

03/09/2020  
C219wynd**SCHEDULE 5 TO CLAUSE 43.03 INCORPORATED PLAN OVERLAY**

Shown on the planning scheme map as IPO5.

**QUANDONG PRECINCT STRUCTURE PLAN****1.0**03/09/2020  
C219wynd**Requirement before a permit is granted****Use, development or subdivision of land – Environmental Site Assessment**

An application to use, develop or subdivide land must be accompanied by an Environmental Site Assessment of the land by a suitably qualified environmental professional to the satisfaction of the responsible authority which takes account of ‘*Preliminary Site Investigation: Quandong Park PSP, Wyndham Vale, Vic.*’ (Atma Environmental, 9 December 2014) and provides information including:

- Whether an Environmental Audit of all, or part, of the land is recommended having regard to the *Potentially Contaminated Land General Practice Note June 2005, DSE*.

Where the Environmental Site Assessment determines that an Environmental Audit is required, an application to use, develop or subdivide land must be accompanied by:

- A Certificate of Environmental Audit in accordance with Part IXD of the *Environment Protection Act 1970*; or
- A Statement of Environmental Audit in accordance with Part IXD of the *Environment Protection Act 1970*. A Statement must state that the site is suitable for the use and development allowed by this permit.

The responsible authority may waive this application requirement if:

- An Environmental Site Assessment for the subject land has been previously lodged with and approved by the responsible authority, and found that an environmental audit is not required; or
- A Certificate or Statement of Environmental Audit has previously been lodged with the responsible authority for the subject land.

**2.0**03/09/2020  
C219wynd**Permits not generally in accordance with incorporated plan**

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 Quandong Precinct Structure Plan.

**3.0**03/09/2020  
C219wynd**Conditions and requirements for permits**

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

The following conditions and/or requirements also apply to permits:

**Condition – Environmental Audit**

A permit to use, develop or subdivide land must include the following condition if an Environmental Site Assessment has confirmed that an environmental audit is required:

- The approved use and/or development must not commence, and/or the plan of subdivision must not be certified, until the responsible authority is satisfied that the land is suitable for the intended use.

## WYNDHAM PLANNING SCHEME

- If a Statement of Environmental Audit was lodged with the application, all the Conditions of the Statement must be carried out to the satisfaction of the responsible authority prior to the commencement of the use and/or development, and/or prior to the certification of a Plan of Subdivision or a stage of subdivision under the *Subdivision Act 1988*. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.
- Where there are conditions on a Statement of Environmental Audit that require significant ongoing maintenance and/or monitoring, the responsible authority may require the applicant to enter into a Section 173 Agreement under the *Planning and Environment Act 1987*. The Agreement must be executed on title prior to the commencement of the use and prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*. The applicant must meet all costs associated with drafting and execution of the Agreement, including those incurred by the responsible authority.
- Any further requirements made by the responsible authority after having regard to the guidance set out in the *General Practice Note on Potentially Contaminated Land June 2005* (DSE) must also be carried out to the satisfaction of the responsible authority.

### **Condition – Environmental Management Plan**

A permit for subdivision, buildings or works on land shown as a conservation area in the *Quandong Structure Plan, November 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 incorporated *Quandong Precinct Structure Plan, November 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, November 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, November 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, November 2018*, as including a conservation area must ensure that, prior to the commencement of works, the owner of the land:

- Enters into a Land Management Cooperative Agreement (LMCA) 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 incorporated *Quandong Precinct Structure Plan, November 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, November 2018* that is:

- Identified the *Quandong Precinct Structure Plan, November 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, November 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 administering the Conservation, Forests and Lands Act, 1987; or
  - another statutory authority.

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

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**Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 43.03 which is not generally in accordance with the incorporated plan, in addition to those specified in Clause 43.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

**Application to remove, destroy or lop vegetation**

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.

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**Preparation of the incorporated plan**

None specified.