

**EARTHWORKS CONTROLS IN THE SHIRE OF CAMPASPE,
THE CITY OF GREATER SHEPPARTON AND THE SHIRE OF
MOIRA**

INCORPORATED DOCUMENT

December 2022

This document is an incorporated document pursuant to Section 6(2)(j) of the *Planning and Environment Act 1987*.

1. INTRODUCTION

This document is an Incorporated Document in the Schedule to Clause 72.04 *Table of Documents Incorporated in this Scheme* of the Campaspe Planning Scheme, the Greater Shepparton Planning Scheme and the Moira Planning Scheme for the purpose of Clause 51.01-1 of those schemes.

The land identified in Clause 3 of this Incorporated Document may be subject to earthworks in accordance with Clause 4 and Clause 5 of this document.

This document prevails over any contrary or inconsistent provision in the planning schemes.

2. PURPOSE

The purpose of this Incorporated Document is to exempt certain earthworks from the need for a permit as follows:

- earthworks which change the rate of flow or the discharge point of water across a property boundary;
- earthworks which increase the discharge of saline groundwater;
- earthworks and/or works that may otherwise require a permit under an overlay control;

within the following zones and overlays:

- Clause 35.03 (Rural Living Zone);
- Clause 35.06 (Rural Conservation Zone);
- Clause 35.07 (Farming Zone);
- Clause 35.08 (Rural Activity Zone);
- Clause 44.02 (Salinity Management Overlay);
- Clause 44.03 (Floodway Overlay or Rural Floodway Overlay); and
- Clause 44.04 (Land Subject to Inundation Overlay).

In addition, this Incorporated Document exempts additional specified types of earthworks or works from the need for a permit within the Campaspe Planning Scheme, the Greater Shepparton Planning Scheme and the Moira Planning Scheme.

3. LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

This Incorporated Document applies to land within the:

- Farming Zone;
- Rural Activity Zone;
- Rural Conservation Zone;
- Rural Living Zone;
- Floodway Overlay;
- Land Subject to Inundation Overlay;
- Rural Floodway Overlay; and
- Salinity Management Overlay;

within the Campaspe Planning Scheme, the Greater Shepparton Planning Scheme and the Moira Planning Scheme.

4. SPECIFIC EXEMPTIONS

Campaspe Planning Scheme
Greater Shepparton Planning Scheme
Moira Planning Scheme

Despite any provision to the contrary or any inconsistent provision in the Campaspe Planning Scheme, the Greater Shepparton Planning Scheme and the Moira Planning Scheme, no planning permit is required for, and no provision in the planning schemes operate to prohibit,

control or restrict undertaking the following earthworks or works on land subject to this Incorporated Document:

- earthworks and/or works in a Salinity Management Overlay undertaken by the Rural Water Corporation to remove or modify obstructions to restore and maintain reasonable flow in accordance with a Drainage Course Declaration Management Plan approved under Section 218(7) of the *Water Act 1989*; or
- earthworks and/or works in a Salinity Management Overlay undertaken by or on behalf of the Rural Water Corporation, relevant flood management authority or catchment management authority as part of a drainage scheme approved under the *Water Act 1989*.

Note - This Incorporated Document does not exempt the need for statutory authorisation that may be required under other legislation, including but not limited to: Aboriginal Heritage Act 2006, Aboriginal Heritage Regulations 2018, Heritage Act 2017, Water Act 1989 or Road Management Act 2004.

5. WHOLE FARM PLAN EXEMPTIONS

Campaspe Planning Scheme
Greater Shepparton Planning Scheme
Moira Planning Scheme

Exemption

Works as set out in this clause are exempt from the need for a planning permit.

Earthworks which change the rate of flow or the discharge point of water across a property boundary, and/or earthworks which increase the discharge of saline groundwater, which meet the requirements of this Incorporated Document, are exempt from the need for a permit under the Campaspe Planning Scheme, the Greater Shepparton Planning Scheme and the Moira Planning Scheme.

Earthworks exempt from the need for a planning permit must be carried out in accordance with the approvals and conditions as specified in Incorporated Document as may be applicable. Earthworks or works in the Salinity Management Overlay in accordance with a Whole Farm Plan approved by the responsible authority, the floodplain management authority and the Rural Water Corporation prior to 17 August 2023 under the former 'Earthworks Controls in the Shire of Campaspe, City of Greater Shepparton and the Moira Shire – August 2015', 'Earthworks Controls in the Shire of Campaspe, City of Greater Shepparton and Moira Shire, August 2010' or 'Planning Controls for Earthworks in the Goulburn Broken Catchment, November 1997' are exempt from the need for a permit.

6. DESIGN AND APPROVAL

Whole Farm Plan

Prior to earthworks being carried out, unless otherwise agreed to in writing by the responsible authority, a plan or multiple plans must be submitted and approved by the responsible authority and other relevant authorities.

The plan or plans may be in the form of a whole farm plan and for the purpose of this Incorporated Document will be referred to as a "Whole Farm Plan".

The Whole Farm Plan must accurately describe the matters set out in this clause as relevant.

Existing conditions

Existing conditions of the land and its location in a regional context including (but not limited to):

- survey design information;
- property and location information;
- natural and cultural features;
- overlays;
- easements, reserves and public land; and

- all existing infrastructure (including but not limited to, Rural Water Corporation infrastructure details, sources of water supply including groundwater, essential services, levee banks, existing water storage and drainage outfalls).

Design details

Proposed design details for the land including (but not limited to):

- detailed irrigation systems layout and specifications including an earthworks schedule, property design, private assets, supply level for Rural Water Corporation assets, effluent management system, water reuse system, drainage system design, native vegetation management, under bore designs, water supply and power sources.

Other matters

Areas of the property that are not laser graded and requiring development must also be designed.

The Whole Farm Plan must be prepared by a suitably qualified and experienced Irrigation Surveyor and Designer.

Written consent must be obtained from the owner/s of all land on which the earthworks or works will occur.

Approval

Prior to approval of a Whole Farm Plan, the responsible authority must obtain written consent from the following authorities and agencies:

- the relevant Floodplain Management Authority:
 - where earthworks or works are proposed on land that is liable to flooding as identified in the Land Subject to Inundation Overlay, Floodway Overlay and Rural Floodway Overlay; or
 - where earthworks or works are proposed on land within 30 m of a waterway;
- the Rural Water Corporation:
 - where earthworks or works are located on land within 30 m of the Rural Water Corporation's land or assets (including Declared Drainage Courses under the *Water Act 1989*);
 - where earthworks or works may impact on the Rural Water Corporation's works or interests; or
 - where earthworks or works may cause drainage impacts as described in any published guidelines or in the opinion of the relevant responsible authority;
- the relevant Public Land Manager:
 - where earthworks or works are located on public land; or
 - where earthworks or works will change the rate of flow or the discharge point of water across a property boundary adjoining public land;
- the Department of Energy, Environment and Climate Action:
 - where earthworks or works are located on land within a Salinity Management Overlay; and
- the relevant Roads Corporation:
 - where earthworks or works may impact on a declared road under the management of the Roads Corporation, to ensure earthworks or works do not create or alter access to a road in Transport Road Zone 2 (TRZ2) or land in a Public Acquisition Overlay for the purpose of acquiring a road in the TRZ2.

Additional requirements for approval

Prior to approval of a Whole Farm Plan, the plan must be amended to satisfy any requirements specified by the relevant responsible authority and any other relevant authority from which written consent was required under this clause.

The earthworks must be carried out in accordance with the approved Whole Farm Plan to the satisfaction of the responsible authority.

The earthworks as shown on the approved Whole Farm Plan must not be altered or modified in any way without the prior written consent of the responsible authority.

An application to carry out earthworks or works must have regard to the following as applicable:

- the Earthworks Controls in the Shire of Campaspe, City of Greater Shepparton and Shire of Moira Reference Guidelines, and any similar guidelines that may be published by the Campaspe Shire Council, Greater Shepparton City Council, and/or the Moira Shire Council from time to time; and
- the Floodplain Management Guidelines for Whole Farm Plans within the Shepparton Irrigation Region (GBCMA January 2003).

7. EXPIRY

A Whole Farm Plan approved under this Incorporated Document expires if any of the following circumstances apply:

- the earthworks or works approved as part of the Whole Farm Plan are not started within two years of the date of approval; and
- the earthworks or works approved as part of the Whole Farm Plan are not completed within 4 years of commencement.

The responsible authority may extend these periods if a request is made in writing before the expiry date of a Whole Farm Plan or within three months afterwards.