



Legislative Council Environment and Planning Committee

Hearing Date: 11 October 2023

Questions taken on notice

Directed to: Moonee Valley City Council

Received Date: 2 November 2023

1. Ryan Batchelor, page 31

Question asked to Brett Walters:

Brett WALTERS: ... With respect to the Rivervue development, you are correct; there was an initial planning decision, then subsequent changes.

Ryan BATCHELOR: How many more were there?

Response:

In addition to the original decision by VCAT in 2006, there were two other decisions by VCAT in relation to amendments. Council approved 16 separate Secondary Consent requests making a total of 18 changes (Refer to the chronology depicted in the table below).

Date	Nature of Approval
21 June 2006	VCAT Approval - Initial approval issued by VCAT for a retirement village. VCAT considered the application on the basis of a failure appeal and Council's position was to not support the application. Plans endorsed on 17 January 2008.
31 March 2009	Secondary Consent approval and endorsed amended plans dated 31 March 2009.
2 June 2009	Secondary Consent approval
Original order 22 June 2011 corrected August 2011	VCAT Approval - VCAT approved amended plans which allowed for layout changes, including the removal of the four storey nursing home, the provision for a new centrally located clubhouse as well as an increase in the number of independent living units. Plans endorsed 15 August 2011. (part 28) DAP Report recommends notice to all properties along Larwood.
1 March 2013	VCAT Approval - On 1 March, 2013 VCAT partially approved a number of further amendments including an additional level to the central clubhouse (subject to a specified maximum height) as well as the deletion of two units to enable the relocation Bowling Green and Golf Putting Green adjacent to the river. Plans to introduce a two storey building form to the north-west of the clubhouse were refused primarily on the basis of amenity impacts on

Date	Nature of Approval
	the adjoining properties to the west along Camlarni Close. (see VCAT Decision P3132/2012). Plans in accordance with these latest amendments were endorsed on 8 May 2013.
8 July 2013	Secondary Consent - revised dwelling mix for Stage 2 of the development. In addition, a revised staging plan was approved which split Stage 2 into two subcategories (Stage 2a and Stage 2b).
25 February 2014	Secondary Consent - approval allowing for modifications to the centrally located clubhouse (Stage 2b).
18 August 2014	Architectural and landscape plans were endorsed for Stage 2a in response to Conditions 2 and 6 of the permit.
2 March 2015	Secondary Consent - minor alterations to the pergola of Unit 20 and the enclosure of the balcony to Unit 3.
6 January 2016	Secondary Consent - alterations pertaining to Stage 3 to increase dwelling yield by 5 units, provision for dwelling types, deletion of 3 on-street car parking spaces and floor level and dwelling height adjustments. In addition, landscaping plan was endorsed in accordance with the revised Stage 3 layout.
10 March 2017	Secondary Consent - an increase of the dwelling yield by nine dwellings, provision for new dwelling types (A5, A6, C4, D4, D5, D6, G6, Z2 and Z3), minor floor level and dwelling height adjustments, provision of 13 additional garage car spaces and revised landscaping in accordance with the revised Stages 4A, 4B and 5A layout.
14 November 2017	Secondary Consent - minor floor level and dwelling height adjustments and the provision for a new dwelling type (C5 in lieu of C4). Applicable to Stages 4A, 4B and 5A.
5 September 2018	Secondary Consent - deletion of units 150 and 151, relocation of car spaces and construction of a carport, updated landscape plan and an amendment to the staging plan to divide stage 5 into stages 5B and 5C.
21 February 2019	Secondary Consent - amend the approved plans for Stages 5B and 6A resulting in an increase in dwelling yield by 9 dwellings and amendments to the landscape plans
3 July 2020	Secondary Consent – the construction of a louvred roof structure to Dwelling 6 (Type K1) within Stage 1.
20 July 2020	Secondary Consent – alterations to roof form and minor alterations in Stages 5B and 6A.
7 September 2020	Secondary Consent – replacement of the south facing patio windows of Villas 141, 142 and 143 with glass sliding doors and the removal of an east facing window to Villa 123 and rendering of the east facing wall of Villas 122/123.
23 March 2022	Secondary Consent – Alterations to the landscape plan to remove a retaining wall along the southern edge and replace with a battered slope with rocks.

2. **Samantha Ratnam, page 34**

Question Asked to Pierce Tyson:

...I understand that a number of your councils hired experts to review the hydrology reports on the Flemington flood wall, which were prepared by GHD for Melbourne Water. That analysis, that review, found issues in the modelling, which were then dismissed by Melbourne Water apparently. Do you have any more information about or have the detail of that review, that work that was done? You can provide it to us on notice. It is mainly to see whether we should be talking to any other experts to provide that review and contrast it with Melbourne Water's view.

Response:

Council records indicated that in 2003, Moonee Valley and Maribyrnong City Councils jointly commissioned WBM Oceanics Australia (WBM) to review the Flemington Racecourse Flood Protection report, which was prepared by GHD. In 2 letters, dated 25 February 2004 and 22 April 2004, WBM provided a summary of the key issues arising from technical reviews, undertaken by WBM and Water Technology Pty Ltd, of the Flemington Racecourse Flood Protection report. Also included in the summary were other issues identified by WBM subsequent to the preparation of their technical review and comments on the Notice of Decision.

Copies of the letters are provided as **Attachment 1** and **Attachment 2**

Moonee Valley and Maribyrnong City Councils also jointly commissioned Maddocks Lawyers to make submissions to Minister for Planning on 30 April 2004, on behalf of the two Councils, highlighted shared concerns relating to shortcomings in the hydrological modelling undertaken by GHD Pty Ltd; and limitations and issues with the proposed floodwall design

A copy of this letter is provided as **Attachment 3**

3. **Samantha Ratnam, page 35**

Question Asked to Pierce Tyson:

... in reference to your previous point that you understand that Tigcorp made representations to Melbourne Water around their LSIO and C151. Do you all have documented records of that? What are you basing that knowledge on?

Response:

Council's records are very limited on this. The matter was 'resolved by agreement' between the parties, but goes no further than that. By inference therefore, Tigcorp engaged with and subsequently reached agreement with Melbourne Water.

4. **Wendy Lovell, page 36**

Question Asked to Helen Sui:

There were about 50 properties in Rivervue that were subject to that C151, but then 46 of them flooded, but the department of planning this morning said it had actually removed the LSIO from around 400 properties, so I am just wondering if you can get the information on the rest of those properties and how it affected them as well. That would be terrific. Thank you.

Response:

Please refer to table 1 below, which provides the total number of impacted properties, noting additions and extractions for both the Land Subject to Inundation Overlay (LSIO) and Special Building Overlay (SBO).

Two maps (**Attachment 4** and **Attachment 5**) were provided by Melbourne Water identifying the location of properties.

Table 1 – Properties affected by Amendment C151

Change	LSIO – Properties affected	SBO – Properties affected
New addition	54	284
Full removal	152	313
Addition to existing	95	352
Partial removal	42	307
Boundary change	82	282
Total	425	1538

5. **Gaelle Broad, page 40**

Question asked to Pierce Tyson:

I am just interested in grant assistance on the ground. Each of you have been quite involved in responding to community requests, but what was the experience of people receiving grant assistance, and particularly businesses – any insights into that?

Response:

Council did not have grants available at that point in time however have provided financial assistance to impacted properties by way of a waiver on rates:

- There were 70 affected residential properties that received a 50% waiver on their 2022/23 general rates and 100% waiver on their 2022/23 waste charge.
- There were 22 affected Community Groups including Sporting Clubs that received a 100% waiver on their seasonal allocation fee.

The community were directed to other Government Disaster Recovery Funding grants which were available to eligible sporting clubs, small businesses and Non-Profit Organisations (NPO).

Data relating Grants provided to small businesses and NPO in Moonee Valley can be sought from the State Government.

The table below demonstrates the successful number of grants, jointly funded by the Australian and Victorian Governments, received by sporting clubs in Moonee Valley as of June 2023.

\$5K Community Sport and Rec *(Now closed, no further updates to these values)

ABS ASGS LGA code	LGA name	Suburb name	*Applications received (no.)	*Applications approved (no.)	*Applications Rejected (no.)	*Applications withdrawn (no.)	*Applications in progress (no.)	*Total value approved (\$)
25060	Moonee Valley	Moonee Valley City Council Total	17	17	0	0	0	\$85,000