

25/07/2019
C106well

SCHEDULE 1 TO CLAUSE 44.03 FLOODWAY OVERLAY

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

1.0 Floodway objectives to be achieved

--/--/----
Proposed C125well

To identify and manage development of land subject to riverine, coastal and overland flooding with a depth of 0.3 metres and above during a 1 per cent AEP flood event, including those areas subject to the future impacts of climate change.

To ensure development is commensurate with flood risk by responding appropriately to the site specific flood hazard.

To minimise potential flood risk or damage to life, health and safety associated with development.

2.0 Statement of risk

--/--/----
Proposed C125well

The Floodway Overlay delineates land where flood depth during a 1% AEP will be 0.3metres or above, and where new development should be carefully managed, if not avoided.

Further development of land within the area delineated by the FO1 is likely to worsen the social and economic consequences of floods into the future.

3.0 Permit requirement

--/--/----
Proposed C125well

A permit is not required for any of the following:

Dwellings

A single dwelling (excluding any fill) on a vacant lot within a residential zone provided that all of the following requirements are met:

- The finished floor levels of the dwelling (excluding outbuildings) is at or above the Nominal Flood Protection Level as specified in writing by the relevant floodplain management authority.
- The under-floor area of the dwelling will not restrict the free passage of flood water.
- Any other requirements specified in written advice from the relevant floodplain management authority.

Replacement Dwellings

A single replacement dwelling in a residential zone provided the floor level is at or above the Nominal Flood Protection Level set by the relevant floodplain management authority, and the replacement dwelling is sited within the building footprint of the existing or former dwelling.

Dwelling Extensions

An upper storey (not ground level) extension to an existing building.

The internal alteration of an existing building within the existing building footprint.

A ground floor extension to an existing habitable building (including a dwelling) provided:

- The proposed floor level is at or above the highest point of the existing floor level and the gross floor area of the extensions does not exceed 20.0 square metres,
- The owner/applicant enters into a section 173 legal agreement that will stipulate that:
 - Any dwelling extensions must have a minimum finished floor level of no less than 0.3 metres above the 1% Annual Exceedance Probability flood level as determined by the relevant floodplain management authority. No further extensions at existing floor level are permitted.

The agreement will bind the Applicant as the owner and must run with the land so that all successors in title are bound by the agreement. The applicant must contact Council's Planning Department via planning@wellington.vic.gov.au to prepare the section 173 legal agreement. The owner(s) must pay all reasonable costs of the preparation, execution and registration of the agreement. A copy of the updated Title Search incorporated the registered section 173 legal agreement from Land Victoria and or a dealing number and copy of the registered agreement from Land Victoria must be provided to the responsible authority.

Buildings

A non-habitable outbuilding (other than industrial or commercial) provided that all of the following requirements are met:

- The floor area is less than 20 square metres.
- Any other requirements specified in written advice from the relevant floodplain management authority.

A replacement building (excluding non-habitable outbuildings) provided that all of the following requirements are met:

- The floor level is at or above the Nominal Flood Protection Level as specified in written advice from the relevant floodplain management authority.
- The relevant floodplain management authority has advised in writing that the under floor area of the building will not restrict the free passage of flood water.
- The footprint of the replacement building is the same or less than the original building.
- Safe access from the building to emergency services and relief facilities is accessible during a 1% AEP flood event, to the satisfaction of the relevant floodplain management authority.

A deck or verandah associated with an existing dwelling that does not impede the flow of floodwaters and has a floor area no greater than 20 square metres.

A rainwater tank with a capacity of not more than 10,000 litres.

An upper storey extension to an existing building within the existing building footprint.

A pump shed.

An agricultural shed with permanently open sides.

Open style fencing (excluding paling fencing, brick, steel, colorbond style and concrete walls) and maintenance of existing fencing.

A replacement fence of the same materials as an existing fence, in the same location.

A mast, antenna, power pole, light pole, or telecommunication tower;

An outdoor sign or structure provided it does not alter flood flows or floodplain storage capacity.

A disabled access ramp.

Windmills and solar units in association with the use of the land for agriculture.

Works

Works ancillary to an existing building (including landscaping) that do not alter the surface profile by more than 150 millimetres.

Works associated with roads, roadsides or any other access way (public or private) that do not alter the existing surface level by more than 150 millimetres.

Works associated with roads, roadsides or any other access ways (public or private) carried out by a public authority that have received written consent from the floodplain management authority.

Earthworks associated with crop raising that do not alter the existing surface profile by more than 150 millimetres.

Earthworks in accordance with a whole farm plan approved by the responsible authority and floodplain management authority.

Works associated with vine or horticultural trellises or watering systems.

Routine and maintenance works that do not affect the height, length or location of a levee, embankment or road.

Roadworks or works to any access way (public or private), including construction of a driveway, vehicle crossovers, footpaths or bicycle paths if there is not change to existing surface levels or if the relevant floodplain management authority has advised in writing that the impact on flood storage will be negligible and the flow path will not be obstructed.

Buildings and Works undertaken by public authorities

Buildings and works undertaken by Gippsland Ports association with jetties, dredging maintenance boardwalks, landings, beach refurbishment, swing moorings, navigational aids, beacons and signs.

Works associated with bicycle pathways and trails undertaken by or on behalf of Wellington Shire Council that do not alter the existing surface level by more than 150 millimetres.

Buildings and works undertaken by or on the behalf of Parks Victoria and the relevant Aboriginal Corporation in accordance with a park management plan approved by the relevant floodplain management authority, or where buildings and works have otherwise received written consent from the relevant floodplain management authority.

4.0

---/---
Proposed C125well

Application requirements

The following application requirements apply to an application for a permit under Clause 44.03, in addition to those specified in Clause 44.03 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority.

An application to construct a building or construct or carry out works must be accompanied by:

- The flood risk report specified in Clause 44.03-4 which must be prepared by a suitably qualified person to the satisfaction of the relevant floodplain management authority.

Plans drawn to scale, which show:

- A location context plan showing the boundaries and dimensions of the site, surrounding uses and the layout of existing and proposed buildings and works.
- Elevation plans showing natural ground level, finished ground levels of any proposed buildings in relation to Australian Height Datum (AHD).
- A detailed site plan with 0.5 metre contour intervals showing the layout of existing and proposed buildings and works, including cut and fill and on-site wastewater management systems (including system types), watercourses and access roads, including proposed internal access roads.
- Any additional information requested in writing from the relevant floodplain management authority.

5.0

---/---
Proposed C125well

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 44.03, in addition to those specified in Clause 44.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority.

- Whether the proposal avoids risk to life and property.

WELLINGTON PLANNING SCHEME

- Whether the proposed use or development could be located on flood-free land or land with a less flood hazard outside this overlay.
- Alternative design of flood proofing responses.
- The susceptibility of the development to flooding and flood damage.
- The potential risk to life, health and safety associated with the development. Flood risk factors to consider include:
 - The frequency, duration, extent, depth and velocity of flooding of the site and access.
 - The flood warning time is available.
 - Tidal patterns.
 - Coastal inundation and erosion.
 - Climate change impacts
 - Sea-level rise.
 - Impact of flood event and isolation on occupants including operation of on-site wastewater management systems and access to services.
 - Scale of proposal included number of occupants and if they will reside permanently including overnight.
 - Vulnerability of occupants
 - The danger to the occupants of the development, other floodplain residents and emergency services personnel if the site of access is flooded.
 - The effect of the development on redirecting or obstructing flood water, stormwater or drainage water and the effect of the development on recurring flood storage and increased flood levels and flow velocities.
 - The effect of the development on river, marine and coastal health values included wetland, natural habitat, stream stability, erosion, environmental flows, water quality, estuaries and sites of scientific significance.