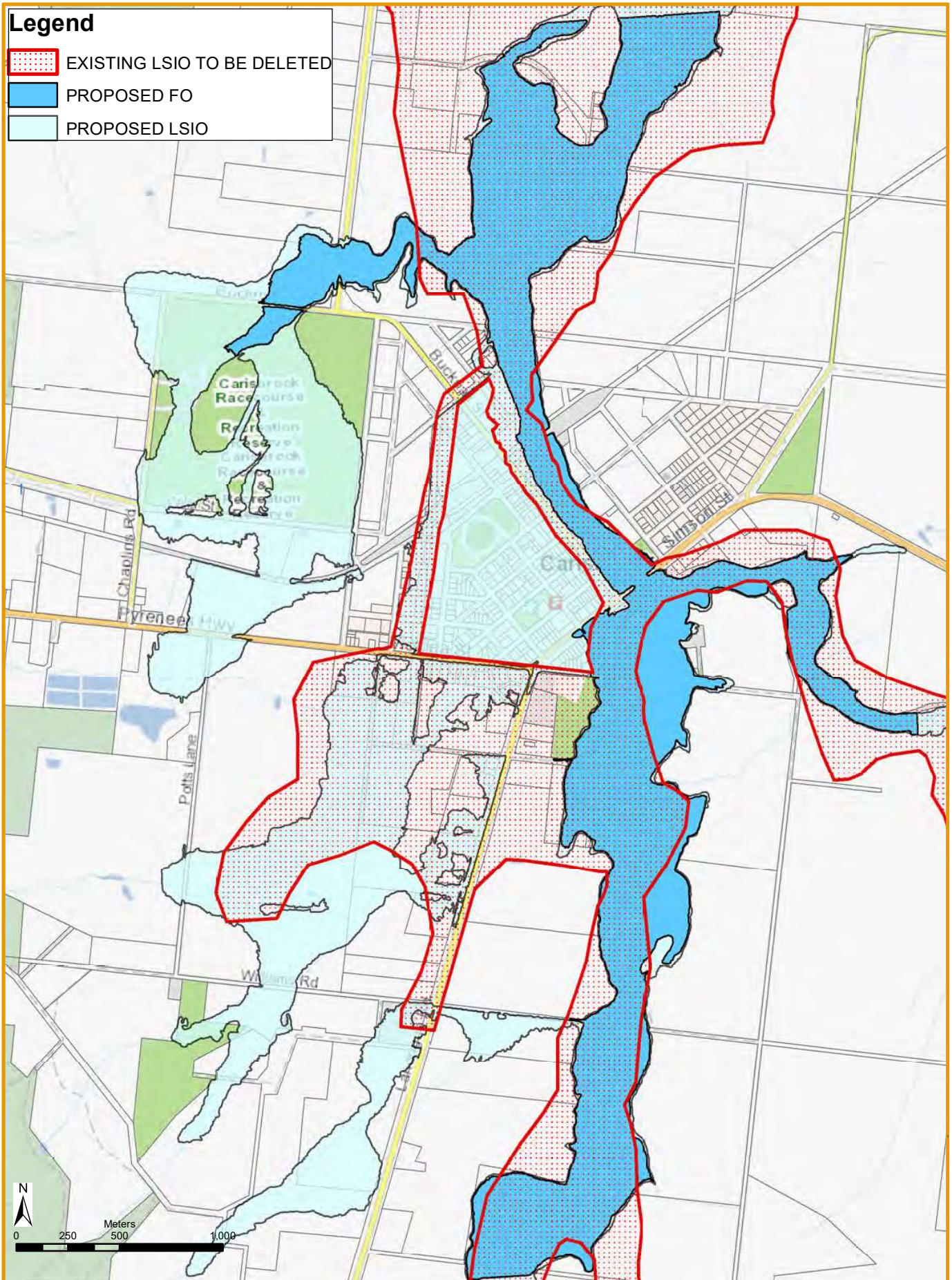
DUNOLLY - PROPOSED FLOOD RELATED OVERLAYS



CARISBROOK - PROPOSED FLOOD RELATED OVERLAYS

Legend

-  EXISTING LSIO TO BE DELETED
-  PROPOSED FO
-  PROPOSED LSIO



DISCLAIMER

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Frequently Asked Questions (FAQs)

PLANNING SCHEME AMENDMENT C031gol

What does the amendment do?

Council is working with the North Central Catchment Management Authority (NCCMA) to update existing planning controls for land in Central Goldfields Shire that is liable to flooding, to ensure they are accurate and up-to-date and reduce the impact of flooding and flood damage to properties.

Since the controls were first introduced into the Central Goldfields Planning Scheme, the NCCMA has undertaken the North Central Regional Floodplain Management Strategy 2018-2028. After the floods of 2011-2012, flood studies were conducted in Carisbrook and Dunolly in 2013-2014. These studies model the impact of flooding in both townships. Both the Strategy and flood studies recommend that the planning scheme be updated to reflect the extent of flooding in the updated mapping.

The proposed changes to the planning scheme will affect approximately 765 properties, including:

- Some land will have a Land Subject to Inundation Overlay (LSIO) now. The new mapping might change the extent of the LSIO boundary.
- Some land will have the new Flood Overlay (FO) applied.
- Some land will have the new LSIO applied.
- Some land will be removed from the LSIO.

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. An overlay controls buildings and works and subdivision. The new overlay may result in a planning permit being required to develop or subdivide land. The process of changing the overlay boundaries and controls has been labelled Central Goldfields Planning Scheme Amendment C031gol.

What is the difference between the LSIO and the FO?

The LSIO is applied to land affected by flooding associated with waterways and open drainage systems. The FO is applied to land at a higher risk of flooding than LSIO land. It is normally where mainstream flooding occurs, where flooding is likely to be deep and flooding occurs most frequently.

What are the flooding overlays based on?

The probability of flood occurring within a year, called the Annual Exceedance Probability (AEP) is an industry standard. The LSIO has a 1% AEP, which means each year the flood level has a 1% chance of occurring (previously referred to as a 1-

in-100 year flood). The FO is where the depth of flooding in a 1% AEP exceeds 0.5 meters. The FO generally has a 10% AEP, i.e. each year the flood level has a 10% chance of occurring.

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 that are not exempt from a planning permit, or subdivide your property. The intent of the amendment is to reduce flood risk, flood impact and property damage by managing future development.

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.

How will this impact building or development within the overlay?

The LSIO and FO do not prevent building or development from occurring. The controls form part of the planning scheme and aim to ensure that flooding issues are addressed early in any building or development process. This is most commonly achieved through requiring raised floor levels within a new building or extension and ensuring development does not divert or obstruct flood waters.

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 scientific modelling and checked for accuracy against flood events that occurred in September 2010 and January 2011.

I am already affected by an LSIO on my property, what will the difference be with this amendment?

The current LSIO already requires a planning permit for buildings, works and subdivision, as only outbuildings under 120m² are exempt. The proposed LSIO Schedule 2 introduces new exemptions from some types of development. If an FO is being applied to your land the regulations around subdivision will change. For example, new (additional) lots are not allowed on land wholly within the FO.

If my property is only partially affected, would I need a permit for buildings or works outside the area covered by the overlay?

The overlay only applies to buildings and works proposed within its boundaries. However, as the boundary follows flood paths across properties, it may not be clear to the property owner whether a permit is required.

It is therefore strongly recommended that landowners seek advice from Council and North Central Catchment Management Authority for any proposed buildings and works on land partially covered by the overlay.

Are options being developed to address the cause of flooding?

The Carisbrook Flood and Drainage Management Plan 2013 recommended a levee to be constructed in Carisbrook to divert the overland flows from the local

catchment that frequently inundate parts of Carisbrook. Council is currently undertaking the planning and budget requirements to complete these works.

The structural mitigation works that were identified for Dunolly in the Dunolly Flood Investigation 2014 (levees and contour channel upgrades) have been completed by Council. The proposed overlays for Dunolly reflect these mitigation works.

If I am in a Flood Overlay or Land Subject to Inundation Overlay 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 insurance premiums will go down due to the availability of more reliable and accurate information. However, 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 a Flood Overlay or Land Subject to Inundation Overlay 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 likely that these costs would be offset over time as buildings or works would have been constructed in a way that reduces or avoid impacts by flooding.

If I am in a Flood Overlay or Land Subject to Inundation Overlay will this impact the value of my property?

The impact upon individual property prices is unclear. The Flood Overlay does not cause or change the likelihood of flooding on your land. It recognises the existing risk, and improves information transparency. It will appear in planning certificates attached to Section 32 vendor statements when selling a property.

How can I find out if my property is included in the overlay?

The proposed maps associated with the amendment are available on Council's website at <https://www.centralgoldfields.vic.gov.au/Planning-and-Building/Strategic-Planning/Planning-Scheme-Amendments>

For more technical information, the North Central CMA has developed an online mapping tool – Flood Eye – that enables you to obtain a free report that contains flood information specific to your property. <http://www.nccma.vic.gov.au/flood-eye>

What if I want to sell my property?

When you sell your property you are required under the Sale of Land Act 1962 to prepare a Section 32 statement (or known as a Vendor's statement) that includes any information affecting the property. This includes council planning scheme information that will inform the purchaser if there are any zone and overlay controls applying to the property which may restrict the land-use and development of the land.

A Planning Certificate should be obtained online from LANDATA® which provides property titles and certificates. This provides any amendments that have been placed on exhibition and well as current information within the council planning scheme.

What is North Central Catchment Management Authority's role in planning schemes?

North Central CMA is a recommending referral authority in the planning system under Section 55 of the *Planning and Environment Act 1989* and receives applications for subdivisions and other developments within the floodplain. This allows North Central CMA to comment on applications and if necessary, recommend conditions on town planning permits. These ensure that new developments are adequately designed to protect occupants against the risk of future flood events.

FLOODING

Who is responsible for Floodplain Management and Stormwater Drainage in Central Goldfields Shire?

North Central CMA is the Floodplain Management Authority by delegation from the Minister responsible for the Water Act 1989. Consequently, North Central CMA is responsible for determining the potential inundation of land from rivers and creeks within the North Central region. Central Goldfields Shire Council is responsible for the provision and maintenance of drainage, levees and the management of any stormwater from its drainage system.

Why does flooding occur in Central Goldfields Shire?

Flooding is a natural process intrinsic to all waterways. Flooding occurs periodically as a result of heavy rainfall within a catchment and is generally defined by the runoff from the storm event exceeding the capacity of the bed and banks of a waterway or local drainage system. The effects of flooding in Central Goldfields are magnified by the proximity of urban development to natural or modified creeks and channels resulting in damage to roads, residential, commercial and industrial properties. Whilst the flow from the local catchment contributed less than 5% of the total flow that impacted upon the township of Carisbrook, the overland flow is significant and causes frequent flooding to a number of properties in Carisbrook

Where did the funding come from for the Flood Management Plan?

The Flood Management Plans have been jointly funded by the Victorian and Australian Governments under the Natural Disaster Resilience Grants Scheme (NDRGS), and via additional funding provided by Central Goldfields Shire. The North Central Catchment Management Authority (NCCMA) is leading the development of this Plan in partnership with the Central Goldfields Shire. Central Goldfields have taken the lead in implementing the recommendations of the Plan.

What is a Flood Management Plan?

The first stage in managing floodplain risk for a particular catchment involves a flood study, which is a comprehensive technical investigation of flood behaviour for that catchment. These flood studies show the distribution, extent, levels and velocity of floodwaters across sections of the floodplain for a range of different flood events. Additional investigations undertaken in Dunolly and Carisbrook known as the *Carisbrook Flood and Drainage Management Plan 2013* and the *Dunolly Flood Investigation 2014*. This Planning Scheme Amendment was a recommendation from those flood studies that plan to manage future risk within those areas.

What are the benefits of the Plans?

The mapping produced by the plans will improve future land use planning and development decisions to minimise the risks to the community from flooding. The plans also assist North Central CMA, Council and other emergency response organisations in preparing for and responding to a flood in Central Goldfields Shire. The plans will also assist Council in understanding existing drainage problems and in designing new infrastructure.

What works are proposed as a result of the Plans?

The study is not a mitigation plan, but will assist in further understanding local flood issues, provide information for future investigations into flood mitigation. There is work proposed for an additional levee in Carisbrook. These works will also take into account the completed levee in Carisbrook and Dunolly and additional flood warning devices which are recommendations from the Carisbrook and Dunolly Flood Management Plans.

What is flash flooding?

Flash flooding occurs following intense rainfall with resulting flood levels rising to their peak within a very short time period, typically between 30 minutes and 6 hours. This tends to occur in steep urbanised catchments such as Carisbrook and gives residents very little warning time to prepare.

What is a 1 in 100 year flood?

A 1 in 100 year ARI* flood is a level of flooding that has a 1% chance of occurring in a given year. It is considered to be a very large flood and is used as the minimum design standard for new development in Victoria. If an area experiences a 1 in 100 year flood in a certain year, it does not mean that another 1 in 100 year flood will not occur for another 99 years, it is an average only. The 1 in 100 year flood is technically referred to as the 1% AEP* flood.

* Average Recurrence Interval – is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100 year ARI flood event will occur on average once every 100 years.

Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as a reciprocal of ARI (Average Recurrence Interval).

I have recently undertaken development on my land. If flood information has been updated is my development considered safe?

Floodplain management and development assessment is undertaken as part of the planning permit process under the *Planning and Environment Act 1987*. In the Central Goldfields Shire, Council currently utilises the Land Subject to Inundation Overlay to assess development against potential or actual flood risk. Applications are then referred to NCCMA for specialist advice on what development is considered appropriate and any conditions that may apply to the development. Most new development is required to be constructed between 300-600mm above the applicable flood level which is known as the 'freeboard requirement'. This ensures that new

development is protected from wave action and also provides an allowance for changes to flood levels and rainfall information over time as a result of advancements in technology and accuracy.

Please contact North Central CMA or the Central Goldfields Shire Council if you have any concerns regarding your individual circumstances.

What can I do to be flood prepared?

The Victorian State Emergency Service's website provides an array of information on preparing for, responding to and recovering from a flood event. Please visit www.ses.vic.gov.au for more information.

HOW CAN I FIND OUT MORE

Contact Council

For further information on the Planning Scheme Amendment process, please contact the Strategic Planning team on (03) 5461 0685 or email

strategicplanning@cgoldshire.vic.gov.au

More information is also available at <https://www.centralgoldfields.vic.gov.au/Planning-and-Building/Strategic-Planning/Planning-Scheme-Amendments>

This includes a searchable map showing the existing and proposed overlay boundaries.

Contact North Central CMA

Technical information or property specific queries including flood levels, flooding impacts and required floor levels for new buildings or extensions to existing buildings please contact North Central Catchment Management Authority on 5440 1896 or email floodplain@nccma.vic.gov.au

Or you can view their online mapping tool - Flood Eye – at www.nccma.vic.gov.au/flood-eye