



This information sheet has been prepared as an introduction to the Environmental Management Overlay (EMO) that applies to some areas across the Colac Otway Shire. This information sheet should be read in conjunction with the **General Planning Application Checklist**, available to download from the Colac Otway Shire website or by contacting the Planning Team (details below).

The key purpose of the EMO is: *To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.*

Within the Colac Otway Planning Scheme the EMO is applied at a local scale using Schedule 1 to the overlay.

When is a planning permit required?

A permit is required to construct a building or construct or carry out works; however there are a number of exemptions listed in part 5.0 of the EMO Schedule.

A permit is **not** required to construct or carry out the following:

- **Earthworks** that do not exceed 1m in depth or fill exceeding 1m in height; or
- A **retaining wall** that does not exceed 1m in height that is replacing an existing retaining wall with the same form of construction and dimensions and/or materials of improved durability and is not associated with other building construction work and does not provide landslip protection for any adjoining land; or
- **Extension** to the floor area of an **existing building**, including decks and verandahs provided that there is no increase in the ground surface area covered by roofed buildings and the floor area of the extension does not exceed 20m²; or
- **Road works** undertaken by a public authority; or
- **Minor structures** ancillary to an **existing dwelling** where the floor area of the structure does not exceed 20m²; or
- The **removal, destruction or lopping** of any **vegetation** providing the roots below ground level are retained; or
- **Timber production** where all timber production activities comply with the current Code of Forest Practices for Timber Production and/or the Timber Harvesting Prescriptions for Environmental Protection – Otway Region Private Land Native Forests and Plantations, where details of management of landslip risk have been provided to the satisfaction of the Responsible Authority; or
- In the **Farming Zone**, the construction of an **outbuilding** with a floor area less than 150m² for

Application requirements

The provisions in Schedule 1 to the EMO provide a two level assessment process for applications on land included in the planning scheme map designated as EMO1. The two levels of assessment are known as:

- Geotechnical Assessment (initial level)
- Landslip Risk Assessment (second more detailed level)

The Geotechnical Assessment

The initial level of assessment requires a report known as a “Geotechnical Assessment”. A primary purpose of the Geotechnical Assessment is the collection of base information about the site. This is to include:

- A detailed site description typically including aspects of the site geomorphology, site drainage and site physiography including slope and aspect.
- Site features such as existing development, access roads, retaining walls and site excavations and/or fills.
- Site assessment plans and cross sections of the subject site and related land that may contribute to or be affected by instability at the site. This should include contours and ground slopes drawn to scale and dimensioned from a survey and recent field measurements. The plan and section should be separate from any geological model or stability model provided as additional analysis/assessment information.
- A detailed assessment of subsurface conditions including both surface and subsurface geology. Such information is vital in developing a geological model for the site and should include any exposures or outcrops as well as groundwater discharges or seeps.
- The above information should then be summarised in a description of a geological/geotechnical model for the site.
- Details of all site investigations and any other information used in developing the Geotechnical Assessment.

The purpose of the base information is to effectively describe key aspects of the site in detail so as to clearly establish a context for the site conditions prior to the proposed development

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The Geotechnical Assessment *continued*

The next aim of the Geotechnical Assessment is to establish relevant features of the slope stability conditions of the site. This should include:

- A statement indicating whether there are natural slopes on or immediately adjacent to the subject lot which exhibit evidence of possible or past slope instability such as landslide, rockfall or erosion.
- A list of all credible, potential modes of failure.

By combining an understanding of the site conditions and aspects of slope stability, a primary finding from the Geotechnical Assessment must be:

- A statement indicating risks for all slope stability hazards identified are of an ACCEPTABLE RISK level (as defined by the schedule) and that these risks will remain at an ACCEPTABLE RISK level over the design life of the development.

Other recommendations regarding the development must also be included in the Geotechnical Assessment where they have influence on the final recommendation for approval. These include:

- Determination of appropriate founding depths
- Location and depth of cuts and fills
- Construction of retention systems
- Details of surface and sub-surface drainage
- Vegetation retention
- Drainage and effluent disposal
- Need for ongoing mitigation measures
- Timeframes for completion of works
- Any other geotechnical approvals

Finally the Geotechnical Assessment must include a statement on whether or not the next level assessment i.e. a Landslip Risk Assessment is

If the Geotechnical Assessment cannot make the statement regarding ACCEPTABLE RISK levels for all slope hazards, then the assessment must proceed to a second more detailed assessment known as a "Landslide Risk Assessment".

In accordance with Part 7.0 of the EMO Schedule, Council may require an independent review of a Geotechnical Assessment and any Landslip Risk Assessment that has been submitted with an application by an independent Geotechnical Practitioner.

All planning applications under the EMO1 must include a completed **Geotechnical Declaration and Verification Form** (Form A) - available to download from Colac Otway Shire website under 'Forms'

The Landslip Risk Assessment

A Landslip Risk Assessment may be required in one of two ways:

- a. Where the Geotechnical Assessment cannot make the statement that all potential slope hazards are at an ACCEPTABLE RISK level and hence the call for a more detailed assessment; OR
- b. Where landform data indicates the natural slopes on or immediately adjacent to the subject lot exceed certain slope angle thresholds for various geologic units (as defined in the schedule). In the case of the spatially extensive Eumeralla Formation (Otway Group) this threshold angle is 14°.

The Landslip Risk Assessment must include:

- The initial Geotechnical Assessment OR must include all information required in a Geotechnical Assessment where the initial level of assessment was bypassed by the slope threshold requirement.
- A full risk assessment in accordance with the requirements of the AGS2007 guidelines. This includes an assessment for risks for all reasonably identified geotechnical hazards and must be undertaken for risks to life and risk to property/infrastructure. Qualitative and quantitative calculations must be included in this assessment.
- A statement that the subject lots are suitable or can be made suitable for the proposed development and that the subject lot or the proposed development can meet the TOLERABLE RISK criteria as defined in the schedule.

Additional information may be required depending on the nature of the application and in the event a permit is triggered by other provisions of the Colac Otway Planning Scheme, such as under the zone, other overlays and/or particular provisions.



IT IS ALWAYS BEST TO DISCUSS YOUR PROPOSAL WITH A PLANNING OFFICER BEFORE LODGING THE APPLICATION.

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