

**Report to the Future Melbourne Committee****Agenda item 6.2****Inundation Overlays and the Good Design Guide - Amendment C384****2 August 2022****Presenter:** Sophie Handley, Director City Strategy**Purpose and background**

1. On 3 August 2021, the Future Melbourne Committee resolved to request authorisation from the Minister for Planning to prepare and exhibit Melbourne Planning Scheme Amendment C384: Inundation Overlays and the Good Design Guide (the Amendment). Authorisation was granted and the Amendment was publicly exhibited from 13 October 2021 to 29 November 2021.
2. The purpose of this report is to present the submissions received during exhibition of the Amendment for consideration and to recommend that the Future Melbourne Committee requests an independent planning panel be appointed to consider the submissions.
3. The Amendment aims to apply the Land Subject to Inundation Overlay and the Special Building Overlay to land prone to riverine flooding and drainage flooding respectively, and includes corresponding planning provisions. The overlays seek to ensure that development in flood prone areas is designed to be flood responsive.

**Key issues**

4. A total of 43 submissions were received at the time of writing this report and all but one of those were objections. A summary of the submissions is set out at Attachment 2 and a list of key themes at Attachment 3, both accompanied by management responses. The key themes comprise:
  - 4.1. Planning and building processes and costs.
  - 4.2. Insurance, rates and property values.
  - 4.3. Accuracy of flood extent mapping.
  - 4.4. Maintenance and upgrading of drainage system.
  - 4.5. No history of flooding.
  - 4.6. Status of Good Design Guide.
5. An inundation overlay does not prohibit or prevent development. Rather, it's a cost effective way to manage the potential impacts of flooding, supporting community safety predominantly by ensuring floor levels of developments and improvements are situated above the flood level. With safety in focus, Planning Panels Victoria have routinely held that matters such as land value, permit processes and past known flooding do not carry real sway.
6. Overlays must represent current risk using the best available information and the Amendment includes rainfall intensity resulting from climate change. Technical submissions were expertly investigated and following this, no change to the extents of the overlays is recommended. However, referral to a planning panel allows all submitters the opportunity to present their position for independent assessment.
7. Melbourne Water has advised that following the Arden Special Advisory Committee, it is commissioning some refinement work to their flood information. The scope of this work and its timing is yet to be set. What remains significant is Melbourne Water's firm position that the data and modelling underpinning the Amendment are sound. The net community benefit in progressing the Amendment is clear and obvious.

## Recommendation from management

8. That the Future Melbourne Committee:
  - 8.1. Notes management's assessment of the submissions and key themes in respect to Melbourne Planning Scheme Amendment C384: Inundation Overlays and the Good Design Guide (the Amendment) as set out in Attachments 2 and 3.
  - 8.2. Requests the Minister for Planning appoint a Panel to consider all submissions and refers all submissions to the appointed Panel in accordance with section 23 of the *Planning and Environment Act 1987*.
  - 8.3. Notes that the form of the Amendment to be referred to the Panel will be generally in accordance with the Amendment as exhibited, subject to references to 'Nominated Flood Protection Level (NFPL)' being replaced with 'Nominal Flood Protection Level (NFPL)'.

### Attachments:

1. Supporting Attachment (Page 3 of 51)
2. Summary and Management responses to submissions (Page 6 of 51)
3. Management response to key themes (Page 48 of 51)

## Supporting Attachment

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### Legal

1. Section 9(1) of the *Local Government Act 2020* states that a Council must - in the performance of its role - give effect to the overarching governance principles of the Act. This includes section 2 '(c) *the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted*, (d) *the municipality community is to be engaged in strategic planning and strategic decision making* and (f) *collaboration with other Councils and Governments and statutory bodies is to be sought*' (in this case Melbourne Water and Port Phillip City Council). The Amendment gives effect to the overarching governance principles by identifying land subject to inundation by using best practice climate change factors in the modelling.
2. The *Planning and Environment Act 1987* (the Act) sets out the framework for the use, development, and protection of land in Victoria in the present and long-term interests of all Victorians. The Amendment seeks to identify land subject to inundation and manage new development through the planning scheme to minimise potential flood damage.
3. Part 3 of the Act deals with the amendment of planning schemes including the requirements for exhibitions and for giving notice of proposed planning scheme amendments. Division 2 of the Act outlines the public submissions process. Section 23(1) of the Act provides that:

After considering a submission which requests a change to the amendment, the planning authority must:

- (a) change the amendment in the manner requested; or
  - (b) refer the submission to a panel appointed under Part 8; or
  - (c) abandon the amendment or part of the amendment.
4. The recommendations made in the report are consistent with the Act.

### Finance

5. The costs associated with the recommendation to progress to an independent panel have been provided for in the City of Melbourne 2022-23 budget.

### Conflict of interest

6. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

### Health and Safety

7. The health and safety of the community is central to the rationale of the Amendment which seeks to protect life, property, public health, assets and the environment by managing new development in the planning scheme to minimise potential flood damage.

## Stakeholder consultation

8. The exhibition period ran from 13 October to 29 November 2021. Notification letters were sent to property owners and occupiers, Aboriginal Traditional Owners, prescribed ministers, government departments and industry peak bodies, emergency services and local organisations. This notification encouraged people to find out more and get involved by visiting the Participate Melbourne Website, registering for a virtual information session, getting in touch with a question and submitting a formal submission.
9. The statutory notice was published in The Age and the Government Gazette on 14 October 2021. The opportunity to learn more and make a submission was also promoted through the Participate Melbourne e-newsletter and targeted emails.
10. In total, at least 90,000 people were reached through letters of notification, website visits, newsletters, emails and media coverage. 46 people attended the virtual information sessions.
11. Should the Future Melbourne Committee resolve to request the appointment of an independent panel, this will provide a further opportunity for submitters to present matters raised in their submission. The current pre-set panel dates are:
  - 11.1. Directions Hearing: Monday 29 August 2022
  - 11.2. Hearing: Week starting Monday 17 October 2022

## Relation to Council policy

12. The Amendment is consistent with the following Council policies:
  - 12.1. *Municipal Integrated Water Management Plan (2017)*
  - 12.2. *The Climate Change Adaptation Strategy Refresh (2017)*
  - 12.3. *Melbourne Flood Management Plan (2018)*
  - 12.4. *Climate Change Mitigation Strategy (2018)*
  - 12.5. *Docklands Waterways Strategic Plan (2009-2018)*
  - 12.6. *Elizabeth Street Catchment Integrated Water Cycle Management Plan*
  - 12.7. *Declaration of the Climate and Biodiversity Emergency (2019)*
  - 12.8. *City of Melbourne Service Asset Management Plan (2019/2020)*
  - 12.9. *Moonee Ponds Creek Strategic Opportunities Plan (2019)*
  - 12.10. *Yarra River – Birrarung Strategy (2019)*
  - 12.11. *Maribyrnong Waterfront (2020)*

## Environmental sustainability

13. The Amendment is a direct and necessary response to the declared climate and biodiversity emergency.
14. The Amendment recognises that climate change may intensify flood events.
15. The environmental sustainability of the City will benefit as Council can use the updated information to ensure future public realm works are planned and designed to improve water management through ecological and water-sensitive urban design initiatives and infrastructure and drainage upgrades.
16. The Amendment will assist Council with sustainable water management as follows:
  - 16.1. Flood mitigation and urban design approaches that integrate water within the landscape and build social resilience to flooding can be explored and adopted to mitigate the estimated increased flood impacts in Melbourne.

- 16.2. Build community awareness of flooding and preparedness to deal with it.
- 16.3. Increase community awareness of whole-of-water cycle management – including through the City of Melbourne's Urban Water website.
- 16.4. Collaborate with other councils and water industry stakeholders on regional issues and to share learnings.
- 16.5. Advocate for climate change rainfall intensity to be included in future inundation overlay amendments.
- 16.6. Build the city's resilience to flooding.
- 16.7. Inform planning and design of streetscapes and public open spaces.
- 16.8. Inform a future review of the Melbourne Flood Management Plan (2018).

# C384MELB INUNDATION OVERLAYS

## Summary of Submissions and Management's Responses

### Notes:

- Full submissions have been made available to Councillors.
- Where a key theme has been identified, this is addressed in Attachment 3.
- Submissions relating to the SBO3 have been assessed and responded to by City of Melbourne. All other submissions have been assessed and responded to with input from Melbourne Water.

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# C384MELB INUNDATION OVERLAYS

## 1. 51 Parsons Street, Kensington

<b>Overlay</b>	LSIO3
<b>Themes</b>	N/A
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- States that the property is not affected by, and should not be included in, the revised flood overlay.</li> <li>- States that the detailed overlay map online indicates the road is affected but not the house.</li> <li>- Comments that 'in any case our house is built up, it sits 75cm above ground level'.</li> </ul>
<b>Specific management response</b>	<ul style="list-style-type: none"> <li>- The modelling demonstrates that almost the entire property is inundated by year 2100 1% AEP flood depths exceeding 0.05 metres. Therefore, the LSIO3 is proposed to apply to the property. The flood extent smoothing parameters that have been applied have a minimal impact on the extent of the overlay within the property.</li> <li>- The design of the existing dwelling may provide a degree of protection against above floor flooding. However, the flood overlays are required to designate land within the LSIO and SBO areas (including this property) that modelling has identified as being highly likely to be subject to inundation in the event of a flood. This will allow for the application of risk appropriate controls and measures to manage any future development in a way that minimises potential flood damage through the planning permit process.</li> </ul>
<b>Management recommendation</b>	<ul style="list-style-type: none"> <li>- No changes are recommended in response to this submission.</li> </ul>

## 2. 17 Park Drive, Parkville

<b>Overlay</b>	SBO3
<b>Themes</b>	<ul style="list-style-type: none"> <li>- Maintenance of drainage system</li> <li>- Insurance, rates and property values</li> </ul>
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- N/A</li> </ul>
<b>Specific management response</b>	<ul style="list-style-type: none"> <li>- N/A</li> </ul>
<b>Management recommendation</b>	<ul style="list-style-type: none"> <li>- No changes are recommended in response to this submission.</li> </ul>

# C384MELB INUNDATION OVERLAYS

## 3. 883 and 889 Collins Street, Docklands

<b>Subject land</b>	LSIO3
<b>Themes</b>	- Insurance, rates and property values
<b>Specific matters raised</b>	- N/A
<b>Specific management response</b>	- N/A
<b>Management recommendation</b>	- No changes are recommended in response to this submission.



# C384MELB INUNDATION OVERLAYS

## 4. 34 Newton, St Kensington

<b>Overlay</b>	LSIO1 (existing, administrative change only), SBO3 (new, proposed to apply to the street, not to this property specifically)
<b>Themes</b>	N/A
<b>Specific matters raised</b>	- Disagrees that their street is subject to flooding. The section of the street identified as subject to flooding is 'grassed area and water does not sit, swell or is [sic] subject to flooding'.
<b>Specific management response</b>	<ul style="list-style-type: none"> <li>- The property is within the existing LSIO1 area, which modelling has identified as being highly likely to be subject to inundation in the event of a flood. The LSIO1 delineates riverine flooding associated with the Maribyrnong River.</li> <li>- The mapping of the existing LSIO1 is not proposed to be changed by this Amendment. Changes proposed to Schedule 1 of Clause 44.04 are administrative in nature and involve updates to the Schedule's formatting in order to comply with the requirements in Ministerial Direction Form and Content of Planning Schemes.</li> <li>- The proposed SBO3, which includes this street (but not the property itself), delineates flooding risk related to the City of Melbourne's drainage system.</li> </ul>
<b>Management recommendation</b>	- No changes are recommended in response to this submission.

## 5. 15 Park Drive, Parkville

<b>Overlay</b>	SBO3
<b>Themes</b>	- Maintenance and upgrade of drainage system
<b>Specific matters raised</b>	- The proposed overlay to the parts of Parkville illustrated on the map should be removed as there is adequate opportunity for water to disperse provided the drainage system is maintained and improved.
<b>Specific management response</b>	- Within flood modelling projects, pipes and pits are generally modelled as unblocked and suitably maintained. From a review of the hydraulic model, it is evident that the modeller has not applied any blockage or abnormal losses to pipe and pit assets within the area of influence of the subject site. It can therefore be concluded that the model, in its current form which was used to inform the proposed SBO3, assumes a well maintained and unblocked pipe network. It can be safely assumed that if high losses or blockages were to be introduced to the model within the area of interest, flood extents would either remain similar or increase when compared to the proposed extent.
<b>Management recommendation</b>	- No changes are recommended in response to this submission.

# C384MELB INUNDATION OVERLAYS

## 6. 11 and 25 Park Drive, Parkville

<b>Overlay</b>	SBO3
<b>Themes</b>	<ul style="list-style-type: none"> <li>- Maintenance and upgrade of drainage system</li> <li>- Insurance, rates and property values</li> </ul>
<b>Specific matters raised</b>	- A planning scheme overlay based on estimates of future events -- derived from modelling that deliberately makes the assumption of failure of all pump stations -- is unfair and unreasonable. The provision of effective pumps and drainage would change the parameters of the modelling and thereby the estimates that inform the planning scheme amendment.
<b>Specific management response</b>	- While local impacts may be seen if the pumps were modelled as operational, due to the differences in ground elevation between the pump station and the sites, it is not considered likely that the operation of the pump station would impact the proposed flood extent at or immediately surrounding the subject sites.
<b>Management recommendation</b>	- No changes are recommended in response to this submission.

# C384MELB INUNDATION OVERLAYS

## 7. 88 Southbank Boulevard. Southbank

<b>Overlay</b>	LSIO3
<b>Themes</b>	- Insurance, rates and property values
<b>Specific matters raised</b>	- Opposes the Amendment and the property being included in the proposed flood overlay.
<b>Specific management response</b>	- The modelling demonstrates that the entire property is inundated by year 2100 1% AEP flood depths exceeding 0.05 metres. Therefore, the LSIO3 is proposed to apply to the property.
<b>Management recommendation</b>	- No changes are recommended in response to this submission.

# C384MELB INUNDATION OVERLAYS

## 8. 88 Southbank Boulevard. Southbank

<b>Overlay</b>	LSIO3
<b>Themes</b>	- Insurance, rates and property values
<b>Specific matters raised</b>	- Opposes the Amendment and the property being included in the proposed flood overlay.
<b>Specific management response</b>	- The modelling demonstrates that the entire property is inundated by year 2100 1% AEP flood depths exceeding 0.05 metres. Therefore, the LSIO3 is proposed to apply to the property.
<b>Management recommendation</b>	- No changes are recommended in response to this submission.

# C384MELB INUNDATION OVERLAYS

## 9. 131-139 Sturt Street, Southbank

<b>Overlay</b>	LSIO3
<b>Themes</b>	N/A
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- Comments that the Amendment 'does not offer transitional provisions for existing permit holders, in particular where the proposed flood level requirements have been met'. And submits that transitional arrangements should apply to the property.</li> <li>- Comments on the possibility of new requirements for higher ground floor levels within developments and the implications such requirements would have for maximum height control areas (such as the Capital City Zone). And suggests updating measurement practices for buildings in these areas so that building heights are measured from a minimum floor level as determined by Melbourne Water.</li> <li>- States that design solutions to meet new LSIO requirements may 'be difficult to achieve' in the context of the Gazettal of Amendment C308 (DDO1 mandatory controls). And suggests discretion should be afforded in respect of the DDO1 where SBOs or LSIOs are a critical design factor.</li> <li>- Notes that flood level information was not included in the exhibited documentation, such that it is difficult to consider the Amendment's impact.</li> </ul>
<b>Specific management response</b>	<ul style="list-style-type: none"> <li>- This submission appears to relate to a specific development proposal relevant to the property, for which planning permissions have already been granted.</li> <li>- Transitional provisions are not proposed to be included in this Amendment.</li> <li>- The flood information that underpins each development assessment represents the best available flood data at a point in time, which can be subject to change as new information becomes available and as further studies are carried out.</li> <li>- Melbourne Water is required to provide the latest flood risk information to customers, and to consider that information in all development assessments.</li> <li>- If a property is affected by a proposed inundation overlay, landowners with existing planning approvals or active planning and building applications are advised to approach Melbourne Water or Council (depending on the overlay) to discuss implications of the Amendment for their development.</li> <li>- The purpose of this Amendment is to update the LSIO and SBO extents in certain catchments in the Melbourne Planning Scheme to reflect updated flood modelling and current and future flooding risk in these areas. Interactions with separate height controls and other mandatory controls are not relevant considerations in the context of the introduction of updated flood controls.</li> <li>- The modelling demonstrates that the entire property is inundated by year 2100 1% AEP flood depths exceeding 0.05 metres. Therefore, the LSIO3 is proposed to apply to the property.</li> <li>- A consideration of the application of DDO1 is beyond the scope of this</li> </ul>

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amendment. Upon receipt of an application, all planning controls that apply at the time will be considered. The Guide is intended to assist with flood responsive design.

- Flood level and flood depth information can be provided by Melbourne Water upon request.

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**Management  
recommendation**

- No changes are recommended in response to this submission.
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# C384MELB INUNDATION OVERLAYS

## 10. 61 Bangalore Street, Kensington (and Cairncross Lane)

<b>Overlay</b>	SBO3
<b>Themes</b>	N/A
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- The methodology has produced some anomalous results in this area, including flood paths that defy gravity, flood paths that flow through solid walls, and that have generally not considered the actual surface conditions. It is curious that a 4m wide overlay is proposed along Cairncross Lane, when the area sits about 10m higher than the adjacent Escarpment Reserve, which has not been included, nor has much of Kensington Banks. Surface water runoff in the lane simply dissipates into street drains, and if they fail, simply flows down the bank of Escarpment Reserve and into Kensington Banks. No property is at risk.</li> <li>- Further, at 7 Cairncross Lane the flood path seems to travel uphill, across a gutter and through solid walls, rather than continuing along the lane and down into Kensington Road. Photos provided to illustrate this.</li> </ul>
<b>Specific management response</b>	<ul style="list-style-type: none"> <li>- From a site visit, undertaken to review the local topography and likely flow paths, it was evident that overland flows would likely flow along the south-eastern side of Bangalore Street before turning onto Cairncross Lane. Once on Cairncross Lane, the wide bluestone curb and channel on the north-east side of the Lane is lower than the south-western side of the Lane. Flows would also be added to via runoff joining from Council Lane 1674. In a storm event causing overland flow, it is believed that water would first fill the north-east side of the lane and flow in a south-easterly direction along Cairncross Lane towards The Ridgeway. It's plausible that in larger storm events, flows could overtop the centreline of the road.</li> <li>- The Council drainage pipe continues along Cairncross Lane in a south-easterly direction. At the intersection of Cairncross Lane and CL1672, the pipe follows the steep pathway down towards Kensington Road. The proposed overlay shows the flood extent breaking away from the pipe alignment, crossing Cairncross Lane from the north-east to the south-west side immediately adjacent to 67 The Ridgeway and then spilling into 5 &amp; 7 Cairncross Lane.</li> <li>- During the site visit, a high point was observed on Cairncross Lane between The Ridgeway and CL1672. It is likely that this high point is the cause of overland flows then spilling to the south-west side of Cairncross Lane. The flood modelling shows the overland flow moving through the buildings at 5 &amp; 7 Cairncross Lane. It is a standard approach in flood modelling projects to not model buildings as completely blocked. Without entering private property, it was difficult to ascertain from the site visit where water would travel once within the property. The only visible potential entry point for water was the garage doors which did not appear to necessarily be impenetrable to flooding. Other potential points of egress into the building would be via the front doors and any other openings which may exist in the front courtyards. Front doors and courtyards were not viewed on the site visit. If floodwater was unable to penetrate the buildings, it is likely that flood water would be forced to continue in a south-easterly direction on Cairncross Lane to then spill</li> </ul>

# C384MELB INUNDATION OVERLAYS

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into 78 Kensington Road and through other properties along Kensington Road between Cairncross Lane and Fisken Walk as the proposed overlay extent currently shows.

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**Management  
recommendation**

- No changes are recommended in response to this submission.
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# C384MELB INUNDATION OVERLAYS

## 11. 13 Park Drive, Parkville

<b>Overlay</b>	SBO3
<b>Themes</b>	<ul style="list-style-type: none"> <li>- Insurance, rates and property values</li> <li>- Maintenance and upgrade of drainage system</li> </ul>
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- Is the installation of underground tanks as part of the <i>IEVERS reserve landscape concept plan, flood mitigation and storm water harvesting project</i> still happening?</li> <li>- Will the Council Flood Management Strategy (2018-2023) be reviewed and updated to incorporate new information leading to proposed inundation overlays?</li> </ul>
<b>Specific management response</b>	<ul style="list-style-type: none"> <li>- Project has been scoped but is yet to be funded.</li> <li>- When any strategy has a stated timeframe, it is expected that all relevant up to date information is fed into its review at that point in time.</li> </ul>
<b>Management recommendation</b>	<ul style="list-style-type: none"> <li>- No changes are recommended in response to this submission.</li> </ul>

# C384MELB INUNDATION OVERLAYS

## 12. 5 Curran Street, North Melbourne

<b>Overlay</b>	SBO3
<b>Themes</b>	- Maintenance and upgrade of drainage system
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- The submitter states that “Curran St is located on Hotham Hill. There is a slope of 10m falling from approx 20m AHD at the east end of Curran St (Dryburgh St) down to 10m AHD at the west end of Curran St (Melrose St). It is proposed to apply a SBO to address overland flow (not inundation) to the properties on the south side of Curran St. Water will not flood the south side of Curran St because the north side of Curran St is at a lower level than the south side.”</li> <li>- The submitter claims that “the 2013 AECOM model specifically excluded Hotham Hill from its study area in the DRAFT 2013 report. Engeny has erroneously extrapolated the AECOM data for Curran St”.</li> </ul>
<b>Specific management response</b>	<ul style="list-style-type: none"> <li>- Curran Street slopes from Dryburgh Street towards Melrose Street as claimed by the applicant. Travelling downstream (north) on Dryburgh Street towards Curran Street, flows would be split by the centre median to either flow on the east or west side of Dryburgh Street. Flows on the east side would likely stay on the east side, joining flows travelling in a north-westerly direction along Flemington Road. Flows on the west side of Dryburgh Street would likely turn onto Curran Street with the roundabout acting as a high point. Once flows reach Curran Street, the road has a gentle but distinct crossfall from the centre median towards the bluestone kerb and channel on the south side of the roadway. A kerb exists on the north side of the lane which would prevent flows from crossing to the lower other (northern) lane of Curran Street. The only potential points of transfer to the lower northern lane is through the four car-parking spaces in the centre of the Curran Street roadway adjacent to 519-521 Dryburgh Street, or via the 5-bay carparking spaces in the centre median opposite 5-7 Curran Street. Site analysis of the crossfall from the carparking towards the southern kerb and channel suggested that the kerb and channel is lower and would be the preferential flow path. It is possible that in larger events flows may cross to the northern side of Curran Street at these points. Adjacent to the subject site, the southern lane continues to have crossfall towards the kerb and channel.</li> <li>- The AECOM modelling was not reviewed as part of this process. The Engeny model was reviewed to determine the bounds of the model. The Engeny model shows a rainfall entry point (red dashed line in image below) spanning to the top of Hotham Hill, sloping towards the Children’s Hospital. The raw (pre-filtering)</li> </ul>

# C384MELB INUNDATION OVERLAYS

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flood results from the Engeny model show a flood extent originating along the West Coburg Tramway around where the green line in the image below crosses. Following discussions with Engeny, they have confirmed that the modelling and inclusion of the relevant section (contributing catchment area) of Hotham Hill at this point is appropriate.

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**Management  
recommendation**

- No changes are recommended in response to this submission.
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# C384MELB INUNDATION OVERLAYS

## 13. Urban Development Institute of Australia (UDIA)

Overlay	Unspecified
Themes	N/A
Specific matters raised	<p>=&gt; Good Design Guide:</p> <ul style="list-style-type: none"> <li>- Supports intent of the Amendment and stated role of the Good Design Guide for Buildings in Flood Affected Areas (the Guide).</li> <li>- Raises the following issues in respect of the Guide: <ul style="list-style-type: none"> <li>o The Guide does not provide a clear hierarchy of objectives where there is conflict.</li> <li>o Notes the proposed requirement for buildings to be constructed in accordance with the NFPL (which is two metres above footpath level) – states this is likely to result in 'poor streetscape outcome[s]'. o States that proposed 'transition zones' create inefficiencies regarding use of and yield from space.</li> <li>o Refers to vague language used in the Guide, and lack of indication as to the Guide's legal status in the context of other requirements of the Melbourne Planning Scheme – 'our concern is that council officers will adopt the guide as a set of binding requirements'.</li> <li>o Comments on a lack of regard for various matters, including the impacts of the NFPL on built form heights and basements, and the role of legal and indemnification agreements.</li> </ul> </li> <li>- Requests the following changes to the Guide: <ul style="list-style-type: none"> <li>o Provision of a clear hierarchy where there are multiple conflicting goals.</li> <li>o Further clarity as to the statutory decision-making process and legal status of the Guide.</li> <li>o Suggests the use of a 'whole-of-precinct' approach for better streetscape outcomes – for instance, raising footpaths to increase gutter height.</li> <li>o Suggests the removal of ramps and stairs (i.e., unsaleable areas) from FAR calculations (where applicable) and revision of the FAR definition to apply above the requisite flood level.</li> <li>o Provision of guidance on the interaction of the NFPL and built form overlays.</li> </ul> </li> </ul> <p>-&gt; Further information or clarification about Amendment's application/impact sought:</p> <ul style="list-style-type: none"> <li>- Refers to issues with the proposed ordinances and maps: <ul style="list-style-type: none"> <li>o The proposed maps do not contain sufficient information about the 'limitations or potential' of a parcel of land affected by LSIOs and SBOs.</li> <li>o The NFPL data should be available in a GIS format, and on LASSI or Vicplan.</li> </ul> </li> <li>- The requirements that apply when converting an existing building for re-use are unclear (especially where the building is subject to a Heritage Overlay). Is the ground floor level required to be raised to the NFPL?</li> </ul> <p>=&gt; LSIO Schedules</p> <ul style="list-style-type: none"> <li>- Requests the following changes to the Amendment:</li> </ul>

# C384MELB INUNDATION OVERLAYS

- Written approval from the floodplain management authority be valid for 12 months (rather than 3 months).
- Floor areas below the NFPL be considered 'basement'.
- Overall podium or street wall height be increased in accordance with requirements to raise the ground floor of a building above footpath level.

## Specific management response

### => Good Design Guide

- The Guide is designed to assist the development industry, applicants and decision makers with designing new development in flood affected areas within Fishermans Bend, Arden and Macaulay. It contains written and visual examples to help developers and stakeholders in designing new developments, ensuring that buildings are safe during flood events, accessible to all and positively contribute to their context through good urban design.
- Following further review since exhibition of the Amendment, Melbourne Water suggests amending the Schedules to the flood controls to remove reference to urban design principles in the Objectives and in having the Good Design Guide as a Decision Guidelines in the LSIO3 and SBO2. Whilst Melbourne Water note that the document provides urban design guidance to applicants when designing a building in the Arden Macaulay and Fishermans Bend Precincts, urban design principles are not related to the primary purpose of the parent control (Special Building Overlay – Clause 44.05 and Land Subject to Inundation Overlay- Clause 44.04).
- Management agrees that the status of the Guide within the scheme should be clarified. However, this should not be done by removing reference to urban design principles in the Objectives and removing the Guide from the Decision Guidelines, but rather by considering making the Guide an Incorporated Document.

### => Further information or clarification about Amendment's application/impact sought:

- The Amendment is required to designate land within the LSIO and SBO areas that modelling has identified as being highly likely to be subject to inundation in the event of a flood; and to apply risk appropriate controls and measures to manage new development in a way that minimises potential flood damage through the planning permit process.
- Applications for planning permits within the revised LSIO and SBO areas will be referred to Melbourne Water for development-specific review and advice. Land parcels may be impacted by flooding from a variety of sources and therefore the NFPL needs to be calculated based on the particular development proposal.
- The maps represented in the planning scheme are a standardised format across Victoria as part of the Victorian Planning Provisions (VPPS's).
- Land parcels may be impacted by flooding from a variety of sources and the NFPL may also vary and therefore needs to be calculated based on the development proposal.

### => LSIO Schedules

- The Schedules to Clause 44.04 set out the permit requirements, application requirements and decision guidelines applicable to areas covered by an LSIO.

# C384MELB INUNDATION OVERLAYS

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- Melbourne Water is of the view that any written approval should be valid for a period of 3 months and not a longer period. This ensures that the development proposal is designed in consideration of the most up to flood risk data information. The flood information that underpins each development assessment provided represents the best available flood data at a point in time which can be subject to change as new information becomes available and as further studies are carried out.
  - Melbourne Water is obligated to provide to customers the latest flood risk information and to apply this information to all development assessments.

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**Management  
recommendation**

- No changes recommended. The status of the Guide is a matter that should be put to the Panel.
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# C384MELB INUNDATION OVERLAYS

## 14. Mirvac

<b>Overlay</b>	Unspecified
<b>Themes</b>	N/A
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- Requests the addition of a provision to ensure existing planning permit holders who have obtained endorsed drawings prior to the Amendment can obtain the requisite building permit.</li> </ul>
<b>Specific management response</b>	<ul style="list-style-type: none"> <li>- Transitional provisions are not proposed to be included in this Amendment.</li> <li>- The flood information that underpins each development assessment represents the best available flood data at a point in time, which can be subject to change as new information becomes available and as further studies are carried out.</li> <li>- Melbourne Water is required to provide the latest flood risk information to customers, and to consider that information in all development assessments.</li> <li>- If a property is affected by a proposed inundation overlay, landowners with existing planning approvals, or active planning or building applications, are advised to approach Melbourne Water or Council (depending on the overlay) to discuss implications of the Amendment for their development.</li> </ul>
<b>Management recommendation</b>	<ul style="list-style-type: none"> <li>- No changes are recommended in response to this submission.</li> </ul>

## 15. 93-119 Kavanagh Street, Southbank

<b>Overlay</b>	LSIO3
<b>Themes</b>	N/A
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- Outlines that major redevelopment has been approved for staged development and is partially constructed. Designs for subsequent development stages have been endorsed under the permit but not constructed.</li> <li>- Requests clarification on whether the underlying flood modelling used for the Amendment is the same as that used in the advice Melbourne Water gave the property owner in 2019.</li> <li>- Requests clarification on how the proposed changes to previous flood levels apply to the property.</li> </ul>
<b>Specific management response</b>	<ul style="list-style-type: none"> <li>- The modelling demonstrates that the entire property is inundated by year 2100 1% AEP flood depths exceeding 0.05 metres. Therefore, the LSIO3 is proposed to apply to the property.</li> <li>- The flood information that underpins each development assessment represents the best available flood data at a point in time, which can be subject to change as new information becomes available and as further studies are carried out.</li> <li>- Melbourne Water is required to provide the latest flood risk information to customers, and to consider that information in all development assessments.</li> <li>- If a property is affected by a proposed inundation overlay, landowners with existing planning approvals, or active planning or building applications, are advised to approach Melbourne Water or Council (depending on the overlay) to discuss implications of the Amendment for their development.</li> </ul>
<b>Management recommendation</b>	<ul style="list-style-type: none"> <li>- No changes are recommended in response to this submission.</li> </ul>



## 16. Victorian Planning Authority

<b>Overlay</b>	LSIO3 & SBO2
<b>Themes</b>	N/A
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>=&gt; Good Design Guide                             <ul style="list-style-type: none"> <li>- Supports the inclusion of the Good Design Guide into the Melbourne Planning Scheme as a Background Document.</li> </ul> </li> <li>=&gt; Synergy between Amendment C407 and Amendment C384                             <ul style="list-style-type: none"> <li>- Supports the Amendment as it applies to the Arden Precinct.</li> <li>- Notes that Melbourne Water and City of Melbourne have made submissions in relation to Amendment C407</li> </ul> </li> </ul>
<b>Specific management response</b>	<ul style="list-style-type: none"> <li>- Noted</li> </ul>
<b>Management recommendation</b>	<ul style="list-style-type: none"> <li>- No changes requested in this submission nor recommended in response to this submission.</li> </ul>

## 17. 127 Leveson Street, North Melbourne

<b>Overlay</b>	SBO3
<b>Themes</b>	<ul style="list-style-type: none"> <li>- Maintenance and upgrade of drainage system</li> <li>- Planning and building processes and costs</li> <li>- Insurance, rates and property values</li> </ul>
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- Expresses concern that the notification letter's header referencing "flood affected areas in Fishermans Bend, Arden and Macaulay" is misleading and residents of established areas of North Melbourne, West Melbourne and Parkville would assume that the amendment does not apply to them. And request that further advertising is needed.</li> </ul>
<b>Specific management response</b>	<ul style="list-style-type: none"> <li>- The reference to Fishermans Bend, Arden and Macaulay are expressed as only being related to the Guide. The letters, which were individually addressed to affected parties, had a clear purpose and the amendment documentation identified all land subject to the amendment.</li> </ul>
<b>Management recommendation</b>	<ul style="list-style-type: none"> <li>- No changes are recommended in response to this submission.</li> </ul>

## 18. 177 Drummond Street, Carlton

<b>Overlay</b>	SBO3
<b>Themes</b>	<ul style="list-style-type: none"> <li>- Accuracy of flood extent mapping</li> <li>- A Maintenance and upgrade of drainage system</li> <li>- Insurance, rates and property values</li> </ul>
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- Request that the proposed SBO3 not apply to their property.</li> <li>- There has been no detailed information provided on the topography</li> </ul>

(digital terrain modelling) around Ormond Place, Carlton used by Water Technology in preparing the “Elizabeth Street, Melbourne Flood Modelling Report” which was used to inform on the mapping of the SBO3 overlay. Specifically:

- no information on the accuracy (to the nearest metre or thereof) of the topography of the lane;
  - no details of when the topography measurements were made;
  - no information provided of topography within Ormond Place itself.
- The changes in topography due to landscaping and renovations have not been taken into consideration.

**Specific management response**

- A site visit was completed by Rain Consulting to review the terrain and the proposed overlay extents. Specifically, Ormond Place was investigated. Ormond Place is a narrow bluestone laneway with rear access garages and entries for the properties of Drummond Street. The subject site and neighbouring properties all have rear garage door entries, generally raised above the level of the laneway to varying degrees. It is unlikely that the LiDAR utilised in the Elizabeth Street Flood Modelling project would have been able to accurately pick-up the levels of these entries, particularly given that some second story building areas overhang the entries.
- Notwithstanding the building-up of the garage entries and the accuracies of the hydraulic modelling, it is considered likely that Ormond Place would be subject to overland flows in major storm events.
- The proposed overlay will provide Council with the opportunity to respond to any future proposed developments on the subject site and make an appropriate determination based on the available flood advice. The existence of current fill or raising of a property doesn't necessarily eliminate a future flood risk if site conditions were to change.

**Management recommendation**

- No changes are recommended in response to this submission.

**19. 35 Ireland St, West Melbourne**

<b>Overlay</b>	SBO3
<b>Themes</b>	<ul style="list-style-type: none"> <li>- Maintenance and upgrade of drainage system</li> <li>- Planning and building processes and costs</li> <li>- Insurance, rates and property values</li> </ul>
<b>Specific matters raised</b>	- Expresses concern that the notification letter's header referencing “flood affected areas in Fishermans Bend, Arden and Macaulay” is misleading and residents of established areas of North Melbourne, West Melbourne and Parkville would assume that the amendment does not apply to them. And request that further advertising is needed.
<b>Specific management response</b>	- The reference to Fishermans Bend, Arden and Macaulay are expressed as only being related to the Guide. The letters, which were individually addressed to affected parties, had a clear purpose and the amendment documentation identified all land subject to the amendment.

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<b>Management recommendation</b>	- No changes are recommended in response to this submission.
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## 20. 458 and 460 Abbotsford

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<b>Overlay</b>	SBO3
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<b>Themes</b>	- Planning and building processes and costs
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<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- The submitter requests confirmation that only one of their two properties is proposed to be affected, as this appears to be the case on Council's 'dynamic overlay map' but not on the amendment map.</li> <li>- The proposed overlay will only affect approximately 2 square metres of the subject property, resulting in approximately 2.3 percent of the total area of the property being impacted. An area so insignificant it should be disregarded.</li> <li>- Requests the amendment be changed to:             <ul style="list-style-type: none"> <li>o delete the proposed Special Building Overlay 3 (SBO3) from their properties</li> <li>o define the term 'Nominal Flood Protection Level', in the Melbourne Planning Scheme and incorporating any method, data and information that will be used to determine the level</li> <li>o delete the first three decision guidelines in Schedule 3 to the Special Building Overlay.</li> </ul> </li> <li>- The submitter queries who will assess applications in the SBO3 given that it is Melbourne City Council drains but Melbourne Water is the Flood Management Authority under the Act.</li> </ul>
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<b>Specific management response</b>	<ul style="list-style-type: none"> <li>- It is confirmed that only one of the properties is impacted by the proposed overlay.</li> <li>- As per the filtering methodology, the subject property fails both of the following criteria applied for the removal of an overlay from an impacted property parcel:             <ul style="list-style-type: none"> <li>o Less than 2% of the total area of the property was impacted by the flood extent, AND</li> <li>o Less than 25% of the road frontage of the property was impacted by the flood extent.</li> </ul> </li> <li>- There is an error in terminology in the schedules. The expression should be 'Nominal Flood Protection Level (NFPL)'. The definition is in the following document listed as a Decision Guideline in each of the Schedules: <i>Guidelines for Development in Flood Affected Areas – DEWLP February 2019 – Glossary page 52. Nominal Flood Protection Level (NFPL): The 1% AEP flood level plus the applicable freeboard.</i></li> <li>- In relation to the submitter's request to delete the first two decision guidelines, the Victorian Government's guide for the preparation of planning schemes does not generally support, but does not prohibit, the referencing approach taken in the proposed schedules. We note the submitter's alternative suggestion to retain the first two decision guidelines and consider making the referenced documents Incorporated Documents, instead of Background Documents, and this is a relevant</li> </ul>
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matter to be put to the Panel for consideration.

- The submitter is correct that, following changes to the Referral and Notice provisions of the Victorian Planning Provisions (VPP) in October 2013, Clause 66.03 of the VPPs now requires that an application under the Special Building Overlay (SBO), within the waterways management district of the Melbourne Water Corporation, must be referred to the Melbourne Water Corporation as a Determining Referral Authority. However, Clause 44.05-5 Referral of applications does provide that an application under the SBO does not require referral under Section 55 of the Act if, in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed to in writing between the Responsible Authority and the floodplain management authority. Using this clause, agreements are made between Melbourne Water and Councils, whereby Melbourne Water does not require referral where a planning permit application is only required under a SBO because it falls within an area impacted by overland flow from Council's drainage system for which Council is the relevant drainage authority. For such applications, advice would be sought from Council's drainage engineers. There is no such agreement in place yet between Melbourne Water and the City of Melbourne but it is anticipate this would be the case if and when proposed SBO3 is introduced into the Melbourne Planning Scheme.

**Management recommendation**

- In response to this submission, references to 'Nominated Flood Protection Level (NFPL)' should be amended to 'Nominal Flood Protection Level (NFPL)' in the proposed schedules.

## 21. 57 Ireland street, West Melbourne

<b>Overlay</b>	SBO3
<b>Themes</b>	<ul style="list-style-type: none"> <li>- Maintenance and upgrade of drainage system</li> <li>- Insurance, rates and property values</li> </ul>
<b>Specific matters raised</b>	N/A
<b>Specific management response</b>	N/A
<b>Management recommendation</b>	- No changes are recommended in response to this submission.

## 22. 62-70 Gracie Street, North Melbourne

<b>Overlay</b>	LSIO3
<b>Themes</b>	N/A
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>=&gt; Synergy between Amendment C407 and Amendment C384</li> <li>- States that the Amendment should not be divorced from the Arden</li> </ul>

	<p>Structure Plan (which should be considered to provide for the orderly planning of the Arden Precinct).</p> <p>=&gt; Flood overlay/modelling</p> <ul style="list-style-type: none"> <li>- States that further work needs to be undertaken with respect to the climate change assumptions that underpin the modelling.</li> <li>- Comments that there is no certainty that the modelling is consistent with the best practice objectives of the ARR 2019 standards – modelling needs to be 'fit for purpose'.</li> </ul>
<b>Specific management response</b>	<p>=&gt; Synergy between Amendment C407 and Amendment C384</p> <ul style="list-style-type: none"> <li>- Noted</li> </ul> <p>=&gt; Flood overlay/modelling</p> <ul style="list-style-type: none"> <li>- The flood modelling adopts specified climate change scenarios and parameters consistent with key Victorian legislation and policy, including the Climate Change Act 2017 (Vic), Water Act 1989 (Vic), Victorian Floodplain Management Strategy, Marine and Coastal Policy and State Planning Policy in the Victorian Planning Provisions.</li> <li>- These adopted climate change parameters and scenarios are those considered necessary to build resilience to, and reduce the risks posed by, climate change, and to protect the community from climate change impacts.</li> <li>- The modelling demonstrates that the entire property is inundated by year 2100 1% AEP flood depths exceeding 0.05 metres. Therefore, the LSIO3 is proposed to apply to the property.</li> </ul>
<b>Management recommendation</b>	<ul style="list-style-type: none"> <li>- No changes are recommended in response to this submission.</li> </ul>

### 23. 133 Leveson Street, North Melbourne

<b>Overlay</b>	SBO3
<b>Themes</b>	N/A
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- After experiencing a number of flood events, the submitter and their neighbours contacted Council and the submitter states that in 2018 remediation works were undertaken: <ul style="list-style-type: none"> <li>o expansion of the curb gutter entrances to the underground drain on the north west corner of Leveson Street and Arden Street</li> <li>o replacement of the existing underground drain that runs down the middle of Leveson Street North with two very much larger underground drains</li> </ul> </li> <li>- Requests that their the full extent of the remediation works recently undertaken be included into the model and, as appropriate, either their property be removed from the SBO3 or retain SBO3 as it is and extra drainage remediation works be carried out so that existing Heritage-listed properties, like theirs, do not get inundated.</li> </ul>
<b>Specific management response</b>	<ul style="list-style-type: none"> <li>- Discussions with City of Melbourne's City Infrastructure team has indicated that twin 750 mm diameter pipes were proposed from Arden Street to O'Shanassy Street, with the majority of works completed in the 20-21 financial year. Works near Arden Street have been delayed due to</li> </ul>

	<p>service clashing.</p> <ul style="list-style-type: none"> <li>- The introduction of new, large mitigation pipes within this area has the potential to impact the flood modelling and proposed SBO extents. The exact extent of potential impacts is difficult to predict without undertaking hydraulic modelling, but given the terrain of the local area, it is estimated that impacts would be limited to the area of the works. Increasing capacity through this section may create unexpected impacts downstream also. When future updates to the flood models are undertaken, these would take into account any new mitigation works undertaken since the present model was done and this may result in a revised SBO3 extent, which would form part of a subsequent amendment.</li> </ul>
<b>Management recommendation</b>	<ul style="list-style-type: none"> <li>- No changes are recommended in response to this submission.</li> </ul>

## 24. 208-292 Arden Street, 2-54 Green Street and 22-44 Henderson Street, North Melbourne

<b>Overlay</b>	LSIO3
<b>Themes</b>	N/A
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- States that Amendments C384 and C407 should be considered concurrently so that flood matters are considered holistically.</li> </ul>
<b>Specific management response</b>	<ul style="list-style-type: none"> <li>- Noted</li> </ul>
<b>Management recommendation</b>	<ul style="list-style-type: none"> <li>- No changes requested in this submission nor recommended in response to this submission.</li> </ul>

## 25. 49-51 Henderson, North Melbourne

<b>Overlay</b>	LSIO3
<b>Themes</b>	N/A
<b>Specific matters raised</b>	<p>=&gt; Synergy between Amendment C407 and Amendment C384</p> <ul style="list-style-type: none"> <li>- States that the Amendment should not be divorced from the Arden Structure Plan (which should be considered to provide for the orderly planning of the Arden Precinct).</li> </ul> <p>=&gt; Flood overlay/modelling</p> <ul style="list-style-type: none"> <li>- States that further work needs to be undertaken with respect to the climate change assumptions that underpin the modelling.</li> <li>- Comments that there is no certainty that the modelling is consistent with the best practice objectives of the ARR 2019 standards – modelling needs to be 'fit for purpose'.</li> </ul>
<b>Specific management response</b>	<p>=&gt; Synergy between Amendment C407 and Amendment C384</p> <ul style="list-style-type: none"> <li>- Noted</li> </ul> <p>=&gt; Flood overlay/modelling</p>



- The flood modelling adopts specified climate change scenarios and parameters consistent with key Victorian legislation and policy, including the Climate Change Act 2017 (Vic), Water Act 1989 (Vic), Victorian Floodplain Management Strategy, Marine and Coastal Policy and State Planning Policy in the Victorian Planning Provisions.
- These adopted climate change parameters and scenarios are those considered necessary to build resilience to, and reduce the risks posed by, climate change, and to protect the community from climate change impacts.
- The modelling demonstrates that the entire property is inundated by year 2100 1% AEP flood depths exceeding 0.05 metres. Therefore, the LSIO3 is proposed to apply to the property.

**Management recommendation**

- No changes are recommended in response to this submission.

## 26. Parkville Association

<b>Overlay</b>	Unspecified
<b>Themes</b>	<ul style="list-style-type: none"> <li>- Maintenance and upgrade of drainage system</li> <li>- Insurance, rates and property values</li> </ul>
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- Expresses a need for further discussion on the Amendment and for further advice on the process and states that 'Letters to residents headlined Fishermans Bend, Arden and Macaulay would hardly alert Parkvillians of this Amendment'.</li> <li>- Requests that Parkville be removed from the overlay:             <ul style="list-style-type: none"> <li>o Questions necessity of the Amendment.</li> <li>o Claims that there is no possibility that areas in Parkville will flood – there is a 3 metre drop south of Flemington Rd where water will flow.</li> </ul> </li> </ul>
<b>Specific management response</b>	<ul style="list-style-type: none"> <li>- The reference to Fishermans Bend, Arden and Macaulay are expressed as only being related to the Guide. The letters, which were individually addressed to affected parties, had a clear purpose and the amendment documentation identified all land subject to the amendment.</li> <li>- The Amendment is required to identify land within the LSIO and SBO areas that modelling has identified as being highly likely to be subject to inundation in the event of a flood, and to apply risk appropriate controls and measures to manage new development in a way that minimises potential flood damage through the planning permit process.</li> </ul>
<b>Management recommendation</b>	<ul style="list-style-type: none"> <li>- No changes are recommended in response to this submission.</li> </ul>

## 27. 61 Ireland Street, West Melbopurne

<b>Overlay</b>	SBO3
<b>Themes</b>	<ul style="list-style-type: none"> <li>- Maintenance and upgrade of drainage system</li> <li>- Insurance, rates and property values</li> </ul>
<b>Specific matters raised</b>	- The notification letter's reference to "flood affected areas in Fishermans Bend, Arden and Macaulay" is misleading as it indicates that the proposal will apply to these future development precincts and is a result of waterways flooding, when in fact existing properties are being affected and some of the flooding is due to inadequate existing drainage infrastructure.
<b>Specific management response</b>	- The reference to Fishermans Bend, Arden and Macaulay are expressed as only being related to the Guide. The letters, which were individually addressed to affected parties, had a clear purpose and the amendment documentation identified all land subject to the amendment.
<b>Management recommendation</b>	- No changes are recommended in response to this submission.

## 28. 66a Courtney Street, North Melbourne

<b>Overlay</b>	SBO3
<b>Themes</b>	<ul style="list-style-type: none"> <li>- Maintenance and upgrade of drainage system</li> <li>- Planning and building processes and costs</li> <li>- Insurance, rates and property values</li> </ul>
<b>Specific matters raised</b>	N/A
<b>Specific management response</b>	N/A
<b>Management recommendation</b>	- No changes are recommended in response to this submission.



## 29. 24 - 78 Laurens Street, North Melbourne

<b>Overlay</b>	LSIO3
<b>Themes</b>	N/A
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- States the Amendment does not take into account the significant work being done as part of Amendment C407. <ul style="list-style-type: none"> <li>o Raises concern about synergies between Amendments C384 and C407 and 'overlapping nature' of planning controls.</li> <li>o Refers to the 'lack of cohesion' between the Amendments.</li> <li>o Amendment C384 complicates the planning process by implementing a new planning control that includes a permit trigger for buildings and works.</li> <li>o Notes the property is already affected by Heritage Overlays and the ability to meet requirements of the LSIO3 and proposed controls under C407 'raises concern'.</li> </ul> </li> <li>- States the LSIO3 should include additional permit exemptions. <ul style="list-style-type: none"> <li>o Compares LSIO3 with LSIO2 (which includes additional permit exemptions).</li> <li>o Suggests the inclusion in LSIO3 of exemptions for works that are uncontroversial in respect of flood impacts and provides a minimum list of proposed exemptions.</li> </ul> </li> <li>- Refers to matters 'outside the purpose or scope of the LSIO', which should not be included in the LSIO3. <ul style="list-style-type: none"> <li>o Suggests deletion of purpose relating to safe access and egress, good urban design and equitable access.</li> <li>o Suggests deletion of decision guidelines relating to urban design and equitable access, physical and visual connection of ground floor design, and activation of street edge and frontage.</li> </ul> </li> <li>- Refers to Practice Note 12 and Rule 5 of the 'Rules for writing a planning scheme'.</li> <li>- States that when the LSIO3 is considered, regard must be had to existing site conditions and how they can respond to built form requirements</li> </ul>
<b>Specific management response</b>	<ul style="list-style-type: none"> <li>- The purpose of this Amendment is to update the LSIO and SBO extents in certain catchments in the Melbourne Planning Scheme to reflect updated flood modelling and current and future flooding risk in these areas.</li> <li>- Should we address the relationship to Heritage Controls?</li> <li>- In respect of planning permit exemptions, the Schedule for LSIO2 is a defined precinct, notably Flemington Racecourse (Special Use Zone Schedule 1). Flemington Racecourse is predominantly protected from flooding by a gabion levee wall around the Maribyrnong River. This protection allows for a greater number of planning permit exemptions for proposals associated with a reduced risk of property damage by flooding.</li> <li>- Council and Melbourne Water have prepared amendments to the overlay schedules following further review since exhibition of the Amendment, further permit exemptions will not apply.</li> <li>- The Good Design Guide is designed to assist the development industry</li> </ul>

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applicants and decision makers with designing new development in flood affected areas within Fishermans Bend, Arden and Macaulay. It contains written and visual examples to help developers and stakeholders in designing new developments, ensuring that buildings are safe during flood events, accessible to all and positively contribute to their context through good urban design.

- Following further review since exhibition of the Amendment, Melbourne Water suggests amending the Schedules to the flood controls to remove reference to urban design principles in the Objectives and in having the Good Design Guide as a Decision Guidelines in the LSIO3 and SBO2. Whilst Melbourne Water note that the document provides urban design guidance to applicants when designing a building in the Arden Macaulay and Fishermans Bend Precincts, urban design principles are not related to the primary purpose of the parent control (Special Building Overlay – Clause 44.05 and Land Subject to Inundation Overlay- Clause 44.04).
- Management agrees that the status of the Guide within the scheme should be clarified. However, this should not be done by removing reference to urban design principles in the Objectives and removing the Guide from the Decision Guidelines, but rather by considering making the Guide an Incorporated Document.

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**Management recommendation**

- No changes recommended. The status of the Guide\*is a matter that should be put to the Panel.
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## 30. Southgate - 1-3 Southgate Avenue and 16-60 City Road, Southbank

<b>Overlay</b>	LSIO3
<b>Themes</b>	- Planning and building processes and costs
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- Supports intent of the Amendment.</li> <li>=&gt; Flood overlay/modelling                             <ul style="list-style-type: none"> <li>- Refers to concerns about how the overlay will be applied and 'whether the underlying data is acceptable for that application', in respect of:                                     <ul style="list-style-type: none"> <li>o use of the 2100 climate change scenario (which has not been used for any other flood planning in Victoria) in the proposed overlay.</li> <li>o over-estimation of flood levels in GHD modelling, resulting in a flood extent that is too conservative – compared to the 1934 flood</li> <li>o narrow consideration of climate change impacts (i.e., '19.5%' [sic] increase in rainfall intensity) and apparent disregard of other catchment processes.</li> <li>o conservative adoption of Representative Concentration Pathway (RCP) 8.5 – instead adopting RCP 4.5 results in an 8% increase in rainfall intensity.</li> <li>o existing AHD RL's [Australian Height Datum Reduced Levels which are above the current minimum planning scheme and MW requirement of R.L. 2.4mAHD for retail areas.</li> </ul> </li> </ul> </li> <li>=&gt; Costs associated with the amendment                             <ul style="list-style-type: none"> <li>- Raises concerns about impacts on development costs.</li> <li>- Suggests implementation of precinct or city scale measures.</li> <li>- States that adoption of flood planning levels for a future condition risks adding significant cost to development (that may not be required if city scale measures were implemented).</li> <li>- Raises concerns about impacts of the NPFL on the redevelopment of Southgate (specifically, the connectivity of spaces/properties in built form).</li> <li>- Suggests there may be limited opportunities to comply with the Amendment given typical rejection by Melbourne Water of engineering measures such as flood barriers.</li> </ul> </li> <li>=&gt; Clarification of decision making criteria                             <ul style="list-style-type: none"> <li>- States there is a lack of clarity regarding how decision criteria will be assessed and applied by Council and Melbourne Water.</li> <li>- Requests that Council require development of a Local Floodplain Development Plan to assist in clarifying requirements for developers.</li> </ul> </li> </ul>
<b>Specific management response</b>	<ul style="list-style-type: none"> <li>=&gt; Flood overlay/modelling                             <ul style="list-style-type: none"> <li>- The flood modelling adopts specified climate change scenarios and parameters consistent with key Victorian legislation and policy, including the Climate Change Act 2017 (Vic), Water Act 1989 (Vic), Victorian Floodplain Management Strategy, Marine and Coastal Policy and State Planning Policy in the Victorian Planning Provisions.</li> <li>- These adopted climate change parameters and scenarios are those considered necessary to build resilience to, and reduce the risks posed</li> </ul> </li> </ul>

by, climate change, and to protect the community from climate change impacts.

- The property is partially covered by the proposed LSIO3. The modelling demonstrates that greater than 2% of the total area of the property is inundated by year 2100 1% AEP flood depths. Therefore, the LSIO3 is proposed to apply to the property.
- => Costs associated with the amendment
  - The Amendment is required to designate land within the LSIO and SBO areas that modelling has identified as being highly likely to be subject to inundation in the event of a flood; and to apply risk appropriate controls and measures to manage new development in a way that minimises potential flood damage through the planning permit process.
  - Potential increases to development costs are not relevant considerations in the context of the introduction of updated flood controls.
  - While there may be opportunities to implement flood mitigation measures at a precinct or city scale, the issue of on-ground mitigation works is not relevant to the Amendment and application of the LSIO and SBO to land identified as subject to flooding. Such work will require separate consideration outside of the Amendment process. It may be that the impact of mitigation works is considered in the assessment of planning permit applications.
- => Clarification of decision making criteria
  - The purpose of this Amendment is to update the LSIO and SBO extents in certain catchments in the Melbourne Planning Scheme to reflect updated flood modelling and current and future flooding risk in these areas. The application of the overlays identifies flood risk, within which permits are generally triggered for development, where more detailed investigation of flood risk and design response can occur.
  - Council cannot independently introduce the requirement for a Local Floodplain Development Plan.

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**Management recommendation**

- No changes are recommended in response to this submission.
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## 31. 93 Park Drive, Parkville

<b>Overlay</b>	SBO2
<b>Themes</b>	- Maintenance and upgrade of drainage system
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- Opposes the Amendment as it applies to Parkville.</li> <li>- Comments on actions and measures that could be taken by Council.                             <ul style="list-style-type: none"> <li>o There is a lack of drains in the lanes of Morrah St, Story Street, Park Drive, levers Reserve and surrounding areas.</li> <li>o Council should replace all grille drains so that the grille is oriented in the direction of water flow.</li> <li>o Council should connect rainwater discharge points to the existing underground stormwater infrastructure, or construct a new infrastructure.</li> </ul> </li> <li>- If these updates are made, there is no need to increase the extent that is included in the proposed overlay.</li> </ul>
<b>Specific management response</b>	- The purpose of the amendment is to identify flood risk. Both Melbourne Water and Council have programs to upgrade their infrastructure, which is dependent on prioritisation and budgeting factors.
<b>Management recommendation</b>	- No changes are recommended in response to this submission.

## 32. Elizabeth Street

<b>Overlay</b>	SBO3
<b>Themes</b>	- Maintenance and upgrade of drainage system
<b>Specific matters raised</b>	- The submitter makes a number of observations and suggestions regarding the maintenance and upgrading of drainage infrastructure on Elizabeth Street.
<b>Specific management response</b>	- Both Melbourne Water and Council have programs to upgrade their infrastructure, which is dependent on prioritisation and budgeting factors.
<b>Management recommendation</b>	- No changes are recommended in response to this submission.

### 33. 19 OShanassy Street, North Melbourne

<b>Overlay</b>	SBO3
<b>Themes</b>	<ul style="list-style-type: none"> <li>- No history of flooding</li> <li>- Maintenance and upgrade of drainage system</li> <li>- Accuracy of flood extent mapping</li> <li>- Insurance, rates and property values</li> </ul>
<b>Specific matters raised</b>	N/A
<b>Specific management response</b>	N/A
<b>Management recommendation</b>	<ul style="list-style-type: none"> <li>- No changes are recommended in response to this submission.</li> </ul>

### 34. 13-33 Hartley Street, Docklands

<b>Overlay</b>	LSIO3
<b>Themes</b>	N/A
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- Requests the addition of transitional provisions to ensure that the current proposal relating to the property (a redevelopment site) is not further impacted by planning controls that were subsequently drafted after previous reviews of the proposal by Melbourne Water as referral authority.</li> </ul>
<b>Specific management response</b>	<ul style="list-style-type: none"> <li>- This submission appears to relate to a specific development proposal relevant to the property, which is outside the scope of this Amendment</li> <li>- Transitional provisions are not proposed to be included in this Amendment.</li> <li>- The flood information that underpins each development assessment represents the best available flood data at a point in time, which can be subject to change as new information becomes available and as further studies are carried out.</li> <li>- Melbourne Water is required to provide the latest flood risk information to customers, and to consider that information in all development assessments.</li> <li>- If a property is affected by a proposed inundation overlay, landowners with existing planning approvals, or active planning or building applications, are advised to approach Melbourne Water or Council (depending on the overlay) to discuss implications of the Amendment for their development.</li> </ul>
<b>Management recommendation</b>	<ul style="list-style-type: none"> <li>- No changes are recommended in response to this submission.</li> </ul>

## 35. 135-157 Racecourse Road, Kensington

<b>Overlay</b>	LSIO3
<b>Themes</b>	N/A
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- Opposes the Amendment (though supports intent of the Amendment).</li> <li>- Questions why the Amendment applies to only six 'targeted' areas as opposed to the whole municipality. <ul style="list-style-type: none"> <li>o Comments that limited application suggests that only these areas will be designed to respond to flooding and this approach does not consider the potential flow-on flood impact on other areas not included in the Amendment.</li> <li>o '[A] piecemeal approach simply cannot be applied'.</li> <li>o Suggests a broader, municipal wide approach.</li> </ul> </li> <li>- States the Amendment disregards existing built form conditions and the implications this may have for the directional flow of water during a flood event. <ul style="list-style-type: none"> <li>o 'Such existing built form conditions are not referenced as an application requirement within the exhibited LSIO3 control (which is drafted as though all sites are currently vacant), however notably the existing site use and development forms a decision guideline within the LSIO parent control'.</li> </ul> </li> <li>- Notes that further technical and hydrological advice has been sought to determine the Amendment's implications with respect to the current development application.</li> </ul>
<b>Specific management response</b>	<ul style="list-style-type: none"> <li>- The Amendment applies to land identified as being subject to inundation from riverine flooding (LSIO) in the Moonee Ponds Creek and Lower Yarra River waterways, and drainage flooding (SBO) in the Arden, Macaulay and Moonee Ponds Creek, Elizabeth Street, Fishermans Bend, Hobsons Road and Southbank catchments.</li> <li>- Catchments were prioritised based on future projected development growth across these catchments, including the Arden Macaulay and Fishermans Bend Precincts.</li> <li>- The mapping extents of the existing LSIO1, LSIO2 and existing SBO outside the catchments included in this Amendment are not proposed to be amended as the modelling for these catchments has not yet been updated.</li> <li>- Further updates to the mapping extents in the municipality will be considered in due course in future flood studies.</li> <li>- The modelling represents existing built form with higher Manning's roughness. Existing building footprints are not represented as full flow blockages, as buildings may be subject to above floor flooding and the building footprint will be part of the flood extent. This approach is consistent with Melbourne Water's Flood Mapping Specification and industry best practice for catchment wide flood modelling. Retaining the overlay within this property will help to ensure that future floor levels are set appropriately.</li> <li>- The property is partially covered by the proposed LSIO3. The modelling demonstrates that greater than 2% of the total area of the property is inundated by year 2100 1% AEP flood depths. Therefore, the LSIO3 is</li> </ul>



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proposed to apply to the property.

- This submission appears to relate to a specific development proposal relevant to the property, which is outside the scope of this Amendment. Practical guidance regarding the Amendment's implications and application to existing planning permits and planning applications will be addressed directly with relevant landowners, outside of the Amendment process.

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**Management  
recommendation**

- No changes are recommended in response to this submission.
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## 36. 86-96 Stubbs Street, Kensington

<b>Overlay</b>	LSIO3
<b>Themes</b>	N/A
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- Opposes the Amendment (though supports intent of the Amendment).</li> <li>- Questions why the Amendment applies to only six 'targeted' areas as opposed to the whole municipality. <ul style="list-style-type: none"> <li>o Comments that limited application suggests that only these areas will be designed to respond to flooding and this approach does not consider the potential flow-on flood impact on other areas not included in the Amendment.</li> <li>o '[A] piecemeal approach simply cannot be applied'.</li> <li>o Suggests a broader, municipal wide approach.</li> </ul> </li> <li>- States the Amendment disregards existing built form conditions and the implications this may have for the directional flow of water during a flood event. <ul style="list-style-type: none"> <li>o 'Such existing built form conditions are not referenced as an application requirement within the exhibited LSIO3 control (which is drafted as though all sites are currently vacant), however notably the existing site use and development forms a decision guideline within the LSIO parent control'.</li> </ul> </li> <li>- Notes that further technical and hydrological advice has been sought to determine the Amendment's implications with respect to the current development application.</li> </ul>
<b>Specific management response</b>	<ul style="list-style-type: none"> <li>- The Amendment applies to land identified as being subject to inundation from riverine flooding (LSIO) in the Moonee Ponds Creek and Lower Yarra River waterways, and drainage flooding (SBO) in the Arden, Macaulay and Moonee Ponds Creek, Elizabeth Street, Fishermans Bend, Hobsons Road and Southbank catchments.</li> <li>- Catchments were prioritised based on future projected development growth across these catchments, including the Arden Macaulay and Fishermans Bend Precincts.</li> <li>- The mapping extents of the existing LSIO1, LSIO2 and existing SBO outside the catchments included in this Amendment are not proposed to be amended as the modelling for these catchments has not yet been updated.</li> <li>- Further updates to the mapping extents in the municipality will be considered in due course in future flood studies.</li> <li>- The modelling represents existing built form with higher Manning's roughness. Existing building footprints are not represented as full flow blockages, as buildings may be subject to above floor flooding and the building footprint will be part of the flood extent. This approach is consistent with Melbourne Water's Flood Mapping Specification and industry best practice for catchment wide flood modelling. Retaining the overlay within this property will help to ensure that future floor levels are set appropriately.</li> <li>- The property is partially covered by the proposed LSIO3. The modelling demonstrates that greater than 2% of the total area of the property is inundated by year 2100 1% AEP flood depths. Therefore, the LSIO3 is</li> </ul>

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proposed to apply to the property.

- This submission appears to relate to a specific development proposal relevant to the property, which is outside the scope of this Amendment. Practical guidance regarding the Amendment's implications and application to existing planning permits and planning applications will be addressed directly with relevant landowners, outside of the Amendment process.

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**Management recommendation** - No changes are recommended in response to this submission.

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### 37. Property Council

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**Overlay** Unspecified

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**Themes** - Planning and building processes and costs

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**Specific matters raised**

- Supports intent of the Amendment.
- States that the main concern is how the Amendment will impact 'projects already advanced and designed in accordance with previously established flood levels and inundation overlays'.
  - o Raises concerns about retrospective application to existing planning permits – refers to example of Spencer St development.
  - o Suggests that sites that already have a planning permit and endorsed drawings should not be required to update their design to obtain a building permit.
  - o Suggests that Council and Melbourne Water establish a dedicated concierge service to facilitate the implementation of the Amendment for all affected projects already underway.
- Emphasises that facilitating the uninterrupted progress of projects already underway is essential for post-pandemic CBD revival.

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**Specific management response**

- Transitional provisions are not proposed to be included in this Amendment.
- Practical guidance regarding the Amendment's implications for and application to existing planning permits and planning applications will be addressed directly with relevant landowners, outside of the Amendment process.

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**Management recommendation** - No changes are recommended in response to this submission.

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## 38. 800-810 Lorimer Street, Port Melbourne

<b>Overlay</b>	SBO3
<b>Themes</b>	N/A
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- The submitter states that there is insufficient information within the exhibited material to provide a detailed understanding of the impacts of the Amendment on the subject site and any future development opportunities. More particularly, there is insufficient information regarding flood levels and required floor levels, including:                             <ul style="list-style-type: none"> <li>o 1% AEP Flood Level</li> <li>o Freeboard</li> <li>o Nominal Flood Protection Level (NFPL)</li> </ul> </li> </ul>
<b>Specific management response</b>	<ul style="list-style-type: none"> <li>- Flood level and flood depth information for a particular property can be provided upon request.</li> </ul>
<b>Management recommendation</b>	<ul style="list-style-type: none"> <li>- No changes are recommended in response to this submission.</li> </ul>

## 39. 139-149 Boundary Road, North Melbourne

<b>Overlay</b>	LSIO3
<b>Themes</b>	N/A
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- Opposes the Amendment due to its application to only six 'targeted' areas as opposed to the whole municipality. And suggests a municipal wide amendment is required to combat climate change.</li> <li>- Notes the property is only partially covered by the proposed LSIO3. And suggests that the proposed overlay be updated to consider existing conditions and reflect the property's title boundary (which has historically had buildings built up to it and where there is existing vehicle access).</li> </ul>
<b>Specific management response</b>	<ul style="list-style-type: none"> <li>- The Amendment applies to land identified as being subject to inundation from riverine flooding (LSIO) in the Moonee Ponds Creek and Lower Yarra River waterways, and drainage flooding (SBO) in the Arden, Macaulay and Moonee Ponds Creek, Elizabeth Street, Fishermans Bend, Hobsons Road and Southbank catchments.</li> <li>- Catchments were prioritised based on future projected development growth across these catchments, including the Arden Macaulay and Fishermans Bend Precincts.</li> <li>- The mapping extents of the existing LSIO1, LSIO2 and existing SBO outside the catchments included in this Amendment are not proposed to be amended as the modelling for these catchments has not yet been updated.</li> <li>- Further updates to the mapping extents in the municipality will be considered in due course in future flood studies.</li> <li>- The subject property is partially covered by the proposed LSIO3. The modelling demonstrates that greater than 25% of the property's road frontage to Alfred Street is inundated and greater than 2% of the total area of the property is inundated by year 2100 1% AEP flood depths. Therefore, the LSIO3 is proposed to apply to the property.</li> <li>- The modelling represents existing built form with higher Manning's roughness. Existing building footprints are not represented as full flow blockages, as buildings may be subject to above floor flooding and the building footprint will be part of the flood extent. This approach is consistent with Melbourne Water's Flood Mapping Specification and industry best practice for catchment wide flood modelling. Retaining the overlay within this property will help to ensure that future floor levels are set appropriately.</li> </ul>
<b>Management recommendation</b>	<ul style="list-style-type: none"> <li>- No changes are recommended in response to this submission.</li> </ul>

## 40. 402-432 & 434-444 Macaulay Road, Kensington

<b>Overlay</b>	SBO3
<b>Themes</b>	N/A
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- Opposes the Amendment due to its application to only six 'targeted' areas as opposed to the whole municipality. And suggests a municipal wide amendment is required to combat climate change.</li> <li>- Notes that an application has been lodged with the Minister for Planning for the site's redevelopment, and that they have sought further technical expertise and review in relation to the proposed Amendment and potential impact on their current development proposal</li> <li>- Suggests that the proposed overlay be updated to consider existing built form conditions.</li> </ul>
<b>Specific management response</b>	<ul style="list-style-type: none"> <li>- The Amendment applies to land identified as being subject to inundation from riverine flooding (LSIO) in the Moonee Ponds Creek and Lower Yarra River waterways, and drainage flooding (SBO) in the Arden, Macaulay and Moonee Ponds Creek, Elizabeth Street, Fishermans Bend, Hobsons Road and Southbank catchments.</li> <li>- Catchments were prioritised based on future projected development growth across these catchments.</li> <li>- The mapping extents of the existing LSIO1, LSIO2 and existing SBO outside the catchments included in this Amendment are not proposed to be amended as the modelling for these catchments has not yet been updated.</li> <li>- Further updates to the mapping extents in the municipality will be considered in due course in future flood studies.</li> <li>- The subject properties are partially covered by the proposed SBO3. The modelling demonstrates that greater than 25% of the property's road frontages are inundated and greater than 2% of the total area of the property is inundated by year 2100 1% AEP flood depths. Therefore, the SBO3 is proposed to apply to the property.</li> <li>- The modelling represents existing built form with higher Manning's roughness. Existing building footprints are not represented as full flow blockages, as buildings may be subject to above floor flooding and the building footprint will be part of the flood extent. This approach is consistent with Melbourne Water's Flood Mapping Specification and industry best practice for catchment wide flood modelling. Retaining the overlay within this property will help to ensure that future floor levels are set appropriately.</li> </ul>
<b>Management recommendation</b>	<ul style="list-style-type: none"> <li>- No changes are recommended in response to this submission.</li> </ul>

## 41. 2a O'Shanassy Street, North Melbourne

<b>Overlay</b>	SBO3
<b>Themes</b>	<ul style="list-style-type: none"> <li>- Insurance, rates and property values</li> <li>- Maintenance and upgrade of drainage system</li> </ul>
<b>Specific matters raised</b>	N/A
<b>Specific management response</b>	N/A
<b>Management recommendation</b>	- No changes are recommended in response to this submission.

## 42. 129 Leveson Street, North Melbourne

<b>Overlay</b>	SBO3
<b>Themes</b>	<ul style="list-style-type: none"> <li>- Maintenance and upgrade of drainage system</li> <li>- Insurance, rates and property values</li> </ul>
<b>Specific matters raised</b>	N/A
<b>Specific management response</b>	N/A
<b>Management recommendation</b>	- No changes are recommended in response to this submission.

## 43. 118 & 158 City Road, Southbank

<b>Overlay</b>	LSOI3
<b>Themes</b>	N/A
<b>Specific matters raised</b>	<ul style="list-style-type: none"> <li>- Supports intent of the Amendment.</li> <li>- Raises concerns about the impact of controls on development within Southbank.                             <ul style="list-style-type: none"> <li>o Emphasises the need for a high level of certainty and accuracy around technical information underpinning the Amendment.</li> <li>o Requests the Council to undertake a peer review of the technical documentation that underpins the modelling to assess accuracy.</li> </ul> </li> </ul>
<b>Specific management response</b>	<ul style="list-style-type: none"> <li>- The modelling forming the basis of the proposed overlay was undertaken by suitably qualified consultants and consistent with industry standards and Melbourne Water's Flood Mapping Specifications at the time.</li> </ul>
<b>Management recommendation</b>	<ul style="list-style-type: none"> <li>- No changes are recommended in response to this submission.</li> </ul>

# Amendment C384

## Management response to key themes

### Planning and building processes and costs

Designation of land as being 'subject to inundation' does not cause or change the likelihood of flooding. Instead, it recognises the existing condition of land specifically its potential to be inundated.

For land in the City of Melbourne, a Planning Permit is generally required to facilitate development meaning that the introduction or extension of an inundation overlay is unlikely to be determinative of whether a planning permit is required. And even if it were, it would not be considered an unreasonable impost given the grave risks posed by flooding.

An inundation overlay ensures prompt consideration of flood risk as part of the development planning approval process. This is beneficial by enabling flood responsive design considerations to be incorporated early. Planning permit applicants can only be assisted by being informed of flood levels so design can mitigate or respond to the risk noting that floor levels will often need to be raised with other typical considerations being basement entry and lift access. If not picked up at the planning stage, flood levels will be relevant at the building stage and any necessary changes in design can mean unnecessary delay and costs.

### Insurance, rates and property values

There is no express requirement in either the Melbourne Planning Scheme or *Planning and Environment Act 1987* to consider insurance cover, insurance premiums, rates or property values in respect of applying an inundation overlay.

It would be difficult to determine what influence, if any, Amendment C384 might have on the value of a property. It is worth noting that the flood extent mapping was already in the public realm for some time prior to the exhibition of the amendment. The value of any property is determined by the complex interplay of many different factors such as overall economic conditions, public economic policies, location, streetscape and amenity, and it is difficult to assign what effect if any, the identification of land as liable to flooding may have on property value whether purchase price or rent return. Rates are calculated based on property value so the same logic applies to rates.

In respect of insurance, each insurance company has its own process for calculating premiums. Individual insurers determine the criteria to be utilised to determine flood risk and calculate premiums. This may include historical flood information, flood modelling, claims history and building type.



Planning panels have consistently found that there is no justification for setting aside any planning scheme amendment to introduce the Land Subject to Inundation Overlay or Special Building Overlay on the basis of concerns about insurance cover or premiums.

### Accuracy of flood extent mapping

Numerous Planning Panels Victoria reports have considered and addressed the question of land value in relation to the application of inundation overlays. These include Bass Coast Amendment C82, South Gippsland Amendment C81 and Mornington Peninsula Amendment C216. These panels have consistently determined that the application of an inundation overlay does not prohibit or impede development, and that land values, insurance premiums and rates are not relevant planning considerations. No new evidence or arguments were proffered by submitters to warrant derogating from this position.

The Land Subject to Inundation and Special Building Overlay mapping is considered accurate, drawing upon best practice methodology led by Melbourne Water as the floodplain management authority. Melbourne Water has advised that following the Arden Special Advisory Committee, it is commissioning some refinement work to their flood information. The scope of this work and its timing is yet to be set. What remains significant is Melbourne Water's firm position that the data and modelling underpinning the Amendment are sound. The net community benefit in progressing the Amendment is clear and obvious.

The case of *Wellington C33 (PSA) [2011] PPV 9* is helpful in respect of accuracy. It proposed to introduce new, and modify existing Flood Overlays and Land Subject to Inundation Overlays in areas known to be affected by mainstream flooding during a 1 in 100 year.

There were numerous submissions to the Amendment with many submitters questioning the accuracy of data used to define overlay boundaries; the applicability of overlays to individual properties; and the social and economic impact of the overlays on individual landowners and affected communities. However, in response to these submissions, the Panel held:

*"The Panel concludes that, overall, the topographical data and 1 in 100 year ARI flood levels used by Council and WGCMA in setting the boundaries for the proposed overlays is sound. The Panel accepts that the WGCMA has used the best available data in all cases and appropriately used aerial photography, "ground truthing" and, in particular, LiDAR mapping to verify the accuracy of flood mapping."*

*"The Panel accepts the accuracy and application of the data used to define overlay boundaries in the Loch Sport area, particularly as it is supported by LiDAR data."*

*"In relation to Port Albert, the Panel concludes that the CSIRO report (Climate Change in Eastern Victoria – Stage 3 Report, 2006) currently represents the best available information on which to base the mapping and proposed extents for the FO and LSIO and that, using the*

*precautionary principle, this FO and LSIO should stand until better data becomes available. Having regard to anecdotally identified past inundation heights referred to by a large number of submitters, the Panel is of the view that the WGCMA should undertake the following further work and incorporate any findings into future refinements of the FO and LSIO.”*

## Maintenance and upgrading of drainage system

The flood modelling was predicated upon all drainage assets functioning properly and at design capacity.

Land use planning is a cost effective way to reduce future impacts of flooding, including by ensuring floor levels of developments and improvements are above the flood level. At page 14 of the ‘Victorian Flood Plan Management Strategy 2016,’ this is reinforced:

*“There is an ongoing role for structural measures, such as levees, retarding basins, culverts and floodways, and the flood-proofing of existing houses. There is a bigger role however for non-structural measures such as land use planning (zones, overlays, freeboard requirements, setbacks), flood insurance, flood warning systems, flood education and flood awareness initiatives.”*

While there may be opportunities to refine and improve drainage maintenance practices and undertake capital works, drainage maintenance and on-ground mitigation works are not relevant to the application of the Land Subject to Inundation Overlay and Special Building Overlay. Such works sit outside of the planning scheme amendment process.

The definition of an overlay boundary is based upon the best available information. If any future inundation protection work or drainage work reduces risk or alters the mapping of flood levels, these may be reduced via a subsequent planning scheme amendment.

## No history of flooding

It cannot be assumed that flooding will not occur on land because there is no known record or recollection of it having flooded in the past.

Inundation overlays are effectively risk-appropriate controls to manage and steer future development together with other priorities in an integrated way. An inundation overlay does not prohibit or prevent development.

## Status of Good Design Guide

Inundation overlays are effectively risk-appropriate controls to manage and steer future development together with other priorities in an integrated way.

The Good Design Guide for Buildings in Flood Affected Areas (the Guide) is focused on the low lying urban renewal areas of Fishermans Bend, Arden and Macaulay which are proximate to waterways. The Guide seeks to encourage universally-accessible, safe, high quality buildings that contribute positively to streets and neighbourhoods while responding to flood risk.

The Guide is referenced in the overlay schedules to ensure it is considered as part of the planning permit process. The Guide is currently intended to have the status of a background document to the planning scheme. The Guide was developed collaboratively between the City of Melbourne, Melbourne Water and the City of Port Phillip. Management originally proposed that the Guide be an incorporated document. Melbourne Water's preference is that the Guide have no status. Therefore, the compromise reached was that the Guide be listed in the Decision Guidelines and have the status of a background document. Three submissions have queried the appropriateness of a background document being referenced in the Decision Guidelines. In this regard, Management does not recommend any changes to the Amendment and therefore the referral of those submissions to an appointed Panel. In saying that, Management does consider that the Panel's view should be sought on the question of the status of the Guide.