



Victoria Government Gazette

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Environment Protection Act 2017

OBLIGATIONS OF MANAGERS OF LAND OR INFRASTRUCTURE (URBAN STORMWATER MANAGEMENT AND ON-SITE WASTEWATER MANAGEMENT)

Order in Council

The Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council, under section 156 of the **Environment Protection Act 2017** makes the Order for Obligations of managers of land or infrastructure (Urban stormwater management and On-site wastewater management) in the attached schedule for the purposes of minimising risks of harm to human health or the environment from pollution or waste.

This legislative instrument comes into effect on the date it is published in the Government Gazette.

Dated: 7 May 2024

Responsible Minister:

STEVE DIMOPOULOS MP
Minister for Environment

SAMUAL WALLACE
Clerk of the Executive Council

Schedule

Order for Obligations of managers of land or infrastructure (Urban stormwater management and On-site wastewater management) – Environment Protection Act 2017

Part 1 – PRELIMINARY

1. Authorising provision

This Order is made under section 156 of the **Environment Protection Act 2017**.

2. Purpose

The purpose of this Order is to minimise risks of harm to human health or the environment from pollution and waste by requiring a council, public sector body or infrastructure manager to:

- (a) take a specified action in relation to land or infrastructure managed, operated or controlled by that council, public sector body or infrastructure manager;
- (b) take into account a specified matter when managing land, managing or operating infrastructure or planning the management of land or infrastructure; and
- (c) comply with a specified document, code, standard or rule, subject to any modification specified in this Order, when managing land, managing or operating infrastructure or planning the management of land or infrastructure.

3. Commencement

This Order comes into operation on the day it is published in the Government Gazette.

4. Definitions

In this Order –

Act means the **Environment Protection Act 2017**;

allotment means a parcel of land shown on a plan of subdivision;

council has the same meaning as in the **Local Government Act 1989**;

SPECIAL

municipal district has the same meaning as in the **Local Government Act 1989**;

on-site wastewater management system has the same meaning as in the Environment Protection Regulations 2021;

Planning permit applications in open, special water supply catchment areas means the Planning permit applications in open, special water supply catchment areas guidelines, published by the Department of Energy, Environment and Climate Action in 2024, as amended from time to time;

sewage has the same meaning as in the Environment Protection Regulations 2021;

special water supply catchment area has the same meaning as in the **Catchment and Land Protection Act 1994**;

stormwater means the surface run-off from rain and storm events;

waste management hierarchy means the principle of waste management hierarchy in section 18 of the Act;

wastewater has the same meaning as in the Environment Protection Regulations 2021;

water corporation has the same meaning as in the **Water Act 1989**.

Part 2 – URBAN STORMWATER MANAGEMENT

5. Stormwater management plan

- (1) Councils must develop and publish on its website a plan that so far as reasonably practicable:
 - (a) identifies risks of harm to human health and the environment posed by urban stormwater;
 - (b) identifies actions with implementation timeframes to minimise the risks identified in paragraph (1)(a), including but not limited to actions that:
 - (i) minimise the generation and transport of pollutants in urban stormwater; and
 - (ii) minimise the generation, velocity and volume of urban stormwater flows.
- (2) When developing a plan, councils must consult with relevant stakeholders, including the relevant Catchment Management Authorities, relevant water corporations and the community, about the plan and where relevant, costs, timelines and prioritisation of actions proposed for the plan.
- (3) Councils must, at intervals of no more than 5 years:
 - (a) review and update the plan; and
 - (b) publish a report on implementation of the plan on its website.

Part 3 – ON-SITE WASTEWATER MANAGEMENT

6. Councils to develop an on-site wastewater management plan

- (1) A council in a municipal district with on-site wastewater management systems must develop and publish on its website an on-site wastewater management plan that so far as reasonably practicable:
 - (a) identifies risks of harm to human health and the environment from unsewered allotments in its municipal district;
 - (b) identifies and assesses the risks of harm to human health and the environment associated with existing and future on-site wastewater management systems in its municipal district, including but not limited to:
 - (i) the cumulative risks of existing on-site wastewater management systems that are discharging, or may in the future discharge, wastewater beyond allotment boundaries; and
 - (ii) the risks of on-site wastewater management systems that are impacting, or may in the future impact, on groundwater or surface water;

- (c) identifies actions with implementation timeframes to:
 - (i) minimise the risks identified in paragraphs 1(a) and (b); and
 - (ii) prevent discharge of wastewater beyond allotment boundaries; and
 - (d) sets out the council's approach to compliance and enforcement.
- (2) When developing an on-site wastewater management plan, councils must consult with relevant stakeholders, including the relevant water corporation, about the plan and where relevant, costs, timelines and prioritisation of actions proposed for the plan.
 - (3) When developing, reviewing and updating an on-site wastewater management plan, councils must take into account the *Planning permit applications in open, special water supply catchment areas* guidelines where on-site wastewater management systems are in special water supply catchment areas.
 - (4) Councils must, at intervals of no more than 5 years:
 - (a) review and update the on-site wastewater management plan; and
 - (b) publish a report on implementation of the on-site wastewater management plan on its website.

7. Sewerage planning

- (1) Where an on-site wastewater management plan developed under clause 6 identifies an action involving a sewage management solution that is not solely an on-site wastewater management system, the council must notify the relevant water corporation in writing as soon as practicable after publishing the plan.
- (2) The water corporation must provide a written response to the council as soon as practicable that includes the following information:
 - (a) the water corporation's preferred solution to sewage management;
 - (b) how the preferred solution will manage sewage in accordance with the waste management hierarchy;
 - (c) the likely cost of the preferred solution, a strategy for funding and a timeline for its implementation; and
 - (d) the required works to implement the preferred solution in relation to other sewerage connection works within the water corporation's sewerage district.
- (3) The water corporation must provide to the council a written report on implementation of the preferred solution within 5 years of providing its response to the council under subclause (2) and every 5 years thereafter.

ENDNOTES

Table of applied, adopted or incorporated matter

Provision	Applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Clause 6	<i>Planning permit applications in open, special water supply catchment areas</i> published by the Department of Energy, Environment and Climate Action in 2024 as amended from time to time	The whole

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