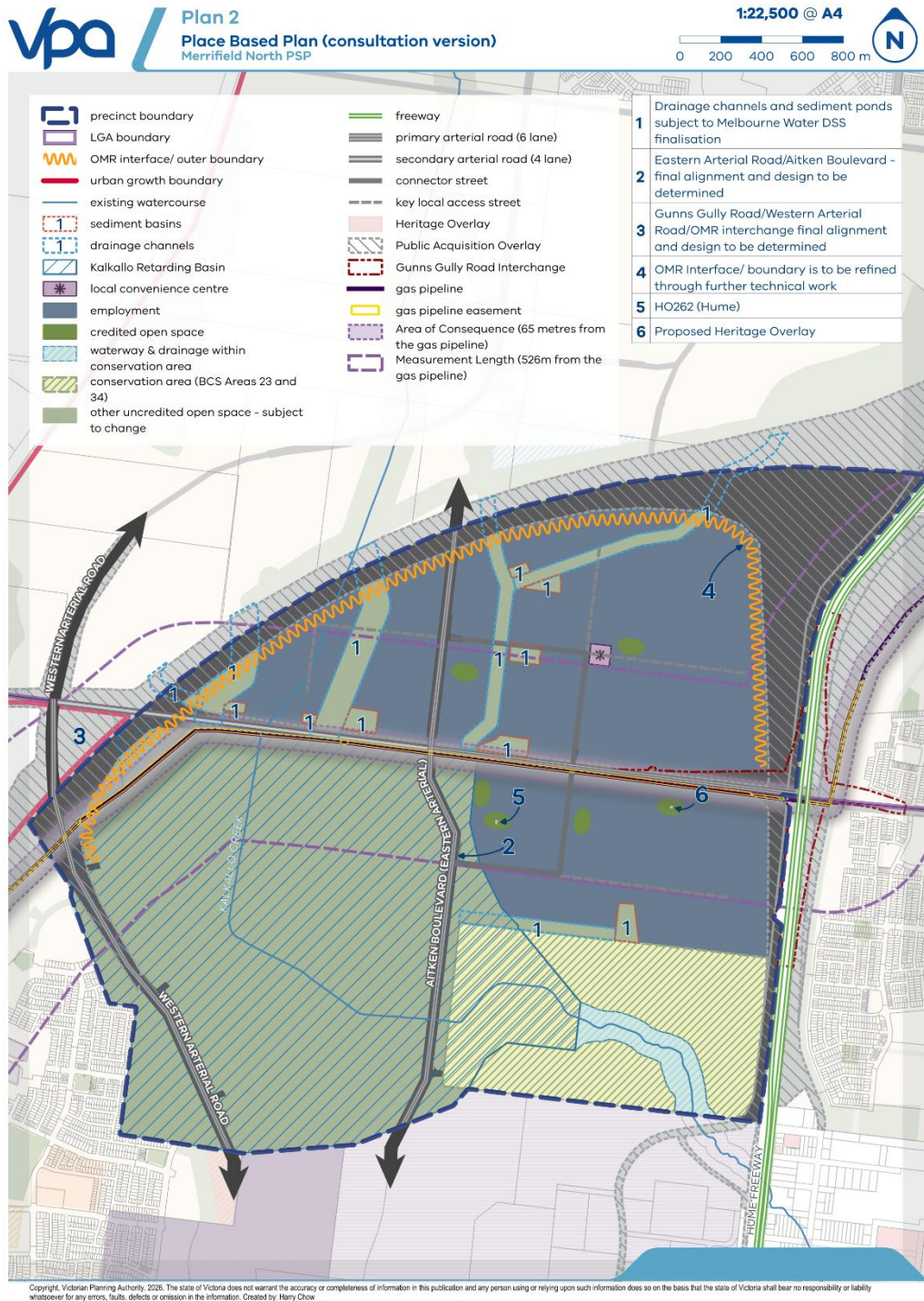


30/07/2018

SCHEDULE 8 TO CLAUSE 43.03 INCORPORATED PLAN OVERLAYShown on the planning scheme map as **IPO8**.**MERRIFIELD NORTH PRECINCT STRUCTURE PLAN**

Note:

Also include reference to the Incorporated plan in the Schedule to Clause 72.04

1.0 Requirement before a permit is granted

30/07/2018 None specified.

2.0 Permits not generally in accordance with incorporated plan

30/07/2018 None specified.

3.0 Conditions and requirements for permits

30/07/2018 The following conditions and/or requirements apply to permits:

Condition – Construction Environmental Management Plan

A permit to subdivide land, construct a building, or construct or carry out works on or within 50 metres of land shown as a BCS conservation area 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.

Condition – Conservation Area Land Management Plan

A permit to subdivide land containing a BCS conservation area as shown on Plan 1 in this schedule 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 land management plan will form part of the permit and must be implemented to the satisfaction of the Secretary and the responsible authority.

Condition – Security of Conservation Land

A permit to subdivide land containing a 'BCS conservation area' as shown in Plan 1 in this schedule 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 Energy, Environment 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 Merrifield North 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 Energy, Environment and Climate Action (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

Element	Distance
Conservation area	0.5 metres
Scattered trees	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

A permit to subdivide land where works are required to carry out the subdivision, or a permit to construct a building or carry out works, on land including or abutting a BCS conservation area as shown on Plan 1 in this schedule, must include the following condition:

- 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 – Salvage and translocation

Prior to the commencement of development, a salvage inquiry form must be submitted 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 where required the Secretary must be permitted to access the land to conduct salvage and translocation operations, in accordance with the requirements of the Salvage and Translocation Protocol for Melbourne's Growth Corridors (Department of Environment, Land, Water and Planning,).

4.0 Decision guidelines

30/07/2018

None specified.

5.0 Preparation of the incorporated plan

30/07/2018

None specified.