Planning Practice Note 11a

Planning Permit Applications Under the Original Flood Provisions

October 2026

This practice note explains how to apply for and assess a planning permit on land prone to flooding

PPN11a

This practice note provides guidance about the original Urban Floodway Zone, Floodway Overlay, Land Subject to Inundation Overlay and Special Building Overlay.

As part of Victoria's statewide flood reforms announced by Government in October 2025, the Flood Management Zone and Flood Management Overlay have been prepared. The new provisions will be implemented through new or updated flood studies. During this transition, different areas of Victoria will be subject to either the new or the original provisions.

For advice relating to the Flood Management Zone or Flood Management Overlay, please refer to Planning Practice Note 11b.

Flood risk must be considered in planning decisions to reduce risk and avoid intensifying the impact of flooding through inappropriately located use and development. Areas prone to flooding should be identified in planning schemes with appropriate controls on the use and development of land through the use of Victoria Planning Provisions (VPP) flood provisions.

Local floodplain development plans can be prepared and incorporated into planning schemes to guide decision-making on applications for development on land prone to flooding.

Land use planning is one mechanism that is used to minimise the risk of flooding to life and property. It is also a means of protecting the environmental and hydrological values of the floodplain as part of an overall catchment strategy.

Abbreviations

AEP:	Annual Exceedance Probability
CMA:	Catchment Management Authority
FMA:	Floodplain Management Authority
FO:	Floodway Overlay
LSIO:	Land Subject to Inundation Overlay
PF:	Planning Policy Framework
PMF:	Probable Maximum Flood
SBO:	Special Building Overlay
UFZ:	Urban Floodway Zone

What are the relevant flood provisions?

The flood provisions include:

1. State Planning policy (clause 13.03 – Flood)
2. Any Municipal Planning Strategy and Local Planning Policy
3. Urban Floodway Zone (clause 37.03)
4. Floodway Overlay (clause 44.03)
5. Land Subject to Inundation Overlay (clause 44.04)
6. Special Building Overlay (clause 44.05)
7. Decision guidelines (clause 65)
8. Referrals and Notice Provisions (clause 66)

State Planning Policy

The state planning policy for flood in clause 13.03 of the Planning Policy Framework (PPF) provides the broad framework for the integration of flood policy and provisions into the planning scheme. It provides guidance on how land prone to flooding should be treated in planning schemes and in planning decisions. Flood risk must be considered when decisions are made about the use and development of land.

The objective of the policy is to strengthen the resilience of settlements and communities to flood through risk-based planning that prioritises the protection of human life.

Its overarching strategy is to prioritise the protection of human life over other policy considerations when assessing the risk for flood in high, very high and extreme flood risk areas.

Other key strategies include:

- ensuring development, access and built form design are resilient to the impacts of flood and future climate conditions
- avoiding locating particular uses within the 1 per cent Annual Exceedance Probability (AEP) (1 in 100 year) flood extent or Probable Maximum Flood (PMF), such as community facilities that accommodate vulnerable people, emergency services and those which involve the storage of hazardous materials with industrial or agricultural uses.

The level of flood risk should be reflected in the type of flood provisions that have been applied to the land, based on information from Floodplain Management Authorities (FMA). Where accurate flood information is not available, but the land is known to be subject to flooding, flood risk should still be considered in decision-making.

What is a 1 per cent AEP flood?

A 1 per cent AEP (1 in 100 year) flood is a major flood event that has a 1 per cent chance of being equalled or exceeded in any given year. It is the primary design flood event for planning and building purposes and used as the basis for:

- defining the Urban Floodway Zone (UFZ) and flood overlays in planning schemes
- declaring flood levels and flood fringe areas under the *Water Act 1989*
- designating flood-prone areas and setting minimum building floor levels under the *Building Act 1993*.

What is the Probable Maximum Flood?

The Probable Maximum Flood (PMF) is the maximum possible extent and height of flooding. The PMF defines the largest flood that could conceivably occur at a particular location and normally covers a greater area than the 1 per cent AEP (1 in 100 year).

Municipal Planning Strategy and Local Planning Policy

The Municipal Planning Strategy may highlight local flooding issues identified in the Regional Catchment Strategy, any floodplain management plans developed by the Catchment Management Authority (CMA) and the council's objectives and strategies for flooding.

Councils may also use a Local Planning Policy for flooding in clause 13.03-1L to guide decision-making on applications for planning permits areas prone to flooding.

Flood requirements

The UFZ and flood overlays provide different rules related to the flood risk and the type of hazard.

These provisions will specify whether a permit is required for a particular use or development, including the construction of buildings or carrying out of works or the subdivision of land. In assessing a planning permit application, the council needs to consider a range of matters, including the requirements of any local floodplain development plan.

General guidelines for development

The following guidelines have been prepared by the Victorian Government and Melbourne Water to assist councils, the FMA, Melbourne Water and proponents in achieving best practice outcomes for development on land prone to flooding:

- *Guidelines for Development in Flood Affected Areas* (Department of Environment, Land, Water and Planning, February 2019)
- *Sea Level Rise Guidelines – Interim Development Assessment Principles* (Melbourne Water, February 2023).

The above guidelines provide a clear and consistent approach to managing land use and development in areas prone to flooding, including subdivisions, buildings and works or in developing local floodplain development plans.

The *Building Regulations 2018* also include flood-related responsibilities for councils such as, the assessment of the flood risk of a site subject to flooding and the setting of minimum floor levels in consultation with the relevant FMA. These requirements should be known at the time a planning permit application is being prepared.

Section 188B of the *Building Act 1993* provides the Minister for Housing and Building with powers to declare regions of Victoria as a designated flood-prone area. Upon designation of the flood-prone area the *Construction of Buildings in Flood Hazard Areas 2012.3* (Australian Building Code Board, 2019) standard will apply to development irrespective of whether a planning permit is required.

Urban Floodway Zone

The UFZ applies to mainstream flooding in urban areas where the primary function of the land is to convey active flood flows. It also applies to urban floodway areas where the potential flood risk is high due to the presence of existing development or pressures for new or more intensive development. Unlike the overlays, the UFZ controls land use as well as development, with land use being restricted to low intensity uses such as recreation and agriculture. Development is generally not encouraged in the UFZ.

Floodway Overlay

The Floodway Overlay (FO) applies to mainstream flooding in both rural and urban areas. These areas convey active flood flows or store floodwater in a similar way to the UFZ, but with a lesser flood risk. The FO is suitable for areas where there is less need for control over land use and the focus is more on the control of development. Particular types of development are not encouraged in floodway areas; however, as this overlay is for rural as well as urban application, some buildings and works associated with low intensity uses (such as agriculture) may be permitted. Key considerations include whether the development will obstruct flood flows or increase flood risk.

Land Subject to Inundation Overlay

The Land Subject to Inundation Overlay (LSIO) applies to mainstream flooding in both rural and urban areas. In general, areas covered by the LSIO have a lower flood risk than UFZ or FO areas. The LSIO can also be used as an interim measure to identify areas prone to flooding where detailed information to define the floodway is not available.

Special Building Overlay

The Special Building Overlay (SBO) applies to stormwater flooding in urban areas only. With the redevelopment of existing urban areas and the proposed development of new areas, there is growing pressure to develop within overland flow path areas. The purpose of the SBO is to set appropriate conditions and building floor levels to address the flood risk and to ensure that flood waters are not obstructed or diverted by development.

Decision guidelines

Clause 65 of the planning scheme extends the consideration of flood issues to all planning permit applications regardless of whether the site is affected by a UFZ or overlay. Clause 65 requires that for the approval of an application or plan, the council must consider, among other things, the degree of flood risk associated with the location of the land and the use, development or management of the land so as to minimise flood risk.

In addition to clause 65, the UFZ and overlays contain their own decision guidelines that the council must consider when assessing an application. The LSIO and SBO contain more detailed decision guidelines in the absence of the requirement for a flood risk report.

What activities require a permit on land prone to flooding?

Land use

Regulating land use helps to reduce risk to human life and limits asset losses from flood.

Increasing the intensity of land use or a change in land use can increase flood risk, therefore in areas of highest flood risk and with a potential for land use intensification, it may be appropriate that land use is restricted. As with any other zone, the UFZ controls the use of land in identified floodway areas. In all other circumstances, the zone operating with the flood overlay will control land use.

Buildings and works

Structures such as dwellings, commercial and industrial buildings, earthworks, levees, fences, roads and channel embankments can interfere with the free passage of floodwater resulting in substantial flood damage and flood risk. They may also increase the number of people living in the floodplain. For these reasons, most buildings and works require a permit under the UFZ, FO, LSIO and SBO. Some buildings may not be allowed or may need to be redesigned or relocated to meet the objectives of the flood provisions. Building floor levels should be consistent with the *Building Regulations 2018*.

Some buildings and works are exempt from requiring a permit. This includes flood mitigation works carried out by the responsible authority or FMA, underground services and open-type fencing that is unlikely to interfere with flood flows. The schedule to an overlay may also exempt certain buildings and works.

The PPF requires that:

- **community facilities** (including residential aged care facilities, community shelters, child care centres and schools) be located outside the 1 per cent AEP (1 in 100 year) flood extent, unless flood risk can be safely managed through appropriate siting, access and design
- **emergency services and essential infrastructure** (including ambulance, police and fire stations and hospitals) be located outside the 1 per cent AEP (1 in 100 year) flood extent and where practicable above the PMF level. Where this is not practicable they should be:
  - sited in areas of relatively low flood risk
  - designed to minimise risk and maintain safe access and operational continuity during and after floods.

Earthworks

Earthworks include land forming, laser grading, levee banks, lanes, tracks, aqueducts, surface and subsurface drains and any associated structures.

Significant earthworks, including levees and raised roads, are inappropriate for floodway land. The construction of inappropriate earthworks can obstruct or divert flood flows, reduce natural flood storage areas, impact on environmental values and increase flood flows, flow velocities and flood damage. In rural areas, private levees constructed without regard for flood, may have potential effects beyond farm boundaries. In urban areas, earthworks can interfere with local drainage and divert floodwater onto other properties.

As earthworks are a type of 'works' under the planning scheme, a permit is required for earthworks associated with a use that requires a permit under the zone or an overlay (including the UFZ, FO, LSIO and SBO). A planning permit may also be required for earthworks under a specific requirement in the Green Wedge Zone, Green Wedge A Zone, Rural Living Zone, Rural Conservation Zone, Farming Zone or Rural Activity Zone.

Subdivision

A permit is required for subdivision under the UFZ, FO, LSIO and SBO. Where possible, land prone to flooding land should be maintained in large parcels and not be fragmented by multiple property boundaries. The subdivision provisions aim to achieve this objective by not allowing new lots to be created in the UFZ or FO, other than to realign the boundaries of existing lots.

The creation of lots that are wholly within the UFZ or FO is also discouraged.

Subdivision provisions for the LSIO and the SBO are less stringent. However, the intensification of development in flood storage areas or natural habitats should be discouraged. Any subdivision that could result in long-term intensification of development in flood-storage areas should be carefully assessed.

Making an application for a planning permit

Before an application is prepared, check the application requirements in the UFZ, FO, LSIO and SBO that applies to the land.

These requirements must be met for the council to properly consider the application.

As with any planning permit application, the application should address the PPF and MPS. It should also be accompanied by the following information where relevant to the particular application:

- the existing and proposed use of the site
- the number of people expected on-site during normal operations
- the existing natural surface levels and proposed finished surface levels
- the existing and proposed buildings, including floor levels
- the existing and proposed earthworks, including crest levels
- the existing and proposed roads, including centre lines, kerbs, footpaths and crest levels
- the existing and proposed drainage systems, including waterways, pipelines, drains, culverts and bridges
- details of any other physical features that may affect flows, such as levee banks, fences and retaining walls.

Information about the properties surrounding the site and about important physical features upstream and downstream of the site may also be useful for the council and FMA.

Local floodplain development plans

A local floodplain development plan is a set of requirements and guidelines for development in a particular area prone to flooding. It is developed jointly by a council and FMA and enables specific local requirements in the planning scheme. It has two purposes:

- to provide a set of requirements and guidelines for development in a particular area. It should address local circumstances and record local flooding information
- to simplify and streamline the consideration of planning permit applications and avoid the need to prepare a flood risk report.

If a local floodplain development plan exists for the area and has been incorporated into the planning scheme, an application must be consistent with the plan.

Flood risk reports

If a local floodplain development plan has not been incorporated into the planning scheme, and the land is in the UFZ or the FO, a flood risk report must be prepared by the applicant and lodged with the planning permit application.

A flood risk report is a detailed flood assessment supporting a particular development proposal. Its purpose is to provide information about the subject property, the proposed development and the relevant flood impacts. It should also justify whether the proposed development is compatible with the flood risk, in terms of the risk to the development itself and the risk transferred by the development to other parts of the floodplain.

A flood risk report must be prepared by the applicant and should address the following matters where relevant to the particular application:

- details of the proposed development and site conditions
- the flood extent, flood levels and flow directions relevant to the site
- the frequency, duration, depth and velocity of flooding and flood warning time applicable to the development site and access way
- the susceptibility of the development to flood damage

- the potential flood risk to life, health and safety
- the effect of the development on reducing flood storage and on redirecting or obstructing floodwater, stormwater or drainage water
- the effect of the development on environmental values, for example, flora, fauna and wetlands
- whether the proposed development could be located on flood-free land or land with a lesser flood risk.

When preparing the report, an applicant should use all available flooding information from the council and FMA applicable to the site and local area. The level of detail required in a flood risk report will vary from case to case and should be established with the council at the outset.

Preparing a flood risk report is not intended to be an onerous requirement. Rather, the level of information needs to be matched to the complexity of the proposal and the flood risk issues.

As the FMA is generally the holder of most information on flooding, it is important that the council consults with the FMA on the level of information necessary for a flood risk report. To streamline the approvals process, the council and FMA should work closely together so that both understand and agree on the level of reporting required for different classes of applications or for an individual application. This should then be clearly articulated to the applicant.

In the case of a small-scale development, such as a dwelling or minor subdivision, the report can be simple and concise and may be prepared by the landowner. For a larger development, a more detailed report will be required and specialist advice may need to be sought.

An example of a simple flood risk report for a dwelling on a rural property is on page 12.

How will a planning permit application be assessed?

Figure 1 shows the process for assessing a planning permit application under the flood provisions for council and the FMA as referral authority.

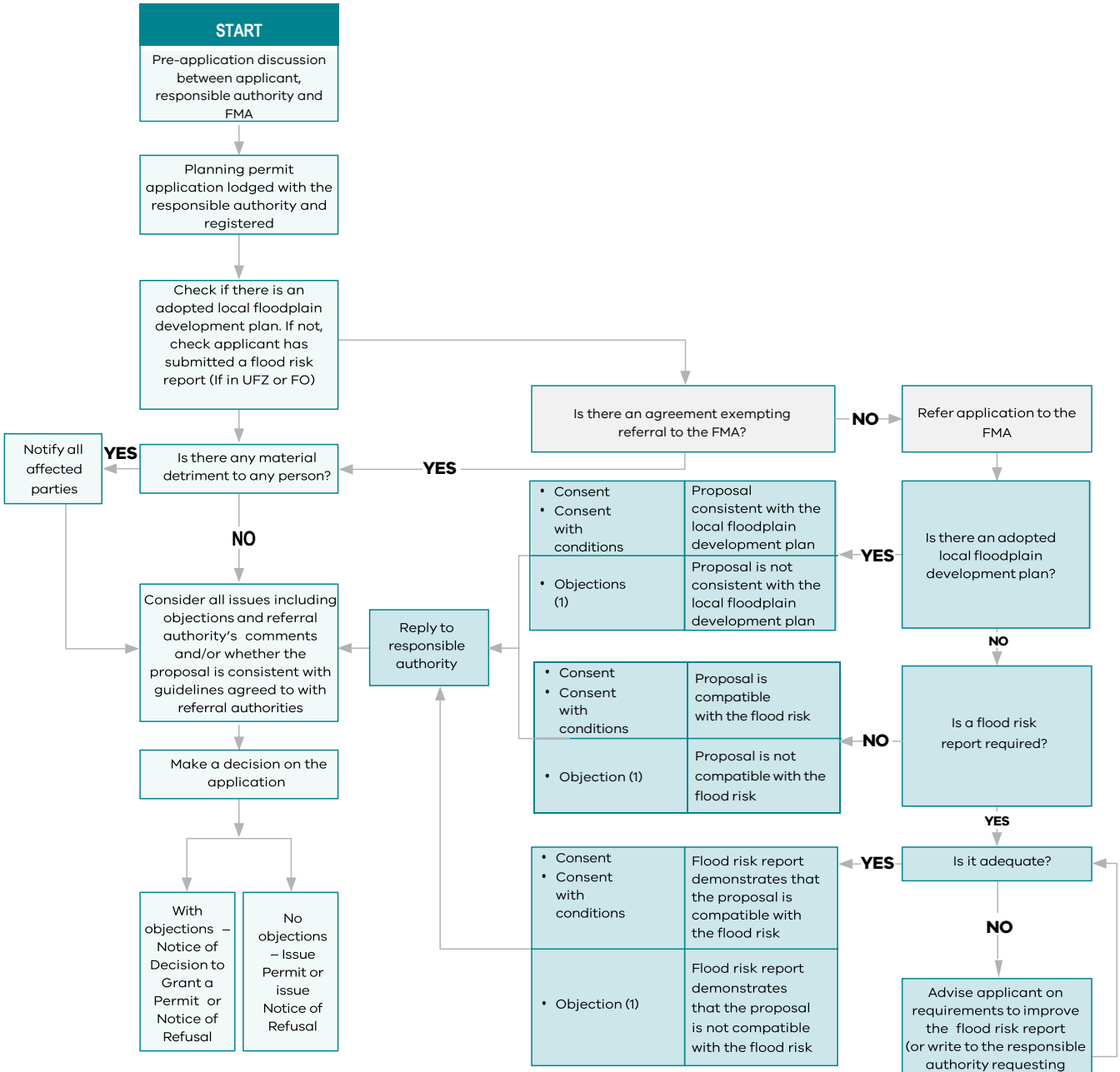
Referral of applications

Applications must be referred to the relevant FMA under section 55 of the *Planning and Environment Act 1987*, except where there is an exemption in the schedule to an overlay or where the council has made a written agreement with the FMA regarding conditions or requirements for particular types of development. An exemption or agreement may be appropriate in the following situations:

- where a local floodplain development plan has been prepared and provides sufficiently explicit guidelines for development
- in LSIO areas which act as flood fringe and where there is potential for only a minor infill development, subject to minimum floor level requirements
- in LSIO areas where it can be agreed that development is unlikely to have a significant impact on flood risk, flood storage and the environment.

Whenever necessary, particularly along rivers that flow through more than one catchment management area or on the State border at the Murray River, a coordinated approach to referrals is encouraged.

Figure 1: Process diagram – assessing a planning permit application



Decision support tools

Local floodplain development plan

Area specific decision guidelines

- Permissible subdivisions
- Permissible buildings
- Permissible works

Flood risk factors

- Extent of flooding and location of property in area prone to flooding
- Flood level, flood depth, flow velocity
- Flood frequency, duration, warning time
- Potential for damage to development
- Potential for loss of access
- Danger to life, health and safety of occupants and emergency personnel
- Effect of the development on blocking, redirecting and concentrating flood water, storm water and drainage water
- Effect of the development on reducing flood storage and increasing flood levels and flow velocities
- Effect of development on environmental values

Making a decision

When deciding or commenting on an application, a council or FMA should consider the decision guidelines in the UFZ, FO, LSIO and SBO as well as those in clause 65 of planning schemes.

Decision guidelines outline policy-neutral considerations for evaluating a development. The decision maker must decide whether a proposal will produce acceptable outcomes in terms of the decision guidelines.

For example, development must be consistent with the PPF (clause 13.03), any flood-related strategic directions in the Municipal Planning Strategy (clause 02), Local Planning Policy (clause 13.03-1L) and any regional catchment strategy or floodplain management strategy adopted by the CMA.

Other considerations may include:

- Locating development on safer land that is flood-free or has a lesser risk.
- Avoiding residential, commercial and industrial buildings on floodway land due to the potential for flood hazard and for obstruction of flood flows.
- Positioning emergency facilities above the 1 per cent AEP (1 in 100 year) flood level and preferably above the PMF level.
- Preventing significant earthworks, such as levee banks, channel banks and raised roads on floodway land due to the potential for obstruction of flood flows.
- Assessing the incremental long-term effects of development. While a single development may not cause a significant change, the cumulative effect of several similar developments may be substantial.

A development should be refused if it is likely to cause an unacceptable increase in flood risk. For example:

- if it is likely to result in danger to the life, health and safety of the occupants due to flooding of the site
- increase the burden on emergency services and the risk to emergency personnel
- raise flood levels or flow velocities to the detriment of other properties
- obstruct flood flows or reduce natural flood storage. The capacity of land subject to inundation to convey and store floodwater must be maintained
- be detrimental to natural habitats, waterway stability, water quality or sites of significance.

Permit conditions

The council and the FMA (as the referral authority) may set permit conditions. In determining appropriate and reasonable conditions, any relevant guidelines developed in a local floodplain development plan should be taken into account. Permit conditions may address:

- the location and extent of buildings and works
- the maximum height and extent of landfill and earthworks, including levees

- minimum building floor levels
- floor level and size requirements for building extensions
- flood-proofing measures for buildings, such as type of materials, method of construction and flood gates
- restrictions on storage of goods or materials that may create pollution or a floating hazard during floods
- land drainage and effluent disposal requirements
- requirements for access roads and tracks
- measures required to offset environmental impacts
- tree planting and removal of vegetation
- endorsement on subdivision plans that all or parts of the property are subject to inundation.

Remember that conditions should be enforceable and relevant to the proposal.

More information

Planning scheme information

For information on a planning scheme, or on how to make a planning permit application for a change of land use, buildings, works or subdivision, contact the local council, or visit the department's website at **planning.vic.gov.au**

Flood information and advice

For information on flood risks and other flooding matters in an area, contact the relevant FMA.

Regional Victoria

Nine CMAs operate within regional Victoria. They are: Corangamite CMA, East Gippsland CMA, Glenelg Hopkins CMA, Goulburn Broken CMA, Mallee CMA, North Central CMA, North East CMA, West Gippsland CMA and Wimmera CMA.

For more information see Department of Energy, Environment and Climate Action's Catchment Management Authorities website at **viccatchments.com.au**

Greater Melbourne area

Melbourne Water is the CMA within the Port Phillip and Western Port Catchment Management Region.

Contact the relevant local retail water company City West Water, South East Water or Yarra Valley Water first as they issue property information statements, including flood risk information, on behalf of Melbourne Water.

For further flood information and advice, contact Melbourne Water on 131 722.

Sample Flood Risk Report

This is a sample flood risk report. The proposal may or may not be supported by the council or FMA. In this case, because suitable sites are available which are not subject to flooding, the applicant may be asked to amend the application by relocating the proposed house site to land outside the LSIO.

FLOOD RISK REPORT

LOT 1, CA 18B, BROWNS ROAD, JOHNSVILLE

Gumnut Developments Pty Ltd (October 2026)

PROPOSED DWELLING AND ACCESS TRACK

PROPOSED DEVELOPMENT

The land is located on the north side of Browns Road, 500 m east of Cross's Road and is bounded to the north by the Yellow River. The land is 140 hectares in area and is vacant rural land currently used for sheep grazing. The site plan shows the location of the property and the site of the proposed dwelling and access track from Browns Road. It also shows natural ground levels in metres to AHD (Australian Height Datum) and the designation of the FO and the LSIO on the land under the Gumnut Planning Scheme.

The proposed house site is located in the LSIO area.

The proposed brick-veneer dwelling will be 11 m x 20 m and located on an earth-fill pad. The access track will be constructed from crushed rock at ground level. A 150 mm diameter pipe culvert will be placed under the access track where it crosses a small depression.

FLOOD CONDITIONS

About 70 per cent of the property is subject to flooding from the Yellow River. The FMA has advised that the relevant 1 per cent AEP (1 in 100 year) flood level for the property is 138.2 m AHD. During times of flood, flood flows from the Yellow River cross the property from west to east, first filling a number of small depressions and then becoming more widespread.

The northern portion of the property near the river floods about every five years. The higher parts of the property, closer to Browns Road (and including the proposed house site) have only flooded twice in the past 50 years. During the 1993 flood, land near the river was under more than a metre of water and the water was flowing quite quickly, while the floodwater was shallower and slower away from the river.

Flood warning times for this part of the river are fairly long and are adequate to respond to an approaching flood. In 1993, flood warnings issued by the Bureau of Meteorology for Johnsville, some 4 km upstream of the property, predicted major flooding eight hours before the flood peak arrived.

The surveyed ground levels show that the 1 per cent AEP (1 in 100 year) flood depth above natural ground level at the house site is 0.5 m and reaches up to 0.7 m along the access track at the culvert crossing.

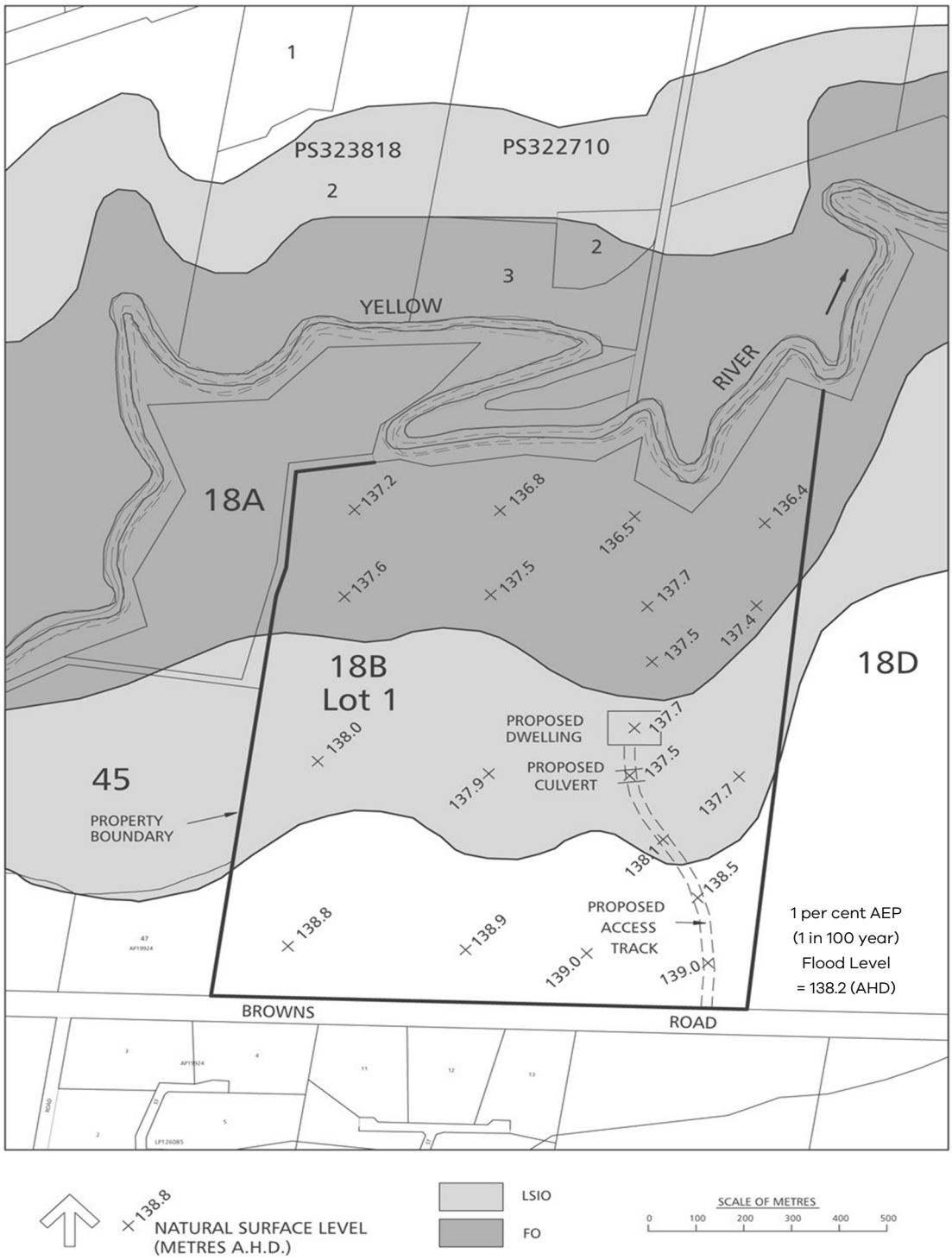
FLOOD IMPACTS

At the house site, a building pad will be raised above ground level up to the 1 per cent AEP (1 in 100 year) flood level and the dwelling floor level will be 300 mm above the flood level (138.5 m AHD). Because the house will be raised above the flood level and the floodwater will be shallow and flowing slowly, any flood damage to the house will be minimal.

The maximum flood depth over the access track will be 0.7 m, which is not difficult for a four-wheel-drive vehicle to pass through.

There are no special environmental assets in this part of the floodplain and the development should have no environmental impacts.

Site Plan


1
PS323818
PS322710
2
2
3
YELLOW
RIVER
18A
137.2
136.8
136.5
136.4
137.6
137.5
137.7
137.5
137.4
18B
Lot 1
18D
PROPOSED
DWELLING
137.7
138.0
PROPOSED
CULVERT
137.5
45
137.9
137.7
PROPERTY
BOUNDARY
138.1
138.5
138.8
138.9
PROPOSED
ACCESS
TRACK
139.0
139.0
1 per cent AEP
(1 in 100 year)
Flood Level
= 138.2 (AHD)
BROWNS
ROAD
138.8
NATURAL SURFACE LEVEL
(METRES A.H.D.)
LSIO
FO
SCALE OF METRES
0
100
200
300
400
500

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