

SCHEDULE 1 TO CLAUSE 44.04 LAND SUBJECT TO INUNDATION OVERLAY

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

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Land subject to inundation objectives to be achieved

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

To ensure that any new development is suitably designed and located to ensure that it is compatible with the identified flood hazard, local drainage characteristics and commensurate with flood risk.

Protect human life and health and provide safety from flood hazards.

Minimise potential flood risk and damage to property and infrastructure.

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Statement of risk

The LSIO delineates land where flood depth is less than 0.3 metres during a 1% AEP flood event. Whilst this poses a lower risk to life, health and safety associated with development, inappropriate development in these areas can increase the flood risk and should therefore be carefully managed.

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Permit requirement

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 (NFPL) 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.
- Other requirements of specified in written advice from the relevant floodplain management authority.

Replacement Dwellings

A single or replacement dwelling (excluding fill) on a vacant lot where the land is not in a residential zone, provided it meets the requirements specified in written advice from the floodplain management authority, and includes:

- The floor level is at or above the Nominal Flood Protection Level (NFPL) set by the relevant floodplain management authority; and
- The new dwelling is sited within the building footprint of the existing dwelling or destroyed dwelling; and
- The under-floor area of the dwelling will not restrict the free passage of flood water.

Dwelling Extensions

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

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 ancillary to a dwelling (including a pergola, deck or verandah, open sided garage, carport or in ground swimming pool) provided that all of the following requirements are met:

- The finished floor level of the outbuilding must be at or above the existing natural surface level.
- The floodplain management authority has advised in writing that flood resistant materials will be used up to the NFPL.

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

- The floor area is less than 20 square metres or, where the floor area exceeds 20 square metres the finished floor level must be above the applicable finished floor level specified in written advice by the relevant floodplain management authority within the previous three months.

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

- The floor level is at or above the applicable finished floor level, as specified in writing advice by the relevant floodplain management authority.
- The relevant floodplain manager has specified in writing that the underfloor of the building will not restrict the free passage of floodwaters.

An agricultural farm building, or structure, with permanent open sides.

A rainwater tank with a capacity of not more than 10,000 litres (about the volume of a storage unit).

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

Open sports ground with no grandstands or raised viewing areas, playgrounds, picnic shelters and barbecues.

A pump shed.

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

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

A disabled access ramp.

Fences

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

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

Works

Works ancillary to an existing building, including landscaping and pathways that do not alter the existing 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 service 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.

Buildings and Works undertaken by public authorities

Buildings and works undertaken by Gippsland Ports associated with jetties, 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 which do not alter the existing surface level by more than 150 millimeters.

Buildings and works undertaken by or on behalf of Parks Victoria or 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.

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Application requirements

The following application requirements apply to an application for a permit under Clause 44.04, in addition to those specified in Clause 44.04 and elsewhere in the scheme and must accompany an application, as appropriate to the satisfaction of the responsible authority and relevant floodplain management authority (unless otherwise agreed in writing):

- 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 0.5metre 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.

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Decision guidelines

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None specified