

Statement of Environmental Effects

Land opposite Speewa Island Lane, Speewa
Lot 15 DP11618

January 2025



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Figure 7	Existing vehicle tracks west of the site.	Error!

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Introduction

This Statement of Environmental Effects (SEE) has been prepared to seek approval for a mooring site including two poles to tie off the vessel on behalf of the owners whom reside at 90 Tyntynder Homestead Road, Beverford. The proposed works are to be below the high bank, legally described as Lot 15 DP11618, Speewa Island Lane, Speewa.

This SEE addresses all relevant matters for consideration under section 4.15(1) of the EP&A Act 1979. This application is prepared in and consistent with the contents of

- ♦ State Environmental Planning Policy (Biodiversity and Conservation) 2021
- ♦ Local Environmental Plan
- ♦ Development Control Plan

The supporting documentation accompanying this SEE includes:

- ♦ Varying development standards (5.9)
- ♦ Site plan by Northern Land Solutions
- ♦ Elevation plan by James Golsworthy Consulting
- ♦ Certificate of title and Deposited Plan of the land
- ♦ AHIMS Report
- ♦ Crown Water Frontage Notice of Licence Renewal letter (issued by DEECA)
- ♦ Owners Consent (issued by NSW Crown Land)

Proposal

Development approval is sought for the establishment of a boating facility for our client's boat. The proposal includes a single private berthing facility including two pine post poles for securing of the boat which will be sited on the River Murray.

Vehicle access to the land will remain as presently exists from Tyntynder Homestead Road (Victoria).

It is the landowner's intention to establish the boating facility in order for their boat to berth abutting their property where they live, and for it to remain safe and secure when not in use on the river. A Crown Water Frontage Licence renewal letter issued by the Public Land Manager Department of Energy, Environment and Climate Action (DEECA) accompanies this application. Whilst no work will be undertaken on DEECA managed land, the land will be accessed by pedestrian access. Land Owners Consent has been granted by NSW Crown Land.

The establishment of the two pine post poles themselves will not result in the removal of any vegetation. The berthing site has been located outside the existing vegetation on the riverbanks. The details of the berthing poles are included in the attached plan in support of the application and will be 18 meters wide catering for the boat that is approximately 6.5 meters wide and 12.5 meters in length. The proposed mooring poles will be 0.2m wide x 2.4m long treated pine posts embedded 0.75m below ground level and 1.65m above ground level.

Method to install mooring poles:

Trench 0.75m below ground level using petrol post hole digger (refer to figure: 1) at the proposed locations as shown on the plans, followed by installation of pine post material mooring pole to anchor the pontoon boat.



Giantz 92CC Petrol
Post Hole Digger...

Figure 1 Post hole digger

Planning controls

Definition

The works are defined as a wharf or boating facilities for which the LEP provides the definition as:

a wharf or any of the following facilities associated with a wharf or boating that are not port facilities—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks. (emphasis added).

Zoning

In accordance with the Wakool LEP zoning maps the land is contained within zone W1 Zone – Waterways.



Figure 1 Zone map

W1 Natural Waterways

The objectives of zone W1 is:

To protect the ecological and scenic values of natural waterways.

To prevent development that would have an adverse effect on the natural values of waterways in this zone.

To provide for sustainable fishing industries and recreational fishing.

Development consent is required under zone W1 for the Boating Facility.

Other relevant clauses of LEP

6.6 Development on riverfront areas

Objectives

- (a) *to support the natural migration of the river channel, including riverine processes,*
- (b) *to protect and improve the bed and bank stability of rivers,*
- (c) *to maintain or improve the water quality of rivers,*
- (d) *to protect the amenity, scenic landscape values and cultural heritage of rivers,*
- (e) *to protect public access to riverine corridors,*
- (f) *to conserve and protect riverine corridors, including wildlife habitat.*

The considerations of the 6.6 (2 and 3) clause are detailed in the planning assessment chapter.

6.7 Development on river beds and banks

Objectives

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

The response to clause 6.7 (3 and 4) are described in the planning assessment chapter.

State Environmental Planning Policy (SEPP) (Biodiversity and Conservation) 2021 -

As per chapter 5 River Murray lands of SEPP (Biodiversity and conservations), 2021 the provisions and requirements of this plan apply to the area covered by the Murray River Shire Council and is applicable in the assessment of this proposal. The objectives of this plan under clause 5.2 of SEPP are:

- (a) *to ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray, and*
- (b) *to establish a consistent and co-ordinated approach to environmental planning and assessment along the River Murray, and*
- (c) *to conserve and promote the better management of the natural and cultural heritage values of the riverine environment of the River Murray.*

The plan outlines specific principles and planning controls that apply to this proposal and consultation which is required under the plan.

Clause 5.11 (25) Single mooring, “A berth or apparatus located on or in the River Murray (but not in a grouped mooring area identified in a River Management Plan) which may be used for the purpose of storing only one vessel”, requires Council consent and consultation with Transport for NSW and Department of Planning, Industry and Environment.

Clause 5.13 provides direction for the setback of buildings.

Wakool Shire Development Control Plan 2013

B.6.5 River Structures & Boating Facilities

Objective

To maintain the river corridor and waterway in its natural environment by restricting the use of the river for permanent moorings for houseboats and other commercially operated vessels in certain areas of key watercourses.

C.1.2 Watercourses and Wetlands

Objective

- a) *To support Part 6 in WLEP2012 relating to watercourses and wetlands;*
- b) *To protect and enhance riparian corridors including their stream integrity, biodiversity, and ecological values;*
- c) *To protect and enhance natural flow regimes and natural floodplains, where appropriate, and prevent significant alteration of watercourses;*
- d) *To protect and enhance water quality and quantity in key rivers and watercourses including minimising bank erosion*

The justifications against all relevant clauses of DCP are addressed in the planning assessment chapter below.

Aboriginal cultural heritage

Due Dilligence

All Aboriginal cultural heritage is protected by the NSW National Parks and Wildlife Act 1974. Responsibility rests with the proponent of development to demonstrate that due care and diligence have been taken to identify and avoid impacts on archaeological sites through construction works.

Division 2 of part 5 of Aboriginal land, objects and places and exempts for Aboriginal People of the NSW National Parks and Wildlife Regulations (NPWR) 2019 lists a number of low-impact activities that remove the need to follow the due diligence process. Maintenance of existing services including water utilities on land that has already been disturbed and construction of buildings and the erection of other structures are defined as a low impact activity under Clause 58 of division 2 part 5 of NPWR, 2019 and thus the development is a defence to a prosecution for harming an Aboriginal object under section 86(2) of the NSW National Parks and Wildlife Act 1974 No 80.

In addition, a Crown Water Frontage Licence currently exists, and a renewal notice until September 2029 accompanies this application. Land Owners Consent has also been granted by NSW Crown Land which presumably has also considered the cultural heritage significance of the area.

The part of the riverbank that is subject to this application has a slight gradient only and is on land which is low-lying and may be subject to flooding. This makes it unlikely that cultural heritage objects will be located within the activity area.

An AHIMS search has been undertaken which confirms there are no (zero) places of aboriginal sites and places on the land or within 50m of the land (Refer to figure 6 and accompanying AHIMS report). The proposed land is not listed within the heritage conservation area (Refer to Wakool LEP Heritage Map HER_005A to HER_005D and AHIMS report).



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.*

Figure 2 AHIMS Map

Site and surrounding area

Subject site

The area of the boating facilities is located in the River Murray corridor. The abutting area has previously been subject to disturbance through flooding and passive pedestrian access.

There is no development or buildings located in the area where the berthing poles will be located.

The immediate area of the mooring contains either native vegetation or is the River Murray.



Figure 4 Site of the boating facility



Figure 5 Site of the boating facility



Figure 3 Aerial image of the site

Locality

The locality is a mix of riverine and pastoral land. The wider area of the locality is used for a variety of grazing purposes. Horticultural and irrigated land production is located nearby also. River related passive recreational activities are undertaken on and abutting the River Murray.

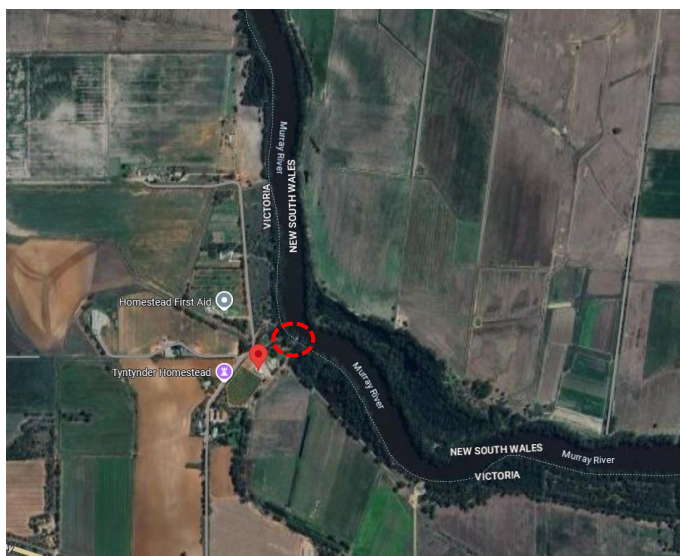


Figure 6 Aerial image of the locality



Figure 7 View south-east of the proposed mooring

Planning assessment

Policy context

In relation to the assessment of chapter 5 of the State Environmental Planning Policy (Biodiversity and conservation) 2021, this plan identifies that Council consent is required for bank and/or bed works and Marina (small) each of which must be advertised. The proposal involves works to establish mooring poles; however, it is not a marina.

In considering subclause Access, clause 5.9 specific principles of this plan, an application to vary the following specific principles is provided as a separate supporting document to this Statement of Environmental Effects (as attached);

“The waterway and much of the foreshore of the River Murray is a public resource. Alienation or obstruction of this resource for private purposes should not be supported” and

“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” and

“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”.

To access the site by land, is to access land managed by DEECA. A Crown Water Frontage Notice of Licence Renewal letter, issued by DEECA has been included in this application as supporting documentation.

Any access to the site by river and land from NSW, is private access only. Land owner's consent has been granted by NSW Crown Land and is also attached as supporting documentation.

With the minimalist construction design as specified in the architectural plans, the impact and disturbance to the bank by the proposed works of the Murray River is considered negligible.

The two mooring poles will not have an adverse effect on the natural values of the Murray River allowing water to flow as the vessel is hinged and designed to float with the rise and fall of the water. Management of the vessel during variation of river levels will also be undertaken through the alteration of the lengths to the tether which will ensure minimal movement of the vessel on the bank.

Wakool LEP and DCP

The proposal is considered acceptable and does not impact upon the intent of the zone. The land whilst considered NSW land below the high bank, is accessed from Victoria, and Public Land Manager's consent has been granted via the renewal of a Crown Water Frontage Notice of Licence Renewal letter. The licence has been extended until September 2029 and is included as supporting documentation to this application. No works are proposed above the high bank. The proposal is supported by the zone through its objective, to congregate like uses on a site identified for such, adjoining the river and supported through the proximity of the works to the applicants land and dwelling (in Victoria).

Development on riverfront areas is considered at clause 6.6 of the LEP. The objectives relate to the River Murray and associated channels, bed and bank stability, water quality, scenic and cultural values. The proposal has considered the clause and respects its content by:

- ♦ Apart from the boating facility of two pine posts, no new development is proposed within 30m from the high bank at the riverfront area on the lot.

The establishment of the mooring is considered appropriate for the following reasons when considering the satisfaction matters of clause 6.6 and detailed below:

- ♦ The appearance of the proposed mooring poles are constructed of materials of neutral tones and when not in use will be almost unrecognisable either from the river or land. They will be limited to pine post poles. When the boat is in place there will be easy visibility, however is not considered to be a detrimental intrusion upon the area.
- ♦ The proposal only includes the development of two mooring poles which are not intrusive to the environment.

- ♦ No pollution will result from the proposal as the development will be limited to the poles only and the boats will need to meet the necessary requirements of the NSW Waterways.
- ♦ Flora and fauna impacts have been considered through the siting of the proposal and the methods used to berth the boat.
- ♦ The development of the mooring poles will not consider to cause soil erosion as they will be located appropriately to limit such erosion and driven directly into the ground similar to a fence post.
- ♦ No loss of scenic amenity or loss of important vegetation systems will occur as a result of the development, nor will there be any impact upon the water quality as no facilities for repairs, fuelling and the like are offered at this location.

The location of the boating facilities are considered to be appropriate as view lines both upstream and downstream are not obscured ensuring vessels can manoeuvre safely. Mooring sites are not uncommon within the River Murray given that house boating is a significant attraction for along the river and surrounding districts given the climate and relaxed atmosphere offered by these parts.

The development of this proposal will be small scale with the use of the mooring site being low intensity. The location of such boating facility and mooring, will be sited so that no native vegetation will be removed as a result of the proposal.

As per clause 6.7 of LEP, 2013 the following response is offered:

(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 river*
- (b) that the appearance of the proposed structure, from both the 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*

The site is located within a natural and rural setting alongside farmland, associated with the river, and the area above the highbank is DEECA managed land (in Victoria). The proposed pine posts are natural in colour and designed to minimise impact on the existing river bank. Small structures to house stock and domestic and irrigation pumps and pipeline exists along the stretch of the river, and intrinsically links the river to the land. It is considered that the appearance of the mooring posts to be compatible with the surrounding area.

Boat and mooring facilities along the river are common within the Speewa, Murraydale and Swan Hill area and along the Murray River environs. The proposal complies as it is on the Victorian side of the river, where the land is public land managed by DEECA and a water frontage license exists.

The Wakool Development Control Plan 2013 requires maintenance of the river corridor and waterway by restricting the use of permanent moorings for houseboats and other commercially operated vessels in certain key areas of the water course. The proposal whilst to moor a houseboat, is for two pine posts of minimalistic design and will be located outside the exclusion zone as identified at Appendix 6 - Maps the DCP. The vessel is for private use by the adjoining landowners and the mooring poles will have no direct impact on the below;

- ♦ Protection and enhancement of the riparian corridors including their stream integrity, biodiversity and ecological values
- ♦ Protection and enhancement of natural flow regimes and natural floodplains, where appropriate, and prevent significant alteration of the watercourses
- ♦ Protection and enhancement of the water quality and quantity in key river and watercourses including minimising bank erosion.

Overall, the proposal is considered consistent with policy and worthy of support due to its location and the location of the existing dwelling on the land

Conclusion

In conclusion, it is considered for reasons outlined above the development responds well to the opportunities and constraints of the site and is considered to be generally consistent with the relevant provisions.

The proposal is considered appropriate for the site for the following reasons:

- ♦ The proposal is consistent with Wakool LEP and DCP.
- ♦ The proposal is consistent with State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- ♦ A Crown Water Frontage licence exists as issued by DEECA
- ♦ Land owners consent has been granted by NSW Crown Land
- ♦ There will be no loss of vegetation.
- ♦ The mooring posts respond to the site characteristics and opportunities and has considered the potential impacts upon the locality and that particularly of the River Murray.

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