

SCHEDULE 1 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO1.

MURRAY RIVER CORRIDOR**1.0****Statement of environmental significance**

Clause 21.04 of the MSS and the NSW *Murray Regional Environment Plan No. 2 – Riverine Land* and the *Murray Shire Local Environment Plan 1989* all identify the Murray River as an asset of National and State significance. The Murray River, its tributaries and its environs serve a variety of environmental, economic, social, and recreational and tourist functions. Principles of ecologically, economically and socially sustainable development are particularly important along the Murray River corridor. These principles include the management of domestic and other effluent and stormwater to protect and enhance water quality as well as the maintenance and improvement of the landscape values on both sides of the River. The corridor of the river also performs an important role in maintaining habitat and provides opportunities for the flow of genetic material, both flora and fauna.

Threatening processes occur at various locations along the river system. These processes include erosion, changed hydrological regimes, native vegetation decline, pollution of ground and surface water, groundwater accession and salinisation and soil acidity, and subsequently adversely affect the quality of land and water habitats.

The remaining native riverine forests, woodlands and wetlands that adjoin the waterway of the Murray River are critically important for the maintenance of water quality, biodiversity, wildlife habitat and scenic beauty. It is the visual and landscape qualities of this environment that are the basis for the demand for tourist and recreation development as well as the expansion of rural, residential and urban areas.

The river corridor has become an increasingly important tourist destination for local, interstate and international travellers. The intensity of development on riparian and riverfront land can result in increased flood hazards. The prevention of inappropriate development in the Murray River floodplain is important for the protection of natural flooding regimes and for reducing the social and economic impacts that flooding imposes.

Human activities have altered the character of the Murray River corridor and have left an important legacy of Aboriginal and European sites and precincts of cultural, heritage and tourism significance which should be protected and enhanced.

2.0**Environmental objective to be achieved**

To promote consistent planning and management along the Murray River corridor.

To protect the environs of the Murray River recognising its importance for nature conservation, flooding, economic development, recreation and tourism.

To protect and enhance the biodiversity, ecological, and cultural values of waterways.

To prevent development of land adjoining the river from degrading water quality.

To prevent the loss of riparian flora and fauna, biodiversity, habitat and wetland environments.

To protect the values and role of the Murray River reserves and other public land as floodplains.

To restrict inappropriate development on land adjoining and near the Murray River.

To assess the use or development of land adjoining the Murray River corridor according to the capacity of the proposal to protect the environmental and landscape qualities of the river environs in accordance with sustainable development principles.

To specifically address land degradation processes including erosion, native vegetation decline, pollution of ground or surface water, groundwater accession, salinisation and soil acidity, and adverse effects on the quality of land and water habitats.

To ensure that buildings are sited a sufficient distance from the Murray River, waterways and drainage lines so as to:

- Maintain and improve water quality;
- Minimise risk and the redistributive effect on floodwater associated with the erection of buildings on the floodplain;
- Protect the scenic landscape of the riverine corridor;
- Improve bank stability; and
- Protect biodiversity and conserve wildlife habitat.

3.0

10/11/2016
C105

Permit requirement

Buildings and works

A permit is not required to construct a building or construct or carry out works for:

- A pergola, veranda, decking, garage, carport, water tank, domestic shed or swimming pool associated with an existing dwelling, subject to the buildings and works being located greater than 100 metres from the Crown land boundary;
- An agricultural building for the storage of farm machinery or farm vehicles, or a workshop associated with a rural use in a rural zone, subject to the buildings and works being located greater than 100 metres from the Crown land boundary;
- An extension to an existing dwelling, subject to the buildings and works being less than 130 square metres in floor area and located greater than 100 metres from the Crown land boundary;
- A pump shed;
- A hay shed with open sides;
- A mast, antenna or telecommunications tower;
- Open type fencing (not including solid fences such as wooden or metal paling fences, cyclone mesh fences or brick, stone or concrete wall); and
- Roadworks carried out by a public authority.

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Notice requirement

Notice of an application must be given in accordance with Section 52 of the Act to the person or body specified in Clause 66.05 and Clause 66.06 or the schedule to that clause.

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10/11/2016
C105

Decision guidelines

Before deciding on any application, the responsible authority must consider, as appropriate:

Access

- Whether the proposal will result in the obstruction of the waterway and the foreshore resource.
- Whether the proposed access will adversely impact on flora and fauna and areas of native vegetation.

Bank disturbance

- Whether the proposal will result in disturbance to the shape of the bank and condition or extent of riparian vegetation.

Biodiversity

- Whether the proposal:

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- Will adversely impact on existing flora and fauna values (including migratory species) including the potential for future recovery of threatened populations.
- Will adversely impact on flora and fauna and areas of native vegetation.
- Is located on land that has the capability to sustain the development.
- Does not reduce vegetation connectivity or reduce opportunities for increasing vegetation connectivity.
- Incorporates appropriate revegetation and tree planting programs.
- Does not impact on adjoining environmentally sensitive areas.

Building setbacks and design

- Whether the development is within 100 metres of a watercourse or from an existing river levee or Crown land boundary (whichever is the greater).
- The setback of the proposed development from a watercourse or from an existing river levee or Crown land boundary.
- Whether the proposed development is designed so as to complement the natural environment.
- Whether the proposal will adversely impact on flora and fauna and areas of native vegetation.

Earthworks

- Whether the proposal will result in earthworks which obstruct natural flow paths or drainage lines or impact existing wetlands.
- Whether the proposal will adversely impact on flora and fauna and areas of native vegetation.
- Whether the proposal satisfies the “Earthworks Controls’ Incorporated Document.

Effluent disposal

- Whether the proposed method of effluent disposal is appropriate:
 - within this overlay area;
 - on flood liable land;
 - where the watertable is within 2 metres of the surface;
 - in close proximity to a sensitive natural environment;
 - in areas of native vegetation;
 - if seasonably low evapotranspiration is common;
 - on soils of low permeability; or
 - whether alternate EPA approved systems are preferred to septic tanks or package sewerage treatment plants.
- Whether excess stormwater should be disposed of on-site and away from any septic absorption area.

Heritage

- Whether the proposed development is designed so as to protect and enhance historic and archaeological sites and the natural and cultural heritage of the river environs.

Land degradation

- Whether it is appropriate for any approval to include permit conditions which specifically address land degradation processes including erosion, native vegetation decline, pollution of ground or surface water, salinisation and soil acidity and adverse effects on the quality of land and water habitats.

Landscape

- The visual impact of the proposal on the riverine landscape and whether this may be lessened through the planting of a variety of appropriate indigenous vegetation species and by other means as appropriate.

River related development

- The appropriateness of the location of the development with respect to the bank of the Murray River, or whether the development should be located outside the overlay area.
- Whether it is appropriate for any approval within this overlay area to include permit conditions which provide for and facilitate public access to the foreshore.

Subdivision

- The impact of the subdivision on areas of native vegetation and the Murray River Reserve.
- The impact of subdivision (or re-subdivision) on the Murray River corridor and other public land as floodplains and as buffer areas for nutrients and other pollutants.

Water quality

- The impact of the use and development on the quality of water in the Murray River and what measures are proposed to reduce the prospects of pollution caused by salts, nutrients chemicals, sediments, wastes and other pollutants from entering the Murray River.

Wetlands

- Whether it is appropriate for any approval affecting wetlands to include permit conditions which:
 - provide for a hydrological regime appropriate for the maintenance or restoration of the productive capacity of the wetland;
 - address the potential impact of surrounding land uses and incorporate measures such as indigenous vegetated buffer areas which counteract any adverse effects;
 - retain existing remnant native vegetation and consider protecting this vegetation by excluding stock to enhance environmental values;
 - control human and animal access;
 - prevent negative impacts to wetland water quality; and
 - conserve native plants and animals.