

26/04/2013  
C107**SCHEDULE 7 TO THE VEGETATION PROTECTION OVERLAY**Shown on the planning scheme map as **VPO7****KALIMNA VEGETATION PROTECTION AREA****1.0**19/01/2006  
VC37**Statement of nature and significance of vegetation to be protected**

A significant area of warm temperate rainforest within the residential area of Kalimna is situated along a steep gully leading to the waters of North Arm. The rainforest is of important conservation value and also provides habitat for native fauna displaced from urban areas. The gully forms part of a corridor for native fauna.

The rainforest gully contributes significantly towards aesthetic and landscape values of the area and provides a picturesque backdrop to Lakes Entrance as viewed from the shorelines and waters of North and Cunninghame Arms.

Retention of gully vegetation is important to reducing the effects of sedimentation during high stormwater events.

*Reference: North Arm Action Plan. Friends of North Arm, East Gippsland Shire and Department of Natural Resources and Environment, 1996*

**2.0**19/01/2006  
VC37**Vegetation protection objective to be achieved**

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

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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.
- 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, drainage lines 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.