



## **Q and As – SIGNIFICANT LANDSCAPE OVERLAY 1 &2 Hepburn Planning Scheme, Amendment C80hepb**

### **What is the intent of the Significant Landscape Overlays (SLO)?**

The intent of the Significant Landscape Overlays are to apply new and expanded landscape management controls to identified areas which will protect vegetation and significant view lines and view sheds from the impacts of some types of development, giving effect to the South-West Victoria Landscape Assessment Study, 2013.

### **Does the height limit apply to fixed grain silos?**

Yes any fixed grain silo over 6 metres would require a permit along with the requirement for muted, natural and non-reflective colours and materials. This is because structures over 6 metres have been assessed as possibly having a great impact on the landscape and should therefore be reviewed by Council through the application of a permit. This does not mean a permit will not be granted.

### **What are the fencing requirements and how does this impact on temporary fencing?**

A permit is not required to construct a fence unless it is over 1.8 metres high and if it is not made of timber, metal post and wire, timber or metal post and railing, wire mesh, chainmesh or similar open rural style fencing. Other types of fences such as solid fences and those over 1.8 metres have been assessed as possibly having a greater impact on the landscape values the overlay is trying to protect and should therefore be reviewed by Council through a permit application. This does not mean that a permit will not be granted. These controls do not apply to transportable fences such as cattle and horse yard fences.

### **Can we remove dead original native trees?**

Yes. If the tree is standing with a trunk diameter of 40 centimetres or less measured at a height of 1.4 metres above ground level then the tree can be removed without a permit under this overlay. If it is over this size it may be able to be removed but will require a planning permit.

The Clause 52.17 Native Vegetation Protection controls in the planning scheme continue to apply and require a permit if the dead native tree is standing with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level. So essentially a permit is required if a tree's trunk diameter is 40cms or more when measured at either 1.3m (through Cl 52.17) or 1.4m (proposed SLOs).

### **Why are there colour requirements and what do they apply to?**

The overlay encourages the use of certain colours for structures and materials to limit the visual impact on the significant landscapes the overlay is intending to protect. These colours described as muted, natural and non-reflective colours and materials, will have less of an impact on the landscape. Other colours and materials could be allowed but will require a permit where the impacts on the landscape can be carefully considered.



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If you believe your development meets these requirements, this can be confirmed through a quick discussion with a Council planner who can clarify if you meet the requirements and don't require a permit.

### **Will this stop the development of houses and sheds over 6m?**

The proposed overlay controls are not intending to stop the development of houses and sheds over 6 metres. The controls are written so that a permit is required if a development is over 6 metres high. This enables Council to consider the design, location, and siting of the development to ensure the application doesn't impact the landscape values the overlay seeks to protect. This 6 metres height limit is measured from natural ground level so is to the apex of any roof structure.

### **How did you come up with the boundaries of the SLO?**

The boundaries of the SLO were determined by the South West Victoria Landscape Assessment Study, 2013. The study was undertaken in conjunction with neighbouring councils and the State government in recognition that the region has some significant and extraordinary landscapes.

The methodology of this study is outlined in the report with the region's landscape character types characterised through an assessment of the aesthetic, historic, environmental, scientific, social and other values (e.g. economic) of the landscape. Levels of significance were then determined based on a rating consideration which built on those values but was focused on aesthetic values. The views to and from features were also assessed. The four key components of the boundary of the overlay were the nature of the landscape, the setting, the views to the landscape from public roads, and ease of administration (i.e. mapping to the edge of cadastre boundaries and public roads).

This means that land sometimes has limited impact on the significance of the landscape which may be included in the proposed SLO. If the SLOs are implemented and you believe this to be the case when you apply for a permit, you should discuss this with Council's planner who can advise you on the level of application requirements you will be required to meet. Council will also develop checklists for SLO applications to guide applicants through the permit process and the type of information required for different proposal types.

### **What is the cost of permits and the likely cost impost on applicants?**

Council is aware that the community are concerned about cost. As it stands, many properties within the proposed SLO mapped areas are also subject to other overlay controls including the Bushfire Management Overlay and the Environmental Significance Overlay. Both these overlays have permit triggers already in place and are summarised below:



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Existing Overlays / Particular Provision	Purpose	Permits may be required for
<b>Environmental Significance Overlay</b> <a href="https://planning-schemes.delwp.vic.gov.au/schemes/vpps/42_01.pdf">https://planning-schemes.delwp.vic.gov.au/schemes/vpps/42_01.pdf</a>	The whole Shire is an important water catchment and is subject to this overlay	Fences, new buildings, dwellings not connected to reticulated sewerage, subdivision, vegetation removal
<b>Bushfire Management Overlay</b> <a href="https://planning-schemes.delwp.vic.gov.au/schemes/vpps/44_06.pdf">https://planning-schemes.delwp.vic.gov.au/schemes/vpps/44_06.pdf</a>	Large parts of the shire are subject to the BMO	Fences, new buildings, subdivision
<b>Significance Landscape Overlay</b> <a href="https://planning-schemes.delwp.vic.gov.au/schemes/vpps/42_03.pdf">https://planning-schemes.delwp.vic.gov.au/schemes/vpps/42_03.pdf</a>	Specific parts of the Shire (tops of volcanic outcrops)	Fences, new buildings, subdivision, vegetation removal
<b>Native Vegetation Protection Provisions</b> <a href="https://planning-schemes.delwp.vic.gov.au/schemes/vpps/52_17.pdf">https://planning-schemes.delwp.vic.gov.au/schemes/vpps/52_17.pdf</a>	All rural areas of the Shire (except townships)	Vegetation removal

### What would I need to do to remove a dead exotic tree of trunk 40cm at 1.4m above ground level?

The controls state that a permit is not required to remove a tree with a trunk diameter of 40 cms or less at a height of 1.4m above ground level. So a permit would not be required.

A permit is also not required to remove vegetation for the maintenance of existing fences to a combined maximum clearing of either side of the fence of 4 metres.

### How is the Shire going to police this?

If the proposed SLOs are implemented through Amendment C80hepb, Council will work proactively with landowners with an application checklist/fact sheet to help to explain what is required when applications are needed. Council will also review the controls over coming years to ensure that they are workable and achieving their purpose.



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### **How will Council determine what the application requirements are for different types of application?**

The responsible authority (i.e. Council) must be satisfied with the level of information provided to support an application. The types of supporting evidence that may be requested are listed in the application requirements.

Not all applications will require the same level of information. Council will develop a check list/fact sheet that will provide an overview of the information required for different types of applications. An early conversation with Council's planners will enable the applicant to get clear instructions on the documentation Council will require to assess your application. The scale, intensity, and location of the proposed development all have different impacts on the landscape and this will be reflected in the level of information required to support an application. Removing one tree will have a very different impact on the landscape than building a large structure with extensive vegetation on the side or top of a volcanic cone.

The proposed local SLO schedules supplement the overarching state SLO provisions and apply in addition to the state native vegetation provisions and other overlays (such as the ESO and BMO).

### **How does this interact with native vegetation offsets?**

The issues of native vegetation offsets is a separate issue. These are covered under other sections of the planning scheme related to the removal of native vegetation. They are existing requirements of the planning scheme and would still apply. They have no relationship to the proposed SLO.

### **How do I voice my views on the proposed Amendment and what happens next?**

Any person who may be affected by the amendment may make a submission to the planning authority about the amendment. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the amendment is supported or opposed and indicating what changes (if any) the submitter may wish to make.

Name and contact details of submitters are required for Council to consider submissions and to notify you of the opportunity to attend Council meetings and any public hearing held to consider submissions.

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