



Planning permit applications in open, potable water supply catchment areas

Background

The purpose of these Guidelines is to assist responsible authorities and water corporations in their assessment of planning permit applications for use and development of land within all open, potable water supply catchments in Victoria. These guidelines have been adopted by the Minister for Planning for the purposes of s.60(1A)(g) of the *Planning and Environment Act 1987*.

Where do these guidelines apply?

These guidelines apply to all open potable water supply catchments declared to be special water supply catchment areas under Division 2 of Part 4 of the *Catchment and Land Protection Act 1994* (the Act). Schedule 5 of the Act lists the special water supply catchment areas declared as at 1994. To find out all current declarations and which special water supply catchment areas are open potable water supply catchments and their location, contact the relevant local water corporation.

What is an open, potable water supply catchment?

A potable water supply catchment provides water resources to a reservoir (or water storage) used primarily for domestic water supply purposes. There are two types of potable water supply catchments. An 'open' catchment is where part or all of the catchment area is in private ownership

and access to the catchment is unrestricted. A 'closed' catchment means that the whole of the catchment area is publicly owned and public access is prohibited.

Water corporations may only influence development and use through the planning process as they do not have direct control over land in open, potable water supply catchments, however, because of the risks to public health, all use and development should be sited and managed to protect the quality of water collected from the catchment.

Most water supply catchment areas have a long history of regulation aimed to protect public health by maintaining acceptable levels of water quality flowing into, and stored in, the water storage. This has protected communities from waterborne diseases or the need for excessive chemical treatment.

All land users within catchments need to be aware of the potential effect of their activities on water quality. Residential development and agriculture particularly have the potential to impact adversely on water quality through the discharge of contaminated run-off and wastes, nutrient contributions or sediment to waterways. Three key sources of these pollutants – septic tank systems, agricultural practices and buildings and works – are the focus of these guidelines.



What State planning and environmental policy applies to open, potable water supply catchment areas?

The importance of water quality and water catchments is specifically addressed in Clause 15.01-2 in the State Planning Policy Framework in all planning schemes. In this clause it is State planning policy that:

Planning and responsible authorities should ensure that land use activities potentially discharging contaminated run-off or waste to waterways are sited and managed to minimise such discharge and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.

Incompatible land use activities should be discouraged in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact upon downstream water quality or flow volumes.

Clause 18.09 of the State Planning Policy Framework also requires planning and responsible authorities to ensure that run-off from new development does not contaminate water supplies. Clause 18.09-2, states that:

Planning and responsible authorities should ensure that water quality in water supply catchments is protected from possible contamination by urban, industrial and agricultural land uses.

Section 53M of the *Environment Protection Act 1970* provides that a municipal council must refuse a permit if a proposed onsite waste water/septic tank system is contrary to any State environment protection policy or waste management policy. The State Environment Protection Policy (Waters of Victoria) requires the application of the precautionary principle to guide decisions about the protection and management of Victoria's surface waters when considering a permit for a septic tank system.

The proper application of the precautionary principle requires consideration of the cumulative risk of the adverse impact of onsite waste water/septic tank systems on water quality in open potable water supply catchments resulting from increased dwelling density.

The importance of water catchments is also reflected in the catchment management plans prepared by Catchment Management Authorities under Division 1 of Part 4 of the *Catchment and Land Protection Act 1994*. These plans assess the land and water resources of catchments in a region and identify objectives and strategies for improving the quality of those resources. They can also direct land use activities in a catchment. It is State Planning Policy (Clause 15.01-2) that planning authorities must have regard to relevant aspects of:

- Any regional catchment strategies approved under the *Catchment and Land Protection Act 1994* and any associated implementation plan or strategy, including regional vegetation plans, regional drainage plans, regional development plans, catchment action plans, landcare plans, and management plans for roadsides, soil, salinity, water quality and nutrients, floodplains, heritage rivers, river frontages and waterways...
- Any special area plans approved under the *Catchment and Land Protection Act 1994*.

For information about any catchment management plans that have been prepared for catchments in your region, contact the regional office of the relevant catchment management authority.

The guidelines

Each of these guidelines must be addressed where a planning permit is required to use land for a dwelling or to subdivide land.

Guideline 1: Density of dwellings

Where a planning permit is required to use land for a dwelling or to subdivide land:

- ▶ the density of dwellings should be no greater than one dwelling per 40 hectares (1:40 ha); and
- ▶ each lot created in the subdivision should be at least 40 hectares in area.

This does not apply if a catchment management plan, water catchment policy or similar project addressing land use planning issues and the cumulative impact of onsite waste water/septic tank systems has been prepared for the catchment, and the objectives, strategies and requirements of the plan or project have been included in the planning scheme.



Guideline 2: Effluent disposal and septic tank system maintenance

All developments generating wastewater must be connected to a reticulated sewerage system if available. In the absence of a reticulated sewerage system properties require individual systems (onsite wastewater or septic tank systems) to collect, treat and dispose of or reuse the wastewater they generate.

To determine whether the proposed development of an unsewered allotment is sustainable a land capability assessment may be required. The land capability assessment should be undertaken in accordance with the requirements of the most recent version of EPA Publication 746, *Land Capability Assessment for Onsite Domestic Wastewater Management* and *Australian/ New Zealand Standard 1547 Onsite domestic wastewater management*.

An EPA approved onsite treatment system must be installed in accordance with the EPA Publication 891.2, *Code of Practice – Onsite Waste Water Management, December 2008*. A list of EPA approved onsite systems can be viewed online at: www.epa.vic.gov.au/water/wastewater/onsite.asp.

Property owners must obtain a permit from the local council for the installation of an onsite wastewater treatment system and associated application system (e.g. disposal trenches, irrigation system). Planning permit approval will be conditional on approval of an onsite system permit.

Onsite systems must be installed and maintained in accordance with the permits issued by the council and the Certificate of Approval for the system issued by the EPA. Once installed, systems may be subject to ongoing monitoring and enforcement of permit conditions by the council. Maintenance by property owners should include inspecting the onsite treatment system and the associated disposal/reuse area at least annually, and desludging the tank at least every three years. The council can provide information on the specific maintenance requirements for a particular system.

In the case of a development that proposes multiple allotments, a neighbourhood treatment plant that is designed, installed and maintained to the satisfaction of the responsible authority may be considered in lieu of onsite treatment for each allotment.

To ensure a measure of protection of water quality, the EPA Publication 891.2, *Code of Practice – Onsite Waste Water Management, December 2008* specifies that onsite systems (including the effluent disposal areas) must be located at least the distances from water courses as specified in the table below:

Item	Setback distance (m)
Surface Waters (upslope from)	
Dam or reservoir (potable, includes water for food production) ¹	300
Stream, river, waterways (potable water supply catchment) ²	100
Dam or reservoir (stock & non-potable) ¹	60
Stream or channel (continuous or ephemeral, non-potable)	60
Groundwater Bore	
Potable or non-potable	20

1 Does not apply to dams and reservoirs above natural ground level.

2 Means a water course within a Special Water Supply Catchment Area listed in Schedule 5 of the *Catchment and Land Protection Act 1994*.

The setback distances may be reduced by up to 50 percent when the conditions set out in Table 4.2 “Setback Distances Table”, EPA Publication 891.2, *Code of Practice – Onsite Waste Water Management, December 2008*, are met.

Bushes, shrubs and trees should not be permitted to grow directly over effluent disposal areas to minimise the negative impacts of shading, root penetration resulting in blockages and difficulties with access for maintenance.

Where possible, existing vegetation should be retained and suitable tree species should be planted on the periphery of effluent disposal areas to assist with transpiration rates.

Contact your local council or nursery for information about suitable tree species to be planted near effluent disposal areas.



Guideline 3: Vegetated corridors and buffer zones along waterways

Planning and responsible authorities should encourage the retention of natural drainage corridors with vegetated buffer zones at least 30 metres wide along waterways. This will maintain the natural drainage function, minimise erosion of stream banks and verges and reduce polluted surface run-off from adjacent land uses.

The corridors and buffer zones should be fenced to minimise erosion and sediment discharges caused by the intrusion of stock, domestic animals and vehicles, and should be vegetated using indigenous plant species. Where possible, land outside the corridors and buffer zones should also be planted with suitable species to assist in reducing sediment and nutrient loads reaching waterways (and, therefore, the potential for blue-green algal blooms), and to prevent erosion.

Guideline 4: Buildings and works

Buildings and works (including such things as landforming and levee bank construction) should not be permitted to be located on effluent disposal areas to retain full soil absorption and evaporation capabilities, and should be setback at least 30 metres from waterways to minimise erosion and sediment, nutrient and salinity-related impacts.

Buildings and works should not be permitted on slopes of greater than 20 per cent or on unstable soils.

Appropriate measures should be used to restrict sediment discharges from construction sites in accordance with *Construction Techniques for Sediment Pollution Control, Environment Protection Authority, 1991* and *Environmental Guidelines for Major Construction Sites, Environment Protection Authority, 1995*.

Guideline 5: Agricultural activities

To prevent the pollution of waterways and damage to streamside vegetation (which contributes to bed and bank stability and filters overland flows entering the stream), stock access to waterways should not be permitted.

Stocking rates should take into account the capabilities of the land to sustain grazing and the potential impact of overstocking on the catchment. Where a planning permit is required to use land for agriculture (such as in the Environmental Rural Zone), consideration should be given to including a condition on any permit granted specifying a maximum stocking rate.

Reductions in pesticide run-off should be encouraged by improved management of rates and frequencies of application, and by discouraging the use of environmentally hazardous and persistent pesticides.

The inappropriate disposal of fuel and fuel containers, the disposal of dead animals, the treatment and disposal of effluent from intensive agricultural industries (such as piggeries), and the delivery and storage of chemicals are some of the other agricultural activities which can pose a risk to water quality. Where possible, these activities should be avoided and discouraged.

If a property owner proposes to build a farm dam for commercial or irrigation purposes in an open, potable water catchment, an application for a licence must be made under Section 51 of the *Water Act 1989*. The application for a licence must be made to the relevant Rural Water Corporation.



What referral requirements in planning schemes specifically apply to catchments?

Clause 66 of all planning schemes contains a requirement for certain kinds of permit applications within catchment areas to be referred to the person or body specified as a referral authority in accordance with Section 55 of the Act. The kinds of applications and the referral authority are listed below.

Kind of application	Referral authority
To use or develop land for a cattle feedlot	<p>Minister for Agriculture</p> <p>If the site is located within a special water supply catchment area under the <i>Catchment and Land Protection Act 1994</i>, the relevant water corporation under the <i>Water Act 1989</i> and the Secretary to the Department administering the <i>Catchment and Land Protection Act 1994</i>.</p> <p>If the number of cattle is 5,000 or more, the Environment Protection Authority.</p>
<p>To use, subdivide or consolidate land, to construct a building or to construct or carry out works, or to demolish a buildings or works that are within a Special Water Supply Catchment Area listed in Schedule 5 of the <i>Catchment and Land Protection Act 1994</i> and which provides water to a domestic water supply.</p> <p>This does not apply to an application for a sign, fence, roadworks or unenclosed building or works ancillary to a dwelling.</p>	The relevant water corporation.
To use or develop land for extractive industry in Special Areas declared under s.27 of the <i>Catchment and Land Protection Act 1994</i> .	Secretary to the Department administering the <i>Catchment and Land Protection Act 1994</i> .

Other provisions of the planning scheme may also require referrals for other reasons.

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