

**SCHEDULE 1 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY**

Shown on the planning scheme map as ESO1 .

**SPECIAL WATER SUPPLY CATCHMENT AREAS****1.0**Historic  
06/06/2024  
C104moor**Statement of environmental significance**

The Shire of Moorabool contains several special water supply catchment areas, which provide water to urban and rural development throughout the Shire. The protection of water catchments is essential to the health of all communities that rely on water for domestic and stock supply.

**2.0**Historic  
06/06/2024  
C104moor**Environmental objective to be achieved**

To protect the quality and quantity of water produced within special water supply catchment areas.

To provide for appropriate development of land within special water supply catchment areas.

**3.0**Historic  
06/06/2024  
C104moor**Permit requirement**

A permit is not required for:

- Emergency works to existing buildings and works.
- The construction of a dam under 3 megalitres capacity that is not on a waterway.
- The construction or carrying out of works associated with informal outdoor recreation.
- Development undertaken by a public authority to regulate the flow of water in a watercourse, regulate flooding or to construct or redirect a watercourse.
- Activities conducted on public land by or on behalf of the Department of Energy, Environment and Climate Action under the relevant provisions of the *Reference Areas Act 1978* , the *National Parks Act 1975* , the *Fisheries Act 1995* , the *Wildlife Act 1975* , the *Land Act 1958* , the *Crown Land (Reserves) Act 1978* or the *Forests Act 1958* .
- The removal, destruction or lopping of vegetation necessary for extractive industry authorised by an approved work plan and in accordance with a work authority issued under the *Extractive Industry Development Act 1995* .
- The construction of a dwelling in the Farming Zone, where the lot exceeds 40 hectares and the building and its septic tank effluent absorption area are not located within 100 metres of a waterway or upstream of a dam or wetland and:
  - Any site cut required is less than 1 metre in depth and less than 300 square metres in area.
  - No stormwater is discharged less than 100 metres from a waterway unless into an approved drainage system.
- The construction of a dwelling in any of the General Residential Zone, Neighbourhood Residential Zone, Low Density Residential Zone, Township Zone or Rural Living Zone where the dwelling is connected to reticulated sewerage, and no stormwater is discharged less than 100 metres from a waterway unless into an approved drainage system.
- The construction of a dwelling in any of the General Residential Zone, Neighbourhood Residential Zone, Low Density Residential Zone, Township Zone or Rural Living Zone where the dwelling is not connected to reticulated sewerage but the proposal complies with the following:
  - It has been demonstrated to the satisfaction of the responsible authority and the relevant water authority that the lot can contain effluent in accordance with the requirements and provisions of the Environment Protection Regulations and the provisions of the “Code of practice - onsite wastewater management”.
  - The building and its septic tank effluent absorption area are not located within 100 metres of a waterway or upstream of a dam or wetland.

## MOORABOOL PLANNING SCHEME

- No stormwater is discharged less than 100 metres from a waterway unless into an approved drainage system.
- The construction of an extension or alterations to an existing dwelling or the construction or carrying out of works which are ancillary to a dwelling which:
  - Has an area of 30 square metres or less; or
  - Would not increase the number of bedrooms of the dwelling (where studies or studios that are separate rooms are counted as bedrooms), provide additional sanitary or laundry fixtures or otherwise impose any additional load on an existing septic tank facility;
- and
- Any site cut required is less than 1 metre in depth and less than 300 square metres in area.
- No stormwater is discharged less than 100 metres from a waterway unless into an approved drainage system.
- The building and its septic tank effluent absorption area are not located within 100 metres of a waterway or upstream of a dam or wetland.
- The construction of a building ancillary to the use of the land for crop raising that is not a dwelling or a building for the storage of fuel, fertilisers, insecticides or similar chemicals that is within 100 metres of a waterway and:
  - Any site cut required is less than 1 metre in depth and less than 300 square metres in area.
  - No stormwater is discharged less than 100 metres from a waterway unless into an approved drainage system.
- The construction or carrying out of works if all of the following conditions are met:
  - Any site cut required is less than 1 metre in depth and less than 300 square metres in area.
  - No stormwater is discharged less than 100 metres from a waterway unless into an approved drainage system.

**4.0**  
Historic  
06/06/2024  
C104moor

### Application requirements

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application to the satisfaction of the responsible authority:

- Details of slope, soil type and vegetation.
- Details of any excavation proposed, and any proposed removal, destruction or lopping of vegetation.

An application to construct buildings or to carry out or construct works must be accompanied by a report which demonstrates the following:

- The land is capable of absorbing sewage and sullage effluent generated on the lot.
- The design of any wastewater treatment facility will ensure that wastewater will not enter any waterway, dam or wetland.
- Any excavation will be carried out and maintained to prevent erosion and the siltation of any waterway or wetland.
- Any removal, destruction or lopping of vegetation will not compromise the quality of water within special water supply catchment areas.
- The siting of buildings and wastewater treatment systems will not compromise the quality of water within special water supply catchment areas.

## 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 by the responsible authority:

- The slope, soil type and other environmental factors.
- The need to maintain water quality at a local and regional level.
- The possible effect of the development on the quality and quantity of water in local waterways, including the impact on nutrient levels.
- The preservation of and impact on soils and the need to prevent erosion.
- The need to prevent or reduce the concentration or diversion of stormwater.
- Effect of the proposed development and, where applicable, the method of waste disposal on the quality and quantity of water within the special water supply catchment area; and
- Requirements and provision of the Environment Protection Regulations and the provisions of the “Code of practice - onsite wastewater management”.

Where the land is not connected to reticulated sewerage and facilities are to be provided for the onsite disposal and treatment of wastewater:

- Whether a report from a qualified geotechnical engineer has been provided which demonstrates that the land is capable of absorbing sewage and sullage effluent generated on the lot and that the wastewater treatment system has been designed to prevent wastewater entering any waterway, dam or wetland.
- Where an application is for the subdivision of land, whether the plan of subdivision shows appropriate building and effluent disposal envelopes.
- Where an application proposes to make use of a septic tank system, whether any building and the septic tank effluent absorption area associated with it are located:
  - Within 100 metres of a waterway; or
  - Upstream of a dam or wetland.
- Where an application proposes to make use of a treatment and wastewater disposal system other than a septic tank system, and the building or its associated wastewater treatment and disposal system is proposed to be located within 100 metres of a waterway, dam or wetland, whether:
  - The applicant has provided evidence to the satisfaction of the responsible authority:
    - That the building and wastewater treatment and disposal system cannot be located outside these areas.
    - That the siting of buildings and wastewater treatment systems will not compromise water quality within special water supply catchment areas.
    - Of compliance and consistency with the Environment Protection Regulations.

The responsible authority must consider any relevant catchment management plan, policy, strategy or Ministerial Direction (such as the Planning permit applications in open, potable water supply catchment areas) before deciding on an application, as appropriate.