

Anonymous, 3121

Dear MAC

Please accept the following preliminary thoughts about EPA's role vis a vis stormwater. This is a personal submission as I don't have sufficient time before I go away on Friday to undertake a formal response from [REDACTED].

Stormwater – Lack of Institutional Legitimacy

Historically, stormwater has always been the poor relation of the water sector, lagging behind potable water and waste water in importance assigned by water corporations. This has some understandable origins based on necessity and health imperatives and is also reflective of the division of institutional responsibilities.

While Melbourne has advanced academic and research support for stormwater, some assessment needs to be made of the adequacy of its current management, how quickly we are in fact advancing towards a point of greater maturity and legitimacy and what in fact maturity of management arrangements would look like.

Looking back, interest in the management of stormwater only seriously began in Melbourne in the late 1990s and was associated with the development of Stormwater Management Plans by councils and attempts to develop a Stormwater Agreement across EPA, MAV and Melbourne Water. Despite the considerable interest in stormwater from that time, and more recent attempts to achieve more integrated water management, stormwater today still struggles to achieve a status as a resource that can command the same investment as other forms of water.

In the Melbourne area, the lack of institutional legitimacy derives from a number of sources including:

- ***Split responsibilities between Melbourne Water and councils*** – councils manage the local drainage and stormwater system and Melbourne Water the regional elements (regional drains and waterways). Although not unmanageable, this immediately implies fragmentation and the potential for comparative disinterest in what the other is doing. Failure to comprehend and understand the perspective of the other is likely in these circumstances. In terms of these institutional arrangements, it is difficult to conceive that if stormwater and waste water were swapped over, that such fragmented arrangements would be tolerated.
- ***Failure of Strategic Planning*** - despite significant and sincere efforts from Melbourne Water to assist councils in a whole variety of ways through grant funding and help to prepare all sorts of plans and guidelines, the most useful help has been overlooked. This most useful help is the preparation of comprehensive strategic stormwater assessment plans. Such plans would rigorously assess the entire drainage network across the municipality and piece together a prioritised plan of stormwater works to ensure that council and Melbourne Water efforts can be directed to the highest priority and most cost-beneficial works. More than 15 years of planning has failed to deliver such plans. As a consequence many useful projects have been ignored and many projects with poor cost-benefits or poor conception have been funded. A scatter gun approach has tended to triumph over a more well-considered approach to project works. This in itself is a sign of immaturity of the resource and failure to appropriately and systematically invest in its management.
- ***The Regulatory Environment*** – despite the best intentions of the Environment Protection Act and the SEPPs and their relevant Schedules, pollution of stormwater from preventable

point sources is almost a daily occurrence in Melbourne across multiple sites in a death by a thousand cuts scenario. These sources are often associated with construction activity (CBD or suburban developments at various scales), but also arise from poor practices by some businesses (painters disposing of polluted water to kerb and channel etc.) or households. Confusion can arise as to the capacity of EPA to respond to such incidents and there can also be despondency derived from previous experience associated with calling EPA to attend stormwater pollution incidents.

These point sources of stormwater pollution are quite apart from diffuse sources such as the perennial pollution that comes off major roads and for which VicRoads is rarely held to account, apart from major new roads.

However, more fundamentally, apart from prosecution of occasional major polluters, EPA strikes a low profile in issuing of pollution abatement notices to more minor polluters in a manner that would help raise the profile of stormwater and send warnings that its protection is important.

Yet perhaps more importantly, the regulatory environment provided by the Environment Protection Act and the SEPP (WoV) is insufficiently tangible for many players impacting stormwater, including councils. Questions need to be asked about what exactly it means for the SEPP (WoV) to state that a goal of municipal councils will be to ensure that stormwater management is improved, or that activities impacting surface waters are undertaken in an ecologically sustainable manner, or that the EPA will support councils to achieve effective management practices to minimise generation and transport of pollutants? What does it mean and who's investing in it and policing it? There is insufficient evidence to indicate EPA is undertaking these roles in a manner that might help tangibly gain greater legitimacy for stormwater.

The EPA is not alone in this - Melbourne Water and councils are all contributors to the lack of institutional legitimacy of stormwater. However, by comparison, the EPA is rarely acknowledged as having a key role in stormwater management and this in itself is reflective of a deficient regulatory environment. While the stormwater situation is by no means entirely despairing - plenty is being done in growth areas to manage the stormwater from new development and often this is being done well - growth areas comprise just a fraction of the whole of Melbourne and too little is being done across the board to improve stormwater management, particularly in established suburbs.

The above would be greatly assisted by EPA being seen to be a much more pro-active regulator and supporter of sound stormwater management. An improved regulatory framework and setting needs to be put in place if advances in stormwater management are to be made. This will send appropriate signals to a whole range of parties (developers, councils, MPA and others) about contemporary government expectations. Victoria and Melbourne desperately needs to take the next leap forward in stormwater management. Helpful and meaningful regulation and a more pro-active EPA needs to be a key part of that next leap forward.