

1. What is the role of the VPA in the Victorian planning framework?

The role of the VPA centres on providing spatial growth plans for designated areas. These are typically structure plans and infrastructure contributions plans (or development contributions plans) and are given effect by a planning scheme amendment. The VPA works within the framework of State planning policy, including as regards management of flood risks through the planning system.

The VPA is a state government statutory authority established under the *Victorian Planning Authority Act 2017* (the VPA Act). The VPA has a board of directors responsible for determining the general policies and strategic direction of the VPA, with a clear purpose to provide advice and assistance to the Minister for Planning, the Minister for Transport and Infrastructure, and Minister for the Suburban Rail Loop.

The VPA is accountable to the Minister for Planning and must deliver on the Statement of Expectations, and accompanying Ministerial Direction issued by the Minister to the VPA, pursuant to Section 36(1) of the VPA Act. The Minister for Planning issues a Statement of Expectations that sets priorities for the VPA for the financial year. The Minister's Direction asks the VPA to prepare an annual business plan that articulates how the VPA will deliver its business activities, priority program and related projects.

The Minister for Planning has authorised the VPA to be planning authority to prepare amendments pursuant to section 9 of the *Planning and Environment Act 1987* (PE Act) within Melbourne's growth areas. The Minister has also authorised the VPA to be planning authority with respect to amendments that implement a precinct structure plan (PSP), an infrastructure contributions plan or a development contributions plan in Melbourne's growth areas.

When we deliver our planning and infrastructure coordination projects, we have one of four roles:

- **Planning authority:** We are the appointed planning authority with the mandate to lead the project and deliver the outcome (including recommending a planning scheme amendment to the Minister), in partnership with the relevant council(s) and government agencies.
- **Provider:** We have the lead role to prepare a plan or other report to provide the relevant planning authority, or to a client minister or government agency, working in partnership with the relevant council(s) and government agencies. In this role we submit our report or plan to the planning authority to progress through the statutory process.
- **Advisor:** We provide advice, finance and /or technical support to a council or government agency preparing planning documents or frameworks. We advise and influence these planning documents but do not determine the content.
- **Facilitator:** We assist a council or government agency with their work, and may provide a grant or general advice about how planning policies need to be considered. This can include participation in a steering committee or project group, or require an ongoing watching brief role on projects where we have completed our substantive role.

The VPA Board is responsible for either adopting (when planning authority) or endorsing (when provider, advisor or facilitator) a planning scheme amendment prepared by the VPA. These amendments are assessed by the Department of Transport and Planning (DTP) for the Minister for Planning's decision. Ultimately the Minister for Planning determines whether to approve, amend or reject the plans prepared by the VPA.

2. Does the VPA assess flood risk in its designated areas and if so, how?

Yes. By acting in accordance with State policy and advice from the agencies responsible for flood modelling and management.

To adequately plan, manage and mitigate flood risk in planning projects, the VPA relies on Victorian State Government planning benchmarks and policy objectives set by the Department of Transport and Planning. The VPA translates these strategic, state-wide policies into specific, place-based approaches to

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flood assessment and mitigation at a localised scale. The VPA is not a floodplain management authority and hence we seek advice from the responsible expert agency within Government. In Melbourne this is Melbourne Water. In the regions this is typically the relevant Catchment Management Authority in relation to flood plains and the relevant Council in relation to local drainage.

The VPA considers flood risk in designated areas it plans for. To understand flood risk and appropriate mitigation measures required, the VPA seeks advice regarding the flood risk from the relevant responsible authority for drainage, waterways, floodplains, and catchments. Where a flood risk assessment is required by the relevant authority, the VPA engages appropriately qualified experts to prepare options to mitigate flooding risks which may arise due to the change of land use proposed. Any expert advice prepared informs the development of place-based plans and is publicly shared and referred for review and advice. If necessary, competing views are considered by Planning Panels Victoria or a Standing Advisory Committee before advice is provided to the Minister.

The VPA submits any flood assessment it has undertaken to the relevant floodplain management authority for endorsement of the methodology and mitigation outcomes, before including land-use planning outcomes in the plan. The assessment approach undertaken is dependent on the context of the designated area as outlined below.

Metropolitan Melbourne – Urban Renewal

The VPA seeks expert advice to model flooding and prepare drainage solutions in line with state government planning benchmarks. We consult with Melbourne Water to manage flooding and drainage in order to enable development in a metropolitan Melbourne urban renewal context.

The VPA requires all expert flooding assessments and advice to be in accordance with recognised and accepted industry practices and guidelines such as “Australian Rainfall and Runoff – A Guide to Flood Estimation – May 2019” (AR&R)”, which is a national guideline recognised and accepted by flood plain managers, local councils, developers and expert consultants.

Overall, the approach is:

- Flood modelling to identify the existing and future flood extents, depths, and velocities, factoring in climate change impacts to the year 2100
- Incorporate flood mitigation measures to ensure public safety and facilitate a development outcome
- Ensure site safety criteria is achieved (flood depth and velocity)
- Demonstrate that flooding is no worse either upstream or downstream of the designated area post development.

Metropolitan Melbourne - Greenfields

In metropolitan Melbourne greenfield areas, Melbourne Water is the designated regional waterways, drainage and flood plain manager, while the local council is the responsible authority for local drainage.

During the preparation of PSPs, the VPA works closely with Melbourne Water while it prepares a Development Services Scheme (DSS) to manage flood volume to a 1% Average Exceedance Probability (AEP) and treat stormwater quality to best practice requirements prior to its discharge to receiving waterways.

A DSS quantifies drainage works and contributions from developers or landowners that will provide appropriate flood protection and environmental performance associated with land development.

Land-take and drainage scheme requirements are ultimately provided by Melbourne Water and then incorporated into the PSP prepared by the VPA.

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Regional Victoria

In regional Victoria, the Catchment Management Authority (CMA) is the designated regional waterways, drainage and flood plain manager, while the local council is the responsible authority for local drainage.

In regional Victoria greenfield areas, there are typically no drainage services schemes like the model adopted by Melbourne Water in Metropolitan Melbourne, and often there can be limited flooding data available in regional contexts.

The VPA procures technical experts to prepare a precinct drainage strategy to inform proposed drainage solutions for inclusion in the PSP and Development Contributions Plan (DCP). The expert considers any existing flooding issues and undertakes a drainage and flooding assessment to ensure full containment of the 1% Average Exceedance Probability (AEP) flood extents. Any drainage solution proposed must also ensure that flooding is not worsened upstream or downstream.

The VPA seeks approval from the CMA and local council for the proposed concept-level solutions, for ultimate detailed implementation by others following PSP finalisation. Solutions are prepared in accordance with current best practice guidelines as well as state government planning benchmarks. All flood modelling and drainage designs in regional settings include allowances for climate change in accordance with local circumstances.

3. How does the VPA approach planning in its designated areas that are prone to flooding?

By acting in accordance with applicable State policy guidance and expert advice.

Section 6(2)(e) of the PE Act enables planning schemes to 'regulate or prohibit any use or development in hazardous areas, or areas likely to become hazardous'. As a result, planning schemes contain State planning policy for floodplain management requiring, among other things, that flood risk be considered in the preparation of planning schemes and in land use decisions.

Victoria's Planning Policy Framework contains statewide planning policy that applies to all planning schemes in Victoria. When preparing a plan for any precinct the VPA ensures compliance with the relevant State Planning Policy Framework. Specifically, in relation to flood risk the following policies are relevant:

- Clause 12.03 (Water Bodies and Wetlands)
- Clause 12.05 (Significant Environments and landscapes)
- Clause 13.01 (Climate Change impacts)
- Clause 13.03 (Floodplains)
- Clause 14.02 (Water)

In addition to the Planning Policy Framework, all planning authorities, including the VPA, preparing amendments to flood affected areas should have regard to:

- Relevant catchment strategies
- State environmental protection policies as relevant to the site
- Any floodplain management policy and practice, or catchment management or floodplain management strategy adopted by the floodplain management authority
- Any best practice environmental management guidelines for stormwater adopted by the EPA.

The VPA engages with the relevant floodplain management authorities to obtain their endorsement of the flood assessment methodology. VPA addresses flooding through a precinct-wide drainage scheme or drainage strategy, which includes infrastructure designed to accommodate 1% Average Exceedance Probability (AEP) flood events.

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The VPA's first principle is to avoid development in flood-prone areas. Where this is not practical or there are other planning outcomes to be achieved, it may be possible in some situations to “engineer out” flood risk – for example, by constructing retarding basins, lifting ground levels before development occurs or requiring minimum floor levels be achieved for new buildings. In these situations, the VPA will look to ensure that there is certainty that the required flood-proofing infrastructure or measures will be in place by the time that development on the land is occupied and used.

Typically, flood-prone land is set aside for waterways, drainage reserves and infrastructure such as retarding basins. Areas that are identified to be at risk of flooding are used in the creation of a drainage scheme or drainage strategy and are often chosen as suitable locations for drainage assets, which minimise the impact of flooding by safely carrying stormwater away from built-up areas into rivers and creeks. Any areas likely to be subject to flooding at the ultimate development of the PSP that do not explicitly form part of the drainage network are identified as encumbered open space (and subsequently unsuitable for residential development) in the PSP and DCP.

The VPA have an obligation in planning projects for new communities to accommodate ongoing population growth, urban development, and urban consolidation, The VPA needs to consider and plan for potential flood risks and avoid exposing people and property to flooding events in accordance with the objectives and strategies of Clause 13.03-1S (Floodplain management) in the planning policy framework.

4. Does the VPA incorporate climate change in its planning decisions and if so, how?

Yes. By acting in accordance with applicable State policy guidance and expert technical advice.

The VPA embeds climate change related State Planning Provisions (VPPs) and translates them into our place based plans. Clause 13.01 *Climate Change Impacts* specifically outlines strategies for climate change. For example, current planning for sea level rise requires not less than 0.8 metres by 2100 and allow for the combined effects of tides, storm surges, coastal processes and local conditions when assessing risks and coastal impacts associated with climate change. In response to flooding, the planning scheme requires a planning authority to identify land affected by flooding, including land inundated by the 1 in 100 year flood event (1 per cent Annual Exceedance Probability) or as determined by the floodplain management authority in planning schemes.

The VPA is guided by the relevant catchment authority (as previously discussed), and policy and guidelines on climate change data and information updated and maintained by the Department of Energy, Environment and Climate Action (DEECA). Where relevant, any data updates are then translated into planning policy by the Department of Transport and Planning (DTP).

The VPA, in collaboration with the expert consultants, council and catchment authorities prepares Integrated Water Management studies for each PSP. The VPA works with stakeholders to investigate IWM solutions for precincts that enable alternative and innovative opportunities for water cycle, retention, catchment and discharge.

The VPAs Precinct Structure Planning Guidelines: *New Communities in Victoria (2021)*, provide the framework for preparing Precinct Structure Plans (PSPs) and seek to achieve target driven outcomes for all new communities. This includes planning for greener and cooler precincts, encouraging urban forests and water sensitive urban design in the public realm to ameliorate the urban heat island effect and mitigate flooding and ensure a minimum of 30 per cent tree canopy coverage in the public realm (streets).

The VPA is aware that there are competing views about the adequacy of State policy guidance and technical advice given the uncertainty around some aspects of climate change risk. However the VPA is

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bound to act in accordance with current policy and best available advice. We are not a flood management authority and therefore we are not able to substitute alternative views for adopted State policy, or to substitute our own technical views for those of the applicable expert body.

5. When considering planning decisions, how does the VPA balance corporate or economic interests against the social and environmental interests of communities?

The VPA act within the planning system established by the Planning and Environment Act to consult widely, undertake investigations and formulate spatial plans that balance competing objectives. Aspects upon which there is disagreement are subject to advice from a Planning Panel or Standing Advisory Committee before these plans are considered by the Minister for Planning.

The VPA's core role is to deliver strategic plans to transition land to urban uses (residential, industrial or employment uses). The plans prepared by the VPA are implemented via a planning scheme amendments to the relevant municipality. The Minister for Planning approves any proposed planning scheme amendment prepared by the VPA.

In preparing an amendment a planning authority must evaluate and include the strategic consideration of the impacts of any amendment. The matters of consideration are outlined in Ministerial Direction 11 and require the planning authority to address, among other matters, any environmental, social and economic effects of the proposed planning scheme amendment proposed.

The consideration of these matters is resolved by undertaking technical and background reports to understand the impact of proposed change and ensuring that any amendment will deliver on the objectives of Planning in Victoria to provide for the fair, orderly, economic and sustainable use and development of land in line with the PE Act.

6. Any other matters relating to the Terms of Reference you believe the Committee should consider.

Nil.



Legislative Council Environment and Planning Committee



Information request: Inquiry into the 2022 flood event in Victoria

[Redacted]
Dear [Redacted],

Thank you for your email informing the Committee that the Victorian Planning Authority (VPA) does not wish to make a submission to the Legislative Council's Environment and Planning Committee's inquiry into the 2022 flood event in Victoria.

Thank you also for letting the Committee know that the VPA stands ready to brief the Committee on any relevant questions that may arise in relation to VPA-planned areas.

The Committee believes the Terms of Reference for its inquiry are relevant to some areas of the VPA's work. In particular, how the VPA deals with flood risk and planning in its designated areas, and how it manages climate change and economic interests in its work.

The Committee requests that the VPA provide information in the following areas:

1. What is the role of the VPA in the Victorian planning framework?
2. Does the VPA assess flood risk in its designated areas and if so, how?
3. How does the VPA approach planning in its designated areas that are prone to flooding?
4. Does the VPA incorporate climate change in its planning decisions and if so, how?
5. When considering planning decisions, how does the VPA balance corporate or economic interests against the social and environmental interests of communities?
6. Any other matters relating to the Terms of Reference you believe the Committee should consider.



Legislative Council Environment and Planning Committee

[REDACTED] would appreciate a response by Friday 16 June 2023.
[REDACTED] to publish your reply on its website and your reply
[REDACTED] evidence base and be quoted in its final report.
[REDACTED] for your assistance with this important inquiry.

Yours sincerely,

[REDACTED]

Chair, Environment and Planning Standing Committee