# Parliamentary Inquiry into the 2022 Flood Event in Victoria

**Response from the Victorian Greenhouse Alliances**

8 May 2023

On behalf of their member councils, the Victorian Greenhouse Alliances welcome the opportunity to respond to the Inquiry into the 2022 Flood Event in Victoria. Given the remit of each Alliance, our submission will focus specifically on supporting the Committee to understand how the Victorian planning framework can ensure climate mitigation is a consideration in future planning decisions. However, it is critical to embed action on climate change in all policies, programs and processes developed or implemented by the Victorian Government and their partners.

**About the Victorian Greenhouse Alliances**

The Victorian Greenhouse Alliances are formal partnerships of local governments and other member organisations driving climate change action across Victoria.

**Planning and Local Government**

Victoria is expected to experience more extreme rainfall events and impacts due to climate change, such as heavier rainfall and flash floods[[1]](#footnote-1). The impacts of climate change are already being felt by metro and regional communities. Recent research found that in the metro area alone, the cost of inland flooding to community assets managed by local government is at least $17.2 million – these costs are expected to rise by at least 100% to 2050 when factoring in the impact of climate change.[[2]](#footnote-2)

Planning decisions are one of the main levers for local government to support their communities to adapt to climate change. Councils, through the Council Alliance for a Sustainable Built Environment (CASBE), have introduced local [Environmentally Sustainable Design (ESD) policies](https://www.casbe.org.au/what-we-do/state-local-planning-policy/) to tackle climate change and have submitted a planning scheme amendment to state government on how we can [elevate ESD targets](https://www.casbe.org.au/elevating-esd-targets/) in the Victorian planning scheme to improve our response to climate change in our built environment.

Local government in Victoria has identified a disconnect between high level policy positions on climate change, both by State and local government, and the day-to-day decisions that are being made through the planning system. In practice, local government decision makers routinely report that the adoption of commitments to climate change adaptation have not yet ‘trickled down’ to inform decision-making through Victoria’s planning system.

The *Local Government Act 2020* identifies that a Council must in the performance of its role give effect to the overarching governance principles. These principles create obligations for councils, including that the economic, social and environmental sustainability of the municipal district, **including mitigation and planning for climate change risks**, are required to be promoted by councils, and that priority is to be given to achieving the best outcomes for the municipal community, including future generations. This obliges local government to tackle climate change and its impacts, but councils are restricted by the current planning system in taking the required transformational action.

**The Victorian Planning System and Climate Change**

Decisions made today will be seen in buildings in decades to come - more than half of Australia’s 2050 building stock will be constructed during the next 30 years[[3]](#footnote-3).

An independent, award-winning [report](https://www.naga.org.au/uploads/9/0/5/3/9053945/final_report_-_climate_change_and_planning_in_victoria_-_november_2021.pdf) commissioned by the Victorian Greenhouse Alliances and CASBE has identified a raft of reform opportunities for Victoria’s planning system, to ensure it is aligned with the State’s legislated emission reduction targets and supports climate resilient communities.

The report – [*Climate Change and Planning in Victoria*](https://www.naga.org.au/uploads/9/0/5/3/9053945/final_report_-_climate_change_and_planning_in_victoria_-_november_2021.pdf)*: Ensuring Victoria’s planning system effectively tackles climate change* - recommends a suite of reforms that would:

* Recognise the fundamental role the Planning Scheme and *Planning and Environment Act 1987* play in guiding decision-makers, and their weight as statutory law instruments, focusing attention on ensuring the scheme:
  + Makes climate change one of the key, overarching principles guiding all decisions
  + Elevates the importance of climate change in decision-making through explicit regulation rather than relying on generic references to sustainability
  + Fills gaps where there is a policy void in key areas
  + Introduces mandatory development standards in targeted areas
* Ensure that the scheme and its application of controls is consistent with the scientific evidence base on climate change and best practice
* Focus on changes that will assist in getting the fundamentals of future development areas right.
* Addresses the precinct-scale planning and subdivision planning under other legislation by various government actors that fail to integrate climate change and will continue to be a significant ongoing burden to climate-safe communities in future decades.

The report identifies that a high-level mandate to address climate change at every level of the planning system is required and that this could be achieved by addressing climate change as an objective of the *Planning & Environment Act* and including the *Planning and Environment Act* as key legislation to be taken into account in decisions made pursuant to the *Climate Change Act 2017*.

Based on the report, the Alliances have four asks to enable the planning system as a whole to better tackle climate change:

* Amend the Planning and Environment Act and the Climate Change Act to explicitly address climate change at all levels of the planning process
* Require every planning scheme amendment at all levels of government and of the planning framework to include an assessment against relevant climate change considerations
* Introduce mandatory minimum climate change standards into the planning scheme
* Adopt science-based targets for high level policy and align the planning system to the most up to date climate science

We also ask that all recommendations in *Climate Change and Planning in Victoria* are implemented to protect future communities from flooding and other climate risks.

In responding to climate change, planning needs to look to the longer-term impacts and requires greater consideration of the impacts on future generations. This is sometimes incompatible with other objectives of planning and with the interests and obligations of some decision-makers. Climate change considerations must be made explicit, or they will continue to be overlooked in favour of policy considerations that are more explicitly spelled out within Planning Schemes.

The report makes a number of recommendations in relation to flooding, including:

* The need to establish principles, processes and the most appropriate mechanisms (i.e Public Acquisition Overlay, land swap) to ensure there is a sound basis for equitable and strategic relocation in areas of unmitigated risk, and to allow this process to begin early;
* The need to update relevant interim benchmarks for considering flood impacts, which are significantly out-of-date
* Ensure that forthcoming updates to the Regional Growth Plans and their relevant background work integrates more explicit and spatially based recognition of climate change impacts and ensure these are considered in growth planning
* Update Victorian Planning Provisions to include land use triggers for sensitive uses in flood prone areas
* Include explicit requirements for all decision-makers, under relevant legislation that all precinct planning should include the development of a ‘Climate Change Response Plan’ which documents the estimated emissions for the precinct at full development potential, the anticipated impacts of climate change, and the measures that will be taken to deliver net zero and to integrate appropriate adaptation measures. Every *Precinct Structure Plan* prepared should also be clearly articulating the steps being taken to ensure the future community will be resilient, taking into account the changes in climate anticipated over that timeframe, rather than just existing conditions, ideally through requirements for a Climate Change Response Plan
* Undertake a Statewide review and update of all relevant flood mapping to align with the most recent Rainfall & Runoff projections prepared by the CSIRO and which reflect anticipated patterns of rainfall as a result of climate change.

It also makes a number of specific recommendations to embed net zero emissions into the planning framework, in order to minimise the future incidence of flooding.

**Maribyrnong River Flood Event**

The need for up-to-date data that reflects the changes we know are happening because of climate change was highlighted in the flooding around the Maribyrnong River.

The data provided by Melbourne Water for the City of Moonee Valley LSIO (Land Subject to Inundation Overlay) did not anticipate the extent of flooding, and changes in 2016 took an area out of the overlay that then got flooded where 47 properties were built.[[4]](#footnote-4)

Maribyrnong City Council found that the flood level data, provided by Melbourne Water and identified in their LSIO, was inadequate and actual flood levels were above the 1 in 100-year flood event in some areas. They recommend the existing flood modelling be reviewed; and that flood level data be reviewed at least every two years in the light of climate change[[5]](#footnote-5).

In Brimbank, two flood-impacted properties were included in the LSIO, although eight were not. Property owners outside the LSIO did not anticipate the potential for flooding and none of the properties received any advance warning about the potential for flooding from the event.[[6]](#footnote-6)

Councils in the area of Flemington racecourse also opposed the building of the flood wall, questioning the modelling used by Melbourne Water, that was later approved by the Minister for Planning.

Councils in the vicinity agree that forward looking modelling using flood mapping data taking into account climate change needs to be carried out. State-wide updates to incorporate climate change impacts into LSIOs need to be made, rather than being done on a council-by-council basis, which is not as cost effective. Changes to properties included in LSIOs will have an impact on the property holders and their insurance premiums[[7]](#footnote-7), which will need to be considered more broadly as more properties become vulnerable to the impacts of climate change.

The Planning Institue Australia is calling for the creation of a publicly accessible source of up-to-date flood mapping based on current scientific projections and for the state government to ensure that how this is measured is both consistent and reflected in our planning schemes. The City of Melbourne are calling for a requirement that in the metropolitan area Melbourne Water update flood data and review the mitigation measures which are in place at least every five years, because of the impact of climate change[[8]](#footnote-8).

A common thread is the need for flood data to be reviewed regularly (between 2-5 years), and at catchment level, across local government areas. Such reviews are expensive for each individual council to carry out, particularly for smaller rural and regional councils, and with the increasing impact of climate change, our understanding of flooding, it’s impacts and the mitigation of the effects need to be informed with up-to-date data. Data should at minimum be reviewed and provided to councils in a time span to inform updates to planning schemes.

**Victorian Government**

The Alliances have engaged with the Victorian Government over their proposed planning reforms; through the ESD Roadmap development, through consultation on Victoria’s Built Environment Adaptation Action Plan and through ongoing advocacy. The findings of our report identify that none of these processes go far enough to tackle the urgent and transformational action needed to tackle climate change. The scale of the challenge and the immediacy of action required to reflect scientific consensus means that there is actually an urgent need to pull all available levers.

The Alliances are also concerned that there will be an increased risk of an inadequate focus on climate change impacts within planning given that the planning team has been moved out of the department that deals directly with climate action. We request that a clear link between the State’s planning reform work in the Department of Transport and Planning, and the climate change policy work in the Department of Energy, Environment and Climate Action be articulated and made public.

Our overarching concerns are around the lack of particular reference to climate change in the objectives of the *Planning and Environment Act* to set a mandate for prioritising tackling climate change impacts, including increased flooding and planning **where** we build.

We note that the impact of the 2022 floods on communities and individuals across Victoria has been significant and suggest that it is a key responsibility of government to learn from these events, and make the interventions required in the planning scheme in order to reduce future flood impacts on Victorians as much as possible.

In order to hear from communities affected by the floods, we hope the Committee will be holding public hearings in those flood-affected communities.

We attach our [full report](https://www.naga.org.au/uploads/9/0/5/3/9053945/final_report_-_climate_change_and_planning_in_victoria_-_november_2021.pdf) *Climate Change and Planning in Victoria: Ensuring Victoria’s planning system effectively tackles climate change* for your consideration. Please let us know if you would like any further information.

We would welcome the opportunity to speak with you directly regarding the review findings and the examples we have provided and look forward to your response.

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*The submission has been approved through the Greenhouse Alliance’s governance structures but may not have been formally considered by individual members. The submission does not necessarily represent the views of all members.*

1. Victoria’s Climate Science Report 2019

   https://www.climatechange.vic.gov.au/\_\_data/assets/pdf\_file/0029/442964/Victorias-Climate-Science-Report-2019.pdf [↑](#footnote-ref-1)
2. Adaptive Community Assets, 22 March 2023, A report by NCEconomics for the Melbourne-based Victorian Greenhouse Alliances [↑](#footnote-ref-2)
3. Victoria’s Infrastructure Strategy 2021-2051 [↑](#footnote-ref-3)
4. City of Moonee Valley submission to the Maribyrnong River Flood Review 2023

   https://hdp-au-prod-app-mw-yoursay-files.s3.ap-southeast-2.amazonaws.com/6416/8137/2363/MRFR-40\_Redacted.pdf [↑](#footnote-ref-4)
5. Maribyrnong submission to the Melbourne Water Maribyrnong River Flood Review 2023

   https://hdp-au-prod-app-mw-yoursay-files.s3.ap-southeast-2.amazonaws.com/8216/8137/2429/MRFR-46\_Redacted.pdf [↑](#footnote-ref-5)
6. Brimbank City Council, 17 April 2023, Submission to the Environment and Planning Committee Inquiry into the 2022 Flood Event in Victoria [↑](#footnote-ref-6)
7. Ibid [↑](#footnote-ref-7)
8. City of Melbourne submission to the Melbourne Water Maribyrnong River Flood Review 2023

   https://hdp-au-prod-app-mw-yoursay-files.s3.ap-southeast-2.amazonaws.com/3816/8137/2383/MRFR-45\_Redacted.pdf [↑](#footnote-ref-8)