

## Private Parliamentary Submission: [REDACTED]

### Maribyrnong River Flood Impacts on Residents.

My wife and I welcome this parliamentary enquiry as an opportunity to tell our truth.

The events that led up to the inevitable flood which occurred at Rivervue retirement village on the 14<sup>th</sup> October 2022, is a story going back to around 2006 of an abuse of power inflicted upon the lives of dozens of retired people of just average means who purchased a lifetime lease to live out their days in the security of the village. What follows is my analysis of a massive fraud committed by utilities and developers in the absence of any reputable scientific inputs. To this very day, Melbourne Water has no clues what a 1:100-year flood line profile looks like in real time. Their own submission into their own review shows that Flemington racecourse is underwater despite designing a massive mitigation wall.

We are all elderly citizens, and the following analysis and experiences are compiled by me after reviewing considerable information that is available to anyone who seeks it in the public records and public forums and having lived in the village for almost 6 years.

When all is said and done, we cannot feel safe in our villas as built.

We who are all on the flood plain, face guaranteed future floods and possible toxic plumes in our homes due to category 3 black water being ingested under our concrete slabs.

The remedy lies in a massive overhaul of the Maribyrnong River management coupled with significant re-engineering of mitigation works.

I would also forewarn the committee to take any expert's opinion with a huge grain of salt because all history has proven them to be expensive clueless academic fools. You must listen to the words of experienced and practical people and the long term data for flood events recorded by Melbourne Water since 1871.

#### Personal impacts

1. Initially when the flood water kept rising and eventually flooded through my back and front doors and through the garage, it was a surreal feeling of bewilderment and then what to do? The first thing was to quickly retrieve our pet dog's memorial stone containing her ashes and place them high on top of our fridge, next was passports followed by putting furniture chairs, floor rugs and curtains up high. My lounge couches were just too heavy for me to handle. The cars needed to be moved to high ground because the streets were flooded up to at least axle height, but we needed to stuff clothes and anything at hand into the cars.

There was nothing else that could be done other than help others; we had no idea how high the water would rise, so we just watched it all happen. The water was putrid and dirty and black so walking through it to high ground was risky for people our age.

There was no warning for the impending flood by authorities or management, and it was my sister-in-law who saw what was happening from her 2<sup>nd</sup> story balcony in the community center early in the morning. She was running down the street knocking on doors. As there is no resident manager at Rivervue and no flood warning protocol in place, everyone had to improvise. Some elderly folks were left in their villas still in bed because the flood is silent. Many neighbors were alerting others in the streets to wake up and vacate.

The SES showed up long after the damage was done around maybe 0900 hours.

2. Initially we were placed in a hotel and shifted to a couple of hotels over the ensuing days. Tigcorp was supporting the residents as well as they could with accommodation, but a nightmare was unfolding when they advised that they had insufficient insurance to provide displaced residents with financial assistance with accommodation. We all signed 99-year leases for accommodation, the owner had all our money but had failed to secure adequate insurance.

They ran some village meetings which were brutal for the emotional and frightening plight many of the elderly found themselves in.

It was very evident that many people believed the spin that their villas were not built on a flood plain and hadn't taken out contents insurance and for some that did have contents insurance, not all insurers provided accommodation in their policies while repairs were being arranged to the villas.

To live in a gated community, most people are retired and survive off fixed incomes. My situation is more fortunate than others as I have sufficient insurance including accommodation, but the claim will total \$96 - \$101k by the time we resume living at Rivervue. Despite being insured we are still very much out of pocket because all our goods are in boxes housed in storage and are stacked up to the ceilings. This means we don't know where things are located and therefore other than standing in the few clothes and possessions we initially packed into our cars, we have had to slowly buy duplicate items to get by. Not everything is covered by insurance so additional unexpected expenses are incurred. We are renting at Diggers Rest and as an example our car fuel bills have gone through the roof just to commute as appropriate. We exist off a modest fixed fortnightly income.

Personally, I have dealt with high stress throughout my working business career, but this has been a slow burn and I can feel that I have changed in my moods and have anxiety and probably a bit of depression because my life feels as if it's just wandering without purpose and dealing with a dishonest situation at Rivervue. I now realise that I have lost most of my entire life's property wealth effort because my villa has been built on a swamp and has now very low market value.

I worry about a repeat flood and the historical disinterest in the government in fixing the river management. This is a magnificent opportunity for politicians to provide solutions to increased frequency of inevitable floods along the river.

I am angry with the fraudulent and deceptive sales practices of Tigcorp management and salespeople at the time we purchased, and which is still carried through to the present day. The blatant lies and deceptions that they routinely engage at the point of sale of the leases to enter the village then operational management indifference once you become a resident. Examples are caravan parking, building on a flood plain, stealing people's property wealth on exiting the village, bullying of single women by management, indifference to their tenants' needs such as maintenance of any sort of item imaginable other than roof leaks.

Shoddily built villas that seemingly are not supported with guarantees of craftsmanship or even have a maintenance budget.

Toilet blockages are blamed on residents but in fact are blocked with building rubble, water drainage issues, water leaks from faulty construction of villas that are just put on permanent hold with no real intention of management fixing the problems.

All these types of indifference to tenants are cancer in the village and cause a lot of unnecessary anxiety, then you add a flood event that has been intentionally and viciously engineered into the site and condoned by both Melbourne Water and Moonee Valley Council and it adds up to despair.

The attempts to run mass meetings of effected tenants by Rivervue were a stressful event every time due to the deceptive answers given by management to residents' questions. An example is why did Tigcorp only have \$5million insurance for an \$85+ million village?

Answer: It was the best commercially available in the market test of 14 insurers. Truth: 13 insurers refused insurance because the site is subject to flooding; flood plain.

Clearly, Tigcorp elected to self-insure and as a result are resorting to flaunt their contractual commitments and attempt to pass costs onto the already traumatized residents many who are on the brink of financial disaster for those uninsured. An example is the refusal to recognize that the cost of carpets while part of the contractual fixtures is being charged to residents' accounts. Another stressful punch in the guts to find an additional \$6k for each villa affected. Interestingly, fitted floorboard coverings are considered as fixtures and are not being charged to those effected residents. This is unfair treatment and stressful because everyone paid their money, and the new villas were all fitted with new carpets if not floorboards. Even the lease contracts state that carpets are part of the fixtures, but the owner is reneging on this point. Residents will be expected to take over occupation of their villas with bare concrete floors; we are not allowed to lay carpets until after we receive hand over of the repaired villas. This speaks for itself of the type of management that the residents struggle with routinely.

3. Many residents seem to be fearful of management and are too frightened to rock the boat and receive their entitlement to peaceful enjoyment of their investment because of the toxicity of the management of the village. This especially applies to single elderly women, many who live in flood prone villas. Some are too frightened to write an impact statement of their worries and experiences of the flood.

I personally believe that Tigcorp management would struggle to hold a license to operate a retirement village if a forensic audit was performed and the villagers were engaged.

Everything seems to be made up as it goes along when events expose gaps in procedures and there is a complete absence of cause-and-effect analysis to be proactive and professional.

When I observe senior management, I feel that they are very inexperienced and not suitable for the roles that they control such as accounting correctly and building development management which has led to shoddy workmanship and setting the entire village far too low on the site. When I observe the operational manager, this person is a very pleasant but excessively slow responder to daily issues. It now is the start of June, and we still don't have a village emergency procedure published since or prior to the October flood. We have only had one fire drill since I moved into the village in December 2017, and that was a shambles. To be the general manager, you need to know your customers, don't have a tin ear, and have the ability to read the room and have no narcissist characteristics. This is a cause of

unnecessary angst in the village. Progress of any improvement is stifled by quoting the Contract or The ACT to deflect any sensible proactive response to issues. However, when the various codes are checked, it shows that there is frequently unnecessary bluster and deception at play. One example is to front a room of distraught elderly flood victims of Tigcorp's making and decides to perform a "narcissistic racist and divisive introduction" out of the blue but thinks that this is a requirement in a meeting where they even refuse to take minutes of proceedings for fear of admitting that they have built the villas on a flood plain. My generation are well experienced in life and are not supportive of this forced and inappropriate nonsense upon us. This is just another layer of stressful aggravation and totally inappropriate given the circumstances. Management also has a track record of being very loose with the truth to be polite, as evidenced later in this submission. The general manager role carries no credibility.

When these people are managing your flood recovery it leaves you with no confidence that time and money are being well handled and adds to my anxiety of a prolonged wait to get back into my villa. We were initially told the repairs would be completed by the end of March '23 but the ever-shifting outlook is now more like July '23. The longer it takes the more severe the financial stress is to everyone involved and the anxiety being created in our mental well-being. It appears that the repair program is on-track to consume about 9 months of our lost enjoyment at Rivervue. The other soul-destroying impact is not having a clear outlook on a completion date of repairs despite frequently asking for clarification.

4. My wife has been extremely traumatized by the flood event of the 14<sup>th</sup> of October 2022. She is suffering emotional stress and depression and has visibly withdrawn into herself. She has been interviewed both for television and newspapers to explain the emotional impacts that the flood has caused her and as a result some of the more insensitive residents at Rivervue are bad mouthing her because they selfishly believe that telling her story has resulted in dropping their property valuations even though these people were unaffected by the flood. This has caused her immense grief and clearly these people will be forever off our Christmas card list. More toxicity because of developers not having a moral compass of what they build and where they build. Shame on Tigcorp. She worries over her plants dying over summer such as two stags that are more than 40 years old and an Azealia that is about 30 years old that throws a sensational flower display each spring. Little things but a huge part of her life.
5. The contracts that we all signed are extremely onerous and of course heavily biased in favor of the owner. Nobody realized what would happen in the event of property being flooded due to misrepresentation by the sellers. Consequently, the market value will plummet drastically.
6. Rivervue and their sister village Applewood are signatories to the Retirement Living Code of Conduct.  
In the case of Rivervue they miserably fail the most basic aspects of the code.



As far as I am aware, there is no nominated "Code Compliance Officer", they don't meet any of the vision statements nor do they achieve any of the 5 objectives of the code. If one was to read the 8 values and principles statements, you would have to wonder if the Rivervue management are fit and proper people to operate a retirement lifestyle village. I contend that they are not honourable people from the directors down and have maintained a toxic culture in the village for the 5+ years that I have lived there through the indifference shown to residents on a regular basis. They constantly use the Retirement Living Code of Conduct or our contracts as a tool to avoid providing requested information or positive actions to residents' issues. It seems the management have never read the Code, or if they have, don't intend to comply with the Code; there is no transparency in dealings but quite the opposite occurs. They will quote the Code or contract and then deceptively use them to deflect the subject away from their responsibilities. When ever there is a cost, everything hits a brick wall.

7. The truth of the matter and the reality is that my villa was designed by Tigcorp to be effectively built under water by a measurement of about 1.10 metres despite the 2006 VCAT directive, based on more than 144-years of flood experience with the site.

I estimate that I have lost up to \$1 million in my property wealth because of the flood. I don't have enough money to buy another house after the exit fees are applied on top of the market value loss, which the owner simply pockets. This means that we are stuck in Rivervue and live with the inevitability of a repeat flood and possible toxicity, probably within the next 5-year period due to the massive changes to the river's catchment areas upstream around Sunbury and beyond. This causes both myself and my wife extreme worry and anxiety. It had taken many years to build up my wealth to buy into Rivervue at \$825k in early 2017 after a failed marriage and losing a fully paid home to my previous marriage. The entire episode creates a lot of unwarranted despair due to the treachery of the developer who would have had full knowledge of what they were doing at the time simply because they were proponents of extinguishing the flood zoning over the site (C-151 Wimbush 2015 report). This is evidenced by the site's AHD of just 5.85m which was necessary to cram in all their desired terraced villas but is disastrous when compared to the historical AHD requirement of 7.20-7.45m inclusive of freeboard (VCAT 2006). My villa finished floor level (FFL) was surveyed by MW as 6.35m AHD, the design FFL is 6.4m and the flood depth at my residence was 6.5 – 6.66m. **The flood was a 1:50-year flood** and **not anywhere near a 1:100-year flood, that is the design criteria.**

(because it still is a flood plain)

Tigcorp point to the earth works in their MW flood review submission on one hand then deliberately design a village that has no relationship to a flood plain safety level?

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.

I contend that this is a major concern and a **deliberate** failure of duty by the Tigcorp organisation.

8. The flood has dominated our time since it occurred.  
I have not been able to enjoy my caravan through the summer period due to lack of time between our pre-flood travel commitments and the time required to run an insurance claim.

This is a big disappointment in enjoyment of a substantial monetary investment in my retirement and is upsetting. My personal health has suffered due to the stress and the realization that my property wealth has been criminally destroyed by an unscrupulous operator.

### What we Know in Ownership & Technical Aspects of the Site at [REDACTED] Canning Street.

1. 1988, the site was bought by Mr. & Mrs [REDACTED] of Carnegie.
2. 1989 Urban Green purchased the site.
3. 1995 Orchard Rise purchased the site.
4. Retirement Services Australia at some point come into the picture prior to 2006.
5. A company named Altonbridge comes into the picture also sometime around 2006 and TIGCORP buy the property in the same year from Altonbridge. Mr. [REDACTED] is the director of both companies so has full knowledge of the flood plain and the state of play obtaining permits. This knowledge is an advantage for the written contracts of the 99-year leases sold to unsuspecting retirees.
6. 2006 VCAT: Retirement Services Australia vs. MVCC 21<sup>st</sup> June 2006, handed down a directive recognizing the lower portions of the site were a flood prone zone and issued directives that safeguarded new buildings with a 6.6m - 6.85m AHD + 600mm of freeboard. VCAT approves a retirement village only and rejects an old age home. The building FFL's were therefore **7.2 AHD minimum. My villa has an "as built" FFL of only 6.35 metres AHD.**
7. 2007 Metricon & Casey Developments appear on the scene with the idea of developing a nursing home and retirement village. The concept ran into rejections by MVCC.
8. 2009 Riverwood Residential Developments Pty Ltd acquire the site. This is a Tigcorp entity as well.
9. 2010 the land was acquired by Rivervue, a Tigcorp entity [REDACTED] (TIGCORP advice) from an unknown entity (probably Retirement Services Australia) with links to current ownership, Riverwood Residential Developments. Constant ownership but shuffling of trading names.
10. 2011 Riverwood had a name change to Rivervue and was assumed to be the trading company name of the site. This conflicts with [REDACTED]' information in item 9.
11. Two applications for building permits were lodged to MVCC but were rejected as non-compliant to building flood plain codes to Melbourne Water (MW) in terms of Australian Height Datum (AHD).
12. 2013 (1<sup>st</sup> March) Riverwood Residential Developments Pty Ltd vs. MVCC & Ors [2013] VCAT: 222. Seeking an amendment to Permit Application No. MV/16866/2004. **This is the start of the process of removing the LSIO from the site.**
13. Two years later in an extraordinary turn of events, a panel of one person who was chairman of himself [REDACTED] was created by MVCC with the proponent being MW was set up in 2015. The explicit purpose of the one-man panel with the cooperation of a modelling

consultant and other consultants was to sign off the suitability of a special building overlay (SBO) of the flood plain at [redacted] Canning Street (Rivervue) and **removal of the LSIO** from the intended building site. Tigcorp was a submitter to the panel in support of realignment of the 100-year flood line and reclamation of some of the flood plain capacity. Realignment was the term used for **shifting the 100-year line about 80 metres closer to the river and off the building envelope**. The earthworks prescribed by 2006 VCAT ruling were never implemented, because it wouldn't allow the creation of so many extra terraced villas. Incredulously, both MVCC and MW had engaged in a **very risky (guaranteed flood event) proposition** to agree to redefine a 100-year flood line that existed for 144 years, and it only took 7 years to experience a 1:50-year catastrophic flooding of a large area of Avondale Heights, Maribyrnong, and Ascot Vale. This points to external forces at play because the sanity of doing so just doesn't pass the pub test, and puts a sham to the technical competence of the Wimbush investigation.

14. A report C151 was signed off by chairman [redacted] on 30<sup>th</sup> Nov. 2015 which recommended that rezoning from PP & R (Public Park and Recreation Zoning) to RZ1 (residential).



Moonee-Valley-C151  
-Panel-Report.pdf

The problem with the report was the selective gathering of evidence and the flawed selective dismissal of an objection (#5) based on a presumption of moving the 1:100-year flood line 70-80m to a new much lower location and significantly closer to the river. This resulted in the inevitable flood disaster.

Historically, 21<sup>st</sup> June 2006 VCAT voted in favor of a permit submission with specific building height AHD guidelines for the Rivervue site at [redacted] Canning Street. The specified AHD was to be 6.6m-6.85m plus a freeboard of 600mm for inhabited buildings. Therefore, the minimum finished floor levels needed to be 7.20m-7.45m AHD whereas my villa is located on swampland (new 1:100-year Wimbush flood line) with a MW AHD of only 6.0m. I contend that this massive change to the risk of flooding was not based on any technical merit, but more an arbitrary appeasement to the developer's interests. The [redacted] **C-151 report extinguished the VCAT 2006 AHD ruling** and allowed the flood zone to be treated as normal (flood) unaffected land. But it remains as swamp land as evidenced with 2 equally intense 1:50-year flood events since 1974.

15. The May 1974 flood was only a **40–50-year flood** and yet it **was 0.07m higher** than MWs updated **1:100-year flood of 6.0 m AHD** created in 2016 that drove the relocation of the LSIO off the Rivervue development footprint but dangerously close to the rear fence lines of villas closest to the river. The flood of 14<sup>th</sup> October 2022 was measured as approximately 2cm higher than the 1:50-year flood of 1974. The upstream flood level for the 1974 flood was 6.07m AHD upstream of Canning Street bridge.  
**This means the new 1:100-year flood line is closer or as close to the river as the 1:50-year flood line!**

The two flood lines apparently co-exist on top of each other! **HOW CAN MW POSSIBLY EXPLAIN SUCH INCOMPETENCE?**

Retirement Services Australia v Moonee Valley CC [2006] VCAT 1172 (21 June 2006)

**Melbourne Water conditions**

37 Freeboard. Finished floor levels must be a minimum of 600mm above the applicable flood level. Unless otherwise agreed in writing by Melbourne Water, finished floor levels of any outbuildings, storage sheds etc must be a minimum of 300mm above the applicable flood level.

58 "This issue is of sensitivity to residents in the Maribymong River corridor particularly given the number of properties that are below the 1:100 year flood level and experience inundation" and "risk to people would be minimised by habitable buildings being 600mm above the flood level" and "the grading of the site would mean some adjustment to levels shown on the plans at the south-east corner of the site (increase from 6.6m AHD to 6.85m AHD for habitable buildings"

58 This issue is of sensitivity to residents in the Maribymong River corridor particularly given the number of properties that are below the 1:100 year flood level and experience inundation. The proposal involves re-alignment of the 1:100 year flood level and, based on a plan submitted as part of the report by Neil Craigie Pty Ltd - MWC Information request dated 5 October 2005, Melbourne Water has not objected to the proposal subject to a number of conditions. Dr [REDACTED] presented evidence reviewing the material prepared by Mr [REDACTED] and concluded that the proposal would maintain or exceed the existing floodplain storage, any increase in flood level would be minimised or negated by the additional capacity provided by the proposed wetlands and risk to people would be minimised by habitable buildings being 600mm above the flood level and outbuildings/garages being 300mm above the same level. He noted that the grading of the site would mean some adjustment to levels shown on the plans at the south-east corner of the site (increase from 6.6m AHD to 6.85m AHD for habitable buildings and from 6.3m AHD to 6.55m AHD for outbuildings). [This can be confirmed through permit conditions]. Dr [REDACTED] also reviewed material tendered through submissions by Mr [REDACTED] and Mr [REDACTED] that questioned the applicable flood level and suggested that it should be higher than modelled by Mr [REDACTED]. Dr [REDACTED] explained why he did not C151 report was released modelling undertaken by Mr [REDACTED]. Dr [REDACTED] noted that in a flood, there may be some scouring near to the Cordite Avenue Bridge but nothing more than would be expected in a flood event without development on the review site.

16. The designs for the villas in Blueridge and Evergreen were at hand as early as 2015 by McCabe Architects when the C151 report was released. This is evidence of nefarious play at work with an expected outcome. Architectural designing is not a low-cost activity. The issue with the plans was that Tigcorp had condoned an especially low design AHD of only 5.85m in contravention of the VCAT directive of 2006. The design finished floor levels (FFL) of several adjacent villas along the east side of Evergreen Avenue was only 6.4m. Villas along Evergreen have a design FFL of 6.4m (MW has advised me that my FFL is 6.35m) in contravention of the VCAT directive of 2006. Villas in Blueridge have FFL of only 6.0m AHD. The flood through my villa was about 100mm deep.
17. With the LSIO (incorrectly) and the VCAT directive removed from the Rivervue site, then the building code only had to comply with 300mm of freeboard and not a flood plain requirement of 6.85m AHD plus 600mm of freeboard. This is a contrivance that has directly led to the disaster.
18. The Planning Link below still shows at the time of writing that our land is still zoned as PP&R and not residential.

<https://www.land.vic.gov.au/maps-and-spatial/spatial-data/vicmap-catalogue/vicmap-planning> <

Picture 0427 shows Rivervue in the centre of frame.

You will see that from Redfern up the hill is R1Z which means residential.

Our streets are zoned PPRZ which is Public Park & Recreation (means you are probably unable to build houses due to flood likeliness).

Picture 0428 shows that our homes are in the blue coloured zone which is designated as LSIO (Land Subject to Inundation Overlay). Note that Redfern is the reference boundary.



Picture 0429 shows all the dwellings. Both our streets are crossed hatched (but not coloured green) as PPRZ. That's an attempt to confuse the reader.

All 3 pictures are consistent, but the 0429 has been fiddled to deceive a casual glance by not colouring it as green.

Furthermore, the images below item 18, show the original 1:100-year flood line that existed for 144 years since MW was established compared to the new 1:100-year flood line as a result of the infamous C151 Wimbush report that drove the LSIO off the Rivervue building envelope.

## 18. Summary and recommendation of C151 Wimbush Report

Amendment C151 to the Moonee Valley Planning Scheme proposes to revise flood mapping. To apply the Special Building Overlay (SBO) and Land Subject to Inundation Overlay (LSIO).

***The SBO revision will affect 1,538 properties*** and the ***LSIO revision 425 properties*** including ***removal***, application and modification of the overlays.

The application of the overlays is based on **Melbourne Water flood modelling** and is to apply to the extent of a flood associated with a 1 in 100-year rainfall event. The LSIO is proposed to be applied to those areas subject to flooding from waterways and the ***SBO to those areas subject to flooding from the stormwater management system.*** *Comment: storm water system at Rivervue had no capacity to stop water surges and was an abject design failure. Waterspouts about 1 metre high had no escape route from the "unders" court yards other than running back through the villas. Resulted in waist deep water in those villas. Melbourne Water did not submit their modelling to the panel but relied on a consultant to present a model. It is self-evident that the modelling was disastrously unsuitable for the task as were the competence of the proponents and the analytical skills of the chairman.*

The exhibition of the Amendment attracted eight objections and three submissions from government agencies. Of the objections, two were resolved by Council through minor amendments to the mapped extent of overlays.

***The remaining objections raised issues of accuracy of flood mapping, management of drainage within the broader system, insurance, no observed flooding in the overlay areas*** and other matters. *Comment: The flood mapping used by the consultant failed to predict that a 1:50-year flood was too strong for the land not to be flooded let alone the 1:100-year requirement! Abject fail and indifference to all the above underlined aspects.*

*On the other hand, if back testing of the MW flood model shows that it was the only accurate predictor, then it demonstrably points a massive failure of MW competency and business protocol system disconnects.*

The Panel has considered the submissions 'on the papers' as no submitters requested to be heard. The Panel (*read: chairman*) notes the low number of submissions relative to the (large) number of properties affected, and ***that the objections do not challenge the strategic basis of the Amendment***, i.e. **to identify flood risk and put in place planning controls to ensure that development can be managed or designed to address such risk.**

*Comment: the chair's clear-thinking powers should be much better than his conclusion. The two statements are a clear non-sequitur.*

The Panel addresses a number of specific concerns of submitters in the body of this report. However, in principle the **Amendment is sound**, the Panel (*of one man*) considers that it has **strong policy support** and that it should be adopted subject to minor agreed changes.

*Comment: It appears that the chair is referring to ministerial support which inexplicably came from nowhere coincidentally along with Mr. [REDACTED] being appointed as chair of Melbourne Water who still holds that position but has recused himself from the MW review process (not for any honourable reason). It is well observed that Mr [REDACTED] has a reputation as the Andrew's government's "go-to" agent when they want particular favourable community based out-comes in the face of common sense. This entire disaster is no exception. [REDACTED] should never be allowed to practice his obvious inadequate talents again.*

The Panel recommends:

**Adopt Moonee Valley Planning Scheme Amendment C151 as exhibited subject to the following:**

- 1. Modify the application of the Land Subject to Inundation Overlay on [REDACTED] Canning Street, Avondale Heights in accordance with the plan *Proposed LSIO [REDACTED] Canning Street Avondale Heights* dated 12 November 2015 prepared by Melbourne Water.**  
*Comment: - This is where everything went wrong based on a very poor assessment of the entire catchment area and prevailing knowledge. It was just a rush to achieve a politically desired outcome to suit individual purposes no matter what the impact on the community safety and misery. It has also exposed the complete failure and commercial abilities of the MW Board and organisation. Massive technical investment and Board refreshment is urgently required to save MW from itself.*

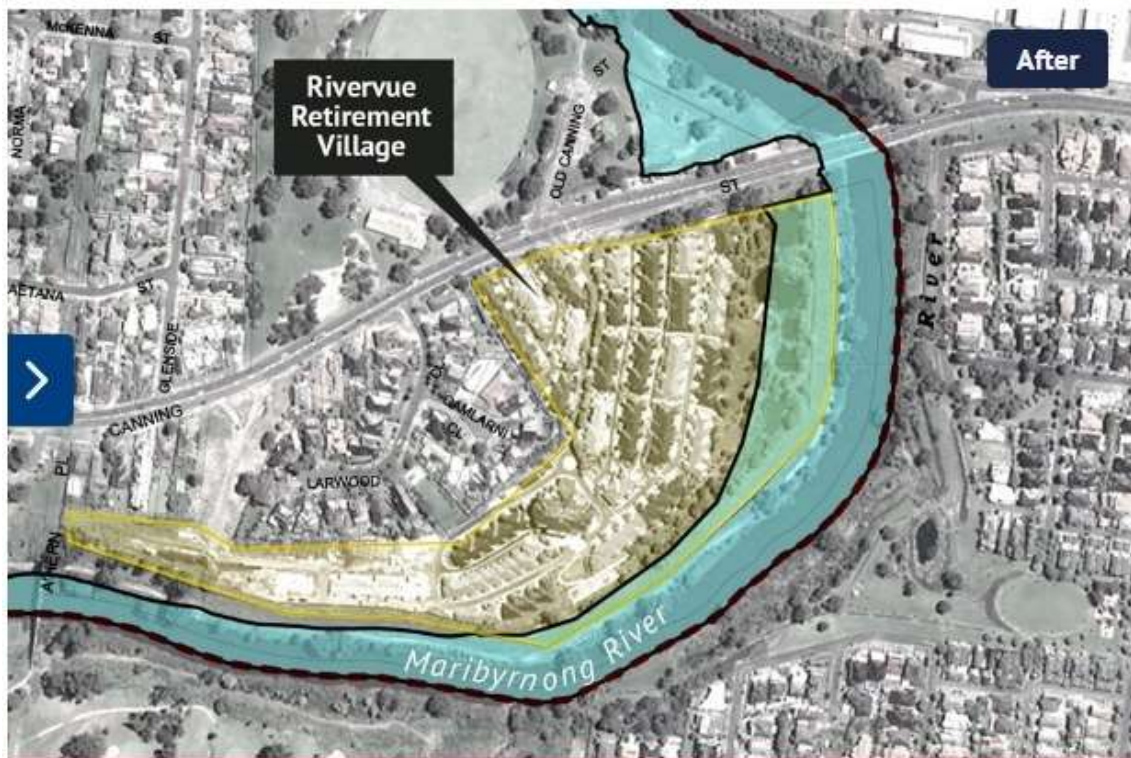


Portion of the village that was flooded is outlined in yellow below.



Below two images taken from the November 2022 AGE newspaper of the 1:100-year flood lines before the 2015 bizarre Wimbush Report and post (After). Please note that both images do not reflect the reality of a 1:100-year flood line because the 2022 flood which was a minor 1:50-year completely engulfed more of the site than is shown as the “Before” image. So how does MW explain such a weird situation? **Clearly MW have no clues about the true position of the 100-year line, so**

they were **never in a position to have ever been a proponent of the Wimbush Report** because they are not expert river managers and have left it to consultants to lead them astray because it is evident that the consultants had no idea either about what they were doing. **Scandalous failure of MW.**



**Before:** June 2016. Blue area considered flood prone. **After:** November 2022. Changes to flood overlay in 2016 see subsequent development of more retirement villas at Rivervue.

GOOGLE IMAGES

Villas shown on PP&R zone in Blue-gum and Evergreen.



If the earthworks ruling of 2006 VCAT had been undertaken, then the PPRZ zoning would be extinguished from all the shaded area with villas shown. Note that about 50% of the villas are shown on the PPRZ shaded area which is a flood plain.

Sadly, none of the 2006 VCAT earthworks were undertaken. Note that the PPRZ zoning covers about 45-50% of the site.

So, any reasonable person would think that a developer buys the swamp for pennies and then sets a course to have the site rezoned to normal residential land. Therein lies a lot of self-interest working assiduously.



The above is a copy of the 1:100-year flood line over the Rivervue site, prior to extinguishing the LSIO. (courtesy of MWFR#44 submission)

The below picture shows the extent of the actual 1:50-year flood that occurred on the 14<sup>th</sup> of October 2022 over the Rivervue site.

It correlates extraordinarily closely with the 1:100-year flood prediction above, but the flood was deemed only equivalent to a 1:50-year flood event. The last 1:50-year flood occurred in May 1974 and locals remember the extent of the flood was equivalent to the latest event.

**Therefore, the long standing 1:100-year flood line that even the 2006 VCAT based their findings on was extremely inaccurate at the time!! It's only a 50-year flood line in reality.**



**How does MW explain such failure, that alarm bells weren't ring loud back then? It's taken another flood for them to wake up from serendipity.**

The conclusion seems to me that the MW modelling has been so neglected over the decades that clearly nobody in authority has a clue what the river management actually resembles in real time. **Meanwhile there are absolutely no countermeasures in place to prevent a repeat flood at any time. There is quite a stench surrounding the events at Rivervue.**



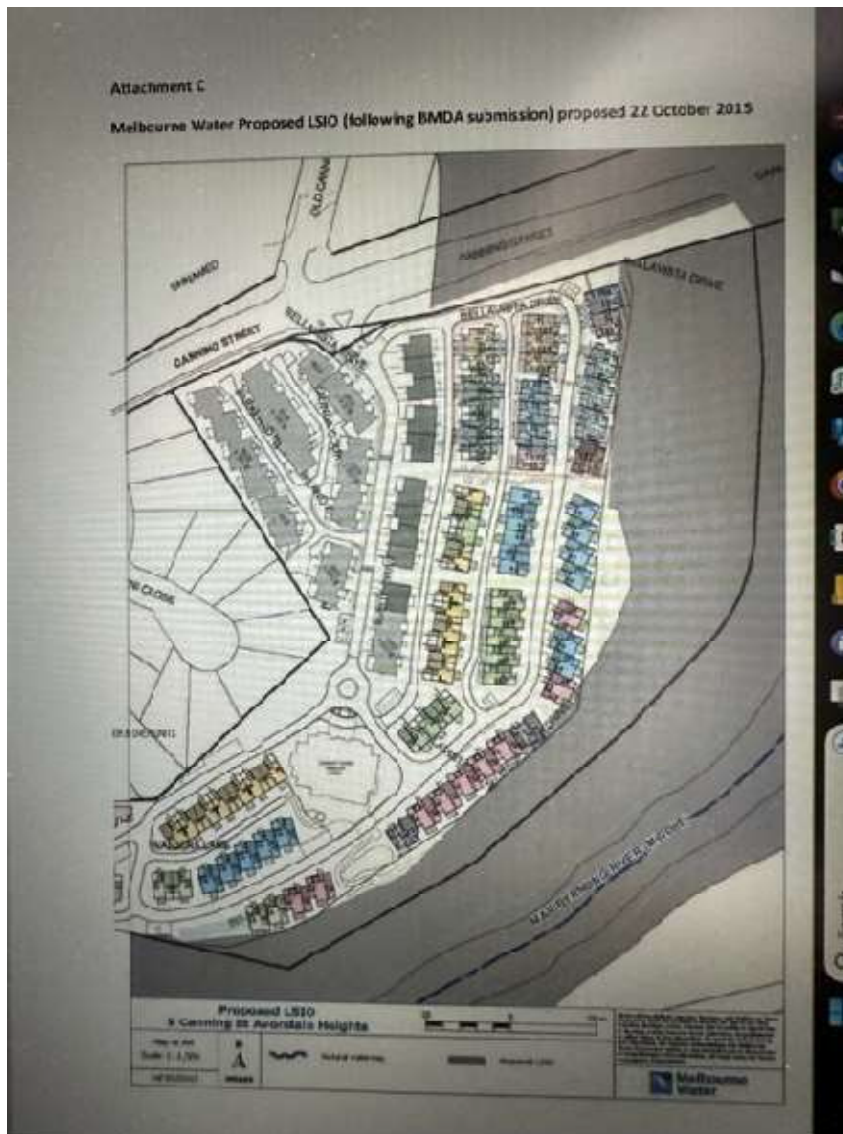
The above Rivervue Master Plan shows the extent of the flood over the village. It is extraordinarily a **close match to MW's pre 2016 1:100-year flood line yet, the flood was only a 1:50-year event!**

How can that be the case if responsible management was in place to ensure massive errors/actions like this can't just simply occur with nobodies' knowledge of the dire consequences that inevitably follow?

**There is a stench surrounding why such decisions were taken, why they were so blithely taken, and who benefits from the decisions taken and who in Government drove the kangaroo panel enquiry and on the behest of which interested parties.**

Furthermore, the picture below (MW 22 October 2015) shows the new 1:100-year flood line from MW as a result of the Wimbush report. I suggest that there is **no science or engineering** behind how the new line has been created as evidenced by the minor flood that covered about 70 metres west of the line and up the hill away from the river. This diagram clearly shows that several villas still have the flood line across their properties and extending several metres inside the rear fence lines. The significance of this is immense because the sites are all dead flat, so water is not just going to magically stop as depicted. My villa is in this predicament, and I can tell you that the ground level is only about 25mm below my floor level inside the villa.

**This MW diagram is a fairy-tale falsehood with no scientific credentials.**



Even if the water stopped at the shaded flood line above (it can't possibly do that), then the entire area still will be flooded due to storm water drainage spouts in the villa courtyards and streets from

the kinetic energy from the river flow, **so it's utterly a useless deception and falsehood to arbitrarily declare that the flood plain containing all these villas, is not a flood plain.**

Whilst the incredulous incompetence illustrated above with a piddly 50-year flood, it is in reality much more severe than a 100-year flood according to MW wisdom in river management as evidenced last October, **it gets far worse!**

Below we can see the gazetted new post Wimbush 1:100-year flood line over the Rivervue site as presented by the Rivervue town planning consultants BMDA.

**Magically, the new gazetted LSIO 1:100-year flood line is now presented as several metres behind the fence lines of nearly every villa facing the river!**

**This diagram is a fairy-tale falsehood and must be corrected immediately.**

Having gazetted data such as the below is negligent deception to the public.



The gazetted 100-year line behind stage 3 fence line is roughly coincident with the walking path. If any panel member stands at that location, you would raise your eyes about 3 metres up to the FFLs of these villas. This means if the maths is done, that the perimeter of this new 100-year

flood line is about 3.4m AHD. VCAT 2006 ruling to MW was to have an FFL at this site of 7.2m AHD minimum, but MW have endorsed something that is approximately 3.4m AHD. How does MW explain this? The public implications are immense.

**We have therefore lost 3.8 metres of flood safety. On the other hand, any prospective buyer doing their diligence would have looked at the gazetted MW information for the site and maybe stood on the walking track and think, there is plenty of safety margin for flooding when a 1:100-year flood hits.**

**In rough terms, for a river that was about 200m wide along a site length of 500m, we lost a storage capacity of about 380,000+ m<sup>3</sup> of flood water (380 + million litres), as a direct result of the breath-taking incompetence of both Wimbush and MW plus the jaw dropping stupidity of MW ever thinking that what they have inflicted on innocent elderly retirees in the transit lounge of life would be quite okay.**

**MW have been played for idiots and have provided the oil to lubricate a corrupt developer to inflict the financial losses (which he pockets directly from lost market value via the contract wording) and pain and misery of retirees who mostly are at an age that they can never recover their investment monies as a result of this massive fraud. Inheritances have been ruined to help the grand children get on the property ladder.**

19. The current sewage works in our area show advertising placards produced by MW depicting our villas are built in a PP&R zone, not RZ1 zone. Photo March 2023 below.

Clearly, there is total disarray within MW and their mismanagement of the simplest of data and obviously nobody with the required competence has an overview of the direction and reputation of the organisation.

MW has zero credibility within the community that they have so disastrously and culpably and morally abandoned to pander to unscrupulous developers who had full knowledge that they needed the LSIO removed from their property. MW were played for the fools that they are. Consequences must surely follow.



20. Minutes of the MVCC meeting that rejected a building application in May 2006 prior to the VCAT appeal.

16th May 2006

Minutes – Ordinary Council

■ CANNING STREET, AVONDALE HEIGHTS - USE AND DEVELOPMENT OF THE LAND AS A RETIREMENT VILLAGE AND NURSING HOME AND ASSOCIATED SERVICES, CREATION OF ACCESS TO LAND IN A CATEGORY 1 ROAD ZONE, A REDUCTION IN CAR PARKING, REMOVAL OF NATIVE VEGETATION AND CARRYING OUT OF EARTHWORKS

FILE NO: MV/16866/2004

WARD: Hicks  
AUTHOR: Principal Planner  
MANAGER: Manager Statutory Planning  
MINUTE NO: 2006/85

## COUNCIL RESOLUTION

Moved Cr [REDACTED], seconded Cr [REDACTED] that with respect to Planning Permit Application MV16866/2004, Council resolve to advise all parties to an application for review in relation to the failure to determine the application within the statutory time frame that if it were in a position to issue a decision it would have been to refuse the application for the use and development of the land as a retirement village and nursing home and associated services, creation of access to land in a category 1 road zone, removal of native vegetation and carrying out of earthworks, at [REDACTED] Canning Street, Avondale Heights on the following grounds:

The **application must be refused** pursuant to Section 61(2) of the Planning and Environment Act 1987 given the following objections by VicRoads to this planning permit application:

The proposal is within a Public Acquisition Overlay which may be required for a public purpose.

The proposal may not be capable of providing access to the western side of the site in the event whereby the road is constructed within the Public Acquisition Overlay. The land to the west may become landlocked as access will not be achieved for the western portion of the site in the event whereby the road is constructed within the Public Acquisition Overlay.

**The proposal fails to appropriately respond to the Residential Design Provisions** set out at Clause 22.06 of the Moonee Valley Planning Scheme.

**The proposal fails to meet the policy objectives of Clause 22.11** (the Maribyrnong River Corridor Policy) and Clause 21.18 – Development along our Waterways.

**The proposal does not have proper regard for Clause 19.03 including** the State Guidelines for Higher Density Residential Development; Clause 55 Res Code; in relation to Neighbourhood character in particular in respect of the inappropriate treatment of the sensitive residential interface to the north and the river interface to the south.

**The proposal undermines the objectives of Clause 43.02 - Design and Development** Overlay Schedule 1 Skyline Area and the City of Moonee Valley Maribyrnong River Interface Urban Design Guidelines 2001.

**The application lacks sufficient information** in relation to internal accessibility and amenity having regard for grades of roads, pedestrian paths and access to buildings

within the development and detail of areas of secluded private open space in terms of minimum dimensions, areas, orientation and integration with internal living areas.

**The proposal undermines the objectives of Amendment C50 of the Moonee Valley Planning Scheme a seriously entertained planning document.**

The development has not been adequately conceived with little regard for onsite amenity considerations such as noise attenuation from carparking areas, evacuation of residents in the event of flooding, fencing to secure the safety of dementia patients, location of plant and equipment including air conditioning systems, heating systems, hot water systems, commercial kitchen exhausts, services shafts, carpark mechanical exhaust and ventilation, services meter, grease interceptor traps and the like.

The supporting documentation of the application does not identify whether the site contains any contaminants which may impact on the suitability of the site for the sensitive uses proposed.

The supporting documentation of the application does not identify whether the site contains significant habitats of native flora and fauna and as such fails to adequately address the provisions of clause 15.09 Conservation of native flora and fauna and to ensure that the siting of the new buildings and works minimise the removal or fragmentation of native vegetation.

The significant removal of trees from the western end of the site in particular to make way for the apartment building is not adequately offset with planting throughout the remainder of the site in accordance with the provisions of clause 52.17 of the Moonee Valley Planning Scheme.

CARRIED

21. There seems to be confusion regarding terminology with VCAT referring to ground level as the undisturbed natural ground as opposed to land with fill. Rivervue in Evergreen has up to approximately 2m of fill in places but still significantly fails the VCAT 2006 AHD ruling. My surveyed natural ground level was 6.11m AHD.
22. From what I can ascertain, I don't believe that the prescribed earth works to mitigate a flood event, were ever done due to item 12 above where eventually the LSIO and VCAT directive were removed from the Rivervue site building envelope. **This has directly exposed villas to less than 50-year flood events, not 100-year events.**
23. VCAT decision of 21 June 2006 and MVCC Planning Scheme Amendment C-151.



VCAT 1172 (21 June 2006) - decision repo



Moonee Valley C151-Amendment- Nc

While the 2006 VCAT directive had in-built safety margins to safeguard against flooding of the villas, the ultimate “as built” villas were built significantly too low compared to the intended VCAT AHD due to the ill-conceived contrivance to **remove the LSIO from the Rivervue building envelope** through the Wimbush panel report C151.

The other attached file is the Moonee Valley C151 Amendment notification authorised by Mr. [REDACTED] which was released some extensive time before close of submission on 14<sup>th</sup> Aug 2015. The preamble contains all the bureaucratic speak of good intentions to protect property and safeguard from flooding, and meeting strategic goals for development but it **fails the guidelines disastrously due to the fatally flawed and incompetent [REDACTED] report.**



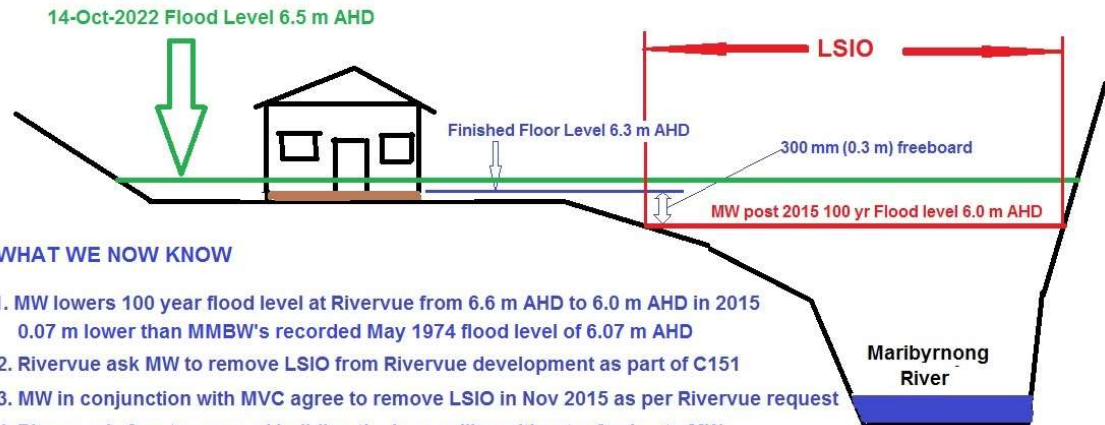
Section D-D of  
Proposed Retirement

Architects PDF design showing the “adjusted flood level of 5.85m”. This is **a root cause of the flooding at Rivervue, and it bears no relationship to a flood plain situation because the LSIO was removed (extinguished in 2016) from the site in bizarre circumstances that don’t make sense.**

How any professional engineers would engage in this type of design neglect is a scandal in itself. Similar comments apply to whoever was responsible for the site’s drainage design because these people would be aware that a flood would occur eventually and didn’t bother to instal surge protection to the village.



## WHY 47-48 VILLAS AT RIVERVUE FLOODED ON 14-OCT-2022



### WHAT WE NOW KNOW

1. MW lowers 100 year flood level at Rivervue from 6.6 m AHD to 6.0 m AHD in 2015  
0.07 m lower than MMBW's recorded May 1974 flood level of 6.07 m AHD
2. Rivervue ask MW to remove LSIO from Rivervue development as part of C151
3. MW in conjunction with MVC agree to remove LSIO in Nov 2015 as per Rivervue request
4. Rivervue is free to proceed building the lower villas without referring to MW
5. The lower villas in Evergreen and Bluebridge are built in 2017 with 300 mm freeboard above MW's new 100 year flood level of 6.0 m AHD in accordance with Victorian Building Regulations Clause 153.6 (b)<sup>#</sup>
6. Maribyrnong River flood on 14-Oct-2022 reaches 6.5 to 6.66 m AHD at Rivervue flooding 47-48 villas with floor levels built at 6.3 m AHD or higher.\*

<sup>#</sup> VBR 2018 (but earlier edition had similar clause).

\* Six (6) villas at Rivervue had floor levels built at 6.28 to 6.29 m AHD ie 1-2 cm lower than 300 mm freeboard

Why did MW lower the Rivervue AHD from 6.6m down to 6.0m in October 2015?

How can it be that MW has recently surveyed and confirmed that my natural ground level is 6.11m when this means that earthworks would likely lower my site to account for villa foundation concrete slab construction works yet the new 100-year AHD is only 6.0m?

*Comment: incomprehensible.*

**Why did MW take on a guaranteed inevitable risk of flooding disaster and culpability** when they knew that the 1974 flood was measured higher than 6.0m AHD when it was declared a 1:50-year flood? *Comment: follow the money trail.*

The site "as built" AHD was set **at 5.85m AHD** by Rivervue BMDA consultants because they no longer had to comply with MW requirements post C151 Wimbush report hence the 300mm freeboard and not the 600mm freeboard depiction above. *Comment: this guaranteed a flooding disaster with full knowledge of what they had engineered.*

**This is another point of corrupt and unconscionable criminal conduct and professional negligence!**

## Subsequent to the flood event.

1. After the shock and distress of the flood several people started to think about the situation at hand. Many residents living at Rivervue had long memories and to a person state that the lower streets were always a flood plain. It's great barber shop discussion with residents who have spent their adult life in Avondale Heights.
2. Personally, I set about researching the history of the site and eventually submitted about 20 questions to the MW and the review. This was the net result of about 60 questions all up.
3. Most of the questions were of a technical nature which would have been extremely difficult for MW to answer sensibly. I was continually given the run-around by MW PR people, so I kept asking new questions. Then I received some correspondence from one of the senior managers who prepared an extensive well-crafted reply that told me nothing, so I challenged the letter. He responded that he couldn't reply as he was on holidays, which I reverted to him in a very crisp manner. Senior managers have a 24/7 commitment to the Company and community no matter what.
4. This resulted in the general manager of MW, [REDACTED] approaching me for a personal meeting which was conducted in February 2023. I just went over my key questions to which [REDACTED] was unable to answer or unwilling to answer. He was assessing my knowledge on the matter.
5. My wife and I somehow were approached by the AGE newspaper and channel nine who were both doing investigative stories specifically on Rivervue because it was evident that there was a stench surrounding the village. My wife was interviewed by channel 9 and spoke of the drama and distress experienced by the flood. By this stage I had assembled a surprising number of details associated with the site and how they managed to secure the removal of the LSIO.
6. The AGE newspaper published extensive coverage reports on the 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>. and 12<sup>th</sup> February 2023, however one of the more damning reports on Rivervue was published on the 15<sup>th</sup> of April 2023. Consequently, to this AGE publication, the general manager of Rivervue [REDACTED] published a group email to all affected Rivervue residents on 17<sup>th</sup> April stating that all is well with building approvals, and nobody needs to feel concerned about a flood. See Rivervue response below: -

Age article on 15 April 2023

Over the weekend you may have seen an article in The Age about the Maribyrnong flood event including Rivervue and, although we will not be commenting on every newspaper article, we want to reaffirm with you that we had all required approvals in place for all our building.

The original 2006 planning permit included future flood mitigation earth works and the amendment in 2015 recognised that flood mitigation earth works had been completed.

*Comment: The future 2006 permit did have a sound future flood mitigation ruling. It's a misleading falsehood and negligent deception that the C151 2015 report had acknowledged that the earth works had been completed in accordance with the VCAT 2006 ruling. The omission is that Rivervue was a proponent of not wanting to comply with the 2006 VCAT ruling and thus desired to grossly increase the flood probability to suit their building plans. That is the entire point as to why we were flooded!*

We understand this story may cause concern for residents, particularly those who have been impacted directly, and we express our sympathies for any undue stress during this period. *This is another example of running an agenda of negligent deception and hoodwinking the residents just to protect their calculated and fraudulent activities. I understand that negligent deception is a crime in Victoria and directors and on-site shadow directors are liable in law.*

Our team continues to push forward with restoration works and welcoming back residents remains our number one priority.

Following the return of residents, our next steps will be determined by the outcome of the flood review by Melbourne Water. *There are about 46 villas that are uninhabitable by design, and the reality of less than 50-year flood events. These ought to be demolished and compensation paid. If a 100-year flood turned up, then many more villas will go under.*

We look forward to restoring your community as soon as possible.

Regards,

██████████

**General Manager, Retirement**

[www.rivervue.com.au](http://www.rivervue.com.au)

[admin@rivervuebytigcorp.com.au](mailto:admin@rivervuebytigcorp.com.au)

Clearly the management are becoming increasingly worried about where all this mess of their own doing is going to end up. The reputation of Rivervue is definitely not well or thriving in the market which impacts residents' wealth due to the onerous contracts in place. Given the AGE report of 16<sup>th</sup> May 2023, which shines a light on nefarious behind the scenes of government meddling through FOI documents, MW's goose looks cooked, and their reputation and competency is in tatters. Mr Wimbush has a great deal to answer as well plus the interested parties that forced the 2015 disastrous and evil conspiracy to remove the LSI0 from Rivervue.

#### Other general comments

I wouldn't assume that the mitigation earth works are a dead issue because the professional sign offs and actual FFL's need to be confirmed by documentation, examination, and measurements by authorities. I contend from observation of facts that the earth works are not as they should have been by design even though the design is fundamentally flawed, so some inspection is needed.

In any event how can Tigcorp point to the earth works in their MW review submission on one hand then deliberately design a village that has no relationship to a flood plain safety level? It's a non-sequitur and an act of bastardry.

Remember the incompetent and flawed TIGCORP design AHD is 5.85m (so that they could fit the uppers along Redgum without providing a rope ladder for the residents access to their front doors), MW AHD is 6.0m (this is also a deliberate act of MW in 2016 to reduce the site AHD from 6.6m down to AHD 6.0m contrary to the 2006 VCAT decision) and VCAT 2006 requirement (which was overturned by Wimbush in 2015: C151) was 6.60-6.85m + 600mm freeboard = 7.45m. Therefore, my FFL being designed as 6.4m (actual MW measured as 6.35m) is by normal circumstances, before the forces of evil contrivances, 1.10m too low. This is about the same issue with all flooded residences. **This is a scandal of immense proportions** delivered by government utility. The Andrew's government also is on record of not being interested in obvious mitigation engineering solutions (weirs) to safeguard the residents. Does anyone care?

I am amazed as a private individual, that an eminently sensible ruling by 2006 VCAT on flood mitigation can be squashed by a recommendation from a panel of only one person who didn't apply basic engineering analysis to a proposal that was guaranteed to fail just on historical flood measurement data alone. Massive waste of public funds that achieved the inevitable and predictable disaster that occurred last October.

Rivervue refers to the earth works and mentions the swales being engineered. Swales is just a fancy word for shallow ponds and are used to return run off back into the river and play no part in flood mitigation in this instance.

The ponds played zero effect in our flood event and even if they were empty (they were full) on the 13<sup>th</sup> of Oct. then they would still have zero effect on the extent of the flood.

So, in summary, **we are built on a flood plain** that has existed since Jesus was centre half back for Jerusalem and was recognised for 144 years until corruption through ██████████ agency being a 1-man panel and chairman of himself got involved to pander to commercial interests and greed. I have read recently in THE AGE; ██████████ is on record as saying that he had a lot on back in 2015 and the realignment of the flood plain was only a small job; so small that historical recorded measurements of major floods would have stopped the panel's work dead in its tracks at Rivervue. But that didn't happen because it didn't satisfy the objective.

Not only that, the 144-year-old 1:100-year flood plain that was extinguished from our site building footprint is even worse because we experienced only a minor 1:50-year flood courtesy of MW having a 6.0m AHD which is their new post 2015 1:100-year datum applied to the site! Go figure. **This means to my mind that a 1:50-year flood line is further up the hill than the new MW 1:100-year flood line as evidenced of what happened!!**

**What a complete and utter scandal.** The residents were constructively deceived into entering 99-year leases for homes built on a swampland by negligent deception by the Tigcorp directors. Meanwhile Tigcorp has pocketed all the money and have caused the wealth of at least 46 resident's homes to evaporate with the resident's owing the owner the capital loss incurred. This is a criminal action deliberately contrived by Tigcorp directors in full knowledge of their actions.

**How possibly can zoning data be left as incorrect since 2015 shows that MW is a loose cannon with community interests at Rivervue being the losers.**

I think that sums up the ineptitude and breath-taking incompetence of sleepy old MW to be adequately equipped to stave off money hungry developers whose unconscionable conduct and indifference to people's lives and wellbeing has resulted in the disaster at Rivervue.

The other incredible revelation I read recently is MW's admission that their modelling is based off 1986 data! Certainly, MW must have some technical modelling capacity, but it is seriously disconnected to reality, or grossly mis-managed by superiors. Reason: **It failed to predict a 1:50-year flood which destroyed our villa last October.**

This is an indictment to the governance of MW by the directors that everyone is fat, comfortable, and asleep at the wheel. I would have thought that every time a development is approved along the catchment area, standard procedures would demand a new model would be run to estimate the effect of increased run off into the river. This ought to be the priority before any permits are handed out. If it is actually the case that modelling is a continuous activity, then there is something seriously wrong with it or is it just a case of garbage in computes to garbage out? This would indicate there

must be other data gathering misgivings into the modelling. **A complete technical audit of this massive engineering system failure must be conducted.**

Think about the hundreds of broad acre farmland and thousands of high densities homes up the Sunbury, Lancefield area that is becoming high density housing as we live and breathe. I would guess within 2 or 3 years, global rain increases and lack of ground absorption, we will experience floods on a regular basis; maybe 2–5-year frequencies. So, what is physically happening other than a dubious MW review talkfest, the results of which (there's nothing to see here due to the terms of reference inadequacy) will probably not be known before the next flood?

As a minimum the MW Chairman needs to resign and the lightweight MD [REDACTED] who can't think past modelling software as some kind of only solution to future floods, needs to go immediately and get some practical management with the required vision and experience instead. **Immediate engineering mitigation action is required with the river management.**

MD [REDACTED] gave a 30-minute presentation on getting their modelling right at a community forum back on 15<sup>th</sup> December 2022 straight after the SES GM, [REDACTED] gave a minute-by-minute explanation of the 4 days preceding the flood. **This ultimately caused the police to abandon the meeting in uproar** because [REDACTED] described a complete keystone cops' comedy of what all services were doing and completely dispelled any confidence in MW's modelling ability (Now we know it is 37 years old) or emergency services efficacy. The meeting has a video record of events and it's worth observing and wondering what sort of mind set people in authority bring to a devastated audience. Even as the review is getting underway, MW's MD is banging on about modelling. She is carrying on like the mayor of Hiroshima because it clearly has not been a priority as a management tool for 37 years and even if after someone eventually produces a revised model, it is a rear vision view of real time events; gosh, we got that wrong again, let's do some more modelling! Surely there must be some testing and stress protocol to continuously improve modelling accuracy to keep pace with current and future planned developments along the entire catchment area.

A complete audit and strategic review need to be done at MW to ensure that they have the necessary leadership, vision, and know-how to manage a river asset that is forever affected by development and weather changes. It is not just about collecting rates. MW must ensure that it has a strong and experienced board in place. Weather changes are an imminent and evolving threat to anyone living near the river unless MW and the government grow some balls and actually do something about physically fixing the river and provide a solution to the future challenges that confront the river safety. Modelling which will be the flavour of the months ahead won't provide anyone with a feeling of safety, it's only a tool for practical people with the required experience to re-engineer the water flow management.

Did MW run their modelling in the days up to the flood event using their automated rain data equipment, if so, what was the result because it was only a 50-year flood event?

Rivervue was not even on the sandbag list because it was not considered to flood even though we had a 1:50-year event. Our taxes at work and complete system failure!

How incompetent of the authorities and it can clearly be sheeted home first to MW, then a long line of players in the entire chain of building the Rivervue site **not only on a flood plain, but 1.05-1.10m under water** (below what is required) by a sinisterly flawed and calculated design premise to cram as many terraced villas as possible onto the site.

So, it was a flood plain from 1871 but magically with no mitigation works, (*technically*) ***it's currently not a flood plain*** since 2016 but ***in reality, it is a flood plain and the subsequent built villas from 2017 are all uninhabitable, so substantial compensation must be paid.***

**Please note that the 2015 Wimbush fiasco had its origins in the developer Tigcorp suggesting that the LSIO be removed from their Rivervue site (AGE, 16 May 2023).**

Strangely, operational management and all sales staff at Rivervue for months have strenuously denied that they have built on a flood plain. Furthermore, a TIGCORP spokesperson was also previously reported in the AGE that they had all relevant approvals and had not, nor would they ever build on a flood plain. It's a tangled web of deception and lies on a massively expensive scale sheeted back to the Rivervue/Tigcorp directors and shadow directors.

A consequence of the flood is the category 3 black water contamination of the concrete floors of all the affected villas. Concrete is well known to hold water especially in slab constructed homes directly resting on a plastic membrane on the ground. Unless professional assessment is done on the floors in measuring dampness and growing cultures in a laboratory from the moisture extracted from within the concrete, then all residents are exposed to future mildew growth and toxic health hazards coming alive and growing randomly at some point in the future. Certified toxicology reports need to be supplied with each repaired villa at hand over. It's not just a future flood worry but poisoning of the air we breathe. Rivervue have said that they have these reports but again they play hard ball to residents to ever sight one for some reason only known to themselves.

Below is the certification regime that confirms the following (but not yet at hand): -

1. Copies of Clearance Certificates provided by the Occupational Hygienist for each villa.
2. Confirmation that the Occupational Hygienist applied best industry practice including IICRC S520 for water damage and S500 for microbial growth. Samples

have been sent for a laboratory analysis over and above a mere visual inspection.

Note that the standard of restoration - the conformance with 1. and 2. above is absolutely necessary given that:

- a. Homes were inundated by Category 3 Black Water.
- b. Homes are occupied by an elderly vulnerable cohort.
- c. Rivervue's obligations arise from its duties of care under the Retirement Villages Act, and because it holds itself out as an accredited village with a certified code of conduct.

## MW Duty of Care and professional Accreditation Certificates (AS/NZS)4801

I wonder how all this incompetence even at the Rivervue site fits into MW accreditations and corporate capability policies, and director's vision for the corporation?

I note that key management aspirations in the last year's **2022 annual report** released just before the flood event, has **gone massively pear shaped** because the organisation has been found wanting and asleep at the wheel. Also, the values statements of care, integrity and courage also need some major attention.

**In summary we read just mere feel-good words in a beautiful glossary magazine that are an embarrassing testament to MW failures in the extreme.**

I note that the current webpage **Corporate Capability document** published by MW is from the **2013 annual report. Is this a reflection on the capability development that the director's believed to be adequate?**

**It's a red flag major non-conformance of breath-taking proportions.** If MW is on the ball, they should have by now raised a major non-conformance on themselves for not updating zoning areas that have changed and all the aforesaid incompetence. I wonder if anyone has been sacked to date?

I suggest that the PE ask for MWs annual AS/NZS accreditation auditing results which should identify poor system performance if it's any good. This should highlight many opportunities for improvement.



Closer reading of the VCAT 2006 ruling, shows that **MW didn't do the modelling at all or object to the data that was apparently modelled and presented by a consultant [REDACTED] [REDACTED]!**

MW is a \$2 billion enterprise, and they rely on some tiny consultant to crank up his lap-top and churn out nonsense at no doubt great cost? Simply this doesn't pass the pub test but fits perfectly into the lazy government methodology and the way they roll.

Does MW have any commercial competency or technical abilities in house (I hear that the main modeller has resigned since the flood) to the extent that they allow themselves to be compromised by consultants? Nothing tries harder than self-interest, and MW have been played like a violin by consultants and the property developer in this instance.

Why did they not use their then only 20-year-old modelling tool back in 2015 to do some sanity checks on proceedings? If they did, why weren't the alarm bells ringing? Appears to be lazy administration verging on no administration competency at all unless internal coercion was present. Why didn't somebody at MW simply review the historically measured flood data since 1871 and realise that the entire purpose of realigning (removing) the LSIO was a complete folly and not possible because of the AHD targets? This would have saved lots of public money paid to foolish consultants and a lot of misery down the line. Why did the developer not realise this fact and abandon the project, or maybe he did realise and thought nothing of it, so took the risk?

In 2015, the only objections against Rivervue, came from [REDACTED] and [REDACTED] who considered the flood level AHDs were too low, but a [REDACTED] argued that the objector's calculations were incorrect, and MW had a conservative datum (but I can't see what it was at the time, maybe 6.6m AHD but mutated to be 6.0m which is the problem). This all is academic mutual naval gazing and clearly it blew up in their faces, but the point remains that if the site was built to the VCAT directive of 6.85m + 600mm, then there would never have been a flood at Rivervue and **MW are directly culpable as the responsible authority for what has occurred.**

This would also mean that the houses along Bluegum and Evergreen would never have been built either and the villas along the east side of Redfern would be on stilts! Just showcases what greedy developers are prepared to do and fraudulently pass off uninhabitable home's worth about \$1 million each without any qualms then deny the bleeding obvious in their submission to the MW flood review.

Why was Rivervue allowed to consider their site as a normal building site after the LSIO was extinguished only by the stroke of a pen by inept and incompetent public servants? Does anyone realise that upstream development will always impact on downstream flooding probabilities with the passage of time?

**Why was Rivervue allowed to design these villas with a 5.85metre AHD?** This is both outrageous and scandalous and completely inexcusable.

The formal Rivervue review submission has been carefully crafted to wallpaper over their glaring culpability and even the shortcomings on the day. There was not even a roll call conducted of 46 villa residents.

Tigcorp even have the temerity to point the finger at the VRC wall and ask that MW commence some flood mitigation engineering works in their MR flood review submission!

There was no emergency procedure on the day that anyone could refer, no management showed up until it was all too late despite the comforting picture they paint in their submission. To their credit and our gratitude, Rivervue did arrange some temporary emergency accommodations, but this stopped from 2<sup>nd</sup> November 2022. We are now approaching 8+ months of self-funded accommodation. We all bought 99-year lifestyle leases which means a lifelong commitment to be housed but the owner's failure to properly obtain suitable insurances has forced the costs on his tenants. This is a failure of a company director/s and is a serious matter. The root cause of this failure of adequate insurance is that the insurance industry recognises the extensive flood plain that dozens of villas have been built since 2017 and points to the massive fraud that has been committed.

Some residents have requested the procedures and other appropriate village lifestyle documents such as insurance coverages for about 18 months now, nothing is ever forthcoming leading us to believe none exist and procedures are only now being prepared but not until June 2023 or, they don't want us to see them as evidenced in only a laughably inadequate \$5 million flood coverage for a site valued over \$85+ million. We were assured that the insurance coverage was the best available on the market although incredulously at the same time we were told that another 13 insurers declined to provide insurance. Recently, it is understood that there are difficulties attached to reinsurance after the current policy expires on the 30<sup>th</sup> of April 2023. Clearly the reason for this concern is because the insurers recognise a flood plain when they see one. The new insurance at the time of writing is still an inadequate \$5million for a site value that now has even more built villas but a higher premium to be paid. How can this be tolerated?

Pity the authorities are so inept and incompetent that as a collective of box tickers, nobody had the balls to challenge what was going on.

One has to observe the management performance over several years to conclude that the Tigcorp model is not fit to be involved in the retirement village business. They need to be audited by the ATO on their business reporting which is questionable on matters of concern by the residents. Equally their sales practices as a matter of personal experiences are involved in creating false expectations of deliverables at the point of leasing the properties. Also, since the flood it has become self-evident that the contractual obligations are grossly unfairly skewed in the owner's favour due to their knowledge of the flood plain history of the site and subsequent non-disclosures and constructive deceptions when asked about the flood concerns. The ACT that controls retirement villages is very weak which allows unscrupulous providers with a poor moral compass to roort their customers unfairly, both entering and exiting a lease.

I contend that given the intricacies of confused and tunnel thinking of the C-151 report, the flawed conclusions, inept chairmanship and the fact that Rivervue were proponents for the report to achieve its purpose of extinguishing the LSIO, then the Directors of Tigcorp must face the judiciary because they were fully aware and set a course to fraudulently sell 99-year leases to innocent people **through constructive entrapment aided by unreasonable contracts due to their knowledge of the site always being a flood plain and it is self-evident that it still is.** Nearly every neighbour I have questioned asked questions about flood safety prior to signing contracts and to a man we were

deceived under the guise that all earthworks had been completed to a safety standard. No such earthworks were put in place.

What is the PE's recommendation about this matter?

Equally concerning is the site storm water drainage design which is a potential death trap for elderly folks in the under buildings. The reason for this is the strong backflow from the flooding river directly forcing waterspouts into their enclosed rear patios. There are no one-way safety valves installed and astoundingly, MVCC's [REDACTED] has written that the design and control of the storm water system is a Rivervue responsibility. I would strongly suggest that the water entering a river is very much the council's area of concern and again is a massive failure of professional responsibilities. The trouble is with this type of bureaucratic learned helplessness is that Rivervue has a sustained track record of not accepting any fault that may cost them money.

The drainage design could not possibly comply with the appropriate SBO that is in place because there were large water sprouts coming through high ground drain grills.

This is another significant example of many concerns of major proportions with the Rivervue building complex that management don't understand what they are doing or worse still, may fully understand what they are doing! The Parliamentary Enquiry can make their own choice on this matter.

I believe the technical facts and commentary presented here are compiled in good faith and hopefully it puts the situation into some perspective from a distraught resident whose retirement and life has been greatly affected to the extent of requiring medical support for my wife and myself.

I am personally aware of several of my neighbours also are suffering from financial and emotional stress at the hands of all these dreadful folks that have created this entire mess due to greed, incompetence, and corruption.

## Commercial Considerations

1. Failure of adequate village insurance of only \$5million. This was never disclosed until the flood event occurred. Prior to the flood there was never any consultation discussion with either residents or the RRC regarding insurance despite some residents repeatedly asked for a copy of the policy over a period of about 18 months of refusals by the managers at Rivervue.  
The contract states that the owner is to take cover as he sees fit. This means that their mitigation for loss was a failure. Section 19 is in conflict to section 35 in the contract in terms of accommodation. In the industry, to only have \$5million insurance for a site value in excess of \$85+million is laughable and a failure of Directors' obligations to adequately protect residents.
2. Why were the buildings built on a flood plain in the first instance? Clearly commercial greed.

3. Contents insurance disclosure. Probably a collective policy should be made available through the corporate fees for all residents to support just like the emergency phone line, which is another story of incompetence by itself. Clearly as a lesson learnt, all resident's must be forced to take out suitable contents and accommodation insurances because the owner is not able to discharge his responsibilities due to the flood plain.
4. The matter of compensation needs careful consideration. Such things as buy outs, contents insurances, pain and suffering, life expectancy, destruction of personal property wealth due to fraudulent leasing conspiracy by the owner.
5. The salespeople when questioned by me in 2017 about the flood plain went to scrip that Tigcorp had done all earth works and mitigation works to prevent any flooding, however the recent community flood meeting at Rivervue heard management say that they had built on a flood plain. This was hastily refuted by [REDACTED] as a mishearing of all present and the same person has stated in a village email on 17<sup>th</sup> April 2023 that all earth works had been completed to the VCAT 2006 ruling prior to Rivervue purchasing the site. **This is negligent deception and a complete constructive falsehood.** No such earthworks were ever done according to the 2006 VCAT ruling because had they been completed; we would never have experienced the flood. This indicates that the management and Directors must be very worried about their past naughty activities. One resident has prepared a statutory declaration to attest to the admission by Tigcorp [REDACTED] (attached below), that indeed the lower villas are built on a flood plain.  
The MVCC employee assigned to the Rivervue site was present at the subject meeting and confirmed to me that [REDACTED] did admit that they had built on a flood plain. Everyone knows it to be true and Tigcorp management are deceptively in denial of the fact.

### Summary of TIGCORP role resulting in the flooded villas.

1. Tigcorp bought the property back in 2006 and went through a series of trading names.
2. Tigcorp needed the LSIO removed from the site to maximise their land banking investment.
3. The 2006 VCAT ruling was a problem and prevented the construction of terraced villas, so the LSIO needed to be removed from the building footprint.
4. Tigcorp used its considerable influence to coerce MW to be proponents of a MVCC panel to realign the 100-year flood line along the river not confined just to the Rivervue site (smoke screen).
5. The Wimbush panel ineptness and weak and selective study resulted in the LSIO removed from the building footprint.
6. The new MW 1:100-year flood line exists with no scientific or engineering basis. It's just a line drawn on a map to suit vested interests. The gazetted line is a scandal in itself.
7. Tigcorp through BMDA consultancy supported and asked for the LSIO to be removed.
8. With the removal of the LSIO, then the flood plain was deemed to be a normal building site and only needed to comply with non-flood affected building codes. This resulted in a design datum of 5.85 metre AHD and is shown on approved plans endorsed by MVCC.
9. The SBO which encompasses drainage systems resulted in a complete failure at Rivervue.

The extensive detailed discussion above and the summary above, guaranteed the inevitable flooding of the village because it is simply built far too low on a flood plain with no mitigation margin of safety existing whatsoever.

The site cannot sustain God's laws of physics and weather patterns and we collectively are contractually trapped in our villas and waiting for the next flood event which any reasonable person would now realise will occur probably sooner than later.

Meanwhile we have a clueless MW management utterly exposed to the incompetence and failure of duty and care. Total technical failure to know where the true 100-year flood line is located. I suggest it goes back up the hill to Redfern Avenue. Even the 1:100-year flood line back in 2006 was manifestly inaccurate and too low because it basically predicts quite accurately a 1:50-year flood of last October. MW have no idea were a real 100-year line exists in real time.

Failure of the ACT that controls residential retirement villages and allows unscrupulous developers to get away with fraud due to (at least) non-disclosure of important information.

Tens of millions of dollars of worthless properties bought as a result of fraud at Rivervue.

Professional and culpable failures of MW, MVCC, civil engineers and architects that created the Rivervue village on a flood plain, but most notably, the TIGCORP Directors who have conspired and overseen the fraudulent sales of 99-year leases with the full knowledge of what they were doing and the training of staff who all vehemently deny that the flood plain even exists.

These directors had intimate knowledge of the LSIO and therefore had the advantage of how the leasing contracts needed to be written in their favour. This is constructive entrapment for those who were deceived into entering the village despite going through due diligences about living near a river.

Any reasonable person would make the same erroneous conclusion to buy into Rivervue when presented with the published data on the site as a result of the collective collusion of government bodies and the developer.

## SUMMARY OF MW FAILURES.

- a. It is apparent that the 1:100-year flood line that existed in 2006 was nowhere a true representation of the actual real time flood line because it quite accurately predicted only a 1:50-year flood.
- b. Being a proponent to the Wimbush panel to shift the inaccurate 100-year line another 70-80 metres closer to the river is criminal incompetence and neglect.
- c. The new 100-year line produced in 2016 is a fraud with no technical merit.
- d. The gazetted 1:100-year flood line is an even more serious fraud and deception to the public.
- e. Failure of flood warning system. Rivervue was not even on the sandbag list.
- f. Failure of adequate technical staff and work methods to manage a river catchment.
- g. Failure of the Board to impart their responsibilities on the organisation.
- h. Weak senior management that don't seem to have the relevant experience and business acumen required in today's commercial world.

## What is it that I want this Parliamentary Enquiry to address?

I have 14 points of vital interest that must be addressed: -

1. Safeguarding the Maribyrnong River catchment along its full length by Government.
2. Immediately build enough appropriate retarding and mitigation works to manage the increased run-off from massive housing developments along the up-stream areas of Sunbury to Lancefield.
3. Strengthen the ACT controlling retirement villages (especially disclosures of importance) to prevent rogue developers repeating another Rivervue corruption disaster. Drive out unscrupulous operators from the industry. A Royal Commission seems to be appropriate for the industry. It needs to be Australia wide.
4. Deal with the issues of insurances over the Rivervue site: both buildings and flood cover. It is feared that the site may not be able to get appropriate insurance which would leave the owners, or any other business stranded to legally operate the village.
5. Correct the 1:100-year flood line which would be more onerous than the original 2006 – VCAT flood line datum for building guidelines to safeguard the site.
6. Ensure that the strengthened SBO requirements are applied to the Rivervue storm water drainage system.
7. Ensure that any buy-out proposal truly reflects all the sustained losses not just limited to financial and emotional wellbeing but to the full extent of the law for Rivervue residents.
8. Ensure adequate compensation is available to those who have been fraudulently affected by the failure of Melbourne Water, MVCC and the scheming developer. Failure to do so will attract a massive class action if the quantum is insufficient. This would destroy Rivervue and impact those residents who were not affected by the corruption of the owners.
9. Ensure adequate compensation to all residents affected in the Maribyrnong district and downstream to the bay exit. MW is the culpable entity that has presided over the disaster.
10. Consider referring the events at Rivervue to the Attorney General for criminality of Directors and shadow directors.
11. Referring responsible managing personnel of various government enterprises that caused this catastrophe, to the Attorney General investigates any criminality.
12. Determine if it is proper that MVCC rate the swampland where all these villas have been built. All historical rates should be reimbursed. Future rates to be challenged for appropriateness. Order MVCC to review the rating formula for land that is a swamp. How can swampland be rated for value?
13. Compensation should be paid to those affected residents and not be subject to exit charges against their individual contracts at Rivervue.
14. On what basis can a sensible VCAT ruling for flood mitigation safety, be squashed at the hand of a one-man panel with an agenda to obliterate an inconvenience of a LSIO over a gazetted flood plain? This needs serious investigation and countermeasures in place to prevent future corrupt manipulation as has been witnessed.

## Other testimonies and supporting documents.

### A. Impact statement from [REDACTED].

I am writing to express our disappointment at not being told that the land on which Rivervue Retirement Village was being built on a flood plain. if we had known this, we would not have bought into this Village.

Assuming the fact that we did not have contents insurance, we were disappointed by the amount of assistance not provided not even with the removal of the carpet which we had to arrange ourselves. We are sure that it will be appreciated that a sudden stressful situation which we were faced with notwithstanding the fact that we lost a lot of our belongings which are not replaceable, we were fortunate enough to be taken care of by family instead of being offered temporary accommodation for a few days at a time and having to move every now and then which would have added to our stress at our age although we were not happy putting them through financial and emotional stress as a result of having to look after us. We are now living at a rental accommodation until we can move back to Rivervue. We were also disappointed to know that there were no contingency plans in place to manage a natural and unexpected disaster such as this in view of the fact that it has happened before. Also, we are very confused what came under structural and contents as we were under the impression that floor coverings such as carpet came with the building as at the time of purchase, we were not made aware that we had a choice. As a result, this has caused unnecessary confusion and expense due to the lack of clarity.

We decided not to insure as we were unaware that there could be a flooding situation some time.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

B. Impact statement of [REDACTED].

Flood Memories. Author: [REDACTED]

The evening prior to the flood, 13<sup>th</sup> October 2022, I took a photo of how peaceful the view was from our patio as several people had contacted me to ask if we were safe due to flood warnings. All was as usual.

At 6.43am the next morning, 14<sup>th</sup> October 2022, my husband [REDACTED], and I were lying in bed watching television that was announcing that the Anglers Hotel had been flooded along with other streets near the river when our doorbell rang. I opened the front door to see my sister [REDACTED] running from our house. When asking what was wrong, she answered that I should look out the back as she kept running.

Going inside I looked out the back window leading to our patio and the shock I felt as here was the river, right near our patio, already over the gardens and park that had been built on the flood plain. I yelled to [REDACTED] and then went out to pick up our little dog Zaidee's ashes that were encased in a rock on the patio, we had lost her six weeks prior, she was the first thing I thought of to rescue. Panic and shock were setting in as we hurriedly packed a small bag with passports and important papers plus changes of clothes, all the while hoping the river would stop its' relentless advance and the tide would turn.

By 7.08 it had reached halfway up the gap to our patio, and we knew we were in trouble. We started throwing clothes into both of our cars then piling furniture, mats, whatever we could up as high as we could.

By 8.30 the muddy water had reached our patio and at 8.37 was lapping over it. I kept running back to take photos.

At the same time the drains in the front street (Evergreen) had failed along with the next street (Blueridge) so we were being swamped from both the front and the back, so terribly frightening.

[REDACTED] drove both full cars up to higher ground as I kept moving belongings as high as I could.

By 9.06 am we realized that we had to get out and we waded out in mud and water that was above our knees and icy, we couldn't see the ground and I kept thinking "Don't fall over". We went to the Rivervue Community Centre along with everyone else affected, full staff had not yet arrived, but [REDACTED] the Sales Lady was there and trying to help us all along with my sister [REDACTED] and other unaffected residents. Seeing my sister, I cried and cried as did she. [REDACTED] told me she had looked over her balcony in the apartments, saw the river and ran to try to alert us all. That was the only warning we had, thank God for her or we would have been still in bed watching the television when the water hit the villa and not had time to pack anything. Forty-seven Rivervue villas were damaged by the flood, all in a supposed safe area not a flood plain.

The shock and trauma I have felt since has been horrific, I have had anxiety attacks and severe depression. [REDACTED] and I have been moved five times, Tigcorp who own Rivervue paid for five nights in Quest Maribyrnong, two nights at the Sebel Moonee Ponds and Aligned Corporate Residences Williamstown until 2<sup>nd</sup> November 2022 when they had to cut us all loose due to only having \$5 million insurance to rebuild. We went to Quest Maribyrnong again on 14<sup>th</sup> November on our Contents Insurance for several weeks and from 1<sup>st</sup> February 2023 we are now in a rented furnished home in Diggers Rest until our villa is repaired. It has been nearly eight months already with no finished date in sight. We live surrounded by boxes of our possessions and feel alienated.

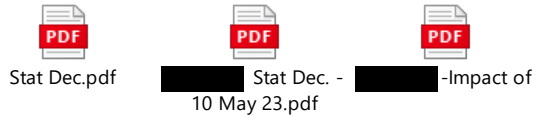
The worry for me is that it could happen again, every time it rains, I agonise over the river rising. I know, at aged 77 I cannot go through this again. We were assured when we purchased our villa that



we were not on a flood plain and we were safe, well we were not safe, and I doubt I will ever feel safe and normal again.

C. Statutory Declaration and Impact statements from [REDACTED]

These documents refer to misinformation about building on the flood plain that Rivervue constantly feeds the residents. Draft PDF is for clarity and the other is the executed document. The third document is an impact statement.



D. Some flood photos

Coming into my garage from the flooded street. Note that the garage FFL is the same as my inside FFL. The street was fully flooded before the water entered through the back of the villa facing the river! This is due to the faulty storm water drainage design resulting in large waterspouts entering the roads and under villas' courtyards and non-compliance with a factual SBO.





Early morning wake up. Looking out to the river (from my rear patio) which is normally about 200m away in the distance. The front street was already flooded by this time due to waterspouts from road drainage grills.



Creeping into the rear of my villa. The actual height of water inside was about 125mm after about 30 minutes.

Please note that the street in front of my house was flooding (refer to garage photo) due to waterspouts surging back up the drainpipes at this point in time. Where you see the water's edge in this photo is roughly the Wimbush 1:100-year flood line according to MW. However, what you are looking at is a 1:50-year flood. Please explain!

Furthermore, the actual gazetted 1:100-year flood line is about 4-6 metres closer to the river behind my fence. INCREDULOUS!!! The land falls away steeply behind my fence line. You can see the top of a shrub that is about 1.5 metres high behind my fence.



Evergreen Avenue in front of my villa before the flood entered my villa.

[REDACTED]

[REDACTED]

[REDACTED]

2nd June 2023