

## ATTACHMENT 1: GMW Comments on Specific Clauses and Schedules

Clause	GMW Comments
6. Definitions	<ul style="list-style-type: none"> <li>• “Designated Water Supply Catchment Area” is defined in accordance with the <i>National Parks Act 1995</i>. This should be the <i>National Parks Act 1975</i>.</li> <li>• “Special Water Supply Catchment Area” is defined in accordance with the <i>Catchment and Land Protection Act 1994</i>. How does this differ from the definition in the National Parks Act? The SEPP documents needs to be very clear in its use of the term “water supply catchment area” to ensure the correction definition is applied as intended.</li> <li>• Need to include definitions of “Protection Agencies”, which seems to vary among clauses.</li> <li>• Potable Water – the only definition is in reference to total dissolved solids (TDS) in groundwater. There is no definition of potable surface water, which should be consistent with the definition in the <i>Safe Drinking Water Act 2003</i> ie. drinking water.</li> <li>• “The Authority” needs to be defined; there are many clauses where it is referenced but not defined.</li> <li>• Be consistent with the use of “Council” and “Responsible Authority”.</li> </ul>
9 (2). Segments of the water environment	Need to define who “The Authority” is for this clause. There is no definition of “Authority” in the Definitions section.
16. Beneficial Uses of Surface Water <i>and</i> Schedule 2: Beneficial Uses - Table 3 Beneficial Uses for Inland Waters	<ul style="list-style-type: none"> <li>• Clause 16(2)(c)(ii). GMW recommends that clause (ii) “in a declared special water supply catchment area” be deleted, as there are many water supply offtakes that are not in declared special water supply catchments. The same comment applies to Table 3: Beneficial Uses for Inland Waters for the row “Human consumption after appropriate treatment”.</li> <li>• Clause 16(4) - Define “The Authority” in this instance.</li> </ul>
22. Consideration of applications for wastewater discharges	<ul style="list-style-type: none"> <li>• Clause 22(1): GMW recommends including an additional item after (d) as follows: <ul style="list-style-type: none"> <li>(e) <u>the volume and frequency of the discharge and the resulting dilution effect from the receiving waters.</u></li> </ul> </li> <li>• Clause 22(2): GMW supports that no new discharges must be approved for locations (c) and (d), but asks for clarification if this clause applies to emergency discharges under s.30A of the <i>Environment Protection Act 1970</i>? If this clause does apply, the wording means there would be no s.30A approvals allowed within the GMW area.</li> </ul>
28. Consideration of applications for subdivision and onsite domestic wastewater management	<ul style="list-style-type: none"> <li>• 28(1)(b) – need to specify that the “Authority” in this instance is the Environment Protection Authority (EPA) or use the word “protection agency” if that is more appropriate.</li> <li>• 28(2)(b) – GMW recommends rewording this clause as follows: <ul style="list-style-type: none"> <li>(e) <u>if the proposed subdivision is in a catchment declared to be a special water supply catchment under Schedule 5 of the <i>Catchment and Land Protection Act 1994</i>, that developments will not present a risk to water quality and approval for developments are issued in accordance with the <i>Guidelines for Planning Permit Applications in Open, Potable Water Supply Catchments</i>.</u></li> </ul> </li> </ul> <p>GMW notes that the Guidelines referenced are not applicable to all open, potable water supply catchments, only to those declared to be special water</p>

Clause	GMW Comments
29. Councils to develop a domestic wastewater management plan	<p data-bbox="549 235 1406 264">supply catchments under the <i>Catchment and Land Protection Act 1994</i>.</p> <ul style="list-style-type: none"> <li data-bbox="507 273 1474 589">• GMW recommends the strengthening of this clause to require some sort of mandatory reporting. It is GMW’s experience that plans may be developed and meet the list of requirements as specified in this clause of the SEPP, but councils are not resourced (or do not commit resources) to enable the full implementation of the plan. There are no specifications in the clause beyond requiring councils to develop a plan. As councils have the power to approve un-sewered developments and issue septic tank permits, they should also have the responsibility to ensure on-site wastewater is managed properly.</li> <li data-bbox="507 598 1378 627">• Be consistent with the use of “Council” and “Responsible Authority”.</li> <li data-bbox="507 636 1474 770">• 29(4)(a) – GMW recommends rewording this clause as follows: <ul style="list-style-type: none"> <li data-bbox="603 667 1453 770">(a) <u>Identify, assess and manage cumulative risks of onsite domestic wastewater systems that have the potential to be or are known to be discharging wastewater beyond allotment boundaries;</u></li> </ul> </li> <li data-bbox="507 779 1251 808">(4)(b) – Who is “the Authority” in this point? Is it the EPA?</li> <li data-bbox="507 817 1465 846">(4)(d) – Who is “the Authority” in this point? Is it DELWP (or its equivalent)?</li> <li data-bbox="507 855 1474 1238">• The explanatory notes specify that a DWMP is a management plan under s.32A of the <i>Water Act 1989</i>, which is incorrect. S.32A relates to a management plan for the water resources in a particular area. It considers metering and sustainable water use and makes no reference to wastewater management. The Water Act contains no reference to developing a DWMP, which is a local government responsibility. S.180 of the Water Act relates to septic tanks, but only applies to urban water corporations that have a sewerage district. S.183 and s.184 of the Water Act give specific powers to urban water corporations regarding septic tank management and compliance. Rural water corporations such as GMW have no powers in relation to wastewater management under the Water Act.</li> <li data-bbox="507 1247 1474 1417">• The explanatory notes specify that councils must report on the plan implementation to their ratepayers. It is important to recognise that reporting required by the <i>Guidelines for Planning Permit Applications in Open, Potable Water Supply Catchments (2012)</i> is to stakeholders, which includes water corporations and not just ratepayers.</li> </ul>
36. Minimising impact of irrigation drains and channels on receiving waters	<p data-bbox="507 1426 1474 1809">This clause contains some confusing statements and appears to include both drains and channels as the one type of entity. GMW 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 river and they are used to supply water for a range of purposes such as bulk raw drinking water supply, irrigation, or domestic and stock use. 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 regular or reliable source of water supply, nor is it considered to have a beneficial use for human contact or ecosystems. GMW actively discourages people from any activities in or near channels and drains.</p> <ul style="list-style-type: none"> <li data-bbox="507 1854 1114 1883">• GMW recommends clause 36(2)(a) be deleted.</li> <li data-bbox="507 1892 911 1921">• Clause 36(2)(b) remains valid.</li> </ul> <p data-bbox="507 1966 1458 2033">In the 2003 SEPP (Waters of Victoria), artificial agricultural drains and irrigation channels did not need to protect beneficial uses (clause 10).</p>

Clause	GMW Comments
	Clause 36(3) suggests that natural drainage lines are also constructed infrastructure that can be managed in some artificial way. Natural drainage lines are part of any catchment and it is unclear how they can be managed to minimise any perceived detrimental impact on receiving waters, let alone who would 'manage' them.
37. Responsibilities for protection agencies for irrigation drains	Need to clearly define the term "protection agency"? This is the first clause to use this term and in this clause it appears to mean a water corporation.
38. Management of recreation activities	Need to clarify the term "protection agencies". The explanatory notes to this clause define who the "protection agencies" are for the purpose of (3) and (4), but this appears to be different to its use in other clauses.
39. Minimising runoff of pollutants from agricultural activities	<ul style="list-style-type: none"> <li>• GMW queries how this clause could be used to improve current practices in existing developments and which agency would be responsible.</li> <li>• 39(1) – GMW questions the inclusion of the phrase "so far as practicable" when this clause requires ("must") an occupier "... to <i>minimise</i> runoff of pollutants ..." rather than "... to <i>prevent</i> runoff of pollutants...".</li> <li>• Most of the measures listed are quite practicable, as they are current practice and regulated by codes or legislation.</li> </ul>
40. Works affecting water dependant ecosystems and species	"Protection agency" is only defined in the notes and is used differently to earlier clauses. Suggest that for this clause it could be "Licensing Authority", as the works relate to licensed works under the Water Act.
Schedule 3: Table 1: Environmental Quality Indicators and Objectives for Rivers and Streams	There are a number of changes to guideline values, with decreases for some and increases for others. There is little evidence provided to support the changes. It is difficult to equate the values to those in the ANZECC Guidelines for equivalent categories in southeast Australia, as the draft SEPP uses 75 <sup>th</sup> percentiles or a range and the ANZECC Guidelines use medians or 20 <sup>th</sup> to 80 <sup>th</sup> percentile ranges.
Schedule 3: Table 4: Environmental Quality Objectives for Physical and Chemical Indicators for Wetlands	<ul style="list-style-type: none"> <li>• GMW has been advised that many of its storages would come under the category of "Deep Inland" freshwater wetlands, but it is unclear how the guideline values were derived and how they would be used. GMW considers that one set of guideline values is not applicable for the range of storages that GMW operates across its region when considering the differences in geology, catchment activities and topography.</li> <li>• pH range is specified as minimum and maximum – why is this different to other tables, which specify 25<sup>th</sup> and 75<sup>th</sup> percentiles?</li> </ul>
Schedule 3, Table 14: Short term indicators and objectives for water based recreation	<p>GMW recommends that there be more clarity around the requirements for cyanobacteria/algae in Table 14, which appear to be derived from the NHMRC <i>Guidelines for Managing Risks in Recreational Water</i> (2008). It is suggested that the table be reworded to a more practical format, such as in the DELWP Blue-Green Algae Circular 2016-17 (BGA Circular), for the following reasons.</p> <ul style="list-style-type: none"> <li>• An objective for freshwater states "Biovolume equivalent of &lt;4 mm<sup>3</sup>/L for the combined total of all cyanobacteria where a known toxin producer is dominant in the total biovolume"</li> <li>• Section 6.3.2 of the BGA Circular (reproduced below) uses &gt;4 mm<sup>3</sup>/L as a notification trigger only for <i>known</i> toxic cyanobacterial species, and not <i>all</i> cyanobacteria.</li> <li>• Specifying that a toxin producer be the dominant species in a biovolume of 4 mm<sup>3</sup>/L could effectively mean that an alert is issued when the biovolume of the toxic species is 2.1mm<sup>3</sup>/L, which significantly lowers the threshold for</li> </ul>

Clause	GMW Comments
	<p>an alert. The NHMRC Guidelines define &gt;75% as dominant; however, even this means a reduction in the threshold, when there are already numerous conservative assumptions built into the circular.</p> <div data-bbox="555 367 1437 654" style="border: 1px solid blue; padding: 5px;"> <p><b>6.3.2 Recreational Water</b></p> <p>Notifications are required when a BGA bloom poses a public health risk in water bodies used for primary contact recreation.</p> <p>BGA blooms in recreational water bodies are considered to pose a potential public health risk, for primary contact recreation. The Department of Health and Human Services must be notified when one or more of the following occurs:</p> <ul style="list-style-type: none"> <li>• <i>Microcystis aeruginosa</i> is present at <math>\geq 50,000</math> cells/mL</li> <li>• Total combined biovolume of known toxic cyanobacterial species is <math>\geq 4</math> mm<sup>3</sup>/L</li> <li>• Total combined biovolume of all cyanobacterial species is <math>\geq 10</math> mm<sup>3</sup>/L</li> <li>• Cyanobacterial scums are consistently present<sup>2</sup></li> </ul> </div> <ul style="list-style-type: none"> <li>• The next objective for freshwater states “&lt; 10 mm<sup>3</sup>/L for total biovolume of all cyanobacterial material where known toxins are not present”</li> <li>• This is in contrast to the BGA circular, which requires notification if the “Total Combined biovolume of all cyanobacterial species is <math>\geq 10</math> mm<sup>3</sup>/L”.</li> <li>• As written, this objective cannot be applied if any toxic species is present, which does not appear to be the intent of the NHMRC Guidelines and is not how the BGA Circular is worded. There could easily be a situation where none of the objectives are exceeded, yet there are still harmful levels of BGA present for recreational purposes.</li> <li>• GMW recommends that the word “material” be deleted from this objective statement as it adds no meaning. The recommended wording is: <ul style="list-style-type: none"> <li>○ <u>&lt;10 mm<sup>3</sup>/L for total biovolume of all cyanobacteria where not known toxins are not present</u></li> </ul> </li> <li>• Between successive points in the table the word “and” should replace the word “or” because there is a requirement for all criteria to be met simultaneously, not just one or more.</li> </ul>