

23/10/2014  
C122

## **SCHEDULE 3 TO THE INCORPORATED PLAN OVERLAY**

Shown on the planning scheme map as **IPO3**.

### **TOOLERN PARK PRECINCT STRUCTURE PLAN**

#### **Purpose**

To conserve the Toolern Park Creek for functioning, sustainable populations of Growling Grass Frog.

To facilitate development of recreation and infrastructure associated with adjoining urban land uses.

#### **1.0**

23/10/2014  
C122

#### **Conditions and requirements for permits**

##### **Biodiversity**

##### **Kangaroo Management Plan**

A permit granted for subdivision of land must include the following conditions:

- Before the certification of the Plan of Subdivision, a Kangaroo Management Plan must be approved by the Secretary to the Department of Environment and Primary Industries. 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.

##### **Salvage and translocation**

The *Salvage and Translocation Protocol for Melbourne's Growth Corridors, 2014* (Melbourne Strategic Assessment) (Department of Environment and Primary Industries) must be implemented in the carrying out of development to the satisfaction of the Secretary to the Department of Environment and Primary Industries.

##### **Land management co-operative agreement (for land containing a conservation area)**

A permit to subdivide land shown in the incorporated Toolern Park 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 and Primary Industries 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 Toolern Park 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.; and
- Pays the reasonable costs of the Secretary to the Department of Environment and Primary Industries 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 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 and Primary Industries for conservation purposes; or
- Is the subject of an agreement with the Secretary to the Department of Environment and Primary Industries to transfer or gift that land to:
  - the Secretary to the Department of Environment and Primary Industries;
  - the Minister for Environment and Climate Change; or
  - another statutory authority.

to the satisfaction of the Secretary to the Department of Environment and Primary Industries.

### **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, on land including or abutting a conservation area or patch of native vegetation or scattered tree identified for retention in the incorporated Toolern Park Precinct Structure Plan must ensure that:

- Before the start of construction or carrying out of works, 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; and
  - Located the following minimum distance from the element to be protected:

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 more than 15 metres from a waterway;
  - Be located outside the vegetation protection fence;

- Be constructed and designed to ensure that the conservation area or scattered trees or patches of native vegetation identified for retention in the Precinct Structure Plan, and any located trees identified in the Planning Scheme Provisions to be retained 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 incorporated Toolern Park 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 and Primary Industries, unless otherwise agreed by the Department of Environment and Primary Industries.

### **Conservation interface areas**

Any permit granted for subdivision, to construct a building and to construct or carry out works, within 50 metres of a Conservation Area identified in the Precinct Structure Plan must comply with the conservation interface requirements specified in the Precinct Structure Plan to the satisfaction of the Secretary to the Department of Environment and Primary Industries, unless the permit granted contains the following conditions:

- Before the development starts, a Conservation Interface Plan must be submitted to and approved by the Secretary to the Department of Environment and Primary Industries which addresses how any development within 20 metres of any Conservation Area shown on a Precinct Structure Plan will be managed; and
- The endorsed Conservation Interface Plan must be implemented to the satisfaction of the responsible authority.

### **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.

## **2.0**

23/10/2014  
C122

### **Decision Guidelines**

Any endorsed program report applying to the land under Part 10 of the *Environment Protection and Biodiversity Conservation Act, 1999* (Cth).