37.11 FLOOD MANAGEMENT ZONE

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

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify land at extreme flood risk (riverine, coastal and overland flows from stormwater) within the 1 per cent Annual Exceedance Probability (1 in 100 year) flood extent or as determined by the floodplain management authority that takes into account projected climate change effects to at least the year 2100.

To ensure use and development prioritises the protection of human life and strengthens community resilience to flood.

To discourage use and development intensification and limit the number of people exposed to extreme flood risk.

To ensure that development maintains the free passage and temporary storage of floodwater, minimises flood damage, is compatible with flood risk and local drainage conditions and does not cause any significant rise in flood level or flow velocity.

To reflect any declarations under Division 4 of Part 10 of the *Water Act 1989* .

To protect water quality, waterways and the marine and coastal environment as natural resources by managing urban stormwater, protecting water supply catchment areas and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.

To ensure that use and development maintains or improves river, marine and coastal ecosystems and wetland health, waterway protection and floodplain health.

37.11-1 Table of uses

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Section 1 - Permit not required

Use	Condition
Grazing animal production	
Informal outdoor recreation	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Agriculture (other than Animal production and Apiculture)	
Energy generation facility	
Leisure and recreation (other than Informal outdoor recreation and Indoor recreation facility)	
Railway	
Road	

Use	Condition
Recreational boat facility	
Tramway	
Transport terminal	
Utility installation	
Any use listed in Clause 62.01 if any requirement is not met	

Section 3 - Prohibited

Use
Animal production (other than Grazing animal production)
Indoor recreation facility
Any other use not in Section 1 or 2

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Buildings and works

A permit is required to construct a building or construct or carry out works, including:

- A fence.
- Roadworks.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling or small second dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- A non-domestic disabled access ramp.

A permit is not required to construct a building or construct or carry out works for:

- Roadworks, tramway, railway or bicycle paths and trails if any of the following apply:
  - the water flow path is not redirected or obstructed
  - the roadworks, tramway, railway or bicycle paths and trails are constructed or carried out by or on behalf of the municipal council, public authority or the Head, Transport for Victoria, to the satisfaction of the relevant floodplain management authority.
- Flood mitigation works carried out by the municipal council, public authority or Head, Transport for Victoria, to the satisfaction of the floodplain management authority or carried out by the floodplain management authority.

- An open-sided building associated with grazing animal production constructed on the same land or contiguous land in the same ownership.
- Buildings and works associated with agricultural constructed or carried out to the satisfaction of the relevant floodplain management authority.
- The following works carried out to the satisfaction of the responsible authority:
  - The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.
  - The erection of telephone or power lines provided they do not involve the construction of towers or poles.
- Post and wire and post and rail fencing.

37.11-3 Subdivision

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A permit is required to subdivide land. A permit may only be granted to subdivide land if any of the following apply:

- The subdivision does not create any new lots, which are entirely within this zone. This does not apply if the subdivision creates a lot which, by agreement between the owner and the relevant floodplain management authority, is to be transferred to an authority for a public purpose.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

37.11-4 Application requirements

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General

An application must be accompanied by any information specified in the schedule to this zone.

Local floodplain development plan requirement

Name of plan incorporated into this scheme

An application must be consistent with the local floodplain development plan that applies to the land.

Flood risk report

If a local floodplain development plan for the area has not been incorporated into this planning scheme, an application must be accompanied by a flood risk report that addresses the following, where applicable:

- The existing and proposed use and development of the land and the impact on flood risk.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood risk outside of this zone.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to human life, health and safety associated with the use or development. Factors to consider include:
  - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
  - The flood warning time available.

  - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
  - The potential to isolate land not at risk of flooding from safe access within or outside this zone.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effects of the development on environmental values such as natural ecosystems and habitats, stream stability, erosion and water quality.

37.11-5 Decision guidelines

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Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider, as appropriate:

- The local floodplain development plan or flood risk report.
- Any relevant local coastal hazard assessment or adaptation plan adopted by the municipal council.
- Existing and proposed flood mitigation infrastructure. The flood mitigation infrastructure must not be relied upon to reduce assessed flood risk unless it is in place or formally committed, including being approved, funded and subject to secure ownership and management, to the satisfaction of the relevant floodplain management authority.
- Whether the proposed use or development achieves acceptable flood safety.
- Whether the proposal appropriately responds to the identified site-specific flood risk and the availability of a safe, practical and viable evacuation route.
- Whether any proposed strategies to minimise or mitigate risk of flood damage or safety will be effective over the life of the development.
- The likely or modelled extent of any impact of the development on floodwaters, including the nature and extent of impact on surrounding properties.
- Whether the proposed development maintains existing flood storage capacity and flow paths and conveyance.
- The need to minimise flood damage, soil erosion, sedimentation and silting.
- Whether a use or development will unreasonably impact on river, marine, coastal ecosystem or wetland health.
- Any other matters specified in the schedule to this zone.

37.11-6 Signs

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Sign requirements are at Clause 52.05. This zone is in Category 4 unless the schedule to this zone specifies a different category.