Southern Rural Water
Managing Water. Serving Communities.

Date 7 June 2018

Veronica Lanigan
Manager SEPP (Waters) Review
Water & Catchments
Department of Environment, Land, Water and Planning
8 Nicholson Street
East Melbourne, Vic 3002

Dear Veronica

Re: Draft SEPP (Waters) Response

Thank you for the opportunity to provide comments on the Draft SEPP (Waters).

The Draft SEPP is a comprehensive document designed to protect water quality throughout Victoria.

SRW endorses the submission made by Vic Water on the Draft SEPP. However, we wish to submit our own response to highlight our particular areas of interest as a rural water corporation.

At SRW, our vision is to boost southern Victoria's food, fibre and regional productivity through outstanding rural water management. This requires consideration of our current operating environment and most notably how we manage water under our control.

The SEPP will have a direct impact on our operations. It will help to:

- protect the quality of the water we harvest and manage
- guide decision making around the allocation and licensing of water
- directly influence how we manage drainage water from our irrigation areas.

As such the SEPP will be a critical regulatory document that will have a direct impact on our decision making, capital investment and, ultimately, costs to our customers.

In many instances the new SEPP carries forward existing obligations under SEPP (WoV) or duplicates an existing obligation (e.g. under the *Safe Drinking Water Act* or *Water Act*) and as such the impacts on SRW are minimal. However, there are a number of aspects that we ask be considered in finalising the SEPP (refer attached table).

Again thank you for the opportunity to comment on the draft SEPP.

Should you have any queries regarding our submission, please do not hesitate to contact me on 1300 139 510 or send an email to [redacted]

Yours sincerely,

CRAIG SMITH

Manager Sustainability

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SRW's response to the draft SEPP WoV.

Clause	SRW Response
6	***Definitions***
	There are a number of definition anomalies/inconsistencies, throughout the draft SEPP. These include • Designated Water Supply Catchment Area. This term is not defined. It has various meanings under other legislation (e.g. National Parks Act 1995 and Catchment and Land Protection Act, 1994). **It is suggested that the phrase needs to be defined to avoid ambiguity.** • Protection Agencies. This is not included in the definitions but is used throughout the SEPP, where the definition/interpretation can vary. **It is suggested that the phrase needs to be defined to avoid ambiguity.** • Potable Water. There is no definition of potable surface water: **it is suggested it should be consistent with the definition in the Safe Drinking Water Act (2003) to avoid any ambiguity.** • The Authority needs to be defined as there are many clauses where it is used but not defined: it would appear to apply to more than just the EPA in some clauses. **It is suggested that the phrase needs to be defined to avoid ambiguity.** • **The SEPP should then be reviewed for the use of these terms** (e.g. use of the phrase Protection Agency/ies in Clause 37, 38 and 40).
16.	**Beneficial Uses of Surface Water**
	It is suggested that reference 'in a declared special water supply catchment area' be deleted from Clause 16(2)(c)(ii) as there are water supply offtakes that are not in declared special water supply catchments.
29	***Councils to develop a domestic wastewater management plan.***
	Rural Water Corporations such as SRW and GMW have no powers in relation to wastewater management under the Water Act, and hence we have no powers over septic systems, yet we have obligations under the Safe Drinking Water Act to protect water quality. SRW supports the retention of the on-site wastewater management provisions. We do, however, have concerns about the quality, approval, implementation and commitment to such plans. The quality of such plans varies considerably and there is already concern throughout the water industry about the level of resources being applied to the implementation of such plans. Such plans are a critical component of our planning system and are being relied upon to protect water quality.

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It is suggested that the SEPP needs to be strengthened to ensure that the quality and implementation of such plans will protect water quality. Once the plans are adopted by Council and water corporation there needs to be a genuine commitment to such plans. This could include the need to incorporate such plans in planning schemes and/or require the endorsement of plans by the EPA and relevant water corporations.

In this context it is suggested that references to the Authority should be references to the EPA.

It is also suggested that formal mandatory reporting requirements should be incorporated into the SEPP as a means of ensuring the effectiveness of the plans.

It is expected that the greater emphasis on domestic waste water management plans and their review, will place a greater demand on our services to support such plans.

35	**Management of saline discharges**

SRW supports the management of saline discharges to avoid or minimise risks to beneficial uses. However, there is an anomaly in clause 25.1.e.2 which is born out of our multiple functions.

It is suggested that that this clause needs to be modified to reinforce that it does not apply to all water corporation or all of their functions but rather to water corporations that manage irrigation districts and just to those districts.

36	**Minimising the impacts of irrigation drains and channels on receiving waters**

This clause contains some confusing statements and appears to include both drains and channels as the one type of entity. SRW operates networks of drains and channels across its region and each perform very different functions. Channels are man-made structures supplied from a surface water source such as a storage or natural carrier and they are used to supply water for a range of purposes such as bulk raw drinking water supply, irrigation or domestic and stock. The constructed drainage network is used to remove drainage water from mostly rural areas and typically discharges to a natural carrier. It is not used as a source of water supply, nor is it considered to have a beneficial use for human contact or ecosystems.

	Clause 36(2) states '*Constructed irrigation channels and drains must be designed and managed so (a) they are not harmful to humans or have unacceptable impacts on animals'*. This implies that the channels and drains can be used for recreational purposes. Channels and drains are not designed for this purpose. Flow rates vary making channels and drains dangerous for swimming. We, along with other rural water corporations, invest in programs to discourage public access and swimming. Furthermore, adjacent farmers often use drainage water to supplement irrigation water. The water is provided with no guarantee to its quality. The clause could be effectively interpreted as requiring urban water corporations to treat the water or to be liable for its quality. **It is suggested that the provision should be deleted as the focus should be on protecting receiving waters which is covered by paragraph b '*Constructed irrigation channels and drains must be designed and managed so (b) that their impact on beneficial uses in receiving waters is minimised'*.**
49	**Releases from water storages**
	This clause is somewhat ambiguous with 49(1) stating *storage managers must have regard to the risks of releases* while 49(5) indicates that they *may demonstrate their consideration of risks by preparing a risk management plan*. **It is suggested that greater clarity be provided on the need for risk management plans.**
Schedule 3	**Table 1: Environmental Quality Indicators and Objectives for Rivers and Streams**
	There are a number of changes to guideline values. There is little evidence to support the changes and it is difficult to equate the values to those in the ANZECC Guidelines for equivalent categories in south east Australia as SEPP uses 75th percentiles or a range and ANZECC uses medians or 20th to 80th percentile ranges. **It is suggested that the values be reviewed with any changes substantiated in the guidance notes.**
Schedule 3	**Table 14: Short term indicators and objectives for water based recreation**
	More clarity is required for cyanobacteria/algae in Table 14, as the requirements vary from DELWP's BGA Circular. For instance, the draft SEPP specifies '*Biovolume equivalent of <4 mm^3/L for the combined total of all cyanobacteria where a known toxin*

producer <u>is dominant</u> in the total biovolume' while the circular uses 4mm^3/L as the trigger only for known toxic cyanobacterial species, rather than all cyanobacteria.

It is suggested that the table be reworded to a more practical format such as in the DELWP Blue-green Algae Circular.

Schedule 4	**Pollutant load reduction targets**

This clause prescribes annual load targets for Lake Wellington. While SRW fully supports the setting of targets, we remain concerned about the way in which they are being expressed in the draft SEPP.
The SEPP is a calling for an overall reduction from 115tpa to 100tpa by 2030.

However, there is no prescribed method for measuring this amount. As previously advised and acknowledged, nutrient discharges are highly variable from year to year and are highly susceptible to rainfall. Hence achievement of the target may or may not be possible depending on whether it is a dry or wet year in 2030. We are pleased to see this acknowledged in the explanatory notes.

The SEPP is calling for a 7.5t reduction in phosphorous discharges from irrigation activities by 2030. While there is an overall target (i.e. 100tpa by 2030) there is no indication of what the target level is for irrigation areas. SRW has undertaken substantial monitoring to estimate the loads from the MID. However, no such work has been undertaken outside the MID (e.g. Thorpdale or the Upper Latrobe).

Further clarification is required on the expected baseline and target levels for irrigation activities, especially those for the MID.

Finally the SEPP requires WGCMA and SRW to jointly develop and implement the Lake Wellington Land and water Management Plan. This plan is currently being prepared and while SRW is a partner in the process, as is DELWP, EPA etc, the WGCMA owns the plan. Hence the following clause should be amended to reflect this.

While SRW has responsibilities for providing irrigation water and drainage services in the MID, it does not provide these services throughout the entire Lake Wellington Catchment. Hence the following clause should be amended to reflect this: *(a) develop and implement the Lake Wellington Land and Water Management Plan to reduce Total Phosphorous discharges from irrigated lands in the Lake wellington catchment.*

	It is suggested that the clause be amended as follows: ***(3) The WGCMA must*** ***(a) develop and implement the Lake Wellington Land and Water Management Plan to reduce Total Phosphorous discharges from irrigated lands in the Lake Wellington catchment*** ***(b) SRW must work in partnership with the WGCMA to develop and implement the Lake Wellington Land and Water Management Plan as it applies to the Macalister Irrigation District.***
General comment	**Regulatory duplication**
	There are numerous references in the explanatory notes to the SEPP mirroring existing obligations and not posing additional obligations on agencies. **It is suggested that the SEPP be reviewed to avoid regulatory duplication.**