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SPECIAL

Environment Protection Act 1970

VARIATION OF STATE ENVIRONMENT PROTECTION POLICY (WATERS OF VICTORIA) – INSERTION OF SCHEDULE F8.

Waters of Western Port and Catchment

The Governor in Council under Section 16(2) of the **Environment Protection Act 1970** and on the recommendation of the Environment Protection Authority declares the following variation to State environment protection policy (Waters of Victoria) as follows:

1. Contents

This Order is divided into parts as follows –

PART 1 – PRELIMINARY

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PART 2 – VARIATION OF THE PRINCIPAL POLICY

5. Insertion Schedule F8 – Waters of Western Port and Catchment

PART 3 – REVOCATION OF REDUNDANT STATE ENVIRONMENT PROTECTION POLICY

6. Revocation of State Environment Protection Policy No. W-28 (Waters of Western Port Bay and Catchment)

PART 1 – PRELIMINARY

2. Purposes

The purposes of this Order are to:

- (a) vary the State Environment Protection Policy (Waters of Victoria) to insert Schedule F8 – Waters of Western Port and Catchment; and
- (b) revoke the State Environment Protection Policy No. W-28 (Waters of Western Port Bay and Catchment).

3. Commencement

This Order will come into operation upon publication in the Government Gazette.

4. Principal policy

In this Order, the State Environment Protection Policy (Waters of Victoria) is called the “Principal Policy”.

PART 2 – VARIATION OF THE PRINCIPAL POLICY

5. Insertion Schedule F8 – Waters of Western Port and Catchment

After Schedule F7 of the State Environment Protection Policy (Waters of Victoria) insert:

“F8. Waters of Western Port and Catchment”

This Schedule recognises that Western Port and its catchment form a unique ecosystem that is highly valued by Victorians for its diverse environment and its recreational and commercial resources. This Schedule sets a statutory framework to guide the protection and ecologically sustainable development of Western Port and its catchment to protect its environmental qualities

and to ensure those who live and work in, and visit the area, both now and in the future can safely use and enjoy it. This Schedule seeks to build on past achievements in protecting and rehabilitating the environmental quality of Western Port and its catchment by addressing the current and potential risks posed by diverse human activities. Achievement of the schedule purpose will require the co-operative and concerted action of government agencies, businesses, individuals and the wider community.

PART 1 - PRELIMINARY

1. Title

This Schedule may be cited as Schedule F8 Waters of Western Port and Catchment and is referred to below as the 'Schedule'.

2. Context of this Schedule

This Schedule:

- (1) is a schedule to the principal policy. Unless otherwise stated, the provisions of the principal policy apply to the schedule area;
- (2) is administered by the Environment Protection Authority, which is responsible for ensuring its overall implementation;
- (3) applies to each person responsible for making statutory decisions in relation to Western Port and its catchment; and
- (4) applies to all businesses, non-government organisations, community groups, individuals and government agencies, which use, manage or derive benefit from Western Port or its catchment.

3. Definitions

In this Schedule, unless inconsistent with the context or subject matter:

"aquatic ecosystem" means the community of organisms living within or immediately adjacent to water;

"Australian and New Zealand Guidelines for Fresh and Marine Water Quality" (2000) means the guidelines developed by the Australian and New Zealand Environment Conservation Council, as amended from time to time;

"background level" means the level of an indicator in surface waters outside the influence of any waste containing a measurable level of that indicator;

"base flow" means a stream flow not sourced predominantly from surface run-off;

"minimise" means the adoption of measures (including those listed in the wastes hierarchy) which reduce to the maximum extent practicable the impact of an activity or waste on beneficial uses;

"planning authorities" are any public body with responsibilities under either the **Planning and Environment Act 1987** or **Coastal Management Act 1995**;

"protection agency" means any person or body, whether corporate or unincorporate, having powers or duties under any other Act, with respect to the environment or any segment of the environment in any part or parts of Victoria;

"riparian" inhabiting or situated on a river or stream bank;

"Westernport Region Marine Pollution Contingency Plan" (1998) means the plan developed by the Marine Board of Victoria, as amended from time to time.

4. Contents

This Schedule is divided into parts as follows:

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4. Contents

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PART II – PURPOSE, PRINCIPLES AND INTENT**5. Purpose**

The purpose of this Schedule is to:

- (1) rehabilitate the environmental quality of Western Port and its catchment in order to protect the defined beneficial uses; and
- (2) set, within a 10 year timeframe, goals to be achieved and means by which they are achieved.

6. Principles

The following principles form the basis of this Schedule and should be used to guide decisions about the protection and management of the schedule area:

- (1) Principle of integration of economic, social and environmental considerations.
 - (a) Sound environmental practices and procedures should be adopted as a basis for ecologically sustainable development for the benefit of all human beings and the environment.
 - (b) This requires the effective integration of economic, social and environmental considerations in decision making processes with the need to improve community well-being and the benefit of future generations.
 - (c) The measures adopted should be cost-effective and in proportion to the significance of the environmental problems being addressed.
- (2) The precautionary principle.
 - (a) If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
 - (b) Decision making should be guided by–
 - (i) a careful evaluation to avoid serious or irreversible damage to the environment wherever practicable; and
 - (ii) an assessment of the risk-weighted consequences of various options.
- (3) *Principle of intergenerational equity.* The present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.
- (4) *Principle of conservation of biological diversity and ecological integrity.* The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision making.
- (5) *Principle of improved valuation, pricing and incentive mechanisms.*
 - (a) Environmental factors should be included in the valuation of assets and services.
 - (b) Persons who generate pollution and waste should bear the cost of containment, avoidance and abatement.
 - (c) Users of goods and services should pay prices based on the full life cycle costs of providing the goods and services, including costs relating to the use of natural resources and the ultimate disposal of wastes.
 - (d) Established environmental goals should be pursued in the most cost effective way by establishing incentive structures, including market mechanisms, which enable persons best placed to maximise benefits or minimise costs to develop solutions and responses to environmental problems.

(6) *Principle of shared responsibility.*

- (a) Protection of the environment is a responsibility shared by all levels of government and industry, business, communities and the people of Victoria.
- (b) Producers of goods and services should produce competitively priced goods and services that satisfy human needs and improve quality of life while progressively reducing ecological degradation and resource intensity throughout the full life cycle of the goods and services to a level consistent with the sustainability of biodiversity and ecological systems.

(7) *Principle of product stewardship.* Producers and users of goods and services have a shared responsibility with Government to manage the environmental impacts throughout the life cycle of the goods and services, including the ultimate disposal of any wastes.

(8) *Principle of wastes hierarchy.* Wastes should be managed in accordance with the following order of preference:

- (a) avoidance;
- (b) re-use;
- (c) re-cycling;
- (d) recovery of energy;
- (e) treatment;
- (f) containment;
- (g) disposal.

(9) *Principle of integrated environmental management.* If approaches to managing environmental impacts on one segment of the environment have potential impacts on another segment, the best practicable environmental outcome should be sought.

(10) *Principle of enforcement.*

Enforcement of environmental requirements should be undertaken for the purpose of:

- (a) better protecting the environment and its economic and social uses;
- (b) ensuring that no commercial advantage is obtained by any person who fails to comply with environmental requirements; and
- (c) influencing the attitude and behaviour of persons whose actions may have adverse environmental impacts or who develop, invest in, purchase or use goods and services which may have adverse environmental impacts.

(11) *Principle of accountability.*

- (a) The aspirations of the people of Victoria for environmental quality should drive environmental improvement.
- (b) Members of the public should therefore be given:
 - (i) access to reliable and relevant information in appropriate forms to facilitate a good understanding of environmental issues; and
 - (ii) opportunities to participate in policy and program development.

7. Intent of this Schedule

The policy intent of this Schedule is to set a 10 year program to rehabilitate the environmental quality of Western Port and its catchment in order to maximise the protection of defined beneficial uses, by:

- (1) recognising the unique qualities of Western Port and its catchment, especially its seagrass meadows, other marine vegetation and hinterland, by driving programs to protect and rehabilitate these qualities as a priority.
- (2) recognising that regional and indigenous communities have vital social interests in, and spiritual bonds with Western Port and its catchment and that the work of landholder and community groups is integral to the protection and rehabilitation of the region's environmental quality.
- (3) providing a statutory framework to guide and support the development of strategic plans, programs and activities for the protection and ecologically sustainable development of Western Port and its catchment.
- (4) providing a statutory framework for restoring environmental quality where it has been degraded by poor environmental management.
- (5) informing, motivating and enabling governments, businesses, individuals and the wider community to adopt sound environmental management practices for activities which degrade the environment of Western Port and its catchment.
- (6) ensuring that planning and management activities recognise that Western Port, its catchment and coast are an integrated system.
- (7) addressing the key risks to the waterways of the catchment by encouraging ecologically sustainable agricultural and urban development and in particular by measuring and reducing the input of sediment and nutrients into Western Port.
- (8) addressing the key risks to Western Port posed by shipping and other marine activities, including oil spills and introduction of marine pests.
- (9) encouraging further investigations to improve our knowledge of the quality of, and pressures on, the environment of Western Port and its catchment.

PART III – SCHEDULE AREA

8. *Schedule area*

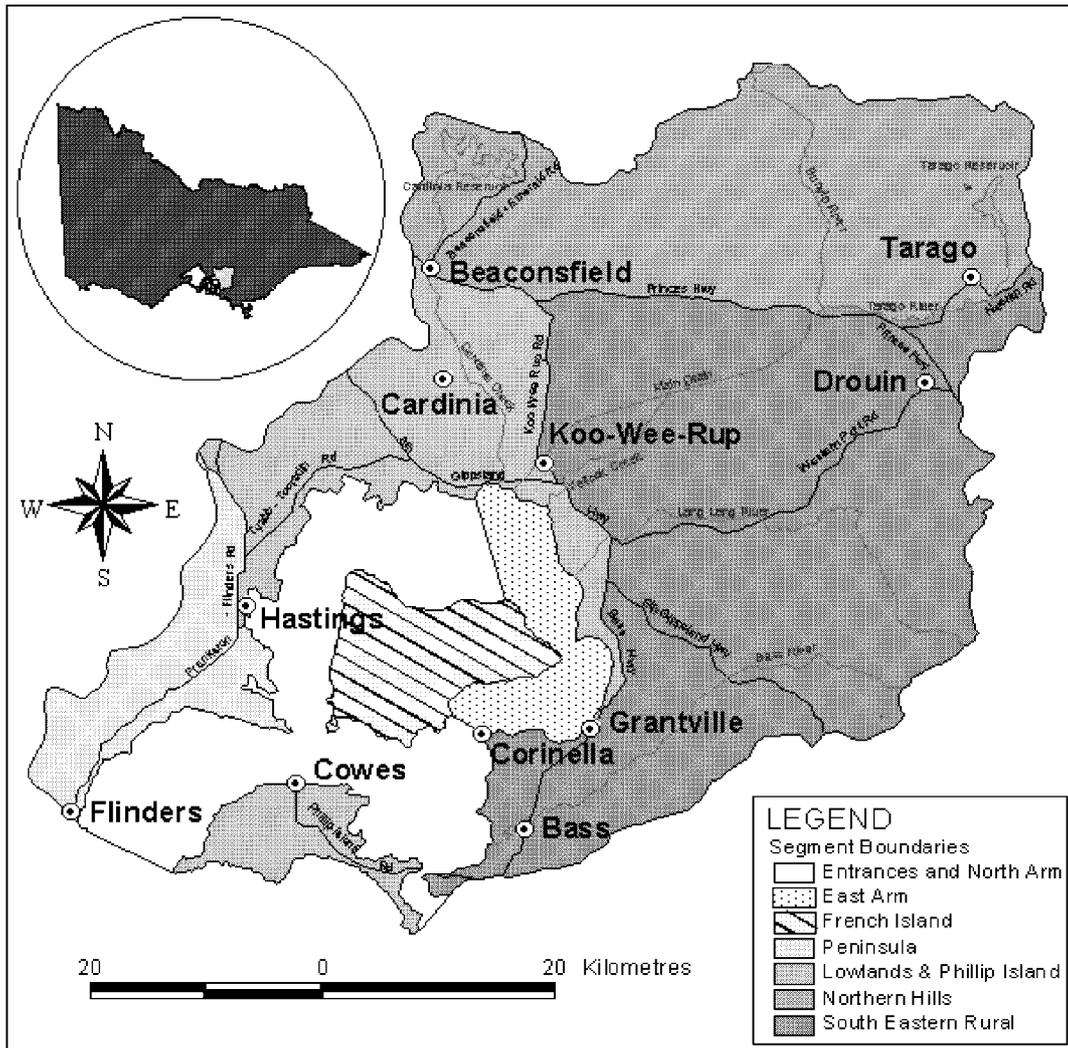
This Schedule applies to the area represented in Figure 1, being Western Port, its islands and catchment lying north of a line drawn between West Head and Point Grant, and north of a line drawn at a 45° in a north-easterly direction from Cape Woolamai to the Coast, but excludes the waters of Cardinia Reservoir.

9. *Segments*

- (1) The following segments of the environment are outlined in the schedule area and are represented in Figure 1 and defined in Annex A:
 - (a) Entrances and North Arm segment;
 - (b) East Arm segment;
 - (c) Northern Hills segment;
 - (d) Peninsula segment;
 - (e) French Island segment;
 - (f) South Eastern Rural segment; and
 - (g) Lowland and Phillip Island segment.
- (2) Segments listed in the principal policy do not apply to the schedule area.

Figure 1: Schedule area

(Refer to Annex A for detailed boundary descriptions)



PART IV – BENEFICIAL USES TO BE PROTECTED BY THIS SCHEDULE

10. Beneficial uses

- (1) The beneficial uses listed in Table 1 must be protected in each segment marked with a “✓”.
- (2) Beneficial uses are not protected in circumstances where the background level would not provide for their protection (see clause 3 for definition of ‘background level’).
- (3) The beneficial use of ‘aquaculture’ is only protected in those parts of the segment where it is approved by the Minister responsible for administering the Fisheries Act 1995.
- (4) Beneficial uses listed in the principal policy do not apply to the schedule area.

Table 1: Beneficial uses to be protected.

BENEFICIAL USES	SEGMENTS						
	Marine		Catchment				
	Entrances & North Arm	East Arm	Northern Hills	Peninsula	French Island	South Eastern Rural	Lowland & Phillip Island
Aquatic ecosystems:							
Largely unmodified aquatic ecosystems	✓		✓				
Largely modified aquatic ecosystems		✓		✓	✓	✓	✓
Passage for native fish or other aquatic biota	✓	✓	✓	✓	✓	✓	✓
Water suitable for:							
primary contact recreation	✓	✓	✓		✓	✓	✓
secondary contact recreation	✓	✓	✓	✓	✓	✓	✓
aesthetic enjoyment	✓	✓	✓	✓	✓	✓	✓
Water suitable for:							
agriculture			✓	✓	✓	✓	✓
aquaculture	✓						
industrial and commercial use	✓		✓	✓	✓	✓	✓
navigation and shipping	✓						
human consumption after disinfection			✓				
human consumption after disinfection and removal of suspended solids				✓	✓	✓	✓
consumption of fish, crustacea and molluscs for recreational or commercial purposes	✓	✓	✓	✓	✓	✓	✓

PART V – ENVIRONMENTAL QUALITY INDICATORS AND OBJECTIVES**11. Environmental quality indicators and objectives**

- (1) Environmental quality objectives must be attained to protect the defined beneficial uses. To facilitate this, the measures outlined in the Attainment Program of this Schedule must be implemented as directed in the Schedule and as soon as practicable.

- (2) Environmental quality indicators and objectives specific to the schedule area are described in Tables 2, 3 and 4. Where specific objectives are not described, the environmental quality objectives are those values specified in the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality*.
- (3) Where environmental quality is better than the objectives, the environmental quality must remain as close as practicable to background levels.
- (4) Where the background level of an indicator falls outside the objective, maintenance of the background level becomes the objective (see clause 3 for definition of ‘background level’).
- (5) Environmental quality indicators and objectives listed in the principal policy do not apply to the schedule area.

Table 2: Ecological environmental quality indicators and objectives.

INDICATOR	SEGMENT				
	Northern Hills	Peninsula	French Island	South Eastern Rural	Lowland & Phillip Island
Invertebrate community					
Minimum number of families ^a	26 ^b	25	22	28	22
SIGNAL index score	≥ 6.5	≥ 6.5	≥ 5.5	≥ 6.0	≥ 5.5
Number of key families present - (refer to Table 3).	≥ 15	≥ 15	≥ 10	≥ 17	≥ 10
AUSRIVAS Bands	A	A	B	A	B
Fish (presence) ^c					
Freshwater Blackfish <i>Gadopsis marmoratus</i>	✓			✓	✓ ^d

“a” means the taxonomic level of Family excluding families of Acarina, Oligochaeta, Platyhelminthes (Tricladida and Temnocephalidea), Cnidaria, Collembolla, Ostrocodia, Copepoda, Cladocera, Hirudinea, Polychaeta, Nematoda, Nematomorpha, Porifera.

“b” means this number is provided as a guide only. Some small shaded streams in forested areas will have a lower number of families due to natural habitat limitations.

“c” means in streams of appropriate size and within the natural range of the species.

“d” means this value is not applicable to Phillip Island.

“SIGNAL” means Stream Invertebrate Grade Number – Average Level, which is an index of water pollution based on tolerance or intolerance of biota to pollution.

“AUSRIVAS” means Australian Rivers Assessment System, which consists of a predictive mathematical model for comparing the similarity of the invertebrate community of a sampled site to minimally disturbed reference sites.

Table 3: Lists of key indicators for segments of this Schedule.

FAMILY NAME	LIST OF KEY FAMILIES ^a				
	Northern Hills	Peninsula	French Island	South-Eastern Rural	Lowland & Phillip Island
Stoneflies	Austroperlidae Gripopterygidae Notonemouridae	Austroperlidae Gripopterygidae	Gripopterygidae	Gripopterygidae Notonemouridae	Gripopterygidae
Mayflies	Baetidae Caenidae Coloburiscidae Leptophlebiidae	Baetidae Caenidae Leptophlebiidae	Baetidae Caenidae Leptophlebiidae	Baetidae Caenidae Coloburiscidae Leptophlebiidae	Baetidae Caenidae Leptophlebiidae
Dragonflies and Damselflies	Synlestidae Aeshnidae Corduliidae	Synlestidae Coenagrionidae Megapodagrionidae Aeshnidae Corduliidae	Synlestidae Coenagrionidae Megapodagrionidae Aeshnidae Corduliidae	Synlestidae Coenagrionidae Megapodagrionidae Aeshnidae Corduliidae	Synlestidae Coenagrionidae Megapodagrionidae Aeshnidae Corduliidae
Caddisflies	Atriptectididae Calocidae Conoesucidae Ecnomidae Helicophidae Hydrobiosidae Hydropsychidae Leptoceridae	Atriptectididae Calamoceratidae Conoesucidae Hydrobiosidae Hydropsychidae Leptoceridae	 Conoesucidae Ecnomidae Hydrobiosidae Hydropsychidae Leptoceridae	Atriptectididae Calamoceratidae Calocidae Conoesucidae Ecnomidae Helicophidae Hydrobiosidae Hydropsychidae Leptoceridae	 Conoesucidae Ecnomidae Hydrobiosidae Hydropsychidae Leptoceridae
Beetles	Elmidae Dytiscidae Scirtidae	Elmidae Dytiscidae Hydrophilidae Scirtidae	Elmidae Dytiscidae Hydrophilidae	Elmidae Dytiscidae Hydrophilidae Scirtidae	Elmidae Dytiscidae Hydrophilidae
True flies	Dixidae Tipulidae	Dixidae Tipulidae		Dixidae Tipulidae	
Crustaceans	Atyidae Ceinidae Eusiridae Paramelitidae	Atyidae Ceinidae	Atyidae Ceinidae	Atyidae Ceinidae Eusiridae Paramelitidae	Atyidae Ceinidae
Total ^b Objective ^c	27 ≥ 15	23 ≥ 15	19 ≥ 10	31 ≥ 17	19 ≥ 10

“a” is a list of the key families that are found within healthy rivers in each segment.

“b” is the total number of key families that are found within healthy rivers in each segment.

“c” is the number of key families that should be found within any given reach in each segment. Note that not all families will be found in each reach due to variations in habitat types and stream sizes and types.

Table 4: Physical environmental quality indicators and objectives.

INDICATOR	UNIT	PARAMETER	SEGMENT						
			Entrances & North Arm	East Arm	North-ern Hills	Penin-sula	French Island	South Eastern Rural	Lowland & Phillip Island
Light availability									
Transparency (Secchi disk)	metre	annual median	>2.4	>0.7					
		annual 25 th percentile	>1.4	>0.4					
Turbidity	NTU	annual median			<5	<15	<15	<15	<15
		annual 75 th percentile		<10	<25	<25	<25	<25	
Suspended Solids	mg/L	annual median	<9	<30	<5	<20	<20	<20	<20
		annual 75 th percentile	<19	<90	<10	<30	<30	<30	<30
Nutrients									
Total Phosphorus	mg/L	maximum at base flow			<0.03	<0.05	<0.05	<0.05	<0.05
Total Nitrogen	mg/L	maximum at base flow			<0.2	<0.6	<0.6	<0.6	<0.6
Dissolved Inorganic Nitrogen	µg/L	annual median	<7	<20					
		annual 75 th percentile	<15	<43					
Dissolved Inorganic Phosphorus	µg/L	annual median	<6	<7					
		annual 75 th percentile	<8	<10					
Chloro-phyll - a	µg/L	annual median	<1.6	<2.5					
		annual 75 th percentile	<2.1	<5.0					
Indicators of faecal contamination									
<i>E.coli</i>	Orgs/100 ml	42 day geometric mean	<14 ^a <200 ^b	<200	<200	<200	<200	<200	<200
Toxicants									
Total Arsenic	µg/L	Maximum	<3.0	<5.0	N	T	T	T	T
Total Cadmium	µg/L	Maximum	<0.05	<0.05	N	T	T	T	T
Total Copper	µg/L	Maximum	<1.0	<2.0	N	T	T	T	T
Total Lead	µg/L	Maximum	<1.0	<2.0	N	T	T	T	T
Total Mercury	µg/L	Maximum	<0.005	<0.01	N	T	T	T	T
Total Nickel	µg/L	Maximum	<1.0	<3.0	N	T	T	T	T
Total Zinc	µg/L	Maximum	<2.0	<5.0	N	T	T	T	T

General water quality indicators									
TDS	mg/L	Maximum			<200	<500	<500	<500	<500
Salinity	PSU	Variation	<N ± 1	<N ± 1					
Dissolved Oxygen	% saturation	Minimum	>90	>90	>85	>80	>80	>80	>80
pH	pH units	Range	7.5-8.5	7.5-8.5	6.5-9.0	6.5-9.0	6.5-9.0	6.5-9.0	6.5-9.0
Temperature	°C	Variation	<N+1.0	<N+1.0	<N+2.0	<N+2.0	<N+2.0	<N+2.0	<N+2.0
Aesthetic characteristics					No visible floating oil, grease, scum, litter or other objectionable matter, or odours or colours in waters				

“N” is the background level.

“T” means the value specified for the protection of aquatic ecosystems in the ‘*Australian and New Zealand Guidelines for Fresh and Marine Water Quality*’ as referred to in clause 11(2).

“a” means environmental quality objective for waters within designated aquaculture areas.

“b” means environmental quality objective for waters outside of designated aquaculture areas.

PART VI – ATTAINMENT PROGRAM

MANAGEMENT FRAMEWORK

12. General Responsibilities

The protection and rehabilitation of the environmental quality of Western Port and its catchment is the shared responsibility of relevant government agencies, businesses, non-government organisations, communities and individuals.

13. Planning

- (1) Each protection agency with responsibilities in the schedule area must ensure that the following are consistent with this Schedule:
 - (a) business plans;
 - (b) natural resource development and management strategies and plans;
 - (c) environment management and improvement plans;
 - (d) strategic and statutory planning tools including planning schemes and municipal strategic statements;
 - (e) directions, notices, approvals, licences, consents or other instruments issued under any relevant Act; and
 - (f) decisions which may potentially impact on beneficial uses.

- (2) In particular, in developing or reviewing tools listed in sub-clause (1), specific consideration should be given to opportunities to enhance the protection of defined beneficial uses.

14. Implementation

- (1) Relevant protection agencies, including the Environment Protection Authority, the Department of Natural Resources and Environment, Melbourne Water, municipalities, the Port Phillip and Westernport Catchment and Land Protection Board, the Central Coastal Board, the Marine Board of Victoria, the Victorian Channels Authority and port managers should work in partnership with one another and with businesses, individuals and community groups to implement this Schedule.

- (2) In particular, the Environment Protection Authority will employ a range of measures, consistent with its powers, roles and responsibilities under the **Environment Protection Act 1970** to ensure this Schedule is implemented. These measures will include but are not limited to:
- (a) coordinating and providing information and advice;
 - (b) educating, enabling and motivating stakeholders;
 - (c) using statutory tools, including policies, works approvals, licences, notices, enforcement measures and environment and neighbourhood environment improvement plans;
 - (d) codes of practice and guidelines;
 - (e) coordinating monitoring programs and investigations, and undertaking audits; and
 - (f) economic measures.

15. Monitoring environmental quality

To ensure that environmental quality is appropriately monitored so that the protection of beneficial uses can be assessed:

- (1) each relevant protection agency, in particular the Environment Protection Authority, the Department of Natural Resources and Environment and Melbourne Water and where relevant to their responsibilities, the Port Phillip and Westernport Catchment and Land Protection Board, the Central Coastal Board and port managers must contribute to a coordinated environmental quality monitoring program. The Environment Protection Authority may convene a committee of key protection agencies and stakeholders to coordinate this monitoring program;
- (2) the monitoring programs referred to in sub-clause (1) must include documented protocols and quality control processes and must be undertaken according to standard scientific practice;
- (3) operators of each premises discharging waste to the waters of the schedule area must, where required by any works approval, licence or notice made under the **Environment Protection Act 1970**, monitor ambient environmental quality to assess the impact of that discharge on the environment. This monitoring must be consistent with protocols approved by the Environment Protection Authority.

16. Review and public reporting

The Environment Protection Authority must work with key protection agencies and stakeholders to review the implementation and effectiveness of this Schedule, and must ensure that the results of this review are publicly reported. To assist in this review, each relevant protection agency must include in their annual reporting processes, actions undertaken to implement this Schedule and where relevant, environmental quality data for the schedule area. The Environment Protection Authority may convene a committee of key protection agencies and stakeholders to assist in this review.

17. Research to assist with planning and decision making

To assist with future planning and decision making, each relevant protection agency, in particular the Environment Protection Authority, the Department of Natural Resources and Environment, Melbourne Water, the Port Phillip and Westernport Catchment and Land Protection Board and the Central Coastal Board must cooperate to set priorities for, and where appropriate, encourage and undertake research that increases the understanding of the environmental quality within the schedule area, pressures on it, environmental risks and the effectiveness of management measures.

WATER AND CATCHMENT MANAGEMENT

18. Environmental management of activities

- (1) Proposed and existing activities in the schedule area, including those listed in Annex B, must be planned for and managed so that significant environmental risks posed to beneficial uses, including those listed in Annex C, are minimised. To achieve this:

- (a) it is the responsibility of protection agencies which approve new activities, to only approve those activities that do not pose a significant environmental risk to beneficial uses. To achieve this, appropriate measures to minimise significant environmental risks posed to beneficial uses should be incorporated into licences or permits for new activities;
 - (b) it is the responsibility of operators activities to implement appropriate measures to ensure that their activities do not pose a significant environmental risk to beneficial uses;
- (2) Where an individual activity or group of activities is identified by the Environment Protection Authority as posing a significant environmental risk to beneficial uses, and where appropriate measures have not been implemented or are ineffective, the Environment Protection Authority may require those responsible to undertake all practicable measures to minimise significant environmental risks posed to beneficial uses.
- (3) In order to achieve sub-clause (1):
- (a) each relevant protection agency must identify measures to minimise significant environmental risks posed to beneficial uses, and must encourage and assist, and where relevant require, operators to implement these;
 - (b) any measures specified by a protection agency must be consistent with any guidance, guideline or process adopted by the Environment Protection Authority.

19. *Environmental improvement of the East Arm segment*

- (1) Within 18 months of the declaration of this Schedule, relevant protection agencies, in particular the Environment Protection Authority, the Department of Natural Resources and Environment, Melbourne Water and where relevant to their responsibilities, the Port Phillip and Westernport Catchment and Land Protection Board and the Central Coastal Board must work in partnership to investigate and evaluate the key sources of sediment and associated pollutants, including nutrients, in the East Arm segment and their level of contribution.
- (2) Within 30 months of the declaration of this Schedule, the Department of Natural Resources and Environment and Melbourne Water and all other relevant protection agencies must work in partnership with, and support the Port Phillip and Westernport Catchment and Land Protection Board to coordinate the development of a sediment action program to reduce sediment and associated pollutant loads entering the East Arm segment.

20. *Riparian and instream vegetation protection and rehabilitation*

- (1) Within 24 months of the declaration of this Schedule, each relevant protection agency, in particular Melbourne Water, must have plans to protect and where required, rehabilitate riparian and instream native vegetation including measures to:
- (a) stabilise the bed and banks of waterways;
 - (b) reduce sediment and pollutants entering waterways; and
 - (c) provide habitat for instream fauna.
- (2) The plans must be consistent with any approved regional vegetation management plan.

21. *Coastal vegetation protection and rehabilitation*

- (1) Within 24 months of the declaration of this Schedule, the Department of Natural Resources and Environment, in conjunction with other relevant protection agencies, must have plans to protect and where required, rehabilitate native coastal vegetation.
- (2) The plan must be consistent with any approved regional vegetation management plan.

22. *Marine vegetation protection and rehabilitation*

- (1) Within 24 months of the declaration of this Schedule, the Department of Natural Resources and Environment, in consultation with other relevant protection agencies and stakeholders must have plans to protect and where required, rehabilitate native marine vegetation including measures to:

- (a) investigate the environmental factors limiting the recovery of native marine vegetation, particularly seagrass;
 - (b) monitor the diversity and health of native marine vegetation, particularly seagrass.
- (2) By 2011, the surface area coverage of native marine vegetation, must be at least maintained and where required, rehabilitated from a baseline determined by the Department of Natural Resources and Environment. In particular, a goal of this activity is to increase seagrass area coverage by 5% in the Entrances and North Arm segment and by 10% in the East Arm segment.

23. Waterway, drainage, floodplain and wetland protection and rehabilitation

- (1) Within 24 months of the declaration of this Schedule, each relevant protection agency, in particular Melbourne Water, must have plans to protect and where required, rehabilitate the environmental qualities of waterways, wetlands and floodplains, including measures to:
- (a) reduce the generation and transport of sediments and associated pollutants; and
 - (b) protect and rehabilitate natural wetland and floodplain processes.
- (2) Runoff to, and water in constructed drains must be managed so that the impact of drainage water on receiving waters is minimised. To achieve this, constructed drain and land managers, and operators of properties discharging to drains, must where relevant to their responsibilities, implement appropriate measures to minimise pollutants, particularly sediments and nutrients entering, generated within and leaving drains.

24. Content and implementation of plans and programs

- (1) The plans and programs referred to in clauses 18 through to 22 must:
- (a) be practicable and environmentally beneficial;
 - (b) include goals, resources, cost-sharing arrangements and timelines; and
 - (c) be implemented by relevant protection agencies in conjunction with relevant businesses or individuals.
- (2) Where a plan or program will take some time to develop and beneficial uses are at significant risk, practicable interim measures must be undertaken to protect beneficial uses.

25. Environmental water requirements

- (1) The flow regimes within waterways in the schedule area must be progressively reviewed and where required, rehabilitated to ensure the protection of aquatic ecosystems. To achieve this:
- (a) where relevant to their responsibilities, water authorities and the Department of Natural Resources and Environment must, in consultation with relevant stakeholders, develop and implement measures to protect and, where required, rehabilitate environmental flows; and
 - (b) no new diversion from any waterway in the schedule area will be approved unless it is consistent with the **Water Act 1989** and is subject to a process which is designed to protect environmental flows.
- (2) Each relevant protection agency must ensure that:
- (a) new in-stream structures or works are designed, constructed and managed so they do not impact on beneficial uses;
 - (b) existing barriers to fish movement are progressively modified or removed, with priority given to those barriers which offer, or have the potential to offer, the most environmental gain for beneficial uses.

26. Oil spill avoidance

The discharge of oil, grease or oily mixtures into the waters of the schedule area is prohibited. To ensure this each relevant protection agency, in particular port and marina operators, and vessel operators must undertake all necessary and relevant precautions including piloting of oil tankers, ship maintenance to ensure sea-worthiness, and the use of appropriate environmental management practices, when transferring oil and fuel to and from vessels. Each environmental management practice must be consistent with any guidance, guidelines or processes adopted by the Environment Protection Authority.

27. Oil spill response

- (1) Each relevant protection agency, in particular the Marine Board of Victoria, must ensure that the *Westernport Region Marine Pollution Contingency Plan*, is consistent with this Schedule.
- (2) Within 24 months of the declaration of this Schedule, the Marine Board of Victoria, must ensure that a protocol is developed for use of dispersants which includes provisions for the avoidance of dispersant use where practicable. This protocol must be approved by the Environment Protection Authority and incorporated into the *Westernport Region Marine Pollution Contingency Plan*.
- (3) Each relevant protection agency and business, in particular the Marine Board of Victoria, must ensure that oil spill response procedures outlined in the *Westernport Region Marine Pollution Contingency Plan*, are evaluated through regular oil spill response exercises.

28. Marine pests

The Environment Protection Authority, the Department of Natural Resources and Environment and the Department of Infrastructure will work together with port and vessel operators to ensure that practicable measures are developed and implemented to minimise the risk of the introduction and spread of marine pests.

WASTEWATER MANAGEMENT**29. Wastewater management**

- (1) The occupier of each premises that discharges wastewater to the waters of the schedule area must implement the waste hierarchy, including wastewater avoidance and sustainable reuse, as soon as practicable and where environmentally beneficial.
- (2) As part of the application of the waste hierarchy, it may be necessary to discharge wastewater to the waters of the schedule area. In these circumstances, the impact of that discharge and any associated mixing zone must be progressively reduced to the extent practicable.
- (3) Operators of premises which exceed a design or actual flow rate of more than 0.1 ML/day of wastewater to waters of the schedule area, must ensure that by 1 July 2011, discharges cause no detrimental change in the environmental quality of the receiving waters, as determined by an in-stream monitoring and assessment program approved by the Environment Protection Authority.

30. Sewerage management for unsewered areas

- (1) Within 12 months of the declaration of this Schedule, each municipality, in conjunction with the Environment Protection Authority and in consultation with relevant water authorities and the local community must:
 - (a) identify unsewered allotments which are not capable of treating and retaining sewage within their boundaries;
 - (b) have plans that identify options, priorities and timelines for improved sewerage management;
 - (c) provide for annual review of priorities for improved sewerage management.
- (2) If sewerage is identified as an option for improved sewerage management, each water authority or water company, in conjunction with the Environment Protection Authority and municipalities, and in consultation with the local community must, within 24 months of the declaration of this Schedule, develop and submit to Government, a sewerage management plan that:
 - (a) reviews available sewerage management options;
 - (b) identifies the preferred types and levels of sewerage services to be provided, together with costs and funding options;
 - (c) identifies priorities and timelines for the provision of services; and
 - (d) provides for annual review of the plan and priority areas for improved sewerage management.

- (3) Before approving new residential sub-divisions, septic tank systems or small wastewater treatment plants, each municipality must ensure:
 - (a) that sewage can be treated and retained within the allotment boundaries on a sustainable basis; and
 - (b) that septic tank permits are consistent with any guidance, guideline or process adopted by the Environment Protection Authority.
- (4) Occupiers of each premises must operate and decommission septic tank systems and small wastewater treatment plants in accordance with any guidance, guideline or process set by the Environment Protection Authority and if required, must upgrade these systems, in accordance with timelines set by the relevant municipality.

31. Off-set measures

- (1) The Environment Protection Authority may approve, for a specified period, a lower quality of discharge from a premises than would otherwise be acceptable if:
 - (a) the occupier of the premises agrees to plan in consultation with the community and the Environment Protection Authority, to implement and maintain any off-set measures that offer either equivalent or greater protection of beneficial uses within the affected segment or segments; and
 - (b) the discharge will not be detrimental to beneficial uses.
- (2) Any renewal or continuation of these arrangements is conditional on the Environment Protection Authority being satisfied that:
 - (a) the off-set continues to offer either equivalent or greater protection of beneficial uses according to the agreed plan; and
 - (b) the discharge will not be detrimental to any beneficial use.

32. Managing waste from vessels

- (1) Sewage, oil, sediment or litter produced on board vessels must not be disposed to the surface waters of the schedule area. To ensure this:
 - (a) vessels with toilet facilities or with overnight accommodation facilities, must contain sewage for subsequent transfer to treatment works or disposal in accordance with any guidance, guideline or process set by the Environment Protection Authority;
 - (b) where required, port and marina operators must provide appropriate facilities to receive wastes from vessels.
- (2) The Environment Protection Authority will work with port and marina operators to develop and implement programs to prevent the discharge of sewage from vessels into surface waters of the schedule area.

PART VII – ANNEXES

ANNEX A – SEGMENT DEFINITIONS

- (1) *Entrances and North Arm Segment*, consists of the surface waters of Western Port bounded by the high water mark and within an area north of a line drawn between West Head and Point Grant and north of a line drawn at a 45° angle in a north-easterly direction from Cape Woolamai to the coast, and south of a line drawn between Stockyard Point and Settlement Point and west of a line drawn between Pelican Point and Palmer Point.
- (2) *East Arm Segment*, consists of the surface waters of Western Port bounded by the high water mark and not included in the Entrances and North Arm Segment.
- (3) *Northern Hills Segment*, consists of the surface waters: north of, and including the Princes Highway between the western catchment boundary and the Bunyip River; north of, and including the Tarago River but excluding the waters of Cardinia Reservoir; and east of the Tarago River, north of Neerim Road and west of the eastern catchment boundary.

- (4) *French Island Segment*, consists of the surface waters of French Island above the high water mark.
- (5) *Peninsula Segment*, consists of the surface waters landward of Western Port's high water mark and west of Frankston – Flinders Road.
- (6) *South Eastern Rural Segment*, consists of the surface waters: landward of Western Port's high water mark; south of the Princes Highway, east of the Koo Wee Rup Road/South Gippsland Highway/Bass Highway between the Princes Highway and the eastern and southern catchment boundaries; and west of the Bass Highway between Grantville and the southern catchment boundary.
- (7) *Lowland and Phillip Island Segment*, consists of the surface waters: of Phillip Island above high water mark; and landward of Western Port's high water mark, south of the Princes Highway, east of, and including Frankston – Flinders Road, west of, and including the Koo Wee Rup Road/South Gippsland/Bass Highway between the Princes Highway and Grantville.

ANNEX B – ACTIVITIES THAT MAY POSE A SIGNIFICANT ENVIRONMENTAL RISK TO BENEFICIAL USES

The following are examples of activities that, if not well managed, may pose one or more of the significant environmental risks (listed in Annex C) to beneficial uses:

- (1) agriculture and horticulture;
- (2) aquaculture and fishing;
- (3) coastal and foreshore development;
- (4) Crown land and public open space management;
- (5) dredging and extractive industries;
- (6) filling and reclamation of land;
- (7) fire control and retardant use;
- (8) forestry;
- (9) industrial activities;
- (10) infrastructure development and construction, including port development;
- (11) shipping and port activities;
- (12) boating and associated activities;
- (13) tourism and recreational activities;
- (14) sealed and unsealed road management and construction;
- (15) urban development, including residential living;
- (16) waste, wastewater and stormwater management;
- (17) water diversion and extraction;
- (18) waterway and drainage management; and
- (19) weed management and herbicide use.

ANNEX C – SIGNIFICANT ENVIRONMENTAL RISKS POSED TO BENEFICIAL USES

Significant environmental risks to beneficial uses in the schedule area include:

- (1) nutrient enrichment of water;
- (2) sedimentation and resuspension of sediments;
- (3) reduced environmental flows and altered flow regimes;
- (4) marine pests; and
- (5) oils and toxicants in water environments.

PART 3 – REVOCATION OF REDUNDANT STATE ENVIRONMENT PROTECTION POLICY

6. Revocation of State environment protection policy No. W-28 (Waters of Western Port Bay and Catchment).

The State environment protection policy (Waters of Western Port Bay and Catchment) No. W-28 is **revoked**.

Dated 30 October 2001

Responsible Minister
SHERRYL GARBUTT
Minister for Environment
and Conservation

HELEN DOYE
Clerk of the Executive Council

PROTECTING THE WATERS OF WESTERN PORT AND CATCHMENT
VARIATION OF STATE ENVIRONMENT PROTECTION POLICY (WATERS OF VICTORIA)

Explanatory Notes

PURPOSE OF STATE ENVIRONMENT PROTECTION POLICY

State Environment Protection Policies (SEPP) are declared by the Governor in Council under Section 16(1) of the **Environment Protection Act 1970**. SEPPs provide a statutory framework for environmental decision-making and a clear set of publicly agreed environmental objectives that all sections of the community must work together to achieve. Environment protection programs in Victoria are developed within this broad framework.

A State environment protection policy may apply to Victoria generally or to a portion of the State and will include:

- identification of the beneficial uses of the environment that are to be protected (beneficial uses include uses of the environment such as ecosystem support, drinking water, and recreational uses);
- selection of indicators (measures) of environmental quality;
- a statement of environmental quality objectives; and
- an optional “attainment program” which outlines selected measures which will support attainment of the policy's environmental quality objectives.

POLICY IMPACT ASSESSMENT

Policy Impact Assessments (PIAs) provide an explanatory and resource document for future users of State environment protection policies. Copies of the PIA for this Schedule are available from the EPA Information Centre, tel. (03) 9695 2722.

BACKGROUND TO SCHEDULE F8

The beneficial uses of the surface waters of Western Port and catchment were previously protected through two State environment protection policies:

- State environment protection policy (The Waters of Western Port Bay and Catchment) (‘Western Port SEPP’), and
- State environment protection policy (Waters of Victoria).

The Western Port SEPP has now been replaced by the new Schedule F8 to the SEPP (*Waters of Victoria*).

The development of Schedule F8 is the result of extensive scientific investigation and consultation with a large number of stakeholders including government, industry and community groups. The Schedule meets community expectations for a statutory framework for protection and rehabilitation of the surface waters of Western Port and catchment.

THE ORDER IN COUNCIL

The Schedule is preceded by the necessary legal preamble for an Order in Council.

The purposes of the Order are to:

- vary State environment protection policy (*Waters of Victoria*) to add Schedule F8, Waters of Western Port and Catchment; and
- revoke the redundant State environment protection policy (The Waters of Western Port Bay and Catchment) No. W-28.

The order commences upon publication in the Government Gazette.

SCHEDULE F8 IN DETAIL**PART I – PRELIMINARY*****Title***

Clause 1 gives the title of the new Schedule to the State environment protection policy (*Waters of Victoria*) “Schedule F8 Waters of Western Port and Catchment”.

Context

Clause 2 details the context of the Schedule.

Definitions

Clause 3 provides specific definitions of various words and terms used throughout the Schedule. The purpose of these definitions is not to provide a glossary of technical terms but to give a specific meaning to a phrase which may be limited or otherwise different to the meaning currently accepted in every-day language.

Contents

Clause 4 divides Schedule F8 into seven (7) parts (Preliminary; Purpose, Principles and Intent; Schedule Area; Beneficial Uses; Environmental Quality Indicators and Objectives; Attainment Program; and Annexes).

PART II – PURPOSE, PRINCIPLES AND INTENT***Purpose***

Clause 5 sets out the purpose of the Schedule.

Principles

Clause 6 sets out the principles upon which the Schedule is based. They are generally agreed principles of the **Environment Protection Act 1970**, which clearly enunciates sustainability principles specific to environment protection aims.

Policy intent

Clause 7 details the intent of Schedule F8 which sets out the community's shared vision for the protection of the water environment of Western Port and its catchment and therefore the uses it supports.

PART III – SCHEDULE AREA***Schedule area***

Clause 8 defines the area of surface waters to which the Schedule applies. The Schedule area is represented in Figure 1 of the Schedule.

Segments

Within the overall boundaries of the Schedule area, the region has been broken down into geographic areas or “segments”. The segments reflect the different types and condition of ecosystems, different land and water uses, as well as the different beneficial uses within the schedule area.

Clause 9 divides the schedule area into seven (7) segments , as follows:

- (a) Entrances and North Arm segment;
- (b) East Arm segment;
- (c) Northern Hills segment;
- (d) Peninsula segment;
- (e) French Island Segment;
- (f) South Eastern Rural segment; and
- (g) Lowland and Phillip Island segment.

Segment definitions are detailed in Annex A to Schedule F8.

PART IV – BENEFICIAL USES TO BE PROTECTED BY THIS SCHEDULE

The Schedule provides a framework for maintaining environmental quality sufficient for the protection of existing and anticipated beneficial uses of the environment.

Clause 10 and Table 1 outline the beneficial uses which are protected in the schedule area, and identifies which beneficial uses are protected in each segment. The beneficial uses identified in Schedule F8 are:

- aquatic ecosystems;
 - Largely unmodified aquatic ecosystems;
 - Largely modified aquatic ecosystems;
- passage for native fish;
- water suitable for recreation;
- water suitable for agriculture;
- water suitable for aquaculture;
- water suitable for industrial and commercial use and shipping and navigation;
- water suitable for human consumption;
- water suitable for commercial and recreational consumption of edible fish, crustacea and molluscs.

Beneficial uses listed in the State environment protection policy (*Waters of Victoria*) do not apply to the schedule area.

Part V – ENVIRONMENTAL QUALITY INDICATORS AND OBJECTIVES

Indicators of environmental quality and the objectives appropriate to ensure the protection of beneficial uses, and how these are to be assessed, are identified in clause 11 and tables 2, 3 and 4 of Schedule F8. Schedule F8 establishes two types of environmental quality indicators and objectives: ecological and physical. These objectives apply except where:

- the natural level of an indicator falls outside the environmental quality objective listed in the Schedule; or
- a mixing zone is specified in a licence issued under the **Environment Protection Act 1970**.

Clause 11 requires that the environmental quality must be met as soon as practicable. Objectives should be met through the implementation of measures listed in the Attainment Program.

Clause 11 also recognises that reductions in environmental quality which are not sufficiently serious to lead to a breach of the objectives can still adversely affect the quality of a beneficial use. To guard against this, sub-clause 11(4) requires that where environmental quality objectives are currently met, the current level of environmental quality ('background levels') must be maintained.

Where the Schedule does not state an objective, the values derived from the most recent version of the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality*¹ are the objective values.

Part VI – ATTAINMENT PROGRAM

The attainment program provisions in Schedule F8 operate in addition to the attainment program of SEPP (*Waters of Victoria*) and provide a comprehensive framework to manage actions to protect beneficial uses within the Western Port region. The overall thrust of the attainment program is to promote integrated management of catchment and marine activities, recognising the cumulative effects of different activities on water quality and the consequent need to co-ordinate planning of land, water and waterway management.

The attainment program is divided into three sections: Management Framework, Water and Catchment Management and Wastewater Management.

MANAGEMENT FRAMEWORK

General Responsibilities

Clause 12 places responsibilities on all those who live, use or impact on Western Port and its catchment to reduce their impact on the environment by undertaking their activities in an ecologically sustainable manner.

Planning

Clause 13 outlines the key obligations of protection agencies (ie. agencies which have responsibilities for environment protection granted to them by legislation) in the Western Port region to ensure that their strategic planning and decision making is consistent with the Schedule.

Implementation

Clause 14 requires relevant protection agencies to work in partnership with each other and with businesses, individuals and the community to implement the Schedule. In particular, the clause requires the Environment Protection Authority to employ a range of measures to ensure the Schedule is implemented. Particular responsibilities of each relevant protection agency or stakeholder are set out in clauses 18 – 32.

Monitoring environmental quality

Clause 15 requires protection agencies to work together to monitor the environmental quality of water environments in the Western Port region and to use appropriate monitoring procedures to do so. Clause 15 also reinforces the current practice of requiring monitoring to be undertaken by operators of each premises which discharge wastes to surface waters in the Schedule area. This monitoring must be consistent with protocols approved by EPA. The Schedule enables the Environment Protection Authority to convene a committee to formalise the coordination of environmental monitoring if necessary.

Review and public reporting

Clause 16 requires EPA to work with other protection agencies and stakeholders to review the implementation and effectiveness of the Schedule. Clause 16 states that protection agencies must include in their annual reporting processes, actions undertaken to implement the Schedule and any relevant environmental quality data. This data can then be used as a basis to assess the implementation and effectiveness of the Schedule. The Environment Protection Authority may convene a committee to undertake this review if needed.

Research to assist with planning and decision making

Clause 17 requires relevant protection agencies to work together to set priorities for, encourage and, where appropriate, undertake research into the environmental quality of the region, pressures on it and environmental risks.

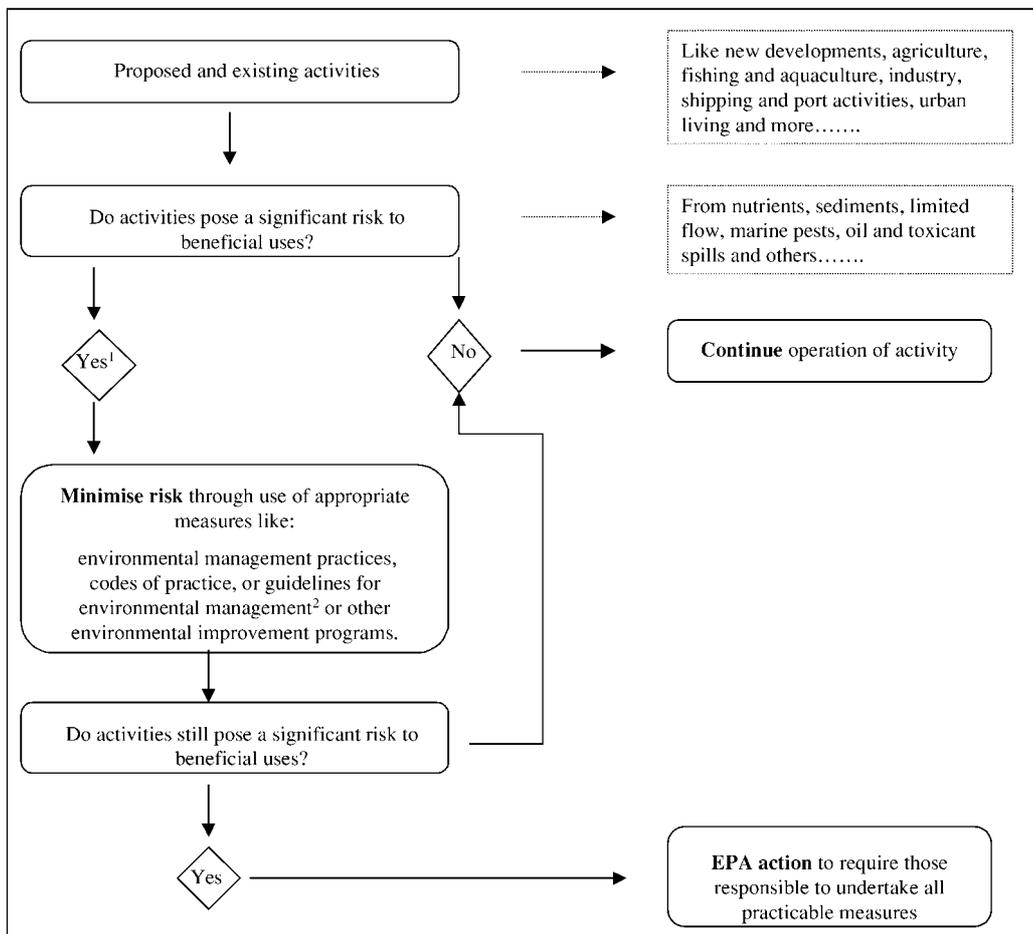
WATER AND CATCHMENT MANAGEMENT

Environmental management of activities

Clause 18 states that effective environmental management should be applied to all stages of planning and operating of new and existing activities to ensure that the significant risk of adverse environmental impacts is minimised. This shall be achieved through the use of environmental management practices, codes of practice or guidelines, environment improvement plans or environment management systems in all stages of planning and operation or other programs aimed at improving environmental planning and management.

Examples of activities which have been identified as presenting actual or potential significant environmental risks to beneficial uses are listed in Annex B of Schedule F8. Significant environmental risks posed to beneficial uses are listed in Annex C.

Process for planning and managing proposed and existing activities so that they do not pose a significant risk to beneficial uses



Notes –

- (1) Beneficial uses will be at significant risk if the environmental quality objectives are not attained. Activities in areas where environmental quality objectives are not attained may be impacting on beneficial uses and should employ appropriate measures;

- (2) For more information on environmental management practices, codes of practice and guidelines for environmental management or other environment improvement programs, contact your local Council, the Environment Protection Authority or the Department of Natural Resources and Environment;

Environmental improvement of the East Arm segment

Clause 19 requires relevant protection agencies to work in partnership to identify and evaluate the key sources of sediment and associated pollutants in the East Arm segment and their level of contribution. The investigations must be completed within 18 months of the declaration of the Schedule.

Clause 19 also requires the development of a Sediment Action Program within 30 months of the declaration of the Schedule, to reduce sediment and associated pollutant loads into the East Arm segment.

Riparian and instream vegetation protection and rehabilitation

Clause 20 requires relevant protection agencies, in particular Melbourne Water, to have plans to protect and where required, rehabilitate riparian and instream native vegetation. These plans must be existent within 24 months of the declaration of Schedule F8.

Coastal vegetation protection and rehabilitation

Clause 21 requires the Department of Natural Resources and Environment, in conjunction with other relevant protection agencies, to incorporate measures to protect and where required, rehabilitate native coastal vegetation within existing or proposed plans, within 24 months of the declaration of Schedule F8.

Marine vegetation protection and rehabilitation

Clause 22 states that protection agencies and stakeholders, in particular the Department of Natural Resources and Environment must incorporate measures to protect, and where practicable rehabilitate marine vegetation into planning processes and activities. These measures must include an investigation of factors preventing the rehabilitation of seagrass communities and monitoring. Goals have been set to rehabilitate seagrass coverage in the East Arm by 10% and in the Entrances and North Arm by 5% in the next 10 years from a baseline set by the Department of Natural Resources and Environment.

Waterway, drainage, floodplain and wetland protection and rehabilitation

Clause 23 requires each relevant protection agency, in particular Melbourne Water, to develop plans within 24 months of the declaration of the Schedule which include actions to protect and rehabilitate waterways, wetlands and floodplains. Clause 23 also requires runoff to and water in drains to be managed so that water does not impact on beneficial uses.

Content and implementation of plans and programs

Clause 24 requires that plans and programs identified in clauses 19 to 23 are implemented in order to protect beneficial uses. If a plan or program does not already exist, it must be developed. Clause 24 requires that all these plans and programs be practicable, environmentally beneficial and include goals, resources requirements, cost-sharing arrangements and timelines.

To ensure proposed environment improvement measures are practicable they should be assessed against measures used by others within the same industry or social sector, and the expected environmental, financial and social impacts resulting from implementing measures.

Environmental water requirements

Clause 25 requires flow regimes to be reviewed and where required, rehabilitated by the provision of measures to protect environment flows. Clause 25 also prohibits new extractions unless that stream is subject to a formal process to protect environmental flows.

Clause 25 requires relevant protection agencies to ensure that new artificial structures do not interfere with flow levels sufficient to ensure the protection of beneficial uses, and that existing structures are progressively removed.

Oil spill avoidance

Clause 26 prohibits the discharge of oil, grease or oily mixtures to the waters of Western Port. Clause 26 states that all necessary precautions must be undertaken by vessels and relevant protection agencies to ensure that oil spills do not occur.

Oil spill response

Clause 27 requires that the Westernport Region Marine Pollution Contingency Plan (1998) is consistent with Schedule F8 and that oil spill response procedures outlined in the Plan are evaluated through regular oil spill response exercises. Clause 27 also requires that within 24 months of the declaration of Schedule F8, a protocol for dispersant use be developed by the Marine Board of Victoria and incorporated into the Western Port Oil Spills Response Plan.

Marine pests

Clause 28 requires the Environment Protection Authority, the Department of Natural Resources and Environment and the Department of Infrastructure, to work with port and vessel operators to develop and implement practicable measures to minimise the risk of introduction of marine pests into Western Port and to manage the spread and minimise the adverse impacts of marine pests.

WASTEWATER MANAGEMENT***Wastewater management***

Clause 29 requires operators of premises discharging wastes to surface waters in the Schedule area to implement the waste hierarchy as soon as practicable and to reduce the impact of mixing zones. Clause 29 also requires the operators of premises with a capacity exceeding 0.1 ML/day to ensure that by 2011, they do not cause detrimental change in the environmental quality of receiving waters.

Sewage management for unsewered areas

Clause 30 requires municipalities and the Environment Protection Authority, in consultation with water authorities and the local community work together to identify existing allotments that are not capable of treating and retaining wastewater on site. If sewerage is identified as an option for improved sewage management, Clause 30 requires that within 24 months of the declaration of Schedule F8, that plans are developed for sewerage management in priority areas.

Clause 30 also requires municipalities to ensure that permit conditions are consistent with any guidance, guideline or process set by the Environment Protection Authority. New developments in unsewered areas must not be approved unless the site is capable of retaining wastewater on-site.

Off-set measures

Clause 31 provides for the implementation of off-set measures. An off-set is a mechanism for managing the environmental risk posed by point source discharges. It ensures that actions which have the potential to degrade environmental values are counterbalanced (or off-set) by actions which enhance those values. Clause 31 states that the Environment Protection Authority will only approve a proposed off-set measure if beneficial uses will be protected. The legal arrangements to establish an off-set agreement will need to be negotiated between the Environment Protection Authority and the firms or individuals involved in implementing the agreed off-set.

Managing waste from vessels

Clause 32 states that owners and operators of vessels are responsible for ensuring that sewage is not discharged from their vessel to the waters of the schedule area. Bodies responsible for operating ports and harbours must ensure that reception facilities are managed to protect beneficial uses. The clause also requires the Environment Protection Authority to work with port and marina operators to develop and implement programs to prevent sewage disposal to Western Port. This clause is in line with the **Environment Protection Act 1970**, the MARPOL convention and other State legislation that prevents the discharge of sewage to waters.

1 Australian and New Zealand Environment and Conservation Council 2000, Australian and Zealand Guidelines for Fresh and Marine Water Quality.

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