

#### **44.01**

04/02/2008  
VC46

### **EROSION MANAGEMENT OVERLAY**

Shown on the planning scheme map as **EMO** 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 protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.

#### **44.01-1**

19/01/2006  
VC37

### **Buildings and works**

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.

#### **44.01-2**

04/02/2008  
VC46

### **Vegetation removal**

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 vegetation has been planted for pasture, timber production or any other crop.
- To any action which is necessary to keep the whole or any part of any vegetation clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Part 8 of the Electricity Safety Act 1998.
- To any action necessary to remove, destroy or lop vegetation situated within electricity supply easements 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.
- If the vegetation presents an immediate risk of personal injury or damage to property.
- If the removal, destruction or lopping of vegetation is necessary for emergency access or emergency works by a public authority or municipal council.
- If the removal, destruction or lopping of vegetation is necessary for fire fighting measures, periodic fuel reduction burning, or the making of firebreaks up to 6 metres wide.
- If the removal, destruction or lopping of native vegetation is necessary 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 of the Department of Sustainability and Environment. The maximum width of a fuelbreak must not exceed 40 metres.
- To the removal of ground fuel within 30 metres of a building.
- If the removal, destruction or lopping of vegetation is 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.

- To the removal, destruction or lopping of the minimum extent of vegetation necessary for establishing sight-lines for the measurement of land by surveyors in the exercise of their profession, and if using hand held tools.
- If the vegetation is proclaimed as a noxious weed or is bracken (*Pteridium esculentum*).
- If the removal, destruction or lopping of vegetation is in accordance with a notice under the Catchment and Land Protection Act 1994.
- If the vegetation is burgan (*Kunzea ericoides*, previously *Leptospermum phyllicoides*) or manuka (*Leptospermum scoparium*) and is on land which meets each of the following conditions:
  - It is outside the Metropolitan Region.
  - It is more than 30 metres from a waterway.
  - It is being re-established or maintained for cultivation or pasture.
  - Ground slopes are less than 30 percent.
- To the removal, destruction or lopping of the minimum extent of vegetation necessary to remove burrows for vermin control subject to in the case of native vegetation removal the written agreement of an officer of the Department responsible for administering the Flora and Fauna Guarantee Act 1988. The total area in one ownership to be destroyed must not exceed 10 hectares.
- To the removal, destruction or lopping of vegetation necessary for mineral exploration or mining authorised by an approved work plan and in accordance with an authority to commence work issued under the Mineral Resources (Sustainable Development) Act 1990.
- To the removal, destruction or lopping of native vegetation necessary for geothermal energy exploration or extraction carried out in accordance with the Geothermal Energy Resources Act 2005.

#### **44.01-3**

19/01/2006  
VC37

#### **Subdivision**

A permit is required to subdivide land.

#### **44.01-4**

19/01/2006  
VC37

#### **Application requirements**

An application must be accompanied by any information specified in a schedule to this overlay and information showing:

- The existing site conditions, including land gradient and the extent of any existing erosion, landslip or other land degradation.
- The extent of any proposed earthworks.
- The means proposed to stabilise disturbed areas.

#### **44.01-5**

19/01/2006  
VC37

#### **Exemption from notice and review**

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.

#### **44.01-6**

19/01/2006  
VC37

#### **Decision guidelines**

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.
- Regional Catchment Strategy (Catchment and Land Protection Act 1994).
- Environmental Guidelines for Major Construction Sites, Environment Protection Authority, February 1996.
- Construction Techniques for Sediment Pollution Control, Environment Protection Authority, May 1991.
- Control of Erosion on Construction Sites, Soil Conservation Authority.
- Your Dam, an Asset or a Liability, Department of Conservation and Natural Resources.
- Any proposed measures to manage concentrated runoff and site drainage.
- Any proposed measures to minimise the extent of soil disturbance.
- Whether the removal of vegetation will increase the possibility of erosion, the susceptibility to landslip or other land degradation processes, and whether such removal is consistent with sustainable land management.
- The need to stabilise disturbed areas by engineering works or revegetation.
- Whether the land is capable of providing a building envelope which is not subject to high or severe erosion concern.
- Whether buildings or works are likely to cause erosion or landslip.
- Whether access and servicing of the site or building envelope is likely to result in erosion or landslip.
- Land Capability Report (if prepared) as developed by the Department of Sustainability and Environment, Centre for Land Protection Resource.
- Any technical information or reports required to be provided by a schedule to this overlay.

**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 the requirements of the zone which applies to the land.*

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