

26/04/2013
C107**SCHEDULE 4 TO THE VEGETATION PROTECTION OVERLAY**Shown on the planning scheme map as **VPO4****MOSQUITO POINT VEGETATION PROTECTION AREA****1.0**19/01/2006
VC37**Statement of nature and significance of vegetation to be protected**

Mosquito Point is an area of private land located on Boole Poole Peninsula on the barrier dune system of the Gippsland Lakes. The area is characterised by extensive areas of remnant native coastal, wetland and woodland vegetation types, all providing important habitat for native fauna.

Vegetation contributes significantly towards aesthetic values of the area and provides for unique lake-shore dwellings accessible only by boat. Striking views from the water are dominated by retained native vegetation.

Remnant native vegetation also plays an important role in stabilising the potentially erodible sandy landforms characteristic of the area.

Conservation of the area is strongly supported by the local community.

The surrounding land forms part of the Gippsland Lakes Coastal Park.

Reference: Gippsland Lakes Coastal Action Plan, Gippsland Coastal Board, 1999.

2.019/01/2006
VC37**Vegetation protection objective to be achieved**

The Mosquito Point Vegetation Protection Overlay seeks to conserve high conservation value vegetation and vegetation with high aesthetic and landscape value.

The overlay objective is to ensure that development occurs so as:

- To conserve areas of high conservation value vegetation by minimising the extent of vegetation loss.
- To preserve existing trees and other vegetation where it contributes to high landscape and aesthetic values of Mosquito Point.
- To conserve and enhance fauna habitat by minimising the extent of vegetation loss and encouraging regeneration of indigenous species.
- To reduce the risk of soil erosion and degradation of water quality by minimising the extent of vegetation loss.

3.026/04/2013
C107**Permit requirement**

A permit is required to remove, destroy or lop any vegetation. This does not apply in the following circumstances:

- Vegetation that is dead or less than 2 metres in height or less than 10 years old.
- The minimum extent of vegetation necessary for the maintenance of existing fences.
- For the removal or lopping of the minimum extent of vegetation necessary for regular maintenance carried out by or on behalf of a public authority, government department or municipal council.
- For the removal, destruction or lopping of any vegetation deemed unsafe by a suitably qualified arborist and/or to the satisfaction of the responsible authority.

- For activities conducted on public land by or on behalf of the Department of Sustainability and Environment under the relevant provisions of the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Land Act 1958, the Crown Land (Reserves) Act 1978 or the Forests Act 1958.

All applications to remove, destroy or lop any vegetation should demonstrate how any relevant Decision Guidelines have been incorporated so as to avoid or minimise impact to high conservation value vegetation and high landscape values.

An application must also be accompanied by the following information, as appropriate:

- Description of the purpose for which the removal, destruction or lopping of vegetation is to be undertaken.
- Detailed scale map of the subject land indicating north and showing:
 - Property boundaries and dimensions.
 - Area where removal of vegetation is to be undertaken, existing cleared area, and area to be retained as vegetation.
- Type and condition of vegetation that is proposed to be removed or cleared.
 - All waterways and drainage lines, including permanent and temporary streams, and wetlands.
 - Adjacent roads and any unused road easements.
- Any native fauna known to be present on or near the subject land.

4.0 Referral of applications

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All applications to remove, destroy or lop any vegetation must be referred to the Department of Sustainability and Environment for comment, unless in the opinion of the responsible authority the proposal satisfies any requirements or conditions previously agreed in writing between the responsible authority and the Department of Sustainability and Environment.

5.0 Exemption from notice and review

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An application to remove, destroy or lop any vegetation in association with uses in Section 1 of the Zone applying to the land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the appeal rights of Section 82(1) of the Act.

6.0 Decision guidelines

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Before deciding on an application, in addition to the Decision guidelines in Clause 42.02-4, the responsible authority must consider, as appropriate:

- The extent to which the vegetation sought to be removed or cleared contributes towards the need to:
 - Conserve and enhance areas of high conservation value vegetation.
 - Conserve and enhance fauna habitat and habitat corridors.
 - Protect and enhance the visual amenity and landscape quality of the area.
 - Minimise the risk of soil erosion, sedimentation and degradation of water quality.
- The need to assess alternative options regarding the removal of vegetation, to better achieve the Overlay objectives.

- The need to undertake revegetation with appropriate indigenous species to offset any loss of environmental values resulting from the works or development.