

27/05/2019
C154bany

SCHEDULE 1 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO1.

YARRA RIVER, PLENTY RIVER AND DAREBIN CREEK

1.0

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Statement of environmental significance

These areas stretch along the Yarra River, Plenty River and the Darebin Creek and have significant natural habitat and environmental qualities. Recent studies have included these areas in sites of state and regional faunal significance and High and Medium habitat significance. They include predominantly streamside areas supporting open space and substantial remnants of indigenous vegetation and wetlands of at least local conservation significance, which in turn, provide habitat for a variety of native animals threatened with local extinction. Vegetation and wetlands are also recognised as major contributors to the landscape quality and visual amenity of the area.

The significant fauna that occurs in or utilizes this area includes the vulnerable Swift Parrot and rare species including the Eastern Broad-nosed Bat, Large-footed Myotis, Baillon's Crake, Australasian Bittern, Little Bittern, Lewin's Rail, Latham's Snipe, Black Falcon, Grey Goshawk and Powerful Owl. There are also numerous regionally significant species.

The continued viability of these areas and their resident species as a significant environmental resource is under threat from the continued development of open space, weed invasion and feral animals, and the disturbance arising from humans and their companion animals. The remaining areas of native vegetation have become increasingly fragmented and their habitat value is threatened. Accordingly the protection of the native vegetation and wetlands and the maintenance and enhancement of these habitats for indigenous fauna are of vital importance.

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Environmental objective to be achieved

To protect areas along watercourses from development and loss of vegetation that may damage the streamside environment as a visual, conservation, ecological and recreation resource.

To enhance and encourage the conservation and maintenance of the streamside environment as a conservation, ecological and recreation resource.

To address the threatening processes associated with widespread habitat loss and degradation that has occurred in North East Melbourne.

To conserve water quality and watercourse capacity to enable appropriate beneficial land use and water-based activities to be undertaken.

To encourage the retention and enhancement of a continuous corridor of indigenous vegetation along river and creek banks in order to provide corridors and habitat for the movement of wildlife.

To protect the watercourse and adjoining parkland and its flora and fauna from the effects of polluted waters conveyed by the stormwater system or other means.

To protect and enhance sites with archaeological or scientific significance.

To encourage development consistent with any approved concept plan for the area.

To ensure that development and management of land is compatible with the natural environmental character and landscaped qualities of the watercourse and its surrounds.

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Permit requirement

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Buildings and works

A permit is required to construct a fence.

A permit is not required for:

- Any building which is to be used for a dwelling unless:

- the height of any part of a wall is more than 4.5 metres above the natural surface level of the ground directly below it; or
- any part of the building is more than 6 metres above the natural surface of the ground directly below that part.
- Drainage works undertaken by the responsible authority.
- Works undertaken by a public authority to:
 - lay underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground powerlines of less than 220,000 volts if they do not alter the topography of the land; or
 - erect telephone or power lines without involving the construction of any towers or poles;
 - to construct a road on land reserved for existing or proposed road purposes provided they are undertaken in accordance with a plan prepared to the satisfaction of the responsible authority.
- Building and works carried out in accordance with a management plan prepared to the satisfaction of the responsible authority.

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Vegetation

A permit is required to remove, destroy or lop any vegetation.

This does not apply:

- To the removal, destruction or lopping of native vegetation which has been planted for garden or horticultural purposes and which is less than 5 metres high and has a single trunk circumference of less than 0.5 metres at a height of 1 metre above ground level.
- To the removal, destruction or lopping of exotic vegetation which is less than 5 metres in height and has a trunk circumference of less than 0.5 metres at a height of 1 metre above ground level.
- To the removal, destruction or lopping of vegetation identified as environmental weed species in Banyule Weed Management Strategy 2006..
- To the removal or pruning of street trees in accordance with the Banyule Street Tree Strategy.
- To the pruning of vegetation to maintain or improve its health or appearance.
- To the pruning or removal of vegetation to prevent damage to works when damage to a pipeline, electricity or telephone transmission line, cable or other service has occurred or is likely to occur.
- To the removal, destruction or lopping of dead vegetation, unless the dead vegetation is a habitat tree containing hollows.
- To the pruning, removal or destruction of any vegetation where an agreement exists between a railway carrier and the Department of Sustainability and Environment, or where the pruning, removal or destruction of vegetation is the minimum amount necessary to provide for the safe operation of the rail service for the safety of the travelling public.
- To the removal, destruction or lopping of vegetation carried out in accordance with a management plan prepared to the satisfaction of the responsible authority.

Note: Lopping is defined as the practice of cutting branches or stems between branch unions or internodes. Environmental weed species listed in Schedule 4 to the Environmental Significance Overlay will require a permit under that provision.

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Application requirements

None specified

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C154bany**Decision guidelines****5.1**27/05/2019
C154bany**Buildings, works and subdivision**

Before deciding on an application to construct a building, or to construct or carry out works, or to subdivide land, or whether a plan is satisfactory, the responsible authority must consider, as appropriate:

- *The Middle Yarra River Concept Plan - Dights Falls to Burke Road, August, 1990; the Middle Yarra Concept Plan - Burke Road to Watsons Creek, July 1991; the Lower Plenty River Concept Plan, October 1994; the Lower Darebin Creek Concept Plan, March 1995; or any other approved concept plan, as relevant.*
- The effect of the development on the natural ecosystems of the area.
- The conservation and enhancement of the area.
- The need to prevent erosion and pollution.
- The existing use and development of the land.
- The views of the relevant drainage authority.
- The need for all excavation and fill slopes to be of a gradient less than 1 in 5, revegetated immediately following construction and maintained thereafter by the applicant.
- The benefits of limiting retaining walls to be not more than 1.5 metres above ground level.
- The need for at least 50 percent of a site to be native vegetation, lawn or other pervious open space. It should not contain a building, swimming pool, pavement or other impervious surface.
- The nature and appropriateness of the means proposed to prevent pollution of waterways during construction.
- The impact of new industries in relation to air pollution and odours.
- Whether the location, bulk and appearance of the building or works will be in keeping with or enhance the visual amenity derived from the natural and landscaped character of the area.
- The need to maintain the natural environment as the dominant visual element of the area.

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C154bany**Vegetation**

Before deciding on an application to remove, destroy or lop any vegetation the responsible authority must consider, as appropriate:

- The role of native vegetation in conserving flora and fauna.
- The need to retain native or other vegetation if it is rare, supports rare species of flora or fauna or forms part of a wildlife corridor.
- The need to retain vegetation which prevents or limits adverse effects on ground water recharge.
- The need to retain vegetation:
 - Where ground slopes exceed 20 percent.
 - Within 30 metres of a watercourse or wetland.
 - On land where the soil or subsoil may become unstable if cleared.
 - On land subject to or which may contribute to soil erosion, slippage or salinisation.
 - In areas where the removal, destruction or lopping of vegetation could adversely affect the integrity or long term preservation of an identified site of scientific, nature conservation or cultural significance.
 - Which is of heritage or cultural significance.

BANYULE PLANNING SCHEME

- Any relevant permit to remove, destroy or lop native vegetation in accordance with a land management plan or works program.
- Whether the application includes a land management plan or works program.
- Whether provision is made or is to be made to establish and maintain native vegetation elsewhere on the land.
- *The Middle Yarra River Concept Plan - Dights Falls to Burke Road, August, 1990; the Middle Yarra Concept Plan - Burke Road to Watsons Creek, July 1991; the Lower Plenty River Concept Plan, October 1994; the Lower Darebin Creek Concept Plan, March 1995; or any other approved concept plan, as relevant.*
- Any report on the value or otherwise of the specified vegetation including:
 - *An Inventory of Sites of Environmental Significance in the City of Banyule and Adjoining Areas, Banyule City Council, September 1995,*
 - *Sites of Faunal and Habitat Significance in North East Melbourne, Cam Beardsell, 1997,*
 - *Lower Plenty River Concept Plan Vegetation Report 1991,*
 - *Banyule Weed Management Strategy 2006, and*
 - *Wildlife Corridor Program, Banyule City Council, 2000.*
- The conservation and enhancement of vegetation in the area.
- The benefits of retaining a buffer strip of vegetation within specified distances of watercourses, roads and property boundaries.
- The benefits of requiring planting, replanting or other treatment of any part of the land.
- The views of the relevant drainage authority.
- Any proposed landscape plan or agreement to replace areas of vegetation on the site.
- The management of vegetation to minimise fire hazard and to ensure safety to people and property.
- If appropriate, the views of Parks Victoria, with those views to be sought under Section 52 of the Planning and Environment Act 1987.
- Whether the native or exotic vegetation makes a significant contribution to the visual amenity or landscape qualities of the streamside environment.

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Background documents

An Inventory of Sites of Environmental Significance in the City of Banyule and Adjoining Areas, Banyule City Council, September 1995.

Sites of Faunal and Habitat Significance in North East Melbourne, Cam Beardsell, 1997

Wildlife Corridor Program, Banyule City Council, 2000

Banyule Weed Management Strategy 2006