VICTORIAN BUILDING AUTHORITY

BUILDING PRACTICE NOTE

Flood Hazard FH 01 | Building in flood hazard areas

Audience

The audience/s for this Practice Note include/s:

- ☒ Architects/ Designers
- ☒ Builders
- ☒ Building Surveyors/ Inspectors
- ☐ Engineers
- ☒ Home owners / Residential tenants
- ☒ Owner Builders
- ☐ Plumbers
- ☐ Real estate management agents
- ☐ Trades and Maintenance (inc. Electricians)
- ☐ Other

Purpose

The purpose of this Practice Note is to provide guidance on building in a flood hazard area.

The content below provides guidance on

- Identifying an area liable to flooding
- Report & consent
- NCC & Regulations
- ABCB Standard

Abbreviations & Definitions

The abbreviations and definitions set out below are for guidance only. They are not intended to vary those set out in the Building Act 1993, Building Regulations 2018 or the National Construction Code.

- **Act** – Building Act 1993
- **Area liable to flooding** – defined under regulation 5(2)
- **ABCB** – Australian Building Codes Board
- **Flood hazard area** –an area liable to flooding within regulation 153
- **NCC** – National Construction Code 2022
- **RBS** – Relevant Building Surveyor
- **Regulations** – Building Regulations 2018

Identifying an Area Liable to Flooding

Regulation 5(2) sets out how land may become an area liable to flooding. A building or land that is in an area liable to flooding can be identified through a regulation 51(2) property information request from the council. This information should be obtained at the design stage to ensure that the building will be designed and built above the defined flood level.

VICTORIA State Government

Some allotments may also contain a planning overlay relating to flooding such as a Special Building Overlay or a Land Subject Inundation Overlay. In these cases, issues relating to flooding are usually dealt with under the planning schemes and planning permit requirements.

Report and Consent

Where there is an application for a building permit to construct a building on an allotment that is in an area liable to flooding, regulation 153 requires that a report and consent be obtained from the relevant council. The relevant council will provide design requirements such as the minimum height of the lowest floor.

Regulation 153(1) exempts certain building work from having to obtain a report and consent.

Regulation 153(3) clarifies that a report and consent is not required if the planning permit is required for the construction of the building and the planning scheme regulates the level of the lowest floor of the building.

Similarly, regulation 154 requires that a report and consent of the relevant council must be obtained where there is an application for a building permit to construct a building on designated land or designated works. This ensures the waterway management authority is consulted.

If the consent of the relevant waterway management authority has been obtained as a requirement of a planning permit for the construction of the building, the report and consent of the council does not need to be obtained to an application for a building permit.

NCC and Regulations

Performance Requirements B1P4 in NCC Volume One and H1P2 in NCC Volume Two, are the relevant Performance Requirements for the design and construction of a building on a site that is in a flood hazard area. The Performance Requirements only apply to Class 1, 2, 3, 4, 9a and 9c buildings.

The relevant Deemed-to-Satisfy Provisions are VIC B1D6 in NCC Volume One and VIC H1D10 in NCC Volume Two (both Victorian variations) which refer to complying with the ABCB Standard for Construction of Building in Flood Hazard Areas'.

Note that the definition of 'flood hazard area' and 'freeboard' is varied for Victoria.

The Schedule 10 of the NCC contains the Victorian appendix which varies the definition of 'flood hazard area' to align with regulation 153 which uses the term 'area liable to flooding'. Therefore, a reference to 'flood hazard area' is to mean an 'area liable to flooding' as defined in regulation 5(2).

ABCB Standard

The ABCB Standard for Construction of Building in Flood Hazard Areas is available on the ABCB website and is a Deemed-to-Satisfy Solution for areas liable to flooding but is limited to areas where the water maximum flow velocity is not greater than 1.5 m/s. The maximum flow velocity can be determined from Melbourne Water, Water Catchment Authority, or council. If the maximum flow velocity cannot be determined, then the ABCB standard can only be used in inactive flow or backwater areas (defined in the ABCB standard).

Where the ABCB standard cannot be used, a Performance Solution is required to satisfy the Performance Requirements. Alternatively, building modification or determination application can be made to the Building Appeals Board.

Note that the definition of "*defined flood level"* in the ABCB Standard for Construction of Buildings in Flood Hazard Areas is replaced with that in Schedule 1 of the NCC (National definitions) as varied by clause VIC B1D6(3) of Volume One and VIC H1D10(3) of Volume Two of the NCC.

Related Documentation

- Building Act 1993
- Building Regulations 2018
- National Construction Code 2022
- ABCB Standard for Construction of Building in Flood Hazard Areas

List of Amendments

- Changes to align with new NCC 2022 referencing system
- Update format and content review

Document history

Sector	Building
Category	Flood Hazard
Topic	Flood hazard areas
Document number	01
Version	2.1
Superseded	• Version 2.0, published 18 April 2023 • Version 1.0, published 24 June 2022, supersedes Practice Note PN 65: Building in Flood Hazard Areas issued 28 June 2018.
Published	6 December 2023

Contact Us

If you have a technical enquiry, please email technicalenquiry@vba.vic.gov.au or call 1300 815 127.

Victorian Building Authority
Goods Shed North
733 Bourke Street
Docklands VIC 3008

www.vba.vic.gov.au

Copyright and Disclaimer