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18 June 2018

Department of Environment, Land, Water and Planning
8 Nicholson St,
MELBOURNE VIC 3000

Dear Sir/Madam

State Environmental Protection Policy (SEPP) (Waters)

Thank you for the opportunity to review the MAV submission to the Draft State Environmental Protection Policy (Waters).

We welcome the review of the SEPP in providing the framework to manage stormwater for the protection of waterways and the Bays around Victoria.

Whilst Council officers support the controls for better environmental protection for the enjoyment of the community, Council officers are concerned with the increase in responsibility for Local Government with the apparent lack of additional legislation and funding support.

Please find enclosed the following:

- Attachment A: *City of Casey* comments to the Draft SEPP and proposed Actions/Solutions for the areas of concern.

If you have any queries, please do not hesitate to contact Daniel Fokkens, Senior Stormwater Officer on 9792 7355.

Yours faithfully

A handwritten signature in black ink that reads "Nicola Ward".

Nicola Ward
Manager City Planning

Attachment A: City of Casey feedback on the Draft SEPP

Section	Draft SEPP wording	Comments/Concerns	Proposed Solution
34 Urban Stormwater			
34.4	<p>(4) Councils must, in consultation with the Authority, catchment management authorities established under the Catchment and Land Protection Act 1994, water corporations, landowners and the community, develop and implement stormwater management or equivalent plans that—</p> <p>(a) identify potential adverse impacts of stormwater; and</p> <p>(b) identify options to prevent the generation and transport of pollutants in stormwater; and</p> <p>(c) identify options to minimise the generation, velocity and volume of stormwater flows; and</p> <p>(d) identify the options for stormwater reuse; and</p> <p>(e) identify preferred options, together with costs, funding needs, timelines and priorities; and</p> <p>(f) outline a monitoring, reporting and evaluation program.</p>	<p>Council welcomes State legislation to address the volume issues</p> <p>The Catchment Management Authorities (CMAs) roles and responsibilities must be clarified.</p> <p>The CMA's given they are a separate entity may not be resourced to implement the Act.</p>	<p>Action: Develop guidance notes and/or training for the industry to understand the implications and provide advice on possible solutions.</p> <p>CMAs come under the guise of one Authority i.e. Melbourne Water or DELWP.</p>
34(2)	<p>Clause 34(2) sets out the responsibilities of councils, as the responsible authority, to assess and approve new developments to ensure they are designed to meet the objectives set out in the Best Practice</p>	<p>Council is nominated as the "responsible authority" with no power of enforcement</p>	<p>Action: Council requires power to act for the benefit of the community and/or catchment which is currently missing from relevant Acts.</p>

Section	Draft SEPP wording	Comments/Concerns	Proposed Solution
	Environmental Management Guidelines for Urban Stormwater.		Council's across Melbourne are not adequately resourced to enforce Site Environmental Management.
35. Management of saline discharges	Councils with areas subject to saline ground water discharge, or high ground water recharge, must ensure that their Planning Scheme addresses that risk by including objectives and strategies for managing the risk in their Municipal Strategic Statement and by applying the existing Salinity Management Overlay to those areas.	Council's do not have the knowledge or resourcing to investigate groundwater conditions or whether an area is subject to saline ground water discharge.	Action: Responsibility should sit with the relevant water authority (e.g. Southern Rural Water) and adequately resourced to identify and work with Council's to manage Salinity
42. Management of construction activities	<p>(1) Persons responsible for construction activities must, so far as practicable, ensure that their activities do not impact on beneficial uses, including from dewatering, land disturbance, soil erosion and the discharge of sediments and other pollutants to waters consistent with current best practice or approved guidance from the Authority.</p> <p>(2) Persons responsible for construction activities must monitor surface waters where construction activities adjoin or cross surface waters, to assess if beneficial uses are being protected</p>	<p>Councils supervise construction activities undertaken by developers where the asset will become Councils and undertake their own construction activities.</p> <p>Construction activities are a significant cause of pollution to waterways and the bays. Currently Council can manage their own sites in accordance with site environmental management plans but head of power is not clear for enforcement associated with aspirations of SEPP.</p>	<p>Action: Provide Councils the power to act enforce the environmental management of construction activities.</p> <p>EPA has stronger guidance and development of programs similar to Litter Enforcement.</p>

Section	Draft SEPP wording	Comments/Concerns	Proposed Solution
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.	Building Regulations not mandatory for housing, commercial and/or industrial; either optional tanks or solar hot water for residential and nothing on collection or retention for industrial and commercial. ESD policies across the State are inconsistent and ad-hoc.	Action: Strengthen the Building Regulations to mandate the use of rain water tanks for fit-for - purpose use Action: Develop a VPP for a consistent ESD Policy to be applied across Victoria similar to New South Wales model of Acts relating to implementation.
46. Floodplains and flood detention	(1) A protection agency with responsibility for drainage and waterway management must ensure, so far as practicable, that floodplains are managed to protect beneficial uses, in particular that— (a) land use or works on flood prone areas do not increase the risk of pollutants being transported during flood events which would pose a risk to beneficial uses; and (b) waterways and their floodplains retain sufficient flood detention capacity to moderate peak flows to protect the beneficial uses of downstream waterways.	Councils have a role in flood management due to being the "responsible authority" for the smaller drainage network. This section appears to imply responsibility for Council in section 1 but needs to be more explicit in the agencies and roles.	Action: One protection agency is supported. Address flooding more holistically and better describe the roles and responsibilities of various flood management agencies.
49. Releases from water storages	(1) For the purposes of section 122ZL(2)(c) of the Water Act 1989, storage managers must have regard to the risks that releases from water storages pose to downstream beneficial uses.	Whilst Melbourne Water largely owns, operates and manages water storage there are a growing number of Councils that own 'water bodies' and it is not clear whether Council is nominated as a "storage manager". This has implications on how Councils manage their own water bodies.	Action: Provide clarity on the agencies affected as "storage managers". If Council is implicated, resourcing and education is required.

Section	Draft SEPP wording	Comments/Concerns	Proposed Solution
50. Dredging and desilting management	<p>(1) A person that undertakes dredging and desilting activities must manage their activities to minimise impacts on beneficial uses of waters.</p> <p>(2) To achieve this a person must, so far as practicable, adopt the environmental management practices as outlined in the Best Practice Environmental Management Guidelines for Dredging.</p>	<p>Greater clarity required on "dredging" and "desilting" activities. Councils undertake desilting of water bodies such as wetlands and sediment basins and maintenance of road side drains that they are responsible for managing.</p> <p>The Explanatory Notes only refer to dredging to maintain shipping and boating channels</p>	<p>Action: Provide clarity on the "desilting" activities.</p> <p>There should also be guidelines on disposal and enforcement by a relevant authority if/when requirement/s are not met.</p>