

Statement of Environmental Effects

Installation of new Walkway, Pontoon and Pump on the Murray River
to supply 162 Casey Road, Wharparilla, Victoria

November 2024



Progressive Rural Solutions

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Author Rebecca Moodie **Position:** Consultant
Signature: *R Moodie* **Date:** 11/11/2024
Reviewed by: Clare Fitzpatrick **Position:** Director
Signature: *Clare Fitzpatrick* **Date:** 11/11/2024
Approved by: Kevin & Jenny Florrimell **Position:** Property Owner
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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 2023.

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Related Documents

Title	Version	Prepared by	Doc Type	Date
Owners Consent	1.0	Pump Owner – K & J Florrimell	Consent	24/10/2024
	1.0	NSW Crown Land	Consent	As dated
AHIMS Search	1.0	OEH - Basic Search	Search Report	25/10/2024
Title Search	1.0	Landdata	Search	12/11/2024
Cost Estimate	1.0	Progressive Rural Solutions	Quote	11/11/2024
Site Photos	1.0	Progressive Rural Solutions	Photos	As shown
NSW Property Planning Report	1.0	NSW DPE	Search Report	05/11/2024
Protected Matters Search	1.0	Department of Agriculture, Water and the Environment	Search Report	25/10/2024
Biodiversity Values Map and threshold report	1.0	NSW DPE	Search Report	29/10/2024

Related Plans

Plan Number	Revision	Plan Title	Prepared by	Date
27597	2	Existing conditions survey	Planright	13/05/2023
J157-Plan_site	V1R6	Proposed site plan	Progressive Rural Solutions	01/11/2024
J157-Plan_section	V1R6	Proposed site elevations	Progressive Rural Solutions	01/11/2024

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ACN: 634 646 825

ABN: 58 634 646 825

Mobile: 0408 577 248

Email: admin@prsltd.com.au

Mail: PO Box 74 Deniliquin NSW 2710

Web: www.prsltd.com.au

CONTENTS

1. Introduction	7
1.1. Organisation	7
1.2. Purpose	7
1.3. Report Format	7
1.4. Application Type	7
1.5. Project Value	8
1.6. Background & History	8
2. Engagement and Application Requirements	10
2.1. Referral Authority Summary (Both States)	10
2.2. Consultation and Outcomes	12
2.2.1. NSW Consultation and Outcomes	12
2.2.2. Victorian Consultation and Outcomes	13
2.2.3. Other Consultation	15
3. Site Description and Analysis	16
3.1. Location	16
3.2. Site Description	18
3.3. Surrounding Area	20
4. Details of Proposal	21
4.1. Proposed Works	21
4.2. Infrastructure	21
4.3. Project Methodology	23
4.4. Project Stages and Timing	23
5. Planning Context	24
5.1. Commonwealth	24
5.1.1. Environment Protection and Biodiversity Conservation Act 1999	24
5.1.2. Water Act, 2007	24
5.1.3. Native Title Act 1993	24
5.2. State Legislation – New South Wales	25
5.2.1. Environmental Planning and Assessment Act 1979	25
5.2.2. State Environmental Planning Policies	27
5.3. Regional Environmental Planning Policies	27
5.3.1. Sepp (biodiversity conservation) 2021 – chapter 5: murray lands	27
5.3.2. Riverina Murray Regional Plan 2041	30
5.4. Local Planning	31
5.4.1. Murray Local Environmental Plan 2011	31
5.4.2. Campaspe Planning Scheme	32
5.4.2. Murray Development Control Plan 2012	39
6. Environmental Assessment	41
6.1. Water	41
6.1.1. Existing Environment	41
Surface Water	41
Flooding	41
6.1.2. Assessment Findings	42
Flooding	42
Groundwater Dependent Ecosystems	42
6.1.3. and Mitigation Measures	43
6.1.4. Conclusion	43
6.2. Biodiversity	43
6.2.1. Methodology	43
6.2.2. Assessment Findings	44
6.2.3. Management and Mitigation	49
6.2.4. Conclusion	50
6.3. Indigenous Heritage	50
6.3.1. Methodology	50
6.3.2. Management and Mitigation	51
6.3.3. Conclusion	52

6.4.	Non-Indigenous Heritage	52
6.4.1.	Methodology	52
6.4.2.	Existing Environment	53
6.4.3.	Assessment Findings	53
6.4.4.	Management and Mitigation	53
6.4.5.	Conclusion.....	53
6.5.	Waste management	53
6.5.1.	Methodology	53
6.5.2.	Assessment	54
6.5.3.	Management and Mitigation	54
6.5.4.	Conclusion.....	55
6.6.	Visual Amenity	55
6.6.1.	Existing Environment	55
6.6.2.	Assessment	56
6.6.3.	Management and Mitigation	57
6.6.4.	Conclusion.....	57
7.	Conclusion	58
	Justification.....	58
	Consultation.....	58
	Statutory	58
	Summary.....	58
8.	References	59
9.	Appendices	60
	Appendix 1 – Project and Site Plans	60
	Appendix 2 – Property planning Reports.....	61
	Appendix 3 – Application to vary the development standards	62
	Appendix 4 – Correspondence.....	65
	Appendix 5A – BOSET REport	66
	Appendix 5B – Protected Matters Search Tool.....	67
	Appendix 5C – Fisheries Map.....	68
	Appendix 6 –Aboriginal Heritage Searches.....	69
	Appendix 7 – Non-Indigenous Searches	70
	9.1.1. World Heritage List	70
	9.1.2. Commonwealth Heritage List	70
	9.1.3. National Heritage List	70
	9.1.4. NSW State Heritage register	70
	9.1.5. Murray Local Environmental Plan 2011	70
	Appendix 8 – Site Photos (GPS Referenced).....	72

FIGURES

Figure 1-1 - Image showing overview of property and location proposed works (source PRS QGIS)	9
Figure 1-2 - Overview of site with state boundary	9
Figure 3-1 - Location of project site in relation to the region (Source PRS QGIS)	16
Figure 3-2 - Location of project in relation to the local area (Source PRS QGIS)	17
Figure 3-3 Existing Pump Shed - concrete infrastructure (Source: PRS).....	18
Figure 3-4 - Site post October 2022 Flood with Pontoon Removed	19
Figure 3-5 – View at the site looking upstream showing stairs and remnant of removed structure (Source: PRS).....	19
Figure 3-6 - Image showing existing pipeline from D&S pump to be relocated (Source Planright May 2023)	20
Figure 4-1 - Proposed site Plan (Source PRS).....	21
Figure 4-2 - Image showing existing footings for landing connection (Source: PRS).....	22
Figure 4-3 - Image showing landing location and hinge of walkway (Source: PRS)	22
Figure 4-4 – Aerial view of site looking downstream showing infrastructure for replacement & proposed works location	23
Figure 5-1 Site overview with the Water Related Overlays (Source PRS QGIS with planning overlays)	35
Figure 5-2- Site overview with the Water Related Overlays (Source PRS QGIS with planning overlays)	36
Figure 5-3 Site overview with the Aboriginal Cultural Heritage Significance Overlay	38
Figure 6-1 - Site showing Vic Flood Overlay and State Boundary	42

Figure 6-2 - 1% AEP Flood Overlay (Source: Echuca Moama Torrumbarry Flood study)	42
Figure 6-3 – Potential for Groundwater Dependent Ecosystems (Source: QGIS with BOM overlay)	43
Figure 6-4 - Snapshot showing mapped Plant Community Type of the project area (Source: PRS QGIS)	45
Figure 6-5 - Site Overview showing NSW Fisheries Overlays (Source: PRS QGIS)	45
Figure 6-6 - Circular economy (Waste & Sustainable Materials Strategy 2041)	54
Figure 6-7 - Photo showing existing (now removed) structure for replacement within the River (Source: PRS 2021)	55
Figure 6-8 - Photo showing adjoining structure as an example of typical structures located within the River	56
Figure 6-9 - Photo showing top of bank showing structure connection point (Source: PRS 2023)	57

TABLES

Table 1-1 – Table showing report format.....	7
Table 1-1 - Proposal costings by works location	8
Table 2-1 Summary of Engagement Considerations (NSW Development Referrals Guide published October 2023).....	10
Table 3-1 - Land details of the project within New South Wales	17
Table 3-2 - Land details of the project within Victoria	17
Table 5-1 – Table showing project in relation to the <i>EP&A Act</i> clauses.....	25
Table 5-2 - Table of Integrated Development Approvals	26
Table 5-3 - Table of Integrated Development Approvals	27
Table 5-4 - Table of State Environmental Planning Policies	27
Table 5-5 – Project in consideration of SEPP (Biodiversity Conservation) 2021 - Chapter 5.....	27
Table 5-6 – Project in consideration of the Murray Regional Plan 2041.....	30
Table 5-7 – Table of Murray LEP clauses	31
Table 5-8 – Table of Campaspe Planning Scheme planning provisions.....	32
Table 5-9 – Project in consideration of the Murray Development Control Plan 2012	39
Table 6-1 - Preliminary Environmental Assessment.....	41
Table 6-3 - Table summarising species identified in searches.....	45
Table 6-4 – Biodiversity mitigation and monitoring measures	49
Table 6-5 – Indigenous heritage mitigation and monitoring measures	51
Table 6-6 – Non-indigenous heritage mitigation and monitoring measures	53
Table 6-7 – Waste mitigation and monitoring measures	54
Table 6-8 – Visual impact mitigation measures	57

1. INTRODUCTION

1.1. ORGANISATION

This report has been prepared for Kevin and Jenny Florrimell as the Applicants and Owners of the property to be supplied within Victoria. The applicants are seeking approval to install a new stock and domestic pump on a new floating pump pontoon connected to NSW Crown Land on the Victorian side of the Murray river which will replace previously installed infrastructure within the Murray River. This approval is being sought as a result of flood impact on existing infrastructure which has not been removed.

Progressive Rural Solutions representatives will be the relevant contact throughout the application process only. The installation and operation will be undertaken by the Owners or their delegated contractors.

1.2. PURPOSE

This Statement of Environmental Effects (SEE) has been prepared by Progressive Rural Solutions (PRS) to accompany a development application for the installation of a purpose-built floating pontoon hinged to the high point on the Victorian bank of the Murray River. It should be noted that the state border determination indicates all works are proposed within NSW Crown Land and as a result, applications are submitted only to the relevant NSW Authorities.

The application is being made under the NSW Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Environmental Planning and Assessment Regulation 2021* (EP&A Reg), *Murray Local Environment Plan 2011* (LEP), and the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.

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 any 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 and the NSW Crown Land Application requirements.

1.3. REPORT FORMAT

This report is set out in the following format:

Table 1-1 – Table showing report format

Section	Address
1	Purpose, documentation and background.
2	Engagement and application requirements
3	Site description and analysis.
4	General project details, construction methodology and stages
5	Planning context.
6	Environmental Assessment.
7	Conclusions.
References	Reference to material used during the assessment and report writing
Appendices	References, Plans and supporting reports.

1.4. APPLICATION TYPE

Detail of pre works consultation and concurrence/referral requirements for this application are included in **Section 2** of this report.

New South Wales

This application is being made as a *local development* requiring approval from the Balranald Shire Council. The project is for a *pump site* which is permitted with consent within the RU1 – Primary Production.

Concurrence and referral authorities for this application include:

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

The application is **not** being made as an integrated development, following consultation with the Department of Planning and Environment (DPIE), as the proposed works will be subject to a NSW Crown Land Licence authorising such works.

Victoria

No works are proposed in Victoria as part of this application.

Further detail of concurrence and referral requirements for this application are included in this report in **Section 2** of this report.

1.5. PROJECT VALUE

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 \$56,000 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 \$61,600 Incl GST.

Table 1-2 - Proposal costings by works location

Item	Cost
Consultants	\$8,500.00
Preliminaries	\$500.00
Supply & Installation (Pump and structure)	\$45,000.00
Sundry	\$2,000.00
Total	\$56,000.00
GST	\$5,600.00
Grand Total	\$61,600.00

1.6. BACKGROUND & HISTORY

The property owned by the Florrimell family at 162 Casey Road, Wharparilla has historically accessed water via a small stock and domestic existing pipeline located within the Murray River however the location of the pump within the River has been significantly impacted by varying River operation levels is not consistent with the suction line placement and the river operating levels and as such the pump has become inactive with the previous property owners disconnected from constant supply for some time. The site also had a pontoon/jetty structure which was damaged and removed by floodwaters in the 2022 floods.

This proposal will relocate the stock and domestic pump to a purpose-built pump pontoon which will hinge from the bank. The location of the suction line onto the pontoon will allow constant secure supply to water for stock and domestic purposes.

Determination of the State boundary between NSW and Victoria at this site show that all works proposed are within NSW.



Figure 1-1 - Image showing overview of property and location proposed works (source PRS QGIS)



Figure 1-2 - Overview of site with state boundary

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 is 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, both within Victoria, NSW and where relevant at a national level, with the described outcomes is included as referenced in the table. Specific copies of the correspondence where gained are included in **Appendix 4**.

2.1. REFERRAL AUTHORITY SUMMARY (BOTH STATES)

This Development Application is to be assessed by Murray Shire Council and Campaspe Shire Council who will consider the requirements for concurrence and referral based on 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.

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	No	No	No	No	The proposed works relating to this application do not propose a connection to the local electricity network and as a result, no consultation has been undertaken.
Bushfire Protection	Rural Fire Service (NSW RFS)	No	No	No	No	The proposed works are located within a bushfire prone area however do not relate to a dwelling or habitable space.
Development impacting roads	Roads	No	No	No	No	Not relevant to this project
Development impacting railway infrastructure	Multiple	No	No	No	No	Not relevant to this project
Water Management (Part 1) – Controlled Activities	NSW Department of Planning and Environment - Water	No	No	No	No	Works are exempt as they will be licenced through NSW Crown land.
Water Management (Part 2) – Water Licences and Approvals	WaterNSW	No	No	No	No	Works are exempt from WaterNSW as they relate to a Victorian supplied and managed pump site. Further information summarised below in Section 6.1
Aquatic and Marine matters	DPI – Fisheries	No	No	Yes	Yes	Consultations with the DPI – Fisheries has been conducted previously on similar projects and proposed works are in line with previous advice.
	Transport for NSW - Maritime	Yes	No	Yes	Yes	Consultation has been undertaken with NSW Maritime and no issues with relation to River navigability have been identified.
Water Quality	WaterNSW	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.
Flood prevention	DPIE	No	No	No	No	The project area has been identified within the flood prone land (NSW) but not in the Land Subject to Inundation (Vic).

Role	Authority	Consultation	Integrated	Concurrence	Referral	Notes
						The proposed structure is designed to hinge at the bank and move with fluctuating water levels.
Heritage Conservation	Heritage Council of NSW (Heritage Council)	No	No	No	No	The impact of the project on Heritage has been considered in sections 6.3 and 6.4
Aboriginal Cultural Heritage	Heritage NSW	No	No	No	No	Due Diligence Assessment report and Victorian checklist has been completed to support the application See Section 6.3 for further information.
Environment Protection	Multiple	No	No	No	No	No consultation has been undertaken however a Biodiversity Assessment have been completed and included in Section 6.2 of this report
Victorian Water Management	LMW	Yes	NA	NA	Yes	Goulburn Murray Water will require an amendment to the existing Water Use Licence for the proposed works at the site including an new Works Licence to allow construction to occur.
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	Yes	No	Yes	Yes	See following section.
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 4**.

2.2.1. NSW CONSULTATION AND OUTCOMES

MURRAY RIVER COUNCIL

Role: Consenting Authority

The Murray River Council has statutory responsibilities with regard to the review of the project within its Shire and Planning Instruments. This application has been made in based on the previous application responses and updated to reflect current planning and assessment requirements. 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 requirements* (Application requirements for development, 1 March 2022)

HERITAGE NSW

Role: Aboriginal Cultural Heritage

A Due Diligence Assessment has been undertaken on the project site referencing the Aboriginal Cultural Heritage Register and Information System and the Aboriginal Heritage Information Management System. These searches and proposed activities are focussed around the highly modified state of the proposed works area.

No Consultation has been undertaken with Heritage NSW or ACHRIS. This has been discussed further in section **6.3** of this report.

Application Requirement: The development is not integrated, and no concurrence or referral is required.

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 Victoria. The project works are located within NSW Crownland – being located on Crown land. See attached NSW Crownland response relating to Crown Consent.

This project 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. The design and project deliverables require the pump suction lines will include a sufficient filter to reduce any impact to aquatic species and their habitat within the Murray River. The works at the site do not relate to excavating or dredging within the Murray River. Works will be undertaken in line with erosion and sediment controls at the site and the suction lines propose an inlet screen in accordance with licence approvals. There are no excavation works within the River channel with works proposed on the dry side of the levee bank.

An assessment of listed threatened species has been included as part of this assessment and based on proposed mitigation measures, no harm or damage to those species 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 Galaxias, Murray Hardyhead, Silver Perch and Trout Cod). There are no identified impacts to these species as part of the project.

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.

These project works relate 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 will maintain 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. The works are proposed on waterfront land as part of a river/creek or watercourse, relate to the installation of a purpose build pump pontoon.

This exemption checklist is also included in the attached Controlled Activity Exemption tool response located in **Appendix 4**.

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 - MARATIME**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 maritime local Boating Safety Services Officer Mr Callam Blackstone has been verbally consulted in relation to maritime and navigation impacts of the proposed altered structure and pump site within the Murray River. It was noted as part of this consultation and based on a site review of the concept project plan that Maritime was unlikely to have issue with the proposal on the basis that the works remained consistent with the existing protrusion and that of the adjoining snags and structures.

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. They are not proposed to impact on navigable waters as the proposed structure and suction line will not protrude further than the adjoining structures and snag line within the 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. NSW DPI-Land representative Mr Peter Bissett have been consulted as part of this application. Confirmation was sought on the process to be followed with relation to works located within NSW Crown Land and Victoria.

Advice was provided that a "Land Owners Consent" application must be lodged and received prior to lodgement of the NSW Development Application with the requirement for a Crown Licence to be approved nominating the works. Once the receipt of consent, the Development Application can be lodged on the NSW Planning Portal. A consent condition of the Development Application will be the requirement for the works to be included on the replaced Crown Licence showing all works within NSW. This document forms part of the required information for that application and is the first approval that must be gained in the NSW process.

Application Requirement: : Land owners consent provided and a new Crown Licence will be applied for once approval received for the DA.

2.2.2. VICTORIAN CONSULTATION AND OUTCOMES

CAMPASPE SHIRE COUNCIL**Role: Consent Authority (Victorian Planning Permit)**

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 Ms Amanda Ellis in October 2023 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 understood that no existing approval exists for this pump and as a result, an application for a Work Approval and related licences will be submitted following receipt of the required preliminary approvals.

Application Requirement: Following approval of the Development, an application for a Work Approval to construct and then operation will be submitted.

VICTORIAN DEPARTMENT OF ENVIRONMENT, ENERGY AND CLIMATE ACTION

Role: Consent Authority

The Department of Energy, Environment and Climate Action (DEECA) is responsible for managing Victoria's Crown Land. The authority manages public land reserves in conjunction with other State Government Departments, agencies, local councils and Traditional Owners. Works are not proposed on Victorian public land and therefore no consultation has been undertaken at the site.

Application Requirement: no further requirements due to the location of the works being in NSW

FIRST PEOPLES RELATIONS VICTORIA

Role: Aboriginal Cultural Heritage

The *Aboriginal Heritage Act 2006* includes a range of enforcement provisions to provide better protection for Aboriginal cultural heritage in Victoria. These provide appropriate penalties and clear powers for Authorised Officers (AOs) and Aboriginal Heritage Officers (AHOs).

AOs and AHOs assess compliance with Cultural Heritage Management Plans and Cultural Heritage Permits. They also investigate reports of harm to Aboriginal cultural heritage and help government and land users to avoid impacts to Aboriginal places and objects. AOs and AHOs are appointed by the Minister for Treaty and First Peoples to investigate and monitor compliance with the *Aboriginal Heritage Act 2006* and to enforce protection measures when necessary.

No consultation or assessment of the site has been undertaken as application does not propose any works as it is a retrospective application for the existing structure.

Application Requirement: no further requirements.

PARKS VICTORIA

Role: Referral Authority

Parks Victoria manages a diverse network of parks and is committed to conservation to help reduce threats and improve the health of the States natural landscapes. The project is located within the Parks Victoria Northern Mallee region. Consultation has been held with Parks Victoria representative Ms Lauren Smith who attended an inspection of the site on June 2023 to assess works in relation to the Victorian Crown Land. At that time, it was understood that they works would be located on Victorian Crown Land managed by Parks Victoria. Following detailed survey and a title and State border determination, it has been confirmed that there are no works required on Victorian Crown land. The existing infrastructure will remain untouched within the Crown frontage and as a result, it has been identified that the following process should be followed for the application:

- An application for Landowner Consent is lodged to DELWP,
- A map is provided identifying the location of the proposed works

This document forms the information required as part of this application and provides the above requested information.

Application Requirement: Parks Victoria Ranger inspection complete and application for licence will be submitted.

2.2.3. OTHER CONSULTATION

SURROUNDING RESIDENTS AND OCCUPANTS

No consultation has been held with adjoining landholders. The Development Application process will require advertising and notification.

3. SITE DESCRIPTION AND ANALYSIS

3.1. LOCATION

The project related work infrastructure is located within both Victoria and New South Wales as works relate to the re-connection of a pump site and River access infrastructure connected to a property located within Victoria to the Murray River (being part of NSW).

The closest township to the project site is the Victorian town of Echca located 7.6km to the south east. The closest NSW township is Moama located 9.3kms to the east of the site. The project works are located wholly within NSW and the Murray River Council area. The works propose the installation of a pontoon with pump hinged from adjoining the top of the bank opposite NSW title Lot 7 DP568414 and connected to Victorian Crown Allotment 136A and 145A Parish of Wharparilla with works wholly on NSW Crown land. Water will be delivered to Victorian Lot 3 LP140601 through an existing pipeline.

Specific locations of the pump site is shown below in **Figure 3-1, Figure 3-2** and **Table .**



Figure 3-1 - Location of project site in relation to the region (Source PRS QGIS)



Figure 3-2 - Location of project in relation to the local area (Source PRS 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	
Opposite Lot number	7	
Opposite Deposited Plan	568414	
Parish	Tatalia	
County	Cadell	
Local Shire	Murray River Council	
LEP Zone	Zone W1 – Natural Waterways	
Catchment Area	Murray	
IBRA Sub-region	Riverina - Murray Fans	
Mitchell Landscapes	Murray Channels and Floodplains	
Plant Community Type	Inland Riverine Forests – River Red Gum – sedge dominated frequently flooded forest (PCT – 002)	
Aboriginal Land Council	Moama Local Aboriginal Land Council	
Floodplain Management Plan	Nil	
Land Stature	Crown	
NSW Crown length of works	15.1	
NSW Crown width of works	4-2m	
NSW Crown area of project: (ha)	36m ²	
GPS Reference	Zone	55
	Easting	289470
	Northing	6005118
	Latitude	-36.0764225,
	Longitude	144.6614788

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

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

Details	Specific connection to project	
	Freehold	Victorian Crown Land
Address	162 Casey Road, Wharparilla	
Allotment number	3	136A 145A
Plan/Section	LP140601	PP3804

Details	Specific connection to project		
Parish	Wharparilla		
Council Property Number	281	-	271521
Local Government Area	Campaspe Shire Council		
Zone	RAZ – Rural Activity Zone	PCRZ - Public Conservation & Resource Zone	
Planning Scheme	Campaspe		
Catchment Area	Murray River		
IBRA Sub-region	Riverina – Murray Fans		
EVC	Riverine Grassy Woodlands or Forests – Riverine Swamp Forest		
Geographic Landform	4.1.3 – Modern Floodplains		
Registered Aboriginal Party	Yorta Yorta Nation Aboriginal Corporation		
GPS Reference	Easting:	289426	
	Northing:	6005041	
	Zone:	55	
	Latitude:	-36.435	
	Longitude:	144.394	

3.2. SITE DESCRIPTION

Survey of the site including state border determination shows that all installation works are located within NSW adjacent to the Victorian border and Crown Allotments 136A and 145A Parish of Wharparilla and opposite NSW Lot 7 DP568414 within the NSW Murray River Council area. No physical works are proposed in Victoria however the local council on the Victorian side is the Campaspe Shire Council.

The project site and surrounds consist of a modified Riverine floodplain. The existing embankments contain vegetation typically found in this area and soils are predominantly red clays. At the project site there is an aging existing staircase/walkway from the top to the lower reaches of the bank. At the site there was an existing pontoon jetty structure, low level wall, access stairs and footings for a pontoon. A pump was until the 2022 floods located the site which has been removed with the 2022 flood event.

In addition, the site has an existing small stock and domestic pipeline which extends on top of the bank down to the Murray River channel. This has historically supplied the Applicant's property with Domestic and Stock water being Victorian Lot 3 LP140601. The pipeline is buried within the Victorian Crown land connecting to the Applicants property.

Below are photos showing the previous jetty, aging walkway/stairs and pump pipeline (not currently operational).



Figure 3-3 Existing Pump Shed - concrete infrastructure (Source: PRS)



Figure 3-4 - Site post October 2022 Flood with Pontoon Removed

The River at this location is a small straight section on the outside of a sweeping bend. Water conveyed through this section is free flowing.



Figure 3-5 – View at the site looking upstream showing stairs and remnant of removed structure (Source: PRS)



Figure 3-6 - Image showing existing pipeline from D&S pump to be relocated (Source Planright May 2023)

3.3. SURROUNDING AREA

The project is located within the Riverina area of NSW and Victoria. This region broadly covers 9,576,964ha (7,090,008ha in NSW, remaining Victoria). The Murray and the Murrumbidgee Rivers together with the Lachlan and the Goulburn Rivers are the major tributaries which flow from the highlands in the east, west across the plains. (NSW National Parks and Wildlife Service, 2003)

Agriculture is the predominant land use surrounding the project areas specifically irrigated cropping, pasture and livestock grazing. Other land uses within the vicinity of the project area are citrus, viticulture, nuts, dairy and recreational uses. The closest populated area is the township of Boundary Bend which has a population of approximately 154 (2021 census).

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, mobile phone service, electricity, internet and riparian water access.

4.1. PROPOSED WORKS

The installation works include a new landing, walkway and floating pontoon connected to existing footings installed near the top of the bank. The pontoon will support a new solar pump system for stock and domestic water supply which will be connected to an existing water supply pipeline at the top of the bank. An upstream tieback point is available to connect to replaced connection points at the top of the bank in the location of the removed stairs.

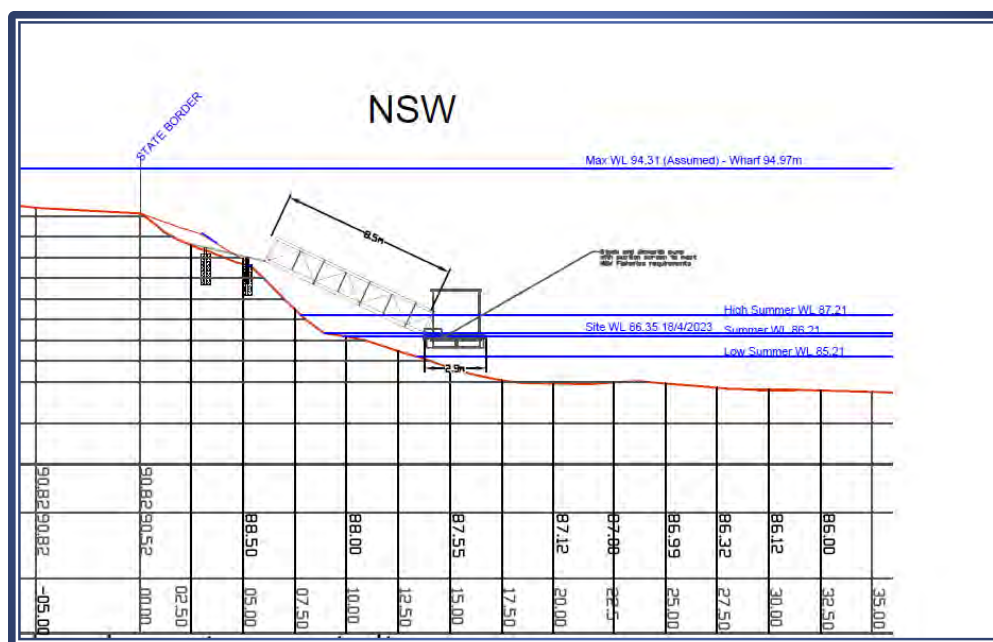


Figure 4-1 - Proposed site Plan (Source PRS)

The infrastructure will include:

1. Pontoon 2.9m x 4m.
2. Walkway 8.5mlong x 1.3m wide.
3. Landing 3.7m x 1.7m
4. 1x tieback point at the location of the existing stairs (where required).
5. 4x footings for landing (Existing).
6. New stock and domestic pump - Grundfos 32mm suction solar pump and related solar panels.



Figure 4-2 - Image showing existing footings for landing connection (Source: PRS)



Figure 4-3 - Image showing landing location and hinge of walkway (Source: PRS) Note structure in background unrelated to this application)

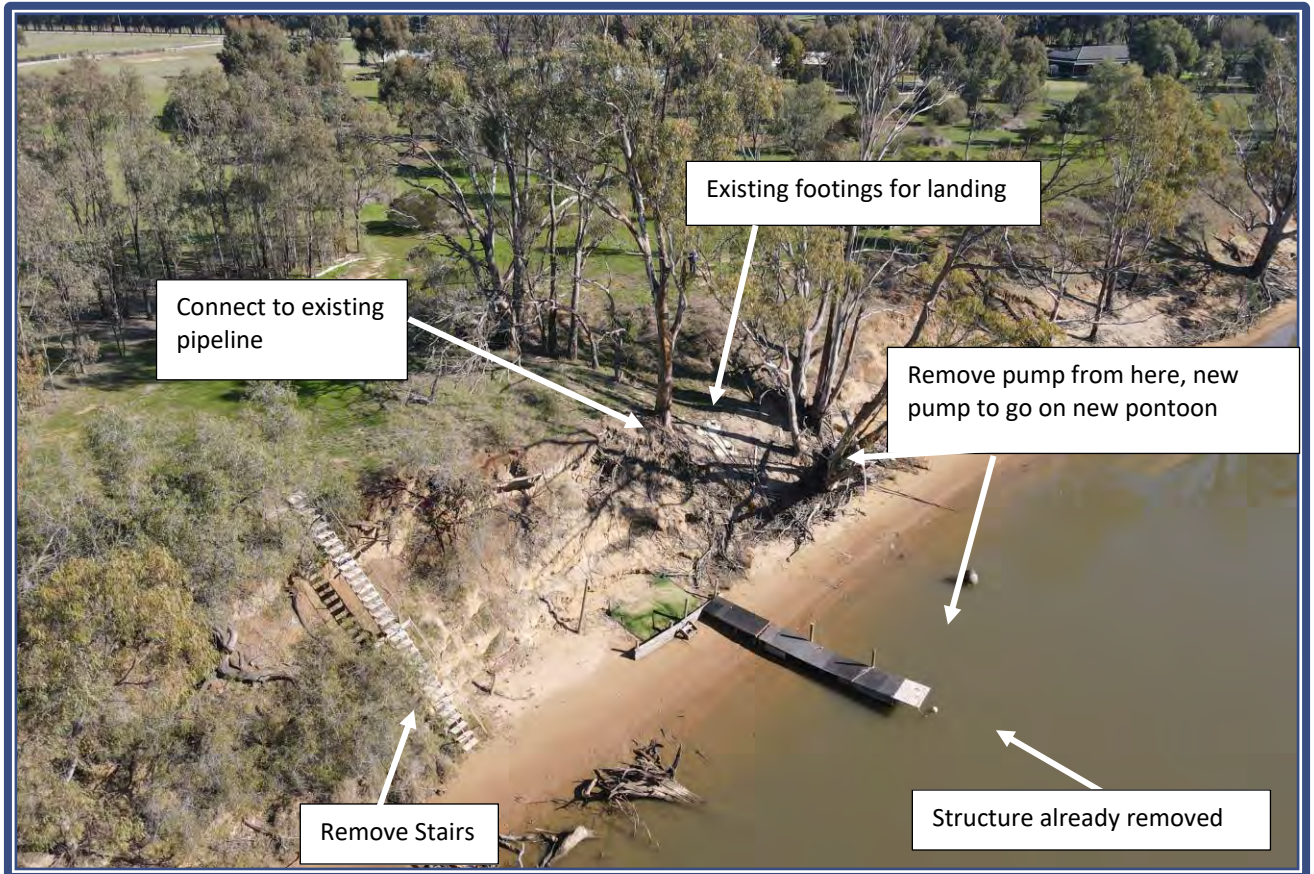


Figure 4-4 – Aerial view of site looking downstream showing infrastructure for replacement and proposed works location (Source: PRS)

4.3. PROJECT METHODOLOGY

The proposed construction methodology is as follows:

1. Required approvals are gained.
2. Relevant notifications are given to authorities – where required and identified within the consent conditions.
3. Plans are reviewed with contractors and all “No-Go Zones” are identified.
4. Existing timber and stairs are removed.
5. Footings prepared for landing connection.
6. Landing installed.
7. Pontoon and walkway installed and connected.
8. Pump, pipe and connections installed on structure.
9. Existing pipeline between site and property to be reconnected.
10. Pump tested and commissioned.

No Native Vegetation (dead or alive) is to be removed, and excavation and ground disturbance activities are only to occur in approved locations.

4.4. PROJECT STAGES AND TIMING

The project works will be completed in a single stage.

5. PLANNING CONTEXT

A number of statutory planning controls need to be addressed for the project. This section reviews Commonwealth, State and local planning legislation and policies to determine what approvals are likely to be required 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 Government's 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. Further information relating to this legislation and threatened species is described in **Section 6.2**.

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 system when complete. The project does not increase water extraction volume or rate.

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 a successful native title claim.

5.2. STATE LEGISLATION – NEW SOUTH WALES

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 (previously 111), it is the State government agencies' duty to consider environmental impacts; and then under Section 5.7 (previously 112), 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 an integrated development. The provisions of Section 4.15 are addressed below:

Table 5-1 – Table showing project in relation to the 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)	<i>any environmental planning instrument, and</i>	Yes	See Section 4
ii)	<i>any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>		
iii)	<i>any development control plan, and</i>		
iiia)	<i>any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i>		
iv)	<i>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>		
b)	<i>The likely impacts of that development, including environmental impacts both on the natural and built environments, and social and economic impacts in the locality</i>	Yes	See Section 5
c)	<i>The suitability of the site for the development,</i>		See Section 3
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 Integrated Development Approvals

Act	Sect	General Terms of Approval required	Required	Report location
Coal Mine Subsidence Compensation Act 2017	s22	Approval to alter or erect improvements, or to subdivide land within a mine subsidence district.	No	NA
Fisheries Management Act 1994	s144	Aquaculture permit.	No	NA
	s201	Permit to carry out dredging work.	No*	WM Act
	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	NA
Heritage Act 1977	s57	Approval in respect of doing or carrying out of an act, matter of thing referred to.	No	NA
Mining Act 1992	s63 or s64	Grant of a mining lease.	No	NA
National Parks and Wildlife Act 1974	s90	Grant of an Aboriginal Heritage Impact Permit.	No	Section 6.3
Petroleum (onshore) Act 1991	s16	Grant of a production lease.	No	NA
Protection of the Environment Operations Act 1997	s43(a), 47 & 55	Works relating to the following sections of the including Environment protection licence to authorize carrying out of scheduled development work.	No 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 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
Roads Act 1993	s138	Erect a structure or carry out a work in, on or over a public road dig up or disturb the surface of a public road remove or interfere with a structure, work or tree on a public road pump water into a public road from any land adjoining the road connect a road (whether public or private) to a classified road.	No No No No	NA
Rural Fires Act 1997	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
Water Management Act 2000	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
Biodiversity Conservation Act 2016	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
Fisheries Management Act 1994	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 2.2.1

* Section within the following parts of the Statement of Environmental Effects indicate why the development is not likely to significantly affect the threatened species, populations or ecological communities.

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
Biodiversity Conservation 2021			
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 5.3.1 below for further comment.
Building Sustainability Index: BASIX 2004		No	Not relevant
Exempt and Complying Development Codes 2021		No	Project is not exempt
Housing 2021		No	Not relevant
Industry and Employment 2021		No	Not relevant
Planning Systems 2021		Yes	Ch 4 - Concurrences and Referrals
Primary Production 2021		No	Project is not an artificial waterbody, intensive livestock industry.
Resilience and Hazards 2021		No	Not relevant
Resources and Energy 2021		No	Not relevant
Transport and Infrastructure 2021		No	Not relevant
Design Quality of Residential Apartment Development		No	Not relevant

5.3. REGIONAL ENVIRONMENTAL PLANNING POLICIES

Regional Environmental Plans (REPs) are overseen by the NSW State Government and assist councils by providing a framework for detailed local planning. The REP and the Local Environmental Plans (LEPs) are required to be consistent with their objectives and intent. The REP provides detailed planning across issues such as urban growth, extractive industries, recreational needs, rural lands and heritage and conservation.

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

Chapter 5 of the Biodiversity Conservation SEPP is in place to conserve and enhance the riverine environment of the Murray Lands for the benefit of all users.

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

Clause	Description	Project Consistent Yes/No	Explanation
5.8	General Principles <i>When this Part applies, the following must be taken into account: -</i>		

Clause	Description	Project Consistent Yes/No	Explanation
a)	<i>The aims, objectives and planning principles of this plan,</i>	Yes	See the assessment below for detailed review against the principles of the plan.
b)	<i>Any relevant River Management Plan</i>	NA	See the Murray DCP below.
c)	<i>Any likely effect on the proposed plan or development on adjacent and downstream local government areas,</i>	Yes	No impact expected as there are no excavation activities within NSW 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	The site is will not increase the extraction from the Murray River only relocate it to a more suitable location for the Applicants'. This document reviews mitigation measures to manage potential impacts.
5.9	Specific Principles When this part applies, the following must be taken in to account -		
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 Yes Yes	No change is proposed in access to the River Murray. The site will use existing access. Project is not a Mooring. River frontage will remain in current state with open frontage
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>	Yes Yes	Application footprint is located within potential flood prone area being the Murray River channel. The pontoon will be hinged at the top of the riverbank allowing for river height fluctuation. No floodwater will be redistributed as part of the works. No changes to access apply Pontoon will be hinged at the top of the bank to allow for movement with the fluctuation of water levels in the river Floods within the area are known well in advance and are slow moving and placid.

Clause	Description	Project Consistent Yes/No	Explanation
	<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>		No flood mitigation works proposed.
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 proposed site has been subject to prior ground disturbance. Works are minor no bank disturbance proposed, and no vegetation clearing required as part of development works.
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 6.2 no vegetation is required to be removed.
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 Domestic and Stock pump system. No additional use or increase in intensity of use is proposed as part of the project access to water is to be moved from another prior location
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	Development is unlikely to impact on water quality.
Wetlands	<i>* Wetlands are a natural resource which have ecological, recreational, economic, flood storage and nutrient and pollutant filtering values. Land use and management decisions affecting wetlands should: a) provide for a hydrological regime appropriate for the maintenance or restoration of the productive capacity of the wetland, b) consider the potential impact of surrounding land uses and incorporate</i>	Yes Yes	The project is nominated to connect to a mapped wetland being the River Murray. No impacts are proposed to the: <ul style="list-style-type: none"> hydrological regime surrounding land uses, human and animal access is proposed to remain unchanged, and no clearing is proposed, and vegetation is to be maintained

Clause	Description	Project Consistent Yes/No	Explanation
	measures such as a vegetated buffer which mitigate against any adverse effects, c)control human and animal access, and d)conserve native plants and animals.		or improved as part of the project works.

Comment

The project is in line with all aims, objectives and planning principles of Chapter 5 – Murray Lands

5.3.2. 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 6.2.
2	<i>Manage development impacts within riverine environments</i>	Yes	Works are minimal in nature and isolated to a small area.
3	<i>Increase natural hazard resilience</i>	Yes	The proposed structure has been designed with consideration of flood hazards. It will be hinged and allowed to fluctuate with the river levels.
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.

Objective	Description	Project Consistent Yes/No	Explanation
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	The proposed works are allowable with consent. See further information below.
5	Miscellaneous provisions		
5.10	<i>Heritage Conservation.</i>	Yes	See sections 6.3 & 6.4 below.
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.

Clause	Description	Project Consistent Yes/No	Explanation
7.2	Earthworks	NA	There are no excavation works as a part of this project.
7.3	Biodiversity Protection	Yes	See below.
7.4	Development of Riverfront areas	Yes	See below.
7.5	Riparian Land and Murray River and other watercourses- general principles	Yes	See below.
7.6	Additional provisions – Development on river bed and banks of Murray and Wakool Rivers	Yes	There are no further works proposed as part of this application.
7.7	Wetlands	Yes	See below.

5.4.2. CAMPASPE PLANNING SCHEME

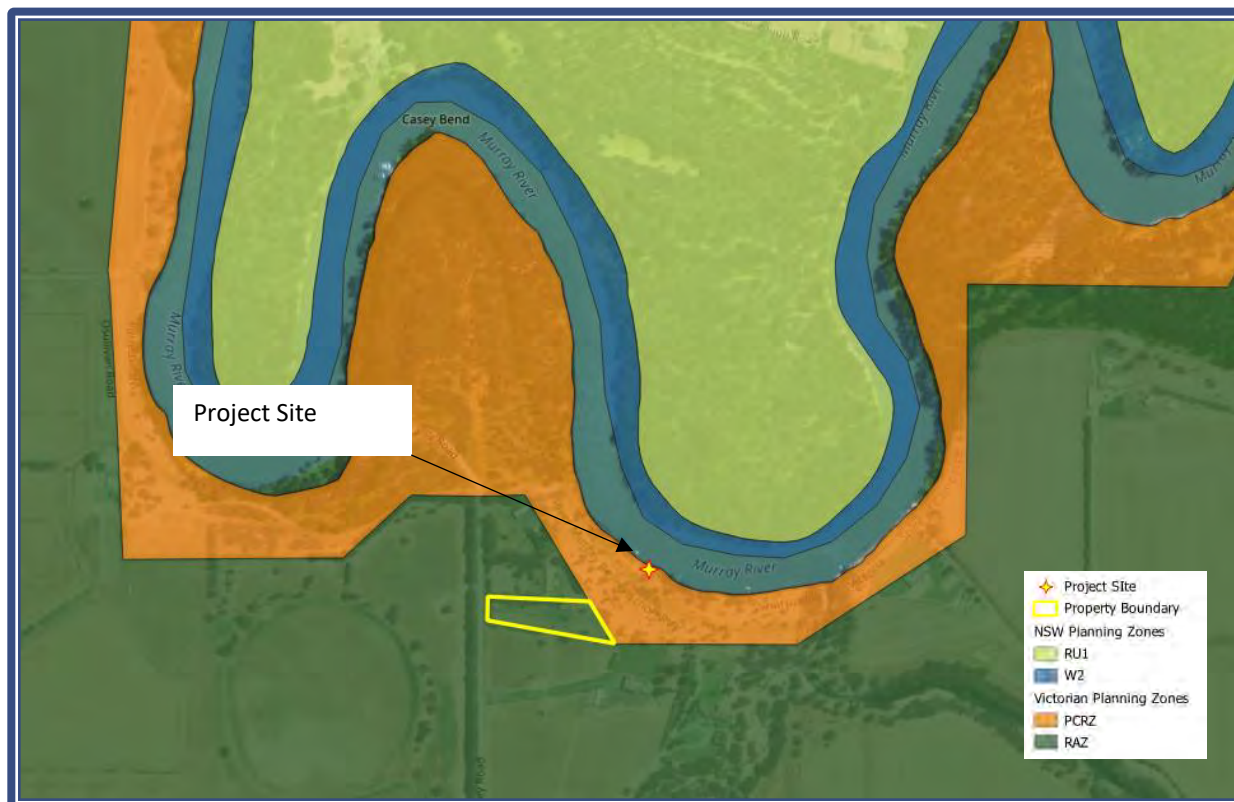
The table provided below identifies relevant clauses within the Victorian and Local Planning Provisions (VPP and LPP), identifies their consistency and provides an explanation where required.

Table 5-8 – Table of Campaspe Planning Scheme planning provisions

Clause	Description	Project Consistent Yes/No	Explanation
30	Zones		
VPP 36.03	PCRZ – Public Conservation and Resource Zone	Yes	The delivery pipeline is existing and proposed works will include its reconnection however this will not include any ground disturbance works in this zone.
LPP 35.03	PCRZ – Public Conservation and Resource Zone schedule	Yes	No land specified.
40	Overlays		
VPP 42.01	Environmental Significance Overlay	Yes	This application is wholly within NSW and does not trigger a planning permit.
LPP 42.01	Schedule 1	Yes	No permit required as survey confirms works are all within NSW. There is no additional works within Victoria as part of the project.
VPP 42.02	Vegetation Protection Overlay	Yes	No vegetation is proposed for removal.
LPP 42.02	Vegetation Protection Schedule	Yes	No vegetation proposed for removal and Biodiversity Test of Significance is provided.
VPP 44.04	Land Subject to Inundation	Yes	The site is not subject to the overlay and has been discussed below.
	Aboriginal Cultural Heritage Overlay	Yes	There are no works proposed within Victoria and the access to the site is along existing areas.
VPP 44.06	Bushfire Management Overlay	Yes	Works do not relate to habitable space and no identified permit required.
65	Decision Guidelines		
65.01	Approval of application or plan	Yes	This report provides the information relating to matters required for consideration.

5.4.1. OVERLAYS AND PROJECT CONSIDERATIONS

LAND USE ZONING



NEW SOUTH WALES

The project works are also located within the 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 site and infrastructure within this zone is consistent with the objectives where relevant and are permitted with consent. This application is for a water supply system:

water supply system means any of the following—

- a water reticulation system,
- a water storage facility,
- a water treatment facility,
- 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.

VICTORIA

Zone - PCRZ – Public Conservation and Resource Zone

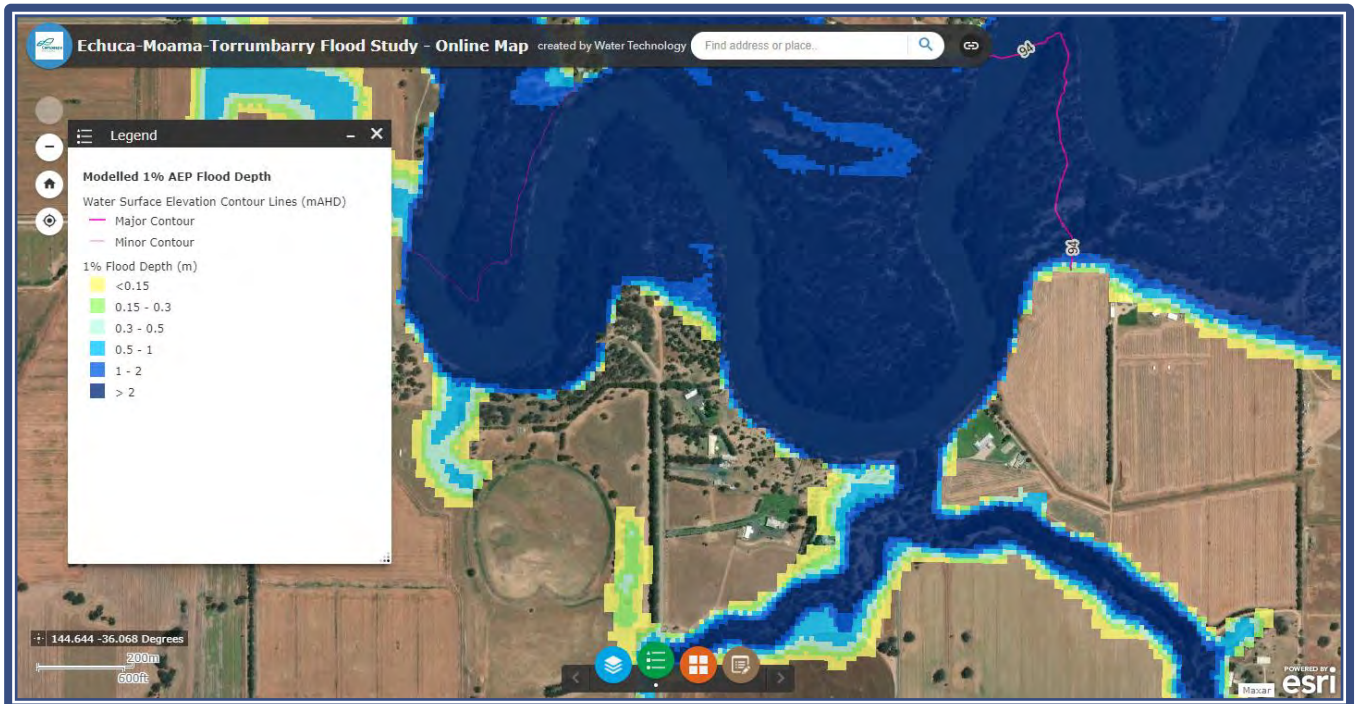
The purpose of the PCRZ Zone is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values.
- To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes.
- To provide for appropriate resource-based uses.

COMMENT

Works that are proposed are completely within NSW and there are no physical works required in Victoria as such there is no requirement for Victorian approval. The site will continue to utilise existing pipeline and access within this area.

FLOOD PLANNING



NEW SOUTH WALES

MURRAY LEP CLAUSE 5.21

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

- (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.

VICTORIA

VPP 44.04 - Land Subject to Inundation

The land proposed for the project works is shown below together with the Victorian Land Subject to Inundation overlay. It can be seen that the project area is not located within an area subject to inundation.

The Victorian Planning Provisions with regard to Land Subject to inundation are as follows:

- To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To reflect any declaration under Division 4 of Part 10 of the Water Act 1989 where a declaration has been made.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

COMMENT

Project site is covered by the 1% AEP flood model above and this has been taken into consideration when designing the structure. The proposed structure will be hinged from near the top of the bank to allow it to rise and fall with the change in river levels. The project works are compatible with the flood hazard of the land and are unlikely to significantly affect the flood behaviour or risk other developments or properties. The works are also unlikely to create risk to life from flood or result in unsustainable social and economic cost to the community.

The works do not relate to flood levee works and will be constructed to ensure that they do not impact on the levee and site surrounds. The works are proposed on the dry side of the levee and the flood levels recorded at the site are shown on the project plans.

ENVIRONMENTAL OVERLAYS

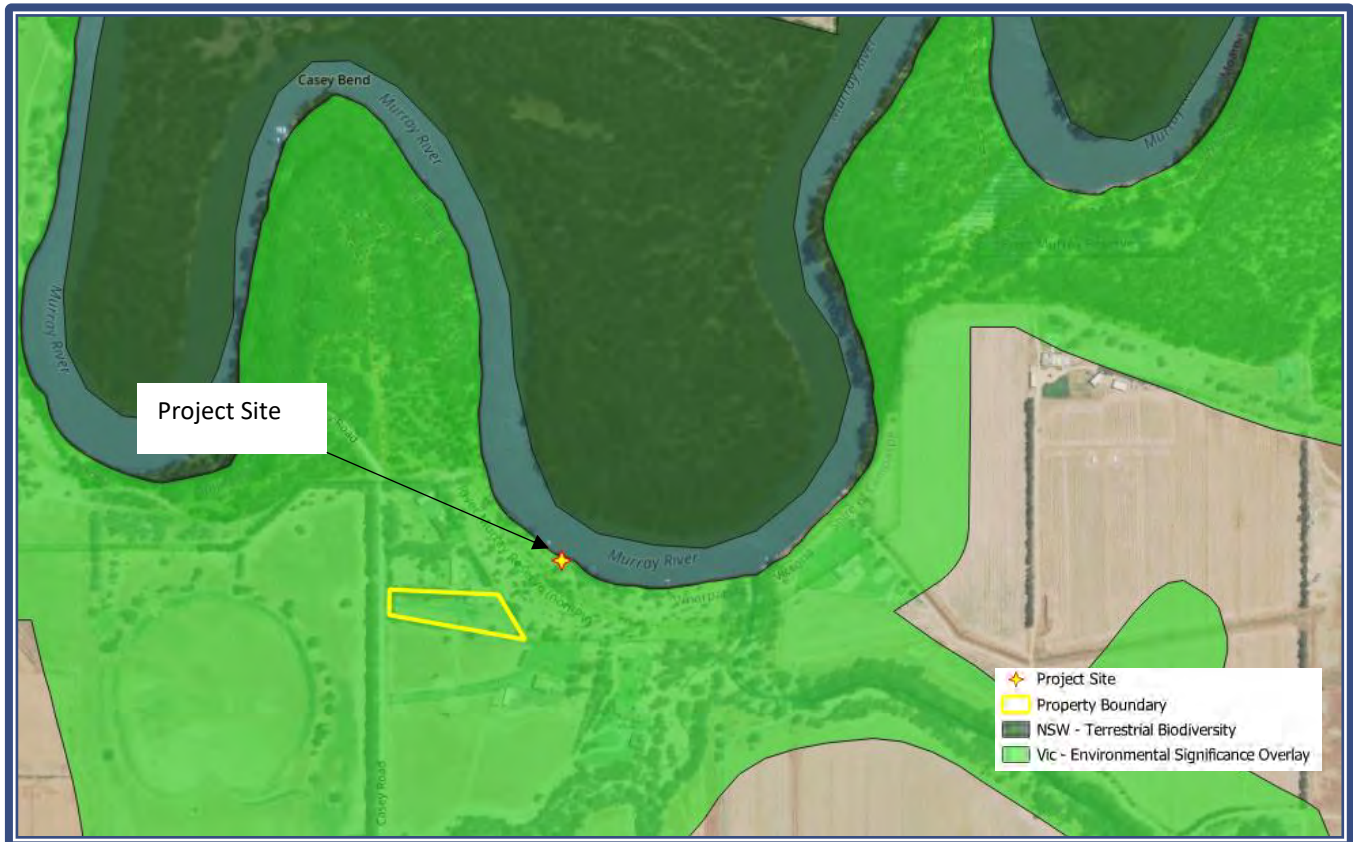


Figure 5-1 Site overview with the Water Related Overlays (Source PRS QGIS with planning overlays)

NEW SOUTH WALES

Clause 7.3 – Biodiversity Protection

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.

VICTORIA

Clause 12.01-1S – Protection of Biodiversity

The objectives of this clause are:

- To assist with the protection and conservation of Victoria’s biodiversity.

VPP 42.01 – Environmental Significance Overlay

The Victorian Planning Provisions with regard to Environmental Significance Overlay are as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

COMMENT

A Biodiversity test of significance has been undertaken (Section 6.2 of this report) which identified that through the implementation of mitigation measures that there is unlikely to be an adverse impact to flora, fauna, vegetation and potential habitat and it will not fragment, diminish the biodiversity or habitat on the project site. Further information is provided in Section 6. No works are proposed as part of the application. There will be no removal of native vegetation or ground disturbance works undertaken.

WATERWAYS AND WETLANDS



Figure 5-2- Site overview with the Water Related Overlays (Source PRS QGIS with planning overlays)

NEW SOUTH WALES

Clause 7.7 – Wetlands

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

COMMENT

The application 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.

Clause 7.5 – Riparian Land and Murray River and other watercourses – general principles

The Riparian Land and Watercourse overlay is not present and the site.

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 installation of infrastructure and relocation of pump to a floating pontoon has considered the water quality, flow and stability of the bed, shore and banks of the watercourse. 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.

Clause 7.6 Additional provisions – development on Riverbed and banks of the Murray and Wakool Rivers

This project is considered as a development of Riverbed and bank area. The *Murray LEP, 2011* has the following objectives with regard to projects on Riverbeds and banks:

- (a) to manage and maintain the quality of water in the Murray and Wakool Rivers,
- (b) to protect the environmental values and scenic amenity and cultural heritage of those rivers,
- (c) to protect the stability of the bed and banks of those rivers,
- (d) to limit the impact of structures in or near those rivers on natural riverine processes and navigability of those rivers.

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) that the proposed structure will not be located on an outside bend of the Murray or Wakool River,*
- (b) that the appearance of the proposed structure, from both that River and any adjacent land, will be compatible with the surrounding area,*
- (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.*

COMMENT

The project works have considered these additional provisions. Specifically, consideration has been given to 7.6(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) that the proposed structure will not be located on an outside bend of the Murray or Wakool River,*

The pump pontoon is located on an outside bend of the Murray River. A request to vary the development standard is included in **Appendix 3** of this report.

- (b) that the appearance of the proposed structure, from both that River and any adjacent land, will be compatible with the surrounding area,*

The visual amenity has been considered further in **section 6.6**

- (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.*

Application does not include a mooring.

Clause 7.4 Development on Riverfront Areas

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

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

COMMENT

The structure proposed is designed to meet the requirements for development in this area and has considered the above objectives. Operation will not increase siltation of the river, will not compromise public access or their enjoyment of the river and does not diminish historic, scientific, cultural social archaeological, architectural, natural or aesthetic significance.

VICTORIA

Clause 12.03-1S – River corridors, waterways and wetlands

The project areas are located on the Murray River and as such are subject to the following strategies.

- *To protect and enhance river corridors, waterways, lakes and wetlands*

COMMENT

This report is a Statement of Environmental Effects and demonstrates how the environmental objectives are achieved. Further information is provided in **Section 6.1**.

HERITAGE

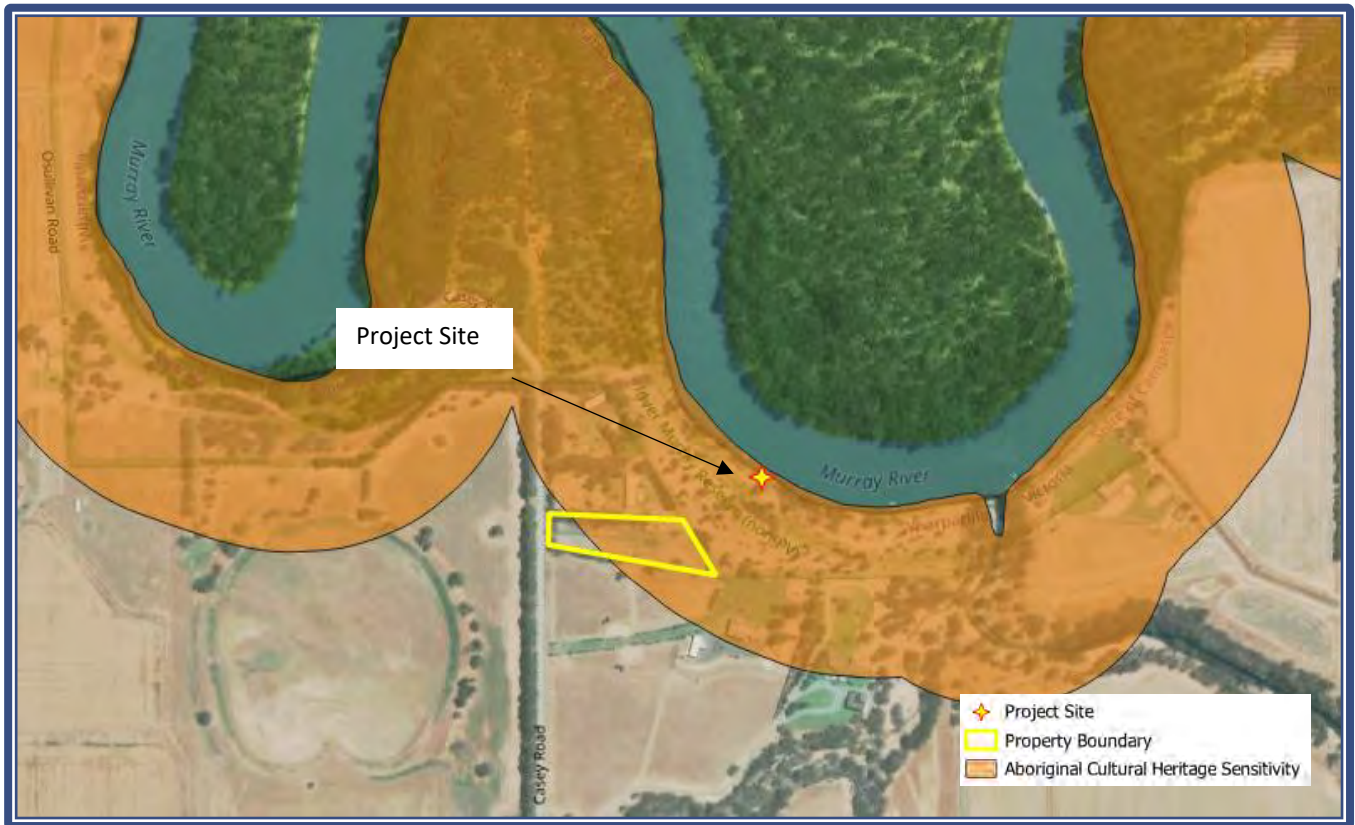


Figure 5-3 Site overview with the Aboriginal Cultural Heritage Significance Overlay (Source PRS QGIS with planning overlays)

VICTORIA

Vicplan – Heritage Overlay

The land proposed for the project works does not relate to a heritage overlay.

Vicplan – Cultural Heritage Overlay

The land proposed for the project works is shown below together with the Victorian Cultural Heritage overlay. It can be seen that the Cultural heritage layer identifies the project site as being subject to the overlay.

COMMENT

No works are proposed in Victoria as part of the application. A NSW Due Diligence Assessment prepared and provided as part of this application to consider the area where infrastructure is to be installed. As part of this assessment, no objects or places were identified within the project area and the project installation work is unlikely to impact on any items of significance.

OTHER PLANNING LAYERS

NEW SOUTH WALES

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 5-9 – Project in consideration of the Murray Development Control Plan 2012

Clause	Planning Control	Project Consistent Yes/No	Explanation
10.1	Visual Amenity		
Objectives			
<ul style="list-style-type: none"> • <i>To protect the visual amenity created by the natural river environment.</i> • <i>To avoid works and structures that have a detrimental visual impact.</i> 			
<i>All structures and buildings are to be designed to minimise the visual impact on the natural environment.</i>		Yes	Please see Section 6.6 .
<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 proposed structure will be constructed utilising neutral materials which complement the environment while complying with Maritime requirements for navigation.
<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>		No	Project is not for a building.
10.2	Boat Ramp		
Project does not relate to a boat ramp			
10.3	Pontoons and Walkways		
Objectives			
<ul style="list-style-type: none"> • <i>To restrict floating pontoons, walkways and jetties in the Murray Shire.</i> • <i>To preserve the riverine environment from unsightly, artificial structures that have a detrimental affect on the ecological river system.</i> • <i>To ensure river structures do not impact on river traffic safety.</i> 			
<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 is for private use and replaces existing structure.
<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	No mooring will be associated with the structure.
<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>		NA	The Stock and Domestic pump is existing and proposed to be moved to the new structure to ensue ongoing supply.
<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	The proposed structure will hinge from the landing at the top of the bank and allows 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</i>		NA	No vegetation or soil disturbance as site is existing and no works are proposed.

Clause	Planning Control	Project Consistent Yes/No	Explanation
	<i>erosion and the entry of sediments into the adjacent waterway.</i>		
	<i>Pontoons and walkways are to be fitted with reflective markers for the purposes of navigation.</i>	Yes	Requirement met.
10.4	Retaining Walls		
	Project does not relate to a retaining wall		
10.5	Stairs		
	Project does not relate to stairs		
10.6	Mooring		
	Project does not relate to a mooring		
10.7	Liability and public Safety		
Objectives			
<ul style="list-style-type: none"> To protect the public from harm or injury from using approved river structures. 			
	<i>All pontoons or walkways are to be provided with an engineer's certificate validating the structural integrity.</i>	Yes – where conditioned	Engineer's certification can be completed and provided on request.
	<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 2012* 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 information. 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	No changes to the extraction of river water as part of this project as the project proposes the re-connection of an existing pump. This new pump will require a GMW Licence as part of its use and operation.	See Section 6.1
Ground Water	No excavation is required in relation to installation work and this is not considered further.	No
Biodiversity	No vegetation requires removal for the structure. No snags or logs require relocation as part of the use of this site for a water supply system. Consideration of aquatic species provided.	See Section 6.2
Air Quality	There works are unlikely to impact negatively on air quality.	No
Noise	Construction will be completed in a short period and there is limited potential for noise. The pump is a solar pump which will operate with little noise.	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.	See below 6.4
Aboriginal Heritage	No vegetation to be removed and works are contained within the existing modified areas.	See below 6.3
Visual Amenity	The structure is similar to others seen in this stretch of the river. The structure is constructed in materials that blend into the surroundings.	See below 6.5
Traffic	Works will be completed in a short period and will only require minimal short-term vehicles for the construction. On-going site operation will see no change to the site's access and operation with all access being from Victoria.	No
Waste	No waste will be produced as part of the installation and any waste from operation will be removed and disposed of appropriately	Yes

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

6.1. WATER

6.1.1. EXISTING ENVIRONMENT

Surface Water

Water supply for the Applicant's property was previously supplied with stock and domestic water small pump which is no longer operational. The supply was intermittent and unreliable due to the location and fluctuating water operating levels and the pump suffered critical failure and has not as yet been replaced. The existing pipeline between the proposed site and the property remains viable and no changes are proposed.

An interim water supply has been managed through carting water to the property manually which is not feasible long-term.

The proposal does not increase the extraction volume of water from this section of the water source as the property is currently supplied from the same pumps and the same source of water.

Flooding

The site is under the Victorian flood overlay and within the 1% AEP flood level of the Echuca, Moama, Torrumbarry Flood Study area.



Figure 6-1 - Site showing Vic Flood Overlay and State Boundary

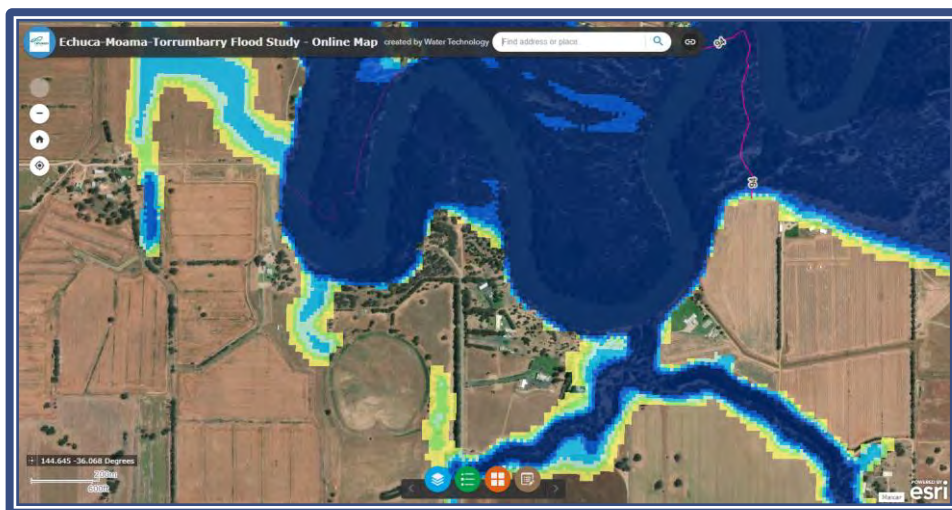


Figure 6-2 - 1% AEP Flood Overlay (Source: Echuca Moama Torrumbarry Flood study)

The project works will not be occurring at times of flooding or high river levels. Due to the short timeframe for construction activities, it is also predicted that the construction activities can be managed around predicted rainfall events. If an unexpected rainfall event occurs, erosion and sediment control measures will be utilised to prevent impacts.

6.1.2. ASSESSMENT FINDINGS

Flooding

As discussed above, the infrastructure located within the River has the potential to be subject to flooding action. The works as assessed and proposed within this site when complete will not prohibit the natural actions of surface or floodwaters within the area as the structure will be hinged to the top of the bank and allow movement with the fluctuation of river height.

Groundwater Dependent Ecosystems

A search of the Murray Riverina Groundwater overlay has identified that the project site is within an area where there is varying levels of probability for Groundwater Dependant Ecosystems (GDEs). The site has no rating however there are patches of area surrounding the site that have been identified with a high potential for GDE's. This mapping has been replicated below.



Figure 6-3 – Potential for Groundwater Dependent Ecosystems (Source: QGIS with BOM overlay)

Project works do not relate to groundwater extraction, the increase in irrigation area, storage of water or any interaction with the groundwater systems within the area.

6.1.3. AND MITIGATION MEASURES

There is no construction impacts expected as works relate only to the connection of new infrastructure to existing footings on the site. There are no ground disturbance activities required to be undertaken.

6.1.4. CONCLUSION

The site is located within the Flood Planning Map and the Land Subject to Inundation Overlay and measures have been identified to mitigate the site from flood impacts. The structure and works have been designed to ensure that they will not affect the flood patterns or behaviour. These are consistent with the previous installation of the structure (located downstream) where the site and the structure were not adversely impacted by flooding or flood behaviour.

The project works are located within an area of high probability of ground water dependant ecosystems. Project works will not intercept, add to or extract from any local groundwater network and there are no predicted impacts on any groundwater aquifer or dependant ecosystem due to the shallow nature of the works.

6.2. BIODIVERSITY

6.2.1. METHODOLOGY

A review of the project works has been undertaken to assess and identify potential impacts to biodiversity as part of the construction or operation of the project. Specifically, the project works considered potential impacts to threatened species, populations, communities and biosecurity. A copy of the completed search results and detailed assessment are provided in **Appendix 5**.

The assessment methodology includes :

- Background review including:
 - Database searches of Bionet, EPBC Protected Matters, NSW DPI – Fisheries, Atlas of Groundwater Dependant Ecosystems, and the SEED Dataportal.
 - 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.

6.2.2. ASSESSMENT FINDINGS

The desktop searches undertaken, and site inspection reviewed the project site with relation to the NSW Biodiversity Values mapping, Naturekit and any clearing required as part of the project works. Due to the location of the project and construction methodology proposed, 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 project works and no dead limbs, fallen timber or logs are proposed for removal within the works site.
- There are twelve different listed Threatened Ecological Communities within the area. The site is mapped as Riparian Shrubs or Swampy Shrubs and Woodlands (EVC number 818) – these are not one of the twelve Endangered Ecological Communities (EEC) identified in the desktop search. The site is located within the Key Fish Habitat – Murray Darling South area. This mapping is consistent with the vegetation that is located within and adjoining the site.

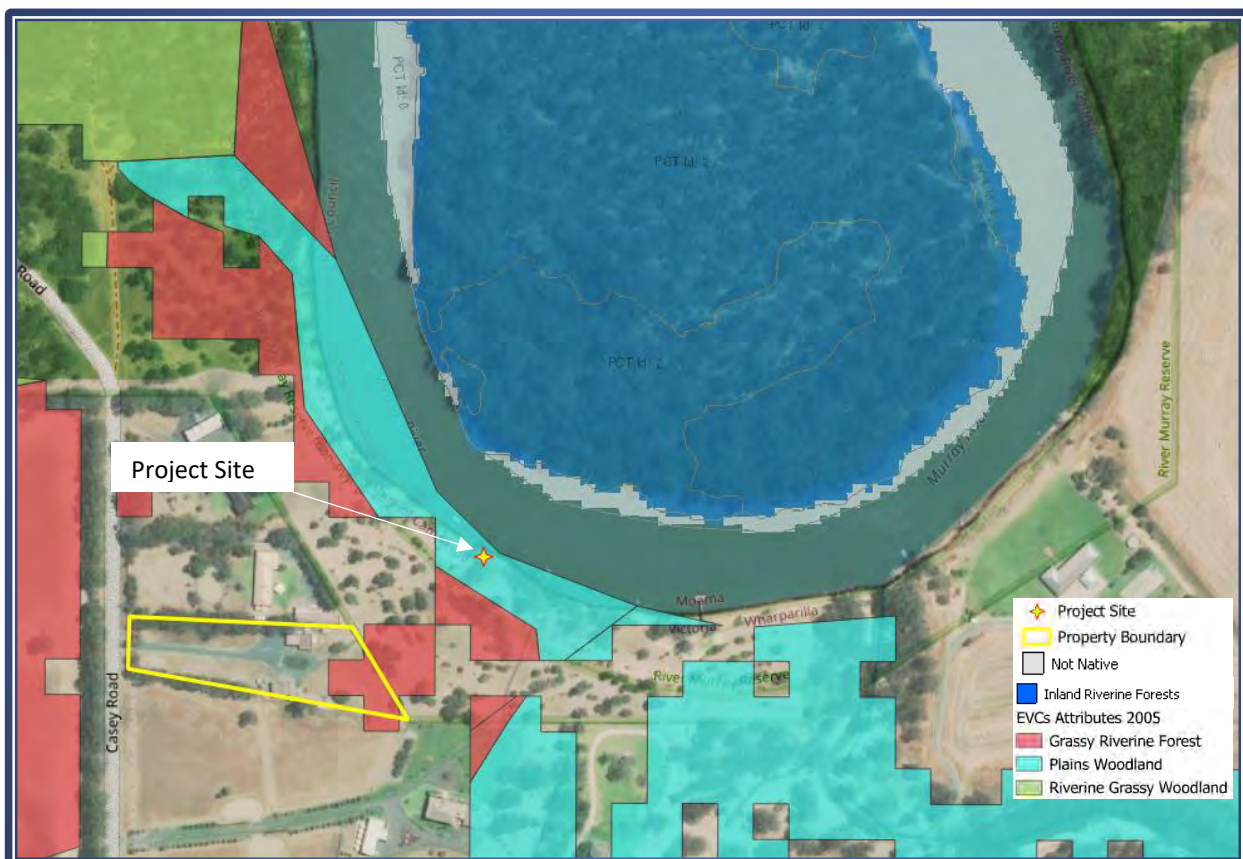


Figure 6-4 - Snapshot showing mapped Plant Community Type of the project area (Source: PRS QGIS)

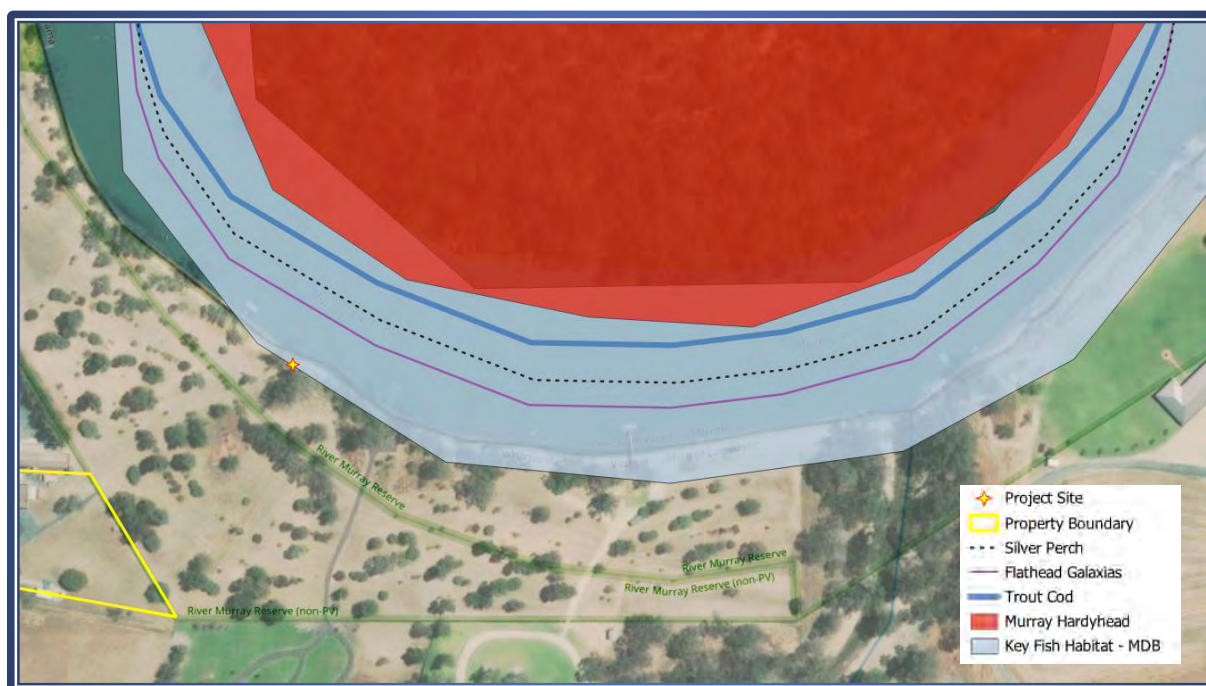


Figure 6-5 - Site Overview showing NSW Fisheries Overlays (Source: PRS QGIS)

- The Protected Matters Search Tool (PMST) identified twelve flora species with the potential to occur within 10km of the project site.
- PMST and Bionet searches identified two amphibians, nineteen birds, six aquatic, one bat, one insect and two mammals with the potential to occur within 10km of the project 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 operation of the pump system 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.
- Hygiene protocols (for both weeds and pathogens) are proposed at all sites to ensure disturbed areas aren't colonised by exotic species, preventing potential long-term impacts.

Table 6-2 - Table summarising species identified in searches

Scientific Name	Common Name	Level of Threat NSW Status	Record C'with Status	Record Source	Record Type	Comment
Amphibian						
<i>Litoria raniformis</i>	Southern Bell Frog	E	V	P	May occur in area	No ground disturbance proposed within any potential habitat.
<i>Crinia sloanei</i>	Sloane's Froglet	V	NL	P,B	Recorded in 10km area	No ground disturbance proposed within any potential habitat.
Insect						
<i>Synemon plana</i>	Golden Sun Moth	E	E	P	May Occur in surrounds	No ground disturbance proposed within any potential habitat.
Reptile						
<i>Aprasia parapulchella</i>	Pink-tailed Worm-lizard	V	V	P	May Occur in surrounds	No ground disturbance proposed within any potential habitat.
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 NSW Status	C'wlth Status	Record Source	Record Type	Comment
<i>Neophema chrysostoma</i>	Blue-winged Parrot	V	V	B	Recorded in 10km area	Habitat not typical of species requirements. No records of species at site. Project works or actions will not impact on species requirements.
<i>Grus rubicunda</i>	Brolga	V	NL	B	Recorded in 10km area	Site does not fulfil species requirements and is not typical of the species. Project works or actions will not impact on species requirements.
<i>Climacteris picumnus victoriae</i>	Brown Treecreeper (east subsp)	V	NL	P, B	Recorded in 10km area	Site does not fulfil species requirements and is not typical of the species. Project works or actions will not impact on species requirements.
<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. Project works or actions will not impact on species requirements.
<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	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>Artamus cyanopterus cyanopterus</i>	Dusky Woodswallow	V	NL	B	Recorded in 10km area	Site does not fulfil species requirements and is not typical of the species. Project works or actions will not impact on species requirements.
<i>Falco hypoleucos</i>	Grey Falcon	E	NL	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>Pomatostomus temporalis temporalis</i>	Grey-crowned Babbler (eastern subspecies)	V	NL	B	Recorded in 10km area	Site does not fulfil species requirements and is not typical of the species. Project works or actions will not impact on species requirements.
<i>Melanodryas cucullata cucullata</i>	Hooded Robin (south-eastern form)	V	NL	P	Likely to occur in area	Site does not fulfil species requirements and is not typical of the species. Project works or actions will not impact on species requirements.
<i>Gallinago hardwickii</i>	Latham's Snipe	NL	CE	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>Hieraaetus morphnoides</i>	Little Eagle	V	NL	B	Recorded in 10km area	Site does not fulfil species requirements and is not typical of the species. Project works or actions will not impact on species requirements.
<i>Glossopsitta pusilla</i>	Little Lorikeet	V	NL	B	Recorded in 10km area	Site does not fulfil species requirements and is not typical of the species. Project works or actions will not impact on species requirements.
<i>Lophochroa leadbeateri</i>	Major Mitchell's Cockatoo	V	NL	P	May occur in area	Site does not fulfil species requirements with no suitable nesting trees located at the site. Project works or actions will not impact on species requirements.
<i>Leipoa ocellata</i>	Malleefowl	E	V	P, B	May occur in surrounds	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>Grantiella picta</i>	Painted Honeyeater	V	V	P	Likely to occur in area	Site does not fulfil species requirements and is not typical of the species. Project works or actions will not impact on species requirements.
<i>Pedionomus torquatus</i>	Plains-wanderer	E	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>Aphelocephala leucopsis</i>	Southern Whiteface	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>Calidris acuminata</i>	Sharp-tailed Sandpiper	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>Polytelis swainsonii</i>	Superb Parrot	V	NL	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.

Scientific Name	Common Name	Level of Threat NSW Status	C'with Status	Record Source	Record Type	Comment
<i>Lathamus discolor</i>	Swift Parrot	E	CE	P	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 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 in area	The project site is not a lake, wetland, backwater or billabong. The project does not propose any alteration to the riverbed or banks and the pump will be fitted with the required inlet screen.
<i>Macquaria australasica</i>	Macquarie Perch	E	E	P	May occur in area	Site for proposed structure 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	Known to occur in area	The project site is not a lake, wetland, backwater or billabong. The project does not propose any alteration to the riverbed or banks and the pump will be fitted with the required inlet screen..
<i>Craterocephalus fluviatilis</i>	Murray Hardyhead	CE	E	P,F	Mapped in area	The project site is not a lake, wetland, backwater or billabong. The project does not propose any alteration to the riverbed or banks and the pump will be fitted with the required inlet screen.
<i>Bidyanus bidyanus</i>	Silver Perch	V	CE	P,F	Mapped 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. The vessel is of the same dimensions as that previously moored at the site and therefore will not alter the habitat value of the site.
<i>Maccullochella macquariensis</i>	Trout Cod	V	NL	P,F	Mapped 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 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>Phascogale 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	V	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	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>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>Austrostipa wakoolica</i>	A spear-grass	E	E	P	May occur in surrounds	Project works do not require the removal of vegetation and will not alter the area that may support this species. Project

Scientific Name	Common Name	Level of Threat NSW Status	C'wlth Status	Record Source	Record Type	Comment
						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 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>	Claypan Daisy	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>Amphibromus fluitans</i>	Floating Swamp Wallaby-grass	V	V	P,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>Pterostylis despectans</i>	Lowly Greenhood		E	P	May occur in surrounds	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	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>Swainsona plagiotropis</i>	Red Darling Pea	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>Myriophyllum porcatum</i>	Rigid Water-milfoil	NL	V	P	Likely to occur in area	Project works do not require the removal of vegetation and will not alter the area that may support this species. Project works and access to site will not impact or reduce area of this species as site is already cleared.
<i>Swainsona murrayana</i>	Slender Darling Pea	V	V	P	Likely to occur in surrounds	Project works do not require the removal of vegetation and will not alter the area that may support this species. 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 Groundsel, Behr's Groundsel			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	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>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.

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.

The project works do not require the removal of any flora species as activities are proposed in a previously disturbed and predominantly bare area or an area dominated by introduced species. There are no impacts proposed with relation to hollow bearing trees, feed trees, hollow logs or sticks and snags within the project site including the River. There is also no change proposed in relation to extraction rate, timing or flow to that already employed within the watercourse. Mitigation measures are identified to manage the impact of water extraction through the pump site to minimise any impact on aquatic species during the pump operation.

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 five threatened ecological communities that have been identified in the Protected Matters Report, one in the Fisheries Management Act and twelve in the BioNET search - a total of fourteen. Plant Community Type mapping and a site inspection identified the Plant Community Type as being Plains Woodland.

The Aquatic ecological community of the Lower Murray River aquatic community has been considered as part of the project design and operation proposal with no changes to the operation of the River and minimal disturbance proposed as part of the project works. A suitable filtration screen has been proposed on the suction inlet pipe to assist with future reduction of impacts to aquatic species.

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.

Project works do not propose the 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 instream 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. Project works proposed have considered erosion measures to prevent ongoing issues and do not propose to alter the flow or natural process of the River.

6.2.3. MANAGEMENT AND MITIGATION

The assessment reviewed the project works 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	Pre-construction and Construction	No wooded vegetation is to be removed – all work and access is to remain located within cleared areas. All 'No-Go' zones are to be clearly identified and physically delineated.
Hollow-bearing tree removal	Pre-construction	No native vegetation or hollow-bearing trees are to be removed as part of the project works.
Weed and pathogen management	Pre-construction and construction	Machinery & equipment used at the site must be inspected and cleaned prior to entering and leaving the site to ensure that weed seeds and propagules are not imported or spread to unaffected areas.
Impacts on surrounding Native Vegetation	Construction	Measures to prevent and contain spillage of potential contaminants must be implemented. In the event of a spill or contamination at the site, all works must cease and the spill management procedure implemented immediately.
Impacts on surrounding Native Species (aquatic)	Operation	The pump suction line is to be installed with compliant fish screen filter attached.
Water quality risks	Pre-construction and construction	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).

Potential Impact	Timing	Safeguard
		If a fish kill occurs during construction, all works must stop and NSW Fisheries must be contacted immediately.

6.2.4. CONCLUSION

A preliminary desktop assessment has been undertaken on the project area 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 a site visual inspection.

The project works are proposed within a historically disturbed area which is described Plains Woodland. No unnecessary clearing or vegetation or removal of fallen timber is proposed as part of the project works 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 providing adequate erosion and sediment control measures are implemented during and prior to works commencing. 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 is considered negligible.

6.3. INDIGENOUS HERITAGE

6.3.1. METHODOLOGY

6.3.1.1. 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.

6.3.1.2. 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

The proposed activity at the site involves the installation of a pontoon structure with pipeline and pump. The structure will be hinged from the bank in an area of prior ground disturbance activities using existing infrastructure. ➡ 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 6**) has been undertaken and results identified that there are no recorded Aboriginal heritage places or objects within the project area or a 1km buffer of the property. ➡ other information sources

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

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

COMMENT

There are no other sources of information publicly available however other works that have occurred at the site within the vicinity of the Murray River have not identified any objects or culturally modified trees within the area. ➡ 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 on Murray River high bank within a previously disturbed and significantly modified area. There are no further activities that interrelate with disturbance. ➡ 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 and/or harmed 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, providing any details on the Aboriginal object and its location; and
- Not recommence any work at that particular location unless authorised in writing by Heritage NSW.

6.3.2. MANAGEMENT AND MITIGATION

Table 6-4 – Indigenous heritage mitigation and monitoring measures

Potential Impact	Timing	Safeguard
New South Wales Works		
Unexpected finds	Construction	<ol style="list-style-type: none"> All installation works in the area of the find(s) will cease immediately following the discovery or potential discovery of a find and <ol style="list-style-type: none"> The discoverer of the find(s) will notify machinery operators in the immediate vicinity of the find(s) so that work can be halted and ensure that there is no further harm to the object, The discoverer of the find(s) will secure the area and prevent equipment or personnel from entering the area except in accordance with this protocol, and The site supervisor/project manager will be informed of the find(s). If finds are suspected to be human skeletal remains, then NSW Police and Heritage NSW will be contacted as a matter of priority and the procedure for Unexpected Discovery of Possible Human Skeletal Remains should be followed.

Potential Impact	Timing	Safeguard
		<ol style="list-style-type: none"> 3. With approval from the relevant party, a heritage specialist will be engaged to assess the Aboriginal place or object encountered, a Representative from any Registered Aboriginal Party and Local Aboriginal Land Council for the project may also be engaged to assess the cultural significance of the place or object as part of the obligations of the AHIP assessment process. 4. The following process must be followed: <ol style="list-style-type: none"> a. Immediately notify the following authorities or personnel of the discovery if not already done so: <ol style="list-style-type: none"> i. Heritage NSW (Environment Line: 131 555); and ii. Relevant Aboriginal Community Representatives, including the Local Aboriginal Land Council. b. Facilitate, in co-operation by an appropriately qualified person with the appropriate authorities and relevant Aboriginal community representatives: <ol style="list-style-type: none"> i. The recording and assessment of the finds; ii. Fulfilling any legal constraints arising from the find(s). This will include complying with Heritage NSW directions; and iii. The development and conduct of appropriate management strategies. Strategies will depend on consultation with stakeholders, the assessment of the significance of the find(s) and the relevant permits. 5. Re-commencement of installation works may only resume in the area of the find(s) following compliance with any consequential legal requirements and gaining written approval from Heritage NSW.

6.3.3. CONCLUSION

The project works relate to the installation and operation of a pump site and a floating pontoon and gangway structure installed near the top of the bank and floating within NSW. There are no required project ground disturbance works as the works relate to the removal of existing structures and installation of new infrastructure connecting to existing works.

An assessment utilising the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* identified that the project works do not require any ground disturbance activities, there is no recorded sites within the area and surrounds and that the site is located within a known landscape feature. The work within this feature has been designed to avoid impact to this landform.

Mitigation measures are proposed for the installation works and note that *in the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and Victorian or NSW Police and Victorian Aboriginal Heritage Council and Heritage NSW contacted.*

6.4. NON-INDIGENOUS HERITAGE

6.4.1. METHODOLOGY

Database searches have been undertaken of the following available information with searches completed by 8th November, 2019 and again in December 2023.

- National Heritage List (Commonwealth of Australia, 2023),
- Commonwealth Heritage List (Australian Government Dept. of Environment and Energy, 2023),
- NSW State Heritage Register (Heritage, Search for NSW Heritage, 2023),
- State Heritage Inventory (Heritage, Search for NSW Heritage, 2023),
- *Murray LEP 2011* (New South Wales Government, 2023),
- Victorian Property Planning Report, and
- Campaspe Planning Scheme – Clause 43 and its associated schedule.

A copy of these searches have been included in Section **Appendix 7 – Non-Indigenous Searches**.

6.4.2. EXISTING ENVIRONMENT

A search undertaken of the World, Commonwealth National and State Heritage registers has been undertaken with no items identified at or within the vicinity of the project site.

Searches undertaken of the *Murray LEP 2011* identifies a number of listed heritage items within the broad local area, however the project site is not located within the close vicinity of these sites and there is no perceived impact to the heritage significance of any identified item as a result of the proposed works.

A review of the Campaspe Local Planning Provisions also has not identified any listed local items within the site.

6.4.3. ASSESSMENT FINDINGS

No items have been identified within or adjoining the project site.

6.4.4. MANAGEMENT AND MITIGATION

Table 6-5 – Non-indigenous heritage mitigation and monitoring measures

Potential Impact	Timing	Responsibility	Safeguard
Unexpected finds	Construction	Contractor	Staff working on site during construction will be instructed to stop work immediately on identification of any suspected heritage artefact.
	Construction	Contractor	If any unexpected archaeological remains are discovered during construction, work will stop immediately in the vicinity of the material/find and specialist advice from a suitably qualified heritage consultant will be sought.

6.4.5. CONCLUSION

The project works are not proposed within or adjoining any listed World, National or State listed heritage item. Searches of locally listed items in both NSW and Victoria have not identified any item in the vicinity. Mitigation measures have been provided to manage impacts to items should an unexpected find occur.

6.5. WASTE MANAGEMENT

6.5.1. METHODOLOGY

Waste and litter management should be recognized due to the impact poor management could have on the environmental performance of the construction and operation of the project. This section applies to all activities conducted during the construction and operation of the project.

The *NSW Waste and Sustainable Materials Strategy 2041* has been developed to improve the way that we live and ensure that future generations enjoy the same or an improved quality of life. This strategy stretches across all aspects of life and covers environmental, social and economic areas. This strategy adopts the principles set out in the *Protection of the Environment Administration Act 1991*.

The strategy identifies a circular economy (shown below) providing guidance on the future reuse, regeneration and recovery of waste within our society towards achieving efficient resource use.

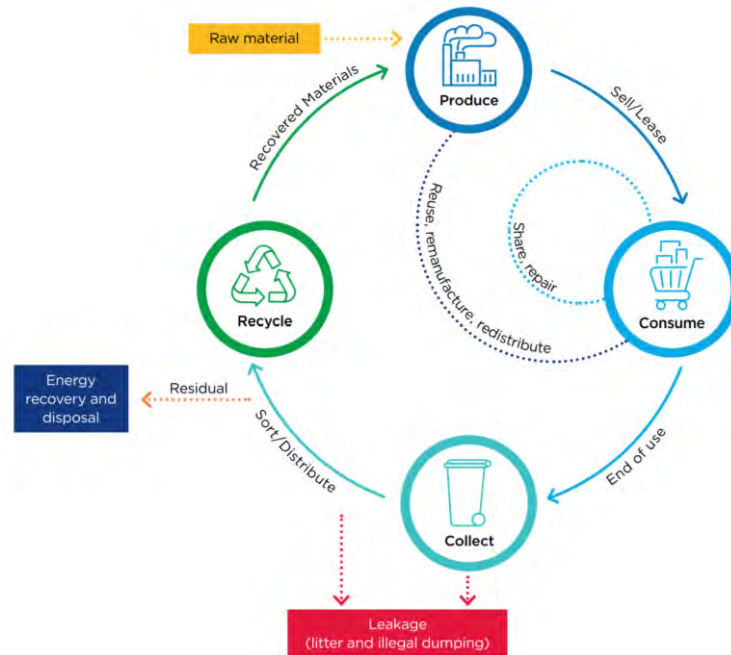


Figure 6-6 - Circular economy (Waste & Sustainable Materials Strategy 2041)

6.5.2. ASSESSMENT

The following items have the ability to be recycled within the Murray River Council waste facilities:

- Greenwaste - into mulch/ compost
- Untreated / painted timber - into bark chips
- Concrete – crushed for road base
- Bricks, pavers, rocks, rubble & concrete roof tiles – crushed for road base or decorative rock
- Ewaste – more than 95% of e-waste can be recovered and recycled
- Cleanfill – can be used as fill
- Scrap metal – can be recycled and made into new materials
- Cardboard & commingled recycle – can be recycled into new materials
- Oil – can be recycled and filtered into fresh oil.

DEMOLITION

The proposed removal of the existing structure will be undertaken in a single stage with the existing timber and stairs removed from the site. The timber and steel will be recycled into garden ornaments on the property.

CONSTRUCTION

The project as identified above has a single construction phase. The majority of the construction activities are pre-fabricated off site with materials delivered to site ready to be assembled. This reduces potential waste during the construction phase. Any waste derived from project site will be removed from site and returned to workshop for sorting into recycle and waste.

Waste is minimised on site by ordering materials to requirements and design to minimise waste.

OPERATION

The operation of the site will produce minimal waste. The only waste generated as part of the ongoing operation is maintenance consumables which include grease and replaceable filter.

6.5.3. MANAGEMENT AND MITIGATION

Table 6-6 – Waste mitigation and monitoring measures

Potential Impact	Timing	Safeguard
Contamination	Construction	Construction staff are to undergo site induction including waste management procedures. Wastes are to be treated as per the NSW circular economy.

Potential Impact	Timing	Safeguard
	Construction/Operation	Waste areas will be clearly identified with clear instructions on the waste separation information. No long term storage of waste material is to occur on site. Waste receptacle on site are to be clearly identified as waste storage areas with written instructions at appropriate locations to identify recycle and waste separation. Waste is to be disposed of by appropriate measures (ie not buried on site). Waste minimisation strategies are to be employed and recycling undertaken where possible.
Disturbance of visual amenity	Construction	All works are to be confined within the project construction footprint. All waste, vehicles, plant and equipment are to be stored in identified laydown areas and will be removed from the site at project completion.

6.5.4. CONCLUSION

The impacts of waste generation from construction will be minor. Waste will be generated as part of the project works in the form of general construction/installation wastes and disposables. All contractors undertaking works on site will be inducted to ensure any waste derived on the project site during construction will be suitably removed and managed in accordance with recycle and reuse policies.

Ongoing operation of the pump will generate waste in the form of extremely minor volumes of grease and replaceable filter which where replaced will be sent to landfill.

6.6. VISUAL AMENITY

6.6.1. EXISTING ENVIRONMENT

The existing environment within the vicinity of the site includes the Murray River, small farmlets and holidays homes along with surrounding agricultural land. Structures such as pumps, sheds and water infrastructure are common in the rural environment in this area.

Key public viewpoints of the project site are from within the banks of the Murray River and the adjoining community land to the site. The site has historically included existing stairs, jetty and walkway and a pump within the River.



Figure 6-7 - Photo showing existing (now removed) structure for replacement within the River (Source: PRS 2021)

6.6.2. ASSESSMENT

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 and Owners to minimise potential visual amenity-related impacts on surrounding users and residents.

The viewpoint of the project site from within the Murray River (NSW) will be confined to a small section of the bank where the pontoon structure is proposed to be located. The structure will be constructed utilising materials that blend into the surroundings, while meeting maritime navigational requirements.

The structure also replaces aged and failing infrastructure previously in place and will be a remarkable improvement on that which has been previously installed. The proposed structure aligns with other infrastructure installed within the area and facilities both access to the River and a connection for water supply to the property.



Figure 6-8 - Photo showing adjoining structure as an example of typical structures located within the River (Source: PRS 2023)

From the top of the bank within the Community and Public land in Victoria, little infrastructure will be visible due to the location of the connection points from the bank.



Figure 6-9 - Photo showing top of bank showing structure connection point (Source: PRS 2023)

6.6.3. MANAGEMENT AND MITIGATION

Mitigation and monitoring measures relating to the project construction and operation will be implemented to minimise potential visual impacts. These are shown in the table below.

Table 6-7 – Visual impact mitigation measures

Potential Impact	Timing	Safeguard
Disturbance of visual amenity	Construction	All installation works are to be confined within the existing occupation footprint. All waste, vehicles, plant and equipment is to be stored in identified laydown area on the freehold property and will be removed from the site at project completion.
		Existing vegetation will be utilised (and remain undisturbed where required) to provide screening for any machinery storage.
	Operation	The project site must be maintained in a clean and tidy condition at all times.

6.6.4. CONCLUSION

The public viewpoint of the project site is limited to views from boating activities within the Murray River or the adjoining community and public recreation areas. The removal of the existing infrastructure and installation of a single item of proposed infrastructure which will be consistent with many other structures within the River located in this area and an improvement on the existing site. Materials proposed for use are complementary to the surrounds and adjoining structures and therefore, the visual amenity of the site is likely to improve as a result of the proposal.

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 re-instate the previous pumping infrastructure connected to the property and ensure that the operation of the site is reflective and secure in the provision of water to the property. The proposed infrastructure replaces that which has been previously in place for a significant amount of time and will allow access to the Murray River. The works allow for the combination of and update of previously installed and aged infrastructure with modern and improved sustainable works.

Works proposed as part of this application have taken into account all environmental aspects with project infrastructure and installation methodology proposed to minimise impacts to heritage, waterways and the environment, mostly at significant construction and operation cost to the owner. 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 several 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.

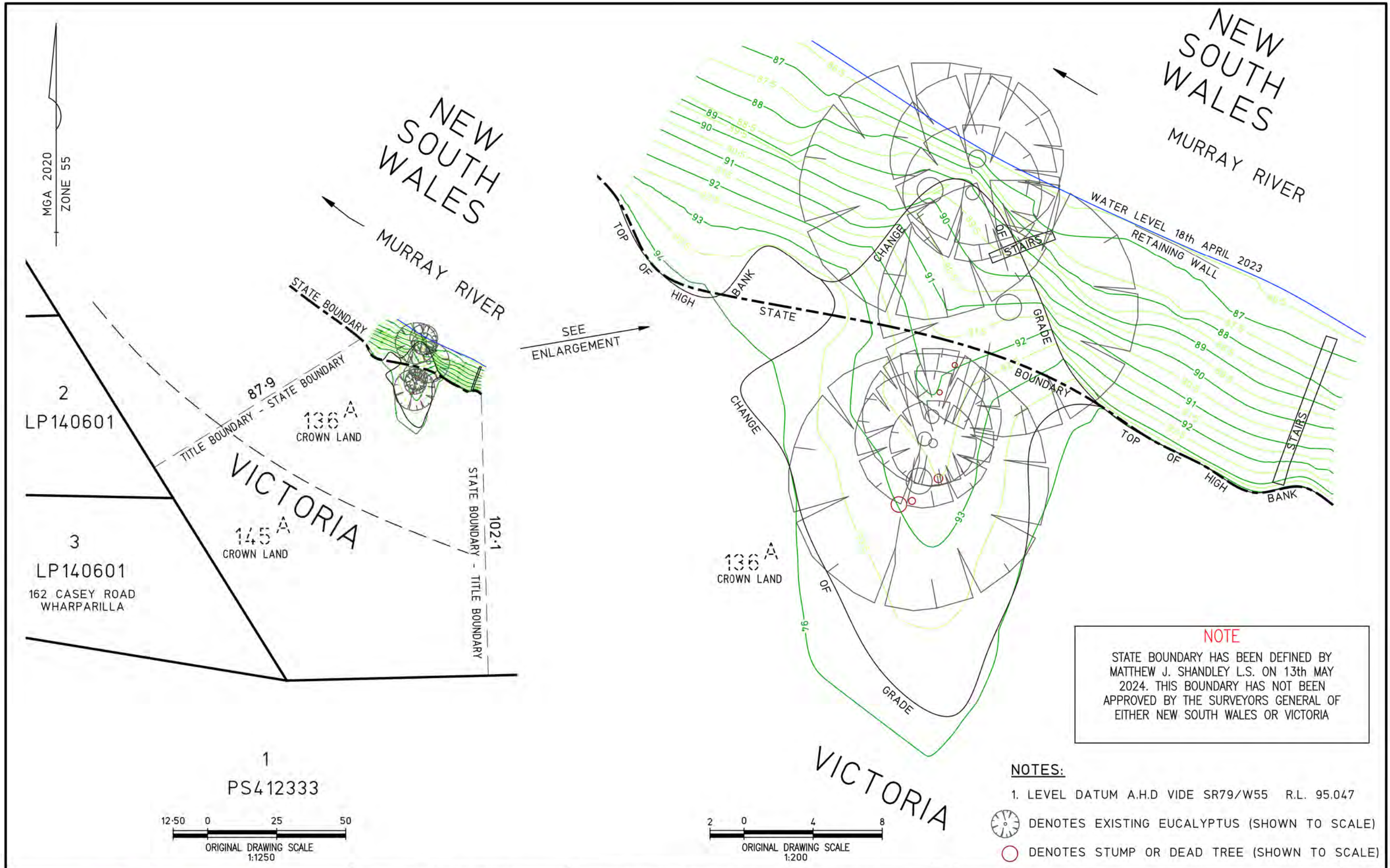
8. REFERENCES

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9. APPENDICES

APPENDIX 1 – PROJECT AND SITE PLANS



NOTE

STATE BOUNDARY HAS BEEN DEFINED BY MATTHEW J. SHANDLEY L.S. ON 13th MAY 2024. THIS BOUNDARY HAS NOT BEEN APPROVED BY THE SURVEYORS GENERAL OF EITHER NEW SOUTH WALES OR VICTORIA

NOTES:

1. LEVEL DATUM A.H.D VIDE SR79/W55 R.L. 95.047



DENOTES EXISTING EUCALYPTUS (SHOWN TO SCALE)



DENOTES STUMP OR DEAD TREE (SHOWN TO SCALE)

SITE PLAN & FEATURE SURVEY

PARISH OF WHARPARILLA
CROWN ALLOTMENT 136A (PART)
ADJACENT TO 162 CASEY ROAD, WHARPARILLA

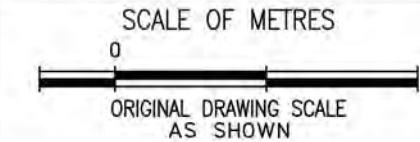
FILE No.	DRAWN	CHECKED	DATE	SHEET NUMBER	VER	SHEET SIZE
S7597	ABT	MJS	2.5.2023	1 OF 1	2	A3

VER	DATE	DETAILS OF AMENDMENTS	DRN	CHK
2	13.5.2023	STATE BOUNDARY DEFINITION – AFTER DISCUSSIONS WITH NSW LRS & LANDS VIC	ABT	MJS
FILE PATH: S:\S7597 FLORRIMELL Jenny 162 Casey Rd Wharparilla pontoon\AutoCAD\S7597_FS V2.dwg				

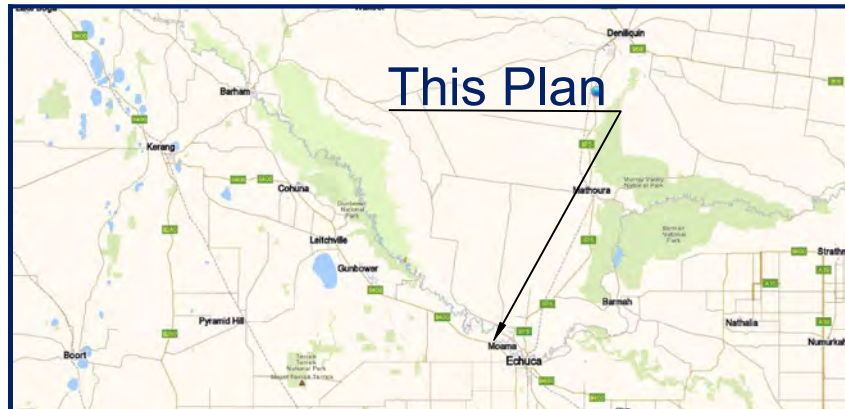


Licensed Surveyors • Civil Engineers • Irrigation Designers

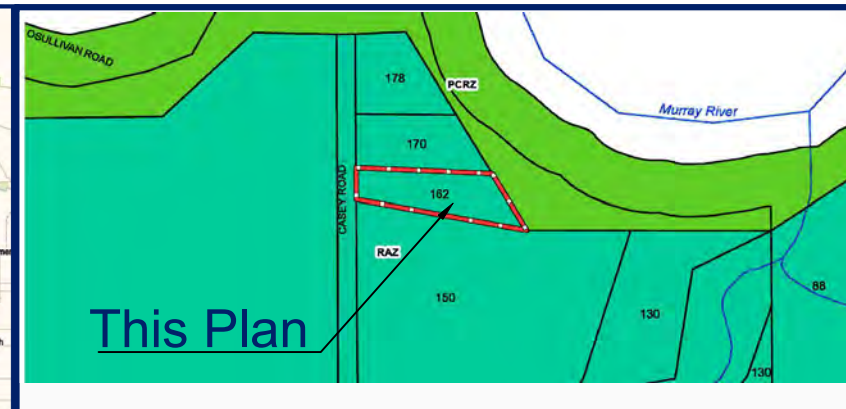
21 Nish Street, ECHUCA. Ph. (03) 54821699
139 Hogan Street, TATURA. Ph. (03) 58241322



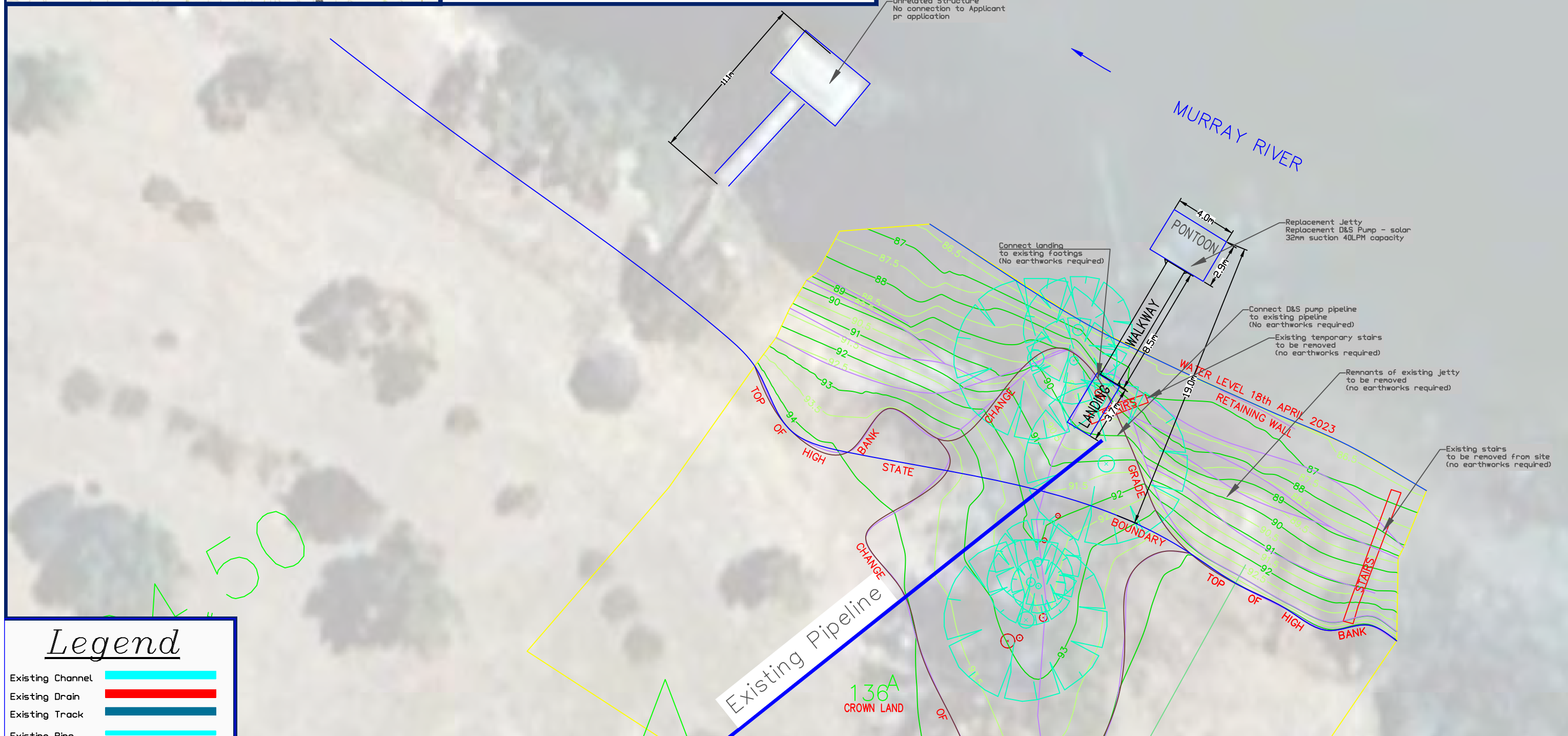
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This Plan



This Plan



Legend

Existing Channel	
Existing Drain	
Existing Track	
Existing Pipe	
Boundary Fence	
Internal Fence	
Check Banks	
Field Direction	
Waterway	
Top of Bank	
Powerline	
Tree	
External Road	

Plan Type/Stage

FINAL

Site Plan
For For Application

Progressive Rural Solutions Pty Ltd
PO Box 74, DENILIQUIN NSW 2710
Ph. 0408577248 ACN: 634 646 825 ABN: 58 634 646 825
Email: admin@prsltd.com.au Web: www.prsltd.com.au

This plan is not a "Land Survey" as defined by the Surveying Act, 2002. Any construction or design work which relies on critical setbacks from boundaries requires a detailed survey to accurately determine the boundary dimensions. Progressive Rural Solutions accepts no responsibility for any reliance on this plan. All plans are shown for diagrammatic purposes only.
Survey base plan compiled by Planright

Scale: 1:400 Sheet Size: A3

Date: 01/11/2024

Client: K & J Florrimell

Property: 162 Casey Rd, Wharparilla

Project: NA

Plan Type: Site overview

Plan Description:
Plan showing proposed site layout

.

Drawing No.—J157—Plan_Site—

Version Date Amendment

V1R1 28/09/22 Initial Plan

V1R2 28/09/22 Draft for client review

V1R3 16/12/22 Final for Council discussion

V1R4 10/01/24 DRAFT for application review

V1R5 06/09/24 DRAFT for structure review

V1R6 01/11/24 FINAL for application



Legend

Existing Channel

Existing Drain

Existing Track

Existing Pipe

Boundary Fence

Internal Fence

Check Banks

Field Direction

Waterway

Top of Bank

Powerline

Tree

External Road

Plan Type/Stage

FINAL

Property Sections Plan

For Application

Progressive Rural Solutions Pty Ltd

PO Box 74, DENILIQUIN NSW 2710

Ph. 0408577248 ACN: 634 646 825 ABN: 58 634 646 825

Email: admin@prsltd.com.au Web: www.prsltd.com.au

This plan is not a "Land Survey" as defined by the Surveying Act, 2002. Any construction or design work which relies on critical setbacks from boundaries requires a detailed survey to accurately determine the boundary dimensions.

Progressive Rural Solutions accepts no responsibility for any reliance on this plan. All plans are shown for diagrammatic purposes only.

Site plans based on Planright survey

Scale:	1: 300	Sheet Size:	A3
Date:	01/11/2024		
Client:	K & J Florrimell		
Property:	162 Casey Rd, Wharparilla		
Project:	NA		
Plan Type:	Pontoon plans at water levels		
Plan Description:	Plan showing elevations of proposed site		

Drawing No.	-J157-Plan_Site-	
Version	Date	Amendment
V1R1	28/09/22	Initial Plan
V1R2	28/09/22	Draft for client review
V1R3	16/12/22	Final for Council discussion
V1R4	10/01/24	DRAFT for structure review
V1R5	22/10/24	FINAL Draft for application
V1R6	01/11/24	FINAL for application

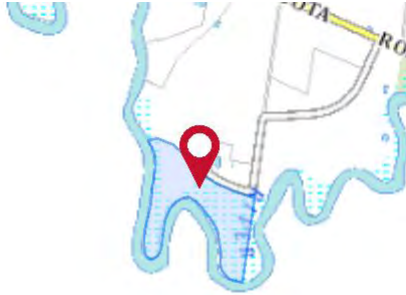


APPENDIX 2 – PROPERTY PLANNING REPORTS



Property Report

GOLDSBOROUGH ROAD MOAMA 2731



Property Details

Address: GOLDSBOROUGH ROAD MOAMA 2731
 Lot/Section 7/-/DP568414 8/-/DP568414
 /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	RU1 - Primary Production: (pub. 30-8-2024)
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

GOLDSBOROUGH 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 (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
Land near Electrical Infrastructure	This property may be located near electrical infrastructure and could be subject to requirements listed under ISEPP Clause 45. Please contact Essential Energy for more information.
Local Aboriginal Land Council	MOAMA
Regional Plan Boundary	Riverina Murray

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

PLANNING PROPERTY REPORT

From www.planning.vic.gov.au at 09 July 2021 08:52 AM

PROPERTY DETAILS

Lot and Plan Number: **Lot 3 LP140601**
Address: **162 CASEY ROAD WHARPARILLA 3564**
Standard Parcel Identifier (SPI): **3\LP140601**
Local Government Area (Council): **CAMPASPE**
Council Property Number: **281**
Planning Scheme: **Campaspe**
Directory Reference: **Vicroads 31 C3**

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

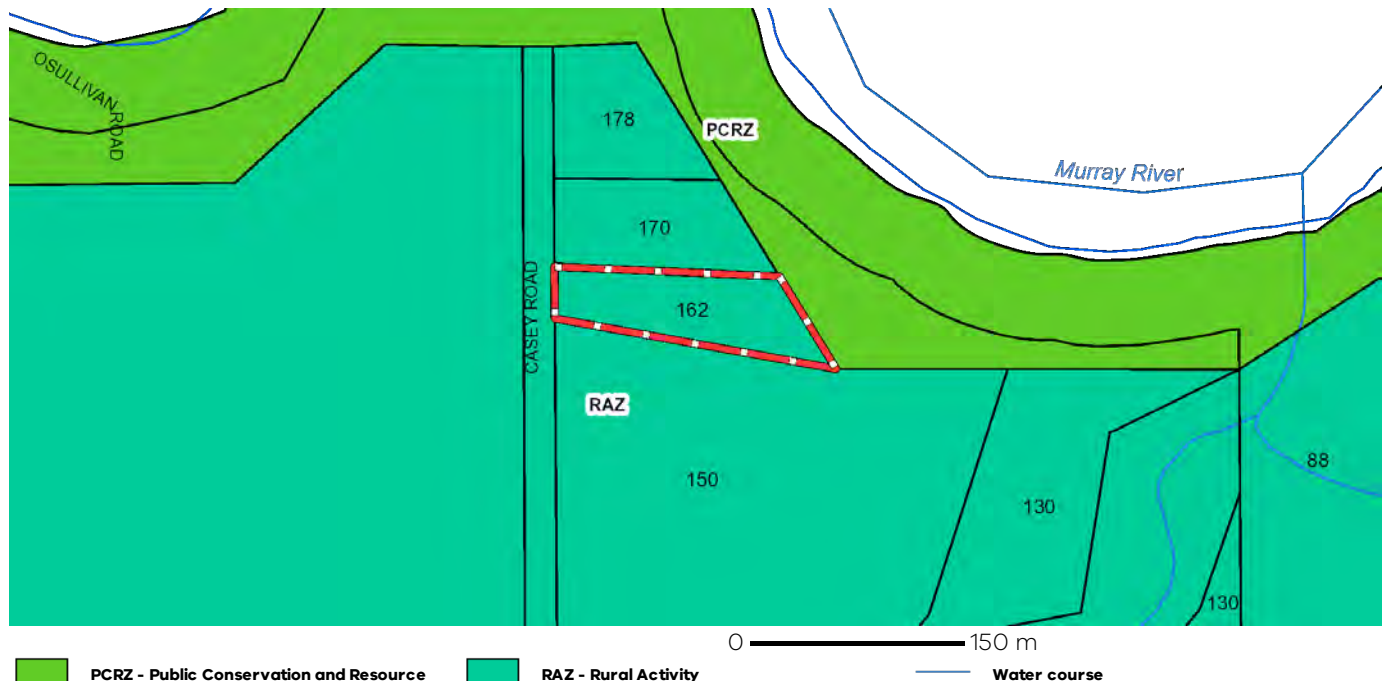
Registered Aboriginal Party: **Yorta Yorta Nation Aboriginal Corporation**

[View location in VicPlan](#)

Planning Zones

[RURAL ACTIVITY ZONE \(RAZ\)](#)

[SCHEDULE TO THE RURAL ACTIVITY ZONE \(RAZ\)](#)

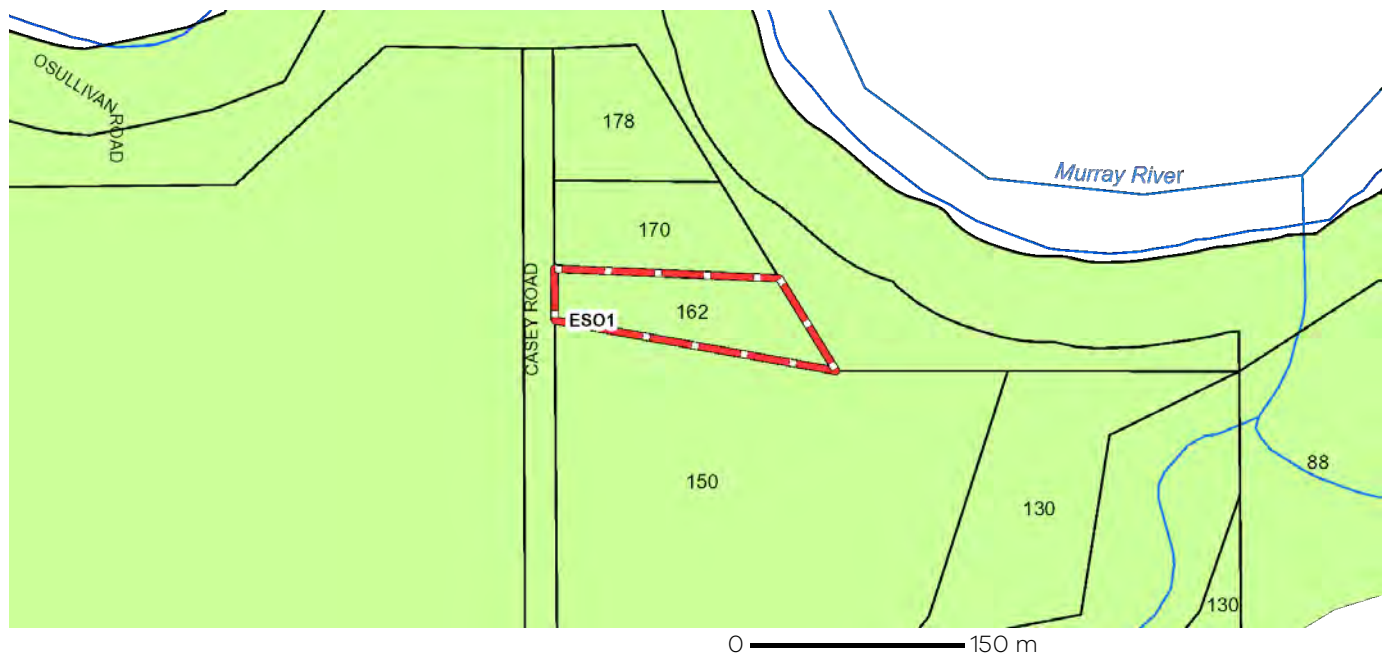


Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

Planning Overlays

[ENVIRONMENTAL SIGNIFICANCE OVERLAY \(ESO\)](#)

[ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 1 \(ESO1\)](#)

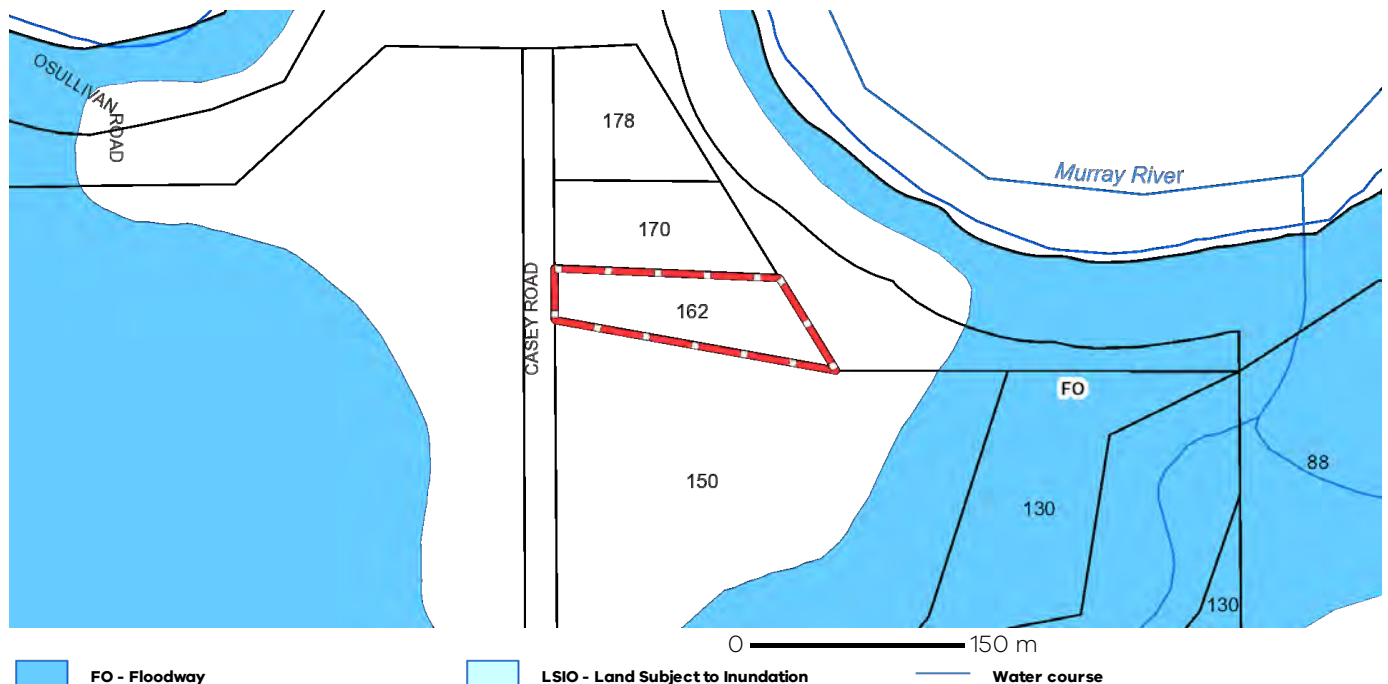


OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

[FLOODWAY OVERLAY \(FO\)](#)

[LAND SUBJECT TO INUNDATION OVERLAY \(LSIO\)](#)



Areas of Aboriginal Cultural Heritage Sensitivity

All or part of this parcel 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.

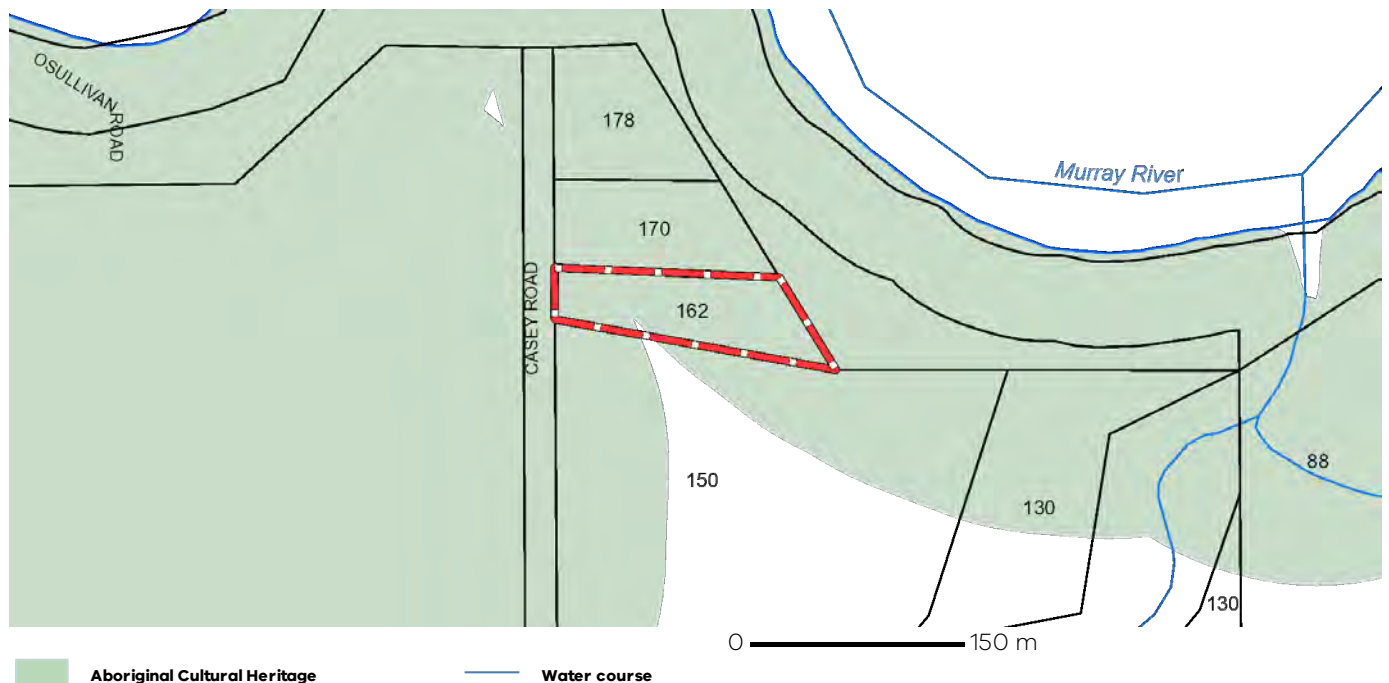
Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

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 7 July 2021.

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>

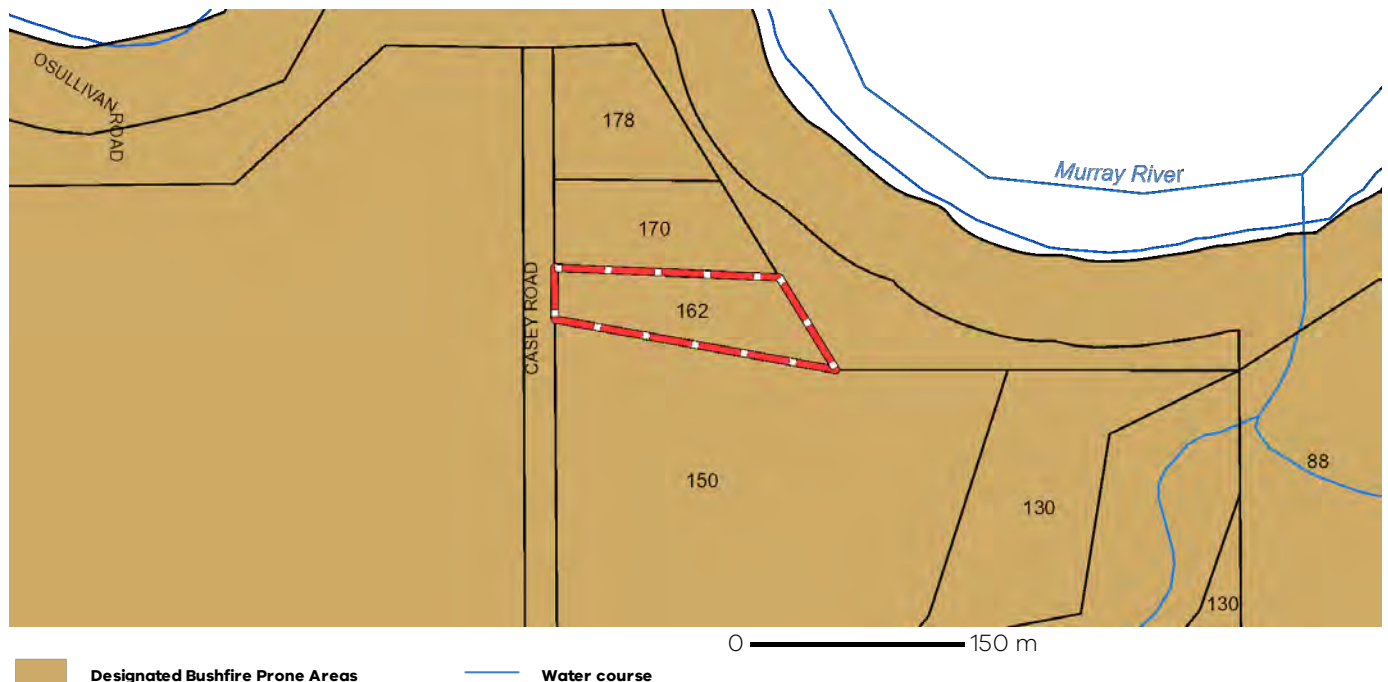
For details of surrounding properties, use this service to get the Reports for properties of interest.

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 parcel is in a designated bushfire prone area.
Special bushfire construction requirements apply. Planning provisions may apply.



Designated bushfire prone areas as determined by the Minister for Planning are in effect from 8 September 2011 and amended from time to time.

The Building Regulations 2018 through application of the Building Code of Australia, apply bushfire protection standards for building works in designated bushfire prone areas.

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

Note: prior to 8 September 2011, the whole of Victoria was designated as bushfire prone area for the purposes of the building control system.

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 his 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 \(environment.vic.gov.au\)](https://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 \(environment.vic.gov.au\)](https://environment.vic.gov.au)

APPENDIX 3 – 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 SECTION 7.6(4)(a) – Murray LEP 2011

Site and Proposed Development

Item	Response
1. Describe the site	Opposite NSW Title Lot 7 DP568414 (Murray River)
2. Describe the proposed development	Installation of new landing, walkway and pump pontoon for domestic water supply system within the Murray River attached to the bank on the Victorian side of the river on NSW crown land. Infrastructure replaces previously installed structure located at 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 Environmental Plan 2011</i>
4. What is the site zoning?	W2 - Recreational Waterways
5. Identify the development standard to be varied	7(4)a Specific principles <i>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—</i> <i>(a) 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?	
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: <i>This Plan aims to make local environmental planning provisions for land in Murray in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.</i></p> <p>There are no objectives to the standard. It is understood that the intent of this clause is preserve navigational waters in the river channel. This structure is replacing existing structure at this location and remains within other structures and the existing snags within the River.</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)	No.
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)	There are several similar structures along the Murray River channel at this location although it is unknown if they have been lawfully installed. This structure replaces one which has been in place for a significant period (30+years) and has no history of navigational misdemeanour or interruption.
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>Structures similar to the proposed are common along the river channel supporting water delivery to properties adjacent to the river. Murray River Council and adjoining local Councils have historically supported pump pontoon and access structures on either side of the Murray River.</p> <p>This proposal has considered the objectives to the LEP and submit that the installation and use of the site for the purpose of a stock & domestic pump and River access will not adversely affect the riverine environment, that the project has been responsibly assessed and proposed and that there is not impact to the environment on the basis that the mitigation measures proposed are utilised.</p>
12. Is there any other relevant information relating to justifying a variation of the development standard? (If required)	This address is attached to a statement of environmental effects to accompany a development application. This report and related assessments identify that the project location and work are suitable for the utilisation of the site to improve domestic water supply with no impact to the site and surrounds. Plans and assessments have been provided to support this.

CONCLUSION

As demonstrated above,

- this objection is well founded demonstrating that the compliance surrounding the installation of structures on an outside bend is 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 relates to the replacement of aged infrastructure and increased reliability of supply of stock and domestic water supply to the Applicant's property adjacent to the river. The location of the structure on the outside bend is not considered to disrupt navigational waters.



APPENDIX 4 – CORRESPONDENCE



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_ImKQTqPYPmtAhr8u4CnF0ndVA/vi/ewform?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:

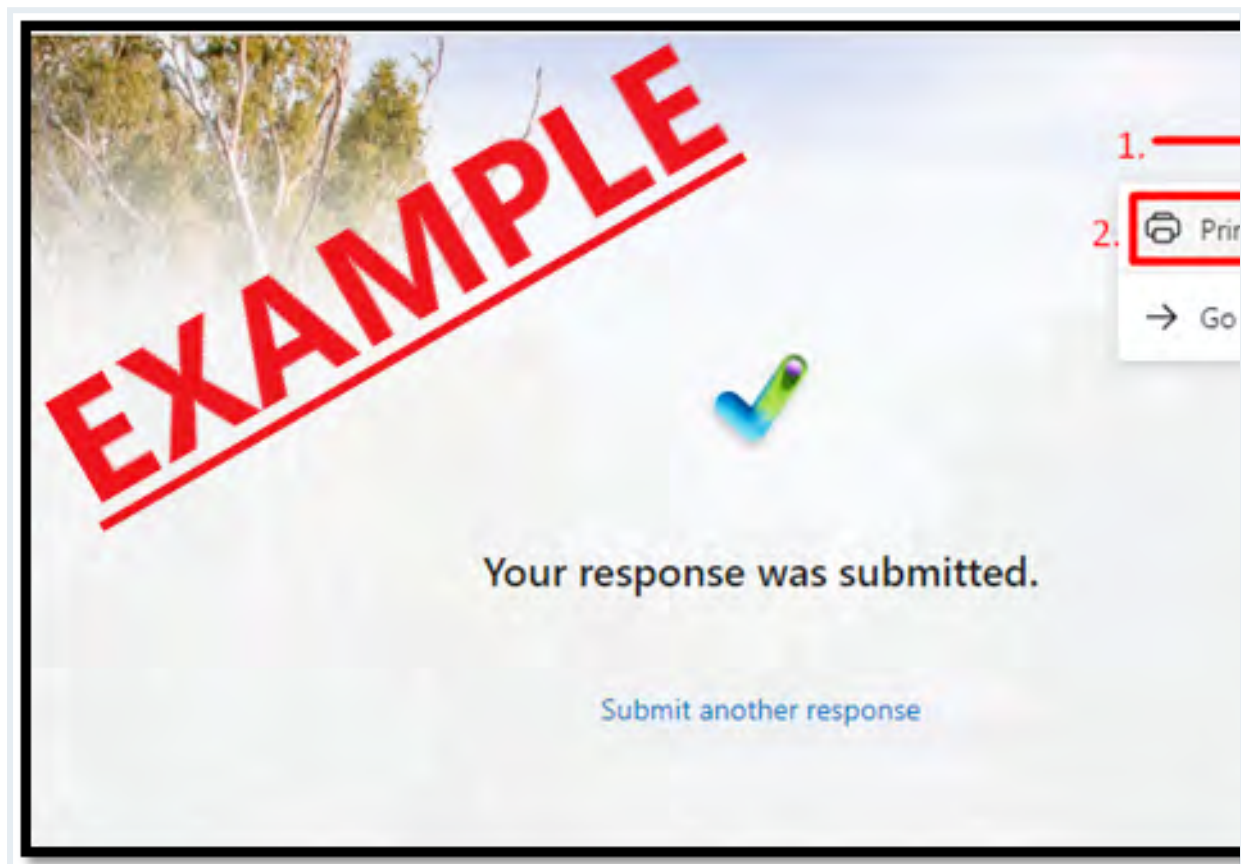
https://water.nsw.gov.au/_data/assets/pdf_file/0009/386190/Controlled-activity-approval-exemptions-fact-sheet.pdf

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

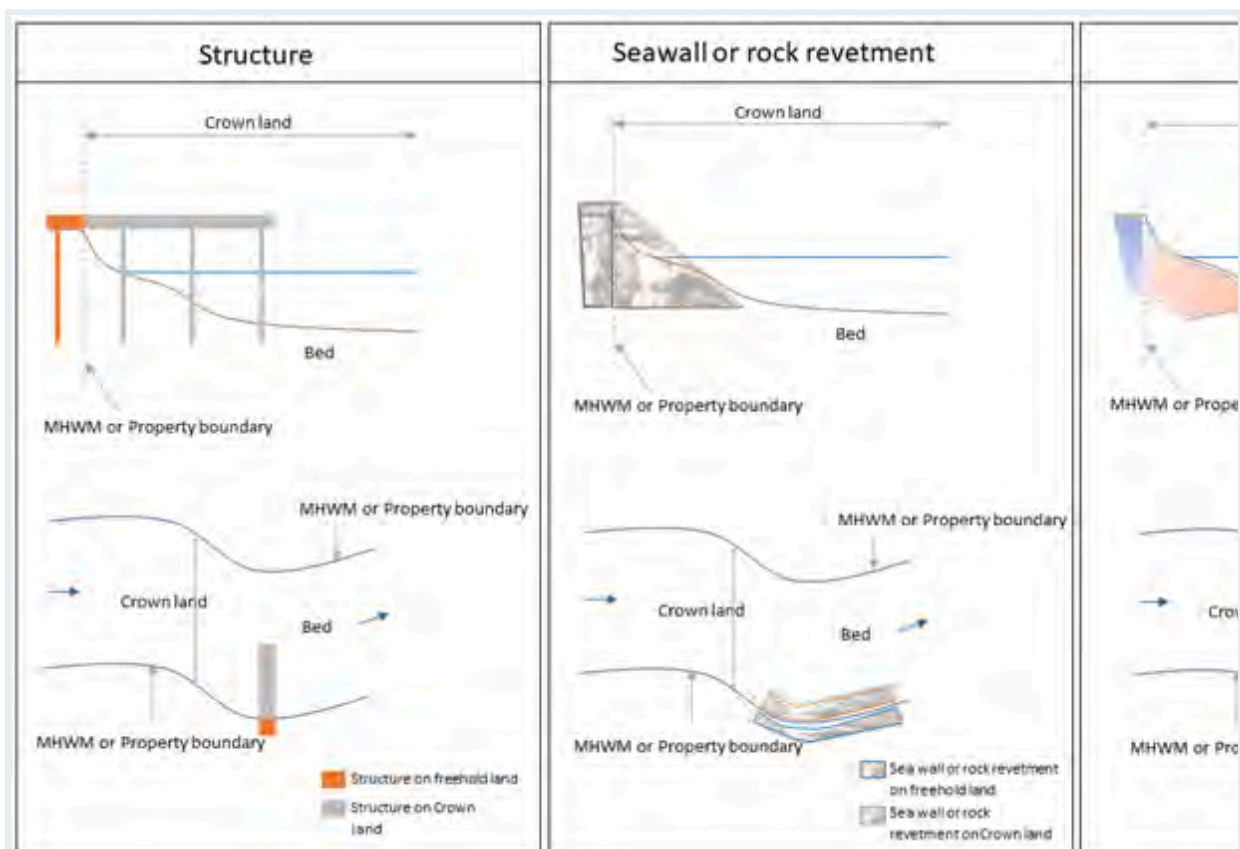
- ☐ a lease, licence or permit under the Ports and Maritime Administration Act 1995, under the ownership or control of a port operator
- where the minister administering the Ports and Maritime Administration Act 1995 is the
- ☐ consent authority under the Sydney Regional Environmental Plan (Sydney Harbour 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.



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.

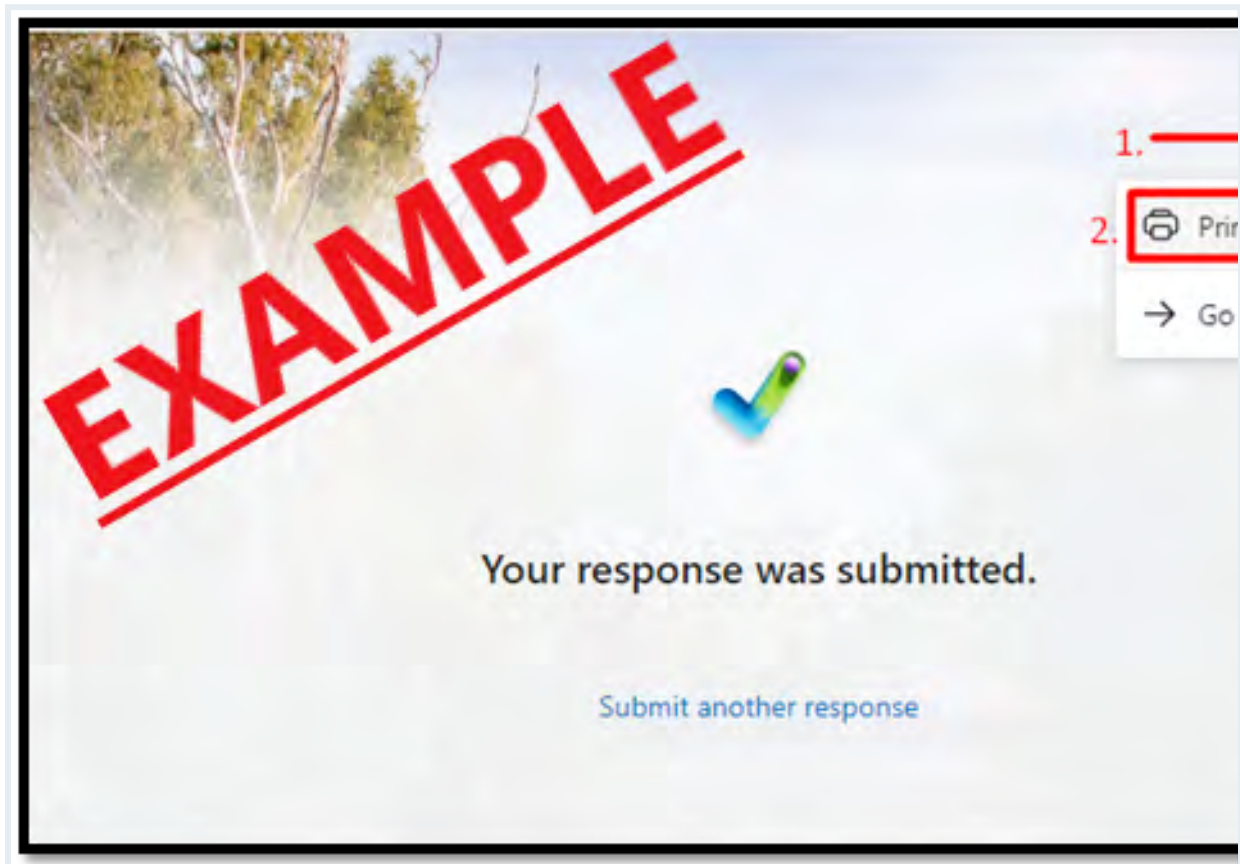
If ANY of your assessments identify that a controlled activity approval is required for your proposed works, you must complete the following tasks:

- 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 5A – 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		25/10/2024 10:29 AM
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	108.3 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?		no
(Your local council will determine if a BDAR is required)		

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: _____

25/10/2024 10:29 AM

Note: No vegetation requires removal as part of the project works. All works are within a modified environment and no lopping, trimming or removal is required.

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







1: 4,101

208.3 0 104.16 208.3 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

25/10/2024 10:29 AM

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 5B – PROTECTED MATTERS SEARCH TOOL



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-Oct-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:	6
Listed Threatened Species:	44
Listed Migratory Species:	9

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:	1
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:	8
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		Within 10km of 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 within area	In feature area
Grey Box (Eucalyptus microcarpa) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia	Endangered	Community likely to occur within area	In feature area
Natural Grasslands of the Murray Valley Plains	Critically Endangered	Community likely to occur within area	In feature area

Community Name	Threatened Category	Presence Text	Buffer Status
Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains	Critically Endangered	Community likely to occur within area	In buffer area only
Weeping Myall Woodlands	Endangered	Community may occurIn feature area within area	
White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland	Critically Endangered	Community likely to occur within area	In feature 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 within area	In feature area
Botaurus poiciloptilus Australasian Bittern [1001]	Endangered	Species or species habitat likely to 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
Climacteris picumnus victoriae Brown Treecreeper (south-eastern) [67062]	Vulnerable	Species or species habitat known to occur within area	In feature area
Falco hypoleucos Grey Falcon [929]	Vulnerable	Species or species habitat likely to occur within area	In feature area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]	Vulnerable	Species or species habitat known to occur within area	In feature area
Grantiella picta Painted Honeyeater [470]	Vulnerable	Species or species habitat likely to occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
Hirundapus caudacutus White-throated Needletail [682]	Vulnerable	Species or species habitat likely to occur within area	In feature area
Lathamus discolor Swift Parrot [744]	Critically Endangered	Species or species habitat known to occur within area	In feature area
Leipoa ocellata Malleefowl [934]	Vulnerable	Species or species habitat may occur within area	In buffer area only
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 likely 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

Scientific Name	Threatened Category	Presence Text	Buffer Status
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
Galaxias rostratus Flathead Galaxias, Beaked Minnow, Flat-headed Galaxias, Flat-headed Jollytail, Flat-headed Minnow [84745]	Critically Endangered	Species or species habitat likely to occur within area	In feature area
Maccullochella macquariensis Trout Cod [26171]	Endangered	Species or species habitat likely 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 may occur within area	In buffer area only
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

Scientific Name	Threatened Category	Presence Text	Buffer Status
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			
Amphibromus fluitans			
River Swamp Wallaby-grass, Floating Swamp Wallaby-grass [19215]	Vulnerable	Species or species habitat known to occur within area	In feature area
Austrostipa wakoolica			
[66623]	Endangered	Species or species habitat may occur within area	In buffer area only
Brachyscome muelleroides			
Mueller Daisy [15572]	Vulnerable	Species or species habitat may occur within area	In feature area
Lepidium monolocoides			
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

Scientific Name	Threatened Category	Presence Text	Buffer Status
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 likely 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

Aprasia parapulchella Pink-tailed Worm-lizard, Pink-tailed Legless Lizard [1665]	Vulnerable	Species or species habitat may occur within area	In buffer area only
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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
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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

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

Scientific Name	Threatened Category	Presence Text	Buffer Status
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area	In feature area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]	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

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

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 known 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
Baillieu Lagoon W.R.	Natural Features Reserve	VIC	In buffer area only
Echuca West B.R.	Natural Features Reserve	VIC	In buffer area only
Murphy Swamp W.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 feature area
Turrumberry North B.R	Natural Features Reserve	VIC	In buffer area only
Wharparilla B.R	Natural Features Reserve	VIC	In buffer area only

Protected Area Name	Reserve Type	State	Buffer Status	
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
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 is 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 on the contents of this report.

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 point locations and environmental data layers.

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 when time permits.

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 breeding sites; and
- 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

GPO Box 3090

Canberra ACT 2601 Australia

+61 2 6274 1111

APPENDIX 5C – FISHERIES MAP

See Section 6 Figure 6.5



APPENDIX 6 –ABORIGINAL HERITAGE SEARCHES

Progressive Rural Solutions

PO Box 74

Deniliquin New South Wales 2710

Attention: Rebecca Moodie

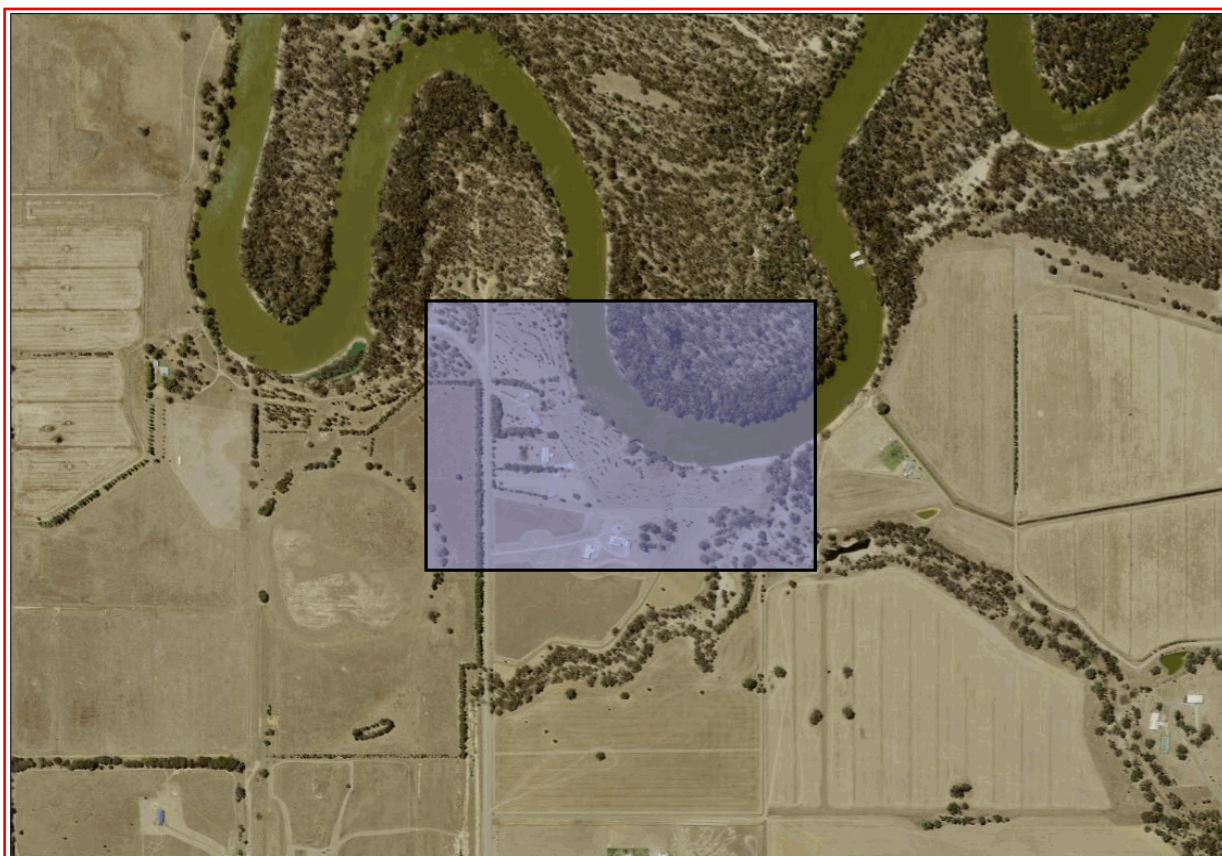
Email: rebecca@prsltd.com.au

Date: 25 October 2024

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lat, Long From : -36.0785, 144.6574 - Lat, Long To : -36.0741, 144.6651, conducted by Rebecca Moodie on 25 October 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. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

APPENDIX 7 – NON-INDIGENOUS SEARCHES

9.1.1. WORLD HERITAGE LIST

Nil results

9.1.2. COMMONWEALTH HERITAGE LIST

Nil results

9.1.3. NATIONAL HERITAGE LIST

Nil Results

9.1.4. NSW STATE HERITAGE REGISTER

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

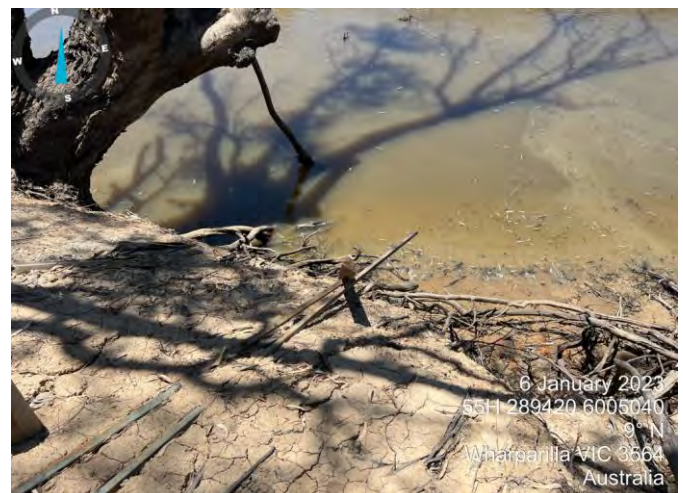
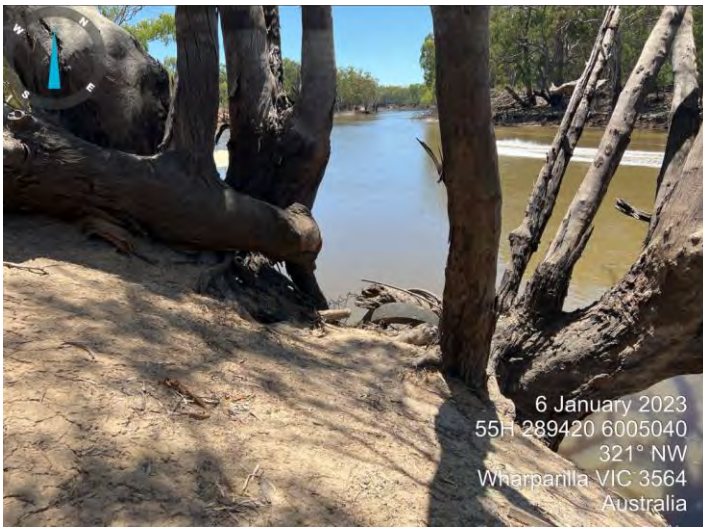
9.1.5. MURRAY LOCAL ENVIRONMENTAL PLAN 2011

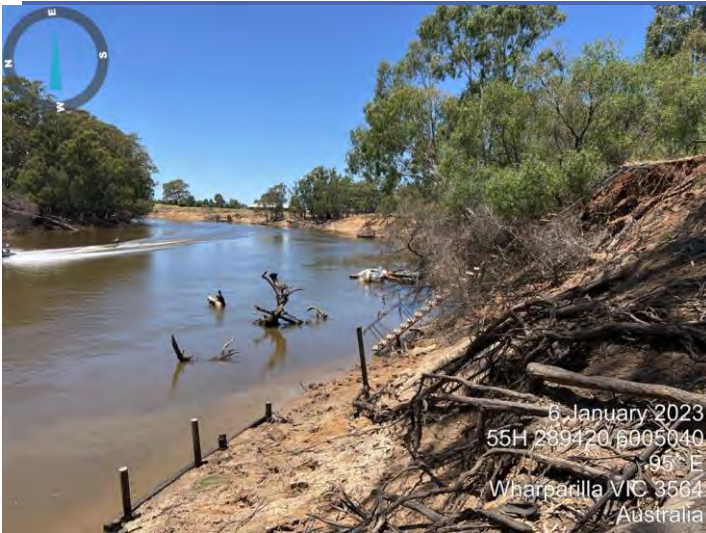
PART 1 – HERITAGE ITEMS

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	Pericoota Station	Perricoota Road, Womboota	Local	I60



APPENDIX 8 – SITE PHOTOS (GPS REFERENCED)







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