

06/01/2026
C312morn**SCHEDULE 7 TO CLAUSE 44.01 EROSION MANAGEMENT OVERLAY**

Shown on the planning scheme map as **EMO7**.

HIGH LANDSLIDE SUSCEPTIBILITY AREAS**1.0**06/01/2026
C312morn**Erosion management objectives to be achieved**

To ensure that development achieves tolerable landslide risk to human life and property.

To ensure that development is designed in accordance with established principles of good hillside construction practice and is responsive to the landform and site conditions.

To avoid development in areas that cannot achieve tolerable landslide risk.

2.006/01/2026
C312morn**Statement of risk**

Mornington Peninsula's areas of highest susceptibility to landslide have been identified through an assessment of underlying geologies, slope gradient, slope aspect, and the characteristics of historical landslide events.

The occurrence of landslides on the Mornington Peninsula has caused damage to property and the environment and landslides present an ongoing risk to human life. Geotechnical studies have documented historical landslide occurrences and seek to identify areas susceptible to future landslide occurrence.

The control of environmental factors and development, including vegetation cover, drainage, earthworks, soil disturbance and effluent and stormwater disposal, are all important in managing the risk from landslide.

Tolerable risk is 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, in accordance with *Practice Note Guidelines for Landslide Risk Management* (Australian Geomechanics Society, 2007). Maximum tolerable risk for new development is defined as:

- For loss of life, having a probability no great than 10^{-5} (1 in 100,000) per annum.
- For risk to property, tolerable risk is measured qualitatively as not exceeding:
 - Low-risk, for essential service facilities including Hospitals, Medical centres, and Emergency service facilities, and for land capable of causing hazardous conditions including Earth and energy resources, Freezing and cool storage and Fuel depots.
 - Moderate-risk, for all other land uses including residential land uses.

Principles of good hillside construction practice that are used to achieve tolerable risk are established in the 2007 guidance documents on Landslide Risk Management prepared by the Australian Geomechanics Institute.

3.006/01/2026
C312morn**Permit requirement**

A permit is required to construct a building or construct or carry out works, including:

- Buildings and works associated with a moveable unit as defined in the Housing Act 1983, carried out by or on behalf of the Chief Executive Officer, Homes Victoria.
- A deck to a dwelling or small second dwelling with a finished floor level not more than 800 mm above ground level.
- A rainwater tank with a capacity of not more than 10,000 litres.

A permit is not required for the following:

- To construct or carry out works if the works:

- are entirely contained on a slope not exceeding 17°, and
- do not exceed 0.6 metres of excavation or fill below or above natural ground level.
- To construct a building or construct or carry out works for a building or structure not used for accommodation and ancillary to a dwelling, if:
 - the building or structure does not exceed 10 square metres of floor area, and
 - no excavation is required (including to construct the building or structure's foundations), and
 - the development would result in not more than two such buildings or structures on the lot.
- Roadworks carried out by or on behalf of the municipal council.
- The removal, destruction, or lopping of vegetation to the minimum extent necessary to enable the carrying out of conservation works undertaken by or on behalf of the public land manager, or where there is no relevant public land manager, by or on behalf of a minister, government department, public authority, or municipal council.

4.0

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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:

- Plans drawn to scale and dimensioned, including a site plan, elevations, and land contours as appropriate, and showing:
 - Any proposed new and existing development on the subject lot(s), including: buildings and structures, accessways, water tanks and pools or dams, drainage systems, effluent disposal systems, earthworks, retaining walls, cut and fill, and any other identified geotechnical hazards.
 - Any existing development on adjacent lots, including buildings, water tanks and pools or dams, and any other identified geotechnical hazard.
 - Details and locations of existing vegetation, and any proposed vegetation removal.
 - Any proposed subdivision layout.
- A Landslide Risk Assessment report. The report must:
 - Be prepared in accordance with *Part C – Guidelines for Practitioners of Practice Note Guidelines for Landslide Risk Management* (Australian Geomechanics Society, 2007).
 - Be prepared by a suitably qualified geotechnical practitioner, meaning a specialist Geotechnical Engineer or Engineering Geologist who is degree qualified, is a member of a professional institute, and who has achieved chartered professional status as a:
 - Chartered Professional Engineer (CPEng), or
 - Registered Professional Engineer, Victoria (meaning a person who is registered under Part 2 of the Victorian Professional Engineers Registration Act 2019), or
 - Chartered Professional Geologist (CPGeo), or
 - Registered Professional Geologist (RPGeo)with experience in the management of slope stability, to the satisfaction of the responsible authority.

MORNINGTON PENINSULA PLANNING SCHEME

- Be accompanied by a completed Form A – Geotechnical Declaration and Verification (Appendix D of *Practice Note Guidelines for Landslide Risk Management*).
- Incorporate and respond to the recommendations of the peer review.
- An independent peer review of the Landslide Risk Assessment report, prepared by a suitably qualified geotechnical practitioner.
- If, in the opinion of the geotechnical practitioner and the responsible authority, the proposed buildings and works are minor and create minimal or no geotechnical risk:
 - A completed Form D – Geotechnical Declaration – Minor Impact (Appendix D of *Practice Note Guidelines for Landslide Risk Management*) may be submitted instead of a Landslide Risk Assessment report.

If, in the opinion of the responsible authority, an application requirement is not relevant to the assessment of an application, the responsible authority may waive or vary the application requirements.

5.0

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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 statement of risk.
- Whether risk to human life and property is tolerable.
- The recommendations of the Landslide Risk Assessment report and any peer review.
- The need for any ongoing monitoring and maintenance for mitigation measures.

6.0

Expiry

The requirements of this overlay cease to have effect after 6/1/2027.