

Bendigo, 19 June 2018

SEPP Waters Manager

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Dear Sir/Madam

EHPA - Draft SEPP (Waters) submission to the review

Thank you for the opportunity to respond to the Draft SEPP Waters and associated Draft Implementation Plan. This submission will primarily focus on Clauses 27 – 31.

We appreciate the time taken to develop the draft policy and supporting documents and will tailor our submission to reflect our issues with a specific clause, and propose actions, that may influence the consistent adoption of each Clause by the responsible agency, or partner organisation.

Cl 27 Management of sewerage systems

The management of sewerage systems should not be just about sewage overflows from existing sewerage infrastructure. This management model, as implied by the clause, is very narrow and ignores several issues concerning sewerage management design, operation and maintenance.

It is our understanding that new sewerage infrastructure is often designed and built by third parties on behalf of the developer. The design invariably caters for the proposed development only. Experience has shown when seweraged properties are developed there is limited oversight of design principles that assist in future proofing or cater for existing infrastructure needs. What ends up being constructed becomes determined by cost rather than what is best for community needs. Future extensions to sewerage infrastructure and connections for existing unsewered properties are not considered and what eventuates is a patchwork of infrastructure that is neither efficient nor cost effective for residential growth.

This clause would benefit further by the inclusion of a section (1)(b) which could state:

1(b) Implement an appropriate system to keep informed of the status of unsewered properties so that sewerage system design optimises opportunities for new and future sewer connection, including:

- Data sharing between local authorities;
- Sewerage infrastructure design assessment and construction; and,
- Consultation with affected parties.

There are numerous examples where water corporations have not managed the risk to beneficial uses. The cost benefit of having a robust review process for infrastructure design is something that will assist in achieving the Objectives of the SEPP as stated in clause 13(1).

Implementation Action

Any future guideline, as stated in Action 3.1, must incorporate a robust approach to sewerage system design. This should involve greater consultation and reference to the infrastructure needs of the location rather than a specific development. A DWMP is one of the means by which the environment can be protected by using the best available information and better strategic planning.

CI 28 Consideration of applications for subdivision and onsite domestic wastewater management

This clause should have a greater emphasis on the benefits of strategic planning with reference to onsite wastewater and sewerage system management. Unfortunately, it simply reinforces what is already known and for the most part practiced.

Legacy issues of the past permitted the discharge of effluent offsite and this was to a considerable extent standard practice for developments on small lots. To retrospectively correct this, in many cases the options are unviable and at significant cost to the owner.

DWMP's should directly inform strategic planning documents and this should be stated as these strategic documents inform decision making. Planners must be encouraged in the wording of this clause to reference council and water authority sewage planning documents.

Implementation Action

As with Action 3.1 the Victorian Planning Provisions (VPP) should be used to influence the decisions made by planning authorities. Under 56.07-3 of the VPP there is a requirement for planning decisions to be "consistent with any relevant approved domestic waste water management plan." The question is who approves the DWMP? The approval process of a DWMP needs to be clarified and possibly included in Clause 29.

CI 29 Councils to develop a domestic wastewater management plan

Domestic Wastewater Management Plans have as their basis the requirement to identify and manage the risk posed by wastewater discharges.

This clause continues to impose a responsibility on councils that is without a suitable model for resourcing DWMP development or implementation. This is precisely the reason why many councils will not be in a position to fulfil this obligation.

This, and the many impediments to best practice wastewater management, will undermine the value of undertaking a wastewater management process. Some of those impediments may be addressed by delivering on the Actions described but fundamentally there must be a funding mechanism to deliver the requirements of this clause.

Implementation Action

Critical Action 4 Managing Wastewater discharges is claimed to be a “high priority” yet only one priority action is proposed. The remaining actions in Table A1 contain additional actions in managing wastewater that may be reprioritised to become a higher priority. Undertaking a detailed assessment to determine if regulations are required does not provide confidence that wastewater discharges will be able to be effectively managed in the short to medium term. Any assessment should be fast tracked as there is likely to be ample evidence that councils and water corporations do not apply the available tools under their respective legislation. The reasons behind this can easily be determined by a simple survey of the relevant authorities.

Critical Action 5 lists several actions for consideration. EHPA is in support of Action 5.1 and 5.2. Work has already been completed for Action 5.3 and should also be a component of any DWMP developed by councils. Action 5.4 is supported but consideration should also be given to establishing an LCA Review Panel where expertise is called upon to critique LCA providers whilst at the same time educate those providers on the adequacy of their reports. This would be the most appropriate scenario to achieve consistency in reporting and greater certainty as to the sustainability of a site to manage onsite wastewater.

Water corporations and local government (per Actions 5.5 & 5.6) should be encouraged to develop a communication plan to facilitate information sharing. This should be a component of the DWMP. What is concerning is that the provision of consistent dialogue between parties and their ability to provide sewerage services is compromised by the lack of available expertise and resources. EHPA believes a dedicated liaison officer from the EPA with detailed knowledge of local government must be appointed to manage the DWMP process if this clause is to be uniformly adopted. This may also form part of a funding bid to assist local government to undertake DWM planning.

CI 30 Sewerage planning

EHPA continues to advocate for water authorities to develop sewerage management plans. The council DWMP is integral to their development. To not impose any requirement on water authorities to plan for sewerage infrastructure leaves their obligations to “plan for the future needs of the community relating to sewerage service” severely compromised. Clause 30 is not a “sewerage planning” clause but at best a “sewerage solutions” clause and at worst a paper shuffling exercise.

Having no plan to address a sewerage backlog is not what a modern society should tolerate. An absence of planning also undervalues the risks identified in the DWMP and imposes a greater burden on local government, property owners and the health of the environment.

Water authorities, like local government, have differing priorities that are governed by their available resources and expertise. Given SEPP Waters only imposes an obligation on water authorities to respond in the manner detailed in subclauses (a) to (f), it is likely the response will be formulaic and not provide a viable option to correct the risk/s identified.

Implementation Action

EHPA is not confident this clause will provide any certainty as to whether water corporations will dedicate resources towards planning for the future needs of the community relating to sewerage services. There must be a commitment from water corporations to plan in some form, so we encourage strengthening this clause.

A simple one-page notification system for failing septic tanks as described in Appendix 1 is likely to provide no more than an administrative burden for local government and would be better captured in a data mapping system for council septic tank systems.

Cl 31 Connection to sewerage

Clause 31 (1) as proposed does not make it mandatory for a connection to sewer to be enforced by the water corporation. Invariably this work is done by council as part of their DWMP risk identification and implementation with little or no input from the relevant water corporation.

The building regulations have also changed where now there is no requirement for council to provide information under regulation 326 or proposed regulation 51 to advise developers as to the availability of sewer. This has ramifications for unsewered development whereby buildings are constructed without a formal process being in place.

Water corporations are also the referral authority for applications to install a septic system within the sewer district or catchment. It should be mandatory for water corporations to update councils on any changes to the declared sewer district or “sewer availability” so that accurate information can be clearly provided for the purpose of development. This should be added to the clause to ensure all properties are provided with a sustainable sewerage management system.

Implementation Action

A simple notification system as recommended is unnecessary should councils effectively communicate the outcomes of their DWMP implementation.

In clarifying the meaning of the availability of sewer it would be beneficial to also clarify whether a declared sewer district should be named a “sewer district” when sewer is not available. This is clearly a misnomer and can cause confusion and significant expense where properties are in fact not serviced by reticulated sewerage.

We trust our contribution makes sense and we thank you again for this opportunity.

Yours sincerely,

Giuliano Marcon

Convenor, Environment Special Interest Group

Environmental Health Professionals Australia (EHPA)