

January 2017

For the Attention of the Coordinator  
Port Phillip Bay Environmental Management Plan 2017 – 2027  
The Department of Environment, Land, Water and Planning (DELWP)

Via email – bay.plan@delwp.vic.gov.au

Dear Sir/Madam,

**Port Phillip Bay Environmental Management Plan 2017 – 2027**

Thank you for the opportunity to provide comment on the draft Port Phillip Bay Environmental Management Plan required to be prepared under the State Environment Protection Policy (Waters of Victoria) – Schedule F6 Waters of Port Phillip Bay (1997).

We endorse the recommendations detailed in the submission provided by the Association of Bayside Municipalities (ABM), which comprises the 10 councils with frontage to Port Phillip Bay.

In addition, we wish to highlight a number of issues relevant to councils in the broader Port Phillip Bay catchment area, as many of the actions in the management plan will require actions by councils up-stream from the various waterways feeding into the bay. These range from councils with highly urbanised suburbs, industrial areas, peri-urban and rural areas.

The particular issues we wish to comment on are:

1. Scope
2. Actions relating to stormwater management
3. Litter management
4. Pathogens (human health)
5. Structure of the plan
6. Next steps

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## 1. Scope

The proposed actions on the whole seem reasonable approaches to managing the bay's environment. There are some, however, that will have resourcing implications for councils, and their capacity to deliver them will need to be carefully considered in the assumptions underpinning specific actions.

There are also some actions where it is unclear whether there is currently a problem requiring rectification, or whether the intent of the action is to prevent a problem occurring in the future. For example, Action 5.3 states that monitoring and reporting need to be improved, but there are no details about if or what the problems may be. Action 2.1 states that there are capacity building gaps requiring work – but which ones, what skills need to be improved? If the problems were articulated, it would assist in illustrating why the action was needed and was appropriate to the dimension of the problem.

While we appreciate that there are a variety of legislative frameworks regulating activities that cause harm to the health of Port Phillip Bay, this management plan does need to say more about what these are and how they connect. Pollution from commercial and recreational fishing, dredging, recreational use and coastal erosion have significant impacts on the bay's environment, and there will be a significant gap if their legislative and management arrangements are not referenced in greater detail in the plan.

It would also be appropriate to articulate how the actions in this management plan align with other regulatory reviews that will influence the management of stormwater and consequently the health of the Bay. These include:

- (a) SEPP (Waters of Victoria), including in particular Clause 46 and Clauses 32-34
- (b) *Water for Victoria* – Action 5.5, including:
  - Proposed changes / amendments to the Victorian Planning Provisions, including clause 56.07
  - Setting placed based targets for stormwater management
- (c) *Water for Victoria* – Action 5.4, including working with local government to prioritise actions to improve on-site domestic wastewater management
- (d) Yarra River Protection Ministerial Advisory Committee
- (e) Victorian Floodplain Management Strategy:
  - Action 14A 60.7 Ha boundary review.
  - Action 14B review of how the Victorian Planning Provisions, particularly clause 56, could better manage the potential urban stormwater flood impacts from infill development, urban renewal and non-residential development within established areas (similar to Action 5.5 in *Water for Victoria*).

## **2. Actions relating to stormwater management**

### **Action 3.1 – effective maintenance of stormwater infrastructure**

The action recommending that an audit and assessment of high-risk stormwater management assets to assess whether they are meeting their design intent for nutrient, sediment and pollution reduction is important for the public to have confidence that pollutant removal is continuing to occur and that sound programming of maintenance and renewal works are planned and budgeted for. This is particularly relevant for wetlands, for which at times there has been unclear ownership and maintenance regimes.

We acknowledge that effective maintenance of existing stormwater infrastructure and programs to treat and slow down stormwater before it reaches a waterway is very important to minimising the amount of nutrients and pollutants entering the Bay. This task is even more important if, as climate change scenarios suggest, there are going to be more frequent severe storms which will more frequently place the stormwater management system under pressure. There are also emerging pressures from there being fewer permeable surfaces to absorb run-off because of the urban densification occurring to house a growing population, and the trend to loss of private garden spaces due to land-owner preferences for larger houses in existing suburbs.

The Victorian Government has an important role to play in supporting innovation projects which assist in improving asset management of water-sensitive-urban-designed assets. This maturation in approach will assist in bringing stormwater management to the fore as a core activity aligned with green infrastructure provision.

With the trend in environmental best-practice to retain stormwater on-site, there is now a much greater diversity of assets from when it was simply councils managing large public drains and water authorities managing sewerage drains. There are now small and large assets installed and paid for by developers, such as rainwater gardens and wetlands, those which are transferred to councils, those which are left to a landowner or private body corporate to maintain, and those which are transferred to Melbourne Water and other water corporations. Where assets remain in private hands, they are likely not to be maintained. There may also be cases when they are located on public land that they are also not listed on council asset maintenance registers.

Where assets are handed over to the satisfaction of councils and demonstrated to be performing effectively,

In addition to better understanding the problem, we suggest that the plan also needs to include an action for an education campaign to be undertaken to raise awareness for the community about what every individual landowner can do to minimise stormwater run-off.

There will need to be collective discussions with DELWP, water authorities and councils about who will develop and implement actions where remediation of those assets that are failing to meet their design intent is identified as being required.

### **Action 3.2 – preventing increases in nutrient loads from wastewater systems**

We support the action for a compliance program to be undertaken in areas serviced by onsite domestic wastewater systems. We consider that there is a role for EPA to lead this work and for there to be funding support made available for councils to tackle high-risk locations.

We also suggest that a further action be included for an education awareness program for landowners to be undertaken to remind them about their responsibilities to maintain their onsite wastewater system. We note that Action 5.4 of the Water for Victoria complements this action, with DELWP committing to work with councils to prioritise actions to improve onsite domestic wastewater management. We reiterate our plea for there to be regulatory reform which enables councils and/or water authorities to charge for regular inspections.

### **Action 3.3 – review of controls to manage increases in stormwater run-off**

While we understand it might be a desirable goal, we question whether it is realistic to include an action that will "ensure all urban and rural land use effectively controls impacts from stormwater". We also note that while planning system controls are important mechanisms to enable fit-for-purpose stormwater infrastructure to be built into land uses, they do not, of themselves, achieve long-term maintenance regimes.

The reviews into Clause 56 of the Victorian Planning Provisions as part of the implementation of the Victorian Floodplain Management Strategy and the Water for Victoria action 5.5 need to be referenced as well. The plan needs to avoid duplicating the actions being undertaken in other reviews.

We note the local environmentally sustainable design planning policy amendments CASBE have been facilitating, as a means of tightening controls for stormwater management at a site scale. CASBE - the Council Alliance for a Sustainable Built Environment - is an association of Victorian councils committed to the creation of a sustainable built environment within and beyond their municipalities.

It would be appropriate for this action to focus on developing a consistent and defensible method for estimating pollution loads to the Bay.

## **3. Litter management**

Including actions to reduce the amount of litter delivered to the Bay are important to achieving its potential as a place of recreation and a healthy water-body which maintains marine-life. We support the prioritising of litter hotspots around the Bay, and that work continue to be undertaken to address its sources. We also support the focus on reducing microplastics entering the waterways. There continues to be considerable potential for better trapping of stormwater pollutants.

Partnership approaches between state government agencies, water authorities, councils and community action groups have had considerable success in the past to achieve reductions. Building on this work is important to include in the next iteration of the plan.

#### **4. Pathogens (human health)**

We welcome specific actions being included in the Plan with regard to reducing risks to human health from pathogens in the water. Victorian State Government agencies, such as the Department of Health and Human Services, the EPA and water authorities working collectively to improve the understanding of links between pathogen concentrations and human health for swimming and consumption of shellfish is a useful step. Further funding for research will also be important. Councils will look forward to working with these agencies as better information becomes available, and how they can assist in building greater community awareness about when people should or should not swim depending on water quality information.

#### **5. Structure of the plan**

Including some details in the draft Plan, then having replicate chapters plus more information on the actions in a supporting document is very confusing. The proposed actions in the supporting document are integral components of an effective environmental management plan and therefore should be contained in the plan itself. We suggest that if there is to be a document to assist audiences who are not interested in the fine detail, that an executive summary be developed. The supporting document, if it is required, should just contain factual information such as appendices.

#### **6. Next steps**

Councils are identified as lead or partner organisations for many of the actions included in the draft Plan. While this will be appropriate for particular actions where local government action is required, it would be helpful to achieving the support from councils that they be involved in 'working up' the detail of these actions. This will maximise the opportunities for the management Plan to be practical to implement. It will also build on local initiatives that will lead to collective benefit.

Should you have any queries about this matter, please contact Claire Dunn (environmental issues) – email [cdunn@mav.asn.au](mailto:cdunn@mav.asn.au), or Rosemary Hancock (water issues) – email [rhancock@mav.asn.au](mailto:rhancock@mav.asn.au).

Yours sincerely



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