

30/07/2018 **SCHEDULE 6 TO CLAUSE 43.03 INCORPORATED PLAN OVERLAY**

Shown on the planning scheme map as **IPO6**.

MELTON EAST PRECINCT STRUCTURE PLAN

1.0 Requirement before a permit is granted

30/07/2018 The subdivision of land within or adjoining a conservation area as shown in the *Melton East Precinct Structure Plan* must accord with the conservation area boundary as shown on the MSA Mapshare Tool.

2.0 Permits not generally in accordance with incorporated plan

30/07/2018 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 Energy, Environment and Climate Action, 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 incorporated *Melton East Precinct Structure Plan*.

3.0 Conditions and requirements for permits

30/07/2018 The requirements of the incorporated *Melton East Precinct Structure Plan* must be included in a permit.

Bushfire Management Plan

An application to subdivide land adjacent to a Bushfire Hazard Area shown on Plan 5 Bushfire Hazard Areas must be accompanied by a Bushfire Management Plan that demonstrates how the application will address bushfire risk at the site. The plan must include:

- The design and layout of the subdivision, including lot layout, road design and access points, both vehicular and pedestrian;
- The location of any bushfire hazard areas;
- The details of any bushfire protection measures required for individual lots;
- The identification of any areas to form the setback between a bushfire hazard and built form.
- The details of any vegetation management in any area of defensible space including, information on how vegetation will be managed and when the vegetation management will occur i.e. annually, quarterly, during the fire danger period.
- Notations that indicate what authority is responsible for managing vegetation within open space areas.
- Notations that ensure that the areas of classified vegetation in the nominated bushfire hazard areas must be managed to a level that will ensure the vegetation classification under AS3959-2018 will not be altered.

The responsible authority and fire authority may waive this requirement if a plan has been previously approved for the land.

Condition – Security of conservation land

A permit to subdivide land containing a 'conservation area' as shown in the *Melton East Precinct Structure Plan* must include the following condition:

The owner of the land must, as part of the plan of subdivision (or the first plan of subdivision submitted for registration, in the case of any staged subdivision), create the 'conservation area' as a separate lot or reserve. The boundaries of the lot or reserve on the

plan of subdivision are subject to the prior satisfaction of the Secretary to the *Department of Environment, Energy and Climate Action* as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987* (Secretary). The owner must further secure the conservation area, by causing that lot or reserve to be vested, transferred, or protected in perpetuity in one of the following ways:

- Prior to a statement of compliance being issued for the plan of subdivision (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), enter into an agreement under section 173 of the *Planning and Environment Act 1987* by which the owner agrees to transfer ownership of the conservation area to, or to vest the conservation area in, the Minister responsible for section 5 of the *Crown Land (Reserves) Act 1978*, the Council or Melbourne Water. The transfer or vesting must either be for no or nominal consideration. The Secretary and the person or body to whom the land is to be transferred or vested must also be a party to the agreement. The terms of the agreement must include that the owner pays the reasonable costs of the other parties to the agreement that were incurred for the preparation, execution, and registration of the agreement. The owner must cause the agreement to be registered prior to lodgement of the plan of subdivision for registration; or
- Prior to a statement of compliance being issued for the plan of subdivision (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), enter into an agreement with the Secretary under section 69 of the *Conservation, Forests and Lands Act 1987*, which provides for the conservation and management of the conservation area by or on behalf of the owner in perpetuity. The terms of the agreement must include that the owner pays the reasonable costs of the Secretary incurred for the preparation, execution, and registration of the agreement. The owner must cause the agreement to be registered prior to lodgement of the plan of subdivision for registration.

The requirement to include the above condition does not apply if the permit applicant provides the responsible authority with a statement in writing from the Secretary, as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*, that the condition is not required because the Secretary is satisfied that either:

- the land containing the conservation area is expected to be further subdivided and a further planning permit will be required for that subdivision (to which the above condition requirement will apply); or
- the conservation area has been or will be otherwise secured in perpetuity.

Condition – Fencing of conservation areas

A permit granted to subdivide land where 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 as shown in the *Melton East Precinct Structure Plan*, must include the following condition:

Prior to the commencement of development, a conservation area fencing plan must be submitted to and approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) (Secretary) to ensure the conservation area is adequately protected. The fencing plan must contain the following:

- The boundaries of any conservation area, and the location of any scattered tree and the boundaries of any patch of native vegetation within the conservation area.
- The location and alignment of temporary protection fencing showing the following minimum distance from the element to be protected:

Element	Distance
Conservation area	0.5 metres
Scattered tree	12 x diameter at a height of 1.3 metres
Patch of native vegetation	2 metres

- The timing of installation and removal of temporary protection fencing.
- The timing of installation of permanent fencing.
- Location and details of ongoing maintenance vehicle access points;
- The type of temporary and permanent fencing including materials, heights and spacing of uprights;
- Frequency of inspections and rectification works for temporary protection fencing.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary to the Department of Energy, Environment and Climate Action and the responsible authority.

Stockpiles, fill, machinery, vehicle parking, excavation and construction activity of any kind must not be brought into, or be undertaken within, the area to be fenced, except with the prior written consent from the Secretary.

Condition – Correct alignment of protective fencing

Buildings and works must not commence until written evidence that protection fencing has been erected in accordance with the approved Conservation Area Fencing Plan is provided by a suitably qualified land surveyor to the Secretary to the *Department of Energy, Environment and Climate Action* (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987) (Secretary), and the Secretary confirms it is satisfied by the evidence.

Condition – Land management plan for conservation area

A permit to subdivide land containing a conservation area as shown in the *Melton East Precinct Structure Plan* must include the following condition:

Prior to the commencement of development, a land management plan for the conservation area land must be prepared by a suitably qualified consultant, submitted to, and approved by the Secretary to the Department of Energy, Environment and Climate Action (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987) (Secretary). The land management plan must outline how the biodiversity values for the land identified in the Biodiversity Conservation Strategy for Melbourne's Growth Corridors (Department of Environment and Primary Industries, 2013) will be maintained, managed and improved, including:

- How environmental weeds will be managed up until the securing of the conservation area.
- How any revegetation will be undertaken in coordination with weed management activities to prevent re-colonisation of weed species.
- How rubbish and hazards will be removed, and any contaminated material managed up until the securing of the conservation area.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary and the responsible authority.

Condition – Construction environmental management plan

A planning permit to subdivide land, construct a building, or construct or carry out works on or within 50 metres of land shown as a conservation area in the incorporated *Melton East Precinct Structure Plan* must include the following condition:

Before works start, a Construction Environmental Management Plan consistent with *DELWP requirements for Construction Environmental Management Plans under the Melbourne Strategic Assessment (Department of Environment, Land, Water and Planning, November 2020)* must be submitted to and approved by the Secretary to the Department of Energy, Environment and Climate Action (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) and the responsible authority, demonstrating how the conservation area will be protected during works.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary and the responsible authority.

4.0 Decision guidelines

30/07/2018

Before deciding on an application the responsible authority must consider as appropriate:

- The consistency of the use or development with:
 - *The Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Department of Environment and Primary Industries, 2013).
 - The incorporated *Melton East Precinct Structure Plan*.
 - Any relevant approval under Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
 - Any management plan applying to the land under an agreement under section 69 of the *Conservation Forest and Lands Act 1987*.
- *Delivering Melbourne's Newest Sustainable Communities: Program Report* (Victorian Government, 2009).
- Whether use or development protects and enhances the biodiversity and other environmental values of the site and its surrounds.
- Any impacts from the construction or operation of the use or development on biodiversity; and
- Other environmental values and the ability for the land to be revegetated or rehabilitated.

5.0 Preparation of the incorporated plan

30/07/2018

None specified.