

27/05/2019
C239wsea**SCHEDULE 7 TO CLAUSE 43.03 INCORPORATED PLAN OVERLAY**

Shown on the planning scheme map as IPO7 .

ENGLISH STREET PRECINCT STRUCTURE PLAN

(Note: Refer also to the English Street Precinct Structure Plan, November 2015 in Clause 72.04)

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

None specified.

2.027/05/2019
C239wsea**General accordence with incorporated plans**

A permit granted must be generally in accordance with the incorporated plan as it applies to the land unless otherwise agreed in writing by the Secretary to the Department of Environment, Land, Water and Planning.

3.027/05/2019
C239wsea**Conditions and requirements for permits****3.1**27/05/2019
C239wsea**Requirements**

The requirements of the incorporated plan must be included in a permit.

3.227/05/2019
C239wsea**Conditions****3.2.1****Protection of conservation areas and native vegetation during construction**

A permit granted to subdivide land where construction or works are required to carry out the subdivision, or a permit granted to construct a building or carry out works, where this precinct structure plan shows the land, or abutting land, including a conservation area or a patch of native vegetation or a scattered tree must ensure that:

- Before the start of construction or carrying out of works 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 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 suitable qualified ecologist or arborist.

3.2.2 Land Management Co-operative Agreement

A permit to subdivide land shown in the incorporated 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 Craigieburn North Employment Area 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 Precinct Structure Plan 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 within a Conservation Area identified in a 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 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.

3.2.3 Salvage and translocation

The Salvage and Translocation Protocol for Melbourne's Growth Corridors (Department of Environment Land Water and Planning, 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.

3.2.4 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.

4.0 Decision guidelines

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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 *Environment Protection and Biodiveristy Conservation Act 1999* (Cth).

5.0 Preparation of the incorporated plan

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None specified.