

22.05 VEGETATION PROTECTION

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This local planning policy applies to proposals if a permit is required to remove vegetation. Permission for the removal of vegetation is required under the provisions of Clause 51.03 of this planning scheme. The provisions of the Environmental Significance Overlay and Significant Landscape Overlay also require permission for the removal of vegetation. Each of these provisions contain exemptions from permit requirements in certain circumstances.

22.05-1 Policy basis

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The protection and enhancement of the Shire's rich biodiversity is a prime objective of this planning scheme. The retention and rehabilitation of remnant vegetation is fundamental to retaining the vast range of wildlife habitats throughout the Shire. The Environment strategies identified in Clause 21.07 of the Municipal Strategic Statement identify the need to protect significant vegetation through appropriate controls and policies.

Remnant vegetation is one of the most significant natural resources of the Shire. It is widely recognised that clearing of remnant vegetation is a major factor in land degradation, leading to reduced agricultural production, nutrient loss, soil erosion, and silting and pollution of waterways.

The loss of areas of remnant vegetation also leads to the decline of natural ecological systems through the loss of wildlife habitat and depletion of the genetic diversity in plants and animals.

Remnant vegetation areas are sensitive to disturbance through indiscriminate and incremental clearing which can result in the intrusion of environmental weeds and the loss of habitat for plants and animals.

Remnant vegetation also provides a source of seeds and other propagation material for revegetation of degraded areas with native plant species which are indigenous to the area within which they are to be used.

Vegetation, including both remnant vegetation and plantings of mature exotic species, are also important features of the Shire's scenic landscapes and contribute to the unique character of rural and green wedge areas, townships and many residential areas.

It is also necessary to recognise the needs of fire hazard management and of integrating approved fire management practices with the protection of remnant vegetation, particularly in areas covered by an Environmental Significance Overlay.

22.05-2 Objectives

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The objectives of this policy are to:

- Recognise the importance of remnant vegetation in providing wildlife habitat and corridors for wildlife movement, as a source of genetic diversity, as a place for recreation and as an important feature of the special landscape character of the Shire.
- Ensure that consideration is given to the effect of the removal of vegetation when assessing proposals to use and develop land.
- Protect and enhance the long term viability of all remnant vegetation, whether in a bushland, rural, green wedge or urban environment, especially if the vegetation is generally undisturbed.
- Ensure the conservation of remnant vegetation to sustain and enhance natural ecosystems for both plants and animals.
- Ensure that agricultural and land management practices protect and provide for the long term maintenance of remnant vegetation.
- Ensure that the clearing of remnant vegetation will not have any adverse effect on landscape values, wildlife habitat and wildlife corridors or lead to land degradation through soil erosion or loss of water quality.
- Protect and maintain vegetation communities and species of botanical significance, ensuring none are unnecessarily removed, threatened or destroyed.

- Conserve and protect the habitat of native fauna, especially species which are threatened or endangered.
- Recognise the importance of riparian vegetation to the protection of water quality within streams and wetlands and to the wildlife habitat values of these areas.
- Recognise the values of roadside vegetation and other linear reserves for retaining native vegetation, particularly if it is indigenous to the area within which it is growing, and maintaining and enhancing their value as movement corridors for wildlife.
- Recognise the landscape importance of mature plantings of exotic trees in rural, green wedge or farming areas and in the urban built environment and the contribution that the vegetation makes in defining the character of the area.
- Recognise the importance of vegetation in assisting soil stability in areas of high landslip risk and ensure that the effects of vegetation removal in these areas are kept to a minimum.
- Promote re-vegetation with native species, that are indigenous to the area within which they are to be used, as a means to increase and enhance areas of remnant bushland in the Shire and to assist in the sound management of land.
- Recognise that there is sufficient cleared land within the rural and green wedge areas of the Shire to provide for future agricultural, including farming, activities.

22.05-3 Policy

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It is policy that:

- Applications to remove mature trees or remnant vegetation demonstrate the need to remove such vegetation.
- If it is proposed to remove vegetation to allow an approved use or development, and in order to conserve vegetation, consideration be given to whether there is any alternative location for the proposed buildings or works to avoid or minimise disturbance to the vegetation.
- Preference be given to proposals which demonstrate that a net environmental gain will be achieved by allowing limited vegetation removal whilst providing for the long term protection and enhancement of other remnant vegetation on the site or within the immediate area.

Removal of remnant vegetation

- Any proposal to remove remnant vegetation be accompanied by information showing:
 - The extent of the vegetation proposed to be removed.
 - The area and slope of the site.
 - The age and species of the vegetation proposed to be removed.
 - Where provision is to be made for replanting of native species, particularly those that are indigenous to the area, and other species.
 - How other remnant vegetation on the site, which is not proposed to be removed, will be conserved and managed.
 - That there is not an alternative means of providing for the proposed use or development of the land that would avoid, or minimise, the need to remove indigenous vegetation.
- In addition, if the removal of remnant vegetation is for an agricultural purpose:
 - The proposal demonstrate that the land from which the vegetation is being removed is capable of being used for productive agricultural purposes.
 - The vegetation to be removed comprise only scattered trees or shrubs which do not form part of an extensive (0.4 hectare or greater) tract of remnant vegetation on the land.
 - Intact remnant vegetation only be removed if it is demonstrated that the clearing forms part of an overall management proposal for the site which

will ensure a net environmental gain through the long term protection and enhancement of other remnant vegetation or wetland areas on the site.

- In addition, any proposal to remove remnant vegetation from land included in an Environmental Significance Overlay or to remove intact remnant vegetation, provide an assessment of:
 - The quality of the vegetation in terms its diversity of species, level of disturbance and viability.
 - The significance of the vegetation in terms of the rarity of its plant communities and of the individual plant or animal species occurring within the site.
 - The likely effect of the removal of the vegetation (including dead trees suitable for nesting) on the fauna of the area and its value as a refuge, habitat or movement corridor for wildlife.
 - The likely effect of the removal of the vegetation on the maintenance of water quality, and the prevention of soil erosion and land degradation.
 - The future use and management of the land and whether planting, replanting, fencing or other treatment should be undertaken on any part of the land.
 - How the proposed vegetation removal meets the objectives of this policy.
- Remnant vegetation within wetland areas or adjoining any watercourse not be removed, unless it is demonstrated that a net ecological gain will be achieved.
- Vegetation which forms part of a wildlife habitat corridor link between areas of intact remnant vegetation not be removed, unless it is demonstrated that a net ecological gain will be achieved.
- Any removal of vegetation from a roadside have regard to any relevant roadside management plan or roadside vegetation significance inventory.
- Vegetation only be removed from a roadside under the control of the Roads Corporation if the Corporation has given its agreement to the proposed vegetation removal.

Landscape considerations

- The vegetation to be removed not comprise windbreaks or other mature trees which are visually prominent landscape features in the locality.
- The removal of vegetation not significantly detract from the landscape character of the area, through the loss of continuous tree canopy in the locality or the exposure of visually intrusive buildings or other structures.
- Vegetation not be removed solely for the purpose of obtaining a view.
- Appropriate consideration be given to the effect of the proposed removal of vegetation on the future amenity of adjoining land.
- If the land is within a Significant Landscape Overlay, the removal of vegetation not detract from the key characteristics identified in the schedule to the overlay.

Removal of vegetation on land liable to landslip or instability

- If the land is within an Erosion Management Overlay:
 - Vegetation only be removed if it is required to facilitate a permitted use or development of the land and if opportunities for any net ecological gain have been considered.
 - Vegetation only be removed if there is no practical alternative form of development which would result in less destruction of the existing vegetation.
- The responsible authority, before it grants a permit for the removal of vegetation, may require a geotechnical investigation of the land to establish

whether the removal of vegetation would increase the risk of landslip or subsidence.

Re-establishment of native vegetation

- If an area of intact remnant vegetation is to be removed or destroyed:
 - It be replaced with at least an equivalent area of planting using native vegetation (trees, shrubs and grasses) that are indigenous to the area and that are appropriate to the site, to reinforce or restore existing environmental values on the land or within the general area surrounding it.
 - Measures such as fencing and weed control programs be taken to ensure the long term protection and enhancement of other intact remnant vegetation on the land or within the general area surrounding it.
- If a permit is granted to remove vegetation for agricultural purposes, the required replacement replanting be used to reinforce or restore existing environmental values on the land or within the general area surrounding it.
- In any landscaping or replanting requirement imposed under this planning scheme, preference be given to planting native species which are indigenous to the area within which they are to be planted, and which are suitable for the location and purpose sought for the replanting. These plantings should not include species that are listed as environmental weeds in this local planning policy (Clause 22.12-6).

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Vegetation protection within areas being considered for inclusion in an Environmental Significance Overlay

In addition to the other provisions of this local planning policy, the following policy applies to:

- Land in the Mt Evelyn area that is generally bounded by Swansea Road, Old Gippsland Road, the outer boundary of residential zoned land east of Mt Evelyn and Olinda Creek.
- Any other land in the Shire that is the subject of further investigation to decide whether an Environmental Significance Overlay should be applied to the land.

It is policy that if remnant vegetation is proposed to be removed, appropriate consideration be given to the:

- Quality of the vegetation in terms of its diversity of species, level of disturbance and viability.
- Significance of the vegetation in terms of the rarity of its plant communities and of the individual plant or animal species occurring within the site.
- Likely effect of the removal of the vegetation on the fauna of the area and its value as a refuge, habitat or movement corridor for wildlife.
- Effect of the removal of the vegetation on the maintenance of water quality, and the prevention of soil erosion and land degradation.
- Potential of any native vegetation on the land to be enhanced or extended to increase its conservation value as a wildlife habitat or corridor link.
- Future use of the land and whether planting, replanting, fencing or other treatment should be undertaken on any part of the land.

22.05-5

Meaning of terms

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The following interpretations apply to terms used in this local planning policy:

Exotic vegetation

Any plant species which does not occur naturally in the locality in which it is growing.

Intact remnant vegetation

Remnant vegetation comprising plant associations that are generally undisturbed by clearing or weed infestation.

Native vegetation

Any plant species which occurs naturally in the locality in which it is growing.

Net ecological gain

An arrangement where the proposed development and subsequent management regimes would achieve a substantial improvement to the viability, extent or quality of the conservation values of the site.

Remnant vegetation

Naturally occurring native vegetation which has not been planted or artificially established on the site.

22.05-6

Environmental weeds within the Shire of Yarra Ranges

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The following species of vegetation are deemed to be environmental weeds within the Shire of Yarra Ranges:

Common Name	Botanical Name
African Lily	<i>Agapanthus praecox ssp. orientalis</i>
Alkante	<i>Pentaglottis sepervirens</i>
American Aspen	<i>Populus tremuloides</i>
Angled Onion*	<i>Allium triquetrum</i>
Apple	<i>Malus spp.</i>
Asparagus Fern	<i>Myrsiphyllum scandens</i>
Banana Passionfruit	<i>Passiflora sp. aff. Mollissima</i> (syn. <i>Jacsonia mollissima</i>)
Belladonna Lily	<i>Amaryllis belleadonna</i>
Berry-flower Heath	<i>Erica baccans</i>
Bindweeds	<i>Convolvulus spp.</i>
Blackberry*	<i>Rubus fruticosus spp. agg.</i>
Black Locust	<i>Robinia pseudacacia</i>
Bloukeur (Pinnate Scurf-Pea)	<i>Psoralea pinnata</i>
Blue-bell Creeper	<i>Sollya heterophylla</i>
Blue Periwinkle	<i>Vinca major</i>
Boneseed*	<i>Chrysanthemoides monilifera</i>
Bulbil Watsonia*	<i>Watsonia meriana</i>
Butterfly Bush	<i>Buddleia variabilis</i> (syn. <i>veitchianus</i>)
Cape Broom*	<i>Genista monspessulana</i>
Cape Ivy	<i>Delairea odorata</i>
Cape Wattle	<i>Paraserianthis lapantha</i>
Caucasian Ash	<i>Fraxinus oxycarpa</i>
Cedar Wattle	<i>Acacia elata</i>
Cestrum	<i>Cestrum elegans</i>

Common Name	Botanical Name
Cherry Laurel	<i>Prunus laurocerasus</i>
Cherry Plum	<i>Prunus cerasifera</i>
Common Dipogon (Dolichos)	<i>Dipogon lignosus</i>
Common Evening Primrose	<i>Oenothera stricta</i>
Common Forget-me-not	<i>Myosotis sylvatica</i>
Cootamundra Wattle	<i>Acacia baileyana</i>
Cotoneaster	<i>Cotoneaster spp.</i>
Creeping Buttercup	<i>Ranunculus repens</i>
Darwin's Berberry	<i>Berberis darwinii</i>
Early Black Wattle	<i>Acacia decurrens</i>
English Broom*	<i>Cytisus scoparius</i>
English Ivy	<i>Hedera helix</i>
Euryops	<i>Euryops abrotanifolius</i>
Evergreen Dogwood	<i>Cornus capitata</i>
False Wattle	<i>Albizia lophantha</i>
Fennel	<i>Foeniculum vulgare</i>
Firethorns	<i>Pyracantha spp.</i>
Flax Leaf Broom*	<i>Genista linifolia</i>
Fragrant Violet	<i>Viola odorata</i>
Giant Honey Myrtle	<i>Melaleuca armillaris</i>
Golden Wreath Wattle	<i>Acacia saligna</i>
Great Mullein	<i>Verbascum thapsus</i>
Hawthorn*	<i>Crataegus monogyna</i>
Hemlock	<i>Conium maculatum</i>
Himalayan Honeysuckle	<i>Leycesteria formosa</i>
Holly	<i>Ilex aquifolium</i>
Honey Myrtle	<i>Melaleuca hypericifolia</i>
Italian Buckthorn	<i>Rhamnus alaternus</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Karamu	<i>Coprosma robusta</i>
Karo	<i>Pittosporum crassifolium</i>
Laurestinus	<i>Viburnum tinus</i>
Manna Ash	<i>Fraxinus ornus</i>
Montbretia	<i>Crocsmia x crocosmiifolia</i>
Morning Glory	<i>Ipomoea indica</i>
Myrtle Leaf Milkwort	<i>Polygalia myrtifolia</i>
Pampas Grass	<i>Cortaderia selloana</i>
Peruvian Lily	<i>Alstromeria aurea</i>
Plum	<i>Prunus spp.</i>
Portugal Laurel	<i>Prunus lusitanica</i>

Common Name	Botanical Name
Prickly Pear	<i>Opuntia aurantiaca</i>
Privet	<i>Ligustrum vulgare</i>
Quaking Grass	<i>Briza maxima</i>
Radiata (Monterey) Pine	<i>Pinus radiata</i>
Rosy Watsonia	<i>Watsonia borbonica</i>
Sallow Wattle	<i>Acacia longifolia</i>
Shasta Daisy	<i>Chrysanthem maximum</i>
Smilax	<i>Myrsiphyllum asparagoides</i>
Spanish Heath	<i>Erica lusitanica</i>
Sticky Hop Bush	<i>Dodonea viscosa</i>
Strawberry Tree	<i>Arbutus unedo</i>
Sweet Briar	<i>Rosa rubiginosa</i>
Sweet Pea	<i>Lathyrus latifolius</i>
Sweet Pittosporum	<i>Pittosporum undulatum</i>
Sycamore Maple	<i>Acer pseudo-platanus</i>
Tall Fleabane	<i>Conyza bonariensis</i>
Taupata	<i>Coprosma repens</i>
Tree Lucerne	<i>Cytisus palmensis</i>
Tree Tobacco	<i>Solanum mauritianum</i>
Tutsan*	<i>Hypericum androsaemum</i>
Wandering Jew	<i>Tradescantia fluminensis</i>
White Arum Lily	<i>Zantedeschia aethiopica</i>
White Sallow Wattle	<i>Acacia floribunda</i>
Willow	<i>Salix spp.</i>
Willow Hakea	<i>Hakea salicifolia</i>
Wood Violet	<i>Viola riviniana</i>

* A 'Noxious Weed' under the Catchment and Land Protection Act 1994.