28/05/2021
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SCHEDULE 1 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

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

MERRI CREEK AND ENVIRONS

1.0 Statement of environmental significance

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The Merri Creek is an environmental, heritage and recreation corridor that draws its significance from its role as a continuous corridor as it does from the qualities of individual reaches. All areas of the Creek are important because they contribute to the linking of areas of environmental, heritage and recreational value along the Creek.

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 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.

Revegetation works and parkland development including path construction have created a linear park of outstanding quality and landscape character – one which plays an important role in the park system of the metropolitan region.

2.0 Environmental objective to be achieved

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Natural Systems

- 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 creek and its associated open space.
- To protect and enhance the diversity, integrity and health of the local native riparian, escarpment and plains vegetation associated with the creek.
- 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 retention, restoration and revegetation of local native 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 provide flood management and water quality protection through works which seek to mimic natural systems and produce more natural looking stream form.

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 creek and open space.
- To provide for a range of recreational uses in the corridor that are consistent with the environmental and open space objectives for each area or activity node.

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 modified to create artificial bed, banks and landforms to a more natural, visually attractive and ecologically diverse landscape.

Heritage

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

3.0 Permit requirement

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

- Buildings (including foundation works of less than 1 metre below ground level) in a residential zone if they are 6 metres or less above ground level.
- Works undertaken by a public authority, or waterway management agency to:
  - Sustain the form and stability of stream bed and banks, or regulate or control the flow of water in a watercourse;
  - Mitigate flooding, or construct stream habitat works;
  - Revegetation works, including preparatory works associated with the revegetation;
  - Construct a bicycle or shared pathway provided that the works are to the satisfaction of Melbourne Water;

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

The requirement for a permit to remove, destroy or lop any vegetation does not apply to:

- A tree on residential zoned land with a single trunk circumference of less than 0.35 metre and 1 metre above the ground and which is less than 6 metres high or has a branch spread of less than 4 metres.
- A non-indigenous tree that has the capacity to adversely affect stream flow.
- The control or removal of non-indigenous plants in preparation for revegetation works.
- Pruning of plants to maintain access or maintain a plant's horticultural health.

4.0 Application requirements

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None specified.

5.0 Decision guidelines

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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 and Environs Strategy as adopted in principle by the responsible authority in May 1998.

- Development Guidelines for the Merri Creek (Merri Creek Management Committee).
- The views of the Merri Creek Management Committee, Melbourne Water and Aboriginal Affairs Victoria Heritage Services Branch, as deemed appropriate by the Responsible Authority.
- The relevant provisions of any adopted municipal Open Space Strategy and in particular, the relevant open space category and preferred recreational uses and development guidelines.
- The effect of the proposed removal of 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 significance of plant communities or significance of plant and animal species supported.
- The reasons for removing the 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 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 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 vegetation and natural features which contributes 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 need for a retention pond that acts as a filter and collector of sediment and litter.