

--/--
Proposed C217

SCHEDULE 1 TO CLAUSE 44.01 EROSION MANAGEMENT OVERLAY

Shown on the planning scheme map as **EMO1**.

EROSION MANAGEMENT OVERLAY - SCHEDULE 1

1.0

--/--
Proposed C217

Erosion management objectives to be achieved

To ensure that development can be undertaken at a tolerable risk to human life and property from landslip.

2.0

--/--
Proposed C217

Statement of risk

Landslip refers to the movement of a mass of rock or earth down a slope. There are areas subject to landslip across the Yarra Ranges, including the hillsides along the Yarra River valley, the mountains of the Dandenong Ranges and agricultural areas of Silvan, Monbulk and Seville.

The occurrence of landslips within the Yarra Ranges has historically caused damage to property and the environment and presents an ongoing risk to human life. Geotechnical studies have documented historical landslip occurrences and seek to identify areas susceptible to future landslide occurrence.

All land included in the Erosion Management Overlay has been identified as having a sufficiently high risk of potential landslip to warrant specific review of these risks prior to the issue of a planning permit. The control of environmental factors and development relating to vegetation cover, drainage, rock, earthworks, soil disturbance and effluent and stormwater disposal are all important in managing the risk of landslip.

Risk from landslip needs to achieve a Tolerable Risk level to be considered suitable for new development.

Tolerable Risk is a risk within a range that society can live with so as to secure certain net benefits. It is a range of risk that is regarded as non-negligible and requires ongoing review and reduction if possible. The maximum tolerable risk is defined as:

- For loss of life for the person(s) most at risk, it is taken as having a probability of no greater than 10⁻⁵ (1 in 100,000) per annum calculated in accordance with the *Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007*.
- For property loss it is assessed qualitatively using the *Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007*, specifically Appendix C to that document. and the tolerable risk level is selected depending on the new development type in accordance with Table 1.

Table 1 - Maximum tolerable risk to property

New Development Type	Maximum Qualitative Tolerable Risk
Essential facilities, Including hospitals, medical and surgery facilities, emergency services facilities, designated emergency shelters and facilities, buildings and facilities containing toxic or explosive materials in sufficient quantity capable of causing hazardous conditions that extend beyond property boundaries.	Low
All other new development, including residential dwellings.	Moderate

3.0

--/--
Proposed C217

Permit requirement

A permit is not required to:

- Construct or carry out works associated with:
 - A pond or open, impervious water holding structure with a capacity of less than 5,000 litres.
 - Landscaping water features provided it does not entail ponding of more than 500 litres.
 - A domestic rainwater tank with capacity of not more than 4500 litres provided it is constructed at ground level or above.
 - A masonry fence, if the height of the fence does not exceed one metre and the fence does not alter surface water drainage.
 - A fence of lightweight timber or wire construction, where the fence is permeable or the base of the fence is at least 50 mm above the ground surface and does not obstruct surface water flow.
 - A spa and associated mechanical and safety equipment if the spa has a capacity not exceeding 5000 litres and is constructed at or above ground level.
- Construct or carry out earthworks that result in a modified ground surface that is less than 1000 mm above or below the natural ground level and does not allow water ponding.
- Extend a building or carry out works, provided:
 - The gross ground floor area is not increased by more than 20 square metres.
 - Stormwater from the building is drained to a legal point of discharge.
 - There are no existing earthworks (cut or fill) higher than 1 m within 5 m of the proposed extension.
- Construct a building associated with productive agricultural activities provided:
 - The building is constructed of lightweight, flexible materials (not bricks, concrete blocks or similar).
 - The development would result in not more than two such structures existing on the subject property.
 - There are no existing earthworks (cut or fill) higher than 1 m within 5 m of the proposed building.
 - Stormwater from the roof is drained to the legal point of discharge.
- Construct a temporary building used for the storage of building materials and equipment, provided:
 - The building does not exceed 20 square metres in floor area.
 - The building is temporarily located on the subject property for the duration of building construction works allowed or approved under this scheme.
- Construct a retaining wall that:

- Does not exceed 1 m in height.
- Is not associated with other building construction works.
- Does not provide landslip protection for any adjoining land.
- Is constructed to provide support to existing unsafe earthworks.
- Construct a non-habitable structure ancillary to a dwelling, including carports and garden sheds, provided:
 - The structure is constructed of lightweight, flexible materials (not bricks, concrete blocks or similar).
 - The ground surface area occupied by all such structures on the property does not exceed 40 square metres.
 - There are no existing earthworks (cut or fill) higher than 1 m within 5 m of the proposed structure.
 - Stormwater from the roof is drained to the legal point of discharge.
- Construct or carry out repair or maintenance works undertaken by or on behalf of a public authority relating to watercourse management, environmental improvements or infrastructure services.
- Remove, destroy or lop vegetation, either separately or as part of building works if any of the following apply:
 - The trunk circumference measured at 1 metre above ground level does not exceed 1 metre and the natural ground surface is reinstated.
 - The vegetation is within 2 m of a building.
 - The vegetation is dead and the natural ground surface is reinstated.
 - The roots below the ground level are retained, and the vegetation removal is associated with the maintenance of an existing minor utility installation.
 - The lopping is for pruning to improve a tree's health or structural stability in accordance with normal horticultural practice for the species involved.

4.0

---/---

Application requirements

Proposed C119c

The following application requirements apply to an application for a permit under Clause 44.01, in addition to those specified elsewhere in Clause 44.01 and elsewhere in the scheme, and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- For an application to construct a building or construct or carry out works, plans drawn to scale and dimensioned, showing as appropriate:
 - The proposed new development, including as appropriate a site plan, land contours, building elevations, access, cut and fill, retaining walls and effluent disposal system.
 - Any existing development, including buildings, water tanks and pools or dams on both the subject lot(s) and adjacent land.

- Any existing earthworks and water infrastructure on the subject lot(s), including cut and fill, stormwater drainage, subsurface drainage, water supply pipelines, sewerage pipelines or effluent disposal installations and pipelines and any otherwise identified geotechnical hazard.
- Details and location of existing vegetation, including any vegetation to be removed.
- For an application to subdivide land, plans drawn to scale and dimensioned, showing as appropriate:
 - The proposed subdivision layout and land contours.
 - Any existing development, including buildings, water tanks and pools or dams on both the subject lot(s) and adjacent land.
 - Any existing earthworks or water infrastructure on the subject lot(s), including cut and fill, stormwater drainage, subsurface drainage, water supply pipelines, sewerage pipelines or effluent disposal installations and pipelines and any otherwise identified geotechnical hazard.
 - Details and location of existing vegetation, including any vegetation to be removed.
- A geotechnical assessment, landslide hazard assessment or landslide risk assessment as required by and prepared in accordance with the Incorporated Document titled '*Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay (EMO), March 2023*' and to the satisfaction of the responsible authority.
- Where, in the opinion of the responsible authority, the application for a subdivision or development will not adversely increase the landslip risk to life or property affecting the subject lot(s) or adjoining or nearby land, a written geotechnical assessment, landslip hazard assessment or landslip risk assessment (as appropriate) is not required.

5.0 Independent review

--/--

Proposed C217

The responsible authority may require a Geotechnical Assessment, Geotechnical Hazard Assessment and/or a Landslip Risk Assessment that has been submitted with an application, to be reviewed by an independent geotechnical practitioner at the applicant's cost.

6.0 Decision guidelines

--/--

Proposed C217

The following decision guidelines apply to an application for a permit under Clause 44.01, in addition to those specified elsewhere in Clause 44.01 and elsewhere in the scheme must be considered, as appropriate, by the responsible authority:

- The risk to human life and property is tolerable.
- The recommendations of the Geotechnical Assessment, Geotechnical Hazard assessment or any Landslide Risk Assessment and independent review.
- The risks associated with the need for any ongoing monitoring and maintenance for mitigation measures.

- The risks associated with non-compliance with any conditions of any permit which may be subsequently issued.

DRAFT