

Statement of Environmental Effects and supporting documents for an application for

A mooring, mooring structure and stock and domestic pump on the Murray
River opposite NSW Lot 8 DP751159 - 170 Wharparilla Road, Echuca, Victoria

November 2024



Progressive Rural Solutions

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Signature: *Clare Fitzpatrick* Date: 15/11/2024

Approved by: Brad & Carolyn Harris Position: Owner

Signature: Via email Date: 15/11/024

The above parties have reviewed, prepared and proposed this application to consider the relevant matters in the Development Referral Guide, NSW Dept of Planning and Environment, October 2024.

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Related Documents

Title	Version	Prepared by	Doc Type	Date
Watercourse Structures Checklist	1.0	Murray River Council Progressive Rural Solutions	Checklist	02/11/2024
AHIMS Search	1.0	OEH - Basic Search	Search Report	03/11/2024
Owners Consent	1.0	Property Owner	Consent	3/11/2024
Title Search	1.0	Progressive Rural Solutions	Search	XX/11/2024
Cost Estimate	1.0	Progressive Rural Solutions	Estimate	3/11/2024
Site Photos	1.0	Progressive Rural Solutions	Photos	As shown
NSW Property Planning Report	1.0	NSW DPE	Search Report	25/08/2024
Protected matters Search	1.0	Department of Agriculture, Water and the Environment	Search Report	25/08/2024
Biodiversity Values Map and Threshold Report	1.0	NSW DPE	Search Report	25/08/2024

Related Plans

Plan Number	Revision	Plan Title	Prepared by	Date
S7041	-	Site Plan	Planright	07/10/2024
S7041	-	Cross-section	Planright	07/10/2024
S7041	-	High Flow Cross-section	Planright	07/10/2024
S7041	-	Low Flow Cross-section	Planright	07/10/2024

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1. INTRODUCTION

1.1. ORGANISATION

This document has been prepared for Brad and Carolyn Harris as the Applicants and Owners of the site and will be referred to as the Applicant throughout this document. The works are located within the NSW Murray River and consequently require consent from the Crown as the owner of the waterway occupied. This application seeks Landowners consent for a Development Application, Development Approval through Murray River Council and a NSW Crown Licence for the infrastructure and occupation.

Progressive Rural Solutions representatives will be the relevant contact throughout the application process only. The operation will be managed by the Owners.

1.2. PURPOSE

This Statement of Environmental Effects (SEE) has been prepared by Progressive Rural Solutions (PRS) to accompany the required applications for the Applicant who is seeking approval for a '**mooring**' including mooring structure and '**water supply system**' being approval for an existing stock and domestic pump on the Victorian Side of the Murray River.

The infrastructure (mooring structure and pump and pipeline) is located in both Victoria and New South Wales. The mooring of the vessel is a new activity proposed at this site however the mooring structure and stock and domestic pump exist on the site. This application seeks formal approval of infrastructure (except the previously approved retaining wall) and the activity of mooring a vessel on the site. This approval will seek to include all works on a new NSW Crown Licence.

No construction activities are proposed as part of this application as all infrastructure exists.

The application is being made under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Environmental Planning and Assessment Regulation 2021* (EP&A Reg) in New South Wales.

The NSW EP&A Reg requires applications for certain developments to be in the approved form - being one that has been approved by the Planning Secretary. This report has been prepared to meet the mandatory documents and drawings identified as required to accompany applications made under the EP&A Act 1979. The Planning Circular titled 'Application Requirements', March 2022 has been reviewed and the related information included in this report. The information provided in this report has also been prepared in consideration of the relevant matters in the *Development Referrals Guide, NSW Dept of Planning and Environment*, October 2023. The proposal has been designed to meet the relevant provisions of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, the *Murray Local Environment Plan 2011* (LEP), and the *Murray Development Control Plan (DCP) 2012*.

1.3. APPLICATION TYPE

This application is being made as a *local development* requiring approval from the Murray River Council under the *Murray Local Environment Plan 2011*. The project is for the approval for a **mooring** (Structure and vessel) and **water reticulation system** which are defined within the LEP as:

- **Mooring** a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel but does not include a mooring pen.
- **Water supply system** a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure and dosing facilities.
Note—Water reticulation systems are a type of water supply system.

Both activities and uses are permitted with consent within the RU1 primary production and W2 – Recreational waterways zone.

The application will require concurrence and referral to the following authorities:

- NSW DPI – Fisheries – Concurrence/Referral
- Transport for NSW –Maritime – Concurrence/Referral

Note: the development will not be an integrated development through WaterNSW as the application **does not trigger** a Water Supply Work Approval as the pump supplies a property within Victoria and is Authorised by Goulburn Murray Water. Similarly, the application is not lodged as integrated through DECCEW as a Controlled Activity Approval is **not triggered** as the works will be authorised under a NSW Crown Land Licence.

Details of concurrence and referral requirements for this application are included in **Section 2** of this document.

1.4. DEVELOPMENT COST

The Capital Investment Value (CIV), which is defined as the value of a project including all costs necessary to establish and operate the project, has been estimated as \$63,500.00 Ex GST.

The estimated cost of the development is inclusive of the cost of any erection of buildings, carrying out of works (including any subdivision works) and demolition involved in the development has been estimated as \$69,850.00 Incl GST.

All infrastructure and use at the site is located within NSW only and as a result, the cost has not been proportioned between States.

Table 1-1 - Proposal costings

Works Area	Total Cost
Consultants	\$ 9,470.00
Supply & Installation	\$ 53,0000.00
Sundry	\$ 2,000.00
Total	\$ 63,500.00
GST	\$ 6,350.00
Grand Total	\$ 69,850.00

1.5. BACKGROUND

The property is located within the State of Victoria on Wharparilla Drive which is zoned a Low Density Residential area within Victoria. This area is unique as it is one of few locations in Victoria that maintains contiguous freehold directly to the NSW border. The property maintains an existing retaining wall which was approved and constructed in 2022. Following the construction of the retaining wall the stock and domestic pump was re-installed and a new walkway and pontoon were relocated to the site from an adjoining property. These works were undertaken in line with many other structures of this type installed within this area of the Murray River.

The Applicant is now seeking to gain approval for the existing water supply system and mooring structure for a permanent mooring (wet berth).

This document is provided to support the Development Application for an:

- Existing stock and domestic pump and suction line Note: the existing licensed stock and domestic pump is referenced as GMW Works Licence WLE087671 Water Use Registration WUR008045,
- Existing structure mooring structure, and
- New mooring/wet berth for a houseboat.

Note that the existing retaining wall at the site was approved and constructed under Development Application DA10.2021.3.1 and Vic planning permit PLN341.

In addition to the development application, it is the intention to apply for a new NSW Crown Licence to authorise all works on a single new licence for the property to include:

- Existing approved retaining wall,
- Existing stock and domestic pump,
- Existing structure – walkway and pontoon, and
- New mooring/wet berth.



2. ENGAGEMENT AND APPLICATION REQUIREMENTS

During the preparation and review of the proposed works, relevant referral authorities for this project have been consulted to ensure the projects aims, objectives, works and ongoing management and operation are in line with current permitted activities. **Table 2-1** below summarises the referral authorities consulted and the details of that activity. Further information on the authorities that have been consulted with the described outcomes is included as referenced in the table. Specific copies of the correspondence where gained are included in **Appendix 3**.

2.1. REFERRAL AUTHORITY SUMMARY

This Development Application is to be assessed by multiple statutory authorities which are identified in the following sections. The application requires that the Murray River Council consider the requirements for concurrence and referral based on proposed project works. To assist in this determination the below table has been prepared in reference to the *NSW Development Referrals Guide (October 2023)* to summarise referral authorities and their role in project approvals. Further information is also provided with relation to Victorian requirements.

Table 2-1 - Summary of Engagement Considerations (based on NSW Development Referrals Guide published October 2023)

Role	Authority	Consultation	Integrated	Concurrence	Referral	Notes
Development Impacting Electricity	Essential Energy Powercor	No	No	No	No	The proposed works relating to this application maintain an existing connection to the Victorian local electricity network where no change is proposed. As a result, no consultation has been undertaken.
Bushfire Protection	Country/Rural Fire Service	No	No	No	No	The proposed works are located within a bushfire prone area however do not propose the construction of any dwelling. No further consultation has been undertaken.
Development impacting roads	TfNSW – Roads	No	No	No	No	Not relevant to this project, existing access to the property exists.
NSW Water Management (Part 1) – Controlled Activities	Department of Planning and Environment - Water	No	No	No	No	No works are proposed as part of this application and the application seeks approval for the works under a new NSW Crown Licence.
NSW Water Management (Part 2) – Water Licences and Approvals	WaterNSW	No	No	No	No	Not relevant to this project as relevant authority relating to Victorian water licensing is Goulburn Murray Water.
Aquatic and Marine matters	DPI – Fisheries	No	No	Yes	Yes	No works are proposed as part of this application. Review of the activity has been undertaken to consider aquatics impacts.
	Transport for NSW - Maritime	Yes	No	Yes	Yes	Consultation has occurred relating to this application with Maritime. This is discussed further below in Section Error! Reference source not found.
Water Quality	WaterNSW North Central CMA	No	No	No	No	No consultation was conducted however, the Biodiversity and Conservation SEPP, Chapter 5 (River Murray lands), has been considered in section 5.3.1 of this report.
Development impacting water and wastewater infrastructure	WaterNSW	No	No	No	No	Not relevant to this project.

Role	Authority	Consultation	Integrated	Concurrence	Referral	Notes
Flood prevention	DPIE	No	No	No	No	The project area has been identified within the flood prone land (NSW) the works are unlikely to impact the flow of water. This is further considered below.
Heritage Conservation	Heritage Council of NSW (Heritage Council)	No	No	No	No	The impact of the project on Heritage has been considered in section 6.2
Aboriginal Cultural Heritage	Heritage NSW Aboriginal Affairs Victoria	No	No	No	No	No works are proposed at the site as part of the application. Works previously assessed and undertaken in accordance with existing approvals.
Environment Protection	Multiple	No	No	No	No	No consultation has been undertaken however a Biodiversity Assessment has been completed and included in Section 6.1 of this report.
Coal mine subsidence	Subsidence Advisory NSW	No	No	No	No	Not relevant to this project.
Mining leases	Department of Regional NSW – (MEG)	No	No	No	No	Not relevant to this project.
Development impacting high-pressure pipeline infrastructure	Multiple	No	No	No	No	Not relevant to this project.
Development impacting air infrastructure	Air Service Australia, Sydney Airports Corporation	No	No	No	No	Not relevant to this project.
Development impacting defence infrastructure	Australian Department of Defence	No	No	No	No	Not relevant to this project.
Development impacting navigable waterways	Transport for NSW - Maritime	No	No	No	No	Not relevant to this project.
Development at ports	Port operator (NSW Ports)	No	No	No	No	Not relevant to this project.
Proposed education infrastructure	NSW Department of Education	No	No	No	No	Not relevant to this project.
Development impacting observatory and meteorological infrastructure	Siding Springs Observatory, Planning Secretary	No	No	No	No	Not relevant to this project.
Urban design	Design review panels, Government Architect NSW	No	No	No	No	Not relevant to this project.
Land-use planning	Planning Secretary, Minister for Planning	No	No	No	No	Not relevant to this project.
Hazardous and offensive development	Environment Protection Authority	No	No	No	No	Not relevant to this project.

2.2. CONSULTATION AND OUTCOMES

Specific details relating to referral authorities' responses and where relevant results of assessments against the referral requirements have been provided below. Where received and is relevant, copies of the correspondence have been included in **Appendix 3**.

MURRAY RIVER COUNCIL

Role: Consenting Authority

The Murray River Council has statutory responsibilities with regard to the review of the project within its Council's Local and State Planning Instruments. This area is described as being within the banks of the Murray River and on the NSW side of the previously identified State Border. No consultation has been undertaken with the Murray River Council staff however the application has been prepared in line with similar applications submitted in the past.

This document has been prepared to provide sufficient information identified in the relevant checklists for projects proposed on a waterway. The application will be required to be lodged on the NSW Planning Portal and include the required documentation referred to in the *Planning Circular for Application requirement* (Application requirements for development, 1 March 2022).

NSW DPI – FISHERIES

Role: Aquatic and Marine matters

The NSW DPI administers the key pieces of legislation that identify and protect threatened fish and marine vegetation in NSW under the *Fisheries Management Act 1994* and the *Fisheries Management (General) Regulation 2010*. This project relates to works within and adjoining a waterway located within New South Wales and does not relate to any of the following activities:

- Aquaculture development,
- An activity that will affect oyster farming operations,
- Located within a marine park or aquatic reserve,
- Has not identified the potential to effect (is not in the locality of) a marine park or aquatic reserve, or
- Dredging or reclamation.

The project site is identified as being within a location mapped as Key Fish Habitat (Murray Darling Basin South). Project activities do not require any excavation, or reclamation works within the Murray River and no logs or snags will require removal.

A review of listed threatened aquatic species has been included as part of this assessment and based on proposed mitigation measures, no harm or damage to those species, their habitat or marine vegetation within key fish habitat is required.

Application Requirement: The development requires concurrence and referral to NSW Fisheries as it is located within an area of key fish habitat within a mapped area of threatened species (Flathead Galaxis, Murray Crayfish, Murray Hardy Head, Silver Perch and Trout Cod). There are no identified impacts to these species as part of the project on the basis the mitigation measures proposed are utilised.

DEPARTMENT OF PLANNING AND ENVIRONMENT - WATER

Role: Water Management (Part 1) – Controlled Activities

The Department of Planning and Environment – Water (DPE-Water) is responsible for compliance with and enforcement of the regulatory framework for water including water management rules, and licence and approval conditions. It also undertakes all controlled activity approvals, and licensing for some entities.

The project relates to works within a waterway and within 40m of the top of a waterway. As a result, an application for a Controlled Activity Approval is triggered. However, as the works proposed to include the obtaining of a Crown Land Licence under the *Crown Land Management Act 2016*, the works are subject to *Water Management (General) Regulation, 2018 Schedule 4, part 2, Controlled activities exemption* – Clause 18 as shown in the attached exemption checklist. It is recognised that the exemption does not apply until the Licence is granted.

This exemption checklist is also included in the attached Controlled Activity Exemption tool response located in **Appendix 3**.

Application Requirement: The development is not integrated, and no concurrence or referral is required. Council may choose to refer for comment and confirmation of process.

TRANSPORT FOR NSW - MARITIME

Roles: Aquatic and Marine matters (Development impacting navigation of waterways)

Transport for NSW – Maritime is responsible for the operational delivery of boating infrastructure, services to the boating public and on-water compliance.

Transport for NSW's boating safety officer, Mr Callum Blackstone has been consulted in relation to the siting and location of the frontage of the property for the purpose of a mooring. The site was identified and described to the officer with regard to the existing work, adjoining works and the proposals consistency with other activities at the site. During this conversation, it was identified that based on the location of the structure and the surrounding site conditions, no issues relating to navigational hazards were identified however the vessel would need to moor parallel to the bank and where levels are high, and preference would be given to being on the downstream side of the structure. The vessel and structure have been shown on the site plans in line with this consultation.

Application Requirement: The development will require referral to Transport for NSW-Maritime under the SEPP Biodiversity and Conservation Chapter 5 – Clause 5.11 as the works is proposed within the main channel of the Murray River.

NSW DPI CROWN LAND

Role: Landowners Consent

NSW DPI – Crown Land is responsible for the management of NSW's Crown land, covering 42% of the state, including parks, reserves, roads and cemeteries. The department supports a wide range of uses for Crown land. To ensure the land is used correctly, they are responsible for issuing licences, lease and permits.

Advice was sought from Mr Peter Bissett of NSW Crown Lands in Hay relating to existing approvals located at this site. In undertaking this, it was identified that there were no existing licences held on this site however a previous consent to submit an application for Land Owners Consent had been provided for the approved retaining wall relevant to this location. Once an approval is held by the Applicant, prior to works occurring, a New Crown Land Licence will be obtained to authorise the occupation and the use of the site.

Application Requirement: Land Owners Consent will be required for the structure approval and new mooring/wet berth. Following any approval received, the existing Crown Land Licence will be applied for to include the pump, walkway pontoon, the existing retaining wall and new wet berth.

CAMPASPE SHIRE COUNCIL

Role: Consent Authority (Victorian Planning Permit NOT REQUIRED)

The Campaspe Shire Council has statutory responsibilities with regard to works proposed on both Victorian Freehold and Victorian Crown Land. Consultation has occurred with Council representative Mr Christopher Hewish in November 2024 and confirmation was given that a Planning Permit application is not required to be lodged due to the location of the works within NSW and the use of the existing pipeline for the pump.

Application Requirement: No further requirements.

GOULBURN MURRAY WATER

Role: Referral Authority

Goulburn Murray Water manages the operation of water within the Goulburn Murray Irrigation District including private diverters that extract water via private works from regulated rivers. GMW issues licenses to take and use water under the provisions of Section 51 of the *Water Act 1989*, and to operate the associated works under Section 67 of the *Water Act 1989*.

The project works in this application relate to the relocation of a previously connected stock and domestic pump onto a pontoon structure and reconnection to the property. This pump will re-supply Stock and Domestic Water to the property. It is approved under Water Use Registration WUR008045 and Works Licence WLE087671.

Application Requirement: No changes amendments are required to existing approvals

3. SITE DESCRIPTION AND ANALYSIS

3.1. LOCATION

The project infrastructure is located on the Victorian side of the Murray River adjoining 170 Wharparilla Drive, Echuca, PC377612 and opposite NSW Lot 8 DP751159, Merool Road Moama.

The closest township to the project site is Echuca located 3km to the south east. The property is freehold and extends to the Victorian border on the Murray River.

The specific location of the project site is shown below in **Figure 3-1** and **Figure 3-2** and **Table 3-1** - Land details of the project within New South Wales.

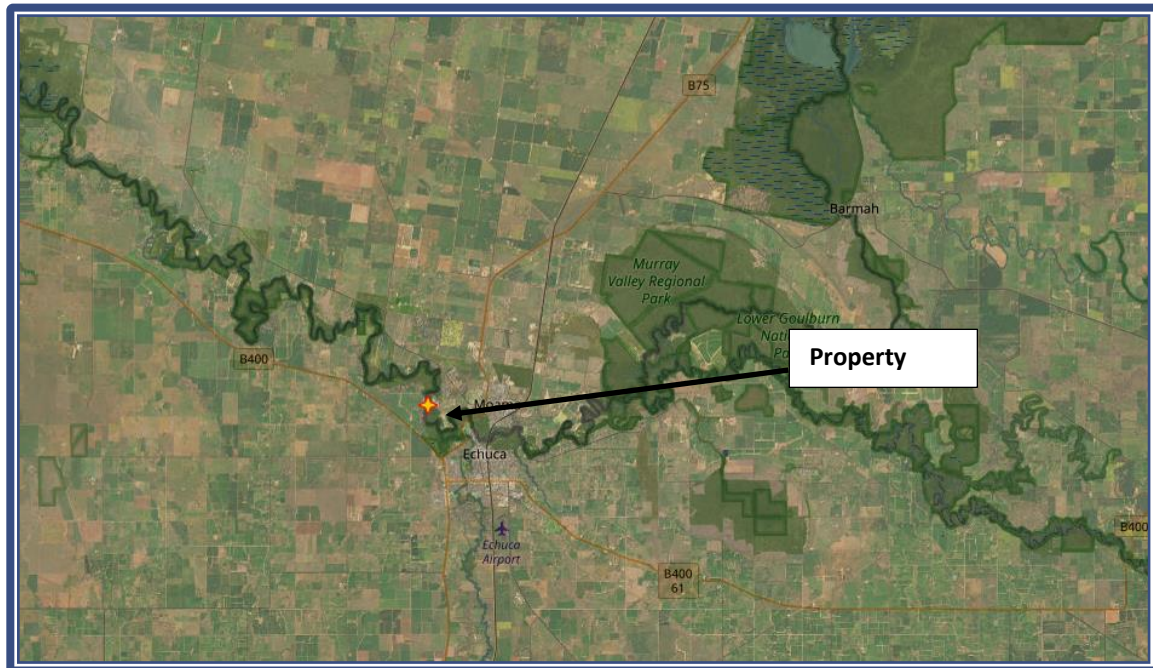


Figure 3-1 - Location of property in relation to the region (source: QGIS)

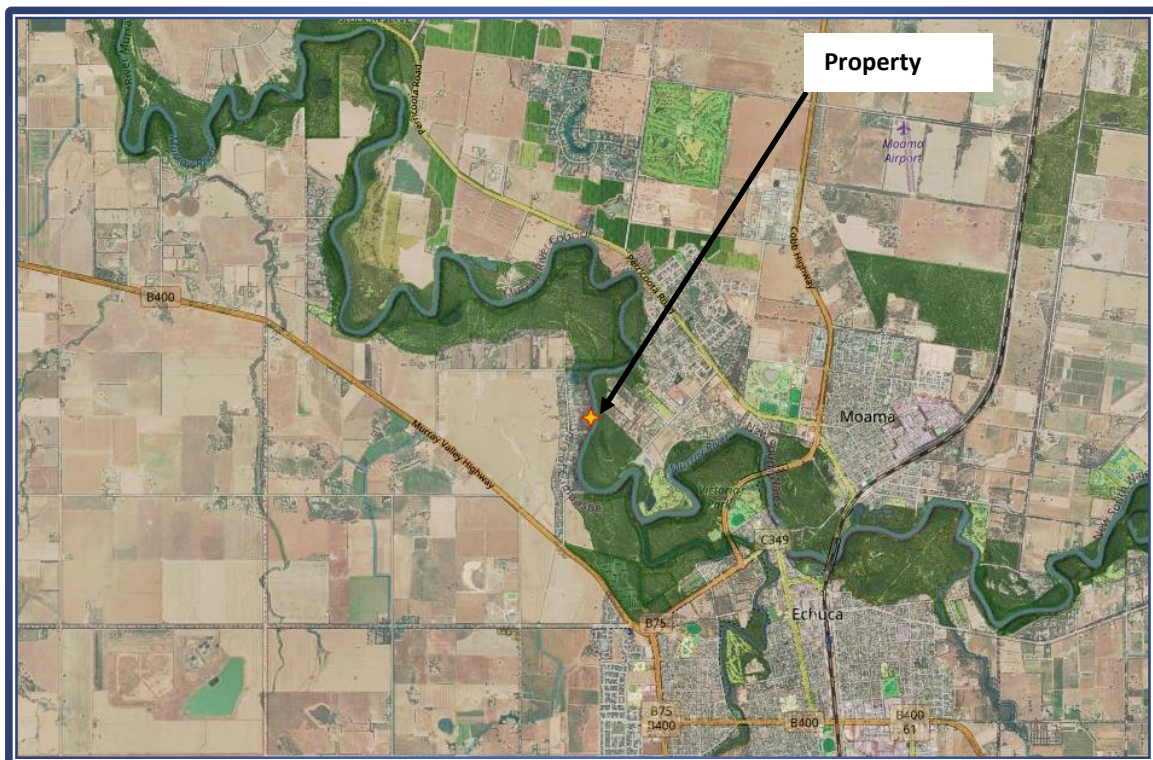


Figure 3-2 - Location of property in relation to the local area (Source: QGIS)

The New South Wales land details of the project are summarised as follows:

Table 3-1 - Land details of the project within New South Wales

Details	Specific related to project site	
Address	Merool Road Moama	
Opposite Lot	8	
Opposite Deposited Plan	751159	
Parish	Tatalla	
County	Cadell	
Local Shire	Murray River Council	
LEP Zone	Zone W2 – Recreational Waterways C3 - Environmental Management	
Catchment Area	Murray	
IBRA Sub-region	Riverina - Murray Fans	
Mitchell Landscapes	Murray Channels and Floodplains	
Plant Community Type	Inland Riverine Forests – River Red Gum – Warrego Grass (PCT – 7)	
Aboriginal Land Council	Moama Local Aboriginal Land Council	
Floodplain Management Plan	Nil	
Land Stature	W2 - Crown, C3 – Freehold (within NSW)	
GPS Reference	Easting	294832.75
	Northing	601933.61
	Zone	55
	Latitude	-36.105598
	Longitude	144.720734

The Victorian land details of the project are summarised as follows:

Table 3-2 - Land details of the project within Victoria

Details	Specific related to project site	
	Freehold	
Address	170 Wharparilla Drive, Echuca	
Plan/Section	PC375305	
Parish	Township of Echuca Parish of Echuca North	
Council Property Number	24659	
Local Government Area	Campaspe Shire Council	
Zone	UFZ – Urban Floodway Zone LDRZ – Low Density Residential Zone	
Planning Scheme	Campaspe	
Catchment Area	Murray	
IBRA Sub-region	Victorian Riverina – Murray Fans	
EVC	Grassy Riverine Forest (EVC Code 106) & Plains Woodland (EVC Code 803)	
Geographic Landform	4.1.3 – Modern Floodplains	
Registered Aboriginal Party	Yorta Yorta Nation Aboriginal Corporation	
GPS Reference	Easting	294717.55
	Northing	6001926.42
	Zone	55
	Latitude	-36.105642
	Longitude	144.719447

3.2. EXISTING SITE DESCRIPTION

The project site and surrounds consist of a modified Riverine floodplain and the Murray River Channel. The site has been subjected to extensive previous modification works including the approved retaining wall structure and other connected infrastructure on the site. There are multiple similar structures at neighbouring and surrounding properties.

The banks at this site are completely modified having been recently altered through the installation of the approved multi-level retaining walls. The existing landing, stairs and tieback points have been installed at this site connecting to the previously completed works. A stock and domestic pipeline is located on the site which has supplied water to the property for an extensive period. The following images below show the site.

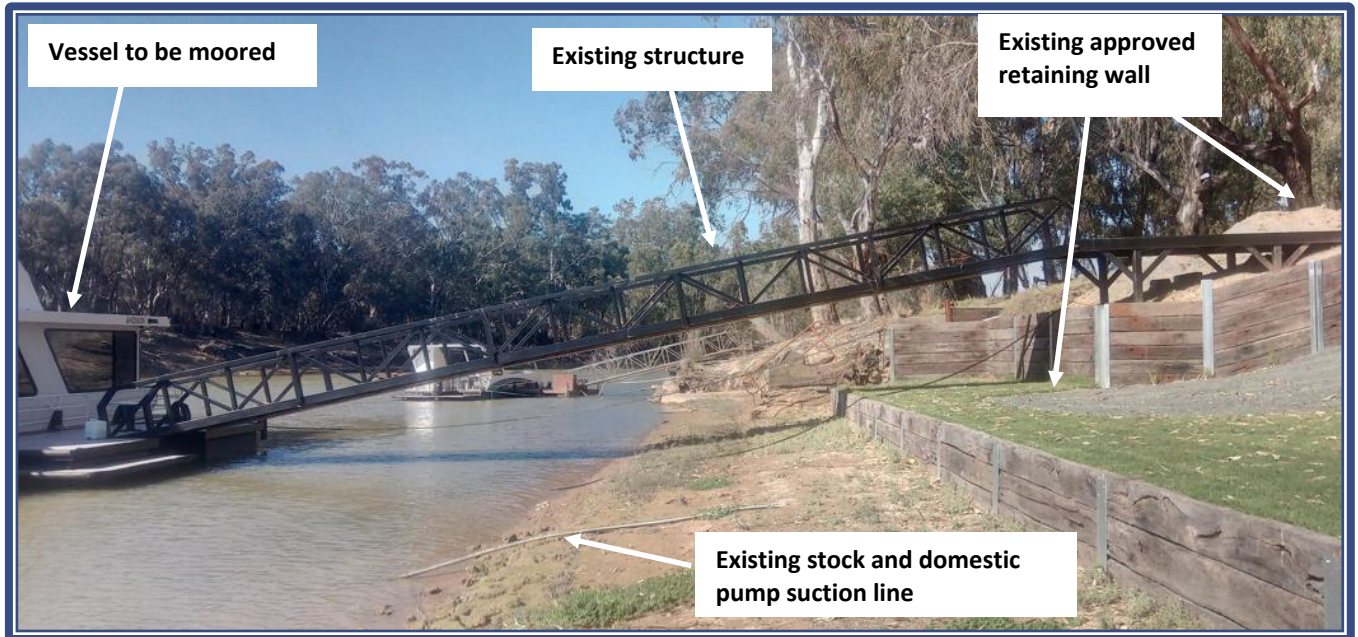


Figure 3-3 - Image of site (Source: Plan Right September 2024)



Figure 3-4 - Image of current site showing existing structure and vessel from the Victorian Bank (Source: PRS November 2024)



Figure 3-5 – Existing structure and proposed vessel to be moored looking from the Victorian bank (Source: PRS November 2024)

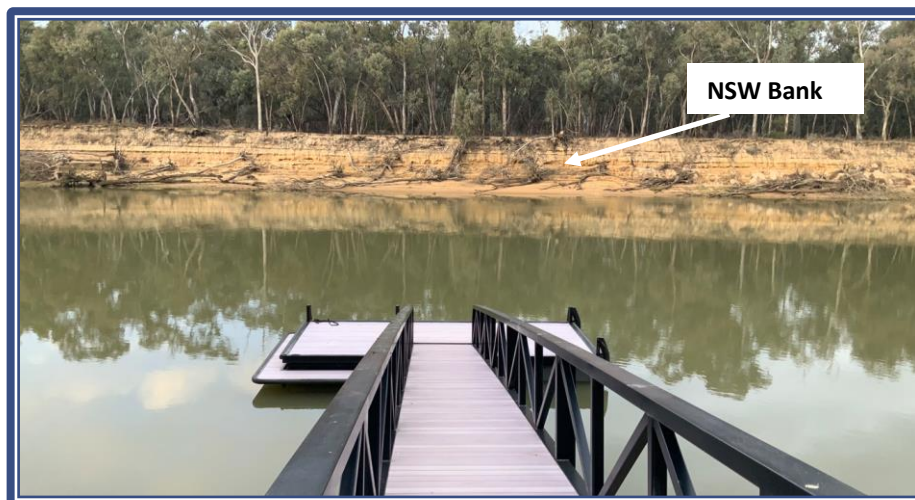


Figure 3-6 – View from the structure looking at the NSW Bank (Source: PRS July 2024)



Figure 3-7 – View from the structure looking toward the Victorian Bank (Source: PRS July 2024)

3.3. SURROUNDING AREA

The adjoining properties in this area low density residential homes that are either permanently occupied or holiday homes that are occupied on weekends and during holiday periods. The area is serviced by Victorian Wharparilla Road. Located on the opposite side of the Murray River (NSW) is Merool Road which is freehold property however consists mainly of dense native vegetation.

The Mitchell Landscape for the area 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 scalded alluvial flats, broad elevated floodplains and associated relict channels; isolated sandy rises, relief to 5m.* (Eco Logical Australia, 2008).

The area is serviced by local roads, rural water (Murray River), NBN and mobile phone service and electricity. Infrastructure such as irrigation pumps, pontoons and houseboats are extremely common in the rural and riverine environment in this area.



Figure 3-8 - Image of current site looking downstream (right) and upstream (left) (Source PRS July 2024)



Figure 3-9 – Opposite bank (NSW) from the site (source: PRS July 2024)

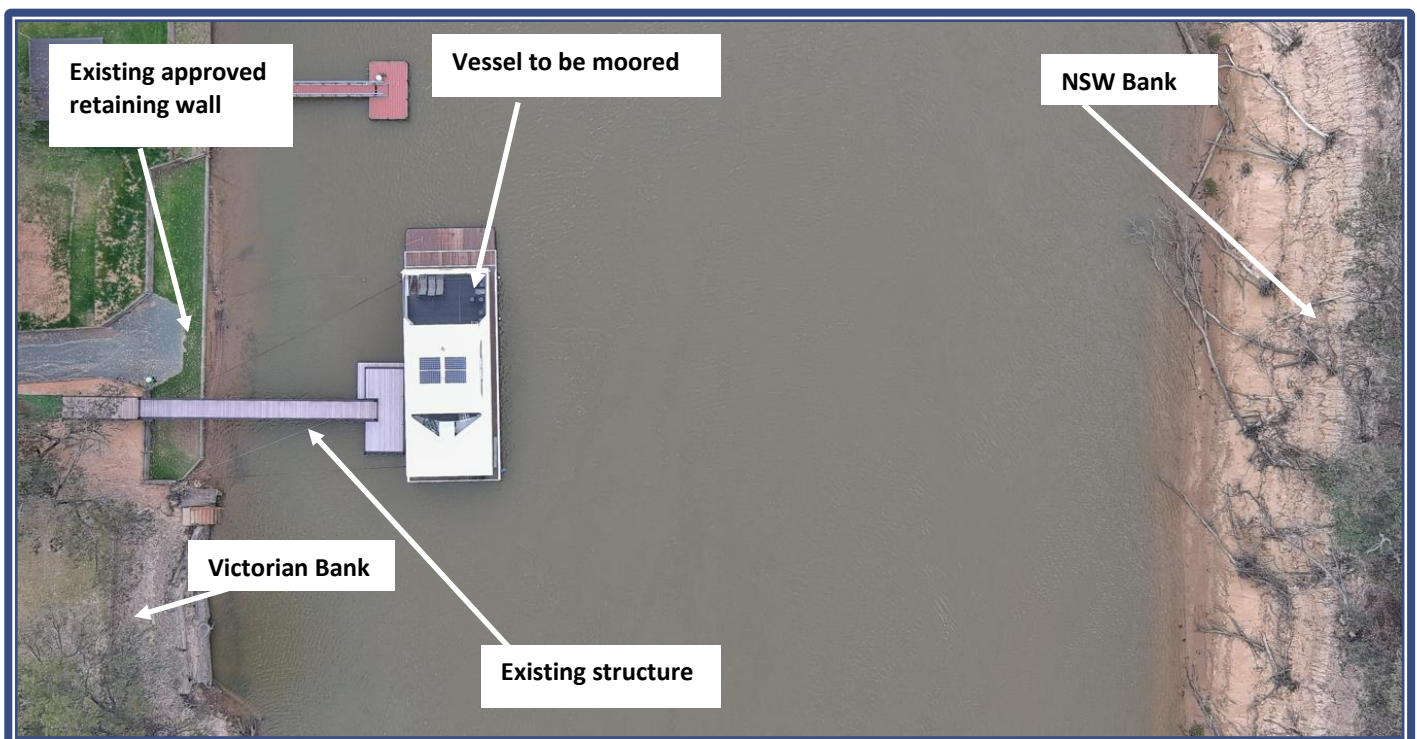


Figure 3-10 - Aerial view of site (Source - PRS November 2024)

4. DETAILS OF PROPOSAL

This application seeks to gain approval for a Murray River stock and domestic water supply system and private mooring including a walkway and pontoon for a private houseboat owned by the property owner. This includes tieback points connected to the top of the bank and a suction pipeline within the River.

The application seeks to formalise and licence the existing water supply system (small stock and domestic pump) which holds an approval through GMW, the approved retaining wall and the proposed mooring (wet berth) and related structures.



Figure 4-1 – Structures located at the site (Source: PRS April 2024)

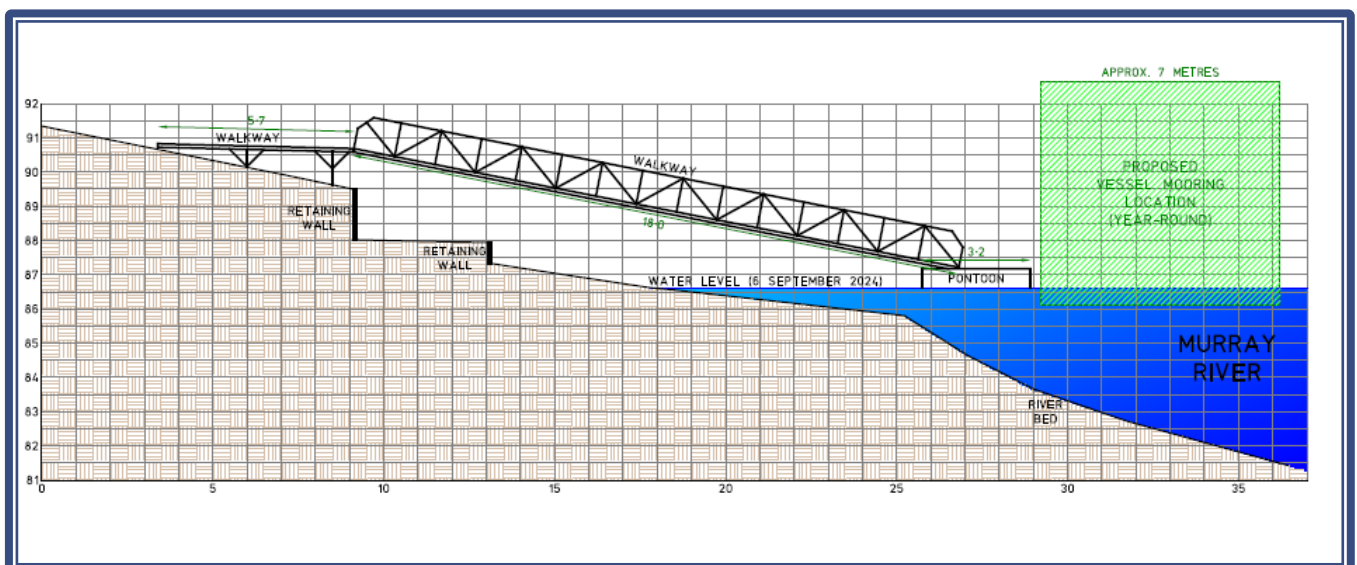


Figure 4-2 - Cross Section of the pontoon and walkway with proposed vessel at the site (Source: Excerpt Planright Plans)

4.1.1. INFRASTRUCTURE

The infrastructure at the site includes the following:

EXISTING

- Retaining wall.
- Walkway, Pontoon & tiebacks.
- Pump.

PROPOSED

- Vessel.

These are detailed further in the following.

4.1.2. EXISTING

RETAINING WALL

The site contains the existing approved and constructed retaining wall. This is a multiple tier wall that was constructed in 2021 under DA 10.2021.3.1 and planning permit PLN341/2021. No change is proposed to this structure other than for the structure to be included in the application for a new NSW Crown Land Licence.



Figure 4-3 – Photos of the approved retaining wall (Source: PRS July 2024)



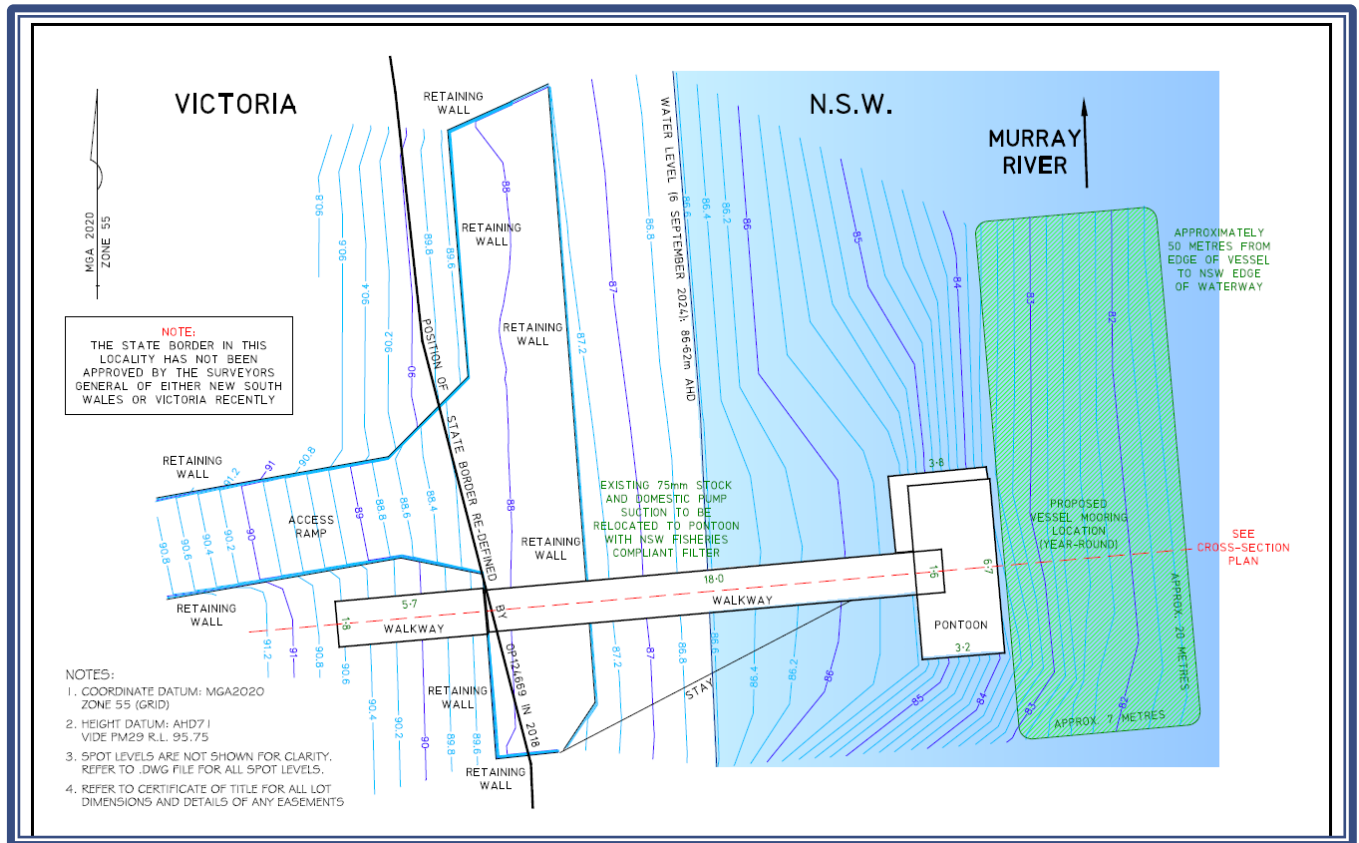
Figure 4-4 – Aerial view of the site showing of the approved retaining wall (Source: PRS July 2024)

No change is proposed to this structure.

WALKWAY, PONTOON AND TIEBACK

The infrastructure at the site includes an existing walkway and pontoon. The structure is attached to the existing retaining wall via connection points on the top of the retaining wall and the walkway and single tieback points. The walkway is 1.8m wide, with a total width of 5.7m for the connecting hinge point. The rails are 1.1m high and the walkway length is 18m.

The floating pontoon connected to the walkway is 6.7m long x 3.2m wide and has the walkway connected inset to the pontoon to add strength for vessel mooring and hinging between the structure and the bank during variable River height levels.



The structure sites on the edge of the shelf within the Murray River with minimal submergence during winter flows.

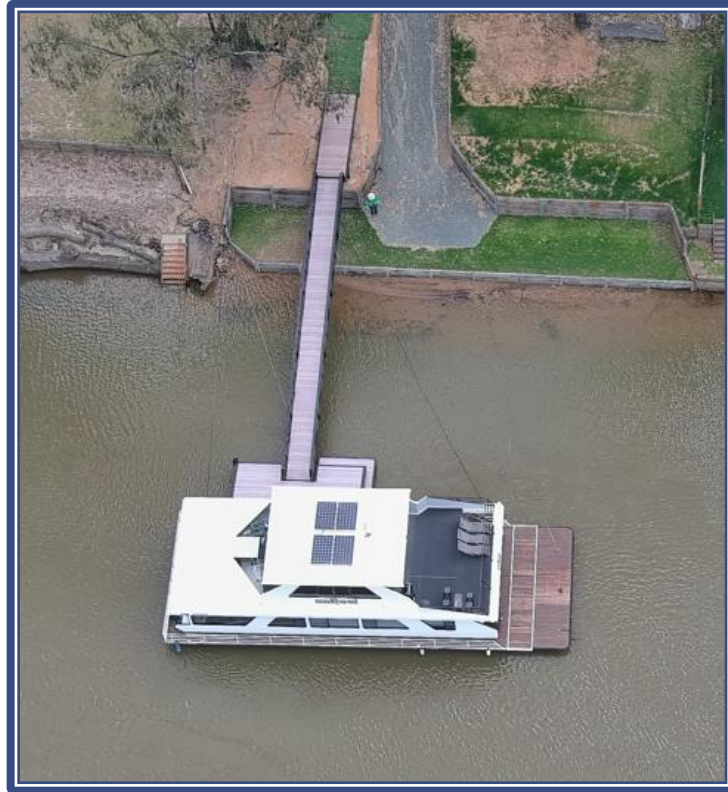


Figure 4-6 - Aerial view of the site showing the structure (Source PRS November 2024)



Figure 4-7 – Images showing the Structure tieback point and mooring line (Source PRS November 2024)



Figure 4-8 - Image of the existing landing (Source PRS November 2024)

No change is proposed to this structure,

STOCK AND DOMESTIC PUMP

The stock and domestic suction line is connected to the Murray River within NSW with the pump and delivery line located on the Victorian bank. The pump is approved under GMW WLE087671 and WUR008045



Figure 4-9 – Photo showing the location of the existing pump with relation to the structure and proposed mooring (Source: PRS)

The pump will be included on the application for a new crown land licence.

4.1.3. PROPOSED (MOORING/WET BERTH)

The application seeks approval for the mooring/wet berth of a permanent vessel which is 20m x 7m identified as rego number AHZ683N, which is a private houseboat. The vessel is proposed to be moored within the river on the downstream side of the structure during summer (where there is adequate water level) and on the outside (River channel) side of the structure during winter or lower water levels. The plans demonstrate the site in use with the vessel on the outside of the structure.



Figure 4-10 - Vessel to be permanently moored at the site (Source PRS November 2024)

5. PLANNING CONTEXT

A number of statutory planning controls need to be addressed for this project. This section reviews Commonwealth, State and local planning legislation and policies to determine what approvals are likely to be required to allow the proposed development to proceed.

5.1. COMMONWEALTH

5.1.1. 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 nine 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,*
- *Nuclear actions,*
- *The Great Barrier Reef Marine Park, and*
- *Water resources relating to coal seam gas and mining development.*

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

A review of the nine matters referred to above has been undertaken and the project works do not relate to a World heritage site, national heritage place, Ramsar wetland, Commonwealth marine area, Great Barrier Reef of coal seam gas and mining. A brief biodiversity assessment has also been undertaken which has reviewed the site in terms of nationally threatened species and communities and migratory species, with no impacts identified.

5.1.2. 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 Murray River being within the Murray Darling basin however the development works will not affect the aims and objectives of the MDBA or the operation of the Murray River.

5.1.3. 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 successful a native title claim.

5.2. STATE LEGISLATION

5.2.1. 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 5-1 – Table showing project in relation to the NSW EP&A Act clauses

Clause	Description	Project Consistent Yes/No	Explanation
4.15 – (1) a)	<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>		
i) ii) iii) iiiia) iv)	<i>any environmental planning instrument, and 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 any development control plan, and 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 the regulations (to the extent that they prescribe matters for the purposes of this paragraph) that apply to the land to which the development application relates,</i>	Yes	See Section 4
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 6
c)	<i>The suitability of the site for the development,</i>		See section 2.1
d)	<i>Any submissions made in accordance with this Act or the regulations,</i>	NA	Noted
e)	<i>The public interest.</i>	NA	Noted

Table 5-2 - Table of Approvals

Act	Sect	Approval	Required	Report location
<i>Coal Mine Subsidence Compensation Act 2017</i>	s22	Approval to alter or erect improvements, or to subdivide land within a mine subsidence district.	No	NA
<i>Fisheries Management Act 1994</i>	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 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.	No No No No	NA
<i>Heritage Act 1977</i>	s57	Approval in respect of doing or carrying out of an act, matter of thing referred to.	No	NA
<i>Mining Act 1992</i>	s63 or s64	Grant of a mining lease.	No	NA
<i>National Parks and Wildlife Act 1974</i>	s90	Grant of an Aboriginal Heritage Impact Permit.	No	NA
<i>Petroleum (onshore) Act 1991</i>	s16	Grant of a production lease.	No	NA
<i>Protection of the Environment Operations Act 1997</i>	s43(a), 47 & 55	Works relating to the following sections of the including Environment protection licence to authorise carrying out of scheduled development work.	No 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 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 No No	NA
<i>Roads Act 1993</i>	s138	Erect a structure or carry out a work in, on or over a public road	No	NA
		dig up or disturb the surface of a public road	No	
		remove or interfere with a structure, work or tree on a public road	No	
		pump water into a public road from any land adjoining the road	No	
		connect a road (whether public or private) to a classified road.	No	
<i>Rural Fires Act 1997</i>	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
<i>Water Management Act 2000</i>	s89	Water use approval.	No	NA
	s90	Water management work approval.	No	NA
	s91	Activity approval.	No	NA

Table 5-3 - Table of Integrated Development Approvals

Act/EPI	Sect	Referral & Concurrence Required	Required	Report location
<i>Biodiversity Conservation Act 2016</i>	7.12	Where a development application indicates that a reduction is being sought in the number of biodiversity credits to be retired under the BDAR.	No	NA
<i>Fisheries Management Act 1994</i>	221ZZ	Where the development is likely to significantly affect threatened species, populations or ecological communities, unless the consent authority has obtained the concurrence of the Fisheries Agency Head	No*	Section Error! Reference source not found.

*Consideration of requirements under the Fisheries Management Act 1994 have been undertaken as part of this assessment

5.2.2. 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 5-4 - Table of State Environmental Planning Policies

State Environmental Planning Policy		Relevant	Comment
<i>Biodiversity Conservation 2021</i>			
Ch.2	<i>Vegetation in non-rural areas</i>	No	No clearing of land required.
Ch.3	<i>Koala Protection 2020</i>	No	No change to habitat.
Ch.4	<i>Koala Protection 2021</i>	No	No change to feeding trees.
Ch.5	<i>Murray Lands</i>	Yes	See Table 5-5 below for further comment.
<i>Building Sustainability Index: BASIX 2004</i>		No	Not Relevant.
<i>Exempt and Complying Development Codes 2021</i>		No	Project is not exempt.
<i>Housing 2021</i>		No	Not Relevant.
<i>Industry and Employment 2021</i>		No	Not Relevant.
<i>Planning Systems 2021</i>		Yes	Concurrence and Referrals.
<i>Primary Production 2021</i>		No	Project is not an artificial waterbody, intensive livestock industry.
<i>Resilience and Hazards 2021</i>		No	Not Relevant.
<i>Resources and Energy 2021</i>		No	Not Relevant.
<i>Transport and Infrastructure 2021</i>		No	Not Relevant.
<i>Design Quality of Residential Apartment Development</i>		No	Not Relevant.

5.3. 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.

5.3.1. SEPP (BIODIVERSITY CONSERVATION) 2021 – CHAPTER 5: MURRAY LANDS

Table 5-5 – Project in consideration of SEPP (Biodiversity Conservation) 2021 - Chapter 5

Clause	Description	Project Consistent Yes/No	Explanation
5.8	<i>General Principles</i> <i>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.

Clause	Description	Project Consistent Yes/No	Explanation
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	This section of the Murray River has been highly modified. Significant structures, and change has occurred within this area. The addition of a small vessel at this site is unlikely to have a detrimental impact on the River Murray.
5.9	<i>Specific Principles</i> <i>When this art applies, the following must be taken into account -</i>		
Access	<i>* The waterway and much of the foreshore of the River Murray is a public resource. Alienation or obstruction of this resource by or for private purposes should not be supported.</i> <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> <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>	Yes No Yes	No change is proposed in access to the Murray River. Structure uses existing access to the site. See application for varying this Clause in Appendix 5 . This site does not have public access to the River bank except from within the Murray River. This structure and mooring will not alter that access.
Bank disturbance	<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	Works do not relate to the alteration of the banks of the Murray River.
Flooding	<i>* Where land is subject to inundation by floodwater:</i> <i>(a) the benefits to riverine ecosystems of periodic flooding,</i> <i>(b) the hazard risks involved in developing that land,</i> <i>(c) the redistributive effect of the proposed development on floodwater,</i> <i>(d) the availability of other suitable land in the locality not liable to flooding,</i> <i>(e) the availability of flood free access for essential facilities and services,</i> <i>(f) the pollution threat represented by any development in the event of a flood,</i> <i>(g) the cumulative effect of the proposed development on the behaviour of floodwater, and</i> <i>(h) the cost of providing emergency services and replacing infrastructure in the event of a flood.</i> <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>	Yes Yes	Application footprint is located within flood prone area being the Murray River channel. The walkway is hinged allowing for river height fluctuation. The is designed similar to surrounding structures which withstood the 2022/2023 flood remaining within the River with no impact to or from the structure. No flood mitigation works proposed.

Clause	Description	Project Consistent Yes/No	Explanation
Land degradation	<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	The walkway and pontoon are unlikely to increase erosion at the site or contribute to land degradation.
Landscape	<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 6.1 no vegetation is required to be removed. Existing vegetation on the banks is proposed to remain.
River Related Uses	<i>* Only development which has a demonstrated, essential relationship with the river Murray should be located in or on land adjacent to the River Murray. Other development should be set well back from the bank of the River Murray. * Development which would intensify the use of riverside land should provide public access to the foreshore.</i>	Yes Yes	The Murray River is essential to the project works being pontoon and a pump for water supply and mooring/wet berth. Works proposed to maintain the use and connection of the property to the Murray River.
Settlement	<i>* New or expanding settlements (including rural-residential subdivision, tourism and recreational development) should be located: a) on flood free land, b) close to existing services and facilities, and c) on land that does not compromise the potential of prime crop and pasture land to produce food or fibre.</i>	Not Applicable	NA
Water quality	<i>* All decisions affecting the use or management of riverine land should seek to reduce pollution caused by salts and nutrients entering the River Murray and otherwise improve the quality of water in the River Murray.</i>	Yes	This application does not relate to any action that will increase salts or nutrients entering the waterway.

COMMENT

The project is in line with all aims, objectives and planning principles of the Biodiversity conservation SEPP 2021.

5.3.1. RIVERINA MURRAY REGIONAL PLAN 2041

The *Riverina Murray Regional Plan 2041* is a 20 year blueprint for the future of the Riverina Murray. This application has considered the goals and directions of the plan in table below

Table 5-6 – Project in consideration of the Murray Regional Plan 2041

Objective	Description	Project Consistent Yes/No	Explanation
Part 1: Environment			
1	<i>Protect, connect and enhance biodiversity throughout the region</i>	Yes	The works are not likely to negatively impact biodiversity at or surrounding the site. Biodiversity is further discussed below in section 6.1.
2	<i>Manage development impacts within riverine environments</i>	Yes	The existing structure is similar to structures commonly seen along the Murray River in this area and existing on neighbouring properties.

Objective	Description	Project Consistent Yes/No	Explanation
3	<i>Increase natural hazard resilience</i>	Yes	The structure is designed with consideration of flood hazards.
Part 2: Communities and places			
4	<i>Support Aboriginal aspirations through land use planning</i>	NA	Not Applicable.
5	<i>Ensure housing supply, diversity, affordability and resilience.</i>	NA	Not Applicable.
6	<i>Support housing in regional cities and their sub-regions</i>	NA	Not Applicable.
7	<i>Provide for appropriate rural residential development</i>	NA	Not Applicable.
8	<i>Provide for short-term accommodation</i>	NA	Not Applicable.
9	<i>Plan for resilient places that respect local character</i>	NA	Not Applicable.
10	<i>Improve connections between Murray River communities</i>	NA	Not Applicable.
11	<i>Plan for integrated and resilient utility infrastructure</i>	NA	Not Applicable.
Part 3: Economy			
12	<i>Strategically plan for rural industries</i>	NA	Not Applicable.
13	<i>Support the transition to net zero by 2050</i>	NA	Not Applicable.
14	<i>Protecting and promoting industrial and manufacturing land</i>	NA	Not Applicable.
15	<i>Support the economic vitality of CBDs and main streets</i>	NA	Not Applicable.
16	<i>Support the visitor economy</i>	NA	Not Applicable.
17	<i>Strategically plan for health and education precincts.</i>	NA	Not Applicable.
18	<i>Integrate transport and land use planning</i>	NA	Not Applicable.

COMMENT

The project is in line with all aims, objectives and planning principles of the Murray Regional Plan 2041

5.4. 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.

5.4.1. 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 5-7 – Table of Murray LEP clauses

Clause	Description	Project Consistent Yes/No	Explanation
1.2(2)	The aims of the Murray LEP are:		
aa)	<i>to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</i>	NA	Not applicable to this project.
a)	<i>to encourage sustainable economic growth and development within Murray</i>	NA	Not applicable to this project.
b)	<i>to encourage sustainable economic growth and development within Murray</i>	NA	Not applicable to this project.
c)	<i>to identify, protect, conserve and enhance Murray's natural assets</i>	Yes	Project will not impact or remove Murray's natural assets. No vegetation existing or fallen will be removed as part of the project.
d)	<i>to identify and protect Murray's built and cultural heritage assets for future generations</i>	Yes	Project does not require the removal of any native vegetation or cultural heritage.
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)	<i>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.</i>	NA	Not applicable to this project.
2.1	Land Use Zones		
Waterway Zones	<i>W2 – Recreational Waterways</i>	Yes	See below.
5	Miscellaneous provisions		
5.10	<i>Heritage Conservation.</i>	Yes	See sections 6.2
5.21	<i>Flood Planning</i>	Yes	See below.
7	Additional Local Provisions		
7.1	<i>Essential Services</i>	NA	The project does not involve the change to any essential services at the project site
7.2	<i>Earthworks</i>	NA	There are no excavation works as a part of this project
7.3	<i>Biodiversity Protection</i>	Yes	See below.
7.4	<i>Development of Riverfront areas</i>	Yes	Yes, works relate to water recreation.
7.5	<i>Riparian Land and Murray River and other watercourses- general principles</i>	Yes	See below.
7.6	<i>Additional provisions – Development on river bed and banks of Murray and Wakool Rivers</i>	Yes	There are no further works proposed as part of this application.
7.7	<i>Wetlands</i>	Yes	See below.

LAND USE ZONING

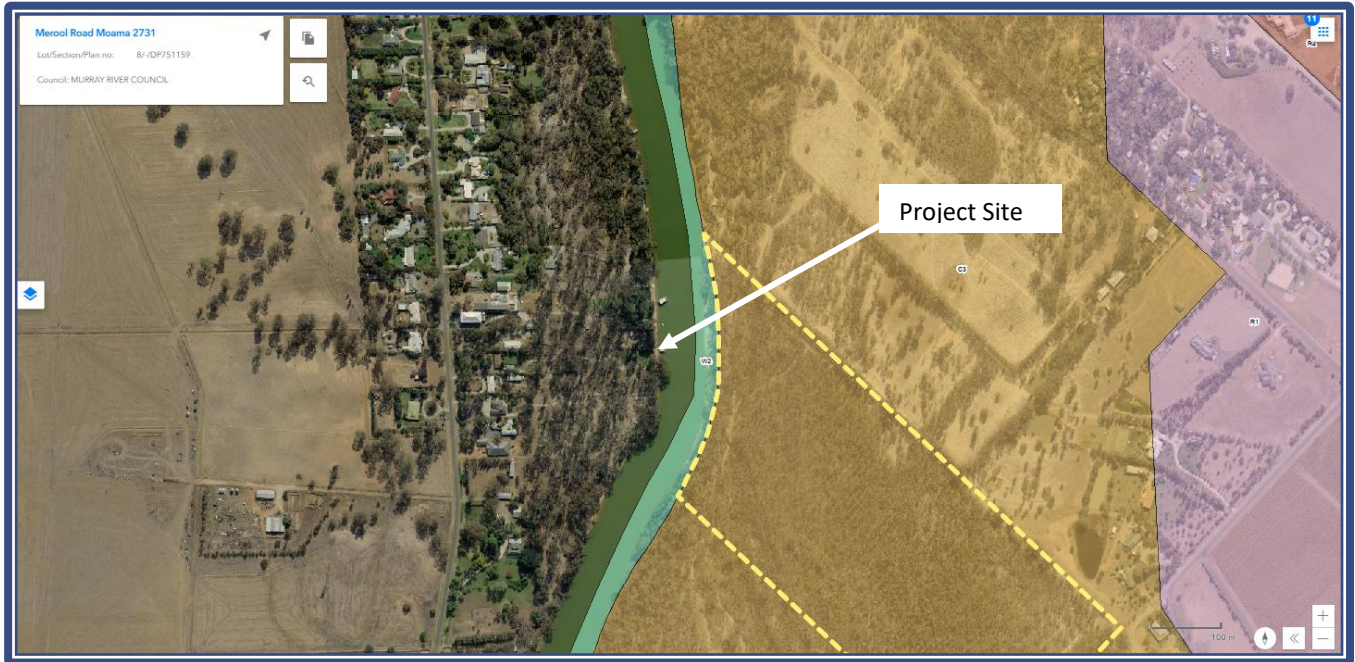


Figure 5-1 – NSW Zoning Overlay (Source ePlanning Spatial Viewer)

The proposal is located within W2 – Recreational Waterways Zone.

W2 – Recreational Waterways Zone which has the following objectives:

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.

COMMENT

The use of the area within NSW considering the infrastructure within this zone is consistent with the objectives where relevant and are permitted with consent. This application is for the following:

1. **Mooring** which is described as *a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen, and*
2. **water supply system** which is described as *the following—*
 - (a) *a water reticulation system,*
 - (b) *a water storage facility,*
 - (c) *a water treatment facility,*
 - (d) *a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).*

Specifically a **water reticulation system** means *a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure and dosing facilities.*

MURRAY LEP CLAUSE 5.21 FLOOD PLANNING

The area within the waterway proposed for occupation of the structure is shown below together with the Flooding overlay. It can be seen that the Flooding overlay (blue) encompasses the area of and opposite of the project site.

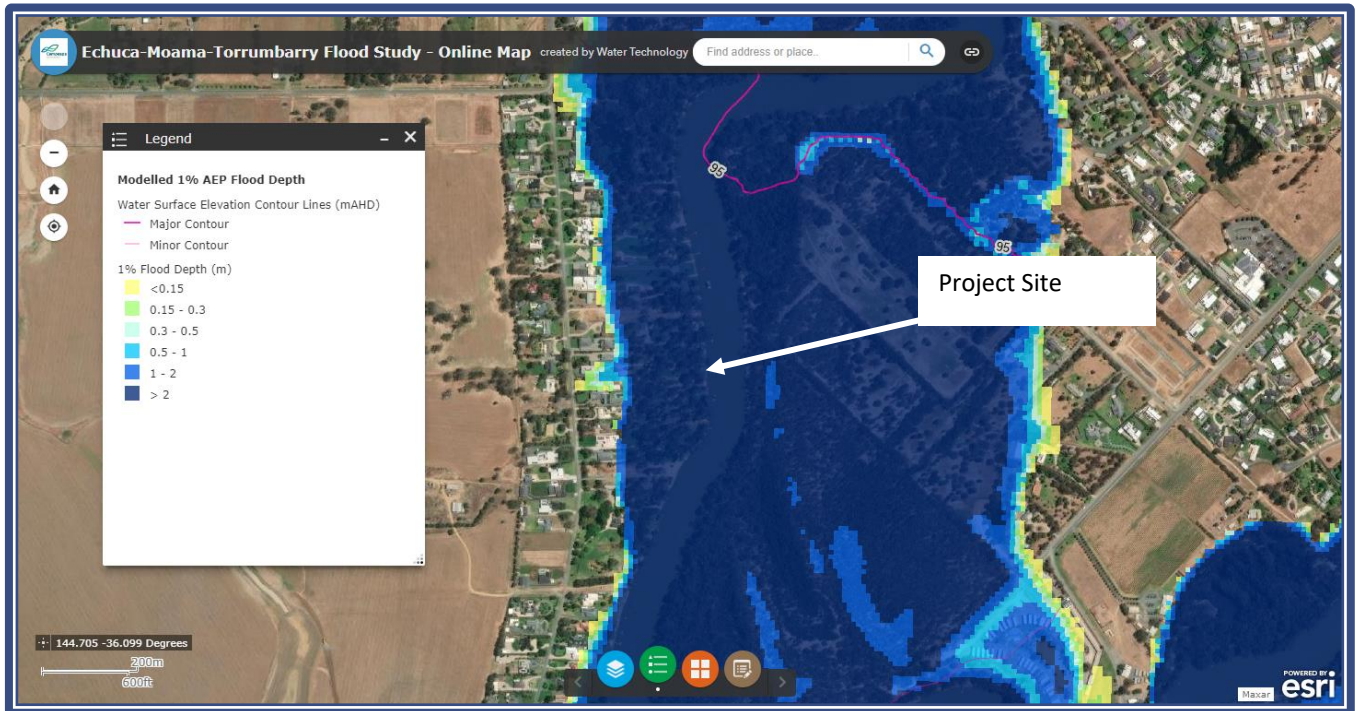


Figure 5-2 – Echuca-Moama-Torrumbarry Flood Study 1% AEP (Source Campaspe Shire)

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

The area of the site is covered by a NSW Flood Overlay and the site being located within the Murray River will be subject to flooding. The application proposes the continued use of a walkway and pontoon for a permanent private mooring and an existing small pump. The structure has been built by an engineering firm with experience in structures of this type. The existing structure and connection point has withstood significant river flows. The proposed vessel will be removed during major flooding events.

MURRAY LEP - CLAUSE 7.3 – BIODIVERSITY PROTECTION

The land proposed for the project work is shown below together with the Terrestrial Biodiversity overlay. It can be seen that project is located within the terrestrial biodiversity overlay area.

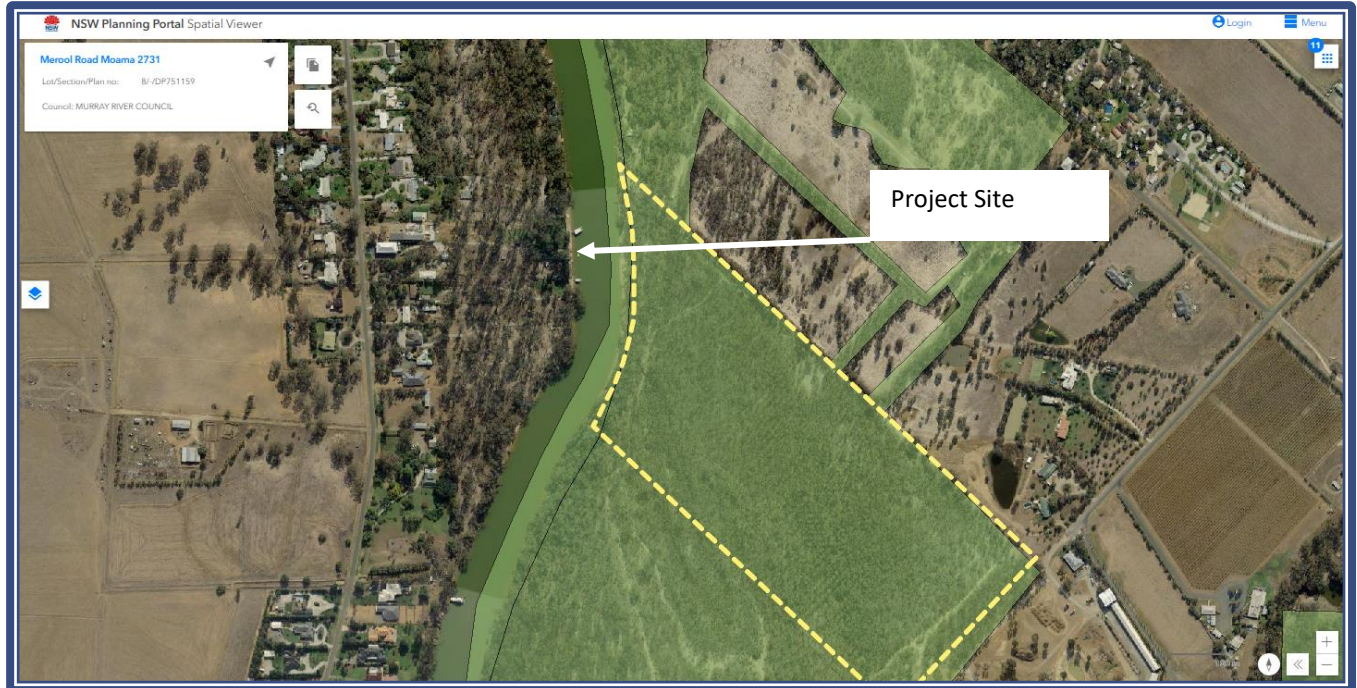


Figure 5-3 – NSW Terrestrial Biodiversity Overlay (Source ePlanning Spatial Viewer)

The Murray LEP 2011, has the following objectives with regard to land identified as “Biodiversity on the Terrestrial Biodiversity Map:

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

MURRAY LEP - CLAUSE 7.7 WETLANDS

The land proposed for the project works is shown below together with the Wetlands map. It can be seen that the Wetlands overlay is present opposite the site.

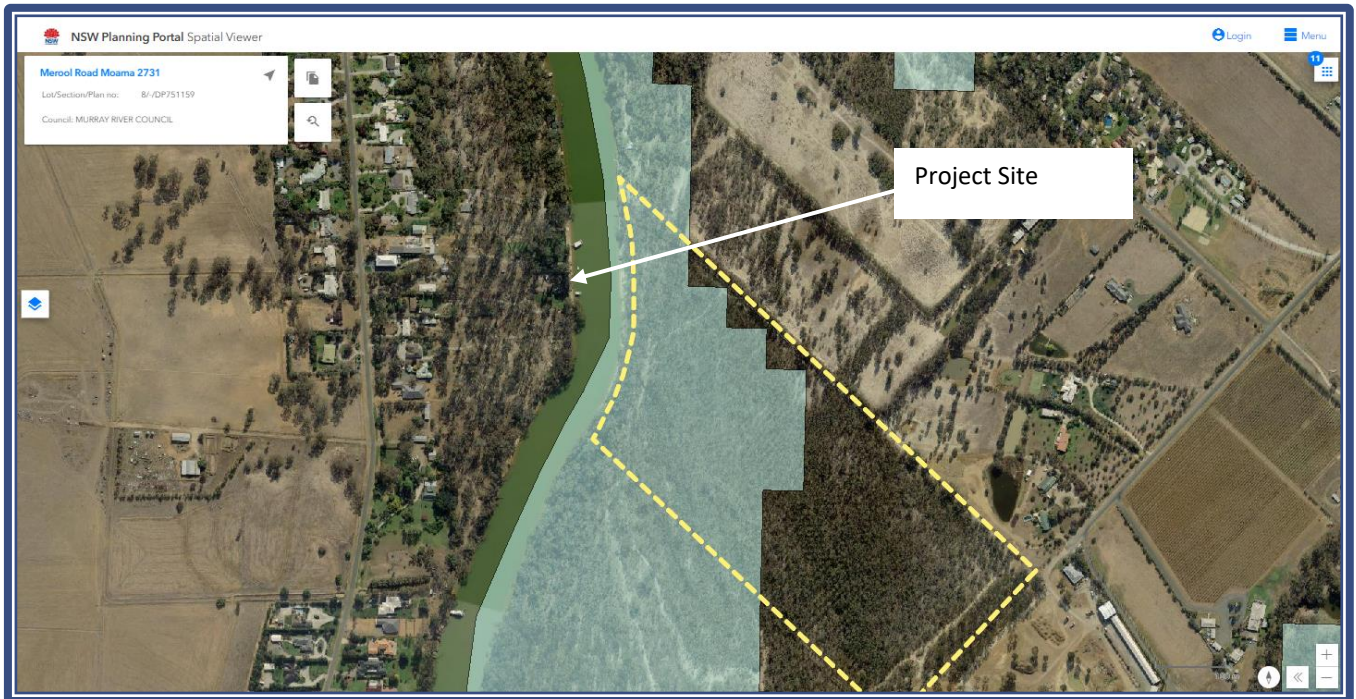


Figure 5-4 - NSW Wetlands Overlay (Source ePlanning Spatial Viewer)

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

COMMENT

The design of the pontoon structure has considered any potential impact to the wetland area in this overlay. The project work and activity 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.

MURRAY LEP - 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.

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

The land proposed for the project works is shown below together with the Riparian Land and Watercourse Map. It can be seen that the Riparian Land and Watercourse overlay is not present.

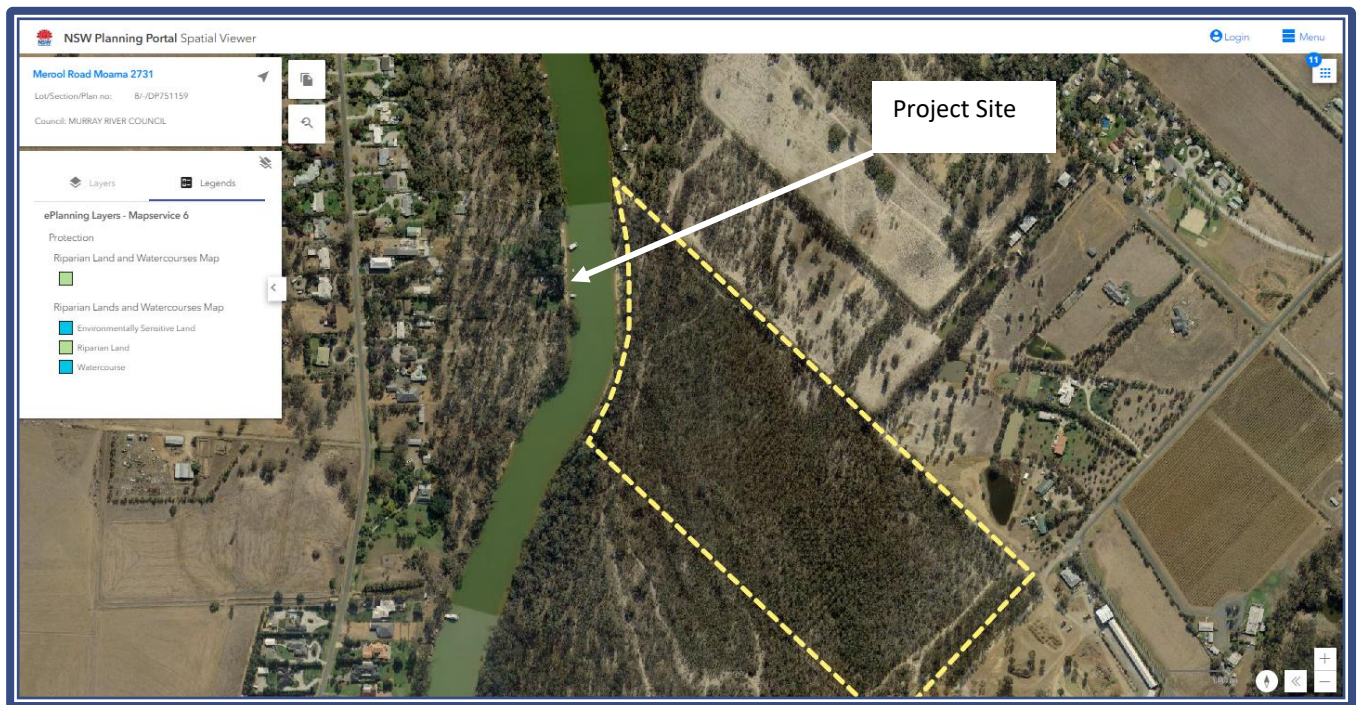


Figure 5-5 - Overlay Riparian Lands and Watercourses (Source ePlanning Spatial Viewer)

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 proposed use of the site for a mooring and continued use of the site for a pump will not increase the extraction from the river and there is no evidence of the site increasing siltation of the river, there is no change the existing access to the river and use does not diminish historic, scientific, cultural social archaeological, architectural, natural or aesthetic significance.

OTHER PLANNING LAYERS

The site proposed for the project works has been reviewed with none of the following “Protection layers” identified:

- Acid Sulfate Soils,
- Drinking Water Catchment,
- Mineral and Resource Land,
- Obstacle Limitation Surface,
- Groundwater Vulnerability,
- Salinity,
- Scenic Land Protection, and
- Environmentally Sensitive Land.

5.4.2. 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 5-8 – Project in consideration of the Murray Development Control Plan

Clause	Planning Control	Project Consistent Yes/No	Explanation
10.1	Visual Amenity		
Objectives			
<ul style="list-style-type: none"> To protect the visual amenity created by the natural river environment. To avoid works and structures that have a detrimental visual impact. 			
	<i>All structures and buildings are to be designed to minimise the visual impact on the natural environment.</i>	Yes	Please see Section 6.3 .
	<i>Buildings and structures are to utilise materials and colours that blend with the natural environment. Bright or reflective colours (unless necessary for safety reasons) and materials will not be supported by council.</i>	Yes	The structure is consistent with other structures installed within the area and has been relocated from another location on the River. It has been constructed using materials that are complementary to the environment.
	<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	Project is not for a building and landscaping at the structure is not an option as it will impact on use of the site.
10.2	Boat Ramp		
Project does not relate to a boat ramp			
10.3	Pontoons and Walkways		
Objectives			
<ul style="list-style-type: none"> To restrict floating pontoons, walkways and jetties in the Murray Shire. To preserve the riverine environment from unsightly, artificial structures that have a detrimental affect on the ecological river system. To ensure river structures do not impact on river traffic safety. 			
<i>control the approval of new moorings and ensure that new moorings are appropriately located.</i>			
	<i>Pontoons, walkways and jetties for private recreational use are not permitted.</i>	No	Walkway and jetty is for private use however relates to a mooring.
	<i>Pontoons and walkways will be assessed on their merits where they are fundamental and ancillary to large scale tourist developments.</i>	No	Structure does not relate to a tourist development.
	<i>Pontoons and walkways may still be permissible within private waterways/marinas and to provide safe access to approved mooring sites.</i>	Yes	Structure is relating to a domestic pump and a new mooring at the site. The structure allows access to the mooring on this site as without the structure, the mooring is not accessible.
	<i>Pontoons and walkways for the placing of water pumps will only be considered in exceptional circumstances where the pump is substantial and will service many properties.</i>	Yes	The proposed structure is for a new mooring at the site. The existing pump suction is located within the vicinity of and is protected by the structure.
	<i>Walkways and landings are to be hinged from the high bank of the waterway and floating so they can rise and fall with the water levels</i>	Yes	Hinges from the wall on the top of the bank and will allow the structure to rise and fall with water levels.
	<i>All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into the adjacent waterway.</i>	NA	No vegetation or soil disturbance is required as site is existing and no additional works are proposed.
	<i>Pontoons and walkways are to be fitted with reflective markers for the purposes of navigation.</i>	Yes	Requirement will be met as part of the structure approval.
10.4	Retaining Walls		
Project does not relate to any change to the existing retaining wall			
10.5	Stairs		
Project does not relate to stairs			

Clause	Planning Control	Project Consistent Yes/No	Explanation
10.6	Mooring		
Objectives			
<ul style="list-style-type: none"> To implement Council's mooring management plan. To control the approval of new moorings and ensure that new moorings are appropriately located. To ensure new moorings do not adversely impact on river traffic safety. To minimise the environmental impact caused by moorings. 			
Moorings cannot be transferred from private marinas to the Murray River.		Yes	The application is to gain approval for existing structure and new mooring at the site.
The mooring is to be constructed at a stable point in the river i.e. at a site not prone to erosion or an outside bend of a river.		Yes	The proposed location is considered the best possible location option adjacent to the property.
Moorings are to be hinged to the high bank of the waterway and floating so they can rise and fall with the water levels.		Yes	The structure has appropriate hinge to allow the rise and fall of the structure and moored vessel with water levels.
Deep water or weir pools are the preferred location for moorings.		Yes	Site varies in depth being up to 1.8m deep at the site which is considered deep enough for mooring per the landholders and Maritimes information.
All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into the adjacent waterway.		Yes	There are no works proposed as part of this application.
All mooring locations are to be situated at a safe and appropriate location in consultation with relevant agencies.		Yes	Mooring structure will not protrude into the rivers navigable waters and is aligned with other structures and vessels in this area.
Applications are to detail compliance with the Mooring Management Plan. Council will use the following criteria in assessing applications for moorings:		Yes	There is no Mooring Management Plan in the Murray River Council area.
<ul style="list-style-type: none"> If the mooring or mooring structure is located within the Murray River, whether it is located in a NSW Maritime designated mooring zone. 		Yes	Application is only for one mooring.
<ul style="list-style-type: none"> No more than one mooring or mooring structure per lot or holding is permitted (this does not apply to a marina). 		Yes	See Section 2.1
<ul style="list-style-type: none"> Site analysis and design response given location and site-specific constraints. 		Yes	Preliminary consultation has occurred with relevant agencies and is described above in section 2
<ul style="list-style-type: none"> Written referral comments from relevant government departments and agencies. 		Yes	As per Aboriginal Cultural Heritage is discussed further in section 6.2
<ul style="list-style-type: none"> Whether the proposed works are likely to impact upon Aboriginal or European cultural heritage, including known maritime archaeological sites. 		Yes	As per visual amenity section 6.3
<ul style="list-style-type: none"> Visual impact issues. 		Yes	No change proposed from existing access.
<ul style="list-style-type: none"> Vehicle and pedestrian access issues. 		Yes	Any waste collected on the vessel will be removed from the vessel and disposed of appropriately.
<ul style="list-style-type: none"> Waste management issues. 		Yes	No service connections proposed.
<ul style="list-style-type: none"> Whether the connection of services is proposed and the impact of any necessary works. 		Yes	

Clause	Planning Control	Project Consistent Yes/No	Explanation
	<ul style="list-style-type: none"> <i>Whether there are any cumulative impacts.</i> 	Yes	Nil cumulative Impacts identified as the site is significantly modified in its existing condition.
10.7	Liability and public Safety		
Objectives			
	<ul style="list-style-type: none"> <i>To protect the public from harm or injury from using approved river structures.</i> 		
	<i>All pontoons or walkways are to be provided with an engineer's certificate validating the structural integrity.</i>	Yes	Engineer's certification will be gained as part of the revised structure on approval where conditioned.
	<i>All private structures are to have restricted access and appropriate signage to prohibit unauthorised use.</i>	Yes	Noted.
	<i>Owners of public facilities are to supply Council with a copy of their public liability insurance.</i>	Yes	Can be supplied upon request

COMMENT

The project is in line with all aims, objectives and planning principles of the *Murray Development Control Plan 2011* with the exception of the planning control identifying that the pontoon should be connected to a tourist development and pontoons being restricted within the River for private recreation.

6. 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 submission. The findings of the preliminary environmental assessment are provided in Table 6-1, with reference to each of the environmental aspects potentially relevant to the project.

Table 6-1 - Preliminary Environmental Assessment

Environmental Aspect	Preliminary Environmental Assessment	Further Assessment Required of Project?
Surface Water	This project seeks approval for the activity of a mooring and use of the existing structure within the River to facilitate this use. The application also seeks approval of an existing domestic and stock pump within the River being of small size and volumetric flow. The use of this proposed works will not impact on surface waters within the environment. The pump has an existing approval from GMW for the use.	No
Ground Water	There are no excavation works proposed with all excavation works previously undertaken as part of the retaining wall application. The use of the site will not impact on groundwater systems within the environment.	No
Biodiversity	No vegetation requires removal for the continued use of the site for a domestic pump or the activity of mooring a vessel. No snags or logs require relocation. Consideration of aquatic species provided in the following section.	See Section 6.1
Air Quality	The use of the site for a domestic pump and the mooring of a vessel is unlikely to impact negatively on air quality.	No
Noise	The pump is unlikely to impact negatively on surrounding areas with relation to noise due to its small size. It is an electric pump and has been in operation without any issue raised for a significant period of time. It is used at any time throughout the day or night and no change is proposed to its type, siting or operation.	No
Historical Heritage	Works are not related to and will not impact any heritage item based on searches of National, State and Locally listed items.	No
Aboriginal Heritage	There are no ground disturbance activities required and no vegetation requires removal for the operation.	See below Section 6.2
Visual Amenity	The mooring structure is similar to others that are located in this stretch of the river. Materials have been chosen that complement the surrounding environment and the walkway and pontoon will be fitted with required reflectors and marker to assist with visibility and the navigation of passing vessels.	See below Section 6.3
Traffic	The approval of a new mooring and mooring structure will not change the access point to the property of generate additional traffic volumes. The site is accessed from Victoria with no impact to the NSW Road network.	No
Waste	No waste will be generated as part of this project. The vessel waste will be deposited at one of the closest waste disposal points, being the Echuca East Boat Ramp or the Victoria Park Boat Ramp	No

Further details relating to the required assessments are provided in the following pages.

6.1. BIODIVERSITY

METHODOLOGY

A review of the project work and activity has been undertaken to assess and identify potential impacts to biodiversity as part of the construction or operation of the project. Specifically, the project considered potential impacts to threatened species, populations, communities and biosecurity. A copy of the completed search results and detailed assessment are provided in **Appendix 6**.

The assessment methodology includes:

- Background review including:
 - Database searches of Bionet, EPBC Protected Matters, NSW Weedwise, NSW DPI – Fisheries, Atlas of Groundwater Dependant Ecosystems, and the SEED Data portal, Vic Nature Kit,
 - BOSET report,
 - Desktop assessment.

- Site inspection including:
 - Presence of mature trees with hollows, fissures and/or other suitable roosting/nesting places,
 - Presence of hollow logs/debris and areas of dense leaf litter,
 - The presence of preferred feed tree species,
 - Condition, flow and water quality of drainage lines and bodies of water,
 - Plant Community Type and condition,
 - Presence of fruiting flora species and blossoming flora species, particularly winter flowering species,
 - Vegetation connectivity and proximity to neighbouring areas of vegetation,
 - Presence of caves, hollow trees and/or man-made structures suitable as bat roost sites,
 - Native flora species and vegetation communities present,
 - Opportunistic fauna sightings, and
 - Weed species present and their abundance.
- Five part test considering the presence of habitat, likelihood of occurrence and possible impact to the species.

ASSESSMENT FINDINGS

The desktop searches undertaken, and site inspection reviewed the project site with relation to the NSW Biodiversity Values mapping and any clearing required as part of the project works. Due to the site selection of the project and there being no physical works required, **no clearing of native vegetation is required**, and it has been determined that Biodiversity Development Assessment Report (BDAR) is not required and the NSW 'Five part test' assessment has been applied.

The 'Five part test' has been undertaken following collation of database records, species and community profiles reviewing species known to occur within the area and with the potential to be impacted by the project construction or operation.

In summary the attached searches identified the following:

- No native vegetation of any form requires removal as part of the proposal and no dead limbs, fallen timber or logs are proposed for removal within the works area.
- There are twelve Listed Threatened Ecological Communities within the area which are identified as follows:
 - *Acacia melvillei* Shrubland in the Riverina and Murray-Darling Depression bioregions (Bionet).
 - *Allocasuarina luehmannii* Woodland in the Riverina and Murray-Darling Depression Bioregions (Bionet)
 - *Buloke (Allocasuarina luehmannii)* Woodlands of the Riverina and Murray-Darling Depression Bioregions (PMST & Bionet)
 - *Grey Box (Eucalyptus microcarpa)* Grassy Woodlands and Derived Native Grasslands of South-eastern Australia (Bionet & PMST)
 - *Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Penneplain, Nandewar and Brigalow Belt South Bioregions* (Bionet)
 - *Weeping Myall Woodlands* (Bionet & PMST)
 - *Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Penneplain, Murray-Darling Depression, Riverina and NSW South Western Slopes bioregions* (Bionet).
 - *Natural Grasslands of the Murray Valley Plains* (Bionet & PMST)
 - *Sandhill Pine Woodland in the Riverina, Murray-Darling Depression and NSW South Western Slopes bioregions* (Bionet).
 - *Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains* (Bionet & PMST)
 - *White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands, NSW South Western Slopes, South East Corner* (PMST & Bionet).
 - *Lowland Murray River aquatic ecological community* (Fisheries)

The area of the site is mapped as Grassy Riverine Forests (2005 EVC Code 106 – Blue below) and Plains Woodland (2005 EVC Code 803 – Orange below) which are not one included in the twelve Endangered Ecological Communities (EEC) identified in the desktop search. This mapping is consistent with the vegetation that is located within and adjoining the site.

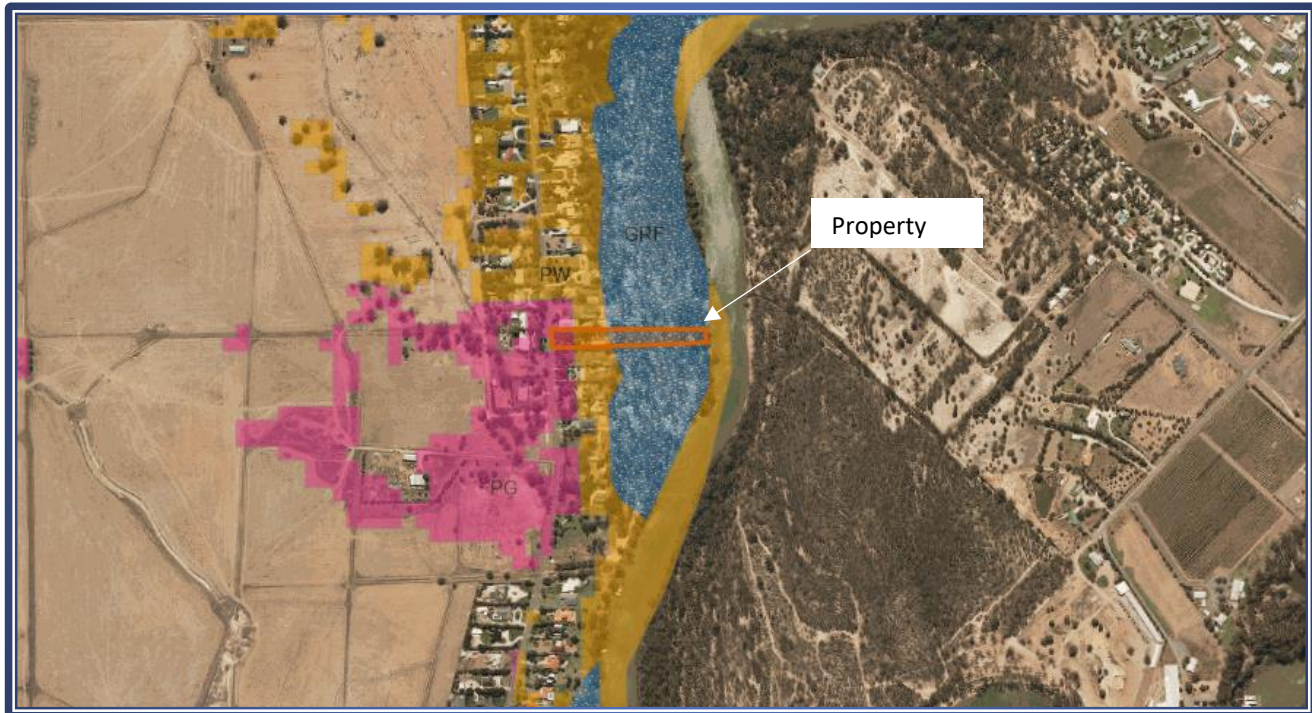


Figure 6-1 - Snapshot showing mapped 2005 Ecological Vegetation Classes (Source DEECA)

- The Protected Matters Search Tool (PMST) identified eleven flora species with the potential to occur within 10km of the site. Four of these are mapped as 'known to occur' within the project area however as there is no clearing activities proposed as part of the project works, they will not be impacted.
- PMST, NatureKit and the Bionet searches identified two amphibians, twenty-seven birds, seven aquatic, one insect, two bats and three mammals with the potential to occur within 10km of the site. A review of those species recorded within the area was undertaken with additional consideration given to those recorded in close proximity. This assessment did not identify any species at risk as a result of the continued operation of the existing pump or the use of the site for a small mooring incorporating the site of the pontoon structure on the basis that the mitigation measures are employed. Information on these is provided below.
- The assessment also considered the works in relation to Key Threatening Processes (KTP) listed under the NSW Biodiversity and Fisheries Management Act and the Environment Protection and Biodiversity Conservation Act with one KTP identified as part of the project works.

Table 6-2 - Table summarising species identified in searches

Scientific Name	Common Name	Level of Threat NSW Status	C'with Status	Record Source	Record Type	Comment
Amphibian						
<i>Crinia sloanei</i>	Sloane's Froglet	V	E	P, B, N	Recorded in 10km area	No ground disturbance proposed within any potential habitat.
<i>Litoria raniformis</i>	Southern Bell Frog	E	V	P	May occur in area	No ground disturbance proposed within any potential habitat.
Insect						
<i>Synemon plana</i>	Golden Sun Moth	E	CE	P	May occur in area	Habitat required for this species not identified at site.
Reptile						
<i>Aprasia parapulchella</i>	Pink-tailed Worm-lizard	V	V	P	May occur in area	Habitat required for this species not identified at site.
Aves						
<i>Botaurus poiciloptilus</i>	Australasian Bittern	E	E	P	Likely to occur in area	Habitat not typical of species requirements. No records of species at site or within local area. Project works or actions will not impact on species requirements.
<i>Rostratula australis</i>	Australian Painted Snipe	E	E	P	Likely to occur in area	Habitat not typical of species requirements. No records of species at site or within local area. Project works or actions will not impact on species requirements.

Scientific Name	Common Name	Level of Threat		Record Source	Record Type	Comment
		NSW Status	C'wlth Status			
<i>Falco subniger</i>	Black Falcon	E	L	N	Recorded in 10km area	Habitat not typical of species requirements. No records of species at site or within local area. Project works or actions will not impact on species requirements.
<i>Melithreptus gularis gularis</i>	Black-chinned Honeyeater (east subsp)	V	NL	B	Recorded in 10km area	Habitat not typical of species requirements. No records of species at site or within local area. Project works or actions will not impact on species requirements.
<i>Neophema chrysostoma</i>	Blue-winged Parrot	V	V	P	Likely to occur in area	Habitat not typical of species requirements. No records of species at site or within local area. Project works or actions will not impact on species requirements.
<i>Climacteris picumnus victoriae</i>	Brown Treecreeper (eastern subspecies)	V	NL	P, B, N	Recorded in 10km area	Site does not fulfil species requirements and is not typical of the species. No change proposed to area that the species would utilise as works relate only to retrospective approval of a walkway and pontoon and no further works are required as part of this application
<i>Burhinus grallarius</i>	Bush Stone-curlew	E	NL	B	Recorded in 10km area	Site does not fulfil species requirements and is not typical of the species. No change proposed to area that the species would utilise as works relate only to retrospective approval of a walkway and pontoon and no further works are required as part of this application
<i>Tringa nebularia</i>	Common Greenshank	NL	CE	P	Likely to occur in area	Habitat not typical of species requirements. No records of species at site or within local area. Project works or actions will not impact on species requirements.
<i>Calidris ferruginea</i>	Curlew Sandpiper	E	CE	P	May occur in area	Habitat not typical of species requirements. No records of species at site or within local area. Project works or actions will not impact on species requirements.
<i>Stagonopleura guttata</i>	Diamond Firetail	V	NL	P, B, N	Recorded in 10km area	Project works do not require the removal of vegetation and will not alter the adjoining area that may support this species. No change to the potential nesting, feeding or utilisation area for this species.
<i>Artamus cyanopterus cyanopterus</i>	Dusky Woodswallow	V	NL	B	Recorded in 10km area	Project works do not require the removal of vegetation and will not alter the adjoining area that may support this species. No change to the potential nesting, feeding or utilisation area for this species.
<i>Petroica phoenicea</i>	Flame Robin	V	NL	B	Recorded in 10km area	Project works do not require the removal of vegetation and will not alter the adjoining area that may support this species. No change to the potential nesting, feeding or utilisation area for this species.
<i>Falco hypoleucos</i>	Grey Falcon	E	V	P	Likely to occur in area	Project works do not require the removal of vegetation and will not alter any area that may support this species. No change to the potential nesting, feeding or utilisation area for this species.
<i>Pomatostomus temporalis temporalis</i>	Grey-crowned Babbler (eastern subspecies)	V	NL	B	Recorded in 10km area	No change proposed to area that the species would utilise and no further works are required as part of this application
<i>Melanodryas cucullata cucullata</i>	Hooded Robin (south-eastern form)	V	NL	P, B, N	Recorded in 10km area	Project works do not require the removal of vegetation and will not alter the adjoining area that may support this species. No change to the potential nesting, feeding or utilisation area for this species.
<i>Gallinago hardwickii</i>	Latham's Snipe	NL		P, N	Recorded in 10km area	Project works do not require the removal of vegetation and will not alter the adjoining area that may support this species. No change to the potential nesting, feeding or utilisation area for this species.
<i>Hieraaetus morphnoides</i>	Little Eagle	V	NL	B	Recorded in 10km area	Project works do not require the removal of vegetation and will not alter the adjoining area that may support this species. No change to the potential nesting, feeding or utilisation area for this species.
<i>Glossopsitta pusilla</i>	Little Lorikeet	V	NL	B	Recorded in 10km area	Project works do not require the removal of vegetation and will not alter the adjoining area that may support this species. No change to the potential nesting, feeding or utilisation area for this species.
<i>Anseranas semipalmata</i>	Magpie Goose	V	NL	B	Recorded in 10km area	Project works do not require the removal of vegetation and will not alter the adjoining area that may support this species. No change to the potential nesting, feeding or utilisation area for this species.

Scientific Name	Common Name	Level of Threat		Record Source	Record Type	Comment
		NSW Status	C'with Status			
<i>Lophochroa leadbeateri</i>	Major Mitchell's Cockatoo	V	NL	P	May occur in area	Project works do not require the removal of vegetation and will not alter the adjoining area that may support this species. No change to the potential nesting, feeding or utilisation area for this species.
<i>Grantiella picta</i>	Painted Honeyeater	V	V	P	Likely to occur in area	Habitat not typical of species requirements. No records of species at site or within local area. Project works or actions will not impact on species requirements.
<i>Pedionomus torquatus</i>	Plains-wanderer	E	CE	P, N	Recorded in 10km area	Habitat not typical of species requirements. No records of species at site or within local area. Project works or actions will not impact on species requirements.
<i>Calidris acuminata</i>	Sharp-tailed Sandpiper	NL		P	May occur in area	Habitat not typical of species requirements. No records of species at site and project works or actions will not impact on species requirements.
<i>Apelocephala leucopsis</i>	Southern Whiteface	V	V	P	Known to occur in area	Habitat not typical of species requirements. No records of species at site or within local area. Project works or actions will not impact on species requirements.
<i>Chthonicola sagittata</i>	Speckled Warbler	V	NL	B	Recorded in 10km area	Project works do not require the removal of vegetation and will not alter the adjoining area that may support this species. No change to the potential nesting, feeding or utilisation area for this species.
<i>Polytelis swainsonii</i>	Superb Parrot	V	V	P	Known to occur in area	Project works do not require the removal of vegetation and will not alter the adjoining area that may support this species. No change to the potential nesting, feeding or utilisation area for this species.
<i>Lathamus discolor</i>	Swift Parrot	E	CE	P, B N	Recorded in 10km area	Project works do not require the removal of vegetation and will not alter the adjoining area that may support this species. No change to the potential nesting, feeding or utilisation area for this species.
<i>Daphoenositta chrysoptera</i>	Varied Sittella	V	NL	B	Recorded in 10km area	Project works do not require the removal of vegetation and will not alter the adjoining area that may support this species. No change to the potential nesting, feeding or utilisation area for this species.
<i>Hirundapus caudacutus</i>	White-throated Needletail	NL	V	P	Likely to occur in 10km area	Project works do not require the removal of vegetation and will not alter the adjoining area that may support this species. No change to the potential nesting, feeding or utilisation area for this species.
Fish						
<i>Galaxias rostratus</i>	Flathead Galaxias	CE	CE	P,F	Mapped and Known to occur in area	The project site is not a lake, wetland, backwater or billabong. There is no course sand areas or aquatic vegetation within the vicinity. The mooring and domestic pump does not propose any alteration to the riverbed or banks as a result of its use and there is no change to the surround area is proposed.
<i>Macquaria australasica</i>	Macquarie Perch	E	E	P	May occur in area	Site does not display the characteristics (clear, deep water, large boulders, debris etc) utilised by this species. Species not identified as utilising this section of the Murray River.
<i>Maccullochella peelii</i>	Murray Cod	NL	V	P,N	Recorded in 10km area	This species may utilise this area where suitable conditions occur. Suitable feed species are located within this area for the species to exist. The project works do not propose any change to suitable habitat, river function and flow or with the connection between the banks and the River. The activities will not reduce the habitat or decrease oxygen levels within the Murray River.
<i>Euastacus armatus</i>	Murray Crayfish	V		F	Mapped as occurring in area	This species may utilise this area where suitable conditions occur (when water is well oxygenated and within cool flowing water). Suitable feed species are located within this area for the species to exist. The project works do not propose any change with the connection to the River, reduce the habitat and decrease oxygen levels within the Murray River. There is no change proposed between the aquatic activities of the River and bank connection or relocation of any snags or logs as a result of the mooring.

Scientific Name	Common Name	Level of Threat		Record Source	Record Type	Comment
		NSW Status	C'wlth Status			
<i>Craterocephalus fluviatilis</i>	Murray Hardyhead	CE	E	P,F	Mapped as occurring in area	The project site is not a lake, wetland, backwater or billabong. The site is located on the edge of the Murray River and is not considered a still area. There is not an abundance of submerged vegetation at the site which is not proposed to be changed as a result of its use.
<i>Bidyanus bidyanus</i>	Silver Perch	V	CE	P,F,N	Mapped as occurring in area	The project site unless in flood is not located in a fast flowing section of the Murray River. There are no races located within the vicinity. The structure is not proposed in open water where the species is generally found.
<i>Maccullochella macquariensis</i>	Trout Cod	V	NL	P,F	Mapped as occurring in area	The site is not located within the area that this species has been recorded (being downstream of Tocumwal). The habitat that the species is known to utilise is not identified at this site and there are no changes to logs located within the River that may be utilised is the species is unknowingly utilising this area.
Mammals						
<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	V	V	P	May occur in surrounds	Project works do not require the removal of vegetation and will not alter the adjoining area that may support this species. No change to the potential nesting, feeding or utilisation area for this species.
<i>Phascolarctos cinereus</i>	Koala	V	V	P,B	Recorded in 10km area	Project works do not require the removal of vegetation and will not alter the adjoining area that may support this species. No change to the potential nesting, feeding or utilisation area for this species.
<i>Petaurus norfolcensis</i>	Squirrel Glider	V	NL	B	Recorded in 10km area	Project works do not require the removal of vegetation and will not alter the adjoining area that may support this species. No change to the potential nesting, feeding or utilisation area for this species.
Bats						
<i>Nyctophilus corbeni</i>	Corben's Long-eared Bat	V	V	P	May occur in area	Habitat not typical of species requirements. No records of species at site or within local area. Project works or actions will not impact on species requirements.
<i>Saccolaimus flaviventris</i>	Yellow-bellied Sheath-tail-bat	V	NL	B	Recorded in 10km area	Project works do not require the removal of vegetation and will not alter the adjoining area that may support this species. No change to the potential nesting, feeding or utilisation area for this species.
Flora						
<i>Acacia ausfeldii</i>	Ausfeld's Wattle	V	NL	N	Recorded in 10km area	No ground disturbance works required. Project works and access to site will not impact or reduce area of this species as site is already cleared.
<i>Maireana cheelii</i>	Chariot Wheels	V	V	P	May occur in 10km area	No ground disturbance works required. Project works and access to site will not impact or reduce area of this species as site is already cleared.
<i>Amphibromus fluitans</i>	Floating Swamp Wallaby-grass	V	V	P,B,N	Recorded in 10km area	Habitat not typical of species requirements. No records of species at site or within local area. Project works or actions will not impact on species requirements.
<i>Pterostylis despectans</i>	Lowly Greenhood		E	P	May occur in area	Habitat not typical of species requirements. No records of species at site or within local area. Project works or actions will not impact on species requirements.
<i>Brachyscome muelleroides</i>	Mueller Daisy, Max Mueller's Burr-daisy	V	E	P	May occur in area	Habitat not typical of species requirements. No records of species at site or within local area. Project works or actions will not impact on species requirements.
<i>Pimelea spinescens</i>	Plains Rice-flower	NL	CE	P	Known to occur in area	Habitat not typical of species requirements. No records of species at site or within local area. Project works or actions will not impact on species requirements.
<i>Swainsona plagiotropis</i>	Red Darling Pea	V	V	P, N	Recorded in 10km area	Habitat not typical of species requirements. No records of species at site or within local area. Project works or actions will not impact on species requirements.
<i>Myriophyllum porcatum</i>	Rigid Water-milfoil	NL	V	P	Likely to occur in area	Habitat not typical of species requirements. No records of species at site or within local area. Project works or actions will not impact on species requirements.
<i>Swainsona sericea</i>	Silky Swainson-pea	V	NL	N	Recorded in 10km area	No ground disturbance works required. Project works and access to site will not impact or reduce area of this species as site is already cleared.

Scientific Name	Common Name	Level of Threat		Record Source	Record Type	Comment
		NSW Status	C'with Status			
<i>Swainsona murrayana</i>	Slender Darling Pea	V	V	P,N	Recorded in 10km area	No ground disturbance works required. Project works and access to site will not impact or reduce area of this species as site is already cleared.
<i>Cullen parvum</i>	Small Scurf-pea	E	NL	N	Recorded in 10km area	No ground disturbance works required. Project works and access to site will not impact or reduce area of this species as site is already cleared.
<i>Senecio behrianus</i>	Stiff Groundsell		E	P	May occur in area	Habitat not typical of species requirements. No records of species at site or within local area. Project works or actions will not impact on species requirements.
<i>Sclerolaena napiformis</i>	Turnip Copperburr	E	E	P, B,N	Recorded in 10km area	No ground disturbance works required. Project works and access to site will not impact or reduce area of this species as site is already cleared.
<i>Lepidium monoplacoides</i>	Winged Peppergrass	E	E	P	Likely to occur in area	Habitat not typical of species requirements. No records of species at site or within local area. Project works or actions will not impact on species requirements.
<i>Prasophyllum sp. Moama</i>		CE	E	B	Recorded in 10km area	No ground disturbance works required. Project works and access to site will not impact or reduce area of this species as site is already cleared.
<i>Prasophyllum despectans</i>		CE	E	B	Recorded in 10km area	No ground disturbance works required. Project works and access to site will not impact or reduce area of this species as site is already cleared.

A Five Part Test has been provided below.

FIVE PART TEST

(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.

There are no physical works proposed as part of this application as the application seeks to utilise existing infrastructure at the site for a proposed mooring/wet berth and existing water supply system. There are no excavation or ground disturbance works proposed. There are no impacts proposed with relation to hollow bearing trees, feed trees, hollow logs or sticks and snags within the project site including those within the River. The existing pump will continue to utilise a filtration system selected to protect the local aquatic species.

Therefore, it is unlikely that the project works will have an adverse effect on the life cycle of any species placing any species or population at the risk of extinction.

(b) in the case of an endangered ecological community (EEC) or critically endangered ecological community, whether the proposed development or activity:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.

There are eleven threatened ecological communities that have been identified in the searches. Vegetation mapping and a site inspection identified the Ecological Vegetation Class as being Grassy Riverine Forests and Plains Woodland not EECs. The Aquatic ecological community of the Lower Murray River aquatic community has been considered as part of the project siting with no changes to the River actions, bank connection or aquatic vegetation proposed. There is no excavation of dredging activities proposed as part of the project works.

No activities proposed will have an adverse effect that will place an EEC at the risk of extinction either locally or otherwise nor will it modify the composition of any EEC.

(c) in relation to the habitat of a threatened species or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality.

This approval of and use of the existing structure for a new mooring/wet berth and continued use of the pump, do not propose removal of any vegetation including trees dead or alive or the removal of snags, fallen branches or other potential forms of habitat. No logs or snags require removal or re-alignment. Therefore, no habitat will be removed, fragmented or isolated as part of the project work to the extent that a threatened species or community's survival will be affected.

(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly).

The project site does not lie within and will not affect a declared area of outstanding biodiversity value.

(e) whether the proposed development or activity is or is part of a key threatening process (KTP) or is likely to increase the impact of a key threatening process.

Key Threatening Processes from the EPBC, BC or FM Acts are considered as part of this assessment and one KTP has been identified, this being – "Installation and operation of in-stream structures and other mechanisms that alter natural flow regimes of rivers, creeks and streams" which has the potential to impact aquatic species if erosion and sediment control measures are not adequately implemented. The project site does not propose to alter the flow or natural process of the River and there are no activities proposed that will mobilise sediment or silt.

MANAGEMENT AND MITIGATION

The assessment has reviewed the proposal in relation to threatened species, populations, communities and biodiversity and has recommended the following mitigation and management measures.

Table 6-3 – Biodiversity mitigation and monitoring measures

Potential Impact	Timing	Safeguard
Vegetation Clearing	Operation	No wooded vegetation is to be removed as part of the pump use and mooring operation.
Hollow-bearing tree removal	Operation	No native vegetation or hollow-bearing trees are to be removed as part of the mooring and pump site operation.
Impacts on surrounding Native Vegetation	Operation	Measures to prevent and contain spillage of potential contaminants must be implemented at the time of installation or removal of the structure during flooding.
Water quality risks	Operation	Any pollution of the waterway or site must be reported to the EPA in accordance with the notification requirements of the <i>Protection of the Environment Operations Act 1997</i> (POEO Act). If a fish kill occurs during operation NSW DPI (Fisheries) must be contacted immediately.
Protection of aquatic species	Operation	Pump suction must include the use of a filter suitable to mitigate the risk to aquatic species. This must be maintained for the life of the pump's operation.

COMMENT

A preliminary desktop assessment has been undertaken on the site reviewing database searches for threatened species, populations and communities with the potential to occur within the project site and surrounding area (10kms). A review of these results to identify their potential requirements was undertaken through several site visual inspections.

The site relates to a s water supply system and use of a structure for new mooring/wet berth. There is no vegetation in any form (including alive, dead and snags within the River) proposed to be removed as part of the application. No clearing of vegetation or removal of fallen timber is proposed as part of the proposal with no impacts identified to any potential habitat providing recommended mitigation measures are implemented.

Assessments to determine the scale of impact to the listed communities concluded that a significant impact was not likely and therefore an Assessment of Significance or *Environment Protection and Biodiversity Conservation Act* (EPBC) referral is not required. Similarly, the Applicant is not required to voluntarily enter the Biodiversity Offsets Scheme.

No threatened flora or fauna species are known to be directly impacted by the project activity and the impacts of the project to those threatened species considered likely to inhabit or utilise the project site were assessed in accordance with the NSW *Biodiversity Conservation Act*, *Fisheries Management Act* and Commonwealth *EPBC Act* as applicable.

Mitigation and management measures are aimed at ensuring that the project works do not impact biodiversity through the spread of weeds and pathogens, and other indirect impacts. With the effective implementation of management and

mitigation measures identified in this Biodiversity Test of Significance and Assessment, risk of impacts to biodiversity as part of the construction and operation of the works is considered negligible.

6.2. ABORIGINAL CULTURAL HERITAGE

6.2.1. METHODOLOGY

6.2.1.1. VICTORIA

No works are proposed in Victoria as part of this application and therefore no further assessment has been undertaken in this report. The pump re-supplying water to the property will connect to the existing water supply pipeline within the site.

6.2.1.2. NSW

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 proposed works associated with this application and access to the site is from existing roads and paths. All disturbance of the ground has been completed through historical activities (pump and pipe) or within the retaining wall footprint. ➡ 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 (**Appendix 6a**) has been completed and results identified that there are no recorded Aboriginal heritage places or objects. ➡ Check 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

There are no other sources of information publicly available on or adjoining the site. ➡ Review 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 area is located within the Murray River channel on the Victoria high bank within a previously disturbed and significantly modified area. There are no further activities that require significant ground disturbance. Access to the site is within existing tracks and a seriously impacted area. No further ground disturbance is required. ➡ Due to the absence of works, no further action or assessment is required.

It should however be noted that should any Aboriginal object be discovered or identified in, or near the project area whilst the operation of the site infrastructure is being undertaken, 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 Heritage NSW as soon as practical on 131 555 and DECCA and or First Nations Victoria, providing any details on the Aboriginal object and its location; and
- Not recommence any work at that particular location unless authorised in writing by all relevant organisations.

6.3. VISUAL AMENITY

It is noted at the outset that the value placed upon visual amenity and the impact upon surrounding visual amenity varies from person to person and from location to location. As a result, a visual amenity assessment is, by its nature, highly subjective. Emphasis has therefore been placed on providing a description of the existing visual amenity surrounding the project site and the measures that would be taken by the Applicant to minimise potential visual amenity related impacts on surrounding users and residents.

The structure and mooring location can only be seen from the private property, Murray River and opposite bank (NSW). The viewpoint of the site from within the Murray River will be confined to a short length of the Riverbank and remains consistent with adjoining structures within the River. The viewpoint from the opposite site of the River is unlikely to generate impact as the area remains heavily vegetated and is not a habitable or regularly occupied area. Materials used in the construction of the structure have been selected to compliment the surrounds while meeting navigation requirements of Transport for NSW – Maritime.

It is likely that Maritime will nominate an identification marker to be required as part of use of the site which will not negatively impact on the adjoining area.



Figure 6-2 – Aerial view showing existing site and vessel proposed to be moored at the site (Source PRS November 2024)



Figure 6-3 – Aerial view showing existing site and vessel proposed to be moored at the site (Source PRS November 2024)



Figure 6-4 - Site view from the top of the bank looking to the opposite (NSW) bank (Source: PRS November 2024)

The walkway and pontoon structure are consistent with others along this stretch of the Murray River. The structure is constructed in materials that blend into the surroundings whilst maintaining safe identification within the River for passing vessels. The location of the structure has been selected considering the suitability for the purpose of the structure.

COMMENT

The walkway and pontoon structure includes materials that have been selected that are complementary to the surrounds and is similar to structures common along the river channel.

7. CONCLUSION

The following provides a justification of the project and a summary of the conclusions drawn throughout this report.

JUSTIFICATION

The Applicant seeks to utilise gain approval for existing long term installed pumping infrastructure, existing river access infrastructure and the use of the site for a mooring for a private houseboat. There are no physical works proposed as the infrastructure remains in place and the site having been previously modified is suitable for the proposed use. No native vegetation is proposed for removal, no earthworks are required and no impacts to threatened species, populations or communities have been identified.

CONSULTATION

Consultation with relevant referral authorities have been undertaken with additional permits required in conjunction with this approval. This application and report have been prepared considering the relevant supporting documents for both the Development Application and related Crown Licence applications together with other relevant authorities.

STATUTORY

A review of the project works has been undertaken with relation to Commonwealth, State, Regional and Local planning in both NSW and Victoria. The assessment and related report have been prepared to address the identified requirements and any matters of concern raised throughout the consultation process.

SUMMARY

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 2021* requiring an environmental assessment of the project to be undertaken. Considerations have also been included for the Victorian Planning Provisions of the Campaspe Shire Council area.

This report documents the potential environmental impacts of the project and recommends management and mitigation measures to protect the environment where required. It can be concluded that by adopting the safeguards identified in this assessment that it is unlikely that there would be a significant adverse environmental impact, and works should proceed with caution.

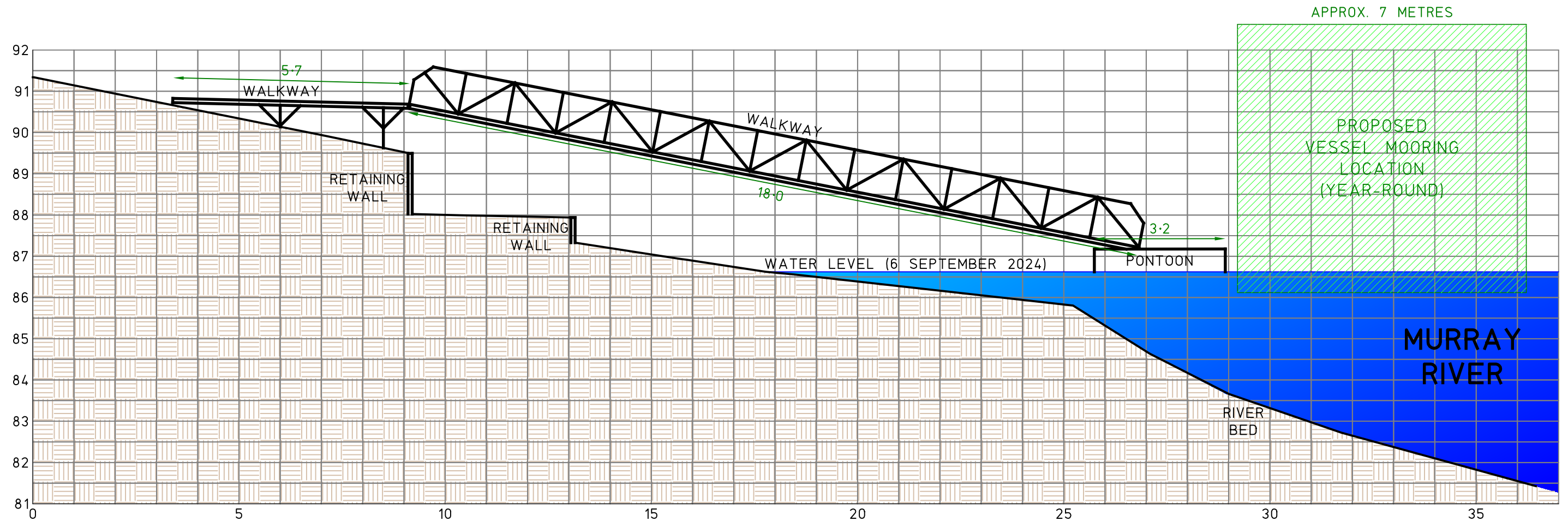
8. REFERENCES

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9. APPENDICES

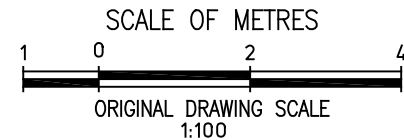
APPENDIX 1 – PROJECT PLANS



- NOTES:
- 1. HEIGHT DATUM: AHD71
VIDE PM29 R.L. 95.75
 - 2. REFER TO CERTIFICATE OF TITLE FOR ALL LOT
DIMENSIONS AND DETAILS OF ANY EASEMENTS



Licensed Surveyors • Civil Engineers • Irrigation Designers
21 Nish Street, ECHUCA. Ph. (03) 54821699
139 Hogan Street, TATURA. Ph. (03) 58241322



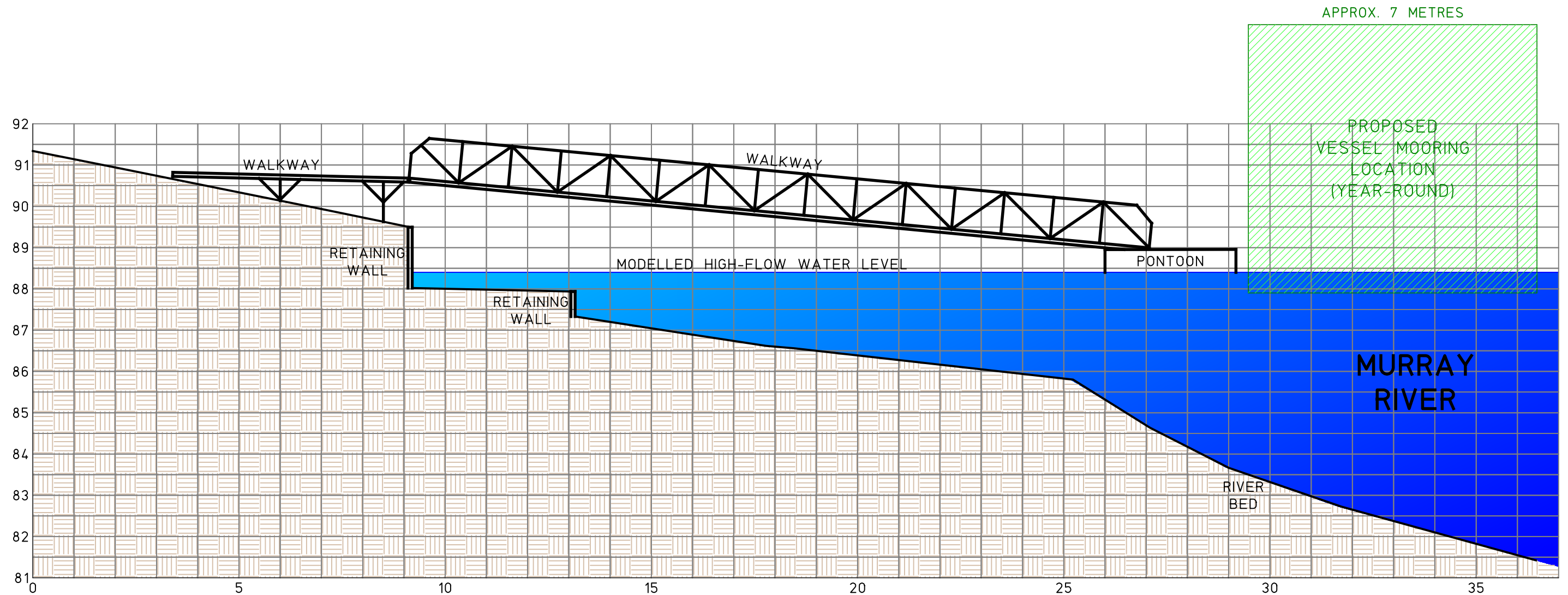
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PONTOON CROSS-SECTION

PONTOON & WALKWAY
PC375305
170 WHARPARILLA DRIVE, ECHUCA VIC 3564

FILE No.	DRAWN	CHECKED	DATE	SHEET NUMBER	VER	SHEET SIZE
S7041	MT	—	12/09/2024	1 OF 1	3	A3

VER	DATE	DETAILS OF AMENDMENTS	DRN	CHK
3	7/10/2024	VESSEL OUTLINE ADDED	MT	
2	20/9/2024	DIMENSIONS OF PONTOON ADDED	MT	
FILE NAME: S7041 Pontoon FS v3.dwg				



- NOTES:
1. HEIGHT DATUM: AHD71
VIDE PM29 R.L. 95.75
 2. REFER TO CERTIFICATE OF TITLE FOR ALL LOT
DIMENSIONS AND DETAILS OF ANY EASEMENTS

6th SEPTEMBER 2024
86.62m AHD - MURRAY RIVER WATER LEVEL AT 170 WHARPARILLA DRIVE
(SURVEYED).
86.84m AHD - MURRAY RIVER WATER LEVEL AT ECHUCA WHARF GAUGE (SOURCED
FROM MURRAY DARLING BASIN AUTHORITY).

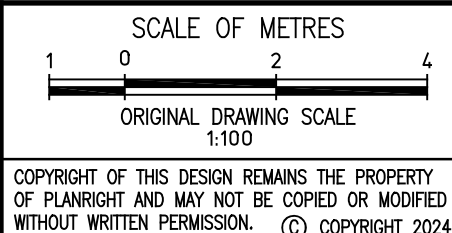
170 WHARPARILLA DRIVE IS APPROXIMATELY 6.5km DOWNSTREAM OF THE ECHUCA
WHARF GAUGE AND IS CALCULATED TO HAVE A 0.22m DROP IN WATER LEVEL.

HIGH FLOW CONDITIONS ARE MODELLED ON A RIVER HEIGHT 1 STANDARD
DEVIATION HIGHER THAN THE MEAN.

THIS WATER LEVEL IS DETERMINED TO BE 88.40m AHD AT 170 WHARPARILLA DRIVE.



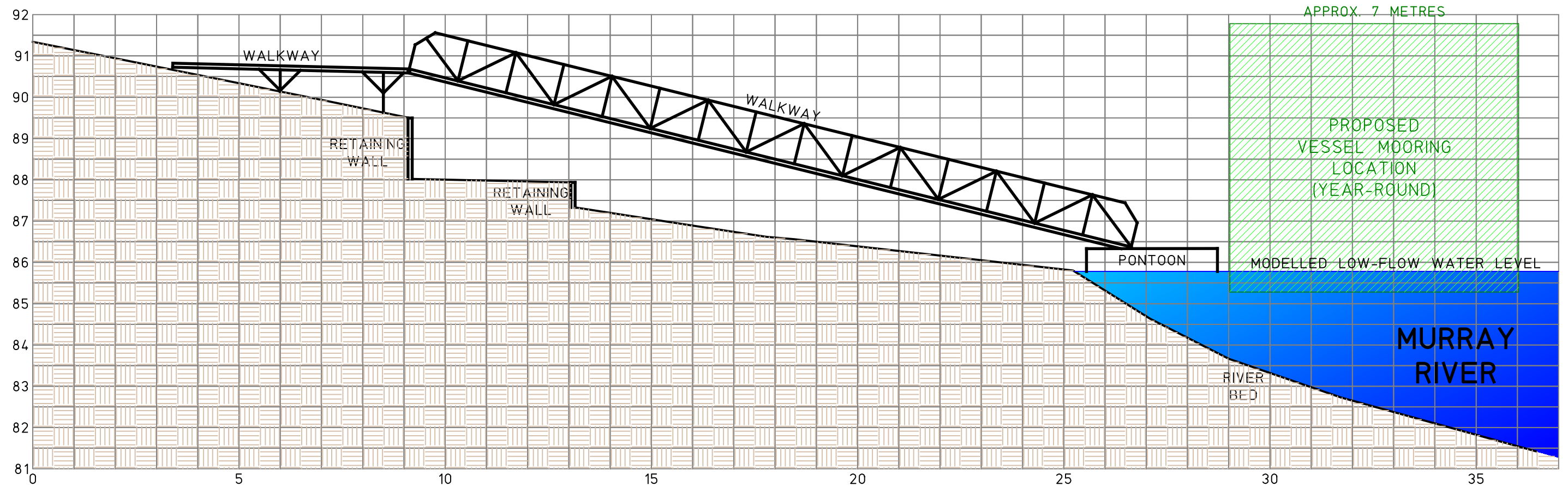
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MODELLED HIGH-FLOW CROSS-SECTION
PONTON & WALKWAY
PC375305
170 WHARPARILLA DRIVE, ECHUCA VIC 3564

FILE No.	DRAWN	CHECKED	DATE	SHEET NUMBER	VER	SHEET SIZE
S7041	MT	—	20/09/2024	1 OF 1	2	A3

2	7/10/2024	VESEL OUTLINE ADDED	MT
		DETAILS OF AMENDMENTS	DRN CHK
FILE NAME: S7041 Pontoon FS v3.dwg			



- NOTES:
1. HEIGHT DATUM: AHD71
VIDE PM29 R.L. 95.75
 2. REFER TO CERTIFICATE OF TITLE FOR ALL LOT
DIMENSIONS AND DETAILS OF ANY EASEMENTS

6th SEPTEMBER 2024
86.62m AHD - MURRAY RIVER WATER LEVEL AT 170 WHARPARILLA DRIVE
(SURVEYED).
86.84m AHD - MURRAY RIVER WATER LEVEL AT ECHUCA WHARF GAUGE (SOURCED
FROM MURRAY DARLING BASIN AUTHORITY).

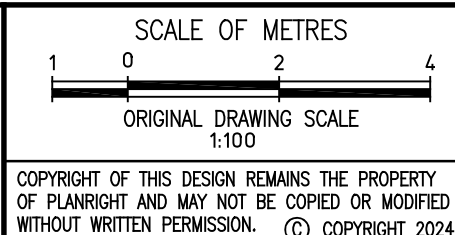
170 WHARPARILLA DRIVE IS APPROXIMATELY 6.5km DOWNSTREAM OF THE ECHUCA
WHARF GAUGE AND IS CALCULATED TO HAVE A 0.22m DROP IN WATER LEVEL.

LOW FLOW CONDITIONS ARE MODELLED ON A RIVER HEIGHT 1 STANDARD
DEVIATION LOWER THAN THE MEAN.

THIS WATER LEVEL IS DETERMINED TO BE 85.78m AHD AT 170 WHARPARILLA DRIVE.



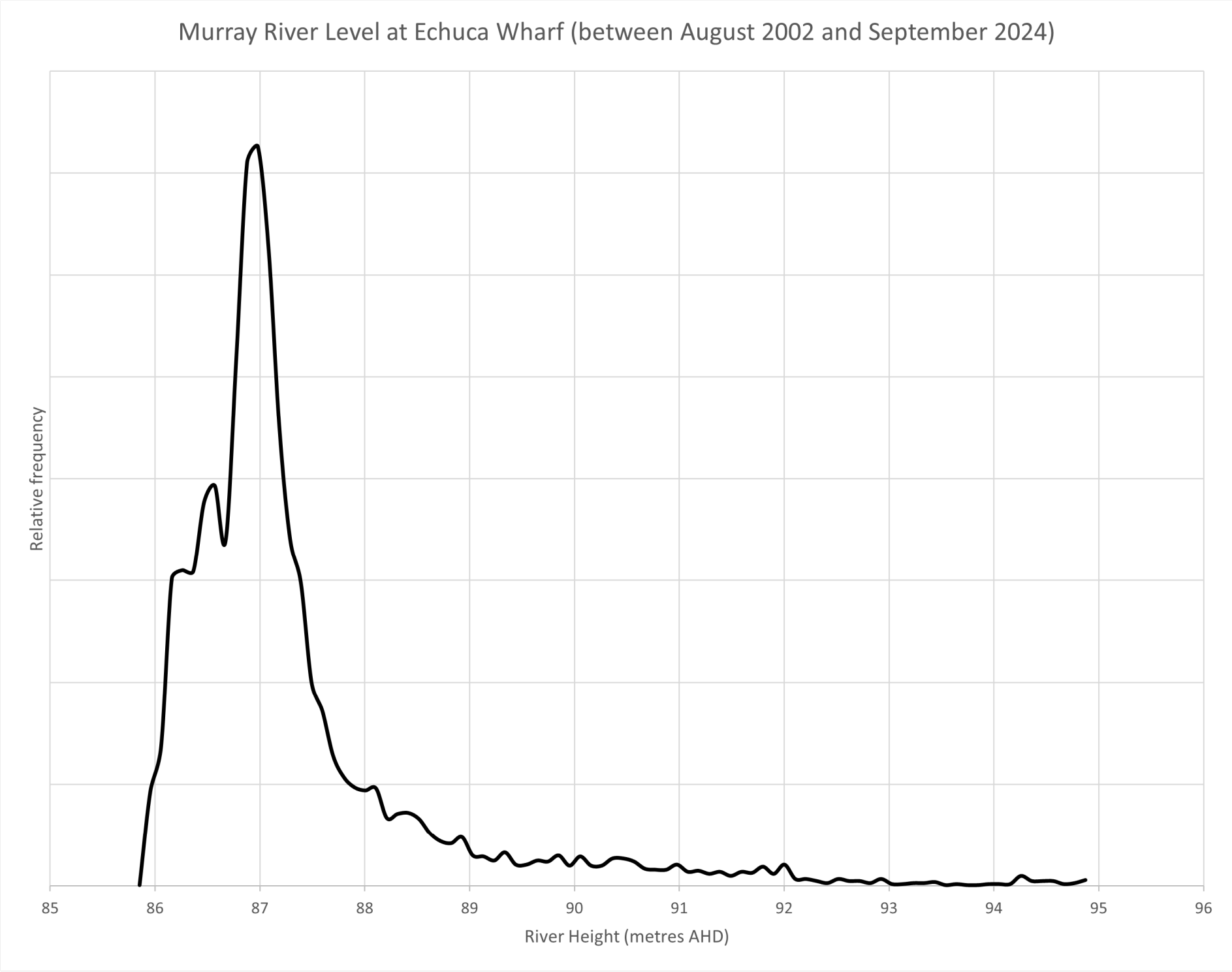
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139 Hogan Street, TATURA. Ph. (03) 58241322



MODELLED LOW-FLOW CROSS-SECTION
PONTON & WALKWAY
PC375305
170 WHARPARILLA DRIVE, ECHUCA VIC 3564

FILE No.	DRAWN	CHECKED	DATE	SHEET NUMBER	VER	SHEET SIZE
S7041	MT	—	20/09/2024	1 OF 1	2	A3

2	7/10/2024	VESEL OUTLINE ADDED	MT
DETAILS OF AMENDMENTS			DRN
FILE NAME: S7041 Pontoon FS v3.dwg			

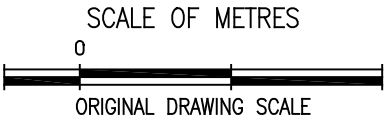


MURRAY RIVER HEIGHT DATA HAS BEEN SOURCED FROM MURRAY DARLING BASIN AUTHORITY (<https://riverdata.mdba.gov.au/echuca>)

MEAN HEIGHT: 87.31 m AHD
MEDIAN HEIGHT: 86.95 m AHD
MINIMUM HEIGHT: 85.85 m AHD (7 July 2006)
MAXIMUM HEIGHT: 94.98 m AHD (27 October 2022)
STANDARD DEVIATION: 1.31 m



Licensed Surveyors • Civil Engineers • Irrigation Designers
21 Nish Street, ECHUCA. Ph. (03) 54821699
139 Hogan Street, TATURA. Ph. (03) 58241322



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HISTOGRAM OF MURRAY RIVER HEIGHTS
ECHUCA WHARF GAUGE
RECORDED BETWEEN 2002 AND 2024

FILE No.	DRAWN	CHECKED	DATE	SHEET NUMBER	VER	SHEET SIZE	VER	DATE	DETAILS OF AMENDMENTS	DRN	CHK
S7041	MT	—	20/09/2024	1 OF 1	1	A3			FILE NAME: S7041 Pontoon FS v2.dwg		



APPENDIX 2 – PROPERTY PLANNING REPORTS



Property Report

MEROOL ROAD MOAMA 2731



Property Details

Address: MEROOL ROAD MOAMA 2731
 Lot/Section 7/-/DP751159 8/-/DP751159
 /Plan No:
 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	C3 - Environmental Management: (pub. 21-4-2023)
Height Of Building	NA
Floor Space Ratio	NA
Minimum Lot Size	120 ha
Heritage	NA
Land Reservation Acquisition	NA
Foreshore Building Line	NA
Riparian Lands and Watercourses	Watercourse
Terrestrial Biodiversity	Key Fish Habitat Terrestrial Biodiversity
Wetlands	Wetlands Freshwater Lakes

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

MEROOL ROAD MOAMA 2731

- State Environmental Planning Policy (Biodiversity and Conservation) 2021: Allowable Clearing Area (pub. 21-10-2022)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021: Land Application (pub. 2-12-2021)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021: Subject Land (pub. 2-12-2021)
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008: Land Application (pub. 12-12-2008)
- State Environmental Planning Policy (Housing) 2021: Land Application (pub. 26-11-2021)
- State Environmental Planning Policy (Industry and Employment) 2021: Land Application (pub. 2-12-2021)
- State Environmental Planning Policy (Planning Systems) 2021: Land Application (pub. 2-12-2021)
- State Environmental Planning Policy (Primary Production) 2021: Land Application (pub. 2-12-2021)
- State Environmental Planning Policy (Primary Production) 2021: Subject Land (pub. 2-12-2021)
- State Environmental Planning Policy (Resilience and Hazards) 2021: Land Application (pub. 2-12-2021)
- State Environmental Planning Policy (Resources and Energy) 2021: Land Application (pub. 2-12-2021)
- State Environmental Planning Policy (Sustainable Buildings) 2022: Land Application (pub. 29-8-2022)
- State Environmental Planning Policy (Transport and Infrastructure) 2021: Land Application (pub. 2-12-2021)

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

Biodiversity Value (BV) Map	Clearing native vegetation for a development on an area on the BV Map may require a Biodiversity Development Assessment Report. Consult your local council.
Bushfire Prone Land	Vegetation Buffer Vegetation Category
Local Aboriginal Land Council	MOAMA
Regional Plan Boundary	Riverina Murray

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

From www.planning.vic.gov.au at 25 August 2024 02:47 PM

PROPERTY DETAILS

Address: **170 WHARPARILLA DRIVE ECHUCA 3564**

Lot and Plan Number: **Plan PC375305**

Standard Parcel Identifier (SPI): **PC375305**

Local Government Area (Council): **CAMPASPE**

Council Property Number: **24659**

Planning Scheme: **Campaspe**

Directory Reference: **Vicroads 31 D3**

www.campaspe.vic.gov.au

[Planning Scheme - Campaspe](#)

UTILITIES

Rural Water Corporation: **Goulburn-Murray Water**

Urban Water Corporation: **Coliban Water**

Melbourne Water: **Outside drainage boundary**

Power Distributor: **POWERCOR**

STATE ELECTORATES

Legislative Council: **NORTHERN VICTORIA**

Legislative Assembly: **MURRAY PLAINS**

OTHER

Registered Aboriginal Party: **Yorta Yorta Nation Aboriginal Corporation**

[View location in VicPlan](#)

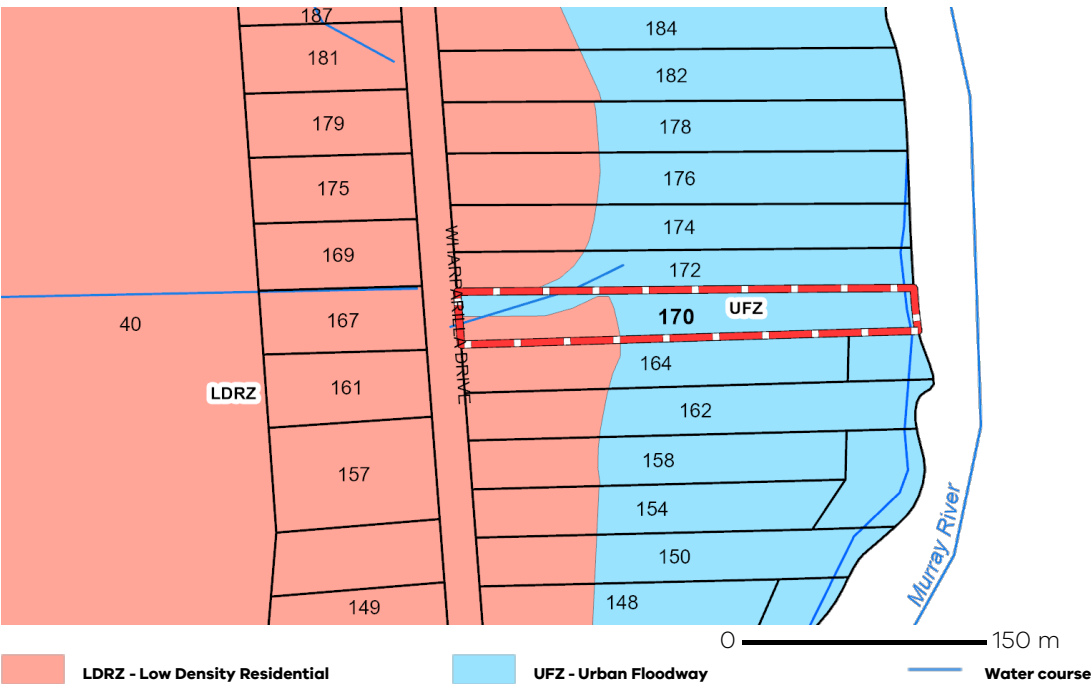
Planning Zones

[LOW DENSITY RESIDENTIAL ZONE \(LDRZ\)](#)

[SCHEDULE TO THE LOW DENSITY RESIDENTIAL ZONE \(LDRZ\)](#)

[URBAN FLOODWAY ZONE \(UFZ\)](#)

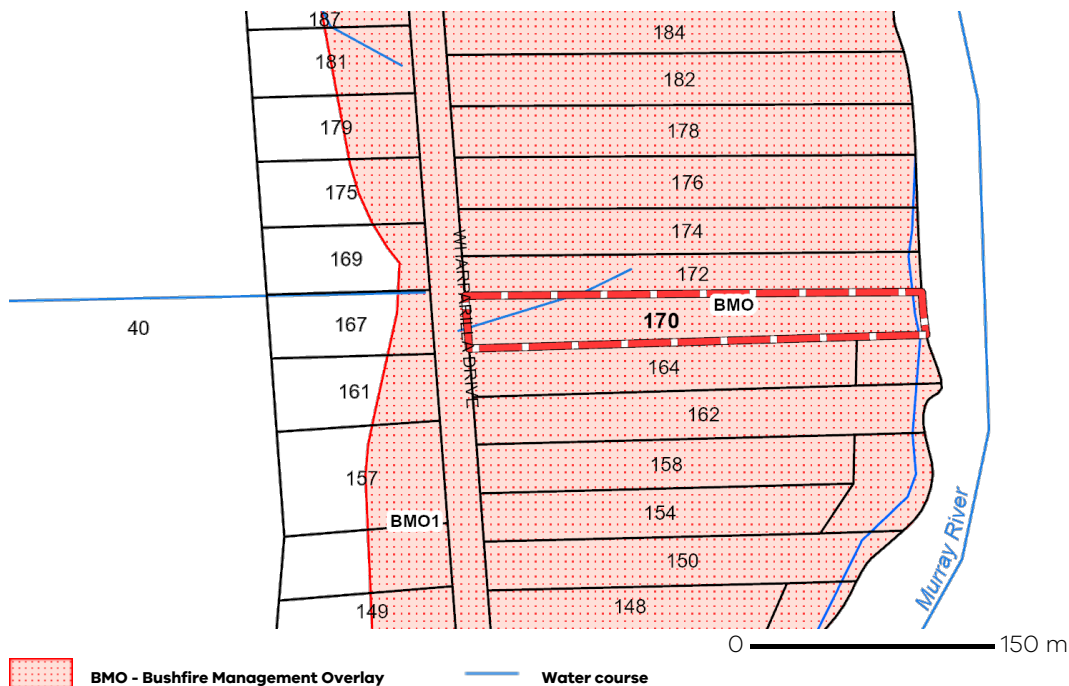
[SCHEDULE TO THE URBAN FLOODWAY ZONE \(UFZ\)](#)



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

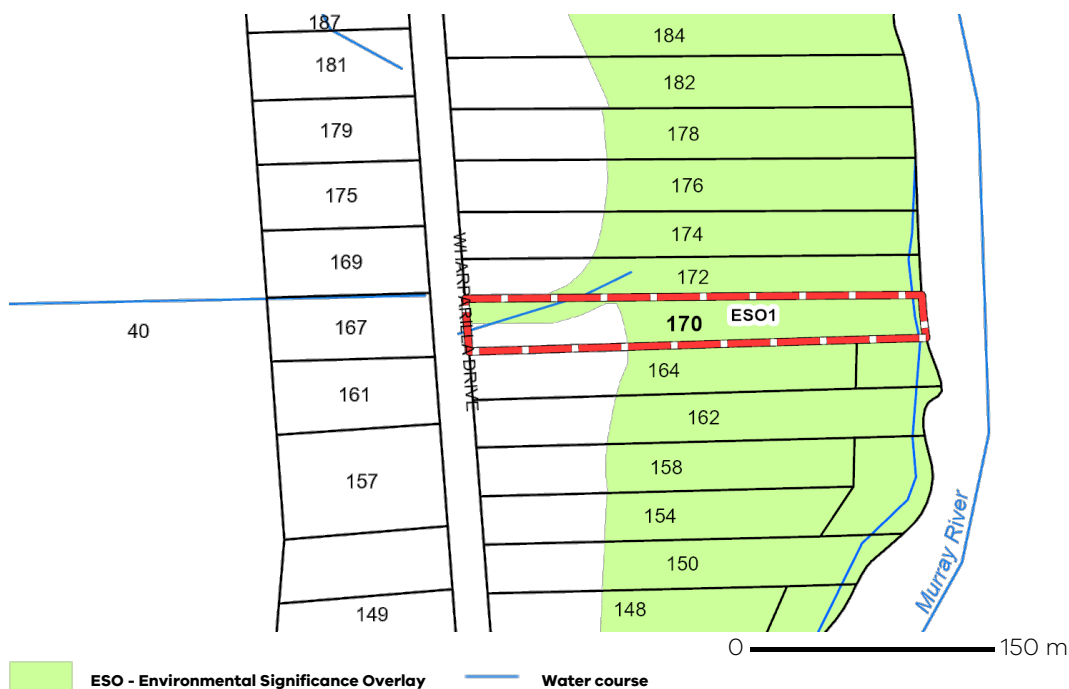
Planning Overlays

BUSHFIRE MANAGEMENT OVERLAY (BMO)



ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)

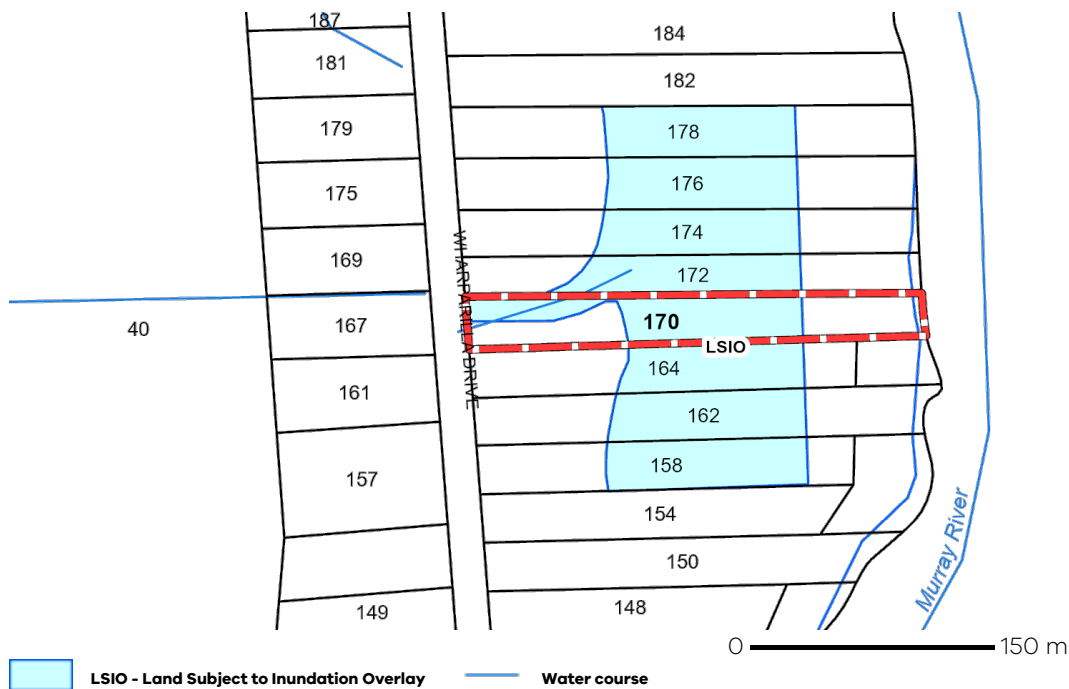
ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 1 (ESO1)



Planning Overlays

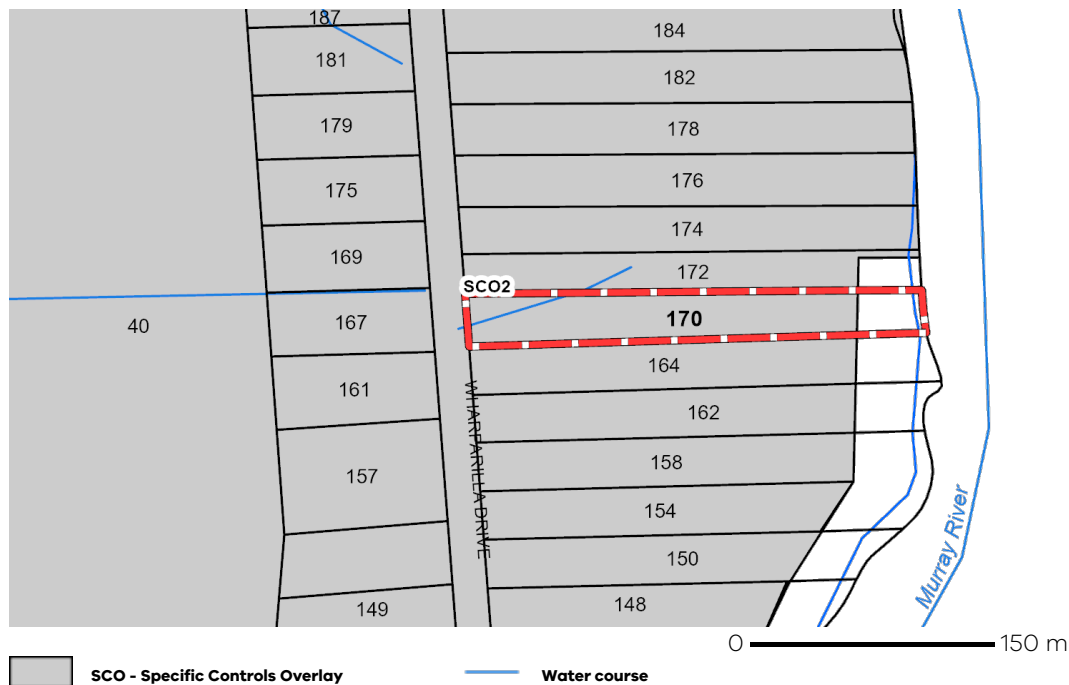
LAND SUBJECT TO INUNDATION OVERLAY (LSIO)

LAND SUBJECT TO INUNDATION OVERLAY SCHEDULE (LSIO)



SPECIFIC CONTROLS OVERLAY (SCO)

SPECIFIC CONTROLS OVERLAY - PS MAP REF SCO2 SCHEDULE (SCO2)

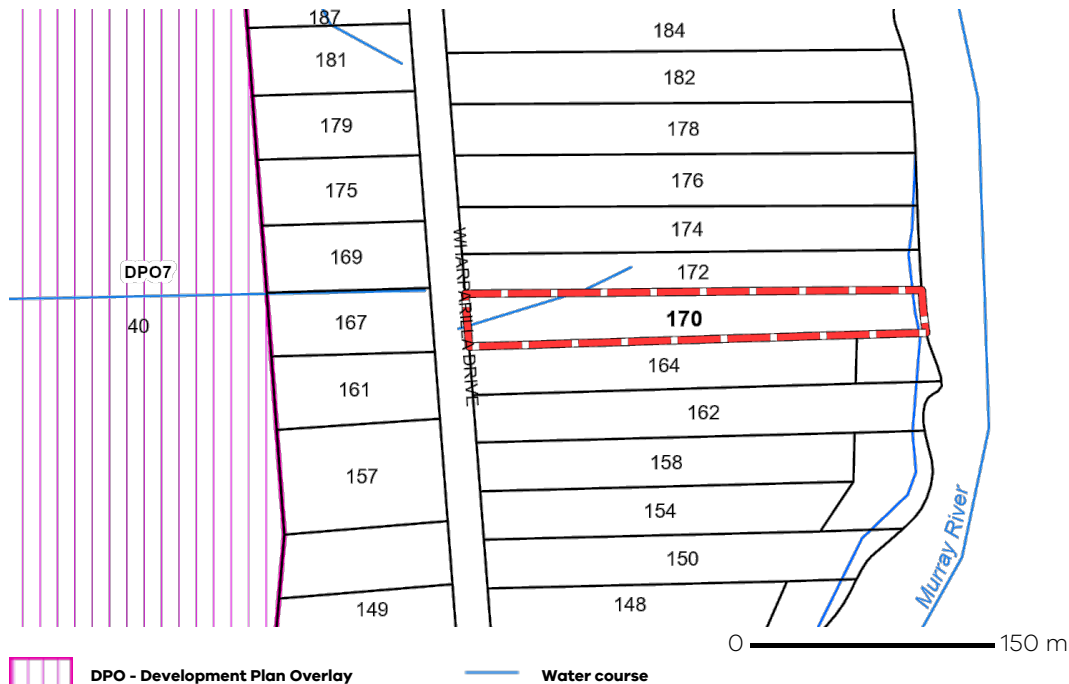


Planning Overlays

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

DEVELOPMENT PLAN OVERLAY (DPO)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

Areas of Aboriginal Cultural Heritage Sensitivity

All or part of this property is an 'area of cultural heritage sensitivity'.

'Areas of cultural heritage sensitivity' are defined under the Aboriginal Heritage Regulations 2018, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

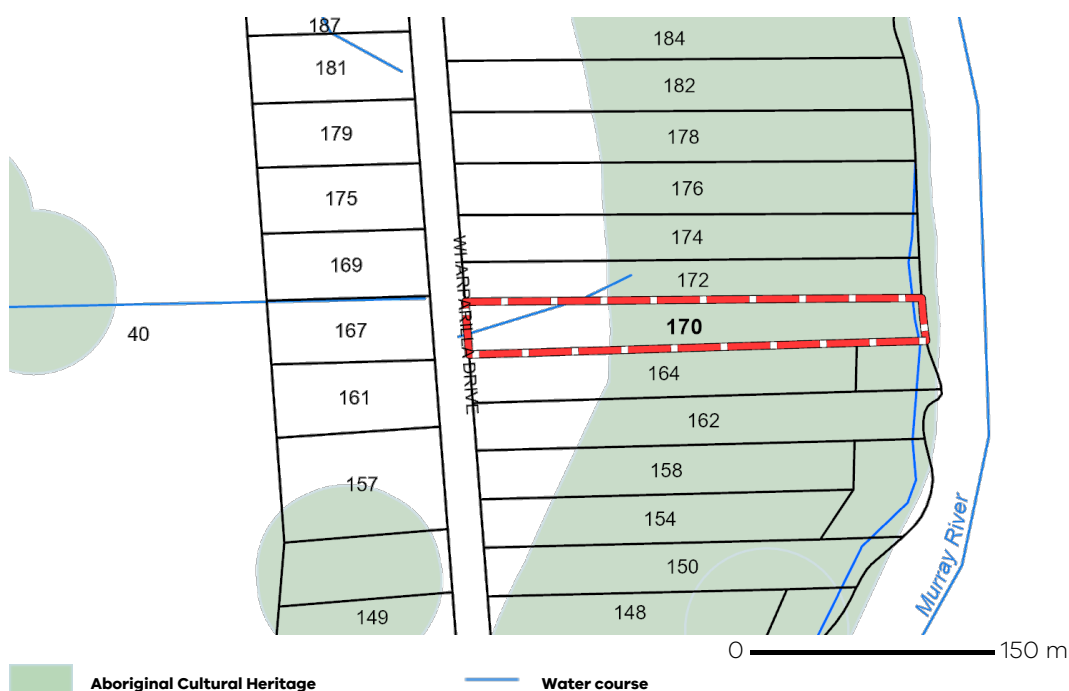
Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

For further information about whether a Cultural Heritage Management Plan is required go to <http://www.aav.nrms.net.au/aavQuestion1.aspx>

More information, including links to both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018, can also be found here - <https://www.aboriginalvictoria.vic.gov.au/aboriginal-heritage-legislation>



Further Planning Information

Planning scheme data last updated on 21 August 2024.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the **Planning and Environment Act 1987**. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit <https://mapshare.maps.vic.gov.au/vicplan>

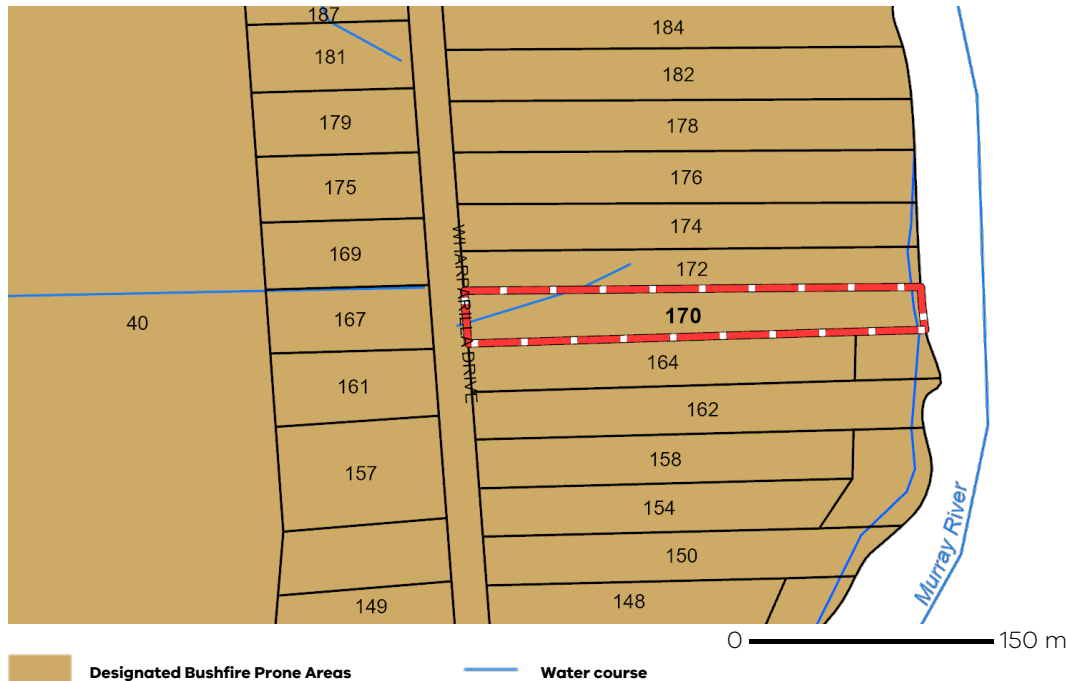
For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

Designated Bushfire Prone Areas

This property is in a designated bushfire prone area. Special bushfire construction requirements apply to the part of the property mapped as a designated bushfire prone area (BPA). Planning provisions may apply.

Where part of the property is mapped as BPA, if no part of the building envelope or footprint falls within the BPA area, the BPA construction requirements do not apply.

Note: the relevant building surveyor determines the need for compliance with the bushfire construction requirements.



Designated BPA are determined by the Minister for Planning following a detailed review process. The Building Regulations 2018, through adoption of the Building Code of Australia, apply bushfire protection standards for building works in designated BPA.

Designated BPA maps can be viewed on VicPlan at <https://mapshare.vic.gov.au/vicplan/> or at the relevant local council.

Create a BPA definition plan in [VicPlan](#) to measure the BPA.

Information for lot owners building in the BPA is available at <https://www.planning.vic.gov.au>.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>. Copies of the Building Act and Building Regulations are available from <http://www.legislation.vic.gov.au>. For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>.

Native Vegetation

Native plants that are indigenous to the region and important for biodiversity might be present on this property. This could include trees, shrubs, herbs, grasses or aquatic plants. There are a range of regulations that may apply including need to obtain a planning permit under Clause 52.17 of the local planning scheme. For more information see [Native Vegetation \(Clause 52.17\)](#) with local variations in [Native Vegetation \(Clause 52.17\) Schedule](#)

To help identify native vegetation on this property and the application of Clause 52.17 please visit the Native Vegetation Information Management system <https://nvim.delwp.vic.gov.au/> and [Native vegetation \(environment.vic.gov.au\)](#) or please contact your relevant council.

You can find out more about the natural values on your property through NatureKit [NatureKit \(environment.vic.gov.au\)](#)



APPENDIX 3 – CONSULTATION

Controlled Activity Approval checklist



Controlled activity exemption e-tool

This controlled activity exemption e-tool has been developed to help controlled activity applicants and consultants determine if a controlled activity approval is required under the provisions of the Water Management Act 2000. The tool can be used to help identify:

- if there is an exemption that applies to the site or proposed activity and
- provide support in the interpretation of exemptions
- the CAA exemption e-tool should be used in conjunction with the Waterfront land e-tool that helps you to identify if you are located on waterfront land. Please use the below link to use the Waterfront land e-tool.
https://docs.google.com/forms/d/1YtVIPpmxVdum8ZxZm_lmKQTqPYPmtAhr8u4CnF0ndVA/viewform?edit_requested=true
- If you require more information on controlled activities please use the below link:
<https://www.dpie.nsw.gov.au/water/licensing-and-trade/controlled-activity-approvals>

Using the tool

Multiple exemptions may apply to your property and/or proposed works. You must complete this e-tool separately for each applicable exemption.

You can go back at anytime after reading the further information provided in the questions.

Some of the questions in this tool can be answered using materials online. Depending on your circumstances, you may also need to visit the site of the proposed work in person to gather supporting evidence. There is a PDF factsheet on exemptions available that you can download and take into the field at:

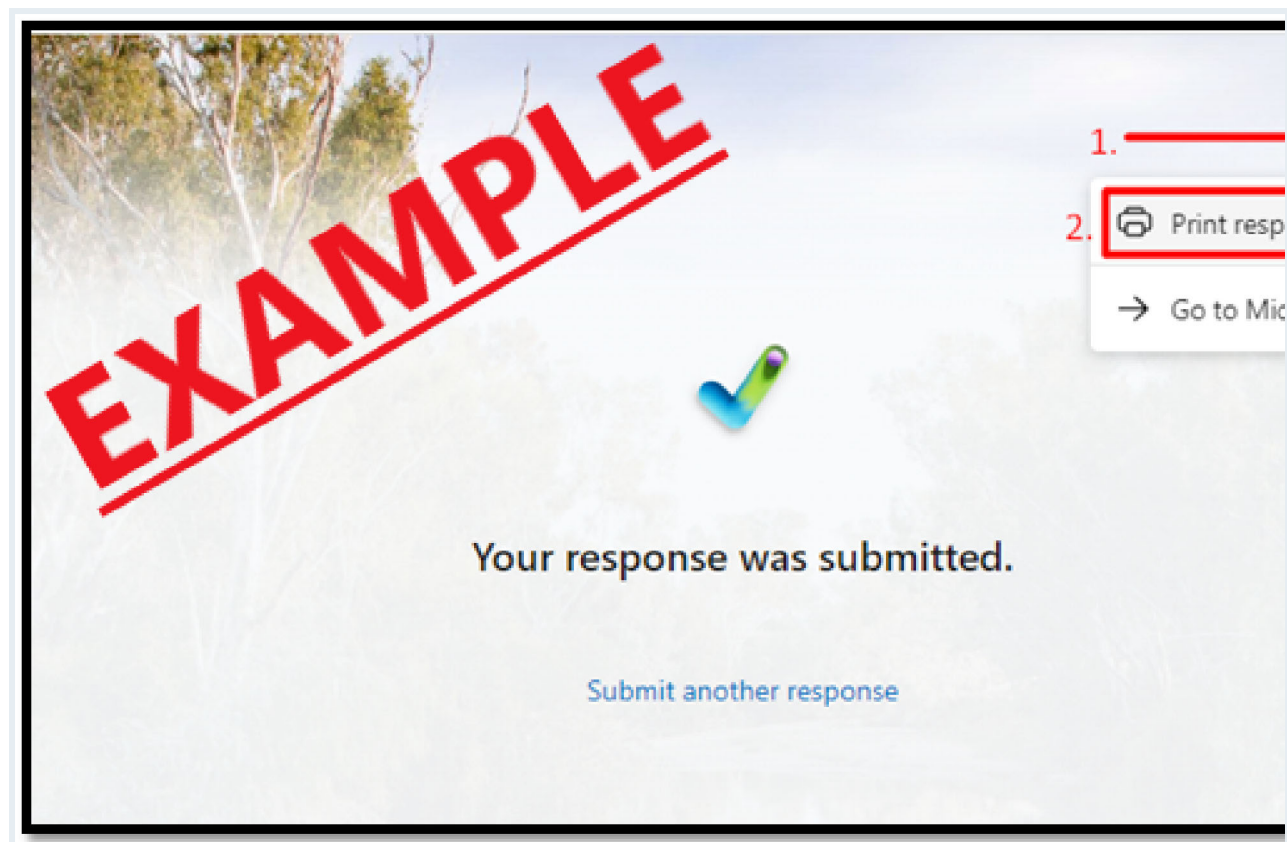
https://water.nsw.gov.au/_data/assets/pdf_file/0009/386190/Controlled-activity-approval-exemptions-fact-sheet.pdf

Members of the general public who are planning works near waterfront land should seek professional advice.

The NSW Department of Climate Change, Energy, the Environment and Water may request copies of the controlled activity exemption e-tool answers and supporting documents from landholders where works are carried out without a controlled activity approval under the Water Management Act 2000.

The controlled activity exemption e-tool will store your answers but it will not identify your location or any other personal details.

When you complete the tool, **you must click Submit before you'll get the option to save or print a pdf copy of your answers and result**, which you must keep as a record of your decision-making. You must also keep all reference material and information used—including maps, photos and observations to answer the tool questions.



More Information

- about this tool, contact NSW Department of Climate Change, Energy, the Environment and Water via lodging an enquiry through Water Assist

<https://www.dpie.nsw.gov.au/water/water-assist>

- about controlled activity approvals, visit

<https://www.dpie.nsw.gov.au/water/licensing-and-trade/controlled-activity-approvals>

Disclaimer

- This tool is intended for guidance purposes only and cannot be used as evidence of compliance with the Water Management Act 2000.
- Users of this tool will be responsible for making their own assessment of the material and should verify all relevant representations, statements and information with their own professional advisers.
- This tool only applies to controlled activities on waterfront land—it does not apply to water access licences or water supply work and/or water use approvals.
- This is not an approval to undertake work on waterfront land and you will still need to obtain relevant approvals as required under the Water Management Act 2000 (WM Act).
- The use of this tool does not remove the obligation to obtain approval under any other relevant legislation.
- Users should also refer to the disclaimer on the department's website at:
<https://www.industry.nsw.gov.au/disclaimer>

Entity Types

1

Are you any of the following? *

- ☐ a Public Authority
- ☐ a State or Commonwealth body
- ☐ a Network operator
- ☒ None of the above

4.1 Leases and Licences

2

Is the proposed activity being undertaken in accordance with any of the following? *

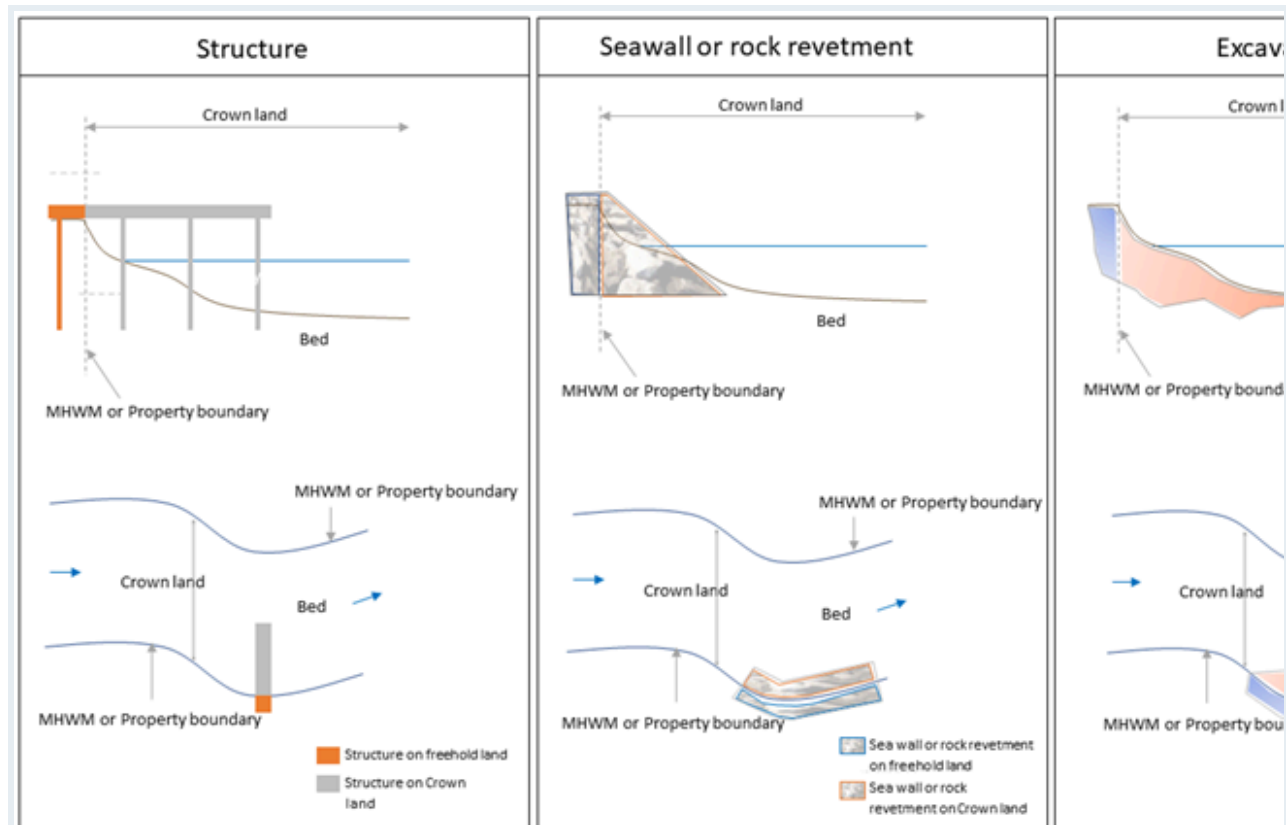
- ☐ a lease, licence or permit under the Mining Act 1992
- ☐ a lease, licence or permit under the Petroleum (onshore) Act 1991
- ☐ a lease, licence or permit under the ownership or control of Transport for NSW or the Port Authority of NSW
- ☐ a lease, licence or permit under the Ports and Maritime Administration Act 1995, under the ownership or control of a port operator
- ☐ where the minister administering the Ports and Maritime Administration Act 1995 is the consent authority under the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.
- ☒ None of the above

4.3 Leases and Licences

MHWM - Mean High Water Mark

Crown land - The diagrams below relate to Crown waterways where the bed is typically Crown land. Many waterways are freehold land.

Before answering the below question you will require the land title details for your property.



3

Refer to the information and diagrams above for Crown waterways and the land title information for your property. Is the proposed activity located entirely on crown land?

Larger copies of the diagrams are available at the below link:

<https://drive.google.com/file/d/1GN0NjXsefKBd9EgWtqncraKqAsB6CnDJ/view?usp=sharing>

★

☒ Yes

☐ No

4.4 Leases and Licences

4

Do you have an existing lease, licence or permit under the Crown Land Management Act 2016 for the proposed activity? *

☒ Yes

☐ No

4.4.1 Result - Leases and Licences

Based on your answers, the result is:

EXEMPT - Controlled Activity Approval not required

Exemption under Schedule 4 Clause 18 of the Water Management (General) Regulation 2018

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2018-0480#sch.4-sec.18>

Important Information

- For works on Crown land you MUST obtain a lease, licence or permit under the Crown Land Management Act 2016 before commencing works.
- If you have any questions regarding obtaining approval for work on Crown land please contact Crown land NSW details below:
 - Phone - 1300 886 235
 - Email - cl.enquiries@crownland.nsw.gov.au
 - Website - <https://www.industry.nsw.gov.au/lands/use>

Statements

- You are proposing to undertake works that are located entirely on crown land.
- You have an existing lease, licence or permit under the Crown Land Management Act 2016 for the proposed activity.

5

I have read and understand the Important Information and ALL of the above statements are correct? *

☒ Yes (Record keeping and disclaimer)

☐ No (Restart Tool)

Record keeping and disclaimer

Please ensure you keep the electronic and/or printed copies of all supporting evidence used to answer questions in this tool and the saved PDF you receive after clicking submit.

NOTE:

- The results given by this tool are generated using the answers you have provided. If any answers are incorrect or incomplete, the result produced may be incorrect.
- This tool is intended for guidance purposes only and cannot be used as evidence of compliance with the Water Management Act 2000.
- Users of this tool will be responsible for making their own assessment of the material and should verify all relevant representations, statements and information with their own professional advisers.
- Users should also refer to the disclaimer on the department's website at: industry.nsw.gov.au/disclaimer.

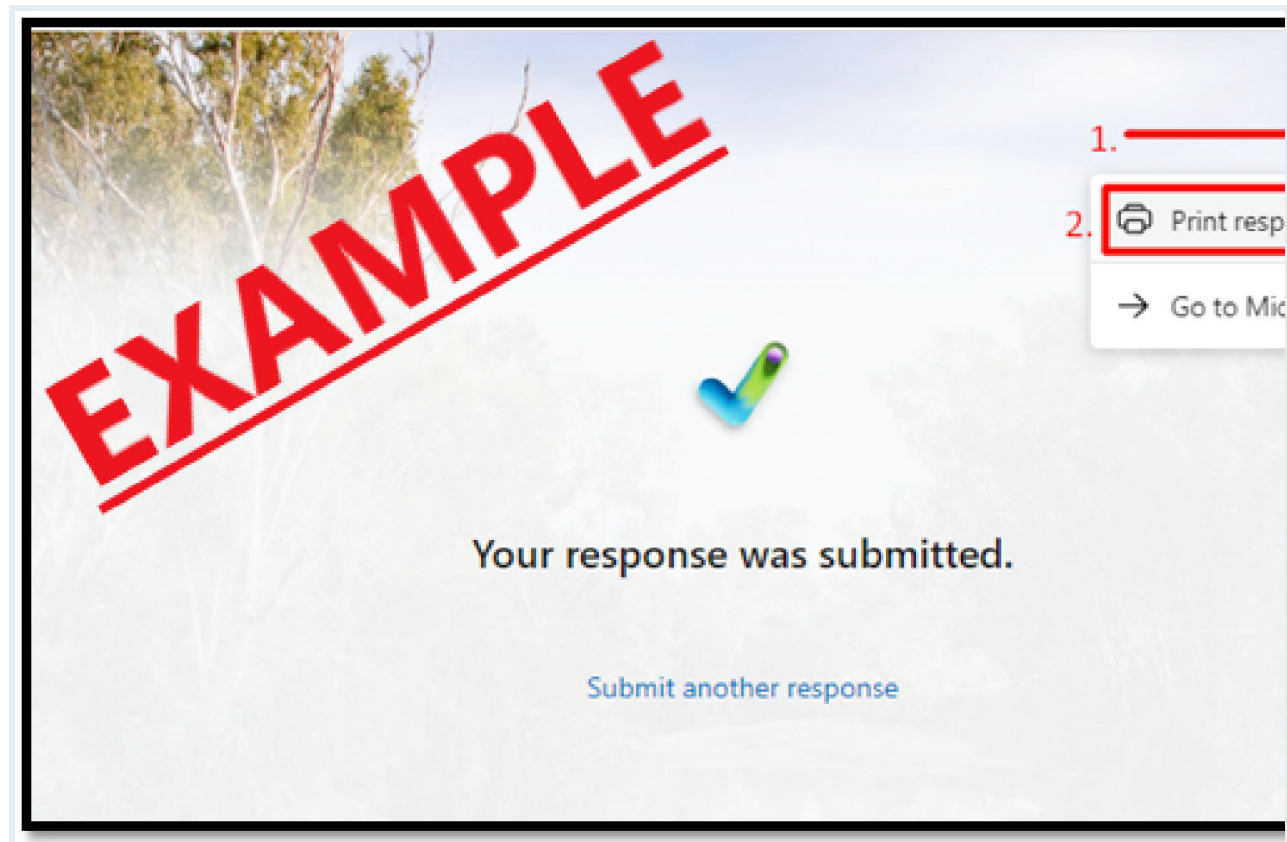
If ANY of your assessments identify that a controlled activity approval is required for your proposed works, you must complete the following tasks:

- For matters requiring a development application (DA) from Council, you should lodge your DA as Integrated Development.
- For matters NOT requiring a DA, please refer to Water Assist for instructions on how to apply for a Controlled Activity Approval:

<https://www.dpie.nsw.gov.au/water/water-assist>

Reminder: Multiple exemptions may apply to your property and/or proposed works. You must complete this e-tool separately for each applicable exemption.

You must click Submit before you'll get the option to save or print a pdf copy of your answers and your result.



6

Please let us know whether you found this tool helpful and what we could do to make it better. Your comments will help us to improve the tool. *

☐ Provide feedback then submit

☒ Submit now

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APPENDIX 4 – TITLE SEARCH

Please note that the works do not relate to a NSW title as there is no title over the Murray River.

No title search has been completed of any NSW title.

To satisfy NSW Crown land's licensing requirements a Victoria Crown Land search has been completed to allow the licence to be connected to the Victoria title for future transactions.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 12072 FOLIO 983

Security no : 124119876953S
Produced 15/11/2024 02:32 PM

LAND DESCRIPTION

Land in Plan of Consolidation 375305W.

PARENT TITLES :

Volume 09627 Folio 144 Volume 12058 Folio 304

Created by instrument PC375305W 17/04/2019

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

CAROLYN ANN HARRIS of 250 PRINCESS STREET DRYSDALE VIC 3222
AS248092F 12/06/2019

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT as to part P726935Y 28/03/1990

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

RIGHTS as to part Y004244M

DIAGRAM LOCATION

SEE PC375305W FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 170 WHARPARILLA DRIVE ECHUCA VIC 3564

ADMINISTRATIVE NOTICES

NIL

eCT Control 18601V BANKWEST
Effective from 13/12/2022

DOCUMENT END

Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	Plan
Document Identification	PC375305W
Number of Pages (excluding this cover sheet)	1
Document Assembled	15/11/2024 14:32

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The document is invalid if this cover sheet is removed or altered.

<h1 style="margin: 0;">PLAN OF CONSOLIDATION</h1>	EDITION 1	<h1 style="margin: 0;">PC 375305W</h1>			
LOCATION OF LAND PARISH: WHARPARILLA PRE-EMPTIVE SECTION A (PART) TITLE REFERENCE: C/T. VOL.9627 FOL.144 & VOL.12058 FOL.304 LAST PLAN REFERENCE: LOT 1, TP 335385U & LOT 2, PS 747208J POSTAL ADDRESS: 170 WHARPARILLA DRIVE, ECHUCA 3564 (at time of subdivision) <div style="display: flex; justify-content: space-between;"> <div>MGA CO-ORDINATES: (of approx. centre of land in plan)</div> <div>E 294 590 N 6 001 930</div> <div>ZONE: 55 GDA 94</div> </div>	Council Name: Shire of Campaspe Council Reference Number: SPIn018/2018 Planning Permit Reference: planning permit not required SPEAR Reference Number: S094858M Certification This plan is certified under section 6 of the Subdivision Act 1988 Statement of Compliance This is a statement of compliance issued under section 21 of the Subdivision Act 1988 Public Open Space A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made Digitally signed by: Ally Wilkie for Shire of Campaspe on 09/03/2018				
EASEMENT INFORMATION		NOTATIONS			
LEGEND: A - APPURTENANT EASEMENT E - ENCUMBERING EASEMENT R - ENCUMBERING EASEMENT (ROAD)		DEPTH LIMITATION: DOES NOT APPLY.			
EASEMENT REFERENCE	PURPOSE	WIDTH (METRES)	ORIGIN	LAND BENEFITED/ IN FAVOUR OF	SURVEY: THIS PLAN IS NOT BASED ON SURVEY. THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No(s). IN PROCLAIMED SURVEY AREA No.
E-1	DRAINAGE	SEE DIAG.	LP 143092	LOTS ON LP 143092	
					SURVEYOR'S REF: 16152/04
<div style="background-color: #333; color: white; padding: 5px; display: inline-block;"> Chris Smith & ASSOCIATES </div> <div style="font-size: small; margin-top: 5px;"> LEVEL 1 / 135 FRYERS STREET SHEPPARTON VIC. 3630 PH: (03) 5820 7700 FAX: (03) 5822 4878 www.csmith.com.au </div>		SCALE 1:1250 	ORIGINAL SHEET SIZE: A3 SHEET 1 OF 1 SHEET		
<div style="font-size: x-small;"> LAND SURVEYORS URBAN & REGIONAL PLANNERS </div> <div style="font-size: x-small;"> CIVIL ENGINEERS PROJECT MANAGERS </div>		Digitally signed by: Bradley Sanders, Licensed Surveyor, Surveyor's Plan Version (01), 06/03/2018, SPEAR Ref: S094858M		PLAN REGISTERED TIME: 3:47pm DATE: 17 / 04 / 2019 B Puniarangan Assistant Registrar of Titles	

FINAL SEARCH STATEMENT

Land Use Victoria

Page 1 of 1

Security No : 124119876949W
Produced 15/11/2024 02:32 PM

Volume 12072 Folio 983

ACTIVITY IN THE LAST 125 DAYS

NIL

ADMINISTRATIVE NOTICES

NIL

eCT Control 18601V BANKWEST
Effective from 13/12/2022

STATEMENT END

APPENDIX 5 – APPLICATION TO VARY THE DEVELOPMENT STANDARDS

The NSW Planning system contains measures which facilitate a variation to the development standards under a Principal Local Environmental Plan (LEP), Clause 4.6. This clause provides flexibility on the application of development standards where environmental planning objectives can be satisfied despite not meeting the required development standard.

Clause 4.6 allows a consent authority to grant consent to a development that contravenes a development standard if the consent authority is satisfied that the applicant has demonstrated that:

- *compliance with the development standard is unreasonable or unnecessary in the circumstances*
- *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

The Policy allows a grant of consent for development that cannot be carried out without contravening a development standard, but only if identified circumstances are found to exist. A development application must be supported by a written objection, which specifies the grounds for objection to the particular standard. The determining authority must be satisfied that:

- The objection is well founded (i.e. compliance is unreasonable or unnecessary),
- Granting of consent meets the objectives of the policy,
- Non-compliance does not raise matters of significance for State or regional environmental planning; and
- Strict compliance with the development standard would tend to hinder the attainment of objects 5(a) (ii) of the EP&A Act 1979.

The following request has been undertaken based on an adaptation of Appendix B of Guide to Varying Development Standards, November 2023, NSW Dept. of Planning and Environment.

REQUEST TO VARY CLAUSE 5.9 IN SEPP – BIODIVERSITY AND CONSERVATION 2021

Site and Proposed Development

Item	Response
1. Describe the site	NSW: Opposite Lot8/DP751159 Victoria: 170 Wharparilla Drive, Echuca, PC377612
2. Describe the proposed development	Approval of a walkway and pontoon within the Murray River for the purpose of a private mooring of a houseboat vessel. This includes a tieback point connected to the top of the bank. The application also seeks to formalise an existing water supply system (small stock and domestic pump) which holds an approval through GMW and Crown Licence. The structure is located within both NSW and Victoria and connects to the existing retaining wall on the site.

Planning instrument, development standard and proposed variation

Item	Response
3. What is the environmental planning instrument/s you are seeking to vary?	<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>
4. What is the site zoning?	W2 - Recreational Waterways
5. Identify the development standard to be varied	5.9 Specific principles Access <i>* The waterway and much of the foreshore of the River Murray is a public resource. Alienation or obstruction of this resource by or for private purposes should not be supported.</i> <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>
6. Identify the type of development standard	No numeric value applicable.
7. What is the numeric value of the development standard in the environmental planning instrument?	NA – no numeric value.

Item	Response
8. What is the difference between the existing and proposed numeric values? What is the percentage variation?	NA
9. Visual representation of the proposed variation (if relevant)	See section 4 of the Statement of Environmental Effects and Project plans provided

Justification for the proposed variation

Test	Response
10. How is compliance with the development standard unreasonable or unnecessary in the circumstances of this particular case?	
a) Are the objectives of the development standard achieved notwithstanding the non-compliance? (Give details if applicable)	<p>The objectives of the Instrument are as follows:</p> <ul style="list-style-type: none"> a) To ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray, and b) to establish a consistent and co-ordinated approach to environmental planning and assessment along the River Murray, and c) to conserve and promote the better management of the natural and cultural heritage values of the riverine environment of the River Murray. <p>There are no objectives to the standard. It is understood that the intent of this clause is to prevent a houseboat being utilised as a permanent residence and ensure that the private use of a public resource is restricted.</p> <p>Whilst the vessel proposed for the mooring is a private houseboat it will not be utilised as long term accommodation as the site is connected to the Applicants private residence.</p>
b) Are the underlying objectives or purpose of the development standard not relevant to the development? (Give details if applicable)	NA
c) Would the underlying objective or purpose be defeated or thwarted if compliance was required? (Give details if applicable)	NA
d) Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard? (Give details if applicable)	Mooring of private vessels permanently is common along the river and the vessel is connected to a private dwelling and as a result is not proposed for permanent accommodation.
e) Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary? (Give details if applicable)	NA
11. Are there sufficient environmental planning grounds to justify contravening the development standard?	<p>Permanent moorings are common along the river channel and the site is located within an area where there are several other permanent moorings present.</p> <p>A statement of environmental effects has been prepared to accompany this request to vary and request for a development application. This report and related assessments identify that the structure and vessel have the ability for use as the storage and access of the existing mooring with no impact to the site and surrounds. Plans and assessments have been provided to support this request.</p>

Test	Response
12. Is there any other relevant information relating to justifying a variation of the development standard? (If required)	The proposed mooring structure is located between multiple other structures of uncertain permissibility that have been at the site for an extended period of time. It is not unreasonable for the Applicant to moor their vessel adjacent to their property.

REQUEST TO VARY CLAUSE 7.6(4) IN MURRAY RIVER LEP 2011

Site and Proposed Development

Item	Response
1. Describe the site	NSW: Opposite Lot7/DP751159 Victoria: 74 Wharparilla Drive, Echuca, PC377612
2. Describe the proposed development	Approval of a walkway and pontoon within the Murray River for the purpose of a private mooring of a houseboat style vessel. This includes a landing and tieback point connected to the top of the bank. The application also seeks to formalise an existing water supply system (small stock and domestic pump) which holds an approval through GMW and will formally seek a NSW Crown Licence as part of the approval. Infrastructure is located within both Victoria and NSW which connects to the existing retaining wall on the site.

Planning instrument, development standard and proposed variation

Item	Response
3. What is the environmental planning instrument/s you are seeking to vary?	<i>Murray Development Control Plan 2011</i>
4. What is the site zoning?	W2 - Recreational Waterways
5. Identify the development standard to be varied	7.6 Additional provisions—development on river bed and banks of the Murray and Wakool Rivers (4) Development consent must not be granted for the erection of a structure on land to which this clause applies unless the consent authority is satisfied of the following— (a) <i>that the proposed structure will not be located on an outside bend of the Murray or Wakool River,</i>
6. Identify the type of development standard	No numeric value applicable.
7. What is the numeric value of the development standard in the environmental planning instrument?	NA – no numeric value.
8. What is the difference between the existing and proposed numeric values? What is the percentage variation?	NA
9. Visual representation of the proposed variation (if relevant)	See section 4 of the Statement of Environmental Effect and Project plans provided

Justification for the proposed variation

Test	Response
10. How is compliance with the development standard unreasonable or unnecessary in the circumstances of this particular case?	

Test	Response
a) Are the objectives of the development standard achieved notwithstanding the non-compliance? (Give details if applicable)	<p><i>The objectives of this clause are as follows—</i></p> <p><i>(a) to manage and maintain the quality of water in the Murray and Wakool Rivers,</i></p> <p><i>(b) to protect the environmental values and scenic amenity and cultural heritage of those rivers,</i></p> <p><i>(c) to protect the stability of the bed and banks of those rivers,</i></p> <p><i>(d) to limit the impact of structures in or near those rivers on natural riverine processes and navigability of those rivers.</i></p> <p>It is understood that the intent of this clause is to prevent a structure from impacting the navigability of the river channel and to reduce the future potential for erosion as a result of structure within faster flowing water.</p> <p>Significant works have been undertaken at this site including the approved retaining wall which protects the site from erosion. There are a number of similar moorings along the stretch of the river which extend further into the channel.</p>
b) Are the underlying objectives or purpose of the development standard not relevant to the development? (Give details if applicable)	NA
c) Would the underlying objective or purpose be defeated or thwarted if compliance was required? (Give details if applicable)	NA
d) Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard? (Give details if applicable)	The mooring structure and vessel proposed to be moored at the site are similar to others seen on this stretch of the Murray River and particularly at the lots adjacent to the property both up and down stream.
e) Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary? (Give details if applicable)	NA
11. Are there sufficient environmental planning grounds to justify contravening the development standard?	A statement of environmental effects has been prepared to accompany this request to vary and request for a development application. This report and related assessments identify that the proposed structure can be installed for the relocation of existing pump with no impact to the site and surrounds. Plans and assessments have been provided to support this.
12. Is there any other relevant information relating to justifying a variation of the development standard? (If required)	Nil

REQUEST TO VARY CLAUSE 7.6 – 4(C) IN MURRAY LOCAL ENVIRONMENT PLAN 2011

Site and Proposed Development

Item	Response
1. Describe the site	NSW: Opposite Lot7/DP751159 Victoria: 74 Wharparilla Drive, Echuca, PC377612
2. Describe the proposed development	Approval of a walkway and pontoon within the Murray River for the purpose of a private mooring of a houseboat style vessel. This includes tieback points connected to the top of the bank. The application also seeks to formalise an existing water supply system (small stock and domestic pump) which holds an approval through GMW and Crown Licence. Structures are located within both Victoria and NSW and connect to the existing retaining wall on the site.

Planning instrument, development standard and proposed variation

Item	Response
3. What is the environmental planning instrument/s you are seeking to vary?	<i>Murray Local Environment Plan 2011</i>
4. What is the site zoning?	W2 - Recreational Waterways
5. Identify the development standard to be varied	Clause 7.6 Additional Provisions – development on the river bed and banks of the Murray and Wakool Rivers (4) Development consent must not be granted for the erection of a structure on land to which this clause applies unless the consent authority is satisfied of the following: (c) that the development does not involve, and will not result in, the erection of more than one mooring per lot or per lots owned by the same owner or owners.
6. Identify the type of development standard	One
7. What is the numeric value of the development standard in the environmental planning instrument?	Unknown number of existing moorings. This application seeks to approve an existing mooring structure.
8. What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?	Unknown
9. Visual representation of the proposed variation (if relevant)	See section 4 of the Statement of Environmental Effect and Project plans provided

Justification for the proposed variation

Test	Response
10. How is compliance with the development standard unreasonable or unnecessary in the circumstances of this particular case?	
a) Are the objectives of the development standard achieved notwithstanding the non-compliance? (Give details if applicable)	The application relates to a structure located within a waterway. There is no formal land title or Lot that the application relates to. This application seeks approval for a single private mooring and structure and existing water supply system (small stock and domestic pump) which holds an approval through GMW and NSW Crown Licence. Strict compliance with this development standard would conflict with the purpose that the area was established for.
b) Are the underlying objectives or purpose of the development standard not relevant to the development? (Give details if applicable)	The objects of this Act are: (a) to encourage (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas,

Test	Response
	<p><i>forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,</i></p> <p><i>(ii) the promotion and co-ordination of the orderly and economic use and development of land,</i></p> <p>The waterway of the Murray is not formally identified as a Lot. Even if it were considered as a single Lot, only allowing a single mooring within the waterway would not encourage equal access or use of a recreational asset within the region. The approval of the structure that connects the mooring to the land has not historically impacted the environment and it is not envisaged to do so in the future.</p>
c) Would the underlying objective or purpose be defeated or thwarted if compliance was required? (Give details if applicable)	NA
d) Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard? (Give details if applicable)	NA
e) Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary? (Give details if applicable)	NA
11. Are there sufficient environmental planning grounds to justify contravening the development standard?	This address is attached to a statement of environmental effects to accompany a development application. This report and related assessments identify that the proposed structure can be utilised for the storage and access of the existing mooring with no impact to the site and surrounds. Plans and assessments have been provided to support this.
12. Is there any other relevant information relating to justifying a variation of the development standard? (If required)	There is not a formal land title connected to this area. The approval of a structure connected to a mooring within a waterway which is 2,508km long. Limiting the waterway as a whole to a single mooring would be extremely unreasonable and unfair – particularly as there is already more than one mooring approved within the vicinity.

CONCLUSION

As demonstrated above,

- this objection is well founded demonstrating that the compliance surrounding the permanent mooring being unnecessary and unreasonable,
- Granting of consent meets the objectives of the policy,
- Non-compliance does not raise matters of significance from State or Regional environmental planning, and
- Strict compliance with the development standard would tend to hinder the attainment of objects 5(a) (ii) of the EP&A Act 1979.

The proposal seeks approval for a new permanent private mooring and an existing structure and water supply systems (stock and domestic) within the Murray River. The intent of the mooring is not for long term accommodation of the vessel and it allows for continued direct access to their houseboat.



APPENDIX 6A - BOSET REPORT

Biodiversity Values Map and Threshold Report

This report is generated using the Biodiversity Values Map and Threshold (BMAT) tool. The BMAT tool is used by proponents to supply evidence to your local council to determine whether or not a Biodiversity Development Assessment Report (BDAR) is required under [the Biodiversity Conservation Regulation 2017 \(Cl. 7.2 & 7.3\)](#).

The report provides results for the proposed development footprint area identified by the user and displayed within the blue boundary on the map.

There are two pathways for determining whether a BDAR is required for the proposed development:

1. Is there Biodiversity Values Mapping?
2. Is the 'clearing of native vegetation area threshold' exceeded?

Biodiversity Values Map and Threshold Report

Date of Report Generation		25/08/2024 3:16 PM
1. Biodiversity Values (BV) Map - Results Summary (Biodiversity Conservation Regulation Section 7.3)		
1.1	Does the development Footprint intersect with BV mapping?	no
1.2	Was <u>ALL</u> BV Mapping within the development footprint added in the last 90 days? (dark purple mapping only, no light purple mapping present)	no
1.3	Date of expiry of dark purple 90 day mapping	N/A
1.4	Is the Biodiversity Values Map threshold exceeded?	no
2. Area Clearing Threshold - Results Summary (Biodiversity Conservation Regulation Section 7.2)		
2.1	Size of the development or clearing footprint	119.3 sqm
2.2	Native Vegetation Area Clearing Estimate (NVACE) (within development/clearing footprint)	0.0 sqm
2.3	Method for determining Minimum Lot Size	LEP
2.4	Minimum Lot Size (10,000sqm = 1ha)	00 sqm
2.5	Area Clearing Threshold (10,000sqm = 1ha)	2,500 sqm
2.6	Does the estimate exceed the Area Clearing Threshold? (NVACE results are an estimate and can be reviewed using the Guidance)	no
REPORT RESULT: Is the Biodiversity Offset Scheme (BOS) Threshold exceeded for the proposed development footprint area? (Your local council will determine if a BDAR is required)		no

What do I do with this report?

- If the result above indicates the BOS Threshold has been exceeded, your local council may require a Biodiversity Development Assessment Report with your development application. Seek further advice from Council. An accredited assessor can apply the Biodiversity Assessment Method and prepare a BDAR for you. For a list of accredited assessors go to: <https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>.
- If the result above indicates the BOS Threshold has not been exceeded, you may not require a Biodiversity Development Assessment Report. This BMAT report can be provided to Council to support your development application. Council can advise how the area clearing threshold results should be considered. Council will review these results and make a determination if a BDAR is required. Council may ask you to review the area clearing threshold results. You may also be required to assess whether the development is “likely to significantly affect threatened species” as determined under the test in Section 7.3 of the *Biodiversity Conservation Act 2016*.
- If a BDAR is not required by Council, you may still require a permit to clear vegetation from your local council.
- If all Biodiversity Values mapping within your development footprint was less than 90 days old, i.e. areas are displayed as dark purple on the BV map, a BDAR may not be required if your Development Application is submitted within that 90 day period. Any BV mapping less than 90 days old on this report will expire on the date provided in Line item 1.3 above.

For more detailed advice about actions required, refer to the Interpreting the evaluation report section of the [Biodiversity Values Map Threshold Tool User Guide](#) .

Review Options:

- If you believe the Biodiversity Values mapping is incorrect please refer to our [BV Map Review webpage](#) for further information.
- If you or Council disagree with the area clearing threshold estimate results from the NVACE in Line Item 2.6 above (i.e. area of Native Vegetation within the Development footprint proposed to be cleared), review the results using the [Guide for reviewing area clearing threshold results from the BMAT Tool](#).

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: RMoodie

(Typing your name in the signature field will be considered as your signature for the purposes of this form)

Date: _____

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Biodiversity Values Map and Threshold Tool

The Biodiversity Values (BV) Map and Threshold Tool identifies land with high biodiversity value, particularly sensitive to impacts from development and clearing.

The BV map forms part of the Biodiversity Offsets Scheme threshold, which is one of the factors for determining whether the Scheme applies to a clearing or development proposal. You have used the Threshold Tool in the map viewer to generate this BV Threshold Report for your nominated area. This report calculates results for your proposed development footprint and indicates whether Council may require you to engage an accredited assessor to prepare a Biodiversity Development Assessment Report (BDAR) for your development.

This report may be used as evidence for development applications submitted to councils. You may also use this report when considering native vegetation clearing under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 2 vegetation in non-rural areas.

What's new? For more information about the latest updates to the Biodiversity Values Map and Threshold Tool go to the updates section on the [Biodiversity Values Map webpage](#).

Map Review: Landholders can request a review of the BV Map where they consider there is an error in the mapping on their property. For more information about the map review process and an application form for a review go to the [Biodiversity Values Map Review webpage](#).

If you need help using this map tool see our [Biodiversity Values Map and Threshold Tool User Guide](#) or contact the Map Review Team at map.review@environment.nsw.gov.au or on 1800 001 490.





Biodiversity Values Map



85.4 0 42.68 85.4 Metres

WGS_1984_Web_Mercator_Auxiliary_Sphere

Legend

-  Biodiversity Values that have been mapped for more than 90 days
-  Biodiversity Values added within last 90 days
-  Native Vegetation Area Clearing Estimate (NVACE)
-  Development area selected by proponent

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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.

Imagery © Airbus DS/Spot Image 2016

© NSW Department of Customer Service, Basemaps 2019

© NSW Department of Planning and Environment

The results provided in this tool are generated using the best available mapping and knowledge of species habitat requirements.

This map is valid as at the date the report was generated. Checking the [Biodiversity Values Map viewer](#) for mapping updates is recommended.



APPENDIX 6B - PROTECTED MATTERS SEARCH TOOL REPORT



Australian Government

Department of Climate Change, Energy,
the Environment and Water

EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected. Please see the caveat for interpretation of information provided here.

Report created: 25-Aug-2024

[Summary](#)

[Details](#)

[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)

Summary

Matters of National Environment Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the [Administrative Guidelines on Significance](#).

World Heritage Properties:	None
National Heritage Places:	1
Wetlands of International Importance (Ramsar	6
Great Barrier Reef Marine Park:	None
Commonwealth Marine Area:	None
Listed Threatened Ecological Communities:	5
Listed Threatened Species:	42
Listed Migratory Species:	11

Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place. Information on the new heritage laws can be found at <https://www.dcceew.gov.au/parks-heritage/heritage>

A [permit](#) may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species.

Commonwealth Lands:	2
Commonwealth Heritage Places:	None
Listed Marine Species:	18
Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves Terrestrial:	None
Australian Marine Parks:	None
Habitat Critical to the Survival of Marine Turtles:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have

State and Territory Reserves:	5
Regional Forest Agreements:	None
Nationally Important Wetlands:	None
EPBC Act Referrals:	7
Key Ecological Features (Marine):	None
Biologically Important Areas:	None
Bioregional Assessments:	None
Geological and Bioregional Assessments:	None

Details

Matters of National Environmental Significance

National Heritage Places			[Resource Information]
Name	State	Legal Status	Buffer Status
Historic			
Echuca Wharf	VIC	Listed place	In buffer area only

Wetlands of International Importance (Ramsar Wetlands)			[Resource Information]
Ramsar Site Name	Proximity	Buffer Status	
Banrock station wetland complex	400 - 500km upstream from Ramsar site	In feature area	
Gunbower forest	10 - 20km upstream from Ramsar site	In feature area	
Hattah-kulkyne lakes	200 - 300km upstream from Ramsar site	In feature area	
Nsw central murray state forests	Within 10km of Ramsar site	In feature area	
Riverland	300 - 400km upstream from Ramsar site	In feature area	
The coorong, and lakes alexandrina and albert wetland	400 - 500km upstream from Ramsar site	In feature area	

Listed Threatened Ecological Communities			[Resource Information]
For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.			
Status of Vulnerable, Disallowed and Ineligible are not MNES under the EPBC Act.			
Community Name	Threatened Category	Presence Text	Buffer Status
Buloke Woodlands of the Riverina and Murray-Darling Depression Bioregions	Endangered	Community may occur	In feature area within area
Grey Box (Eucalyptus microcarpa) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia	Endangered	Community likely to occur	In feature area within area
Natural Grasslands of the Murray Valley Plains	Critically Endangered	Community likely to occur	In feature area within area

Community Name	Threatened Category	Presence Text	Buffer Status
Weeping Myall Woodlands	Endangered	Community may occur	In feature area within area
White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland	Critically Endangered	Community likely to occur	In feature area within area

Listed Threatened Species

[[Resource Information](#)]

Status of Conservation Dependent and Extinct are not MNES under the EPBC Act.
 Number is the current name ID.

Scientific Name	Threatened Category	Presence Text	Buffer Status
BIRD			
Aphelocephala leucopsis Southern Whiteface [529]	Vulnerable	Species or species habitat known to occur	In feature area within area
Botaurus poiciloptilus Australasian Bittern [1001]	Endangered	Species or species habitat likely to occur	In feature area within area
Calidris acuminata Sharp-tailed Sandpiper [874]	Vulnerable	Species or species habitat may occur	In feature area within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur	In feature area within area
Climacteris picumnus victoriae Brown Treecreeper (south-eastern) [67062]	Vulnerable	Species or species habitat known to occur	In feature area within area
Falco hypoleucos Grey Falcon [929]	Vulnerable	Species or species habitat likely to occur	In feature area within area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]	Vulnerable	Species or species habitat likely to occur	In feature area within area
Grantiella picta Painted Honeyeater [470]	Vulnerable	Species or species habitat likely to occur	In feature area within area
Hirundapus caudacutus White-throated Needletail [682]	Vulnerable	Species or species habitat likely to occur	In feature area within area

Scientific Name	Threatened Category	Presence Text	Buffer Status
Lathamus discolor Swift Parrot [744]	Critically Endangered	Species or species habitat known to occur within area	In feature area
Lophochroa leadbeateri leadbeateri Major Mitchell's Cockatoo (eastern), Eastern Major Mitchell's Cockatoo, Pink Cockatoo (eastern) [82926]	Endangered	Species or species habitat may occur within area	In feature area
Melanodryas cucullata cucullata South-eastern Hooded Robin, Hooded Robin (south-eastern) [67093]	Endangered	Species or species habitat likely to occur within area	In feature area
Neophema chrysostoma Blue-winged Parrot [726]	Vulnerable	Species or species habitat likely to occur within area	In feature area
Pedionomus torquatus Plains-wanderer [906]	Critically Endangered	Species or species habitat known to occur within area	In feature area
Polytelis swainsonii Superb Parrot [738]	Vulnerable	Species or species habitat known to occur within area	In feature area
Rostratula australis Australian Painted Snipe [77037]	Endangered	Species or species habitat likely to occur within area	In feature area
Stagonopleura guttata Diamond Firetail [59398]	Vulnerable	Species or species habitat known to occur within area	In feature area
Tringa nebularia Common Greenshank, Greenshank [832]	Endangered	Species or species habitat likely to occur within area	In feature area
FISH			
Bidyanus bidyanus Silver Perch, Bidyan [76155]	Endangered	Species or species habitat known to occur within area	In feature area
Craterocephalus fluviatilis Murray Hardyhead [56791]	Endangered	Species or species habitat may occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
Galaxias rostratus Flathead Galaxias, Beaked Minnow, Flat-headed Galaxias, Flat-headed Jollytail, Flat-headed Minnow [84745]	Critically Endangered	Species or species habitat known to occur within area	In feature area
Maccullochella macquariensis Trout Cod [26171]	Endangered	Species or species habitat known to occur within area	In feature area
Maccullochella peelii Murray Cod [66633]	Vulnerable	Species or species habitat known to occur within area	In feature area
Macquaria australasica Macquarie Perch [66632]	Endangered	Species or species habitat may occur within area	In feature area
FROG			
Crinia sloanei Sloane's Froglet [59151]	Endangered	Species or species habitat known to occur within area	In feature area
Litoria raniformis Southern Bell Frog,, Growling Grass Frog, Green and Golden Frog, Warty Swamp Frog, Golden Bell Frog [1828]	Vulnerable	Species or species habitat may occur within area	In feature area
INSECT			
Synemon plana Golden Sun Moth [25234]	Vulnerable	Species or species habitat known to occur within area	In feature area
MAMMAL			
Nyctophilus corbeni Corben's Long-eared Bat, South-eastern Long-eared Bat [83395]	Vulnerable	Species or species habitat may occur within area	In feature area
Phascolarctos cinereus (combined populations of Qld, NSW and the ACT) Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) [85104]	Endangered	Species or species habitat likely to occur within area	In feature area
Pteropus poliocephalus Grey-headed Flying-fox [186]	Vulnerable	Foraging, feeding or related behaviour may occur within area	In feature area
PLANT			

Scientific Name	Threatened Category	Presence Text	Buffer Status
Amphibromus fluitans River Swamp Wallaby-grass, Floating Swamp Wallaby-grass [19215]	Vulnerable	Species or species habitat known to occur within area	In feature area
Brachyscome muelleroides Mueller Daisy [15572]	Vulnerable	Species or species habitat may occur within area	In feature area
Lepidium monoplacoides Winged Pepper-cress [9190]	Endangered	Species or species habitat likely to occur within area	In feature area
Maireana cheelii Chariot Wheels [8008]	Vulnerable	Species or species habitat may occur within area	In feature area
Myriophyllum porcatum Ridged Water-milfoil [19919]	Vulnerable	Species or species habitat likely to occur within area	In feature area
Pimelea spinescens subsp. spinescens Plains Rice-flower, Spiny Rice-flower, Prickly Pimelea [21980]	Critically Endangered	Species or species habitat known to occur within area	In feature area
Pterostylis despectans Lowly Greenhood [6272]	Endangered	Species or species habitat may occur within area	In buffer area only
Sclerolaena napiformis Turnip Copperburr [11742]	Endangered	Species or species habitat known to occur within area	In feature area
Senecio behrianus Stiff Groundsel, Behr's Groundsel [14030]	Endangered	Species or species habitat may occur within area	In feature area
Swainsona murrayana Slender Darling-pea, Slender Swainson, Murray Swainson-pea [6765]	Vulnerable	Species or species habitat known to occur within area	In feature area
Swainsona plagiotropis Red Darling-pea, Red Swainson-pea [10804]	Vulnerable	Species or species habitat known to occur within area	In feature area

REPTILE

Scientific Name	Threatened Category	Presence Text	Buffer Status
Aprasia parapulchella Pink-tailed Worm-lizard, Pink-tailed Legless Lizard [1665]	Vulnerable	Species or species habitat may occur within area	In feature area
Listed Migratory Species [Resource Information]			
Scientific Name	Threatened Category	Presence Text	Buffer Status
Migratory Marine Birds			
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area	In feature area
Migratory Terrestrial Species			
Hirundapus caudacutus White-throated Needletail [682]	Vulnerable	Species or species habitat likely to occur within area	In feature area
Motacilla flava Yellow Wagtail [644]		Species or species habitat may occur within area	In feature area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat likely to occur within area	In feature area
Rhipidura rufifrons Rufous Fantail [592]		Species or species habitat known to occur within area	In buffer area only
Migratory Wetlands Species			
Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat may occur within area	In feature area
Calidris acuminata Sharp-tailed Sandpiper [874]	Vulnerable	Species or species habitat may occur within area	In feature area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area	In feature area
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]	Vulnerable	Species or species habitat likely to occur within area	In feature area
Tringa nebularia Common Greenshank, Greenshank [832]	Endangered	Species or species habitat likely to occur within area	In feature area

Other Matters Protected by the EPBC Act

Commonwealth Lands

[[Resource Information](#)]

The Commonwealth area listed below may indicate the presence of Commonwealth land in this vicinity. Due to the unreliability of the data source, all proposals should be checked as to whether it impacts on a Commonwealth area, before making a definitive decision. Contact the State or Territory government land department for further information.

Commonwealth Land Name	State	Buffer Status
Communications, Information Technology and the Arts - Telstra Corporation Limited		
Commonwealth Land - Australian Telecommunications Corporation [14994]	NSW	In buffer area only

Defence		
Defence - BOBDUBI BARRACKS - ECHUCA [20166]	VIC	In buffer area only

Listed Marine Species

[[Resource Information](#)]

Scientific Name	Threatened Category	Presence Text	Buffer Status
Bird			
Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat may occur within area	In feature area
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area overfly marine area	In feature area
Bubulcus ibis as Ardea ibis Cattle Egret [66521]		Species or species habitat may occur within area overfly marine area	In feature area
Calidris acuminata Sharp-tailed Sandpiper [874]	Vulnerable	Species or species habitat may occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area overfly marine area	In feature area
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area overfly marine area	In feature area
Chalcites osculans as Chrysococcyx osculans Black-eared Cuckoo [83425]		Species or species habitat likely to occur within area overfly marine area	In feature area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]	Vulnerable	Species or species habitat likely to occur within area overfly marine area	In feature area
Haliaeetus leucogaster White-bellied Sea-Eagle [943]		Species or species habitat known to occur within area	In feature area
Hirundapus caudacutus White-throated Needletail [682]	Vulnerable	Species or species habitat likely to occur within area overfly marine area	In feature area
Lathamus discolor Swift Parrot [744]	Critically Endangered	Species or species habitat known to occur within area overfly marine area	In feature area
Merops ornatus Rainbow Bee-eater [670]		Species or species habitat may occur within area overfly marine area	In feature area
Motacilla flava Yellow Wagtail [644]		Species or species habitat may occur within area overfly marine area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat likely to occur within area overfly marine area	In feature area
Neophema chrysostoma Blue-winged Parrot [726]	Vulnerable	Species or species habitat likely to occur within area overfly marine area	In feature area
Rhipidura rufifrons Rufous Fantail [592]		Species or species habitat known to occur within area overfly marine area	In buffer area only
Rostratula australis as Rostratula benghalensis (sensu lato) Australian Painted Snipe [77037]	Endangered	Species or species habitat likely to occur within area overfly marine area	In feature area
Tringa nebularia Common Greenshank, Greenshank [832]	Endangered	Species or species habitat likely to occur within area overfly marine area	In feature area

Extra Information

State and Territory Reserves			[Resource Information]	
Protected Area Name	Reserve Type	State	Buffer Status	
Echuca West B.R.	Natural Features Reserve	VIC	In buffer area only	
Murray Valley	Regional Park	NSW	In buffer area only	
River Murray Reserve	Natural Features Reserve	VIC	In feature area	
River Murray Reserve (non-PV)	Natural Features Reserve	VIC	In buffer area only	
Wharparilla B.R	Natural Features Reserve	VIC	In buffer area only	

EPBC Act Referrals			[Resource Information]	
Title of referral	Reference	Referral Outcome	Assessment Status	Buffer Status
Controlled action				
Construction of a second Murray River crossing Echuca-Moama, Vic	2013/6850	Controlled Action	Post-Approval	In buffer area only

Title of referral	Reference	Referral Outcome	Assessment Status	Buffer Status
Controlled action				
The Modified Operation of the Goulburn Murray Irrigation District	2009/5123	Controlled Action	Post-Approval	In feature area
Not controlled action				
arrowhead weed infestations control	2004/1875	Not Controlled Action	Completed	In feature area
Improving rabbit biocontrol: releasing another strain of RHDV, sthrn two thirds of Australia	2015/7522	Not Controlled Action	Completed	In feature area
INDIGO Central Submarine Telecommunications Cable	2017/8127	Not Controlled Action	Completed	In feature area
The refurbishment of Echuca Wharf to its original 19th century design	2007/3924	Not Controlled Action	Completed	In buffer area only
Not controlled action (particular manner)				
INDIGO Marine Cable Route Survey (INDIGO)	2017/7996	Not Controlled Action (Particular Manner)	Post-Approval	In feature area

Caveat

1 PURPOSE

This report is designed to assist in identifying the location of matters of national environmental significance (MNES) and other matters protected by the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) which may be relevant in determining obligations and requirements under the EPBC Act.

The report contains the mapped locations of:

- World and National Heritage properties;
- Wetlands of International and National Importance;
- Commonwealth and State/Territory reserves;
- distribution of listed threatened, migratory and marine species;
- listed threatened ecological communities; and
- other information that may be useful as an indicator of potential habitat value.

2 DISCLAIMER

This report is not intended to be exhaustive and should only be relied upon as a general guide as mapped data is not available for all species or ecological communities listed under the EPBC Act (see below). Persons seeking to use the information contained in this report to inform the referral of a proposed action under the EPBC Act should consider the limitations noted below and whether additional information is required to determine the existence and location of MNES and other protected matters.

Where data are available to inform the mapping of protected species, the presence type (e.g. known, likely or may occur) that can be determined from the data is indicated in general terms. It is the responsibility of any person using or relying on the information in this report to ensure that it is suitable for the circumstances of any proposed use. The Commonwealth cannot accept responsibility for the consequences of any use of the report or any part thereof. To the maximum extent allowed under governing law, the Commonwealth will not be liable for any loss or damage that may be occasioned directly or indirectly through the use of, or reliance

3 DATA SOURCES

Threatened ecological communities

For threatened ecological communities where the distribution is well known, maps are generated based on information contained in recovery plans, State vegetation maps and remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Threatened, migratory and marine species

Threatened, migratory and marine species distributions have been discerned through a variety of methods. Where distributions are well known and if time permits, distributions are inferred from either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc.) together with point locations and described habitat; or modelled (MAXENT or BIOCLIM habitat modelling) using

Where little information is available for a species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc.).

In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More detailed distribution mapping methods are used to update these distributions

4 LIMITATIONS

The following species and ecological communities have not been mapped and do not appear in this report:

- threatened species listed as extinct or considered vagrants;
- some recently listed species and ecological communities;
- some listed migratory and listed marine species, which are not listed as threatened species; and
- migratory species that are very widespread, vagrant, or only occur in Australia in small numbers.

The following groups have been mapped, but may not cover the complete distribution of the species:

- listed migratory and/or listed marine seabirds, which are not listed as threatened, have only been mapped for recorded
- seals which have only been mapped for breeding sites near the Australian continent

The breeding sites may be important for the protection of the Commonwealth Marine environment.

Refer to the metadata for the feature group (using the Resource Information link) for the currency of the information.

Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [-Office of Environment and Heritage, New South Wales](#)
- [-Department of Environment and Primary Industries, Victoria](#)
- [-Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [-Department of Environment, Water and Natural Resources, South Australia](#)
- [-Department of Land and Resource Management, Northern Territory](#)
- [-Department of Environmental and Heritage Protection, Queensland](#)
- [-Department of Parks and Wildlife, Western Australia](#)
- [-Environment and Planning Directorate, ACT](#)
- [-Birdlife Australia](#)
- [-Australian Bird and Bat Banding Scheme](#)
- [-Australian National Wildlife Collection](#)
- [-Natural history museums of Australia](#)
- [-Museum Victoria](#)
- [-Australian Museum](#)
- [-South Australian Museum](#)
- [-Queensland Museum](#)
- [-Online Zoological Collections of Australian Museums](#)
- [-Queensland Herbarium](#)
- [-National Herbarium of NSW](#)
- [-Royal Botanic Gardens and National Herbarium of Victoria](#)
- [-Tasmanian Herbarium](#)
- [-State Herbarium of South Australia](#)
- [-Northern Territory Herbarium](#)
- [-Western Australian Herbarium](#)
- [-Australian National Herbarium, Canberra](#)
- [-University of New England](#)
- [-Ocean Biogeographic Information System](#)
- [-Australian Government, Department of Defence](#)
- [Forestry Corporation, NSW](#)
- [-Geoscience Australia](#)
- [-CSIRO](#)
- [-Australian Tropical Herbarium, Cairns](#)
- [-eBird Australia](#)
- [-Australian Government – Australian Antarctic Data Centre](#)
- [-Museum and Art Gallery of the Northern Territory](#)
- [-Australian Government National Environmental Science Program](#)
- [-Australian Institute of Marine Science](#)
- [-Reef Life Survey Australia](#)
- [-American Museum of Natural History](#)
- [-Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [-Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- [-Other groups and individuals](#)

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Please feel free to provide feedback via the [Contact us](#) page.

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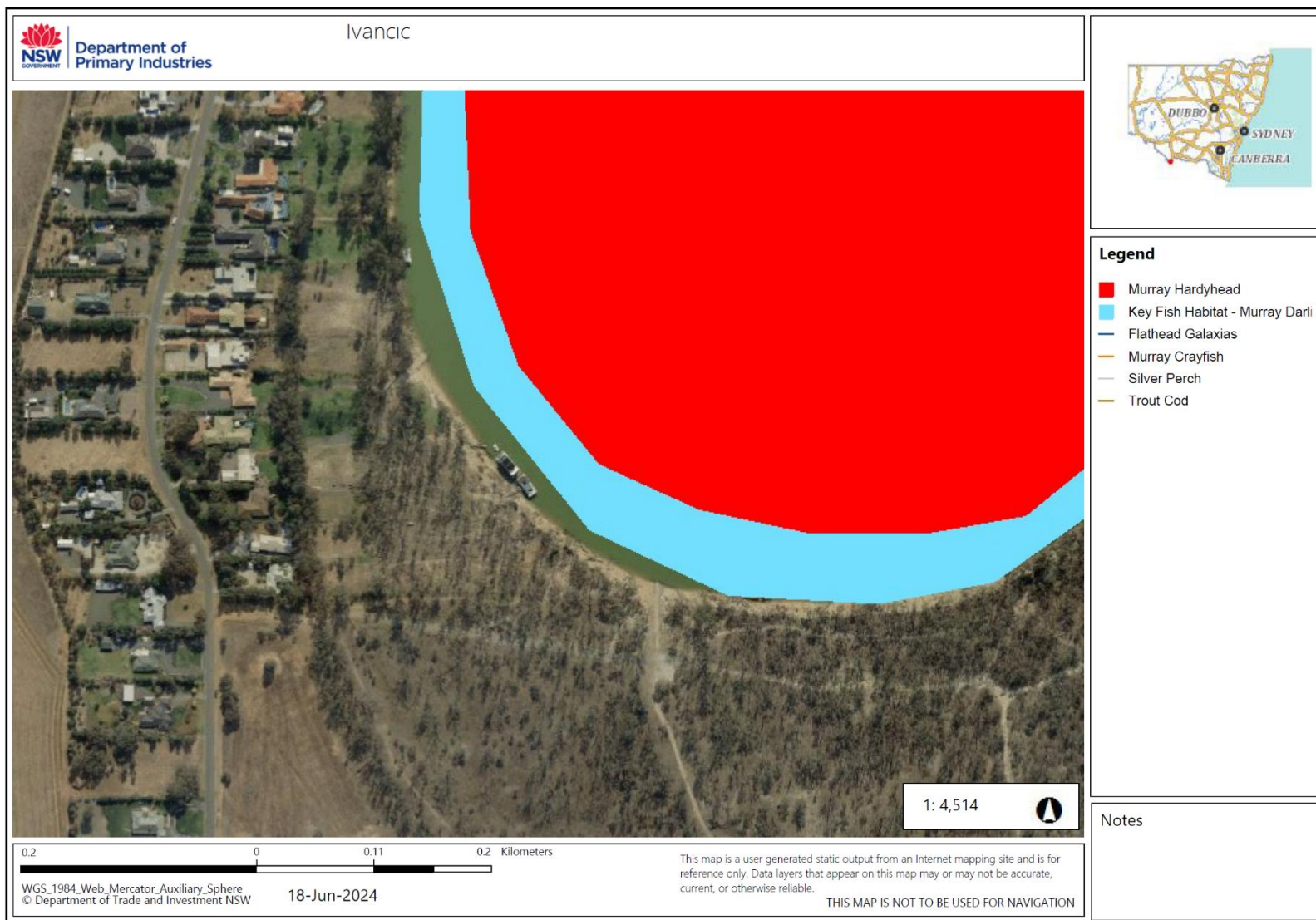
Department of Climate Change, Energy, the Environment and Water

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APPENDIX 6C - NSW FISHERIES MAPPING RESULTS



APPENDIX 6D - SEARCH RESULTS SUMMARY

Bionet Search Criteria:

Criteria 1		Criteria 2		Result
Date:	25/08/2024	Area:		10km x 10km
North	-36.02	South		-36.20
East	144.83	West		144.61

Search Results:

Ecological Communities

Common Name		NSW Status	C'wealth Status
1	<i>Acacia melvillei</i> Shrubland in the Riverina and Murray-Darling Depression bioregions (Bionet).	E3	-
2a	<i>Allocasuarina luehmannii</i> Woodland in the Riverina and Murray-Darling Depression Bioregions (Bionet)	E3	-
2b	Buloke (<i>Allocasuarina luehmannii</i>) Woodlands of the Riverina and Murray-Darling Depression Bioregions (PMST & Bionet)	-	E
3a	Grey Box (<i>Eucalyptus microcarpa</i>) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia (Bionet & PMST)	-	E
3b	Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Peneplain, Nandewar and Brigalow Belt South Bioregions (Bionet)	E3	-
4a	Weeping Myall Woodlands (PMST & Bionet)	-	E
4b	Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Peneplain, Murray-Darling Depression, Riverina and NSW South Western Slopes bioregions (Bionet).	E3	-
5	Natural Grasslands of the Murray Valley Plains (PMST)	-	CE
6	Sandhill Pine Woodland in the Riverina, Murray-Darling Depression and NSW South Western Slopes bioregions (Bionet).	E3	-
7	Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains (PMST/Bionet)	NL	CE
8a	White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands, NSW South Western Slopes, South East Corner (PMST & Bionet).	E4B	-
8b	White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland	-	CE
9	Lowland Murray River aquatic ecological community (Fisheries)		

BioNet Species

Class	Scientific Name	Common Name	NSW status	Comm. status	Records	Comments
Amphinia	<i>Crinia sloanei</i>	Sloane's Froglet	E1,P	E	2	Minimal ground disturbance required and works and infrastructure is unlikely to impact the species habitat or population.
Aves	<i>Ninox connivens</i>	Barking Owl	V,P,3		1	No vegetation clearing proposed and no change to nesting, feeding or habitat required by species.
Aves	<i>Melithreptus gularis gularis</i>	Black-chinned Honeyeater (eastern subspecies)	V,P		1	No vegetation clearing proposed and no change to nesting, feeding or habitat required by species.
Aves	<i>Climacteris picumnus victorae</i>	Brown Treecreeper (eastern subspecies)	V,P	V	6	No vegetation clearing proposed and no change to nesting, feeding or habitat required by species.
Aves	<i>Burhinus grallarius</i>	Bush Stone-curlew	E1,P		1	No vegetation clearing proposed and no change to nesting, feeding or habitat required by species.
Aves	<i>Stagonopleura guttata</i>	Diamond Firetail	V,P	V	1	No vegetation clearing proposed and no change to nesting, feeding or habitat required by species.
Aves	<i>Artamus cyanopterus cyanopterus</i>	Dusky Woodswallow	V,P		3	No vegetation clearing proposed and no change to nesting, feeding or habitat required by species.
Aves	<i>Petroica phoenicea</i>	Flame Robin	V,P		2	No vegetation clearing proposed and no change to nesting, feeding or habitat required by species.
Aves	<i>Pomatostomus temporalis temporalis</i>	Grey-crowned Babbler (eastern subspecies)	V,P		2	No vegetation clearing proposed and no change to nesting, feeding or habitat required by species.
Aves	<i>Melanodryas cucullata cucullata</i>	South-eastern Hooded Robin	E1,P	E	1	No vegetation clearing proposed and no change to nesting, feeding or habitat required by species.
Aves	<i>Chthonicola sagittata</i>	Speckled Warbler	V,P		1	No vegetation clearing proposed and no change to nesting, feeding or habitat required by species.
Aves	<i>Polytelis swainsonii</i>	Superb Parrot	V,P,3	V	1	No vegetation clearing proposed and no change to nesting, feeding or habitat required by species.
Aves	<i>Lathamus discolor</i>	Swift Parrot	E1,P	CE	1	No vegetation clearing proposed
Flora	<i>Amphibromus fluitans</i>	Floating Swamp Wallaby-grass	V	V	1	No vegetation clearing proposed
Flora	<i>Sclerolaena napiformis</i>	Turnip Copperburr	E1	E	157	No vegetation clearing proposed
Mammalia	<i>Petaurus norfolcensis</i>	Squirrel Glider	V,P		1	No vegetation clearing proposed
Mammalia	<i>Saccolaimus flaviventris</i>	Yellow-bellied Sheath-tail-bat	V,P		1	No vegetation clearing proposed

APPENDIX 7- ABORIGINAL HERITAGE INFORMATION MANAGEMENT SEARCH (AHIMS)



AHIMS Web Services (AWS)
Search Result

Your Ref/PO Number : J421

Client Service ID : 946190

Progressive Rural Solutions
PO Box 74
Deniliquin New South Wales 2710
Attention: Rebecca Moodie
Email: rebecca@prsitd.com.au

Date: 03 November 2024

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lat. Long From : -36.1076, 144.7164 - Lat. Long To : -36.1037, 144.7241, conducted by Rebecca Moodie on 03 November 2024.

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. *

APPENDIX 8- HERITAGE SEARCHES

WORLD HERITAGE LIST

Nil results

COMMONWEALTH HERITAGE LIST

Nil results

NATIONAL HERITAGE LIST

Nil Results

NSW STATE HERITAGE REGISTER

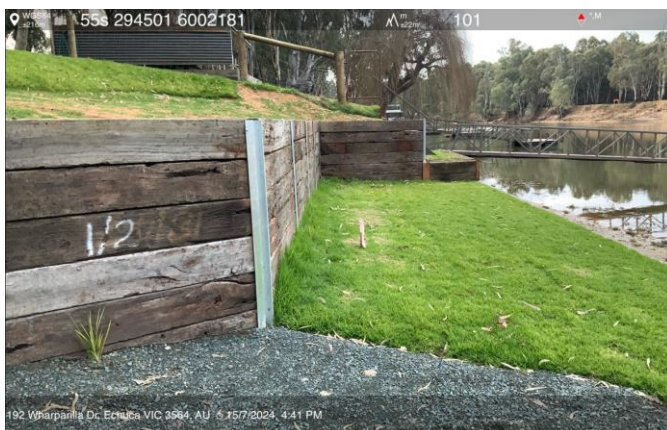
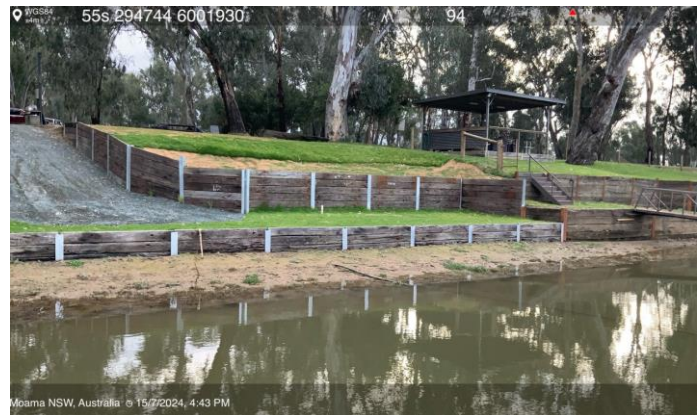
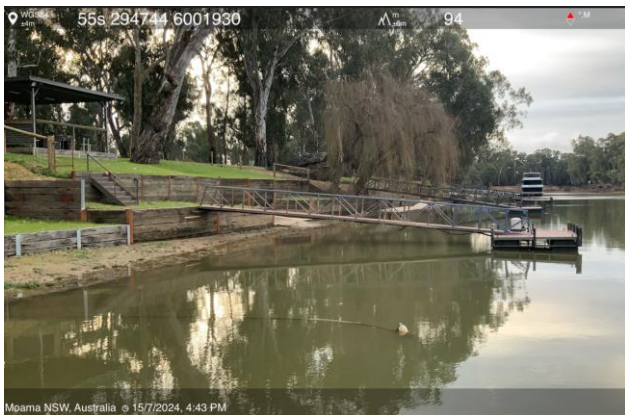
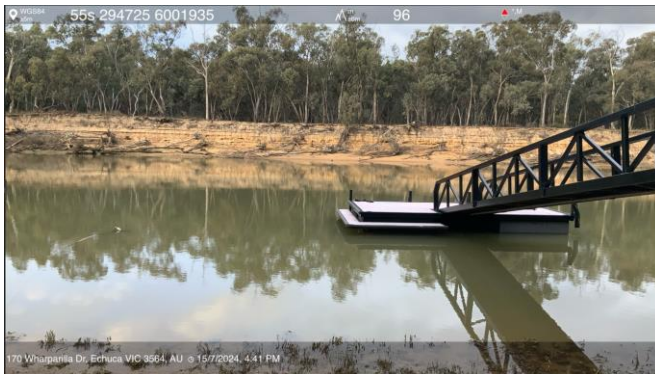
Item	Address	Suburb	LGA	SHR
Moama Historic Precinct	Hunt Street,	Moama	MRC	00600

MURRAY LOCAL ENVIRONMENTAL PLAN 2011

PART 1 – HERITAGE ITEMS

LOCALITY	ITEM NAME	ADDRESS	SIGNIFICANCE	ITEM NO
Moama	Mile Tree 311	Perricoota Road (Dead Horse Point), Moama	Local	I6
Moama	Boiling Down Works	Perricoota Road, Moama	Local	I64
Womboota	Perricoota Station	Perricoota Road, Womboota	Local	I60

APPENDIX 9 - GPS REFERENCED PHOTOS



End of Document