

19/01/2006  
VC37**SCHEDULE 1 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY**

Shown on the planning scheme map as ESO1

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

The rural areas of the municipality contain a number of waterways which are significant visual and geological significant features of the rural landscape and which serve important environmental, drainage and recreation functions. These waterways provide a habitat for a range of flora and fauna species and make a significant visual contribution to the overall character, amenity and identity of the municipality.

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

- To ensure the health and vitality of the natural systems of rural waterways and their environs.
- To protect and enhance the diversity, integrity and health of the local native riparian, escarpment and plains vegetation associated with waterways.
- 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 waterways.
- To provide for the retention, restoration and revegetation of local native plant species.
- To improve soil quality to enable the continuation of suitable land use.

**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 waterway corridor and surrounding environs.
- To provide a linear open space link along one side of the waterway corridor.
- To provide for links, views and access from surrounding areas to the waterways and open space.

### **Landscape character**

- To protect and enhance the natural and visual character of waterway corridors, deeply incised valleys and their surrounding environs.
- To ensure that the scenic qualities and visual character of waterway corridors, creek valleys and their surrounding environs are not compromised by the inappropriate siting of buildings, the placement of fill, the removal of soil, 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 and significant non-Aboriginal heritages sites and areas.
- To protect natural landforms and geological features.

### **3.0**

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### **Permit requirement**

A permit is not required to construct a building or construct or carry works if any of the following apply:

- Buildings and works in a residential zone or on reserved land if they are 6 metres or less 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**

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#### **Decision guidelines**

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

- The Bulla General Plan, the Rural Areas Strategy Plan and any guidelines or local policies for waterways in rural areas.
- 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 waterway 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 waterway.
- 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 waterway and the visual character of the waterway corridor.
- The extent that buildings or works are designed to enhance or promote the environmental values of the waterway and the visual character of the waterway corridor.

#### **References**

Bulla General Plan - Towards 2011 (1993).

Rural Areas Strategy Plan - Towards 2011 (1993).