



Local Government and the Environment Protection (Water Quality) Policy

June 2003

This information sheet informs local government about how it can use elements of the Water Quality Policy in its continuing role of protecting and enhancing the State's waters. It also provides information on how local government itself can comply with the policy.

Introduction

The new Environment Protection (Water Quality) Policy (Water Quality Policy) brings South Australia in line with the National Water Quality Management Strategy. The policy aims to protect South Australia's surface, marine and ground waters from pollutants.

Water quality objectives

The Water Quality Policy sets water quality objectives and makes it an offence if a discharge results in the receiving water quality objectives being exceeded, or further exceeded. The steps involved in setting the water quality objectives include:

- setting protected environmental values (potable, aquatic ecosystems, recreational and aesthetic, aquacultural and agricultural, and industrial)
- determining water quality characteristics that are important for these values
- setting criteria for each characteristic that adequately protect each environmental value
- choosing the most stringent set of criteria for the environmental values applicable to each water body.

Implications for all

Every person, business, industry and government authority (including councils) has obligations under the policy:

- to avoid discharging or depositing waste or listed pollutants into any waters, bores or

mine shafts, or onto land where it might enter the water

- not to cause environmental harm
- not to contravene the water quality criteria in the policy, unless the EPA is satisfied that a mixing or attenuation zone can be established
- not to exceed discharge limits.

Implications for community, business and industry

Councils are among a number of authorities that are able to enforce the new policy on residents, businesses and industries. They should therefore be aware of the following information.

In addition to the obligations outlined under the heading 'Implications for all', some industries and businesses have specific (and sometimes mandatory) obligations relating to their activities. These activities are:

- applying antifoulants
- abattoirs
- cattle feedlots
- composting works
- concrete batching works
- extractive industries
- fish processing works
- milking sheds
- milk processing works
- piggeries
- poultry processors
- saleyards
- slaughterhouses
- septic tank effluent disposal schemes
- septic systems
- sewerage systems and sewage treatment systems
- tanneries and fellmongers
- vessels on inland waters
- waste depots
- wineries and distilleries.

Further information on these additional obligations can be found by consulting the Water Quality Policy and the relevant code of practice, guideline or information sheet(s). Many of these products are available on the EPA web site (see below).

Implications for development and planning

Although the policy has mandatory provisions that may be enforced, the effective implementation of its objectives will be enhanced through the inclusion of the policy's main features in local government development plans. This will enable councils to provide clear direction to developers and avoid the potential for adverse impacts on local water resources.

To this end, draft development plan policies have been prepared and consultation processes undertaken. The proposed amendments comprise a series of council-wide objectives and principles of development control. At this stage no changes have been proposed to the complying, non-complying or public notification categories. Councils may, however, wish to consider reviewing their development plans and including additional principles of development control to reduce the risk of impacts on water quality.

Implications for council activities

In addition to the obligations outlined under the heading 'Implications for all', councils also have specific (and sometimes mandatory) obligations relating to their activities. By adopting the relevant codes or guidelines linked to the Water Quality Policy, councils should comply with the policy's mandatory provisions. Council activities with the potential to impact on water quality include:

- operation of council depots
- plant nurseries
- infrastructure maintenance
- graffiti removal
- maintenance of parks and gardens
 - watering
 - pesticide/herbicide use
- operation of STEDS.

The code of practice most relevant to council activities is the *Stormwater Pollution Prevention Code of Practice for Local, State and Federal Government 1997*.

Compliance and enforcement

Compliance can be achieved through a range of techniques and can largely depend on the circumstances. Negotiation can often resolve issues without having to resort to the legal processes.

However, in some circumstances enforcement is required; this is when:

- immediate action is required
- the parties involved have not demonstrated genuine commitment to resolving the issue
- the Water Quality Policy sets out specific, mandatory obligations and requirements.

These measures can be enforced in several ways:

1. by issuing an Environment Protection Order (EPO) to gain compliance with the policy
2. by issuing an expiation notice (on-the-spot fine) of \$300 for a breach of a mandatory provision
3. by issuing an EPO and also issuing an on-the-spot fine for a breach of a mandatory provision
4. by issuing an on-the-spot fine for failing to comply with an EPO
5. by prosecuting through the Court (maximum penalty \$30,000).

Fines may apply if the action has been shown to be negligent, even if the offence was accidental.

Failure to comply with specific requirements in a code of practice or guideline linked to the Water Quality Policy may result in the issuing of an EPO. An EPO may require that a person or agency take specified action within a defined period.

Compliance and enforcement of the Water Quality Policy may be undertaken by authorised officers from the Environment Protection Authority, councils, and other state government authorities.

The above compliance and enforcement measures also apply to a government or public authority (including councils) that contravenes the policy while conducting its activities.

Additional advice and assistance relating to any of the above matters can be obtained by contacting the Local Government Support Unit of the EPA.

Exclusions

The Water Quality Policy does not affect the operation of an environmental authorisation granted under the *Environment Protection Act 1993* (the Act), or any authority or exemption under any other act or law, and in force prior to the commencement of the policy.

The policy will not be enforced when stormwater is discharged from a public stormwater disposal system into any waters where a government or public authority is responsible for the system, unless it contravenes an EPA code of practice relating to that activity. Councils should note the provisions in the *Stormwater Pollution Prevention Code of Practice for Local, State and Federal Government 1997*, particularly where it relates to stormwater.

FURTHER INFORMATION

Legislation

Legislation may be viewed on the internet at: www.parliament.sa.gov.au/dbsearch/legsearch.htm

Copies of legislation are available for purchase from:

Information SA	Telephone:	(08) 8204 1900
Ground Floor, SA Water House	Facsimile:	(08) 8204 1909
77 Grenfell Street	Freecall (country):	1800 182 234
Adelaide SA 5000		

For general information please contact:

Information Officer	Telephone:	(08) 8204 2004
Environment Protection Authority	Facsimile:	(08) 8204 9393
GPO Box 2607	Freecall (country):	1800 623 445
Adelaide SA 5001	Internet:	www.epa.sa.gov.au

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