

10/10/2019  
C153egip**SCHEDULE 3 TO CLAUSE 42.02 VEGETATION PROTECTION OVERLAY**

Shown on the planning scheme map as VPO3.

**NUNGURNER-METUNG VEGETATION PROTECTION AREA****1.0**10/10/2019  
C153egip**Statement of nature and significance of vegetation to be protected**

The Nungurner-Metung area is located on the shores of the Gippsland Lakes and comprises large areas of remnant native vegetation and tree-lined roadsides. Much of the area constitutes a Site of Biological Significance, whilst significant areas of native vegetation are also located within the 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 coastal vegetation, Gippsland Coastal Grey Box and Box - Ironbark communities, is of high conservation value and provides important fauna habitat.

Remnant native vegetation plays an important role in stabilising the often highly erodible dissected gullies characteristic of the area.

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

**Background documents**

*Gippsland Lakes Coastal Action Plan*, (Gippsland Coastal Board, 1999).

**2.0**10/10/2019  
C153egip**Vegetation protection objectives to be achieved**

The Nungurner-Metung 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 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.

**3.0**10/10/2019  
C153egip**Permit requirement**

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

- For vegetation that is dead or less than 2 metres in height or less than 10 years old.
- 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*.

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

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#### Application requirements

None specified.

#### 5.0

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#### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.02, in addition to those specified in Clause 42.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- 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.

#### Referral of applications

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.

**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.