

18 November 2016

Mark Langenbacher
Planright Surveying
21 Nish Street
Echuca Victoria 3564

Emailed to: mlangenbacher@planright.net.au

Re: Your reference S6572/1E.

Dear Mr Langenbacher,

Thank you for your enquiry seeking comment from Roads and Maritime Services (RMS – Maritime Division) regarding the proposed modification of the existing berth for the Paddle Steamer 'Hero' at the Port of Echuca, Murray River, for the purpose of a floating restaurant.

I can confirm that RMS has no objection to Crown Lands granting land owners consent in this matter. The RMS view is based on an assessment of potential navigational issues which may arise and is limited to the issue of landowners consent.

This view does not bind RMS in terms of any further application which may be required to be made under environmental or planning law.

Following referral from the relevant planning authority, RMS will consider the proposal and provide navigation safety advice directly to the planning authority.

An important consideration for RMS in reviewing a development of this nature relates to the impact on the safe navigation of vessels using the adjacent waterway. Due to the nature of the waterway, and the known vessel usage at this location, I suggest you consider a gangway design that will allow the pontoon and vessel to maintain a position as close to the river bank as practical during varying river heights.

Should you have any queries in relation to this matter, please contact Senior Boating Safety Officer Tim Peverell on 0428 690 973.

Yours sincerely,



Deon Voyer
Manager Operations South
Boating Operations Branch

Mark Langenbacher

From: Peter Heath <peter.heath@dpi.nsw.gov.au>
Sent: Wednesday, 2 November 2016 1:26 PM
To: mlangenbacher@planright.net.au
Subject: Fwd: PS Hero Mooring at Echuca/Moama Restaurant Proposal

Hi Mark,

Here the response from the section that looks at the DA process.

Kind Regards,

----- Forwarded message -----

From: Luke Pearce <luke.pearce@dpi.nsw.gov.au>
Date: 25 October 2016 at 13:29
Subject: Re: PS Hero Mooring at Echuca/Moama Restaurant Proposal
To: Peter Heath <peter.heath@dpi.nsw.gov.au>

Hey Mate the DA's are referred to me from the council, however I don't think we would have a referral role for this one if it is simply a change of use for an existing mooring, it would not trigger our Act. But if so council would refer it to us for comment as part of the DA process.

Do you reckon I should get a sausage pre mix from Huon for tonight?

On 25 October 2016 at 12:11, Peter Heath <peter.heath@dpi.nsw.gov.au> wrote:
Hi Luke,

What is the standard for DAs. Are they forwarded to you by the council or the individuals.

Cheers

Begin forwarded message:

From: Mark Langenbacher <mlangenbacher@planright.net.au>
To: "peter.heath@dpi.nsw.gov.au" <peter.heath@dpi.nsw.gov.au>
Subject: PS Hero Mooring at Echuca/Moama Restaurant Proposal

Hello Peter,

I have prepared a Planning Proposal for Gateway Determination by the Murray River Council for the mooring associated with the PS Hero here at Echuca Moama to be extended and used for the additional purpose of a floating restaurant. The mooring is already in operation and there are no proposed works associated with the river bank etc. Access to the mooring is via the existing gangway. Nothing is permanently fixed to the river bank or bed.

We have had preliminary discussions with the Council and also the Victorian Shire of Campaspe and they have both been positive.

I am sending this email to you to obtain your comments on the proposal. I have attached a copy of the covering letter to the Department of Lands requesting Owners Consent and the Planning Proposal which includes some concept plans for your information.

I trust the concept will meet with your approval however please do not hesitate to contact me should you require any further information or questions regarding the proposal.

Regards,

Mark Langenbacher

Licensed Surveyor

Planright Surveying

Phone: (03) 54821699

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Luke Pearce | Fisheries Manager | Aquatic Ecosystems
NSW Department of Primary Industries | Unit 3,556 Macauley St | Albury NSW 2640
T: 02 6042 4213 | F: 02 6021 0113 | M: 0428227464 | E: luke.pearce@dpi.nsw.gov.au
W: www.dpi.nsw.gov.au

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Peter Heath | Acting District Fisheries Officer | Riverina District

Industry & Investment NSW | Unit 3 556 Macauley Street | Albury NSW 2640

T: 02 6942 4203 | F: 02 6021 0113 | M: 0418 216 500

E: peter.heath@industry.nsw.gov.au W: www.industry.nsw.gov.au

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VICTORIA POLICE

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Email martin.dorman@police.vic.gov.au

To Whom It May Concern,

I have been approached by My John Lock, Liquor Licensing Consultant, on behalf of applicants, Gary and Belinda Byford, regarding a liquor licence application that is to be submitted to New South Wales authorities.

The application relates to a floating pontoon in the Murray River, in an area locally known as the Onion Patch, on the south side of the river adjacent to the Victorian bank.

The access and egress for these premises will be via Victoria.

The issue of amenity was discussed with Mr Lock and from the position of local Victoria Police there would no foreseen amenity issues that could be identified. The P.S. Hero, which is moored to the pontoon, has been licensed in New South Wales since 2008 and it has been moored at this location since that time. There have been no recorded amenity issues reported to Victoria Police that have emanated from the PS Hero.

There will be no objections from Victoria Police if the application for the liquor licensing of the pontoon proceeds.

**Martin Dorman
Liquor Licensing Inspector
Campaspe Police Service Area**

Mark Langenbacher

From: Tobi Edmonds <Tobi.Edmonds@environment.nsw.gov.au>
Sent: Friday, 26 October 2012 10:45 AM
To: Mark Langenbacher
Cc: Nita Lennon; Liam Wilkinson; Mark Sheahan
Subject: {Disarmed} RE: Planning Enquiry

Hi Mark

The following is OEH's response to the issue of pursuing a liquor licence and augmentation of the pontoon to allow for dinner and drinks to be served on the pontoon.

As discussed, it would seem that allowing the liquor licence would not turn the pontoon into a Tourist Related Facility, as the Murray REP2 outlines the following for Tourist Related Facility.

27 TOURIST RELATED FACILITY

Definition:

An establishment, place or vessel which provides for either accommodation or entertainment or food or beverage and which is permanently fixed in or on the River Murray or is on land adjacent to the River Murray.

Given that the proposal is to use a larger pontoon than is currently being used, and that this pontoon is not permanently fixed in or on the Murray River (as it is able to be untied and towed away during times of flood or for repairs), OEH considers that the Council may consider that the development would be classified as a Marina (Small), in accordance with Category 20 of the Planning Control & Consultation Table within Clause 13 of Murray REP2. As such, the application would be referred to OEH for consultation. OEH would consider the application and in doing so may comment on matters relevant to its portfolio responsibilities including:

- Assessment of the impacts of the moorings on Biodiversity. At this stage, based on our knowledge of and discussions about the project to date, OEH would consider such impacts, if any, to be minor.
- Assessment of impacts on Aboriginal objects. The applicant should consider the 'due diligence' guidelines found at <http://www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf>

Plus the following matters that are the responsibility of the EPA

- Erosion and sedimentation mitigation measures
- Mitigation measures to prevent pollution of the Murray River.
- Any requirements necessary under the *Protection of Environment Operations Act 1997*

The EPA and Fisheries are likely to have additional requirements and the proponents should ensure that their requirements be included in the Development Application in order to minimise delays to the Process.

Regards,

Tobi Edmonds

Conservation Planning Officer
Regional Operations Group | Office of Environment and Heritage | NSW Department of Premier and Cabinet
PO Box 733, Queanbeyan, NSW 2620 | T: (02) 6229 7094 | M: 0409 836 968 | tobi.edmonds@environment.nsw.gov.au
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From: Mark Langenbacher [<mailto:MLangenbacher@planright.net.au>]
Sent: Friday, 26 October 2012 8:20 AM
To: Edmonds Tobi
Subject: Planning Enquiry

Hi Tobi,

Are you able to send me an email reply to my enquiry please. It will help me to refer to it as part of any application for DA to Murray Shire.

Regards and thank you,

Mark Langenbacher
Licensed Surveyor
Planright Surveying
Phone: (03) 54821699



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