

## **42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY**

Shown on the planning scheme map as **ESO** with a number.

### **Purpose**

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To identify areas where the development of land may be affected by environmental constraints.

To ensure that development is compatible with identified environmental values.

### **42.01-1 Environmental significance and objective**

A schedule to this overlay must contain:

- A statement of environmental significance.
- The environmental objective to be achieved.

### **42.01-2 Permit requirement**

A permit is required to:

- Construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Construct a fence if specified in a schedule to this overlay.
- Subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Remove, destroy or lop any vegetation. This does not apply:
  - If a schedule to this overlay specifically states that a permit is not required.
  - If the vegetation has been planted for pasture, timber production or any other crop.
  - To any action which is necessary to keep the whole or any part of any vegetation clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Part 8 of the Electricity Safety Act 1998.
  - To any action necessary to remove, destroy or lop vegetation situated within electricity supply easements in accordance with any code of practice prepared in accordance with Part 8 of the Electricity Safety Act 1998 in order to minimise the risk of bushfire ignition in the proximity of electricity lines.
  - If the vegetation presents an immediate risk of personal injury or damage to property.
  - If the removal, destruction or lopping of vegetation is necessary for emergency access or emergency works by a public authority or municipal council.
  - If the removal, destruction or lopping of vegetation is necessary for fire fighting measures, periodic fuel reduction burning, or the making of fire breaks up to 6 metres wide.
  - To the removal of ground fuel within 30 metres of a building.
  - If the removal, destruction or lopping of vegetation is in accordance with a fire prevention notice under:
    - Section 65 of the Forests Act 1958.
    - Section 41 of the Country Fire Authority Act 1958.
    - Section 8 of the Local Government Act 1989.
  - To the removal, destruction or lopping of the minimum extent of vegetation 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 vegetation is proclaimed as a noxious weed or is bracken (*Pteridium esculentum*).

- If the removal, destruction or lopping of vegetation is in accordance with a notice under the Catchment and Land Protection Act 1994.
- If the vegetation is burgan (*Kunzea ericoides* (previously *Leptospermum phyllicoides*)) or manuka (*Leptospermum scoparium*) and is on land which meets each of the following conditions:
  - It is outside the Metropolitan Region.
  - It is more than 30 metres from a waterway.
  - It is being re-established or maintained for cultivation or pasture.
  - Ground slopes are less than 30 percent.
- To the removal, destruction or lopping of the minimum extent of vegetation necessary to remove burrows for vermin control subject to in the case of native vegetation removal the written agreement of an officer of the Department responsible for administering the Flora and Fauna Guarantee Act 1988. The total area in one ownership to be destroyed must not exceed 10 hectares.
- To the removal, destruction or lopping of vegetation necessary for mineral exploration or mining authorised by an approved work plan and in accordance with an authority to commence work issued under the Mineral Resources Development Act 1990.

#### **42.01-3 Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The statement of environmental significance and the environmental objective contained in a schedule to this overlay.
- Any other matters specified in a schedule to this overlay.

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**Notes:** *Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.*

*Check the requirements of the zone which applies to the land.*

*Other requirements may also apply. These can be found at Particular Provisions.*