

# Parliamentary Inquiry into the 2022 Flood Event in Victoria

## Response from the Victorian Greenhouse Alliances and the Council Alliance for a Sustainable Built Environment (CASBE)

31 May 2023

On behalf of their member councils, the Victorian Greenhouse Alliances and CASBE welcome the opportunity to respond to the Inquiry into the 2022 Flood Event in Victoria. Given the remit of each Alliance, our submission will focus specifically on supporting the Committee to understand how the Victorian planning framework can ensure climate mitigation is a consideration in future planning decisions, as per 8a of the Terms of Reference of the Inquiry. However, it is critical to embed action on climate change in all policies, programs and processes developed or implemented by the Victorian Government and their partners.

### About the Alliances

The [Victorian Greenhouse Alliances](#) are formal partnerships of local governments and other member organisations driving climate change action across Victoria.

The [Council Alliance for a Sustainable Built Environment](#) (CASBE) is an association of Victorian councils committed to ensuring future generations can enjoy a sustainable built environment by seeking sustainable design outcomes through the statutory planning process.

### Flood-affected communities

We note that the impact of the 2022 floods on communities and individuals across Victoria has been significant. It is a key responsibility of government to learn from these events, and make the interventions required in the planning scheme to reduce future flood impacts on Victorians as much as possible.

Local councils are in a unique position to understand these impacts, due to their close connection to local communities and the role that councils play in all stages of emergency management, from preparing communities for disasters through response and recovery.

It is also critical that communities who are impacted by floods and other climate-related extreme weather events have the opportunity to share their experiences and have their input reflected in the government's response. We note that public hearings are scheduled in five flood-affected areas across regional Victoria and in Melbourne. We urge the Committee to extend these hearings to all flood-affected LGAs in regional Victoria, to ensure that these communities are also heard.

First Nations' perspectives on and approaches to managing water in the landscape must also be valued. There are opportunities to engage with and learn from Traditional Owners as leaders in holistic land and water management practices that consider both floods and drought.



## Flooding in urban areas

Flooding is related to the amount of permeable and impermeable surfaces in a catchment. The amount of impermeable surfaces in the urban environment increases with development. Most urban areas, in both metro and regional settings, will be vulnerable to flooding in the future from extreme rain events. Victoria is expected to experience more extreme rainfall events and impacts due to climate change, such as heavier rainfall and flash floods<sup>1</sup>.

We are not taking advantage of opportunities to engage the built form to mitigate the effects of flooding – beyond the current focus on structures/assets vulnerable to flooding and flood prone areas. For example, if more water is captured collectively in a catchment, then this will lessen the impact on vulnerable assets and waterways.

The impacts of climate change are already being felt by metro and regional communities. Recent research found that in the metro area alone, the cost of average annual damages to community assets managed by local government due to inland flooding is at least \$17.2 million – these costs are expected to rise by at least 100% to 2050 when factoring in the impact of climate change.<sup>2</sup> Current funding mechanisms are insufficient to enable local governments to upgrade drainage infrastructure and undertake critical flood mitigation works.

## Planning and Local Government

Planning decisions are one of the main levers for local government to support their communities to adapt to climate change. Through the Council Alliance for a Sustainable Built Environment (CASBE), councils have introduced local [Environmentally Sustainable Design \(ESD\) policies](#) to tackle climate change, and have submitted a planning scheme amendment to state government on how we can [elevate ESD targets](#) in the Victorian planning scheme to improve our response to climate change in our built environment.

Local government in Victoria has identified a disconnect between high level policy positions on climate change, both by state and local government, and the day-to-day decisions that are being made through the planning system. In practice, local government decision-makers routinely report that the adoption of commitments to climate change adaptation have not yet ‘trickled down’ to inform decision-making through Victoria’s planning system.

The *Local Government Act 2020* identifies that a Council must give effect to the overarching governance principles in the performance of its role. These principles create obligations for councils to promote the economic, social and environmental sustainability of the municipal district, **including mitigation and planning for climate change risks**, and give priority to achieving the best outcomes for the municipal community, **including future generations**. This

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<sup>1</sup> Victoria’s Climate Science Report 2019

[https://www.climatechange.vic.gov.au/\\_\\_data/assets/pdf\\_file/0029/442964/Victorias-Climate-Science-Report-2019.pdf](https://www.climatechange.vic.gov.au/__data/assets/pdf_file/0029/442964/Victorias-Climate-Science-Report-2019.pdf)

<sup>2</sup> Adaptive Community Assets, 22 March 2023, A report by NCEconomics for the Melbourne-based Victorian Greenhouse Alliances



obliges local government to tackle climate change and its impacts, but the current planning system restricts the ability of councils to take the required transformational action.

## Opportunities for the Victorian Planning System

Decisions made today will be seen in buildings in decades to come. More than half of Australia's 2050 building stock will be constructed during the next 30 years<sup>3</sup>.

An independent, award-winning [report](#) commissioned by the Victorian Greenhouse Alliances and CASBE has identified a raft of reform opportunities for Victoria's planning system to ensure that it is aligned with the state's legislated emission reduction targets and supports climate resilient communities. We also ask that all recommendations in the report are implemented to protect future communities from flooding and other climate risks.

This report, [Climate Change and Planning in Victoria: Ensuring Victoria's planning system effectively tackles climate change](#), recommends a suite of reforms that would:

- Recognise the fundamental role the Planning Scheme and *Planning and Environment Act 1987* play in guiding decision-makers, and their weight as statutory law instruments, focusing attention on ensuring the scheme:
  - Makes climate change one of the key, overarching principles guiding all decisions;
  - Elevates the importance of climate change in decision-making through explicit regulation rather than relying on generic references to sustainability;
  - Fills gaps where there is a policy void in key areas; and
  - Introduces mandatory development standards in targeted areas.
- Ensure that the scheme and its application of controls is consistent with the scientific evidence base on climate change and best practice.
- Focuses on changes that will assist in getting the fundamentals of future development areas right.
- Addresses the precinct-scale planning and subdivision planning under other legislation by various government actors that fail to integrate climate change and will continue to be a significant ongoing burden to climate-safe communities in future decades.

The report makes several recommendations in relation to flooding, including:

- Establish principles, processes and the most appropriate mechanisms (i.e. Public Acquisition Overlay, land swap) to ensure there is a sound basis for equitable and strategic relocation in areas of unmitigated risk, and to allow this process to begin early.
- Update relevant interim benchmarks for considering flood impacts, which are significantly out-of-date.

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<sup>3</sup> Victoria's Infrastructure Strategy 2021-2051



- Ensure that forthcoming updates to the Regional Growth Plans and their relevant background work integrates more explicit and spatially based recognition of climate change impacts and ensure these are considered in growth planning.
- Update Victorian Planning Provisions to include land use triggers for sensitive uses in flood prone areas.
- Include explicit requirements for all decision-makers, under relevant legislation that all precinct planning should include the development of a 'Climate Change Response Plan' Every *Precinct Structure Plan* prepared should also be clearly articulating the steps being taken to ensure the future community will be resilient, responding to the changes in climate anticipated over that time, rather than just existing conditions, ideally through requirements for a Climate Change Response Plan.
- Undertake a state-wide review and update of all relevant flood mapping to align with the most recent Rainfall & Runoff projections prepared by the CSIRO and which reflect anticipated changes to patterns of rainfall as a result of climate change.

It also makes a number of specific recommendations to embed net zero emissions into the planning framework, to support a transition to a safe climate, thereby minimising the future incidence of flooding.

The report identifies that a high-level mandate to address climate change at every level of the planning system is required. This could be achieved by addressing climate change as an objective of the *Planning & Environment Act*, and including the *Planning and Environment Act* as key legislation in decisions made pursuant to the *Climate Change Act 2017*.

Based on this report, the Alliances have four asks to enable the planning system as a whole to better tackle climate change:

- Amend the Planning and Environment Act and the Climate Change Act to explicitly address climate change at all levels of the planning process.
- Require every planning scheme amendment at all levels of government and of the planning framework to include an assessment against relevant climate change considerations.
- Introduce mandatory minimum climate change standards into the planning scheme.
- Adopt science-based targets for high level policy and align the planning system to the most up to date climate science.

In responding to climate change, planning needs to look to longer-term impacts and requires greater consideration of the impacts on future generations. This is sometimes incompatible with other objectives of planning, and with the interests and obligations of some decision-makers. Climate change considerations must be made explicit, or they will continue to be overlooked in favour of policy considerations that are more explicitly spelled out within planning schemes.



## Maribyrnong River Flood Event

The need for up-to-date data that reflects the changes we know are happening because of climate change and best practice flood modelling was highlighted in the flooding around the Maribyrnong River.

The data provided by Melbourne Water for the City of Moonee Valley LSIO (Land Subject to Inundation Overlay) did not anticipate the extent of flooding, and changes in 2016 took an area out of the overlay that then got flooded where 47 properties were built.<sup>4</sup>

Maribyrnong City Council found that the flood level data, provided by Melbourne Water and identified in their LSIO, was inadequate and actual flood levels were above the “1 in 100-year” flood event in some areas. They recommend the existing flood modelling be reviewed; and that flood level data be reviewed at least every two years in the light of climate change<sup>5</sup>.

In Brimbank, two flood-impacted properties were included in the LSIO, although eight were not. Property owners outside the LSIO did not anticipate the potential for flooding and none of the properties received any advance warning about the potential for flooding from the event.<sup>6</sup>

Councils around Flemington racecourse also opposed the building of the flood wall, questioning the modelling used by Melbourne Water, that was later approved by the Minister for Planning.

Councils in the vicinity agree that forward looking modelling using flood mapping data that recognises climate change impacts needs to be carried out. State-wide updates to incorporate climate change impacts into LSIOs need to be made, rather than being done on a council-by-council basis, which is not as cost effective. Changes to properties included in LSIOs will have an impact on the property holders and their insurance premiums<sup>7</sup>, which will need to be considered more broadly as more properties become vulnerable to the impacts of climate change.

The Planning Institute Australia is calling for the creation of a publicly accessible source of up-to-date flood mapping based on current scientific projections and for the state government to ensure that how this is measured is both consistent and reflected in our planning schemes. The City of Melbourne are calling for a requirement that in the metropolitan area Melbourne Water update flood data and review the mitigation measures which are in place at least every five years, because of the impact of climate change<sup>8</sup>.

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<sup>4</sup> City of Moonee Valley submission to the Maribyrnong River Flood Review 2023  
[https://hdp-au-prod-app-mw-yoursay-files.s3.ap-southeast-2.amazonaws.com/6416/8137/2363/MRFR-40\\_Redacted.pdf](https://hdp-au-prod-app-mw-yoursay-files.s3.ap-southeast-2.amazonaws.com/6416/8137/2363/MRFR-40_Redacted.pdf)

<sup>5</sup> Maribyrnong submission to the Melbourne Water Maribyrnong River Flood Review 2023  
[https://hdp-au-prod-app-mw-yoursay-files.s3.ap-southeast-2.amazonaws.com/8216/8137/2429/MRFR-46\\_Redacted.pdf](https://hdp-au-prod-app-mw-yoursay-files.s3.ap-southeast-2.amazonaws.com/8216/8137/2429/MRFR-46_Redacted.pdf)

<sup>6</sup> Brimbank City Council, 17 April 2023, Submission to the Environment and Planning Committee Inquiry into the 2022 Flood Event in Victoria

<sup>7</sup> Ibid

<sup>8</sup> City of Melbourne submission to the Melbourne Water Maribyrnong River Flood Review 2023





A common thread is the need for flood data to be reviewed regularly (between 2-5 years) at catchment level across local government areas. Such reviews are expensive for individual council to carry out, particularly for smaller rural and regional councils. With the increasing impact of climate change, our understanding of flooding - its impacts, and mitigation of the effects - needs to be informed with up-to-date data. At minimum, data should be reviewed and provided to councils by the state government in a time span to inform updates to planning schemes. Flood modelling is only as good as the data fed into it.

## Victorian Government

The Alliances have engaged with the Victorian Government on their proposed planning reforms through the ESD Roadmap development, consultation on Victoria's Built Environment Adaptation Action Plan, and ongoing advocacy. The findings of the *Climate Change and Planning in Victoria* report identify that none of these processes go far enough to tackle the urgent and transformational action needed to tackle climate change. The scale of the challenge and the immediacy of action required to reflect scientific consensus means that there is an urgent need to pull all available levers.

The Alliances are also concerned that there is an increased risk that climate change impacts will not receive adequate focus within planning now that the planning team has been moved out of the department that deals directly with climate action. We request that a clear link between the state's planning reform work in the Department of Transport and Planning, and the climate change policy work in the Department of Energy, Environment and Climate Action be articulated and made public.

Our overarching concern is that there is a lack of specific reference to climate change in the objectives of the *Planning and Environment Act* to set a mandate for planning **where** we build, and to prioritise the tackling of climate change impacts, including increased flooding.

We attach the [full report](#) *Climate Change and Planning in Victoria: Ensuring Victoria's planning system effectively tackles climate change* for your consideration. We would welcome the opportunity to speak with you directly regarding the report findings and the examples we have provided in this submission. We look forward to your response.

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On behalf of the Alliances listed below:

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- o Frankston City Council
- o Glen Eira City Council
- o Greater Bendigo City Council
- o Greater Dandenong City Council
- o Greater Geelong City Council
- o Greater Shepparton City Council
- o Hobsons Bay City Council
- o Hume City Council
- o Kingston City Council
- o Knox City Council
- o Manningham City Council
- o Maribyrnong City Council
- o Maroondah City Council
- o Melbourne City Council
- o Melton City Council
- o Mitchell Shire Council
- o Monash City Council
- o Moonee Valley City Council
- o Moreland City Council
- o Mornington Peninsula Shire Council



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- o Port Phillip City Council
- o Stonnington City Council
- o Strathbogie Shire Council
- o Surf Coast Shire Council
- o Warrnambool City Council
- o Whitehorse City Council
- o Whittlesea City Council
- o Wodonga City Council
- o Wyndham City Council
- o Yarra City Council
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*The submission has been approved through the Greenhouse Alliances' governance structures but may not have been formally considered by individual members. The submission does not necessarily represent the views of all members.*

