

Subject: Fwd: Attn: Kate Lanarch - DA2018/39 - "Warrawidgee" Eco-tourist facility (sp18024)
Date: Friday, 5 April 2019 at 2:20:41 pm Australian Eastern Daylight Time
From: Megan Leahy
To: Admin
Category: 14 - PDF saved - not printed
Attachments: image001.png

Good Afternoon,

Please see the following correspondence from the Biodiversity Conservation Trust.

I also confirm kate is now on leave, I have left a message earlier today regarding the matters that need to be addressed.

Please feel free to call me back on my direct line 0260338950.

Thnk-you

Yours sincerely,

Megan Leahy
Trainee Town Planner



P: (02) 6033 8999

federationcouncil.nsw.gov.au 100 Edward St (PO Box 77), Corowa NSW 2646

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

From: **Federation Council** <Council@federationcouncil.nsw.gov.au>

Date: Fri, 5 Apr. 2019, 13:59

Subject: Fwd: Attn: Kate Lanarch - DA2018/39 - "Warrawidgee" Eco-tourist facility

To: Stephen McHugh <stephen.mchugh@federationcouncil.nsw.gov.au>

Cc: Kate Larnach <kate.larnach@federationcouncil.nsw.gov.au>

Yours sincerely,

Federation Council



P: (02) 6033 8999

federationcouncil.nsw.gov.au 100 Edward St (PO Box 77), Corowa NSW 2646

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From: **Peter Ewin** <Peter.Ewin@bct.nsw.gov.au>

Date: Fri, Apr 5, 2019 at 1:53 PM

Subject: Attn: Kate Lanarch - DA2018/39 - "Warrawidgee" Eco-tourist facility

To: OLG - Federation Council <council@federationcouncil.nsw.gov.au>

Kate,

I rang to discuss this but it appears you are already on leave.

I have been notified that the above Development Application has submitted a Management Plan that was developed with the Biodiversity Conservation Trust (BCT) for part of the area within the DA. This plan was developed as part of a Conservation Tender that the BCT undertook in 2018. The Management Plan were a "template" form for a Conservation Agreement, and was based on the plan prepared by Red-gum Environmental Consulting, and may not have addressed all the management actions that were required for the area (the Management Plan detailed actions that the BCT was prepared to fund as part of the Conservation Agreement).

The applicant in this case was not successful in obtaining a Conservation Agreement during the tender process and therefore the Management Plan has no legal status. While it does identify many of the management actions for the island, it has some limitations as it was associated with a specific funding agreement.

If you have any questions regarding this process, or the actions in the plan, do not hesitate to give me a call on the number below.

Thanks,

Peter



Peter Ewin
Regional Coordinator
Murray-Riverina

Level 2, 512 Dean Street, Albury 2640
PO Box 1040 Albury 2640
T 02 6022 0606 F 02 6022 0610
M 0427 433 937
W www.bct.nsw.gov.au

Our Ref: C18/181

9 April 2016

Kate Larnach
Manager of Planning and Environment
Federation Council
PO Box 77
COROWA NSW 2646

Dear Ms Larnach,

RE: Consultation – Development application 2018/39 for an eco-tourist facility, Lot 3 DP 791136, Warrawidgee, 803 Spring Drive Corowa.

Thank you for referring the above proposal to DPI Fisheries for comment. I understand that the applicant wishes to construct an eco-tourist facility consisting of 60 caravan and camping sites, 17 2 bedroom cabins, 13 3 bedroom cabins, 14 single room safari tents with ensuite, 33 2 bedroom cottages, 6 self-contained 4 rooms lodges, 22 1 bedroom studios, a 48 bed lodge, two pools, playground, car park, and ancillary buildings such as ablutions block and camp kitchen.

DPI Fisheries is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, DPI Fisheries ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively), and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*. In addition, DPI Fisheries is responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture and marine protected areas within NSW.

The intensification of land use particularly this close to the Boiling Down Creek and the Murray River has the potential to significantly impact upon fish and fish habitat. Aquatic habitats differ from terrestrial habitats and are more susceptible to degradation and loss. The reasons for this include:

- Disturbances on land can translate to disturbances to aquatic habitats, but the reverse is rare. For example sediments and pollutants carried by overland flow can enter aquatic environments smothering habitats and reducing water quality.
- Aquatic habitats are much more prone to impacts from intense rainfall events or pollution incidents than are terrestrial habitats.
- Direct impacts on aquatic habitats at one site can result in indirect impacts occurring large distances upstream or downstream. For example, a chemical spill can impact aquatic environments both at the spill site and downstream, while a weir can impact on fish passage and recruitment both at the site of the weir and for many kilometres upstream.
- Recolonization of disturbed aquatic habitats relies on connectivity with downstream habitats areas. In rivers and streams recolonization of disturbed aquatic habitats generally occurs from downstream. In-stream barriers may limit the success of recolonization following major disturbances to local fish populations (e.g. fish kills).
- The extent of aquatic habitats in NSW is significantly less than terrestrial habitats, making them less resilient. Many aquatic habitats are already under stress and therefore cumulative impacts may increase these stressors.

There are several issues relating to the proposal as outlined below which require further information to be provided. As a consequence, DPI Fisheries objects to the issuing of development consent for this project at this stage until the issues below are addressed.

- Section 4.4.2, Table 3, visual amenity, the compliance response to point 1 states that 'The facility will not be readily visible from any public place, however the Boiling Down Creek is a public place, frequented by fishermen and the boating public, from which the facility will be visible.
- Section 4.4.2, Table 3, visual amenity, the compliance response to point 2 states 'There are no large or bulky buildings in the proposal' however no information is provided regarding how large some of the proposed buildings are, including the 48 bed lodge and the day spa/gym. The concept plans provided are not to scale, and the building designs provided are only an example, therefore it is difficult to assess the impact on visual amenity
- Section 4.4.2, Table 3, visual amenity, the compliance response to point 4 states 'It is not necessary to screen the development from Boiling Down Creek as this is not a thoroughfare frequented by the public'. Boiling Down Creek is a public waterway that is navigable by boat, canoe, kayak, jetski and other watercraft and is regularly frequented by the public.
- Section 4.4.2, Table 3, Riparian environment, the compliance response to point 1. (a) states 'Consequently it is land not considered to be environmentally sensitive'. The land is classified as environmentally sensitive lands under the CLEP, the fact that the subject land has an existing dwelling, outbuildings and has been partially clear does not preclude it from being environmentally sensitive.
- Section 4.3.3 Eco-tourist facilities (clause 5.13), this section has not addressed or provided any information about how the proposed development will comply with the objectives of this clause namely; (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out and (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- The response in Table 2 to point (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, that the compliance will be; 'This is achieved by being self-contained and not relying on hard and soft waste disposal off-site', however in the response to point (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, states that 'There will be no on-site disposal of waste' which contradicts the response to point (d). There has been no information provided about how the development will promote positive environmental outcomes.
- The response in Table 2 to point (g) states that 'The development will be undertaken largely at the site of the existing farm dwelling and shedding and not in a 'greenfields' setting' however the concept plan include significant development in areas that are outside the existing farm dwelling and shedding. This response also states that 'the development is not readily visible from Boiling Down Creek', given the concept plans provided there would be many components of the proposed development that would be highly visible from sections of the Boiling Down Creek.
- The response in Table 2 to point (i) states that "water will be sourced from the Boiling Down Creek", earlier in the document it is stated that the property currently has a 30ML irrigation licence which is proposed to be used for the potable water. What category is this licence and what is the security of it to be able to provide a secure water supply during times of drought and low allocations? Is there proposed to be any additional stock and domestic water required by the development?
- Table 2 point (k) has not been adequately addressed, simply stating that these matters will be addressed under a Construction and Operations Management Plan is not considered adequate by DPI Fisheries, these matters need to be addressed at this stage of the

development as they inform whether the proposed development is indeed an Eco-tourist facility.

- Section 4.3.7 River front areas states that 'In this clause **river** means the Murray River hence the strip of land along the southern boundary of the subject land is within the river front area. The clause does not apply to the Boiling Down Creek.' However the Note from the dictionary of the Corowa LEP 2012 (CLEP) states that 'For the purposes of this Plan, the river includes the waters and the bed and banks of the river, its tributaries as well as associated watercourses and waterbodies, including anabranches, lagoons, lakes, billabongs and wetlands.' Given that Boiling Down Creek is an anabranch of the Murray River it would therefore be included as river front land under the CLEP and therefore the 100 metre building line would apply as described in the CLEP.
- DPI Fisheries policy requires riparian buffer zones to be established and maintained for developments in or adjacent to TYPE 1 or 2 fish habitats. The Murray River and Boiling Down Creek at this location is considered to be a TYPE 1 habitat and for such habitats DPI Fisheries require a buffer zone of 100 meters.

Riparian buffer zones shall be measured from the top of the bank/drainage depression. DPI Fisheries require the design of the riparian buffer zones to incorporate the maintenance of lateral connectivity between aquatic and riparian habitat. Installation of infrastructure, terraces, retaining walls, cycle ways, pathways and grass verges within riparian buffer zones shall be avoided or minimised. Riparian buffer zones should be clearly delineated (e.g. Fences or other markers) and well managed to avoid degradation (e.g. weed and stock access management). Developments should ensure that existing native riparian vegetation is retained to the greatest extent possible in and undamaged and unaltered condition. Revegetation of disturbed areas with local native species should also be considered as part of development controls (e.g. stabilisation of sediment, sediment filters during and post construction) and mitigation measures. Monitoring should be undertaken to ensure successful establishment of vegetation in these areas. Where establishment or rehabilitation of a riparian zone is required, the rehabilitation strategy should include native instream vegetation (macrophytes) and snags where appropriate. Mitigation or rehabilitation measures for developments should include weed control. For a copy of NSW DPI policy and guidelines for fish habitat conservation and management please refer to our website at: <http://www.dpi.nsw.gov.au/fisheries/habitat/publications/policies,-guidelines-and-manuals/fish-habitat-conservation>

If Council require any further information, please do not hesitate to contact me on (02) 6042 4213

Yours sincerely,



Luke Pearce

Fisheries Manager
Aquatic Ecosystems



FEDERATION COUNCIL	
TRIM NO:	
REC'D:	28 MAR 2018
CONTAINER NO:	218/39
ACTION:	Kate Larnach

DOC18/157922-11

The Interim General Manager
Federation Council
PO Box 77
COROWA NSW 2646

By email: council@federationcouncil.nsw.gov.au

Attention: Kate Larnach

Dear Mr Butler

Re Development Application 2018/39

I refer to your letter to the Environment Protection Authority (EPA) dated 9 March 2018 seeking comment on the development application for an eco-tourist facility proposed on Lot 3 in DP 791136, Warrawidgee, 803 Spring Drive Corowa.

We note this matter has been referred to the EPA under the Murray Regional Environmental Plan No 2. In response please note the following advice.

The EPA has responsibilities for pollution control and environmental management for scheduled activities under the *Protection of the Environment Operations Act 1997* (POEO Act). Based on the information provided the proposed activity is not scheduled under the POEO Act and the proposed works do not require an Environment Protection Licence.

Federation Council will be the appropriate regulatory authority for matters relating to the POEO Act for this development.

The proponent should be aware that under section 120 of the POEO Act it is an offence to pollute waters. Should the development application be approved, council should ensure the following condition is included as a condition of consent.

- The proponent should take all necessary precautions and implement measures to prevent pollution of waters during construction and operation of the development.

Based on the information provided the EPA has no further comment to make on the proposal.

Phone +61 2 6969 0700 Fax +61 2 6969 0710 PO Box 397
Phone 131 555 TTY 133 677 Griffith
(from outside NSW) ABN 43 692 285 758 NSW 2680 Australia

Suite 7
130-140 Banna Ave www.epa.nsw.gov.au
Griffith NSW riverina.farwest@epa.nsw.gov.au
2680 Australia

If you have any further enquiries about this matter please contact me by telephoning 02 6969 0700 or by electronic mail at riverina.farwest@epa.nsw.gov.au.

Yours sincerely

 27.3.2018

CRAIG BRETHERTON
Manager Regional Operations – Riverina Far West Region
Environment Protection Authority

Date: 14 March 2019

Mr Adrian Butler
Federation Council
PO Box 77
Corowa, NSW 2646
council@federationcouncil.nsw.gov.au

Dear Mr Butler,

Subject: Development Application – DA 2018/39

This letter is in reference to development application 2018/39, Eco-Tourist Facility. The subject land is Lot 3 in DP 791136, 'Warrawidgee', 803 Spring Drive, Corowa NSW 2646.

In considering this proposal, it is the Murray-Darling Basin Authority's (MDBA) role to ensure that the water quality of the River Murray is maintained or improved, contributing to the protection of the riverine and floodplain environment. In addition, our role is to ensure that there is no impact on the flow carrying capacity of the River Murray.

Based on the information provided, MDBA has assessed this planning proposal and notes the following in relation to development application DA 2018/39:

- There are a variety of river and erosion control works in the vicinity of, and within Boiling Down Creek. These works constitute considerable government investment and need periodic monitoring, which will require periodic shore and river based access.
- The Constraints and Opportunity analysis document identifies areas for water sports activities which are adjacent to MDBA Riparian Program erosion control works. These areas may not be compatible with the proposed activities and may be considered as potentially hazardous.

In addition, MDBA requests that:

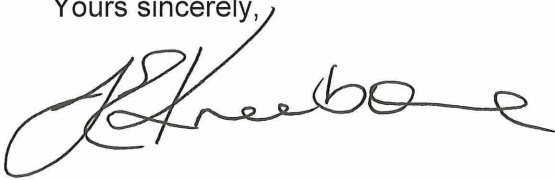
- Agreement between MDBA and the developer is required regarding access arrangements to ensure the development and riparian works can be maintained and monitored during construction and operation.
- Stormwater, effluent and waste management is designed and managed in accordance with the requirements and regulations of Federation Council.
- The design and management of stormwater considers the impact of fluctuating river levels, especially in relation to wetlands and subsequent discharge points to the river.
- Impacts from earthworks or soil disturbance activities are managed as outlined in the Statement of Environmental Effects through implementing a site Soil and Water Management Plan.
- Federal Council should refer to NSW Roads and Maritime Services regarding safety and navigational hazards to water users and appropriate warning signage, in particular the fast flowing Boiling Down Creek.

The proponent of development application, 2018/39, needs to be aware that the MDBA has responsibility to regulate the River Murray and cannot guarantee water levels. As part of river

operations, variation in river and weir pool levels, both up and downstream, may become more pronounced, and average levels may significantly change.

Should you have any further queries, please direct them to RiverMurrayHealth@mdba.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jo Kneebone', with a stylized flourish at the end.

Jo Kneebone
General Manager
River Management Enhancement
River Management Division



Contact: David Finnimore
Phone: 02 6051 7746
Email: david.finnimore@nrar.nsw.gov.au

The General Manager
Federation Council
PO Box 77
Corowa NSW 2646

Our ref: IDAS1106460
File No: IDAS1106460
Your Ref: DA 2018/39

Attention: Kate Larnach

26 July 2018

Dear Ms Larnach,

**Re: Proposed Development under Murray Regional Environmental Plan No 2:
DA 2018/39 – Warrawidgee, 803 Spring Drive, Corowa NSW 2646 – Eco-tourist
Facility.**

Lands and Water- Natural Resources Access Regulator (NRAR) has reviewed documents for the above development application which has been referred under the Murray Regional Environmental Plan No 2 (MREP2). It is noted that these documents have not been forwarded as integrated development; therefore, General Terms of Approval are not provided. The following comments are included for your consideration.

Comments

- The majority of the eco tourist facility is designed as a traditional caravan park and complies more with the definition of a caravan park.
***Caravan Park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.*
- The proposed development does not completely address the required measures to ensure that the River Murray riparian corridor will be regenerated where necessary. A Vegetation Management Plan (VMP) covering the riparian corridor should have been provided as part of the proposal.
- The proposed development mentions thinning from the bank of Boiling Downs Creek to allow viewing from the eco tourist facility. This is not supported by Corowa LEP 2012 5.13 (3)(g). NRAR does not support the removal of any native vegetation from the banks of Boiling Downs Creek in this location.
- Given that Boiling Downs Creek is part of the River Murray, a forty (40) meter riparian corridor would be required along each bank. Please refer to the Riparian Corridor Guidelines located on the below website.
www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities

The required width of the riparian corridor may impact the location of some of the proposed development and require to be set back from the riparian corridor.

- More information required for the proposed development.
 - Vegetation Management Plan for the riparian corridors.
 - Soil survey and groundwater levels for the proposed irrigation area with the sewage effluent water.
 - Human Access Management Plan
 - Stock Grazing and Access management Plan
 - Detailed Stormwater design
 - Pedestrian and bicycle path details
- If the proposed development is granted then the proponent will be required to obtain a Controlled Activity Approval under the Water Management Act 2000 from NRAR for the following proposed works prior to undertaking any works.
 - Stormwater/wetland treatment
 - Lookout and canoe pick up
 - Pedestrian & Bicycle paths
 - Small vehicle bridge within the island.

NRAR would request that council does not issue a construction certificate until the proponent has complied with the controlled activity approvals.

Further information on Controlled Activity Approvals under the *Water Management Act 2000* can be obtained from the department's website www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities.

NRAR requests that Council provide a copy of this letter to the applicant.

Please direct any questions or correspondence to myself.

Yours sincerely



David Finnimore
Water Regulation Officer,
Regional Water Regulation - West
Lands & Water- Natural Resources Access Regulator



Natural Resources
Access Regulator

Subject: Fwd: RFI from NRAR (DPI water) for eco resort
Date: Wednesday, 24 April 2019 at 10:59:36 am Australian Eastern Standard Time
From: Megan Leahy
To: garry@salvestroplanning.com.au
Attachments: NRAR Response Letter DA81_2018 IDAS1107102.pdf

Hi Garry,

Please see the following correspondence from Kate advising she provided Ben Fryer a copy NRAR response.

Yours sincerely,

Megan Leahy
Trainee Town Planner

P: (02) 6033 8999



federationcouncil.nsw.gov.au

100 Edward St (PO Box 77), Corowa NSW 2646

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From: **Kate Larnach** <kate.larnach@federationcouncil.nsw.gov.au>

Date: Wed, 22 Aug 2018 at 11:14

Subject: RFI from NRAR (DPI water) for eco resort

To: Megan Leahy <megan.leahy@federationcouncil.nsw.gov.au>

Hi Megan

please include with all the other submissions received for the eco-resort.

I have forwarded a copy to Ben Fryer for him to action

thanks

kate

--

Yours sincerely,

Kate Larnach
Manager Planning & Environment

P: (02) 6033 8921 | **M:** 0429 047 737



federationcouncil.nsw.gov.au

100 Edward St (PO Box 77), Corowa NSW 2646

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Office of
Environment
& Heritage

Your reference: DA 2018/39
Our reference: DOC18/174379
Contact: Simon Stirrat
(03) 5051 6218
Date: 9 April 2018

Ms Kate Larnach
Manager Planning and Environment
Federation Council
PO Box 77
COROWA NSW 2646

Via email: council@federationcouncil.nsw.gov.au

Dear Ms Larnach

**RE: DA 2018/39 – Murray REP 2 – Eco-tourist facility – “Warrawidgee”
Lot 3 DP791136, 803 Spring Drive, Corowa**

I refer to your letter dated 16 March 2018 to the Office of Environment and Heritage (OEH) seeking comment on the above development application. This response relates to statutory matters in applying the *National Parks and Wildlife Act 1974* and the *Biodiversity Conservation Act 2016*.

We have reviewed the development application documents and provide the following comments.

Although the documentation indicates that existing remnant vegetation will be retained, there is repeated reference to tree removal. An assessment of the potential impacts of the proposal on biodiversity must be completed, consistent with the requirements of the *Biodiversity Conservation Act 2016*. This includes application of the Biodiversity Assessment Method (BAM).

The proposed development is intended to occur in an area considered archaeologically sensitive with potential to contain Aboriginal cultural heritage (ACH), with particular regard for proximity to indicative landscape features including Boiling Down Creek, Murray River and floodplain wetlands. The proposed works are extensive and include significant ground disturbance activities with potential to harm both surface and subsurface ACH should it occur. The scale and intensity of the proposed development should dictate the level of investigation and, given the landscape characteristics, it is considered that an assessment under the Due Diligence Code of Practice is insufficient and further assessment is required to determine if harm will occur to ACH.

Detailed comments on biodiversity, Aboriginal cultural heritage and flooding are provided in **Attachment A**.

Should you wish to discuss these matters further please contact Simon Stirrat on (03) 5051 6218, or at simon.stirrat@environment.nsw.gov.au.

Yours sincerely

ANDREW FISHER
A/Senior Team Leader Planning
South West Branch
Regional Operations
Office of Environment and Heritage

ATTACHMENT A – Detailed comments for DA 2018/39 - eco-tourism facility - 803 Spring Drive, Corowa

ATTACHMENT A: Detailed comments for DA 2018/39 – eco-tourism facility – 803 Spring Drive, Corowa

Biodiversity

The documentation provided states that the layout of development on the north side of Boiling Down Creek will mean all existing remnant vegetation will be retained and there will be no impact on existing biodiversity values on the site. However there is repeated reference to tree removal in the Conclusion of the EcoAssessment (Attachment E).

The Landscape Master Plan designs indicate an intention to selectively thin bank vegetation to provide views to the creek and island from recreation areas. It is not clear from the documents provided what is involved in this thinning. There has also not been consideration given to the impacts of the large number of intended visitors on the biodiversity values of the site, and in particular on the southern side of Boiling Down Creek.

Although it is not stated, it is assumed that this development application was lodged with Council after 25 February 2018. Given this, an assessment of the potential impacts of the proposal on biodiversity must be completed, consistent with the requirements of the *Biodiversity Conservation Act 2016* (BC Act). This includes application of the Biodiversity Assessment Method (BAM). The Development Application needs to clearly state whether or not the proposed development exceeds the Biodiversity Offset Scheme (BOS) threshold. Our assessment is that the proposed development includes land identified on the Biodiversity Values Map, which is one of the triggers of the BOS threshold. It is stated in the Conclusion of the EcoAssessment that “the activities as proposed will not have a significant effect on threatened species and ecological communities”, which may relate to the ‘test of significance’ threshold, but this is premature if either of the other two thresholds are triggered. For further information on the BOS and associated thresholds see <http://www.environment.nsw.gov.au/biodiversity/entryrequirements.htm>.

The removal of riparian vegetation and particularly large trees with hollows in this sensitive riparian environment is not supported. This would also be inconsistent with the Murray Regional Plan No. 2 – Riverine Land (Murray REP 2), as well as Clause 7.6(1) of the Corowa Local Environment Plan 2012 (Corowa LEP) which has the objective of conserving and protecting riverine corridors, including wildlife habitat.

The documentation also states that native species will be used in vegetation rehabilitation in accordance with the Corowa Development Control Plan 2013 (Corowa DCP). In the long term this may serve to improve habitat values on the site. OEH would be supportive of this approach. We also recommend that some rehabilitation of the site be targeted to occur within the 40m buffer between the creek and the buildings, to increase the extent of bankside vegetation. This would be consistent with the requirements of Murray REP 2.

Section 4.3.6 (Wetlands (Clause 7.5)) of the application document states that all stormwater will be collected, transferred and treated prior to either discharge or consumption on-site. The documents also state that part of the treatment will entail collection of stormwater in wetlands along the bank. The use of natural wetlands in the wetland layer of the Corowa LEP as a stormwater treatment site is not consistent with the outcomes described in Clause 7.5 of the LEP. Ideally stormwater should be treated prior to discharge into natural wetlands so the quality of water entering natural areas is demonstrated to be similar or better quality than pre-development and will avoid impacts on wetland habitats from high nutrient loads or contaminants. This is particularly relevant as Table 1 (Section 4.2) of the documents acknowledges that polluted stormwater is a consequence of this development that may have a detrimental downstream impact on the Murray River.

Aboriginal cultural heritage

We note the proponent has undertaken an assessment under the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (2010), inclusive of a visual inspection, which identified no Aboriginal cultural heritage (ACH) constraints. While this provides some information on the risk to ACH arising from proposed activities it is not considered sufficient for a development of this scale, particularly in a culturally sensitive landscape such as the subject site. We recommend

that further assessment of ACH be undertaken including consultation with appropriate Aboriginal in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010) – www.environment.nsw.gov.au/licences/consultation.htm.

We note that the Due Diligence assessment indicates that an AHIMS search was undertaken on 20 December 2017 which returned no records within the site boundary, however these results have not been provided. We also note that two separate visual inspections were undertaken involving Aboriginal persons which did not identify any ACH constraints. However no supporting information has been provided to support this. It is important that all conclusions are supported by adequate data in the Aboriginal Cultural Heritage Assessment Report.

The information provided (including images of the subject site) also indicates that the level of disturbance at the subject site, while not discussed in detail, is overstated. Although some level of prior disturbance through agricultural use has occurred, the subject site still retains natural surface characteristics including remnant vegetation, mature native trees, undisturbed land surface (including sand deposits), wetlands and natural surface drainage lines. This indicates the disturbance at the subject site is not so significant as to suggest ACH is no longer present. Of particular concern is the potential impacts to any subsurface or stratified sites (i.e. burials and mounds) which may occur in the area. According to OEH site predictive modelling (pre-1750), there is a high likelihood for the occurrence of burials (moderate to high), middens and mounds (high to very high), and scarred trees (high).

We are concerned that the due diligence assessment report provided indicates that three objects were located during archaeological assessment (Introduction) however no further consideration of these objects occurs. Under Section 89A of the *National Parks and Wildlife Act 1974* Aboriginal objects (and sites) must be reported to the Chief Executive of OEH within a reasonable time or penalties may be applied for each object not reported. We would also consider the presence of Aboriginal objects to be an indication that further assessment is required.

Further assessment of ACH should be inclusive of all areas of ground disturbance and occur prior to development approval. A post-construction and operation plan and detailed stormwater plan will also be prepared as part of construction approvals and OEH recommends that these be developed prior to further ACH assessment and development approval to inform survey design.

We also note the visual inspection (pedestrian) was limited in area (900m) when compared to the development footprint and limited to the area identified as upper terrace (Fig 6: Survey Route). The visual inspection was not inclusive of the streambank area despite development occurring within only 40m of the bank. We also note the use of a vehicular survey which covers approximately 8.4km of the subject site, however according to the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010) vehicle surveys/traverses are only considered reconnaissance and not suitable for effective survey.

We recommend that further ACH assessment be completed prior to this development application being reconsidered. The ACH assessment must be undertaken in accordance with the following material -

- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010) – www.environment.nsw.gov.au/licences/consultation.htm. This document further explains the consultation requirements that are set out in clause 80C of the *National Parks and Wildlife Regulation 2009*. The process set out in this document must be followed and documented in the Environmental Assessment Report.
- *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010) – www.environment.nsw.gov.au/licences/archinvestigations.htm. The process described in this Code should be followed and documented where the assessment of Aboriginal cultural heritage requires an archaeological investigation to be undertaken.

- *Guide to investigation, assessing and reporting on Aboriginal Cultural heritage in NSW* (OEH April 2011) – www.environment.nsw.gov.au/licences/investassessreport.htm. This document provides guidance on the process for investigating and assessing Aboriginal cultural heritage in NSW and OEH's requirements for an assessment report.

Should further assessment determine that harm will occur to Aboriginal objects, then an Aboriginal Heritage Impact Permit application would be required.

Flooding

The 2009 Floodplain Risk Management Study and Plan provide Council with sufficient information to assess the flood risk and flood planning issues associated with the project, in accordance with the provisions of the Corowa LEP and Corowa DCP.

According to application documents and mapping, the location of the proposed accommodation facilities and other buildings appears to be outside of the flood planning area. The flood planning area map is not overlain with the site plan for building works, so it is difficult to verify the statements in the Development Application. If it is outside the flood planning area as claimed then the site has a relatively low level of flood risk, and few flood planning requirements. Any buildings within the flood planning area will need to comply with the provisions of the Corowa LEP and the Corowa DCP for the area, and adopt minimum habitable floor levels of the 1:100 year Average Recurrence Interval flood level plus 0.5m.

Landscaping works to be located on the floodplain, as set out in the Development Application and associated documents, are unlikely to impact on flood risk.



Office of
Environment
& Heritage

Your reference: DA 2018/39
Our reference: DOC18/174379
Contact: Simon Stirrat
(03) 5021 8930
Date: 3 April 2019

Ms Kate Larnach
Manager Planning and Environment
Federation Council
PO Box 77
COROWA NSW 2646

Via email: council@federationcouncil.nsw.gov.au

Dear Ms Larnach

**RE: DA 2018/39 – Murray REP 2 – Eco-tourist facility – “Warrawidgee”
Lot 3 DP791136, 803 Spring Drive, Corowa**

I refer to your email dated 7 March 2019 to the Office of Environment and Heritage (OEH) seeking comment on the response to OEH comments on the above development application. This response relates to statutory matters in applying the *National Parks and Wildlife Act 1974* and the *Biodiversity Conservation Act 2016* (BC Act).

Upon review, we note that on the application form for this development, the proponent marked this as integrated development and stated that approval would be required from OEH. Ordinarily OEH would be asked to provide General Terms of Approval (GTA) for integrated development.

Notwithstanding we have reviewed the documentation and provide the following comments.

We understand that ‘Warrawidgee Island’ is degraded in some areas due to past use and there are significant weed infestations. OEH supports the recommendations made by Red Gum Environmental Consulting for weed management, revegetation, nest box installation and any other habitat improvement plans for the island.

However, questions remain about potential impacts. While the correspondence states that there will be no removal of native vegetation for the development (i.e. on the north side of Boiling Down Creek), based on the documents provided it is not apparent what clearing may occur for conservation works on Warrawidgee Island.

The proposed works are extensive and include significant ground disturbance activities with potential to harm (directly and indirectly) both surface and subsurface Aboriginal cultural heritage (ACH) where it occurs. The works are also intended to occur within an archaeologically sensitive landscape demonstrating evidence of Aboriginal occupation. A due diligence assessment is not considered sufficient for developments of this intensity/scale or for assessing potential impacts to the ACH identified during visual inspection by Red Gum Environmental Consulting. Where either desktop assessment for the due diligence or visual inspection indicates that there are (or are likely to be) Aboriginal objects in the area of the proposed activity, more detailed investigation and impact assessment is required and this should have formed the advice received by the proponent. It is also important to note that further assessment will need to be carried out by a person with expertise in Aboriginal cultural heritage management in accordance with the *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010). Should further assessment identify that the risk of harm cannot be avoided then an Aboriginal Heritage Impact Permit (AHIP) will be required.

Our key recommendation is that:

- A comprehensive Aboriginal cultural heritage assessment be completed for the development (all of Lot 3 DP791136) by an appropriately qualified person, prior to Council further considering the development application.

PO Box 1040 Albury NSW 2640
512 Dean Street Albury NSW 2640
Ph: (02) 6022 0624
E-mail: rog.southwest@environment.nsw.gov.au
ABN 30 841 387 271
www.environment.nsw.gov.au

We also recommend that Council:

- Inform the proponent that the four Aboriginal cultural heritage sites that have been identified must be registered in the Aboriginal Heritage Information System (AHIMS).
- Confirm the plans for conservation works on the island with the proponent, including any vegetation removal for fences or other infrastructure.
- Require the proponent to seek expert advice about measures to limit disturbance to threatened species, especially during the breeding season.
- Require Sloane's froglet breeding habitat requirements to be incorporated into the design of stormwater management wetlands.

Detailed comments on biodiversity, Aboriginal cultural heritage and flooding are provided in **Attachment A**.

Should you wish to discuss these matters further please contact Simon Stirrat on (03) 5051 6218, or at simon.stirrat@environment.nsw.gov.au.

Yours sincerely



ANDREW FISHER
Senior Team Leader Planning
South West Branch
Regional Operations
Office of Environment and Heritage

ATTACHMENT A: Detailed comments for DA 2018/39 – eco-tourism facility – 803 Spring Drive, Corowa

Biodiversity

In OEH's previous response (9 April 2018) we requested clarification about any clearing associated with the proposal. The original documents referred to selective thinning of riparian vegetation and we stated that no native riparian vegetation, particularly large trees with hollows, should be removed.

Section 5 (Riparian Environment – Standard 1) of the letter from Habitat Planning to Council dated 6 December 2018 states that no vegetation will be removed to accommodate the proposal. We assume this applies to all riparian areas, but recommend that Council confirm this with the proponent. OEH has no issue with the removal of individual weeds, including willows, provided bank stability is not compromised.

The recommendations for management of 'Warrawidgee Island' include installation of over 9km of fencing. In the Biodiversity Conservation Trust management documents there are prescriptions for fence clearing envelopes that are based on Routine Agricultural Management Activities (Local Land Services – August 2014). If these envelopes are strictly adhered to this could result in considerable native vegetation removal, between 2 and 4ha depending on which definition of fence is used. This clearing would require an assessment under the BC Act. However, the fences appear to be along existing vegetation boundaries and if vegetation is avoided for fence installation (e.g. by placing them through weed infested areas or outside obvious vegetation boundaries), assessment would not be required under the BC Act. Either way, we recommend that Council confirm the plans for conservation works on the island with the proponent.

We note a proposal for potential spotlighting on the island as an ecotourism venture. In addition to the Barking Owl which were recorded during the 2017 winter site survey (Red Gum Environmental Consulting, January 2018), other threatened species have been recorded close to this site. These include Sloane's Froglet, Freckled Duck, Superb Parrot, Flame Robin and Scarlet Robin. Furthermore, many threatened species are listed as likely to occur on the site, including Australian Bittern, Australian Painted Snipe and Squirrel Glider. As ecotourism activities are proposed, we recommend that Council require the proponent to seek expert advice about measures to limit disturbance to threatened species, particularly during breeding season. For instance, nesting birds may be more susceptible to disturbance at the start of the breeding season.

The drainage report outlines a strategy to manage stormwater drainage from the site. This includes a proposal to hold runoff in natural depressions to improve water quality, with a plan to use planted vegetation (operating as a raingarden) to achieve this improvement. This type of system would address our original concerns about discharge to the creek and if the development is approved we recommend that Council include this as a condition.

Stormwater management must consider Sloane's froglet breeding habitat requirements, including the management of existing habitat on site and/or the creation of new breeding habitat (irrespective of whether existing habitat is present or not). Sloane's froglet breeding habitat requirements are to be incorporated into combined stormwater quality treatment wetlands and flood retarding basins. OEH has developed guidelines for Sloane's froglet stormwater wetland design in collaboration with the adjoining Albury City Council. If the development is approved we recommend that Council include as a condition the design of stormwater management wetlands to the satisfaction of OEH.

The recommendations for management of the island include ecological thinning of red gum stands. The NSW Government red gum thinning trial that is referred to aims to determine whether thinning can deliver conservation outcomes in red gum forests but there is no evidence for this yet as the project is still in progress. Forests will naturally thin over time and there may be no need for thinning as a management measure unless there is a specific reason to do it. As such OEH does not support the ecological thinning of red gum in association with this development at this time.

Aboriginal cultural heritage

We note that a due diligence assessment inclusive of a visual inspection was undertaken for the proposed activity. This identified four Aboriginal sites including a culturally modified tree, artefact deposit, potential artefact scatter and a hearth site. This should have indicated the need for further ACH assessment in accordance with *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* and *Code of practice for archaeological investigation of Aboriginal objects in New South Wales*. The *National Parks and Wildlife Act 1974* (NPW Act) also requires that, if a person finds an Aboriginal object on land and the object is not already recorded on AHIMS, they are legally bound under s.89A of the NPW Act to notify OEH as soon as possible of the object's location. While this requirement applies to all people and to all situations we note that no detail has been provided by the consultant confirming these sites were properly recorded and registered with the Aboriginal Heritage Information System (AHIMS). An Aboriginal Site Recording Form must be completed and submitted to the AHIMS Registrar, for each Aboriginal site that is identified during archaeological investigations completed for this proposal. The forms can be downloaded at: www.environment.nsw.gov.au/licences/DECCAHISSiteRecordingForm.htm.

While OEH will not approve or certify a person's compliance with their due diligence requirements carried out under this or any other code (this is the responsibility of the company or individual undertaking the activity) we do not consider the proponent would have a defence against prosecution for the strict liability offence should ACH be subsequently harmed during construction or operation of the proposed eco-tourist facility. Given the presence of known sites and indicative landscape features within the activity area, a more detailed investigation and impact assessment should be undertaken by a person/s with demonstrated expertise in ACH management and in accordance with OEH's *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (2011). When undertaking archaeological investigations in NSW it is important that proponents use the services of people who are skilled and experienced in archaeology and, in particular, the archaeology of Aboriginal people. For the purposes of the Code, an appropriately skilled and experienced person has:

1. A minimum of a bachelor's degree with honours in archaeology or relevant experience in the field of Aboriginal cultural heritage management, and
2. The equivalent of two years full-time experience in Aboriginal archaeological investigation, including involvement in a project of similar scope, and
3. A demonstrated ability to conduct a project of the scope required through inclusion as an attributed author on a report of similar scope.

When assessing harm associated with a proposed activity it is important to quantify both direct and indirect harm. It is important to note that OEH considers a wide range of circumstance exist which may give rise to 'indirect harm' and the potential impacts of each proposed activity (including site visitation across 'the Island') needs to be addressed accordingly.

The Aboriginal cultural heritage assessment must contain:

- A description of the Aboriginal objects and declared Aboriginal places located within the area of the proposed development.
- A description of the cultural heritage values, including the significance of the Aboriginal objects and any declared Aboriginal places, which exist across the whole area that will be affected by the proposed development, and the significance of these values for the Aboriginal people who have a cultural association with the land.
- A description of how the requirements for consultation with Aboriginal people as specified in clause 80C of the *National Parks and Wildlife Regulation 2009* have been met.
- The views of those Aboriginal people regarding the likely impact of the proposed development on their cultural heritage. If any submissions have been received as a part of the consultation requirements, then the report must include a copy of each submission and your response.
- A description of the actual or likely harm posed to the Aboriginal objects or declared Aboriginal places from the proposed activity, with reference to the cultural heritage values identified.

- A description of any practical measures that may be taken to protect and conserve those Aboriginal objects or declared Aboriginal places.
- A description of any practical measures that may be taken to avoid or mitigate any actual or likely harm, alternatives to harm or, if this is not possible, to manage (minimise) harm.
- In the event that harm to Aboriginal objects cannot be avoided then an application for an Aboriginal Heritage Impact Permit (AHIP) will be required to be submitted to OEH for consideration.

In addressing the above requirements, the proponent must comply with the processes described in the following documents:

- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010) – www.environment.nsw.gov.au/licences/consultation.htm. This document further explains the consultation requirements that are set out in clause 80C of the *National Parks and Wildlife Regulation 2009*. The process set out in this document must be followed and documented in the Environmental Assessment Report.
- *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010) – www.environment.nsw.gov.au/licences/archinvestigations.htm. The process described in this Code should be followed and documented where the assessment of Aboriginal cultural heritage requires an archaeological investigation to be undertaken.
- *Guide to investigation, assessing and reporting on Aboriginal Cultural heritage in NSW* (OEH April 2011) – www.environment.nsw.gov.au/licences/investassessreport.htm. This document provides guidance on the process for investigating and assessing Aboriginal cultural heritage in NSW and OEH's requirements for an assessment report.
- *Applying for an Aboriginal Heritage Impact Permit: Guide for applicants* (OEH May 2011) – www.environment.nsw.gov.au/licences/applyforahip.htm. The aim of this guide is to assist in the preparation of an AHIP application. It should be read in conjunction with the *National Parks and Wildlife Act 1974* and the *National Parks and Wildlife Regulation 2009*.

Flooding

The proponent responded to OEH previous comments that “The eco-tourist facility will be located on flood-free land...”. This is not entirely correct as only the 1% Annual Exceedence Probability (AEP) flood has been mapped. Flood free land refers to land above the Probable Maximum Flood (PMF) which has not been mapped in this section of the Murray River in previous studies.

The Murray REP No. 2 (MREP2), Clause 10 “Settlement” refers to “New or expanding settlements (including rural-residential subdivision, **tourism and recreational development**) being located: (a) on flood free land, ...”. The proponent’s response this element of the MREP2 should be amended to state that some portion of the development (closer to the river) may be located on flood prone land. The exact extent has yet to be determined.

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: records@rfs.nsw.gov.au

Facsimile: 8741 5433



The General Manager
Federation Council
PO Box 77
COROWA NSW 2646

Your Ref: 2018/39
Our Ref: D18/5360
DA18042712828 BB

ATTENTION: Megan Leahy

23 May 2018

Dear Sir/Madam

Integrated Development Application - 803 Spring Drive Corowa 2646

I refer to your correspondence dated 24 April 2018 seeking general terms of approval in relation to the above matter.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the information provided and advises the following:

1. A revised bush fire assessment report prepared by a suitably qualified person that clearly demonstrates the extent to which the proposed development conforms with, or deviates from, the specifications set out in 'Planning for Bush Fire Protection, 2006'. The revised report shall address all the requirements set out in clause 44 of the 'Rural Fires Regulation 2013' and include a detailed site plan that clearly delineates all proposed bush fire protection measures.

If additional information is not received within 100 days the application will be refused on the basis of Requested Information not provided. A formal request for re-assessment would be required after this time.

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: records@rfs.nsw.gov.au

Facsimile: 8741 5433



The General Manager
Federation Council
PO Box 77
COROWA NSW 2646

Your Ref: 2018/39
Our Ref: D18/5360
DA18042712828 BB

ATTENTION: Megan Leahy

3 September 2018

Dear Sir / Madam

Integrated Development Application - 803 Spring Drive Corowa 2646

I refer to your correspondence dated 24 April 2018 seeking general terms of approval in relation to the above matter.

The New South Wales Rural Fire Service (NSW RFS) cannot support the proposed development. Previously requested information was not received within the legislative timeframe allowed to assess the application against the aims and objectives of 'Planning for Bush Fire Protection 2006'.

Should you wish to discuss this matter please contact Bradley Bourke on 1300 NSW RFS.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Martha Dotter'.

Martha Dotter
Acting Team Leader, Development Assessment and Planning

For general information on bush fire protection please visit www.rfs.nsw.gov.au

All communications to be addressed to:

Headquarters
4 Murray Rose Ave
Sydney Olympic Park NSW 2127

Telephone: 1300 NSW RFS
e-mail: records@rfs.nsw.gov.au

Headquarters
Locked Bag 17
Granville NSW 2142

Facsimile: 8741 5433



The General Manager
Federation Council
PO Box 77
COROWA NSW 2646

Your Ref: DA - 2018/39
Our Ref: D18/5360
DA18042712828 BB

ATTENTION: Megan Leahy

14 January 2019

Dear Sir / Madam

I acknowledge receipt of your letter dated 10 January 2019 regarding a Development Application for 803 Spring Drive Corowa 2646.

A response will be forwarded following consideration of the information provided.

Should you wish to discuss this matter please contact Bradley Bourke on 1300 NSW RFS.

Yours sincerely

A handwritten signature in black ink, appearing to read "Joanne".

Joanne Laundess
Administration Officer

For general information on bush fire protection please visit www.rfs.nsw.gov.au

All communications to be addressed to:

Headquarters
4 Murray Rose Ave
Sydney Olympic Park NSW 2127

Telephone: 1300 NSW RFS
e-mail: records@rfs.nsw.gov.au

Headquarters
Locked Bag 17
Granville NSW 2142

Facsimile: 8741 5433



The General Manager
Federation Council
PO Box 77
COROWA NSW 2646

Your Ref: DA - 2018/39
Our Ref: D18/5360
DA18042712828 BB

ATTENTION: Megan Leahy

7 March 2019

Dear Sir / Madam

Integrated Development Application - 803 Spring Drive Corowa 2646

I refer to your correspondence dated 10 January 2019 seeking general terms of approval in relation to the above matter.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the information provided and advises the following:

1. A revised bush fire assessment report prepared by a suitably qualified person is required to be provided to support the proposal. This report shall clearly demonstrate the extent to which the proposed development conforms with, or deviates from, the specifications set out in 'Planning for Bush Fire Protection 2006'. This report shall address all the requirements set out in clause 44 of the 'Rural Fires Regulation 2013' and include a detailed site plan that clearly delineates all proposed bush fire protection measures.

If additional information is not received within 100 days the application will be refused on the basis of Requested Information not provided. A formal request for re-assessment would be required after this time.

Should you wish to discuss this matter please contact Bradley Bourke on 1300 NSW RFS.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'M. Dotter', with a stylized, flowing script.

Martha Dotter

Acting Team Leader, Development Assessment and Planning

For general information on bush fire protection please visit www.rfs.nsw.gov.au



6 March 2019

The General Manager
Federation Council
PO Box 77
COROWA NSW 2646

Attention: Kate Larnach

DA2018/39 – PROPOSED ECO-TOURIST FACILITY, LOT 3 DP791136, SPRING DRIVE, COROWA,

I refer to your correspondence regarding the subject Application which was referred to Roads and Maritime Services for assessment and comment.

Roads and Maritime Services has reviewed the information provided, including the Planning Report Prepared by Habitat Planning dated February 2018 and the Traffic Impact Assessment (TIA) prepared by Trafficworks dated September 2018. From this information it is understood that the proposal is for the establishment of an eco-tourism resort facility and associated support infrastructure on the subject site. The subject site has frontage and proposed access to Spring Drive within a 100 kmh speed zone. Spring Drive is a classified Road.

The submitted documentation indicates that the proposed facility is to be set well back from the road reserve of Spring Drive. Access to the proposed facility is to be via the existing driveway to Spring Drive. Roads and Maritime requires that any access to Spring Drive comply with appropriate standards for location, construction and ongoing maintenance for the posted speed limit. The TIA recommends that a Channelised Right Turn –short (CHR(s)) and Auxiliary Left Turn - Short (AUL)(s) intersection treatment be constructed at the intersection of the access roadway with Spring Drive. Roads and Maritime agrees with the recommendation of the TIA for the proposed development within the existing road environment.

A development of the scale and type proposed has the potential to generate substantial traffic during the construction phase of the development therefore it is considered appropriate that the intersection treatment with Spring Drive and the access roadway be constructed prior to the commencement of construction of the Structure/buildings for the proposed development. It would be appropriate to require a management plan to be prepared to provide measures to suppress dust generation from the access road to the satisfaction of the Council and Roads and Maritime Services.

The submitted documentation provides limited information in relation to any proposed signage for the development. On this basis any signage that is proposed to be visible from the road reserve of Spring Drive shall be subject to a further Development Application and referral to Roads and Maritime Services for comment.

Roads and Maritime Services is mainly concerned with the provision of safe access between the subject site and the public road network and the impact of the development on the safety and efficiency of the road network. As the subject site is to be accessed via a new driveway proposed to intersect with Spring Drive within a 100 km/h speed zone the following conditions are proposed for road safety reasons.

Roads and Maritime Services has assessed the Development Application based on the documentation provided and would raise no objection to the development proposal subject to the Consent Authority ensuring that the development is undertaken in accordance with the information submitted as amended by the inclusion of the following as conditions of consent (if approved):-

1. A maximum of One (1) driveway is permitted to Spring Drive to provide for access to the subject site. Any redundant driveways or gates between Spring Drive and the subject site shall be removed and the road reserve restored to match the surrounding roadside in accordance with Council requirements. Any damage or disturbance to the road reserve of Spring Drive is to be restored to match surrounding landform in accordance with Council requirements.
2. The intersection of Spring Drive and the proposed access driveway shall be located and the roadside maintained so as to provide the required Sight Distance criteria for a reaction time of 2.5 seconds in accordance with the Austroads Publications as amended by the Roads and Maritime Services supplements for the posted speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the vehicular access.
3. As a minimum the intersection of Spring Drive and the proposed access road shall be constructed with a sealed Channelised Right Turn –short (CHR(s)) and Auxiliary Left Turn - Short (AUL)(s) treatment in accordance with the Austroads Guide to Road Design for a B-Double route as amended by the supplements adopted by Roads and Maritime Services for the posted speed limit on Spring Drive. As a minimum the lanes on Spring Drive shall be designed and constructed at 3.5 metres in width.
4. As a minimum the access driveway to Spring Drive shall be constructed as a “Rural Property Access” in accordance with the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services and is to be constructed perpendicular (or at an angle of not less than 70 degrees) to the carriageway to accommodate the largest vehicle likely to access the subject site.
5. The access driveway shall be constructed with a minimum width of 6 metres to provide for 2 way movement and be bitumen sealed for at least 50 metres from the carriageway of Spring Drive. A management plan to provide measures to suppress dust generation from the development site and the access road shall be prepared and implemented to the satisfaction of Council and Roads and Maritime Services.
6. The access driveway and its intersection with Spring Drive shall be designed and constructed so that any vehicles entering or exiting the development site are not required to cross to the opposing travel lane of Spring Drive in order to perform the access or egress manoeuvre to/from the access driveway. Associated directional marking and signage is to be installed and maintained in accordance with Australian Standards.
7. Any entry gate to the subject site from Spring Drive shall be located at least 40m from the edge of seal of the carriageway or at the property boundary whichever is the greater. This is to allow for the standing of large vehicles when gates are to be opened.
8. The intersection of the proposed access road with Spring Drive shall be designed, constructed and maintained to prevent water from proceeding onto, or ponding within, the carriageway of Spring Drive. If a culvert is to be installed and is to be located within the clear zone of the carriageway for the posted speed limit it is to be constructed with a traversable type headwall.
9. Conditions relevant to the construction of the intersection and internal access road are to be completed prior to issue of any Construction Certificate for the construction or placement of any proposed buildings on the development site.
10. Any damage or disturbance to the road reserve of Spring Drive is to be restored to match surrounding landform in accordance with Council requirements. All redundant driveways or gates to Spring Drive are to be removed and the road reserve is to be restored to match the surrounding roadside in accordance with Council requirements.

11. Spring Drive is part of the State Road network. For works on the State Road network the developer is required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services before finalising the design or undertaking any construction work within or connecting to the road reserve. The applicant is to contact the Land Use Manager for the South West Region on Ph. 02 6923 6611 for further detail.
12. Any works within the road reserve of Spring Drive requires concurrence from Roads and Maritime Services under section 138 of the Roads Act 1993 prior to commencement of any such works. The developer is responsible for all public utility adjustment/relocation works, necessitated by the development and as required by the various public utility authorities and/or their agents.
13. No approval is granted for any signage on the development site that is visible from Spring Drive.
14. Works associated with the development shall be at no cost to Roads and Maritime Services.

Please be advised that under the provisions of the Environmental Planning & Assessment Act it is the responsibility of the Consent Authority to assess the environmental implications, and notify potentially affected persons, of any development including conditions.

Any enquiries regarding this correspondence may be referred to the Manager, Land Use for Roads and Maritime Services (South West Region), Maurice Morgan, phone (02) 6923 6611.

MARITIME COMMENTS

In response to your correspondence received 15 March 2018 regarding on the subject matter, the Maritime Division of Roads and Maritime Services (RMS) have **no objections** to this proposal, assessed on the grounds of impact to safe navigation, providing the following condition is adopted:

- No discharge (including sedimentary run-off) from the development should impact on the normal conditions of the adjacent river (in accordance with the *Protection of the Environment Operations Act 1997*).

Reason: To comply with NSW pollution legislation, noting RMS is an Appropriate Regulatory Authority pursuant to the *Protection of the Environment Operations Act 1997*.

RMS has assessed this proposal based on the Applicants advice that the purpose of the facility is to provide temporary access to the adjacent waterway by providing for the launch and retrieval of small craft such, as canoes and kayaks, rather than the occupation of any vessel. RMS advises that any occupation by any vessel will require a modification to DA2018/39 to allow further assessment of the impacts to safe navigation.

It is important to note that no agent will be exempt from the provisions of the *Marine Safety Act 1998*, or any other relevant legislation, and all agents must comply with any direction given by RMS officers with regard to the prevention of pollution or safe navigation.

Should you have any queries in relation to this matter please contact Boating Safety Officer Nathaniel Jacobs on 0400 675 149.

Please forward a copy of the Notice of Determination for this Development Application to the Roads and Maritime Services at the same time as advising the applicant.

Yours faithfully

Per:
Lindsay Tanner
Director
South West NSW



6 March 2019

The General Manager
Federation Council
PO Box 77
COROWA NSW 2646

Attention: Kate Larnach

DA2018/39 – PROPOSED ECO-TOURIST FACILITY, LOT 3 DP791136, SPRING DRIVE, COROWA,

I refer to your correspondence regarding the subject Application which was referred to Roads and Maritime Services for assessment and comment.

Roads and Maritime Services has reviewed the information provided, including the Planning Report Prepared by Habitat Planning dated February 2018 and the Traffic Impact Assessment (TIA) prepared by Trafficworks dated September 2018. From this information it is understood that the proposal is for the establishment of an eco-tourism resort facility and associated support infrastructure on the subject site. The subject site has frontage and proposed access to Spring Drive within a 100 kmh speed zone. Spring Drive is a classified Road.

The submitted documentation indicates that the proposed facility is to be set well back from the road reserve of Spring Drive. Access to the proposed facility is to be via the existing driveway to Spring Drive. Roads and Maritime requires that any access to Spring Drive comply with appropriate standards for location, construction and ongoing maintenance for the posted speed limit. The TIA recommends that a Channelised Right Turn –short (CHR(s)) and Auxiliary Left Turn - Short (AUL)(s) intersection treatment be constructed at the intersection of the access roadway with Spring Drive. Roads and Maritime agrees with the recommendation of the TIA for the proposed development within the existing road environment.

A development of the scale and type proposed has the potential to generate substantial traffic during the construction phase of the development therefore it is considered appropriate that the intersection treatment with Spring Drive and the access roadway be constructed prior to the commencement of construction of the Structure/buildings for the proposed development. It would be appropriate to require a management plan to be prepared to provide measures to suppress dust generation from the access road to the satisfaction of the Council and Roads and Maritime Services.

The submitted documentation provides limited information in relation to any proposed signage for the development. On this basis any signage that is proposed to be visible from the road reserve of Spring Drive shall be subject to a further Development Application and referral to Roads and Maritime Services for comment.

Roads and Maritime Services is mainly concerned with the provision of safe access between the subject site and the public road network and the impact of the development on the safety and efficiency of the road network. As the subject site is to be accessed via a new driveway proposed to intersect with Spring Drive within a 100 km/h speed zone the following conditions are proposed for road safety reasons.

Roads and Maritime Services has assessed the Development Application based on the documentation provided and would raise no objection to the development proposal subject to the Consent Authority ensuring that the development is undertaken in accordance with the information submitted as amended by the inclusion of the following as conditions of consent (if approved):-

1. A maximum of One (1) driveway is permitted to Spring Drive to provide for access to the subject site. Any redundant driveways or gates between Spring Drive and the subject site shall be removed and the road reserve restored to match the surrounding roadside in accordance with Council requirements. Any damage or disturbance to the road reserve of Spring Drive is to be restored to match surrounding landform in accordance with Council requirements.
2. The intersection of Spring Drive and the proposed access driveway shall be located and the roadside maintained so as to provide the required Sight Distance criteria for a reaction time of 2.5 seconds in accordance with the Austroads Publications as amended by the Roads and Maritime Services supplements for the posted speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the vehicular access.
3. As a minimum the intersection of Spring Drive and the proposed access road shall be constructed with a sealed Channelised Right Turn –short (CHR(s)) and Auxiliary Left Turn - Short (AUL)(s) treatment in accordance with the Austroads Guide to Road Design for a B-Double route as amended by the supplements adopted by Roads and Maritime Services for the posted speed limit on Spring Drive. As a minimum the lanes on Spring Drive shall be designed and constructed at 3.5 metres in width.
4. As a minimum the access driveway to Spring Drive shall be constructed as a “Rural Property Access” in accordance with the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services and is to be constructed perpendicular (or at an angle of not less than 70 degrees) to the carriageway to accommodate the largest vehicle likely to access the subject site.
5. The access driveway shall be constructed with a minimum width of 6 metres to provide for 2 way movement and be bitumen sealed for at least 50 metres from the carriageway of Spring Drive. A management plan to provide measures to suppress dust generation from the development site and the access road shall be prepared and implemented to the satisfaction of Council and Roads and Maritime Services.
6. The access driveway and its intersection with Spring Drive shall be designed and constructed so that any vehicles entering or exiting the development site are not required to cross to the opposing travel lane of Spring Drive in order to perform the access or egress manoeuvre to/from the access driveway. Associated directional marking and signage is to be installed and maintained in accordance with Australian Standards.
7. Any entry gate to the subject site from Spring Drive shall be located at least 40m from the edge of seal of the carriageway or at the property boundary whichever is the greater. This is to allow for the standing of large vehicles when gates are to be opened.
8. The intersection of the proposed access road with Spring Drive shall be designed, constructed and maintained to prevent water from proceeding onto, or ponding within, the carriageway of Spring Drive. If a culvert is to be installed and is to be located within the clear zone of the carriageway for the posted speed limit it is to be constructed with a traversable type headwall.
9. Conditions relevant to the construction of the intersection and internal access road are to be completed prior to issue of any Construction Certificate for the construction or placement of any proposed buildings on the development site.
10. Any damage or disturbance to the road reserve of Spring Drive is to be restored to match surrounding landform in accordance with Council requirements. All redundant driveways or gates to Spring Drive are to be removed and the road reserve is to be restored to match the surrounding roadside in accordance with Council requirements.

11. Spring Drive is part of the State Road network. For works on the State Road network the developer is required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services before finalising the design or undertaking any construction work within or connecting to the road reserve. The applicant is to contact the Land Use Manager for the South West Region on Ph. 02 6923 6611 for further detail.
12. Any works within the road reserve of Spring Drive requires concurrence from Roads and Maritime Services under section 138 of the Roads Act 1993 prior to commencement of any such works. The developer is responsible for all public utility adjustment/relocation works, necessitated by the development and as required by the various public utility authorities and/or their agents.
13. No approval is granted for any signage on the development site that is visible from Spring Drive.
14. Works associated with the development shall be at no cost to Roads and Maritime Services.

Please be advised that under the provisions of the Environmental Planning & Assessment Act it is the responsibility of the Consent Authority to assess the environmental implications, and notify potentially affected persons, of any development including conditions.

Any enquiries regarding this correspondence may be referred to the Manager, Land Use for Roads and Maritime Services (South West Region), Maurice Morgan, phone (02) 6923 6611.

MARITIME COMMENTS

In response to your correspondence received 15 March 2018 regarding on the subject matter, the Maritime Division of Roads and Maritime Services (RMS) have **no objections** to this proposal, assessed on the grounds of impact to safe navigation, providing the following condition is adopted:

- No discharge (including sedimentary run-off) from the development should impact on the normal conditions of the adjacent river (in accordance with the *Protection of the Environment Operations Act 1997*).

Reason: To comply with NSW pollution legislation, noting RMS is an Appropriate Regulatory Authority pursuant to the *Protection of the Environment Operations Act 1997*.

RMS has assessed this proposal based on the Applicants advice that the purpose of the facility is to provide temporary access to the adjacent waterway by providing for the launch and retrieval of small craft such, as canoes and kayaks, rather than the occupation of any vessel. RMS advises that any occupation by any vessel will require a modification to DA2018/39 to allow further assessment of the impacts to safe navigation.

It is important to note that no agent will be exempt from the provisions of the *Marine Safety Act 1998*, or any other relevant legislation, and all agents must comply with any direction given by RMS officers with regard to the prevention of pollution or safe navigation.

Should you have any queries in relation to this matter please contact Boating Safety Officer Nathaniel Jacobs on 0400 675 149.

Please forward a copy of the Notice of Determination for this Development Application to the Roads and Maritime Services at the same time as advising the applicant.

Yours faithfully



Per:
Lindsay Tanner
Director
South West NSW

Subject: Re: DA 2018/39 - Proposed Tourist Facility (SP18024)
Date: Wednesday, 9 May 2018 at 2:59:03 pm Australian Eastern Standard Time
From: Garry Salvestro
To: MORGAN Maurice W
CC: Rohan Johnston, Rhiana Turner
Attachments: image001.png

Thanks Maurice
Regards
Garry



From: MORGAN Maurice W <Maurice.MORGAN@rms.nsw.gov.au>
Date: Wednesday, 9 May 2018 at 2:49 pm
To: Garry Salvestro <garry@salvestroplanning.com.au>
Subject: FW: DA 2018/39 - Proposed Tourist Facility

Garry

FYI.

Regards

Maurice Morgan
Manager Land Use
Regional & Freight
T 02 6923 6611 M 0428 471 824
www.rms.nsw.gov.au

Every journey matters

Roads and Maritime Services
193-195 Morgan Street, Wagga Wagga NSW 2650

From: MORGAN Maurice W
Sent: Friday, 13 April 2018 2:11 PM
To: 'Kate Larnach'
Cc: Development South West
Subject: DA 2018/39 - Proposed Tourist Facility

Kate

As per our phone discussion today the submitted information fails to adequately address the potential traffic generation issues for the proposed development. As a minimum the development proposal is to be supported by an appropriate Traffic Impact Assessment.

The submitted report acknowledges that the development may have negative impacts on Spring Drive and road safety but

does not provide measures to address or mitigate these impacts other than to indicate that the access will be designed to the required standard.

For guidance in the preparation of the TIA the applicant is referred to section 2 of the “Guide to Traffic Generating Developments” prepared by the RTA and the Austroads publications, particularly the Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development and Part 13: Traffic Studies and Analysis. The TIA should contain information such as the anticipated traffic generation including peak traffic volumes, vehicle numbers and types of vehicles, etc.

The TIA is also to include details of the proposed intersection treatment required to provide safe access from Spring Drive for the anticipated traffic generation. Access to Spring Drive is located within a 100 km/h speed zone.

Regards

Maurice Morgan

Manager Land Use

Regional & Freight

T 02 6923 6611 M 0428 471 824

www.rms.nsw.gov.au

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Roads and Maritime Services

193-195 Morgan Street, Wagga Wagga NSW 2650



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