[redacted]

11th March 2023

Maribyrnong Flood Inquiry submission
Via Email
Melbourne Water
Your say

Dear Panel,

Re: Cause of flooding.

In your terms of reference Maribyrnong River (formally Saltwater River) and many others within Melbourne Waters area come under the control of this Authority. Constituents within must realise a multi policy applies and is influenced by Government Legislation and now Supreme Court ruling on tidal waters.

At settlement by the Colony all lands sold until late 1855 included beds of waterways, wetlands and riparian/banks. Corrections started in 1881 with Land Permanently Reserved from Sale was gazetted in Parliament transferring ownership back to Crown without any compensation once freehold was sold on. Parish maps give reference to this.

Maribyrnong River and its contributories also had many forms of their own Legislation, both directly and indirectly, plus now Supreme Court has ruled any freehold properties within the gazetted riparian area is now Crown Land not freehold as shown on Certificate of Title.
Constructions/development of any sort obstruct natural flow of this waterway.The surveyor general for Crown Land can provide a status report to clarify these properties and Crown river boundary as per reference terms stated you may call on outside consultants.

We must now consider two separate zones along this water course/flooded area.

Freehold/flood, any form of construction higher than Crown Land zone.
Crown Land zone. Any form of construction which should never have been allowed.

With the expansion of Melbourne (from the time colony sold to Grantees) Maribyrnong and its contributories have had their mean high-water mark raised due to vegetation removal and extended hard surface replacement creating additional natural flow. Doctrine of Accretion is your reference point.
Increasing this flow- in both directions rapidly on waterway, has been compounded by dredging for wharves and bay entrance over the years.
On high tide Maribyrnong raises its level substantially blocking outward flow, rain events in 2022 had only floodplains to take up the excess to spread over. Elevation maps show Flemington racecourse, and many constructions fall within same elevation of this flood plain restraining natural solution.
Construction of levee bank forced water back into other freehold areas higher than previous floods. As upstream of this expands more this flow will continue to increase.

I am sorry to say that there isn't a formula to cover nature and the area reserved for excess flow could never have been accurately estimated.

Damages to properties within freehold area may be covered by insurance, Crown land zone has two problems:
Insurance renewal rejection and property now has no commercial value as it stands.
Many forms of documentation relating to, and pending consequences has been previously advised and recommendations not acted upon by Members of Parliament, relevant authorities and public media notification, re Consumer Affairs section 32 red tape review for any additional information please contact the writer.

The one thing everybody involved must stop and think about is mental health, stress and community support.

Thank you for this opportunity to submit,

Yours Sincerely,

[redacted]

17th December 2012

[redacted]

Section 32 Red Tape Review
Policy and Legislation Branch
Consumer Affairs Victoria
GPO Box 123
Melbourne Victoria 3001

Dear Panel,

Submission on Vendor disclosure and Section 32.

[redacted]

Vendors and purchases rely on Victorian Land Trustees (Currently portfolios of Department Of Sustainability and Environment – DSE) to obtain accurate details of titles being negotiated, as per Section 32 Statement.

History

The Colony sold land as freehold containing waterways or abutting waterways (Marine and Inland), titles showed this as purchases tenure.
Gazetted legislation under 1881-1389 and The Water Act of 1905 reserved riparian area, in various widths, to

"Land Permanently Reserved From Sale"

for public purposes once original owner sold property.

Today

This now has created an anomaly in the description of property – now Crown Tenure frontage is still shown on many titles as freehold land.
Our land Trustees (DSE and Previous) have ignored their duties of care by not altering titles as per Parliaments Instructions.

PAGE. 2 SECTION 32 RED TAPE REVIEW

Parliament Disclosure

Vendor statements on Section 32 should have been altered especially when Minister [redacted] acknowledged legislative errors in August 2010.
Minister [redacted] Speeches and Chambers reports are quoted in Hansard.

Surveyor General and Victorian Ombudsmen Department Reports confirmed the above.

When purchases search Authorities reports the wrong details are supplied by land Trustee/DSE – inaccurate details on riparian area of tenure.

The above none disclosure to other Authorities by DSE has compounded issues eg.

- Rates
- Land Taxes
- Valuations,
- Town Planning
- Construction
- Finance Security
- Weed Control etc

on Crown Land Portion.

Public knowledge and legal implications are imminent.

Section 32 Venders Statements of Tenure in these situations are false and must be corrected immediately.

Please read submission attachment for DSE – Improving Our Waterways – Draft Victorian Waterways Management strategy as part of this submission (Copy enclosed).

Yours Faithfully,

[redacted]

CC: REIV – [redacted] HAND DELIVERED.
[redacted] – MP WESTERN VICTORIA
[redacted] OFFICE IN SAME AREA AS REIV, HAND DELIVERED.