

27/05/2019
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SCHEDULE 3 TO CLAUSE 43.03 INCORPORATED PLAN OVERLAY

Shown on the planning scheme map as IPO3.

SUNBURY SOUTH PRECINCT STRUCTURE PLAN AND LANCEFIELD ROAD PRECINCT STRUCTURE PLAN

1.0

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Requirement before a permit is granted

None specified.

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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 *Sunbury South Precinct Structure Plan* or *Lancefield Road Precinct Structure Plan*.

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Conditions and requirements for permits

The following conditions and/or requirements apply to permits.

Conditions – Biodiversity Conservation Strategy Conservation Areas

A permit granted for subdivision of land which includes a conservation area within the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Department of Environment and Primary Industries, 2013) must include the following conditions:

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 the *Lancefield Road Precinct Structure Plan* or *Sunbury South 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 in or around a conservation area, scattered native tree or patch of native vegetation the developer of the land must erect a 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 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;

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- 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.

Environmental Management Plans

- A planning permit for subdivision, buildings or works on land shown as a conservation area in the *Lancefield Road Precinct Structure Plan* or *Sunbury South 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.

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.

Land Management Co-operative Agreement

Conservation area categorised as Growling Grass Frog

- A permit to subdivide land shown in the incorporated *Lancefield Road Precinct Structure Plan* or *Sunbury South Precinct Structure Plan* as including the conservation area shown on the precinct structure plans as Conservation Area 21 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 Conservation Area 21 in the *Lancefield Road Precinct Structure Plan* or *Sunbury South 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 the conservation area 21 shown in the *Lancefield Road Precinct Structure Plan* or *Sunbury South 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 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.

Conservation area categorised as nature conservation or open space

A permit to subdivide land shown in the incorporated *Lancefield Road Precinct Structure Plan* as including the conservation areas shown in these precinct structure plans as conservation areas 18,19 & 20 must ensure that, prior to the issue of statement of compliance for the last stage of 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 *Lancefield Road 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 clause does not apply to land of any lot or part of a lot within the conservation areas 18,19 & 20 shown in the Lancefield Road 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 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.

Permit Note: Operation of Commonwealth Environmental Laws

- On 5 September 2013 an approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) was issued by the Commonwealth Minister for Environment, Heritage and Water. The approval applies to all actions associated with urban development in growth corridors in the expanded Melbourne 2010 Urban Growth Boundary as described in page 4 in the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Department of Environment and Primary Industries, 2013). The Commonwealth approval has effect until 31 December 2060. The approval is subject to conditions specified at Annexure 1 of the approval.
- Provided the conditions of the *EPBC Act* approval are satisfied individual assessment and approval under the *EPBC Act* is not required.

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Decision guidelines

- *The responsible authority must consider as appropriate:*

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- Any endorsed program report applying to the land under Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
- The *Lancefield Road Precinct Structure Plan*.
- The *Sunbury South Precinct Structure Plan*.

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Preparation of the incorporated plan

None specified.