

|  | First Name | Last Name | Business Name | Email | Contact | Type         | Added On            | Options   |
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|  | Terry      | Coombs    |               |       |         | Outside User | 2020-03-12 15:56:50 |     |

A short walk along the banks of the Werribee River in Maddingley reveals a significant amount of debris including fallen tree branches and growth. I would think that that the maintenance of this waterway would be important in helping to prevent significant flooding in the event of a 1 in 100 year flood.

Is Melbourne Water going to maintain this waterway by clearing flood causing debris as part of this proposed planning scheme amendment lest the 1 in 100 year flood becomes a self-fulfilling situation?

Scott and Katina Lowry  
55 Connor Ct  
Ballan, Vic 3342

26 March 2020

Attention: Strategic Planning  
Submission to Amendment C91  
Moorabool Shire Council  
P.O. Box 18  
Ballan, Vic 3342

### **Purpose**

We as residents of Connor Court, oppose the council's proposed C91 amendment to the Moorabool Planning Scheme and propose the following changes to the amendment.

1. All references to Connor Court or part thereof, being shown as Land Subject to Inundation Overlay (LSIO) be removed from MAP No 14LSIO and that Map No 14LSIO be amended to show that Land Subject to Inundation Overlay commences East and South of the Ballan – Greendale road.
2. All references to Connor Court or part thereof, being LSIO in the proposed amendment C91 be removed.

### **Background**

The 1 in 100-year event that council mentions in the proposed amendment now occurs every year since the council completed road works the Blakeville Road and Andrews Lane which redirects water from Blakeville Road to Connor Court. These works have significantly increased the volume of water that Connor Court draining system has been designed to handle causing the current issue. These works have drastically altered the watercourses natural flow, redirected it onto several properties which in turn floods Connor Court.

The residents of Connor Court meet with Moorabool Shire (Bevesh) last year and we were assured that works would commence in the court, in summer (2019 / 2020) once the area had dried out. The residents were expecting, as a minimum, that the drains of the court would properly maintained by grading, something that hasn't been done since the road was originally created. This minimal action would be a giant step in mitigating the problem caused by the additional water flow from Blakeville road.

Drains and culverts should be dug and maintained to resolve this issue. As residents it is illegal to redirect water flow onto other people property however it appears that the residents of Connor Court are being discriminated against by the council and Melbourne Water who have redirected water onto our land. We pay rates the same as everyone else however it appears that is only for provision of fortnightly garbage collection and not maintenance of roads and drains by Council.

When residents purchased their properties, they all were aware of the existing council overlays including the Land Subject to Inundation Overlay which at the time, did not show Connor Court to be affected by flooding. Further to that there was no mention of flooding overlays or flood plains in our section 32's, this amendment (C91) will have a huge impact on our property valuations, puts up our insurance and in some cases makes it unavailable. Council originally approved all housing plans and permits and if this was a relevant concern when the land was first subdivided why did council approve the land as residential?

Lastly, due to these road works to Blakeville Road the Council has failed in its Duty of Care with regards to the safety of the residents of Connor Court. The poor drainage of Connor Court results in localised flooding and Emergency vehicles will not enter the court when it is flooding. During the last occurrence of flooding a resident of the court had to drive a child, with respiratory problems to the Hospital's emergency department as the ambulance would not attend.

Sincerely,

Scott and Katina Lowry

**Michael and Marie Donovan**

7 Connor court  
Ballan 3340

26/3/2020

**Attention: Henry Bezuidenhout**

15 stead street Ballan  
PO Box 18 Ballan Vic 3342

To whom it may concern,

We Michael and Marie are residents of 7 Connor crt who have lived at the address for 13 years. We are concerned about the proposed amendment to councils planning scheme as detailed in the amendment C91 .When we purchased our land there was no mention of flooding overlays or flood of the area in the section 32 sale documents,so we decided to purchase the land,planning permission was approved from council and building permits approved to build our house.

The council have mentioned in a letter about a 1-100 year event, this I feel has come about with due to the councils road improvement of Blakeville road and changing the water course redirecting it through \*Private property down into Connor court.(\*90 and 100) By doing this it has increased the water flow in Connor court 10 fold.

We are now faced with an overlay that effectively makes our property uninsurable and devalued considerably. We feel that the council is passing the buck on the real issue of poor drainage of Connor court as we have been requesting wider,deeper concrete gutters in the court for many years. We also feel the council has a duty of care for the students on the school bus that use Connor court,driving in and turning around and picking up students on the corner of Connor court and Ballan-Greendale Rd.If the drainage problem is not fixed soon we feel there is going to be an accident involving

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the flooded road. In finishing up, We feel the council needs to fix the drainage problem along Blakeville rd, Make wider,deeper concrete gutters in Connor court,so the water can move quickly down to Pikes reservoir, Put larger pipes under Connor court /Ballan-Greendale rd to move water coming down from Ballan-Greendale rd towards Connor court.

We do not want any changes to any Amendment that will affect our property.

Yours Sincerely

Michael and Mariee Donovan

Jennifer and Daniel Tabone  
36 Connor Ct  
Ballan, Vic 3342

[REDACTED]  
26 March 2020

MOORABOOL SHIRE COUNCIL  
CENTRAL RECORDS

- 3 APR 2020

File No. 13/02/003

Attention: Strategic Planning  
Submission to Amendment C91  
Moorabool Shire Council  
P.O. Box 18  
Ballan, Vic 3342

### Purpose

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2. All references to Connor Court or part thereof, being LSIO in the proposed amendment C91 be removed.

### Background

The 1 in 100-year event that council mentions in the proposed amendment now occurs every year since the council completed road works the Blakeville Road and Andrews Lane which redirects water from Blakeville Road to Connor Court. These works have significantly increased the volume of water that Connor Court draining system has been designed to handle causing the current issue. These works have drastically altered the watercourses natural flow, redirected it onto several properties which in turn floods Connor Court.

The residents of Connor Court meet with Moorabool Shire (Bevesh) last year and we were assured that works would commence in the court, in summer (2019 / 2020) once the area had dried out. The residents were expecting, as a minimum, that the drains of the court would properly maintained by grading, something that hasn't been done since the road was originally created. This minimal action would be a giant step in mitigating the problem caused by the additional water flow from Blakeville road.

Drains and culverts should be dug and maintained to resolve this issue. As residents it is illegal to redirect water flow onto other people property however it appears that the residents of Connor Court are being discriminated against by the council and Melbourne Water who have redirected water onto our land. We pay rates the same as everyone else however it appears that is only for provision of fortnightly garbage collection and not maintenance of roads and drains by Council.

When residents purchased their properties, they all were aware of the existing council overlays including the Land Subject to Inundation Overlay which at the time, did not show Connor Court to be affected by flooding. Further to that there was no mention of flooding overlays or flood plains in our section 32's, this amendment (C91) will have a huge impact on our property valuations, puts up our insurance and in some cases makes it unavailable. Council originally approved all housing plans and permits and if this was a relevant concern when the land was first subdivided why did council approve the land as residential?

Lastly, due to these road works to Blakeville Road the Council has failed in its Duty of Care with regards to the safety of the residents of Connor Court. The poor drainage of Connor Court results in localised flooding and Emergency vehicles will not enter the court when it is flooding. During the last occurrence of flooding a resident of the court had to drive a child, with respiratory problems to the Hospital's emergency department as the ambulance would not attend.

Sincerely,



Jennifer and Daniel Tabone



Submission to Amendment C91 to the Moorabool Planning Scheme

The residents of Connor Ct are concerned and over whelmed about the proposed amendment to Councils planning scheme and in particular the proposed changes to the "Land Subject to Inundation Overlay" as detailed in the amendment C91 moor.

When residents purchased their properties, they all were aware of the existing council overlays including the Land Subject to Inundation Overlay which at the time of our original purchase did not show Connor Ct to be affected by flooding. Further to that there was no mention of flooding overlays or flood plains in our section 32's. Council approved all housing plans and permits for the residents and this amendment "C91moor" will have a huge impact on our property valuations. If this was a relevant concern why did council approve the land as residential?

The 1 in 100-year event that council keeps mentioning happens every year since the council completed the road works on Blakeville road which redirected the water flow from Blakeville Road to Connor Ct. We have had discussions with the Moorabool Shire (Bevesh) and we were assured that the works would be done in the street to help the water flow from Blakeville road would be assessed immediately.

The water from Blakeville road that has been directed onto Conner Ct is due to council's upgrade to Blakeville Roads drains and culverts. This work has redirected the watercourses natural flow onto several properties which in turn floods Connor Ct.

Instead we are now faced with an overlay that effectively wipes the value of our properties and puts up our insurance and in some cases makes it unavailable. Furthermore, due to these road works the Council has failed in its Duty of Care with regards to the safety of our residents. The poor drainage of Connor Ct results in localised flooding and Emergency vehicles will not enter the court when it is flooding.

Drains and culverts should be dug and maintained to resolve this issue. We were under the impression that it was illegal to redirect the course of water flow onto other people's property and as a street we were wondering why we are being discriminated against by the council and waterboard who have redirected water onto our land, we pay rates the same as everyone else.

Yours Sincerely



Jennifer and Daniel Tabone



36 Connor Ct

Ballan Vic 3342



**Rod Davison**

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**From:** gerard holwell [REDACTED]  
**Sent:** Saturday, 4 April 2020 1:44 PM  
**To:** Rod Davison  
**Cc:** [REDACTED]  
**Subject:** RE: Amendment C91

Hello Rod,

Thank you for your email below responding to my enquiry on behalf of Villa Maria Catholic Homes ("VMCH") on the proposed Amendment C91 and the impact of that proposed Amendment on land owned by VMCH in Maddingley. This email is being sent as a formal submission to Amendment C91 to ensure that VMCH is a party to that process.

I have spoken with Mike Kearney at Melbourne Water, following your advice in your email, regarding the proposed introduction of the LSIO over parts of the VMCH Providence Aged Care Facility and Retirement Village at 9 Griffith Street MADDINGLEY.

After discussing the issue with Mr Kearney, it was agreed that I would send some background to the extensive flood mapping and works undertaken to improve the existing conditions and ensure that the building and works on the VMCH land were compliant and in accord with flood policies controls etc. of your Council and Melb Water.

The concern of VMCH to the proposed Amendment is that, after these extensive investigations and works undertaken by VMCH with the input and direction of all relevant parties responsible for drainage and flooding in the locality, Am C91 proposes the LSIO over recently completed Community Centre for the Retirement Village and on land at the rear of the recently refurbished / upgraded Aged Care Facility.

A large concrete wall was installed in this area with the agreement and approval of Melbourne Water as part of the overall drainage improvement work to ensure that the area now proposed to be included in an LSIO, would be able to be developed at a later date.

I also note that due to the current changes sweeping our community resulting from Corona virus that the advertised public information intended to be held as part of the Amendment process have been cancelled.

I appreciate that Melb Water have put a great deal of effort into C91. However, if the legal obstacles to suspending the process can be dealt with I would encourage Council put the C91 on hold.

Alternatively to abandon the Amendment now, and then recommence the process when there is more stability in our community. The flood issues need to be addressed, however, I question if that needs to be now when you consider what other issues are having to be dealt with the community at present.

Again thank you for your help to date.

My kind regards

Gerard

**From:** Rod Davison [REDACTED]  
**Sent:** Thursday, March 26, 2020 10:16 AM  
**To:** gerard holwell [REDACTED]  
**Cc:** Mike Kearney [REDACTED]  
**Subject:** RE: Amendment C91

Hi Gerard,

The below map shows the flood extent (proposed LSIO) as it relates to the Providence Aged Care facility. You would need to contact Melbourne Water for information regarding flood levels/depth (ph. 9679 7517 or email [land.development@moorabool.vicgov.au](mailto:land.development@moorabool.vicgov.au) ). If your enquiry relates to, Melbourne Water would assess any future development proposal in accordance with the attached *Guidelines for Development in Flood Prone Areas*.



Regards,

**Rod Davison** | Senior Strategic Planner



Mail  
Ballan  
Bacchus Marsh  
Darley

PO Box 18, Ballan, Vic 3342  
15 Stead St, Ballan  
215 Main St, Bacchus Marsh  
182 Halletts Way, Darley

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Email  
Website  
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[www.moorabool.vic.gov.au](http://www.moorabool.vic.gov.au)  
293 5275 4296

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**From:** gerard holwell <[REDACTED]>  
**Sent:** Thursday, 26 March 2020 9:08 AM  
**To:** Rod Davison [REDACTED]  
**Subject:** RE: Amendment C91

Hello Rod,

Thank you for your email below.

My question relates to the Providence Aged Care Facility and Retirement Village in Griffith Street Maddingly.

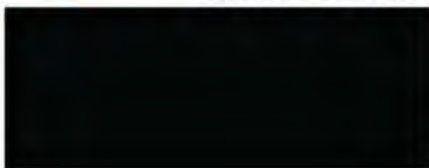
I note from the Dept's web site that part of that land is proposed to be included in the LSIO.

My question is what information do you have on the level of the expected inundation of the land identified in the LSIO proposed to the south of the existing aged care facility.

Can you call me on [REDACTED] when you have a chance to discuss.

Kind regards

Gerard



**From:** Rod Davison [REDACTED]  
**Sent:** Wednesday, March 25, 2020 3:43 PM  
**To:** gerard holwell [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Amendment C91

Hi Gerard,

Unfortunately we have cancelled the community consultation sessions scheduled for 28 March and 23 April, due to concerns about community safety relating to COVID-19. All information pertaining to this amendment is available via Council's website (see below link), including an interactive map which enables you to search any property address to check the extent of the proposed overlays (blue shaded areas).

<https://haveyoursay.moorabool.vic.gov.au/planning-scheme-amendment-c91-improving-flood-management-in-moorabool-shire>

Do you have a specific property-related query that I can help you with, or do you wish to discuss the amendment more generally? Maybe you could email any questions you have and I will respond via email or phone.

Regards,

**Rod Davison** | Senior Strategic Planner



**Mail**  
**Ballan**  
**Bacchus Marsh**  
**Darley**

PO Box 18, Ballan, Vic 3342  
15 Stead St, Ballan  
215 Main St, Bacchus Marsh  
182 Halletts Way, Darley

**Phone** [REDACTED]  
**Email** [REDACTED]  
**Website** [www.moorabool.vic.gov.au](http://www.moorabool.vic.gov.au)  
**ABN** 293 5275 4296

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From: gerard holwell

Date: Wed Mar 25 02:24:01 PM AEDT 2020

**ATTENTION: Manager of Statagic Planning**

I am sending this email to follow up on advice from Council that Amendment C91 had been prepared to change the flood overlays in the Moorabool Planning Scheme and that the Amendment was on public exhibition.

That advice detaield a number (3) public consultation sessions. One of those alocated times has passed and and the other two are scheduled for this Saturday 28 March and 23 April 2020.

I have treid to call to dicuss if these sessions are still progressing and the message says to ring back later.

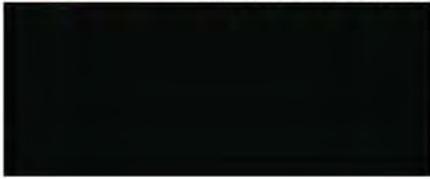
Instead of trying to ring "back later", can youa dvsie if these two advertised sessions are proceeding.

If so can you book me in for a time this Saturday 28 March 2020.

I will await your advices.

Kind regards

Gerard



5 Walsh St.,  
Ballan, 3342.

17 April 2020

Moorabool Shire Council,  
Mayor, Mr David Edwards, CEO, Mr Derek Madden, and ALL Councillors  
(Attention – Mr Rod Davison)

MOORABOOL SHIRE COUNCIL  
CENTRAL RECORDS

17 APR 2020

File No. 13/21.003

Dear Sirs and Madam,

**Re: Amendment C91 – Flood Overlays**

I am the owner of my residential property at 5 Walsh St., Ballan, which I purchased approximately four years ago, in 2016. At the time of purchase, I was not made aware that the above-mentioned overlay had already been mooted. It is only recently that I learnt of the C91 amendment (previously C73) and the implications involved for property owners who would be affected if the amendment is passed. I cannot understand why the Council would put an overlay on an existing property with house and garages, a property which cannot be subdivided.

**I AM AGAINST THIS OVERLAY BEING ADOPTED.**

I am concerned that, if a 1 in 100 year flood overlay is placed on an existing house property, house insurance companies may not be prepared to provide cover or, if they do, may well increase the cost of cover considerably.

Further, I am also concerned that an overlay as mooted will decrease the property values of homes, including my property, that are affected by the overlay amendment.

It appears from your Halcrow Report, Page 29, Figure 6, Catchment B 100 year flood extents, that flood modelling was undertaken before the civil works began on the Lay Court estate development site, of which my property is part. After the modelling was completed, the development of the site was started.

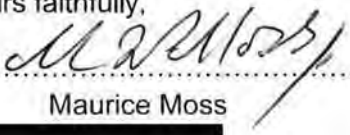
According to the plans drawn up by Beveridge, Williams & Co., Surveyors, Town Planning Consultants & Engineers, during the construction of this part of the estate, ground levels were increased by at least 300mm to a finished surface of 492.14m or higher to allow for a 1 in 100 year flood. If the plans are correct, and if the construction was made in accordance with the approved plans, this drainage channel should never overflow onto my property and adjoining properties fronting Walsh Street in the case of a 1 in 100 year event. Therefore, it is my opinion that this proposal for an overlay seems unwarranted as the risk was negated at the time of construction.

I would like this matter to be brought before a Victorian Government Planning Panel, and would appreciate the opportunity to present a submission in person, and to speak to my submission.

Moorabool Council has stated that it is committed to the ratepayers. This does not appear to be the case, as it seems to me that the rate payers are being ignored, without any consultation.

I await your response.

Yours faithfully,

  
.....

Maurice Moss



**DOCUMENT (Inbound)**

**Summary** Amendment C91 - Deirdre Hunter  
**Information**  
**Comments/Notes**

**DETAILS**

**Status** New **Deadline** 15/05/2020  
**Priority** Medium **Received** 01/05/2020 05:39:59 PM  
**Type** Email **Ref** IN20/7BECC2DE

**RELATED DOCUMENTS****PEOPLE (2)**

**Owner** Rod Davison  
**Manager** Sarah Kernohan  
**Reader**

**CONTACTS ()**

**Name**  
**Company**  
**Email**  
**Phone**

**FOLDER (1)**

| Number    | Par | Name   | Organisat               | Unit |
|-----------|-----|--|-------------------------|------|
| 13/02/003 | 1   | Planning and Land Use\Planning...Moorabool Planning Scheme | Moorabool Shire Council | Rec  |

**WORKFLOW**

No records found.

**CONTENT****Attachments:**

| File Name    | Size (kb) | Attache<br>by | Attached<br>On          |
|--------------|-----------|---------------|-------------------------|
| IMG_2162.jpg | 55.1k     | Julie Conl    | 04 May 2020 11:58:29 AM |
| IMG_2378.PNG | 50.0k     | Julie Conl    | 04 May 2020 11:58:29 AM |
| IMG_2168.PNG | 352.8k    | Julie Conl    | 04 May 2020 11:58:30 AM |
| IMG_2380.PNG | 300.8k    | Julie Conl    | 04 May 2020 11:58:28 AM |

**Links:**

| File Name         | Size (kb) | Cre<br>by | Created<br>On |
|-------------------|-----------|-----------|---------------|
| No records found. |           |           |               |

**From:** Deirdre hunter [REDACTED]  
**Date:** Fri May 01 05:39:59 PM AEST 2020  
**To:** Info<Info@moorabool.vic.gov.au>;  
**CC:**  
**BCC:**  
**Subject:** Fwd:

----- Forwarded message -----

**From:** Deirdre hunter [REDACTED]  
**Date:** Fri, May 1, 2020 at 1:55 PM  
**Subject:** Moorabool Planning Scheme Amendment C91

Deirdre Hunter-Flynn [Ms]  
 8, Hall Street  
 Ballan, 3342

Contact [REDACTED]

**Attention Mr Henry Bezuidenhout**



Dear Sir,

I refer to the letter I received from Moorabool Council and signed by yourself, dated 5th March 2020, advising me that my property is subject to the proposed LSIO and SBO as I have been identified as a flood prone property.

I vehemently object to the proposal that my property be judged, by council, to be subject to additional restrictions and planning controls under amendment proposal C91.

I have studied the Melbourne Water flood extent mapping applicable to my property, available on councils' website - photographs attached. The mapping quite clearly indicates that my property is not and will not be subject to "Inundation" by flood waters. I purchased this property in 2017, and at that time there was no such flood restriction to the property. With all the evidence available I fail to understand why I, as the owner of Number 8, Hall Street, should now be included in Amendment C91 and deemed flood prone - the flood mapping you provide quite clearly demonstrates that my property would not be susceptible to a 1 in 100 year flood event.

Unable to attend a consultation sessions to voice my concerns, or attend Ballan Council office due covid19 restrictions, I spoke with Mr Rob Davidson by telephone on 2/April/2020 relaying my stress and concerns at receiving the notification. Mr Davidson in turn assured me that there would be no impact to my property relating to Amendment C91, LSIO and SBO. Melbourne Water modelling showing clearly that in the event of a 1 in 100 year flood event the waters would skim by the front right hand corner of my boundary line. **The impact, if at all, would be negligible.**

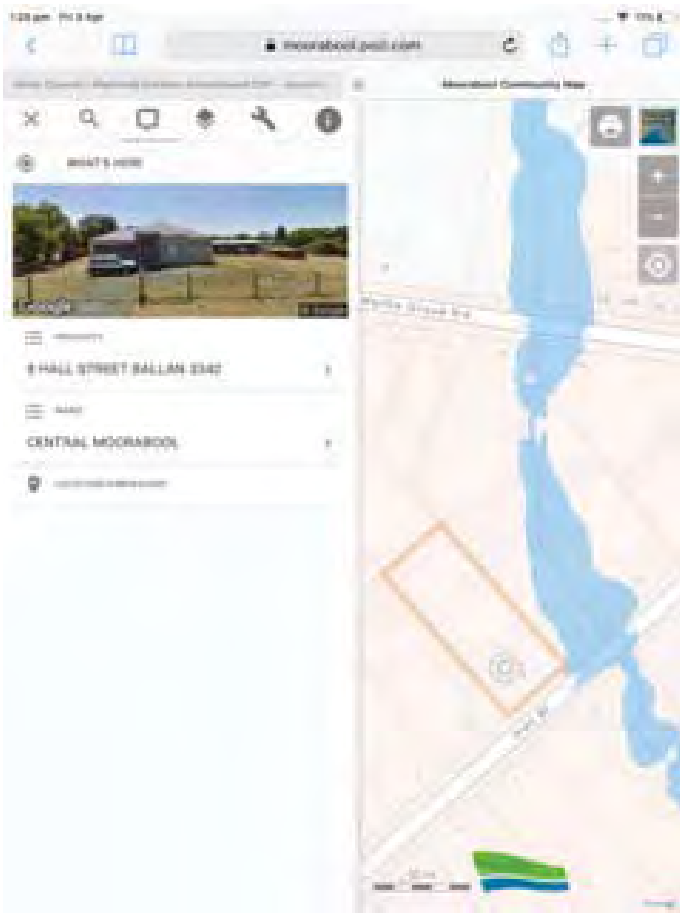
Having stated my objections, with valid reason, I request council rescind the intended application of Amendment C91 together with its complex constraints and controls as inappropriate for 8, Hall Street Ballan,

Your attention to my request would be appreciated at your earliest convenience.

Yours faithfully, Deirdre Hunter-Flynn

Sent from my iPhone

PRINTED COPY



Project No: 18033  
 Your Reference: C91

4 May 2020

Moorabool Shire Council  
 PO Box 18  
**BALLAN VIC 3442**  
[info@moorabool.vic.gov.au](mailto:info@moorabool.vic.gov.au)

**Attention: Rod Davison**

Dear Rod

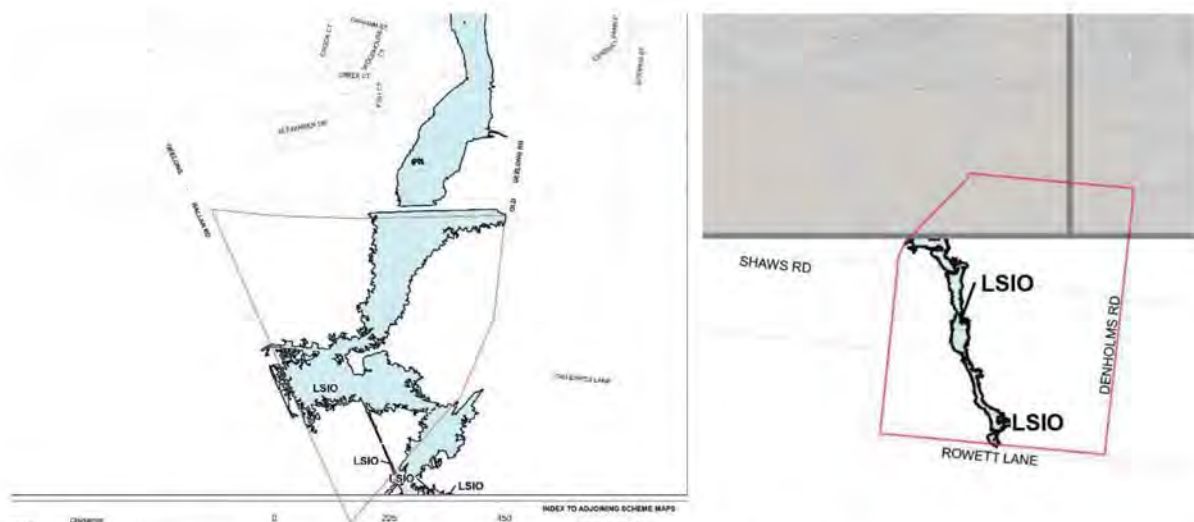
### Amendment C91 to the Moorabool Planning Scheme Submission on behalf of Ballan South Pty Ltd

We advise we act for Ballan South Pty Ltd (Morgan & Griffin), who are the registered owners of the following titles that are proposed to be impacted by Amendment C91 to the Moorabool Planning Scheme:

- Lots 1 & 2 TP340145
- Lots 1, 2 and 3 TP 48666H
- Crown Allotment 41,48,22, 49 and 56 Section 3 Parish of Gorong.

### Proposed Amendment C91 and the subject land

Plans extracted from the exhibited C91 maps showing the impacted properties are provided below:



We note that the subject land is currently zoned Farming Zone, with the Design and Development Overlay 2 and Environmental Significance Overlay Schedule 1 also applying to all the land. The land is also contained within a Bushfire Prone Area.

Amendment C91 proposes to introduce some changes to local planning policy and introduce the Land Subject to Inundation Overlay and Special Building Overlay and relevant new schedules into the Moorabool Planning Scheme.

The proposed changes in Amendment C91 affect the subject land by introducing the Land Subject to Inundation Overlay onto the land where it has been identified as affected by a 1% annual exceedance probability (AEP) flood event, based on the outcomes of the *Ballan Township Flood Study, Final Report* (Halcrow Pacific Pty Ltd., November 2011) and the relevant *Melbourne Water Planning Investigations Models* (flood extent mapping for rural areas).

### Ballan Township Flood Study (Halcrow November 2011)

We note that Amendment C91 implements the findings of the November 2011 Ballan Township Flood Study. In reviewing the flood study, we note the following matters that need consideration in relation to this proposed Amendment:

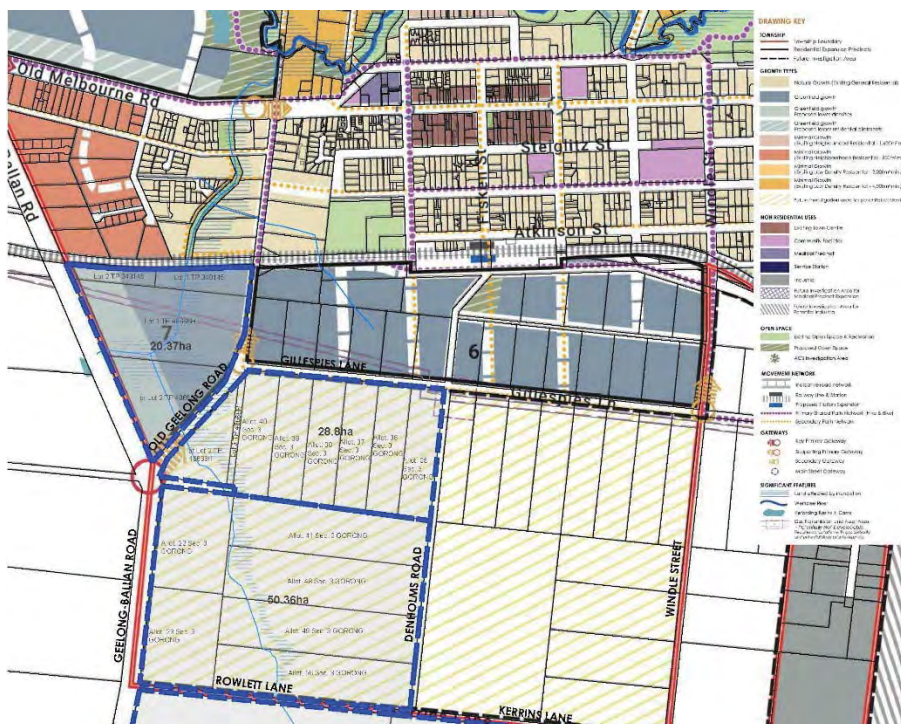
- The subject land is included in Catchment C in the report (MD8146/MD8147).
- It is noted that the scope of the project had originally included looking at 3 scenarios:-Existing development (Current zoning and land-use); Ultimate development (Current zoning and full land-use utilisation based on zoning); and Full development (Future zoning and full land-use utilisation based on zoning); but that “After discussions with Moorabool Council it was discovered that there was no foreseeable change to planning zones within any of the catchments. In turn it was agreed with Melbourne Water that the ‘Full development’ would not be investigated.” (page 6).

Given the more recent work completed and gazetted in Amendment C88, some of the assumptions made in relation to no changes to land use zoning in Ballan have since been superseded.

## Recent planning and development context of the subject land

### Ballan Strategic Directions and Amendment C88

On 6 March 2020, Amendment C88 to the Moorabool Planning Scheme was gazetted, which implemented the outcomes of the Ballan Strategic Directions work Council has undertaken, including various zone changes, as well as most significantly, changes to Clause 21.08 Ballan of the planning scheme. Amendment C88 identifies a new Township Boundary, which includes a significant area of land south of the railway line as well as additional land to the east and west of the existing township north of the railway. The subject land is included within the Township Boundary, with land on the western side of Old Geelong Road identified as Precinct 7 for greenfield growth, and land to the south-east of Old Geelong Road as ‘future investigation area for potential residential’ (refer plan of the subject land overlaid on the Ballan Framework Plan attached and extract below).



We note that the framework plan does also include a hatched area indicating land affected by inundation.

The gazettal of Amendment C88 clearly outlines the intent that land south of the railway line in Ballan, extending south to Rowlett/ Kerrins Lane, is envisaged as part of the township and will at some point be zoned to accommodate residential greenfield growth.

### Ballan Drainage Services Scheme

Melbourne Water has also prepared the Ballan South West DSS (Drainage Services Scheme) (scheme map dated April 2017) which is available at <https://www.melbournewater.com.au/planning-and-building/developer-guides-and-resources/drainage-schemes-and-contribution-rates-0>. We note that the scheme map for the Ballan South West DSS clearly identifies a proposed drainage channel across part of the land identified as Precinct 7 connecting out to the Geelong Ballan Road, with some further retarding basin infrastructure to the east of Old Geelong Road. As Amendment C88 has now been gazetted, further development within the DSS area is envisaged and will need to be catered for through an amended scheme as landowners progress towards rezoning and development in the area.

### Evidence presented to the C88 Planning Panel by Water Technology

As part of the submission made by Morgan & Griffin to the Amendment C88 Planning Panel, Warwick Bishop from Water Technology provided drainage and floodplain evidence to address matters in relation to the subject land, in particular the land referred to as Precinct 7. It was noted in this evidence that Precinct 7 was suitable for development (even though it is impacted by the 1% AEP), and that the indicated drainage solutions in the Ballan South West DSS provided the right guidance for a suitable development and drainage outcome (albeit with some potential need for additional land to cater for the further land designated in the township boundary as part of Amendment C88).

### Key matters raised in relation to the proposed Amendment C91 documentation

As outlined above, the planning context for Ballan has changed considerably since the flood modelling and the Ballan Township Flood Study was completed in 2011. Amendment C88 has resulted in significantly more land within the Ballan township boundary, and the Ballan South West DSS has been prepared outlining key drainage infrastructure that will assist in managing and mitigating flood potential.

Whilst our submission does not question the extent of the 1% AEP proposed to be implemented by Amendment C91, we wish to raise the following key matters in relation to implementation of the proposed changes to the planning scheme:

- The modelling and flood study are approximately 10 years old, and we suggest it may be prudent to review them to ensure they address current conditions and policy prior to progressing further. We do note the Cardno review undertaken in 2017, which was also completed prior to finalising Amendment C88;
- Given the recent gazettal of Amendment C88 and the revised Clause 21.08 Ballan, our client is working with Council to progress a request to rezone all or part (subject to further work) of their landholdings in Ballan South. Part of this process will be to prepare the appropriate integrated water management plan/ stormwater strategy for the land to mitigate any flood risk. This will occur in consultation with both Melbourne Water and Council.
- The implementation of an additional overlay on the land (in the form of the proposed LSIO) at this time will become superfluous once the above work progresses and will require removal as part of a future planning scheme amendment. We request Council and Melbourne Water's consideration of whether, given the land has been identified for rezoning for residential purposes, the implementation of the LSIO is appropriate on this land at this time. We raise this with a view to streamline the planning process for future development of the land, rather than overly burdening future residential land with overlays that will become no longer relevant once drainage works are undertaken as part of development.
- The Ballan South DSS will also require review to take into consideration the longer-term vision for growth in Ballan as outlined in Clause 21.08 Ballan. This should be used to help guide the implementation of any future drainage and floodplain related planning controls on the land.

The issues we raise are primarily matters of how the planning controls are most appropriately used to address floodplain management and drainage on the land, given future planned rezoning to allow for residential use. We note the exhibited Schedule 1 to the LSIO does not provide any exemptions for dwellings from the need for a planning permit. Whilst the planning permit application process for subdivision would of course trigger a permit under the LSIO, consideration could be given to allowance for an exemption from the need for a permit for future dwellings on created lots if certain relevant criteria were met. This could be one way to ensure that

no additional red tape impedes the development of future dwellings on lots where drainage works to mitigate flood risk have occurred and been approved by Melbourne Water.

We appreciate the opportunity to provide a submission in relation to Amendment C91 and look forward to discussing matters further as the amendment process progresses. Please contact Melinda Holloway [REDACTED] or Julie Lancashire [REDACTED] should you wish to discuss this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Holloway', enclosed within a hand-drawn oval shape.

Melinda Holloway  
Principal Urban Designer

**Urban Design and Management Pty Ltd**

Doc code: 16/1671

Your ref:

4<sup>th</sup> May 2020

Strategic Planning Unit  
 Moorabool Shire Council  
 PO Box 18  
 Ballan VIC 3342

Dear Sir/Madam,

**RE: Moorabool Planning Scheme Amendment C91 – Flood Overlays**

Thank you for providing Central Highlands Water (CHW) with the opportunity to make a submission in response to the above exhibited planning scheme amendment.

CHW is a government owned statutory water authority that provides water and sewerage services on a catchment to tap basis across a large region of Central Victoria, including several townships located generally in the western portion of the Moorabool Shire.

Relevant to the consideration of this amendment, CHW owns and operates the following assets that will be affected by the proposed controls:

- The Ballan Wastewater Treatment Plant in Ingliston Road Ballan;
- Water and sewer reticulation mains that cross the Werribee River and its tributaries in Ballan;
- Water supply infrastructure in Blackwood; and
- A sewer pump station at Jopling Street Ballan.

CHW acknowledges the impacts of flooding on the community including the potential for flood waters to infiltrate sewerage networks potentially leading to sewage spills, interruptions to sewerage services and costly clean-up after flooding has subsided. With this in mind CHW undertakes a flood risk assessment, often in consultation with the relevant Catchment Management Authority, when new assets are being planned, with the view to ensuring assets are appropriately located and potential points of infiltration are installed above the level of a 1 in 100 year flooding event.

CHW notes that Amendment C91 proposes to implement the findings of four Melbourne Water flood studies by introducing planning controls that seek to improve the performance of the Moorabool Planning Scheme (MPS) in responding to issues relevant to flooding. More specifically, the purposes of the Amendment include: identifying, through the application of the Land Subject to Inundation Overlay and Special Building Overlay, land that is subject to flooding, inundation and overland flows from urban drainage; and, to require a performance-based approach to the assessment of planning applications for affected land.

It is noted that CHW has several assets in Ballan and Blackwood that fall under the MPS definition of a 'Minor Utility Installation' including sewer and water mains, a sewerage pump station and a wastewater treatment plant. A key requirement of the operation of these facilities is the ability for CHW to respond flexibly and efficiently to demand in the provision and maintenance of its assets and infrastructure. As a public authority, it is important that CHW retains the current exemptions

from the requirement to obtain a planning permit for matters consistent with its water and sewerage function.

We note that the existing provisions of the MPS at Clause 62.02-1 and the proposed controls at Clauses 44.04-2 and 44.05-2 provide examples of where a permit is not required for buildings and works including as follows:

Clause 62.02-1 – 'Buildings and works not requiring a permit' under any provision of the Scheme, other than a requirement in the Public Conservation and Resource Zone:

- Emergency works undertaken by, or on behalf of, a municipality, public authority or utility service provider in the exercise of any power conferred on them under any Act;
- Maintenance works carried out by a municipality or public authority to prevent or alleviate flood damage;
- Building and works associated with a minor utility installation;
- Building and works associated with a dam if a licence is required to construct the dam or to take and use water from the dam under the Water Act 1989; and
- The construction, alteration, removal or demolition of an observational bore where a licence has been issued for those works under Part 5 of the Water Act 1989.

Clauses 44.04-2 and 44.05-2 'Land Subject to Inundation Overlay' and 'Special Building Overlay':

- The laying of underground sewerage, water and gas mains providing they do not alter the topography of the land and that the works are undertaken in accordance with plans prepared to the satisfaction of the responsible authority.

CHW is satisfied that these permit exemptions will provide it with the flexibility to undertake its day to day operations, whilst allowing an adequate consideration of flood risk to its assets.

In relation to the proposed Map 28LSIO, CHW has recently constructed a new storage basin at the Ballan Wastewater Treatment Plant. A component of the planning for the works included obtaining approval from Melbourne Water to make minor alterations to a waterway within the WWTP site. I have attached a plan of the works, as these changes may have a minor impact on the defined waterway on the proposed Map 28LSIO.

Subject to any required change to Map 28SLIO, CHW supports the amendment in its current form.

Should you require further information about this response please contact me on [REDACTED]

Yours faithfully,



Stephen Carter  
**Team Leader Key Customer Accounts and Planning**



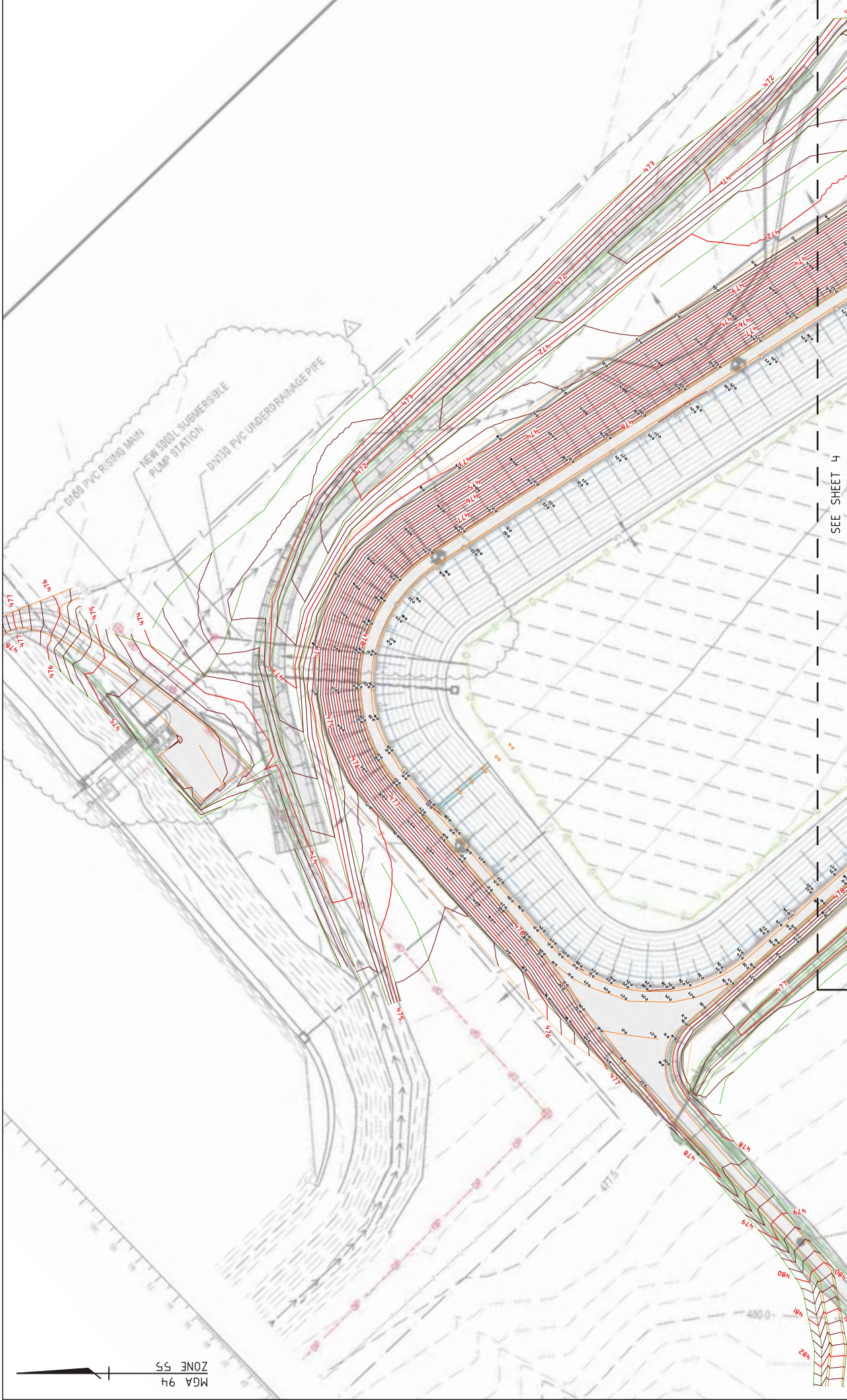


MGA 94  
ZONE 55

SEE SHEET 2

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|                           |      |            |             | LUKE SAYERS                       |    |
|                           |      |            |             | 0400 428 645                      |    |
|                           |      |            |             | luke@3dcs.com.au                  |    |
|                           |      |            |             | www.3dcs.com.au                   |    |





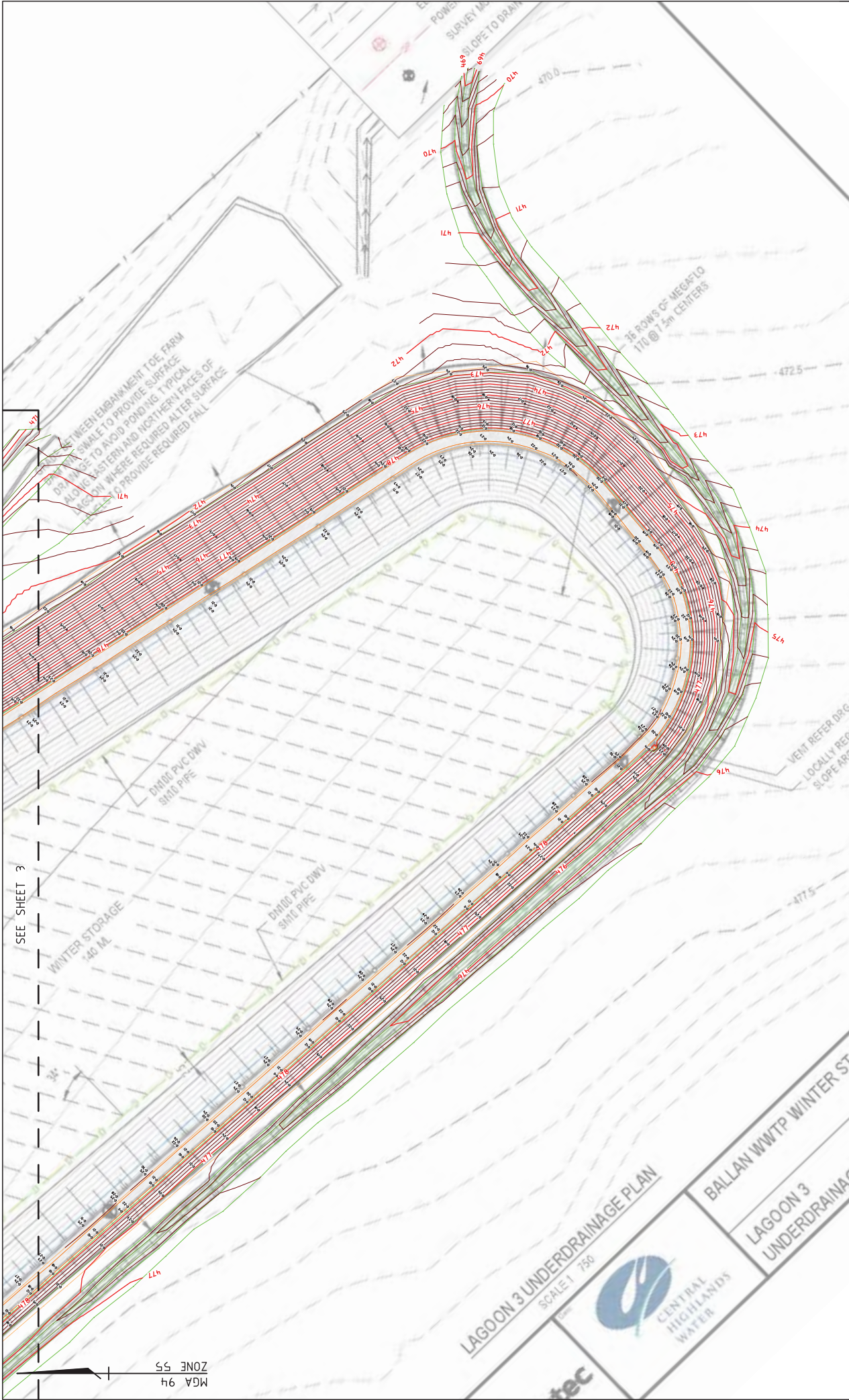
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ZONE 55

SEE SHEET 4

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LUKE SAYERS  
0400 428 645  
luke@sdcs.com.au  
www.sdcs.com.au



SEE SHEET 3

WINTER STORAGE  
40 ML

MGA 94  
ZONE 55

DN100 PVC DWV  
500 PIPE

LAGOON 3 UNDERDRAINAGE PLAN  
SCALE 1:500



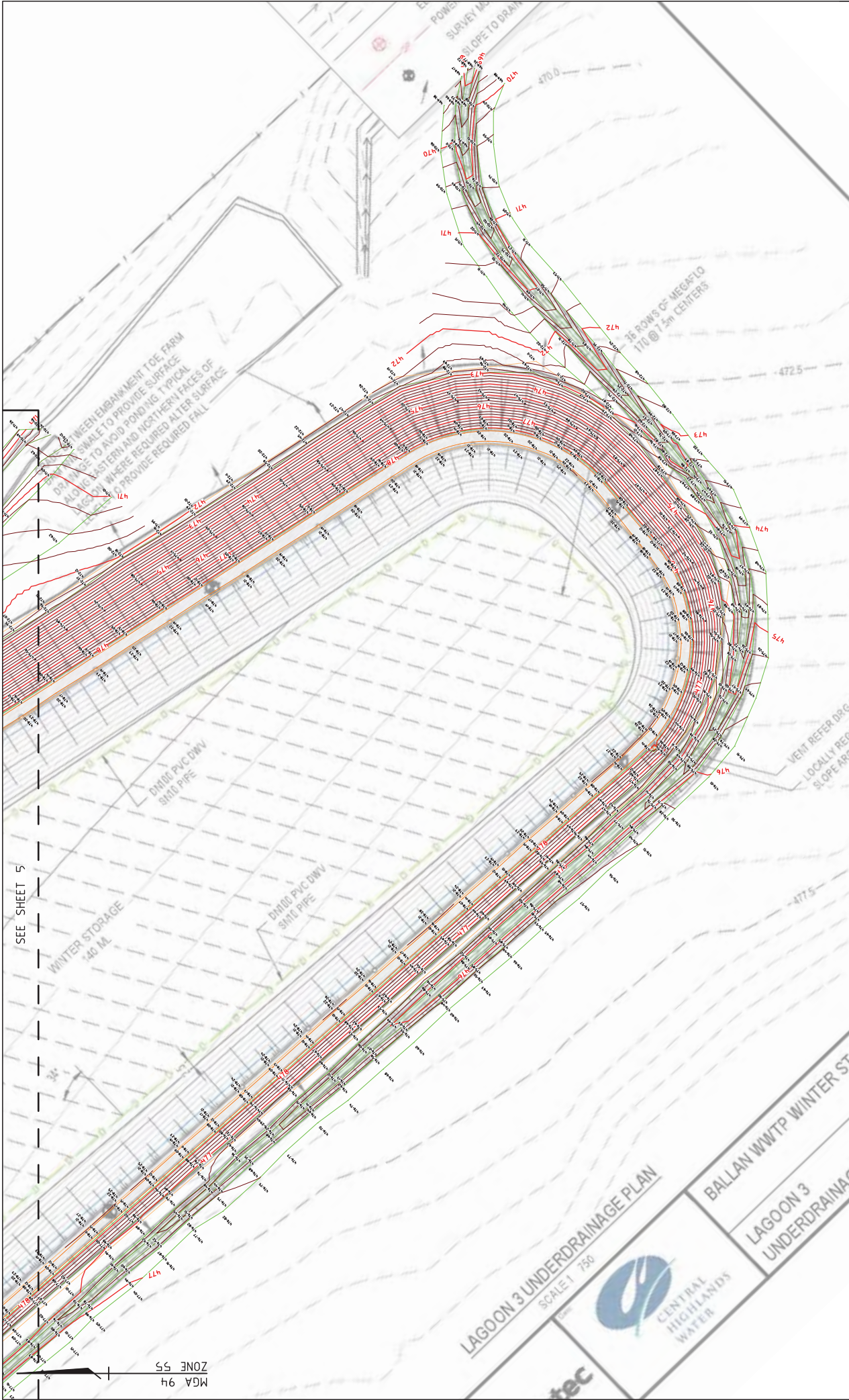
BALLAN WWTP WINTER ST  
LAGOON 3  
UNDERDRAINAGE

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MGA 94  
ZONE 55

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| <p>REV</p> <p>DATE</p> <p>DESCRIPTION</p>                    |  | <p>ISSUED</p> <p>18/02</p> <p>D</p>                       | <p>BY</p> <p>LS</p>                                     | <p>LUKE SAYERS</p> <p>0400 428 645</p> <p>luke@3dcs.com.au</p> <p>www.3dcs.com.au</p>   |  |



SEE SHEET 5

WINTER STORAGE  
40 ML

MGA 94  
ZONE 55

LAGOON 3 UNDERDRAINAGE PLAN  
SCALE 1:750



BALLAN WWTP WINTER ST  
LAGOON 3  
UNDERDRAINAGE

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**SDCS**  
3D CIVIL SERVICES

LUKE SAYERS  
0400 428 645  
luke@sdcs.com.au  
www.sdcs.com.au



05 May 2020

Strategic Planning Team  
Moorabool Shire Council  
PO Box 18  
Ballan VIC 3342

**Re: Planning Scheme Amendment C91 – Improving Flood Management in Moorabool Shire**

We would like to thank you for the opportunity to provide a submission in relation to the above matter. Insight Planning Consultants represent and act on behalf of the purchaser of 5 Smiths Road, Parwan (Lot 1 & 2 TP558808), KLN Industries. The subject property will be impacted by the proposed C91 Amendment, more specifically by the Land Subject to Inundation Overlay (LSIO).

We understand the amendment is seeking to apply the Land Subject to Inundation Overlay (LSIO) and the Special Building Overlay (SBO) to land affected by a 1 in 100-year flood event. The LSIO will be applied to land impacted by flooding associated with waterways and open drainage systems. As such, any land subject to the overlay will trigger the need for a planning permit for proposed subdivisions, buildings and works and require referral to Melbourne Water.

We note, due to COVID-19 restrictions currently in place, the Exhibition Period for the amendment has been extended until 4 weeks after the restrictions are either lifted or relaxed however, we are keen to resolve our concerns as soon as possible.

**Our client wishes to object to the application of the LSIO on the land at 5 Smiths Road, Parwan, as it is unclear what the specific area affected by the overlay is from the information provided.**

Our client is undergoing preparation of a planning permit application for buildings and works on the subject site. To assist in the preparation of the application and to minimise re-work down the track we require a copy of the cadastre base map to understand the proposed impact on the site and subsequent planned development.

Once the requested information is received and confirmed, we may be in a position to withdraw our C91 Amendment Submission.

Sincerely,

**Elizabeth Wright**  
**Insight Planning Consultants**



5 May 2020

Dear Planners As a land owner of some of the affected properties my main concern is the loss of value to the properties if this flood overlay becomes a formal amendment. I would like to know why it must now be formally documented as a flood overlay if it does not affect the construction of new buildings knowing any new building must comply with planning regulations which would consider the possibility of flood in these areas. If someone could meet with me to discuss further it would be greatly appreciated.

With thanks

Angela Candeloro (Ruffo)

Tripod Farmers



Following receipt of documentation regarding Amendment C91 at my address (41 Robertsons Road Darley) I am at a loss to understand the underlying purpose of this Amendment which I find inadequately explained in the said documentation. What purpose will be served? Where I live (at 41 Robertsons Road Darley) is NOT part of a floodplain as there is no record that this site has been inundated by flood in recorded history i.e. since European settlement. Even with the biggest recorded flood in the Shire in August of 1891 - 129 years ago - there is no evidence that there was inundation at or above where Rogers Park Darley is today. There was however extensive flooding of the market garden areas of Bacchus Marsh as both the Lerderderg and Werribee Rivers overflowed their banks at that time. It is common knowledge that parts of Darley notably the recent residential developments in the area around the lower (river) end of Nelson Street in Darley are subject to flooding. Prior to about 2005 this area was entirely market gardens and residential development was not permitted. I reiterate that the area of Darley at or above Rogers Park where Cairns Drive intersects with Robertsons Road has no history of flooding and for this reason Amendment C91 should not apply in this part of Darley.

**DOCUMENT (Inbound)**

**Summary** FINAL SUBMISSION - AMENDMENT C91 FLOOD OVERLAYS  
- Cyril Fox

**Information**

**Comments/Notes**

**DETAILS**

**Status** New **Deadline** 21/08/2020

**Priority** Medium **Received** 07/08/2020  
09:16:09 AM

**Type** Email **Ref** IN20/609E8F9C

**RELATED DOCUMENTS****PEOPLE (3)**

**Owner** Rod Davison, Amy Gloury

**Manager** Sarah Kernohan

**Reader**

**CONTACTS ()**

**Name**

**Company**

**Email**

**Phone**

**FOLDER (1)**

| Number    | Part | Name   | Organisat              | Unit |
|-----------|------|--|------------------------|------|
| 13/06/093 | 1    | Planning and Land Use\Mooraboo...Amer C91 - Flood Controls | Mooraboo Shire Council | Rec  |

**WORKFLOW**

No records found.

**CONTENT****Attachments:**

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**Links:**

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| No records found. |           |        |            |

**From:** Cyril Fox [REDACTED]

**Date:** Fri Aug 07 09:16:09 AM AEST 2020

**To:** Info [REDACTED];

**CC:** [REDACTED]

**BCC:**

**Subject:** FINAL SUBMISSION - AMENDMENT C91 FLOOD OVERLAYS  
7 August 2020

Dear Sirs

FINAL SUBMISSION -AMENDMENT C91 FLOOD OVERLAYS

This is my final submission as an affected ratepayer to the proposed Amendment C91 Flood Overlays.

Thank you for providing me with the submissions of other interested parties and for providing more information in relation to my inquiries and concerns.

Now that I have fuller details of the proposed amendment, I am making a formal objection to the plan, on the following grounds:


- No one's interest is served by imposing a retrospective flood overlay on land which is already developed. The overlay would only possibly make sense in relation to undeveloped land.
- The proposal fails to provide an adequate definition of the term 'flood' for the information of affected parties. Does 'flood' mean submersion or inundation or merely water run-off?
- There is no indication how exactly the modelling by Melbourne Water was devised. Correspondence suggests that there has been no proper investigation of the historical flood record; seemingly the modelling is a mere desktop exercise?

d. I believe that both Melbourne Water and the Shire of Moorabool have more important, relevant and pertinent matters to concern themselves with than a retrospective flood overlay, for example, the long term sustainability of water supply in the face of large-scale residential development in the plain of the Lerderderg and Werribee Rivers. Already these rivers are severely depleted by the time they reach Darley and Bacchus Marsh.

For all these reasons I submit that the amendment be abandoned on the grounds that it serves no useful purpose.

Sincerely

Cyril Fox

  
(41 Robertsons Road, Darley)

CRC Melton staff access their work emails normally between 8.30 am-4.30 pm and will endeavour to respond to emails within 24-48 hours. However, staff are not expected to respond in this timeframe during weekends, public holidays and term breaks.

PRINTED COPY



08 May 2020

Moorabool Shire Council  
 15 Stead Street, Ballan  
 990 La Trobe Street Docklands VIC 3008  
 Via email [info@moorabool.vic.gov.au](mailto:info@moorabool.vic.gov.au)

Dear Planning

Our ref: 20010410\_L01V01a.docx

## 406 & 420 Bacchus Marsh Road Development

Thank you for the time to read this letter regarding the Moorabool Shire Council Planning Scheme Amendment C91 and development of 406 & 420 Bacchus Marsh Road, Bacchus Marsh. Water Technology has been commissioned by Rijk Zwaan to engage closely with Melbourne Water and conduct a site specific investigation into inundation across the site in relation to its development. Metropol Planning will also be making a submission on behalf of Rijk Zwaan with regards to the same site. Please find the below detail surrounding our submission to the C91 amendment process.

### OVERVIEW

Rijk Zwaan is the fourth largest provider of seeds in the world. Their property at Bacchus Marsh is currently used for Research and Development purposes and they are currently planning to develop the property for growing facilities.

The planning scheme amendment (Amendment C91 to the Moorabool Planning Scheme) has direct implications to 406 and 420 Bacchus Marsh Road as it proposes to apply the Land Subject to Inundation Overlay (LSIO) to the site (Figure-1). It is understood that Melbourne Water has suggested a 40 meter wide area (set at natural ground level) be provided clear of any structures to accommodate floodwater flows from west to east through the site.

### OBJECTIVE

Water Technology and Rijk Zwaan would like to express our interest to engage with Moorabool Shire Council and Melbourne Water to discuss and negotiate the requirements of the development at Bacchus Marsh Road and the C91 amendment. The main objectives of this discussion include:

- Clarification of development requirements by identifying the flood risk for both onsite and offsite with proposed structures in developed conditions.
- How the implications of the amendment and the response from Melbourne Water may affect development of 406 & 420 Bacchus Marsh Road, Bacchus Marsh.
- Ensuring the development onsite complies with Moorabool Shire Council and Melbourne Water requirements.
- Completing a detailed modelling assessment of the site to improve the understanding of the flood conditions at the site and determining how this may affect the C91 LSIO.

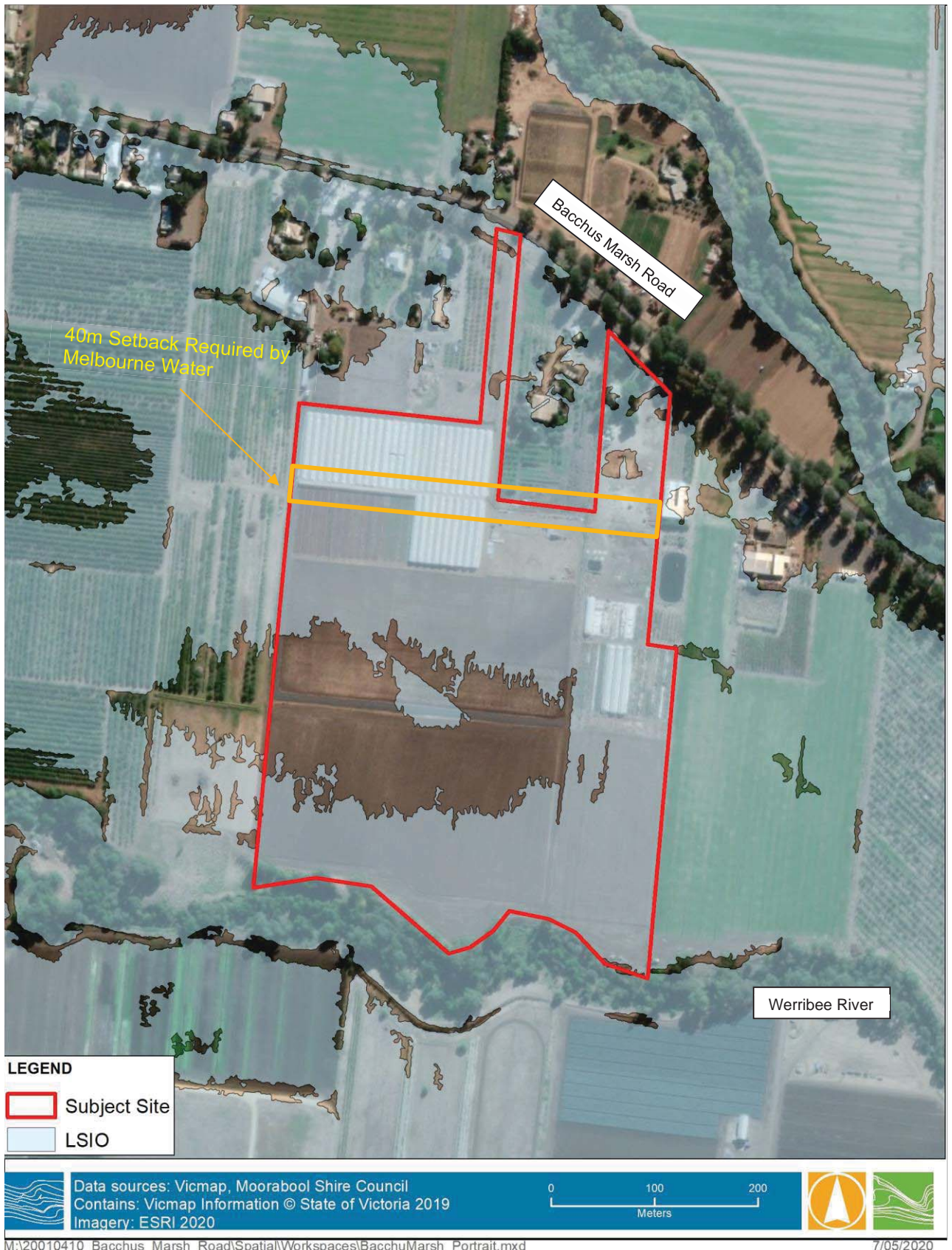


Figure-1 Subject Site with LSIO



Please do not hesitate to contact us if you have any queries with this letter. We are looking forward to further discussion with Moorabool Shire Council and Melbourne Water regarding the C91 amendment.

Yours sincerely

Ben Hughes  
Principal Engineer

████████████████████  
**WATER TECHNOLOGY PTY LTD**

**Metropol Ref. 0950**

3 June 2020

Planning Department  
Moorabool Shire Council

Via email: [info@moorabool.vic.gov.au](mailto:info@moorabool.vic.gov.au)

Dear Sir or Madam,

## **Amendment C91 to the Moorabool Planning Scheme**

Metropol Planning Solutions acts on behalf of Rijk Zwaan Australia Pty Ltd, owner of 406 and 420 Bacchus Marsh Road, Bacchus Marsh. Amendment C91 to the Moorabool Planning Scheme proposes to apply the Land Subject to Inundation Overlay (LSIO) to our client's landholding. Refer Figure 1 below.

On behalf of our client and in further support of the submission prepared and submitted recently by Water Technology Pty Ltd, we write to provide our response to the proposed Planning Scheme Amendment.

We write to express our concern as to the restrictive nature of the LSIO and to seek further clarification in relation to the effect on the development potential of our client's landholding.

**Figure 1. LSIO Map**



Source: Moorabool Interactive Map



# Metropol

## Project Overview

Rijk Zwaan Pty Ltd is one of the largest vegetable seed producing companies in the world. In Australia, Rijk Zwaan has over 75 full time employees carrying out the marketing and sale of vegetable seeds, research, development, and seed production.

A planning permit application is currently under preparation (not yet submitted to Council), for a major expansion of the existing production facility on site.

The site is located on the northern bank of the Werribee River with the Lerderderg River a short distance to the north. Refer Figure 2. In the absence of any existing flooding overlay, we have sought pre-development advice from Melbourne Water.

Melbourne Water have advised that a minimum 40 metre wide area (set at natural ground level) must be provided clear of any structures to accommodate floodwater flows between the existing plastic houses (located at the north western corner of the site) and any new development to the south.

**Figure 2. Melbourne Water Advice dated 3 April 2020**



Source: NearMap

We understand from interpreting the flood maps that the 40-metre setback is required to enable the movement of flood flows at the northern end of the floodway for the Werribee River, and that water is moving from west to east.

# Metropol

## Response

While we recognise that it is good planning practice to recognise flood affected land on planning scheme maps, our client is concerned with the constraint this may place on their future development plans.

We would like to express our interest in engaging with Moorabool Shire Council and Melbourne Water to further discuss the implications of Amendment C91 for our clients' landholdings with a view to identifying possible solutions to mitigating flooding risk and impacts and avoiding constraints on the development potential of the site.

Furthermore, we confirm our clients support for the requests made by Water Technology Pty Ltd in their submission on the same matter including:

- Identification of on-site and off-site flood risk pertaining to the proposed development to clarify development requirements
- Clarification on the development implications of current Melbourne Water Advice
- The undertaking of a detailed modelling assessment of the site to understand flood conditions to determine how this may affect the proposed Planning Scheme Amendment C91.

Should you have any queries regarding this matter please do not hesitate to contact me on [REDACTED] or via email: [REDACTED]

Yours sincerely,



Michael Dunn  
Director

Enc:

cc: File

5 May 2020  
Lynn & Richard Defoe  
43 Connor Court  
Ballan  
Vic, 3342

Moorabool Shire Council  
Strategic Planning Unit  
PO Box 18  
Ballan  
Vic, 3342

**Via Email:** [info@moorabool.vic.gov.au](mailto:info@moorabool.vic.gov.au)

Dear Sirs,

Re: Planning Scheme Amendment C91 – Flood Overlays

We refer you to your letter dated 5 March 2020 regarding the Notice of Preparation of an Amendment to the above scheme and register our complete rejection of any changes to the flood overlays or Land subject to Inundation Overlay for Connor Court or part thereof.

This matter was originally proposed in Moorabool Planning Scheme Amendment C73 in 2016. We objected to this amendment and it was defeated then. We are again objecting to any flood overlays or LSIO's for Connor Court.

The flooding and drainage in Connor Court has been an issue for years and last year Council finally promised that these issues would be fixed.

Council or Melbourne Water is responsible for the additional flooding in the court as they have changed the road drainage on Blakeville Road and directed the flow of water onto the properties in Connor Court. This act has still not been acknowledged by the council. This act in itself is illegal as Section 16(1) of the Water Act 1989 provides that the person who causes a flow of water which is "not reasonable" onto other land is liable for the injury, loss or damage caused by the water. Should these works have been conducted by Melbourne Water then it is governed by Section 157 of the Act. This requires that the flow must occur as a result of the authority's negligent or intentional conduct. This water has clearly been directed into the court intentionally and is therefore illegal.

The councils' reasons for preparing the amendment include that "state and local planning policies require flood prone land to be identified and managed." Our contention is that the Moorabool Council were the authority that issued a Planning Permit for

development of the Connor Court section in June 2003 and therefore did not follow these procedures. It is irrelevant that flood extent mapping was only completed for the area in Nov 2011 as it was well known in the community that the area was subject to flooding. Unfortunately current residents that weren't local to the area were unaware of these conditions.

We would also note that the land encompassing the Connor Court Development was owned by Bob McMahon who at the time of the planning permit being granted we believe was a councillor or had been a councillor previously. This raises questions as to whether proper due diligence was carried out in approving the planning permit.

The council at their meeting last year with the residents of Connor Court assured us that they would carry out drainage works to mitigate the flooding in the area. They also assured us that they were dealing with the owner of the Beefcorp Australia property in regard to drainage channels through his property to alleviate the ponding of water at the junction of Connor Court/Ballan-Greendale Rd. This would enable water to move quicker from the affected areas. To date the Council has not carried out any works. This is unacceptable.

As the Moorabool Council were responsible for approving the Planning Permit in 2003 they are liable for any detriment to the owners' properties or the value of those properties. Any changes to flood overlays or LSIO's in the Connor Court area proposed by the council will affect values and insurance premiums and render some properties unsaleable.

The Moorabool Council has failed in its duty of care to the residents of Connor Court We believe that should these changes be made to the Planning Scheme then we will hold them responsible for any detrimental effect on the ability to sell and value of property. We would be prepared to take legal advice on this matter and canvas the other residents on class action against the council.

We trust that Council will see fit not to pass this amendment or raise any further amendments/discussions pertaining to this matter and will also fulfill their obligations in regard to the drainage of Connor Court that they agreed to last year.

Yours Sincerely

Lynn & Richard Defoe

**DOCUMENT (Inbound)**

**Summary**            Objection to Amendment C91 - Maria Vella  
**Information**  
**Comments/Notes**

**DETAILS**

**Status** New    **Deadline** 10/06/2020  
**Priority** Medium    **Received** 27/05/2020 11:25:26 AM  
**Type** Email    **Ref** IN20/AA5039F

**RELATED DOCUMENTS****PEOPLE (2)**

**Owner**            Rod Davison  
**Manager**        Sarah Kernohan  
**Reader**

**CONTACTS ()**

**Name**  
**Company**  
**Email**  
**Phone**

**FOLDER (1)**

| Number    | Part | Name   | Organisat              | Unit |
|-----------|------|--|------------------------|------|
| 13/06/093 | 1    | Planning and Land Use\Mooraboo...Amer C91 - Flood Controls | Mooraboo Shire Council | Rec  |

**WORKFLOW**

No records found.

**CONTENT****Attachments:**

| File Name         | Size (kb) | Attar by | Attached On |
|-------------------|-----------|----------|-------------|
| No records found. |           |          |             |

**Links:**

| File Name         | Size (kb) | Cre by | Created On |
|-------------------|-----------|--------|------------|
| No records found. |           |        |            |

**From:** Michael Vella [REDACTED]  
**Date:** Wed May 27 11:25:26 AM AEST 2020  
**To:** Info<Info@moorabool.vic.gov.au>;  
**CC:**  
**BCC:**  
**Subject:** Amendment C91

Hi,

I am writing to oppose amendment C91 on the grounds that it will limit future development of my property. I originally bought the property as an investment with thoughts of possibly subdividing it at a later stage. I feel that the insertion of this amendment/overlay will hinder my ability to subdivide in the future. Hence I am opposing amendment C91 and propose that it not apply to my property.

My contact details are:

Maria Vella  
 Property Address – 731 Bacchus Marsh Rd, Merrimu  
 [REDACTED]

Regards – Maria.

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There is no warranty that this email is error or virus free. Please consider the environment before printing.

| DOCUMENT (Inbound)    |   | DETAILS                |  |
|-----------------------|---|------------------------|--|
| <b>Summary</b>        | Objection to Moorabool Planning Scheme Amendment C91 - Santino and Kim Anastasi | <b>Status</b> New      | <b>Deadline</b> 07/06/2020             |
| <b>Information</b>    |   | <b>Priority</b> Medium | <b>Received</b> 24/05/2020 07:26:01 PM |
| <b>Comments/Notes</b> |   | <b>Type</b> Email      | <b>Ref</b> IN20/102A60DA               |

## RELATED DOCUMENTS

| PEOPLE (2)     |                | CONTACTS ()    |  |
|----------------|----------------|----------------|--|
| <b>Owner</b>   | Rod Davison    | <b>Name</b>    |  |
| <b>Manager</b> | Sarah Kernohan | <b>Company</b> |  |
| <b>Reader</b>  |                | <b>Email</b>   |  |
|                |                | <b>Phone</b>   |  |

| FOLDER (1) |      |  |                        |      | WORKFLOW          |  |
|------------|------|--|------------------------|------|-------------------|--|
| Number     | Part | Name   | Organisat              | Unit |                   |  |
| 13/06/093  | 1    | Planning and Land Use\Mooraboo...Amer C91 - Flood Controls | Mooraboo Shire Council | Rec  | No records found. |  |

| CONTENT           |           |          |             |                   |           |        |            |
|-------------------|-----------|----------|-------------|-------------------|-----------|--------|------------|
| Attachments:      |           |          |             | Links:            |           |        |            |
| File Name         | Size (kb) | Attar by | Attached On | File Name         | Size (kb) | Cre by | Created On |
| No records found. |           |          |             | No records found. |           |        |            |

**From:** [REDACTED]  
**Date:** Sun May 24 07:26:01 PM AEST 2020  
**To:** Info<Info@moorabool.vic.gov.au>;  
**CC:**  
**BCC:**  
**Subject:** Objection to Moorabool Planning Scheme Amendment C91

We would like to formally object to the Moorabool Planning Scheme Amendment C91.

As the Amendment adversely impacts more than 50% of our 20 acre property, I had a teleconference with Rod Davison and Mike Kearney on the issue to clarify my understanding, and though they were helpful, I still have the same concerns.

The reasons for our objection include:

- We believe it will unnecessarily reduce our property value.
- We believe it will unnecessarily make it more difficult to sell our property when we decide to do so.
- We believe it will unnecessarily make future development of the property take longer to action.
- We believe it will unnecessarily make future development of the property more costly and potentially cost prohibitive.
- We believe it will unnecessarily make some future development plans be rejected.
- We believe that the "voice" of the residents of the Moorabool area are being ignored, as a similar amendment was proposed and rejected some 5 years ago after residents objected.

The Amendment is based on an assumption of a 1 in 100 year flood event that we feel is unfounded because:

- In the 150 years of history in the area, floods to the extent shown

in the overlay maps have not occurred.

- Statistically speaking, 150 years is not sufficient data to establish a 1 in 100 year trend.
- We believe the 1 in 100 year assumption is not based on any scientific evidence whatsoever.
- The impact of global climate change makes it further unlikely that any reliable predictions on flood events can be made.
- A 1 in 100 year event is less than once in a generation making planning for it overly cautious, and incurring additional expense to protect against it, unwarranted.
- Rowsley is historically dry and subject to long term water shortages.
- We have not been able to grow crops or keep many animals due to lack of water, and have to buy town water for our tanks and animals regularly.

Personal circumstances:

- We have owned 1 Davisons Lane Rowsley for 16 years as a home and investment, and that investment value will now be impacted.
- We have accrued very little capital growth in nearly 2 decades so a loss of value caused by the amendment further destroys the value of the property to us over the years.
- We've paid interest on the mortgage for land that we may now not be able to utilise.
- We've paid higher rates due to having a larger lot of land, even though this amendment will deem that land less valuable.

In closing, we do not feel this Amendment is wanted or warranted and will unnecessarily damage property values, raise costs and damage retirement and wealth plans for affected residents. The sheer act of documenting this assumed risk is already damaging as is any escalation of that.

We therefore object and would like the proposed amendment withdrawn.

Regards,

Santino and Kim Anastasi  
1 Davisons Lane Rowsley, Vic 3340  
[REDACTED]

**Fire Safety Referrals****Fire & Emergency Management**

Email: [REDACTED]

Telephone: [REDACTED]

Our Ref: 15000-69061-98411

Telephone: [REDACTED]

Council Ref: AMENDMENT C91, FILE: 13/06/093

TRAX Ref: slup\_psa\_submission

4 June 2020

Strategic Planning  
Moorabool Shire Council  
P OBox 18  
**BALLAN VIC 3342**

Dear Strategic Planner

**SUBMISSION TO PLANNING SCHEME AMENDMENT****Proposal:** Amendment C91moor**Location:** Werribee River, Little River, Lerderderg River

Thank you for providing CFA notice of C91 in accordance with section 19 of the *Planning and Environment Act 1987*. The proposed amendment applies to land identified as inundation within the catchments of the Werribee River, Lerderderg River and Little River.

CFA has reviewed the proposed planning scheme amendment and would like to make the following submission.

The majority of land identified as inundation is also located within a Bushfire Management Overlay. The explanatory report indicates that the amendment will not result in any increase in bushfire risk, as the amendment only seeks to manage flood risks. CFA acknowledges that the focus of the amendment is to ensure the appropriate area subject to inundation is reflected in the planning scheme.

CFA is concerned that the introduction of policy within the proposed Land Subject to Inundation Overlay (LSIO) may impact on the location of bushfire hazards and potentially bushfire risk. It is unclear whether the land identified as inundation will also be improving water quality by enhancing riparian vegetation along the banks of the waterway.

CFA recommends that Council provide further information regarding revegetation along the proposed LSIO to demonstrate any change in bushfire risk as a result of the amendment. This should be reflected in the supporting amendment documentation, including the Explanatory Report.





**Fire Safety Referrals**

**Fire & Emergency Management**

Email: [REDACTED]

Telephone: [REDACTED]

If you wish to discuss this matter in more detail, please do not hesitate to contact me on [REDACTED]

Yours sincerely

A handwritten signature in black ink, appearing to read 'LJH'.

**Luci Johnston**

Land Use Planning Coordinator

**Fire & Emergency Management**



5th May 2020

MOORABOOL SHIRE COUNCIL  
PO BOX 18  
BALLAN  
VIC 3342

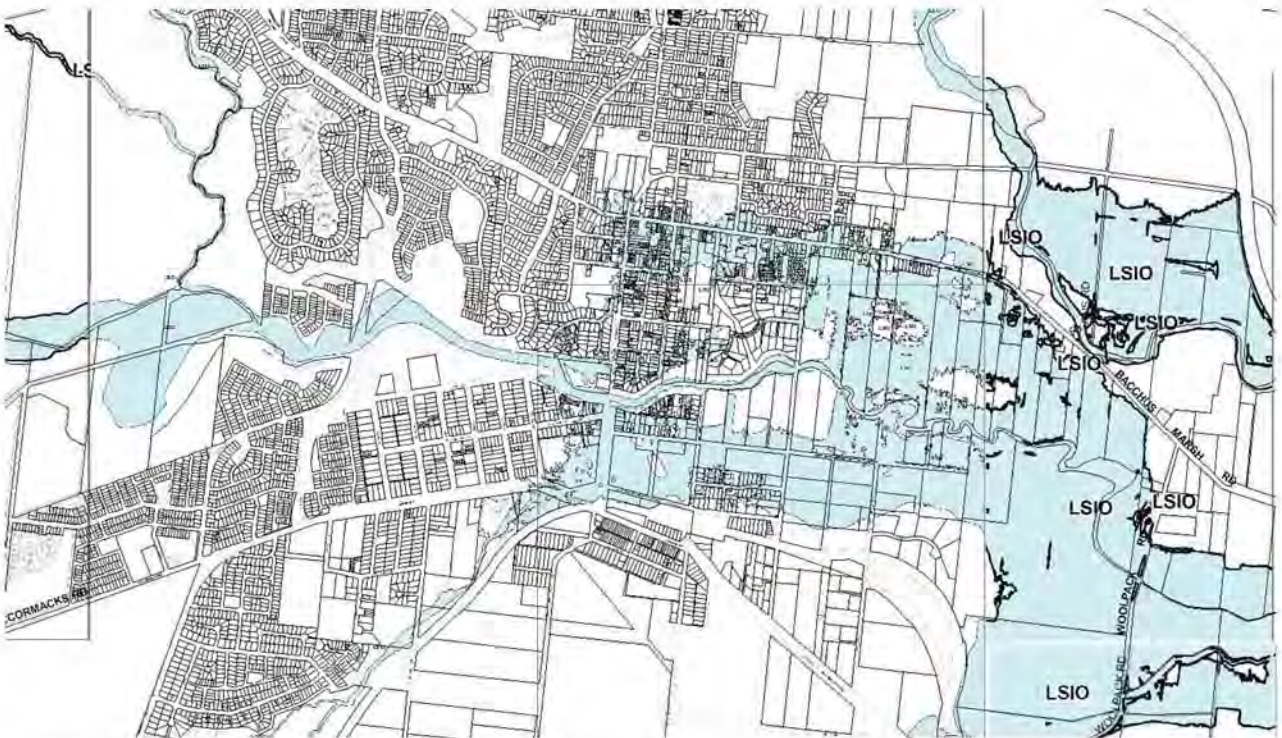
To the Strategic Planning team

**RE: SUBMISSION TO AMENDMENT C91**

Thank you for your letter dated 5 March 2020 regarding the proposed Amendment C91 to the Moorabool Planning Scheme. Western Water has had an opportunity to review the proposed amendment and has provided some comments below.

**Proposed flood overlays**

Western Water has been able to download the proposed flooding overlays as they relate to Bacchus Marsh, overlaid these with our own plans and has had a chance to review them. The key areas of review are shown below.



It is noted that significant areas of the existing Bacchus Marsh township are considered to be within the 100 year flood zone. Western Water would have water and sewer assets servicing these areas that may be impacted by any flooding within Bacchus Marsh.

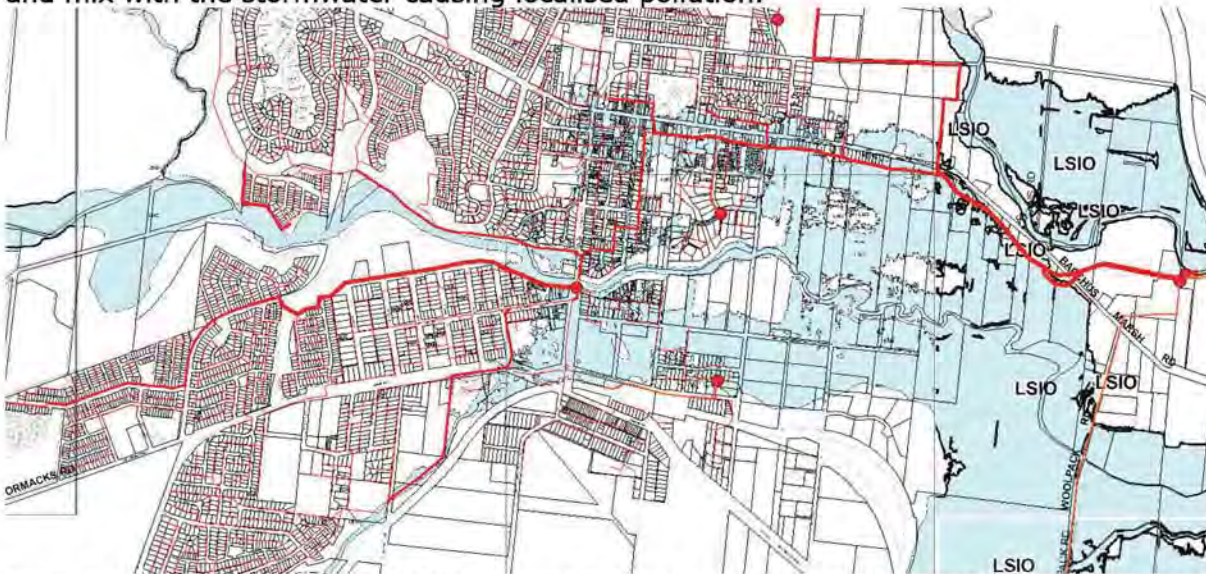
**Existing assets**

Western Water ABN 67 433 835 375  
36 Macedon Street Sunbury Victoria 3429

WesternWater.com.au

Whilst both water and sewer assets would be impacted by any flooding, the focus of this submission is on sewer assets. Sewer assets operate under gravity and when submerged can act as a distribution system for stormwater flows.

Of particular concern is that during high rainfall events and where sewers are submerged they are not water tight. It should be noted that sewers are designed for 1 in 5 year storm events. Where the rainfall events are larger than this there may be occasions where the sewers will spill. There may be areas where diluted sewer flows may leave the sewer system and mix with the stormwater causing localised pollution.



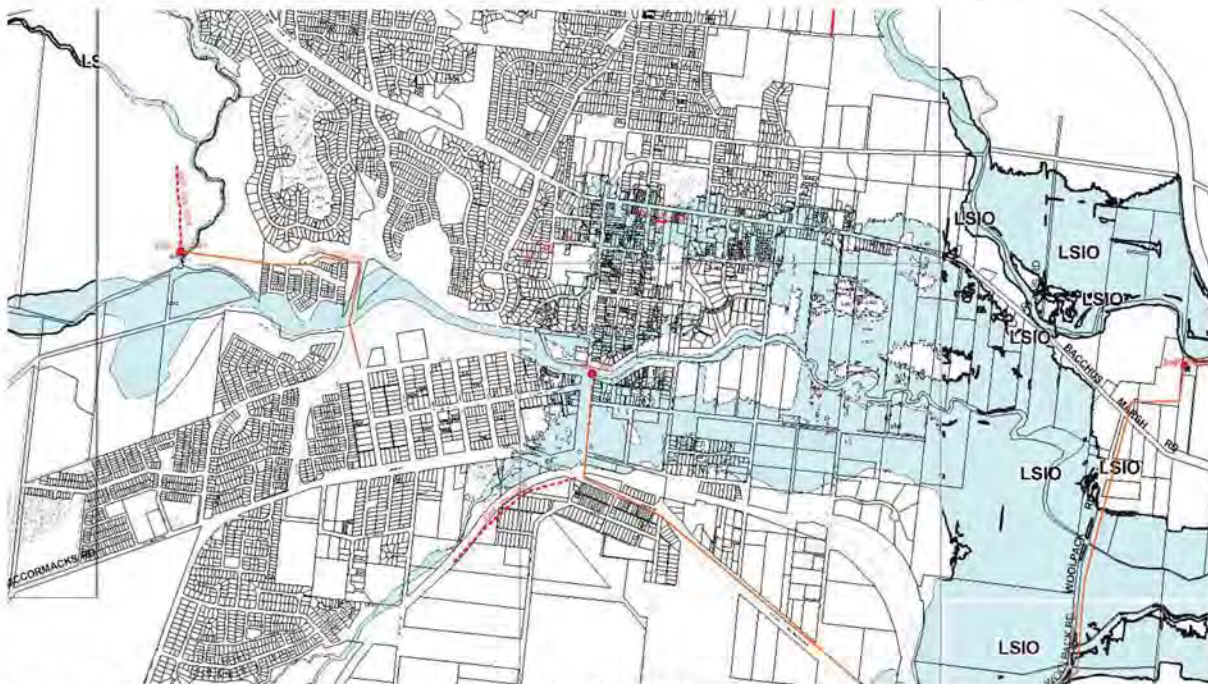
From overlaying the Western Water sewer system (shown in red) with the proposed flood overlays, there are some significant gravity sewers that traverse land that is subject to the 1 in 100 year flood zone.

As sewer infrastructure are long term assets that do not get upgraded very frequently or can be readily moved, it is not expected that these can be shifted out of these flood zones. It is also expected that where upgrades and repairs are required, that they are done within the existing alignment and where possible the tops of maintenance holes are built above the 1 in 100 year flood levels.

Of note is that most existing sewer pump stations seem to be outside of the flooding zone. The exception to this is the sewer pump station in Station St in Maddingley. Having a pump station outside of the flood zones is important as these assets will be key to avoiding pollution to the nearby area. If they fail when they are submerged then there is a high likelihood of pollution and a corresponding low chance of being able to repair.

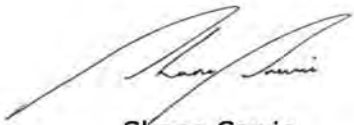
### **Future Assets**

Western Water has investigated any future assets and whether they are expected to be built within the 1 in 100 year flood zone. From the initial inspection, there are no large gravity sewer mains that will be built in these flood zones.



There is an expectation that new residential developments will not proceed within the 1 in 100 year flood zone and so future servicing would also not be required in these areas. There would be a concern if future residential developments did proceed in these areas.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Shane Cowie".

Shane Cowie  
Manager – Infrastructure Planning

15 May 20



## Submission to Moorabool Shire Council and Melbourne Water on c91 Amendment

The change in the 100-year flood levels significantly impact my property at 2A Lay Street, Ballan, along with a lot of the neighbouring properties. Increased development (for example the new CFA site) will increase the amount of flow reaching these areas. In all good faith, when I purchased the property, I took considerable note of flood height predictions at the time before purchasing.

1. The overlay is **WRONG and needs to be redone**. It is based on data and landscapes of about 2002. The consultants report on which it was based does not consider the significant changes to drainage since that time. These include:
  - a. The drainage channel across the 44 Ingliston Road property (a on Fig 1)
  - b. The storm water drain across the 44 Ingliston Road property.
  - c. The storm water pipe and drainage channel built behind 2A, 2B, 2C and 2D Lay Street properties which take most of the flow and overflow respectively (c on Fig 1)
2. Melbourne Water have recently examined the drainage across the 44 Ingliston Road property and are planning to improve that (currently the drainage is about 200mm and will be increased to 500mm (a on Fig 1), and the current inlet pipe (b on Fig 1)
3. Heavy rains in 2011 and 2019 and at other times has shown that the water flows well down the backs of the 2A, 2B, 2C and 2D Lay Street properties (c on Fig 1) – and the channel has coped well with these flood events (flowing fast and only filling the channel to only a fraction of capacity) (Fig 3) – no water came into any part of the top paddock at 2A Lay Street – again showing that the modelling is not correct.

There are a number of factors that contribute to flooding, and to possible increased flooding in this area, and many of them are easily fixable. These include:

1. Currently stormwater from a large area south of Ballan is directed to the area near where Windle street crosses the Railway Line (a on Fig 2). It then is directed East on the southern side of the Railway line before crossing under the railway then down through the Lay Court area – crossing Lay Court (an extension of Lay Street), running north behind a number of properties and then crossing back over Lay Street before being directed to the River via the Gosling Street Drain (Yellow dotted line on Fig 2).

**Suggested modification:**

- a. In accord with a previous submission I made to council (and to Melbourne Water) on planning, a stormwater drainage pipe should be run from the Railway crossing area next to Windle Street – straight down Windle Street in a northerly direction to the Werribee River (red line – 1 on Fig 2). This may not take all the flood water from the extensive area south of Ballan, but would take a significant amount, and thus reduce to possible level of flooding through this area.

- b. **Alternatively:** Run a large Stormwater Pipe down Jopling Street from the railway and down one side of 15 Walsh Street to the River (the owner of 15 Walsh Street has no objection this) (Orange line – 2 on Figure 2).
  - c. **Suggested Modification:** Run a stormwater pipe along Ingliston Road (red line – 3 on Fig 2) to take all the water from the South East, from the hill to the East of Ballan, and the new CFA site either directly to the river, or via the Gosling Street Drain where it crosses Old Melbourne Road.
2. The drainage through the large property - 44 Ingliston Road - has been badly managed in a number of ways
- a. The stormwater pipe running through this property and down the back of 2A, 2B Lay Street and others) is (as I understand it), a 2ft pipe. Previous experts have identified this as being too small and should be at least a 3ft pipe (a and c on Figure 1).
  - b. Bad management of 44 Ingliston Road (i.e. filling in parts of the overflow drain for motor bike jumps, driving 4W-Drive vehicles and 4- and 2-wheeler dirt bikes through the channel (a on Fig 1); (as can be seen adjacent to Lay Court), lack of cleaning of the channel, etc. causes regular overflow (with even small rainfalls) with resultant spreading out across the paddock. A recent inspection by Melbourne Water (on 19 May 2020) indicated that the channel was blocked and was 200mm rather than 500mm and suggested that this needed improving.
  - c. Constant driving through the paddock when wet (for example adjacent to my property at 2A Lay Street - d on Fig 1) has lowered parts of the paddock and stops the natural drainage slope – causing flooding, even with the smallest of rain falls.
  - d. Lack of vegetation clearance next to the fence between 44 Ingliston Road and 2A Lay Street stops water flowing smoothly through the fence causing more flooding, and capture of rubbish and siltation, and swirling which creates large holes next to the fence.

**Suggested modification:**

- a. Improve the drainage through 44 Ingliston Road by
    - a. increasing the size of the Storm Water Drainage Pipe,
    - b. improving the channel (a on Fig 2) – possibly by making a channel similar to that running beside Lay Court,
    - c. Levelling in some of the low areas where water now congregates,
    - d. Improving the drainage between 44 Ingliston Road and 2A Lay Street so that there is better flow between the two properties and so that water can get away much quicker
    - e. Improving the inlet (b on Fig 1) – a recent inspection by Melbourne Water showed that this inlet was too small, and badly designed and needs to be improved.
3. The pipe crossing Lay Street (opposite No. 10 Lay Street) is too small, and often blocks up causing a backup of water. Moorabool Council did improve this and is

better now than was.

**Suggested modification:** Increase the size of the pipe crossing Lay Street.

4. It would appear that flow through the drainage along Lay Court is causing problems due to siltation.

**Suggested modification:** Regularly clean the silt out of the open stormwater drain beside Lay Court.

### Conclusion

It should be obvious to anyone who looks at this area from a flood mitigation point of view, that there is far too large a water catchment being channelled through a narrow outlet toward the river. To me it is ridiculous that the water is channelled east and then west, having to cross Lay Street (Lay Court) twice. By far the simplest and best solution is to divert at least some (if not most) of the water from where it reaches the railway line, in a direct route (through a stormwater pipe), directly to the river (i.e. along Windle Street). That is a wide street with room for such a pipe directly to the River.



Figure 1. Drainage at 44 Ingliston Drive and 2A Lay Street, Ballan. a). open drain, b). stormwater inlet, c). open drain and underground storm water pipe, d). low area caused by driving cars across wet ground.



Figure 2. South-east Ballan showing existing drainage patters (yellow line), a). area where water congregates at the intersection of Windle Street and the Railway. 1, 2, and 3 – lines representing suggested changes to drainage.



Figure 3. Flooding after heavy rains showing efficiency of drainage at back of 2A Lay Street.

Arthur D. Chapman  
 2A Lay Street  
 Ballan

19 May 2020.



# RIGBY COOKE LAWYERS

Our ref: [REDACTED]  
Your ref: [REDACTED]

Direct dial: [REDACTED]  
Direct email: [REDACTED]  
Page: 1/4

19 June 2020

Strategic Planning Officer  
Moorabool Shire Council  
PO Box 18  
BALLAN VIC 3342

**By Email: [info@moorabool.vic.gov.au](mailto:info@moorabool.vic.gov.au)**

Dear Sir/Madam

## **Land Subject to Inundation Overlay Planning Scheme Amendment C91 - Moorabool Planning Scheme**

We act on behalf of Antonietta Provenzano, Josie Folino and Frank Provenzano who are landowners of the properties listed in Schedule A to this correspondence, which are affected by Amendment C91 to Moorabool Planning Scheme.

This letter is our clients' submission on Amendment C91 to the Moorabool Planning Scheme (**Amendment**).

Our clients recognise the importance of developing a floodplain management policy and introducing planning controls to ensure future development of the area is compatible with flood risk. However, our clients consider it is integral that any future permit application for development on land identified in an LSIO be assessed on its merits having regard to the particular site conditions.

Achieving a balance between the objectives of the LSIO and Floodplain Management policy and the strategic planning objectives for the area is particularly important given the extent of the area proposed to be covered by the LSIO, and the location of much of that land within the Bacchus Marsh Activity Centre.

### **Land holdings**

Our clients own a number of developed and undeveloped properties that will be affected to varying degrees by the proposed Amendment.

Their properties at 29 Pilmer Street and Waddell Street Bacchus Marsh are both substantial parcels of undeveloped land in the heart of Bacchus Marsh. These parcels have the potential to play a significant role in the future development of the area and this potential is recognised in strategic planning documents adopted by Council.

The Pilmer Street property is zoned General Residential Zone – Schedule 3 (**GRZ3**) and is affected by a Design and Development Overlay – Schedule 9 (**DDO9**) and partially affected

Our ref: [REDACTED]  
Your ref: [REDACTED]

Letter to: Moorabool Shire Council  
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by Environmental Significance Overlay Schedules 2 and 8. The middle third of this land will be affected by the LSIO.

To the east of the Pilmer Street property is 10 Ellerslie Court which is also undeveloped and is zoned Neighbourhood Residential Zone – Schedule 4. This western portion of this land is affected by the proposed LSIO.

The southern half of the Waddell Street property is also in the GRZ3 while the northern half is in the Commercial 1 Zone (C1Z). All of the commercially zoned land will be affected by the proposed LSIO, as will part of the residentially zoned land.

The properties at 12-14 Grant Street are also zoned C1Z and will be affected by the proposed LSIO.

Another large property holding located at Fiskin Street (or identified as 277A Main Street) is also substantially affected by the proposed LSIO. This land is located in the Farming Zone.

Other properties that are potentially affected by the Amendment include 251, 253, 255, 257, 259 and 261 Main Street, Bacchus Marsh. These properties are zoned GRZ3. The proposed LSIO will mostly cover these lots in their entirety.

Our clients' land at 4-6 Lord Street, Bacchus Marsh is also proposed to be covered by the LSIO in its entirety. While this land is already developed, any redevelopment proposal would need to be assessed against the LSIO.

## **Proposed amendments to Clause 21.02**

The amendment to clause 21.02-12 provides the following objective for flood management:

*To recognise the constraints of floodplains and overland flow paths on the use and development of land.*

The Strategy identified under the draft clause 21.02-13 is to:

*Ensure that new development maintains the free passage and temporary storage of floodwater, integrates with the local drainage conditions, and minimises soil erosion, sedimentation and silting.*

Whilst our clients support policy which seeks to minimise flood risk for development, the above strategy is cumulative in requiring both a 'free passage' and 'temporary storage' without providing the opportunity for a flexible approach which considers a specific site conditions and constraints.

Where a town centre is situated on a floodplain, there is an inherent tension between policies which encourage development in areas identified as suitable for urban consolidation and growth and policies which seek to discourage development which may be subject to flooding. Such policies must therefore be carefully worded to enable an appropriate balance to be achieved.

# RIGBY COOKE LAWYERS

Our ref: 20200755  
Your ref:

Letter to: Moorabool Shire Council  
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In our submission, this strategy should either be deleted or be reworded to assist future decision makers to balance competing policy objectives for the town centre, for example:

- *“to ensure any development considers susceptibility to flood risk and will not unreasonably disrupt overland flow paths”*

Such a strategy is consistent with the decision guidelines of the LSIO and does not unreasonably encumber land. The strategy seeks to ensure that each application is assessed on its merits having regard to the particular site conditions.

## **Considerations for amendment**

If the Amendment is approved as exhibited, the development potential of our clients' land is at risk of being unreasonably and inappropriately constrained. We assume that this is not the intention of the planning authority.

Our clients therefore request that the amendment to the proposed clause 21.02 be made as suggested.

Our clients consider that it is critical that each application for development be considered on its merits having regard to the particular site conditions and constraints. Such an assessment would be based on detailed analysis prepared by a suitably qualified engineer. The necessity for such an assessment would be determined having regard to the particular development and the size and scale of the proposal.

Our clients reserve the right to amend or expand on these submissions and request to be notified of any future panel hearing.

If you have any questions please contact Gemma Robinson on [REDACTED]

Yours sincerely



Rigby Cooke  
Lawyers

## SCHEDULE A

| <b>Owner/Submitter</b> | <b>Property</b>                                    |
|------------------------|--|
| Frank Provenzano       | 251 Main Street, Bacchus Marsh                     |
| Frank Provenzano       | 253 Main Street, Bacchus Marsh                     |
| Josie Folino           | 255 Main Street, Bacchus Marsh                     |
| Antonietta Provenzano  | 257 Main Street, Bacchus Marsh                     |
| Frank Provenzano       | 259 Main Street, Bacchus Marsh                     |
| Frank Provenzano       | 261 Main Street, Bacchus Marsh                     |
| Antonietta Provenzano  | 12- 14 Grant Street, Bacchus Marsh                 |
| Antonietta Provenzano  | 29 Pilmer Street, Bacchus Marsh                    |
| Frank Provenzano       | 4-6 Lord Street, Bacchus Marsh                     |
| Frank Provenzano       | 10 Ellerslie Court Bacchus Marsh                   |
| Antonietta Provenzano  | Waddell Street, Bacchus Marsh                      |
| Frank Provenzano       | 277A Main St, Bacchus Marsh (Lot 3 Fischen Street) |

MOORABOOL SHIRE COUNCIL  
CENTRAL RECORDS

23 JUN 2020

File No. 13/06/093

SARAH + MARYANNE PERNICE  
33 CONNOR CRT BALLAN  
VIC 3342.  
Email [REDACTED]

Attention: Strategic Planning  
Submission to Amendment C91  
Moorabool Shire Council  
P.O. Box 18  
Ballan, Vic 3342

### Purpose

We as residents of Connor Court, oppose the council's proposed C91 amendment to the Moorabool Planning Scheme and propose the following changes to the amendment.

1. All references to Connor Court or part thereof, being shown as Land Subject to Inundation Overlay (LSIO) be removed from MAP No 14LSIO and that Map No 14LSIO be amended to show that Land Subject to Inundation Overlay commences East and South of the Ballan – Greendale road.
2. All references to Connor Court or part thereof, being LSIO in the proposed amendment C91 be removed.

### Background

The 1 in 100-year event that council mentions in the proposed amendment now occurs every year since the council completed road works the Blakeville Road and Andrews Lane which redirects water from Blakeville Road to Connor Court. These works have significantly increased the volume of water that Connor Court draining system has been designed to handle causing the current issue. These works have drastically altered the watercourses natural flow, redirected it onto several properties which in turn floods Connor Court.

The residents of Connor Court meet with Moorabool Shire (Bevesh) last year and we were assured that works would commence in the court, in summer (2019 / 2020) once the area had dried out. The residents were expecting, as a minimum, that the drains of the court would properly maintained by grading, something that hasn't been done since the road was originally created. This minimal action would be a giant step in mitigating the problem caused by the additional water flow from Blakeville road.

Drains and culverts should be dug and maintained to resolve this issue. As residents it is illegal to redirect water flow onto other people property however it appears that the residents of Connor Court are being discriminated against by the council and Melbourne Water who have redirected water onto our land. We pay rates the same as everyone else however it appears that is only for provision of fortnightly garbage collection and not maintenance of roads and drains by Council.

When residents purchased their properties, they all were aware of the existing council overlays including the Land Subject to Inundation Overlay which at the time, did not show Connor Court to be affected by flooding. Further to that there was no mention of flooding overlays or flood plains in our section 32's, this amendment (C91) will have a huge impact on our property valuations, puts up our insurance and in some cases makes it unavailable. Council originally approved all housing plans and permits and if this was a relevant concern when the land was first subdivided why did council approve the land as residential?

Lastly, due to these road works to Blakeville Road the Council has failed in its Duty of Care with regards to the safety of the residents of Connor Court. The poor drainage of Connor Court results in localised flooding and Emergency vehicles will not enter the court when it is flooding. During the last occurrence of flooding a resident of the court had to drive a child, with respiratory problems to the Hospital's emergency department as the ambulance would not attend.

Sincerely,

SAM + MARYANNE TERNICE 10/6/2020



30 June 2020

Henry Bezuidenhout  
Executive Manager Community Planning and Economic Development  
Moorabool Shire Council  
PO Box 18  
BALLAN VIC 3342

Dear Mr. Bezuidenhout

RE: Submission to Planning Scheme Amendment C91 – Flood Overlays

We act on behalf of Barunah Park Geelong Pty. Ltd the owners of the land located at 594 Long Forest Road, Long Forest.

We seek to lodge a submission to Planning Scheme Amendment C91 – Flood Overlay.

We consider the information provided by Moorabool Shire Council to be limiting, particularly with regards to identification of the application of the Land Subject to Inundation Overlay on our client's land. The mapping provided does not clearly indicate the exact location of the overlay on individual properties.

Given the limited information provided, we cannot provide a detail submission either in support or against the proposed planning scheme amendment.

We request that Council issue clearer and more detailed mapping for our clients' land so that a full understanding of the ramification of the amendment can be assessed.

Further, we request that we are kept informed of the progress of Planning Scheme Amendment C91.

Should you require any further information please do not hesitate to contact me on [REDACTED] or via email [REDACTED].

Kind Regards

Anna Borthwick  
**Director**  
**PLAN A**

MOORABOOL SHIRE COUNCIL  
CENTRAL RECORDS

- 6 APR 2020

6 April 2020

15 Walsh St.,  
Ballan, 3342.File No. 13|02|003**Letter No. 1 – Re: C91**

Moorabool Shire Council,  
Mayor, Mr David Edwards, CEO, Mr Derek Madden, and Councillors  
(Attention – Mr Rod Davison)

Dear Sirs and Madam,

I am writing to ask that you supply me with some information from your files, so enable me to prepare a submission on Moorabool Planning Scheme Amendment C91 in relation to the Gosling Street drain in Ballan.

The information I require is regarding the No. 1 Walsh Street subdivision, including the Lay Court drainage channel that is part of the Planning Permit 2003-178 and File No. 149950SUB and File No. 149950PLA. I believe that the development was completed in approximately 2009. The consulting engineers involved were Beveridge Williams & Co., as per Drawing E11894/2.

The information I request from your files is as follows:

1. What are the designed flow rates and actual flow rates (cubic metres of water per sec.) through the box culverts in a 1 in 100 year event?

Box culverts as shown on plans are -

2 x 1200 x 500

3 x 1200 x 400

2. What is the calculated flow rate entering the channel from my property at 15 Walsh Street (cubic metres of water per sec) in a 1 in 100 year event?

3. At the time of the development, I was led to believe that the design capacity of the channel was capable of handling a 1 in 100 year event. Is this so? I also would like to know the designed flow capacity and the actual capability of the channel.

At the time that the subdivision was being planned, I was not privy to this information by the Engineering Branch. I was, however, advised that this was "one of the better subdivisions".

I would appreciate your assistance in providing me with the above information within the next 14 days, so that I can prepare my submission to put to Council on these matters.

Yours faithfully,



(Stephen Kelly)

Tel. [REDACTED]



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| 14 | 22.750 | 82.786 | 21.826 | 17.81  |
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| 16 | 27.700 | 16.964 | 4.129  | 0.3    |
| 17 | 27.700 | 53.861 | 5.071  | 0.4    |
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Letter No. 1 C91

**FILL NOTE**

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Stephen Kelly  
15 Warrash St  
Letter No. 1  
RE C91

BEVERIDGE WILLIAMS & CO PLAN E 11894/2  
No 44  
INGLIS TOWN  
RD

**CURVE SETOUT DETAIL**

EXCAVATE EXISTING OPEN DRAIN TO A SOLID BASE AND RESTATE WITH SELECT FILL.

ALL HOUSE DRAINS TO CONNECT TO ADJACENT OPEN DRAIN REFER DETAIL SHEET 7.

1200x450mm LINK SLAB FIVE CELL CULVERT REFER TO DETAILS

MATCH NEATLY TO EXISTING DRAIN PLACE ROCK BEACHING TO OUTSIDE BATTER SLOPE. MERGE TABLE DRAIN FROM PROPOSED COURT AND MAKE GOOD.

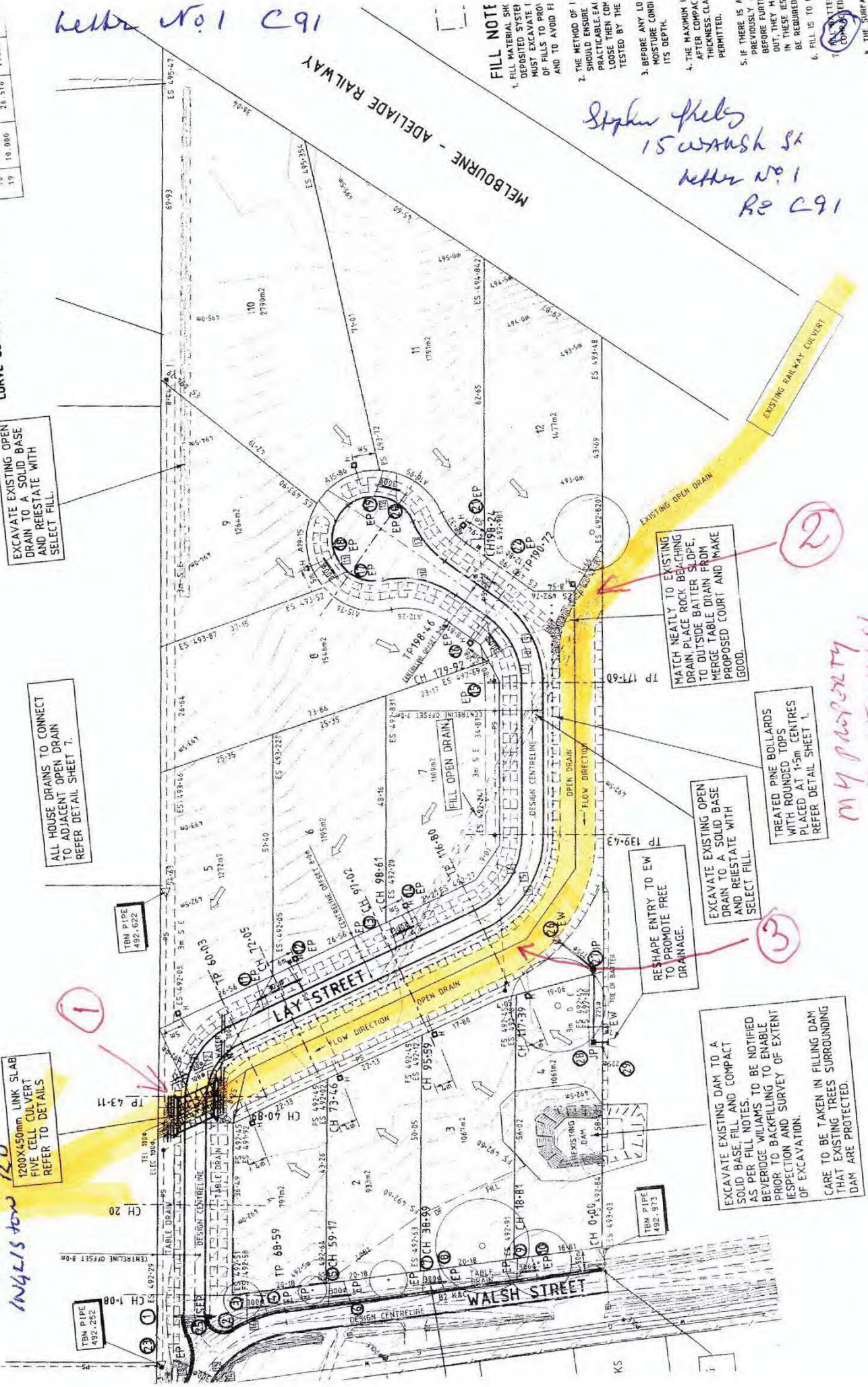
EXCAVATE EXISTING OPEN DRAIN TO A SOLID BASE AND RESTATE WITH SELECT FILL.

TREATED PINE BOLLARDS WITH ROUNDED TOPS PLACED AT 15m CENTRES REFER DETAIL SHEET 1.

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EXCAVATE EXISTING DAM TO A SOLID BASE FILL AND COMPACT AS PER FILL NOTES. TO BE NOTIFIED BEVERIDGE WILLIAMS TO BE ENABLE PRIOR TO BACKFILLING TO ENABLE INSPECTION AND SURVEY OF EXTENT OF EXCAVATION. CARE TO BE TAKEN IN FILLING DAM THAT EXISTING TREES SURROUNDING DAM ARE PROTECTED.

MY PROPERTY  
No. 15 Warrash



①

MOORABOOL SHIRE COUNCIL  
CENTRAL RECORDS

17 APR 2020

17 April 2020

15 Walsh St.,  
Ballan, 3342.

File No. 13/02/003

**Letter No. 2 – Re: Amendment C91**

Moorabool Shire Council,  
Mayor Mr David Edwards, CEO Mr Derek Madden, and all councillors  
(Attention – Mr Rod Davison)

Dear Sirs and Madam,

I am writing to request some information, which I do not have access to, for my C91 submission.

The information I require concerns your Halcrow Pacific Ltd Final Report November 2011 - "Ballan Township Flood Study". This study, in part, relates to my property at 15 Walsh Street, which is north of the Railway Box Culvert.

I have several questions with regard to the Halcrow Report, Page 29, Figure 6, Catchment B 100 year flood extents –

1. How was this flood extent formatted?
  - (a) Li DAR ? If so, on what date? By whom?
  - (b) Aerial photography. If so, on what date? By whom?
  - (c) What is the discharge from the south through the railway box culvert towards my property in a 1 in 100 year event in M3 per second?
  
2. Regarding the photograph on Page 9, Figure 2, Catchment B, 'Aerial Photograph - Extents outlined in red' – on what date was this photo taken? By whom?
  
3. Under the Development Services Scheme 8145, Map 3, dated 24/4/2014, what will be the discharge in M3 per second from the orifice pipes of the proposed retardation basin south of the railway line on Property No. 7 in Windle Street in a 1 in 100 year event?

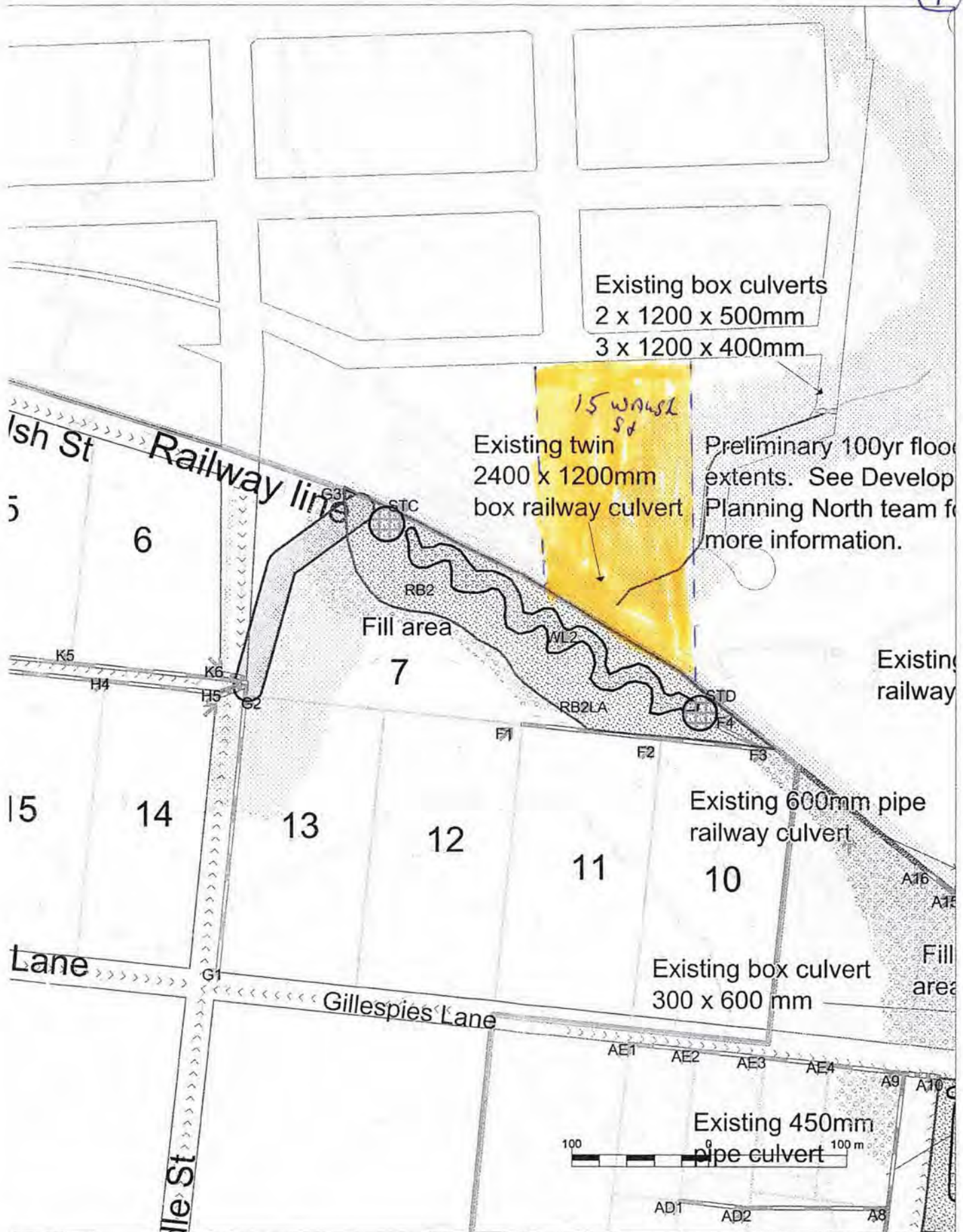
I require the above information before the end of April, so I would greatly appreciate your response as soon as possible.

Yours faithfully,



(Stephen Kelly)

Tel. [REDACTED]



Existing box culverts  
 2 x 1200 x 500mm  
 3 x 1200 x 400mm

Existing twin  
 2400 x 1200mm  
 box railway culvert

Preliminary 100yr floor  
 extents. See Develop  
 Planning North team for  
 more information.

Fill area

Existing 600mm pipe  
 railway culvert

Existing box culvert  
 300 x 600 mm

Existing 450mm  
 pipe culvert

- pipeline
- constructed waterway
- retarding basin
- wetland

Whilst all due skill and attention has been used Melbourne Water Corporation shall not be liable in anyway for loss of any kind including damages, costs, interest, loss of profits or special loss or damage, arising from any error, inaccuracy, incompleteness or other defect in this information. By receiving and accepting this information the recipient acknowledges that Melbourne Water Corporation makes no representations as to the accuracy or completeness of this information and ought carry out its own investigation if appropriate.

N  
  
 MGA55  
 24/04/2014

Map at A3 Scale 1: 3,500





2



Figure 6: Catchment B 100 year flood extents

3.1.2

*Catchment B*

Catchment B is a relatively flat, mixed use catchment with an area of 3.0 km<sup>2</sup>. The main tributary, Gosling Street Drain (MD8144), is approximately 1.3 kilometres long and has an average slope of 1.4%. The drain runs from south to north and discharges into the Werribee River. A tributary of Gosling Street Drain (MD8145), is approximately 300 metres long, flows in a north-westerly direction and connects into the main drainage path about 390 metres downstream of the railway line. Catchment B was modelled using XPStorm 2009.

Catchment B is crossed by the Melbourne–Ararat train line and Old Melbourne Road, both of which were found to retard and detain flows. The road and railway line are both overtopped during the PMP event, but not in events less than or equal to the 100 year storm.

Upstream (to the south) of the rail line, the land use is predominately farming with a small area of light industrial with runoff predominately overland. Downstream of the railway line land use is mixed low to medium density residential with some farm use to the east. Towards the outlet the catchment is serviced by a mixed pipe, culvert, swale and natural watercourse system. As part of the scope of the project hydraulic modelling was limited to this northern area and the railway line modelled as a combination weir/culvert.



**Figure 2: Catchment B aerial photograph. Extents outlined in red**

26 June 2020

15 Walsh St., Ballan 3342.

Moorabool Shire Council.

Mayor, Mr David Edwards, CEO Mr Derek Madden, and Councillors.  
(Attention – Mr Rod Davison)

MOORABOOL SHIRE COUNCIL  
CENTRAL RECORDS

- 1 JUL 2020

File No. 13/06/093

Dear Sirs and Madam,

**Letter No. 3 – Re C91**

On 7 April 2020, I requested Moorabool Shire Council to clean out the Lay Court drain (swale) across the property at 44 Ingleston Road to the east of the box culvert in Lay Court, then across to the existing underground pit and drain, and then on to the existing swale drain behind the houses on the east side of Lay Street to the north, as the water from the south was not draining away from the box culvert and Lay Court drain which are designed to cater for and handle a 1-100 year flood event. (I enclose copies of the two emails sent by me to Mr Adam Barber of Melbourne Water. I have also included photos which show a bank up of water, following rain on or about 3 May 2020, in the Lay Court drainage channel at the box culvert.)

I spoke to our Council's employee, Mr Bivish Ghimire, who told me that it was not in the Council's jurisdiction to clean out this swale, and advised me to contact Melbourne Water employee (Mr Adam Barber) to investigate the situation. On approximately 15 April 2020, together with two other residents, I met Mr Barber on site, when he advised us that this job was to be put on a maintenance work schedule to be completed in the near future, which would then allow a clear flow of water from the Lay Court drainage channel to the Gosling Street drain. (Please see enclosed photos of a recent bank up of storm water at the Lay Court box culvert.)

On Tuesday 19 May 2020, we met with Mr Barber and another Melbourne Water employee, who advised us that both the cleaning out of the drainage channel to the east on the property at No. 44 Ingleston Road and also the modification or replacement of the pit on the underground drain (running north from the industrial estate in the south to the outlet at the Edols/Lay Street intersection) to handle a 1-100 year flood event, would be included in the next financial year budget, enabling the work to be completed. This drainage channel from the west from Lay Court, running across No. 44 Ingleston Road to the north behind houses 2A, 2B, 2C and 2D Lay Court, is a major part of the Gosling Street drain and designed to prevent a 1-100 year flooding.

I have also requested Melbourne Water, per Mr Barber's department, to provide a drainage channel of similar dimensions to those of the Lay Court drainage channel to accommodate a 1-100 year event of storm water from the railway's easement across my property, approximately 30 metres in measurement, which would then connect to the south end of the Lay Court drainage channel.

Regards,

..... (Stephen Kelly)

15 Walsh St.,  
Ballan 3342.

26 April 2020

Mr Adam Barber, Waterways Officer,  
Melbourne Water,  
990 LaTrobe St.,  
Docklands, 3008

Dear Sir,

**Re: Eastern outfall of Lay Court, Ballan drainage channel**

On 7 April 2020, I contacted the Moorabool Shire Council, in which shire I am a resident at the above address. My concerns are that the storm water in the Lay Court drainage channel, which is meant to take the 1 in 100 year weather event, does not flow away in an easterly direction, but instead banks up to the west of the Lay Court box culvert. When I contacted Moorabool Shire, I requested them to clear the swale drain across to the east till it meets the barrel drain and grated pit in the Ingliston Road property. I was advised by the Assets Engineer, Mr Bivish Ghimire, that he could not do anything about this problem, as it is a Melbourne Water asset, and that he would hand it on to Melbourne Water, with attention to yourself.

I arranged a meeting with you on 15 April 2020 to show you and discuss this problem as it concerns Melbourne Water, and then verbally requested your department to have this swale cleared to allow for a 1 in 100 year event. You then requested me to email my concerns to you so that you could look into this matter.

I am formally requesting Melbourne Water to clear and reshape the swale to the east of Lay Court, so that it will efficiently carry the volume of storm water in a 1 in 100 year event to the east into the existing storm water pit and pipes, and the overland swale to the north and into the Werribee River. It is my considered opinion that this work is imperative to enable the box culvert to flow efficiently, remembering that the purpose of this drainage channel and tributaries is to convey storm water speedily and efficiently to the Werribee River without causing harm, damage or problems to residential properties in Ballan.

In respect of this pipe and associated pits, I am also concerned that, in my opinion, the current pipe to the north is inadequate for heavy rain and, more particularly, grossly inadequate for a 1 in 100 year weather event.

I am, therefore, requesting your assistance, and would appreciate it if you could get back to me in the next 14 days, as to what Melbourne Water intends to do about this problem.

I will be providing copies of this email to Moorabool Shire Council for their records. I await your response, at your earliest convenience, and thank you in anticipation.

Yours faithfully,

Stephen Kelly

  
*Stephen Kelly*

Moorabool Shire Council copy

C91  
letter N° 3 3.

15 Walsh St.,  
Ballan. 3342

27 April 2020

Mr Adam Barber,  
Waterways Officer,  
Melbourne Water.

Dear Mr Barber,

Further to our meeting on 15 April 2020 on site regarding the Lay Court drain, you advised me to contact you by email in relation to the drain across the south east corner of my property, which conveys the storm water from south of the railway line through the box culverts and across my property for approximately 30 meters and then connects into the south end of the Lay Court drain.

I am formally requesting that Melbourne Water investigate, design and construct a drain to take the 1 in 100 year storm water events from the railway land across my property to the existing Lay Court drain, as this is all part of the Gosling Street drain to the Werribee River. I am of the belief that there are funds available to cover the costs of minor works such as would be necessary in this case.

It seems inevitable that Ballan is developing, and will continue to do so, into a much larger town. Much of this development will begin to happen to the south of the railway line and station, so I am of the opinion this will have a marked effect on the amount of water passing through this particular drainage system in the future. It would seem to be advantageous if this problem is rectified proactively at this time, rather than as a reaction to any future land development and /or events.

Please consider my request and respond at your earliest convenience as to what Melbourne Water would be prepared to do to make appropriate changes to correct what I believe will inevitably become a serious storm water problem.

Yours faithfully,

Stephen Kelly

[Redacted]

Stephen Kelly





LAY COURT DRAINAGE Channel  
LOOKING WEST.



LAY COURT DRAINAGE CHANNEL  
LOOKING EAST

ON OR ABOUT THE



LAY COURT BOX CULVERT  
LOOKING SOUTH



LAY COURT DRAINAGE CHANNEL  
LOOKING EAST



DRAINAGE CHANNEL ACROSS  
NO. 444 INGLISTON ROAD LOOKING  
EAST FROM LAY COURT BOX CULVERT

LAY COURT BOX CULVERT EASTERN  
SIDE

30 MAY 2020



LAY COURT BOX CULVERT LOOKING  
EAST (WEST SIDE)



EAST SIDE OF BOX CULVERT

- 1 JUL 2020

File No. 13/06/093

26 June 2020

15 Walsh St., Ballan 3342

Moorabool Shire Council.

Mayor – Mr David Edwards, CEO – Mr Derek Madden, and Councillors.

(Attention – Mr Rod Davison)

Dear Sirs and Madam,

**Letter No 4 – Re: C91**

The proposed C91 overlay that encompasses my property at the above address, together with other properties in the neighbourhood, is based on outdated technical details, dating from 2005 or prior. The documents that you provided to me from Melbourne Water, Cardno Victoria Ltd., and Halcrow Pacific Ltd. are all incorrect, as they do not include the later alterations to, and construction of, the Lay Court and Lay Street subdivisions that provide a system of drainage designed to handle a 1-100 year flood event.

That is to say, it does not incorporate the Lay Court drain (1-100 year event) design with the existing underground drain and the swales across the property at 44 Ingleston Road, nor the drainage channel behind the properties at 2A, 2B, 2C and 2D Lay Street to the north.

It also does not acknowledge the proposed retardation basin to be constructed on the Windle Street property on the south side of the railway line that will eventually flow across the south-east corner of my property at 15 Walsh Street to the southern end of the Lay Court 1-100 year event drain. Also, it does not acknowledge the proposed retardation basin on the corner of Haddon Drive and Gillespie's Lane in the industrial estate (on the south side of the railway line). These retardation basins were designed and proposed by Melbourne Water in 2009, again in 2014 and again in 2016, but have not yet been constructed and put into operation.

The modelling currently being used by Melbourne Water is based on calculations using data from 2005 and prior. These calculations are outdated and completely incorrect and thus need to be reassessed and updated to encompass the current situation.

The Lay Court subdivision was planned in approximately 2005, with a drainage plan designed by Beveridge Williams on behalf of the subdivision developer, which, to my knowledge, was then approved by Melbourne Water on or about 23 February 2007. Following this, the drainage system was completed and has been in operation for at least ten years.

Therefore, it is my submission that the current proposal for an overlay where it covers my property in Walsh Street and adjacent properties in Lay Court and on the southern end of Lay Street is no longer appropriate or required.

For the above reasons, the C91 flood overlay proposal must be abandoned.

.....*Stephen Kelly*..... (Stephen Kelly)

17 August 2020

15 Walsh St., Ballan 3342.

Moorabool Shire Council,  
Mayor – Mr David Edwards, CEO – Mr Derek Madden, and all Councillors.  
(Attention – Mr Rod Davison)

MOORABOOL SHIRE COUNCIL  
CENTRAL RECORDS

18 AUG 2020

File No. 13/06/093

Dear Sirs and Madam,

**Letter No 5 – Re: C91**

As this proposed flood overlay is currently before Council and may become law, and/or if it is to be considered at any time in the future, Moorabool Shire Council engineers and Melbourne Water engineers and also Victrack and VLine engineers must fix ALL the drainage problems in the south east corner of Ballan township, including my property at 15 Walsh Street, Ballan, before any overlay can be considered. Also as it has come to light that all the data and modelling supplied to us, the rate paying property owners, is completely out of date and inaccurate in the information and findings it presents. It is my opinion that the plan currently proposed needs further consideration to address the serious problems caused because all the existing drainage pipes and outlets are undersized, meaning that the system will not be capable of adequately servicing the development to the south of the railway line. I propose that these problems could be rectified by the replacement or duplication of the drainage from south of the railway line and including the industrial estate and any future development sites in that area.

My suggestions to the problems which need to be addressed in full before any overlay can be considered are as follows: –

- Item 1: The size of the drain from the industrial estate needs to be increased and/or the existing drain needs to be duplicated with a larger size pipe – e.g. 1.2m diameter (with an invert level of 2m below ground level), - from the south of the railway line to the existing outlet at the corner of Lay and Edols Streets in the north. (See Plans/Drawings No. 1 & 2)
- Item 2: Construct the necessary retardation basins as planned by Melbourne Water in 2009, 2014 and 2016 to make them fully functional for a 1-100 year flood event. (See attached Melbourne Water Plan/Drawing No. 3)
- Item 3: Complete the Lay Court drainage channel from the railway easement to the north across the south-east corner of 15 Walsh Street to take the 1-100 year flood event (approx. 30 metres) (See Plans/Drawings No. 1 & 2)
- Item 4: Provide a retardation basin on VicTrack rail corridor north of the railway line to the east of Windle Street to catch and retard all the storm water from the west of the railways land, including the station yards, car park,

underpass, and the railways land to the east, at the rear of the houses on the south side of Atkinson Street. (See Plans/Drawings No. 1, 2 & 3)

Item 5: Properly design, form and construct a fully functioning open drain to match up with the 1-100 year event Lay Court drain across the property at 44 Ingleston Road and connect with the open drain behind No's 2A, 2B, 2C and 2D Lay Street, also connect with the existing underground drain from the south via the existing pit at 44 Ingleston Road, and connect to the proposed 1.2m drain as per Item 1. (See Plans/Drawings No. 1 & 2)

Item 6: It is my understanding that, prior to the first railway upgrade in approximately 2005, the land was more elevated in this area with the water flowing back to the east into an existing pit of the 600mm diameter underground drain that passes under the railway line to the north. With this 2005 upgrade, the land was re-graded to a lower level to suit the new railway formation, which permitted the water from the railways easement to flow onto my property and into the Lay Court drain. It has since been upgraded further, which has meant that a greater volume of water now flows onto my property at a faster rate because existing drainage is now inadequate.

To correct this, I suggest that VicTrack redesign and construct their drainage south of the railway line to flow to the east and under the rail formation to the north via the pit on the existing 600mm diameter pipe and in the future via the proposed 1.2m diameter drain to service the industrial estate. (See Plans/Drawings No. 1 & 2)

Item 7: Construct and install a 1.2m diameter drain from the railways easement at the Ingleston Road railway crossing with an invert level of 2m below ground level, along the west side of Ingleston Road across Old Melbourne Road to the north and then discharge into the Werribee River east of the township of Ballan. In the event of a 1-100 year weather event, this pipe and associated pits would drain the railway crossing and all the land to the east of Ingleston Road between the railway line and Old Melbourne Road, and also the land on the west side of Mt Gorong. (See Plans/Drawings No. 1 & 2)

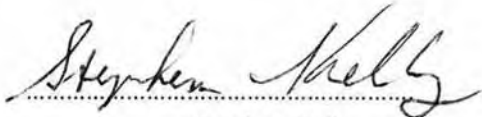
Item 8: Have Melbourne Water clean out and realign the Werribee River from the north west of the township of Ballan to the Pykes Creek Reservoir so that the river will disperse any 1-100 year weather events in the Werribee River catchment area to avoid any flooding anywhere in the Ballan area.


It is my submission that the C91 proposal cannot go ahead until the existing drainage infrastructure is brought up to a proper standard to accommodate any 1-100 year weather or flood event. We, the ratepayers should not be accountable for the costs and financial

burdens occurring whilst the mistakes of the past are rectified.

I submit and request that our Moorabool Shire councillors refer the C91 proposal back to Melbourne Water to rectify the drainage problems in their entirety or abandon the proposal completely.

Yours faithfully,



Stephen Kelly  


Ps. I request to be able to speak on this amendment when it comes up at our council meeting and also at any Planning Panel meeting on this proposed amendment.

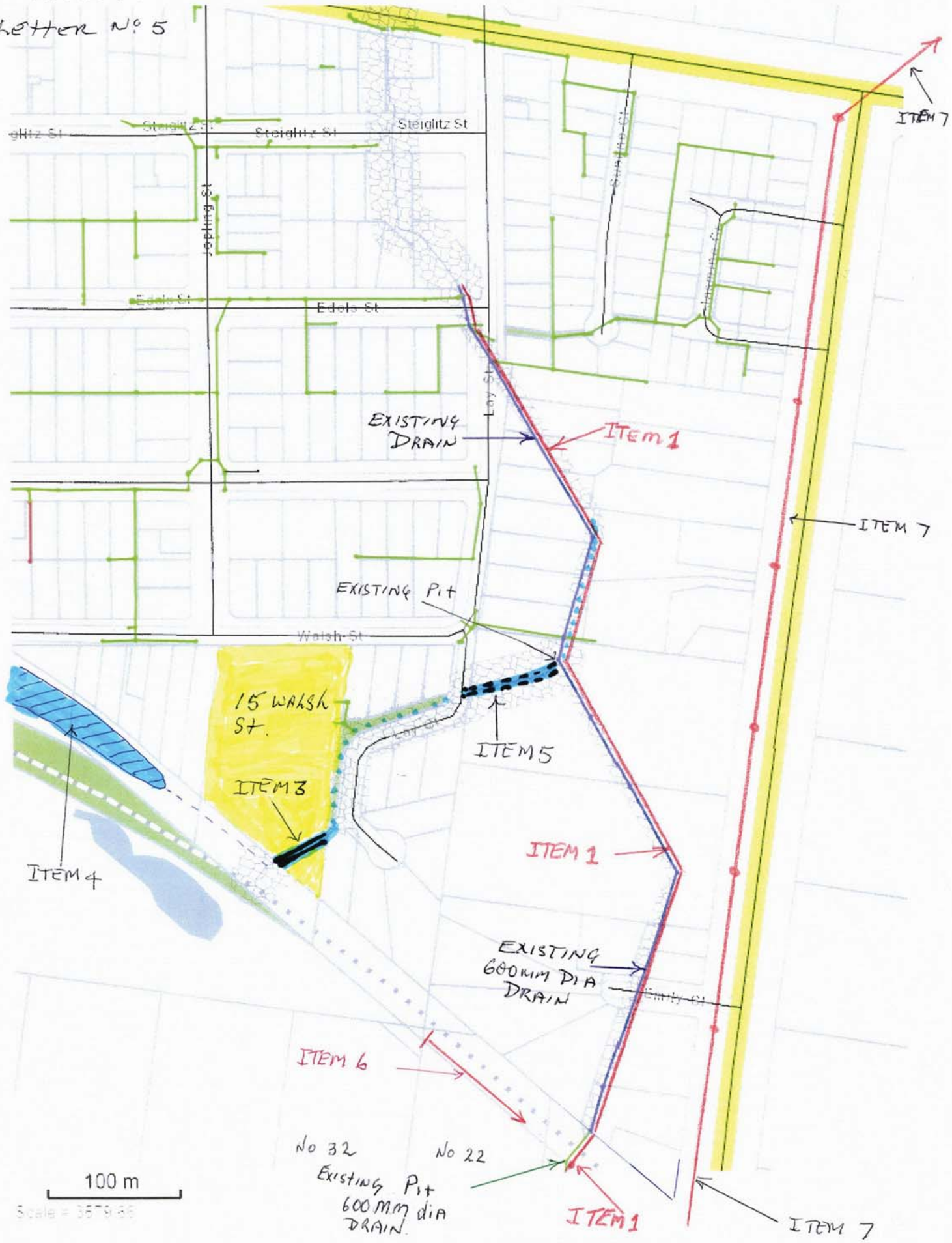
Stephen Kelly.

C91

PLAN DRAWING N° 1

STEPHEN KELLY  
15 WALSH ST BALLAN

LETTER N° 5

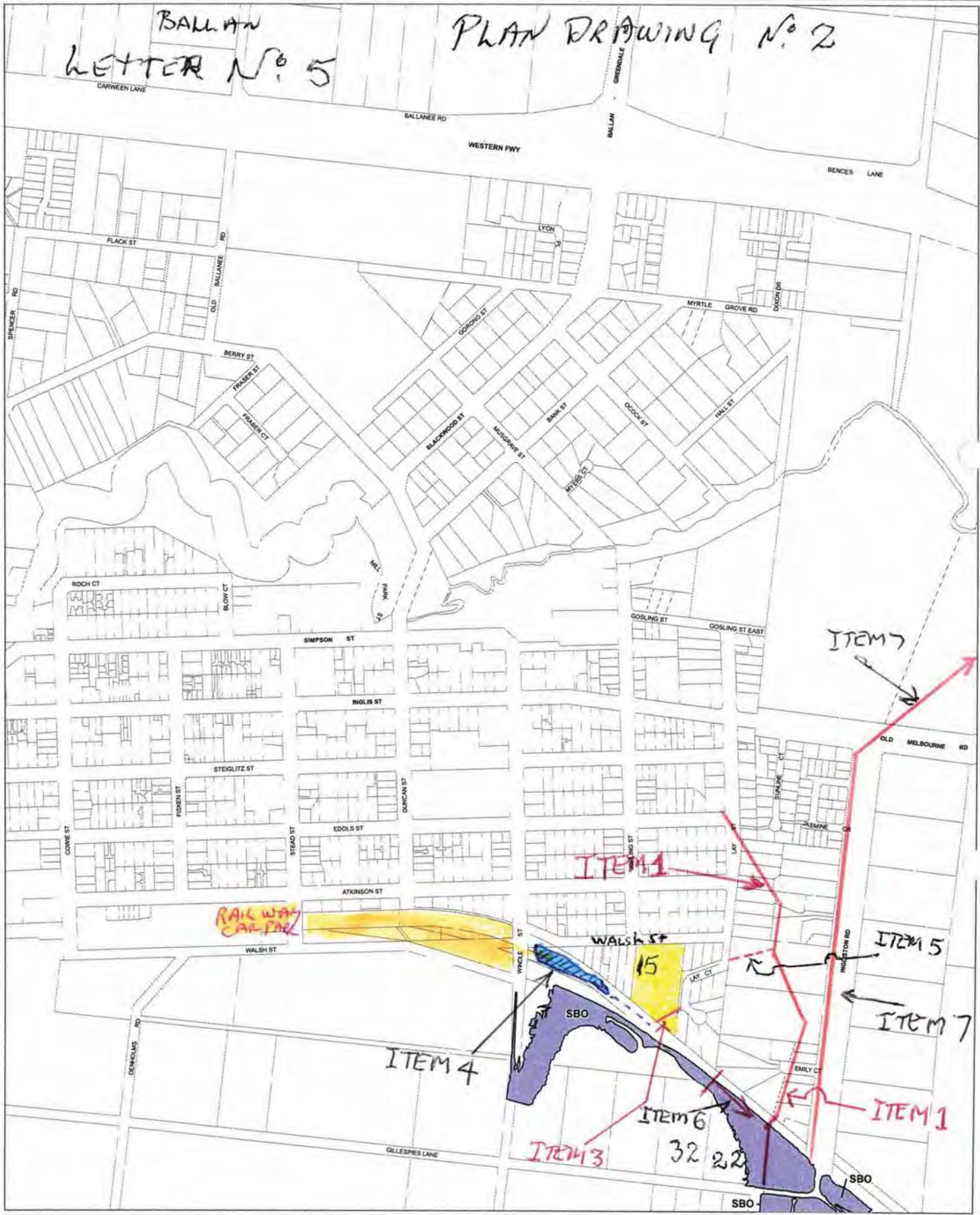


Stephen Kelly.

STEPHEN KELLY 15 WALSH ST

BALLAN LETTER No 5

PLAN DRAWING No 2



**LEGEND**  
 ■ SBO - Special Building Overlay  
 - - - Municipal Boundary

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0 225 450  
 Meters  
 Australian Map Grid Zone 55

**NORTH**  
 Planning Group  
 Printed: 11/10/2019  
 Amendment Version: 1


**VICTORIA**  
 State Government  
 Environment, Land, Water and Planning

**INDEX TO ADJOINING SCHEME MAPS**



MOORABOOL PLANNING SCHEME - LOCAL PROVISION  
**AMENDMENT C91moor**

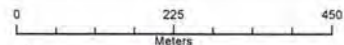


**LEGEND**  
 SBO - Special Building Overlay

 Municipal Boundary

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Planning Group  
 Printed: 11/10/2019  
 Amendment Version: 1



Environment,  
 Land, Water  
 and Planning

INDEX TO ADJOINING SCHEME MAPS





## Rod Davison

---

**From:** John Kowarsky [REDACTED]  
**Sent:** Tuesday, 21 July 2020 11:58 AM  
**To:** Rod Davison  
**Cc:** Ana Mitrov; Mike Kearney  
**Subject:** Re: Moorabool Planning Scheme Amendment C91 - Flood overlays

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Thank you Rod for your excellent clarification of this matter.

On this basis, as I indicated, I support the Amendment as it is. Should Council, as a result of this consultative process, be considering making changes to areas around Ballan, I would appreciate being alerted to give me an opportunity to comment.

Thank you.

Best wishes

John

John Kowarsky  
[REDACTED]

1 Hogan Road  
BALLAN VIC 3342

On 21 Jul 2020, at 11:03 am, Rod Davison [REDACTED] wrote:

Hi John,

I refer to your below query regarding Moorabool Planning Scheme Amendment C91.

The amendment proposes to apply flood overlays to land affected by a 1 in 100 year (or 1% annual exceedance probability) flood event. The purpose of the flood overlays is to enable flood risk to be considered in the early stages of any future land development proposal. The overlays will trigger a requirement for a planning permit for future development (i.e. buildings, works or subdivision) on land affected by the overlays. Some permit exemptions will be available for minor buildings and works. Any permit application will be referred to Melbourne Water (as the floodplain management authority) for consideration.

The peer review of the flood studies did not result in any changes to the exhibited flood extents in and around Ballan.

The peer review concluded that:

- The flood models used have delivered results that are suitable for inclusion in the Moorabool Planning Scheme.
- With the exception of the lower Lerderderg study area (in Bacchus Marsh), the flood extents used in the draft planning overlays are considered appropriate.
- The proposed flood extents and the resulting Special Building Overlay (SBO) shapes for the lower Lerderderg study area (in Bacchus Marsh) should be recreated, based on the model results using appropriate filtering techniques, such as those described in Melbourne Water's 2016 technical specifications.

The peer review recommended that, once the lower Lerderderg flood extent mapping and resultant SBO shape has been amended, the planning scheme amendment process should be recommenced. The SBO flood extent maps for the lower Lerderderg study area were subsequently revised, based on the original model results and using appropriate filtering techniques.

Feel free to contact me if you have any questions.

Regards,

**Rod Davison** | Senior Strategic Planner



**Mail**  
**Ballan**  
**Bacchus Marsh**  
**Darley**

PO Box 18, Ballan, Vic  
3342  
15 Stead St, Ballan  
215 Main St, Bacchus  
Marsh  
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**Phone** (03) 5366 7100  
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My understanding is that the technical assessment of LSIO and SBO around Ballan has been adopted without amendment from the Melbourne Water report. Provided this is correct, I support the Amendment. If however any reviews have been made to change the Melbourne Water Assessment for areas around Ballan I would like to be briefed about these before considering lending my support.

Thank you for your help.

Yours sincerely



**DOCUMENT (Inbound)**

**Summary** C91 Amendment - Maureen McDonald  
**Information**  
**Comments/Notes**

**DETAILS**

**Status** New **Deadline** 04/08/2020  
**Priority** Medium **Received** 21/07/2020 01:27:33 PM  
**Type** Email **Ref** IN20/3603AA8D

**RELATED DOCUMENTS****PEOPLE (2)**

**Owner** Rod Davison  
**Manager** Sarah Kernohan  
**Reader**

**CONTACTS ()**

**Name**  
**Company**  
**Email**  
**Phone**

**FOLDER (1)**

| Number    | Par | Name   | Organisat              | Unit |
|-----------|-----|--|------------------------|------|
| 13/06/093 | 1   | Planning and Land Use\Mooraboo...Amer C91 - Flood Controls | Mooraboo Shire Council | Rec  |

**WORKFLOW**

No records found.

**CONTENT****Attachments:**

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| No records found. |           |        |            |

**From:** Maureen McDonald [REDACTED]  
**Date:** Tue Jul 21 01:27:33 PM AEST 2020  
**To:** Info [REDACTED]  
**CC:**  
**BCC:**  
**Subject:** C91

We are writing about flooding in Nelson st Darley ,running into our property in 12 Russell st below Nelson st there is no kerb & channel or adequate drains to take water away from Nelson st we were first flooded in 1986 now early this year 2020 insurance co will not pay the next time unless council does something with the flooding issues  
 Yours sincerely Des McDonald Waiting for your response

|                          | First Name | Last Name | Business Name | Email | Contact | Type | Added On                              | Options   |
|--------------------------|------------|-----------|---------------|-------|---------|------|---------------------------------------|---|
| <input type="checkbox"/> | Troy       | Addison   |               |       |         |      | System User<br>2020-07-21<br>11:37:50 |     |

Re: 10 Cairns Drive, Darley

I strongly object to the Amendment 91, as we are on an elevated block higher than all the houses around us, therefore i think we should be exempt from this planning scheme.

We have been the owners (William and Kate Fischer) of an investment property at 47 Raglan Street since 30<sup>th</sup> May 2017. The tenant is a family member and has advised the following.

Prior to October 2019 when the irrigation channel was an open channel we had no flood issues on our property.

We have had downpours of rain equal to the downpour on Friday 14<sup>th</sup> February 2020 (30mls in 20 minutes and a total of 37mls over the day) after the channel was changed to pipes then filled in it caused flooding throughout Raglan and Russell Streets.

When the tenant came home the backyard was basically an inland river of mud. It had flowed from Nelson Street through our yard to Dundas Street. Our neighbour at 49-51 Raglan Street had substantial flooding into her house and yard. Our house was spared, but the sheds in our backyard were inundated with mud.

We believe that the flooding is a direct result of the irrigation channel being filled in and converted to pipes. Also there is a portion of curb and guttering incomplete in Nelson Street. If that was in place it would help divert the water down the stormwater drain. Because this is missing it just flows down the hill.

Obviously we are not engineers, but we believe that it floods down the hill from David Court as well. It runs down the street and without stormwater drains it has nowhere else to go. The water comes out from where the guttering is missing, hits Nelson Street then flows down the hill. I have attached photos of this missing curb and guttering and the proximity to David Court.

This is a serious concern for us because prior to the channel being filled in we did not have an issue with flooding. Also this is bound to affect our insurance and house price in the future. We also had planned on renovation and subdividing the property at a later date which has now been put in jeopardy due to the flooding potential.

I would like to know what your stormwater diversion plan is as the pipes are clearly not diverting the water as effectively as the channel used to; which has directly caused the massive flooding in Feb 2020. We believe that if that the irrigation channel was left as was there should not be a 1 in 100 year flood that would affect our property and others.

I can be contacted on [REDACTED]. William can be contacted on [REDACTED]. The tenant Ruth Fischer(my mother in law) can be contacted on [REDACTED]

Thanks very much

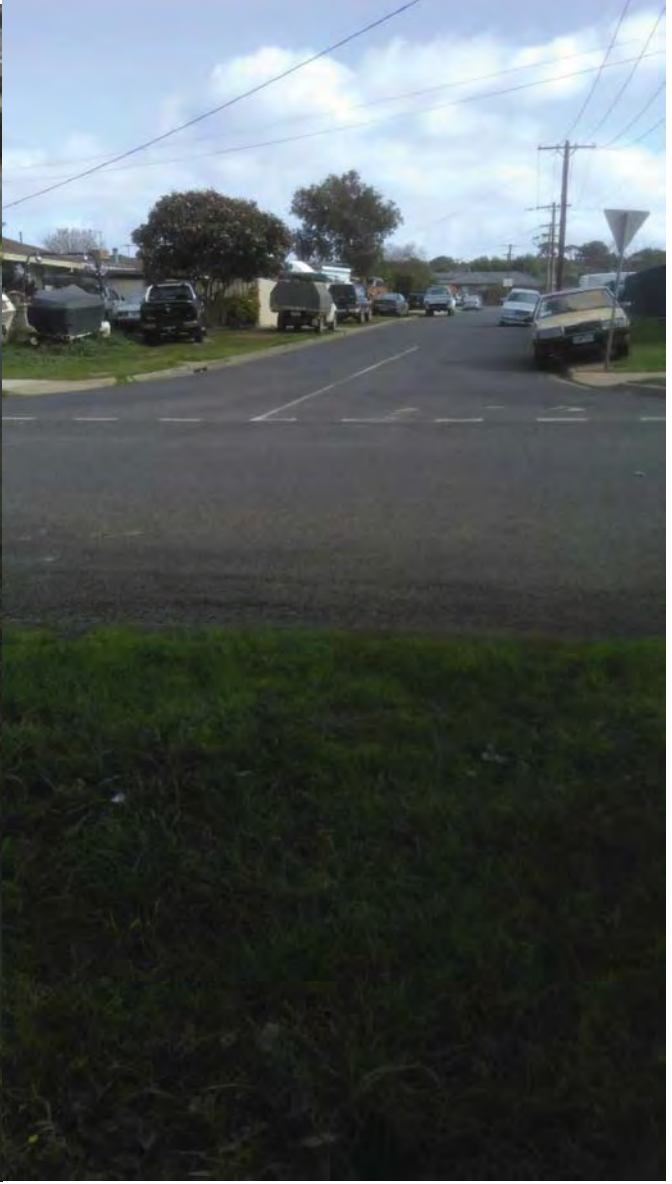
Kate Fischer 30July20

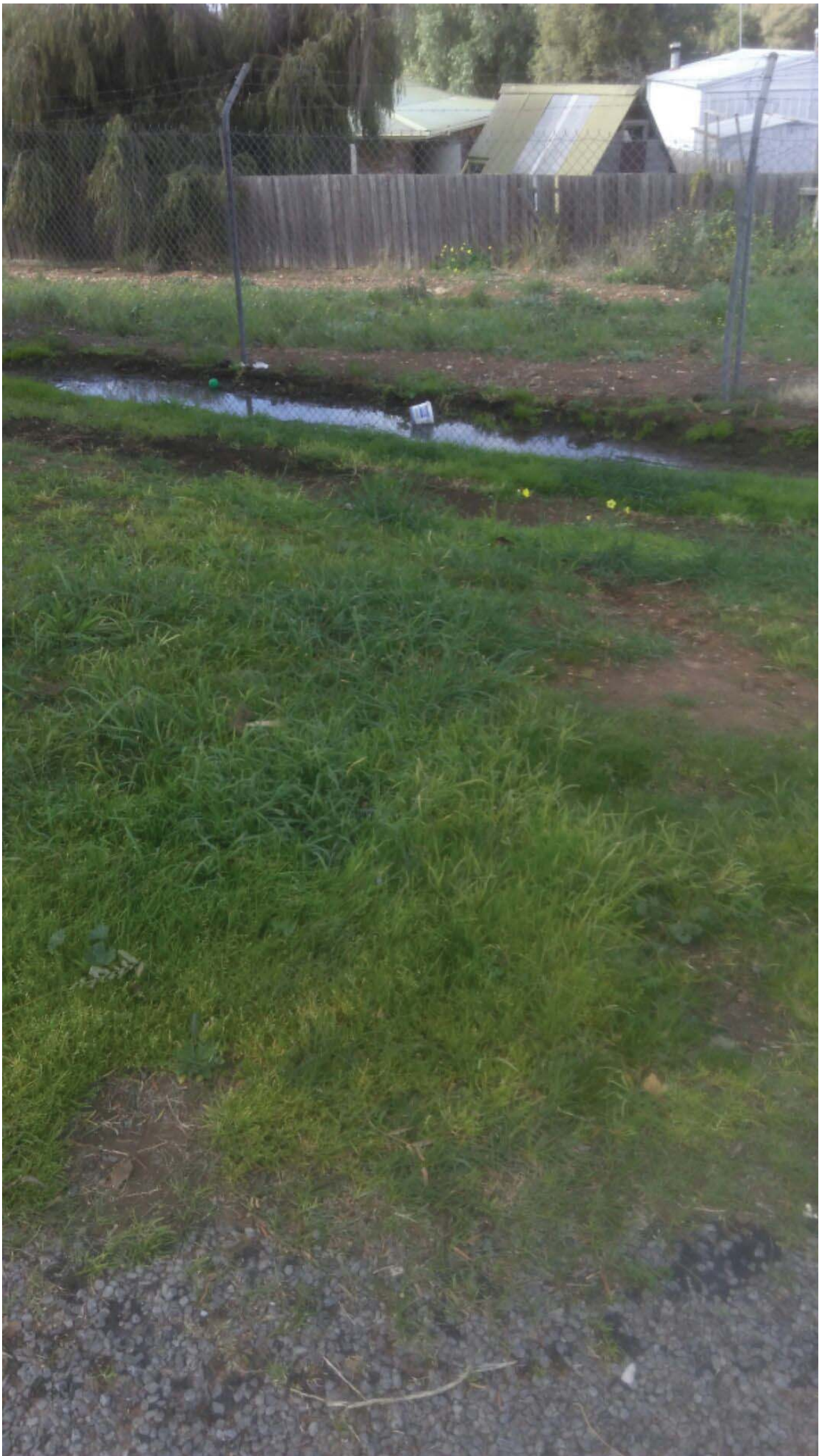
[REDACTED]











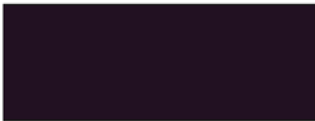
9 August 2020

What is the Council or relevant authorities doing to upgrade stormwater/drainage to minimise any potential flood risk by having the required capacity to carry water without road inundation?

Will modeling continue to be refreshed as new information or infrastructure changes are implemented and may change the water flows/velocities?

Peter Lunt

25 Cairns Drive, Darley



6 August 2020

Our property at 48 Connor Court is high sloping hillside and is not affected by flooding or any water ways or water courses I do not think a overlay should be placed on our property when our land is in no way affected by it - I really can not see any justification in this The property or drain on our side of the court in 7 years has not flooded or over flowed in the several once in 100 year events that have occurred in this time I would appreciate your response in regards to justification of the overlay.

Chaie Broad

48 Connor Court, Ballan



David Caligari  
4 Closter Court  
Bacchus Marsh 3340  
Ph [REDACTED]  
[REDACTED]

15 August 2020

Henry Bezuidenhout  
Executive Manager, Community Planning and Economic Development  
Moorabool Council  
Via email to [info@moorabool.vic.gov.au](mailto:info@moorabool.vic.gov.au)

Dear Henry

### **Moorabool Planning Scheme Amendment C91**

I am writing to oppose Amendment C91 to the Moorabool Planning Scheme. I oppose the amendment on the grounds that there is sufficient degree of uncertainty in the modelling conducted by Melbourne Water to accurately determine that 4 Closter Court Bacchus Marsh is subject to flooding. I would withdraw my submission if the proposed LSIO Overlay were removed from 4 Closter Court Bacchus Marsh.

I also believe that Moorabool Council should place this amendment on hold until such time as the COVID-19 Pandemic is over. We are currently facing one of mankind's greatest challenges in recent history that threatens and has already ended the existence of many of us. Families in Bacchus Marsh that are impacted by this amendment are struggling to cope with the pressure of this pandemic through family members and friends that have contracted the disease and have died or may die, unemployment, financial distress, social isolation, working from home, home schooling, having ageing parents in Aged Care Facilities that are riddled with the virus and the list goes on. It is beyond my comprehension how Moorabool Council and Melbourne Water could think that this amendment is a priority under the current circumstances when the community is struggling to cope with everyday life right now. An amendment like this needs to be conducted at a time when residents have face to face access to Council, Melbourne Water and their elected Councillors. The amendment needs to be considered in a public meeting of Council where residents can attend in person and have an opportunity to make a public submission. The current circumstances deny residents of this natural justice process.

I made a submission to the last Amendment C73 and presented to Council at the meeting where the amendment was considered. The meeting was attended by hundreds of passionate residents who opposed this amendment. As a result of my presentation and others Council voted to abandon the amendment. In my presentation I raised a number of issues and inaccuracies in the modelling and reports prepared by Melbourne Water and its consultants. The current amendment is based on the same modelling done by GHD back in 2010 and has not been reviewed to ensure that these issues and inaccuracies have been addressed. My submission included a feature survey that I had undertaken by a licenced surveyor that showed the levels at 4 Closter Court were significantly different to that contained in the information presented by Melbourne Water. Melbourne Water were provided with this information and yet they haven't even updated the overlay maps to take account of this information. Since then we have undertaken significant renovation, extension and landscaping at 4 Closter Court that has further changed the levels. Melbourne Water are aware of this as they were a referral authority to the planning permit application for the works and yet they

haven't updated the overlay maps to take account of this. Council should as a minimum insist that Melbourne Water update their modelling to take account of the issues I have raised and conduct a feature survey at 4 Closter Court to determine whether the land is in fact subject to flooding.

Based on the flood plan provided by Melbourne Water and the survey plan it would suggest that the extent of inundation at 4 Closter Court may vary from around 150mm to 0mm and would be quite different to the extent shown on Melbourne Water's map. I would question whether the accuracy of the flood modelling conducted by GHD is accurate enough at the extremities to say with confidence that the land is subject to inundation. I have worked in the water industry for over 20 years and I'm familiar with and used a number of water modelling software products including Rorb. The Rorb manual is a 170 page document that describes in detail the plethora of inputs, variables, coefficients and assumptions required to build the run off model. These inputs rely upon a great deal of discretion by the modeller and a change to any one of these inputs has a significant impact on the extent of the flood map, particularly at the extremities. In reading the GHD report there have been a number of assumptions made that may be correct or incorrect. The only pipes modelled by GHD are the known Melbourne Water pipes. No Council pipes were modelled of which there are many including ones in the Closter Court area. Once the model is built, fitting the model to recorded data is an iterative process by the modeller which at best provides a reasonable simulation of the actual event that the run was based on. The actual events used were December 1987, September 1993 and November 1995 and none of these resulted in inundation in Closter Court. The software then extrapolates those results to the modelled flood. The final results for a 100 year flood therefore cannot be considered accurate and certainly not within 100mm. In talking to neighbours that have lived in the area for over 40 years, they cannot remember Closter Court ever experiencing flooding. It is therefore difficult to predict with certainty the extremities of flooding in a 100 year flood event.

I also note that the results of the flood mapping provided has some extraneous results where the flood levels near the southern boundary at 4 Closter Court are higher than the levels on the northern boundary. For example on the southern extremities of the flood map the level is 101.75 whereas on our northern boundary the level is 101.74. This would require the water to flow uphill by 10mm which is of course impossible. This alone demonstrates one of the inaccuracies of the model.

I therefore request that 4 Closter Court not be included in the overlay as it is questionable whether Council or Melbourne Water can demonstrate with certainty that 4 Closter Court is in fact subject to inundation.

Your sincerely

A handwritten signature in blue ink, appearing to read 'D Caligari', with a long horizontal flourish extending to the right.

David Caligari



Jennifer Caligari  
4 Closter Court  
Bacchus Marsh 3340  
Ph [REDACTED]  
[REDACTED]

15 August 2020

Henry Bezuidenhout  
Executive Manager, Community Planning and Economic Development  
Moorabool Council  
Via email to [info@moorabool.vic.gov.au](mailto:info@moorabool.vic.gov.au)

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Your sincerely

A handwritten signature in blue ink that reads "J Caligari". The signature is written in a cursive, flowing style.

Jennifer Caligari