

COS Council Papers for Meeting on 22 July 2015

Routine Drainage Works

During June routine drainage works were completed in the following townships and areas: · Apollo Bay · Wye River · Kennett River · Separation Creek · Skenes Creek · Marengo · Johanna · Kawarren · Gellibrand · Forrest

SUSTAINABLE PLANNING & DEVELOPMENT

Economic Development Business events

The Victorian Government's Small Business Bus visited Colac on 25 June 2015 with the opportunity of free mentoring sessions for local business owners by a small business mentor. The bus received a great amount of interest from local businesses with six mentoring sessions booked and 18 people visiting the bus throughout the day. Business people had the opportunity to receive information on starting a new business, small business tips and hints, and potential grants available. The bus visits Colac and Apollo Bay annually due to the large amount of support from Council and local businesses.

Economic Development Strategy Workshops were held in June 2015 in Apollo Bay to commence consultation on the Shire's next Economic Development Strategy, with further activity to follow in Colac and elsewhere, including a survey to all businesses in the Shire. A key focus for the Apollo Bay participants was growing the permanent population of the town without losing what makes the town special. A draft of the Strategy will be presented to Council late in 2015 after extensive community and business consultation across the Shire.

Great Ocean Road Regional Tourism (GORRT) - Great Ocean Road Strategic Master Plan

GORRT has been working with industry and the community on the development of a Master Plan for the region. The Project Committee presented a draft of the plan to the Great Ocean Road Regional Tourism (GORRT) Board in April. The draft Master Plan was subsequently released for stakeholder consultation throughout May/June, with submissions due on 22 June 2015. Council made a submission broadly supporting the plan, which it is anticipated will be finalised in July/August.

DRAFT DOMESTIC WASTEWATER MANAGEMENT PLAN

Background

Work has been ongoing on the preparation of a Domestic Wastewater Management Plan (DWMP) for areas within drinking water catchments and for unsewered properties in the municipality, especially those within settlements and townships. The draft 2015 Plan functions as a review and update of the 2007 DWMP.

The draft DWMP 2015 covers all unsewered parts of Colac Otway Shire, with a particular focus on the following areas:

- Water catchment areas (including Barham River, Barwon Downs, Beech Forest, Carlisle River, Forrest, Gellibrand, Kawarren and Lavers Hill).
- Unsewered townships outside water catchments: Alvie, Barongarook, Beeac, Coragulac, Cororoake,

Kennett River, Wye River and Separation Creek.

The draft Plan comprises two separate documents – an Operational Plan, and a Technical Document that contains much of the supporting data and maps associated with the production of the DWMP. Council is now being asked to place these documents on public exhibition to seek community feedback.

Previous work

Council's first DWMP, in 2007, developed previous work undertaken by Council, which had identified wastewater issues in a number of towns. This collection of information was instrumental in securing \$12,000,000 to sewer Birregurra and over \$800,000 to connect Skenes Creek to the Apollo Bay sewerage system at minimal cost to property owners.

Unfortunately, sewerage was not an option for Wye River and Separation Creek due to potential landslip issues associated with treated effluent disposal from the sewerage system and the prohibitive cost.

Following the decision not to sewer Wye River and Separation Creek, the Victorian Government commissioned a report in 2013 to look at the risks of domestic wastewater systems within these two coastal hamlets. This report recommended the development and implementation of a DWMP to reduce the risk of on-site treatment and disposal system failure. The report also recommended system upgrades on a prioritised basis, and regular inspection, desludging and maintenance activities. This report has also been one of the drivers for the 2007 DWMP review and update.

Draft Domestic Wastewater Management Plan 2015 There are around 8,803 unsewered lots/properties in the municipality as a whole (ie all land excluding urban Colac, Apollo Bay and Birregurra), of which over half are in towns and their surrounds. The draft 2015 DWMP, which is an update of the 2007 plan, does not look at all townships. **It has prioritised the highest risk townships (such as Wye River, Separation Creek and Kennett River), those townships in water supply catchments, and unsewered townships identified for growth.** Other townships will be considered in the next review and update of the DWMP.

A DWMP does not impose any new planning controls over land. Rather, it is a tool that, amongst other things, provides Council and water corporations more flexibility when considering planning applications in water supply catchments. The draft DWMP has the potential to provide for appropriate development, where measures can be put in place to ensure the development would not compromise the water supply. Rather than applying the current instrument of allowing the 1 dwelling per 40 hectares permissible under State Guidelines, decisions would be possible based on the specific circumstances of a property through the implementation of a DWMP. Whilst the Plan does not guarantee a positive development outcome for every property owner in the water catchments, it does provide consistency in terms of application requirements and the way that applications are assessed, having regard to site specific considerations.

Throughout the preparation of the draft DWMP, the consultancy reported to a Working Group comprising Council officers and representatives from Barwon Water, Wannon Water, Southern Rural Water (SRW), the Environment Protection Authority (EPA), the Corangamite Catchment Management Authority (CCMA) and the Department of Environment, Land, Water & Planning (DELWP).

The final result of the consultant's work is that all properties within the draft DWMP now have a sensitivity risk rating (for the purpose of considering on-site effluent treatment) of 'low', 'medium', 'high' or 'very high'. These ratings provide clarity to property owners about the information they will have to supply with any future planning application, or where no planning permit is required for a development, for any application to Council for a "Permit to Use" an on-site effluent treatment system. In summary, the outcomes of the sensitivity analysis are: · 2,113 unsewered allotments are within the declared water catchments. · 204 allotments have been assigned a sensitivity rating of Very High (only 2.3% of unsewered allotments). · 1,912 allotments have been assigned a sensitivity rating of High (21.7% of unsewered lots in the Shire). · 4,696 allotments have been assigned a sensitivity rating of Medium (53.4% of unsewered lots in the Shire); and · 1,991 allotments have been assigned a sensitivity rating of Low (22.6% of unsewered lots in the Shire).

What if a land owner considers the sensitivity rating to be inaccurate?

The sensitivity rating differentiates the level of information to be submitted with applications for development depending on the relative risk to water quality based on a broad analysis at a Shire wide level.

The draft DWMP makes it clear that the results of this analysis may not represent the actual conditions of properties throughout the entire Shire; due to the regional scale of the study. It may be possible that the information that does not reflect actual conditions on the ground will

come to light when a landowner proposes to develop a site and/or install a septic system. In such cases, a land owner could review the information in the DWMP and present additional information through a Land Capability Assessment (LCA) and, if necessary, the DWMP would be updated at its next review.

A property is classified as 'Very High' - does this mean it cannot be developed?

The draft DWMP ensures that all properties can be assessed on their individual merits, rather than a blanket standard being applied. Even for land in the Very High risk category, there is no direct implication that applications would not be supported – it simply means that instead of being refused based simply on the density of development in the surrounding area (which is a particular issue in the townships in the water catchments), a proponent can supply detailed information seeking to demonstrate that a proposal can be suitable.

Will the DWMP affect property values?

The DWMP should not materially affect property values, as it will increase the overall potential for environmentally responsible development in the Shire.

Draft Plan Ready for Exhibition It is considered that the draft is now ready for public exhibition, and it is recommended that the two documents that comprise the draft DWMP (the Operational Plan and the Technical Document) be made available for viewing by interested parties. It is recommended that the draft DWMP be exhibited for a period of eight weeks, as outlined in the 'Community Engagement' section below, with submissions invited from any interested persons/parties.

In summary, the benefits of the draft DWMP to the Council and the community include:

Council

- It will provide greater certainty that the water corporations will approve development in drinking water supply catchments.
- It will ensure Council complies with its responsibilities, taking a consistent, risk-based approach.
- It will set out requirements for Land Capability Assessments (LCAs), which would provide both consistency and compliance with the necessary criteria considerations.
- It will provide a detailed set of property data for all developable unsewered properties in the municipality, and the processes and information to assist Council in making consistent and well informed decisions.
- As it would have a risk-based approach, the DWMP will provide controls commensurate with the potential risk of the proposed septic system. Therefore, there will be fewer requirements for low risk proposals, with the most requirements applied to very high risk proposals.
- As a last resort, Council could confidently and reasonably justify a refusal of a proposal if the risk could not be satisfactorily mitigated.
- **It would have an action plan that would strategically inform Council over the next 5 years, with a list of priority towns such as Kennett River, Wye River and Separation Creek where efforts can be focussed.**

Council would be in breach of Victorian Government requirements if it does not prepare a new DWMP every five years.

Community

- Developers will be able to access the criteria data for their property, to have a better understanding of the ratings that have been prescribed to it. This data will be verified on-site if it is disputed or an application to install a septic system is made to Council.
- The opportunity to develop on properties at a density greater than 1:40 hectares in drinking water supply catchments.
- If a proposal in a drinking water supply catchment satisfies the requirements of an adopted DWMP that is being implemented by Council, the developer should be confident that it will be

- approved by the water corporations. If, for whatever reason, it is not approved, the developer would have a better case to appeal the decision at VCAT.
- The auditing of properties would develop a database which could be used, when necessary, for Council to present a case to the local water corporations to construct a full, partial or modified sewerage system. *(Note: the only way a sewerage system can be considered is through a compelling request from Council which satisfies State requirements. This is how Skenes Creek and Birregurra were considered appropriate and funded by the Victorian Government for sewerage.)*
 - The auditing of properties would develop a database which could be used, when necessary, to include townships in Victorian Government schemes that provide funding to support property owners to upgrade non-compliant septic systems. (Note: these schemes have been available periodically in the past. Although there is no such scheme at the moment, having the audit data would give Council the opportunity to apply for one or more townships if the opportunity arises in the future.)
 - Many property owners are unaware of the capacity and condition of their septic tank system, especially if they were not responsible for its installation. Advice on correct maintenance to keep the system in working order, or the need to alter or install a new system (over a given timeframe), would reduce public health and environmental risk for the property occupier, neighbours and downstream water users.
 - The draft DWMP recognises that many septic tank systems do not comply with the current Code of Practice and has outlined a risk-based approach that would see improvements to these systems within a reasonable timeframe. It is considered that the draft DWMP is now at a stage where it would be appropriate to undertake public consultation, inviting feedback from interested parties. Any submissions received will be considered prior to finalising the DWMP for adoption.

Whilst this Plan highlights the need for greater monitoring and auditing of septic systems across the Shire than current staff arrangements could accommodate, there are many ways in which this could be addressed, whether this be funding further employee(s) through rate income or introduction of user charges in unsewered areas.

This report seeks authorisation to put the draft DWMP (2015) on public exhibition. The method selected would be to inform and consult.

It is proposed to exhibit the draft DWMP for a period of eight weeks to reflect its complexity and ensure there is enough time for the community to fully consider its implications. The documentation will be made available on Council's website and in hard copy at Council's Customer Service areas.

A mail out to the owners of all unsewered properties is proposed, together with notices in the Colac Herald, in local news sheets, on public noticeboards in townships and on Council's website. A fact sheet outlining the purpose of the project and how people can make submissions will be prepared and will be made available in settlements covered by the draft DWMP (e.g. in local stores, hotels etc).

A general media release will be prepared immediately prior to commencement of the public exhibition period, complemented by posts on the Shire Facebook page. It is intended to hold drop-in information sessions across key towns similar to those held at the commencement of this project. These sessions will be attended by Council officers and a representative from the consultancy engaged by Council to prepare the draft DWMP (Whitehead and Associates).