



Wyndham City Council Submission

Port Phillip and Westernport Flood Management and Drainage Strategy Discussion Paper

1. Introduction

Melbourne Water is to be congratulated on the initiative in undertaking the development of this Strategy. They are also to be congratulated on the inclusive process they have employed through the development of the Strategy.

The development of the Strategy is timely. Wyndham was impacted in the recent past by a major storm event. The nature of our topography being relatively flat grasslands with shallow waterways and wide flood plains resulted in significant riverine and overland floodway as a consequence.

This submission offers comments and suggestions under each of the five flood management issues designated in the Strategy.

2. Issue 1 – An Agreed Approach to Managing Existing Regional Flooding Problems

Two issues require priority treatment. The first relates to an accelerated program to manage intolerable flooding resulting from major storm events. Whilst much discussion has occurred on the definitions of intolerable and tolerable flooding, a common sense approach could be:

- Intolerable –flooding that threatens public safety, inundates the floors of houses and/or internally floods places of business causing industry shutdown.
- Tolerable –flooding of external areas surrounding properties, including landscaped areas, carparks and roadways.

The quantum of funding annually available to reduce the number of properties (40,000) liable to risk of flooding above floor level is considered to be inadequate in light of the period it would take to provide relief to all known prone properties. Responsibility for the level of funding that should be dedicated to this priority task must be accepted as a 'whole of government' issue.

The economic impact of this flooding risk is reasonably quantifiable. However the social and psychological cost is relatively unknown. Further research is clearly required. The outcome of the research has the potential to

significantly influence the triple bottom line consideration of an accelerated funding proposal.

The maximum time period to address all known intolerable 'at risk' properties (estimated cost \$245M) should be ten years. One method of funding the solutions is a metropolitan (all properties within the Melbourne Water declared area) levy. Properties outside this area could be embraced in a Scheme administered by the relevant main drainage authority. The State Government would potentially need to consider the administrative provisions of such Schemes to prevent frustration of the Scheme by objectors.

In established areas, there is a likelihood that property acquisitions may be an integral part of any technical solution. Provided there is clear technical justification for this action, it must be undertaken. It should be acknowledged that in some instances, compulsory acquisition will be required with the potential for adverse publicity.

3. Issue 2 - Completing the Knowledge Base

The knowledge base is currently incomplete. The evolving nature of our weather patterns is such that completion of the knowledge base is fundamental to our understanding and management of the risks and their location.

A priority task must therefore be to complete the missing pieces in our knowledge base. Funding and co-ordination from State Government for this task would ensure data consistency and accountability for the best use of public funds raised for this purpose. The funding source could be identical to the model outlined for Issue 1 above.

In theory, recently developed areas should not feature 'at risk' properties due to the legislative environment that governed their development. The areas most likely to be identified as the knowledge base is completed will be established areas. Property owners in these areas may be unaware of any risk associated with their properties and may potentially react in a negative manner.

The identification and pronouncement of new at risk properties must therefore be managed with great sensitivity on a case by case (or area by area) basis. The information should be recorded on the relevant planning schemes via overlays that should be introduced by the State Government rather than multiple planning scheme amendments at individual councils.

The sharing of the information should occur via public forums through the joint effort of State and Local Government. Technology via websites should be used to provide property owners with access to information (and maps) to aid their understanding of the issue and any potential impact on their properties.

The nature of our evolving weather patterns translates into the management of floods and having appropriate strategies to mitigate their impacts as being a continuous work in progress. The partners involved in monitoring and evaluating the effectiveness of agreed action plans is a joint responsibility of State and Local Government. Co-ordinating the research and ongoing programs is best placed with the State Government.

4. Issue 3 – Potential Long-term Future Pressures on Existing Drainage Systems

The potential for in-fill or brownfield redevelopment is likely to be best understood and predicted at an individual council level. Clearly Melbourne 2030 anticipates and encourages this form of development as one means of accommodating the projected population growth of Melbourne. By advocating these opportunities, Melbourne 2030 is seeking to maximise existing infrastructure. However, the State Government may not have considered or anticipated the complexity of the drainage challenges.

Completion of the knowledge base is critical to planning for the impact of any such development. Clearly, it would inappropriate if not impossible, to embargo this type of development until the full picture is known and solutions/treatments are agreed and funded. Equally, it is arguably irresponsible to knowingly approve development that will exacerbate or create flooding risk(s). A risk management approach could be an appropriate interim solution prior to completion of the knowledge base.

Whilst the timing of this form of development is normally market driven and therefore difficult to forecast, awareness of the knowledge base data and the risk management approach by government (both State and Local) may influence the timing decisions of developers. The support of the VCAT would be an important consideration if this approach is to be applied to avoid planning permit appeal provisions compromising the efforts of State and Local Governments.

With any such development, there may well be technical limitations associated with the development's drainage. In those instances, unless the issue can be managed internal to the development, it may become a barrier to the development being approved. As such, the development approval authority (including the VCAT) would need to be bound by that barrier.

Optionally, if downstream outfall upgrade works have been identified and are awaiting funding, this may necessitate the development being deferred pending completion of those works.

In Issue 2, reference was drawn to the evolving nature of our weather patterns. Whilst the pattern is clearly associated with climate change, our ability to confidently forecast future weather events will remain an inexact

science. However, governments need to be more proactive by constantly researching and seeking to interpret the trends and impacts of (recent) past events.

Regular reviews of the standards and the predictive models used by governments needs to be factored into budgets and programming. A more conservative safety factor could be factored into development and building controls to respond to an unknown/unforeseeable future event. This approach would need careful thought to avoid being challenged as being too conservative or 'over-engineered'. By its very nature, climate change goes beyond State and Local Government boundaries and funding for the response to its effects should be a national (Federal Government) responsibility.

5. Issue 4 – Enhanced Community Education, Flood Awareness and Preparation

Responsibility for these activities is best placed with the agency who would respond to a major flood event. This would be the SES.

The model applied by the CFA to educate the community about the risks fire and how to best prepare would be easily translate to flood awareness and preparation. Councils within the CFA area invariably assist their local CFA Units with their campaign.

Again, local government should be a partner their local SES Units with the task. It must be acknowledged however, that not all municipalities have or support a local SES Unit. The success of this initiative would require the State Government to require that all municipalities have a Unit in their municipality or formally support a regional SES Unit that services their municipality.

As previously stated, the inclusion of flood information in planning schemes is appropriate, but amending all schemes across the metropolitan area (and potentially State) is a task of major proportions and cost. The technical content of the individual municipal overlay and the process for its inclusion in a council's planning scheme should be undertaken as a single task by the State Government. Serious consideration should be given to the Minister's powers to introduce these planning scheme amendments without observing the process that is normally applicable. It would seem counter-productive for the introduction of this important information and development control into planning schemes for the protection of the community at large to be delayed by an appeals process.

Control of developments outside existing flood prone areas but with the potential to adversely impact flood prone land should reside with local government through their existing development approvals process. The adequacy of these processes and the capacity for developer challenge (through the VCAT) may require review.

6. Issue 5 – Agreed Responsibilities and Improved Collaboration Between Flood Management Agencies

The task of researching and preparing the Discussion Paper has highlighted the multi-agency nature of drainage interests, extending to external parties like the insurance industry. It also highlighted that whilst some collaboration was occurring, a greater level was required involving a broader audience. This was reinforced by an acknowledged lack of clarity of some roles and responsibilities, and the lack of co-ordination and integration of the efforts various agencies were dedicating to the task of managing storm events and preparing strategies for the future.

One major issue is the multitude of legislated responsibilities for drainage across various Acts and the multiple agencies responsible for managing compliance with the legislation. A wholesale review of all this legislation is crucial to ensure consistency and co-ordination of interpretation and application. It must be noted that any such review will have state-wide impacts and the views of non-metropolitan councils must be canvassed. This might best be undertaken with the assistance of the MAV.

The review must seek to simplify and centralise the control and regulation of stormwater into fewer Acts and across less agencies. The review must have representation from all relevant government departments, the MAV, technical experts from local government (IPWEA) and other stakeholders. The review should be lead by the Department of Sustainability and Environment.

This would include consideration whether Municipal Emergency Management Plans (MEMP) must include a section dedicated to flood event management. These Plans are developed in accordance with templates supplied by the SES. Activation of a MEMP vests in local police. They are recognised across the community for their authority. The current role they play in co-ordinating the response to emergencies under a MEMP should extend to flood events where the Plan is activated.

All councils are responsible for the preparation of a MEMP and the state of preparedness to respond to various emergencies that might arise in their municipality. The SES is involved in both the development and certification of the Plan and its operation when activated. Any decision to introduce new requirements for a MEMP should be lead by the SES with carriage for Plan amendment shared between local government and the SES.

7. Conclusion

The Discussion Paper is important in that it signals the start of a long journey to improve the management of flood events in the Port Phillip and Western Port Catchment. Through extensive consultation, it has identified many

opportunities to plan for a better future with reduced risk associated with flood events.

Melbourne Water should be congratulated on this important initiative. The contributions of the stakeholders they have included on the steering committee and the broader sector input they have obtained is certain to deliver a better future with less risk from flood events.