



# PLANNING PROPOSAL

***Berrigan Local Environmental Plan 2013***

**Rezoning of R5 Large Lot Residential Zone land to E4 General Industrial Zone and change to minimum subdivision lot size from 2 hectares to 10 hectares**

**92 Strathvale Road, Berrigan NSW (Lot 2 DP1222893)**

**December 2023**

Prepared by:

**Blueprint Planning**

For:

**McNaught's Grain & Fertilizers**

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## STATEMENT

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*This Planning Proposal relates to –*

- rezoning of R5 Large Lot Residential Zone land to E4 General Industrial Zone and change to minimum subdivision lot size from 2 hectares to 10 hectares,
- with consequential changes to the Land Zoning Map and Lot Size Map,

under the *Berrigan Local Environmental Plan 2013*.

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*This Planning Proposal has been prepared in accordance with –*

- section 3.33 of the *Environmental Planning and Assessment Act 1979*, and
  - *Local Environmental Plan Making Guideline* (NSW Department of Planning and Environment, August 2023).
- 

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### Document Control

Ref.	Version	Date	Revision Details	Author
1384	1	22/11/2023	Draft	JL
	2	23/11/2023	Draft for Council review/Gateway Determination	JL
	3	22/12/2023	Draft following Council review	JL

# EXECUTIVE SUMMARY

This Planning Proposal relates to land at Berrigan NSW – more specifically 92 Strathvale Road, Berrigan, which is otherwise known as Lot 2 DP1222893.

This report has been prepared in support of a rezoning change of this land from R5 Large Lot Residential Zone to E4 General Industrial Zone and a change to the minimum subdivision lot size of 2 hectares to 10 hectares under the *Berrigan Local Environmental Plan 2013*.

The objective or intended outcome of these changes is to enable the land to be used and developed for bulk storage consistent with an existing adjoining grain bunker storage facility.

This report has been prepared in accordance with –

- section 3.33 of the *Environmental Planning and Assessment Act 1979*, and
- *Local Environmental Plan Making Guideline* (NSW Department of Planning and Environment, August 2023).

Consideration of the Planning Proposal against the above requirements and guidelines demonstrates that the land is suitable 'in principle' for the proposed rezoning and minimum subdivision lot size changes because –

- the location, size, area, and shape of the land proposed to be rezoned represents a considered and orderly response to existing industrial development in the area, and
- the rezoning and minimum subdivision lot size changes of the land in the way proposed is consistent with relevant strategies, State environmental planning policies and directions.



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## GLOSSARY

Land	92 Strathvale Road, Berrigan NSW (Lot 2 DP1222893)
Planning Proposal	rezoning of the Land from R5 Large Lot Residential Zone to E4 General Industrial Zone and change to minimum subdivision lot size from 2 hectares to 10 hectares (affecting 16.19 hectares of land), with consequential changes to the Land Zoning Map and Lot Size Map under the LEP
Council; BSC	Berrigan Shire Council
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
LEP	<i>Berrigan Local Environmental Plan 2013</i>
LGA	local government area
Proponent	McNaught's Grain & Fertilizers Pty Ltd ACN 069 907 777 ABN 11 069 907 777
Blueprint Planning	Blueprint Planning and Development Pty Ltd ACN 110 843 206 as trustee for Blueprint Development Trust ABN 87 492 545 653 trading as Blueprint Planning

## 1.0 INTRODUCTION

### 1.1 Preliminary

This report contains word abbreviations and terms listed in the **Glossary**.

This report has been prepared in support of a request by the Proponent to Council for the rezoning of the Land from R5 Large Lot Residential Zone to E4 General Industrial Zone and a change to minimum subdivision lot size from 2 hectares to 10 hectares under the LEP.

### 1.2 Scope

This Planning Proposal has been prepared in accordance with the legislative and guideline requirements listed in the **Statement** at the beginning of this report, and have been prepared by Blueprint Planning on behalf of the Proponent.

### 1.3 Site and context description

The Land is located in the township of Berrigan in southern NSW. Berrigan is situated approximately 21 kilometres to the east of Finley and 28 kilometres to the northeast of Tocomwal. The Land comprises 16.19 hectares of vacant agricultural irrigation land and is situated on the northern side of the Berrigan township with access from Strathvale Road and adjoins an existing grain bunker storage facility (McNaught's Grain & Fertilizers).

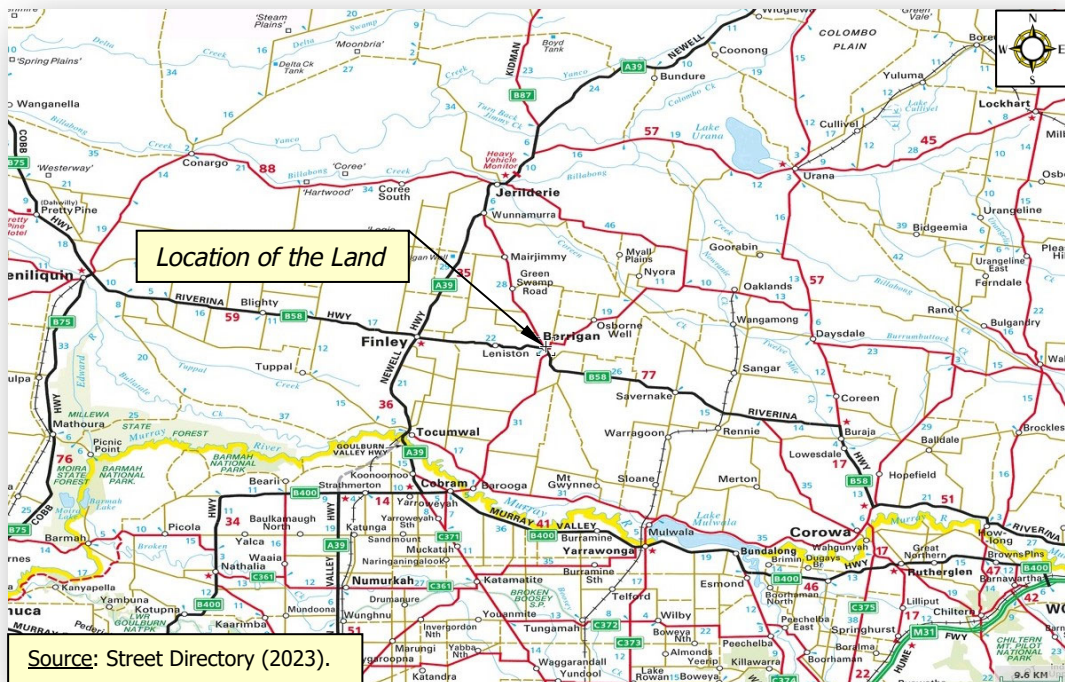
The location of the Land is shown regionally in **Figure 1: Regional location map** and locally in **Figure 2: Aerial photograph of the Land**.

A Title diagram of the Land is shown in **Appendix A: Title diagram**.

Photographs of the Land and the surrounding area are shown in **Appendix B: Photographs of the Land and surrounding area**.



**Figure 1: Regional location map**



## 2.0 OBJECTIVES AND INTENDED OUTCOMES

### 2.1 Objectives

The objective of the Planning Proposal is to amend the *Berrigan Local Environmental Plan 2013* to enable the Land to be used and developed for bulk storage and integrated with an existing adjoining grain bunker storage facility located to the west of the Land.

### 2.2 Intended outcomes

The intended outcome of the Planning Proposal is to increase the sustainability of local and regional agricultural grain production through providing additional local and regional bulk storage by rezoning additional industrial land for such purposes at Berrigan.



**Figure 2: Aerial photograph of the Land**





### 3.0 EXPLANATION OF PROVISIONS

The objective and intended outcome mentioned in **Section 2.0: Objectives and intended outcomes** are to be achieved by amending the LEP as shown in **Table 1: Summary of LEP amendments**, **Figure 3: Proposed zoning change** and **Figure 4: Proposed minimum subdivision lot size change**.

**Table 1: Summary of LEP amendments**

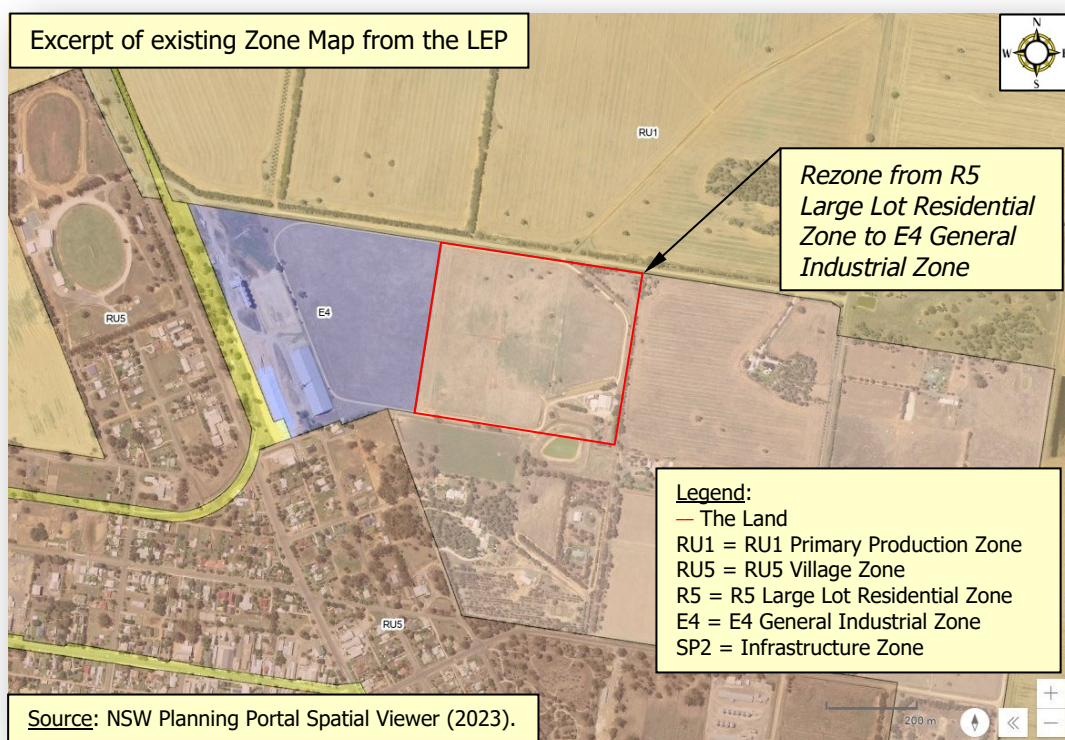
<i><b>LEP map proposed to be amended</b></i>	<i><b>Effect of proposed amendment</b></i>
<i>Land Zoning Map - Sheet LZN_006A</i>	Rezone the Land from R5 Large Lot Residential Zone to E4 General Industrial Zone to facilitate the Land being used and developed for bulk storage, subject to a separate development application.
<i>Lot Size Map - Sheet LSZ_006A</i>	Change the minimum subdivision lot size of the Land from 2 ha to 10 ha to be consistent with the existing E4 General Industrial Zone located adjoining the Land to the west.

A concept grain bunker storage site plan showing how the Land may be developed after the Planning Proposal has been implemented is shown in **Figure 5: Possible future development of the Land following implementation of the Planning Proposal (subject to separate DA process)**.<sup>1</sup>

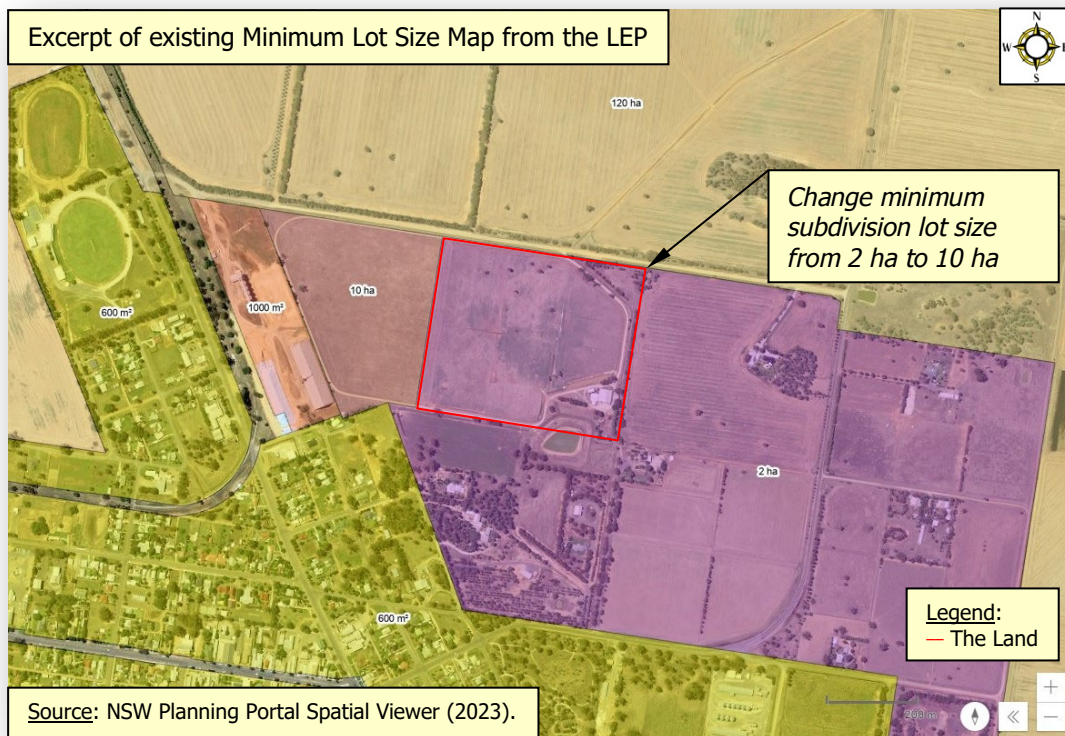
<sup>1</sup> Subject to a separate Development Application process including public notification and assessment by the Council.



**Figure 3: Proposed zoning change**



**Figure 4: Proposed minimum subdivision lot size change**





LEGEND

GENERAL INFRASTRUCTURE

EXISTING FENCE

NEW FENCE

OVERHEAD POWER LINE

UNDERGROUND POWER LINE

ELECTRICITY POLE

GAS LINE

TELEPHONE LINE

FIBRE OPTIC

TELEPHONE MARKER POST/PT

EXISTING LANeway

DESIGN LANeway

EXISTING CHANNEL/DRAIN CL/WERT

EXISTING SUBWAY/SIPHON

CLUMPY PEGS

PERMANENT MARK

TEMPORARY BENCH MARK

BORE

GATE

WATER TROUGH

WATER VALVE (STOP VALVE)

TITLE

TOE

TOP OF BANK

CHECK BANKS

LEVEL BANK

EXISTING TREE PLANTATION

NON-REMANENT TREE

REMANENT TREE AREA

REMANENT TREE

DEAD TREE

EXISTING PIPELINE

EXISTING RISER

G-MW INFRASTRUCTURE

G-MW METER OUTLET (EXT/INT/EGG)

G-MW METER OUTLET (FLOW METER)

SOLAR PANEL

SUPPLY LEVEL

OUTLET NUMBER

HEADWALL LEVEL

HIGH WATER MARK LEVEL

FLOOR LEVEL

G-MW DRAIN INLET

HEADWALL LEVEL

SILL LEVEL

PIPE INSERT LEVEL

PIPE DIAMETER

G-MW CHANNEL

G-MW PIPELINE

G-MW DRAIN

EXISTING DAM

DAM TO BE BACKFILLED

EXISTING SLUMP

EXISTING LASERED

STORAGE

DAM

DAM

EXISTING SLUMP

1

1:250

1:750

CONTOUR INTERVALS ARE 0.1m UNLESS OTHERWISE SPECIFIED.

0m 25 50 75 100

HOR: 1:1250

INTERPOLATED GRID SPACING 25mX25m

DISCLAIMER

NOTWITHSTANDING ANY DESCRIPTION CONTAINED IN THE PLANS OR SPECIFICATION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR SATISFYING THEMSELVES AS TO THE NATURE AND EXTENT OF THE SPECIFIED WORKS, AND THE PHYSICAL AND LEGAL CONDITIONS UNDER WHICH THE WORKS WILL BE CARRIED OUT, INCLUDING MEANS OF ACCESS, EXTENT OF CLEARING, NATURE OF MATERIAL TO BE EXCAVATED, TYPE AND SIZE OF MECHANICAL PLANT REQUIRED AND ANY LIKE MATTERS AFFECTING THE CONSTRUCTION OF WORKS.

WARNING

BEWARE OF UNDERGROUND SERVICES  
THE LOCATION OF UNDERGROUND SERVICES  
WHERE SHOWN ARE APPROXIMATE ONLY.

ALL AUTHORITIES MUST BE CONTACTED PRIOR TO  
CONSTRUCTION TO DETERMINE THE EXACT  
LOCATION OF ALL UNDERGROUND SERVICES.

CONFIRM T.B.M. FROM BENCHMARK PRIOR TO  
COMMENCEMENT OF WORKS

advance  
SURVEY DESIGN

157 FENAUGHTY STREET,  
KYABRAM, VIC, 3620  
PH. (03) 68523923

DIAL BEFORE  
YOU DIG

www.100ccm.au

PARISH OF BERRIGUM  
CA: 2\ LOT 63 D.P.1127637

INTERPOLATED GRID: 30m x 30m

PRINT DATE: 5/06/2023

DRAWING NAME: 5581 McNaughts Transport.dwg

DATUM: PM 15843 EL: 117.313 M.G.A. ZONE 55

FOR A.H.D. ADD 0 m TO ALL VALUES.

SURVEYED: BP 30/05/2023

DRAWN: TL 02/06/2023

DESIGNED: -

CHECKED: -

PROPOSED CONSTRUCTION OF GRAIN BUNKERS

CONTOUR & FEATURE PLAN

STRATHVALE ROAD - BERRIGUM

MCNAUGHTS TRANSPORT

JOB NUMBER

5581

SHEET No.

1 OF 1

REVISION No.

A

SHEET SIZE

A2

## 4.0 JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

### 4.1 Strategic merit

#### 4.1.1 Need for the Planning Proposal

##### **Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?**

The Planning Proposal is not a direct result of the *Berrigan Shire Local Strategic Planning Statement 2020-2040*<sup>2</sup> or other strategic study or report. This Planning Proposal is a Proponent-initiated project supported by prior consultation with BSC.

##### **Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The Planning Proposal as detailed in **Table 1: Summary of LEP amendments** is considered the best means of achieving the relevant objectives and intended outcomes mentioned in **Section 2.0: Objectives and intended outcomes**, as opposed, for example, to listing a “storage premises” and/or “transport depot” as a permitted use for the Land in Schedule 1: *Additional permitted uses* of the LEP and leaving the Land zoned R5 Large Lot Residential Zone.

#### 4.1.2 Relationship to the strategic planning framework

##### **Will the Planning Proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?**

The Planning Proposal is consistent with relevant objectives and actions of the *Riverina Murray Regional Plan 2041* (NSW Government, 2023)<sup>3</sup> as set out in **Appendix C: Riverina Murray Regional Plan 2041**. There are currently no exhibited draft plans or strategies relevant for consideration.

<sup>2</sup> <https://www.berriganshire.nsw.gov.au/Building-Planning/Planning-Controls-Strategies/Planning-and-Building-Strategies>

<sup>3</sup> <https://www.planning.nsw.gov.au/plans-for-your-area/regional-plans/riverina-murray-regional-plan-2041>



**Is the Planning Proposal consistent with a council local strategic planning statement that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?**

The Planning Proposal is consistent with the planning policies of the *Berrigan Shire Local Strategic Planning Statement 2020-2040* (BSC, pp. 32-34; 38-41; 46-57) set out in **Appendix D: Berrigan Shire Local Strategic Planning Statement 2020-2040**.

The Planning Proposal does not derogate the *Berrigan Town Concept Plan* (Liesl Malan Landscape Architects, 2018).<sup>4</sup>

The Planning Proposal is consistent with the *Berrigan Development Control Plan 2014*<sup>5</sup> through being generally consistent with the *Chapter 3: Industrial Development*, noting that "storage premises" and/or "transport depot" land uses are 'permitted with prior consent' in the Land Use Table of the E4 General Industrial Zone under the LEP.

Whilst not an endorsed local strategy or strategic plan, the *Draft Berrigan Shire Strategic Framework + District Plans Local Environmental Plan Review* (Habitat Planning, September 2023)<sup>6</sup> was publicly exhibited during October and November 2023. A separate written submission has been lodged with BSC with the aim of aligning the Planning Proposal with this draft plan.

Whilst the Planning Proposal would reduce the area of R5 Large Lot Residential Zone land in Berrigan by 16.19 hectares and increase E4 General Industrial Zone land by the same amount, this change would only affect zone objective development outcomes for Berrigan in minor ways given –

- the minimum lot size of the subject R5 Large Lot Residential Zone land is currently 2.0 hectares and therefore a loss of development lot potential is only approximately 6 lots<sup>7</sup>;
- vacant land supply for existing R5 Large Lot Residential Zone land in Berrigan is approximately 32 lots<sup>8</sup> whilst demand is estimated to be only approximately 0.5 lots per annum or 1 lot every 2 years; and
- the proposed minimum lot size for the new E4 General Industrial Zone land is proposed to be 10 hectares and so therefore, with the Land being 16.19 hectares in area, would not be able to be further subdivided without further strategic planning analysis via a separate planning proposal process.

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<sup>4</sup> <https://www.berriganshire.nsw.gov.au/Building-Planning/Planning-Controls-Strategies/Planning-and-Building-Strategies>

<sup>5</sup> <https://www.berriganshire.nsw.gov.au/Building-Planning/Planning-Controls-Strategies/Planning-Controls>

<sup>6</sup> <https://www.berriganshire.nsw.gov.au/Council/Have-Your-Say/Draft-Strategic-Framework-and-District-Plans>

<sup>7</sup> Assuming 16.19 hectares of land would allow for a maximum of 6 lots, with road reserves and/or stormwater detention facilities comprising approximately 10-15% of original land area.

<sup>8</sup> Based on current vacant lots zoned R5 Large Lot Residential Zone in Berrigan regardless of their lot area or contiguous lot ownership i.e. vacant lots able to be sold 'as is' for residential development (however assuming willing sellers and buyers).

**Is the Planning Proposal consistent with any other State and regional studies or strategies?**

There are no other State or regional studies or strategies or specific corridor/precinct plans applicable to the Land, including any draft regional, district or corridor/precinct plans released for public comment.

**Is the Planning Proposal consistent with applicable state environmental planning policies?**

The Planning Proposal is consistent with applicable state environmental planning policies as set out in **Appendix E: State Environmental Planning Policies**.

**Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 directions) or key government priority?**

The Planning Proposal is consistent with applicable directions or key government priorities as set out in **Appendix F: Directions under section 9.1(2) of the Environmental Planning and Assessment Act 1979**.

## **4.2 Site-specific merit**

### **4.2.1 Environmental, social and economic impact**

**Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?**

The Land is currently zoned R5 Large Lot Residential Zone (not, for example, an environmental or rural zone) and is not recorded or known to have any significant environmental values or resource attributes.

Possible future development of the Land in accordance with **Figure 5: Possible future development of the Land following implementation of the Planning Proposal (subject to separate DA process)** is not likely to 'trigger' entry into the Biodiversity Offset Scheme<sup>9</sup> for the following reasons –

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<sup>9</sup> <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme>





Assessment	Reference
<ul style="list-style-type: none"> <li>No part of the Land is identified as an area of "outstanding biodiversity value" (known as "critical habitat" under the former <i>Threatened Species Conservation Act 1995</i>).</li> </ul>	Development is "likely to significantly affect threatened species" if it is carried out in a declared area of outstanding biodiversity value (section 7.2(1)(c) of the <i>Biodiversity Conservation Act 2016</i> ).
<ul style="list-style-type: none"> <li>The likely clearing of native vegetation is less than 0.25 hectares.</li> </ul>	The clearing of native vegetation of an area declared by clause 7.2 of the <i>Biodiversity Conservation Regulation 2017</i> as exceeding the threshold.
<ul style="list-style-type: none"> <li>No part of the Land is identified on the Biodiversity Values Map.</li> </ul>	The clearing of native vegetation, or other action prescribed by clause 6.1 of the <i>Biodiversity Conservation Regulation 2017</i> , on land included on the Biodiversity Values Map published under clause 7.3 of the <i>Biodiversity Conservation Regulation 2017</i> .
<ul style="list-style-type: none"> <li>The future development (with the likely clearing of native vegetation less than 0.25 hectares) is unlikely to significantly affect threatened species, populations or ecological communities, or their habitats as demonstrated in the assessment in <b>Appendix G: Biodiversity report</b>.</li> </ul>	Development is "likely to significantly affect threatened species" if it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3 of the <i>Biodiversity Conservation Act 2016</i> (section 7.2(1)(a) of the <i>Biodiversity Conservation Act 2016</i> ).

### Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?

The following specialist reports have been prepared in support of the Planning Proposal –

- Biodiversity report at **Appendix G**.

There are no likely environmental effects of the Planning Proposal, noting that any future grain bunker storage development of the Land would require a separate Development Application assessment process including public notification and assessment by BSC. BSC has existing planning and civil engineering policies concerning amenity issues.

### Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal provides for bulk storage development opportunity (subject to separate Council DA approval) which will (incrementally) contribute to the social and

economic fabric of the Berrigan township and local and regional areas through (incremental) economic growth which in turn will support employment-generating agricultural land uses and support businesses.

In particular, it is anticipated, based on the existing grain bunker storage facility located to the west of the Land that the proposed use of the Land for an expanded facility would –

- allow two to four additional 40,000 tonne earth wall grain bunkers (80,000 to 160,000 tonne total), which could be divided if necessary to segregate grain grades and quality;
- create up to 3 local full-time jobs;
- create up to 7 regional part-time jobs on a seasonal harvest basis;
- facilitate the investment of \$3M in additional working capital infrastructure and equipment;
- save local grain growers a minimum of \$10 per tonne grain transport cost when compared to other regional transport cost options; and
- create additional unspecified economic multiplier benefits for Berrigan LGA in general through gaining additional economic exposure to multi-national grain companies and marketers.

Other social and economic effects would be investigated and documented in a DA to the Council for the future use of the Land, including, for example, possible amenity impacts to adjoining and nearby private and public property.

The Land is not known to be affected by any Aboriginal or European cultural heritage. An Aboriginal Heritage Information Management System report has been prepared at **Appendix H**.

#### **4.2.2 Infrastructure (Local, State and Commonwealth)**

##### **Is there adequate public infrastructure for the Planning Proposal?**

Adequate public infrastructure for the Planning Proposal already exists, namely –

- **Roads:** Strathvale Road, which adjoins the Land to the north, is an existing sealed local road with approved B-double heavy vehicle use. The existing adjoining grain bunker storage facility located to the west of the Land has access to Strathvale Road via an approved crossover. It is anticipated that this

crossover would be used when the Land is developed for an expanded grain bunker storage facility (subject to separate Council DA approval).

- **Reticulated services:** The Land is already connected to reticulated water, electricity and telecommunications services and with adequate capacity to accommodate the bulk storage development (subject to separate Council DA approval). The eventual development of the Land would be subject to the Council's normal 'developer contribution' fees and charges.

The Planning Proposal provides for a bulk storage development opportunity (subject to separate Council DA approval) consistent with the existing industrial development character of Berrigan.

#### 4.2.3 State and Commonwealth interests

##### **What are the views of State and Federal public authorities and government agencies consulted in order to inform the Gateway Determination?**

Consultation will be carried out with public authorities/agencies as required by the Gateway Determination issued by the Department of Planning and Environment in accordance with section 3.34(2)(d) of the EP&A Act.

## 5.0 MAPS

The Planning Proposal requires LEP mapping changes as set out in **Table 1: Summary of LEP amendments**, **Figure 3: Proposed zoning change** and **Figure 4: Proposed minimum subdivision lot size change** being changes to Land Zoning Map – Sheet LZN\_006A and Lot Size Map – Sheet LSZ\_006A.

## 6.0 COMMUNITY CONSULTATION

Community consultation is required under section 3.34(2)(c) of the EP&A Act and in accordance with *Local Environmental Plan Making Guideline* (NSW Department of Planning and Environment, August 2023) as follows –

- 28 day public exhibition period,

- notification provided to adjoining and surrounding landowners who may be directly or indirectly impacted,
- consultation with relevant government departments and agencies, service providers and other key stakeholders,
- public notices provided in local media i.e. Southern Riverina News and The Border Mail newspaper,
- static displays and supporting material in Council public buildings, nominally –
  - Berrigan Shire Council, 56 Chanter Street, Berrigan, NSW 2712
- electronically available via Berrigan Shire Council's website including provision for electronic submissions,
- hard copies of all documentation being made available to the community free-of-charge, and
- electronic copies of all documentation being made available to the community free-of-charge.

## 7.0 PROJECT TIMELINE

The anticipated timeframe for processing the Planning Proposal is set out in **Table 2: Project timeline**.

**Table 2: Project timeline**

<b>Project milestone</b>	<b>Estimated commencement date</b>	<b>Estimated completion date</b>
<i>Consideration by Council</i>	November 2023	December 2023
<i>Council decision</i>	December 2023	December 2023
<i>Anticipated commencement date (date of Gateway Determination)</i>	December 2023	February 2024
<i>Anticipated timeframe to finalise required technical information</i>	February 2024	March 2024
<i>Timeframe for public agency consultation</i>	February 2024	March 2024
<i>Commencement and completion dates of public exhibition period, including a public hearing (if required)</i>	April 2024	April 2024
<i>Timeframe for consideration of public submissions</i>	April 2024	May 2024
<i>Timeframe for consideration of the Planning Proposal post exhibition</i>	May 2024	May 2024
<i>Date of submission of Planning Proposal to DPE</i>	June 2024	June 2024
<i>Anticipated date Council will make the plan (if delegated)</i>	July 2024	July 2024
<i>Anticipated date Council will forward the Planning Proposal to DPE for publication in the Government Gazette</i>	July 2024	July 2024

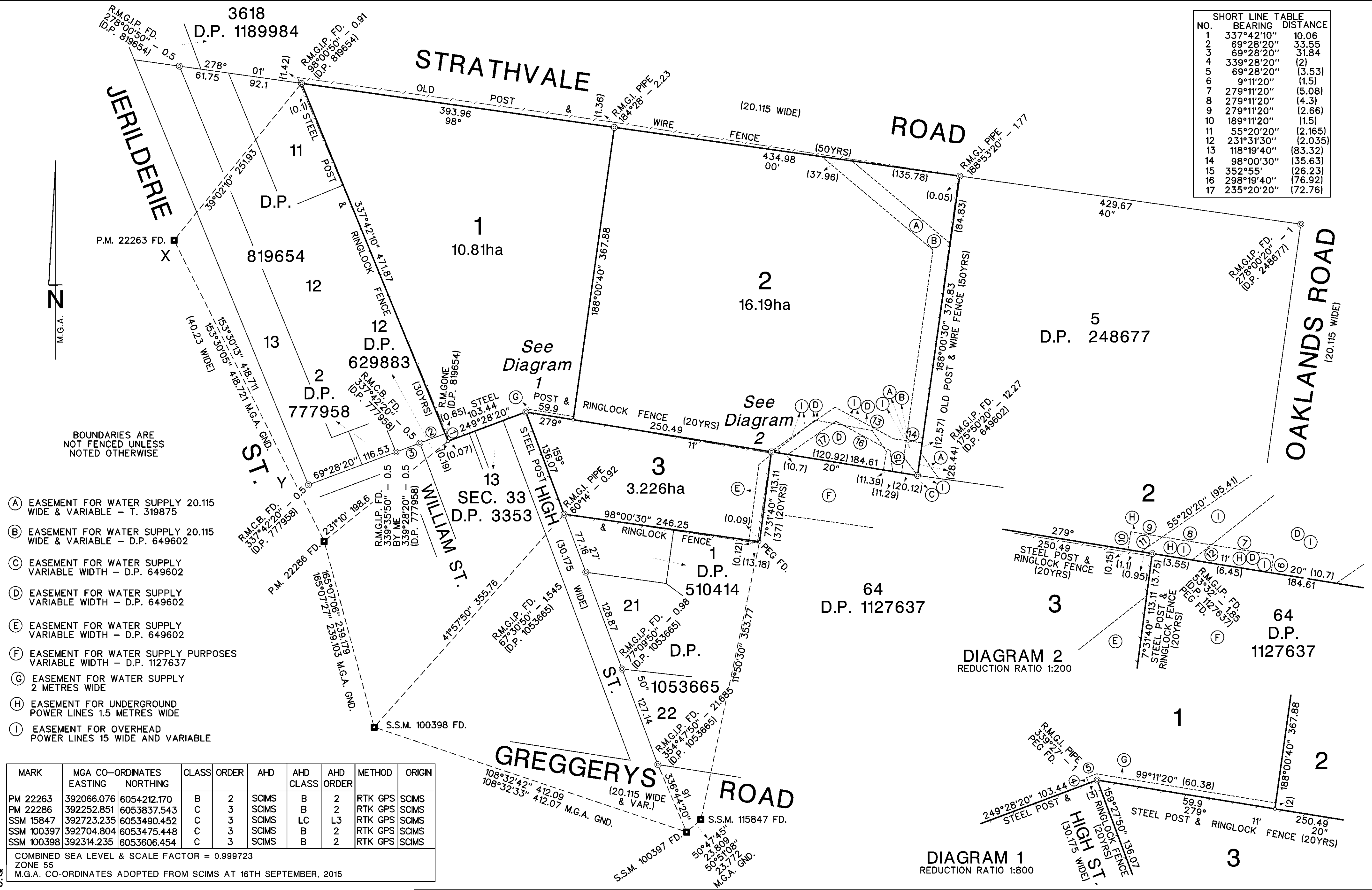
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## **APPENDIX A:**

### **Title diagram**



Req: R676923 /Doc: DP 1222893 P /Rev: 15-Aug-2016 /Srs: SC, OK /Pgs: ALL /Prt: 31-Oct-2016 10:54 /Seq: 1 of 3  
Ref: McNaught /Src: C



SHORT LINE TABLE		
NO.	BEARING	DISTANCE
1	337°42'10"	10.06
2	69°28'20"	33.55
3	69°28'20"	31.84
4	339°28'20"	(2)
5	69°28'20"	(3.53)
6	9°11'20"	(1.5)
7	279°11'20"	(5.08)
8	279°11'20"	(4.3)
9	279°11'20"	(2.66)
10	189°11'20"	(1.5)
11	55°20'20"	(2.165)
12	231°31'30"	(2.035)
13	118°19'40"	(83.32)
14	98°00'30"	(35.63)
15	352°55'	(26.23)
16	298°19'40"	(76.92)
17	235°20'20"	(72.76)

- (A) EASEMENT FOR WATER SUPPLY 20.115 WIDE & VARIABLE - T. 319875
- (B) EASEMENT FOR WATER SUPPLY 20.115 WIDE & VARIABLE - D.P. 649602
- (C) EASEMENT FOR WATER SUPPLY VARIABLE WIDTH - D.P. 649602
- (D) EASEMENT FOR WATER SUPPLY VARIABLE WIDTH - D.P. 649602
- (E) EASEMENT FOR WATER SUPPLY VARIABLE WIDTH - D.P. 649602
- (F) EASEMENT FOR WATER SUPPLY PURPOSES VARIABLE WIDTH - D.P. 1127637
- (G) EASEMENT FOR WATER SUPPLY 2 METRES WIDE
- (H) EASEMENT FOR UNDERGROUND POWER LINES 1.5 METRES WIDE
- (I) EASEMENT FOR OVERHEAD POWER LINES 15 WIDE AND VARIABLE

MARK	MGA CO-ORDINATES		CLASS	ORDER	AHD	AHD CLASS	AHD ORDER	METHOD	ORIGIN
	EASTING	NORTHING							
PM 22263	392066.076	6054212.170	B	2	SCIMS	B	2	RTK GPS	SCIMS
PM 22286	392252.851	6053837.543	C	3	SCIMS	B	2	RTK GPS	SCIMS
SSM 15847	392723.235	6053490.452	C	3	SCIMS	LC	L3	RTK GPS	SCIMS
SSM 100397	392704.804	6053475.448	C	3	SCIMS	B	2	RTK GPS	SCIMS
SSM 100398	392314.235	6053606.454	C	3	SCIMS	B	2	RTK GPS	SCIMS
COMBINED SEA LEVEL & SCALE FACTOR = 0.999723									
ZONE 55									
M.G.A. CO-ORDINATES ADOPTED FROM SCIMS AT 16TH SEPTEMBER, 2015									

X-Y P.M. 22263 - P.M. 22286  
153°30'13" 418.711 SURVEY  
153°30'05" 418.721 M.G.A. GND.

Surveyor: BRIAN LESLIE MITSCH  
Date of Survey: 8/09/2015  
Surveyor's Ref: 10892/15-16/3023

PLAN OF SUBDIVISION OF LOT 63,  
D.P. 1127637

LGA: BERRIGAN  
Locality: BERRIGAN  
Subdivision No: 6/2016  
Lengths are in metres. Reduction Ratio 1: 3000

12.8.2016

DP1222893




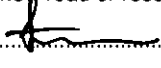
10	20	30	40	50	Table of mm	90	100	110	120	130	140
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PLAN FORM 6 (2013)

WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 2 sheet(s)

Office Use Only		Use Only	
Registered:  12.8.2016			
Title System: TORRENS		<b>DP1222893 S</b>	
Purpose: SUBDIVISION			
<b>PLAN OF SUBDIVISION OF LOT 63, D.P. 1127637</b>		LGA: BERRIGAN	
		Locality: BERRIGAN	
		Parish: GERELDERY	
		County: DENISON	
<b>Crown Lands NSW/Western Lands Office Approval</b> I, ..... (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given. Signature: ..... Date: ..... File Number: ..... Office: .....		<b>Survey Certificate</b> I, <b>BRIAN LESLIE MITSCH</b> of <b>DENILQUIN NSW 2710</b> a surveyor registered under the <i>Surveying and Spatial Information Act</i> 2002, certify that: *(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i> , is accurate and the survey was completed on <b>8/09/2015</b> . *(b) <del>The part of the land shown in the plan (being/excluding</del> <del>was surveyed in accordance with the Surveying and Spatial</del> <del>Information Regulation 2012, is accurate and the survey was</del> <del>completed on, the part not surveyed was compiled in</del> <del>accordance with that Regulation.</del> *(c) <del>The land shown in this plan was compiled in accordance with the</del> <del>Surveying and Spatial Information Regulation 2012.</del> Signature:  Dated: <b>31.3.16</b> Surveyor ID: <b>1643</b> Datum Line: <b>X-Y (M.G.A.)</b> Type: <del>Urban/Rural</del> The terrain is Level-Undulating / <del>Steep Mountainous</del> *Strike through if inapplicable. ^Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.	
<b>Subdivision Certificate</b> I, <b>Laurie Stevens</b> *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and</i> <i>Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein. Signature:  Accreditation number: ..... Consent Authority: <b>Berrigan Shire Council</b> Date of endorsement: <b>19.4.16</b> Subdivision Certificate number: <b>6/2016</b> File number: <b>40/16/DA/D9</b> *Strike through if inapplicable.			
Statements of intention to dedicate public roads, public reserves and drainage reserves.		Plans used in the preparation of survey/ <del>compilation</del> . <b>D.P. 1127637</b> <b>D.P. 1053665</b> <b>D.P. 819654</b> <b>D.P. 777958</b> <b>D.P. 649601</b> <b>D.P. 248677</b>  If space is insufficient continue on PLAN FORM 6A	
Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A		Surveyor's Reference: <b>10892/15-16/3023</b>	

PLAN FORM 6A (2012)

WARNING: Creasing or folding will lead to rejection

## DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 2 sheet(s)

Office Use Only

Use Only

Registered:



12.8.2016

PLAN OF SUBDIVISION OF LOT 63,  
D.P. 1127637

DP1222893

This sheet is for the provision of the following information as required:

- A schedule of lots and addresses - See 60(c) *SSI Regulation 2012*
- Statements of intention to create and release affecting interests in accordance with section 88B *Conveyancing Act 1919*
- Signatures and seals- see 195D *Conveyancing Act 1919*
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Subdivision Certificate number: 6/2016Date of Endorsement: 19.4.16PURSUANT TO SECTION 88B OF THE  
CONVEYANCING ACT 1919 IT IS  
INTENDED TO CREATE;

1. EASEMENT FOR WATER SUPPLY  
2 METRES WIDE
2. EASEMENT FOR UNDERGROUND  
POWER LINES 1.5 METRES WIDE
3. EASEMENT FOR OVERHEAD  
POWER LINES 15 WIDE AND VARIABLE

Signed at Sydney the 30<sup>th</sup> day of  
MAY 2016 For Commonwealth  
Bank Of Australia ABN 48 123 123 124 by its  
Duly appointed Attorney under Power of  
Attorney Book 4297 No 297

Witness

Xylia Quek

Luk Ting Lung

150 George Street Parramatta NSW 2150

  
JOHN RAYMOND STEWART

LOT	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY
1	UNKNOWN	STRATHVALE	ROAD	BERRIGAN
2	UNKNOWN	STRATHVALE	ROAD	BERRIGAN
3	UNKNOWN	HIGH	STREET	BERRIGAN

If space is insufficient use additional annexure sheet

Surveyor's Reference: 10892/15-16/3023

## **APPENDIX B:**

### **Photographs of the Land and surrounding area**



Photograph 1:

The western lot boundary of the Land (looking north from the southwest lot boundary corner of the Land).



Photograph 2:

The south-western area of the Land (looking northeast from the southwest lot boundary corner of the Land).



Photograph 3:

The southern lot boundary of the Land (looking east from the southwest lot boundary corner of the Land).



Photograph 4:

The northern lot boundary of the Land (looking east from the northwest lot boundary corner of the Land).

The existing sealed Strathvale Road can be seen to the left of picture.





Photograph 5:

The north-western area of the Land (looking southeast from the northwest lot boundary corner of the Land).



Photograph 6:

The western lot boundary of the Land (looking south from the northwest lot boundary corner of the Land).



Photograph 7:

The northern lot boundary of the Land (looking west from one of the existing driveway crossovers to the Land from Strathvale Road).

The existing sealed Strathvale Road can be seen to the right of picture.



Photograph 8:

The north-western area of the Land (looking southwest from one of the existing driveway crossovers to the Land from Strathvale Road).





Photograph 9:

The northern area of the Land (looking south from one of the existing driveway crossovers to the Land from Strathvale Road).



Photograph 10:

The north-eastern area of the Land (looking southeast from one of the existing driveway crossovers to the Land from Strathvale Road).



Photograph 11:

One of the existing driveway crossovers to the Land from Strathvale Road (looking north from adjacent the norther lot boundary of the Land).

Any grain bunker storage use of the Land would be the subject of a separate and formal Development Application process.

\*\*\*\*\*

## **APPENDIX C:**

### ***Riverina Murray Regional Plan 2036***

	Planning Proposal consistency
<b>Objectives and strategies of the Riverina Murray Regional Plan 2041</b>	
<b>Objective 14: Protecting and promoting industrial and manufacturing land</b>	
<i>Strategy 14.2: Strategic planning for existing employment lands and new opportunities will:</i>	
<ul style="list-style-type: none"> <li>locate new industrial land in areas accessible to inter-regional networks or in areas that could allow rail transport, unencumbered by natural hazards or environmental constraints while accessible to businesses and communities</li> <li>provide flexible and simplified planning controls that support the changing needs of industry, emerging industries and diversification, adaptation and innovation</li> <li>provide for the supply of diverse industrial land to meet the changing demands of industry</li> <li>encourage co-location and clustering of compatible industries to improve efficiencies and productivity, reduce land use conflict, maximise infrastructure investment and capitalise on supply networks</li> <li>drive competitive advantage by leveraging strengths, assets and attributes while maintaining integrity of existing industrial precincts</li> <li>investigate bespoke industrial precinct planning using targeted responses.</li> </ul>	<p><u>Consistent:</u> The Planning Proposal provides additional industrial land (16.19 ha) which is proposed to be used for bulk storage (approximately 13.5 ha) to meet existing and future storage demands.<sup>10</sup></p> <p>Bulk storage typically requires large area, flat but well drained land, which is located adjacent or near major road networks with heavy vehicle access. The proposed bulk storage would be integrated (co-located) with the existing grain bunker storage facility located on adjoining land to the west and use existing approved and compliant road accessways and intersections.</p> <p>The Planning Proposal is supported by the following specialist report –</p> <ul style="list-style-type: none"> <li><b>Appendix G: Biodiversity report.</b></li> </ul>

<sup>10</sup> Subject to a separate Development Application process including public notification and assessment by the Council.

**APPENDIX D:**  
***Berrigan Shire Local Strategic Planning  
Statement 2020-2040***

	Planning Proposal consistency
<b><i>Berrigan Shire Local Strategic Planning Statement 2020-2040</i></b>	
<b><i>Planning Priority 1 - Agriculture and Agribusiness</i></b>	<p><u>Consistent:</u> The Planning Proposal increases the sustainability of local and regional agricultural grain production by rezoning additional industrial land for bulk storage purposes.<sup>11</sup> The Land is located adjoining an existing approved bulk grain storage and handling facility which is connected to the local and regional heavy vehicle road network via Strathvale Road.</p>
<p><i>Agriculture is the major industry in the Berrigan Shire LGA and future megatrends indicate growth in Asian Economy and growth in markets for fresh produce. Berrigan Shire LGA has extensive irrigation infrastructure and extensive established agribusiness investment in the agriculture industry. With agriculture the centre of a circular local economy, we need to future-proof our irrigation agriculture industry through the development of a Riverina Murray Regional Plan Land Use Irrigation Agriculture Strategy.</i></p>	
<b><i>Planning Priority 3 - Transport and Logistics</i></b>	
<p><i>Efficient freight transport infrastructure connects export oriented agriculture produce through the Port of Melbourne from the Berrigan Shire LGA and the Riverina Murray Region.</i></p>	
<b><i>Planning Priority 5 - Urban Amenity</i></b>	
<p><i>Cobram-Barooga (cross-border settlement), Berrigan, Finley and Tocumwal uniquely function as local service centres. To achieve a contemporary standard of urban amenity, bespoke place-based planning will be required to enhance the uniqueness of each township and its sense of place.</i></p>	<p><u>Consistent:</u> The Planning Proposal does not derogate the <i>Berrigan Town Concept Plan</i> (Liesl Malan Landscape Architects, 2018). Whilst the intended use of the Land for bulk storage following rezoning is subject to a separate Development Application process including public notification and assessment by the Council, the Land is considered suitable as it has adequate setbacks to adjoining and nearby 'sensitive receivers', including dwelling houses. Typical amenity assessment issues for grain bunker storage facilities, including noise, traffic, stormwater, odour and dust generation will be addressed during consideration of the eventual Development Application.</p>

<sup>11</sup> Subject to a separate Development Application process including public notification and assessment by the Council.

## **APPENDIX E:**

### **State Environmental Planning Policies**

<b>State Environmental Planning Policy</b>	<b>Applicable?</b>	<b>Aims or principles of policy, if applicable?</b>	<b>Consistent?</b>	<b>Assessment</b>
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	Yes	<p><u>Chapter 2 Vegetation in non-rural areas</u>  Part 2.1 Preliminary  2.1 Aims of Chapter  The aims of this Chapter are—  (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and  (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</p> <p><u>Chapter 4 Koala habitat protection 2021</u>  Part 4.1 Preliminary  4.1 Aim of Chapter  This Chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</p>	Yes	The Planning Proposal does not alter the provisions and application of this Policy to the Land
<i>State Environmental Planning Policy (Exempt &amp; Complying Development Codes) 2008</i>	Yes	<p>This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by—  (a) providing exempt and complying development codes that have State-wide application, and  (b) identifying, in the exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and  (c) identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act, and  (d) enabling the progressive extension of the types of development in this Policy, and  (e) providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.</p>	Yes	The Planning Proposal does not alter the provisions and application of this Policy to the Land
<i>State Environmental Planning Policy (Housing) 2021</i>	Yes	<p>3 Principles of Policy  The principles of this Policy are as follows—  (a) enabling the development of diverse housing types, including purpose-built rental housing,  (b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,  (c) ensuring new housing development provides residents with a reasonable level of amenity,  (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,  (e) minimising adverse climate and environmental impacts of new housing development,  (f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,  (g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,  (h) mitigating the loss of existing affordable rental housing.</p>	Yes	The Planning Proposal does not alter the provisions of this Policy; however, the Planning Proposal alters the application of this Policy to the Land as “residential accommodation” is ‘prohibited’ in the E4 General Industrial Zone of the LEP
<i>State Environmental Planning Policy (Industry and Employment) 2021</i>	Yes	<p><u>Chapter 3 Advertising and signage</u>  Part 3.1 Preliminary  3.1 Aims, objectives etc  (1) This Chapter aims—  (a) to ensure that signage (including advertising)—  (i) is compatible with the desired amenity and visual character of an area, and  (ii) provides effective communication in suitable locations, and  (iii) is of high quality design and finish, and  (b) to regulate signage (but not content) under Part 4 of the Act, and  (c) to provide time-limited consents for the display of certain advertisements, and  (d) to regulate the display of advertisements in transport corridors, and</p>	Yes	The Planning Proposal does not alter the provisions and application of this Policy to the Land

State Environmental Planning Policy	Applicable?	Aims or principles of policy, if applicable?	Consistent?	Assessment
		<p>(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</p> <p>(2) This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.</p>		
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	Yes	<p>2 Aims, objectives etc</p> <p>(1) This Policy aims to improve the design quality of residential apartment development in New South Wales.</p>	Yes	The Planning Proposal does not alter the provisions of this Policy; however, the Planning Proposal alters the application of this Policy to the Land as “residential accommodation” (including “residential flat buildings”) are ‘prohibited’ in the E4 General Industrial Zone of the LEP
State Environmental Planning Policy (Planning Systems) 2021	Yes	<p><u>Chapter 2 State and regional development</u></p> <p>Part 2.1 Preliminary</p> <p>2.1 Aims of Chapter</p> <p>The aims of this Chapter are as follows—</p> <p>(a) to identify development that is State significant development,</p> <p>(b) to identify development that is State significant infrastructure and critical State significant infrastructure,</p> <p>(c) to identify development that is regionally significant development.</p>	Yes	The Planning Proposal does not alter the provisions and application of this Policy to the Land
State Environmental Planning Policy (Resilience and Hazards) 2021	Yes	<p><u>Chapter 4 Remediation of land</u></p> <p>4.1 Object of this Chapter</p> <p>(1) The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</p> <p>(2) In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</p> <p>(c) by requiring that a remediation work meet certain standards and notification requirements.</p>	Yes	<p>The Planning Proposal does not derogate the aims of State Environmental Planning Policy (Resilience and Hazards) 2021.</p> <p>For the purposes of clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 and Managing Land Contamination: Planning Guidelines (DUAP &amp; EPA, 1998) the Land:</p> <ul style="list-style-type: none"> <li>is not located within an “investigation area” which means land declared to be an investigation area by a declaration in force under Division 2 of Part 3 of the Contaminated Land Management Act 1997; and</li> <li>is not land on which development for a purpose referred to in Table 1 to the Managing Land Contamination: Planning Guidelines (DUAP &amp; EPA, 1998) is being, or is known to have been, carried out.</li> </ul> <p>The Land is not listed on Council’s contaminated land register.</p>



<b>State Environmental Planning Policy</b>	<b>Applicable?</b>	<b>Aims or principles of policy, if applicable?</b>	<b>Consistent?</b>	<b>Assessment</b>
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	Yes	<p><b>1.3 Aims of Policy</b>  <i>The aims of this Policy are as follows—</i></p> <ul style="list-style-type: none"> <li><i>(a) to encourage the design and delivery of sustainable buildings,</i></li> <li><i>(b) to ensure consistent assessment of the sustainability of buildings,</i></li> <li><i>(c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,</i></li> <li><i>(d) to monitor the embodied emissions of materials used in construction of buildings,</i></li> <li><i>(e) to minimise the consumption of energy,</i></li> <li><i>(f) to reduce greenhouse gas emissions,</i></li> <li><i>(g) to minimise the consumption of mains-supplied potable water,</i></li> <li><i>(h) to ensure good thermal performance of buildings.</i></li> </ul>	Yes	The Planning Proposal does not alter the provisions and application of this Policy to the Land
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Yes	<p><u><b>Chapter 2 Infrastructure</b></u>  <b>2.1 Aim of Chapter</b>  <i>The aim of this Chapter is to facilitate the effective delivery of infrastructure across the State by—</i></p> <ul style="list-style-type: none"> <li><i>(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</i></li> <li><i>(b) providing greater flexibility in the location of infrastructure and service facilities, and</i></li> <li><i>(c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and</i></li> <li><i>(d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and</i></li> <li><i>(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and</i></li> <li><i>(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</i></li> <li><i>(g) providing opportunities for infrastructure to demonstrate good design outcomes.</i></li> </ul> <p><u><b>Chapter 3 Educational establishments and child care facilities</b></u>  <b>3.1 Aims of Chapter</b>  <i>The aim of this Chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by—</i></p> <ul style="list-style-type: none"> <li><i>(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</i></li> <li><i>(b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and</i></li> <li><i>(c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and</i></li> <li><i>(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</i></li> <li><i>(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</i></li> <li><i>(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and</i></li> <li><i>(g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the</i></li> </ul>	Yes	The Planning Proposal does not alter the provisions and application of this Policy to the Land (it is noted that “centre-based child care facilities” and “educational establishments” are already ‘prohibited’ in the R5 Large Lot Residential Zone as well as the E4 General Industrial Zone of the LEP)

State Environmental Planning Policy	Applicable?	Aims or principles of policy, if applicable?	Consistent?	Assessment
		<p><i>corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</i></p> <p><i>(h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.</i></p>		

## **APPENDIX F:**

### **Directions or key government priority under section 9.1(2) of the *Environmental Planning and Assessment Act 1979***

Local Planning Directions	Applicable?	Requirement	Consistency? (consistent; justifiably inconsistent; inconsistent)
<b>Focus area 1: Planning Systems</b>			
1.1 Implementation of Regional Plans	Yes	<i>Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.</i>	<u>Consistent</u> : The Planning Proposal is consistent with the <i>Riverina Murray Regional Plan 2036</i> as set out in <b>Appendix C: Riverina Murray Regional Plan 2041</b> .
1.3 Approval and Referral Requirements	Yes	<i>LEP provisions should encourage the efficient and appropriate assessment of development</i>	<u>Consistent</u> : The Planning Proposal only proposes Land Zoning and Minimum Lot Size mapping changes.
1.4 Site Specific Provisions	Yes	<i>Unnecessarily restrictive site specific planning controls are discouraged</i>	<u>Consistent</u> : The Planning Proposal only proposes Land Zoning and Minimum Lot Size mapping changes.
<b>Focus area 3: Biodiversity and Conservation</b>			
3.1 Environment Protection Zones	Yes	<i>Environmentally sensitive areas should be protected and conserved</i>	<u>Consistent</u> : The Land is not known to contain any environmentally sensitive areas and the Planning Proposal does not derogate the objective of this Direction. An assessment report is provided at <b>Appendix G: Biodiversity report</b> .
3.2 Heritage Conservation	Yes	<i>Items, areas, objects and places of environmental heritage significance and indigenous heritage significance should be conserved</i>	<u>Consistent</u> : The Land is not known to contain any items, areas, objects or places of historical or Aboriginal cultural heritage significance and the Planning Proposal does not derogate the objective of this Direction. An assessment report is provided at <b>Appendix G: Aboriginal Heritage Information Management System report</b> .
3.5 Recreation Vehicle Areas	Yes	<i>Sensitive land or land with significant conservation values should be protected from adverse impacts from recreation vehicles</i>	<u>Consistent</u> : No recreation vehicle areas are proposed.
3.6 Strategic Conservation Planning	Yes	<i>Areas with high biodiversity value should be protected, conserved or enhanced.</i>	<u>Consistent</u> : The Land is not known to contain any high biodiversity value areas and the Planning Proposal does not derogate the objective of this Direction. An assessment report is provided at <b>Appendix G: Biodiversity report</b> .
<b>Focus area 4: Resilience and Hazards</b>			
4.4 Remediation of Contaminated Land	Yes	<i>To reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered</i>	<u>Consistent</u> : The Land – <ul style="list-style-type: none"> <li>is not located within an “investigation area” which means land declared to be an investigation area by a declaration in force under Division 2 of Part 3 of the <i>Contaminated Land Management Act 1997</i>, and</li> <li>is not land on which development for a purpose referred to in Table 1 to the <i>Managing Land Contamination: Planning Guidelines</i> (DUAP &amp; EPA, 1998) is being, or is known to have been, carried out.</li> </ul> The Land is not listed on Council’s contaminated land register.
<b>Focus area 5: Transport and Infrastructure</b>			
5.1 Integrating Land Use and Transport	Yes	<i>To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i> <ol style="list-style-type: none"> <li><i>improving access to housing, jobs and services by walking, cycling and public transport, and</i></li> <li><i>increasing the choice of available transport and reducing dependence on cars, and</i></li> <li><i>reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></li> <li><i>supporting the efficient and viable operation of public transport services, and</i></li> <li><i>providing for the efficient movement of freight.</i></li> </ol>	<u>Consistent</u> : The Land has access to the local road network, with all adjoining roads being ‘local roads’ under control of BSC.

Local Planning Directions	Applicable?	Requirement	Consistency? (consistent; justifiably inconsistent; inconsistent)
<b>Focus area 7: Industry and Employment</b>			
7.1 Employment Zones	Yes	<p><i>To ensure that employment zones achieve the following objectives:</i></p> <p>(a) <i>encourage employment growth in suitable locations,</i></p> <p>(b) <i>protect employment land in employment zones, and</i></p> <p>(c) <i>support the viability of identified centres.</i></p>	<p><u>Consistent</u>: The Planning Proposal increases the sustainability of local and regional agricultural grain production by rezoning additional industrial land for bulk grain storage and handling purposes.<sup>12</sup> The Land is located adjoining an existing approved bulk grain storage and handling facility which is connected to the local and regional heavy vehicle road network via Strathvale Road.</p>

<sup>12</sup> Subject to a separate Development Application process including public notification and assessment by the Council.

## **APPENDIX G:**

### **Biodiversity Report**





*Hamilton Environmental Services*  
ABN: 89 108 410 911



**TEST OF SIGNIFICANCE  
– 92 STRATHVALE ROAD, BERRIGAN**



**blueprint**

**PLANNING  
& DEVELOPMENT**

## Test of Significance – 92 Strathvale Road, Berrigan

**Submitted to:** James Laycock  
Blueprint Planning  
3/576 Kiewa Street  
ALBURY NSW 2640

Phone: 02 6023 6844  
Mobile: 0427 090 149  
Email: [james@blueprintplanning.com.au](mailto:james@blueprintplanning.com.au)

**Submitted by:** Steve Hamilton  
Hamilton Environmental Services  
2345 Benalla-Tatong Rd.  
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**Cover Photo:** Looking south across the proposed development area from Strathvale Road.

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## 1. INTRODUCTION

In August 2023, Hamilton Environmental Services (HES) was engaged to undertake a Biodiversity Assessment and complete a Test of Significance under Part 7 Division 1 Section 7.3 of the *Biodiversity Conservation Act 2016* for McNaught's Transport, the landholder of 92 Strathvale Road, Berrigan, Lot 2 DP1222893).

The landholder is seeking to establish grain bunkers on the property.

Field assessment of the site was conducted on the 7<sup>th</sup> September 2023 by Dr. Steve Hamilton, and this report presents these findings.

## 2. BACKGROUND

### 2.1 Consultant Background

#### Steve Hamilton (Dr.)

*AssocDipAppBiol, BAppSc(AppBiol), MAppSc (RMIT), PhD (University of Melbourne), BAM accredited Assessor (DPE NSW), Vegetation Quality Assessment Certified (DSE/DEPI/DELWP/DEECA Victoria), Bush Broker Assessor (DELWP/DEECA Victoria), Certificate IV in Training and Assessment.*

Steve is an ecologist specialising in flora and fauna inventory, auditing, monitoring and surveying, as well as soil typing, analysis and mapping. He has 12 years consulting experience, associated with a range of ecological evaluations and monitoring processes across all of Victoria, and southern and western New South Wales, which includes assessing and mapping vegetation condition, vegetation type, targeted threatened species surveys, habitat quality assessment (in Victoria, Habitat Hectares assessment and 'Net Loss and Gain' evaluations), across the range of terrestrial, riparian and wetland ecosystems.

He has vast experience in the assessment of native vegetation and species, and habitat loss assessment, for irrigation, residential, infrastructure and mining (including sand, rock and ore extraction) developments, and the successful negotiation of the appropriate legislative, regulatory and statutory frameworks across the three levels of Government to provide suitable outcomes for clients across both States to allow developments to proceed. In Victoria, this involves the production of Net Loss Reports, Vegetation Offset Management Plans and Work Plans, and in NSW, reporting for potential native vegetation/habitat losses and threatened species threats in Development Applications (DAs), and in more detailed situations where Director General Requirements (or Secretary's Environmental Assessment Requirements; SEARs) are specified, Environmental Impact Statements (EISs) or Reviews of Environmental Factors (REFs).

Beyond statutory requirements and reporting, Steve is often called upon to provide technical reporting into particular issues, such as research/survey investigations into vegetation-soil-fauna management issues in natural areas or for development proposals, such as weed management surveys and strategies, kangaroo survey and management, potential mining pollution impacts, sustainability of timber resources, soil mapping and land capability assessment, ecosystem restoration, or revegetation design.

Prior to consulting, Steve spent 20 years as a senior teaching/research academic, and has more than 30 peer-reviewed papers and many technical reports, most focussing on the impacts of disturbance on the ecology and floristics of woodlands and grasslands.

## 2.2 Location and Description

The property of 55 ha is located approximately 800 m north-east of the centre of Berrigan (Fig. 2-1); the property is bordered by Strathvale Road on its northern boundary and Jerilderie Street on its western boundary, and freehold parcels to the south and east; the proposed development area of 12 ha is found in the eastern section of the property (see Fig. 2-2).

The property is flat terrain, with an earth access track from Strathvale Road.



**Figure 2-1 Aerial image of the general location of the assessed property in the district (Image from ESRI Australia 2023).**

The fenced property has been utilised in the recent past for irrigated cropping, and there are a number of irrigation supply and drainage channels that border or cross the property, and a linear dam found on the south-eastern boundary of the proposed development area, with no other infrastructure within the boundaries of the proposed development area – there is a series of sheds in the south-eastern corner of the property beyond the proposed development area.

There is a triangular plantation planted with exotic and non-indigenous native trees and shrubs in the north-eastern corner of the property, also just beyond the proposed development area (see Fig. 2-2).

Clearly because of past agricultural land use, the proposed development area assessed has been mostly cleared; however, there are several scattered mature White Cypress-pine (*Callitris glaucophylla*) and one mature Buloke (*Allocasaurina luehmannii*) found across the site (see Fig. 2-2). There is no indigenous shrub layer, and the ground layer is dominated by a mixture of opportunistic annual and perennial introduced species with a low abundance of indigenous species, a reflection of the apparent long-term cropping use.

The Construction Plan can be seen in Fig. 2-3.



### 3. METHODOLOGY

#### 3.1 Desktop Review

The following desktop information was gathered prior to field assessment:

- Aerial imagery and base map from Land and Property Information New South Wales;
- Determination of a general species list for the area (Department of Planning and Environment [DPE] 2023a);
- Matters of National Significance reporting for the 10 km radius around the property (Department of Climate Change, Energy, the Environment and Water [DCCEEW] 2023);
- Flora, fauna and threatened species lists, sighting records and information for the district was obtained from *BioNet – Website of the Atlas of NSW Wildlife* (DPE 2023b).

#### 3.2 General Site Assessment

On the 7<sup>th</sup> September 2023, Dr. Steve Hamilton (BAAS 18106) visited the property and the adjacent area to undertake the assessment. On this day, air temperatures were between 15 and 18°C, the sky was clear, and winds were calm (Bureau of Meteorology 2023).

The assessed area and immediate surrounds of the proposed development footprint were traversed by foot, and continuous active searching was conducted over a total period of 30 minutes.

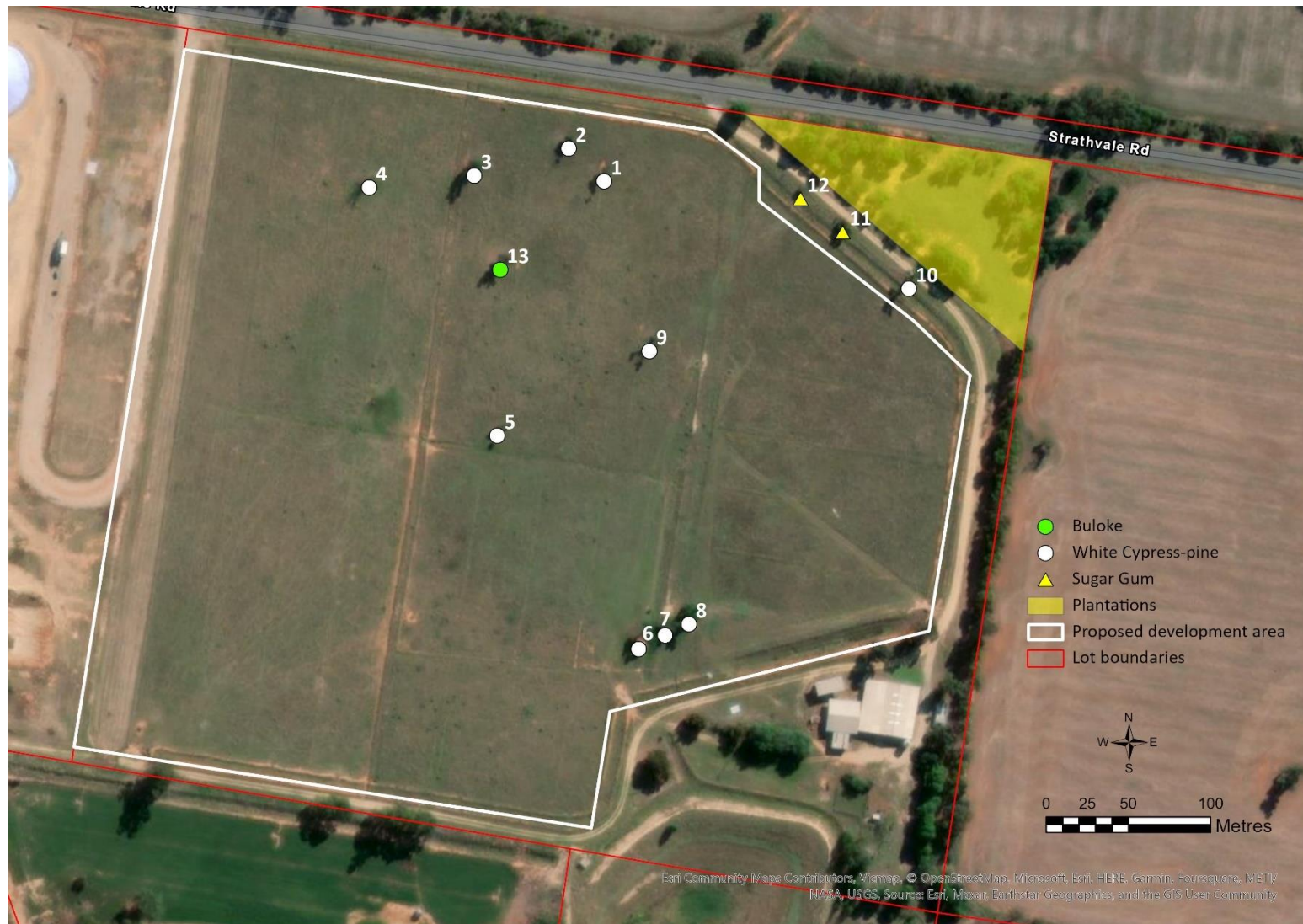
In a general sense, the following assessments were undertaken:

- Vascular plant species were identified and noted according to zone, with an overall cover/abundance value recorded for each species (see Table 3-1);
- The species, location, diameter, health and basic hollow characteristics of all assessed tree individuals was recorded, and an image of the tree taken;
- Opportunistic recording of any fauna;
- Digital images across the site taken.

Thirty one (31) images were taken across the proposed development area during the assessment.

**Table 3-1 Modified Braun-Blanquet scale applied to assessment to each vascular plant species identified.**

Visual assessment of cover/abundance	
Symbol	Description
+	rare, cover < 5%
1	Uncommon, cover < 5 %
2	Very common, cover < 5 % or cover 5-25 % with any number of individuals
3	Cover 25-50 % with any number of individuals
4	Cover 50-75 % with any number of individuals
5	Cover 75-100 % with any number of individuals



**Figure 2-2** Aerial image of the assessed area, showing the location of the proposed development footprint, and assessed trees that are numbered. Numbers refer to the table of tree characteristics in Appendix D (Image from ESRI Australia 2023).

**Figure 2-3 Construction Plan for grain bunkers, 92 Strathvale Road Berrigan (Advance Survey Design, dated 5/6/23).**



1	2	3
4	5	6
7	8	9
10	11	12
13	14	15
16	17	18
19	20	21
22	23	24
25	26	27
28	29	30
31	32	33
34	35	36
37	38	39
40	41	42
43	44	45
46	47	48
49	50	51
52	53	54
55	56	57
58	59	60
61	62	63
64	65	66
67	68	69
70	71	72
73	74	75
76	77	78
79	80	81
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427	428	429
430	431	432
433	434	43

**WARNING**  
BEWARE OF UNDERGROUND SERVICES  
THE LOCATION OF UNDERGROUND SERVICES  
WHERE SHOWN ARE APPROXIMATE ONLY.  
ALL AUTHORITIES MUST BE CONTACTED PRIOR TO  
CONSTRUCTION TO DETERMINE THE EXACT  
LOCATION OF ALL UNDERGROUND SERVICES.  
CONFIRM T.B.M. FROM BENCHMARK PRIOR TO  
COMMENCEMENT OF WORKS



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PARISH OF BERRIGUM  
CA: 2\ LOT 63 D.P.1127637  
INTERPOLATED GRID: 30m x 30m  
PRINT DATE: 5/06/2023

DRAWING NAME: 5581 McNaughts Transport.dwg		
DATUM: PM 15843	EL.: 117.313	M.G.A. ZONE 55
FOR A.H.D. ADD 0 m TO ALL VALUES.		
SURVEYED: BP	30/05/2023	
DRAWN: TL	02/06/2023	
DESIGNED: -	-	
CHECKED: -	-	

PROPOSED CONSTRUCTION OF GRAIN BUNKERS  
CONTOUR & FEATURE PLAN  
STRATHVALE ROAD - BERRIGUM  
McNAUGHTS TRANSPORT

JOB NUMBER	REVISION No.
5581	A
SHEET No.	SHEET SIZE
1 OF 1	A2

### **3.3 Taxonomy**

#### **3.3.1 Flora**

Vascular plants that could not be identified in the field, specimens and images were collected for identification using the *Flora of New South Wales* (Harden 1990, 1991, 1992, 1993), and *PlantNet Flora On-line* (Royal Botanic Gardens Sydney 2023).

#### **3.3.2 Fauna**

Any fauna observed were recorded, with the nomenclature based variously on the compilations of Hero *et al.* (1991), Menkhorst (1995), Cogger (1996) and Simpson and Day (1998), utilising Triggs (1996) for identification using indirect methods, such as the presence of scats or tracks.

## **4. EXISTING ENVIRONMENT**

### **4.1 Vegetation**

A total of 36 vascular plant species were recorded across the assessed area; 24 of these species were introduced, and 12 were indigenous.

The observed species are listed in Appendix C.

There were no threatened species observed (after DPE 2023a).

As indicated, the proposed development area assessed is a former irrigated cropping site and has been mostly cleared; however, there are several scattered mature White Cypress-pine and one mature Buloke found across the site. There is no indigenous shrub layer, and the ground layer is dominated by a mixture of opportunistic annual and perennial introduced species such as Capeweed, Wild Oat, Soft Brome, Great Brome, Cat's Ear, Wimmera Ryegrass, Spear Thistle, Paterson's Curse, Stinkgrass, Flax-leaf Fleabane, Common Crowsfoot, Barley Grass, Prickly Lettuce, Common Peppergrass, Horehound, African Boxthorn, Bathurst Burr, Burr Medic, Curled Dock, Trailing Verbena, Small-flowered Mallow, Onion-grass and White Clover (95 % projective foliage cover counting cured annual plant material), a reflection of the apparent long-term stock grazing use. There is a low abundance of indigenous species, with species such as Purple Wiregrass, Rough Spear-grass, Curly Windmill Grass, *Juncus* sp., Wingless Fissure-weed, Brown-backed Wallaby-grass, Small-flowered Wallaby-grass, Black Rolypoly and Rigid Panic all found sparsely distributed at a low abundance (5 % projective foliage cover; Appendix A).

There is a triangular plantation planted with exotic and non-indigenous native trees and shrubs in the north-eastern corner of the property, composed of Radiata Pine (*Pinus radiata*), Swamp Mallet (*Eucalyptus spathulata*), Yellow Gum (*E. leucoxylon*), Spotted Gum (*Corymbia maculata*) and Cross-leaf Honey-myrtle (*Melaleuca decussata*), that is beyond the proposed development area

Based on remnant vegetation at the site (White Cypress-pine individuals and one Buloke individual only) and observed in the broader district, it is likely that the whole property is former *Yellow Box - White Cypress Pine grassy woodland on deep sandy-loam alluvial soils of the eastern Riverina Bioregion and western NSW South Western Slopes Bioregion* (NSW Plant Community Type (PCT) 75; Environment and Heritage 2012 and DPE 2023d).

### **4.2 Significant Trees**

A total of 13 tree individuals evaluated across the assessed area.

The location of all assessed trees can be seen across Fig. 2-2, and their characteristics outlined in Appendix D.





**Plate 4-1** Views across the assessed property: looking east across the north of the property from Strathvale Road (top left), looking south-east along the north-eastern edge of the development area (top right), looking north-east from the centre of the property (middle left), looking south-east from the centre of the property (middle right), looking east from the centre of the property (bottom left), and looking west in the northern section of the property (bottom right). Images taken by author 7/9/23. Selected trees are numbered in white.

Development projects that involve earthworks can cause indirect losses of native vegetation that are retained during construction due to root damage and soil modification within the zone where roots occur. Of particular concern is the longer-term impact of soil compaction and excavation (e.g. trenching for pipelines) close to trees and the effects of this on immediate and longer-term tree health. Guidance and clarity has been provided, and a definition of an acceptable distance for tree retention in order to prevent indirect losses of native vegetation during and after construction

activities as a guiding principle has been developed. These designated *Tree Protection Zones* (TPZs) should be implemented for the duration of construction activities (Standards Australia 2009) as part of the development conditions. A TPZ is a specific area above and below the ground, with a radius 12 times the Diameter at Breast Height (dbh; 1.3 m) of any individual tree; the TRZ of trees should be no less than 2 m or greater than 15 m, and it is recommended that physical barriers be erected to delineate the TPZ during construction activities (Standards Australia 2009). Encroachment of < 10 % of the TPZ is considered unlikely to have any influence on the survival and health of the tree provided the lost area is compensated for elsewhere in the TPZ, and that the loss is not within the trees Structural Root Zone (SRZ), which is a 4 m radius from the tree trunk for a tree of 150 cm dbh (Standards Australia 2009). However, encroachment of more than 10 % of the TPZ area of any tree results in that tree being considered a loss (even if it remains standing during and after the development activity).

Of the 13 assessed trees:

- 11 are mature White Cypress-pine and Buloke;
  - Trees 1 to 10 are White Cypress-pine individuals;
    - Trees 3, 4, 5, 6, 9 and 10 are hollow-bearing individuals;
    - Tree 4 is a standing dead tree;
  - Tree 13 is a Buloke individual and is hollow-bearing;
- Trees 11 and 12 are planted non-indigenous native trees Sugar Gum;
- In terms of loss:
  - Remnant Trees 1 to 9 and 13 are proposed losses (10 trees), of which Trees 3, 4, 5, 6, 9 and 13 (6 trees) are hollow-bearing;
  - These trees have a combined canopy extent of 484 m<sup>2</sup> (0.0484 ha) which is proposed for loss;
- In terms of retention, Trees 10, 11 and 12 do not have their TPZs impinged by the proposed development, and including the plantation in the north-eastern corner of the property, are outside of the proposed development area and none will be impacted by the proposed development;
- There is a triangular plantation planted with exotic and non-indigenous native trees and shrubs in the north-eastern corner of the property that is outside of the proposed development area;
- In summary, 10 trees will be removed as a consequence of the proposed development, 6 of which are hollow-bearing, with the total loss equating to an canopy extent of 484 m<sup>2</sup> (0.0484 ha).

### 4.3 Fauna

There were 7 species of fauna observed or inferred across the property, including the introduced Brown Hare and Indian Mynah.

There were no threatened species observed (after DPE 2023a).

As indicated, the proposed development area assessed is a former irrigated cropping site and has been mostly cleared; however, there are several scattered mature White Cypress-pine and one mature Buloke found across the site. There is no indigenous shrub layer, and the ground layer is dominated by a mixture of opportunistic annual and perennial introduced species (95 % projective foliage cover counting cured annual plant material), a reflection of the apparent long-term cropping



use. There is a low abundance of indigenous species found sparsely distributed at a low abundance (5 % projective foliage cover; Appendix A).

The town of Berrigan and its immediate district has been very heavily cleared of native vegetation; the closest two blocks of remnant vegetation to the property are the South West Woodland Nature Reserve, 12 km to the east, and an unnamed block (apparently locally known as 'Wait-a-While') is found on the Riverina Highway 11.6 km to the west; there is almost no remnant vegetation between the property and either block, and so the landscape connectivity of the property is very poor.

Not surprisingly, the indigenous fauna observed across the property is low in diversity in such a modified/cleared peri-urban environment, with typical species such as Noisy Miner, Willie Wagtail, Australian Raven, Galah and White-faced Heron observed – indeed, there were up to 20 Herons observed on the site, suggestive of them breeding at the location, and that the site is seasonally wet.

The lack of observed species diversity across the assessed areas is not surprising, given:

- The presence of the aggressive and territorial honeyeater Noisy Miner in the remnant vegetation of the parcel – as well as the similarly aggressive introduced Indian Mynah - will result in most small and medium-sized indigenous birds being deterred from residence within or near the site;
- There are many open areas and no shrub layer, and the commensurate simplified vegetation structure, considerably limits mammal, reptile, bat and bird species residency;
- The lack of fallen timber and standing dead trees on the property, will considerably limit mammal, reptile, bat and bird species residency;
- The majority of the site is dominated by a mixture of annual and perennial introduced ground layer species;
- The likely presence of feral animal populations such as foxes and feral/semi-domestic/domestic cats given the proximity of the site to an urban area, which would actively predate any ground-dwelling or near ground-dwelling species heavily;
- The property has a very low connectivity within the landscape.

## **4.4 Threatened Species and Communities**

### **4.4.1 Threatened community likelihood**

Matters of National Environmental Significance searching reveals that the nationally critically endangered *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* and *Natural Temperate Grassland of the South Eastern Highlands* communities, and the nationally endangered *Grey Box Grassy Woodlands and Derived Native Grasslands of South-eastern Australia*, and the *Weeping Myall Woodlands* communities occur within a 10 km radius of the sites (DCCEE 2023).

Threatened Ecological Communities (TECs) are listed in the schedules of the *Biodiversity Conservation Act 2016*. Four TECs are considered to occur within the district of the proposed alignment: *Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Peneplain, Nandewar and Brigalow Belt South Bioregions*, the *Allocasuarina luehmannii Woodland in the Riverina and Murray-Darling Depression Bioregions*, the *Sandhill Pine Woodland in the Riverina, Murray-Darling Depression and NSW South Western Slopes Bioregions*, and *White Box Yellow Box Blakely's Red Gum Woodland* (known as Grassy Box Gum Woodland) are all listed as *Endangered* under the Act (DPE 2023b).

### Grassy Box Gum Woodland

As stated previously, based on remnant vegetation at the site (White Cypress-pine individuals) and in adjacent areas, it is likely that the whole property is former *Yellow Box - White Cypress Pine grassy woodland on deep sandy-loam alluvial soils of the eastern Riverina Bioregion and western NSW South Western Slopes Bioregion* (NSW Plant Community Type (PCT) 75; Environment and Heritage 2012 and DPE 2023d).

While there were no Yellow Box remaining across the property (or in the immediate area), the likely presence of the species suggests that consideration of the site as a former Grassy Box Gum Woodland should be made under the precautionary principle.

At a Commonwealth level, the critically endangered Grassy Box Gum Woodland (formally referred to as the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland) is characterised by a species-rich understorey of native tussock grasses, herbs and scattered shrubs, and the dominance, or prior dominance, of White Box, Yellow Box and Blakely's Red Gum trees (Department of Environment, Heritage, Water and the Arts [DEHWA] 2006).

According to DEHWA (2006), areas in which an overstorey and indigenous shrub layer no longer exist are no longer a viable part of the ecological community, and while some small patches of indigenous ground layer remain, the community is effectively irretrievable (DEHWA 2006).

Therefore, according to the Commonwealth definitions, the vegetation across the proposed development area should not be included within the listed critically endangered ecological community.

At an NSW level, the key habitat attributes for the threatened *White Box Yellow Box Blakely's Red Gum Woodland* community to be considered to be present are more prescriptive than the Commonwealth definitions. According to the NSW profile for this community (DPE 2023g), as the site maintains minimal indigenous understorey, retains only one age classes of trees (with no trees present being Yellow Box), no patches of regrowth, and only White Cypress-pine and Buloke individuals with hollows on the site, a disturbed remnant such as it is unlikely that the vegetation would respond to assisted natural regeneration (DPE 2023g), and would not fit the key habitat attributes of the threatened *White Box Yellow Box Blakely's Red Gum Woodland* community, and this area is not considered part of the *White Box Yellow Box Blakely's Red Gum Woodland* threatened community.

#### 4.4.2 Threatened species likelihood

There were no threatened species under the *Biodiversity Conservation Act 2016* observed at the site (DPE 2023a).

The likelihood of presence for all recorded threatened species within a 10 km radius of the proposed has been considered (DPE 2023a; Appendix A), and for those species listed in a broader search of the Threatened Species Profile for species known or predicted to occur in the Murray Catchment (DAWE 2022).

*BioNet – Website of the Atlas of NSW Wildlife* searches revealed that there were records or predicted occurrences of twenty one (21) threatened fauna species within a 10 km radius of the site and within the catchment (DPE 2023a; Appendix A).

*BioNet – Website of the Atlas of NSW Wildlife* and Matters of National Environmental Significance searches revealed that there were records or predicted occurrences of nine (9) threatened flora species within a 10 km radius of the site (DPE 2023a; Appendix A).

The likelihood of the presence of these species and their likelihood of utilisation of the proposed development area was considered and rated based on the prevailing habitat and habitat quality of the site, the landscape connectivity and known records for species, and the composition,

abundance and structure of any remnant indigenous vegetation (Appendix A).

Of these species, all species of flora and twenty fauna species were not likely to occur within the proposed development area or to utilise it because of the following issues (or combination of them):

- the lack of a suitable community/habitat type;
- the poor connectivity to the site within the district through clearing of habitat;
- the length of time since last sighting or lack of a sighting;
- disturbance to, and simplification of, the site.

The town of Berrigan and its immediate district has been very heavily cleared of native vegetation; the closest two blocks of remnant vegetation to the property are the South West Woodland Nature Reserve, 12 km to the east, and an unnamed block (apparently locally known as 'Wait-a-While') is found on the Riverina Highway 11.6 km to the west; there is almost no remnant vegetation between the property and either block, and so the landscape connectivity of the property is very poor.

The disconnectedness of the site combined with the significant modification of the site containing only scattered mature White Cypress-pine and Buloke, no indigenous shrub layer, and a ground layer dominated by a mixture of opportunistic annual and perennial introduced species is suggestive of a site with negligible habitat opportunities for almost all threatened and other fauna.

One species of fauna – Brolga – was considered to have some potential to utilise the proposed development area (Appendix A); this is primarily because the presumably seasonally wet site will provide foraging opportunities for this mobile species. However, it must be pointed out that such a site is by no means primary habitat for the species, and there are many other potential foraging habitat areas – including many agricultural areas which are more remote and better quality – within relatively close proximity to the property. On this basis, the likelihood of Brolga utilising the site is low, and if it was to occur it would be very infrequent and highly opportunistic.

#### **4.4.3 Assessment of Significance**

Part 7 Division 1 Section 7.3 of the *Biodiversity Conservation Act 2016* sets out five parameters that a determining authority must consider in deciding whether an activity is likely to have a significant effect on threatened species, populations, or ecological communities, or their habitats.

Six threatened communities, nine threatened species of flora and twenty one species of fauna have been recorded within a 10 km radius of the site (DPE 2023a), or are known or predicted to occur within 10 km of the site (DCCEE 2023)(Appendix A).

As indicated previously, the proposed development area assessed is a former irrigated cropping site and has been mostly cleared; however, there are several scattered mature White Cypress-pine and one mature Buloke found across the site. There is no indigenous shrub layer, and the ground layer is dominated by a mixture of opportunistic annual and perennial introduced species (95 % projective foliage cover counting cured annual plant material), a reflection of the apparent long-term cropping use. There is a low abundance of indigenous species found sparsely distributed at a low abundance (5 % projective foliage cover; Appendix A).

The town of Berrigan and its immediate district has been very heavily cleared of native vegetation; the closest two blocks of remnant vegetation to the property are the South West Woodland Nature Reserve, 12 km to the east, and an unnamed block (apparently locally known as 'Wait-a-While') is found on the Riverina Highway 11.6 km to the west; there is almost no remnant vegetation between the property and either block, and so the landscape connectivity of the property is very poor.

The disconnectedness of the site combined with the significant modification of the site containing only scattered mature White Cypress-pine and Buloke, no indigenous shrub layer, and a ground layer dominated by a mixture of opportunistic annual and perennial introduced species is suggestive of a site with negligible habitat opportunities for almost all threatened and other fauna.

In summary, 10 trees will be removed as a consequence of the proposed development, 6 of which are hollow-bearing, with the total loss equating to an canopy extent of 484 m<sup>2</sup> (0.0484 ha); there is not a significant indigenous ground layer, and so no native ground layer would be lost as a consequence of the proposed development.

After likelihood assessment, the one fauna species that has the potential to occur at the property has been evaluated using the five parameters (Appendix B). The application of the five parameters of Part 7 Division 1 Section 7.3 of the *Biodiversity Conservation Act 2016* in the following section specifically addresses the effects of the development on the one threatened species.

**Brolga**

*1 (a) in the case of a threatened species, whether the action proposed 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 proposed development area assessed is a former irrigated cropping site and has been mostly cleared; however, there are several scattered mature White Cypress-pine and one mature Buloke found across the site. There is no indigenous shrub layer, and the ground layer is dominated by a mixture of opportunistic annual and perennial introduced species and there is a low abundance of indigenous species found sparsely distributed at a low abundance, and when this significant modification of the site is combined with the disconnectedness of the property, it suggests that the site provides negligible habitat opportunities for almost all threatened and other fauna.

The Brolga was considered to have some potential to utilise the proposed development area; and this is primarily because the presumably seasonally wet site will provide foraging opportunities for this mobile species. However, it must be pointed out that such a site is by no means primary habitat for the species, and there are many other potential foraging habitat areas – including many agricultural areas which are more remote and better quality – within relatively close proximity to the property. On this basis, the likelihood of Brolga utilising the site is low, and if it was to occur it would be very infrequent and highly opportunistic.

In terms of loss, 10 trees will be removed as a consequence of the proposed development, 6 of which are hollow-bearing, with the total loss equating to an canopy extent of 484 m<sup>2</sup> (0.0484 ha); there is not a significant indigenous ground layer, and so no native ground layer would be lost as a consequence of the proposed development; this loss is highly unlikely to place any of this species at the risk of local extinction.

*1 (b) in the case of an endangered ecological community 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*

Not applicable.

*(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,*

Not applicable.

*1 (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*

The proposed development area assessed is a former irrigated cropping site and has been mostly cleared; however, there are several scattered mature White Cypress-pine and one mature Buloke found across the site. There is no indigenous shrub layer, and the ground layer is dominated by a mixture of opportunistic annual and perennial introduced species and there is a low abundance of indigenous species found sparsely distributed at a low abundance, and when this significant modification of the site is combined with the disconnectedness of the property, it suggests that the site provides negligible habitat opportunities for almost all threatened and other fauna.

The Brolga was considered to have some potential to utilise the proposed development area; and this is primarily because the presumably seasonally wet site will provide foraging opportunities for this mobile species. However, it must be pointed out that such a site is by no means primary habitat for the species, and there are many other potential foraging habitat areas – including many agricultural areas which are more remote and better quality – within relatively close proximity to the property. On this basis, the likelihood of Brolga utilising the site is low, and if it was to occur it would be very infrequent and highly opportunistic.

In terms of loss, 10 trees will be removed as a consequence of the proposed development, 6 of which are hollow-bearing, with the total loss equating to an canopy extent of 484 m<sup>2</sup> (0.0484 ha); there is not a significant indigenous ground layer, and so no native ground layer would be lost as a consequence of the proposed development; this loss will not impact on the quality of the habitat for the nominated threatened fauna.

*(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*

The proposed development area assessed is a former irrigated cropping site and has been mostly cleared; however, there are several scattered mature White Cypress-pine and one mature Buloke found across the site. There is no indigenous shrub layer, and the ground layer is dominated by a mixture of opportunistic annual and perennial introduced species and there is a low abundance of indigenous species found sparsely distributed at a low abundance, and when this significant modification of the site is combined with the disconnectedness of the property, it suggests that the site provides negligible habitat opportunities for almost all threatened and other fauna.

The Brolga was considered to have some potential to utilise the proposed development area; and this is primarily because the presumably seasonally wet site will provide foraging opportunities for this mobile species. However, it must be pointed out that such a site is by no means primary habitat for the species, and there are many other potential foraging habitat areas – including many agricultural areas which are more remote and better quality – within relatively close proximity to the property. On this basis, the likelihood of Brolga utilising the site is low, and if it was to occur it would be very infrequent and highly opportunistic.

In terms of loss, 10 trees will be removed as a consequence of the proposed development, 6 of which are hollow-bearing, with the total loss equating to an canopy extent of 484 m<sup>2</sup> (0.0484 ha); there is not a significant indigenous ground layer, and so no native ground layer would be lost as a consequence of the proposed development; this loss is highly unlikely to result in further habitat fragmentation or isolation because of the proposed development that is within a largely cleared district.

*(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,*

The proposed development area assessed is a former irrigated cropping site and has been mostly cleared; however, there are several scattered mature White Cypress-pine and one mature Buloke found across the site. There is no indigenous shrub layer, and the ground layer is dominated by a mixture of opportunistic annual and perennial introduced species and there is a low abundance of indigenous species found sparsely distributed at a low abundance, and when this significant modification of the site is combined with the disconnectedness of the property, it suggests that the site provides negligible habitat opportunities for almost all threatened and other fauna.

The Brolga was considered to have some potential to utilise the proposed development area; and this is primarily because the presumably seasonally wet site will provide foraging opportunities for this mobile species. However, it must be pointed out that such a site is by no means primary habitat for the species, and there are many other potential foraging habitat areas – including many agricultural areas which are more remote and better quality – within relatively close proximity to the property. On this basis, the likelihood of Brolga utilising the site is low, and if it was to occur it would be very infrequent and highly opportunistic.

In terms of loss, 10 trees will be removed as a consequence of the proposed development, 6 of which are hollow-bearing, with the total loss equating to an canopy extent of 484 m<sup>2</sup> (0.0484 ha); there is not a significant indigenous ground layer, and so no native ground layer would be lost as a consequence of the proposed development); this loss is highly unlikely to impact the long-term survival of the threatened fauna species.

- 1 (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):*

No such declaration has been made for the area.

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

Key threatening processes are listed in schedules of the *Biodiversity Conservation Act 2016*.

A total of 10 trees will be removed as a consequence of the proposed development, 6 of which are hollow-bearing, with the total loss equating to an canopy extent of 484 m<sup>2</sup> (0.0484 ha), and the proposed development will result in two key threatening processes - *Clearing of native vegetation* and *Loss of hollow-bearing trees*.

## 5. SUMMARY

As indicated previously, the proposed development area assessed is a former irrigated cropping site and has been mostly cleared; however, there are several scattered mature White Cypress-pine and one mature Buloke found across the site. There is no indigenous shrub layer, and the ground layer is dominated by a mixture of opportunistic annual and perennial introduced species and there is a low abundance of indigenous species found sparsely distributed at a low abundance, and when this significant modification of the site is combined with the disconnectedness of the property, it suggests that the site provides negligible habitat opportunities for almost all threatened and other fauna.

The town of Berrigan and its immediate district has been very heavily cleared of native vegetation; the closest two blocks of remnant vegetation to the property are the South West Woodland Nature Reserve, 12 km to the east, and an unnamed block (apparently locally known as 'Wait-a-While') is found on the Riverina Highway 11.6 km to the west; there is almost no remnant vegetation between the property and either block, and so the landscape connectivity of the property is very poor.



In terms of loss, 10 trees will be removed as a consequence of the proposed development, 6 of which are hollow-bearing, with the total loss equating to an canopy extent of 484 m<sup>2</sup> (0.0484 ha); there is not a significant indigenous ground layer, and so no native ground layer would be lost as a consequence of the proposed development.

The generation of a Biodiversity Offset Scheme Entry Threshold Report (BOSET Report)(Appendix B; DPE 2023f) reveals that the minimum Lot Size for the property is 2 ha, and that the Area Clearing Threshold required to enter the Biodiversity Offset Scheme (BOS), and for a Biodiversity Development Assessment Report (BDAR) to be completed, is < 0.5 ha. Therefore, for the development to avoid entering the BOS and requiring a BDAR to be undertaken, native vegetation clearance must be < 0.5 ha. As mentioned above, the likely native vegetation loss is 0.0484 ha, and therefore, this proposal is not required to enter the Biodiversity Offset Scheme, and a BDAR is not triggered through this mechanism.

The property where the development is proposed is not in a declared area of outstanding biodiversity value, the proposed development area is not mapped as *Vulnerable or Sensitive Regulated Land* according to the Section 60F of the *Local Land Services Act 2013*, and is also not mapped as an area of Biodiversity Value (DPE 2023e; see Appendix B), and a BDAR is not triggered through this mechanism.

The proposed development area has been evaluated and subjected to a Test of Significance under Part 7 Division 1 Section 7.3 of the *Biodiversity Conservation Act 2016*, and it is concluded that as a consequence of the proposed development, the losses as a consequence of the proposed development are minor, and there will not be any significant impact on any threatened community or species, and a BDAR is not triggered through this mechanism..

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## **APPENDIX A      THREATENED COMMUNITY AND SPECIES LIKELIHOOD OF PRESENCE**

**List of threatened communities, and flora and fauna species recorded by the BioNet - Atlas of NSW Wildlife and by Matters of National Environmental Significance search of a 10 km radius from the proposed development site, their status, and their likelihood of occurrence on the site (DPE 2023b; DCCEEW 2023).**

Common Name	Scientific name	Conservation Status (NSW) <sup>1</sup>	Conservation Status (Comm) <sup>2</sup>	Likelihood of Occurrence <sup>3</sup>	Five Part Test
<b>Vegetation community</b>					
Grey Box Grassy Woodlands and Derived Native Grasslands of South-eastern Australia (Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Penneplain, Nandewar and Brigalow Belt South Bioregions)		e	E	While this TEC is represented within the district, the site is site is likely former Yellow Box-White Cypress-pine woodland. <b>Likelihood: Not present</b>	No
Sandhill Pine Woodland in the Riverina, Murray-Darling Depression and NSW South Western Slopes Bioregions		e		While this TEC is represented within the district, the site is site is likely former Yellow Box-White Cypress-pine woodland. <b>Likelihood: Not present</b>	No
Buloke Woodlands of the Riverina and Murray-Darling Depression Bioregions (Allocasuarina luehmannii Woodland in the Riverina and Murray-Darling Depression Bioregions)		e	E	While this TEC is represented within the district, the site is site is likely former Yellow Box-White Cypress-pine woodland. <b>Likelihood: Not present</b>	No
Natural Grasslands of the Murray Valley Plains		e	CE	While this TEC is represented within the district, the site is site is likely former Yellow Box-White Cypress-pine woodland. <b>Likelihood: Not present</b>	No
Weeping Myall Woodlands (Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Penneplain, Murray-Darling Depression, Riverina and NSW South Western Slopes bioregions)		e	E	While this TEC is represented within the district, the site is site is likely former Yellow Box-White Cypress-pine woodland. <b>Likelihood: Not present</b>	No
Grassy Box Gum Woodland (White Box ellow Box Blakely's Red Gum Voodland)		e	CE	This TEC is well represented within the district, and While this TEC is represented within the district, the site is site is likely former Yellow Box-White Cypress-pine woodland. <b>Likelihood: Not present</b>	No
<b>Flora</b>					
Floating Swamp Wallaby-grass	<i>Amphibromus fluitans</i>	v	V	Wetland/riparian plant. There are many historic collections in the City of Greater Albury. It has been recorded recently in lagoons beside the Murray River near Cooks Lagoon (Shire of Greater Hume), Mungabarina Reserve, East Albury, at Ettamogah, Thurgoona (Charles Sturt University Campus), near Narranderra, and also further west along the Murray River (near Mathoura) and in Victoria. There are no records within 10 km of the property. The site is not suitable habitat for the species. <b>Likelihood: Highly unlikely to be present</b>	No
A Spear-grass	<i>Austrostipa wakoolica</i>	e	E	Grows on floodplains of the Murray River tributaries, in open woodland on grey, silty clay or sandy loam soils; habitats include the edges of a lignum swamp with box and mallee; creek banks in grey, silty clay; mallee and lignum sandy-loam flat; and open Cypress Pine forest on low sandy range. Confined to the floodplains of the Murray River tributaries of central-western and south-western NSW. There are no records within 10 km of the property. The site is not suitable habitat for the species. <b>Likelihood: Highly unlikely to be present</b>	No

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Common Name	Scientific name	Conservation Status (NSW) <sup>1</sup>	Conservation Status (Comm) <sup>2</sup>	Likelihood of Occurrence <sup>3</sup>	Five Part Test
Claypan Daisy	<i>Brachyscome muelleroides</i>	v	V	A small annual herb restricted to the mid-Murray/Murrumbidgee Rivers region in NSW and Victoria. It occurs in seasonally wet depressions, and relies on seasonal inundation. The species is now restricted to only 10 known populations. Such habitat is now not found on site. No records within 10 km. <b>Likelihood: Highly unlikely to be present</b>	No
Winged Peppergrass	<i>Lepidium monoplacoides</i>	e	E	This species grows in seasonally wet situations such as floodways, usually on clayey soils. There are no records within 10 km of the property. The site is not suitable habitat for the species. <b>Likelihood: Highly unlikely to be present</b>	No
Sturdy Leek-orchid	<i>Prasophyllum validum</i>		V	<i>Prasophyllum validum</i> occurs across inland Victoria and in South Australia in the Flinders Ranges in drier woodland habitats. There are no records within 10 km of the property. The site is not suitable habitat for the species. <b>Likelihood: Highly unlikely to be present</b>	No
Turnip Copperburr	<i>Sclerolaena napiformis</i>	e	E	Confined to remnant grassland habitats on clay-loam soils. Grows on level plains in tussock grassland of <i>Austrostipa nodosa</i> and <i>Chloris truncata</i> , in grey cracking clay to red-brown loamy clay. Known from only a few small populations in remnant grassland in the southern Riverina of NSW and north-central Victoria. NSW populations are confined to the area between Jerilderie and Moama on travelling stock routes and road reserves. While the site was once suitable habitat, there are no records within 10 km of the property. <b>Likelihood: Highly unlikely to be present</b>	No
Slender Darling-pea	<i>Swainsona murrayana</i>	v	E	The species has been collected from clay-based soils, ranging from grey, red and brown cracking clays to red-brown earths and loams. Found throughout NSW, it has been recorded in the Jerilderie and Deniliquin areas of the southern riverine plain, the Hay plain as far north as Willandra National Park, near Broken Hill and in various localities between Dubbo and Moree. While the site was once suitable habitat, there are no records within 10 km of the property. <b>Likelihood: Highly unlikely to be present</b>	No
Red Darling-pea	<i>Swainsona plagiotropis</i>	v	V	Grassland and Grassy Woodland plant in sites prone to seasonal inundation. While the site was once suitable habitat, there are no records within 10 km of the property. <b>Likelihood: Highly unlikely to be present</b>	No
Mountain Swainson-pea	<i>Swainsona recta</i>	e	E	Found in grassland and open woodland, often on stony hillsides. There are no records within 10 km of the property. The site is not suitable habitat for the species. <b>Likelihood: Highly unlikely to be present</b>	No
<b>Fauna</b>					
Brolga	<i>Grus rubicunda</i>	v		The Brolga inhabits large open wetlands, grassy plains, coastal mudflats and irrigated croplands and, less frequently, mangrove-studded creeks and estuaries. It is less common in arid and semi-arid regions, but will occur close to water. There is suitable habitat on the site. One record for the species near Berrigan in 2005. However, <b>Likelihood: May be present</b>	Yes
Brown Treecreeper (eastern ssp.)	<i>Climacteris picumnus victoriae</i>	v	V	Occurs in intact woodlands, and adjacent agricultural land. There is one record for the species 5 km west of the property in 2019. The vegetation at the site does not provide potential habitat for the species, and there is no connectivity to the known location. <b>Likelihood: Unlikely to be present</b>	No

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Common Name	Scientific name	Conservation Status (NSW) <sup>1</sup>	Conservation Status (Comm) <sup>2</sup>	Likelihood of Occurrence <sup>3</sup>	Five Part Test
Bush Stone-curlew	<i>Burhinus grallarius</i>	e		Range in south-eastern Australia is now largely confined to grassy woodlands and farmland. Likes to roost and nest in grassy woodlands of Buloke, gum or box with low, sparse grassy or herb understorey. Branches on the ground are essential for the bird's camouflage, and it is unlikely to attempt nesting without it. No suitable habitat occurs on site. Five records for the species within 10 km up to 2010. <b>Likelihood: Unlikely to be present</b>	No
Corben's Long-eared Bat	<i>Nyctophilus corbeni</i>	v	V	Occurs in intact Buloke, mallee, Cypress-pine, ironbark and box woodlands and forests, and adjacent agricultural land. The development site is suitable habitat, but there are no records within 10 km. <b>Likelihood: Unlikely to be present</b>	No
Diamond Firetail	<i>Stagonopleura guttata</i>	v		Occurs in woodlands, and adjacent agricultural land. There are no records within 10 km of the property. The vegetation at the site does not provide potential habitat for the species, and there is no connectivity to the known locations. <b>Likelihood: Unlikely to be present</b>	No
Grey Falcon	<i>Falco hypoleucos</i>	e		The Grey Falcon inhabits woodland, shrubland and grassland in the arid and semi-arid zones, especially wooded watercourses and agricultural land with scattered remnant trees. The species is usually associated with streams or wetlands, visiting them in search of prey and often using standing dead trees as lookout posts. Site could act as suitable habitat. There are no records for the species within 10 km of the site. <b>Likelihood: Unlikely to be present</b>	No
Grey-crowned Babbler	<i>Pomatostomus temporalis temporalis</i>	v		Prefers extensive intact woodlands with significant shrub and litter layers. No suitable habitat occurs on site. Six records for the species within 10 km up to 2018. <b>Likelihood: Unlikely to be present</b>	No
Grey-headed Flying-fox	<i>Pteropus poliocephalus</i>	V	V	Occurs in a coastal belt from south-eastern Queensland to Melbourne, Victoria. It is a canopy-feeding frugivore and nectivore, which utilises vegetation communities including rainforests, open forests, closed and open woodlands, Melaleuca swamps and Banksia woodlands. The vegetation at the site does not provide potential habitat for the species, and there is no connectivity to the known locations. There are no records for the species within 10 km of the site. <b>Likelihood: Highly unlikely to be present</b>	No
Hooded Robin	<i>Melanodryas cucullata cucullata</i>	v		Occurs in intact woodlands, and adjacent agricultural land. They occupy a wide range of Eucalypt woodlands, Acacia shrublands and open forests. In temperate woodlands, the species favours open areas adjoining large woodland blocks, with areas of dead timber and sparse shrub cover. The vegetation at the site does not provide potential habitat for the species, and there is no connectivity to the known locations. There are no records for the species within 10 km of the site. <b>Likelihood: Unlikely to be present</b>	No
Koala	<i>Phascolarctos cinereus</i>	v	E	Inhabit eucalypt woodlands and forests. Spend most of their time in trees, but will descend and traverse open ground to move between trees. The vegetation at the site does not provide potential habitat for the species, and there is no connectivity to the known locations. There are no records for the species within 10 km of the site. <b>Likelihood: Highly unlikely to be present</b>	No



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Common Name	Scientific name	Conservation Status (NSW) <sup>1</sup>	Conservation Status (Comm) <sup>2</sup>	Likelihood of Occurrence <sup>3</sup>	Five Part Test
Major Mitchell's Cockatoo	<i>Lophrochroa leadbeateri</i>	v		Major Mitchell's Cockatoos live mostly in semi-arid and arid areas, in dry woodlands, particularly mallee. They are also found in stands of River Red Gum or Black Box, and on sand plains and dunes. In Victoria, the species is largely confined to the NW, mostly around the Murray River corridor. The vegetation at the site does not provide potential habitat for the species, and there is no connectivity to the known locations. There are no records for the species within 10 km of the site. <b>Likelihood: Unlikely to be present</b>	No
Regent Honeyeater	<i>Anthochaera phrygia</i>	ce	CE	Occurs in woodlands, and adjacent agricultural land. The vegetation at the site does not provide potential habitat for the species, and there is no connectivity to the known locations. There are no records for the species within 10 km of the site. <b>Likelihood: Unlikely to be present</b>	No
Painted Honeyeater	<i>Grantiella picta</i>	v	V	The greatest concentrations of the bird and almost all breeding occurs on the inland slopes of the Great Dividing Range in NSW, Victoria and southern Queensland. Inhabits Boree/ Weeping Myall, Brigalow and Box-Gum Woodlands and Box-Ironbark Forests, particularly those infested with mistletoe. The vegetation at the site does not provide potential habitat for the species, and there is no connectivity to the known locations. There are no records for the species within 10 km of the site. <b>Likelihood: Unlikely to be present</b>	No
Pink-tailed Legless Lizard	<i>Aprasia parapulchella</i>	v	V	Inhabits sloping, open woodland areas with predominantly native grassy ground layers, particularly those dominated by Kangaroo Grass ( <i>Themeda australis</i> ). Sites are typically well-drained, with rocky outcrops or scattered, partially-buried rocks. The development site is not suitable habitat; no records within 10 km. <b>Likelihood: Highly unlikely to be present</b>	No
Plains-wanderer	<i>Pedionomus torquatus</i>	e	CE	Occurs in extensive quality riparian grasslands and plains woodlands, and adjacent agricultural land. Site is now not suitable habitat. No records within 10 km. <b>Likelihood: Highly unlikely to be present</b>	No
Sloane's Froglet	<i>Crinia sloanei</i>	v	V	Sloane's Froglet has been recorded from widely scattered sites in the floodplains of the Murray-Darling Basin, with the majority of records in the Darling Riverine Plains, NSW South Western Slopes and Riverina bioregions in New South Wales. It is typically associated with periodically inundated areas in grassland, woodland and disturbed habitats. The vegetation at the site does not provide potential habitat for the species, and there is no connectivity to the known locations. There are no records for the species within 10 km of the site. <b>Likelihood: Unlikely to be present</b>	No
Southern Bell Frog	<i>Litoria raniformis</i>	e	V	In NSW the species was once distributed along the Murray and Murrumbidgee Rivers and their tributaries, the southern slopes of the Monaro district and the central southern tablelands as far north as Tarana, near Bathurst. Currently, the species is known to exist only in isolated populations in the Coleambally Irrigation Area, the Lowbidgee floodplain and around Lake Victoria. The site does not provide potential habitat for the species, and there is no connectivity to the known locations. There are no records for the species within 10 km of the site. <b>Likelihood: Highly unlikely to be present</b>	No
Superb Parrot	<i>Polytelis swainsonii</i>	v	V	Occurs in riparian woodlands and forest, and adjacent woodlands and agricultural land. No suitable habitat occurs on site. Six records for the species within 10 km up to 2014, and there is no connectivity to the known locations. <b>Likelihood: Unlikely to be present</b>	No

## Test of Significance – 92 Strathvale Road, Berrigan

Common Name	Scientific name	Conservation Status (NSW) <sup>1</sup>	Conservation Status (Comm) <sup>2</sup>	Likelihood of Occurrence <sup>3</sup>	Five Part Test
Swift Parrot	<i>Lathamus discolor</i>	e	CE	Occurs in extensive riparian forests and woodlands, and adjacent agricultural land. No suitable habitat occurs on site. Five records for the species within 10 km up to 2002. <b>Likelihood: Highly unlikely to be present</b>	No
Varied Sittella	<i>Daphoenositta chrysoptera</i>	v		The Varied Sittella is sedentary and inhabits most of mainland Australia except the treeless deserts and open grasslands. It inhabits eucalypt forests and woodlands, especially those containing rough-barked species and mature smooth-barked gums with dead branches, mallee and Acacia woodland. There is one record for the species 5 km west of the property in 2018. The vegetation at the site does not provide potential habitat for the species, and there is no connectivity to the known location. <b>Likelihood: Unlikely to be present</b>	No
White-throated Needletail	<i>Hirundapus caudacutus</i>		Migratory Terrestrial Species	Often occur in large numbers over eastern and northern Australia. Aerial birds and for a time it was commonly believed that they did not land while in Australia. Feeds on flying insects, such as termites, ants, beetles and flies, often over water. The development site is suitable habitat, but there are no records within 10 km. <b>Likelihood: Unlikely to be present</b>	No

1. x = presumed extinct in NSW; = endangered in NSW; v = vulnerable in NSW; ce = critically endangered in NSW (from DPE 2023a).
2. V = vulnerable nationally; E = endangered nationally; CE = critically endangered nationally (DCCEE 2023).

**APPENDIX B    BIODIVERSITY OFFSET SCHEME  
ENTRY THRESHOLD (BOSET) TOOL  
REPORT DATED 13<sup>TH</sup> OCTOBER 2023**

## 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 a consent authority 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 or not 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		13/10/2023 11:09 AM
Biodiversity Values (BV) Map Threshold - Results Summary		
1	Does the development Footprint intersect with BV mapping?	no
2	Was ALL of the BV Mapping within the development footprinted added in the last 90 days? (dark purple mapping only, no light purple mapping present)	no
3	Date of expiry of dark purple 90 day mapping*	N/A
4	Is the Biodiversity Values Map threshold exceeded?	no
Area Clearing Threshold - Results Summary		
5	Size of the development or clearing footprint	484.9 sqm
6	Native Vegetation Area Clearing Estimate (NVACE)	357.2 sqm
7	Method for determining Minimum Lot Size	LEP
8	Minimum Lot Size (10,000sqm = 1ha)	20,000 sqm
9	Area Clearing Threshold (10,000sqm = 1ha)	5,000 sqm
10	Is the Area Clearing Threshold exceeded?	no
Is the proposed development assessed above the Biodiversity Offsets Schema (BOS) threshold? Exceeding the BOS threshold will require completion of a Biodiversity Development Assessment Report (BDAR). More details provided on page 2.		no

## What do I do with this report?

- If the result above indicates a BDAR is required, a Biodiversity Development Assessment Report may be required with your development application. Go to <https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor> to access a list of accredited assessors. An accredited assessor can apply the Biodiversity Assessment Method and prepare a BDAR.
- If the result above indicates a BDAR is not required, you have not exceeded the BOS threshold. This report can be provided to Council to support your development application. You may still require a permit from your local council. Review the development control plan and consult with council. You may still be required to assess whether the development is “likely to significantly affect threatened species” as determined under the test in Section 7.3 of the Biodiversity Conservation Act 2016. You may also be required to review the area where no vegetation mapping is available.
- If all Biodiversity Values mapping within your development footprint are less than 90 days old, i.e. mapping is displayed as dark purple on the 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 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 disagree with the NVACE result for Line Item 6 above (i.e. area of Native Vegetation within the Development footprint proposed to be cleared) you can undertake a self-assessment. For more information about this refer to the Guide for reviewing BMAT Tool area clearing threshold results.

## 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.

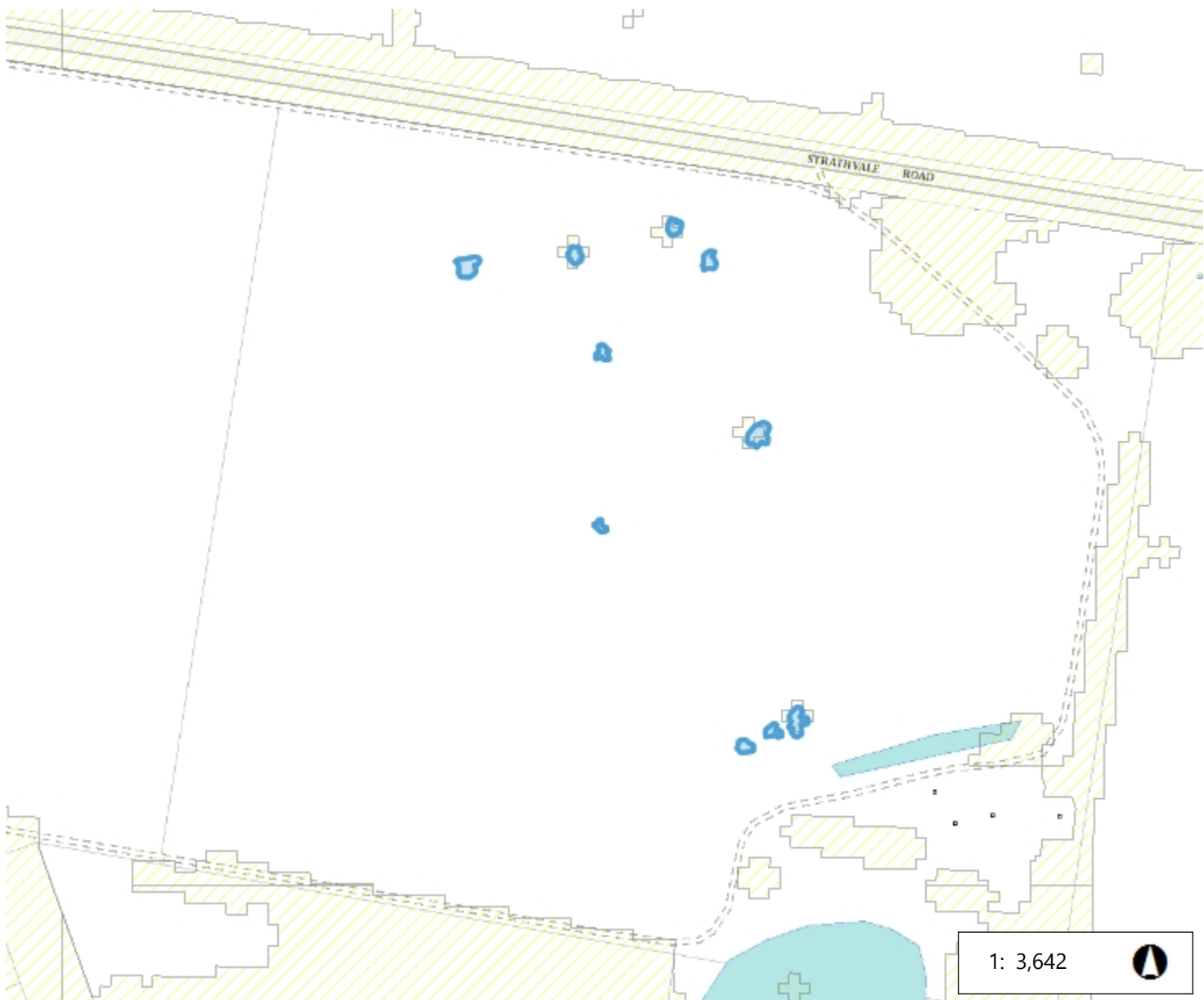
Signature: \_\_\_\_\_

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

Date: \_\_\_\_\_

13/10/2023 11:09 AM





# Biodiversity Values Map



185.0 0 92.50 185.0 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

13/10/2023 11:09 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 C    ASSESSED FLORA OF 92 STRATHVALE ROAD, BERRIGAN**



Recorded vascular plant species for the assessed area.

Vascular flora have been recorded for presence using a cover-abundance scale that is outlined in Table 3-1.

An asterisk denotes an introduced species.

Common name	Scientific name	Assessed area
Buloke	<i>Allocasaurina luehmannii</i>	+
Purple Wiregrass	<i>Aristida ramosa</i>	1
Capeweed	<i>Arctotheca calendula</i> *	2
Rough Spear-grass	<i>Austrostipa scabra</i>	1
Wild Oat	<i>Avena fatua</i> *	2
Great Brome	<i>Bromus diandrus</i> *	2
Soft Brome	<i>Bromus mollis</i> *	2
White Cypress-pine	<i>Callitris glaucophylla</i>	2
Spear Thistle	<i>Cirsium vulgare</i> *	2
Sugar Gum (planted)	<i>Corymbia cladocalyx</i> *	1
Paterson's Curse	<i>Echium plantagineum</i> *	1
Curly Windmill Grass	<i>Enteropogon acicularis</i>	1
Stinkgrass	<i>Eragrostis cilianensis</i> *	2
Flax-leaf Fleabane	<i>Erigeron bonariensis</i> *	2
Common Crowsfoot	<i>Erodium cicutarium</i> *	2
Barley Grass	<i>Hordeum leporinum</i> *	3
Cat's Ear	<i>Hypochaeris radicata</i> *	2
A Rush	<i>Juncus</i> sp.	1
Prickly Lettuce	<i>Lactuca serriola</i>	1
Common Peppergrass	<i>Lepidium africanum</i> *	2
Wimmera Ryegrass	<i>Lolium rigidum</i> *	1
African Boxthorn	<i>Lycium ferocissimum</i> *	2
Black Cotton Bush	<i>Maireana decalvans</i>	+
Wingless Fissure-weed	<i>Maireana enchylaenoides</i>	1
Horehound	<i>Marrubium vulgare</i> *	1
Small-flowered Mallow	<i>Malva parvifolium</i> *	2
Burr Medic	<i>Medicago polymorpha</i> *	2
Onion-grass	<i>Romulea rosea</i> *	2
Curled Dock	<i>Rumex crispus</i> *	2
Brown-backed Wallaby-grass	<i>Rytidosperma duttonianum</i>	1
Small-flowered Wallaby-grass	<i>Rytidosperma setaceum</i>	1
Black Rolypoly	<i>Sclerolaena muricata</i>	+
White Clover	<i>Trifolium repens</i> *	2
Trailing Verbena	<i>Verbena supina</i> *	1
Rigid Panic	<i>Walwhalleya proluta</i>	2
Bathurst Burr	<i>Xanthium spinosum</i> *	1
Indigenous species projective foliage cover (%)		5

## Test of Significance – 92 Strathvale Road, Berrigan

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Common name	Scientific name	Assessed area
Introduced species projective foliage cover (%)		80
Leaf litter cover (%)		15
Bare earth (%)		0

## **APPENDIX D    ASSESSED TREE CHARACTERISTICS**

Trees shaded in red will be removed.

Trees with an asterisk are introduced.

Hollow-bearing trees are denoted in italics.

Tree number	Common name	Scientific name	Diameter <sup>1</sup>	Canopy extent (m <sup>2</sup> ) <sup>2</sup>	Tree location <sup>3</sup>	
					Easting	Northing
1	White Cypress-pine (remnant)	<i>Callitris glaucophylla</i>	40	43	392823	6054280
2	White Cypress-pine (remnant)	<i>Callitris glaucophylla</i>	45	39	392806	6054296
3	<i>White Cypress-pine (remnant)</i>	<i>Callitris glaucophylla</i>	60	41	392759	6054282
4	<i>White Cypress-pine (remnant)</i>	<i>Callitris glaucophylla</i>	65 (dead)	78	392707	6054275
5	<i>White Cypress-pine (remnant)</i>	<i>Callitris glaucophylla</i>	55/30	19	392772	6054153
6	<i>White Cypress-pine (remnant)</i>	<i>Callitris glaucophylla</i>	60	37	392843	6054048
7	<i>White Cypress-pine (remnant)</i>	<i>Callitris glaucophylla</i>	60	33	392856	6054055
8	White Cypress-pine (remnant)	<i>Callitris glaucophylla</i>	50/30	76	392868	6054061
9	<i>White Cypress-pine (remnant)</i>	<i>Callitris glaucophylla</i>	60	86	392847	6054196
10	<i>White Cypress-pine (remnant)</i>	<i>Callitris glaucophylla</i>	60		392975	6054228
11	Sugar Gum (planted)	<i>Corymbia cladocalyx</i> *			392942	6054256
12	Sugar Gum (planted)	<i>Corymbia cladocalyx</i> *			392921	6054273
13	<i>Buloke (remnant)</i>	<i>Allocasaurina luehmannii</i>	55	32	392772	6054235

1. Diameter is diameter at breast height (1.3 m) in centimetres;
2. Canopy extent as mapped on recent aerial imagery for remnant trees proposed for removal;
3. Eastings and Northings are in MGA94z55.

## **APPENDIX H:**

# **Aboriginal Heritage Information Management System report**

Blueprint Planning

Date: 21 August 2023

3/576 Kiewa Street

Albury New South Wales 2640

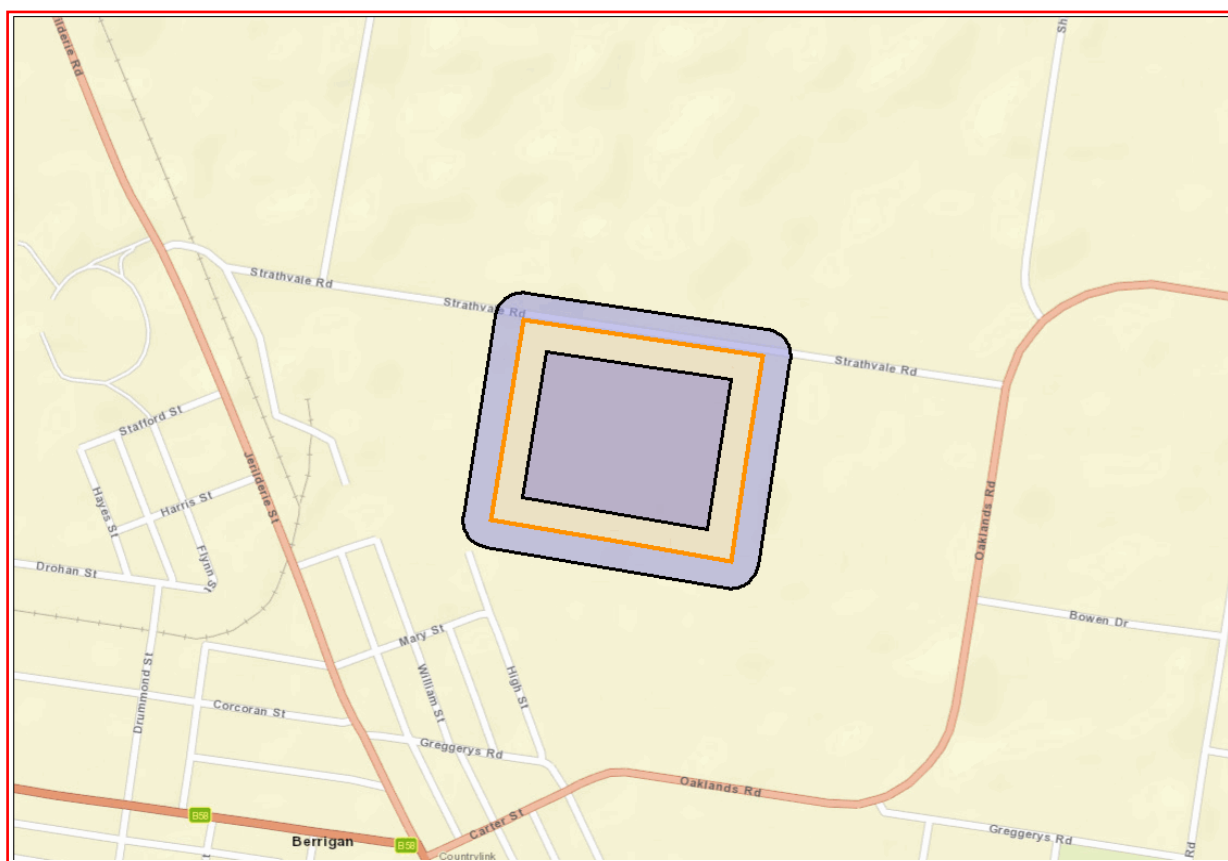
Attention: James Laycock

Email: james@blueprintplanning.com.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 2, DP:DP1222893, Section : - with a Buffer of 50 meters, conducted by James Laycock on 21 August 2023.**

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 to 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.