

As Council had previously advised, a series of Victorian Civil and Administrative (VCAT) cases have applied particular weighting to the Ministerial Guideline for *Planning Permit Applications in Open Potable Water Supply Catchment Areas*. As a result Goulburn Murray Water had determined that it must comply with the guidelines when assessing planning permit applications within the Special Water Supply Catchment Area (SWSCA).

The revised *Guidelines* allow relaxation of Guideline 1 where Council has adopted a Domestic Wastewater Management Plan (DWMP) which satisfies the criteria stipulated in the Guidelines. Mount Alexander has an adopted DWMP, however it does not satisfy the criteria in the Guidelines.

Council is in the process of preparing and adopting a DWMP to comply with the Guidelines. In order to provide an interim solution for the community, Goulburn Murray Water has agreed to enter into a Memorandum of Understanding (MOU) with Mount Alexander Shire Council which determines how the Guidelines will be applied across the Council in relation to the assessment of planning permit applications.

The MOU will adopt a risk based approach to applying the Guidelines, the higher the identified risk that any proposed subdivision or development of dwelling may have on water quality, the more strict application of the Guidelines.

The table overleaf identifies how risk will be assessed and applied to the Guidelines.

The MOU also requires Council and Goulburn Murray Water to work in partnership to revise Council's Domestic Wastewater Management Plan to accord with the stipulated criteria.

It is important for applicants to note that entering into the MOU and ultimately adopting a Domestic Wastewater Management Plan (DWMP) will not automatically allow every landowner in the Shire to develop their land for the purposes of a dwelling. Any planning permit application must still be assessed against the decision guidelines of the applicable zone, overlays, and any other relevant policy.

This is particularly relevant to planning applications in the Farming Zone where the primary objective of the zone is the protection and enhancement of agricultural land. Applications will be required to demonstrate how the development of a dwelling on the site will support the ongoing agricultural use of the land.

For further enquiries, please contact Council's Planning Department on 54711700.

Risk	Application of Guidelines
<p>High Risk Areas mean:</p> <ul style="list-style-type: none"> i. Land within 100 metres of a Waterway in a SWSC; or ii. Land within 100 metres of the FSL for Lake Cairn Curran, and other water storage facilities that supply potable water to settlements in a SWSC. 	<p>Applications cannot be assessed until such time that a Domestic Wastewater Management Plan (DWMP) has been adopted by Council that satisfies the requirements of the Ministerial Guidelines</p>
<p>Medium Risk Areas mean:</p> <ul style="list-style-type: none"> i. Land upslope within 100 metres of lake, lagoon or swamp being a natural collection of water into or through or out of which a current that forms the whole or part of the flow of a river, creek, stream or watercourse passes whether or not the flow is continuous; or ii. Land within 101 - 300 metres of the full supply level of Lake Cairn Curran, and storage facilities for potable water located in a SWSC. 	<ul style="list-style-type: none"> a) Guideline 1 will apply where a planning permit application proposes the subdivision of land (except where no further lots that increase dwelling entitlements are created) until such time that a DWMP for Mount Alexander Shire has been adopted by Council. b) Planning permit applications for infill use and development applications will be considered where the LCA is determined to be low to medium risk in accordance with the <i>LCA Assessment Table for Wastewater Management on Rural Residential Subdivisions</i> (page 8 of EPA Publication 746.1).
<p>Low Risk Areas mean:</p> <ul style="list-style-type: none"> i. Land greater than 100 metres from a Waterway in a SWSC; or ii. Land greater than 300 metres of the FSL for Lake Cairn Curran, and water storage facilities that supply potable water to settlements located in a SWSC. 	<ul style="list-style-type: none"> a) Guideline 1 will be considered, however where an application for a dwelling or subdivision has a supportive LCA and Council's Environmental Health Officer has made an assessment against the Septic Tank Code of Practice and the relevant SEPPs (Waters of Victoria), it will generally not be applied. b) Guideline 1 will be considered, however it will generally not be applied to applications for an amendment to the Planning Scheme to rezone land to a Residential Zone or Rural Living Zone where a supportive LCA has been prepared and the proposal presents little or no risk. c) An LCA is mandatory for the development of any allotment in a SWSC area, in accordance with EPA Publication 746.1.

