

Erosion Amendment (C119) Overlay

Frequently Asked Questions



South Gippsland
Shire Council

What is the Erosion Management Overlay?

The Erosion Management Overlay (EMO1) is a planning scheme control that applies to land identified as having landslip or erosion risk.

Where is the Erosion Management Overlay being applied?

EMO1 is being applied on the same land as the current Environmental Significance Overlay Schedule 5 (ESO5) erosion control.

Why is an Erosion Management Overlay needed?

Many areas in South Gippsland are at risk of landslip or erosion and this amendment is being proposed to help manage this risk. The EMO1 is intended to replace the ESO5 which is not appropriate for erosion management. The proposed EMO1 will specifically address erosion and soil stability issues.

The protection of environmental values and need for compatible development that are currently in ESO5 will be retained in the proposed EMO1.

How will this impact me as a land owner?

In simple terms, the need for a planning permit for buildings and works with low erosion risk would be removed, but retained for areas at risk of erosion.

Specifically, no permit would be required for buildings and works where the difference between finished ground level and natural ground level resulting from excavation or filling does not exceed 1 metre. For example, under the current ESO5 a shed that is 200m² or larger, on a relatively flat piece of land would require a planning permit. Under the EMO1, a permit would not be required.

However, if you were planning buildings or works where erosion impacts are more likely, a permit would be required. This would include works resulting from excavation or filling exceeding 1 metre vertical depth. It should be noted, that buildings and works would still need to adhere to other controls within the South Gippsland Planning Scheme (e.g. Bushfire Management Overlay) and property zoning (e.g. Farm Zone).

Would I need a permit to install fencing on my property under the EMO1?

No, EMO1 would not mean a permit for fencing activity would be required.

Would I need a permit to maintain existing farm tracks?

The maintenance of existing farm tracks would not require a permit, but new tracks could if more than 1 metres cut or fill is required. This is to help ensure the location of the new tracks will not contribute to - or increase - erosion or landslip risk, especially in areas near public roads where landslips can have a significant community impact. Note: The current ESO5 can require a planning permit for new tracks regardless of depth of earthworks.

What is a Planning Scheme Amendment?

A Planning Scheme Amendment (PSA) is when changes are proposed to the policies, zones or overlays in a Planning Scheme. It is a formal process requiring State Government approval to commence and approve.

What is the process for a Planning Scheme Amendment to be introduced?

The community will be informed about the amendment and given the opportunity to make a submission. The engagement period for the Erosion Management Overlay will run until 8 March 2024. Council will then review the received submissions and determine the next steps. Any submission that objects to the amendment where the concerns cannot be resolved by Council must be referred to an independent planning panel for consideration before Council makes a final decision on the amendment.

How can I provide feedback?

Planning Scheme Amendments follow a set legal process that is required by the Victorian Government.

Your submission/feedback must:

- Include your name and address
- Outline how the proposal impacts you
- Be received during the consultation period
- Be provided in writing.

Submissions can be uploaded at yoursay.southgippsland.vic.gov.au

Alternatively they can be emailed to council@southgippsland.vic.gov.au or mailed to:

South Gippsland Shire Council

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