

## SCHEDULE TO CLAUSE 44.01 EROSION MANAGEMENT OVERLAY

01/03/2024  
C217yran

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

### EROSION MANAGEMENT OVERLAY - SCHEDULE

#### 1.0 Erosion management objectives to be achieved

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

#### 2.0 Statement of risk

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Areas subject to landslip across the Yarra Ranges include the hillsides along the Yarra River valley, the mountains of the Dandenong Ranges and agricultural areas of Silvan, Monbulk and Seville.

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

The control of environmental factors and development relating to vegetation cover, drainage, rock, earthworks, soil disturbance and effluent and stormwater disposal are all important in managing the risk from landslip.

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

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

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

**Table 1 - Maximum tolerable risk to property**

New Development Type	Maximum Qualitative Tolerable Risk
Essential facilities including Hospitals, Medical centre and Emergency services facility. Land uses capable of causing hazardous conditions including Earth and energy resources industry, Freezing and cool storage and Fuel depot.	Low
All other land uses	Moderate

#### 3.0 Permit requirement

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A permit is required for all subdivision and new buildings and works except for:

- Impervious water holding structures engineer designed or manufactured to an Australian Standard such as domestic rainwater tanks and spas, ponds and rainwater gardens with a capacity not exceeding 5000 litres.
- Landscaping water features or other non-engineer designed or manufactured water retaining structures provided that do not entail ponding of more than 500 litres.
- A masonry fence, if the height of the fence does not exceed one metre and the fence does not alter surface water drainage.

- A fence of lightweight construction including timber, wire or aluminium **and** where the fence is permeable or **where** the base of the fence is at least 50 mm above the ground surface and does not obstruct surface water flow.
- Earthworks that result in a modified ground surface that is less than 1 metre above or below the natural ground level and does not allow water ponding.
- Alteration or extension to an existing building provided all of the following are met:
  - the floor area of the alteration or extension is not more than 20 square metres;
  - the alteration is connected to a legal point of discharge;
  - there are no existing earthworks higher than 1 metre within 5 metres of the alteration or addition.
- An outbuilding ancillary to a dwelling, provided all the following are met:
  - the building is not used for accommodation;
  - the building is constructed with aluminium, steel or timber;
  - the total area of outbuildings on the lot is 40 square metres or less;
  - 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.
- A building used for agriculture, provided all of the following are met:
  - 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.
- A temporary shed or temporary structure for construction purposes with a floor area of 20 square metres or less.
- A retaining wall associated with new excavation or fill provided all of the following are met:
  - the retaining wall and associated earthworks result in a modified ground surface that is less than 1 metre above or below the natural ground level;
  - the retaining wall is less than 1 metre high;
  - the retaining wall is not attached to or part of a building or structure;
  - the retaining wall does not provide landslip protection for any adjoining land.
- A retaining wall or slope retention to support existing earthworks provided the earthworks were undertaken prior to 2001.
- Remove, destroy or lop vegetation, either separately or as part of building works if any of the following apply:
  - A tree with a trunk circumference of 0.5 metres or less measured 1.3 m above ground level.
  - Vegetation within 2 metres of a building.
  - Dead vegetation where the ground surface is reinstated.
  - Lopping necessary to improve the health or structural stability of a tree.

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### Application requirements

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

For an application to construct a building or construct or carry out works:

- Plans drawn to scale and dimensioned, showing as appropriate;

- The proposed new development, including as appropriate a site plan, land contours, building elevations, access, cut and fill, retaining walls and effluent disposal system.
- Any existing development, including buildings, water tanks and pools or dams on both the subject lot(s) and adjacent land.
- Any existing earthworks and water infrastructure on the subject lot(s), including cut and fill, stormwater drainage, subsurface drainage, water supply pipelines, sewerage pipelines or effluent disposal installations and pipelines and any otherwise identified geotechnical hazard.
- Details and locations of existing vegetation, including any vegetation to be removed.
- A Geotechnical Assessment or Landslide Risk Assessment prepared in accordance with 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, March 2023).’

For an application to subdivide land:

- Plans drawn to scale and dimensioned, showing as appropriate;
  - The proposed subdivision layout and land contours.
- Any existing development, including buildings, water tanks and pools or dams on both the subject lot(s) and adjacent land.
- Any existing earthworks or water infrastructure on the subject lot(s), including cut and fill, stormwater drainage, subsurface drainage, water supply pipelines, sewerage pipelines or effluent disposal installations and pipelines and any otherwise identified geotechnical hazard.
- Details and location of existing vegetation, including any vegetation to be removed.
- Landslide Hazard Assessment in accordance with 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, March 2023)’.
- If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the application requirements.

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### Decision guidelines

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

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