

SCHEDULE 30 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO30**.

TOOTGAROOK WETLAND**1.0****Statement of environmental significance**

The Tootgarook wetland is a large groundwater dependent ecosystem and remnant shallow palustrine wetland (freshwater marsh) within the Gippsland Plain bioregion.

The wetland is dispersed over a wide area and includes both inundated and dry land surfaces providing a link between the elevated upper catchment and the estuarine and marine receiving environment of Port Phillip Bay. Despite human intervention, the wetland retains at least 12 ecological vegetation classes, 248 plant species and over 160 bird species.

The wetland is of state ecological significance.

The significant identified biodiversity values of the Tootgarook wetland include native vegetation communities occupying seasonally aquatic and terrestrial areas, mammals, reptiles, amphibians and birds that are variously listed:

- Under the international migratory agreements (Japan Australia Migratory Bird Agreement (JAMBA)/ China Australia Migratory Bird Agreement (CAMBA, Republic of Korea – Australia Migratory Bird Agreement (ROKAMBA) - at least six migratory bird species.
- Under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (*EPBC Act*).
- Under the International Union for the Conservation of Nature Red List (*IUCN*).
- Under the Flora and Fauna Guarantee Act 1988 (*FFG Act*).

These species notably include:

- Australasian Bittern (*Botaurus poiciloptilus*) (*IUCN*, *EPBC Act* and *FFG Act*).
- Baillon's Crake (*Porzana pusilla*) (*FFG Act*)
- Southern Toadlet (*Pseudophryne semimarmorata*) (*FFG Act*)
- White-footed Dunnart (*Sminthopsis leucopus*) (*FFG Act*)
- Swamp Skink (*Egernia coventryi*) (*FFG Act*)
- Moonah Woodland (EVC 858 Coastal Alkaline Scrub) (*FFG Act*) occurring as isolated stands of *Melaleuca lanceolata*, on the dune formation.
- Leafy Greenhood orchid (*Pterostylis cucullata*) (*EPBC Act* and *FFG Act* – on the dune formation).

The presence and ongoing conservation of these and other species within the wetland is important to the significance of the site and maintaining its ecological character.

The Tootgarook wetland is critical in assisting conservation of the habitat of resident and migratory species, especially at times of seasonal and prolonged habitat contraction (drought).

Regulation of use and development within the wetland and its catchment is necessary to protect and maintain its ecological values and environmental services, including the provision of viable habitat linkages between the wetland components (inundated and dry land), waterways, buffer areas and the marine receiving environment of Port Phillip Bay.

2.0**Environmental objective to be achieved**

- To protect the integrity of the Tootgarook wetland groundwater dependent ecosystem including its ecological significance, environmental diversity and the flora and fauna habitat values of all wetland components.

- To implement the Australasian Bittern and all other EPBC Recovery Plans and FFG Action Plans applicable to recorded species and communities.
- To maintain and improve the biological, physical and chemical quality of water within the watercourse, water body, wetland and associated soil profile.
- To restore and maintain the natural hydrological regime and associated ability of streams, watercourses and wetland to carry environmental flows.
- To avoid adverse impacts on the ecological character and values of the Tootgarook wetland including small incremental impacts and other reduction or degradation of significant habitat areas except where these will be offset elsewhere within the Tootgarook wetland.
- To encourage use or development that can secure conservation of significant Tootgarook wetland environmental values particularly through Trust for Nature covenants or similar agreements.
- To avoid disturbing potential acid sulphate soils.

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C188 (Part 2)

Permit requirement

A permit is required to construct a fence.

This does not apply to a fence that is one of the following:

- A fence that is required for conservation purposes.
- A post and plain wire fence with 3 or less strands.
- A post and rail fence with 3 or less rails.
- Any other post and rail fence for the purposes of a yard for stock or horses to the satisfaction of the responsible authority.
- A portable fence required for an equestrian event that is both constructed and demounted within 14 days of the event or other timeline to the satisfaction of the responsible authority.

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Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The existing and proposed use of the land and the purpose of the development in relation to that use.
- Whether there is any reasonable alternative site for the proposed buildings and works outside of the overlay area, or any alternative land management or construction practices, that would better meet the objectives of this schedule.
- Whether the proposed works are associated with essential works crossing the area including the installation of utility services or the provision of an access track.
- Whether substantial change or detriment will be caused to the stability, vegetation, water quality or habitat values of the wetland or watercourse.
- The protection of the wetland for its environmental, cultural, landscape, archaeological, resource and scientific values.
- The means of treatment and disposal of all sewerage, sullage and other wastes where connection to a reticulated sewerage system is not viable.
- The need for a report, by a suitably qualified person on the potential for acid sulfate soils to be disturbed and the management of potential acid sulfate soils all in accordance with the Victorian Coastal Acid Sulfate Soils Strategy 2009.
- The need for comments from any relevant environment, land or catchment management authorities.

- The need for a land management plan, prepared by a suitability qualified person, that:
 - provides an integrated approach to managing the land, environmental and water resources of the site;
 - is consistent with any wider management plan or strategy for the Wetland or catchment;
 - shows the use, development, buildings and works of the site and surrounding properties, as relevant;
 - shows the ongoing management requirements for any buildings and works to avoid or mitigate risks to the Wetland;
 - provides a pest and weed management and monitoring program with suitably qualified personnel;
 - where practicable, is coordinated with any land management plans, Trust for Nature covenants, Section 173 agreements or the like that may affect adjacent or adjoining land; and,
 - includes the maintenance schedule of water sensitive urban or rural design features, including associated landscaping and engineering works.
- Whether there are water sensitive urban or rural design features proposed, including associated vegetation and landscaping works.
- The need for a report, by a suitably qualified person on the potential for contamination of ground and surface water including from the use of any treated waste water.
- Appropriate measures to prevent litter, waste and other pollution, increased nutrient loads, siltation and increased turbidity of water in the wetland.
- Appropriate measures to prevent detrimental alterations to flow rate and retention regimes in the wetland.
- The need for a report, by a suitably qualified person, on the vegetation and habitat significance of any vegetation to be removed, method of removal and the nature of any offsetting and revegetation.
- The botanical and environmental value of the vegetation, including the age and condition of the vegetation and the extent to which the vegetation forms part of a habitat area or habitat corridor.
- The need to maintain the connectivity of habitat corridors noting the need for both dry and wet interconnectivity, for example fish ladders for fish, eels and turtles.
- Whether there is a need for coordination with any relevant Action Plan or Recovery Plan under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 or the State Flora and Fauna Guarantee Act 1998.

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Reference Documents

- *Victorian Coastal Acid Sulfate Soils Strategy 2009*
- *Advisory List of Threatened Vertebrate Fauna (Department of Environment and Primary Industries 2013)*
- *Advisory List of Rare and Threatened Plants in Victoria (Department of Environment and Primary Industries 2005)*
- *EPBC Act 1999: National Recovery Plan for the Leafy Greenhood (Department of the Environment 2010)*
- *EPBC Act 1999: Approved Conservation Advice for the Australasian Bittern (Department of Environment 2011)*

MORNINGTON PENINSULA PLANNING SCHEME

- *FFG Act 1988: Action Statement No. 141 Coastal Moonah Woodland (Department of Sustainability and Environment 2003)*
- *Ecological Strategic Directions Framework for Tootgarook Wetland, Rosebud: Ecological Values and Knowledge Gaps Report (Jacobs 2014)*
- *Ecological Strategic Directions Framework for Tootgarook Wetland, Rosebud: Monitoring program design report (Jacobs 2014)*
- *Vertebrate Fauna Assessments of seven Mornington Peninsula Shore reserves located within Tootgarook Wetlands (Final Draft) (Mal's Ecological and Environmental Services Pty Ltd 2014)*
- *Tootgarook Bird Monitoring Program Year 1 annual report to Mornington Peninsula Shire (BirdLife Australia March 2015)*
- *Tootgarook Wetland Ramsar Nomination Feasibility Study (BMT WBM 2015)*