

Submission to the Inquiry into the 2022 Victorian Floods

Maribyrnong City Council

26 April 2023

1. Introduction

Maribyrnong City Council welcomes the opportunity to submit to the Parliament of Victoria Inquiry into the 2022 Flood Event in Victoria.

The Maribyrnong River flood that occurred in October 2022 directly impacted our community, particularly those in the Maribyrnong Township. The long-term impact of this event is still to be determined and ongoing challenges remain including recovery and rebuilding, trauma, homelessness and community displacement.

Maribyrnong City Council's submission responds to each of the areas set out in the Committee's Terms of Reference and provides suggestions on key actions which should be undertaken to response to the recent flood event to minimise the impacts of future events:

- A review of warning systems is required to ensure that it is accessible to everyone in the community and that information is provide in a consistent way.
- Improved coordination between different government (local and state) agencies to ensure that roles are defined, particularly when events are being coordinated at a state and regional level.
- A clear framework and agreements between relevant organisations and agencies in respect of clean-up activities, management of volunteers and the roll out of funding support (acknowledging that some events may need specific responses that may not have been foreseen)
- An assessment of current flood management at a catchment level and land use planning framework to ensure they are fit for purpose and mitigate the risks and impacts of future flood events.
- A mitigation plan, including funding, must be developed for the Maribyrnong catchment to minimise the impact of future flood events.

2. Response to the Terms of Reference

The following section provides a response to each area set out in the Terms of Reference in order.

1. Causes of and contributors to the Flood Event

On 14 October 2022, 525 properties in the Maribyrnong Township were impacted by the flooding of the Maribyrnong River. This included people's homes, businesses and important community organisations such as places of worship. A significant number of the community have been impacted by this event and the extent of the health, social and economic impacts are still not fully understood.

The lower Maribyrnong Township is on the Maribyrnong River flood plain, where flood events have been recorded 26 times since 1871.

As outlined in Maribyrnong City Council's submission to the Maribyrnong River Review, there are number of areas that should be reviewed following the flood event to ensure that flood hazards and the impacts of future events can be minimised including:

- An analysis of the impact of urban densification, including the Flemington Racecourse wall, along the entire Maribyrnong catchment and the effectiveness of existing planning controls
- An analysis of existing stormwater management plans/development services schemes along the catchment to ensure they are factoring in updated modelling and climate change scenarios
- An analysis the effectiveness of current planning controls and policy frameworks in the context of the actual flood impacts
- Consideration and modelling potential flood mitigation measures in the catchment integrated with the analysis of the stormwater management referenced above.

2. Adequacy and effectiveness of early warning systems

In the days leading up to the flood of Friday 14 October 2022, information for the community on VicEmergency and information provided to Council from VicSES, fluctuated between major and minor flooding. The final advice issued to Council on the afternoon of 13 October regarding consequences for Maribyrnong were limited to a flood that would impact the Anglers Tavern and several residential properties.

The first time many residents were told to evacuate was via inconsistently distributed text messages sent in the early hours of 14 October. The river ultimately peaked at 4.2 metres, significantly higher than predicted the night before.

On the morning of the flood, we saw families escaping flood waters by moving to the roof of their home and having to be evacuated by boat given the speed and level of the river rise. This fluctuation and advice meant that residents were confused and were not sure how they should respond, if they should respond at all. The early morning text messages, delivered between 4-6am, meant that most residents were asleep during the key warning period.

Given the immediate and ongoing health and wellbeing, social and economic impacts of environmental disasters on the community, it is critical that a review and assessment of warning systems is undertaken to ensure that VicSES and Council have access to accurate information to respond to, and plan for, flood events.

It is also important that Melbourne Water and VicSES work with Council to ensure that this information is accessible to the community and that all organisations provide support to the community so they can be flood prepared.

The need for a more accessible format of emergency warning systems was identified in the “*Review of the 2010-11 Flood Warnings and Response – Final Report (N.Comrie)*”, with Recommendation 37 identifying the need for “*a standard approach to the provision of emergency warnings and information in formats – spoken and written – that recognise diverse community needs, including language and disability*”.

It is our understanding that the VicEmergency App does not provide warnings in any other language other than English or a format that other than written. Implementing this recommendation in consultation with community members with a disability or from non-English speaking backgrounds would ensure that everyone had access to critical information in a time of emergency.

This approach should also be applied to information sent by text message in the lead up to and during an event. It is acknowledged that these are not necessarily easy solutions to implement but ensuring the public information and warnings are in a format that is accessible to all of the community it critical. Council’s Municipal Emergency Management Plan (MEMP) identifies the diverse community of our City and we would welcome the opportunity to work with the relevant departments across State Government to test and pilot changes to these warning systems.

3. Resourcing of the State Emergency Service, the adequacy of its response to the Flood Event and the adequacy of its resourcing to deal with increasing floods and natural disasters in the future

Council and VicSES work together in emergency planning for flood and storms and Council recognises the constraints on staff due to operations, particularly when also having to support interstate colleagues. Council also recognises that these factors can impact on the resourcing for the ongoing need to continuously plan all year for an event you hope never happens.

Earlier in the week of 14 October, there were discussions about where sandbags would be collected from. Council were also asked to assist in handing out sandbags because there were not enough volunteers to support this activity. We were also advised that a small number of VicSES staff and volunteers would be doorknocking the local residents of Maribyrnong.

Once the first advice message was released on 11 October, Council started fielding calls from residents asking for sandbags and we were unable to provide any advice until 13 October. Where residents had an understanding of the risk and wanted to prepare and mitigate the impact to their homes, they were unable to do so due to the short notification time and number of sandbags that were allowed for each household.

The Maribyrnong Flood and Storm Plan documents how agencies will coordinate during an emergency with the opening of an Incident Control Centre (ICC). The plan references three possible locations, those being – Sunshine, Ferntree Gully and Dandenong. Although this event mainly affected the west, SES made the decision to open the Dandenong ICC which meant that it was too far away for a representative of Maribyrnong City Council to be embedded into the Incident Emergency Management Team. During the 2022 Flood event, we had emergency services working from the relief centre and trying to undertake work which would have been better managed from the Sunshine ICC to separate the role of Council which is namely to deal with relief coordination, running a relief centre for the community and the coordination of Council operational actions.

There was some lack of consistency in information received by Maribyrnong and Moonee Valley Councils from VicSES. Council understands that Moonee Valley City Council staff were advised very early that the flood waters would subside quickly, while Maribyrnong City council staff in the relief centre were advised at midday Friday that they were not sure when this would occur. On this basis, Maribyrnong City Council provided advice to residents that they should make arrangements to stay elsewhere on Friday night and our staff supported residents with emergency accommodation needs.

At midday on Saturday, the members of the Regional Control Team arrived at the Maribyrnong Relief Centre and advised residents that it was safe to return to their homes and provided advice on how to clean-up safely. There were large numbers of VicSES volunteers in and around the relief centre from then on which could have been better utilised in supporting the community on the ground with advice about possible contamination, clean-up, services provided in the relief centre particularly given the event was still under the control of VicSES. This would have alleviated some of the burdens placed on Council staff due to the slow activation of the 1800 number and requests from State Government to source and provide temporary accommodation.

Turning now to resourcing, the SES needs to be adequately resourced to respond to emergency events, including natural disasters. It is unrealistic and unsustainable to continue relying on an organisation which is largely volunteer based to respond to disasters on this scale, particularly given climate predictions show that they will continue to increase in frequency. In this context, all parties across both Federal and State government need to give serious consideration to the resourcing and delivery of the SES. This is equally applicable to the Country Fire Association.

4. Implementation and effectiveness of the 2016 Victorian Floodplain Management Strategy in relation to the Flood Event

New emergency management (EM) planning arrangements/roles and responsibilities have been in place since December 2020 which puts the onus of planning on Regional Emergency Management Planning Committees (REMPC) and Municipal Emergency Management Planning Committees (MEMPCs). The Flood Management Plan is not connected strongly enough to Emergency Management Planning as it is seen as a separate process.

Council recommends that Melbourne Water be a member of the North West Metro REMPC to ensure better integration between flood management and emergency management.

Victoria has had an emergency management lessons management framework since 2015 and there are multiple reports highlighting observations from events. It is not clear whether the sector has implemented any learnings for previous events (for example, observations made by the Comrie Review). Within the context of a conversation with the community about shared responsibility, the community is within their right to ask how the “lessons” of the past have informed current standard operating procedures, policy, planning, preparation and response. For the community of Maribyrnong, it is critical that a multi-agency debrief occurs and a report shared in a timely manner. These published observations then inform an ongoing planning process with this community when reviewing the MEMP and the Flood and Storm Emergency Plan. These processes also need to take into account the localised needs and reports not be rolled up into large State wide documents. For example, it took over twelve months for Emergency Management Victoria to release the debrief findings after the Storm in 2021, when observations and learnings could have been provided to regional committees more quickly for inclusion in regional and municipal integrated emergency management planning.

5. Location, funding, maintenance and effectiveness of engineered structures, such as floodwalls, rural levees and culverts, as a flood mitigation strategy

The lower Maribyrnong Township has been impacted by flooding on a number of occasions. The impact varies by severity, with some properties being completely inundated and others losing access and services. Since 1871 there have been 26 recorded occasions, with the highest recorded flood occurring on the 9th of September 1906. Following this, the 1974 flood, which prior to 2022 was one of the worst floods recorded in the City of Maribyrnong on record, affected over 400 houses, in addition to several industrial uses and public utilities. The estimated cost of recovery was in order of \$3-5 million (based on 1974 values). It is too early to quantify the cost of recovery for the 2022 event.

There is also a significant social cost as a result of the floods, including reduction of property values, insecurity of residents, trauma, and stress and safety fears.

Maribyrnong City Council and Melbourne Water undertook a Flood Management Plan June 2016 to June 2021. In this document the Maribyrnong River Flood risk rating was identified as extreme, with a risk score of 10/10. This report highlighted that 293 residential properties are within 1% of Annual Exceedance Probability (AEP) flood extent. The 1% AEP is the current design standard for new developments.

It is therefore critical, that in addition to a review of the land use planning framework, a mitigation strategy for the Maribyrnong catchment is developed and funding committed to its implementation. Council do not have enough knowledge of the broader catchment to determine what the engineering response should be but would welcome the opportunity to work with the Victorian Government to look at a catchment wide approach to mitigation.

6. Flood Event as a whole, including but not limited to, the catchments and flood plains of the Maribyrnong River

This event is much more than just flood waters entering people's homes and destroying their personal belongings. With 525 properties impacted many residents were and continue to be displaced. Residents have reported feeling scared due to the number of strangers that appeared in their street, going through their personal and sometimes sentimental belongings, feelings of isolation because their streets are empty with so many neighbours still living in alternative accommodation and fear that this will happen again soon because they still do not understand what happened and why.

Many residents have never had an experience like this and are now trying to navigate a complex insurance system or facing the prospect of not being able to afford insurance to mitigate the financial impact of a future flood event. Whilst Council will work with residents, and advocate for their needs in recovery, issues such as insurance, finding alternative housing, repairing community assets to be more resilient to future events (DRFA does not consider "build back better") and ensuring residents have the information they need, in their language, regarding warnings and advice are not within Councils power to change. These issues are being raised by our community, including their hope that future impacts could be mitigated. It is therefore important that they are addressed to support the community to recover emotionally from this event.

Council facilities, recreation reserves, open spaces and transport infrastructure were also significant impacted and damaged by the floods including Coulson Gardens, Footscray Park and community buildings. A number of community organisations and sporting clubs were also directly impacted by the flood with equipment and facilities damaged. Important community events, such as Diwali, also had to be cancelled as a result of the flooding of Footscray Park.

In addition to the economic costs associated with the restoration and repair of these facilities, some of which is not covered by any recovery fund, the inability for the community to access and use these facilities which play an important role in providing opportunity for social connection and support the health and wellbeing of our residents.

There was also public health impacts associated with the flood including contamination to soil and the presence of stagnant water after the flood receded

The financial cost of the flood in Maribyrnong for Council, property owners, residents and business, community groups is still unknown at this stage given the ongoing clean up and repair.

Following the flood event, the responsiveness of state government in providing funding to support the community was appreciated by Council but in many instances it required people to access information online which given that many people did not have time to evacuate was not always possible as they did not have devices etc. In addition, while the 1800 number was activated, it took several days and in the initial stages of activation it referred to previous emergencies adding another layer of confusion for residents which only compounds the impacts of the actual flood. It is critical that these systems and funding streams are set up in advance so that their roll out has been tested prior to emergencies to limited confusion and make it easier for the residents to access.

During the response phase, a number of Regional Emergency Management Team (REMT) meetings were held as part of the normal emergency management arrangements. Whilst these meetings were well attended, obligations committed to at those meetings could not always be resolved quickly placing further pressure on Council staff and delaying the delivery of relief activities, particularly clean-up. For example, Raleigh Road required closure and the tram network to be isolated so that flood damaged items could safely be collected and in future the consequences of road closure, this took several days for Council staff to organise. Those staff attending REMT meetings should have the authority to make those decisions and ensure that those decisions are communicated to, and action upon by the operational staff within their respective command structures.

Finally, a number of people were evacuated into the relief centre who arrived without critical essential medical aides and medication. Some carers were unsure of what to do and clearly had not undertaken emergency planning with their client prior to the flood. Evidence exists that people living with disability are disproportionately impacted by emergencies and that a shared responsibility approach needs to be taken. At the municipal level of planning, it is not clear who is responsible to lead this work as Council no longer has the same engagement with high risk communities as we did in the past with many services now provided via funded NDIS providers and clients.

7. The 2007 decision of the Minister for Planning to approve the construction of a flood wall around Flemington Racecourse and whether the growing impacts of climate change were considered.

Maribyrnong City Council objected to the construction of the flood wall at Flemington Racecourse. Council had concerns with the methodology used in the hydrology report and the modelling that concluded that there would be no upstream or downstream impacts as a result of the proposed wall. Council also had concerns with the design of the floodwall and engaged a consultant to undertake a review of the design, which identified various limitations and issues and recommended alternative responses for consideration as part of VCAT submission.

Council's advocacy against the construction of the Flemington Racecourse flood wall included objecting to the planning application and writing on multiple occasions to the then Premier and Minister for Planning.

With Moonee Valley City Council, we cited concern relating to the provision of levee banks at Flemington Racecourse as a flood mitigation measure and the potential to negatively impact our community upstream during floods, particularly the Maribyrnong Township. Together we jointly commissioned experts and legal advisors to review the modelling work undertaken for the Victorian Racing (VRC) site and the conditions included in the Notice of Decision. We highlighted that there were significant shortcomings in the modelling, which may result in increased flooding to residential properties. The expert evidence advised that Melbourne Water's proposed conditions and mitigating works need to go much further to ensure the flooding situation in the Maribyrnong River valley is not made worse for residents within the flood plain.

Further information on Council's VCAT submission can be provided to the Committee if required.

8. Implications for future planning decisions including:

- a) How the Victorian planning framework can ensure climate mitigation is a consideration of future planning decisions**
- b) How corporate interests may influence decision-making at the expense of communities and climate change preparedness.**

The Maribyrnong Township is affected by the Land Subject to Inundation Overlay (LSIO) as a result of the potential flooding impacts associated with the lower Maribyrnong River. The LSIO means that planning permission is required to construct a new dwelling or to extend an existing dwelling. Importantly, the LSIO does not trigger the need for a planning permit where no changes to the floor level are proposed.

The result of the existing LSIO control is that dwellings affected by the October 2022 flood are able to be almost entirely demolished down to foundation level, and reconstructed without requiring either Melbourne Water and/or Council planning permission. Requiring Melbourne Water and/or Council permission through the planning process would allow consideration of future flooding impacts, with advice given regarding flood preparation and mitigation.

Dwellings currently being reconstructed at the same floor level will be as equally unprepared and/or affected by the impacts of flooding as they were in October 2022. While Council understand this is primarily a decision for the property owner to make, the existing controls are not allowing adequate consideration of future flood events. Council would welcome any review into the existing planning controls to ensure they are fit for purpose.

Further, while the area currently affected by the LSIO was consistent with the areas impacting by recent flood events, the flood levels identified by the LSIO were, in some cases, inadequate to protect homes. The flood data is based on a 1 in 100 year flood event, with the October 2022 flood resulting in flooding above the 1 in 100 year flood levels in certain areas. Council would support a state led review of flood levels in the wake of the October 2022 flood event to ensure that identified levels take into account the more frequent and intense weather events likely to occur as a result of climate change.

The flood management plan for the City of Maribyrnong must be reviewed as a matter of urgency and should include at least two flood level scenarios:

1. Australian Rainfall & Runoff 2019 (ARR2019 - industry standard) &

2. Australian Rainfall & Runoff 2019 plus additional climate change considerations (including sea level rise).

This would give an understanding of the 'traditional' flood levels from the model plus a 'climate change' flood level for consideration. This data must be kept current and reviewed annually or bi-annually (or after a flood event) at a minimum to ensure that everyone understands the potential impacts of the next flood. Melbourne Water must be the primary agency for ensuring the accuracy and relevancy of flood mapping in local planning schemes.

Any modelling work must also consider and analyse and the impact of urban densification and development, including the Flemington Racecourse wall, along the entire Maribyrnong catchment and the effectiveness of existing planning controls. This should include analyse existing stormwater management plans/development services schemes along the catchment to ensure they are factoring in updated modelling and climate change scenarios and taking an integrated approach to water management.

Maribyrnong City Council are seeking to work collaboratively with the relevant department of State Government, including Melbourne Water to review the effectiveness of the current land use planning framework informed by the Melbourne Water review to determine, what if any, changes are required to Maribyrnong Planning Scheme in order to minimise the impact of future flood events. .

For example, the current Bushfire Management Overlay states its purpose *"To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire."* This statement is not included in the Floodway or the Land Subject To Inundation Overlay, given the increase in flood events and the impact to community, this is something that should be included in any overlay that address flood impact including LSIO's and Special Building Overlays (SBO's).

There should be a state-led catchment based approach to planning reforms for flooding and broader climate change impacts, similar to the approach taken with Bushfire Overlays. This will expedite the planning process and enable Melbourne Water to be efficient as it eliminates the need for them to work with each Council on individual planning schemes. This must be done with consideration of the economic and social impacts of any changes on existing properties and communities.

A clear and robust planning framework that is underpinned by up-to-date data will help ensure that the impacts of future development are understood and help mitigate the impacts of future floods.

It must be noted that a change to the planning framework in isolation of changes to construction codes, building regulations and the building permits process will mean that a many developments which currently do not trigger planning permits will not adequately address future flood or climate impacts. It is therefore critical that the relevant legislation and regulations as they relate to building permits is also reviewed and updated at a state-wide level.

9. Any other related matters

Insurance

A key element of community resilience and preparedness for disasters is ensuring property owners have the appropriate level of insurance. Anecdotally, residents have advised us that

their insurance policy costs have risen to a level that is not financially viable. This leaves residents with the only option of being prepared to move their personal belongings, evacuating and then managing clean-up. Residents need to have clear advice on what they can do in order to limit their exposure to this risk so that insurance is a viable option.

Local Government through the Municipal Association of Victoria have made submissions regarding the complexity of the federal Disaster Recovery Funding Arrangements. Council acknowledges that the State Government interventions particularly around the inclusion of day labour as an eligible claim item and funding through the Council Support Fund were welcome and provided much needed support.

Accommodation

In addition to the immediate challenge of finding emergency accommodation during the event, many of City of Maribyrnong residents require medium and long-term accommodation. The lack of rental supply within or close to their community has significant health and wellbeing impacts as they are removed from their support networks, schools and other services which they need to access. This adds further stress and result in significant displacement within the community. Maribyrnong City Council would welcome the opportunity to work with all relevant parties to consider how these impacts can be addressed and better managed in future as it is critical to community recovery.

Coordination

There needs to be clarity on the role and function of each organisation during the response and recovery stages and consideration should be given to having an organisation, perhaps Emergency Recovery Victoria, have the ultimate responsibility for the management of events through both response and recovery to assist with communication, coordination and continuity.