SCHEDULE 2 TO THE INCORPORATED PLAN OVERLAY

**DD/MM/YYYY
proposed C221**

Shown on the planning scheme map as IPO2.

 McPherson PRECINCT STRUCTURE PLAN

1.0 General accordance with incorporated plans

**DD/MM/YYYY**

**Proposed C221**

A permit granted must be generally in accordance with the incorporated plans. A permit may be granted for a development which is not generally in accordance with the *McPherson Precinct Structure Plan* if the responsible authority and the Department of Environment, Land, Water and Planning are satisfied that the permit will not prejudice the orderly planning of the area having regard to the objectives of the *McPherson Precinct Structure Plan*.

2.0 Conditions and requirements for permits

**DD/MM/YYYY**

**Proposed C221**

The requirements of the *McPherson Precinct Structure Plan* must be included in a permit.

Any permit for subdivision or buildings and works must contain the following conditions:

 Salvage and Translocation

*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.

 Environmental Management Plans

A planning permit for subdivision or buildings or works on land shown as a conservation area in the *McPherson 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 Department of Environment, Land, Water and Planning unless otherwise agreed by the Department of Environment, Land, Water and Planning.

 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 constructed that is:

* highly visible
* at least 2 metres in height
* sturdy and strong enough to withstand knocks from construction vehicles
* 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 metres from the edge of the area |
| Scattered tree  | Twice the distance between the tree trunk and the edge of the tree canopy |
| Patch of native vegetation  | 2 metres 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 not less 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 direct supervision of a suitably qualified ecologist or arborist; and,
* not be undertaken if the qualified ecologist or arborist who is familiar with the requirements of the incorporated precinct structure plan is of the opinion that the various activities presents a risk to any vegetation within a conservation area.

 Land Management Cooperative Agreement

A permit to subdivide land shown in the *McPherson 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:

* Enter into a *Land Management Cooperative 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 *McPherson 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 incorporated Precinct Structure Plan that:

* is identified in the 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 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 within a Conservation Area in the Precinct Structure Plan for nature conservation and is vested, or will 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 for Environment and Climate Change; or
* another statutory authority.

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

Note: Operation of Commonwealth Environmental Laws. On 8 July 2010 an approval under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) was issued by the Commonwealth Minister for Environment, Heritage and the Arts. The approval applies to all actions associated with urban development within the 28 precincts identified in page 17 (Map 7) in Delivering Melbourne’s Newest Sustainable Communities Program Report (Victoria Government, December 2009). The Commonwealth approval has effect until 31 December 2060. The approval is subject to conditions specified at Annexure 2 of the approval. The Commonwealth Minister has confirmed that for specified precincts, including this precinct, compliance with the Bioiversity Conservation Strategy for Melbourne’s Growth Corridors (Department of Environment and Primary Industries, 2013) will satisfy the requirements of the conditions specified at Annexure 2. Provided the conditions of the EPBC Act approval are satisfied individual assessment and approval under the EPBC Act is not required