

MORNINGTON PENINSULA PLANNING SCHEME

Historic
22/07/2021
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SCHEDULE 25 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO25**.

Port Phillip Coastal Area**1.0**

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Statement of environmental significance

The Port Phillip coastal area and adjoining offshore areas contain some of Victoria's most significant cultural and natural features, including sites of ecological, archaeological, geological, geomorphological, aesthetic and cultural heritage value. These places are of cultural, scientific and educational value to current and future generations.

2.0

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Environmental objective to be achieved

To protect and enhance the natural features, vegetation, ecological diversity, landscape quality, heritage values and recreation opportunities of the Port Phillip Bay coastal area and associated intertidal and marine habitats.

To promote excellence in design of buildings, facilities and structures in the coastal area.

To promote coordinated management of the Port Phillip coastal area.

3.0

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Permit requirement

A permit is required to construct fencing unless:

- The land abuts the southerly or easterly alignments of Point Nepean Road, Marine Drive or Esplanade.
- The side and rear fence is 2.0 metres in height or less.
- The front fence has a height of 1.8 metres or less.
- At least 50 per cent of the front fence surface is transparent.

A permit is not required for:

- The removal of vegetation in the ordinary course of the management of established parks or gardens or in the course of the repair or maintenance of any other works including fire breaks.
- Works for the establishment, maintenance, repair or removal of signs or other structures necessary for the safety or protection of the public including traffic management devices, survey marks and beacons, navigation aids, safety fences or railings.
- Any structure, works or use for which consent has been granted under the Port Phillip Coastal Planning and Management Act 1966 since 16 February 1986.
- A minor public utility installation or litter receptacles.
- Development carried out by or on behalf of Melbourne Parks and Waterways or Parks Victoria under the relevant provisions of the *Water Industry Act 1994*, the *Water Act 1989*, the *Marine Act 1968*, the *Port of Melbourne Authority Act 1958*, the *Crown Land (Reserves) Act 1978* or the *Parks Victoria Act 1998*.
- The removal, destruction or lopping of native vegetation specified in the schedule to Clause 52.17.

4.0

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Application requirements

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Every application involving land within or abutting a Public Park and Recreation Zone or Public Conservation and Resource Zone must be referred in accordance with Section 55 of

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the Act to the referral authority specified in Clause 66.04 or a schedule to that clause.

5.0

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Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The environmental objectives of this schedule.
- The existing use and development of the land.
- The degree to which the proposed development is dependent on a coastal location.
- The ability to reduce the number of buildings and other structures by combined use or reuse of existing buildings.
- The appropriateness of a condition requiring the relocation or removal of inappropriate structures as part of an application.
- Whether any proposed structure or works, including the planting or removal of vegetation, is likely to cause any deterioration of the Port Phillip Coastal Area by virtue of erosion or the deposition of sand or silt or any other reason.
- *The Victorian Coastal Strategy 2014* , *Siting and Design Guidelines for Structures on the Victorian Coast* (May 1998) and background document *Landscape Setting Types for the Victorian Coast* (May 1998).