

## **15 ENVIRONMENT**

### **15.01 Protection of catchments, waterways and groundwater**

#### **15.01-1 Objective**

To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

#### **15.01-2 General implementation**

Decision-making by planning and responsible authorities must be consistent with any relevant requirements of State environment protection policies as varied from time to time (Waters of Victoria and specific catchment policies).

#### **Catchment planning and management**

Planning authorities must have regard to relevant aspects of:

- Any regional catchment strategies approved under the Catchment and Land Protection Act 1994 and any associated implementation plan or strategy, including regional vegetation plans, regional drainage plans, regional development plans, catchment action plans, landcare plans, and management plans for roadsides, soil, salinity, water quality and nutrients, floodplains, heritage rivers, river frontages and waterways.
- Any Action Statements and management plans prepared under the Flora and Fauna Guarantee Act 1988.
- Any special area plans approved under the Catchment and Land Protection Act 1994.

Planning and responsible authorities should coordinate their activities with those of the Boards of catchment management authorities appointed under the Catchment and Land Protection Act 1994 and consider any relevant management plan or works program approved by a catchment management authority.

Planning and responsible authorities should consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments and, where possible should encourage:

- The retention of natural drainage corridors with vegetated buffer zones at least 30m wide along waterways to maintain the natural drainage function, stream habitat and wildlife corridors and landscape values, to minimise erosion of stream banks and verges and to reduce polluted surface runoff from adjacent land uses.
- Measures to minimise the quantity and retard the flow of stormwater runoff from developed areas.
- Measures, including the preservation of floodplain or other land for wetlands and retention basins, to filter sediment and wastes from stormwater prior to its discharge into waterways.

Responsible authorities should ensure that works at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses and are consistent with Guidelines for Stabilising Waterways (Rural Water Commission 1991) and Environmental Guidelines for River Management Works (Department of Conservation and Environment 1990), and should have regard to any relevant river restoration plans or waterway management works programs approved by a catchment management authority

## **Water quality protection**

Planning and responsible authorities should ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and ground water resources, rivers, streams, wetlands, estuaries and marine environments.

Incompatible land use activities should be discouraged in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.

Planning and responsible authorities should ensure land use and development proposals minimise nutrient contributions to waterways and water bodies and the potential for the development of algal blooms, consistent with the Preliminary Nutrient Guidelines for Victorian Inland Streams (EPA 1995), the Victorian Nutrient Management Strategy (Government of Victoria 1995) and the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999).

Responsible authorities should use appropriate measures to restrict sediment discharges from construction sites in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995).

Planning and responsible authorities should utilise mapped information available from the Department of Sustainability and Environment to identify the beneficial uses of groundwater resources and have regard to potential impacts on these resources of proposed land use or development.

### **15.01-3 Geographic strategies**

Planning and responsible authorities should have regard to regional catchment strategies where relevant.

For land adjoining the Murray River, planning and responsible authorities should consider the recommendations of the Murray River Regional Environmental Plan No 2 (REP2) of New South Wales.

## **15.02 Floodplain management**

### **15.02-1 Objective**

To assist the protection of:

- Life, property and community infrastructure from flood hazard.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage function of floodplains and waterways.
- Floodplain areas of environmental significance.

### **15.02-2 General implementation**

Planning controls for areas subject to flooding should be consistent throughout the State.

Flood risk must be considered in the preparation of planning schemes and land use planning decisions to avoid intensifying the impacts of flooding through inappropriately located uses and developments.

Planning authorities should have regard to the following documents when preparing planning schemes for areas affected by flooding:

- Regional catchment strategies and special area plans approved by the Minister for Environment and Water.

- State environment protection policies as varied from time to time (Waters of Victoria and specific catchment policies).
- Any floodplain management manual of policy and practice, or catchment management or floodplain management strategy adopted by the relevant responsible floodplain management authority.
- Any best practice environmental management guidelines for stormwater adopted by the Environment Protection Authority.

Land affected by flooding, including floodway areas, as verified by the relevant floodplain management authority, should be shown on planning scheme maps. Land affected by flooding is land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority.

Emergency facilities (including hospitals, ambulance stations, police stations, fire stations, transport facilities, communications facilities, community shelters and education centres) must be located outside the 1 in 100 year floodplain and, where possible, at levels above the height of the probable maximum flood.

Developments and uses which involve the storage or disposal of environmentally hazardous industrial and agricultural chemicals or wastes and other dangerous goods (including piggeries, poultry farms, feedlots and sewage treatment plants) must not be located on floodplains unless site design and management is such that potential contact between such substances and floodwaters is prevented, without affecting the flood carrying and flood storage functions of the floodplain.

### **15.03 Salinity**

#### **15.03-1 Objective**

To minimise the impact of salinity and rising watertables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt loads in rivers.

#### **15.03-2 General implementation**

Planning and responsible authorities should use zoning, overlay controls and permit conditions to:

- Promote vegetation retention and replanting in aquifer recharge areas contributing to groundwater salinity problems.
- Prevent inappropriate development in areas affected by groundwater salinity.

Planning authorities should have regard to the following documents in planning for areas affected by salinity:

- A Local Government Planning Guide for Dryland Salinity (Department of Conservation and Natural Resources 1995).
- Any relevant regional catchment strategy and any associated implementation plan or strategy (particularly salinity management plans and regional vegetation plans), as well as special area plans approved under the Catchment and Land Protection Act 1994.

### **15.04 Air quality**

#### **15.04-1 Objective**

To assist the protection and improvement of air quality.

## **15.04-2 General implementation**

Decision-making by planning and responsible authorities must be consistent with any relevant requirements of the State environment protection policy (The Air Environment) as varied from time to time.

Planning and responsible authorities should ensure that development is not prejudiced and community amenity is not reduced by air emissions by ensuring, wherever possible, that there is suitable separation between potentially amenity reducing and sensitive land uses and developments. Consideration should be given to Recommended Buffer Distances for Industrial Residual Air Emissions (EPA 1990) to determine the extent of separation.

Responsible authorities should have regard to the potential for conflict between land uses or development within a zone due to air emission impacts.

## **15.05 Noise abatement**

### **15.05-1 Objective**

To assist the control of noise effects on sensitive land uses.

### **15.05-2 General implementation**

Planning and responsible authorities should ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Decision-making by planning and responsible authorities must be consistent with any relevant aspects of the following documents:

- State environment protection policy (Control of Noise from Commerce, Industry and Trade) No N-1 (in metropolitan Melbourne).
- Interim Guidelines for Control of Noise From Industry in Country Victoria (EPA 1989).
- State environment protection policy (Control of Music Noise from Public Premises).

## **15.06 Soil contamination**

### **15.06-1 Objective**

To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

### **15.06-2 General implementation**

Minister's Direction No. 1 under the Planning and Environment Act 1987 applies to the preparation of a planning scheme or amendment which would have the effect of allowing land used or known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel to be used for agriculture, public open space or a residential use, a child care centre, a pre-school centre or a primary school.

In considering applications for use of land used or known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel, responsible authorities should require applicants to provide adequate information on the potential for contamination to have adverse effects on the future land use.

Planning and responsible authorities should have regard to the following documents when making decisions regarding contaminated land:

- Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC/MHNRC 1992).
- Planning Measures for Environmental Protection: A Practical Guide for Local Government (EPA 1994).
- Relevant Information Bulletins published by the Environment Protection Authority.

## **15.07 Protection from wildfire**

### **15.07-1 Objective**

To assist the minimisation of risk to life, property, the natural environment and community infrastructure from wildfire.

### **15.07-2 General implementation**

In consultation with relevant fire authorities, planning authorities must identify wildfire risk environments in planning schemes.

Fire hazards must be considered in planning decisions affecting wildfire risk environments to avoid intensifying the risk through inappropriately located or designed uses or developments.

Planning and responsible authorities must have regard to the following documents when considering land use or development in wildfire risk environments:

- Municipal Fire Prevention Plans.
- Code of Practice for Fire Management on Public Land (Dept of Conservation and Natural Resources 1995).
- Bushfire Prone Areas (Building Control Commission and Country Fire Authority 1995).
- Wildfire Intensity Maps prepared by the Country Fire Authority.
- Building in bushfire-prone areas - CSIRO & Standards Australia (SAA HB36-1993), May 1993.
- Design and Siting Guidelines: Rural Subdivision Principles (Government Printer 1978).
- Planning Conditions and Guidelines for Subdivisions (Country Fire Authority 1991).
- Any relevant regional catchment strategy.

The advice of the relevant fire authority should be sought if compliance with the above codes of practice or guidelines is not likely or additional measures are believed necessary.

## **15.08 Coastal areas**

### **15.08-1 Objective**

In coastal areas, to protect and enhance the natural ecosystems and landscapes of the coastal and marine environment, ensure sustainable use of natural coastal resources and achieve development that provides an environmental, social and economic benefit enhancing the community's value of the coast.

### **15.08-2 General implementation**

Land use and development planning is to be coordinated with the requirements of the Coastal Management Act 1995 to:

- Provide clear direction for the future sustainable use of the coast, including the marine environment, for recreation, conservation, tourism, commerce and similar uses in appropriate areas.
- Protect and maintain areas of environmental significance.
- Identify suitable areas and opportunities for improved facilities.

Decision-making by planning authorities and responsible authorities should be consistent with the following hierarchy of principles for coastal planning and management as set out in the Victorian Coastal Strategy 2002:

1. Provide for the protection of significant environmental features.
2. Ensure the sustainable use of natural coastal resources.
3. Undertake integrated planning and provide direction for the future.
4. When the above principles have been met, facilitate suitable development on the coast within existing modified and resilient environments where the demand for services is evident and requires management.

### **15.08-3 Geographic strategies**

Planning for coastal areas should be consistent with the Victorian Coastal Strategy 2002, any relevant coastal action plan or management plan approved under the Coastal Management Act 1995 or National Parks Act 1975, any relevant State environment protection policy, the purpose for which land is reserved under the Crown Land (Reserves) Act 1978 and approved recommendations from the Land Conservation Council or the Victorian Environment Assessment Council.

#### **Great Ocean Road Region**

Planning for the Great Ocean Road Region should:

Protect the landscape and environment by:

- Protecting public land and parks and identified significant landscapes.
- Ensuring development responds to the identified landscape character of the area.
- Managing the impact of development on catchments and coastal areas.
- Managing the impact of development on the environmental and cultural values of the area.

Manage the growth of towns by:

- Respecting the character of coastal towns and promoting best practice design for new development.
- Directing urban growth to strategically identified areas.
- Encouraging environmentally sustainable development.

Improve the management of access and transport by:

- Managing the Great Ocean Road for tourism and regional access.
- Enhancing the safety and travelling experience of the Great Ocean Road.
- Improving the safety and operational performance of the inland routes from the Princes Highway to the Great Ocean Road.
- Providing travel choices to and within the region.

Encourage sustainable tourism and resource use by:

- Developing a network of tourism opportunities throughout the region.
- Supporting tourism activities that provide environmental, economic and social benefits.
- Supporting the land use and transport needs of key regional industries including tourism.
- Using natural resources with care.

Planning for the Great Ocean Road Region should have regard to the Great Ocean Road Region - A Land Use and Transport Strategy (Department of Sustainability and Environment, 2004)

## **15.09 Conservation of native flora and fauna**

### **15.09-1 Objective**

To assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.

### **15.09-2 General implementation**

Planning authorities should have regard to The National Strategy for the Conservation of Australia's Biological Diversity (Department of Environment, Sport and Territories 1996), any Strategy, relevant Governor-in-Council orders and Action Statements prepared under the Flora and Fauna Guarantee Act 1988, and any relevant regional catchment strategy and associated implementation plans and strategies, particularly regional vegetation plans and roadside management strategies, as well as special area plans approved under the Catchment and Land Protection Act 1994, when preparing planning scheme amendments or municipal strategic statements affecting native vegetation, flora, fauna, waterways or wetlands.

Planning authorities should utilise mapped information available from the Department of Sustainability and Environment to identify areas of significant native vegetation and biodiversity.

Decision-making by planning and responsible authorities should:

- Assist the protection of conservation values of national parks and conservation reserves.
- Assist the conservation of the habitats of threatened and endangered species and communities as identified under the Flora and Fauna Guarantee Act 1988, including communities under-represented in conservation reserves such as native grasslands, grassy woodlands and wetlands.
- Address potentially threatening processes identified under the Flora and Fauna Guarantee Act 1988.
- Assist re-establishment of links between isolated habitat remnants.

Planning and responsible authorities should have regard to Victoria's Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002). If native vegetation is proposed to be removed as part of a land use or development proposal, planning and responsible authorities should achieve a Net Gain outcome, as defined in the Framework. This is achieved firstly, as a priority, by avoiding adverse impacts, particularly native vegetation clearance; secondly, if impacts cannot be avoided, by minimising impacts through appropriate consideration in planning processes and expert input into project design or management; and thirdly, by identifying appropriate offset actions. The criteria for determining the appropriate response and offsets are contained within the Framework.

Planning and responsible authorities must ensure that any changes in land use or development would not adversely affect the habitat values of wetlands and wetland wildlife habitats designated under the Convention on Wetlands of International Importance (the Ramsar Convention) or utilised by species designated under the Japan-Australia Migratory Birds Agreement (JAMBA) or the China-Australia Migratory Birds Agreement (CAMBA).

Planning and responsible authorities should consider the potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into natural ecosystems.

Responsible authorities should ensure that the siting of new buildings and works minimises the removal or fragmentation of native vegetation.

Responsible authorities should encourage the use of land management plans or works programs as a basis for decision making and consider the need to protect waterways and soil from degradation that may result from the loss of native vegetation and the use of



voluntary conservation agreements between land owners and the Department of Sustainability and Environment.

## **15.10 Open space**

### **15.10-1 Objective**

To assist creation of a diverse and integrated network of public open space commensurate with the needs of urban communities and rural areas.

### **15.10-2 General implementation**

Planning authorities should plan for regional open space networks to be used for recreation and conservation of natural and cultural environments.

Planning and responsible authorities should ensure that open space networks:

- Are linked through the provision of walking and cycle trails and rights of way.
- Are integrated with open space contributions from abutting subdivisions.
- Incorporate, where possible, links between major parks and activity areas, along waterways and natural drainage corridors, connecting places of natural and cultural interest, as well as maintaining public accessibility on public land immediately adjoining waterways and coasts.

Planning and responsible authorities should ensure that land is set aside and developed in residential areas for local recreational use and to create pedestrian and bicycle links to commercial and community facilities.

Planning and responsible authorities should ensure that land use and development adjoining regional open space networks, national parks and conservation reserves complements the open space in terms of visual and noise impacts, treatment of waste water to reduce turbidity or pollution and preservation of vegetation.

### **15.10-3 Geographic strategies**

In the metropolitan area, planning authorities should take account of the relevant regional version of Linking People and Spaces: A Strategy for Melbourne's Open Space Network, Parks Victoria 2002 or in the case of the Maribyrnong Valley, Maribyrnong River - Vision for Recreational and Tourism Development (Melbourne Parks and Waterways 1996).

## **15.11 Heritage**

### **15.11-1 Objective**

To assist the conservation of places that have natural, environmental, aesthetic, historic, cultural, scientific or social significance or other special value important for scientific and research purposes, as a means of understanding our past, as well as maintaining and enhancing Victoria's image and making a contribution to the economic and cultural growth of the State.

### **15.11-2 General implementation**

Planning and responsible authorities should identify, conserve and protect places of natural or cultural value from inappropriate development. These include:



- Places of botanical, zoological or other scientific importance, including national parks and conservation reserves and the habitats of rare or endangered plants and animals.
- Places and sites of geological, palaeontological or other scientific importance, including rock formations and fossil sites.
- Places of Aboriginal cultural heritage significance, including historical and archaeological sites.
- Sites associated with the European discovery, exploration and settlement of Victoria.
- Important buildings, structures, parks, gardens, sites, areas, landscapes, towns and other places associated with the historic and cultural development of Victoria, including places associated with pastoral expansion, gold mining, industrial development and the economic expansion and growth of Victoria.

Planning and responsible authorities should take account of the findings and recommendations of the Victorian Heritage Council and the provisions of the Heritage Act 1995.

Planning and responsible authorities must take account of the requirements of the Victorian Archaeological and Aboriginal Relics Preservation Act 1972, the Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984 and the views of local Aboriginal communities in providing for the conservation and enhancement of places, sites and objects of Aboriginal cultural heritage value.

Planning authorities should have regard to Local Government Heritage Guidelines (Department of Planning and Housing 1991) when preparing planning schemes or amendments to assist the conservation and enhancement of places, sites and objects of non-Aboriginal cultural heritage value.

## **15.12 Energy efficiency**

### **15.12-1 Objective**

To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

### **15.12-2 General implementation**

Planning and responsible authorities should:

- Promote energy efficient building and subdivision design.
- Promote consolidation of urban development and integration of land use and transport.
- Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.

## **15.13 Alpine areas**

### **15.13-1 Objective**

To protect and manage significant environmental features and ecosystems and facilitate sustainable use and development of Alpine Resorts for year round use and activity, and to provide a framework for the planning of the alpine areas.

### **15.13-2 General implementation**

Planning and responsible authorities, in conjunction with the Resort Management Boards, should develop, monitor and regularly review Alpine Resort Environmental Management Plans and Comprehensive Development Plans for each alpine resort, recognising their unique characteristics, constraints and opportunities. In doing so, the distinct

environments, infrastructure needs and capabilities to support different activities of the alpine resorts of Falls Creek, Lake Mountain, Mt Baw Baw, Mt Buller, Mt. Hotham and Mt Stirling and other alpine areas should be considered.

Planning and responsible authorities should maintain a close working relationship with Resort Management Boards recognising that ongoing implementation of approved plans and management of developments is crucial to the effective operation of the alpine resorts and protection of alpine resources.

Planning authorities and responsible authorities should:

- Take into account the sensitive and fragile nature of the alpine environment.
- Ensure that there is a mixture of uses and developments to cater for users of the alpine areas in all seasons.
- Provide for the development of consolidated alpine villages, including a diverse range of employment, social and economic opportunities.
- Ensure that proposals for use and development are generally in accordance with any approved Comprehensive Development Plan and comply with any approved Alpine Resort Environmental Management Plan.
- Encourage best practice for low impact and environmentally sensitive management that minimise disturbance of indigenous flora and fauna and sensitive landscape in both construction and operation of all developments.
- Encourage best practice in urban design that responds to the alpine character and histories from Aboriginal culture, mining, logging, grazing and recreation.

Planning and responsible authorities should ensure that increases in skier, pedestrian and vehicular activity in the resorts do not compromise public safety or the accessibility and capacity of skifields, services, commercial activity and development of trailheads.

Planning and responsible authorities should have regard to the Alpine Development Code 1997 and to any relevant approved Land Conservation Council or Environment Conservation Council recommendations.

Decision making by planning and responsible authorities should be consistent with any relevant State environment protection policy as varied from time to time.

### **15.13-3 Geographic Strategies**

In planning for Alpine areas planning authorities and responsible authorities should:

- Promote development for active recreation solely at Falls Creek, Lake Mountain, Mt Buffalo, Mt Baw Baw, Mt Buller and Mt Hotham.
- Promote intensive residential and commercial development at Falls Creek, Mt Baw Baw, Mt Buller and Mt Hotham.
- Maintain Mt Stirling as an all season nature based tourist, recreational and educational resource.

Planning authorities should have regard to:

- The Memorandum of Understanding in relation to the Co-operative Management of the Australian Alps National Parks agreed to by the member states and territories of Victoria, Australian Capital Territory and New South Wales.
- Any approved management plans and guidelines endorsed by the Minister for Environment and Water.

## **15.14 Renewable energy**

### **15.14-1 Objective**

To promote the provision of renewable energy, including wind energy facilities, in a manner that ensures appropriate siting and design considerations are met.

### **15.14-2 General implementation**

Energy underpins the economy and quality of life of all Victorians. The Government is committed to achieving a more sustainable energy future for all Victorians by:

- Contributing to national and international efforts to reduce greenhouse emissions by reducing the long term dependency on energy from fossil fuels.
- Increasing the security and diversity of Victoria's energy supply by increasing the proportion supplied from renewable sources including wind energy.
- Encouraging and supporting the development of sustainable industries.

Planning should contribute to the provision of renewable energy by facilitating wind energy development in appropriate locations. In particular, planning should:

- Facilitate the consideration of wind energy development proposals.
- Recognise that economically viable wind energy facilities are dependent on locations with consistently strong winds over the year and that such sites are likely to be close to the exposed coastline and may be highly localised.
- Consider the economic and environmental benefits to the broader community of renewable energy generation and the effects on the local environment.

In planning for wind energy facilities, planning and responsible authorities must take into account the Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria, 2003.