

Does Council have the final say?

If an application for a planning permit has been refused, or conditions have been placed on the permit that the applicant is concerned about, the applicant may seek a review at the Planning Division of the Victorian Civil and Administrative Tribunal (VCAT) within 60 days of Council's decision.

VCAT will invite all parties to make a submission and may uphold Council's decision or direct the council to change its decision.

For the relevant forms, fees, associated materials or further information on VCAT processes visit www.vcat.gov.au or phone 9628 9777.

Infringement and Penalties

Undertaking earthworks without a permit is a matter of great concern to Council and members of the community. Under certain circumstances, a fine may be issued for bringing in fill or excavating without a permit.

An infringement may apply to unlawful earthworks. In serious cases, if Council pursues legal action through the Victorian Magistrates Court, fines of up to \$140,000 may be imposed.

Translation Services

An interpreting service is available if required by contacting Manningham City Council on 9840 9333.

Arabic / عربي
خدمة الترجمة متاحة إذا لزم الأمر عن طريق الاتصال بمجلس بلدية مدينة مانينجهام على هاتف رقم 9840 9333.

Chinese / 中文
需要的话可以提供翻译服务，联系 Manningham 市政厅电话 9840 9333。

Greek / Ελληνικά
Υπηρεσία διερμηνείας είναι διαθέσιμη, αν απαιτείται, επικοινωνώντας με το Δημοτικό Συμβούλιο του Manningham στο 9840 9333.

Italian / Italiano
È possibile utilizzare il servizio d'interpretariato se necessario telefonando al comune di Manningham, al 9840 9333.

Korean / 한국어
통역 서비스를 원하시면 매닝햄 시의회에 9840 9333으로 연락하셔서 요청하시면 됩니다.

Macedonian / Македонски
Ако ви треба преведувачка услуга јавете се на Општина Манингхам на 9840 9333.

Persian / فارسی
خدمات ترجمه شفاهی موجود است. در صورت نیاز می توانید با شهرداری مانینگهام به شماره تلفن 9840 9333 تماس بگیرید.

For further information, please contact Manningham Council's Statutory Planning Department on 9840 9495 or 9840 9273.



Manningham City Council cares about the environment. This brochure is printed on Australian made, 100% recycled Tudor RP Carbon Neutral paper. This has helped reduce global greenhouse gas emissions by more than 33 kilograms CO₂-e.

Each sale of Tudor RP Carbon Neutral paper supports Landcare Australia.

Planning controls over earthworks in Manningham



Planning for landscape

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The City of Manningham has an attractive, undulating topography. In parts of the municipality where slope contributes to landscape or environmental quality, there are planning controls regulating changes to the topography through earthworks.

All municipalities in Victoria have a Planning Scheme, which is a legal document setting out objectives, policies and controls for the use, development and protection of land. Development of land includes excavation or bringing soil or fill onto a property.

The Planning Scheme divides the municipality into different zones which represent the preferred land use for that area. Manningham has a wide variety of zones including residential, business, low density residential and rural conservation zones.

Specific areas will also have overlay controls. Where a particular outcome is sought, such as the protection of the natural landscape or conservation of heritage places, an overlay control will be applied.

A number of overlay controls specify that a town planning permit is required from Council for excavation of fill. A permit is required even for earthworks that are simply intended to provide a flat area for a house, driveway, swimming pool or tennis court.

Overlay controls in the Manningham Planning Scheme which have specific earthworks controls include:

- **Environmental Significance Overlay (ESO)**

An ESO will be applied to areas of particular environmental importance, including some remnant bushland areas and the Yarra River corridor. In most ESO areas a permit is required for any earthworks.

- **Significant Landscape Overlay (SLO)**

A SLO will be applied to extensive areas to the east of Mullum Mullum Creek and parts of Templestowe and Donvale. The overlays seek to protect visually attractive landscapes.

- **Heritage Overlay (HO)**

A Heritage Overlay aims to protect and enhance places of natural or cultural significance. A planning permit is required for any earthworks on land covered by this overlay.

- **Land subject to Inundation Overlay (LSIO) and Special Building Overlay (SPO)**

This overlay identifies land in a flood storage or flood fringe area and land liable to inundation by overland flows from drainage systems. A permit is required for any earthworks on these areas. Flood mitigation works carried out by Council or the floodplain management authority, such as Melbourne Water, are exempted.

- **Erosion Management Overlay (EMO)**

An Erosion Management Overlay aims to protect areas prone to erosion or landslip by minimising land disturbance. A permit is required for any earthworks within this overlay.

Regardless of which overlay applies, earthworks should be minimised through the use of appropriate building design.

Earthworks can detract from the visual appearance of an area and can impact on the environment as well as the amenity of nearby properties. Further advice can be found in Manningham Council's brochure 'Earthworks in Manningham'.

How do I apply for a planning permit?

If you need to carry out earthworks, it is best to discuss the proposal with a Planning Officer at Council by contacting the Statutory Planning Department on 9840 9495 or 9840 9273.

For all planning applications, you will need to submit:

- An application form, available at www.manningham.vic.gov.au or in hard copy from Council.
- Planning application fee, a fee schedule is available at www.manningham.vic.gov.au or in hard copy from Council.

- A copy of the Certificate of Title for the subject land, available from Land Victoria or online at www.land.vic.gov.au.
- Written reasons for the earthworks.
- A suitably scaled site plan of the property showing the area of earthworks.
- A contour plan including levels of the top and bottom of any excavation or fill
- Cross sections of the works.
- Details of any batter slopes, methods of stabilising, e.g. retaining walls, landscaping and any drainage proposal
- The position of vegetation in the vicinity of the earthworks.
- The position of any effluent disposal field.

For significant or complex earthworks, further details should be provided. If you are unsure what information to provide, contact a Manningham Council Planning Officer to discuss your application.

Your application may be delayed if Council is unable to make a decision based on the information you have provided and needs to request additional information.

What process does an application follow after it has been lodged with Council?

After an application is lodged with Council it must follow certain processes which cannot be varied. Some applications must be referred to relevant State Government departments for comment. For some applications notification will be provided to adjoining properties.

Complex applications may take six to eight weeks to determine, or possibly longer if objections are received.