



**11.1 SUBMISSIONS TO STATE WATER POLICY**

**EXECUTIVE MEMBER:** LILI ROSIC, ACTING GENERAL MANAGER, PLACE STRATEGY AND DEVELOPMENT

**PREPARED BY:** TIMOTHY GRAFFEN, SENIOR SUSTAINABILITY OFFICER  
SAM INNES, SENIOR WATER CYCLE MANAGEMENT OFFICER

**1. PURPOSE**

1.1 To gain Council endorsement of the Council officer submissions to the draft *State Environment Protection Policy (Waters)* and the *Issues Paper* prepared by the Improving Stormwater Ministerial Advisory Committee (MAC).

**2. EXECUTIVE SUMMARY**

2.1 Two Council officer submissions have been developed and submitted in response to the:

- *State Environment Protection Policy (Waters)* (SEPP Waters) draft released by the Department of Environment, Land, Water and Planning (DELWP). **(Attachment 1)**
- *Issues Paper* released by the Improving Stormwater MAC. **(Attachment 2)**

2.2 These Council officer submissions are aligned with the Water Transformation that Council seeks through the achievement of Direction 3.4 'A Water Sensitive City' in the *Council Plan 2017-27*.

2.3 Formal endorsement of the Council officer submissions demonstrates Council's commitment to working with partners to protect our waterways and to improving stormwater management.

**3. RECOMMENDATION**

That Council:

3.1 Endorses the Council officer submission to the Department of Environment, Land, Water and Planning on the draft *State Environmental Planning Policy (Waters)*.

3.2 Endorses the Council officer submission to the *Issues Paper* released by the Improving Stormwater Management Advisory Committee.



#### 4. KEY POINTS/ISSUES

##### ***State Environment Protection Policy (Waters)***

- 4.1 The primary regulatory mechanism for protecting Victoria's diverse and valuable water environments from pollution is the *Environmental Protection Act 1970* (the EP Act). State Environment Protection Policies (SEPPs) sit under the EP Act and support it. There are currently two Waters SEPPs.
- Waters of Victoria (SEPP WoV)
  - Groundwaters of Victoria (SEPP GoV)
- 4.2 The Water SEPPs support the EP Act in two key ways.
- They outline the beneficial uses (or public values) to be protected for different water bodies, and associated environmental quality objectives required to support these beneficial uses.
  - They provide further clarification and guidance around the processes, tools and mechanisms used by agencies to protect the water environment.
- 4.3 The Department of Environment, Land, Water and Planning released a draft SEPP (Waters) that merged the two existing water SEPPs for a consultation period that ended on 19 June 2018.
- 4.4 The Council officer submission (**attachment 1**) supports the overall direction of the new streamlined SEPP (Waters) but also seeks:
- a) Consideration of other policy reforms underway;
  - b) Greater clarity of roles and responsibilities relating to compliance;
  - c) Identification of new funding mechanisms for implementation;
  - d) Clarity around statutory requirements related to the planning assessment process; and
  - e) Extension of the requirement for stormwater management plans to other authorities

##### ***Issues Paper - Improving Stormwater Management Advisory Committee.***

- 4.5 The Minister for Planning established the Improving Stormwater Management Advisory Committee (the Committee) under Section 151 of the *Planning and Environment Act 1987* to provide advice to the Minister for Planning and the Minister for Water on how to improve stormwater management and strengthen the links between planning and urban water management.
- 4.6 The Committee is tasked with advising which types of development should be required to manage its stormwater. The Committee will also provide future policy directions on improving stormwater management and strengthening the links between urban water management and the planning and development system more broadly.



- 4.7 The Committee was established to integrate both planning and water expertise, to seek input from stakeholders and experts using an open and transparent process and, to develop potential reforms.
- 4.8 The Committee released an *Issues Paper* as a starting point to invite input from interested stakeholders. Submissions closed on 29 June 2018.
- 4.9 The Council officer submission (**attachment 2**) includes:
- 4.9.1 Supporting the initiative to improve stormwater management at the State level to ensure Melbourne grows into a more water-sensitive and climate-resilient City.
- 4.9.2 As a Council with an existing Integrated Water Management (IWM) local planning policy (Clause 22.12 - Stormwater Management (Water Sensitive Urban Design), the City of Port Phillip is very supportive of a new particular provision within the Victorian Planning Provisions (VPP) for IWM.
- 4.9.3 Commentary around the importance of the VPP triggers to be set at the right threshold and for the right classes of development and that the requirements to be met for each application are robust. It is very important that Council's existing local policy is not superseded by a less stringent policy.
- 4.9.4 Consideration to the creation of an Integrated Water Management Overlay mechanism to enable place based approaches. This could for example guide flood management requirements across the Elster Creek Catchment or Fishermans Bend

## 5. CONSULTATION AND STAKEHOLDERS

- 5.1 The officer submission to the SEPP (Water) included internal input from various council departments including Environmental Health, Strategic Planning, Infrastructure Assets and Parks and Open Spaces.
- 5.2 The officer submission to the Issues Paper released by the Improving Stormwater Management Advisory Committee included internal input from various council departments including Planning Compliance, Strategic Planning, and Infrastructure Assets.

## 6. LEGAL AND RISK IMPLICATIONS

- 6.1 There are no known legal implications.
- 6.2 These submissions provide Council with the opportunity to influence the future water and stormwater legislation and policy of Victoria.

## 7. FINANCIAL IMPACT

- 7.1 There are no financial impacts resulting from endorsing the submissions.



## 8. ENVIRONMENTAL IMPACT

8.1 The Water SEPPs support the EP Act in two key ways.

- They outline the beneficial uses (or public values) to be protected for different water bodies, and associated environmental quality objectives required to support these beneficial uses
- They provide further clarification and guidance around the processes, tools and mechanisms used by agencies to protect the water environment.

8.2 The Improving Stormwater MAC will provide future policy directions on improving stormwater management and strengthening the links between urban water management and the planning and development system more broadly. The MAC will consider:

- 8.2.1 Mechanisms in, or linked to, the planning system, that could be used to increase flexibility.
- 8.2.2 Provisions for delivering 'place based' outcomes to implement the Integrated Water Management Plans developed through the Integrated Water Management (IWM) forums.
- 8.2.3 Protocols or guidance for improving compliance and implementation.
- 8.2.4 Information requirements, including to require water sensitive urban design and stormwater management to be reflected in design responses submitted with planning applications.
- 8.2.5 Other potential mechanisms outside the planning system that could complement changes to planning provisions to improve stormwater management.

## 9 COMMUNITY IMPACT

9.1 The Council officer submissions reaffirm Council's commitment of water transformation and transitioning to a Water Sensitive City.

## 10 ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

10.1 Strategic Direction 3 – We have smart solutions for a sustainable future, *Council Plan 2017-27*, A water sensitive City.

10.2 The following outcomes in the *Council Plan 2017-27* are relevant to Council's submission on the draft SEPP and MAC discussion paper:

- 10.2.1 3.3B – Requiring development to adapt to and positively influence the local climate.
- 10.2.2 3.3C – Managing and reducing the impacts of flooding and sea level rise.



- 10.2.3 3.4B – Improving the quality of water entering Port Phillip Bay and increasing ground permeability.

## 11 IMPLEMENTATION STRATEGY

### 11.1 TIMELINE

- 11.1.1 Any feedback on the officer submissions from Councillors will be provided to DELWP or the Improving Stormwater Management Advisory Committee respectively.
- 11.1.2 Council endorsement of the officer submissions will be communicated to the relevant agencies to finalise and formalise the submissions.

### 11.2 COMMUNICATION

- 11.2.1 Council will continue to work collaboratively with DELWP and the Improving Stormwater Management Advisory Committee.

## 12 OFFICER DIRECT OR INDIRECT INTEREST

- 12.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

**TRIM FILE NO:** 30/21/20

**ATTACHMENTS**

1. CoPP Officer Submission - State Environmental Protection (SEPP) Waters
2. CoPP Officer Submission - Improving Stormwater Management Advisory Committee