44.02 SALINITY MANAGEMENT OVERLAY

18/06/2010
VC62

Shown on the planning scheme map as **SMO** with a number (if shown).

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To identify areas subject to saline ground water discharge or high ground water recharge.

To facilitate the stabilisation of areas affected by salinity.

To encourage revegetation of areas which contribute to salinity.

To encourage development to be undertaken in a manner which brings about a reduction in salinity recharge.

To ensure development is compatible with site capability and the retention of vegetation, and complies with the objectives of any salinity management plan for the area.

To prevent damage to buildings and infrastructure from saline discharge and high watertable.

44.02-1 Buildings and works

31/10/2006
VC43

A permit is required to construct a building or construct or carry out works. This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To salinity management works carried out in accordance with any Regional Catchment Strategy and associated plan applying to the land.
- To an alteration to an existing building where there is no increase in floor area and no increase in waste water disposal. This exemption does not apply to alterations required as part of remedial works for salt or high water table damage.
- To a building used for agriculture with a floor area of less than 100 square metres where there is no increase in waste water disposal.

44.02-2 Subdivision

31/10/2006
VC43

A permit is required to subdivide land.

44.02-3 Removal of vegetation

15/09/2008
VC49

A permit is required to remove, destroy or lop any vegetation. This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- If the table to Clause 44.02-4 specifically states that a permit is not required.
- To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

44.02-4 Table of exemptions

18/06/2010
VC62

No permit is required to remove, destroy or lop vegetation to the minimum extent necessary if any of the following apply:	
Regrowth	▪ The vegetation is regrowth which has naturally established or regenerated on land lawfully cleared of naturally established vegetation and is within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation. This exemption does not apply to land on which vegetation has been cleared or otherwise destroyed or damaged as a result of flood, fire or other natural disaster.
Bracken	▪ The vegetation is bracken (*Pteridium esculentum*) which has naturally established or regenerated on land lawfully cleared of naturally established vegetation. This exemption does not apply to land on which vegetation has been cleared or otherwise destroyed or damaged as a result of flood, fire or other natural disaster.
Noxious weeds	▪ The vegetation is a noxious weed the subject of a declaration under section 58 or section 58A of the Catchment and Land Protection Act 1994. This exemption does not apply to Australian Dodder (*Cuscuta australis*).
Pest animal burrows	▪ The vegetation is to be removed, destroyed or lopped to enable the removal of pest animal burrows. In the case of native vegetation the written agreement of an officer of the Department responsible for administering the Flora and Fauna Guarantee Act 1988 is required before the vegetation can be removed, destroyed or lopped.
Land use conditions	▪ The vegetation is to be removed, destroyed or lopped to comply with a land use condition served under the Catchment and Land Protection Act 1994.
Land management notices	▪ The vegetation is to be removed, destroyed or lopped to comply with land management notice issued under the Catchment and Land Protection Act 1994.
Planted vegetation	▪ The vegetation has been planted or grown as a result of direct seeding for Crop raising or Extensive animal husbandry.
Emergency works	▪ The vegetation presents an immediate risk of personal injury or damage to property and only that part of vegetation which presents the immediate risk is removed, destroyed or lopped. ▪ The vegetation is to be removed, destroyed or lopped by a public authority or municipal council to create an emergency access or to enable emergency works.
Fire protection	▪ The vegetation is to be removed, destroyed or lopped for the making of a fuelbreak by or on behalf of a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Sustainability and Environment (as constituted under Part 2 of the Conservation, Forest and

No permit is required to remove, destroy or lop vegetation to the minimum extent necessary if any of the following apply:	
	Lands Act 1987). The maximum width of a fuelbreak must not exceed 40 metres. ▪ The vegetation is to be removed, destroyed or lopped for fire fighting measures, periodic fuel reduction burning, or the making of a fuel break up to 6 metres wide. ▪ The vegetation is ground fuel within 30 metres of a building. ▪ The vegetation is to be removed, destroyed or lopped in accordance with a fire prevention notice under: · Section 65 of the Forests Act 1958. · Section 41 of the Country Fire Authority Act 1958. · Section 8 of the Local Government Act 1989. ▪ The vegetation is to be removed, destroyed or lopped to keep the whole or any part of any vegetation clear of an electric line in accordance with a code of practice prepared under Part 8 of the Electricity Safety Act 1998. ▪ The vegetation is to be removed, destroyed or lopped in accordance with any code of practice prepared in accordance with Part 8 of the Electricity Safety Act 1998 in order to minimise the risk of bushfire ignition in the proximity of electricity lines.
Surveying	▪ The vegetation is to be removed, destroyed or lopped for establishing sight-lines for the measurement of land by surveyors in the exercise of their profession, and if using hand-held tools.
Public roads	▪ The vegetation is to be removed, destroyed or lopped to maintain the safe and efficient function of an existing public road managed by the relevant responsible road authority (as defined by the Road Management Act 2004) in accordance with the written agreement of the Secretary to the Department of Sustainability and Environment (as constituted under Part 2 of the Conservation, Forest and Lands Act 1987).
Railways	▪ The vegetation is to be removed, destroyed or lopped to maintain the safe and efficient function of an existing railway or railway access road, in accordance with the written agreement of the Secretary of the Secretary to the Department of Sustainability and Environment (as constituted under Part 2 of the Conservation, Forest and Lands Act 1987).
Extractive industry	▪ The vegetation is to be removed, destroyed or lopped to enable the carrying out of Extractive industry in accordance with a work plan approved under the Extractive Industries Development Act 1995 and authorised by a work authority granted under that Act.
Search for stone	▪ The vegetation is to be removed, destroyed or lopped to enable the carrying out of the Search for stone. The maximum extent of vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the

No permit is required to remove, destroy or lop vegetation to the minimum extent necessary if any of the following apply:	
	following: · 1 hectare of vegetation which does not include a tree. · 15 trees if each tree has a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level. · 5 trees if each tree has a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level. This exemption does not apply to vegetation to be removed, destroyed or lopped to enable costeaning and bulk sampling activities.
Mining	▪ The vegetation is to be removed, destroyed or lopped to enable the carrying out of Mining in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act.
Mineral Exploration	▪ The vegetation is to be removed, destroyed or lopped to enable the carrying out of Mineral exploration.
Geothermal energy exploration and extraction	▪ The vegetation is to be removed, destroyed or lopped to enable the carrying out of geothermal energy exploration or extraction in accordance with the Geothermal Energy Resources Act 2005.

44.02-5 Application requirements

15/09/2008
VC49

An application must be accompanied by the following information, as appropriate:

- The source of water supply.
- Water use requirements and effluent or water disposal provision.
- Any existing vegetation proposed to be removed.
- Details of the species, location and density of any proposed landscaping.
- The water balance under the current land use and any proposed land use.
- Title and ownership details.
- Topographic information including natural contours of the land, highlighting significant ridges, hill tops and crests, slopes in excess of 25 percent (1:4), low lying areas, drainage lines, waterways, springs, dams, lakes, wetlands and other environmental features on or in close proximity to the subject area.
- Geology types.
- Location and area of outcropping bedrock.
- Soil types.
- Size and location of high recharge areas and discharge areas from the site inspection, soil types, soil depth, and soil percolation rates/infiltration.
- Size and location of discharge areas and areas of high salinity risk from the site inspection, including the identification of shallow watertable within 3 metres of the surface (depth to watertable), and soil salinity from soil tests or vegetative indicators.

- Area of land and the proportion of the development site identified as high recharge or discharge areas.
- Location, species and condition of existing vegetation (both native and exotic species).
- Existing degraded areas and recommendations for land management practices and remedial works required to overcome any existing or potential land degradation.

44.02-6 Exemption from notice and review

15/09/2008
VC49

An application under this overlay is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

44.02-7 Referral of applications

15/09/2008
VC49

Before deciding on any application, the responsible authority must refer the application and any site capability report to the Department of Sustainability and Environment under Section 55 of the Planning and Environment Act, 1987 unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the Department of Sustainability and Environment.

44.02-8 Decision guidelines

15/09/2008
VC49

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The State Environmental Protection Policy, (Waters of Victoria).
- The Regional Landcare Plan applicable to the catchment.
- The Catchment Salinity Management Plan to the particular catchment.
- A Local Government Planning Guide for Dry Land Salinity - Department Conservation and Natural Resources, 1995.
- The need to augment tree planting and the establishment of deep-rooted, high water-use pasture species to reduce rainfall accessions to the watertable in high recharge areas.
- The need for planting of salt-tolerant species to stabilise and lower ground water levels in discharge areas.
- The need for stock-proof fencing of discharge and high discharge areas to enable effective stock management for site stabilisation.
- Any proposed landscaping and the need to preserve existing vegetation, particularly in high recharge and high discharge areas.
- Any land management plan, works program, or farm plan applicable to the land.
- The design, siting and servicing of the development and the extent of earthworks.
- The appropriateness of the proposed use or development having regard to the sensitivity and constraints of the land and the capability of the land to accommodate the use or development.

Notes: *Refer to the* State Planning Policy Framework *and the* Local Planning Policy Framework, *including the* Municipal Strategic Statement, *for strategies and policies which may affect the use and development of land.*

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.