



AMENDMENT C90 - COLAC FLOOD BASED PLANNING CONTROLS

The *Deans Creek and Barongarook Creek Flood Study* (2017) is a joint project between the Colac Otway Shire Council, Corangamite Catchment Management Authority (CCMA) and the Department of Environment, Land, Water and Planning (DELWP). This flood study has used the latest information, technology and methods to model the extent of and impact of flooding in Colac.

Mapping from such studies is used in planning schemes to direct where planning controls should be applied to protect future development. There are currently flood based planning controls in Colac, however Council is now amending the planning scheme to update the planning controls based on the latest information. Amendment C90 will ensure that the most up-to-date flood mapping is used when making decisions on land use and development.

What is Amendment C90?

The amendment updates two existing overlay planning controls - the Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO). The purpose of the overlays is to ensure the risks posed by flooding are properly considered in development decisions, and costs incurred due to flooding are not increased unduly in the future. The overlays identify land likely to be affected by a flood that has a 1% chance of occurring in any given year. This is called a 1% Annual Exceedance Probability flood (1% AEP). The amendment is modifying the boundaries of the two overlays, as well as introducing different exemptions from planning permit requirements in the planning controls themselves.

What is an overlay?

An overlay in the planning scheme is a planning control that is applied to land to identify a specific issue that needs to be considered when developing land e.g., heritage, flooding, bushfire or landscape protection. An overlay controls new buildings and works and subdivision of land. It may result in a planning permit being required.

What are the Floodway Overlay and the Land Subject to Inundation Overlay?

Application of the FO and LSIO is determined by the degree of hazard identified in different parts of the floodplain. The overlays are applied to different areas having regard to factors such as flood depth, velocity, natural storage, flood duration and warning time, based on a 1% AEP flood extent, (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 *Deans Creek and Barongarook Creek Flood Study*.

The **Floodway Overlay (FO)** applies to land in a flood-prone area that provides for movement and storage of significant volumes of floodwater and should remain free from obstruction by buildings and structures. Most development would be discouraged from occurring on land subject to the Floodway Overlay due to the high hazard, whilst low intensity/low impact uses can still be considered such as some building extensions, replacement buildings, fences etc.

The **Land Subject to Inundation Overlay (LSIO)** is generally applied to the fringe of a floodplain where flooding is shallower and slower moving than in the Floodway Overlay, and the level of hazard is relatively lower. Development is permitted when it does not expose people and property to an unacceptable risk, or would make flooding worse elsewhere, subject to conditions. This might include for example, constructing the floor of a building above the established flood level.

What was the process in developing the mapping to revise the extent of the Floodway Overlay and Land Subject to Inundation Overlays?

A map of flood-prone areas was generated through the recent flood study by computer modelling which predicted how water from a 1% AEP storm event would affect the local creek systems. Extensive community consultation and a review of the flood modelling further refined the modelling used for development of the overlay controls. Current mapping of overlays in the planning scheme is based on outdated information and may not accurately reflect potential flood risk.

What is a 1% AEP flood?

A 1% AEP flood is a flood that has a 1 in 100 or 1% chance of occurring in each and every year. It is possible that such an event may not occur at all in a 100 year period, but equally could occur multiple, times dependent on weather events.



What does the amendment mean for me?

The amendment will only affect you if you have land in one of the proposed overlays. In many cases for a property that is already affected by one of the flood overlays there will be little change. For others, the boundary change of the overlays may mean increased or decreased coverage over their land, or the type of overlay may change from a LSIO to the FO. In some cases, the existing overlays may be proposed to be removed entirely, or an overlay may be introduced where one doesn't exist at present. The changes will be specific to each property.

How am I affected if an overlay applies to my land?

A planning permit may be required for new buildings or works on land within a flood based overlay, unless minor works are exempted from needing a permit. The new schedules being proposed for the two overlays aim to increase the permit exemptions, so that the controls do not apply to minor works such as, for example, some water tanks, signage and building extensions above nominated flood levels.

Importantly, the planning controls do not affect development on land that existed prior to the controls being introduced. The overlays will only apply to NEW buildings or works proposed following the approval of this amendment.

The overlays will not prevent most development from proceeding in one form or another. In most cases, development will be encouraged to occur outside of the mapped flood prone areas, and where this cannot be avoided, the design of structures/works will be influenced by the flood threat, resulting in higher floor levels for example, so that the development is designed to minimise damage from flooding. Whilst some proposals, particularly in the highest risk areas identified in the Flood Overlay, may not be supported most planning applications result in conditional approval.

Applications for planning permit in LSIO and FO areas are usually referred by Council to the CCMA who are responsible for floodplain management. The CCMA provides technical input to the consideration of applications and will make recommendations on whether they should be supported, and if so, under which conditions. Council has the ultimate responsibility for making a decision, taking into account the CCMA advice.

I am already affected by an LSIO or FO on my property - what will change with this amendment?

In a general sense, not much will change from existing conditions as the current LSIO and FO already requires a planning permit for most buildings and works and for subdivision. The list of works not requiring a planning permit will be increased as part of this amendment. This list of exemptions is found in the schedules to the overlays.

My place hasn't flooded in years, why will it 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 modelling of the 1% AEP and reflect the most accurate data (and modelling based on this data) that we have.



If I am in a flood overlay will my insurance premiums increase?

Insurance premiums are based on the most up to date available flood studies rather than the 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, but of course in some cases where deep flooding is identified, premiums may go up. Reliable flood information can help ensure properties are not underinsured. For further information go to the Insurance Council of Australia website at www.ica.com.au

How does this amendment relate to the Colac Stormwater Development Strategy & Colac 2050 Growth Plan projects?

Council is currently finalising the Colac Stormwater Development Strategy. The strategy has been prepared by Council to identify what opportunities exist to improve drainage and stormwater management within Colac, and to explore options for improved integrated water management systems and mitigation measures to facilitate land use of currently flood prone land. The strategy will assist Council in identifying and prioritising projects to improve stormwater flow and reduce flooding in Colac. Over time, these improvements may result in a reduction in the coverage of the overlays.

The mapping is helping to inform the Colac 2050 Growth Plan project, including the identification of future growth areas.

Next steps

Council has commenced exhibition of Amendment C90. The amendment is on public exhibition for six weeks, until **9 March 2018**.

Council will be conducting information sessions as follows:

- **Monday 12 February 2018, 4pm - 6pm, Meeting Room 2, COPACC, Gellibrand Street, Colac**
- **Thursday 15 February 2018, 4pm - 6pm, Meeting Room 2, COPACC, Gellibrand Street, Colac**

We encourage anyone with a question about the amendment to review the documentation online at <http://www.colacotway.vic.gov.au/Planning-building/Strategic-planning/Planning-scheme-amendments> or to attend one of these information sessions. Officers from both Council and the CCMA will be in attendance to help answer questions and explain the changes.

Have Your Say

Any person who may be affected by the amendment may make a submission to Council. 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 wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider the submissions received.

The closing date for submissions is **9 March 2018**. Written submissions should be titled "Amendment C90 Submission" and emailed to inq@colacotway.vic.gov.au or mailed to: Strategic Planning, Colac Otway Shire Council, PO Box 283, Colac, 3250.

The planning authority must make a copy of every submission available at its office for any person to inspect free of charge for two months after the amendment comes into operation or lapses.