

Deciding to leave flood mitigation infrastructure unmaintained

Guidance Note 17.1

Introduction

This Guidance Note is intended to help Local Government Authorities (LGAs) to determine whether or not existing flood mitigation infrastructure should be brought under formal management arrangements. It does this by:

- defining the challenges associated with the formal management of existing infrastructure
- reiterating the current policies surrounding the management of such infrastructure
- reiterating the government's investment criteria for restoring or upgrading such infrastructure
- outlining a process for satisfying the government investment criteria.

The challenges associated with the formal management of existing infrastructure

A commitment to bring existing flood mitigation infrastructure under formal management arrangements creates an obligation to maintain the infrastructure to contemporary standards. Changing the management arrangements will therefore have financial and non-financial resource implications, which need to be analysed to determine whether the benefits of the proposed new arrangements exceed the costs.

Current policy

Under Policy 17C of the Victorian Floodplain Management Strategy:

- Flood mitigation infrastructure outside Melbourne Water's region that is not currently subject to formal management arrangements will remain that way unless the relevant LGA (through a Regional Floodplain Management Strategy or local assessment) determines that the infrastructure should be brought into formal management arrangements through a Water Management Scheme or other appropriate arrangements.
- The costs of restoring or upgrading existing flood mitigation infrastructure to bring it into formal management arrangements will, if it meets the

government investment criteria (Section 17.2), be shared equally between the Australian and Victorian Governments, and the relevant LGAs.

LGAs are not compelled to bring existing infrastructure into formal management arrangements, and they are not compelled to use Water Management Schemes as the vehicle for formal management.

Government investment criteria

As outlined in section 17.2 of the Victorian Floodplain Management Strategy, the Victorian Government will only invest in building or upgrading flood mitigation infrastructure where the primary community benefits are the protection of:

- human life and safety
- community safety, by ensuring major evacuation routes are maintained
- community welfare, by ensuring the continuity of social services, particularly those provided by public infrastructure
- existing dwellings, where it is only feasible to protect them through collective action.

Decision-making for LGAs

At the most basic level, any decision to take on formal management of existing flood mitigation infrastructure revolves around an understanding of the answers to two key questions. These are:

- What would happen if the LGA did take responsibility for formal management?
- What would happen if the LGA did not take responsibility for formal management?

If the answer to these questions involves impacts on human life and safety, community safety, the continuity of community services, or damage to existing dwellings, then further consideration is warranted. Legal advice, along with advice on insurance implications, should be part of those considerations. It is important to note that, if further studies are required, they may be eligible for cost-sharing with the other tiers of government.