03/03/2011
C98

SCHEDULE 3 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as **SLO3**

PHILLIP ISLAND EASTERN COAST

1.0 Statement of nature and key elements of landscape

03/03/2011
C98

The eastern coastline of Phillip Island is a regionally significant coastal landscape. It is characterised by a coastal edge that includes mud flats with mangrove vegetation, and a cleared coastal hinterland with patterns of native and exotic vegetation.

Extensive outviews are available across Westernport Bay to the Bass Hills and Churchill Island from this area. The area is recognised for its important stands of remnant indigenous vegetation, including large areas of swampy melaleuca and mangrove around Rhyll Inlet.

2.0 Landscape character objective to be achieved

03/03/2011
C98

To maintain and improve indigenous vegetation, particularly at roadsides, in settlements and in riparian strips, and to ensure that vegetation is the dominant feature of the landscape at the coastal edge.

To ensure that shelterbelt planting remains a feature of the area.

To maintain highly scenic and rural vistas along roads, particularly expansive outviews or views to the coast.

To retain vistas to Westernport Bay and French Island that are largely free from built form.

To prevent an increase in visible development at the coastal edges of Rhyll and Newhaven, and to reduce the visual intrusion of existing development.

To protect the natural and undeveloped character of the coastal strip between Rhyll and Newhaven.

To maintain the dominance of the open rural landscape and cultural vegetation patterns.

To protect landscape character and attributes that are consistent with the Aboriginal cultural heritage values of the area.

To recognise, and protect, the landscape of the Phillip Island Eastern Coast as a place of significant Aboriginal cultural heritage value.

3.0 Permit requirement

03/03/2011
C98

Native Vegetation

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

Dead Vegetation

Vegetation that is dead.

Fences

The minimum extent of vegetation necessary for:

- the construction of a fence on a boundary between properties in different ownership; or
- operation or maintenance of an existing fence.

The combined maximum width of clearing permitted either side of the fence under this exemption is 4 metres.

Lopping or pruning for maintenance

The native vegetation is to be pruned or lopped for maintenance only and no more than 1/3 of the foliage is removed from any individual plant. This exemption does not apply to:

- Pruning or lopping of the trunk of a tree or shrub.

- Native vegetation within a road or railway reservation.

Grasses

The native vegetation is a grass and is to be mown or slashed for maintenance only. Under this exemption the grass must be:

- Located within a lawn, garden or other planted area; or
- Maintained at a height of at least 100 millimetres above ground level.

Regrowth

The native vegetation is regrowth which has naturally established or regenerated on land lawfully cleared of naturally established native vegetation and is:

- Less than ten years old at the time of approval of a relevant Property Vegetation Plan (Farm Management Plan) where it is certified regrowth and the area affected is shown on the Plan as intended for use for cultivation or pasture during the life of the Plan

Planted vegetation

The native vegetation is a tree or shrub within a garden area.

Existing and approved buildings

The native vegetation is to be removed, destroyed or lopped to enable the:

- Construction of a building approved by a planning permit granted under this planning scheme or by building permit granted under Building Act 1993, before 15 September 2008.
- Use and maintenance of a building constructed or approved by a planning permit granted under this planning scheme or by building permit granted under Building Act 1993, before 15 September 2008.

This exemption does not apply to:

- Native vegetation to be removed destroyed or lopped to enable the operation or maintenance of a fence.
- Native vegetation located more than 10 metres from a building.

Existing buildings and works in the Farming Zone and Rural Activity Zone

The native vegetation is to be removed, destroyed or lopped to enable the use or maintenance of a building or works used for Agricultural production, including a dam, utility service, bore, in the Farming Zone or the Rural Activity Zone.

This exemption does not apply to:

- Native vegetation to be removed destroyed or lopped to enable the use or maintenance of a Dwelling.
- Native vegetation to be removed destroyed or lopped to enable the operation or maintenance of a fence.
- Native vegetation located more than 10 metres from a building.

Vehicle access from public roads

The native vegetation is to be removed, destroyed or lopped to enable the construction or maintenance of a vehicle access across a road reserve from a property boundary to a public road, subject to authorisation from the relevant public land manager.

This exemption only applies to properties that share a common boundary with the road reserve.

The maximum total width of native vegetation permitted to be removed, destroyed or lopped under this exemption is 6 metres.

This exemption does not apply where there is a practical opportunity to site the accessway to avoid the removal, destruction or lopping of native vegetation.

Personal Use

The native vegetation is to be removed, destroyed or lopped by cutting only to obtain reasonable amounts of wood for personal use by the owner or occupier of the land. Personal use includes wood used for firewood, the construction of fences and buildings on the same land, and hobbies such as craft.

This exemption does not apply to:

Standing living and dead trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

Living native vegetation on contiguous land in the same ownership with an area less than 10 hectares.

Grazing

The native vegetation is to be removed, destroyed or lopped as a result of grazing by domestic stock.

This exemption allows the removal, destruction and lopping of native vegetation on unused roads specified under Section 400 of the Land Act 1958.

Stock movement on roads

The native vegetation is removed, destroyed or lopped as a result of moving stock along a road.

This exemption does not apply to the removal, destruction or lopping of native vegetation as a result of holding stock in a temporary fence (including an electric fence) on a roadside for the purpose of feeding.

Fences

A permit is required to construct a fence other than a post and wire fence up to 1.8 metres in height.

Buildings and Works

A permit is not required for:

An alteration or extension to an existing dwelling where all of the following are met:

- The alterations and additions are single storey and no more than 5 metres in height above natural ground level; and,
- The alterations and additions are no more than 50 square metres in additional floor area.

A building used for agriculture where all of the following are met:

- The building is an open sided or unroofed rural structure;
- The floor area of the building is no more than 130 square metres; and,
- The building is single storey and no more than 5 metres in height above natural ground level.

An alteration or extension to a building used for agriculture where all of the following are met:

- The alteration or extension is no more than 100 square metres in floor area;
- The total footprint area is not greater than 200 square metres; and,
- The alterations and extensions are single storey and no more than 5 metres in height above natural ground level.

Buildings and works associated with informal outdoor recreation.

Works undertaken by a public authority relating to watercourse management, environmental improvements or infrastructure services.

4.0 Decision guidelines

03/03/2011 C98

Before deciding on an application, the responsible authority must consider, where appropriate:

- The key objectives and strategies at Clause 21.08-1, Landscape.

Native Vegetation

- The impact of the vegetation removal on the valued character of the State significant Phillip Island Western and Southern Coast.
- The species of vegetation, its age, health and growth characteristics.
- Whether the vegetation is isolated or part of a vegetation patch.
- The availability of sufficient unencumbered land to provide for offset planting.
- The impact of maintenance activities on the retained vegetation, for example, maintenance of a structure or infrastructure.
- The impact of the vegetation on the structural integrity of existing or future buildings, including foundations. Whether the buildings and works have been located to avoid or minimise impacts on vegetation.
- Vegetation management requirements to reduce fire hazard, prevent erosion and maintain flood control measures.

Building and Works

- Whether the proposed buildings are sited and designed to maximise retention of existing vegetation, and provide for the planting of new indigenous coastal vegetation wherever possible.
- Whether the visibility of the proposal is minimised in landscapes visible within 500 metres of formal scenic lookouts in the area.
- On large rural lots that extend further than 500 metres back from the southern coast, whether the proposed development is sited on the side of ridgelines and hills away from the coast to avoid built intrusion into the coastal viewshed.
- The cumulative impact of developments visible from all key viewing corridors (e.g. from Phillip Island Tourist Road) and scenic lookouts on the open rural character of these views, and the availability of scenic views to the ocean, coastal dunes / cliffs.
- Whether the proposed development is an extension or alteration to a development already in existence on the land.

5.0 Reference Documents

03/03/2011 C98

State Overview Report, *Coastal Spaces Landscape Assessment Study* (Planisphere, 2006)

Bass Coast Shire Municipal Reference Document, *Coastal Spaces Landscape Assessment Study* (Planisphere, 2006).

The Siting and Design Guidelines for Structures on the Victorian Coast (Victorian Coastal Council, 1998).