

State Environment Protection Policy (Waters)

Summary of Comment and Response Report

September 2018



Environment
Protection
Authority Victoria



Environment,
Land, Water
and Planning

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Introduction

The Department of Environment, Land, Water and Planning (DELWP) and the Environment Protection Authority Victoria (EPA) have revised the *State Environment Protection Policy (Waters of Victoria)* (SEPP (WoV)), its associated Schedules, and the *State Environment Protection Policy (Groundwaters of Victoria)* (SEPP (GoV)), to provide a contemporary framework for the protection and management of water environments, and their environmental, social and economic values.

The *Environment Protection Act 1970* (the Act) requires a review of State environment protection policies (SEPPs) every 10 years. These reviews provide an opportunity to review the effectiveness of SEPPs in protecting the water environment and develop new approaches to ensure we continue to protect and manage our valuable water environments. The new SEPP (Waters) (the Policy) covers surface water, estuarine and marine waters, and groundwaters across Victoria.

SEPPs must be reviewed and developed in accordance with the provisions of the Act, which require a public and transparent process. Extensive consultation was undertaken with stakeholders following the release of a Discussion Paper in 2015 to support the review of the existing policies and the development of the draft SEPP (Waters). In accordance with the provisions of the Act, the draft SEPP (Waters) and draft Policy Impact Assessment (PIA) were released for public consultation from February to June 2018. At this time, a draft Implementation Plan was also released for comment as well.

This report summarises the comments received on the draft SEPP (Waters), draft PIA and the draft Implementation Plan and sets out responses to these comments, including any subsequent amendments made to the documents. DELWP and the EPA will now finalise the Policy, PIA and Implementation Plan and recommend these to the Victorian Government.

Throughout this report, references to clause numbers refer to those listed in the draft SEPP (Waters). In some instances, these may have different clause numbers in the final Policy.

What is the purpose of the Summary of Comment and Response Report?

The Summary of Comment and Response Report (the report) provides an overview of public submissions on the draft SEPP, draft PIA and draft Implementation Plan, and responses to those comments. In addition to summarising public comments, this document also discusses issues raised in consultation sessions, and identifies where changes will be made in response to those comments.

The report represents a summary of the evaluation of submissions undertaken by DELWP and EPA and the rationale for any amendments made in developing the final Policy.

A copy of this report will be distributed to all stakeholders who made formal submissions.

What consultation was undertaken to finalise the Policy?

In accordance with the requirements of the Act, the Policy review process was transparent and public. DELWP and the EPA aimed to ensure active involvement of all affected stakeholders in the development of, and comment on, the draft SEPP (Waters) and PIA and in their finalisation.

There were three phases to the consultation undertaken during the Policy's development:

Phase 1 – targeted consultation

Targeted consultation was undertaken with key stakeholders such as peak industry groups, conservation organisations, Traditional Owner groups and government agencies, to develop and shape the draft SEPP (Waters).

Consistent with the requirements of the Act, the EPA first advertised its intention to revise the water SEPPs on 17 June 2015 in *The Age* and the *Herald Sun*. This advertisement formally commenced the review and was accompanied by the release of a Discussion Paper which sought stakeholder feedback.

The Discussion Paper outlined the key concepts and options for the draft SEPP (Waters) and enabled stakeholders to give feedback on early directions and policy priorities for the draft SEPP (Waters). Feedback on the Discussion Paper was used to help develop the draft SEPP (Waters), draft PIA and draft Implementation Plan.

Two reference committees were formed, with representatives from catchment, coastal and water planners and managers, government agencies, municipal councils and industry, conservation and community groups, to help develop the draft SEPP (Waters).

As well as formal consultations, many meetings and workshops were held with relevant stakeholders between 2015 and 2017 to evaluate the effectiveness and implementation of existing obligations in the water SEPPs, identify policy gaps and develop new rules and obligations to ensure the protection and management of water quality.

The Policy segments, beneficial uses and environmental quality indicators and objectives were developed through consultation with an independent expert Science Advisory Panel, with international peer review on certain topics.

Phase 2 – draft SEPP (Waters) release and 4-month public consultation period

The draft SEPP (Waters), draft PIA and draft Implementation Plan were released publicly on the Engage Victoria website on 26 February 2018. Key stakeholders were directly provided with copies of these documents, and the EPA advertised this release in *The Age*, *Herald Sun* and *Koori Mail* newspapers.

The formal period for public comment closed after four months on the 19 June 2018. DELWP and the EPA received a total of 83 formal submissions from the public during consultation (Appendix 1 lists the names of individuals and organisations that provided formal submissions, excluding confidential submissions). In addition, many informal comments made throughout the consultation process (meetings and briefing sessions) have been taken into account in the finalisation of the Policy. During the consultation, opportunities were provided for communities, industries and government agencies to discuss and seek clarification on any issues before making a submission. As well as consultation with the two reference committees, this public consultation period included many briefing sessions, ten major workshops, scores of meetings, dozens of one-on-one discussions and numerous phone conversations with stakeholders.

Submissions made during the consultation period were considered in detail and informed the finalisation of the draft SEPP, draft PIA and a draft Implementation Plan.

Regional Workshops

Nine regional workshops were held between 27 March 2017 and 24 May 2018 in Ballarat, Mildura, Bendigo, Geelong, Camperdown, Horsham, Benalla, Melbourne and Traralgon. A summary of the regional workshops showing where they were located, and the number of attendees is provided in Figure 1.

The regional workshops were attended by a wide cross-section of the community, including representatives from key government agencies, individual community members and peak bodies. Figure 2 shows a breakdown of groups that were represented.

An additional workshop was also held specifically for members of the Australasian Land and Groundwater Association (ALGA) and the Australian Contaminated Land Consultants Association (ACLCA). This workshop was attended by 150 members.

Figure 1 Location of regional workshops and numbers of attendees

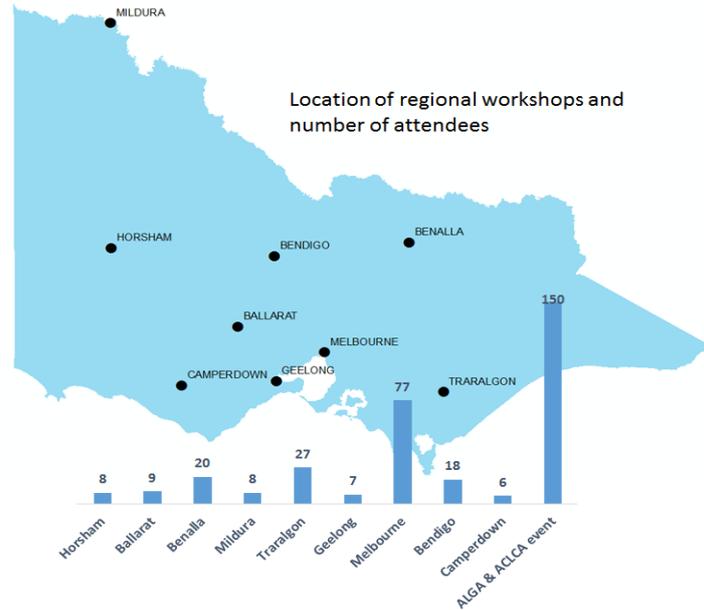
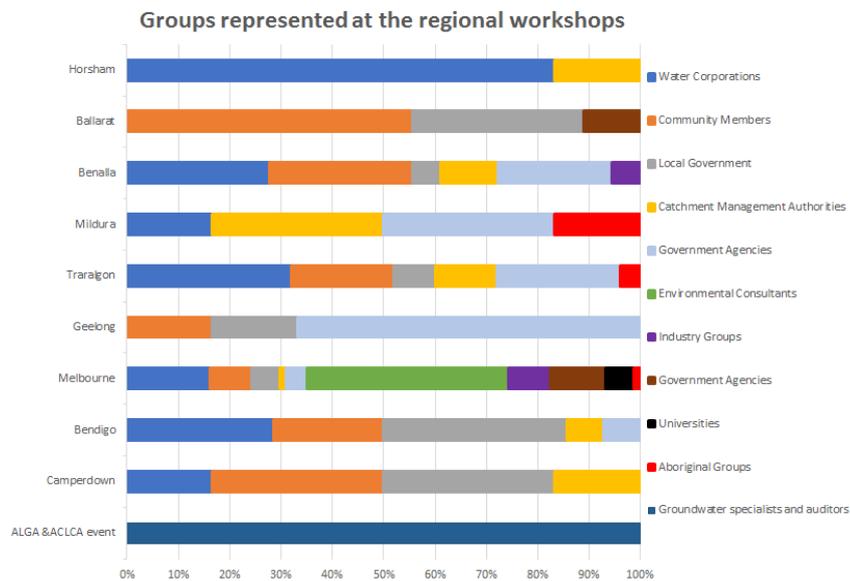


Figure 2 Groups represented at the regional workshops



Phase 3 – Policy finalisation

EPA is in the process of recommending the approval of the Policy and PIA to the Governor in Council (GiC). Approval from the Minister for Energy, Environment and Climate Change and the Minister for Water will be sought prior to recommending the Policy to the GiC.

Once the GiC has approved the making of the Policy by signing the Order, the Government Printer will print the Policy. The Government Printer will also ensure the notification of the Policy in the Government Gazette. This publication is considered officially 'made' when the Order is published in the Government Gazette. At this time, the Policy will also become publicly available.

A copy of the Order in Council will be laid before both Houses of Parliament. The Scrutiny of Acts and Regulations Committee (SARC) will consider whether the Policy is within the powers of the Act and its preparation satisfied the requirements of the Act.

EPA has approved this Summary of Comment and Response Report and it has been circulated to all interested stakeholders and published on the EPA website, along with all non-confidential submissions. Each individual or organisation that lodged a submission have received a written letter of response along with a copy of this report.

Results from public consultation

Public submissions on the draft SEPP (Waters), draft PIA and draft Implementation Plan closed on 19 June 2018. 83 formal submissions were received.

Key statistics:

83 formal submissions, 1 informal late submission.

12 of those were confidential submissions

The submissions resulted in 1,099 individual submission items.

The number of agencies which responded is slightly higher than the number of submissions received, as some submissions were made as collective responses. For example, although it has only been counted once, a submission from the South-East Victoria Local Government Wastewater Initiative was a collaboration between representatives from 12 different councils. Some of those councils also provided their own response. A submission was also made on behalf of five Melbourne metropolitan water corporations: City West Water, Melbourne Water, South East Water, Western Water and Yarra Valley Water. VicWater also provided a submission on behalf of all water corporations and some regional water corporations also made their own additional submission. Figure 3 show the number of submissions by individual stakeholder groups.

Figure 3 The number of submissions by stakeholder group

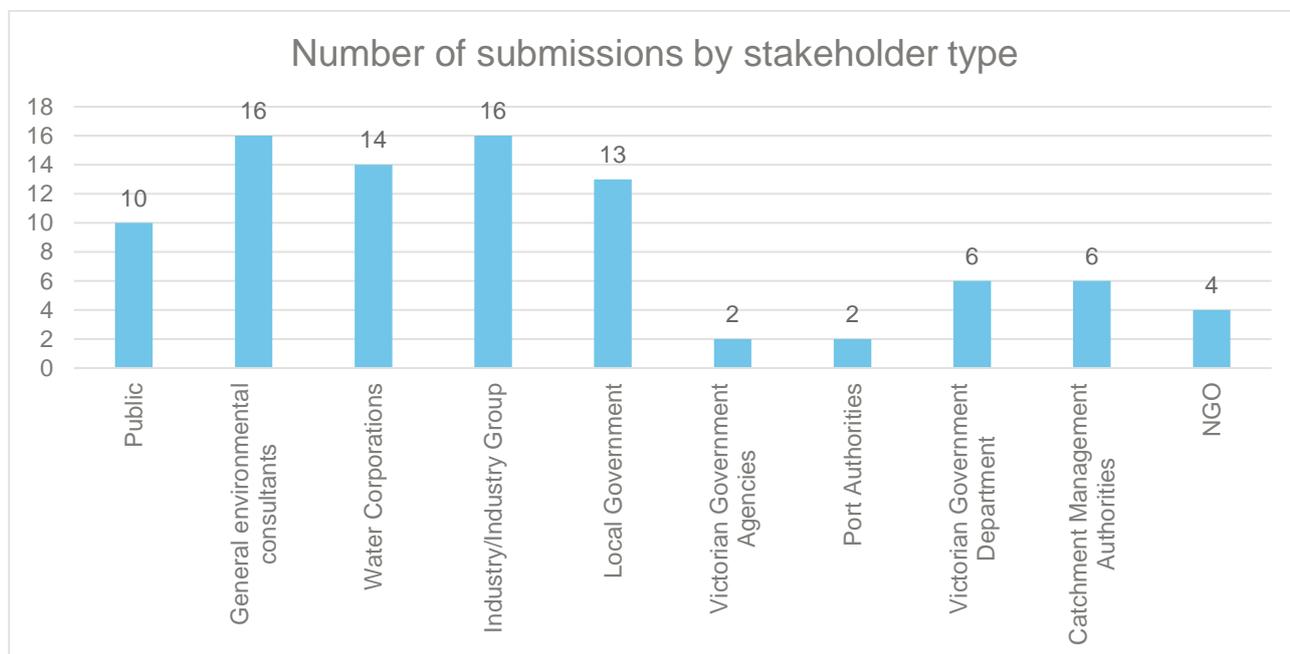


Figure 4 Number of individual comments on each of the 59 clauses

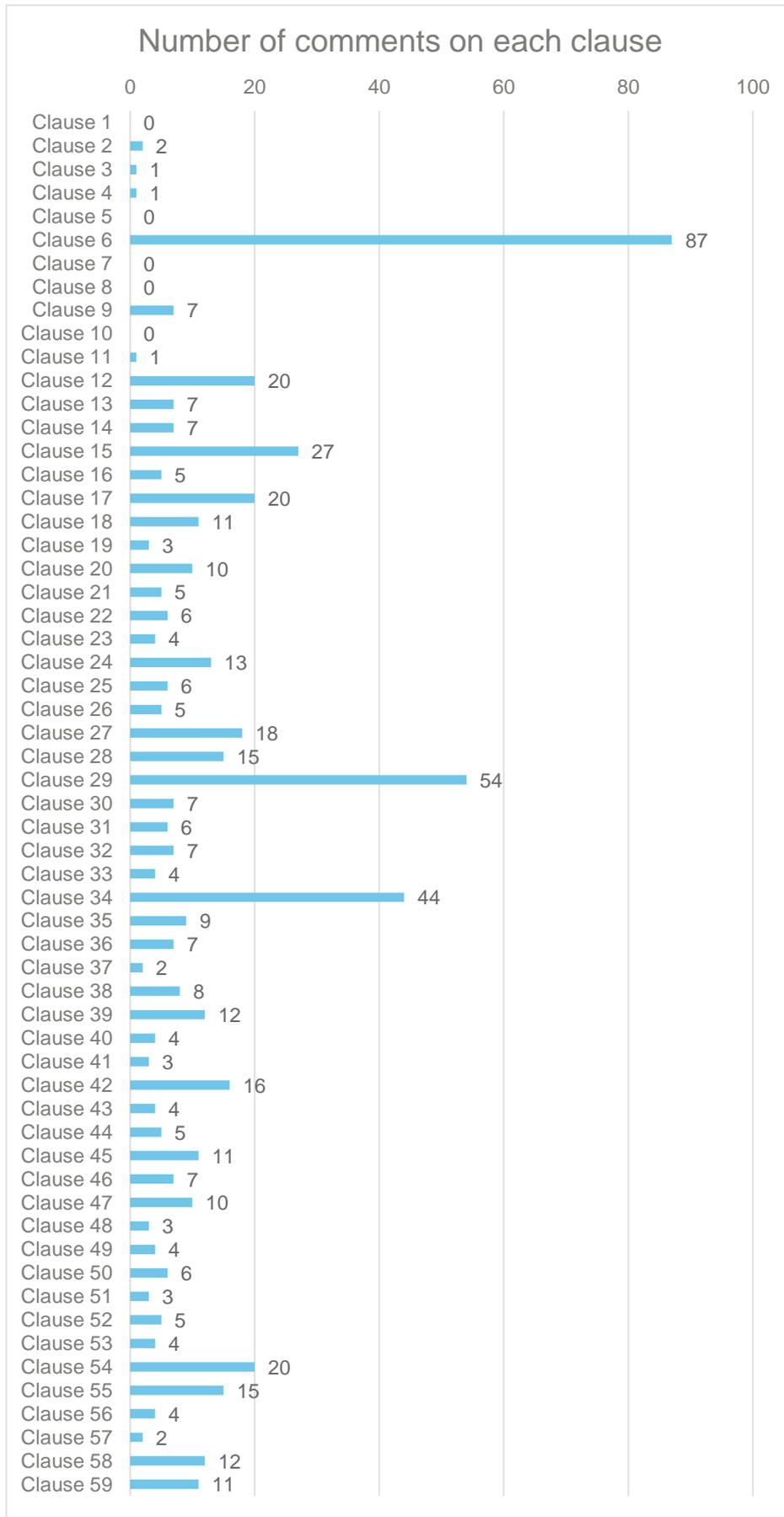
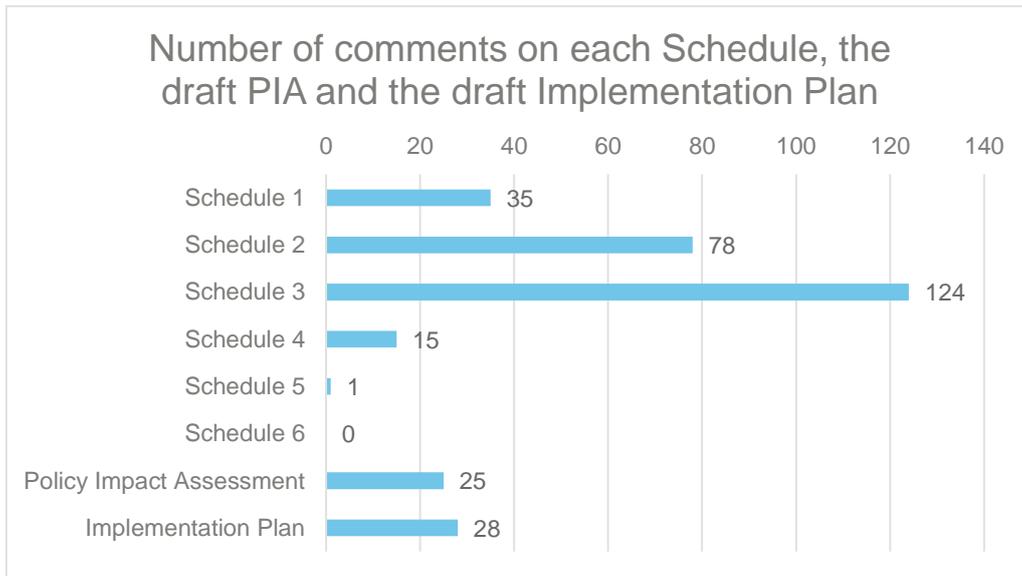


Figure 5 Number of comments on each Schedule, the draft PIA and the draft Implementation Plan



Following receipt of the submissions, each submission was disaggregated into individual comments on the 59 clauses, the six schedules, the PIA and the Implementation Plan, to aid analysis of feedback.

Figure 4 shows the number of individual comments on each clause and Figure 5 shows the number of comments on each of the Schedules in the draft SEPP (Waters), the draft PIA and the draft Implementation Plan.

Responses to questions on the Engage Victoria website

The submission form on the Engage Victoria website provided 15 questions to guide public responses. Questions 1-4 and 13 asked high-level questions about whether the draft SEPP (Waters) had met key objectives. Other questions asked for comment on specific clauses.

Questions 1-4 and 13 asked the respondent to give a rating and click on the screen. 26 respondents used the website, and of those, only 7 provided answers to questions 1-3, the sample size is very small and consequently it was very hard to draw conclusions. Therefore, this data will not be presented in the report.

Summary of comments and responses

This section provides a summary of:

- Key issues raised from submissions.
- What changes were made and what changes were not made?
- Comments made on individual clauses and schedules in the draft SEPP (Waters), draft PIA and draft implementation plan; and
- Additional issues raised in the consultation.

It is important to note that this document responds only to comments received via a formal submission received at, or before, submission closing.

Key issues raised from submissions

The 83 submissions received were detailed and thoughtful and came from a variety of perspectives. There were a number of consistent themes and issues.

Policy evolution

Many comments pointed to how the draft SEPP (Waters) was an improvement on the previous SEPPs. The majority of submissions supported the amalgamation of the SEPP (WoV) and SEPP (GoV) into one Policy document.

One submission offered support for amalgamation of the two SEPPs and noted that the language and structure of the draft SEPP (Waters) is '*significantly improved*' and provides more clarity around specific stakeholder responsibilities and approval processes.

A number of submissions noted the importance of the new Policy. VicWater noted that it will be a critical regulatory policy document for the state's water corporations and will have significant influence over water corporations' investment decisions, infrastructure costs, customers' bills and ultimately environmental outcomes for the life of the Policy.

One submission noted that draft SEPP (Waters) was an appropriate evolution of SEPP (WoV) (2003), which in itself was a major change from SEPP (WoV) (1988). This submission noted that the main components integral for enabling the Policy to work remained, including the use of the approach outlined in the Australian and New Zealand Environment Conservation Council (ANZECC) Guidelines¹ for developing environmental quality objectives; clearly stated responsibilities; and, explicitly identifying actions required to successfully implement the Policy.

Barwon Water also supported amalgamation of the SEPPs, predicting that a new Policy would '*provide a streamlined Policy, combining updated relevant and effective beneficial uses and water environment segments*'.

Consultation process

The consultation process for the Policy was targeted and prioritised those parties directly affected by obligations in the Policy. Several submissions reflected on the consultation process.

Like many submissions, Environment Victoria welcomed 'the opportunity to comment on the draft SEPP (Waters)' and appreciated '*the need for reform to make the Policy more effective and efficient*'. VicWater commented that consultation with them '*undoubtedly resulted in a better draft of SEPP (Waters) that is broadly supported across the water industry*'.

The Metropolitan Water Corporations commented that '*there has been a thorough, well-planned and constructive consultative process used to engage with the water industry throughout the SEPP review*' - and that the process had over time, provided them '*with clarity and a solid understanding of the rationale behind the changes made in the new SEPP*'.

¹ Australian and New Zealand Environment and Conservation Council & Agriculture and Resource Council of Australia and New Zealand (2000), *The Australian and New Zealand Guidelines for Fresh and Marine Water Quality*

However, EnergyAustralia were of the view that there was a ‘*lack of targeted consultation with stakeholders affected by these changes*’.

Overwhelmingly, the feedback received from stakeholders during the public consultation period was positive, with stakeholders welcoming the new Policy as an important step forward in the protection and management of water quality in Victoria.

EPA reform

Two submissions, including the Metropolitan Water Corporations, asked for further clarity on the implications of the review of the *Environment Protection Act 1970*.

The *Environment Protection Amendment Act 2018* will provide a new framework for the protection of human health and the environment from pollution and waste. When this Act commences, the provisions the Policy will be transition to new regulatory instruments.

Further consideration of issues raised, that were not able to be included in the final Policy could occur through this reform process.

Policy enforcement

Many submissions requested clarification on how the Policy is to be enforced. SEPPs are indirectly enforced by EPA. EPA uses the provisions of the Act, such as Pollution Abatement Notices (PANs), to enforce compliance with the requirements of the Policy. Some clauses in the Policy directly reference other tools used by EPA, including works approvals, licences or notices, as the mechanisms by which the SEPP will be implemented and enforced.

In instances where EPA is satisfied that an activity has, or is likely to, cause a failure to comply with any requirement in the SEPP, EPA can use powers under Section 31A of the Act to issue a PAN. Contravening the requirements specified in a PAN means an indictable offence under the Act.

The introduction of obligations in the Policy to implement measures or undertake activities to minimise risks to beneficial uses ‘*so far as reasonably practicable*’, ensures that the identification of measures to control risk are proportionate to the level of risk posed and based on an objective assessment of options.

Explanatory notes

A number of respondents appreciated the revised explanatory notes and their location under the clause. Most submissions commented that the explanatory notes were very useful and much better than in the rear of the document, where they were located in the SEPP (WoV). However, one submitter requested the explanatory notes be placed at the rear of the document.

What changes were made and what changes were not made?

Proposed changes accepted in the final Policy

Numerous submissions identified minor administrative issues, and suggestions for restructuring the document which could easily be addressed in the final Policy. These submissions requested points of clarification, suggested alternative wording to improve drafting, or identified minor errors requiring addressing. As these suggestions did not change the substantive intent or obligation, they were typically adopted, and the amendments made in the final Policy.

In some instances, submissions requested changes to environmental quality objectives and were supported by valid data and robust science. For example, the environmental quality objectives for salinity in Lake Wellington was amended following a submission from the East Gippsland Catchment Management Authority.

Proposed changes that would have resulted in an increase in burden or change in obligation

In instances where a submission suggested a change that would result in an increase in burden or a change in obligation that was not assessed as part of the PIA, these changes were not adopted. For example, the Department of Health and Human Services (DHHS) requested that the Policy include provisions to restrict any further access to drinking water supply areas for recreational activities. This change was not adopted as it was inconsistent with other government policy.

Environment Victoria and other submitters requested the removal of the term ‘so far as reasonably practicable’ in all areas of the draft SEPP (Waters) in favour of the term ‘must’. The reason presented was

'so far as reasonably practicable' was seen as a lesser obligation. The introduction of 'reasonably practicable' to certain obligations in the Policy is not intended to lessen the obligation to protect the environment, but rather is provided to ensure that measures adopted for risk elimination are risk based. This issue was discussed in more detail in the response to clause 12.

The previous water SEPPs included a range of terms to describe obligations, identifying that a person 'should' or 'will' undertake an activity in a particular way. Such terms are inconsistent with contemporary legal drafting which requires the use of the terms 'must' or 'may'. However, there were a limited number of obligations in the draft SEPP (Waters) where it was not appropriate to use these terms because the regulatory framework to enforce these requirements was lacking.

These include obligations on port or marina operators to provide appropriate facilities to receive wastes from vessels in clause 51 or requiring vessel owners or operators to implement effective management practices to prevent the introduction and spread of aquatic pests from biofouling in clause 52. In these instances, some stakeholders requested that terms be changed from 'should' to 'must', however this changed the obligation in a way that had not been consulted on. The Implementation Plan contains an action to undertake a detailed assessment to determine if regulations are required for these issues.

The Victorian Farmers Federation (VFF) submitted that particular clauses which refer to minimising the impact of water flow throughout the document are outside the remit of the Act. However, Section 18 of the Act identifies that the content that can be addressed in a SEPP is very broad, including '*establishing the basis for maintaining environmental quality sufficient to protect existing and anticipated beneficial uses*'. Recognising this, the clauses identified by VFF were considered to be within the powers of the Act, and therefore were retained in the Policy.

Proposed changes that would have required substantive further analysis and consultation

In some instances, submissions raised policy issues that are not well addressed by the current regulatory framework. For example, environmental auditors identified issues associated with the management of human health risks associated with vapours from contaminated groundwater, or the lack of an appropriate regulatory framework to manage groundwater dewatering from basements. Water corporations also advocated for the adoption of more 'catchment-based' approaches for regulation of pollution. Another example was provided by Stormwater Victoria and City of Melbourne, which requested that a new beneficial use be included for stormwater harvesting.

While these policy issues were acknowledged as warranting further consideration, it was recognised that they were beyond the scope of the review at this stage in the process. These issues will be identified in the Implementation Plan as areas requiring further policy analysis and consideration in the future by government.

In other instances, the issue raised would require further substantial consultation with other affected parties as what was proposed would be contrary to government policy. For example, a submission requested that new wastewater discharges be permitted into wetlands of international importance listed under the Ramsar Convention, if a risk assessment could demonstrate that beneficial uses would not be impacted.

Proposed changes that were not supported by sufficient evidence

While some changes were made to the environmental quality indicators and objectives based on submissions, these were only in instances where the submission was supported by robust data and evidence. In other instances, such changes were not adopted where they were not sufficiently substantiated. For example, a water corporation requested a change to the environmental quality objective for Dissolved Inorganic Nitrogen in the Geelong Arm segment of Port Phillip Bay. However, as there was no evidence provided to substantiate this change, and because it was contrary to the recommendations of the extensive scientific review undertaken to support the Policy, this change was not adopted.

In other submissions, stakeholders raised concerns with the removal of locally specific detail contained in the previous regional Schedules. For example, AGL Energy and EnergyAustralia noted that the previous Schedule F5 (1996) included a segment for the industrial area of the Latrobe Valley with corresponding environmental quality objectives. As this segment had been amalgamated into the broader state-wide segments and had better environmental quality objectives applied, they were concerned that this may mean a change to the conditions in their EPA licences.

The revised policy segments delineated in the SEPP acknowledge that water quality and aquatic ecosystems vary naturally across Victoria, with different segments requiring specific environmental quality objectives to protect beneficial uses.

Although waterways in proximity to the mining and urban areas of the Latrobe Valley have been highly modified, this is not representative of the broader catchment included within the segment, where most of the land use is associated with farmland or forests.

The Policy has incorporated a consistent set of environmental quality indicators and corresponding objectives, per segment, which are based on extensive water quality monitoring data, and better align with current national and international standards.

The purpose of the Policy is to define the environmental quality required to protect beneficial uses. As such, it is not considered appropriate to reintroduce the Latrobe segment. To do so would apply objectives reflective of highly modified conditions in parts of the Latrobe Valley, to a range of farmland and forested waterways in the region. However, many of the concerns raised by EnergyAustralia can be addressed by EPA better articulating the matters that will be taken into consideration when assessing an application to discharge wastewater, consistent with clause 22.

It is important to note that the environmental quality objectives in the SEPP do not set mandatory limits for regulated activities, such as licensed discharges. Rather, these discharges are intended to be used in a risk management framework, whereby if water quality is assessed as not meeting these objectives, then this can indicate a potential risk to beneficial uses.

The Policy more clearly identifies that the environmental quality objectives in SEPP are one of the considerations the EPA must have regard to when setting licence limits, and that it must also have equal regard to the existing environmental quality of the receiving environment and the results of a risk assessment. This allows EPA to determine licence conditions that take into account the local conditions of receiving water bodies, the relative risk posed by the discharge and whether other alternative mechanisms such as mixing zones or offsets may be used. In circumstances where local conditions are substantially different, it would not be anticipated that licence conditions would replicate the environmental quality objectives.

Relationship between SEPPs and primary legislation

Some submissions identified that obligations in the draft SEPP (Waters) were more onerous than that provided in primary legislation, for example, obligations related to the management of roads. As a general rule, as a subordinate instrument, the SEPP cannot impose higher, or more onerous obligations than those provided in primary legislation and cannot be in conflict. The issues identified in these submissions were addressed through amendments to the relevant clause.

Responses to comments on individual clauses

DELWP and EPA value the submissions and comments received from all respondents. The summaries below provide an overview of comments received on each clause. Given the scale of submissions and comments received, not all comments are discussed. If a respondent is not mentioned in the summary it does not mean that their comments were not considered. The summaries include examples to illustrate the broader range of comments.

Part 1 - Application

Title [draft clause 1]

Summary of comments

No comments were received on this clause; therefore, no changes were made to the final Policy.

Purpose [draft clause 2]

Summary of comments

Two submissions provided comments in support of a preamble for the Policy. The Municipal Association of Victoria (MAV) asked for a preamble similar to that in the previous water SEPPs and Environment Victoria asked for stronger references to the waste hierarchy.

Response to Comments

The suggestion of including a preamble was supported as it could assist in providing context for the Policy by clarifying its objectives, including a reference to the avoidance of waste generation.

Changes to final Policy

A preamble was added.

Commencement [draft clause 3]

Summary of comments

One submission provided comment on this clause.

ERM Melbourne asked if consideration had been given to a timeframe for the adoption of the Policy for environmental audits or site assessments. Several other environmental auditors also raised similar concerns verbally requesting a transition period be provided.

Response to Comments

The Policy formally comes into operation once it is published in the Government Gazette. EPA expects the requirements and expectations set out in the Policy to be recognised upon gazettal. This includes for statutory approvals, such as works approval applications, environmental audits and site assessments that commence after this date or are in an early stage of development or assessment at the date of gazettal.

However, EPA recognises that there will be some statutory approvals that will have been significantly progressed at the time of the commencement of the Policy. In these instances, EPA will permit work to be finalised and submitted that is still consistent with SEPP (WoV) or SEPP (GoV), for a period of three months following gazettal. After which point, EPA will expect that such statutory approvals are consistent with the Policy. A public notice will be included on the EPA website when the Policy is gazetted confirming this arrangement.

As the Policy represents an evolution of existing Policy, rather than a significant departure, and has been in draft format for over eight months, requiring transition to the new Policy is not considered to be unreasonable.

Changes to final Policy

No changes were made to the final Policy.

Revocation [draft clause 4]

Summary of comments

One submitter responded to this clause.

ERM Melbourne commented that typographical inconsistencies throughout the document can sometimes make interpretation difficult. They cited inconsistencies in the capitalisation of references to State environment protection policies.

Response to Comments

A major edit of the document was undertaken to address several typographical issues. References to the SEPPs were checked and are consistent with the Act.

Changes to final Policy

Several typographical issues were addressed in the final Policy.

Authorising Provisions [draft clause 5]

Summary of comments

No comments were received on this clause; therefore, no changes were made to the final Policy.

Definitions [draft clause 6]

Summary of comments

There were eighty-seven comments made on this clause.

Submissions requested additional definitions to be added or changes made to clarify existing definitions.

A key concern for several submitters was that definitions in the Policy should be consistent across key policy and legislation. Some noted potential inconsistencies in definitions between key policy documents, such as the Act and the *Water Act 1989*.

Comments asked for clarification of definitions for 'authority' (13 mentions), protection agency (8 mentions), groundwater (5 mentions), pollution (4 mentions), wastewater, receiving waters, potable water and contamination (3 mentions).

AECOM commented that the definition of 'bore' was unclear and suggested that bores used for the drainage of desalination of land and the recharge of aquifers are not bores.

Response to Comments

There was a need for some additional definitions and clarification of existing definitions.

Several definitions proposed by submissions were not added because certain commonly-used terms in Victorian statute have been defined in the *Interpretation of Legislation Act 1984* and are intended to apply to all Victoria legislation.

Unless provided in clause 6, definitions in the *Environment Protection Act 1970*, *Interpretation of Legislation Act 1984* and the common dictionary apply to the Policy. As an example, the definition of pollution of waters, pollute and polluted is defined section 39(1) of the *Environment Protection Act 1970* and the Policy must be drafted consistently with this definition.

Changes to final Policy

Some further definitions were added with some minor amendments were made to existing definitions to better clarify meaning (e.g. surface water, receiving water, groundwater).

Application [draft clause 7]

Summary of comments

No comments were received on this clause; a minor word change was made to the final Policy.

Policy Area [draft clause 8]

Summary of comments

No comments were received on this clause; a minor word change was made to the final Policy.

Segments of the water environment [draft clause 9]

Summary of comments

Seven comments were made on this clause.

Submissions on this clause welcomed the simplification of segments resulting from state-wide approach rather than the current situation where there are different segments specified in different schedules

There were several submissions asking for clarity about the location of boundaries for segments, with several submissions suggesting or requesting a spatial layer of the final Policy segments.

Other submissions queried how the segments would be applied. One submission queried how the clause will apply to areas that are highly modified and where non-impacted conditions do not exist.

ACLCA asked for more guidance on selecting appropriate total dissolved solids (TDS) values; especially, where TDS varies across a site and the site may cross over different segments.

Response to Comments

The suggestion of releasing a spatial layer for the segments was considered to be a sensible suggestion and will be adopted. However, some segments are more appropriately classified by segment definitions, rather than being shown on a map. This includes the Urban segment or Aquatic Reserves, which are defined by other legislation that can be subject to changes over time.

In relation to highly modified areas, the Policy applies to all surface water types, regardless of how modified they are, with the exception of areas within artificial assets that have been constructed for a specific purpose.

Regarding selection of appropriated TDS values, measurements should take into account both the temporal and spatial variability, including ambient TDS values, to determine segment classification. This will not necessarily be the lowest measured TDS value, but professional judgement should be used to ensure that the classification of beneficial uses is representative of the area or site. Where an ambient concentration cannot be obtained, a conservative approach should be adopted to ensure all potentially protected beneficial uses are adequately assessed.

Changes to final Policy

An action to develop and maintain spatial layers for the segments has been included in the Implementation Plan. Schedule 1 and Figure 1 have also been amended to more clearly refer to segments that are not shown in Figure 1.

Applied, adopted or incorporated matters [draft clause 10]

Summary of comments

No comments were received on this clause; a minor word change was made to the final Policy.

Policy principles [draft clause 11]

Summary of comments

One submission provided comment on this clause.

The Metropolitan Water Corporations noted that the Policy principles were not included in the draft SEPP (Waters), and that any changes to the principles in the Act could have a major impact on its implementation. The submission urged that the Policy principles be retained in the Policy and be applied equally, given that the capacity to balance trade-offs between principles was low.

Response to Comments

The Statutory Policy Review (2013) recommended that statutory policies should include references to the Act principles, rather than repeating the principles verbatim.

Changes to final Policy

A minor word change was made to the final Policy but the principles in the Act were not repeated in the Policy.

Assessing practicability [draft clause 12]

Summary of comments

Twenty comments were provided on this clause. Overwhelmingly, submitters were supportive of this clause.

Five comments raised questions about how 'practicability' would be assessed under certain circumstances, including concerns that the application of clause 12 might see a lessening of an environmental obligation. This included submissions from the Victorian Chapter of the Australian Coastal Society, Prensa, and Hume City Council.

Some submissions, such as those from Parks Victoria and VFF proposed revising clause 12 to identify that measures should be cost effective and in proportion to the significance of the environmental problems being addressed.

VicWater noted that water corporations had been unanimous and unambiguous in their desire for the Policy to avoid requiring uneconomic investment in wastewater treatment and sewerage management infrastructure, in favour of catchment-based approaches, provided they can deliver a better overall outcome for communities and the environment, at a practicable cost. VicWater noted:

'Despite endorsing the concept of practicability, there remains a concern that the regulator may adopt an interpretation of practicability that views 'best practice', 'continuous improvement' and 'actions and management practices' exclusively through the lens of discrete water corporation asset, rather than the catchment as a whole'.

Various submissions raised concern that by the Policy identifying that certain measures must be undertaken 'so far as reasonably practicable' would result in obligations to protect the environment being lessened. For example, Hume City Council were of the view that '*practicability can limit the effectiveness of other clauses as the applicant can claim they can't meet the SEPP objectives because it is not practicable*'. Environment Victoria requested that the clause be strengthened by identifying that polluters must use best practice and must seek to innovate and improve.

ERM Melbourne noted that while the explanatory note referred to considering the 'environmental, social and financial aspects of actions', they proposed including a reference to 'technological and sustainability considerations'.

Six comments proposed suggestions for alternative drafting of clause 12 due to concerns with the clarity of expression and terminology. On submission was of the view that the drafting of clause 12 in the draft SEPP (Waters) used imprecise and undefined aspirational language to define 'practicability' and suggested that this would create problems when trying to apply the concept. Similar concerns were also raised by the Victorian Chamber of Commerce and Industry (VCCI), who suggested that applying these terms to the concept of 'practicability' would make the clause complex and unnecessarily confusing. In their submission, VCCI noted:

'This section (clause 12) substantially expands and confuses the current and long-established legal performance standard of 'practicable' (i.e. identifying and understanding hazards/impacts and their risks, and then applying appropriate current knowledge, resources and finances to minimise risks, and then applying appropriate current knowledge, resources and finances to minimise the identified risks and their impacts). In short, organisations applying enough resources to effectively mitigate the risks to the lowest level achievable'.

The Victorian Recreational Fishing Peak Body (VRFish) noted that terms such as 'best practice' and 'continuous improvement' were vague and poorly defined. Conversely, Environment Victoria requested that the clause be strengthened by identifying that polluters must use best practice and must seek to innovate and improve.

Other submissions recommended that the clause be revised to better align with existing concepts already provided in Victorian legislation. VCCI proposed that rather than the Policy introducing a similar, but different concept to that already existing in Victorian legislation, the clause should be revised to better reflect the concept of 'reasonably practicable' under the *Occupational Health and Safety 2004*. VCCI argued that this would improve clarity and reduce confusion amongst industry groups already familiar with this concept in the context of occupational health and safety legislation.

Response to Comments

In considering these submissions, it was acknowledged that Section 20(2) of the *Occupational Health and Safety Act 2004* covers the same intent of clause 12 in the draft SEPP (Waters) but was arguably drafted more clearly. The *Environment Protection Amendment Act 2018* also includes very similar drafting in Section 6(2). Revising the clause to reflect the drafting in other legislation was considered to address most of the concerns raised by submissions in relation to this clause.

The introduction of this concept is not intended to lessen the obligation to protect the environment, but rather is provided to ensure that such measures adopted are risk based. This should ensure that the identification of control measures is determined by an objective assessment of the options, and that measures adopted are proportionate to the risk posed by the activity identified in the clause.

Even where the risk to beneficial uses is low, risk control measures may still be required where the costs of the measures, or the ease of implementing those measures, is commensurate with the risk. A purely self-serving assessment of 'reasonably practicable' would not be considered adequate for the purposes of demonstrating compliance with the obligation. Rather, compliance would require demonstration that the risks to beneficial uses have been correctly identified and assessed and the measures for risk elimination have been properly considered before lower order controls are contemplated.

In relation to the submission from VicWater, it is important to note that the Policy places obligations on infrastructure managers to manage their assets in a way that minimises risks to the environment. The intention of clause 12 was not to provide for a 'catchment-based approach' for addressing pollution, but rather was intended to provide an approach for ensuring that measures adopted to manage risk are proportionate to the level of risk posed. In assessing reasonably practicable, a water corporation would need to demonstrate how they have adequately assessed measures to minimise the risks from the assets that they are responsible for managing, rather than looking to the catchment to find other alternative solutions.

Changes to final Policy

Clause 12 was redrafted to reflect the concept of 'reasonably practicable' as defined in the *Occupational Health and Safety Act 2004* and also the *Environment Protection Amendment Act 2018*. A consequence of this change was that other clauses that previously identified that measures must be undertaken 'so far as practicable' were revised to state 'so far as reasonably practicable'.

PART II – PROTECTION OF ENVIRONMENTAL QUALITY

Division 1 Protected beneficial uses

Objectives [draft clause 13]

Summary of comments

Seven comments were provided on this clause.

Submissions noted the important addition of a clause that recognises the need to consider both diffuse and point source pollution. Two submissions asked for a definition of the term 'pollution'.

Environment Victoria asked for a clear statement of the over-arching objective of the Policy and one submitter asked that there be a reference to providing for economic and social development.

One submitter asked for some words around protecting downstream or receiving waters.

Response to Comments

The Policy adopts the definition of pollution from the *Environment Protection Act 1970*. Unless provided in clause 6, definitions in the Act, *Interpretation of Legislation Act 1984* and the common dictionary apply to the Policy. As an example, the definition of pollution of waters, pollute and polluted is defined section 39(1) of the *Environment Protection Act 1970* and the Policy must be drafted consistently with this definition.

A preamble has been inserted to provide over-arching objectives for the Policy.

Clause 14 states what the Policy protects, i.e. beneficial uses protected in all waters except where otherwise specified. There is no need to specify downstream or receiving water.

Changes to final Policy

No changes were made to this clause in the final Policy.

Beneficial uses of all waters [draft clause 14]

Summary of comments

Seven comments were provided on this clause.

Comments on this clause praised the risk-based approach, noting that the strength of this was that it did not restrict any specific activity as long as protection of the beneficial uses is maintained.

Comments were also overwhelmingly in support of improved recognition of improvements in the Traditional Owner and Aboriginal Victorians cultural values beneficial use.

GHD queried whether it makes sense to protect groundwater for stock watering in urban areas when this would not be allowed in an urban area under planning laws.

MAV suggested the clause be amended to read the 'obligations on duty holders to protect beneficial uses and strive to improve water quality'.

Response to Comments

The Implementation Plan includes an action to engage Traditional Owners to develop site specific environmental quality indicators and objectives for the protection of Traditional Owners' cultural values.

Regarding the question from GHD, in situations where there is additional evidence, such as planning laws that prohibit the keeping of stock, then this evidence can be used to determine that a beneficial use is unlikely to be realised. However, this must be addressed on a case by case basis as it is council specific and therefore cannot be applied uniformly. EPA will provide further information clarifying this matter in an update to EPA Publication 759.

In response to the suggestion from MAV, Section 16 of the Act sets out what SEPPs are intended to do. This clause of the Policy reflects this section of the Act and cannot be changed along the lines suggested by

MAV. The Policy provides a range of mechanisms to consider the practicability of achieving protection of all beneficial uses and prioritise actions accordingly.

Changes to final Policy

Changes to beneficial uses in response to submissions are described in more detail for Schedule 2.

Beneficial uses of groundwater [draft clause 15]

Summary of comments

Twenty-six comments were made on this clause.

Most submissions raised specific questions or requesting points of clarification. For example, one submission noted that SEPP (GoV) explicitly stated that the Policy did not apply to groundwater within any landfill cell, whereas clause 15(2)(d) in the draft SEPP (Waters) stated that this would now be subject to EPA making a determination that this was the case.

Another submission also noted that clause 15(2)(c) suggested that the EPA may also determine that beneficial uses did not apply in a groundwater quality restricted use zone (GQRUZ), which would be inconsistent with the intent of the clause. The submission noted that beneficial uses should still apply in a GQRUZ.

Two submitters asked questions about how EPA would apply clause 15(2)(f) in relation to cave ecosystems and subterranean fauna and if 'cave ecosystems' was the most appropriate term to use. One submission noted that cave ecosystems and subterranean fauna are known to be vulnerable to changes in water quality and deserve the same level of protection as other ecosystems and species.

The International Association of Hydrogeologists Australia (IAH), Prensa, ACLCA and Australian Environmental Auditors asked for clarity about how aquifer yield should be assessed when determining whether a beneficial use applied. A submission questioned how the clause would apply in circumstances where aquifer yield has been compromised due to over extraction, resulting in low aquifer yield, but where measures are planned to recover the aquifer.

Australian Environmental Auditors also suggested that Policy should include provisions to address the risks to human health from vapour intrusions from contaminated groundwater. This comment was further supported by Coffey which asked that the SEPP include a 'human health' beneficial uses to address this issue.

Response to Comments

Table 5 in Schedule 2 was updated to more clearly identify that the beneficial uses in the Policy do not apply to groundwater within a landfill cell.

Regarding beneficial uses within a GQRUZ, by applying a GQRUZ the EPA is acknowledging that groundwater is not of sufficient quality to ensure that beneficial uses are being protected. This was acknowledged as being different from the Policy stating that beneficial uses did not apply in these areas. As such, the reference to GQRUZ and groundwater attenuation zones will be removed from this clause.

In relation to the questions about the assessment of cave ecosystems and stygofauna, EPA will be developing further advice to assist environmental auditors in applying this clause in future. In addition, the term 'troglofauna' was adopted instead of 'cave ecosystems'.

To address the various submissions which raised questions about how to assess aquifer yield for the purposes of this clause, EPA will provide an update to EPA Publication 759 to address this matter.

While the comments about the human health risks associated with vapour intrusion from contaminated groundwater were noted, it was acknowledged that this risk was not well addressed in the Policy. While direct contact is covered to some degree by primary contact, in that the National Health and Medical Research Council (NHMRC) Guidelines take account of inhalation, absorption and irrigation, it does not fully address the issue raised in the submission.

Changes to final Policy

The issue of human health impacts from vapour intrusion from contaminated groundwater has been identified in the Implementation Plan as requiring further work by government.

Subclause 15(2)(c) and (d) were removed and the reference to 'cave ecosystems' in (e) was replaced with the term 'troglifauna' which are small cave dwelling animals, as this more accurately captures the intent of this reference.

Beneficial uses of surface waters [draft clause 16]

Summary of comments

Five comments were received on this clause.

ERM Melbourne asked that Table 4 in Schedule 2 be referenced in this clause.

Southern Rural Water and Goulburn Murray Water both recommended that the term 'in a declared special water supply catchment' be deleted, noting that many water supply offtakes are not in declared special water supply catchments.

DHHS asked for the clause to be reworded to remove the word 'only' from 16(2)(c).

Another submission suggested the inclusion of an additional subclause that would allow the EPA to determine that a beneficial use does not apply if a risk assessment is conducted and deemed acceptable by the EPA.

Response to Comments

The suggestion of including an additional subclause was not adopted as beneficial uses are uses of the environment defined in law. While a risk assessment may be used to determine whether water quality is suitable for the protection of a beneficial use, this beneficial use still applies where defined in the Policy.

Changes to final Policy

Clause 16(1) was amended to reference Table 4 of Schedule 2.

Clause 16(2)(c)(i) was amended to make it clearer about circumstances where water supply offtakes are not in declared special water supply catchments.

Clause 16(4)(d) was removed, as it is not appropriate to reference a mixing zone in this context. By determining a mixing zone, the EPA is acknowledging that water quality may not be suitable for the protection of beneficial uses, but these beneficial uses still apply.

DIVISION 2 - ENVIRONMENTAL QUALITY INDICATORS AND OBJECTIVES

The environmental quality indicators and objectives [draft clause 17]

Summary of comments

Twenty comments were made on this clause.

MAV were particularly supportive of this clause, recognising that the environmental quality indicators and objectives have been developed on informed scientific research and collaborative work, including the incorporation of national standards.

Several submissions responded to the clause saying that they supported the risk-based approach.

MAV noted that the new Policy will include water-based recreation standards based on current scientific studies linking water quality with the risk of illness to human health, and national guidelines used by many other Australian states. They noted that these standards were more precautionary than those in the previous SEPP (WoV) and considered it likely there will be an increase in the number of advisories issued by the EPA for the public not to swim at monitored beaches and waterways.

VCCI commented that the clause states '*the non-attainment of an environmental quality objective triggers an investigation process*', however, it does not describe or define who the 'investigation' obligation applies to.

ERM Melbourne, Australian Environmental Auditors and Prensa asked for more direction on the methodology and process for development of objectives for the beneficial uses 'cultural and spiritual values' and Traditional Owners and Aboriginal Victorians cultural values' as they could be open to different interpretations.

Response to Comments

In response to questions about whether indicators are about compliance rather than a risk, the Policy adopts a risk-based approach to indicators and objectives. This is described in the explanatory note for clause 17.

Regarding responsibility for an 'investigation process', the intent of the clause is to describe the use and interpretation of the indicators and objectives. Determining the actual risk to beneficial uses requires further investigation to understand the context in which they have not been met. This approach is outlined in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality.

In response to calls for more direction, methodology and process for developing objectives for the beneficial uses 'cultural and spiritual values' and Traditional Owners and Aboriginal Victorians cultural values', the review noted that the Victorian Government has been participating in the review of the ANZECC Guidelines, which are expected to include a chapter called 'Incorporating cultural and spiritual values in water quality planning'. This chapter will outline the approach that should be adopted to develop objectives for Traditional Owner groups and calls for Traditional Owners to be engaged to develop locally appropriate indicators and objectives.

This process has been adopted in recognition that Traditional Owner water dependent values are geographically and culturally specific to individual Traditional Owner groups, and that it would not be appropriate for the Policy to define specific, state-wide, water quality indicators and objectives to protect the beneficial use of "Traditional Owner and Aboriginal Victorian cultural Values". To support the meaningful engagement of Traditional Owner groups, the Implementation Plan also includes an action to engage Traditional Owners to develop site specific environmental quality indicators and objectives for the protection of this beneficial use.

Changes to final Policy

Clause 17(2), and the explanatory note describing the application of indicators and objectives, have been amended to better capture the intent of the clauses. Clause 17(4) has also been amended to better explain the risk-based approach.

The language in the explanatory note was simplified to avoid any confusion from an imprecise definition of 'natural variation'.

DIVISION 3 - TARGET SETTING

Developing interim regional targets in priority areas [draft clause 18]

Summary of comments

Eleven comments were made on this clause.

The submissions were generally positive about the introduction of interim regional targets. CMAs were very supportive, noting the need to link the targets to regional waterway strategies. However, they also added that there was a need for resources to cover any additional responsibilities. Local government was also keen to be involved in target setting.

Wimmera CMA commented it is likely that many of the Wimmera's waterways will not meet the environmental quality objectives over the life of the Policy. However, they welcomed the pragmatic approach offered through the Policy and supported the development of the interim targets through Regional Waterway Strategies. They also commented that the appropriate scale for setting regional targets could include targets for priority reaches.

North Central CMA noted that as a largely project funded organisation, they would require additional funding to take on new responsibilities to develop interim regional targets in priority areas.

MAV supported the clause in principle and asked that councils be involved in the setting of targets and opportunities explored for partnerships where councils have a role in stormwater infrastructure improvement programs.

Environment Victoria suggested that for the use of interim targets to be effective in achieving water quality improvements, there needs to be a time frame for their achievement. The submission suggested including *'the progressive rehabilitation of environmental quality in a measurable manner and over a fixed timeframe'*.

The Metropolitan Water Corporations asked that a process for endorsement of targets be developed.

Response to comments

The Implementation Plan includes an action that requires the development of guidance to support CMAs and Melbourne Water in developing interim targets. Expectations for how these agencies develop their Regional Waterway Strategies, including guidance on engagement, governance, timelines and EPA participation will be incorporated in this guidance. Melbourne Water and the CMAs will be expected to engage fully with stakeholders, including local government, when developing the strategies (including regional target setting). The Regional Waterway Strategy ministerial endorsement process is outlined in the *Water Act 1989*.

The Implementation Plan outlines that DELWP will secure funding to assist CMAs undertake interim regional target setting.

Changes to final Policy

Minor changes were made to the final Policy, including that regional targets be set in a measurable manner and over a fixed timeframe.

Pollutant load reduction targets [draft clause 19]

Summary of comments

Three comments were provided on this clause and were generally positive.

One submission welcomed the use of load-based targets and nutrient targets for Port Phillip Bay and Western Port Bay. However, they would like to have more detailed information on how load reduction targets were developed.

MAV support the clause in principle and asked that councils be involved in the setting of stormwater targets relating to pollutant load reduction and opportunities be explored for partnership opportunities.

Response to Comments

Detailed information on the development of load reduction targets and environmental quality indications and objectives is available from *Development of environmental quality indicators and objectives for the draft SEPP (Waters)* (EPA Publication 1688). This publication summarises the extensive technical papers developed by EPA during the review and is intended to assist stakeholders to understand the process EPA followed.

Changes to final Policy

The title of the clause was changed.

PART III – RULES AND OBLIGATIONS

DIVISION 1 – ALL WATERS

SUBDIVISION 1 - WASTE AND WASTEWATER MANAGEMENT

Management of discharges to surface waters [draft clause 20]

Summary of comments

Ten comments were made on this clause.

Numerous submissions expressed support for the Policy recognising the role that a risk assessment can provide in setting more risk-based licence limits which better take account of the local conditions of the receiving waters. VicWater commented that the inclusion of a risk assessment, and consideration of the existing environmental quality of the receiving environment in clauses 21 and 22, was a significant improvement on the outgoing SEPP (WoV).

AGL Energy commended the Victorian Government on modernising, simplifying and improving the effectiveness and usability of the Policy. In particular, AGL Energy supported the wastewater management clauses in the Policy becoming more risk based and made suggestions regarding how this could be further integrated in relation to the assessment of new and existing wastewater discharges.

Environment Victoria commented that this is a '*great clause*' and suggested applying this clause to groundwater.

Response to Comments

Clauses 20-26 relate to the licensing of wastewater discharges to surface waters. Groundwater is not referenced in this clause as the direct discharge of waste to groundwater is prohibited under clause 54.

Changes to final Policy

Minor amendments were made to the explanatory note for this clause to clarify where a discharge of wastewater to surface waters should be considered in the wastes hierarchy.

Applications for wastewater discharges [draft clause 21].

Summary of comments

Five comments were provided comments on this clause.

The Metropolitan Water Corporations suggested that the risk-based approach could be further strengthened by explicitly allowing an applicant to initiate a risk assessment. DHHS suggested a rewording of the clause to require applicants to conduct a 'human health' and ecological risk assessment.

AGL Energy suggested that the clause should be clarified so that in circumstances in which there is an 'unavoidable exceedance of an environmental quality objective, measures to minimize environmental risks can be included in the application'. They were also concerned about the impact of clauses 21 and 22 on vessels in Victorian ports and advocated that the Policy should enable risk-based decision making about wastewater discharges in Victorian ports.

Response to Comments

In response to the comment from the Metropolitan Water Corporations, the current drafting is not considered to preclude an applicant including a risk assessment as part of their application for a wastewater discharge.

The suggestion from DHHS to include reference to a 'human health' risk assessment was supported and will be addressed by a revision to the Guidelines for Risk Assessment of Wastewater Discharges to Waterways (EPA Publication 1287) and the release of a supporting guideline on human health risk assessments. However, it was not considered necessary to explicitly reference a 'human health and ecological risk assessment' as suggested.

Situations where it is not possible to avoid exceeding the environmental quality objectives are already provided for in the current drafting. Clause 21(2) identifies that an application must demonstrate that it incorporated measures that 'avoid' the discharge exceeding the environmental quality objectives, with mixing zones provided in clause 23 to manage the residual risk to the environment where this occurs.

Clauses 20-25 do not impact vessels in Victorian ports. They relate to decision making regarding the management of wastewater discharges through EPA works approvals and licensing. As vessels are not scheduled premises under the *Environment Protection (Scheduled Premises) Regulations 2017*, they are not subject to these requirements. Discharge from vessels are managed under clause 51 in the Policy.

Changes to final Policy

Minor changes were made to the drafting of the clause to better clarify the intent of where a wastewater discharge should be considered in the waste hierarchy. The intent of clause 21 is to identify that before considering a discharge of wastewater to the environment, an application should have demonstrated that it has done everything reasonably practicable to avoid, reuse and recycled wastewater.

A new subclause was introduced to identify that where it is not reasonably practicable to avoid the discharge exceeding the environmental quality objectives, then an application must apply for a mixing zone to manage the residual risk to beneficial uses.

Consideration of applications for wastewater discharges [draft clause 22]

Summary of comments

Six comments were made on this clause.

ERM Melbourne identified inconsistencies between language used to describe 'wetlands and lakes, or estuaries' and segment definitions in Schedule 1; 'wetlands', 'rivers and streams' and 'marine and estuarine'.

Goulburn Murray Water recommended that the EPA should also have regard to the volume and frequency of the discharge and the resulting dilution effect from the receiving waters. Goulburn Murray Water also asked for clarification if the clause applies to emergency discharges under Section 30A of the Act.

DHHS suggested strengthening the application of the waste hierarchy through an additional requirement to consider all practical options.

AGL Energy suggested that clause 22 should be amended to further enshrine the role of risk assessments, rather than relying on prescriptive rules. The submission noted that clause 22 prohibited EPA approving new wastewater discharges into certain aquatic environments, such as areas of high conservation values or to areas sensitive to the impacts of wastewater discharges. AGL Energy suggested that new wastewater discharges should be permitted in these areas if it can be demonstrated through a risk assessment that beneficial uses would not be impacted.

Response to Comments

In response to the submission from Goulburn Murray Water, a risk assessment undertaken consistent with EPA Publication 1287 should take account of the volume and frequency of the discharge on the receiving environment.

Section 30A(1) of the *Environment Protection Act 1970* provides for emergency discharges and states 'despite anything to the contrary in or under this Act'. This means that these provisions in the Act take precedence over the provisions in the Policy.

In relation to the submission from DHHS, it is considered that the waste hierarchy is sufficiently addressed by clause 21(1), as before a proponent can consider a discharge they must incorporate all reasonably practicable measures to avoid, reuse and recycle wastewater.

The Policy retains provisions that have been in statutory policy since 1988, which identify that EPA will not approve new wastewater discharges into areas of high conservation significance. This includes areas listed as wetlands of international importance under the Convention on Wetlands of Importance (i.e. Ramsar Convention). This provision was introduced to ensure that beneficial uses were not further threatened by new wastewater discharges and that the gains made in protecting beneficial uses to date would be secure. The

historical policy position also includes a qualification to this restriction that outlines limited circumstances where the Authority may approve a discharge.

Clause 22 acknowledges that there are areas formally recognised by government as needing to be managed to preserve their conservation value. For example, the Australian Government has obligations under the Ramsar Convention to manage wetlands of international importance to maintain their ecological character.

While the submission from AGL Energy was considered, substantive changes to the operation of this provision without consultation with other affected parties, such as community or environmental groups and the Australian Government, would represent a significant policy change that was not discussed or assessed in the PIA. While there has been redrafting improve clarity and consistency, the policy intent of SEPP (WoV) has been retained.

Changes to final Policy

Minor amendments were made to clause 22 to replace 'wetlands and lakes' with 'wetlands', as this is the correct name of the segment. The words '*existing environmental quality in the receiving environment*' in clause 22(1)(b) was replaced with '*ambient levels in the receiving waters*'. This change was made as these terms are defined in the Policy.

Similarly, a new subclause was introduced in clause 22 to reinstate the exemption that was in SEPP (WoV) but was omitted in the drafting of the draft SEPP (Waters). This subclause provides some discretion to EPA in assessing an application for a new wastewater discharge into certain aquatic environments, rather than being an absolute prohibition. For example, by allowing consideration of a new wastewater discharge to wetlands or estuaries, if it could be demonstrated that the discharge would benefit the environment by providing flow in an otherwise flow stressed waterway or waterbody.

Approval of mixing zones [draft clause 23]

Summary of comments

Four comments were made on this clause.

One submission commented that in approving and managing a mixing zone, consideration should be made of Section 1B of the Act which refers to the principle of integration of economic, social and environmental considerations.

The Metropolitan Water Corporations strongly supported the use of offset measures and recommended that the potential use of offsets as an alternative to reducing mixing zones be explicitly referenced in the clause.

GHD requested guidance be provided on what constitutes an acceptable distance for a mixing zone for different waterways, linked to the environmental values of those waterways.

Another submission noted the challenges of applying mixing zones in upper catchments, where a discharge could represent the only flow within a waterway for substantial periods of the year.

Response to Comments

Guidance for the Determination and Assessment of Mixing Zones (EPA Publication 1344) provides some guidance on the determination and assessment of mixing zones. However, the acceptability of a mixing zone will vary from site to site, and so is a matter for consideration in individual works approvals or licence assessments

The challenges of applying mixing zones to wastewater discharges in waterways in upper catchments is recognised. The low flow rates in these waterways minimises the ability of the receiving waterway to dilute the discharge, and therefore necessitates a very large mixing zone to provide sufficient dilution to protect the values of the waterway. Ecological risk assessments are increasingly a means by which the Authority can better take account of the impact of a wastewater discharge on the receiving environment and can help inform the setting of risk-based licence limits. This provision is supported in the draft SEPP.

The suggestion from the Metropolitan Water Corporations to include a link between the obligation to reduce mixing zones and the potential to apply offset measures to demonstrate compliance was adopted.

In relation to the submission from GHD, the Implementation Plan will include an action for EPA to update the *Guidance for the Determination and Assessment of Mixing Zones* (EPA Publication 1344) to provide further guidance on how to assess the acceptability of a mixing zone.

Changes to final Policy

Clause 23(3) was changed to better clarify how the obligation to reduce mixing zones is intended to apply within the concept of 'reasonably practicable'.

A new subclause was introduced to identify that offset measures could be considered as an alternative means for demonstrating compliance with the obligation to reduce mixing zones.

Use of offset measures to protect beneficial uses [draft clause 24]

Summary of comments

Thirteen comments were provided on this clause.

The Metropolitan Water Corporations supported the use of offset measures and suggested that they could be expanded to help achieve the pollutant load reduction targets in Schedule 4, where these targets require reductions of loads from wastewater treatment plants.

ERM Melbourne noted that offset measures appeared to only apply to surface waters and questioned whether offset measures could be considered for groundwater contamination, rather than undertaking expensive remediation efforts.

DHHS asked that it be made explicit that offsets cannot be applied to hazards (such as pathogenic microorganisms) that impact on human health.

ACLCA noted that the nature of consultation with the community on offset measures was not defined in the clause.

Several submissions requested further guidance be provided on how offset measures would work in practice. AGL Energy noted that the existing guidance materials on water quality offsets were focused on discharges from sewage treatment plants managed by water corporations and requested that further guidance be developed to enable the use of water quality offsets by other industries.

Environment Victoria recommended removing the clause, noting that the experience and standards of environmental offsetting generally in Australia is poor. In particular, it was noted that the program design for offsets are typically inadequate to meet theoretical or principled standards, and that the administration and compliance of schemes commonly underperform.

Response to comments

Further policy analysis would be required to understand how clause 24 could be applied to obligations to meet pollutant load targets. The current drafting of the clause is not considered to preclude this being a possible consideration in the future.

Offset measures are provided as a licensing tool in the Policy to manage wastewater discharges and are not intended to apply to contaminated groundwater. Further policy analysis would be required to evaluate the consequences and appropriateness of this proposal, but this was not possible in the timeframes available to finalise the Policy.

Any application for a water quality offset would need to be supported by a risk assessment, which would include an assessment about risks to human health.

The Implementation Plan acknowledges the need for further guidance to be developed to support the implementation of water quality offsets.

Changes to final Policy

No changes were made to the final Policy.

Discharges that provide environmental benefits [draft clause 25]

Summary of comments

Six comments were made on this clause.

Submissions on this clause commended the potential for discharge of wastewater to surface waters to provide water for the environment. Wimmera CMA commented that wastewater discharges to waterways may provide environmental benefits, especially in more arid locations and during droughts.

One submission considered that this clause is a significant step forward, especially where evidence is given that the overall benefit of including wastewater flows to the waterway is greater than there being no flow at all. In such cases, the discharge would need to be acknowledged as an environmental flow so that it would be protected from extraction by other users.

Several submissions noted that such proposals would need to be carefully assessed to ensure the flow benefits exceed the water quality risks. One submission noted that recycled water was excluded from the environmental water reserve in the *Water Act 1989*, which may limit the storage and delivery of recycled water for the environment. Wimmera CMA commented that there are many contaminants, such as high levels of oestrogen, methamphetamines which present substantial risks to aquatic ecosystems that are not considered in the Policy. They recommended that EPA develop guidelines to assess the risks of contaminants not currently within the Policy.

The Metropolitan Water Corporations supported the inclusion of clause 25 as a positive and welcome addition to the draft SEPP (Waters). However, they suggest that guidelines be developed to explain how the clause is to be applied. They also suggest the creation of an additional clause relation to discharges that provide cultural or spiritual values.

Response to Comments

EPA recognises the challenges associated with emerging contaminants, and the need to provide further guidance about how the risks from these containments should be identified, assessed and monitored, as well as how this information should be addressed through a risk assessment. While the introduction of ecotoxicity sediment testing standards in the Policy combined with whole of effluent toxicity testing will provide some support for assessing these risks, the challenges raised in the submission by Wimmera CMA are recognised and acknowledged and will be an area for further work.

EPA also recognises the need to provide further guidance to clarify how this clause will be applied through works approval and licence assessments.

In response to calls for a clause in relation to discharges that provide cultural or spiritual values, further policy analysis would be required to consider how recycled water could support cultural and spiritual values before this concept could be reflected in statutory policy.

Changes to final Policy

An action was incorporated into the Implementation Plan to ensure guidance on how to apply this clause is developed.

The phrase '*or other uses*' has been reinstated to reflect the existing policy position.

The explanatory note was amended to identify that the clause was intended to be applied in situations where environmental values were being compromised by a lack of freshwater flow, and the introduction of a wastewater discharge may help protect these values. In addition, the explanatory note identifies that such a discharge could be considered an acceptable form of reuse.

Management of wastewater reuse and recycling (draft clause 26)

Summary of comments

Five comments were made on this clause.

ERM Melbourne queried the definition of 'person' in the explanatory note and asked whether the clause was focussed on industry or domestic recycling.

Gippsland Water cautioned that the input of treated wastewater to streams had potential benefits, and under a water constrained future, these flows may be more important.

Response to Comments

The *Interpretation of Legislation Act 1984* defines a 'person' as including an individual as well as a body corporate. As this Act applies to the Policy, so does this definition. As such, it is not appropriate to repeat this definition in the Policy. Similar comments were also raised in response to clauses 40, 42, 50 and 53.

In relation to the comment from ERM Melbourne, the clause applies to the industrial reuse and recycling of wastewater, particularly from sewage treatment plants.

In response to Gippsland Water, risk assessments may play a role in assessing the risks (and potential benefits) of a wastewater discharge to receiving waters. Clause 25 provides that the Authority may approve an application to discharge wastewater to surface waters to provide water for the environment.

Changes to final Policy

No changes were made to the final Policy.

Management of sewerage systems [draft clause 27]

Summary of comments

Eighteen comments were made on this clause.

Submissions on this clause were supportive of efforts to ensure that sewerage infrastructure is designed and maintained to contain flows associated with at least a 1-in-5 year rainfall event with particular support for the risk-based approach to decision making.

Some submissions raised concerns with the continued reference to a '1-in-5 year rainfall event'. Submissions made by Urban Water Solutions and the Metropolitan Water Corporations recommended that this reference be revised to terminology more consistent with Annual Exceedance Probability (AEP) to better align with the Bureau of Meteorology (BOM) and current Australian Rainfall and Runoff (2016). The current Australian Rainfall and Runoff (2016) discusses the importance of providing a clear and precise interpretation of flood magnitudes, noting:

"This need has resulted in a move away from terminology adopted in the 1987 Edition of Australian Rainfall and Runoff towards a clear and unambiguous terminology supported by the National Committee on Water Engineering of Engineers Australia and the National Flood Risk Advisory Group. All parties believe that terminology involving annual percentage probability best conveys the likelihood of flooding and is less open to interpretation by the public".

One submission acknowledged the need to upgrade existing sewerage infrastructure but requested that consideration be given to the capital costs and lead times required to meet this obligation.

The Australian Coastal Society cautioned that some existing industrial areas are not able to adequately manage their discharges, often due to a rain event or sea surge. They also expressed concern that the 1-in-5 year containment standard may not be sufficient to ensure infrastructure is protected from the impact of sea level rise.

Several submissions welcomed the improved clarity around applying a risk-based approach to establish how best to achieve the 1-in-5 year rainfall event requirement. However, some submissions were concerned that the clause does not enable a risk-based approach to be applied at the catchment level to establish if there are other actions, outside of sewerage infrastructure upgrades, that would achieve a better outcome.

The Metropolitan Water Corporations supported the clause as proposed but had several suggestions and comments. One was a suggestion that the term 'critical duration event' also be included in the clause, and a reference to the new *Sewerage Management Guidelines* (EPA Publication 1707) be included, particularly in relation to the assessment of risk.

The Environment Health Professionals Australia (EHPA) asked for additional emphasis on designing sewerage systems so that system design optimises opportunities for new and future sewer connections.

Two submissions requested consideration of the possibility of leaky infrastructure dewatering local aquifers or potential for groundwater to discharge into a sewer.

Response to Comments

It was acknowledged that the reference to a '1-in-5 year rainfall event' combined terminology from two different statistical approaches and was recognised as potentially creating confusion. As such, references to the '1-in-5 year rainfall event' was replaced with language more consistent with AEP. While consideration was given to adopting a clearer standard of 20% AEP, as this change was not assessed in the PIA and would have had a material impact on water corporations, it was not adopted.

Instead, because the intention was not to change the containment standard itself, but rather the language used to describe it, an 18.1% AEP was adopted, as this was equivalent to the current containment standard. This change was discussed in consultation with water corporations. In making this change, it was recognised that not all water corporations have calibrated their models to AEP, and so consideration will be given as to an acceptable timeframe for transitioning modelling to align with the revised clause.

The Metropolitan Water Corporations suggested that a reference to critical duration events be adopted, and this was supported, with a statement provided in the explanatory note. Critical duration describes how long a rainfall event must continue for to maximise outflows from the catchments. Adopting this reference will ensure that there is consistency in the determination of design flows when sewerage infrastructure is being developed.

To support the release of the Policy, the EPA worked with representatives from the water industry to develop *Sewerage Management Guidelines* (EPA Publication 1707). These guidelines will support the obligations in clause 27 and clarify how 'so far as reasonably practicable' can be assessed for the purposes of sewerage management.

Changes to final Policy

In response to the submissions made to this clause, references to a '1-in-5 year rainfall event' were replaced with 'at least an 18.1% AEP'. The explanatory note was revised to identify that this must be assessed based on the critical duration event, and also included a reference to the *Sewerage Management Guidelines* (EPA Publication 1707).

Consideration of applications for subdivision and onsite domestic wastewater management [draft clause 28]

Summary of Comments

Fifteen comments were made on this clause, the majority being from councils.

One submission outlined that it was '*in practice, unobtainable that any onsite domestic wastewater management system could contain waste within the boundaries and not impact on groundwater*' and the Policy should acknowledge this by using the term 'unacceptable risk' throughout, i.e. not cause unacceptable impacts on groundwater beneficial uses.

Several submissions did not support the inclusion of the *Guidelines for planning permit applications in open, potable water supply catchment areas* being referenced in the Policy, as they believed the guidelines suppressed growth in these areas and were not based on science. Alteration of the title of the guideline and where the guidelines are applied, were noted as being incorrect.

Several submissions queried who 'the Authority' was referring to, as it was not clear to them.

While there were no direct comments supporting or objecting to the inclusion of alternative systems, one submission pointed out that:

'full traditional centralised sewerage schemes may not be cost effective, and that ODWS have potential impacts on ground and surface waters if poorly designed or managed. Re-framing the SEPP to encourage more community-based, decentralised systems may increase the cost-effective and safe management of domestic wastewater.'

Several submissions requested clarity around the approval/permitting/compliance arrangements for any alternative systems and suggested that ‘a model for planning, construction, governance and maintenance for alternative systems is developed in consultation with the EPA, water authorities and councils’.

A few submissions requested that the clause include the ability for the EPA to provide further guidance over and above the Victorian Land Capability Assessment Framework. One submission contended that ‘*domestic wastewater plans should directly inform strategic planning documents, and this should be stated as these strategic documents inform decision making and planners must be encouraged in the wording of the clause to reference council and water authority sewage planning documents*’.

MAV felt the clause was unclear, from a local government planner perspective and would benefit from the objective of the clause being outlined, as well as referencing all documents, including their relevant sections, that a responsible authority should have regard to, as well as outlining matters they must consider when making planning decisions. MAV requested that the clause be extended to also apply to properties expanding in size or adding outbuildings.

Comments received on other onsite domestic wastewater management clauses highlighted the lack of definition of ‘domestic wastewater’ and inconsistent use of terminology around wastewater and sewage and domestic wastewater management systems.

Response to comments

The Policy aim of ensuring new subdivisional developments allow for reticulated or alternative systems where land capability assessments demonstrate risk of wastewater being discharged beyond allotment boundaries or would pose a risk to groundwater beneficial uses remains relevant. Inclusion of the term ‘unacceptable’ risk has not been adopted because of the difficulty in defining ‘unacceptable’ risks. Risks should be avoided because the clause is about approving new development.

The inclusion of the *Guidelines for planning permit applications in open, potable water supply catchment areas* ensures that the guidelines are considered where reticulated sewerage or alternative systems are not practicable. The Implementation Plan includes an action to scope the revision of these guidelines along with other guidance informing onsite domestic wastewater management. Concerns raised by submissions will also be used to inform those reviews.

The most appropriate onsite domestic wastewater management system used in subdivisions will be determined through the planning process at the time of the subdivision. The Policy does not impose a treatment system, however provides a greater number of choices for proponents and councils to consider.

SEPP (WoV) is called up in the Victoria Planning Provisions (VPP) in 4 overlays and in the Local Planning Provisions (LPP) in 10 zones (all are about connection to a reticulated sewerage system or if not available, the wastewater must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria)). The planning schemes outline the purpose and decision guidelines for the relevant overlays and zones. Any changes to where clause 28 is applied can be pursued through seeking amendments to the Victoria Planning Provisions, as allowed for in the Implementation Plan action.

Part IXB of the *Environment Protection Act 1970* assigns responsibility for issuing a permit to construct and a certificate to use a septic tank system to municipal councils with <5,000 L/day capacity. The trials such as the Park Orchards Community Sewage Program Trial will provide information to inform future approval/permitting/compliance models. Clarification of roles and responsibilities for alternative systems will be included in the Implementation Plan and be informed by trials currently underway.

Changes to final Policy

The Policy was amended to use the term ‘sewage’ in the relevant onsite domestic wastewater management clauses and their explanatory notes, in addition to a definition of ‘sewage’ provided in clause 6 definitions. The title of the clause has been amended to reflect that the clause is about managing onsite domestic wastewater management systems.

The title of the *Guidelines for planning permit applications in open, potable water supply catchment areas* and where they apply has been corrected.

Allowance for EPA (the Authority) to provide guidance in 28 2(a) has been provided.

While not raised in written submissions, some verbal feedback at consultation sessions queried how the term ‘viable’ was meant to be interpreted. The clause refers to where systems are not practicable or viable. In

order to provide greater clarity, the term viable was removed and replaced with reasonably practicable and linked to clause 12.

Councils to develop a domestic wastewater management plan [draft clause 29]

Summary of comments

Fifty-four comments were made on this clause, the majority being from councils, water corporations and DHHS.

Several submissions mentioned the clause was an improvement and that the requirement to consult with water corporations would improve outcomes. All submissions welcomed the ability to consider alternative options to reticulated sewerage. Southern Rural Water supported greater involvement in domestic wastewater management (DWM) planning but acknowledged that their participation will place greater demands on them to support the process. Greater City of Bendigo *'strongly supported the proposed wording and structure of 4(c) i and ii, basing compliance and enforcement activities on conformity to the DWMP is highly valuable and allows council to make meaningful decisions.'*

Several submissions pointed out that the reference to Section 32A of the *Water Act 1989* was not correct, as this section did not cover DWM plans. One submission considered that the term 'ratepayer' should be replaced with 'stakeholders'.

Greater City of Bendigo were *'surprised that CMAs were not the focus of clause consultation as they are NRM managers and the DWM Plan should be designed to complement a catchment management plan.'* They also felt that leadership by EPA in the formulation of DWM Plans was required.

The South East Victoria Local Government Wastewater Initiative and Greater City of Bendigo pointed out that where options such as cluster systems and small scale decentralised sewer systems are selected, the Policy is unclear on who the lead agency would be for the delivery and operation of such systems.

One submission noted that on-site wastewater management provisions will continue to have limited effectiveness whilst the operational performance of these systems cannot be practicably regulated and funded. There is currently very little incentive for property owners to upgrade older systems discharging off-site and many argue there is a disincentive. There needs to be provision in the SEPP for councils and/or water authorities to enforce or fund upgrades to historically permitted off site discharges. Reference to rate capping was mentioned by many stakeholders, which *'limits council's ability to invest resources in audits, enforcement, planning infrastructure to manage onsite domestic wastewater management systems.'* Assistance from the EPA was a common request by councils. Many submissions requested state government funding to support implementation of the clause.

One submission pointed out that If risks to ecosystems and human health are to be adequately addressed in unsewered areas, there needs to be a consistent (ideally) statewide process for determining where improved wastewater management is required. There then needs to be a mechanism to ensure water authorities investigate the full range of potential servicing options and have the ability to fund delivery of improved services given that the business case for these type of projects are inevitably poor without subsidisation over a wider customer base.

A few submissions said that reporting and audit was a valid inclusion, but it should be provided to the EPA (and not just ratepayers). Hume City Council outlined the many barriers that limit implementation of DWM plan and did not support the prescriptive reporting requirements to plan or audit because there was little interest from the broader community and many other items are reported on their website. They believed councils should have the ability to determine how often plans should be reviewed. MAV outlined that *'if councils prepare DWMPs that they (should) review and monitor these, however this will increase requirements on councils, particularly rural councils with the greatest resourcing constraints.'* MAV also requested that the explanatory notes include a reminder that the obligation for maintenance of systems is with the premises occupier.

Vicwater felt that instruments to focus attention on areas where onsite systems represented an elevated risk to beneficial uses was missing from the Policy, adding that *'failing/under maintained systems were viewed as a state-wide problem, however it is likely that only a small portion are failing systems impacting waterways.'*

DHHS requested an addition to the clause that *'councils accredit assessors to review Land Capability Assessments (LCA).'*

Several submissions believed that it was not clear that councils should engage with water corporation and the EPA when developing, revising or implementing the domestic wastewater management plan.

Goulburn Murray Water suggested that any risk assessment undertaken '*should consider systems that are discharging or have the potential to discharge beyond the boundaries of properties*'.

Response to comments

The clause maintains the requirement for councils to continue to develop and implement domestic wastewater management plans. The CMAs can take an active role in the development of DWMPs, where requested by councils, as councils are required to consult with water corporations, the community and other stakeholders when developing their DWMPs.

In response to observations that adopting an evidenced based approach has resource implications for local government, it is acknowledged that for municipal councils to invest resources in the audit, enforcement, planning and infrastructure required to manage onsite domestic wastewater management systems, the benefits need to be balanced with the investment. The role of the DWMP is to determine whether current and future onsite domestic wastewater management systems pose a risk, and if they do, the plan should identify options for how to address the risks. For councils with limited risks the planning and resourcing of implementation, audit and reporting will be less.

Regarding concerns with rate capping and requests for funding, under Implementation Plan action 5.7 actions will be undertaken to secure funding to assist councils meet their obligations. Beyond this, funding will be considered in line with other Government priorities. The Implementation Plan has been updated to include a risk assessment framework for both land capability and landholder capacity.

Requests for additional or differing obligations to be included in the clause have not been included as these were not consulted on, nor costed in the draft PIA.

Changes to final Policy

The clause was updated to include words that outline the intent of the DWMPs and how strategies identified in these plans are to be implemented; that councils should consult the Authority (EPA) when developing and implementing a domestic wastewater management plan; links between subclause (3) and subclause (4) and engaging with EPA and water corporations has been made clearer.

Reference to Section 32A of the *Water Act 1989* was deleted from the explanatory notes. The explanatory notes have been updated to reflect the audit of the domestic wastewater management plan implementation is an internal audit, not environmental audits under Section IXD of the *Environment Protection Act 1970*.

Consideration of approval process for decentralised or cluster systems has been added to the Implementation Plan. The Implementation Plan also contains actions to address issues with guidance and convening a small working group to progress other barriers raised in submissions.

Including the LCA as a legitimate tool to demonstrate whether an allotment can contain sewage onsite is reasonable and was reinstated in the clause.

Subclauses have been revised to be clear that council must consult with water corporations and others and subsequently engage them in identifying, assessing and managing risks.

Identification and assessment of cumulative risks was updated to make it clear that current and potential risks should be considered for properties discharging beyond allotment boundaries and where there are risks to groundwater.

Sewerage planning [draft clause 30]

Summary of comments

Seven comments were received on this clause.

Submissions appreciated the requirement for water corporations to provide a copy of their sewerage management plan, however felt that water corporations should be required to consult with the community when developing plans to ensure planned servicing options aligned with council's DWMP. They further requested that the sewerage management plan be approved by EPA.

One submitter was not confident that the clause provided any certainty that water corporations would dedicate resources towards planning for future needs of the community relating to sewerage, and this was not tolerable in backlog areas. The clause as drafted did not provide a viable option to correct the risks identified (through domestic wastewater management plan).

One submission noted that high risk locations with raw sewage into waterways were not being prioritised by the local water corporation and there should be mandated alignment of priorities for the clause to be successful.

A minor amendment to change the term from local government to councils was requested.

Response to comments

This clause is an extension of the DWM planning phase, where the DWMP identified reticulated sewerage or an alternative system as the preferred option to address high risk areas requiring improved sewage management. The water corporation should use its internal sewage management planning information and that from the DWMP to prepare a response to council about how both sets of priorities align and which priorities the water corporation will incorporate into its water plan/pricing submission and servicing schedule. The clause outlines the information required in the response. This enables the councils to better understand where priorities align and where they might not.

The water corporations have a *Water Act 1989* requirement to plan for future needs of the community relating to sewerage services, this direction is not required to be repeated by the Policy. The clause does not require the water corporation to provide their entire sewerage management plan to councils. Community consultation occurs when water corporations plan their services, however community consultation not required to formulate the response to councils.

Changes to final Policy

Minor administrative changes were made to improve clarity of the clause and to include the term 'sewage' and 'councils' instead of 'local government'.

Connection to sewerage [draft clause 31]

Summary of comments

Six comments were received on this clause.

Submissions generally noted that the clause clarified occasions when it is appropriate for water corporations to enforce sewer connections. Although there was concern that in their experience there was reluctance of water corporations to use the *Water Act 1989* to enforce connections, instead relying on councils to use the *Public Health and Wellbeing Act 2008*.

Clarification was requested to describe that where a property is located within a 'sewerage district' this aligns with where water corporations can provide sewerage services.

EHPA requested the clause mandate that water corporations inform councils of changes to sewerage districts, so development could be provided with sustainable sewerage management systems.

Response to comments

In response to the comment requesting new/amended legislation to better enable sewer connections, the Implementation Plan includes a detailed assessment of whether regulations might better service onsite domestic wastewater management. As a component of this action, the suggestion of a service or operating agreement between councils and water authorities could be considered.

In response to EHPA's recommendation for water corporation to notify councils of changes to sewerage districts, Section 122GAB Variation or abolition of district of the *Water Act 1989* outlines that sewerage district determination of the Minister be published in the Government Gazette.

Changes to final Policy

The clause was updated to include a reference to properties located within a sewerage district to be serviced by a sewerage network. Minor amendments to reference 'sewage' were made.

SUBDIVISION 2 - MANAGEMENT OF SPECIFIC RISKS TO BENEFICIAL USES

Planning schemes and permits [draft clause 32]

Summary of comments

Seven comments were made on this clause.

In their submission, MAV stressed the importance of this clause in providing the Policy framework for identifying and assessing the significant effects which a planning scheme amendment or development might have on environmental quality.

Four submitters asked for the clause to be more definitive and provide a stronger signal about statutory responsibilities. Three submitters asked for 'if relevant' to be removed with one submitter noting it is not possible to know if the Policy is relevant until after you 'have regard to it'. The Australian Coastal Society asked that the clause be further strengthened, and for the word 'must' to replace the word 'may'. One submission said more emphasis should be put on regulatory decisions that use the SEPPs so that decisions are based on empirical evidential data.

Response to Comments

The use of the term 'may' rather than 'must' consider' in this clause 32(2) is consistent with the *Planning & Environment Act 1987*. Section 60 of that Act says:

'What matters must a responsible authority consider?'

(1A) Before deciding on an application, the responsible authority, if the circumstances appear to so require, may consider—

(f) any relevant State environment protection policy declared in any Order made by the Governor in Council under section 16 of the Environment Protection Act 1970;

The Policy cannot be inconsistent with primary legislation provisions; therefore, it can only say 'may'.

This clause signals that it is relevant for planning and responsible authorities to consider the Policy.

Changes to final Policy

The phrase 'if relevant' was removed from this clause.

Protecting catchment areas used to supply water [draft clause 33]

Summary of comments

Four comments were made on this clause.

One submission noted that it was pleasing to see the continued acknowledgment of protected catchments.

DHHS asked that a reference to human health be inserted in the explanatory note and a reference to preventing environmental and 'human health impacts' be inserted at the end of the clause.

Response to Comments

The clause is relevant to designated water supply catchment areas where management agreements are in place. These plans do not refer to human health impacts and to add the suggestion to the clause would be inconsistent with those agreements.

Changes to final Policy

A reference to human health was included in the explanatory note. The correct date of the *National Parks Act 1975* was included.

Urban stormwater [draft clause 34]

Summary of comments

Forty-four comments were received on the clause, from councils, water corporations and environmental groups.

Stormwater Victoria noted that:

'in general, unless captured within the narrow purview of either clause 56.07 of the Victorian Planning Provisions or a Water Sensitive Urban Design Local Planning Policy, stormwater pollutant management has sat outside the regulatory framework. Stormwater management for the protection of waters has been essentially voluntary. This has led to the ongoing degradation of urban waterways and generally poor outcomes for urban stormwater.'

The Metropolitan Water Corporations wanted Best Practice Environmental Management Guidelines for Stormwater (BPEMG) objectives met 'as a minimum' and requested that Melbourne Waters' waterway management function be included in the clause to avoid potential confusion in relation to its multiple *Water Act 1989* functions. Many submissions supported the BPEMG review mentioned in the Implementation Plan and requested other review work underway also be included in the Implementation Plan such as the Melbourne Urban Stormwater Institutional Arrangements Review (MUSIA).

One council wanted 'drainage' authorities to be mentioned in clause 34(2) because areas of greater than 60 hectares are Melbourne Waters' responsibility.

One council suggested that the onus of water quality improvement should be moved further onto property owners and developers as a method of reducing pollution and nutrient loads.

Many submissions supported the inclusion of 'all new development' but noted that updates to the VPP would be required. Some submissions requested further clarification in the explanatory notes on what 'all new development' meant.

MAV acknowledged the challenges over the next 10 years in relation to stormwater management and that increased breadth and standards in the Policy to manage pollution of waterways is worth striving to achieve. The felt the current clause wording suggested councils will need to apply the BPEMG requirements over and above the development referred to in the VPP.

Several requests were made for new legislative powers, such as addressing the lack of enforcement powers of responsible authorities.

One submission outlined that while identifying options is valuable, clause 34 should also require councils to implement a program of measures, with corresponding timelines, for the options identified. This submission also suggested listing other potential legal and policy vehicles of relevance to urban stormwater.

The Metropolitan Water Corporations expressed that there was '*tension between this clause and C16 which says the EPA may determine that beneficial uses in surface waters doesn't apply*'. They acknowledged '*the need to design and manage assets in the public domain that are not harmful to humans. It doesn't appear reasonable for assets to be expected to provide a further level of safety related to recreational contact activities that are outside the scope of the services intended to be provided by those assets.*'

One submission queried whether it should be appropriate for the stormwater management plans to consider '*potential for groundwater (in a contaminated site setting) to discharge into stormwater drains.*'

The City of Port Phillip sought inclusion of a reporting frameworks and review periods within the clause.

Two submissions requested stormwater harvesting be included as a new beneficial use.

Councils requested funding from State Government to implement their obligations as well as to improve infrastructure/asset registers; to assess the effectiveness of stormwater management plans, fund priority areas of stormwater management, resourcing for education programs, and to assist meet load targets and regional goals, where developed in conjunction with councils.

Response to submissions

The Policy is one instrument in the stormwater management framework. Government is looking at broader urban water policy reform, and this process might be better placed to address some of the issues raised in

submissions, that are outside the scope of the Policy. Listing all the relevant policies and other current work is not necessary in the clause explanatory notes.

The current wording of clause 34(2) already allows for performance above and beyond meeting the environmental management objectives in the BPEMG. EPA is leading the review of the BPEMG and submissions within the scope of the BPEMG review have been provided to that process.

The Improving Stormwater Management Advisory Committee is reviewing the development types and land uses to which the BPEMG applies. It is likely that the coverage of the BPEMG will be extended to a significantly wider range of development types and land uses. The Improving Stormwater Management Advisory Committee will advise government about:

- possible changes to Victoria's planning system, including the Victoria Planning Provisions, to better manage stormwater;
- other options for improving urban stormwater management.

Clause 34(2) reflects councils' statutory role to regulate development via the planning system. Councils, as the responsible authority, will continue to require developments to comply with the BPEMG via the planning system (as they do now for particular types of development). Councils consult drainage authorities for technical advice as required, when assessing planning applications, however councils ultimately approve the development. The 60-hectare delineation between council and Melbourne Water responsibilities is being considered by the MUSIA Review.

It is appropriate that councils continue to prepare and implement stormwater management plans or equivalent plans to manage the risks associated with stormwater infrastructure, as per the requirements of the clause, including timelines and prioritisation of actions. The need for more clarity in clause 34(4) about review periods and reporting frameworks for stormwater management plans will be addressed by the development of guidelines for stormwater management plans.

If councils have ready access to groundwater contamination data, they can determine how best to incorporate that information into stormwater management plans.

Beneficial uses within artificial assets are not required to be protected under the Policy which protects natural systems, however beneficial uses in receiving waters do need to be protected. The Policy does not advocate the use of existing artificial assets for the purposes of recreational pursuits, however assets must be designed and managed to avoid pollution in those assets. It is important that assets constructed for water quality purposes continue to be maintained for that purpose, so they do not become sources of pollution due to lack of maintenance.

The Implementation Plan outlines that EPA and DELWP will work with MAV and local government to implement stormwater management plans. Beyond this, funding will be considered in line with other Government priorities.

Changes to final Policy

The clause title was updated to be consistent with other clause titles.

The term "so far as reasonably practicable" was included. The introduction of 'minimise so far as reasonably practicable' to the clause ensures that the identification of control measures is determined by an objective assessment of the options, where the measure is proportionate to the risk posed by the clause activity.

The term 'development' as defined in the *Planning and Environment Act 1987* has been included in clause 6 definitions.

The end notes and explanatory notes were amended to consistently refer to chapter 2.3 of the BPEMG. Consistency between the clause and explanatory notes regarding councils as responsible authorities will be provided.

Explicit recognition of the role of Melbourne Water as a waterway manager was added.

Schedule 2 Table 5 exclusions to beneficial uses will be updated to better reflect that beneficial uses do not require protection in artificial assets. The explanatory notes will be updated to advise that the clause does not purport rights to use a stormwater drain for recreational purposes; and clearer language about when renewal and replacement of assets is applicable will be added.

Management of saline discharges [draft clause 35]

Summary of comments

Nine comments were made on this clause.

Submitters appreciated clarification of agency obligations and the inclusion of links to relevant statutes. They also commented positively on the clarity of the explanatory notes. MAV supported the clause.

Several submissions asked for greater clarity over what constitutes a saline discharge. A few additional activities were suggested, including discharge from small desalination plants and basement pump-out water. Stormwater Victoria and the City of Melbourne asked for specific protections to ensure that saline groundwater derived from basement pump-out water does not impact stormwater networks.

ERM requested a TDS definition for saline wastewater and saline groundwater discharges.

Two submissions requested clarification of responsible parties. Southern Rural Water asked that the clause be modified to reinforce that it applies to irrigation districts alone, and thus is relevant only to water corporations with irrigation districts.

Casey Council commented that responsibility for salinity management should sit with the relevant water authority.

Response to Comments

The intent of clause 35 is to manage saline discharges from activities such as groundwater pumping for salinity management in non-urban areas. The clause is particularly relevant to areas where a Salinity Management Overlays (SMO) exists to ensure development of land does not increase salinity of waters and subsequently affect beneficial uses. Basement/groundwater pumping is not included in this clause.

Clause 35(5) and 35(6) state that DELWP must manage salinity targets in accordance with the Murray Darling Basin Agreement and water corporations when making licencing decisions must ensure their decisions are in accordance with the regional irrigation development guidelines and not adversely impact beneficial uses.

It is not possible to provide a TDS definition of 'saline wastewater' (in terms of an electrical conductivity definition) as this varies across the State.

This clause is relevant to rural water corporations with irrigation districts.

The clause is directly linked to C44.02 of the VPP. Councils administer the VPP and the SMOs and relevant water corporations undertake their functions as outlined in the *Water Act 1989*. The Policy cannot make entities responsible for functions outside their principle Act functions.

Changes to final Policy

The Implementation Plan was updated to include an action to assess the appropriate regulatory framework for the management of basement dewatering.

The term "so far as reasonably practicable" was included. The introduction of 'minimise so far as reasonably practicable' to the clause ensures that the identification of control measures is determined by an objective assessment of the options, where the measure is proportionate to the risk posed by the clause activity.

The term "relevant" water corporations was removed and replaced with "water corporations that with manage irrigation districts functions under Part 11 of the *Water Act 1989*".

Minimising impact of irrigation drains and channels on receiving waters [draft clause 36]

Summary of comments

Seven comments were made on this clause.

Southern Rural Water and Goulburn Murray Water asked for the removal of clause 36(2)(a) as:

'channels and drains are designed to transport water and not be in contact with humans or animals, as such most are fenced because of the potential safety risks. Recreation and other types of contact are

not beneficial uses for channels or drain. We [Southern Rural Water] have PR programs to discourage swimming in channels because of various hazards that can be present, for example. Related references in clause 16(4) seem to allow exclusion of channels and drains from having any beneficial uses.'

One submission requested that a Monitoring, Evaluation and Reporting (MER) plan outline how this clause will be assessed.

VFF noted that the reference to minimising the impact of water flow throughout the draft SEPP (Waters), but in particular in clause 36(1), is outside the remit of the Act as increased flow is not a pollutant and impacts of excessive flow is covered by other legislation and should be removed.

Environment Victoria requested greater emphasis on avoidance of impacts from irrigations drains and channels.

Response to Comments

Clause 36(2) will be retained in the Policy. The purpose of the subclause is to ensure that the design and management of artificial irrigation drains/channels minimise the impacts on beneficial uses of receiving waters. Beneficial uses are not protected within the drain/channel and this was made clearer in Schedule 2 Table 5 exclusions. Constructed assets such as irrigation drains are classed as 'waters' as defined in the Act and are therefore subject to Section 39 Pollution of Waters provisions. The clause seeks to avoid pollution of waters through design and management activities.

The implementation of the Policy will be supported by an overarching MER Framework that will provide a guide to determining whether the Policy is effective and to support the adaptive management of the Policy.

Changes to final Policy

Schedule 2 Table 5 exclusions was amended to clarify that beneficial uses are not protected within drains and channels. The reference has been removed from clause 16. The explanatory note was updated to make it clear the clauses is not advocating for recreation in irrigation drains and channels.

To avoid confusion with terminology the clause wording has been revised to more closely reflect the Act wording regarding impacts on humans, plants and animals within drains and channels. The term 'unacceptable impacts on animals' has been removed and replaced with wording from the Act.

The introduction of 'minimise so far as reasonably practicable' to the clause ensures that the identification of control measures is determined by an objective assessment of the options, where the measure is proportionate to the risk posed by the clause activity. The definition of minimise has been updated to include the waste hierarchy, which includes avoidance of waste.

The heading of the clause was updated to be consistency with other clauses.

The explanatory note was updated to make it clear the clauses is not advocating for recreation in irrigation drains and channels.

Natural drainage lines were included in this clause which was not appropriate. The subclause was removed primarily because the clause is about constructed drains and channels. 'Natural' drainage lines could be a water course which being a natural system should have beneficial uses protected within them.

Responsibilities of protection agencies for irrigation drains [draft clause 37]

Summary of comments

Two comments were made on this clause.

Goulburn Murray Water asked for clarification of the term 'protection agency' in the explanatory notes.

ERM Melbourne noted an error in the text of the explanatory note.

Response to Comments

Each protection agency is listed along with the relevant Act in the explanatory notes

Changes to final Policy

Minor changes were made to the explanatory notes for this clause.

Management of recreation activities [draft clause 38]

Summary of comments

Eight comments were made on this clause.

A local government submission praised the restructured clauses as providing clearer roles, responsibilities and powers. MAV and DHHS also supported the clause.

Several submissions made suggestions around the definition of 'protection agencies'. Goulburn Murray Water asked for the clause to better define who are the 'protection agencies' and one submission asked that CMAs be included as a protection agency, as they have responsibilities for the Barwon River.

Environment Victoria commented that it is not clear if this clause applies to informal recreational uses and how it can be used to control the activities of individuals. They argued the clause must apply to all recreational uses that impact on beneficial uses, whether or not they are subject to a planning application.

Response to Comments

Protection agencies referred to in the clause are defined in the explanatory notes. Only Corangamite CMA is a waterway manager as defined under the *Marine Safety Act 2010*.

Clause 38(3) ensures protection agencies such as DELWP, Parks Victoria, Victorian Fisheries Authority (VFA) and water corporations manage recreational activities and facilities where they are the land manager so as they do not pose a risk to beneficial uses.

The Policy is about protecting beneficial uses from the effects of waste and pollution. Measures outlined in the Policy are designed to minimise the possibility of the occurrence of pollution. If, for example, water skiing or wakeboarding is a lawful use of the waterway the Policy may not offer a direct solution to the environmental impact of those activities as they lack a clear link to the discharge of waste or pollution. Clause 38 does, however, offer planning authorities and protection agencies some basis for taking steps to protect the beneficial uses of such waterways if the effect of the use of that water creates pollution or waste that is harmful to the river.

Changes to final Policy

The introduction of 'minimise so far as reasonably practicable' to the clause ensures that the identification of control measures is determined by an objective assessment of the options, where the measure is proportionate to the risk posed by the clause activity.

The explanatory note was updated to include Corangamite CMA.

Minimising runoff of pollutants from agricultural activities [draft clause 39]

Summary of comments

Twelve comments were made on this clause.

In general, comments on this clause sought to strengthen the effectiveness of the clause in managing pollutants from agricultural activities.

Five of the twelve comments asked that the clause remove or clarify the term 'so far as practicable', as this was seen as diminishing the obligation and providing little ability for enforcement. VFF, while expressing comfort with the wording of the clause, asked for an addition to clause 12 regarding the '*cost-effectiveness of actions and management practices risks*'.

MAV were supportive of managing both diffuse and point source pollution in an integrated manner. However, they requested a more specific, heightened focus placed on addressing diffuse pollution sources in a way that is more aligned to the management requirements for point sources.

One submission noted that, while general agricultural activities are mentioned in the Policy, there is no reference to dryland drainage in particular, nor to rural drainage in general. They ask that the approach and content of the Victorian Rural Drainage Strategy (anticipated for public release in September 2018) should be considered and referred to in the final Policy.

Parks Victoria suggested that the clause would be strengthened by including the role of protection agencies in providing extension activities to improve the negative impacts of nutrients on waterways.

Surf Coast Shire recommended extending the clause to include farm owners managing the impact of runoff from their property on public infrastructure downstream of municipal roads and drains.

Response to Comments

The recommendation from MAV to include that local government encourage animal owners to collect animal wastes has been included in the Implementation Plan.

In response to comment that there is no reference to dryland drainage, it should be noted that the Policy refers to legislative processes or instruments, such as Regional Waterway Strategies, the *Water Act 1989*, or guidance and publication approved by EPA. References to general state strategies are not included because they do not contain guidance.

In response to a request from Parks Victoria to reinclude the role of protection agencies to provide extension activities, it should be noted that the clause places the obligation on the person carrying out agricultural activities. The Implementation Plan contains an action which outlines that government will 'work with landholders to develop and implement effective agricultural management practices where the need for such practices has been identified as a priority in a regional catchment strategy and/or regional waterway strategy'.

In response to Surf Coast Shires comment for Policy to address the impact of runoff from properties on their public infrastructure, the *Water Act 1989* contains obligations for managing flow of water.

Changes to final Policy

The introduction of 'minimise so far as reasonably practicable' to the clause ensures that the identification of control measures is determined by an objective assessment of the options, where the measure is proportionate to the risk posed by the clause activity.

The clause was updated to be clearer that the measures listed are to be implemented where relevant but acknowledges that not all measures are relevant to the circumstances of each premises. The list of measures is not exhaustive.

The title of the clause was changed to be consistent with other clauses.

Works affecting water dependant ecosystems and species [draft clause 40]

Summary of comments

Four comments were made on this clause.

Environment Victoria recommended changes in wording to reflect the potential for risks to rare or threatened species and suggested strengthening references to the waster avoidance hierarchy. They recommended that protection agencies have specific regard to the conservation status of ecological communities or species.

Goulburn Murray Water recommended using the term 'Licensing Authority' instead of 'Protection Agency'.

Coliban Water noted the incorrect spelling of 'dependant'.

Response to Comments

The consideration of all aquatic species potentially affected by the proposed works is required and should not be limited to consideration of conservation status.

As relevant protection agencies for this clause are both CMAs with their *Water Act 1989* by-law, No. 4 *Waterways Protection 2014*, and water corporations, the use of the term 'licencing authority' instead of 'protection authority' would not apply to CMAs.

Changes to final Policy

The introduction of 'minimise so far as reasonably practicable' to the clause ensures that the identification of control measures is determined by an objective assessment of the options, where the measure is proportionate to the risk posed by the clause activity.

The title of the clause was updated to be consistent with other clauses.

Minor editorial updates were made.

Storage and handling of fuels and potentially polluting chemicals [draft clause 41]

Summary of comments

Three comments were made on this clause.

Two submitters, including Environment Victoria, asked that the qualifier 'as far as practicable' be removed.

The MAV supported the intent of the clause but recommended removing it as they consider it duplicates other legislation.

Response to Comments

The clause covers areas that are not covered by the *Emergency Management Act 2013*, the *Marine (Drug, Alcohol and Pollution Control) Act 1988*, the *Environment Protection Act 1970* and the *Pollution of Water by Oil and Other Noxious Substances Act 1986*.

Changes to final Policy

The title of the clause was updated to be consistent with other clauses and reference to industrial waste was removed.

'Minimise so far as reasonably practicable' ensures that the identification of control measures is determined by an objective assessment of the options, where the measure is proportionate to the risk posed by the clause activity.

Management of construction activities [draft clause 42]

Summary of comments

Sixteen comments were made on this clause.

Submissions considered this clause was easier to understand and enforce than the previous SEPPs. Barwon Water noted it appears to be reasonable and consistent with the requirements within the Industrial Waste Regulations and their EPA licences.

Comments on this clause sought clarity around whether the clause relates to basement dewatering; whether groundwater protection is included, and whether groundwater should be monitored. They also made suggestions for issues to be considered or covered in the guidance update.

For example, ERM Melbourne commented that the clause references surface water monitoring but does not include a requirement for groundwater monitoring and protection during construction activities. They also queried whether the clause relates to 'domestic' construction or larger construction. One submission observed that construction activities should not cause the mobilisation of existing groundwater contamination. IAH asked whether the Authority intended to produce best practice guidelines for groundwater management during construction.

Prensa cautioned that there may be a need for clarification of ongoing dewatering of basements following completion of construction and noted that there was no mention of basement dewatering in the clause.

MAV supported the clause in principle but commented that they were not sure how the clause would be enforced. One council requested stronger powers to enforce the environmental management of construction activities that council manage.

Response to Comments

The intent of clause 42 is to manage commercial construction activities. It does not address the management of ongoing basement dewatering however does address dewatering associated with commercial construction activities.

The regulation of basement dewatering is complex and is out of scope for the Policy, however an action has been included in the Implementation Plan – to undertake a detailed assessment to determine if regulations are required for basement/groundwater dewatering. In addition, an action in the Implementation Plan is to update the *Environmental Guidelines for Major Construction Sites* (EPA Publication 480) and groundwater management could be considered as part of this action.

As outlined in the draft PIA, SEPPs are indirectly enforced by the EPA. There is no direct offence for non-compliance with statutory policies. EPA uses other provisions of the Act, such as PANs, licence conditions and other provisions, to achieve or enforce emitters/industries' compliance with the requirements housed in statutory policy. SEPPs often reference other EPA tools including works approvals, licences, notices, etc. as the mechanisms for how it will be implemented and enforced.

It is outside the scope of the Policy to provide councils with the power to act and enforce the environmental management of construction activities.

Changes to final Policy

The clause was revised to make it clear that it covers surface water and groundwater. The explanatory note was updated to include relevant groundwater guidance. References to construction activities not causing mobilisation of contamination was included.

The introduction of 'minimise so far as reasonably practicable' to the clause ensures that the identification of control measures is determined by an objective assessment of the options, where the measure is proportionate to the risk posed by the clause activity.

The obligation to comply with relevant EPA guidelines was reinstated.

DIVISION 2 – SURFACE WATERS

SUBDIVISION 1 - PROTECTING SURFACE WATER BENEFICIAL USES

Management of groundwater risks to surface waters [draft clause 43]

Summary of comments

Four comments were made on this clause.

Environment Victoria noted the importance of this clause in recognising the risks of groundwater extraction to river flows and the potential for contamination of surface waters. However, they comment that it could be strengthened by using more direct language.

ERM Melbourne commented that this clause could be aided by additional consideration of groundwater impacts on surface water associated with contaminated discharge. They suggested that the explanatory notes be revised to indicate that 'Groundwater can provide base flow'.

One submission requested consideration of extraction of groundwater in floodplains areas. Another submission queried terms used in the clause and suggested it adopt more of a "cumulative effects" perspective.

Response to Comments

This clause is intended to ensure that water corporations with water licencing functions make decisions which minimise risk to both surface and groundwater beneficial uses when considering Section 40 matters in accordance with the *Water Act 1989*.

Changes to final Policy

The title of the clause was amended to be consistent with other clauses, and to clearly state that it covers both surface and groundwater. It was clarified that the clause applies to water corporations where the Minister has delegated functions for administering licences under the *Water Act 1989*.

The explanatory notes were revised better explain the intent of the clause.

SUBDIVISION 2 - MANAGING CATCHMENT RISKS TO BENEFICIAL USES

Commitment to water conservation [draft clause 44]

Summary of comments

Five comments were made on this clause.

MAV and one council asked for the Implementation Plan to include an action to develop a state-wide Environmentally Sustainable Development Policy to allow for local variations to strengthen delivery of this commitment. MAV also asked for references in the explanatory notes to clauses 55.07 and 58.03-8 of the planning provisions, and local government Environmentally Sustainable Development (ESD) Local Planning Policies (LPP).

Environment Victoria noted that this was an important clause, but requested that it be extended to agriculture, irrigation and rural water use to help ensure that water conservation applies to all sectors.

Response to Comments

Water conservation is an important consideration for every water user, the clause provides the Policy context to directly manage water savings measures for new development and will continue to be implemented via the VPP. The *Water Act 1989* also contains mechanisms to manage broader water conservation across agriculture, irrigation and other rural water use.

Changes to final Policy

The Implementation Plan was updated to include an action to consider the feasibility of developing a state-wide ESD Policy.

Relevant sections of the VPP (clauses 55.07, 58.03-8 and the ESD LPPs of councils) were included in the explanatory notes.

The term 'development' was included in the definitions (clause 6) to better clarify the links to the VPP.

Native vegetation protection and rehabilitation [draft clause 45]

Summary of comments

Eleven comments were made on this clause.

Submissions requested clarification on how the clause applies to areas where planning permit applications for vegetation removal are exempt, and application of the clause on both private and public land.

Wimmera CMA noted that the lack of consistency among CMAs around regional native vegetation planning and suggested that there should be further discussion with CMAs and Melbourne Water to establish the best ways to meet the needs of this clause.

Rubicon Forest Protection Group commented that there was a need to strengthen requirement under clause 45(2) to protect and rehabilitate riparian vegetation and differentiate the responsibilities of agencies on public versus private land.

The Australian Coastal Society suggested that DELWP work with councils to implement Vegetation Protection Overlay's across all land within Victoria. They also suggested corrections to the *Planning and Environment Act 1987* reference.

Yarra Ranges Council asked if the impact on waterways was still to be considered under a number of scenarios, including where native vegetation removal is exempt and where non-native vegetation is removed near waterways.

Environment Victoria suggested strengthening the clause by requiring that 'the responsible authority must consider the impact on water quality from the proposed removal'.

Response to Comments

The clause continues to apply to wherever an application for a planning permit to remove native vegetation is required, on both public and private land.

The *Planning and Environment Act 1987* Section 60 states that before deciding on an application, the responsible authority may consider any relevant SEPP. The Policy cannot be inconsistent with primary legislation.

Changes to final Policy

The clause was revised to clarify the most appropriate plan to manage vegetation protection.

Minor updates were made to spelling and expression, including correction of the reference to the *Planning and Environment Act 1987*.

The explanatory notes were also updated to be consistent with the clause wording.

Floodplains and flood detention [draft clause 46]

Summary of comments

Seven comments were made on this clause.

Four comments request clarification of which specific agencies are responsible for floodplain management.

Wimmera CMA were concerned that this clause did not adequately recognise the differences between floodplain management and rural drainage functions of CMAs. It was suggested that drainage and floodplain functions be separated into different subclauses.

Response to Comments

In order to clarify the difference between Melbourne Water and the CMA's functions as referral authorities the entities were placed into separate subclauses. Councils as referral authorities have an existing obligation to consider the Policy under section 13.02 of the VPP. The clause outlines the relevant considerations for the purposes of the VPP.

Changes to final Policy

The clause was revised to include subclauses for each protection agency and includes the relevant Water Act functions for Melbourne Water and CMAs.

Management of roads [draft clause 47]

Summary of comments

Ten comments were made on this clause.

Several submitters felt the clause conflicted with *Roads Management Act 2004* provisions, because the requirements on councils to upgrade unsealed roads were too onerous and the impact of the clause was not properly assessed in the draft PIA. MAV expressed concern that clauses 47(1) and (2) of the draft SEPP (Waters) places new and increased obligations on councils, as road authorities, which they may not be able to meet due to capacity and resource restraints. Yarra Ranges Council comment that upgrading unsealed roads may have unintended consequences; requiring an upgrade to drainage capacity to cope with increased runoff volume.

A submitter commented that the words 'so far as practicable' should be removed as they add no value. They also asked that the word 'should' be replaced by 'must'.

Submissions requested clarity on the relevant protection agencies.

Response to Comments

Aspects of the clause were in conflict with the *Roads Management Act 2004*, however it remains appropriate for road authorities and protection agencies to manage roads to minimise impacts on beneficial uses.

Changes to final Policy

Those aspects in conflict with the *Roads Management Act 2004* have been removed. The relevant protection agencies are listed in the explanatory notes.

The inclusion of 'minimise so far as reasonably practicable' to the clause ensures that the identification of control measures is determined by an objective assessment of the options, where the measure is proportionate to the risk posed by the clause activity.

Forestry activities [draft clause 48]

Summary of comments

Three comments were made on this clause.

Barwon Water commented that from a protection of water quality perspective, the draft SEPP (Waters) aligns with the relevant code of practice and legislation that set the guidelines for forestry management. They noted that responsibility had shifted from EPA to local government for undertaking audits and compliance activities and queried whether Local Government are adequately resourced to undertake the auditing and compliance.

ERM Melbourne suggested that a reference to minimising influences on groundwater levels would also be appropriate under this clause. For example, via removal of deep rooted trees that have some control on the water table.

MAV supported the draft clause.

Response to Comments

Responsibility for compliance with relevant forestry legislation remains the same. DELWP is the environmental regulator for commercial timber harvesting activities in Victoria's State forests. The Code of Practice for Timber Production 2014 must be complied with to the satisfaction of the responsible authority, which is usually local government for plantations on private land (section 1.2.7).

Specific reference to groundwater impacts is not required. The clause states that forestry managers manage their activities to minimise impacts on beneficial uses of all waters.

Changes to final Policy

The title of the clause was changed to ensure consistency with other clauses. Other minor updates were made.

Releases from water storages [draft clause 49]

Summary of comments

Four comments were made on this clause.

Southern Rural Water asked that greater clarity be provided on the need for risk management plans.

Casey Council asked for clarity on which agencies were storage managers, specifically whether councils were considered to be storage managers.

Environment Victoria commented that this clause should be strengthened by requiring that storage managers 'must have regard to and to the maximum practicable degree avoid the risks that releases from water storages pose to downstream beneficial uses'.

Response to Comments

The requirement to undertake a risk management plan is one way for storage managers to demonstrate they have had regard to the risks posed by releases. Equally, storage managers may choose other ways to comply.

The *Water Act 1989* outlines the functions of a storage manager. This clause requires storage managers to minimise risks to beneficial uses, so far as reasonably practicable.

In relation to the comment from Casey Council, councils are not storage managers as defined under the *Water Act 1989*.

Changes to final Policy

The clause was revised to further clarify which agencies are storage managers.

The title of the clause was changed to ensure consistency.

Dredging and desilting management [draft clause 50]

Summary of comments

Six comments were made on this clause.

SLR Consulting noted that dredging can sometimes damage confining layers over aquifers.

The Australian Coastal Society expressed concern about the words 'must', 'minimised' and 'so far as practicable', noting the Policy relies heavily on voluntary action. They also queried how the clause would be enforced and how measurable targets would be set. Casey Council also asked how enforcement would be managed.

Surf Coast Shire supported the clause in particular and recommended that emergency works be exempt from the *Best Practice Environmental Management Guidelines for Dredging* (Dredging BPEMG).

Casey Council asked for clarity on what constitutes 'desilting' activities.

Response to Comments

The Dredging BPEMG outlines the approvals process for dredging applications and outlines the environmental controls and the need for an Environment Improvement Plan. Review of the Dredging BPEMG is listed in the Implementation Plan. Exemptions and groundwater impacts could be considered in that review.

'Desilting' occurs in on-stream storages to manage capacity of the storage.

Changes to final Policy

The title of the clause was updated to be consistent with other clauses. Minor drafting edits were made.

The inclusion of 'minimise so far as reasonably practicable' to the clause ensures that the identification of control measures is determined by an objective assessment of the options, where the measure is proportionate to the risk posed by the clause activity. This continues to apply to the Dredging BPEMG.

Waste and wastewater from ports, marinas and vessels [draft clause 51]

Summary of comments

Three comments were made on this clause.

ERM Melbourne sought clarification whether bilge and ballast water were covered under the 'waste from vessels' and 'biofouling' considerations.

One submission asked that the Policy improve protection of waterways from discharge of raw sewerage from vessels; sighting vessels moored on the Gippsland Lakes as an example.

DHHS commented that they did not support the current *Water (Lake Eildon Recreational Area) (Houseboats) Regulations 2013*. They proposed that subclauses 1, 2, and 3 should equally apply to houseboats on Lake Eildon.

Response to Comments

Ships ballast water is managed through the implementation of the *Waste management policy (Ships' Ballast Water)*, *Environment Protection (Ships' Ballast Water) Regulations 2006* and *Protocol for Environmental Management Domestic Ballast Management in Victorian State Waters*.

The clause sets out the responsibilities of vessel operators to ensure that wastes and wastewater from vessel operations and maintenance activities are managed to minimise risks to beneficial uses. This include Gippsland Lakes.

No standards apply to greywater being discharged from houseboats on Lake Eildon for an interim period until further investigations are carried out to inform the revision of the *Water (Lake Eildon Recreational Area) (Houseboats) Regulations 2013*. When the regulations are amended, those standards will apply.

In recognition that the Policy might not be the best instrument to manage hull fouling the Implementation Plan outlines that a detailed assessment to determine if regulations are required to address vessels and hull biofouling.

Changes to final Policy

The title of the clause was changed for consistency with other clauses.

The clause reflects the requirement for vessels to ensure that wastes produced on board the vessel are contained and subsequently transferred to an approved or authorised treatment or disposal facility.

An amendment was made to subclause (4) to better clarify the arrangements that apply to the management of greywater from houseboats on Lake Eildon. Subclause (3)(b) was removed as it was intended to only apply to houseboats on Lake Eildon. Retaining subclause (3)(b) would have been inconsistent with government policy for waters other than Lake Eildon.

Aquatic Pests [draft clause 52]

Summary of comments

Five comments were made on this clause.

Submissions on this clause were generally concerned that the clause was advisory in nature. Two submissions asked for 'should' to be replaced by 'must'. The Australian Coastal Society also noted that an effective maintenance practice with measurable targets had not been identified.

Parks Victoria comment that the clause should recognise all vectors and pathways for invasion by pests or otherwise make a general reference to preventing the introduction and spread of aquatic pests.

Response to Comments

The Policy manages the impacts of wastes and pollution on the environment and is not the best instrument to address the spread of pests in the manner envisaged by Parks Victoria. The Implementation Plan outlines that a detailed assessment to determine if regulations are required address vessels and hull biofouling.

Changes to final Policy

No changes were made to the final Policy.

DIVISION 3 – GROUNDWATER

SUBDIVISION 1 - PROTECTING GROUNDWATER BENEFICIAL USERS

Prevention of groundwater pollution [draft clause 53]

Summary of comments

Four comments were made on this clause.

ERM Melbourne noted that the term ‘beneficial uses’ was referenced in the explanatory note but was not mentioned in the clause itself.

Environment Victoria noted that the clause could be essentially reduced to a simple statement being that ‘*A person must not pollute groundwater*’ and suggested that the qualifier ‘as far as practicable’ was not required.

GHD noted that the clause stated that ‘*a person must not, so far as practicable, pollute groundwater*’ and suggested that these statements did not align.

Response to Comments

In reviewing the comments made, consideration was given to the appropriateness of the clause and whether it should be retained. It was recognised that the drafting of clause 53 did not place a specific obligation on any person, but rather reflected a general principle that pollution of groundwater must not occur.

While as a principle, this concept is important, the clause did not align with the others in the Policy which identified specific rules for decision makers or obligations on industry. As such, the intent of the clause was better addressed through the principles of the Act.

Changes to final Policy

Clause 53 was removed from the Policy.

Direct waste discharge to groundwater [draft clause 54]

Summary of comments

Twenty comments were made on this clause.

Several comments noted that the drafting of the clause might prevent some activities, that would otherwise be allowed by the clause, being rejected if the environmental quality objectives were exceeded. A submission suggested that the subclauses be redrafted to provide some discretion to EPA in instances where environmental quality objectives may not be met but it can be demonstrated that there is no detriment to beneficial uses. An example was provided of a discharge to a very deep aquifer where a risk assessment would likely indicate that beneficial uses would not be at risk.

The Australian Environmental Auditors and Coffey suggested that clause 54(3)(b) be revised to state ‘*there will be no adverse impact to beneficial uses beyond the boundary of the premises on which the project is being conducted*’. This suggestion was proposed to allow for in-situ remediation of down gradient properties where the aim is to improve environmental quality and restore beneficial uses.

ACLCA and CDM Smith supported the inclusion of remediation chemicals in the list of what can be injected as part of a groundwater remediation project in clause 54(3)(c). SLR Consulting noted that ‘remediation’ was a term that was not defined in the SEPP and suggested that the term needed to relate to the definition of ‘clean up’ in the Act. Coffey also noted that clause 54(3) was drafted in a way that would prevent the use of certain remediation technologies, such as the use of untreated groundwater to utilise microbial communities to encourage biodegradation in contaminated source zones. Coffey noted that such technologies may be beneficial in some circumstances and requested that consideration be given to broadening this clause.

CDM Smith suggested that the clause needed to address change in groundwater quality due to the change in surface water quality, where the surface flow is a main source of recharge.

Two submissions questioned whether clause 54(3) still allowed for clean-up to the extent practicable.

One submission raised concerns that the drafting of clause 54(2) included a double negative which had the potential to create uncertainty.

Response to Comments

As pollution to groundwater can be very expensive and difficult to remediate, the Policy retains the position that, as a general rule, waste should not be discharged to groundwater. However, the Policy acknowledges that in some very limited circumstances such discharges may be required, but this is only provided for certain activities and it is at the discretion of EPA or other relevant protection agencies.

Most of the other comments were agreed with and changes made as outlined below.

Changes to final Policy

Clause 54 was revised to provide better clarity around the circumstances in which the EPA may approve a discharge of waste to groundwater, as well as enabling discretion to approve a discharge that may not meet the environmental quality objectives but it can be demonstrated that risks to protected beneficial uses have been minimised, so far as reasonably practicable, and that the discharge will not pose an unacceptable risk to beneficial uses.

Clause 54(3) was redrafted to avoid prevention of certain remediation technologies, such as the use of untreated groundwater to utilise microbial communities to encourage biodegradation in contaminated source zones. The reference to 'remediation' was replaced with 'direction injection' in the explanatory note.

The comment from CDM Smith will be addressed through revisions to clause 43 to better identify the role of surface water – groundwater interactions as well as groundwater – surface water interactions.

A revision was made to clause 54(3)(c) to refer to remediation being undertaken in accordance with guidelines published by the Authority, or in accordance with the provisions of clause 59.

Clause 54(2) was redrafted to avoid a double negative.

Non-aqueous phase liquids [draft clause 55]

Summary of comments

Fifteen comments were made on this clause, with most comments related to concerns that clause 55 created potential difficulties in circumstances where the source of non-aqueous phase liquid (NAPL) was on an adjacent property from where pollution has been identified.

ERM Melbourne, Prensa, AECOM, and one other submission raised concerns that the drafting of clause 55 would imply that an occupier of a premises would be required to remove, control, or clean up NAPL even in circumstances where the source of the NAPL is on an adjacent site and mobilised beneath the non-source property. Coffey argued that the drafting of clause 55 makes no allowance for a property owner to avoid a clean-up obligation, even in circumstances where NAPL may have migrated onto their site from elsewhere or was known to have been caused by a former occupier.

During consultation, questions were raised as to why the draft SEPP (Waters) made reference to actions being undertaken 'so far as practicable', while requiring the clean-up of polluted groundwater to be undertaken 'to the extent practicable' (CUTEP).

The Australian Environmental Auditors made comments seeking greater clarity on the way in which NAPL is defined and determined.

Coffey raised concern that the reference to 'pollution' in clause 55(1)(b) may invite parties to argue that NAPL, if not causing a detriment to beneficial uses, may be considered contamination but not pollution.

A submission noted that the explanatory note for clause 55 referenced EPA Publication 759, which requires environmental auditors to notify the EPA within 7 days of becoming aware of NAPL. Concerns were raised that there may be a potential risk for the explanatory note to be construed to imply that the Policy requires an auditor to notify of NAPL in any circumstance.

GHD noted that SEPP (Gov) enabled NAPL to remain in place if the EPA was satisfied that there was no unacceptable risk posed to any beneficial use by the NAPL. GHD raised concerns that clause 55 did not provide for a risk-based approach to the requirement to clean up, instead requiring clean-up be undertaken to the extent practicable.

Response to Comments

In instances where the source of NAPL is located on the premises, the occupier would be required to remove or control the source and clean up the pollution. However, in instances where the source was not located on the premises, the occupier of the premises would only be required to clean up.

After significant consideration, the Policy will replace references to 'clean up to the extent practicable' with 'clean up so far as reasonably practicable'. While it is acknowledged that this will require amendments to

existing EPA guidance, particular EPA Publication 840 and 759, the change in terminology does not alter the underlying concept.

For instance, the current requirement to 'clean up to the extent practicable' requires an assessment of the technical and logistical considerations in determining practicability. This is consistent with the revised clause 12 which identifies that the assessment of reasonably practicable requires an assessment of 'the availability and suitability of ways to eliminate or reduce those risks'.

The requirement to include financial consideration in the assessment of 'clean up to the extent practicable' has also been reflected in the revised clause 12. Therefore, the change in terminology will not impose any additional burden on the current 'clean up to the extent practicable' process and will not affect the determination of and application of groundwater quality restricted use zones (GQRUZ).

Concerns over arguments that NAPL constitutes contamination rather than pollution are covered by EPA Publication 840 which identifies that 'the presence of NAPL in contact with groundwater is in itself pollution of groundwater'.

Changes to final Policy

Clause 55 was redrafted to identify different obligations depending on whether or not the source of pollution was located on the premises, and also to replace the expression 'to the extent practicable' with 'so far as reasonably practicable'.

The explanatory note has replaced the reference to EPA Publication 759 with 668.

A revised definition for NAPL was provided in clause 6 to ensure consistency with other relevant EPA Publications (especially 840 and 759).

Rising water tables [draft clause 56]

Summary of comments

Four comments were made on this clause.

Submissions such as ERM Melbourne asked whether the clause cover activities like irrigation, the placement of dredge spoil and general unplanned leakages that could impact on rising groundwater levels. GHD suggested the clause should also cover 'unplanned' leakages to water tables, not just those where an application has been received.

CDM Smith noted that, while this clause dealt with rising water tables, there was no mention of falling water tables due to changes in recharge.

Response to Comments

In response to the query about rising groundwater due to irrigation, the clause is not intended to address rising groundwater impacting on an activity, rather, it is concerned with the impact of an activity on rising groundwater. In the same vein, the clause is not intended to cover 'unplanned' leakages, because the intention is to prevent inappropriate development at planning/approval stage. The clause only applies to rising water tables where the rise is independent of the activity, impacting on the activity within its design life.

The purpose of the clause was to manage the risk of poorly sited landfills or wastewater storage lagoons in areas where water tables may rise and therefore create a risk of pollution. As such, falling water tables would not create a risk in the same way.

Changes to final Policy

No changes were made to the final Policy.

SUBDIVISION 2 - IDENTIFYING AND MANAGING POLLUTANTS IN GROUNDWATER

Hydrogeological assessment [draft clause 57]

Summary of comments

Two comments were made on this clause.

SLR Consulting commented that this clause was a positive addition to the Policy and provided clear guidance. They noted that the *Hydrogeological Assessment (Groundwater Quality) Guidelines* (EPA Publication 668) will need updating.

CDM Smith suggested the inclusion of a reference to surface water in this clause.

Response to Comments

The review notes that EPA Publication 668 already requires a proponent to consider both surface waters and groundwater.

Changes to final Policy

The reference to 'beneficial uses of groundwater' was removed from clause 57(1)(a) to clarify that the clause is intended to apply to both surface water and groundwater.

Groundwater attenuation zones [draft clause 58]

Summary of comments

Twelve comments were made on this clause.

ACLCA asked for clarification of the level of consultation required where groundwater attenuation zones extend under adjacent properties. They also requested clarification if all the subclauses under clause 58(2)(c) and (d) had to be satisfied before an attenuation zone could be granted.

CDM Smith supported the addition of the use and application of attenuation zones and associated tools to manage legacy contamination from waste water recycling schemes. They also questioned whether a groundwater attenuation zone should apply to State Government tunnels and major sewer easements.

Three submissions asked for clearer definitions of key terms, including: 'no significant risk' and 'high permeability' or 'low attenuation properties'. SLR Consulting noted that the reference to these terms was imprecise and could create confusion. CDM Smith also suggested that the reference to 'wastewater storage lagoons' should be amended to refer to both 'wastewater storage lagoons' and 'wastewater treatment lagoons'.

Response to Comments

Groundwater attenuation zones are a mechanism to recognise that groundwater quality objectives may not be met within a specified zone but must be met at the boundary. Therefore, there should not be any impact to adjacent properties. A groundwater attenuation zone cannot be granted if there is an impact beyond the boundary of the premises, therefore it should not matter if the aquifer has high permeability or low attenuation, so long as the impact is contained within the attenuation zone.

The suggested inclusion of tunnels under clause 58(2)(b) was not adopted, as tunnels are not an activity that cause pollution, and therefore are not considered relevant to this clause. In addition, clause 27 in the Policy already includes provisions for the management of sewerage systems.

Changes to final Policy

Several minor amendments were made to clause 58, including the removal of the term 'storage' from clause 58(2)(b)(iii) to ensure that this provision can apply to both wastewater storage lagoons and wastewater treatment lagoons and the term 'significant' from clause 58(2)(d).

Clause 58(2)(e) was removed, and clause 58(2) revised to make it clear that all subclauses are required to be met in order for EPA to determine a groundwater attenuation zone.

Groundwater quality restricted use zones [draft clause 59]

Summary of comments

Eleven comments were made on this clause.

One submission suggested that if the term GQRUZ was replaced with 'polluted groundwater zone' then this may provide an opportunity to introduce a mechanism to warn of other groundwater risks, such as from vapour inhalation or direct contact.

Various submissions, including Prensa, ACLCA and AECOM, raised questions as to whether a GQRUZ could be designed earlier than during a Section 53X environmental audit.

One submission raised a question as to whether the EPA could apply clause 59(2) to a development proposal that would include construction dewatering that may mobilise groundwater contamination from a nearby GQRUZ.

AECOM questioned why a person might be required to clean up groundwater within a GQRUZ under clause 59(3), given that a GQRUZ could only be determined following a CUTEP determination.

Australian Environmental Auditors questioned whether clause 59(5) was intended to apply, even to a premises which was not the original source of the groundwater pollution which led to the establishment of the GQRUZ.

In their submission, Australian Environmental Auditors also questioned whether clause 59(5)(a) would mean that a premises may continue to pollute, even if a GQRUZ was in place.

Australian Environmental Auditors also suggested that clause 59(5)(b) could be redrafted to identify an 'adverse impact to a beneficial use' rather than just an 'impact to a beneficial use'. This would acknowledge that in some circumstances there may be an impact on a beneficial use, but this impact may not cause harm and could be a positive change in groundwater condition.

Response to Comments

EPA has committed to revising EPA Publication 759 and EPA Publication 668 to provide advice on managing the risks from groundwater pollution in basements and buildings. However, the term GQRUZ is retained in the Policy as any change at this stage of the consultation would require more substantive consultation with affected parties than was possible in the timeframes available to revise the Policy.

The broader application of GQRUZ was not considered to have been precluded by the drafting of the Policy, but rather by the way in which EPA decided to use its regulatory tools to apply GQRUZ.

EPA would have grounds to issue a remedial notice if there is a GQRUZ identified nearby and a proponent undertakes dewatering for construction and causes mobilisation of polluted groundwater.

A GQRUZ is not intended to only be identified following CUTEP and could potentially be determined earlier. The EPA is currently discussing implementation of the clause and how GQRUZ may be identified during clean up.

This clause would apply even in circumstances where a premises was not the original source of the groundwater pollution leading to the GQRUZ. It should also be noted that GQRUZs are identified for individual contaminants that preclude the beneficial uses, so multiple GQRUZs may be applied for different contaminants precluding different beneficial uses.

While the purpose of the clause was to prevent pollution from getting worse, there may be circumstances where a new premises may be built within a GQRUZ. This new premise would be subject to licensing conditions, including a monitoring program, to mitigate risks to human health and the environment. There is further guidance provided in *Groundwater Quality Restricted Use Zone* (EPA Publication 862) which identifies that the groundwater contaminant plume should be stable or reducing for a GQRUZ to be identified.

Changes to final Policy

Clause 59(5)(b) was revised to replace 'impact to a beneficial use of surface waters or groundwater' with 'risk to beneficial use'.

SCHEDULES

Schedule one – Segments

Summary of comments

Thirty-five comments were received on Schedule 1.

Submissions on this schedule asked for greater clarity and consistency around segment terminology used throughout the Policy.

In reference to Urban Segment, the Metropolitan Water Corporations sought to clarify if the main stems of the lowland reach of the Yarra, Maribyrnong and Werribee rivers would have environmental quality objectives from the Urban segment or the Central Foothills and Coastal Plains segment apply.

14 submissions requested a higher resolution map of Figure 1. Other submissions also requested clarification of why some segments do not appear on Figure 1. Submissions noted that Figure 1 was not sufficiently accurate enough to define segment boundaries. Submissions also expressed some confusion that not all segments have definitive boundaries and the segment definition may change over time.

ERM Melbourne noted that it would be helpful if the order of segments and sub-segments adopted in Schedule 3 Table 3 is reflected in the order used elsewhere in the Policy, particularly Schedule 1 clause 3(2).

Response to Comments

Following finalisation of the Policy, a GIS spatial layer will be developed and made available on the EPA website. However, some segments, such as the Aquatic Reserves and Urban segments are not fixed but rather rely on definitions in other instruments. As such, it is not appropriate for these to be included on a map, instead it is better that their boundaries are explained through segment definitions.

In relation to questions on the Urban segment, it was included to support urban stormwater management plans and waterway strategies to improve water quality. The definition of the segment aligns with the metropolitan fringe planning schemes set out in Section 46AA of the *Planning and Environment Act 1987*. The alignment of the Urban segment and planning framework will allow for the coordinated management of urban stormwater. Using the VPP allows standards to be applied via planning controls for urban development.

The intent of including an Urban segment is to recognise the highly-modified nature of these waterways. The exclusion of undeveloped urban land in the Urban Growth Zones and Low Density Urban Residential Zones in the VPP was to protect water quality in the undeveloped land in the urban growth zones. The Urban segments also excludes the Yarra, Maribyrnong and Werribee rivers, in recognition of the better condition of these waterways.

Changes to final Policy

Amendments have been made to ensure that the terminology for segments is consistent between Schedules 1, 2 and 3 and better delineate and clarify relationships between segments. This includes restructuring the order of segments and sub-segments so that they are in the same order between all Schedules.

The definition of Urban Segment has been revised to more clearly state that the Yarra, Maribyrnong and Werribee are excluded from the Urban segment and are within Central Foothills and Coastal Plains.

Amendments have been made to Schedule 1 and Figure 1 to better link together the segment map and segments that require written definitions.

Schedule 2 – Beneficial Uses

Summary of comments

Seventy-eight comments were received on Schedule 2.

Comments on this schedule noted that the beneficial uses are easy to read, were pleased that the Policy brings together beneficial uses for all waters, including surface and groundwater and supported the improvements to Traditional Owners' and Aboriginal Victorian's cultural values beneficial uses.

The Victorian Aboriginal Heritage Council requested that the title of the beneficial use of 'Traditional Owners' and Aboriginal Victorians' cultural values' to be amended to only reference 'Traditional Owners' cultural values'. This was because Traditional Owners are Aboriginal Victorians and the beneficial use as drafted, applied to the general Aboriginal community and Traditional Owners equally, rather than reflecting the primary of Traditional Owners' cultural values for actions on waters connected to their traditional lands.

The ACLCA asked for more guidance on assessing cultural and spiritual values.

Port of Melbourne Operations commended the addition of the Navigation and Shipping beneficial use but asked how water quality objectives will be established. They also questioned why the beneficial use was not protected in the lower Maribyrnong, so that it covered all Port of Melbourne berths. They also queried whether over the medium term whether waters in commercial port could achieve all beneficial use objectives within their berthing areas.

Several submissions suggested new or updated definitions for Potable water supply beneficial use and Potable mineral water supply beneficial use.

Prensa asked about where cave ecosystems and subterranean fauna were covered and raised concerns about the potential challenges with assessing the beneficial uses of Traditional Owners and Aboriginal Victorian's cultural values and other Cultural and spiritual values.

Response to Comments

In relation to the submission from the Port of Melbourne Operations, there are no specific environmental quality indicators or objectives for the beneficial use of Navigation and Shipping in the Policy, due to lack of available local data, and because no water quality guidelines values are specified for Shipping and Navigation in the ANZECC Guidelines, or other guidelines.

Where beneficial uses do not have specified environmental quality objectives, the objectives for water dependent ecosystems and species and water based recreation can be adopted as 'default objectives'. The Policy assumes that if these objectives are achieved, then the beneficial use of Navigation and Shipping will also be protected. Should circumstances arise where these objectives are not attained, clause 17(4) identifies that '*if the level of any environmental quality indicator or objective is not provided for in Schedule 3, contamination must not cause an adverse impact on the beneficial uses*'. Clause 17 can act as a trigger to understand what levels are needed to protect a beneficial use if the environmental quality objectives set out in the Policy do not provide sufficient protection.

Despite the Policy not providing specific environmental quality indicators and objectives for the beneficial use of Navigation and Shipping, it has been retained as a beneficial use. This is in recognition that water quality may impact the ongoing viability of shipping operations. For example, poor water quality may cause the contamination of sediments, restricting possible dredging opportunities necessary for maintaining navigation channels.

The beneficial use of Navigation and Shipping has been expanded to cover the Port of Melbourne Operation's assets in the lower Maribyrnong River.

Changes to final Policy

The position of the Victorian Aboriginal Heritage Council was acknowledged, and the title of the beneficial use of 'Traditional Owners' and Aboriginal Victorians' cultural values' was changed to 'Traditional Owners' cultural values'. In addition, the definition of the beneficial use in Table 1 was also updated.

An updated definition of potable mineral water has been added to clause 6. Minor changes were made to Table 1 of the schedule to further clarify beneficial use definitions. Corrections were made to Tables 3 and 4. A note was added to clarify the meaning of the tables asterisks.

Table 5 exclusion were updated to include exclusion of artificial assets where beneficial uses are not protected.

Schedule 3 – Environmental Quality Objectives and Indicators

Summary of comments

One hundred and twenty-four comments were received on this schedule, raising a range of different issues.

A submission from the Metropolitan Water Corporations congratulated DELWP and the EPA for the detail provided in Schedule 3, noting that it is a significant improvement over the previous SEPPs, providing more clarity for data collection and analysis.

Twenty-two submissions commented on the environmental quality indicators and objectives for water based recreation, suggesting minor amendments to drafting to better align with the NHMRC *Guidelines for Managing Recreational Water (2008)*, and identifying some inconsistencies with the Blue-Green Algae Circular.

Environmental auditors questioned how the objectives for water based recreation were meant to be assessed, and whether an environmental audit would be required to gather 60 samples as implied in the draft SEPP (Waters).

One submission questioned whether the inclusion of marine bioindicators as environmental quality indicators would change their existing monitoring programs required for licence compliance.

ERM Melbourne questioned why there were no bottom objectives included for Lake Reeve and Lake Wellington, and why biological objectives were not developed for estuaries.

Melbourne Water were concerned that the new environmental quality objective for Dissolved Inorganic Nitrogen would require them to upgrade the Western Treatment Plant and change operations to meet more stringent licence conditions.

The Port of Melbourne Operations questioned the difference between the level of protection for waters in Port areas compared to the Urban segment.

ERM Melbourne asked if there have been biological parameters developed for estuaries and asked why there were no bottom objectives for Lake Reeve and Lake Wellington.

Response to Comments

Environmental quality indicators and objectives included in the Policy were developed based on a rigorous scientific review process, and included data collected from long-term water quality monitoring programs, adopted results from hydrodynamic and geochemical modelling, and adopted relevant scientific research to align with the latest national standards. Further information on this process is set out in the *Development of environmental quality indicators and objectives for the draft SEPP (Waters)* (EPA Publication 1688).

In relation to submissions on the water based recreation objectives, it is important to note that the Policy is based on the NHMRC *Guidelines for Managing Recreational Water (2008)*. As these guidelines are currently under review, there will be an opportunity for interested parties to make submissions requesting changes to these guidelines. The policy can only differ from the NHMRC Guidelines where there is a strong enough evidence base. As such, while not referenced in the Policy, the Blue-Green Algae Circular will continue to be the reference for the response and management of freshwater algal blooms in Victoria.

The Policy will be changed to identify that only single samples will be required to be assessed for the purposes of one-off assessments, like environmental audits. This will address the issue raised by environmental auditors in various submissions.

It is important to note that there is no mandatory obligation to monitor environmental quality indicators and objectives, and monitoring requirements for licence holders are established through works approvals and licences by EPA. These would be unlikely to include monitoring for marine biological indicators.

In response to the submission from ERM Melbourne, biological indicators were not developed for estuaries due to the lack of long-term monitoring data and limited scientific understanding of the meaningful levels to set objectives for such indicators. Bottom environmental quality objectives were only provided for water where the stratification of low salinity surface waters over higher salinity bottom layers is a common to permanent occurrence.

While the submission from Melbourne Water was noted, there was no evidence provided to substantiate this change. As such, because this was contrary to the recommendations of the extensive scientific review undertaken to support the Policy, this change was not adopted.

Changes to final Policy

Some changes were made to environmental quality indicators and objectives where sufficient analysis and evidence was provided to support the case for change. Examples of this include:

- Environmental quality indicators and objectives were updated to ensure consistency of approaches when specifying environmental quality objectives across water segments. These changes do not represent a change in stringency, but rather better reflect the characteristics of environments.
- The maximum for the environmental quality indicator of dissolve oxygen was changed to better reflect levels observed in waters across a range of segments.
- The environmental quality objectives for Lake Reeve were changed to identify that objectives should be based on samples collected from reference sites. This recognises that there is a lack of data and limited understanding of water quality conditions in this area to set reliable objectives.
- The levels of protection in the Gippsland Lakes were revised to be more consistent with approaches adopted in other segments and the ANZECC Guidelines.

Minor amendments were made to the environmental quality objectives for water based recreation to better clarify their meaning and ensure consistency with the NHMRC Guidelines. EPA will develop further guidance to support the interpretation and application of these objectives.

Other amendments were made to bring greater clarity and consistency between the Schedules, such as ensuring a consistent ordering of segments, using consistent terminology between Schedules, as well as minor restructuring of clauses to ensure they are grouped more logically.

Schedule 4 – Pollutant Load Reduction Targets

Summary of comments

Fifteen comments were received on this schedule.

Several submissions were raised questions regarding the methods for determining loads and load targets, including the Port Phillip Bay load target. East Gippsland Water and Southern Rural Water both expressed concern about the method of determining load targets for the Gippsland Lakes given the annual load will vary substantially with annual rainfall-runoff. Southern Rural Water also expressed concern that there were no agreed methods for determining loads. They felt more work was required to establish load targets for phosphorous discharges from irrigation activities.

Several submissions expressed concern over the effectiveness of the load reduction targets, including the ACLCA. Two submissions pointed out that both the 'baseline' and 'target' values for Port Phillip bay nutrient and sediment load reduction were the same. Consulting Environmental Engineers (CEE) suggested a reduction in nitrogen loads proposed for the Western Treatment Plant.

Some submissions raised concerns about additional obligations on agencies.

Response to Comments

The load target for Port Phillip Bay is to maintain, or not exceed, current loads entering the bay. Significant actions are required to mitigate the effects of Melbourne's population growth and land use change in order to achieve this target. The load targets represent reductions against the forecasted increased loads, ensuring actions are taken to mitigate the effects future load increases.

A load target to cap nitrogen loads at their current level has been established for the Western Treatment Plant in Schedule 4. An extensive science review, combined with hydrodynamic modelling, undertaken during the development of the Port Phillip Bay Environmental Management Plan and the Policy found that capping nitrogen load is most appropriate for protecting the environmental values of Port Phillip Bay.

In relation to methods for measuring loads, the review notes that it is not appropriate to prescribe the method for measuring the loads in the Policy. Methods are likely to improve and change over the life of the Policy and need to be flexibility to adaptively managed. The Policy will be supported by a MER framework which is expected to provide opportunities to develop methods to assess load targets.

In response to questions about load targets for the Gippsland Lakes, the review notes that the load targets are annual averages to be achieved over the time periods specified. This allows for some variation between years where loads are exceeded due to high rainfall, or where loads are well below the target due to low rainfall or pollution inputs.

Obligations on agencies have not changed for any of the load targets. Agencies are required to incorporate the targets into plans set out in the Schedule as per the draft SEPP (Waters). Actions to achieve targets are to be implemented through existing frameworks to the extent that funding allows.

Changes to final Policy

The Western Port load target has been revised to reflect significant improvement in the scientific understanding of the sediment loads entering the bay, and the effectiveness of management actions. The target has changed from a reduction, to a requirement to not exceed current levels.

Minor amendments were made to provide clarity that load targets are annual averages to be achieved over a period of time, as well as to better clarify the intent of commitments to achieve the targets.

Schedule 5 – Areas of High Conservation Value

Summary of comments

One comment was received on this schedule

ERM Melbourne made some suggestions for changes to referencing the endnotes.

Response to Comments

Endnotes and references have been made according to legal drafting conventions.

Changes to final Policy

No changes were made to the Policy schedule.

Schedule 6 – Table of Revoked Instruments

Summary of comments

No comments were received on this schedule; therefore, no changes were made to the Policy.

Additional Issues Raised in Consultation

Several issues were deemed out of scope for the current review but were considered to be important enough to acknowledge for consideration in future Policy reviews

Dewatering of basements

Environmental auditors, raised concern with the current lack of clarity regarding the regulation of groundwater dewatering from basements. There is a recognition that this issue is currently not well addressed by either the *Environment Protection Act 1970* or the *Water Act 1989*, but resolving this issue was considered to be beyond the scope of just the Policy to resolve.

While some valuable suggestions were made in submissions, the consequential changes would require more substantive consultation and policy analysis than was possible in the time available to finalise the Policy. However, an action was included in the Implementation Plan acknowledging the need for further work by Government to address this regulatory issue.

Groundwater vapours

Another issue raised by environmental auditors which is also acknowledged as not being well addressed in the Policy is the human health risks associated with vapour intrusions from contaminated groundwater. There were some valuable suggestions raised in submissions for ways the Policy could potentially address this issue, such as by adopting the beneficial use of 'human health' from SEPP (Prevention and Management of Contamination of Land). While this suggestion is valid and of merit, it would represent a significant policy change which would require substantial analysis to understand the implications of introducing this beneficial use throughout the rest of the Policy and other rules and obligations in the Policy.

Microplastics

Three respondents, including the Australian Coastal Society and the Port Philip EcoCentre requested that the Policy should be updated to include environmental quality indicators and objectives for plastics, including microplastics - advising that plastics are a significant issue.

The submissions highlighted the absence of plastics in the Policy and a view that plastic pollution is a global problem affecting diverse species with different feeding strategies. The submissions recommended further study to quantify the issue in Victoria and were concerned that investment in such research would not be forthcoming if plastic pollution is not addressed in the Policy.

While plastics and microplastics can pose significant risks to the environment and human health, and are recognised as an emerging issue of concern, there is currently insufficient information available to set specific environmental quality objectives to indicate a risk to beneficial uses. Both internationally, and within Australia, there are no commonly accepted methods for quantifying plastics for the purposes of assessing against standards, and there are no existing guideline values to determine what constitutes a 'safe' level needed to protect the environment and human health. However, in recognition of this issue, the definition of 'pollutant' in the Policy has been changed to include plastics and microplastics.

Policy Impact Assessment

Summary of comments

Twenty-five comments were made on the draft PIA, covering a wide range of issues.

MAV commented that the draft PIA is helpful in outlining the issues that DELWP and the EPA have considered in developing changes from the previous policies.

The Victorian Aboriginal Heritage Council noted its support for the approach outlined in the draft PIA, noting that 'close engagement will allow Traditional Owners (in partnership with waterway managers) to communicate water dependent values, articulate objectives for water quality, identify traditional indicators of water quality condition and to inform the setting of regional targets'.

One submission requested that 'aquifer recharge' be reconsidered as a beneficial use, noting that it is 'likely to be' an important tool in the overall management of water resources. Another submission asked for more guidance on for setting interim regional targets.

A submitter asked about the likelihood of load-based targets for wastewater discharge licences.

The VCCI noted the draft PIA did not appear to analyse the impact of adopting additional best practice and the continuous improvement requirements of 'practicability'.

In their comments on the management of onsite wastewater systems, Hume City Council noted that the barrier to taking proactive action on onsite wastewater systems is the difficulty in identifying the specific septic system causing the problem among so many other factors as well as issues in obtaining cost recovery.

Hume City Council also asked for more guidance in the Code of Practice for Onsite Wastewater Management on options for domestic wastewater planning.

Several submissions queried the role of councils and water corporations in onsite wastewater management planning.

Response to Comments

The review considered the implications of removing the Aquifer Recharge beneficial use and note that the quality of groundwater recharge quality is protected through several existing clauses.

In response to the request for more guidance for setting interim regional targets, the Implementation Plan critical action 1 will develop guidance about how regional targets are to be set and used. This will build on the *Guideline for Environmental Management Risk-Based Assessment of Ecosystem Protection in Ambient Waters* (EPA Publication 961).

Regarding the likelihood of load-based targets for wastewater discharge licences, the review notes that limits set in EPA licences are concentration based, rather than load based. EPA is not considering adopting load-based licence limits at this stage and so the likelihood of this occurring in the short to medium term is low.

In response to the VCCI, the report notes that clause 12 was revised and references to 'best practice' and 'continuous improvement' were removed.

The review agrees with Hume City Council that there are many sources of pollution in a catchment and septic tanks are one source that may, or may not be, the most significant. This clause is concerned with local government preparing a plan to understand the risks that septic tanks pose within the municipality. The complexity of the plan will be related to the number of septic tanks in the municipality. The Policy sets out the key things to include in the plan and ensures that water corporations contribute their expertise. It is recognised that non-permitted tanks make compliance in this space difficult, as do cost recovery limitations, and that this needs to be addressed outside the Policy.

A review of the Code of Practice for Onsite Wastewater Management is listed in the Implementation Plan.

Regarding the role of water corporations in developing DWMP plans, the review notes that water corporations would continue to work with councils on their plan to provide expertise and to ensure that sewerage services align with the DWMP risks.

Changes to final PIA

As there was no substantive change to the analysis underpinning the PIA, therefore no major changes were made. Minor corrections were made to errors. References to 'draft' was removed from the final PIA.

Implementation Plan

Summary of comments

Twenty-eight comments were made on the Implementation Plan.

Coliban Water reflected several submitters when it noted that the Implementation Plan would be '*critical to the success of the SEPP (Waters)*' and help drive accountability for implementation of actions.

Submitters, in particular CMAs and councils, were hopeful that there would be funding available to support any additional obligations. One council stressed that councils are being stretched for funding because of rate capping. The extra burden of implementing achievable (and non-achievable) objectives would require State Government financial assistance or leadership in developing frameworks and methodologies.

The Metropolitan Water Corporations asked for further research into the causality of sediment loads to Western Port.

The West Gippsland CMA commented that it did not support increased reporting on Regional Waterway Strategy implementation. They observed that annual reporting to DELWP should be limited to fulfilling annual reporting obligations on DELWP funded projects.

A number of respondents noted that a MER program was needed to be able to measure the effectiveness of priority clauses.

Coliban Water noted that the monitoring and reporting of the performance of onsite wastewater management systems is the most critical of the management actions, but it is a state-wide issue that is not addressed. They asked for the addition of an action to secure improved identification and rectification of poorly performing onsite wastewater management systems.

There were a few requests for improved guidance, in particular, for interpreting beneficial uses like Traditional Owners' and Aboriginal Victorians' cultural values.

Response to Comments

Implementation Plan outlines that DELWP will secure funding to assist CMAs undertake interim regional target setting. Under the Implementation Plan actions will be undertaken to secure funding to assist councils meet their onsite domestic wastewater management planning obligation. Beyond this, funding will be considered in line with other Government priorities.

In response to comments on monitoring, evaluation and reporting of the Policy the review notes that the revised Policy will be supported by an overarching MER Framework. The MER framework will provide a guide for the types of key evaluation questions, monitoring, evaluation and reporting activities that are needed to determine whether the Policy is effective and to support the adaptive management of the Policy.

The implementation of the MER Framework will be driven by existing monitoring, evaluation and reporting programs and involve the development of MER plans specific to particular segments.

The MER Framework sets out a high-level governance structure that will oversee the implementation of MER activities, and will co-ordinate roles and responsibilities. The MER framework is a guide to be applied across the entire state and is intended to inform the development of MER frameworks and plans focused at the scale of particular segments and water bodies.

Given that roles and responsibilities vary among segments and water bodies, the MER plans for segments and water bodies are expected to articulate the roles and responsibilities for a given segment/waterbody at a higher level of detail than the overarching framework.

As noted by the Metropolitan Water Corporations, there is a need for further research to understand the causality of sediment loads to Western Port. The MER Framework identifies a range of knowledge gaps that were identified in the Policy science review. These knowledge gaps include increased understanding of the impacts of sediments on Western Port, and improved modelling to evaluate load targets.

In response to West Gippsland CMA's concerns about 'additional' reporting requirements, the reference to reporting relates to the six monthly and/or Annual Progress Reports, as described under the Victorian Water Programs Investment Framework (VWPIF) 2016-20 Funding Agreement. As such it will not increase the reporting obligations of the CMAs.

Changes to final Implementation Plan

The Implementation Plan was amended to capture actions to develop new guidance, review and update existing guidance and provide administrative updates to existing guidance to support implementation of the Policy.

Appendix 1: Table of Submissions

Aecom	AGL Energy
Australian Coastal Society - Victorian Chapter	Australian Contaminated Land Consultants Association
Australian Environmental Auditors Pty Ltd	Barwon Water
Campaspe Shire Council	Casey Council
CDM Smith	City of Greater Bendigo
City of Melbourne	City of Port Phillip
Coffey	Community Over Mining
Coliban Water	Construction Material Processors Association
Consulting Environmental Engineers	Corangamite Catchment Management Authority
David Telford	David Tiller
Decentralised Water Consulting	Department of Human and Health Services Victoria
East Gippsland Catchment Management Authority	Energy Australia
Environment Health Professionals Australia Ltd	Environment Victoria
EnviroRisk Management	ERM Melbourne
GHD	Gippsland Water
Glenelg Hopkins Catchment Management Authority	Goulburn Murray Water
Goulburn Valley Water	Grant Arnold
Hume City Council	International Association of Hydrogeologists (Victoria Branch)
Mandalay Resources	Melton Council
Metropolitan Water Corporations (Melbourne Water, South East Water, Yarra Valley Water, City West Water and Western Water)	Municipal Association of Victoria
North Central Catchment Management Authority	North East Water
Parks Victoria Planning	Peter Mirkov
Port of Melbourne Operations Pty Ltd	Port Philip EcoCentre
Prensa Pty Ltd	Dr Rebecca Nelson
Rubicon forest protection group	Scott McFarlane
Sensversa Pty Ltd	SLR Consulting
South East Victoria Local Government Wastewater Initiative	South Gippsland Water
Southern Rural Water	Stormwater Victoria
Surf Coast Shire Council	Trust for Nature
Urban Water Solutions	Victorian Aboriginal Heritage Council
Victorian Chamber of Commerce and Industry	Victorian Environmental Water Holder
Victorian Farmers Federation	VicWater
Victorian Recreational Fishing Peak Body	Wayne Imlach
West Gippsland Catchment Management Authority	Wimmera Catchment Management Authority
Yarra Ranges Council	

An additional 12 confidential submissions were received

Appendix 2: Acronyms Used

Full Title	Acronym used
Annual Exceedance Probability	AEP
Australasian Land and Groundwater Association	ALGA
Australian and New Zealand Environment Conservation Council	ANZECC
Australian Contaminated Land Consultants Association	ACLCA
Best Practise Environmental Management Guidelines for Stormwater	BPEMG
Bureau of Meteorology	BOM
Catchment Management Authority	CMA
Clean up to the extent practicable	CUTEP
Consulting Environmental Engineers	CEE
Department of Environment, Land, Water and Planning	DELWP
Department of Health and Human Services	DHHS
Dissolved Inorganic Nitrogen	DIN
Domestic wastewater management	DWM
Domestic wastewater management plan	DWMP
Environment Protection Authority Victoria	EPA
Environmental Health Professionals Australia Ltd	EHPA
Environmentally Sustainable Development	ESD
Governor-in-Council	GiC
Groundwater quality restricted use zone	GQRUZ
International Association of Hydrogeologists	IAH
Land Capability Assessments	LCA
Local Planning Policies	LPP
Melbourne Urban Stormwater Institutional Arrangements	MUSIA
Monitoring, evaluating and reporting	MER
Municipal Association of Victoria	MAV
National Health and Medical Research Council	NHMRC
Non-aqueous phase liquid	NAPL
Policy Impact Assessment	PIA
Pollution Abatement Notice	PAN
Salinity Management Overlay	SMO

Full Title	Acronym used
Scrutiny of Acts and Regulations Committee	SARC
State Environment Protection Policy	SEPP
State Environment Protection Policy (Groundwaters of Victoria)	SEPP (GoV)
State Environment Protection Policy (Waters of Victoria)	SEPP (WoV)
Total dissolved solids	TDS
Victorian Aboriginal Heritage Council	VAHC
Victorian Chamber of Commerce Industry	VCCI
Victorian Environmental Water Holder	VEWH
Victorian Farmers Federation	VFF
Victorian Fisheries Authority	VFA
Victorian Planning Provisions	VPP
Victorian Recreational Fishing Peak Body	VRFish
Victorian Water Programs Investment Framework	VWPIF