

connectionsproject

Environmental Guidelines

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1. Introduction

Farmers depend on a healthy environment for their businesses and a healthy environment is also important for the whole community. It provides the resources we need to sustain and enrich life now and for future generations.

In order to maintain a healthy environment we need to be sure that our actions today don't cause a problem for someone else or cause a problem in future years.

There are variety of Government Departments and Authorities that have stewardship over the use of our resources. These agencies have processes in place to protect the environment and it is important that we follow them.

1.1. Scope of this document

This guideline provides you (the landholder) with basic information on potential planning and environmental approval requirements and where you should seek further information regarding those requirements.

1.2. Application of this document

This document has been provided to you because you are considering or have already made an agreement under the Goulburn-Murray Water Connections Project (GMWCP). It is important that landholder works are planned and completed in accordance with the law and with consideration of the environment.

This document and any advice provided by GMWCP should be viewed as a guide only, and you should seek your own advice regarding potential approval requirements. Laws, rules and regulations are subject to change and GMWCP does not guarantee that this document is a comprehensive or correct interpretation of requirements.

2. Potential approval requirements

2.1. Statutory Planning

2.2. What is Statutory Planning?

Statutory planning is the way local government applies the provisions of the Planning and Environment Act 1987, which was introduced by the State Government to ensure that development and land use in Victoria occurs in an orderly and sustainable manner.

The Statutory Planning department of your local council assesses a variety of applications; from small scale works, through to construction of a multi-million dollar development. One of the main roles of the statutory planning department is to provide advice on the conditions that govern property development and land use proposals.

State Planning Policy Framework - Every planning scheme includes the State Planning Policy Framework (SPPF). The SPPF has general principles for land use and development in Victoria. It also has specific policies dealing with settlement, the environment, housing, economic development, infrastructure and particular uses and development. To ensure integrated decision-

making, planning authorities and responsible authorities must take account of, and give effect to, the general principles and the specific policies contained in the SPPF.

Local Planning Policy Framework - The Local Planning Policy Framework sets a local and regional strategic policy context for a municipality. It comprises a Municipal Strategic Statement (described below) and specific local planning policies. It operates consistently with the SPPF.

Municipal Strategic Statement - A Municipal Strategic Statement (MSS) is a concise statement of the key strategic planning, land use and development objectives for the municipality with related strategies and actions. The MSS is:

linked to the council corporate plan and furthers the objectives of planning in Victoria to the extent that the SPPF is applicable to the municipality and local issues

provides for the application of zones, overlays and particular provisions in the planning scheme and decision-making by the responsible authority

reviewed periodically to ensure that it is dynamic and that the strategic direction is revised in response to the changing needs of the community.

The MSS provides an opportunity for an integrated approach to planning across all areas of council and should clearly express links to the corporate plan. The MSS is dynamic and enables community involvement in its ongoing review. The MSS will be built upon as responsible authorities develop and refine their strategic directions in response to the changing needs of the community.

2.3. What is a zone?

The planning scheme zones land for particular uses, for example, residential, industrial, business or other. The zones are listed in the planning scheme and each zone has a purpose and set of requirements. This information will describe whether a planning permit is required, and the matters that the council must consider before deciding to grant a permit. A zone may also specify information that must be submitted with a planning permit application. The zone also contains information relating to land uses, subdivision of land, construction of new buildings and other changes to the land.

2.4. What is an overlay?

An Overlay is a layer of control that allows Council to determine the type of development that occurs. The Overlay may require an applicant to achieve certain design and building standards when applying for a planning permit or protect land for environmental reasons. If your land is covered by an overlay you will most likely need a planning permit.

If your land is subject to a flooding overlay (including the land subject to inundation overlay or flood overlay), you should ideally contact your Catchment Management Authority to determine whether development would be approved. Please note that the Urban Floodway Zone may also apply.

A planning permit is a statement that a particular use or development (subdivision, buildings and works) may proceed on a specific piece of land. It is subject to a time limit for commencement and may expire under specified circumstances. The responsible authority may impose conditions when granting a permit.

It is important not to confuse planning permits with building permits. Building permits relate to the method of construction of a building or development. If you have a planning permit you may still need to obtain a building permit.

Depending on the provisions of the planning scheme affecting your land (zones and overlays), a planning permit may not be needed to change the use of the land or to develop the land. This also may be subject to conditions and some forms of use or development may be prohibited.

2.5. Particular Provisions

Particular provisions are specific prerequisites or planning provisions for a range of particular uses and developments, such as advertising signs and car parking. They apply consistently across the State. Unless specified otherwise, the particular provisions apply in addition to the requirements of a zone or overlay. It is essential to check whether any of these requirements apply to your land before commencing any use or development.

Do I need a planning permit?

Some of the most common reasons a planning permit is required are:

- Constructing, altering, or extending a building
- Subdivision of land
- to remove, destroy or lop native vegetation, including dead native vegetation from land
- Changing the use of a property
- Earthworks

Even minor matters may need a planning permit: it is important to understand that the onus is on you to find out whether a permit is required.

Check with the Planning Department of your local council before proceeding with any changes or developments on your land. Council can also offer advice about local or state government policy guidelines that must be considered for particular developments and assistance that may be available.

How long does a planning permit take to issue?

Before you make the application to council talk to the council planner. Find out if a planning permit is required and make sure that what you want to do is permissible. If a permit is required, get a copy of the planning scheme provisions that council will use to assess the application. Ask the planner whether the council is likely to support the proposal. Discuss any changes that might be necessary to make the proposal acceptable.

The Council has 60 days to decide on your application. This does not include any requests for further information or advertising. To avoid unnecessary delays it is important that all the information required is submitted with the application. A discussion with a Council planner before you make your application can help identify any issues that may arise.

How do I amend a planning permit?

If you need to change your proposal or the approved plans after a permit has been issued, you can apply to council for an amendment to your permit.

Although you don't need to apply for a new permit, a request for amendment follows the same process, including advertising and referral to statutory bodies.

As with a new application, you should discuss the amendment with the council planner before submitting the form.

2.6. On Farm Earthworks

Planning approval is required from your local council for earthworks on rural land.

Earthworks are part of any irrigated farm business. Earthworks may be required to improve irrigation efficiency and to protect our land from salinity. However, these earthworks do need to be planned and approved.

Why is planning required?

- To ensure that earthworks on one property don't cause problems for another property.
- To ensure that the works fit in with the Regional Catchment Strategy, for example a proposed drain
- To protect the region from flooding caused by badly planned earthworks.
- To protect biodiversity assets

Which earthworks?

Typical activities which might involve the above include:

- Landforming;
- Laser grading;
- Levee banks;
- Construction of lanes, tracks, channels and drains; and
- Construction of above ground storages.

The municipalities of Greater Shepparton City Council, Shire of Campaspe and Moira Shire Council introduced planning controls for earthworks in 1994. These controls require that you consult your Council before undertaking any earthworks.

The controls in these three municipalities are concerned with any earthworks which:

- Alter the direction or rate of water flow across a property boundary;
- Change point of water discharge from a property; or
- Increase the discharge of saline groundwater.

If the works are considered by the Council to be of a minor nature (eg. do not alter the direction of water flow), a planning permit is not necessary. Your council will be able to advise you about this.

In the municipalities of Greater Shepparton City Council, Shire of Campaspe and Moira Shire Council, the simplest way to know if earthworks require a planning permit is to prepare a Whole Farm Plan and have it certified by Council. The Council can also advise about other permits which may be necessary, such as for removing or destroying native vegetation.

2.7. Native Flora and Fauna

What is Native Vegetation?

The Victorian Planning Provisions define native vegetation as: Plants that are indigenous to Victoria including trees, shrubs, herbs and grasses.

(It is important to note that the vegetation removal controls now also include standing dead trees.)

Remnant vegetation is native vegetation that is naturally established or has regenerated and contains species indigenous to that locality and landform. Healthy remnant forests and woodlands should have an overstorey (trees) and an understorey (shrubs & grasses). Grasslands, grassy woodlands and wetlands can have few if any trees.

Why conserve it?

Some of the main reasons we need to conserve our native vegetation are:

- To conserve biodiversity and maintain ecosystem services
- To intercept water leaking into our shallow groundwater
- To control erosion and protect water quality
- To support threatened species of plants and animals
- For scenic value
- To improve farm productivity
- To maintain a native plant seed source.

Develop and Conserve

In Victoria, native vegetation retention controls became a part of Local Government Planning Schemes in 1989. This means that a permit from your council is required to clear native vegetation on private property (with some exceptions).

Local Government, the Goulburn Broken and North Central Catchment Management Authorities and the Department of Environment, Land, Water and Planning are working together with landowners to balance economic development with protection of natural resources.

For more information visit: <https://www.environment.vic.gov.au/native-vegetation/native-vegetation> or speak to your local council regarding permits for native vegetation removal.

What are the Flora and Fauna Requirements?

There are approval processes in place to manage flora and fauna. Depending on your impact to flora and fauna, you may have approval requirements through:

- Local Government
- State Government
- Federal Government

The requirements relate to the legislated protection of significant species of flora and fauna, and the processes regarding vegetation removal and vegetation offsets. The process is broadly set out below:

1. If it is identified that your proposal may in any way compromise existing native flora or fauna, you can contact your local government for advice.
2. If the proposed development requires the removal or destruction of native vegetation you will be required to apply for a permit through your local government. You can either contact your local government or access the Native Vegetation Information Management (NVIM) online tool to determine your offset and permit application requirements. NVIM can be accessed via the Department of Environment, Land, Water and Planning website at <https://www.environment.vic.gov.au/native-vegetation/native-vegetation-information-management>

3. Local Government may refer the application to the Department of Environment, Land, Water & Planning for comment if the appropriate triggers are reached for this to occur. Local Government may also notify other authorities or even neighbouring landowners.
4. Local Government will notify you regarding the success of your application.

Will I have Vegetation Offsets Requirements?

Under State Government vegetation requirements there is a general approach whereby adverse impacts are first avoided, if this is not possible then impacts are minimised. Where impacts cannot be avoided, appropriate offsets will have to be secured before native vegetation removal can occur. Further information on offsets can be accessed via <https://www.environment.vic.gov.au/native-vegetation/native-vegetation>

2.8. Threatened Flora and Fauna Requirements

What is threatened Flora or Fauna?

Many plants and animals have declined in abundance due to the impacts of human modifications to the landscape, such as clearing and landforming. Threatened species in the Goulburn-Murray Irrigation District can be found both on land and in water, including irrigation channels. Where a species has declined considerably, it may be declared to be threatened by the state or federal governments. Species that are declared as threatened have additional controls regarding the approval of impacts to them.

What are the Threatened Flora and Fauna Requirements?

If your proposal has potential to impact on an individual or population of a threatened species, you may be required to obtain permits. You can determine whether there may be threatened flora or fauna impacted by your proposal, by seeking advice from your local government or the Department of Environment, Land, Water and Planning on <https://www.environment.vic.gov.au> or by phoning 136 186.

Water Use Entities (including Water Use Licences and Water Use Registrations)

If you irrigate your property, it will be covered by a Water Use Entity (WUE). WUEs are a type of licence provided by Goulburn-Murray Water that stipulates the conditions on which water can be used on a piece of land. WUEs generally cover a whole title or number of adjacent titles with associated ownership.

There are several reasons why a new or amended WUE would be required as part of the approval of your proposal. See below for a list of possible triggers for amendment or new WUEs:

- Any division or amalgamation of land affecting a WUE will require the existing WUEs to be cancelled and new WUEs to be issued. This division may require you to undertake earthworks which may trigger the need for a planning permit.
- Any change of ownership of land affecting a WUE will require the existing WUE to be cancelled and a new WUE to be issued unless all titles on the WUE a changing ownership from one party to another party that is completely different in which case a transfer is possible.
- Any change to existing WUE boundary will require the existing WUE to be cancelled and a new WUE issued. Therefore, if a landholder is acquiring land previously owned by someone else they will need to reflect this on their WUEs. More than one title can be included on the WUE and if they later amalgamate the titles they will not need to change their WUE unless they have changed the boundary at that time.

- If you already own the land then they can choose to amend the WUE to reassess your annual use limit.
- If you are acquiring land from the Crown or Goulburn-Murray Water then there may be a process of bringing that land into the irrigation district if they are planning to use it for irrigation. That land may be also subject to assessment through the Water Use Licence process.

What is the process for applying for a new or amended WUE?

The process for obtaining approval from Goulburn-Murray Water for changes in water use on your property will involve an application form and a fee, payable to Goulburn-Murray Water. Often there will be a requirement to provide details of your proposed change in water use. Proposed irrigation developments (including irrigation of land not covered by a WUE, increases in the rate water is applied to land covered by a WUE or an increase in land area covered by a WUE) are subject to a risk based assessment process. Depending on the environmental risk posed by your proposal, you may be required to demonstrate how the risk to the environment can be minimised. Goulburn-Murray Water can provide further advice regarding irrigation development approval requirements.

2.9. Aboriginal Cultural Heritage

What is Aboriginal Cultural Heritage?

Aboriginal Cultural Heritage includes Aboriginal objects, human remains and places of cultural significance relating to past occupation of the Victorian landscape by Aboriginal people. Aboriginal Cultural Heritage is an important part of Victoria's history. It provides a direct link to Aboriginal cultural traditions and spiritual beliefs practiced over many thousands of years. Evidence of this occupation can be found in all parts of Victoria and is protected under the Aboriginal Heritage Act 2006 (Act). Aboriginal Cultural Heritage places exist on the surface and underneath the ground and are vulnerable during earth disturbance.

What are my requirements to protect Cultural Heritage?

When planning an irrigation development, extension to an existing development or earthworks, you are required to consider if your development may impact Aboriginal Cultural Heritage. Your legal responsibilities under the Act depend on whether your irrigation development may impact on known or unknown Aboriginal Cultural Heritage. Under the Act there are mandatory and voluntary processes that are designed to protect and manage Aboriginal Cultural Heritage and ensure that development activities can proceed lawfully.

Cultural Heritage Permit

Where a known or registered Aboriginal place exists within an area of a proposed irrigation activity, a Cultural Heritage Permit (CHP) is required before that activity can take place. A CHP might allow direct harm of cultural material or it might specify ways of avoiding or minimising harm to an Aboriginal place. A permit application must be made to Aboriginal Victoria (AV) and, where a Registered Aboriginal Party (RAP) exists for the area, the application must have their support before it can be issued.

Cultural Heritage Management Plan

In some instances, an irrigation development can trigger the legal requirement for a Cultural Heritage Management Plan (CHMP) to be approved before the activity can take place. CHMPs are required for high impact activities involving significant ground disturbance in areas of cultural heritage sensitivity. High impact activities are listed in the Regulations to the Act. Significant ground disturbance involves mechanical disturbance of the ground through grading, excavating, digging,

drilling, dredging or deep ripping.

A Cultural Heritage Management Plan is a written report prepared by a Cultural Advisor that identifies and assesses Aboriginal cultural heritage values in the activity area. It specifies ways of avoiding or minimising harm to that Aboriginal cultural heritage and sets out appropriate measures to protect cultural heritage before, during and after the activity. CHMPs are produced in consultation with Aboriginal community representatives.

What are Areas of Cultural Heritage Sensitivity?

Areas of Cultural Heritage Sensitivity relevant to the Northern Region include:

- Within 50 metres of a registered Aboriginal Place;
- Within 200 metres of Named waterways (registered under the Geographic Place Names Act 1998), Prior waterways, Ancient lakes and Declared Ramsar wetlands;
- Lunettes; and
- Dunes.

What is the process for meeting Cultural Heritage Requirements under the Act?

You will need to determine if the proposed activity triggers the requirement to obtain a CHP (for works that may or are likely to harm a known or registered Aboriginal place) or a CHMP (where works involve significant ground disturbance being a high impact activity and in an area of cultural heritage sensitivity). AV can provide advice regarding your potential for triggering a CHP or CHMP. Information relating to the planning and heritage management process is available via www.vic.gov.au/aboriginalvictoria/heritage/planning-and-heritage-management-processes.html.

If it is determined that the proposed activity does not trigger a CHP or a CHMP then no further assessment regarding cultural heritage is legally required. Note: All Aboriginal cultural heritage is protected from harm under the Act. Even if a CHP or a CHMP is not required for your development proposal it is still illegal to harm Aboriginal cultural heritage that may be present in your activity area. In order to manage this risk you may wish to undertake a voluntary CHMP, particularly in areas of high cultural heritage sensitivity.

If it is determined that a CHMP is required you must engage a Cultural Advisor to prepare the Plan. The Act requires you to notify AV and any local RAP of your intention to prepare a CHMP. The RAP has 14 days to inform you that it will evaluate the CHMP. If the RAP does not respond or elects not to evaluate your Plan, the Secretary (AV) must evaluate the plan.

Process for Preparing a CHMP

1. Determine if a CHMP is required;
2. Engage a Cultural Advisor to prepare the Plan;
3. The CHMP project should involve the RAP or relevant local Aboriginal people if no RAP exists;
4. Submit the finished CHMP to the evaluating authority (AV or the RAP);
5. The RAP/AV has 30 days to evaluate the Plan and notify you of their decision (on whether to approve or reject);
6. If the Plan is refused you can appeal the decision to the Victorian Civil Administrative Tribunal (VCAT).

Who Do I Need to Consult?

If you are preparing a CHMP you must send a Notice of Intent to Prepare a CHMP to the RAP/s if they exist in the area. RAPs choosing to evaluate a CHMP should be involved in its preparation. Approval from each RAP (there may be more than one) is required before works can commence. Where no RAP exists the Secretary (AV) must evaluate the CHMP. Maps showing RAP boundaries can be found at www.vic.gov.au/aboriginalvictoria.html.

3. Further Information

For further information regarding any of your requirements, contact the relevant agency as listed below.

3.1. Local Governments

Local governments are responsible for local planning. They can provide advice regarding requirements for planning and native vegetation issues. The contact details of local governments in the GMWCP area are listed below:

Greater Shepparton City Council

90 Welsford Street, Shepparton, Victoria.

Phone: (03) 5832 9700

Web: www.greatershepparton.vic.gov.au

Moira Shire

44 Station Street, Cobram

Phone: (03) 5871 9222

Web: www.moira.vic.gov.au

Loddon Shire Council

37-41 High Street, Wedderburn, Victoria

Phone: (03) 54941200

Web: www.loddon.vic.gov.au

City of Greater Bendigo

195-229 Lyttleton Terrace, Bendigo

Phone: (03) 5434 6000

Web: www.bendigo.voc.gov.au

Gannawarra Shire

Patchell Plaza, 47 Victoria Street, Kerang

Phone: (03) 5450 9333

Web: www.gannawarra.vic.gov.au

Mildura Rural City Council

108-116 Madden Avenue (between Ninth & Tenth Streets), Mildura

Phone: (03) 5018 8100

Web: www.mildura.vic.gov.au

Shire of Campaspe

Cnr Hare and Heygarth Streets, Echuca

Phone: (03) 5481 2200

Web: www.campaspe.vic.gov.au

3.2. STATE GOVERNMENT AUTHORITIES

Catchment Management Authorities (CMAs)

CMA's are responsible for the health of waterways. CMA's can provide advice regarding works in floodplain areas and works on waterways. CMA's can also provide advice regarding the protection and enhancement of native vegetation on your property. The contact details of CMA's are listed below:

Goulburn Broken Catchment Management Authority

168 Welsford St, Shepparton VIC 3630 (main office)

Phone: (03) 5820 1100

Web: www.gbcma.vic.gov.au

North Central Catchment Management Authority

628-634 Midland Hwy, Huntly VIC 3551 (main office)

Phone: (03) 5448 7124

Web: www.nccma.vic.gov.au

Department of Environment, Land, Water & Planning (DELWP)

DELWP leads the Victorian Government's efforts to sustainably manage water resources and catchments, primary industry extension services, climate change, bushfires, parks and other public land, forests, biodiversity and ecosystem conservation.

Department of Environment, Land, Water & Planning – Loddon Mallee Office

1-7 Taylor Street Epsom VIC 3551

Phone: 03 5430 4444

Web: www2.delwp.vic.gov.au

Aboriginal Victoria

Aboriginal Affairs Victoria is the Victorian Government's key agency for advice on Aboriginal affairs. It promotes knowledge and understanding about Victoria's Aboriginal people within the wider community, and also administers legislation that protects Aboriginal cultural heritage.

Aboriginal Victoria

Level 9, 1 Spring Street, MELBOURNE

Phone: 1800 762 003

Web: www.vic.gov.au/aboriginalvictoria.html

Goulburn-Murray Water

Goulburn Murray Water manages water storage, delivery and drainage systems involving 70% of Victoria's stored water. We harvest, store and deliver water, ensuring availability for all customers.

Goulburn Murray Water – Head Office

40 Casey Street (PO Box 165), Tatura

Phone: (03) 5833 5500

Web: www.g-mwater.com.au

Shepparton Area

21 Wheeler Street, Shepparton

Phone: (03) 5832 9900

Central Goulburn Area

33 Casey Street, Tatura

Phone: (03) 5833 5705

Rochester-Campaspe Area

41 High Street, Rochester

Phone: (03) 5484 0400

Loddon Valley Area

24 Barber Street, Pyramid Hill
Phone: (03) 5455 7100

Murray Valley Area
Dillon Street, Cobram
Phone: (03) 5871 0100

Torrumbarry Area
Koondrook Road, Kerang
Phone: (03) 5451 0111