

01/06/2017  
C114**SCHEDULE 4 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY**

Shown on the planning scheme map as **ESO4**.

**WATERWAYS****1.0**19/01/2006  
VC37**Statement of environmental significance**

The waterways within the Shire of Nillumbik are an integral element of the environmental systems that support biodiversity, and directly impact on freshwater environments. Waterways also often provide relatively undisturbed habitat corridors between larger areas of remnant vegetation. The many threatened flora and fauna species identified as existing in the Shire rely, to a great extent, on the catchment areas of watercourses in the Shire. These areas need to be protected from inappropriate development.

**2.0**19/01/2006  
VC37**Environmental objectives to be achieved**

- To maintain environmental flows and improve the quality of water within watercourses.
- To maintain the capacity of watercourses to carry natural flows.
- To prevent erosion of banks, stream beds and adjoining land and the siltation of watercourses, drains and other features.
- To protect and enhance the diversity, integrity and health of local flora and fauna habitats within and along watercourses.
- To ensure that development (including fill) does not occur on land liable to flooding.
- To ensure that subdivision and development is compatible with the environmental values of watercourses.
- To provide for the retention, restoration and revegetation of local native species.
- To protect natural landforms and geological features.
- To ensure that the scenic qualities and visual character of waterway corridors are not compromised by the inappropriate siting of buildings, the placement of fill or lack of screening vegetation.
- To restore those sections of waterway corridors which have been previously modified to create artificial beds, banks and landforms.

**3.0**01/06/2017  
C114**Permit requirement**

A permit is not required to construct a building in a residential zone if it is no greater than 6 metres in height above ground level.

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

- The vegetation is identified as a pest plant in the Shire of Nillumbik Environmental Weed List 2009 as incorporated in this scheme.
- The vegetation is 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.

- The vegetation is *Kunzea leptospermoides* (Yarra Burgan) and is being removed for fire prevention purposes.
- The vegetation has been planted or grown for aesthetic or amenity purposes, including: agroforestry (the simultaneous and substantial production of forest and other agricultural products from the same land unit), shelter belts, woodlots, street trees, gardens or the like.

This exemption does not apply if public funding was provided to assist in planting or managing the vegetation and the terms of the funding did not anticipate removal or harvesting of the vegetation

A permit is required to construct a fence. This does not apply:

- If the fence is of post and wire construction or other open 'rural type' fencing.
- If the fence is a vermin control fence.
- For temporary fencing for construction sites.

#### 4.0

19/01/2006  
VC37

#### Decision guidelines

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

- The environmental objectives of this schedule.
- Whether there is any reasonable alternative site for proposed buildings and works outside of the overlay area, or any alternative land management or construction practices, that would better meet the objectives of this schedule.
- Whether the proposed works are associated with essential works crossing the area including the installation of utility services or the provision of an access track.
- Whether substantial change or detriment will be caused to soil stability, vegetation, water quality or habitat values of the streamline.
- The need to retain connectivity in waterway habitat corridors.
- The means of treatment and disposal of all sewerage, sullage and other wastes where connection to a reticulated sewerage system is not viable.
- The potential for flooding to occur, and whether the proposed development will impose any additional flooding risk or constraints over land in the vicinity.
- The existing use of the land and the purpose of the proposed buildings and works in relation to the existing use.
- Appropriate measures to prevent pollution, increased nutrient loads, siltation and increased turbidity of water in watercourses.
- Appropriate measures to prevent detrimental alterations to flow regimes of watercourses.