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3 April 2024

Moira Shire Planning Department
P.O. Box 578
Cobram Vic 3644

Att : Travis Basham, Planning Coordinator

Dear Travis

Numurkah Flood Mitigation Stage 1 Northern Levee Planning Permit

Please find attached an application for Planning Permit for Stage 1 of the Numurkah Flood Mitigation Study Implementation - Northern Levee.

The following sets out a brief overview of the Project including its background, stages and specific aspects of the permit application attached.

Background

The Numurkah Floodplain Management Study and Plan was initiated in October 2012 after a major flood earlier that year severely impacted the town of Numurkah. The Numurkah flood mitigation project is documented as a high priority for implementation in the Goulburn Broken Regional Floodplain Management Strategy. Numurkah's flood risk is well documented. Approximately 67 percent of the Broken Creek's >3,000 square kilometre catchment lies upstream of the town. The VICSES Local Flood Guide documents Numurkah's recorded flood history including impacts of past floods. Flood impacts are not only related to the direct damage resulting from inundation. The relatively flat nature of the landscape ensures floods take many days to recede. This has the effect of isolating the town, usually for more than a week.

The Moira Shire Council, in conjunction with Goulburn Broken CMA and the community, has developed the Numurkah Floodplain Management Study and Plan. A community-based reference group (CRG) was involved in all stages of the study, including the development of flood mitigation options for testing in the flood modelling. Feedback from the period of community consultation guided the development of the Plan and the final recommended package of mitigation works

Mitigation Option (A), which is explained in greater detail within the attached report was by design, the final model run. After detailed assessment it has been determined by the Community Reference Group that this option best meets the needs of the Numurkah community

The Numurkah Flood Mitigation Project involves a series of Levees to protect the township against flooding from the Broken Creek that runs through the center of the township. Fully implemented, modelling shows Option A reduces the number of properties flooded above floor in the 1% AEP event from 125 to 6. Implementation of the Northern Levee, as a cost effective first stage, provides significant flood mitigation. Hydraulic modelling shows the

northern levee prevents 94 homes from flooding above floor level in the 1% AEP event. A further 466 properties will no longer experience flooding during a flood of that magnitude

The northern levee (Stage 1) has been developed to detailed design and specification stage in conjunction with a Steering Committee, made up of community member. Its construction is now proposed following federal funding grant under round 2 of the National flood mitigation infrastructure program.

Stage 1 – Northern Levee details – (See plan below for overview).

The Northern Levee, stage 1 of the Mitigation Project, is a linear project that extends from the GV Hwy along Needham St to Station Street and then generally follows the walking track/existing levee on the north side of the Broken Creek through to Kinnairds Rd.

The levee will primarily be formed along the alignment of the existing Levee and be constructed using Earthen Embankments, Concrete Walls and Demountable Metal Structures at road crossings and specific property access points. The proposed alignment runs through the Council Depot and is parallel to Brenion Street through the Louis Hamon Rose Gardens & GF Harding Park. A landscape design has been prepared for the remodelling of the Gardens and integration of the Levee at the Melville Street intersection.

Detailed design plans are attached covering the full extent of the works.

Planning Requirements

It is understood there are 3 key considerations from a planning perspective for planning approval to construct the Northern Levee. Where required, approval to Develop or Use land for the purpose of a levee and approval to remove Native Vegetation.

After preliminary assessment the following requirements are considered applicable to this project in order to obtain planning approval to construct.

- Approval to **DEVELOP** land for the purpose of a Levee
 - The works will be undertaken by or on behalf of Council and therefore are exempt from the need to obtain a permit under Clause 52.31-1 on the basis that the relevant conditions are met i.e.
 - The cost of the works are less than \$10m. The current estimated cost of the project \$3.2m.
 - Within the Urban Floodway Zone and Land Subject to Inundation Overlay the works must be done to the satisfaction of the floodplain management authority. The Goulburn Broken Catchment Management Authority (GBCMA) are a signatory to the Numurkah Floodplain Study and have endorsed the Mitigation measures adopted. A letter of support will be provided by the GBCMA for the proposal.
 - The section of Levee within the Heritage Overlay (Band Hall to Park) is approximately 480m in length. Based on the estimated project cost of \$3.2m for 3.1km this 480m section is estimated to cost approximately \$500k. In the event that a separate application was applied for under the Heritage Overlay, as recommended having regard to the implications of the Supreme Court case Myers v Southern Grampians SC [2023] VSC 658 in relation to ‘omnibus’ permit applications where aspects are subject to an exemption from third party notice and review rights, this section would be exempt under clause 62.02-1. “Buildings or works with an estimated cost of \$1,000,000 or less carried out by or on behalf of a municipality.

- Approval to **USE** land for the purpose of a Levee.
 - The alignment of the proposed Levee predominately follows the route of the existing Levee and it is clear a levee exists along much of the alignment, however.
 - There are 3 sections where existing use may not be considered to exist and approval is to be obtained. These locations are as follows.
 - GVHwy to Railway –
 - There is a mapping anomaly which has the Transport Zone of the railway line extend across Nelson St/Needham St. To obtain planning approval a supporting letter with written consent from Victrack is required.
 - Notice is also required to be provided to the adjoining landowners.
 - Brenion Street (Rose Gardens - Meiklejohn St to McCaskill St)
 - Although there is an existing levee through this area the alignment will be amended to provide additional capacity for flows across Melville Street.
 - Notice required to be provided to adjoining landowners.
 - Saxton St (Adjacent to Lakeside Development)
 - To minimise this risk of disturbance to cultural heritage sites and allow for the potential to combine the levee with a proposed subdivision development The alignment along this section is within the unmade section of Saxton Street parallel to a proposed residential development, Lakeside.
 - Notice to be provided to the adjoining landowners.
- Approval to remove **Native Vegetation**
 - The alignment of the Levee is in close proximity to a significant number of trees adjacent to the Broken Creek. The construction of the works will require some lopping of trees and disturbance within the root zone. Along the alignment within Saxton Street (adjacent to lakeside) stripping of vegetation will also be required.
 - Under Clause 52.17-1 A permit is required to remove, destroy or lop native vegetation, including dead native vegetation.
 - To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):
 - 1. Avoid the removal, destruction or lopping of native vegetation.
 - 2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
 - 3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.
 - In accordance with the Guidelines Red-Gum Environmental Consulting were engaged to work with the design consultant to ensure the design met the Avoid and Minimise requirements.
 - Red-Gum's engagement included preparation a Native Vegetation Report via a Detailed Assessment of the project based on the optimised design.
 - In summary the report identifies the need for offsets with a General Habitat Unit value (GHU) = 0.597 with a minimum strategic biodiversity value (SBV) = 0.486.
 - Based on this a proposal to supply these offsets from Vegetationlink was obtained. The cost quoted is \$63k to \$69k. Council commits to purchasing the required offsets as part of the project.

A full copy of the detailed assessment is attached to the application.

Cultural Heritage Management Plan

Red-Gum Environmental Consulting were engaged by Council to work with the design consultant to ensure the design avoided and minimised any potential impacts to cultural assets. Red-Gum were engaged to prepare a Cultural Heritage Management Plan (CHMP) for the project.

In order to prepare the CHMP Reg-Gum undertook a Desktop & Standard assessment for preparation of the plan. This is a voluntary Cultural Heritage Management Plan (CHMP) under Section 45 of the Aboriginal Heritage Act 2006 as 'Flood levees' are not a listed high impact activity in the Regulations.

The RAP for the area is Yorta Yorta and an application was made for approval of the plan on 28 Feb 2024 - CHMP NO. 19665.

A copy of the CHMP is attached to this application.

Community Consultation

There has been significant consultation and engagement throughout the development and design of this project including various community reference committees. During the design phase, in addition to community information sessions, Council has formally established an Implementation Steering Committee which has met, been briefed and provided extensive input to the design on a regular basis. The Committee which is comprised of community representatives full supports the proposal.

It is proposed to run one or more Community information sessions concurrently with the advertising for the planning permit to allow interested community members to inspect the detailed design plans and ask question regarding the design and implementation.

If you have any queries or wish to discuss this matter further, do not hesitate to contact Phil Hoare on 0409438320.

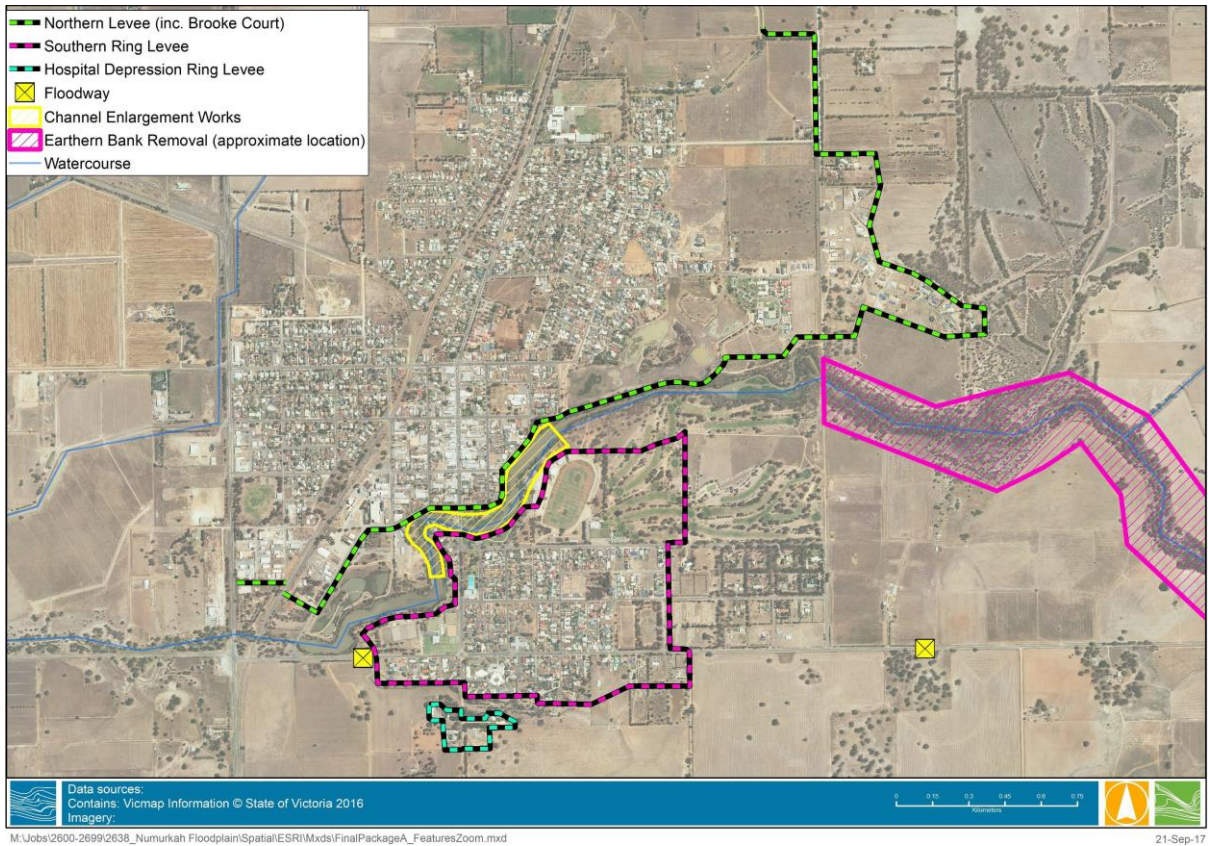
Yours sincerely



Justin Hanrahan
Director Infrastructure
Moira Shire Council

Detailed Design Plans
Native Vegetation Report
CHMP 19665
cc <cc>





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