

# Statement of Environmental Effects

‘Timbercutters’ application for a water supply system on the Edward River

October 2021



Progressive Rural Solutions

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## Document Information Record

### Project Details

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<b>Project No:</b>	168-0

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## Related Documents

Type	Author	Name	Date
Site Plan	Rich River Irrigation Developments	J000333 Rev B Page 1	Un-dated
Pump Plan	Rich River Irrigation Developments	J000333 Rev B Page 2	Un-dated
Certification	Christopher Artym	CR Artym	27-10-2021
Due Diligence Assessment	Progressive Rural Solutions	J168-DDA-V1R4	27-10-2021

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## CONTENTS

<b>1. Introduction</b>	6
1.1. Purpose	6
1.2. Application Type	6
1.3. Development Cost	6
1.4. Background	6
1.5. Engagement	7
Transport for NSW - Maritime	7
Natural Resource Access Regulator	7
WaterNSW	7
Murray River Shire	7
NSW Fisheries	8
NSW DPIE – Crown Land	8
Transport for NSW - Roads	8
Murray Darling Basin Authority	8
Environment Protection Authority	8
DPIE – Environment, Energy and Science	8
Heritage NSW	8
NSW Parks and Wildlife Service	8
<b>2. Site Description and Analysis</b>	9
2.1. Location	9
2.2. Existing Site Description	10
2.3. Surrounding Area	12
<b>3. Details of Proposal</b>	13
3.1. Works Summary	13
3.2. Infrastructure	13
<b>4. Planning Context</b>	14
4.1. Commonwealth	14
4.1.1. Environment Protection and Biodiversity Conservation Act 1999	14
4.1.2. Water Act, 2007	14
4.1.3. Native Title Act 1993	14
4.2. State Legislation	14
4.2.1. Environmental Planning and Assessment Act 1979	14
4.2.2. State Environmental Planning Policies	16
4.3. Regional Environmental Planning Policies	17
4.3.1. MURRAY REGIONAL ENVIRONMENTAL PLAN 2	17
4.3.2. Riverina Murray Regional Plan 2036	19
4.4. Local Planning	21
4.4.1. Murray Local Environmental Plan 2011	21
4.4.2. Murray Development Control Plan 2012	26
<b>5. Environmental Assessment</b>	28
5.1. Water	28
5.2. Biodiversity	29
5.3. Aboriginal Cultural Heritage	29
<b>6. Conclusion</b>	31
6.1. Summary of Findings	31
<b>7. References</b>	32
<b>8. Appendices</b>	33
8.1. plans	33
8.2. GPS Referenced Photos	34
8.3. Property Planning Report	35
8.4. Biodiversity Offset Scheme Entry Threshold (BOSET) Report	36
8.5. Aboriginal Cultural Heritage Due Diligence Assessment	37

## FIGURES

Figure 1-1 - Site Overview (source ePlanning Spatial Viewer) .....	6
Figure 1-2 Project location (Source Google Earth) .....	7
Figure 2-1 - Location of property in relation to the region.....	9
Figure 2-2 - Location of property in relation to the local area .....	10
Figure 2-3 Pump site looking downstream with the Edward River Regulator in the background.....	11
Figure 2-4 Pump suction pipe through levee bank looking downstream .....	11
Figure 2-5 Pump Site looking upstream on the Edward River toward the Murray Junction – Note Restaurant in background .....	12
Figure 3-1 Pump Site looking toward Edward River .....	13
Figure 4-1 Zoning Overlay (Source ePlanning Spatial Viewer).....	23
Figure 4-2 Flood Planning Overlay (Source ePlanning Spatial Viewer).....	23
Figure 4-3 - Overlay Terrestrial Biodiversity (Source ePlanning Spatial Viewer) .....	24
Figure 4-4 - Overlay Riparian Lands and Watercourses (Source ePlanning Spatial Viewer).....	25
Figure 4-5 Wetlands Overlay (Source ePlanning Spatial Viewer) .....	26
Figure 8-1 Existing pump on platform .....	34
Figure 8-2 – Levee Bank looking downstream with pump on dry side.....	34
Figure 8-3 Looking inland with pipe in foreground and pump in the background .....	34
Figure 8-4 View looking Upstream showing suction pipe in River.....	34
Figure 8-5 View looking upstream with pump on dry side of levee .....	34
Figure 8-6 pipeline in river channel .....	34

## TABLES

Table 2-1 - Land details of the project .....	10
Table 4-1 – Table showing project in relation to the EPA Act clauses .....	15
Table 4-2 - Table of Approvals .....	15
Table 4-3 - Table of State Environmental Planning Policies .....	16
Table 4-4 – Project in consideration of the Murray Regional Environmental Plan 2.....	17
Table 4-5 – Project in consideration of the Murray Regional Plan 2036 .....	19
Table 4-6 – Table of Murray LEP clauses .....	21
Table 4-7 – Project in consideration of the Murray Development Control Plan .....	26
Table 5-1 - Preliminary Environmental Assessment .....	28
Table 5-2 - Existing Water Details .....	28



## 1. INTRODUCTION

### 1.1. PURPOSE

This Statement of Environmental Effects (SEE) has been prepared by Progressive Rural Solutions Pty Ltd (PRS) to accompany the required applications for the approval of an existing water supply system located on the Edward River at Picnic Point supplying water to the 'Timbercutter's' Restaurant, Museum and Café area.

The application to the Murray River Council is being made under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Environmental Planning and Assessment Regulation 2000* (EP&A Reg).

This report is provided to meet the requirements of Schedule 1 of the EP&A Reg stating, "a development application must be accompanied by a Statement of Environmental Effects (except for a designated development which is accompanied by an Environmental Impact Statement)".

The applicants and owners of this development are Chris, Dawn and Kalli Crump and Joel Smith. Progressive Rural Solutions will be the main contact throughout the application process.

### 1.2. APPLICATION TYPE

The application is being made as an integrated application and is made under Section 90 (Work Approval) the *Water Management Act 2000* which requires a new Work Approval through WaterNSW. The property enjoys presumptive title with confirmation provided by NSW Crown land which is attached. The Murray River Council is the consent authority for this Development Application.

### 1.3. DEVELOPMENT COST

The Development Application relates to gaining approval for an existing water supply system that supplies water to the Timbercutters restaurant, museum and café site. There are no further costs associated with the installation of the pump however the cost of the pump site installation as described in the costing for the application is \$6,600 plus GST.

### 1.4. BACKGROUND

The application is for the approval of an existing water supply system on the Edward River at 607 Picnic Point Road, Mathoura. The water supply pump will be used to water lawns at the restaurant, museum and café on the property and will also provide water stored for firefighting purposes. **Figure 1.1** below identifies the property and the location of the pump site.

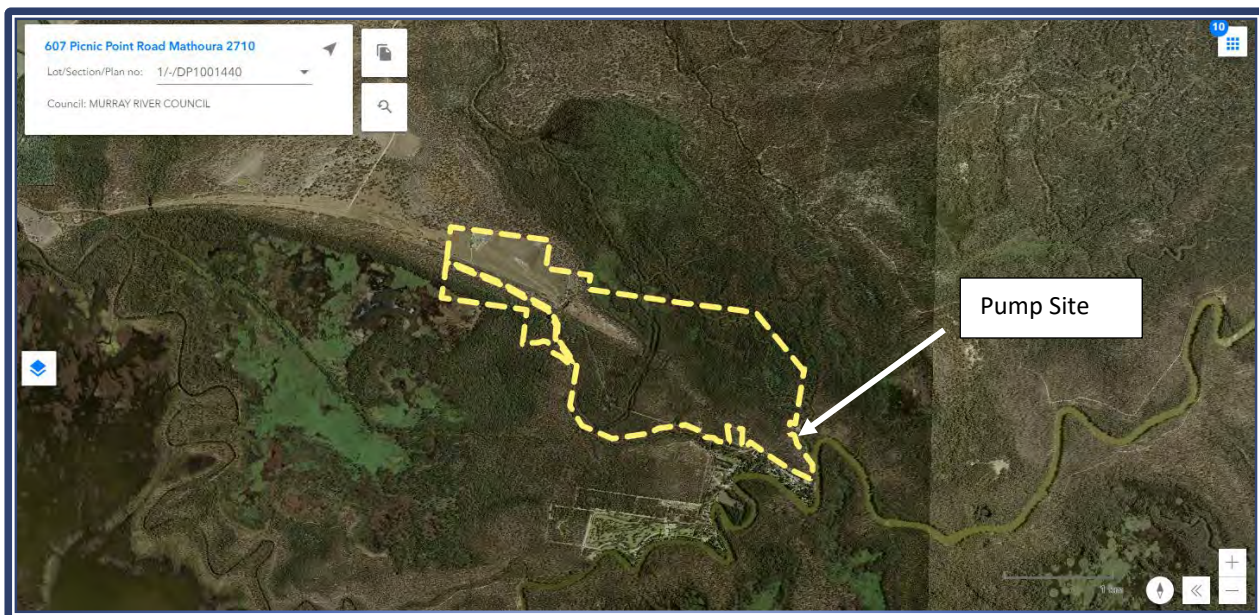


Figure 1-1 - Site Overview (source ePlanning Spatial Viewer)

1. Undertake pre-consultation with relevant authorities to detail assessment and approval requirements,
2. Lodge a Development Application to the Murray River Council for the pump through the NSW Planning Portal,
3. Lodge an application for a New Water Supply Work Approval, and
4. Meet all ongoing requirements as identified through the application and approval process.

This aerial map shows the Murray Valley area. A yellow outline highlights a specific region. A pink pin marks the 'Pump Location'. Other labels include 'Ewer's Ridge', 'Murray Valley', 'THE TIMBERCREEK REDGUM CAFE BAR', 'Penny Point Caravan Park', 'Murraybank Caravan Park', and 'ANIMALS'. A scale bar indicates 1148 m. The Google Earth logo is in the bottom right corner.

**Figure 1-2 Project location (Source Google Earth)**

## TRANSPORT FOR NSW - MARITIME

NATURAL RESOURCE ACCESS REGULATOR

WATERSW

MURRAY RIVER SHIRE

During the report preparation and review of the existing pump site, the Murray Shire council representative Isobella Lucic has been consulted. The consultation identified that a development application is required for the pump. It was also nominated that a brief Statement of Environmental Effects was required. In addition to this, the existing structure should also be reviewed for structural integrity and a certification assessment undertaken and provided as part of the application.

**NSW FISHERIES**

No consultation has occurred with the NSW Fisheries as the suction of the pump maintains a filtration system to minimise impacts to aquatic species and no disturbance is required to the River banks.

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**NSW DPIE – CROWN LAND**

Advice was sought and provided by Peter Bisset of the Hay office and the supporting letter included in the Development Application confirms that the freehold title has presumptive title extending to the middle thread of the river via the '*Ad Medium Filum Aquea*' rule. The property title was created 10 October 1865 prior to May 1918 being the date the beds of creeks and rivers etc. in the Central and Eastern Divisions of NSW were reserved to the Crown or 31 May 1935, the date the beds of creeks and river in the Western Division of NSW were reserved to the Crown. As such there is no requirement to sought Land Owners Consent from the Crown.

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**TRANSPORT FOR NSW - ROADS**

This application does not relate to a road or any works that may impact on a road. As a result, no consultation has occurred with TfNSW roads division.

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**MURRAY DARLING BASIN AUTHORITY**

This project is located on a tributary of the Murray River and the existing pump site will not have an impact on the operation of the Murray River being subject to the requirements of the WaterNSW approvals and the relevant Water Sharing Plans. There are no further works proposed and therefore the site is unlikely to have a detrimental impact on the quality of the water source. As a result, the MDBA has not been consulted as part of this application.

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**ENVIRONMENT PROTECTION AUTHORITY**

The project is not a scheduled activity and there are no excavation works proposed. The ongoing operation of the pump site is unlikely to cause erosion, as a result, the EPA has not been consulted as part of this application.

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**DPIE – ENVIRONMENT, ENERGY AND SCIENCE**

This project does not require the removal or disturbance of any vegetation including fallen timber and river snags as there are no excavation works proposed. As there are no impacts proposed, no consultation has been undertaken with this Department.

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**HERITAGE NSW**

There are no ground disturbance or construction works proposed as part of this application as the works exist. There are no requirements for the removal of vegetation as part of any site maintenance. Prior to works occurring, an inspection was undertaken of the works area to ensure any potential impact to Aboriginal Heritage was minimised. As there is no additional excavation, ground disturbance activities or vegetation removal proposed, no further consultation has occurred with Heritage NSW or any Local Aboriginal Land Council.

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**NSW PARKS AND WILDLIFE SERVICE**

No consultation has occurred with the NPWS as there are no works proposed within the forest. No access or interruption to the adjoining forest is proposed. The pump site will not impact on the recreational users of the forest or alter any existing access arrangements with by water or land to the forest. The operation of the pump will be highly unlikely to impact on any users of the adjoining forest.

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## 2. SITE DESCRIPTION AND ANALYSIS

### 2.1. LOCATION

The property is located in New South Wales at the junction of the Murray and Edward Rivers at Picnic Point east of Mathoura. The existing pump is located on Lot 1 DP1001440 connecting to the Edward River.

The original freehold title for this land was granted on 18 November 1870 which is prior to 3 May 1918 after which the beds of creeks and rivers were reserved to the crown and as such the owner is entitled to presumptive title to the middle thread of the respective creek or river.

The specific location of the project site is shown below in **Figure 2-1** and **2-2** and **Table 2-1**.

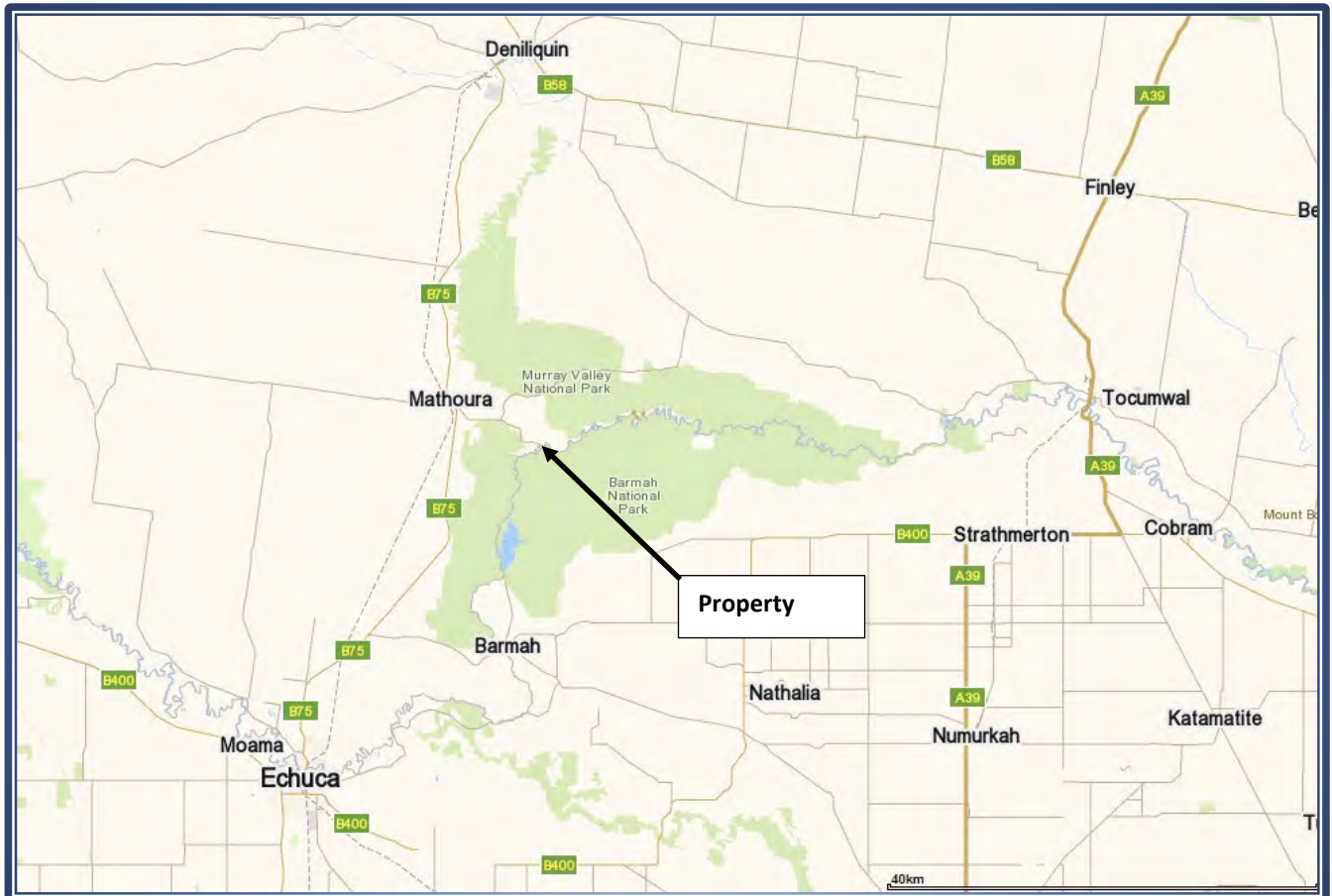


Figure 2-1 - Location of property in relation to the region

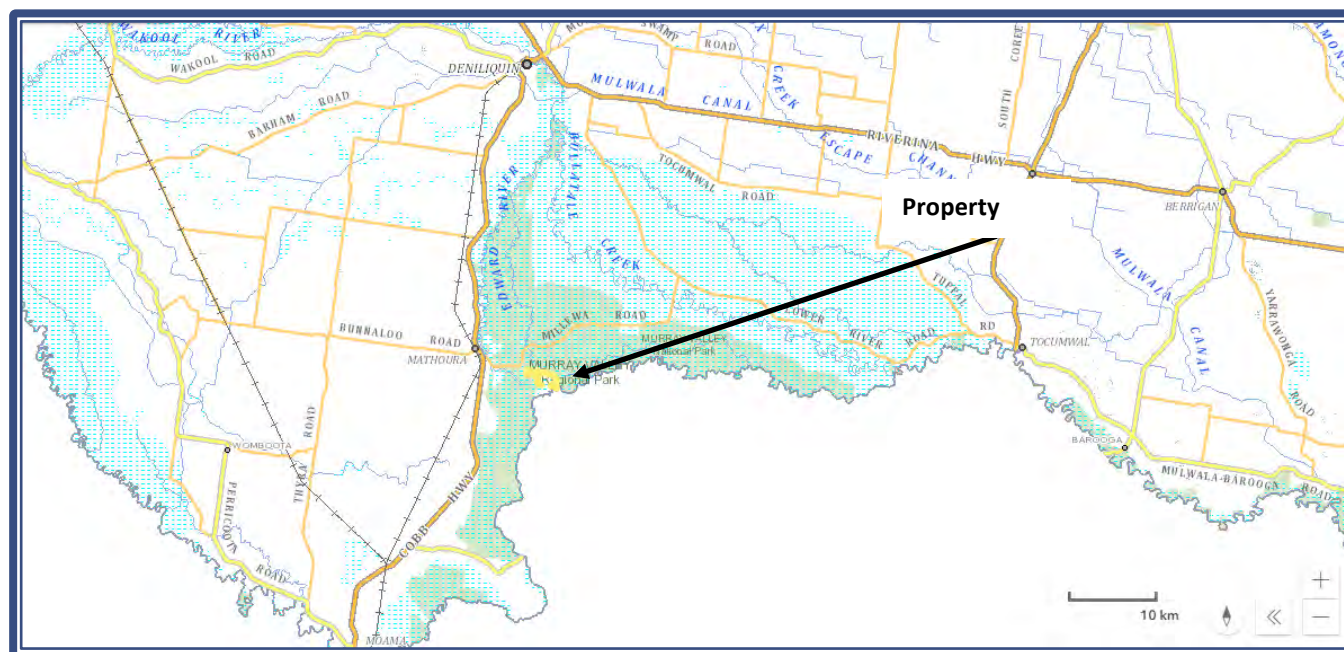


Figure 2-2 - Location of property in relation to the local area

In relation to populated areas the site is 320m north of the nearest temporary stay Caravan Park, 270m north -northwest of the Timbercutters restaurant, 9.5kms southeast of Mathoura, 19km north of Barmah and 35.6kms south of Deniliquin. The closest road is Picnic Point Road located nearly 300m to the southwest of the pump site.

The land details of the project are summarised as follows:

Table 2-1 - Land details of the project

Details	Specific related to applications
Lot number	1
Deposited Plan	1001440
Parish	Nallam
County	Townsend
Local Shire	Murray River Council
LEP Zone	E3 - Environmental Management
Catchment Area	Murray
IBRA Sub-region	Riverina – Murray Fans
Mitchell Landscapes	Murray Channels and Floodplains
Traditional Owners/Land Council	Cummeragunja Aboriginal Land Council
Floodplain Management Plan	Nil
Land Stature	Freehold
GPS Reference	MGA Zone 55 E:319188 N:6030981

## 2.2. EXISTING SITE DESCRIPTION

The whole property encompasses an area of 328.1ha with this pump site being located on its most eastern boundary. The property frontage details are Picnic Point road (3.5km) on the south and the Murray and Edward Rivers (500m) on the east and north east. The remaining portion of the property is surrounded by the Murray Valley Park and a single adjoining neighbour on the west.

The general surrounds consist of a modified Riverine floodplain predominantly river red gum regrowth with most tree species being saplings of up to 20cm in diameter. The property is in a flood storage area that may be filled by up to 400mm in a 1% flood event. A licenced levee bank and Weir access track exists along the Murray River Frontage up to the Edward River.



Towards the south eastern side of the property is the Picnic Point holiday area which is separated from the pump site by 3680m. A museum and café has been built on the property 265m from the pump site and is located between the pump and areas utilised by the public. Below are photos showing the existing environment.



Figure 2-3 Pump site looking downstream with the Edward River Regulator in the background



Figure 2-4 Pump suction pipe through levee bank looking downstream





Figure 2-5 Pump Site looking upstream on the Edward River toward the Murray Junction – Note Restaurant in background

The pump site encompasses a small area and the activities associated with the pump will be confined footprint to the site being approx. 0.02ha. Within this area is the existing pump infrastructure, electrical connection, pipeline and pump platform. These are further described in the following section.

The site is relatively flat with a natural grade of 0.1°. The site slopes away from the river to the north-north west. The average height in the area is 94.72m AHD.

### 2.3. SURROUNDING AREA

The property that is subject to this SEE is located in New South Wales at the junction of the Murray and Edward Rivers. property boundaries include both the Murray and Edward Rivers, Picnic Point Road and the Murray Valley Park. In relation to towns the site is 6kms southeast of Mathoura and 34kms south of Deniliquin. The property is located on Picnic Point Road at Picnic Point within the Barmah Forest.

On the property south of the project site there is a museum and café owned by the applicants. Located approximately 57m northwest of the project site the Edwards River Regulator.

The Mitchell Landscape for the project site is defined as Murray Channels and Floodplains which are defined as: *Active channels and seasonally inundated floodplains of the Murray streams in Quaternary alluvium with associated billabongs, swamps, channels, levees and source bordering dunes, relief to 10m. Includes scattered alluvial flats, broad elevated floodplains and associated relict channels; isolated sandy rises, relief to 5m.* (Eco Logical Australia, 2008).

The area is serviced by state and local roads, town water, NBN, landline and mobile phone service and electricity.



### 3. DETAILS OF PROPOSAL

#### 3.1. WORKS SUMMARY

There are no construction works proposed as part of this application as the infrastructure on site is existing.

#### 3.2. INFRASTRUCTURE

The existing pump infrastructure includes the following:

- Lowara SV-F 1016LD661 Multistage Pump – maximum flow rate of 8l/sec,
- Manually operated filter,
- 90mm HDPE suction pipeline installed beneath the Levee and connecting into the Edward river,
- 90mm PVC supply line supplying water to the Timbercutters facilities,
- Buried electrical supply line from the Electricity network to the site,
- Pump platform supporting the pump and filter system.

The pump has been installed on the 'dry' side of the current levee banks and a 90mm diameter HDPE suction pipeline has been installed through the bank into the Edward River. The electric pump installed is a multi-stage Lowara SV-F 1016LD661 and when approved will be used for the irrigation of approximately 3ha of lawns within the museum and café area. The pipeline also supplies non-potable water to the site for firefighting purposes. No further works are required for the continued operation of this pump site.

No vegetation or snags are to be cleared or disturbed, either on the bank of in the waterway as part of the ongoing operation of the pump.



Figure 3-1 Pump Site looking toward Edward River

## 4. PLANNING CONTEXT

Several statutory planning controls need to be addressed for the project. This section reviews Commonwealth, State and local planning legislation and policies to determine what approvals are likely to be required.

### 4.1. COMMONWEALTH

#### 4.1.1. ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

This Act is the Australian Governments central piece of environmental legislation. The EPBC Act provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places – defined in the EPBC Act as Matters of National Environmental Significance (MNES).

These eight matters to which this Act applies are:

- *World heritage sites,*
- *National heritage places,*
- *Wetlands of international importance (Ramsar wetlands),*
- *Nationally threatened species and ecological communities,*
- *Migratory species,*
- *Commonwealth marine areas,*
- *The Great Barrier Reef Marine Park, and*
- *Nuclear actions.*

The EPBC Act confers jurisdiction over actions that have a significant impact on the environment where the actions affect, or are taken on, Commonwealth land, or are carried out by a Commonwealth agency.

#### COMMENT

The eight matters referred to above have been reviewed and there are no impacts proposed.

#### 4.1.2. WATER ACT, 2007

The *Water Act* 2007 is intended to allow the Commonwealth to coordinate the management of water resources in the Murray-Darling Basin in conjunction with the Basin States. The Act establishes the Murray-Darling Basin Authority as the national regulatory authority. A key requirement of the Act was the implementation of the Murray-Darling Basin Plan which provides for a coordinated approach to water management across the Murray–Darling Basin's four states - South Australia, Victoria, NSW and Queensland - and the Australian Capital Territory. The Plan sets the amount of water that can be extracted annually from the Basin for consumptive use (urban, industrial and agricultural) without having a negative impact on the natural environments of the Basin coming into effect in November 2012.

#### COMMENT

This project is located on the Edward River being within the Murray Darling basin however the use of the existing pump will not affect the aims and objectives of the MDBA or the operation of the River.

#### 4.1.3. NATIVE TITLE ACT 1993

The *Native Title Act* 1993 provides a national system for the recognition and protection of native title and for its co-existence with the national land management system. The native title is recognised where: the rights and interests are possessed under traditional laws and customs that continue to be acknowledged and observed by the relevant Indigenous Australians, by virtue of those laws and customs, the relevant Indigenous Australians have a connection with the land or waters, the native title rights and interests are recognised by the common law of Australia.

#### COMMENT

This project is not subject to a successful native title claim.

### 4.2. STATE LEGISLATION

#### 4.2.1. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The *Environmental Planning and Assessment Act (EP&A Act)* and its associated regulations provide a framework for assessing environmental impacts and determining planning approvals for developments and activities in NSW. Within the EP&A Act, there are two parts which inflict requirements for planning approvals:

- **Part 4** which relates to decision making process by consent authorities. Section 4.15 under Part4, describes types of impact which must be considered before development approval is granted. It states that consideration must be given for the impact of that development on the environment.
- **Part 5** governs the decision-making process by State government (determining) authorities (except for State significant infrastructure) regarding activity approval. In the decision making process, under Section 5.5 it is the State government agencies' duty to consider environmental impacts; and then under Section 5.7, determine whether the level of impact is sufficient to require the preparation of an Environmental Impact Statement (EIS).

#### COMMENT

This project is to be determined under Part 4 and will be local development. The provisions of Section 4.15 are addressed below:

Table 4-1 – Table showing project in relation to the EPA Act clauses

Clause	Description	Project Consistent Yes/No	Explanation
<b>1</b>	<i>In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application: - the provisions of:</i>		
<b>a)</b>			
<b>i)</b>	<i>any environmental planning instrument, and</i>	Yes	See Section 4
<b>ii)</b>	<i>any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>		
<b>iii)</b>	<i>any development control plan, and</i>		
<b>iiia)</b>	<i>any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i>		
	<i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i>		
<b>iv)</b>	<i>(Repealed)that apply to the land to which the development application relates,</i>		
<b>v)</b>			
<b>b)</b>	<i>The likely impacts of that development, including environmental impacts both on the natural and built environments, and social and economic impacts in the locality</i>	Yes	See Section 5
<b>c)</b>	<i>The suitability of the site for the development,</i>		See section 2
<b>d)</b>	<i>Any submissions made in accordance with this Act or the regulations,</i>	NA	Noted
<b>e)</b>	<i>The public interest.</i>	NA	Noted

Table 4-2 - Table of Approvals

Act	Sect	Approval	Required	Report location
<b>Coal Mine Subsidence Compensation Act 2017</b>	s22	Approval to alter or erect improvements, or to subdivide land within a mine subsidence district.	No	NA
<b>Fisheries Management Act 1994</b>	s144	Aquaculture permit.	No	NA
	s201	Permit to carry out dredging work.	No	NA
	s205	Permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, on the foreshore of any such land or lease.	No	NA
	s219	Permit to: Set a net, netting or other material, or	No	NA

Act	Sect	Approval	Required	Report location
		Construct or alter a dam, floodgate, causeway or weir, or Across or within a bay, inlet river or creek or across or around a flat.		
<b>Heritage Act 1977</b>	s57	Approval in respect of doing or carrying out of an act, matter of thing referred to.	No	NA
<b>Mining Act 1992</b>	s63 or s64	Grant of a mining lease.	No	NA
<b>National Parks and Wildlife Act 1974</b>	s90	Grant of an Aboriginal Heritage Impact Permit.	No	Section 5.3
<b>Petroleum (onshore) Act 1991</b>	s16	Grant of a production lease.	No	NA
<b>Protection of the Environment Operations Act 1997</b>	s43(a), 47 & 55	Works relating to the following sections of the including Environment protection licence to authorize carrying out of scheduled development work.	No	NA
	s43b, 48 & 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).	No	NA
	s43d, 55 & 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	No	NA
<b>Roads Act 1993</b>	s138	Erect a structure or carry out a work in, on or over a public road dig up or disturb the surface of a public road remove or interfere with a structure, work or tree on a public road pump water into a public road from any land adjoining the road connect a road (whether public or private) to a classified road.	No	NA
<b>Rural Fires Act 1997</b>	s100b	In respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes.	No	NA
<b>Water Management Act 2000</b>	s89	Water use approval.	Amended	Section 5.1
	s90	Water management work approval.	Addition to	Section 5.1
	s91	Activity approval.	No	NA

#### 4.2.2. STATE ENVIRONMENTAL PLANNING POLICIES

A table has been provided below showing all the State Environmental Planning Policies identified by the NSW Property Planning Report and their relationship to the project.

Table 4-3 - Table of State Environmental Planning Policies

Number	Title	Relevant	Comment
	Affordable Rental Housing 2009	No	Not relevant
	Building Sustainability Index (BASIX) 2004	No	Not relevant
	Concurrences 2018	No	Not relevant



Number	Title	Relevant	Comment
	Educational Establishments and Child Care Facilities 2017	No	Not relevant
	Exempt and Complying Development Codes 2008	No	Project is not exempt
	Housing for Seniors or people with a Disability 2004	No	Not relevant
	Infrastructure 2007	Yes	<i>Clause 126A – Development for the purpose of water reticulation systems may be carried out by any person with consent on any land.</i>
	Mining, Petroleum Production and Extractive Industries 2007	No	Not relevant
	Miscellaneous Consent Provisions 2007	No	Not relevant
	Primary Production and Rural Development 2019	No	This proposal is not related to intensive livestock development or artificial water storage dam.
1	Development Standards 1980	No	Not relevant
21	Caravan Parks 1992	No	Not relevant
33	Hazardous and Offensive Development 1992	No	Not defined as a hazardous or offensive development
36	Manufactured Home Estates 1993	No	Not relevant
44	Koala Habitat Protection	No	No change to vegetation and no construction activities.
50	Canal Estate Development 1997	No	Not relevant
55	Remediation of Land 1998	No	The site is not listed in the NSW EPA or local contaminated land register.
64	Advertising and Signage 2001	No	Not relevant
65	Design Quality of Residential Apartment Development 2002	No	Not relevant

#### 4.3. REGIONAL ENVIRONMENTAL PLANNING POLICIES

Each region and districts future housing, jobs, infrastructure, commercial cultural and education centres plans are provided with a strategic plan and framework through Region and District Plans. These plans will also provide direction on development and land planning.

##### 4.3.1. MURRAY REGIONAL ENVIRONMENTAL PLAN 2

Table 4-4 – Project in consideration of the Murray Regional Environmental Plan 2

Clause	Description	Project Consistent Yes/No	Explanation
9	<i>General. When this Part applies, the following must be taken into account: -</i>		
a)	<i>The aims, objectives and planning principles of this plan,</i>	Yes	See the assessment below for detailed review against the principles of the plan.
b)	<i>Any relevant River Management Plan</i>	NA	See the Murray DCP below.
c)	<i>Any likely effect on the proposed plan or development on adjacent and downstream local government areas,</i>	Yes	No impact expected as there are no excavation activities as part of the project. There is no change in operation impacts.
d)	<i>The cumulative impact of the proposed development on the River Murray.</i>	Yes	None.
Access	<i>* The waterway and much of the foreshore of the River Murray is a public resource. Alienation</i>	Yes	No change is proposed in access to the Murray River.

Clause	Description	Project Consistent Yes/No	Explanation
	<p><i>or obstruction of this resource by or for private purposes should not be supported.</i></p> <p><i>* Development along the main channel of the River Murray should be for public purposes. Moorings in the main channel should be for the purposes of short stay occupation only.</i></p> <p><i>* Human and stock access to the River Murray should be managed to minimise the adverse impacts of uncontrolled access on the stability of the bank and vegetation growth.</i></p>	<p>NA</p> <p>Yes</p>	<p>Project works are not within the main channel of the Murray River being located within the start of the Edward River tributary.</p> <p>River frontage will remain in current state with open frontage.</p>
<b>Bank disturbance</b>	<i>Disturbance to the shape of the bank and riparian vegetation should be kept to a minimum in any development of riverfront land.</i>	Yes	No further works are proposed in this application
<b>Flooding</b>	<p><i>* Where land is subject to inundation by floodwater:</i></p> <p><i>(a) the benefits to riverine ecosystems of periodic flooding,</i></p> <p><i>(b) the hazard risks involved in developing that land,</i></p> <p><i>(c) the redistributive effect of the proposed development on floodwater,</i></p> <p><i>(d) the availability of other suitable land in the locality not liable to flooding,</i></p> <p><i>(e) the availability of flood free access for essential facilities and services,</i></p> <p><i>(f) the pollution threat represented by any development in the event of a flood,</i></p> <p><i>(g) the cumulative effect of the proposed development on the behaviour of floodwater, and</i></p> <p><i>(h) the cost of providing emergency services and replacing infrastructure in the event of a flood.</i></p> <p><i>* Flood mitigation works constructed to protect new urban development should be designed and maintained to meet the technical specifications of the Department of Water Resources.</i></p>	<p>Yes</p> <p>Yes</p>	<p>The existing pump site and framework has been sited to ensure that the infrastructure does not impede or alter the flood storage area.</p> <p>No emergency services will be required for development as existing pump will be removed during major flood events. The pump framework has been assessed as being able to withstand the minor flood flows within the area.</p> <p>No flood mitigation works proposed.</p>
<b>Land degradation</b>	<i>* Development should seek to avoid land degradation processes such as erosion, native vegetation decline, pollution of ground or surface water, groundwater accession, salination and soil acidity, and adverse effects on the quality of terrestrial and aquatic habitats.</i>	Yes	Works that were undertaken has not created erosion issues, impacted on native vegetation or created other environmental impacts. No additional works are proposed as part of this application.
<b>Landscape</b>	<i>* Measures should be taken to protect and enhance the riverine landscape by maintaining native vegetation along the riverbank and adjacent land, rehabilitating degraded sites and stabilising and revegetating riverbanks with appropriate species.</i>	Yes	See Biodiversity Section 5.2 no vegetation is required to be removed.
<b>River Related Uses</b>	<i>* Only development which has a demonstrated, essential relationship with the river Murray should be located in or on land adjacent to the</i>	Yes	Works are not location on the Murray but on the Edward River. Connection to the River is essential to the project

[illegible]

**COMMENT**

The project is in line with all aims, objectives and planning principles of the Murray REP2 – Riverine Land.

#### 4.3.2. RIVERINA MURRAY REGIONAL PLAN 2036

The *Riverina Murray Regional Plan 2036* – is proposed to replace Murray REP2 above and is provides a strategy to deliver the vision for the region.

Table 4-5 – Project in consideration of the Murray Regional Plan 2036

Goal	Description	Project Consistent Yes/No	Explanation
<b>1</b>	<b>A growing and diverse economy</b>		
<b>Dir 1</b>	<i>Protect the regions diverse and productive agricultural land.</i>	Yes	Project will not impact existing agricultural uses on adjoining land.
<b>Dir 2</b>	<i>Promote and grow the agribusiness sector.</i>	NA	Project is not related to agriculture but will not impact on an agribusiness.
<b>Dir 3</b>	<i>Expand advanced and value-added manufacturing.</i>	NA	Project is not related to manufacturing.
<b>Dir 4</b>	<i>Promote business activities in industrial and commercial areas.</i>	NA	Project is not located or related to industrial or commercial area.

Goal	Description	Project Consistent Yes/No	Explanation
<b>Dir 5</b>	<i>Support the growth of the health and aged care sectors.</i>	NA	Project is not related to health or aged care facilities.
<b>Dir 6</b>	<i>Promote the expansion of education and training opportunities.</i>	NA	Project relates to the museum which provides ongoing knowledge of the history within the area.
<b>Dir 7</b>	<i>Promote tourism opportunities.</i>	NA	Project relates to water supply to the Timbercutters restaurant and museum which is supporting tourism within the area.
<b>Dir 8</b>	<i>Enhance the economic self-determination of Aboriginal communities.</i>	NA	Project does not relate to an Aboriginal community.
<b>Dir 9</b>	<i>Support the forestry industry.</i>	NA	Project relates the Timbercutters Restaurant, Café and Museum which is a tribute to the timber cutting and forestry industry in the area. Whilst this does not support the forestry industry, it is a site that was built as a result of significant change to the timber industry.
<b>Dir 10</b>	<i>Sustainably manage water resources for economic opportunities.</i>	Yes	The extraction of water at this site will be undertaken in line with the requirements of the relevant Water Sharing Plan and all work approval conditions imparted by WaterNSW and other regulatory bodies.
<b>Dir 11</b>	<i>Promote the diversification of energy supplies through renewable energy generation.</i>	NA	Project is not related to energy use.
<b>Dir 12</b>	<i>Sustainably manage mineral resources.</i>	NA	Project is not mineral resource related.
<b>Goal 2</b>	<b>A Healthy environment with pristine waterways</b>		
<b>Dir 13</b>	<i>Manage and conserve water resources for the environment.</i>	Yes	Project will not decrease water quality. The project has been sited to minimise all potential environmental impacts.
<b>Dir 14</b>	<i>Manage land uses along key river corridors.</i>	Yes	The project will not amend the land use at the site as the works are existing.
<b>Dir 15</b>	<i>Protect and manage the region's many environmental assets.</i>	Yes	Project's environmental effects has been assessed for potential impacts to environmental value of area, ecosystems, habitats and does not relate to a Travelling Stock Reserve.
<b>Dir 16</b>	<i>Increase resilience to natural hazards and climate change.</i>	Yes	Project will not increase risk associated with the impacts of climate change
<b>Goal 3</b>	<b>Efficient transport and infrastructure networks</b>		
<b>Dir 17</b>	<i>Transform the region into the eastern seaboard's freight and logistics hub.</i>	NA	Proposal does not relate to industry or freight.
<b>Dir 18</b>	<i>Enhance road and rail freight links.</i>	NA	Proposal does not relate to industry or freight.
<b>Dir 19</b>	<i>Support and protect ongoing access to air travel.</i>	NA	Proposal does not relate to industry or freight and will not affect air travel.
<b>Dir 20</b>	<i>Identify and protect future transport corridors.</i>	NA	Will not affect future corridors.



Goal	Description	Project Consistent Yes/No	Explanation
Dir 21	Align and protect utility infrastructure investment.	NA	Project will not remove future access to infrastructure.
<b>Goal 4</b>	<b>Strong, connected, and healthy communities</b>		
Dir 22	Promote the growth of regional cities and local centres.	NA	Project does not relate to regional development.
Dir 23	Build resilience in towns and villages.	NA	Project does not relate to an urban proposal although supports a local tourism operation in the area.
Dir 24	Create a connected and competitive environment for cross-border communities.	NA	Project does not relate to community actions.
Dir 25	Build housing capacity to meet demand.	NA	Project is not related to housing proposal.
Dir 26	Provide greater housing choice.	NA	Project not related to housing proposal.
Dir 27	Manage rural residential development.	NA	Project not related to rural residential development.
Dir 28	Deliver healthy built environments and improved urban design.	NA	Project not related to urban design.
Dir 29	Protect the region's Aboriginal and historic heritage.	NA	Project will not affect Aboriginal heritage as not occurring on undisturbed land.

#### COMMENT

The project is in line with all aims, objectives and planning principles of the Murray Regional Plan 2036.

#### 4.4. LOCAL PLANNING

Local Environment Plans (LEPs) guide planning decisions for Local Government Areas (LGAs). These frameworks include zoning and development controls providing a framework for the way land can be used and ensure local development is undertaken appropriately. Development Control Plans (DCPs) often provide additional details relating to development standards and character as well as guidance to applicants and planning authorities on how development proposals should give effect to aims of local planning and additional details relating to development standards and character.

##### 4.4.1. MURRAY LOCAL ENVIRONMENTAL PLAN 2011

The table provided below identifies relevant clauses within the LEP, identifies their consistency and provides an explanation where required.

Table 4-6 – Table of Murray LEP clauses

Clause	Description	Project Consistent Yes/No	Explanation
<b>1.2(2)</b>	<b>The aims of the Murray LEP are:</b>		
aa)	to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,	NA	Not applicable to this project
a)	to encourage sustainable economic growth and development within Murray	NA	Not applicable to this project
b)	to encourage sustainable economic growth and development within Murray	NA	Not applicable to this project
c)	to identify, protect, conserve and enhance Murray's natural assets	Yes	Project will not impact or remove natural assets. No vegetation existing or fallen will be removed as part of the project
d)	to identify and protect Murray's built and cultural heritage assets for future generations	Yes	Project does not require the removal of any native vegetation or cultural heritage.

Clause	Description	Project Consistent Yes/No	Explanation
e)	<i>to allow for the equitable provision of social services and facilities for the community</i>	NA	Not applicable to this project.
f)	<i>to encourage and focus growth in the Moama and Mathoura townships,</i>	NA	Not applicable to this project
g)	to provide for future tourist and visitor accommodation in a sustainable manner that is compatible with, and will not compromise, the natural resource and heritage values of the surrounding area.	Yes	Project supports a Museum, café and restaurant within the Picnic Point area without optimisation or impact to natural resources or heritage values.
<b>2.1</b>	<b>Land Use Zones</b>		
<b>Rural Zones</b>	<i>E3 – Environmental Management</i>	Yes	The project is defined as a Water Supply System and is permitted with consent in this land use zone
<b>5</b>	<b>Miscellaneous provisions</b>		
<b>5.10</b>	<i>Heritage Conservation.</i>	Yes	See section <b>5.3</b>
<b>5.21</b>	<i>Flood Planning</i>	Yes	See below
<b>7</b>	<b>Additional Local Provisions</b>		
<b>7.1</b>	<i>Essential Services</i>	NA	The project does not involve the change to any essential services at the project site.
<b>7.2</b>	<i>Earthworks</i>	NA	There are no excavation works as a part of this project
<b>7.3</b>	<i>Biodiversity Protection</i>	Yes	See section <b>5.2</b>
<b>7.4</b>	<i>Development of Riverfront areas</i>	Yes	Pump design minimised disturbance to the river front area with use of a suction pipe which will lie on the surface of the river bank
<b>7.5</b>	<i>Riparian Land and Murray River and other watercourses- general principles</i>	Yes	See below.
<b>7.6</b>	<i>Additional provisions – Development on river bed and banks of Murray and Wakool Rivers</i>	Yes	The development does not involve a mooring however does propose a pump on the bank of the Edward River. See Below.
<b>7.7</b>	<i>Wetlands</i>	Yes	See Below

Review of the NSW ePlanning Spatial Viewer has been used in the below sections. It should be noted that the boundary lines on the imagery are not accurate and should move to align with the Edward River and over the pump site.

## LAND USE ZONING

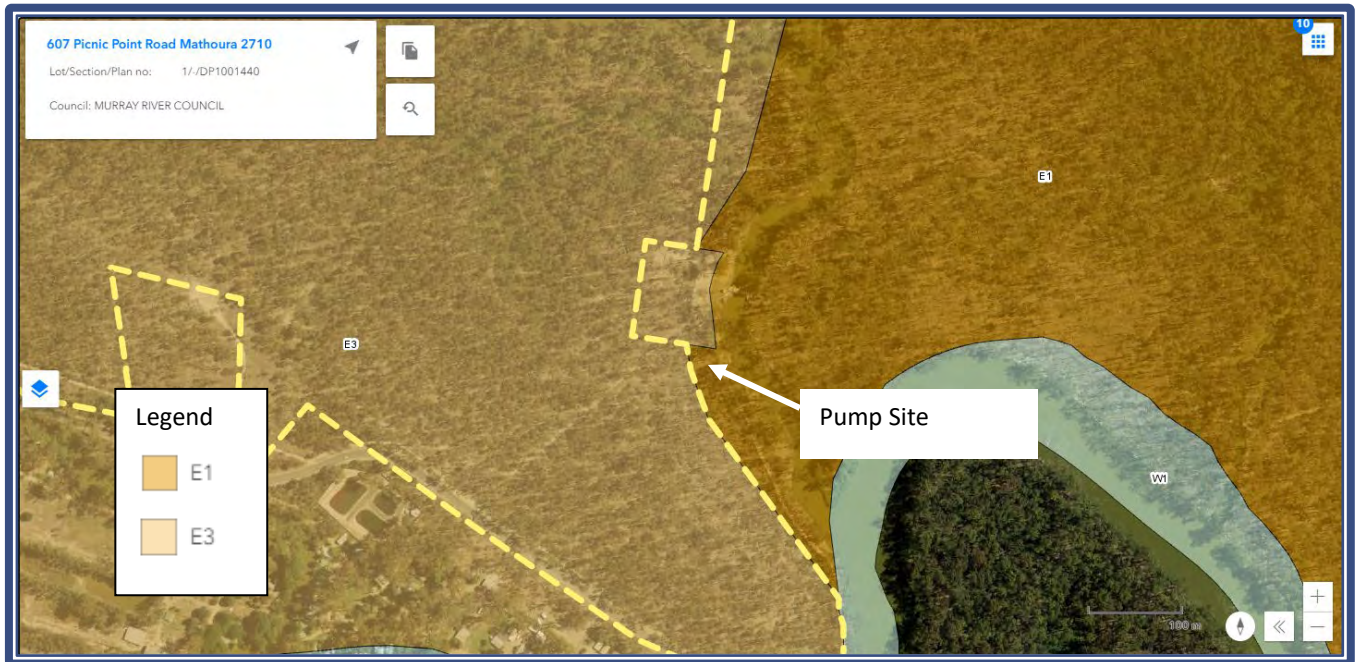


Figure 4-1 Zoning Overlay (Source ePlanning Spatial Viewer)

The project works are located within one zone being the E3 – Environmental Management zone as shown above.

Zone E3 – Environmental Management has the following objectives:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values
- To provide for a limited range of development that does not have an adverse effect on those values.

## COMMENT

The water supply system (pump site) is permitted within the zone and the infrastructure is not inconsistent with the objectives of this zone. A **Water supply system** is defined more specifically as a **water reticulation system** being a building or place for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure and dosing facilities.

#### CLAUSE 5.21 FLOOD PLANNING

The land project site is shown below together with the Flooding overlay. It can be seen that the Flooding overlay (blue) encompasses the area of and surrounding the project site.

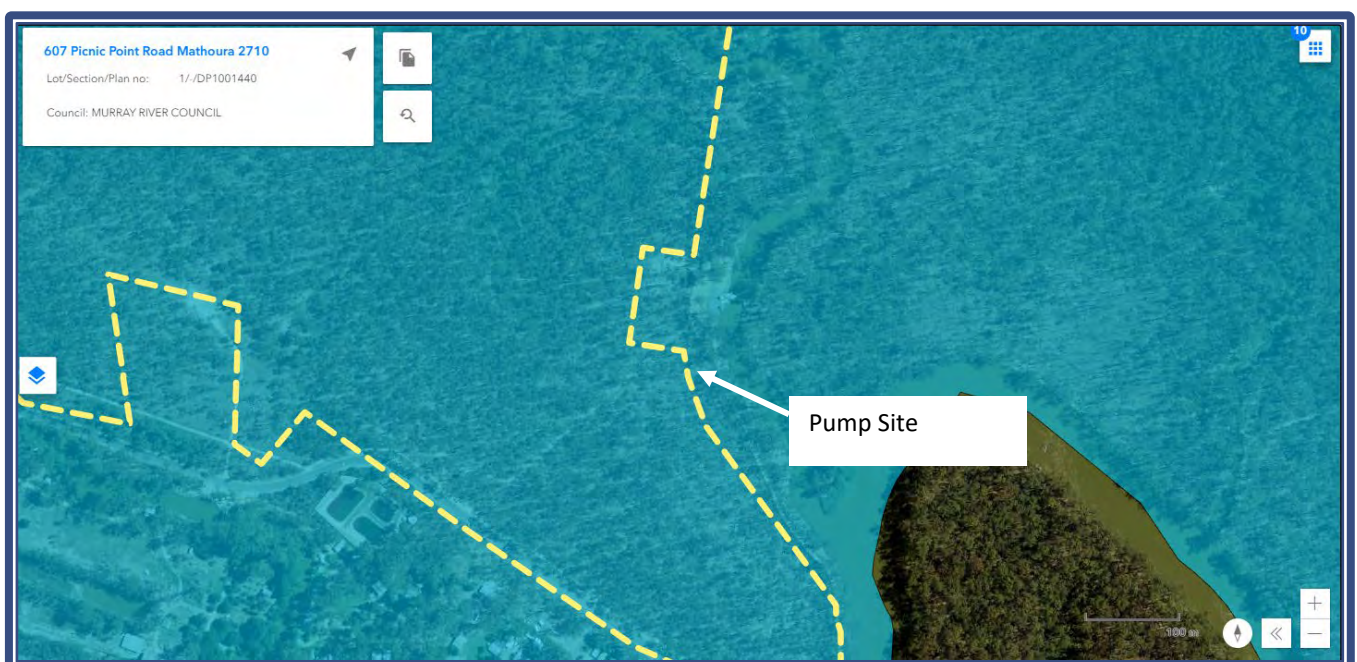


Figure 4-2 Flood Planning Overlay (Source ePlanning Spatial Viewer)



The Murray LEP 2011, defines the following objectives with regard to land identified as Flood Planning Area on the map:

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impacts on flood behaviour and the environment.*
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

#### COMMENT

As shown above, this project is located within the flood prone land planning layer. The existing pump is installed on the dry side of the existing levee bank on a platform which is at a level higher than the top of the adjoining levee bank. The pump can be removed during large and high flood events and the pump platform has been assessed as sufficient to withstand flood inundation. As a result, the pump site

- Is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties,
- Not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- Is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

#### CLAUSE 7.3 BIODIVERSITY PROTECTION

The pump site is shown below together with the Terrestrial Biodiversity map **Figure 4-3 - Overlay Terrestrial Biodiversity** (Source ePlanning Spatial Viewer). It can be seen that the project area is located within the project area.

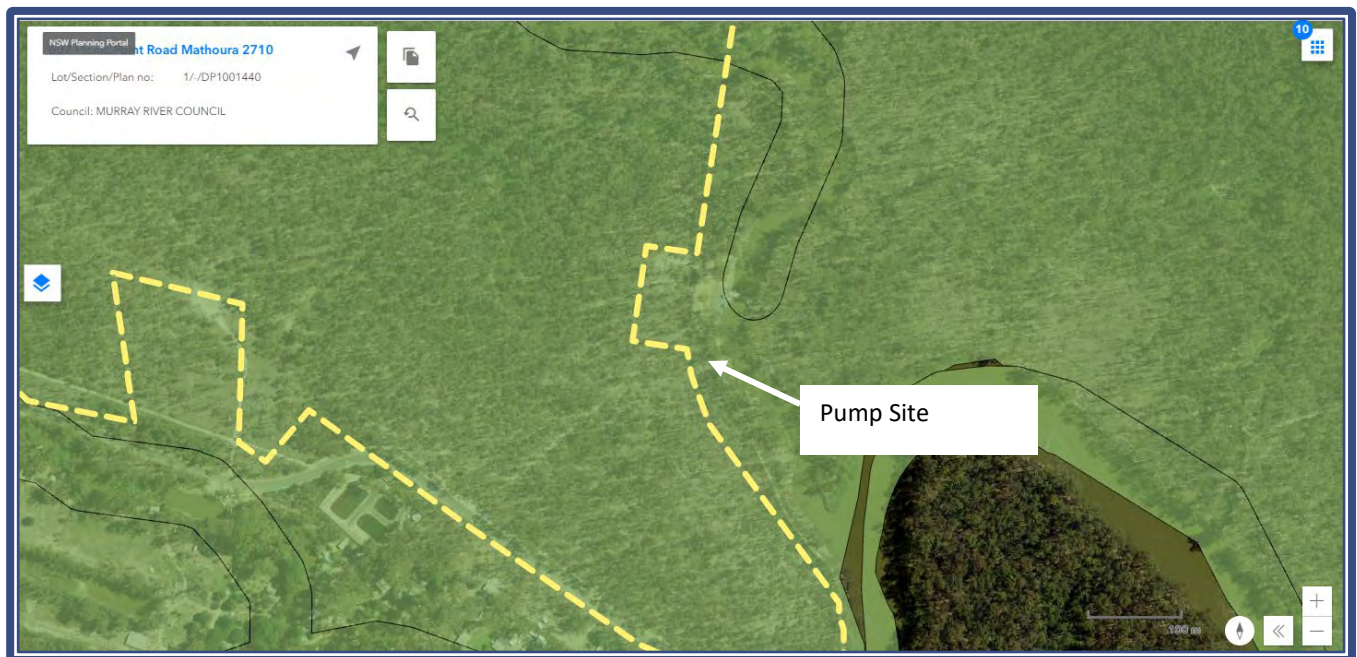


Figure 4-3 - Overlay Terrestrial Biodiversity (Source ePlanning Spatial Viewer)

The Murray LEP 2011, has the following objectives with regard to land identified for Biodiversity protection:

- (a) protecting native fauna and flora, and*
- (b) protecting the ecological processes necessary for their continued existence, and*
- (c) encouraging the conservation and recovery of native fauna and flora and their habitats.*

#### COMMENT

A review of impacts to biodiversity has been undertaken in the following section. The project does not relate to undertaking any works and no removal of vegetation is proposed. The action of installing and using the pump will also not impact on local flora, fauna, their habitat of ecological communities. As a result, there is unlikely to be an adverse impact to flora, fauna, vegetation and potential habitat and it will not fragment, diminish the biodiversity or habitat on the site. No clearing of native vegetation is required as part of this project.



#### CLAUSE 7.4 DEVELOPMENT ON RIVERFRONT AREAS

This project is considered development of Riverfront areas. The Murray LEP, 2011 has the following objectives with regard to land identified as Riverfront:

- (a) to support natural riverine processes, including the migration of the Murray and Wakool Rivers' channels,
- (b) to protect and improve the bed and bank stability of those rivers,
- (c) to maintain and improve the water quality of those rivers,
- (d) to protect the amenity, scenic landscape values and cultural heritage of those rivers and to protect public access to their riverine corridors,
- (e) to conserve and protect the riverine corridors of those rivers, including wildlife habitat.

#### COMMENT

The project site meets the requirements for development in this area and has considered the above objectives. Works will not increase siltation of the river, will not compromise public access or their enjoyment of the river and does not diminish historic, scientific, cultural social archaeological, architectural, natural or aesthetic significance.

#### CLAUSE 7.5 RIPARIAN LAND AN MURRAY RIVER AND OTHER WATERCOURSES – GENERAL PRINCIPLES

The project site is shown below **Figure 4-4** - Overlay Riparian Lands and Watercourses (Source ePlanning Spatial Viewer) together with the Riparian Land and Watercourse Map. It can be seen that the Riparian Land and Watercourse overlay (green) is present within the property however not at the specific project location.

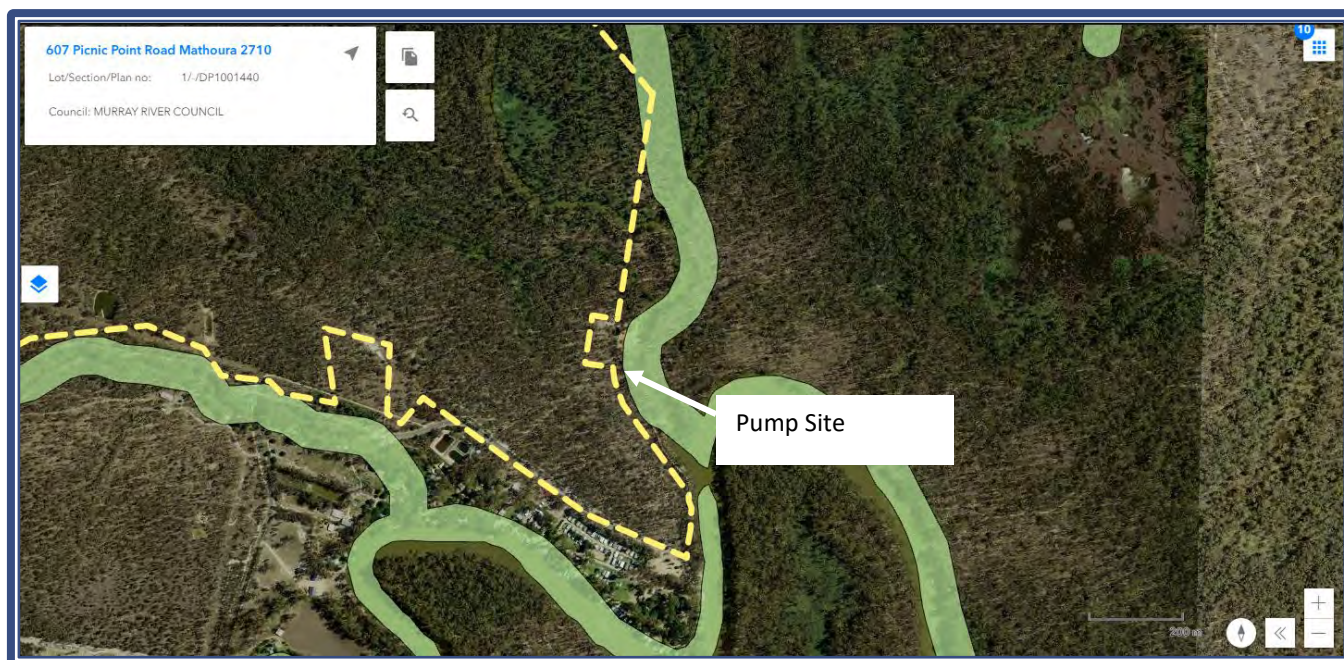


Figure 4-4 - Overlay Riparian Lands and Watercourses (Source ePlanning Spatial Viewer)

The Murray LEP 2011, defines the following objectives with regard to land identified as Riparian or a Watercourse on the map:

- (a) water quality within the Murray and Wakool Rivers and other watercourses,
- (b) the stability of the bed and banks of those rivers and other watercourses,
- (c) aquatic riparian habitats,
- (d) ecological processes within those rivers and other watercourses and riparian areas.

#### COMMENT

The pump site is connected to the Edward River and as a result, located within a riparian area and connected to a watercourse. The pump site does not impact upon the water quality as the site remains stable and controlled by the adjoining weir, the suction being of small size and with a floating valve does not impact on the stability of the bed and banks. The suction maintains a filter that ensures that local aquatic species are protected during operation and that the ongoing use of the pump does not alter the ecological or aquatic processes of this watercourse.

## CLAUSE 7.7 WETLANDS

The project site is shown below together with the Wetlands map. It can be seen that the Wetlands overlay (light blue) encompasses the project area.

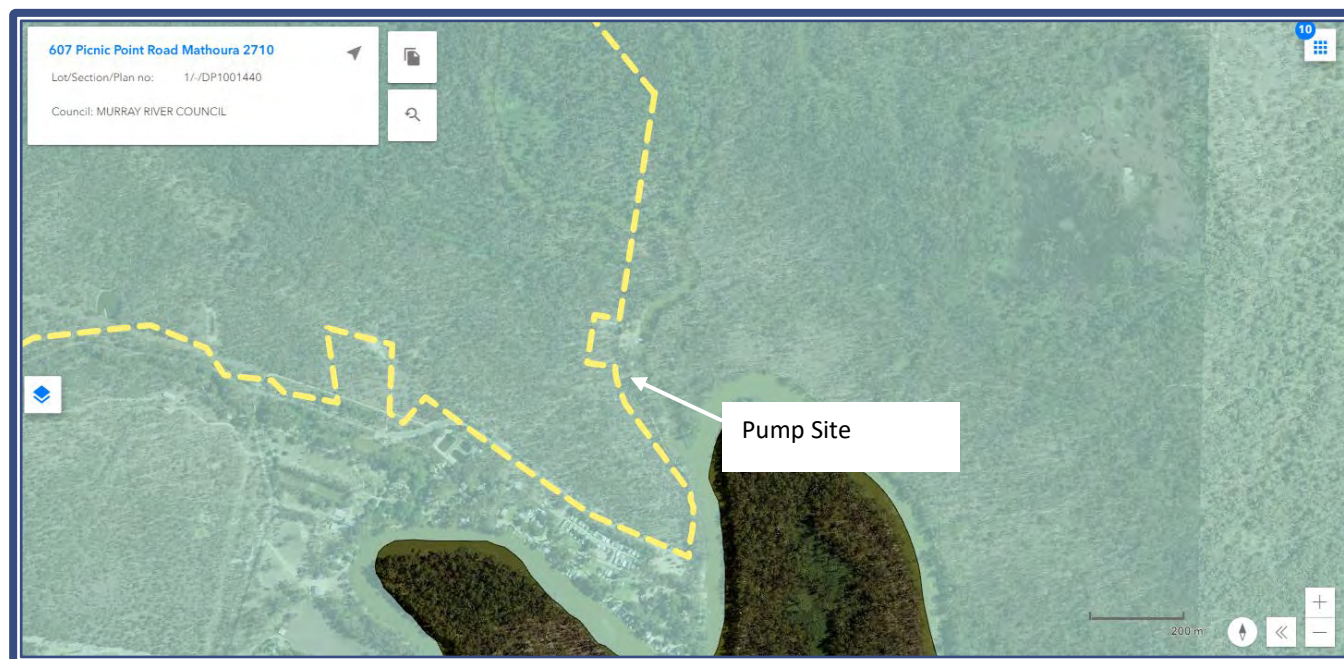


Figure 4-5 Wetlands Overlay (Source ePlanning Spatial Viewer)

The objective of this clause is to *ensure that the natural wetlands are preserved and protected from the impacts of development.*

### COMMENT

The project works have considered any potential impact to the wetland area in this overlay. The project works will not impact the wetlands flora or fauna, reduce or alter the condition of the native flora and fauna or their habitat, the groundwater or natural water flows and quality.

#### 4.4.2. MURRAY DEVELOPMENT CONTROL PLAN 2012

The purpose of the Development Control Plan (DCP) is to:

- to reflect the objectives of the *Environmental Planning and Assessment Act 1979*;
- to implement the *Murray Shire Strategic Land Use Plan 2010-2030*;
- to assist in the administration of *Murray Local Environmental Plan 2011*; and
- to provide good planning outcomes for development in the Shire.

Specific sections in the DCP that relate to this project are Section 10 – Watercourses and Riparian Land and Section 11 – Flood Prone Land. Specifically, the following sections are relevant with relation to this proposal:

Table 4-7 – Project in consideration of the Murray Development Control Plan

Clause	Planning Control	Project Consistent Yes/No	Explanation
<b>10.1</b>	<b>Visual Amenity</b>		
<b>Objectives</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>			
<i>All structures and buildings are to be designed to minimise the visual impact on the natural environment.</i>		Yes	Please see <b>Section 5</b>
<i>Buildings and structures are to utilise materials and colours that blend with the natural environment. Bright or reflective colours (unless necessary for safety</i>		Yes	Pump site has utilized materials that blend in with the natural environment.

Clause	Planning Control	Project Consistent Yes/No	Explanation
	<i>reasons) and materials will not be supported by council.</i>		
	<i>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.</i>	Yes	NA
<b>10.2</b>	<b>Boat Ramp</b>		
	Project does not relate to a boat ramp.		
<b>10.3</b>	<b>Pontoons and Walkways</b>		
	Project does not relate to a floating pontoon or walkway.		
<b>10.4</b>	<b>Retaining Walls</b>		
	Project does not relate to a retaining wall.		
<b>10.5</b>	<b>Stairs</b>		
	Project does not relate to stairs.		
<b>10.6</b>	<b>Mooring</b>		
	Project does not relate to a mooring.		
<b>10.7</b>	<b>Liability and public Safety</b>		
<b>Objectives</b>			
<ul style="list-style-type: none"> <li><i>To protect the public from harm or injury from using approved river structures.</i></li> </ul>			
	<i>All pontoons or walkways are to be provided with an engineer's certificate validating the structural integrity.</i>	Yes	No related pontoon or walkway is connected to this application.
	<i>All private structures are to have restricted access and appropriate signage to prohibit unauthorised use.</i>	Yes	Noted. Structure is located on freehold land.
	<i>Owners of public facilities are to supply Council with a copy of their public liability insurance.</i>	Yes	This facility is not a public facility.

#### COMMENT

The project is in line with all aims, objectives and planning principles of the Murray Development Control Plan 2012.



## 5. ENVIRONMENTAL ASSESSMENT

A preliminary environmental assessment has been completed for the project to identify the environmental aspects which require detailed assessment as part of this information. The findings of the preliminary environmental assessment are provided in **Table 5-1** - Preliminary Environmental Assessment, with reference to each of the environmental aspects potentially relevant to the project.

Table 5-1 - Preliminary Environmental Assessment

Environmental Aspect	Preliminary Environmental Assessment	Further Assessment Required of Project?
<b>Surface Water</b>	No changes to the extraction of river water as part of this project. This application ensures that the existing infrastructure will be operational under the correct Water Sharing Plan and operating rules set out by the water regulating authorities. Site is identified as flood storage on a 1% AEP flood.	See Section 5.1
<b>Ground Water</b>	No excavation required in relation to the existing pump site.	No further consideration.
<b>Biodiversity</b>	No vegetation required for the ongoing maintenance of the pump. No snags or logs require relocation as part of the use of this site for the pump installation.	See Section 5.2
<b>Air Quality</b>	There are ground disturbance works required as the pump site is existing. The pump does not relate to effluent and as such, the works are unlikely to impact negatively on air quality.	No further consideration.
<b>Noise</b>	The pump is an electric pump of small size and operation. Noise generated as part of the operation of this site is minimal and the separation distance from adjoining uses of the area are large. The nearest infrastructure is the applicant's own business which will ensure that the site is maintained and operated with minimal noise.	Limited potential for impact. No further consideration.
<b>Historical Heritage</b>	Works are not related to and will not impact any heritage item based on searches of National, State and Locally listed items.	No further consideration.
<b>Aboriginal Heritage</b>	There are no further ground disturbance activities required and no vegetation to be removed.	See below 5.3
<b>Visual Amenity</b>	The pump site is existing and is not located adjoining any dwelling or regularly utilised public place. The Edward River at the location of the pump site is also non-navigable and as a result, the ability for the public to view the site is almost eliminated.	No further consideration.
<b>Traffic</b>	No further works are proposed as part of the application	No further consideration.
<b>Waste</b>	The site is existing and no works are proposed. As a result, waste is not considered in this report.	No further consideration.

### 5.1. WATER

The application is to apply for approval and operation of an existing small scale irrigation pump and will require the amendment of existing WaterNSW Combined Works/Use approval to include the 'work' as described below. **Table 5-2** summarises the current water approvals that are proposed to be amended as a part of the application.

Table 5-2 - Existing Water Details

Details	Specific related to project site		
<b>Existing Supply Works and Water Use Approval</b>	50CA501762*		
<b>Existing Water Entitlement Information</b>	<b>Reference Number</b>	<b>Water Access Licence</b>	<b>Volume of Entitlement</b>
<b>General Security</b>	50AL501760	WAL5104	217ML
<b>Domestic and Stock</b>	50AL501761	WAL5105	8ML
<b>Water Source</b>	New South Wales Murray Regulated River Water Source – Below Picnic Point		

\* Proposed amendment as per application

The project works are located on the dry side of an existing levee bank. It is understood that in a 1% AEP flood event that floodwater will overtop this bank and the area is utilised for flood storage (not active flood flows) to a depth of 400mm. The pump electrical connections are located above this height and the pump can be removed during flood events if necessary. The pump platform has been assessed and will not impact on and is able to withstand flood flows.

#### COMMENT

There are no impacts on flooding either to the pump or as a result of the pump within this area. This application is being lodged as an integrated approval to request the General Terms of Approval from WaterNSW for the amendment to the existing Work Approval for this 'work'. The application for the variation of the existing approvals will be undertaken following receipt of the DA.

### 5.2. BIODIVERSITY

The Biodiversity Offsets Scheme Entry Threshold (BOSET) is a test used to determine when it is necessary to engage an accredited assessor to apply the Biodiversity Assessment Method (BAM) to assess the impacts of a project. It is used for local NSW developments and clearing that does not require development consent in urban areas and areas zoned for environmental conservation (under the NSW *State Environmental Planning Policy - Vegetation in Non-Rural Areas* 2017).

The NSW *Biodiversity Conservation Regulation* 2017 sets out threshold levels for when the Biodiversity Offsets Scheme will be triggered. The threshold has two elements:

- whether the amount of native vegetation being cleared exceeds a threshold area, and
- whether the project impacts occur on an area mapped on the Biodiversity Values map published by the Minister for the Environment.

If clearing and other impacts exceeds either trigger, the Biodiversity Offset Scheme applies to the development including biodiversity impacts prescribed by clause 6.1 of the *Biodiversity Regulation* 2017. This project does not relate to any clearing of Native Vegetation and as a result, does not exceed the trigger.

A copy of the BOSET Report is provided in Appendix 8.4

#### COMMENT

There are no works proposed as part of this application and therefore no vegetation in any form (including alive, dead and snags within the River) is to be removed as part of the approval. The BOSET therefore confirms that there is No Biodiversity Development Assessment Report (BDAR) required. Furthermore, it is not identified that the project will impact on flora, fauna, habitat of any species or an any threatened or endangered ecological community.

### 5.3. ABORIGINAL CULTURAL HERITAGE

An Aboriginal Due Diligence Assessment in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, 2010* has been completed and attached in **Appendix 8.5**. This Code sets out a step by step guide in assessing impacts and harm to cultural heritage.

There are no further works involved in the application therefore no ground disturbance is proposed and there are no culturally modified trees within the project area.

A search of the Aboriginal Heritage Information Management System (AHIMS) has been undertaken based on the Lot and DP. This search indicated no presence of Aboriginal Objects or Places.

The project work is located within an area where landscape features could indicate the presence of objects as it is located within 200m of a River. The works area has been modified by human activity. The top of the bank has been historically levelled and landscaped for a garden. The area at the bottom of the bank has also been significantly disturbed through the movement of the banks from River operation activities.

Based on this fact no further investigation is required and the project can proceed with caution. It should however be noted that should any Aboriginal object be discovered and/or harmed in, or under the project area whilst undertaken the project activities, the applicant must:

- Not further harm the object,
- Immediately cease all work at that particular location,
- Secure the area so that as to avoid further harm to the Aboriginal object,
- Notify OEH as soon as practical on 131 555, providing any details on the Aboriginal object and its location; and
- Not recommence any work at that particular location unless authorised in writing by OEH.



**COMMENT**

There are no works proposed as part of this application as all ground disturbance activities have already been assessed and undertaken. There are no recorded or identified objects within the vicinity and there are no trees that are identified as requiring removal as part of the operation of the site. An Aboriginal Cultural Heritage Due Diligence Assessment has been completed and included in Appendix **8.5**. This report confirms that should any additional works be required outside of the existing disturbed area at any time in the future, that an additional assessment must be undertaken to review the site in line with those works.

## 6. CONCLUSION

This Statement of Environmental Effects (SEE) has been prepared in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*, and the *Environmental Planning and Assessment Regulation, 2000* requiring an environmental assessment of the project to be undertaken and provided with the development application.

### 6.1. SUMMARY OF FINDINGS

This SEE has reviewed a range of environmental factors that may be affected by the approval and ongoing operation of the existing pump site and considered a number of planning legislations. No native vegetation is proposed for removal and no impacts to threatened species, populations or communities has been identified. There are no physical works required for the ongoing operation of the site and as a result, the potential impacts to the environmental are minimal.

Key assessment areas are summarised below:

#### Water

There are no impacts on flooding or flood flows either to the pump or as a result of the pump within this area. This application is being lodged as an integrated approval to request the General Terms of Approval from WaterNSW for the amendment to the existing Work Approval for this 'work'. The application for the variation of the existing approvals will be undertaken following receipt of the DA.

#### Biodiversity

It can be concluded from the above that the impact of the ongoing operation of the pump site is not expected to be detrimental to any flora or fauna species. There is no excavation activity proposed and there will not be any removal of vegetation or fallen trees and as a result no impact to any habitat of community within the vicinity.

#### Heritage

It can be concluded that there are no known heritage items in the vicinity of the project footprint that are likely to be disturbed as part of the project works. It is important however that any construction works disturbing the site for the reconnection of utilities are aware of their obligations under the NPW Act.

#### Conclusion

There are no works proposed as part of this application as all ground disturbance activities have already been assessed and undertaken. There are no recorded or identified objects within the vicinity and there are no trees that are identified as requiring removal as part of the operation of the site. An Aboriginal Cultural Heritage Due Diligence Assessment has been completed and included in Appendix 8.5. This report confirms that should any additional works be required outside of the existing disturbed area at any time in the future, that an additional assessment must be undertaken to review the site in line with those works.

## 7. REFERENCES

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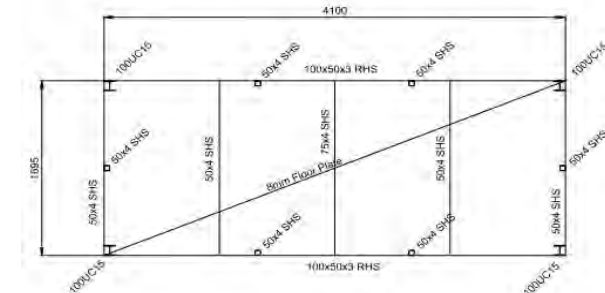
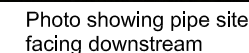
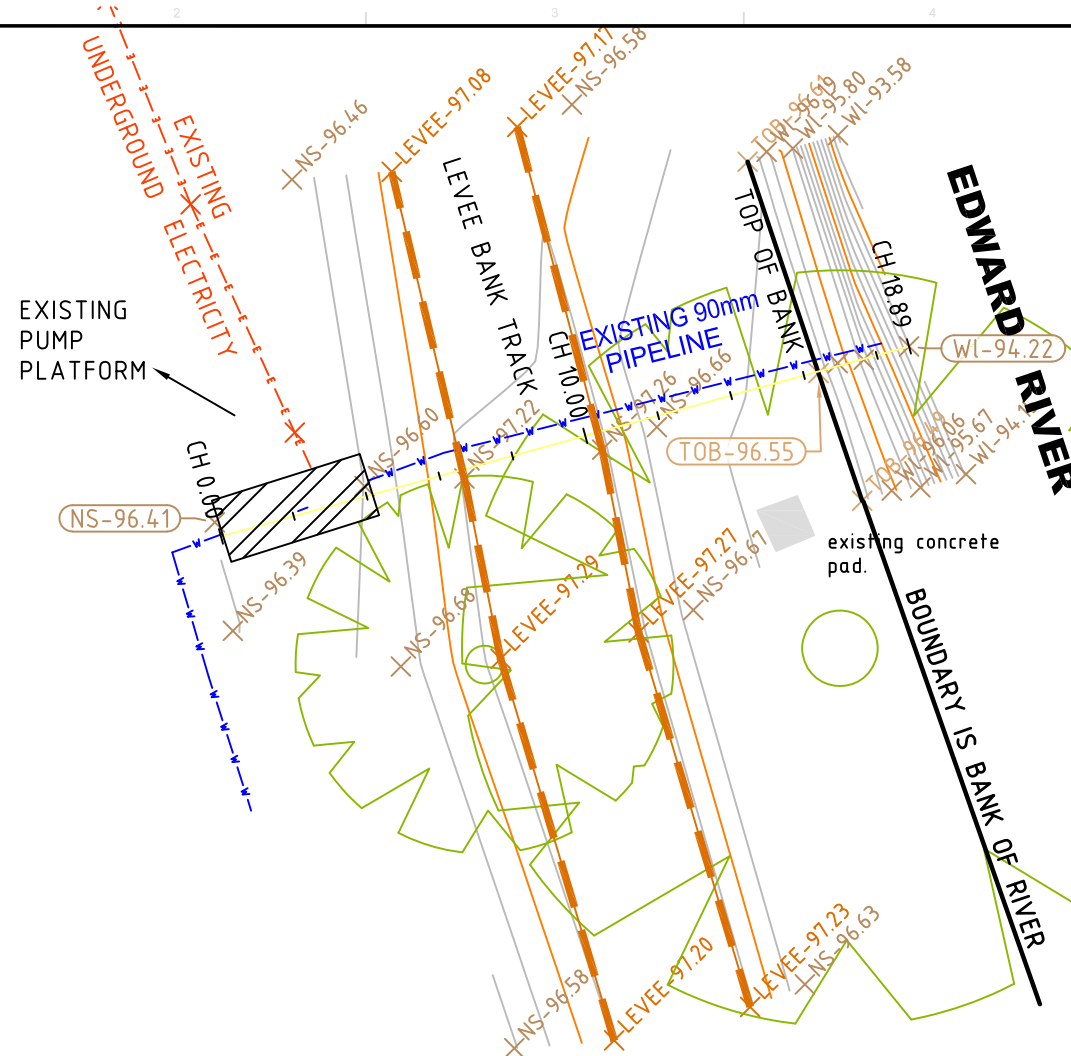
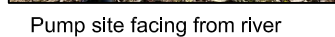


## 8. APPENDICES

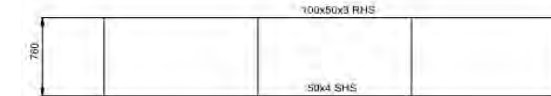
### 8.1. PLANS







PLAN VIEW



FRONT ELEVATION

## PUMP PLATFORM

### Fully Welded Steel Construction

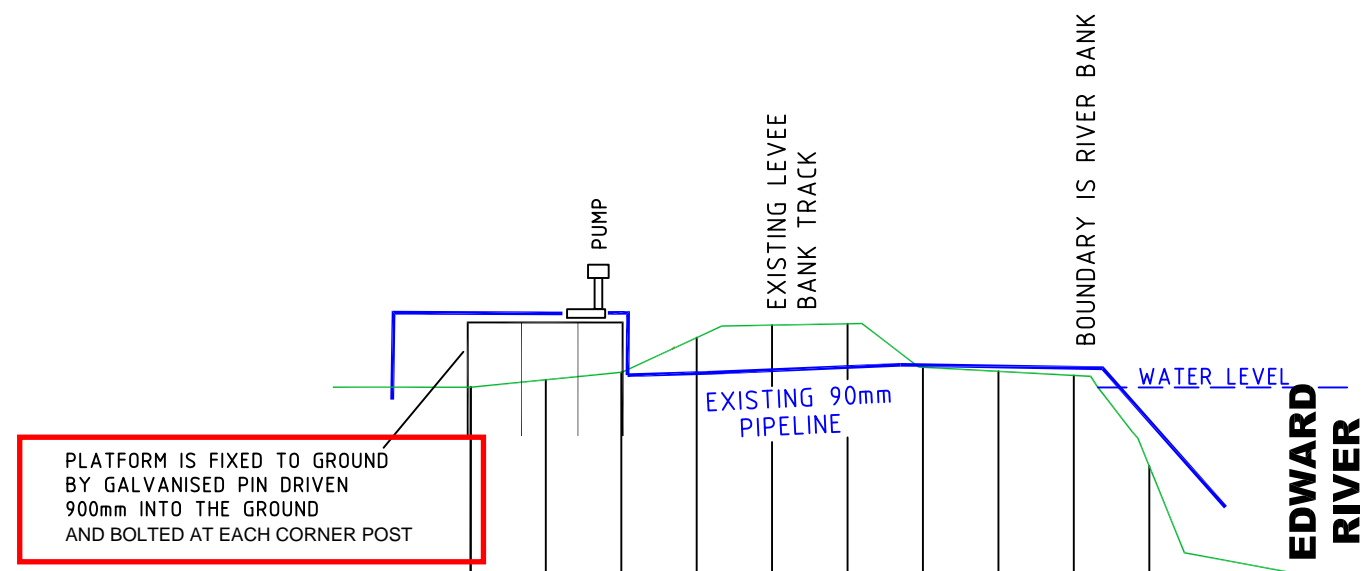


Christopher Artym FIEAust CPEng

**PLAN VIEW OF SITE**  
**SCALE 1:50**  
**CONTOUR INTERVAL 200mm**

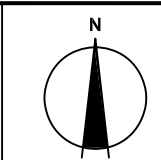
## PUMP DETAILS

PLATFORM	STEEL SHEET 1.7m x 4.1m x 0.76m
PUMP TYPE -	LOWARA VERTICAL 22SV06F075T 7.5kW MAX FLOW 8l/sec (29 cub m/hr)



CHAINAGE	0.00	96.41
	2.00	96.50
	4.00	96.61
	6.00	97.07
	8.00	97.23
	10.00	96.24
	12.00	96.66
	14.00	96.61
	16.00	96.56
	18.00	95.29

### BANK SECTION AT PUMP SITE

[illegible]

Scale NOT TO SCALE



### *Irrigation and licensed Surveyors*

1/164 Oglivie Avenue, Echuca 3564  
Postal Address: PO Box 241, Moama NSW 2731  
Tel: 03 5482 2564 Fax: 03 5482 1918

Designed	JAMES McLAURIN	NOV 16	Checked
Drawn			Approved

**KALLI AND JOEL CRUMP**  
"KILMARNOCK", PICNIC POINT ROAD  
PICNIC POINT

PROPOSED PUMP SITE

**Drawing No. J000333**

Sheet No. 2 of 2

© Rich River Irrigation Developments

Rev B

A3

7/39 Murray Street, Nuriootpa SA 5355  
m: 0428 894 070  
e: craeng81@yahoo.com.au

*C R ARTYM Engineering Associates Pty Ltd*  
Engineers and Project Managers ABN 68 007 964 801

Christopher R Artym *FIEAust CPEng RPEQ07639 PE0002256*

## **DESIGN CERTIFICATION**

29 October 2021

Progressive Rural Solutions  
PO Box 74  
Deniliquin NSW 2710

Attention: Ms Clare Fitzpatrick

Dear Clare,

### **DESIGN CERTIFICATION – Pump Platform**

**Timber Cutters, 607 Picnic Point Road, Mathoura, NSW 2701**

#### **Reference Document: J000333 Rev B**

The design of the proposed structure, all as shown in Reference Document J000333 Rev B, is based on rational engineering analysis for imposed and environmental loading in accordance with AS1170 Loading Code and an expected design life of 50 years.

The design of the proposed structure meets the applicable strength and serviceability requirements of AS 3990 – 1993 Mechanical Equipment - Steelwork.

Yours faithfully



Christopher Artym



Our reference: 17/02004#11

Contact: Peter Bisset  
Phone: 02 6990 1801  
Email: [peter.bisset@crownland.nsw.gov.au](mailto:peter.bisset@crownland.nsw.gov.au)

Clare Fitzpatrick  
Progressive Rural Solutions  
P.O. Box 74  
Deniliquin NSW 2710

Dear Clare,

**RE: PRESUMPTIVE TITLE - LOT 1 DP 1001440**

I refer to your email to authorise the occupation of Crown land for a 'pumpsite'.

An historical search has determined that the title boundary to Lot 1 Deposited Plan (DP) 1001440 currently held by Christopher John Crump, Dawn Christine Crump, Joel Andrew Smith & Kalli Irene Crump, where it fronts the Edward River and Murray River extends to the middle thread of the river by means of presumptive title (via the '*Ad Medium Filum Aquae*' rule).

The original freehold title for this land was granted on 18 November 1870.

As a general rule where a freehold title of land bounded by a non-tidal stream issued prior to 3 May 1918 (being the date the beds of creeks and rivers etc. in the Central and Eastern Divisions of NSW were reserved to the Crown) and the plan of survey on which the freehold title is based shows the bank as the boundary, then the "*ad medium filum aquae*" rule (under Common Law) applies in that the riparian owner would enjoy presumptive title to the middle thread of the respective creek or river.

The presumption applies unless it has been rebutted by a statement in the freehold title or subsequent dealing in the land. In the case of this land, there is no evidence of rebuttal and the chances of a rebuttal are considered highly unlikely.

The title plan (DP1001440) clearly shows the bank of the river as the allotment boundary, and the freehold title was issued prior to 3 May 1918.

From this information, I am confident that Lot 1 DP 1001440 enjoys presumptive title to the middle thread of the Edward River and Murray River under the provisions of Section 45A of the *Real Property Act 1900*. On that basis, I do not consider the bed of the Edward River and Murray River between the documentary title boundary and the middle thread to be Crown land.

Please note:

- (1) The physical location of the bed and centre thread of the creek or river can only be determined by survey. Formal claims to the centre line of the must be made in all cases to NSW Land Registry Services, Legal Division. As such, this letter does not constitute legal advice.
- (2) This advice is only in relation to Lot 1 DP 1001440. Each freehold adjoining parcel of land adjoining a non-tidal creek or river is unique and a thorough examination of the history of the original grant of the title to the land is required as evidence to necessitate the existence of presumptive title.
- (3) The proposed works/activities are subject to the requirements of various other pieces of legislation. It is the responsibility of the applicant to obtain any appropriate information and to observe any requirements of these other laws. These include (but are not necessarily limited to) the:



- a. *Water Management Act 2000*- authorisation for water supply and works approvals from the WaterNSW; and
- b. *Environmental Planning and Assessment Act 1979 / Local Environment Plans*- development consent from your local Council.

If you have questions regarding this letter, please contact Peter Bisset, Natural Resource Management Project Officer on (phone) 02 6990 1801 or (email) [peter.bisset@crowland.nsw.gov.au](mailto:peter.bisset@crowland.nsw.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Grant Marsden', with a circular flourish at the start.

Grant Marsden  
Area Manager- South West

*Date:* 30-July-2021



## 8.2. GPS REFERENCED PHOTOS



Figure 8-1 Existing pump on platform



Figure 8-4 View looking Upstream showing suction pipe in River



Figure 8-2 – Levee Bank looking downstream with pump on dry side



Figure 8-5 View looking upstream with pump on dry side of levee



Figure 8-3 Looking inland with pipe in foreground and pump in the background



Figure 8-6 pipeline in river channel





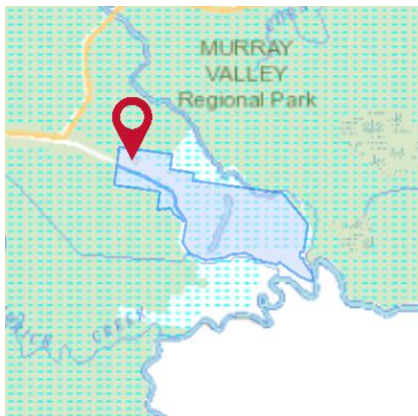
8.3. PROPERTY PLANNING REPORT





# Property Report

607 PICNIC POINT ROAD MATHOURA 2710



## Property Details

Address: 607 PICNIC POINT ROAD MATHOURA 2710  
 Lot/Section /Plan No: 1/-/DP1001440 1/-/DP225043  
 Council: MURRAY RIVER COUNCIL

## Summary of planning controls

Planning controls held within the Planning Database are summarised below. The property may be affected by additional planning controls not outlined in this report. Please contact your council for more information.

Local Environmental Plans	Murray Local Environmental Plan 2011 (pub. 16-12-2011)
Land Zoning	E3 - Environmental Management: (pub. 16-12-2011)
Height Of Building	NA
Floor Space Ratio	NA
Minimum Lot Size	500 ha
Heritage	NA
Land Reservation Acquisition	NA
Foreshore Building Line	NA
Flood Planning	Flood Planning Area (From the 14 July 2021 flood maps on the ePlanning spatial viewer may not be the latest versions, please contact the relevant local council to access the latest flood maps for this property.)
Riparian Lands and Watercourses	Watercourse
Terrestrial Biodiversity	Key Fish Habitat Terrestrial Biodiversity
Wetlands	Wetlands Freshwater Lakes

This report provides general information only and does not replace a Section 10.7 Certificate (formerly Section 149)



# *Property Report*

607 PICNIC POINT ROAD MATHOURA 2710

## Detailed planning information

### **State Environmental Planning Policies which apply to this property**

State Environmental Planning Policies can specify planning controls for certain areas and/or types of development. They can also identify the development assessment system that applies and the type of environmental assessment that is required.

This report provides general information only and does not replace a Section 10.7 Certificate (formerly Section 149)



# Property Report

607 PICNIC POINT ROAD MATHOURA 2710

- Murray Regional Environmental Plan No 2—Riverine Land: Land Application (pub. 31-3-1994)
- State Environmental Planning Policy (Affordable Rental Housing) 2009: Land Application (pub. 31-7-2009)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004: Land Application (pub. 25-6-2004)
- State Environmental Planning Policy (Concurrences and Consents) 2018: Land Application (pub. 21-12-2018)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017: Land Application (pub. 1-9-2017)
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008: Land Application (pub. 12-12-2008)
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004: Land Application (pub. 31-3-2004)
- State Environmental Planning Policy (Infrastructure) 2007: Land Application (pub. 21-12-2007)
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007: Land Application (pub. 16-2-2007)
- State Environmental Planning Policy (Primary Production and Rural Development) 2019: Land Application (pub. 28-2-2019)
- State Environmental Planning Policy (Primary Production and Rural Development) 2019: Subject Land (pub. 28-2-2019)
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017: Subject Land (pub. 25-8-2017)
- State Environmental Planning Policy No 21—Caravan Parks: Land Application (pub. 24-4-1992)
- State Environmental Planning Policy No 33—Hazardous and Offensive Development: Land Application (pub. 13-3-1992)
- State Environmental Planning Policy No 36—Manufactured Home Estates: Land Application (pub. 16-7-1993)
- State Environmental Planning Policy No 50—Canal Estate Development: Land Application (pub. 10-11-1997)
- State Environmental Planning Policy No 55—Remediation of Land: Land Application (pub. 28-8-1998)
- State Environmental Planning Policy No 64—Advertising and Signage: Land Application (pub. 16-3-2001)
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development: Land Application (pub. 26-7-2002)

This report provides general information only and does not replace a Section 10.7 Certificate (formerly Section 149)





# Property Report

607 PICNIC POINT ROAD MATHOURA 2710

## Other matters affecting the property

Information held in the Planning Database about other matters affecting the property appears below. The property may also be affected by additional planning controls not outlined in this report. Please speak to your council for more information

Bushfire Prone Land

Vegetation Buffer

Vegetation Category

Land near Electrical Infrastructure

This property may be located near electrical infrastructure and could be subject to requirements listed under ISEPP Clause 45. Please contact Essential Energy for more information.

Local Aboriginal Land Council

CUMMERAGUNJA

Regional Plan Boundary

Riverina Murray

This report provides general information only and does not replace a Section 10.7 Certificate (formerly Section 149)

#### 8.4. BIODIVERSITY OFFSET SCHEME ENTRY THRESHOLD (BOSET) REPORT

## Biodiversity Offset Scheme (BOS) Entry Threshold Map



1: 4,693



238.4 0 119,20 238.4 Metres

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

### Legend

- Biodiversity Values that have been mapped for more than 90 days
- Biodiversity Values added within last 90 days

### Notes

© Office of Environment and Heritage |  
NSW Environment & Heritage

## Biodiversity Values Map and Threshold Report

### Results Summary

<b>Date of Calculation</b>	27/10/2021 10:59 AM	<b>BDAR Required*</b>
<b>Total Digitised Area</b>	0.02 ha	
<b>Minimum Lot Size Method</b>	Lot size	
<b>Minimum Lot Size</b>	328.28 ha	
<b>Area Clearing Threshold</b>	1 ha	
<b>Area clearing trigger</b> Area of native vegetation cleared	no	no
<b>Biodiversity values map trigger</b> Impact on biodiversity values map(not including values added within the last 90 days)?	yes	yes
<b>Date of the 90 day Expiry</b>	N/A	

\*If BDAR required has:

- at least one 'Yes': you have exceeded the BOS threshold. You are now required to submit a Biodiversity Development Assessment Report with your development application. Go to <https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor> to access a list of assessors who are accredited to apply the Biodiversity Assessment Method and write a Biodiversity Development Assessment Report
- 'No': you have not exceeded the BOS threshold. You may still require a permit from local council. Review the development control plan and consult with council. You may still be required to assess whether the development is "likely to significantly affect threatened species" as determined under the test in s. 7.3 of the Biodiversity Conservation Act 2016. You may still be required to review the area where no vegetation mapping is available.

# Where the area of impact occurs on land with no vegetation mapping available, the tool cannot determine the area of native vegetation cleared and if this exceeds the Area Threshold. You will need to work out the area of native vegetation cleared - refer to the BOSET user guide for how to do this.

On and after the 90 day expiry date a BDAR will be required.

## Disclaimer

This results summary and map can be used as guidance material only. This results summary and map is not guaranteed to be free from error or omission. The State of NSW and Office of Environment and Heritage and its employees disclaim liability for any act done on the information in the results summary or map and any consequences of such acts or omissions. It remains the responsibility of the proponent to ensure that their development application complies with all aspects of the *Biodiversity Conservation Act 2016*.

The mapping provided in this tool has been done with the best available mapping and knowledge of species habitat requirements. This map is valid for a period of 30 days from the date of calculation (above).

## Acknowledgement

I as the applicant for this development, submit that I have correctly depicted the area that will be impacted or likely to be impacted as a result of the proposed development.

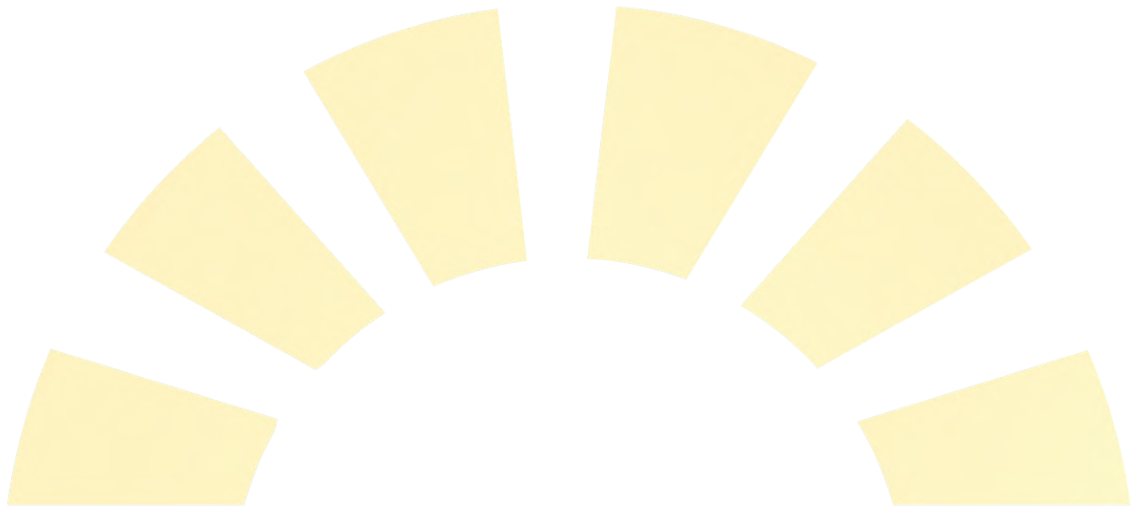
Signature  Date: 27/10/2021 10:59 AM

**NOTE:** No vegetation clearing is proposed for this application.





## 8.5. ABORIGINAL CULTURAL HERITAGE DUE DILIGENCE ASSESSMENT



# **Due Diligence Assessment**

**‘Timbercutters’ application for a water supply system on the Edward River**

**October 2021**



**Progressive Rural Solutions**

**[www.prsLtd.com.au](http://www.prsLtd.com.au)**



## Document Information Record

### Project Details

Client name:	Chris, Dawn and Kalli Crump and Joel Smith
Project:	Timbercutters application for a water supply system on the Edward River
Project No:	168-0

### Document Control

Document Title	Aboriginal Cultural Heritage Due Diligence Assessment for an application for operation of an existing pump site on the Edward River				
File Name:	J168- DDA – V1R4				
Revision:	V1R4				
Author	Rebecca Moodie	Position:	Lead Consultant		
Signature:	<i>R Moodie</i>	Date:	27/10/2021		
Reviewed by:	Clare Fitzpatrick	Position:	Director		
Signature:	<i>Clare Fitzpatrick</i>	Date:	27/10/2021		
Approved by:	Kallie Crump	Position:	Owner		
Signature:		Date:	27/10/2021		

### Revision history

Version	Issue date	Reason for issue	Author	Reviewed by	Approved by
V1R1	01/09/2021	Initial Document	Rebecca Moodie	NA	NA
V1R2	26/10/2021	Draft	Rebecca Moodie	Clare Fitzpatrick	Clare Fitzpatrick
		Draft for client			
V1R3	26/10/2021	review	Rebecca Moodie	Clare Fitzpatrick	Clare Fitzpatrick
V1R4	27/10/2021	Final	Rebecca Moodie	Clare Fitzpatrick	Kalli Crump

### Distribution

Version	Recipient	Lodgement	Copies
V1R2	Internal Review	Electronic	1
V1R3	Client for Review	Electronic	1
V1R4	Murray River Council	Electronic	1
V1R4	Client	Electronic & Hard	1

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## Related Documents

Type	Author	Name	Date
Statement of Environmental Effects	Progressive Rural Solutions	J168-SEE-V1R4	27/10/2021
Plans	Rich River Irrigation Developments	J000333 Rev B Pages 1 & 2	Undated
Inspection Letter	Anthony Briggs	Site Work Assessment	31/03/2017

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## Confidentiality

No information in this report has been classified as confidential.

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## TABLE OF CONTENTS

Table of Figures .....	4
Table of Tables .....	4
1. Introduction.....	5
1.1. Organisation .....	5
1.2. Purpose.....	5
1.3. Report Format.....	5
1.4. Objectives .....	5
2. Statutory Context .....	6
2.1. Commonwealth Legislation .....	6
2.1.1. Environmental Protection and Biodiversity Conservation Act, 1999.....	6
2.1.2. Aboriginal and Torres Strait Islander Heritage Protection Act 1984.....	6
2.1.3. Native Title Act 1993.....	6
2.1.4. Burra Charter: The Australia ICOMOS Charter for places of Cultural Significance .....	6
2.2. State Legislation.....	6
2.2.1. National Parks and Wildlife Act 1974& NATional Parks and Wildlife Amendment regulation 2019.....	6
2.2.2. Environmental Planning and Assessment Act 1979 .....	7
2.2.3. Heritage Act 1977 .....	7
2.3. Local Legislation.....	7
2.3.1. Murray Local Environment Plan.....	7
3. Site Description and Works .....	8
3.1. Location .....	8
3.2. Existing Site Description.....	9
3.3. Surrounding Area.....	11
4. Project Infrastructure and Works.....	12
4.1. Project Works .....	12
4.2. Infrastructure.....	12
5. Assessment.....	13
6. Contingency Measures .....	14
1.1. Unexpected Find of Aboriginal Object.....	14
1.2. Unexpected Find of Human Skeletal Remains .....	14
7. Conclusion .....	16
8. Glossary .....	17
9. References.....	18
10. Appendices.....	19
10.1. Appendix 1 – AHIMS search.....	19
10.2. Appendix 2 – Letter from Inspection .....	20

## TABLE OF FIGURES

Figure 3-1- Location of property in relation to the region .....	8
Figure 3-2 Location of property in relation to the local area .....	9
Figure 3-3 Pump site looking downstream with the Edward River Regulator in the background .....	10
Figure 3-4 Pump suction pipe through levee bank looking downstream .....	10
Figure 3-5 Pump Site looking upstream on the Edward River toward the Murray Junction – Note Restaurant in background .....	11
Figure 4-1 - Pump site looking toward Edward River .....	12

## TABLE OF TABLES

Table 2-1 - Land details of the project.....	9
--	---

## 1. INTRODUCTION

### 1.1. ORGANISATION

This report has been prepared for Chris, Dawn and Kalli Crump and Joel Smith being the joint property owners, who will be referred to as the Client in the following documentation.

### 1.2. PURPOSE

This Aboriginal Cultural Heritage Due Diligence Assessment has been prepared by Progressive Rural Solutions (PRS) in conjunction with the Client to record the actions undertaken prior to works occurring and further record Due Diligence Assessment process for the development application. This report aims to assess potential impacts to Aboriginal objects and/or places as part of the project described below. The report has been prepared with reference to the following standards, guidelines, and policies:

- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (NSW Department of Environment, Climate Change and Water [DECCW] 2010) (the Code).
- Statement of Environmental Effects - Progressive Rural Solutions
- Rich River Irrigation Developments – property and site plans,
- NSW Office of Environment and Heritage (OEH) Aboriginal Heritage Management System (AHIMS) database,
- Other sources of information where available, and
- Reports as referenced throughout and at the end of the document.

### 1.3. REPORT FORMAT

This report is set out in the following format:

Section	Address
1	Introduction, Purpose and Objectives.
2	Statutory context.
3	Location, project details, construction methodology and stages.
4	Assessment.
5	Contingency Measures.
6	Conclusion.
Appendices	AHIMS search

### 1.4. OBJECTIVES

The key objective of this report is to ensure that potential impacts to Aboriginal cultural heritage are minimised. This includes undertaking the following:

- A search of the NSW OEH AHIMS database to determine if there are any objects or places recorded in the project area and to gain an understanding of records within the project and broader area,
- To review the landscape in and surrounding the project area to determine if there are landforms with potential to contain Aboriginal objects,
- Assess and record the nature of the level of disturbance of the site and landforms,
- Undertake a visual assessment of the project area for disturbance,
- Complete a report to record the Due Diligence process and present any further recommendations including procedures to manage unexpected discovery of Aboriginal heritage items including the notification requirements,
- To summarise the legislative framework in New South Wales that relates to Aboriginal Heritage, and
- Ensure appropriate controls and procedures are implemented during construction activities to avoid or minimise potential adverse impacts to Aboriginal heritage.

## 2. STATUTORY CONTEXT

The conservation and management of Aboriginal heritage objects and places is undertaken in accordance with relevant Commonwealth, State or Local Government legislation.

### 2.1. COMMONWEALTH LEGISLATION

#### 2.1.1. ENVIRONMENTAL PROTECTION AND BIODIVERSITY CONSERVATION ACT, 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) provides objects within the Act which recognise the role Indigenous people play in the conservation and sustainable use of resources, and the need to promote the use of traditional knowledge to inform management and conservation decisions. The relevant objects for the purposes of this discussion are: to promote a co-operative approach to the protection and management of the environment involving governments, the community, landholders and Indigenous peoples; to recognise the role of Indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and to promote the use of Indigenous peoples' traditional knowledge of biodiversity with the involvement of, and in co-operation with, the owners of the knowledge.

#### 2.1.2. ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION ACT 1984

The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP) allows for the protection of areas and objects that are of particular significance to Aboriginal people. This Act allows the Minister to make a declaration to protect an area, object or class of objects from a threat of injury or desecration on application by an Aboriginal person or group.

#### 2.1.3. NATIVE TITLE ACT 1993

The *Native Title Act 1993* provides a national system for the recognition and protection of native title and for its co-existence with the national land management system. The native title is recognised where: the rights and interests are possessed under traditional laws and customs that continue to be acknowledged and observed by the relevant Indigenous Australians, by virtue of those laws and customs, the relevant Indigenous Australians have a connection with the land or waters, the native title rights and interests are recognised by the common law of Australia.

#### 2.1.4. BURRA CHARTER: THE AUSTRALIA ICOMOS CHARTER FOR PLACES OF CULTURAL SIGNIFICANCE

The Burra Charter is the shorter title given to the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance agreed at the historic mining town of Burra in South Australia in 1979. This Charter has been recognised as having pioneered the understanding of cultural heritage and has been adopted by the Australian Heritage Council, Heritage Council of NSW, Queensland Heritage Council and the Heritage Council of Victoria. It is also recommended by the Heritage Council of Western Australia and the Tasmanian Heritage Council.

The Burra Charter importantly defines the basic principles and procedures to be followed in the preservation of all types of sites and defines Cultural significance as a term used to encompass all meanings and values referring to 'aesthetic, historical, scientific or social values for past, present or future generations.'

### 2.2. STATE LEGISLATION

#### 2.2.1. NATIONAL PARKS AND WILDLIFE ACT 1974 & NATIONAL PARKS AND WILDLIFE AMENDMENT REGULATION 2019

The *National Parks and Wildlife Act 1974* (NPW Act) specifies that the Director-General of the National Parks and Wildlife Service (NPWS; previously DECCW and OEH now Biodiversity Conservation Division [BCD]) is responsible for the care, control and management of various natural and cultural areas, including Aboriginal places and objects throughout NSW. Under this Act, all Aboriginal objects are protected regardless of significance or land tenure. Such Aboriginal objects include pre-contact features like scarred trees, middens and open camp sites, and post-contact features such as

Aboriginal fringe camps. The Act also protects Aboriginal places, which can only be declared by the Minister administering the NPW Act; these are defined as being a place that is or was of special significance with respect to Aboriginal culture.

**There are no declared Aboriginal Places within the study area or its vicinity.**

Under Section 90 of the NPW Act, it is an offence to destroy, deface, damage or desecrate an Aboriginal object or Aboriginal place, unless an Aboriginal Heritage Impact Permit (AHIP) has been issued by the BCD of the NSW DPIE. The Act requires that reasonable precautions and due diligence be undertaken to avoid impacts on Aboriginal Objects.

The *National Parks and Wildlife Amendment Regulation 2019* excludes activities carried out in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* from the definition of harm in the NPW Act, meaning that test excavations may be carried out in accordance with this Code of Practice, without requiring an AHIP. The Regulation also outlines Aboriginal community consultation requirements (*Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*), and a *Due Diligence Code of Practice* which specifies activities that are low impact, thus providing a defence to the strict liability offence of harming an Aboriginal object.

An 'Aboriginal object' is defined as *"any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains"*.

**There have been no Aboriginal objects identified as part of the desktop or visual assessment at the project site.**

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### **2.2.2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

The *Environmental Planning and Assessment Act 1979* (EP&A Act) regulates land use planning and development in NSW, including the making of environmental planning instruments (EPIs). The two types of EPIs are State Environment Planning Policies (SEPPs), which cover areas of State or regional environmental planning significance; and Local Environmental Plans (LEPs), which cover Local Government Areas (LGAs). SEPPs and LEPs identify and provide for the protection of local heritage items and heritage conservation areas. Division 6 of Part 3 of the EP&A Act introduces requirements for Development Control Plans to supplement the LEPs and provide more detailed provisions to guide development.

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### **2.2.3. HERITAGE ACT 1977**

The *Heritage Act 1977* protects heritage places, buildings, works, moveable objects, precincts and archaeological sites that are important to the people of NSW. Items that have particular importance to the State of NSW are listed on the State Heritage Register (SHR). Such items can include those of Aboriginal and non-Aboriginal heritage significance. The *Heritage Act* offers blanket protection for relics, defined as:

*Any deposit, object or material evidence:*

- a) *Which relates to the settlement of the area that comprises New South Wales, not being Aboriginal Settlement, and*
- b) *Which is 50 or more years old.*

This includes all historical archaeological sites, places and relics in NSW older than 50 years, regardless of their level of Aboriginal cultural heritage significance.

**There are no Aboriginal heritage items or places within the study area listed on the State Heritage Register.**

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## **2.3. LOCAL LEGISLATION**

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### **2.3.1. MURRAY LOCAL ENVIRONMENT PLAN**

The local environment plans guide planning decisions for local government areas. These plans ensure that development is undertaken through zoning and development controls and ensure that local development is undertaken appropriately. The earthworks provision identifies that all earthworks will not have a detrimental impact on cultural or heritage items in relation to the NPW Act particularly Section 86.



## 3. SITE DESCRIPTION AND WORKS

### 3.1. LOCATION

The property is located in New South Wales at the junction of the Murray and Edward Rivers at Picnic Point east of Mathoura. The existing pump is located on Lot 1 DP1001440 connecting to the Edward River.

The original freehold title for this land was granted on 18 November 1870 which is prior to 3 May 1918 after which the beds of creeks and rivers were reserved to the crown and as such the owner is entitled to presumptive title to the middle thread of the respective creek or river.

The specific location of the project site is shown below in **Figures 3-1, 3-2** and **Table 2-1**.

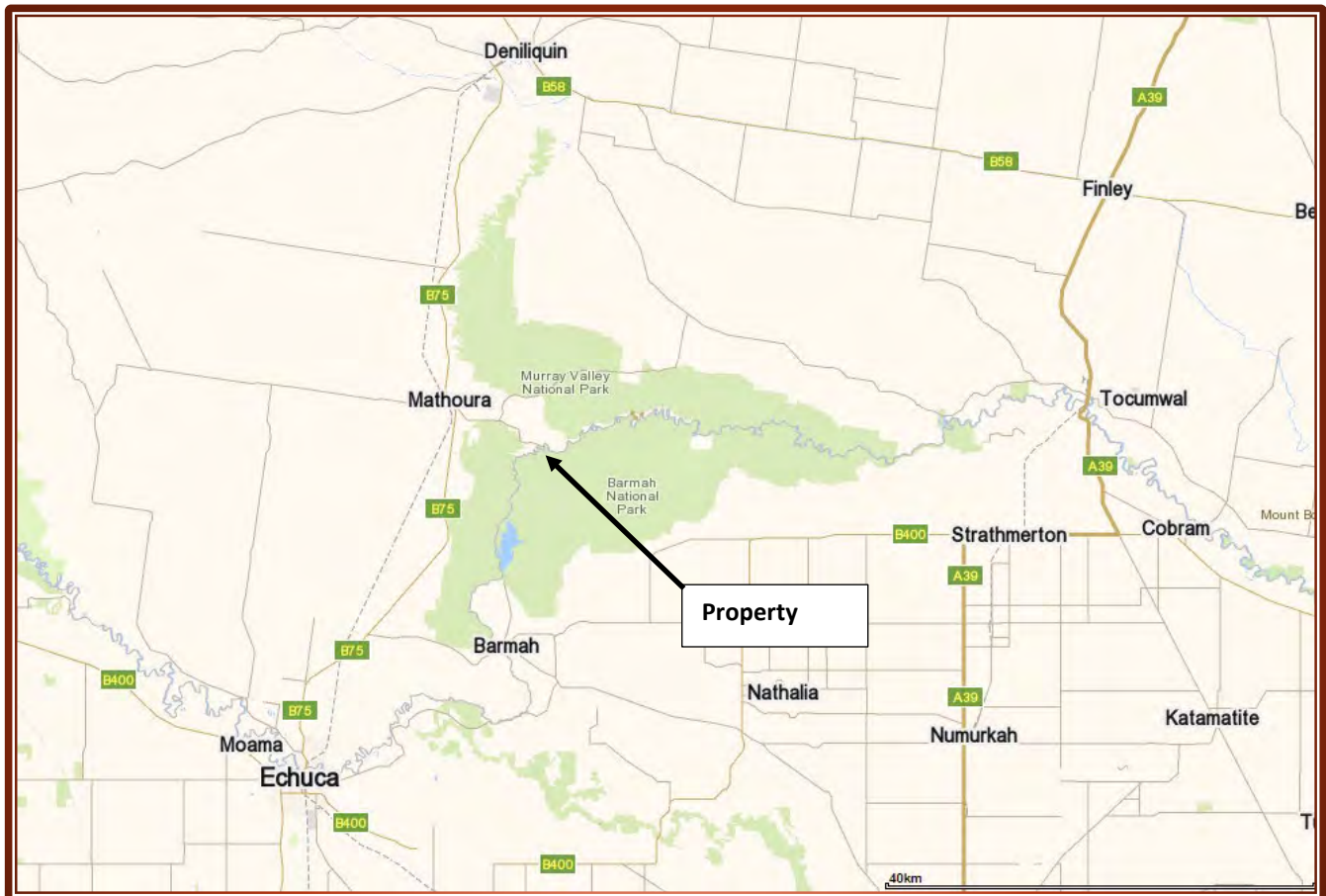


Figure 3-1- Location of property in relation to the region

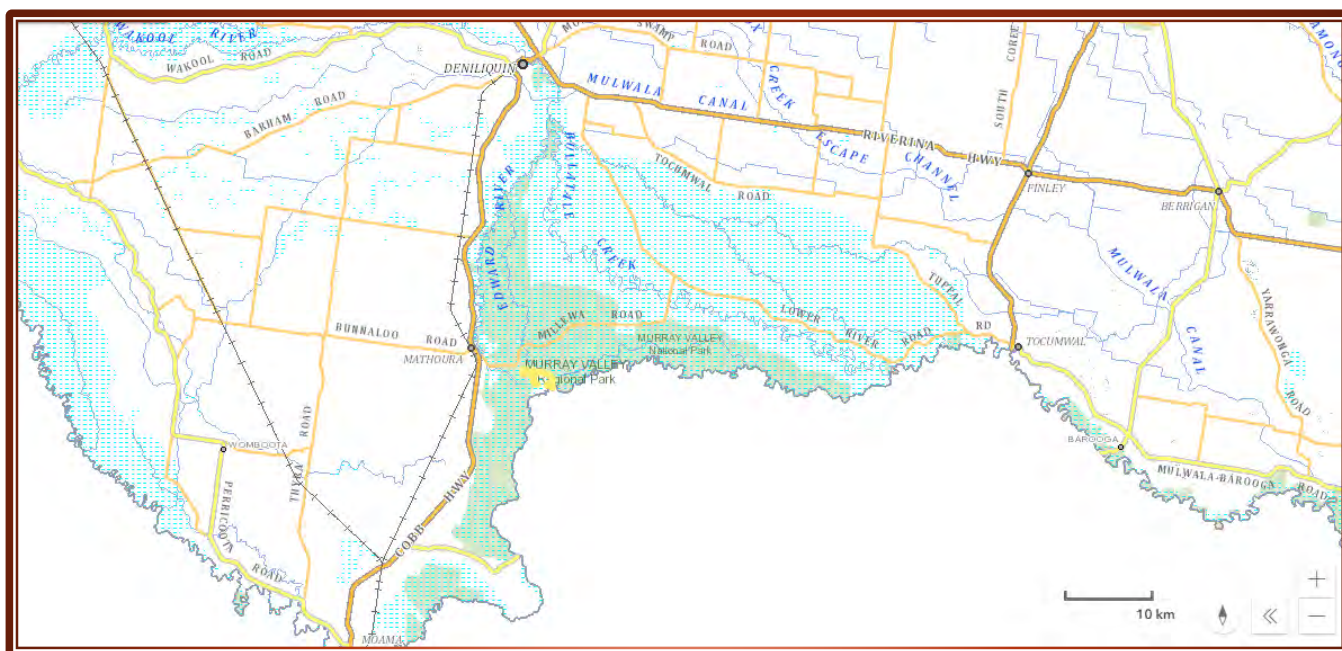


Figure 3-2 Location of property in relation to the local area

In relation to populated areas the site is 320m north of the nearest temporary stay Caravan Park, 270m north-northwest of the Timbercutters restaurant, 9.5kms south east of Mathoura, 19km north of Barmah and 35.6kms south of Deniliquin. The closest road is Picnic Point Road located nearly 300m to the southwest of the pump site.

The land details of the project are summarised as follows:

Table 2-1 - Land details of the project

Details	Specific related to applications
Lot number	1
Deposited Plan	1001440
Parish	Nallam
County	Townsend
Local Shire	Murray River Council
LEP Zone	E3 - Environmental Management
Catchment Area	Murray
IBRA Sub-region	Riverina – Murray Fans
Mitchell Landscapes	Murray Channels and Floodplains
Traditional Owners/Land Council	Cummeragunja Aboriginal Land Council
Floodplain Management Plan	Nil
Land Stature	Freehold
GPS Reference	MGA Zone 55 E:319188 N:6030981

## 3.2. EXISTING SITE DESCRIPTION

The whole property encompasses an area of 328.1ha with this pump site being located on its most eastern boundary. The property frontage details are Picnic Point road (3.5km) on the south and the Murray and Edward Rivers (500m) on the east and north east. The remaining portion of the property is surrounded by the Murray Valley Park and a single adjoining neighbour on the west.

The general surrounds consist of a modified Riverine floodplain predominantly river red gum regrowth with most tree species being saplings of up to 20cm in diameter. The property is in a flood storage area that may be filled by up to 400mm in a 1% flood event. A licenced levee bank and Weir access track exists along the Murray River Frontage up to the Edward River.



Towards the south eastern side of the property is the Picnic Point holiday area which is separated from the pump site by 3680m. A museum and café has been built on the property 265m from the pump site and is located between the pump and areas utilised by the public. Below are photos showing the existing environment.



Figure 3-3 Pump site looking downstream with the Edward River Regulator in the background



Figure 3-4 Pump suction pipe through levee bank looking downstream





Figure 3-5 Pump Site looking upstream on the Edward River toward the Murray Junction – Note Restaurant in background

The pump site encompasses a small area and the activities associated with the pump will be confined footprint to the site being approx. 0.02ha. Within this area is the existing pump infrastructure, electrical connection, pipeline and pump platform. These are further described in the following section.

The site is relatively flat with a natural grade of 0.1°. The site slopes away from the river to the north-north west. The average height in the area is 94.72m AHD.

### 3.3. SURROUNDING AREA

The property that is subject to this SEE is located in New South Wales at the junction of the Murray and Edward Rivers. property boundaries include both the Murray and Edward Rivers, Picnic Point Road and the Murray Valley Park. In relation to towns the site is 6kms southeast of Mathoura and 34kms south of Deniliquin. The property is located on Picnic Point Road at Picnic Point within the Barmah Forest.

On the property south of the project site there is a museum and café owned by the applicants. Located approximately 57m northwest of the project site the Edwards River Regulator.

The Mitchell Landscape for the project site is defined as Murray Channels and Floodplains which are defined as: *Active channels and seasonally inundated floodplains of the Murray streams in Quaternary alluvium with associated billabongs, swamps, channels, levees and source bordering dunes, relief to 10m. Includes scattered alluvial flats, broad elevated floodplains and associated relict channels; isolated sandy rises, relief to 5m.* (Eco Logical Australia, 2008).

The area is serviced by state and local roads, town water, NBN, landline and mobile phone service and electricity.



## **4. PROJECT INFRASTRUCTURE AND WORKS**

### **4.1. PROJECT WORKS**

There are no construction works proposed as part of this application as the infrastructure on site is existing.

### **4.2. INFRASTRUCTURE**

The existing pump infrastructure includes the following:

- Lowara SV-F 1016LD661 Multistage Pump – maximum flow rate of 8l/sec,
- Manually operated filter,
- 90mm HDPE suction pipeline installed beneath the Levee and connecting into the Edward river,
- 90mm PVC supply line supplying water to the Timbercutters facilities,
- Buried electrical supply line from the Electricity network to the site,
- Pump platform supporting the pump and filter system.

The pump has been installed on the 'dry' side of the current levee banks and a 90mm diameter HDPE suction pipeline has been installed through the bank into the Edward River. The electric pump installed is a multi-stage Lowara SV-F 1016LD661 and when approved will be used for the irrigation of approximately 3ha of lawns within the museum and café area. The pipeline also supplies non-potable water to the site for firefighting purposes. No further works are required for the continued operation of this pump site.

No vegetation or snags are to be cleared or disturbed, either on the bank of in the waterway as part of the ongoing operation of the pump.



Figure 4-1 - Pump site looking toward Edward River

## 5. ASSESSMENT

This assessment has been completed using reference to the below described searches and assessments and utilising the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*, DECCW. This code of practice is used to assist individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for consent in the form of an Aboriginal Heritage Impact Permit (AHIP).

The *National Parks and Wildlife Act 1974* (NPW Act) provides that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence if they later unknowingly harm an object without an AHIP. (NSW, DECCW, 2010).

### STEP 1 – WILL THE ACTIVITY DISTURB THE GROUND SURFACE OR ANY CULTURALLY MODIFIED TREES?

*Disturbance of the ground surface is often significant when machinery is used to dig, grade, bulldoze, scrap, plough, or drill the ground surface for the purpose of building a structure or removing vegetation. If an activity will disturb the ground surface, there is a higher likelihood that Aboriginal objects will be harmed.*

#### COMMENT

There are no construction or further ground disturbance activities required as a result of the ongoing operation of the pump site. There is no requirement to remove any vegetation. ➡ **Check the AHIMS database**

### STEP 2A – SEARCH THE AHIMS DATABASE AND USE ANY OTHER SOURCES OF INFORMATION WHICH MAY BE AVAILABLE.

*A search the AHIMS database must be undertaken to check whether any Aboriginal sites have been recorded in the area of the Project. If the results of the initial AHIMS search indicates that AHIMS contains information about recorded Aboriginal objects in the area of the proposed activity, a copy of these records must be obtained. After obtaining the records from AHIMS of any recorded Aboriginal objects, these objects should be confirmed that they are located in the area where the activity is proposed.*

#### COMMENT

A basic AHIMS search has been undertaken and results identified that there are no recorded Aboriginal heritage places or objects within the project area or a 50m buffer of the property. ➡ **other information sources**

### STEP 2B. ARE THERE ANY OTHER SOURCES OF INFORMATION OF WHICH A PERSON IS ALREADY AWARE?

*If there are any other sources of information, these need to be used to identify whether or not Aboriginal objects are likely to be present in the area. Other sources of information can include previous studies, reports or surveys which have been commissioned or are otherwise aware of.*

#### COMMENT

An inspection was undertaken prior to the ground disturbance activities as part of the project works. The provided report identified that the site inspection did not identify any objects during the visual inspection. (See **Appendix 2**) . ➡ **landscape features**

### STEP 2C – ACTIVITIES IN THE AREAS WHERE LANDSCAPE FEATURES INDICATE THE PRESENCE OF ABORIGINAL OBJECTS

*Regardless of whether the AHIMS search indicates known Aboriginal objects, consideration of whether Aboriginal objects are likely to be in the area of the proposed activity need to be made having regard to the above described landscape features.*

*If after completing steps 2a and 2b it is reasonable to conclude that there are no known Aboriginal objects or a low probability of objects occurring in the area of the proposed activity, you can proceed with caution without applying for an AHIP.*

#### COMMENT

The project work is located within an area where landscape features could indicate the presence of objects as it is located within 200m of the river. The area has historically been modified by human activity through forestry, ground levelling and construction of an earthen levee bank. There are no additional works proposed as a result of this application. ➡ **Due to the level of previous disturbance and minimal excavation proposed, there is a low probability of objects occurring within the area.**

## 6. CONTINGENCY MEASURES

All Aboriginal objects and sites in NSW are protected under the *National Parks and Wildlife Act 1974*. It is an offence to knowingly harm or desecrate an Aboriginal object or Aboriginal place. If in the course of the project activities, a potential object is identified, contingency measures have been provided below. It must be noted that if during any time in the future, an Aboriginal object or skeletal remains are identified at the site through the natural environmental conditions that the following steps should be taken.

### 1.1. UNEXPECTED FIND OF ABORIGINAL OBJECT

In the event that a potential Aboriginal object is encountered during project operational activities the following steps should be undertaken.

1. All ground surface disturbance in the area of the find(s) and the fill zone for earthworks will cease immediately following the discovery or potential discovery of a find and
  - a. The discoverer of the find(s) will notify machinery operators in the immediate vicinity of the find(s) so that work can be halted and ensure that there is no further harm to the object,
  - b. The discoverer of the find(s) will secure the area and prevent equipment or personnel from entering the area except in accordance with this protocol, and
  - c. The site supervisor/project manager will be informed of the find(s).
2. If finds are suspected to be human skeletal remains, then NSW Police and HeritageNSW will be contacted as a matter of priority and the procedure for Unexpected Discovery of Possible Human Skeletal Remains should be followed.
3. With approval from the relevant party, a heritage specialist will be engaged to assess the Aboriginal place or object encountered, a Representative from any Registered Aboriginal Party and Local Aboriginal Land Council for the project may also be engaged to assess the cultural significance of the place or object as part of the obligations of the AHIP assessment process.
4. Where appropriate, any project approvals will be reviewed to assess consistency with any approvals to impact Aboriginal heritage within the project area. If the Aboriginal heritage places or objects are found to be covered under the existing approvals (AHIP) to impact Aboriginal heritage within the project area, works may continue to be conducted in accordance with mitigation measures and approval requirements. Where there are no project approvals in place for Impacts to Aboriginal Heritage, the following process must be followed:
  - a. Immediately notify the following authorities or personnel of the discovery if not already done so:
    - i. HeritageNSW (Environment Line: 131 555); and
    - ii. Relevant Aboriginal Community Representatives, including the Local Aboriginal Land Council.
  - b. Facilitate, in co-operation by an appropriately qualified person with the appropriate authorities and relevant Aboriginal community representatives:
    - i. The recording and assessment of the finds;
    - ii. Fulfilling any legal constraints arising from the find(s). This will include complying with HeritageNSW directions; and
    - iii. The development and conduct of appropriate management strategies. Strategies will depend on consultation with stakeholders, the assessment of the significance of the find(s) and the relevant permits.
5. Re-commencement of ground disturbing works may only resume in the area of the find(s) following compliance with any consequential legal requirements and gaining written approval from HeritageNSW.

### 1.2. UNEXPECTED FIND OF HUMAN SKELETAL REMAINS

In the event that possible human skeletal material (remains) are encountered during operational activities, the following steps should be undertaken:

1. Works at that location of discovery and placement of material will cease, and an appropriate buffer zone of at least 50 metres will be established,
2. The site must be immediately secured to prevent unauthorized access and (any further) harm,
3. Contact police as the discovery of human remains triggers a process which assumes that they are associated with a crime. The NSW Police will retain carriage of the process until such time as the remains are confirmed to be Aboriginal or historic,
4. Contact HeritageNSW should the human remains be deemed Aboriginal or historical by the police, HeritageNSW must be notified immediately to assess the remains – Contact number 131 555,
5. The Local Aboriginal Land Council and any other relevant Aboriginal Party should also be notified,

6. A project Archaeologist may also be engaged at this stage to assist with further representation of the proponent/applicant/owner/company.
  - All directions made by the HeritageNSW Southwest Branch, in discussion with the project Archaeologist (where relevant), must be followed. This may include the need to engage technical specialist (e.g. Forensic Anthropologist), and liaison with and RAPs, to formulate future management of the remains.
  - Work is not to commence in the area unless authorised in writing by HeritageNSW and/or the NSW Police.



## 7. CONCLUSION

The project construction works previously undertaken related to minimal ground disturbance activities for the installation of pipelines, placement of the pump framework and electrical connections. The pump infrastructure is in now fixed in place and no further ground disturbance or removal of vegetation is required.

Following an assessment utilising the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* it was identified that the project works area is located on a known landscape feature (Edward River) however no further work within this area is required and as a result no impacts to the site or landscape feature are proposed.

If any Aboriginal object is discovered and/or harmed in, or under the land, in the future the owner must:

- *Not further harm the object,*
- *Immediately cease all work at the particular location,*
- *Secure the area so as to avoid further harm to the Aboriginal object,*
- *Notify the HeritageNSW as soon as practical on 131555, providing any details of the Aboriginal object and its location*
- *Not recommence any work at the particular location unless authorised in writing by HeritageNSW.*

*In the event that skeletal remains are unexpectedly encountered at the site or surrounds any activity in the area must stop immediately, the area secured to prevent unauthorised access and NSW Police and HeritageNSW contacted.*

## 8. GLOSSARY

Abbreviation	Term
ACHA	Aboriginal Cultural Heritage Assessment
AHIMS	Aboriginal Heritage Information System
BCD	Biodiversity Conservation Division of DPIE
DA	Determining Authority
DECCW	Former NSW Department of Environment, Climate Change and Water (Now BCD)
DP	Deposited Plan
DPIE	NSW Department of Planning, Industry and Environment
EPA	Environment Protection Authority
GDA	Geocentric Datum of Australia
GPS	Global Positioning System
GSV	Ground Surface Visibility
ICOMOS	International Council on Monuments and Sites
LALC	Local Aboriginal Land Council
LEP	Local Environment Plan
LGA	Local Government Area
MGA	Map Grid of Australia
NHL	National Heritage List
NNTT	National Native Title Tribunal
NPW Act	<i>National Parks and Wildlife Act 1974</i>
NPW Regulation	<i>National Parks and Wildlife Regulation 2009</i>
NPWS	National Parks and Wildlife Service
NSW	New South Wales
NTSCORP	Native Title Services Corporation
OEH	Former NSW Office of Environment and Heritage (Now BCD)
PAD	Potential Archaeological Deposit
RAP	Registered Aboriginal Party
REF	Review of Environmental Factors
REP	Regional Environmental Plan
SEPP	State Environmental Planning Policy

## 9. REFERENCES

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- Tindale, N.B. (1974) *Aboriginal Tribes of Australia: Their Terrain, Environmental Controls, Distribution, Limits and Proper Names*. University of California Press: Berkeley.

## 10. APPENDICES

### 10.1. APPENDIX 1 – AHIMS SEARCH



## AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : Crump 1

Client Service ID : 617360

Progressive Rural Solutions

Date: 26 August 2021

PO Box 74

Deniliquin New South Wales 2710

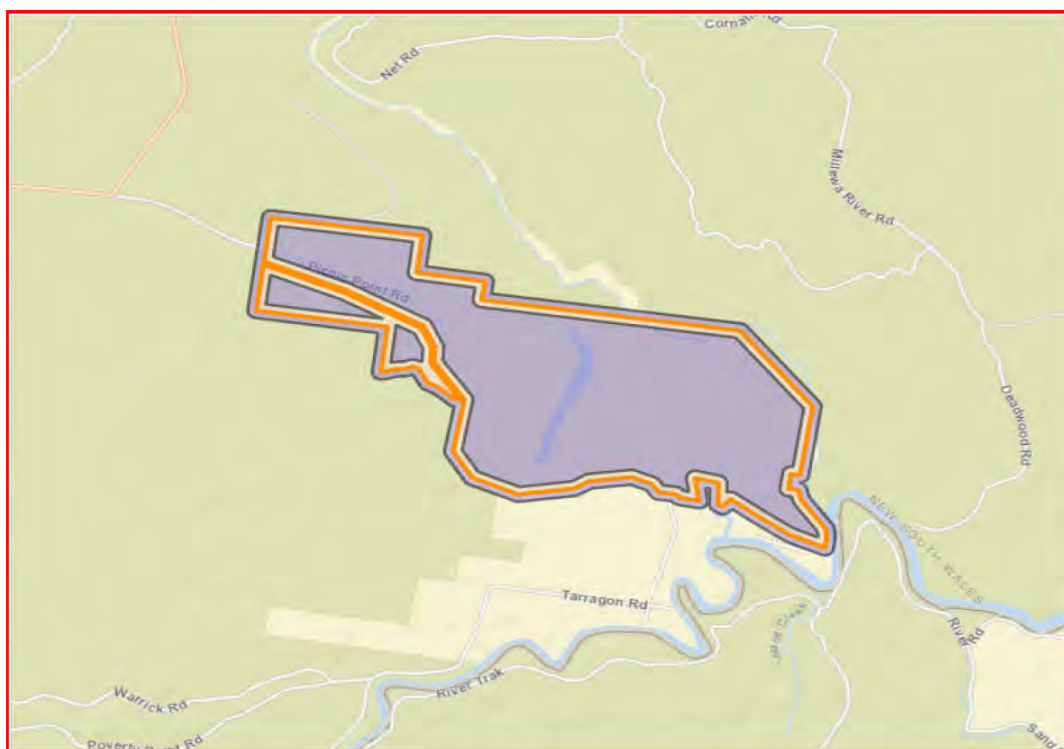
Attention: Rebecca Moodie

Email: rebecca@prsltd.com.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 1, DP:DP1001440, Section : - with a Buffer of 50 meters, conducted by Rebecca Moodie on 26 August 2021.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *



**10.2. APPENDIX 2 – LETTER FROM INSPECTION**

31 March 2017  
**Kalli Crump and Joel Smith**  
"Kilmarnock"  
Picnic Point Road  
Mathoura NSW 2710

Dear Kalli and Joel,

**RE: Sites Work Assessment at Lot 1 DP 1001440, Picnic Point Road, Picnic Point.  
Bank of Edward River Upstream of weir.**

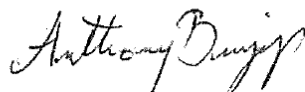
On the 31<sup>st</sup> March 2017 A Sites Work Assessment was conducted on the above named property by the Sites Work Officer Mr Anthony Briggs of Deniliquin Local Aboriginal Land Council.

The Deniliquin Local Aboriginal Land Council confirms that the site relating to the above mentioned development application has not brought any objects to our attention, and that during visual inspection conducted, there was no evidence of Aboriginal Artefacts or other items of cultural importance to local aboriginal peoples from the Deniliquin Local Aboriginal Land Council on the above named site.

Should excavation occur in the future, we recommend further site monitoring and consultation with members of Deniliquin Local Aboriginal Land Council.

Should you have any further questions regarding the above assessment please contact myself on .

Yours faithfully

A handwritten signature in black ink, appearing to read 'Anthony Briggs', written in a cursive style.

Anthony Briggs  
**Site Works Officer, Deniliquin Aboriginal Land Council**  
Mobile: 0428990946

**End of Document**

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