

# **Earthworks Controls in the Shire of Campaspe, City of Greater Shepparton and the Moira Shire**

**August 2015**

## ***INCORPORATED DOCUMENT***

### **1. Objectives**

- To manage and provide for long term land sustainability, improved salinity, and a reduction in nutrient levels leaving a property.
- To manage the drainage system for the region in a way that allows the reasonable flow of water through the region.
- To provide a consistent approach to earthworks and drainage management in the catchment regardless of municipal boundaries or whether land is within the irrigation region.
- To allow floodplains to function so as to provide flood conveyance and flood storage.

### **2. Use and development not affected by this Incorporated Document**

This Incorporated Document does not remove the need for separate permission for earthworks under:

- Any use control under the zone that affects the land; or
- Any buildings and works controls under the zone that affects the land; or
- Any buildings and works control under an overlay that affects the land; or
- Any Particular Provision under Clause 52 of the Scheme (such as native vegetation controls) that affect the land.

This document does not apply to the use and development of land undertaken by or on behalf of Goulburn-Murray Rural Water Corporation for the purposes of the Goulburn-Murray Water Connections Project.

### **3. Permit requirements**

The Farming Zone (at Clause 35.07-4) requires a permit for any 'earthworks' which are specified in the schedule to the zone.

The Salinity Management Overlay (at Clause 44.02-1) requires a permit for any 'works'.

The Floodway Overlay (at Clause 44.03-1) requires a permit for any 'works'.

The Land Subject to Inundation Overlay (at Clause 44.04-1) requires a permit for any 'works'.

The Special Building Overlay (at Clause 44.05-1) requires a permit for any 'earthworks'.

### **4. Permit exemptions**

The requirement for a permit for 'earthworks' in the Farming Zone, or for 'works' in the Land Subject to Inundation Overlay, the Floodway Overlay; the Salinity Management Overlay or the Special Building Overlay does not apply to 'earthworks' or 'works' which do not:

- Change the discharge point of water across a property boundary; or
- Change the rate of flow of water across a property boundary; or
- Increase the discharge of saline groundwater; or
- Adversely impede the free passage and temporary storage of floodwater (and so long as the written approval of the relevant floodplain management authority has been obtained).

Typical examples of these exemptions are listed in '*Earthworks Controls in the Shepparton Irrigation Region – Discussion and Options Paper – August 2010*'.

### **5. Referral of an application for earthworks**

An application for earthworks (or works) must be referred under Section 55 of the *Planning and Environment Act 1987* to the following authorities and in the following circumstances as listed in Clause 66.04 of the Planning Scheme:

#### *Relevant Floodplain Management Authority*

- When the application involves 'works' on land that is liable to flooding as identified in the Land Subject to Inundation and Floodway Overlays.
- When the application involves 'works' that may impact on or within 30m of a waterway.

#### *The Secretary to the Department of Environment, Land, Water and Planning*

- When the application involves 'works' that may impact on public land managed by Department of Environment, Land, Water and Planning.

- When the application involves ‘works’ on land affected by the Salinity Management Overlay.

*Goulburn – Murray Rural Water Corporation (GMW)*

- When the application involves ‘works’ that adjoin GMW assets
- When the application involves ‘works’ that potentially impact on GMW works or interests. (such as pumping to channels, subways under GMW channels, works within 30 metres of GMW assets etc.)
- When the proposed ‘works’ have complex drainage impacts.

*Roads Corporation*

- When the application involves ‘works’ that adjoin a declared road under the management of the Roads Corporation.

The responsible authority may also forward the application to its relevant internal departments and to any other relevant authority.

**6. Guidelines for decisions on planning permit applications.**

Before deciding on a permit application, and in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, the Municipal Strategic Statement and local planning policies;
- The objectives of the relevant land and water management plan;
- The objectives and provisions of the Water Act;
- The need to establish and maintain reasonable flow of water through the area; and
- The written advice of the relevant authorities that it is satisfied that the works proposed are reasonable and will not adversely alter or will improve drainage in the area.

**7. Exemption from notice and review**

An application for ‘earthworks’ or ‘works’ is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

**8. Application Requirements**

An application for 'earthworks' or 'works' must be accompanied by the following information, as appropriate for the type of application. The information may be documented in the form of a 'Whole Farm Plan' and must accurately describe:

In relation to the site;

- Site shape, size, dimensions and orientation.
- Levels and contours of the site.
- Natural features including trees and significant vegetation, drainage lines, the location of any flooding overlay, waterways, wetlands, ridgelines and hill tops.
- The siting and use of existing buildings and structures including farm and GMW channels, drains, laneways and fences.
- Easements.
- Any identified natural or cultural features of the site.
- Soil types for the property.
- Supply level in GMW channel, outlet location and details (including the outlet number) so as to determine water level and flow fate available.

In relation to the proposed works;

- Irrigation bay dimensions.
- Farm channel details.
- Farm drain details.
- Laneway details.
- Reuse system.
- Drainage outfall details.
- Surface drainage diversion systems.
- Groundwater pump details.
- Dairy effluent disposal.
- Any other relevant information that could be used in the development of the Whole Farm Plan.

Areas of the property that are not laser graded and requiring development are to be designed in detail.

Typical examples of these requirements are listed in '*Earthworks Controls in the Shepparton Irrigation Region – Discussion and Options Paper – August 2010*'.

## **9. Relevant Documents**

An application to carry out 'earthworks' or 'works' must consider the following relevant documents as appropriate:

- Earthworks Controls in the Shepparton Irrigation Region – Discussion and Options Paper – August 2010
- Floodplain Management Guidelines for Whole Farm Plans (GBCMA 2000)

- Shepparton Irrigation Region Significant Drainage Lines (GMW and GBCMA 1998)
- Regional Directions for Irrigation Development: Regional Irrigation Development Guidelines Northern Victoria 2007
- Construction of new farm dams in the Shepparton and Loddon-Murray Irrigation Regions (GMW October 2004)
- Victoria's Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002).
- Dairy Cattle Feedpad guidelines for the Goulburn Broken Catchment 2002
- The DairyGains Victorian Guidelines –Management of Dairy Effluent 2008
- Aboriginal Heritage Regulations 2007

**Note1** - *The provisions of this Incorporated Document in no way affect the liabilities of any party under existing legislation such as the Water Act.*

**Note 2** – *A Cultural Heritage Management Plan (CHMP) may be required or the Responsible Authority may require evidence that a CHMP is not required.*