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SCHEDULE 3 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO3**.

BUFFER CONSERVATION AREAS SUPPORTING SITES OF BIOLOGICAL SIGNIFICANCE

1.0 Statement of environmental significance

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The sites covered by this schedule have been assessed as being either Buffer Habitat (*Manningham City Council Sites of (Biological) Significance Review 2004*) or other land with environmental and/or landscape values that supports Core Conservation and Buffer Habitat areas. These areas are known as Buffer Conservation Areas.

Core Conservation Areas (Biosites) are the most intact and significant areas of indigenous vegetation, within Manningham and contain the majority of Manningham's biodiversity assets. Buffer Conservation Areas whilst usually more modified from their presumed 'natural' condition than Core Conservation Areas, nevertheless have environmental values in their own right, as well as providing additional (usually adjacent) habitat that supports the ecological integrity and function of Core Conservation Areas. In Buffer Conservation Areas, indigenous vegetation provides the best habitat for indigenous flora and fauna, however large planted trees that are native to Australia also play a supporting role.

The values of Buffer Conservation (and Core Conservation) Areas are under threat due to a number of factors including vegetation clearance, fragmentation of bushland areas, overgrazing by stock, pest plant and animal invasion, changes in burning regimes, soil erosion and hydrological changes.

Without continued conservation and enhancement, the environmental values of Buffer Conservation Areas will continue to decline and the ecological values of adjacent or nearby Core Conservation Areas may be threatened. Appropriate management is required to ensure ecological values are protected and improved.

Development should be located in those areas that are the least intact or devoid of vegetation to minimise detrimental impacts on identified environmental values. Built form is subordinate to the landscape and these areas need to be properly managed to ensure that the distinctive features are protected and enhanced.

Reference:

Manningham City Council Sites of (Biological) Significance Review, 2004.

Development Guide for Areas of Environmental and Landscape Significance, 2011.

Wildlife Movement and Habitat Needs in Manningham, 2009.

Locally Threatened Plants in Manningham, 2010.

2.0 Environmental objective to be achieved

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To protect and enhance the ecological values of Buffer Conservation Areas.

To protect the ecological values of Critical and Core Conservation Areas.

To encourage the location of development within those areas that are the most degraded and devoid of native vegetation.

To encourage development that is in keeping with the semi-rural character of the area and is sympathetic to the existing built form.

To ensure that development responds to the area's environmental and landscape characteristics, including topography and waterways.

To minimise earthworks.

To ensure subdivision of land does not lead to a decline in the ecological integrity and environmental values of Buffer Conservation Areas and the adjacent Critical and Core Conservation Areas.

To achieve an improvement in the extent and quality of Victorian native vegetation, consistent with the goal of Net Gain as set out in *Victoria's Native Vegetation Management – A Framework for Action* (Department of Natural Resources and Environment 2002) by:

- Avoiding the removal of Victorian native vegetation.
- Minimising the removal of Victorian native vegetation, if the removal of the Victorian native vegetation cannot be avoided, through appropriate planning and design.
- Appropriately offsetting the loss of Victorian native vegetation.

To conserve and where possible enhance habitat for flora and fauna species recognised as threatened at the municipal, regional, state or federal level.

To retain Australian native trees for their habitat value and landscape contribution.

To protect natural resources, ecological processes, genetic diversity and ecosystem services.

To protect and enhance habitat corridors and ecological stepping-stones.

3.0 Permit requirement

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Buildings and works

A permit is required to construct a building or construct or carry out works specified in Clause 62.02-2 of this scheme. A permit is not required for:

- A fence, provided that it is one of the following:
  - Post and wire construction less than 1.2 metres in height.
  - A rabbit control fence less than 1.2 metres in height to the satisfaction of the responsible authority.
- Construction of a dwelling provided that no part of the building is more than 8 metres above the natural surface level of the ground directly below that part and;
  - it is an upper level extension or alteration to an existing dwelling, that does not increase the building footprint.
  - the gross floor area of an extension or alteration to an existing dwelling (other than the erection of an outbuilding normal to a dwelling) which increases the building footprint but does not exceed 50 square metres, and the extension or alteration is more than 2 metres from the dripline of any vegetation requiring a permit for its removal.
  - the gross floor area of the erection of an outbuilding normal to a dwelling is less than 50 square metres and is situated more than 2 metres from the dripline of any vegetation requiring a permit for its removal.
- The gross floor area of the erection of a shed associated with a rural use is less than 50 square metres and is situated more than 2 metres from the dripline of any native vegetation.
- The internal rearrangement of a building or works provided the gross floor area of the building, or the size of the works is not increased and the number of dwellings is not increased.
- Repairs and routine maintenance to an existing building or works.

- Domestic services normal to a dwelling provided that:
  - Works are not carried out within the dripline of any vegetation requiring a permit for its removal.
  - No fill is imported onto the land.
  - The earth is returned to natural ground level at the completion of the works.
  - Any excavated material not used for backfilling is removed from the land at the completion of the works.
- Domestic rainwater tank(s) with a total capacity of not more than 25000 litres provided that works are not carried out within the dripline of any vegetation requiring a permit for its removal and the tank(s)is (are) non-reflective.
- Any works necessary to prevent soil erosion, or to ensure soil conservation or reclamation.
- Any earthworks where all of the following apply:
  - the cut is less than 1 metre in depth.
  - works are undertaken at a distance more than 2 metres from the dripline of any vegetation requiring a permit for its removal.
  - works are undertaken at a distance of more than 30 metres from a waterway or drainage line.
  - no fill is imported onto the land.
  - the amount of soil removed is less than 50 cubic metres.
  - the works do not exceed 100 square metres in area.
  - the site where excavation works are occurring has a slope of less than 20 per cent.

A permit is not required for the minimum extent of earthworks necessary to remove warrens for the purpose of vermin control provided the works area is reinstated back to natural ground level and no vegetation requiring a permit for its removal is removed or destroyed.

Vegetation

A permit is only required to remove, destroy or lop:

- Victorian native vegetation.
- An Australian native tree that has either:
  - A trunk circumference of more than 0.35 metre measured at a height of 1.3 metres above natural ground level.
  - A height of more than 6 metres.
- A dead eucalypt tree that is both:
  - More than 20 metres from a building (excluding fences) to the base of the trunk.
  - Greater than 1 metre in circumference, measured at a height of 1.3 metres above natural ground level.

A permit is not required for:

- Dead vegetation except for dead eucalypt trees as specified above.
- A tree with its trunk within two metres of the roof (including eaves) of an existing building used for accommodation.
- Any species listed as exempt from a permit requirement in the Table to this Schedule.

The term Victorian native vegetation means '*Plants that are indigenous to Victoria, including trees, shrubs, herbs and grasses'*.

The term Australian native tree(s) means *'Tree(s) that are indigenous to Australia (other than Victorian Native Vegetation)'*.

4.0 Application requirements

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All applications

All applications for properties greater than 0.4 hectare in area must be accompanied by a land management plan, to the satisfaction of the responsible authority, unless in the opinion of the responsible authority the proposed buildings and works are minor and will not impact on the environmental values of the site. The land management plan must be prepared in accordance with the *Development Guide for Areas of Environmental and Landscape Significance, 2011* and include a schedule of works for the timing and implementation of the plan.

Buildings and works

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate, to the satisfaction of the responsible authority:

- A site analysis as described in the *Development Guide for Areas of Environmental and Landscape Significance, 2011* with a written statement as to how the proposal responds to the site analysis.
- A site plan (drawn to scale) including:
  - Dimensions of any existing building envelope with setbacks to all boundaries.
  - The setbacks of buildings and works to all boundaries.
  - The location, extent and type of vegetation on the site.
  - Accurate and detailed existing and proposed finished site levels.
  - The location, proposed gradient and finished level at the top and toe of all batters.
  - Cross sections to illustrate the extent of cut and fill.
  - Details of retaining walls including height, materials and if required, drainage.
  - The location, gradient and camber of driveways and any associated earthworks.
  - The location, type and size of any effluent disposal system including any effluent envelope.
  - The location of any easements.
  - The location, depth and width of proposed underground services and trenches.
- Full building elevations detailing wall height above natural ground level and overall height above natural ground level.
- Floor plan including finished floor levels.
- The proposed external building finishes and colours.
- Demonstration that adverse environmental impacts will be avoided, or where they cannot be avoided, minimised, so that the biological integrity of the area is conserved and protected. This includes avoiding or minimising the likely impact of any proposed subdivision and possible future development of the lots, including:

  - Removal of vegetation.
  - Earthworks.
  - Changes to the hydrology and drainage pattern.
- Measures to be undertaken to minimise environmental impacts during the construction period, including soil conservation, waterway and vegetation protection measures.

Subdivision

An application to subdivide land must be accompanied by the following information, as appropriate, to the satisfaction of the responsible authority:

- A site analysis, documenting the site in terms of land form, vegetation coverage and the relationship with surrounding land, and a report explaining how the proposed subdivision has responded to the site analysis.
- A site plan (drawn to scale) including:
  - Contours of the land.
  - A dimensioned building envelope with setbacks to all boundaries.
  - A dimensioned effluent envelope, as appropriate, with setbacks to all boundaries.
  - The setbacks of existing buildings to all boundaries.
  - The location, extent and type of vegetation on the site.
  - The location, gradient and camber of any existing or proposed driveways and any associated earthworks.
  - The location of any existing or proposed easements.
  - The location, depth and width of proposed underground services and trenches.
- Demonstration that adverse environmental impacts will be avoided, or where they cannot be avoided, minimised, so that the biological integrity of the area is conserved and protected. This includes avoiding or minimising the likely impact of the proposed subdivision and possible future development of the lots, including impacts resulting from:
  - Removal of vegetation.
  - Earthworks.
  - Changes to the hydrology and drainage pattern.
- Measures to be undertaken to minimise environmental impacts during the construction period, including soil conservation and vegetation protection measures, as appropriate.

Vegetation

An application to remove, destroy or lop vegetation must be accompanied by the following information, as appropriate, to the satisfaction of the responsible authority including:

For Victorian native vegetation, a Net Gain assessment including:

- A site plan (drawn to scale) showing:
  - The boundaries of the site.
  - The location and extent of vegetation.
  - Topographic information including ridges, crests and hilltops, streams and waterways, drainage lines, slopes of more than 20 percent, low lying areas and areas of existing erosion.

- The location of any buildings and any other structures on the site.

- A description of the vegetation to be removed, including:
  - The reason for the vegetation removal.
  - The species of vegetation.
  - The species, number and size of trees over 10cm DBH. The size must be provided as Diameter at Breast Height (DBH), that is, the trunk diameter (in centimetres) at 1.3 metres above natural ground level.
  - The Ecological Vegetation Class (EVC) and conservation status of the vegetation.
- A written explanation of the steps that have been taken to avoid, minimise and offset the loss of Victorian native vegetation.
- An offset plan including implementation details and long term management and protection measures.
- A description of any fauna species that are rare or threatened at the local, regional, state or national level, that have been recorded within 1.5 kilometres of the site or which are known to be or likely to be present at the site including:
  - The conservation status of each species.
  - An assessment of the likelihood that the site provides habitat for each species and the impact of the proposal on the habitat of each species.
  - Actions to avoid and minimise adverse impacts.

A fauna survey including active searching is required where either of the following apply:

- Victorian Native Vegetation removal or destruction exceeds an area of 1000 square metres.
- Species that are rare or threatened at the local, regional, state or national level are known or likely to be present at the site.

An arborist's assessment of any trees which are proposed to be removed for safety reasons.

For Australian native trees (other than Victorian native vegetation):

- A site plan (drawn to scale) showing:
  - The location and species of the tree(s).
  - The boundaries of the site.
  - Topographic information, including ridges, crests and hilltops, streams and waterways, drainage lines, slopes of more than 20 percent, low lying areas and areas of existing erosion.
- A description of the tree(s)to be removed, including:
  - The reason for the tree removal.
  - The species, number and size of the tree(s), provided as Diameter at Breast Height (DBH), that is, the trunk diameter (in centimetres) at 1.3 metres above natural ground level.
  - Any proposed replanting.
- An arborist's assessment of any trees which are proposed to be removed for safety reasons.

5.0 Decision guidelines

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Before deciding on an application to subdivide land, construct a building, construct or carry out works, or remove, destroy or lop vegetation, the responsible authority must consider as appropriate:

- Whether the removal of Victorian native vegetation has been avoided, or where this is not possible, whether adverse impacts have been minimised.
- Whether the loss of Victorian native vegetation will be offset and whether long term protection will be provided for the offsets.
- The extent to which the proposal will impact on the ecological values and function of Buffer Conservation Areas.
- The extent to which the proposal will impact on the ecological values and function of any nearby or adjacent Biosites.
- Whether the proposed development has been located to avoid impacts on areas where offsets for previous development have been provided.
- The extent to which the removal of vegetation will contribute to the fragmentation and isolation of existing flora and fauna habitat.
- The likely impact of the proposal on species of flora or fauna which are threatened at the municipal, regional, state or federal level and the extent to which provisions are made to negate, minimise or manage those impacts.
- The role of Australian native trees in providing habitat and landscape value.
- Whether replacement planting with indigenous vegetation is proposed for the removal of any Australian native trees (other than Victorian native vegetation).
- Whether the design and siting of buildings or other development minimises the environmental impacts on:
  - Native fauna.
  - Waterway health, wetland condition and water quality.
  - Site run-off and soil erosion.
  - Habitat corridors or ecological stepping-stones.
  - Any adjacent public open space.
- The extent to which the application complies with the *Development Guide for Areas of Environmental and Landscape Significance, 2011*.
- Whether building design and siting is in keeping with the bushland character of the area and whether external building finishes and colours are non-reflective and blend with the natural environment.

TABLE TO SCHEDULE 3: Species exempt from permit requirements

Common name	Species	Status
Balm Mint Bush	*Prostanthera melissifolia*	Victorian Native Vegetation
Cedar Wattle	*Acacia elata*	Australian Native Tree
Cootamundra Wattle	*Acacia baileyana*	Australian Native Tree
Early Black-wattle	*Acacia decurrens*	Australian Native Tree
Giant Honey-myrtle	*Melaleuca armillaris*	Victorian Native Vegetation
Golden Wreath Wattle	*Acacia saligna*	Australian Native Tree
Gosford Wattle	*Acacia prominens*	Australian Native Tree

Common name	Species	Status
Morning Flag	*Orthrosanthus multiflorus*	Victorian Native Vegetation
Ovens Wattle	*Acacia pravissima*	Victorian Native Vegetation
Sallow Wattle	*Acacia longifolia*	Victorian Native Vegetation
Sticky Wattle	*Acacia howittii*	Victorian Native Vegetation
Sweet Pittosporum	*Pittosporum undulatum*	Victorian Native Vegetation
White Sallow-wattle	*Acacia floribunda*	Victorian Native Vegetation
Willow-leaf Hakea	*Hakea salicifolia*	Australian Native Tree
Wirilda	*Acacia retinodes*	Victorian Native Vegetation