



Department of Energy, Environment and Climate Action

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Ref: SP485764
20231012 BY

Mr Cameron Fraser
Planning Coordinator
Murrindindi Shire Council
P O Box 138
ALEXANDRA VIC 3714
Attention: Nicole Maguire

Dear Mr Fraser,

**PLANNING PERMIT APPLICATION 2023/96
JOHNS LYNG GROUP: DEVELOPMENT OF BOAT STORAGE BUILDING
205 SUGARLOAF ROAD EILDON**

Thank you for your letter dated and received on 22 September 2023 regarding the above planning permit application.

The application seeks retrospective approval for the development of a boat storage building. The subject land is zoned Public Use - Service & Utility and is affected by the Significant Landscape (Schedule 2), Bushfire Management and Floodway Overlays under the Murrindindi Planning Scheme.

The application was referred to the Department of Energy, Environment and Climate Action (as the successor to the Department of Environment, Land, Water and Planning) as a referral authority pursuant to Section 55 of the *Planning and Environment Act 1987*. The Department of Energy, Environment and Climate Action is a 'determining referral authority' under Clause 66.04-42.03 – SLO2 - LAKE EILDON AND SURROUNDS.

I provide this response under delegation from the Secretary to the Department of Energy, Environment and Climate Action.

Comments

The Department of Environment, Energy and Climate Action has assessed the application against its portfolio interests and the objectives of Clause 42.03 – Significant Landscape Overlay – Schedule 2 – Lake Eildon and Surrounds.

Clause 52.17 – Native Vegetation: General commentary

Given the siting of the structure within an existing vegetated area (based on aerial imagery), native vegetation removal may have been required to facilitate its construction and associated preparation of the site. If native vegetation removal has been indicated, the retrospective submission must include a planning permit application for the removal of native vegetation in accordance with the requirements of Clause 52.17 and the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation* (DELWP 2017). If the application falls under the 'Detailed' pathway, an additional referral to DEECA in accordance with Section 55 of the *Planning and Environment Act 1987* will be required.

Further advice/conditions on Clause 52.17/Native Vegetation removal can be provided should a referral be triggered.

Response

As a *determining* referral authority for the planning permit application, the Department of Energy, Environment and Climate Action does not object to a planning permit being granted.

In accordance with Section 66 of the *Planning and Environment Act 1987*, please provide a copy of the permit, if one is granted, or any notice to grant or refusal to grant a permit to the above address.

If you have any questions regarding this matter, please contact me via p&a.north@delwp.vic.gov.au.

Yours sincerely,



Ben Yates
Program Officer
Planning and Approvals

16 October 2023

cc: dmeyer@johnslyng.com.au