

Directors:

Mark F. Langenbacher B. App. Sc. (Surv) L.S. (VIC), R.S. (NSW), M.I.S.
Jeremiah Johnson B. Eng Tech (Civil), T.M.I.E. Aust
Brendon Boyd T.M.I.E. Aust

Correspondence: PO Box 586
Echuca Vic 3564

Our Ref: S7074

Mr C O'Brien
Planning Manager
Murray River Council
PO Box 906
MOAMA NSW 273

Dear Chris,

Re: Development Application
Retrospective Replacement Pontoon and Walkway
Lot 113 DP39915
Associated with 120 Benarca Forest Road, Moama – Lot 1 of DP1154923

This letter is to support the proposed retrospective replacement of a pontoon on the property of 120 Benarca Forest Road, Moama. Due to the proximity of the development to the River, a BOSET identifies the need for a Biodiversity Development Assessment Report (BDAR). As no works are required for this application, Biodiversity and Conservation division within the Department of Planning, Industry and Environment was contacted, and discussions with Marcus Wright were held (see below). In deduction of this discussion and the follow-up correspondence, it is concluded that a BDAR and accompanying Test of Significance are not required due to the lack of works and absence of vegetation clearing likely to result in no impacts.

As highlighted throughout the Statement of Environmental Effects, this submission is seeking the retrospective approval of a replacement pontoon and two (2) anchors, which were constructed in 2013. The location of this structure was chosen due to the lack of vegetation evident within the direct vicinity, allowing for the easy installation without requiring the removal of any trees.

Installed over 8 years ago, no impacts to the development have been identified within the area. As no new works are proposed for its retrospective approval, it is safely concluded that there is to be no negative impacts to the lifecycle of any localized threatened species. The landing floats on the surface of the water near the river's edge without touching the riverbed. The floating landing offers shading and protection to aquatic life below, enabling security to river organisms. Aquatic life is still evident in the immediate area.

This application proposes the lawful use of the pontoon and pump system for water extraction from the Murray River in conjunction with an existing structure; therefore, posing no new or adverse effects on any threatened species.

This proposal for use of an existing structure does not pose any adverse effects to the natural environment, nor does it substantially or adversely modify the composition of the ecological community. The local occurrence of any threatened species is not placed at risk of extinction through an approval of the use of an existing structure.

As there is no clearing of native vegetation or habitat, and it is obvious that there will not be a significant impact to the natural environment or biodiversity values (i.e., retrospective



approval), it is requested that Council consider this letter as evidence of the lack of impact, and process this application without the need for more stringent assessment.

Please do not hesitate to contact me if you require any further assistance.

Yours faithfully



Claire Tunbridge
Town Planner
ctunbridge@planright.net.au

Claire Tunbridge

From: ROG South West Region Mailbox <rog.southwest@environment.nsw.gov.au>
Sent: Monday, 13 September 2021 2:30 PM
To: Claire Tunbridge
Cc: Marcus Wright
Subject: RE: BDAR Enquiry - Retrospective Replacement Structure

Hi Claire,

Thanks for your request to clarify the need for a Biodiversity Development Assessment Report (BDAR) for what we understand to be to a pontoon in Moama.

In preparing the BOSET report, the Biodiversity Values Map and Thresholds tool (BMAT) will consider a polygon as land to be cleared. If that polygon is on the Biodiversity Values Map, the report will trigger the need for a BDAR.

We understand that this matter does not involve any clearing. In that case the report should be qualified with an explanation that the polygon is a development footprint that does not involve clearing, explicitly stating that the clearing area is zero.

Council will take that report and explanation as evidence that no clearing is involved in the matter. Council has the power to consider a Test of Significance to determine if the development is likely to significantly affect threatened species or ecological communities, or their habitats.

It is good practice to include a Test of Significance with every development application, to assist Council with their assessment. However when there is no clearing of native vegetation and it is obvious that there will not be a significant impact (e.g. retrospective approval), then this can simply be stated for Council to consider.

If you have any questions about this advice, please contact Marcus Wright, Senior Conservation Planning Officer, via rog.southwest@environment.nsw.gov.au or 02 6983 4917.

Regards

Andrew Fisher
Senior Team Leader, Planning – South West

Biodiversity and Conservation | Department of Planning, Industry and Environment

T 02 6022 0623 | **M** 0427 562 844 | **E** andrew.fisher@environment.nsw.gov.au

PO Box 1040, 512 Dean St, Albury, NSW 2640

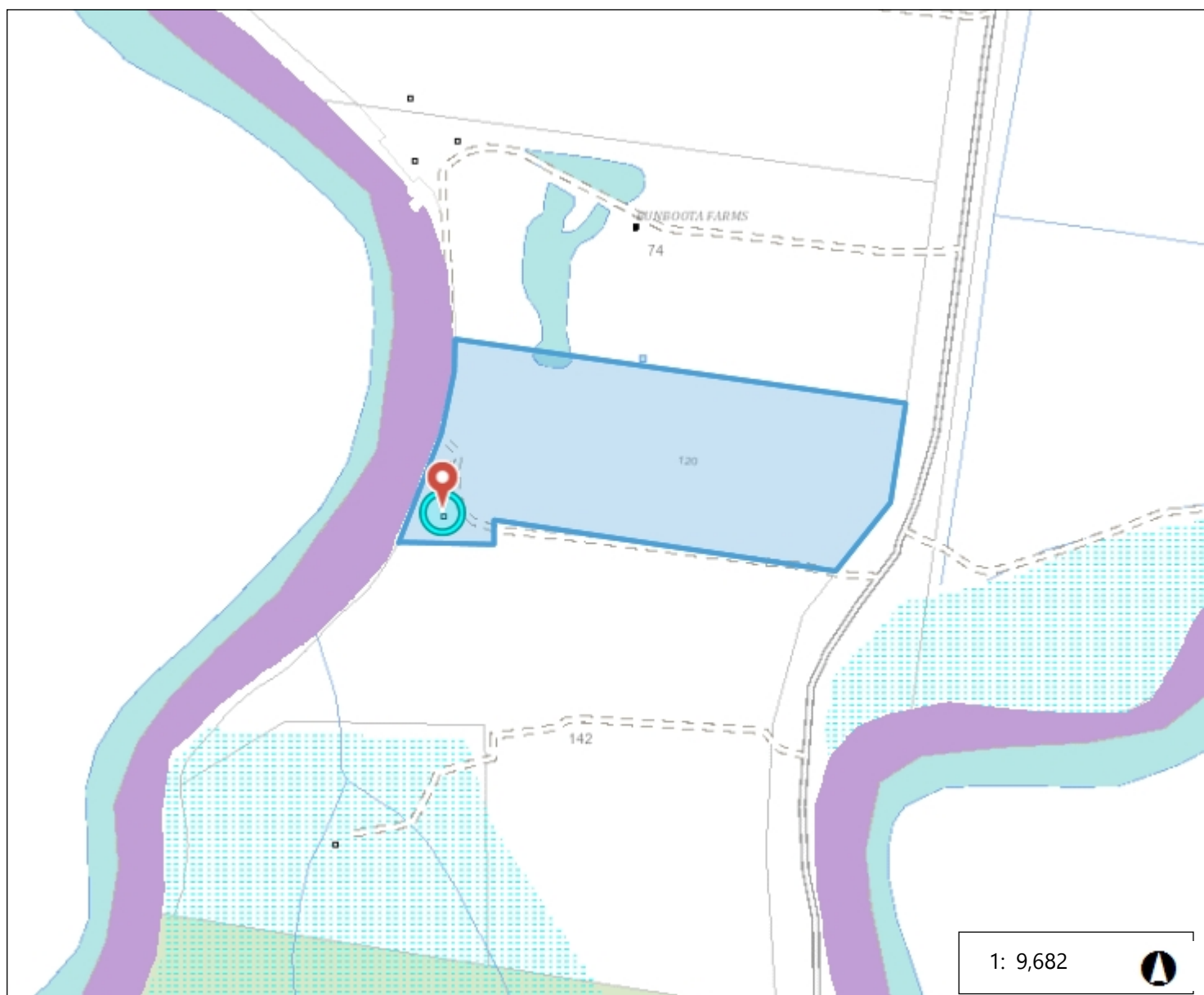
www.dpie.nsw.gov.au

Contact the South West Planning Team about biodiversity and flood management planning matters by emailing rog.southwest@environment.nsw.gov.au.



The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Biodiversity Offset Scheme (BOS) Entry Threshold Map



491.8 0 245.91 491.8 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

Date of Calculation	13/09/2021 9:15 AM	BDAR Required*
Total Digitised Area	12.94 ha	
Minimum Lot Size Method	LEP	
Minimum Lot Size	120 ha	
Area Clearing Threshold	1 ha	
Area clearing trigger Area of native vegetation cleared	Unknown [#]	Unknown [#]
Biodiversity values map trigger Impact on biodiversity values map(not including values added within the last 90 days)?	no	no
Date of the 90 day Expiry	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 Claire Tunbridge Date: 13/09/2021 09:15 AM