

26/04/2013
C107**SCHEDULE 8 TO THE VEGETATION PROTECTION OVERLAY**

Shown on the planning scheme map as VPO8.

MALLACOOTA VEGETATION PROTECTION AREA**1.0**19/01/2006
VC37**Statement of nature and significance of vegetation to be protected**

The Mallacoota area is located on the shores of Mallacoota Inlet in far East Gippsland. It contains substantial areas of remnant native vegetation and other significant vegetation, including within built up areas.

Vegetation contributes significantly towards aesthetic values of the area and provides for a unique character in a lakeshore setting, resulting in a highly attractive area to both local residents and visitors.

Remnant native vegetation throughout the area, including important examples of Rough-barked Angophora (*Angophora floribunda*), Red Bloodwood (*E. gummifera*) and the Mallacoota Gum (or Maiden's Gum, *E. globulus ssp Maidenii*), is of high conservation value and provides important fauna habitat. The township area of Mallacoota encompasses the Shady Gully reserve, which provides habitat for a number of vulnerable, rare or threatened species, and the remnant warm temperate rainforest of Develins Gulch. Some Ecological Vegetation Classes represented in the Mallacoota township area, such as Swamp Scrub, are rare or threatened on a state and national basis.

Much of the vegetation along the gullies has an important role to play as a sediment trap and in nutrient treatment before stormwater and other flows reach the lake. Maintenance of this vegetation will help maintain water quality.

Conservation and enhancement of this area is generally important to, and supported by, the local community.

Reference: Draft East Gippsland Native Vegetation Plan (Government of Victoria and East Gippsland Catchment Management Authority 2000)

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

The Mallacoota Vegetation Protection Overlay seeks to conserve vegetation of high conservation value and vegetation with high aesthetic and landscape values.

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

- To conserve areas of vegetation of high conservation value by minimising the extent of vegetation loss.
- To preserve existing trees and other vegetation where it contributes to high landscape and aesthetic values of the area.
- To conserve and enhance fauna habitat and habitat corridors 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 to the following circumstances:

- To vegetation that is dead or less than 2 metres in height or less than 10 years old.
- To pruning of garden vegetation in the course of regular maintenance, providing this does not significantly affect the extent or nature of vegetation on a lot.

- To 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*.
- To the minimum extent of vegetation necessary for fire prevention or mitigation as determined in the East Gippsland Municipal Fire Prevention Plan, or as directed from time to time by the Municipal Fire Prevention Officer or authorised Officer of the Country Fire Authority acting pursuant to the Country Fire Authority Act, or as directed by an Officer of the Country Fire Authority or Department of Sustainability and Environment in the performance of their duties necessary in the control of wildfire.

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

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Referral of applications

All applications to remove, destroy or lop any vegetation must be referred to the Department of Natural Resources 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.

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Exemption from notice and review

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.

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Decision guidelines

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

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- 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, as determined by the Draft East Gippsland Native Vegetation Plan
- 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 work towards the State Government's policy of achieving a net gain in the extent and quality of native vegetation throughout Victoria
- Whether there are alternative options regarding the removal of vegetation, to better achieve the Overlay objectives.
- Whether there is a need to undertake revegetation with appropriate indigenous species to offset any loss of environmental values resulting from the works or development, or to replace key non-indigenous vegetation where this is important to the aesthetic values of a particular site.
- Whether the vegetation is planted vegetation that blocks views from adjoining properties.