

## SCHEDULE 1 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO1.

### COASTAL AREAS AND ESTUARIES

#### 1.0

#### Statement of environmental significance

The Shire's coast is of outstanding environmental significance and is of value as a conservation, scientific and tourism resource. It supports a range of vital commercial, recreational and tourist activities amongst a diverse range of ecosystems of which Childers Cove, the Bay of Islands, The Craggs and Lake Yambuk are particularly noteworthy. Although the coastal areas of the Shire contain significant sites of biodiversity much of the adjacent land has been cleared of native vegetation and developed for rural land uses. This has resulted in fragmented patches of remnant vegetation, which have become more important to protect and sustain because of their role as habitat.

Estuaries such as Lake Yambuk, Moyne River and The Cutting (former Merri River entrance) represent unique ecosystems comprising coastal saltmarshes, rushes, sedges and seagrasses which link catchments to the coastal marine environment. They are also under pressure associated with adjoining land management and river mouth openings. These areas are also sites which exhibit hazards related to sea level rise and potential acid sulphate soils and the need to consider these matters when considering development activity on the coast.

Estuaries and their associated wetlands are an important component of the landscape and are biologically productive ecosystems, which provide the following functions:

- Provide habitat for native flora and fauna such as the Orange-bellied Parrot.
- Provide nursery and breeding sites for aquatic fauna.
- Trap sediments and assimilate and recycle nutrients.
- Provide landscape value and are a valuable recreation resource.
- Are sites of cultural, scientific, educational and economic significance, particularly with respect to fisheries.

#### 2.0

#### Environmental objective to be achieved

To protect and enhance flora and fauna habitat of the coast, estuaries, associated wetlands and indigenous native vegetation from the impacts of development.

To protect and enhance the stability and environmental quality of sand dunes and coastal cliffs from the impacts of development.

To protect the physical, biological and water quality integrity and functioning of estuaries from development within or adjoining an estuary including:

- Avoiding the interference of environmental flows, natural flooding regimes and tidal flows.
- The avoidance of interfering with the appropriate management of artificial river mouth openings of estuaries that minimises detrimental effects on the estuarine environment.
- The avoidance of concentrated stormwater flows and filtering of stormwater, nutrients and other pollutants.
- The prevention of soil erosion and sedimentation.
- The prevention of the disturbance of acid sulphate soils associated with estuaries and low-lying coastal areas.
- The recharge and discharge of ground waters.

To encourage development including infrastructure to locate away from the sea, estuaries and wetlands through the use of buffer zones. Buffer zones can assist in protecting development from sea level rise hazards, mitigate the impacts of development and permit wetland vegetation to migrate as a result of predicted sea level rise associated with climate change.

### 3.0

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#### Permit requirement

A permit is not required to construct a building or construct or carry out works where:

- A building or works are for agricultural purposes including grazing, ploughing, fencing, stock yards, farm sheds, water tanks and other associated supportive infrastructure unless such works:
  - Are located within 100 metres of the coast, estuary or wetland;
  - Involves the construction of levee banks, raised access tracks, channel banks, drain banks or other works which would alter the natural topography of the land or change the natural rate or direction of flow of water towards the sea, an estuary or a wetland;
  - Involves the removal or destruction of native indigenous vegetation.
- A building or works is a domestic structure associated with an existing dwelling and for repair and routine maintenance of an existing building.
- Works are for the protection or restoration, including stock exclusion fencing, of an estuary, wetland or site of geological, botanical or biodiversity value.
- Buildings and works are undertaken by, or on behalf of, the Department of Environment, Land, Water and Planning or appointed committee of management on coastal crown land under relevant legislation.
- Buildings and works are undertaken by, or on behalf of, Parks Victoria in relation to its obligation under relevant legislation.

A permit is not required to remove, destroy or lop vegetation that has been planted for shelterbelts or gardens.

### 4.0

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#### Application requirements

##### Referral of applications

All applications must be referred in accordance with Section 55 of the Act to the referral authority as specified in the schedule to Clause 66.04.

### 5.0

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#### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The impact of the development on neighbouring properties.
- Existing use of land and the reason for the development in relation to that use and the degree of dependence of the development on the coastal environment.
- The availability of alternative land suitable for the proposed development away from the coast, estuary or wetland area.
- The soil stability of the land and whether the proposal minimises ground surface disturbance and included adequate measures to prevent and control soil erosion and sedimentation during construction works and/or associated with the proposed use.
- Whether the proposal minimises the impact of construction (including construction of roads) within prominent areas such as hillsides, promontories, ridgelines and headlands.

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- Whether the proposal avoids the construction (including construction of roads) and works in fragile, unstable areas or hazardous soils, including land subject to inundation and land adjoining coastal or lake foreshore boundaries where acid sulphate soils may occur.
- How it is proposed to manage potential acid sulphate soils and satisfy the requirements of the EPA's Industrial Waste Management Policy (Waste Acid Sulphate Soils), 1999.
- Potential threats to the quality, life cycle processes or functioning of aquatic and terrestrial ecosystems or native plant and animal species.
- Whether development avoids impacts on an estuary and wetlands from any drainage, excavation, filling and reclamation works or supports the ecology of the wetland.
- Whether the proposal protects and avoids the loss of indigenous native vegetation particularly sensitive coastal and foreshore vegetation, in particular heathlands, dune vegetation, saltmarshes and sedges from clearing, pollution, grazing, and trampling.
- Whether the proposal emphasises the use of indigenous species in revegetation programs particularly for riparian buffers along waterways, gullies, ridgelines, property boundaries and recharge areas, as well as site management measures to minimise the occurrence of salinity, erosion, groundwater and surface water problems.
- The need for an agreement or a covenant on title to protect significant habitat and whether this should be a condition of any permit.
- Whether the proposal takes into account possible sea and water level rises or other coastal hazards when planning the siting and design of buildings and works.
- Whether the proposal avoids development with any associated wastewater within 100 metres of a waterway, wetland or coastal foreshore boundary.
- Whether the proposal incorporates stormwater systems, which prevent high nutrient and sediment concentration entering waterways, wetlands and groundwater.
- Potential effects of the proposal on quality and quantity of water, the flow of floodwaters and on flood control measures.
- The necessity of retaining a buffer zone from either the high water mark of the coast adequate to avoid coastal erosion hazard and coastal shoreline retreat or up to 100 metres from high water mark from an estuary or wetland for landward migration of wetland vegetation due to sea level rise including the benefit of implementing the buffer through an appropriate permit condition and requiring any such buffer to be fenced to exclude stock or vermin.
- Control of noxious and environmental weeds and pest animals, including the need to minimise the spread of weeds and soil pathogens.
- The Siting and Design Guidelines for Structures on the Victorian Coast (Victorian Coastal Council, May 1998) and the Landscape Setting Types for the Victorian Coast (Victorian Coastal Council, May 1998).
- The impact of the siting, size, height, use of materials, colours and external finishes of any proposed buildings and/or extensions of works on the visual amenity of the coastal and estuarine environment with the intent of minimising any visual impact, including visual impact including views from the water or ocean.
- For an application to subdivide land, consider the intended development and use of the land and its likely effects on the coastal location, estuary and/or wetland and if acceptable, the need to impose conditions on lot sizes, lot boundaries, road network, open space, building envelopes or effluent disposal sites to ensure better protection of the coastal location, estuary and/or wetland.
- Any comments by the Department of Environment Land Water and Planning, Catchment Management Authorities, Western Coastal Board or Council Environment sections.

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- Any approved management plan and coastal action plan.