

*Environment Protection Act 1970*VARIATION OF STATE ENVIRONMENT  
PROTECTION POLICY(Waters of the Yarra River and Tributaries)  
No. W-29

The Governor in Council under section 16 (2) of the *Environment Protection Act 1970* and on the recommendation of the Environment Protection Authority varies with effect on and from 1 July 1991 the State Environment Protection Policy (Waters of the Yarra River and Tributaries) No. W-29 as follows.

Dated: 28 May 1991

Responsible Minister:

STEVE CRABB

Minister for Conservation and Environment

JILL BRENNAN

Acting Clerk of the Executive Council

## VARIATIONS

1. In clause 3 for the definition of "surface waters" substitute:

"Surface waters" includes—

- (1) (a) a river, creek, stream or watercourse;
- (b) a natural channel in which water regularly flows, whether or not the flow is continuous;
- (c) a channel formed wholly or partly by the alteration or relocation of a waterway as described in paragraph (a) or (b);
- (d) a lake, lagoon, swamp or marsh, being—
  - (i) a natural collection of water (other than water collected and contained in a private dam or a natural depression on private land) into or through or out of which a current that forms the whole or part of the flow of a river, creek, stream or watercourse passes, whether or not the flow is continuous;
  - (ii) a collection of water (other than water collected and contained in a private dam or a natural depression on private land) that the Governor in Council declares under section 4 (1) of the *Water Act 1989* to be a lake, lagoon, swamp or marsh;

(e) land on which, as a result of works constructed on a waterway as described in paragraph (a), (b) or (c), water collects regularly, whether or not the collection is continuous;

(f) land which is regularly covered by water from a waterway as described in paragraph (a), (b), (c), (d) or (e) but does not include any artificial channel or work which diverts water away from such a waterway;

(g) if any land described in paragraph (f) forms part of a slope rising from the waterway to a definite lip, the land up to that lip; or

(2) the coast, and in particular the coast of any bay, estuary or inlet and any waters that may be present in these landforms or bounded by them.

(3) Waters in waste treatment systems, enclosed water supply distribution systems, piped or underground drains and aquifers are excluded.

2. For clause 47 substitute:

"47. Disposal of Solid Wastes to Land (including garbage and sludge). The disposal of solid wastes into or onto land shall be carried out in such a manner and at such locations so as not to cause pollution of groundwater or surface waters.

Without limiting the generality of the above, no works approval or licence shall permit the establishment or extension of a landfill disposal site within 100 metres of surface waters or in a proclaimed water supply catchment except where the site is specified in a general plan or waste management plan for refuse disposal approved by the Authority.

The Authority shall not approve the plan until:

- (a) it is satisfied that adequate control measures are included to protect the beneficial uses of surface waters and groundwater from run-off and from pollutants transmitted through the groundwater; and
- (b) other environmental, social and economic aspects are evaluated, pursuant to the *Planning and Environment Act 1987*.

The disposal of municipal wastes shall be conducted in accordance with the State Environment Protection Policy (Siting and Management of Landfills Receiving Municipal Wastes)."

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