

25/07/2019  
C121sgip**SCHEDULE 9 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY**

Shown on the planning scheme map as ESO9.

**GIANT GIPPSLAND EARTHWORM AND HABITAT PROTECTION****1.0**25/07/2019  
C121sgip**Statement of environmental significance**

Clause 42.01 requires a schedule to contain a statement of environmental significance.

**2.0**25/07/2019  
C121sgip**Environmental objective to be achieved**

The Giant Gippsland Earthworm (*Megascolides australis*) is endemic to West and South Gippsland and one of the largest earthworms in the world. Individuals average about 80 centimetres long but have been recorded up to 1.8 metres. Dispersed Giant Gippsland Earthworm colonies, ranging in size from a few individuals to many hundreds, occur within a 400 square kilometre area generally bounded by the towns of Loch, Korumburra and Warragul.

The Giant Gippsland Earthworm plays an important role in soil structure and fertility, and contribute to the high agricultural value of the region. Suitable habitat is restricted to generally moist, blue-grey clay soils near stream banks, soaks or watercourses on south or west-facing slopes.

The Giant Gippsland Earthworm is sensitive to development activities that affect their habitats. Individuals reach maturity slowly, live in discrete populations that are widely dispersed and are unable to recover from even slight wounds. Major threats to their survival include soil disturbance, altered soil hydrology, chemical disturbances and extreme weather or climate change.

The Giant Gippsland Earthworm is a threatened species listed in both the Commonwealth (*Environment Protection and Biodiversity Conservation Act 1999*) and State (*Flora and Fauna Guarantee Act 1988*) legislation. This overlay supports the existing legislation by identifying potential habitat when considering planning permit applications prior to commencing any works.

**3.0**25/07/2019  
C121sgip**Permit requirement**

A permit is not required to construct the following buildings or construct or carry out works, where the following apply:

- Buildings and works on lots less than 8,000 square metres within a Residential, Township or Industrial Zone.
- An alteration or extension to a dwelling where the additions do not exceed 100 square metres.
- An out-building associated with an existing use provided the building footprint is not more than 200 square metres.
- Establishment of a replacement building or dwelling within the same construction footprint.
- A survey has been conducted by a suitably qualified person establishing that no buildings and works will negatively impact Giant Gippsland Earthworm numbers. This survey is to be completed to the satisfaction of the responsible authority and the Department of Environment, Land, Water & Planning, and be in accordance with the *Giant Gippsland Earthworm Environmental Significance Overlay Reference Document* (September 2015).
- If a Giant Gippsland Earthworm Land Management Plan has been approved by the Department of Environment, Land, Water & Planning and the responsible authority.
- To undertake road maintenance, rehabilitation or improvement works within the formation of an existing road reserve.
- Where emergency works are required to be undertaken by or on behalf of a public authority.

All applications must be referred in accordance with Section 55 of the Act to the referral authority as specified in the schedule to Clause 66.04.

**4.0**25/07/2019  
C121sgip**Application requirements**

An application must include the following information to the satisfaction of the responsible authority:

- Clear and precise details of the buildings and/or works proposed, including the location of any wastewater treatment systems, dispersal fields, stormwater flow, driveways, ground disturbance, changes to hydrology or drainage.
- Description of the purpose for the development.
- Detailed scale map of the subject land showing:
  - property boundaries and dimensions;
  - location of proposed buildings and works site;
  - all waterways, including creeks, streams, soaks, seepages or wetlands within or adjacent to works, and;
  - the locality of Giant Gippsland Earthworm habitat affected by the proposal.
- An impact assessment of the proposal on Giant Gippsland Earthworm habitat conducted by a suitably qualified person and in accordance with the *Giant Gippsland Earthworm Environmental Significance Overlay Reference Document* (September 2015).
- Details on how the application has attempted to avoid, minimise or offset negative impact on Giant Gippsland Earthworm habitat.

**5.0**25/07/2019  
C121sgip**Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The objectives of this schedule.
- The views of the Department of Environment, Land, Water & Planning.
- The effects and design of subdivision on earthworms and their habitats.
- The type, density and layout of building and works. Any proposal is to avoid, minimise or manage impacts, in that order. For example, can the proposal be accommodated on land not considered to contain Giant Gippsland Earthworm habitat?
- The significance of a site with respect to Giant Gippsland Earthworm habitat extent, quality and connectivity, population density or genetic distinctiveness.
- Any effects on Giant Gippsland Earthworm populations created by development, that may extend beyond the building period.
- Opportunity to offset the negative impacts of a proposal on the Giant Gippsland Earthworm.

**Background documents**

*Giant Gippsland Earthworm Environmental Significance Overlay Reference Document* (September 2015)