

Council Meeting

Agenda

Tuesday, 9 December 2025

Civic Centre, 15 Anderson Street, Lilydale

Information for Councillors and the community

ACKNOWLEDGEMENT OF COUNTRY



Yarra Ranges Council acknowledges the Wurundjeri and other Kulin Nation peoples as the Traditional Owners and Custodians of these lands and waterways.

We pay our respects to all Elders, past, present, and emerging, who have been, and always will be, integral to the story of our region.

We proudly share custodianship to care for Country together.

COUNCIL VISION

Whether you live here or visit, you will see how much we care for country, how inclusive and connected our communities are, and how sustainable balanced growth makes this the best place in the world.

VALUE OF HISTORY

We acknowledge that history shapes our identities, engages us as citizens, creates inclusive communities, is part of our economic well-being, teaches us to think critically and creatively, inspires leaders and is the foundation of our future generations.

COUNCILLOR COMMITMENT

We'll be truthful, represent the community's needs, be positive and responsive and always strive to do better.

OUR COUNCILLORS

Billanook Ward: Tim Heenan
Chandler Ward: Gareth Ward
Chirnside Ward: Richard Higgins
Lyster Ward: Peter McIlwain
Melba Ward: Mitch Mazzarella

O'Shannassy Ward: Jim Child
Ryrie Ward: Fiona McAllister
Streeton Ward: Jeff Marriott
Walling Ward: Len Cox OAM

CHIEF EXECUTIVE OFFICER & DIRECTORS

Chief Executive Officer, Tammi Rose
Director Built Environment & Infrastructure, Hjalmar Philipp
Director Communities, Leanne Hurst

Director Corporate Services, Vincenzo Lombardi
Director Planning and Sustainable Futures, Kath McClusky

GOVERNANCE RULES

All Council and Delegated Committee meetings are to be conducted in accordance with Council's Governance Rules, which can be viewed at: <https://www.yarraranges.vic.gov.au/Council/Corporate-documents/Policies-strategies/Governance-rules>

PUBLIC PARTICIPATION IN MEETINGS

Members of the community can participate in Council meetings in any of the following ways:

- making a verbal submission for up to 5 minutes on matters not listed on the agenda.
- submitting a question.
- speaking for up to 5 minutes to a specific item on the agenda. For planning applications and policy issues, the Chair will invite one person to speak on behalf of any objectors and one person to speak on behalf of the applicant. For other matters on the agenda, only one person will be invited to address Council, unless there are opposing views. At the discretion of the Chair, additional speakers may be invited for items of large interest.
- speaking for up to 5 minutes to a petition to be presented at a meeting.

For further information about how to participate in a Council meeting, please visit: <https://www.yarraranges.vic.gov.au/Council/Council-meetings/Submissions-questions-petitions-to-Council>

LIVE STREAMING AND RECORDING OF MEETINGS

Council meetings will be live streamed and recorded with the video recording being published on Council's website. Council will cease live streaming at the direction of the Chair or prior to any confidential items being considered.

Opinions or statements made during the course of a meeting are those of the particular individuals. Council does not necessarily endorse or support the views, opinions, standards or information contained in the live streaming or recording of meetings. While Council will use its best endeavours to ensure the live stream and Council's website are functioning, technical issues may arise which may result in Council temporarily adjourning the meeting or, if the issue cannot be resolved, adjourning the meeting to another date and time to be determined.

A person in attendance at the meeting must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any meeting without first obtaining the consent of the Chair.

The Minutes produced after each Council Meeting form the official record of the decisions made by Yarra Ranges Council.

VIEWING THIS AGENDA ON A MOBILE DEVICE



The free modern.gov app enables you to download papers for our meetings on Apple, Android and Windows devices. When you first open the app you will be asked to 'Subscribe to Publishers' – simply select Yarra Ranges Council from the list of councils. The App allows you to select the meetings you are interested in and it will then automatically keep itself updated with all the latest meeting agendas and minutes.

EVACUATION PROCEDURES

In the case of an emergency during a meeting held at the Civic Centre, 15 Anderson Street, Lilydale, you should follow the directions given by staff and evacuate the building using the nearest available exit. You should congregate at the assembly point at Hardy Street car park.

CONTACT US

Post	PO Box 105, Anderson Street Lilydale, VIC 3140
Telephone	1300 368 333
Email	mail@yarraranges.vic.gov.au

Agenda

1. **COUNCIL MEETING OPENED** 7
2. **ACKNOWLEDGEMENT OF COUNTRY** 8
3. **INTRODUCTION OF MEMBERS PRESENT** 9
4. **APOLOGIES AND LEAVE OF ABSENCE** 10
5. **DISCLOSURE OF CONFLICTS OF INTEREST** 11

In accordance with Chapter 7, Rule 4, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

6. **MAYORAL ANNOUNCEMENTS** 12
7. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS** 13
8. **QUESTIONS AND SUBMISSIONS FROM THE PUBLIC** 14

In accordance with Chapter 3, Rules 57 and 59, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

9. **PETITIONS** 15

In accordance with Chapter 3, Rule 60, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

10. **BUSINESS PAPER**

Planning and Sustainable Futures

- 10.1 Amendment C225 Erosion Management Overlay - 16 - 197
Consideration of Submission and referral to Planning Panel

- 10.2 Mandatory Glass Bin Service - Impacts, Advocacy and Options 198 - 219

Agenda

Corporate Services

- 10.3 Labour Hire Contractor Panel Provider 220 - 240

Communities

- 10.4 Footpath Trading Policy & Roadside and Public Place Trading Policy 241 - 304

Built Environment and Infrastructure

- 10.5 Declaration of Special Charge Arthurs Road Chum Creek 305 - 314

- 11. COUNCILLOR MOTIONS 315**

In accordance with Chapter 3, Division 4, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

- 12. ITEMS THROUGH THE CHAIR 316**

- 13. REPORTS FROM DELEGATES 317**

- 14. DOCUMENTS FOR SIGNING AND SEALING 318**

In accordance with Clause 87 of the Meeting Procedures and Use of Common Seal Local Law 2015, as prescribed by Section 14(2)(c) of the Local Government Act 2020.

- 15. INFORMAL MEETING OF COUNCILLORS 319 - 321**

- 16. URGENT BUSINESS 322**

In accordance with Chapter 3 Rule 24 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

- 17. CONFIDENTIAL ITEMS 323**

In accordance with section 66(2)(a) of the Local Government Act 2020.

Agenda

18. DATE OF NEXT MEETING

324 - 325

YARRA RANGES COUNCIL

**AGENDA FOR THE 636TH COUNCIL MEETING TO BE HELD ON TUESDAY
9 DECEMBER 2025 COMMENCING AT 7.00PM IN COUNCIL CHAMBER, CIVIC
CENTRE, ANDERSON STREET, LILYDALE**

1. MEETING OPENED

2. ACKNOWLEDGEMENT OF COUNTRY



Yarra Ranges Council acknowledges the Wurundjeri and other Kulin Nation peoples as the Traditional Owners and Custodians of these lands and waterways.

We pay our respects to all Elders, past, present, and emerging, who have been, and always will be, integral to the story of our region.

We proudly share custodianship to care for Country together.

3. INTRODUCTION OF MEMBERS PRESENT

OUR COUNCILLORS

Billanook Ward: Tim Heenan
Chandler Ward: Gareth Ward
Chirnside Ward: Richard Higgins
Lyster Ward: Peter McIlwain
Melba Ward: Mitch Mazzarella
O'Shannassy Ward: Jim Child
Ryrie Ward: Fiona McAllister
Streeton Ward: Jeff Marriott
Walling Ward: Len Cox

CHIEF EXECUTIVE OFFICER & DIRECTORS

Chief Executive Officer, Tammi Rose
Director Built Environment & Infrastructure, Hjalmar Philipp
Director Communities, Leanne Hurst
Director Corporate Services, Vincenzo Lombardi
Director Planning & Sustainable Futures, Kath McClusky

4. APOLOGIES AND LEAVE OF ABSENCE

There were no apologies received prior to the commencement of this meeting.

5. CONFLICTS OF INTEREST

In accordance with Chapter 7, Rule 4, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

The Local Government Act 2020 defines two categories of conflict of interest:

- *a general conflict of interest, which is defined as "...a relevant person has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty", and*
- *a material conflict of interest, which is defined as "...a relevant person has a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter. The benefit may arise or the loss incurred (a) directly or indirectly; or (b) in a pecuniary or non-pecuniary form."*

In accordance with section 130 of the Local Government Act 2020, a conflict of interest must be disclosed in the manner required by the Governance Rules and the relevant person must exclude themselves from the decision-making process.

No Conflicts of Interest have been received prior to the Agenda being printed.

6. MAYORAL ANNOUNCEMENTS

7. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Council Meeting held Tuesday 25 November 2025, as circulated, be confirmed.

8. QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

In accordance with Chapter 3, Rules 57 and 59, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

A person may make a submission to Council on matters that are not listed on the Agenda. A submission may be on any matter except if it:

- (a) is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;*
- (b) is substantially the same as a submission made to a Council meeting in the preceding 12 months;*
- (c) relates to confidential information as defined under the Act;*
- (d) relates to the personal hardship of any resident or ratepayer; or*
- (e) relates to any other matter which the Council considers would prejudice the Council or any person.*

QUESTIONS TO COUNCILS

There were no Questions to Council received prior to the Agenda being printed.

SUBMISSIONS TO COUNCILS

Aquatic Facility on the Kilsyth Centenary Pool site

Janis Floyd seeks to submit to Council regarding the building an upgraded, modern, aquatic facility on the Kilsyth Centenary Pool site.

9. PETITIONS

In accordance with Chapter 3, Rules 60, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

A person may submit a petition to Council on matters that are not listed on the Agenda. Every petition or joint letter submitted to Council must:

- a) identify a 'Lead Petitioner' who Council can correspond with;*
- b) be legible and in permanent writing;*
- c) be clear and state on each page the matter and action sought from Council. Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter;*
- d) not be derogatory, defamatory or objectionable in language or nature;*
- e) not relate to matters outside the powers of Council; and*
- f) clearly state the names and addresses of at least seven (7) people who live, work, study or do business in the Municipal district.*

There were no Petitions received prior to the Agenda being printed.

AMENDMENT C225 EROSION MANAGEMENT OVERLAY - CONSIDERATION OF SUBMISSION AND REFERRAL TO PLANNING PANEL

Report Author: Executive Officer Strategic Planning
 Responsible Officer: Director Planning & Sustainable Futures
 Ward(s) affected: (All Wards);

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

SUMMARY

Amendment C225 proposes to update the Erosion Management Overlay (EMO) in the Yarra Ranges Planning Scheme following a municipal-wide landslide risk assessment review. This includes updated mapping, replacing the schedule to the EMO with a new Schedule 1 to the EMO to manage landslip susceptibility and introducing a new Schedule 2 to the EMO to manage debris flow susceptibility.

The amendment also updates the Incorporated Document “*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 (Yarra Ranges Shire Council, June 2025)*” to include references to Schedules 1 and 2 of the EMO and updates the application requirements.

The amendment was placed on public exhibition from 21 August 2025 to 26 October 2025 with a total of 84 submissions received (at the time of preparing this report). Of those, one submission supported the amendment, one supported and requested a change, four submissions stated no objection to the amendment, two submissions critiqued the methodology used, eight submissions had no position and 68 opposed the amendment and/or have sought changes or review of the mapped extent.

The key themes arising from submissions relate to mapping extent and methodology, insurance, impact on property values and future development potential, costs and time, property rates, stormwater and drainage and consultation.

As officers are unable to resolve all submissions the amendment must be referred to an independent Planning Panel appointed by the Minister for Planning.

RECOMMENDATION

That Council

- 1. *Note the matters raised in submissions to Amendment C225.***
- 2. *Note the responses, recommendations and changes proposed to be made to the Amendment in response to submissions (Attachments 1, 2 and 3).***
- 3. *Request the Minister for Planning to appoint an independent Planning Panel under section 23 of the Planning and Environment Act 1987, to consider submissions to Amendment C225, including any late submissions received.***
- 4. *Receive a further report considering the recommendations of the independent Panel.***

RELATED COUNCIL DECISIONS

Ordinary Council meeting of 9 May 2023 – Council resolved to request the Minister for Planning to authorise the preparation and exhibition of Amendment C217.

Ordinary Council meeting of 12 September 2023 – Council resolved to request the Minister for Planning to appoint an Independent Planning Panel to consider unresolved submissions.

Ordinary Council meeting of 12 December 2023 – Council resolved to adopt the amendment with changes and submit Amendment C217 to the Minister for Planning for approval. The Minister subsequently approved the Amendment on 1 March 2024.

Ordinary Council Meeting of 10 June 2025 – Council resolved to:

- *Request the Minister for Planning to authorise the preparation and exhibition of Amendment C225 to amend the current Erosion Management Overlay Mapping (EMO) and apply new EMO mapping.*
- *Requests the Minister for Planning to consider preparing, adopting and approving a separate amendment for the new EMO mapping on an interim basis while Amendment C225 is exhibited.*
- *Support writing to Minister for Planning to introduce the new controls in a more expeditious manner by requesting a Ministerial Amendment under section 20(4) of the Planning and Environment Act 1987.*
- *Subject to the Minister's authorisation, exhibit Amendment C225 to the Yarra Ranges Planning Scheme in accordance with the Planning and Environment Act 1987.*

- That Council receive a further report considering submissions following the exhibition of Amendment C225.

DISCUSSION

Purpose

The purpose of this report is to discuss the submissions received to Amendment C225 that was exhibited from 21 August 2025 to 26 October 2025, and recommend that the submissions be referred to an independent Planning Panel, appointed by the Minister for Planning.

Background

The purpose of the Erosion Management Overlay (Clause 44.01 of the Yarra Ranges Planning Scheme) and schedule is to protect areas prone to erosion, landslip and other land degradation by minimising land disturbance and inappropriate development.

Previous mapping of landslide risk was based on hand drawn maps which then informed the first version of the Erosion Management Overlay in the 1990s. Recent utilisation of advanced three-dimensional mapping technology, named Light Detection and Ranging (LiDAR), has more accurately identified landslip-prone areas in Yarra Ranges.

A new geotechnical assessment was commissioned as a result of the June 2021 storm, which resulted in an estimated loss of more than 25,000 trees. Tree root zones have a binding and stabilising effect on soils while soaking up excess water in the soil, and low-level vegetation and ground covers assist in slowing the velocity of water flows, inhibiting erosion. This substantial loss of trees has exposed some areas to greater risk of landslide.

In response to the new information it is important that Yarra Ranges, as one of the most significant EMO areas in Victoria, updates the overlay mapping to align with these improvements. There is also an obligation under the *Planning and Environment Act 1987* to keep planning controls up to date, which at the moment are not based on the latest information.

The report to the Ordinary Council Meeting of 10 June 2025 provides further background details on the purpose of the Erosion Management Overlay, its current application in Yarra Ranges and the geotechnical work undertaken to review the overlay and make recommendations for new mapping.

Amendment C225

Amendment C225 affects a total of 13,724 properties and proposes to make the following changes to the Yarra Ranges Planning Scheme:

- Renumbers the current Schedule to Clause 44.01 Erosion Management Overlay to Schedule 1.

- Amends Schedule 1 to correct grammatical errors and introduce a new planning permit exemption for repair and maintenance works to existing assets by public authorities or utility service providers.
- Introduce Schedule 2 to Clause 44.01 Erosion Management Overlay for debris flow susceptibility.
- Delete the EMO where it is no longer required (937 properties).
- Replace the EMO with EMO1 to existing properties affected by landslip susceptibility (10,168 properties).
- Introduce the EMO1 to new properties impacted by landslip susceptibility (3,259 properties).
- Replace the EMO with EMO2 to existing properties affected by debris flow susceptibility (209 properties), which carries a higher risk than other landslide hazards.
- Introduce the EMO2 to new properties impacted by debris flow susceptibility (290 properties).
- Amend the Schedule to Clause 72.03 What does this Planning Scheme consist of to amend the EMO maps comprised in the planning scheme.
- Amend the Schedule to Clause 72.04 Documents Incorporated in the Planning Scheme with an updated 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 (Yarra Ranges Shire Council, 2025)*.
- Amend the Schedule to Clause 72.08 Background Documents to include *Erosion Management Overlay - Basis for Mapping Amendment, April 2025* as a Background Document in the Planning Scheme.

In some cases, Schedule 1 and Schedule 2 to the EMO apply to properties because both debris flow and landslide hazards are present.

As resolved at the 10 June 2025 Council meeting, officers sought authorisation from the Minister for Planning to prepare and exhibit the amendment. The Minister granted Authorisation on 27 June 2025 subject to minor wording changes.

Amendment C230 Interim EMO amendment

As resolved by Council on 10 June 2025, a request was made asking the Minister for Planning to prepare, adopt and approve a separate planning scheme amendment (Amendment C230) for the new EMO mapping to be applied on an interim basis while Amendment C225 is exhibited and considered through the amendment process.

Amendment C230 proposes to:

- Introduce EMO3 on an interim basis to land identified with landslip susceptibility and not already mapped within the existing EMO (9,079 properties).
- Introduce EMO4 on an interim basis to land identified with debris flow susceptibility (358 properties), which carries a higher risk than other landslide hazards.

The Minister for Planning advised on 7 November that Amendment C230 has been approved and will be gazetted in the near future. As the amendment is a ministerial amendment no consultation or notice of the amendment is required to be given to landowners, however Council will write to all affected landowners advising them of the approval along with updated information on Council's webpage.

The effect of an interim amendment is that it will apply immediately to land upon gazettal and landowners will need to check if they require a planning permit for buildings and works on areas of their land affected by the EMO.

Key issues

Submissions

To date a total of 84 submissions have been received in response to the amendment exhibition, with several submissions received after conclusion of the exhibition period. The final number of submissions provided to Planning Panels Victoria will include any late submissions received including those after this report where possible. A detailed summary of submissions received so far is at Attachment 1 with a proposed recommendation on the matters raised within each submission.

Of the submissions received:

- one submission supported the amendment,
- one supported and requested a change,
- four submissions stated no objection to the amendment,
- two submissions critiqued the methodology used,
- eight submissions had no position, and
- 68 opposed the amendment and/or have sought changes or review of the mapped extent.

Several submissions have been reviewed by Council's geotechnical expert where the submitter raised questions relating to methodology or landslide susceptibility. The detailed response to these submissions is at Attachment 2.

Council has continued to receive submissions after the conclusion of the exhibition period which have been included to date, however specific site investigations have not been able to be carried out for these late submissions. This will be done over the coming weeks where possible. Any subsequent late submissions will be considered and referred to the Independent Panel that is proposed to be requested from Planning Panels Victoria.

Table 1 identifies the key themes made in the submissions and the recommended response to these matters. All submissions will be referred to an independent Panel regardless of the matters being raised.

Theme	Recommended Responses
Mapping - opposed	Mapping has been carried out by an independent expert using advanced technology, so no change is proposed to be made to the amendment. These submissions will be referred to an independent Panel for further consideration.
Mapping – seeking review or changes	These submissions have been referred to Council's geotechnical consultant for recommendation and site investigation if required. Once reviewed a response will be provided on whether a mapping change is agreed to.
Mapping - support	No change required to the amendment. Support noted.
Methodology	<p>The susceptibility mapping is based on an assessment of terrain that is unrelated to property boundaries and is based on the best available information including recently acquired LiDAR information and geological mapping prepared by the Geological Survey of Victoria. LiDAR data provides the most accurate terrain model available across Yarra Ranges.</p> <p>Underlying geology along with slope angle measured from LiDAR are key inputs that define the landslide susceptibility mapping.</p> <p>Several submissions were referred to Council's geotechnical consultant for advice on specific methodology matters. A response to these matters is included in Attachment 2.</p>
Insurance	Most home insurance policies already exclude landslide cover, unless it is triggered by a storm. Council has advised homeowners to contact their insurance provider to understand what their insurance covers.
Impact on property value	There are many factors that impact property value. Planning Panels do not generally consider financial implications, such as property values when considering planning scheme amendment changes, especially with regard to hazard assessments.
Impact on future development	<p>The Planning Scheme consists of requirements and guidelines for the use and development of land. The purpose of proposed EMO1 is to apply planning scheme provisions to ensure development is safe and appropriately assessed by a geotechnical practitioner to assess that landslip risk meets the tolerable risk level in Schedule 1 in accordance with the Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007. Any resultant limitations to development are appropriate given the risk identified.</p> <p>Some types of lower risk development under EMO1 are exempt,</p>

Theme	Recommended Responses
	an appropriate improvement to the controls achieved through the previous Amendment C217. These exemptions are now shown in the updated EMO provision already in the Planning Scheme.
Consultation	Consultation has been undertaken in accordance with the requirements of the <i>Planning and Environment Act 1987</i> , however the process included a range of additional items that went beyond the requirements of the Act. Throughout there have been two information sessions, three webinars, numerous bookable in person sessions with a planner held at community links and online, attendance at the Bunnings Lilydale Roadshow event, a large number of phone calls and responses to email enquiries. Extensive supporting information was uploaded to a dedicated website, and the exhibition period was extended to run between 21 August and 26 October 2025, to allow sufficient time for information to be sought by landowners and for submissions to be made. This is substantially longer than the statutory four weeks required under <i>the Planning and Environment Act 1987</i> .
Permit application impacts	<p>The Planning Scheme consists of requirements and guidelines for the use and development of land. The purpose of the proposed EMO1 is to apply planning scheme provisions to ensure development is safe and appropriately assessed by a geotechnical practitioner to assess that landslip risk meets the tolerable risk level in Schedule 1 in accordance with the <i>Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007</i>.</p> <p>Some types of development under EMO1 are exempt, a provision introduced through C217. These exemptions are shown in the EMO provision already in the Planning Scheme.</p>
Property Rates	<p>Property rates are based on the Capital Improved Value (CIV), which is independently assessed by the Valuer-General each year. Planning overlays, such as the EMO do not directly influence property valuations for rating purposes unless they lead to a measurable change in market value.</p> <p>If a landowner believes the EMO has affected their property's value, they can lodge a formal objection to the valuation. Details on how to do this are available on Council's website or by contacting the rates team directly.</p>
Stormwater and drainage concerns	Submissions raising specific concerns with Council's stormwater or drainage assets have been referred to the Stormwater, Transport and Traffic team for a specific response.
Compensation or buy back	Planning scheme amendments do not provide compensation for landowners. The State Government does not currently have a buyback scheme. Council has advocated to the State Government on numerous occasions to buyback undevelopable private land (largely sites with a Restructure Overlay), however this has not been supported.

Planning Panel

Section 23 of the *Planning and Environment Act 1987* states that, after considering a submission which requests a change to the amendment, the planning authority must:

- Change the amendment in the manner requested; or
- Refer the submission to a panel appointed under Part 8; or
- Abandon the amendment or part of the amendment.

Given that a large number of submissions raise matters that cannot be resolved, it is proposed that Council refer the Amendment and submissions to an independent Planning Panel appointed by the Minister for Planning.

A Planning Panel provides Council and all submitters with an opportunity to have the amendment proposal and matters raised within submissions further considered.

Following the completion of the Panel process, which generally includes a hearing, the Panel will provide a report to Council with its recommendations for consideration.

Options considered

Option 1 – Make changes to the amendment where agreed and refer submissions to a Panel

A number of landowners have requested that the overlay be removed from their property, in particular where the overlay is being applied for the first time and only to a small portion of a property.

Where considered appropriate submissions were referred to Council's geotechnical consultant for a further review. The recommendations from the consultant are at Attachment 2. In some cases, it was identified that there may be basis for an onsite assessment to review the boundary in finer detail and a site inspection warranted (ground truthing).

The onsite assessments (undertaken from public land using a handheld inclinometer) have now been undertaken to check whether the slope angle or underlying geology originally mapped using a geotechnical criteria is consistent with onsite observations and measurements, in particular for sites with only a small portion of the EMO proposed or areas within transitional zones which are between areas that clearly meet the criteria for inclusion in the EMO and those that clearly don't meet the criteria for inclusion. This zone can be 30 metres to 40 metres wide and more in some areas.

The results of the on-ground investigations and an updated recommendation for affected properties is at Attachment 3. In some instances, this has resulted in adjustments being proposed to the amendment mapping to delete the EMO from properties where the natural slope angle is close to the threshold for inclusion and the area has been altered by isolated earthworks. This includes areas in Upwey, Tecoma, Belgrave, Chirnside Park and isolated locations around Mount Dandenong and Olinda.

All submissions will be referred to an Independent Planning Panel. This will offer all parties an opportunity to have their concerns or requested changes to the amendment further considered and submit any evidence to support their request.

Option 2 – not proceed with Amendment C225

Abandon the amendment. If the proposed changes were not pursued, Council would not be meeting its statutory obligations under the *Planning and Environment Act 1987* to ensure the planning scheme is reviewed and kept up to date. Not pursuing the amendment would also be inconsistent with the recommendations of the McCrae Board of Inquiry that areas at risk of landslide are subject to proportionate, timely and consistent planning controls.

Recommended option and justification

It is recommended that Option 1 be pursued.

Section 23 of the *Planning and Environment Act 1987* states that, after considering a submission which request a change to the amendment, the planning authority must:

- Change the amendment in the manner requested; or
- Refer the submission to a panel appointed under Part 8; or
- Abandon the amendment or part of the amendment.

Given that there are a number of submissions that raise matters that cannot be resolved, it is proposed that Council refer the Amendment and submissions to an independent Planning Panel appointed by the Minister for Planning.

The further consideration of the amendment and matters raised by submitters who oppose the amendment by an independent Planning Panel provides all parties with an opportunity to have their concerns further considered.

Following the completion of the Panel, which generally includes a hearing, the Panel will provide a report to Council with its recommendations for consideration. This will be brought back to Council for consideration.

FINANCIAL ANALYSIS

Council has received \$300,000 in grant funding under the National Emergency Management Australia (NEMA) Preparing Australian Communities (PAC) Program – Local which has been partly used to fund the EMO review by a geotechnical consultant and obtain the relevant LiDAR data and landslip fact sheets.

The costs associated with a Council-led planning scheme amendment are covered by the operational budget for Strategic Planning.

APPLICABLE PLANS AND POLICIES

This report contributes to the following strategic objective(s) in the Council Plan:

- Council Plan (2025-2029): Quality Infrastructure and Liveable Places and Protected & Enhanced Natural Environment.

- Yarra Ranges Planning Scheme (Clause 02.03-3 Environmental risks and amenity and Clause 13.04-2S Erosion and Landslip), and
- Clause 44.01 Erosion Management Overlay the purpose of which is to protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development.

RELEVANT LAW

Amendment C225 has been prepared in accordance with the legislative requirements of the *Planning and Environment Act 1987*.

SUSTAINABILITY IMPLICATIONS

Economic Implications

The amendment may have some adverse economic effects to individual landowners such as perceived loss of house value, possible impact on insurability and costs associated with preparing expert reports and building work. While these concerns are noted they do not constitute a planning consideration which is focused on risk to life and property. Most insurance companies already do not cover landslide, and property values have not been demonstrated to be detrimentally impacted over the long term when equivalent planning controls have been applied.

Inclusion of a property within the EMO generally does not prohibit changes to that site or buildings, rather it requires a planning application process whereby landslip can be considered and responded to appropriately. In most cases an applicant would need to engage a geotechnical practitioner to conduct a geotechnical assessment and landslip risk assessment, unless deemed not required by Council (the responsible authority). Any proposed development or works would need to be engineered to reduce risk levels to within the tolerable limit.

In rare cases some properties may not be able to rebuild if the landslip risk is too great. Properties currently in the EMO which are also in a debris flow susceptibility area may not be able to rebuild due to the risk to human life and property.

Landslides across Yarra Ranges have caused damage to the road network, buildings and infrastructure, which results in a significant cost to undertake repairs, as well as having other indirect costs to the community. This can include full or partial road closures, which also has implications on emergency services and businesses.

It is considered that economic impacts on future development will be offset by protection of landslide and debris flow hazard areas by minimising land disturbance from inappropriate development for the protection of all of the community.

Social Implications

The proposed changes to the planning scheme will make it clear to residents and the community what the intended outcomes are for properties impacted by an EMO and

identify whether it is within a landslide or debris flow susceptibility area, or both in some instances.

The historic debris flow event in Montrose has been well documented and in the past Council had publicly available information sheets to inform residents and the community. The information sheets (last provided to affected residents in early 2000 when the current EMO was introduced into the planning scheme) included background history of the Montrose debris. These will be updated and republished for community during this process.

The extent of the community's current awareness and knowledge of the landslide risks, debris flow and associated risks were anticipated to be low, so a thorough webpage was compiled with explanatory information which was promoted as part of the exhibition period and notification to impacted residents. Some residents within new mapped debris flow areas and existing EMO areas have expressed concern about their ability to rebuild their dwelling if it was destroyed, for example by a fire. This is a current risk for residents in existing mapped areas, and in many locations can be addressed through appropriate engineering and site management.

Council has assessed and identified the risks to residents in the affected areas and carries both an obligation and associated liability to act on this knowledge. In the event that a landslide occurs and there is damage to property, injury or loss of life, Council may be exposed to reputational and legal risk if it is demonstrated Council had not acted in accordance with its findings and obligations.

Recent media coverage of the McCrae landslide has been a good indication of the extent of coverage if a similar incident were to occur in Yarra Ranges. The recent landslide and property damage in Tremont suggest future landslides may occur and should be planned for.

Conversely, it is also evident that the proposed new planning controls are challenging for some residents and has attracted negative reactions. This is being managed through clear and accessible information and communication explaining the need as well as the implications of not carrying out the works. It is acknowledged this still may not alleviate the concerns of some community members.

Environmental Implications

The primary environmental implication of the proposed changes will be to further reduce the risk of landslide in the affected areas of Yarra Ranges in locations that currently lack planning controls. Applying Schedule 1 and 2 to the EMO to properties will more accurately identify the type of risk.

Council's geotechnical consultant has advised that the frequency of landslides has increased in the past five years. Climate change forecasts suggest that whilst rainfall totals in Victoria might reduce in response to climate change, whereas the magnitude and frequency of extreme weather and climate events is expected to increase. Accordingly, landslide frequency is expected to increase in response to the predicted climate trends.

COMMUNITY ENGAGEMENT

Amendment C225

The amendment was placed on public exhibition from 21 August to 26 October 2025 in accordance with the statutory requirements under the *Planning and Environment Act 1987*.

The amendment was exhibited for longer than the statutory requirements of the Act and was extended from the original submission close date of 3 October 2025 to re-notify a smaller number of landowners and occupiers following an error that occurred in the mailing database. Following advice from DTP, the exhibition date was extended for another month.

Notification comprised:

- Notices published on 19 August 2025 in all local newspapers which circulate in the Yarra Ranges Local Government area;
- Letters sent by mail to all property owners and occupiers who are affected by the Erosion Management Overlay on 11 August 2025 and 19 September 2025;
- Letters to relevant government agencies and departments;
- Notice published in the Government Gazette on 21 August 2025 and on 25 September 2025; and
- Information provided on Council's Amendment C225 webpage and the Department of Transport and Planning's websites.

In addition, the following additional consultation was undertaken for the amendment:

- A dedicated page on Shaping Yarra Ranges with information on consultation events;
- Frequently Asked Questions on the C225 webpage;
- Information sessions - three online webinars and two in person sessions held (a recording of two online webinars was also posted on Council's webpage);
- Multiple in-person bookable sessions with a planner - held at Healesville, Warburton, Yarra Junction, Monbulk, Upwey and Lilydale community links;
- Multiple online bookable sessions with a planner - three sessions held with all times between 7-9pm booked out;
- Bunnings Lilydale Roadshow event; and
- Over 300 phone enquiries answered and 30 email queries responded to.

Interim Amendment C230

Amendment C230 will be introduced by a Ministerial Amendment under Section 20(4) of the *Planning and Environment Act 1987* where the Minister exempts herself from the notice requirements of the Act and the amendment is prepared, adopted and approved by the Minister without any public notice.

The effect of the exemption is that third parties will not receive notice of the interim amendment and will not have the opportunity to make a submission or be heard by an independent planning panel.

However, Council have chosen to still communicate the approval to affected landowners by mail and publish a notice in the local papers along with providing information on Council's webpage.

It should also be noted that through the PAC funding, Council's officers have prepared a community booklet (factsheet) titled Managing landslide risk - good practice for development in Yarra Ranges. The purpose of this booklet is to provide information to residents about landslips, what causes them and what can be done to manage landslide risk. A local joint agency approach to communicating emergency risks related to landslips will be an additional step in fostering a shared understanding of the potential impact on the community.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

Discussions have been undertaken with DTP throughout the duration Amendment C225 and the interim amendment C230. Authorisation for Amendment C225 was provided expeditiously to ensure the amendment was able to progress as quickly as possible along with approval of an interim amendment.

Amendments to the EMO planning scheme controls will contribute towards continuous improvement of the Yarra Ranges Planning Scheme by accurately reflecting landslide and debris flow hazards in order to appropriately guide land use and development.

An internal group at Council was formed in response to the Preparing Australian Communities (PAC) Program – Local funding. The teams within Council that received PAC Program funding met every month to discuss projects and their progress.

RISK ASSESSMENT

Some areas in Yarra Ranges are known to be susceptible to landslide, and debris flow currently lack planning controls and there is potential for inappropriate development to occur in those areas that could increase the risk to life and property from landslides. The purpose of implementing updated EMO mapping is to identify land that is susceptible to landslide and debris flow and to reduce the associated risk to property and human life as a direct consequence.

The purpose of the Schedule 2 to the EMO would minimise the risk of debris flow areas not being correctly identified by a geotechnical practitioner when completing a geotechnical assessment.

Given the new EMO mapping has already been prepared, but not yet introduced into the planning scheme, there is a risk to Council if a landslide occurs within one of these areas, similar to the landslide at McCrae. The Board of Inquiry report identified that the McCrae landslide location was not covered by an EMO, however a 2012 report had previously concluded this area had high susceptibility to landslide.

It is documented that landslide frequency is expected to increase in response to the predicted climate trends of extreme weather. Therefore, the new EMO mapping needs to be efficiently implemented into the Yarra Ranges Planning Scheme.

A report has also recently been provided to Council's Audit and Risk Committee on the recommendations of the McCrae Board of Inquiry report, noting that Council is well progressed on identifying land susceptible to landslide in the planning scheme.

CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the Local Government Act 2020.

ATTACHMENTS TO THE REPORT

1. Summary of Submissions
2. Geotechnical analysis of submissions
3. Geotechnical recommended mapping changes from site investigations

Attachment 2 - Summary of Written Submissions to Amendment C225yan

The below table provides a summary of the written submissions, together with an officer response to the submission and recommendations. All submissions will be referred to an independent Panel for further consideration.

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
1	Opposed	Mapping Future land development	<p>The submitter has indicated their house was built in c1910 and would like to understand if the house can be rebuilt if the house was damaged, similar to the June 2021 storms.</p> <p>The submitter also queried why the EMO is proposed to encompass the entire property and what implications this would have on obtaining building or planning permits.</p>	Following site investigation the south-east corner is flatter and there is scope for a slight adjustment to the boundary in this area. See Attachment 3 for further details.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>A planning permit application to rebuild a dwelling would need to be assessed against the current planning controls. The purpose of the EMO is to ensure appropriate development and minimise risk of landslip.</p> <p>Mapping Refer to response from WSP in Attachment 3.</p> <p>Recommendation: Amend the mapping as recommended in Attachment 3. The submission will be referred to an independent Panel for further consideration.</p>
2	Opposed	EMO1 Methodology Future land development Additional approval costs	<p>The submitter has indicated they disagree with the proposed EMO1 on their property as the land is basically flat (photos attached to submission).</p> <p>The submitter also raised the following concerns:</p> <ul style="list-style-type: none"> • Add to already high insurance premiums • More red tape • Add costs to future development and permits 	Following site investigation adjustment of the proposed EMO boundaries to only capture denser susceptibility areas is recommended. See Attachment 3 for more detail.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>The proposed EMO affects approximately 10% of the property on the western side of the creek. The flat land shown in the photos attached to the submission is not proposed to be included in the EMO and would not be subject to the provisions of the EMO.</p> <p>The part of the property within proposed EMO1 is unlikely to be developed, as it on the opposite side of the waterway to the house and based on aerial imagery appears to contain dense vegetation. Therefore, any additional approvals and costs relating to the EMO is unlikely to affect the landowner.</p> <p>Mapping Refer to response from WSP in Attachment 3.</p> <p>Insurance Most home insurance policies exclude landslide, unless it is triggered by a storm. Council has advised homeowners to contact their insurance provider to understand what their insurance covers.</p> <p>Recommendation: Amend the mapping as recommended in Attachment 3. The submission will be referred to an independent Panel for further consideration.</p>
3	Opposed	EMO1 Mapping methodology	<p>The submitter has indicated they disagree with the proposed EMO1 on their property as the land is extremely flat terrain with minimal gradient. There is no history or visible evidence of ground movement, cracking, or subsidence.</p> <p>The submitter requests specific technical data and assessment report used to justify the inclusion of the property in the EMO.</p> <p>The submitter is concerned that a broad-brush mapping model has been used.</p>	No change to mapping.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 2.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
4	Opposed	EMO1 Mapping methodology	The submitter has requested that their property is excluded from the current EMO and proposed EMO1 based on their assessment that there is no landslip risk present at the property. The submitter has requested:	No change to mapping.	Thank you for making a submission. In response to your submission, we advise that your position is noted. Information has been directly provided to the submitter as requested and subsequent comments were received.

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
		Stormwater management	<p>1. Site-specific geological or geotechnical evidence demonstrating landslip risk for the property.</p> <p>2. Data and analysis specific to the geology, topography, and soil conditions.</p> <p>3. Professional reports or studies that identify specific risk factors affecting the land.</p> <p>The submitter also requested information comparing the current EMO and proposed EMO1.</p> <p>The submitter has asserted that both cited landslide events (Tremont and Titania Crescent) were directly caused by Council's stormwater infrastructure issues rather than inherent geological instability. This fundamentally undermines using these events as evidence of landslide susceptibility.</p> <p>The submitter subsequently requests that Council:</p> <ol style="list-style-type: none"> 1. Reconsider the appropriateness of using these events as justification for applying the EMO to our property 2. Provide evidence of landslide susceptibility on our property that is independent of Council's stormwater management failures. 3. Clarify whether the EMO mapping methodology properly distinguishes between areas with inherent geological instability versus areas where landslides were triggered by infrastructure failures. <p>The submitter has further questions, as follows:</p> <ol style="list-style-type: none"> 1. Does the EMO mapping methodology distinguish between inherent geological instability and landslides triggered by Council's infrastructure failures? 2. Can Council provide evidence of landslide susceptibility on the property independent of Council's stormwater management failures? 3. Does Council consider it appropriate to use landslides caused by its own infrastructure failures as justification for applying planning controls to private property? <p>Under natural justice and procedural fairness principles, Council must provide affected landowners with accurate information about the basis for planning controls. Deferring substantive responses fails this obligation.</p>		<p>Mapping Refer to response from WSP in Attachment 2.</p> <p>Stormwater management Comments regarding stormwater infrastructure have been referred to Council's Infrastructure Services team for further consideration. As part of the Stormwater Management Plan, Council is progressing a key action to overlay EMO mapping with existing drainage and stormwater infrastructure. This initiative aims to identify water flow paths, infrastructure vulnerabilities, and system gaps that may contribute to slope instability.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
5	Opposed	EMO1 Mapping methodology Stormwater management	<p>The submitter contests the EMO1 on their property. They have 30 years of experience in the building industry and dealing with geotechnical report. They have lived through the worst storm event on Mount Dandenong. The high winds from the South East brought down many trees and the landslips near the CFA on Ridge Road due to heavy rain did not cause any debris on their property. The extensive water flow down Ridge Road required VicRoads to address the damage that was caused where the driveway meets the bitumen road.</p> <p>The submitter highlighted that with the exorbitant rates paid, it falls on Council and VicRoads to implement safety measures for residents. There has been poor vegetation and weed management. Tourist numbers have dropped off. Embankments denuded of foliage for prevention of bushfires and no appropriate replanting has been consider.</p> <p>The submitter has indicated that their property is not the cause of any water out flow or commencement point of erosion and should not be included in the EMO mapping. They highlight Council and VicRoads need to communicate and make improvements to upgrade the culverts along Ridge Road and Mount Dandenong Tourist Road to be upgraded to slow the rate of water flow and subsequent erosion and landslip.</p> <p>The submitter subsequently provided photos of Ridge Road following heavy rain.</p>	No change to mapping.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>The proposed EMO1 applies to approximately 3 metres at the widest point along the rear property boundary. A planning permit would only be required under EMO1 if development is proposed along the rear property boundary, such as a new fence. However, there are some planning permit exemptions for certain types of fences that don't obstruct surface water flow. A planning permit may be required under EMO1 for vegetation removal, unless there is a planning permit exemption for vegetation removal along existing fence lines under the bushfire protection exemptions (Clause 52.12 of the planning scheme).</p> <p>Mapping methodology Refer to response from WSP in Attachment 2.</p> <p>Stormwater management Comments regarding stormwater infrastructure have been referred to Council's Infrastructure Services team for further consideration. As part of the Stormwater Management Plan, Council is progressing a key action to overlay EMO mapping with existing drainage and stormwater infrastructure. This initiative aims to identify water flow paths, infrastructure vulnerabilities, and system gaps that may contribute to slope instability.</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
					Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.
6	In support and requests a change	EMO1 Methodology	<p>The submitter acknowledges that the EMO currently applies to property and this is proposed to be substantially reduced, however there is a small rear corner of the property still proposed to be covered with EMO1 and request for this to be completely removed.</p> <p>A photo has been provided of the subject corner. The submitter has indicated that there are no obvious landslip factors (e.g. geological or topographical) that can justify the corner remaining in the EMO. The submitter has provided a slope reading of 6 degrees.</p> <p>The submitter has indicated that they have concerns with the methodology used, which created an anomaly caused by the mapping resolution of the Lidar survey.</p>	Following site investigation it is recommended that refining the polygon be undertaken at a more detailed scale in this area. See Attachment 3 for more detail.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 3.</p> <p>Recommendation: Amend the mapping as recommended in Attachment 3. The submission will be referred to an independent Panel for further consideration.</p>
7	Opposed	EMO2 Stormwater pipe Red tape Bushfire risks	<p>The submitter has indicated they have been waiting almost 3 years for a pipe to be fixed at the back of their property to minimise erosion, landslip and debris flow. This has not been completed and Council have not returned to complete this.</p> <p>The submitter is concerned that Council place further restrictions on property owners but not facilitate minimisation of the risks, whilst charging over \$4000 worth of rates.</p> <p>In addition, the submitter has the following concerns:</p> <ul style="list-style-type: none"> • The overlays impact on the housing crisis. • Tried to get a granny flat on the property and it has taken 3 years. Cost of \$50,000 to meet obligations in the permit. • Three competing overlays on the property and the EMO directly competes with the Bushfire Management Overlay. • House was built prior to the BMA – it would not be allowed to be built today as it would be considered too dangerous. • The overlays are difficult to navigate and makes it impossible for landowners to adhere to all the requirements. • Overlays make it difficult to make their property safer by minimising the bushfire risk. • Overlays create a burden for homeowners. Council believe that it is making it safer for people, when really it is administration and red tape creates an unquantifiable human cost and Council never consider this when it looks at creating these overlays. • Provides so many rules that even Council workers struggle to understand and apply them correctly. 	N/a	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Part of the property is within the current EMO. The current mapped area of EMO is proposed to be replaced with EMO2. There is no change to the area of the property within the EMO. This part of the property is unlikely to be developed as there is a 6.1 metre wide drainage easement and based on aerial imagery appears to contain dense vegetation.</p> <p>The EMO2 does not trigger the need for a planning permit to remove vegetation, unlike the current EMO. Therefore, the proposed changes don't alter the ability to manage bushfire risk.</p> <p>There are many areas of the municipality that have environmental and landscape hazards. Council has an obligation to accurately identify hazards through planning controls and ensure a safe living environment.</p> <p>Impact on housing targets It is imperative that environmental hazards are identified through planning scheme controls and increased housing should be avoided where there is exposure to natural hazards.</p> <p>Stormwater infrastructure Comments regarding stormwater infrastructure have been referred to Council's Infrastructure Services team for further consideration. As part of the Stormwater Management Plan, Council is progressing a key action to overlay EMO mapping with existing drainage and stormwater infrastructure. This initiative aims to identify water flow paths, infrastructure vulnerabilities, and system gaps that may contribute to slope instability.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
8	Critique of Methodology	Operation of the EMO Mapping methodology Approval costs Impact on housing targets	<p>The submitter has raised the following concerns:</p> <ul style="list-style-type: none"> • LIDAR is inaccurate in areas of dense canopy and rugged terrain • Fails to account for geological diversity of the region • Shifts burden of proof and financial costs to property owners • This new regulation contradicts with housing policies and targets in Victoria. <p>The submitter recommends a hybrid approach using broad-scale technology but reply on onsite, site specific geotechnical assessments. The burden of proof for the initial classification must rest with Council through onsite ground assessments undertaken by a qualified geotechnical engineer, not the property owner, for any site proposed for inclusion in the EMO. Council should fund or conduct these site specific assessments. The submitter indicates that this would ensure procedural fairness.</p>	See Attachment 2 for comments on methodology.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Operation of the EMO and mapping methodology Refer to response from WSP in Attachment 2.</p> <p>Property values There are many factors that impact property value. Planning Panels do not generally consider financial implications, such as property values when considering planning scheme amendment changes.</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
		Property values Red tape	The submitter does recognise the importance of Council's purpose to keep people and homes safe.		<p>Impact on housing targets It is imperative that environmental hazards are identified through planning scheme controls and increased housing should be avoided where there is exposure to natural hazards. The proposed EMO1 does not restrict development provided that the tolerable risk level set out in Schedule 1 can be achieved.</p> <p>Approval costs and red tape The applicant is responsible for the cost of a geotechnical assessment as part of a planning permit application. It is noted that a soil report which provides advice on foundation design is a mandatory requirement of a building permit. This typically involves site visits and borehole investigations, which are usually a significant component of the overall geotechnical cost. If slope stability assessment is needed for a geotechnical assessment, it is usually added to the existing soil report rather than requiring a new/separate geotechnical assessment, meaning applicants generally don't incur the full cost of a new report or additional site visit.</p> <p>It is acknowledged that there is an increased complexity of planning permits applications, which is associated with the requirement for a geotechnical assessment. However, applications are required to be processed within the statutory timeframes.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
9	Not opposed	N/a	South East Water as the Water Supply and Sewerage Authority has no objection to the planning scheme amendment.	N/a	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Recommendation: No change required to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
10	Objection	EMO1 Future land development Property values Mapping methodology Transparency Approval costs and delays	<p>The submitter has indicated the following concerns:</p> <ol style="list-style-type: none"> Impact on property: <ul style="list-style-type: none"> Affect the ability to develop, extend, or modify my property. Potentially reduce its value. Create additional costs for geotechnical assessments and permit applications. Concerns with Mapping Methodology <ul style="list-style-type: none"> Updated mapping appears to rely on broad-scale LiDAR and geotechnical modelling without site specific verification. Distinction Between Susceptibility, Hazard, and Risk <ul style="list-style-type: none"> The EMO mapping appears to conflate susceptibility (likelihood of landslide occurrence) with hazard (likelihood plus magnitude) and risk (hazard plus consequences). Lack of Quantified Risk Against Tolerable Thresholds The amendment does not present quantified risk levels for my property. Without evidence that these thresholds are exceeded, the imposition of EMO controls is not technically justified. Uncertainty and Transparency The C225 documentation does not disclose uncertainty margins or confidence levels, making it impossible for landowners to assess the reliability of the classification. 	No change to mapping.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology and basis of EMO Refer to response from WSP in Attachment 2.</p> <p>Property value There are many factors that impact property value. Planning Panels do not generally consider financial implications, such as property values when considering planning scheme amendment changes.</p> <p>Future land development The Planning Scheme consists of requirements and guidelines for the use and development of land. Its purpose is to ensure that development within areas susceptible to landslide does not introduce landslide risks. For development that has the potential to introduce landslide hazards, including significant earthworks (greater than 1 m deep), vegetation clearance or works that could introduce water into the ground (for example dams), the EMO triggers the requirement for a geotechnical engineer to assess the impact of the development on slope stability. Some types of development under EMO1 are exempt. These exemptions are shown in the EMO provision already in the Planning Scheme.</p> <p>Additional costs and approval timeframes</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
			<p>6. Disproportionate Burden on Landowners</p> <p>The EMO will impose:</p> <ul style="list-style-type: none"> • Significant costs for geotechnical reports and permit delays. • Loss of property value. <p>AGS principles state that risk management measures should be proportionate to the actual risk and consider social, economic, and environmental impacts. Without clear evidence of high risk, these burdens are disproportionate.</p> <p>7. Requests for Council</p> <ul style="list-style-type: none"> • Undertake a site-specific geotechnical inspection of their property before applying or retaining the EMO. • Provide clear, parcel-level hazard data and justification for the classification. • Remove their property from the EMO mapping if no direct evidence of erosion or landslip risk exists. • Disclose the uncertainty margins and methodology in line with AGS transparency principles. • Extend the consultation period to allow for independent expert review. <p>The submitter indicates support for the principle of managing genuine erosion and landslip risks. However, they indicate that the current approach does not meet the Australian Geomechanics Society's nationally recognised standards for hazard zoning and risk assessment. They urge Council to reconsider the proposed mapping to their land and adopt a more transparent, evidence-based process.</p>		<p>The applicant is responsible for the cost of a geotechnical assessment as part of a planning permit application. It is noted that a soil report which provides advice on foundation design is a mandatory requirement of a building permit. This typically involves site visits and borehole investigations, which are usually a significant component of the overall geotechnical cost. If slope stability assessment is needed for a geotechnical assessment, it is usually added to the existing soil report rather than requiring a new/separate geotechnical assessment, meaning applicants generally don't incur the full cost of a new report or additional site visit.</p> <p>The schedule to the EMO does not mandate specific landslide mitigation measures. The requirement for landslide risk mitigation measures is assessed on a development and site specific basis as part of a geotechnical assessment. The purpose of landslide risk mitigation measures is to prevent landslides from happening or protect life and property if they do. For example an engineer designed retaining wall to support a potentially unstable slope.</p> <p>Repair of landslide impacts and damage is usually much more expensive than prevention.</p> <p>It is acknowledged that there is an increased complexity of planning permits applications, which is associated with the requirement for a geotechnical assessment. However, applications are required to be processed within the statutory timeframes.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
11	Not stated		<p>The submitter raises the following concerns:</p> <ul style="list-style-type: none"> • The municipality has been significantly degraded due to the extensive removal of natural bush in the early 1900s, impacting the top soil and exposing clay subsoil. Victoria Government undertook vast tree planting in this soil around the 1930s. These trees are now in natural decline. • Fungal infections are now widespread due to weed vegetation management on resident properties. • The winter 2021 extreme weather events which resulted in numerous trees falling and highlights the urgency. • Victoria Government has created the conditions that have led to the current instability and landslip risk. <p>The submitter suggests the following:</p> <ol style="list-style-type: none"> 1. Implement and enforce gazetted obligations on property owners requiring appropriate vegetation management, to reduce landslip and tree-fall risks. 2. useful otherwise 3. Provide clear, accessible guidance and education to property owners about safe tree management, weed control, and soil stability. 4. Offer practical support programs, such as subsidised arborist assessments, community education workshops, and weed eradication initiatives. 5. Establish a monitoring and compliance framework to ensure long-term risk reduction and environmental restoration. <p>The submitter identified that the information supplied to residents had some issues:</p> <ul style="list-style-type: none"> • Mapping instructions - The instructions on how to access the map is incorrect – you search for your property using the magnifying glass located in the top LEFT hand corner, not right. This error may impact on the adequacy of the public consultation as government by state law. 	N/a	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>The suggestions relating to owner obligations is noted. Council has further information on its webpage relating to assist owners in managing their properties to minimise risk of landslip. Other suggestions have been noted and will be further considered as part of future Emergency Management work undertaken by Council.</p> <p>Mapping instructions – the address search is visible at the top of the webpage regardless of which corner it is located. The location of the search box did vary based on the device or computer being used.</p> <p>It is unclear why the EMO1 failed from Council's webpage at the time you downloaded this. Council has not been notified of any other download issues. The document is available via the link to the DTP webpage, which is on Council's website. This is not a draft version of the document, it is the exhibited track changes version of the document.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
			<ul style="list-style-type: none"> Website link to EMO1 failed to download. This is a draft document and needs to be deleted. 		
12	Opposed	EMO1 Mapping	<p>The submitter has indicated that the danger of landslip in the area beyond East Warburton on the Woodspoint Road estate development, grouped around Whitegum Drive, between the Woods Point Road and the River Yarra, has been overestimated and these should be removed from the proposed EMO.</p> <p>The submitter attached contour maps.</p>	Following site investigation it is recommended the site be removed from the EMO mapping. Further details in Attachment 3	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 3.</p> <p>Recommendation: Amend the mapping as recommended in Attachment 3. The submission will be referred to an independent Panel for further consideration.</p>
13	Opposed	Mapping Methodology Geology Insurance Property Values	<p>The submitter has various queries in relation to tree and vegetation removal in the EMO.</p> <p>The submitter has raised the following concerns relating to:</p> <ul style="list-style-type: none"> Mapping methodology and underlying geology The only evidence of erosions is when the annual constant rains occur and Scottsman Creek floods. Geological information with regards landslides should be viewed as inconclusive. <p>The submitter has indicated they believe there should be no changes to the current EMO due to the following:</p> <ul style="list-style-type: none"> The current report is broad and incomplete and exempts land managed by other bodies, including crown land, DEWLP, Forestry and YRC. Planning department requires the same geotechnical reports to be submitted with building applications YRC has guidelines relating to tree and vegetation removal. Decrease to property values. Increase insurance costs <p>The submitter suggests that reviews should be completed every 5-7 years.</p>	Following site investigation no change is recommended to the mapping. See Attachment 3 for further details.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology and geology Refer to response from WSP in Attachment 3.</p> <p>Tree and vegetation controls in the EMO WSP has advised that the provisions of the current EMO are not proposed to change. This amendment is an alteration to the extent of the mapping only.</p> <p>Not all vegetation removal triggers an application for a planning permit, nor does all vegetation removal trigger the need for a geotechnical assessment. Only live vegetation with a trunk diameter of more than 0.5 m measured 1.3 m from the ground requires a planning permit, which is consistent with the requirement of other environmental overlays. Note also that Council can use its discretion to decide whether to request a geotechnical assessment. In the past, a geotechnical assessment has usually only been requested for significant vegetation clearance, not isolated trees. Where there is a conflict between the requirements of a bushfire overlay and the EMO, the requirements of the bushfire overlay take precedence.</p> <p>The presence of vegetation serves to maintain slope stability and prevent erosion and the EMO aims to prevent significant vegetation removal that could unduly impact on slope stability.</p> <p>Insurance Most home insurance policies exclude landslide, unless it is triggered by a storm. Council has advised homeowners to contact their insurance provider to understand what their insurance covers.</p> <p>Property value There are many factors that impact property value. Planning Panels do not generally consider financial implications, such as property values when considering planning scheme amendment changes.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
14	Opposed	EMO1 Mapping methodology	The submitter has indicated that the current EMO partially covers their property and is on the edge of this EMO zone. The property is on a gentle slope with very little risk of erosion.	No change to mapping.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 2.</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
			<p>There is significant empty land at the property where structures or dwelling are not present and we are concerned the new EMO will prevent any further development of the property.</p> <p>The submitter requests that the EMO1 is removed from the property.</p>		<p>Future land development The purpose of proposed EMO1 is to apply planning scheme provisions to ensure development is safe and appropriately assessed by a geotechnical practitioner to assess that landslip risk meets the tolerable risk level in Schedule 1 in accordance with the <i>Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007</i>.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
15	Opposed	EMO1 Mapping based on existing development	<p>The submitter is requesting to have the proposed EMO1 removed from their property on the basis that the house was built 10-11 years ago and renovations completed 4 years ago.</p> <p>Documents and photos are attached to the submission. Photos show the backyard with two retaining walls and drainage to ensure the land is stable and avoids erosion.</p> <p>The submitter indicates that their engineer report confirmed the property and land would be stable for the added weight of the extension and has been overengineered.</p>	No change to mapping in this area.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 2.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
16	Opposed	EMO1 Mapping Methodology	Request removal of select areas from the proposed EMO on the basis that slope angles in two locations are influenced by earthworks that do not represent the natural slope angle. Supporting documents have been provided with the submission.	Following site investigation it is recommended that some refinement is made to the mapping. See Attachment 3 for more detail	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachments 2 and 3.</p> <p>Recommendation: Amend the mapping as recommended in Attachment 3. The submission will be referred to an independent Panel for further consideration.</p>
17	Not opposed	N/a	Melbourne Water has no objection to the planning scheme amendment.	N/a	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Recommendation: No change required to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
18	Opposed	EMO1 Mapping Future land development Approvals and additional costs	<p>The submitter has requested that the proposed change to the EMO on their property be left as per the current EMO delineation, rather than the proposed EMO1 mapping for landslip susceptibility.</p> <p>The reasoning for this is based on the observation of the gradient and reduced levels of the proposed extension and to what nearly amounts to 50% of the land area, from an area of just over 10%.</p> <p>The area to the northern part of the proposed extension is nearly flat land, is the lowest part of the property and where there is a gradient towards the central area of the property, that is a gradual slope. The area of the proposed EMO mapping change does not present a landslip risk.</p> <p>The submitter also indicated that the proposed amendment would make further dwellings or dwelling extensions more difficult, or if possible, it would be vastly more expensive to comply with geotechnical requirements. Otherwise if not, impossible to development. The submitter has concerns about the development potential if and when the subdivision restrictions are removed.</p>	No change to mapping.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 2.</p> <p>Future land development The Planning Scheme consists of requirements and guidelines for the use and development of land. The purpose of the EMO1 is to ensure that development within areas susceptible to landslide does not introduce landslide risks, it is not intended to prevent future development.</p> <p>Some types of development under EMO1 are exempt. These exemptions are shown in the EMO provision already in the Planning Scheme.</p> <p>Approvals and additional cost The schedule to the EMO does not mandate specific landslide mitigation measures. The requirement for landslide risk mitigation measures is assessed on a development and site specific basis as part of a geotechnical assessment. The purpose of landslide risk mitigation measures is to prevent landslides from happening or protect life and property if they do.</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
					<p>For example an engineer designed retaining wall to support a potentially unstable slope.</p> <p>Repair of landslide impacts and damage is usually much more expensive than prevention.</p> <p>It is acknowledged that there is an increased complexity of planning permits applications, which is associated with the requirement for a geotechnical assessment. However, applications are required to be processed within the statutory timeframes.</p> <p>The property is within the Green Wedge Zone – Schedule 1. The subdivision requirements in the Green Wedge Zone are unlikely to change in the foreseeable future.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
19	Opposed	EMO1 EMO2 Restricts development Impact on property values	<p>The submitter has indicated that the proposed EMO changes will prevent them from undertaking works to extend their home.</p> <p>The submitter has indicated they strongly oppose the amendment for the following reasons:</p> <p>1. Inconsistency and unfair treatment of existing residents If landslip risks now prevent development, how can residents continue living there. Changing rules decades later—without compensation or support—unfairly punishes those who followed the original planning guidelines.</p> <p>2. Home improvement and maintenance will become unreasonably restricted House needs a modest extension. Professional advice has already been sought from a Geotechnical Engineer who has discussed the proposed changes with WSP. It was advised that “new development is unlikely to be approved.” This essentially “freezes” the property and prevents future development. Restricting reasonable extensions, repairs or rebuilding after storm/fire damage would also lock residents into unsafe, outdated housing.</p> <p>3. Economic and financial hardship for residents Impact on property values. Prospective buyers will be discouraged, insurance may become more expensive or impossible, and significant additional costs for geotechnical reports. Creates financial stress for local families and undermines the stability of the housing market in the Yarra Ranges. Council has not proposed any compensation, rate relief, or support for those who will carry the burden of these new controls.</p> <p>4. Personal responsibility and risk management Residents living in the Hills accept environmental risks like bushfires and landslips, choosing this lifestyle and community knowingly. Removing development rights undermines personal responsibility. If landslip risks were truly intolerable, Council shouldn’t have allowed development—changing rules now is unfair and inconsistent.</p> <p>5. Lack of genuine community consultation and transparency The technical reports are difficult for ordinary residents to understand or challenge. Many people will not realise the impact until they attempt to renovate or sell their home. Council has a responsibility to ensure residents are not blindsided by complex overlays that have life-changing consequences.</p> <p>6. Precedent and overreach in planning controls If this amendment proceeds, it sets a precedent for further overlays that restrict private property rights based on “possible” risks. Climate change modelling is mentioned repeatedly, yet forecasting decades into the future should not be used to impose immediate and severe restrictions that limit how families can live today. Planning should strike a balance between precaution and practicality.</p> <p>7. Alternatives to a blanket overlay Council could:</p>	No change to mapping.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 2.</p> <p>The majority of the property within the current EMO. The current EMO mapped area is the same extent as the proposed EMO2. This indicates the property is already within a known debris flow susceptibility area. Given the EMO currently applies to most of the property, the controls are already in place. EMO1 is proposed to apply across the entire property. The presence of both EMO1 and EMO2 indicates this is a debris flow initiation area.</p> <p>Future land development Properties currently in the EMO, which are also in a debris flow susceptibility area, must already meet the requirements of the <i>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</i> (Yarra Ranges Shire Council, March 2023).</p> <p>The introduction of Schedule 2 to the EMO would not alter this, as geotechnical practitioners can already identify if a property is within a debris flow susceptibility area and assess whether or not the development can be undertaken at a tolerable risk level to human life and property from debris flow.</p> <p>WSP has advised that proposed EMO2 mapping indicates the potential for the site to be affected by debris flow. The schedule to EMO2 requires site specific assessment of that hazard meaning assessment of risks is undertaken on a case by case basis. The mapping itself does not indicate risk nor does it impose restrictions on development. Rather it triggers the need for a development and site specific risk assessment. All assessment of landslide risk under the EMO is site and development specific. Council will review the risk assessment provided in support of the planning application when it is made and base a decision on the assessed risk levels and how they are mitigated.</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
			<ul style="list-style-type: none"> • Allow case-by-case assessment using existing building regulations and engineering solutions. • Require risk mitigation (e.g. drainage, retaining walls) instead of outright refusal of permits. • Focus restrictions only on genuinely extreme hazard areas, not broad zones captured by desktop mapping. <p>This would protect safety while still respecting residents’ rights.</p> <p>The submitter respectfully urges Council to abandon or substantially revise the proposed changes, and instead adopt a balanced approach that:</p> <ul style="list-style-type: none"> • Protects life and property through targeted, case-by-case management. • Supports residents with practical solutions rather than blanket prohibitions. • Recognises the rights of families who already live, work and contribute to the Yarra Ranges community. 		<p>There is a planning permit exemption for <i>Repairs and routine maintenance to an existing building or works</i> under the Clause 62.02-2 of the planning scheme.</p> <p>Property value There are many factors that impact property value. Planning Panels do not generally consider financial implications, such as property values when considering planning scheme amendment changes.</p> <p>Consultation There was an extended exhibition period was between 21 August and 26 October 2025 to allow sufficient time for submissions to be made. This is substantially longer than the four weeks required under the <i>Planning and Environment Act 1987</i>. During that time there has also been two information sessions, three webinars, bookable in person sessions with a planner held at community links and online, attendance at the Bunnings Lilydale Roadshow event, phone calls and responses to email enquiries.</p> <p>Precedence Council has a responsibility under the <i>Planning and Environment Act 1987</i> to apply planning scheme controls to land that is subject to hazard to ensure future land use and development does not further contribute to increased risk.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
20	Not stated	EMO1 Insurance Mapping methodology Additional costs	<p>The submitter raised a number of questions as follows:</p> <ol style="list-style-type: none"> 1. How was an EMO1 determination for my property established? Is the detail of the outcomes determined by the technical experts for my property being shared? Since it was cleared in the 1950's there has not been any erosion or landslip. 2. Has the impact on property insurance been considered? The EMO1 can potentially impact property insurance - increase cost or make it uninsurable. 3. Blanket approach has been applied with assumptions on soil type and slope. What is the pathway to validate the findings and getting the determination corrected? 4. Who now bears the cost for geotechnical costs when a new permit is required? Given nothing has physically changed relating to the landscape, imposing more cost and time to a project is opposite to the mandate to speed up housing development. 5. Note that hand drawn maps of the East Coast of Australia by Captain James Cook was shown to be remarkably accurate. 6. What scientific definition of weather have been used? 	<p>Following site investigation no changes to the proposed mapping are recommended. See Attachment 3 for more detail.</p>	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 2.</p> <p>Insurance Most home insurance policies exclude landslide, unless it is triggered by a storm. Council has advised homeowners to contact their insurance provider to understand what their insurance covers.</p> <p>Additional approval costs and timeframes The applicant is responsible for the cost of a geotechnical assessment as part of a planning permit application. It is noted that a soil report which provides advice on foundation design is a mandatory requirement of a building permit. This typically involves site visits and borehole investigations, which are usually a significant component of the overall geotechnical cost. If slope stability assessment is needed for a geotechnical assessment, it is usually added to the existing soil report rather than requiring a new/separate geotechnical assessment, meaning applicants generally don’t incur the full cost of a new report or additional site visit.</p> <p>The schedule to the EMO does not mandate specific landslide mitigation measures. The requirement for landslide risk mitigation measures is assessed on a development and site specific basis as part of a geotechnical assessment. The purpose of landslide risk mitigation measures is to prevent landslides from happening or protect life and property if they do. For example an engineer designed retaining wall to support a potentially unstable slope.</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
					<p>Repair of landslide impacts and damage is usually much more expensive than prevention.</p> <p>It is acknowledged that there is an increased complexity of planning permits applications, which is associated with the requirement for a geotechnical assessment. However, applications are required to be processed within the statutory timeframes.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
21	Opposed	Mapping	The submitter indicates there is no danger of landslip on the property. They have requested for the EMO to be completely removed from the property.	N/a	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>The current EMO applies across the property. The amendment proposes to remove the EMO from the south-east corner of the site and replace the EMO with EMO1 at this property.</p> <p>Given that the EMO already applies to the property and there is a slight reduction proposed, the EMO mapping review has established that land still meets the criteria for applying the EMO.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
22	Not stated	Mapping	The submitter is unclear how the EMO is applied to the property and suggest there should be specific guidance.	N/a	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>The current EMO applies to approximately 80% of the site. The amendment proposes to reduce the EMO mapping to approximately 6% of the site. This includes removing the EMO from where the dwelling is located on the property. The amendment proposes to replace the EMO with EMO1 at this property.</p> <p>Consultation There has been a variety of engagement activities undertaken during the extended exhibition period was between 21 August and 26 October 2025 to allow sufficient time for information to be sought by landowners and for submissions to be made. This is substantially longer than the four weeks required under the <i>Planning and Environment Act 1987</i>. During that time there has also been two information sessions, three webinars, bookable in person sessions with a planner held at community links and online, attendance at the Bunnings Lilydale Roadshow event, phone calls and responses to email enquiries. Also, information is available on Council's webpage, FAQs and factsheets.</p> <p>Recommendation: No change required to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
23	Not stated	Mapping	The submitter indicated that they want assurance the new overlay only applies to the area covered by the overlay. The previously had works completed on the flat part of their property not covered by the current EMO, but because the overlay covered another part of my block 30 metres away, the restrictions were still applied, costs thousands of dollars and months of delays.	N/a	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>The requirements of the proposed EMO1 would only apply to the area covered by the overlay. If proposed buildings and works are located completely outside of the overlay, it does not apply.</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
					Recommendation: No change required to the amendment. The submission will be referred to an independent Panel for further consideration.
24	Opposed	Mapping	<p>The submitter indicated they would like more information before they comment on their property. They would like a full history of every previous date and time of any Erosion Management Overlay and debris flow that has been introduced on the property.</p> <p>The submitter indicated they don't approve of any proposed changes to their property.</p>	N/a	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Consultation There has been a variety of engagement activities undertaken during the extended exhibition period was between 21 August and 26 October 2025 to allow sufficient time for information to be sought by landowners and for submissions to be made. This is substantially longer than the four weeks required under <i>the Planning and Environment Act 1987</i>. During that time there has also been two information sessions, three webinars, bookable in person sessions with a planner held at community links and online, attendance at the Bunnings Lilydale Roadshow event, phone calls and responses to email enquiries. Also, information is available on Council's webpage, FAQs and factsheets.</p> <p>Mapping The property is not currently within the EMO. The EMO2 is proposed on the rear of the property and covers approximately 15% of the property.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
25	Critique of methodology	EMO1 Mapping Methodology	<p>The submitter raises a question concerning the proposed area of EMO1 on the north side of Riverside Drive in Warburton. The submitter asserts that the LiDAR has picked up trees and road embankment on the south side of properties) and the proposed northern edge of the new EMO does not show an area of steepness. The submitter asks that additional topographic surveying of these properties is required to better reflect where the natural edge of sloping terrain occurs.</p>	Following site investigation it is recommended adjusting the northeast EMO boundary in this area 20 m to 30 m towards Riverside Drive.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 3.</p> <p>Recommendation: Amend the mapping as recommended in Attachment 3. The submission will be referred to an independent Panel for further consideration.</p>
26	Not stated	Landslide inventory Stormwater management	<p>The submitter raises the following concerns regarding their observations about the use of information. This relates to, naming protocols applied in the records of the landslide inventory, and subsequent investigations and reports prepared based on information disclosed therein, and water management, particularly of road water run-off and storm water contributing to landslip particularly the design and location condition of any drains or road berms or culverts that do exist.</p> <p>The submitter asserts that the landslide event referred to as the 'Tremont landslip of January 2024', should in fact be titled, 'the Ferny Creek landslip of January 2024'. The concern relates to the potential impact the incorrect reference could have on property value, price of insurance etc.</p> <p>The submitter makes suggestions regarding water management, corrections to reports, the use of maps to inform Council's maintenance programs and the updated information should be used to alter Council and state government priorities in order to prevent future landslip caused or partly caused by inadequate water drainage of both storm water and road run-off.</p>	Alterations can be made to the WSP Golder report to use a different locality name for the January 2024 landslide.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 2.</p> <p>Landslide Event The suburb name reference for the January 2024 landslide that took place from Tremont to Ferny Creek will be corrected.</p> <p>Stormwater management Comments regarding stormwater infrastructure have been referred to Council's Infrastructure Services team for further consideration. As part of the Stormwater Management Plan, Council is progressing a key action to overlay EMO mapping with existing drainage and stormwater infrastructure. This initiative aims to identify water flow paths, infrastructure vulnerabilities, and system gaps that may contribute to slope instability.</p> <p>Recommendation: Alterations to the WSP Golder report will be made.</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
27	Opposed	Mapping	<p>The submitter raises concern that Council's overlays are excessive, as the subject property was underlain by solid rock at the time of dwelling construction.</p> <p>The submitter asserts that there is no landslip risk of significance between 45 and 59 Hughes Street (on the western side) and that these addresses should be removed from the overlay.</p>	No change to the mapping.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 2.</p> <p>WSP have advised that shallow rock does not mean that development cannot introduce landslide hazards. The EMO mapping is susceptibility mapping, the purpose of which is to indicate areas where the impact of new development on slope stability should be considered. It does not indicate the likelihood of landslide, nor risk of landslide in the current condition.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
28	Opposed	<p>No evidence of landslip</p> <p>Waste of resources</p>	The submitter is opposed to the amendment, stating that there has been no evidence of landslip on their property and that some dwellings in the area have been established since the 1930's without change. The submitter asserts that the amendment is a waste of council time and resources.	N/a	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>A review of the planning controls for the property indicates that the EMO already applies to the property. The Amendment proposes no changes to the extent of the overlay on the property; it is simply changing the reference to the overlay in the planning scheme from 'EMO' to 'EMO1'.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
29	Opposed	<p>EMO1</p> <p>Mapping</p>	The submitter has requested that the property be excluded from EMO1. There is less than 2% of the property shown on the proposed EMO maps, and the total area shown as EMO1 is within setback requirements that preclude building in any case. The control may create unnecessary burden for the property.	Following site investigation it is recommended that the boundary be adjusted about 30 metres to the south west towards Laurie Avenue. See Attachment 3 for more details.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 3.</p> <p>Recommendation: Amend the mapping as recommended in Attachment 3. The submission will be referred to an independent Panel for further consideration.</p>
30	Opposed	<p>EMO1</p> <p>Mapping methodology</p>	The submitter requests that their property not be included under the EMO1 overlay and states that there has been a mistake with the mapping. Site earthworks in the past have occurred and the land is not reflective of the natural land profile. It does not seem appropriate to burden these properties with additional requirements due to potential anomalies in the modelling approach.	Following site investigation it is recommended the EMO be removed. See Attachment 3 for more details.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 3.</p> <p>Recommendation: Amend the mapping as recommended in Attachment 3. The submission will be referred to an independent Panel for further consideration.</p>
31	Opposed	<p>EMO1</p> <p>Mapping methodology</p>	A planning permit was issued for a shed on the subject site. The Geotechnical Assessment completed for the development found that there were no credible risks to life or property regarding landslide events on the site. There was no evidence of pre-existing slope instability and the measured slope angles on site were found to be less than the adopted critical angle at which slopes in the site's geology are considered unstable or at risk of failure.	No change to the mapping.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>The EMO currently applies to most of the property. The Amendment extends the current overlay extent over the rest of the property.</p> <p>Mapping methodology Refer to response from WSP in Attachment 2.</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
					Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.
32	Opposed	EMO1 Mapping methodology	The submitter disagrees with the proposed EMO1 on their property and believes it has been applied in error.	The mapped extent of the EMO seems to differ from the submitter's description provided. Only a very small proportion of the property seems to be affected which does represent a slope that meets the criteria for inclusion.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 3.</p> <p>The proposed EMO1 does not apply to the entire site, it only applies where mapped. It is unlikely that there would be future development in the EMO1, as it applies to a very small area along the north-east property boundary.</p> <p>Recommendation: No change required to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
33	Opposed	EMO1 Mapping methodology	The submitter disagrees with the proposed increase in the EMO extent on their property. They believe the increase is unreasonable and that the current EMO extent reflects the true landslip risk for the site as many structures in the proposed new EMO areas have stood for over 80 years.	Following site investigation it is recommended that the boundary be adjusted. See Attachment 3 for more details.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 3.</p> <p>Recommendation: Amend the mapping as recommended in Attachment 3. The submission will be referred to an independent Panel for further consideration.</p>
34	Opposed	EMO1 Mapping Additional approval costs Deters prospective buyers	<p>Understands the need to identify areas prone to landslide risk however have lived at property for 30 years and have not experienced anything like this. Most of the property is also flat so does not understand why the overlay has been applied.</p> <p>The submitter also raised the following concerns:</p> <ul style="list-style-type: none"> The need for a geotechnical assessment for development may be cost prohibitive for many people, limiting prospective buyers. If the EMO is applied, then there needs to be a process to ensure timeliness and cost of permits are not prohibitive for prospective buyers. 	No change to the mapping.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping Refer to response from WSP in Attachment 3.</p> <p>Additional approval costs and timeframes The applicant is responsible for the cost of a geotechnical assessment as part of a planning permit application. It is noted that a soil report which provides advice on foundation design is a mandatory requirement of a building permit. This typically involves site visits and borehole investigations, which are usually a significant component of the overall geotechnical cost. If slope stability assessment is needed for a geotechnical assessment, it is usually added to the existing soil report rather than requiring a new/separate geotechnical assessment, meaning applicants generally don't incur the full cost of a new report or additional site visit.</p> <p>The schedule to the EMO does not mandate specific landslide mitigation measures. The requirement for landslide risk mitigation measures is assessed on a development and site specific basis as part of a geotechnical assessment. The purpose of landslide risk mitigation measures is to prevent landslides from happening or protect life and property if they do. For example an engineer designed retaining wall to support a potentially unstable slope.</p> <p>Repair of landslide impacts and damage is usually much more expensive than prevention.</p> <p>It is acknowledged that there is an increased complexity of planning permits applications, which is associated with the requirement for a</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
					<p>geotechnical assessment. However, applications are required to be processed within the statutory timeframes.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
35	Opposed	EMO1 Mapping	The submitter disagrees with the overlay as there is no chance of landslip due to the sub ground being rock.	No change to the mapping.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping Refer to response from WSP in Attachment 2.</p> <p>The proposed EMO1 does not apply to the entire site, it only applies where mapped. It is unlikely that there would be future development in the EMO1, as it applies to a very small area to the north-east of property where there appears to be dense vegetation (based on aerial imagery).</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
36	Opposed	Future land development	The submitter is concerned the permit requirements under the EMO, for example building a shed or removing orchard trees, will impact on the viability of farming in Yarra Ranges due to additional costs.	N/a	<p>Thank you for making a submission. In response to your submission, we advise that your position is note</p> <p>Agricultural buildings Some types of development under EMO1 are exempt. These exemptions are shown in the EMO provision already in the Planning Scheme. This includes:</p> <ul style="list-style-type: none"> • A building used for agriculture, provided all of the following are met: <ul style="list-style-type: none"> ○ the building is constructed with aluminium, steel or timber; ○ there are no more than two agricultural buildings on the lot; ○ the building is connected to a legal point of discharge; ○ there are no existing earthworks higher than 1 metre within 5 metres of the building. <p>Tree and vegetation controls in the EMO Not all vegetation removal triggers an application for a planning permit, nor does all vegetation removal trigger the need for a geotechnical assessment. Only live vegetation with a trunk diameter of more than 0.5 m measured 1.3 m from the ground requires a planning permit, which is consistent with the requirement of other environmental overlays. Note also that Council can use its discretion to decide whether to request a geotechnical assessment. It the past, a geotechnical assessment has usually only been requested for significant vegetation clearance, not isolated trees.</p> <p>Also, there is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the criteria for inclusion are not met. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslide hazards and nature of the proposed development.</p> <p>Recommendation: No change required to the amendment. The submission will be referred to an independent Panel for further consideration.</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
37	Opposed	EMO1 Mapping	The submitter has indicated they disagree with the proposed EMO1 on their property as while their property is on top of a hill, is relatively flat and there is no area which would be susceptible to debris flow or landslip.	No change to the mapping.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>The proposed EMO affects approximately 10% of the property on the western side of the creek. The flat land shown in the photos attached to the submission is not proposed to be included in the EMO and would not be subject to the provisions of the EMO. This part of the property is unlikely to be developed as it on the opposite side of the waterway to the house and based on aerial imagery appears to contain dense vegetation, therefore the any additional approvals relating to the EMO is unlikely to affect the landowner.</p> <p>Mapping Refer to response from WSP in Attachment 2.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
38	Opposed	Drainage	The submitter is concerned about water flowing through their property which comes from an open drain behind their property as well as from heavy rain. They have requested the drainage infrastructure be upgraded so water is diverted away from their property and their neighbours.	N/a	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Comments regarding stormwater infrastructure have been referred to Council's Infrastructure Services team for further consideration. As part of the Stormwater Management Plan, Council is progressing a key action to overlay EMO mapping with existing drainage and stormwater infrastructure. This initiative aims to identify water flow paths, infrastructure vulnerabilities, and system gaps that may contribute to slope instability.</p> <p>Recommendation: No change required to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
39	Opposed	EMO1 Mapping	The submitter disagrees with the proposed EMO1 on their property. They have lived at the property for 38 years and have not experienced landslip on their property or neighbouring properties.	Following site investigation it is recommended that the boundary is slightly adjusted. Refer to Attachment 3 for more details.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping Refer to response from WSP in Attachment 3.</p> <p>Recommendation: Amend the mapping as recommended in Attachment 3. The submission will be referred to an independent Panel for further consideration.</p>
40	Opposed	EMO1 Mapping methodology Insurance Property values Additional approval costs	<p>The submitter disagrees with the proposed EMO1 on their property as the land does not have any of the landslip factors typically associated with the terrain destabilisation (e.g. geology, rock types, steepness, groundwater conditions, or increased impact due to bushfire deforestation). The property also includes infrastructure that helps stabilise the land like a driveway, walled and tiered gardens and soil and extensive vegetation, and cannot be developed further due to being in the green wedge. The submitter also questions the accuracy of the LiDAR data.</p> <p>The submitter also raised the following concerns:</p> <ul style="list-style-type: none"> • Impact on property values and insurance. • Perception from potential buyers that the land is in a landslip area. • Additional costs to future development.¹ 	Following site investigation it is recommended that there is some mapping adjustment. Refer to Attachment 3 for more details.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping Refer to response from WSP in Attachment 3.</p> <p>Future Land Development The Planning Scheme consists of requirements and guidelines for the use and development of land. The purpose of the EMO1 is to ensure that development within areas susceptible to landslide does not introduce landslide risks. For development that has the potential to introduce landslide hazards, including significant earthworks (greater than 1 m deep), vegetation clearance or works that could introduce water into the ground (for example dams), the EMO triggers the requirement for a</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
					<p>geotechnical engineer to assess the impact of the development on slope stability. This impact is assessed on a case by case basis for the specific development proposed. The engineer might recommend measures to manage landslide risk, for example that excavations are supported using engineer designed retaining walls, and the recommendation would become a condition of a planning permit.</p> <p>Also, there is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the criteria for inclusion are not met. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslide hazards and nature of the proposed development.</p> <p>Some types of development under EMO1 are exempt. These exemptions are shown in the EMO provision already in the Planning Scheme.</p> <p>Insurance Most home insurance policies exclude landslide, unless it is triggered by a storm. Council has advised homeowners to contact their insurance provider to understand what their insurance covers.</p> <p>Property value There are many factors that impact property value. Planning Panels do not generally consider financial implications, such as property values when considering planning scheme amendment changes.</p> <p>Additional costs to future development The schedule to the EMO does not mandate specific landslide mitigation measures. The requirement for landslide risk mitigation measures is assessed on a development and site specific basis as part of a geotechnical assessment. The purpose of landslide risk mitigation measures is to prevent landslides from happening or protect life and property if they do. For example an engineer designed retaining wall to support a potentially unstable slope.</p> <p>Repair of landslide impacts and damage is usually much more expensive than prevention.</p> <p>Recommendation: Amend the mapping as recommended in Attachment 3. The submission will be referred to an independent Panel for further consideration.</p>
41	Not stated	Future land development	Notes the many areas of cultural heritage sensitivity within the amendment area and that any activities defined as high impact under the <i>Aboriginal Heritage Regulations 2018</i> and planned to occur within this area will require a CHMP. Requests that Council takes these sensitivities into account when considering the amendment and avoids development near waterways and registered places.	N/a	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Council acknowledges the presence of areas of cultural heritage sensitivity within the amendment area and the requirements under the <i>Aboriginal Heritage Regulations 2018</i>, including the need for a Cultural Heritage Management Plan (CHMP) where high impact activities are proposed.</p> <p>The amendment applies the EMO to manage land subject to erosion risk, particularly in proximity to waterways and steep or unstable slopes. These areas often coincide with places of Aboriginal cultural heritage sensitivity. Council will take these sensitivities into account when assessing future land use and development proposals within the EMO.</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
					Recommendation: No change required to the amendment. The submission will be referred to an independent Panel for further consideration.
42	Opposed	EMO1 Mapping	The submitter disagrees with the proposed EMO1 on their property. The property is in a gully and not surrounded by cliffs or steep banks. They have also lived at the property for 35 years and have not experienced landslip on their property and are not aware of any landslips since the house was built in 1946.	No change to the mapping.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 3.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
43	Opposed	EMO1 Mapping Additional approval costs	<p>The submitter disagrees with the proposed EMO1 on their property as the slope of the natural ground does not equal or exceed 20%, past soil testing and earthworks show a good soil profile, and the site contains significant trees. The natural ground on neighbouring properties is also similar, only increasing in slope away from their property's boundary.</p> <p>The submitter also raised the following concerns:</p> <ul style="list-style-type: none"> Additional costs to future development and permits, making small scale development like a deck or small second dwelling/dependent persons unit cost prohibitive. 	Following site investigation it is recommended that there is some adjustment to the boundary. See Attachment 3 for more details.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 3.</p> <p>Additional costs to future development The applicant is responsible for the cost of a geotechnical assessment as part of a planning permit application. It is noted that a soil report which provides advice on foundation design is a mandatory requirement of a building permit. This typically involves site visits and borehole investigations, which are usually a significant component of the overall geotechnical cost. If slope stability assessment is needed for a geotechnical assessment, it is usually added to the existing soil report rather than requiring a new/separate geotechnical assessment, meaning applicants generally don't incur the full cost of a new report or additional site visit.</p> <p>The schedule to the EMO does not mandate specific landslide mitigation measures. The requirement for landslide risk mitigation measures is assessed on a development and site specific basis as part of a geotechnical assessment. The purpose of landslide risk mitigation measures is to prevent landslides from happening or protect life and property if they do. For example an engineer designed retaining wall to support a potentially unstable slope.</p> <p>Repair of landslide impacts and damage is usually much more expensive than prevention.</p> <p>It is acknowledged that there is an increased complexity of planning permits applications, which is associated with the requirement for a geotechnical assessment. However, applications are required to be processed within the statutory timeframes.</p> <p>Recommendation: Amend the mapping as recommended in Attachment 3. The submission will be referred to an independent Panel for further consideration.</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
44	Opposed	EMO1 Mapping Property value Property rates	<p>The submitter disagrees with the proposed EMO1 on their property as their property has been residential for over 100 years and there has never been a problem with landslip. Believes the inclusion of the land in the EMO1 is inconsistent with the land in the area. The property is also in the green wedge and development is not possible.</p> <p>The submitter also raised the following concerns:</p> <ul style="list-style-type: none"> Impacts of the EMO1 on property value. Reduction in rates to accommodate the overlay change. 	Following site investigation the mapping be adjusted. See Attachment 3 for more details.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 3.</p> <p>Property value There are many factors that impact property value. Planning Panels do not generally consider financial implications, such as property values when considering planning scheme amendment changes.</p> <p>Property rates Property rates are based on the Capital Improved Value (CIV), which is independently assessed by the Valuer-General each year. Planning overlays, such as the EMO do not directly influence property valuations for rating purposes unless they lead to a measurable change in market value.</p> <p>If a landowner believes the EMO has affected their property's value, they can lodge a formal objection to the valuation. Details on how to do this are available on Council's website or by contacting the rates team directly.</p> <p>Recommendation: Amend the mapping as recommended in Attachment 3. The submission will be referred to an independent Panel for further consideration.</p>
45	Opposed	EMO1 Mapping Methodology Future land development Property value Insurance	<p>The submitter considers the proposed overlay EMO1 mapping is inaccurate, inconsistent, and unfairly applied to their land for the following reasons:</p> <ul style="list-style-type: none"> The mapping has been prepared using broad modelling and LiDAR data. While appropriate at a municipal scale, these methods are not a substitute for site-specific geotechnical assessments. The lower half of the property is flat and does not exhibit landslip risk. Land on adjoining properties and in neighbouring streets have either not had the overlay applied or a lesser extent than the submitters property despite having slopes of similar gradient or steeper. <p>The submitter also raised the following concerns:</p> <ul style="list-style-type: none"> Impacts of the EMO1 on property value and insurance. Unfairly restrict the development potential of land compared to nearby properties. Additional costs to future development and permits. 	Following site investigation the mapping be adjusted. See Attachment 3 for more details.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 3.</p> <p>Property value There are many factors that impact property value. Planning Panels do not generally consider financial implications, such as property values when considering planning scheme amendment changes.</p> <p>Insurance Most home insurance policies exclude landslide, unless it is triggered by a storm. Council has advised homeowners to contact their insurance provider to understand what their insurance covers.</p> <p>Future land development The Planning Scheme consists of requirements and guidelines for the use and development of land. The purpose of the EMO1 is to ensure that development within areas susceptible to landslide does not introduce landslide risks. For development that has the potential to introduce landslide hazards, including significant earthworks (greater than 1 m deep), vegetation clearance or works that could introduce water into the ground (for example dams), the EMO triggers the requirement for a geotechnical engineer to assess the impact of the development on slope stability. This impact is assessed on a case by case basis for the specific development proposed. The engineer might recommend measures to manage landslide risk, for example that excavations are supported using engineer designed retaining walls, and the recommendation would become a condition of a planning permit. Some types of development under EMO1 are exempt. These exemptions are shown in the EMO provision already in the Planning Scheme.</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
					<p>Some types of development under EMO1 are exempt. These exemptions are shown in the EMO provision already in the Planning Scheme.</p> <p>Additional costs to future development The applicant is responsible for the cost of a geotechnical assessment as part of a planning permit application. It is noted that a soil report which provides advice on foundation design is a mandatory requirement of a building permit. This typically involves site visits and borehole investigations, which are usually a significant component of the overall geotechnical cost. If slope stability assessment is needed for a geotechnical assessment, it is usually added to the existing soil report rather than requiring a new/separate geotechnical assessment, meaning applicants generally don't incur the full cost of a new report or additional site visit.</p> <p>The schedule to the EMO does not mandate specific landslide mitigation measures. The requirement for landslide risk mitigation measures is assessed on a development and site specific basis as part of a geotechnical assessment. The purpose of landslide risk mitigation measures is to prevent landslides from happening or protect life and property if they do. For example an engineer designed retaining wall to support a potentially unstable slope.</p> <p>Repair of landslide impacts and damage is usually much more expensive than prevention.</p> <p>It is acknowledged that there is an increased complexity of planning permits applications, which is associated with the requirement for a geotechnical assessment. However, applications are required to be processed within the statutory timeframes.</p> <p>Recommendation: Amend the mapping as recommended in Attachment 3. The submission will be referred to an independent Panel for further consideration.</p>
46	Opposed	Additional approval costs	The submitter raised concerns about the cost and time implications of development approvals process in the EMO that will require geotechnical reports	N/a	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>The property is within the current EMO, except for the southern tip of the property. The EMO is proposed to be replaced with EMO1 and apply the overlay to the whole property. The requirements of the EMO and proposed EMO1 are the same, therefore no further implications on the development approvals process or costs.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
47	Opposed	EMO1 Mapping Methodology	Submitter queried mapping and methodology of proposed EMO1 against adjoining properties given similarity of slope. Also queried on comparison/ similarity between current EMO and proposed overlay.	Following site investigation the mapping be adjusted. See Attachment 3 for more details.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 3.</p> <p>Recommendation: Amend the mapping as recommended in Attachment 3. The submission will be referred to an independent Panel for further consideration.</p>
48	Opposed	Stormwater	The submitter is concerned about maintenance of stormwater assets and unsealed roads resulting in gravel filling stormwater pits on Mount Dandenong Tourist Road.	N/a	Thank you for making a submission. In response to your submission, we advise that your position is noted.

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
					<p>Comments regarding stormwater infrastructure have been referred to Council's Infrastructure Services team for further consideration. As part of the Stormwater Management Plan, Council is progressing a key action to overlay EMO mapping with existing drainage and stormwater infrastructure. This initiative aims to identify water flow paths, infrastructure vulnerabilities, and system gaps that may contribute to slope instability.</p> <p>Recommendation: No change required to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
49	Opposed	EMO1 Methodology Mapping	<p>The submitter has queried the appropriateness of the mapping and methodology undertaken in applying EMO1 to their property.</p> <p>Submitter has requested the property be omitted from EMO being applied as:</p> <ul style="list-style-type: none"> The mapped area is at a large scale and has a margin of error Local topography of the land is insignificant and property separated by road and defined waterway. No landslide or debris flow hazards affecting the site 	Following site investigation the mapping be adjusted. See Attachment 3 for more details	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>M Mapping methodology Refer to response from WSP in Attachment 3.</p> <p>Recommendation: Amend the mapping as recommended in Attachment 3. The submission will be referred to an independent Panel for further consideration.</p>
50	Opposed	Methodology Impact to property values	The submitter is seeking clarification on how the proposed EMO area significantly increases on their land compared to the area of land currently affected. They feel that this will impact future property value and impact sales now that the dwelling location is affected by the EMO now.	Following site investigation the mapping be adjusted. See Attachment 3 for more details	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 3.</p> <p>Property value There are many factors that impact property value. Planning Panels do not generally consider financial implications, such as property values when considering planning scheme amendment changes.</p> <p>Recommendation: Amend the mapping as recommended in Attachment 3. The submission will be referred to an independent Panel for further consideration.</p>
51	Opposed	Mapping Methodology	<p>The submitter has concerns about the accuracy and implications of the EMO mapping. Key concerns noted below:</p> <ul style="list-style-type: none"> Mapping appears to generalise risk without accounting for site specific conditions and micro-topography. Resided onsite for over 13 years and no prior signs of soil instability, erosion or drainage issues. Impact to property value and burden of going through planning permit process. Methodology of LiDAR mapping and transparency over broad scale generalisation. Methods should be site specific. Mapping does not reflect onsite topography, existing earthworks, vegetation. <p>The submitter has requested a re-assessment of EMO applying to the site including:</p> <ul style="list-style-type: none"> Site inspection of the site with Council's geotechnical engineers. Clarification on criteria used to designate property at risk of erosion. 	Following site investigation the mapping be adjusted. See Attachment 3 for more details	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 2.</p> <p>Recommendation: Amend the mapping as recommended in Attachment 3. The submission will be referred to an independent Panel for further consideration.</p>
52	Opposed	Methodology Mapping	Mapping has not accounted for site specific conditions and works already undertaken to reduce erosion risks. Owner has resided onsite for over 2 years with no landslide issues.	No change to mapping.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 2.</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
					Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.
53	Opposed	Methodology Mapping	The submitter contends that slope instability along Boggy Creek is unlikely to occur. It is used in emergency by Melbourne Water to empty Coranderrk aqueduct. Water flow has never caused landslip in the area.	No change to mapping.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 2.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
54	Opposed	Methodology Mapping	The submitter disagrees with the overlay being applied to their site as the property is heavily vegetated on steeper slopes of the land. No previous landslip or erosion has occurred previously on the land. As the site is currently farmed and looked after the site should not be affected by the overlay.	There is scope to review the mapping at this location based on onsite assessment of the underlying geology type.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 3.</p> <p>Recommendation: TBC once updated response is received from WSP following completion of a site specific review. The submission will be referred to an independent Panel for further consideration.</p>
55	Opposed	Methodology Mapping	The submitter disagrees with the amendment as surrounding site conditions the slope is not steep and that waterflow flows naturally through the existing gully and does not impact the property.	No change to mapping.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 2.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
56	Opposed	EMO1 Mapping methodology Future land development	<p>The submitter requests that Council reconsider including the small portion of EMO1 on their property. The identified area has a low erosion risk because of the land being stabilised through past site works, making application of the EMO1 redundant.</p> <p>The submitter also raised the following general concerns:</p> <ul style="list-style-type: none"> Applying the EMO1 in an area of low erosion risk would unnecessarily burden straightforward development by requiring a planning permit and Geotechnical or Landslide Risk Assessment. 	Following site investigation the EMO be removed from the site.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 3.</p> <p>Future Land Development The Planning Scheme consists of requirements and guidelines for the use and development of land. The purpose of the EMO1 is to ensure that development within areas susceptible to landslide does not introduce landslide risks. Some types of development under EMO1 are exempt. These exemptions are shown in the EMO provision already in the Planning Scheme.</p> <p>Also, there is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the criteria for inclusion are not met. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslide hazards and nature of the proposed development.</p> <p>Recommendation: Amend the mapping as recommended in Attachment 3. The submission will be referred to an independent Panel for further consideration.</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
57	Opposed	EMO1 Methodology	The submitter objects to Yarra Ranges Council exerting increasing control over their land. They question the basis of the erosion mapping and seek clarification on the slope angle used to determine landslip risk.	No change to mapping at this location.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>The Amendment proposes only a very slight change to the mapping of the current EMO which already applies to the property.</p> <p>Mapping methodology Refer to response from WSP in Attachment 2.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
58	Opposed	EMO1 Mapping Additional approval costs	<p>The submitter disagrees with the proposed application of the EMO as only a small portion at the front of the property is affected. They consider Council has not taken a risk-based approach as the EMO designation extends across the whole property and should be revised so that only the identified risk area is covered.</p> <p>The submitter also raised the following general concerns:</p> <ul style="list-style-type: none"> Applying the EMO1 to the entirety of a property when only a small area has an identified risk imposes an unreasonable burden on property owners due to additional planning requirements for development. 	No change to mapping at this location.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>A review of the proposed EMO1 mapping shows the overlay only applying along the front boundary of the property, for a depth of 10m.</p> <p>Any planning permit requirements under the EMO1 would only apply to development that occurs within the area affected by the overlay.</p> <p>Mapping methodology Refer to response from WSP in Attachment 2.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
59	Opposed	EMO1 Methodology	<p>The submitter disagrees with the proposed application of the EMO as while the property does exhibit a slight slope, the probability of a landslip or erosion event occurring appears minimal when considering the gradient, soil type, vegetation or hydrological conditions of the site. They also question the consistency and accuracy of the mapping process as neighbouring properties which exhibit similar topographical characteristics are not included in the EMO.</p> <p>The submitter requests a qualified expert conducts an on-site inspection of the property.</p>	Following site investigation some minor adjustment to the mapped boundary is recommended but the majority of the property should remain in EMO1. See Attachment 3 for more details	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 2.</p> <p>Recommendation: Amend the mapping as recommended in Attachment 3. The submission will be referred to an independent Panel for further consideration.</p>
60	Opposed	EMO1 Mapping Future land development	<p>The submitter disagrees with the proposed application of the EMO as they have lived at their property for 16 years and have never had an issue with debris flow.</p> <p>The submitter also raised the following general concerns:</p> <ul style="list-style-type: none"> Applying the EMO will make it more difficult to make improvements to their property. 	N/a	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>A review of the planning controls for the property indicates that the EMO already applies to the property. The Amendment proposes no changes to the extent of the overlay on the property; it is simply changing the reference to the overlay in the planning scheme from 'EMO' to 'EMO1'.</p> <p>Some types of development under EMO and proposed EMO1 are exempt. These exemptions are shown in the EMO provision already in the Planning Scheme.</p> <p>Recommendation: No change required to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
61	Opposed	EMO1 Mapping	The submitter disagrees with the proposed EMO1 as while the property is on a slope angle of 15 degrees, there is no proof that the land is affected by landslide. Questions the accuracy of the mapping as it relies on digital mapping and not site inspections and only identifies a property's risk as 'may be at risk'.	No change to mapping.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
		Methodology Property value	The submitter also raised the following general concerns: <ul style="list-style-type: none"> The EMO will devalue their property and could impact resale. 		Refer to response from WSP in Attachment 2. Property value There are many factors that impact property value. Planning Panels do not generally consider financial implications, such as property values when considering planning scheme amendment changes. Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.
62	Not stated	N/A	No comments were left, submitter just completed their personal details on the form with no further comment.	N/a	Recommendation: No change required to the amendment. The submission will be referred to an independent Panel for further consideration.
63	Opposed	EMO2 Mapping	The submitter disagrees with the proposed application of the EMO as only a small section of their driveway is affected by the overlay. This area of the property is not habitable, nor could a structure be built on it due to the small size of the area.	Following site investigation no changes to the EMO2 mapping are recommended. See attachment 3 for more details	Thank you for making a submission. In response to your submission, we advise that your position is noted. Mapping methodology Refer to response from WSP in Attachment 3. Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.
64	Opposed	EMO1 Mapping Methodology Property value Future land development Additional approval costs	The submitter disagrees with the proposed application of the EMO as it is not supported by adequate evidence, overstates the level of risk, and does not reflect the actual on-ground conditions. In particular: <ul style="list-style-type: none"> There has been a lack of site-specific geotechnical investigation. The consultant report relies on assumptive language and inconsistent slope assessment. The stability and established use of the land should have resulted in a reduction of the EMO, and not an extension across the entirety of the property. The approach does not align with geotechnical investigation standards set by the Australian Geomechanics Society (AGS 2007). Inconsistent with precedents set by previous Victorian Planning Panels which demonstrate that site-specific accuracy and proportional accuracy are essential when applying or expanding the EMO. The submitter also raised the following general concerns: <ul style="list-style-type: none"> The EMO will result in increased costs for geotechnical assessments and planning permits, even for minor works or maintenance. Impacts on insurance, including premium increases or exclusions. Reduced property value and resale appeal. 	No change to mapping.	Thank you for making a submission. In response to your submission, we advise that your position is noted. Mapping methodology Refer to response from WSP in Attachment 3. Property value There are many factors that impact property value. Planning Panels do not generally consider financial implications, such as property values when considering planning scheme amendment changes. Insurance Most home insurance policies exclude landslide, unless it is triggered by a storm. Council has advised homeowners to contact their insurance provider to understand what their insurance covers. Future land development The Planning Scheme consists of requirements and guidelines for the use and development of land. The purpose of the EMO1 is to ensure that development within areas susceptible to landslide does not introduce landslide risks. For development that has the potential to introduce landslide hazards, including significant earthworks (greater than 1 m deep), vegetation clearance or works that could introduce water into the ground (for example dams), the EMO triggers the requirement for a geotechnical engineer to assess the impact of the development on slope stability. This impact is assessed on a case by case basis for the specific development proposed. The engineer might recommend measures to manage landslide risk, for example that excavations are supported using engineer designed retaining walls, and the recommendation would become a condition of a planning permit. Some types of development under EMO1 are exempt. These exemptions are shown in the EMO provision already in the Planning Scheme. A planning permit is not required for general repairs, internal renovations

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
					<p>or a minor extension (less than 20 square metres in floor area but must be connected to a legal point of discharge and not within 5 metres of existing earthworks that are higher than 1 metre).</p> <p>Additional approval costs The applicant is responsible for the cost of a geotechnical assessment as part of a planning permit application. It is noted that a soil report which provides advice on foundation design is a mandatory requirement of a building permit. This typically involves site visits and borehole investigations, which are usually a significant component of the overall geotechnical cost. If slope stability assessment is needed for a geotechnical assessment, it is usually added to the existing soil report rather than requiring a new/separate geotechnical assessment, meaning applicants generally don't incur the full cost of a new report or additional site visit.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
65	Opposed	EMO1 Mapping Methodology	<p>The submitter disagrees with the proposed overlay on these properties. They indicated concerns over the time given for a response to be made for such a consequential amendment.</p> <p>Notification letter was received at the end of the first week in September.</p> <p>The submitter indicated they engaged a soil engineering firm to undertake an analysis and report. Following an inspection, they were advised there is sub surface rock, thin layer of stable soil and gentle slopes on one of the properties, and a lack of slope on much of the land. Also, the reactivity of these factors to water meant that the classification of the proposed overlay was not appropriate.</p> <p>The submitter indicated that the time allocated to the proposed amendment is insufficient to prepare a response, but the delay in receiving the notification has exacerbated the problem.</p> <p>The submitter also indicated that responding to the amendment involves a considerable financial cost and it should not be the responsibility of landowners to do this.</p>	<p>Following site investigation some minor adjustments to the mapping are recommended. See Attachment 3 for more detail</p>	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>There was an extended exhibition period was between 21 August and 26 October 2025 to allow sufficient time for submissions to be made. This is substantially longer than the four weeks required under the <i>Planning and Environment Act 1987</i>.</p> <p>Mapping methodology Refer to response from WSP in Attachment 3.</p> <p>Recommendation: Amend the mapping as recommended in Attachment 3. The submission will be referred to an independent Panel for further consideration.</p>
66	Opposed	Future land development Property value Approval costs Development costs Insurance	<p>The submitter has indicated that the inclusion of the property in the EMO introduces uncertainty and restriction regarding future use of the land.</p> <p>The submitter asks whether the EMO will affect the whole property or only what is mapped.</p> <p>The submitter indicates they purchased the property thinking that they could extend the house. It is a significant cost for geotechnical engineers to inspect the property. The submitter queries whether development will involve more cost than before. For example, will the foundations need to be deeper and closer together. If it is even possible to build.</p> <p>The submitter indicates the proposed EMO will affect property value and usability of the land, which places an unreasonable burden on them. The submitter asks will there be compensation or buy back scheme, and how will the overlay affect insurance.</p> <p>The submitter indicates that based on the understanding of their property, they do not believe it meets the threshold for environmental significance and request for the specific criteria or environmental data used to justify the proposed EMO on their property.</p>	<p>No change to mapping.</p>	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 2.</p> <p>Future land development The requirements of the proposed EMO2 would only apply to the area covered by the overlay. If proposed buildings and works are located completely outside of the overlay, it would not apply.</p> <p>It is acknowledged that many properties in the proposed EMO2 are already developed. The purpose of the proposed EMO2 is avoid future development in areas mapped EMO2 to minimise the risk to life and property. Any proposed development in the EMO2 would need to be assessed on a case by case basis by a geotechnical practitioner. Risk from debris flow needs to achieve a Tolerable Risk level to be considered suitable for new development. Council has an obligation to accurately identify hazards through planning controls and ensure a safe living environment.</p> <p>Property value</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
			<p>The submitter indicates that the potential drainage lines identified were not at all in correspondence to flooding in the area years ago.</p> <p>The submitter requests the following:</p> <ul style="list-style-type: none"> • Council reviews the inclusion of the property in the EMO, and provide justification; • A site inspection be arranged to verify the environmental significance; • Remove the overlay from the property, or the extent of the overlay on the land; • Council to provide clear, written guidelines for what activities will require permits under the EMO on the property. • The extent of permits required for new construction or any other building changes. • Council provide compensation, or a buy back scheme. <p>The submitter requested advice on the next steps in the process.</p>		<p>There are many factors that impact property value. Planning Panels do not generally consider financial implications, such as property values when considering planning scheme amendment changes.</p> <p>Compensation or buy back scheme Planning scheme amendments do not provide compensation for landowners. The State Government does not currently have a buyback scheme. Council has advocated the State Government on numerous occasions to buyback undevelopable private land, however this has not been supported.</p> <p>Insurance Most home insurance policies exclude landslide, unless it is triggered by a storm. Council has advised homeowners to contact their insurance provider to understand what their insurance covers.</p> <p>EMO – Schedule 2 Under Schedule 2, all building and works require a planning permit, except for those listed. The planning permit exemptions include: earthworks less than 600mm, retaining walls less than 600mm, non-habitable structure ancillary to a dwelling that covers the ground surface by less than 20 square metres, a fence and vegetation removal.</p> <p>Next steps The submitter was sent an acknowledgement letter advising that they would be notified once a date has been set for the consideration of submissions by Council.</p> <p>Additional approval costs and red tape The applicant is responsible for the cost of a geotechnical assessment as part of a planning permit application. It is noted that a soil report which provides advice on foundation design is a mandatory requirement of a building permit. This typically involves site visits and borehole investigations, which are usually a significant component of the overall geotechnical cost. If slope stability assessment is needed for a geotechnical assessment, it is usually added to the existing soil report rather than requiring a new/separate geotechnical assessment, meaning applicants generally don't incur the full cost of a new report or additional site visit.</p> <p>It is acknowledged that there is an increased complexity of planning permits applications, which is associated with the requirement for a geotechnical assessment. However, applications are required to be processed within the statutory timeframes.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
67	Opposed	<p>Future land development</p> <p>Costs and approval timeframes</p> <p>Property values</p>	<p>The submitter indicated they have recently purchased the property and undertook due diligence on the current planning controls. They have plans to extend the dwelling and renovate the garage/carport and proposed EMO will hinder this. The EMO restricts development, and it will add major delays due to the process and costs involving a geotechnical engineer.</p> <p>In addition, the submitter indicated the EMO dramatically devalues the property.</p> <p>The submitter would like further justification for the street being included in the EMO and feels it is an over the top precaution to cover Council for any liability “in case of an</p>	<p>Following site investigation it is recommended some minor adjustments to the mapped boundary are made.</p>	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 2.</p> <p>Additional approval costs and timeframes The applicant is responsible for the cost of a geotechnical assessment as part of a planning permit application. It is noted that a soil report which provides advice on foundation design is a mandatory requirement of a building permit. This typically involves site visits and borehole</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
			<p>event". They indicate the amendment should consider the effects the EMO will have on people and properties, rather than the suspicion and probability of a natural disaster.</p> <p>The submitter would like further clarification on the EMO would affect them and the difference it will make on future building works compared to if it were not applied.</p>		<p>investigations, which are usually a significant component of the overall geotechnical cost. If slope stability assessment is needed for a geotechnical assessment, it is usually added to the existing soil report rather than requiring a new/separate geotechnical assessment, meaning applicants generally don't incur the full cost of a new report or additional site visit.</p> <p>It is acknowledged that there is an increased complexity of planning permits applications, which is associated with the requirement for a geotechnical assessment. However, applications are required to be processed within the statutory timeframes.</p> <p>Property value There are many factors that impact property value. Planning Panels do not generally consider financial implications, such as property values when considering planning scheme amendment changes.</p> <p>Future land development Some types of development under EMO1 are exempt. These exemptions are shown in the EMO provision already in the Planning Scheme. A planning permit is not required for general repairs, internal renovations or a minor extension (less than 20 square metres in floor area but must be connected to a legal point of discharge and not within 5 metres of existing earthworks that are higher than 1 metre).</p> <p>Recommendation: Amend the mapping as recommended in Attachment 3. The submission will be referred to an independent Panel for further consideration.</p>
68	Opposed	<p>Mapping</p> <p>Methodology</p> <p>Red tape</p> <p>Future land development</p>	<p>The submitter understands the importance of ensuring public safety but is opposed to the blanket application of the overlay across their property.</p> <p>The submitter has raised the following concerns:</p> <ul style="list-style-type: none"> • Methodology used to calculate slopes, as they believe it produces misleading results. Their house is located on flat land. • A geotechnical report was obtained and has been provided to Council. The assessment provides evidence that the site is stable. • Whilst residing at the property, there has been no evidence of landslip, soil movement, or tree loss. • The planning and building permit system already provides robust safeguards, including, geotechnical assessments if needed. The overlay creates additional red tape. • Significant financial burden by requiring additional permits, specialist reports. Making improvements unaffordable. • Devaluation of property and threat to financial security. Overlays reduce the market value, deter potential buyers and increase costs associated with simple improvements. Risk of being forced to sell at a loss or unable to sell. • The overlay is unreasonable and unequitable. • The mapping is generalised and no evidence-based site inspections were undertaken. 	<p>Following site investigation no change be made to the proposed mapping. See Attachment 3 for more detail.</p>	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>A copy of the geotechnical report was not attached to the submission. There was a planning permit approval on the property in 2022 to extend the dwelling. However, there is no record of a geotechnical report as part of the planning permit application documents. The submitter can provide the geotechnical report to support their submission as part of the independent Panel.</p> <p>Mapping methodology Refer to response from WSP in Attachment 3.</p> <p>Future Land Development The Planning Scheme consists of requirements and guidelines for the use and development of land. The purpose of the EMO1 is to ensure that development within areas susceptible to landslide does not introduce landslide risks. For development that has the potential to introduce landslide hazards, including significant earthworks (greater than 1 m deep), vegetation clearance or works that could introduce water into the ground (for example dams), the EMO triggers the requirement for a geotechnical engineer to assess the impact of the development on slope stability. This impact is assessed on a case by case basis for the specific development proposed. The engineer might recommend measures to manage landslide risk, for example that excavations are supported using engineer designed retaining walls, and the recommendation would become a condition of a planning permit. Some types of development under EMO1 are exempt. These exemptions are shown in the EMO provision already in the Planning Scheme.</p> <p>Additional approval costs</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
					<p>The applicant is responsible for the cost of a geotechnical assessment as part of a planning permit application. It is noted that a soil report which provides advice on foundation design is a mandatory requirement of a building permit. This typically involves site visits and borehole investigations, which are usually a significant component of the overall geotechnical cost. If slope stability assessment is needed for a geotechnical assessment, it is usually added to the existing soil report rather than requiring a new/separate geotechnical assessment, meaning applicants generally don't incur the full cost of a new report or additional site visit.</p> <p>Property value There are many factors that impact property value. Planning Panels do not generally consider financial implications, such as property values when considering planning scheme amendment changes.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
69	Opposed	Methodology	<p>The submitter objects to the proposed EMO, which covers a small area of land at the bottom of their property.</p> <p>The submitter raises the following concerns:</p> <ul style="list-style-type: none"> There is not a clear reason for the amendment. There is no mention of any current erosion issues or how the EMO is going to stop erosion, even with a planning permit and geotechnical assessment. The webinar states amendment would reduce water infiltration in the soil, so why would the amendment apply the EMO to the spring fed dam, Hansen Creek and my neighbour's dam. Does that mean dams that have been there for years with no sign of erosion or issues is now subject to the EMO? Melbourne Water and Department of Agriculture have a list of trees that they want landowners to clear from waterways (e.g. weeds). The overlay would be contrary with State Government Departments. Would a permit be required from Council comply with State Government Departments? <p>The submitter also provided the following observations:</p> <ul style="list-style-type: none"> Original contour maps showed the waterways and nothing has changed. The Mornington Peninsula landslide was caused by the leaking water main and not the lack of an overlay. The Melbourne Water tower tank was moved in the 1990's due to being placed on the top of an extinct volcano and the limestone ground deep below has caves leading from the old David Mitchel Estate Quarry. However, Council allowed development of the Rolling Hill and Painted Hills estates in the 1980's and 1990's, and now Kinley Estate. Mother nature will run its course and can't be prevented by the EMO. <p>The submitter queried whether Council is going to be the responsible authority for creek and rivers, rather than Melbourne Water.</p>	Following site investigation it is recommended an additional area be included. No other changes to the proposed mapping are recommended. See Attachment 3 for more detail.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>The purpose of the EMO in the Yarra Ranges Planning Scheme is to identify landslide and debris flow susceptibility, rather than erosion.</p> <p>Under the EMO, there are some planning permit exceptions for tree removal, based on the size of the tree. Trees are important for reducing the amount of water in the soil and minimises the risk of landslip. Melbourne Water is the responsible authority for creeks and rivers. It is noted that overlays can be applied to creeks and waterways managed by Melbourne Water.</p> <p>Mapping methodology Refer to response from WSP in Attachment 3.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
70	Opposed	Mapping Rebuild Approval and development costs	<p>The submitter has indicated that the EMO on their property has increased significantly across the rear, in areas where they don't believe the slope warrants the overlay and there are obstructions in place that make landslip unlikely. The current EMO is fine as the slope in that area is around 15%.</p> <p>The submitter has indicated that the more significant impact is the inclusion of the house and driveway. They are concerned the roof tiles may have been picked up as the slope angle.</p>	Following site investigation it is recommended the EMO be removed from this property. See Attachment 3 for more details.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>A review of the planning controls for the property indicates that the EMO already applies to the north east corner of the property. The Amendment proposes to extend the overlay at the rear of the property and apply to land where the dwelling and driveway are located. The reference to the overlay in the planning scheme is proposed to change from 'EMO' to 'EMO1'.</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
			<p>The submitter is concerned that if something happens to the house and rebuild is required, the EMO may prevent that, or at least significantly increase the cost.</p> <p>Drainage works have also been undertaken in the driveway to remove water that flowed across the surface.</p>		<p>Mapping Methodology Refer to response from WSP in Attachment 2.</p> <p>Recommendation: Amend the mapping as recommended in Attachment 3. The submission will be referred to an independent Panel for further consideration.</p>
71	Opposed	<p>EMO2</p> <p>Mapping methodology</p> <p>Future land development</p> <p>Restrictions on repairs</p> <p>Property value</p>	<p>The submitter objects to the property being included in EMO2. The submitter has indicated the following concerns:</p> <ul style="list-style-type: none"> There is a small gully thar runs across the property, however an inspection of other gullies makes it clear that not all gullies are to be designated debris flow zones and they ask why not. The report does not give explanation of the criteria used or why some gullies are designated debris flow and others nearby are not. If debris flow is such a serious threat, why has there not been a single case reported since the 1891 debris flow event. Restrict capacity to repair the dwelling if it were damaged. Reduce property values. <p>In addition, the submitter makes the following comments:</p> <ul style="list-style-type: none"> urge councillors to consider the lesson provided by Fire Buffer Zones and take care to avoid the mistakes made previously. urge Councillors to consider the impact on families affected by this proposed amendment and stricter planning rules that may face similar hardship as the families affected by the Fire Buffer Zone (abolished in the mid 1990s). How can Council assured that the deletions of EMO from 937 properties is correct. The consultant cannot reliably estimate a probability for the risks associated with land slip and debris flow, how can Council reasonably adopt an effective risk management strategy to mitigate it. Experts err on the high side when assessing dangers to protect themselves when an event does occur and would not be accused of negligence. Also lead to further work on the matter. 	No change to mapping.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology and future land development Refer to response from WSP in Attachment 2.</p> <p>Repairs Provided that repairs to an existing dwelling do not increase the floor area of the building by more than 20 square metres, a planning permit is not required. Also, there is a planning permit exemption for <i>Repairs and routine maintenance to an existing building or works</i> under the Clause 62.02-2 of the planning scheme.</p> <p>Property value There are many factors that impact property value. Planning Panels do not generally consider financial implications, such as property values when considering planning scheme amendment changes.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
72	Opposed	<p>EMO1</p> <p>Mapping</p> <p>Future land development</p> <p>Property value</p>	<p>The submitter disagrees with the proposed extension of the EMO on their property as it has been extended uphill along existing vertical retaining walls. These retaining walls were installed to create a horizontal platform for the house to be built on. A drainage system and tree planting was also undertaken which has helped stabilise the land, and no cracks in external walls or along the driveway have appeared after 30 years.</p> <p>The submitter has raised the following concerns:</p> <ul style="list-style-type: none"> Would like a site inspection to be undertaken to assess the stability of the land. The proposed new EMO may not achieve the purpose of the overlay but will impact on land use and value. 	No change to mapping in this area.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping Methodology and future land development Refer to response from WSP in Attachment 2.</p> <p>Property value There are many factors that impact property value. Planning Panels do not generally consider financial implications, such as property values when considering planning scheme amendment changes.</p> <p>Future land development The Planning Scheme consists of requirements and guidelines for the use and development of land. The purpose of the EMO1 is to ensure that development within areas susceptible to landslide does not introduce landslide risks. For development that has the potential to introduce landslide hazards, including significant earthworks (greater than 1 m deep), vegetation clearance or works that could introduce water into the ground (for example dams), the EMO triggers the requirement for a geotechnical engineer to assess the impact of the development on slope stability. This impact is assessed on a case by case basis for the specific development proposed. The engineer might recommend measures to manage landslide risk, for example that excavations are supported using engineer designed retaining walls, and the recommendation would become a condition of a planning permit.</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
					<p>Some types of development under EMO1 are exempt. These exemptions are shown in the EMO provision already in the Planning Scheme.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
73	Opposed	EMO1 Mapping Property value Approval and development costs	<p>The submitter disagrees with the proposed EMO1 as the topography of their property is not steep and there is no risk of landslide.</p> <p>The submitter has raised the following concerns:</p> <ul style="list-style-type: none"> The overlay will impact on property values. The cost of future renovations and landscaping will become unaffordable. 	<p>Inclusion of this area is marginal and there is scope to refine the EMO extent through on the ground site assessment.</p>	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping Methodology Refer to response from WSP in Attachment 2.</p> <p>Property value There are many factors that impact property value. Planning Panels do not generally consider financial implications, such as property values when considering planning scheme amendment changes.</p> <p>Additional approval costs The applicant is responsible for the cost of a geotechnical assessment as part of a planning permit application. It is noted that a soil report which provides advice on foundation design is a mandatory requirement of a building permit. This typically involves site visits and borehole investigations, which are usually a significant component of the overall geotechnical cost. If slope stability assessment is needed for a geotechnical assessment, it is usually added to the existing soil report rather than requiring a new/separate geotechnical assessment, meaning applicants generally don't incur the full cost of a new report or additional site visit.</p> <p>Some types of development under EMO1 are exempt. These exemptions are shown in the EMO provision already in the Planning Scheme. A planning permit is not required for general repairs, internal renovations or a minor extension (less than 20 square metres in floor area but must be connected to a legal point of discharge and not within 5 metres of existing earthworks that are higher than 1 metre). A planning permit is not required under the EMO1 for landscaping with earthworks less than 1 metre in height or depth, or retaining walls less than 1 metre in height.</p> <p>Recommendation: TBC once updated response is received from WSP following completion of the ground assessment. The submission will be referred to an independent Panel for further consideration.</p>
74	Opposed	Mapping Insurance Rebuild Property value	<p>The submitter strongly objects to the EMO1 on their property and seeks for the property to be excluded. Less than 10% of the property is included in the EMO mapping. This part of the property is mostly an easement and on the boundary of the backyard, not suitable for development.</p> <p>The submitter indicates that the application of the EMO1 to the entire property due to a minor inclusion has significant impacts as follows:</p> <ul style="list-style-type: none"> EMO1 will further increase insurance premiums. Rebuild is restricted or prevented, already have Bushfire Management Overlay and EMO1 will further impact housing security. Impact on property value. Prospective buyers will identify the overlays and associated development limitations. The property is relatively flat and seek a review of the mapping. 	<p>On the ground assessment may allow slight adjustment of the boundary through this area.</p>	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping Methodology Refer to response from WSP in Attachment 3.</p> <p>Property value There are many factors that impact property value. Planning Panels do not generally consider financial implications, such as property values when considering planning scheme amendment changes.</p> <p>Insurance Most home insurance policies exclude landslide, unless it is triggered by a storm. Council has advised homeowners to contact their insurance provider to understand what their insurance covers.</p> <p>Rebuild</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
					<p>The requirements of the proposed EMO1 would only apply to the area covered by the overlay. If proposed buildings and works are located completely outside of the overlay, it does not apply. The dwelling is located outside of the proposed EMO1, therefore if the dwelling was to be rebuilt the requirements of the EMO1 would not be applicable.</p> <p>Recommendation: TBC once updated response is received from WSP following completion of the ground assessment. The submission will be referred to an independent Panel for further consideration.</p>
75	Opposed	EMO1 Mapping	The submitter disagrees with the proposed EMO1 as there is no erosion. The land is flat, with part being bush.	No change to the mapping in this area.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>The proposed EMO applies to some vegetated areas of the property. The flat paddock areas and existing buildings are not proposed to be included in the EMO and would not be subject to the provisions of the EMO.</p> <p>These parts of the property within proposed EMO1 are unlikely to be developed, as this land appears to contain dense vegetation (based on aerial imagery).</p> <p>The EMO provisions would only be triggered if works were proposed within the EMO extent that could make these slopes more susceptible to instability, for example if extensive vegetation clearance were to be proposed. This type of change would not be prohibited under the provisions of the EMO1, however the proposal would need to be assessed by a geotechnical engineer to check whether it will have an unacceptable impact on slope stability.</p> <p>Mapping methodology Refer to response from WSP in Attachment 2.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
76	Opposed	EMO1 Methodology Property value Approval and development costs Planning Policy	<p>The submitter disagrees with the proposed expansion of the EMO on their property as the methodology used is technically flawed, inconsistent with accepted geotechnical assessment standards, and contrary to evidence-based planning principles.</p> <p>The methodology is flawed because it:</p> <ul style="list-style-type: none"> Overstates slope and risk. Does not account for slope orientation. Did not undertake site-specific verification. Inappropriately used polygon smoothing and buffering. Is not transparent about the slope thresholds or criteria used to define 'elevated' risk. Does not consider site stability. <p>The submitter has raised the following concerns:</p> <ul style="list-style-type: none"> The overlay will impact on property values. The overlay will impose unnecessary financial burden and complexity for planning permits. The amendment is not consistent with the objectives of the <i>Planning and Environment Act</i>, Clause 13.03-1S Erosion and Landslip of the Yarra Ranges Planning Scheme and Planning Practice Note 8: Overlays. 	Detailed on site assessment could be undertaken to support an adjustment of the boundary on this site of approximately 10 m to 20 m.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 2.</p> <p>Property value There are many factors that impact property value. Planning Panels do not generally consider financial implications, such as property values when considering planning scheme amendment changes.</p> <p>Additional approval costs and timeframes The applicant is responsible for the cost of a geotechnical assessment as part of a planning permit application. It is noted that a soil report which provides advice on foundation design is a mandatory requirement of a building permit. This typically involves site visits and borehole investigations, which are usually a significant component of the overall geotechnical cost. If slope stability assessment is needed for a geotechnical assessment, it is usually added to the existing soil report rather than requiring a new/separate geotechnical assessment, meaning applicants generally don't incur the full cost of a new report or additional site visit.</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
					<p>The schedule to the EMO does not mandate specific landslide mitigation measures. The requirement for landslide risk mitigation measures is assessed on a development and site specific basis as part of a geotechnical assessment. The purpose of landslide risk mitigation measures is to prevent landslides from happening or protect life and property if they do. For example an engineer designed retaining wall to support a potentially unstable slope.</p> <p>Repair of landslide impacts and damage is usually much more expensive than prevention.</p> <p>It is acknowledged that there is an increased complexity of planning permits applications, which is associated with the requirement for a geotechnical assessment. However, applications are required to be processed within the statutory timeframes.</p> <p>Planning Policy The amendment is consistent with Clause 13.04-2 Erosion and landslip, as the purpose of the amendment is to protect areas prone to landslip that are not mapped in the current EMO and puts in place requirements to prevent inappropriate development in these areas. Also, the amendment is based on recognised mapping techniques for the identification of land with landslip and/or debris flow susceptible, therefore the amendment is consistent with Planning Practice Note 8: Overlays.</p> <p>Recommendation: TBC once updated response is received from WSP following completion of the ground assessment. The submission will be referred to an independent Panel for further consideration.</p>
77	Opposed	EMO1 Mapping	<p>The submitter disagrees with the proposed extension of the EMO1 on their property as it does not seem to consider any of existing ground levels/grades or improvements that reduce the slope in the area and subsequently reduces the susceptibility for landslip or erosion.</p> <p>The submitter suggests a change to the proposed EMO1 extension which aligns with the current site conditions.</p>	The proposed adjustment appears reasonable subject to site specific review.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 2.</p> <p>Recommendation: TBC once updated response is received from WSP following completion of a site specific review. The submission will be referred to an independent Panel for further consideration.</p>
78	Opposed	EMO1 Mapping methodology	The submitter disagrees with the proposed EMO1 as according to their analysis of the LiDAR data; the overlay is not appropriate. They have requested a detailed report with the basis for the determination to verify the assessment.	There is scope to alter the boundary at this location on the basis of margin of error in the geological mapping. The boundary of the alluvium appears to be shown too far to the west which has meant this area was included. If the boundary is shown to be further east the EMO would be removed from this site.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Mapping methodology Refer to response from WSP in Attachment 2.</p> <p>Recommendation: TBC once updated response is received from WSP following completion of a site specific review. The submission will be referred to an independent Panel for further consideration.</p>
79	Supportive (late submission)	Mapping	Supports the removal of the EMO from their property.	N/a	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Recommendation: No change required to the amendment. The submission will be referred to an independent Panel for further consideration.</p>

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
80	Not stated (late submission)	Historic debris flow Vegetation removal – Warburton Bike Path	<p>The submitter indicated they could only view of an abridged version of the amendment at the Yarra Junction Service Centre.</p> <p>The submitter refers to a summary of study undertaken in the 1983 after the Ash Wednesday fires. However, there is no mention of this study by your experts. The submitter asks if this information can be looked into, as the fear another repeat of a debris flow with climate change and the increase in extreme weather events.</p> <p>The submitter indicated they are dreadfully concerned about the clearing (and no offset) that has been undertaken for the Warburton Bike Path. They are concerned that the vegetation clearing will lead debris on many sections of Little Joes, in particular the Scottman’s Creek area. They suggest revegetation on landslip susceptibility areas. Also, suggest plant vouchers.</p>	N/a	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>WSP has indicated that the University of Melbourne study used to identify debris flow areas was put together by specialists in post bushfire debris flows and it is likely that they factored historic debris flows into their study.</p> <p>This submission has been provided to Council’s Warburton Mountain Bike Team. The Warburton Bike Park is being delivered in accordance with approvals provided under the Specific Controls Overlay 16 - <i>Warburton Mountain Bike Destination Project (Southern Network) Incorporated Document (Department of Transport and Planning, October 2023)</i> in the Planning Scheme for this project. Regular audits have been completed by external environmental auditor and appropriate native vegetation offsets have been secured as required by SCO16.</p> <p>Recommendation: No change required to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
81	Not opposed (late submission)		The submitter has advised they understand the context of the amendment, their interest in the amendment as an adjoining municipality, possible implications for land in Knox in particular around The Basin, Ferntree Gully and Upper Ferntree Gully whilst acknowledging the mapping has been specific to Yarra Ranges only and that Knox may need to undertake future work in its municipality.	N/a	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Recommendation: No change required to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
82	Opposed (late submission)	Mapping methodology Cost	<p>The submitter opposes the proposed EMO on their property. They have been in the earthmoving business for 20 years and considered that the proposed changes have no merit.</p> <p>The submitter has undertaken works on neighbouring property which has been subject to a landslide, but this has not been included in the proposed EMO.</p> <p>In addition, the submitter raises the following concerns:</p> <ul style="list-style-type: none"> • Site inspection should be undertaken by a geotechnical technician prior to applying the overlay on someone’s property. • There is a financial cost to a property owner obtaining a geo engineer report – approx. \$700 to \$4,000 and upwards. • Unfair • 90% of landslides are caused by poor drainage and broken pipes. 	No change to mapping in this area.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>WSP have advised that a landslide has been identified on part of this property (outside the developed part of the property). The developed portion of this property is not within proposed EMO. Therefore, buildings and works undertaken within the footprint of the existing house or outside of the extent of the mapped landslide would not be subject to the provisions of the proposed EMO.</p> <p>Mapping methodology and implications of the EMO on future works Refer to response from WSP in Attachment 3.</p> <p>Managing landslide risks Council will provide information to landowners on ways to minimise landslide risks, including maintaining drains and retaining walls.</p> <p>As part of the Stormwater Management Plan, Council is progressing a key action to overlay EMO mapping with existing drainage and stormwater infrastructure. This initiative aims to identify water flow paths, infrastructure vulnerabilities, and system gaps that may contribute to slope instability.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
83	Not opposed (late submission)	N/a	The Head, Transport for Victoria has reviewed the amendment document and has not comments to make or changes to request.	N/a	Thank you for making a submission. In response to your submission, we advise that your position is noted.

Submitter No.	Position	Theme	Summary of Submission	Consultant response to submission	Response to submission
					Recommendation: No change required to the amendment. The submission will be referred to an independent Panel for further consideration.
84	Opposed (late submission)	Mapping Deters prospective buyers Insurance	<p>The submitter raised the following concerns:</p> <ul style="list-style-type: none"> Property is gently sloped. Property does not experience debris flow along the road that is poorly maintained by Council and regularly overflows. No landslip or debris flow experienced during the June 2021 storm or September 2021 earthquake. Montrose landslide is not relevant to their property. The overlay would be a deterrent to perspective property buyers. New rating will affect insurance premiums. Council is future proofing against repercussions following a landslip, like Mornington Peninsula. Property is never likely to experience a landslip. 	TBC	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>There are many areas of the municipality that have environmental and landscape hazards. Council has an obligation to accurately identify hazards through planning controls and ensure a safe living environment.</p> <p>Insurance Most home insurance policies exclude landslide, unless it is triggered by a storm. Council has advised homeowners to contact their insurance provider to understand what their insurance covers.</p> <p>Property value There are many factors that impact property value. Planning Panels do not generally consider financial implications, such as property values when considering planning scheme amendment changes.</p> <p>Mapping methodology TBC</p> <p>Recommendation: TBC once updated response is received from WSP. The submission will be referred to an independent Panel for further consideration.</p>

Submitter Number:	1
Position:	Objection to inclusion in proposed EMO.
Theme:	Mapping methodology
Address:	
Summary of Submission:	Query on reason EMO has been extended at this location to cover entire property.
Recommendation	There may be a basis to review the mapping in this area through detailed on the ground assessment.

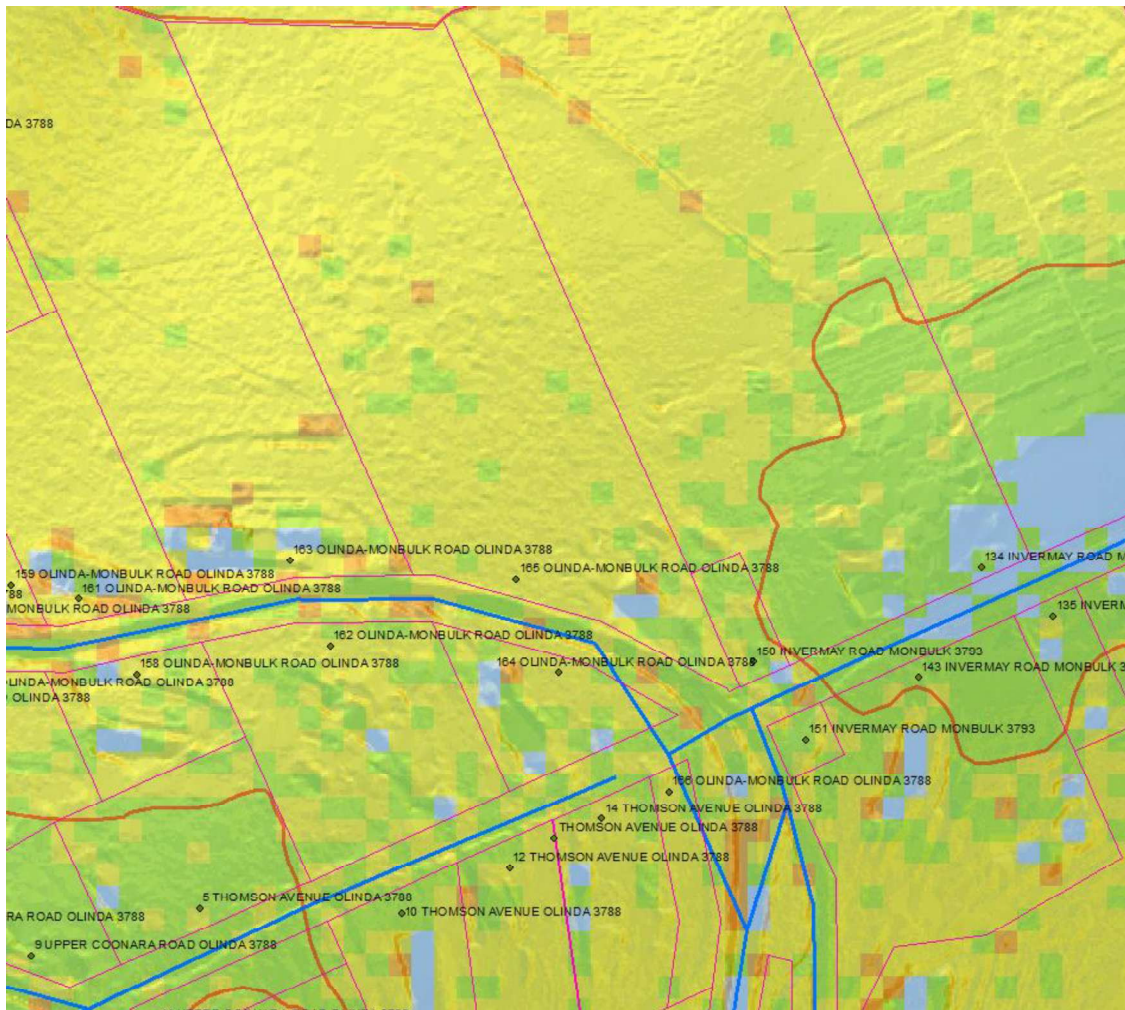
WSP Australia Response:

The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Devonian Rhyodacite, the threshold for inclusion. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type.

It possible that earthworks can alter the natural slope angle to the extent that the measured slope angle over 10 m appears to exceed the natural slope angle, however in delineating susceptible areas consideration is given to the proportion of the area that exceeds the threshold and characteristics of the terrain.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere. This area is not necessarily under imminent threat from landslide in its current condition, nor has it been subject to landslide in the past. The purpose of the EMO is to ensure appropriate development so that it remains so into the future.

The introduction of EMO is not expected to have an impact on ability to obtain a planning permit. There will be a requirement that as part of a soil report normally prepared for building, the geotechnical engineer who prepares the soil report will assess the potential impact of the development on slope stability and if necessary make recommendations to reduce that impact.



Accuracy of Mapping

The landslide susceptibility mapping is reliant upon geological mapping undertaken by the Geological Survey of Victoria, a digital elevation model derived from LiDAR and the experience of the geologists who prepare the mapping. Whilst the criteria for inclusion are applied as accurately as possible, noting that the LiDAR used has 1 m resolution, there is inevitably a margin of error in where the boundaries are plotted.

There is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the criteria for inclusion are not met. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslide hazards and nature of the proposed development.

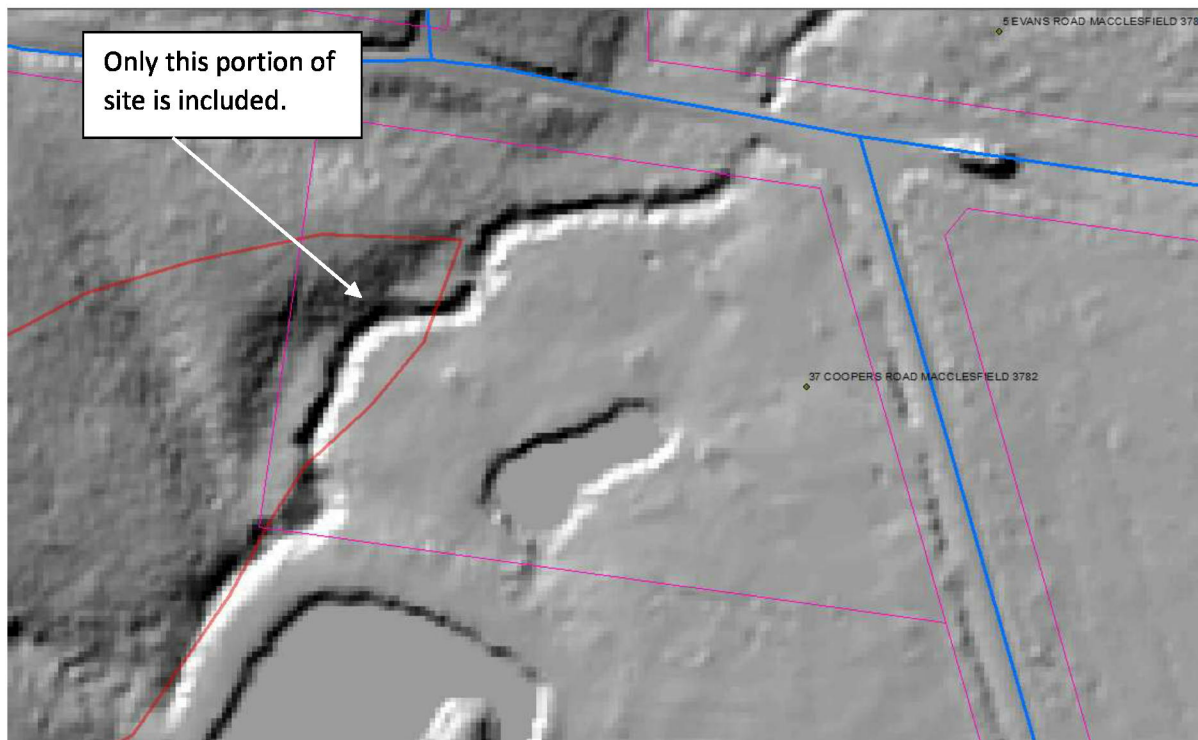
Submitter Number:	2
Position:	Opposed to EMO
Theme:	Concern that development will be prevented.
Address:	
Summary of Submission:	Site is flat and does not warrant inclusion.
Recommendation	A minor change to the mapping could be made such that the EMO boundary better follows the creek in this area.

WSP Australia Response:

The proposed EMO affects only a small area on the western side of the creek on this property. This area has been included on the basis that the slope is underlain by colluvium and exceeds the threshold for inclusion of 11 degrees.

The developed portion of the property including the areas in which the photos were taken would not be affected and would not be subject to the provisions of the EMO.

Given the area proposed for inclusion is undeveloped and vegetated and the vegetation would be serving to help stabilise the slope and prevent erosion, the provisions of the EMO are only likely to be triggered if there was a future proposal to clear vegetation from this area or develop it.

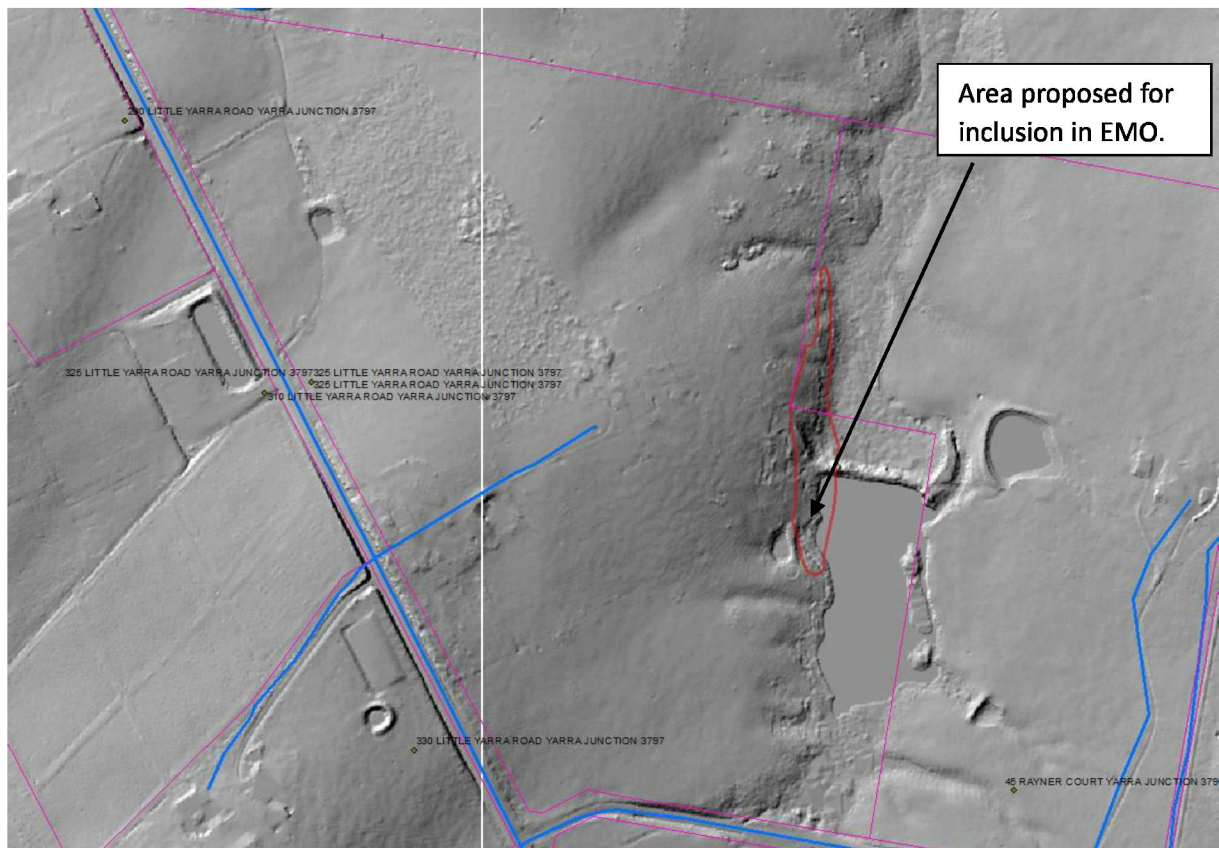


Submitter Number:	3
Position:	Objection to proposed EMO
Theme:	Mapping methodology
Address:	
Summary of Submission:	Site is mostly flat and does not justify inclusion.
Recommendation	No change to mapping.

WSP Australia Response:

Only a very small portion of this property is proposed for inclusion in the EMO relating to the steep portion of the creek bank in the vicinity of the existing dam. The slope angle in this area exceeds the 11 degree threshold for Quaternary alluvium which underlies this site based on published geological maps. The EMO provisions would only apply to proposed development within this area. They would not apply to the broader site, nor to the existing developed areas of the site.

The area affected by the EMO is at a location that is unlikely to be proposed for future development. However, if for example there were a proposal to modify the dam or clear vegetation from this area, then the EMO would trigger the requirement for geotechnical assessment and assessment of whether the proposed development might contribute to erosion or slope instability.



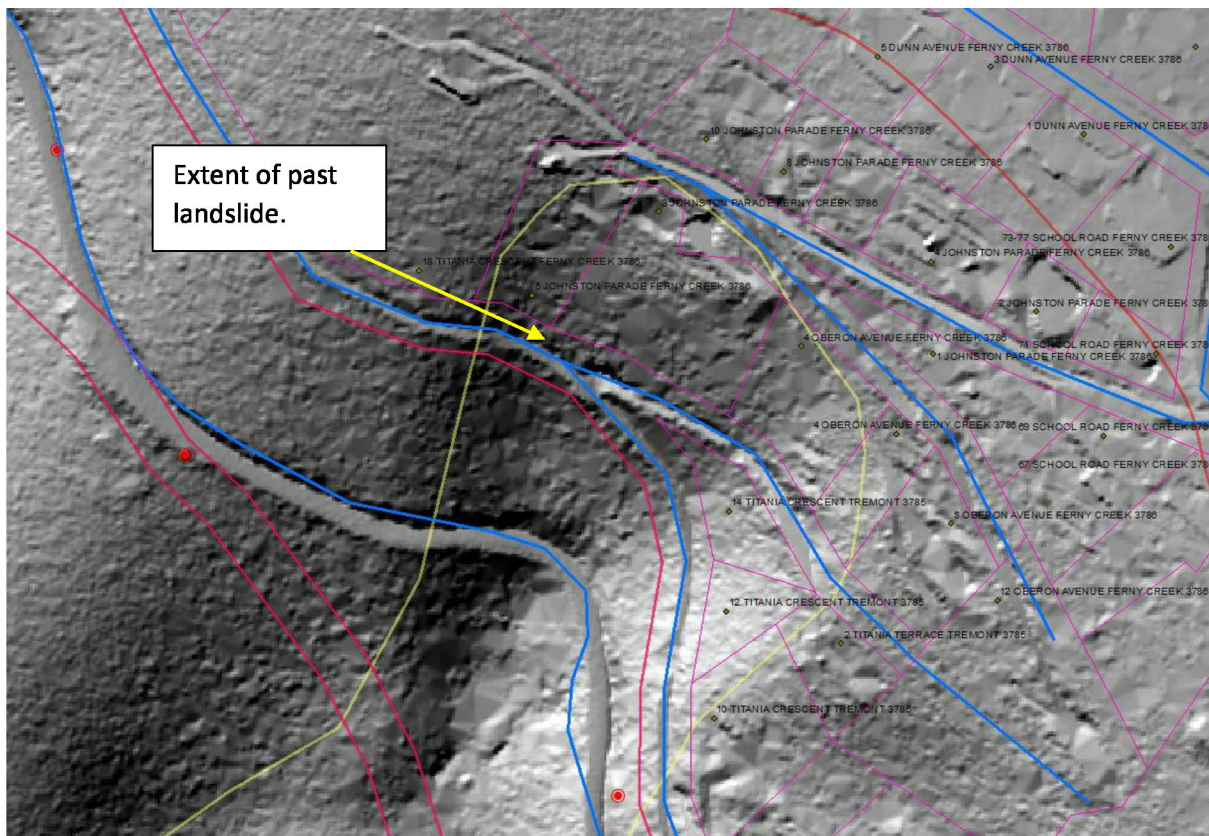
Submitter Number:	4
Position:	Query
Theme:	Mapping methodology
Address:	
Summary of Submission:	Query on reason for inclusion.
Recommendation	No change to mapping

WSP Australia Response:

Changes to Provisions

There are no changes proposed to the EMO provisions for this property. Amendment C225 seeks to alter the mapped extent of the EMO and to introduce special provision in areas susceptible to debris flow. This property is not susceptible to debris flow and is currently within the EMO. It is included on the basis that the slope angle exceeds 11 degrees and the site is underlain by Devonian Rhyodacite. Furthermore, there is geomorphic evidence of past landslide (prior to residential development) having affected the site and its vicinity as highlighted in the image below.

There will be no changes to the current EMO controls for this property as a result of Amendment C225.



Landslide Risk

The mapped extent of the EMO does not indicate landslide risk. Rather it indicates landslide susceptibility. Areas susceptible to landslide are those on which landslides could occur in response to inappropriate development, for example excessive earthworks, vegetation removal or poor drainage practices.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could introduce landslide risk, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere. This area is not necessarily under imminent threat from landslide in its current condition nor is there necessarily an unacceptable landslide risk. The purpose of the EMO is to ensure it remains so into the future.

Basis of developing criteria for inclusion

The criteria for inclusion in the EMO were developed in the late 1990s. Whilst the criteria were reviewed as part of the current amendment, they were not altered. Initially a landslide inventory is developed which is a database of known landslides in Yarra Ranges. The inventory was expanded to over 1000 entries as part of the recent studies. Past landslides are analysed to assess the terrain characteristics at the locations where they occurred, specifically the underlying geology and slope angle. The slope thresholds for inclusion in the EMO are set based on the natural slope angles above which landslides are observed in different geological units.

The application of the EMO then seeks to ensure that future development does not introduce landslide risk in these areas.

Submitter Number:	5
Position:	Query
Theme:	Mapping methodology
Address:	
Summary of Submission:	Query on reason for inclusion, potential insurance implications and development costs.
Recommendation	No change to mapping.

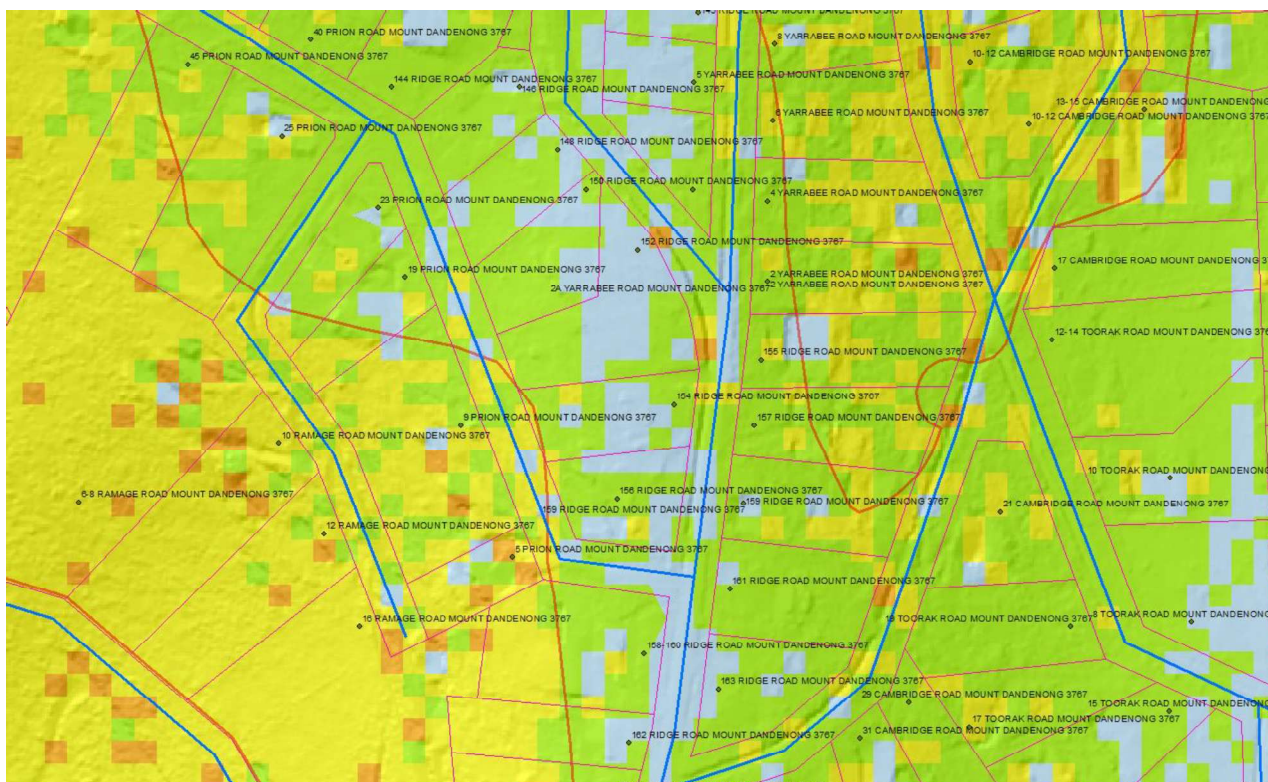
WSP Australia Response:

A very small part of this property is included in the EMO and EMO provisions would only apply to the included portion of the property. Future development of the included area appears unlikely. The basis of the EMO is landslide susceptibility, meaning land that could be affected by landslide in response to a trigger or to inappropriate development.

The slope angles used to develop the mapping are based on measurement of natural slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Devonian Rhyodacite, the threshold for inclusion in EMO1. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and the addition of others.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere. This area is not necessarily under imminent threat from landslide in its current condition. The purpose of the EMO is to ensure it remains so into the future.

Reference is made in the submission to drainage issues in the area. An objective of the EMO is to protect soils in areas susceptible to landslide from water infiltration. The EMO does not extend out into areas where water may be sourced from. However, future development should consider drainage measures aimed to prevent water from reaching and infiltrating landslide susceptible areas. The portion of 154 Ridge Road that is included in the EMO is on the basis of slope angle. It is not related to drainage.



Insurance

EMOs have been progressively introduced in Victoria for over 25 years. Whilst impact on home and property insurance is a common concern prior to the introduction of an EMO, we are not aware of any instances where insurance has been affected by the introduction of the EMO, noting that the purpose of the EMO is to reduce the potential for landslide by ensuring development in landslide prone areas minimises disturbance to the natural landscape.

The submitter is encouraged to review their product disclosure statement for home insurance. Typically in Australia, landslide is not covered by home insurance unless the landslide occurs as a direct consequence of another insurable event such as an earthquake, flood or storm. If there is no cover for landslide currently, there is unlikely to be future coverage.

Accuracy of Mapping

The landslide susceptibility mapping is reliant upon geological mapping undertaken by the Geological Survey of Victoria, a digital elevation model derived from LiDAR and the experience of the geologists who prepare the mapping. Whilst the criteria for inclusion are applied as accurately as possible, noting that the LiDAR used has 1 m resolution, there is inevitably a margin of error in where the boundaries are plotted.

There is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the criteria for inclusion are not met. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslide hazards and nature of the proposed development.

Cost of a Geotechnical Report

The cost of a geotechnical report is borne by the applicant. It is important to note that a geotechnical report which provides advice on foundation design (sometimes known as a soil report) is a mandatory requirement of a building permit and would typically require a geotechnical engineer to visit the site and undertake borehole investigations, noting that site visit and investigation costs are usually a significant component of the overall geotechnical cost. In most instances, geotechnical assessment for slope stability would be undertaken as an addition to the mandatory geotechnical report for building purposes. Whilst additional costs may apply for expanding the report to include the assessment of slope stability, the applicant would not usually have to bear the total cost of a new report, or arrange a separate site visit to meet the requirements of the planning scheme.

Impact on Property Values

Potential impact on property value is a common concern associated with the introduction of an EMO. Over 25 years of introducing EMOs in Victoria, there is no evidence of an impact on property values because of the introduction of an EMO, although it is recognised that it is difficult to measure this aspect separately from the many other factors that contribute to property value.

In contrast, where landslides have occurred, including due to inappropriate development, there have been negative impacts to property values. By preventing inappropriate development in areas that could be susceptible to landslide, the EMO seeks to prevent landslide occurrence and the negative consequences that could arise.

Submitter Number:	6
Position:	Opposed to EMO
Theme:	Mapping methodology.
Address:	
Summary of Submission:	Requests removal of the portion of property proposed for inclusion.
Recommendation	There may be scope to alter the mapping based on site specific measurement of slope angles.

WSP Australia Response:

Mapping Methodology

The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 9° in Oligocene Older Volcanics, the threshold for inclusion. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past which has resulted in the proposed removal of a portion of the current EMO extent nearby. Only a very small portion in the southwest corner of this property is affected and given its location, it is unlikely that future development on the property would trigger the requirements of the EMO.



It possible that earthworks can alter the natural slope angle to the extent that the measured slope angle over 10 m appears to exceed the natural slope angle. However, mapping is undertaken at a 1:5,000 scale and a 10 m grid is used to reduce these effects. In delineating susceptible areas, consideration is given to the proportion of the area that exceeds the threshold and characteristics of the terrain. Nevertheless, there is an unavoidable margin of error associated with the slope boundaries. No considerations is given to property boundary locations in developing the EMO

mapping. The criteria for inclusion relates to the underlying geology and slope angle which is unrelated to property boundaries.

The error margin is recognised and there is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the criteria for inclusion are not met at the location of a proposed development. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslide hazards and nature of the proposed development.

Submitter Number:	8
Position:	Critique of Methodology
Theme:	Mapping methodology
Address:	Not applicable
Summary of Submission:	LiDAR is inaccurate, no account is made of geology, there should be site specific assessment for any site proposed for inclusion in the EMO.
Recommendation	Nil.

WSP Australia Response:

Operation of the EMO

The EMO1 mapping does not constitute a landslide risk assessment nor is it a risk model as stated in this submission. It is a landslide susceptibility map which indicates areas where landslides could occur in response to inappropriate development and in rare cases in response to natural triggers. It does not communicate the likelihood of landslide, nor the consequences should they occur. It is in effect the screening tool referred to in this submission.

Assessment of landslide hazards and risk associated with a proposed development requires an understanding of what the proposed development is. New development that has the potential to introduce landslide risk, including significant earthworks, vegetation clearance and drainage alteration requires a site and development specific assessment. As set out in the incorporated document to the Yarra Ranges EMO, the development specific assessment takes a tiered approach intended to ensure the effort expended in undertaking the assessment is commensurate with the level of risk:

1. If a geotechnical practitioner assesses that the geology and slope angles at the site do not meet the threshold for inclusion in the EMO, they can include a statement to this effect in their report and no further assessment is required. This is included in recognition that the geological mapping and LiDAR on which the EMO is based have some uncertainty.
2. If the geotechnical practitioner concludes that the proposed development will not introduce significant landslide risk, they can state this in their report and provide a geotechnical declaration to confirm this assessment. No further assessment is required and the applicant has the benefit of having an insured professional make that assessment.
3. If the geotechnical practitioner considers the proposed development will introduce landslide risks, they undertake a landslide risk assessment to assess whether the level of risk is tolerable. If not, recommendations are made to reduce the risk to a tolerable level.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could introduce unacceptable landslide risk, for example future inappropriate earthworks, drainage or vegetation removal. It does not prevent or preclude development, rather it is intended to ensure development is done in a way that is sensitive to the landscape.

Mapping Methodology

The susceptibility mapping is based on an assessment of terrain that is unrelated to property boundaries (it is incorrect to state that properties are selected for inclusion in the EMO). The EMO applies over the land identified as susceptible to landslide and a permit application is triggered for certain types of development within the land identified as susceptible. The land parcel the proposed

development is within is irrelevant to whether the provisions of the EMO apply, only that a proposed development is within an area mapped as susceptible.

The EMO1 susceptibility mapping is based on the best available information: recently acquired LiDAR information and geological mapping prepared by the Geological Survey of Victoria.

Whilst it cannot be stated that LiDAR data has perfect accuracy, it provides the most accurate terrain model available across Yarra Ranges. The susceptibility mapping is undertaken at a scale of 1:5,000 in accordance with guidance set out in the Australian Geomechanics Society Guidelines for Landslide Risk Management for a planning control. Slope angles are measured over a 10 m grid giving the susceptibility mapping a 10 m resolution. The LiDAR is sufficiently accurate for the purpose of developing landslide susceptibility maps and doing so is consistent with best practice.

The criteria for inclusion in the EMO are:

1. The area has been subject to landslide in the past, or;
2. The terrain has underlying geology and slope angles that are consistent with where landslides have occurred in the past.

Different slope angle thresholds apply for each different geological unit underlying Yarra Ranges. These thresholds have not changed from those that define the current EMO and were initially developed in 1999. The thresholds were assessed by developing a database of all known landslides in Yarra Ranges and analysing the characteristics of the terrain on which they occurred. Terrain with similar characteristics to that on which landslides occurred (geology and slope angle), was identified as susceptible to landslide.

It is incorrect for the submission to state that no account has been made of the underlying geology. Underlying geology along with slope angle measured from LiDAR are key inputs that define the landslide susceptibility mapping.

Whilst the criteria for inclusion in the EMO have not changed from those that define the current EMO, significant work was undertaken to check those criteria are still suitable to apply. This work involved expanding the Yarra Ranges landslide inventory to over 1000 landslides and analysing the terrain characteristics on which they occurred. This exercise indicated that the existing criteria for inclusion remain applicable.

The revised EMO mapping uses the same criteria as the existing criteria, however the more accurate terrain model afforded by LiDAR allows those criteria to be more accurately applied. Using the more accurate terrain model means that some properties that are not currently intersected by the EMO now are, and that some properties that are currently intersected by the EMO no longer are.

Cost of a Geotechnical Report

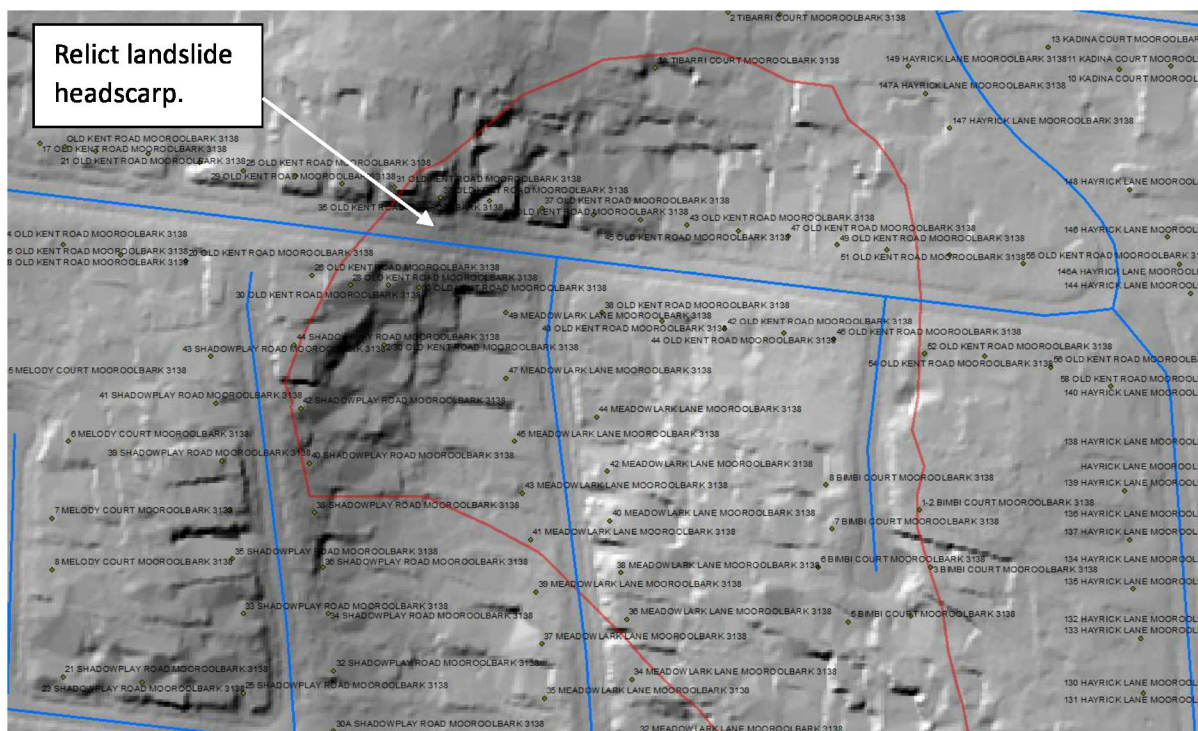
The cost of a geotechnical report is borne by the applicant. It is important to note that a geotechnical report which provides advice on foundation design (sometimes known as a soil report) is a mandatory requirement of a building permit and would typically require a geotechnical engineer to visit the site and undertake borehole investigations, noting that the site visit and investigation costs are usually a significant component of the overall geotechnical cost. In most instances, a geotechnical assessment for slope stability would be undertaken as an addition to the mandatory geotechnical report for building purposes. Whilst additional costs may apply for expanding the report to include the assessment of slope stability, the applicant would not usually have to bear the total cost of a new

report, or arrange a separate site visit to meet the requirements of the planning scheme. Most reports only require a geotechnical assessment. It is only where significant risk has been identified that a potentially more costly landslide risk assessment might be required.

Submitter Number:	10
Position:	Query
Theme:	Objection to inclusion in EMO
Address:	
Summary of Submission:	Query on reason for inclusion, potential impact on property value.
Recommendation	No change to mapping.

WSP Australia Response:

This property has been included on the basis that like other areas in the Mooroolbark/Plantes Hill area it is underlain by geomorphological features consistent with past landslide (pre-European settlement). The prominent break in slope (change in slope angle) to the west of this site is characteristic of a landslide headscarp, as shown in the image below. The landslide here is much larger than a single property – it encompasses several blocks and is not something that is assessed at a site scale.



The past occurrence of a landslide means that the soil underlying this area likely contains relict slip planes (weak planes) which can make it sensitive to inappropriate development, in particular excessive earthworks and poor drainage. There were several landslides in the Mooroolbark/Plantes Hill area triggered by inappropriate excavation in the 1980s including at Waller Court and Birchwood Avenue, also on past landslides.

Basis of EMO

The EMO is a planning control which identifies areas susceptible to landslide. Susceptibility does not convey likelihood of landslide, nor risk of landslide. Rather it indicates *where* landslides could occur. Hazard and risk are assessed on a development specific basis as part of a geotechnical assessment at

which time the likelihood and consequence of landslide are considered within the context of the proposed development. The EMO is future looking, to manage future development.

The EMO does not convey that there is presently a specific risk from landslide nor that a landslide could occur under current conditions. It indicates areas where development must be sensitive to the potential for slope instability, by minimising earthworks, minimising vegetation clearance and ensuring appropriate drainage. The landslides that have occurred in the past in the Mooroolbark/Planters Hill area were caused by inappropriate development involving excessive earthworks. An objective of the EMO is to prevent such inappropriate works and the undesirable consequences in the future.

Obligations under the EMO

The EMO triggers a requirement for the impact on slope stability caused by significant new development to be considered with a view to preventing inappropriate development that could trigger slope stability. Usually as part of a mandatory soil report otherwise required for building, the geotechnical engineer will add a section addressing the potential impact the development could have on slope stability and if necessary make recommendations to reduce that impact.

Whilst additional costs may apply for expanding the geotechnical report to include the assessment of slope stability, the applicant would not usually have to bear the total cost of a new report, or arrange a separate site visit to meet the requirements of the EMO. A significant portion of the cost of a soil report relates to mobilisation of the geotechnical engineer to the site and the drilling of boreholes which are required for building reasons irrespective of slope stability.

Impact on Property Values

Potential impact on property value is a common concern associated with the introduction of an EMO. Over 25 years of introducing EMOs in Victoria, there is no evidence of an impact on property values because of the introduction of an EMO, although it is recognised that it is difficult to measure this aspect separately from the many other factors that contribute to property value.

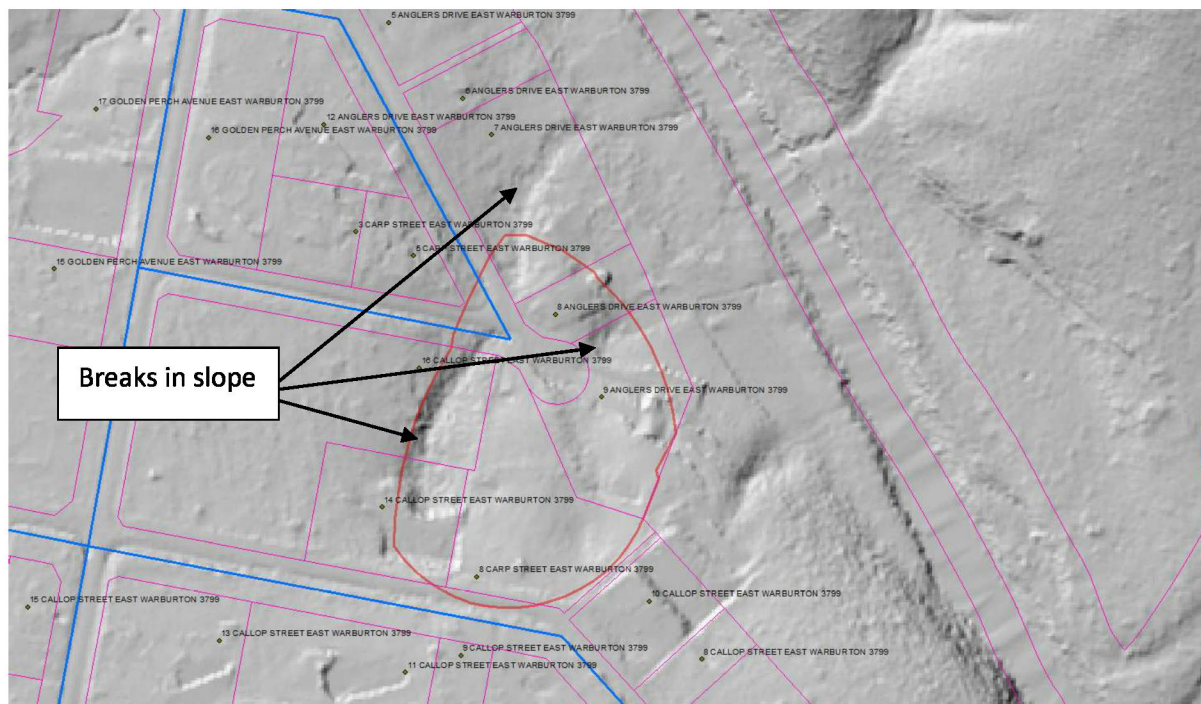
In contrast, where landslides have occurred, including due to inappropriate development, there have been negative impacts to property values. By preventing inappropriate development in areas that could be susceptible to landslide, the EMO seeks to prevent landslide occurrence and the negative consequences that could arise.

Submitter Number:	12
Position:	Should not be included in the EMO
Theme:	Landslide susceptibility is over-stated.
Address:	[REDACTED]
Summary of Submission:	Does not consider the slope angle in this area to justify inclusion.
Recommendation	Site visit to gather further evidence on whether the feature observed is caused by past landslide or some other process.

WSP Australia Response:

This property has been included not because of its slope angle, but rather because there is geomorphic evidence of past landslide. In the image below, there is a prominent break in slope, defined by an arcuate escarpment. If this feature is derived from a landslide, it was likely formed pre-European Settlement and was likely associated with erosion and downcutting of the river. Whilst the conditions that might have caused the landslide might no longer prevail, past landslide may have caused the ground to weaken making it susceptible to inappropriate future development.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere. This area is not necessarily under imminent threat from landslide in its current condition. The purpose of the EMO is to ensure it remains so into the future.



Submitter Number:	13
Position:	Removal from overlay
Theme:	Mapping methodology
Address:	
Summary of Submission:	Query on reason for inclusion, potential insurance implications and property value implications.
Recommendation	The geological mapping in Warburton is at 1:250,000 scale. There may be scope for detailed on site geological assessment to confirm indications of the geological map.

WSP Australia Response:

The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Devonian Volcanic rock, the threshold for inclusion (note that the site is underlain by Devonian Volcanic rock, not Quaternary alluvium as previously indicated in a preliminary response referred to in the submission). This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and the addition of others.

There is no relationship between property boundaries and landslide susceptibility and it is not appropriate to undertake assessment on the basis of allotments. However, consideration must be given to the scale at which the mapping is undertaken. The susceptibility mapping that considers the underlying geology and slope angle is undertaken at a scale of 1:5,000 in accordance with the Australian Geomechanics Society Guidelines for Landslide Risk Management.

Site specific assessment is undertaken for development that triggers the requirement for a planning application as part of a geotechnical assessment.



EMO Triggering Requirements

The provisions of the current EMO are not proposed to change. This amendment is an alteration to the extent of the mapping only.

Not all vegetation removal triggers an application for a planning permit, nor does all vegetation removal trigger the need for a geotechnical assessment. Only live vegetation with a trunk diameter of more than 0.5 m measured 1.3 m from the ground requires a planning permit, which is consistent with the requirement of other environmental overlays. Note also that Council can use its discretion to decide whether to request a geotechnical assessment. In the past, a geotechnical assessment has usually only been requested for significant vegetation clearance, not isolated trees. Where there is a conflict between the requirements of a bushfire overlay and the EMO, the requirements of the bushfire overlay take precedence.

The presence of vegetation serves to maintain slope stability and prevent erosion and the EMO aims to prevent significant vegetation removal that could unduly impact on slope stability.

Underlying Geology

An error was made in the preliminary response referred to in the submission as the underlying geology is Devonian Volcanics. The threshold for inclusion on this unit is 11 degrees which is exceeded. Note that if alluvium is present it would also be included in the EMO where a slope threshold of 11 degrees is exceeded.

Difference between Susceptibility and Risk

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could introduce landslide risk, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere.

Susceptible areas are those in which landslides could occur given the appropriate triggers. This area is not necessarily under imminent threat from landslide in its current condition, nor have landslides necessarily occurred in the past. However, the site has characteristics such that inappropriate development could trigger instability.

Risk is assessed in the context of a proposed development; it is not assessed in the development of a planning control. The EMO indicates areas where new development must be undertaken with consideration given to slope stability and erosion.

Insurance

EMOs have been progressively introduced in Victoria for over 25 years. Whilst impact on home and property insurance is a common concern prior to the introduction of an EMO, we are not aware of any instances where insurance has been affected by the introduction of the EMO, noting that the purpose of the EMO is to reduce the potential for landslide by ensuring development in landslide prone areas minimises disturbance to the natural landscape.

The submitter is encouraged to review their product disclosure statement for home insurance. Typically in Australia, landslide is not covered by home insurance unless the landslide occurs as a direct consequence of another insurable event such as an earthquake, flood or storm. If there is no cover for landslide currently, there is unlikely to be future coverage.

Impact on Property Values

Potential impact on property value is a common concern associated with the introduction of an EMO. Over 25 years of introducing EMOs in Victoria, there is no evidence of an impact on property

values because of the introduction of an EMO, although it is recognised that it is difficult to measure this aspect separately from the many other factors that contribute to property value.

In contrast, where landslides have occurred, including due to inappropriate development, there have been negative impacts to property values. By preventing inappropriate development in areas that could be susceptible to landslide, the EMO seeks to prevent landslide occurrence and the negative consequences that could arise.

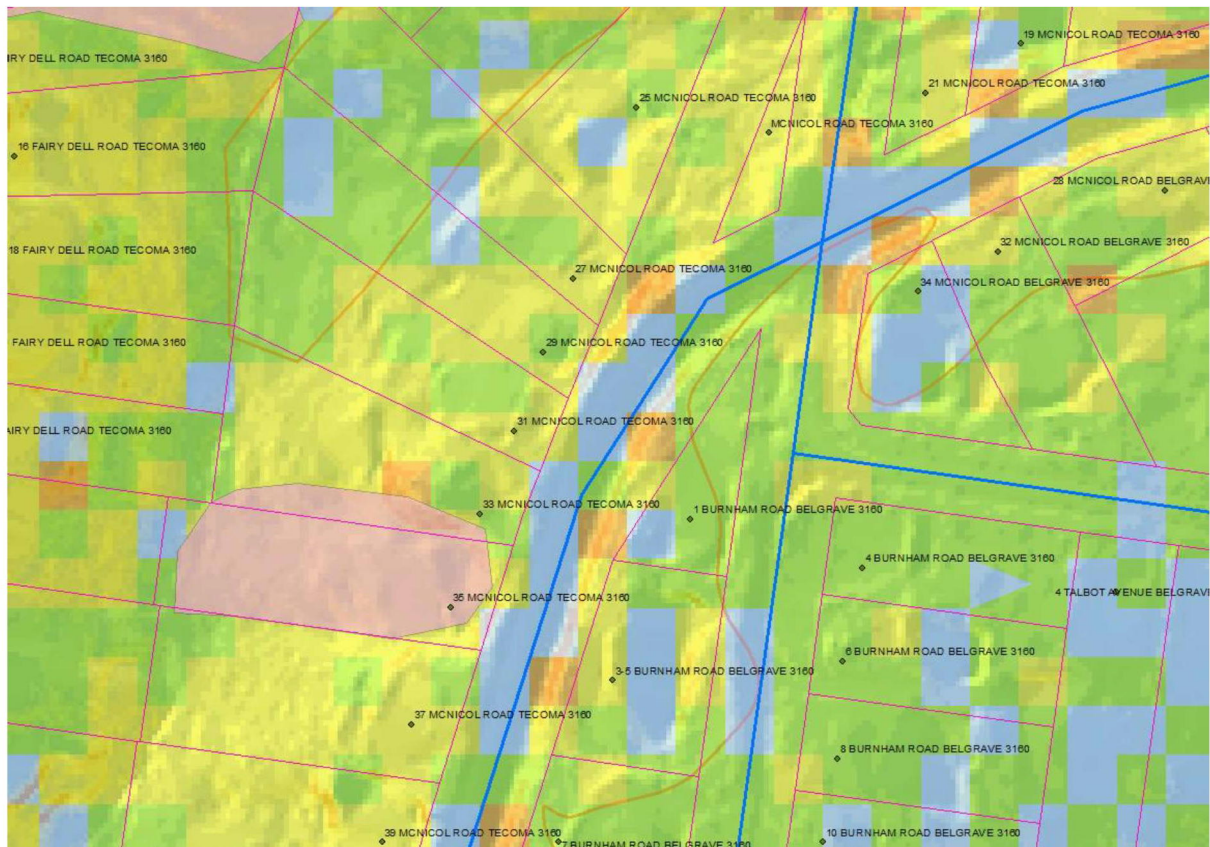
Submitter Number:	14
Position:	Opposed to EMO
Theme:	Concern that development will be prevented.
Address:	
Summary of Submission:	Concern that the EMO will prevent future development on the site.
Recommendation	No change to mapping.

WSP Australia Response:

This area is included on the basis of the slope exceeding 11 degrees and the underlying geology being Devonian Rhyodacite rock. In the image below, yellow squares are those that meet the criteria for inclusion. Where EMO1 covers part of a site, only the part of the site affected by the EMO is subject to its provisions.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the risk of landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere. This area is not necessarily under imminent threat from landslide in its current condition, nor have landslides occurred in the past. The purpose of the EMO is to ensure it remains so into the future.

The EMO does not prevent future development. Its purpose is to ensure that development is undertaken such that impact on the natural landscape is minimised and landslide and erosion are prevented. Specifically, the extent of earthworks and vegetation clearance is minimised and drainage is appropriately managed.



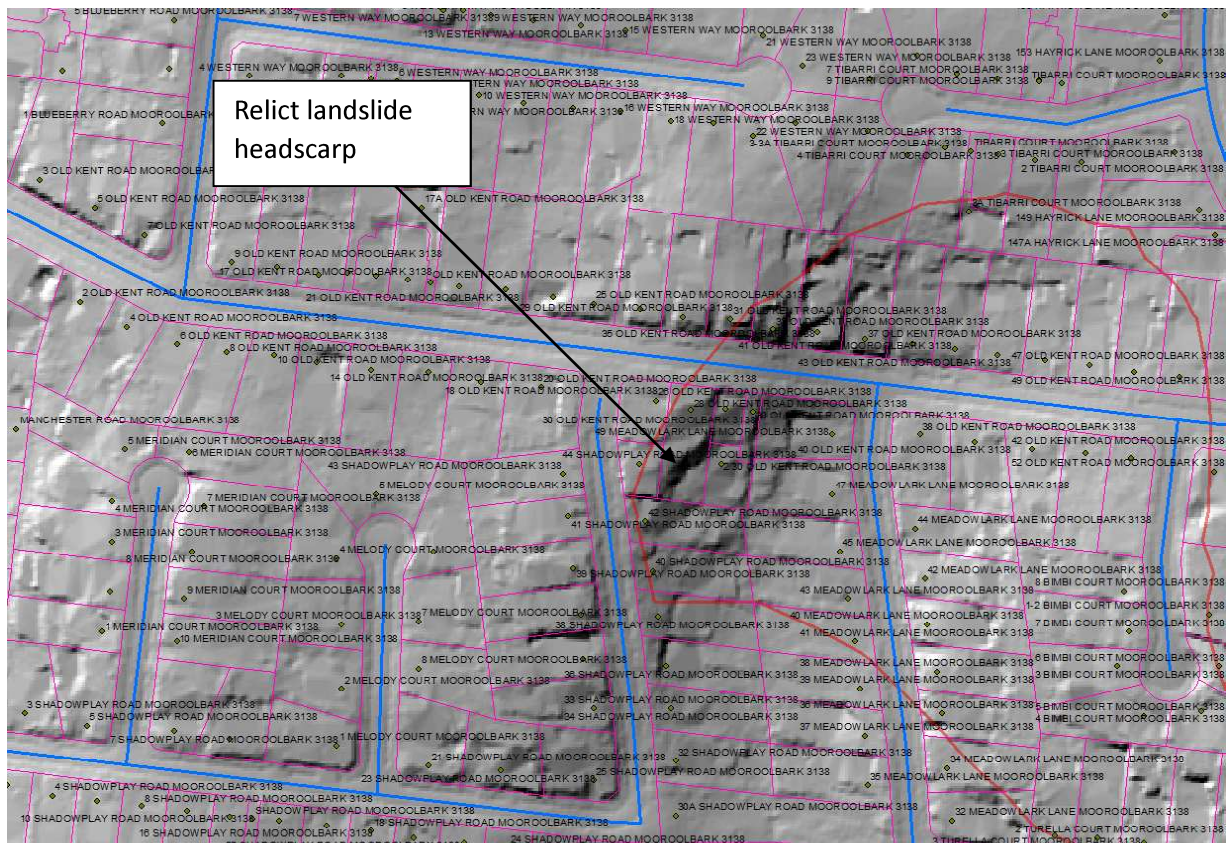
Submitter Number:	15
Position:	Removal from EMO
Theme:	Previous stabilisation works have been undertaken meaning site is now stable.
Address:	
Summary of Submission:	Requests removal on the basis that landslides risks on this site are appropriately managed.
Recommendation	No change to mapping in this area

WSP Australia Response:

Part of this property is included in the proposed EMO on the basis that LiDAR imagery reveals a past landslide affecting this area. Past landslides are relatively common in the Older Volcanics soils through this area, noting there have been several relict landslides remobilised by poor development including at Waller Court and Birchwood Avenue both of which involved inappropriate earthworks in areas susceptible to landslide.

The EMO indicates landslide susceptibility, meaning areas in which it is possible for landslides to be triggered. It does not indicate a landslide is likely, nor that there is a risk from landslide. Rather, it indicates areas where future development needs to take slope stability into account. It does not prevent or restrict future development, it ensures it is appropriate given the landslide susceptibility.

Whilst good hillside practices have been adopted on this site which may have effectively managed landslide risk, the EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide or trigger landslide, for example future inappropriate earthworks, drainage or vegetation removal. This area is not necessarily under imminent threat from landslide in its current condition, nor is the site necessarily subject to landslide risks in its present condition. The purpose of the EMO is to ensure it remains so into the future.



Submitter Number:	16
Position:	Query
Theme:	Extent of proposed inclusions
Address:	
Summary of Submission:	Recommend removal of select areas from the proposed EMO on the basis that slope angles in two locations are influenced by earthworks that do not represent the natural slope angle.
Recommendation	There may be a basis to review the mapping in the vicinity of Mooroolbark Road based on detailed on the ground assessment and to make the minor amendments proposed in the vicinity of this allotment and some to the west of Mooroolbark Road.

WSP Australia Response:

Mapping Methodology

The areas nominated for inclusion in the EMO within this area is on the basis that the natural slope angle exceeds 9° and that the site is underlain by Older Volcanics Basalt.

Based on the submission, the landslide hazards on this site have been identified, assessed and a plan has been developed to manage the hazards identified. This is good development practice which is intended to manage the risk to life and property and is consistent with the intent of the EMO. However, it is important to note that the EMO mapping is based on susceptibility to landslide, not risk from landslides, and that there is an important distinction between susceptibility and risk.

Susceptibility mapping indicates areas where the ground conditions are such that landslides could occur if a landslide trigger is introduced. The susceptibility mapping does not indicate how likely a landslide is to occur, nor what the consequences could be or the risk it might present. In Yarra Ranges, inappropriate development is a common landslide trigger and the susceptibility mapping triggers an assessment of whether proposed development will introduce landslide risks. Risk can only be assessed in the context of a proposed development.

The mapped extent of the EMO is based on landslide susceptibility with consideration given to the underlying geology and slope angle and takes no account of proposed development. Whilst a development might appropriately manage landslide risks, the EMO is intended to ensure landslide risks continue to be managed into the future.

Accuracy of Mapping

The landslide susceptibility mapping is reliant upon geological mapping undertaken by the Geological Survey of Victoria, a digital elevation model derived from LiDAR and the experience of the geologists who prepare the mapping. Whilst the criteria for inclusion are applied as accurately as possible, noting that the LiDAR used has 1 m resolution, there is inevitably a margin of error in where the boundaries are plotted. There is often a transitional zone near the proposed boundaries of the EMO where slope angles transition between slopes that are clearly above and clearly below the threshold for inclusion. There is uncertainty in these transitional areas with respect to the position of the boundary, and pre-existing earthworks in these areas can serve to add further uncertainty.

The potential for error is accounted for via a provision in the incorporated document to the EMO for the requirements of a geotechnical assessment provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the criteria for inclusion are not met. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslide hazards and nature of the proposed development.

Submitter Number:	18
Position:	Opposed to EMO
Theme:	Concern that development will be prevented.
Address:	
Summary of Submission:	Site is flat and EMO imposes unnecessary restrictions.
Recommendation	No change to mapping.

WSP Australia Response:

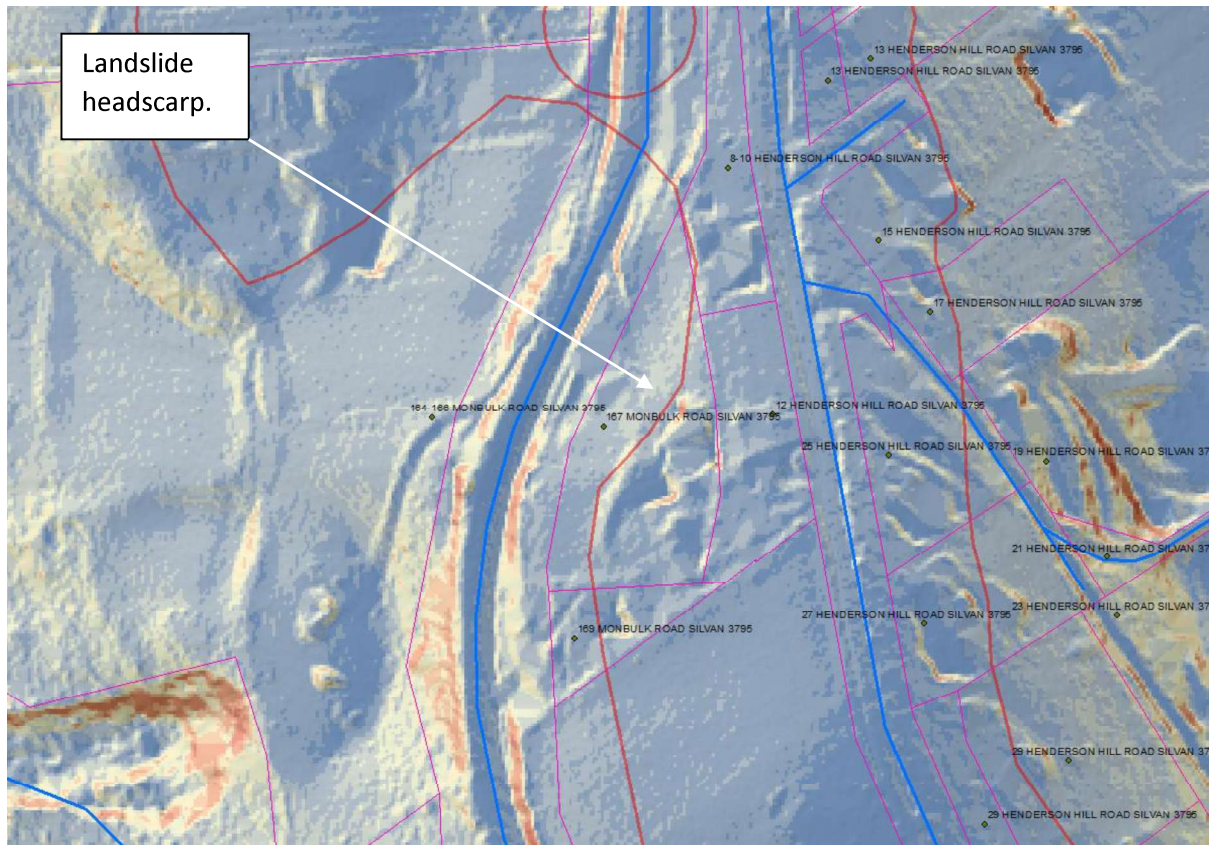
The portion of this property that has been included in the EMO is based on geomorphology consistent with its having been affected by past landslide and the site is underlain by Oligocene Older Volcanics. Furthermore, parts of the property have a slope angle of greater than 9 degrees which exceeds the threshold for inclusion in areas underlain by the Older Volcanics. The landslides in the Silvan area can cover many hectares and encompass many properties. Flatter terraces within the broader landslide are common and represent back-tilted blocks within a much larger landslide feature.

The changes in slope angle or 'slope breaks' referred to in the submission are a common characteristic in the Silvan area and their formation is consistent with landslide processes. Movement of landslides on similar slopes has occurred in the Silvan area on slopes as shallow as 5°, including as recently as 2022 on Monbulk-Seville Road.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere. This area is not necessarily under imminent threat from landslide in its current condition, nor does it mean there has been recent landslide movement. The purpose of the EMO is to ensure it remains so into the future.

The landslide mapped on this property appears to be ancient and unlikely to have moved since European settlement of the area. However, given there has been past ground movement, the soil contains relict slip planes and landslides of this type are susceptible to movement in response to prolonged wetting. The proposed EMO in this area is intended to ensure future development does not increase the likelihood of the landslide moving as a result of excessive wetting of the soil. For future development, this would likely mean a requirement to line dams or water holding structures, avoiding water bearing services through the area and providing appropriate drainage to prevent water ponding.

The EMO does not prevent future development. Rather, the purpose is to ensure that future development does not increase the risk of slope instability.

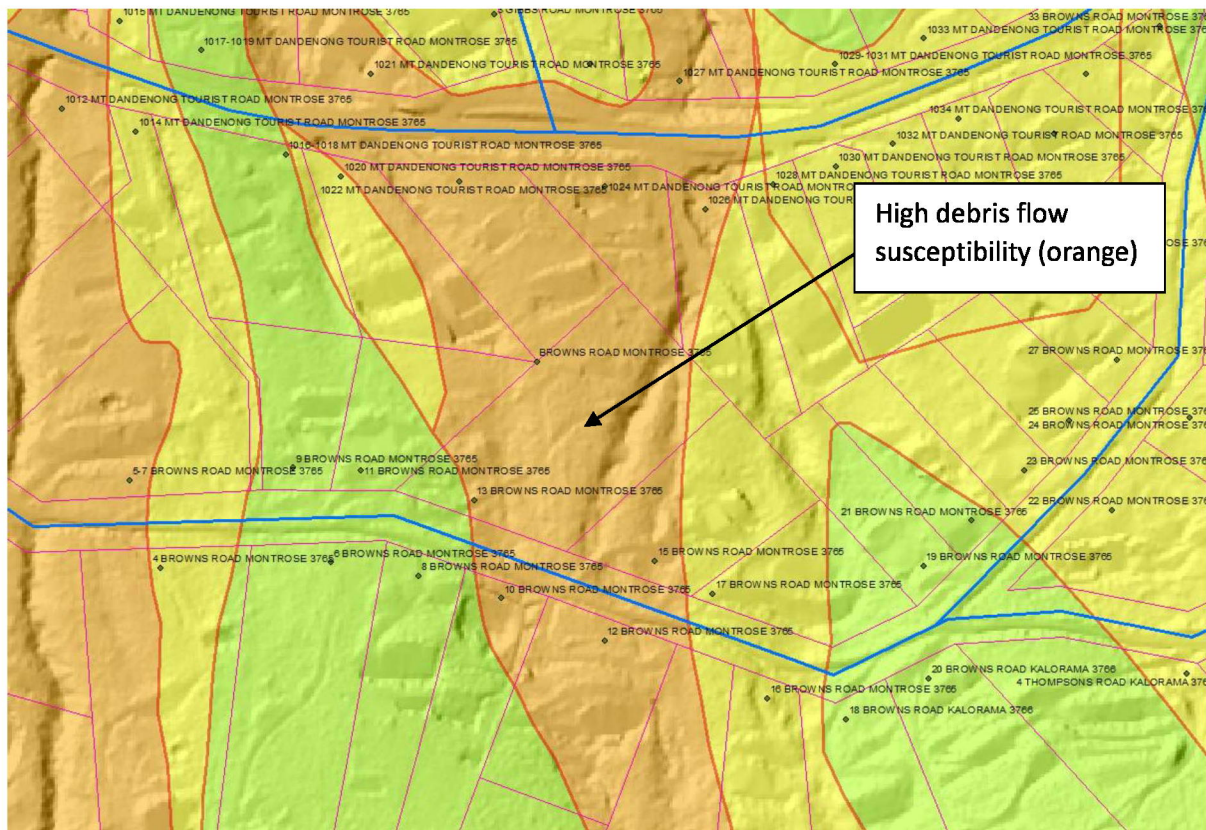


Submitter Number:	19
Position:	Query
Theme:	Mapping methodology
Address:	
Summary of Submission:	Query on reason for inclusion, potential insurance implications and development costs.
Recommendation	No change to mapping.

WSP Australia Response:

Mapping Methodology

The site is proposed for inclusion in EMO2 because it lies within an area identified as susceptible to debris flow. This area was mapped as susceptible to debris flow in 1991 and there have been planning controls in place in this area since that time. It was incorporated into the current EMO in 2001 and is proposed for inclusion in the proposed EMO2 which relates to debris flow. Currently landslide and debris flow are considered under the same EMO. Note that there is also a small part of the western portion of the property subject to EMO1 on the basis of slope angle and underlying geology. Development on this property would generally be subject to the provisions of EMO2.



Restrictions because of mapping

The proposed EMO2 mapping indicates the potential for the site to be affected by debris flow. The schedule to EMO2 requires site specific assessment of that hazard meaning assessment of risks is undertaken on a case by case basis. The mapping itself does not indicate risk nor does it impose restrictions on development. Rather it triggers the need for a development and site specific risk assessment. All assessment of landslide risk under the EMO is site and development specific.

Council will review the risk assessment provided in support of the planning application when it is made and base a decision on the assessed risk levels and how they are mitigated.

Insurance

EMOs have been progressively introduced in Victoria for over 25 years. Whilst impact on home and property insurance is a common concern prior to the introduction of an EMO, we are not aware of any instances where insurance has been affected by the introduction of the EMO, noting that the purpose of the EMO is to reduce the potential for landslide impact by ensuring development in landslide prone areas minimises disturbance to the natural landscape.

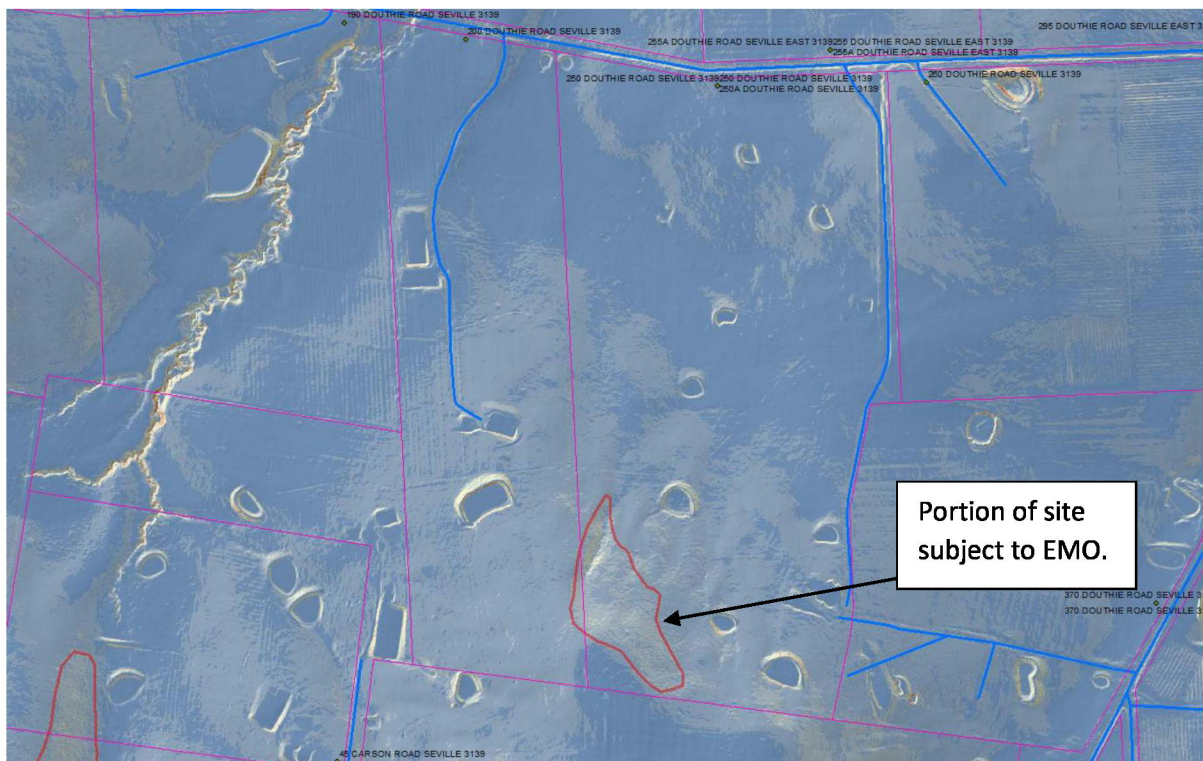
The submitter is encouraged to review their product disclosure statement for home insurance. Typically in Australia, landslide is not covered by home insurance unless the landslide occurs as a direct consequence of another insurable event such as an earthquake, flood or storm. If there is no cover for landslide currently, there is unlikely to be future coverage.

Submitter Number:	20
Position:	Query
Theme:	Mapping Methodology
Address:	
Summary of Submission:	Query on mapping methodology, absence of landslide on the site, validation of mapping, impact on insurance, costs of geotechnical assessment.
Recommendation	There is scope to review the mapped EMO boundary in the vicinity of this property, subject to a site visit to confirm the geology underlying this site.

WSP Australia Response:

Mapping Methodology

Only a very small part of this property is proposed for inclusion in EMO1 because it exceeds the slope angle threshold of 9° for areas underlain by Tertiary Older Volcanics (cluster of green and yellow on the slope angle map). It is important to note that the EMO is not extended to the entire property address, it only applies where mapped. Given the very small part of this property affected and the location of the affected area, it is unlikely that future development on the site would be subject to the provisions of the EMO.



Insurance

EMO's have been progressively introduced in Victoria for over 25 years. Whilst impact on home and property insurance is a common concern prior to the introduction of an EMO, we are not aware of any instances where insurance has been affected by the introduction of the EMO, noting that the purpose of the EMO is to reduce the potential for landslide by ensuring development in landslide prone areas minimises disturbance to the natural landscape.

The submitter is encouraged to review their product disclosure statement for home insurance. Typically in Australia, landslide is not covered by home insurance unless the landslide occurs as a direct consequence of another insurable event such as an earthquake, flood or storm. Landslides in Oligocene Volcanics would typically occur in response to gradual wetting over time. For example there were a series of landslides in 2022 and 2023 in the Seville area which occurred due to several years of above average rainfall. These events are unlikely to be covered by home and property insurance. The introduction of the EMO would therefore not be expected to affect insurance.

Accuracy of Mapping

The landslide susceptibility mapping is reliant upon geological mapping undertaken by the Geological Survey of Victoria, a digital elevation model derived from LiDAR and the experience of the geologists who prepare the mapping. Whilst the criteria for inclusion are applied as accurately as possible, noting that the LiDAR used is 1 m resolution, there is potential for errors in this information. For example at this site, it is possible that indications of the geological map are not accurate.

Furthermore, susceptibility is mapped at a scale of 1:5,000 in accordance with guidance provided in the Australian Geomechanics Society Guidelines for Landslide Risk Management.

Although the incidence of errors is expected to be low, there is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the criteria for inclusion have been incorrectly applied. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslides hazards and nature of the proposed development.

Cost of a Geotechnical Report

The cost of a geotechnical report is borne by the applicant. It is important to note that a geotechnical report which provides advice on foundation design (sometimes known as a soil report) is a mandatory requirement of a building permit and would typically require a geotechnical engineer to visit the site and undertake borehole investigations, noting that site visit and investigation costs are usually a significant component of the overall geotechnical cost. In most instances, geotechnical assessment for slope stability would be undertaken as an addition to the mandatory geotechnical report for building purposes. Whilst additional costs may apply for expanding the report to include the assessment of slope stability, the applicant would not usually have to bear the total cost of a new report, or separate site visit to meet the requirements of the planning scheme.

Weather

Areas within the Oligocene Older Volcanics are susceptible to landslide upon prolonged wetting. The landslide susceptibility mapping identifies areas that could be prone to landslide if the soil were to become wet. Experience shows that prolonged wetting over time, for example above average rainfall over several years can trigger landslides in these materials.

However, wetting could be caused by other means such as seepage from dams, poor drainage or leaking services. A geotechnical assessment for a particular development should consider the potential triggering mechanisms (what could cause the soil to become wet) for the particular development under consideration.

Submitter Number:	25
Position:	Query
Theme:	Mapping Methodology
Address:	
Summary of Submission:	Questioning accuracy of LiDAR derived terrain model and recommending ground based detailed topographic survey.
Recommendation:	The boundary of the EMO at this location seeks to bracket areas that exceed 11 degrees slope and there is some subjectivity with that process. There is potential for the boundary to be altered on the basis of detailed ground based field assessment.

WSP Australia Response:

Mapping Methodology

Note that the point cloud derived from the LiDAR filters out reflections from trees and the surface derived represents the ground surface only. The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Devonian Rhyodacite. It is possible that earthworks can alter the natural slope angle to the extent that the measured slope angle over 10 m increases to an angle above the natural slope angle.

Detailed ground survey across the entire Yarra Ranges for the purposes of developing the EMO is impractical, however it is recognised that reliance on LiDAR and on geological mapping undertaken by the geological survey of Victoria does have the potential to misrepresent the actual terrain, and there is some subjectivity associated with the process of delineating areas that exceed the criteria for inclusion. The yellow squares in the image below exceed the criteria for inclusion in the EMO and they are delineated by mapping at a scale of 1:5,000 in accordance with Australian Geomechanics Society Guidelines for Landslide Risk Management.

Although the incidence of mapping errors is expected to be low, there is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment normally provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the criteria for inclusion have been incorrectly applied. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslides hazards and nature of the proposed development. These provisions are included to acknowledge that although all efforts are made to apply the criteria for inclusion as accurately as possible, there will inevitably be areas included in the mapping that might not meet the criteria for inclusion.



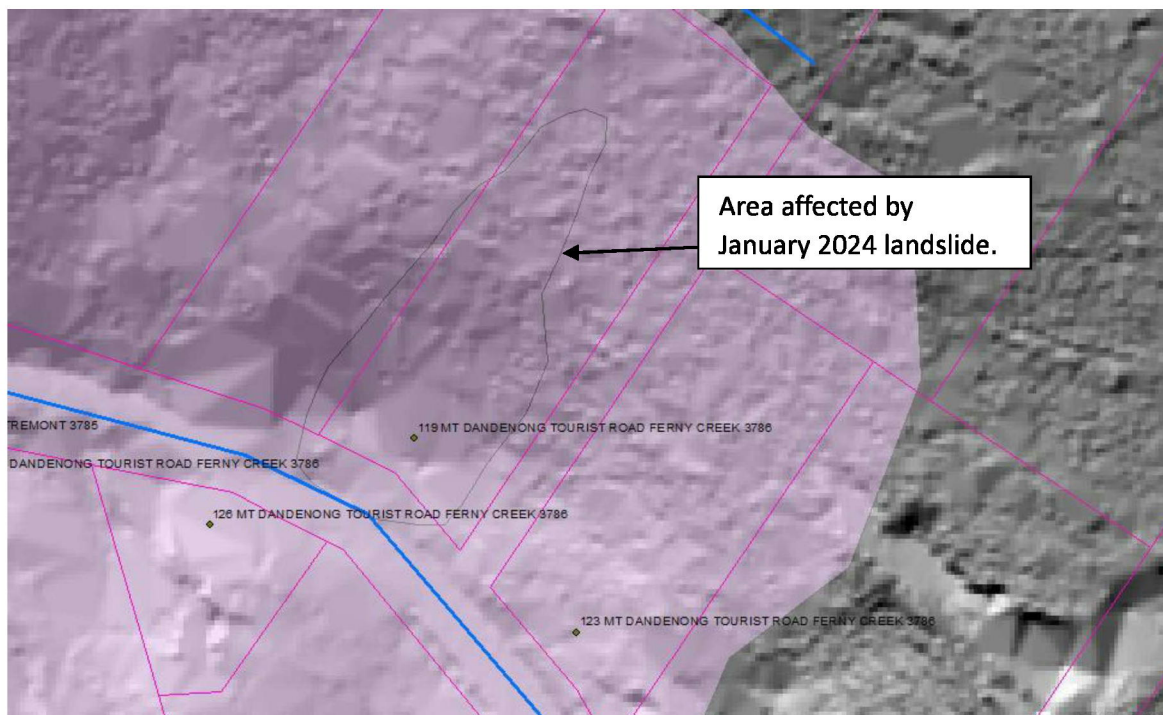
Submitter Number:	26
Position:	Proposes changes to WSP Golder report.
Theme:	Mapping methodology
Address:	
Summary of Submission:	Errors in WSP Golder report.
Recommendation	Alterations can be made to the WSP Golder report to use a different locality name for the January 2024 landslide.

WSP Australia Response:

Incorrect address designation

WSP has no objection to changing the suburb name reference for the January 2024 landslide from Tremont to Ferny Creek and correcting the report and landslide inventory as appropriate. Note that this change would not alter the landslide susceptibility mapping.

The image below from the landslide inventory indicates the mapped extent of the area affected by the January 2024 landslide.



Submitter Number:	27
Position:	Query
Theme:	Shallow Rock
Address:	
Summary of Submission:	Area is underlain by shallow rock and therefore inclusion is not justified.
Recommendation	No change to the mapping.

WSP Australia Response:

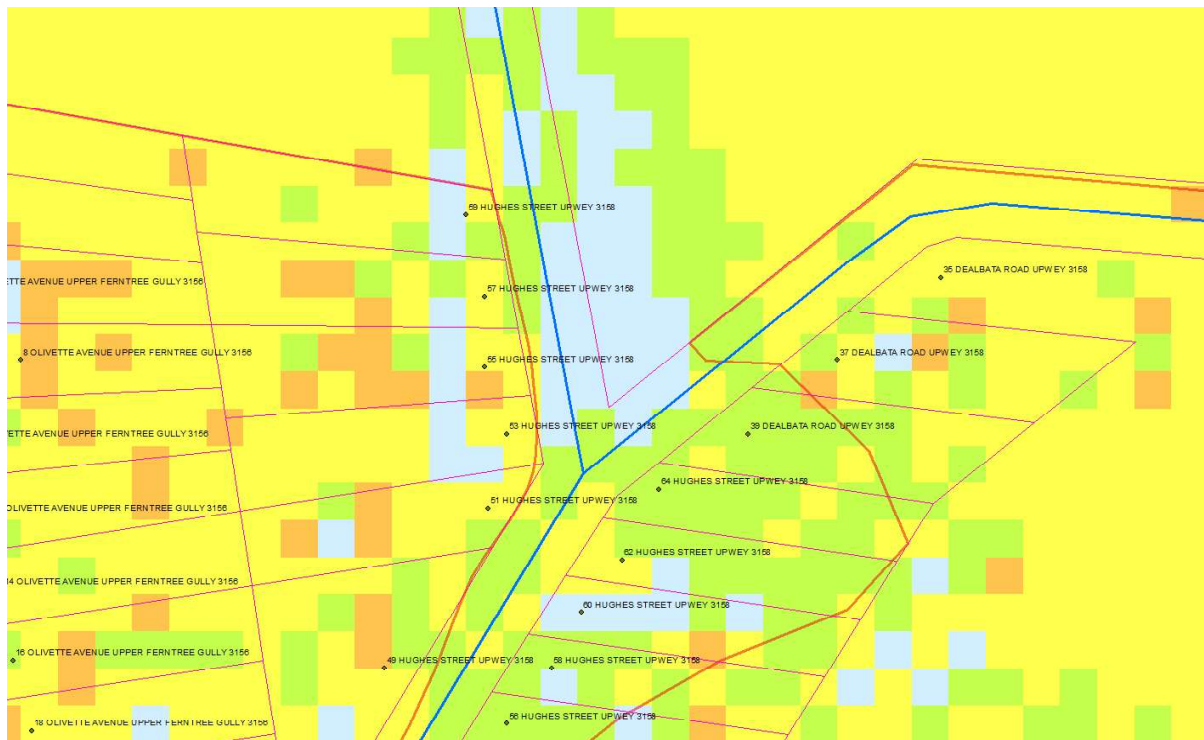
Mapping Methodology

The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Devonian Rhyodacite, the threshold for inclusion. This area was previously identified as susceptible and there has been a slight adjustment to the boundary based on the more accurate LiDAR information.

No account is made of the depth to rock in developing the susceptibility mapping as it is not practical to investigate this depth at all locations affected by the EMO and because shallow rock does not mean that development cannot introduce landslide hazards. There are examples in Yarra Ranges of cut to fill pads excavated on sites with shallow rock whereby the fill embankment has exhibited instability causing rocks to detach and roll downslope. The EMO mapping is susceptibility mapping, the purpose of which is to indicate areas where the impact of new development on slope stability should be considered. It does not indicate the likelihood of landslide, nor risk of landslide in the current condition.

If the EMO triggers a site specific assessment because a development is proposed in a susceptible area then in the course of undertaking a soil report the geotechnical engineer will seek to identify whether the proposed development will introduce landslide risks. If no landslide risks are identified, then it would be stated in the soil report and the development will not be required to implement any landslide risk mitigation measures. If landslide risks are identified, recommendations will be made for how that risk can be managed, for example retaining walls to support fill embankments.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could introduce landslide risks.

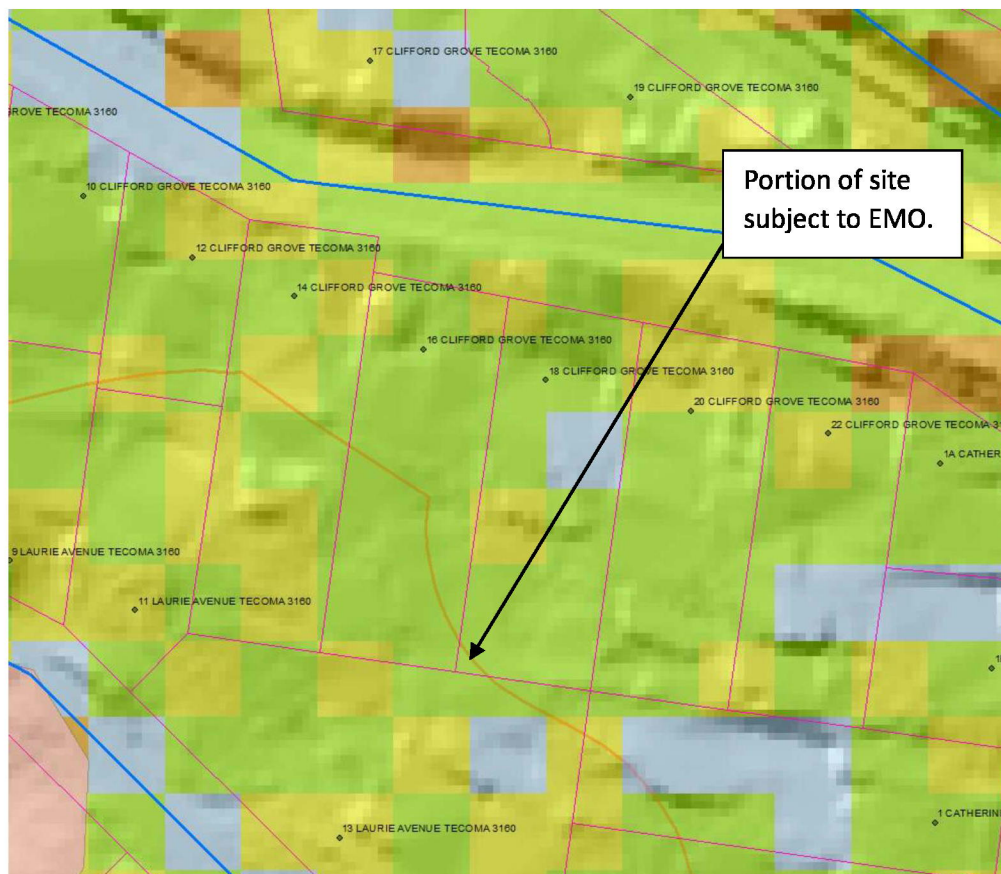


Submitter Number:	29
Position:	Requesting removal from EMO
Theme:	Proportion of allotment affected
Address:	
Summary of Submission:	EMO should be removed because only a small part of the property is affected.
Recommendation	The boundary of the EMO at this location seeks to bracket areas that exceed slope criteria and there is some subjectivity with that process. There is potential for the boundary to be altered on the basis of detailed ground based field assessment.

WSP Australia Response:

Minor portion of property affected

It is important to note that the provisions of the EMO only apply to areas where it has been mapped. The landslide susceptibility mapping is based on the susceptibility of the landscape to landslide which has no relationship to property boundaries. Given the very small part of this property affected and the location of the affected area (see the image below), it is unlikely that future development on this property would be subject to the provisions of the EMO.



Accuracy of Mapping

The landslide susceptibility mapping is reliant upon geological mapping undertaken by the Geological Survey of Victoria, a digital elevation model derived from LiDAR and the experience of the geologists

who prepare the mapping. Whilst the criteria for inclusion are applied as accurately as possible, there is some subjectivity that must be applied in bracketing areas that meet the criteria for inclusion (generally, the yellow squares on the above image ignoring those that appear to be associated with roadworks or local earthworks) and inevitably a margin of error on where the boundary is placed.

Although the incidence of errors is expected to be low, there is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment normally provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the location of a proposed development does not meet the requirements for inclusion. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslide hazards and the nature of the proposed development. These provisions are included to acknowledge that although all efforts are made to apply the criteria for inclusion as accurately as possible, there will inevitably be areas included in the mapping that might not meet the criteria for inclusion.

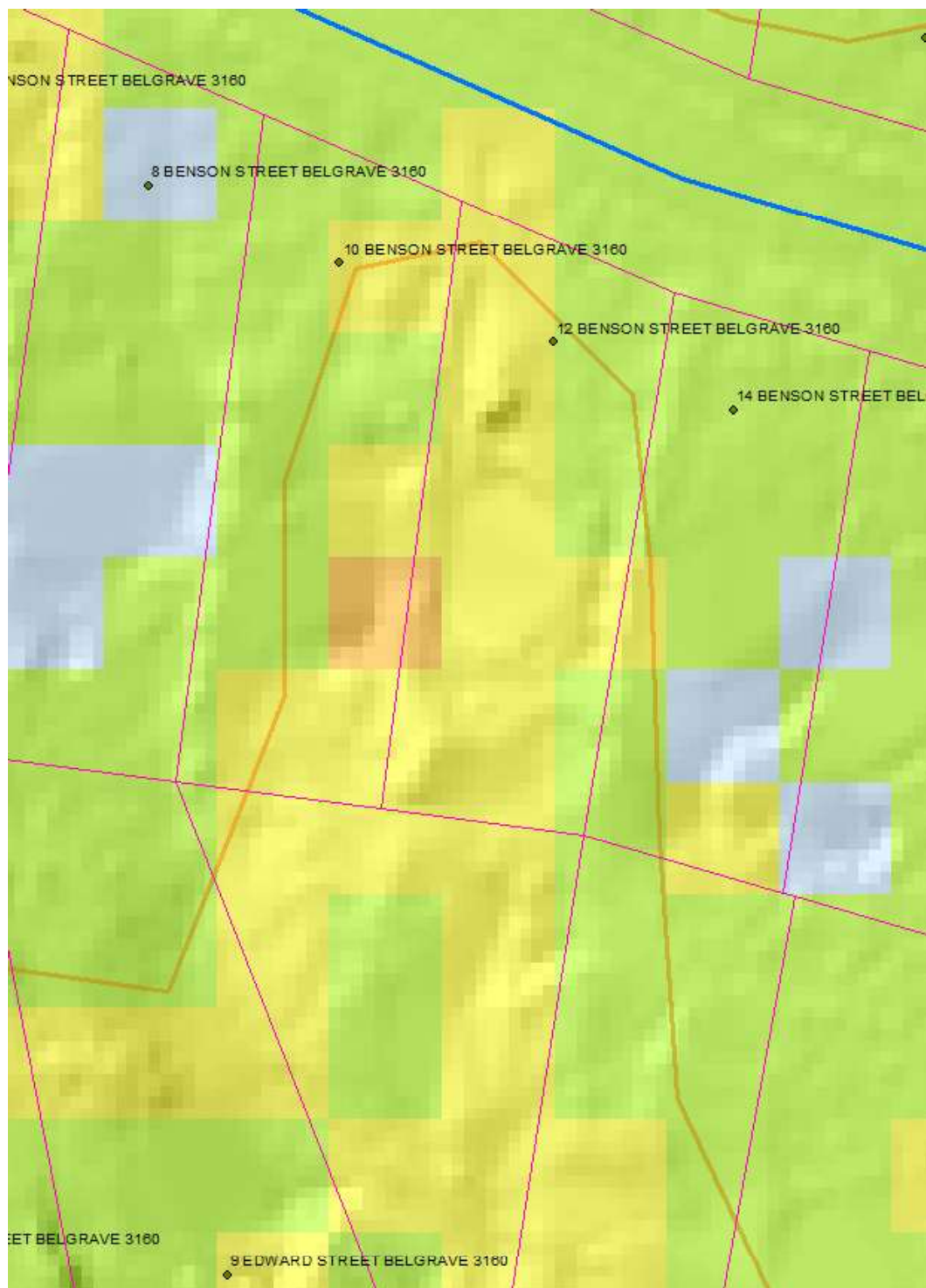
Submitter Number:	30
Position:	Removal from EMO1
Theme:	Mapping Methodology
Address:	
Summary of Submission:	Slope angle measurement is influenced by earthworks and not representative of natural slope angle.
Recommendation	There could be scope here to conduct on site review to assess whether the LiDAR grid is indicative of natural slope angle.

WSP Australia Response:

Mapping Methodology

The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Devonian Rhyodacite. It is possible that earthworks can alter the natural slope angle to the extent that the measured slope angle over 10 m increases to an angle above the natural slope angle. However, in this area, there is a relatively dense cluster of squares that show exceedance of the criteria which may be indicative of a steeper natural slope angle. Furthermore, if historical earthworks have altered the natural slope over a large area, the area may warrant inclusion on the basis of the earthworks.

Although the incidence of errors is expected to be low, there is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment normally provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the criteria for inclusion are not met. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslides hazards and nature of the proposed development. These provisions are included to acknowledge that although all efforts are made to apply the criteria for inclusion as accurately as possible, there will inevitably be areas included in the mapping that might not meet the criteria for inclusion.

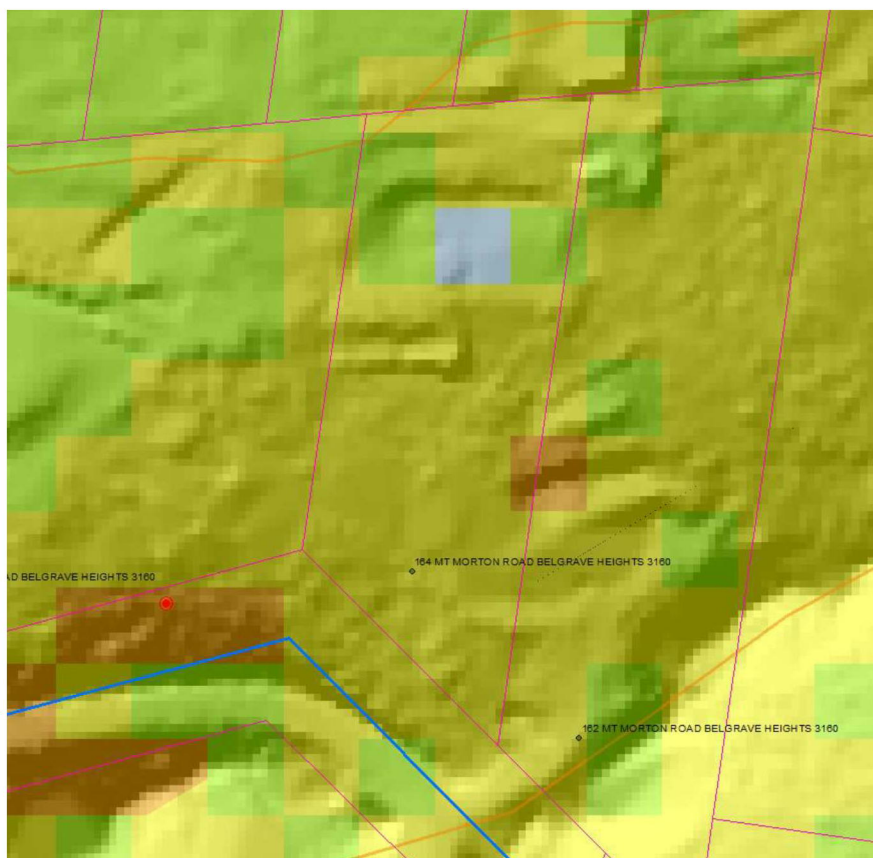


Submitter Number:	31
Position:	Removal on the basis of no landslide identified on site.
Theme:	Alternative Assessment
Address:	
Summary of Submission:	Previously had a geotechnical assessment undertaken on the site which concluded the site had not previously been affected by landslide. Inclusion in the EMO is therefore not warranted.
Recommendation	No change to the mapping.

WSP Australia Response:

This area is proposed for inclusion in EMO1 on the basis that the slope exceeds 11° (yellow squares in image below). Like the geotechnical assessment referred to, the susceptibility mapping did not identify a past landslide on this site. Some areas are recommended for inclusion in EMO1 on the basis of having previously been impacted by landslide, and others are included on the basis that they have terrain attributes similar to areas that have been affected by landslide, for example similar slope angle and underlying geology. This area has been included for the latter reason.

The EMO is a forward-looking planning provision. On sites that are assessed as susceptible to landslide based on their slope angle and underlying geology, the EMO aims to ensure that future development does not increase the landslide susceptibility, for example inappropriate earthworks, vegetation removal or drainage. This applies irrespective of whether past landslide has been identified on the site. The EMO seeks to prevent future landslide by minimising impact on the natural landscape associated with future development. This is consistent with the recommendations of the report extract provided.



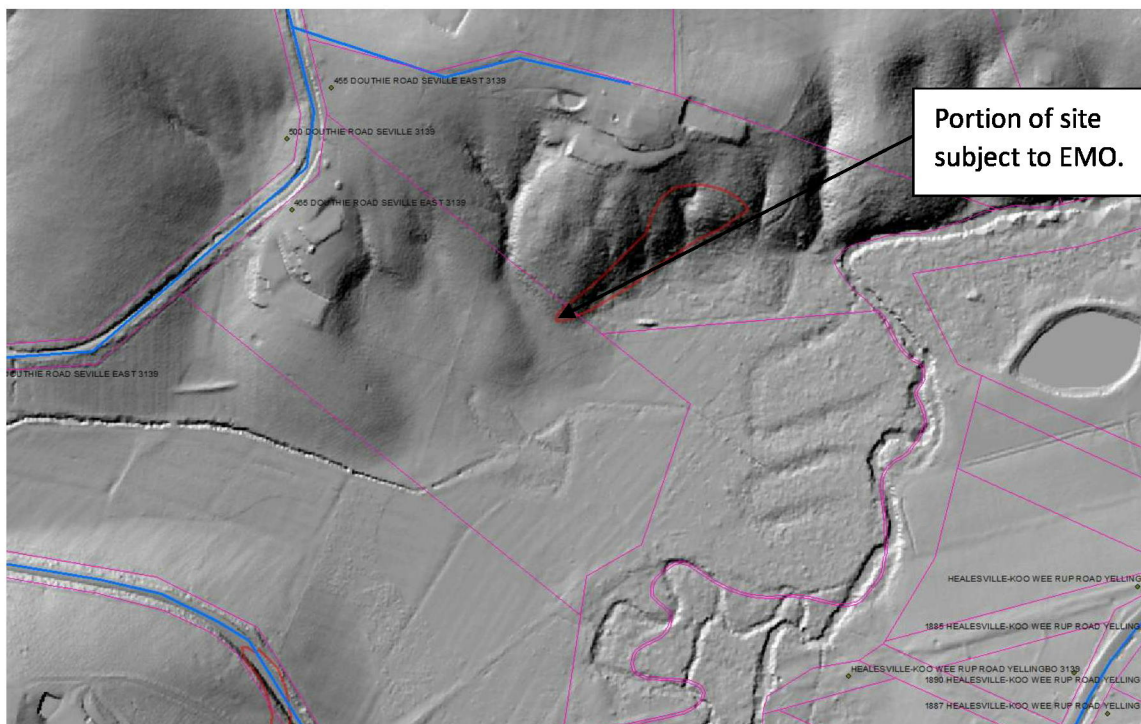
Submitter Number:	32
Position:	Opposes application of EMO
Theme:	Mapping Methodology
Address:	
Summary of Submission:	Query on application of the mapping to a part of the property (rear of the property).
Recommendation	The mapped extent of the EMO seems to differ from the submitter's description provided. Only a very small proportion of the property seems to be affected which does represent a slope that meets the criteria for inclusion.

WSP Australia Response:

Mapping Methodology

Only a very small part of this property is proposed for inclusion in EMO1 because it exceeds the slope angle threshold of 22° in Devonian sedimentary rock. It is important to note that the EMO is not extended to the entire site, it only applies where mapped. Given the very small part of this property affected and the location of the affected area, it is unlikely that future development on the site would be subject to the provisions of the EMO.

Note that the development of the landslide susceptibility map is based on terrain attributes and is independent of land status boundaries, so does not seek to follow the boundary of the Yellingbo Conservation Reserve. Note that the reserve at the rear of 465 Douthie Road is not proposed for inclusion in the EMO.

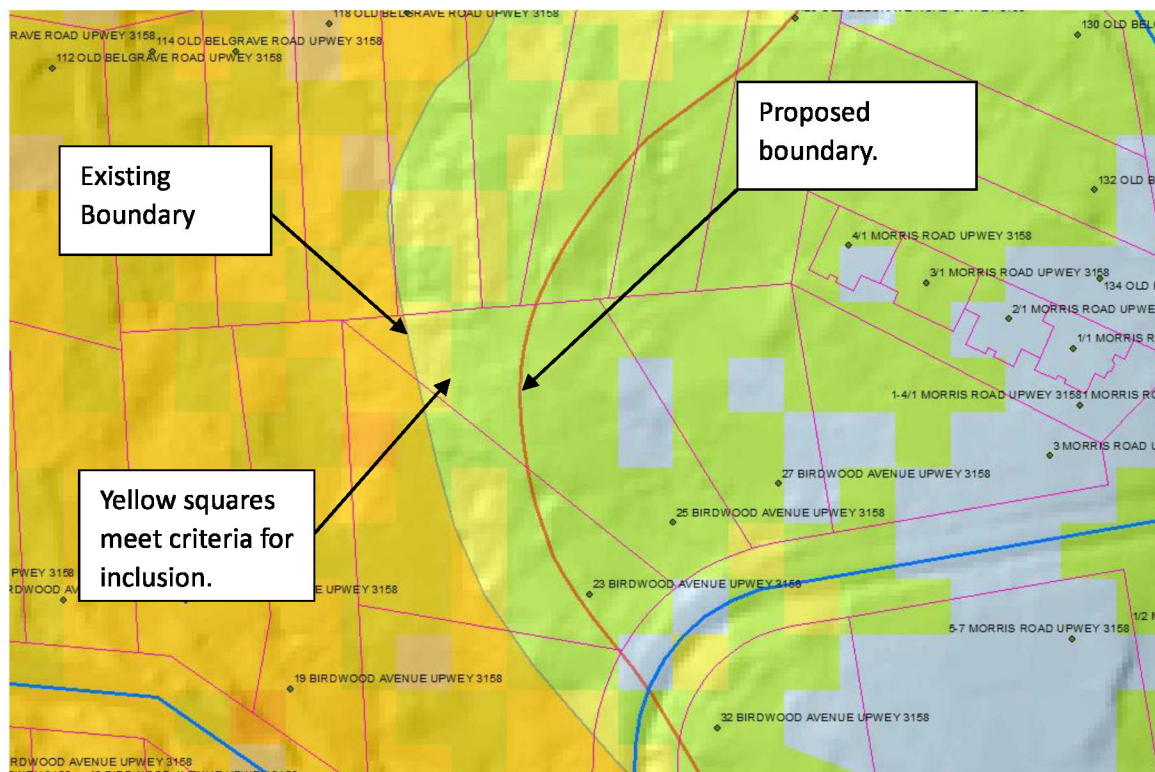


Submitter Number:	33
Position:	Objects to increase of property area affected by EMO
Theme:	Mapping Methodology
Address:	
Summary of Submission:	EMO boundary is proposed for alteration. The opinion is that there should be no alteration and that the existing boundary should remain.
Recommendation	There could be scope for a minor adjustment of the proposed boundary here (perhaps in the order of 5 – 10 m) subject to on site assessment.

WSP Australia Response:

This area is included in the EMO because the slope angle exceeds 11° in Devonian Rhyodacite. The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Devonian Rhyodacite. The boundary used to define the EMO seeks to encompass squares identified as having a slope angle that exceeds the criteria for inclusion in the EMO. This is therefore some subjectivity associated with the process of delineating areas that exceed the criteria, which includes an automated delineation then adjusted manually.

Although the incidence of errors is expected to be low, there is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment normally provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the criteria for inclusion have been incorrectly applied. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslide hazards and nature of the proposed development. These provisions are included to acknowledge that although all efforts are made to apply the criteria for inclusion as accurately as possible, there will inevitably be areas included in the mapping that might not meet the criteria for inclusion.



Submitter Number:	34
Position:	Query
Theme:	Mapping methodology, cost of geotechnical assessments.
Address:	
Summary of Submission:	Query on mapping methodology and reason for inclusion. Concern over the cost of a geotechnical assessment.
Recommendation	No change to the mapping.

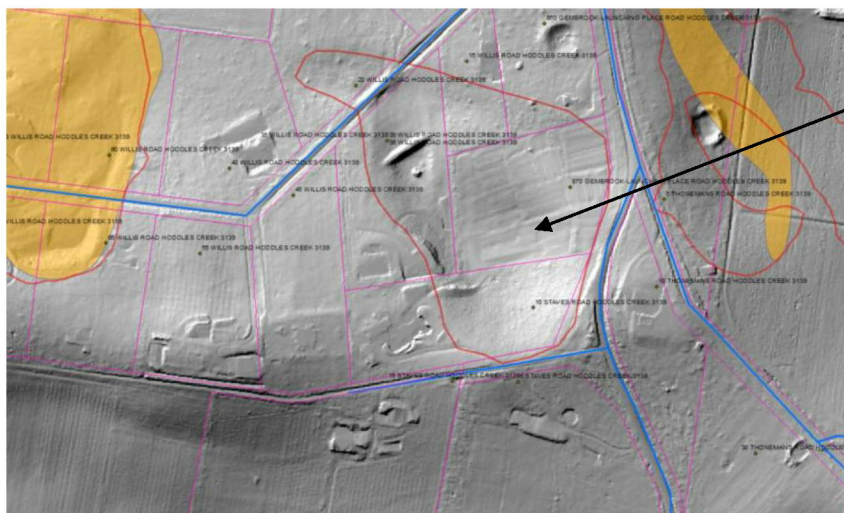
WSP Australia Response:

Reason for Inclusion

There is geomorphic evidence in this area which indicates it has previously been affected by landslide as shown in the below image. Landslides have been identified in this area historically but the presence of this one has been revealed with the LiDAR information. This area is underlain by Neogene Volcanics which can develop into landslides on slopes as low as 5 degrees. The geomorphic expression at this site is subdued suggesting no recent landslide movement.

Landslides in the Oligocene Volcanics are typically triggered by wetting of the soil over time. Areas within the Oligocene Older Volcanics are susceptible to landslide upon prolonged wetting and the hazard in this area would be reactivation of an ancient landslide feature due to wetting, for example poor drainage, leaky dams or leaky services. The EMO is a future looking planning control and its application here would seek to prevent future development that could unduly cause wetting of the ground or disturbance to the natural landscape, thereby reactivating the landslide. If no movement has occurred in 30 years, it means the soil has not become wet enough in that period to trigger movement, not that movement cannot occur if the necessary triggers are present.

It is important to note that only the area on the property delineated as within the EMO is subject to the EMO provision. The house location on this site does not appear to be within the proposed EMO and future development outside the EMO would not be subject to the provisions of the EMO.



Portion of site
subject to EMO.

Cost of a Geotechnical Report

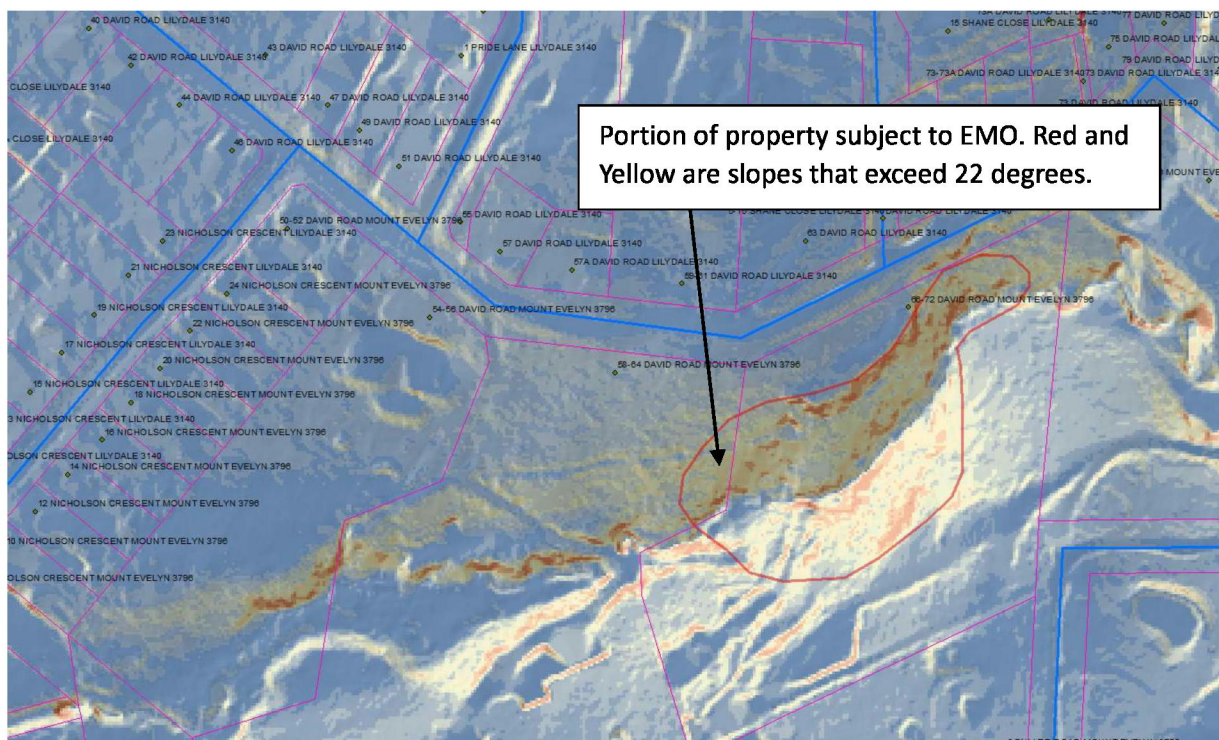
The cost of a geotechnical report is borne by the applicant. We would note that the \$5,000 quoted may be more consistent with an upper limit that might apply for very hazardous or more complex sites and would not be typical. It is important to note that a geotechnical report which provides advice on foundation design (sometimes known as a soil report) is a mandatory requirement of a building permit and would typically require a geotechnical engineer to visit the site and to undertake borehole investigations, noting that site visit and investigation costs are usually a significant component of the overall geotechnical cost. In most instances, geotechnical assessment for slope stability would be undertaken as an addition to the mandatory geotechnical report for building purposes. Whilst additional costs may apply for expanding the report to include the assessment of slope stability, the applicant would not usually have to bear the total cost of a new report or separate site visit to meet the requirements of the planning scheme.

Submitter Number:	35
Position:	Removal from proposed EMO
Theme:	Mapping methodology
Address:	
Summary of Submission:	Site is underlain by rock, therefore there is no potential for landslide.
Recommendation	No change to the mapping.

WSP Australia Response:

Only a very small part of this property is proposed for inclusion in EMO1 because it exceeds the slope angle threshold of 22° in Mt Evelyn Rhyodacite (cluster of yellow squares in the image below). It is important to note that the EMO is not extended to the entire site, it only applies where mapped. Given the very small part of this property affected and the location of the affected area, it is unlikely that future development on the site would be subject to the provisions of the EMO. There has been past instability of the creek bank noted about 350 m to the east of the site.

Images have been included with the submission showing angular rock boulders embedded in soil. Intact rock outcrop does not seem to be present and it is unclear whether the rock is transported or weathered in situ. Given the proximity to the creek, it is possible that some of the rock is transported. Whilst sites with shallow rock can be less susceptible to landslide compared to sites with deep rock, there are no means to identify the depth to rock across the whole shire and to incorporate that as an input to the landslide susceptibility study. The depth to rock would be considered as part of an onsite geotechnical assessment and factor into that assessment accordingly. If no landslide hazards are identified, there are provisions for the for a geotechnical assessment to be waived.



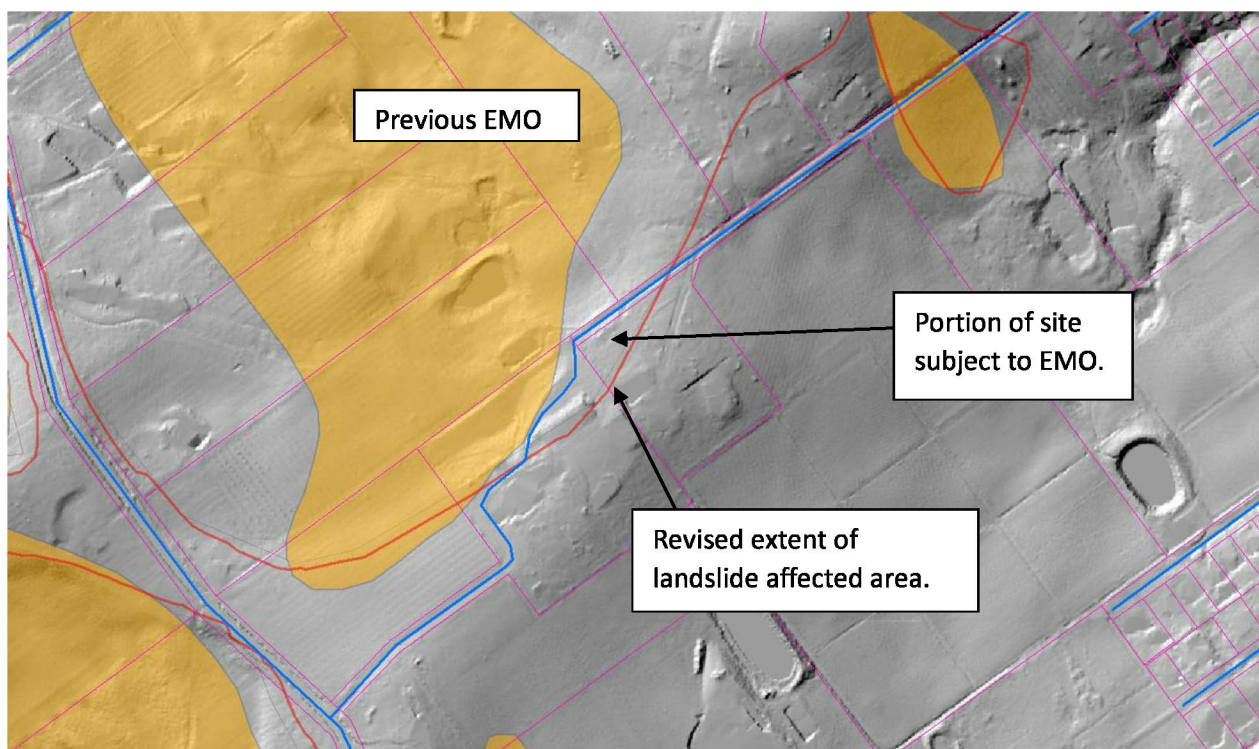
Submitter Number:	37
Position:	Removal from Proposed EMO
Theme:	Mapping Methodology
Address:	
Summary of Submission:	Query on mapping methodology, considers there to be no areas on the site susceptible to landslide.
Recommendation	No change to the mapping.

WSP Australia Response:

Mapping Methodology

Only a very small part of this property is proposed for inclusion in EMO1 because a landslide has been identified to the north west of the site and the part of the site affected is within the zone of influence of the landslide. That landslide was previously included in the EMO, however based on LiDAR information, the extent of the landslide has been better defined than it was previously and the boundary adjusted towards the south east. Note that the existing house on the site does not appear to be within the EMO and hence would not be affected.

This site is underlain by Oligocene Older Volcanics which can be prone to landslide on slopes as low as 5 degrees if the soil becomes wet. The EMO is a forward looking planning control and at this location its purpose would be to manage development that could result in an increase in the soil moisture content, for example dams, underground services or drainage. For example, if a dam were proposed on the part of this site subject to the EMO, there would likely be a condition applied that it be lined to prevent infiltration into the landslide affected area.



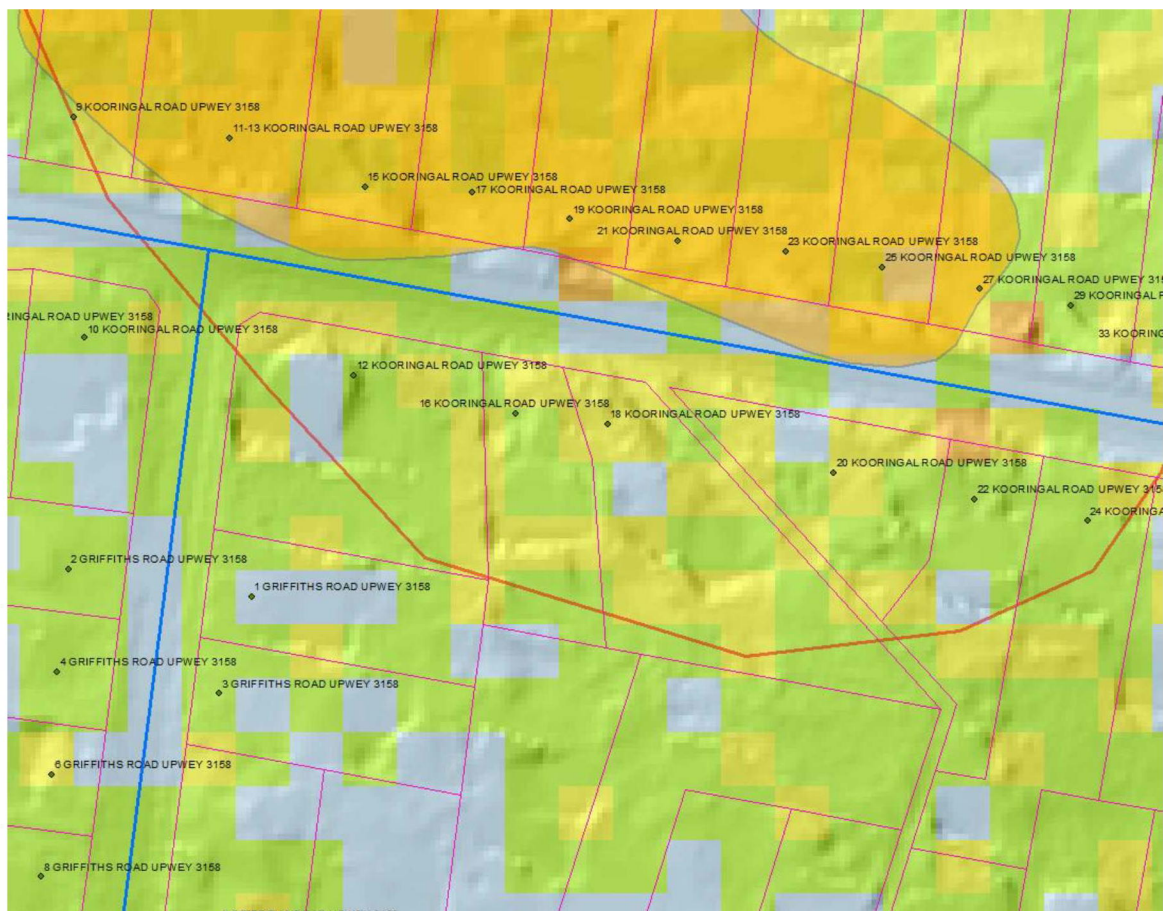
Submitter Number:	39
Position:	Query
Theme:	Mapping methodology
Address:	
Summary of Submission:	There has been no observed landslide on the property over the past 38 years.
Recommendation	There may be a basis to review the boundary location in the vicinity of this property with on site assessment.

WSP Australia Response:

Reason for Inclusion

The susceptibility mapping does not indicate a past landslide has occurred at the site. This area has been included on the basis of the slope exceeding 11 degrees and being underlain by Devonian Rhyodacite. Slopes with these characteristics have been shown to be susceptible to landslide in response to inappropriate development.

Yellow squares in the image below exceed the threshold for inclusion. The EMO at this location is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide, for example future inappropriate earthworks, drainage or vegetation removal.



Submitter Number:	40
Position:	Query
Theme:	Mapping methodology
Address:	
Summary of Submission:	Query on reason for inclusion, potential insurance implications and development costs.
Recommendation	There may be a basis to review the mapping in this area through detailed on the ground assessment.

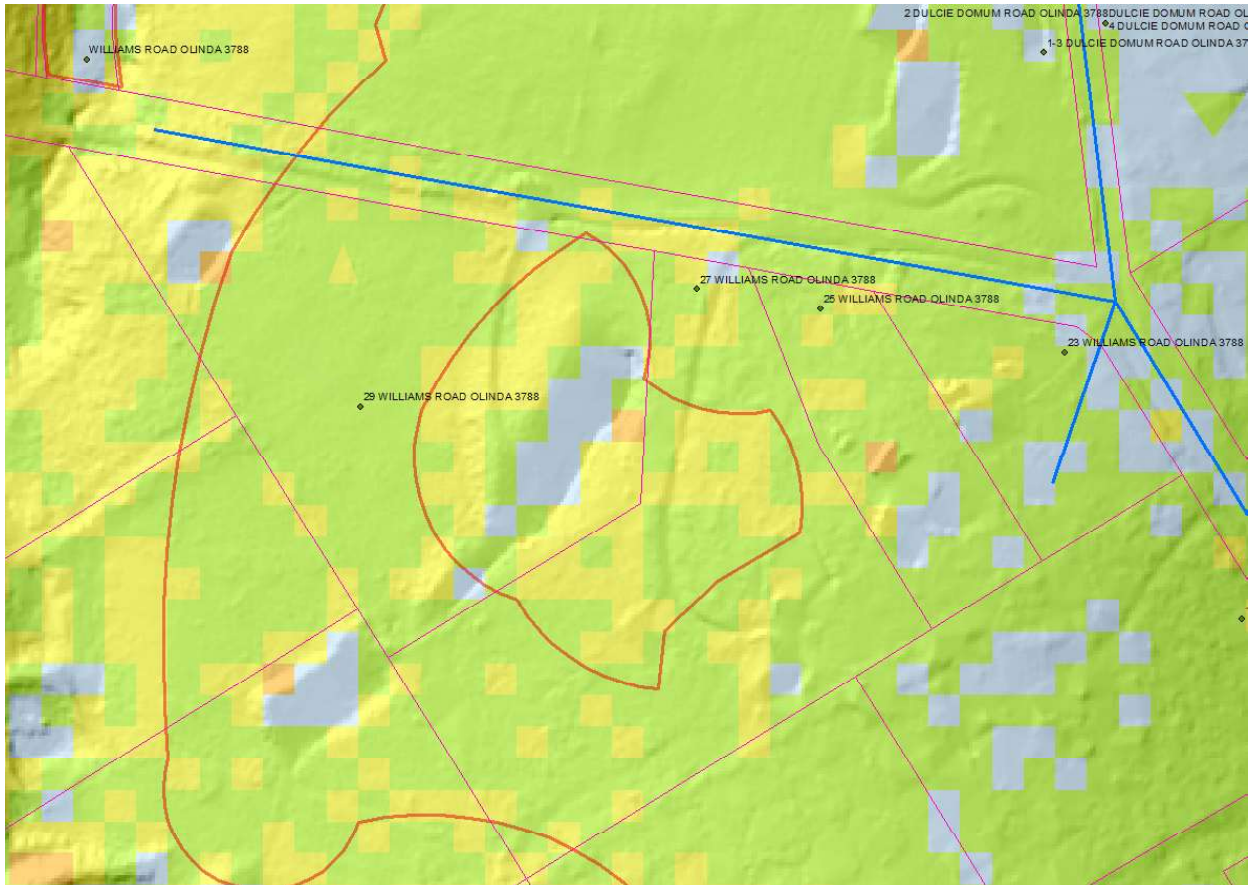
WSP Australia Response:

Mapping Methodology

The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Devonian Rhyodacite, the threshold for inclusion. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and the addition of others.

It possible that earthworks can alter the natural slope angle to the extent that the measured slope angle over 10 m increases appears to exceed the natural slope angle, however in delineating susceptible areas consideration is given to the proportion of the area that exceeds the threshold and characteristics of the terrain.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere. This area is not necessarily under imminent threat from landslide in its current condition. The purpose of the EMO is to ensure it remains so into the future.



Insurance

EMOs have been progressively introduced in Victoria for over 25 years. Whilst impact on home and property insurance is a common concern prior to the introduction of an EMO, we are not aware of any instances where insurance has been affected by the introduction of the EMO, noting that the purpose of the EMO is to reduce the potential for landslide by ensuring development in landslide prone areas minimises disturbance to the natural landscape.

The submitter is encouraged to review their product disclosure statement for home insurance. Typically in Australia, landslide is not covered by home insurance unless the landslide occurs as a direct consequence of another insurable event such as an earthquake, flood or storm. If there is no cover for landslide currently, there is unlikely to be future coverage.

Accuracy of Mapping

The landslide susceptibility mapping is reliant upon geological mapping undertaken by the Geological Survey of Victoria, a digital elevation model derived from LiDAR and the experience of the geologists who prepare the mapping. Whilst the criteria for inclusion are applied as accurately as possible, noting that the LiDAR used has 1 m resolution, there is inevitably a margin of error in where the boundaries are plotted.

There is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the criteria for inclusion are not met. Council also has discretion to

waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslide hazards and nature of the proposed development.

Cost of a Geotechnical Report

The cost of a geotechnical report is borne by the applicant. It is important to note that a geotechnical report which provides advice on foundation design (sometimes known as a soil report) is a mandatory requirement of a building permit and would typically require a geotechnical engineer to visit the site and undertake borehole investigations, noting that site visit and investigation costs are usually a significant component of the overall geotechnical cost. In most instances, geotechnical assessment for slope stability would be undertaken as an addition to the mandatory geotechnical report for building purposes. Whilst additional costs may apply for expanding the report to include the assessment of slope stability, the applicant would not usually have to bear the total cost of a new report, or arrange a separate site visit to meet the requirements of the planning scheme.

Impact on Property Values

Potential impact on property value is a common concern associated with the introduction of an EMO. Over 25 years of introducing EMOs in Victoria, there is no evidence of an impact on property values because of the introduction of an EMO, although it is recognised that it is difficult to measure this aspect separately from the many other factors that contribute to property value.

In contrast, where landslides have occurred, including due to inappropriate development, there have been negative impacts to property values. By preventing inappropriate development in areas that could be susceptible to landslide, the EMO seeks to prevent landslide occurrence and the negative consequences that could arise.

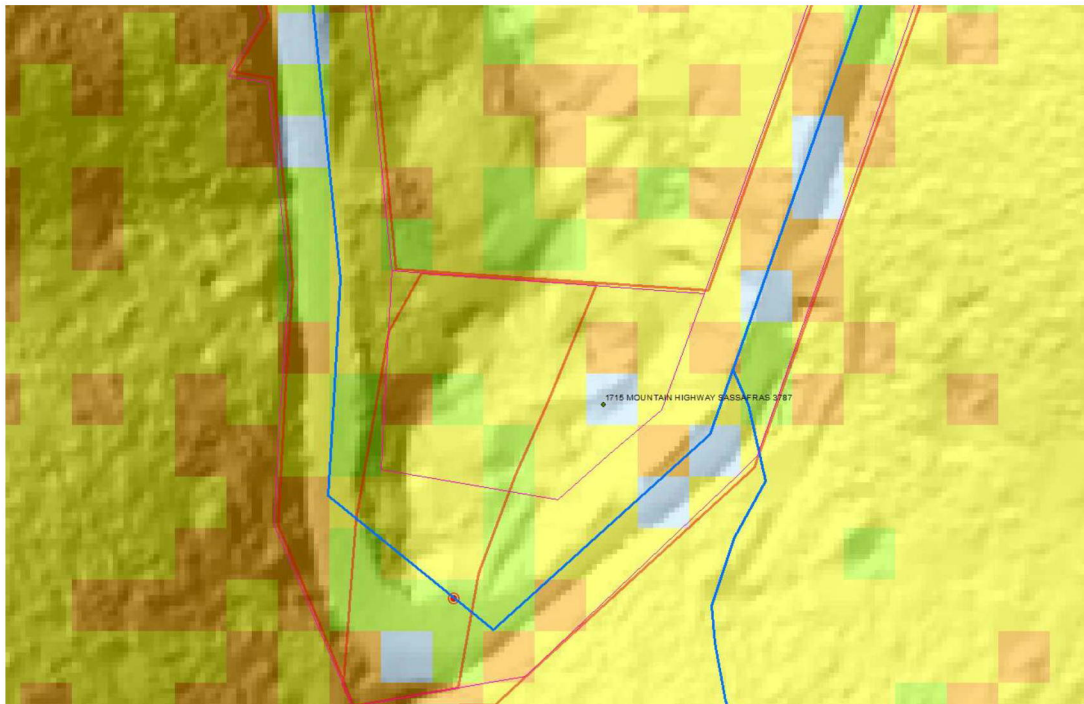
Submitter Number:	42
Position:	Request removal from the proposed EMO.
Theme:	Property has not been affected by landslide.
Address:	
Summary of Submission:	Query on reason for inclusion given there is no known past landslide on the site.
Recommendation	No change to the mapping.

WSP Australia Response:

Mapping Methodology

The landslide susceptibility mapping does not indicate past landslide in the vicinity of this site. The area is included in EMO1 because the slope angle exceeds the 11 degrees threshold for Devonian Rhyodacite. The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Devonian Rhyodacite, the threshold for inclusion. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas from the EMO and the addition of others.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere. This area is not necessarily under imminent threat from landslide in its current condition. The purpose of the EMO is to ensure it remains so into the future.



Submitter Number:	43
Position:	Query
Theme:	Mapping methodology
Address:	
Summary of Submission:	Query on reason for inclusion, concern around costs of future development on the site.
Recommendation	The area is heavily impacted by earthworks which reduces the accuracy of slope measurement using LiDAR. The boundaries have been placed somewhat conservatively to encompass areas that are inferred to have a slope angle that exceeds the criteria for inclusion, but the natural slope angle is somewhat masked by the earthworks. There could be value in detailed on the ground assessment with a view to potentially adjusting the proposed EMO boundary.

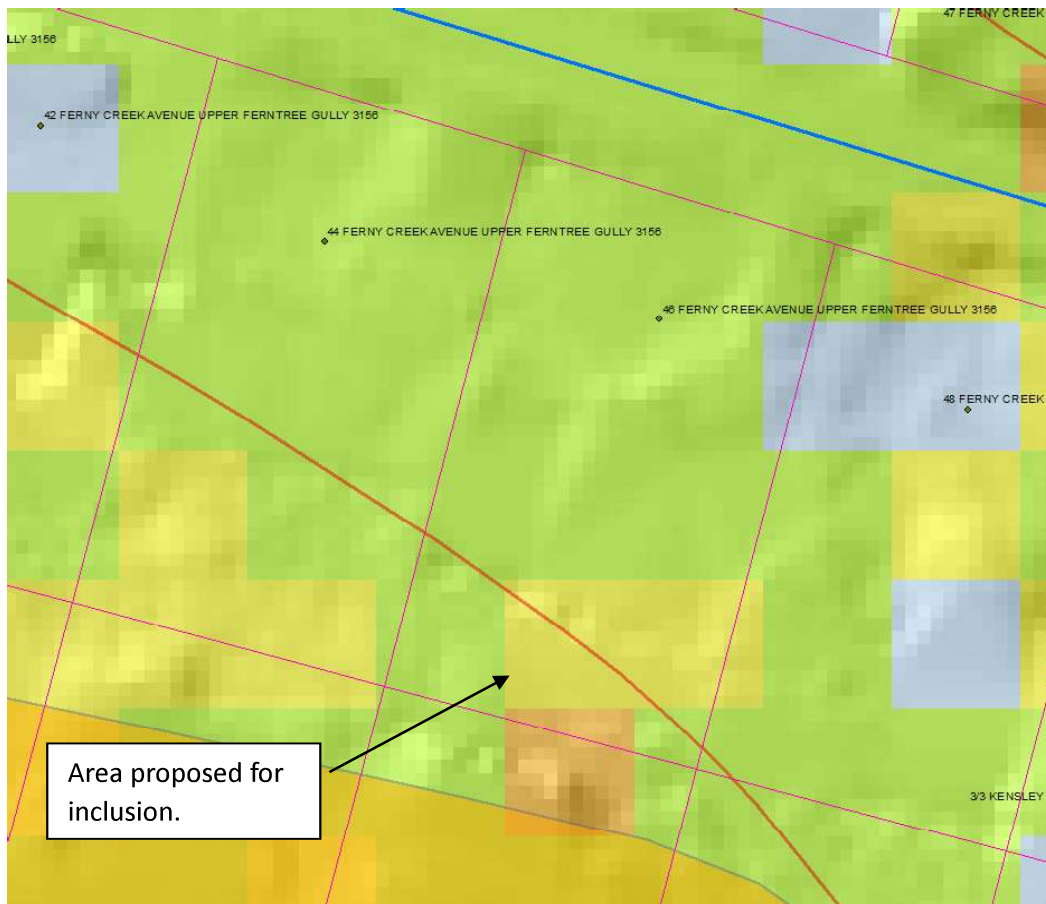
WSP Australia Response:

Mapping Methodology

The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow and orange squares are those for which the slope angle measured across the square exceeds 11° in Devonian Rhyodacite, the threshold for inclusion. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and addition of others. The EMO boundaries are mapped at 1:5,000 scale and seek to bracket squares where the slope angle criteria are exceeded.

It is possible for earthworks to alter the natural slope angle to the extent that the measured slope angle based on LiDAR over a 10 m grid increases to an angle above the natural slope angle, however in delineating susceptible areas, consideration is given to the proportion of the area that exceeds the threshold and the characteristics of the terrain.

It is important to note that only the rear part of the property is proposed for inclusion in the EMO (between the existing house and property boundary). Development at the front of the property between the existing house and road would not be subject to the provisions of the EMO.



Accuracy of Mapping

The landslide susceptibility mapping is reliant upon geological mapping undertaken by the Geological Survey of Victoria, a digital elevation model derived from LiDAR and the experience of the geologists who prepare the mapping. Whilst the criteria for inclusion are applied as accurately as possible, noting that the LiDAR used has 1 m resolution, there is potential for errors in this information.

Although the incidence of errors is expected to be low, there is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the criteria for inclusion have been incorrectly applied. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslides hazards and nature of the proposed development.

Submitter Number:	44
Position:	Query
Theme:	Mapping methodology
Address:	
Summary of Submission:	Query on reason for inclusion given no instability observed on the site in the past.
Recommendation	There may be the basis for a slight adjustment of the EMO boundary through this area on the basis of onsite assessment.

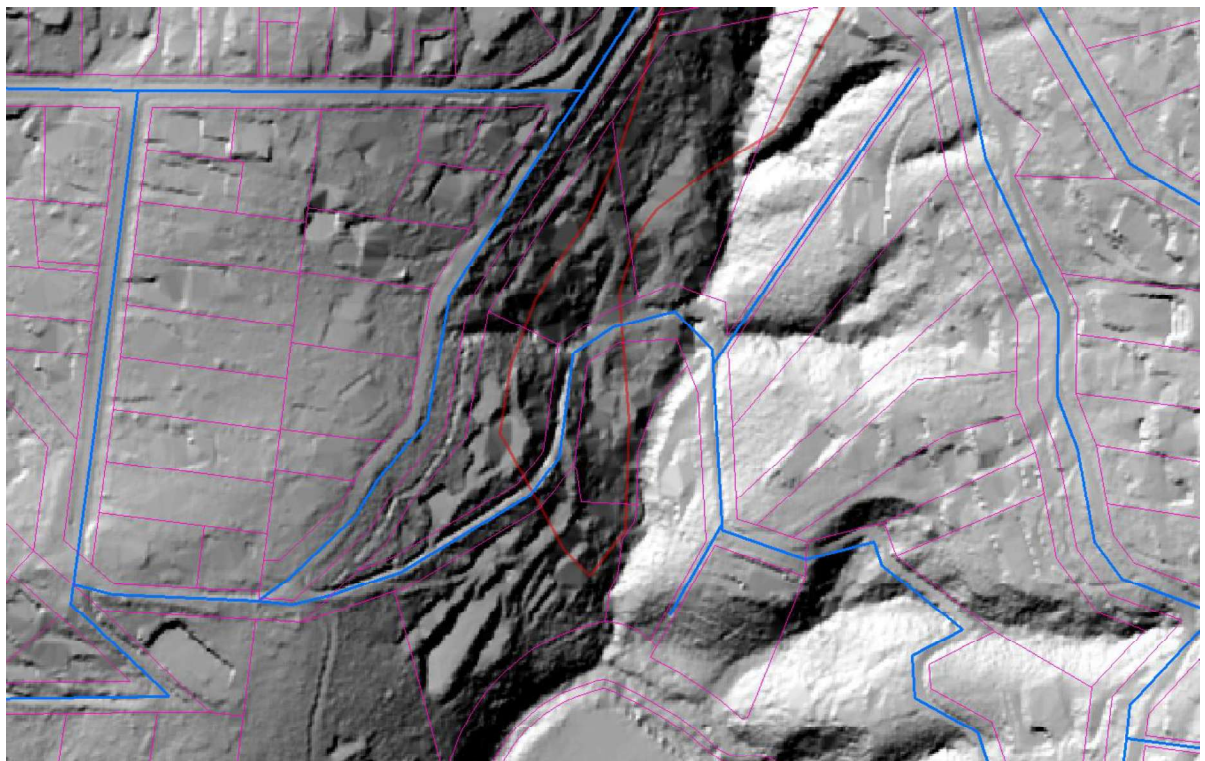
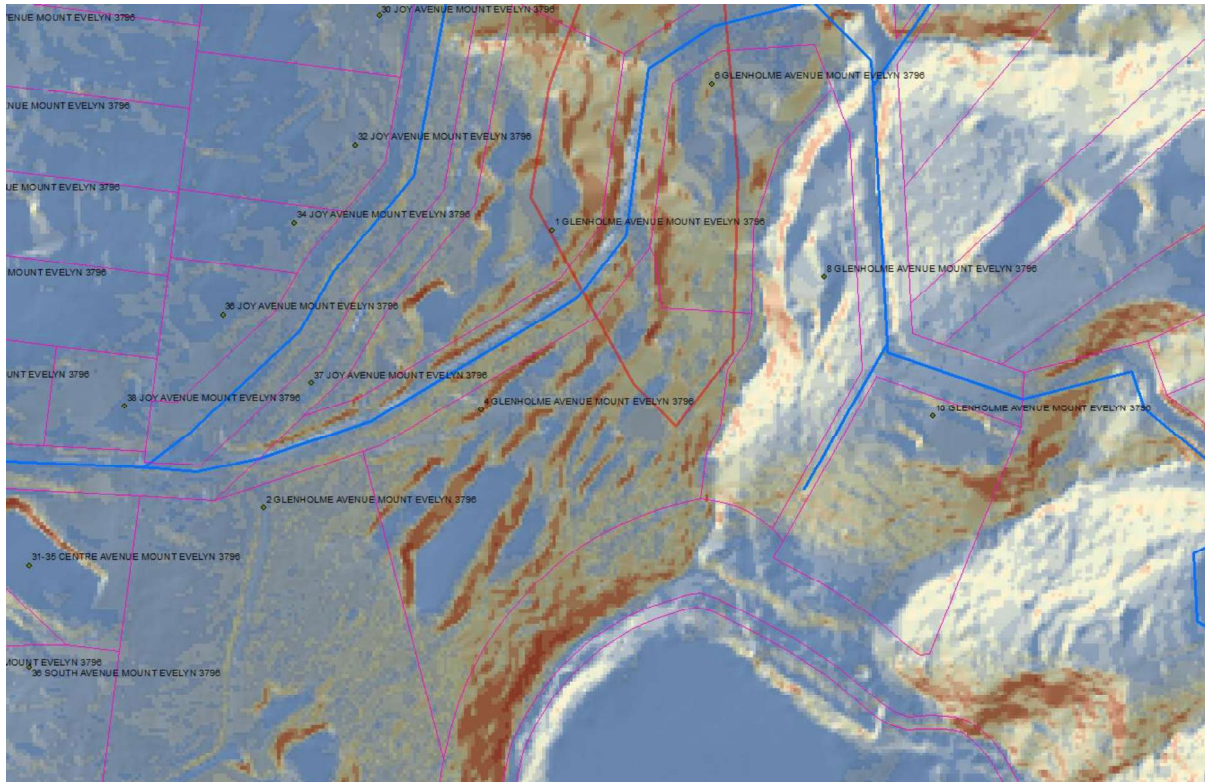
WSP Australia Response:

Mapping Methodology

Only a small section in the northern portion of the property is proposed for inclusion in the EMO on the basis that the underlying natural slope angle exceeds 22 degrees and the site is underlain by Mt Evelyn Devonian Rhyodacite. There is also geomorphic evidence for past instability (likely predating European settlement) on the slope of the tributary through this area (see hillshade image below). Yellow and red areas in the slope angle image below exceed a slope angle of 22 degrees. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and the addition of others.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslides elsewhere. This area is not necessarily under imminent threat from landslide in its current condition. The purpose of the EMO is to ensure it remains so into the future.

Note that the EMO provisions only apply where shown and that the house on this property is not within the area proposed for inclusion in the EMO and so future development of the house would not trigger a planning application.



Insurance Impacts

EMOs have been progressively introduced in Victoria for over 25 years. Whilst impact on home and property insurance is a common concern prior to the introduction of an EMO, we are not aware of any instances where insurance has been affected by the introduction of the EMO, noting that the

purpose of the EMO is to reduce the potential for landslide by ensuring development in landslide prone areas minimises disturbance to the natural landscape.

The submitter is encouraged to review their product disclosure statement for home insurance. Typically in Australia, landslide is not covered by home insurance unless the landslide occurs as a direct consequence of another insurable event such as an earthquake, flood or storm. If there is no cover for landslide currently, there is unlikely to be future coverage.

Impact on Property Values

Potential impact on property value is a common concern associated with the introduction of an EMO. Over 25 years of introducing EMOs in Victoria, there is no evidence of an impact on property values, although it is recognised that it is difficult to measure this aspect separately from the many other factors that contribute to property value.

In contrast, where landslides have occurred, including due to inappropriate development, there have been negative impacts to property values. By preventing inappropriate development in areas that could be susceptible to landslide, the EMO seeks to prevent landslide occurrence and the negative consequences that could arise.

Submitter Number:	45
Position:	Removal from proposed EMO.
Theme:	Mapping methodology
Address:	
Summary of Submission:	Query on reason for inclusion, cost and insurance implications.
Recommendation	This area is on the cusp of inclusion, with the natural slope angle somewhat masked by earthworks and a natural slope angle close to the threshold. There is scope to refine the boundary through this property based on a detailed on the ground assessment.

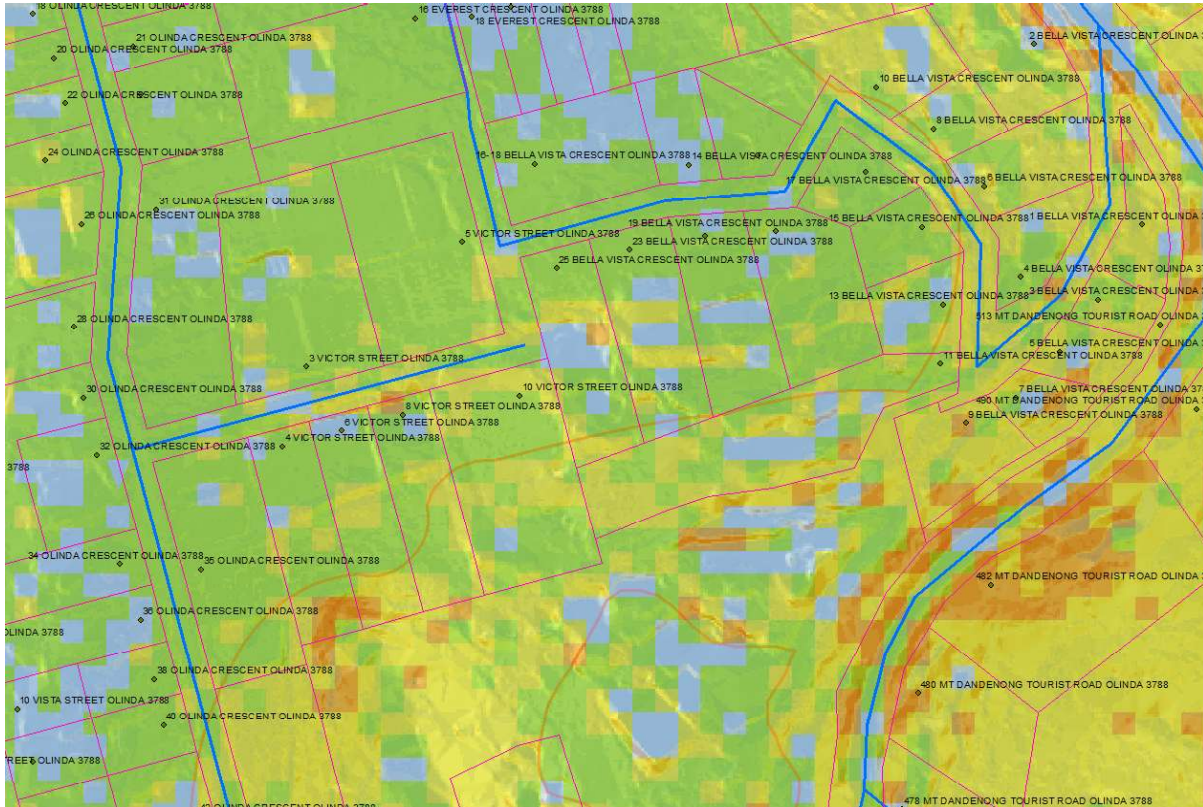
WSP Australia Response:

Mapping Methodology

The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the natural slope angle measured across the square exceeds 11° in Devonian Rhyodacite, the threshold for inclusion. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and addition of others. The portion of these properties included (two adjacent properties are referred to on the submission documents) is on the basis of the natural slope being greater than 11° and the site being underlain by Devonian Rhyodacite.

It is possible that the measurement of natural slope angle using LiDAR is affected by earthworks in this area. In delineating susceptible areas, consideration is given to the proportion of the area that exceeds the threshold and the characteristics of the terrain and the slope angle is measured over a 10 m grid to reduce the effect of earthworks on the measured slope angle.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere. This area is not necessarily under imminent threat from landslide in its current condition. The purpose of the EMO is to ensure it remains so into the future.



Insurance

EMOs have been progressively introduced in Victoria for over 25 years. Whilst impact on home and property insurance is a common concern prior to the introduction of an EMO, we are not aware of any instances where insurance has been affected by the introduction of the EMO, noting that the purpose of the EMO is to reduce the potential for landslide by ensuring development in landslide prone areas minimises disturbance to the natural landscape.

The submitter is encouraged to review their product disclosure statement for home insurance. Typically in Australia, landslide is not covered by home insurance unless the landslide occurs as a direct consequence of another insurable event such as an earthquake, flood or storm. If there is no cover for landslide currently, there is unlikely to be future coverage.

Accuracy of Mapping

The landslide susceptibility mapping is reliant upon geological mapping undertaken by the Geological Survey of Victoria, a digital elevation model derived from LiDAR and the experience of the geologists who prepare the mapping. Whilst the criteria for inclusion are applied as accurately as possible, noting that the LiDAR used has 1 m resolution, there is potential for errors in this information.

Although the incidence of errors is expected to be low, there is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that site attributes do not meet the criteria for inclusion. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslide hazards and the nature of the proposed development. It would be impractical to conduct site specific assessment for every property proposed for inclusion in the EMO. Site specific assessment is undertaken as part of proposed development that triggers a planning permit.

Cost of a Geotechnical Report

It is important to note that a geotechnical report which provides advice on foundation design (sometimes known as a soil report) is a mandatory requirement of a building permit and would typically require a geotechnical engineer to visit the site and undertake borehole investigations, noting that site visit and investigation costs would usually be a significant component of the overall geotechnical cost. In most instances, geotechnical assessment for slope stability would be undertaken as an addition to the mandatory geotechnical report for building purposes. Whilst additional costs may apply for expanding the report to include the assessment of slope stability, the applicant would not usually have to bear the total cost of a new report, or separate site visit to meet the requirements of the planning scheme.

Impact on Property Values

Potential impact on property value is a common concern associated with the introduction of an EMO. Over 25 years of introducing EMO's in Victoria, there is no evidence of an impact on property values, although it is recognised that it is difficult to measure this aspect separately from the many other factors that contribute to property value.

In contrast, where landslides have occurred, including due to inappropriate development, there have been negative impacts to property values. By preventing inappropriate development in areas that could be susceptible to landslide, the EMO seeks to prevent landslide occurrence and the negative consequences that could arise.

Permit Requirements

Landscaping, most fencing (excluding masonry walls) and small outbuildings less than 40 m², pruning and removal of small trees are exempt from the requirements of the EMO.

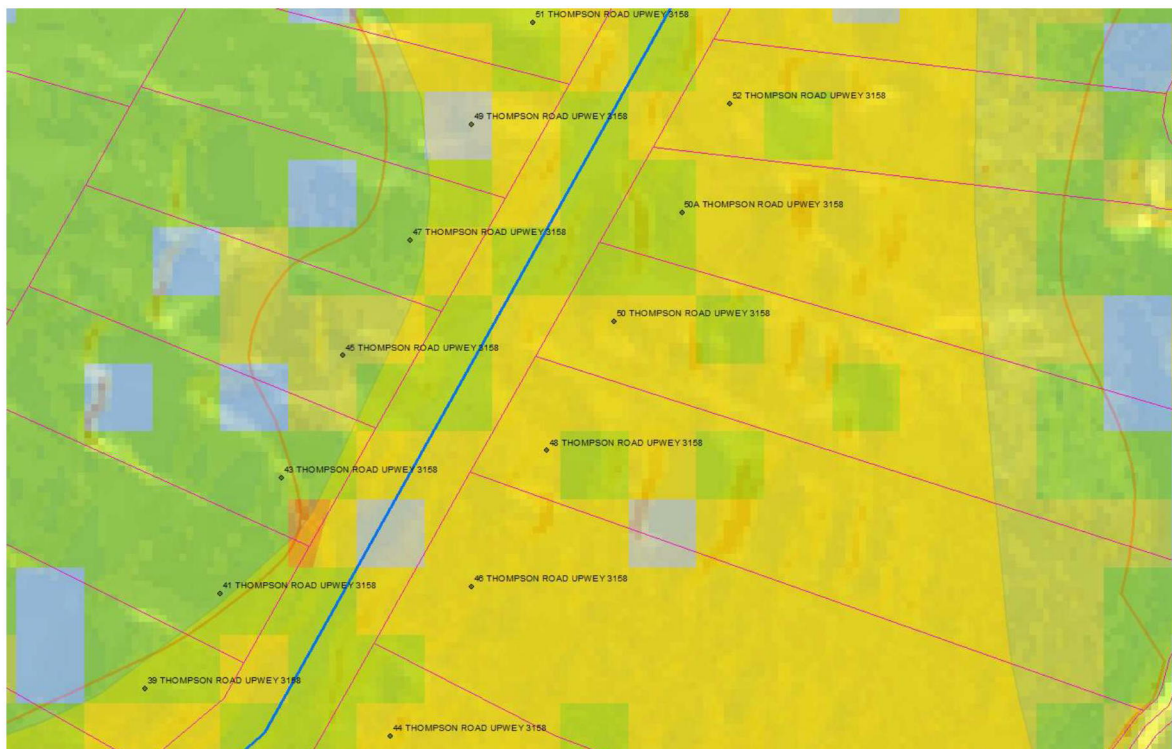
Submitter Number:	47
Position:	Query
Theme:	Mapping methodology
Address:	
Summary of Submission:	Query on reason for inclusion.
Recommendation	The slope angle measurement is likely masked by earthworks at this location. There may be basis for an onsite assessment to review the boundary through this area in finer detail.

WSP Australia Response:

Mapping Methodology

The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Devonian Rhyodacite, the threshold for inclusion. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and the addition of others.

It is possible that earthworks and structures can mask measurement of the natural slope angle, however in delineating susceptible areas, consideration is given to the proportion of the area that exceeds the threshold and characteristics of the terrain.



Accuracy of Mapping

The landslide susceptibility mapping is reliant upon geological mapping undertaken by the Geological Survey of Victoria, a digital elevation model derived from LiDAR and the experience of the geologists

who prepare the mapping. Whilst the criteria for inclusion are applied as accurately as possible, noting that the LiDAR used has 1 m resolution, there is potential for errors in this information. It is impractical to undertake site specific field assessments for every area proposed for inclusion in the EMO.

Although the incidence of errors is expected to be low, there is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the criteria for inclusion have been incorrectly applied. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslides hazards and nature of the proposed development.

Submitter Number:	49
Position:	Request Alteration of Boundary
Theme:	Mapping methodology
Address:	
Summary of Submission:	Inaccuracy of mapping.
Recommendation	There may be basis to amend the mapping based on site specific assessment of the extent of alluvium, noting the potential error margins associated with the 1:250,000 geological map.

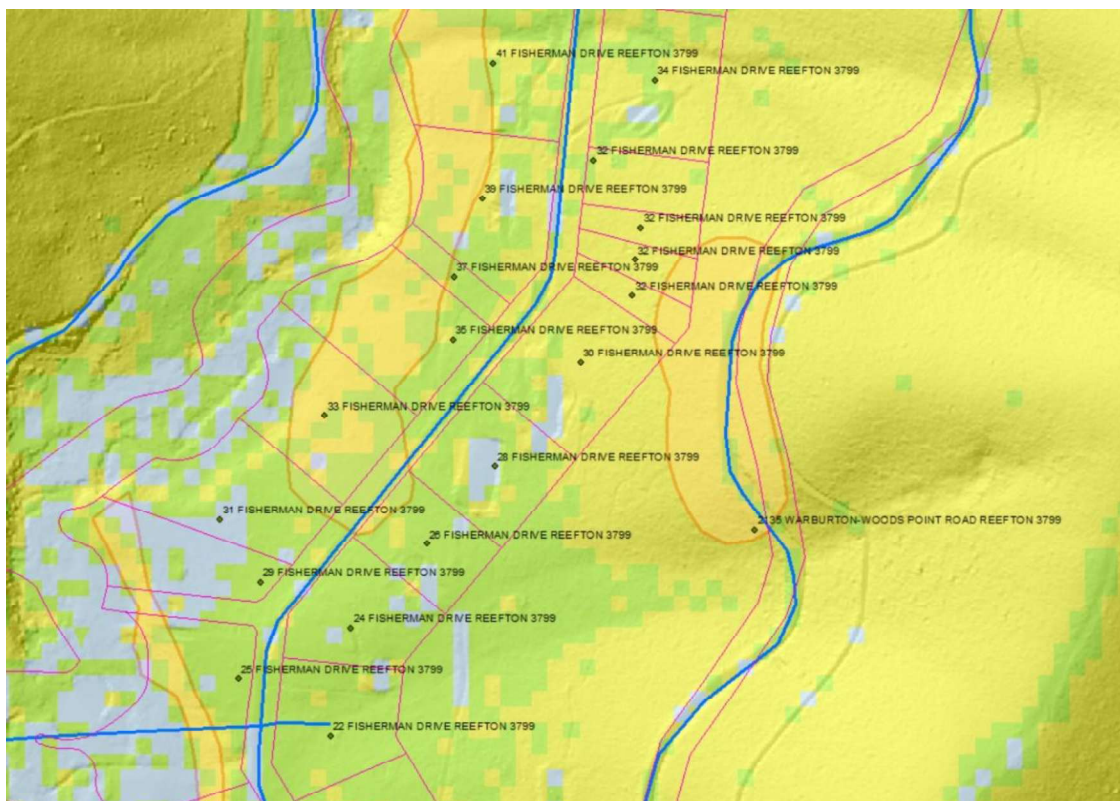
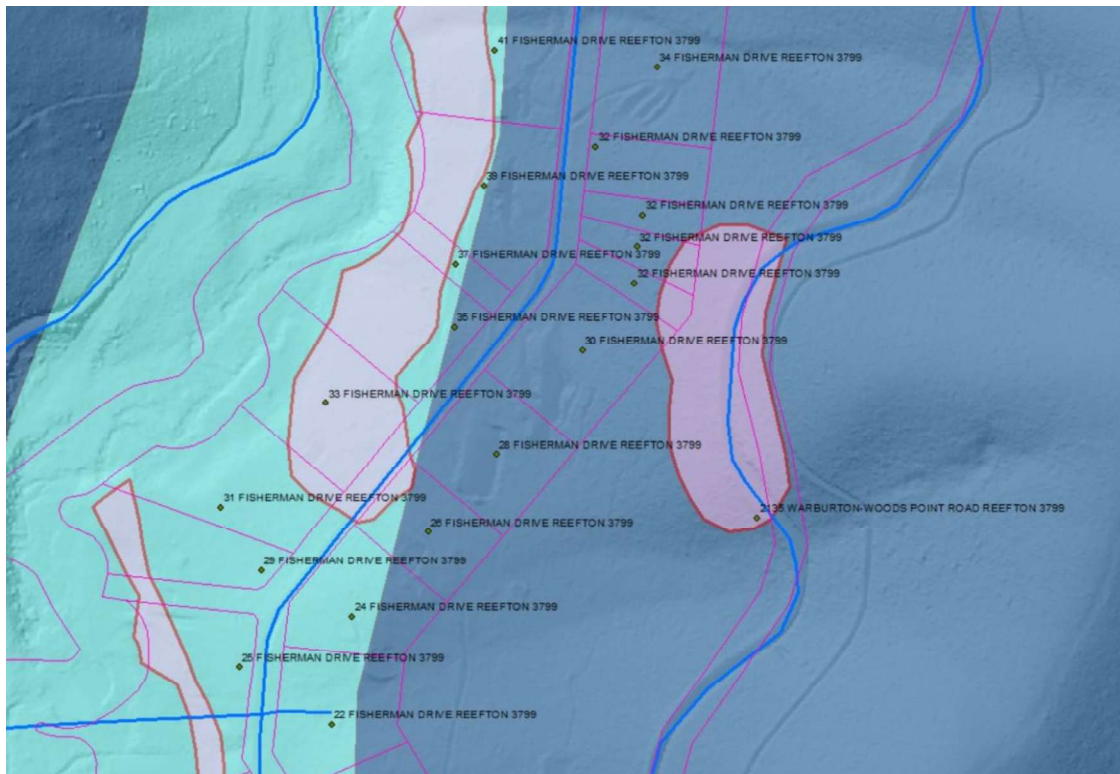
WSP Australia Response:

Only a very small part of this property is affected which is in a location that is very unlikely to be subject to future development.

The portion of the property that included is on the basis of exceeding 11 degrees in alluvium. The extent of alluvium is as shown on the Geological Survey of Victoria maps – the light blue shaded area in the west corner of the property in the first image below. The geology maps are made at 1:250,000 scale and there is a margin of error in where the boundaries are plotted.

The mapping used from the Geological Survey of Victoria is essentially the reason for inclusion. If the geological map had the line slightly further to the west it would not intersect this property, so the small portion here is within the margin of error of the mapped geology, and it could well be that the site is not underlain by alluvium. Error in the geological maps and error in the susceptibility mapping in general is addressed by the geotechnical engineer as part of the onsite geotechnical assessment, which may show that the site does not meet the criteria for inclusion.

Overall, there is some uncertainty around the exact position of this boundary and there could be a case to adjust it, but that would require on the ground assessment. There is uncertainty in the mapping process that cannot be avoided. Detailed site assessment would be required to refine boundary.



Submitter Number:	50
Position:	Query
Theme:	Mapping methodology
Address:	
Summary of Submission:	Query on reason for inclusion, implications for property value.
Recommendation	There may be a basis to review the mapping in this area through detailed on the ground assessment.

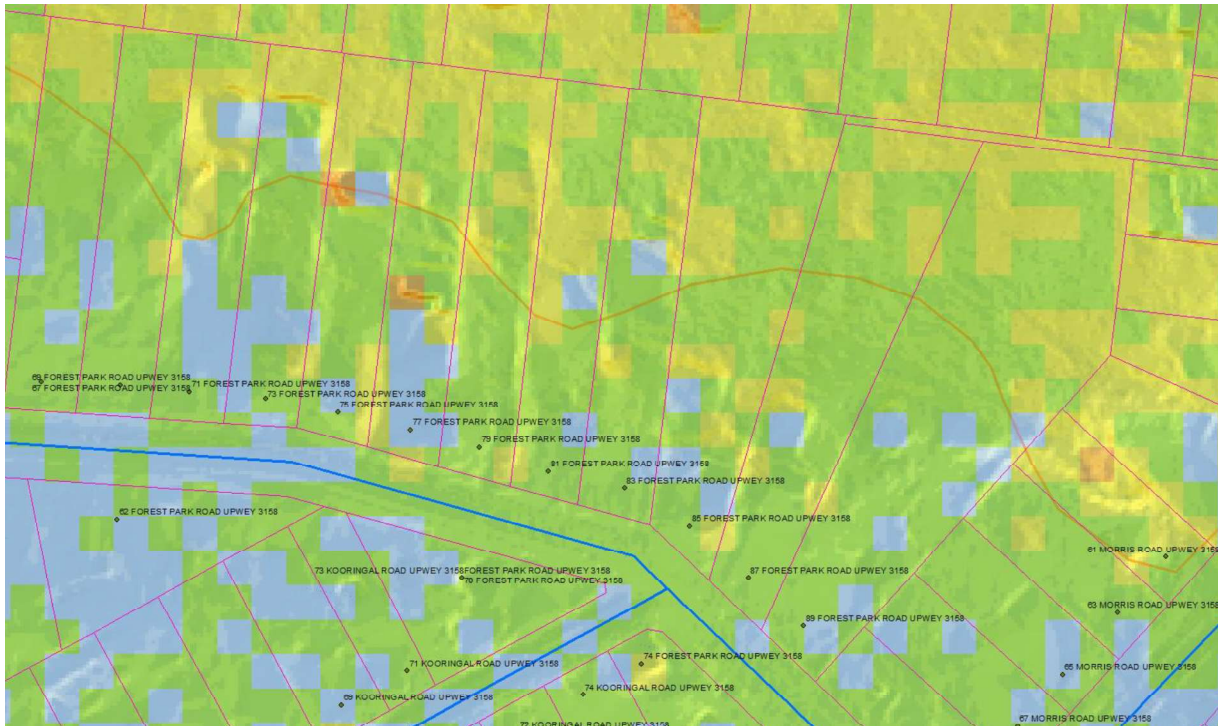
WSP Australia Response:

Mapping Methodology

The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Devonian Rhyodacite, the threshold for inclusion. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and the addition of others.

It possible that earthworks can alter the natural slope angle to the extent that the measured slope angle over 10 m appears to exceed the natural slope angle, however in delineating susceptible areas consideration is given to the proportion of the area that exceeds the threshold and characteristics of the terrain.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere. This area is not necessarily under imminent threat from landslide in its current condition. The purpose of the EMO is to ensure it remains so into the future.



Accuracy of Mapping

The landslide susceptibility mapping is reliant upon geological mapping undertaken by the Geological Survey of Victoria, a digital elevation model derived from LiDAR and the experience of the geologists who prepare the mapping. Whilst the criteria for inclusion are applied as accurately as possible, noting that the LiDAR used has 1 m resolution, there is inevitably a margin of error in where the boundary is plotted.

There is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment to be provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the criteria for inclusion are not met. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslide hazards and nature of the proposed development.

Impact on Property Values

Potential impact on property value is a common concern associated with the introduction of an EMO. Over 25 years of introducing EMOs in Victoria, there is no evidence of an impact on property values because of the introduction of an EMO, although it is recognised that it is difficult to measure this aspect separately from the many other factors that contribute to property value.

In contrast, where landslides have occurred, including due to inappropriate development, there have been negative impacts to property values. By preventing inappropriate development in areas that could be susceptible to landslide, the EMO seeks to prevent landslide occurrence and the negative consequences that could arise.

Submitter Number:	51
Position:	Objection to inclusion
Theme:	Mapping methodology
Address:	
Summary of Submission:	There has been no previous landslide on the site, vegetation and erosion risk is well managed under current conditions.
Recommendation	There may be a case for a slight realignment of the boundary subject to site specific assessment.

WSP Australia Response:

Mapping Methodology

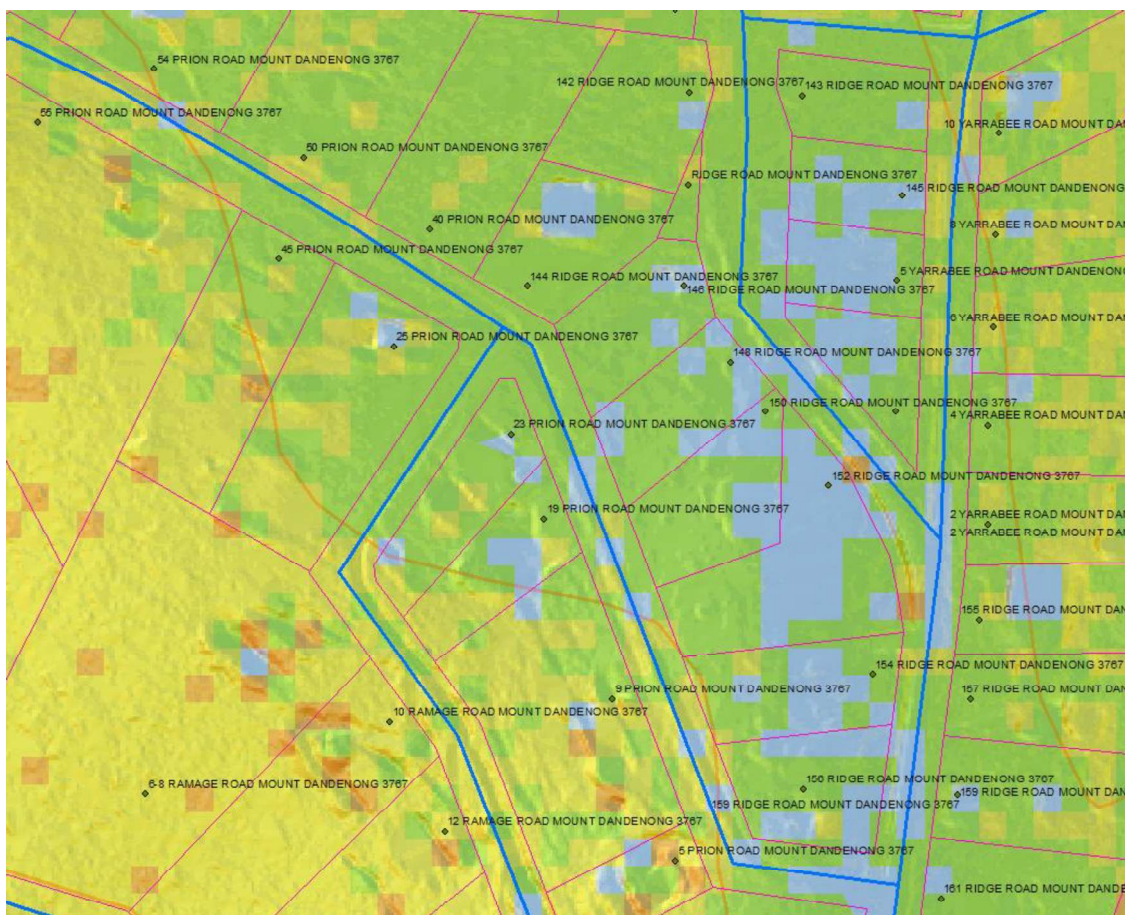
The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Devonian Rhyodacite, the threshold for inclusion. The threshold for inclusion is based on the natural slope angle, noting that earthworks and vegetation have the potential to change over time.

This threshold for inclusion is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and the addition of others.

It possible that earthworks can alter the natural slope angle to the extent that the measured slope angle over 10 m appears to exceed the natural slope angle, however in delineating susceptible areas consideration is given to the proportion of the area that exceeds the threshold and characteristics of the terrain.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere. This area is not necessarily under imminent threat from landslide in its current condition, nor has it necessarily been impacted by slope instability in the past. The purpose of the EMO is to ensure it remains so into the future by seeking to preserve the natural landscape as far as is practical.

Note that the EMO provisions only apply to that portion of the site within the EMO, which is approximately the southern third of the site.



Accuracy of Mapping

The landslide susceptibility mapping is reliant upon geological mapping undertaken by the Geological Survey of Victoria, a digital elevation model derived from LiDAR and the experience of the geologists who prepare the mapping. Whilst the criteria for inclusion are applied as accurately as possible, noting that the LiDAR used has 1 m resolution, there is inevitably a margin of error in where the boundaries are plotted.

There is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the criteria for inclusion are not met. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslide hazards and nature of the proposed development.

Cost of a Geotechnical Report

The cost of a geotechnical report is borne by the applicant. It is important to note that a geotechnical report which provides advice on foundation design (sometimes known as a soil report) is a mandatory requirement of a building permit and would typically require a geotechnical engineer to visit the site and undertake borehole investigations, noting that site visit and investigation costs would usually be a significant component of the overall geotechnical cost. In most instances, geotechnical assessment for slope stability would be undertaken as an addition to the mandatory geotechnical report for building purposes. Whilst additional costs may apply for expanding the report to include the assessment of slope stability, the applicant would not usually have to bear the total

cost of a new report, or arrange a separate site visit to meet the requirements of the planning scheme.

Impact on Property Values

Potential impact on property value is a common concern associated with the introduction of an EMO. Over 25 years of introducing EMOs in Victoria, there is no evidence of an impact on property values because of the introduction of an EMO, although it is recognised that it is difficult to measure this aspect separately from the many other factors that contribute to property value.

In contrast, where landslides have occurred, including due to inappropriate development, there have been negative impacts to property values. By preventing inappropriate development in areas that could be susceptible to landslide, the EMO seeks to prevent landslide occurrence and the negative consequences that could arise.

Requirement for a planning permit

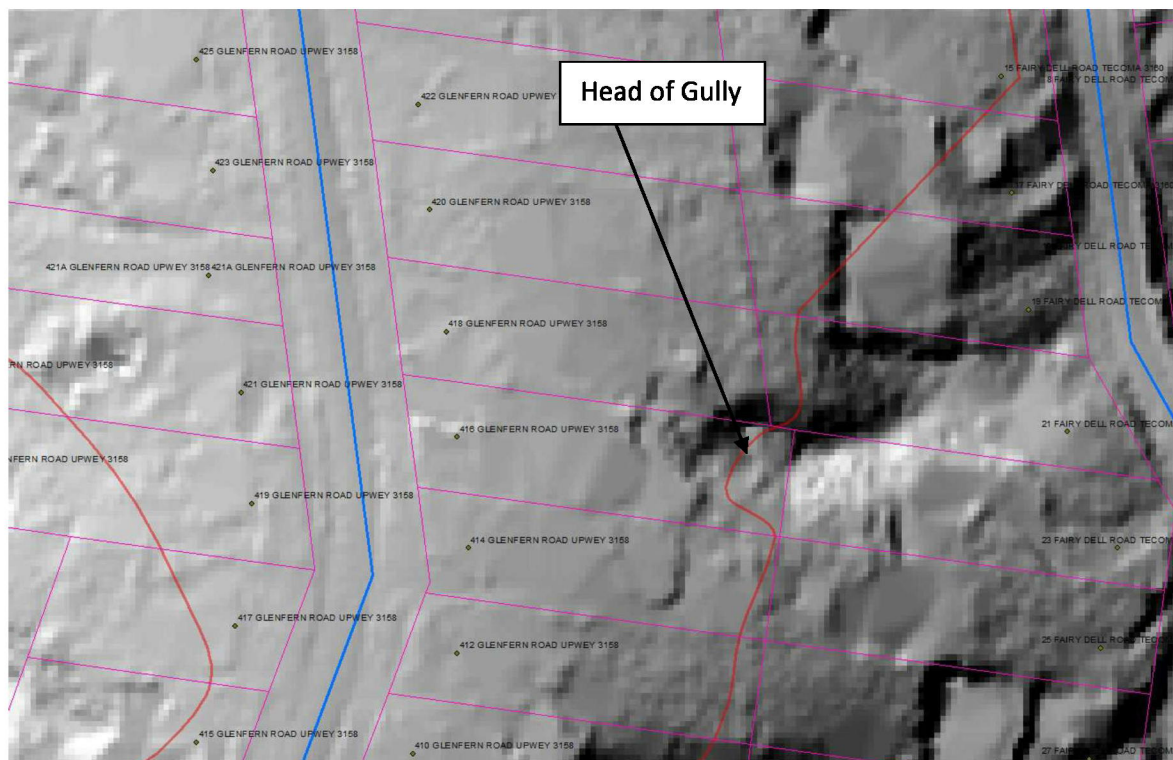
Activities such as landscaping, earthworks less than 1 m, tree pruning and the construction of outbuildings of less than 40 m² are exempt from the requirements of the EMO.

Submitter Number:	52
Position:	Query
Theme:	Mapping methodology
Address:	
Summary of Submission:	Query on reason for inclusion. Previous development has reduced landslide risk on this site.
Recommendation	No change to mapping.

WSP Australia Response:

A small part of the property around the head of a gully on the east part of the site is subject to the EMO. It is important to note that only this part of the property is subject to the EMO provisions and that development on other parts of the property, including the improvements on the property are not subject to the provisions of the EMO. The head of the gully is prominent and has likely formed pre-European settlement. This area is included in the EMO based on its steep slope angle and because its formation is likely related to landslide processes.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere. This area is not necessarily under imminent threat from landslide in its current condition. The purpose of the EMO is to ensure it remains so into the future.



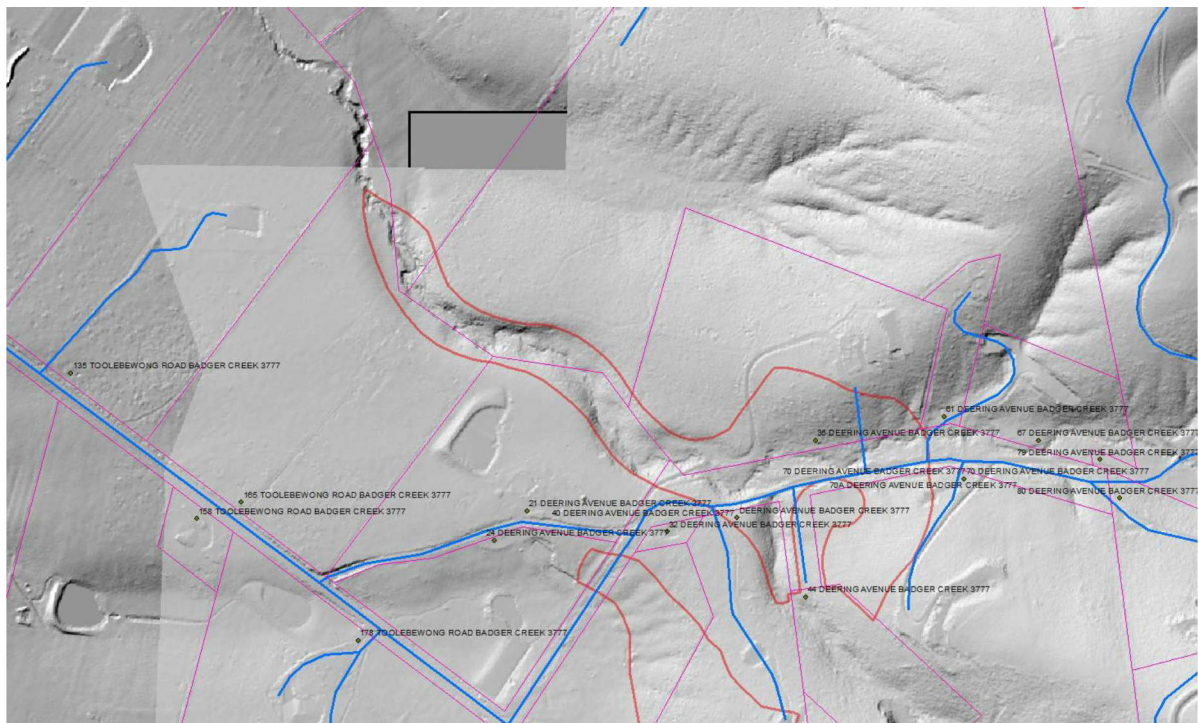
Submitter Number:	53
Position:	Query
Theme:	Mapping methodology
Address:	
Summary of Submission:	No prior experience of instability on the banks of Boggy Creek.
Recommendation	No change to mapping

WSP Australia Response:

Mapping Methodology

The area in the vicinity of Boggy Creek is included because the slopes of the creek (shown on the LiDAR image below) exceed the threshold for inclusion of 11° in slopes underlain by Quaternary Colluvium.

Whilst there may be no recent history of erosion or slippage on the banks of the creek, the EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide, for example future inappropriate earthworks or vegetation removal in the vicinity of the creek that could change the susceptibility of the landscape to landslide. Whilst this area is not necessarily under imminent threat from landslide in its current condition, the purpose of the EMO is to ensure it remains so into the future.



Submitter Number:	54
Position:	Opposed to inclusion
Theme:	Mapping methodology
Address:	
Summary of Submission:	Land has been well maintained and has not experienced landslide in the past
Recommendation	There is scope to review the mapping at this location based on onsite assessment of the underlying geology type.

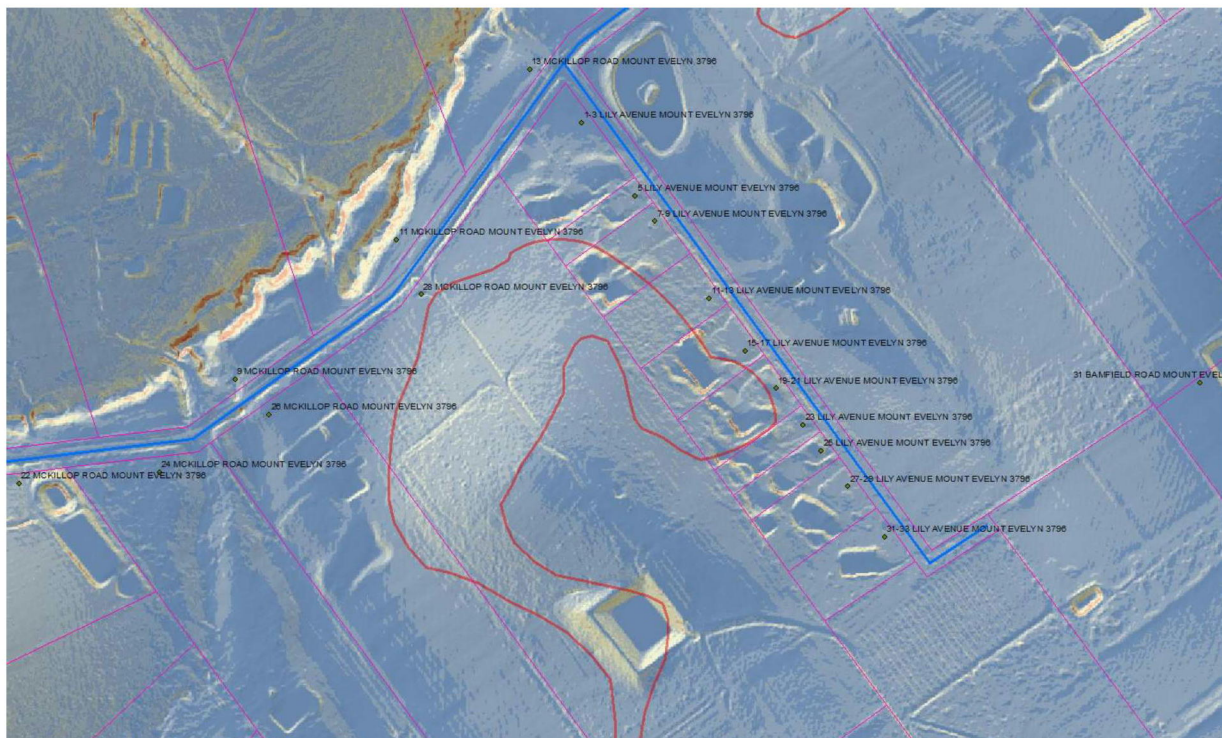
WSP Australia Response:

Mapping Methodology

The part of the site subject to the EMO has been included on the basis of the slope being underlain by soils derived from the Oligocene Older Volcanics and having a slope angle steeper than 9°.

It is commendable that good hillside practices have been applied on this site which have helped to prevent erosion and landslide. It is true that disturbance to the landscape through earthworks, vegetation removal and poor drainage are key factors that contribute to landslide in the Yarra Ranges.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere. This area is not necessarily under imminent threat from landslide in its current condition and may not have experienced landslide in the past due to appropriate slope development and maintenance practices. The purpose of the EMO is to ensure it remains so into the future.

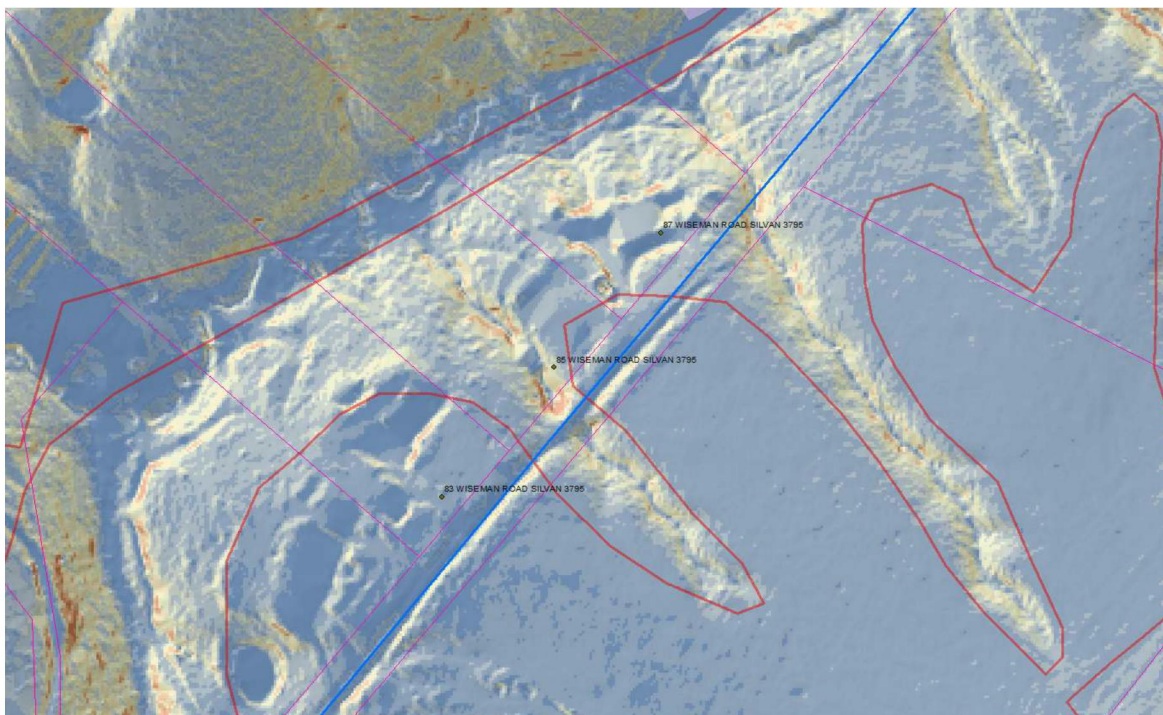


Submitter Number:	55
Position:	Opposed to inclusion
Theme:	Mapping methodology
Address:	
Summary of Submission:	There are no landslide hazards based on the current site conditions
Recommendation	No change to mapping.

WSP Australia Response:

This property is included on the basis that it is likely underlain by materials derived from the Oligocene Older Volcanics and the slope exceeds an angle of 9° which is the threshold for inclusion.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere. Whilst the site may have been subject to good development practices in the past and there is no recorded history of slope instability the purpose of the EMO is to ensure it remains so into the future. Works that could compromise the current condition of the site such as significant earthworks, drainage modifications or vegetation removal would require assessment to ensure they will not introduce landslide hazards.



Submitter Number:	56
Position:	Removal from the proposed EMO
Theme:	Mapping methodology
Address:	
Summary of Submission:	The site has well maintained retaining walls and slope stability is currently managed.
Recommendation	There may be a basis to slightly adjust the location of the boundary with on site assessment.

WSP Australia Response:

Mapping Methodology

The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Devonian Rhyodacite, the threshold for inclusion. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and the addition of others.

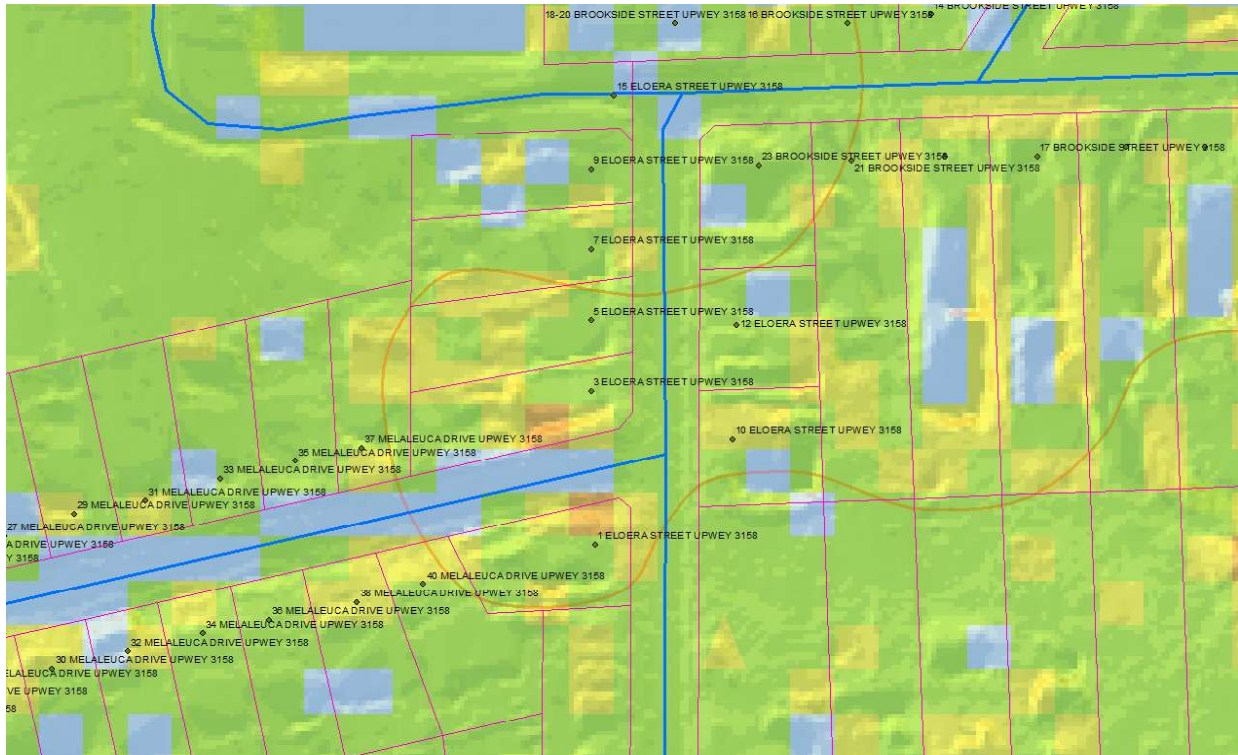
It possible that earthworks can alter the natural slope angle to the extent that the measured slope angle over 10 m appears to exceed the natural slope angle, however in delineating susceptible areas consideration is given to the proportion of the area that exceeds the threshold and characteristics of the terrain.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere.

Whilst the site may be appropriately retained and slope stability hazards managed in its current condition, the purpose of the EMO is to ensure it remains so into the future.

The cost of a geotechnical report is borne by the applicant. It is important to note that a geotechnical report which provides advice on foundation design (sometimes known as a soil report) is a mandatory requirement of a building permit and would typically require a geotechnical engineer to visit the site and undertake borehole investigations, noting that site visit and investigation costs would usually be a significant component of the overall geotechnical cost. In most instances, geotechnical assessment for slope stability would be undertaken as an addition to the mandatory geotechnical report for building purposes. Whilst additional costs may apply for expanding the report to include the assessment of slope stability, the applicant would not usually have to bear the total cost of a new report, or arrange a separate site visit to meet the requirements of the planning scheme.

Furthermore, there is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer finds upon visiting the site that the criteria for inclusion are not met. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslide hazards at the time of the application and the nature of the proposed development.



Accuracy of Mapping

The landslide susceptibility mapping is reliant upon geological mapping undertaken by the Geological Survey of Victoria, a digital elevation model derived from LiDAR and the experience of the geologists who prepare the mapping. Whilst the criteria for inclusion are applied as accurately as possible, noting that the LiDAR used has 1 m resolution, there is inevitably a margin of error in where the boundaries are plotted.

There is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the criteria for inclusion are not met. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslide hazards and nature of the proposed development.

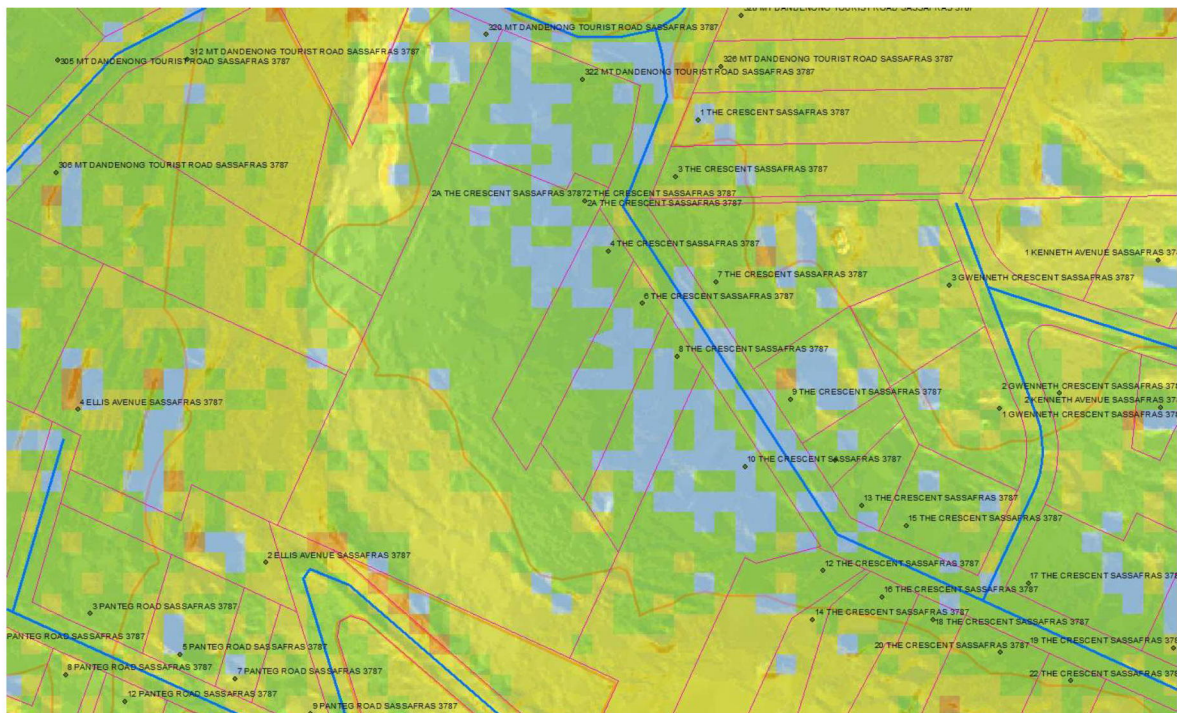
Submitter Number:	57
Position:	Removal from the EMO
Theme:	Mapping methodology
Address:	
Summary of Submission:	Objection to expansion of EMO at this location.
Recommendation	No change to mapping at this location.

WSP Australia Response:

The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Devonian Rhyodacite, the threshold for inclusion. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and the addition of others. The part of the site proposed for inclusion is mostly subject to the current EMO. The use of LiDAR information has allowed the boundary to be plotted with greater detail.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere. This area is not necessarily under imminent threat from landslide in its current condition. The purpose of the EMO is to ensure it remains so into the future.

Furthermore, only those parts of the site that are affected by the overlay are subject to the provisions of the EMO. The currently developed parts of this site would not be subject to the provisions of the EMO.



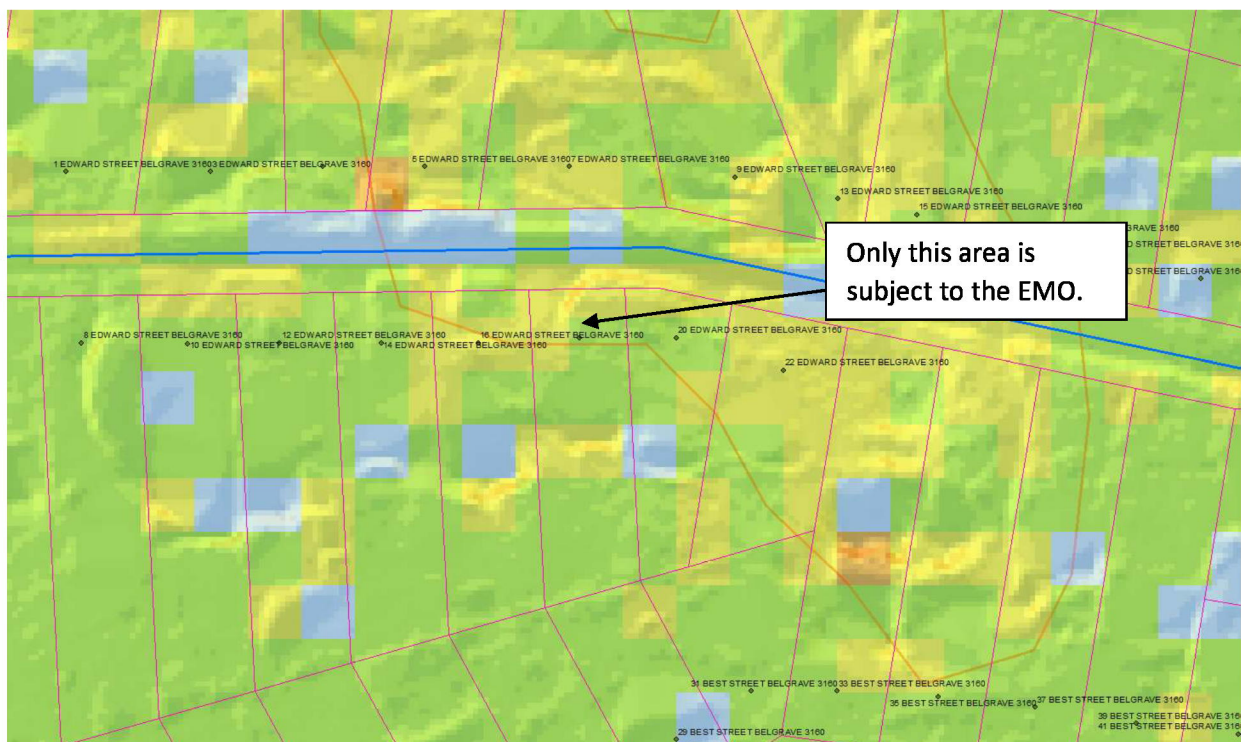
Submitter Number:	58
Position:	Only part of the property should be subject to the EMO
Theme:	Mapping methodology
Address:	
Summary of Submission:	EMO should be limited only to the part of the property affected by the overlay.
Recommendation	No change to mapping at this location.

WSP Australia Response:

The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Devonian Rhyodacite, the threshold for inclusion. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and the addition of others.

It is important to note that the provision of the EMO only apply to the area that exceeds the criteria for inclusion and is mapped as within the EMO. Only a small part on the north part of the property at 18 Edward Street would be subject to the provisions of the EMO.

Note that minor works such as landscaping, minor earthworks (less than 1 m high) and the construction of buildings or outbuilding of less than 40 m² in area are exempt from EMO requirements.



Submitter Number:	59
Position:	Removal from the EMO
Theme:	Mapping methodology
Address:	
Summary of Submission:	Query on reason for inclusion
Recommendation	There may be a basis for a slight adjustment to the mapping through this area

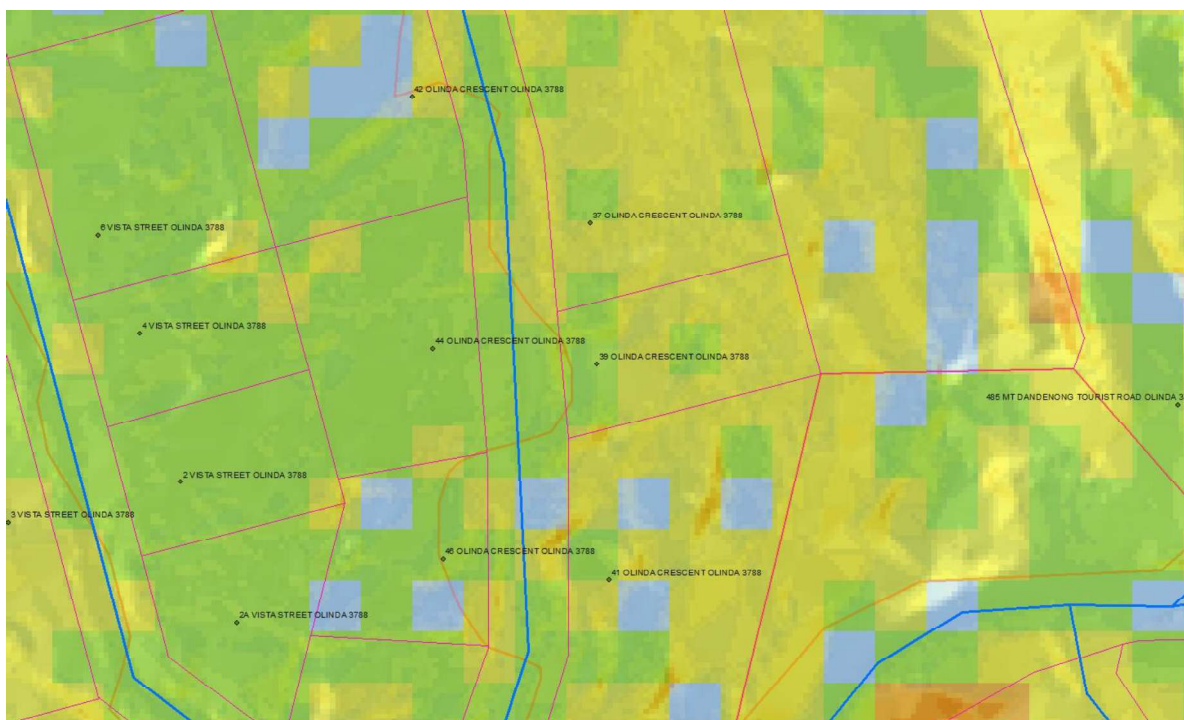
WSP Australia Response:

Mapping Methodology

The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Devonian Rhyodacite, the threshold for inclusion. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and the addition of others.

It possible that earthworks can alter the natural slope angle to the extent that the measured slope angle over 10 m appears to exceed the natural slope angle, however in delineating susceptible areas consideration is given to the proportion of the area that exceeds the threshold and characteristics of the terrain.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere. This area is not necessarily under imminent threat from landslide in its current condition. The purpose of the EMO is to ensure it remains so into the future.



Accuracy of Mapping

The landslide susceptibility mapping is reliant upon geological mapping undertaken by the Geological Survey of Victoria, a digital elevation model derived from LiDAR and the experience of the geologists who prepare the mapping. Whilst the criteria for inclusion are applied as accurately as possible, noting that the LiDAR used has 1 m resolution, there is inevitably a margin of error in where the boundaries are plotted.

There is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the criteria for inclusion are not met. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslide hazards and nature of the proposed development.

Submitter Number:	61
Position:	Objection to inclusion.
Theme:	Mapping methodology
Address:	
Summary of Submission:	Council should meet cost of individual site assessment.
Recommendation	No change to mapping.

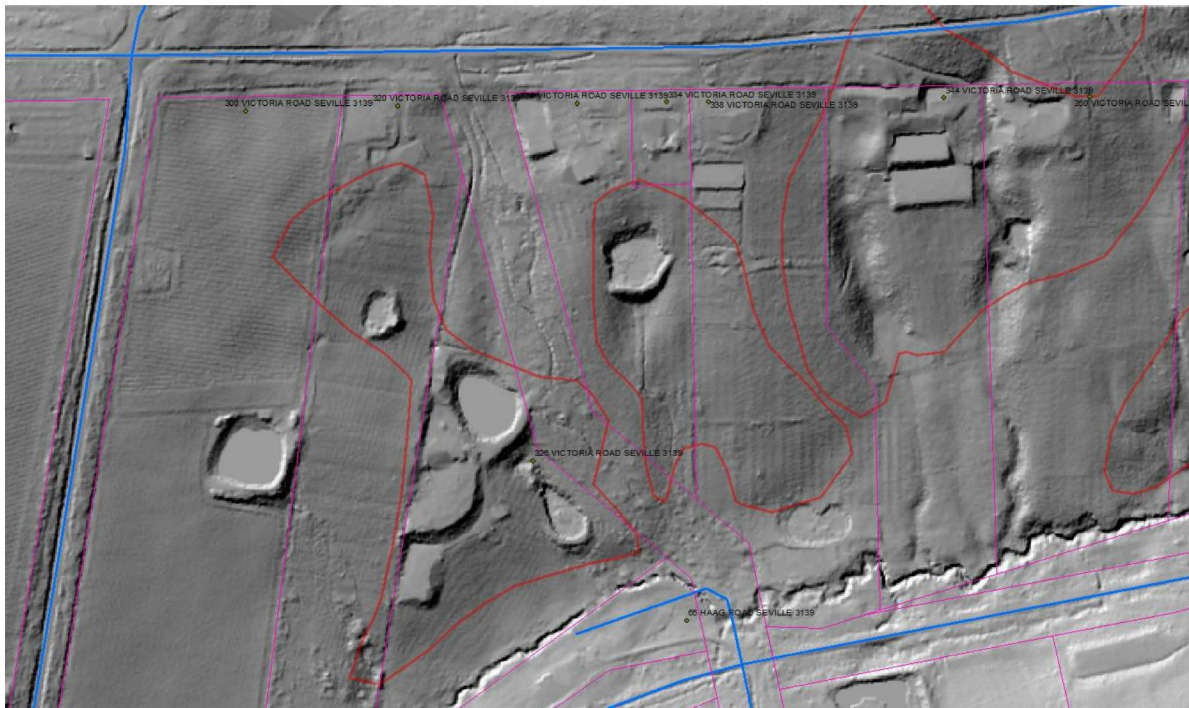
WSP Australia Response:

Mapping Methodology

This site is included on the basis that it is likely underlain by Oligocene Older Volcanics and shows evidence for past landslide (likely pre-European settlement). The slope angle on the part of the property included exceeds 9°.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere. This area is not necessarily under imminent threat from landslide in its current condition. The purpose of the EMO is to ensure it remains so into the future.

Note that only the portion of the site that has the overlay is subject to its provisions. The house on this allotment is outside of the overlay and would not be subject to the provisions of the EMO.



Impact on Property Values

Potential impact on property value is a common concern associated with the introduction of an EMO. Over 25 years of introducing EMOs in Victoria, there is no evidence of an impact on property values because of the introduction of an EMO, although it is recognised that it is difficult to measure this aspect separately from the many other factors that contribute to property value.

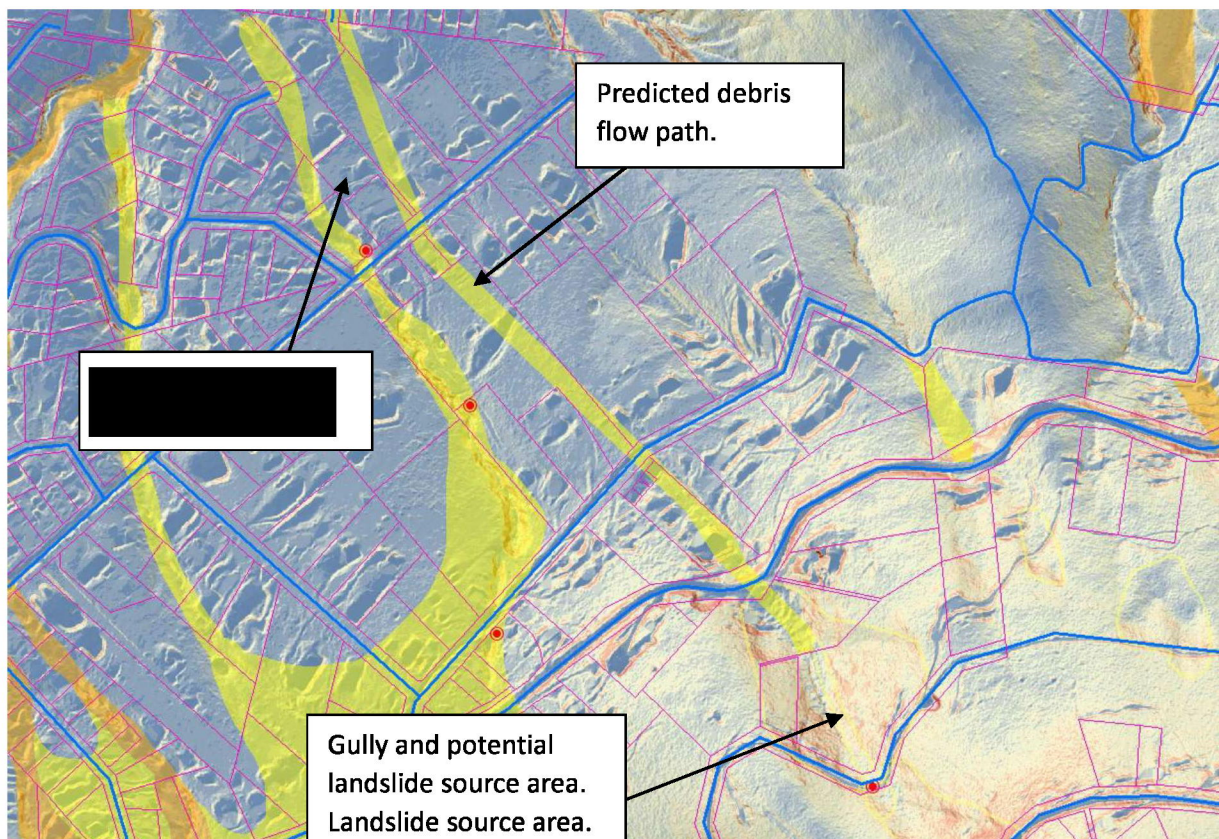
In contrast, where landslides have occurred, including due to inappropriate development, there have been negative impacts to property values. By preventing inappropriate development in areas that could be susceptible to landslide, the EMO seeks to prevent landslide occurrence and the negative consequences that could arise.

Submitter Number:	63
Position:	Removal of EMO2 from driveway area.
Theme:	Mapping methodology
Address:	[REDACTED]
Summary of Submission:	Given the small portion of the property affected and given development in that area is unlikely, property should be excluded from the EMO.
Recommendation	There may be a basis to review the mapping in this area through detailed on the ground assessment to better delineate the debris flow path.

WSP Australia Response:

The portion of the property in the proposed EMO2 has been included on the basis of its being in a potential debris flow path. This assessment is undertaken by assessing landslide source areas on the slopes of Mount Dandenong then estimating the likely flow path debris might take in the event of a landslide based on the topography downslope of the landslide.

This process is unrelated to property boundaries. Only areas that are within the mapped susceptible areas are subject to the conditions of the EMO, meaning that buildings on this site outside this area are not affected by the EMO and future improvements to buildings would not trigger the provisions of the EMO.



Submitter Number:	64
Position:	Query
Theme:	Mapping methodology.
Address:	
Summary of Submission:	Inclusion in the EMO is not justified, inadequate geotechnical assessment.
Recommendation	No change to mapping.

WSP Australia Response:

Mapping Methodology

This property is included in the EMO primarily due to the presence of the mapped historical Koala Road landslide. The Koala Road landslide was identified as part of landslide mapping undertaken in the 1990s because the terrain displays geomorphic characteristics consistent with many landslides within the Silvan, Wandin and Monbulk areas. The recent mapping using LiDAR has allowed the extents of the landslide to be better defined than was possible in the 1990s which has resulted in extending the mapped extent of the landslide to the west. Note that whilst the LiDAR allows slope angles to be measured to a resolution of 1 m, this area is not included based on slope angle, it is included based on its previously having been affected by a landslide. The varying slope angles on the site comprise a series of flatter terraces separated by steeper mid scarps form through landslide processes.

There are no records or evidence of the landslide having moved since European settlement. The landslide features are rounded and denuded due to weathering and agricultural practices.

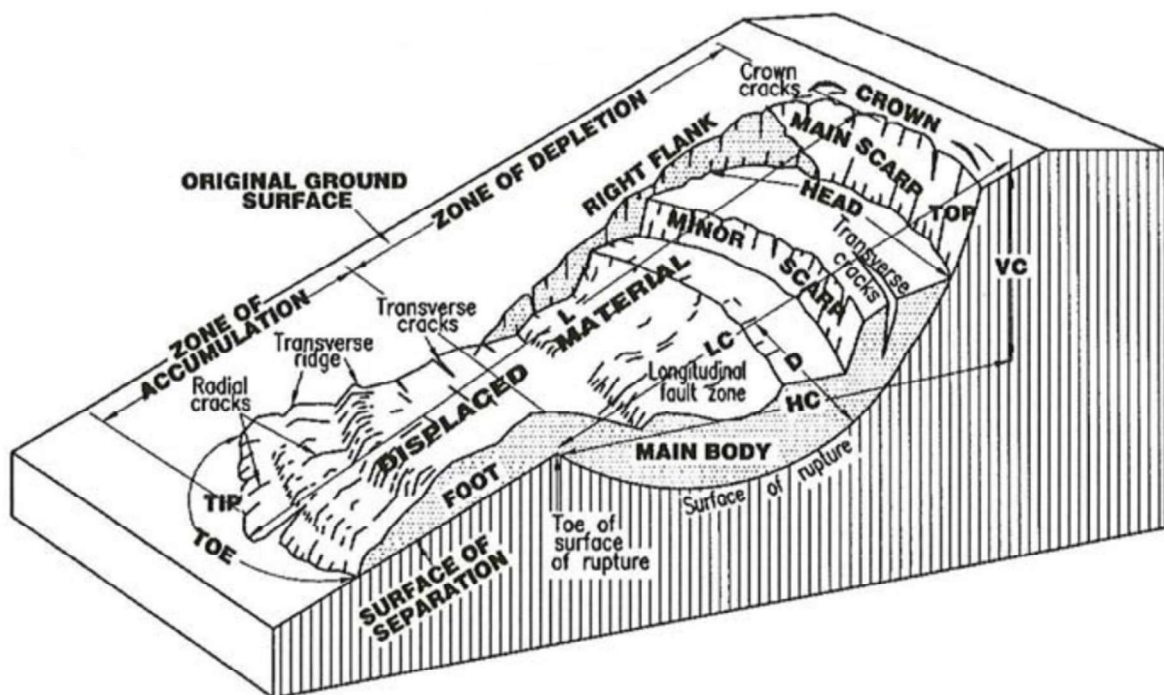
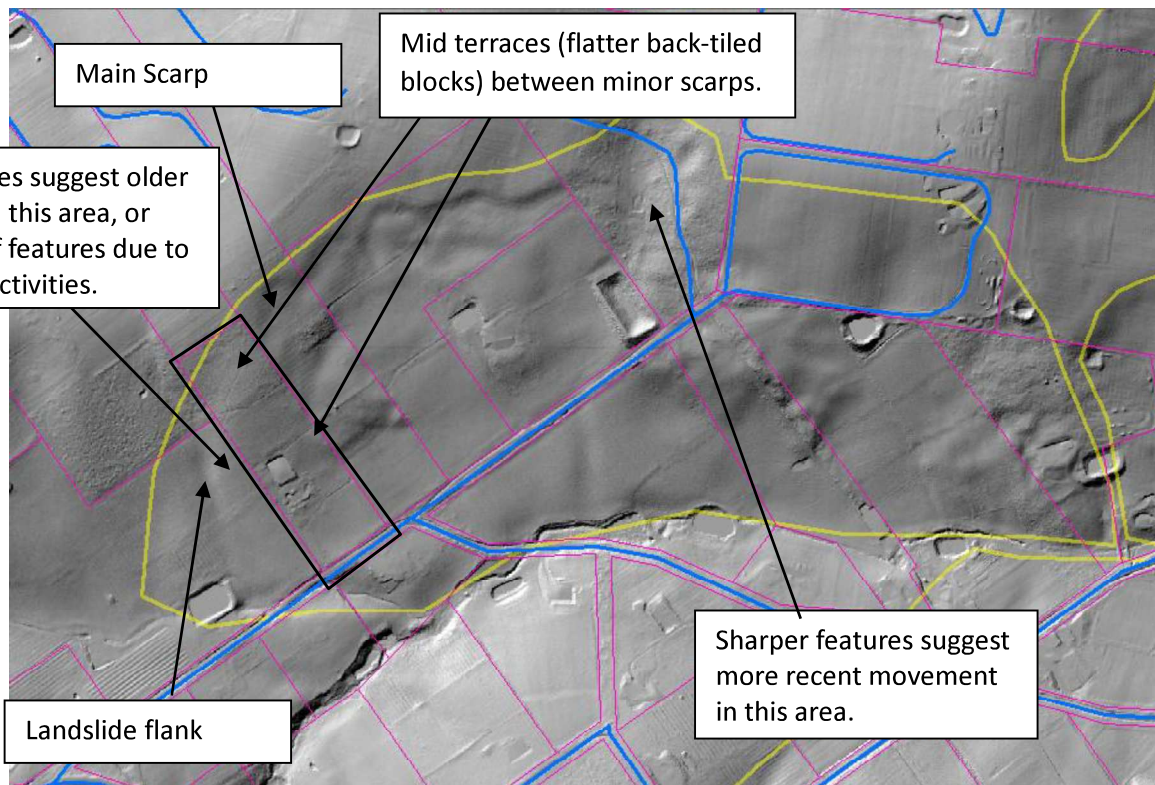
The landslide covers many properties as indicated in the image below. Remote sensing technologies allow such features to be identified. These features are unlikely to be identified using boreholes or techniques local to a site. Such methods do not facilitate assessment at the appropriate scale to identify landslides of this size. Furthermore, landslides are mapped based on the terrain and there is no relationship between landslide extents and property boundaries.

The EMO1 mapping does not indicate risk from landslide nor communicate any level of risk. It indicates landslide susceptibility, i.e. areas where landslide movement could be triggered in response to inappropriate development. Assessment of risk in the context of the EMO requires knowledge of a proposed development and is undertaken as part of a planning application for that development.

Landslides in the soils of the older volcanics such as the Koala Road landslide are susceptible to movement upon prolonged soil wetting. Historically, landslide movement in the Older Volcanics soils has occurred following several years of above average rainfall, for example Monbulk-Seville Road in 1991 and 1993 and Holden Road in 2022. The latter occurred on a shallow 5 degree slope and was the reactivation of a relict landslide that was only identified afterwards with the benefit of LiDAR information. Proposed development that has the potential to concentrate water into the soil such as dams, water pipelines or poor drainage would be managed under the provisions of the EMO. Similarly, large or extensive earthworks with the potential to change the balance of forces on the hillside and alter surface drainage would be assessed under the provisions of the EMO. This approach does not mean such development is prevented, rather the provisions of the EMO ensure that it is undertaken in such a way that does not introduce landslide risk. For example, proposed dams may need to be lined and water pipes may need to fitted with flexible connections or leak detection.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could introduce landslide

risk. This area is not necessarily under imminent threat from landslide in its current condition. The purpose of the EMO is to ensure it remains so into the future.



Insurance

EMOs have been progressively introduced in Victoria for over 25 years. Whilst impact on home and property insurance is a common concern prior to the introduction of an EMO, we are not aware of any instances where insurance has been affected by the introduction of the EMO, noting that the

purpose of the EMO is to reduce the potential for landslide by ensuring development in landslide prone areas minimises disturbance to the natural landscape and does not create landslide risk.

The submitter is encouraged to review their product disclosure statement for home insurance. Typically in Australia, landslide is not covered by home insurance unless the landslide occurs as a direct consequence of another insurable event such as an earthquake, flood or storm which are not the type of events that have historically triggered landslide in the soils of the Older Volcanics. If there is no cover for landslide currently, there is unlikely to be future coverage.

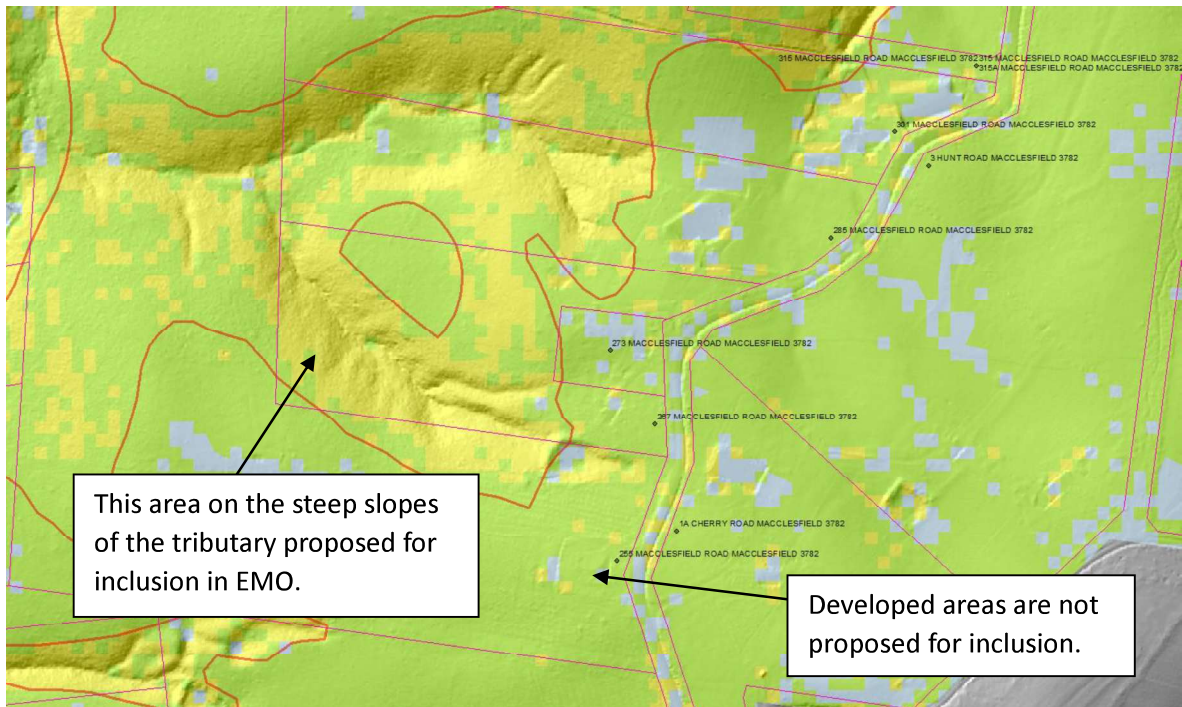
Submitter Number:	65
Position:	Objection to inclusion
Theme:	Mapping methodology
Address:	
Summary of Submission:	Site does not exhibit susceptibility to erosion.
Recommendation	There is scope for minor modification of the EMO boundary in this area if mapped at a finer scale.

WSP Australia Response:

The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 22° in Devonian Siltstone, the threshold for inclusion for that geology. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas from the EMO and the addition of others.

The portions of the property subject to the EMO are creek tributaries that appear to be heavily vegetated. It is important to note that the provisions of the EMO apply only to the area shown. The buildings and developed parts of this site are unaffected.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere. The area designated EMO is not necessarily under imminent threat from landslide in its current condition nor are there necessarily landslide hazards. The purpose of the EMO is to ensure it remains so into the future. For example in this area, a proposal for extensive vegetation clearance or the construction of a dam on the tributary would trigger the requirement for a permit application and would likely trigger the need for a geotechnical engineer to assess whether the proposed development could introduce landslide or erosion risks.

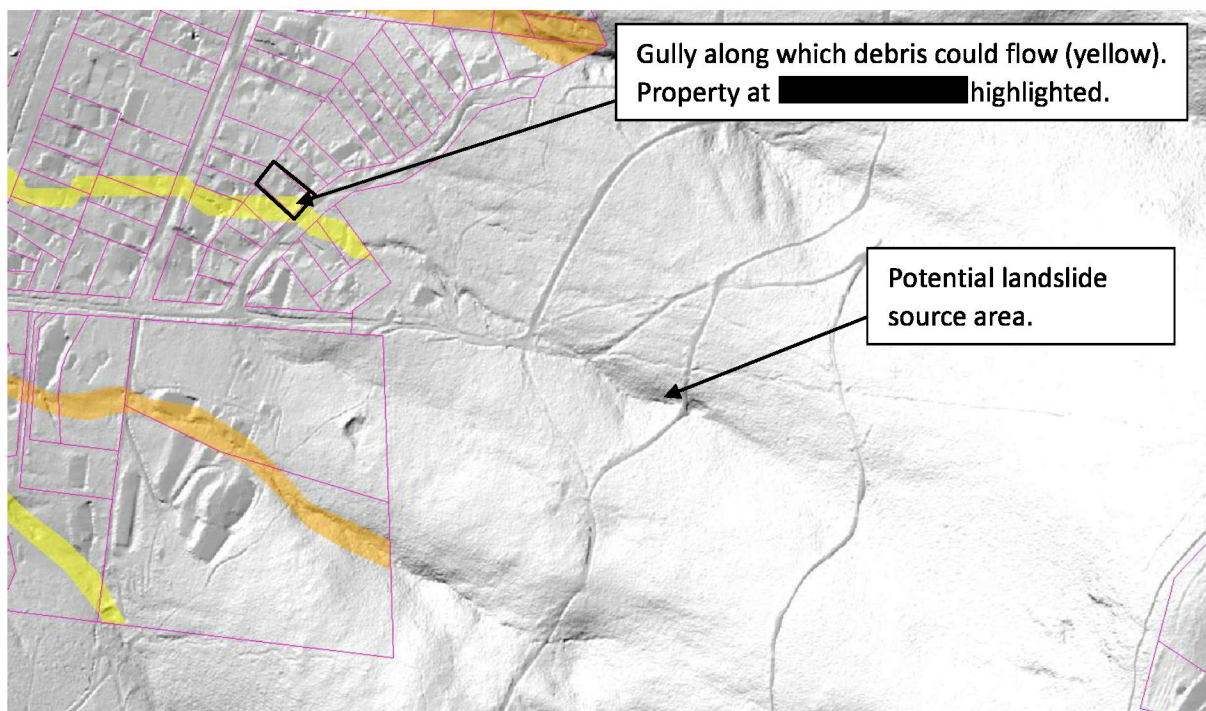


Submitter Number:	66
Position:	Objection to inclusion
Theme:	Mapping methodology
Address:	[REDACTED]
Summary of Submission:	Query on implication of EMO2 and reason for inclusion.
Recommendation	No change to mapping.

WSP Australia Response:

Reason for Inclusion

This area is proposed for inclusion in the EMO because of the potential for debris that originates from a landslide upslope travelling down towards the site as indicated in the below image. Inclusion is not directly related to flooding; it is related to the potential for a landslide to occur in or near the gully, typically in response to extreme rain, or more commonly as a result of rain post bushfire. The identification of this hazard arises from a statewide study into debris flow potential undertaken by the University of Melbourne and there have been past debris flows in the Montrose area.



The EMO only applies to the shaded area which is designated based on the line of the gully. Development outside of the shaded area is not subject to the EMO provisions.

An objective of EMO2 is to restrict development within gullies that have the potential to be impacted by debris in the future. However, this does not mean that development is prohibited. If development were proposed that encroaches on the gully, it would trigger the need for a geotechnical engineer to consider the specifics of the proposed development and to assess whether the development can be undertaken to a tolerable level of risk. The assessment would consider the type of development, the likelihood of a landslide occurring and of debris reaching the development within that particular gully, whether there would be sufficient impact to cause damage and what the consequences of impact, if any might be. Development can proceed if tolerable risk is demonstrated for the proposed development.

Development on sites that could be subject to debris flow would generally seek to avoid encroaching on the gully and debris flow path, which may affect positioning of the development on the site. It is not possible to state whether development costs might be more or less depending on the location of a development on the site without specific development details. Special construction methods are unlikely to be required if development is outside the affected area.

Restrictions because of mapping

The proposed EMO2 mapping indicates the potential for the site to be affected by debris flow. The schedule to EMO2 requires site specific assessment of that hazard meaning assessment of risks is undertaken on a case by case basis. The mapping itself does not indicate risk nor does it impose restrictions on development. Rather it triggers the need for a development and site specific risk assessment. All assessment of landslide risk under the EMO is site and development specific.

Council will review the risk assessment provided in support of the planning application when it is made and base a decision on the assessed risk levels and how they are mitigated.

Cost of a Geotechnical Report

The cost of a geotechnical report is borne by the applicant. It is important to note that a geotechnical report which provides advice on foundation design (sometimes known as a soil report) is a mandatory requirement of a building permit and would typically require a geotechnical engineer to visit the site and undertake borehole investigations, noting that site visit and investigation costs are usually a significant component of the overall geotechnical cost. In most instances, geotechnical assessment for slope stability would be undertaken as an addition to the mandatory geotechnical report for building purposes. Whilst additional costs may apply for expanding the report to include the assessment of slope stability, the applicant would not usually have to bear the total cost of a new report, or arrange a separate site visit to meet the requirements of the planning scheme.

Impact on Property Values

Potential impact on property value is a common concern associated with the introduction of an EMO. Over 25 years of introducing EMOs in Victoria, there is no evidence of an impact on property values because of the introduction of an EMO, although it is recognised that it is difficult to measure this aspect separately from the many other factors that contribute to property value.

In contrast, where landslides have occurred, including due to inappropriate development, there have been negative impacts to property values. By preventing inappropriate development in areas that could be susceptible to landslide, the EMO seeks to prevent landslide occurrence and the negative consequences that could arise.

Insurance

EMOs have been progressively introduced in Victoria for over 25 years. Whilst impact on home and property insurance is a common concern prior to the introduction of an EMO, we are not aware of any instances where insurance has been affected by the introduction of the EMO, noting that the purpose of the EMO is to reduce the potential for landslide impact by ensuring development in landslide prone areas minimises disturbance to the natural landscape.

The submitter is encouraged to review their product disclosure statement for home insurance. Typically in Australia, landslide is not covered by home insurance unless the landslide occurs as a direct consequence of another insurable event such as an earthquake, flood or storm. If there is no cover for landslide currently, there is unlikely to be future coverage.

Submitter Number:	67
Position:	Objection to inclusion.
Theme:	Mapping methodology
Address:	[REDACTED]
Summary of Submission:	Query on reason for inclusion, implications for development.
Recommendation	There may be a basis to review the mapping in this area through detailed on the ground assessment.

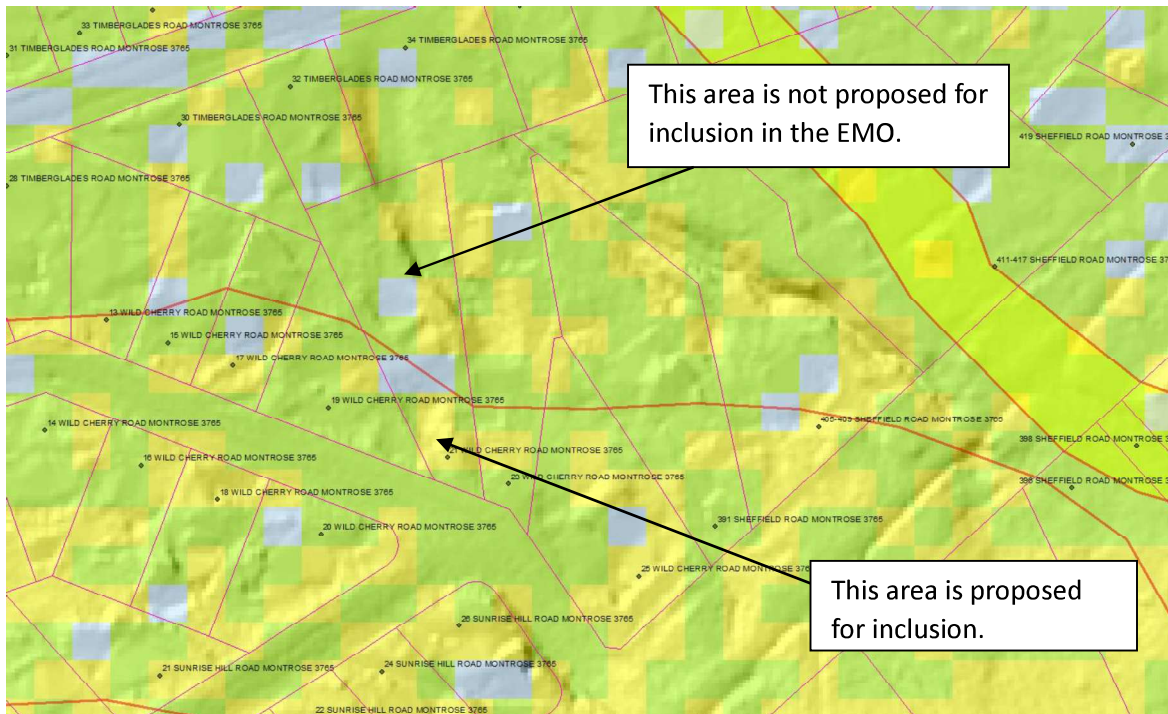
WSP Australia Response:

Mapping Methodology

The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Quaternary Colluvium, the threshold for inclusion. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and the addition of others.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere. This area is not necessarily subject to significant landslide risk in its current condition. The purpose of the EMO is to ensure it remains so into the future.

It is important to note that only the southern part of this property is affected by the EMO. The northern portion, which includes the existing development is not affected and therefore not subject to the provisions of the EMO. It appears unlikely that future renovation or extension on this property would be within the area affected by the EMO nor trigger EMO requirements.



Accuracy of Mapping

The landslide susceptibility mapping is reliant upon geological mapping undertaken by the Geological Survey of Victoria, a digital elevation model derived from LiDAR and the experience of the geologists who prepare the mapping. Whilst the criteria for inclusion are applied as accurately as possible, noting that the LiDAR used has 1 m resolution, there is inevitably a margin of error in where the boundaries are plotted.

There is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the criteria for inclusion are not met. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslide hazards and nature of the proposed development.

Cost of a Geotechnical Report

The cost of a geotechnical report is borne by the applicant. It is important to note that a geotechnical report which provides advice on foundation design (sometimes known as a soil report) is a mandatory requirement of a building permit and would typically require a geotechnical engineer to visit the site and undertake borehole investigations, noting that the site visit and investigation costs are usually a significant component of the overall geotechnical cost. In most instances, geotechnical assessment for slope stability would be undertaken as an addition to the mandatory geotechnical report for building purposes. Whilst additional costs may apply for expanding the report to include the assessment of slope stability, the applicant would not usually have to bear the total cost of a new report, or arrange a separate site visit to meet the requirements of the planning scheme.

Submitter Number:	69
Position:	Objection to overlay
Theme:	No erosion issue on this site.
Address:	
Summary of Submission:	Relevance of EMO to erosion and query on reason for inclusion.
Recommendation	There may be a basis to refine some of the mapping in this area based on detailed site measurements.

WSP Australia Response:

The portion of this property proposed for inclusion is on the basis that it is underlain by Tertiary age Older Volcanics soils and has a slope angle that exceeds the threshold for inclusion of 9°. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and the addition of others.

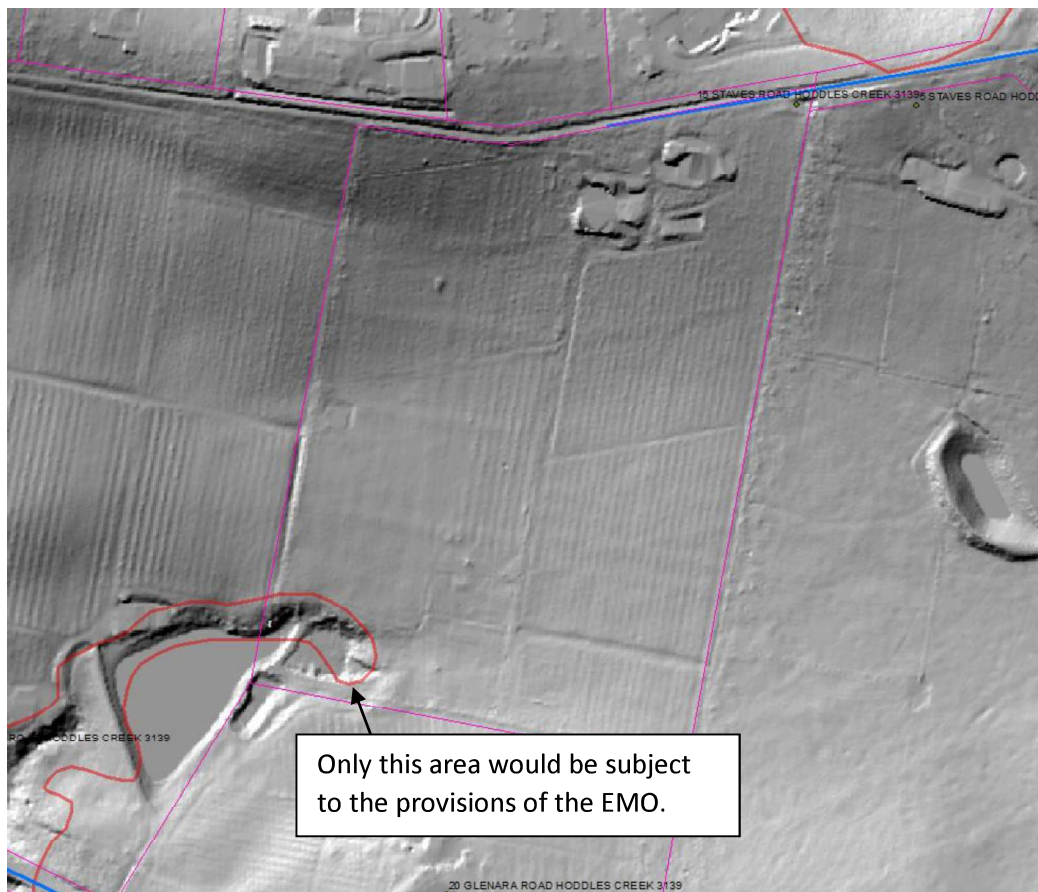
Whilst the term “Erosion Management Overlay” is used within the Victorian Planning Provisions, this term more broadly covers erosion and landslide. The proposed EMO mapping is intended to delineate areas with landslide susceptibility.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide. For example, future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslides elsewhere. This area is not necessarily under imminent threat from landslide in its current condition. The purpose of the EMO is to ensure it remains so into the future.

Minor development does not trigger the need for a geotechnical assessment. For example, earthworks or retaining walls less than 1 m high or outbuildings less than 40 m² in area do not require a permit. Furthermore, only development in the portion of the site on which the EMO is shown triggers the requirement for a permit. The developed parts of this site are not within the EMO and would not trigger the need for a permit application. On this property only non-exempt new development on the creek in the southwest corner of the site would trigger the need for geotechnical assessment.

The EMO mapping indicates areas that are susceptible to landslide. This mapping does not mean there is currently a landslide issue, or that landslides are not effectively managed. In the case of McCrae for example, identifying that an area is susceptible to landslide via an EMO might alert a water authority to take extra precautions to monitor and repair leaks. If there is no susceptibility mapping and therefore nothing to indicate that landslides could be triggered, then such precautions might not be taken. This was one of the findings from the Board of Inquiry.

Areas administered by other government regulatory bodies, including Parks Victoria and Melbourne Water are not included in the EMO. Those authorities have their own landslide management controls that apply to land for which they are responsible for managing. Whilst Melbourne Water has a role in ensuring dam safety and impact on catchments, impact on slope stability and landslide are assessed by Council under the provisions of the EMO.



Submitter Number:	68
Position:	Removal from the proposed EMO
Theme:	Mapping methodology
Address:	
Summary of Submission:	Query on reason for inclusion, potential cost implications
Recommendation	There may be a basis for slight adjustments to the boundaries in this area, but these adjustments would not change the proportion of this site affected by the EMO.

WSP Australia Response:

Mapping Methodology

The slope angles used to develop the mapping are based on the measurement of the average slope angle over a 10 m grid. Whilst the LiDAR allows much finer measurement of slope angle, at a resolution of 1 m, slope angle measurements are averaged over 10 m because this approach helps to smooth out local irregularities such as those arising from minor earthworks and undulations. Averaging over a coarser grid than 10 m reduces the accuracy in identifying slope angle transitions and the boundary of the susceptible areas. This property is affected by the current EMO, however the new mapping alters the boundaries of the EMO as it is mapped at this location to cover the broader property.

In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Devonian Rhyodacite, the threshold for inclusion. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and the addition of others. The mapping is undertaken at a scale of 1:5,000 and previous earthworks at the scale of individual houses do not influence assessment of broader slope angles at this scale.

The EMO is not a risk map and does not indicate risk of landslide. It is a susceptibility map which indicates where landslides could occur, not how likely they are to occur nor what the consequences might be if they occur. Risk requires assessment of the likelihood and consequence of landslide which is assessed where new development with the potential to introduce landslide risks is proposed. To assess risk there must be knowledge of how the development could change the stability of the site and the consequences if it does.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could introduce landslide risk, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere. This area is not necessarily under imminent threat from landslide in its current condition, nor has it necessarily been affected by landslide in the past. The purpose of the EMO is to ensure this remains so into the future.

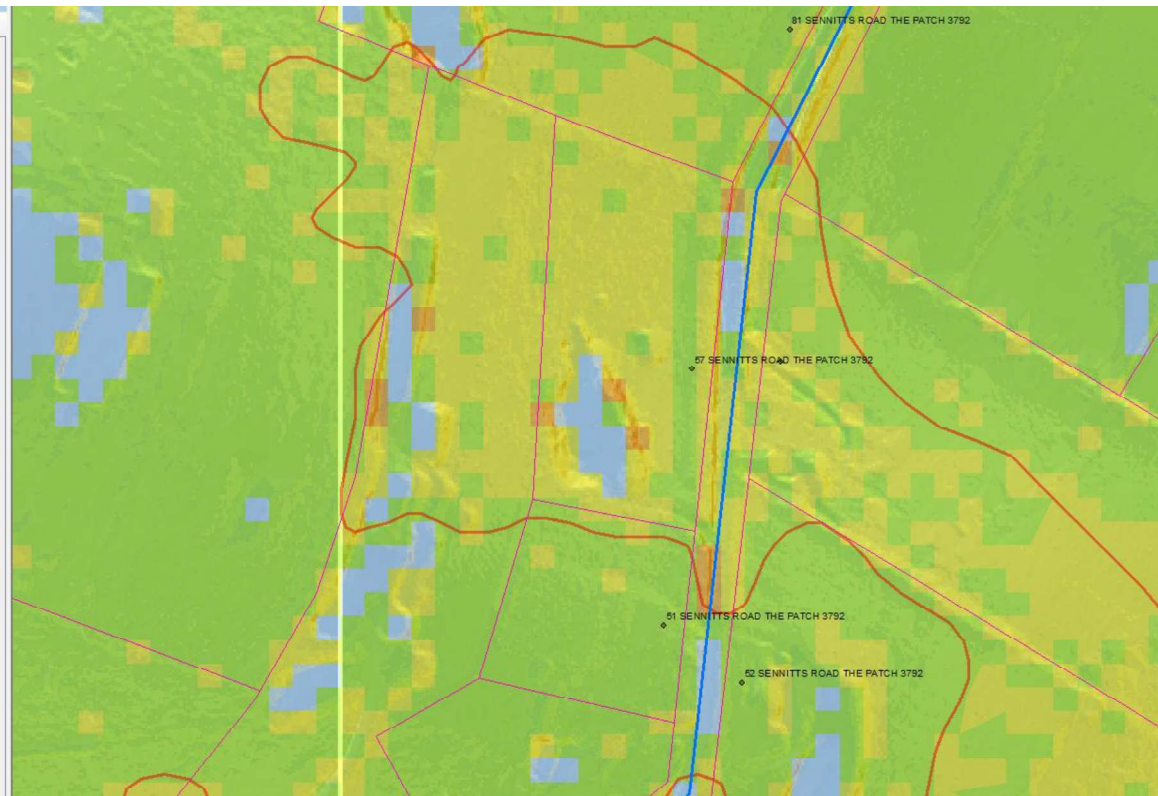
Application of the EMO

Minor works are exempt from the requirements of the EMO, including landscaping, earthworks less than 1 m deep and outbuildings less than 40 m² in area. The EMO is intended to ensure that development with the potential to introduce landslide risk is managed appropriately, which includes significant earthworks vegetation clearance or works that could increase water content in the

ground. The EMO does not prevent new development, rather it is intended to ensure that new development does not introduce landslide risk.

Where the provisions of the EMO are triggered there is a requirement to obtain geotechnical advice. The cost of a geotechnical report is borne by the applicant. It is important to note that a geotechnical report which provides advice on foundation design (sometimes known as a soil report) is a mandatory requirement of a building permit and would typically require a geotechnical engineer to visit the site and undertake borehole investigations, noting that site visit and investigation costs are usually a significant component of the overall geotechnical cost. In most instances, geotechnical assessment for slope stability would be undertaken as an addition to the mandatory geotechnical report done for building purposes. Whilst additional costs may apply for expanding the report to include the assessment of slope stability, the applicant would not usually have to bear the total cost of a new report, or arrange a separate site visit to meet the requirements of the planning scheme.

Importantly the purpose of the report is to assess whether changes to the site made by new development could introduce a landslide risk and where appropriate make recommendations to prevent that. For example, if significant earthworks are proposed, the geotechnical report might make recommendations for maximum heights and batter angles or that retaining walls are provided.



Submitter Number:	70
Position:	Query
Theme:	Mapping methodology
Address:	
Summary of Submission:	Query on reason for inclusion, concern over ability to rebuild.
Recommendation	There may be a basis to review the mapping in this area through detailed on the ground assessment.

WSP Australia Response:

Mapping Methodology

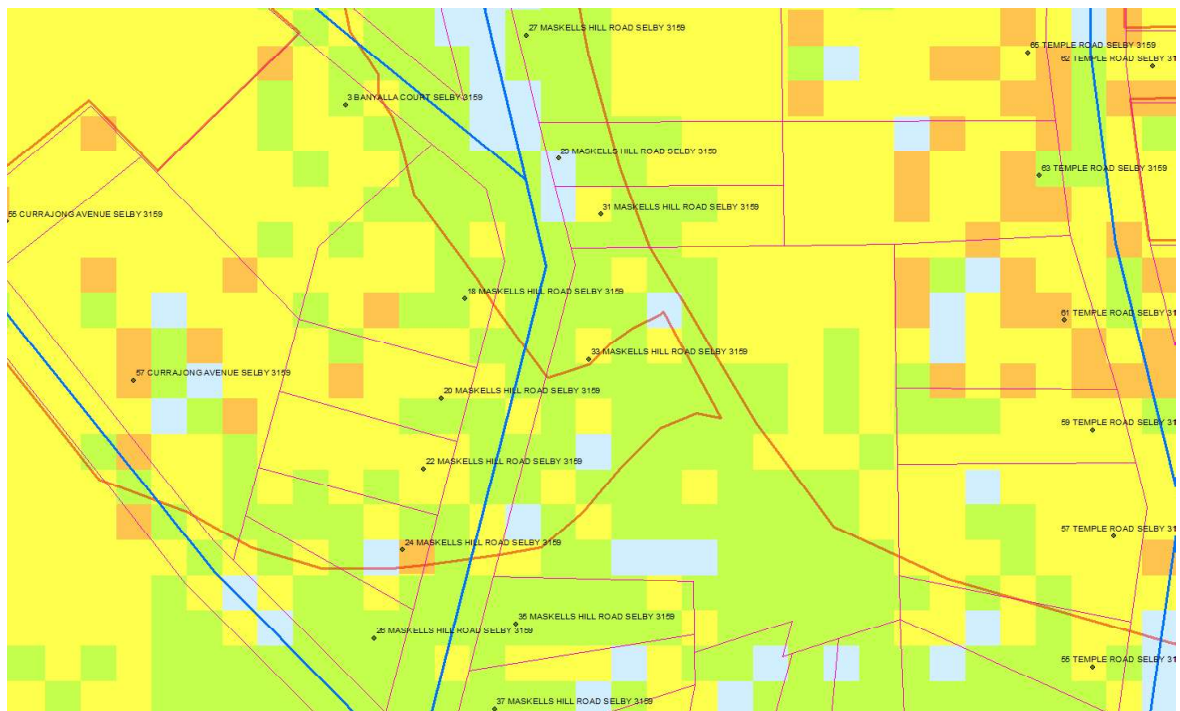
The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Devonian Rhyodacite, the threshold for inclusion. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and the addition of others.

Ability to rebuild

The EMO does not prevent building or rebuilding. Rather, it triggers the need for a geotechnical assessment to assess whether a proposed development might introduce landslide risk. If no risk is identified, then no special mitigation is needed, which would usually be the case for a rebuild on the same footprint.

If there is potential for an unacceptable risk to be introduced, for example significant earthworks are proposed, the geotechnical report associated with the assessment will recommend measures to mitigate the risk. For example, if significant filling is proposed, there might be a recommendation made to support the fill using retaining walls.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the risk of landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide in the past. This area is not necessarily under imminent threat from landslide in its current condition. The purpose of the EMO is to ensure it remains so into the future.

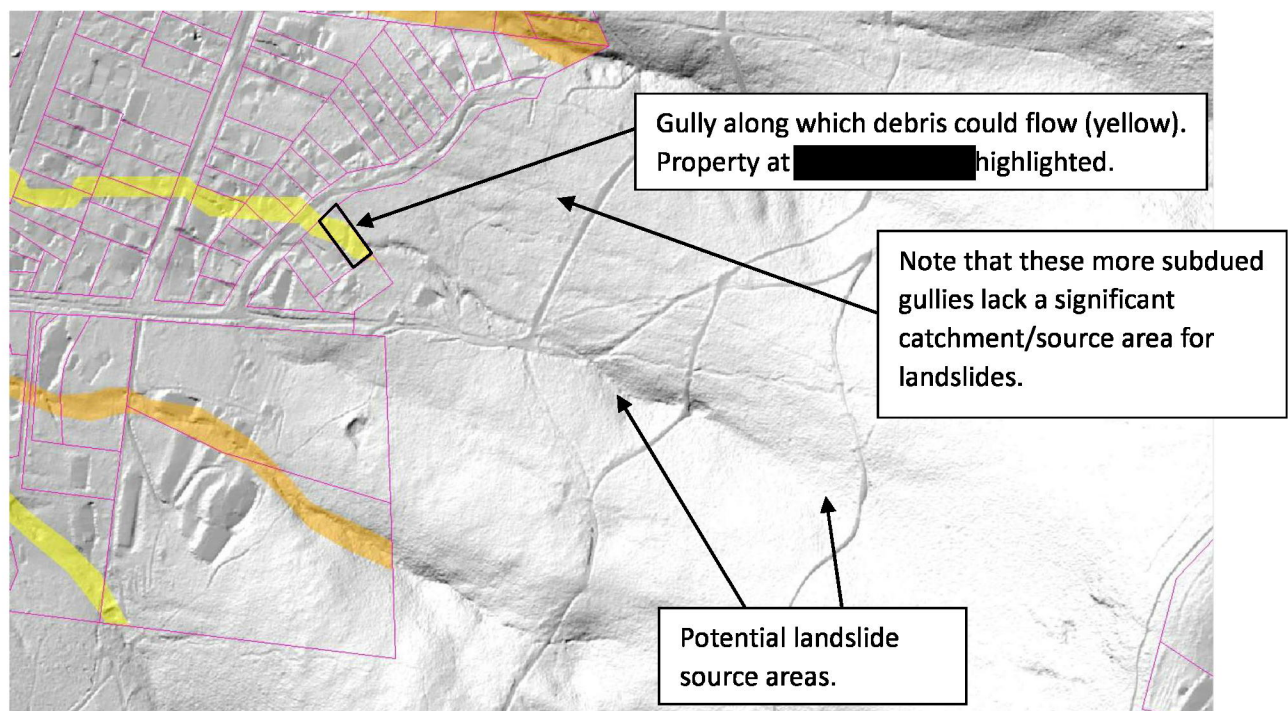


Submitter Number:	71
Position:	Objection to inclusion
Theme:	Mapping methodology
Address:	
Summary of Submission:	Query on implication of EMO2 and reason for inclusion.
Recommendation	No change to mapping.

WSP Australia Response:

Reason for Inclusion

This area is proposed for inclusion in the EMO because of the potential for debris that originates from a landslide upslope travelling down towards the site as indicated in the below image. Inclusion is not related to flooding or water flow; it is related to the potential for a landslide to occur in or near the head of the gully, typically in response to extreme rain, or more commonly as a result of extreme rain post bushfire which causes fluidised earth to flow downslope along the line of a gully. The identification of this hazard arises from a statewide study into debris flow potential undertaken by the University of Melbourne. The basis of the mapping and assessment of potential runout zones is described in Keeble et. al. 2024¹. The catchment area upslope of the gully identified as susceptible is much larger and has greater landslide susceptibility than other less subdued gullies that intersect Jubilee Road.



It is important to note that the EMO2 mapping indicates susceptibility to debris flow, or more simply where debris flow could occur given the right triggers. It does not indicate the likelihood or probability of them being triggered, nor the risk they might present to development. Likelihood, consequence and risk are assessed on a site and development specific basis if development is proposed that triggers a requirement for geotechnical assessment. Development is not prohibited in EMO2 areas. If development were proposed that encroaches on the gully, it would trigger the need

¹ Keeble, T., Lyell, C., Lane, P., Nyman, P., Noske, P.J. A landscape scale model to predict post-fire debris flow impact zones, *Geomorphology*, 454, 2024, 109175. Available at [A landscape scale model to predict post-fire debris flow impact zones](#)

for a geotechnical engineer to consider the specifics of the proposed development and to assess whether the development can be undertaken to a tolerable level of risk. The assessment would consider the type of development, the likelihood of a landslide occurring upstream of the development and the likelihood of debris reaching the development taking into account the slope angle, size and orientation of the gully. There would also be consideration given to the energy that could be delivered if there were impact from debris and what the consequences of impact, if any, might be to the development. Development can proceed if tolerable risk is demonstrated for the proposed development and has in the recent past proceeded in areas with susceptibility to debris flow.

Submitter Number:	72
Position:	Objects to extension of EMO over a larger portion of the property.
Theme:	Mapping methodology
Address:	
Summary of Submission:	Landslide risks are managed on the site via retaining walls, so introduction of the EMO is not warranted.
Recommendation	No change to mapping in this area.

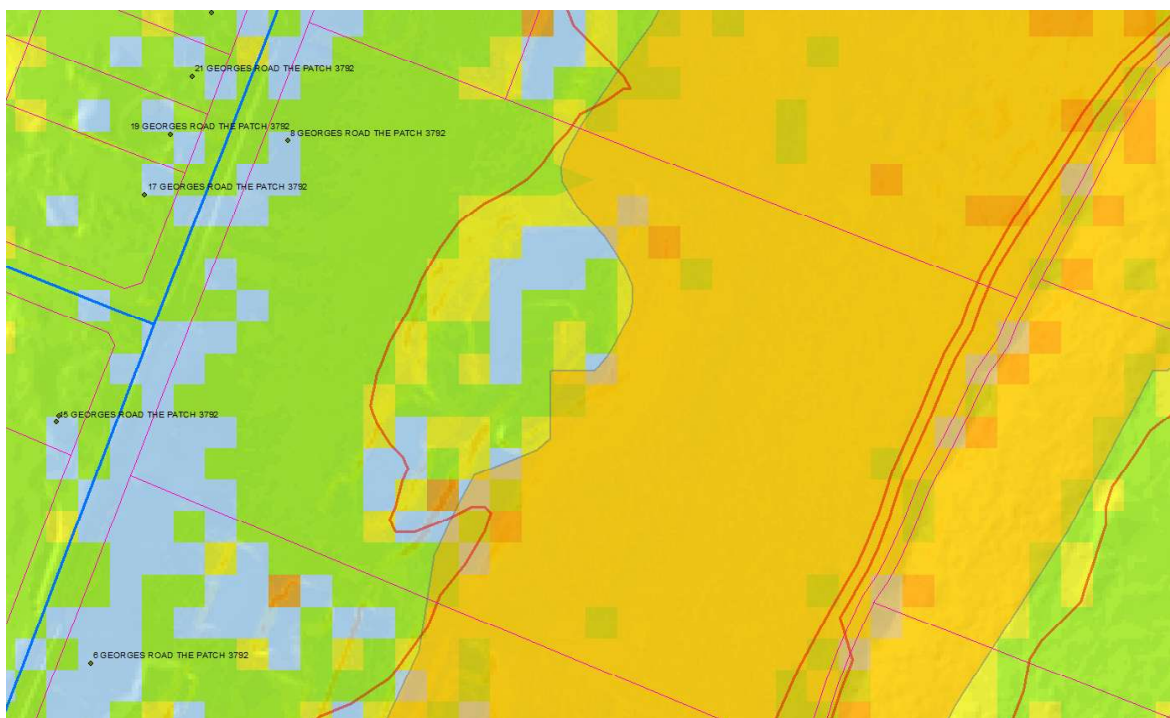
WSP Australia Response:

Mapping Methodology

The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Devonian Rhyodacite, the threshold for inclusion. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and the addition of others.

Areas included in EMO1 are areas where landslide could occur in response to adverse triggers, which in Yarra Ranges are most commonly caused by development, including inappropriate drainage, earthworks or vegetation removal. Inclusion in EMO1 does not indicate there to be a present risk from landslide, nor that one will develop in the future.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the risk of landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere. Whilst this site may have suitable landslide risk mitigation measures in place, and may not be subject to significant landslide risk at this time, the purpose of the EMO is to ensure that it remains so into the future.



Constraints on Development

EMO1 does not introduce constraints on development. Its purpose is to ensure that development within areas susceptible to landslide does not introduce landslide risks. For development that has the potential to introduce landslide hazards, including significant earthworks (greater than 1 m deep), vegetation clearance or works that could introduce water into the ground (for example dams), the EMO triggers the requirement for a geotechnical engineer to assess the impact of the development on slope stability. This impact is assessed on a case by case basis for the specific development proposed. The engineer might recommend measures to manage landslide risk, for example that excavations are supported using engineer designed retaining walls, and the recommendation would become a condition of a planning permit, but there are no specific constraints that limit what development can be carried out.

Impact on Property Values

Potential impact on property value is a common concern associated with the introduction of an EMO. Over 25 years of introducing EMOs in Victoria, there is no evidence of an impact on property values because of the introduction of an EMO, although it is recognised that it is difficult to measure this aspect separately from the many other factors that contribute to property value.

In contrast, where landslides have occurred, including due to inappropriate development, there have been negative impacts to property values. By preventing inappropriate development in areas that could be susceptible to landslide, the EMO seeks to prevent landslide occurrence and the negative consequences that could arise.

Submitter Number:	73
Position:	Removal from the EMO
Theme:	Only a small part of the site is affected and slope angle is marginal.
Address:	
Summary of Submission:	Requests removal because only a small part of the site is affected. Concern with property values.
Recommendation	Inclusion of this area is marginal and there is scope to refine the EMO extent through on the ground site assessment.

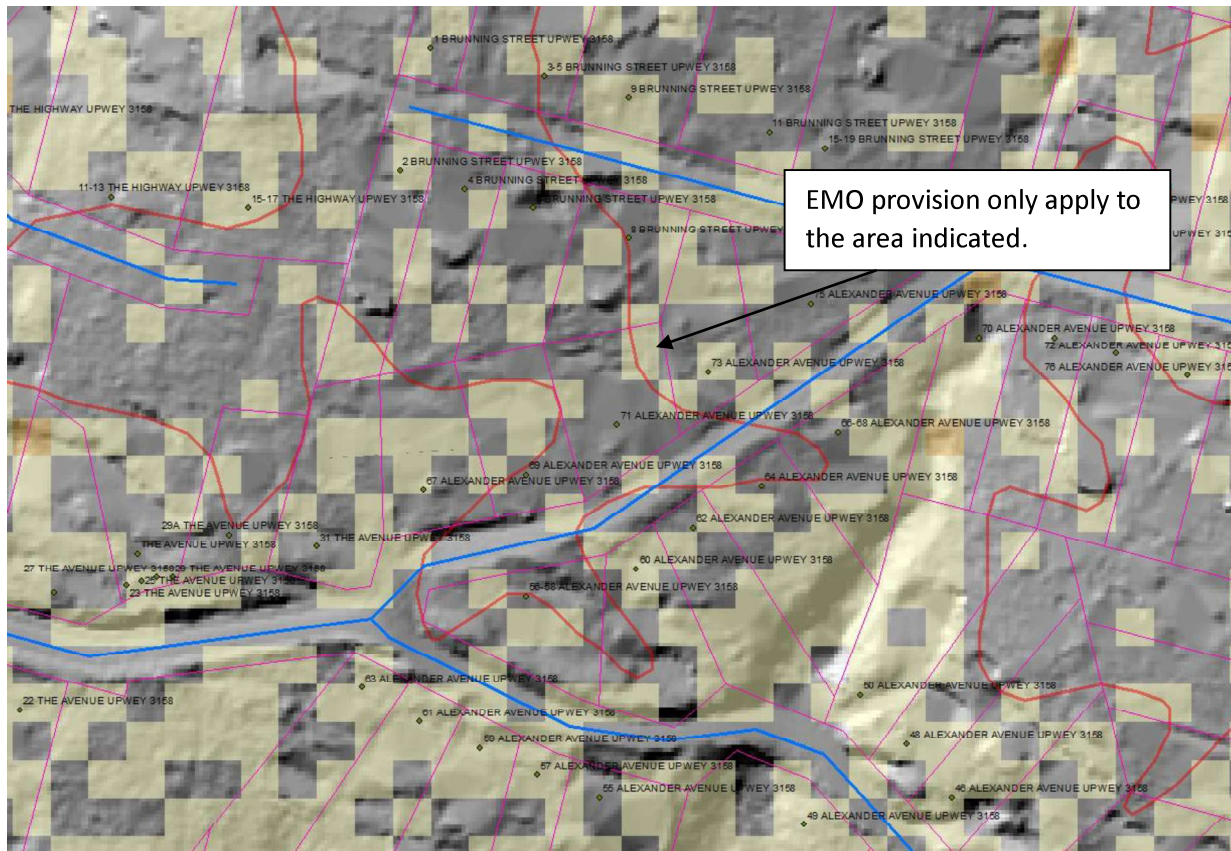
WSP Australia Response:

Mapping Methodology

The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Devonian Rhyodacite, the threshold for inclusion. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and the addition of others.

It possible that earthworks can alter the slope angle to the extent that the measured slope angle over 10 m exceeds the natural slope angle, however in delineating susceptible areas consideration is given to the proportion of the area that exceeds the threshold and characteristics of the terrain. Note that only the north east portion of the property would be subject to EMO controls. The building on this property is not within the extent of the EMO and so would not trigger EMO provisions.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere. This area is not necessarily under imminent threat from landslide in its current condition nor is there a landslide risk. The purpose of the EMO is to ensure it remains so into the future.



Accuracy of Mapping

The landslide susceptibility mapping is reliant upon geological mapping undertaken by the Geological Survey of Victoria, a digital elevation model derived from LiDAR and the experience of the geologists who prepare the mapping. Whilst the criteria for inclusion are applied as accurately as possible, noting that the LiDAR used has 1 m resolution, there is inevitably a margin of error in where the boundaries are plotted.

There is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the criteria for inclusion are not met. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslide hazards and nature of the proposed development.

Cost of a Geotechnical Report

The cost of a geotechnical report is borne by the applicant. It is important to note that a geotechnical report which provides advice on foundation design (sometimes known as a soil report) is a mandatory requirement of a building permit and would typically require a geotechnical engineer to visit the site and undertake borehole investigations, noting that site visit and investigation costs are usually a significant component of the overall geotechnical cost. In most instances, geotechnical assessment for slope stability would be undertaken as an addition to the mandatory geotechnical report for building purposes. Whilst additional costs may apply for expanding the report to include the assessment of slope stability, the applicant would not usually have to bear the total cost of a new

report, or arrange a separate site visit to meet the requirements of the planning scheme. The EMO does not mandate particular construction methods, rather that geotechnical aspects of the development are based on professional advice.

Impact on Property Values

Potential impact on property value is a common concern associated with the introduction of an EMO. Over 25 years of introducing EMOs in Victoria, there is no evidence of an impact on property values because of the introduction of an EMO, although it is recognised that it is difficult to measure this aspect separately from the many other factors that contribute to property value.

In contrast, where landslides have occurred, including due to inappropriate development, there have been negative impacts to property values. By preventing inappropriate development in areas that could be susceptible to landslide, the EMO seeks to prevent landslide occurrence and the negative consequences that could arise.

Submitter Number:	74
Position:	Requests review of EMO boundary.
Theme:	Concern that EMO applies to the entire property.
Address:	
Summary of Submission:	Requests review of EMO boundary, concern about insurance and property value implications.
Recommendation	On the ground assessment may allow slight adjustment of the boundary through this area.

WSP Australia Response:

Mapping Methodology

The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Devonian Rhyodacite, the threshold for inclusion. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and the addition of others.

It is important to note that the EMO provisions only apply within its mapped extents which are independent of property boundaries. If on this site development is unlikely within the area proposed for inclusion then the EMO provisions are unlikely to ever be triggered in the future. Future rebuilding or development of the buildings on this site would not be subject to the provisions of the EMO if they are outside it.



Insurance

EMOs have been progressively introduced in Victoria for over 25 years. Whilst impact on home and property insurance is a common concern prior to the introduction of an EMO, we are not aware of any instances where insurance has been affected by the introduction of the EMO, noting that the purpose of the EMO is to reduce the potential for landslide by ensuring development in landslide prone areas minimises disturbance to the natural landscape.

The submitter is encouraged to review their product disclosure statement for home insurance (noting the submitter indicates they have contacted their insurer). Typically in Australia, landslide is not covered by home insurance unless the landslide occurs as a direct consequence of another insurable event such as an earthquake, flood or storm. If there is no cover for landslide currently, there is unlikely to be future coverage.

Impact on Property Values

Potential impact on property value is a common concern associated with the introduction of an EMO. Over 25 years of introducing EMOs in Victoria, there is no evidence of an impact on property values because of the introduction of an EMO, although it is recognised that it is difficult to measure this aspect separately from the many other factors that contribute to property value.

In contrast, where landslides have occurred, including due to inappropriate development, there have been negative impacts to property values. By preventing inappropriate development in areas that could be susceptible to landslide, the EMO seeks to prevent landslide occurrence and the negative consequences that could arise.

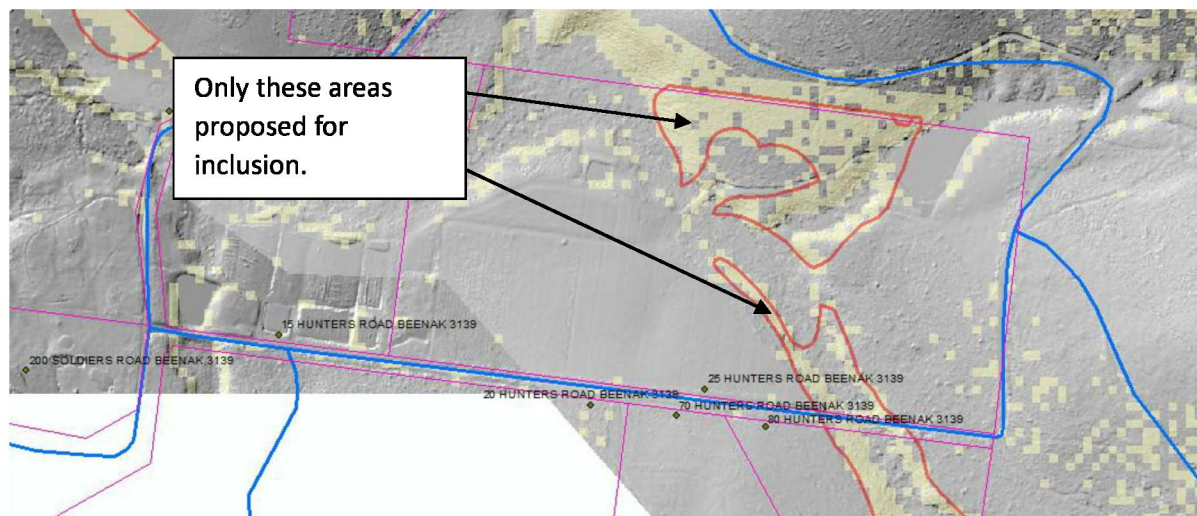
Submitter Number:	75
Position:	Query
Theme:	Land is flat and therefore does not warrant inclusion.
Address:	[REDACTED]
Summary of Submission:	Land is flat paddocks and bushland therefore not susceptible to landslide.
Recommendation	No change to the mapping in this area

WSP Australia Response:

Mapping Methodology

The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 9° in Older Volcanics, the threshold for inclusion. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and the addition of others.

Only those parts of the property within the extent of the EMO are subject to the EMO provisions. The flat paddock areas and existing buildings are not within the proposed EMO and therefore would not be subject to its provisions. The EMO provisions would only be triggered if works were proposed within the EMO extent that could make these slopes more susceptible to instability, for example if extensive vegetation clearance were to be proposed. This type of change would not be prohibited under the provisions of the EMO, however the proposal would need to be assessed by a geotechnical engineer to check whether it will have an unacceptable impact on slope stability.



Submitter Number:	76
Position:	Requests removal from proposed EMO
Theme:	Slope angle is assessed to be too steep.
Address:	
Summary of Submission:	Mapping is not sufficiently precise.
Recommendation	Detailed on site assessment could be undertaken to support an adjustment of the boundary on this site of approximately 10 m to 20 m.

WSP Australia Response:

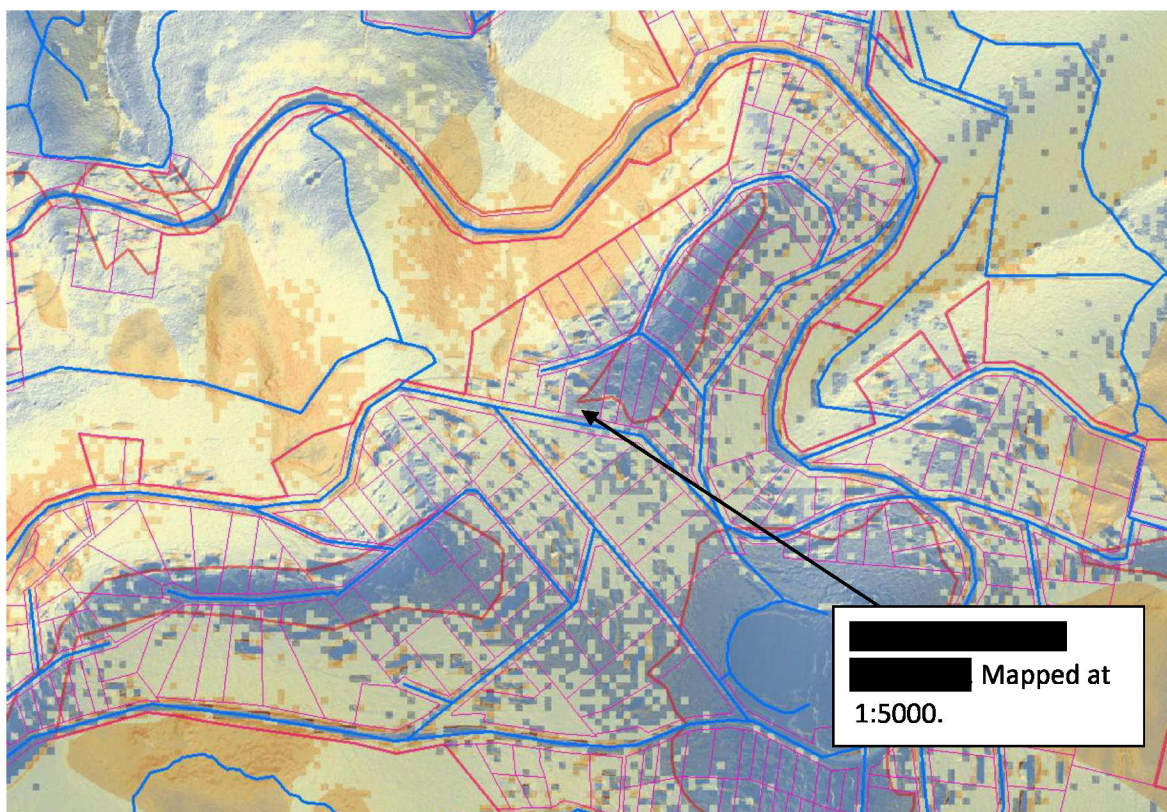
Mapping Methodology

The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the average (not maximum) slope angle measured across the square exceeds 11° in Devonian Rhyodacite, the threshold for inclusion. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and the addition of others.

The mapping does not indicate landslide risk. It indicates potential susceptibility and a key purpose is to trigger the need for site specific assessment of slope stability where new development is proposed. Susceptible areas do not necessarily have landslide risk currently, nor have they necessarily experienced landslide in the past. Rather they indicate areas where future development needs to be undertaken with consideration given to slope instability to ensure the development does not introduce landslide risks.

Earthworks and variation in slope aspect can alter the natural slope angle to the extent that the measured slope angle over 10 m is not representative of the natural slope angle. This factor is known and accounted for to the extent practical. In the mapping, consideration is given to the proportion of the area that exceeds the threshold and characteristics of the terrain. The grouping of 10 m pixels that indicate susceptibility is undertaken manually at 1:5,000 scale in accordance with national guidelines which allows consideration of minor variance in slope aspect and the influence of earthworks.

The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could change the susceptibility to landslide, for example future inappropriate earthworks, drainage or vegetation removal, noting that inappropriate development in areas with similar terrain characteristics to those in this area have triggered landslide elsewhere. Inappropriate works on sites adjacent to susceptible areas can trigger instability in the susceptible area which must be considered. For example, poorly directed drainage into an adjacent site.



Accuracy of Mapping

The landslide susceptibility mapping is reliant upon geological mapping undertaken by the Geological Survey of Victoria, a digital elevation model derived from LiDAR and the experience of the geologists who prepare the mapping. Whilst the criteria for inclusion are applied as accurately as possible, noting that the LiDAR used has 1 m resolution, there is inevitably a margin of error in where the boundaries are plotted. The error is accounted for in the EMO provisions.

There is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the criteria for inclusion are not met. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslide hazards and nature of the proposed development.

Cost of a Geotechnical Report

The cost of a geotechnical report is borne by the applicant. It is important to note that a geotechnical report which provides advice on foundation design (sometimes known as a soil report) is a mandatory requirement of a building permit and would typically require a geotechnical engineer to visit the site and undertake borehole investigations, noting that site visit and investigation costs are usually a significant component of the overall geotechnical cost. In most instances, geotechnical assessment for slope stability would be undertaken as an addition to the mandatory geotechnical report for building purposes. Whilst additional costs may apply for expanding the report to include the assessment of slope stability, the applicant would not usually have to bear the total cost of a new report, or arrange a separate site visit to meet the requirements of the planning scheme.

Impact on Property Values

Potential impact on property value is a common concern associated with the introduction of an EMO. Over 25 years of introducing EMOs in Victoria, there is no evidence of an impact on property values because of the introduction of an EMO, although it is recognised that it is difficult to measure this aspect separately from the many other factors that contribute to property value.

In contrast, where landslides have occurred, including due to inappropriate development, there have been negative impacts to property values. By preventing inappropriate development in areas that could be susceptible to landslide, the EMO seeks to prevent landslide occurrence and the negative consequences that could arise.

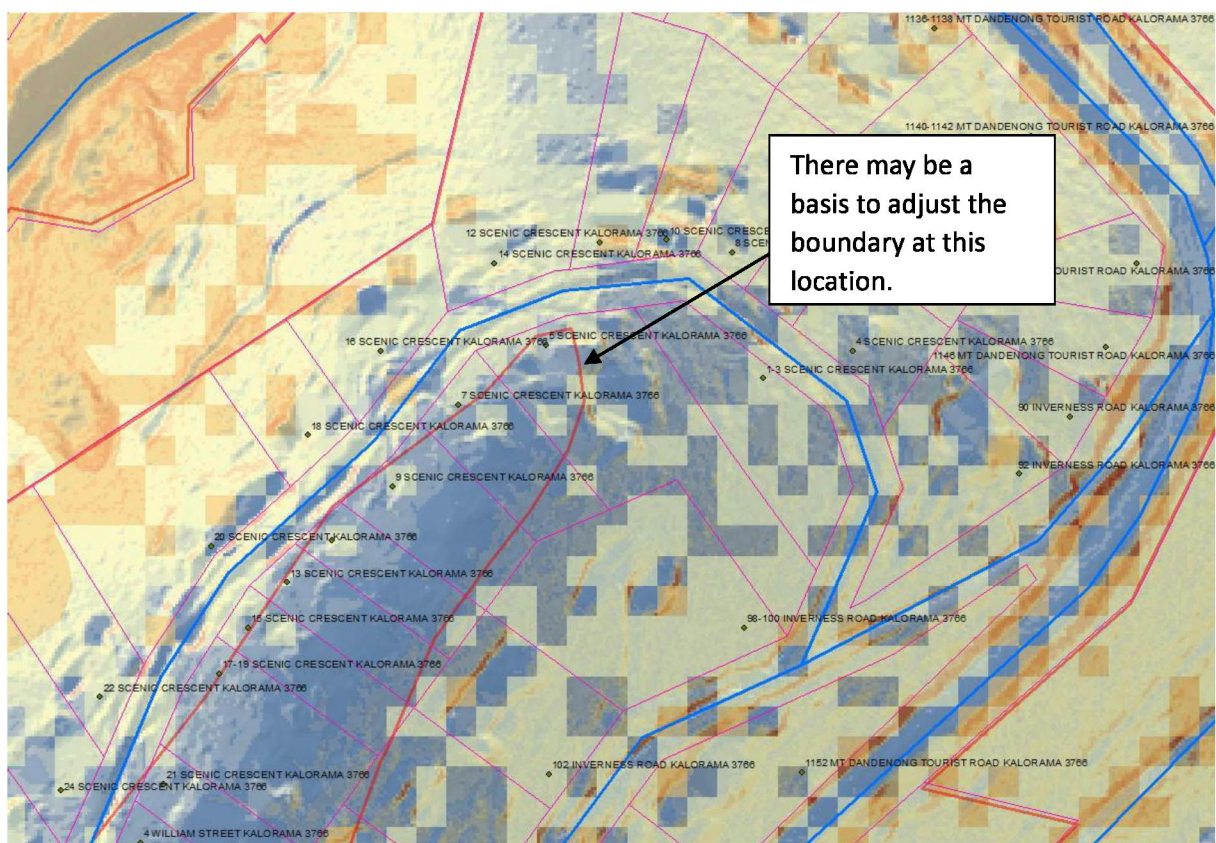
Submitter Number:	77
Position:	Proposed adjustment to the boundary
Theme:	Proposed boundary does not reflect site conditions.
Address:	
Summary of Submission:	Proposes a change to the boundary.
Recommendation	The proposed adjustment appears reasonable subject to site specific review.

WSP Australia Response:

Mapping Methodology

The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Devonian Rhyodacite, the threshold for inclusion. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and the addition of others.

It possible that earthworks can alter the slope angle to the extent that the measured slope angle over 10 m exceeds the natural slope angle, however in delineating susceptible areas consideration is given to the proportion of the area that exceeds the threshold and characteristics of the terrain.



Accuracy of Mapping

The landslide susceptibility mapping is reliant upon geological mapping undertaken by the Geological Survey of Victoria, a digital elevation model derived from LiDAR and the experience of the geologists who prepare the mapping.

There is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the criteria for inclusion are not met. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslide hazards and nature of the proposed development.

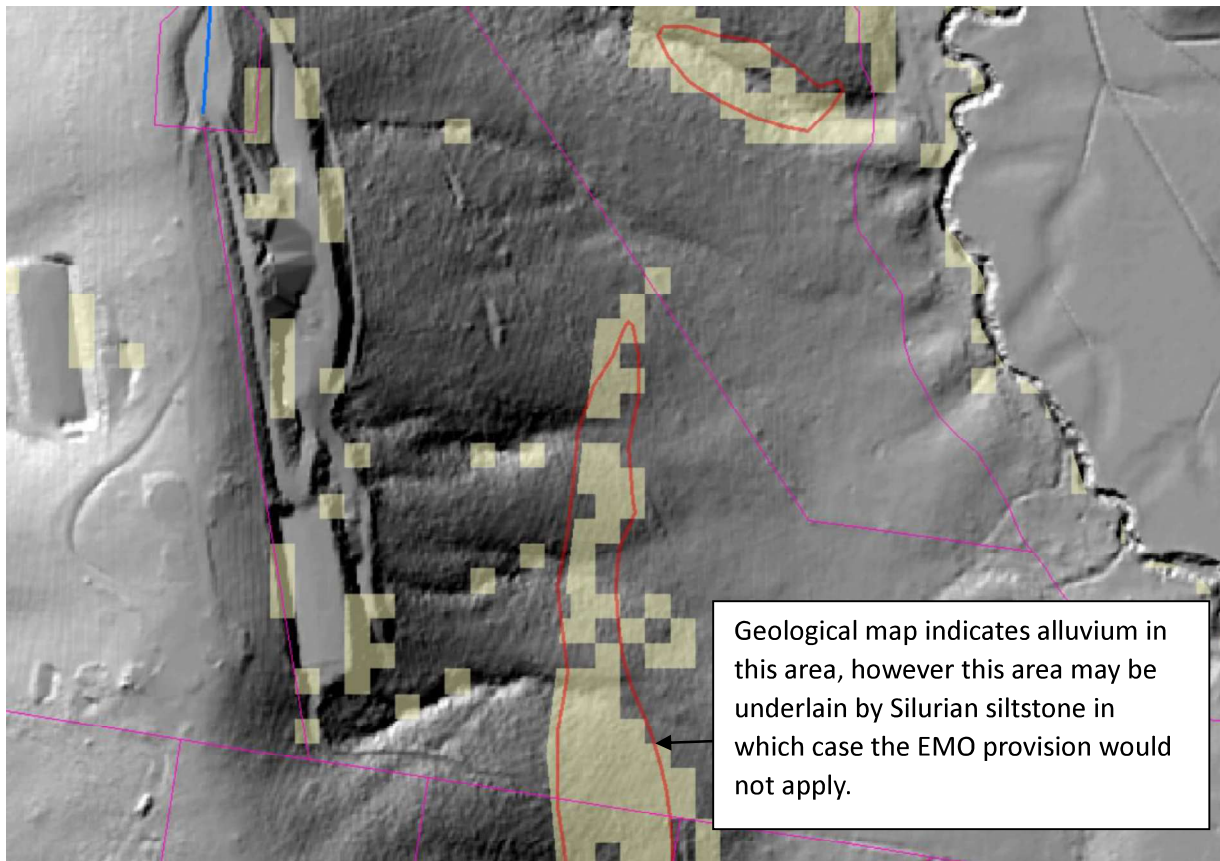
Submitter Number:	78
Position:	Query on inclusion.
Theme:	Mapping methodology
Address:	
Summary of Submission:	Query on reason for inclusion
Recommendation	There is scope to alter the boundary at this location on the basis of margin of error in the geological mapping. The boundary of the alluvium appears to be shown too far to the west which has meant this area is included. If the boundary is shown to be further east the EMO would be removed from this site.

WSP Australia Response:

Mapping Methodology

The slope angles used to develop the mapping are based on measurement of slope angle over a 10 m grid. In the figure below, yellow squares are those for which the slope angle measured across the square exceeds 11° in Quaternary alluvium, the threshold for inclusion in the materials shown on geological maps at the base of the slope on this site. This threshold is the same as that which defines the current EMO and is based on an analysis of past landslides on the same geology type. LiDAR information allows the threshold to be applied with more precision than was possible in the past resulting in the removal of some areas and the addition of others.

The only part of this site recommended for inclusion in the EMO is the portion shown and the provisions of the overlay would only affect this area. The developed parts of the site, including the existing house, are not within the proposed EMO and would not be affected by its provisions. The provisions of the EMO might be triggered if for example there were a proposal to remove trees from the proposed area.



Accuracy of Mapping

The landslide susceptibility mapping is reliant upon geological mapping undertaken by the Geological Survey of Victoria, a digital elevation model derived from LiDAR and the experience of the geologists who prepare the mapping. Whilst the criteria for inclusion are applied as accurately as possible, noting that the LiDAR used has 1 m resolution, there is inevitably a margin of error in where the boundaries are plotted.

There is provision in the incorporated document to the EMO for the requirements of a geotechnical assessment provided as part of a planning submission to be waived if a suitably qualified geotechnical engineer shows that the criteria for inclusion are not met. Council also has discretion to waive the requirements of a geotechnical assessment if it considers it unwarranted given the landslide hazards and nature of the proposed development.

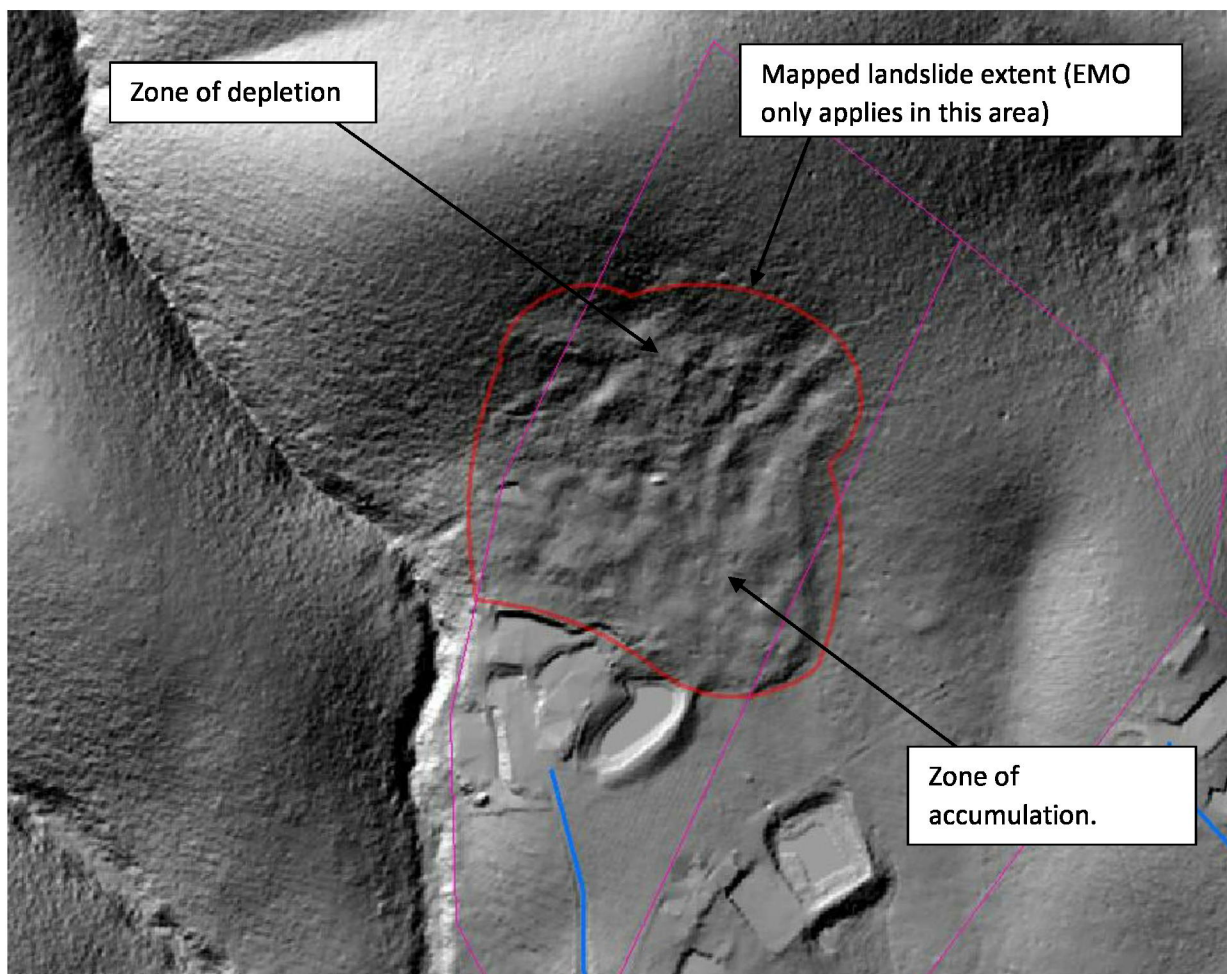
Submitter Number:	82
Position:	Query on methodology.
Theme:	Extent of proposed EMO does not seem logical.
Address:	[REDACTED]
Summary of Submission:	Should be prior assessment before inclusion in the EMO, cost of geotechnical reports.
Recommendation	No change to mapping in this area.

WSP Australia Response:

Mapping Methodology

A landslide has been identified on part of this property as indicated in the image below. There are clear signs of past landslide including irregular hummocky ground at the toe of the slope consistent with deposition of material that has derived from a landslide and a zone of depletion higher on the slope, an area where the deposited material has been sourced from. Inclusion of this part of the property in the proposed EMO is based on the identification of this landslide from the LiDAR.

Landslide features of this type are best identified using remote sensing technologies such as LiDAR. Due to vegetation coverage and the size of the landslide relative to an area that can be assessed visually, they are not easily identified though on the ground assessment.



Implications of EMO

The developed portion of this property is not within the extent of the mapped landslide nor the proposed EMO meaning that works undertaken within the footprint of the existing house or outside of the extent of the mapped landslide would not be subject to the provisions of the EMO.

It is correct that most landslides in Yarra Ranges are linked to development, including poor drainage, inappropriate earthworks and vegetation clearance. The EMO is a planning control and by its nature is future looking. It is intended to manage future development with a view to preventing inappropriate development that could introduce landslide risks. This area is not necessarily under imminent threat from landslide in its current condition, nor will the landslide mapped necessarily remobilise in the future. The purpose of the EMO is to ensure that future development is consistent with good hillside construction practice and does not introduce new landslide risks. For example, if extensive vegetation clearance or earthworks were proposed within the extent of the mapped landslide on this site, it could have the potential to cause the landslide to remobilise and would trigger the need for a site and development specific geotechnical assessment of the proposal.

Whilst the cost of a geotechnical report is borne by the applicant, it is important to note that a geotechnical report which provides advice on foundation design (also known as a soil report) is a mandatory requirement of a building permit and would typically require a geotechnical engineer to visit the site and undertake borehole investigations, noting that site visit and investigation costs are usually a significant component of the overall geotechnical cost. In most instances, a geotechnical assessment for slope stability would be undertaken as an addition to the mandatory geotechnical report for building purposes. Whilst additional costs may apply for expanding the report to include the assessment of slope stability, the applicant would not usually have to bear the total cost of a new report, or arrange a separate site visit to meet the requirements of the planning scheme.

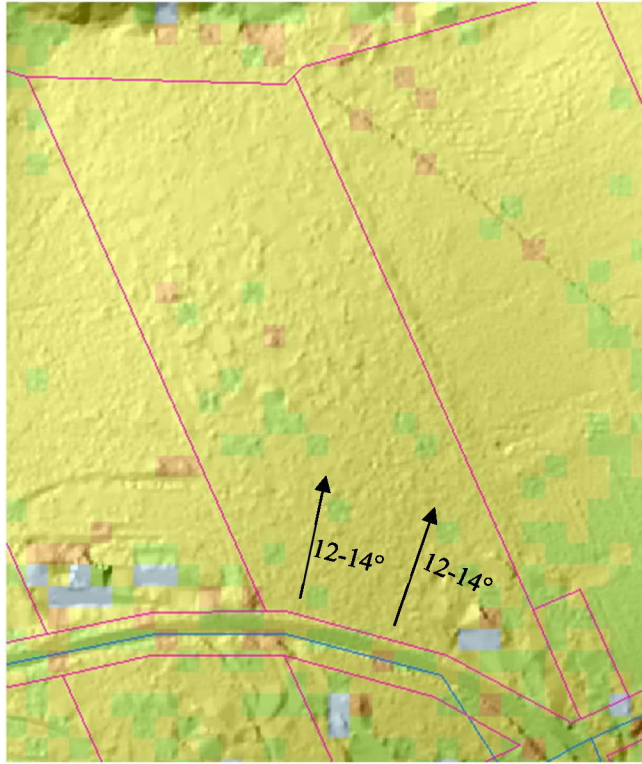
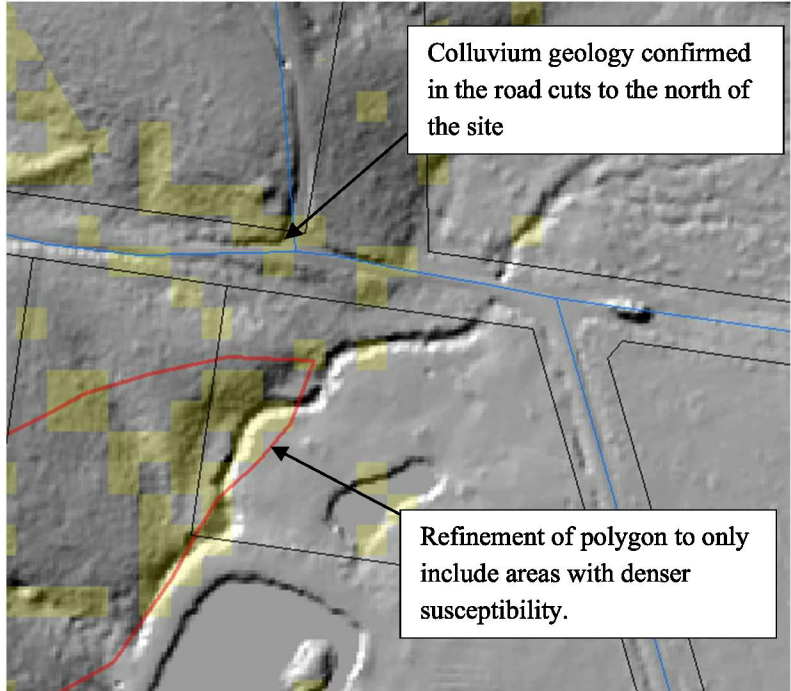
Under the existing EMO provisions and the incorporated document associated with the EMO, the geotechnical requirements are staged such that the extent to which geotechnical issues are investigated and the cost implications for the property owner are commensurate with the level of risk.


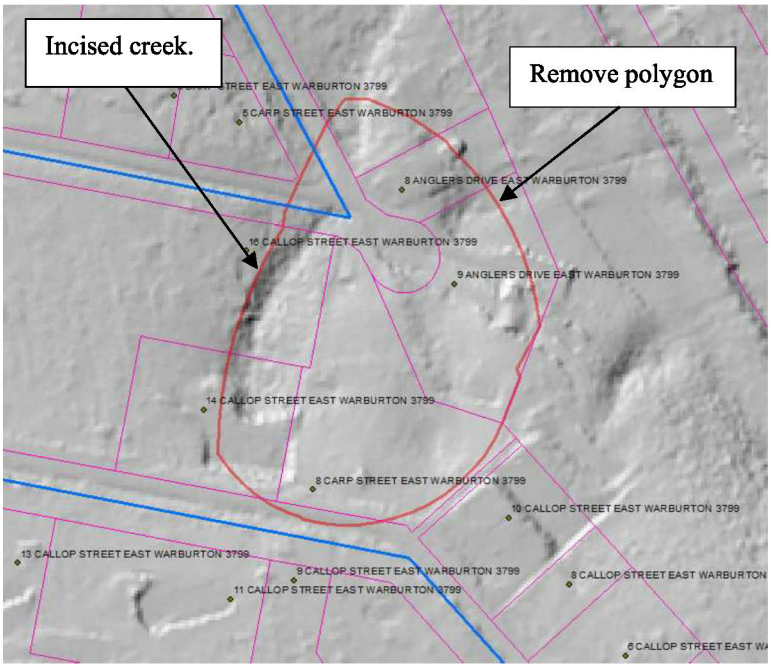
1. If the geotechnical engineer considers the characteristics of the site to be such that the criteria for inclusion in the EMO are not met, they state this in their report or prepare a letter to that effect and no further geotechnical assessment is required. For example, if a geotechnical engineer showed that the terrain features on this site are not due to landslide and have some other origin, then no further assessment would be needed.
2. If the geotechnical engineer considers that the proposed development will not introduce significant new landslide risks, then a simpler geotechnical assessment is prepared. The report must include a statement to the effect that the development will not introduce significant new landslide risk and a geotechnical declaration form is provided which confirms to Council and the applicant that the engineer is qualified to provide that advice and carries the appropriate insurances. Note that home insurance policies typically do not cover landslide unless the landslide is a direct result of an insurable event such as a flood, earthquake or storm.
3. If the geotechnical engineer considers the proposed development will introduce new landslide risks, then a landslide risk assessment must be prepared and recommendations made for how those risks can be managed. The implementation of recommended measures for reducing risk would typically form a condition of a planning permit. A full landslide risk assessment is required for a minority of planning applications within the EMO.

Past Landslide

Whilst the Yarra Ranges Landslide inventory records over 1000 known landslides, it is live database which is subject to ongoing update. If the submitter is aware of other landslides that have not been included in the database, we would be interested to learn the details so that they can be added to the inventory.

A.1 Summary of Field Observations

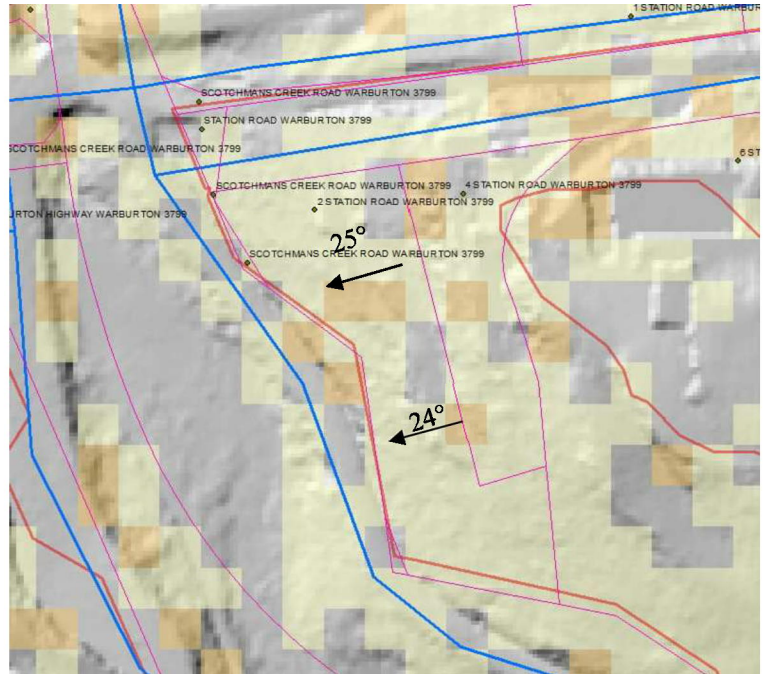
<p>Submission 1</p> <p>The average natural slope angle on the north side of Olinda-Monbulk Road was measured to be consistently 12° to 14°, which is above the 11° threshold for susceptibility in areas underlain by Ferny Creek Rhyodacite geology, such as this property. Slope angle information from LiDAR elevation data indicates that the property generally steepens to the north, which means that the property is generally above the slope angle threshold. The south east corner is flatter and there is scope for a slight adjustment to the boundary in this area.</p>	
<p>Submission 2</p> <p>The areas indicated as susceptible to landslide (areas in yellow in the adjacent figure) could not be accessed in the field but are generally above the 11° slope angle threshold for the underlying mapped colluvium geology, based on LiDAR elevation data. Observations of the surface geological materials in the low cuts along Coopers Road to the north confirm that colluvium is present on the slopes in the area.</p> <p>Adjustment of the proposed EMO boundaries to only capture denser susceptibility areas is recommended.</p>	 <div data-bbox="1066 1272 1441 1400" data-label="Text"> <p>Colluvium geology confirmed in the road cuts to the north of the site</p> </div> <div data-bbox="1066 1758 1441 1886" data-label="Text"> <p>Refinement of polygon to only include areas with denser susceptibility.</p> </div>

<p>Submission 6</p> <p>Some areas in the vicinity of the property meet the criteria for inclusion in the EMO (yellow) based on the slope angle ($> 9^\circ$) and the underlying geology of Older Volcanics. Field slope measurements indicate the slopes are locally between 10° and 12° in these areas.</p> <p>It is recommended that refining the polygon be undertaken at a more detailed scale in this area.</p>	
<p>Submission 12</p> <p>A feature was identified in LiDAR as indicative of a landslide feature. Field visits indicate the feature is likely fluvial, formed by a now abandoned river channel.</p> <p>Recommend removal of polygon indicating landslide.</p>	

Submission 13

The average slope angle was measured to be 24° to 25° which exceeds the threshold for inclusion. Rock outcrops in Station Street and along Glenbrook Road were assessed and found to be consistent with geological map indications.

No change to mapping recommended.

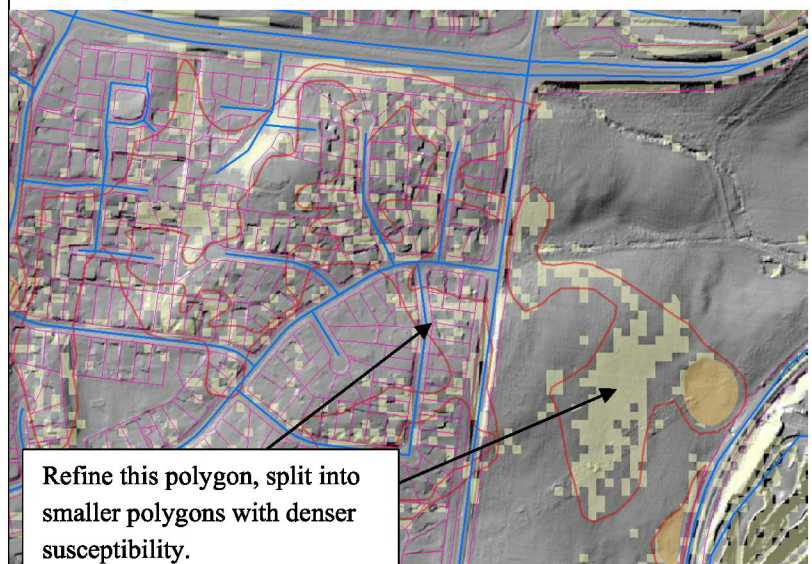


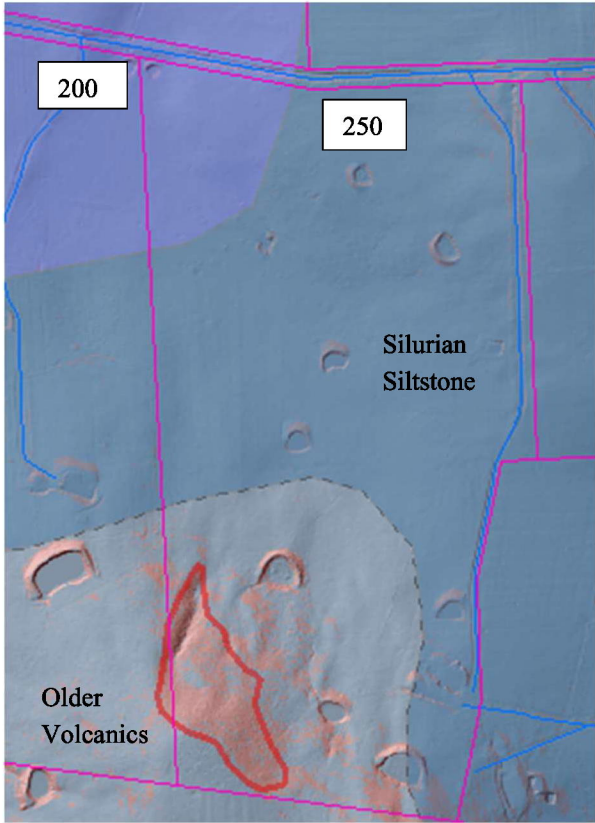
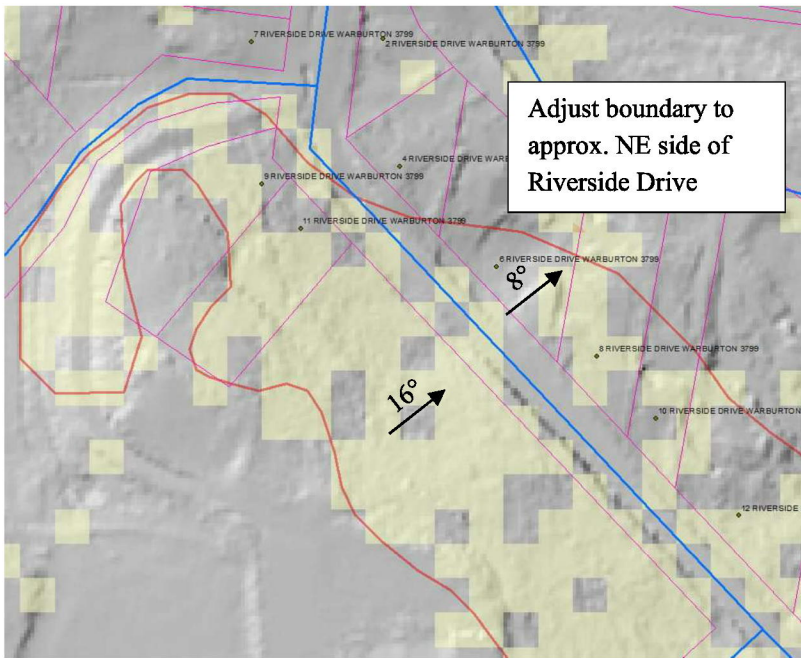
Submission 16

Natural slope angles in the areas with denser mapped susceptibility were typically 9° or more, above the threshold for inclusion and within less dense areas typically less than 9° putting the two polygons in this area on the cusp of inclusion.

The area is heavily impacted by earthworks.

We recommend refining the polygon in this area by mapping at a finer scale and splitting it into smaller polygons encompassing denser mapped susceptibility.



<p>Submission 20</p> <p>The area identified as susceptible generally has a slope angle of $> 9^\circ$ (areas in red in adjacent figure). Geomorphological desktop mapping and field observations nearby indicate that the ridge to the south and adjacent slopes, including the susceptible area, is underlain by a surface layer of Older Volcanics, which has been assessed to be susceptible to instability where slope angles are above 9°. The desktop mapping shows geomorphological signs of slope instability having occurred in the past on this slope.</p>	
<p>Submission 25</p> <p>The natural slope on the north east side of Riverside Drive shallows to about 8°, below the 11° threshold. The mapped susceptible areas shown northeast of Riverside Drive are related to earthworks.</p> <p>Recommend adjusting the northeast EMO boundary in this area 20 m to 30 m towards Riverside Drive.</p>	

Submission 29

Natural slope angle between Laurie Avenue and Clifford Grove in this area is 9° to 10° , below the threshold of 11° . Mapped susceptible areas relate to earthworks.

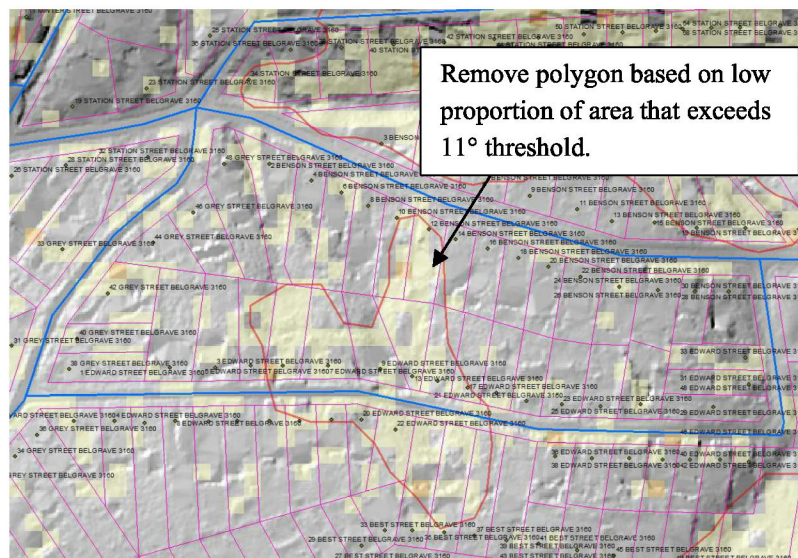
Recommend adjusting boundary about 30 m to the south west towards Laurie Avenue.



Submission 30

The mapped susceptible area relates to what appears to be past filling on the area.

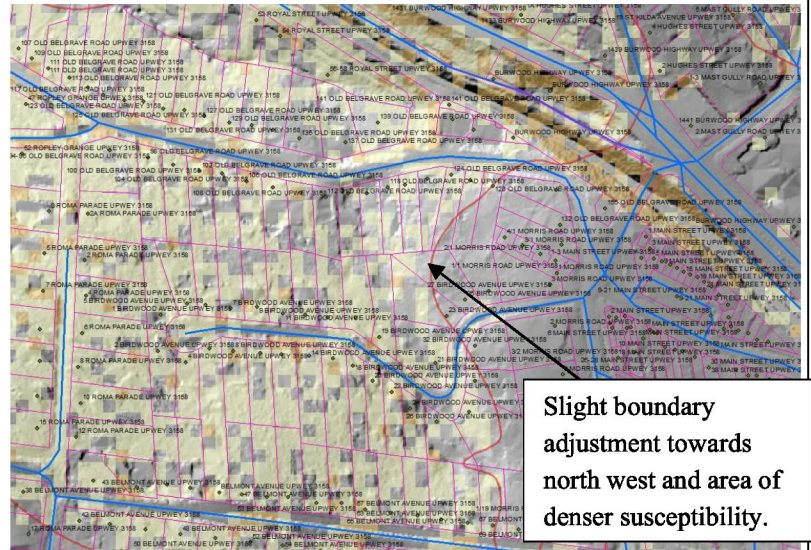
Recommend removal of the polygon shown on the basis that the area has a natural slope angle of 10° to 12° . Although in some parts of this polygon the natural slope angle exceeds the criteria for inclusion, these areas are too small to be delineated as a separate polygon. Recommend removal of this polygon.



Submission 33

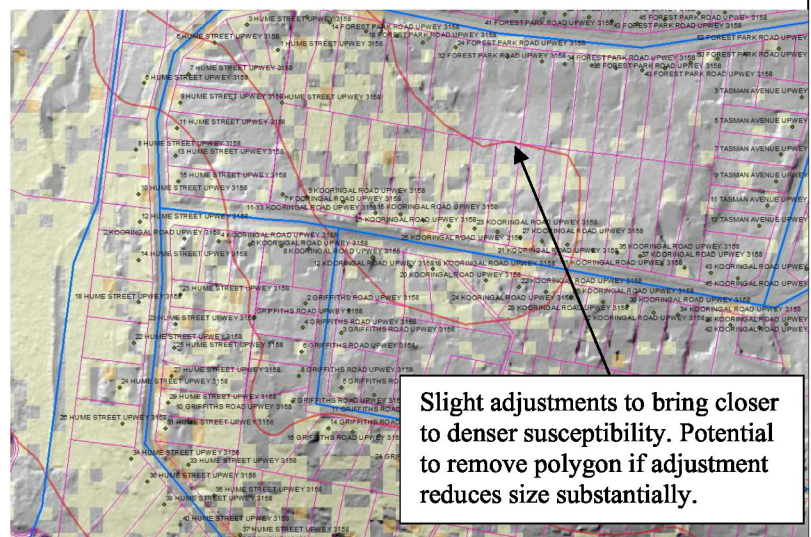
There is a gully through this area which meets the criteria for inclusion and some properties have placed fill up to the edge of the gully. The areas of less dense mapped susceptibility are related to earthworks.

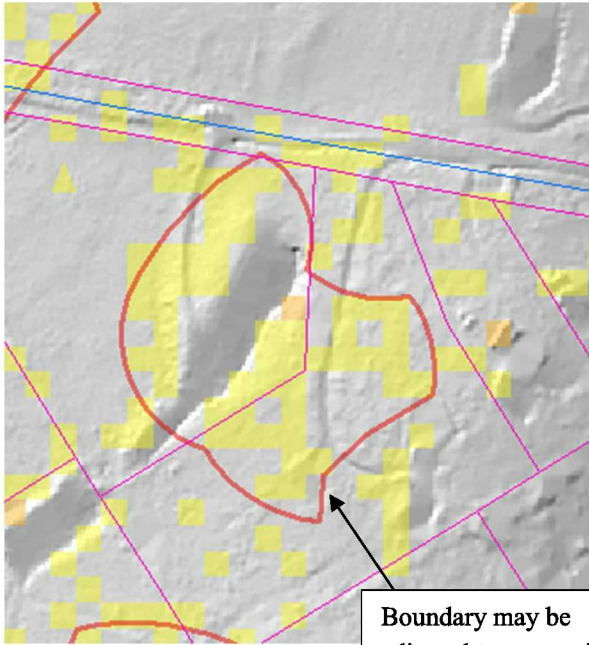
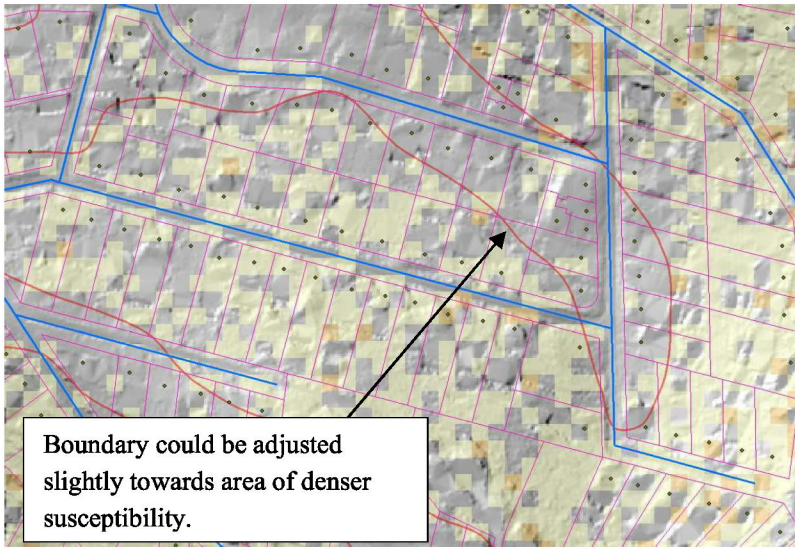
Recommend a slight boundary adjustment through here to shift the boundary closer to the areas of denser mapped susceptibility.

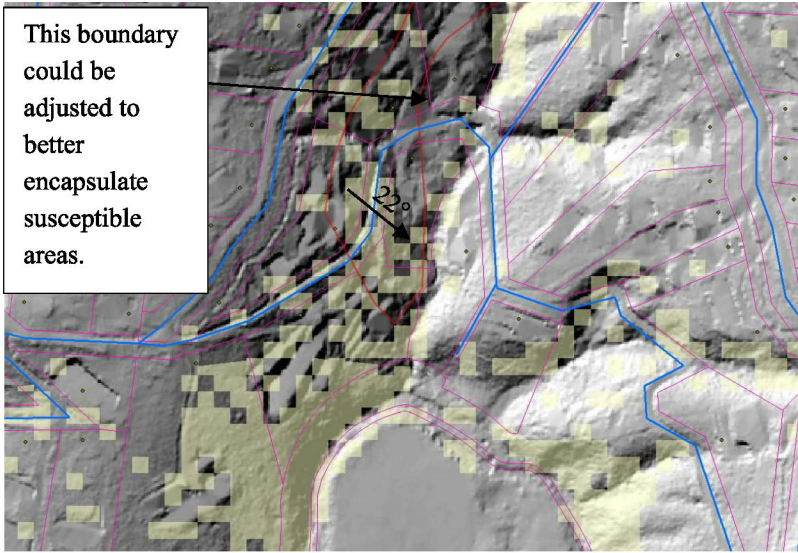
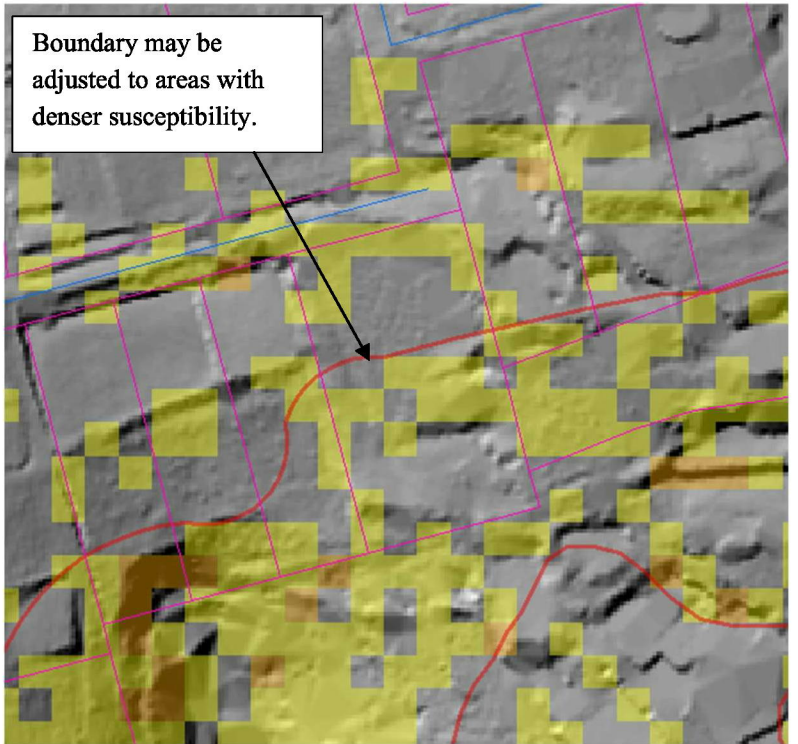


Submission 39

Natural slopes were measured at 11° to 12° through this area, including on properties south of Koorlingal Road in the vicinity of 16 Koorlingal which is marginal for inclusion based on a threshold of >11°. The mapped susceptibility is also influenced by earthworks. Given the marginal slope angle, there is scope for a slight adjustment of the boundary of this polygon, in the order of 20 m to shift it closer to areas of denser mapped susceptibility.



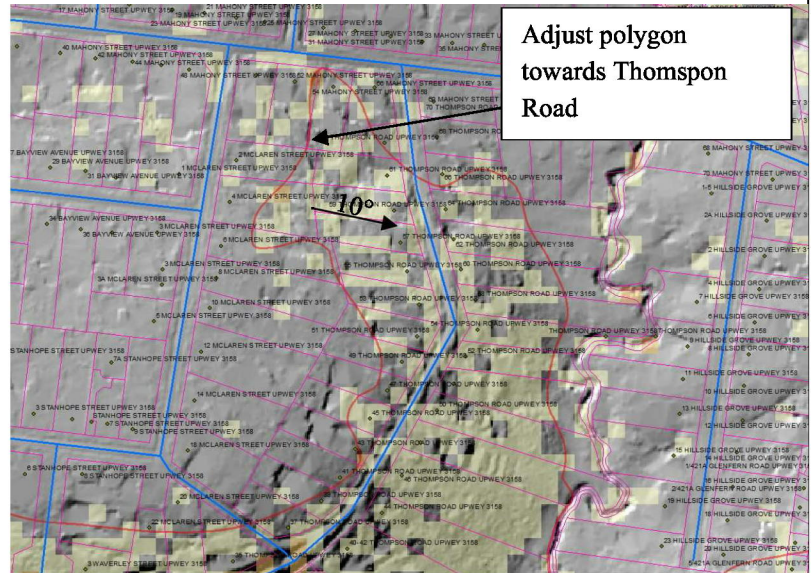
<p>Submission 40</p> <p>The measured natural slope angle at the north end of the property, adjacent to the road, was 14°, with the areas in the central part of the property assessed as susceptible (yellow) having generally not been affected by earthworks and having a similar slope angle based on LiDAR elevation data.</p> <p>There is some scope for fine adjustment of the area delineated as susceptible if mapped at a finer scale. Recommend finer mapping at 1:1000 to adjust these polygons.</p>	 <p>Boundary may be adjusted to areas with denser susceptibility.</p>
<p>Submission 43</p> <p>There is a gradual transition of the natural slope gradient through this area ranging from >11° in the southern portion of the polygon to less than 11° towards the north. The mapped susceptible areas near the boundary of the proposed EMO are influenced by earthworks. There is some scope to slightly adjust the boundary towards the south by 10 m to 20 m towards the area of denser mapped susceptibility.</p>	 <p>Boundary could be adjusted slightly towards area of denser susceptibility.</p>

<p>Submission 44</p> <p>The measured natural slope angles in the area delineated as susceptible are $>22^\circ$ and therefore consistent with LiDAR indications.</p> <p>There is some scope for fine adjustment of the area delineated as susceptible if mapped at a finer scale. Recommend finer mapping at 1:1000 to adjust these polygons.</p>	
<p>Submission 45</p> <p>The property slope conditions have been observed in the field from the northern boundary and appear to comprise some natural slopes and broad terraced areas where previous earthworks have occurred. The area assessed as susceptible that has been included in the EMO appears to contain both these conditions.</p> <p>There is some scope for fine adjustment of the area delineated as susceptible if mapped at a finer scale. Recommend finer mapping at 1:1000 to adjust these polygons.</p>	

Submission 47

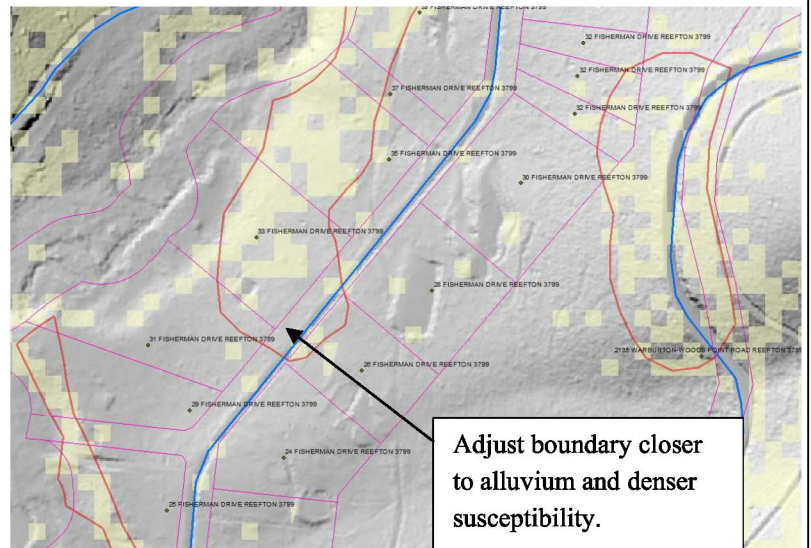
The natural slope angle was measured at 10° in areas to the west of Thompson Road, with the areas indicated as susceptible influenced by earthworks. Criteria for inclusion is 11° .

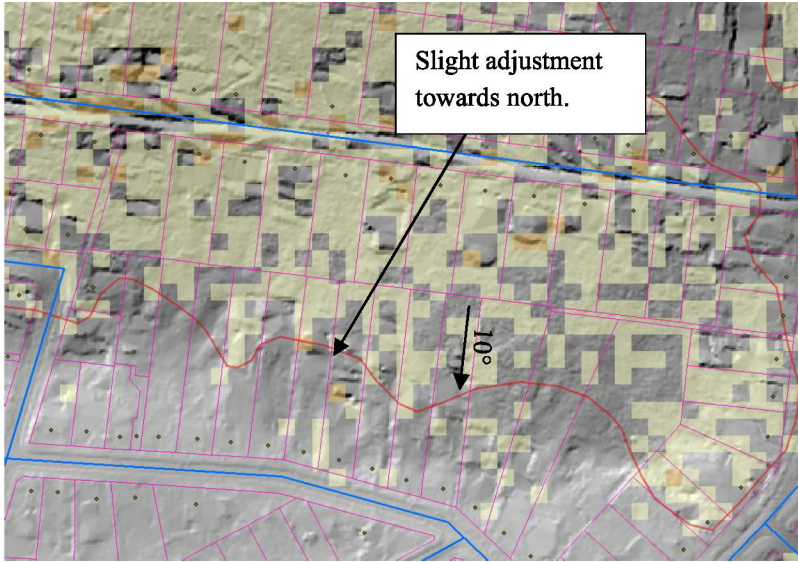
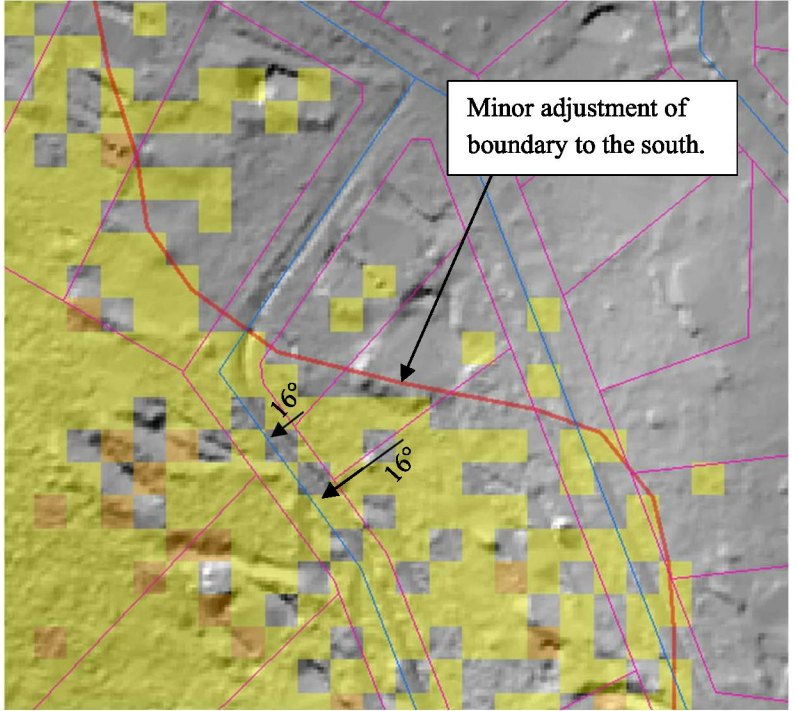
Recommend adjustment of this polygon to move the western boundary further to the East.

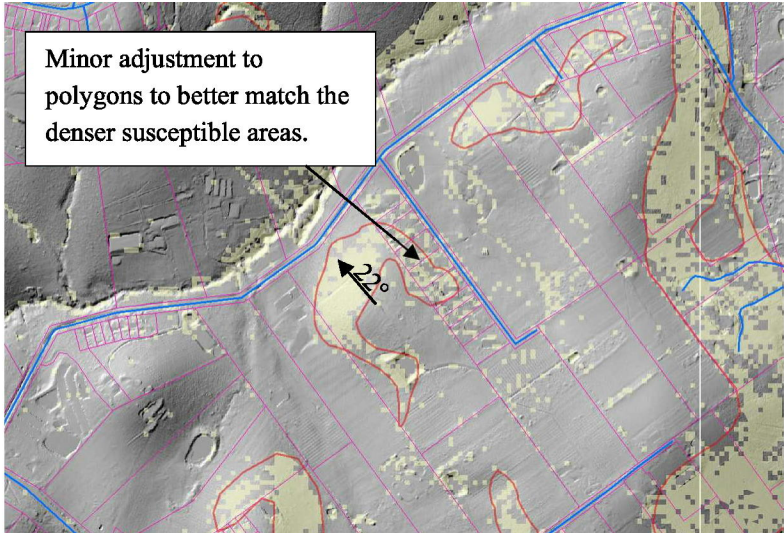


Submission 49

Note that this site was not visited, however LiDAR allows identification of the geological boundary of alluvium through this area, which differs from geological map indications. There is therefore a basis to adjust the geological boundary and adjust the EMO extent accordingly.



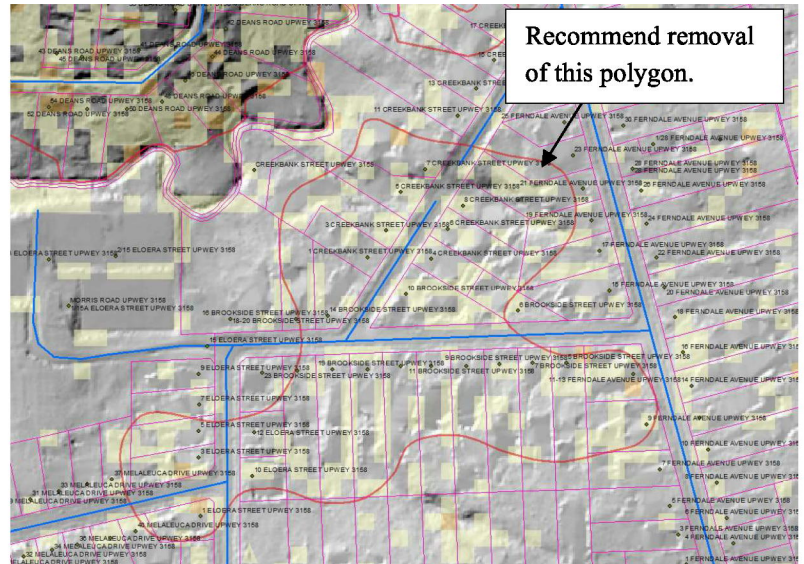
<p>Submission 50</p> <p>The natural slope angle near the southern boundary of the polygon increases gradually towards the north from 10° to greater than 11° which is the threshold for inclusion. Furthermore, the area is affected by dense earthworks.</p> <p>Recommend adjusting the boundary 10 m to 20 m north and smoothing out kinks. This approach can be applied to the broader Upwey area.</p>	
<p>Submission 51</p> <p>The natural slope angles measured at the southern boundaries of the property were 16°, which is greater than the threshold for inclusion of 11°.</p> <p>There is some scope for minor adjustment of the boundary towards the south to align with areas of denser mapped susceptibility.</p>	

Submission 54	
<p>The slope angles measured in the mapped susceptible areas are marginal for inclusion at around 22° in Devonian Siltstone. Recommend slight adjustment to boundaries of polygons in this area to better encompass denser mapper susceptibility areas.</p>	

Submission 56

The natural slope angle of the polygon in this area varies through this area between 10° and 11°, but overall is around 11° or marginally lower, noting 11° is the threshold for inclusion.

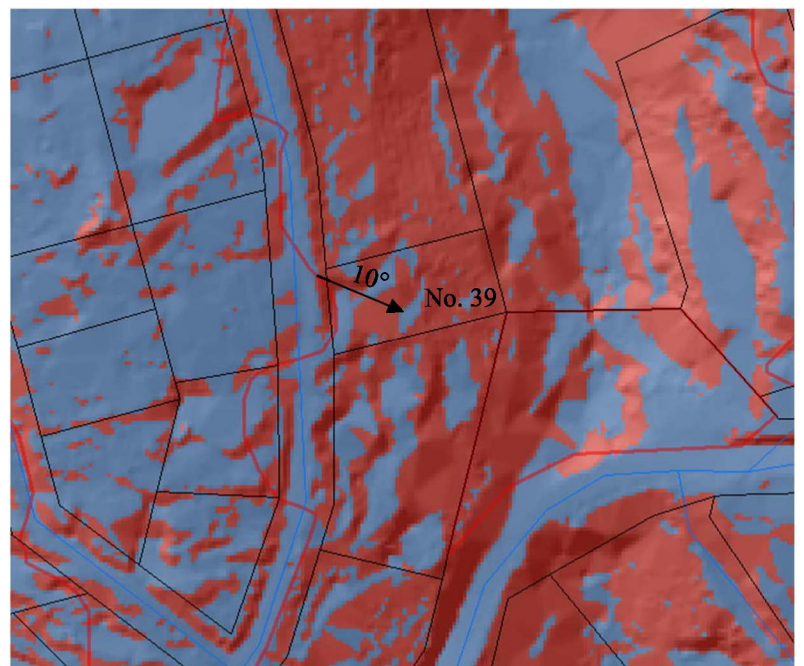
Recommend removal of this polygon.


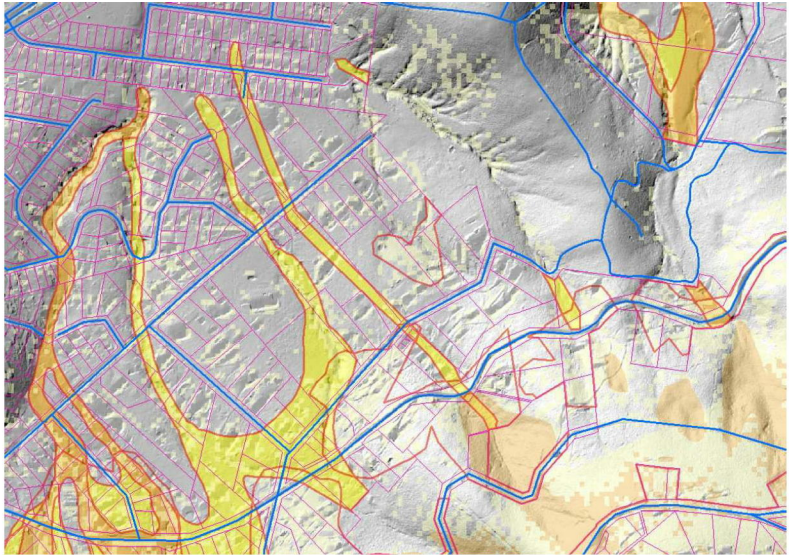

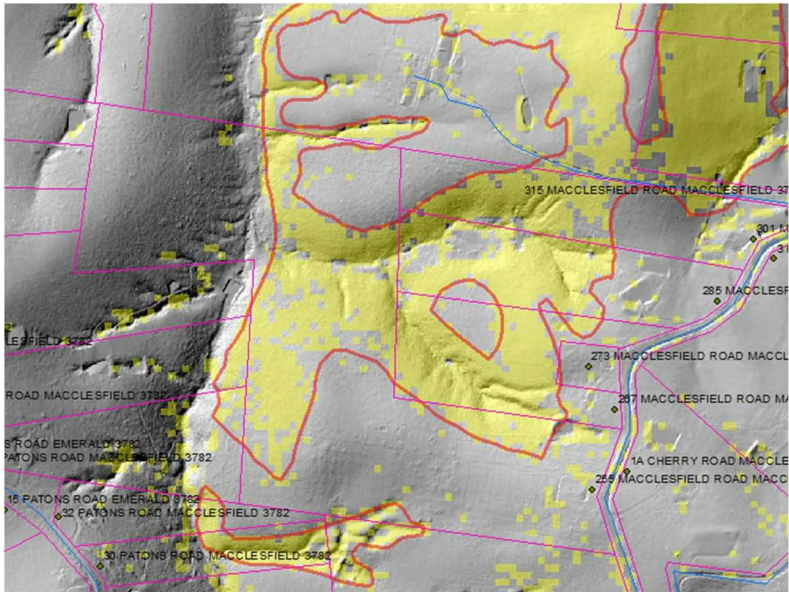


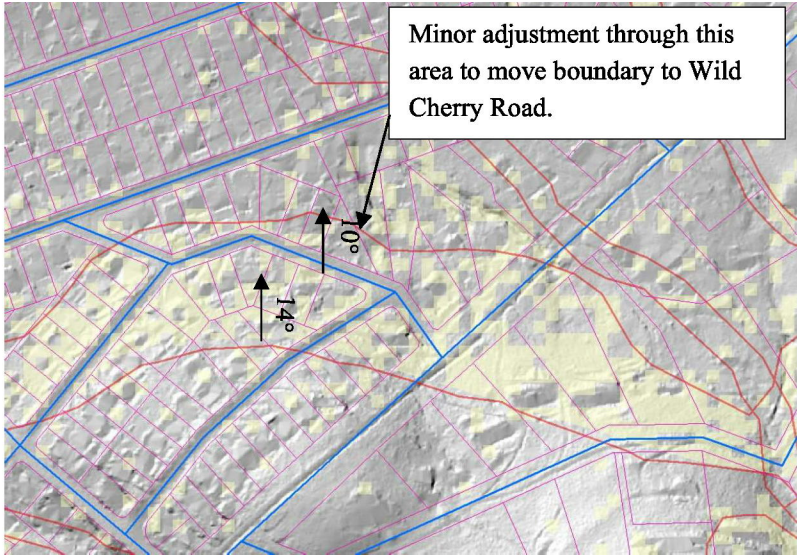
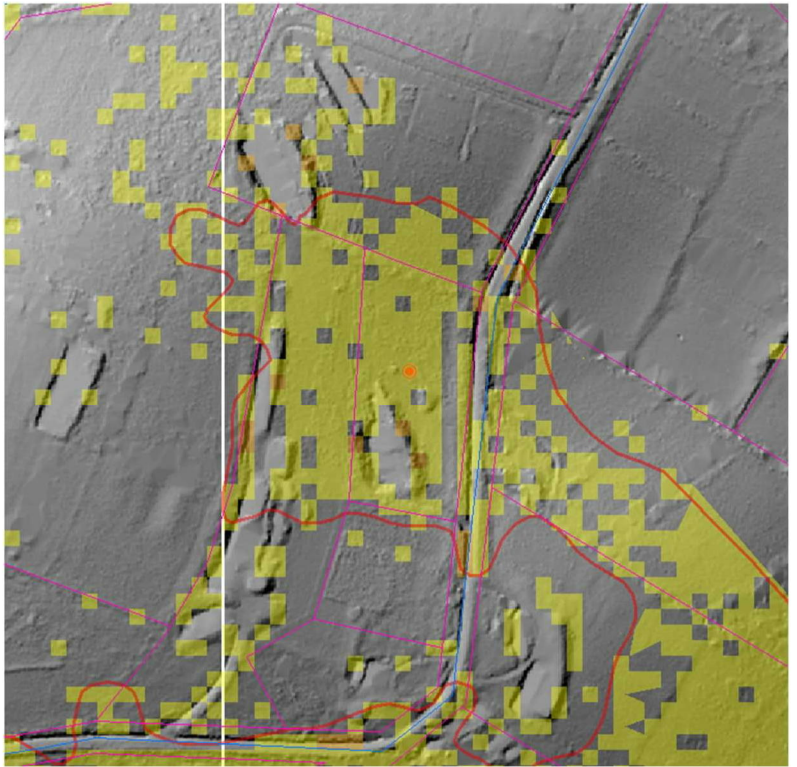
Submission 59


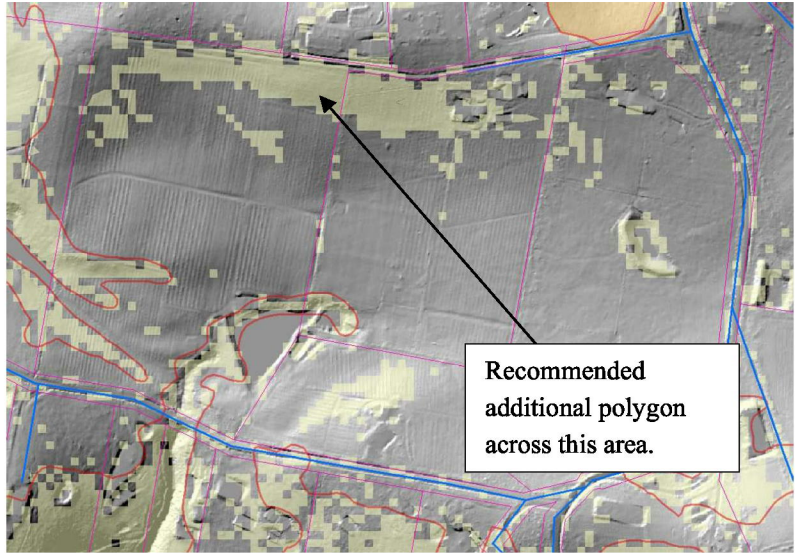

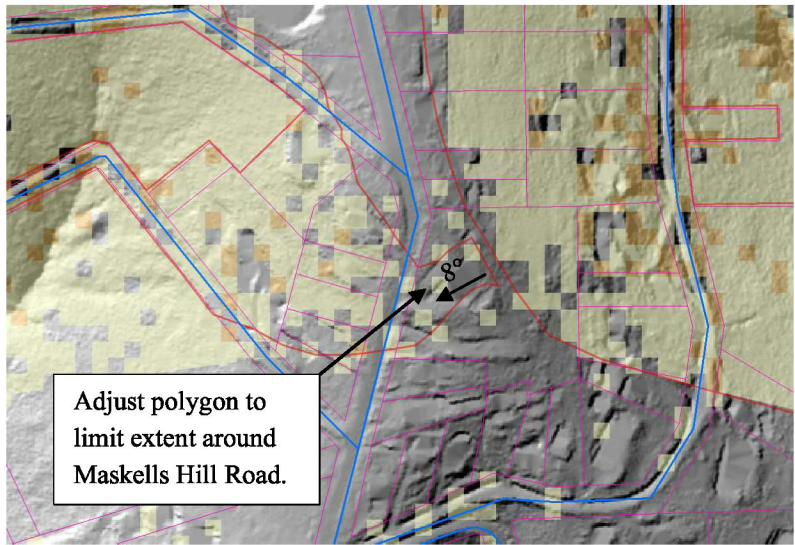
Natural slope angles measured at 10° in the western part of the site, in the vicinity of the house and driveway. Slope angles in the eastern part of the site are generally steeper and above 11° (areas in red in adjacent figure) based on LiDAR elevation data, which is the threshold for inclusion in the EMO where underlain by Ferny Creek Rhyodacite. Areas below the threshold are generally benched earthworks areas for the house and driveway.

Some minor adjustment of the EMO boundaries may be possible to capture denser mapped susceptibility areas but part of the property would be included in the proposed EMO.

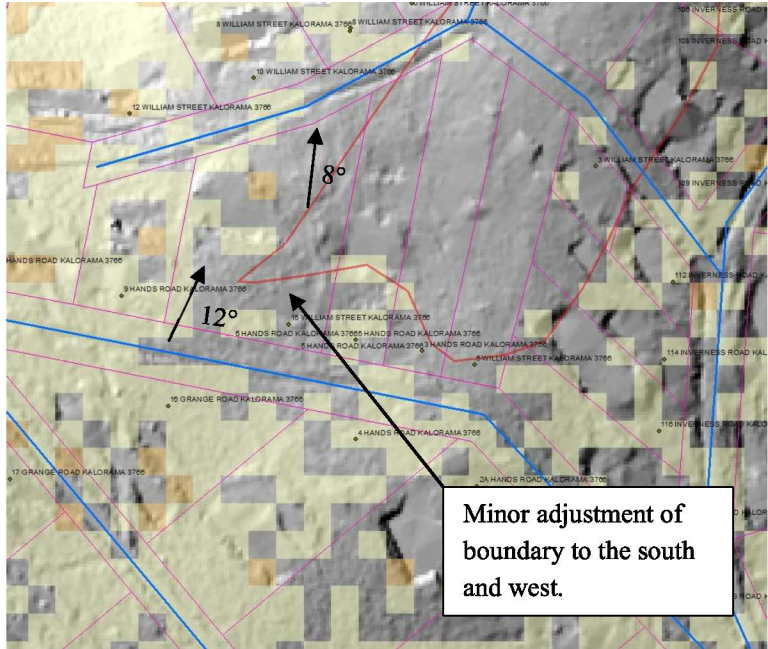
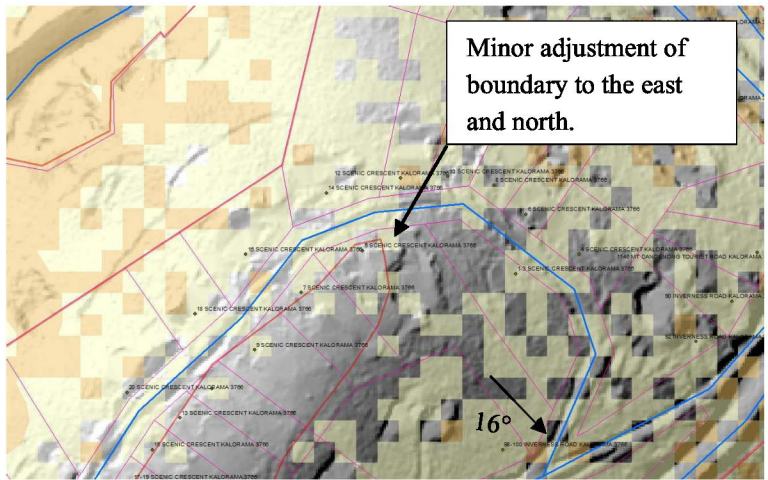



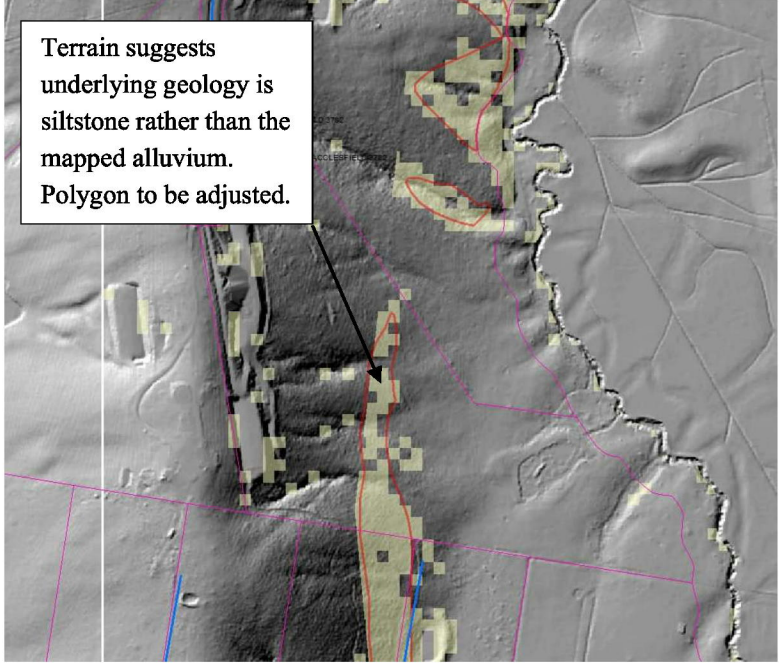
Submission 63	
<p>There is a shallow gully, at some points buried directly downstream of a catchment area. The University of Melbourne modelling appears consistent with site observations. No change recommended through here.</p>	
Submission 65	
<p>The areas indicated as susceptible to landslide (areas in yellow in adjacent figure) could not be accessed in the field but are generally above the 11° slope angle threshold for the underlying Ferny Creek Rhyodacite geology, based on LiDAR elevation data.</p> <p>Some minor adjustment of the proposed EMO boundaries may be possible to only capture denser mapped susceptibility areas.</p>	

<p>Submission 67</p> <p>Natural slope angle downslope of Wild Cherry Road is about 10° and upslope is about 14°.</p> <p>Some minor adjustment of the proposed EMO boundaries may be possible to reflect the field observations and capture denser mapped susceptibility areas.</p>	
<p>Submission 68</p> <p>The natural slope angles measured from the eastern boundaries of the property were generally >16°, which is steeper than the threshold for inclusion of 11° in the EMO for areas underlain by Ferny Creek Rhyodacite geology such as this property.</p> <p>It is also noted that a relatively minor landslide is recorded in the historic YRSC database as having occurred at the property.</p> <p>We recommend that no change occur to the proposed EMO boundaries in relation to this property.</p>	

Submission 69	
<p>Creek area that is delineated as susceptible is a deeply incised steep sided creek.</p> <p>There is a mapped susceptible area near the crest of the slope which has not been included and is recommended for inclusion.</p> <p>No change recommended to the other proposed susceptibility mapping through this area.</p>	
Submission 70	
<p>The natural slope angle in the eastern portion of the polygon was measured at 8°, below the threshold for inclusion. Recommend adjusting polygon to remove this portion.</p>	

<p>Submission 73</p> <p>Natural slope angles are 13° to 15° adjacent to the house. Which exceeds the threshold for inclusion in the EMO.</p> <p>Mapping at a finer scale and some minor adjustment of the proposed EMO boundaries may be possible to better capture denser mapped susceptibility areas.</p>	
<p>Submission 74</p> <p>The natural slope angle at the eastern end of the property is 8°, below the threshold for inclusion. The natural slope angles on the properties to the west of 35 Hethersett Road (16 to 20 Alice Road) were measured to be 14° to 20° which is above the threshold for inclusion.</p> <p>There is some scope to map in finer detail and to make minor adjustments to the boundary towards the west to align with areas of denser mapped susceptibility.</p>	

<p>Submission 76</p> <p>Natural slope angles are 8° at the William Street end of the property, 10° in the south east corner and 12° to 13° at the south west corner of the property, adjacent to Hands Road. The slope in the south west corner of the property has a slope angle above property is below the threshold for inclusion in the EMO.</p> <p>There is scope to map at a finer scale and to make minor adjustments to the boundary on the south and west to western side of the property to better align with areas of denser mapped susceptibility.</p>	
<p>Submission 77</p> <p>Natural slope angles in the south east part of the property are 16°, which is above the threshold for landslide susceptibility. The north west area of the property becomes flat at the crest of the ridge.</p> <p>There is scope for more detailed mapping and minor adjustment of the boundary towards the east and north to align with areas of denser mapped susceptibility.</p>	

Submission 78	
<p>The geological unit mapped in the susceptible area is alluvium. Based on the terrain at the site it is likely to be underlain by Anderson Creek Formation siltstone rather than alluvium. The susceptibility map could be adjusted to reflect the assessed underlying geology.</p>	

MANDATORY GLASS BIN SERVICE - IMPACTS, ADVOCACY AND OPTIONS

Report Author: Manager Resilient Environment,
Executive Officer - Resource Recovery

Responsible Officer: Director Planning & Sustainable Futures

Ward(s) affected: (All Wards);

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

SUMMARY

This report provides an update on:

- Council's position regarding the State Government's mandate for a standalone kerbside glass recycling service.
- The cross-council collaborative advocacy efforts.
- The anticipated impacts of the glass service rollout on Yarra Ranges, including an analysis of available service options for Council consideration.

The report recommends maintaining both collaborative and individual advocacy to seek removal or deferral of the mandatory glass bin collection requirement, citing insufficient cost-benefit justification. It further supports advocacy for the expansion of the Container Deposit Scheme (CDS) to include wine and spirit glass bottles to enhance resource recovery outcomes.

RECOMMENDATION

That Council

- 1. Does not support the State Government imposed mandatory glass service in its current form, including the imposition on, and cost to, community.***
- 2. Calls upon the State Government to permit alternative glass service options.***
- 3. Defer the implementation of a glass service, in light of the State Government Service Standards not being release.***
- 4. Continue to support the collaborative advocacy effort between councils including being named in multi council media campaigns.***

5. ***Undertake advocacy as an individual council:***
 - (a) ***For the removal of the requirement to implement a mandatory glass bin collection service, or to delay its implementation to future years.***
 - (b) ***Support the expansion of the Container Deposit Scheme (CDS) to include wine and spirit bottles.***
6. ***Note the risk of non-compliance if deferral of glass puts Council outside the legislated requirements.***

RELATED COUNCIL DECISIONS

- 13 June 2023 – Community Waste and Resource Recovery Plan (CWRRP) adopted by Council.
- 8 August 2023 – The Resource Recovery and Waste Services Policy (the Waste Services Policy) adopted by Council. (The Waste Services Policy was reviewed to accommodate the kerbside bin packages which were adopted as part of the 2025-26 budget process.)
- 9 July 2024 – Council resolved to defer the glass collection service to commence on 1 July 2026.
- As part of the 2025-26 budget the glass collection service was deferred to 1 July 2027.

DISCUSSION

Purpose

The purpose of this report is to make clear Council's position on the State Government's mandatory glass bin service.

Background

2020 State Policy and 2021 Legislation

The 2020 Recycling Victoria: A new Economy Policy (the CE Policy) and the *Circular Economy (Waste Reduction and Recycling) Act 2021* (the Act) requires councils to provide residents with a four-stream waste collection service, including a separate glass service by 2027 and food organics and garden organics by 2030.

Consultation on the Policy and the Act focused on giving councils the option to provide a glass bin or drop off service and did not specially highlight that a glass bin service would be mandated.

When the bill for the Act was before Parliament the intent was clear to mandate a glass bin service rather than allow councils to determine what type of service it was

to provide to meet the outcomes of a four-stream service. The bill did not specifically require kerbside services, but it gave the new waste authority, Recycling Victoria (RV), the powers to set mandatory service standards. A Regulatory Impact Statement (RIS) was not conducted for this Act and a cost benefit analysis was not provided for a separate glass bin service. In addition, detailed outcomes of this consultation are not publicly available.

The MAV's submission to the draft Act, highlighted that the proposal failed to provide the rationale and cost-benefit analysis for a mandatory glass bin service, and that councils expected to see the evidence base to better understand why certain changes were being proposed.

2020 Kerbside Reform Support Funding

In 2020 councils, including Yarra Ranges Council, submitted applications and their plans to the State Government regarding how they intended to meet the objectives of the CE Policy. A total of \$129M was available to the 79 councils. At the time implementation discretion was given to councils to determine the best way for its community to separate glass from general recycling either at kerbside or drop off services.

Yarra Ranges's plan included a Food Organics and Garden Organics (FOGO) and glass bin service. This position was because of guidance provided to Yarra Ranges from RV at the time that indicated those metropolitan councils that had a kerbside bin service had to provide a glass bin service and not a drop off service.

Councils were not permitted to disclose their funding allocation. Some metropolitan councils submitted plans for drop off glass services and may have received less funding.

Despite the research highlighting the funding provided to implement a glass service is not sufficient, it is unlikely any additional funding will be made available.

2024 Proposed Household Waste and Recycling Service Standard

On 18 June 2024, the State Government released proposed Household Waste and Recycling Service Standards (the Standards) along with proposed regulations and a RIS. The proposed standard includes:

- That councils must provide a glass bin collection service to all households by 1 July 2027, with no opt-out option.
- That councils must comply with a standard list of waste items accepted in each of the four bins, but giving councils flexibility to collect soft plastics despite market failures and misalignment with the objective of service standardisation.
- Compliance and enforcement provisions for penalties and audits as per the Act.

The Standards are silent on bin sizes and collection frequencies. Individual councils are responsible for determining collection frequencies and bin sizes based on individual contract arrangements and local context. Many councils that have already

implemented a glass service, have a monthly collection service. Anecdotal data is showing that presentation rates for these services are less than 40 per cent. Some councils are now questioning if collection cycles should be less frequent.

The State Government's argument for a separate glass service has centred on reducing the risk of contamination of other recyclables from materials like glass and optimising the volume and quality of materials recovered for recycling and reuse.

Recycling Victoria's 2024 and 2025 Circular Economy Market Reports (2024 Page 16 and 2025 25) puts into question the market need for a separate glass service. These reports noted that:

- Market demand for that glass generation exceeds demand into new glass packaging.
- Glass-based construction materials remain high and is growing in Victoria supported by changes to construction specifications that have increased how much recycled glass sand can be used in road and rail construction.

The RIS for the Standards does not outline the cost benefit of a mandated glass bin service separate to the cost benefit of a FOGO service to all households.

The State Government has previously consulted councils and communities on the Standards in 2021 and 2022. Only broad consultation outcomes are publicly available for these consultation activities. Outcomes for the 2024 consultation have not been published. The Standards were due to be published in mid-2025, however collaborative advocacy of now 34 councils has finally resulted in the Minister for Environment, The Hon. Steve Dimopoulos, considering an amicable solution.

Advocacy Activities

Since before 2021, many councils have been advocating against mandating a glass bin service due to the lack of cost benefit evidence.

In late 2024, a group of 22 councils, including Yarra Ranges, collaborated on research on the cost benefit of a separate kerbside glass collection. The advocacy group has expanded and now includes a further 10 councils, making 34 councils supporting the collective glass advocacy. The research demonstrated the following:

- Significant differences in the cost benefit analysis in the RIS and of the councils by approximately \$2.6M per year for a typical council of 53,000 households.
- The modelling showed a combined implementation cost for 22 Councils estimated at \$75 million, with an additional average ongoing collection and processing cost of \$27 per household, per annum.
- Two of the three major operators of recycling processing facilities servicing metropolitan Melbourne reported that:
 - separate glass collections are not resulting in increased value of other recyclables.

- contamination in the comingled recycling stream does not impact the ability of material recovery facilities to access end markets for glass or other recyclables.
- There is not a significant difference in the amount of glass recovered through comingled versus separated kerbside collection.
- Declining volumes of glass being collected and the concern about investing in new infrastructure to collect increasingly smaller portions of glass which limits capacity to utilise the infrastructure for other materials and limits an overall increase in resource recovery rate across the state.
- The preferred model of expanded CDS scheme over a glass bin service to achieve lower contamination, higher resource recovery, avoided costly implementation costs, and less greenhouse emissions from avoided fleet additions.
- Research done by South Australia (SA) found a \$34 million per year saving to SA councils from diverting containers from kerbside bins to an expanded CDS. This equates to approximately \$50 per household per year. Meanwhile Queensland have seen a 13.4 per cent increase in the CDS scheme when it was expanded to include wine and spirit bottles.

In December 2024, the group of councils wrote to the Minister for Environment, seeking the following:

- The removal of the requirement to implement a mandatory glass bin collection service, or to delay its implementation to future years.
- A focus on expanding the highly successful CDS to include wine and spirit bottles
- Exploring other cost-effective alternatives that can maximise resource recovery and alignment with the national harmonisation of CDS currently being pursued, before imposing costs onto the community.

Since February 2025, the council advocacy group, have presented and discussed its findings with DECCA directors and managers. There are fundamental differences in DECCA's data in the RIS and the collaborative council research that determines the cost benefit of a mandatory glass bin service.

In May 2025 following motions from Manningham ,Yarra Ranges, Maroondah and Kingston (consolidated motion 2.4a) it was resolved that the MAV call on the State Government to release the business case for the separate glass service, postponement of a four stream service, give councils flexibility to decide on their waste services and to expand the CDS to align with national harmonised scheme.

In June 2025 an Australian Local Government Association (ALGA) motion submitted by Maroondah, was supported for the Federal Government to lead a nationally consistent CDS and to include all glass beverage containers such as wine and spirit bottles, whilst exploring the expansion of the scheme to include glass jars used for

food. Senator the Hon Murray Watt had 90 days to respond. However, to date, no response has been received.

In June 2025, the Whitehorse Mayor wrote to the Monash Mayor and Cardinia Shire Mayor, who are on the Local Government Mayoral Advisory Panel, requesting that the State Government postpone the glass bin service until a business case provided to councils justifies the glass bin service. A meeting took place on 19 August where members met with the Minister for Environment to discuss updates to the Household Kerbside Reform. At the time of writing this report the outcome of this meeting is unclear.

The Waste Management and Resource Recovery Association (WMRRA) is supportive of advocacy against the glass bin service. This association is also supportive of expanding CDS and national harmonisation of items eligible for refund.

The most recent State Government position at the time of writing this report was that:

- The government want to continue with the separate glass service but want to work towards finding a way forward.
- The main issues are cost, and that expanding CDS impacts tonnages and feasibility of the glass bin service.
- CDS should be considered separately to the glass service, to which councils don't agree, as it impacts council service design.
- Extending the glass bin implementation date may be possible to allow more time for councils to prepare, but not if councils are to build a stronger case against a glass bin service.

There are now 34 councils involved in the collaborative advocacy campaign. Of these councils, 22 including Yarra Ranges, have made a combined public [media statement](#) about their position and are looking at issuing further statements along with a call to action from local communities.

On 19 November, 30 of the 34 Council CEOs met for a briefing that included, the pathway to now and possible next steps including a plan if councils cannot come to a resolution with DEECA and the Minister.

Next steps from this CEO group are for a joint media statement with a stronger position.

Not all the 33 other councils have adopted a formal position regarding the mandatory glass service. Many have adopted an advocacy position, but a few councils have taken a stronger position. For example, Maribyrnong resolved on 21 October 2025 to delay implementation of a mandatory glass service until the Standards are endorsed, Stonnington resolved on 17 November 2025 not to commit to a kerbside service and Hume on 25 May 2025 resolved to reject the mandatory glass bin service.

Most councils that have implemented a glass service are regional councils who have introduced a drop off service (14) or a combined drop off and bin collection service

(14). There are five metropolitan and one regional council that has implemented a glass bin service. Additional funding of an undisclosed amount was provided by the State Government to early adopters of glass services.

Yarra Ranges Council Context

Yarra Ranges Council provides a three-bin kerbside bin collection service to approximately 65,000 residential properties plus a further approximately 2,300 non-residential services. The service encourages avoidance, reuse and recycling with an objective of minimising disposal of waste to landfill. The costs of the services are recovered through the Waste Service Charge. The Waste Services Policy details how the waste charges are applied, the bin types and bin sizes for Council's kerbside collection services. Any changes to the collection service will require an update to this policy and the charges.

Council's Community Waste Resource Recovery Plan (CWRRP) proposed to introduce a monthly 80 litre glass bin service or centralised collection from 2025-26 and has since been pushed back to June 2027 with an action to investigate options to maximise recovery.

The CWRRP's reduction and recovery targets are as follows:

Table 1. Council's waste reduction targets from the CWRRP.

Diversion from landfill	Waste Generation Reduction	Organics to landfill reduction
<ul style="list-style-type: none"> • 75% by 2025 • 90% by 2030 	<ul style="list-style-type: none"> • 20% per capita by 2030 from 2020 levels 	<ul style="list-style-type: none"> • 25% reduction by 2025 • 60% reduction by 2030

Decisions to defer the glass collection service to 1 July 2026 and now 1 July 2027, has been to:

- Assist the community with cost-of-living pressures.
- Enable a focus on service changes because of the expansion of the FOGO service and changes to collection frequencies of FOGO and rubbish bins.
- Provide an opportunity to assess the impact of the CDS on the glass collection service.

Since the introduction of the CDS, the amount of glass collected in kerbside garbage bins has remained stable whereas the amount of glass in recycling bins has reduced significantly.

Audits of Yarra Ranges kerbside garbage and recycling bins completed prior to and after the CDS was introduced, show a 15 per cent reduction in the amount of total glass collected in recycling bins, as well as movement of eligible glass containers out

of the kerbside system but also a tendency for the community to dispose of glass in garbage bins.

Figures 1 and 2 illustrate this change and is evidence for avoiding or prolonging costly changes to kerbside bin collection services.

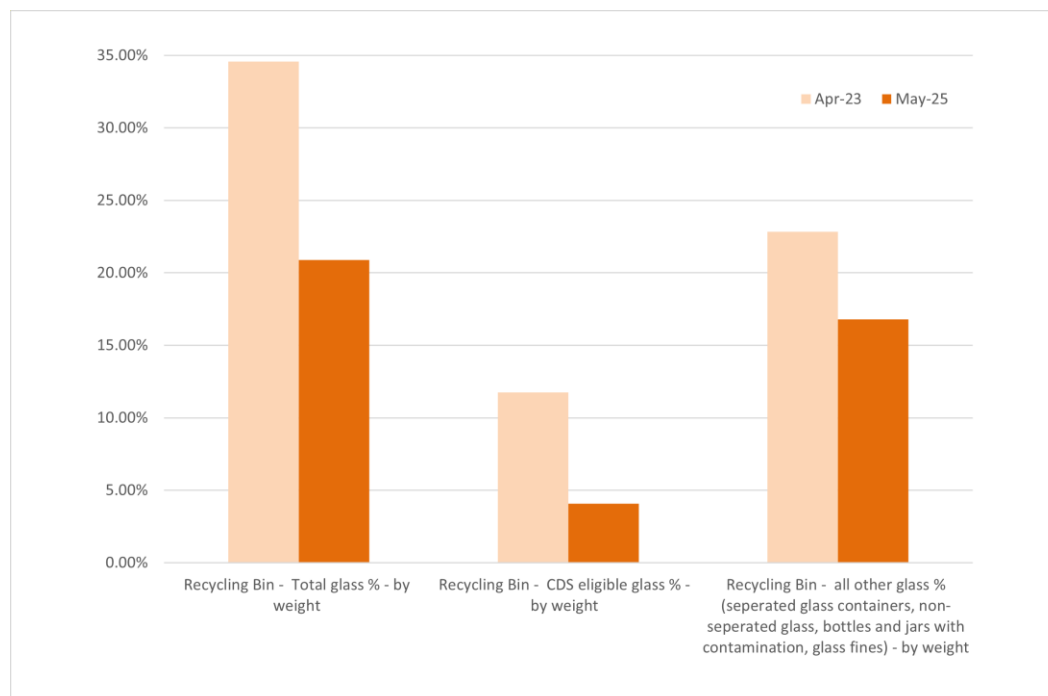


Figure 1: glass in Yarra Ranges recycling bins – changes over time

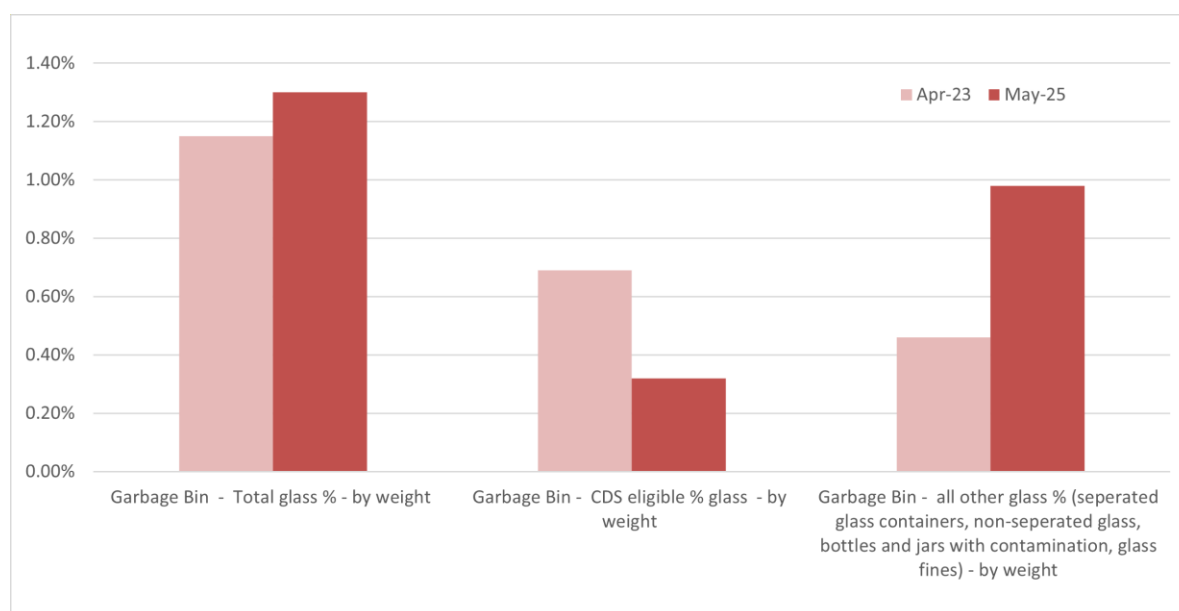


Figure 2: glass in Yarra Ranges garbage bins – changes over time

The number of all eligible containers redeemed via the CDS has increased in Yarra Ranges by 34 per cent since its commencement in November 2023. Data is unavailable for the number of the different types of containers redeemed in Yarra Ranges. The most recent publicly available report on the CDS is from 2023-24 and

shows that glass makes up 17.1 per cent of the number of containers redeemed through the CDS but 70 per cent of the total tonnes of CDS materials collected.

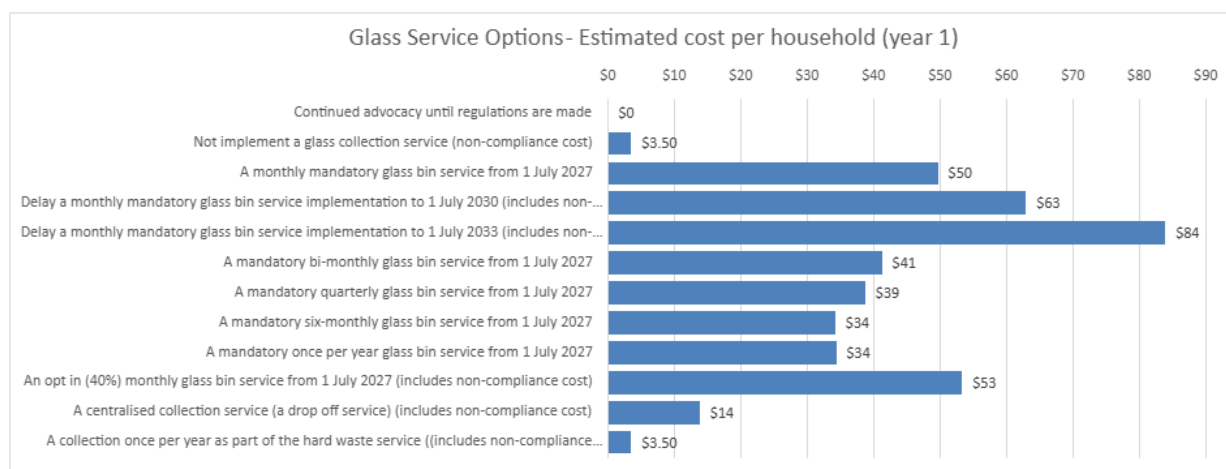
Community sentiment for the cost and need of glass service has not specifically been measured by Yarra Ranges. However analogies can be drawn to community led surveys during the Council's FOGO expansion to all households, that showed more than 80 per cent would opt out of a third bin. A community survey in 2021 showed that 90 per cent of over 6,500 residents who responded would prefer to have a glass bin collection service over a drop off service. At that time this community survey did not highlight the cost or the limited benefit of a glass bin service.

Options considered

Attachment 1 details options including a summary of their short and longer term cost, risks and benefits.

Options, and their comparative year 1 estimated costs, include the following:	Estimated cost per household (year 1)
Continued advocacy until regulations are made	\$0
Not implement a glass collection service (<i>non-compliance cost*</i>)	\$3.50
A monthly mandatory glass bin service from 1 July 2027	\$50
Delay a monthly mandatory glass bin service implementation to 1 July 2030 (<i>includes non-compliance cost*</i>)	\$63
Delay a monthly mandatory glass bin service implementation to 1 July 2033 (<i>includes non-compliance cost*</i>)	\$84
A mandatory bi-monthly glass bin service from 1 July 2027	\$41
A mandatory quarterly glass bin service from 1 July 2027	\$38
A mandatory six-monthly glass bin service from 1 July 2027	\$34
A mandatory once per year glass bin service from 1 July 2027	\$34
An opt in (40%) monthly glass bin service from 1 July 2027 (<i>includes non-compliance cost*</i>)	\$53
A centralised collection service (a drop off service) (<i>includes non-compliance cost*</i>)	\$14
A collection once per year as part of the hard waste service (<i>(includes non-compliance cost, assumes no additional cost for collection*)</i>)	\$3.50
Note to table: *non-compliance cost estimates are based on legal advice which also indicates uncertainty in the quantum, timeframe and pathway for compliance. Yarra Ranges models have included a \$250K per year non-compliance cost but this could be higher.	

The following chart provides a comparison of estimated costs per household from the table above.



Recommended option and justification

Until regulations are made it is recommended:

- Council defers the implementation of a glass service to a future year.
- Continue to support the collaborative advocacy effort between councils including being named in multi council media campaigns.
- Undertake advocacy as an individual council:
 - For the removal of the requirement to implement a mandatory glass bin collection service, or to delay its implementation to future years.
 - Support the expansion of the Container Deposit Scheme (CDS) to include wine and spirit bottles.
- Note the risk of non-compliance if deferral of glass puts Council outside the legislated requirements.

FINANCIAL ANALYSIS

Attachment 1 shows the financial implications of a number of options. Costs include the capital cost of glass bins, implementation cost as well as the ongoing operational costs if a glass bin service is implemented or non-compliance cost if its not.

A mandatory glass bin service collected monthly from 1 July 2027 will cost approximately \$50 per year per household in the first year (or \$3.4M in year one), \$129 per household over the first three years (or \$9M). In its fourth year the cost would be approximately \$22 per household or \$1.6 million in year four, due to the end of costs of glass bin amortisation over the first three years.

The longer a glass service is delayed the higher the current collection contract costs are due to glass collection vehicle amortisation over a shorter period. If delayed to

beyond 2033, it is likely there will be a cost of processing glass from a separate bin under a new processing contract, which in the current contract is zero (\$0). The financial risk of non-compliance with not implementing a glass bin service or delaying it, is modelled for Yarra Ranges at around \$250K per year. These non-compliance costs are based on legal advice which also indicates uncertainty in the quantum, timeframe and pathway for compliance. The costs could be much higher. For example, a scenario could be \$250k per day of non-compliance.

The glass collection service was initially planned to commence in Yarra Ranges on 1 July 2026. As a result, \$800,000 was included in the 2024–25 Waste Service Charge to cover staffing, community engagement, and marketing. If the service is delayed or not implemented, this revenue will be carried forward in the Waste Management Reserve (the Reserve) to fund other waste management costs or contribute to a future glass service. If the service proceeds, the \$800,000 could be drawn from the Reserve. The Reserve currently holds approximately \$3 million and may also be used for other costs, such as landfill provisions. Decisions on Reserve allocations will be made during the 2026–27 budget process.

Yarra Ranges is expected to a small amount of State Government Kerbside Reform funding for its glass service. As previously mentioned, this funding allocation is based on a glass bin collection service being implemented in Yarra Ranges. There is unlikely to be further funding and if there is, it will not cover the cost of implementation or capital costs.

Advocating against a glass bin service and an expanded CDS can be achieved within the current operational budget with an allocation of staff time. In addition to this, advocacy is being shared across 34 councils, five of which are taking the lead share. During 2024-25 Yarra Ranges contributed \$5K towards the glass cost analysis and research.

APPLICABLE PLANS AND POLICIES

This report contributes to the following strategic objective(s) in the Council Plan:

- Protected & Enhanced Natural Environment - A healthier environment for future generations.
- High Performing Organisation - An innovative, responsive organisation that listens and delivers quality, value for money services to our community.

Other applicable plans and policies are as follows:

- Yarra Ranges Council's Community Waste and Resource Recovery Plan 2023-2030 (CWRRP)
- The 2023 Yarra Ranges Resource Recovery and Waste Services Policy (The Waste Services Policy)
- Yarra Ranges Liveable Climate Plan

RELEVANT LAW

This report directly relates to the requirements outlined in the State Government's Kerbside Recycling Reform specifically:

- The 2020 Recycling Victoria Policy - A new Economy (the Policy)
- the *Circular Economy (Waste Reduction and Recycling) Act 2021* (the Act)
- Draft Household Waste and Recycling Service Standards (the Standards) and proposed regulations

Legal advice was sought during 2025 by the advocacy group of councils to understand their legal risks from not complying with the Act and the subordinate regulations. This legal advice is summarised as follows:

- The liability of a council to deliver a kerbside recycling service for glass does not arise until regulations are made and are therefore uncertain.
- There are several ways a council could be non-compliant as follows:
 - 1) failure to comply with the Standards
 - 2) failure to incorporate the Standards in agreements
 - 3) failure to provide a service
- Council may be exposed to a potential maximum financial civil penalty of 1200 penalty units per day. A penalty unit is \$197.59 and will ordinarily increase by indexation annually. There is uncertainty in the quantum, timeframe and pathway from non-compliance. The non-compliance costs could be around \$250K per year, as modelled for Yarra Ranges as an estimate, or could be \$250K per day of non-compliance.
- The legal opinion is that it would not be possible to bring an application for each day that the service is not delivered.
- Under current drafting of regulations, the Head, Recycling Victoria may, at its discretion exercise its statutory power and issue an improvement notice. An improvement notice may require a council to take action that Head, Recycling Victoria thinks fit to remedy the contravention within a particular time.
- Failing to meet an improvement notice may go through a Magistrate's Court. From there the Victorian Government will need to prove that they have appropriately managed the stakeholders impacted by the reform. As the Regulatory Impact Statement lacked appropriate financial modelling, and councils have had to wait for the Standards, these could possibly be considered by a magistrate as a reasonable excuse to not comply with a notice.
- The Head, Recycling Victoria is likely to exhaust all other avenues before applying for a civil penalty order against a council that has made a decision to

provide the recycling service for glass by means of Drop off centres rather than a kerbside bin collection service, or not to provide a service at all, particularly if this is a decision made at a Council meeting.

- As currently drafted, the Draft Standard will allow Council to determine reasonable practicability in how a glass service is provided to a household or class of households. Where the Council makes this determination that it is not reasonably practicable to provide a glass bin collection service, it must provide a Drop off service.
- Where such a determination is made, the Council must publish the assessment on which the determination is based, allowing community access to the assessment, and must complete an assessment at least once every three years until the glass bin service is provided.
- The definition of reasonably practical is broad. The cost of providing the glass bin service and ability to apply charges to cover the cost of the service may be considered a reasonably practical criteria for not providing a glass bin service.

SUSTAINABILITY IMPLICATIONS

Economic Implications

Cost to community: A glass service, especially a bin collection service places unnecessary and avoidable financial pressure on the community and Council.

The estimated cost of a mandatory glass bin service with varied collection frequencies and implementation dates ranges from \$34 to \$84 per household per year in the first year to \$22 to \$41 in the fourth year after glass bin capital costs are paid out. There will be a slight offset of these costs in the 2026/27 budget of approximately \$12 per household resulting from the capital amortisation costs of the FOGO bins and caddies finalising in September 2027.

Yarra Ranges models have included a non-compliance cost of not implementing a glass bin service or delaying it, of around \$250K per year or \$3.50 per household. The non-compliance cost could be higher. For example, a scenario could be \$250k per day of non-compliance.

An opt in glass bin service is also expensive at \$53 per household in the first year.

A centralised drop off service may cost \$14 per household in the first year and more than \$9 per household per year thereafter with operational and non-compliance costs.

Market need: The State Government's argument for a separate glass service has centred on reducing the risk of contamination of other recyclables from materials like glass and optimising the volume and quality of materials recovered for recycling and reuse.

The research by the advocacy group of councils has challenged this argument, and has found that two of the three major operators of recycling processing facilities servicing metropolitan Melbourne reported that:

- Separate glass collections are not resulting in increased value of other recyclables.
- Contamination in the comingled recycling stream does not impact the ability of material recovery facilities to access end markets for glass or other recyclables.

Recycling Victoria's 2024 and 2025 Circular Economy Market Reports (2024 Page 16 and 2025 Page 25) also puts into question the market need for a separate glass service. These reports noted that:

- Market demand for that glass generation exceeds demand into new glass packaging.
- Glass-based construction materials remain high and is growing in Victoria supported by changes to construction specifications that have increased how much recycled glass sand can be used in road and rail construction.

Social Implications

Participation in a glass bin service is likely to be low. Data from other councils who have implemented a monthly mandatory glass bin service showed initially a 40% presentation reducing to 30 per cent after the first few years and after CDS was introduced.

Communities have long been paying for the total cost of waste. Expanding CDS moves some of this responsibility to manufacturer. It incentivises the redemption and cost recovery back to community through reverse vending machines, kiosks or over the counter systems or to councils and their communities through a kerbside comingled recycling bin service rather than a separate costly glass bin service.

Environmental Implications

A glass service will increase council emissions by more than 10 per cent due to an increase in the number of collection vehicles required.

A glass service is unlikely to contribute to Council's CWRRP waste reduction or recovery targets. Bin audits show a reduction in glass being collected most likely due to the CDS or changes in or from glass packaging.

COMMUNITY ENGAGEMENT

The Victorian Government has not consulted on the need for a glass only service, nor released a business case for the glass only service. Community sentiment for the cost and need of a glass bin has not specifically been measured by Yarra Ranges. A community survey in 2021 showed that 90% of over 6,500 residents who responded would prefer to have a glass bin collection service over a drop off service.

At that time this community survey did not highlight the cost or the limited benefit of a glass bin service.

Analogies can be drawn to community led surveys during the Council's FOGO expansion to all households, that showed more than 80 per cent would opt out of a third bin.

Other councils, including Monash and Wyndham have surveyed their communities and found concerns over space limitations for an extra bin, the additional cost and clear preference for expanding the CDS. Other councils including Whitehorse, Manningham, Banyule and Stonington are due to or have more recently surveyed their communities and found similar sentiment.

A further Yarra Ranges community survey is not likely to yield any different community sentiment. However, there is an option to undertake a community poll to focus on the cost and need for a glass service as well as alternatives, to further Council's advocacy efforts and to gather evidence for possible applications for exemptions from a glass service under reasonably practical criteria, once they are defined.

In addition, while the costs of a glass service would be incorporated in a waste charge and not subject to rate capping, a poll would be consistent with the rate capping framework that requires councils to engage with their communities on their willingness to pay and service preferences.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

Since 2020, Yarra Ranges and other councils have contributed to State Government consultation activities on the Policy, the Act and the Standards, raising cost benefit concerns regarding the mandatory glass bin service.

In late 2024, a group of 22 councils, including Yarra Ranges, collaborated on research on the cost benefit of a separate kerbside glass collection. Since this time this group has written to and met with the Ministers for Environment and Local Government, written to MPs, met with Recycling Victoria and DEECA executives, raised motions to MAV and ALGA, written to the Local Government Ministerial Advisory Panel, and issued public statements on its position.

RISK ASSESSMENT

Attachment 1 shows the risks of a number of options. Risks include, legal, financial, reputational and political. There is unlikely to be direct political risks specifically for Yarra Ranges of being against a mandatory glass bin service because 33 other councils are involved. The research of the group of councils provides substantial evidence of the financial and performance risk of a glass bin collection service.

CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

ATTACHMENTS TO THE REPORT

1. Glass Service Options - Cost, Risk and Benefit

Attachment 1: Glass Service options - cost, risk and benefit

Options Group A: Not implement a glass collection service

Option	Continued advocacy until regulations are made	Not implement a mandatory glass bin service at all
Cost	Within staff time and shared amongst 34 councils	Modelled at approximately \$250K per year in non-compliance costs (or \$3.50 per household) increasing each year with indexation. Non-compliance cost could be higher.
Risk	Reputational Political	Ongoing non-compliance Reputational Political
Benefit	Addresses a community lack of need or desire for a fourth bin which is low Allows time for analysis of CDS impacts and benefits Allows time for a national CDS No additional trucks on roads and no extra emissions	Addresses a community lack of need or desire for a fourth bin which is low Allows time for analysis of CDS impacts and benefits Allows time for a national CDS No additional trucks on roads and no extra emissions

Options Group B: A monthly glass bin collection service – varied implementation timeframes

Option	A monthly mandatory glass bin service from 1 July 2027				Delay a monthly mandatory glass bin service implementation to 1 July 2030				Delay a monthly mandatory glass bin service implementation to 1 July 2033			
Cost		1 st year (2027-28)*#	First 3 years*	4 th year (2030-31)		1 st year (2030-31)*#	First 3 years*	4 th year (2033-34)		1 st year (2033-34)*#	First 3 years*	4 th year (2036-37)
	Per hh	\$50	\$129	\$22	Per hh	\$63	\$146	\$24	Per hh	\$84	\$183	\$31

Option	A monthly mandatory glass bin service from 1 July 2027	Delay a monthly mandatory glass bin service implementation to 1 July 2030	Delay a monthly mandatory glass bin service implementation to 1 July 2033												
	<table border="1" data-bbox="246 300 817 343"> <tr> <td>Total</td><td>\$3.4M</td><td>\$9.0M</td><td>\$1.6M</td></tr> </table> <p>*years 1 to 3 includes glass bin amortisation # year 1 costs include staffing, communications, bin distribution depot costs</p>	Total	\$3.4M	\$9.0M	\$1.6M	<table border="1" data-bbox="866 300 1435 343"> <tr> <td>Total</td><td>\$4.6M</td><td>\$10.6M</td><td>\$1.8M</td></tr> </table> <p>Includes possible non-compliance costs *years 1 to 3 includes glass bin amortisation # year 1 costs include staffing, communications, bin distribution depot costs</p>	Total	\$4.6M	\$10.6M	\$1.8M	<table border="1" data-bbox="1467 300 2016 343"> <tr> <td>Total</td><td>\$6.3M</td><td>\$13.4M</td><td>\$2.3M</td></tr> </table> <p>Includes possible non-compliance costs *years 1 to 3 includes glass bin amortisation # year 1 costs include staffing, communications, bin distribution depot costs</p>	Total	\$6.3M	\$13.4M	\$2.3M
Total	\$3.4M	\$9.0M	\$1.6M												
Total	\$4.6M	\$10.6M	\$1.8M												
Total	\$6.3M	\$13.4M	\$2.3M												
Risk <div>Page 215</div>	<p>Community need or desire for a fourth bin is low</p> <p>Low bin presentation (approx. 30%)</p> <p>Does not allow time for analysis of CDS impacts and benefits</p> <p>Does not allow time for a national CDS</p> <p>Possible contamination and non-compliance penalties if recycling processing contractor or State Government audits find glass in garbage or recycling bins</p> <p>Additional 2-3 trucks on roads and a 10% increase in emissions</p>	<p>Modelled possible non-compliance with draft Service Standards (\$11.20 per household or \$820K for 3 years from 1 July 2027). Non-compliance cost could be higher</p> <p>The longer service is delayed the higher the current collection contract costs are due to glass collection vehicle amortisation over a shorter period</p> <p>Additional 2-3 trucks on roads and a 10% increase in emissions</p>	<p>Modelled possible non-compliance with draft Service Standards (\$24 per household or \$1.8M for 6 years from 1 July 2027). Non-compliance cost could be higher</p> <p>Glass processing costs are expected after the current contract expires in Sept 2033</p> <p>Additional 2-3 trucks on roads and a 10% increase in emissions</p>												
Benefit	Compliant with draft Service Standards	<p>Addresses, in the short term, a community lack of need or desire for a fourth bin which is low</p> <p>There is a possibility of this option being a State Government compromise</p> <p>Allows time for analysis of CDS impacts and benefits</p> <p>Allows time for a national CDS</p>	<p>Addresses, in the medium term, a community lack of need or desire for a fourth bin which is low</p> <p>New collection contract after the current contract expires in Sept 2033 and greater ability to negotiate costs of a four bin service over an entire contract term</p> <p>Allows time for analysis of CDS impacts and benefits</p>												

Option	A monthly mandatory glass bin service from 1 July 2027	Delay a monthly mandatory glass bin service implementation to 1 July 2030	Delay a monthly mandatory glass bin service implementation to 1 July 2033
			Allows time for a national CDS

Options Group C - Alternate collection frequencies of a glass bin collection service

Option	A mandatory bi-monthly glass bin service from 1 July 2027	A mandatory quarterly glass bin service from 1 July 2027	A mandatory six-monthly glass bin service from 1 July 2027	A mandatory once per year glass bin service from 1 July 2027																								
Cost Page 216	<table><tr><td></td><td>1st year (2027-28)*#</td></tr><tr><td>Per hh</td><td>\$41</td></tr><tr><td>Total</td><td>\$2.8M</td></tr></table> <p>*years 1 to 3 includes glass bin amortisation</p> <p># year 1 costs include staffing, communications, bin distribution depot costs</p>		1 st year (2027-28)*#	Per hh	\$41	Total	\$2.8M	<table><tr><td></td><td>1st year (2027-28)*#</td></tr><tr><td>Per hh</td><td>\$38</td></tr><tr><td>Total</td><td>\$2.6M</td></tr></table> <p>*years 1 to 3 includes glass bin amortisation</p> <p># year 1 costs include staffing, communications, bin distribution depot costs</p>		1 st year (2027-28)*#	Per hh	\$38	Total	\$2.6M	<table><tr><td></td><td>1st year (2027-28)*#</td></tr><tr><td>Per hh</td><td>\$34</td></tr><tr><td>Total</td><td>\$2.3M</td></tr></table> <p>*years 1 to 3 includes glass bin amortisation</p> <p># year 1 costs include staffing, communications, bin distribution depot costs</p>		1 st year (2027-28)*#	Per hh	\$34	Total	\$2.3M	<table><tr><td></td><td>1st year (2027-28)*#</td></tr><tr><td>Per hh</td><td>\$34</td></tr><tr><td>Total</td><td>\$2.3M</td></tr></table> <p>*years 1 to 3 includes glass bin amortisation</p> <p># year 1 costs include staffing, communications, bin distribution depot costs</p>		1 st year (2027-28)*#	Per hh	\$34	Total	\$2.3M
		1 st year (2027-28)*#																										
	Per hh	\$41																										
	Total	\$2.8M																										
		1 st year (2027-28)*#																										
Per hh	\$38																											
Total	\$2.6M																											
	1 st year (2027-28)*#																											
Per hh	\$34																											
Total	\$2.3M																											
	1 st year (2027-28)*#																											
Per hh	\$34																											
Total	\$2.3M																											
Risk	Community need or desire for a fourth bin is low Low bin presentation Does not allow time for analysis of CDS impacts and benefits Does not allow time for a national CDS	Community need or desire for a fourth bin is low Low bin presentation Does not allow time for analysis of CDS impacts and benefits Does not allow time for a national CDS	Community need or desire for a fourth bin is low Low bin presentation Does not allow time for analysis of CDS impacts and benefits Does not allow time for a national CDS	Community need or desire for a fourth bin is low Low bin presentation Does not allow time for analysis of CDS impacts and benefits																								

Page 217

Option	A mandatory bi-monthly glass bin service from 1 July 2027	A mandatory quarterly glass bin service from 1 July 2027	A mandatory six-monthly glass bin service from 1 July 2027	A mandatory once per year glass bin service from 1 July 2027
	<p>Possible contamination and non-compliance penalties if recycling processing contractor or State Government audits find glass in garbage or recycling bins</p> <p>Additional 2-3 trucks on roads and a 10% increase in emissions</p>	<p>Possible contamination and non-compliance penalties if recycling processing contractor or State Government audits find glass in garbage or recycling bins</p> <p>Additional 2-3 trucks on roads and a 10% increase in emissions</p>	<p>Possible contamination and non-compliance penalties if recycling processing contractor or State Government audits find glass in garbage or recycling bins</p> <p>Additional 2-3 trucks on roads and a 10% increase in emissions</p>	<p>Does not allow time for a national CDS</p> <p>Possible contamination and non-compliance penalties if recycling processing contractor or State Government audits find glass in garbage or recycling bins</p> <p>Additional 2-3 trucks on roads and a 10% increase in emissions</p>
Benefit	Compliant with draft Service Standards	Compliant with draft Service Standards	Compliant with draft Service Standards	Compliant with draft Service Standards

Options Group D – An opt in glass bin collection service, via hard waste, or a drop off service

Option	An opt in (40%) monthly glass bin service from 1 July 2027	A centralised collection service (a drop off service)	A collection once per year as part of the hard waste service						
Cost	<table><tr><td></td><td>1st year (2027-28)*#</td></tr><tr><td>Per hh</td><td>\$53</td></tr><tr><td>Total</td><td>\$3.6M</td></tr></table>		1 st year (2027-28)*#	Per hh	\$53	Total	\$3.6M	Year 1 \$14 per hh (\$950K) then ongoing (\$9 per hh (\$630K+per year)	Minimal cost (to be confirmed)
		1 st year (2027-28)*#							
	Per hh	\$53							
	Total	\$3.6M							
	Includes possible non-compliance costs	Modelled at approximately \$250K per year in non-compliance costs (or \$3.50 per household) increasing each year with indexation. Non-compliance cost could be higher							
*years 1 to 3 includes glass bin amortisation									

Option	An opt in (40%) monthly glass bin service from 1 July 2027	A centralised collection service (a drop off service)	A collection once per year as part of the hard waste service
	# year 1 costs include staffing, communications, bin distribution depot costs		
Risk	<p>Low bin presentation</p> <p>Possible non-compliance with Service Standards (A minimum of \$250K per year in non-compliance costs (or \$3.50 per household) increasing each year with indexation)</p> <p>Does not allow time for analysis of CDS impacts and benefits</p> <p>Does not allow time for a national CDS</p> <p>Possible contamination and non-compliance penalties if recycling processing contractor or State Government audits find glass in garbage or recycling bins</p> <p>Additional 2-3 trucks on roads and a 10% increase in emissions</p>	<p>Modelled at approximately \$250K per year in non-compliance costs (or \$3.50 per household) increasing each year with indexation. Non-compliance cost could be higher</p> <p>Ongoing non-compliance</p> <p>Reputational</p> <p>Political</p> <p>Access limitations for residents across townships</p> <p>Site location and access limitations</p> <p>Dumping and contamination</p> <p>Low usage</p> <p>Low resource recovery rates</p> <p>Possible contamination and non-compliance penalties if recycling processing contractor or State Government audits find glass in garbage or recycling bins</p> <p>Additional trucks on roads and extra emissions</p>	<p>Modelled at approximately \$250K per year in non-compliance costs (or \$3.50 per household) increasing each year with indexation. Non-compliance cost could be higher</p> <p>Ongoing non-compliance</p> <p>Reputational</p> <p>Political</p> <p>Possible contamination and non-compliance penalties if recycling processing contractor or State Government audits find glass in garbage or recycling bins</p> <p>Low usage</p> <p>No separation and low resource recovery rates</p> <p>OHS risks of collecting glass</p>
Benefit	Addresses a community lack of need or desire for a fourth bin which is low	Addresses a community lack of need or desire for a fourth bin which is low	Addresses a community lack of need or desire for a fourth bin which is low

Option	An opt in (40%) monthly glass bin service from 1 July 2027	A centralised collection service (a drop off service)	A collection once per year as part of the hard waste service
		<p>Allows for analysis of CDS impacts and benefits</p> <p>Allows for a national CDS</p>	<p>Allows access to a service</p> <p>Allows for analysis of CDS impacts and benefits</p> <p>Allows for a national CDS</p>

LABOUR HIRE CONTRACTOR PANEL PROVIDER

Report Author: Manager People & Culture
 Responsible Officer: Director Corporate Services
 Ward(s) affected: All Wards;

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

In accordance with the definition included in Section 3(1)(g)(i), (g)(ii) of the *Local Government Act 2020*, the attachment to this report is considered confidential information as it contains private commercial information (trade secrets); and private commercial information that would unreasonably expose a business, commercial or financial undertaking to disadvantage.

SUMMARY

The recommendation of this report is for Council to enter a new Procurement Australia (PA) sourced contract with our existing temporary labour hire panel provider, Comensura.

Comensura provides a financially advantageous business process access temporary labour via agreed employment agencies.

The Contract will be for an initial period of one year period, Council having the option to extend the Contract for an additional three periods of one year each.

RECOMMENDATION

That Council

- 1. Accepts the Procurement Australia tender Managed Services Provider for Contingent Labour 2612/0653 for an initial period from 1 January – 31 December 2026 with three one-year options to extend.***
- 2. The Director of Corporate Services be authorised to execute the contract and subsequent extensions.***
- 3. The confidential attachments to this report remain confidential indefinitely as they relate to matters specified under section 3(1) (g)(i), (g) (ii) of the Local Government Act 2020***

RELATED COUNCIL DECISIONS

During its meeting of 8 November 2021 Council entered the current contract with Comensura via a Procurement Australia sourced contract.

DISCUSSION

The engagement of temporary and contingent labour to complement and supplement the workforce is required as part of business operations. For example, to backfill an employee who temporarily vacates their position due to leave or secondment, or when a position is vacant and recruitment for a permanent incumbent is underway.

Since 2015, Council have accessed that contingent workforce via an online platform, Comensura which offers the main benefits below:

1. The Comensura system compels employment agencies to offer labour at a low margin.
2. The Comensura platform ensures compliance with State and Federal legislation.
3. Streamlining the approval, invoicing and payment processes, providing productivity enhancements.
4. Options to access other services through the tender has seven categories, including permanent recruitment and police and background check/ fit to work solutions.

An alternative arrangement involving not having a third-party system to intermediate the relationship between the organisation and employment agencies was explored. It was found that this would be a less favourable outcome given the disparate platforms which would be required to access the service and significantly increase costs.

The Comensura platform ensures all suitable agencies can put forward candidates which hiring managers can review and choose from in a transparent way, enabling a more equitable and balanced recruitment process.

It is recommended to continue the engagement with Comensura through the Procurement Australia contract (Managed Services Provider for Contingent Labour 2612/0653).

FINANCIAL ANALYSIS

Future spend for this contract will be funded from within Council's agreed operational budgets as approved by Council each year. This paper does not request additional resources or funding from Council.

In previous years the estimated spend of the Comensura contract to Council has been an average of \$1.5 million per year which is common amongst large, complex workforces like Council's.

APPLICABLE PLANS AND POLICIES

This report meets the Council Plan Commitment to Excellence by ensuring there are available resources to complete the required Council Plan Strategic Objectives. Temporary labour hire helps ensure coverage during temporary staff vacancies, meaning work can continue to deliver Council services.

RELEVANT LAW

This recommendation complies with the *Local Government Act 2020* and aids in Council's compliance with the *Fair Work Legislation Amendment (Closing Loopholes) Act 2023* which requires that labour hire workers are paid the same as directly employed employees. Having one centralised provider enables Council officers to keep a record and track pay rates across the temporary labour hire workforce.

It also aids Council's compliance with the *Labour Hire Licensing Act 2018 (Vic)*, further discussed below under the heading "risk assessment".

SUSTAINABILITY IMPLICATIONS

Economic Implications

There are clear economic benefits associated with Council having a suitable and professional labour hire company as discussed throughout this paper.

SOCIAL IMPLICATIONS

There are no relevant social considerations to this decision.

Environmental Implications

There are no relevant environmental considerations to this decision.

COMMUNITY ENGAGEMENT

Not applicable.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

Many Councils use the Comensura system, which is inherently an innovative disruption of the labour-hire market. It is therefore collaborative, innovative, and demonstrates best-value use of Council's resources.

RISK ASSESSMENT

By partnering with reputable labour-hire firms helps manage the legal, social, and reputational risk of Council inadvertently partnering with an unscrupulous labour-hire company.

It also reduces perceived bias or conflicts of interests created by going directly with the same agency or provider all the time, as well as other impropriety in recruitment decisions such as a hiring manager hiring someone known to them.

CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

ATTACHMENTS TO THE REPORT

1. Procurement Australia Tender Evaluation Report (Confidential)

Confidential Item

FOOTPATH TRADING POLICY & ROADSIDE AND PUBLIC PLACE TRADING POLICY

Report Author: Manager Community Wellbeing

Responsible Officer: Director Communities

Ward(s) affected: (All Wards);

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

SUMMARY

Since establishing the Streets and Roadside Trading Policy in 2010, both legislative requirements and community expectations have changed, directly impacting Council's ability to regulate and manage trading on footpaths and in public places where Council has authority. The existing policy was reviewed and has identified significant updates including but not limited to:

- The need to split the existing policy into two distinct policies
- Supporting the compliance and enforcement of permit conditions
- Introduction of prescribed (fixed) roadside trading sites at identified locations

The Footpath Trading Policy 2025, Roadside and Public Place Trading Policy 2025, and Prescribed Roadside Trading Sites are presented as attachments to this report.

RECOMMENDATION

That Council

- 1. Adopts the Footpath Trading Policy 2025.***
- 2. Adopts the Roadside and Public Place Trading Policy 2025 including Prescribed Roadside Trading Sites.***
- 3. Repeal the existing Streets and Roadside Trading Policy 2010.***

RELATED COUNCIL DECISIONS

The Streets and Roadside Trading Policy was adopted by Council in 2010. The proposed Footpath Trading Policy 2025 and Roadside and Public Place Trading Policy 2025 are intended to replace the 2010 policy.

DISCUSSION

Purpose and Background

The purpose of this report is to present the Footpath Trading Policy 2025, Roadside and Public Place Trading Policy 2025, and Prescribed Roadside Trading Sites 2025 for consideration and adoption by Council.

The Footpath Trading Policy 2025 and Roadside and Public Place Trading Policy 2025 (the Policies) provide guidance to Council officers, where there is authority to do so, when making decisions relating to the management of public trading across the municipality. The policies set out the legislative and regulatory requirements for trading in public places and outlines Council's role and expectations for managing trading consistently, equitably and transparently for the benefit of business operators, residents, tourists, and visitors.

Since establishing the current policy, roadside trading permits (primarily classified as 'food trucks') have almost doubled (from 15 to 28). This increase, feedback from both community and business operators and legislative changes led Council to consider policy change with an aim to stabilise trading in public places while supporting permit holders and the community.

The new Policies have been developed to provide clarity for local trading opportunities while outlining regulations and expectations which would be required for permitting trade within the municipality. The Policies address matters of but not limited to:

- How permit applications are made, and decisions are reached
- Supporting consistent actions undertaken by Council officers
- Operation and management of footpath trading zones and prescribed sites for trading within the municipality, including the responsibilities of both permit holders and Council
- Guidelines and conditions of Footpath Trading Permits, including clear guidance on items which may be placed on footpaths
- Allowing for the application of semi-permanent or permanent furniture to be considered by relevant Council teams
- Guidelines and conditions of Roadside Trading Permits, introducing Fixed Site Locations and Permits in addition to the existing Flexible Location Permits.

The Policies have been presented to and considered by the Disability Advisory Committee who approved of clarifying guidelines for the management of footpaths, roadsides, and public places across Yarra Ranges to better support Australian accessibility standards.

Options considered

Following community engagement and review of the existing policy the following options were considered

- Continue operating under the Streets and Roadside Trading Policy (2010)
- Review and update the singular Streets and Roadside Trading Policy
- Develop two distinct and clear policies as they relate to
 - Footpath Trading
 - Roadside and Public Place Trading

Recommended option and justification

Through consideration of the feedback provided by the community and business operators, Council developed two clearly defined policies being the Footpath Trading Policy 2025 and the Roadside and Public Place Trading Policy 2025. This provides clarity to all stakeholders on the expectations and difference in operating business within these Council managed areas.

As detailed in the Summary of Changes, Council expanded or clarified language to be clear, practical and less restrictive while balancing the expectations of both Council and the community.

FINANCIAL ANALYSIS

Simplified Collateral for Traders

The cost to professionally design these documents has been quoted at approximately \$5,000 plus GST and will be funded through Council's current operational budget.

Fees, Charges, and Inspections

Fees and charges as they relate to the Policies have been benchmarked across other councils and are presented as they would be for the 2025/26 financial year.

The Footpath Trading Policy 2025 assessment and inspection costs will be covered by the initial permit fee of \$205 and annual renewal fee of \$160, which are subject to concessions and/or amendments during annual budget process.

The Roadside and Public Place Trading Policy assessment and inspection fees are covered by the annual permit fee of \$2,034.50 which is subject to concession and/or amendment during annual budget process.

Compliance

The Policies will enable Council to review permits and ensure that Authorised Officers have a clearly defined basis for decision making and actions in the event of non-compliance. Fixed trading sites allow a more proactive approach to inspections and enforcement where necessary.

APPLICABLE PLANS AND POLICIES

This report contributes to the following strategic objective(s) in the Council Plan:

- Healthy Connected Communities
- Quality Infrastructure and Liveable Places
- Prosperous Community and Vibrant Economy.

The Footpath Trading Policy 2025 and Roadside and Public Place Trading Policy 2025 are informed by the following Council documents:

- Neighbourhood Amenity Local Law 2020
- Health and Wellbeing Plan
- Recreation and Open Space Plan
- Equity Access and Inclusion Strategy
- Economic Development Strategy
- Procurement Policy

The Footpath Trading Policy 2025 and Roadside and Public Place Trading Policy 2025 are also informed by the following:

- Yarra Valley Tourism - Yarra Valley and Dandenong Ranges Destination Management Plan 2023
- Victorian State Government – Experience Victoria Strategic Plan 2033

RELEVANT LAW

- Gender Equality Act 2020 (Vic)
- Local Government Act 2020 (Vic)

- Summary Offences Act 1966 (Vic)
- Standards Australia (1992) Design for access and mobility AS 1428.2-1992
- Disability Discrimination Act 1992 Commonwealth of Australia.

The following legislation applies to and must be adhered to by permit holders:

- Environment Protection Act 2017 (Vic)
- Environment Protection Amendment (Banning Single-Use Plastic Items) Regulations 2022 (Vic)
- Food Act 1984 (Vic)
- Road Safety Act 1986 (Vic)
- Road Safety Road Rules 2017 (Vic)
- Tobacco Act 1987 (Vic)

SUSTAINABILITY IMPLICATIONS

Economic Implications

The Policies support businesses and encourage visitors to explore varied trading opportunities throughout the municipality.

Social Implications

The Policies support the activation of public spaces and creating opportunities for healthy connected communities across in the municipality.

Environmental Implications

The inclusion of fixed sites aims to limit unforeseen or unmanaged environmental impacts while the policy includes provisions for waste management related to trading on footpaths and in public places throughout Yarra Ranges

COMMUNITY ENGAGEMENT

Engagement with traders across the Yarra Ranges was undertaken throughout November 2023 to March 2024, with further engagement and presentation of Policies being undertaken from 14 April to 18 May 2025 with the broader community.

Stakeholder and community engagement included:

- Shaping Yarra Ranges Page Engagement

- 620 unique visitors to the Shaping Yarra Ranges (SYR) engagement website
- 5 contributions made through the SYR website
 - An additional 2 survey responses were requested to be made via physical copy
- 2 community roadshow engagement events
- In person discussions with traders through outreach to townships and known roadside trading locations
 - 25 attendees at 'traders group' meetings
 - 11 Roadside Traders visited
 - 184 Footpath Traders visited across 15 townships with active footpath trading
- Formal letter of feedback and response from Tourism East (formerly Yarra Ranges Tourism)
- 3 in-person workshops with traders to discuss the current state of permits and opportunities for improvements. While all permit holders were invited, attendance was primarily roadside traders.
 - 33 attendees across in-person workshops

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

The development of the Policies has been guided through consultation and collaboration with other Local Government Authorities and across teams from Communities, Planning & Sustainable Futures, and Built Environment & Infrastructure directorates.

RISK ASSESSMENT

Without updated policies, Council is unable to effectively manage and control trading on footpaths, roadsides, and other public places which results in non-compliance with legislative requirements.

Threat	Assessment	Mitigation
Negative response to final policies by community and traders.	Low Risk (Minor Consequence, Unlikely Occurrence)	High levels of engagement through policy drafting and continuous communication with relevant stakeholders.

Prescribed Site Permits have low or no applications/ uptake	Low Risk (Minor Consequence, Unlikely Occurrence)	Sites have been chosen through known current use and/or possible high traffic locations. Individual sites have had internal risk assessments completed. Traders and community have the opportunity to recommend additional sites for consideration as an approved fixed trading location.
---	---	---

CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

ATTACHMENTS TO THE REPORT

1. Footpath Trading Policy
2. Footpath Trading Guidelines
3. Roadside Trading Policy
4. Roadside Trading Guidelines
5. Proposed Roadside Trading Sites



Yarra Ranges Council

Footpath Trading Policy 2025



Contents

Acknowledgement of Country	2
Yarra Ranges Council Plan 2025-29 and Community Vision 2036	3
1. Purpose	4
2. Scope	4
3. Definitions	5
4. Policy Statement	5
5. Principles	6
6. Roles and Responsibilities	6
7. Related Documents	7
8. Monitoring and Evaluation	7
9. Policy Review	7
10. Revision History	7

Acknowledgement of Country



Yarra Ranges Council acknowledges the Wurundjeri and other Kulin Nations as the Traditional Owners and Custodians of these lands and waterways. We pay our respects to all Elders, past, present, and emerging, who have been, and always will be, integral to the story of our region. We proudly share custodianship to care for Country together.

Yarra Ranges Council Plan 2025-29 and Community Vision 2036

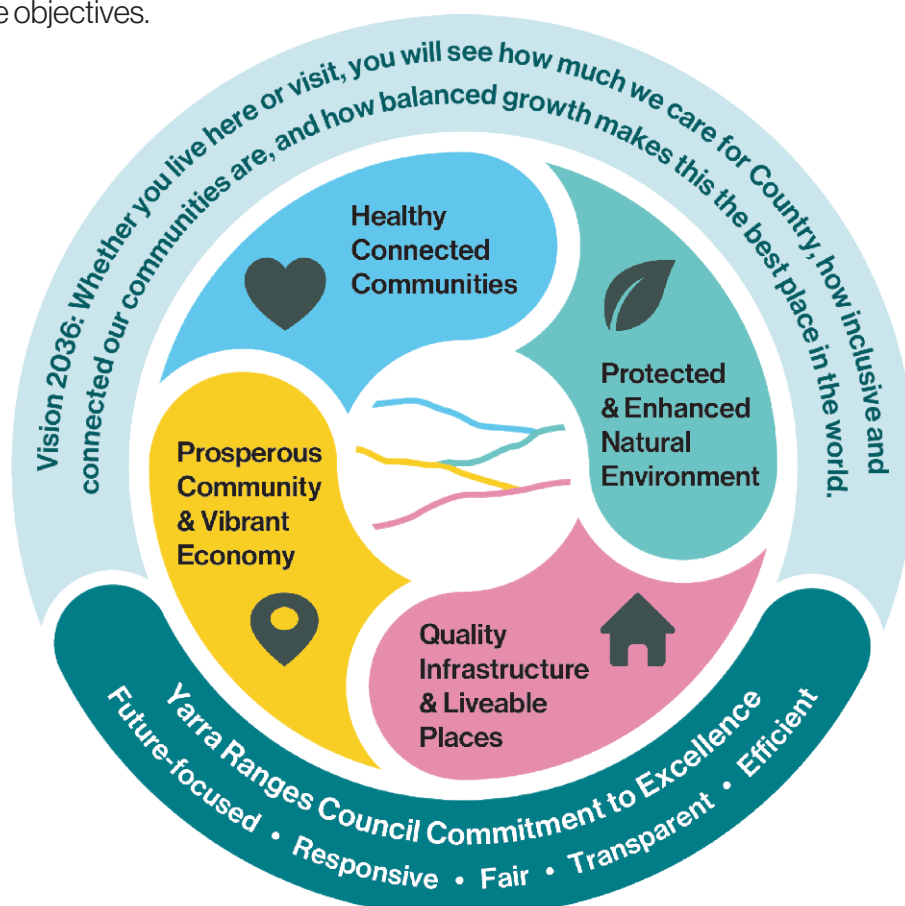
Yarra Ranges offers diverse landscapes and communities across 2,500km² and 55 townships. The municipality is the largest metropolitan Council, stretching from the densely populated suburbs into the foothills of Mt Dandenong, agricultural valleys and mountain side of Donna Buang. The region enjoys the benefits from tourism, agriculture, rich landscapes and unique character which is enhanced by the support of The Yarra Ranges Council Plan 2025-29 (the Plan) which aims to fostering a vibrant, healthy and sustainable Yarra Ranges now and into the future. It identifies where efforts will be focused and how progress will be measured as we work towards our community vision.

The Yarra Ranges Community Vision 2036 has been developed to describe the communities and Council's aspirations for the future of the municipality. It's based on input from over 1,000 community members and reflects the local communities' aspirations for the municipality.

Whether you live here or visit, you will see how much we care for Country, how inclusive and connected our communities are, and how balanced growth makes this the best place in the world.

What We Want to Achieve

Council has four objectives to describe what we are working towards and how we want Yarra Ranges to be in the future. These objectives have been developed in response to our communities' priorities and the big issues facing Yarra Ranges. All policies and activities completed by the organisation contribute to one or more of these objectives.



1. Purpose

This Footpath Trading Policy (Policy) establishes Yarra Ranges Council's (Council) approach to trading on footpaths in the municipality.

The objective of this policy is to provide a consistent framework within which these activities can operate, to maximise the pleasure and safety of all footpath users and to enhance the attractiveness and appeal of the streetscape. Council provides a diverse range of services. While employees in certain areas may be more likely to observe trade in public places, all Council employees need to be aware of this policy.

This Policy aligns with the Yarra Ranges Council Plan 2025-2029 and the Yarra Ranges Neighbourhood Amenity Local Law 2020, and outlines Yarra Ranges Council stance on commercial and charitable trading and advertising in public places where Council has Authority throughout the Yarra Ranges.

The growth of wineries, fine foods, and the region's beautiful natural scenery has stimulated a burgeoning tourist trade within the Yarra Ranges.

This trend has resulted in increased diverse footpath use throughout the municipality. Footpath activity can contribute to the local economy and provide businesses, community groups, and charities with an opportunity to engage with the local community.

As part of its commitment to developing sustainable communities, Council encourages and supports a vibrant and healthy street life but must also be mindful of Federal disability laws. Council supports public places being free of restrictions for everyone irrespective of social group, age, physical disability, ethnicity, economic circumstance, or gender.

Through its Vision 2036 Community Plan, Council has committed to partnering sustainable economic tourist development, drawing together community, business, and Council interests. To balance the potential conflict between pedestrian and other footpath uses, a Footpath Trading Policy has been developed to facilitate free and unobstructed access for uses such as the sale of food and drinks, alfresco dining, advertising, and merchandise.

2. Scope

This Policy applies to all individuals, businesses, or organisations making commercial use of footpaths within Yarra Ranges.

The policy and guidelines do not cover council permitted events including but not limited to festivals, markets, or fairs. Council's Festivals and Events Policy will apply in these circumstances.

3. Definitions

Table 1. Definitions

Ancillary Equipment	Movable items or accessories positioned within the trading zone which contributes to footpath trading or local amenity
Applicant	Person who applies for a permit
Authorised Officer	A person appointed as an Authorised officer under Section 224 of the Local Government Act 2020 or any similar provision in any Act substantially re-enacting the Local Government Act 2020
Commercial	Means an activity related to doing business or for business purposes
Council	Yarra Ranges Council
Local Law Permit	A permit issued under this Local Law and includes a contract, agreement, lease, licence or other form of prior written approval between Council and another person
Permit Holder	Means a person to whom a permit has been issued
Public Infrastructure/ Council Asset	An asset that has a public service function and is managed or Controlled by Council
Public Place	Has the same meaning as in the Summary Offences Act 1966
Street Stall	A small, temporary setup used to fundraise, collect donations, or promote an organisation in a public place

4. Policy Statement

Yarra Ranges Council (Council) **Local Law permits** are required to display merchandise, exhibit portable advertising signs, and conduct footpath trading within Yarra Ranges.

Footpath Trading applies to commercial or business activities occurring on or from footpaths that is temporary and mobile in nature.

Footpaths are divided into zones to ensure uninterrupted pedestrian use and access. The Trading Zone, which accommodates trading, dining, merchandising and portable signs, must allow for clear, safe passage to and along the Pedestrian Zone (footpath) and enhance the streetscape.

The varying width of footpaths at different locations may mean that certain activities may be prohibited in these areas in some cases.

5. Principles

The following principles guide this policy:

5.1 Accessible and Safe

- Safe, functional, active and inclusive public streets and spaces.
- Unobstructed pedestrian access to footpaths for everyone, especially people with disabilities.
- Appropriate clearances for parking and traffic.

5.2 Design

- Appropriate furniture design and appearance to the surrounding context.
- Clean, attractive, functional trading and footpath dining facilities. Appropriate clearances for parking and traffic.

5.3 Management

- Complementary to the local business and residential amenity.
- Well-maintained and hygienic public space.
- Minimal noise, interference, or nuisance.
- Compatible with low energy use and environmental sustainability policies.

5.4 Compliance

- Complementary to the local business and residential amenity.
- Well-maintained and hygienic public space.
- Minimal noise, interference, or nuisance.
- Compatible with low energy use and environmental sustainability policies.

6. Roles and Responsibilities

Table 2. Roles and Responsibilities

Council	Formally consider Council policies presented to Council as part of their Council meeting agenda.
Authorised Officers	Formally consider, approve, and audit permit and footpath trading according to this Policy and the Local Law.
Permit Holders and Applicants	Conduct any trade on Council footpaths according to this Policy and any other related documents.

7. Related Documents

- Yarra Ranges Council Plan 2025-2029
- Yarra Ranges Neighbourhood Amenity Local Law 2020
- Yarra Ranges Vision 2036
- Yarra Ranges Roadside and Public Place Trading Guidelines
- Yarra Ranges Footpath Trading Guidelines
- Australian Standard AS1596 The storage and handling of LP Gas
- Australian Standard, AS 1428.1-2021 Design for access and mobility Part 1: General requirements for access – New building work
- *Disability Discrimination Act 1992 (Commonwealth of Australia)*
- *Environment Protection Act (Vic)*
- *Environment Protection Amendment (Banning Single-Use Plastic Items) Regulations 2022 (Vic)*
- *Food Act 1984 (Vic)*
- *Local Government Act 2020 (Vic)*
- *Road Safety Act 1986 (Vic)*
- *Road Safety Road Rules 2017 (Vic)*
- *Summary Offences Act 1966 (Vic)*
- *Tobacco Act 1987 (Vic)*

8. Monitoring and Evaluation

The monitoring and evaluation of this Policy will be overseen by Manager, Community Wellbeing. The Safer Communities Team will conduct footpath trading reviews, reporting the findings to Manager, Community Wellbeing. These reviews will assess the effectiveness of the Policy in maintaining community safety and the Local Law.

Safer Communities Team will be responsible for auditing permits for compliance with the Policy. This process will ensure consistency across enforcement of this Policy and the Local Law.

9. Policy Review

This Policy will be reviewed every four years.

From time to time, circumstances may require minor administrative amendments to be made to this document. Where such an amendment does not materially alter the intent of the document, this may be made administratively with the approval of the Manager, Community Wellbeing without the need to be approved by Council.

This policy may also be reviewed at any time if there are relevant changes to:

- Relevant Legislation and Regulations
- The Yarra Ranges Council *Neighbourhood Amenity Local Law 2020*

10. Revision History

Version	Date	Summary of revisions
1.0	November 2025	Initial Version

Yarra Ranges Council
PO Box 105
Lilydale VIC 3140

1300 368 333 | mail@yarraranges.vic.gov.au
yarraranges.vic.gov.au

Page 255





Yarra Ranges Council

Footpath Trading Permit Guidelines 2025



Contents

Acknowledgement of Country	2
Introduction	3
Footpath Trading Zones	4
Footpath Trading Permit Guidelines	10
Community and Street Stalls	18
Guidelines for Operation and Management of Footpath Trading Permits	19
Permit Applications and Renewals	21
Permit Compliances	23

Acknowledgement of Country



Yarra Ranges Council acknowledges the Wurundjeri and other Kulin Nations as the Traditional Owners and Custodians of these lands and waterways. We pay our respects to all Elders, past, present, and emerging, who have been, and always will be, integral to the story of our region. We proudly share custodianship to care for Country together.

Introduction

The guidelines in this booklet are informed by the Yarra Ranges Council (**Council**) Footpath Trading Policy 2025 and apply to all **Local Law** Footpath Trading **permit holders** within Yarra Ranges.

The full policy statement and permit details can be viewed on the Council website.

The purpose of these guidelines is to balance the use of footpaths by pedestrians and other footpath uses, and to facilitate free and unobstructed access for uses such as the sale of food and drinks, alfresco dining, advertising, and merchandise.

The guidelines do not cover council permitted events including but not limited to festivals, markets, or fairs.

Council

Yarra Ranges Council.



Local Law Permit

A permit issued under this Local Law and includes a contract, agreement, lease, licence or other form of prior written approval between Council and another person.

Permit Holder

Means a person to whom a permit has been issued.



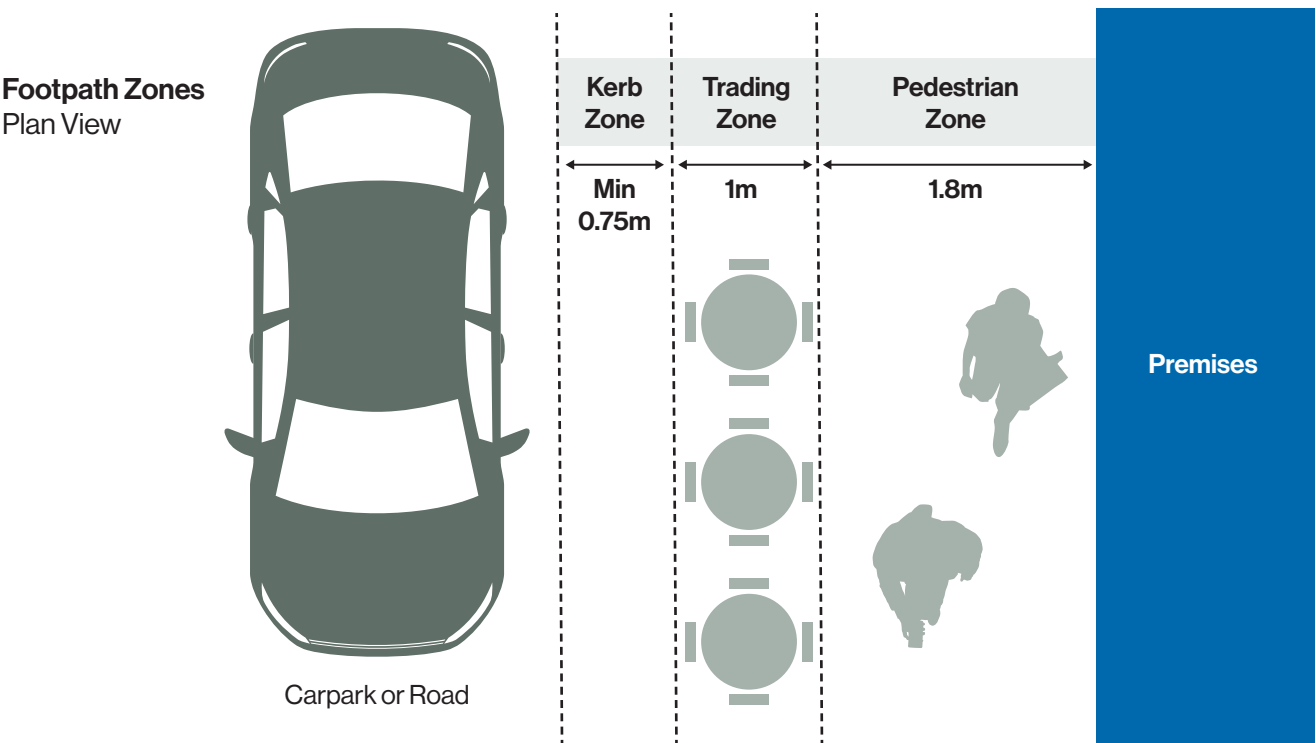
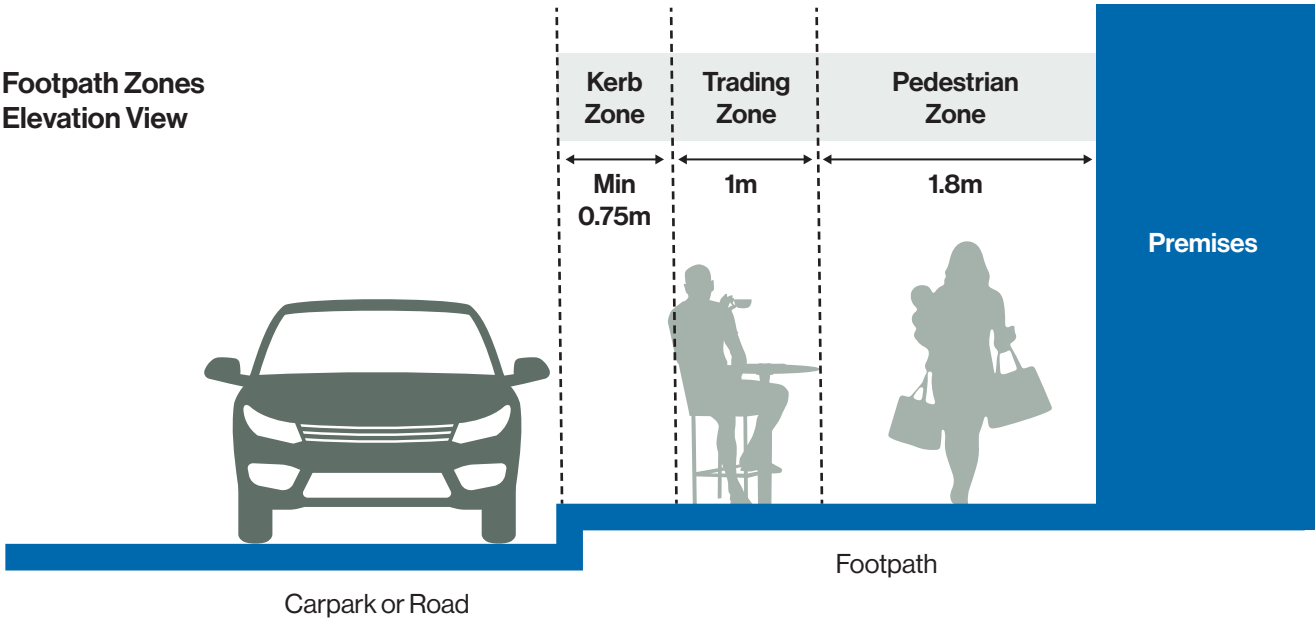
Footpath Trading Zones

Zones apply to all Footpath Trading Permits.

- The minimum footpath width required to undertake **commercial** activity is 2.65 metres.
- The minimum footpath width required for footpath dining activity is 2.95 metres.

Commercial

Means an activity related to doing business or for business purposes



Pedestrian Zone

The *Pedestrian Zone* extends from the building line or shop front to provide pedestrians with a clear, unobstructed path. No furniture or displays are permitted within the *Pedestrian Zone* at any time, meeting the access needs of people with disability, prams, or shopping trolleys.

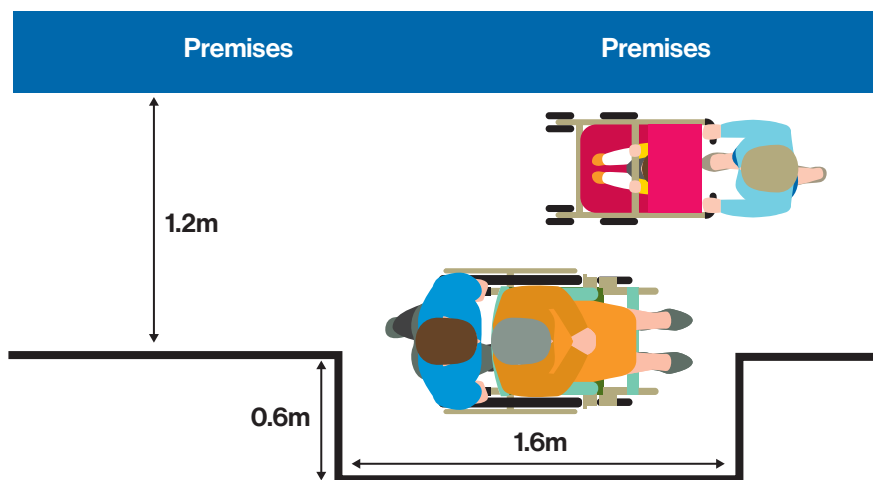
The preferred minimum width is 1.8 metres, allowing two wheelchairs to pass. This is aligned with the *Disability Discrimination Act 1992*.

Yarra Ranges has varied footpath widths across townships. The preferred minimum Pedestrian Zone of 1.8 metres may not be required to balance the use of footpaths for access and trading activity. Where this is the case, the *Australian Standard AS1428.1-2021* measurements are critical for lawful footpath trading.

In these circumstances:

- **applicants** must demonstrate a genuine need for street trading.
- the trading area must be free of **public infrastructure**.
- passing bays are required
 - a *Pedestrian Zone* between 1.5 and 1.8 metres wide requires passing spaces every 6 metres and should be 0.3 metres wide x 2 metres long.
 - a *Pedestrian Zone* between 1.2 and 1.5 metres wide requires passing spaces every 6 metres and should be 0.6 metres wide x 1.6 metres long.

Passing Bays and Intersecting spacing - 1.2m



Applicant

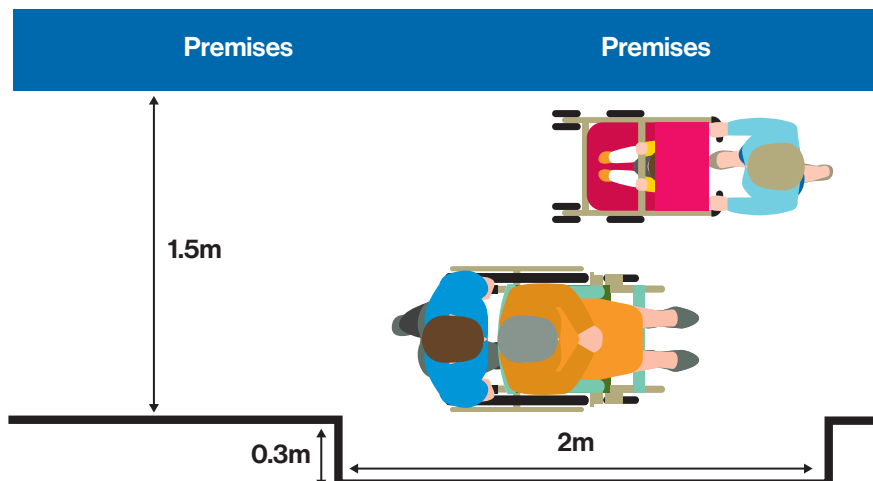
Person who applies for a permit



Public Infrastructure/ Council Asset

An asset that has a public service function and is managed or Controlled by Council

Passing Bays and Intersecting spacing - 1.5m



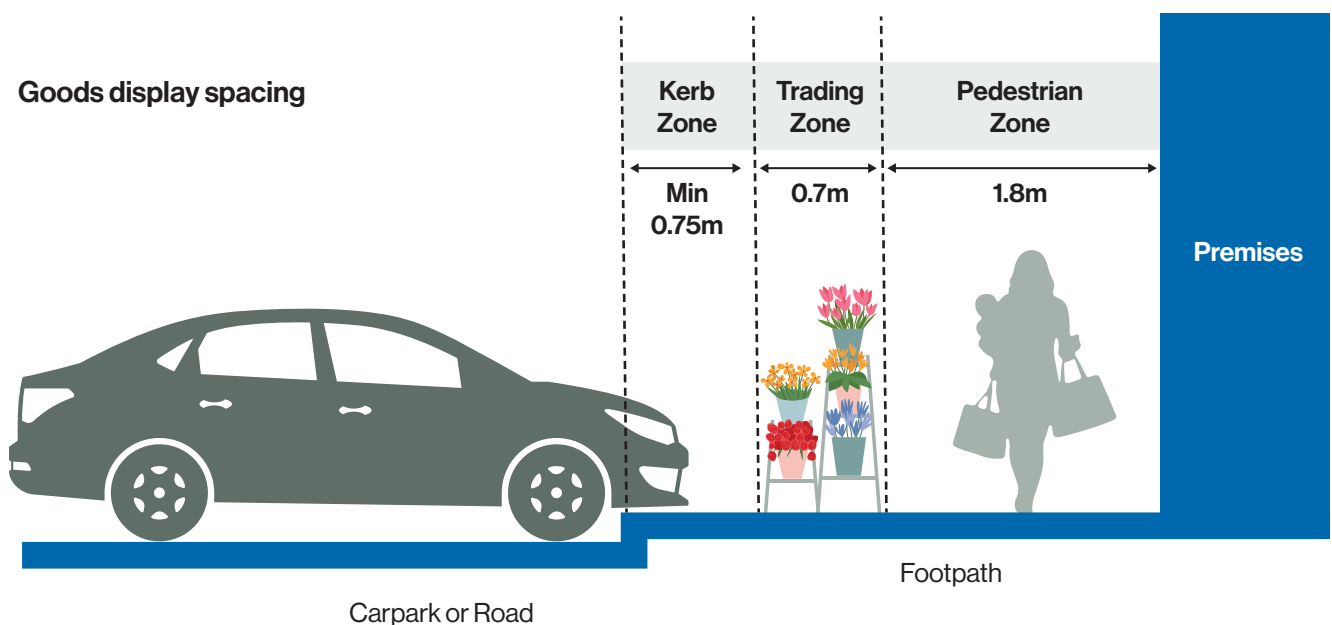
Trading Zone

The *Trading Zone* is the remaining area after setting the minimum widths for the *Pedestrian* and *Kerb Zones*. The minimum width of a *Trading Zone* is 0.7 metres for commercial activity and 1.0 metres for footpath dining.

The *Trading Zone* is the only section of the footpath that can be used for commercial activity with a permit.

Table 2: Minimum width requirements for trading zone approval

Footpath Width	Kerb Zone	Minimum Pedestrian Zone Width	Trading Width (Min Width 0.7m) Permitted	Footpath Dining Width (Min Width 1.0m) Permitted	Passing Bays Required
3.55m or greater	0.75m	1.8m	✓	✓	✗
3.25m – 3.54m	0.75m	1.5m	✓	✓	✓
2.95m – 3.24m	0.75m	1.2m	✓	✓	✓
2.65m – 2.94m	0.75m	1.2m	✓	✗	✓
Less than 2.64m	0.75m	1.2m	✗	✗	n/a



Footpath Dining

Where the *Trading Zone* is to be used for dining, the minimum width is 1 metre, which accommodates a table and two chairs set parallel to the business.

The ground surface of a footpath dining area must be suitably constructed and sufficiently level to safely support equipment and people. Any footpath fixtures requested on the footpath may require additional Council permits and must comply with relevant legislation, regulations and policies.

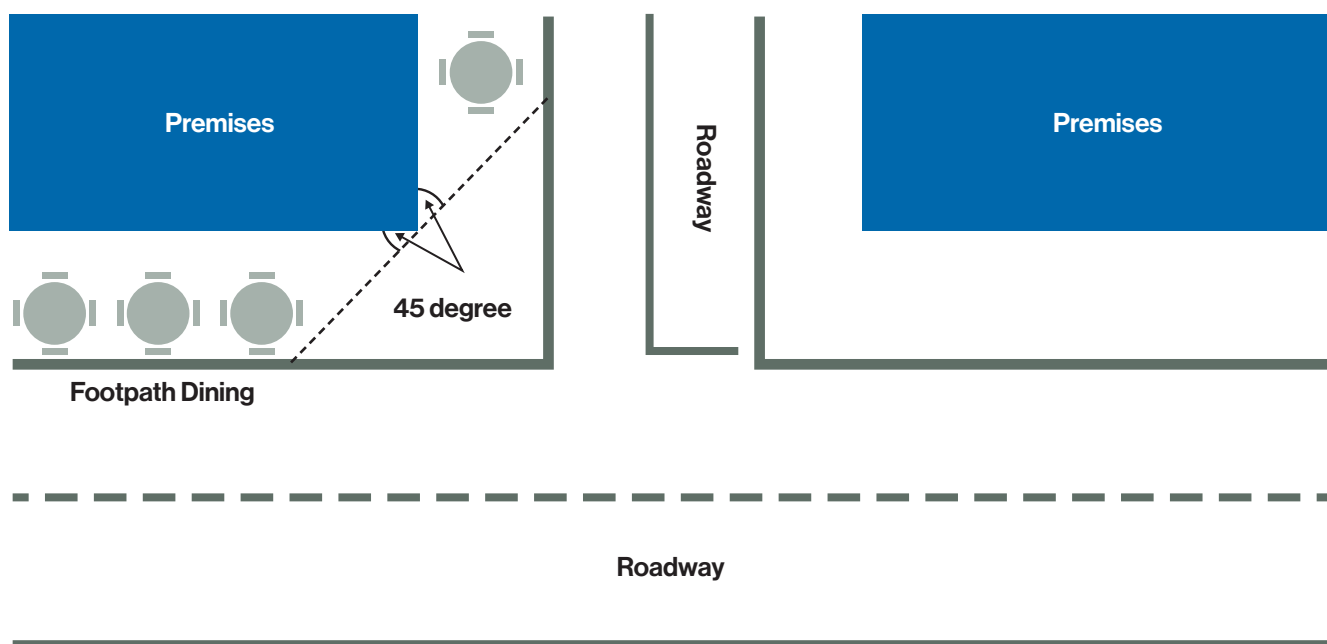
Adjoining Trading Zones

A permit to trade in the *Trading Zone* of an adjoining premises may be applied for with written consent from the owner and occupier of the premises. The use of an additional *Trading Zone* must be covered by Public Liability Insurance. When the permit is renewed, a new consent for the continued use of the area and confirmation of continuing Public Liability Insurance is required.

Intersections

Trading Zones near intersections must be set back from the building corner to allow clear visibility for turning vehicles. The minimum setback shall be determined by line of sight across the corner of the building at an angle of 45 degrees. The result should establish a clearance distance between the edge of the *Trading Zone* and corner of the building varying between 1 – 3 metres.

Visual Clearance at intersections



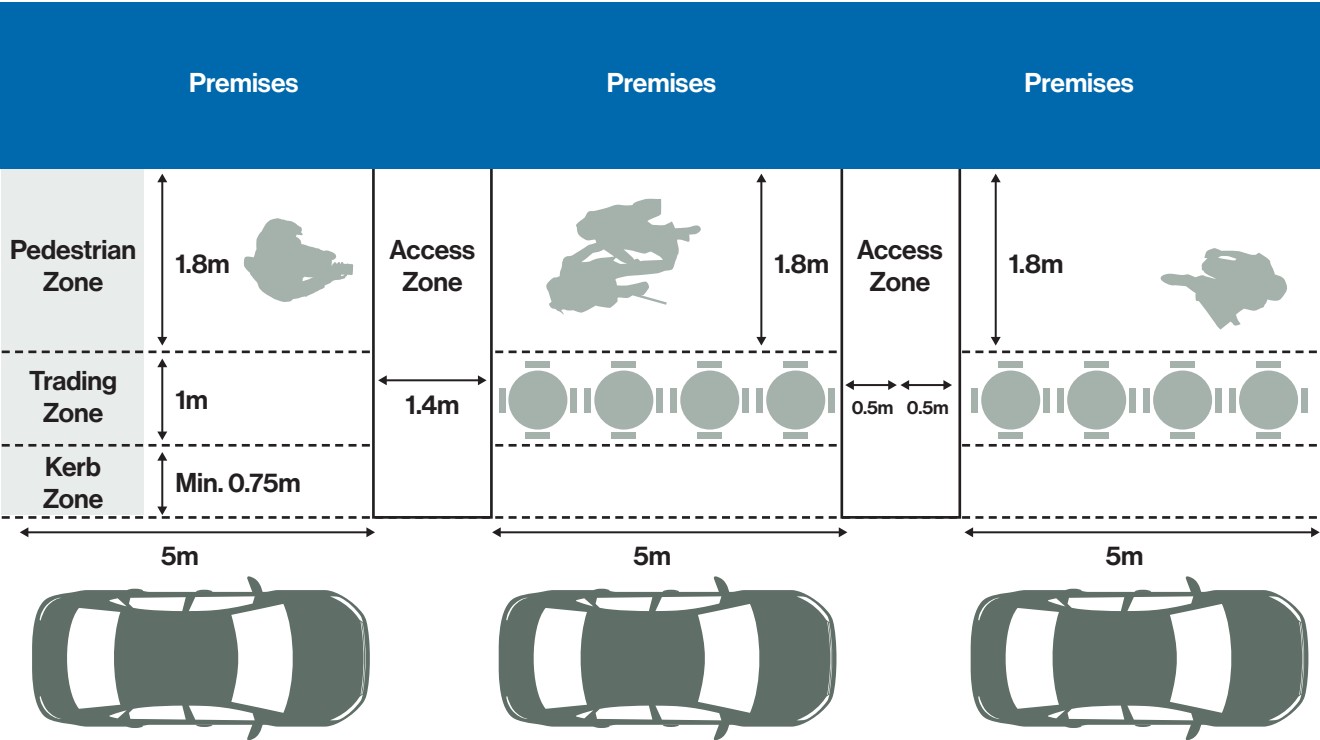
Kerb Zone

The Kerb Zone is the area between the Trading Zone and the gutter. The Kerb Zone should be a minimum width of 0.75 metres from the back of the kerb to allow access to parked vehicles. Where car parks are designated for disability or other parking permits, the minimum width is 1 metre.

Access Zone

The Access Zone is a gap in the Trading Zone to allow pedestrians to move between the pedestrian zone and the kerb. Access Zones must be a minimum of 1.4 metres wide and provided every 6 metres. All footpath dining areas must have access zones of 0.5 metres at either end, parallel to the boundary lines of adjoining properties and enabling access to those properties.

Footpath Zones Widths



Public Infrastructure

Clearance from **public infrastructure** is required at all times for cleaning, repair, and access purposes. All items must be moved at the request of Council or other Authority.

A 2-metre offset must be provided between the kerb edge and *Trading Zone* where there is a bus stop or public seating, or the roadway is a nominated highway without a service road.

A 1-metre offset (less if permitted by an Authorised officer of Council) must be provided from existing street furniture or other infrastructure, including, but not restricted to:

- fire hydrants
- trees and tree pits
- litter bins
- bollards
- payphones
- backs of seats
- bicycle stands
- poles (light, traffic, electricity)
- parking meters
- other street furniture

No commercial activity is permitted to lean upon or be fixed to any public infrastructure, asset, public land, or vegetation. The trader must bear the cost of repairing any damage caused by a commercial activity unless otherwise agreed by the Council or the owner of the asset.

Any removal, relocation, or modification of Council infrastructure will be solely at the applicant's cost. Where the infrastructure does not belong to the Council, the business owner should contact the relevant infrastructure manager to discuss their application.



Footpath Trading Permit Guidelines

The following guidelines are for all items placed in the *Trading Zone*. Footpath Trading can include a range of items on the footpath. Any items not listed in these guidelines are prohibited unless approved by an **Authorised Officer** and listed on the permit.

Authorised Officer

A person appointed as an Authorised officer under Section 224 of the Local Government Act 2020 or any similar provision in any Act substantially re-enacting the Local Government Act 2020



General Guidelines

- All items must be:
 - displayed only in the *Trading Zone* directly in front of the business' building unless permitted by an Authorised Officer. Items must not be placed in the *Pedestrian Zone* at any time or impact access to the business.
 - displayed only during business operating hours. Items must be removed within 30 minutes of the business closing times (excluding real estate signs as described in section 3.11).
 - must be self-supporting, windproof and/or weighted down. Displays must not be affixed to any footpath, building, furniture, pole or other structure except for flags in approved sleeves or brackets.
 - must be of a safe design, clearly visible, and constructed without sharp edges, projecting pieces, or any other hazard that could cause injuries to pedestrians.
- No commercial activity or equipment is permitted to lean upon or be fixed to any public infrastructure, asset, public land, vegetation, roads, or road reserve. Any damage caused by a commercial activity will be repaired at the cost of the **permit holder**.
- Where relevant, the permit holder must comply with the *Food Act 1984*.
- Trading and real estate signs must not:
 - create a traffic hazard by obstructing any motorist's view of intersections, traffic signals or signs,
 - be internally illuminated, reflective, animated or capable of being mistaken for a traffic sign,
 - erected on median strips, roadways or roundabouts,
 - bear text which is obscene, offensive, or misleading.
- The permit holder must comply with relevant legislation, regulations, and Council policies.
- The trader must immediately remove any commercial activity at the request of Yarra Ranges Council, Victoria Police, VicRoads or any other Authority.

Guidelines for Goods and Merchandise Display

- Merchandise is to be secured to avoid the risk of injury or damage to any person or property; displays must be neat and compact to enhance the streetscape. Displays cannot be fixed to any footpath, building asset, or leant against Council street furniture and/or vegetation.
- Display of goods must not interfere with the *Pedestrian Zone*,
- Displays of goods must not create or contribute to a traffic hazard by obstructing any motorist's view of intersections, traffic control signals or signs. Moving, rotating, illuminated or reflective signs are prohibited.
- Merchandise signage is to be restricted to a description of the goods and prices.
- If food is displayed, the permit holder must comply with the *Food Act 1984*.

Guidelines for Furniture and Other Equipment

The display and use of ancillary equipment (umbrellas, heaters, etc.) in a Trading Zone is not permitted unless furniture for dining has also been approved. Ancillary equipment must be covered by Public Liability Insurance and shown on a plan submitted with the permit application.

Ancillary Equipment

Movable items or accessories positioned within the trading zone which contributes to footpath trading or local amenity



Tables and Chairs

Footpath dining furniture should complement and enhance the existing urban/rural character. It should be unobtrusive, durable, attractive and made of high-quality materials; it should also be of sufficiently contrasting colour to assist people with a visual impairment. Furniture made of recycled material is encouraged.

Permits for furniture will only be issued to businesses that hold a registration as a Food Premises.



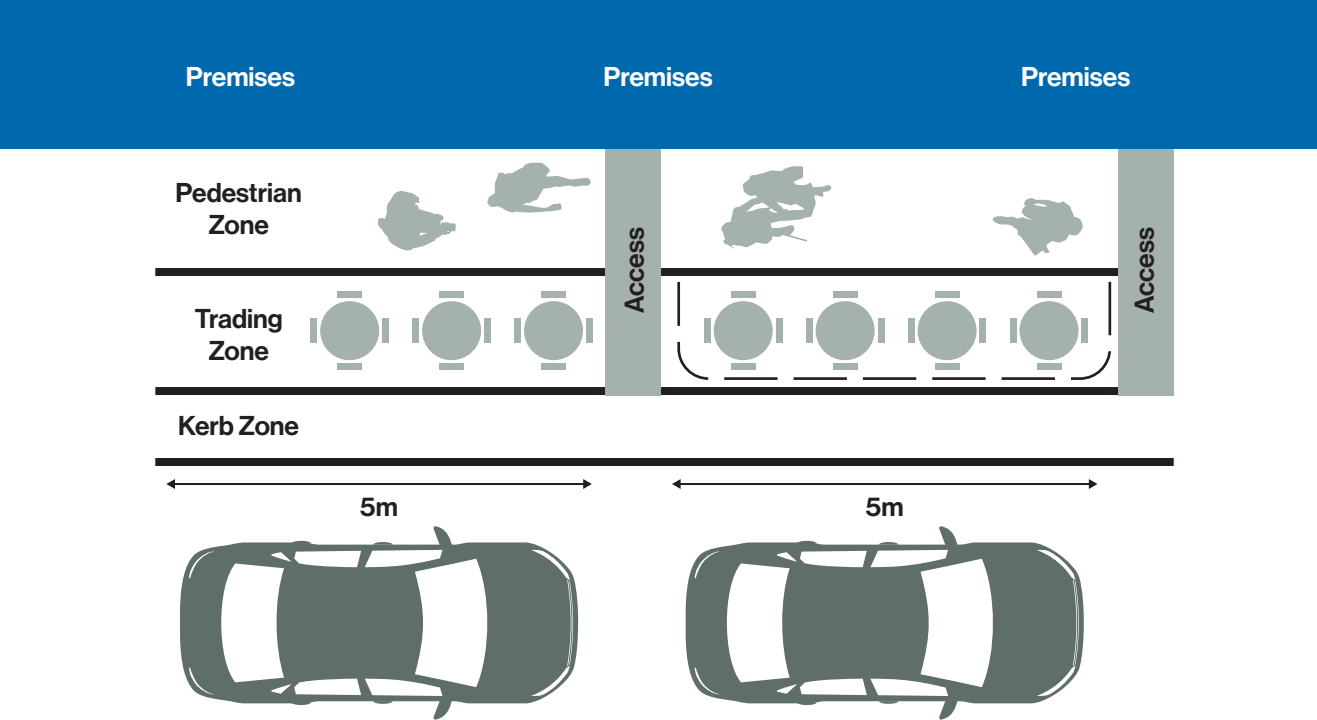
In all circumstances, furniture must be approved by the Council before use and:

- be weather and windproof and designed for commercial outdoor use; tabletops must have non-reflective surfaces
- should not be of plastic
- be safe, comfortable, and accessible in design and placement with no hazards presented to users
- carry fittings designed to protect the footpath
- must be of uniform design and style within an individual Footpath Dining area
- must not be shifted or moved by patrons to obstruct pedestrians.
- Chairs should not be placed with their back to the Kerb Zone, unless café barriers or another type of barrier is used, to prevent patrons inadvertently sliding chairs over the kerb edge.

Screens, Barriers, and Awnings

Screens and awnings help define a footpath dining area and promote patron comfort and safety. They must be structurally sound and adequately anchored, yet not diminish the streetscape or public space or create a tripping hazard. Screens and awnings must be maintained to proper safety levels and be of a colour that is complementary to the surrounding amenity.

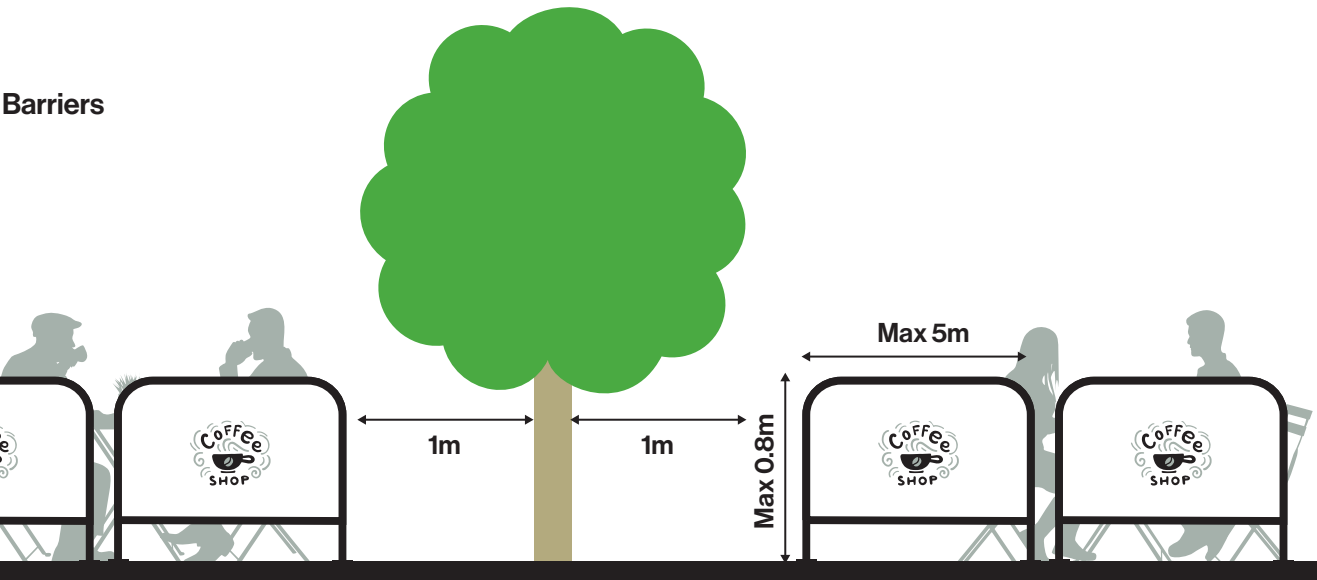
Barriers Top View



Screens and Barriers

- Dimensions should not exceed a maximum height of 0.8 metres and a maximum length of 5 metres.
- Type, design, and material are subject to approval based on the individual merits of each application.

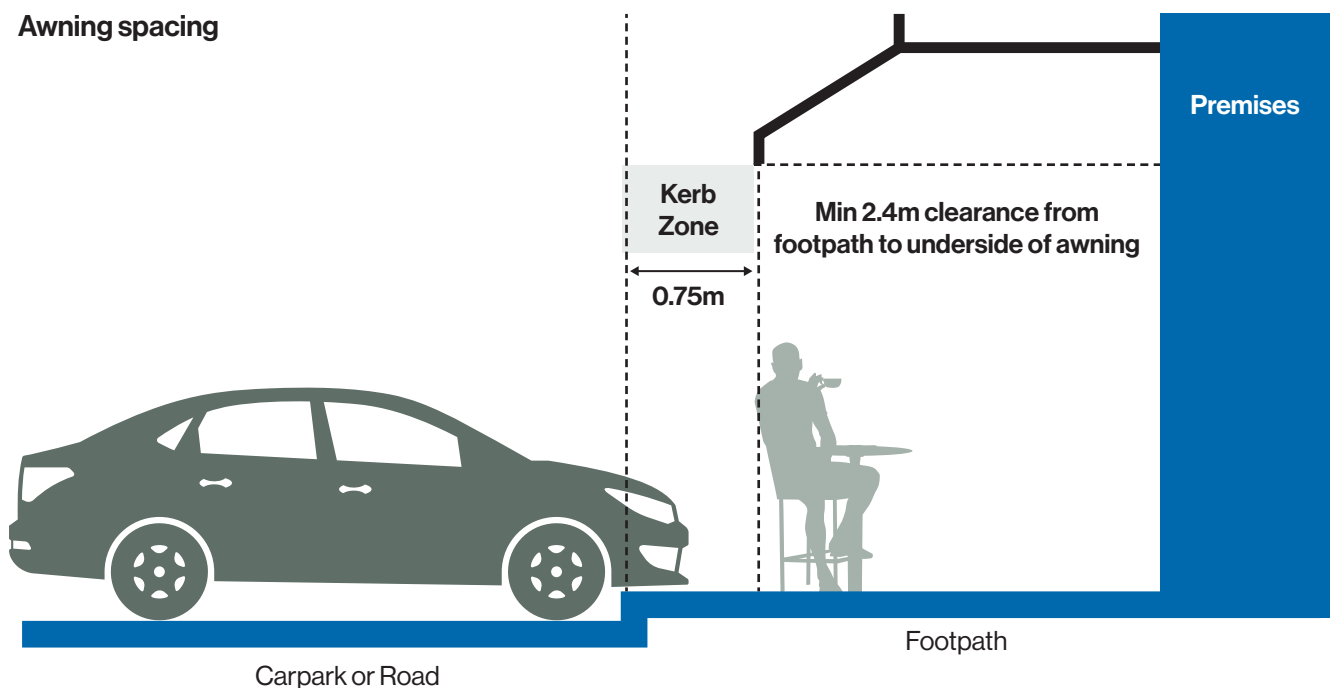
Barriers



Awnings

- May be free-standing where the footpath width is 8 metres or more, and there is no adequate shelter from existing awnings or trees. Such awnings are not permitted where a building awning is already in place at typical ground floor height (2.8 – 3.8 metres above ground) and covers most of the footpath.
- May be fixed and mounted to buildings with no canopy at typical ground floor height. Fixed awnings must not:
 - project more than 2.4 metres beyond the street alignment,
 - exceed the reach of adjacent building canopies,
 - be less than 0.75 metres from the kerb line
 - be less than 2.4 metres above footpath level.
- A Building Permit is required for fixed awnings.

Awning spacing



Planter Boxes

Planter boxes and the choice of plants can generally enhance footpath dining areas and the streetscape. It is the responsibility of permit holders to maintain planter boxes and plants.

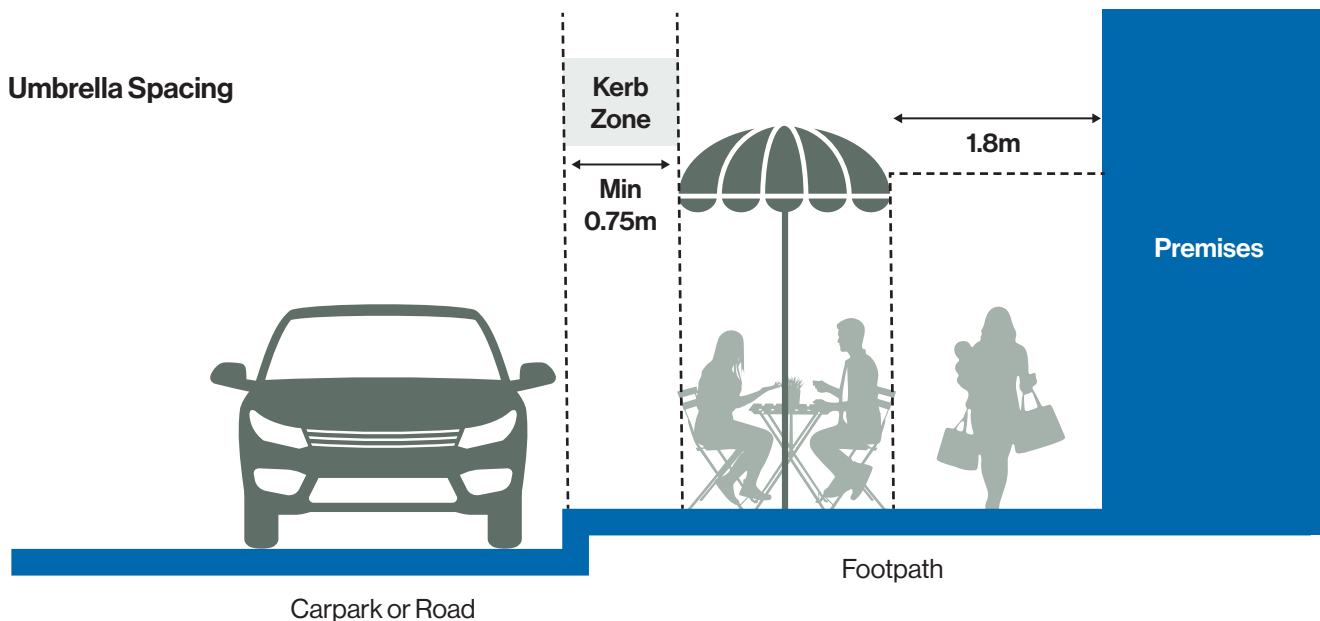
Council encourages permit holders to consider drought resistant, native plants. Plant species should be chosen for their hardiness, evergreen type and that are slow growing for easy maintenance.

- Individual planter boxes should not exceed 1.8 metres in length or be more than 1 metre in height, including plants, and must be a portable design.
- Metal or terracotta planter boxes are preferred; they should be easily removable and not damage the footpath.
- Planter boxes are to be kept free of cigarette butts and other rubbish.
- Plants are to be maintained in a healthy condition, pruned to meet the height limit and replaced immediately when they die.
- The area around outdoor planters must be kept clean and free of fruit or flowers that may fall from the plants.
- Plants must not be declared noxious weeds or toxic plants.
- Plants with needles or thorns are not permitted.

Umbrellas

- Umbrellas should be used only where there is no shelter from verandahs, awnings, or trees. Market umbrellas, not beach umbrellas, are suitable for use.
- Umbrellas must be a minimum of 2.1 metres above the ground at their lowest point.
- Umbrella circumference must be wholly contained in the Trading Zone.
- Fixtures or anchor points that penetrate the footpath are not permitted unless a Road Reserve Works Permit has been granted.

Umbrella Spacing



Heaters

- Heaters may be fixed and attached above the footpath to a verandah or awning. Fixed heaters must comply with Energy Safe Victoria requirements and may require either a planning or building permit. They must be installed by a licensed and registered installer with the Victorian Building Authority.
- Heaters must comply with *Australian Standard AS1596*.
- Free-standing heaters must be stable and capable of automatically shutting down if overturned.
- Where a *Trading Zone* is narrow, free-standing heaters may not be permitted.
- Permit holders are encouraged to monitor heater use to avoid wasting energy and adding to greenhouse emissions.



Lighting

- For footpath dining areas to operate beyond daylight, adequate lighting must be provided to ensure the safety and amenity of patrons and the community.
 - Lighting must not adversely affect surrounding residents.
 - Lighting is to be attached to the principal business and, if comprising directional spotlights, focused away from adjoining businesses and residential areas.
 - Directional spotlights must not be focused in a manner that, either by general radiance or specific aim, would cause any risk or detriment to the safety of motorists or their passengers.
 - Festoon or string lights must be a minimum of 2.6m above the ground at their lowest point.
 - Lighting is not permitted to flash, strobe, or operate in a manner that distracts traffic or pedestrians.

Permanent and semi-permanent outdoor structures

An application may be made to Council to request the installation of **permanent** or **semi-permanent** outdoor infrastructure which will be assessed on a case-by-case basis. Any permanent or semi-permanent outdoor infrastructure must not obstruct access to or interfere with emergency equipment or underground services.

Permanent structures

Refers to furniture or an item which is immovable and permanently in place



Semi-permanent infrastructure

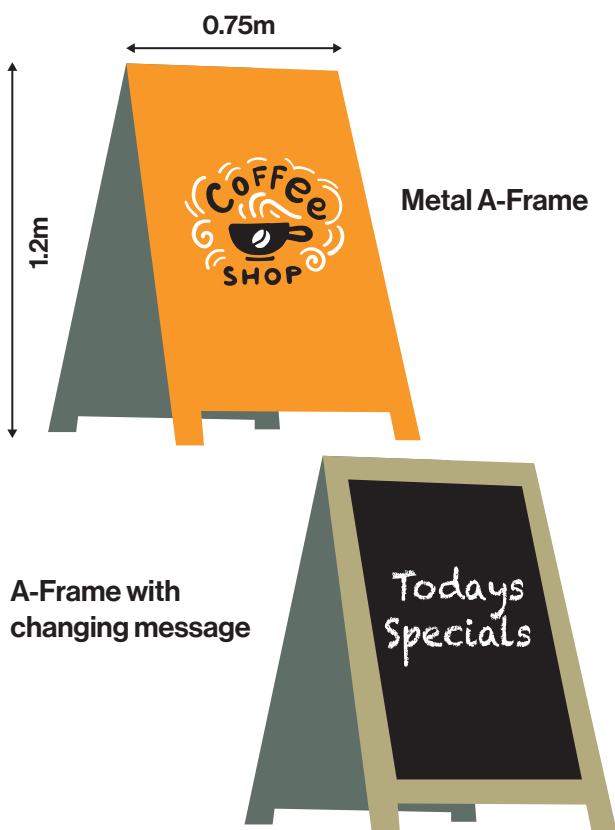
Refers to items that can be fixed to the ground or securely anchored however also remains movable.

Guidelines for Advertising

Advertising includes portable signs, real estate signs, and advertising on banner poles.

Signage

- Portable signage can be placed within the *Trading Zone* and must not intrude into the *Pedestrian* or *Kerb Zones*.
- Signage is limited to 1.2 metres in height and 0.75 metres in width
- Signage must be in good condition, of a professional standard, and colour-contrasted with the surrounds to ensure that it is clearly visible to all and does not blend into the surrounds.
- Only one portable sign can be displayed in front of a business to which it relates. Where a business has no street-level frontage and wants to advertise using a portable sign, written permission must be provided by the owner and occupier of the business in front of whose premises the *Trading Zone* is located.
- Signage is not permitted on median strips or roundabouts.



Real Estate and Community Advertising Signs

- Permits for real estate or community advertising signs have a maximum permit duration of three months.
- Real estate signs are limited to 1.4 metres in height and 1.8 metres in width.
- Unless a sign is displayed on large rural property and refers to the property on which it is displayed, only one real estate sign per frontage is allowed. Large rural properties may carry multiple signs provided they are a minimum of 300 metres apart.
- Signs are permitted on road reserves or other Council land where:
 - The real estate sign appears directly in front of the property to which they relate and would not be clearly visible to passers-by if located within the boundaries of the property they represent.
 - Or they are considered a community advertising sign as defined in the *Neighbourhood Amenity Local Law 2020*.
- They must be soundly constructed, securely attached to mounting posts sunk into the ground, bear professional sign writing and be maintained in good condition. All signage must include the name of the real estate agent and contact details.
- All real estate signs are to be removed within two days of selling or letting the property they represent.
- Real estate sign permits include the temporary positioning of portable signs abutting the properties for sale and at the nearest intersection as directional, that are open for inspection and on auction days.

Banner Poles

Advertising on Council banner poles is permitted for community groups and community events in Yarra Ranges. Permitted banners may promote non-commercial educational, cultural, political, religious, social or recreational events or services within the municipality.

- A community group may display one banner at each set of banner poles, at a maximum of four locations.
- A banner pole permit is valid from 9am Tuesday to 6pm Monday.
 - Permits for recurring market advertising are valid for one week per month.
 - Permits for community groups and events are valid for two weeks per permit.
- Banners erected on the poles must have minimum dimensions of 1.0 metre by 2.0 metres and maximum dimensions of 1.0 metre by 2.7 metres.
- The permit holder is responsible for installing and dismantling the banner, which must be removed by 6pm Monday at the end of the permit period.
 - Banners erected on banner poles must be securely fixed and maintained during the display period.
- Banners may contain sponsorship information that does not exceed 25 per cent of the banner but must not include any cigarette/vape, alcohol, gambling, political information, or advertising.

Advertising – Other

While advertising can bring vitality and colour to business and dining areas, it can also be strident and intrusive. Advertising should complement the streetscape to Council's satisfaction, be acceptable to the pedestrian environment and integral to equipment design.

- Advertising may appear on umbrellas and the external surfaces of screens within *Trading Zones* but not on other furniture; it should not exceed 10 per cent of those items' total combined surface area.
- Advertising should reflect the corporate logo or business identity and/or products central to the nature of the business, such as coffee or alcohol products.
- The total advertising area for the principal business and footpath dining facility must not exceed 8 square metres without a planning permit. Portable signs may be permitted in footpath dining facilities, subject to space availability.



Community and Street Stalls

Street stalls include the activities of community and/or charity groups engaged in fundraising. Street stalls may be for cakes, sausage sizzles, fruit or promotions of goods unrelated to food. Street stalls may require a Footpath Trading permit based on the stall's location.

Stalls must comply with all size, location, and other conditions of a Footpath Trading permit as listed in this policy.

Food at Street Stalls

Street stalls established to prepare, handle, store, serve or sell food must be covered by a current *Food Act* registration via **FoodTrader** to accompany the local law permit application. A Statement of Trade (SOT) is required for all dates of trade.

Once registered and the Footpath Trading permit is granted, a **Statement of Trade (SOT)** can be submitted through

FoodTrader. <https://foodtrader.vic.gov.au/>

Street Stall

A small, temporary setup used to fundraise, collect donations, or promote an organisation in a public place



FoodTrader

FoodTrader is a state-wide registration website. A FoodTrader registration can be obtained via the FoodTrader website together with payment of the required fee.

Statement of Trade (SOT)

is a formal notification to a local council indicating where and when a food business intends to sell food and/or drink within that council's area. It is a legal requirement under the Victorian Food Act 1984.



Guidelines for Operation and Management of Footpath Trading Permits

The responsibilities associated with footpath trading are diverse. Some fall to the Council, some to permit holders, and still others may be shared. For instance, Council is responsible for managing the street and public space and efficiently processing applications. Permit holders are responsible for effectively managing footpath dining areas and selling merchandise, while education, policy, and permit compliance are shared responsibilities.

Permit holders are also encouraged to consider environmental issues. Effective heater management, adopting proactive waste management practices, and minimising the use of disposable packaging in public spaces can accrue significant benefits to environmental sustainability.

Cleanliness and Waste Management

- All items must be regularly maintained to be clean, tidy, litter-free and graffiti-free.
 - Graffiti or other forms of disfigurement to footpath dining facilities should be removed within 48 hours by permit holders. Permit holders are encouraged to report the nuisance to the local Police Station and/or relevant Authority. Graffiti clean-up trailers and bins can be requested through the Council website.
- All items must be kept in good repair and promptly removed or replaced if damaged, faded, or deemed unsafe or unsightly by an Authorised Officer.
- Items must not be offensive in any way, negatively impact on amenity or contain any words or illustrations that could be considered offensive, disrespectful or discriminatory
- Council will fulfil its role by ensuring that streets are cleaned and bins emptied to assist roadside trading and dining areas in looking attractive at all times.

Patron Behaviour

- Permit holders must ensure patrons behave in an orderly manner and do not disrupt others.
- Permit holders and patrons are to behave in a manner that would not be offensive to a reasonable person or interfere with the reasonable enjoyment of the nearby area by others.
- Patrons are not to move tables and chairs, clothing racks, and merchandise or allow pets, prams, bicycles, scooters, shopping, or other personal items to interfere with movement and accessibility in the *Pedestrian, Access, or Kerb Zones*.
- Permit holders and patrons are to behave in a manner that would not be offensive to a reasonable person or interfere with the reasonable enjoyment of the nearby area by others.

Food preparation

- Preparation, cooking, and display of food are not to occur in a footpath dining area; food may only be prepared and displayed within the principal business. Food may be served in a footpath dining area. On an occasional basis, and with approval, food may be prepared in a *Trading Zone* for the purpose of promotion or demonstration.

Single Use Plastic Laws

Under single-use plastic bans in Victoria, some single-use plastic and polystyrene items are banned from being sold and supplied in Victoria. This ban applies to all businesses and organisations. It is the permit holder's responsibility to comply with relevant current regulations.

For more details visit

<https://www.vic.gov.au/single-use-plastics>

Smoking and e-Cigarette Laws

Under Tobacco Laws in Victoria, all smoking and the use of e-cigarettes (vaping) is banned in all commercial outdoor dining areas including footpath dining areas.

It is the permit holder's responsibility to comply with the *Tobacco Act 1987* or relevant current provisions and regulations.

For details, visit:

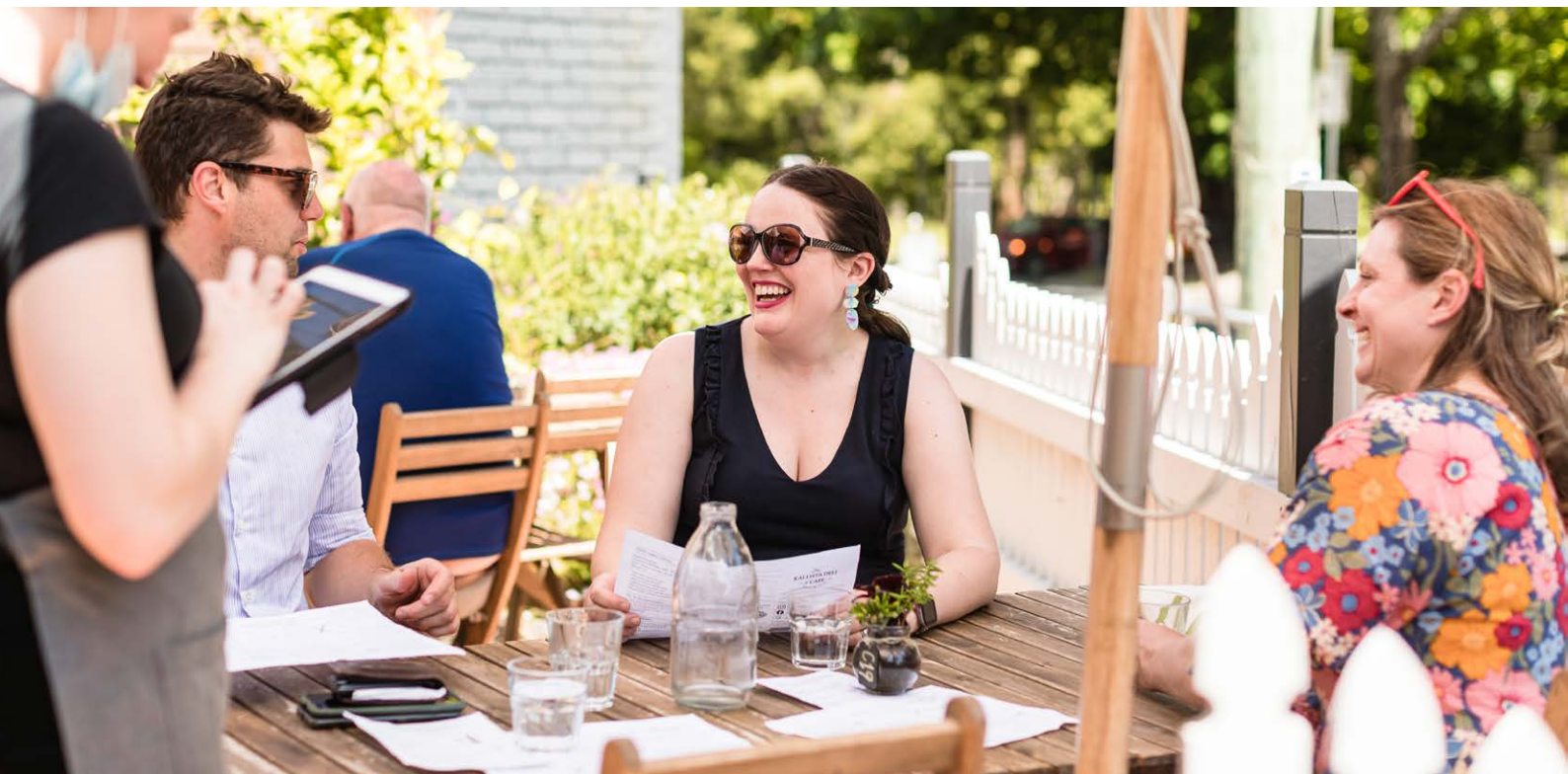
<https://www.health.vic.gov.au/public-health/tobacco-reforms>

Hours of Operation

- A footpath dining area must not operate beyond the hours prescribed for the principal business.
- No footpath dining area will be permitted between 11pm and 9am unless situated more than 300 metres from the nearest residence.

Toilet and Sanitary Facilities

- The addition of footpath dining to a principal business will likely increase the number of patrons requiring toilets. To accommodate staff needs and potentially increase customers, the permit holder may be required to have access to extra toilet facilities, including provision for people with disabilities.
- The Building Code of Australia specifies toilet numbers for facilities. Permits may be necessary for toilet upgrades.



Permit Applications and Renewals

Application for a Permit

When applying for a Footpath Trading Permit in Yarra Ranges, the applicant must, where applicable, provide the following with their application:

- This fee covers the processing of applications and is not refundable. Fee scales can be obtained from the Council website. All Council fees and charges are reviewed annually.
- Current Public Liability insurance and indemnity for a minimum of \$20 million
- Relevant Municipal Food Business registration certificate
- Waste Management Plan
- Current Liquor Licence including “Red Line Plan”
- Planning Permit
- Written advice on the proposed business hours. This may form part of an existing planning permit or liquor licence and must consider the limitations of any other permits.
- Description of the proposed footpath trading activities

- Item categories that are intended to be placed in the trading zone:

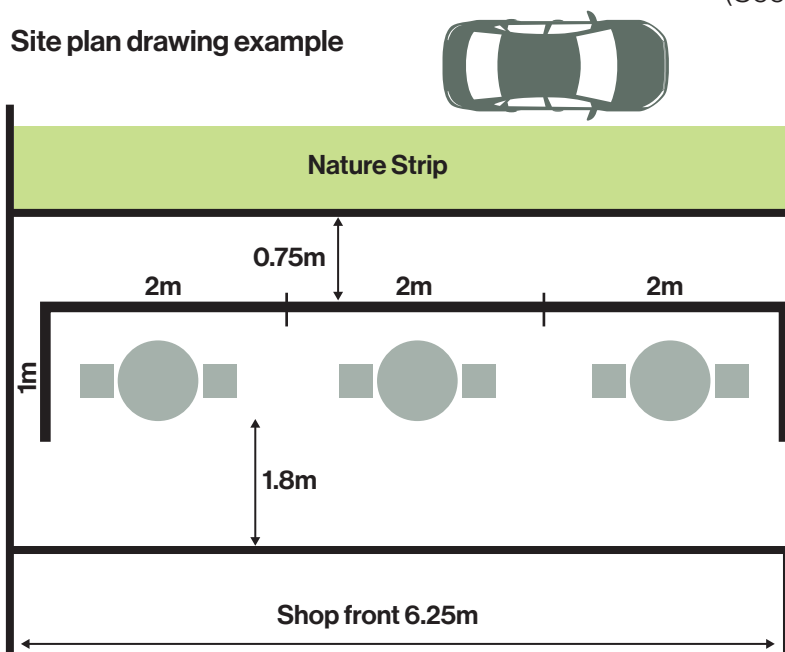
- Signage
- Merchandise for Display
- Furniture for Dining

- Site Plan, including:

- the principal business site address, boundaries, buildings, width of frontage, and position of all doorways and service openings
- the location and use of adjoining buildings
- existing street infrastructure: trees, seats, poles, signs, pits, hydrants, parking, etc
- total footpath width from the back of the kerb edge to the building line, and the width of the *Pedestrian* (including passing bays where required), *Kerb*, and *Access Zones*.

- Written consent is required when applying for a trading permit in front of an adjoining property to extend a proposed footpath dining area and/or where a trader with no street-level premises applies to advertise on signage in front of a business owned by another trader. (See Section 2.4)

Site plan drawing example



- Evidence of any other relevant Council permits (i.e. for any structure needing to be fixed to the footpath).
- Evidence that toilet and sanitary facilities satisfy the Building Code of Australia, meet the requirements of the principal business and are sufficient to accommodate the needs of the footpath dining area.

Advertising the Application

Council may require applicants to inform adjoining property owners or others who may be affected by an intention to apply for a permit. Written submissions received during the advertising period will be considered and may contribute to the imposition of permit conditions. Advertisements will be at the applicant's cost.

Approval

- Council will inform applicants of the outcome of applications as soon as practicable.
- Permit holders must comply with:
 - The conditions specified on the permit
 - All other relevant Council permits and policies

Renewal

- Existing annual permit holders will receive a renewal notice a minimum of one month before the expiry date.
- It is the permit holder's responsibility to ensure all renewals, including updated Public Liability information and fee payments, are made to Council before the due date.
- Real Estate permits are issued for three months and are not renewed.

For renewable permits, at least one month before permit expiration, an operator/trader will receive a renewal notice requesting the following items:

- the annual renewal fee
- confirmation of continuing Public Liability Insurance for the permit period
- current written consent from the owner and occupier as well as proof of current Public Liability insurance for the use of adjoining trading zones (as outlined in section 2.4)
- current written consent from the property owner and occupier of premises where portable signs are used to advertise on behalf of a business which has no business frontage (as outlined in section 3.10)
- written advice about any previously undisclosed amendment(s) to permit conditions.



Permit Compliances

Penalties

Any permit and endorsed plan approved under this policy must be available for inspection at any time during trading upon the request of an Authorised Council Local Laws officer. Any of the following actions may be taken where trading is in breach of permit conditions, the permit has expired, or a permit has never been issued:

- verbal educative warning
- issuance of a Notice to Comply
- service of a penalty infringement for contravening and/or failing to follow the Notice to Comply
- suspension or cancellation of the permit
- removal and/or seizure of all street furniture
- court action.

Where a permit has never been issued, the operator will be given a Permit Application, have his/her full details recorded, and shall remove and store the street furniture until a permit is granted.

Items may be seized immediately in accordance with the provisions of the *Neighbourhood Amenity Local Law 2020*. They can be returned to the owner upon payment of a fee, sold, destroyed, or given away.

Variation or Revocation

A Footpath Trading Permit may be varied or revoked at any time. Generally, this action will be taken after pedestrian or parking patterns have been monitored and results reveal that a change is needed in the public interest. If a permit is to be varied or revoked, notice will be given in writing, and a period of grace will be granted before the variation/revocation becomes effective. In situations where there is a risk to public safety, periods of notice will be reduced or take effect immediately. Following a variation or revocation, the permit holder had 28 days to respond in writing to Council senior leadership for consideration.

Amendments

All requests to amend a permit must be submitted to the Council in writing and may be subject to a processing fee. Amendments may include:

- change of trading hours
- changes to the type of items placed in the *Trading Zone*
- changes to the size of the *Trading Zone*
- other variations.

Monitoring

Council officers will regularly monitor and liaise with permit holders to discuss and rectify issues/difficulties relative to the operation of the permit or facility. Advice in writing will be given of any action needed and the time allotted to perform corrective work.

Yarra Ranges Council
PO Box 105
Lilydale VIC 3140

1300 368 333 | mail@yarraranges.vic.gov.au
yarraranges.vic.gov.au

Page 279





Yarra Ranges Council

Roadside and Public Place Trading Policy 2025



Contents

Acknowledgement of Country	2
Yarra Ranges Council Plan 2025-29 and Community Vision 2036	3
1. Purpose	4
2. Scope	4
3. Definitions	5
4. Policy Statement	5
5. Principles	6
6. Roles and Responsibilities	6
7. Related Documents	7
8. Monitoring and Evaluation	7
9. Policy Review	7
10. Revision History	7

Acknowledgement of Country



Yarra Ranges Council acknowledges the Wurundjeri and other Kulin Nations as the Traditional Owners and Custodians of these lands and waterways. We pay our respects to all Elders, past, present, and emerging, who have been, and always will be, integral to the story of our region. We proudly share custodianship to care for Country together.

Yarra Ranges Council Plan 2025-29 and Community Vision 2036

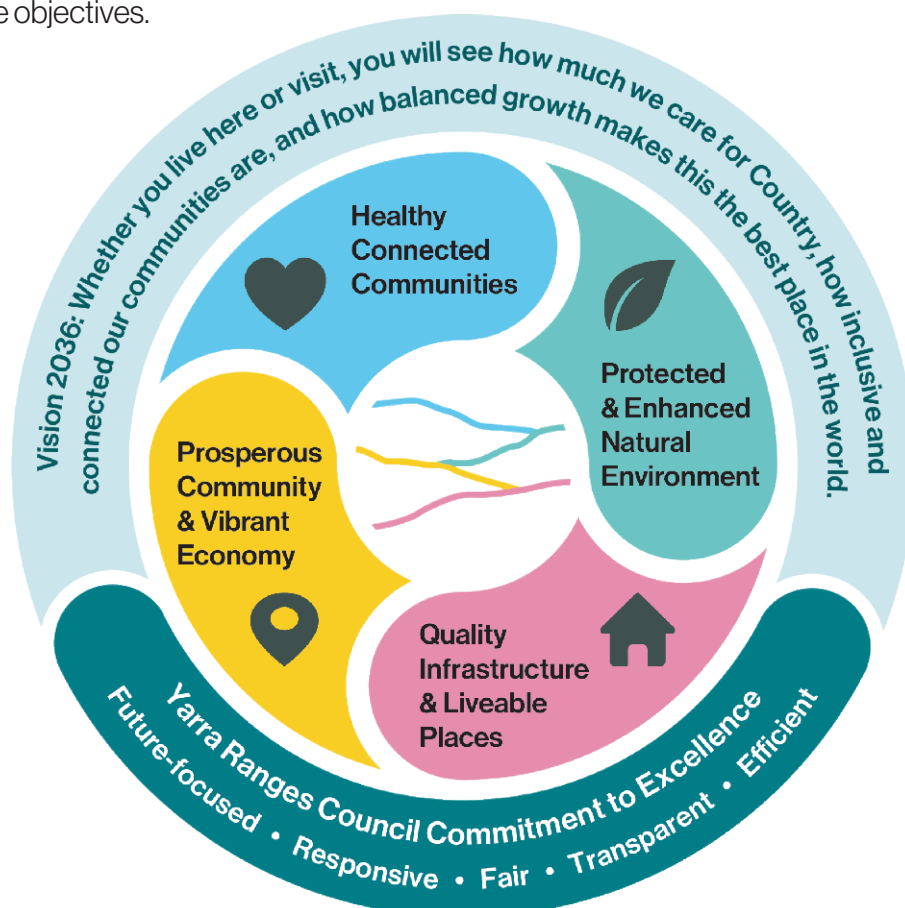
Yarra Ranges offers diverse landscapes and communities across 2,500km² and 55 townships. The municipality is the largest metropolitan Council, stretching from the densely populated suburbs into the foothills of Mt Dandenong, agricultural valleys and mountain side of Donna Buang. The region enjoys the benefits from tourism, agriculture, rich landscapes and unique character which is enhanced by the support of The Yarra Ranges Council Plan 2025-29 (the Plan) which aims to fostering a vibrant, healthy and sustainable Yarra Ranges now and into the future. It identifies where efforts will be focused and how progress will be measured as we work towards our community vision.

The Yarra Ranges Community Vision 2036 has been developed to describe the communities and Council's aspirations for the future of the municipality. It's based on input from over 1,000 community members and reflects the local communities' aspirations for the municipality.

Whether you live here or visit, you will see how much we care for Country, how inclusive and connected our communities are, and how balanced growth makes this the best place in the world.

What We Want to Achieve

Council has four objectives to describe what we are working towards and how we want Yarra Ranges to be in the future. These objectives have been developed in response to our communities' priorities and the big issues facing Yarra Ranges. All policies and activities completed by the organisation contribute to one or more of these objectives.



1. Purpose

This Roadside and Public Place Trading Policy (Policy) establishes Yarra Ranges Council's (Council) approach to trading on roadsides and public places in the municipality.

This policy's objective is to provide a consistent framework within which these activities can operate, maximise the pleasure and safety of all roadside and public place users, and enhance the attractiveness and appeal of the area. The council provides a diverse range of services. While employees in certain areas may be more likely to observe trade in public places, all Council employees need to be aware of this policy.

This Policy aligns with the Yarra Ranges Council Plan 2025-2029 and the Yarra Ranges Neighbourhood Amenity Local Law 2020 and outlines Yarra Ranges Council's stance on commercial and charitable trading and advertising in public places where Council has Authority throughout the Yarra Ranges.

The growth of wineries, fine foods, and the region's beautiful natural scenery has stimulated a burgeoning tourist trade. This trend has resulted in increased diverse roadside use throughout the municipality's towns. Roadside and public place activity can contribute to the local economy and provide businesses, community groups, and charities with an opportunity to engage with the local community.

As part of its commitment to developing sustainable communities, the Council encourages and supports a vibrant and healthy street life but must also be mindful of Federal disability laws. Council supports public places being free of restrictions for everyone irrespective of social group, age, physical disability, ethnicity, economic circumstance, or gender.

Through its Vision 2036 Community Plan, Council has committed to partnering sustainable economic tourist development, drawing together community, business, and Council interests.

2. Scope

This policy applies to all individuals, businesses, or organisations making commercial use of public places where Council has authority within Yarra Ranges.

The policy and guidelines do not cover council permitted events including but not limited to festivals, markets, or fairs. Council's Festivals and Events Policy will apply in these circumstances.

3. Definitions

Table 1. Definitions

Ancillary Equipment	Movable items or accessories positioned alongside the trading which contributes to roadside trading.
Applicant	Person who applies for a permit
Authorised Officer	A person appointed as an Authorised officer under Section 224 of the Local Government Act 2020 or any similar provision in any Act substantially re-enacting the Local Government Act 2020
Commercial	Means an activity related to doing business or for business purposes
Council	Yarra Ranges Council
Local Law Permit	A permit issued under this Local Law and includes a contract, agreement, lease, licence or other form of prior written approval between Council and another person
Mobile Vendor	A mobile vendor is a movable, vehicle based business that must be removed from the permit location at the end of the business hours each day
Permit Holder	Means a person to whom a permit has been issued
Prescribed	Determined by resolution of Council
Public Infrastructure/ Council Asset	An asset that has a public service function and is managed or Controlled by Council
Public Place	Has the same meaning as in the Summary Offences Act 1966

4. Policy Statement

Yarra Ranges Council (Council) **Local Law permits** are required to display merchandise, exhibit portable advertising signs, and conduct footpath trading within Yarra Ranges.

Roadside trading enables the sale of goods or services to people from and in public places. It includes **mobile vendors**, and portable signage in public places or on public roads. Roadside trading permits are available as Roadside Trading (Fixed Location) or Roadside Trading (Flexible Location).

A Local Law permit to conduct roadside trading is not required by anyone with a current lease or licence of the land where the trading occurs. However, a planning permit may be required in such circumstances. It is therefore recommended that a trader consult Council's Planning Department for clarification and to ensure that relevant approvals are obtained.

5. Principles

The following principles guide this policy:

5.1 Access

- Safe, functional, active and inclusive public streets and spaces
- Appropriate clearances for parking and traffic

5.2 Local

- Clean, Functional and Safe trading in public places
- The economic, social and environmental sustainability of the municipal district is promoted

5.3 Management

- Complementary to the local business and residential amenity
- Well-maintained and hygienic public space
- Minimal noise, interference, or nuisance
- Compatible with low energy use and environmental sustainability policies

5.4 Compliance

- Providing information and policy guides for permit holders
- Ensuring traders are familiar with the requirements of Roadside trading
- Maintaining a clear and straightforward compliance process

6. Roles and Responsibilities

Table 2. Roles and Responsibilities

Council	Formally consider Council policies presented to Council as part of their Council meeting agenda.
Authorised Officers	Formally consider, approve, and audit permit and footpath trading according to this Policy and the Local Law.
Permit Holders and Applicants	Conduct any trade on Council footpaths according to this Policy and any other related documents.

7. Related Documents

- Yarra Ranges Council Plan 2025-2029
- Yarra Ranges *Neighbourhood Amenity Local Law 2020*
- Yarra Ranges Vision 2036
- Yarra Ranges Roadside and Public Place Trading Guidelines
- Yarra Ranges Footpath Trading Guidelines
- Australian Standard, AS 1428.1-2021 *Design for access and mobility Part 1: General requirements for access – New building work*
- *Disability Discrimination Act 1992* (Commonwealth of Australia)
- *Environment Protection Act (Vic)*
- *Environment Protection Amendment (Banning Single-Use Plastic Items) Regulations 2022* (Vic)
- *Food Act 1984* (Vic)
- *Local Government Act 2020* (Vic)
- *Road Safety Act 1986* (Vic)
- *Road Safety Road Rules 2017* (Vic)
- *Summary Offences Act 1966* (Vic)
- *Tobacco Act 1987* (Vic)

8. Monitoring and Evaluation

The monitoring and evaluation of this Policy will be overseen by Manager, Community Wellbeing. The Safer Communities Team will conduct footpath trading reviews, reporting the findings to Manager, Community Wellbeing. These reviews will assess the effectiveness of the Policy in maintaining community safety and the Local Law.

Safer Communities Team will be responsible for auditing permits for compliance with the Policy. This process will ensure consistency across enforcement of this Policy and the Local Law.

9. Policy Review

This Policy will be reviewed every four years.

From time to time, circumstances may require minor administrative amendments to be made to this document. Where such an amendment does not materially alter the intent of the document, this may be made administratively with the approval of the Manager, Community Wellbeing without the need to be approved by Council.

This policy may also be reviewed at any time if there are relevant changes to:

- Relevant Legislation and Regulations
- The Yarra Ranges Council *Neighbourhood Amenity Local Law 2020*

10. Revision History

Version	Date	Summary of revisions
1.0	November 2025	Initial Version

Yarra Ranges Council
PO Box 105
Lilydale VIC 3140

1300 368 333 | mail@yarraranges.vic.gov.au
yarraranges.vic.gov.au

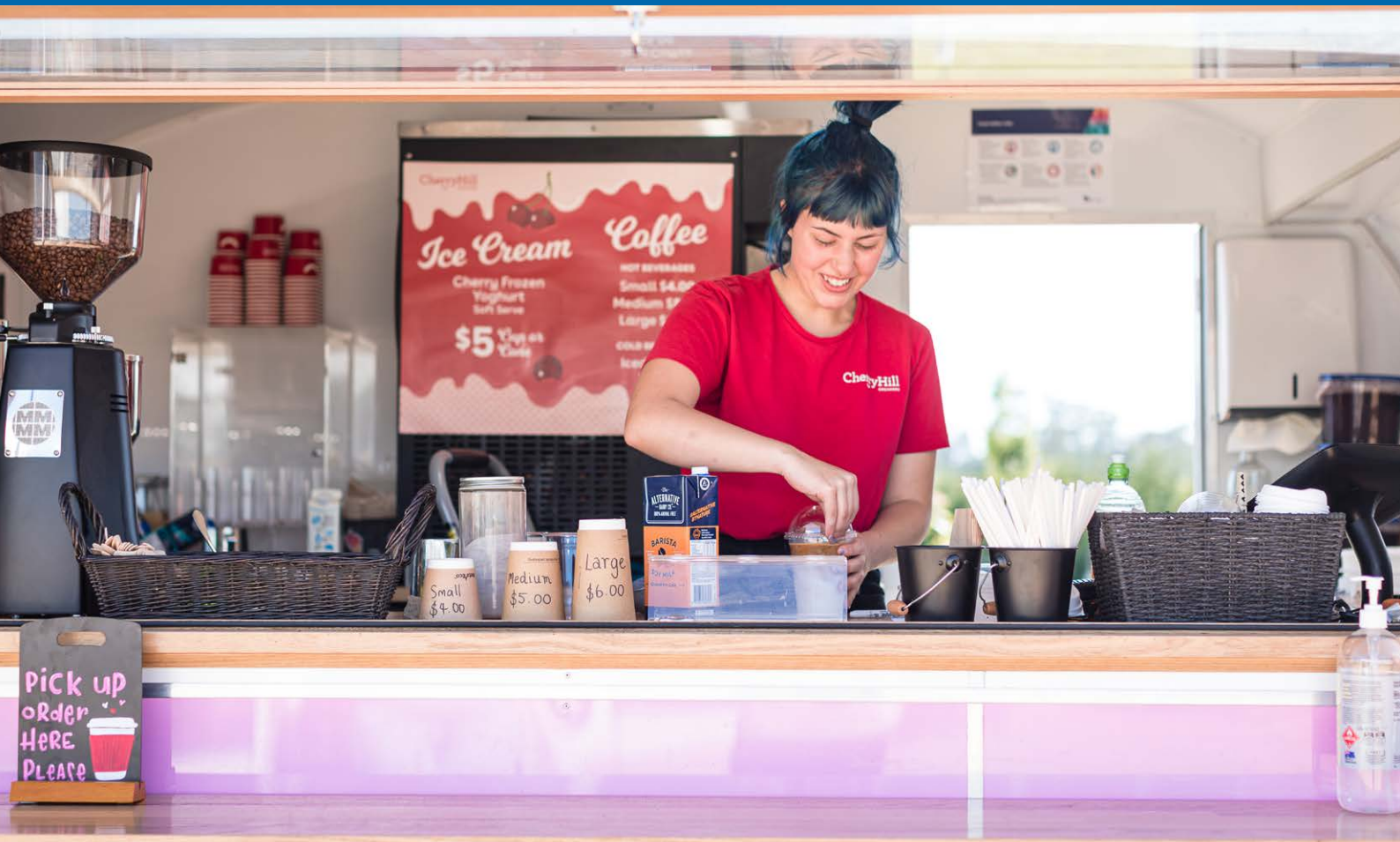
Page 287





Yarra Ranges Council

Roadside and Public Place Permit Guidelines 2025



Contents

Acknowledgement of Country	2
Introduction	3
Guidelines for All Roadside Trading	4
Information about Roadside Trading (Flexible Location)	7
Information about Roadside Trading (Fixed Location)	8
Guidelines for Operation and Management of Footpath Trading Permits	9
Permit Applications	11
Permit Compliance	15

Acknowledgement of Country



Yarra Ranges Council acknowledges the Wurundjeri and other Kulin Nations as the Traditional Owners and Custodians of these lands and waterways. We pay our respects to all Elders, past, present, and emerging, who have been, and always will be, integral to the story of our region. We proudly share custodianship to care for Country together.

Introduction

The guidelines in this booklet are informed by the Yarra Ranges Council (**Council**) Roadside and Public Place Trading Policy 2025 and apply to all **Local Law** Roadside Trading **permit holders** within Yarra Ranges.

Roadside Trading permits are available as **Flexible Location** or **Fixed Location**.

The full policy statement and permit details can be viewed on the Council website. Roadside Trading A **mobile vendor** trading on a Council managed road or in a **public place**.

Roadside Trading (Fixed Location)
A mobile vendor trading from the **prescribed** trading site within Yarra Ranges as listed on the vendor's permit.

Roadside Trading (Flexible Location)
A mobile vendor conducting itinerant trading from a non-fixed location on council-managed roads or in public places. Trading locations are not guaranteed and trade cannot occur from a prescribed trading site.

These purpose of these guidelines is to guide the sale of goods or services to people from and in public places and ensure that these activities can operate, maximise the pleasure and safety of all roadside and public place users, and enhance the attractiveness and appeal of the area.

The guidelines do not cover council permitted events including but not limited to festivals, markets, or fairs.

Council

Yarra Ranges Council.



Local Law Permit

A permit issued under this Local Law and includes a contract, agreement, lease, licence or other form of prior written approval between Council and another person.

Permit Holder

Means a person to whom a permit has been issued.

Roadside Trading

A mobile vendor trading on a Council managed road or in a public place

Roadside Trading (Fixed Location)

A mobile vendor trading from the prescribed trading site within Yarra Ranges as listed on the vendor's permit.

Roadside Trading (Flexible Location)

A mobile vendor conducting itinerant trading from a non-fixed location on council-managed roads or in public places. Trading locations are not guaranteed and trade cannot occur from a prescribed trading site.

Mobile Vendor

A mobile vendor is a movable, vehicle based business that must be removed from the permit location at the end of the business hours each day

Prescribed

Determined by resolution of Council

Public Place

Has the same meaning as in the Summary Offences Act 1966

Guidelines for All Roadside Trading

General Guidelines for Roadside Trading

These guidelines apply to all Roadside Trading permits, regardless of location of trade.

- Trade cannot be located on or interfere with a footpath or shared path.
- Trade cannot impede the primary function or use of public space.
- All items (including but not limited to signage and vehicles, etc) must only be displayed during business operating hours. Items must be removed within 30 minutes of the business closing times.
- Business conducted from a roadside lay-by or rest area is permitted between sunrise and sunset.
- Permit must be displayed during business operating hours.
- No **commercial** activity or equipment is permitted to lean upon or be fixed to any **public infrastructure, asset**, public land, vegetation, roads, or road reserve. Any damage caused by commercial activity will be repaired at the cost of the permit holder.
- All items must have a safe design, be clearly visible, and be constructed without sharp edges, projecting pieces, or any other hazard that could cause injuries to pedestrians. All items must be self-supporting, windproof and/or weighted down.
- All items must not create or contribute to a traffic hazard by obstructing any motorist's view of intersections, traffic control signals or signs. Moving, rotating, illuminated or reflective items are prohibited.
- Where relevant, the permit holder must comply with the *Food Act 1984*.
- The trader must immediately remove any commercial activity at the request of Yarra Ranges Council, Victoria Police, VicRoads or other Authority.

Commercial

Means an activity related to doing business or for business purposes



Public Infrastructure/ Council Asset

An asset that has a public service function and is managed or Controlled by Council



Guidelines for Signage

Where trading occurs in a roadside lay-by, rest area or other Council land, two signs are permitted to advertise goods and display prices. These signs may be erected at the entrance and exit of the lay-by change and must not impede traffic or create a hazard. In deciding whether to grant permits for this form of roadside trading, the general location, safety of road users, visual amenity, litter control and nature of the vehicle, stall or other structure will be considered.

- Signage is to be restricted to a description of the goods and prices.
- Advertising should reflect the corporate logo or business identity and/or products central to the nature of the business, such as coffee or food products.
- Signage must not be internally illuminated, reflective, animated or reasonably expected of being mistaken for a traffic sign.
- Signage is limited to 1.2 metres in height and 0.75 metres in width

Guidelines for Furniture and Other Equipment

Furniture and **Ancillary Equipment** are prohibited unless approved by an **Authorised Officer** and listed on the permit. Items will only be permitted at prescribed sites when there is demonstrated need and benefit to the community.

Where furniture or ancillary equipment is permitted, all items must be:

- placed in a way considered safe and reasonable for the business, community, and location, and approved by an Authorised Officer.
- self-supporting, windproof and/or weighted down. Displays must not be affixed to any footpath, building, land, furniture, pole or other structure.
- of a safe design, clearly visible, and constructed without sharp edges, projecting pieces, or any other hazard that could cause injuries.
- covered by Public Liability Insurance.

Ancillary Equipment

Movable items or accessories positioned alongside the trading which contributes to roadside trading.



Authorised Officer

A person appointed as an Authorised officer under Section 224 of the Local Government Act 2020 or any similar provision in any Act substantially re-enacting the Local Government Act 2020

Guidelines for Lighting

Where trading beyond daylight is permitted, adequate lighting must be provided to ensure the safety and amenity of patrons and the community.

- Lighting must not adversely affect surrounding residents.
- Directional spotlights must not be focused in a manner that, either by general radiance or specific aim, would cause any risk or detriment to the safety of motorists or their passengers.
- Festoon or string lights must be a minimum of 2.4m above the ground at their lowest point.
- Lighting is not permitted to flash, strobe, or operate in a manner that distracts traffic or pedestrians.

Information about Roadside Trading (Flexible Location)

- Roadside Trading (Flexible Location) Permits are available as 12-month (calendar year) or one-day permits.
- Trading must not occur within 1km of a fixed business selling goods or services of the **same type or nature**.
- A trading site must comply with the Road Safety Act 1986 and the Road Safety Road Rules 2017 and adhere to any parking restrictions.
- Authorised Officers may direct a mobile vendor to vacate a location if it is deemed unsuitable for trading.

Same type or nature



For the purpose of this policy, this refers to goods or services by a mobile vendor that are substantially similar in category, style, or primary purpose to those provided by a fixed business.

Example: A mobile vendor primarily selling souvlaki would be considered of the same type or nature as a fixed souvlaki restaurant, and therefore could not operate within 1km of that business. However, the same vendor could operate near a fish and chip shop that sells souvlaki as a minor item, since souvlaki is not the core business of that shop.



Information about Roadside Trading (Fixed Location)

- Traders can apply to trade from a prescribed site by completing an expression of interest (EOI) application when advertised by Council.
- Permits are awarded through an expression of interest procurement process and cannot be renewed. This process will occur every two-years or earlier by Council discretion if a site becomes vacant.
- A **permit holder** can only operate from the site prescribed on the permit for the time and duration specified on the permit.
- The Yarra Ranges Council website lists sites prescribed by the Council for Roadside Trading (Fixed Location) and their availability.

Vacancy from a fixed site

Council intends to keep sites activated where a primary permit holder temporarily vacates a site. Traders are encouraged to notify Council if they intend to vacate a prescribed trading site for longer than four weeks.

The primary permit is considered inactive for the period notified to Council. In these circumstances, it is beneficial to the amenity of the Yarra Ranges to keep trading sites active through the engagement of shortlisted roadside traders. The shortlist intends to temporarily fill vacant sites at short notice after Council receives notification from the permit holder that they will not trade at the site for more than four weeks.

Relocation from a prescribed site

Council may permanently or temporarily close a site at any time. Site closure is defined as the planned cessation of access to a prescribed site for more than 70% of permitted trading days in four weeks.

If a site is closed:

- the permit holder will be given written notice as soon as practicable.
- the permit holder cannot claim for loss of income in any circumstance.
- the permit holder will be given the option to trade from an available prescribed site elsewhere in Yarra Ranges until the site reopens or the permit expires, whichever occurs first.
- Where no prescribed site is available, a pro-rata refund may be given at Council's discretion.

The Council shall not be held responsible in the event that another Authority closes a site.

Festivals and Events

Where Council has permitted a community festival or event at a fixed site location, event organisers will be encouraged to include existing traders.

Note: Festivals and events will take priority over all Roadside Trading permits. Refunds will not be given where a festival or event takes precedence over a Roadside Trading permit.

Guidelines for Operation and Management of Footpath Trading Permits

The responsibilities associated with roadside trading are diverse. Some fall to the Council, some to permit holders, and others may be shared. For instance, management of the street and public space and the efficient processing of applications are Council responsibilities. The effective management and sale of roadside goods and services falls to permit holders, while matters of education, policy and permit compliance are shared responsibilities.

Permit holders are also encouraged to consider environmental issues. Effective energy management, adopting proactive waste management practices, and minimising the use of disposable packaging in public spaces can accrue significant benefits to environmental sustainability.

Cleanliness and Waste Management

- Roadside trading locations must be regularly maintained to be clean, tidy, litter-free and graffiti-free.
 - Graffiti or other forms of disfigurement to roadside trading equipment/vehicles should be removed within 48 hours by permit holders. Permit holders are encouraged to report the nuisance to the local Police Station and/or relevant Authority. Graffiti clean-up trailers and bins can be requested through Council's website
- Vehicles and items must not be offensive in any way, negatively impact on amenity or contain any words or illustrations that could be considered offensive, disrespectful or discriminatory.
- Council will fulfil its role by ensuring that streets and trading locations are cleaned and bins emptied to help roadside trading areas look attractive at all times.

Patron Behaviour

- Permit holders must ensure patrons behave in an orderly manner and do not disrupt others. Patrons are not to move any permitted items or interfere with movement and accessibility in public places.
- Permit holders and patrons are to behave in a manner that would not be offensive to a reasonable person or interfere with the reasonable enjoyment of the nearby area by others.
- In consideration of patrons and nearby residents, entertainment in roadside trading areas is not permitted. Entertainment includes spruiking, touting, amplified or piped music or sound from any other form of audio equipment or other un-amplified noise which is deemed to be unreasonable as defined in the Environment Protection Act 2017 or nuisance under the Neighbourhood Amenity Local Law 2020.

Single-Use Plastic Laws

Under single-use plastic bans in Victoria, some single-use plastic and polystyrene items are banned from being sold and supplied in Victoria. This ban applies to all businesses and organisations. It is the permit holder's responsibility to comply with relevant current regulations.

For more details, visit: <https://www.vic.gov.au/single-use-plastics>

Smoking and e-Cigarette Laws

Under Tobacco Laws in Victoria, all smoking and the use of e-cigarettes (vaping) is banned:

- in all commercial outdoor dining areas.
- within 10 metres of a food stall or food vendor.

It is the permit holder's responsibility to comply with the Tobacco Act 1987 or relevant current regulations.

For details, visit: <https://www.health.vic.gov.au/public-health/tobacco-reforms>





Permit Applications

Application for a Roadside Trading Permit

When applying for any Roadside Trading Permit in Yarra Ranges, the **applicant** must, where applicable, provide the following current documents with their application:

- Application Fee
 - This fee covers the processing of applications and is not refundable.
 - Fee scales can be obtained from the Council website. All Council fees and charges are reviewed annually.
- Current Public Liability insurance and indemnity for a minimum of \$20 million
- Waste Management Plan
- Liquor Licence
- Relevant Municipal Food Business registration certificate
- FoodTrader registration
- Written advice on the proposed business location and hours.

Applicant

Person who applies for a permit



Note: Where trading occurs as part of an event, the applicant may need to notify Council and comply with relevant legislation, regulations and policies.

Note: Where trading is planned on public land not managed by Council, evidence of approval by the appropriate Authorised body is required to trade at the location. Approval may be required from:

- Vicroads (Department of Transport and Planning)
- Parks Victoria
- Department of Energy, Environment and Climate Action (DEECA)
- National Parks
- Other agency or Authority.

Application for a Roadside Trading Permit (Fixed Location)

Eligibility

All applicants for Roadside Trading (Fixed Location) must provide the following evidence where applicable to be considered during the Expression of Interest procurement:

- Food Trader Registration with the Victorian Government Department of Health
- Relevant Municipal Food Business registration certificate
- Waste Management Plan
- Not currently have outstanding debts with Yarra Ranges Council
- Current Public Liability insurance and indemnity for a minimum of \$20 million

Expression of Interest Assessment

Applicants can apply for one or multiple permits. Each site will be evaluated based on the assessment criteria. The assessment panel may decide not to fully assess any EOI if, in its opinion, it does not adequately address or meet any of the evaluation criteria. Respondents should ensure sufficient information is included in their EOI to facilitate proper evaluation following the stated criteria.

Applications for Roadside Trading (Fixed Site) permits deemed eligible will be assessed against criteria including but not limited to:

- Locally registered businesses
- Compliance with Food Safety Standards and adherence to Yarra Ranges Council policies (if applicable)
- Compliance with all relevant Council permits and policies
- Range of Menu Options
- Environmentally sustainable practices
- Small Business Demographics

Note: Full application criteria will be available before each Expression of Interest period and are subject to change to meet community and trader needs.

Probity and Ethics

Council's procurement activities are performed in an open, transparent and ethical manner with demonstrated integrity, fairness and accountability that meets relevant legal requirements. All Applicants must be treated fairly, with access to the same information to afford them an equal opportunity to participate in the EOI process.

Council will provide open and honest feedback to Applicants who participate in the EOI process, subject to restrictions of confidentiality of Commercial In Confidence information.



Conflicts of Interest

- When submitting its EOI, the Applicant must declare any actual or potential conflicts of interest which may arise between the Applicant and Council.
- All Council staff involved in evaluating EOIs must disclose any conflicts of interest, as required by the relevant legislation and Council guidelines.

Lodgement of Submissions

Applicants will be required to complete and submit the Application Form (including any supporting documentation) via Council's automated procurement system. Applicants may submit an EOI for more than one site.

Assessment Panel

Applications will be assessed internally by a cross-organisational group of Council Officers and *may* include but is not limited to:

- Safer Communities Representative/s
- Economy, Tourism and Culture Representative/s
- Building and Planning Representative/s
- Design and Place Representative/s
- Recreation and Parks Representative/s
- Health and Wellbeing Representative/s

Awarding of Permits

Council will award the permits based on the best quality and value for the community. In determining this, Council will consider the report prepared by the EOI assessment panel and any other relevant factors.

The EOI assessment panel will evaluate EOIs following the assessment criteria. Council reserves the right to exclude any non-conforming EOI from assessment at any stage of the EOI process.

Notification of Outcome

Council will be informed of successful applications, and all Applicants will be notified in writing of the outcome of their application no less than three months before the commencement of the following permit period. Successful applicants will be listed on the Council's website.

Shortlist

Applicants, based on the initial assessment, may be shortlisted and further information requested. Any such shortlist shall be:

- Based on the Assessment Criteria
- Undertaken where no benefit is derived from the evaluation of all EOIs received
- Used to contact traders where a site becomes temporarily vacant (see section 2.5).

Permit Approval Notification

- Council will inform successful Roadside Trading (flexible location) applicants of the outcome of applications as soon as practicable.
- Once granted:
 - permit fee must be paid by applicant prior to issuing
 - Fee scales can be obtained from the Council website. All Council fees and charges are reviewed annually.
 - Fixed sites with additional amenities (i.e. power or water connection) may be subject to additional fees and charges.
 - all permit conditions must be complied with.

Permit Renewal

- Roadside Trading (Fixed Location) permits are valid for the length of the permit and are not renewed. All fixed locations must be obtained through an expression of interest process (outlined in section 3.2).
- Roadside Trading (Flexible Location) permits are renewed annually. Existing permit holders will receive a renewal notice a minimum of one month before the expiry date.
 - It is the responsibility of the permit holder to ensure the relevant information and payments are made to Council before the due date, including:
 - the annual renewal fee
 - confirmation of continuing Public Liability Insurance for the permit period
 - written advice about any previously undisclosed amendment(s) to permit conditions.

Withdrawal or Revocation of Permit

If the Roadside Trading (Fixed Site) permit holder withdraws their permit or has their permit revoked, a permit for that site will be awarded to another permit holder.

Where a permit has greater than 6 months plus a reasonable Expression of Interest timeframe, a permit will be awarded following the EOI process outlined in section 3.2.

Where a permit has fewer than 6 months plus a reasonable Expression of Interest timeframe, the permit will be awarded with Council discretion from the shortlist as outlined in section 3.2.9.

Refunds do not apply for withdrawal or revocation of permits.



Permit Compliance

Penalties

Any permit and endorsed plan approved under this policy must be available for inspection at any time during trading upon the request of an Authorised Council Local Laws officer. Any of the following actions may be taken where trading is in breach of permit conditions, the permit has expired, or a permit has never been issued:

- verbal educative warning
- issuance of a Notice to Comply
- service of a penalty infringement for contravening and/or failing to follow the Notice to Comply
- suspension or cancellation of the permit
- removal and/or seizure of all street furniture
- court action.

Where a permit has never been issued, the operator will be given a Permit Application, have his/her full details recorded, and shall remove and store the street furniture until a permit is granted.

Items may be seized immediately in accordance with the provisions of the *Neighbourhood Amenity Local Law 2020*. They can be returned to the owner upon payment of a fee, sold, destroyed, or given away.

Variation or Revocation

A Roadside Trading Permit may be varied or revoked at any time. Generally, this action will be taken after traffic, pedestrian, or parking patterns have been monitored and results reveal that a change is needed in the public interest.

If a permit is to be varied or revoked, notice will be given in writing, and a period of grace will be granted before the variation/revocation becomes effective. When there is a risk to public safety, periods of notice will be reduced or take effect immediately. Following a variation or revocation, the permit holder has 28 days to respond in writing to Council senior leadership for consideration.

Amendments

All requests to amend a permit must be submitted to the Council in writing and may be subject to a processing fee. Amendments may include:

- change of trading hours
- addition of or changes to any advertising or ancillary equipment as outlined in section 2.
- other variations.

Monitoring

Council officers will regularly monitor and liaise with permit holders to discuss and rectify issues/difficulties relative to the operation of the permit or facility. Advice in writing will be given of any action needed and the time allotted to perform corrective work.

Yarra Ranges Council
PO Box 105
Lilydale VIC 3140

1300 368 333 | mail@yarraranges.vic.gov.au
yarraranges.vic.gov.au

Page 303



Proposed Fixed Sites for Roadside Trading in Yarra Ranges Municipality

The Yarra Ranges *Neighbourhood Amenity Local Law 2020* supports roadside trading from fixed sites as prescribed by Council. This document proposes sites for prescription by Council following community consultation.

Following prescription, Council management may choose to activate or de-activate prescribed sites at any time.

Risk assessments have been completed for all proposed locations.

Trading Sites and Locations:

Lillydale Lake , Lilydale • 3 sites • Within carpark (existing)	Corner of Old Warburton and Warburton Hwys , Seville • 1 site • Within wide road shoulder on Old Warburton Highway
Bellbird Park , Lilydale • 1 site • Within carpark (existing)	Cnr Warburton Hwy and Victoria Road , Wandin North • 1 site • Within wide road shoulder on Victoria Road
150 Cambridge Road , Kilsyth • 2 sites • Within service road	Kalorama Memorial Reserve , Kalorama • 1 site • Within carpark
Paynes Road , Chirnside Park • 1 site • Within wide road shoulder	Wesburn Park (Warburton Park Trail Head), Warburton • 1 site • Within park or carpark
Keith Hume Fraser Reserve , Montrose • 1 site • Within carpark (existing)	MacIntyre Lane , Yering • 1 site • Within wide road shoulder
Corner of Tramway and York Roads , Mt Evelyn • 1 site • Within wide road shoulder on Tramway Road	

DECLARATION OF SPECIAL CHARGE ARTHURS ROAD CHUM CREEK

Report Author: Project & Schemes Officer
 Responsible Officer: Director Built Environment & Infrastructure
 Ward(s) affected: Ryrie;

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

SUMMARY

Following extensive consultation with landowners, Council considered road improvement works for Arthurs Road, Chum Creek and resolved on 14 October 2025 to proceed with a Special Charge Scheme under Section 163 of the *Local Government Act 1989*.

The statutory public notice and submission period concluded on 19 November 2025. One submission was received, raising concerns about financial hardship and changing circumstances since initial consultation.

The project will be jointly funded by Council and landowners, with an estimated total cost of \$503,903. Council will contribute \$246,600 (via the Federal Government's Roads to Recovery program), and landowners will contribute \$257,304. The scheme covers 20 properties, with 78% of surveyed landowners supporting the proposal.

This report recommends declaring the Special Charge without modification. Landowners experiencing hardship may seek assistance under Council's Rate Recovery and Financial Hardship Policy. Formal notifications will follow, and affected parties may apply to VCAT for review within 30 days.

RECOMMENDATION

That Council

1. *Having reviewed the proposed Special Charge, and considered submissions, declares the Special Charge for works on Arthurs Road, Chum Creek under Section 163 of the Local Government Act 1989, without modification.*
2. *Notes the Special Charge applies to the area in Attachment 1, with costs in Attachment 2.*
3. *Under Section 223 of the Local Government Act 1989, serves written notice of Council's decision to each submitter or nominated representative for group submissions.*
4. *Serves written notice to all liable persons, advising of Council's decision and their right to seek review by Victorian Civil and Administrative Tribunal (VCAT) within 30 days of notice issue.*

RELATED COUNCIL DECISIONS

24 September 2019: Council adopted an addendum to the Special Rate and Charge Scheme Policy for Infrastructure Improvements. Clause 4.6 was updated to remove the landowner contribution ceiling for projects not identified as a priority for Federal Government funding.

20 May 2025: Council endorsed the updated Special Rate and Charge Scheme Policy 2025. Clause 5.5 introduced a Council incentive contribution, allowing Council to provide financial incentives to landowners and acknowledge the benefits the Scheme delivers to Council.

14 October 2025: Council considered and resolved its intention to levy a Special Charge for Arthurs Road, Chum Creek.

DISCUSSION

Purpose and Background

The project originated from a landowner petition in November 2020, separate from the Roads for Community Initiative Program (which operated between September 2019 and January 2023). For petition-based projects, landowner contributions were uncapped, and the \$7,000 cap applied under the RCI program did not apply. Historically, Council has contributed between 20% and 40% for similar small rural projects due to increased construction costs.

For this scheme, Council's contribution is estimated at \$161,000 (38%), with landowners funding \$257,304 (62%) of road construction costs. In addition, Council will contribute \$85,660 for longitudinal drainage within the new drainage easement.

Consultation has been undertaken with landowners along Arthurs Road regarding the proposed Special Charge Scheme.

On 14 October 2025, Council resolved its intention to declare the Special Charge. The mandatory 28-day public notice and submission period concluded on 19 November 2025. Council must now consider any submissions received and determine whether to adopt, amend, or abandon the scheme. If adopted or amended, the Special Charge can then be formally declared.

Landowner support for the Project

In November 2021, landowners along Arthurs Road, Chum Creek were surveyed to gauge support for a landowner-funded Special Charge Scheme to construct the road.

- 18 landowners (90%) responded to the survey.
- Of those respondents:
 - 14 (78%) supported the proposed Special Charge Scheme.
 - 4 (22%) opposed the proposal.

Recommended option and justification

In accordance with Section 163 of the *Local Government Act 1989*, it is recommended that Council declare a Special Charge Scheme for the construction of Arthurs Road, Chum Creek. The scheme will be funded through the Federal Government's Roads to Recovery allocation in Council's 2025/26 Capital Expenditure Program, together with landowner contributions.

Given the need for the proposed works and strong landowner support, it is recommended that Council adopt and declare the Special Charge without modification.

FINANCIAL ANALYSIS

The detailed design phase has confirmed an estimated total project cost of \$503,903.

Council's contribution is estimated at \$246,600, which will be funded through the Federal Government's Roads to Recovery allocation in Council's 2025/26 Capital Expenditure Program.

Landowners will contribute \$257,304 toward the project upon adoption of this report's recommendations.

A detailed breakdown of Council costs and individual property apportionments is provided in Attachment 2 – Schedule of Costs per Property, as outlined in the Intent to Levy a Special Charge report considered by Council on 14 October 2025.

APPLICABLE PLANS AND POLICIES

The construction of local roads as a Special Charge Scheme meets the Council Plan 2021-2025 strategic objective of Quality Infrastructure and Liveable Places. Local road construction also has benefits related to the strategic objective of a Vibrant Economy, Agriculture and Tourism.

Council's Special Rate and Charge Policy outlines the approach for administering Special Charge Schemes

RELEVANT LAW

Special Charge Schemes for Infrastructure Improvements are implemented under the Special Charge provisions of the *Local Government Act 1989*.

Council when considering a Special charge scheme is required to advertise the proposal and invite submissions from the public as prescribed in Section 223 of the *Local Government Act 1989*.

Implementation of the works will be carried out under Sections 8 and 10 of the *Local Government Act 2020* which identifies the role and powers of Councils.

SUSTAINABILITY IMPLICATIONS

Economic Implications

Refer to Social Impacts (below) for commentary on affected landowners and financial hardship.

The *Local Government Act 1989* recognises that a property receives a special benefit from construction of an abutting road. The economic benefit to an individual property while difficult to quantify, might have a positive gain due to the improved amenity.

Social Implications

Special Charge Schemes for road construction require sizeable contributions from abutting landowners. These contributions can lead to social and economic impacts for affected landowners. Council's Special Rate and Charge Policy outlines, that those landowners with a demonstrated financial hardship may apply for assistance in accordance with Council's Rate Recovery and Financial Hardship Policy.

Environmental Implications

The proposed works will not require vegetation removal. All works will be completed in compliance with Council's Code of Environmental Practice for Works on Council Managed Land.

A Cultural Heritage Management Plan is not required for the works.

The works will enhance environmental amenity, through the reduction in dust.

COMMUNITY ENGAGEMENT

Landowner Consultation

A letter was mailed to landowners inviting them to view an on-line briefing presentation detailing the standard of works and the statutory processes required to implement a Special Charge Scheme. The briefing presentation is available for viewing on Council's website.

Those landowners unable to access the internet were advised that a copy of the presentation and functional design plans could be mailed to them on request.

Public Notice

In accordance with Sections 163 (1A) and 223 of the *Local Government Act 1989* Council is required to give public notice of the intention to declare a special charge.

A public notice was published in The Star Mail local newspapers on 20 October 2025 and also on Council's Internet Website.

The public notice stated that submissions in respect of Arthurs Road, Chum Creek Special Charge Scheme will be considered by Council, outlined the proposed declaration, set out the date on which it is proposed to make the declaration and advised that copies of the proposed declaration are available for inspection at Council's office for at least 28 days after the publication of the notice.

Notification of Landowners Involved

In addition to the public notice published in The Star Mail local newspapers and on Council's Internet Website, all owners of properties within the designated area of the special charge scheme were notified by mail of the proposed special charge, with an advisory notice and covering letter dated 15 October 2025.

Information relating to Council's intention to declare the special charge was extensively outlined, including the amount for which the person(s) is liable and the rights of a person to make a submission to the special charge.

Persons Right to Make a Submission

Section 163 of the *Local Government Act 1989* requires Council to consider any written submissions. These submissions should be received within 28 days after the publication of the public notice.

The formal submission period has now closed. Both the advisory notice served and the public notice published, advised that submissions must be received by 19 November 2025.

Persons making a written submission to Council are also entitled to request to appear before Council to be heard in support of their written submission.

Council must now consider any submissions received and determine whether to adopt, amend or abandon the scheme. If Council adopts or amends the Scheme, the special charge may then be declared.

Submissions Received

One written submission was received regarding Council's intention to declare a Special charge for the Arthurs Road, Chum Creek Improvement Works.

The designated area (Attachment 1) of the scheme comprises of 20 properties.

Summary of Submission

The details of the submitters concerned have been excluded from this report in compliance with the *Privacy and Data Protection Act 2014*.

In accordance with Council's resolution when the Arthurs Road, Chum Creek Intent to Levy Special Charge Report was adopted, the submitters were offered a consultation meeting to discuss their submission.

Submission Number 1

"At the time of the questionnaire... I myself supported the project. I now withdraw my support due to the following reasons

- *4 years have passed since the initial contact.*

- *Several properties have changed owners and a review/contact may be necessary.*
- *Covid lockdowns occurred... I note financial distress for myself.*
- *12 interest rate rises over a 12 month period.*
- *Cost of living has increased from 2021.*
- *Energy costs are forecast to increase putting added pressure to cost of living.*
- *4.24% per annum is an estimate and is not fixed.*

In summary I believe the cost outweighs the reward."

Comment

Over the past four years, Council has provided regular project updates to landowners along Arthurs Road, including the most recent information on estimated costs and submission rights. The financing rate at the time of declaring a Special Charge (currently 4.24%) will remain unchanged for the 10-year instalment period.

It is acknowledged that some landowners may experience financial hardship, and the proposed contribution could add to this challenge. However, the Special Charge provides a long-term benefit to the property, not just the current owner, and is therefore apportioned based on the benefit received rather than individual circumstances.

Landowners experiencing financial hardship may apply for assistance under Council's *Rate Recovery and Financial Hardship Policy*, where options for payment will be discussed.

Formal Notification to Landowners

Upon consideration of the submissions received and declaration of the special charge, the *Local Government Act 1989* requires those persons who have lodged a submission to be advised of Council's decision in relation to their submission.

All landowners are then to be formally notified of the special charge scheme and advised of their option to apply to the Victorian Civil and Administrative Tribunal for a review of Council's decision to introduce the special charge, as required by Section 185 of the *Local Government Act 1989*.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

As a result of landowner consultation, majority support has been identified from landowners along Arthurs Road, Chum Creek for implementing a Special Charge scheme for sealing the road and drainage improvement works.

The purpose of the special charge is to improve safety, amenity and accessibility for landowners involved.

The project will be jointly funded by abutting Landowners and Council (using the Federal Government's Roads to Recovery allocation in Council's 2025/26 Capital Expenditure Program).

RISK ASSESSMENT

Construction of the road would provide the following benefits/risk reduction to landowners:

- Continued and safer vehicular access to and from properties abutting or gaining primary access via Arthurs Road, Chum Creek.
- Improved stormwater drainage runoff control directed towards the road from abutting properties, and protection of low side properties from stormwater runoff from the road.
- Enhanced physical and environmental amenity for abutting properties.

It is noted that the road has existed in its' current form for many years. If the proposed construction of the road does not proceed, no unacceptable or unmanageable risk would be experienced by Council.

CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

ATTACHMENTS TO THE REPORT

1. Designated Area
2. Schedule of Costs per Property



Yarra Ranges Council does not guarantee the accuracy of the information on this map. Any person using or relying upon such information does so on the basis that Yarra Ranges Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions on this map.



Proposed Road Construction
Arthurs Road, Chum Creek SCS

Scale = 1:4576 @A4
Plan Printed on
17/09/2025



Arthurs Road, Chum Creek Proposed Special Charge Scheme October 2025

PROJECT COST SUMMARY		
Total Project Cost	\$503,903	
Less Council Cost only	\$85,600	
Total Scheme Cost	\$418,303	
Total Council Contribution	\$161,000	
Total Landowner Contribution	\$257,304	
Financing Costs	\$54,548	

COUNCIL COST SUMMARY		
20% Contribution	\$83,661	
Landowner subsidy	\$77,339	
Total Council Scheme Cost	\$161,000	
Council Cost only- outfall drainage	\$85,600	
Total Council Project Cost	\$246,600	

APPORTIONMENT SUMMARY		
Unit Ratio =	100%	
Total Landowner Units =	18.12	
Total Council Units =	Nil	
\$ / Unit =	\$18,468	
	\$14,200	

DESCRIPTION	PROPERTY ADDRESS	ASSESSMENT NO.	DEVELOPMENT / BENEFIT UNIT	CHARGE FOR THE WORKS	ADJUSTED FOR CEILING	FINANCING CHARGE	TOTAL CHARGE	YEARLY CHARGE
Lot 3 LP23838 Ca 100 PTarrawarra	8 Arthurs Road	38318	0.06	\$1,108	\$852	\$181	\$1,033	\$103
Lot 5 LP23838 Ca 100 PTarrawarra	16 Arthurs Road	38319	1.00	\$18,468	\$14,200	\$3,010	\$17,210	\$1,721
Lot 7 LP23838 Ca 100 PTarrawarra	20 Arthurs Road	38320	1.00	\$18,468	\$14,200	\$3,010	\$17,210	\$1,721
Lot 9 LP23838 Ca 100PT PTarrawarra	26 Arthurs Road	38321	1.00	\$18,468	\$14,200	\$3,010	\$17,210	\$1,721
Lot 11 LP23838 Ca 100 PTarrawarra	32 Arthurs Road	38322	1.00	\$18,468	\$14,200	\$3,010	\$17,210	\$1,721
Lot 13 LP23838 Ca 100 PTarrawarra	40 Arthurs Road	38323	1.00	\$18,468	\$14,200	\$3,010	\$17,210	\$1,721
Lot 15 LP23838 Ca 100 PTarrawarra	46 Arthurs Road	38324	1.00	\$18,468	\$14,200	\$3,010	\$17,210	\$1,721
Lot 17 LP23838 Ca 100 PTarrawarra	50 Arthurs Road	38325	1.00	\$18,468	\$14,200	\$3,010	\$17,210	\$1,721
Lot 19 LP23838 Ca 100 PTarrawarra	58 Arthurs Road	38326	1.00	\$18,468	\$14,200	\$3,010	\$17,210	\$1,721
Lot 1 LP118114 PTarrawarra	64 Arthurs Road	38327	1.00	\$18,468	\$14,200	\$3,010	\$17,210	\$1,721
Lot 2 LP118114 PTarrawarra	65 Arthurs Road	38328	1.00	\$18,468	\$14,200	\$3,010	\$17,210	\$1,721
Lot 8 LP23838 Ca 100 PTarrawarra	21 Arthurs Road	38330	1.00	\$18,468	\$14,200	\$3,010	\$17,210	\$1,721
Lot 10 LP23838 Ca 100 PTarrawarra	25 Arthurs Road	38331	1.00	\$18,468	\$14,200	\$3,010	\$17,210	\$1,721
Lot 12 LP23838 Ca 100 PTarrawarra	37 Arthurs Road	38332	1.00	\$18,468	\$14,200	\$3,010	\$17,210	\$1,721
Lot 14 LP23838 Ca 100 PTarrawarra	39 Arthurs Road	38333	1.00	\$18,468	\$14,200	\$3,010	\$17,210	\$1,721
Lot 16 LP23838 Ca 100 PTarrawarra	45 Arthurs Road	38334	1.00	\$18,468	\$14,200	\$3,010	\$17,210	\$1,721
Lot 18 LP23838 Ca 100 PTarrawarra	51 Arthurs Road	38335	1.00	\$18,468	\$14,200	\$3,010	\$17,210	\$1,721
Lot 20 LP23838 Ca 100 PTarrawarra	59 Arthurs Road	38336	1.00	\$18,468	\$14,200	\$3,010	\$17,210	\$1,721
Lot 4 LP23838 Ca 100 PTarrawarra	9 Arthurs Road	69711	0.06	\$1,108	\$852	\$181	\$1,033	\$103
Lot 6 LP23838 Ca 100 PTarrawarra	13 Arthurs Road	69712	1.00	\$18,468	\$14,200	\$3,010	\$17,210	\$1,721
Totals			18.12	\$334,643	\$257,304	\$54,548	\$311,852	\$31,185

Note: 8 & 9 Arthurs Road - majority of road abuttal is sealed.Charge proportionally based on abuttal to 7m of unsealed road.

11. COUNCILLOR MOTIONS

In accordance with Chapter 3 Division 4 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

There were no Councillor motions received prior to the Agenda being printed.

12. ITEMS THROUGH THE CHAIR

13. REPORTS FROM DELEGATES

14. DOCUMENTS FOR SIGNING AND SEALING

In accordance with Clause 87 of the Meeting Procedures and Use of Common Seal Local Law 2015, as prescribed by Section 14(2)(c) of the Local Government Act 2020.

There were no Documents for Signing and Sealing listed for this meeting prior to the Agenda being printed.

15. INFORMAL MEETINGS OF COUNCILLORS

Report Author: Governance Officer
 Responsible Officer: Director Corporate Services
 Ward(s) affected: All Wards

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public

SUMMARY

Chapter 8, Rule 1, of the Governance Rules requires that records of informal meetings of Councillors must be kept and that the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting tabled at the next convenient Council meeting and recorded in the Minutes of that Council meeting.

An 'informal meeting of Councillors' is defined in the Governance Rules as a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.

The records for informal meetings of Councillors are attached to the report.

RECOMMENDATION

That the records of the Informal Meetings of Councillors, copies of which are attached to the report, be received and noted.

ATTACHMENTS TO THE REPORT

1. 18 November 2025 – Forum Briefing

Informal Meetings of Councillors Public Record (Forum)



Submitted on	19 November 2025, 12:19PM
Receipt number	16
Related form version	6

Meeting details

Meeting name	Council Forum
Date	18/11/2025
Start time	5.30pm
Finish time	9.12pm
Venue	Civic Centre, 15 Anderson Street, Lilydale

Attendees

Councillors	Cr Jim Child Cr Richard Higgins Cr Mitch Mazzarella Cr Gareth Ward Cr Fiona McAllister Cr Peter McIlwain Cr Jeff Marriott Cr Len Cox
CEO / Directors	Kath McClusky Hjalmar Philipp Leanne Hurst Vincenzo Lombardi Amee Cooper
Officers	Gina Walter (Governance Officer), Beck Stevens, Amee Cooper, Katie Douglas, Alison Fowler, Angela Schirripa, Nathan Islip, Jo Colley, Cathrine Bennett, Graham Brewer, Enrique Gutierrez, Susan Hartley, Kanishk Gupta, Anna O'Brien, Tom Alexander, and Viesha Lalic, Bethea Hill and Alanna Ford

Externals	Nil
Apologies	Tammi Rose and Cr Heenan

Declarations of interest

Declarations of interest	Nil
--------------------------	-----

Matters Discussed

1	Acknowledgement of Country
2	Declaration of Interest
3	Action and Agreement Record - 5 November 2025
4	YR-2025/82 - 7 Rodger Road, (Lot 27 LP8526) Wandin North - Planning Application
5	Amendment C225 Erosion Management Overlay - Consideration of Submission and referral to Planning Panel
6	Review of the Public Agenda for Council's Meeting on 25 November 2025
7	Property Optimisation Project (Buildings Focus)
8	Sale of Land and Property Acquisition Policy - Draft
9	Mayor & CEO Update
10	General Business
11	Councillor Appointments to Committees and External Bodies - Confirmation (Verbal Update)
12	Appointment and Authorisation under the Environment Protection Act 2017 and the Planning and Environment Act 1987 (Verbal Update)
13	Labour Hire Contractor Panel Provider (Verbal Update)
14	Neighbourhood Safer Places - Bushfire Places of Last Resort Annual Report
Completed by	Governance Officer

16. URGENT BUSINESS

In accordance with Chapter 3 Rule 24 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

17. CONFIDENTIAL ITEMS

In accordance with Chapter 3 Rule 24 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

There were no Confidential Items listed for this meeting.

18. DATE OF NEXT MEETING

The next meeting of Council is scheduled to be held on Tuesday 27 January 2026 commencing at 7.00pm, at Council Chamber, Civic Centre, Anderson Street, Lilydale.



In providing for the good governance of its community, Councillors are reminded of their obligation to abide by the provisions as set within the Local Government Act 2020 and the Code of Conduct for Councillors.

When attending a Council Meeting, Councillors should adhere to the procedures set out in the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

The following is a guide for all Councillors to ensure they act honestly, in good faith and in the best interests of Yarra Ranges as a whole.

1. Councillors will respect the personal views of other Councillors and the decisions of Council.
2. Councillors may publicly express their own opinions on Council matters but not so as to undermine the standing of Council in the community.
3. The Mayor is the official spokesperson for Council.
4. Councillors will incur expenditure in a responsible manner and in accordance with the Councillor Expenditure and Policy.
5. Councillors will avoid conflicts of interest and will always openly disclose any direct and indirect interests where they exist.
6. Councillors will act with integrity and respect when interacting with Council staff and members of the public.
7. Councillors will demonstrate fairness in all dealings and conduct and be open with and accountable to the community at all times.
8. Councillors will conduct themselves in a manner that does not cause detriment to Council or the Yarra Ranges community.