

MELTON PLANNING SCHEME

1. INTRODUCTION

This document is an incorporated document in the Schedule to Clause ~~45.12~~ ~~51.01~~ ~~52.03~~ and the Schedule to Clause ~~72.04~~ ~~84.04~~ of the Melton Planning Scheme (the Scheme).

Despite any provision to the contrary in the Scheme, pursuant to Clause ~~45.12~~ ~~52.03~~ ~~51.01~~ of the Scheme, the land identified in this ~~Incorporated Document~~ ~~incorporated document~~ may be used and developed in accordance with the specific controls contained in this document.

In the event of any inconsistency between the specific controls contained in this document and any provision of the Scheme, the specific controls contained in this document will prevail.

2. PURPOSE

The purpose of the control in this document is to allow the use and development of land for the purpose of a Utility Installation and associated works, which includes but is not limited to:

- The creation of a 'reserve';
- The installation of three 9.67ML water tanks;
- The construction of earthen bunds;
- The construction of one single vehicle access track;
- The removal of a section of the dry stone wall, for the creation of an access track;
- The installation of fencing; and
- The installation of associated landscaping.

3. THE LAND

The control in this document applies to the land on the Site Plan at Appendix 1. The land is located at 1665 ~~A-4745~~ Mt Cottrell Road, Mount Cottrell (currently described as [Lot RES1 PS 724822T Lot 3 on LP141929](#)).

~~The entire parcel of land comprises 40.49 hectares. Western Water intends to acquire 5.2133 hectares of land located in the north east corner of the site together with an access way along the northern boundary (see Appendix 1). This land has been designated will be used as a 'reserve' for a Utility Installation and will contain a Class A recycled water storage facility comprising three (3) 9.67 ML water tanks, earthen bunds, single vehicle access track, fencing and landscaping.~~

4. CONTROL

Despite any provision to the contrary or any inconsistent provision in the Melton Planning Scheme, no planning permit is required for, and nothing in the Melton Planning Scheme operates to prohibit or restrict:

- The use of land for the purpose of a Utility Installation;
- The development of the land for three 9.67ML water tanks and associated buildings and works;
- Any subdivision, or permit requirements to create the 'reserve'.

The above must be generally in accordance with the Plans outlined in Appendix 2 and the conditions of this Incorporated Document. Once approved, these plans will be the endorsed plans, and may be altered or amended from time to time by the Responsible Authority.

The Controls (and associated Plans) are subject to the conditions in Clause 5 of this document.

Appendix Number	Drawing Title
Appendix 1	Site Plan
Appendix 2	WW-090319-1001-C02

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5. CONDITIONS

5.1 Plans submitted for endorsement

Before development starts, plans must be submitted to and approved by the Responsible Authority to show:

- a) Layout of the site;
- b) Site levels to AHD;
- c) Location of tanks;
- d) Accessways and location of vehicle crossovers

5.2 Use and Development Not Altered

The use and/or development as shown on the endorsed plan(s) must not be altered without the written consent of the Responsible Authority.

5.3 Landscape Plan Required

Before the development starts, a landscape plan prepared by a person suitably qualified or experienced in landscape design must be submitted to and approved by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a) Location and identification of all proposed plants.
- b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. All planting should be of local provenance from the appropriate Ecological Vegetation Class (EVC 132 – Plains Grassland-Victorian Volcanic Region)
- c) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
- d) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary of the Utility Installation.
- e) Details of surface finishes of any pathways.
- f) Details of the formation of the landscape bund which shall be undertaken according to the AS 3798 and compaction shall be Level 1, together with suitable erosion control measures for the finished batter slope. The landscaping of the embankment must achieve visual and physical integration at all stages of development.
- g) Landscaping that provides effective screening of all water tanks and appropriate plantings along the access track. Ongoing assessment of the landscape character is required to ensure visual contrast between existing landscapes and proposed planting and landscape treatments is achieved.

All species selected must be to the satisfaction of the Responsible Authority.

5.4 All works must comply with any requirements under the *Aboriginal Heritage Act 2006*.

5.5 Materials and Colours Schedule Required

Before the development starts, a schedule of construction materials, external finishes and colours must be submitted to and approved by the Responsible Authority.

The materials of the water tank and security fence should be in a neutral tone similar to the surroundings and be non-reflective.

5.6 Fencing Details

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Prior to the commencement of development, specifications in respect to the materials used for all fencing and gateways, (including to the entrance of the site) and the location and the height of the fence and gates must be submitted to and approved by the Responsible Authority.

5.7 Dry Stone Wall

Prior to the commencement of development, a dry stone wall management plan must be submitted to and approved by the Responsible Authority. The management plan must include the following:

- a) An assessment of the condition of the dry stone wall by a suitably qualified professional.
- b) The extent of removal required.
- c) The percentage of the demolished area in relation to the whole structure.
- d) A plan for the proposed re-use or storage of the removed stone.
- e) Photographs (or suitable records) of the dry stone wall.
- f) Details of how the section of dry stone wall will be reconstructed (where applicable).
- g) Any demolition of a dry stone wall section to create an opening must be accompanied with detail on new wall end construction.

5.8 Vehicular Crossings

Any proposed vehicle crossing must be constructed to a rural standard in accordance with Council's Standard Drawings. A road opening permit shall be obtained from Council prior to construction.

5.9 Existing Works

All existing works affected by the development shall be reinstated at no cost to council and to the satisfaction of the Responsible Authority.

5.10 Construction of Accessway

Prior to the commencement of development, specifications in respect to the construction of the accessway including width of the road, materials used for construction and drainage details must be submitted to and approved by the Responsible Authority. The accessway shall have a minimum of 200mm thickness of Fine Crushed Rock. Following construction of the accessway, it shall thereafter be maintained by Western Water to the satisfaction of the Responsible Authority.

5.11 Mount Cottrell Road

- a) Prior to commencement of works a condition report for Mount Cottrell Road (from Greigs Road (west) to the northern boundary of 1717 Mount Cottrell Road) must be submitted to the satisfaction of the Responsible Authority.
- b) If the Responsible Authority considers the use (as a result of the proposed works) has impacted Mount Cottrell Road, reinstatement works must be undertaken at Western Water's cost, to the satisfaction of the Responsible Authority.

5.12 General amenity provision – use and development

The use and development must be managed to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected, through the:

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- a) Transport of materials, goods or commodities to or from the land.
- b) Appearance of any building, works or materials.
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
- d) Presence of vermin.

Or in any other way to the satisfaction of the Responsible Authority.

5.13 Control of light spill

External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

5.14 Drainage Plans within the site required

Before the development starts, drainage plans and design calculations for the proposed development must be submitted to and approved by the Responsible Authority.

5.15 Structural Certification

- a) A structural certification of compliance for the design of the tanks must be submitted to the Responsible Authority prior to the commencement of tank works.
- b) A structural certification of compliance for the construction of the tanks must be submitted to the Responsible Authority prior to the commencement of use.

5.16 Environmental Management Plan

Before the development starts, an Environmental Management Plan prepared by a suitably accredited land management specialist must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this document. The Plan must be generally in accordance with the Council's 'Guidelines for the preparation of Environmental Management Plans in Melton's Rural Areas'.

An on-going program for the control of noxious weeds and pest animals listed under the *Catchment and land Protection Act 1994* must be undertaken.

5.17 Earthworks

All earthworks must be undertaken in a manner which minimises soil erosion and restricts sediment discharges and in accordance with the EPA publication No. 257 – Construction Techniques for Sediment Pollution Control and Environmental Guidelines for Major Construction Sites (EPA 1995).

All topsoil removed during the earthworks must be stockpiled, maintained in a weed-free condition, respread on disturbed ground after completion of the earthworks and revegetated to prevent erosion, to the satisfaction of the Responsible Authority.

5.18 Construction Management Plan (CMP)

Before any works start (including works required by other authorities), a CMP to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The CMP must be generally in accordance with 'Doing it Right on Subdivisions EPA 2004 – Temporary Environmental Protection Measures for Subdivision Construction Sites'. The construction management plan must be drawn to scale with dimensions and three copies must be provided. The CMP must include details of:

- o Working hours;

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- Haulage routes to the site;
- Methods of dust suppression;
- Sediment control;
- Identified no-go zones adjacent to the adjoining Council reserve;
- Methods for weed control and pest animal control; and
- The person(s) responsible for implementing the above measures.

In addition:

- All machinery brought on site must be weed and pathogen free.
- All machinery wash down, lay down and personnel rest areas must be clearly fenced and located in disturbed areas.
- Contractors working on the site must be inducted into an environmental management program for construction works.
- Best practice erosion and sediment control techniques must be used to protect any native flora and fauna.

5.19 General

If required, the owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to the 'reserve' shown in Appendix 1 of the Incorporated Document in accordance with the authority's requirements and relevant legislation at the time.

- a) All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- b) The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 35 of that Act.

5.20 Expiry

This specific control will expire if any of the following circumstances applies:

- a) The development of the first tank is not started [by 31 December 2023](#)~~4~~[within 4 years of the gazettal of this Incorporated Document.](#)
- b) The use allowed by the control is not started [by 31 December 2026](#)~~7~~[within 7 years from the gazettal of this Incorporated Document.](#)
- c) The development of the tanks is not completed [by 31 December 2050](#)~~49~~[within 30 years from the gazettal of this Incorporated Document.](#)

The Responsible Authority may extend the periods referred to if a request is made in writing before the Incorporated Document expires, or within six months afterwards.

NOTES

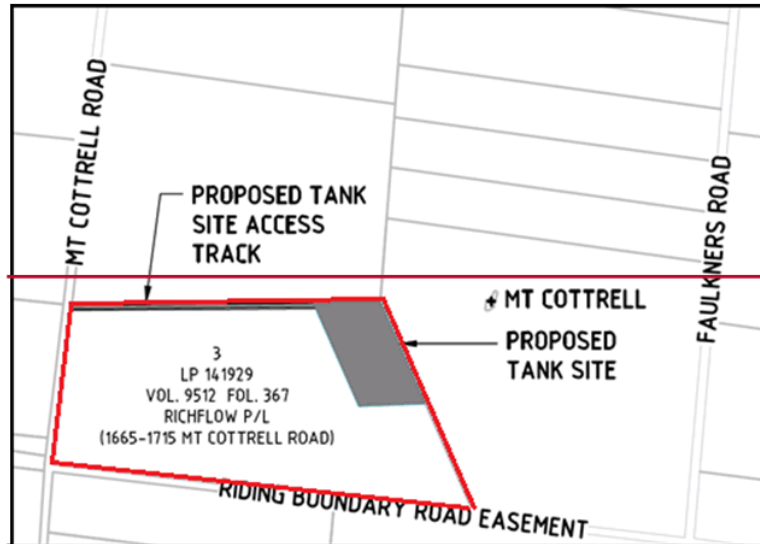
- All drains contained within the reserve, except in drainage easements, shall remain the property of the landowners and shall not be taken over by Council for future maintenance.
- All vehicle accessways contained within the reserve, other than stated in this Incorporated Document, shall remain the property of the landowners and shall not be taken over by Council for future maintenance.
- Any proposed vehicle crossings must have clearance from public light poles, street sign poles, other street furniture, trees and any other traffic management devices.

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- The vehicle crossing and driveway are owned by the landowner who is also responsible for its maintenance.

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APPENDIX 1 – SITE PLAN

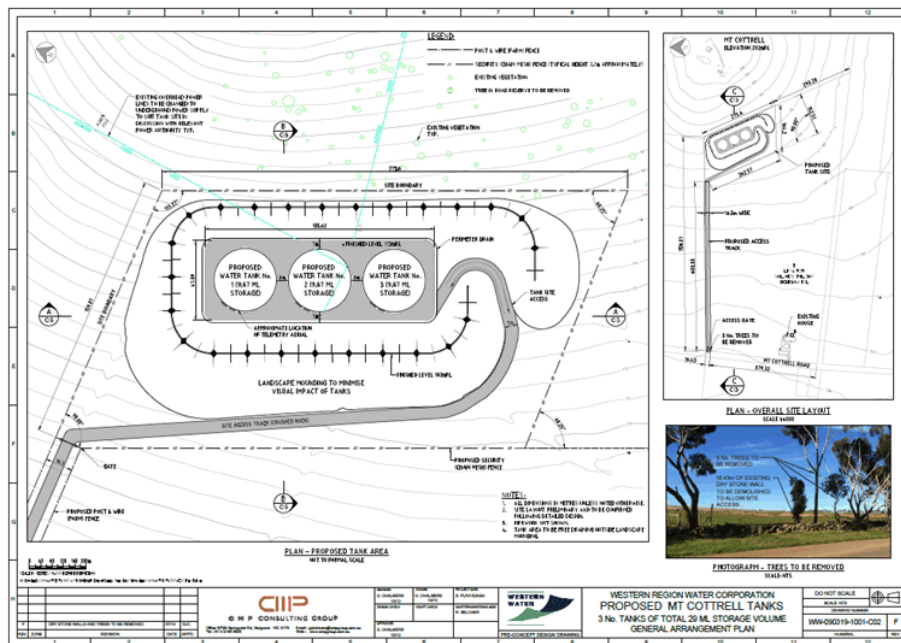


This incorporated document applies to the ~~grey area within the red box~~ hatched land.

This ~~grey area~~ hatched land will be known as a 'reserve' for the purpose of a '~~recycled~~ water storage facility'.

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APPENDIX 2 – PLAN



END OF DOCUMENT