

SCHEDULE 1 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO1**

YARRA RIVER ENVIRONMENTAL SIGNIFICANCE AREA**1.0 Statement of environmental significance**

The Yarra River, in the vicinity of Boroondara, is an area of outstanding environmental significance. The most valuable and vulnerable areas from the environmental perspective are the river itself, its banks, floodplains and the adjoining steeper slopes and terraces which form its immediate environs.

The Silurian sandstone and clays common to this section of the river are particularly vulnerable to soil erosion. The vegetation of the area, although much altered by clearing and development and invaded by alien plants, is a valuable resource, not only for its genetic diversity, but also as a habitat for local and transient fauna, particularly birdlife. The vegetation also stabilises the river banks and surrounding slopes, reducing erosion. The several remaining billabongs and wetlands are high quality flora and fauna habitats, housing a wide range of animals and plants which would otherwise not be found so close to the city. The water quality of the river continues to be a problem where urban runoff enters the river, and much improvement is required. A further problem is pollution caused by litter. Private subdivision beside parkland raises these and other issues in relation to drainage patterns, access, fire risk and pest plants and animals.

2.0 Environmental objective to be achieved

- To enhance and encourage the conservation and maintenance of the Yarra River and its immediate environs as a conservation and ecological resource.
- To protect areas along watercourses from development that may damage the streamside environment as a conservation and ecological resource.
- To conserve water quality and watercourse capacity to enable appropriate beneficial land use and water based activities to be undertaken.
- To prevent the deterioration of the river and its environs including the need to prevent erosion and sedimentation of watercourse and wetlands.
- To encourage the retention and enhancement of a continuous corridor of indigenous and natural vegetation along the river to provide corridors for the movement of wildlife.
- To protect sites and features of identified cultural and natural value.
- To encourage development consistent with the relevant Yarra River Concept Plan or incorporated plan approved for the area.
- To encourage effective environmental management of sites, by the appropriate siting of lot boundaries and buildings and works and controls on the extent of buildings and works.

3.0 Permit requirement

A permit is not required to construct or carry out any of the following:

- Buildings or works on a slope of less than 1:5 provided the total area of impervious surface on the site will not increase to more than 50% of the total area of the site or 500 square metres, whichever is the lesser.

- Buildings or works shown in an incorporated plan which applies to the land.
- Works carried out by or behalf of a public land manager under the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995 and the Forests Act 1958, provided that the total area of impervious surface on the site will not increase to more than 2% of the total area of the site or 1,000 square metres, whichever is the lesser. This does not include a path of 3 metres width or less.
- Works carried out by or on behalf of Melbourne Parks and Waterways under the Water Industry Act 1994, the Water Act 1989 and the Crown Land (Reserves) Act 1978, provided that the total area of impervious surface on the site will not increase to more than 2% of the total area of the site or 1,000 square metres, whichever is the lesser. This does not include a path of 3 metres width or less.
- Works carried out by the floodplain management authority.
- Routine repairs or maintenance to existing buildings or works. This does not include increasing the height of a levee bank, embankment or road.
- Post and wire and rural type fencing.
- Underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land and are in accordance with plans prepared to the satisfaction of the responsible authority.
- A television or radio antenna.
- A chimney, flue pipe or cooling or heating appliance.
- Telephone or power lines provided they do not involve the construction of towers or poles.

The requirement for a permit to remove, destroy or lop any vegetation includes a dead or dying tree.

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

- A tree with a trunk circumference of less than 0.35 metre at a height of one metre above the ground level and which is less than 6 metres high.
- Pruning (including vegetation overhanging a dwelling or within 2 metres of a dwelling).
- Pruning a tree to assist its regeneration.
- Removal, destruction or lopping to prevent damage to service infrastructure in the opinion of the responsible authority.
- Removal of environmental weeds.
- The pruning or removal of a tree or root pruning to prevent damage to works when in the opinion of the responsible authority damage to a pipeline, electricity or telephone transmission line cable or other service has occurred or is likely to occur.
- The felling or removal by or for the Public Transport Corporation of any tree, wood or vegetation on any land within a distance of 60 metres from either side of the railway line or may obstruct a view of a signal box from any portion of the railway line.

4.0 Decision guidelines

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

- The existing use and development of the area.

- As appropriate, the Lower Yarra (Punt Road to Dights Falls) Concept Plan 1986, the Middle Yarra River Concept Plan (Dights Falls to Burke Road) 1990 or the Middle Yarra Concept Plan (Burke Road to Watsons Creek) 1993.
- Whether the proposal is consistent with any incorporated plan for the land.
- The preservation of and impact on the natural environment and ecosystems and the need to prevent erosion of the land and pollution and sedimentation of watercourses and wetlands.
- The effect of any potential development or vegetation removal on the natural ecosystems of the area, including the need to retain native vegetation which has flora value or value for fauna habitat.
- Whether the vegetation on the site makes a significant contribution to the environment because of the size of the particular trees.
- The effect of any potential development or vegetation removal on pest plant infestations and pest animal populations.
- The management of vegetation to minimise fire hazard.
- The need to retain a buffer strip of vegetation within a specified distance of watercourses, roads, property boundaries and adjoining parkland.
- The need for planting, replanting, removal of weeds or other treatment of any part of the land, including the need for planting with native or indigenous species.
- The need to protect any features or sites of cultural value.
- Any proposed landscape plan or agreement to replant areas of vegetation on the site.
- Whether the boundaries of new lots and building envelopes are located so that the open spaces on private property are manageable, taking into account the topography after any proposed modifications to the land.
- The need for sufficient pervious land on the site to provide for adequate drainage absorption and vegetation retention. Such pervious area should be native vegetation, lawn or other pervious open space. It should generally not contain a building, swimming pool, tennis court pavement or other impervious surface. This does not apply to land to be developed for a road.
- The need for all excavation and fill slopes to be of a gradient of less than 1 in 5 and revegetated immediately following construction.
- The need for an appropriate planting strip to separate retaining walls.
- The views of Parks Victoria, as appropriate.

5.0 Reference documents

The Lower Yarra (Punt Road to Dights Falls) Concept Plan 1986

The Middle Yarra River Concept Plan (Dights Falls to Burke Road) 1990

The Middle Yarra Concept Plan (Burke Road to Watsons Creek) 1993

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

City of Boroondara Open Space Policy 1996

City of Boroondara River Retreat Area, Kew, Tree and Vegetation Survey, 1998

Carr, J Yugovic and K. Robinson, 1992, 'Environmental Weed Invasions in Victoria' Department of Conservation and Environment and Ecological Horticulture Pty Ltd, Melbourne