



# SEPP (Waters)

Victorian Farmers Federation Submission

## The Victorian Farmers Federation

The Victorian Farmers Federation (VFF) is the only recognised consistent voice on issues affecting rural Victoria and we welcome the opportunity to comment on the Waste to Energy Discussion Paper.

Victoria is home to 25 per cent of the nation's farms. They attract neither government export subsidies nor tariff support. Despite farming on only three per cent of Australia's available agricultural land, Victorians produce 30 per cent of the nation's agricultural product. The VFF represents the interests of our state's dairy, livestock, grains, horticulture, flowers, chicken meat, pigs and egg producers.

The VFF consists of a nine person Board of Directors, with seven elected members and two appointed directors, a member representative General Council to set policy and eight commodity groups representing dairy, grains, livestock, horticulture, chicken meat, pigs, flowers and egg industries.

Farmers are elected by their peers to direct each of the commodity groups and are supported by Melbourne-based and regionally located staff.

Each VFF member is represented locally by one of the 200 VFF branches across the state and through their commodity representatives at local, district, state and national levels. The VFF also represents farmers' views on hundreds of industry and government forums.

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## Foreword

Firstly we would like to thank the Victorian State Government and the Department for the opportunity to comment on the proposed State Environment Protection Policy related to water (SEPP (Waters).)

We are supportive of combining the surface and groundwater policies into one document and simplifying that document. Additionally the co-location of the explanatory notes is extremely helpful in assisting interpretation.

Clarity in regulation benefits both those that must comply with the regulation and regulators. The draft SEPP (Waters) is very broad and the recommendations we have made in this submission focus on ensuring the detail of the policy are clear and relevant to the overarching legislation.

## Definitions

### Reference to legislation

The VFF supports the use of reference to legislation within the SEPP (Waters) document. It would be appropriate to see a legislative reference for surface waters in clause 6. Definitions of the new document.

However the best option is to only refer to waters as defined in the Environment Protection Act 1970, when no distinction is needed for the purpose of the clause.

For example rather than specifying surface water, groundwater and State Waters in clause 8. Policy Area, referring instead to waters as defined in the Environment Protection Act 1970.

“Waters includes any reservoir, tank, billabong, anabranh, canal, spring, swamp, natural or artificial channel, lake, lagoon, waterway, dam, tidal water, coastal water or groundwater;”

*Recommendation:* Simplify and create consistency by only referring to the definition of water in the Environment Protection Act 1970.

*Waters - Waters includes any reservoir, tank, billabong, anabranh, canal, spring, swamp, natural or artificial channel, lake, lagoon, waterway, dam, tidal water, coastal water or groundwater;*

### Additional definitions required

Given the broad nature of the new SEPP (Waters) have adequate definitions is essential for interpretation of authorities and courts after implementation of the new Sepp (Waters.)

For the sections related to farming there are, in our opinion, it would be of benefit for all involved in the application of this document if several definitions were added to clause 6. Definitions.

In particular definitions for farm roads, waters and groundwater would better clarify extent and intent of the SEPP (Waters.)

*Recommendation:* Add definitions for farm roads, waters, groundwater and add a legislative reference for surface waters.

## Outside the remit of the Act

### Outside the remit of the Environmental Protection Act 1970

A number of clauses refer to matters the VFF believes is outside the remit of the Environment Protection Act 1970.

The reference to minimising the impact of water flow throughout the document, but in particular in clause 36, is outside the remit of the Act as increased flow is not a pollutant and impacts of excessive flow is covered by other legislation. For the same reason clauses 43 and 44 are outside the remit of the Environment Protection Act 1970. Additional clause 36. subclause 2 (a) is very broad and should be removed.

Relevant clauses:

36. Minimising impact of irrigation drains and channels on receiving waters

(1) Irrigation drains must be designed and managed to minimise the impacts on beneficial uses of receiving waters, with particular regard to **flow**, sediments, nutrients, salt and other pollutants.

(2) Constructed irrigation channels and drains must be designed and managed so—

(a) **they are not harmful to humans or have unacceptable impacts on animals; and**

43. Management of groundwater risks to surface waters

Water corporations must ensure that their activities, including licensing decisions, do not pose a risk to surface water beneficial uses, particularly through the excessive extraction of groundwater and the subsequent prevention of surface water environmental flows, and through reducing the quality of adjoining surface waters.

44. Commitment to water conservation

Water corporations and councils must work with communities and businesses to implement water saving practices and measures, particularly for new developments.

*Recommendation:* Remove reference to flow from clause 36 (1), remove clauses 43 and 44, and remove 2 (a) from clause 36.

## Specific clauses

### 12. Practicable

Pointing to practicability in assessing management options is essential to ensure positive triple bottom line outcomes. While the VFF generally agrees with clause 12. Practicable we are of the opinion that the following underlined text should be included:

- (2) In assessing practicability, regard must be given to the:
  - (a) risks to existing and potential beneficial uses; and
  - (b) availability and suitability of actions or management practices, including best practice, to eliminate or reduce risks identified in subclause (2)(a); and
  - (c) cost-effectiveness of actions and management practices risks identified in subclause (2)(b); and
  - (d) proportionality of actions or management practices identified in subclause (2)(b) and subclause (2)(c) to risks identified in subclause (2)(a).

<p><i>Recommendation:</i> Include “cost-effectiveness of actions and management practices risks identified in subclause (2)(b); and” In clause 12 subclause 2</p>
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### 39. Runoff

The VFF is comfortable with the wording of this clause as long as other suggested changes are enacted.

## Summary of Recommendations

1. Simplify and create consistency by only referring to the definition of water in the Environment Protection Act 1970.
2. Add definitions for farm roads, waters, groundwater and add a legislative reference for surface waters.
3. Remove reference to flow from clause 36 (1), remove clauses 43 and 44, and remove 2 (a) from clause 36.
4. Include “cost-effectiveness of actions and management practices risks identified in subclause (2)(b); and” In clause 12 subclause 2



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