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## SCHEDULE 3 TO CLAUSE 43.03 INCORPORATED PLAN OVERLAY

Shown on the planning scheme map as IPO3.

### MINTA FARM PRECINCT STRUCTURE PLAN

#### 1.0

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#### Requirement before a permit is granted

None specified.

#### 2.0

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#### Permits not generally in accordance with incorporated plans

A permit granted must be generally in accordance with the incorporated plan 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 *Minta Farm Precinct Structure Plan*.

#### 3.0

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#### Conditions and requirements for permits

The following conditions and/or requirements apply to permits:

##### Salvage and translocation

- The *Salvage and Translocation Protocol for Melbourne's Growth Corridors* (Department of Environment, Land, Water and Planning, 2017) must be implemented in the carrying out of development to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

##### Environmental Management Plans

A planning permit to subdivide land, construct a building or construct or carry out works on land shown as a conservation area in the incorporated *Minta Farm Precinct Structure Plan* must include the following condition:

- Prior to certification of the plan of subdivision or the commencement of buildings or works, an Environmental Management Plan for the relevant works must be approved to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning and the responsible authority.

##### Protection of conservation areas and native vegetation during construction

- Before the commencement of buildings or works within a conservation area shown on shown on Plan 5 of the *Minta Farm Precinct Structure Plan*, the permit holder must erect a vegetation protection fence around any conservation area, patch of native vegetation or scattered tree identified for retention, or vegetation identified for salvage in the incorporated *Minta Farm Precinct Structure Plan*. The fence must be:
  - 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 occurring within the conservation area, patch of native vegetation or scattered tree
  - located at a minimum distance from the identified elements in Table 1:

Table 1

Element	distance
Conservation area	0.5 metres
Scattered tree	12 x Diameter at Breast Height
Patch of native vegetation	2 metres

During the undertaking of buildings or works, all activities must be excluded from occurring within the protection fencing, unless otherwise agreed to by the Secretary to the Department of Environment, Land, Water and Planning.

Construction stockpiles, fill, machinery, vehicle parking, excavation and works or other activities associated with the buildings or works must be designed and constructed to ensure that the conservation area, scattered trees or patches of native vegetation identified for retention in the Precinct Structure Plan are protected from adverse impacts during construction.

#### Land Management Co-operative Agreement – Conservation Areas

- A permit to subdivide land on land shown in the incorporated *Minta Farm Precinct Structure Plan* as including the conservation area shown on Plan 5 of the Precinct Structure Plan must ensure that, before the issue of a statement of compliance for the last stage of subdivision, the owner of the land:
  - Enters into a Land Management Co-operative 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; 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 clause does not apply to land of any lot or part of a lot within the conservation area shown on Plan 5 of *Minta Farm Precinct Structure Plan* as BCS Conservation Reserve (Area 36) that:
  - is identified in a 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 a 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.

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:

- Any endorsed program report applying to the land under Part 10 of the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth).
- *The Minta Farm Precinct Structure Plan*.

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**Preparation of the incorporated plan**

None specified.