SCHEDULE 5 TO CLAUSE 43.03 INCORPORATED PLAN OVERLAY

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Proposed C219

Shown on the planning scheme map as IPO5.

QUANDONG PRECINCT STRUCTURE PLAN, MARCH 2018

1.0 Requirement before a permit is granted

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None specified.

2.0 Permits not generally in accordance with incorporated plan

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A permit granted must be generally in accordance with the incorporated plans as they apply to the land unless otherwise agreed in writing by the Secretary to the Department of Environment, Land Water and Planning.

3.0 Conditions and requirements for permits

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The requirements of the incorporated *Quandong Precinct Structure Plan, March 2018* must be included in a permit.

Condition – Environmental Management Plan

A permit for subdivision, buildings or works on land shown as a conservation area in the *Quandong Structure Plan, March 2018* must include the following condition:

* The subdivision, buildings or works must not commence until an Environmental Management Plan for the relevant works has been approved to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning, unless otherwise agreed by the Department of Environment, Land, Water and Planning.

Condition – Salvage and Translocation

A planning permit for use, buildings or works, and/or subdivision must include the following condition:

* Salvage and translocation of threatened flora and fauna species and ecological communities must be undertaken prior to the commencement of any use, buildings or works, and/or subdivision (as allowed by this permit) to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

Conditions – Protection of conservation areas and native vegetation during construction

A permit to subdivide land where construction or works are required to carry out the subdivision, or a permit to construct a building or carry out works on land including or abutting a conservation area or patch of native vegetation or scattered tree identified for retention in the *Quandong Precinct Structure Plan, March 2018* must ensure that:

* Before the commencement of construction or carrying out of works in or around a conservation area, scattered tree or patch of native vegetation identified for retention in the *Quandong Precinct Structure Plan, March 2018* the developer of the land must erect a conservation area/vegetation protection fence that is:
* highly visible
* at least 2 metres in height
* sturdy and strong enough to withstand knocks from construction vehicles
* in place for the whole period of construction
* located the following minimum distance from the element to be protected:

|  |  |
| --- | --- |
| Element | Minimum distance from element |
| Conservation area | 2 metres |
| Scattered tree | Twice the distance between the tree trunk and the edge of the tree canopy |
| Patch of native vegetation | 2 metres |

* Construction stockpiles, fill, machinery, excavation and works or other activities associated with the buildings or works must:
* be located not less than 15 metres from a waterway;
* be located outside the vegetation protection fence;
* be constructed and designed to ensure that the conservation area, scattered tree or patches of native vegetation identified for retention in the *Quandong Precinct Structure Plan, March 2018* are protected from adverse impacts during construction;
* not be undertaken if it presents a risk to any vegetation within a conservation area; and
* be carried out under the supervision of a suitably qualified ecologist or arborist.

Conditions – Land Management Co-operative Agreement

A permit to subdivide land shown in the *Quandong Precinct Structure Plan, March 2018* as including a conservation area must ensure that, prior to the commencement of works, the owner of the land:

* Enters into an agreement with the Secretary to the Department of Environment, Land, Water and Planning under section 69 of the *Conservation Forests and Lands Act 1987*, which:
* Must provide for the conservation and management of that part of the land shown as a conservation area in the *Quandong Precinct Structure Plan, March 2018*; and
* May include any matter that such an agreement may contain under the *Conservation Forests and Lands Act 1987*.
* Makes application to the Registrar of Titles to register the agreement on the title to the land.
* Pays the reasonable costs of the Secretary to the Department of Environment, Land, Water and Planning in the preparation, execution and registration of the agreement.

The requirement for a Land Management Co-operative Agreement in this condition does not apply to land or any lot or part of a lot within a conservation area identified in the *Quandong Precinct Structure Plan, March 2018* that is:

* identified the *Quandong Precinct Structure Plan, March 2018* as public open space and is vested, or will be vested, in the council as a reserve for the purposes of public open space; or
* identified in the *Quandong Precinct Structure Plan, March 2018* as a drainage reserve and is vested, or will be vested, in Melbourne Water Corporation or the council as a drainage reserve; or
* the subject of an agreement with the Secretary to the Department of Environment, Land, Water and Planning to transfer or gift that land to:
* the Secretary to the Department of Environment, Land, Water and Planning;
* the Minister for Environment and Climate Change; or
* another statutory authority.

All to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

4.0 Decision guidelines

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Before deciding on an application to remove, destroy or lop vegetation the responsible authority must consider:

* The conservation and enhancement of the area including visual amenity.
* Preservation of and impact on the natural environment and the need to prevent erosion.
* The preservation and protection of significant vegetation and habitat.
* The management of vegetation to minimise fire hazard.

5.0 Preparation of the incorporated plan

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None specified.