

Our Ref:

Enquiries To: Tony Overman

Veronica Lanigan
Manager SEPP (Waters) Review
Catchments, Waterways, Cities and Towns
Water & Catchments
Department of Environment, Land, Water and Planning
11/8 Nicholson Street, East Melbourne, Vic 3002

29 March 2018

Dear Veronica

Re: Submission to the SEPP Waters Review

Barwon Water appreciates the opportunity to make a submission to the Draft SEPP (Waters) policy. We are proud of our long history of delivering safe and reliable services in an environmentally responsible manner.

Our Strategy 2030 positions us as an enabler of regional prosperity, which includes building on our position as an environmental leader by an ethic of caring for country and protecting the natural assets upon which we depend.

The scope of the existing and proposed SEPP Policy presents several key implications for our business and we are pleased to present the following comments as a formal submission to the review process.

General

- Barwon Water supports the amalgamated SEPP as a streamlined policy combining updated relevant and effective beneficial uses and water-environment segments, as well as revised environmental quality indicators and objectives to protect these beneficial uses.
- Adoption of the new SEPP require several minor updates to our EPA Licence Monitoring Program, but as stated these are expected to result in only minor changes in operating costs.

Risk to Groundwater and construction impacts on waters

- Risks to groundwater from waste – the information within the Draft SEPP appears to be reasonable and consistent with the requirements within the Industrial Waste Regulations and our EPA licences, which in some circumstances provide more detailed information.

- Construction Management Impacts – Minimal information is included within the SEPP on managing construction impacts, rather it refers to other EPA Guidelines and Publications that provide more detailed information
- Groundwater – there do not appear to be any changes that affect groundwater extraction activities

Catchment water quality

- Forestry management - From a protection of water quality perspective, the Draft SEPP aligns with the relevant code of practice and legislation that set the guidelines for forestry management.
- It appears that there is a shift in responsibility from the EPA to Local Government to undertake the audits and compliance of forestry activities. This is assumed to achieve alignment with the Code of Practice for Timber Production 2014.
- We note that the detail has been removed from the SEPP and replaced with reference to the relevant Code and/or Act. This appears to be a sensible step way to ensure the SEPP guidelines will still be relevant as such Codes/Acts are updated.
- There could be an argument made as to whether Local Government are adequately resourced to undertake the auditing and compliance. If this task 'falls through the cracks' this issue could potentially pose a risk to our water supply catchments. However this may be something that should be addressed in the Code opposed to the SEPP.

On site wastewater management

- There is potential a lack of clarity and ambiguity in the SEPP proposed clauses 29 & 30 as to the specific roles of Local Government and a Water Corporation which could have the potential to create additional work. Section 29 of the act states "The council must consult with water corporations, the community and other stakeholders when developing and implementing a Domestic Wastewater Management Plan (DWMP)."
- It could be argued that they already consult, but is that consultation adequate. This could be expanded to state that 'Local Government must actively engage and work with water corporations when developing the DWMP'. Corporations need to be in the room and working with councils when they are identifying options to address wastewater systems which do not contain wastewater. On completion of the DWMP, they should demonstrate that this has occurred and require written support from corporations to finalise the document.
- Section 29 (4) and Section 30 are quite similar tasks, one by the council and one by the water corporation. There could be potential that some tasks from Section 29 are passed to the water corporation. For example, Councils could do minimal work, identify the issue and give a high level indication of a few solutions, then pass it to the water corporation to undertake as part of section 30.
- A more descriptive approach to the respective obligations would be helpful.
- Another useful inclusion would be that the DWMP must adequately demonstrate any actual harmful human and/or environmental health risks being posed by failing

septics. This could be then used as justification in DWMP for further work needs to be undertaken by the appropriate authorities.

- From reading the revised Section 29, this now requires councils (with Water Corporation involvement) to identify, cost and prioritise options, whilst Section 30 then requires Water Corporations only to assess those options and identify the preferred solution, costs, funding etc. As stated above, Section 29 could be clarified to require DWMPs to better understand the risks, the problem and justify why further work should be done.
- Also, Section 29 states that the DWMP should provide solutions to prevent discharge offsite. This could be seen as restrictive to more innovative solutions that it is trying to promote. Alternative or hybrid systems might include combinations of onsite and offsite discharge and the SEPP should preclude this.
- Clause updated to provide increased actions on council to better manage DWMP's. The SEPP now requires DWMP's be developed with the water authority as a key contributor. It also puts more accountability on Councils to action their DWMP's as they have to publically report on progress. If through the DWMP process, specific towns are identified as requiring further attention, the water authority is required to action this via a wastewater investigation. Similar to what's being done in Forrest. This replaces the previous requirement for a sewerage management plan. Given we will be involved in the DWMP itself, we would also have a say in this. The revisions should make councils more accountable for onsite management, however as always, resourcing will likely remain an issue and more tasks could get passed to authorities.
- There does not appear to be any real difference between what has been identified for the water supply catchments as opposed to the rest of the catchment. Currently in regard to the DWMP's councils are ok at the 'consulting with' component and need to now focus on the implementation of the DWMP's.

We look forward to continuing to work with you in the development and implementation of the new SEPP Waters Policy

Yours faithfully