

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	<p>EMO1</p> <p>Mapping methodology</p> <p>Stormwater management</p>	<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
					<p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
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	<p>EMO1 EMO2</p> <p>Restricts development</p> <p>Impact on property values</p>	<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
					<p>Recommendation: No change required to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
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. 	Following site investigation no change be made to the proposed 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>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>