

19/01/2006
Proposed C85

SCHEDULE 1 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO1**

AQUATIC SYSTEMS – SIGNIFICANT WETLANDS AND WATERWAYS

1.0 Statement of environmental significance

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The mapped aquatic systems are considered significant because one or more of the following apply:

- The wetland is of regional or international significance and is protected under an international wetland agreement.
- The aquatic system supports nationally or state listed rare or threatened species.
- [The importance of the aquatic and associated terrestrial habitats in the Surf Coast Shire for EPBC Environment Protection and Biodiversity Conservation Act 1999 and /or Flora and Fauna Guarantee Act 1988 FG listed threatened species including Orange-bellied Parrot, Growling Grass Frog and Brolga.](#)
- [The importance of watercourses and associated riparian habitats in the Surf Coast Shire for a diverse range of species including the EPBC Environment Protection and Biodiversity Conservation Act 1999 and FFG Flora and Fauna Guarantee Act 1988 listed Yarra Pygmy Perch and Australian Grayling.](#)
- The aquatic system is a biodiversity link with significant biodiversity values providing high instream/aquatic and riparian habitat.
- The waterway and its environs contribute to the water quality and integrity of the broader catchment.
- The watercourse is a heritage river.

Comment [BN1]: DELWP

2.0 Environmental objective to be achieved

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To protect and ensure the long term future of terrestrial and aquatic habitat for native flora and fauna.

To protect and ensure the long term future of threatened species of flora and fauna and meet any obligations set out under international agreements.

To protect water quality (including downstream water quality) and prevent water pollution in watercourses, water bodies, wetlands and groundwater through encouraging vegetation retention, buffers around all aquatic systems, water sensitive urban design and sustainable farming practices.

To encourage native vegetation retention and enhancement within 100m of all major waterways/wetlands (50m each side) and 60m of all smaller waterways (30m each side), to enhance river health and biodiversity and to prevent accelerated erosion and siltation or sedimentation.

To encourage ecological restoration, regeneration and revegetation with indigenous species and removal of all known weed species within the core riparian zone (40m either side of a major waterway and 20m either side of a smaller waterway).

[To protect and restore the natural hydrological \(wetting and drying\) cycle of waterways and wetlands.](#)

Comment [BN2]: DELWP

To maintain the physical and biological integrity and functioning of aquatic systems including:

- the ability of watercourses to carry natural flows.

- the maintenance of natural flooding regimes.
- the natural opening and closing of coastal wetlands and estuaries.
- the filtering of nutrients and other pollutants.
- the recharge and discharge of ground waters.

To eradicate all weed species listed in the incorporated document 'Weeds of the Surf Coast'.

To avoid excessive earth works, particularly in areas known to contain acid sulphate soils.

Comment [BN3]: AIDA

To avoid the need for permission to clear native vegetation that has been planted for agroforestry.

Comment [BN4]: Agroforestry group

3.0

Permit requirements

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Vegetation

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

- Is within 3 ~~meters~~-metres of a building used for accommodation (or overhangs this area).
- Is listed as an environmental weed in the incorporated document, "Weeds of the Surf Coast Shire (2013).
- Is nNot native to Victoria.
- Has been planted or is being managed for the purposes of agroforestry.
- Is in accordance with an approved Whole Farm Plan.
- Is dead, unless it is a standing dead tree with a trunk diameter of 40cm or more at a height of 1.3m above ground level.
- The minimum amount necessary to:
 - Maintain a minor utility installation.
 - Maintain a utility installation in accordance with a code(s) of practice approved by Secretary of the Department of Environment, Land, Water and Planning.

Comment [BN5]: Agroforestry group

Comment [BN6]: Response to submissions

Comment [BN7]: Barwon Water

Fencing

- A permit is required to construct a fence.
- ~~This does not apply to~~ A permit is not required to construct a post and wire fence that restricts livestock (while permitting native fauna) access to a wetland or waterway.

Comment [BN8]: John Keaney peer review

Comment [BN9]: AIDA

Application requirements

A planning application must be accompanied by the following information, as appropriate:

- An assessment of how proposed works will influence water flows and volumes and water quality;
- A vegetation assessment report that includes:
 - The location of rare and threatened species and their habitat.
 - Identification of any native vegetation or other habitat components to be removed or disturbed,
 - The location of all environmental weeds listed in 'Weeds of the Surf Coast Shire' (2012) within the core riparian zone.
 - Recommended measures to suitably protect native vegetation from damage during the proposed works.

Comment [BN10]: DELWP

Comment [BN11]: DELWP

- A ~~vegetation offset~~ biodiversity enhancement plan that outlines how the loss of biodiversity will be compensated where removal is unavoidable.
- Scaled and dimensioned plans showing proposed,
 - Fencing,
 - Buildings and works and
 - Subdivision layout.

Comment [BN12]: DELWP

Referral of application

Applications must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause.

4.0

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Decision guidelines

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

- The environmental objectives of this overlay.
- The value and specific qualities of the effected biodiversity asset as defined in the reference document 'Surf Coast Shire Biodiversity mapping project' (2014).
- Any relevant Flora and Fauna Guarantee Action Statements, Recovery Plans and threatening processes.
- The results of any vegetation assessment or survey of the biodiversity assets contained on the site and whether the survey and assessment has been adequately completed under appropriate seasonal conditions and by a suitably qualified person, to the satisfaction of the Responsible Authority.
- The reason for removing any remnant vegetation and the practicality of any alternative options which do not require removal of remnant vegetation or other habitat components. Where alternatives exist which do not require the loss of native vegetation or other habitat values and will not have any adverse impacts on the aquatic system these alternatives should be favoured including the removal of vegetation with a lower ecological value (such as weeds, exotics or degraded vegetation).
- The purpose for the works and whether every effort to avoid impacts on aquatic systems has been explored with consideration given to;
 - alternative options for carrying out development on the site and,
 - the availability of alternative land outside the overlay area.
- Appropriate offsets for vegetation removal (unless already stipulated by a referral authority), having regard to;
 - The value of the native vegetation in terms of physical and biological condition, rarity, variety and habitat ~~quality~~ value for rare and / or threatened species.
 - The need to maintain viable examples of vegetation communities.
 - The likely effect removal of native vegetation will have on resident and migratory fauna, including and ~~the need to retain mature trees (alive or dead) with hollows.~~
 - The need for regeneration and revegetation using species from the relevant Ecological Vegetation Class.
 - The merits in requiring wetlands or waterways to be fenced off.
 - The need to undertake environmental weed control.
 - Whether an agreement under section 173 of the Act is appropriate providing for on going vegetation protection, enhancement and/or management on the land.

Comment [BN13]: John Keaney peer review

Comment [BN14]: DELWP

Comment [BN15]: DELWP

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- the use of a conservation covenants or other similar control to ensure the long term viability of native vegetation.
- Whether adequate buffers can be retained around an aquatic system to reduce potential threats to the quality, life cycle processes or functioning of aquatic and terrestrial habitats such as;
 - 100m buffer between a septic wastewater disposal envelope and a wetland or watercourse.
 - 60m buffer between a septic wastewater disposal envelope and a drainage line/small creek.
 - 30m buffer between works causing soil disturbance and the need to increase this buffer to 60m where sites are prone to salinity or erosion.
- The means of protecting remnant vegetation during the construction of buildings and works and the on-going management of vegetation post construction.
- The need to control erosion and sedimentation during construction works and/or associated with the proposed use or development.
- Any impacts that buildings or works may have on the hydrological regime, water quality, or scenic, cultural heritage or recreational values of a waterway or wetland.
 - Whether an agreement under section 173 of the Act is appropriate providing for on going enhancement and/or management on the land.
 - the use of a conservation covenants or other similar control to ensure the long term viability of the waterway or wetland.
- Potential threats to the quality, life cycle processes or functioning of aquatic and terrestrial habitats.
- The impact a proposed subdivision will have on the aquatic system including any remnant vegetation on the site.
- Any relevant catchment plan including;
 - Thompsons Creek Catchment Plan (1998).
 - Spring Creek Catchment Plan (2003)
 - Anglesea Estuary Management Plan (2005)
 - Painkalac Estuary Management Plan (2005)
 - Erskine River and Stony Creek Catchment Plan (2000)

Comment [BN16]: AIDA

Comment [BN17]: CCMA

Reference documents

- Biodiversity Mapping Project, Surf Coast Shire, DEPI and CCMA (2014).
- Weeds of the Surf Coast Shire, Surf Coast Shire (2013).
- Indigenous Planting Guide – Urban Coastal, Surf Coast Shire (2003).
- Indigenous planting Guide for rural areas within the Surf Coast Shire, (2003)