



## *Catchment Water Quality Protection*

Policy and Guidelines for  
Planning Permit Applications & Government Planning Initiatives

Final 31 Oct 2013

# Policy

Coliban Water's vision is to contribute to improving living standards in our region. We realise this vision by actively contributing to regional sustainability.

This Catchment Water Quality Protection Policy is a key component of our Sustainability Strategy and Environmental Policy.

## Human health is a priority

- Water is a vital commodity. Safe drinking water is essential to sustain life. The quality of domestic water sources has major impacts on human health. This gives domestic water supplies the highest importance in terms of catchment protection.
- All land use and development within a domestic water supply catchment must be sited and managed to ensure the protection of water quality and, therefore, human health.

## Precautionary principle is key

- The precautionary principle requires us to consider the cumulative impacts of diffuse contaminant sources in managing risks to water quality.
- These risks arise in water supply catchments from changing land use and development, including increasing densities of dwellings with on-site wastewater/septic tank treatment systems and the intensity of agricultural, commercial, industrial and other human activity.

## Risk management reflects precautionary principle

- We will balance economic, environmental, social and equity considerations, to protect and preserve benefits to both present and future generations. Excessive risk aversion can undermine development, however excessive risk taking could also compromise health.
- The greatest risk to public health from drinking water is contamination due to pathogenic micro-organisms. The precautionary principle means that protecting water sources is a paramount risk management objective that must not be compromised. We regard health risks as having the highest priority of any planning considerations.

## Multiple barriers protect water quality

- We will maintain robust multiple barriers against potential contamination. These barriers can be at stages of water collection, storage, treatment, transfer and distribution.
- The most effective barrier is protecting source waters at the collection stage.



# Guidelines

## 1. Purpose

The purpose of these Guidelines is to help ensure that, Declared Special Areas (Water Supply Catchments), under the *Catchment and Land Protection Act 1994* (SWSCs) including the Eppalock SWSC<sup>1</sup> and others, that are used and developed, necessary protection is given to water quality and, therefore, human health.

These Guidelines balance certainty for applicants and other users against the flexibility we need to respond to changing policy, legislation and circumstances. This flexibility means these Guidelines are subject to change.

## 2. Uses

The main uses of these Guidelines are as follows.<sup>2</sup>

### 2.1 Assessing planning permit applications

As a “referral authority”, Coliban Water assesses planning permit applications referred to us by Council.<sup>3</sup> These applications are to:<sup>4</sup>

- Use, develop, subdivide or consolidate land
- construct a building or construct or carry out works
- demolish a building or works.

If you are planning a particular use or development, please confirm with Council that your land is within the SWSC and that you need a permit. If Council is unable to confirm, please contact Coliban Water.

If you need a permit, use these Guidelines to help prepare your application. Your application should demonstrate that your proposal is consistent with these Guidelines. Coliban Water will assess the application against these Guidelines, on its merits. Then we will notify council whether we either:<sup>5</sup>

- do not object to council granting you the permit;
- do not object if the permit is subject to conditions we specify; or
- object on grounds we specify.

Coliban Water also uses these Guidelines to assess leases and other catchment interests.

Council may also refer your application to referral authorities other than Coliban Water. For example, council may refer it to the catchment management authority, concerning any floodplain management issues.

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<sup>1</sup> The Eppalock SWSC covers 2,000km in the upper Campaspe River between Trentham and Heathcote, down to Lake Eppalock. Coliban Water manages three major storages on the Coliban River – Upper Coliban, Lauriston and Malmesbury. Annex 1 includes catchment maps.

<sup>2</sup> Annex 2 sets out the institutional framework. To operate effectively within this framework, these Guidelines are:

- based on the common policy of Central Highlands Water, Barwon Water, Western Water and Southern Rural Water: *Protecting Water Quality in the Moorabool Shire: Water Catchment Protection Policy for Moorabool Planning Scheme* (22 July 2003)
- operationalized by agreements and protocols with councils, water authorities and other agencies.

<sup>3</sup> *Planning and Environment Act 1987* (Vic), section 55.

<sup>4</sup> Victoria Planning Provisions, clause 66.02-6.

<sup>5</sup> *Planning and Environment Act 1987* (Vic), section 56(1).

## 2.2 Government planning initiatives

To ensure consistency of government planning, Coliban Water uses these Guidelines as we participate in and support the development, amendment and implementation of:<sup>6</sup>

- municipal planning schemes,<sup>7</sup> local planning policy frameworks and municipal strategic statements
- State Planning Policy Framework review and development
- Other regional planning process as Regional Growth Planning, regional catchment management and river health strategies.

## 3. Policy

Coliban Water will support applications and initiatives that are consistent with:

- our Catchment Water Quality Protection Policy (above page 2)
- state and local planning policy and guidelines<sup>8</sup>
- general catchment considerations (below section 4)
- requirements in specific site circumstances (below section 5).

## 4. General catchment considerations

### 4.1 Dwelling density, Incremental development, zoning considerations

- Farming, Rural living or Rural conservation zones
  - Dwelling density within a one kilometre radius of the site must be less than one per 40 (1:40) hectares<sup>9,10</sup> – except if Coliban Water determines:
    - onsite wastewater risks can be managed by the owner entering a section 173 agreement with council and us,<sup>11</sup> to annually inspect, test, monitor and maintain septic and wastewater treatment systems, rectify defects as soon as practicable and report results to council and us, at owner's cost or a council Domestic Wastewater Management Plan is adopted and implemented that provides updates to us of systems operation: and
    - measures are established that enhance and protect catchments from effects of land use change and development : and
    - a development will not increase cumulative risk to water quality at either local or catchment level and must not establish adverse precedents for further incremental development, considering lot and dwelling patterns of an area.
    - for dwellings destroyed by natural event (e.g. bushfire), the dwelling was occupied immediately before destruction, the application is lodged within two years after destruction and the replacement dwelling satisfies the buildings and works requirements in these Guidelines

<sup>6</sup> Statement of Obligations, Coliban Region Water Authority, clause 22.

<sup>7</sup> Planning and Environment Act 1987 (Vic), section 19.

<sup>8</sup> Such as Guidelines: Planning permit applications in open potable water supply catchment areas (Nov 2012)

<sup>9</sup> Victorian Water Industry: Guidance note - Determining dwelling density – (Feb 2013)

<sup>10</sup> *Glenane v Moorabool SC* [2002] VCAT 1115 (29 July 2002), *Berglez v Macedon Ranges SC* [2009] VCAT 1882 (9 September 2009), *Rozen v Macedon Ranges SC* [2009] VCAT 2746.

<sup>11</sup> Planning and Environment Act 1987 (Vic), section 173.

- for occupied dwellings proposed to be rebuilt after demolition, the replacement dwelling is designed for a single family and satisfies the buildings and works requirements in these Guidelines
- Subdivision lot area must exceed 40 hectares<sup>12</sup> – except if Coliban Water determines relevant risks can be managed by agreement with council and us under section 173 that no dwelling will be established
- Residential zones
  - Sustainable management of water and wastewater services must be incorporated into the development

#### 4.2 Planning considerations

- Appropriate siting and management must be adopted to minimise potential discharge of contaminated run-off or waste to, and to protect quality of, surface water and groundwater, rivers, streams and wetlands – especially in areas exposed to flooding, soil degradation, groundwater salinity or geotechnical hazards<sup>13</sup>
- Water quality must be protected from possible contamination by urban, industrial and agricultural land uses<sup>14</sup>. This may be achieved through protection of riparian zones, drainage lines and waterways with vegetated buffers.
- Development must be consistent with:
  - objectives of state and local planning policy frameworks
  - decision guidelines for local frameworks
  - municipal strategic statements and other local planning policies.

#### 4.3 Septic systems, onsite domestic wastewater treatment systems

Systems must be meeting septic tank permit conditions and where a municipal domestic wastewater plan is being implemented.

- Treatment systems and associated disposal areas must meet requirements of EPA, Guidelines setback distances. Accordingly setback distances may increase where it is considered that there is an increased risk to public health and/or the environment.<sup>15</sup>
- Septic tanks must be de-sludged every three years
- Systems must comply with best practice, including AS/NZS standards.<sup>16</sup>

#### 4.4 Other considerations

- Risks identified by land capability assessments must be mitigated and managed to protect water quality to an acceptable degree, especially in terms of wastewater absorption during winter and spring
- Existing or proposed vegetation must be adequate to ameliorate the quality of storm runoff or seepage from on-site treatment systems
- Site remediation and improvement works must ensure that runoff quality does not deteriorate when works and activities are being undertaken and following their completion.

<sup>12</sup> *Guidelines: Planning permit applications in open potable water supply catchment areas* (Nov 2012), page 2.

<sup>13</sup> *State Planning Policy Framework*, clause 14.02-2.

<sup>14</sup> *State Planning Policy Framework*, clause 19.03-2.

<sup>15</sup> *EPA, Guidelines for Environmental Management: Code of Practice - Onsite Wastewater Management* (February 2013), or as amended.

<sup>16</sup> These AS/NZS standards (or as amended) include:

- 1547:2012 On-site domestic wastewater management
- 1546.1:1998 On-site domestic wastewater treatment units - Septic tanks
- 1546.2:2001 On-site domestic wastewater treatment units - Waterless composting toilets
- 1546.3:2001 On-site domestic wastewater treatment units - Aerated wastewater treatment systems



- Remedial works - *A neutral or beneficial effect on water quality means development that: has no identifiable impact on water quality, or will contain any water quality impact on the development site and stop it from reaching any waterway, waterbody or drainage depression on the site, or any water quality impact outside the site where it is treated and disposed of to standards approved by the responsible authority.*

## 5. Specific site circumstances

### 5.1 Subdivisions, lots

- Where subdivision of land is for use of a dwelling the land must be suitable for on-site disposal of septic tank effluent<sup>17</sup>; and
- Owners may be required, under section 173, agree with council and Coliban Water, to register on title details that include the building envelope and effluent fields
- For new lots:
  - land capability assessments must indicate that effluent disposal will not pose unacceptable risks to water quality
  - occupiable areas of subdivisions must be more than:
    - 300 metres from any reservoir
    - 100 m from any waterway or dam
- For proposed house lot excisions, owners must agree under section 173 to:
  - prevent dwelling development on the parent lot or remainder of land
  - provide evidence of the satisfactory operation of current system, install necessary septic tank and wastewater treatment systems, properly inspect, test, monitor and maintain them annually, rectify defects as soon as practicable and report results to council and us
- Boundary realignments must not then allow for construction of another dwelling, whether under permit or as-of-right
- Lot design must provide for natural site features
- Lot size must factor in local topography, soils, waterways and drainage.

### 5.2 Buildings, works

- Siting must be within a building envelope if specified under a section 173 agreement with council and Coliban Water and registered on title
- Buildings must not be within 30 m of waterways and drainage lines.
- Vegetation buffers and fencing must protect waterway corridors, reservoir boundaries and adjacent Coliban Water land and must be included as part of development applications
- Site slopes must be less than 20%, and soils stable and not prone to erosion.

### 5.3 Land use

- Industrial and intensive land use activities must adopt best practice environmental management systems to protect water quality
- We will not support applications for piggeries, cattle feedlots and other intensive animal industries where we determine risks cannot be mitigated to our satisfaction
- Agricultural activities must meet industry standards as outlined in DoH publication<sup>18</sup>; or

<sup>17</sup> EPA, *Guidelines for Environmental Management: Code of Practice - Onsite wastewater management*.

<sup>18</sup> Department of Health: Protect our waters, Protect our Health (Nov 2010)  
[www.health.vic.gov.au/water/drinkingwater/catchments.htm](http://www.health.vic.gov.au/water/drinkingwater/catchments.htm)

- Where they are available, adopt best practice environmental management systems to protect water quality

#### **5.4 Extensions to existing dwellings**

- Extensions must be clear of existing wastewater treatment systems and disposal areas, or accompanied by clear replacements
- Evidence must be provided of the satisfactory operation of current system
- Runoff must be diverted clear of wastewater treatment and disposal areas
- Wastewater systems must meet full winter peak loads from the enlarged dwelling, without impacting water quality.

#### **5.5 Second dwellings**

- Second dwellings must be necessary to support rural activity
- Where a second dwelling is permitted, the owners must agree under section 173 to not construct any further dwellings.

#### **5.6 Dependant person units**

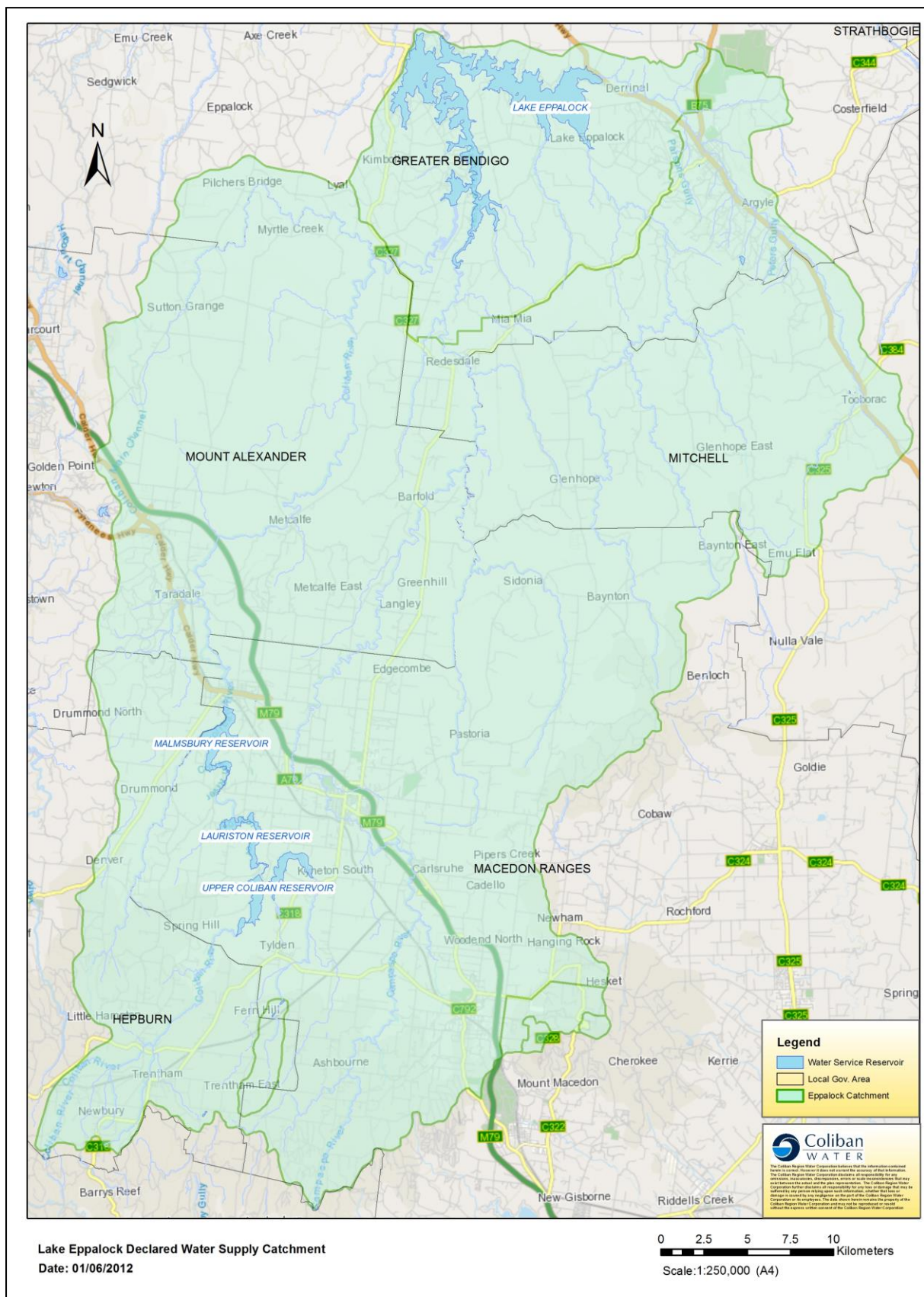
- Specific dependant must be nominated and their dependent status demonstrated
- Applicant must agree under section 173 to register on title that the unit will be removed when no longer required by the dependant.



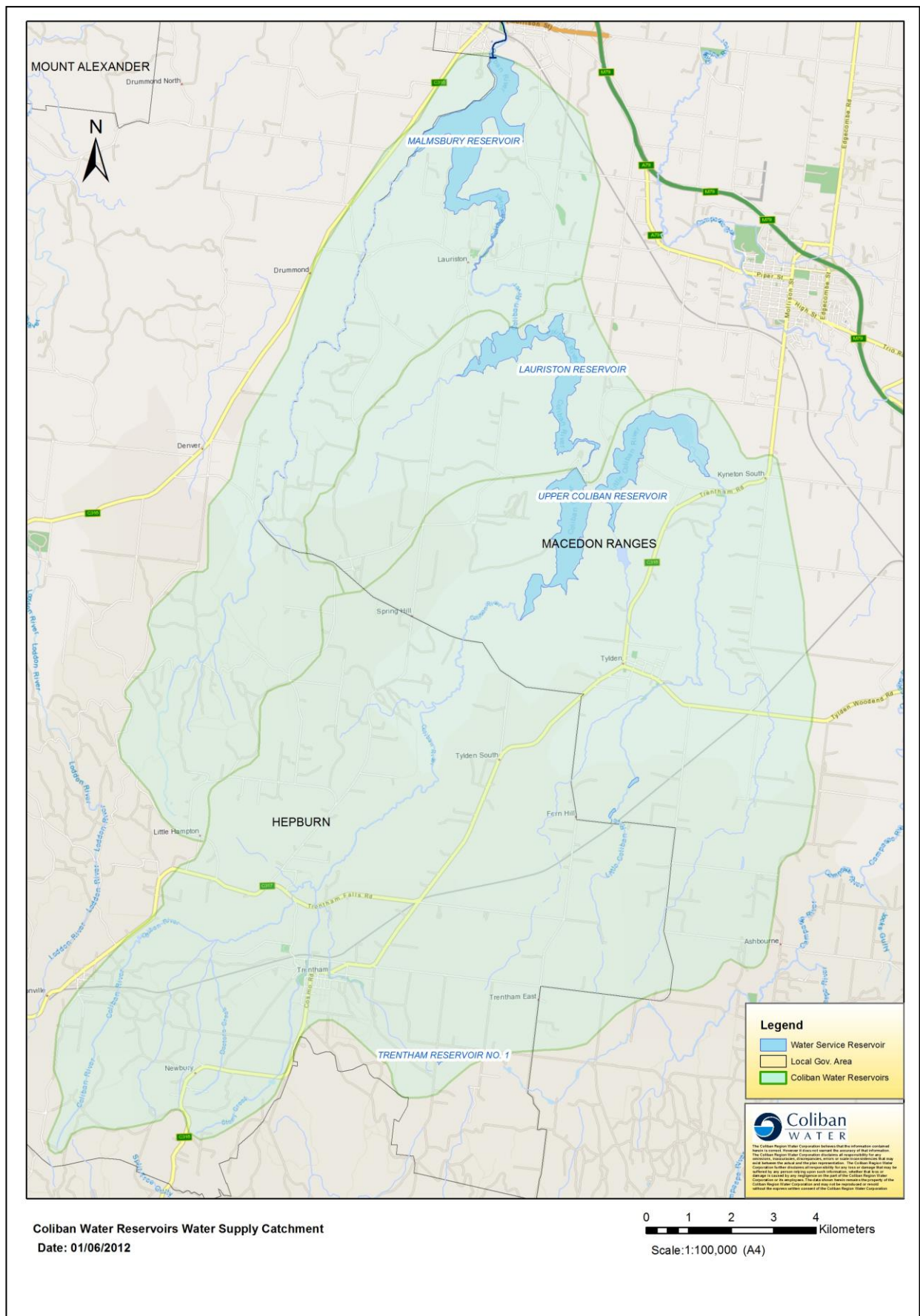


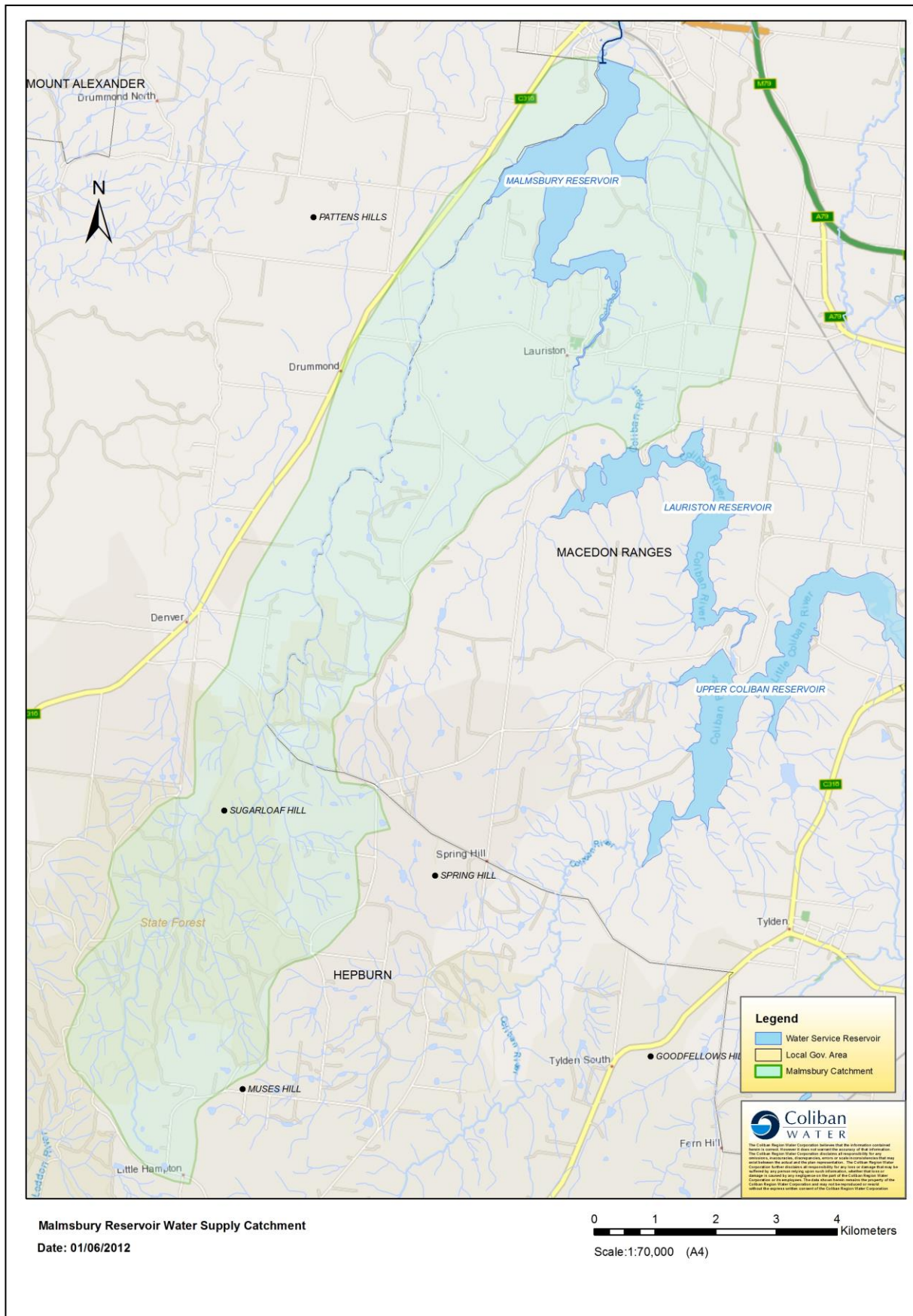
# Annex 1

## Catchment maps

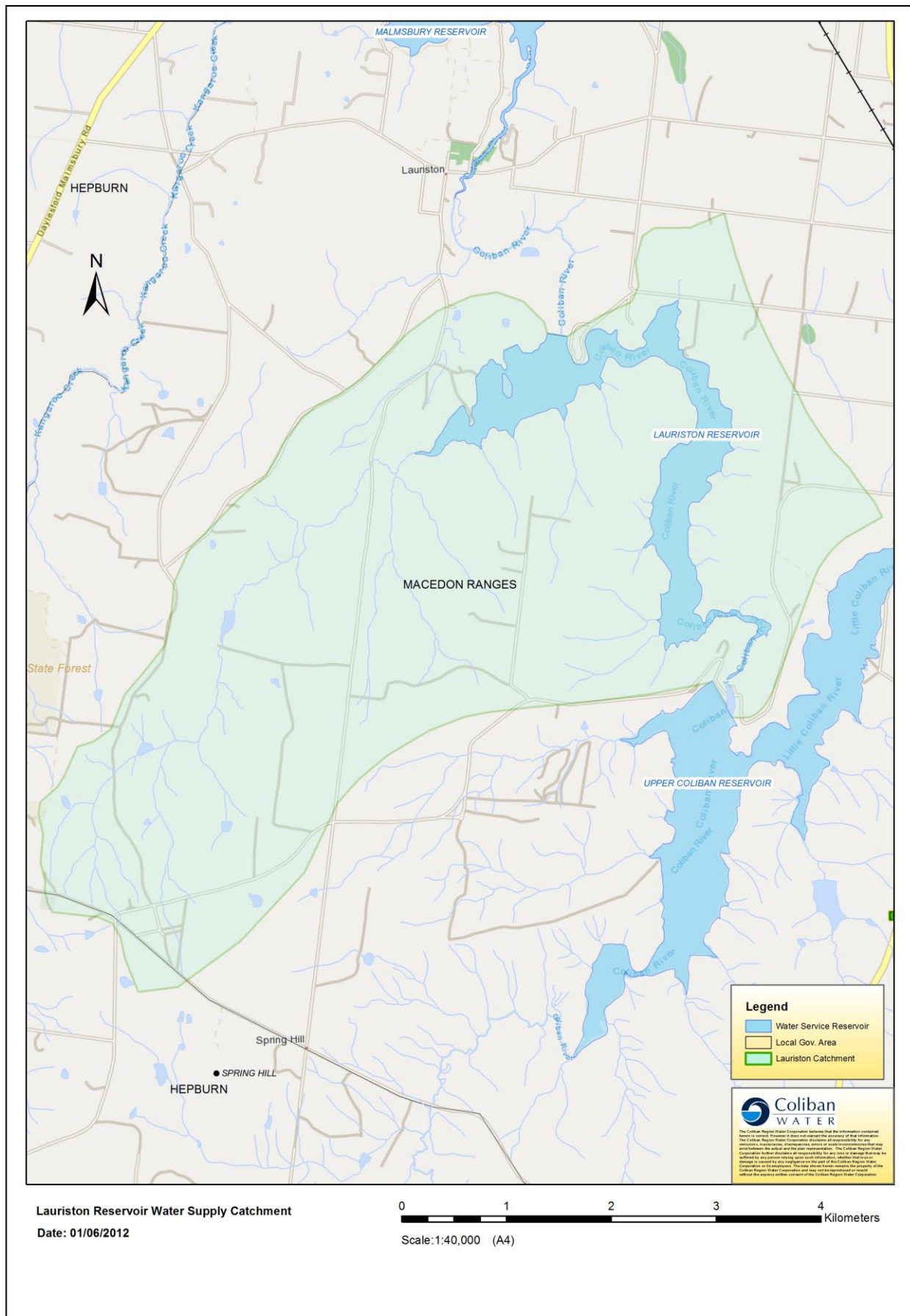


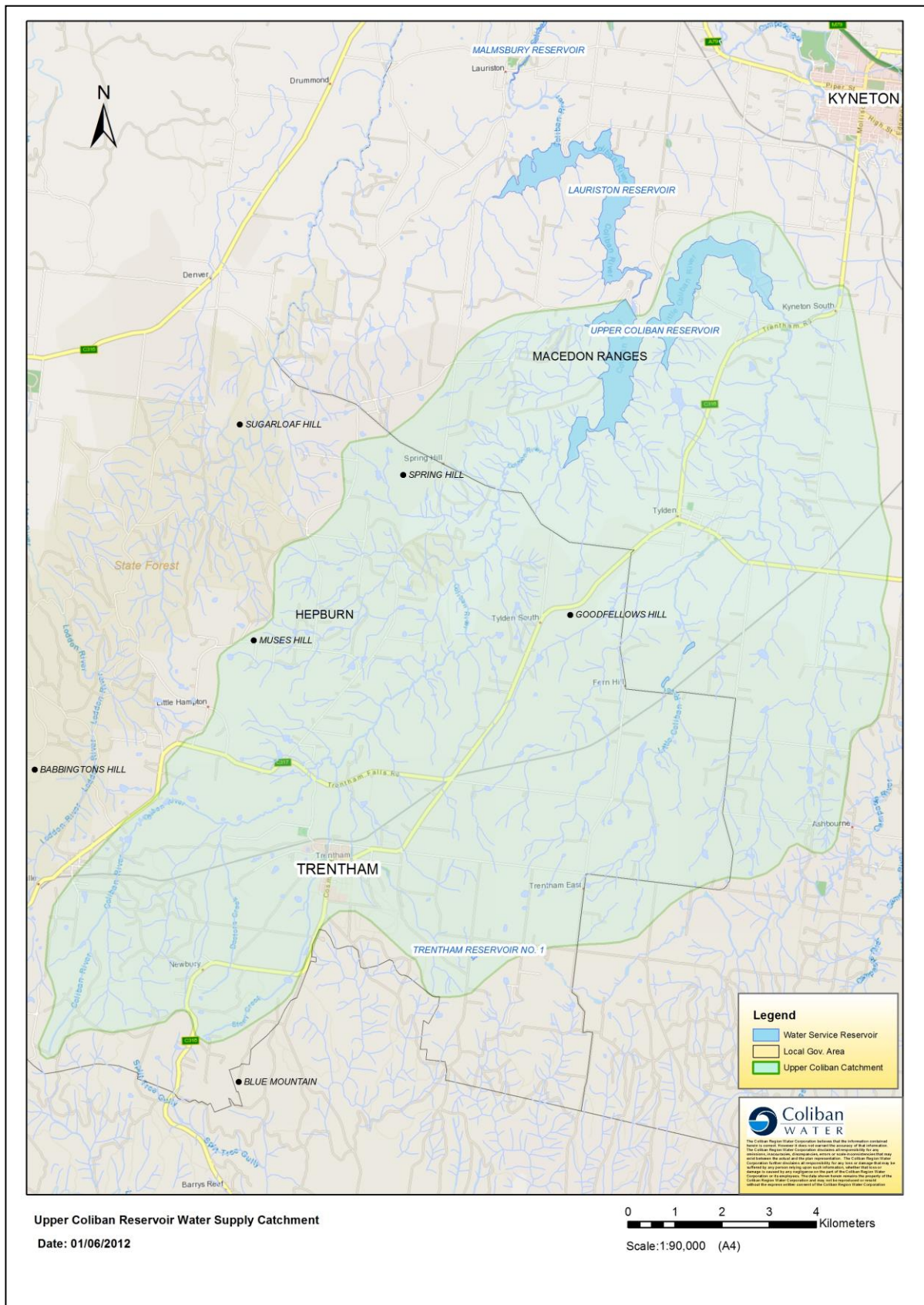














## Institutional framework

