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SCHEDULE 1 TO CLAUSE 44.01 EROSION MANAGEMENT OVERLAY

Shown on the planning scheme map as **EMO1**.

EROSION MANAGEMENT OVERLAY - SCHEDULE 1

1.0 Erosion management objectives to be achieved

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

2.0 Statement of risk

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Areas subject to landslip are within the Otway Ranges, coastal areas along the Great Ocean Road and farming areas in the Forrest and Gellibrand localities.

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

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

Risk from landslip needs to achieve Tolerable Risk.

Tolerable Risk is a risk within a range that society can live with so as to secure certain net benefits. It is a range of risk regarded as non-negligible and needing to be kept under review and reduced further if possible. The maximum tolerable risk is defined as:

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

Table 1 - Maximum tolerable risk to property

New Development Type	Maximum Qualitative Tolerable Risk
Essential facilities, including hospitals, medical and surgery facilities, emergency services facilities, designated emergency shelters and facilities, buildings and facilities containing toxic or explosive materials in sufficient quantity capable of causing hazardous conditions that extend beyond property boundaries.	Low
All other new development, including residential dwellings.	Moderate

3.0 Permit requirement

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A permit is not required to:

- Construct or carry out works associated with:

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- A pond or open, impervious water holding structure with a capacity of less than 10,000 litres.
- A masonry wall if the height of the wall does not exceed one metre.
- A spa and associated mechanical and safety equipment if the spa has a capacity not exceeding 5000 litres and is constructed at or above ground level.
- Construct or carry out earthworks that result in a modified ground surface that is less than one metre above or below the natural ground level.
- Extend a building or carry out works, provided:
 - The gross ground floor area is not increased by more than 20 square metres.
 - Stormwater from the building is drained to a legal point of discharge.
 - The slope of the land within 20 metres of the building is 9 degrees (15%) or less.
- Construct a non-habitable structure ancillary to a dwelling, including carports and garden sheds, provided:
 - The structure is constructed of lightweight, flexible materials (not bricks, concrete blocks or similar).
 - The ground surface area occupied by all such structures on the property does not exceed 40 square metres.
 - The slope of the land within 20 metres of the structure is 9 degrees (15%) or less.
 - Stormwater from the roof is drained to the legal point of discharge.
- Construct or extend a building used for agricultural purposes in the Farming Zone.
- Construct or carry out works undertaken by or on behalf of a public authority relating to watercourse management, environmental improvements or infrastructure services.
- Remove, destroy or lop vegetation if any of the following apply:
 - The trunk circumference measured at 1 metre above ground level does not exceed 2 metres and the natural ground surface is reinstated.
 - The vegetation is dead and the natural ground surface is reinstated.
 - The vegetation is to be removed, destroyed or lopped in conjunction with timber production, and:
 - Complies with the *Timber harvesting Prescriptions for Environmental Protection – Otway Region Private Land Native Forests and Plantations*; and
 - Details of landslip risk is provided to and approved by the responsible authority.
 - The lopping is for pruning to improve a tree's health or structural stability.

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Application requirements

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

- For an application to construct a building or construct or carry out works, plans drawn to scale and dimensioned, showing as appropriate:
 - The proposed new development, including as appropriate a site plan, building elevations, access, cut and fill, retaining walls and effluent disposal system.

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- Any existing development, including buildings, water tanks and dams on both the subject lot(s) and adjacent land.
- Any existing development on the subject lot(s), including cut and fill, stormwater drainage, subsurface drainage, water supply pipelines, sewerage pipelines or effluent disposal installations and pipelines and any otherwise identified geotechnical hazard.
- Details and location of existing vegetation, including any vegetation to be removed.
- For an application to subdivide land, plans drawn to scale and dimensioned, showing as appropriate:
 - The proposed subdivision layout and land contours.
 - Any existing development, including buildings, water tanks and dams on both the subject lot(s) and adjacent land.
 - Any existing development on the subject lot(s), including cut and fill, stormwater drainage, subsurface drainage, water supply pipelines, sewerage pipelines or effluent disposal installations and pipelines and any otherwise identified geotechnical hazard.
 - Details and location of existing vegetation, including any vegetation to be removed.
- A geotechnical assessment, landslide hazard assessment or landslide risk assessment as required by and prepared in accordance with the Incorporated document titled '*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 (EMO) October 2021*' and to the satisfaction of the responsible authority.
- Where, in the opinion of the responsible authority, the application for a subdivision or development will not adversely increase the landslip risk to life or property affecting the subject lot(s) or adjoining or nearby land, a written geotechnical assessment, landslide hazard assessment or landslip risk assessment (as appropriate) is not required.

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Decision guidelines

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

- The risk to human life and property is tolerable.
- The need for any ongoing monitoring and maintenance for mitigation measures.