

From: [REDACTED]
To: [Maribyrnong River Flood Review](#)
Subject: Private submission to the Maribyrnong River Flood Review
Date: Thursday, 19 January 2023 11:36:40 AM

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Attention: Melbourne Water, officer in charge

Flood Review of Maribyrnong River of 14th October 2022

Hello,

This morning I have read the terms of reference for this enquiry and feel that it has raised questions of grave concern.

These are:

1. I feel that the review will fall well short of residents' expectations. There seems undue focus on addressing the MW modelling of flood events. The fact that flooding existed in the vicinity of the VRC wall is only one aspect.
Flooding occurred in areas that were supposed to be flood proof with a 100-year + 600mm freeboard such as [REDACTED] which is less than a 5-year-old development at the time. This is evidence that the modelling was useless and even if corrected is a backward-looking tool that may or may not confirm an event. The current modelling certainly failed this test and the flood occurred without any hope of stopping it. Why is MW so absorbed with modelling and apparently not with fixing the physical flood problem? Modelling will not fix the flooding problem alone. Even if the modelling is refined it must conclude that parts of the [REDACTED] estate is built on a flood plain which everyone knows as a fact except [REDACTED] management. I understand that modelling does play a part in designing physical engineering changes to fix the flooding; all that is needed is to match the modelling with the physical evidence of the flood levels.
When this is revealed will MW move the flood line back to its original location up the hill and gain about 6 metres of lost safety margin in height?
2. Residents are mostly not remotely interested in such modelling academia; they want to know what physical actions will be implemented to attenuate any future 100-year flood, just like the VRC wall did for Flemington. That should be the primary focus and careers by all authorities. Why are technical aspects excluded from the scope of the review because if countermeasures existed, then there would be no review required or ruined folks both emotionally and financially?
3. The review appears to be centred around the VRC wall; however, the real core issue can be found by studying the [REDACTED] development which is only 5 years old in the flooded region. Why is [REDACTED] not directly mentioned in the review scope? The items excluded from the review are the most essential items that will directly identify the root cause of the disaster and lead to suitable countermeasures. Why are the excluded items not part of the review? Clearly there needs to be two review panels to cope with the volume of work, one being technical and the other as it is proposed just to serve complete justice to the community, allow the MW Director's to properly and sensibly discharge their obligations to indemnify themselves in solving the flooding problem and meet the 100-year + 600mm criteria.

Moving on, I have included below 16 questions that I originally asked of MW back on the 15th of November 2022; none of which have been formally addressed despite strenuous attempts by myself speaking to the relevant managers who all went MIA. A culture of learned helplessness on

display in a public institution at its best for fear of incrimination I suppose. It's now time to address each question and provide appropriate answers.

This is a copy of my email to MW dated 15 Nov 2022 with some small adjustments for clarity.

Attention [REDACTED]

Dear Sir/Madam,

My wife and I live at [REDACTED] and were awoken on Friday morning 14th October 2022 by a frightening back up of black water entering our home with the Maribyrnong River flowing at about 30km/hr and about 200m wide (both my estimates).

Clearly local rainfall in our area was insufficient to cause the flooding which was obviously a result of massive water volumes building up from Lancefield /Macedon Ranges in the upper catchment.

I believe the flooding was exacerbated by the negligence of inept authorities failing to correctly manage the river over many decades and safeguarding the thousands of residents and properties in the affected areas.

After some research, seeking advice and just thinking through the issues, I have some questions relating to the flooding of my property:-

1. Is my property's Land Subject to Inundation Overlay (LSIO) upstream of [REDACTED] based on a theoretical 1 in 100-year rainfall event or been derived by calibration using recorded flood level data upstream of [REDACTED] Reference: Report on Flood of May 1974 Maribyrnong River Basin, MMBW D-0001, April 1975.
2. What are the current 1 in 100-year flood levels for the Maribyrnong River upstream of [REDACTED] for the 520-metre frontage the river abuts [REDACTED]
3. How is it that the extent of the Land Subject to Inundation Overlay approved in MVCC Planning Scheme Amendment C151 has been moved 70 to 80 metres closer to the Maribyrnong River in the vicinity of my residence at [REDACTED]? What could possibly be a reasonable argument to support such foolishness and as there must be, what is it? Moving a 144-year datum is inexplicable and needs to be explained and supported by a vast amount of evidence. Please add this item to the review for a forensic analysis of the wisdom of the decision.
4. How does Melbourne Water explain why my residence at [REDACTED] flooded above floor level on 14-Oct-2022 when it was only constructed in 2017 meeting MW ADH levels of 100-year + 600mm freeboard, and reports say the recent flood was similar in magnitude to the May 1974 flood, which I understand was only about a 1:50 year flood?
5. Is MW in possession of the certified floor levels for the affected [REDACTED] development if so, may I have a copy of it? Alternatively, when you survey the area (I expect this is standard practise), may I have a copy?
6. The village was a green field site when the village was designed, and the area flooded was carved out of the side of a hill. How is it that the road levels were set at the height that has been built given the long-recorded history that MW has on the river? This reasonably infers that there has been a deliberate execution to cram as many units as possible into a green field site without due consideration of mandated datums that MW would have in place.
7. Who are personally responsible for these decisions for over-riding the guidelines?
8. Given the global warming popularity and the massive continuous flooding of eastern Australia, what would the outlook be for design datums that MW would enforce from now on, and why were there no alarms going off when [REDACTED] was approved? What role did MW have in the approval process as expert and controlling entity for the river? Was MW even consulted by anyone or other controlling entity? If not, why not?

9. It is now more than four weeks since the 14-Oct-2022 Maribyrnong River flood, has Melbourne Water sent surveyors to record the flood levels at [REDACTED] yet? I did see some surveyors about a week ago measuring the road levels at [REDACTED]. Were they your people?

10. If not, can you ensure the surveyors your [REDACTED] said in her 10th Nov 2022 media release “we’re gathering important data from residential properties to help shape future flood modelling” make [REDACTED] a priority and survey the floor level of all flooded units as well as survey what is left of the 14th Oct 2022 flood levels. I am not interested in weak cop out motherhood statements like “future modelling” surely MW has enough data to sink a battleship over the last 100+ years. There are so many non sequiturs as pointed out in my questions above and there seems to me that there have been mysterious actions at play that has led to my home plus 46 others just in our estate being ruined all of which are less than 5 years old. Most of the flood evidence has been destroyed by now due to the clean-up, however I have photos that shows the height of the flood water.

11. The MW floor level survey results at [REDACTED] are extremely important to understand all the relevant factors in why I was flooded, and I request a copy of the results that has a summary that clearly defines the issues relative to datums that must be met and any other critical prevailing facts. When will this report be released and where would I find it? It seems to me that the design data that MW presided over has been ignored by the [REDACTED] developers.

12. What is your position on [REDACTED] recent public statement on TV when asked about building upstream weirs to flood proof the river, when he blithely batted away that his government aren’t in the business of building dams? Surely this issue is out of bounds to political interference and ineptness and within the realm of common sense. Comment please as this is essential to get things done!

13. MW is dealing with the reality of God’s laws of physics, and I believe that the design solutions to flood proof the river have existed for about 30+ years but politicians have rejected the solutions out of hand over the years on at least two occasions this century. Therefore, the problem is a political problem and can be easily solved technically by MW. What are you doing to progress this line of action, especially with a looming election? We desperately need MW to grow an immediate media presence to force pressure to show the idiocy that ideological policies have unintentional catastrophic consequences and mental and financial suffering. MW needs to be a stronger organisation and develop a relevant presence in the community.

14. What is MW going to do to safeguard our homes if Labor/Greens win the election or even the Liberals? Surely as a minimal effort, an appropriate [REDACTED] wall needs to be constructed in similar fashion to the racecourse. Comment please.

15. I witnessed water gushers coming out of the drain grates in [REDACTED] They were about 750-1000mm high. Clearly Bernoulli’s theorem was at play that suggests the energy in the drains from the river far exceeded the energy in the drain off water from high ground. All the streets are public roads and I believe that some form of back flow devices should be installed and not be an optional design. If this is true, then does the [REDACTED] drainage system comply to specifications? I have heard [REDACTED] management refute the effectiveness of back flow countermeasures in a public forum which doesn’t add up to my mind.

16. The fact remains that the flood proofing of the river is not in place, so nothing exists to attenuate certainty of a repeat flood, and everything remains exposed to another rain bomb event which we are still witnessing in Victoria and NSW. Who is responsible for such incompetence as this is a fact and who are asleep at the wheel?

The notions of a 1 in 100, 1 in 50, or 1 in 20 years event are cute concepts but ring very hollow if you have innocently bought property exposed to the river and climate change catastrophes

despite researching the flood plain aspects at the time of purchase. It is abundantly clear that the problem is a political problem of arrogance, naive incompetence, probably a problem of datums and manipulations through greed and unconscionable conduct of interested parties. I look forward to your prompt response to my concerns and please answer each question in a sensible order. I will be extremely disappointed if these questions are batted away and if so, will be added impetus to go harder to obtain peace of mind for what I consider a very odd affair from many angles given the evidence of strange and non-reasoned manipulations of standards by controlling bodies in the pursuit of what?

The overall experience is continuing to be very distressing for everyone who have had their homes ruined. It is also very expensive to carry on while we are waiting for our homes to be repaired; the cost will ruin some folks, especially retirees.

It is extremely galling and sorrowful that currently there is no political support or even understanding to do something and fix the problem.

Yours sincerely

[REDACTED]
[REDACTED]

End of email

I expect that all my (now 19) questions are added to the review in order that the entire exercise doesn't become a whitewash and just wither on the vine gathering dust.

Beauocrats have a duty of care to the people that they represent; it's time for real action and no platitudes after decades of wilful neglect. Rate payers are getting a very raw deal from a profitable business with almost \$2 Billion in revenue.

The scope of the review must be resuscitated because as it stands, it is weak and poorly conceived: rubbish in equals rubbish out!!

It is a long-standing principle under both the common law and legislation in Australia that directors and officers of a company must exercise a reasonable degree of care and diligence in carrying out their duties and exercising their powers.

The terms of reference for the review panel are grossly inadequate and demonstrates how weak and clueless the MW leadership is perceived in ever resolving a century old problem. I would strongly remind the MW directors of their corporate responsibilities in this disaster because the terms of reference don't pass the pub test and they are exposing themselves to a massive risk in supporting an expensive and prolonged whitewashed review that will not achieve any practical countermeasure in river management.

Finally, please advise me of this submission's registered number.

A very concerned resident,

[REDACTED]

From: [REDACTED]
To: [Maribyrnong River Flood Review](#)
Subject: Re: Flood Review Questions for the Review Input.
Date: Tuesday, 21 February 2023 9:46:00 PM

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Dear [REDACTED]
Please include all of this email into the Flood Review!
I thought it would automatically go into the review without question.
Cheers
[REDACTED]

Sent from my iPhone

On 21 Feb 2023, at 15:01, Maribyrnong River Flood Review
<MaribyrnongRiver.FloodReview@melbournewater.com.au> wrote:

Dear [REDACTED],
Thank you for your email.
Please would you confirm if your intention is for this email to be treated as a submission to the Maribyrnong River flood review?
Kinds Regards,
[REDACTED]

From: [REDACTED]
Sent: Saturday, 18 February 2023 4:54 PM
To: Maribyrnong River Flood Review
<MaribyrnongRiver.FloodReview@melbournewater.com.au>
Cc: [REDACTED]
Subject: Flood Review Questions for the Review Input.

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Hello,

Today is the 18th Feb 2023.

I have attended some public meetings with MW and heard a lot of nothing other than stating the bleeding obvious.

What I did hear at these meetings and acknowledge is that MW modelling is completely so far away from reality that it is a useless tool and a liability. Proven to be of zero help in the 4 days leading up to the flood.

[REDACTED] requested a private meeting with me which was undertaken. At the meeting I discussed several technical matters that is a complete stuff up by MW and points to political interference back in 2015 into MW by my observations. There are no other plausible reasons why MW took over a massive risk in shifting the 100-year flood line.

1. So what are the background powerful forces that resulted in the infamous C151 report? Is there any coincidence that [REDACTED] suddenly popped up as MW chair at the same time in 2015 to the present.

2. Why did [REDACTED] excuse himself from the review?

██████████ promised that the ██████████ flood history would be included into the terms of reference for the review. As of today, no such amendment is published and what is not being investigated is what needs to be investigated.

3. Why hasn't MW amended the terms of reference for the review?

There is no merit in denial of what has happened because it will all be exposed in the fullness of time. Clearly there is a very grubby and shameful story to be unfolded.

From my assessments of the facts, I would guess that my property built at ██████████ is anything up to a one meter too low in contravention of MW regulations.

I have been asking for the MW surveyors report for 3 months and get the run around. Folks, it's not that hard! Stop denying reality.

4. What is the real reason that MW cannot tell me my floor datum after about 3+ months of having the results at hand?

I shall be engaging my own surveyor to cross check whatever results you give to me.

My wife and I have already had several media touch points and this is a story that keeps giving due to the cone of secrecy at MW.

My basic questions additional to the above are these:

5. Is my property at ██████████ built in 2017 actually up to a meter below regulations due to improper cut and fill to eliminate the flood plain that it sits on.

6. Why does MW still publish public works information data sheets that show my street still sits on a flood plain if technically it isn't (although it is!)

7. Does MW agree that the ██████████ flood mitigation works were correctly completed to specifications at ██████████?

8. Why does the new 100-year flood line represent something closer to a 20-year flood line as evidenced by the Oct.22 flood?

9. Why is the existing 50-year flood line further up the hill at ██████████ away from the river than the new 100-year flood line?

10. Why is MW not professionally pursuing the technical earth works efficacy at ██████████ and physical re-engineering solutions to flood proof our homes which by MW actions has created this hugely financial disaster to residents?

11. MW has presided over destroying through professional negligence at least 47 home owner's personal wealth at ██████████ why did MW do this?

Will MW relocate the 100-year flood line back to pre 2006 levels?

12. Will MW be paying compensation for this gross negligence after the houses are demolished because they are uninhabitable?

13. Does MW agree that the newly built houses since 2017 were always uninhabitable as a reason not to formally shift the flood line on MW's data sites?

14. What does MW intend to do with the 50-year flood line location?

15. Why is the review not looking into weirs at Avundel which are centuries old proven methods of flood control?

16. Does MW have its rate payer's interests as a first priority or protecting big business and corruption in our Victoria?

17. Why does MW focus on modelling which serves no protection to a flood event unless there are engineering remedies implemented?

18. MW seems to be a light weight player in the necessary expertise to manage the river in light of the craziest of decisions to arbitrarily shifting a 100-year flood line

after 144 years of experience and now find that the new 100-year is swamped after only 6-7 years in existence. That's culpability in a nutshell!

19. Why does MW rely so heavily on consultants who have proven themselves equally inept and clueless as MW?

20. Does MW agree that a review of the flood should signal a clean out of incompetent staff and a refresh of talent?

[REDACTED]

[REDACTED]

[REDACTED]

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