

AMENDMENT C109

Review of the Land subject to Inundation Overlay and Special Building Overlay

CONSULTATION SUMMARY

PART 1: SUMMARY OF CONSULTATION PROCESS

Overview

Timeframe

- The Amendment was on exhibition for 6 weeks from 12 November to 24 December 2015. The minimum statutory requirement is one month, however, additional days were provided because of the complexity of the Amendment.
- During and immediately after the formal exhibition period, extensions of time were granted to any resident seeking an extension of time.

Notification given

- A total of 10,064 letters were sent notifying owners of the Amendment.
- Letters dated 9 November 2015 were customised to inform people how the Amendment affects their property.
- The letters included the formal Amendment Notice, the Explanatory Report and a double sided colour flyer giving basic information about the Amendment.
- Letters were also sent to Prescribed Ministers on 9 November 2015 informing them of the Amendment.
- A notice appeared in the Manningham Leader on 9 November 2015 and the Government Gazette on 12 November 2015 and again on the 26 November 2015.
- An article was included in the November edition of Manningham Matters that highlighted the Amendment for affected non-owner occupiers.

Information made available

- An interactive web tool was provided through a link on Council's web site, allowing people to search for their address and find out how their property is affected.
- Council's web site (yoursaymanningham.com.au/Amendment-C109) made available – the Amendment documentation, Fact Sheet, Frequently Asked Questions, background material and a link to a submission form.
- Melbourne Water's web site was linked to Council's website and interactive web tool.
- Information folders were displayed at all Council libraries and the Council office.

Information sessions and meetings

- Six information sessions were held during the weeks beginning 17 November through to 9 December 2015. People were requested to pre-book for these sessions so that specific information about their property could be provided. 150 people attended these sessions.

- In addition, all owners and/or interested parties were able to meet with Council officers if they were not able to attend one of the information sessions.

How people responded to notification

- The dedicated Council webpage (yoursaymanningham.com.au/Amendment-C109) received approx. 4220 hits between when the webpage went live and the closing date for submissions (24 December 2015).
- The interactive map received 2,788 hits during the same period.
- Council officers were available for counter enquiries during the exhibition period and beyond. Approximately 120 people came to the counter during the exhibition period inquiring about the Amendment.
- Council officers also fielded a large number of telephone enquiries during the exhibition period with approx. 1000 phone calls received within the exhibition period.
- 360 submissions were received during the exhibition period. 198 submissions were received after the exhibition period taking the total number of submissions, at the time of writing this report to 558 (Less 6 submissions that have been withdrawn).

Subsequent communication actions undertaken post exhibition at the request of Council

- All submitters received an acknowledgement letter in relation to their submission.
- At the request of Council, a follow up letter to all submitters was sent on 12 May 2016, explaining the process for the review of submissions and the type of information that will be considered in the review. This correspondence also offered the opportunity for addendums to original submissions to be submitted.
- In addition, at the request of Council, letters were also sent on 23 May 2016, to those properties affected by an identified communication ambiguity (58 private properties and 50 government properties), clarifying that the existing LSIO along the Yarra River will continue to apply in addition to the proposed controls. These property owners were also given an opportunity to lodge a submission or to submit addenda to existing submissions over a period of six weeks.
- The web based communication tool was also amended to include the existing LSIO in the 'Proposed Overlay' view.
- To the wider community, a separate dedicated advertisement was included in the Manningham Leader in the week beginning 16 May 2016 advising that Council officers are still considering submissions in relation to Amendment C109 and that further updates are being provided on the Your Say Manningham webpage.

Subsequent communication actions undertaken post February 2017 Council meeting at the request of Council

- Council considered submissions to Amendment C109 to the Manningham Planning Scheme, at its meeting of 21 February 2017, Council resolved “*that this matter be deferred for three months to enable further consultation with councillors*”.
- In response to that resolution:
 - Council officers wrote to all of the then 523 submitters on 1 March February 2017, (the number of submitters at that time) advising them of the Council resolution and inviting them to make an appointment for a one on one information session to discuss the officers’ response to their submissions;
 - Your Say Manningham consultation portal and the FAQs (frequently asked questions) were updated.
- Council officers met with 220 submitters at one on one meetings over 16 disparate days, including 6 evening sessions and two Saturday sessions.
- The information sessions generated a significant amount of follow up review work to be undertaken by Council officers and the consultants. This work included investigating new issues and information raised through the meetings in addition to the original submissions, further reviewing of the flood shape based on topographical information submitted by several submitters and responding to requests for further detailed information from the consultant.

Submitters meetings

- Three submitter’s meetings are being held in September 2017, before the September Council meeting where submissions will be considered by Council.
- These meetings will enable submitters the opportunity to raise their concerns with Council.
- The submitters have been invited to these meetings based on the controls affecting their individual properties.

Quick Stats

| | |
|--|---------------|
| No. of letters initially sent | 10,064 |
| Webpage hits | 4,220 |
| Interactive map hits | 2,788 |
| Phone calls | 1,000 |
| Counter enquiries | 120 |
| Attendees at Info Sessions November 2015 | 150 |
| Attendees at March 2017 information ‘one on one’ sessions | 220 |
| No. of submissions | 558 |

PART 2: SUMMARY OF SUBMISSIONS

Effect of the Amendment

Individual properties are affected in one of the following ways by the Amendment:

- Existing SBO removed
- Existing LSIO removed
- Retain existing SBO but change to either SBO1, SBO2 or SBO3
- Added to SBO for the first time and apply either the SBO1, SBO2 or SBO3
- Added to the LSIO for the first time
- Retain existing LSIO but change the existing floodshape
- Other e.g. dual controls apply

Location of submissions

- 13 % of submissions related to properties in Melbourne Water's drainage areas (LSIO and SBO1)
- 38% of submissions related to properties in Council's drainage areas (SBO2)
- 44% of submissions related to properties in Council's drainage areas (SBO3)
- 5% of submissions related to properties with dual controls.

The submissions were also located in one of the 5 catchment areas – see attached catchment map as follows:

- 41% of submissions were from Ruffey Creek catchment
- 18% of submissions were from Koonung Creek catchment
- 29% of submissions were from the Mullum Mullum Creek catchment
- 5% of submissions from Bulleen catchment
- 7% of submissions from Anderson Creek catchment

Position taken on the amendment

- 92% objected to the Amendment, essentially seeking the removal of a property (or a group of properties) from the proposed Amendment.
- 1% objected to the Amendment, essentially seeking a modification to the floodshape or overlay designation exhibited in the Amendment.
- 1% objected to the Amendment with no reasons given.
- 3% requested other changes that are not directly related to the Amendment e.g. drainage maintenance issues.

- 3% were received from properties not offering a position on the Amendment. A follow up letter was sent but no responses were received.
- 5% were received supporting the Amendment.

In addition:

- 1 submission was received from Parks Victoria offering no objection to the Amendment.
- 1 submission was received from EastLink and does not object.
- 1 submission was received from a property not affected by the Amendment.
- 6 submissions were received and subsequently withdrawn.

Issues raised in submissions

There are a number of key issues raised in the submissions, as outlined in the table below. The table below provides information on the numbers and percentages of submissions that included a specific issue in their submission:

| Issue | %/No of submissions |
|---|----------------------------|
| 1. Individual properties have not experienced flooding in the past and should therefore not be subject to the overlays. | 34% |
| 2. The modelling is inaccurate and does not reflect real life flood events and/or existing site/area characteristics such as existing topography. | 68% |
| 3. Council and/or Melbourne Water drainage works have already addressed any potential flooding impacts. | 15% |
| 4. The Council/Melbourne Water drains have not been properly maintained and/or are inadequate. | 8% |
| 5. Council and Melbourne Water should review and upgrade the drainage system to cope with overland flow and flooding from the one in 100 year flood event. | 23% |
| 6. New development and the increase in density across Manningham has increased the level of overland flow and flooding. | 10% |
| 7. Property values and property resale will be impacted, Council rates should decrease/may increase as a result of the overlays and compensation should be payable. | 35% |
| 8. Insurance costs/premiums will be impacted. | 33% |
| 9. Buildings or structures on a property are unaffected by the proposed overlays, and will impact on the site unnecessarily. | 2% |
| 10. There will be a financial or administrative burden for future development – including additional costs associated with seeking planning permission and raising floor levels. | 10% |
| 11. The proposed overlay will only have a minor impact on the property due to a minimal incursion, the overlay falling over an existing easement or driveway and should therefore be removed. | 13% |

| Issue | %/No of submissions |
|---|---------------------|
| 12. Built features (such as existing floor levels, on site drainage, retaining walls etc.) on the subject property and adjoining properties may currently divert water away or prevent water from entering a property. Therefore question relevance of overlay. | 19% |
| 13. Consultation process and information provided was inadequate. | 3% |
| 14. Other miscellaneous issues | 11% |