

Attachment 1 –Assessment of Submissions to Amendment C81: Wangaratta Flood Study

Land Affected	Submission Details	Changes requested	Officer comments	Recommendation
<p>Submission 1</p> <p>59 Ivones Lane, Milawa</p> <p>398 Markwood Tarrawingee Road, Milawa</p>	<p>Objects to Amendment</p> <p>Submission considers that the proposed Flood Overlay is not accurate.</p> <p>The landowner has held the property for a long period of time with knowledge of what areas of the property are at risk of flood.</p>	<p>No specific changes requested. Landowner requests opportunity for further discussion.</p>	<p>A site meeting between Council and NECMA was held on 3 July 2020 with the submitter.</p> <p>Discussion with the submitter indicate the main concern relates to proposed change from LSIO to FO at the existing dwelling at 398 Markwood-Tarrawingee Road.</p> <p>Review of the flood modelling at this site shows that land immediately around the dwelling is subject to lesser flood depths than the remainder of the property, with depth < 0.5 m immediately around the dwelling. In developing the overlays it was decided to replace small patches (<1 ha) of LSIO surrounded by FO with FO. Recognising that this site is near the perimeter of the floodplain and contains an existing dwelling a small revision to apply LSIO over the dwelling site will be proposed to address the submitter's concern.</p> <p>This change has the potential to satisfy the submitters concern, subject to further discussions.</p>	<p>Modify the amendment to apply LSIO instead of FO over the existing dwelling at 398 Markwood Tarrawingee Road, Milawa.</p>

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Submission 2 1354 Great Alpine Road, Tarrawingee	Comments on the Amendment Believe that the existing Flood Overlay is not an accurate reflection of the 1993 flood levels, flood levels are approximately 4.2m higher than 1993 flood levels.	No specific change to the amendment	<p>The submission supports the Amendment on the grounds that the submitter believes that the existing overlays (which cover their house) are incorrect and exceed the 1993 flood height by up to 4.2 metres. The proposed overlay for the property will reduce the flood extent and will reflect the 1993 condition and will remove overlays from the landowners dwelling.</p> <p>The submission is considered to be supportive of the amendment.</p>	No change

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<p>Submission 3</p> <p>55 Fisher Lane, Wangaratta East</p> <p>(submission relates to overlays at 44 Fisher Lane, Wangaratta East)</p>	<p>Objects to Amendment</p> <p>Submission objects to the Amendment on the grounds of omission of a particular property adjoining the submitter (at 44 Fisher Lane) from the Floodway Overlay. The submission states that the adjoining property at 44 Fisher Lane should be mapped as flood prone given observed historical flooding of the property, that it is in the direct path of Crab Hole Creek and adjoins the Ovens River.</p> <p>The submission also raises a number of other issues for the property and concerns given its flood prone nature, including development of land, temporary structures, placement of fill, application of fertiliser, observed building footing failure and restriction of flows to the submitters property.</p>	<p>Does not specifically request a change, however the submission raises concern that the adjacent land is not mapped as flood prone despite observed flooding.</p> <p>Queries Council obligations towards perceived unauthorised building, filling and damage from flood on adjoining properties.</p>	<p>This submission raises a variety of issues relating the adjoining property at 44 Fisher Lane. The adjoining landowner has not made a submission to the Amendment, however given the issues raised by the submitter, it is appropriate to consider these issues.</p> <p>Council officers have referred the submission to NECMA for consideration of the application of the FO to the land at 44 Fisher Lane.</p> <p>The property at 44 Fisher Lane is currently completely covered by overlays (predominantly FO with a small area of LSIO adjacent Fisher Lane) and will remain completely covered by overlays (predominantly FO with a reduced area of LSIO, now only around the existing dwelling and sheds).</p> <p>The inclusion of LSIO around the existing sheds is based on the flood study, informed by LiDAR which shows 1% AEP flood depths marginally less than the 0.5m depth threshold applied throughout the amendment area.</p> <p>NECMA agrees that the property at 44 Fisher Lane is completely flood prone in the 1% AEP event and considers that the FO/LSIO as proposed to cover the entire property is appropriate based on the flood characteristics determined by the flood study.</p>	<p>No change</p>
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<p>Submission 4</p> <p>95 Ushers Drive, Waldara</p>	<p>Objects to Amendment</p> <p>The submitter has previously reviewed and marked the high water level of the 1993 floods. The proposed flood extents of the Amendment considerably exceed the flood height markings that were made by the submitter. Concern that the altered flood mapping will affect the ability of the submitter to subdivide the land in the future.</p>	<p>Requests consideration of changes to the flood mapping.</p>	<p>Council officers referred the submission to NECMA for further consideration. Officers of NECMA undertook a site inspection with the submitter on 3 June 2020 and subsequent investigations were undertaken for the property. Upon further investigation, NECMA advised the submitter that based on the flood data modelling and available topographic information the mapped LSIO provides a locally poor representation of the topography. This was determined to be a result of 'smoothing' that is applied to the LSIO boundary in the flood modelling process. The modelling was not able to address the small scale topographic features of the land.</p> <p>NECMA have subsequently presented a proposed change to the LSIO boundaries to reflect the local topography. The submitter has agreed to the proposed change.</p>	<p>Modify</p> <p>the LSIO map as it applies to the land 95 Ushers Drive, Waldara</p>

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<p>Submission 5</p> <p>203 Markwood Everton Road, Everton</p>	<p>Objects to Amendment</p> <p>Submission objects to the proposed extension to the current overlay of Floodway Overlay along the Markwood-Everton Road in the vicinity of the existing dwelling.</p> <p>Submitter has reviewed the Flood Study and does not believe that there is any data to support the proposed changes to the FO as proposed in relation to the land. Concern is raised that the proposed changes are simply taken from the 1% AEP flood extent mapping and depth estimates without other considerations.</p> <p>The submitter has lived at the property since 1996 and experienced several major flood events and notes that the land within the proposed LSIO experience less than 20 cm flood depths with no velocity, and have impact on flood discharge or floodplain capacity.</p>	<p>Objects to the extension of the flood overlays on the land.</p> <p>Requests the existing areas mapped as FO be retained as these areas are subject to depths of up to 20cm.</p>	<p>Council officers referred the submission to NECMA for further consideration.</p> <p>The detail of the requested changes has not been discussed with the submitter at this stage. The overlays as proposed are based on the flood study information, calibrated to the 1993 flood event referred to by the submitter and taking into account depth, velocity and hazard. NECMA considers that the proposed overlays improve the quality of mapping available in the area but will discuss with the submitter.</p>	<p>No change</p> <p>Discuss with submitter to understand requested changes and consider if local amendment can be accommodated.</p>

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<p>Submission 6</p> <p>9 Carboor Everton Road, Everton</p>	<p>Objects to Amendment</p> <p>Submission objects to the Amendment as a recent Permit Application for a dwelling was issued in 2018 and subsequent certificate of occupancy issued in June 2020. The site of the dwelling is currently LSIO however is proposed to be within the FO.</p> <p>Submission raises primary significant concern that the application of the FO will lead inability to insure and rebuild if the dwelling is destroyed.</p> <p>Submission also raises concern with the accuracy of the flood mapping. The submitter has resided on the property for a long period of time and has observed information of where the flood line is from various flood events. Notes that existing outbuilding have not been affected by flood (inclusive of the 1993 flood event).</p> <p>States a difference of 1.05 metres between proposed flood mapping and TBM spike (at highest point of the levee) and 1% AEP level.</p> <p>Considers the amendment to be unfair and unreasonable given a permit was issued for a dwelling under the LSIO and now change to FO.</p>	<p>Requests revision to the FO to exclude the newly constructed dwelling on the property.</p>	<p>The submitter made initial enquiry of Council regarding flooding information under the proposed Amendment. A subsequent objecting submission was received.</p> <p>Council officers referred the submission to NECMA for further consideration. NECMA has consulted with the submitter and provided information to support the proposed mapping as it applies to the submitters property. Opportunities to meet on-site and discuss with NECMA have not been taken up by the submitter.</p> <p>Modelling is consistent with 1993 flood conditions in this area. Demarcation between FO and LSIO is driven largely by depth (not flow velocity) in this area and depth locally exceeds the 0.5m threshold around the dwelling and downstream of the Carboor-Everton Road.</p> <p>It is noted that the submitters have a permit for the existing dwelling and an occupancy certificate for the dwelling. The submitter has the benefit of this approval despite any changes to the flood overlays. The flood data for the land indicates that the land is subject to flood risk and for the reasons above, it is appropriate that the FO be placed on the land to recognise and respond to this risk. Any future proposal on the land would be subject</p>	<p>No change</p>
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			to a planning permit and consideration of the relevant matters.	
Submission 7 21 & 23 Valorise Avenue, Wangaratta	<p>Comments on the Amendment</p> <p>The land contains a dwelling and within close proximity to One Mile Creek. Submitter is aware of major works which have been undertaken at One Mile Creek to divert water from the township in flood events, along with further works after the major 1993 flood event.</p> <p>Expectation of the submitter is that flood extents to the township should be reducing rather than increasing as per the Amendment.</p> <p>Notes that both the FO and LSIO are now covering more of the land than existing. Submits that the risk of flooding to the land is lower than before and FO and LSIO should be reduced.</p>	<p>Requests that the FO and LSIO be reduced.</p>	<p>The submitter made an initial enquiry of Council regarding flooding information under the proposed Amendment. A subsequent objecting submission was received.</p> <p>Council officers referred the submission to NECMA for further consideration.</p> <p>NECMA received a flood information request from the submitter on 11 June 2020 and provided a detailed response on 22 June 2020 outlining the factors considered and likely conditions applied for redevelopment on the site.</p> <p>The submitter acknowledged and expressed appreciation for the response. NECMA subsequently called the submitter on 21 July 2020 and the submitter advised that flood information response had addressed concerns and no longer required resolution of C81 submission. Submitter was requested to email Council to confirm this.</p>	<p>No change</p>

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<p>Submission 8</p> <p>13 Walter Street, Wangaratta</p>	<p>Comments on the Amendment</p> <p>Notes confusion over the application of the LSIO to the property. The land was affected by flooding in 1993, however there has been flood mitigation works to protect properties along Walter Street. The works include a flood wall connected to the levee bank system.</p> <p>Submits that the designation of this area as being subject to inundation no longer applies.</p>	<p>Amend controls (with the view to remove them) to account for flood mitigation works (flood wall and levee bank)</p>	<p>Council officers referred the submission to NECMA for further consideration.</p> <p>Investigation by NECMA confirmed that the existing levee was built to 1993 level with no freeboard. Modelling within the WUWFI included the levee however the crest levee enforced in the model was marginally lower than it should have been adjacent the subject property, resulting in the modelled breakout through the site. Recognising the protection provided by the levee (crest level approx. 200mm above modelled 1% AEP level) the proposed LSIO will be removed from the Walter Street / Sunset Drive area protected by the levee.</p> <p>Council have contacted the submitters to provide this advice and explain the proposed changes.</p>	<p>Modify</p> <p>the LSIO map as it applies to the land at Walter Street & Sunset Drive area.</p>

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<p>Submission 9</p> <p>101 Jordans Lane, Wangaratta</p>	<p>Objects to Amendment</p> <p>Submission raises concern in relation to the proposed mapping for the Amendment. The land to north of the submitter is identified in the Draft Low Density and Rural Residential Housing Strategy to be considered for rezoning to Low Density Residential. This adjacent land was subject to flooding in 1993 and is not shown as flood prone.</p> <p>Concerned that potential development of the adjacent property for residential will involve filling of land and cause increased risk of flooding to the submitters property.</p>	<p>Investigate the mapping further based on observed conditions and why a flooding overlay is not applied to the adjoining property.</p>	<p>Council officers referred the submission to NECMA for further consideration.</p> <p>NECMA advised that lot referred to in the submission is only marginally impacted by flooding from Three Mile Creek in the south-west corner. There is no significant change in overlay between existing and proposed mapping.</p> <p>In relation to the main concern raised in the submission regarding low lying depressions along the eastern boundary of the lot, these features are not subject to flooding from Three Mile Creek, as they are above 1% AEP level (actually above 0.5% AEP level), and it is not considered reasonable to apply FO or LSIO based on assessment of riverine flooding in the area.</p> <p>It is noted that these depressions (along with significant coverage of large native trees and potentially wetland vegetation) should be protected in any future development. This should be considered under any future development proposal of the land.</p>	<p>No change</p> <p>Council to make contact with the submitter to discuss concerns in context to the Draft Wangaratta Low Density and Rural Residential Strategy and how these issues may be addressed through the strategy.</p>

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<p>Submission 10</p> <p>59 Jordans Lane, Wangaratta</p>	<p>Objects to Amendment</p> <p>Similar to submission 9, this submission expresses concern with the lack of flood overlay to adjoining land and potential for intensification leading to increased flood risk.</p> <p>The land to the north of the submitter is identified in the Draft Low Density and Rural Residential Housing Strategy to be considered for rezoning to Low Density Residential and was subject to flooding in 1993 but is not shown as flood prone.</p> <p>Concerned that potential development of the adjacent property for residential will involve filling of land and cause increased risk of flooding to the submitters property.</p>	<p>Investigate the mapping further based on observed conditions and why a flooding overlay is not applied to the adjoining property.</p>	<p>This submission raised identical issues to that of Submission no 9, and was made by another neighbour.</p> <p>Council officers referred the submission to NECMA for further consideration.</p> <p>As above, NECMA advised that the lot referred to in the submission is only marginally impacted by flooding from Three Mile Creek in the south-west corner. Based on the assessment of the site and consideration of the modelling, it is not considered reasonable to apply FO or LSIO based on assessment of riverine flooding in the area.</p>	<p>No change</p> <p>Council to make contact with the submitter to discuss concerns in context to the Draft Wangaratta Low Density and Rural Residential Strategy and how these issues may be addressed through the strategy.</p>

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<p>Submission 11</p> <p>340 Markwood Tarrowingee Road, Milawa</p>	<p>Objects to Amendment</p> <p>The submission states that the south western corner of the submitters land has never flooded, based on landowner observations.</p> <p>Flood overlays have been historically applied to the land known as 'The Terraces' in Tarrowingee, however this land is known by local landowners to be 2 metres above observed flood levels. Questions the accuracy of the flood mapping.</p> <p>Makes a number of comments on NECMA and Council relating to previous decision making and operational matters.</p>	<p>Requests removal of LSIO from property.</p>	<p>This submission is made by the neighbour of submitter 1, discussed above. A site meeting was held with Submitter 1 on 3 July 2020 and was also attended by Submitter 11, with Submission 11 received after the meeting. The reference to overlays in 'The Terraces' area of Tarrowingee relates to the existing overlays derived from historic mapping approximately 20 years ago. The proposed overlays address this historic inaccuracy.</p> <p>In relation to the Submitter's property at 340 Markwood-Tarrowingee Road, it is agreed that flooding in the south-west corner of the property is shallower than over the remainder of the property but imagery from 1993 (supported by the modelling) shows that the area has been subject to flooding. It is considered appropriate to apply LSIO in this area as proposed but this should be discussed with the submitter.</p>	<p>No change</p>

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<p>Submission 12</p> <p>13 Bronmar Street, Wangaratta</p>	<p>Objects to the Amendment</p> <p>Submission objects on the basis that the proposed flood overlays do not reflect the true extent of flooding for the property. The submitters have resided at the property and have observed various flooding events.</p> <p>Submission concludes that the existing flood overlays are reflective of flood extent.</p>	<p>Retain existing flood overlay extents on the property.</p>	<p>Officers provided comments to the submitter during the exhibition period regarding the flood modelling and identified levels. Council officers also referred the submission to NECMA for further consideration.</p> <p>Council and NECMA met on site with the submitters to provide further information in relation to the modelling and impact on the site. Specifically it was noted that the current overlays do not accurately represent site topography and site impact (FO was apparently trimmed to avoid covering residential lots in this area) and the proposed overlays more accurately reflect flood risk within the property.</p>	<p>No change</p>

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<p>Submission 13</p> <p>42 Edwards Street, Wangaratta</p>	<p>Supports the Amendment in part and requests changes</p> <p>The submission supports the proposed amendments to the LSIO in relation to the eastern portion of the submitters land which is between the Wangaratta Glenrowan Road and the Melbourne to Sydney railway line.</p> <p>Comments that there has been a decline in maintenance of the Fifteen Mile Creek channel and due to the flows in the area has led to increased flows of water into the submitters land. Requests urgent creek bed maintenance to restore the original flow of water in the Fifteen Mile Creek and reduce impact on the surrounding area.</p> <p>Submission requests that the LSIO be modified in the north western portion of the land, to remove an area between two dams south of Gravel Pit Road. Submitter notes this area as being described as a 'high red bank' and to their knowledge and observation has not been subject to flooding or inundation.</p>	<p>Requests removal of the LSIO</p>	<p>Supporting component of the submission is noted.</p> <p>Council officers referred the submission to NECMA for further consideration in relation to the requested changes to the LSIO. The area where the submitter requests removal of LSIO from an area of 'high red bank' is recognised as not being subject to flooding however this area is small (2.2ha) and is an island of higher ground surrounded by lower lying land which is subject to flooding. As such, it is considered appropriate to apply LSIO in recognition of the isolated nature of the site.</p>	<p>No change</p>
<p>Submission 14</p> <p>DELWP</p>	<p>No objection</p> <p>DELWP notes the scope of the amendment, has reviewed the documentation and offers no objection.</p>	<p>None</p>	<p>Comments of CFA are noted</p>	<p>No change</p>

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Submission 15 CFA	No comments Not impacted by the amendment and there will be no impact on bushfire or service delivery of the CFA	None	Comments of CFA are noted	No change
Submission 16 Goulburn Murray Water	No objection to amendment Requests change The submission generally supports the amendment although requests that the requirement for a minimum 30 metre setback from any waterway for the construction of a pergola, verandah, deck or carport associated with an existing dwelling be included in the schedule to the Land Subject to Inundation Overlay as well as the Floodway Overlay.	Requests change to the LSIO Schedule to include the requirement for a minimum 30 metre setback from any waterway for the construction of a pergola, verandah, deck or carport associated with an existing dwelling consistent with the Floodway Overlay	<p>The request by GMW is for the inclusion of the 30 metre waterway setback in the LSIO schedule, consistent with the FO. However, given the operation of the FO and LSIO schedules, it is noted that the 30 metre setback is only included as a trigger. That is, if the particular works are proposed within 30 metres of a waterway, a permit will be required.</p> <p>Council would support revising the LSIO schedule so that it maintains consistency with the FO, however the revision is not proposed to introduce a mandatory setback for development.</p> <p>Any development that does not meet the exemptions listed in the schedule would be subject to a permit assessment process.</p>	<p>Modify the LSIO Schedule to: <i>A permit is not required to construct or carry out the following buildings or works:</i></p> <p>...</p> <p><i>The construction of a pergola, verandah, deck or carport associated with an existing dwelling <u>provided that the works are located more than 30m from any waterway</u></i></p>