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## SCHEDULE TO THE EROSION MANAGEMENT OVERLAY

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

### 1.0

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#### Permit requirements

##### Buildings and Works

A permit is required for all of the matters specified in Clause 62.02-2 unless this schedule states that a permit is not required.

### 2.0

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#### Exemptions from permit requirements

##### Buildings and Works

A permit is not required to construct a building or construct or carry out works if all of the following are satisfied:

- No cut or fill and associated drainage greater than 1 metre in height or depth is required.
- Batters are not steeper than 2H: 1V (H= Horizontal, V = Vertical).
- No change is made to constructed drainage or fixed irrigation systems and there is no net change to fixed domestic irrigation system irrigation rates.
- Any increase in the ground surface area covered by buildings does not exceed a total area of 4 square metres.

##### Vegetation Removal

A permit is not required to remove, destroy or lop any vegetation if all of the following are satisfied:

- Earthworks associated with the removal of the vegetation do not exceed a total depth of 1 metre below existing ground level.
- The ground surface area of the vegetation canopy to be removed and associated earthworks and land disturbance does not exceed a total area of 4 square metres.
- The vegetation to be removed, destroyed or lopped:
  - has a trunk circumference that is less than 0.5 metres at a height of 1 metre above ground level; or
  - is dead and the roots below ground level are retained.

A permit is not required for the pruning of vegetation provided it is for the purpose of improving a tree or shrubs health or structural stability in accordance with normal horticultural practices for the species involved; for aesthetic reasons; for crop cultivation; or for branches overhanging buildings.

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#### Application Requirements

An application must be accompanied by plans and elevations, drawn to scale and fully dimensioned, which show, as appropriate:

- The layout, size and use of existing and proposed buildings and works on the site and adjoining properties, including water tanks, cut and fill, stormwater drainage, subsurface drainage, water supply pipelines, sewerage pipelines, existing vegetation, sediment control management including retention of soil on site during construction stage and proposed landscaping.

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#### Conditions for permits

A permit must include the following conditions, as appropriate:

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- Prior to the commencement of any buildings and/or works, including the removal, destruction or lopping of any vegetation, and/or the certification of any plan of subdivision:
  - the impact of the final design of the buildings and/or works, removal, destruction or lopping of vegetation and/or subdivision on slope stability must be assessed and certified by a chartered geotechnical practitioner with experience in slope stability;
  - certification by way of a completed “Geotechnical Declaration and Certification” form generally in accordance with the Geotechnical Declaration and Certification Form, Moreland City Council, November 2012, must be lodged with the responsible authority; and
  - any changes to the final design/plan which are recommended by the chartered geotechnical practitioner must be shown on amended plans submitted to, and approved by, the responsible authority.
- The buildings and/or works, including removal, destruction or lopping of vegetation, and/or subdivision must be undertaken in accordance with any requirements of a chartered geotechnical practitioner.
- If the certification by the chartered geotechnical practitioner includes any recommendations or requirement for ongoing maintenance of the buildings and/or works, prior to the commencement of building and/or works the owner must enter into an agreement with Council pursuant to section 173 of the *Planning and Environment Act 1987* which is to be registered on the title to the land. The agreement will set out a regime for the recommended or required maintenance and the obligation of the owner to comply with such recommendations and/or requirements. The owner is to pay all reasonable costs of Council in the preparation and execution of the agreement.

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#### Decision Guidelines

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

- Whether the information accompanying the application meets the requirements of Clause 3.0 of this schedule.

### 6.0

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#### Reference Documents

Erosion Management Information Sheet, Moreland City Council

*City of Moreland, Landslide Hazard Assessment*, Golder Associates Pty. Ltd. December 2009

*Geotechnical Declaration and Certification Form*, Moreland City Council, November 2012