



Legislative Council Environment and Planning Committee

Hearing Date: 21 November 2023

Question[s] taken on notice

Directed to: Department of Energy, Environment and Climate Action (DEECA)

Received Date: 14 December 2023

1. **Melina BATH, page 6**

Question Asked to Carolyn JACKSON:

I was really distressed yesterday to hear Mr Pratt from VicParks association say that fee-paying residents of the caravan parks were, in his term – a term that he heard from the department, DELWP, now DEECA – considered squatters. Have you done any internal investigations as to who would have said that or why they would have said that? And if so, is that a term that you agree with? I think we need clarity around what is happening there.

Carolyn JACKSON: Thank you for the question, Ms Bath. I can answer that one. We certainly do not use the terminology 'squatter', so if someone – and I do appreciate what was said yesterday – has used that terminology, that is inappropriate and incorrect. We certainly use the term 'residents' or 'permanent residents' for people living in Crown land caravan parks, so we do not use – as far as I am aware, but I take the point from yesterday – the word or term 'squatter'.

Melina BATH: I guess my supplementary is: if Mr Pratt is right and it came to his ears from a member of the department using those words, are you going to do an internal investigation as to why that came out of somebody's mouth?

Carolyn JACKSON: Thank you for the question. I am certainly happy to follow up directly with Mr Pratt and see if I can get further information.

Response:

As indicated at the Hearing, the use of the term 'squatters' to describe people living in Crown land caravan parks is inappropriate. In line with the 2011 policy and 2019 policy update, Department of Energy, Environment and Climate Action (DEECA) officers customarily use the term 'residents' or 'permanent residents' to describe people living in Crown land caravan parks. Links to these policies can be found here:

2011 policy update:

https://www.forestsandreserves.vic.gov.au/data/assets/pdf_file/0025/296

[71/Policy-Statement-Improving-Equity-of-Access-to-Crown-Land-Caravan-and-Camping-Parks-2011.pdf](#);

2019 policy update:

https://www.forestsandreserves.vic.gov.au/data/assets/pdf_file/0021/437124/CLCP-Policy-Update-2019.pdf

Mr Pratt was contacted following the Hearing and the identity of the officer and the circumstances of the use of the term were ascertained.

The officer was counselled and agreed that the use of the term ‘squatters’ to describe residents of Crown land caravan parks is inappropriate and inconsistent with the VPS Code of Conduct requirement to demonstrate respect.

2. **Samantha RATNAM, page 8**

Question Asked to Sarah-Jane McCORMACK:

Have you all done any sort of analysis of how many farmers have accessed the primary producer grant scheme versus how many were impacted, just to gauge how successful the scheme is at being accessible and responsive to those farmers?

Response:

As at 12 December 2023 over \$276 million has been paid out in financial assistance to primary producers and landholders. This includes 7,166 applications that have been approved consisting of:

- 6,449 grants of up to \$75,000 paid to primary producers to clean up, re-establish their properties, and get their businesses up and running again
- 409 grants of up to \$25,000 paid to rural landholders to support clean up and recovery
- 216 grants of up to \$15,000 paid to primary producers to support transport costs for moving stock, emergency fodder and drinking water
- 92 concessional loans of up to \$250,000 approved for primary producers to restore or replace damaged assets, and for working capital expenses during business recovery.

It should be noted that the numbers above will increase as further claims are processed until the closing date on 31 May 2024.

Agriculture Victoria estimates that over 12,230 landholders were impacted, which includes primary producers and smaller rural landholders.

As at 12 December 2023, a total of 8,158 applications had been received for the primary producer and rural landholder grants. It is expected that all, or

almost all, of those who applied for a flood recovery concessional loan or transport support grant would have also accessed the \$75,000 primary producer flood recovery grant. This equates to 67% of the estimated impacted properties applying for a flood recovery grant. In our view, this demonstrates that the programs have been accessible.

3. **Samantha RATNAM, page 9**

Question Asked to All (Sarah-Jane McCORMACK):

And if you all have any information that you could provide on notice at a later point in terms of what you might all forecast are impacts of future disaster events in terms of primary food production et cetera, that would be helpful to understand. If the department is doing any of that work, it would be great to get some of that on notice – if you all are doing that work.

Response:

A Victorian Climate Science Report is produced every 5 years and uses the most current climate science to inform our understanding of the implications of climate change for Victoria. The next Climate Science Report is due to be completed in 2024.

Victoria's Climate Science Report 2019 notes that climate change will affect the incidence of extremes in different climate variables and increase the chance of compound events. Forecasting the occurrence and severity of future disaster events and their impacts on food production is however very complex because disaster risk is influenced by multiple factors and there are high levels of uncertainty. Learning from past disaster events however, helps to understand local risks and develop adaptation strategies.

The Victorian Government's Primary Production Adaptation Action Plan (AAP) 2022-26 (Primary Production AAP) identifies the immediate challenges that our primary industries face in relation to a changing climate and identifies priorities and actions for government to support primary industries and their communities to adapt. The 5 yearly plans are informed by the evidence provided in the Climate Science report. The 2024 Climate Science Report will inform the development of the next PPAAP.

The AAP identifies three main types of climate change risk facing the primary production system including:

- Capacity to respond to current and new climate change risks and vulnerabilities
- The increased scale and frequency of extreme events such as bushfires and floods

- The challenge of making fundamental changes to the current ways of doing things.

The Victorian Government has also invested in the development of community-led Regional Climate Change Adaptation Strategies (<https://www.climatechange.vic.gov.au/supporting-local-action-on-climate-change>) to strengthen resilience to climate change at the local level. These Plans, informed by the Victorian Climate Projections 2019, describe what the projections mean for different regions across Victoria, and capture the challenges of climate change and community priorities to guide locally relevant adaptation action.

4. **Samantha RATNAM, page 9**

Question Asked to Carolyn JACKSON:

There were a couple of points and recommendations made by the caravan parks association about the lease arrangements and the reinsurance issues that they are experiencing in terms of being able to get insurance and how residents are classified as a residents and non-residents. I would be interested to hear if the department had a response to some of that evidence. Perhaps if I could ask you to take that on notice, that would be very helpful.

Response:

Regarding insurance, international underwriters have reconsidered their exposure within Australia over the last four years which has seen a significant withdrawal of wholesale underwriters from the market.

Some insurance agencies are now refusing to insure some assets such as caravan parks and homes at high risk, and in other high risk areas premiums have risen to prohibitive levels.

The Victorian Government is working with tourism, events and creative industries, the Australian Government, and other jurisdictions to work through this issue that is being experienced across these sectors. This issue has been identified as a priority for action under the Australian Government's strategy for the visitor economy, THRIVE 2030.

The Victorian Government notes that the Caravan Industry Association of Australia is working with its members to improve the availability and affordability of insurance. This work emphasises more frequent business engagement with insurers, backed by detailed and widely adopted industry standards, systematic reporting and record keeping, and viewing insurers as a regular business partner.

Regarding the definition of resident, consistent with the *Residential Tenancies Act 1997 (Vic)*, a Crown land caravan park ‘resident’ is someone who has occupied a site in a Crown land caravan park as their only or main residence for 60 or more consecutive days. Non-residents are those occupants of sites in Crown land caravan parks in accordance with Twelve-month Permits, Seasonal Permits and Casual (short stay) Permits, all of which are limited to stays of no more than 59 consecutive nights and less than 180 days per year. There is also provision for Temporary Itinerant Worker Accommodation Permits, that may be issued for a period of up to two years, under certain circumstances.

5. **Samantha RATNAM, page 10-1**

Question Asked to All (Daniel McLAUGHLIN):

So maybe take this on notice: if we wanted to understand what happened with the 2022 event on those responses, both the pest management and the impact on the natural landscape and wildlife, where is an easy place to find that? Would that be in your annual reports? Is there actually a post-event summary somewhere that we can follow up?

Response:

DEECA is implementing biodiversity flood recovery programs, allocating \$6.071 million for critical mitigation to address immediate risks to threatened species and \$0.440 million to respond to wildlife welfare needs. These efforts complement other waterway and environmental restoration and protection projects.

While floods play an important role in many ecosystems and for various species, flooding can have direct negative impacts on biodiversity. This includes the loss and disturbance of habitat, disruption to in-stream refuge, debris flow, increased risks of invasive terrestrial and aquatic species, and alterations to water quality and chemistry. Flood events can also result in indirect impacts on biodiversity, such as the loss of hollow-bearing trees and the flooding of nesting sites for ground-dwelling insects and fauna.

To reduce these impacts on biodiversity, activities are being delivered across a range of themes including aquatic and terrestrial invasive species control, aquatic and terrestrial threatened species recovery, wildlife welfare, and community recovery and resilience.

Aquatic biodiversity recovery actions will support broodings for restocking waters, aquatic invasive species management, translocations of Macquarie Perch and key actions for the Spotted Tree Frog.

Terrestrial recovery actions will support threatened flora and fauna assessments, direct interventions including hollow creation for Regent Parrot, Pink Cockatoo and Carpet Python and support recovery actions including private land protection for critically endangered species such as the Plains-wanderer. Invasive species management actions will reduce the threats of invasive species to threatened species and habitats through weed, rabbit, fox, and pig control actions.

Biodiversity impacts can take time to emerge, assess and understand. Seasonal surveys and monitoring programs are necessary to comprehend the full extent of impacts on threatened species. Similarly, the effectiveness of immediate actions, such as invasive species controls and the translocation of threatened aquatic species, will require time to measure before the intended benefits and outcomes can be evaluated and reported.

DEECA's annual reports detail our performance in addressing impacts on biodiversity. Actions undertaken in response to the floods will be included in our overall performance.

6. **Wendy LOVELL, page 11**

Question Asked to Dougal PURCELL:

We heard from a number of dairy farmers about milk not being able to be picked up and the impact that that had on their herds. What work could be done on that, and what insight into the impact on the dairy industry can you give us on that?

Response:

Agriculture Victoria collects and reports on quantitative agricultural impact assessments by incident (in total) and by Local Government Area, but not by industry.

Agriculture Victoria estimated that approximately 12,230 landholders were impacted by the 2022 October flood event with agricultural economic losses and damage estimated at \$966 million.

The total number of livestock deaths, estimated at 15,662, is based on landholder impact assessment provided to Agriculture Victoria from impacted landholders. These animal deaths mainly comprise of beef cattle, dairy cattle and sheep but cannot be disaggregated by species.

7. **Wendy LOVELL, page 12**

Question Asked to Daniel McLAUGHLIN:

So those tracks are all open and accessible for this fire season?

Daniel McLAUGHLIN: I will have to take it on notice in terms of the Barmah situation right now.

Response:

Most primary access tracks within Barmah National Park are currently open for access to the river.

However, some tracks are flooded or very wet due to recent rainfall and will remain closed for public safety and to avoid damage to tracks and reduce environmental harm.

The access tracks within the Barmah National Park that are open may have water across them in low lying areas, and may be in poor condition. Parks Victoria recommends 4WD access only.

The section of river between The Gulf and Boals Creek remains closed since the October 2022 flood, but the reopening of this section of park is anticipated soon.

The following Barmah National Park access tracks are currently closed, and may not be accessible to the public during the summer fire season:

- Sand Ridge Track from the Dharnya Centre to River Road
- River Road downstream from The Gulf
- Four Mile Track
- Sapling Landing Track
- Darlows Track
- Newmans Track
- Hughes Track
- Trickeys Lane
- Gowers Track
- Bunyip Track
- Barmah Island (all).

8. Wendy LOVELL, page 12-3

Question Asked to Daniel McLAUGHLIN:

Then the reopening of the park for camping and tourism – the locals were aware that assessment had been done of that. Particularly leading up to Easter, they had lost their whole summer season. They were very keen to get parts of that open. They were aware that assessments had been done that recommended reopening of parts of the park but were told the reports were sitting on desks in Melbourne. Why was there a delay if it was assessed as being available to be reopened?

Response:

Parks Victoria does not believe there were delays in reopening the park due to unactioned reports.

Parks Victoria closed the Barmah National Park in mid-October 2022. The park was fully inundated by flood water until early January when the water started to recede. The reopening process began on 26 January 2023.

A range of assessments were required before visitor sites could be safely reopened, including:

- Hazardous tree assessments
- Cultural heritage assessments
- Infrastructure assessments (bridges, roads, toilets etc)
- Other public safety assessments.

On completion of the assessments, work was undertaken to make the visitor sites safe for visitors to return.

Due to the poor condition of the road and track network following the floods, access to undertake assessments was restricted in some areas, and a staged approach was used.

Any perceived delays may have been due to the difficulty of gaining access to sites due to flood impacts and due diligence requirements on the associated work to make sure areas were safe for public access.

9. Wendy LOVELL, page 13**Question Asked to Daniel McLAUGHLIN:**

Daniel, you mentioned that you are working closely with the Yorta Yorta. Who is actually speaking on behalf of the Yorta Yorta at the moment? Whom are you interacting with? ..., but who is the head of the corporation at the moment that you are talking to?

Daniel McLAUGHLIN: There is an active CEO at the moment. I can follow up the name if you like. But yes, there is governance in place with the Yorta Yorta nations.

Wendy LOVELL: If you could, get back to us with who that is.

Response:

During the flood response and throughout the recovery process, Parks Victoria has continued to work closely with the Yorta Yorta Nation Aboriginal Corporation who are joint managers of the Barmah National Park.

Parks Victoria continues to have a strong working relationship with staff from the Yorta Yorta Nation Aboriginal Corporation, including through our joint management rangers.

Questions about current employees at Yorta Yorta Nation Aboriginal Corporation are best directed to the corporation.

10. **Rikkie-Lee TYRRELL, page 14**

Question Asked to Carolyn JACKSON:

Is there a date on that? Also, sticking with the forests, the past several years I have noticed that with the man-managed flooding, we will say – the environmental flooding, the unnatural flooding – I have noticed patches of dead forest or dying forest. Since the 2022 floods has that increased, and are you addressing that issue?

Response:

DEECA continues to monitor the condition of floodplain forests and publicly report on their condition. There is currently no quantitative evidence of an increase in dead or dying forests since the 2022 flood event.

In Victoria, declining floodplain forest condition has been driven by the combined impacts of river regulation, historic over-allocation of water entitlements, and the Millennium Drought. In general, floodplain forests now receive far less water, flooding less often and for shorter periods.

The perceived signs of dead or dying trees you have observed may in fact be a positive biological response to environmental watering, where trees drop leaves in response to flooding, to renew their canopy.

Overall, we are expecting a positive environmental response to the 2022 floods. Data collected at Living Murray icon sites and other areas will help to tease out the complex ecological responses across floodplain forests and identify any longer-term impacts, positive and negative. Delivery of water for the environment in the years ahead will be important to support our floodplains and wetlands and the species that depend on them.

Further information on the condition of floodplain forests such as those managed through programs such as *The Living Murray* can be found on the Murray-Darling Basin Authority website.

11. **Sheena WATT, page 15**

Question Asked to Carolyn JACKSON:

Can I go back to that 5000 number? That is a pretty significant number. How was that come to? Is that reporting from traditional owners to the department, or is that the department seeking that out? That is quite a significant number. I would like to understand more about how it is that we come to know that there are 5000 sites.

Response:

Aboriginal Peoples in Victoria have a deep connection with waters and waterways. They are essential to Spiritual and Cultural practices, as well as environmental management, food production, language and (Lore) law. Water connects people and communities to land, and to each other.

DEECA is committed to working with Traditional Owners in land, water and emergency management activities. DEECA, Parks Victoria and Department of Premier and Cabinet (DPC) have recovery responsibilities to protect and rehabilitate Aboriginal cultural heritage sites on public land following emergencies. Flood events can cause significant damage to cultural heritage places, which are often adjacent rivers and streams.

During and after major emergency events for which it has recovery responsibilities, DEECA deploys Rapid Risk Assessment Teams to affected areas of public land. These teams assess the potential risks arising from the emergency's impacts and propose a suite of mitigations that inform emergency recovery programs.

Rapid risk assessments are conducted by discipline experts in public land assets and infrastructure, biodiversity, flooding and erosion, forest management, cultural and historic heritage, and spatial data analysis. These rapid risk assessments involve mapping the flood extent against assets and value records. This information is provided to public land managers to support a risk-based approach to recovery activities including impact assessments.

Five Rapid Risk Assessment Team deployments were undertaken to impacted catchments following the October 2022 floods, each conducting a desktop assessment of where Aboriginal cultural heritage places may have sustained damage from the flood event.

These assessments were conducted through geographic information system (GIS) analysis, overlaying records of the location of registered Aboriginal places (as listed in the Victorian Aboriginal Heritage Register) and flood mapping within identified catchments, as determined by rainfall and other relevant data to define likely flood-impacted areas. The Victorian Aboriginal Heritage Register, which is maintained by First Peoples – State Relations Group in DPC, is a central repository for Traditional Owners to store information about cultural heritage, and records over 36,000 Aboriginal places and objects across the state.

These initial assessments identified a total of 6,940 registered Aboriginal cultural heritage places or sites as potentially impacted. Since the floods, DEECA has continued to refine this estimate, including refining the extent of flood-impacted areas and working with Traditional Owners and on-ground staff to assess potentially impacted sites and confirm if damage is present.

The impacts of flooding, as well as delivering on-ground works in flood-impacted areas as part of response and recovery efforts, can also reveal cultural heritage places not previously registered. When new cultural heritage places and objects are identified, it is important this information is recorded and these sites managed and protected in a culturally appropriate way.

Details of specific flood impacts will not be published as the location of these places is culturally sensitive information.

DEECA is working closely with Traditional Owners to facilitate on-Country flood recovery on public land, including assessing damage to cultural heritage places, protecting impacted sites from further degradation through access restrictions such as installation of fencing and conducting long-term works to restore and preserve cultural heritage.

Direct funding totaling \$5.39 million has been provided to 15 Traditional Owner groups to facilitate the delivery of self-determined recovery needs, including surveys for culturally significant sites, walking on Country, and local waterway restoration projects. These projects will be completed by 30 June 2024, with the support of land managers.

An additional \$3.40 million has been allocated in the 2023-24 period to enhance engagement and collaboration with Traditional Owners. This funding aims to support stabilisation and remediation works on public land, specifically to safeguard Aboriginal heritage places. One such example is the Rock Art Preservation project at Mudgegonga.

12. **Sheena WATT, page 15-6**

Question Asked to Carolyn JACKSON:

I did note actually in our terms of reference for this inquiry we have got the 2016 Victorian Floodplain Management Strategy, and from the DEECA website it says that that is 100 per cent complete. I note that a really strong part of that is of course acknowledging the value of Aboriginal communities in planning and reporting with floods. Do you have any more comments on that, because it seems like you have ticked it off, and then that response there sort of says perhaps we have got some way to go when

it comes to flood plain management, so I am keen to understand a little bit more?

Response:

Action 23a of the Victorian Floodplain Management Strategy is assigned to DEECA who, “will work with the Emergency Management Commissioner and the Office of Aboriginal Affairs Victoria to develop a process for the involvement of Traditional Owner representatives during the management of flood emergencies to consider risks to Aboriginal cultural heritage”. This action has been marked as completed in the Victorian Floodplain Management Implementation Snapshot 2022.

The Emergency Management Cultural Heritage Working Group (the Working Group) was established by Emergency Management Victoria (EMV) in 2016. At establishment, the Working Group consisted of representatives from across government including EMV, DPC, DEECA (formerly Department of Environment, Land, Water and Planning), Country Fire Authority, Fire Rescue Victoria (formerly Metropolitan Fire Brigade), Victorian State Emergency Service, Environment Protection Authority and Parks Victoria.

The Working Group was tasked with advising Victorian emergency management agencies on the development of processes and procedures for managing and protecting Aboriginal cultural heritage values during emergency events. The aim was to embed appropriate Aboriginal community engagement into the ‘all emergencies, all agencies’ approach to emergency management in Victoria.

Under this working group, EMV established a framework to enable the role of Aboriginal Cultural Heritage Advisor in regional/incident control centres during emergencies, including for floods, to inform decision making. The Victorian Emergency Operations Handbook confirms that an Aboriginal Cultural Heritage Values Advisor could be deployed to an IMT and provide advice, as well as assisting with liaison with the relevant Registered Aboriginal Party (RAP), or any other identified Traditional Owner groups where a RAP has not been appointed.

The Emergency Management Cultural Heritage Working Group is no longer active, however a number of additional multi agency and cross departmental arrangements are in place to continue Cultural Heritage and Traditional Owner engagement work. This is in addition to the Victorian Traditional Owner and Aboriginal Victorian Community Engagement Framework, the Self-Determination Reform Framework and Victorian Traditional Owner Cultural Landscapes Strategy.

13. Gaelle BROAD, page 17

Question Asked to Sarah-Jane McCORMACK:

I am just interested in the grants. You gave us some data earlier, but do you have any data that you could share just on the number of successful grants, the number ineligible, and just the value of that under the program?

Response:

The table below provides the numbers of grants and loans that have been approved, numbers ineligible, and the total amount paid as at 12 December 2023 for the four financial support programs.

It should be noted that the numbers in the table below will increase as further claims are processed until the closing date on 31 May 2024.

Financial support	Number approved	Number ineligible	Total approved funding paid (\$million)
Primary Producer Grant	6449	448	249.4
Rural Landholder Grant	409	379	4.4
Transport Support Grant	216	12	1.3
Concessional loan	92	40	20.9

14. **Gaelle BROAD, page 19**

Question Asked to Sarah-Jane McCORMACK:

The concessional loan programs for primary producers – in other states there is support, but not in Victoria. I guess I am interested in your stance or thoughts on – this is a concessional loan program which is to assist people who have just gone through a major disaster. Under responsible lending arrangements, it is a difficult position for a financier to do that. It is guaranteed by the government in other states, but in Victoria it is not. I guess because I cover Northern Victoria – there are a lot of residents that are on the border, so there are quite different programs being run in other states compared to Victoria. So why has Victoria taken that position?

Response:

While there is alignment in the programs delivered by jurisdictions under Disaster Recovery Funding Arrangements (DRFA) there are also some differences in the specifics of individual program guidelines and governance and delivery mechanisms that is used by each jurisdiction to provide support.

The Victorian Government has a Non-Commercial Activities Services Agreement with the Bendigo and Adelaide Bank (BAB) to deliver financial assistance programs, like concessional loans. This arrangement was established in 2014 when the Rural Finance Corporation was sold to BAB.

The model of using BAB has been very effective in quickly activating grant and loan support programs following natural disasters and has provided excellent service to Victorian primary producers.

In their administration and assessment of concessional loan applications, BAB are bound by the Responsible Lending Code. While a government guarantee would support some applicants overcome this barrier, it may not align with the Responsible Lending Code by potentially lending a business more money than they can afford to pay back.

15. **Gaelle BROAD, page 19**

Question Asked to Carolyn JACKSON:

What action did the department take to assist in the removal of water that was stagnant and there for long periods of time? Because there are mosquitoes. I know around Benjeroop and Kerang it is quite a significant issue. I went there, and there was still a lot of floodwater. What did the department do in that situation?

Response:

The Victorian Floodplain Management Strategy states that DEECA is required to maintain guidelines for managing residual water.

During the 2022 floods, DEECA was responsible for reviewing and revising guidance documents for managing residual water as well as participating in incident management team deliberations to provide policy guidance such as around the residual water at Murrabit West and elsewhere.

Documents that guide the management of residual water include:

- Managing Residual Floodwater in Emergency Situations Operational Plan
- Regional Implementation Guide: Managing Residual Floodwater in Emergency Situations
- Regional Implementation Guide: Managing Residual Floodwater in Recovery.

These documents are available on request.

Other agencies such as water corporations (Goulburn-Murray Water: [Residual water pumping - Goulburn Murray Water \(g-mwater.com.au\)](https://www.g-mwater.com.au)), and EPA (Managing residual floodwaters | Environment Protection Authority Victoria (epa.vic.gov.au)) have also developed guidance materials.

The State Emergency Management Plan is regularly reviewed and lessons from the 2022 floods will continue to inform improvements required.

If not undertaken appropriately, removal of residual water can create risks of increasing flooding impacts elsewhere and water quality impacts in waterways. There can also be uncertainty around the effectiveness of activities like pumping given the extent and location of residual water.

For most cases there is little that can be done to manage residual water, with the best or only option being leaving the water where it is and allowing it to evaporate or disperse naturally. However, there may be some instances where the water can be managed either by an individual or co-ordinated centrally if there is seen to be broader public benefit.

Incident Controllers/Regional Controllers are responsible for decision making on coordinating the removal of very large volumes of residual water, with the process informed by guides and plans developed by DEECA (listed above). It considers criteria based on the impact of residual water on (amongst other things):

- Risks to life, safety or public health
- Critical public infrastructure
- Agricultural land and private property (including access/egress)
- Cultural and ecological assets.

Circumstances requiring coordination of the removal of very large volumes of residual water are rare, with one instance following the 2022 floods.

The instance involved the Regional Controller authorising the deployment of three pumps to remove residual water at two locations in Benjeroop and Murrabit West. The residual water was preventing access for local residents and businesses, which had been disconnected for a long period of time.

16. Gaelle BROAD, page 19-20

Question Asked to Carolyn JACKSON:

I was just interested in when the hydrological study will be ready for Lake Eppalock, because it was meant to be November, but it is nearly the end of –

Carolyn JACKSON: Again, that is the water and catchments area of the department. They have appeared previously, and the same for some of the other water questions, we are happy to take it on notice, and we can follow up with the water and catchments group.

Response:

Following these floods, DEECA engaged Hydrology and Risk Consulting (HARC) to undertake a technical assessment of Lake Eppalock to determine if changing the operating and infrastructure arrangements could improve protection for downstream communities from future flooding and the associated financial and non-financial implications of such changes.

The assessment looks at five options that could be put in place to improve protection for downstream communities from future flooding.

The Lake Eppalock Technical Assessment Report – November 2023 was released online on 30 November on the DEECA Lake Eppalock Assessment webpage found here: <https://www.water.vic.gov.au/our-programs/floodplain-management/lake-eppalock-operating-arrangements-assessment> and in Attachment 1. In addition to the report, there is additional documentation such as the Lake Eppalock Technical Assessment Summary Report – November 2023 (Attachment 2) and Explanatory Note (Attachment 3), which provide guidance on current policy and legislative requirements that need to be considered in the prioritisation of option at Lake Eppalock.

The outputs from this assessment will provide valuable input to the review of the Rochester Flood Management Plan that is being undertaken by Campaspe Shire with support from North Central Catchment Management Authority (CMA).

17. **David ETTERS HANK, page 21**

Question Asked to Carolyn JACKSON:

David ETTERS HANK: Okay. So at the risk of asking silly questions, if we have got a situation where we have got various flood plain management authorities all doing their own thing and making their own estimates as to what future climate change might mean, and we have also heard that we have got local government supplying a whole raft of – probably a bad choice of words – a whole range of policies relating to development on flood plains, often adjoining councils are incompatible in terms of how they do that. Where is the long-term coordination? Where does that sit? How is that addressed?

Carolyn JACKSON: Sure. What I can say is the climate science report that we do every five years – so there was one that was released in 2019 and there is one that is coming out next year – is where we get a range of data and information and we then downscale that to Victoria. So we will be looking at ‘what is happening with the climate and what does that mean.’ We cannot say there will be this flood on this day et cetera, but it shows the trends that are happening – that it is becoming drier, that there are more severe and more frequent emergency events et cetera. So in effect it is highly likely there will be more floods and more fires more often, going forward. That data is the information that we prepare, and then that gives everyone that common baseline to use in the development of strategies. That is what we would then seek to mainstream across, so we would have conversations with local council or at least provide that information so that

they have got that as a common foundation piece to then use going forward. If there are instances where councils are not necessarily working together, that would be something that Local Government Victoria, as an example, should be leading with their local councils. We provide the information, but it is then up to the responsible areas to implement that.

David ETTERS HANK: So there is no-one actually then coordinating and linking the decision-making processes of both the catchment authorities and local government as it stands?

Carolyn JACKSON: It is outside my area, so I would be guessing; I am not sure is the short answer, I guess. It is certainly not the responsibility of my area, that is not what we are there to do. But whether there are conversations between water and catchments, who oversee catchment management authorities, and Local Government Victoria, I could not say.

David ETTERS HANK: Could I ask you to take that on notice? I know it may not be your responsibility, but we are obviously getting towards a certain point in this process.

Response:

The Australian Rainfall and Runoff (AR&R) guidelines provide advice to all flood practitioners, on how to incorporate climate change and other variables into rainfall runoff models and flood models. As detailed below, Melbourne Water, Catchment Management Authorities (CMAs) and local councils use this information to understand and manage future flood risk.

Flood studies led by Melbourne Water follow the Australian Rainfall and Runoff (AR&R) guidelines. It is also a requirement of flood studies (in regional Victoria) funded by the Victorian Government to follow the AR&R guidelines and the Victorian Flood Data and Mapping Guidelines.

Flood studies capture the best available science and modelling which is then available for adoption in the planning system which provides the decision-making framework for local councils for land use and development.

The Australian Rainfall and Runoff (AR&R) is the national flood guideline document. Published by Engineers Australia, it is used for the estimation of future flood conditions. Flood studies, which are led by local councils with support from CMAs are required to follow the most recent edition (from 2019) of Australian Rainfall and Runoff. The Climate Change Considerations chapter of AR&R uses the climate science from the time of publishing. These guidelines are periodically reviewed, and new editions to sections made available when there are new developments in knowledge regarding

flood processes, climate change or expanded knowledge in flood estimation. Currently the Federal Department of Climate Change, Energy, the Environment and Water are leading a further review into the AR&R Climate Change Considerations chapter. The review's intent is for the chapter to reflect the most recent climate science research, projections and observed data.

The ARR guidelines can be found online here; <https://arr.ga.gov.au/arr-guideline> The current guidelines provide advice to all flood practitioners, including engineers and hydrologists, on how to incorporate climate change and other variables into rainfall runoff models and flood models. Broadly the guidelines say practitioners should test or screen a catchment sensitivity to increases in rainfall intensity, changes in pre flood conditions (e.g. how wet or dry a catchment might be) and sea level conditions under different future climate (or Representative Concentration Pathway) conditions. These conditions and different climate change scenarios are tested as part of the flood study. CMAs and local councils use this information to understand and manage future flood risk.

In addition the Victorian Flood Data and Mapping Guidelines (found here; [victorian-flood-data-and-mapping-guidelines.pdf](https://www.water.vic.gov.au/victorian-flood-data-and-mapping-guidelines.pdf) (water.vic.gov.au)), promote a standardised approach to flood mapping in Victoria. They set a standard for flood mapping to meet a range of uses, including land use planning, assessing risks to Aboriginal cultural heritage, insurance, and emergency response. The Victorian guidelines do not specify techniques to be used to prepare flood mapping products, instead they point practitioners to use the relevant reference documents, particularly Australian Rainfall and Runoff, mentioned above, and the Australian Emergency Management Handbook 7, Managing the Floodplain: A guide to best practice in flood risk management in Australia.

18. **David ETTERSANK, page 21**

Question Asked to Daniel McLAUGHLIN:

I get that you do not provide the management of the levees. I am just wondering in terms of the land that you are legislatively responsible for or regulatory responsible for: do you know the extent of levees on that land?

Response:

There are approximately 4,000 kilometres of levees in Victoria (see Figure 1) constructed over the last 100 years. The majority of these levees were built without any design standards. A small number of these are formally managed.

As outlined with the Victorian Floodplain Management Strategy, the levee policy is a beneficiary pays model for the management and ongoing

maintenance of levee assets. In the absence of agreed formal arrangements, unmanaged levees will be allowed to weather away.

In urban areas beneficiaries are often represented by Local Government Authorities who may or may not choose to formally manage a levee. Private landowners (beneficiaries) can apply for a permit to manage levees on public land. Under the Water Act 1989 the Minister has delegated the permitting authority to CMAs having regard to values including biodiversity, cultural heritage and impact on the broader catchment.

The strategic levee assessment project aims to help the state, regions and communities better understand levees in the landscape, including the location and extent of levees constructed on Crown Land.

The strategic levee assessment project known as 'Levees: Flood readiness & response strategies' project, focuses on Northern Victoria, and will identify those levees which require ongoing formal management and maintenance, those unmanaged levees which may need to be reinforced ahead of a flood and other features in the landscape which will be allowed to weather away with time. This information will be recorded in Municipal Emergency Management Plans and the state's flood intelligence platform FloodZoom.

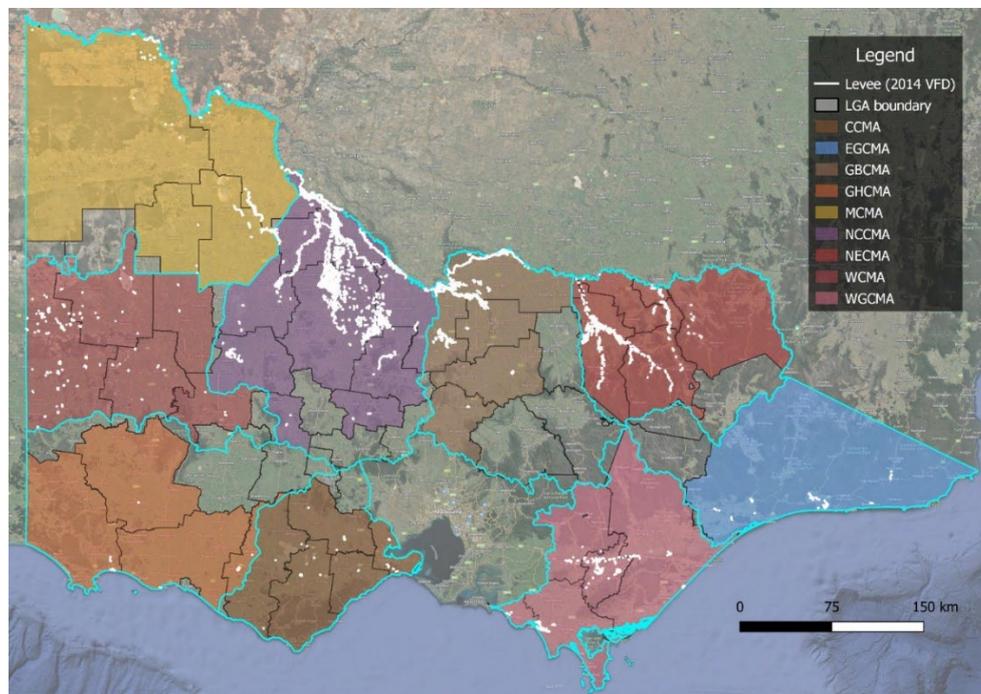


Figure 1- Distribution of Levees in Victoria (indicative only)

19. **David ETTERS HANK, page 22**

Question Asked to Carolyn JACKSON:

Could you perhaps also respond at the same time then as to the sort of assessment processes that you are applying to those levees and what the future direction might look like, because clearly there seem to be some very disparate views as to what should happen to particularly all of these legacy structures that do impact on flow?

Carolyn JACKSON: I was just going to say again – and I am sorry to be sending things to my colleagues a fair bit – that the water and catchments group within DEECA, and I think you have heard from a couple of those representatives already, certainly have information on levees, and that is part of their responsibility. So we can follow it up. Some of the questions that you might have might be answered by Parks Victoria, but other aspects might be more appropriately covered by the water and catchments group within the department.

David ETTERS HANK: We are happy to get information from either or both. That would be great.

Response:

As stated above, there are approximately 4,000 kilometres of levees in Victoria (see Figure 1 in Q18) constructed over the last 100 years. The majority of these levees were built without any design standards. A small number of these are formally managed. The strategic levee assessment aims to help the state, regions and communities better understand levees in the landscape.

The state government has recently (May 2023) invested over \$2.5 million in the strategic levee assessment project known as 'Levees: Flood readiness & response strategies' project. Focused on Northern Victoria, the project will identify those levees which require ongoing formal management and maintenance, those unmanaged levees which may need to be reinforced ahead of a flood and other features in the landscape which will be allowed to weather away with time. This information will be recorded in Municipal Emergency Management Plans and the state's flood intelligence platform FloodZoom. The project will take approximately 18 months and will finish in the second half of 2024.

Through the assessment process some levees may be identified as needing to be rebuilt or upgraded to a formally managed standard. Formally managed levees are eligible for funding under the annual Risk and Resilience Grants Program with costs shared equally between the Commonwealth and Victorian governments together with the relevant council. Under this scenario formal management arrangements (including

ongoing maintenance) will need to be established, which is usually done by local councils.

The four northern CMAs (North East CMA, North Central CMA, Goulburn Broken CMA and Mallee CMA) are leading the Levees: Flood readiness & response strategies' project. CMAs are working with about 16 councils (LGA's) and the VICSES to deliver the project over an 18-month period. Formally the project commenced in May 2023 and has already seen most of the LGA's engaged.

20. Melina BATH, page 22

Question Asked to Carolyn JACKSON:

This may be one to take on notice. When will the Echuca–Moama–Torrumbarry flood study be finalised and made public?

Carolyn JACKSON: Again, I am sorry. That is squarely within the water and catchments group of the department.

Melina BATH: Yes. That is fine.

Carolyn JACKSON: I will need to follow that up.

Melina BATH: Are you happy to take it on notice?

Response:

The Echuca Moama Torrumbarry Flood study commenced in 2018 and was near completion at the time of the 2022. The flood study is a joint project between Campaspe Shire and Murray River Councils', in conjunction with North Central CMA, DEECA and NSW Department of Planning and Environment. Due to the scale of the 2022 event, the project was paused during the event then updated to include data collected during the 2022 floods including reworking some of the modelling.

The draft Echuca Moama Flood Study Report is the first part of the Echuca Moama Torrumbarry Flood Study and Risk Management Plan Project and was released for public consultation in early November 2023. The consultation period closed on 27 November 2023. This report presents the results of the flood modelling and mapping and has presented some preliminary analysis of the impacts of flooding through Echuca and Moama, along with some investigation into the model sensitivity to climate change, waterway structure blockages and model parameters, and what may occur should levees breach. Flood hazard maps were produced, and preliminary flood function maps were drafted. It is noted that these flood function maps will be further investigated and finalised in the early stages of the Flood Risk Management Study and Plan phase of this project.

This next phase will begin after both Councils have considered the Flood Study Report in early 2024, have exhibited the report publicly and

considered any feedback received, and then made a determination as to whether the report is to be adopted.

The second part of the project, which will investigate flood mitigation options, flood warnings and information to assist in managing flooding is expected to be completed in late 2024.

21. **Melina BATH, page 22**

Question Asked to Carolyn JACKSON:

These are some questions that we did not get to ask, so we are pushing them through you. Has the North Central Catchment Management Authority been given the funding allocation it needs to conduct an update to the flood data on the Campaspe valley?

Carolyn JACKSON: Again, CMAs are within water and catchments, so I will take that on notice.

Response:

Yes. The State of Victoria, represented by DEECA, has provided additional funding to North Central Catchment Management Authority post the 2022 flood including \$420,000 (excluding GST) in June 2023, to directly fund the Rochester Flood Management Plan project. Campaspe Shire Council will lead and manage the project, with technical support provided by North Central CMA, in accordance with the accountabilities set out in the Victorian Floodplain Management Strategy.

DEECA requires that the project include a full review of, and update to, the existing Rochester Flood Management Plan (2013).

The Rochester Flood Management Plan project is North Central CMA's highest priority project following the October 2022 flood event. The study is included in the North Central CMA's Regional Floodplain Management Strategy and is a clear priority for the heavily flood effected community of Rochester.

22. **Melina BATH, page 23**

Question Asked to Dougal PURCELL:

Do you have a loss? We heard that milk was, unfortunately, tipped down the drain because they could not access the market or processing. Do you have a quantum of that? It might be something you want to take on notice.

Dougal PURCELL: Yes, Ms Bath. We are able to provide our impact assessment for stock loss, fencing loss and hectares of crops at the local government level, so we can provide that for Shepparton.

Wendy LOVELL: Sorry, can we have that for each local government, not just for Shepparton.

Response:

Agriculture Victoria collects and reports on agricultural impact assessments by incident (in total) and by Local Government Area, but not by industry.

The following table provides the details of the main impacts to agricultural landholders impacted by the flood event. The data is based on impact assessments that individual landholders provided Agriculture Victoria. Agriculture Victoria have aggregated this data to Local Government Area.

LGA	Farm area affected (ha)	Animal deaths	Fencing (km)	Field crops (ha)	Hay/silage (t)	Pasture (ha)
HUME REGION						
Alpine Shire	1020	8	56	25	418	906
Rural City of Benalla	7487	1279	406	1753	531	2682
City of Greater Shepparton	34,708	1421	819	17,016	41,007	17,636
Shire of Indigo	7242	46	180	1152	2187	3641
Shire of Mitchell	3242	214	172	198	385	1435
Shire of Moira	54,918	572	548	28,688	10,658	9173
Shire of Murrindindi	6268	1100	658	1017	2701	4515
Shire of Strathbogie	18,876	790	423	4593	8768	6171
Shire of Towong	4061	42	186	316	1474	9011
Rural City of Wangaratta	10,082	108	476	863	3709	5216
City of Wodonga	2968	21	103	496	459	1893
LODDON MALLEE REGION						
Shire of Buloke	33,921	2525	165	27,161	2393	7957
Shire of Campaspe	58,007	728	1887	32,224	27,807	17,640

LGA	Farm area affected (ha)	Animal deaths	Fencing (km)	Field crops (ha)	Hay/silage (t)	Pasture (ha)
Shire of Central Goldfields	4955	144	1294	1870	348	867
Shire of Gannawarra	39,359	1445	556	23,039	16,947	18,114
City of Greater Bendigo	5598	655	142	3461	973	1496
Shire of Loddon	89,681	3127	2458	35,486	12,543	30,239
Shire of Macedon Ranges	140	-	-	70	-	70
Shire of Mt Alexander	6650	17	34	1064	1	1977
Rural City of Mildura	1316	3	2458	635	96	498
Rural City of Swan Hill	9499	99	88	2723	1655	2764
GRAMPIANS REGION						
Rural City of Ararat	16,792	-	121	386	1	597
City of Ballarat	1223	15	23	438	2024	327
Golden Plains Shire	-	5	-	-	-	-
Shire of Hepburn	1826	73	38	162	168	261
Shire of Hindmarsh	2750	134	30	2603	490	1141
Horsham	21,241	115	82	9575	8	2889
Shire of Nth Grampians	20,934	452	257	6374	5892	5212
Pyrenees	11,485	465	323	3786	991	3282
Shire of West Wimmera	2821	-	-	2721	5	2676
Shire of Yarriambiack	6408	46	18	3911	786	709
OTHER REGIONS						

LGA	Farm area affected (ha)	Animal deaths	Fencing (km)	Field crops (ha)	Hay/silage (t)	Pasture (ha)
Corangamite Shire	3290	33	138	1090	303	2620
Shire of Moyne	2764	40	61	1164	-	1505
Surf Coast Shire	25	-	2	-	-	10
City of Hume	80	-	23	-	-	80
City of Whittlesea	2484	-	14	1550	5000	801
Shire of Yarra Ranges	153	-	12	95	20	52
Shire of East Gippsland	4052	89	109	916	340	2370

23. Melina BATH, page 24

Question Asked to Carolyn JACKSON:

...When we are fixing levees with cultural heritage overlays, what impediments does the department encounter, and how can that be resolved?

Carolyn JACKSON: Thank you for the question, Ms Bath. Again, levees are not something that we oversee, so it would be a question for water and catchments as the water area of the department.

Response:

Significant heritage places are listed in heritage overlays of planning schemes under the *Planning and Environment Act 1987*. Generally, a planning permit will be required for levee works if located in a heritage overlay. Before deciding on the application, the local council must consider whether the proposed works will adversely affect the significance, character or appearance of the heritage place.

A heritage place specified in the schedule to this overlay as an Aboriginal heritage place is also subject to the requirements of the *Aboriginal Heritage Act 2006*. This Act provides clear guidance to planners, developers, and landowners about when and how Aboriginal cultural heritage needs to be considered. Together with the Aboriginal Heritage

Regulations 2018, they provide protection for all Aboriginal places, objects and human remains on both public and private land.

Landowners and Authorities considering constructing or maintaining a levee will collaborate with First Nations Peoples and others to ascertain if a Cultural Heritage Management Plan, Cultural Heritage Permit, or other regulatory instrument is required prior to undertaking works. If a planning permit is required under the planning scheme, or a levee maintenance permit under the Water Act (for maintaining levees on Crown land), it won't be issued until cultural heritage requirements are resolved.

24. **The CHAIR, page 24**

Question Asked to Carolyn JACKSON:

Without going into specifics, in general terms what are some of the factors that would influence whether a renegotiation would take place or not?

... Given we had evidence yesterday from the caravan park operators about the uncertainty they felt in the second half of their lease period, so the committee can be aware of the factors that go into making a decision and the relevant considerations that need to be taken into account, that would be very useful.

Response:

Most caravan park leases on Crown land are issued and managed by the appointed Committee of Management (CoM), as landlord, under section 17D of the *Crown Land (Reserves) Act 1978* (CLR Act).

CoMs are encouraged to allocate and manage leases in accordance with the '*leasing policy for Victorian Crown land 2023*' and associated guidelines, which provide best practice guidance for leasing.

The leasing policy contains some key principles that deal with the allocation of a Crown lease to an incumbent tenant:

- A proposal to grant a new lease to an incumbent tenant may be considered subject to the same considerations as a new lease (it is not possible to extend the term of an existing lease)
- Generally, proposals to issue a new lease to an incumbent tenant will not be considered until at least 50% of the term of the existing lease has expired
- Lease allocation processes must be fair, open and impartial. A competitive selection process should apply to commercial leases, unless direct negotiations with the incumbent tenant would achieve an outcome that better serves the community interest.

DEECA is supportive of proposals by CoMs to negotiate a new lease directly with an incumbent tenant, where it can be satisfied that the tenant meets the criteria for circumstances that justify direct negotiations under the policy.

For example, where it can be determined that direct negotiation with an incumbent tenant would maximise benefits to the community, or where a competitive process is unlikely to produce a satisfactory outcome and there is only one prospective tenant with the required capability.

While these special circumstances provide CoMs with the guidance needed to support caravan park operators' needs, the CLR Act does not make provision for the Minister for Environment to direct CoM activities, including whether they should directly negotiate with an incumbent tenant.

DEECA has agreed to explore the inclusion of additional special circumstances in the policy, such as cases of extreme hardship, that acknowledges the need for CoMs to work with incumbent caravan park tenants that have been significantly impacted by natural disaster.