

SURF COAST PLANNING SCHEME

AMENDMENT C85

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Surf Coast Shire who is the planning authority for this amendment.

Land affected by the amendment

The amendment applies to all waterways and wetlands identified as having environmental significance and to land subject to flooding and inundation within the Surf Coast Shire. The major waterways in the Surf Coast Shire include the Barwon River, Thompsons Creek, Spring Creek, Anglesea River and Painkalac Creek, all of which are affected by this amendment.

What the amendment does

Amendment C85 seeks to better identify and protect significant wetlands, waterways and land subject to flooding in the Surf Coast Shire. It does this by proposing changes to policy and permit requirements relating to flooding and improvements to the Environmental Significance Overlay that protects waterways. It also adjusts the maps that identify the areas of significance and flooding in the Surf Coast Planning Scheme.

The Amendment is informed by new information contained in the *Biodiversity mapping project*, 2014 and several hydrology studies undertaken by the Corangamite Catchment Management Authority (CCMA) in 2013.

The *Biodiversity mapping project* found the current extent of the Environment Significance Overlay - Schedule 1 (ESO1), which applies to 394 properties, requires adjustment. The revised ESO1 mapping as part of Amendment C85 affects 646 properties with over half of these properties having the ESO1 reduced on their property. The application of the ESO is appropriate to identify environmental assets.

The Corangamite Catchment Management Authority (CCMA) through updated hydrology mapping for the Surf Coast Shire found that the current extent of the flood mapping, which applies to 1066 properties, requires adjustment, through the application of the Flood Overlay (FO) and Land Subject to Inundation Overlay (LSIO). The revised flood mapping as part of Amendment C85 affects 1,103 properties with 103 properties having the Overlay completely removed from their property. The application of the FO and LSIO's are appropriate to identify land subject to flooding.

Specific changes to the Surf Coast Planning Scheme through Amendment C85

Mapping changes

Amendment C85 amends 99 map sheets as follows;

- 34 planning scheme maps are amended to reduce or extend the coverage of the ESO1,

- 27 planning scheme maps are amended to delete the existing ESO1, and
- 4 planning scheme maps are inserted to apply the ESO1,
- 34 planning scheme maps are amended to apply the FO and LSIO replacing the existing FO and LSIO;

Ordinance changes

- Amends Schedule 1 to Clause 42.01-1 (Environmental Significance Overlay Schedule 1).
- Amends the Schedule to Clause 44.03 (Flood Overlay).
- Amends the Schedule to Clause 44.04 (Land subject to Inundation Overlay).
- Amends Clause 21.03 'Environmental Management' in the Local Planning Policy Framework (LPPF).
- Amends the Schedule to Clause 61.03 'Maps comprising part of this scheme'.
- Amends the Schedule to Clause 66.04 'Referral of permit applications under local provisions'.

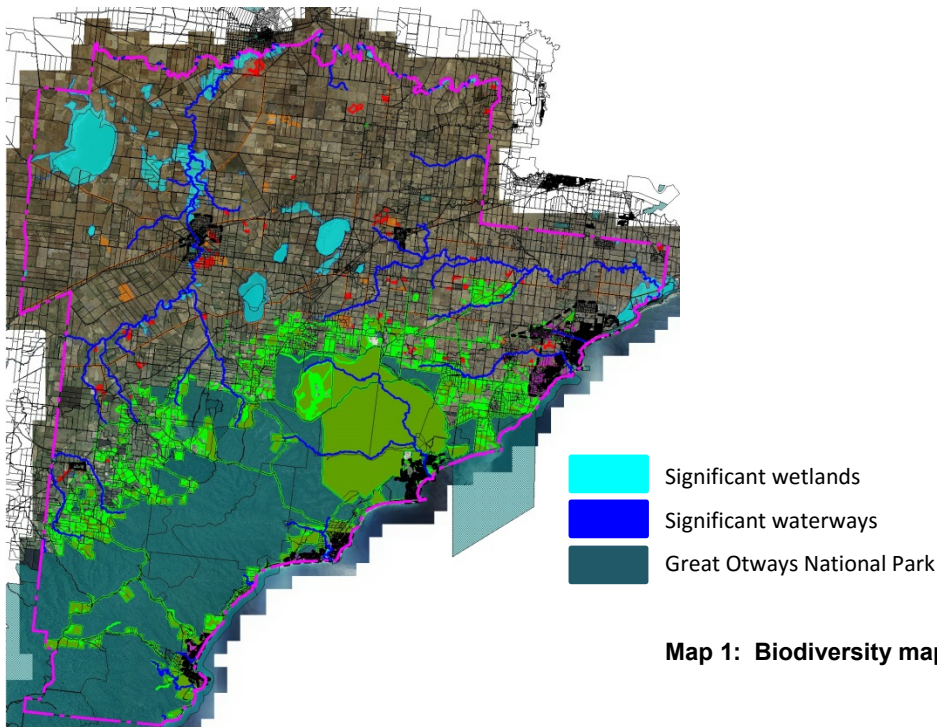
Strategic assessment of the amendment

Why is the amendment required?

Wetlands and Waterway protection

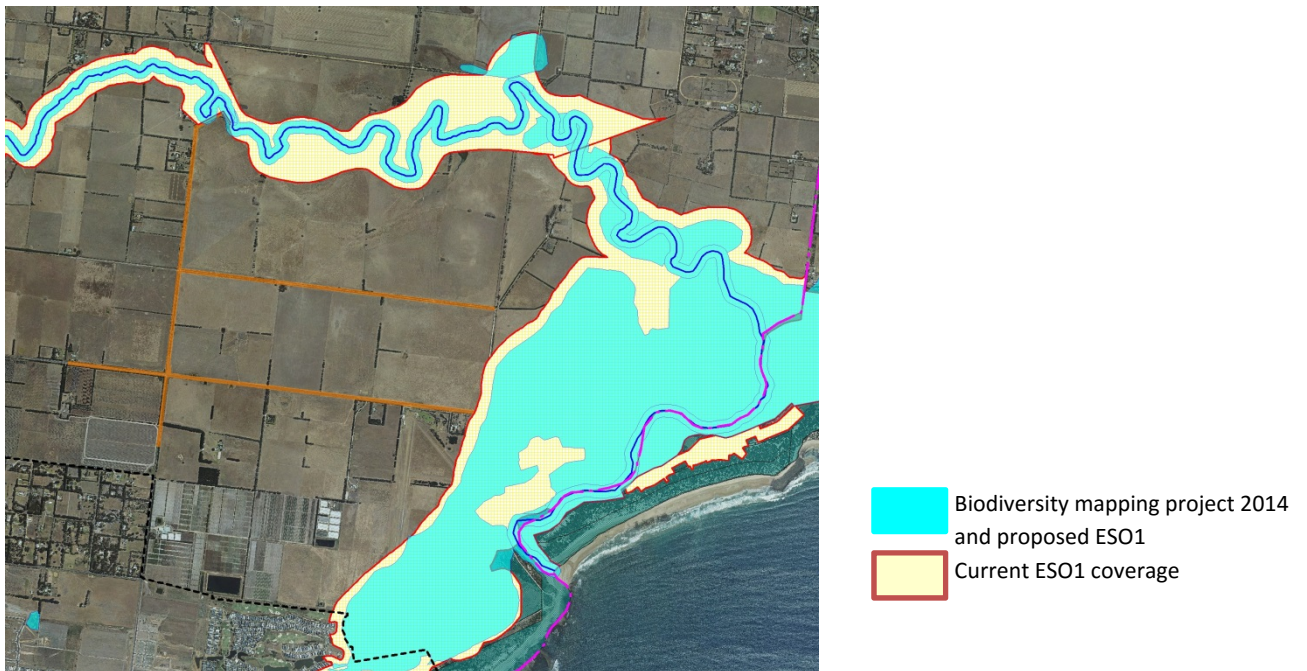
A *Biodiversity mapping project* was completed by the Surf Coast Shire, in consultation with the Department of Environment, Land, Water and Planning (DELWP) and the Corangamite Catchment Management Authority (CCMA) in 2014. This project mapped all of the sites of biodiversity significance within the Surf Coast Shire, including wetlands/waterways and remnant vegetation. The protection of significant wetlands and waterways identified through that project is to occur through amendment C85 with the protection of significant native vegetation within settlement boundaries, being implemented through Amendment C96 which is being processed concurrently.

Map 1 identifies the wetlands and waterways mapped through the Biodiversity mapping project.



Map 1: Biodiversity mapping project 2014

The Biodiversity mapping project identified numerous adjustments that should be made to the current wetland and waterway mapping including the inclusion of significant waterways that were currently not mapped and a reduction in the extent of the existing ESO1 where it was applied beyond the asset. An example of where a reduction in coverage is recommended is shown in Map 2, which shows the current and proposed extent of the ESO1 to the wetlands and Thompsons Creek at Point Impossible.



Map 2: Example map showing comparison between current ESO1 and Biodiversity mapping project 2014

646 property owners will be affected by amendment C85 and the proposed changes to the ESO1 mapping, an increase of 252 properties. Of the 394 properties currently covered by

the ESO1 there will generally be a reduction in coverage as wetlands are more accurately mapped and buffers along waterways are reduced from 100m either side to 50m.

The following table (table 1) outlines these changes.

Planning Scheme Changes	Proposed ESO1	Existing ESO1	Reduction in current coverage of ESO1
No of properties	646	394	252

Table 1: Changes to ESO1 (waterways/wetlands) mapping proposed through Amendment C85

Application of the Environmental Significance Overlay Schedule 1 (ESO1

At present the application of the ESO1 to significant waterways and wetlands in the Surf Coast Shire is based on historical data that has been superseded through the completion of the *Biodiversity mapping project 2014*. All creeks are considered to be significant however the mapping project utilised the Strahler stream ordering system to order all of the waterways in the Surf Coast Shire and recommended applying an ESO1 to higher order streams only (3rd and 4th order streams were mapped and 1st and 2nd order streams were not included).

Clause 14.02-1 (Catchment planning and management) highlights the need to;

Retain natural drainage corridors with vegetated buffer zones at least 30m wide along each side of a waterway...

Amendment C85 through adjustments to the extent coverage of the ESO1 will ensure all wetlands and waterways with biodiversity value are covered. The ESO1 will trigger a planning permit for buildings and works and vegetation removal close to significant assets (within 30m of all 3rd ordered streams and within 50m of all higher order streams - 4th order streams or greater). Clause 14.02-1 outlines the minimum requirements for waterway buffers which has been adopted for lesser creeks but the Biodiversity mapping project recommended a greater buffer width on larger waterways. At present the ESO1 extends up to 100m either side of a mapped waterways and Amendment C85 will reduce these widths.

Land Subject to flooding

The Corangamite Catchment Management Authority (CCMA) completed a series of hydrology studies for the major waterways in the Surf Coast Shire in 2013 to determine their flood extents. The CCMA is the floodplain management and referral authority under Clause 66.03 of the Surf Coast Planning Scheme. The studies informed a number of changes to the coverage of the existing Flood Overlay and Land Subject to Inundation Overlay Schedules, proposed through Amendment C85. The current application of the FO and LSIO is based on information from the Flood Transfer Project (DSE, 2000) and has now been superseded.

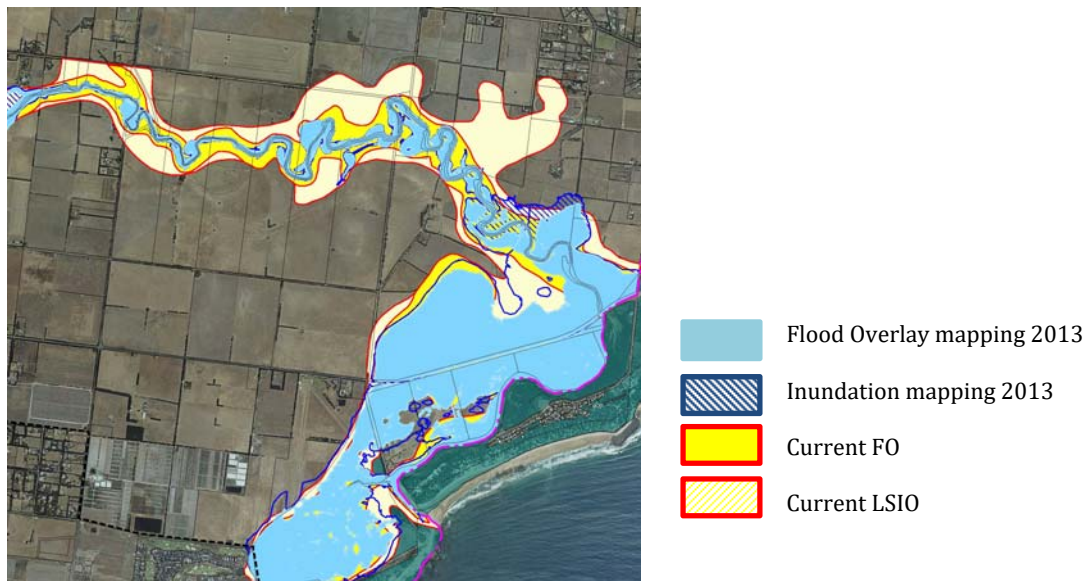
There are currently 1066 properties affected by the Flood and Land Subject to Inundation Overlays. This number is to be increased by 37 properties (1103 properties) with changes to the mapping including removal from 103 properties. The following table (table 2) outlines these changes.

Flood Mapping changes	Total no of properties affected	New properties	Removal from their property
No of properties	1066	37	103

Table 2: Changes proposed to Flood mapping through Amendment C85

Map 3 below also shows the wetlands and Thompsons Creek at Point Impossible, providing an example of where the flood mapping is being significantly reduced. The map shows the

current flood mapping overlapped with the amended mapping proposed through amendment C85.



Map 3: Comparison between current overlay coverage and Flood mapping 2013

Flood and Land Subject to Inundation Overlays (FO / LSIO) and Environmental Management

The changes to the extent coverage of the Flood Overlay and Land Subject to Inundation Overlays will ensure land at risk from flooding is more accurately mapped through the Surf Coast Planning Scheme. Although the number of properties affected has increased the proposed changes to the schedules (prepared by the CCMA) has increased the number of exemptions so that minor buildings and works will not require a permit. The Environmental Management Strategy at Clause 21.03 of the Local Planning Policy Framework is to be updated through Amendment C85 to ensure risks associated with flooding are more appropriately considered.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria specifically the objectives;

- To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity, and,
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

The protection and enhancement of the biodiversity assets in the Surf Coast Shire is intrinsic to the character and appeal of the municipality and significantly contributes to the economy of the area by attracting residents and visitors alike (both domestic and international).

How does the amendment address the environmental effects and any relevant social and economic effects?

The amendment implements objective 1.1 of the Surf Coast Shire Council Plan 2013-2017 that seeks to;

“Preserve and enhance the natural environment”.

The Council plan reflects the values and aspirations of the Surf Coast Council and the local community that aims to build an environmentally, socially and economically viable municipality.

Does the amendment address relevant bushfire risk?

Although there is a relationship between vegetation protection and increased bushfire risk it is considered that Amendment C85 will not significantly increase risks to persons or property. Built assets tend to be adequately separated from wetlands and waterways. The inclusion of a schedule over all significant waterways should assist in encouraging built assets to be located away from vegetated corridors (along creek lines).

Clause 52.48-1 (exemptions to create defensible space around buildings used for accommodation) will exempt the need to apply for a planning permit for vegetation removal where the requirements of that clause are met.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment amends the Environmental Significance Overlay Schedule 1, Flood and Land Subject to Inundation Overlays and the proposed changes have been prepared in accordance with the Ministerial Direction, 'the form and content of planning schemes'.

The amendment documents have also been prepared in consideration of Ministerial Direction No. 11 'Strategic Assessment of Amendments'. A detailed strategic assessment of Amendment C85 forms part of this report.

The amendment has been exhibited and submissions processed in accordance with Direction No. 15 'the planning scheme amendment process'.

How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?

The following objectives and strategies within the State Planning Policy Framework (SPPF) are relevant to Amendment C85.

Clause 12 'Environment and Landscape Values', which includes;

- Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.
- Planning must implement environmental principles for ecologically sustainable development that have been established by international and national agreements,
- Planning should protect sites and features of nature conservation, biodiversity, geological or landscape value.

Clause 12.01 'Biodiversity' seeks to,

- 'assist the protection and conservation for Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.

Clause 12.01 requires strategic planning to utilise the following strategies to ensure the protection of biodiversity;

- Avoids and minimises significant impacts, including cumulative impacts, of land use and development on Victoria's biodiversity.
- Considers impacts of any change in land-use or development that may affect the biodiversity value of adjoining national parks and conservation reserves or nationally and internationally significant sites including wetlands and wetland wildlife habitat designated under the Convention on Wetlands of International Importance (the Ramsar Convention), and sites utilised by species designated under the Japan-Australia Migratory Birds Agreement (JAMBA) or the China-Australia Migratory Birds Agreement (CAMBA).
- Assists in the protection and management of sites containing high value biodiversity.

- Assists in the re-establishment of links between isolated habitat remnants that contain high value biodiversity.

Lake Murdeduke is Internationally significant as a site for migratory waterbirds and is listed under the RAMSAR convention. Other wetlands within the Surf Coast Shire also support migratory species listed under JAMBA and CAMBA. Amendment C85 more accurately applies the ESO1 to these assets and references the *Biodiversity mapping project*, SCS, DELWP, CCMA (2014) which provides detailed species information for all land covered by the revised ESO1.

Clause 12.01-2 'Native vegetation management' requires the application of a risk based approach to managing native vegetation as set out in *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (DELWP). Amendment C85 applies those principles.

Clause 12.02-1 'Protection of coastal areas' directs the responsible authority to;

- Protect and maintain areas of environmental significance and to;
- Apply the hierarchy of principles for coastal planning and management as set out in the Victorian Coastal Strategy 2008, which are:
Principle 1: Provide for the protection of significant environmental and cultural values.

Clause 12.02-2 'Appropriate development of coastal areas' includes the objective;

- To ensure development conserves, protects and seeks to enhance coastal biodiversity and ecological values.

And the strategy to;

- Maintain the natural drainage patterns, water quality and biodiversity within and adjacent to coastal estuaries, wetlands and waterways.

Clause 12.02-6 'The Great Ocean Road region' requires the management of;

- Development on catchments and coastal areas' and
- Development on the environmental and cultural values of the area.

Amendment C85 applies and adjusts the coverage of the ESO1 as it applies to coastal wetlands and estuaries to ensure the potential impacts of development and vegetation removal on biodiversity and ecological values in catchment and coastal areas can be reasonably considered.

Clause 13.02 'Floodplains' includes the following objectives;

To assist the protection of:

- Life, property and community infrastructure from flood hazard.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage function of floodplains and waterways.
- Floodplain areas of environmental significance or of importance to river health.

The hydrology studies undertaken by the CCMA in 2013 and subsequent changes to the flood mapping for the Surf Coast Shire to be implemented through amendment C85 will assist with more informed decision making relating to the potential impacts associated with flooding and floodways.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The following objectives and strategies within the Local Planning Policy Framework (LPPF) are relevant to Amendment C85.

The profile and vision of the Surf Coast Shire at Clause 21.01-1 highlights the significance of the Shire's rich and diverse biodiversity which includes 'habitat for many threatened species' and 'the RAMSAR listed Lake Murdeduke' and 'the Karaaf saltmarsh (Breamlea)'.

At present the ESO1 applied across the municipality covers numerous wetlands and four major waterways but many are not covered. Amendment C85 ensures that the most significant are identified and referenced through the planning scheme.

Clause 21.03 'The Environmental Management Strategy,' identifies the following key issues for wetlands, waterways and flooding in the Surf Coast Shire,

- The loss and fragmentation of indigenous vegetation and decline in native vegetation and loss of biodiversity.
- Land and water degradation, including dune and cliff erosion, dryland salinity, soil depletion and waterlogging.
- Social and recreational use of the coast threatening the inherent values of the coastal and marine environment.
- Declining linear bio-links, such as in road reserves, railway lines, streams and drainage lines, which connect pockets of remnant vegetation, larger reserves and waterbodies that help maintain diversity and connect isolated habitats.
- Threats to the health of waterways and wetlands, estuaries and marine ecosystems.
- Flood management in urban and rural areas.
- Impacts of salinity hot spots on biodiversity, water quality, agricultural production, buildings and infrastructure.
- Impact of development on naturally occurring saline areas, such as lakes, estuaries, coastal wetlands and saltmarshes, through changes to hydrological processes.
- Pest plant and animal invasion impacts on biodiversity of coastal reserves and bushland areas, landscape values and the productivity of agricultural land.

And includes the following strategies to manage those issues;

- Retain and enhance adequate and appropriately vegetated riparian and wetland buffer zones to prevent nutrients and sediments entering waterways, lakes, wetlands and estuaries, and to slow the rate of runoff.
- Ensure that development on and near the coast is compatible with and enhances the environmental values, visual character and amenity of the coastal environment.
- Improve ecological connectivity across the landscape to link fragmented habitats and strengthen ecosystem resilience to climate change.
- Encourage the protection, maintenance and re-establishment of indigenous vegetation and the removal of environmental weeds.

Clause 21.03-4 outlines that the above strategies will be implemented through the application of;

- An Environmental Significance Overlay 'to saline wetlands and primary salinity assets with environmental values' and
- A Floodway Overlay or Land Subject to Inundation Overlay to land identified by the Corangamite Catchment Management Authority as being flood prone.

Clause 21.03-4 under the heading 'undertaking further strategic work' recommends;

- Investigating the preferred buffer width for protection of rivers and streams in the Surf Coast Shire having regard to their environmental values and drainage functions.
- Investigating the appropriate protection of the environmental values of the Anglesea River, Moggs Creek, Erskine River, St George River and Cumberland River estuaries.
- Reviewing in partnership with the Corangamite CMA the application of the Flood Overlay and Land Subject to Inundation Overlay based on new digital elevation data.

This strategic work was completed through the *Biodiversity Mapping project 2014* and various hydrology Studies undertaken by the CCMA in 2013, all to be implemented through Amendment C85.

Does the amendment make proper use of the Victoria Planning Provisions?

Amendment C85 has been prepared utilising the following VPP Practice Notes;

- Biodiversity and
- Vegetation protection in urban areas.

The VPP Planning Practice Note *Biodiversity* outlines that;

The native vegetation provisions (Clause 52.17) and decision guidelines (Clause 65) are the minimum 'baseline conservation provisions' for limiting the loss of biodiversity on a Statewide basis. They should not be regarded as adequate and effective in meeting all biodiversity conservation objectives and more specific provisions may need to be applied.

The practice note goes on to say that;

The rationale for applying additional planning controls needs to be informed by knowledge of the local biodiversity assets, values and threats. If the protection or enhancement of a biodiversity asset requires the use of an overlay, the appropriate overlays are the ESO and the VPO.

The VPP Practice Note *Vegetation Protection in Urban Areas* builds on the above by saying that;

The VPO does not include buildings and works or subdivision requirements. It is, therefore, the appropriate tool for identifying and protecting vegetation where buildings and works or subdivision are not important considerations.

And says that;

The ESO has broader applicability than the VPO. The ESO may contain requirements for the construction of buildings and the carrying out of works as well as fence construction. It can also include requirements for subdivision and the removal, destruction or lopping of vegetation.

The practice note provides the following summary of how the planning authority can best manage environmental assets in their locale and the most appropriate VPP tools to use;

- The MSS and local policies should provide the strategic basis for the application of vegetation provisions.
- Overlays are the principal tool in the VPP to protect vegetation.

- The VPO specifically protects vegetation.
- The ESO protects vegetation and wider environmental values.
- The SLO may protect vegetation in the broader landscape context.
- The HO may protect trees and gardens of State, regional and local heritage significance.
- Clause 54, 55 and 56 requires vegetation on sites and in the neighbourhood to be considered.
- Local variations must demonstrate special character.
- Section 173 agreements under the Planning and Environment Act may be a suitable tool in some circumstances.
- The DDO is not an appropriate tool to protect vegetation.’

The Environmental Significance Overlay Schedule 1 currently covers wetlands and waterways within the Surf Coast Shire and is considered to be the most appropriate VPP tool in accordance with the aforementioned practice notes (and outlined in table 3 below). Amendment C85 amends the coverage of the existing ESO1 and updates the schedule.

VPP Practice Note ‘Biodiversity’ – Example asset type	VPP Practice Note – Recommended Overlay	Response
sites of biological significance	Environmental Significance Overlay	ESO1
subdivision (leading to subsequent loss or degradation of native vegetation)	Environmental Significance Overlay	Refer Amendment C96
the presence of significant relatively unmodified biodiversity assets	Environmental Significance Overlay	ESO1
large relatively intact natural area where land use under the existing zone provisions may result in the loss of important biodiversity qualities	Environmental Rural Zone	N/A
hollows in mature dead trees dispersed on private land which provide important nesting sites for significant species	Vegetation Protection Overlay	N/A
scattered living food trees with an exotic understorey that does not conform to the ‘native vegetation’ definition in planning schemes	Vegetation Protection Overlay	N/A
threatened vegetation classes that are highly fragmented and occur on private land, for example, grasslands	Environmental Significance Overlay	N/A
unknown locations of biodiversity assets or insufficient information on biodiversity assets to prepare an overlay	Local planning policy	N/A
highly modified areas, such as salt works and treatment plants, whose features are relied on by significant migratory and nomadic species	Local planning policy	N/A
threatened species habitat that is highly modified (and therefore does not qualify as ‘native vegetation’), but retains structural or other components that allow species to survive	Vegetation Protection Overlay Environmental Significance Overlay	N/A
areas of likely biodiversity significance	Environmental Significance Overlay	ESO1
riparian and coastal habitats	Environmental Significance Overlay Local planning policy	ESO1

Table 3: Proposed application of overlay schedules through Amendment C85 and associated amendments (C96)

Amendment C85 implements the protection of significant waterways and wetlands of the *Biodiversity mapping project* and Amendment C96, being concurrently processed by the Surf

Coast Shire implements the protection of significant vegetation and habitat within the settlements. Both amendments are referenced in table 2 above as part of the overall delivery of biodiversity protection through the Surf Coast Planning Scheme and use of the VPP Practice notes. Significant vegetation located outside of the settlements will be considered through a future amendment pending future strategic work being undertaken.

How does the amendment address the views of any relevant agency?

The Department of Environment, Land, Water and Planning (DELWP) prepared biodiversity mapping for the Surf Coast Shire in 2007. The Surf Coast Shire working in conjunction with the DELWP and Corangamite Catchment Management Authority (CCMA) has improved the quality of the mapping to ensure its accuracy at a property scale (previously at a scale of 1:25,000) and removed any minor anomalies. This additional mapping was completed in 2014 and the subsequent Amendments prepared. DELWP and the CCMA have formed part of a project steering group for both of these processes.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

N/A

Resource and administrative costs

Amendment C85 will increase the number of properties affected by the Flood Overlay, Land Subject to Inundation Overlay and Environmental Significance Overlay Schedule 1 but does not expect the changes to place an unnecessary burden on Councils resources. The very nature of the overlays (located within close proximity to waterways or within known flood areas) should see a modest level of development. Within the coastal townships a permit is already required for most buildings and works and the Amendment will enable additional environmental/flooding impacts to be duly considered.

The amendment also removes overlays from land not impacted by flooding and reduces the coverage of the ESO1 on a significant number of properties removing the need for unnecessary permits.

Where you may inspect this Amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

Surf Coast Shire Offices, 1 Merrijig Drive, Torquay 3228

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at <http://www.dtpli.vic.gov.au/publicinspection>.

Planning and Environment Act 1987

SURF COAST PLANNING SCHEME

AMENDMENT C85

INSTRUCTION SHEET

The planning authority for this amendment is the Surf Coast Shire

The Surf Coast Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 99 attached map sheets.

Overlay Maps

1. Amend Planning Scheme Map Nos. 1ESO, 2ESO, 3ESO, 4ESO, 5ESO, 6ESO, 7ESO, 8ESO, 9ESO, 10ESO, 12ESO, 13ESO, 15ESO, 16ESO, 17ESO, 18ESO, 19ESO, 20ESO, 21ESO, 23ESO, 24ESO, 25ESO, 26ESO, 27ESO, 28ESO, 30ESO, 31ESO, 33ESO, 35ESO, 36ESO, 37ESO, 39ESO, 40ESO, 42ESO in the manner shown on the 34 attached maps marked "Surf Coast Planning Scheme, Amendment C85".
2. Amend Planning Scheme Map Nos. 1ESO, 2ESO, 3ESO, 4ESO, 5ESO, 6ESO, 7ESO, 8ESO, 9ESO, 10ESO, 12ESO, 13ESO, 15ESO, 16ESO, 17ESO, 18ESO, 19ESO, 20ESO, 21ESO, 23ESO, 24ESO, 25ESO, 26ESO, 27ESO, 37ESO, 39ESO and 40ESO in the manner shown on 27 attached maps marked Surf Coast Planning Scheme, Amendment C85".
3. Insert new Planning Scheme Map Nos. 11ESO, 29ESO, 32ESO and 43ESO in the manner shown on the 4 attached maps marked "Surf Coast Planning Scheme, Amendment C85".
4. Amend Planning Scheme Map Nos. 1LSIO-FO, 2LSIO-FO, 3LSIO-FO, 4LSIO-FO, 5LSIO-FO, 6LSIO-FO, 7LSIO-FO, 8LSIO-FO, 9LSIO-FO, 10LSIO-FO, 11LSIO-FO, 12LSIO-FO, 13LSIO-FO, 15LSIO-FO, 16LSIO-FO, 17LSIO-FO, 18LSIO-FO, 19LSIO-FO, 20LSIO-FO, 21LSIO-FO, 23LSIO-FO, 24LSIO-FO, 25LSIO-FO, 26LSIO-FO, 27LSIO-FO, 28LSIO-FO, 29LSIO-FO, 31LSIO-FO, 32LSIO-FO, 33LSIO-FO, 39LSIO-FO, 40LSIO-FO, 42LSIO-FO and 43LSIO-FO in the manner shown on the 34 attached maps marked "Surf Coast Planning Scheme, Amendment C85".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

5. In Local Planning Policy Framework – replace Clause 21.03 with a new Clause 21.03 in the form of the attached document.
6. In Overlays – Clause 42.01, replace Schedule 1 with a new Schedule 1 in the form of the attached document.
7. In Overlays – Clause 44.03, replace Schedule with a new Schedule in the form of the attached document.
8. In Overlays – Clause 44.04, replace Schedule with a new Schedule in the form of the attached document.
9. In General Provisions – Clause 61.03, replace the schedule with a new Schedule in the form of the attached document.
10. In General Provisions – Clause 66.04, replace the Schedule with a new Schedule in the form of the attached document.

End of document

21.03 ENVIRONMENTAL MANAGEMENT

12/02/2015

~~C402~~
~~Proposed C96 &~~
~~Proposed C85~~

This Clause provides local content to support Clause 12.01 (~~Biodiversity~~) (Environmental and Landscape Values), ~~and~~ Clause 13 (Environmental risks), Clause 14 (Natural Resource Management) and Clause 14.02-1 (Catchment Planning and Management) of the State Planning Policy Framework.

21.03-1 Key Issues and Influences

11/11/2010

~~C49~~
~~Proposed C96 &~~
~~Proposed C85~~

- The loss and degradation of biodiversity and ecosystem processes and function.
- The loss and fragmentation of indigenous vegetation including threatened ecological communities and fauna and flora habitat and decline in native vegetation and loss of biodiversity.
- Continued decline in populations of rare and threatened species including those endemic to the Otways and Surf Coast Shire.
- Increase in agro forestry and sustainable farming practices resulting in significant enhancements being made to patches of remnant vegetation through increasing patch size, improving connectivity, reducing soil erosion and weed management, particularly in the Deans Marsh, Bambra and Pennyroyal areas. Land and water degradation, including dune and cliff erosion, dryland salinity, soil depletion and waterlogging.
- Social and recreational use of the coast threatening the inherent values of the coastal and marine environment.
- Declining linear bio-links, such as in road reserves, railway lines, streams and drainage lines, which connect pockets of remnant vegetation, larger reserves and waterbodies that help maintain diversity and connect isolated habitats.
- Threats to the health of waterways and wetlands, estuaries and marine ecosystems.
- Flood management in urban and rural areas.
- Impacts of salinity hot spots on biodiversity, water quality, agricultural production, buildings and infrastructure.
- Impact of development on naturally occurring saline areas, such as lakes, estuaries, coastal wetlands and saltmarshes, through changes to hydrological processes.
- ~~Wild~~Bushfire risks in both urban and rural areas due to dense vegetation cover, difficult access for emergency vehicles, steep topography and exposure of development at the ~~rural~~bush/urban interface.
- Coastal towns all face the potential for a landscape scale bushfire including bushfire penetration into the townships.
- High tourist visitation ~~numbers~~to areas at risk from bushfire particularly during the bushfire risk season.
- ~~Conflict between vegetation retention and clearing to reduce the risk from wildfire.~~
- Increasing losses of native vegetation in response to bushfire mitigation measures.
- Impact of climate change on ~~wild~~bushfire risk and sea level rise and coastal biodiversity.
- Pest plant and animal invasion impacts on biodiversity of coastal reserves and bushland areas, landscape values and the productivity of agricultural land.

21.03-2 Environmental Assets

11/11/2010

~~C49~~
~~Proposed C96 &~~
~~Proposed C85~~

Objective

To protect and enhance the Shire's diverse natural resources in an ecologically sustainable manner for present and future generations.

Strategies

- Retain and enhance adequate and appropriately vegetated riparian and wetland buffer zones and retention of natural drainage and waterway corridors with vegetation buffer zones to prevent nutrients and sediments entering waterways, lakes, wetlands and estuaries, and to slow the rate of runoff.
- Promote environmental buffers adjacent the Great Otway National Park.
- Avoid extending settlements or intensifying development in locations identified as containing biodiversity assets, except where assets won't be fragmented or otherwise compromised and can be protected and incorporated into a proposed open space network.
- Ensure that development on and near the coast is compatible with and enhances the environmental values, visual character and amenity of the coastal environment.
- Identify and protect buffers for coastal vegetation communities likely to be impacted by the coastal impacts of climate change, to allow for landward migration of vegetation communities (eg. Saltmarshes)
- ~~Support a limited range of sustainable and socially equitable, coastal dependent, recreational and tourism activities that complement and promote the coast's natural and cultural values.~~
- Improve ecological connectivity across the landscape to link fragmented habitats and strengthen ecosystem resilience to climate change.
- Encourage the ongoing protection, maintenance-enhancement and re-establishment of indigenous vegetation ~~and the removal of environmental weeds.~~
- ~~Avoid controls that inhibit~~Encourage the effective management of pest plants and animals including the exempting the removal of environmental weeds identified in 'Weeds of the Surf Coast Shire' 2013 'Environmental Weeds Invaders of our Surf Coast (2nd Edition 2002) from planning permit requirements.
- Encourage the reuse and retention of stormwater in urban environments to reduce the impact on downstream hydrology

21.03-3

Environmental Risks

11/11/2010
C49
Proposed C96 &
Proposed C85

Objective

To manage the risks of environmental hazards, including wildbush fire, salinity and flooding, to avoid adverse consequences on the natural and man-made environment.

Strategies

- Discourage buildings, works, land use and subdivision that would be detrimental to the maintenance of the natural systems of land affected by flooding and inundation.
- Direct planning for new urban growth areas away from saline land.
- Minimise development on land within or adjacent to naturally saline waterways including wetlands to prevent their degradation.
- Discourage land use and development that has potential to aggravate or initiate salinity has regard to the salinity risk and takes the appropriate measures to mitigate any adverse impacts.
- Avoid re-zoning and development of land for urban purposes where there is a high risk of flooding
- ~~Avoid re-zoning and development of land for urban purposes where there is a high risk of wildfire.~~
- ~~Adopt the principles of integrated fire management planning to achieve a balanced outcome between protection of human assets and biodiversity.~~

- Support a limited range of sustainable and socially equitable, coastal dependent, recreational and tourism activities in appropriate locations that complement and promote the coast's natural and cultural values.
- Direct new urban growth areas and subdivision away from the bushfire hazard.
- Avoid development intensification in areas at risk from bushfire including close to or abutting the national park/urban settlement interface.
- Ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level and bushfire protection measures can be readily implemented.
- Ensure that uses and developments (including special events) appropriately consider fire protection, safety and management measures ~~are adopted~~ to minimise risk to life and property at special events or developments where large numbers of people congregate.

21.03-4 Implementation

12/02/2015
C402
Proposed C96 &
Proposed C85

These strategies will be implemented by:

Using policy and the exercise of discretion

- Effective settlement planning that directs urban growth and infill development to areas where environmental risks are lowest and where new urban development will have minimal impacts on environmental assets.
- Requiring an assessment of the risk to existing residents, property and community infrastructure from bushfire and that it will not increase as a result of future land use and development, where appropriate.
- Requiring the integration and connection of areas of natural value and habitat, including creeks and areas of remnant vegetation, within the open space network, where appropriate.
- Using the Surf Coast Shire's '*Indigenous Planting Guide*' to encourage use of indigenous plant species in landscape plans.
- ~~Requiring the preparation of an Environmental Management Plan by a suitably qualified professional as part of any application for a major development or rezoning within close proximity to environmentally sensitive areas. An Environmental Management Plan should include, as appropriate:~~
 - ~~A description and map of all environmental assets located on and adjacent to the subject land, including habitat opportunities (or limitations).~~
 - ~~An analysis of the direct and indirect impacts of the proposed use and development on local flora and fauna.~~
 - ~~Measures required for the protection and on going management of environmental assets, including opportunities for enhancement of assets and an assessment of how the proposal will meet the objectives of the *Permitted clearing of native vegetation - Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013).~~
 - ~~Measures required to minimise the risk of wildfire, and the implications of such measures on environmental assets.~~
 - ~~Provision of one or more bio-links through the land, with a strategy for connecting to bio-links off the land, to provide for native flora and fauna links.~~
 - ~~A street tree planting program, including a list of species, number of plants and locations of proposed planting.~~
 - ~~Measures to discourage the planting of environmental weeds on any part of the land.~~
 - ~~Measures to reuse surplus soil resulting from subdivision construction works for landscaping within new estates.~~

- ~~Water sensitive urban design features and best practice stormwater management initiatives.~~
- Requiring all proposals to meet Clause 14.02-1 (Catchment Planning and Management) requirements of retaining natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterways to maintain the natural drainage function, stream habitat and wildlife corridors and landscape values, to minimise erosion of stream banks and verges and to reduce polluted surface runoff from adjacent land uses.
- Requiring land management plans that demonstrate best farm and environmental management practices with development and subdivision applications in rural zones.
- Requiring the submission of a salinity impact report for any land uses and developments that can significantly change surface water and groundwater hydrological flow patterns within those areas shown on Map 1 to this Clause – ‘Areas of Potential Salinity Impacts’, with measures to mitigate the expansion of existing areas effected by salinity or the generation of new areas effected by salinity.
- Requiring non habitable buildings in flood prone areas to be aligned so that their longitudinal axis is parallel to the predicted direction of the flood flow.
- In flood prone areas, for dwelling extensions greater than 20m² and below the nominal flood protection level, requiring the owner to:
 - Enter into an agreement with Council under Section 173 of the *Planning and Environment Act 1987*, stating that the floor level is below the nominal flood protection level and the owner takes full responsibility for any damage caused by flooding. This agreement must be registered on title: and
 - Use water resistant materials that are designed for flood proofing and any possible flow velocity impacts.

Applying zones and overlays

- Applying an Environmental Significance Overlay to protect significant wetlands, waterways and remnant vegetation and habitat in the hinterland and within the coastal township~~the coastal settlements of Anglesea and Aireys Inlet to Eastern View to protect the significant ecological classes that exist in these towns.~~
- Applying a Vegetation Protection Overlay to protect significant native vegetation.
- Applying an Environmental Significance Overlay to Special Water Supply Catchment Areas to protect and maintain water quality and yields in catchments.
- Applying a Floodway Overlay or Land Subject to Inundation Overlay to land identified by the Corangamite Catchment Management Authority as being flood prone.
- Applying a Salinity Management Overlay to areas of salinity and saline wetlands or primary salinity assets.
- Applying an Environmental Significance Overlay to saline wetlands, primary salinity assets with environmental values.
- Applying a Bushfire Management Overlay to areas where the bushfire hazard requires specified bushfire protection measures for subdivision and buildings and works~~bushfire is a significant risk.~~

Undertaking further strategic work

- ~~Investigating the preferred buffer width for protection of rivers and streams in the Surf Coast Shire having regard to their environmental values and drainage functions.~~
- ~~Investigating the appropriate protection of the environmental values of the Anglesea River, Moggs Creek, Erskine River, St George River and Cumberland River estuaries.~~
- ~~Reviewing in partnership with the Corangamite CMA the application of the Flood Overlay and Land Subject to Inundation Overlay based on new digital elevation data.~~

- ~~Reviewing the application of the Environmental Significance Overlay and Vegetation Protection Overlay upon completion of updated biodiversity mapping and investigation of the Shire's environmental assets.~~
- Review the current application of the Farming Zone, Rural Conservation Zone and Rural Living Zones to ensure land containing significant biodiversity assets is suitably zoned.

Other actions

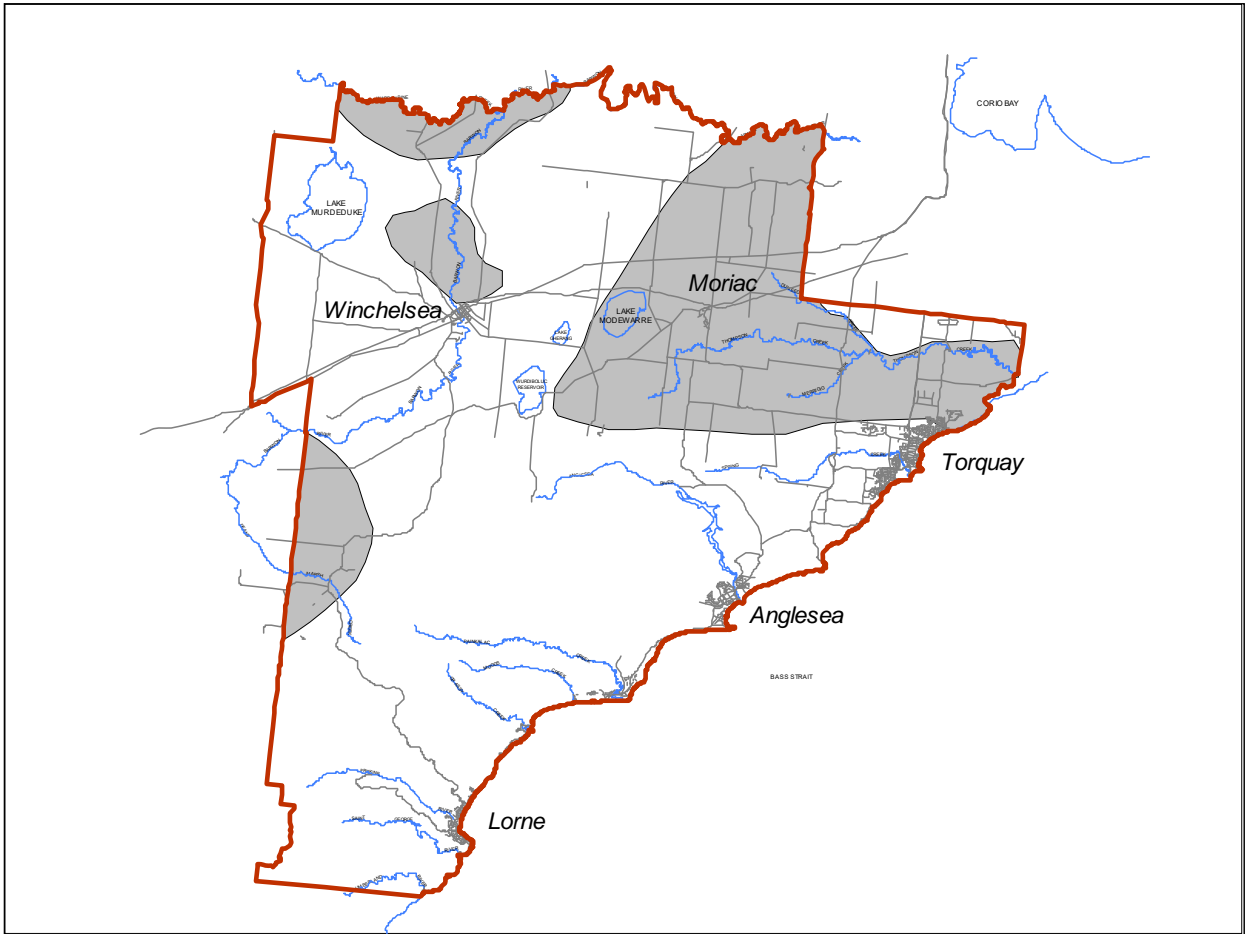
- Working with the Country Fire Authority and the Department of Environment, Land, Water and Planning to continually improve the effectiveness of the Bushfire Management Overlay.
- Working with the ~~Corangamite CMA and~~ Department of Environment, and Primary Industries Land, Water and Planning to investigate the implementation of the Erosion Management Overlay and appropriate overlays to address coastal acid sulphate soils.
- Working with the CCMA and DELWP to plan for future sea level rise and the implications it may have on coastal settlements, and vegetation communities.
- Continuing investigation of opportunities for the reuse of water, both in the public and private realm, in conjunction with relevant State and Regional Authorities.
- Investigate methods to implement the Victorian Waterway management Strategy (DEPI 2014).

21.03-5 Reference Documents

11/11/2010
G49
Proposed C96 &
Proposed C85

- *Salinity Management Overlay Project Report, EnPlan-DBA with Dahlhaus Environmental Geology and Chris Harty Planning and Environmental Management, Corangamite CMA (2006)*
- *Surf Coast Shire – Salinity Management Overlay Salinity Occurrences and Mapping Background Report No 4: Dahlhaus Environmental Geology Pty Ltd (2006)*
- *Surf Coast Shire Indigenous Planting Guide (2003)*
- ~~*Environmental Weeds – Invaders of our Surf Coast (2nd Edition, 2002)*~~ *Weeds of the Surf Coast Shire (2013)*
- *Remnant Roadside Vegetation of the Surf Coast Shire (1997)*
- ~~*Rural Environment Study – Report on Environmental Resources (1996)*~~ *Biodiversity Mapping Project, SCS, DEPI & CCMA (2014)*
- *Regional Bushfire Planning Assessment, Barwon South-West Region (DPCD 2012)*
- *Victoria's Waterway Management Strategy (DEPI 2014)*

Map 1 to Clause 21.03: Areas of potential salinity impacts



19/01/2006
VC37
Proposed C85

SCHEDULE 1 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

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

~~WETLAND AND ASSOCIATED DRYLAND HABITAT PROTECTION~~

AQUATIC SYSTEMS – SIGNIFICANT WETLANDS AND WATERWAYS

1.0 Statement of environmental significance

19/01/2006
VC37
Proposed C85

The ~~Areas~~ 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 flora and fauna species.
- The aquatic and associated terrestrial habitats are important in the Surf Coast Shire for Environment Protection and Biodiversity Conservation Act 1999 and /or Flora and Fauna Guarantee Act 1988 listed threatened species including Orange-bellied Parrot, Growling Grass Frog and Brolga.
- The watercourses and associated riparian habitats are important in the Surf Coast Shire for a diverse range of species including the Environment Protection and Biodiversity Conservation Act 1999 and 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 site contains habitat associated with wetlands and waterways of local, regional, state or national significance.~~
- ~~The site is protected under an international wetland agreement.~~

2.0 Environmental objective to be achieved

19/01/2006
VC37
Proposed C85

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 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 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 encourage restoration of the natural hydrological (wetting and drying) cycle of waterways and wetlands.

To maintain the physical and biological integrity and functioning of natural 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 Shire (2013)*.~~

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

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

~~To protect water quality and prevent water pollution in watercourses, water bodies, wetlands and groundwater.~~

~~To prevent accelerated erosion and siltation or sedimentation.~~

~~To prevent further loss of wetland habitat~~

~~To protect wetlands identified in international agreements.~~

~~To encourage ecological restoration, regeneration and revegetation with indigenous species, within and adjoining habitat areas.~~

~~To protect cultural (including aboriginal and non-aboriginals heritage) values, and visual quality of habitat areas.~~

3.0

Permit requirement

19/01/2006
VC37
Proposed C85

Vegetation

~~A permit is not required to remove, destroy or lop exotic vegetation.~~

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

- ~~The vegetation is on the building side of a vertical line 2 metres from the outer edge of the roof of a building, except where an approved landscape plan or site plan specifies the retention of the vegetation~~ within 3 metres of a building used for accommodation (or overhangs this area).
- ~~The vegetation is~~ listed as an environmental weed in Table 1 of Clause 22.01the Incorporated document, *Weeds of the Surf Coast Shire (2013)*.
- ~~Is not native to Victoria.~~
- ~~Has been planted or is being managed for the purposes of agroforestry.~~
- ~~Is dead, other than a standing dead tree with a trunk diameter of 40 centimetres or more at a height of 1.3-metres above ground level.~~
- ~~Is 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.~~
- ~~The vegetation removal is in accordance with an approved Whole Farm Plan.~~
- ~~The vegetation is grass or pasture to be removed in association with the use of the land for agriculture and is more than 30 metres from a waterway.~~

Fencing

A permit is required to construct a fence. This does not apply to:

- a post and wire fence that restricts livestock, but does not restrict native fauna, access to a wetland or waterway.

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

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

- ~~Any comments by the Department of Sustainability and Environment.~~
- The value and specific qualities of the effected biodiversity asset as defined in the reference document, *Surf Coast Shire Biodiversity mapping project (2014)*.
- ~~Existing use of land and the reason for the development in relation to that use.~~
- ~~The availability of alternative land suitable for the proposed development outside the overlay area.~~
- Any relevant Flora and Fauna Guarantee Action Statements and threatening processes.
- The 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, 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 that do not require the loss of remnant 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 of the buildings or works and whether all reasonable effort to avoid impacts on the aquatic system has been explored with consideration given to:
 - alternative options for carrying out the buildings or works on the site and,
 - the availability of alternative land suitable for the proposed buildings and works outside the overlay area.
- Appropriate biodiversity enhancements 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 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 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.
 - the use of a conservation covenants or other similar control to ensure the long term viability of native vegetation.

19/01/2006
VC37
Proposed C85

- 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 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, providing for on going enhancement and/or management on the land, is required.
- Whether the use of a conservation covenant or other similar mechanism to ensure the long term viability of the waterway or wetland is appropriate.
- 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)
- ~~Whether all sewage, sillage and other wastes will be treated and disposed of in a manner that will not be detrimental to habitats and natural systems, where connection to a reticulated sewage system is not available.~~
- ~~Possible effect of the proposal on water quality and quantity.~~
- ~~Potential threats to the quality, life cycle processes or functioning of aquatic and terrestrial habitats.~~
- ~~Potential impacts on soils and salinity and the need to prevent erosion.~~
- ~~The potential to contribute to the spread of noxious weeds or pest plants.~~
- ~~The compatibility of the proposed development with potential drainage or flooding hazards.~~
- ~~Potential effects of the proposal on the flow of flood waters and on flood control measures.~~
- ~~The function of the wetland, watercourse or habitat area as part of a broader natural system.~~
- ~~The need for measures to control erosion and sedimentation during construction works and/or associated with the proposed use.~~
- ~~The need for ecological restoration works, fencing or revegetation using indigenous species.~~

- ~~The need to ensure that buildings or works do not disturb known sites of Aboriginal heritage or areas likely to contain Aboriginal heritage or archaeological sites~~
- ~~Where native vegetation is to be removed, the reasons for removal, and the practicality of other options which do not require removal of native vegetation.~~
- ~~The need for the conditions on the permit to minimise the detrimental impact of the development on the hydrological regime, water quality, flora or fauna habitat, or scenic, cultural heritage or recreational values.~~
- ~~The need for an agreement under the Act with the land owner or a conservation covenant on title to protect significant habitat and whether this should be a condition of the permit.~~
- ~~Any relevant Department of Sustainability and Environment Action Statements for endangered species and communities and threatening process.~~
- ~~Any endorsed management plan.~~
- ~~Department of Sustainability and Environment Biodiversity Map.~~
- ~~The *Thompsons Creek Catchment Plan* (1998).~~

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)*

19/01/2006
VC37
Proposed C85

SCHEDULE TO THE FLOODWAY OVERLAY

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

1.0 Permit requirement

19/01/2006
VC37
Proposed C85

A permit is not required to construct or carry out the following:

Buildings

- ~~▪ A non habitable building (other than industrial and commercial) with a floor area less than 100m².~~
- ~~▪ An extension to a non habitable building (other than industrial or commercial), provided that the total ground floor area of the building is less than 100m².~~
- An upper storey extension to an existing building within the existing building footprint, provided that the total number of bedrooms is not increased.
- A non habitable building, including a rain water tank, with a gross floor area that does not exceed 20m².
- An in-ground swimming pool or spa where the perimeter edging of the pool or spa is constructed at natural ground levels and the excavated material is removed from the land within the Floodway Overlay.
- A building without any walls or enclosed foundations, including a pergola, a deck, and a verandah, with a gross floor area that does not exceed 20m².
- An agricultural shed with open sides that is designed to withstand flood flows.
- ~~▪ A pergola, verandah, carport, or in-ground swimming pool associated with an existing dwelling.~~
- A telecommunication tower.

Fencing

- Maintenance of an existing fence.
- A replacement fence in the same location and of the same style and material as the existing fence.

Works

- Earthworks that do not raise ground level topography by more than 150 millimetres and do not include the removal, destruction or lopping of trees and the removal of vegetation or topsoil.
- ~~▪ Earthworks that do not raise ground level topography by more than 200 millimetres and do not include the removal, destruction or lopping of trees and the removal of vegetation or topsoil.~~
- Works associated with a watering system.
- Repairs and routine maintenance that do not affect the height, length, width or location of a levee, embankment or road.
- ~~▪ Open type fencing (excluding paling fencing, brick and concrete walls) and maintenance to existing fencing.~~
- ~~▪ Works associated with vine or horticultural trellises or watering systems.~~
- ~~▪ Sports grounds with no grandstands or raised viewing areas, golf courses, playgrounds, picnic shelters and barbeques.~~
- Open sports ground with no grandstands or raised viewing areas, golf courses, playgrounds, picnic shelters and barbeques.

Roadworks and access

- Road works or works to any other accessway (public or private) that do not change the finished level of the road surface or are limited to resurfacing of an existing road or accessway.

19/08/2010
C48
Proposed C85

SCHEDULE TO THE LAND SUBJECT TO INUNDATION OVERLAY

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

1.0 Permit requirement

19/08/2010
C48
Proposed C85

A permit is not required to construct or carry out the following:

Buildings

- ~~▪ A non-habitable building (other than industrial and commercial) with a floor area less than 100m².~~
- An extension to a non-habitable building (other than industrial and commercial), provided that the total ground floor area of the building is less than 100m².
- A dwelling (or extensions to a dwelling) located on land outside an identified depression, where the 100-year ARI flood depth is less than 0.5 metres above the natural surface level, and is less than 0.8 metres above the natural surface level along a defined access route to the dwelling site for rural areas, or 0.5 metres above the natural surface level for urban areas.
- A replacement dwelling, provided that the floor level is at least 300mm above the flood level and the footprint of the replacement dwelling is the same or less than the original building.
- An extension to an existing building where the ground floor level is the same or higher than the existing ground floor level and the gross floor area of the extension does not exceed 40m².
- An upper storey extension to an existing building within the existing building footprint;
- A building with a ground floor level at least 300mm above the flood level and the gross floor area does not exceed 40m².
- A non-habitable building with a gross floor area that does not exceed 40m².
- A building without any walls or enclosed foundations, including a pergola, a deck and a verandah.
- An agricultural shed with open sides.
- An in-ground swimming pool or spa where the perimeter edging of the pool is constructed at natural ground levels and the excavated material is removed from the Land Subject to Inundation Overlay.
- ~~▪ A pergola, verandah, carport, or in-ground swimming pool associated with an existing dwelling.~~
- ~~▪ A telecommunication tower.~~

Fencing

- Maintenance of an existing fence.
- A replacement fence in the same location and of the same style and material as the existing fence.

Works

- Earthworks that do not raise ground level topography by more than ~~200~~150 millimetres and does not include the removal, destruction or lopping of trees and the removal of vegetation or topsoil.
- Repairs and routine maintenance that do not affect the height, length or location of a levee, embankment or road.
- ~~▪ Open type fencing (excluding paling fencing, brick and concrete walls) and maintenance to existing fencing.~~
- Works associated with ~~vine or horticultural trellises or a~~ watering systems.

- Open sports ground with no grandstands or raised viewing areas, golf courses, playgrounds, picnic shelters and barbeques.
- ~~▪ A protective wall or levee bank around an existing dwelling and its curtilage, providing it protects an area (including the foot print of the protective wall and levee bank) less than 200m².~~

Roadworks

- All roadworks for the purposes of the Princes Highway West duplication project and associated works
- Road works or works to any other accessway (public or private) that do not change the finished level of the road surface or are limited to resurfacing of an existing road.

03/08/2017
 C447
 Proposed C96 &
 Proposed C85

SCHEDULE TO CLAUSE 61.03 WHAT DOES THIS SCHEME CONSIST OF?

1.0

Maps comprising part of this scheme:

03/08/2017
 C447
 Proposed C96 &
 Proposed C85

- 1, 1ESO, 1SMO, 1LSIO-FO
- 2, 2ESO, 2SMO, 2LSIO-FO
- 3, 3ESO, 3SMO, 3LSIO-FO
- 4, 4ESO, 4SMO, 4LSIO-FO, 4WMO
- 5, 5ESO, 5HO, 5SMO, 5LSIO-FO
- 6, 6ESO, 6SMO, 6LSIO-FO
- 7, 7ESO, 7HO, 7SMO, 7LSIO-FO, 7PAO
- 8, 8ESO, 8HO, 8DDO, 8DPO, 8SMO, 8EAO, 8LSIO-FO, 8SLO, 8PAO
- 9, 9ESO, 9VPO, 9HO, 9SMO, 9LSIO-FO, 9PAO
- 10, 10 ESO, 10VPO, 10HO, 10SMO, 10LSIO-FO, 10PAO
- 11, 11SMO, 11LSIO-FO, 11DPO, 11ESO
- 12, 12ESO, 12HO, 12SMO, 12LSIO-FO, 12PAO, 12DPO
- 13, 13ESO, 13LSIO-FO
- 14, 14HO
- 15, 15ESO, 15VPO, 15HO, 15SMO, 15WMO, 15LSIO-FO, 15DCPO
- 16, 16DDO, 16EAO, 16DPO, 16ESO, 16SMO, 16LSIO-FO, 16WMO, 16DCPO, 16PO
- 17, 17ESO, 17SMO, 17LSIO-FO
- 18, 18ESO, 18SMO, 18LSIO-FO
- 19, 19ESO, 19VPO, 19SLO, 19HO, 19DDO, 19DPO, 19WMO, 19LSIO-FO, 19EAO, 19DCPO, 19PAO
- 20, 20ESO, ~~20VPO~~, 20SLO, 20HO, 20DDO, 20DPO, 20SMO, 20WMO, 20LSIO-FO, 20EAO, 20DCPO, 20PO
- 21, 21ESO, 21SMO, 21LSIO-FO, 21DCPO
- 22, 22VPO, 22SLO, 22WMO, 22HO, 22DCPO, 22ESO
- 23, 23ESO, 23SMO, 23LSIO-FO, 23PAO
- 24, 24ESO, 24VPO, 24HO, 24SMO, 24WMO, 24LSIO-FO, 24PAO
- 25, 25ESO, 25VPO, 25HO, 25SMO, 25WMO, 25LSIO-FO
- 26, 26ESO, 26VPO, 26SMO, 26WMO, 26LSIO-FO
- 27, 27ESO, 27VPO, 27HO, 27SMO, 27WMO, 27LSIO-FO
- 28, 28HO, 28ESO, 28VPO, 28WMO, 28SMO, 28LSIO-FO
- 29, 29HO, 29SMO, 29 LSIO-FO, 29DDO, 29RO, 29ESO
- 30, 30ESO, 30VPO, 30WMO, ~~30 LSIO-FO~~
- 31, 31ESO, 31VPO, 31WMO, 31LSIO-FO
- 32, 32VPO, 32HO, 32WMO, 32LSIO-FO, 32ESO
- 33, 33ESO, 33VPO, 33SLO, 33HO, 33DDO, 33DPO, 33NCO, 33SMO, 33WMO, 33LSIO-FO, 33RO, 33PAO
- 34, 34VPO, 34SLO, 34HO, 34WMO
- 35, 35HO, 35ESO, 35VPO, 35WMO
- 36, 36ESO, 36VPO, 36SLO, 36HO, 36WMO
- 37, 37HO, 37ESO, 37SLO, 37DDO, 37WMO
- 38, 38ESO, 38WMO

- 39, 39ESO, 39HO, 39DDO, 39NCO, 39SMO, 39LSIO-FO, 39WMO
- 40, 40ESO, 40VPO, 40HO, 40DDO, 40NCO, 40SMO, 40LSIO-FO, 40WMO
- 41, 41ESO
- 42, 42ESO, 42SLO, 42HO, 42WMO, 42LSIO-FO
- 43, 43SLO, 43HO, 43DDO, 43EAO, 43WMO, 43LSIO-FO, 43NCO, 43RO, 43ESO

29/10/2015

VC404

Proposed C96 &

Proposed C85

SCHEDULE TO CLAUSE 66.04**Referral of permit applications under local provisions**

Clause	Kind of application	Referral authority	Type of referral authority
Clause 3.0 of Schedule 1 to Clause 37.01 (SUZ)	All applications for buildings and works.	Secretary to the Department of Environment, Land, Water and Planning	Determining referral authority
Clause 3.0 of Schedule 1 to Clause 42.01 (ESO)	All applications.	Secretary to the Department of Environment, Land, Water and Planning. <u>Relevant Catchment Management Authority.</u>	Determining referral authority
Clause 3.0 of Schedule 2 to Clause 42.01 (ESO)	All applications.	Relevant water, drainage or sewerage authority	Determining referral authority
Clause 3.0 of Schedule 3 to Clause 42.01 (ESO)	All applications.	Secretary to the Department of Environment, Land, Water and Planning	Determining referral authority
Clause 3.0 of Schedule 4 to Clause 42.01 (ESO)	All applications <u>on sites know to contain Merrans Sun Orchid as shown on map 1 to the schedule.</u> <u>All applications for native vegetation removal on sites within the Anglesea Heathland as shown on map 2 to the schedule.</u>	Secretary to the Department of Environment, Land, Water and Planning	Determining referral authority
Clause 3.0 of Schedule 5 to Clause 42.01 (ESO)	All applications.	Secretary to the Department of Environment, Land, Water and Planning	Determining referral authority
Clause 3.0 of Schedule 1 to Clause 42.02 (VPO)	All applications.	Secretary to the Department of Environment, Land, Water and Planning	Determining referral authority
Clause 3.0 of Schedule 2 to Clause 42.02 (VPO)	All applications.	Secretary to the Department of Environment, Land, Water and Planning	Determining referral authority
Clause 3.0 of Schedule 3 to Clause 42.02 (VPO)	Applications for removal, lopping or destruction of Bellarine Yellow Gum.	Secretary to the Department of Environment, Land, Water and Planning	Determining referral authority