

14/12/2017  
C150**SCHEDULE 3 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY**

Shown on the planning scheme map as **ESO3**.

**DANDENONG RANGES BUFFER****1.0****Statement of environmental significance**14/12/2017  
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The area covered by this schedule is identified in *Sites of Biological Significance in Knox - 2nd Edition*, 2010. The protection and appropriate management of this area is of particular importance as it forms a buffer to the Dandenong Ranges National Park and abuts other identified sites of biological significance, both at its edge and within the area.

Many residential lots within this area, in part due to their lot size and site coverage have been able to retain indigenous trees and intact understorey. The canopy often includes higher numbers of large old indigenous trees than elsewhere in Knox. These trees are irreplaceable in terms of the lifetimes of current residents and their children. They are often critical for habitat, particularly for species like the Powerful Owl and bats.

In this schedule, the term ‘indigenous’ refers to species that are native to Knox.

The indigenous vegetation is at risk from incremental losses due to intensification of land uses and development. The accumulation of small-scale decisions to clear has caused significant impacts.

Attributes of this area include:

- Its role as an ecological buffer zone and for providing ecosystem services.
- A higher density of large old indigenous (including remnant) trees than the rest of Knox, which cannot be replaced in the short to medium term.
- Other remnant indigenous trees.
- Its role in extensive dispersal of native birds, insects, pollen and seeds through the area which is important for landscape-scale maintenance of biodiversity.
- A number of uncommon, rare or threatened species of wildlife that live or travel through the area.
- Stream ecosystems including tree canopy, shrubs and lower plants that occur along the many waterways that flow through the area which maintain plant and animal habitat and water quality.
- Remnant vegetation that mostly belongs to, or is derived from, Ecological Vegetation Classes (EVCs) that are regionally endangered or vulnerable.
- Its role in providing people in the area with a distinctive bushy environment and contact with nature and its contribution to local amenity, health and wellbeing.

**2.0****Environmental objective to be achieved**14/12/2017  
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To protect or improve the condition and viability of remnant indigenous vegetation and aquatic systems.

To protect indigenous vegetation and its functions by minimising further fragmentation, avoiding the accumulation of incremental losses through small scale approvals to clear, and preventing interruptions to connectivity between areas of indigenous vegetation.

To achieve a net increase in the extent of habitat and improve its ecological condition.

To avoid any buildings, works or subdivisions that are likely to compromise:

- The long-term conservation of biologically significant areas.
- The movement of native fauna, indigenous plant species pollen or plant propagules out of, or between, biologically significant areas.

- Remnant patches of regionally threatened ecological vegetation classes or communities.
- The security of species of flora or fauna that are threatened in Knox or more widely.
- Opportunities for future environmental restoration, such as identified offset sites that may strengthen wildlife corridors or the ecological buffering capacity of the area.
- The amenity of the natural landscape.
- The benefits that the natural environment provides for community health and wellbeing.

To provide for adequate bushfire protection measures that minimise adverse environmental impacts.

To protect indigenous vegetation that stabilises land vulnerable to erosion or landslip.

To maximise the continuity of indigenous vegetation used by native fauna as habitat or for passage, particularly between identified sites of biological significance, through protection from:

- Removal of indigenous understorey and overstorey vegetation.
- Fragmentation of habitat and the accumulation of incremental losses.
- Displacement of indigenous flora or fauna by environmental weeds.
- Alteration to the natural flow and temperature regimes of streams and wetlands.
- Degradation and interruption to continuity of indigenous riparian vegetation.
- Input of sediment, nutrients and other pollutants into streams and water bodies.
- Changes in topography that impact negatively on indigenous vegetation or cause erosion or landslip.

To ensure offsets are located as close as practicable to the local catchment and plant/animal population areas impacted by vegetation loss. Preference is to be given to any reasonable option to locate offsets within Knox.

To reduce the threat of local extinction to flora or fauna species in Knox.

To maintain the role that nature plays in Knox's liveability and the health and wellbeing of the community.

To provide appropriate fencing (temporary or permanent) to protect retained vegetation or aquatic environments from movements of machinery, vehicles or heavy foot traffic.

### 3.0

#### Permit requirement

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#### Buildings and works

A permit is not required:

- To construct a building or construct or carry out works, including that associated with:
  - Roadworks;
  - a Dependent persons unit;
  - a domestic swimming pool or spa and associated mechanical and safety equipment;
  - a pergola, verandah or deck,
 provided the location of the building and/or works:
  - is located at least 10 metres from a watercourse (whether perennial, seasonal or intermittent);
  - is located at least 10 metres from a water body; or
  - will not result in excavation or filling within the Tree Protection Zone (TPZ) of any indigenous vegetation (other than grass) that would

otherwise require a permit for its removal, destruction or lopping under this overlay. The radius of the TPZ is calculated for each tree by multiplying its trunk diameter by 12. The measurement of the trunk diameter is at 1.4 metres above ground.

- To carry out works necessary for normal maintenance of artificial stormwater treatment ponds (except where works and/or associated vegetation removal exceed one hectare in area, or where machinery access would result in damage to remnant indigenous vegetation).
- To undertake development or works carried out as part of a management plan approved by the responsible authority specifically to enhance the site's biologically significant attributes.

### Subdivision

A permit is not required to subdivide land where the lot to be subdivided is at least 10 metres from all of the following:

- A watercourse (whether perennial, seasonal or intermittent).
- A water body.
- Any indigenous vegetation (other than grass) that would require a permit for its removal, destruction or lopping.

### Vegetation

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

- Not indigenous within Knox (e.g. Victorian species of Boronia or Grevillea).
- Dead. This exemption does not apply to standing dead trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.
- A tree with its trunk within two metres of the main roof structure of an existing building used for accommodation (excluding a fence).
- A tree overhanging the roof of a building used for Accommodation, excluding out-buildings and works normal to a dwelling. This exemption only allows the removal, destruction or lopping of that part of the tree which is overhanging the building consistent with Australian Standard® AS 4373 – 2007, 'Pruning of amenity trees'.
- Grass within a lawn, garden or other planted area and is to be mown or slashed for maintenance only.
- Grass within existing pasture and is to be cut or grazed.
- The minimum amount necessary to maintain a Minor utility installation in accordance with a current signed Memorandum of Understanding between Knox City Council and the relevant service provider.
- Required to be removed for normal maintenance of artificial stormwater treatment ponds (except where the vegetation removal and/or associated works exceed one hectare in area, or where machinery access would result in damage to remnant native vegetation).
- Seedlings or regrowth less than three years old and the land is being maintained for established pasture, crops or garden.
- Woody plants on an existing dam wall.
- For maintenance pruning only and no more than 1/3 of the foliage of any branch is removed from any individual plant. This exemption does not apply to:
  - Pruning or lopping of the trunk of a tree or shrub.
  - Vegetation within a road or railway reservation.

## Application requirements

Where the responsible authority considers the proposal may impact the environmental objectives of this schedule an application should be accompanied by a report covering the following information to the satisfaction of the responsible authority:

- (a) A site plan (drawn to scale and dimensioned) showing:
  - Property boundaries.
  - The nearest road(s).
  - Existing and any proposed fences.
  - Existing and proposed buildings and works, including any proposed subdivision boundaries.
  - The location, species, extent and type of all existing indigenous vegetation, habitat, threatened communities and threatened EVCs on the site, including dead or fallen vegetation.
  - The location, species and extent of all indigenous vegetation to be removed, destroyed or lopped, including trunk girth, height and condition of trees.
  - A Tree Protection Zone (TPZ) around existing trees. The radius of the TPZ is calculated for each tree by multiplying its trunk diameter by 12. The measurement of the trunk diameter is at 1.4 metres above ground.
  - The location of all watercourses, water bodies, hydrology or other features of environmental significance.
- (b) State the population sizes of any indigenous plant species affected by the proposal that are vulnerable, endangered or critically endangered in Knox or more widely.
- (c) The habitat value of any affected indigenous vegetation to fauna.
- (d) Any additional flora and/or fauna surveys and assessments undertaken.
- (e) An assessment of the proposal's potential impact on the natural environment, local amenity, health and wellbeing, including an indication of measures adopted to avoid or minimise the potential impact and where any adverse impacts cannot be avoided, an explanation why.
- (f) Where adverse impacts cannot be avoided any proposed offsets to be provided.
- (g) Any bushfire protection measures to be provided, including defensible space.
- (h) The impact of the proposal on the environmental values of the site and surrounds over a ten year period.
- (i) An arborist's assessment of any trees which are proposed to be removed for safety reasons.

## 4.0

### Decision guidelines

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

- Whether the proposal will have an adverse impact on the role of this site as a buffer to the environmental significance of the Dandenong Ranges National Park or other adjoining sites.
- The type, extent, quality and conservation significance of any indigenous vegetation.
- Whether the proposal adopts appropriate siting, design and management measures to avoid, or at least minimise, any adverse impacts on indigenous vegetation, habitat values, hydrology and land stability.
- The results of any survey/assessment of the biological values (flora or fauna), taking into consideration when the survey/assessment was undertaken, seasonal conditions and whether it was undertaken by a suitably qualified person.

- The conservation requirements of any threatened species, ecological community or EVCs on the site.
- Whether the loss of indigenous vegetation will be offset and whether such an offset can be provided within Knox. In addition, whether any long term protection measures will be provided for the offsets.
- Whether the proposal contributes to the ecological restoration or enhancement of the site, including the practicality of measures proposed to collect seeds and/or propagules or to translocate individual plants and any actions required to re-establish these species in a more secure location.
- Whether development has been designed to avoid locating buildings or services within the Tree Protection Zone (TPZ) of retained large trees. The radius of the TPZ is calculated for each tree by multiplying its trunk diameter by 12. The measurement of the trunk diameter is at 1.4 metres above ground.
- The value of the vegetation to local amenity, health and wellbeing.

### **Bushfire protection**

- Whether any bushfire protection measures are required.
- Whether the proposal will result in an increase in bushfire risk to life and property and if so, whether there are more suitable alternatives.
- Whether the proposal has been appropriately sited so as to reduce the bushfire risk.
- Whether the bushfire protection measures are designed so as to minimise ecological damage while still achieving the fire safety objective.
- Whether the development and/or vegetation outcomes on the site are compatible with the ongoing bushfire protection management measures.

### **Subdivision**

- For subdivision applications, the need to specifically address or vary:
  - lot sizes;
  - lot boundary alignment and layout;
  - road network and driveway access;
  - open space;
  - building envelope or building exclusion areas;
  - drainage or effluent disposal sites,
 to better protect the significant biological values of the site.

### **Reference documents**

*'Sites of Biological Significance in Knox - 2nd Edition'* 2010 G. S. Lorimer, 2010

*'Freshwater Ecosystems: Biodiversity Management Issues'* brochures, Department of Natural Resources and Environment, 2001 (or as updated from time to time)

*'Advisory List of Rare or Threatened Plants in Victoria – 2005'* and its successors, Department of Sustainability and Environment, 2005

*'Advisory List of Threatened Vertebrate Fauna in Victoria – 2007'* and its successors, Department of Sustainability and Environment, 2007

*'Advisory List of Threatened Invertebrate Fauna in Victoria – 2009'* and its successors, Department of Sustainability and Environment, 2009

Lists of regionally significant fauna in *'Melbourne Area District 2 Review Descriptive Report'*, Land Conservation Council, 1991

Schedules 2 and 3 to the *Flora and Fauna Guarantee Act 1988*

Australian Standard® AS 4373 – 2007, *'Pruning of amenity trees'*