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SCHEDULE 2 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO2** .

SITES OF BIOLOGICAL SIGNIFICANCE

1.0 Statement of environmental significance

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The area covered by this schedule includes a range of sites of biological significance identified in *Sites of Biological Significance in Knox – 2nd Edition, 2010* . Their protection and appropriate management is of particular importance for the maintenance of both Knox's and Victoria's biodiversity, as well as for liveability and the health and wellbeing of the community. The area covered by this overlay is 26.42 square kilometres or 23.12 per cent of the Knox municipality.

In this schedule, the term 'indigenous' refers to species that are native to Knox.

The extent and condition of many of the sites of biological significance is in decline. A key threat is development, mainly in the form of building, works and subdivision and the accumulation of many small decisions to clear vegetation.

The areas covered by this overlay include some of the most significant indigenous remnant vegetation in Knox. The indigenous vegetation along the waterways currently forms important riparian and wildlife corridors, providing protection to the waterway and to water quality. The indigenous vegetation on the slopes, particularly the higher or steeper areas, provides habitat, land stability and a characteristic, bushy landscape that can often be seen from a broad viewing area.

Significant attributes of this area (collectively) include:

- The best examples of natural environments in Knox, providing the community with opportunities for the richest and most authentic natural landscapes and experiences of contact with nature.
- Remnant indigenous vegetation belonging to Ecological Vegetation Classes (EVCs) that are regionally endangered or vulnerable.
- Plant species that are threatened in Knox or more widely.
- Native fauna (including invertebrates) that are uncommon, rare or threatened in the Melbourne or wider area.
- Habitat features, such as tree hollows, food plants and even open pastures and grasslands that are used by uncommon, rare or threatened native fauna.
- Streams, wetlands (including ephemeral) and riparian vegetation that retain a natural ecological function, including habitat for native fish, platypus, waterfowl, invertebrates or other fauna.
- A role in dispersal of wildlife, pollen and plant propagules through acting as an ecological corridor or a 'stepping stone' in a network of sites.
- Large old indigenous trees that cannot be replaced in the short to medium term.
- Indigenous plants of exceptional size or age for their species.
- The value that a less ecologically significant part of a site can contribute to more significant adjacent vegetation by:
  - Providing an ecological buffer.
  - Providing a buffer for bushfire safety to avoid ecological damage.
  - Providing management access.
  - Inhibiting the ingress of nutrients, soil, weed seeds and pests.

2.0 Environmental objective to be achieved

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To protect sites of biological significance from:

- Removal of indigenous vegetation that would be detrimental to the condition and viability of habitat, ecological communities, flora and fauna, genetic diversity or aquatic systems.
- Removal of dead or fallen trees where it would adversely affect native fauna.
- Environmental weeds.
- Fragmentation and loss of habitat, including small scale incremental losses.
- Degradation and interruption to the continuity of indigenous riparian vegetation.
- Alterations to the natural flow and temperature regimes of streams and wetlands.
- Input of pollutants and excessive sediment or nutrients into streams and water bodies.
- Changes in flooding patterns that may adversely affect indigenous flora and fauna.
- Changes in topography that may impact negatively on vegetation or cause erosion or landslip

To reduce the threat of local extinction to flora or fauna species in Knox.

To enhance the condition and viability of habitats, ecological communities, flora and fauna, genetic diversity and aquatic systems of sites, including both biological and physical components.

To maintain connectivity between sites of biological significance and indigenous vegetation.

To recognise the role that sites of biological significance play in contributing to Knox's liveability and the health and wellbeing of the community.

To achieve a net increase in the extent of habitat and improve its ecological condition in the sites of biological significance, recognising the key role that those sites play in conserving Knox's natural environment and associated community benefits.

To ensure buildings, works or subdivisions are compatible with the long-term protection and enhancement of biological significance.

To ensure offsets are located as close as practicable to the local catchment and plant/animal population areas impacted by vegetation loss. Preference is to be given to any reasonable option to locate offsets within Knox.

To provide for adequate bushfire protection measures that minimise adverse environmental impacts.

To provide appropriate fencing (temporary or permanent) to protect retained vegetation or aquatic environments from movements of machinery, vehicles or heavy foot traffic.

3.0 Permit requirement

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Buildings and works

A permit is not required:

- For the construction of a building or the construction or carrying out of works in association with:
  - Roadworks;
  - a Dependent Persons Unit;
  - a domestic swimming pool or spa and associated mechanical and safety equipment; or
  - a pergola, verandah or deck,

provided:

- no excavation or filling occurs within the Tree Protection Zone (TPZ) of vegetation that would otherwise require a permit for its removal, destruction or lopping under this overlay. The radius of the TPZ is calculated for each tree by multiplying its trunk diameter by 12. The measurement of the trunk diameter is at 1.4 metres above ground; or
- it will not result in excavations or filling greater than one (1) metre in depth.

- To carry out works necessary for normal maintenance of artificial stormwater treatment ponds (except where works and/or associated vegetation removal exceed one hectare in area, or where machinery access would result in damage to remnant indigenous vegetation).
- To undertake development or works that form part of a management plan approved by the responsible authority to enhance the site's biologically significant attributes.

Vegetation

A permit is not required to remove, destroy or lop vegetation that is:

- Not indigenous within Knox (e.g. Victorian species of Boronia or Grevillea).
- A tree with its trunk within two metres of the main roof structure of an existing building used for Accommodation (excluding a fence).
- A tree overhanging the roof of a building used for Accommodation, excluding outbuildings and works normal to a dwelling. This exemption only allows the removal, destruction or lopping of that part of the tree which is overhanging the building consistent with the *Australian Standard® AS 4373 – 2007, 'Pruning of amenity trees'* .
- Grass within a lawn, garden or other planted area and is to be mown or slashed for maintenance only.
- Grass within existing pasture and is to be cut or grazed.
- The minimum amount necessary to maintain a Minor utility installation in accordance with a current signed Memorandum of Understanding between Knox City Council and the relevant service provider.
- Required to be removed for normal maintenance of artificial stormwater treatment ponds (except where the vegetation removal and/or associated works exceed one hectare in area, or where machinery access would result in damage to indigenous vegetation).
- Seedlings or regrowth less than three years old and the land is being maintained for established pasture, crops or garden.
- Woody plants on an existing dam wall.
- For maintenance pruning only and no more than 1/3 of the foliage of any branch is removed from any individual plant. This exemption does not apply to:
  - pruning or lopping of the trunk of a tree or shrub;
  - vegetation within a road or railway reserve

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Application requirements

Where the responsible authority considers the proposal may impact the environmental objectives of this schedule an application should be accompanied by a report covering the following information to the satisfaction of the responsible authority:

- A site plan (drawn to scale and dimensioned) showing:
  - Property boundaries.
  - The nearest road(s).

  - Existing and any proposed fences.
  - Existing and proposed buildings and works, including any proposed subdivision boundaries.
  - The location, species, extent and type of all existing indigenous vegetation, habitat, threatened communities and threatened EVCs on the site, including dead or fallen vegetation.
  - The location, species and extent of all indigenous vegetation to be removed, destroyed or lopped, including trunk girth, height and condition of trees.
  - The location of all watercourses, water bodies, hydrology or other features of environmental significance.
- State the population sizes of any indigenous plant species affected by the proposal that are vulnerable, endangered or critically endangered in Knox or more widely.
- The habitat value of any affected indigenous vegetation to fauna.
- Any additional flora and/or fauna surveys and assessments undertaken.
- An assessment of the potential impact of the proposal in regard to the natural environment, local amenity and health and wellbeing, including an indication of measures adopted to minimise the potential impact and, where any adverse impacts cannot be avoided, an explanation why.
- Where adverse impacts cannot be avoided any proposed offsets to be provided.
- Any bushfire protection measures to be provided, including defendable space.
- The impact of the proposal on the environmental values of the site and surrounds over a ten year period.
- An arborist's assessment of any trees which are proposed to be removed for safety reasons.

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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 type, extent, quality and conservation significance of any indigenous vegetation.
- Whether the proposal adopts appropriate siting, design and management measures to avoid, or at least minimise, any adverse impacts on indigenous vegetation, habitat values, hydrology and land stability.
- The results of any survey/assessment of the biological values (flora or fauna), taking into consideration when the survey/assessment was undertaken, seasonal conditions and whether it was undertaken by a suitably qualified person.
- The conservation requirements of any threatened species, ecological community or EVCs on the site.
- Whether the loss of indigenous vegetation will be offset and whether such an offset can be provided within Knox. In addition, whether any long term protection measures will be provided for the offsets.
- Whether the proposal contributes to the ecological restoration or enhancement of the site, including the practicality of measures proposed to collect seeds and/or propagules or to translocate individual plants and any actions required to re-establish these species in a more secure location.
- Whether development has been designed to avoid locating buildings or services within the Tree Protection Zone of retained large trees.

- The value of the vegetation to local amenity, health and wellbeing.

Bushfire protection

- Whether any bushfire protection measures are required.
- Whether the proposal, including proposed replantings, will result in an increase in bushfire risk to life and property and if so, whether there are more suitable alternatives.
- Whether the proposal has been appropriately sited so as to reduce the bushfire risk.
- Whether the bushfire protection measures are designed so as to minimise ecological damage while still achieving the fire safety objective.
- Whether the development and/or vegetation outcomes on the site are compatible with the ongoing bushfire protection management measures.

Subdivision

- For subdivision applications, the need to specifically address or vary:
  - lot sizes;
  - lot boundary alignment and layout;
  - road network and driveway access;
  - open space;
  - building envelope or building exclusion areas;
  - drainage or effluent disposal sites,

to better protect the significant biological values of the site.

6.0 Background documents

Sites of Biological Significance in Knox - 2nd Edition, 2010 (G.S. Lorimer, 2010)

Freshwater Ecosystems: Biodiversity Management Issues brochures (Department of Natural Resources and Environment, 2001) (or as updated from time to time)

Advisory List of Rare or Threatened Plants in Victoria – 2005 and its successors (Department of Sustainability and Environment, 2005)

Advisory List of Threatened Vertebrate Fauna in Victoria – 2007 and its successors (Department of Sustainability and Environment, 2007)

Advisory List of Threatened Invertebrate Fauna in Victoria – 2009 and its successors (Department of Sustainability and Environment, 2009)

Lists of regionally significant fauna in Melbourne Area District 2 Review Descriptive Report (Land Conservation Council, 1991)

Schedules 2 and 3 to the Flora and Fauna Guarantee Act 1988

Australian Standard® AS 4373 – 2007, 'Pruning of amenity trees'