



Legislative Council Environment and Planning Committee

Hearing Date: 11 October 2023

Questions taken on notice

Directed to: City of Melbourne

Received Date: 2 November 2023

1. **Ryan Batchelor, page 33**

Question asked to Evan Counsel:

I might just go to Fishermans Bend. I raised it with the department earlier. Obviously in my region I am interested to make sure that the development we get there is best practice. You mentioned a framework, which I did not catch the name of, that is designed for greenfield sites but not for urban renewal. I did not get the name of it. Who is responsible for it, and who do we need to get to change it to be appropriate to your circumstances?

Response:

We were referring to the Municipal Urban Stormwater Institutional Arrangements (MUSIA), of which Melbourne Water is the responsible authority. These arrangements are often referred to as the “60 hectare rule”, a convention established by the Melbourne Metropolitan Board of Works in 1927 with the intention it would only be used for constructed drains.

MUSIA is currently being reviewed by Melbourne Water and formalising a 60 hectare rule is their preferred option and current approach when providing direction to councils on flood asset management. While this can work well in greenfield development, it is not appropriate for urban renewal where more complex and interconnected flood infrastructure is required.

We recommend that Melbourne Water considers flexibility in this rule when developing flood and drainage asset delivery and ownership policy in Fishermans Bend, Arden and Macaulay.

2. **Samantha Ratnam, page 36**

Question asked to Evan Counsel:

...I understand C384, which updates your inundation overlays, is currently in the review stage. Do you have an update on where that is up to?

Response:

Amendment C384 seeks to update and, with respect to some properties in the municipality, to introduce the Land Subject to Inundation Overlay (LSIO) and Special Building Overlay (SBO) to land identified in the Amendment as being prone to riverine flooding and stormwater drainage flooding, respectively.

On 3 August 2021, Council resolved to request authorisation from the Minister for Planning to prepare and exhibit Amendment C384. On 18 August 2021, under delegation from the Minister for Planning, authorisation of Amendment C384 was granted. The Amendment was exhibited under section 19 of the Planning and Environment Act 1987 between 14 October 2021 and 29 November 2021, 43 submissions were received during exhibition.

On 2 August 2022, Council resolved to refer all submissions received to Amendment C384 to an independent planning panel. The panel hearing was held during October 2022 and provided its report late December 2022. The panel supported the Amendment C384 and relevant flood modelling, without changes to the proposed extent of the flood overlays.

However, the amendment is currently on hold due to legal proceedings. In February 2023 an appeal at the Victorian Civil and Administrative Tribunal (VCAT) was brought by two joint parties, submitters to Amendment C384, alleging procedural defects at the panel hearing. On 14 August 2023 the tribunal issued its decision to strike out the appeal because it was lodged outside of the statutory time period. In September 2023 the joint parties lodged a notice of appeal with the Supreme Court. A directions hearing was held on 18 October 2023 with a Supreme Court hearing listed for April 2024.