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SCHEDULE 4 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO4

Habitat Protection and Significant Remnant Vegetation within the coastal settlements of Lorne, Moggs Creek, Fairhaven, Aireys Inlet, Anglesea, Torquay and Jan Juc.

1.0

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Statement of environmental significance

The coastal settlements are within the Otway Ranges and Otway Plain bioregions and are a major conservation and ecological resource containing a number of species listed under the *Flora and Fauna Guarantee Act 1988*. They contain remnant vegetation of very high conservation value due to;

- the high percentage of native vegetation cover remaining,
- The diverse vegetation communities, and
- the important habitat they provide for a diverse range of flora and fauna, including rare and threatened species.

The settlements from Lorne to Anglesea directly adjoin the Great Otways National Park providing additional habitat, habitat linkages and functioning as a significant buffer to the biodiversity assets within the park.

The major threats to the biodiversity assets within these settlements are:

- Clearance, fragmentation and lack of regeneration.
- Loss of habitat including the loss of hollow-bearing trees.
- Residential subdivision and increasing development.
- Invasion of native vegetation by environmental weeds.
- Predation by cats and foxes on native fauna.
- Increasing levels of clearance in response to management against bushfire.

The protection of ~~native-indigenous~~ vegetation is intrinsic to the character and beauty of the coastal settlements and is highly valued by the community and visitors alike. All remnant vegetation is significant and removal should be avoided with a focus on removing weed species or exotics over natives in conjunction with reducing risks to persons and property from bushfire.

Comment [BN1]: DELWP

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Environmental objective to be achieved

To protect and enhance all biodiversity assets, including;

- The quality and extent of all indigenous vegetation including trees, shrubs, heath and grasses.
- Patches of remnant vegetation that provide a buffer to the Great Otway National Park or conservation and nature reserves.
- Merrans Sun Orchid in Fairhaven (refer to map 1 of this schedule).
- Brookers Gum and Wrinkled Buttons in Lorne.
- The Anglesea Heathland (listed on the Register of the National Estate).
- Bellarine Yellow Gums in Torquay/Jan Juc.
- Moonah Woodland Community in Anglesea.
- Habitat for rare or threatened fauna; including Rufus Bristlebird, Powerful Owl, Masked Owl, Grey Goshawk, Swamp Antechinus, Southern Toadlet, New Holland Mouse, Spot-tailed Quoll.

- All rare or threatened flora including: Anglesea Grevillea, Red Beard-orchid, Southern Spider-orchid, Winter Sun-orchid, Anglesea Slender Sun-orchid and Otway Grey Gum.
- To achieve no overall losses to the biodiversity assets contained within the settlements.
- To eradicate all weed species listed in the incorporated document 'Weeds of the Surf Coast'.
- To discourage fencing to enable native fauna to move freely between habitat in urban areas into habitat in non-urban areas.
- To encourage site responsive building design that minimises the need for excessive earth works.
- To encourage subdivision layout that avoids the removal of indigenous vegetation.
- To maintain a low density of development with sufficient space around dwellings for defensible space and the retention of a reasonable coverage of indigenous vegetation.
- To maintain large lot sizes abutting or close to the Great Otway National park/settlement boundary.
- To recognise the important contributions that biodiversity makes to the overall character and identity of the settlements.
- To minimise the impacts of residential development on the biodiversity values within the Great Otway National Park.
- To manage the retention and enhancement of indigenous vegetation in a manner that does not increase risks of bushfire to persons or property.

To discourage the establishment of recreational structure such as tennis courts and swimming pools that prevent long term enhancement of the vegetation cover in the coastal settlements of Anglesea, Aireys Inlet, Fairhaven and Moggs Creek.

Comment [BN2]: Wording requested by AIDA

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Permit requirement

Vegetation

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

- within 3 metres of a building used for accommodation (or overhangs this area).
- listed as an environmental weed in the incorporated document, "Weeds of the Surf Coast Shire, (2013)".
- not native to Victoria.
- dead.
- 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.
- and is within the designated 'habitation envelope' area, shown in map 2 to this schedule, or is the minimum extent necessary for;
 - the construction of a vehicle access from the street to the 'habitation envelope' and
 - the construction and maintenance of reticulated services.

Comment [BN3]: Barwon Water

Fencing

A permit is required to construct a fence.

This does not apply in the settlements of Torquay and Jan Juc or to a post and wire fence:

- with a 200mm clearance from ground level and
- that is not more than 1.5m in height.

Application requirements

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

- A vegetation assessment report that includes:
 - Identification of any native vegetation or other habitat components on site to be retained and / or removed or disturbed,
 - The location of all environmental weeds listed in 'Weeds of the Surf Coast Shire' (2012) on the site.
 - Recommended measures to suitably protect native vegetation from damage during the proposed works.
- Scaled and dimensioned plans showing proposed,
 - Fencing,
 - Buildings and works and
 - Subdivision layout.

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 Decision guidelines

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Before deciding on an application to remove any native vegetation, construct a building or carry out works, or subdivide land, the responsible authority must consider, as appropriate:

- [The environmental objectives to be achieved.](#)

Vegetation removal

- The impact of the proposal on the biodiversity conservation values of the area.
- 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 and threatening processes ~~including No. 155 (Merran's Sun orchid), No. 141 (Coastal Moonah Woodland), No. 49 (Rufous Bristlebird), No. 74 (New Holland Mouse), No. 92 (Powerful Owl), No. 15 (Spot-tailed Quoll).~~
- 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 these alternatives should be favoured including the removal of vegetation with a lower ecological value (including weeds, exotics or degraded vegetation).
- Whether the retention and / or layout of new landscaping is appropriate and generally consistent with the reference document, 'Landscaping your Surf Coast garden for bush fire,' Surf Coast Shire (2015). [Any new landscaping should not increase bushfire risk or compromise defensible space.](#)
- The quality and extent of the vegetation that is to be removed and how preference has been given to enhancing the mapped patch of vegetation primarily through weed removal and / or revegetating within the patch using species from the relevant Ecological Vegetation Class.

Buildings and works

Comment [BN4]: John Keaney peer review

Comment [BN5]: DELWP

Comment [BN6]: CFA

- The impact the proposed buildings or works will have on the biodiversity conservation values of the area and the practicality of siting buildings and works away from patches of native vegetation to ensure its ongoing protection.
- The means of protecting native vegetation during the construction of buildings and works and the on-going management of vegetation post construction.
- The need for a compact building design to reduce the defensible space footprint.

Subdivision

- The impact the proposed subdivision will have on the biodiversity conservation values on the site or adjacent sites particularly public land or nature reserves.
- Whether the subdivision will lead to an intensification of development abutting or within close proximity to the bushfire hazard interface and ultimately lead to inappropriate losses of native vegetation in response to bushfire mitigation measures.
- Whether the subdivision layout will;
 - create new lots that are capable of providing for a new dwelling with a 2-3m clear zone, free of all combustible materials including timber fencing, outside vegetated areas.
 - reduce impacts on the highest value vegetation.
 - Limit vehicular access to a single crossover (if practical) to minimise any adverse impact on the vegetated appearance of the street.
 - Provide for the placing of reticulated services in common trenches, using internal roads where practical, in order to minimise impacts on native vegetation.

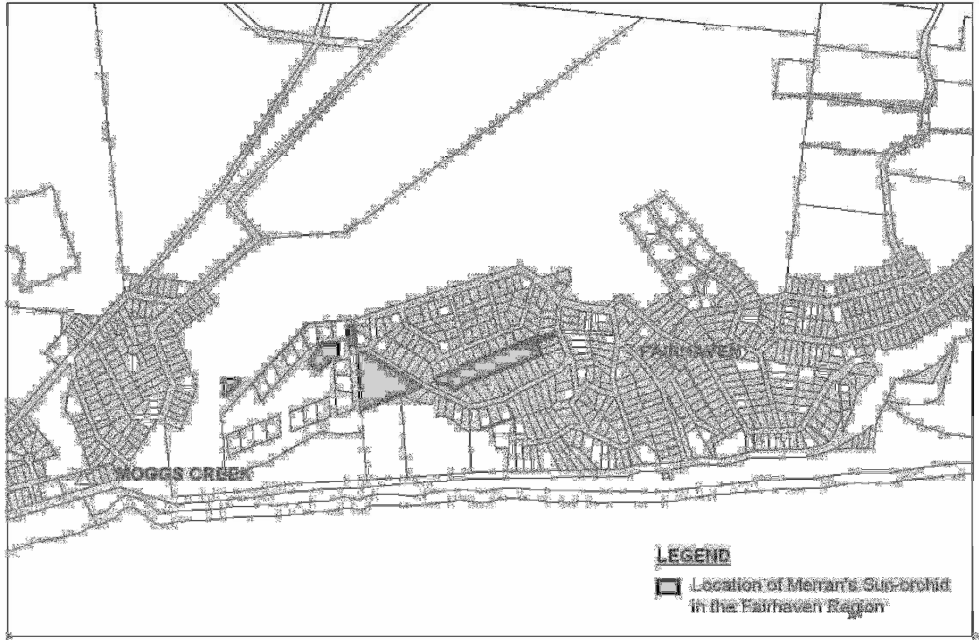
Fencing

- Whether vegetation can be used as the primary means for achieving privacy between residential properties.
- Whether the layout of screen fencing or extensive areas of closely knit mesh fencing enables the continued passage of native fauna across the site, having regard to the habitat on site or connectivity to habitat on surrounding land, particularly public land.

Reference documents

- Surf Coast Shire Biodiversity Mapping Project, Surf Coast Shire, DEPI and CCMA (2014).
- Weeds of the Surf Coast Shire, Surf Coast Shire (2013).
- Regional Bushfire Planning Assessment: Barwon South – West Region, DPCD (2012).
- Landscaping your Surf Coast garden for bush fire, Surf Coast Shire (2015).
- Aireys Inlet to Eastern View Neighbourhood Character Study and Vegetation Assessment (2004).
- Indigenous Planting Guide – Urban Coastal, Surf Coast Shire (2003).

Map 1 to Schedule 4 to Clause 42.01 –Known sites of Merran’s Sun-orchid in Fairhaven



Map 2 to Schedule 4 to Clause 42.01 – ‘Habitation envelopes’, Lots 1 – 6 Harvey Street, Anglesea Heathland



