

07/11/2019  
C133bawb

## SCHEDULE 2 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO2.

### SPECIAL WATER SUPPLY CATCHMENT AREAS

#### 1.0

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#### Statement of environmental significance

Approximately 35 percent of land in the Baw Baw Shire is located in water catchments that are used to provide water for urban, domestic and irrigation water supply.

These catchments are declared as Special Water Supply Catchment Areas as defined in the *Catchment and Land Protection Act 1994* and provide water for areas within Baw Baw Shire and beyond its borders.

The supply of quality water depends on sound management of water supply catchments.

Water supply catchments are large with water take-off occurring in the lower parts of the catchment it is important that land use or development within Special Water Supply Catchments is carefully managed to not adversely impact water quality.

Cumulative use or development in catchments over extended time periods has the potential to gradually diminish water quality and risk increase to human health. Managing use or development in catchments must focus on the long term protection of the natural asset and strongly encourage the implementation of measures to avoid detrimental impacts on water quality and quantity.

#### 2.0

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#### Environmental objective to be achieved

To protect and maintain water quality and quantity in Special Water Supply Catchment areas used for human consumption, domestic, industrial and rural water supply.

To ensure that development activity and land management practices are consistent with environmental values and the long term conservation of potable water supply resources.

To minimise the impact of development activities in Special Water Supply Catchment areas, practically near water supply take-off points and storage reservoirs.

To encourage the retention of native vegetation and the establishment of new vegetation cover, particularly with 30 metres of a waterway.

To consider the cumulative impact of development on Special Water Supply Catchments over an extended time period having regard to both climate variability and anticipated reduced inflows in catchments.

To ensure new development proposal meets best practice guidelines for agricultural, domestic, commercial and industrial wastewater treatment which result in reduced nutrient, pathogenic and sediment flows.

To protect public health from the risk of waterborne diseases.

#### 3.0

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#### Permit requirement

Except within the declared Tarago, Bunyip and Thomson water catchments, a permit is not required for any of the following:

- Buildings, works, subdivision of land or remove, destroy or lop any vegetation where reticulated sewerage is already provided to the lot.
- Buildings and works where they are located more than 100 metres from a waterway and/or more than 300 metres from a water supply reservoir or potable water supply take-off structure, other than:
- Buildings and works that will generate waste water or effluent requiring a permit under Section 53L of the *Environment Protection Act 1970* (to construct, install or alter a septic tank system),

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- Buildings and works associated with the use of land for intensive animal husbandry or industry.
- Buildings and works associated with 'informal outdoor recreation' or a 'Telecommunication facility' provided it does not require permanent onsite waste water or effluent treatment.
- Buildings and works (including vegetation removal, destruction or lopping) undertaken by, or on behalf of a municipality or public authority which are necessary to control flooding, fight fires, abate fire risk or preserve public safety.
- The removal, destruction or lopping of vegetation which is non-native to Victoria except where the vegetation is within 30 metres of a waterway, wetland, flood plain<sup>1</sup> or water reservoir<sup>2</sup>.
- Earthworks associated with timber production that meets all the relevant requirements of the *Code of Practice for Timber Production 2007* (as amended).
- A subdivision by a public authority, or a utility provider, provided the subdivision does not create a new lot within 100 metres of a waterway, wetland, flood plain<sup>1</sup> and/or within 300 metres from a water supply reservoir<sup>2</sup> or potable water supply take-off structure.
- An outdoor sign or structure.
- The following agriculture activities:
  - Windmills and solar units.

Permit requirement explanatory note:

Flood plain<sup>1</sup>. For the purpose of this schedule a flood plain is land included in a planning scheme overlay flood control and land affected by the 100 year Average Recurrence Interval flood level (1 in 100 year flood level) recognised and mapped by the relevant floodplain management authority.

Water supply reservoir<sup>2</sup>. The requirement for a planning permit within 300 metres of a water supply reservoir (measured from the full supply level) does not apply to proposals on land outside of the water supply reservoir capture slope (downhill of the reservoir) or any circumstance where the water supply reservoir is an above ground structure.

### 4.0

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#### Application requirements

An application for buildings or works should include the following to the satisfaction of the responsible authority:

- A Land Capability Assessment (in accordance with *EPA Publication 746.1 Land Capability Assessment for Onsite Domestic Wastewater Management* (as amended)) demonstrating the land is capable of absorbing sewage and sullage effluent generated on the lot in accordance with the *EPA Code of Practice - Onsite Wastewater Management (Publication 891.3)* (as amended).
- A report, prepared by a suitable qualified person, demonstrating that:
  - The design of any wastewater treatment system will ensure that nutrient, pathogens or other pollutants from wastewater will not enter any waterway, wetland, flood plain or water supply reservoir or otherwise detrimentally affect the designated beneficial uses of groundwater or surface water.
  - How activities will be carried out and maintained to prevent erosion and the siltation of any waterway or wetland in accordance with *EPA Victoria publication - Construction Techniques for Sediment Pollution Control 1991* (as amended).

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- Any removal, destruction or lopping of native vegetation will not compromise the quality of water within proclaimed catchment areas.
- The siting of buildings and wastewater treatment systems will not adversely impact on the quality of water within declared catchment areas.
- Details of slope (including contours at an appropriate scale), soil type, extent of excavation and vegetation including details of new plantings to occur.

### 5.0

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#### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered as appropriate, by the responsible authority:

- The likely impacts of the proposed development on water quality and quantity in the water supply catchment.
- The potential cumulative impact on development on the quality and quantity of water in the water supply catchment over extended periods of time.
- Whether new development proposals will lead to an increase in the amount of nutrients, pathogens or other pollutants
- Whether subdivision and intensive farming activities in water supply catchments, especially in the lower parts of water supply catchments near take-off points are appropriate.
- Any relevant catchment management plan, policy, strategy or Ministerial Direction, including the Ministerial Guideline for Planning Permit Applications in Open Potable Water Supply Catchment Areas (as amended) or any superseding document.

### 6.0

#### Referral of applications

An application must be referred to the relevant water board or water supply authority under Section 55 of the *Planning and Environment Act 1987*, unless in the opinion of the responsible authority the proposal satisfies the requirements or conditions previously agreed in writing between the responsible authority and relevant water corporation.