



RDAV Melton and District Riding for the Disabled Facility

Urbis Ltd., July, 2024

MELTON PLANNING SCHEME

Incorporated Document

This document is an incorporated document in the Melton Planning Scheme pursuant to section 6(2)(j) of the Planning and Environment Act 1987

1.0 INTRODUCTION

This document is an Incorporated Document in the schedules to Clause 45.12 – Specific Controls Overlay (SCO) and Clause 72.04 – Incorporated Documents of the Melton Planning Scheme (scheme).

The land identified in Clause 2.0 of this document may be used and developed in accordance with the specific controls contained in Clauses 6.0 and 7.0 of this document.

2.0 LAND DESCRIPTION

This document applies to the adjoining parcels of land at:

- 41 Newfoundland Circuit, Bonnie Brook 3335;
- Lot 6 on Plan Number TP956560 at Tarletons Road, Bonnie Brook 3335 (Standard Parcel Identifier: 6\TP956560); and
- Lot 7 on Plan Number TP956560 at Tarletons Road, Bonnie Brook 3335 (Standard Parcel Identifier: 7\TP956560)

known as ‘the land’ being all of the land within SCO8– RDAV Melton and District Riding for the Disabled Facility.



Figure 1 – Map of land subject to this Incorporated Document, shaded in grey

3.0 APPLICATION OF PLANNING SCHEME PROVISIONS

Despite any provision to the contrary or any inconsistent provision in the scheme,

pursuant to Clause 45.12 of the scheme the land identified in the 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 general provisions of the scheme, the specific controls contained in this document will prevail.

4.0 EXPIRY OF THIS SPECIFIC CONTROL

The development of the land permitted under this Incorporated Document must:

- Commence within two (2) years of the gazettal date of Amendment C243melt to this scheme.
- Except with the written consent of the responsible authority, the use of the land for the purpose of a horse riding school must cease on 30 June 2034

The use permitted under this Incorporated Document must commence within two (2) years of the gazettal date of Amendment C243melt to this scheme.

The Minister for Planning may extend the period for commencement if a request is made in writing before the time for commencement expires or within six months afterwards.

The Minister for Planning may extend the date for the completion of the development if a request is made in writing before the time for completion expires or within 12 months after the time for completion expires and the development is started lawfully before the approval expired.

This Incorporated Document will expire twelve months after the date of the issuing of the Certificate of Occupancy for the last stage of the development or as otherwise agreed in writing by the Minister for Planning.

Upon expiry of the specific control, the land may be used and developed only in accordance with the provisions of the planning scheme in operation at that time.

5.0 PURPOSE

The purpose of this incorporated document is to permit the use and development of the land for a horse riding school generally in accordance with the plans approved in Clause 6.0 of this document and subject to the Clause 7.0 conditions of this document.

6.0 DETAILED DEVELOPMENT PLANS:

This document allows the use and development of the land for the purposes of the project set out in the detailed development plans endorsed under the conditions of this incorporated document. Detailed development plans must be generally in accordance with the plans prepared by MDG, titled RDAV Relocation Plans and dated 1/08/2023, as follows:

- RDAV Relocation Context Plan, LSK00, August 2023
- RDAV Relocation Plan, LSK01, August 2023

including any amendment of the plans that may be approved from time to time under the clauses of this document.

7.0 CONDITIONS

The following conditions apply to the use and development allowed by this incorporated

document:

Detailed development plans

1. Before the use and development starts, plans must be approved and endorsed by the responsible authority. The plans must:
 - a) Be prepared to the satisfaction of the responsible authority.
 - b) Be drawn to scale with dimensions.
 - c) Be submitted in electronic form.
 - d) Show the following details:
 - i. Site layout, including horse paddocks/yards and riding trails.
 - ii. Location, height, internal layout and materials of any buildings/structures. Please note the muted colours/materials must be used.

Landscaping

2. Before the development starts, a landscape plan must be approved and endorsed by the responsible authority. The landscape plan must:
 - a) be prepared to the satisfaction of the responsible authority.
 - b) be prepared by a suitably qualified person.
 - c) have plans drawn to scale with dimensions.
 - d) include the following:
 - i. layout of landscaping and planting within all open areas of the subject land.
 - ii. names of all existing vegetation to be retained and/or removed.
 - iii. details of surface finishes of pathways and driveways
 - iv. 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.

The responsible authority may consent in writing to vary any of these requirements.

3. Before the use and development starts, a Stormwater Management Strategy (SWMS) must be prepared to the satisfaction of the relevant Responsible Authorities and must be approved by the relevant Responsible Authorities.
4. The use and development must be carried out generally in accordance with the endorsed plans that may be amended from time to time by the Responsible Authority.
5. Before the use commences, the landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the Responsible Authority.
6. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the responsible authority.

Engineering

7. Prior to the commencement of the use hereby permitted, all necessary stormwater management infrastructure must be designed and constructed in accordance with the approved Stormwater Management Strategy [SWMS] to the satisfaction of the relevant Responsible Authorities.

Car Parking and Access

8. Before the use commences, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed with gravel or crushed rock to the satisfaction of Council.
 - b) Line marked to indicate each car space and all access lanes
 - c) Clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the responsible authority.
9. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
10. Car parking spaces for the sole use of vehicles suitably identified as those of disabled persons must be provided to the satisfaction of the Responsible Authority.
11. Accessible parking spaces should be located as close as possible to the building entrance and signed.
12. No fewer than 29 car space(s) must be provided on the land for the use and development, including two (2) spaces clearly marked for use by disabled persons.
13. Prior to the commencement of the use hereby permitted, an industrial standard crossover must be constructed on Newfoundland Circuit to the satisfaction of the Responsible Authority. A 'Consent to Work within a Road Reserve' must be obtained from Council prior to the commencement of construction.
14. Prior to the commencement of any works, the car parking layout and access track must be designed and approved to the satisfaction of the Responsible Authority. All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.
15. Prior to the commencement of the use hereby permitted, the car park and access track (at the entrance) must be constructed to the satisfaction of the Responsible Authority.

Noise, Lighting and Amenity

16. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - 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
 - e) others as appropriate.

17. The use may operate only between the hours of 9am and 5pm Monday – Saturday.
18. 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.
19. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
20. The nature and colour of building materials used in the construction of the buildings and works hereby permitted must be of a non-reflective finish and in muted tones to the satisfaction of the responsible authority.

Security of conservation land

21. A permit to subdivide land containing a 'conservation area' as shown in the *Rockbank North Precinct Structure Plan* must include the following condition:

The owner of the land must, as part of the plan of subdivision (or the first plan of subdivision submitted for registration, in the case of any staged subdivision), create the 'conservation area' as a separate lot or reserve. The boundaries of the lot or reserve on the plan of subdivision are subject to the prior satisfaction of the Secretary to the Department of Environment, Land, Water and Planning as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987* (Secretary). The owner must further secure the conservation area, by causing that lot or reserve to be vested, transferred, or protected in perpetuity in one of the following ways:

- Prior to a statement of compliance being issued for the plan of subdivision (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), enter into an agreement under section 173 of the *Planning and Environment Act 1987* by which the owner agrees to transfer ownership of the conservation area to, or to vest the conservation area in, the Minister responsible for section 5 of the *Crown Land (Reserves) Act 1978*, the Council or Melbourne Water. The transfer or vesting must either be for no or nominal consideration. The Secretary and the person or body to whom the land is to be transferred or vested must also be a party to the agreement. The terms of the agreement must include that the owner pays the reasonable costs of the other parties to the agreement that were incurred for the preparation, execution, and registration of the agreement. The owner must cause the agreement to be registered prior to lodgement of the plan of subdivision for registration; or
- Prior to a statement of compliance being issued for the plan of subdivision (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), enter into an agreement with the Secretary under section 69 of the *Conservation, Forests and Lands Act 1987*, which provides for the conservation and management of the conservation area by or on behalf of the owner in perpetuity. The terms of the agreement must include that the owner pays the reasonable costs of the Secretary incurred for the preparation, execution, and registration of the agreement. The owner must cause the agreement to be registered prior to lodgement of the plan of subdivision for registration.

The requirement to include the above condition does not apply if the permit applicant provides the responsible authority with a statement in writing from the

Secretary, as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*, that the condition is not required because the Secretary is satisfied that either:

- the land containing the conservation area is expected to be further subdivided and a further planning permit will be required for that subdivision (to which the above condition requirement will apply); or
- the conservation area has been or will be otherwise secured in perpetuity.

Fencing of conservation areas

22. A permit granted to subdivide land where works are required to carry out the subdivision, or a permit granted to construct a building or carry out works, on land including or abutting a conservation area as shown in the *Rockbank North Precinct Structure Plan*, must include the following condition:

Prior to the commencement of development, a conservation area fencing plan must be submitted to and approved by the Secretary to the Department of Environment, Land, Water, and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) (Secretary) to ensure the conservation area is adequately protected. The fencing plan must contain the following:

- The boundaries of any conservation area, and the location of any scattered tree and the boundaries of any patch of native vegetation within the conservation area.
- The location and alignment of temporary protection fencing showing the following minimum distance from the element to be protected:

Element	Distance
Conservation area	0.5 metres
Scattered tree	12 x diameter at a height of 1.3 metres
Patch of native vegetation	2 metres

- The timing of installation and removal of temporary protection fencing.
- The timing of installation of permanent fencing.
- Location and details of ongoing maintenance vehicle access points.
- The type of temporary and permanent fencing including materials, heights and spacing of uprights.
- Frequency of inspections and rectification works for temporary protection fencing.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning and the responsible authority.

Stockpiles, fill, machinery, vehicle parking, excavation and construction activity of any kind must not be brought into, or be undertaken within, the area to be fenced, except with the prior written consent from the Secretary.

Correct alignment of protective fencing

23. Buildings and works must not commence until written evidence that protection fencing has been erected in accordance with the approved Conservation Area

Fencing Plan is provided by a suitably qualified land surveyor to the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) (Secretary), and the Secretary confirms it is satisfied by the evidence.

Construction environmental management plan

24. A planning permit to subdivide land, construct a building, or construct or carry out works on or within 50 metres of land shown as a conservation area in the incorporated *Rockbank North Precinct Structure Plan* must include the following condition:

Before works start, a Construction Environmental Management Plan consistent with *DELWP requirements for Construction Environmental Management Plans under the Melbourne Strategic Assessment* (Department of Environment, Land, Water and Planning, November 2020) must be submitted to and approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) and the responsible authority, demonstrating how the conservation area will be protected during works.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary and the responsible authority.

Eastern Grey Kangaroo

25. Prior to the commencement of any works in a stage of subdivision an Eastern Grey Kangaroo Management Plan must be submitted for approval to the Department of Sustainability and Environment. The plan must include:

- Strategies (e.g. staging) to avoid land locking Eastern Grey Kangaroos, or where this is not practicable, management solutions and actions to respond to their containment in an area with no reasonable likelihood of their continued safe existence.

The subdivision and associated works must implement the Eastern Grey Kangaroo Management Plan in the timeframes set out in the plan by:

- Proceeding in the order of stages as shown on the plan;
- Implementing the management solutions and actions of the Plan.

all to the satisfaction of the Department of Sustainability and Environment and the Responsible Authority.

Land management plan for conservation area

26. A permit to subdivide land containing a conservation area as shown in the *Rockbank North Precinct Structure Plan* must include the following condition:

Prior to the commencement of development, a land management plan for the conservation area land must be prepared by a suitably qualified consultant, submitted to, and approved by the Secretary to the Department of Environment, Land, Water, and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) (Secretary). The land management plan must outline how the biodiversity values for the land identified in the *Biodiversity Conservation*

Strategy for Melbourne's Growth Corridors (Department of Environment and Primary Industries, 2013) will be maintained, managed, and improved, including:

- How environmental weeds will be managed up until the securing of the conservation area.
- How any revegetation will be undertaken in coordination with weed management activities to prevent re-colonisation of weed species.
- How rubbish and hazards will be removed, and any contaminated material managed up until the securing of the conservation area.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary and the responsible authority.

Expiry

27. The development permitted by this Incorporated Document will expire if the use and development is not started within two (2) years of the date of the gazettal of the approved amendment.

The Responsible Authority may extend the periods referred to if a request is made in writing before these controls expire or within three months afterwards.

28. Except with the written consent of the responsible authority, the use of the land for the purpose of a horse riding school must cease on 30 June 2034.

Note:

- Any use or development of the site must be consistent with the approved Cultural Heritage Management Plan identified as '*Rockbank North Residential Subdivision, Cultural Heritage Management Plan 13717*' prepared by Extent Heritage and dated 12 May 2017.

END OF DOCUMENT