

Dear SEPP review committee,

I hope all is well. I would like to make a general submission /comment regarding the proposed State Environment Protection Policy (SEPP) Waters of Victoria currently being considered under review. In particular my comments are directed at Section 28 of the proposed SEPP.

Section 28 of SEPP is as follows:

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

(1) When considering planning applications for subdivisions, responsible authorities must ensure one of the following has been provided for at the time of subdivision if the use of an onsite domestic wastewater system would result in the discharge of waste beyond allotment boundaries or would impact on groundwater beneficial uses—

(a) reticulated sewerage; or

(b) an alternative system as approved by the Authority for the purposes of Part 1XB of the Act; or

(c) an alternative system as approved by the relevant water corporation.

(2) If a reticulated sewerage (or alternative system) is not practicable or viable, the responsible authority must ensure that—

(a) wastewater can be sustainability managed and dispersed within the property boundaries over the system's lifetime, in accordance with the Victorian Land Capability Assessment Framework; and

(b) if the proposed subdivision is in an open potable water supply catchment, that developments will not present a risk to water quality and approval for developments are issued in accordance with the Guidelines for Planning Permit Applications in Open, Potable Water Supply Catchments.

(3) Responsible authorities must ensure that permits are consistent with guidance provided by the Authority including that provided in the Code of Practice On-Site Wastewater Management.

Comment

1. I have a problem with the wording of Section 28 (1); in particular the use of the wording "at the time of subdivision if the use of an onsite domestic wastewater system would result in the discharge of waste beyond allotment boundaries or would impact on groundwater beneficial uses". In practice this is unobtainable; consequently this wording should read "at the time of subdivision if the use of an onsite domestic wastewater system would result in unacceptable discharges of waste beyond allotment boundaries or unacceptable impacts on groundwater beneficial uses". If applicable, this approach to the use of the word "unacceptable" should apply throughout SEPP.
2. I have a problem with the wording of Section 28 2(b); in particular the use of the wording "will not present a risk to water quality". In practice this is also unobtainable as even 1 house per 40 Ha is a risk; consequently this wording should

read "**will not present an unacceptable risk to water quality**". If applicable, this approach to the use of the words "**unacceptable risk**" should also apply throughout SEPP.

3. I have a problem with the wording of Section 28 2(a) because in practice the requirements of this wording are also unachievable. This clause should read "**wastewater can be sustainability managed and dispersed within the property boundaries over the system's lifetime, with acceptable risk in accordance with the Victorian Land Capability Assessment Framework; and**". If applicable, this approach to the use of the word "**acceptable**" should also apply throughout SEPP.
4. I have a problem with the whole of Section 28 2(b), as it is my view that this is nothing more than emotional smoke screen with the purpose of suppressing growth within potable water supply catchments. Consequently I recommend that this whole section be scrapped, or relocated somewhere else. My reasoning for this is as follows:

- This legislation is aimed only at the onsite sewage industry, and not at the municipal sewage industry which in many ways presents a higher risk to the water quality of our waterways and groundwater than the onsite sewage industry due to the sheer volume of flow, and due to the following pollution problems with this type of system. Municipal sewers are notorious for exfiltration of raw sewage to groundwater, and infiltration of storm water, which in turn is discharged with raw sewage directly to our waterways, refer to Section 27 1(a)(ii) of SEPP. With onsite sewage systems, at least there is a buffer distance for overflows to be filtered by grass, or be re-absorbed by the intervening ground.
- I have already mentioned that the phrase "**will not present a risk to water quality**" used in Section 28 2(b), is unobtainable, refer point 2 above. The use of this phrase smells of desperation for a valid argument to me. It certainly not a valid scientific argument.
- I admit I have not seen any evidence to support the development density as proposed in "*Guidelines for Planning Permit Applications in Open, Potable Water Supply Catchments*", as described in proposed Section 28 2(b). However if I was to try and do this I would consider measured biological Fecal Coliform (or E. Coli) contamination rates in our waterways at various points along their reach. However the problem with using these indicator parameters is that the contaminants come from every warm blooded animal in the catchment, and the contribution of humans is likely to be very small by comparison to the other animals in the catchment. In addition to this, contaminated municipal sewage overflows can also scow results. For example, 1 mature cow (which can also harbour human pathogens) weighs as much and puts out as much raw sewage as a typical family, and this sewage is not even treated; and there are far many more cows in these catchments than people/households. Consequently unless these biological indicator parameters are DNA matched, then this method is not worth considering. The other water quality parameter to consider is suspended solids. Again I would suspect that this parameter measurement is primarily generated by intensive farming activities, like cropping or animal husbandry, more so than than by comparatively sedentary human inhabitants.
- The document: *Guidelines for Planning Permit Applications in Open, Potable Water Supply Catchments*, as mentioned in Section 28 2(b) does not allow impending developments to minimise their risk to acceptable levels by the use by the use suitable management technologies, e.g. Complete evaporation of onsite sewage as is

used by large >5000 L/d sewage systems, high quality tertiary treatment or re-absorption onsite sewage system overflow.

- The EPA already has recommended an acceptable risk offset distance from onsite sewage systems to waterways and reservoirs in declared catchment regions, refer Table 5 of EPA's Code of Practice Onsite Wastewater Management, Publication 891.4. Consequently the requirements of Section 28 2(b) are in direct conflict to this requirement.
- Effectively, the metaphoric finger has been pointed at the onsite sewage industry as being poorly managed in rural areas. If this perception is true, then I suggest that the SEPP include a clause that all onsite sewage systems be checked that they are working properly upon the sale of the property. If they are not working, they are to be remediated. This simple change would better hold councils and householders more accountable for the performance of their aging, limited lifespan onsite sewage systems; and perhaps improve the negative perception of onsite sewage systems in the process.

Best regards

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