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SCHEDULE 5 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO5.**

ENVIRONMENTALLY SIGNIFICANT URBAN AREAS

1.0 Statement of environmental significance

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The properties covered by this schedule comprise those Core and Buffer Conservation Areas that are located within Residential zones. These sites have been identified as either 'Core Habitat' (known as 'Biosites' or 'Core Conservation Areas') or 'Buffer Habitat' (known as Buffer Conservation Areas), in the background document *Manningham City Council Sites of (Biological) Significance Review* (2004). Core Conservation Areas are the least disturbed and usually best quality areas of remnant indigenous vegetation and support the majority of Manningham's biodiversity. Buffer Conservation Areas generally have higher levels of disturbance, but still provide important habitat for native flora and fauna and support and enhance the function of the Core Conservation Areas.

This vegetation, whilst somewhat isolated from other bushland areas, provides important flora and fauna habitat and comprises threatened Ecological Vegetation Classes.

The vegetation is a valuable biodiversity asset, providing ecosystem services and landscape amenity and is worthy of protection. All Victorian native vegetation, even individual trees has environmental and landscape value, such as provision of habitat and retention of a distinct visual character, often softening the visual impact of development.

Protection of Victorian native vegetation needs to be managed with the competing objectives of development in urban areas. Built form should seek to be subordinate to the landscape and avoid and minimise the loss of native vegetation.

Background documents

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 objectives to be achieved

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To protect and conserve Core and Buffer Conservation Areas.

To maintain and enhance the natural landscape character of environmental urban areas.

To minimise the extent of earthworks within the canopy dripline of trees.

To achieve an improvement in the extent and quality of Victorian native vegetation, consistent with the goal of Net Gain as set out in the background document *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 protect and conserve habitat corridors and ecological stepping-stones.

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

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

To minimise the visual impacts of development on the Yarra River, its banks and nearby parkland.

To maintain the treed character of residential areas.

3.0 Permit requirement

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Buildings and works

A permit is not required to construct a building or construct or carry out works.

This does not apply to:

- The construction of a building or the construction or carrying out of works within the canopy dripline of any vegetation that requires a permit for its removal.
- The construction or carrying out of works associated with a tennis court where:
  - The works exceed 1 metre in height or depth above or below the natural ground level.
  - The works are carried out within the dripline of any vegetation requiring a permit for its removal.
  - The import or export of excavated material to or from the land exceeds 50 cubic metres.
  - The area of the works exceeds 100 square metres.
  - The works are carried out over an easement.

Vegetation

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

- Victorian native vegetation.
- A permit is not required for:
- Dead vegetation.
- The pruning of a tree for regeneration or ornamental shaping.
- A tree with its trunk within two metres of the roof (including eaves) of an existing building (excluding a fence).
- Any species listed as exempt from a permit requirement in the Table to this Schedule.
- Any trees listed to be 'removed' as identified in Appendix 2.4 of *Flora and Fauna Assessment and Biodiversity Offset Analysis, 463 – 535 Doncaster Road, Doncaster, Victoria* (Ecology and Heritage Partners Pty Ltd, April 2014).

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

4.0 Application requirements

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The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

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 plan (drawn to scale) including:
  - The boundaries of the site.
  - Details of the proposed works.

  - The location of all buildings, fences and other structures on the site.
  - The location, extent and type of vegetation on the site.
- Measures to be undertaken to minimise environmental impacts during the construction period, including soil conservation, waterway and vegetation protection measures.

Vegetation

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

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 number and size of trees. 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.
- An 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:

- 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.

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Decision guidelines

Before deciding on an application to 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 vegetation has been avoided, or where this is not possible, whether adverse impacts have been minimised.
- Whether the loss of vegetation has been offset and whether long term protection will be provided for offsets.
- The extent to which the removal of the 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.
- 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 background document *Development Guide for Areas of Environmental and Landscape Significance* (2011) .

Table to Schedule 5: Species exempt from permit requirements

Common name	Species	Status
Balm Mint Bush	*Prostanthera melissifolia*	Victorian Native Vegetation
Giant Honey-myrtle	*Melaleuca armillaris*	Victorian Native Vegetation
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
Wirilda	*Acacia retinodes*	Victorian Native Vegetation

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Background documents

Flora and Fauna Assessment and Biodiversity Offset Analysis, 463 – 535 Doncaster Road, Doncaster, Victoria (Ecology and Heritage Partners Pty Ltd, April 2014).