

FACT SHEET

An ESO is proposed for your property

Amendment C101

Planning is governed by the State Government and implemented by local councils. By law, Council is required to keep the Nillumbik Planning Scheme accurate and up-to-date.

Amendment C101 is a review and update to Nillumbik's Environmental Significant Overlays (ESOs), which have been in place for 16 years.

You have the right to continue using your land in the way you have been. Amendment C101 will not stop you from:

- farming
- grazing/keeping horses
- having pets
- cutting hay/growing non-native plants
- collecting firewood.

Vegetation

- A permit* will be required to clear all types of native vegetation that is more than 50 metres from the main dwelling in areas with a Bushfire Management Overlay (BMO).
- No permit will be required to remove vegetation identified as pest plants in the *Shire of Nillumbik Environmental Weed List 2009* which can be found at www.nillumbik.vic.gov.au/weeds.
- Fallen dead trees and other dead vegetation may be removed.
- A permit* will be required to remove standing dead trees with a diameter of 40cm or more at a height of 1.3 metres from ground level.

* Permits to remove vegetation are free of charge and application forms can be found on Council's website.

Waterways

Amendment C101 will not require you to fence off existing waterways. You may be required to fence off a waterways as part of a planning application for a new building, earthworks or significant vegetation removal.

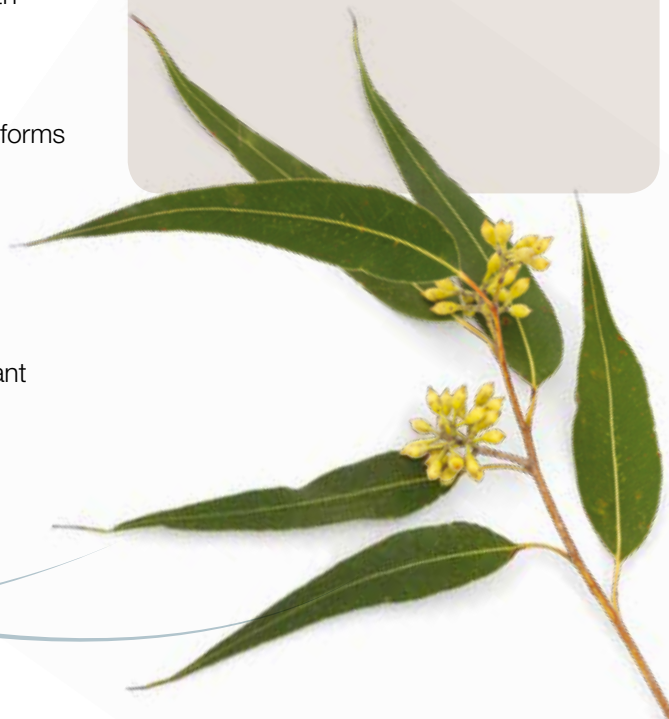
An **Environmental Significant Overlay (ESO)** is a planning control that details what development can occur on your land with or without a permit.

ESOs are designed to enable appropriate development while conserving and protecting Nillumbik's unique biodiversity; which includes over 1,381 species of indigenous plants and animals.

Previously the Nillumbik Planning Scheme had one ESO for land and three for watercourses.

Amendment C101 proposes this be changed into four different ESOs so land can be categorised to more accurately reflect its environmental significance.

- ESO1: Core Habitat
- ESO2: Buffer Habitat
- ESO3: Urban Habitat in Township and Residential Areas
- ESO4: Waterways



Grazing rights

Amendment C101 does not change your grazing rights. This Council has no intention of initiating such a change.

Pets

There are no changes to your rights to have pets including cats, dogs, guinea pigs, rabbits or birds.

Fences

No permit will be required for fences that are:

- five strand post and wire construction with a minimum gap of 30cm between ground and lowest strand, no greater than 1.4m high and contains no barbed wire
- post, wire and mesh construction with mesh squares no less than 15cm wide, with a minimum gap of 30cm between ground and lowest wire, no greater than 1.4m high and contains no barbed wire
- open timber post and rail construction with a minimum gap of 30cm between ground and lowest rail, no greater than 1.4m high and contains no barbed wire
- rabbit proof mesh construction with mesh squares no more than 5cm wide, no greater than 1.4m high and contains no barbed wire

Buildings and works

A planning permit will be required for building and works such as new houses, extensions over 50m², outbuildings over 25m² and works greater than 500mm.

Further information

For more information contact Council on 9433 3210 or visit www.nillumbik.vic.gov.au/C101.

You can also contact us via private message on Facebook, www.facebook.com/nillumbikcouncil or email nillumbik@nillumbik.vic.gov.au.



Where do ESOs fit within the Planning Scheme?

The Nillumbik Planning Scheme is part of a broader State Government planning framework. Under the *Planning and Environment Act 1987* there are rules about what you can and cannot do on your property. Planning is complex. There are many issues to consider and every property is unique. Planning measures are put in place to ensure the right developments take place in the right locations and that it is fair for everyone.

If you have an ESO on your property, planning permits may be issued subject to certain conditions. This might include conditions like ensuring that contaminated water doesn't go into the drains which could end up in local watercourses. The list of conditions can be short or long and is based on each individual application.

If you believe that the conditions placed on a planning permit are unjustified, or unreasonable, then the matter can be reviewed by the Victorian Civil and Administrative Tribunal (VCAT).

Nillumbik approved 98 per cent of all planning applications last year.

Why are we updating the ESOs?

The review of the ESOs is an action from the Green Wedge Management Plan which was adopted by Council in 2010 following a three-year consultation process.

We have a statutory obligation to the State Government to ensure our ESOs accurately reflect the environmental significance of each property.