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SCHEDULE 5 TO CLAUSE 43.03 INCORPORATED PLAN OVERLAY

Shown on the planning scheme map as **IPO5**.

MT ATKINSON & TARNEIT PLAINS PRECINCT STRUCTURE PLAN

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 *Mt Atkinson & Tarneit Plains Precinct Structure Plan* must be included in a permit.

Condition - Salvage and Translocation

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

- Salvage and translocation of threatened flora and fauna species and ecological communities must be undertaken in the carrying out of development to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

Condition - Environmental Management Plans

A planning permit for subdivision, buildings or works on land shown as a conservation area in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan* 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 Secretary to the Department of Environment, Land, Water and Planning.

Condition - Protection of conservation areas and native vegetation during construction

A permit granted to subdivide land where construction or 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 or patch of native vegetation or scattered tree identified for retention in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan* must ensure that:

- Before the start of construction or carrying out of works in or around a conservation area, scattered native tree or patch of native vegetation 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 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 suitable qualified ecologist or arborist.

Condition - Land Management Co-operative Agreement

A permit to subdivide land shown in the *Mt Atkinson and Tarneit Plains Precinct Structure Plan* as including a conservation area must ensure that, before commencement of works for the last stage of the subdivision, 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 *Mt Atkinson and Tarneit Plains Precinct Structure Plan*; 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 *Mt Atkinson and Tarneit Plains Precinct Structure Plan* that:
 - is identified in the *Mt Atkinson and Tarneit Plains Precinct Structure Plan* 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
 - is identified in the *Mt Atkinson and Tarneit Plains Precinct Structure Plan* as a drainage reserve and is vested, or will be vested, in Melbourne Water Corporation or the council as a drainage reserve; or
 - is 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.