

23 November 2021

City Strategy Branch
Melbourne City Council
GPO Box 1603
Melbourne VIC 3001

Dear City Strategy Branch

Melbourne Planning Scheme Amendment C384: Updates to inundation overlays

The Urban Development Institute of Australia, Victoria (UDIA Victoria) welcomes the opportunity to make a submission in response to the Melbourne Planning Scheme Amendment C384 (Amendment C384), which seeks to update the inundation overlay maps to ensure new developments are designed with flood mitigation in mind.

UDIA Victoria

UDIA Victoria is the peak industry body representing the urban development industry. UDIA Victoria is a non-profit advocacy, research and educational organisation supported by a membership of land use and property development organisations, across the private sector and Victoria's public service. We are committed to working with both industry and Government to deliver housing, infrastructure, and liveable communities for all Victorians.

Proposed Amendment C384

Whilst we support the overall intent of Amendment C384, we do not support Amendment C384 as exhibited. The issues and requests for change for both the proposed background document the *Good Design Guide for Buildings in Flood Affected Areas* and the proposed ordinances are outlined below.

1. Background Document - *Good Design Guide for Buildings in Flood Affected Areas*

We support the stated role of the *Good Design Guide for Buildings in Flood Affected Areas* (the Guide) being to provide guidance on how development can achieve flood responsive design, good design and equitable access and universal design.

Industry feedback indicates that implementing the design responses outlined in the Guide will increase the cost of delivering buildings in flood affected areas, however there is an acceptance this is unavoidable.

1.1 Summary of issues

The proposed Guide comprises the following issues:

- The Guide includes a range of competing objectives but doesn't provide a clear hierarchy of objectives should they conflict. For example, the Guide seeks the delivery of active frontages (whilst also achieving flood mitigation via a raised ground floor level) however service authorities and utility providers generally require their equipment and services to be easily accessible on building frontages and also above the relevant flood level.

- The Guide and the documents exhibited as part of Amendment C384 outline strategies and requirements to manage the risk of flooding at the individual building level by raising the ground floor level to the NFPL. In some cases, we understand that the proposed NFPL is two metres above the footpath level which is likely to result in a poor streetscape outcome.
- The creation of 'transition zones' (as depicted in 4.2 Transition design) within ground floor spaces and tenancies (often retail or shop) creates inefficiencies in the planning of spaces through the need for stairs, ramps and lifts (allowing for DDA access and the like). This will significantly affect the yield, viability and economic return from ground floor uses, and possibly the ability to achieve active frontages. Where floor area ratios are applicable the useability of the transition zones will need to be reconsidered in the calculations.
- We suggest that greater deployment and use of a coordinated 'whole-of-precinct' approach to flood mitigation will deliver better streetscape design outcomes, and overcome some of the concerns above. For example, raising footpaths so that the gutter is 300 or 450mm high would enable the street to retain more water volume and/ or direct the flood water more effectively, as depicted in 2.2 Streets.
- We note the Guide is a background document, and that there is an expectation that 'council officers with relevant responsibilities for implementing urban design policies and standards, can use the guide to assist in the management of planning applications in flood affected areas'. The language describing how the Guide will be used is vague at best and doesn't provide an indication of the legal status of the Guide (for example, at a Panel Hearing) or the relative hierarchy of other requirements of the Melbourne Planning Scheme. Our concern is that council officers will adopt the guide as a set of binding requirements.
- A significant omission in the Guide is the lack of consideration and guidance about the following:
 - The impact of the NFPL on the podium heights and streetwall height.
 - The impact of the NFPL on the overall building height.
 - The impact of the NFPL on the height of the basement above footpath level in terms of the definition of 'basement' and the calculation the FAR.
 - The impact of the NFPL on Substations and other services which utility authorities won't accept being on upper floors or in basements.
 - The impact of the NFPL on the basement ramps; page 29 provides guidance when managing a 0.5 metre rise, but no guidance when the NFPL is two metres.
 - That podium parking (that is, above ground car parking) might be preferred over basement parking when in flood zones above a threshold NFPL.
 - The role that legal agreements with relevant authorities for transition zones will play in the delivery of buildings in accordance with the NFPL; often Section 173 Agreements have been required in the past to indemnify council and referral authorities (Melbourne Water) against liability.

1.2 Request for Change to the *Good Design Guide for Buildings in Flood Affected Areas*

We request the following changes to the Guide:

- Provide a clear hierarchy of objectives where there are multiple, conflicting, goals.
- Further clarity is required to articulate the hierarchy in terms of a statutory decision-making process, and the legal status of the Guide, especially in a contested context such as a Panel hearing.
- We suggest that greater deployment and use of a ‘whole-of-precinct’ approach to flood mitigation will deliver better streetscape design outcomes, and overcome some of the concerns above. For example, raising footpaths so that the gutter is 300 or 450mm high would enable the street to retain more water volume and/ or direct the flood water more effectively, as depicted in 2.2 Streets.
- Where the building is subject to a FAR, the ramps and stairs should be removed from the calculation of the FAR because it is not saleable area, and the FAR definition should be revised to apply above the requisite flood level rather than from natural ground level.
- Provide guidance in relation to the interaction of the NFPL and built form overlays (especially the points noted above).

2 Proposed Ordinances

Whilst we support the overall intent of the proposed ordinances and maps, the issues and requests for change are outlined below.

2.1 Summary of Issues

The proposed ordinances and maps comprise the following issues:

- The proposed maps do not currently include sufficient information to make an informed decision about the limitations or potential of a parcel of land affected by the Land Subject to Inundation Overlays or the Special Building Overlays. The NFPL data should be available in a GIS format (if they are not already) and made available in LASSI or Vicplan or other freely available mapping tool to ensure the detail can be identified where required.
- The proposed ordinances do not clearly outline the requirements when converting an existing building for re-use, especially a building subject to a Heritage Overlay. Is the ground floor level required to be raised to the NFPL? If so, what is the threshold or criteria which triggers such a requirement?

2.2 Request for Change to Amendment C384

We request the following changes to Amendment C384:

- Where the written approval of the relevant floodplain management authority is required, we request that it be applicable for twelve months rather than three months.
- Where the NFPL requires the ground floor of a building to be raised more than 1.2 metres above the footpath, that the floor area below the NFPL (ground floor) be considered ‘basement’ as defined by Clause 73.01.
- Where the NFPL requires the ground floor of a building to be raised above the footpath level, that the overall podium or street wall height be increased accordingly.

Contact

If you require further information or clarification, please contact Dr Caroline Speed, UDIA Victoria Policy and Research Director by emailing caroline@udiavic.com.au.

Yours sincerely

A handwritten signature in blue ink, which appears to read 'Matthew Kandelaars'.

Matthew Kandelaars
Chief Executive Officer
Urban Development Institute of Australia, Victoria