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OUR WATER OUR FUTURE

OUTLINE OF THE DRAFT STATE ENVIRONMENT PROTECTION POLICY (WATERS OF VICTORIA)

EPA Victoria

State Government of Victoria

May 2001

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EPA Victoria
40 City Road
Southbank VIC 3006

Disclaimer

This is an outline of the proposed draft State Environment Protection Policy (Waters of Victoria). The draft policy is a work in progress. The contents of this document have not been authorised by EPA Victoria (EPA), consequently they should not be considered the views of EPA.

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PART I: POLICY CONTEXT

1. Preamble

This clause will outline the underlying philosophy behind the policy. It will describe the importance of protecting Victoria's water environments to protect our health and wellbeing and to sustain activities and values that rely on healthy water. It will also describe the purpose of the policy, as providing a framework for the ecologically sustainable development of Victoria's water environments and protection of their uses and values.

2. Title

This clause will identify the title of the policy, the State Environment Protection Policy (Waters of Victoria).

3. Commencement

This clause will state when the policy will come into operation, which is upon publication in the Government Gazette.

4. Context of this policy

This clause will state that the policy applies to all businesses, individuals and Government agencies that use, manage, derive benefit from, or impact on Victoria's water environments. It will also state that the policy should be read in conjunction with the Policy Impact Assessment, which describes the meaning and impacts of the policy.

PART II: CONTENTS OF THIS POLICY

5. Contents

This clause will describe the order and contents of the policy as follows:

Part I	Title, commencement and context;
Part II	Contents of this policy;
Part III	Policy purpose, principles and intent;
Part IV	Policy area and segments;
Part V	Beneficial uses to be protected;
Part VI	Environmental quality indicators and objectives;
Part VII	Attainment program;
Part VIII	Definitions; and
Part IX	Annexes and Schedules.

PART III: POLICY PURPOSE, PRINCIPLES AND INTENT

6. What is the purpose of the policy?

This clause will describe the purpose of the policy, which is 'to better protect, and where necessary, rehabilitate the health of Victoria's water environments to protect its environmental values and beneficial uses and associated social and economic values, to meet the needs of current and future generations.'

7. What are the underlying principles of the policy?

This clause will identify the principles that form the basis of the policy and which should be used to guide decisions about the protection and management of Victoria's water and land environments. The proposed principles include the principles of: integrated economic and environmental management; the precautionary principle; intergenerational equity; conservation of biological diversity and ecological integrity; improved valuation, pricing and incentive mechanisms; shared responsibility; eco-efficiency; product stewardship; wastes hierarchy; integrated environmental management; enforcement; and accountability.

8. What is the intent of the policy?

This clause will outline the intent of the policy. The proposed intent is to:

- achieve sustainable water environments where the integrity of the ecosystem is protected and rehabilitated to ensure the long term viability of interdependent economic and social values;
- identify, give clear expression to, and protect the environmental values and beneficial uses of Victoria's water environments and to ensure that they reflect the aspirations of Victorian communities;
- ensure that catchments, coasts and water environments are managed in an integrated and sustainable manner;
- promote the use of a mix of partnership, regulatory and incentive based approaches to implement policy provisions and achieve the best overall outcomes for the environment, economy and local communities;
- support water and land planners and managers, and environment and community groups and build on their achievements in protecting and rehabilitating Victoria's water environments;
- create greater awareness on the threats to our water environments amongst Government agencies, businesses, individuals and the wider community; and
- guide communities, industries and Government agencies to ensure planning and management decisions contribute to the progressive reduction of human impact on our water environments.

PART IV: POLICY AREA AND SEGMENTS

9. Policy area

This clause will identify the geographic area and the sections of the water and land environment to which the policy applies. It is proposed that these will include all surface waters within the State of Victoria such as rivers, streams, wetlands, lakes, estuaries and marine waters and their catchments. Some exceptions, not covered by the policy are waters within waste treatment systems, enclosed water supply distribution systems, farm dams, private ponds, piped or underground drains, the interstitial waters of sediments and unless otherwise stated, un-natural drains.

10. Segments

This clause will identify the segments that the policy area is divided into.

PART V: BENEFICIAL USES TO BE PROTECTED

11. Environmental values and beneficial uses

This clause will identify the environmental values and beneficial uses that must be protected in each segment, including aquatic ecology, water for drinking, agriculture, aquaculture, industry, swimming, fishing, boating, aesthetic enjoyment, and cultural and spiritual values.

PART VI: ENVIRONMENTAL QUALITY INDICATORS AND OBJECTIVES

12. Environmental quality indicators and objectives

This clause will list the core environmental quality indicators and objectives to be used in assessing whether beneficial uses are protected; will outline a process to implement the Australian Water Quality Guidelines and will outline how objectives are to be used and assessed. It will also outline the need for setting interim targets in areas where objectives are not currently met.

PART VII ATTAINMENT PROGRAM

The attainment program sets out the strategic directions and actions required to achieve the objectives and to protect beneficial uses. To ensure the policy is clear and easy to use, the attainment program has been split into five sections – management framework, implementation tools, water management, land management and waste management.

Management framework

13. Planning

This clause will outline the need for planning decisions to take into account the provisions of the policy. In particular, it will identify the need for EPA to provide guidance to ensure that all business, environmental, and community plans, strategies and instruments and planning schemes – particularly those of Catchment Management Authorities (CMAs), regional coastal boards and municipalities – are consistent with the policy.

14. Setting interim targets

This clause will set out the process for setting interim targets where an environmental quality objective is not met due to human impact. It is proposed that the process will include the need for consultation and triple bottom line assessment, and EPA approval of interim targets. Types and timelines for interim targets, and roles and responsibilities for their development and assessment, will also be set out in this clause. This clause will also need to specify that interim targets are essentially the process by which regional communities will prioritise activities and works over time, to ultimately meet the environmental objectives.

15. Implementation

This clause will describe the implementation of the policy by relevant protection agencies, business and individuals, through partnerships and the use of statutory and non-statutory instruments and measures.

16. Monitoring

This clause will describe the need for monitoring the attainment of objectives and protection of beneficial uses, policy implementation and effectiveness and sampling and monitoring protocols. It will also outline the need for monitoring the impacts of waste discharges on water environments as outlined in works approvals, licences or other agreements.

17. Research

This clause identifies the need for research into the health of the State's water environments, what the risks to beneficial uses are and the efficiency of management measures. It also identifies those responsible for encouraging, coordinating, and where appropriate, undertaking this research.

18. Audit

It is proposed that this clause requires EPA to periodically audit the protection of beneficial uses, the incorporation of the policy's provisions in planning tools and the implementation of the policy against those reported by stakeholders. The clause should also require EPA to develop audit protocols with stakeholders and to provide guidance to address audit outcomes.

19. Reporting

This clause will outline the steps that are needed to ensure public reporting on the health of the States water environments, the implementation of the policy provisions and the attainment of the environmental quality objectives and interim targets. This clause should support annual reporting mechanisms currently used by stakeholders, particularly CMAs and Coastal Boards.

20. Public education and participation

This clause will outline the need, and roles and responsibilities for public education in water and land management, water conservation, waste avoidance and reuse and pollution control.

Implementation tools

21. Guidelines for environmental management

This clause will outline the need for, and use of guidelines for, environmental management (which include codes of practice and best management practice guidelines), that aim to reduce the impact of human activities on water environments through identifying environmental management practices for specific industries and activities. These tools should form the basis of environmental improvement in Victoria.

22. Incentives for environmental management

This clause will identify the need to develop and use incentives to encourage the adoption of environmental management practices. Incentives could include economic, investment and statutory incentives such as grants, accreditation schemes, subsidisation of sustainable land and water practices, fines and charges.

Water management

Please note that these clauses have been developed through consultation with stakeholders but may change as the Victorian River Health Strategy is further developed.

23. Water conservation

This clause will outline the need for the efficient and conservative use of water. It should require relevant protection agencies to incorporate water efficiency measures in new developments, progressively upgrade existing infrastructure, and work with industry, communities and individuals to improve the management of water-consuming activities, including the reduction in water consumption and to promote the reuse of wastewater.

24. Environmental flows

This clause will identify the need for the provision of environmental flows to protect the aquatic ecology. To ensure this, it should require water authorities and Department of Natural Resources and the Environment (NRE) to work with CMAs and communities to progressively develop and implement streamflow management plans (SMP) or bulk entitlement orders (BEO) that include provisions for environmental flows. It should also address new water-based developments and identify stressed rivers as priorities for management.

25. Releases from water storages

This clause will outline the need for water authorities to progressively implement measures to minimise the levels of sediment, salt, nutrients, iron and manganese and maintain the level of dissolved oxygen in flows released from storages; and to minimise variation of water temperature from downstream levels.

26. Vegetation management and rehabilitation

This clause will require the protection and progressive rehabilitation of aquatic, riparian and coastal vegetation by relevant protection agencies and landholders. Priority for rehabilitation should be given to areas of high conservation or environmental significance and priorities for protection should be given to maintaining high value vegetation and conservation of buffer zones. This clause should also place a focus on fencing buffer strips along streams to prevent stock access and protect vegetation.

27. Waterway management

This clause will outline the need for the protection and progressive rehabilitation of waterways and their environmental values and beneficial uses. To ensure this, works to stabilise eroding waterways, reduce the transport of sediments and associated pollutants, and to enhance natural riverine processes should be progressively undertaken. Further, new instream structures should be designed, and existing structures should be progressively upgraded so that they do not pose a barrier to fish movement. The clause should also require works and waterway maintenance to be undertaken in a manner that does not result in the long term disturbance of aquatic habitats.

28. Floodplain management

This clause will outline the need for the protection and progressive rehabilitation of floodplain processes. To ensure this, floodplain activities will need to be planned and operated to minimise the transport of pollutants to waterways. The clause should also control the location and storage of sewage treatment and pumping works and chemicals including pesticides, herbicides, fertilisers, oil and fuel on floodplains.

29. Wetlands and lake management

This clause is still being negotiated with NRE, Parks Victoria and CMAs. However it is anticipated that it will place restrictions on the drainage of wetlands and lakes and prevent the discharge of wastes to high value wetlands and lakes.

30. Management of estuaries

This clause is still being negotiated with NRE, CMAs and Coastal Boards. However, it is anticipated that it will require CMAs and Coastal Boards to work together to minimise polluted water flowing into estuaries via catchment runoff and through tidal influence. It will also require estuary managers, including municipalities and Parks Victoria, to ensure that activities undertaken within estuaries are planned and operated to minimise pollution.

31. Management of recreation activities

This clause will detail the management of recreational activities to protect beneficial uses. This includes the prohibition or restriction of activities (eg. swimming, boating and camping) in or near potable water supplies and the use of powerboats where their use results in wave action causing unacceptable levels of streambank or foreshore erosion or sediment resuspension.

32. Aquatic pests

This clause will outline the actions required to minimise the introduction and spread of marine and freshwater pest plants and animals. To ensure this, introduction of aquatic pests into Victorian waters should be avoided using all practical measures. This includes ballast water management, translocation of water-based infrastructure and equipment (including aquaculture and fishing equipment), and hull fouling and cleaning. The clause will also require protection authorities, in particular NRE, to continue to undertake appropriate measures to minimise the impact of introduced pest plants and animals.

33. Management of chemicals in or near water environments

This clause will detail the management of chemicals so that their use does not pollute water environments or pose a risk to beneficial uses. In particular, it should prohibit the storage of chemicals (including pesticides, herbicides, fertilisers, oil and fuel and other hazardous products) in or adjacent to waterways, lakes, wetlands, drainage lines or floodplains, unless the storage is designed to the satisfaction of EPA to prevent the contact of its contents with waters. It should also specify processes that must be undertaken when conducting instream and riparian chemical spraying, including consultation requirements.

34. Management of animal wastes

This clause will address animal wastes, including carcasses and faeces. These wastes should not be disposed of in waters of the policy area, and where practicable, the runoff of animal wastes to water environments should be minimised through preventing or limiting stock access to water environments and directing flow from stockyards away from surface waters.

35. Oil discharge prevention and response

This clause should prohibit the discharge of oil, grease or oily mixtures into waters of the policy area. It should also outline oil spill response measures, including the physical reclamation of oils where possible, or use of clean-up methods that cause least damage to aquatic biota and the environment.

36. Dredging and sediment removal

This clause addresses the management of dredging and sediment removal operations. It should require agencies and bodies responsible for regulating and undertaking dredging and sediment removal operations to ensure that these operations are conducted in accordance with EPA Best Practice Management Guidelines. In particular land disposal of dredge spoil or sediment is preferred.

37. Aquaculture

This clause will identify the need to minimise impacts of aquaculture activities on water environments. In particular, it should require land-based aquaculture operations where possible and the development of environment improvement plans (EIPs) for each aquaculture operation that currently impacts on water environments. The EIP should incorporate actions to reduce the impacts of aquaculture activities on receiving waters, particularly those associated with nutrient enrichment and pathogens. The clause should also require all new aquaculture ventures to be planned and operated so that they do not impact on receiving waters, and address monitoring requirements.

38. Management of ports and marinas and vessels

This clause will require protection agencies responsible for managing ports and marinas and associated vessel activities, to ensure that those activities do not impact upon beneficial uses of both marine and freshwater environments. This clause should require these agencies to plan and progressively provide appropriate facilities and processes to enable ship and boat owners and operators to ensure that discharges of wastes from vessels are minimised. Activities requiring management include litter, vessel maintenance, loading and unloading of vessels, and fish cleaning and disposal.

Land management

39. Land use and capability

This clause will outline the need for land to be planned for, and used within its capability, and will encourage CMAs NRE and municipalities to promote sustainable landuse through the use of incentives and stewardship agreements.

40. Fertiliser and biocide use

This clause should require fertilisers and biocides to be used efficiently and conservatively to reduce nutrient runoff into water environments and to protect beneficial uses. To ensure this, it

should require protection agencies and industry to work with landholders to improve the management of the rates, frequencies and methods of fertiliser and pesticide application, and the type of fertilisers and pesticides used.

41. Management of agricultural operations

This clause will address agricultural practices and should require them to be planned and progressively implemented to reduce the input of pollutants such as sediments, nutrients and salt into surface waters, to reduce the consumption of water and fertiliser and to reduce the runoff of irrigation drainage.

42. Management of irrigation drains

This clause should require the quality of water in irrigation drains (where the drain discharges to the waters of the policy areas) to be of a quality that does not pose a risk to beneficial uses of the receiving waters. The clause should further require protection agencies to work with irrigators to promote the use of efficient irrigation practices.

43. Management of intensive animal industries

This clause should require effluent from intensive animal industries, milking sheds and vegetable washing and processing to remain on the property and to be reused in an appropriate manner. It should also require permits for the operation of intensive industries to be consistent with Guidelines for the Conduct of Intensive Animal Industries, and for piggeries, with the 'Code of Practice – Piggeries'.

44. Management of forestry operations

This clause should require forestry operations to be managed to minimise land disturbance and the runoff of polluted water to surface waters. To ensure this, it should require forestry operators to undertake activities in accordance with the Victorian Code of Forest Practice and in particular ensure buffer areas are maintained alongside waterways, lakes, wetlands and where practicable alongside drainage lines and roads.

45. Road and infrastructure management

This clause should require roads and infrastructure to be planned, constructed and maintained in ways that minimise land disturbance and soil erosion. To ensure this, it should require construction plans to include soil conservation and erosion control measures in accordance with the relevant Guidelines for Environmental Management. It should also require roads and infrastructure (particularly un-sealed roads) to be progressively upgraded to minimise erosion and sediment transport.

46. Management of extractive industries

This clause should require extractive industries such as mines and quarries to employ sediment and erosion control measures to minimise sediment in runoff. Further, it should require the rehabilitation and re-vegetation of mines and quarry sites to be undertaken in a

manner that does not result in the transportation of contaminated spoil to the waters of the policy area.

47. Rural drainage management

This clause should require rural drainage management authorities to plan and progressively upgrade drainage systems in order to minimise and trap runoff of pollutants (particularly sediments, nutrients and litter) and attenuate peak runoff.

48. Urban stormwater management

This clause should require urban stormwater to be managed so that the transport of sediments, nutrients, litter and other pollutants to surface waters is progressively minimised. To ensure this, the clause should require municipalities to progressively implement measures to minimise the generation and transport of pollutants that are consistent with the Urban Stormwater Best Practice Environmental Management Guidelines published by CSIRO.

Wastewater and waste management

49. Waste and wastewater management

This clause should require waste and wastewater, including agricultural, industrial and sewage waste to be planned and operated to minimise their impact on water environments. To ensure this, wastes should be planned and managed according to the waste hierarchy and in particular should be avoided or reused where possible. Where waste discharge to water environments is the only practicable option, that discharge should be managed according to GEMs approved by EPA unless operators chose to use alternative processes which result in equal or greater protection of beneficial uses. EPA will also have the authority to prescribe more stringent requirements where necessary to protect beneficial uses.

This clause should also state that where environmental quality objectives are currently exceeded due to human influence, new waste discharge should not be approved where that discharge will result in further exceedance of those environmental quality objectives. Further, existing discharges should be progressively upgraded to ensure that they have no detrimental impact on water environments. EPA will ensure that applications for waste discharges to water environments will be processed according to these criteria.

50. Mixing zones

This clause will outline the use of mixing zones within existing waste discharge licences to control the impact of wastes on receiving waters. It will outline consultation and mixing zone approval requirements, conditions and limitations. It should also require the progressive reduction of mixing zones through the use of cleaner production and treatment technology.

51. Discharge exclusion zones

This clause will identify areas where waste discharges that result in the exceedance of environmental quality objectives are prohibited. It is proposed that these areas include areas of high conservation significance and water supply catchments and offtakes.

52. Toxic wastes

This clause will prohibit the discharge of wastes where that waste results in acute toxicity. To ensure that wastes do not result in acute toxicity, wastes containing substances that are highly toxic, persistent or that may accumulate to toxic levels in the food chain must be avoided, recycled, treated or otherwise controlled at the source to reduce the amount of these substances in the discharge to the lowest possible levels.

53. Management of wastewater reuse

This clause will detail the management of wastewater reuse so that the reuse does not result in the pollution of surface waters. Essentially, this should require wastewater irrigation to be planned and managed according to the Guidelines for the Disposal of Wastewater on Land by Irrigation and should require EPA and NRE to provide guidance on wastewater irrigation sites, crop selection and irrigation management.

54. Management of septic tanks

This clause should require septic tanks to be planned and operated to prevent the transport of nutrients, pathogens and other pollutants to surface waters. In particular, it should prohibit the approval of septic tanks or developments utilising septic tanks where wastewater can not be contained on-site. It should also require municipalities to ensure permits are consistent with the Code of Septic Tank Practice and to regularly assess against compliance with permit conditions. It should also require owners of septic tanks to manage them according to permit conditions.

55. Improved management of unsewered areas

This clause should require sewerage or other appropriate sewage management measures to be progressively implemented in areas where wastewater can not be contained on-site. To ensure this, areas where wastewater cannot be contained onsite need to be identified and municipalities should develop a strategic domestic wastewater management plan that identifies options and priorities for improved sewage management. If options include the provision of sewerage, water authorities in conjunction with EPA, municipalities and the community should develop and submit to Government a sewerage management plan that identifies sewerage management options, priorities, timelines, costs and funding arrangements.

56. Connection to sewerage

This clause should require the mandatory connection to sewerage systems in areas declared by EPA as compulsory sewerage connection zones. Compulsory sewerage connection zones should be declared in areas where wastewater can not be retained on-site and poses a significant risk to beneficial uses.

57. Management of sewage

This clause should require water authorities, industry and other operators of wastewater infrastructure to maintain that infrastructure to minimise spillages, leakages and collapses.

58. Management of waste from vessel

This clause should prohibit the disposal of sewage from vessels into Victorian inland and marine water environments.

59. Management of marine sewage outfalls

This clause should require marine outfalls to be below the low water mark and, where practicable, beyond the surf zone.

60. Disinfection

This clause should require waste disinfection methods to be managed to minimise risk to beneficial uses and to human health. In particular the use of chlorine as a wastewater disinfectant should be avoided where possible or where not possible wastewater should be dechlorination prior to its disposal.

61. Contingency plans

This clause should require operators who use or store environmentally hazardous substances in the policy area to develop, in consultation with relevant protection agencies, and maintain contingency plans for the avoidance and control of spills, leakage or breakdowns so as to prevent pollution of surface waters.

PART VIII: DEFINITIONS

This section provides definitions for key words contained in the Policy.

PART IX: ANNEXES AND SCHEDULES

Annex A – Segment definitions

This section defines the geographic boundaries to the segments of the Policy area.

Schedule A – Environmental quality indicators and objectives

This section provides tables of the environmental quality indicators and objectives.

Schedule B – Areas of high conservation value

This section lists the parks, reference areas, wetlands, reserves and sanctuaries within the Policy area that are included as areas of high conservation value.

Schedule C – Intervention levels

This section identifies the intervention levels at which EPA will demand the creation of a Neighbourhood Environment Improvement Plan (NEIP).