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GBCMA Ref: GBCMA-F-2023-00850
Contact Officer: Russel Haque
Council No: 2023-96

Date: 1 September 2023

Ms Nicole Maguire
Planning Officer
Murrindindi Shire
PO Box 138
Alexandra Vic 3714

Dear Ms Maguire

**Planning Permit Application No. 2023-96
Proposed (Retrospective) Boat Storage Facility
Lot 1 TP883935, Parish of Eildon
205 Sugarloaf Road Eildon Vic 3713**

Thank you for providing notice dated 28 August 2023, under Section 55 of the *Planning and Environment Act, 1987*, received by the Goulburn Broken CMA 28 August 2023, regarding the above matter.

The Goulburn Broken CMA's assessment of the above information has determined that the proposed development location is covered by the Public Use Zone - Service And Utility, Special Use Zone - Schedule 1 and Floodway Overlay, Heritage Overlay (HO47), Bushfire Management Overlay in the Murrindindi Planning Scheme.

The Goulburn Broken CMA does not have any flood level information for this locality, on which to base its assessment.

However, the Guidelines for the Protection of Water Quality (North East Planning Referrals Committee, 2016) outlines the requirements for a range of development activities with an emphasis on water quality protection. These guidelines include the minimum setbacks from waterways for buildings and buffers along waterways. The table below is an excerpt from Table 12 for the *Guidelines for the Protection of Water Quality* and outlines the minimum setbacks for the current proposal. Note, any proposed buildings or structures must not be located within the 30-metre vegetated buffer along a waterway.

www.gbcma.vic.gov.au

SHEPPARTON
Head Office
168 Welsford Street
PO Box 1752
Shepparton VIC 3632
Tel: (03) 5822 7700
Fax: (03) 5831 6254

BENALLA
89 Sydney Road
PO Box 124
Benalla VIC 3672
Tel: (03) 5822 7700

YEA
5/10 High Street
Yea VIC 3717
Tel: (03) 5822 7700

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| Type of Waterway | Septic Tanks | Buildings | Buffers along Waterways |
|--|--------------|---|-------------------------|
| Storage, natural lake or wetland; Lake Nagambie | 60 metres | The greater of: <ul style="list-style-type: none">• 50 m from the Full Supply Level; or• 300 mm above the 1 in 100 AEP flood level | 30 metres |

The water impoundment created by Lake Eildon is classed as a 'storage, natural lake or wetland' in the *Guidelines for the Protection of Water Quality* and for the proposed development, the greater setback for buildings is 50 metres from the Full Supply Level (Goulburn-Murray Water has defined Full Supply Level for Lake Eildon as 288.9 metres AHD).

The Goulburn Broken CMA notes that the location of the proposed boat storage facility does not meet these guidelines. The facility is setback only some seven (7) metres from the Lake Eildon, and not the required 50 metres as outlined in the Guidelines.

In the light of the above, pursuant with Section 56 of the *Planning and Environment Act 1987*, the Goulburn Broken CMA **objects** to the granting of a permit on the **following grounds**:

1. The proposal is discouraged within the Planning Policy Framework at Clause 14.02-1S.
2. The setback of the proposed facility is not consistent with the requirements outlined in the Guidelines for the Protection of Water Quality (North East Planning Referrals Committee, 2016)
3. Long-term cumulative impacts of such proposals.

Please note that the 1 in 100 AEP flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 1 in 100 AEP flood, may occur in the future.

In accordance with Section 66 of the *Planning and Environment Act 1987*, please provide a copy of the outcome of this proposal to the Authority for our records.

If you have any queries, please contact Russel Haque on **(03) 5822 7700**. To assist in handling any enquiries please quote **GBCMA-F-2023-00850** in your correspondence. Please note that all electronic correspondence should be directed to planning@gbcma.vic.gov.au.

Yours sincerely



Guy Tierney
**Statutory Planning and
Floodplain Manager**

cc Daniel Meyer dmeyer@johnslyng.com.au

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Definitions and Disclaimers

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or local government authority.
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. No two floods are the same and can vary depending on the quantity, duration and location of rain falling on the catchment.
4. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).
5. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
6. **NFPL** as Nominal Flood Protection Level – is 300 millimetres above the applicable 1 in 100 AEP flood level.
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8. This letter has been prepared at the request of local government authority for the purpose of a Section 55 referral under the *Planning and Environment Act 1987*, for a proposed **Business/Commercial Building(s) Only** and is for the use only of the party to whom it is addressed and no responsibility is accepted to any third party for the whole or any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it will appear.
9. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.