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Witness Statement

in response to the second request to produce a witness statement
by the Board of Inquiry into the McCrae Landslide

I, Paul Rees, in my capacity as Manager, Peninsula & Westernport at Melbourne Water Corporation of 990 La Trobe Street, Docklands, Victoria 3008, say as follows:

1. I make this statement on the basis of my own knowledge, save where otherwise stated.

Describe Melbourne Water's responsibilities, powers, duties and functions as the catchment management authority in respect of McCrae, including by reference to any applicable legislation or regulations.

2. On 1 January 2022, the former Port Phillip and Westernport Catchment Management Authority integrated into Melbourne Water. From that date, Melbourne Water became the new Catchment Management Authority for the Port Phillip and Westernport region, which includes McCrae.
3. Melbourne Water's functions as Catchment Management Authority are enlivened where there is a catchment within Melbourne Water's catchment management region, where the term 'catchment' means an area which, through run-off or percolation, contributes to the water in a stream or stream system under the *Catchment and Land Protection Act 1994* (Vic) (CaLP Act).
4. Under clause 24.2 of the Statement of Obligations issued under section 19E(1)(a) of the CaLP Act, Melbourne Water is only required to advise on planning application referrals if it is listed as a referral authority under the relevant Planning Scheme, and if the issues in the relevant planning application are identified in the planning scheme.
5. As there is no Erosion Management Overlay in the Council's Planning Scheme for McCrae, there are no referrals to Melbourne Water in its capacity as Catchment Management Authority under the *Planning and Environment Act 1987* (Vic), in relation to erosion in McCrae.
6. Section 2(1) of the CaLP Act provides that Melbourne Water may prepare a Regional Catchment Strategy (RCS) for the area for which it is a Catchment Management Authority. The RCS was approved by the Victorian Minister for Water in March 2023, and is an overarching plan for how land, water and biodiversity is protected and enhanced across the Port Phillip and Westernport region. The RCS provides for management activities, highlights differences between management activities and highlights targets for the future health and resilience of the region and its environment.
7. As Catchment Management Authority, Melbourne Water must have regard to the objectives of the RCS, which is a guide that land managers consider for conservation of the region's land, waters and biodiversity so they continue to sustain and enrich life, economies, health and social wellbeing for this and future generations.
8. Melbourne Water's Healthy Waterways Strategy 2018-2028 is incorporated into the RCS, and sets out a long-term vision for the rivers, wetlands and estuaries for the region.

Describe any instances within the past five years where the Mornington Peninsula Shire Council has sought advice from Melbourne Water under the *Planning and Environment Act 1987* (Vic) in respect of the McCrae area.

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9. Melbourne Water is not a statutory referral authority in relation to McCrae as there are no Planning Scheme controls to trigger a referral to Melbourne Water in either of its statutory capacities.
10. However, over the past five years, the Council has, using its discretionary power as responsible authority, given notice of a number of planning applications to Melbourne Water due to the Council considering Melbourne Water to be an interested and/or affected party by the proposals, and due to the proximity of the proposals to a designated waterway. These discretionary referrals have consisted of thirteen (13) planning permit applications for development and five (5) planning applications for subdivision.

Describe whether within the past five years Melbourne Water has investigated, assessed or undertaken works to address risks (including erosion) in or adjacent to land and assets that Melbourne Water manages in the McCrae Area.

11. Melbourne Water is responsible for two main waterways in the McCrae area, being Waterfall Creek and Coburn Creek, as well as a few unnamed headwater streams. Melbourne Water does not own any land in the McCrae area.
12. Located on the west side of McCrae, Waterfall Creek is an entirely piped waterway within the suburb. Located within the centre of the suburb, Coburn Creek is an open waterway.
13. Melbourne Water undertakes monthly inspections of the beach outlets of Waterfall Creek and Coburn Creek (where they meet Port Phillip Bay) to ensure they are free flowing and not blocked.
14. Melbourne Water has also undertaken numerous other works in the McCrae area over the past five years, including:
 - weed control;
 - inspections (visual and CCTV);
 - repair and replacement of damaged assets; and
 - blockage clearing.

Describe whether within the past three years Melbourne Water has employed water sensors in the McCrae area and, if so, the purpose of those sensors.

15. Melbourne Water has no on-going water sensors in the McCrae area, for either water quantity or water quality. Our closest water sensor is a rain gauge at Arthurs Seat, at the Seawinds Gardens.
16. Between July 2023 and November 2023, Melbourne Water undertook a detailed water quality analysis of the Waterfall Creek catchment, in conjunction with South East Water and Mornington Peninsula Shire Council.

Dated this 3rd day of June 2025

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Signed by Paul Rees