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Proposed C139bawb

SCHEDULE 4 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO4.

PROTECTION OF GIANT GIPPSLAND EARTHWORM AND HABITAT AREAS

1.0 Statement of environmental significance

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The Giant Gippsland Earthworm (*Megascolides australis*) is listed as a threatened species under both Commonwealth (*Environment Protection and Biodiversity Conservation Act 1999*) and State (*Flora and Fauna Guarantee Act 1988*) legislation. The species is one of the largest known earthworms in the world, with an average length of 80 cm. The distribution of the worm is restricted to approximately 40,000 hectares in an area bounded by Loch, Korumburra and Warragul in West and South Gippsland. However, within this distribution, suitable habitat for the species is restricted to very small areas; generally in moist, blue-grey clay soils on flats near the banks of streams or along soaks and watercourses on south or west-facing slopes.

Colonies of the Giant Gippsland Earthworm may range in size from a few individuals to many hundreds. Factors thought to influence the distribution of the Giant Gippsland Earthworm include the nature and depth of soil, microtopography, aspect, subsoil and hydrology. The species spends most of its life within the top 1.5-metres of soil, feeding on roots and soil organic matter. The Giant Gippsland Earthworm plays an important role in the maintenance of soil fertility and soil structure, contributing to the high agricultural value of the region.

The Giant Gippsland Earthworm lays only a single egg capsule during the breeding season in spring and early summer. The species reduced capacity to grow its population is also associated with a slow growth rate and poor dispersal ability. The species also lacks the ability to recover from even slight wounds. These factors predispose the Giant Gippsland Earthworm to being particularly sensitive to development activities that may result in the direct destruction of earthworm habitat, changes to hydrology (including underground water), application of chemicals and dispersal of effluent or physical soil disturbance. Climate change has also been identified as a potential threat to the species.

2.0 Environmental objective to be achieved

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To protect and maintain populations and habitat of Giant Gippsland Earthworm by ensuring that the type, density, design and layout of works or development minimises adverse impacts on its individuals, colonies or the habitat requirements.

3.0 Permit requirement

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

- Buildings and works on land parcels less than 8000 square metres within a Residential, Township or Industrial Zone.
- An alteration or extension to a dwelling, provided the floor area of the alteration or extension is not more than 100 square metres.
- Establishment of a replacement building or dwelling within the same footprint.
- Buildings and works if a Giant Gippsland Earthworm Land Management Plan has been approved by the Department of Environment, Land, Water and Planning and the Responsible Authority.

4.0 Application requirements

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The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

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- Clear and precise details of the buildings and works proposed to be undertaken, including any proposed ground disturbance or changes to hydrology or drainage.
- Description of the purpose for which the development is to be undertaken.
- Detailed scale map or recent aerial photograph of the subject land indicating north and showing:
 - Property boundaries and dimensions.
 - Proposed works site.
 - All waterways, including creeks, streams, soaks, seepages or wetlands within and adjacent works site.
 - Contour intervals.
 - The locality of Giant Gippsland Earthworm habitat affected by the proposal.
- An assessment of impacts of the proposal on Giant Gippsland Earthworm habitat. This assessment must be conducted by a suitably qualified person, and be in accordance with the Reference Document Giant Gippsland Earthworm Environmental Significance Overlay June 2011.
- Details on how the application has attempted to avoid, minimise or offset negative impact on Giant Gippsland Earthworm habitat.
- For proposed, large-scale developments (e.g., subdivisions greater than 5 lots, establishment of timber plantations) where Giant Gippsland Earthworm is known to occur, a proposed monitoring program may be required to be submitted with the application, at council's discretion. This monitoring program must provide detail on a methodology for evaluating the success of avoidance or mitigation measures provided within the subdivision to protect habitat or colonies of the species.

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.

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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:

- Whether the proposal conflicts with the objectives of the overlay.
- Whether the proposal can be accommodated on land considered not to contain Giant Gippsland Earthworm habitat.
- The significance of a site with respect to Giant Gippsland Earthworm habitat extent, quality and connectivity, population density or genetic distinctiveness.
- Opportunity to mitigate the negative impacts of a proposal on Giant Gippsland Earthworm.
- Whether the proposal conforms to the statutory requirements of the *Environment Protection and Biodiversity Conservation Act 1999* or the *Flora and Fauna Guarantee Act 1988*.
- Whether the proposal conforms to the statutory requirements of the *Water Act 1989*.