

# **Rivervue Retirement Village Parliamentary Inquiry Submission**

## **Introduction**

Tigcorp Pty Ltd, the owner and manager of the **Rivervue Retirement Village** (Rivervue) appreciates the opportunity to make a **Submission** (Submission) **to the Parliamentary Inquiry into the 2022 Flood Event in Victoria** (Inquiry).

Attached to this Submission as **Schedule 1** is our **Submission to the Melbourne Water Independent Review of the Maribyrnong Flood Event** (MW Submission), which was delivered on 17 March 2023. We refer to and rely upon the contents of the MW Submission.

This Submission provides additional information directed to the Inquiry's terms of reference. We also speak further to some of the relevant points made in the MW Submission.

In the MW Submission we outlined:

- the history and detail of the Rivervue Village development;
- the circumstances of the 14 October 2022 flood event and its impact on the Rivervue Retirement Village and its residents;
- our immediate response to the flood event, including provision of services to support residents;
- some detail on the re-build and remediation works undertaken since the flood event, to enable Rivervue residents to return their homes as quickly as possible; and
- our comments with respect to flood mitigation options, early warning systems and insurance.

Rivervue was significantly impacted by the 14 October 2022 flood event.

45 villas (of a total 144 villas and 16 apartments) were damaged and made uninhabitable and 2 villas sustained minor damage. The lower ground floor of the Village community centre was also flooded, as were other areas of common property including the bowling green and community gardens.

As detailed in the MW Submission, the village design was the subject of an extensive statutory approval process and oversight across various levels of government, including Moonee Valley City Council and Melbourne Water.

### **Rivervue status at June 1, 2023**

Re-build and remediation works are well advanced.

The first villa to be reinstated and completed was handed over on 26 April 2023, with residents moving back into this villa on 27 April 2023. As at 1 June 2023, a total of 23 dwellings (of the 47 damaged) have been fully reinstated and handed back to residents, so that they can live in these homes. We are advised by our builders that all the remaining dwellings will be reinstated and handed back to residents by the end of June 2023.

Remediation works have also been completed to boundary fences, walking paths around the community gardens and the village's bowling green, which are again being enjoyed by residents. We anticipate the community centre will return to full operation by the end of June 2023.

### **Flemington Racecourse Flood Wall**

We support the investigation into the 2007 decision of the Victorian Minister for Planning to approve the construction of a flood wall around Flemington Racecourse. We agree that the impact of the flood wall in relation to the October 2022 flood event (including on flood levels and flood duration) should be carefully considered.

Relatedly, we expect that the impact of flows caused by authority assets (such as, for example, bridges, tunnels, roads, water and sewerage assets) may also be relevant, when considered in isolation and/or in combination with the flood wall. It is possible that that such assets were (or ought to have been) considered when, or after, the flood wall approval.

We also fully support the Inquiry reviewing and recommending necessary measures to mitigate any negative impact on the environment and communities.

### **Early Warning Systems**

Rivervue management and residents did not receive any pre-warning from Moonee Valley City Council or Emergency Services about the potential for flooding prior to 14 October 2022. With the flood occurring very quickly and in the early hours of the morning, Rivervue residents found themselves unprepared for this event and consequently lost personal belongings and possessions, which could have been

saved, had a better warning system been implemented and actioned. Suffice to say, this systemic failure resulted in significant distress to residents.

An obvious improvement that would significantly lessen the impact on residents is the development and proper management of an effective early warning system. Such an early warning system would have enabled the village, and its primarily elderly residents, to receive assistance from Emergency Service providers, including the SES and the Moonee Valley City Council. It would have facilitated Rivervue residents having time to take effective measures to mitigate impacts and losses and for Rivervue management to proactively support the Rivervue community.

We request the Inquiry consider the implementation of an effective early warning system and the role and assistance Emergency Services should provide to residents in the activation of early warning measures and in the aftermath of future flood events should they occur.

### **Future planning and mitigation**

Tigcorp's principal concern is the wellbeing of village residents, the protection of their homes and facilities (as well as the environment) and the avoidance of future flood events.

Residents deserve to feel safe and secure in their homes.

We request the Inquiry assess the condition of existing flood mitigation infrastructure and whether other mitigation measures might be introduced in the Maribyrnong River catchment. This may involve increasing the water-retarding capacities of the various parklands, introducing other retarding measures elsewhere and/or introducing barriers in at-risk areas. Naturally, we expect the Inquiry will consider the opinions of qualified experts that can inform future solutions and management options.

The improvements in flood mitigation works across the catchment area should also assist the ability of all parties to obtain the required building and contents insurances at an affordable and sustainable cost and allay the anxiety that residents are experiencing.

From our perspective and we expect the perspective of residents and businesses affected by the October 2022 Maribyrnong River catchment flood, the investigation, development and implantation of a proper mitigation plan for the areas that were flooded is the critical Inquiry output.

## **Planning**

As outlined in the MW Submission, Tigcorp purchased the Rivervue site in 2010 with a development approval in place from the Victorian Civil and Administrative Tribunal (VCAT), for the development of a retirement village and an aged care facility. Tigcorp adjusted the development to replace the aged care usage with a retirement village usage and obtained the relevant approvals from Moonee Valley City Council and Melbourne Water.

As stated in the MW Submission, the Land Subject to Inundation Overlay control (LSIO) initially exhibited in June 2015, involving numerous areas along the Maribyrnong River, did not account for Rivervue and the works undertaken (in accordance with the required planning and regulatory processes and approvals) in relation to the Rivervue development. Through its consultants, Tigcorp formally brought this to the attention of Moonee Valley City Council and Melbourne Water. The LSIO gazetted in August 2016 (which was the subject of extensive consultation) took into account the Rivervue development and the works undertaken to that time.

## **Other related matters – Insurance positions**

Tigcorp (for Rivervue) carries a broad suite of insurance policies to cover various risks including risks related to the Village, residents, staff and contractors.

The insurance in place at the time of the 14 October 2022 flood event will not be sufficient to cover the extensive re-building and reinstatement works required on the 47 homes, the community centre and the grounds. Tigcorp has borne the uninsured cost of these works.

Other losses have also been suffered, or will be suffered, including temporary resident accommodation, loss of residents' belongings and possessions and business interruption and administration costs incurred by Tigcorp in addressing the aftermath of the flood event.

Looking ahead, both Tigcorp (for Rivervue) and the individual residents require the certainty of being able to secure affordable, sustainable and sufficient flood insurance to cover flood risks. This includes Rivervue management obtaining building insurance and residents obtaining affordable contents insurance.

Tigcorp management has worked hard, in the particularly challenging Australian insurance marketplace, to ensure that Rivervue can achieve the maximum flood cover on reasonable commercial terms. In May 2023, Tigcorp successfully secured the same level of insurance, in the event of a flood, that was in place prior to the October 2022 flood event. In the circumstances, we feel that this is a very satisfactory outcome. However, it remains the case, based on Tigcorp's experience in relation to the October 2022 flood event, that the current level of cover would also not meet all losses in the event of another similar flood. Tigcorp is continuing in its efforts to try and secure top up flood insurance on reasonable commercial terms.

We assume not all businesses and individuals are in the same position as Tigcorp/Rivervue. Ongoing difficulty in securing appropriate insurance cover is likely to be the experience of individuals and businesses across the Victorian regions impacted by the 2022 flood event.

The Inquiry should consider the role of Government, working together with impacted communities, in advocating to the insurance industry on these issues. The purpose of such advocacy would be to ensure, to the maximum extent possible, that home and business owners in Victoria's flood affected areas, including Rivervue and its residents, are able to obtain affordable and sufficient flood insurance that will provide them with ongoing certainty and security. Without this, many impacted individuals, businesses and communities may struggle to recover, rebuild and move forward.

Government could also work with the insurance industry to create an affordable flood insurance product. As recently as 29 May 2023, the Federal Assistant Treasurer, the Honorable Stephen Jones MP, developed this debate in a speech to the International Congress of Actuaries in Sydney. Mr. Jones MP highlighted the difficulties people were experiencing in obtaining adequate insurance against natural disasters such as floods. He also noted the savings which flood mitigation measures could achieve.

This Inquiry has an opportunity to contribute, for Victoria, to a public policy debate which is more developed in northern Australia. The debate can be traced through a series of reports including:

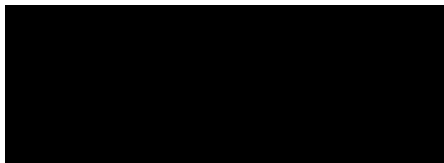
- Commonwealth – Treasury – Natural Disaster Insurance Review 2011 ([https://treasury.gov.au/sites/default/files/2019-03/p2011-ndir-fr-NDIR\\_final.pdf](https://treasury.gov.au/sites/default/files/2019-03/p2011-ndir-fr-NDIR_final.pdf))
- Royal Commission into Natural Disaster Arrangements 2020

Chapter 20 – Insurance

<https://naturaldisaster.royalcommission.gov.au/publications/html-report/chapter-20>)

- ACCC – Northern Australia Insurance Inquiry, December 2020  
<https://www.accc.gov.au/system/files/Northern%20Australia%20Insurance%20Inquiry%20-%20Final%20Report%20-%2030%20November%202020.pdf>)
- Insurance Council of Australia – external review by Deloitte of the insurance industry response to Qld and NSW floods in 2022  
<https://insurancecouncil.com.au/resource/ica-commissions-external-review-of-2022-flood-response/>)

We again thank the Committee for the opportunity to make a submission to the Inquiry.



**Angela Buckley**  
**General Manager, Retirement**  
**1 June 2023**

## Schedule 1

# **Rivervue Retirement Village Maribyrnong Flood Inquiry Submission**

## **1. Introduction**

Tigcorp, the owner and manager of the Rivervue Retirement Village (Rivervue) appreciates the opportunity to make a submission to the Melbourne Water Maribyrnong River flood review (Review).

The Rivervue Retirement Village was impacted by the October flooding, with 45 villas (of its 144 villas) damaged and made uninhabitable and 2 villas sustaining minor damages. Rectification works are now well advanced.

This submission outlines the planning approval processes that Tigcorp made to ensure the village design met all State Government, Moonee Valley City Council and Melbourne Water approvals. It will show that Tigcorp sought and obtained all necessary design and development approvals and that Tigcorp has developed the site in accordance with these approvals.

The flooding events of October 14, 2022 on Rivervue are described in the next section. The challenges on the day for residents and the village management included the absence of any early warning system/advice as to the risks of, or actual flooding occurrences. The actions that the village management provided on that day and following are described.

The submission closes with some suggestions as to what actions from state government, local government, village management and residents might be considered, given that there may be flooding events that will require mitigation in the future.

## **2. About Rivervue**

Rivervue Retirement Village (Rivervue) is located at 9 Canning Street, Avondale Heights, immediately interfacing with the Maribyrnong River. The site has been developed and occupied as a retirement village in stages from 2012.



The village sits on a 7.4-hectare site and comprises a four-level community centre, 16 apartments, 144 villas, a practice bowling green, 1.7 hectare community gardens and other community facilities. There are a further 45 villas under construction or planned to be built, which will bring the size of the village, when completed, to 205 apartments and villas.

Retirement villages are independent living for the over 55s, with most of our residents in their 70s.



*Photo of Rivervue Retirement Village, showing the constructed retaining basins in the area of the site close to the river corridor land. Canning Street is seen at the right of photo.*

### **3. The Development Approval Steps**

#### **Background**

In 2010, Tigcorp purchased the site from the previous owners with an approval for a retirement village in place from 2006.

The previous owners had received approval from the Victorian Civil and Administrative Tribunal (VCAT) to build an aged care facility and retirement village complex on the site<sup>1</sup>. The approved village design included building on part of the land that was covered by a 'Land Subject to Inundation Overlay' (LSIO) subject to various conditions including providing retarding basins and re-shaping elements of the site to mitigate the risk of flooding.

#### **The redesign of the Retirement village and flood mitigation works approvals.**

Tigcorp's plan was for a retirement village but without an aged care facility. Tigcorp subsequently applied to the state and local authorities for approvals to amend the approved plans. The aged care facility was deleted, replaced by independent living 'villas' and a community centre with apartments.

Sections of the land were covered by the LSIO, to manage the flooding risk. Tigcorp's plan for the village involved incorporating the approved retarding basin earthworks into the village design, as part of a large garden area that would act as flood storage facilities when needed. The three (previously approved) large, landscaped retarding basins were expanded. Sections of the site to the west of the retarding basins were raised, to be above the approved flood levels.

The village design including the proposed flood mitigation works were presented to Moonee Valley City Council and Melbourne Water (the floodplain manager). The overall design including the landform changes were included as part of the town planning permit application documents.

In 2011, Melbourne Water approved all the mitigation works.

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<sup>1</sup> VCAT Order dated 21 June 2006

19 September 2011: Melbourne Water advised Moonee Valley City Council (in relation to Permit application MV/16866/2004) that:

*All earthworks and finished floor levels shown on the development plans and civil drawings, including the wetland design, are in accordance with the flood levels and data outlined in the updated floodplain modifications report dated 21 December 2010, prepared by consultant Neil Craigie Pty Ltd  
Melbourne Water is satisfied that the submitted development plans and other relevant information satisfies the planning conditions 1(b), 6(a), 25, 35, 35, 37, 39(b) and 41 outlined in the planning permit referenced MV/16866/2005 (Amended 15 August 2011)."*

The changes to site levels, and the construction of the large retarding basins and swale areas were completed in 2015.

#### **AmC151: Melbourne Water: Changes to flooding controls as set out in the Planning Scheme**

In June 2015, Moonee Valley City Council, at the request of Melbourne Water, exhibited planned changes to the Land Subject to Inundations Overlay control (LSIO). These changes covered numerous areas along the Maribyrnong River, as depicted in the Moonee Valley Planning Scheme (Scheme).

On examination, there were areas where the exhibited LSIO was not in accordance with Melbourne Water approvals. One area was on map 10 of the Scheme. This affected the Rivervue site. The changes approved in 2011 to the land area subject to flooding under Melbourne Water management had not been recognised.

Tigcorp, (through its consultants) notified both Moonee Valley City Council and Melbourne Water of this oversight. Melbourne Water accepted this error and recommended to the Planning Panel, appointed to consider the submissions, that changes to accord with the designated flood areas (as approved in 2011 for Rivervue) should be adopted.

AmC151, showing the corrected LSIO area, as it applied to the Rivervue site was approved on 4 August 2016. The corrected LSIO does not cover any area of Rivervue that is developed for dwellings.

See Appendix 1 for a chronological note on the development approval and planning scheme changes.

#### **4. Rivervue Retirement Village – Flooding**

##### **Timeline of the flood event – 14 October 2022 and soon after**

In the days leading up to the October 14 flood event, residents and management were aware of the significant rain and weather but unaware of the growing threat to the property. Indeed, prior to the flood event on Friday October 14 2022, Rivervue management did not receive warning of the extreme event approaching. To our knowledge residents also did not receive any warning.

Rivervue management was initially made aware of the flood event on the Friday morning when the Village Manager was alerted by residents about flooding occurring in the retarding basins and surrounding community gardens. At 7:30am village management observed that floodwaters had overwhelmed the retarding basins and was already approximately 2 metres away from the properties closest to the Maribyrnong River.

As Emergency Services were not on site to assist, the manager and some residents alerted all residents on the lower sections of the village of the rising floodwaters and preparing them to take action.

At around 8:30am, the flood water breached the unit boundaries and began flowing into the resident villas closest to the community gardens. The inundation continued and by 9.30am flood water was approximately knee-deep and entering homes further away from the river.

Other staff members arrived on site and helped residents evacuate to the ground floor of the community centre. Staff also assisted in moving as many residents' personal items as possible. This process continued throughout the day until 8:30pm, as staff members continued to assist in the evacuation of residents – many of whom were distraught and anxious about their homes and personal possessions.

Between 1:30pm and 3:30pm the same day, the water began to recede, and staff members and residents began cleaning up where possible. On Saturday, 15 October

and Sunday, 16 October 2022, staff members voluntarily worked outside their usual hours to secure emergency accommodation for those residents who needed it. They also checked in on a number of displaced residents, began the clean-up, and worked with local authorities to assess the damage that had been caused by the flood.

### **The damage**

In total, 47 villas were damaged by flood waters, as well as the boundary fence, wetlands, and bowling green. Seventy residents were displaced and remain out of their dwellings.

The lower ground floor of the community centre was also flooded. Because of the rapid and unexpected rate of water inundation, there was insufficient time and resources to save the contents on the lower ground level. Two lift wells were also flooded, one of which will be out of action until major repairs are completed. These lifts service the community centre and two floors of apartments.

Refer to Appendix 2 to see area of land at Rivervue affected by the flood event and Appendix 3 for photos on the day of the flood event.

### **Rectification of Rivervue**

Tigcorp commenced restoration work the Friday night of the flood, with initial remediation works involving installation of commercial drying machines and humidifiers throughout the villas and lower ground floor of the community centre. The restoration process continued, with Tigcorp engaging skilled contractors who methodically worked to remove contaminated walls, insulation, damaged cabinetry, etc. and undertook deep cleaning of each affected villa. This process took a number of weeks.

Following the removal of the damaged and contaminated components of the built form, deep cleaning was required and these homes were then signed off by a professional hygienist.

After the deep cleaning, Good Constructions Pty Ltd was appointed as the builder in December to reinstate the residents' homes and the community centre. The builder

committed to providing additional staff, including working through the Christmas break in an effort to shorten the period of time that residents were displaced from their homes. Tigcorp anticipates that all residents will be able to return to their homes by the end of June 2023 and hopefully sooner.

A new contract project manager was appointed by Tigcorp and commenced in December 2022, specifically to oversee the reinstatement works and co-ordinate with residents. He has been in regular contact with residents and is working on their individual requirements.

### **Effects on residents**

The flooding has had a significant impact on the residents of the village, especially the seventy residents who were displaced. Many residents have lost valued personal effects. Staff at Rivervue have also been affected supporting residents and managing the reinstatement works.

Residents are responsible for their personal belongings and contents, and are responsible for any contents insurance they wish to obtain. Contents insurance premium increases are a concern for those residents who have flood insurance, and those who are uninsured are dealing with financial loss.

Tigcorp stepped in to provide accommodation to residents immediately following the flood up until 2 November 2022. This was not a requirement under the residential agreements however this was provided to support residents at a time of great uncertainty.

Tigcorp has also undertaken the following to support residents:

- Confirmed it will reinstate resident villas and the community centre, irrespective of any insurance shortfall.
- Provided monthly service fee and sinking fund fee relief to residents during the time they are unable to reside in the village.
- Organised and paid for multiple group counselling sessions.
- Organised and paid for security immediately following the flood to protect villas and their contents.
- Liaised with local council, state and federal governments to ensure government services were and are available for displaced residents. This

included coordination with multiple agencies such as Emergency Response Victoria and the Red Cross.

- Regular telephone welfare checks with displaced residents.
- Prioritised the reinstatement works to ensure residents can move back into their homes as quickly as possible.

### **Insurance positions**

Tigcorp (for Rivervue) carries a broad suite of insurance policies to cover various risks including risks related to the village, residents, staff, and contractors.

The insurance will not be sufficient to cover the extensive reinstatement works required on the 47 homes, the community centre and grounds. On top of that, there are also other losses suffered or that will be suffered that include temporary resident accommodation, consequential loss, and additional increased cost of working amongst others.

Management is working to ensure that Rivervue can achieve maximum flood cover at an acceptable commercial premium in the future. The flood event of October 14, 2022 may impact the ability to obtain future insurance. Management and residents require the certainty of having affordable and sufficient flood insurance to cover the risk and this includes management obtaining building insurance and residents obtaining contents insurance.

### **5. Independent Review suggestions**

Tigcorp supports the Review assessing the characteristics of the rainfall event leading to the flood event. Tigcorp also supports the examination of the Flemington Wall and to what degree (if any) it contributed to the extent and duration of the flood event.

## **Flood mitigation options**

Tigcorp suggests that the Review assess whether other mitigation measures might be introduced in the Maribyrnong River catchment. This might involve increasing the water retarding capacities of the various parklands, introducing other retarding installations elsewhere or introducing barriers in at risk areas.

Tigcorp's principal concern is for the wellbeing of the village environment and the avoidance of future floodwater incursions into resident's homes. Residents want to feel safe and secure in their homes.

Residents also want to have confidence that they can obtain contents insurance and the village can obtain building insurance that is affordable and covers the risk.

Tigcorp would imagine that improvements in flood mitigation works across the catchment would assist in obtaining the required insurances. For this reason, we believe Melbourne Water should broaden the Review to investigate a mitigation strategy for the areas that were flooded.

## **Warnings and support**

An obvious improvement that would have lessened the impact on residents would have been the operation of an effective early warning system. This would have allowed management and residents to take some steps to mitigate the impacts and losses.

Rivervue management did not receive any pre-warning from Melbourne Water or Emergency Services about the potential of flooding. This meant that residents could not prepare their homes and evacuate, and management could not prepare the lower ground floor of the community centre. With the flood being early in the morning, the unpreparedness meant many residents found themselves waking up knee-deep in contaminated flood water and having lost valued belongings which could have been saved with some warning period.

The Review could also address what immediate role and assistance Emergency Services could provide to residents and various communities in the case of any future flood events. This is especially of concern because the village has elderly residents.



We thank Melbourne Water for conducting the inquiry into the Maribyrnong River flood event, we are happy to engage as required and look forward to the outcomes.



Angela Buckley  
General Manager, Retirement

## Appendix 1

## **9 Canning Street Avondale Heights**

### **Rivervue Retirement Village, Status of Flooding Risk Overlay Control**

#### **Land Subjected to Inundation Overlay. (Moonee Valley Planning Scheme)**

This paper sets out the history of the proposed Land Subject to Inundation Overlay that would have impacted on building approvals in Rivervue under the Moonee Valley Planning Scheme (Scheme). The current approved planning controls show that all residential stages of Rivervue are not affected by flooding controls.

#### **Permit MV/16866/2004**

9 Canning Street is an irregular site with a long frontage to the Maribyrnong River corridor. The total site area is about 7.5ha. In 2004, areas of the site were subject to flooding. Under the Scheme the land areas subject to flooding were included within a 'Land Subjected to Inundation Overlay' control (LSIO). (Refer to Attachment A).

The application of an LSIO is determined by the land areas that are subject to a 1 in a 100-year likelihood of a flood occurring in any given year. Proposals for building and works on land affected by LSIO require a planning permit, with a consequent impact on building approvals.

Permit MV/16866/2004 was granted at VCAT in 2006.

The previous owners received approval for the use and development of an aged care facility and a retirement village. The plans provided as part of the application material showed buildings to be situated on sections of the land that were affected by the LSIO control. The Permit required some re-shaping of the land to manage flooding risk. These works included the provision of retarding basins, land swales and landscaping. Amended plans were approved in 2009.

#### **2010: Tigcorp purchase the site**

Tigcorp purchased the land with some development in place in 2010. This stage was on the northern section of the land, with a boundary to the Larwood Close properties. Stage 1 area was/is not affected by the LSIO control.

Tigcorp commenced the re-planning of the site for a retirement village which deleted the previously approved aged care facility.

Tigcorp commissioned a new design for Rivervue. The revised village plan would better align with the landfall towards the river corridor, in a series of terraces. Sections of the site were re-shaped. The redesign incorporated the requirement to avoid the potential for flooding risk on the areas that would accommodate dwellings. This was based on engineering advice that ensured that the assessed flooding/inundation capacity of the river area was maintained, to the floodplain manager's authority's satisfaction (Melbourne Water).

The engineering calculations of site levels across the site, to avoid flooding risk, were prepared by Neil M Craigie Pty Ltd. The modelling included the proposed construction of retarding ponds and land swales on the areas close to the river, allowing for other parts of the site to be raised.

The landform changes and flooding capacity analyses were provided to and approved by Melbourne Water. These floodplain management calculations followed the methodology used on the site from 2003.

19 September 2011: Melbourne Water advised Council in relation to Permit application MV/16866/2004 that:

*"All earthworks and finished floor levels shown on the development plans and civil drawings, including the wetland design, are in accordance with the flood levels and data outlined in the updated floodplain modifications report dated 21 December 2010, prepared by consultant Neil Craigie Pty Ltd*

*Melbourne Water is satisfied that the submitted development plans and other relevant information satisfies the planning conditions 1(b), 6(a0,25,35,35,37,39(b) and 41 outlined in the planning permit referenced MV/16866/2005 (Amended 15 August 2011)."*

Endorsed and amended plans for Planning Permit MV 16866/2004 recognised the changes to the site.

These included the designs for the substantial retarding ponds and constructions on land close to the river corridor. These works were designed to confine the land areas subjected to flooding, to sections of the site outside of the areas approved for dwelling construction. These earthworks were completed in 2014-15 with finished survey plans provided to Melbourne Water (under Permit MV/16866/2004, Condition 39(c)).

### **Moonee Valley Planning Scheme Amendment C151 (AmC151), July 2015**

On 9 July 2015, an amendment to the Scheme was exhibited. The planning authority was the Moonee Valley City Council. The amendment was requested by Melbourne Water. The amendment would alter Maps within the Scheme. As it would apply to the site, sections of the Rivervue site approved for dwellings would remain designated impacted by the LSIO control (Refer to Attachment B

The purpose of Amendment C151 was to *'amend the land affected by the Special Building Overlay and Land Subject to Inundation Overlay to reflect updated flood mapping across the entire municipality'* of Moonee Valley.

The exhibited LSIO Map 10 applied to the Avondale Heights area. It proposed only minor changes to the area affected by the existing LSIO. The exhibited LSIO did not recognise the changes to landform and retarding basin works approved by Moonee Valley City Council and Melbourne Water - which had since been constructed.

The 2011 approval by Melbourne Water indicated that, notwithstanding the application of the existing LSIO overlay control, Melbourne Water was satisfied that the developments would not impact adversely on the operation of the flooding capacity of the river, nor cause flood inundation to the dwelling sites.

AmC151 was therefore the opportunity to align the LSIO with the approved works.

In response, a submission on behalf of Rivervue was made to Moonee Valley City Council as the planning authority by letter, dated 10 August 2015.

The submission identified that the existing (and now exhibited) LSIO was based on outdated, historical flood occurrences. The exhibited Map 10 LSIO area did not consider the approved and the 'as constructed' flood mitigation earth works which had made changes to the site and with resultant changes to the risk of flooding. The submission proposed that AmC151 should reflect the approved changes (and works) to the site flooding risk conditions.

Melbourne Water letter responded on 22 October 2015, advising that,

*"Melbourne Water has reviewed the information and will amend the exhibited LSIO in accordance the attached plan. This will ensure that all the unit development sites are not affected by the LSIO". (See Attachment C).*

This decision was confirmed by the Panel report dated 1 December 2015 which identified that the LSIO has been modified to be located at the flood mitigation work boundary.

*Adopt Moonee Valley Planning Scheme Amendment C151 as exhibited subject to the following:*

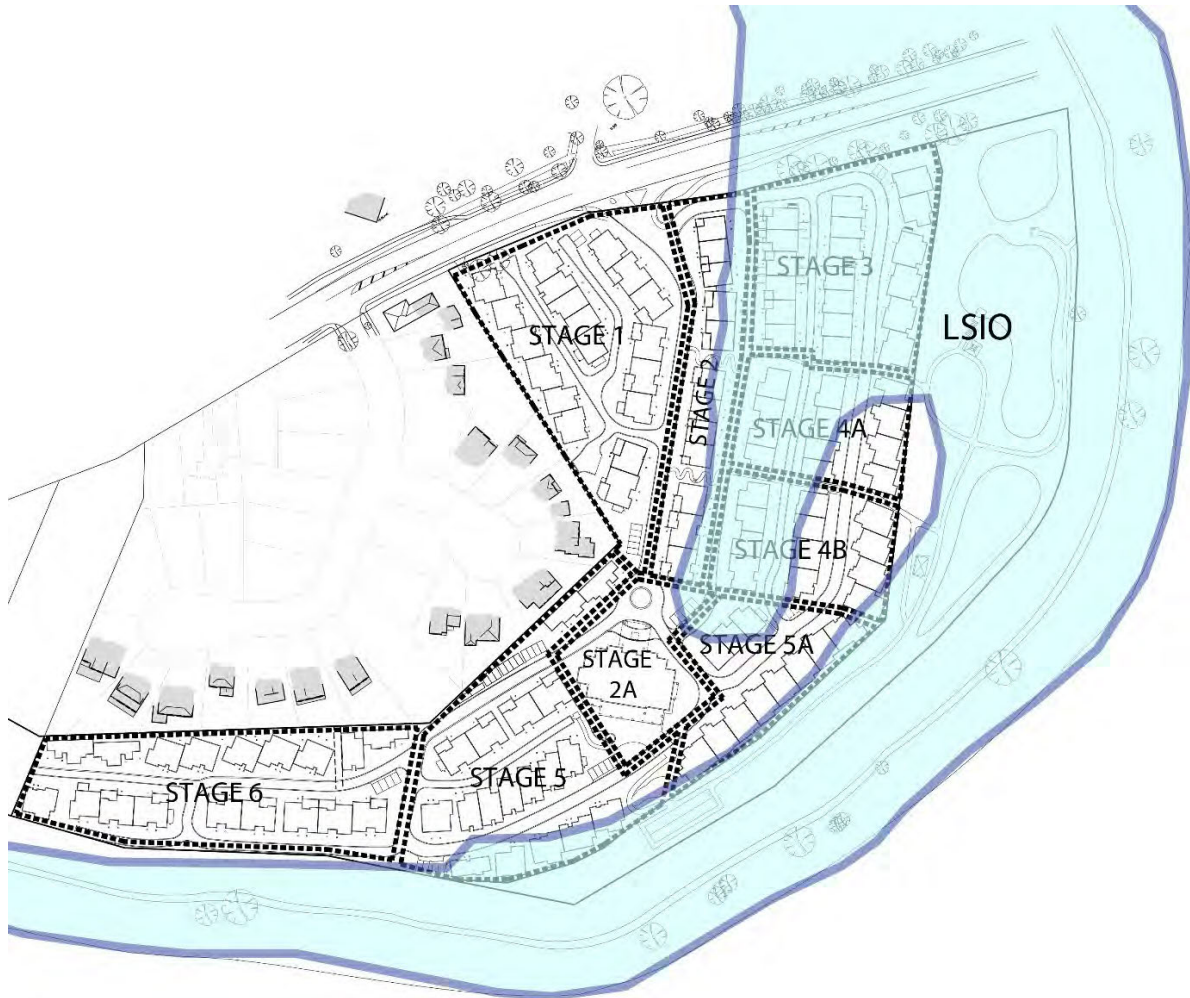
- 1. Modify the application of the Land Subject to Inundation Overlay on 9 Canning Street, Avondale Heights in accordance with the plan Proposed LSIO 9 Canning Street Avondale Heights dated 12 November 2015 prepared by Melbourne Water.*

The Planning Panel's decision was adopted on 23 February 2016.

Changes to LSIO over the Rivervue site were approved on 4 August 2016. The LSIO as it applies to the Rivervue site is seen in Attachment D. This shows clearly that the areas of the site approved for the siting of dwellings is not impacted by the flooding risk overlay control.

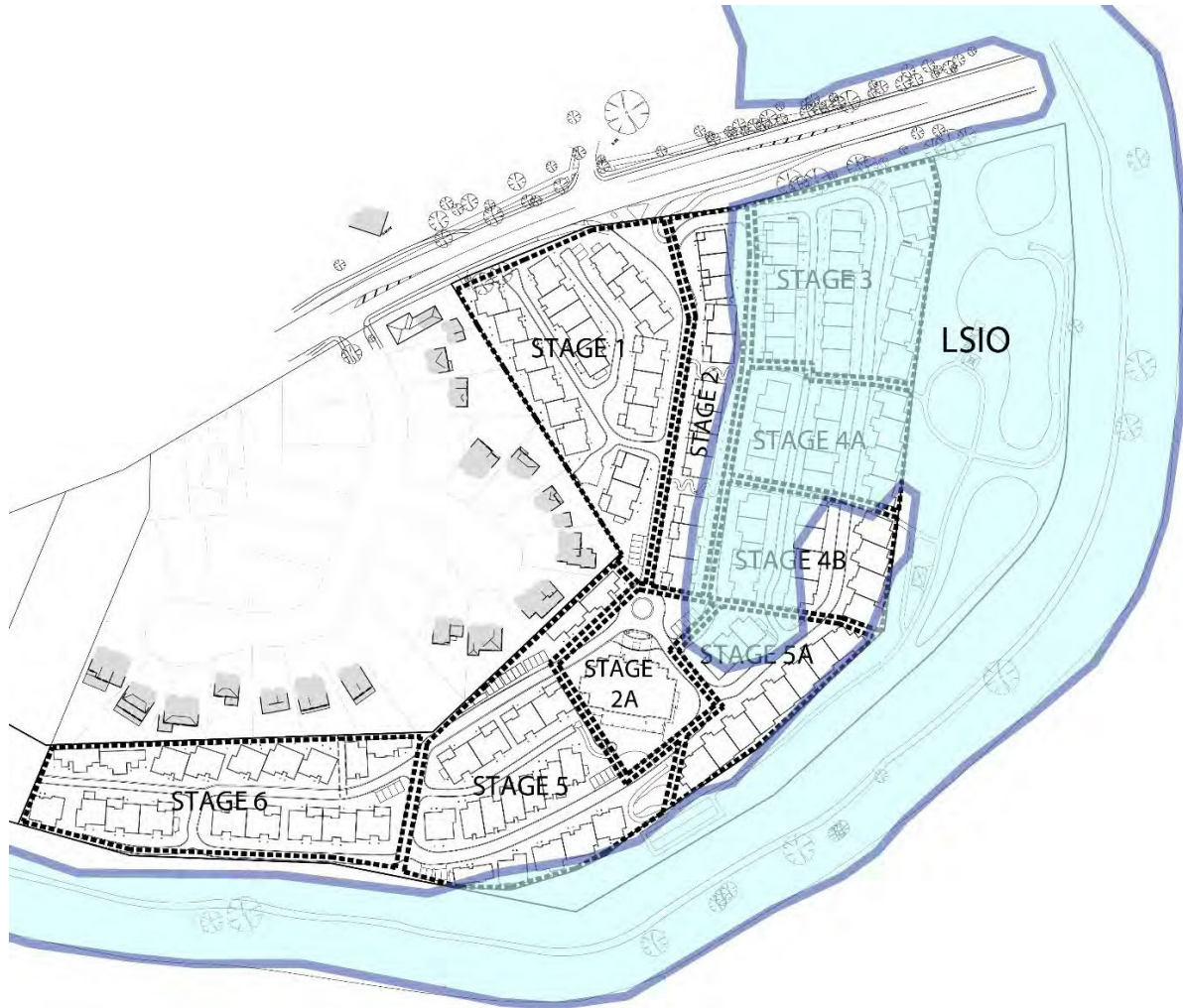
**Attachment A**

**Pre-Amendment LSIO (22 December 2005 to 9 July 2015)**



Attachment B

Exhibited Am C151 (9 July 2015)



Attachment C

Melbourne Water Proposed LSIO (following BMDA submission) proposed 22 October 2015





Attachment D

Gazetted AmC151 4 August 2016 (Current)



**Appendix 2**  
**Rivervue site plan showing extent of flooding**



### Appendix 3

Photos of the flood affected Rivervue Retirement Village on 14<sup>th</sup> October 2022



