

27/05/2019
C239wsea**SCHEDULE 5 TO CLAUSE 43.03 INCORPORATED PLAN OVERLAY**

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

WOLLERT PRECINCT STRUCTURE PLAN – BIODIVERSITY CONSERVATION STRATEGY AREAS

(Note: Refer also to the *Wollert Precinct Structure Plan, June 2017* in Clause 72.04)

Purpose

To give effect to the background document *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Department of Environment and Primary Industries, June 2013) and the *Wollert Precinct Structure Plan, June 2017*.

To protect land important to provide habitat connectivity for native flora and fauna.

To provide for the long-term preservation and conservation of ecological communities, habitat, flora and fauna and genetic diversity.

To protect and enhance ecological communities, populations and habitat of matters of national environmental significance listed under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

To protect and enhance native vegetation and habitat for threatened flora and fauna listed under the *Flora and Fauna Guarantee Act 1988*.

To protect and enhance the natural environment and natural processes for their habitat or scientific values.

To encourage and provide for the management of land to protect and enhance native vegetation and habitat including restoration, regeneration and revegetation with indigenous species, and provide scientific opportunities.

1.027/05/2019
C239wsea**Requirement before a permit is granted**

None specified.

2.027/05/2019
C239wsea**Permits not generally in accordance with incorporated plans**

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, and the Responsible Authority is satisfied that the development will not prejudice the orderly planning of the area having regard to the objectives of the *Wollert Precinct Structure Plan*.

3.027/05/2019
C239wsea**Conditions and requirements for permits****Application requirements**

All applications for use and/or development of land shown as conservation areas for Melbourne's growth corridors (Category 1 under the *Biodiversity Conservation Strategy*) must be accompanied by the following information, as appropriate, to the satisfaction of the responsible authority:

- A description of the use or development, including:
 - A plan showing the project footprint and any associated site facilities or works.
 - A description of the project.
 - A description of any operational and maintenance requirements.
 - Commencement and completion dates, including any project staging.

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- A description of the design measures, construction techniques and environmental controls proposed to be implemented to avoid, minimise and manage the impacts of the construction or operation of the use or development on the biodiversity and other environmental values of the land, including any proposals for revegetation and soil stabilisation.
- An explanation of why the use or development is necessary and whether alternative options to the development that do not require removal of native vegetation or habitat or cultural heritage values have been considered.
- A description of the consistency of the use or development with the Conservation Area Concept Plan contained in the *Wollert Precinct Structure Plan* and any management plan for the conservation of the land applying under an agreement under section 69 of the *Conservation Forests and Lands Act 1987* or approved by a public land manager having responsibility for the care or management of the land.
- A description of the impacts of the use or development on:
 - Native vegetation, including the amount and quality proposed to be removed.
 - Flora and fauna listed under the *Flora and Fauna Guarantee Act 1988* and matters of national environmental significance listed under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth), including the amount and quality of ecological communities and habitat and number of individuals of species proposed to be removed.
 - Other environmental values of the land, including soil, wetlands and waterways.
- A flora and fauna survey conducted by a suitably qualified and experienced person. If in the opinion of the Secretary to the Department of Environment, Land Water and Planning a survey is not required for the assessment of an application, the responsible authority may waive the requirement.

Conditions

Any permit for subdivision must contain the following conditions:

- Kangaroo Management Plan

Before the certification of the plan of subdivision, a Kangaroo Management Plan must be approved by the Secretary to the Department of Environment, Land, Water and Planning. Once approved the plan will be endorsed by the responsible authority and form part of the permit.

The endorsed Kangaroo Management Plan must be implemented to the satisfaction of the responsible authority

- Salvage and translocation

The *Salvage and Translocation Protocol for Melbourne's Growth Corridors* (Department of Environment and Primary Industries, 2014) must be implemented in the carrying out of development to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

The following conditions must be applied to a permit to subdivide land where construction or works are required or a permit to construct a building or construct or carry out works; and in either case, where the *Wollert Precinct Structure Plan* shows the land or abutting land as containing a conservation area or patch of native vegetation or scattered tree which is to be retained:

- Protection of conservation areas and native vegetation during construction

Prior to the commencement of works in or around a conservation area, scattered native tree or patch of native vegetation, a conservation area/vegetation protection fence must be erected that is:

- highly visible
- at least 2 metres in height
- sturdy and strong enough to withstand knocks from construction vehicles

WHITTLESEA PLANNING SCHEME

- kept 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 meters from the edge of the area
Scattered tree	Distance specified at Appendix 4.4 in the incorporated Wollert Precinct Structure Plan, June 2017
Patch of native vegetation	2 meters from the edge of the area

- Construction stockpiles, fill, machinery, excavation and works or other activities associated with the buildings or works must:
 - be located more than 15 metres from a waterway;
 - be located outside the required 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;
 - be carried out under the supervision of a suitable qualified ecologist or arborist; and
 - not be undertaken if the qualified ecologist or arborist who is familiar with the requirements of the *Wollert Precinct Structure Plan* is of the opinion that the various activities present a risk to any vegetation within a conservation area.

Land Management Co-operative Agreement

A permit to subdivide land shown in the incorporated *Wollert Precinct Structure Plan* as including a conservation area must ensure that, before the issue of a statement of compliance 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 *Wollert 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 *Wollert Precinct Structure Plan* that:

- is identified in the *Wollert Precinct Structure Plan* as public open space and is vested, or will be vested, in Whittlesea City Council as a reserve for the purposes of public open space; or
- is identified in the *Wollert Precinct Structure Plan* as a drainage reserve and is vested, or will be vested, in Melbourne Water Corporation or Whittlesea City Council as a drainage reserve; or
- is within a Conservation Area identified in the *Wollert Precinct Structure Plan* for nature conservation and is vested, or is subject of an agreement with the Secretary to the Department of Environment, Land, Water and Planning to be vested, in the Secretary to the Department of Environment, Land, Water and Planning for conservation purposes; 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 administering the *Conservation, Forests and Lands Act, 1987*; or
 - another statutory authority

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

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Decision guidelines

Before deciding on an application the responsible authority and the Department of Environment, Land, Water and Planning must consider, as appropriate:

- Any endorsed program report applying to the land under Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
- The *Wollert Precinct Structure Plan, June 2017*.