

# Terms of Reference

## Improving Stormwater Management - Advisory Committee

15 March 2018

Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987*, to report on planning and development controls for improving stormwater management and strengthening the links between water management and urban planning.

### Name

The Advisory Committee is to be known as the 'Improving Stormwater Management Advisory Committee'.

1. The Advisory Committee is to have members with the following skills and knowledge:
  - statutory and strategic planning;
  - environmental policy and regulation;
  - urban water, in particular stormwater, related issues, policy and regulation;
  - principles of floodplain management and hydrology; and
  - principles of water sensitive urban design (WSUD) and integrated water management (IWM) and their relation to planning.

### Purpose

2. The Advisory Committee will provide advice to both the Minister for Water and the Minister for Planning.
3. Under **Part A**, the Committee will advise which types of development, of those currently not subject to the State's urban runoff management objectives<sup>1</sup> (such as industrial and commercial, townhouses and 'super lot' developments without subdivisions), should be required to manage their stormwater impacts and how this could be achieved. Draft provisions will be provided to the Committee for consultation and consideration.
4. Under **Part B**, the Committee will provide future policy directions on improving stormwater management or strengthening the links between urban water management and the planning and development system more broadly. The Committee should consider:
  - mechanisms in, or linked to, the planning system, that could be used to increase flexibility, e.g. offset schemes;
  - provisions for delivering 'place based' outcomes to, for example, implement the Integrated Water Management Plans developed through IWM forums;
  - protocols or guidance for improving compliance and implementation, e.g. guidance to encourage broader liveability (i.e. urban cooling) benefits (See Figure 1) or encourage WSUD outcomes in infill developments;
  - information requirements to, for example, require WSUD and stormwater management to be reflected in design responses submitted with planning applications; and
  - other potential mechanisms outside the planning system that could complement changes to planning provisions to improve stormwater management.
5. The Committee must also consider the potential issues and opportunities identified in the *Issues Paper for the Improving Stormwater Management Advisory Committee*, March 2018 (Issues Paper).
6. The Committee must focus primarily on planning and development controls for improving stormwater management and strengthening the links between water management and urban planning.

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<sup>1</sup> In clause 56.07-4 of the Victoria Planning Provisions

## Background

7. It is more cost effective to manage stormwater in new developments than to retrofit existing development. However, the current planning controls do not apply a consistent approach to managing stormwater across all new developments. Under the Victoria Planning Provisions (VPP) only residential subdivisions on undeveloped land and apartments are required to meet the standards set out in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). Refer to the Issues Paper for further discussion of the challenges.
8. Changes to Victoria's land-use planning system, and any other associated policies or processes, are needed to deliver the Victorian Government's stormwater policies, which are outlined in *Water for Victoria*, the *Yarra River Action Plan*, *Plan Melbourne* and the *Victorian Floodplain Management Strategy* (Background). These policies aim to improve stormwater to protect waterways and bays and create more resilient and liveable towns and cities, as illustrated in Figure 5.1 of *Water for Victoria* (Figure 1, Attachment 1).
9. The Committee's advice will form part of broader package of reforms being considered by DELWP to improve stormwater management and deliver the policy commitments in Attachment 1.
10. The Minister for Water has recently endorsed the Resilient Cities and Towns Reference Group, responsible for considering the current barriers and broader policy reforms required to more holistically address the issues and opportunities associated with stormwater management. Their considerations will complement the work being undertaken by this Committee.
11. Alongside the Government's stormwater policies, the Government's *Homes for Victorians* policy, which commits to improving housing affordability and avoiding planning delays, will also need to be considered, alongside any other relevant government policies, when analysing the impacts of new planning requirements or processes.

## Method

12. The Advisory Committee may apply to vary these Terms of Reference before submitting its report.
13. The Advisory Committee may inform itself in anyway it sees fit, but must consider the future of Victoria's urban waterways and environments if stormwater management requirements in the VPP remain as they are at present, based on currently available science.
14. The Advisory Committee may call on the integrated water management expertise of the Resilient Cities and Towns Reference Group to assist it with its work.
15. The DELWP will provide secretariat services to the Committee and release an Issues Paper to invite submissions.
16. DELWP will provide direct notice of the Issues Paper to relevant parties, including:
  - Melbourne Water, Catchment Management and Water Authorities;
  - Victorian Environmental Water Holder;
  - Victorian Water Industry Association;
  - Cooperative Research Centre for Water Sensitive Cities;
  - Stormwater Victoria;
  - Environment Victoria;
  - Australian Water Association;
  - Planning Institute of Australia;
  - Urban Development Institute of Australia;
  - Master Builders Association;
  - Housing Industry Association;
  - Victorian Planning Authority;
  - Local Government Authorities;
  - Municipal Association of Victoria;

- Victorian Building Authority;
- The Environment Protection Authority; and the
- Resilient Cities and Towns Reference Group.

17. All submissions are to be collected by DELWP.

18. It is anticipated that DELWP will arrange meetings or workshops to provide submitters the opportunity to elaborate on their written submission and explore design issues or other matters.

19. DELWP may appoint technical specialists to assist the Committee in its deliberations.

### **Outcomes**

20. The Advisory Committee must produce a written report for the Minister for Planning and the Minister for Water including:

- a response to the purpose;
- an assessment of submissions to the Advisory Committee;
- any other relevant matters identified in the course of the Advisory Committee deliberations;
- a list of persons who made submissions considered by the Advisory Committee;
- a list of persons consulted or heard; and
- recommendations for the prioritisation of further reforms to stormwater management.

### **Timing**

21. The Advisory Committee is required to hold meetings or workshops no later than 20 business days from the close of the submission period.

22. The Advisory Committee is to submit its advice, in writing, for Parts A and B, by 17 August 2018.

### **Fee**

23. The costs of the Advisory Committee will be met by the Department of Environment, Land, Water and Planning's Water and Catchment Group.

# Terms of Reference

## Attachment 1 – Government stormwater policies

Policy	Commitments
<b>Yarra River Action Plan</b>	Action 19 commits to extending the coverage of the best practice stormwater management standards for residential subdivisions (under clause 56 of the VPP) to apply to all subdivisions.
<b>Water for Victoria</b>	<p>Action 5.5 commits to:</p> <ul style="list-style-type: none"> <li>preparing and consulting widely on proposals to amend the VPPs and relating building regulations aimed at improving stormwater management and associated outcomes;</li> <li>leading the development of local place based targets for stormwater management; and</li> <li>finding the best mix of legislative, regulatory, financial and market based incentives to complement the use of the VPPs and building regulations.</li> </ul> <p>Chapter 5 includes a description of how water contributes to liveable and resilient towns and cities, shown over the page.</p> <p>Action 5.6 – commits to work across government for healthy and resilient urban landscapes. The government will strengthen links across portfolios to better align land use and water management planning by making sure that:</p> <ul style="list-style-type: none"> <li>planning for water-related benefits is part of all future major projects and relevant government strategies and initiatives, including Plan Melbourne, Metropolitan Open Space Strategy, and the Yarra River Protection Project, and those arising from the new Suburban Development portfolio; and</li> <li>urban land use planning instruments, standards and guidelines, such as state and local planning frameworks and Environmentally Sustainable Development performance standards for buildings, are progressively aligned with the water-related benefits that support resilient and liveable cities and towns.</li> </ul>
<b>Victoria Floodplain Management Strategy</b>	<p>Action 14c commits DELWP to leading a review of how the VPPs, particularly clause 56, could better manage the potential urban stormwater flood impacts from infill development, urban renewal and non-residential development in established areas.</p> <p>DELWP, in consultation with Melbourne Water and metropolitan LGAs, will review the institutional arrangements governing the accountabilities for urban stormwater flood risk management for the Port Phillip and Westernport region (which includes reviewing the '60 ha rule', a catchment area threshold above which responsibility for drainage moves from council to Melbourne Water)</p>
<b>Plan Melbourne Implementation Plan</b>	<p>Action 94 - Reviewing the VPPs to improve stormwater management and related outcomes for all urban development.</p> <p>Action 80 – Review of planning and building systems to support environmentally sustainable development outcomes.</p>
<b>Port Phillip Environmental Management Plan</b>	Action 3.3 - Ensuring all urban and rural land use effectively controls impacts from stormwater and runoff, and that controls are in place to manage increases in loads.

**Figure 1 How water contributes to liveable and resilient towns and cities**

**(Figure 5.1, Water for Victoria)**

