



Victoria Government Gazette

No. S 122 Tuesday 22 October 1996
By Authority: Victorian Government Printer

SPECIAL

Environment Protection Act 1970

Variation of the State environment protection policy (Waters of Victoria) - insertion of Schedule F5. Waters of the Latrobe and Thomson River Basins and Merriman Creek Catchment

The Governor in Council under section 16(2) of the **Environment Protection Act 1970** and on the recommendation of the Environment Protection Authority Orders as follows:

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This Order is divided into parts as follows-

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7. Revocation of State environment protection policy (The Waters of the Latrobe River Catchment) No. W-25A/26

PART 1 - PRELIMINARY

2. Purposes

The purposes of this Order are to-

- (a) vary the State environment protection policy (Waters of Victoria) to-
 - (i) add to Schedule F a new schedule, Schedule F5. Waters of the Latrobe and Thomson River Basins and the Merriman Creek Catchment; and
 - (ii) consequentially vary Schedule F3. Gippsland Lakes and Catchment; and

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- (b) revoke the State environment protection policy (The Waters of the Latrobe River Catchment) No. W-25A/26.

3. ***Commencement***

This Order comes into effect upon publication in the *Government Gazette*.

4. ***The 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 of new Schedule F5. Waters of the Latrobe and Thomson River Basins and Merriman Creek Catchment***

After Schedule F4 of the Principal Policy insert-

"F5. Waters of the Latrobe and Thomson River Basins and Merriman Creek Catchment

1. ***Title***

This Schedule may be cited as Schedule F5. Waters of the Latrobe and Thomson River Basins and Merriman Creek Catchment, referred to below as the Schedule.

2. ***Contents***

The Schedule is divided into parts as follows -

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- 11. Water quality management strategy
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- 15. Nutrient reduction (Macalister Irrigation District)

Monitoring, Assessment and Reporting

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PART I - PRELIMINARY

3. Definitions

In the Schedule, unless inconsistent with the context or subject matter -

"ambient" means the environmental condition determined by the level of an indicator, measured in a manner and at a location specified by the Authority;

"aquatic ecosystem" means the community of animals and plants living within or adjacent to a waterway;

"aquifer" means a geological structure, formation, or part thereof, permeated or capable of being permeated permanently or intermittently with water and capable of transmitting water;

"commonly available technology" means modern techniques, methods or processes as commonly used in any particular industry;

"mg/L" means milligrams per litre;

"N" means the water quality objective is that there be no variation from background level;

"NTU" means nephelometric turbidity units;

"offset measure" means a measure that-

- (i) is undertaken by the occupier of one premises to reduce the discharge of wastes to the environment from another premises; and
- (ii) achieves an environmental outcome equivalent to or improved upon that which could be achieved through any measure to reduce the discharge of waste from the first premises;

"protection agency" means any person or body, whether corporate or unincorporate, having powers or duties under any Act other than the **Environment Protection Act 1970** with respect to the environment or any segment of the environment in any part or parts of Victoria;

"Pt-Co" means Platinum-Cobalt units of colour measured at 465 nanometres;

"regulated waterway" means a waterway which has on-stream storages to enable the management of the release of waters and downstream flows;

"salinity" means the measure of concentration of total dissolved solids in water;

"T" means-

- (i) the national guideline concentration for toxicants in waters specified for the protection of aquatic ecosystems in the Australian Water Quality Guidelines for Fresh and Marine Waters, published by the Australian and New Zealand Environment and Conservation Council (ANZECC); or
- (ii) other criteria specified by the Authority;

"water authority" means any person or body, whether corporate or unincorporate, having any powers or duties under the Water Act 1989 or the Water Industry Act 1994 in respect of floodway management, irrigation, regional drainage, sewerage, waterway management or water supply;

"waterway" means a river, creek, stream or watercourse or a natural channel in which water regularly flows, whether or not the flow is continuous or a lake, lagoon, swamp or marsh.

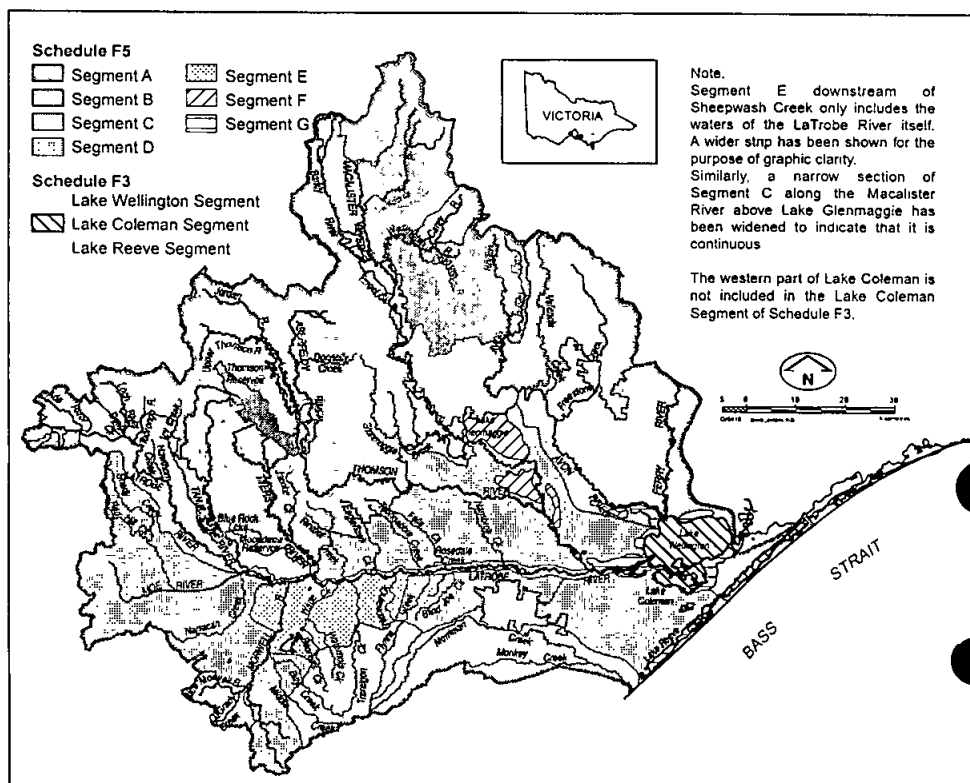
4. Schedule goals

The goals of the Schedule are to -

- (1) protect the beneficial uses of the Schedule area; and
- (2) protect the beneficial uses of Lake Wellington, Lake Coleman and Lake Reeve from the effects of nutrients, sediments and wastes transported by water entering the lakes from the Schedule area.

PART II - BOUNDARIES OF THE AREA AFFECTED

FIGURE 1
Schedule F5 area and segments



5. Schedule area

The Schedule shall apply to-

- (1) all surface waters within the catchments of all tributary waterways entering Lake Reeve south-west of The Causeway, Lake Wellington, Lake Coleman and Merriman Creek; and
- (2) the surface waters of that portion of Lake Reeve south-west of The Causeway- but does not include the waters of Lake Reeve east of The Causeway, Lake Wellington and Lake Coleman. The Schedule Area is represented in Figure 1.

6. Segments

- (1) Clause 6 of the Policy does not apply to the Schedule area.
- (2) For the purpose of the Schedule, the following segments of the environment are classified within the Schedule area and represented in Figure 1 -
 - (a) *Segment A (predominantly reserves and conservation areas):* The surface waters of -
 - (i) the Baw Baw National Park, excluding that part within the Aberfeldy River catchment and the Thomson River catchment area below the Thomson Dam;
 - (ii) the Wonnangatta-Moroka section of the Alpine National Park and the Avon Wilderness Park; and
 - (iii) that section of the Tarra-Bulga National Park within the Schedule area.
 - (b) *Segment B (predominantly forests and forestry activities):* The surface waters of -
 - (i) Moondarra and Tyers State Parks;
 - (ii) Holey Plains State Park and freehold land enclosed by this park;
 - (iii) Latrobe River and Ada River and their tributaries upstream of their junction;
 - (iv) Thomson River and its tributaries upstream of the wall of Cowwarr Weir;
 - (v) Toorong River and its tributaries;
 - (vi) Loch River and its tributaries;
 - (vii) Avon River and its tributaries upstream of Wombat Flat;
 - (viii) Carey River and its tributaries;
 - (ix) Barkly River and its tributaries upstream of the junction with Tiger Creek;
 - (x) Glenmaggie Creek and its tributaries upstream of Back Creek Track;
 - (xi) Stony Creek and its tributaries upstream of the junction with the Thomson River;
 - (xii) Valencia Creek and its tributaries upstream of the junction with Stony Creek;
 - (xiii) Rintouls Creek and its tributaries upstream of Fitzgibbons Road;
 - (xiv) Eaglehawk Creek and its tributaries upstream of Eaglehawk Creek Road;
 - (xv) Freestone Creek and its tributaries upstream of George Creek;
 - (xvi) Tyers River and Jacobs Creek and their tributaries upstream of the wall of Moondarra Reservoir;
 - (xvii) Tanjil River and its tributaries upstream of the wall of Blue Rock; and
 - (xviii) Wellington River downstream of Carey State Forest -

but not including any of the surface waters of Segment A.

(c) *Segment C (mixed forestry and agricultural activities):* The surface waters of -

- (i) Latrobe River and its tributaries upstream of its junction with Moe Drain;
- (ii) Tanjil River and its tributaries upstream of its junction with Latrobe River;
- (iii) O'Grady Creek and Little Morwell River and their tributaries upstream of their junction;
- (iv) Morwell River and Morwell River East Branch and their tributaries upstream of their junction;
- (v) Middle Creek and Vaggs Creek and their tributaries upstream of their junction;
- (vi) Billy Creek and its tributaries upstream of Jeeralang Road bridge;
- (vii) Bennetts Creek and Waterhole Creek and their tributaries upstream of the Churchill-Traralgon Road;
- (viii) Traralgon Creek and its tributaries upstream of Jones Lane;
- (ix) Flynns Creek and its tributaries upstream of Callignee South Road;
- (x) Macalister River and its tributaries downstream of the Caledonia River to the wall of Lake Glenmaggie;
- (xi) Avon River and its tributaries from Wombat Flat downstream to Redbank;
- (xii) Perry River and its tributaries upstream of Perry Bridge; and
- (xiii) Merriman Creek and its tributaries -

but not including any of the surface waters in Segment A or B.

(d) *Segment D (predominantly agricultural activities):* The surface waters of -

- (i) Moe River and its tributaries upstream of its junction with the Latrobe River;
- (ii) Lake Narracan and its local catchment draining to its northern and southern boundaries;
- (iii) Morwell River and its tributaries upstream of its junction with Middle Creek;
- (iv) Wilderness Creek and its tributaries;
- (v) Middle Creek and its tributaries downstream of its junction with Vagg Creek;
- (vi) Billy Creek and its tributaries downstream of Jeeralang Road bridge;
- (vii) Northern tributaries of the Latrobe River downstream of Lake Narracan and upstream of coordinate 470 000E;
- (viii) Thomson River and its tributaries downstream of the wall of Cowwarr Weir to its junction with the Latrobe River;
- (ix) Tributaries of the Latrobe River downstream of coordinate 470 000E excluding Nambrok Creek (Drain);
- (x) Carrs Creek and its tributaries;
- (xi) all other waterways draining into Lake Wellington, Lake Coleman and Lake Reeve that are not included in any other segment; and
- (xii) all wetlands in the area between Lake Wellington and Lake Reeve, that are not included in any other segment -

but not including any of the surface waters in Segment A, B, C or F.

(e) *Segment E (predominantly the industrial area of the Latrobe Valley):* The surface waters of -

- (i) Latrobe River and its southern tributaries downstream of the dam wall of Lake Narracan and upstream of coordinate 470 000E;
- (ii) the Morwell River and its tributaries downstream of the junction with Middle Creek;
- (iii) Bennetts Creek and Waterhole Creek and their tributaries downstream of the Churchill-Traralgon Road;
- (iv) Traralgon Creek and its tributaries downstream of Jones Lane;
- (v) Sheepwash Creek and its tributaries;
- (vi) Latrobe River downstream of coordinate 470 000E;
- (vii) Avon River and its tributaries from Redbank downstream to Lake Wellington; and
- (viii) Perry River and its tributaries from Perry Bridge downstream to Lake Wellington -

but not including any of the surface waters in Segment A, B, C or D.

(f) *Segment F (natural watercourses draining irrigation):* The surface waters of -

- (i) Newry Creek and its tributaries upstream of the Macalister River;
- (ii) Boggy Creek and its tributaries upstream of the Thomson River;
- (iii) Nuntin Creek downstream of the Princes Highway to the Avon River;
- (iv) Serpentine Lagoon and Serpentine Main Drain; and
- (v) Bundalaguah Main Drain.

(g) *Segment G (wetlands):* The surface waters of -

- (i) wetlands surrounding Lake Wellington and McLennan's Strait and along the Latrobe River downstream of the Swing Bridge at Longford, (shown as swamp on National Topographic Map series sheet 8321);
- (ii) Dowds Morass State Game Reserve, The Heart Morass and the Sale Common State Game Refuge; and
- (iii) Lake Reeve south-west of The Causeway.

PART III - BENEFICIAL USES TO BE PROTECTED

7. *Beneficial uses*

- (1) Clause 7 of the Policy does not apply to the Schedule area.
- (2) The beneficial uses specified in the left hand column in Table 1 shall be protected in each segment marked with a tick in the appropriate right hand column, except for Segment E in which segment beneficial uses shall be protected to the extent described in Table 1.

Table 1 - Beneficial Uses in the Schedule Area

	Segment A (predominantly reserves & conservation areas)	Segment B (predominantly forests and forestry activities)	Segment C (mixed forestry and agricultural activities)	Segment D (predominantly agricultural activities)	Segment E (predominantly industrial areas of the Latrobe Valley)	Segment F (natural water- courses draining irrigation)	Segment G (wetlands)
1. Maintenance of natural aquatic ecosystems and associated wildlife:							
<i>Natural ecosystems</i>	✓						✓
<i>Natural ecosystems with occasional disturbance due to human activity</i>		✓					
<i>Substantially natural ecosystems with some modification</i>			✓		Avon River downstream of Redbank only		
<i>Modified ecosystems</i>				✓	✓ excluding Avon River downstream of Redbank, Morwell River downstream of Eel Hole Creek & Bennetts Creek		
<i>Highly modified ecosystems with some habitat values</i>					Morwell River downstream of Eel Hole Creek & Bennetts Creek only	✓	
2. Potable water supply:							
<i>With treatment (disinfection only)</i>	✓	✓					
<i>With treatment (disinfection & removal of suspended solids)</i>			✓	✓			

Table 1 (cont.) - Beneficial Uses in the Schedule Area

	Segment A (predominantly reserves & conservation areas)	Segment B (predominantly forests and forestry activities)	Segment C (mixed forestry and agricultural activities)	Segment D (predominantly agricultural activities)	Segment E (predominantly industrial areas of the Larrobe Valley)	Segment F (natural water courses draining irrigation)	Segment G (wetlands)
3. Recreation:							
<i>Primary contact</i> (eg. swimming, water skiing)	✓	✓	✓	✓	✓		
<i>Secondary contact</i> (eg. boating, fishing)	✓	✓	✓	✓	✓		✓
<i>Aesthetic enjoyment</i> (eg. walking by the waters)	✓	✓	✓	✓	✓	✓	✓
4. Agricultural Water Supply:							
<i>Stock watering</i>		✓	✓	✓	✓	✓	
<i>Irrigation</i>		✓	✓	✓	✓ excluding estuarine areas		
5. Fishing and Aquaculture	✓	✓	✓	✓	✓	✓	✓
6. Industrial water use		✓	✓	✓	✓	✓	
7. Aquifer recharge	✓	✓	✓	✓	✓	✓	✓

PART IV - ENVIRONMENTAL QUALITY INDICATORS AND OBJECTIVES**8. *Environmental quality indicators and objectives***

- (1) Clauses 8 and 9 of the Policy do not apply to the Schedule area.
- (2) Subject to sub-clause (3), the water quality objectives to protect the beneficial uses in the Schedule area shall be the criteria specified in the Australian Water Quality Guidelines for Fresh and Marine Waters, published by the Australian and New Zealand Environment and Conservation Council.
- (3) For the purposes of the Schedule -
 - (a) The levels for specific quantitative environmental quality indicators for the Segments of the Schedule area are specified in Table 2 and Table 3.
 - (b) Statistically-based objectives may be assessed using monitoring and analytical protocols approved by the Authority.
 - (c) Where an objective involves the alternatives of a numerical limit provided in Table 2, or a limit resulting from a percentage change relative to background levels specified in Table 3, whichever is the higher number shall apply.
 - (d) Where the background level of water quality does not comply with the numerical limit in Table 2, maintenance of the background level shall become the objective, except where paragraph (c) applies.
 - (e) Any discharge of waste to water shall not cause any water quality indicator or objective to exceed its value specified in Table 2 nor shall the discharge cause any change in the background levels to exceed the limits specified in Table 3.

Table 2 - In-stream Water Quality Indicators and Objectives

<i>Indicators (units)</i>		Segment A (predominantly reserves and conservation areas)	Segment B (predominantly forests and forestry activities)	Segment C (mixed forestry and agricultural activities)	Segment D (predominantly agricultural activities)	Segment E (predominantly the industrial area of the Latrobe Valley)	Segment F (natural watercourses draining irrigation)	Segment G (wetlands)
pH (pH units)	acceptable range	N	5.5-8.0	5.5-8.0	6.0-8.5	6.0-8.5	6.0-8.5	6.0-8.5
Dissolved Oxygen (mg/L & % saturation)	min. concentration	N	>8.0	>7.0	>6.0	>5.0	>5.0	>6.0
	min. saturation	N	>85%	>75%	>65%	>55%	>55%	>65%
Toxicants (formula)	Maximum	N	<0.2T	<0.5T	<T	<T	<T	<0.2T
Salinity (mg/L)	an. 90th percentile	N	<200	<300	<400	<500 except Latrobe River up- stream of Glenarry Road where <350 shall apply	<700	N
	maximum	N	<300	<400	<500	<700 except Latrobe River up- stream of Glenarry Road where <400 shall apply	<1,000 except Newry Creek and Nuntin Creek where <1,200 shall apply	N
Suspended solids (mg/L)	an. 50th percentile	N	<5	<10	<20	<50 except Latrobe River up- stream of Glenarry Road where <35 shall apply	<60	N
	an. 90th percentile	N	<10	<20	<40	<90 except Latrobe River up- stream of Glenarry Road where <70 shall apply	<100	N
Turbidity (NTU)	an. 50th percentile	N	<5	<10	<15	<25	<30	N
	an. 90th percentile	N	<10	<20	<30	<50	<60	N
Colour (Pt Co units)	an. 50th percentile	N	N	<60	<60	<60	<100	N
	an. 90th percentile	N	N	<100	<100	<100	<150	N
Total phosphorus (mg/L)	an. 50th percentile	N	<0.015	<0.025	<0.040	<0.060	<0.070	N
	an. 90th percentile	N	<0.030	<0.045	<0.065	<0.100	<0.120	N
Total nitrogen (mg/L)	an. 50th percentile	N	<0.60	<0.70	<0.80	<0.90	<1.00	N
	an. 90th percentile	N	<1.00	<1.20	<1.40	<1.60	<1.80	N

Table 2 (cont.) - In-stream Water Quality Indicators and Objectives

Indicators (units)		Segment A (predominantly reserves and conservation areas)	Segment B (predominantly forests and forestry activities)	Segment C (mixed forestry and agricultural activities)	Segment D (predominantly agricultural activities)	Segment E (predominantly the industrial area of the Latrobe Valley)	Segment F (natural watercourses draining irrigation)	Segment G (wetlands)
<i>E. coli</i> (organi- sms/100 mL)	42 day geometric mean	N	N	<200	<200	<200	<1000	N
Temperature (°Celsius)		N	Refer Table 3	Refer Table 3	Refer Table 3	Refer Table 3, except for Bennetts Creek downstream of Porters Road where a maximum of 25.0° shall apply	Refer Table 3	Refer Table 3

Table 3 - Acceptable variation from Background Levels

Indicators (units)	Segment A (predominantly reserves and conservation areas)	Segment B (predominantly forests and forestry activities)	Segment C (mixed forestry and agricultural activities)	Segment D (predominantly agricultural activities)	Segment E (predominantly the industrial areas of Latrobe Valley)	Segment F (natural water courses draining irrigation)	Segment G (wetlands)
Temperature variation from N (°Celsius)	-	<0.3	<0.7	<1.5	<1.5 except industries existing as at 1 January 1996 and discharging to Traralgon Creek where <3.0 shall apply Dec to March; and industries existing as at 1 January 1996 and discharging to Morwell River where <3.0 shall apply Dec to March	<1.5	<0.3
maximum	-	<0.5	<1.0	<2.0	<2.0 except industries existing as at 1 January 1996 and discharging to Traralgon Creek where <3.5 shall apply Dec to March, and <4.0 shall apply April to Nov; and industries existing as at 1 January 1996 and discharging to Morwell River where <4.0 shall apply Dec to March, and <6.0 shall apply April to Nov	<2.0	<0.5
rate of change	-	<1.0 in 30 minutes	<1.0 in 30 minutes	<1.0 in 30 minutes	<1.0 in 30 minutes except industries existing as at 1 January 1996 and discharging to Traralgon Creek where <2.0 in 30 minutes shall apply; and industries existing as at 1 January 1996 and discharging to Morwell River where <2.0 in 30 minutes shall apply	<1.0 in 30 minutes	<1.0 in 30 minutes
pH (pH units)	-	<0.5	<0.7	<1.0	<1.0	<1.0	<0.5
Salinity (% increase)	-	<5%	<10%	<10%	<10%	-	-
Turbidity (% increase)	-	<5%	<10%	-	-	-	-
Suspended solids (% increase)	-	<5%	<10%	-	-	-	-
Colour (% increase)	-	-	<20%	<20%	<20%	<50%	-

PART V - ATTAINMENT PROGRAM**General****9. Addition to Policy provisions**

In addition to clauses 10 to 54 (the Attainment Program) of the Policy, this Part shall apply to the Schedule area.

10. Responsibilities

- (1) The Authority will identify and promote measures to achieve the best practicable environmental outcomes within the Schedule area.
- (2) The Authority will exercise its powers, duties and functions to -
 - (a) assist the community to understand and contribute to improved water quality in the Schedule area;
 - (b) work co-operatively with all who use and manage the Schedule area to promote the use of practices that protect beneficial uses of the Schedule area;
 - (c) ensure that any notice issued under the Act contains requirements that are consistent with the Schedule; and
 - (d) co-ordinate, review and report on the attainment of the provisions of the Schedule.

Catchment Management**11. Water quality management strategy**

- (1) The Authority will work with and assist the West Gippsland Regional Catchment and Land Protection Board to develop a water quality management strategy to achieve the objectives of the Schedule.
- (2) The water quality management strategy referred to in sub-clause (1) shall -
 - (a) co-ordinate the management of the different activities affecting water quality;
 - (b) identify priority areas and time targets for action;
 - (c) assign specific responsibilities for particular issues;
 - (d) develop management plans for particular issues or catchments;
 - (e) guide management of wastewater and drainage discharges;
 - (f) develop and implement long-term waste management plans for point-source waste based on principles of waste avoidance and minimisation; and
 - (g) enable the on-going involvement of persons and organisations with an interest in water quality in the Schedule area.

- (3) The Authority will promote and review the implementation of the strategy referred to in sub-clause (1) in consultation with the West Gippsland Regional Catchment and Land Protection Board and any other relevant protection agencies, private sector agencies and interested persons.

12. Stream management

- (1) Bulk Entitlement Orders (under the **Water Act 1989**) made for water systems within the Schedule area must provide allocations of water for environmental purposes that are consistent with protecting beneficial uses.
- (2) Stream flow management plans to provide minimum flow volumes and regimes necessary to protect the beneficial uses must be prepared by water authorities responsible for licensed diversions.
- (3) Protection agencies must ensure that any water diversions comply with stream flow management plans prepared under sub-clause (2).
- (4) Protection agencies must develop and implement procedures to manage the temperature of releases of water from storages to -
 - (a) ensure that the beneficial uses downstream of the water storage are protected; and
 - (b) undertake a monitoring program to demonstrate that the beneficial uses are being protected.

13. Management plans

- (1) Protection agencies responsible for land, drainage, waterway or water management in the Schedule area must review and, where necessary, revise existing management plans, or develop new management plans to reduce the impacts of activities which may detrimentally affect water quality and to achieve the objectives of the Schedule.
- (2) The Authority may require the revision or development of a management plan under sub-clause (1) where the existing plan does not provide a sufficient basis to protect the beneficial uses of surface waters in the Schedule area.

14. Point-source management

- (1) The Authority may approve, for a period specified by the Authority, a lower quality of discharge from a premises than would otherwise be acceptable to the Authority if -
 - (a) the occupier of the premises agrees to implement and maintain any off-set measures that offer either equivalent or greater protection of beneficial uses within the area specified by the Authority; and
 - (b) the discharge will not be detrimental to any beneficial use outside a designated mixing zone.

- (2) Any renewal or continuation of these arrangements is conditional on the Authority being satisfied that -
- (a) the off-set continues to offer either equivalent or greater protection of beneficial uses within the area specified by the Authority; and
 - (b) the discharge will not be detrimental to any beneficial use outside a designated mixing zone.
15. *Nutrient Reduction (Macalister Irrigation District)*
- (1) Southern Rural Water, in co-operation with the Department of Natural Resources and the Environment, and land holders must, within 12 months of the day upon which the Schedule comes into effect, develop a nutrient reduction plan to reduce the annual load of phosphorus discharged from irrigation drains in the Macalister Irrigation District by at least 40 percent calculated in accordance with sub-clause (2) by the year 2005.
 - (2) For the purposes of the nutrient reduction plan specified in sub-clause (1), the baseline for phosphorus load will be determined by the Authority in consultation with Southern Rural Water on the basis of an assessment of phosphorus loads discharged during the years 1994, 1995 and 1996.

Monitoring, Assessment and Reporting

16. *Monitoring, assessment and reporting of environmental quality and policy performance*

- (1) The Authority will ensure that -
 - (a) monitoring of environmental quality in the Schedule area provides the information necessary to assess compliance with the provisions of the Schedule;
 - (b) protection agencies having powers or duties in respect of the management or use of the natural resources of the Schedule area carry out monitoring of ambient environmental quality to assess the likely impact of that management or use on the environment; and
 - (c) where deemed appropriate any works approval, licence, or licence amendment in respect of a discharge of wastes to any waters within the Schedule area is subject to conditions that the occupier of the premises shall, at the occupier's cost, carry out monitoring of ambient environmental quality to assess the likely impact of the discharge on the environment.
- (2) The monitoring programmes referred to in sub-clause (1) including sampling and analysis methods, quality assurance measures, assessment protocols and reporting protocols associated with the monitoring programs must be those approved by the Authority.
- (3) The Authority will periodically report the quality of surface waters within the Schedule area to the public.

(4) A report under sub-clause (3) must include -

- (a) an overview of water quality within the Schedule area;
- (b) a review of the effectiveness of the implementation of the Schedule; and
- (c) an assessment of the adequacy of monitoring program(s).

(5) Protection agencies must provide water quality information and data for the Schedule area to assist the Authority prepare reports under sub-clause (3)."

6. Variations to Schedule F3. Gippsland Lakes and Catchment

In Schedule F3. Gippsland Lakes and Catchment-

- (a) in Segment A: Upper Riverine, clause (iv) is **revoked**;
- (b) in Segment B: Lower Riverine, clauses (iv) and (vii) are **revoked**;
- (c) in Segment C: Lake Wellington, **omit** "including the Avon River downstream of the Clydebank Bridge, the Perry River downstream of Perry Bridge, and irrigation drains to Lake Wellington";
- (d) in Segment E: Lake Reeve Segment, **omit** all words and expressions after "The surface waters of Lake Reeve" and **insert** "east of The Causeway";
- (e) in Segment G: Wetlands, **omit** "Surface waters within the boundaries of the Dowds Morass State Game Reserve,"; and
- (f) after clause 3, **insert**-
"3A. Chlorophyll *a*

By the end of the year 2005 phosphorus inputs to Lake Wellington must be less than 115 tonnes/year for a median annual stream flow or its standardised equivalent and must be at a level to ensure that -

- (1) the annual median concentration of chlorophyll *a* in Lake Wellington shall be no greater than 0.008 mg/L; and
- (2) the median concentration of chlorophyll *a* in Lake Wellington during the months of January to June inclusive shall be no greater than 0.005 mg/L."

**PART 3 - REVOCATION OF REDUNDANT STATE ENVIRONMENT
PROTECTION POLICY**

**7. *Revocation of the State environment protection policy (The Waters of The Latrobe
River Catchment) No. W-25A/26***

*The State environment protection policy (The Waters of The Latrobe River
Catchment) No. W-25A/26 is **revoked**.*

Dated 22 October 1996

Responsible Minister

MARIE TEHAN

Minister for Conservation and Land Management

ANNETTE WILTSHIRE
Clerk of the Executive Council

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 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
- may describe the program by which the stated environmental quality objectives are to be attained.

Policy Impact Assessment

Following amendments to the *Environment Protection Act* in June 1994, Policy Impact Assessments (PIAs) are now required for all new or revised SEPPs. PIAs are intended to bring together information relating to the impact of the SEPP in a clear and transparent manner for the community and decision-makers to consider.

Through the PIA the reader can gain an understanding of the:

- philosophy and thrust of the SEPP;
- key existing and potential environmental threats;
- value and importance of the identified beneficial uses and the potential impact, social and financial, of not protecting those beneficial uses; and the
- likely implications of adopting the SEPP.

The draft PIA is released with the draft SEPP to assist interested persons and organisations to comment on both the content and the adequacy of the assessment of potential impacts of the draft SEPP. The final PIA accompanies the final policy recommendations submitted to the Minister for Conservation and Land Management and Governor-in-Council. It also provides an explanatory and resource document for future users of the final policy Schedule. Copies of the final PIA and a summary of public comment on the draft Schedule are available from EPA, Customer Services, tel. (03) 9628 5622.

Background to Schedule F5 and Schedule F3

The beneficial uses of the waters of the Central Gippsland region were previously protected through two State environment protection policies:

- State environment protection policy (Waters of the Latrobe River Catchment) ('the Latrobe SEPP'), and
- State environment protection policy (Waters of Victoria).

The Latrobe SEPP, which came into effect in 1981 covered the waters of the Latrobe, Thomson and Macalister River Systems. It served primarily to guide EPA's works approval and licensing functions in the region and required action by a range of government bodies and private individuals. The Latrobe SEPP has now been replaced by the new Schedule F5 to the SEPP (Waters of Victoria).

When it was declared in 1988, the State environment protection policy (Waters of Victoria) included a number of Schedules which provided specific variations to the general Policy provisions which apply to surface waters throughout Victoria. Schedule F3 to the SEPP (Waters of Victoria) provided a more detailed policy framework for the Gippsland Lakes region, and also included those areas of the Lakes Catchment not included in the policy area of the Latrobe SEPP.

In order to allow for an integrated approach to protection of the Lake Wellington catchment and the adjacent Merriman Creek catchment, Schedule F5 covers both these catchments, with Schedule F3 being varied to remove those parts of the Lake Wellington catchment it previously included. Adoption of this option builds upon the State-wide framework for protection of surface water environments contained in the SEPP (Waters of Victoria) to identify beneficial uses, environmental quality indicators and objectives and attainment program provisions appropriate to the specific needs of the Central Gippsland region.

The development of Schedule F5 and the amendments to Schedule F3 are the result of extensive scientific investigation and community consultation. The Schedule development included extensive consultation with community representative groups from five areas, the Central Gippsland Water Quality Working Group, government agencies, water supply and sewerage bodies and major industrial water users. The Schedule's development involved two key phases of public input:

- advertisement of EPA's intention to revise the Latrobe SEPP, and an extensive program of consultation to develop a draft Schedule F5 and draft PIA which was released for public comment in February 1995; and
- consideration of public comment as well as further negotiation and consultation with stakeholders to finalise Schedule F5, development of the final PIA and preparation of a response document to public comment received on the draft documents

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 F5. Waters of the Latrobe and Thomson River Basins and Merriman Creek Catchment; and
 - ⇒ vary Schedule F3. Gippsland Lakes and Catchment
- revoke the redundant State environment protection policy (The Waters of the Latrobe River Catchment) No. W-25A/26.

The order commences upon publication in the Government Gazette.

Schedule F5 in detail*Title*

Clause 1 gives the title of the new Schedule to the State environment protection policy (Waters of Victoria) "Schedule F5. Waters of the Latrobe and Thomson River Basins and Merriman Creek Catchment".

Contents

Clause 2 divides Schedule F5 into five (5) parts (Preliminary, Boundaries of the Area Affected, Beneficial Uses to be Protected, Environmental Quality indicators and Objectives, and Attainment Program) and outlines their contents.

PART I - PRELIMINARY*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 simply to give a specific meaning to a phrase which may be slightly limited or otherwise different to the meaning currently accepted in every-day language.

Schedule Goals

Clause 4 sets out the goals of the Schedule.

PART II - BOUNDARIES OF THE AREA AFFECTED*Schedule Area*

Schedule F5 applies to the whole of the catchments to Lake Wellington, Lake Coleman, the western portion of Lake Reeve, and the catchment of Merriman Creek. This has allowed an integrated policy framework to be developed, ensuring consistent application of beneficial uses, environmental quality objectives and attainment program measures within the region.

Clause 5 defines the boundaries of the Schedule area, ie. the area to which the Schedule applies. The Schedule area is represented in Figure 1.

Segments

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

Clause 6 divides the Schedule area into seven (7) segments, as follows:

- *Segment A (predominantly reserves and conservation areas)*
- *Segment B (predominantly forests and forestry activities)*
- *Segment C (mixed forestry and agricultural activities)*
- *Segment D (predominantly agricultural activities)*
- *Segment E (predominantly the industrial areas of the Latrobe Valley)*
- *Segment F (natural watercourses draining irrigation)*
- *Segment G (wetlands)*

PART III - BENEFICIAL USES TO BE PROTECTED

The set of beneficial uses protected under Schedule F5 are the same as those applied throughout Victoria by the SEPP (Waters of Victoria), with adjustments to clarify their meaning or improve their appropriateness to regional needs.

Clause 7 lists the beneficial uses for protection in each segment, or part segment. These are clearly set out in Table 1 of Schedule F5. The beneficial uses to be protected are:

- *Maintenance of natural aquatic ecosystems and associated wildlife*, which includes the maintenance of stable and healthy animal and plant communities within the aquatic environment, as well as the terrestrial and arboreal life which depend upon these ecosystems. This beneficial use is divided into five categories which are applied to ecosystems of different types and condition. These categories are:
 - ⇒ *Natural ecosystems,*
 - ⇒ *Natural ecosystems with occasional disturbance due to human activity,*
 - ⇒ *Substantially natural ecosystems with some modification,*
 - ⇒ *Modified ecosystems, and*
 - ⇒ *Highly modified ecosystems with some habitat values.*
- *Potable water supply*, protecting water for human consumption. This is protected at two levels, reflecting higher levels of treatment which will be necessary further down the catchment:
 - ⇒ *with treatment (disinfection only), and*
 - ⇒ *with treatment (disinfection and removal of suspended solids).*
- *Water based recreation*, which falls into three distinct categories
 - ⇒ *Primary contact (eg. swimming, water skiing),*
 - ⇒ *Secondary contact (eg. boating, fishing), and*
 - ⇒ *Aesthetic enjoyment (eg. walking by the waters).*
- *Agricultural water supply*, ensuring that agricultural uses of water within the Schedule area are protected. Agricultural uses are divided into two separate beneficial uses:
 - ⇒ *Stock watering, and*
 - ⇒ *Irrigation.*
- *Fishing and Aquaculture*, ensures the protection of water quality sufficient to support the populations of wild fish which are harvested by both recreational and commercial fishing, and the operation of aquaculture ventures within the Schedule area.
- *Industrial water use*, including uses of water for boilers, cooling, paper manufacture and food processing.
- *Aquifer recharge*, ensuring that surface waters do not pollute groundwaters in recharge areas.

PART IV - ENVIRONMENTAL QUALITY INDICATORS AND OBJECTIVES

Indicators of environmental quality provide a standard measure of the condition of aquatic environments. Environmental quality objectives set out targets for particular indicators which will ensure that the beneficial uses identified within each segment are protected.

Clause 8 specifies the environmental quality indicators and objectives that apply to the Schedule area and how these are to be assessed.

The environmental quality indicators and objectives are based on the beneficial use that imposes the most stringent requirement for each indicator. For example, in Segment B the indicator 'Toxicants' has an objective level of <0.2T which is set to protect the beneficial use of 'Maintenance of natural aquatic ecosystems and associated wildlife: Natural ecosystems with occasional disturbance due to human activity'.

Unless otherwise specified in sub-clause 3, the water quality objectives to protect beneficial uses are the environmental criteria set out in Australian Water Quality Guidelines for Fresh and Marine Waters, published by the Australian and New Zealand Environment and Conservation Council. These are varied in sub-clause 3 for indicators where a quality indicator or objective more appropriate to the Schedule area has been identified, or where more specific monitoring and assessment protocol is required. For example, the objective for salinity in the Australian Water Quality Guidelines for Fresh and Marine Waters is < 1,000 mg/L whereas a higher level of quality and more detailed assessment of the data is set for Segment B of Schedule F5 with a maximum level of < 300 mg/L and an annual 90th percentile of < 200 mg/L.

The specific quantitative environmental quality indicators for the Segments of the Schedule are clearly set out in Table 2 (In-stream Water Quality Indicators and Objectives) and Table 3 (Acceptable Variation from Background Levels) of Schedule F5. The indicators of environmental quality adopted in the Schedule are:

- pH (acidity and alkalinity)
- dissolved oxygen
- toxicants
- salinity
- suspended solids
- turbidity
- colour
- total phosphorus
- total nitrogen
- *E.coli*
- temperature

Any discharge of waste to water must not cause any of these water quality objectives to be breached.

PART V - ATTAINMENT PROGRAM

The attainment program provisions in Schedule F5 operate in addition to the attainment program of the SEPP (Waters of Victoria) and provide a comprehensive framework to manage actions to protect beneficial uses within the Central Gippsland region. The overall thrust of the attainment program is to promote integrated management of catchment 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.

Addition to Policy Provisions

Clause 9 sets out that in addition to the Clauses 10-54 of the Attainment Program of the State Environment Protection Policy (Waters of Victoria), a number of additional clauses (clauses 10-16 of Schedule F5) apply specifically to the Latrobe and Thomson River Basins and Merriman Creek catchment.

Responsibilities

Clause 10 specifies the responsibilities of EPA for the attainment of the Schedule provisions. This is to be achieved through the identification and promotion of best practicable environmental outcomes, assisting the community to understand and improve water quality, working co-operatively with managers and users of the land and water within the Schedule area, ensuring that any notice issued under the *Environment Protection Act 1970* is consistent with Schedule F5, and by co-ordinating, reviewing and reporting on the attainment of the Schedule provisions.

Water Quality Management Strategy

Clause 11 outlines the cooperative arrangements between the EPA and the West Gippsland Regional Catchment and Land Protection Board for the Board to develop a water quality management strategy. The Strategy is intended to be the major instrument for the achievement of the Schedules objectives. Its primary purpose is to provide an integrated, co-operative and flexible framework to address different activities affecting water quality within the catchment. The Strategy will place both licenced and non-licenced activities which influence environmental quality in a strategic context.

Key elements of the strategy's role include:

- Specifying priorities for action across the range of catchment activities affecting water quality outcomes. Responsibilities for action will be recommended.
- Facilitating co-operation between farmers, timber producers, licensed dischargers and relevant government departments and other bodies will be essential to achieve the Schedule's objectives

EPA, in cooperation with the West Gippsland Regional Catchment and Land Protection Board, will promote and review the implementation of the strategy, in consultation with other protection agencies (eg. Department of Natural Resources and Environment, Southern Rural Water, Gippsland Water), private sector agencies (eg. local LandCare groups, Victorian Farmers Federation) and any other interested persons.

Stream Management

Clause 12 sets out the attainment measures necessary for improved stream management. It notes that Bulk Entitlement Orders (made under the *Water Act 1989*) must provide allocations of water for environmental purposes which will protect beneficial uses. Other stream flow management measures include the development of streamflow management plans by the water authorities responsible for licenced diversions, the development and implementation of procedures to limit the temperature impacts of water releases from storages and a monitoring program to demonstrate the effectiveness of these procedures.

Management Plans

Clause 13 requires that protection agencies review, and where necessary, revise management plans, or develop new management plans to ensure consistency with the objectives of the Schedule.

Point-Source Management

Clause 14 provides for the implementation of 'off-set measures', a mechanism which allows less stringent discharge limits to be applied to a point source discharge than would otherwise be the case, in return for implementation of alternative measures which can be demonstrated to

have greater or equivalent environmental benefits. EPA can not approve any off-set proposal which will lead to any unacceptable loss of or detriment to any of the beneficial uses. Off-set measures are set for a specified period and will not be renewed or continued if the offset measure is not providing a greater or equivalent protection of beneficial uses.

Nutrient Management (Macalister Irrigation District)

Clause 15 requires the development of a nutrient management plan by Southern Rural Water, in co-operation with key stakeholders. This clause is designed to focus management attention on the attainment of nutrient reduction from diffuse sources, and has the specific target of reducing annual phosphorus loads discharged from irrigation drains in the Macalister Irrigation District by at least 40% by 2005. A baseline phosphorus load against which this reduction will be measured is to be developed by Southern Rural Water, in conjunction with EPA, based on 1994, 1995 and 1996 monitoring of phosphorus loads.

Monitoring, assessment and reporting of environmental quality and policy performance

Clause 16 establishes the requirement for the monitoring, assessment and reporting of environmental quality of the Schedule area. This provides the foundation for effective management of the regional environment, by assessing the impact of present land and water based activities and the effectiveness of current management actions.

Protection agencies and other private sector agencies are required to provide environmental quality information and data to EPA for compilation and reporting to Parliament and the public. Occupiers of premises which discharge to surface waters are required to undertake appropriate water quality monitoring. EPA must approve the sampling and analysis methods and protocols, and will continue to provide advice and assistance to community groups undertaking monitoring.

Variation of Schedule F3. Gippsland Lakes and Catchment

The amendment to Schedule F3 has modified the Schedule to:

- vary the area covered by the Schedule, removing those parts of the Lake Wellington catchment now included in Schedule F5, and
- introduce environmental quality objectives for total annual phosphorus load to Lake Wellington and chlorophyll *a* concentrations within Lake Wellington.

The change to the Schedule area allows the whole of the Lake Wellington catchment to be managed in a consistent manner by Schedule F5.

The introduction of a total annual phosphorus load objective and chlorophyll *a* concentration objectives for Lake Wellington reflects the key management goal of reducing the risk of eutrophication and blue-green algal blooms within Lake Wellington. These objectives represent the expected ecological outcomes within Lake Wellington which will result from the achievement of the nutrient objectives set out in Schedule F5.

These new environmental quality objectives are designed to provide better protection of the identified beneficial uses of the Gippsland Lakes. The majority of the management action which will be required to ensure that these objectives are achieved by the year 2005 will take place within the catchment to Lake Wellington (the area of Schedule F5).

Subordinate Legislation Act 1994
REGULATORY IMPACT STATEMENT
Building (Amendment) Regulations 1996

Notice is given in accordance with section 11 of the **Subordinate Legislation Act 1994**, that a Regulatory Impact Statement (RIS) has been prepared in relation to the Building (Amendment) Regulations 1996.

The Building Act 1993 introduced reforms to the system of building control and the Building Regulations 1994 which came into operation on 1 July 1994, supported the implementation of the Act.

As a result of two years of experience in the operation of the regulations a number of issues and an opportunity to improve the operation of the regulations have become apparent. These have arisen as concerns relating to uncertainties created by the regulations which have been expressed by industry practitioners.

The majority of amendments amount to 'fine tuning' of a well accepted regulatory framework. The amendments which provide for significant changes deal with:

- * Lodgement fees
- * Siting requirements - VicCode 1
- * Protection of adjoining property
- * Self contained smoke alarms
- * Special areas designation and mapping
- * Prescribed temporary structures
- * Information to be supplied in relation to building permits

The RIS has been prepared to examine the proposed regulations, consider and evaluate alternatives and it concludes that the objectives could be best achieved by making the regulations.

Public comments are invited on the RIS and accompanying regulations. Copies may be obtained by contacting Iolanda Fazzari on 9628 5644.

Written submissions will be received at the following address up to 5.00 p.m. on 20 November 1996: Building Control Commission, 1st Floor, 477 Collins Street, Melbourne 3000 by Fax on 9628 5677.

MAX CROXFORD
Commissioner

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The *Victoria Government Gazette* (VGG) is published by AGPS Publications for the State of Victoria and is produced in three editions.

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An AGPS Publication

Published by AGPS Publications

Printed by AGPS Printing

a business unit of

Department of Administrative Services

Brunswick Victoria Australia

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ISSN 0819—548X

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