27/05/2019
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SCHEDULE 4 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO4.**

SITES OF BIOLOGICAL SIGNIFICANCE AND BUFFER CONSERVATION AREAS IN LOW DENSITY RESIDENTIAL AREAS

1.0 Statement of environmental significance

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The sites covered by this schedule comprise those Core and Buffer Conservation Areas that are located within the Low Density Residential Zone. The background document *Manningham City Council Sites of (Biological) Significance Review* (2004) assessed vegetation throughout Manningham and identified areas of 'Core Habitat' (known as 'Biosites' or 'Core Conservation Areas') and areas of 'Buffer Habitat' (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. They have been assessed as being of national, state or regional biological significance. 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.

Whilst the indigenous vegetation in Core and Buffer Conservation Areas provides the best habitat for indigenous flora and fauna, large planted trees that are native to Australia can also play a supporting role and contribute to landscape amenity. Large exotic trees also provide landscape value and contribute to a 'sense of place'.

These areas are diverse in terms of topography, vegetation cover, road treatment, built form and site layout. The topography ranges from gently undulating land to steep slopes, prominent ridgelines and deep gullies. Key elements include the natural character, indigenous vegetation and tree cover, panoramic views and watercourses.

The values of these areas are under threat due to a number of factors including vegetation loss, fragmentation of bushland areas, smaller size lots resulting in denser development, pest plant and animal invasion, soil erosion and hydrological changes. Some development has been unsympathetic to these issues, the result being vegetation loss, extensive earthworks and subdivision layouts that do not retain vegetation or follow natural contours.

The environmental and landscape values of these areas need to be properly managed to ensure that their distinctive features are protected and enhanced. Built form should seek to be subordinate to the landscape and avoid the loss of canopy trees and other significant 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 objective to be achieved

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

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

To encourage development that is in keeping with the vegetated 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 the visual impact of development.

To minimise earthworks.

To minimise site run-off and soil erosion to maintain water quality.

To ensure subdivision of land does not have a detrimental impact on the ecological integrity of Core Conservation Areas and Buffer 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 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 conserve and where possible enhance habitat for flora and fauna species recognised as threatened at the municipal, regional, state or federal level.

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

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

To ensure screening shrubs and large canopy trees are provided along the boundaries of any development.

To maintain the treed character of residential areas.

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

3.0 Permit requirement

21/02/2013
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Buildings and works

A permit is not required to construct a dwelling provided:

- The site coverage of the building does not exceed 15 percent when combined with the area of any existing buildings on the land.
- No part of the building is more than 8 metres in height above the natural surface level of the ground directly below that part.
- No part of the building is closer than 5 metres to a side or rear boundary not abutting a road.
- No part of the building is closer than 10 metres to any boundary abutting a road.
- The external building finishes and colours are non-reflective and blend with the natural landscape to the satisfaction of the responsible authority.

- Any outbuilding has an area of less than 50 square metres.
- A permit is not required for a domestic rainwater tank(s) with a total capacity of not more than 10,000 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.
- A permit is not required to construct or carry out works associated with the construction of a dwelling provided:
- The works do not exceed 1 metre in height or depth above or below natural ground level.
- That no 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 does not exceed 50 cubic metres.
- The area of the works does not exceed 100 square metres.
- No works are carried out over an easement.

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 Exotic or 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.
- The pruning of an Exotic or Australian native tree for regeneration or ornamental shaping.
- 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)'*.

The term Exotic tree(s) means *'Tree(s) that are not indigenous to Australia'*.

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:

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 background document *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 background document *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 ecological 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 ecological 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, extent and type of all 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:

- 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 exotic trees and Australian native trees (other than Victorian native vegetation):

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

- The reason for the tree removal.
- The species, number and size of the trees, 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 has been offset and whether long term protection will be provided for offsets.
- Whether the proposed development has been located to avoid impacts on areas where offsets for previous development have been provided.
- 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 extent to which the removal of Victorian native vegetation will contribute to the fragmentation and isolation of existing flora and fauna habitat.
- The role of Australian native and exotic trees in providing habitat and landscape value.
- Whether replacement planting is proposed for the removal of any trees that are not Victorian native vegetation.
- Whether the design and siting of buildings or other development minimises 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).
- Whether building setbacks are adequate to maintain and enhance landscaping.
- Whether exterior building finishes and colours are non-reflective and blend with the natural environment.

TABLE TO SCHEDULE 4: Species exempt from permit requirements

Common name	Species	Status
Balm Mint Bush	*Prostanthera melissifolia*	Victorian Native Vegetation

Common name	Species	Status
Box Elder	*Acer negundo*	Exotic Tree
Cedar Wattle	*Acacia elata*	Australian Native Tree
Cherry Laurel	*Prunus laurocerasus*	Exotic Tree
Cherry Plum	*Prunus cerasifera*	Exotic Tree
Cluster Pine or Maritime Pine	*Pinus pinaster*	Exotic Pine Tree
Cootamundra Wattle	*Acacia baileyana*	Australian Native Tree
Cotoneasters	*Cotoneaster species*	Exotic Tree
Desert Ash	*Fraxinus angustifolia subsp. angustifolia*	Exotic 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
Hawthorn	*Crataegus monogyna*	Exotic Tree
Holly	*Ilex aquifolium*	Exotic Tree
Irish Strawberry Tree	*Arbutus unedo*	Exotic Tree
Large-leafed (or Tree) Privet	*Ligustrum lucidum (Ligustrum japonicum)*	Exotic Tree
Laurustinus	*Viburnum tinus*	Exotic Tree
Loquat	*Eriobotrya japonica*	Exotic Tree
Morning Flag	*Orthrosanthus multiflorus*	Victorian Native Vegetation
Ovens Wattle	*Acacia pravissima*	Victorian Native Vegetation
Radiata Pine or Monterey Pine	*Pinus radiata*	Exotic Pine Tree
Sallow Wattle	*Acacia longifolia*	Victorian Native Vegetation
Sticky Wattle	*Acacia howittii*	Victorian Native Vegetation
Sweet Pittosporum	*Pittosporum undulatum*	Victorian Native Vegetation
Sycamore Maple	*Acer pseudoplatanus*	Exotic Tree
Tagasaste or Tree Lucerne	*Chamaecytisus/(Cytisu s) palmensis*	Exotic Tree
Tobacco-bush or Wild Tobacco Tree	*Solanum mauritianum*	Exotic Tree
Tree Locust	*Robinia pseudoacacia*	Exotic Tree
White Sallow-wattle	*Acacia floribunda*	Victorian Native Vegetation
Willow-leaf Hakea	*Hakea salicifolia*	Australian Native Tree
Willows and Sallows	*Salix species*	Exotic Tree
Wirilda	*Acacia retinodes*	Victorian Native Vegetation