

**SCHEDULE 2 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY**

Shown on the planning scheme map as ESO2 .

**MERRI CREEK AND MOONEE PONDS CREEK AND ENVIRONS****1.0**19/01/2006  
VC37**Statement of environmental significance****Merri Creek**

Merri Creek is a major tributary of the Yarra River with a catchment of 396 square kilometres and a waterway length of some 60 kilometres. The Merri Creek and its immediate surrounds is host to some of the most threatened ecosystems in Australia. The creek has a unique role to play in the preservation of threatened flora and fauna and the maintenance of vegetation communities that in other places have almost been totally destroyed.

The creek and its environs also provide a linear open space and habitat link, which extends from the inner suburbs of Melbourne to rural areas in its upper reaches. This link is a valuable component of the metropolitan wide open space and trail network, and a major habitat corridor for the movement of birds and other wildlife. Revegetation works and parkland development including path and construction works have created a linear park of outstanding quality and landscape character – one which plays an important role in the park system of the metropolitan area.

The creek contains habitats for many flora and fauna species of local, regional and State significance. It also contains many aboriginal and non-Aboriginal cultural heritage sites of significance. The creek is the focus of a large number of pre and post contact archaeological sites which as a group is highly significant. Many unknown sites are likely to exist and the areas likely to have the greatest density of these are sensitive to development.

**Moonee Ponds Creek**

The Moonee Ponds Creek is also a major tributary, which extends from the inner suburbs of Melbourne to Gellibrand Hill. The Creek and its environs provide an important regional open space and habitat link and contain many Aboriginal cultural heritage sites of significance. Urban development has impacted upon the landscape character, catchment functions and water quality of parts of the Creek, however enormous potential exists for the recreational, aesthetic and ecological functions of these areas to be improved and restored.

**2.0**19/01/2006  
VC37**Environmental objective to be achieved****Ecological Function**

- To restore and revitalise the creeks and adjoining open space to a more natural and ecologically diverse environment.
- To ensure the health and vitality of the natural systems of the creeks and their environs.
- To protect and enhance the diversity, integrity and health of the local native riparian, escarpment and plains vegetation associated with the creeks.
- To ensure the suitability of the riparian, escarpment and plains vegetation habitat and in-stream habitats for local native animals.
- To improve the water quality of the creek.
- To provide for the retention, restoration and revegetation of local native plant species.

**Waterway function**

- To sustain flood, regional drainage and waterway function to enable appropriate beneficial land use and water-based activities to be undertaken.

- To improve flood mitigation, drainage works and water quality through the creation of more natural bed and bank treatments where these have been modified from the natural.

### Recreation use

- To create a peaceful, passive open space quality in the creek parkland and valley.
- To provide a linear open space link, including the provision of a shared pedestrian and cycle use path along one side of the waterway corridor.
- To provide for links, views and access from surrounding areas to the creeks and open space.

### Landscape character

- To protect and enhance the natural and visual character of the waterway corridor.
- To ensure that the scenic qualities and visual character of the waterway corridor are not compromised by the inappropriate siting of buildings, the placement of fill, or lack of screening vegetation.
- To restore those sections of the waterway corridor which have been man modified to create artificial bed, banks and landforms to more natural, visually attractive and ecologically diverse landscapes.

### Heritage

- To protect areas of sensitivity for Aboriginal heritage.
- To protect natural landforms and geological features.

## 3.0

19/01/2006  
VC37

### Permit requirement

The requirements for a permit to construct a building or carry out works does not apply to:

- Buildings and works in a residential zone or on reserved land if they are less than 6 metres above ground level.
- Repairs and routine maintenance to buildings and works.
- Works undertaken by a public authority, or waterway management agency to:
  - sustain the form and stability of stream bed and banks, regulate or control the flow of water in a watercourse, regulate flooding;
  - mitigate flooding, or construct stream habitat works;
  - control or remove non-indigenous plants or carry out revegetation works, including preparatory works associated with the revegetation;
  - maintain the landscape quality, horticultural health or bank stability of areas that have been restored or revegetated; or
  - construct a bicycle or shared pathway provided that the works are to the satisfaction of Melbourne Water

provided that sites archaeological sensitivity, known Aboriginal heritage sites, or areas of remnant vegetation are not disturbed.

A permit is not required to remove, destroy or lop vegetation if it is not native vegetation or if any of the following apply:

- If the vegetation presents an immediate risk of personal injury or damage to property.
- If the removal, destruction or lopping of native vegetation is necessary for emergency access or emergency works by a public authority or municipal council.
- If the removal is in accordance with the fire exemptions listed in Clause 52.17.

- If the removal, destruction or lopping of the minimum extent of native vegetation is necessary for establishing sight-lines for the measurement of land by surveyors in the exercise of their profession, and if using hand held tools.
- If the native vegetation is proclaimed as a noxious weed or is bracken (*Pteridium esculentum*).
- If the removal, destruction or lopping of native vegetation is in accordance with a notice under the Vermin and Noxious Weeds Act 1958.

#### 4.0

27/05/2019  
C238hume

#### Application requirements

None specified.

#### 5.0

27/05/2019  
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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 Merri Creek Concept Plan or The Moonee Ponds Creek Concept Plan and any guidelines or local policies for the relevant creek.
- The need to assess the impact upon the creek environs and to ensure any impacts are adequately ameliorated.
- The effect of the proposed removal of any native vegetation on the habitat value, wildlife corridor, and long-term viability of remnant and revegetated areas along the creek corridor.
- The significance of the native vegetation area, including the significance of plant communities or significant plant and animal species supported.
- The reasons for removing the native vegetation and the practicality of alternative options which do not require the removal of the native vegetation.
- The effect of the height, bulk and general appearance of any proposed buildings and works on the environmental values and visual character of the creek.
- The need for landscaping or vegetation screening.
- The need to ensure that buildings or works do not disturb known sites of Aboriginal heritage or areas likely to contain Aboriginal heritage.
- The need to protect trees with Aboriginal trunk or branch scars.
- The need to retain native vegetation and natural features which contribute to the health and water quality of the creek and the visual character of the creek corridor.
- The extent that buildings or works are designed to enhance or promote the environmental values of the creek and the visual character of the creek corridor.
- The views of the Merri Creek Management Committee or the Moonee Ponds Creek Association and the Aboriginal Affairs Victoria Heritage Services Branch.

#### References

Merri Creek Plan: Strategy for Restoration of the Merri Creek (1997).

Merri Creek and Environs Strategy (1999)

Merri Creek Cultural Heritage Report (1993).

Remnant Native Grasslands and Grassy Woodlands of the Melbourne Area: An action plan for conservation based on biological values (1990).

Cooper Street Precinct Study, including landscape design guidelines and background report (1996).

Moonee Ponds Creek Concept Plan (1992).

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Moonee Ponds Concept Plan: The Moonee Ponds Creek Archaeological Survey (1991).

Moonee Ponds Creek Concept Plan: Recreation Assessment and Visual Assessment (1991).

Moonee Ponds Creek Concept Plan: Flora and Fauna Study (1991).