44.02 SALINITY MANAGEMENT OVERLAY

31/07/2018
VC148

Shown on the planning scheme map as **SMO** with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas subject to saline ground water discharge or high ground water recharge.

To facilitate the stabilisation of areas affected by salinity.

To encourage revegetation of areas which contribute to salinity.

To encourage development to be undertaken in a manner which brings about a reduction in salinity recharge.

To ensure development is compatible with site capability and the retention of vegetation, and complies with the objectives of any salinity management plan for the area.

To prevent damage to buildings and infrastructure from saline discharge and high watertable.

44.02-1 Salinity management objectives and statement of risk

31/07/2018
VC148

A schedule to this overlay may contain:

- Salinity management objectives to be achieved.
- A statement of risk.

44.02-2 Buildings and works

14/12/2023
VC253

A permit is required to construct a building or construct or carry out works. This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To salinity management works carried out in accordance with any Regional Catchment Strategy and associated plan applying to the land.
- To an alteration to an existing building where there is no increase in floor area and no increase in waste water disposal. This exemption does not apply to alterations required as part of remedial works for salt or high water table damage.
- To a building used for agriculture with a floor area of less than 100 square metres where there is no increase in waste water disposal.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works for: - A carport, garage, pergola, verandah, deck, shed or similar structure. - A rainwater tank. The buildings and works must be associated with a dwelling or a small second dwelling.	Clause 59.05

44.02-3 Subdivision

31/07/2018
VC148

A permit is required to subdivide land.

44.02-4 Removal of vegetation

31/07/2018
VC148

A permit is required to remove, destroy or lop any vegetation. This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- If the table to Clause 44.02-5 specifically states that a permit is not required.
- To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

44.02-5 Table of exemptions

16/08/2024
VC262

The requirement to obtain a permit does not apply to:	
Emergency works	Vegetation that is to be removed, destroyed or lopped: ▪ in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency work; or ▪ where it presents an immediate risk of personal injury or damage to property and only the part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.
Extractive industry	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the *Mineral Resources (Sustainable Development) Act 1990* and authorised by a work authority granted under that Act.
Fire protection	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities: ▪ fire fighting; ▪ planned burning; ▪ making or maintenance of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres; ▪ making of a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*); ▪ is ground fuel within 30 metres of a building and is vegetation other than native vegetation; ▪ in accordance with a fire prevention notice issued under either: – section 87 of the *Fire Rescue Victoria Act 1958* ; – section 65 of the *Forests Act 1958* ; or – section 41 of the *Country Fire Authority Act 1958* . ▪ keeping vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the *Electricity Safety Act 1998* ; ▪ minimise the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by, or on behalf of that authority in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the *Road Management Act 2004* .

The requirement to obtain a permit does not apply to:	
	Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.
Geothermal energy exploration and extraction	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Geothermal Energy Resources Act 2005* .
Greenhouse gas sequestration and exploration	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Greenhouse Gas Geological Sequestration Act 2008* .
Land management or directions notice	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the *Catchment and Land Protection Act 1994* .
Land use conditions	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the *Catchment and Land Protection Act 1994* .
Mineral exploration and extraction	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the *Mineral Resources (Sustainable Development) Act 1990* : ▪ that is low impact exploration within the meaning of Schedule 4A of the *Mineral Resources (Sustainable Development) Act 1990* ; or ▪ in accordance with a work plan approved under Part 3 of the *Mineral Resources (Sustainable Development) Act 1990* . *Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.*
Noxious weeds	Vegetation that is a noxious weed subject of a declaration under section 58 or section 58A of the *Catchment and Land Protection Act 1994* . This exemption does not apply to Australian Dodder (*Cuscuta australis*).
Pest animal burrows	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows. In the case of native vegetation the written agreement of an officer of the department responsible for administering the *Flora and Fauna Guarantee Act 1988* is required before the vegetation can be removed, destroyed or lopped.
Planted vegetation	Vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production.
Railways	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).
Regrowth	Vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established vegetation, and is: ▪ bracken (*Pteridium esculentum*); or

The requirement to obtain a permit does not apply to:	
	▪ within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation. This exemption does not apply to land on which vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.
Road safety	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by and on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing public road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).
Stone exploration	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of the Stone exploration. The maximum extent of vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following: ▪ 1 hectare of vegetation which does not include a tree. ▪ 15 trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level. ▪ 5 trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level. This exemption does not apply to costeaning and bulk sampling activities.
Surveying	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the *Surveying Act 2004*) using hand-held tools to establish a sightline for the measurement of land.
Traditional owners	Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with: ▪ a natural resources agreement under Part 6 of the *Traditional Owners Settlement Act 2010* ; or ▪ an authorisation order made under sections 82 or 84 of the *Traditional Owner Settlement Act 2010* as those sections were in force immediately before the commencement of section 24 of the *Traditional owners Settlement Amendment Act* in 2016 (1 May 2017).
Tram stops	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria to construct a tram stop, including a tram stop shelter.
Transport land	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria on land in a Transport Zone, or in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority, to construct or maintain transport system infrastructure.

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Application requirements

An application must be accompanied by the following information, as appropriate:

- The source of water supply.

- Water use requirements and effluent or water disposal provision.
- Any existing vegetation proposed to be removed.
- Details of the species, location and density of any proposed landscaping.
- The water balance under the current land use and any proposed land use.
- Title and ownership details.
- Topographic information including natural contours of the land, highlighting significant ridges, hill tops and crests, slopes in excess of 25 percent (1:4), low lying areas, drainage lines, waterways, springs, dams, lakes, wetlands and other environmental features on or in close proximity to the subject area.
- Geology types.
- Location and area of outcropping bedrock.
- Soil types.
- Size and location of high recharge areas and discharge areas from the site inspection, soil types, soil depth, and soil percolation rates/infiltration.
- Size and location of discharge areas and areas of high salinity risk from the site inspection, including the identification of shallow watertable within 3 metres of the surface (depth to watertable), and soil salinity from soil tests or vegetative indicators.
- Area of land and the proportion of the development site identified as high recharge or discharge areas.
- Location, species and condition of existing vegetation (both native and exotic species).
- Existing degraded areas and recommendations for land management practices and remedial works required to overcome any existing or potential land degradation.
- Any other application requirements specified in a schedule to this overlay.

44.02-7 Exemption from notice and review

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An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

44.02-8 Referral of applications

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VC148

An application under this overlay and any site capability report must be referred to the specified referral authority in accordance with Section 55 of the Act, unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the referral authority.

44.02-9 Decision guidelines

01/07/2021
VC203

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The potential risks and impacts of saline discharges to the environmental quality of water and groundwater.
- The Regional Landcare Plan applicable to the catchment.
- The Catchment Salinity Management Plan to the particular catchment.
- A Local Government Planning Guide for Dry Land Salinity - Department Conservation and Natural Resources, 1995.
- The need to remove, destroy or lop vegetation to a create defendable space to reduce the risk of bushfire to life and property.

- The need to augment tree planting and the establishment of deep-rooted, high water-use pasture species to reduce rainfall accessions to the watertable in high recharge areas.
- The need for planting of salt-tolerant species to stabilise and lower ground water levels in discharge areas.
- The need for stock-proof fencing of discharge and high discharge areas to enable effective stock management for site stabilisation.
- Any proposed landscaping and the need to preserve existing vegetation, particularly in high recharge and high discharge areas.
- Any land management plan, works program, or farm plan applicable to the land.
- The design, siting and servicing of the development and the extent of earthworks.
- The appropriateness of the proposed use or development having regard to the sensitivity and constraints of the land and the capability of the land to accommodate the use or development.
- Any other matters specified in a schedule to this overlay.