

SCHEDULE 1 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO1.

NORTHERN HILLS**1.0****Statement of environmental significance**

The hills to the northern part of the municipality (generally to the north of the Princes Highway) is an area with significant landscape and environmental values. The area is characterised by a geology of Devonian Granitic and Sulrian Sediment origin, moderate to steep slopes, and areas of remnant vegetation. These characteristics contribute to environmental values including landscape quality, water quality, and habitat of botanical and zoological significance. These characteristics are also a significant factor in terms of environmental hazards including erosion and fire risk.

The vegetation supports the ecological processes and biodiversity of this area by forming core habitat areas within a complex network of biolink wildlife corridors. Sites containing threatened flora and fauna are defined as being of botanical and zoological significance. Development within and around these sites need to be appropriately managed to ensure the long term protection, enhancement and sustainability of these ecological processes and the maintenance of biodiversity.

2.0**Environmental objective to be achieved**

To protect and enhance the significant environmental and landscape values in the northern hills area including the retention and enhancement of indigenous vegetation.

To ensure that the siting and design of buildings and works does not adversely impact on environmental values including the diverse and interesting landscape, areas of remnant vegetation, hollow bearing trees, habitat of botanical and zoological significance and water quality and quantity.

To ensure that the siting and design of buildings and works addresses environmental hazards including slope, erosion and fire risk, the protection of view lines and maintenance of vegetation as the predominant feature of the landscape.

To protect and enhance biolinks across the landscape and ensure that vegetation is suitable for maintaining the health of species, communities and ecological processes, including the prevention of the incremental loss of vegetation.

3.0**Permit requirement**

A permit is not required to construct a building or construct or carry out works provided all of the following requirements are met:

- Building materials must be non-reflective or subdued colours which complement the environment to the satisfaction of the responsible authority.
- The height of any dwelling must not exceed 7 metres above natural ground level and the height of all other buildings must not exceed 4 metres above natural ground level.
- The works must not involve the excavation of land exceeding 1 metre or filling of land exceeding 1 metre and any disturbed area must be stabilised by engineering works or revegetation to prevent erosion.
- The slope of the land on which the buildings or works are undertaken must not exceed 20%.
- The buildings and works must not result in the removal or destruction of native vegetation (including trees, shrubs, herbs, sedges and grasses) within an area of botanical or zoological significance as shown on the mapped information provided by the Department of Sustainability and Environment, with the exception of Sweet Pittosporum (*Pittosporum undulatum*).
- If the building is an extension to an existing dwelling that is less than 50 percent of the floor area of the existing building.

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- If the building is an outbuilding ancillary to a dwelling, the gross floor area of all outbuildings on the land must not exceed 120 square metres.
- If the building is in a Green Wedge or Rural Conservation Zone and is associated with the existing use of the land for the purposes of agriculture, the gross floor area of the building must not exceed 160 square metres.
- If a building envelope is registered on the plan of subdivision, any building must be located within the building envelope.

In addition to the exemptions under Clause 52.12 (Bushfire protection exemptions), a permit is not required to remove, destroy or lop any vegetation if:

- The vegetation is a tree overhanging the roof of a building used for Accomodation. This exemption only allows the removal, destruction, or lopping of that part of the tree which is overhanging the building and which is necessary for fire protection.
- The vegetation is dead as a result of natural circumstances or the spread of noxious weeds and which has been assessed as being suitable for removal by an authorised officer of the responsible authority. 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.
- It is the minimum extent necessary to maintain utility services for the transmission of water, sewage, gas, electricity, electronic communications or the like, provided that the removal, destruction or lopping is undertaken with the written consent of the responsible authority.
- It is necessary for maintenance by the Cardinia Shire Council of works including any road, drain, essential service or public facility.
- The vegetation is seedlings or regrowth less than 5 years old, the land has previously been lawfully cleared and the land is being maintained for cultivation or pasture.
- The vegetation is to be removed, destroyed or lopped by cutting only to obtain reasonable amounts of wood for personal use by the owner or occupier of the land. Personal use is wood used for firewood, the construction of fences on the same land and hobbies such as craft. This exemption does not apply to:
 - Standing living and dead trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above natural ground level.
 - Living native vegetation on contiguous land in the same ownership with an area less than 10 hectares.
- It is the removal of any vegetation from an existing dam wall where the vegetation may impact on the structural stability of the dam wall.
- It is within 6 metres of an existing dwelling on a lot less than 0.4 hectares.
- It is necessary for the works associated with the normal operation of Puffing Billy Tourist Railway as defined in the Schedule to the Public Use Zone under Clause 36.01 of this Planning Scheme.
- The vegetation is to be pruned or lopped (but not removed) as part of normal domestic or horticultural practice for the species.
- The vegetation is an environmental weed contained in the table below; that is not listed under the Schedule to Clause 43.01 (Heritage Overlay) and there is no condition listed in the table:

Botanical name	Common name	Condition
<i>Acacia baileyana</i>	Cootamundra Wattle	
<i>Acacia decurrens</i>	Early Black Wattle	

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Botanical name	Common name	Condition
<i>Acacia elata</i>	Cedar Wattle	
<i>Acacia floribunda</i>	White Sallow Wattle	
<i>Acacia longifolia</i>	Coast/Sallow Wattle	
<i>Acacia saligna</i>	Golden Wreath Wattle	
<i>Acacia sophorae</i>	Coastal Wattle	
<i>Acer spp.</i>	Maple	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres
<i>Agapanthus praecox orientalis</i>	African Lily	
<i>Allium triquetrum</i>	Angled Onion	
<i>Alstromeria aurea</i>	Peruvian Lily	
<i>Amaryllis belladonna</i>	Belladonna Lily	
<i>Anredera cordifolia</i>	Madeira vine	
<i>Anthoxanthum odoratum</i>	Sweet Vernal Grass	
<i>Arbutus unedo</i>	Strawberry Tree	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres
<i>Arctotheca calendula</i>	Cape Weed	
<i>Asparagus asparagoides</i>	Bridal Creeper	
<i>Asparagus scandens</i>	Asparagus Fern	
<i>Berberis darwinii</i>	Darwin's Berberry	
<i>Briza minor</i>	Shivery Grass	
<i>Briza maxima</i>	Quaking Grass	
<i>Buddleia variabilis</i>	Butterfly Bush	
<i>Calicotome spinosa</i>	Spiny broom	
<i>Castanea spp.</i>	Chestnut	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres
<i>Cestrum elegans</i>	Red Cestrum	
<i>Chamaecytisus palmensis</i>	Tree Lucerne	
<i>Chrysanthemoides monilifera</i>	Boneseed	
<i>Chrysanthemum maximum</i>	Shasta Daisy	
<i>Cirsium vulgare</i>	Spear thistle	

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Botanical name	Common name	Condition
<i>Conium maculatum</i>	Hemlock	
<i>Convolvulus spp.</i>	Bindweeds	
<i>Conyza bonariensis</i>	Tall Fleabane	
<i>Coprosma repens</i>	Mirror Bush	
<i>Coprosma repens</i>	Tuapata	
<i>Coprosma robusta</i>	Karamu	
<i>Cornus capitata</i>	Evergreen Dogwood	
<i>Cortaderia selloana</i>	Pampas Grass	
<i>Corymbia maculata</i>	Spotted Gum	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres
<i>Cotoneaster spp.</i>	Cotoneaster	
<i>Crataegus monogyna</i>	Hawthorn	
<i>Crococsmia x crocosmiifolia</i>	Montbretia	
<i>Cytisus palmensis</i>	Tree Lucerne	
<i>Cytisus scoparius</i>	English Broom	
<i>Cynodon dactylon</i>	Couch grass	
<i>Cyperus erogrostis</i>	Drain Flat Sedge	
<i>Delairea odorata</i>	Cape Ivy	
<i>Dipogon lignosus</i>	Common Dipogon (Dolichos)	
<i>Dodonea viscosa</i>	Sticky Hop Bush	
<i>Echium plantagineum</i>	Paterson's Curse	
<i>Ehrharta erecta</i>	Panic Veldt Grass	
<i>Ehrharta longiflora</i>	Annual Veldt grass	
<i>Erica baccans</i>	Berry-flower Heath	
<i>Erica lusitanica</i>	Spanish Heath	
<i>Euryops abrotanifolius</i>	Euryops	
<i>Foeniculum vulgare</i>	Fennel	
<i>Fraxinus angustifolia</i>	Narrow-leafed Ash	
<i>Fraxinus ornus</i>	Manna Ash	
<i>Fraxinus oxycarpa</i>	Caucasian Ash	

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Botanical name	Common name	Condition
<i>Galium aparine</i>	Cleavers	
<i>Genista linifolia</i>	Flax Leaf Broom	
<i>Genista monspessulana</i>	Cape/Montpellier Broom	
<i>Hakea salicifolia</i>	Willow Hakea	
<i>Hakea suaveolens</i>	Sweet Hakea	
<i>Hedra helix</i>	English Ivy	
<i>Holcus lanatus</i>	Yorkshire Fog	
<i>Hypericum androsaemum</i>	Tutsan	
<i>Hypericum perforatum</i>	St. John's Wort	
<i>Hypericum tetrapterum</i>	St. Peter's Wort	
<i>Ilex aquifolium</i>	Holly	
<i>Ipomoea indica</i>	Morning Glory	
<i>Lathyrus latifolius</i>	Sweet Pea	
<i>Leycesteria Formosa</i>	Himalayan Honeysuckle	
<i>Lingustrum lucidum</i>	Broad-Leaved Privet	
<i>Ligustrum vulgare</i>	Privet	
<i>Lonicera japonica</i>	Japanese Honeysuckle	
<i>Malus spp</i>	Apple	
<i>Melaleuca armillaris</i>	Giant Honey Myrtle	
<i>Melaleuca hypericifolia</i>	Honey Myrtle	
<i>Myosotis sylvatica</i>	Common Forget-me-not	
<i>Myrsiphyllum scandens</i>	Asparagus Fern	
<i>Myrsiphyllum asparagoides</i>	Bridal Creeper	
<i>Myrsiphyllum asparagoides</i>	Smilax	
<i>Oenothera stricta</i>	Common Evening Primrose	
<i>Opuntia aurantiaca</i>	Prickly Pear	
<i>Oxalis pes-caprae</i>	Soursob	
<i>Portulaca oleracea</i>	Common Purslane	
<i>Paraserianthis lapantha</i>	Cape Wattle	
<i>Passiflora sp. aff. mollissima</i>	Banana Passionfruit	
<i>Pentaglottis serpvirens</i>	Alkante	

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Botanical name	Common name	Condition
<i>Phalaris aquatica</i>	Toowoomba Canary Grass	
<i>Pennisetum clandestinum</i>	Kikuyu	
<i>Phytolacca octandra</i>	Inkweed	
<i>Pinus radiata</i>	Monterey Pine	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres
<i>Pittosporum crassifolium</i>	Karo	
<i>Pittosporum undulatum</i>	Sweet Pittosporum	
<i>Polygala myrtifolia</i>	Myrtle Leaf Milkwort	
<i>Populus tremuloides</i>	American Aspen	
<i>Prunus cerasifera</i>	Cherry Plum	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres
<i>Prunus laurocerasus</i>	Cherry Laurel	
<i>Prunus lusitanica</i>	Portugal Laurel	
<i>Prunus spp.</i>	Plum	Does not included <i>Prunus cerasifera</i> (Cherry Plum)
<i>Psoralea pinnata</i>	Bloukeur (Pinnate Scurf-Pea)	
<i>Pyracantha spp.</i>	Firethorns	
<i>Quercus spp.</i>	Oak	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres
<i>Ranunculus repens</i>	Creeping Buttercup	
<i>Rhamnus alaternus</i>	Italian Buckthorn	
<i>Ricinus communis</i>	Castor Oil Plant	
<i>Robinia pseudacacia</i>	Black Locust	
<i>Romulea rosea var australis</i>	Onion Grass	
<i>Rosa rubiginosa</i>	Sweet Briar	
<i>Rubus fruticosus spp. agg.</i>	Blackberry	
<i>Salix babylonica</i>	Weeping willow	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres
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Botanical name	Common name	Condition
<i>Salpichroa organifolia</i>	Pampas Lily of the Valley	
<i>Senecio jacobaea</i>	Ragwort	
<i>See Cape Wattle</i>	False Wattle	
<i>Solanum linnaeanum</i>	Apple of Sodom	
<i>Solanum mauritianum</i>	Tree Tobacco	
<i>Solanum nigrum</i>	Black Nightshade	
<i>Solanum pseudocapsicum</i>	Madeira Winter Cherry	
<i>Sollya heterophylla</i>	Blue-bell Creeper	
<i>Spartina anglica</i>	Common Cord-grass	
<i>Tradescantia fluminensis</i>	Wandering Jew/Trad	
<i>Trapaolum majus</i>	Nasturtium	
<i>Ulex europaeus</i>	Gorse	
<i>Verbascum thapsus</i>	Great Mullein	
<i>Viburnum timus</i>	Laurestinus	
<i>Vinca major</i>	Blue Periwinkle	
<i>Viola odorata</i>	Fragrant Violet	
<i>Viola riviniana</i>	Wood Violet	
<i>Watsonia borbonica</i>	Rosy Watsonia	
<i>Watsonia meriana var. bulbifera</i>	Bulbil Watsonia	
<i>Zantedeschia aethiopica</i>	White Arum Lily	

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Application requirements

The following application requirements apply to an application for a permit under 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

Buildings and works:

- The location of any existing buildings and works.
- Details of elevations, including external colours, materials and finishes.
- The location of any existing vegetation and any vegetation proposed to be removed.
- Details of the location and extent of any earthworks.

To remove, destroy or lop native vegetation:

- A photograph or site plan (drawn to scale) showing the boundaries of the site, existing vegetation and the vegetation to be removed.

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- A description of the vegetation including the understorey to be removed, including the species, extent, number and size (diameter at 1.3 metres above natural ground level) of any trees to be removed and the Ecological Vegetation Class of native vegetation.
- Location of any hollow bearing trees.
- Topographic information, highlighting ridges, crests and hilltops, streams and waterways, slopes of more than 20 percent, drainage lines, low lying areas, saline discharge areas, and areas of existing erosion.
- A written explanation of the steps that have been taken to:
 - Avoid the removal of vegetation, where possible.
 - Minimise the removal of vegetation.
 - Appropriately replace and/ or compensate the loss of vegetation, if required.
- A copy of any property vegetation plan that applies to the site.
- Where the removal, destruction or lopping of vegetation is to create defensible space, a statement explaining why removal, destruction or lopping of vegetation is required having regard to other available bushfire risk mitigation measures. This does not apply to the creation of defensible space in conjunction with an application under the Bushfire Management Overlay.
- An environmental assessment report prepared by a suitably qualified person and to the satisfaction of the responsible authority.

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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:

- Whether the removal of any vegetation has been avoided and/or minimised.
- The Land Capability Study for the Cardinia Shire (February 1997).
- The protection and enhancement of the natural environment and character of the area.
- The retention, protection and enhancement of remnant vegetation and habitat, and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.
- The impact of any buildings and works on areas of remnant vegetation, and habitat of botanical and zoological significance and threatened species.
- The impact of proposed buildings and works on the landscape character of the area, including prominent ridgelines and significant views.
- Whether the siting, height, scale, materials, colours and form of the proposed buildings and works have been designed to have the least visual impact on the environment and landscape.
- The availability of other alternative sites, alternative building designs or alternative construction practices for the proposed buildings and works that minimise cut and fill and would better meet the environmental objectives of this schedule, having regard to the size and topography of the land, retention of vegetation and the form and nature of the proposed buildings and works.
- Measures to address environmental hazards or constraints including slope, erosion, drainage, salinity and fire.
- The protection of waterways and water quality through the appropriate management of effluent disposal, erosion and sediment pollution.

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Map 1 to Schedule 1 to Clause 42.01

