



Horsham Planning Scheme Amendment **C81hors**

(Flood Amendment)

Frequently Asked Questions

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Question 1: What is Amendment C81hors?

Horsham Rural City Council is working with the Wimmera Catchment Management Authority (Wimmera CMA) to update flood planning controls for land within six flood investigation study areas identified as being affected by flooding. See Figure 1.

The changes are being made to ensure that land, which is subject to flooding, relies on accurate and up to date information. These changes are being made based on the following six adopted flood investigations:

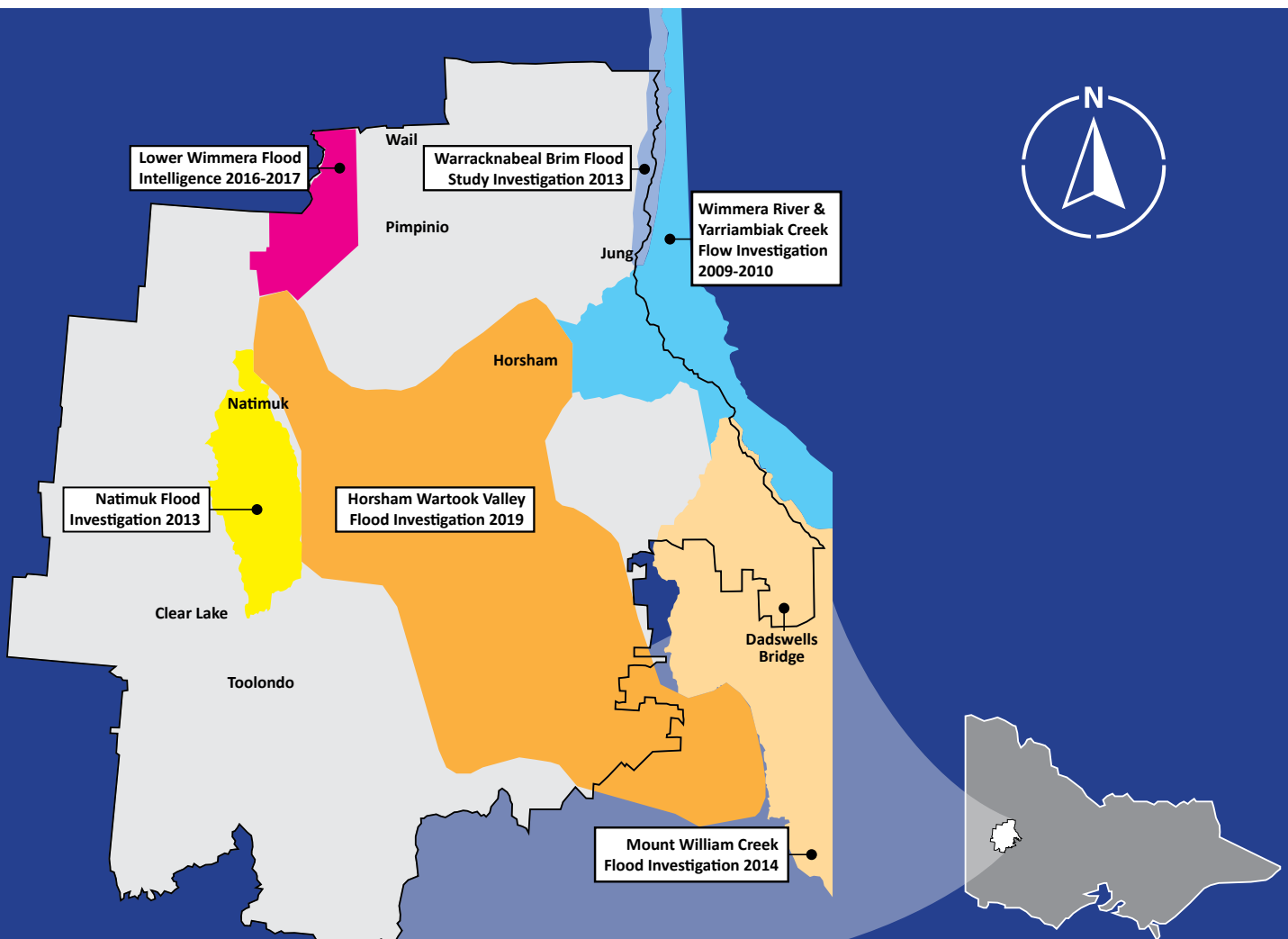
- Horsham & Wartook Valley Flood Investigation (Water Technology, 2019)
- Mount William Creek Flood Investigation (BMT WBM, 2014)
- Natimuk Flood Investigation (Water Technology, 2013)
- Wimmera River & Yarriambiack Creek Flow Modelling Study Report (Water Technology, 2010)

- Warracknabeal & Brim Flood Investigation Flood Intelligence Report (Water Technology, 2016)
- Lower Wimmera Flood Investigations (Water Technology, 2017)

To put these changes into effect, the Horsham Planning Scheme (controls how land is used and developed) must be updated through a planning scheme amendment.

Amendment C81hors is required to implement the findings of the abovementioned flood investigations.

These FAQs provides specific information on what changes are being made to flood controls across Horsham.



Question 2: What does Amendment C81hurs change?

Amendment C81hurs makes a variety of changes to planning controls for land identified as flood prone. It sees changes to overlay and zone maps in the Horsham Planning Scheme. It also introduces new schedules to overlays that aim to address the impact of flooding. Schedules contain development controls on land such as planning permit requirements for the construction of a building or other changes to the land.

Through the preparation of the six flood studies, flood modelling and consideration of more recent flood events has been undertaken to review and revise the current flood mapping extent for urban and rural parts of Horsham.

The changes to the Horsham Planning Scheme will affect approximately 3,400 properties.

Mapping changes

The Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO) are proposed to be applied to reflect the 1% Average Exceedance Probability (AEP) flood extent. This means the flood level each year has a 1% chance of occurring.

Special Building Overlay (SBO) is to be applied to land affected by stormwater flooding where the capacity of the urban stormwater system is exceeded.

The types of mapping changes include:

- Some properties will see the application of Land Subject to Inundation Overlay (LSIO) and / or Floodway Overlay (FO) which has previously not applied on their land.
- Some properties will see modifications to the LSIO and/or FO mapping extent where it already applies on their land.
- Some properties will see the deletion of the LSIO or FO from their land.
- All proposed currently subject to the Design Development Overlay Schedule 9 (DDO9) will see the overlay removed.
- Some properties will see the application of the Special Building Overlay (SBO) on their land. The SBO replaces DDO9 and will only apply to some properties.
- All properties currently subject to the Design Development Overlay Schedule 4 (DDO4) will see the overlay removed.
- Properties currently zoned Urban Floodway Zone (UFZ) will be rezoned to Low Density Residential Zone (LDRZ).

There are some areas where the LSIO already applies and the mapping extent will not change nor be removed. These areas lie outside the six flood investigation study area boundaries.

Schedule changes

The effect of the overlays mentioned above is to trigger the need for a planning permit for certain developments / land use activities on land that is affected by these overlays. It also includes new exemptions which will reduce the need for planning permits for minor buildings and works.

Amendment C81hurs sees new and revised planning controls for the use and development on land where these overlays (LSIO, FO and SBO) apply. These planning controls are contained within the proposed schedules.

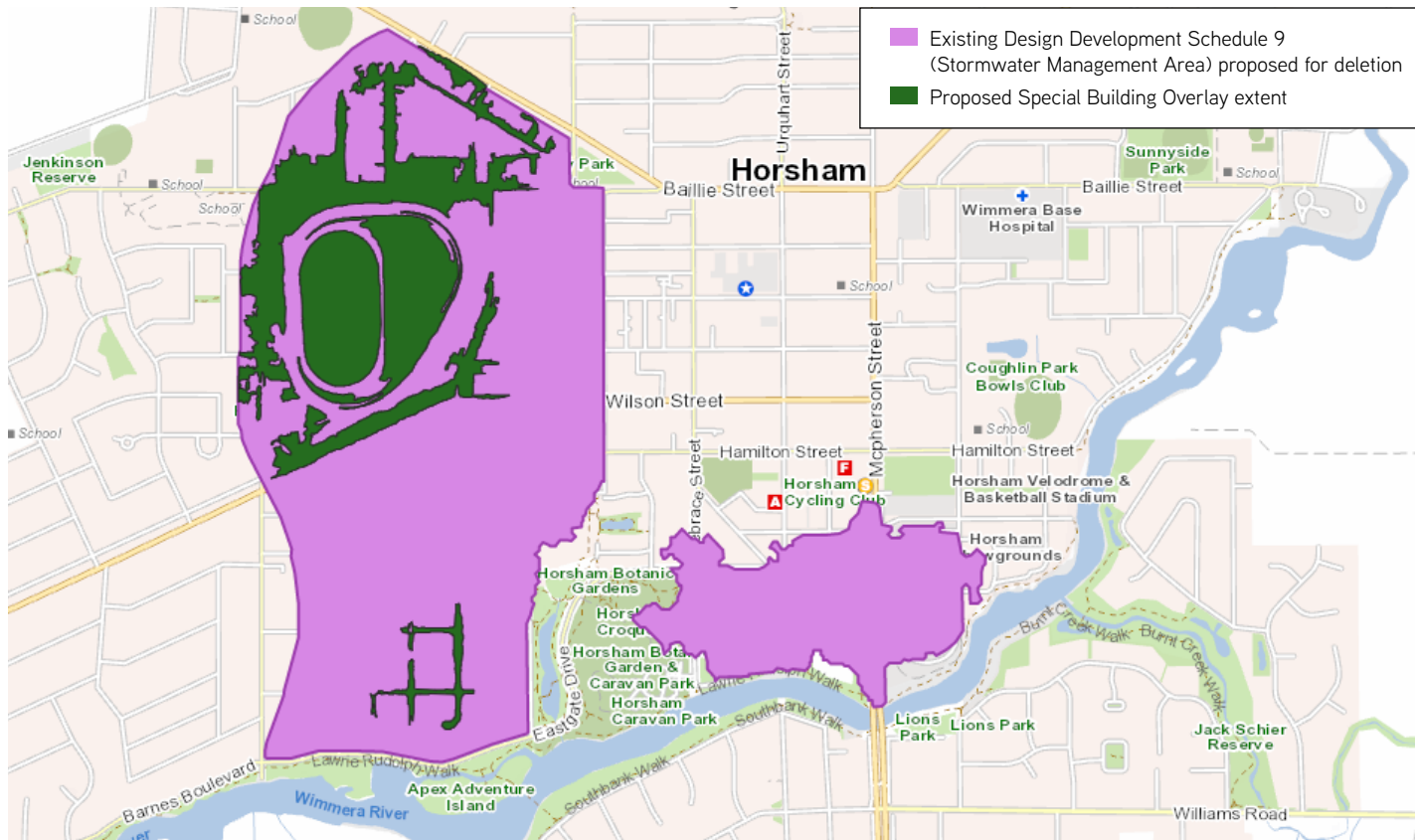
The proposed schedules changes for the LSIO, FO and SBO will see:

- Revisions to Schedule 1 to the FO including requirements and new permit exemptions.
- A new Schedule 1 to replace the current schedule to the LSIO with clear requirements and permit exemptions.
- A new Schedule 1 to the SBO with clear requirements and permit exemptions.
- Deletion of Schedule 4 and Schedule 9 to the Design and Development Overlay (DDO) as a DDO is not a suitable planning tool for managing land subject to flooding

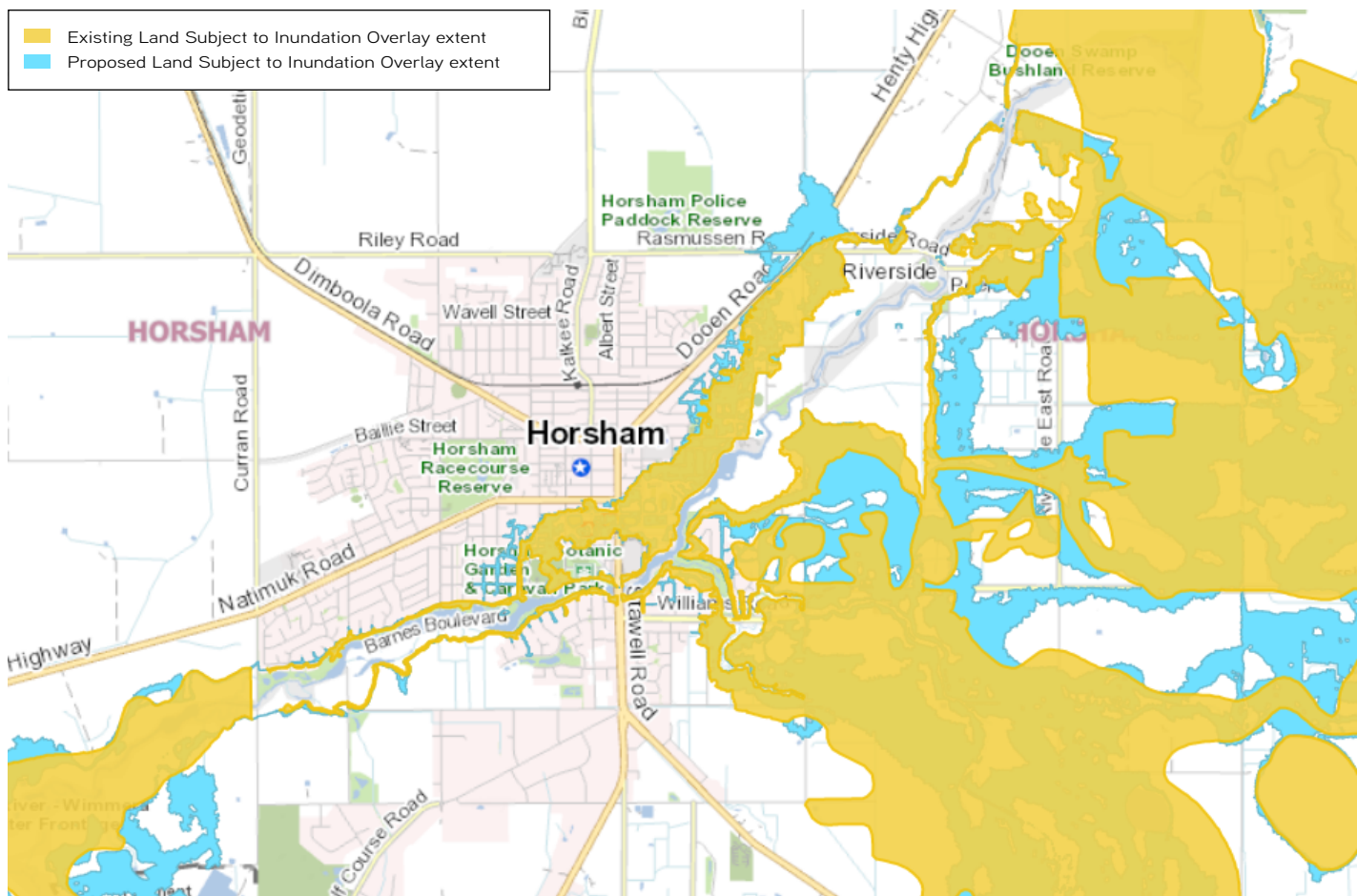
Planning Scheme Policy

The six flood studies will also become reference documents within the Horsham Planning Scheme at Clause 02.03-3 (Environmental risks and amenity) and listed documents in Clause 72.08 (Background Documents). This will provide background information to assist in understanding the context for planning controls for flood prone land.

Special Building Overlay (Horsham Township)



Land Subject to Inundation Overlay (Horsham Township)



Floodway Overlay (Horsham Township)

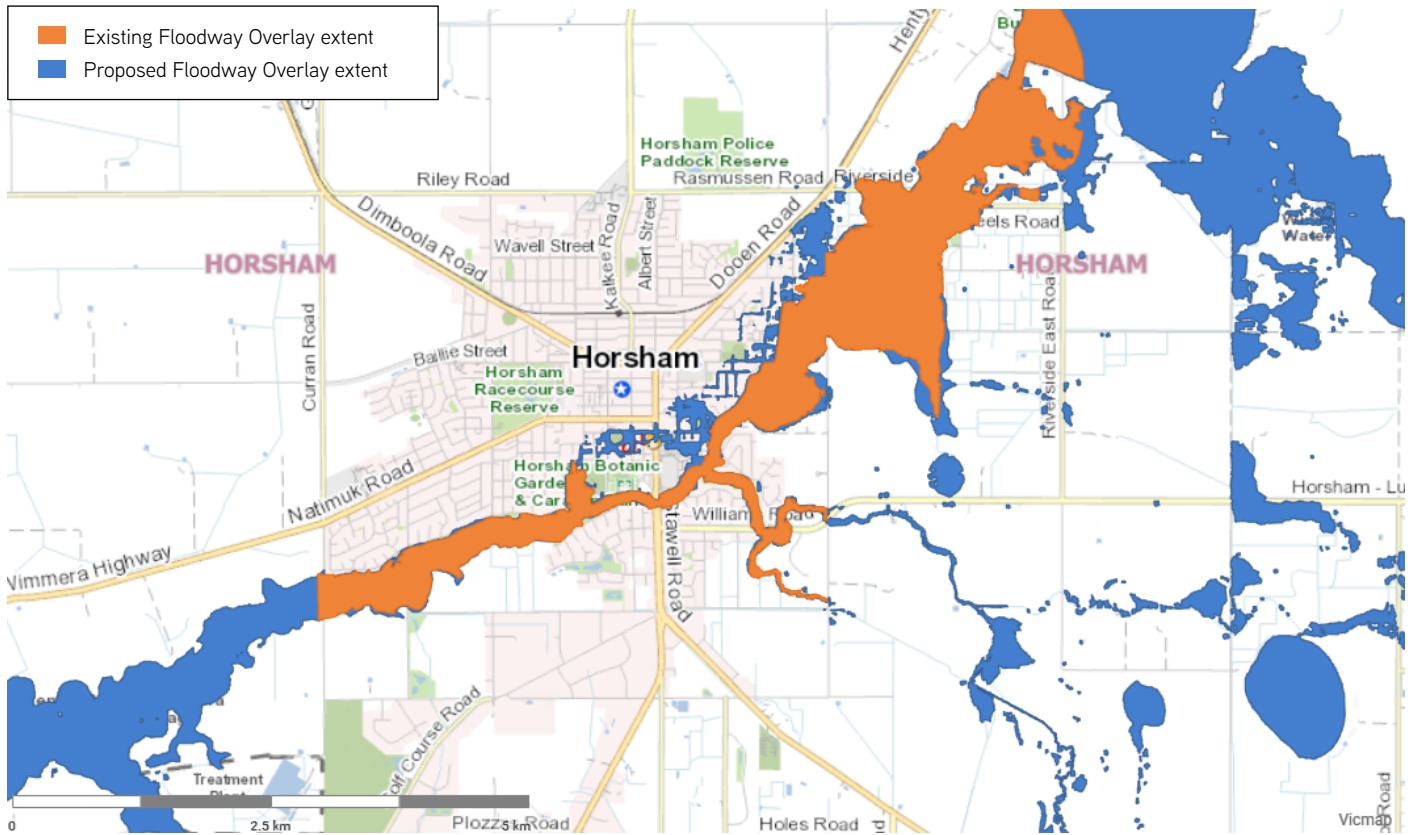


Figure 2 Land to be rezoned



Design Development Schedule 4 (Horsham Township)





Question 3: Why is Amendment C81hurs needed?

Flooding is a natural hazard, however, unlike most natural hazards, floods can to a great degree be predicted in terms of their location, depth and extent. This means that appropriate measures can be developed to reduce flood damage.

Land use planning is recognised as being a crucial tool in minimising flood damage. Planning can reduce flood risk to life, property and community infrastructure.

By updating planning maps and controls, both land owners and Council can make informed decisions and minimise the impact of flooding on new development. This means buildings and developments constructed are built to a standard that will protect them against future flooding.

These updates will also ensure that new development or works will not impact or alter the flow path of floodwaters to areas that would not normally flood.

Question 4: How were the Horsham Flood Investigations prepared?

The flood investigations are based on a combination of:

- Historical information (e.g. newspaper accounts, recorded peak flood levels);
- Physical conditions (e.g. ground contour information and aerial photography);
- Computer modelling; and
- Local knowledge

The flood investigations were prepared by expert hydrologists, with the guidance of the Wimmera CMA. During the preparation of the investigations, information sessions were held to obtain local knowledge of past events. You may have attended past drop in sessions to discuss these studies with the Wimmera CMA.

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



Question 5: What are the Floodway Overlay, Land Subject to Inundation Overlay and Special Building Overlay?

The FO, LSIO and SBO are three types of planning tools that are used in the Horsham Planning Scheme to define land that is subject to flooding. They aim to ensure that land is developed in a way that reduces flood damage to properties and community infrastructure as well as risk to life. The FO and LSIO are already applied to land in many parts of Horsham.

The overlays will trigger the need for a planning permit for proposed buildings, works and subdivision. Some permit exemptions are available for minor buildings and works.

The FO applies to mainstream flooding in both rural and urban areas. These areas convey active flood flows or store floodwater and have a higher potential flood risk. The FO is suitable for areas where there is less need for control over land use, and the focus is more on control of development.

The LSIO applies to areas where flooding is considered to be less severe. Generally this will be areas that have a lower flood risk and are likely to be covered by floodwaters which are less than 500 mm. Areas within the LSIO typically do not have high flow velocity and water will be either still or slow moving. It is proposed to apply the LSIO to flood fringe areas to ensure new buildings are designed in such a way that free flow of floodwaters can occur and flood damage is minimised.

The SBO applies to stormwater flooding in urban areas only. Drainage systems were previously designed to a lower standard than those used today. Often they were designed for a lower storm capacity. Land is often flooded when the capacity of the underground drainage system is exceeded.

These overlays will ensure that new developments:

- Maintain the free passage and temporary storage of floodwaters
- Minimise flood damage
- Are compatible with the flood hazard
- Will not cause any significant rise in flood level or flow velocity

All planning permit applications under the FO, LSIO or SBO will be referred to the Wimmera CMA as a determining referral authority. The Wimmera CMA will assess development proposals and provide a referral response (including appropriate permit conditions) to Council.



Question 6: What does it mean for me?

For many property owners the amendment proposes a revision to the current flood controls that already apply to your land. In many instances this results in a refinement in the extent of the flood controls. However, there are also properties which will see the application of flood controls that have not previously applied on their land, particularly around Dadswell Bridge, Laharum, Natimuk, Noradjuha, Riverside and Wonwondah.

The intent of the amendment is to direct new buildings and works to be located on flood free or land least affected by flooding to ensure new development is designed to minimise risk and damage from flooding.

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

Council and the Wimmera CMA will be able to provide accurate information on these projected flood levels. 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.



Question 7: 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, LSIO and SBO and where this can be demonstrated.
- To not be practical, be the 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 level.
- 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 an 800mm free height above ground level where flood levels.



Question 8: Does that mean everything needs a permit?

No, there are a number of land uses, buildings and works that are exempt from requiring a permit. If you are in any doubt, it is best you contact the Council's Statutory Planning Team to discuss planning permit requirements. 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 installation 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.

Question 9: What areas are affected by the Amendment?

The areas affected by the amendment are shown on the Horsham Planning Scheme Maps. There are a number of 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, FO or SBO.

You can use the interactive mapping tool on Council's webpage to view the proposed overlay mapping extent and what it means for you.

Question 10: Can I still build on my land?

The overlays will trigger the need for a planning permit. It will ensure that any future development or redevelopment of your property is carried out in a manner that recognises the location of areas that may be subject to flooding. Requirements for any proposed development will depend upon the flooding characteristics of the land such as water depth and flow velocity, and the nature of the development proposed. Typically new development will be allowed provided floor levels are above the flood level.

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, in most cases 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.



Question 11: 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 the decision making process which determines whether or not 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.

Question 12: Can I still farm on my land?

Yes, you can definitely continue to farm your land. This amendment will have no impact on grazing or cropping. It will affect new built structures such as sheds and fences and works such as earthworks and mounds.

Question 13: My property has not flooded before, so why is it mapped?

The maps are based upon the extent of flooding that would result from a 1% AEP event, and is based on modelling that considers flood flows and depths as well as topography and structures such as levy banks.

This data is the most up to date and accurate information on flooding. The flood modelling is based on a 1 in 100 year flood event and is considered a very large, rare flood event. This is the accepted standard that must be applied for flood management in Victoria.

Question 14: Will I be able to get insurance/ will it affect my insurance?

Insurance providers typically have access to the same flood information derived from a flood investigation, regardless of whether the flood mapping is in the Planning Scheme.

Each insurance company has their own process for calculating their premiums, so it is best to speak directly with your insurance provider.

Individual insurers decide what criteria they use to determine flood risk and calculate premiums. This may include historical flood information, claims history and building type.

Please contact your insurance provider to discuss your property circumstances and insurance.

For more information refer to the Insurance Council of Australia's brochure entitled *Flood Insurance: Are you covered? Information for Consumers* available at <https://www.insurancecouncil.com.au>



Question 15: Does this mean that my land will be impacted by flooding?

If your land is in the LSIO, FO or SBO it does not necessarily mean that you are going to be regularly flooded. It does mean that in the event of a significant flood event your land is likely to be subject to flooding.

Council, in partnership with the Wimmera CMA, is continuing to undertake research into ways to best manage flooding when it does occur.

Question 16: Will my property values be affected?

The designation of an area as subject to inundation does not cause or change the likelihood of flooding but recognises the existing condition of land and its potential to be inundated in certain rainfall, storm or extreme high tide events.

There are many factors that influence property values and people's interest to live in certain locations. It is difficult to determine whether the introduction of the new planning controls would have an adverse effect on existing property values.

The value of any property is determined by the complex interplay of many different factors such as location, streetscape and amenity, and it is difficult to assign what effect if any, the identification of land as liable to flooding may have on the value of a property. Properties are not uniformly affected by flooding and this may depend upon the frequency or severity of flooding, any implications for development or redevelopment, historical flood events, etc.

Question 17: Where can I find more information?

An information kit has been provided on the Horsham Rural City Council website, which includes a copy of the proposed planning controls, an "Explanatory Report" that explains background to Amendment C81 and the formal public notice.

A full copy of the Amendment and flood investigations can be viewed on:

- Council website at www.hrcc.vic.gov.au/c81-Flood-Amendment
- The Department of Environment, Land, Water and Planning's (DELWP) website (www.delwp.vic.gov.au/public-inspection).

A hard copy of all the amendment documents and the flood studies can be viewed at the Horsham Rural City Council Civic Centre Offices located at 18 Roberts Avenue, Horsham.



Question 18: 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 notifications stage. This stage will run from 17 November 2022 to 20 December 2022. 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 all submissions received. If Council and Wimmera CMA determine that the amendment can be modified to resolve issues raised in the submissions, whilst still meeting the need to identify flood prone land, then Council will make those changes.
3. If submissions cannot be resolved, Council will request the Minister for Planning to appoint an Independent Panel to review the amendment and submissions.
4. The Panel Hearing process will allow all submitters to be heard. If you made a submission, Planning Panels Victoria will send you a form, requesting if you would like speak at the Panel Hearing. This is not compulsory. The Panel will consider all written submissions.
5. 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 request approval from the Minister for Planning.

Question 19: What if I want to object to the Amendment?

If you disagree with, or wish to object to all or any part of Amendment C81hors, you have the right to make a submission. If you wish to express your support the amendment you can also make a submission.

All submissions must be received in writing, either by letter, email or via Council's online form. Your submission must include reasons as to why you are making the submission and note any changes that could be made that would resolve your issues. Also, you must provide your postal address, 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 20 December 2022, which is the last date for submissions.

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



Have your say

Submissions must be provided in writing and include:

- Your name and address
- The grounds on which the amendment is supported or opposed including any supporting evidence
- If opposed clearly indicate what changes (if any) you wish the Council to make to the amendment.

Submissions are public documents and can be circulated to other parties. Submissions must be received by Tuesday 20 December 2022 and can be submitted by:

- Filling out the online form at www.hrcc.vic.gov.au/c81-Flood-Amendment
- Emailing to strategic.planing@hrcc.vic.gov.au
- Mailing to:
Strategic Planning Team
Submission to Amendment C81hors
Horsham Rural City Council
PO Box 511
Horsham VIC 3402

Contact Details

Please email the Strategic Planning Team with any of your queries in regards to this amendment.

strategic.planning@hrcc.vic.gov.au

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