44.09 FLOOD MANAGEMENT OVERLAY

20/10/2026
VC317

Shown on the planning scheme map as **FMO** with a number.

Purpose

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

To identify land at moderate, high and very high 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 is compatible with a specified moderate, high or very high flood risk.

To ensure that use and development of land prioritises the protection of human life, health, safety and property by reducing 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.

44.09-1 Flood management objectives and statement of risk

20/10/2026
VC317

A schedule to this overlay may contain:

- Flood management objectives to be achieved.
- A statement of risk.

44.09-2 Requirements

20/10/2026
VC317

Use of land

Any requirement in a schedule to this overlay must be met.

Buildings and works

Any requirement in a schedule to this overlay must be met.

Subdivision

Any requirement in a schedule to this overlay must be met.

Local floodplain development plan

A schedule to this overlay may specify that a local floodplain development plan has been developed for the area and has been incorporated into this scheme and may specify requirements.

Application requirements

An application must be accompanied by any information specified in a schedule to this overlay.

44.09-3 Exemption from notice and review

20/10/2026
VC317

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

44.09-4 Decision guidelines

20/10/2026
VC317

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.
- The existing use and development of the land.
- 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.
- Any other matters specified in a schedule to this overlay.