

***This template may be used for development proposals which require a development application, and which is development not classed as designated development or State significant development.*** (Note:

*Please review the Statement of Environmental Effects Fact Sheet before completing this template. If you require assistance in completing this form please contact Council's Duty Development Officer on 1300 087 004 or email [admin@murrayriver.nsw.gov.au](mailto:admin@murrayriver.nsw.gov.au)).*

**Property details** (Note: To obtain this information refer to the <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/lot> on the NSW Planning Portal)

Lot	2008 & 2009	Section	Parish of Barmah		
Deposited Plan/Strata Plan					
Unit No.		House No.			
Street					
Suburb					
				Postcode	

### Description of the proposed development

What is the proposed development?

Residential dwelling

Describe the development in detail

(Note: the proposed development must be a land use that is listed in the Dictionary of the Murray Local Environmental Plan 2011 or the Wakool Development Plan 2013).

Include details such as:

- whether the development will use whole or part of the building(s) or land(s)
- whether new buildings are proposed
- the physical features of the proposed building(s)
- the nature of the building(s) e.g. dwelling house, materials and colour scheme, signage etc.)
- if demolition is proposed

Construction of water recreation structure (kayak launch facility).

It is proposed to install a kayak launch facility (Barmah Lakes Kayak Launch) adjacent to the Barmah Lakes Camping and Picnic Ground on the Victorian side of the river, with part of the structure extending into New South Wales waters.

The proposed location of works is facility adjacent to the Barmah Lakes Camping and Picnic Ground, a well-established day visiting area with toilet facilities and undercover tables. The only proposed works at this location is construction of a canoe launch.

The proposed kayak launch structure comprises:

- A gangway, approximately 10m in length, extending from the bank to the river, designed to rise and fall with changing river levels.
- A floating pontoon, anchored by steel piles, which accommodates a transfer platform for safe kayak and canoe access.
- Timber mooring posts to provide tethering points for watercraft.
- Safety features such as a timber kick rail, non-slip fibre-reinforced mesh surfacing, and aluminium balustrading.

Please also see submitted Barmah Lakes – Kayak Launch Design plans prepared by JJ Ryan Consulting for further detail.

## Operational and management details

If applicable, describe the operational and management details of the proposed development.

*Include details such as:*

- *hours and days of operation*
- *number of car parking spaces provided and location of spaces*
- *servicing arrangements (location and frequency) for deliveries and waste collection*
- *total number of staff and number on duty at any one time*
- *expected number of clients/ customers per day and at any one time*
- *expected vehicle types*

Open to the public 24/7 subject to Parks Victoria's management.

## Property details

What is the area of the site

110.72sqm.

Describe the site

*Include information such as:*

- *physical features of the site (i.e. slope and vegetation)*
- *existing structures at the site and whether these are to be retained or demolished*
- *existing services at the site*
- *location of any view corridors*
- *availability of public transport etc.*
- *present use of the site*
- *previous uses of the site*
- *adjoining land uses*
- *Planning overlays applying to the site*

The structure is to be located within the Barmah National Park.

The proposed location of works is facility adjacent to the Barmah Lakes Camping and Picnic Ground, a well-established day visiting area with toilet facilities and undercover tables.

The subject site is largely cleared of vegetation and is relatively flat.

No structures currently exist on the works site.

Please also see submitted Barmah Lakes – Kayak Launch Design plans prepared by JJ Ryan Consulting for further detail.

## Planning considerations

Are any State Environmental Planning Policies (SEPPs) applicable to the proposed development (such as State Environmental Planning Policy (Housing) 2021)? Yes ☒ No ☐

If any SEPPs apply, discuss how they apply and how the proposed development complies.

State Environmental Planning Policy (Biodiversity and Conservation) 2021. Applies to the riverine land of the River Murray, where Chapter 5 applies.

- The proposed development is permissible with consent pursuant to the W1 zone, and the proposal aligns with the objectives of the zone, providing active and passive recreation, public access to the river, and sustainable tourism which protects the ecological and scenic values of the waterway.
- The proposed development will result in only minimal removal of native vegetation (understorey vegetation), with no trees proposed to be removed. The construction area does not intersect with any threatened ecological communities and is unlikely to significantly impact native fauna. Minor and localised disturbance from pile driving has been identified but will have negligible impact. We refer to the enclosed Flora and Fauna Assessment (FFA) prepared by Biosis for further detail.
- Oldmeadow Arboriculture's Arboricultural Impact Assessment Report comments that provided the pile driven piers are constructed outside of structural root zones, they should not adversely impact the health or useful life expectancy of retained trees. Refer to Oldmeadow's report for further detail.
- The proposal aligns with the objectives and principles of the SEPP by being designed and sited to avoid impacts to biodiversity, avoid erosion, protect bed and bank stability, and minimise turbidity or sedimentation during construction. The piles will be driven using non-destructive techniques, and erosion control measures will be implemented during works.
- The development is likely to cause only minimal visual disturbance. The proposed structure is low-profile and neutral in colour, using timber materials to ensure visual compatibility with the natural setting. The gangway is removable in flood events and will not obstruct views or access. Additionally, there is no expected disturbance to adjacent uses, and the works will not obstruct river navigation.
- The development improves safe, formalised public access to the river for water-based recreation. The location has been selected to minimise impacts on riparian vegetation while providing a direct and accessible point for kayak users.
- Measures have been identified to avoid, and where necessary mitigate, environmental impacts. No significant long-term adverse impacts are anticipated. We refer to the enclosed Flora and Fauna Assessment (FFA) prepared by Biosis for further detail on mitigation measures.

## Planning considerations

### Local Environmental Plan (Murray LEP 2011 or Wakool LEP 2013).

What is the land zoned?

W1 Natural Waterways

*(Note: refer to the NSW ePlanning Spatial Viewer on the NSW Planning Portal)*

What is the proposed land use (as listed in the Dictionary of the applicable LEP)?

Water recreation structure

Is this use permissible within the zone?

Yes



No



*(Note: refer to the applicable land use table)*

How does the proposed development meet the objectives of the zone?

*Note: refer to the applicable land use table in the LEP*

The proposed development is permissible with consent pursuant to the W1 zone, and the proposal aligns with the objectives of the zone, providing active and passive recreation, public access to the river, and sustainable tourism which protects the ecological and scenic values of the waterway.

See below response to other sections of the LEP for further detail.

## Planning considerations

List and address all relevant Sections to your development from the applicable LEP

The following clauses of the Murray Local Environmental Plan (LEP) are relevant to this proposal:

- 5.21 – Flood Planning. The site is mapped as Flood Planning Land (Flood Planning Map)
- 7.3 – Biodiversity protection. The site is mapped as Key Fish Habitat (Biodiversity Map)
- 7.4 – Development on river front areas. The site is mapped as Riparian land and waterways (Watercourse Map).
- 7.5 – Riparian land and Murray River and other watercourses – general principles. The site is mapped as Riparian land and waterways (Watercourse Map).
- 7.6 – Additional provisions – development on riverbed and banks of the Murray and Wakool Rivers. The site is mapped as Riparian land and waterways (Watercourse Map)
- 7.7 – Wetlands. The site is mapped as Wetlands and Freshwater Lakes (Wetlands Map).

Having regard to the relevant provisions of the Murray LEP, the proposal should be supported for the following reasons:

- The proposed development is permissible with consent pursuant to the W1 zone, and the proposal aligns with the objectives of the zone, providing active and passive recreation, public access to the river, and sustainable tourism which protects the ecological and scenic values of the waterway.
- The proposed development will result in only minimal removal of native vegetation (understorey vegetation), with no trees proposed to be removed. The construction area does not intersect with any threatened ecological communities and is unlikely to significantly impact native fauna. Minor and localised disturbance from pile driving has been identified but will have negligible impact. We refer to the enclosed Flora and Fauna Assessment (FFA) prepared by Biosis for further detail.
- Oldmeadow Arboriculture's Arboricultural Impact Assessment Report comments that provided the pile driven piers are constructed outside of structural root zones, they should not adversely impact the health or useful life expectancy of retained trees. Refer to Oldmeadow's report for further detail.
- The proposal aligns with the objectives of Clauses 7.3, 7.4, 7.5, and 7.6 by being designed and sited to avoid impacts to biodiversity, avoid erosion, protect bed and bank stability, and minimise turbidity or sedimentation during construction. The piles will be driven using non-destructive techniques, and erosion control measures will be implemented during works.
- Pursuant to Clause 7.4, the development is likely to cause only minimal visual disturbance. The proposed structure is low-profile and neutral in colour, using timber materials to ensure visual compatibility with the natural setting. The gangway is removable in flood events and will not obstruct views or access. Additionally, there is no expected disturbance to adjacent uses, and the works will not obstruct river navigation, consistent with Clause 7.6.
- Pursuant to Clause 7.4, the development improves safe, formalised public access to the river for water-based recreation. The location has been selected to minimise impacts on riparian vegetation while providing a direct and accessible point for kayak users.
- Pursuant to Clause 7.5(4) and Clause 7.7(4), measures have been identified to avoid, and where necessary mitigate, environmental impacts. No significant long-term adverse impacts are anticipated. We refer to the enclosed Flora and Fauna Assessment (FFA) prepared by Biosis for further detail on mitigation measures.

## Planning considerations

The Murray Development Control Plan 2012 and the Wakool Development Control Plan 2013 details requirements for development which must be taken into account when preparing a development application. Please list and address all relevant clauses to your development contained in the applicable DCP.

<https://www.murrayriver.nsw.gov.au/files/assets/public/v/1/documents/dcp-docs/murray-development-control-plan-2012.pdf>

<https://www.murrayriver.nsw.gov.au/files/assets/public/v/2/documents/dcp-docs/wakool-development-control-plan-2013-amendment-2.pdf>

### Murray Development Control Plan 2012:

Title and Objectives	Controls	Compliance and Comment
<b>10.1 Visual Amenity</b> <ul style="list-style-type: none"> <li>To protect the visual amenity created by the natural river environment.</li> <li>To avoid works and structures that have a detrimental visual impact</li> </ul>	<ul style="list-style-type: none"> <li>All structures and buildings are to be designed to minimise the visual impact on the natural environment.</li> <li>Buildings and structures are to utilise building materials and colours that blend with the natural environment. Bright or reflective colours (unless necessary for safety reasons) and materials will not be supported by Council.</li> <li>Landscaping of native riparian vegetation is to be used to soften visual amenity impacts but not used as a substitute for appropriate siting of buildings and structures in the river environment.</li> </ul>	<p>The proposal has been designed to minimise visual impact on the natural river environment. The structure utilises low-profile, recessive design elements that are sympathetic to the surrounding landscape, including muted, non-reflective materials and finishes that blend into the riverine context, and ensuring minimal visual disruption. Given the existing vegetated surrounds, eco-tourism proposal, and minor nature of the works, extensive landscaping is not considered necessary.</p>
<b>10.2 Boat Ramps</b>	N/A – No boat ramp proposed	N/A – No boat ramp proposed
<b>10.3 pontoons and Walkways</b> <ul style="list-style-type: none"> <li>To restrict floating pontoons, walkways and jetties on Rivers in Murray Shire.</li> <li>To preserve the riverine environment from unsightly, artificial structures that have a detrimental affect on the ecological river system.</li> <li>To ensure river structures do not impact on river traffic safety.</li> </ul>	<ul style="list-style-type: none"> <li>Pontoons, walkways and jetties for private recreational use are not permitted.</li> <li>Pontoons and walkways will be assessed on their merits where they are fundamental and ancillary to large scale tourist developments.</li> <li>Pontoons and walkways may still be permissible within private waterways/marinas and to provide safe access to approved mooring sites.</li> <li>Pontoons and walkways for the placing of a water pumps will only be considered in exceptional circumstances where the pump is substantial and will service many properties.</li> <li>Walkways and landings are to be hinged to the high bank of the waterway and floating so they can rise and fall with the water levels.</li> </ul>	<p>The proposed pontoon and walkway are part of the Murray Adventure River Trail, a regionally significant public tourism initiative and not for private recreational use. The kayak launch includes a floating pontoon allowing adjustment with fluctuating river levels. Construction will include appropriate sediment and erosion control measures as outlined in the FFA prepared by Biosis, ensuring protection of the riverbank during works.</p>

## Planning considerations

	<ul style="list-style-type: none"> <li>All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into the adjacent waterway.</li> <li>Pontoons and walkways are to be fitted with reflective markers for the purposes of river navigation.</li> </ul>	
<b>10.4 Retaining Walls</b>	N/A – No retaining walls proposed	N/A – No retaining walls proposed
<b>10.5 Stairs</b>	N/A - No stairs proposed	N/A - No stairs proposed
<b>10.6 Moorings</b> <ul style="list-style-type: none"> <li>To implement Council's mooring management plan.</li> <li>To control the approval of new moorings and ensure that new moorings are appropriately located.</li> <li>To ensure new moorings do not adversely impact on river traffic safety.</li> <li>To minimise the environmental impact caused by moorings.</li> </ul>	<ul style="list-style-type: none"> <li>Moorings can not be transferred from private marinas to the Murray River.</li> <li>The mooring is to be constructed at a stable point in the river i.e. at a site not prone to erosion or an outside bend of a river.</li> <li>Moorings are to be hinged to the high bank of the waterway and floating so they can rise and fall with the water levels.</li> <li>Deep water or weir pools are the preferred location for moorings.</li> <li>All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into the adjacent waterway.</li> <li>All mooring locations are to be situated at a safe and appropriate location in consultation with relevant agencies.</li> <li>Applications are to detail compliance with the Mooring Management Plan.</li> </ul>	The kayak launch includes a floating pontoon allowing adjustment with fluctuating river levels. Construction will include appropriate sediment and erosion control measures as outlined in the FFA prepared by Biosis, ensuring protection of the riverbank during works.
<b>10.7 Liability and Public Safety</b> <ul style="list-style-type: none"> <li>To protect the public from harm or injury from using approved river structures.</li> </ul>	<ul style="list-style-type: none"> <li>All pontoons or walkways are to be provided with an engineer's certificate validating the structural integrity.</li> <li>All private structures are to have restricted access and appropriate signage to prohibit unauthorised use.</li> <li>Owners of public facilities are to supply Council with a copy of their public liability insurance.</li> </ul>	The proposed structure includes multiple safety features to protect public users, including handrails on the gangway, non-slip surfaces throughout, and secure connections to the riverbank to ensure stability in varying river conditions.
<b>10.8 Landscaping</b> <ul style="list-style-type: none"> <li>To restore the riverine vegetation within the Murray Shire.</li> </ul>	<ul style="list-style-type: none"> <li>All development applications are to include a landscaping plan.</li> <li>Landscaping must utilise indigenous species of riparian vegetation.</li> </ul>	Given the existing vegetated surrounds, eco-tourism proposal, and minor nature of the works, extensive landscaping is not considered necessary.

## Planning considerations

<ul style="list-style-type: none"> <li>To screen buildings and structures from the river.</li> </ul>	<ul style="list-style-type: none"> <li>Where land is degraded, landscaping shall include measures to rehabilitate these areas.</li> <li>Landscaping must be designed to screen or at least soften the appearance of buildings and structures.</li> </ul>	
<b>10.9 Unauthorised Structures</b>	N/A – all proposed structures included in application	N/A – all proposed structures included in application