Appendix "D"

Test of Significance

For
The upgrade
Of

Peppertree Rd, Tocumwal

Revision 1 (July 2019)

Executive Summary

The proposed works will consist of the widening of the road from 3.5 – 5m to a consistent 6m wide road with a new seal and formed 1m gravel shoulders for approximately 1.3km of Peppertree Rd, located to the east of Tocumwal, NSW.

The 'Test of Significance' refers to the factors that must be considered by decision makers to assess whether a proposal is likely to have a significant effect on threatened biodiversity ("5 part test"). This report deals with the Factors of Assessment (5 Part Test) and makes an Assessment of Significance on the proposed works footprint ("the Site").

In short, 2.5hrs of survey time was conducted during 1 site visits during the day in the day/afternoon. Survey design was guided by the 'Field survey methods for environmental consultants and surveyors when assessing proposed development or other activities on sites containing threatened species' (OEH, 2018) a '4 step approach' the online tools including the Commonwealth Protected Matters Online Search Tool and NSW Bio Net Interactive Map were consulted.

After site assessment and consideration of the receiving environment, specific species considered in the Factors for consideration (EP&A and BC Act) included Woodland Birds' which include the Superb Parrot (*Polytelis swainsonii*), Swift Parrot (*Lathamus discolor*), Rainbow Bee-eater (*Merops ornatus*) and the Regent Honeyeater (*Anthochaera Phrygia*).

No threatened species were identified on site and no EEC's are likely to be impacted adversely by the proposed development. The proposal will require the removal of some native vegetation. Two Hundred and Twenty-Two (222) native non hollow bearing trees between 25cm Diameter at Breast Hight DBH and 90cm DBH being, River Red-Gum (*Eucalyptus camaldulensis*) and two Grey Box (*Eucalyptus microcarpa*). The only other native that will be impacted by the Peppertree Road Upgrade works will be the scattered Windmill Grass (*Chloris truncata*) all other groundcover species are exotic see **section 8.1** and **Appendix B**.

Further, after careful consideration of the potential physical, chemical and biological impacts of the proposed construction design and methodology, I am of the opinion that the activities as proposed will not have a significant effect on threatened species and ecological communities and their conservation.

Danielle Cleland, Ba.Environmental Science (Management), Cert 4 Landscape Restoration and Management
Environmental Consultant
DJC Environmental Consulting

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1 Background

DJC Environmental and Red-Gum Environmental were commissioned by the Berrigan Shire Council to conduct a Test of Significance for the proposed upgrade works for approximately 1.3km of Peppertree Rd, located to the east of Tocumwal (Figure 1).

The proposed works will consist of the widening of the road from 3.5 – 5m to a consistent 6m wide road with a new seal and formed 1m gravel shoulders (Figure 2).

The implementation of the Proposal requires the following related development:

- Removal of some native trees,
- Disturbance of the groundcovers,
- Removal of the existing seal,
- Grading, reworking and widening the road to 6m as well as the shoulders to a consistent 1m
- Tacking and movement of machinery within the construction footprint; and
- Erosion and sedimentation controls, exclusion fencing ect.

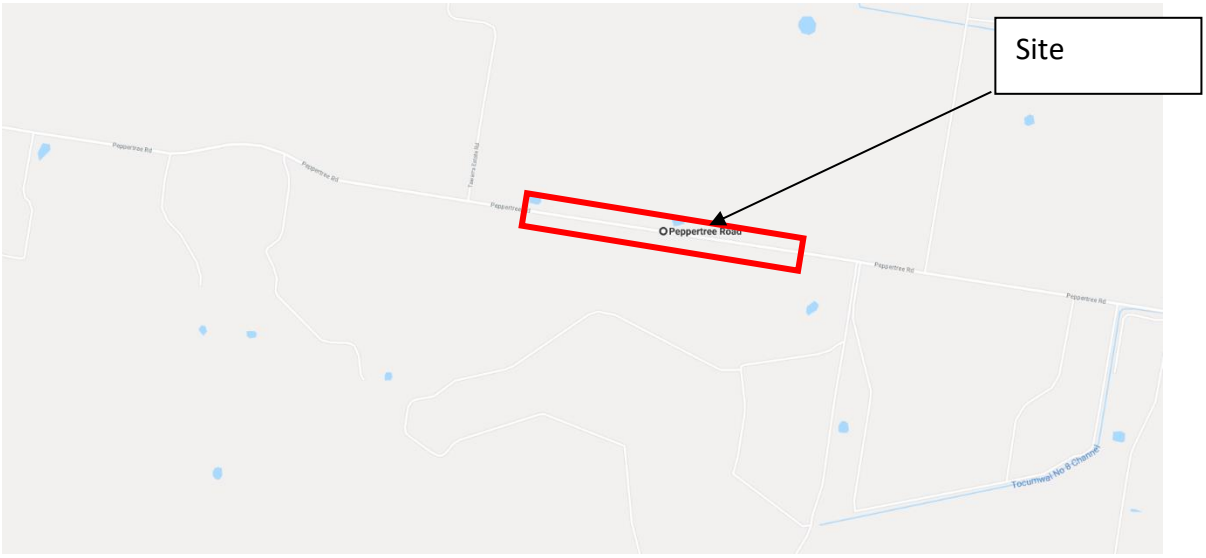
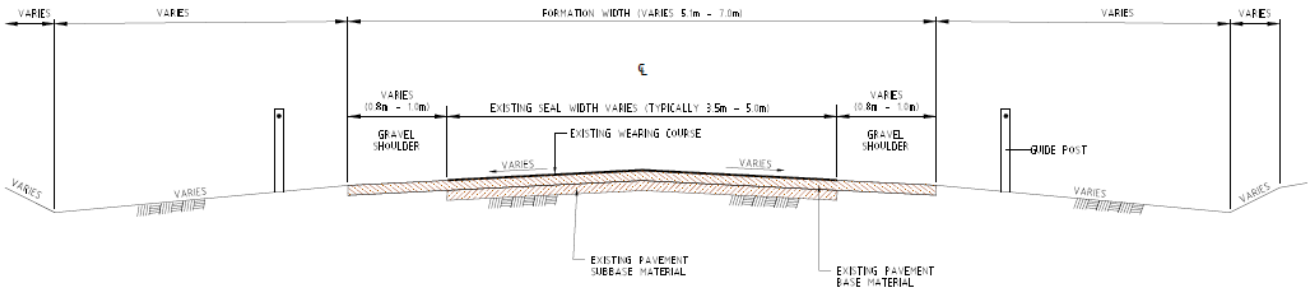


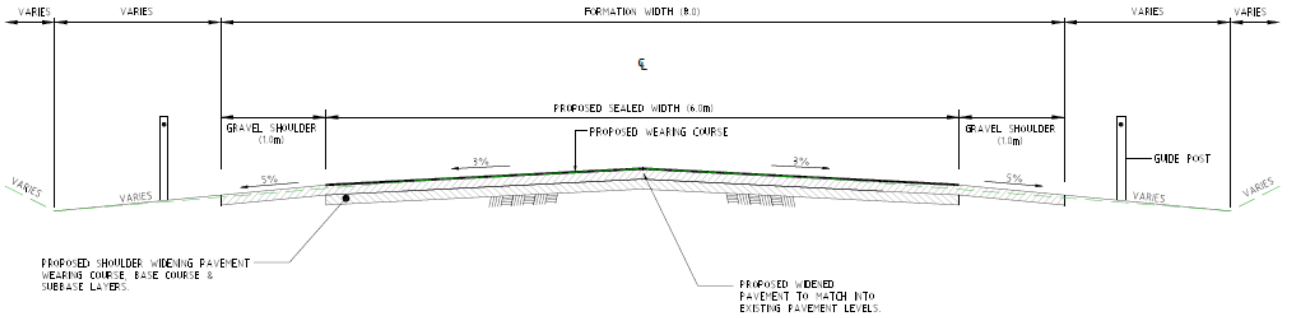
Figure 1: Sites Locality

Figure 2: Proposed Works



TYPICAL EXISTING ROAD CROSS SECTION – (3,5m – 5,0m SEAL WIDTH)

SCALE N.T.S.



TYPICAL ROAD REHABILITATION & WIDENING SECTION - 6.0m SEAL WIDTH

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PRELIMINARY

1.1 Purpose

The 'Test of Significance' refers to the factors that must be considered by decision makers to assess whether a proposal is likely to have a significant effect on threatened biodiversity ("5 part test") as per section 7.3 of the *Biodiversity Conservation Act 2016* (BC Act). The threatened species test of significance is used to determine if a development or activity is likely to significantly affect threatened species or ecological communities, or their habitats. It is applied as part of the Biodiversity Offsets Scheme entry requirements and for Part 4 activities under the *Environmental Planning and Assessment Act 1979* (OEH, 2018).

Additionally Under Part 5 of the EP&A Act, it is the responsibility of the Council to ensure no harm to any threatened species therefore an Test of Significance (as required by Schedule 1 of the Environmental Planning and Assessment Regulation 2000) is a measure to be completed when impacts on threatened species or communities are a possibility. As part of this process the determination should be competed to determine if the development exceeds the biodiversity offsets scheme threshold.

In addition to fulfilling this statutory requirement, the aim of undertaking a Test of Significance is to improve the standard of consideration and protection afforded to threatened biodiversity in planning and decision-making processes (DECCW, 2004). The outcome of any threatened biodiversity assessment should be that developments, activities and actions are undertaken in an environmentally sensitive manner and that appropriate measures are adopted to avoid or minimise adverse effects on threatened biodiversity (DECCW, 2004). While the 'Assessment of Significance' has been updated since this information was reflected by then Department of Environment, Climate Change & Water (DECCW), now Office of Environment and Heritage (OEH), it is still relevant.

This report addresses the Factors of Assessment (5 Part Test) and provides a Test of Significance on the proposal to upgrade the Peppertree road from the corner of Tawarra Easte Road and along Peppertree to the east for 1.3km, Tocumwal which will require the removal of some native vegetation.

2 Construction method

Earthworks will be carried out in accordance with The Blue Book – Managing Urban Stormwater: Soils and Construction (Landcom, 2004) and AS2436:1981– Guide to noise control on construction, maintenance and demolition sites. Construction waste management will be in accordance with the Environmental Guidelines: Assessment, Classification and Management of Liquid and Non Liquid Wastes (EPA, 1999). Please refer to the attached plans for the location of the road work alignment **(approximately 1.3 km)**.

The proposal will require the removal of some native vegetation. Two Hundred and Twenty-Two (222) native non hollow bearing trees between 25cm Diameter at Breast Hight DBH and 90cm DBH being, River Red-Gum (*Eucalyptus camaldulensis*) and two Grey Box (*Eucalyptus microcarpa*). The only other native that will be impacted by the Peppertree Road Upgrade works will be the scattered Windmill Grass (*Chloris truncata*) all other groundcover species are exotic (See **map 2 Appendix B**).

Proposed Removal data – West to East

Waypoint – Side of RD	**Tree DBH cm**	**Tree Species**	**Number**
1089 (Left)	40	Grey Box	1
1090(Left)	50	Grey Box	1
1091(Left)	55 – Multi stem	River Red Gum	1
1092 to 1093 (Left hand side only)	25	River Red Gum	35
1094 to 1095 (Right hand side only)	40	River Red Gum	23
1096 to 1097 (Left)	40	River Red Gum	20
1098 (Left)	90	River Red Gum	1
1099 to 1100	50	Standing Dead Tree	1

1101 to 1102	40	River Red Gum	7
1103 (Right)	55	River Red Gum	1
1104 to 1105 (Right)	30	River Red Gum	9
1106 to 1107 (Left)	30	River Red Gum	48
1108 (Right)	50 – Mulit stem	River Red Gum	1
1109 to 1110 (Right)	30	River Red Gum	52
1111 to 1112 (Left)	25	River Red Gum	15
1113 to 1116 (Both)	40	River Red Gum	4
1117 (Right)	40	River Red Gum	1
1118 (Left)	40	River Red Gum	1

Exclusion zones should be established prior to the beginning of the earth works phase and all stockpiles will be established at least 12 times the DBH of retained native vegetation and not under the drip line of any trees. The extent of works should be considered in an Erosion & Sediment Control Plan (ESCP) as part of the construction process (completed prior to construction).

Machinery to be used during construction may include bobcats, mini excavators and various other light support vehicles.

3 Assessment scope

The field work was conducted to assess whether or not threatened species, and ecological communities, and their habitats are likely to occur in the proposed ***upgrade road alignment footprint (subject site) AND any areas in close proximity to this alignment (Study Area)***.

Subject site means the area directly affected by the proposal. Study area means the subject site and any additional areas which are likely to be affected by the proposal, either directly or indirectly (OEH, 2018). To this end – this assessment has considered all features within the works footprint and the surrounding lands as shown in **Figure 2.**

In particular, the assessment is to consider:

1. The extent of ground disturbance required to complete the road upgrade;
2. The extent of likely impact(s) that the works will have on the movements of threatened species across the project site including potential foraging in close proximity to the site;
3. The extent of native vegetation removal required to facilitate the road upgrade works and
4. The potential for a Biodiversity development assessment report (BDAR) for the site.

4 Methodology

The review of the site and proposal has been guided by the Biodiversity Conservation Act 2016 (OEH, 2018) and follows the objectives of section 7.3 of this Act. The Test of Significance ("5 part test") under section 7.3 (2) of the Biodiversity Conservation Act 2016 (BC Act) follows the Threatened Species Test of Significance Guidelines (State of NSW and Office of Environment and Heritage 2018).

The review of the site and proposal has been guided by the Field survey methods 'Field survey methods for environmental consultants and surveyors when assessing proposed development or other activities on sites containing threatened species' (OEH, 2018) a '4 step approach'.

Steps 1 -2 were conducted and managed by client in preparation for this report. Steps 3 -4 were used to guide the assessment overall and the final commentary under each of the headings mentioned by the assessment scope.

4.1 Field assessment

A variety of methods were employed during the field assessment stage. The field assessment was completed over 1 day and 1 afternoon consisting of approximately 2.5 hrs of survey time. However, the nature of the proposal and construction methodology meant that some investigations were not warranted. ***Table 1*** provides a summary of methodologies used, those that were not and the reasons for both.

Table 1: Field assessment methods employed

Intended Target	Methodology	Conducted?	Survey Period Notes
Diurnal Birds	Area search, where the observer walked the length of the site twice in its entirety.	Yes – Red Gum Environmental	Conditions on the 9th of April 19 were cool, clear sky and a small breeze. A small number of woodland were birds seen flying over and around the site.
	Point Count method, where observations were made from 1 point for 20 minutes each.	Yes – Red Gum Environmental	As above.
Nocturnal Birds	Day habitat search. Search habitat for pellets, and likely hollows.	Yes – Red Gum Environmental	Conditions on the 9th of April 19 were cool, clear sky and a small breeze.
	Stag-watching. Observing potential roost hollows for 30mins prior to sunset and 60mins following sunset.	No – Not required l	There were no hollow bearing trees onsite, so roots were not available to watch.
Flying Mammals	Spotlighting on foot – 1hr on site on 1 night.	No – Not Required	Habitat was observed during the day, and as there were no hollow bearing trees required for removal a night survey was not required.
	Stag-watching. Observing potential roost hollows for 30mins prior to sunset and 60mins following sunset.	No – Not Required	As above comments.
Non-Flying Mammals	Search for scats and signs - 30 minutes searching relevant habitat, including trees for scratch marks.	Yes - Red Gum Environmental	Nothing seen.
Bats	Spotlighting on foot – 1hrs hour walking the site on 1 night. (done at the same time as the flying mammals)	No – Not Required	Unlikely to be using the vegetation as its not old enough to provide hollows or enough loose bark for foraging.
Reptiles	Day habitat search.	Yes - Red Gum Environmental	Some suitable habitat but nothing observed.
Fish	Angling, Set lines, scoop and dip nets up and downstream from the site.	No – Not required	Not required
Invertebrates	Day habitat search.	No– Not Required	No known suitable habitat present or historical records to suggest threatened invertebrates may be present.
Amphibians	Day habitat search.	No– Not Required	None recorded as the site does not have suitable habitat.
Macro-invertebrates	Day habitat search using nets.	No– Not Required	No known suitable habitat present or historical records to suggest threatened Macro-invertebrates may be present.

5 The existing environment

5.1 Meteorological data

The climate is characterized as warm to hot summers and cool to cold winters with rainfall winter dominant. The prevailing winds are from the north-west in the summer months and south-south east in autumn and winter. The area has a mild sunny climate and is historically a winter rainfall district. The average rainfall is 448.6 mm per year as recorded at Station number 074106 (Tocumwal Airport) by the Bureau of Meteorology.

5.2 Landform & Geology

The site is situated within the Riverina Bioregion, and sits above the Murray River floodplain. The geology of the area is largely quaternary alluvial sediments. Clay and sand with source bordering dunes, lakes and swamps. Red brown earths, grey clays and deep sandy soils. Relatively confined alluvial fan constrained by sediments from northern Victorian rivers, the Murrumbidgee fan and the Cadell fault, with Meandering channels, floodplains, source bordering dunes, overflow lakes and swamps found within the region.

5.3 Soil Types and Properties

The soil type consists of sandy clay loam types with deep friable red and brown clay soils. The profile is well drained, with a moderate erosion hazard (NSW NRA, 2011).

5.4 Vegetation Pattern and Bioregion

The Berrigan Shire Council are proposing to upgrade a section of the Peppertree Road to the east of Tocumwal. The site will require the clearing of some native vegetation to allow the upgrade to be completed. Works cannot avoid this vegetation as it is located directly on the shoulder and will not be able to be retained. The site is clear of any old large trees and all trees found on site are non-hollow bearing. The site has no shrub layer, with the overstory having only two species and the groundcovers sparse a mix of exotic grasses/groundcovers, with the only native being scattered Windmill Grass. The roadside has areas of high disturbance where bare ground is evident. The site is too disturbed and lacking in correct native structed vegetation to be listed as part of an Endangered Ecological Vegetation Community. The site could be very loosely described as Riverine Forest although as mentioned highly disturbed/modified.

The vegetation to the south of the site is a mix of continuous and clumped vegetation with some planted tree lines along a billabong/ an old arm of the Murray River. This vegetation is also disturbed and is unlikely to be an endangered EEC.

5.5 Surrounding land uses

The site is located in a rural area on the eastern side of Tocumwal. Peppertree Road is surrounded by cropping and irrigated paddocks with very limited scatted trees around these and some small isolated patches of trees within some paddocks. The only more connected vegetation is found to the south along a billabong /old arm of the Murray River. Although the site does have a canopy it is lacking in other structure the linkage to the billabong/ old arm of the Murray River is disconnected. All land surrounding the site is heavily farmed. (**Figure 3**).

Figure 3 Land use – Continuous vegetation within 50m adjacent to the site (Yellow line) (Imagery: SIX Maps, 2019)

6 Threatened species, populations & ecological communities

The content of this section is guided by STEP 3 &4 in Field survey methods (OEH, 2018) and intends to determine the likelihood of the study area and subject site supporting threatened species.

6.1 Description of the study area

The area is located within the Riverina bio-region of NSW and can be defined as a modified example of River Red-Gum forest or woodland with understory of herbs, sedges and grasses including weir pools and billabongs. The site is not part of any Endangered Ecological Vegetation Classes (EEC). The following ecosystems were considered, Australian Government and NSW listed:

Description	Lithology and Soils	Area of Site
White Box-Yellow Box Blakely's Red-Gum Grassy Woodland and Derived Native Grassland	Fertile soils along the western slopes and tablelands of the Great Dividing Range.	None – Site does not have the correct species composition to meet this EEC
Grey Box (Eucalyptus microcarpa) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia		Two trees are the correct species however this is not enough to meet the requirements to be an EEC.

The extent of the assessment included the area directly affected by the proposal plus all of the immediate environs connecting to land. Table 2 is a record of all flora recorded during the field assessment conducted over one Day/ one Afternoon (8th April 2019) by Red Gum Environmental. Table 3 is a record of all fauna observed during the same period.

Table 2: Observed Flora on the alignment or directly adjacent.

Scientific Name	Common Name		Scientific Name	Common Name
Eucalyptus camaldulensis	River Red-Gum		*Carex tereticaulis*	Rush Sedge
Eucalyptus microcarpa	Grey Box		*Hypochoeris radicata**	Flat weed
Chloris truncata	Windmill Grass		*Hordeum glaucum**	Barley Grass
*Plantago lanceolate**	Plantain		*Taraxacum officinale **	Dandelion
*Arctotheca calendula**	Capeweed		*Soliva pterosperma**	Bindi eye
*Digitaria sanguinalis (L.) Scop**	Summer Grass		*Agrostis avenacea**	Blown Grass
*Tribulus terrestris**	Cats Head Burr		*Conyza spp**	Fleabane
*Elymus repens**	Couch		*Phalaris aquatica**	Phalaris

**Introduced species*

Table 3: Fauna recorded during the field assessment

Scientific name	Common name
Birds	
Cracticus tibicen	Australian magpie
*Columba livia**	Pigeon
*Passer domesticus **	House sparrow
Eolophus roseicapilla	Galah
Corvus coronoides	Raven
Manorina melanocephala	Noisy Miner
Cacatua galerita	Sulphur-crested cockatoo
Sturnus vulgaris	Common Starling

6.2 Biodiversity Offsets Scheme Thresholds/ Declared Are of Outstanding Biodiversity Value

Section 7.2 of the BC Act provides that development under the EP&A Act is likely to significantly affect threatened species if:

> (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or
>
> (b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or
>
> (c) it is carried out in a declared area of outstanding biodiversity value.
>
> For an activity under Part 5 of the EP&A Act clause (b) does not apply, so an activity will only be likely to significantly affect a threatened species if:
>
> (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or
>
> (b) it is carried out in a declared area of outstanding biodiversity value.

For this project (activity under Part 4) the proposed Peppertree road upgrade works will not be significantly impacting any threatened species or ecological communities, or their habitats. The site is also not mapped as an 'area of high biodiversity value' See **Figure 4** below biodiversity value area in Purple.

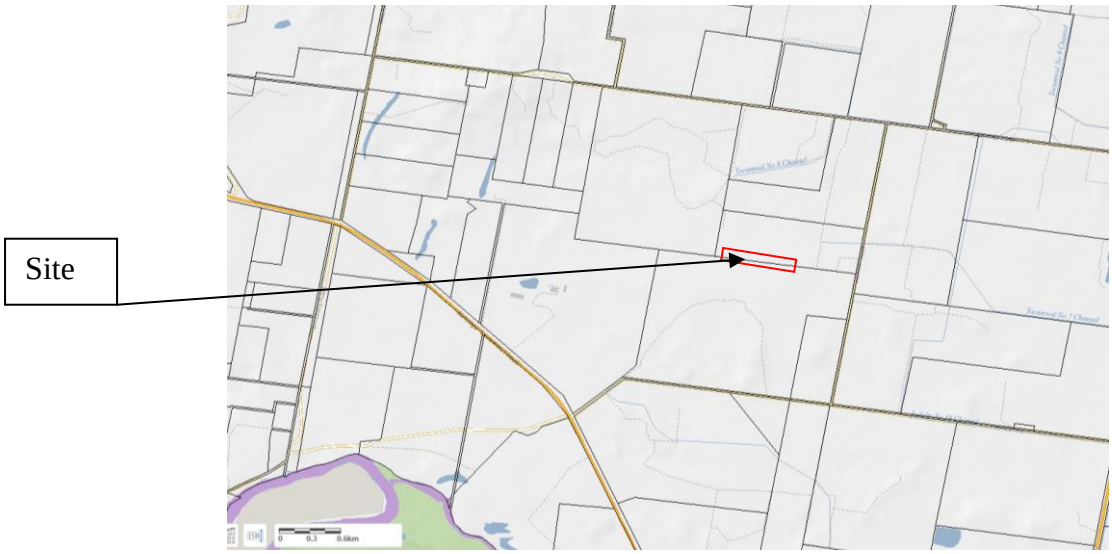


Figure 4 Mapped Biodiversity Value – (Purple fill) (Biodiversity Value Map, 2019)

6.3 Known threatened species, populations or ecological communities

6.3.1 Threatened Flora

Consultation with the EPBC Protected Matters Online Search Tool for the site (Berrigan Shire area) returned 3 Vulnerable species, 4 Critically Endangered and 6 Endangered species whose habitat may occur within that specified geographic range. Table 4 considers their likelihood of occurring in the proposed site.

Table 4: EPBC Protected Matters Database results - Flora

Species	Preferred Habitat	EPBC Act Status	Likelihood[1]
White Box-Yellow Box Blakely's Red-Gum Grassy Woodland and Derived Native Grassland		Critically Endangered	No- The vegetation on the site does not meet the requirements for this EEC.
Grey Box (Eucalyptus microcarpa) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia		Endangered	No – Although there are two Grey Box trees on the site, it does not have enough canopy cover or understory/groundcovers to meet the requirements for this EEC.
Natural Grasslands of the Murray Valley Plains		Critically Endangered	Not present
Weeping Myall Woodlands		Endangered	Not present
Buloke Woodlands of the Riverina and Murray-Darling Depression Bioregions		Endangered	Not present
Amphibromus fluitans River Swamp Wallaby-grass	Moderately fertile wetlands, some bare ground and seasonally-fluctuating water levels.	Vulnerable	No – No suitable habitat.
Austrostipa wakoolica	Grows on floodplains of the Murray River tributaries, in open woodland on grey, silty clay or sandy loam soils;	Endangered	Unlikely – Due to the disturbance of the site. None seen
Brachyscome muelleroides - Mueller Daisy	Grows in damp areas on the margins of claypans in moist grassland with Pycnosorus globosus, Agrostis avenacea and Austrodanthonia duttoniana.	Vulnerable	Unlikely – Due to the disturbance of the site. None seen
Caladenia tensa - Greencomb Spider-orchid, Rigid Spider-orchid	The species was found within the areas of the Murray-Darling Depression bioregion and generally associated with 300–400 mm annual rainfall areas.	Endangered	Unlikely – Due to the disturbance of the site. None seen
Pimelea spinescens subsp. Spinescens - Plains Rice-flower, Spiny Rice-flower, Prickly Pimelea	Populations of Pimelea spinescens subsp. spinescens occur in grassland or open shrubland on basalt-derived soils, usually comprised of black or grey clays.	Critically Endangered	Unlikely – Due to the disturbance of the site. None seen
Sclerolaena napiformis - Turnip Copperburr	Confined to remnant grassland habitats on clay-loam soils. Grows on level plains in tussock grassland of Austrostipa nodosa and Chloris truncata, in grey cracking clay to red-brown loamy clay.	Endangered	Unlikely – Due to the disturbance of the site. None seen
Swainsona murrayana - Slender Darling-pea, Slender Swainson.	Often grows in heavy soils, especially depressions, and is also found on grey and red to brown clay and clay-loam soils.	Vulnerable	Unlikely – Due to the disturbance of the site. None seen
Prasophyllum validum – Sturdy Leek-orchid	They tend to grow in drier woodland habitats, generally with a low sparse understorey.	Vulnerable	Unlikely – Due to the disturbance of the site. None seen

[1] Five categories for the 'likelihood of occurrence' of species has been used. The categories are based on recorded sightings listed in credible databases, the presence or absence of suitable habitat, other features of the site, results of the field survey and professional judgement. The 5 categories are:

'Yes'	The species/community was or has been observed on the site.
'Likely'	A medium to High probability that a species uses the site
'Potential'	A suitable habitat for a species occurs on the site, but there is insufficient information to categorise the species as 'likely' or 'unlikely' to occur.
'Unlikely'	A Very Low to Low probability that a species uses the site.
'No'	Habitat on the site and in the vicinity in unsuitable for the species.

Consultation with NSW BioNet: The website for the Atlas of NSW Wildlife for flora records returned 0 Critically Endangered, 0 Endangered and 0 vulnerable listed species previously recorded within 10km of the site. Table 5 considers their likelihood of occurring at the site.

Table 5: BioNet Atlas of NSW Wildlife – Flora

Species	Preferred Habitat	NSW Status	Likelihood[1]
N/A			

[1] Five categories for the 'likelihood of occurrence' of species has been used. The categories are based on recorded sightings listed in credible databases, the presence or absence of suitable habitat, other features of the site, results of the field survey and professional judgement. The 5 categories are:

'Yes'	The species/community was or has been observed on the site.
'Likely'	A medium to High probability that a species uses the site
'Potential'	A suitable habitat for a species occurs on the site, but there is insufficient information to categorise the species as 'likely' or 'unlikely' to occur.
'Unlikely'	A Very Low to Low probability that a species uses the site.
'No'	Habitat on the site and in the vicinity in unsuitable for the species.

6.3.2 Threatened Fauna

Consultation with the EPBC Protected Matters Online Search Tool for 10km surrounding the site (Berrigan Shire area) area returned 10 Vulnerable, 23 Migratory, 8 Endangered and 6 Critically Endangered species whose habitat may occur within that specified geographic range. Table 6 considers their likelihood of occurring in the proposed site.

Table 6: EPBC Protected Matters Database results - Fauna

Species	Preferred Habitat	EPBC Act Status	Likelihood[1]
Birds			
Anthochaera phrygia - Regent Honeyeater	Dry open forest and woodlands on inland slopes and valleys particularly Box Woodlands.	Endangered	Potential – Site contains potential foraging area.
Grantiella picta - Painted Honeyeater	Inhabits Boree/ Weeping Myall (Acacia pendula), Brigalow (A. harpophylla) and Box-Gum Woodlands and Box-Ironbark Forest.	Vulnerable	No – No suitable habitat for the species
Lathamus discolor - Swift Parrot	Forests and woodlands dominated by winter flowering eucalypts	Endangered	Potential – Site contains potential foraging area.
Rostratula australis - Australian Painted Snipe	Margins of densely vegetated swamps and wetlands	Vulnerable	Unlikely – More suitable habitat close by.
Botaurus poiciloptilus - Australasian Bittern	Found in wetlands with tall, dense vegetation, favours permanent and seasonal freshwater habitats, particularly those dominated by sedges, rushes	Endangered	Unlikely – More suitable habitat close by.
Calidris ferruginea - Curlew Sandpiper	occur on intertidal mudflats in sheltered coastal areas, such as estuaries, bays, inlets and lagoons and also around non-tidal swamps, lakes and lagoons	Critically Endangered	No – No suitable habitat for the species
Numenius madagascariensis - Eastern Curlew	Found in Austraila in August (Migratory bird) to feed on crabs and molluscs in intertidal mudflats.	Critically Endangered	No – No suitable habitat for the species
Pedionomus torquatus - Plains-wanderer	Inhabit sparse native grasslands and are often absent from areas where grass becomes too dense or too sparse.	Critically Endangered	No – No suitable habitat for the species
Polytelis swainsonii - Superb Parrot	The Superb Parrot mainly inhabits forests and woodlands dominated by eucalypts.	Vulnerable	Potential – Site contains potential foraging area.

Species	Preferred Habitat	EPBC Act Status	Likelihood[1]
Fish			
Galaxias rostratus - Flathead Galaxias	Inhabitats including billabongs, lakes, swamps and rivers, with a preference for still or slow flowing waters.	Critically Endangered	No – No suitable habitat for the species
Maccullochella peelii peelii - Murray Cod	Slow flowing turbid rivers and billabongs.	Vulnerable	No – No suitable habitat for the species
Bidyanus bidyanus - Silver Perch, Bidyan	Silver perch are consistently reported by anglers and researchers to show a general preference for faster-flowing water, including rapids and races, and more open sections of river, throughout the Murray-Darling Basin.	Critically Endangered	No – No suitable habitat for the species
Craterocephalus fluviatilis - Murray Hardyhead	Is endemic to the lowland reaches of the Murray and Murrumbidgee rivers and their tributaries, floodplain billabongs and lakes.	Endangered	No – No suitable habitat for the species
Maccullochella macquariensis - Trout Cod	The single naturally occurring population is restricted to a small (approximately 120 km) stretch of the Murray River from below Yarrawonga Weir to Strathmerton.	Endangered	No – No suitable habitat for the species
Macquaria australasica – Macquarie Perch	Widespread through the cooler upper reaches of the southern tributaries of the Murray-Darling river system in Victoria and New South Wales.	Endangered	No – No suitable habitat for the species
Frogs			
Litoria raniformius - Growling Grass Frog	Still or slow-flowing water bodies such as lagoons, amongst emergent vegetation.	Vulnerable	No – No suitable habitat for the species on site.
Mammals			
Nyctophilus corbeni - Corben's Long-eared Bat	Inhabits a variety of vegetation types, including mallee, bulloke Allocasuarina leuhmanni and box eucalypt dominated communities, but it is distinctly more common in box/ironbark/cypress-pine.	Vulnerable	Unlikely – Habitat not suitable on site.
Pseudomys fumeus Smoky Mouse	Appears to prefer heath habitat on ridge tops and slopes in sclerophyll forest, heathland and open-forest.	Endangered	Unlikely – Habitat not suitable on site.
Pteropus poliocephalus - Grey-headed Flying-fox	Requires foraging resources and roosting sites.	Vulnerable	Unlikely – Habitat not suitable on site.
Phascolarctos cinereus - Koala	Temperate, sub-tropical and tropical forest, woodland and semi-arid communities dominated by Eucalyptus species	Vulnerable	Unlikely – Lack of suitable habitat, as the site has limited connectivity to better quality vegetation. Limited food sources on the site with a lack of food diversity.

Species	Preferred Habitat	EPBC Act Status	Likelihood[1]
Reptiles			
Aprasia parapulchella - Pink-tailed Worm-lizard,	Most commonly found sheltering under small rocks (15–60 cm basal area) shallowly embedded in the soil.	Vulnerable	No - Not appropriate habitat
Delma impar - Striped Legless Lizard	Found where vegetation and rocks are able to provide protection.	Vulnerable	No - Not appropriate habitat
Migratory Terrestrial Birds			
Hirundapus caudacutus - White-throated Needletail	Feed, drink and rest on the wing in large groups. May rest at night in forested country.	Migratory	No - Not appropriate habitat as the site is not forested enough or connected to more densely forested areas.
Motacilla flava – Yellow Wagtail	Found in short grass, bare ground, swamp margins, sewage ponds and town lawns. Mostly coastal.	Migratory	Unlikely – area is outside this birds range.
Myiagra cyanoleuca - Satin Flycatcher	Tall wet eucalypt forests of SE Australia.	Migratory	No – Not appropriate habitat
Migratory Wetland Birds			
Numenius madagascariensis - Eastern Curlew	Found in Australia in August (Migratory bird) to feed on crabs and molluscs in intertidal mudflats.	Critically Endangered	No – No suitable habitat for the species on the site.
Calidris ferruginea - Curlew Sandpiper	Occur on intertidal mudflats in sheltered coastal areas, such as estuaries, bays, inlets and lagoons and also around non-tidal swamps, lakes and lagoons	Critically Endangered	No – No suitable habitat for the species
Gallinago hardwickii - Latham's Snipe	Freshwater swamps and marshes as well as salt marshes and mud flats	Migratory	No – No shallow water environs on the site.
Actitis hypoleucos - Common Sandpiper	Found in coastal or inland wetlands, both saline or fresh.	Migratory	No – No shallow water environs on the site.
Calidris acuminata - Sharp-tailed Sandpiper	Prefers the grassy edges of shallow inland freshwater wetlands. It is also found around swage farms, flooded fields, mudflats, mangroves, rocky shores and beaches.	Migratory	No – No shallow water environs on the site.
Calidris melanotos - Pectoral Sandpiper	Prefers the grassy edges of shallow inland freshwater wetlands. It is also found around swage farms, flooded fields, mudflats, mangroves, rocky shores and beaches.	Migratory	Unlikely – Site is lacking in suitable habitat.

Species	Preferred Habitat	EPBC Act Status	Likelihood[1]
Pandion haliaetus - Osprey	The breeding range of the Eastern Osprey extends around the northern coast of Australia (including many offshore islands) from Albany in Western Australia to Lake Macquarie in NSW	Migratory	Unlikely – Site is lacking in suitable habitat.
Migratory Marine Birds			
Apus pacificus - Fork-tailed Swift	Spend most their life airborne. Build their nests on cliffs.	Migratory	Unlikely – Site is lacking in suitable habitat.
Listed Marine Birds			
Apus pacificus - Fork-tailed Swift	Spend most their life airborne. Build their nests on cliffs.	Migratory	No – Not geologically suitable.
Ardea ibis - Cattle Egret	Shallow water and open dry grassy habitats	Migratory	No – No suitable habitat.
Ardea alba - Great Egret	Has been reported in a wide range of wetland habitats, (for example inland and coastal, freshwater and saline, permanent and ephemeral, open and vegetated, large and small, natural and artificial waterbodies.	Migratory	No – No shallow water environs.
Rostratula benghalensis (sensu lato) - Painted Snipe	Generally inhabits shallow terrestrial freshwater (occasionally brackish) wetlands, including temporary and permanent lakes, swamps and claypans	Endangered	No – No shallow water environs on site.
Hirundapus caudacutus - White-throated Needletail	Feed, drink and rest on the wing in large groups. May rest at night in forested country.	Migratory	Unlikely – more suitable areas of better-quality vegetation further from the site.
Motacilla flava – Yellow Wagtail	Found in short grass, bare ground, swamp margins, sewage ponds and town lawns. Mostly coastal.	Migratory	Unlikely – more suitable areas of better-quality vegetation further from the site.
Myiagra cyanoleuca - Satin Flycatcher	Tall wet eucalypt forests of SE Australia.	Migratory	No – Not appropriate habitat
Calidris ferruginea - Curlew Sandpiper	Occur on intertidal mudflats in sheltered coastal areas, such as estuaries, bays, inlets and lagoons and also around non-tidal swamps, lakes and lagoons	Critically Endangered	No – No suitable habitat for the species
Gallinago hardwickii - Latham's Snipe	Freshwater swamps and marshes as well as salt marshes and mud flats	Migratory	No – No shallow water environs.
Haliaeetus leucogaster - White-bellied Sea-Eagle	Surface waters along coasts, islands, inlets also along larger inland rivers and lakes.	Migratory	No – No shallow water environs.
Merops ornatus - Rainbow Bee-eater	Occurs in open woodlands, shrublands, grasslands and forests including riparian areas.	Migratory	Potential – Site contains potential foraging area.

Species	Preferred Habitat	EPBC Act Status	Likelihood[1]
Lathamus discolor - Swift Parrot	Forests and woodlands dominated by winter flowering eucalypts	Endangered	Potential – Site contains potential foraging area.
Actitis hypoleucos - Common Sandpiper	Found in coastal or inland wetlands, both saline or fresh.	Migratory	Unlikely – area is outside this birds range.
Calidris acuminata - Sharp-tailed Sandpiper	Prefers the grassy edges of shallow inland freshwater wetlands. It is also found around swage farms, flooded fields, mudflats, mangroves, rocky shores and beaches.	Migratory	Unlikely – area is outside this birds range.
Calidris melanotos - Pectoral Sandpiper	Prefers shallow fresh to saline wetlands. The species is found at coastal lagoons, estuaries, bays, swamps, lakes, inundated grasslands, saltmarshes, river pools, creeks, floodplains and artificial wetlands.	Migratory	Unlikely – Site is lacking in suitable habitat.
Chrysococcyx osculans - Black-eared Cuckoo	Found in drier country where species such as mulga and mallee form open woodlands and shrublands. It is often found in vegetation along creek beds.	Migratory	Unlikely – Wrong woodland habitat around the site.
Pandion haliaetus - Osprey	The breeding range of the Eastern Osprey extends around the northern coast of Australia (including many offshore islands) from Albany in Western Australia to Lake Macquarie in NSW	Migratory	Unlikely – Site is lacking in suitable habitat.
Numenius madagascariensis - Eastern Curlew	Found in Austraila in August (Migratory bird) to feed on crabs and molluscs in intertidal mudflats.	Critically Endangered	Unlikely – Site is lacking in suitable habitat.

[1] Five categories for the 'likelihood of occurrence' of species has been used. The categories are based on recorded sightings listed in credible databases, the presence or absence of suitable habitat, other features of the site, results of the field survey and professional judgement. The 5 categories are:

'Yes' The species/community was or has been observed on the site.
'Likely' A medium to High probability that a species uses the site
'Potential' A suitable habitat for a species occurs on the site, but there is insufficient information to categorise the species as 'likely' or 'unlikely' to occur.
'Unlikely' A Very Low to Low probability that a species uses the site.
'No' Habitat on the site and in the vicinity in unsuitable for the species.

6.3.3 Threatened Fauna

Consultation with NSW BioNet: The website for the Atlas of NSW Wildlife returned 1 Vulnerable, 0 Endangered and 0 Critically Endangered listed species previously recorded within 10km of the site. Table 7 considers their likelihood of occurring at the site. The data shown in Map 4, has been compiled over a period of 38 years with the earliest record entered in 1978 and the most recent being entered in 2017. The following table shows only species considered Critically Endangered, Endangered, Vulnerable and or with a Sensitivity Class rating. All native species are protected but have not been included in this table.

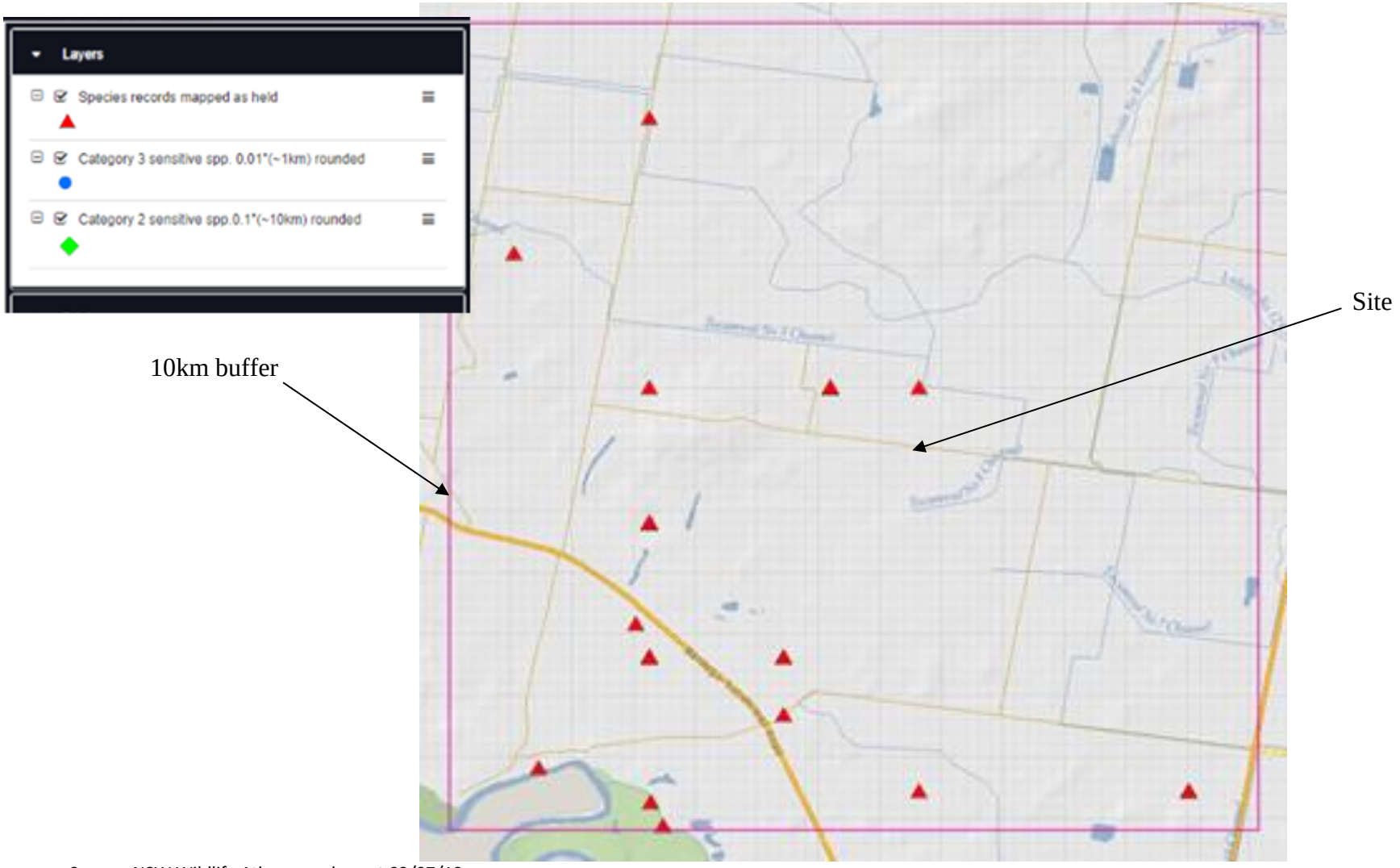
Table 7: BioNet Atlas of NSW Wildlife – Fauna

Species	Preferred Habitat	NSW Status	Likelihood[1]
Mammalia			
Koala - *Phascolarctos cinereus*	Temperate, sub-tropical and tropical forest, woodland and semi-arid communities dominated by Eucalyptus species	Vulnerable	Unlikely – Lack of suitable habitat, as the site has limited connectivity to better quality vegetation. Limited food sources on the site with a lack of food diversity.

[1] Five categories for the 'likelihood of occurrence' of species has been used. The categories are based on recorded sightings listed in credible databases, the presence or absence of suitable habitat, other features of the site, results of the field survey and professional judgement. The 5 categories are:

'Yes' The species/community was or has been observed on the site.
'Likely' A medium to High probability that a species uses the site
'Potential' A suitable habitat for a species occurs on the site, but there is insufficient information to categorise the species as 'likely' or 'unlikely' to occur.
'Unlikely' A Very Low to Low probability that a species uses the site.
'No' Habitat on the site and in the vicinity in unsuitable for the species.

Map 1: Threatened Fauna and Flora – NSW Wildlife Atlas



Source: NSW Wildlife Atlas records as at 02/07/19

7 Physical & chemical impacts

7.1 Is the proposal likely to impact on soil quality or land stability?

Soil Quality – No.

Land Stability - Yes. There is likely to be mobilisation of some soil given the nature of the proposal (vegetation removal and construction of the site). The site is susceptible to compaction by traffic immediately after periods of heavy rainfall and is already highly disturbed. Mitigation measures are to extend (but not be limited to) the following:

- An Erosion and Sedimentation Control Plan should be developed and progressively implemented.
- Vehicle movements around the site should be restricted to the proposed activity footprint and should not encroach into any of the surrounding areas. Flagging exclusion fencing should be installed along the extent of the works area to ensure no encroachment into surrounding areas or impacts to vegetation not identified for removal.
- Construction should be completed using light vehicles and excavators as required.
- When rain is predicted, an assessment should be made by the site manager prior to works beginning. If heavy rain is predicted, work should not commence
- No stockpiles will be established under native vegetation in any area on site.
- Maintenance and checking of the erosion and sedimentation controls will need to be undertaken on a regular basis. Sediment will be cleared from behind barriers on a regular basis and all controls will be managed in order to work effectively at all times.
- Weed management should also be completed to ensure no weeds are further spread over the site.

7.2 Is the activity likely to affect a waterbody, watercourse or wetland or natural drainage system?

No. The site does not have any of these features.

7.3 Is the activity likely to change flood or tidal regimes, or be affected by flooding?

No.

7.4 Does the proposal involve the use, storage or transport of hazardous substances or the use or generation of chemicals which may build up residues in the environment?

No. Some diesel will be stored in ‘slip-on’ tanks in the back of utility vehicles and they will not be left on-site outside of working hours.

7.5 Does the activity involve the generation or disposal of gaseous, liquid or solid wastes or emissions?

Yes. However only the operation of machinery should produce emissions, no further disposal of liquids, gases or solid wastes is expected.

7.6 Will the activity involve the emission of dust, odours, noise, vibration, or radiation in the proximity of residential/urban areas or other sensitive locations?

Yes. The project may emit some dust and noise but this is expected to be minimal and the time period short. Given the current level of disturbance and providing the recommendations contained within this report are adhered to, it is unlikely that the proposal will result in extensive or harmful outcomes regarding these activities.

8 Biological impacts

8.1 Is any vegetation to be cleared or modified?

Yes. The proposal will require the removal of some native vegetation. Two Hundred and Twenty-Two (222) native non hollow bearing trees between 25cm Diameter at Breast Hight DBH and 90cm DBH being, River Red-Gum (*Eucalyptus camaldulensis*) and two Grey Box (*Eucalyptus microcarpa*). The only other native that will be impacted by the Peppertree Road Upgrade works will be the scattered Windmill Grass (*Chloris truncata*) all other groundcover species are exotic (See **map 2 Appendix B**).

8.2 Is the activity likely to have a significant effect on threatened flora or fauna species, or their habitats, or critical habitat; or an endangered ecological community or its habitat?

No. The works are limited to the works foot print and while the trees will be removed from this section of the roadside they are non-hollow bearing and are disconnected from areas of better quality vegetation. No nests were seen on site during the time of the inspection (although outside the breeding season, no remnants of nets were seen). These trees are also surrounded by heavily managed farming lands used for cropping and are impacted by the current use of the site as a road. The proposed works will not endanger or have a ***significant*** effect on any threatened flora or fauna. Native vegetation is required for removal as outlined above **section 8.1**. This vegetation is not listed as threatened nor is it significant enough to place any threatened fauna potentially using the site at risk of extinction.

The surrounding lands while also lacking vegetation have some scattered trees, smaller pockets of trees and along the Billabong/ old arm of the Murray River to the south of the site is better more structed continuous vegetation which will still provide habitat. As mentioned above no large hollow bearing tree removal is proposed, the proposed works onsite site will not displace any rare or threatened species.

Following construction and widening of the Peppertree Road, plating of the roadside could be completed with suitable native over and understory to replace the removed vegetation and better position the vegetation away from the shoulder of the road to ensure retention in the longer term.

8.3 Does the activity have the potential to endanger, displace or disturb fauna (including fauna of conservation significance) or create a barrier to their movement?

Endanger – No.

Displace – No.

Disturb – Yes. Threatened and declining woodland dependent birds may be using the area; hence the construction activities may prove to disturb foraging activities for a short period. The construction activities will see the removal of native vegetation; however, no trees are hollow bearing. As mentioned in **8.1** native vegetation is required for removal, however this is not going to endanger or displace any fauna as the vegetation required to be removed is not significant being younger in age, lacking structure and connectivity. Vegetation further away from the site is of better quality and will continue to support any fauna potentially using the site.

8.4 Is the activity likely to impact on an ecological community of conservation significance?

No. The site is not part of an ecological community of conservation significance. As mentioned in **section 8.1** some native vegetation is required for removal however this is only limited to the proposed works site and as mentioned before is not a significant vegetation and does not include any large hollow bearing trees.

8.5 Is the activity likely to cause a threat to the biological diversity or ecological integrity of an ecological community?

No. As mentioned above in **section 8.4** most of the works footprint is already disturbed subject to ground maintenance and use. Native vegetation is required for removal as per **section 8.1**, however this is limited to the proposed foot print, is not significant vegetation. The removal will not cause a threat to any biological diversity or integrity of an ecological community. No vegetation proposed for removal is listed as a threatened species.

8.6 Is the activity likely to introduce weeds, vermin, feral species or genetically modified organisms into an area?

Vermin – No.

Feral Species – No.

Priority Weeds - Possible.

The movement of vehicles, plant, equipment and people on and off the subject site/s has the potential to introduce noxious weeds to the area. The area is also impacted by pasture grass weed species. Wherever possible, removal of weeds should be undertaken prior to seed developing, which for most species occurs during the warmer months (i.e. summer).

Additionally, the following strategies are to apply to weed management within the site:

- Minimal impact techniques are to be used, ensuring no off target native species are damaged during weed control activities.
- Soil disturbance by vehicle and pedestrian access is to be kept to a minimum outside the construction footprint.
- Herbicide application is to be administered by authorised personnel only (e.g. ChemCert Accreditation– AQF 3), in accordance with the directions on the container (application rates, MSDS requirements) and any applicable Workcover requirements.
- All machinery used within the site is to be thoroughly cleaned by removing all plant material, dust or soil, and any accumulation of grease from the machine prior to the commencement of the construction.
- Any weeds removed (particularly those bearing seeds) are to be disposed of appropriately at the nearest waste management facility.
- If required, only topsoil from areas with no noxious or highly invasive weed species should be re-used in rehabilitation (it is generally assumed that if there is no evidence of noxious or invasive weeds in an area, the topsoil in this area is not contaminated with the seeds of such weeds).

9 Test of Significance

The following section assesses whether the proposal (as discussed and reviewed in this assessment) is likely to have a significant effect on threatened biodiversity[1] by addressing the Parts (a), (b) and (c) of the test of significance applied to species and ecological communities listed in Schedules 1 and 2 to the BC Act and under Part 5 of the EP&A Act.

"*The threatened species test of significance is used to determine if a development or activity is likely to significantly affect threatened species or ecological communities, or their habitats. It is applied as part of the Biodiversity Offsets Scheme entry requirements and for Part 5 activities under the Environmental Planning and Assessment Act 1979.*

The test of significance is set out in s.7.3 of the Biodiversity Conservation Act 2016.

If the activity is likely to have a significant impact, or will be carried out in a declared area of outstanding biodiversity value, the proponent must either apply the Biodiversity Offsets Scheme or prepare a species impact statement (SIS).

The environmental impact of activities that will not have a significant impact on threatened species will continue to be assessed under s.111 of the Environmental Planning and Assessment Act 1979" (OEH 2018).

When applying the Test of Significance, the following sections have considered all perceived likely direct and indirect impacts of the Proposal as outlined by previous sections of this document.

- *Direct impacts* are those that directly affect the habitat of species and ecological communities and of individuals using the study area. They include, but are not limited to, death through predation, trampling, poisoning of the animal/plant itself and the removal of suitable habitat. When applying each factor, consideration must be given to all of the likely direct impacts of the proposed activity or development. When applying each factor, both long-term and short-term impacts are to be considered
- *Indirect impacts* occur when project-related activities affect species or ecological communities in a manner other than direct loss within the subject site. Indirect impacts may sterilise or reduce the habitability of adjacent or connected habitats. Indirect impacts can include loss of individuals through starvation, exposure, predation by domestic and/or feral animals, loss of breeding opportunities, loss of shade/shelter, reduction in viability of adjacent habitat due to edge effects, deleterious hydrological changes, increased soil salinity, erosion, inhibition of nitrogen fixation, weed invasion, noise, light spill, fertiliser drift, or increased human activity within or directly adjacent to sensitive habitat areas. As with direct impacts, consideration must be given, when applying each factor, to all of the likely indirect impacts of the proposed activity or development. When applying each factor, both long-term and short-term impacts are to be considered.

[1] Species considered include Woodland Birds' which include the Superb Parrot (*Polytelis swainsonii*), Swift Parrot (*Lathamus discolor*), Rainbow Bee-eater (*Merops ornatus*) and the Regent Honeyeater (*Anthochaera phrygia*), the species recorded in the OEH managed NSW Wildlife Atlas for the period 5/10/1978 to 9/7/2019 and under the EPBC Act within 10km of the site and their likelihood of using the site was rated as 'Potential' in section 6.2.

9.1 Factors for consideration - Test of Significance ("5 part test") BC Act sections 7 (1) (a),(b),(c), (d)&(e) and under part 5 of the EP&A Act.

(a) in the case of a threatened species, whether the proposed development or activity 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.

Woodland Birds

No. The project requires no clearance of mature large hollow bearing trees. As mentioned in **section 8.1** native vegetation is required for removal however these removals will not place any woodland birds at risk as there are other better-quality foraging habitats within the area to this works footprint. The proposed activities are unlikely to have an adverse effect on the life-cycle of woodland birds that may be opportunistically using the site; as there will be no impacts to any surrounding land (Vegetation removal or encroachment). Woodland birds might be disrupted by noise and vehicle movements during construction, they are highly mobile and able to disperse into other areas of better-quality habitat further surrounding the site.

(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
(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

No. The works foot print is largely modified and while containing overstory native species it is lacking in the native understory species while being impacted by perennial pasture grasses maintenance and other weeds. Native species found on the site are shown in **map 2 Appendix B**. While there is some native vegetation (no large hollow bearing trees will be removed) within the works area, vegetation proposed for removal will be as discussed in **section 8.1** the site is not part of an endangered EEC as the native groundcovers are lacking and a shrub layer is missing from the site. As part of the construction process there will be significant ground disturbance to remove the trees and complete the road upgrade works, however this will not be prolonged and will not cause any species to be at risk of extinction or adversely modify the composition of an ecological community.

(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
(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
(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

No. See (b) above. There are no critically endangered EECs on site, no removal of significant native vegetation as outlined in **section 8.1** and shown on **map 2**.

Woodland Birds

(i) No large hollow bearing trees or other potential habitat trees are to be removed as part of the project and will not displace any of the species potentially utilising the site opportunistically for foraging or passing through the site. The vegetation required for removal is not significant habitat and its removal will not cause a significant threat to any threatened species or ecological communities.
(ii) No fragmentation is therefore possible.

(iii) Not relevant given (i) & (ii) no significant native vegetation is proposed to be removed as outlined in **section 8.1**. This that will not cause any of the identified species 'potentially' using the site to be pushed to the risk of extinction.

(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, no section of the site is mapped as an 'area of outstanding biodiversity value'.

(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

A threatening process is something that adversely affects threatened species, populations of a species, ecological communities or could cause species, populations of a species or ecological communities to become threatened. A threat can be listed under Schedule 4 of the BC Act as a 'Key Threatening Process' if it adversely affects threatened species, populations or ecological communities or if it could cause species, populations or ecological communities that are not threatened to become threatened. There are currently 38 listed threatening process recognized by the BC Act and a further 19 by the EPBC Act.

One (1) key threatening processes from the EPBC Act (Federal) is considered to be relevant to the proposal and the following other key threatening processes from the BC Act (NSW) are also considered relevant.

Key Threatening Process	**Is the proposal of a class of activity that is recognised as a threatening process?**		
	Likely	**Possible**	**Unlikely**
Land Clearing (EPBC Act)	✓		
Clearing of native vegetation	✓		
Invasion of native plant communities by exotic perennial grasses		✓	
Removal of dead wood and dead trees.		✓	

The proposal will require clearing of native vegetation as outlined in **section 8.1**, this removal will not cause a detrimental impact to the site or to the surrounding area. Works are only limited to the proposed footprint and will not further encroach into any other areas of native vegetation. The site is largely impacted by the existing uses and management, perennial pasture and exotic groundcovers/grasses also largely occupy the groundcover layer. No trees required for removal are hollow bearing or an important habitat tree for any threatened species. The only native groundcover found on the site is scattered Windmill grass.

The proposal therefore is not likely to be part of (or increase the impact of) a key threatening process. Nor does the proposal as it stands require a Biodiversity development assessment report (BDAR) to be completed.

10 Conclusion

I am of the opinion that the activities as proposed will not have a significant effect on any of the identified threatened species and ecological communities and their conservation as noted within this report.

11 References

Department of Planning and Environment Biodiversity Value Map
https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap

EPBC Protected Matters Search Tool, Australian Government Department of the Environment and Energy
http://www.environment.gov.au/epbc/protected-matters-search-tool

OEH, 2017, Threatened biodiversity profile search
https://www.environment.nsw.gov.au/threatenedspeciesapp/

OEH, 2018, Threatened Species Test of Significance Guidelines. Office of Environment and Heritage, July 2018
https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/threatened-species-test-significance-guidelines-170634.pdf

OEH, 2018, Field survey methods, Field survey methods for environmental consultants and surveyors when assessing proposed developments or other activities on sites containing threatened species
https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/about-threatened-species/surveys-and-assessments/field-survey-methods

Office of Environment and Heritage
https://www.environment.nsw.gov.au/wildlifeatlas/about.htm

12 Appendix

Appendix A: Site Photos

Alignment Photos

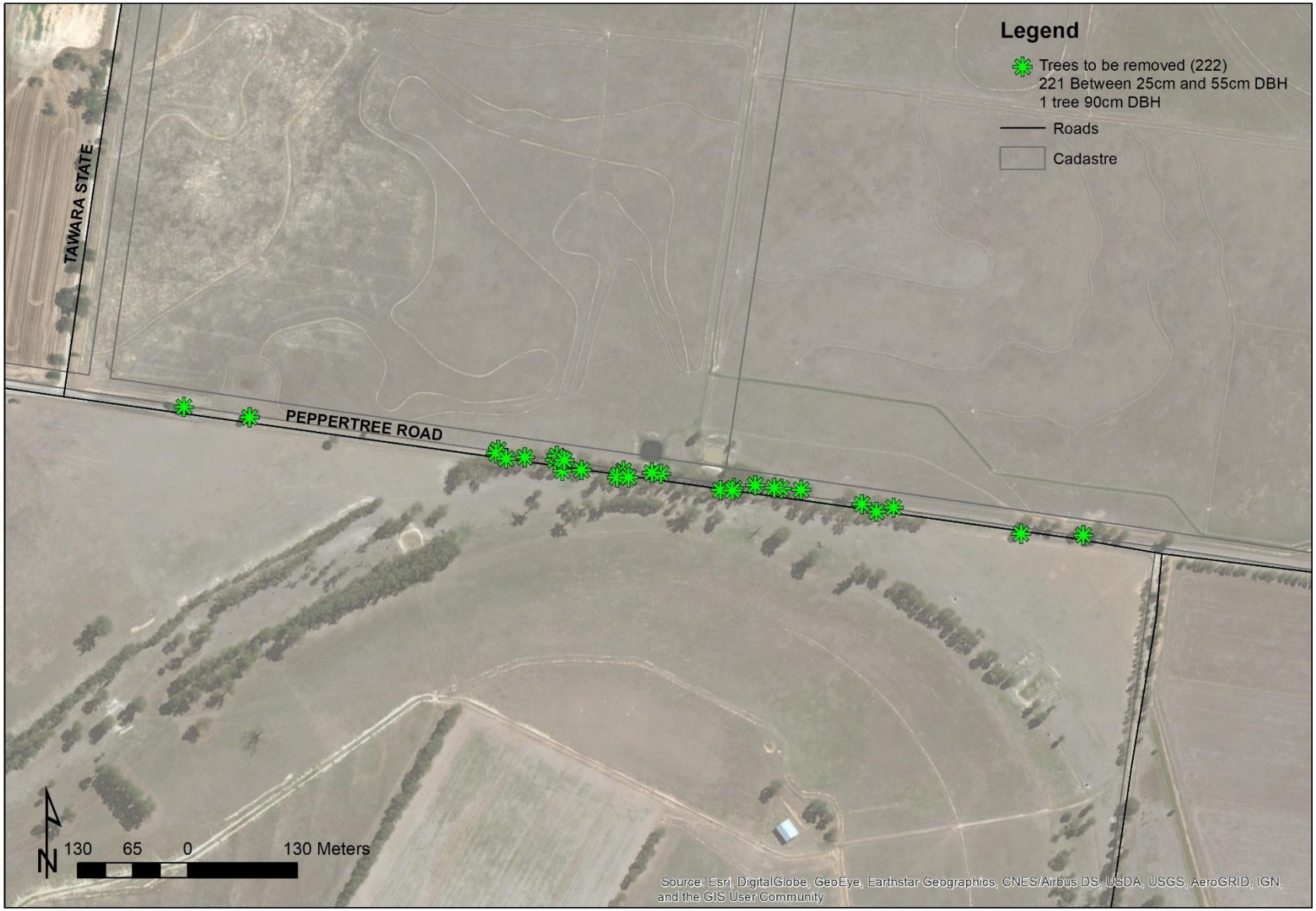
Trees require for removal seen here to widen the road are all non-hollow bearing and are not part of an EEC.

Disturbed edges of the road and cropping paddocks can be seen either side of the road.

One of the two Grey Box trees to be removed.

Disturbed edges of the road with cropping paddocks either side.

Appendix B: Site Map 2 – Six Maps image



Test of Significance

For
The maintenance
Of
Levee 5
Smithers Rd, Tocumwal

Revision 1 (August 2019)

Executive Summary

The proposed works will consist of the maintenance of the Levee 5 bank. To ensure tree roots do not cause any erosion or weaken the suture. The works foot print will cover the bank for approximately 1.9km, located to the east of Tocumwal, NSW.

The 'Test of Significance' refers to the factors that must be considered by decision makers to assess whether a proposal is likely to have a significant effect on threatened biodiversity ("5 part test"). This report deals with the Factors of Assessment (5 Part Test) and makes an Assessment of Significance on the proposed works footprint ("the Site").

In short, 2.5hrs of survey time was conducted during 1 site visits during the day in the day/afternoon. Survey design was guided by the 'Field survey methods for environmental consultants and surveyors when assessing proposed development or other activities on sites containing threatened species' (OEH, 2018) a '4 step approach' the online tools including the Commonwealth Protected Matters Online Search Tool and NSW Bio Net Interactive Map were consulted.

After site assessment and consideration of the receiving environment, specific species considered in the Factors for consideration (EP&A and BC Act) included 'Woodland Birds' which include the Superb Parrot (*Polytelis swainsonii*), Swift Parrot (*Lathamus discolor*), Rainbow Bee-eater (*Merops ornatus*), Regent Honeyeater (*Anthochaera phrygia*), Brown Treecreeper ((eastern subspecies) -*Climacteris picumnus victoriae*), Black-chinned Honeyeater ((eastern subspecies) - *Melithreptus gularis gularis*), Grey-crowned Babbler ((eastern subspecies) - *Pomatostomus temporalis temporalis*), Scarlet Robin (*Petroica boodang*), Flame Robin (*Petroica phoenicea*), Dusky Woodswallow (*Artamus cyanopterus cyanopterus*) and the Squirrel Glider (*Petaurus norfolcensis*).

No threatened species were identified on site and no EEC's are likely to be impacted adversely by the proposed development. The proposal will require the removal of some native vegetation. Eighty-Nine (89) native non hollow bearing trees between 25cm Diameter at Breast Hight DBH and 125cm DBH being, River Red-Gum (*Eucalyptus camaldulensis*) and three larger trees to have limbs lopped between 80cm DBH and 145 cm DBH. No native shrubs on site and all other groundcover species are exotic see **section 8.1** and **Appendix B**.

Further, after careful consideration of the potential physical, chemical and biological impacts of the proposed construction design and methodology, I am of the opinion that the activities as proposed will not have a significant effect on threatened species and ecological communities and their conservation.

Danielle Cleland, Ba.Environmental Science (Management), Cert 4 Landscape Restoration and Management
Environmental Consultant
DJC Environmental Consulting

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1 Background

DJC Environmental and Red-Gum Environmental were commissioned by the Berrigan Shire Council to conduct a Test of Significance for the proposed maintenance works for approximately 1.9km of Levee 5 bank, located to the east of Tocumwal (Figure 1).

The proposed works will consist of the maintenance of the levee5 bank to ensure its structural integrity by removing some of the regeneration along the batters and lopping some overhanging larger trees (Figure 2).

The implementation of the Proposal requires the following related development:

- Removal and lopping of some native trees,
- Disturbance of the groundcovers,
- Tacking and movement of machinery within the construction footprint; and
- Erosion and sedimentation controls, exclusion fencing ect.

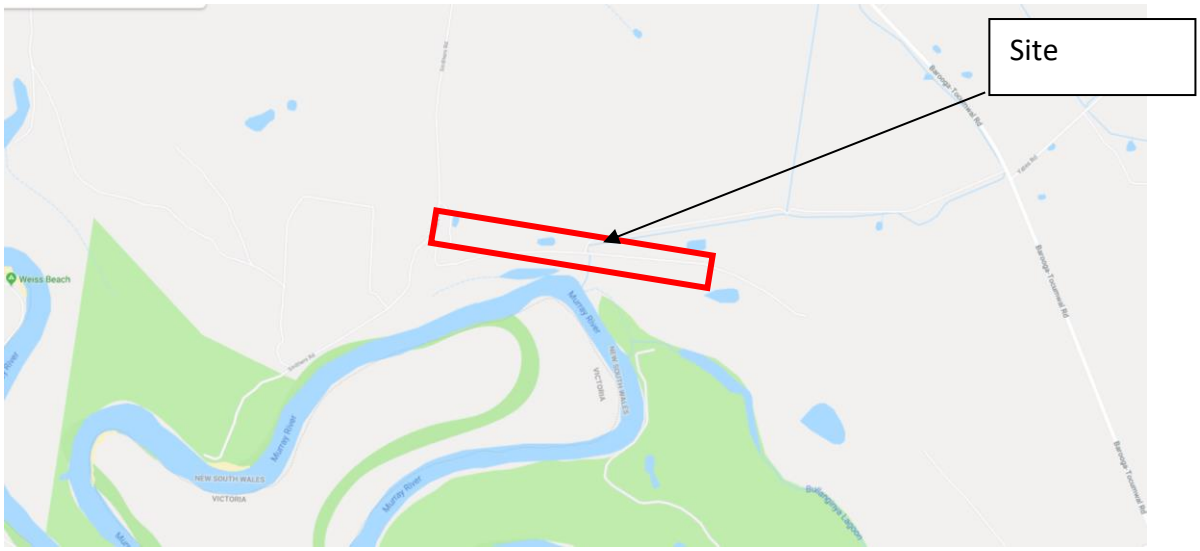


Figure 1: Sites Locality

Figure 2: Proposed Works

No plans just maintenance works to the banks. See Appendix B.

1.1 Purpose

The 'Test of Significance' refers to the factors that must be considered by decision makers to assess whether a proposal is likely to have a significant effect on threatened biodiversity ("5 part test") as per section 7.3 of the *Biodiversity Conservation Act 2016* (BC Act). The threatened species test of significance is used to determine if a development or activity is likely to significantly affect threatened species or ecological communities, or their habitats. It is applied as part of the Biodiversity Offsets Scheme entry requirements and for Part 4 activities under the *Environmental Planning and Assessment Act 1979* (OEH, 2018).

Additionally Under Part 5 of the EP&A Act, it is the responsibility of the Council to ensure no harm to any threatened species therefore an Test of Significance (as required by Schedule 1 of the Environmental Planning and Assessment Regulation 2000) is a measure to be completed when impacts on threatened species or communities are a possibility. As part of this process the determination should be competed to determine if the development exceeds the biodiversity offsets scheme threshold.

In addition to fulfilling this statutory requirement, the aim of undertaking a Test of Significance is to improve the standard of consideration and protection afforded to threatened biodiversity in planning and decision-making processes (DECCW, 2004). The outcome of any threatened biodiversity assessment should be that developments, activities and actions are undertaken in an environmentally sensitive manner and that appropriate measures are adopted to avoid or minimise adverse effects on threatened biodiversity (DECCW, 2004). While the 'Assessment of Significance' has been updated since this information was reflected by then Department of Environment, Climate Change & Water (DECCW), now Office of Environment and Heritage (OEH), it is still relevant.

This report addresses the Factors of Assessment (5 Part Test) and provides a Test of Significance on the proposal to complete some maintenance to the levee 5 banks just off Smithers Rd the east of Tocumwal which will require the removal and lopping of some native vegetation.

2 Construction method

Earthworks will be carried out in accordance with The Blue Book – Managing Urban Stormwater: Soils and Construction (Landcom, 2004) and AS2436:1981– Guide to noise control on construction, maintenance and demolition sites. Construction waste management will be in accordance with the Environmental Guidelines: Assessment, Classification and Management of Liquid and Non Liquid Wastes (EPA, 1999). Please refer to the attached plans for the location of the proposed works **(approximately 1.9 km)**.

The proposal will require the removal of some native vegetation. Eighty-Nine (89) native non hollow bearing trees between 25cm Diameter at Breast Hight DBH and 125cm DBH being, River Red-Gum (*Eucalyptus camaldulensis*) and three larger trees to have limbs lopped between 80cm DBH and 145 cm DBH. No other natives will be impacted all other trees and groundcover species are exotic (See **map 2 Appendix B**).

Proposed Removal data – East to West – Natives only

Waypoint	Tree DBH cm	Number	Tree Species	Lop or Remove
1256 – east end	145	1	Redgum	Lop
1258	40	13	Redgum	Remove
1259	40	12	Redgum	Remove
1260	30	25	Redgum	Remove
1261	30	1	Redgum	Remove
1262	80	1	Redgum	Lop
1263	30	1	Redgum	Remove
1265	30	15	Redgum	Remove
1266	200	1	Redgum	Lop
1267	40	17	Redgum	Remove
1269	80	1	Redgum	Remove
1270	125	1	Redgum	Remove

Exclusion zones should be established prior to the beginning of the earth works phase and all stockpiles will be established at least 12 times the DBH of retained native vegetation and not under the drip line of any trees. The extent of works should be considered in an Erosion & Sediment Control Plan (ESCP) as part of the construction process (completed prior to construction).

Machinery to be used during construction may include bobcats, mini excavators and various other light support vehicles.

3 Assessment scope

The field work was conducted to assess whether or not threatened species, and ecological communities, and their habitats are likely to occur in the proposed ***maintenance footprint for the Levee 5 bank (subject site) AND any areas in close proximity to this site (Study Area)***.

Subject site means the area directly affected by the proposal. Study area means the subject site and any additional areas which are likely to be affected by the proposal, either directly or indirectly (OEH, 2018). To this end – this assessment has considered all features within the works footprint and the surrounding lands as shown in **Figure 2.**

In particular, the assessment is to consider:

1. The extent of ground disturbance required to complete the proposed works;
2. The extent of likely impact(s) that the works will have on the movements of threatened species across the project site including potential foraging in close proximity to the site;
3. The extent of native vegetation removal required to facilitate the maintenance and
4. The potential for a Biodiversity development assessment report (BDAR) for the site.

4 Methodology

The review of the site and proposal has been guided by the Biodiversity Conservation Act 2016 (OEH, 2018) and follows the objectives of section 7.3 of this Act. The Test of Significance ("5 part test") under section 7.3 (2) of the Biodiversity Conservation Act 2016 (BC Act) follows the Threatened Species Test of Significance Guidelines (State of NSW and Office of Environment and Heritage 2018).

The review of the site and proposal has been guided by the Field survey methods 'Field survey methods for environmental consultants and surveyors when assessing proposed development or other activities on sites containing threatened species' (OEH, 2018) a '4 step approach'.

Steps 1 -2 were conducted and managed by client in preparation for this report. Steps 3 -4 were used to guide the assessment overall and the final commentary under each of the headings mentioned by the assessment scope.

4.1 Field assessment

A variety of methods were employed during the field assessment stage. The field assessment was completed over 1 day and 1 afternoon consisting of approximately 2.5 hrs of survey time. However, the nature of the proposal and construction methodology meant that some investigations were not warranted. ***Table 1*** provides a summary of methodologies used, those that were not and the reasons for both.

Table 1: Field assessment methods employed

Intended Target	Methodology	Conducted?	Survey Period Notes
Diurnal Birds	Area search, where the observer walked the length of the site twice in its entirety.	Yes – Red Gum Environmental	Conditions on the 25th of June 19 were cool, clear sky and sunny. A small number of woodland were birds seen flying over and around the site.
	Point Count method, where observations were made from 1 point for 20 minutes each.	Yes – Red Gum Environmental	As above.
Nocturnal Birds	Day habitat search. Search habitat for pellets, and likely hollows.	Yes – Red Gum Environmental	Conditions on the 25th of June 19 were cool, clear sky and sunny.
	Stag-watching. Observing potential roost hollows for 30mins prior to sunset and 60mins following sunset.	No – Not required l	There were no hollow bearing trees onsite, so roots were not available to watch.
Flying Mammals	Spotlighting on foot – 1hr on site on 1 night.	No – Not Required	Habitat was observed during the day, and as there were no hollow bearing trees required for removal a night survey was not required.
	Stag-watching. Observing potential roost hollows for 30mins prior to sunset and 60mins following sunset.	No – Not Required	As above comments.
Non-Flying Mammals	Search for scats and signs - 30 minutes searching relevant habitat, including trees for scratch marks.	Yes - Red Gum Environmental	Nothing seen.
Bats	Spotlighting on foot – 1hrs hour walking the site on 1 night. (done at the same time as the flying mammals)	No – Not Required	Unlikely to be using the vegetation as its not old enough to provide hollows or enough loose bark for foraging.
Reptiles	Day habitat search.	Yes - Red Gum Environmental	Some suitable habitat but nothing observed.
Fish	Angling, Set lines, scoop and dip nets up and downstream from the site.	No – Not required	Not required
Invertebrates	Day habitat search.	No– Not Required	No known suitable habitat present or historical records to suggest threatened invertebrates may be present.
Amphibians	Day habitat search.	No– Not Required	None recorded as the site does not have suitable habitat.
Macro-invertebrates	Day habitat search using nets.	No– Not Required	No known suitable habitat present or historical records to suggest threatened Macro-invertebrates may be present.

5 The existing environment

5.1 Meteorological data

The climate is characterized as warm to hot summers and cool to cold winters with rainfall winter dominant. The prevailing winds are from the north-west in the summer months and south-south east in autumn and winter. The area has a mild sunny climate and is historically a winter rainfall district. The average rainfall is 448.6 mm per year as recorded at Station number 074106 (Tocumwal Airport) by the Bureau of Meteorology.

5.2 Landform & Geology

The site is situated within the Riverina Bioregion, and sits above the Murray River floodplain. The geology of the area is largely quaternary alluvial sediments. Clay and sand with source bordering dunes, lakes and swamps. Red brown earths, grey clays and deep sandy soils. Relatively confined alluvial fan constrained by sediments from northern Victorian rivers, the Murrumbidgee fan and the Cadell fault, with Meandering channels, floodplains, source bordering dunes, overflow lakes and swamps found within the region.

5.3 Soil Types and Properties

The soil type consists of sandy clay loam types with deep friable red and brown clay soils. The profile is well drained, with a moderate erosion hazard (NSW NRA, 2011).

5.4 Vegetation Pattern and Bioregion

The Berrigan Shire Council are proposing to complete maintenance works to the Levee 5 bank to the east of Tocumwal. The site will require the clearing of some native vegetation to allow the banks to be protected from tree roots and erosion. Works cannot avoid this vegetation as it is located directly on the bank or at the toe. Trees will either be removed completely or they will be lopped. The site is clear of any old large trees and all trees found on site are non-hollow bearing. The site has no shrub layer, with the overstory having only one native species and the groundcovers sparse a mix of exotic grasses/groundcovers as the site is highly disturbed. The site is too disturbed and lacking in correct native structed vegetation to be listed as part of an Endangered Ecological Vegetation Community. The site could be very loosely described as Riverine Forest although as mentioned highly disturbed/modified.

The vegetation to the south of the site is a mix of continuous and clumped vegetation with some structure to it providing a mix of over, understory and groundcovers along the Murray River. This vegetation is in part disturbed but unlikely to be part of an endangered EEC. The works will not impact on any other vegetation surrounding the site.

5.5 Surrounding land uses

The site is located in a rural area on the eastern side of Tocumwal. The levee 5 bank is partly surrounded by cropping paddocks to the north, further east and west. With land to the south part of the Murray River corridor. Murray River corridor vegetation has a connected canopy but is disturbed by recreational access. (**Figure 3**).

Figure 3 Land use – Continuous vegetation within 50m adjacent to the site (Purple line) (Imagery: SIX Maps, 2019)

6 Threatened species, populations & ecological communities

The content of this section is guided by STEP 3 &4 in Field survey methods (OEH, 2018) and intends to determine the likelihood of the study area and subject site supporting threatened species.

6.1 Description of the study area

The area is located within the Riverina bio-region of NSW and can be defined as a modified example of River Red-Gum forest or woodland with understory of herbs, sedges and grasses including weir pools and billabongs. The site is not part of any Endangered Ecological Vegetation Classes (EEC). The following ecosystems were considered, Australian Government and NSW listed:

Description	Lithology and Soils	Area of Site
White Box-Yellow Box Blakely's Red-Gum Grassy Woodland and Derived Native Grassland	Fertile soils along the western slopes and tablelands of the Great Dividing Range.	None – Site does not have the correct species composition to meet this EEC

The extent of the assessment included the area directly affected by the proposal plus all of the immediate environs connecting to land. Table 2 is a record of all flora recorded during the field assessment conducted over one Day/ one Afternoon (25th June 2019) by Red Gum Environmental. Table 3 is a record of all fauna observed during the same period.

Table 2: Observed Flora on the alignment or directly adjacent.

Scientific Name	Common Name		Scientific Name	Common Name
Eucalyptus camaldulensis	River Red-Gum		*Carex tereticaulis*	Rush Sedge
			*Hypochoeris radicata**	Flat weed
			*Hordeum glaucum**	Barley Grass
*Plantago lanceolate**	Plantain		*Taraxacum officinale **	Dandelion
*Arctotheca calendula**	Capeweed		*Soliva pterosperma**	Bindi eye
*Digitaria sanguinalis (L.) Scop**	Summer Grass		*Agrostis avenacea**	Blown Grass
*Tribulus terrestris**	Cats Head Burr		*Conyza spp**	Fleabane
*Elymus repens**	Couch		*Phalaris aquatica**	Phalaris

**Introduced species*

Table 3: Fauna recorded during the field assessment

Scientific name	Common name
Birds	
Cracticus tibicen	Australian magpie
Chenonetta jubata	Australian Wood Duck
*Passer domesticus **	House sparrow
Eolophus roseicapilla	Galah
Cacatua sanguinea	Little Corella
Manorina melanocephala	Noisy Miner
Cacatua galerita	Sulphur-crested cockatoo
Platycercus eximius	Eastern Rosella
Psephotus haematonotus	Red-rumped Parrot
Dacelo novaeguineae	Laughing Kookaburra

6.2 Biodiversity Offsets Scheme Thresholds/ Declared Are of Outstanding Biodiversity Value

Section 7.2 of the BC Act provides that development under the EP&A Act is likely to significantly affect threatened species if:

> (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or
>
> (b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or
>
> (c) it is carried out in a declared area of outstanding biodiversity value.
>
> For an activity under Part 5 of the EP&A Act clause (b) does not apply, so an activity will only be likely to significantly affect a threatened species if:
>
> (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or
>
> (b) it is carried out in a declared area of outstanding biodiversity value.

For this project (activity under Part 4) the proposed Levee 5 upgrade works will not be significantly impacting any threatened species or ecological communities, or their habitats. The site is also not mapped as an 'area of high biodiversity value' See **Figure 4** below biodiversity value area in Darker Purple.

Figure 4 Mapped Biodiversity Value – (Darker Purple fill) (Biodiversity Value Map, 2019)

6.3 Known threatened species, populations or ecological communities

6.3.1 Threatened Flora

Consultation with the EPBC Protected Matters Online Search Tool for the site (Berrigan Shire area) returned 3 Vulnerable species, 4 Critically Endangered and 6 Endangered species whose habitat may occur within that specified geographic range. Table 4 considers their likelihood of occurring in the proposed site.

Table 4: EPBC Protected Matters Database results - Flora

Species	Preferred Habitat	EPBC Act Status	Likelihood[1]
White Box-Yellow Box Blakely's Red-Gum Grassy Woodland and Derived Native Grassland		Critically Endangered	No- The vegetation on the site does not meet the requirements for this EEC.
Grey Box (Eucalyptus microcarpa) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia		Endangered	No – The vegetation on the site does not meet the requirements for this EEC.
Natural Grasslands of the Murray Valley Plains		Critically Endangered	Not present
Weeping Myall Woodlands		Endangered	Not present
Buloke Woodlands of the Riverina and Murray-Darling Depression Bioregions		Endangered	Not present
Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowlands Plains		Critically Endangered	Not present
Amphibromus fluitans River Swamp Wallaby-grass	Moderately fertile wetlands, some bare ground and seasonally-fluctuating water levels.	Vulnerable	No – No suitable habitat.
Austrostipa wakoolica	Grows on floodplains of the Murray River tributaries, in open woodland on grey, silty clay or sandy loam soils;	Endangered	Unlikely – Due to the disturbance of the site. None seen
Brachyscome muelleroides - Mueller Daisy	Grows in damp areas on the margins of claypans in moist grassland with Pycnosorus globosus, Agrostis avenacea and Austrodanthonia duttoniana.	Vulnerable	Unlikely – Due to the disturbance of the site. None seen
Caladenia tensa - Greencomb Spider-orchid, Rigid Spider-orchid	The species was found within the areas of the Murray-Darling Depression bioregion and generally associated with 300–400 mm annual rainfall areas.	Endangered	Unlikely – Due to the disturbance of the site. None seen
Pimelea spinescens subsp. Spinescens - Plains Rice-flower, Spiny Rice-flower, Prickly Pimelea	Populations of Pimelea spinescens subsp. spinescens occur in grassland or open shrubland on basalt-derived soils, usually comprised of black or grey clays.	Critically Endangered	Unlikely – Due to the disturbance of the site. None seen
Sclerolaena napiformis - Turnip Copperburr	Confined to remnant grassland habitats on clay-loam soils. Grows on level plains in tussock grassland of Austrostipa nodosa and Chloris truncata, in grey cracking clay to red-brown loamy clay.	Endangered	Unlikely – Due to the disturbance of the site. None seen
Swainsona murrayana - Slender Darling-pea, Slender Swainson.	Often grows in heavy soils, especially depressions, and is also found on grey and red to brown clay and clay-loam soils.	Vulnerable	Unlikely – Due to the disturbance of the site. None seen

[1] Five categories for the 'likelihood of occurrence' of species has been used. The categories are based on recorded sightings listed in credible databases, the presence or absence of suitable habitat, other features of the site, results of the field survey and professional judgement. The 5 categories are:

'Yes'	The species/community was or has been observed on the site.
'Likely'	A medium to High probability that a species uses the site
'Potential'	A suitable habitat for a species occurs on the site, but there is insufficient information to categorise the species as 'likely' or 'unlikely' to occur.
'Unlikely'	A Very Low to Low probability that a species uses the site.
'No'	Habitat on the site and in the vicinity in unsuitable for the species.

Consultation with NSW BioNet: The website for the Atlas of NSW Wildlife for flora records returned 0 Critically Endangered, 0 Endangered and 0 vulnerable listed species previously recorded within 10km of the site. Table 5 considers their likelihood of occurring at the site.

Table 5: BioNet Atlas of NSW Wildlife – Flora

Species	Preferred Habitat	NSW Status	Likelihood[1]
N/A			

[1] Five categories for the 'likelihood of occurrence' of species has been used. The categories are based on recorded sightings listed in credible databases, the presence or absence of suitable habitat, other features of the site, results of the field survey and professional judgement. The 5 categories are:

'Yes'	The species/community was or has been observed on the site.
'Likely'	A medium to High probability that a species uses the site
'Potential'	A suitable habitat for a species occurs on the site, but there is insufficient information to categorise the species as 'likely' or 'unlikely' to occur.
'Unlikely'	A Very Low to Low probability that a species uses the site.
'No'	Habitat on the site and in the vicinity in unsuitable for the species.

6.3.2 Threatened Fauna

Consultation with the EPBC Protected Matters Online Search Tool for 10km surrounding the site (Berrigan Shire area) area returned 9 Vulnerable, 23 Migratory, 9 Endangered and 6 Critically Endangered species whose habitat may occur within that specified geographic range. Table 6 considers their likelihood of occurring in the proposed site.

Table 6: EPBC Protected Matters Database results - Fauna

Species	Preferred Habitat	EPBC Act Status	Likelihood[1]
Birds			
Anthochaera phrygia - Regent Honeyeater	Dry open forest and woodlands on inland slopes and valleys particularly Box Woodlands.	Endangered	Potential – Site contains potential foraging area.
Grantiella picta - Painted Honeyeater	Inhabits Boree/ Weeping Myall (Acacia pendula), Brigalow (A. harpophylla) and Box-Gum Woodlands and Box-Ironbark Forest.	Vulnerable	No – No suitable habitat for the species
Lathamus discolor - Swift Parrot	Forests and woodlands dominated by winter flowering eucalypts	Endangered	Potential – Site contains potential foraging area.
Rostratula australis - Australian Painted Snipe	Margins of densely vegetated swamps and wetlands	Vulnerable	Unlikely – More suitable habitat close by.
Botaurus poiciloptilus - Australasian Bittern	Found in wetlands with tall, dense vegetation, favours permanent and seasonal freshwater habitats, particularly those dominated by sedges, rushes	Endangered	Unlikely – More suitable habitat close by.
Calidris ferruginea - Curlew Sandpiper	occur on intertidal mudflats in sheltered coastal areas, such as estuaries, bays, inlets and lagoons and also around non-tidal swamps, lakes and lagoons	Critically Endangered	No – No suitable habitat for the species
Numenius madagascariensis - Eastern Curlew	Found in Austraila in August (Migratory bird) to feed on crabs and molluscs in intertidal mudflats.	Critically Endangered	No – No suitable habitat for the species
Pedionomus torquatus - Plains-wanderer	Inhabit sparse native grasslands and are often absent from areas where grass becomes too dense or too sparse.	Critically Endangered	No – No suitable habitat for the species
Polytelis swainsonii - Superb Parrot	The Superb Parrot mainly inhabits forests and woodlands dominated by eucalypts.	Vulnerable	Potential – Site contains potential foraging area.

Species	Preferred Habitat	EPBC Act Status	Likelihood[1]
Fish			
Galaxias rostratus - Flathead Galaxias	Inhabitats including billabongs, lakes, swamps and rivers, with a preference for still or slow flowing waters.	Critically Endangered	No – No suitable habitat for the species
Maccullochella peelii peelii - Murray Cod	Slow flowing turbid rivers and billabongs.	Vulnerable	No – No suitable habitat for the species
Bidyanus bidyanus - Silver Perch, Bidyan	Silver perch are consistently reported by anglers and researchers to show a general preference for faster-flowing water, including rapids and races, and more open sections of river, throughout the Murray-Darling Basin.	Critically Endangered	No – No suitable habitat for the species
Craterocephalus fluviatilis - Murray Hardyhead	Is endemic to the lowland reaches of the Murray and Murrumbidgee rivers and their tributaries, floodplain billabongs and lakes.	Endangered	No – No suitable habitat for the species
Maccullochella macquariensis - Trout Cod	The single naturally occurring population is restricted to a small (approximately 120 km) stretch of the Murray River from below Yarrawonga Weir to Strathmerton.	Endangered	No – No suitable habitat for the species
Macquaria australasica – Macquarie Perch	Widespread through the cooler upper reaches of the southern tributaries of the Murray-Darling river system in Victoria and New South Wales.	Endangered	No – No suitable habitat for the species
Frogs			
Litoria raniformius - Growling Grass Frog	Still or slow-flowing water bodies such as lagoons, amongst emergent vegetation.	Vulnerable	No – No suitable habitat for the species on site.
Mammals			
Nyctophilus corbeni - Corben's Long-eared Bat	Inhabits a variety of vegetation types, including mallee, bulloke Allocasuarina leuhmanni and box eucalypt dominated communities, but it is distinctly more common in box/ironbark/cypress-pine.	Vulnerable	Unlikely – Habitat not suitable on site.
Pseudomys fumeus Smoky Mouse	Appears to prefer heath habitat on ridge tops and slopes in sclerophyll forest, heathland and open-forest.	Endangered	Unlikely – Habitat not suitable on site.
Pteropus poliocephalus - Grey-headed Flying-fox	Requires foraging resources and roosting sites.	Vulnerable	Unlikely – Habitat not suitable on site.
Phascolarctos cinereus - Koala	Temperate, sub-tropical and tropical forest, woodland and semi-arid communities dominated by Eucalyptus species	Vulnerable	Unlikely – Lack of suitable habitat, as the site has limited connectivity to better quality vegetation. Limited food sources on the site with a lack of food diversity.

Species	Preferred Habitat	EPBC Act Status	Likelihood[1]
Reptiles			
Aprasia parapulchella - Pink-tailed Worm-lizard,	Most commonly found sheltering under small rocks (15–60 cm basal area) shallowly embedded in the soil.	Vulnerable	No - Not appropriate habitat
Delma impar - Striped Legless Lizard	Found where vegetation and rocks are able to provide protection.	Vulnerable	No - Not appropriate habitat
Migratory Terrestrial Birds			
Hirundapus caudacutus - White-throated Needletail	Feed, drink and rest on the wing in large groups. May rest at night in forested country.	Migratory	No - Not appropriate habitat as the site is not forested enough or connected to more densely forested areas.
Motacilla flava – Yellow Wagtail	Found in short grass, bare ground, swamp margins, sewage ponds and town lawns. Mostly coastal.	Migratory	Unlikely – area is outside this birds range.
Myiagra cyanoleuca - Satin Flycatcher	Tall wet eucalypt forests of SE Australia.	Migratory	No – Not appropriate habitat
Migratory Wetland Birds			
Numenius madagascariensis - Eastern Curlew	Found in Australia in August (Migratory bird) to feed on crabs and molluscs in intertidal mudflats.	Critically Endangered	No – No suitable habitat for the species on the site.
Calidris ferruginea - Curlew Sandpiper	Occur on intertidal mudflats in sheltered coastal areas, such as estuaries, bays, inlets and lagoons and also around non-tidal swamps, lakes and lagoons	Critically Endangered	No – No suitable habitat for the species
Gallinago hardwickii - Latham's Snipe	Freshwater swamps and marshes as well as salt marshes and mud flats	Migratory	No – No shallow water environs on the site.
Actitis hypoleucos - Common Sandpiper	Found in coastal or inland wetlands, both saline or fresh.	Migratory	No – No shallow water environs on the site.
Calidris acuminata - Sharp-tailed Sandpiper	Prefers the grassy edges of shallow inland freshwater wetlands. It is also found around swage farms, flooded fields, mudflats, mangroves, rocky shores and beaches.	Migratory	No – No shallow water environs on the site.
Calidris melanotos - Pectoral Sandpiper	Prefers the grassy edges of shallow inland freshwater wetlands. It is also found around swage farms, flooded fields, mudflats, mangroves, rocky shores and beaches.	Migratory	Unlikely – Site is lacking in suitable habitat.

Species	Preferred Habitat	EPBC Act Status	Likelihood[1]
Pandion haliaetus - Osprey	The breeding range of the Eastern Osprey extends around the northern coast of Australia (including many offshore islands) from Albany in Western Australia to Lake Macquarie in NSW	Migratory	Unlikely – Site is lacking in suitable habitat.
Migratory Marine Birds			
Apus pacificus - Fork-tailed Swift	Spend most their life airborne. Build their nests on cliffs.	Migratory	Unlikely – Site is lacking in suitable habitat.
Listed Marine Birds			
Apus pacificus - Fork-tailed Swift	Spend most their life airborne. Build their nests on cliffs.	Migratory	No – Not geologically suitable.
Ardea ibis - Cattle Egret	Shallow water and open dry grassy habitats	Migratory	No – No suitable habitat.
Ardea alba - Great Egret	Has been reported in a wide range of wetland habitats, (for example inland and coastal, freshwater and saline, permanent and ephemeral, open and vegetated, large and small, natural and artificial waterbodies.	Migratory	No – No shallow water environs.
Rostratula benghalensis (sensu lato) - Painted Snipe	Generally inhabits shallow terrestrial freshwater (occasionally brackish) wetlands, including temporary and permanent lakes, swamps and claypans	Endangered	No – No shallow water environs on site.
Hirundapus caudacutus - White-throated Needletail	Feed, drink and rest on the wing in large groups. May rest at night in forested country.	Migratory	Unlikely – more suitable areas of better-quality vegetation further from the site.
Motacilla flava – Yellow Wagtail	Found in short grass, bare ground, swamp margins, sewage ponds and town lawns. Mostly coastal.	Migratory	Unlikely – more suitable areas of better-quality vegetation further from the site.
Myiagra cyanoleuca - Satin Flycatcher	Tall wet eucalypt forests of SE Australia.	Migratory	No – Not appropriate habitat
Calidris ferruginea - Curlew Sandpiper	Occur on intertidal mudflats in sheltered coastal areas, such as estuaries, bays, inlets and lagoons and also around non-tidal swamps, lakes and lagoons	Critically Endangered	No – No suitable habitat for the species
Gallinago hardwickii - Latham's Snipe	Freshwater swamps and marshes as well as salt marshes and mud flats	Migratory	No – No shallow water environs.
Haliaeetus leucogaster - White-bellied Sea-Eagle	Surface waters along coasts, islands, inlets also along larger inland rivers and lakes.	Migratory	No – No shallow water environs.
Merops ornatus - Rainbow Bee-eater	Occurs in open woodlands, shrublands, grasslands and forests including riparian areas.	Migratory	Potential – Site contains potential foraging area.

Species	Preferred Habitat	EPBC Act Status	Likelihood[1]
Lathamus discolor - Swift Parrot	Forests and woodlands dominated by winter flowering eucalypts	Endangered	Potential – Site contains potential foraging area.
Actitis hypoleucos - Common Sandpiper	Found in coastal or inland wetlands, both saline or fresh.	Migratory	Unlikely – area is outside this birds range.
Calidris acuminata - Sharp-tailed Sandpiper	Prefers the grassy edges of shallow inland freshwater wetlands. It is also found around swage farms, flooded fields, mudflats, mangroves, rocky shores and beaches.	Migratory	Unlikely – area is outside this birds range.
Calidris melanotos - Pectoral Sandpiper	Prefers shallow fresh to saline wetlands. The species is found at coastal lagoons, estuaries, bays, swamps, lakes, inundated grasslands, saltmarshes, river pools, creeks, floodplains and artificial wetlands.	Migratory	Unlikely – Site is lacking in suitable habitat.
Chrysococcyx osculans - Black-eared Cuckoo	Found in drier country where species such as mulga and mallee form open woodlands and shrublands. It is often found in vegetation along creek beds.	Migratory	Unlikely – Wrong woodland habitat around the site.
Pandion haliaetus - Osprey	The breeding range of the Eastern Osprey extends around the northern coast of Australia (including many offshore islands) from Albany in Western Australia to Lake Macquarie in NSW	Migratory	Unlikely – Site is lacking in suitable habitat.
Numenius madagascariensis - Eastern Curlew	Found in Austraila in August (Migratory bird) to feed on crabs and molluscs in intertidal mudflats.	Critically Endangered	Unlikely – Site is lacking in suitable habitat.

[1] Five categories for the 'likelihood of occurrence' of species has been used. The categories are based on recorded sightings listed in credible databases, the presence or absence of suitable habitat, other features of the site, results of the field survey and professional judgement. The 5 categories are:

'Yes' The species/community was or has been observed on the site.
'Likely' A medium to High probability that a species uses the site
'Potential' A suitable habitat for a species occurs on the site, but there is insufficient information to categorise the species as 'likely' or 'unlikely' to occur.
'Unlikely' A Very Low to Low probability that a species uses the site.
'No' Habitat on the site and in the vicinity in unsuitable for the species.

6.3.3 Threatened Fauna

Consultation with NSW BioNet: The website for the Atlas of NSW Wildlife returned 10 Vulnerable, 0 Endangered and 0 Critically Endangered listed species previously recorded within 10km of the site. Table 7 considers their likelihood of occurring at the site. The data shown in Map 4, has been compiled over a period of 38 years with the earliest record entered in 1978 and the most recent being entered in 2017. The following table shows only species considered Critically Endangered, Endangered, Vulnerable and or with a Sensitivity Class rating. All native species are protected but have not been included in this table.

Table 7: BioNet Atlas of NSW Wildlife – Fauna

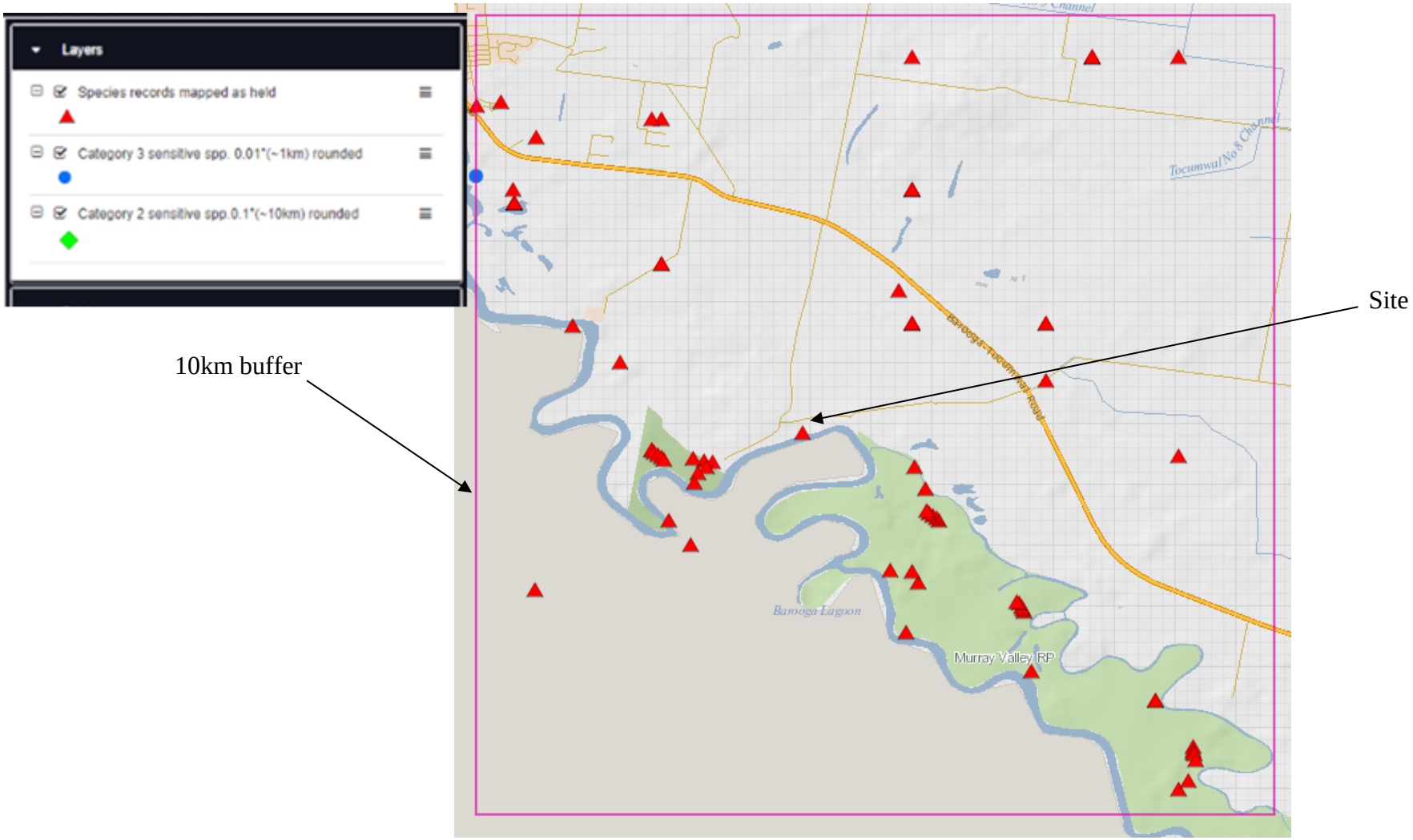
Species	Preferred Habitat	NSW Status	Likelihood[1]
Mammalia			
Koala - *Phascolarctos cinereus*	Temperate, sub-tropical and tropical forest, woodland and semi-arid communities dominated by Eucalyptus species	Vulnerable	Unlikely – Lack of suitable habitat, as the site has limited connectivity to better quality vegetation. Limited food sources on the site with a lack of food diversity.
Squirrel Glider - *Petaurus norfolcensis*	Require abundant tree hollows for refuge and nest sites	Vulnerable	Potential - Could be using the site optimistically, passing through.
Flame Robin - *Petroica phoenicea*	Prefers clearings or areas with open understoreys. The groundlayer of the breeding habitat is dominated by native grasses and the shrub layer may be either sparse or dense.	Vulnerable	Potential – Winter suitable site for this species.
Scarlet Robin - *Petroica boodang*	Scarlet Robin habitat usually contains abundant logs and fallen timber: these are important components of its habitat.	Vulnerable	Potential – Suitable habitat in close proximity to the site.
Dusky Woodswallow - *Artamus cyanopterus cyanopterus*	Primarily inhabit dry, open eucalypt forests and woodlands, including mallee associations, with an open or sparse understorey of eucalypt saplings, acacias and other shrubs, and ground-cover of grasses or sedges and fallen woody debris.	Vulnerable	Potential - Could be using the site optimistically, passing through.

Species	Preferred Habitat	NSW Status	Likelihood[1]
Grey-crowned Babbler (eastern subspecies) - *Pomatostomus temporalis temporalis*	Inhabits open Box-Gum Woodlands on the slopes, and Box-Cypress-pine and open Box Woodlands on alluvial plains. Woodlands on fertile soils in coastal regions.	Vulnerable	Potential - Could be using the site optimistically, passing through.
Black-chinned Honeyeater (eastern subspecies) - *Melithreptus gularis gularis*	Occupies mostly upper levels of drier open forests or woodlands dominated by box and ironbark eucalypts, especially Mugga Ironbark (Eucalyptus sideroxylon), White Box (E. albens), Inland Grey Box (E. microcarpa), Yellow Box (E. melliodora), Blakely's Red Gum (E. blakelyi) and Forest Red Gum (E. tereticornis).	Vulnerable	Potential - Could be using the site optimistically, passing through.
Brown Treecreeper (eastern subspecies) -*Climacteris picumnus victoriae*	Found in eucalypt woodlands (including Box-Gum Woodland) and dry open forest of the inland slopes and plains inland of the Great Dividing Range.	Vulnerable	Potential - Could be using the site optimistically, passing through.
Superb Parrot - *Polytelis swainsonii*	The Superb Parrot mainly inhabits forests and woodlands dominated by eucalypts.	Vulnerable	Potential - Could be using the site optimistically, passing through.
White-bellied Sea-Eagle - *Haliaeetus leucogaster*	Surface waters along coasts, islands, inlets also along larger inland rivers and lakes.	Vulnerable	Unlikely – Lack of suitable habitat on the site.

[1] Five categories for the 'likelihood of occurrence' of species has been used. The categories are based on recorded sightings listed in credible databases, the presence or absence of suitable habitat, other features of the site, results of the field survey and professional judgement. The 5 categories are:

'Yes' The species/community was or has been observed on the site.
'Likely' A medium to High probability that a species uses the site
'Potential' A suitable habitat for a species occurs on the site, but there is insufficient information to categorise the species as 'likely' or 'unlikely' to occur.
'Unlikely' A Very Low to Low probability that a species uses the site.
'No' Habitat on the site and in the vicinity in unsuitable for the species.

Map 1: Threatened Fauna and Flora – NSW Wildlife Atlas



Source: NSW Wildlife Atlas records as at 31/07/19

7 Physical & chemical impacts

7.1 Is the proposal likely to impact on soil quality or land stability?

Soil Quality – No.

Land Stability - Yes. There is likely to be mobilisation of some soil given the nature of the proposal (vegetation removal and construction of the site). The site is susceptible to compaction by traffic immediately after periods of heavy rainfall and is already highly disturbed. Mitigation measures are to extend (but not be limited to) the following:

- An Erosion and Sedimentation Control Plan should be developed and progressively implemented.
- Vehicle movements around the site should be restricted to the proposed activity footprint and should not encroach into any of the surrounding areas. Flagging exclusion fencing should be installed along the extent of the works area to ensure no encroachment into surrounding areas or impacts to vegetation not identified for removal.
- Construction should be completed using light vehicles and excavators as required.
- When rain is predicted, an assessment should be made by the site manager prior to works beginning. If heavy rain is predicted, work should not commence
- No stockpiles will be established under native vegetation in any area on site.
- Maintenance and checking of the erosion and sedimentation controls will need to be undertaken on a regular basis. Sediment will be cleared from behind barriers on a regular basis and all controls will be managed in order to work effectively at all times.
- Weed management should also be completed to ensure no weeds are further spread over the site.

7.2 Is the activity likely to affect a waterbody, watercourse or wetland or natural drainage system?

No. The site does not have any of these features.

7.3 Is the activity likely to change flood or tidal regimes, or be affected by flooding?

No. It will not change the site as it is currently acting as a levee bank.

7.4 Does the proposal involve the use, storage or transport of hazardous substances or the use or generation of chemicals which may build up residues in the environment?

No. Some diesel will be stored in ‘slip-on’ tanks in the back of utility vehicles and they will not be left on-site outside of working hours.

7.5 Does the activity involve the generation or disposal of gaseous, liquid or solid wastes or emissions?

Yes. However only the operation of machinery should produce emissions, no further disposal of liquids, gases or solid wastes is expected.

7.6 Will the activity involve the emission of dust, odours, noise, vibration, or radiation in the proximity of residential/urban areas or other sensitive locations?

Yes. The project may emit some dust and noise but this is expected to be minimal and the time period short. Given the current level of disturbance and providing the recommendations contained within this report are adhered to, it is unlikely that the proposal will result in extensive or harmful outcomes regarding these activities.

8 Biological impacts

8.1 Is any vegetation to be cleared or modified?

Yes. The proposal will require the removal of some native vegetation. Eighty-Nine (89) native non hollow bearing trees between 25cm Diameter at Breast Hight DBH and 125cm DBH being, River Red-Gum (*Eucalyptus camaldulensis*) and three larger trees to have limbs lopped between 80cm DBH and 145 cm DBH. No other natives will be impacted all other trees and groundcover species are exotic (See **map 2 Appendix B**).

8.2 Is the activity likely to have a significant effect on threatened flora or fauna species, or their habitats, or critical habitat; or an endangered ecological community or its habitat?

No. The works are limited to the works foot print and while the trees will be removed and or lopped from this section of the Levee 5 bank they are all non-hollow bearing or natural regeneration along the levee bank. No nests were seen on site during the time of the inspection (although outside the breeding season, no remnants of nets were seen). The proposed works will not endanger or have a ***significant*** effect on any threatened flora or fauna. Native vegetation is required for removal as outlined above **section 8.1**. This vegetation is not listed as threatened nor is it significant enough to place any threatened fauna potentially using the site at risk of extinction.

The vegetation to the south of the site is a mix of continuous and clumped vegetation with some structure to it providing a mix of over, understory and groundcovers along the Murray River. This vegetation is in part disturbed but unlikely to be part of an endangered EEC. The works will not impact on any other vegetation surrounding the site. As mentioned above no large hollow bearing tree removal is proposed, the proposed works onsite site will not displace any rare or threatened species.

8.3 Does the activity have the potential to endanger, displace or disturb fauna (including fauna of conservation significance) or create a barrier to their movement?

Endanger – No.

Displace – No.

Disturb – Yes. Threatened and declining woodland dependent birds may be using the area; hence the construction activities may prove to disturb foraging activities for a short period. The construction activities will see the removal of native vegetation; however, no trees are hollow bearing. As mentioned in **8.1** native vegetation is required for removal, however this is not going to endanger or displace any fauna as the vegetation required to be removed is not significant being younger in age, lacking structure and connectivity or will only be looped (the larger trees). Vegetation further away from the site is of better quality and will continue to support any fauna potentially using the site.

8.4 Is the activity likely to impact on an ecological community of conservation significance?

No. The site is not part of an ecological community of conservation significance. As mentioned in **section 8.1** some native vegetation is required for removal however this is only limited to the proposed works site and as mentioned before is not a significant vegetation and does not include any large hollow bearing trees.

8.5 Is the activity likely to cause a threat to the biological diversity or ecological integrity of an ecological community?

No. As mentioned above in **section 8.4** most of the works footprint is already disturbed as the site was clear to build the levee bank and over time these trees have grown, now requiring removal to ensure this levee can be structurally maintained. Native vegetation is required for removal as per **section 8.1**, however this is

limited to the proposed foot print and is not significant vegetation. The removal will not cause a threat to any biological diversity or integrity of an ecological community. No vegetation proposed for removal is listed as a threatened species.

8.6 Is the activity likely to introduce weeds, vermin, feral species or genetically modified organisms into an area?

Vermin – No.

Feral Species – No.

Priority Weeds - Possible.

The movement of vehicles, plant, equipment and people on and off the subject site/s has the potential to introduce noxious weeds to the area. The area is also impacted by pasture grass weed species. Wherever possible, removal of weeds should be undertaken prior to seed developing, which for most species occurs during the warmer months (i.e. summer).

Additionally, the following strategies are to apply to weed management within the site:

- Minimal impact techniques are to be used, ensuring no off target native species are damaged during weed control activities.
- Soil disturbance by vehicle and pedestrian access is to be kept to a minimum outside the construction footprint.
- Herbicide application is to be administered by authorised personnel only (e.g. ChemCert Accreditation– AQF 3), in accordance with the directions on the container (application rates, MSDS requirements) and any applicable Workcover requirements.
- All machinery used within the site is to be thoroughly cleaned by removing all plant material, dust or soil, and any accumulation of grease from the machine prior to the commencement of the construction.
- Any weeds removed (particularly those bearing seeds) are to be disposed of appropriately at the nearest waste management facility.
- If required, only topsoil from areas with no noxious or highly invasive weed species should be re-used in rehabilitation (it is generally assumed that if there is no evidence of noxious or invasive weeds in an area, the topsoil in this area is not contaminated with the seeds of such weeds).

9 Test of Significance

The following section assesses whether the proposal (as discussed and reviewed in this assessment) is likely to have a significant effect on threatened biodiversity[1] by addressing the Parts (a), (b) and (c) of the test of significance applied to species and ecological communities listed in Schedules 1 and 2 to the BC Act and under Part 5 of the EP&A Act.

"*The threatened species test of significance is used to determine if a development or activity is likely to significantly affect threatened species or ecological communities, or their habitats. It is applied as part of the Biodiversity Offsets Scheme entry requirements and for Part 5 activities under the Environmental Planning and Assessment Act 1979.*

The test of significance is set out in s.7.3 of the Biodiversity Conservation Act 2016.

If the activity is likely to have a significant impact, or will be carried out in a declared area of outstanding biodiversity value, the proponent must either apply the Biodiversity Offsets Scheme or prepare a species impact statement (SIS).

The environmental impact of activities that will not have a significant impact on threatened species will continue to be assessed under s.111 of the Environmental Planning and Assessment Act 1979" (OEH 2018).

When applying the Test of Significance, the following sections have considered all perceived likely direct and indirect impacts of the Proposal as outlined by previous sections of this document.

- *Direct impacts* are those that directly affect the habitat of species and ecological communities and of individuals using the study area. They include, but are not limited to, death through predation, trampling, poisoning of the animal/plant itself and the removal of suitable habitat. When applying each factor, consideration must be given to all of the likely direct impacts of the proposed activity or development. When applying each factor, both long-term and short-term impacts are to be considered
- *Indirect impacts* occur when project-related activities affect species or ecological communities in a manner other than direct loss within the subject site. Indirect impacts may sterilise or reduce the habitability of adjacent or connected habitats. Indirect impacts can include loss of individuals through starvation, exposure, predation by domestic and/or feral animals, loss of breeding opportunities, loss of shade/shelter, reduction in viability of adjacent habitat due to edge effects, deleterious hydrological changes, increased soil salinity, erosion, inhibition of nitrogen fixation, weed invasion, noise, light spill, fertiliser drift, or increased human activity within or directly adjacent to sensitive habitat areas. As with direct impacts, consideration must be given, when applying each factor, to all of the likely indirect impacts of the proposed activity or development. When applying each factor, both long-term and short-term impacts are to be considered.

[1] Species considered include Woodland Birds' which include the Superb Parrot (*Polytelis swainsonii*), Swift Parrot (*Lathamus discolor*), Rainbow Bee-eater (*Merops ornatus*), Regent Honeyeater (*Anthochaera phrygia*), Brown Treecreeper ((eastern subspecies) -*Climacteris picumnus victoriae*), Black-chinned Honeyeater ((eastern subspecies) - *Melithreptus gularis gularis*), Grey-crowned Babbler ((eastern subspecies) - Pomatostomus temporalis temporalis), Scarlet Robin (*Petroica boodang*), Flame Robin (*Petroica phoenicea*), Dusky Woodswallow (Artamus cyanopterus cyanopterus) and the Squirrel Glider (Petaurus norfolcensis) the species recorded in the OEH managed NSW Wildlife Atlas for the period 5/10/1978 to 9/7/2019 and under the EPBC Act within 10km of the site and their likelihood of using the site was rated as 'Potential' in section 6.2.

9.1 Factors for consideration - Test of Significance ("5 part test") BC Act sections 7 (1) (a),(b),(c), (d)&(e) and under part 5 of the EP&A Act.

(a) in the case of a threatened species, whether the proposed development or activity 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.

Woodland Birds

No. The project requires no clearance of mature large hollow bearing trees. As mentioned in **section 8.1** native vegetation is required for removal however these removals will not place any woodland birds at risk as there are other better-quality foraging habitats within the area to this works footprint. The proposed activities are unlikely to have an adverse effect on the life-cycle of woodland birds that may be opportunistically using the site; as there will be no impacts to any surrounding land (Vegetation removal or encroachment). Woodland birds might be disrupted by noise and vehicle movements during construction, they are highly mobile and able to disperse into other areas of better-quality habitat further surrounding the site.

Squirrel Glider

No. The project requires no clearance of mature trees. Tree removals will not open up the canopy enough to have an impact on the potential flight pathways for this species. The proposed activities are unlikely to have an adverse effect on the life-cycle of Squirrel Gliders that may be opportunistically using the site. As the construction will be during the day it will also not have an impact on any potential flight pathways across any of the levee where these works will take place.

(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
(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

No. The works foot print is largely modified and while containing overstory native species it is lacking in the native understory species while being impacted by perennial pasture grasses maintenance and other weeds. Native species found on the site are shown in **map 2 Appendix B**. While there is some native vegetation (no large hollow bearing trees will be removed) within the works area, vegetation proposed for removal will be as discussed in **section 8.1** the site is not part of an endangered EEC as the native groundcovers are lacking and a shrub layer is missing from the site. As part of the construction process there will be significant ground disturbance to remove the trees and complete the maintenance works for the Levee 5 bank. These works will not be prolonged and will not cause any species to be at risk of extinction or adversely modify the composition of an ecological community.

(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
(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
(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

No. See (b) above. There are no critically endangered EECs on site, no removal of significant native vegetation as outlined in **section 8.1** and shown on **map 2**.

Woodland Birds

(i) No large hollow bearing trees or other potential habitat trees are to be removed as part of the project and will not displace any of the species potentially utilising the site opportunistically for foraging or passing through the site. The vegetation required for removal is not significant habitat and its removal will not cause a significant threat to any threatened species or ecological communities.
(ii) No fragmentation is therefore possible.
(iii) Not relevant given (i) & (ii) no significant native vegetation is proposed to be removed as outlined in **section 8.1**. This that will not cause any of the identified species 'potentially' using the site to be pushed to the risk of extinction.

Squirrel Glider

No hollow bearing tree removal required. With tree removal not opening up the canopy beyond the 30m required gliding distance, it will therefore not displace this species. The project will not see the potential flight pathways for this species impacted significantly.

(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, no section of the site is mapped as an 'area of outstanding biodiversity value'.

(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

A threatening process is something that adversely affects threatened species, populations of a species, ecological communities or could cause species, populations of a species or ecological communities to become threatened. A threat can be listed under Schedule 4 of the BC Act as a 'Key Threatening Process' if it adversely affects threatened species, populations or ecological communities or if it could cause species, populations or ecological communities that are not threatened to become threatened. There are currently 38 listed threatening process recognized by the BC Act and a further 19 by the EPBC Act.

One (1) key threatening processes from the EPBC Act (Federal) is considered to be relevant to the proposal and the following other key threatening processes from the BC Act (NSW) are also considered relevant.

Key Threatening Process	**Is the proposal of a class of activity that is recognised as a threatening process?**		
	Likely	**Possible**	**Unlikely**
Land Clearing (EPBC Act)	✓		
Clearing of native vegetation	✓		
Invasion of native plant communities by exotic perennial grasses		✓	
Removal of dead wood and dead trees.		✓	

The proposal will require clearing of native vegetation as outlined in **section 8.1**, this removal will not cause a detrimental impact to the site or to the surrounding area. Works are only limited to the proposed footprint and will not further encroach into any other areas of native vegetation. The site is largely impacted by the existing uses and management, perennial pasture and exotic groundcovers/grasses also largely occupy the groundcover layer. No trees required for removal are hollow bearing or an important habitat tree for any threatened species. Some larger trees require lopping but will not remove important habitat features as part of this work. No native groundcovers or shrubs are found on site.

The proposal therefore is not likely to be part of (or increase the impact of) a key threatening process. Nor does the proposal as it stands require a Biodiversity development assessment report (BDAR) to be completed.

10 Conclusion

I am of the opinion that the activities as proposed will not have a significant effect on any of the identified threatened species and ecological communities and their conservation as noted within this report.

11 References

Department of Planning and Environment Biodiversity Value Map
https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap

EPBC Protected Matters Search Tool, Australian Government Department of the Environment and Energy
http://www.environment.gov.au/epbc/protected-matters-search-tool

OEH, 2017, Threatened biodiversity profile search
https://www.environment.nsw.gov.au/threatenedspeciesapp/

OEH, 2018, Threatened Species Test of Significance Guidelines. Office of Environment and Heritage, July 2018
https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/threatened-species-test-significance-guidelines-170634.pdf

OEH, 2018, Field survey methods, Field survey methods for environmental consultants and surveyors when assessing proposed developments or other activities on sites containing threatened species
https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/about-threatened-species/surveys-and-assessments/field-survey-methods

Office of Environment and Heritage
https://www.environment.nsw.gov.au/wildlifeatlas/about.htm

12 Appendix

Appendix A: Site Photos

Alignment Photos

Trees require for removal seen here to remove them from the toe of the bank.

Tree of Heaven (weed) to be removed. Bank disturbed by access uses.

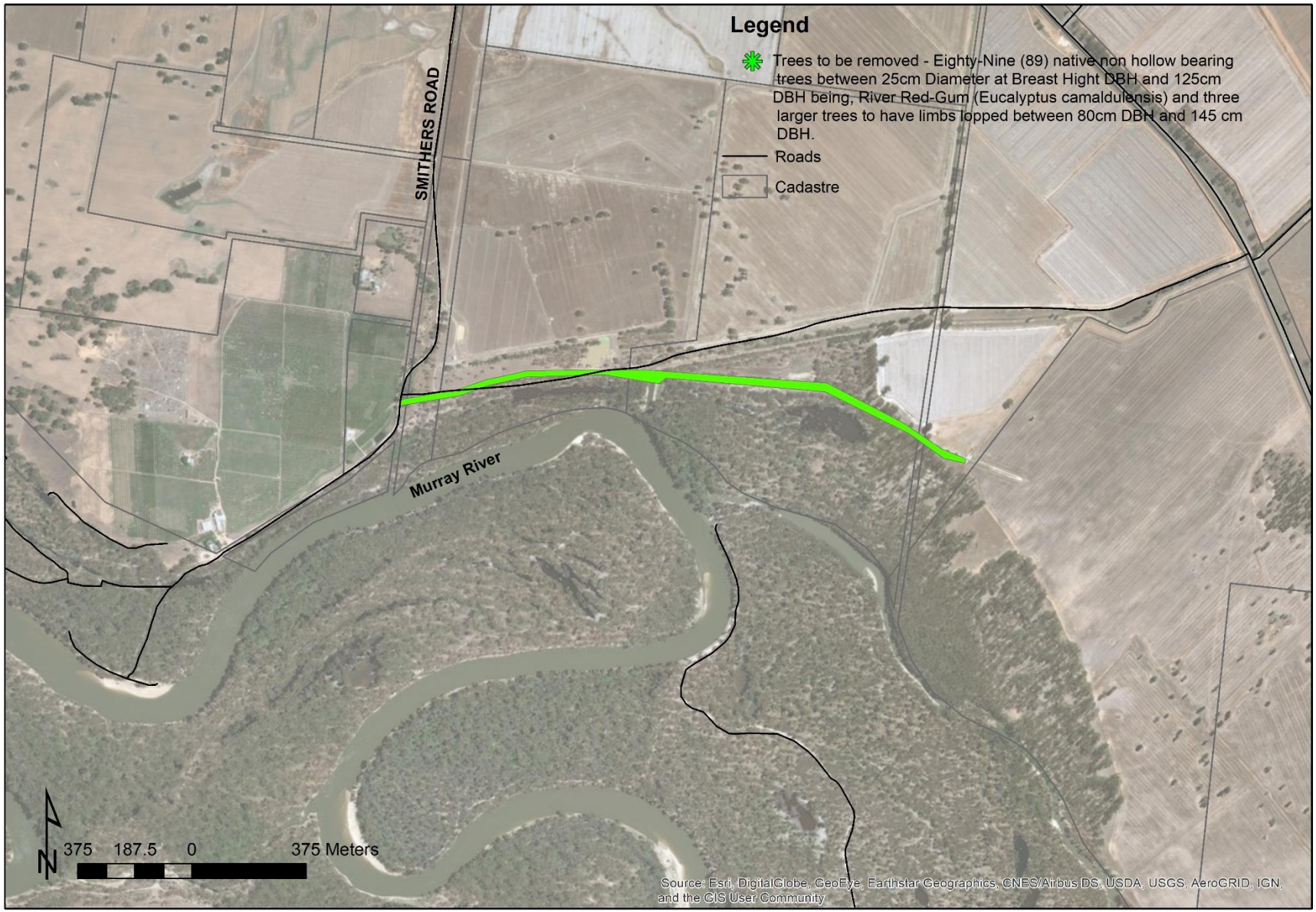
Trees to be removed along the toe of the bank to ensure trees roots do not impact the structural integrity of the levee.

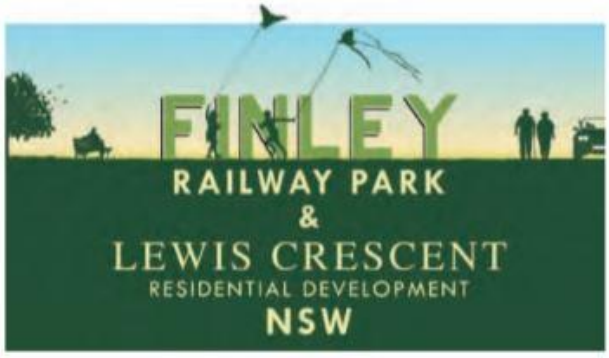
Disturbed edges of the bank.

Tree to be lopped. No hollows in the overhaning branch.

Tree to be lopped

Appendix B: Site Map 2 – Six Maps image



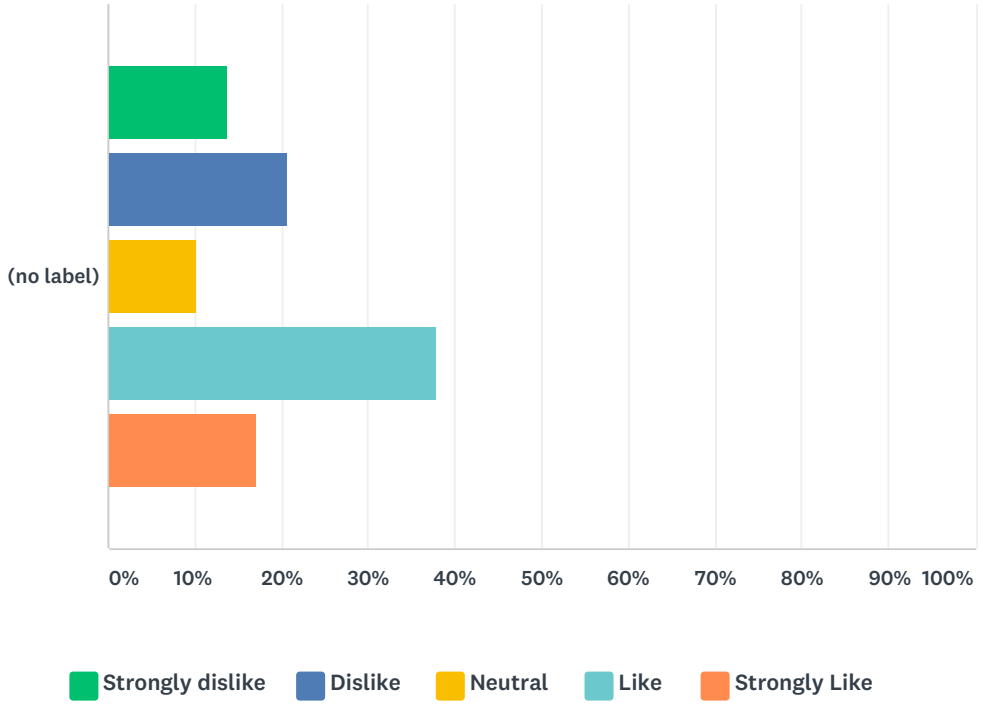


RAILWAY PARK AND LEWIS CRESCENT

Online Survey Results and Submissions Received
26 June to 27 July 2019

Q1 Having viewed the concept plan, how would you describe your overall reaction to it?

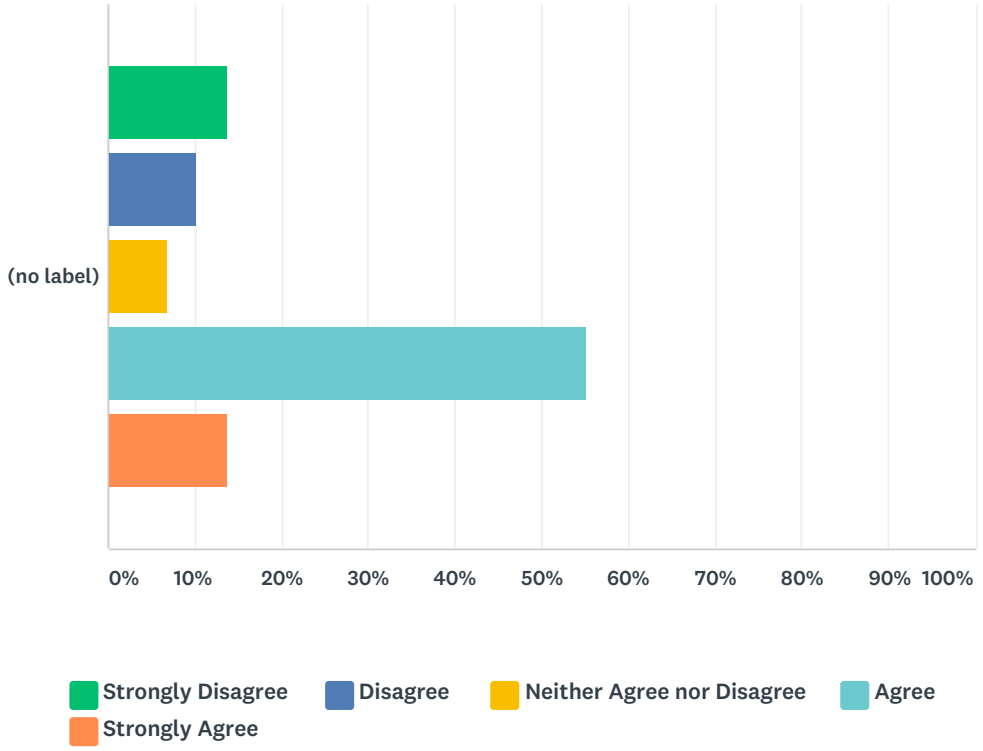
Answered: 29 Skipped: 0



	STRONGLY DISLIKE	DISLIKE	NEUTRAL	LIKE	STRONGLY LIKE	TOTAL	WEIGHTED AVERAGE
(no label)	13.79% 4	20.69% 6	10.34% 3	37.93% 11	17.24% 5	29	3.24

Q2 The concept plan is intended to create a visually appealing, pedestrian-friendly and sustainable leafy and green environment in the heart of Finley.Do you believe that the draft concept plan will achieve this?

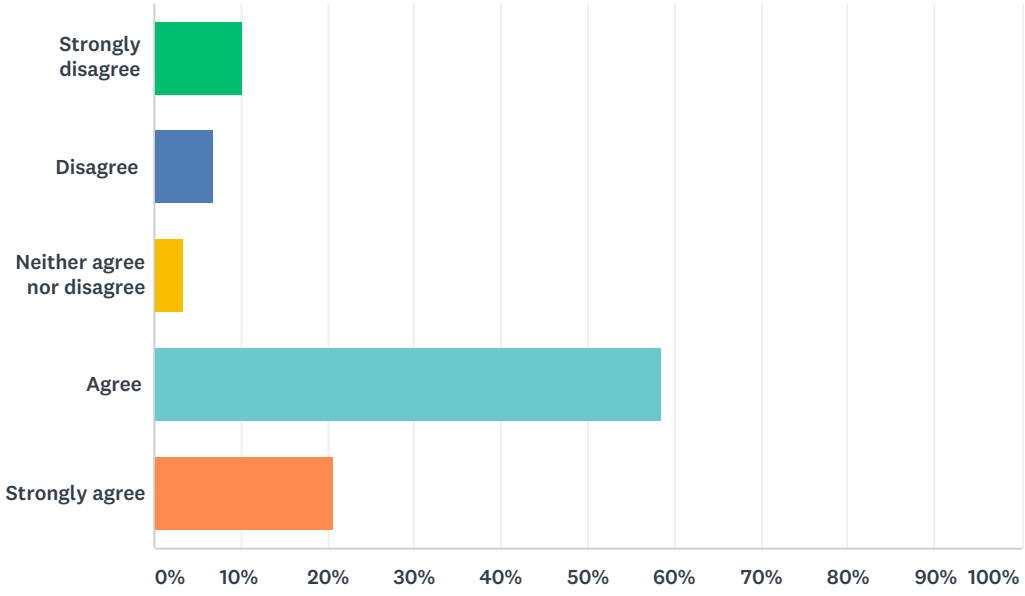
Answered: 29 Skipped: 0



	STRONGLY DISAGREE	DISAGREE	NEITHER AGREE NOR DISAGREE	AGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
(no label)	13.79% 4	10.34% 3	6.90% 2	55.17% 16	13.79% 4	29	3.45

Q3 The proposed design for Railway Park incorporates further residential development of Lewis Crescent strengthening this development's social connection to and between the Finley Town Centre. It is also a design which is intended to improve the amenity and useabilty of Railway Park for all Finley residents as well as visitors to Finley. Do you agree with this approach?

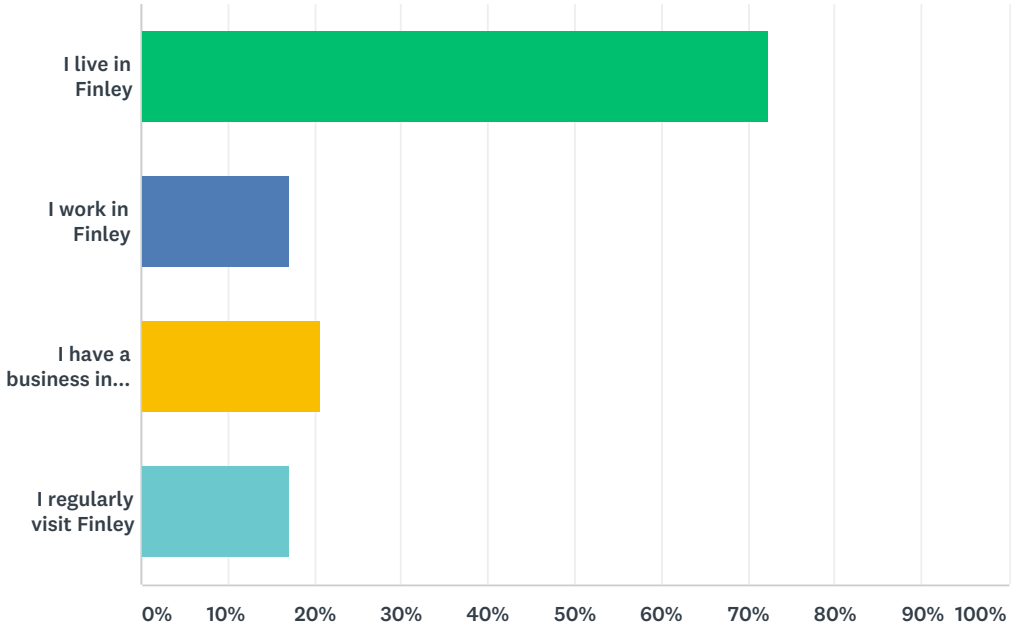
Answered: 29 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly disagree	10.34%	3
Disagree	6.90%	2
Neither agree nor disagree	3.45%	1
Agree	58.62%	17
Strongly agree	20.69%	6
TOTAL		29

Q4 What best describes your interest in this project ?(please select all that apply)

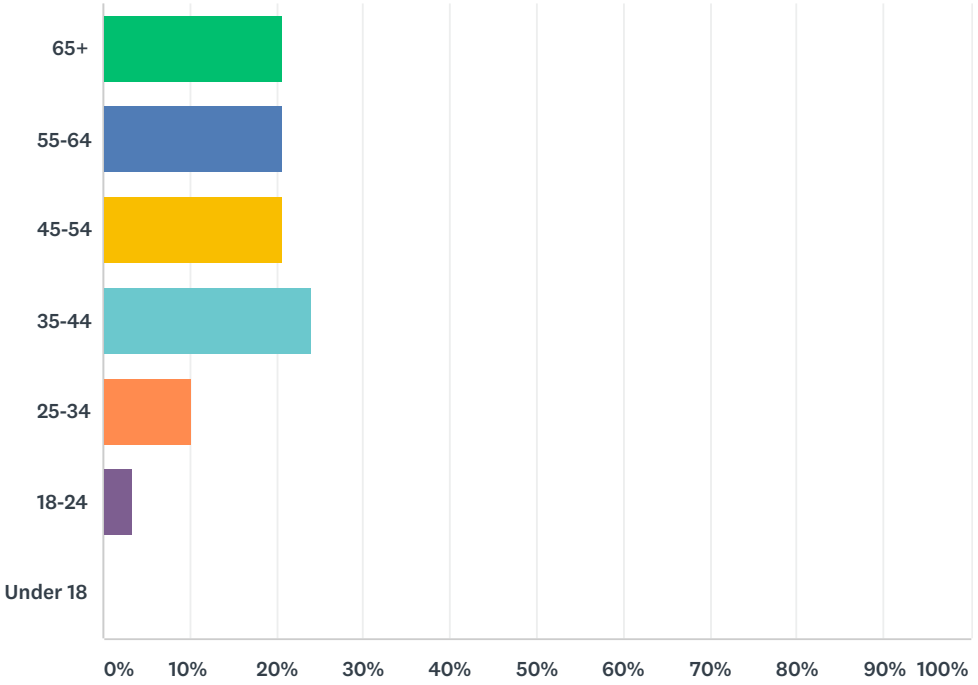
Answered: 29 Skipped: 0



ANSWER CHOICES	RESPONSES	
I live in Finley	72.41%	21
I work in Finley	17.24%	5
I have a business in Finley	20.69%	6
I regularly visit Finley	17.24%	5
Total Respondents: 29		

Q5 Age

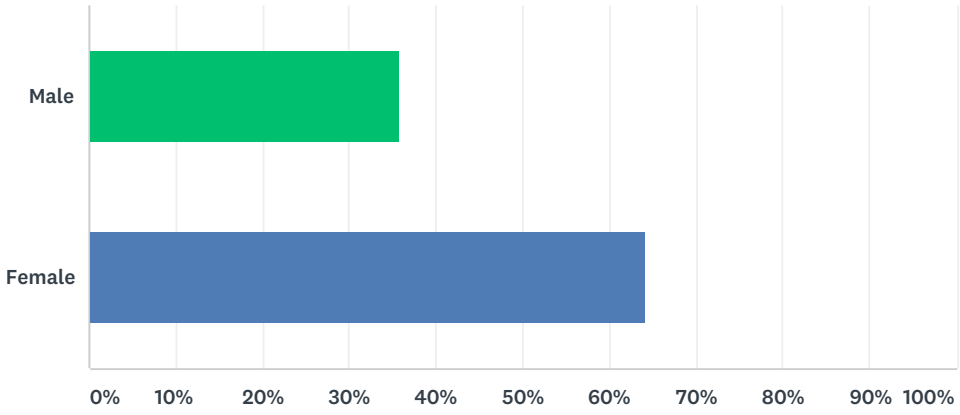
Answered: 29 Skipped: 0



ANSWER CHOICES	RESPONSES	
65+	20.69%	6
55-64	20.69%	6
45-54	20.69%	6
35-44	24.14%	7
25-34	10.34%	3
18-24	3.45%	1
Under 18	0.00%	0
TOTAL		29

Q6 Gender

Answered: 28 Skipped: 1



ANSWER CHOICES	RESPONSES	
Male	35.71%	10
Female	64.29%	18
TOTAL		28

Q7 Any other comments

Answered: 13 Skipped: 16

On Railway Committee since it started Have amphitheatre where original stage is on west side of park Make larger to use as a stage as well Like Park in Bright Victoria
It is good to have it explained
All the suggestions for the concept design should be published and available to the public so we can evaluate all the ideas. The updated plans should be presented to the Finley for the Future committee. We and the public should be invited to go on an on site walk of the updated concept design to allow further understanding of the proposals and verbal constructive changes as visuals often lead to new insights.
We should have an attraction there to boost Finley's traffic. Big kids playground, sculptures, outdoor arena for movie nights etc.Leeton has indestructible exercise equipment in their park, perhaps parents could use these while they watch children play. I will try to bring the info on Wednesday.
Money should be spent on a railway between Tocumwal and Berrigan. It should run from Toc to Berrigan every day at 8AM and return 4PM.
Keep up the great work Berrigan Shire
Please give us footpaths and stop people parking on existing nature strips so we are not forced onto incoming traffic on road
Nope
If you listen to the Finley residents and not go against them it will work. Start listening!
I highly recommend a playground for the younger kids that live in this area of town would be greatly used!!
Finley is a great town to live in and in the last 5 years a lot of works have taken place to make it a better town to live in..
Waste of money

Submissions Received

Finley Railway Park Committee of Management

44 Finley St

Finley NSW 2713

3/2/2019

To Berrigan Shire

ATT. ROWAN PERKINS

REF. 04.121.1 RP:JD

We are writing in response to your letter dated 30/1/2019 a 4 year delivery plan for the railway park in Finley.

Our committee has agreed on a plan for the improvement of the park infrastructure and would need the Berrigan shire's assistance in a financial (through the shire's budget or grant funding) and shire's labour to see these visions come to fruition

With the Finley Museum, possible silo art, Pioneer Railway and Closes Museum, talk of a walking track to link them together. Our park is in the middle with toilets and car parking close by, making it a great spot to rest enjoy a picnic while walking the link track.

STAGE ONE

We would like a stage with a shelter (cement floor, steel frame and tin roof/ wall. Large enough to fit a band, sound equipment and 20 people) with power supply and lighting. A Water tap installed in the shelter, for cleaning with a hose) This stage to be situated on the western side of the park in front of the old railway dirt loading ramp.

Also

Power supply (rated 15 amp or above) to be housed in the pump station on the south-eastern end of the park to power amusement rides and stalls at functions in the park.

These two improvements would be utilised by the Finley Chamber of Commerce for the Christmas extravaganza, market nights, food and music festivals etc. Chamber have discussed these two improvements with us, as past functions they have had to get trucks for a stage and hire generators for power supply, creating noise from the generators and running power leads long distances creating potential power overload problems and trip hazards on power cords.

STAGE TWO

Additions to the existing shelter on the north-western side of the park.

We would like a fixed electric BBQ to be installed under cover, with power points and lighting. A water tap fitted to one post would allow cleaning of the area and people using the BBQ to wash their hands etc.

Also in this stage we would like to see more seating (stand alone bench seating and table/chair seating with cement pads underneath to allow easy mowing around them) positioned around the park.

We believe more people would utilise the park at lunch times if there was more seating and a BBQ. The park is beside the car park and the new toilet block, we have noticed more people using the park now there is toilets near by and caravan parking close.

STAGE THREE

On the original plans for the park, there is a cement foot path running from the south- east corner of the park joining up to the east/west foot path that is in place.

This addition would allow residents of Lewis Cres to have a safe foot path to walk to the main street, with out having to walk along the road before getting to the existing foot paths.

We would also like some form of steel arches to installed on the east and west entrance's to the park with signage "railway park" to allow people to identify the park by a name.

We have a small amount of funds, which we are going to put towards new trees to replace some that have died. This will take place at the start of winter to give the trees time the establish before the warmer weather.

The committee has also written to

the FINLEY PIONEER RAILWAY COMMITTEE asking for a pool style fence to be installed on top of the old railway loading ramp (in a dark green colour to match light posts and bollards already in place). There was talk a number of years ago this was to take place, but has not happened. This is railway owned land and the large drop from the loading ramp to the rail lines is 1200mm or more it poses a risk of a fall in the dark.

The committee would be happy to meet with the Berrigan Shire to discuss these plans further and to work with Shire and Finley chamber of commerce to obtain funding to see these improvements take place in the park.

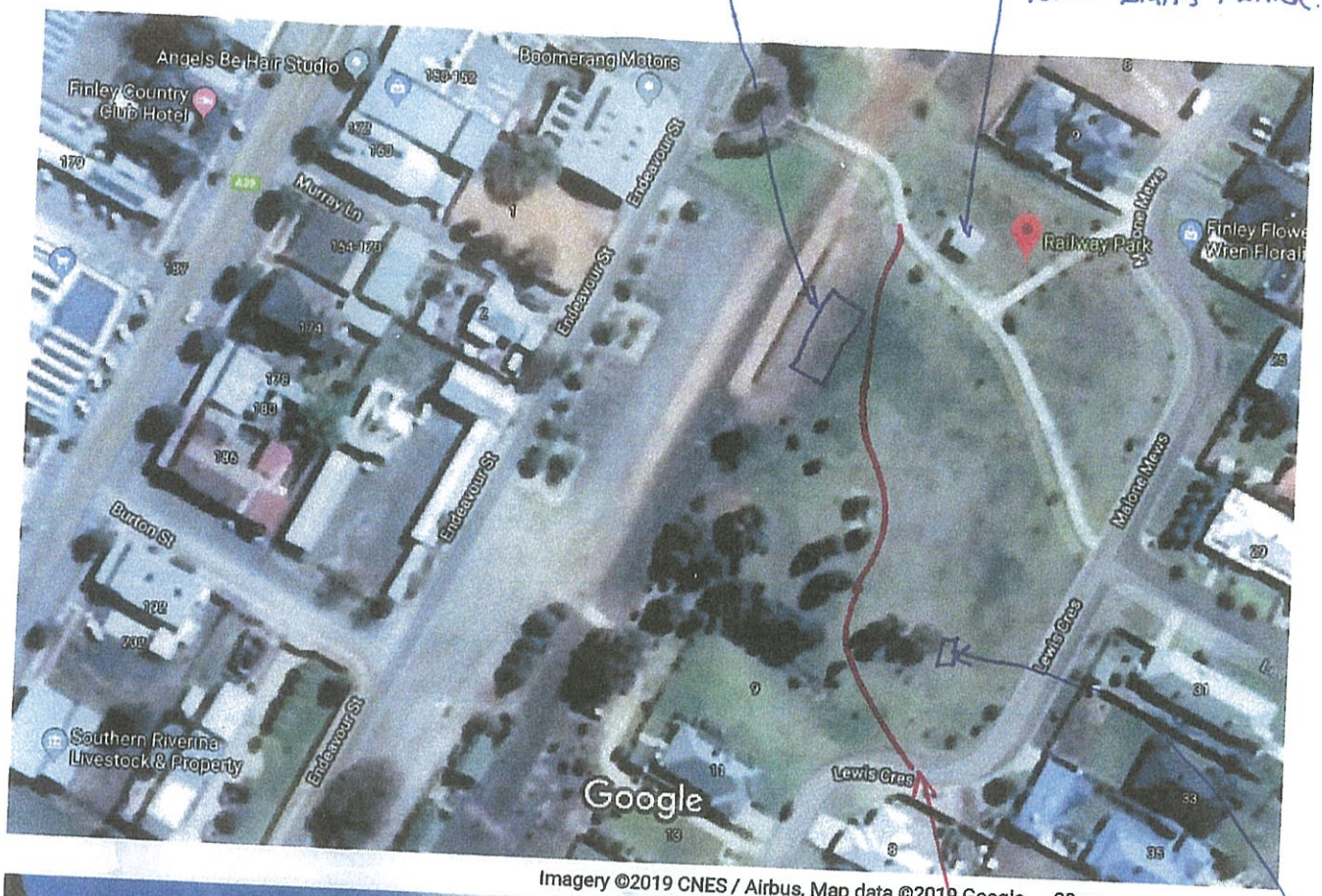
Thank you

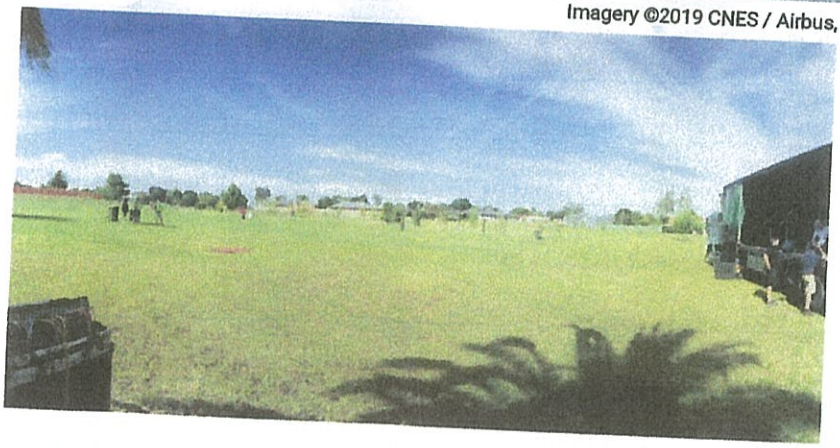
Finley Railway Park Committee

Secretary

Rebecca Matheson

Google Maps Railway Park





Railway Park

4.8 ★ ★ ★ ★ ★ · 4 reviews

Park

1 Malone Mews, Finley NSW 2713

9H5H+2Q Finley, New South Wales

Add missing information

Appendix "F"

Allan & Maree Matheson

43 Finley Street

Finley 2713

3-7-2019

Mr. Matt Hansen
Berrigan Shire Council

Berrigan

Dear Matt,

Please find enclosed our thoughts on the process of making Railway Park a green and pleasant place for Finley residents.

Allan has lived in this area of Finley for all of his 83 years and walked through this, now park, every day for most of those years. He has seen the progress from the stock yards with trains being on the track waiting to be loaded with sheep or cattle, and along further the passenger train at the station and other trains at the further south loading ramps for grain and large goods items, to the removal of the yards and the decommission of the rail station, to the gradual emergence of the Railway Park.

Maree has lived in the district for 74 years – 53 of those years in Finley. She has walked through and around this park area often over these years with her children and now grand-children. What an opportunity there is to make this area a wonderful green centre to our town. This area, along with the Pioneer Rail precinct, gives us a great opportunity to tell the history of Finley Rail and the wider history of Finley township.

The Railway Park is a great place for Finley to attract visitors to wander over from the main street and relax and stay awhile, but mostly it will be a place for the residents of Finley and district to meet, relax and enjoy some time together.

We request that Council considers our input to Railway Park revitalisation as a cost effective and sensible plan.

Thank you

Yours Sincerely

M Matheson
A Matt

We wish to comment and put forward our positive thoughts on the Railway Park revitalisation.
Most of the existing trees must remain, a couple are nearly dead or the wrong tree for that area – please check with Railway Park Committee before removing.
With soil correction by drainage in some areas, aeration, adding fertiliser and gypsum, an irrigation system to soak the tree roots and mulch in the immediate surround of each tree, the rest should flourish.

Another footpath, branching out just west of the existing shelter, heading south in front of the sound shell (see below) and going south/east to the two palm trees and continuing to meet the proposed shared road, would be most suitable.
Some improvements to the existing shelter by adding a BBQ, another seat and connecting the power and water, with some cladding on the west side, would be most beneficial.

The Amphitheatre as on Draft Plan would be too small, too close to residential area, not enough room in small area for expected audiences, it would be facing into the west so the late afternoon sun would be in the eyes of performers, and the direction most of the winds and bad weather comes from. As this is near a residential area we suggest that the planned permanent musical instruments not be installed, as they would be an invitation to our fun-loving young residents to play them anytime- day or night, causing an unwanted disturbance.
Any other events would finish early enough to not cause any noise issues.

A simple sound shell situated on the west side of the park, facing east, backing on to the mound of the former stock loading ramp, would be suitable for any future concerts/events. It would need to be big enough to hold about 20 people (maybe for a choir) and some sound equipment – so power would need to be connected. Made from an unobtrusive material of a blending colour, with winged sides and an overhanging, upward sloping roof to the front, it should have the acoustics required. A cement floor, with a slight gradient to the front so that an occasional pressure wash would keep it clean and the water would run out and go on the grass and not be wasted.

The main centre area should remain open, only lawn, for people to bring their own chairs or picnic rugs to relax and enjoy any entertainment. A couple more fixed seats around the perimeter of the park would be appreciated, not boulders as suggested on plan (most uncomfortable and a mowing nightmare).

We acknowledge that some memorial plaques have been installed in Railway Park, but hope that permission will not be given for any more, as this is a recreational (not a memorial) park, and we do have a well looked after cemetery for commemorations to be observed.
No Artwork on Agriculture or a Water Memorial is needed in this Park. Any Artwork considered should refer to the Railway.
The suggestion of a shared road treatment would be a waste of money on this project, as pedestrians know to walk on the side of the road towards oncoming traffic when there is no footpath and one of the first things we teach our kids is 'You don't play on the road.'

Finley Railway Park Committee

Finley Railway Park Committee
R. Matheson
Secretary
44 Finley St, Finley
NSW 2713
0438 834010

30th May 2019

Dear Matthew Hanson,

Thank you for meeting with us last Friday at the railway park.

We are only asking for a couple of things to finish our park off.

As per our letter to the shire, sent to (Rowan Perkins) 3rd February 2019

We would like a stage shelter with a cement floor, steel frame and tin roof. Large enough for a band, sound equipment and at least twenty people. Power supply and lightening. A water tap for easy cleaning. This stage would be situated on the western side of the park in front of the old railway dirt lading ramp.

A power supply (rated 15 amp or above) to be housed in the pump station on the south-eastern end of the park to power amusement rides, stalls at our functions in the park.

Additions to the shelter on the northern-western side of the park.

We would like a fixed BBQ to be installed under cover, with power supply and lightening. A water tap for cleaning ad hand washing.

Also more seating is needed as one is not enough. It is regularly getting used by locals for sitting and having breaks and tourists use it daily. A few more tables and chairs around the park would be useful.

Replace dead plants at the start of the railway park around the large palm tree (west side)

Some of the lights are not working and need attention.

A cement foot path from the south-east corner of the park joining up to the east-west foot path. This addition would allow Lewis Cres residents a safe foot path to walk down the street instead of walking on the road.

We would like some sort of steel arches to be installed on the east and west entrances to the park with signage "Finley Railway Park".

We do not want our trees to be removed or pulled out. We believe water is our biggest issue in keeping these tress alive. After we had to hand water these trees on many occasions to keep them alive it would be sad to lose them. If a proper watering system was put in the trees would strive. Also a fertiliser for the trees and lawn at the start of spring would help as it's never had one.

After viewing your plans the committee **does not** want the children's play sound shelter, but would preferred a large shelter to be placed on the western side of the park near the cattle loading mound to be used for town functions.

We are happy to meet up again to discuss any issues.

Thanking you

Rebecca Matheson

audit office
OF NEW SOUTH WALES

Mr Rowan Perkins
General Manager
Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Contact: Lawrissa Chan
Phone no: 02 9275 7255
Our ref: D1913142/1692

5 August 2019

Dear Mr Perkins

Management Letter on the Interim Phase of the Berrigan Shire Council Audit for the Year Ending 30 June 2019

The interim phase of our audit for the year ending 30 June 2019 is complete. This letter outlines:

- matters of governance interest I identified during the current audit
- unresolved matters identified during previous audits
- matters I am required to communicate under Australian Auditing Standards.

I planned and carried out my audit to obtain reasonable assurance the financial statements are free from material misstatement. Because my audit is not designed to identify all matters that may be of governance interest to you, there may be other matters that did not come to my attention. The audit is ongoing and I will inform you if we identify any new matters of governance interest as they arise.

The Management Letter may be sent to the Minister, if the Minister requests it.

For each matter in this letter, I have included my observations, risk assessment and recommendations. The risk assessment is based on my understanding of your Council. Management should make its own assessment of the risks to the Council.

I have kept management informed of the issues included in this letter as they have arisen. A formal draft of this letter was provided on 3 July 2019. This letter includes management's formal responses, the person responsible for addressing the matter and the date by which this should be actioned.

The Auditor-General may include items listed in this letter in the Report to Parliament. I will send you a draft of this report and ask for your comments before it is tabled in Parliament.

If you would like to discuss any of the matters raised in this letter, please contact me or Brad Bohun on 02 6022 0128.

Yours sincerely

Lawrissa Chan
Director, Financial Audit Services

cc: Cr Matthew Hannan, Mayor
Mr Matthew Hansen, Director Corporate Services

auditoffice
OF NEW SOUTH WALES

Interim management letter

For the year ending 30 June 2019

Berrigan Shire Council

INSIGHTS FOR BETTER GOVERNMENT

FINANCIAL AUDIT

I have rated the risk of each issue as 'Extreme', 'High', 'Moderate' or 'Low' based on the likelihood of the risk occurring and the consequences if the risk does occur.

The risk assessment matrix used is consistent with the risk management framework in TPP12-03 'Risk Management Toolkit for the NSW Public Sector'.

This framework may be used as better practice for councils.

LIKELIHOOD	CONSEQUENCE: Low	Medium	High	Very high
Almost certain	M	M	H	E
Likely	L	M	H	H
Possible	L	M	M	H
Rare	L	L	M	M

The risk level is a combination of the consequences and likelihood. The position within the matrix corresponds to the risk levels below.

RISK LEVELS		MATRIX REFERENCE
	Extreme:	E
	High:	H
	Moderate:	M
	Low:	L

For each issue identified, I have used the consequence and likelihood tables from TPP12-03 to guide my assessment.

Consequence levels and descriptors

Consequence level	Consequence level description
Very high	Affects the ability of your entire entity to achieve its objectives and may require third party intervention; Arises from a fundamental systemic failure of governance practices and/or internal controls across the entity; or May result in an inability for the auditor to issue an audit opinion or issue an unqualified audit opinion.
High	Affects the ability of your entire entity to achieve its objectives and requires significant coordinated management effort at the executive level; Arises from a widespread failure of governance practices and/or internal controls affecting most parts of the entity; or May result in an inability for the auditor to issue an unqualified audit opinion.
Medium	Affects the ability of a single business unit in your entity to achieve its objectives but requires management effort from areas outside the business unit; or Arises from ineffective governance practices and/or internal controls affecting several parts of the entity.
Low	Affects the ability of a single business unit in your entity to achieve its objectives and can be managed within normal management practices Arises from isolated ineffective governance practices and/or internal controls affecting a small part of the entity.

Likelihood levels and descriptors

Likelihood level	Frequency	Probability
Almost certain	The event is expected to occur in most circumstances, and frequently during the year	More than 99 per cent
Likely	The event will probably occur once during the year	More than 20 per cent and up to 99 per cent
Possible	The event might occur at some time in the next five years	More than 1 per cent and up to 20 per cent
Rare	The event could occur in exceptional circumstances	Less than 1 per cent

Summary of issues

Issue	Detail	Likelihood	Consequence	Risk assessment
Current year issues				
1	Enterprise risk register	Possible	Medium	Moderate
2	Fraud control framework	Likely	Medium	Moderate
3	Review of credit card statements	Likely	Medium	Moderate
4	Password configuration management	Possible	Medium	Moderate
5	Cyber security framework	Likely	Medium	Moderate
6	Review of changes to the payroll masterfile	Likely	Medium	Moderate
7	New accounting standards not yet effective	Likely	Medium	Moderate
8	Review of daily bank deposit reconciliations	Likely	Low	Low
9	Payroll record management	Possible	Low	Low
Prior year repeat issues				
10	Disaster recovery plan (repeat issue)	Likely	Medium	Moderate
11	Variance in Crown Land (repeat issue)	Almost certain	Low	Moderate

Appendix

Issue 1: Enterprise risk register

Likelihood	Consequence	Systemic issue	Category	Risk assessment
Possible	Medium	No	Strategic	Moderate

Observation

The Council does not maintain a formal enterprise risk register that identifies and documents all key risks for Council. This would include fraud risks, information technology risks and cyber risks, together with other key business risks for the Council.

Implications

In the absence of an enterprise risk register, the key risks may not be promptly identified and treated before a risk event or loss occurs. This could result in significant financial loss and/or impact Council's ability to achieve its objectives.

Recommendation

We recommend that Council develop and maintain an enterprise risk register to capture all the key risks impacting Council. Once developed, Council should ensure that risks are regularly assessed and updated.

Management response

Agree

While the Council does not have a formal overarching Enterprise Risk Register, the Council has identified its major risks in a series of risk management plans for various Council functions. These will be collated into a centralised risk register.

The Council's insurers annually audit Council's risk management function. These audits show the Council consistently out-performing industry benchmarks.

Person responsible:	Date to be actioned:
Michelle Koopman – Enterprise Risk Manager	February 2021

Issue 2: Fraud control framework

Likelihood	Consequence	Systemic issue	Category	Risk assessment
Likely	Medium	No	Strategic	Moderate

Observation

During our review of fraud controls, we noted that Council does not have a requirement for the new staff to complete conflicts of interest declaration and sign-off on the code of conduct to evidence their commitment to ethical behaviour.

Implications

The absence of conflicts of interest declaration and lack of sign-off on the code of conduct document, increases the risk that staff may not adhere to specific fraud control practice requirements.

Recommendation

We recommend that Council update its new staff hiring policies to include the requirements to complete conflicts of interest declaration and sign-off on the Council's code of conduct

Management response

Agree

Management's position has been that abiding by the Code of Conduct is an implicit part of the employment relationship and is required by legislation and regulation in any case. That said, management agree to modify its onboarding procedures to require all staff to explicitly acknowledge that they have read, understood and will abide by the Council's Code of Conduct on commencement of employment.

All staff are provided with the Code of Conduct during their induction and regular training is held for all staff. Records are kept of staff who have attended training.

Management will continue to manage its risk of fraud inside the Council's adopted Fraud Control Framework.

Person responsible:	Date to be actioned:
Matt Hansen – Director Corporate Services	31 December 2019

Issue 3: Review of credit card statements

Likelihood	Consequence	Systemic issue	Category	Risk assessment
Likely	Medium	Yes	Operational	Moderate

Observation

We reviewed credit card transactions for three months in the financial year and identified for the month of March 2019, that there was no evidence of authorisation of the monthly credit card statements and reconciliation.

Implications

If credit card statements are not reviewed and authorised by an independent person, it increases the risk of fraudulent transactions and misstatements of expenses.

Recommendation

We recommend that delegated officers review and sign-off the monthly credit card statements and reconciliation.

Management response

Agree

Council's Credit Card policy and procedures require the statement and each item on the reconciliation to be reviewed by an authorising officer. This did not occur in March, contrary to procedure. This was related to a change in staff at that time.

The relevant staff will be reminded of their responsibilities and the procedure reviewed to ensure this does not happen again.

The March statement has since been reviewed and all transactions were legitimate and all have been authorised.

While this oversight is disappointing, the Council's other controls relating to credit card use meant that the risk of fraudulent use is low. The Council has only the one credit card. It is securely kept in the Council's strongroom. In line with Council's procedures, all transactions on the card require a purchase order signed off by the responsible officer for the function and by the Finance Manager. This was the case in March.

Person responsible:	Date to be actioned:
Carla von Brockhusen	31 August 2019

Issue 4: Password configuration management

Likelihood	Consequence	Systemic issue	Category	Risk assessment
Possible	Medium	No	Operational	Moderate

Observation

We identified that password parameters for the financial (Practical Plus) do not comply with best practice guidelines such as:

- minimum password length
- minimum and maximum password age.

Implications

If sufficiently robust password parameters are not in place, there is a heightened risk of unauthorised access to key systems.

Recommendation

We recommend that management review the password security settings at Council against best practice guidelines such as the Australian Signals Directorate Information Security Manual.

Management response

Agree

Council will again make representation to Civica Solutions to implement changes to the way the Practical Plus financial management system manages passwords, noting this recommendation.

Council will adopt and implement a formal password policy and associated procedures requiring all staff to have complex passwords and change them frequently – noting that enforcement of the policy for Practical Plus use will be extremely difficult unless Civica Solutions make the changes noted above.

Person responsible:	Date to be actioned:
Matt Hansen – Director Corporate Services	31 October 2019

Issue 5: Cyber security framework

Likelihood	Consequence	Systemic issue	Category	Risk assessment
Likely	Medium	No	Strategic	Moderate

Observation

Our review of cyber security at council identified the following:

- the Council does not have a cyber security framework, including formal policies and procedures covering the identification, protection, detection, response and recovery of information systems.
- the Council has not performed any cyber penetration testing. Penetrations tests involve simulated attempts to compromise Council's information systems to help identify potential cyber security gaps or issues.
- the Council does not maintain a central register of cyber incidents occurred.

Implications

We note the following implications:

- if council does not have a formal cyber security framework, including policies and procedures, there is an increased risk that Council is less prepared to identify and respond to cyber incidents in the most effective way
- if council has not performed cyber penetration testing, the Council's cyber risk policy and internal controls around information security may not appropriately target the areas most at risk
- if Council does not maintain a register of cyber security incidents, there is a risk that the Council is less likely to identify higher risk areas through patterns or trends in cyber incidents.

Recommendation

The Council should develop a cyber security framework, including formal policies and procedures covering:

- the definition of cyber incidents
- staff roles and responsibilities
- containment and mitigation strategies
- the required reporting in the event of a cyber incident
- the recovery plans following a cyber incident.

Council should perform penetration testing on a periodic basis to assess the effectiveness of its cyber security controls. The frequency of testing should correspond with major changes in Council's information systems.

Council should establish a register of cyber incidents and processes to ensure all incidents are captured on a timely basis. The register should include:

- records of attempted cyber incidents that were blocked / intercepted
- an estimate of financial loss from the incident
- details of how the incident was resolved.

The register should be reviewed regularly for completeness and resolution of any outstanding matters.

Management response

Agree

The Council will implement a cyber-security framework as recommended, including policies, procedures and regular testing as well as a cyber-security register.

The Council does not currently have a cyber-security register as it has not had a cyber-security incident.

Person responsible:	Date to be actioned:
Matt Hansen – Director Corporate Services	31 March 2020

Issue 6: Review of changes to the payroll masterfile

Likelihood	Consequence	Systemic issue	Category	Risk assessment
Likely	Medium	No	Operational	Moderate

Observation

There is no evidence of a formal independent review of changes made to payroll masterfile details.

Implications

If there is no formal independent review of changes made to the payroll masterfile, there is an increased risk of errors and/or unauthorised changes made to payroll details, resulting in Council making incorrect or inappropriate payments.

Recommendation

We recommend that:

- the payroll masterfile changes report is regularly reviewed by an appropriate officer as part of end of month procedures
- this is formalised in the Council's procedures.

Management response

Agree

Council procedures require a review of all payroll masterfile changes. Masterfile changes are reported and reviewed each pay fortnight by the Finance Manager as part of the payroll validation process. This involves the production and printing of a review spreadsheet by the Finance Manager, noting each masterfile change.

To demonstrate this check has been made, the Finance Manager will sign the payroll masterfile changes report. The procedure will be modified to make this requirement explicit.

Person responsible:	Date to be actioned:
Carla von Brockhusen – Finance Manager	31 August 2019

Issue 7: New accounting standards not yet effective

Likelihood	Consequence	Systemic issue	Category	Risk assessment
Likely	Medium	No	Reporting	Moderate

Observation

In the 2017–18 financial year, Local Government Code of Accounting Practice and Reporting (Code Update 26) introduced new accounting standards issued by the Australian Accounting Standards Board that are not yet effective:

- AASB 9 'Financial Instruments' (effective for annual reporting periods beginning on or after 1 January 2018)
- AASB 15 'Revenue' (effective for annual reporting periods beginning on or after 1 January 2019 for not-for-profit entities)
- AASB 16 'Leases' effective for annual reporting periods beginning on or after 1 January 2019)
- AASB 1058 'Income of Not-For-Profit Entities' (effective for annual reporting periods beginning on or after 1 January 2019).

For the 2018–19 financial year, Council has yet to finalise a detailed impact assessment for the new accounting standards.

Implications

There is a risk that the Council is not adequately prepared for the upcoming changes in the accounting standards. This includes ensuring there are appropriate resources to respond to the required changes to financial reporting systems, policies, processes and training staff.

Recommendation

We recommend that the Council document their assessment of the impact of these upcoming accounting standards.

This will help ensure the Council's preparedness for the introduction and first-time adoption of the new standards and meet the disclosure requirement in Code 27 for its 30 June 2019 financial statements.

Management response

Agree

While the Council acknowledges that in an ideal world these reviews would be made, Council has limited resources and needs to make choices about priorities.

Management had made an interim determination that given the nature of the Council's operations these matters were relatively low risk and prioritised them accordingly. The interim review identified that the Council has no finance or operating leases and the only "financial instruments" held are fixed rate term deposits. As such the impact on the Council's financial reporting is likely to be small.

The "appropriate resources" available to the Council to respond to these changes – regardless of any impact assessment – will remain the Finance Manager, who is also the Responsible Accounting Officer.

That said, the formal impact assessments will be completed for the final audit.

Person responsible:	Date to be actioned:
Carla von Brockhusen – Finance Manager	31 July 2019

Issue 8: Review of daily bank deposit reconciliations

Likelihood	Consequence	Systemic issue	Category	Risk assessment
Likely	Low	Yes	Operational	Low

Observation

Our testing identified 2 instances (out of an initial sample of 7) where end of day bank deposit reconciliations were not reviewed by an independent officer.

The end of day banking is performed by Customer Service Staff at the front counter. Bank deposit reports are signed by the individual responsible for depositing the daily cash takings at the bank. Bank deposit reports are reconciled against the end of day summary which are reviewed by a second employee.

Implications

Lack of review of the daily bank deposit reconciliations by an independent officer may result in potential inaccuracies not identified and followed up in a timely manner.

Recommendation

We recommend that the daily bank deposit reconciliations are independently reviewed and evidenced by a signature.

Management response

Agree

The Council's procedures requires an independent review. The reviewer processes the actual banking and deposits the banking into the Council's bank account. This is part of the Council's segregation of duties.

A signature, while helpful to the audit function, is not necessary to show the review process was undertaken. That said, the Council will remind reviewing staff to sign the banking report.

Person responsible:	Date to be actioned:
Carla von Brockhusen – Finance Manager	31 August 2019

Issue 9: Payroll record management

Likelihood	Consequence	Systemic issue	Category	Risk assessment
Possible	Low	Yes	Operational	Low

Observation

The Council does not retain the signed copy of the employment agreement as evidence that the employee has formally accepted the offer of employment. The original signed employment agreement is retained by the new employee.

Implications

Council may not be complying with its obligations to maintain all necessary records under employment laws and regulations. Management may have difficulty producing required documents in the event of any dispute or legal matter.

Recommendation,

Management should retain evidence of an employee accepted employment agreement in the employee's personnel file.

Management response

Agree

It is Management's understanding that it currently does retain the signed copy of the letter of offer for each employee. Where this has not happened, it is contrary to Management's expectations.

Council will review its policy and procedures to ensure that it is clear to all that the signed copy is to be retained by the Council for its records.

Person responsible:	Date to be actioned:
Matt Hansen – Director Corporate Services	31 August 2019

Issue 10: Disaster Recovery Plan testing (repeat issue)

Likelihood	Consequence	Systemic issue	Category	Risk assessment
Likely	Medium	No	Operational	Moderate

Observation

In April 2017, Council implemented a Disaster Recovery Plan. However, this plan has not been formally tested.

This issue was raised in the previous management letter where management agreed to action the issue by 30 March 2019. However, the issue remains unresolved.

Implications

Lack of regular testing of the Disaster Recovery plan increases the risk that critical systems and operations cannot be restored within appropriate timeframes in the event of a significant disruption.

Recommendation

We recommend that the Council formally test the Disaster Recovery Plan on a regular basis.

Management response

Agree

Council will ensure the Disaster Recovery Plan is regularly tested.

Person responsible:	Date to be actioned:
Michelle Koopman – Enterprise Risk Manager	31 March 2020

Issue 11: Variance in Crown Land (repeat issue)

Likelihood	Consequence	Systemic issue	Category	Risk assessment
Almost certain	Low	Yes	Reporting	Moderate

Observation

During our review of Council's Crown Land assets in 30 June 2018, we noted two discrepancies between the data provided from the Crown Land Information Database and the records of Council.

The variance related to Council not recording some properties which the Crown Land Information Database recorded as being under the control of Council. While the impact of this discrepancy was immaterial, it suggests an understatement of the asset value in Council's balance sheet.

This issue was raised in the previous management letter where management agreed to action the issue by April 2019. However, the issue remains unresolved.

Implications

If Council's Crown land register is not accurate and complete, there is a risk that Crown land assets managed and controlled by the Council are not accurately accounted for resulting in a potential material misstatement of the financial statements.

Recommendation

We recommend that Council:

- work with the Department of Industry to resolve these identified discrepancies and ensure correct asset recognition; and
- perform a formal review at least annually over its Crown land register and Crown land reserve trusts, to ensure that all items managed and controlled by the Council are accounted for.

Management response

Agree

The Council has worked with Crown Lands to identify discrepancies and will continue to do so. The Council annually reviews its Crown Lands responsibilities and will continue to do so.

Management would challenge the assumption made by NSW Audit Office in this letter that the Crown Lands records are correct and Council's records are incorrect.

At least one parcel of land of which Crown Lands claims the Council is trustee is leased by Crown Lands directly to a third party without reference to the Council. Council staff have records that clearly show Crown Lands information is incorrect and have made these records available to the NSW Audit Office.

While Council has brought this matter to the attention of Crown Lands, the Council cannot direct Crown Lands to correct their records.

Person responsible:	Date to be actioned:
Carla von Brockhusen – Finance Manager	30 June 2020

Appendix

Review of matters raised in prior year management letters

The issues in this appendix were raised in previous management letters. For each of these issues, I have determined:

- how management has addressed the issue in the current year
- what management still needs to do to address unresolved issues.

Prior issues raised	Risk assessment	Assessment of action taken	Recommendation
2017–18 Final Management Letter			
Variance in Crown Land	Moderate	Matter has not been fully addressed by management.	Refer to issue 11.
Non-IT staff have inappropriate access to directly modify financial data outside of the application	Moderate	Target date for resolution has not yet passed (due 30 June 2019)	We will assess status in 2018–19 final audit.
Sharing of high privilege user accounts	Moderate	Target date for resolution has not yet passed (due 30 June 2019)	We will assess status in 2018–19 final audit.
Purchase order timing	Low	Matter has been addressed by Management.	Nil as matter addressed.
Supporting workpapers for asset revaluation	Low	Target date for resolution has not yet passed (due 30 June 2019)	We will assess status in 2018–19 final audit.
2017–18 Interim Management Letter			
Disaster Recovery Plan has not been formally tested	Moderate	Matter has not been addressed by Management.	Refer to issue 10.
No formal IT Security Policy	Moderate	Matter has been addressed by Management.	Nil as matter addressed.

Appendix "H"

John Barilaro
Acting Premier

Shelley Hancock
Minister for Local Government

MEDIA RELEASE

Tuesday, 13 August 2019

ONE YEAR REPRIEVE FOR COUNCIL EMERGENCY SERVICES LEVY

The NSW Government today announced it would fund the increase in the emergency services levy for NSW councils this financial year to meet the cost of new workers' compensation for firefighters.

Acting Premier and Minister for Regional NSW John Barilaro and the Minister for Local Government Shelley Hancock said the State's 128 councils would not have to pay the additional $13.6 million this financial year.

"The NSW Government acknowledges that this additional cost presented challenges for councils, particularly those in regional and rural areas badly affected by the drought," Mr Barilaro said.

"That's why the Government will fund the $13.6 million to cover the additional levy costs to support firefighters who develop cancer, to alleviate the immediate pressure on local councils.

"Our emergency services have long been funded through a cost sharing arrangement between insurers, councils and the Government. It's important that this continues and we look after the health and wellbeing of our frontline firefighters."

Mrs Hancock said the Government has listened to the concerns of local councils.

"We acknowledge that many councils had already developed and approved their 2019-20 Budgets before the invoices for the increased emergency services levy were issued and this has caused some angst," Mrs Hancock said.

"We will continue to consult with local councils to better manage the impacts of the emergency services levy especially on their annual budgeting cycles.

"It is clear that both State and local governments acknowledge the importance of providing support for those emergency service workers who have given so much to protect communities and I look forward to continuing to work with local councils to ensure this is the case."

Minister for Emergency Services David Elliott said firefighters risk their lives to keep the people of NSW safe every day and it's important they receive the full support of the communities they serve.

"The new laws enable eligible firefighters diagnosed with one of 12 cancers to automatically be presumed to have acquired that cancer because of their firefighting work," Mr Elliott said.

"These changes will ensure current and former firefighters – both volunteer and paid – who need care and support receive their entitlements immediately."

Mrs Hancock said the Government will continue to support local councils to deliver for their local communities.

“Since 2011, the NSW Government has provided more than $9 billion to councils to deliver and improve local infrastructure, services and facilities for their communities,” Mrs Hancock said.

MEDIA: James Jooste | Deputy Premier | 0429 978 036
Jane Boag | Minister Hancock | 0419 417 514

LOCAL TRAFFIC COMMITTEE

MINUTES

MEETING HELD ON

THURSDAY 15TH AUGUST, 2019

11AM AT BERRIGAN SHIRE COUNCIL

MAYORS ROOM

Roads & Maritime

BERRIGAN SHIRE

PRESENT

Cr Denis Glanville	Berrigan Shire Council, Councillor
Mr Gary Mexd	Local MP's Representative
Mr Viv McGee	Previous Local MP's Representative
Mr Matthew Clarke	Director Technical Services, Berrigan Shire Council
Mr Gary George	Assets & Operations Manager, Berrigan Shire Council
Sergeant Megan Mayo	NSW Deniliquin Police Force
Constable Greg Lawlor	NSW Finley Police, Highway Patrol

APOLOGIES

Mr Fazlul Hoque	Roads and Maritime Services
Cr Matthew Hannan	Berrigan Shire Council, Mayor

ITEM 1 Application for the Strawberry Fields Festival, Lower River Road, Tocumwal NSW 2714.

BACKGROUND

The Strawberry Fields Festival attracts visitors from all over the world and injects over a million dollars into the local and surrounding economies whilst showcasing live music from Australia and overseas alongside multiple art installations and a thriving marketplace, along the bank of the iconic river.

Gates to the venue will open to limited public on Thursday 28th November, 2019 at 2.00pm. This opening is for 800 cars only who have pre-purchased an Early Arrival Vehicle Pass and is part of an initiative designed to reduce traffic on local roads. All patrons must have vacated the property by Monday afternoon 2nd December, 2019 after at which time only event staff will remain to complete site clean-up.

To reduce traffic disturbance on Tuppal Road and encourage responsible driving practices the entrance gates will be closed from 12.00am – 10.00am during event days, except for the movements of Event Staff, Emergency Services and other special circumstances.

RECOMMENDATION NO.1:

That Berrigan Shire Council; approves the application for the temporary traffic alterations on Tuppal Road from Jersey Street to Lower River Road, Tocumwal for the Strawberry Fields Festival to be held on Thursday 28th November, 2019 to Monday the 2nd December, 2019.

ITEM 2 BALDWIN BUS ROUTE MAINTENANCE REQUEST

BACKGROUND

Council is in receipt of a letter dated 28th May, 2019 received from Baldwin Buses with the request to provide maintenance to School Bus Routes within the Berrigan Shire area. The below requests have been made;

- Baldwin Buses are requesting a time change on the School Bus Zone Sign at the Finley School. Currently the time of the Bus Zone commences at 3.00pm, Baldwin Buses would like to see this changed to 2.30pm, due to vehicles parking in the bus lanes obstructing the buses entering the bus lanes at 3.05pm.
- Removal of some car parks out the front of Finley High School, Finley to allow more buses to park in front of the High School instead of the buses waiting on Ulupna Street, Finley.

RECOMMENDATION NO.2

That Berrigan Shire Council; amends the School Bus Zone times at the Finely High School from 3.00pm – 4.00pm to the new allocated time of 2.30pm – 4.00pm. Approval to be also granted for to the extension of the Bus Zone Signage to the west side of the Finley High School by 50 meters to allow another 2 buses to enter the lane.

ITEM 3 TOCUMWAL FOOD MARKETS

BACKGROUND

That Berrigan Shire Council approves the application for the temporary street closure of Deniliquin Street from Murray Street to Morris Street from the Tocumwal Chamber of Commerce to carry out their Food Festival event on the 7th March, 2019. The food Festival is to commence at 5.00pm with an estimated finish time of 10.00pm. The event is subject to the approval of an Application for Works Structures and Activities on a Council Road.

RECOMMENDATION NO.3

That Berrigan Shire Council approves the application for the temporary street closure of Deniliquin Street from Murray Street to Morris Street from the Tocumwal Chamber of Commerce for the Food Festival event on Saturday 7th March, 2019. The Food Festival is to commence at 5.00pm with an estimated finish time of 10.00pm. The event is subject to the approval of an Application for Works Structures and Activities on a Council Road.

ITEM 4 STRATHVALE ROAD, BERRIGAN

BACKGROUND

Berrigan Shire Council have received a grant to upgrade Strathvale Road between Oaklands Berrigan Road to Jerilderie Berrigan Road. The road is to be sealed as this stretch of road is the preferred Heavy Vehicle Route by pass on the north east side of Berrigan.

RECOMMENDATION NO.4

That Berrigan Shire Council, subject to Transport for New South Wales approval, alters the speed limit on Strathvale Road Berrigan from 100km/hr to 80km/hr and extends the 80km/hr speed limit on the Berrigan Oaklands Road to the intersection of Spring Road, Berrigan and installs Heavy Vehicle Route at both intersections of Strathvale Road.

GENERAL BUSINESS

Nil

Meeting closed at; 11:45am.

Next meeting to be held on Thursday 25th October, 2019.

Appendix "J"

75th National Conference
& Annual General Meeting

22-24 October 2019
Toowoomba City Hall
Toowoomba Qld

REGENERATION
FOR A HEALTHY BASIN

TOOWOOMBA REGION

Presented By:
The Murray Darling Association

Hosted By
Toowoomba Regional Council
Northern Basin Region 12

The Murray Darling Association welcomes delegates to our 75th National Conference and AGM showcasing the magnificent Northern Basin region.

REGENERATION
FOR A HEALTHY BASIN

In an era of constant change – in government, in legislation, in industry and farming practice, changes to energy and water availability - regeneration must be our bedrock.

Regional growth, economic development and agricultural productivity are essential to the future of our Basin communities. Councils and government across Australia must work hard to ensure we have the balance right. Regeneration of the land and river systems will ensure our regions survive, adapt and prosper. Working together we can nurture the leadership, drive the initiative, and build the capacity to ensure ***regeneration for a healthy basin.***

Tuesday 22 October 2019

8:00 am	Registrations open	*The Annex, Toowoomba City Hall, Ruthven Street, Toowoomba*
9:00 am	Conference opens: Welcome	**Cr David Thurley** *National President MDA*
	Welcome to Country	
	Welcome to Toowoomba	**Mayor Paul Antonio** *Toowoomba Regional Council*
9:30 am	Opening Address A new Inspector General for the Murray Darling Basin	**Mick Keelty** AO APM *Northern Basin Commissioner*
10.00 am	Opening Keynote Intensifying productivity – sustainably. Local government's role in the balance between regional growth and water security.	**Ian McConnel** *Global Commodity Leader – Beef* *WWF*
10:30 am	MORNING TEA	
11.00 am	Cultivating the right conditions for compliance in the Northern Basin	**Grant Barnes** *Chief Regulatory Officer* *Natural Resource Access Regulator*
11:30 am	Australian Agriculture's Plan for a $100 Billion Industry presents exciting opportunities and real challenges for local government and the communities of the Murray Darling Basin. Hear from a panel of business, industry, government and natural resource management experts discuss how we will work together in a climate of changing water availability.	**Industry speaker** *Description* **Business speaker** *Description* **Local Government speaker** *Description* **MDBA speaker** *Description*
12:30 pm	LUNCH	
1:30 pm	Student Presentation – Innovation and the Next Generation.	*Toowoomba TAFE Centre for Excellence student delegation*
2.00 pm	The Murray Darling Basin Authority will provide an update on the implementation of the Murray Darling Basin Plan, accreditation of Water Resource Plans, and plans for regionalisation.	**Joanna Hewitt** *A/Chair* **Officer Phillip Glyde** *Chief Executive* *Murray Darling Basin Authority*
2.30 pm	Toowoomba and Surat Basin Enterprise (TSBE) – partnering for the future. Driving regional collaboration between Australia's food, agricultural and technology businesses, local government and burgeoning world markets.	**Bruce McConnel** *General Manager* *Food Leaders Australia*
3:00 pm	The role of cotton in the Murray Darling Basin's food and fibre future.	**Paul Brimblecombe** *Cubbie Station*
3:30 pm	AFTERNOON TEA	
4:00 pm	Regeneration for a healthy Basin Integrating river management to deliver improved health outcomes for inland rivers at a landscape scale	**TBC** *Landcare Australia*
4:30 pm	TBC	
4.45 pm	Close	
6:00 pm	CIVIC RECEPTION *The spectacular newly refurbished Toowoomba Railway Goods Shed*	*73A Russell Street, Toowoomba City QLD 4350*

MURRAY DARLING ASSOCIATION since 1944 75 YEARS

Wednesday 23 October 2019

9.00 am	CSIRO – the hydrology of water flows across the northern Basin, and their relationship to southern connected systems.		**David Post** *CSIRO Land and Water* *Murray-Darling Basin Coordinator* **Dr Carmel Pollino*** *Principal Research Scientist*
9:30 am	Australia's National Water Grid Australia's Water Infrastructure needs and initiatives.		**Drue Edwards*** *General Manager* *National Water Grid Authority Taskforce*
10.00 am	Australia's National Water Security Plan The Basin's water delivery specialists, and policy makers consider the infrastructure requirements to ensure Australia's water security into the future.		*Water NSW* *Goulburn Murray Water – Vic* *SunWater* *MDBA River Opps* *National Water Grid Authority**
11.00 am	MORNING TEA		
11.30 am	The Energy Revolution is On Opportunities for Regional Economies		**Ashley Bland** *Constructive Energy*
12:00 pm	ARTC – Inland Rail Once-in-a-generation project connecting regional Australia to global markets, creating the 'spine' of the national freight network between Melbourne and Brisbane via regional Victoria, News South Wales and Queensland.		**Rebecca Pickering** *Director – Engagement, Environment and Property* *Inland Rail/ARTC* **Jo Tait** *Business Development Manager – Darling Downs and Northern NSW* *ARTC*
12:30 pm	Independent assessment of social and economic conditions in the Basin		**Robbie Sefton*** *Panel Chair*
1:00 pm	LUNCH		
2.00 pm	Agency updates:	Productivity Commission	**TBC** *TBC*
		Commonwealth Environmental Water Office	**Jody Swirepik** *Commonwealth Environmental Water Holder*
		Murray Darling Basin Authority	**Phillip Glyde** *Chief Executive Officer,*
3.00 pm	MDA National Conference 2020: Region 2 Goulburn Murray		**City of Greater Shepparton** *Cr Dennis Patterson* *Chair of Region 2*
	CONFERENCE CLOSE		
3:10 pm	AFTERNOON TEA		
3:30 pm – 5:00 pm	Annual General Meeting. Agenda at www.mda.asn.au		**Chair: Cr David Thurley** *National President MDA*
6:30 pm	ANNUAL GALA DINNER Celebrate a year of groundbreaking achievements		*Picnic Point* *164 Tourist Rd, Toowoomba City*

Thursday 24 October 2019

8.30 am – 3:45 pm	Regional Study Tour: A fully guided tour through innovative farm enterprises and regional connectivity and engagement across one of the most connected regions in the nation, with lunch at the fabled Jondaryan Woolshed – this tour has it all.

* Pending confirmation.
This program may be subject to minor changes for scheduling, but we will endeavour to keep as close as possible to what appears here.

MURRAY DARLING ASSOCIATION since 1944 75 YEARS

REGENERATION
FOR A HEALTHY BASIN

REGIONAL STUDY TOUR

A fully guided tour through innovative farm enterprises and regional connectivity and engagement across one of the most connected regions in the nation, with lunch at the fabled Jondaryan Woolshed – this tour has it all.

8:30 am	**Depart Toowoomba**
9:00 am	**Toowoomba Enterprise Hub and Wellcamp Airport Development**
9:30 am	**Boomaroo Nursery**
11:10 am	**Stockyard Kerwee Feedlot**
11:45am	**Jondaryan Woolshed viewing & Lunch**
1:30 pm	**Wetalla Treatment Plant**
3:00 pm	**Toowoomba TAFE Rural Centre of Excellence**
3.45 pm	**Return to Toowoomba.**

Dress requirement: Please wear hat, sunscreen, long sleeves and covered in shoes to ensure access to all sites.

PARTNER'S TOUR

Parter's tours are available through:

Toowoomba Sightseeing
www.toowoombasightseeing.com.au

or create your own tour with:

South East Queensland Food Trails
www.seqfoodtrails.com.au/Toowoomba

CONFERENCE PRICING

Item	Full Price	Early Bird Discount 31/08/19
Package Options		
Delegates Conference Package	$790	$699
Non-member Conference Package	$890	$850
Partners Package	$450	$450
Individual Options		
Day One	$450	$405
Day Two	$450	$405
Study Tour	$150	$135
Annual Dinner	$95	$95
Civic Reception	$0	$0
AGM	$0	$0

COROWA TREE CARE
ABN: 16114721309

M: 0419 282 436

P: PO Box 354 Corowa NSW 2646
E: mick@corowatreecare.com
W: www.trees.com.au

Arborist Report

Prepared for

Berrigan Shire Council

Date Published: 1/08/2019

Prepared by:
Mick Downing
Dip Hort/Arb
AA / NAAA

Contents

1. Introduction

Berrigan Shire Council has instructed Mick Downing of Corowa Tree Care Pty Ltd to assess a list of trees damaged in the recent tornado. The aim is to identify any remedial required and if the trees may be retained.

2. Methodology

Information contained in this report covers only the tree(s) examined and reflects the health and structure of the trees at the time of inspection. Liability will not be accepted for damage to person or property as a result of natural processes, unforeseeable actions or occurrences.
The inspection was limited to a visual tree assessment (VTA). It was performed at ground level and there was no dissection, excavation or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the subject trees may not arise in the future.
An Arborist cannot detect every condition that could possibly lead to the structural failure of a tree and cannot guarantee that a tree will be healthy or safe under all circumstances or for a given period of time.
An Arborist cannot accept responsibility for the authorisation or non-authorisation of any recommended treatment or remedial measures undertaken. It is the client's responsibility to make arrangements for re-inspection at recommended intervals and the Arborist cannot be held accountable for damage to person or property if the client fails in this duty.
All Written reports must be read in their entirety and at no time shall part of the written assessment be referred to unless taken in full context of the whole written report.
If this report is to be used in a court of law or a legal situation, the author must be advised in writing prior to the written assessment being presented in any form to any other party.
At no time can Michael Downing Arborist be held responsible for the compliance to any relevant council regulation or development condition arising from recommendations contained in this report or for the standard of work completed that other persons undertake.

The inspection commenced on 31/07/2019 and data collected includes:

- Genus, Species, Common Name
- Height, Spread, DBH (Diameter at Breast Height)
- Age, Health and Structure
- Useful Life Expectancy/Retention Value
- Visible defects

3. Terminology

Botanical Name: Genus and species.

Common Name: Vary according to locality.

Maturity: Young; semi-mature; mature.

Status: Native – found in Australia

Indigenous – found locally
Exotic – introduced

Height: In metres.

Spread: Average width of canopy in metres.

DBH: Diameter at breast height in centimetres.

Health: Excellent; Good; Fair; Poor; Very Poor.

Structure: Excellent; Good; Fair; Poor; Very Poor.

ULE: Useful life expectancy in years.

Failure size: Diameter of section to fail in millimetres.

Failure potential: High, medium, low.

Target factor: The likelihood of striking a target in the event of tree or limb failure – rarely; intermittent; frequent; constant.

Recommended Work: If applicable.

Co-dominant: 2 or more stems emerging from a common point causing a likely failure site if not eliminated in early development.

Topped: When leaders and scaffold branches are cut back to stubs at a uniform height.

Crown thinning: When weight is reduced on a tree by removing selected leaders.

Formative prune: Early pruning of young trees to correct shape or eliminate defects.

Hygiene prune: Removal of crossing limbs and excessive internal growth to allow air flow in the canopy.

Included bark: Caused when acute angle attachments force co-dominant stems apart allowing bark to grow in the union. This causes a lack of continuity in the xylem and a weak attachment that fails under minor loading.

Kino: The residue produced by trees to form a protective barrier following mechanical or insect damage- not to be confused with sap.

Senescence: The stage in an over-mature tree (or other organism) entered when its systems begin to fail.

Epicormic: Abnormal re-growth of shoots often around or just below a pruning cut especially a topping cut (outlawed under AS4373-07).

4. Observations

Tree Number:	1.		
Botanical Name:	Eucalyptus microcarpa	**Health:**	Very poor
Common Name:	Grey Box	**Structure:**	Very poor
Maturity:	Mature	**ULE:**	<1
Status:	Native	**Failure size (mm):**	250
Height (m):	11	**Failure Potential:**	Low
Spread (m)	7	**Target Factor:**	Frequent
DBH (cm):	60		

Comments & Recommended Works
Massive damage here. Decay in central stem and evident in damaged limbs. Hard to retain this one. Recommend removal

Fig.1

Tree Number:	2.		
Botanical Name:	Eucalyptus microcarpa	**Health:**	Poor
Common Name:	Grey Box	**Structure:**	Very poor
Maturity:	Mature	**ULE:**	<1
Status:	Native	**Failure size (mm):**	300
Height (m):	8	**Failure Potential:**	Medium
Spread (m)	4	**Target Factor:**	Frequent
DBH (cm):	60		

Comments & Recommended Works
Co-dominant, leaning, decayed it should be reduced for habitat

Fig.2

Tree Number:	3.		
Botanical Name:	Eucalyptus microcarpa	**Health:**	Very poor
Common Name:	Grey Box	**Structure:**	Very poor
Maturity:	Mature	**ULE:**	<1
Status:	Native - found in Australia	**Failure size (mm):**	150-300
Height (m):	18	**Failure Potential:**	Medium
Spread (m)	4	**Target Factor:**	Frequent
DBH (cm):	100		

Comments & Recommended Works
Severe damage, can't be pruned to AS4373. It is decayed and hollow. It is currently inhabited and should be reduced accordingly.

Fig.3

Tree Number:	4.		
Botanical Name:	Eucalyptus microcarpa	**Health:**	Poor
Common Name:	Grey Box	**Structure:**	Very poor
Maturity:	Mature	**ULE:**	<1
Status:	Native	**Failure size (mm):**	100-200
Height (m):	25	**Failure Potential:**	High
Spread (m)	3	**Target Factor:**	Frequent
DBH (cm):	90		

Comments & Recommended Works
Damaged to the extent it would have to be reduced to a “pole”. Has some small hangers and is decayed. Recommend removal.

Fig.4

Tree Number:	5.		
Botanical Name:	Eucalyptus microcarpa	**Health:**	Poor
Common Name:	Grey Box	**Structure:**	Very poor
Maturity:	Mature	**ULE:**	1
Status:	Native	**Failure size (mm):**	150-350
Height (m):	9	**Failure Potential:**	Medium
Spread (m)	10	**Target Factor:**	Frequent
DBH (cm):	90		

Comments & Recommended Works
Leaning with over-extended branches. Reduce for habitat or remove.

Fig.5

Tree Number:	6.		
Botanical Name:	Eucalyptus melliodora	**Health:**	Poor
Common Name:	Yellow Box	**Structure:**	Very poor
Maturity:	Mature	**ULE:**	1
Status:	Native - found in Australia	**Failure size (mm):**	150
Height (m):	8	**Failure Potential:**	Low
Spread (m)	205	**Target Factor:**	Frequent
DBH (cm):	80		

Comments & Recommended Works
Not much left here, the stubs don't look like they would sustain growth. Could retain for habitat.

Fig.6

Tree Number:	7.		
Botanical Name:	Eucalyptus microcarpa	**Health:**	Good
Common Name:	Grey Box	**Structure:**	Fair
Maturity:	Mature	**ULE:**	5
Status:	Native	**Failure size (mm):**	100-300
Height (m):	27	**Failure Potential:**	Medium
Spread (m)	15	**Target Factor:**	Frequent
DBH (cm):	150/70		

Comments & Recommended Works
Tree is bi-furcated but no tornado damage here, few small hangers. Some Mistletoe noted, tree to be monitored 12 monthly.

Fig.7

Tree Number:	8.		
Botanical Name:	Eucalyptus melliodora	**Health:**	Fair
Common Name:	Yellow Box	**Structure:**	Poor
Maturity:	Mature	**ULE:**	5
Status:	Native - found in Australia	**Failure size (mm):**	200-450
Height (m):	26	**Failure Potential:**	Medium-High
Spread (m)	12	**Target Factor:**	Frequent
DBH (cm):	130		

Comments & Recommended Works
Rear of 103 Hennesy St. Tree lost decayed trunk in tornado and remainder requires substantial pruning to retain especially over north side. There have been multiple failures caused by cankers and several more can be expected if not pruned out.

Fig.8

Fig.8A

Tree Number:	9.		
Botanical Name:	Eucalyptus melliodora	**Health:**	Fair
Common Name:	Yellow Box	**Structure:**	Very poor
Maturity:	Mature	**ULE:**	5
Status:	Native	**Failure size (mm):**	150-300
Height (m):	28	**Failure Potential:**	Low
Spread (m)	14	**Target Factor:**	Frequent
DBH (cm):	140		

Comments & Recommended Works
No tornado damage here but there have been past failures to 300mm due to cankers. Tree to be monitored 6-12 monthly

Fig.9

Tree Number:	10.		
Botanical Name:	Eucalyptus microcarpa	**Health:**	Very poor
Common Name:	Grey Box	**Structure:**	Very poor
Maturity:	Mature	**ULE:**	0
Status:	Native - found in Australia	**Failure size (mm):**	600
Height (m):	7	**Failure Potential:**	High
Spread (m)	4	**Target Factor:**	Frequent
DBH (cm):	90		

Comments & Recommended Works
Massive decay in failed trunk. Remove within 3 months

Fig.10

Tree Number:	11.		
Botanical Name:	Eucalyptus microcarpa	**Health:**	Fair
Common Name:	Grey Box	**Structure:**	Poor
Maturity:	Mature	**ULE:**	3
Status:	Native	**Failure size (mm):**	300
Height (m):	14	**Failure Potential:**	Medium
Spread (m)	10	**Target Factor:**	Frequent
DBH (cm):	90		

Comments & Recommended Works
Few hanger to remove and prune damaged stubs. Limb over road should be reduced for clearance

Fig.11

Tree Number:	12.		
Botanical Name:	Eucalyptus microcarpa	**Health:**	Fair
Common Name:	Grey Box	**Structure:**	Poor
Maturity:	Mature	**ULE:**	<3
Status:	Native	**Failure size (mm):**	300
Height (m):	6	**Failure Potential:**	Medium
Spread (m)	4	**Target Factor:**	Frequent
DBH (cm):	40/30		

Comments & Recommended Works
Bi-furcated, no damage but not viable, remove 12 months

Fig.12

Tree Number:	13.		
Botanical Name:	Eucalyptus microcarpa	**Health:**	Poor
Common Name:	Grey Box	**Structure:**	Very poor
Maturity:	Mature	**ULE:**	<1
Status:	Native	**Failure size (mm):**	250-500
Height (m):	7	**Failure Potential:**	Medium
Spread (m)	4	**Target Factor:**	Frequent
DBH (cm):	130		

Comments & Recommended Works
Senescent tree with massive damage and decay. Remove 6 months

Fig.13

Tree Number:	14.		
Botanical Name:	Eucalyptus microcarpa	**Health:**	Poor
Common Name:	Grey Box	**Structure:**	Very poor
Maturity:	Mature	**ULE:**	<3
Status:	Native	**Failure size (mm):**	250-450
Height (m):	24	**Failure Potential:**	High
Spread (m)	8	**Target Factor:**	Frequent
DBH (cm):	150		

Comments & Recommended Works
Badly decayed and bird-browsing damage. Reduce for habitat 10 metres or remove

Fig.14

Tree Number:	15.		
Botanical Name:	Eucalyptus microcarpa	**Health:**	Good
Common Name:	Grey Box	**Structure:**	Fair
Maturity:	Mature	**ULE:**	5
Status:	Native	**Failure size (mm):**	250
Height (m):	23	**Failure Potential:**	Low
Spread (m)	10	**Target Factor:**	Frequent
DBH (cm):	60		

Comments & Recommended Works
No damage, this tree is sound although impacting property fence

Fig.15

Tree Number:	16.		
Botanical Name:	Eucalyptus microcarpa	**Health:**	Fair
Common Name:	Grey Box	**Structure:**	Very poor
Maturity:	Mature	**ULE:**	<1
Status:	Native	**Failure size (mm):**	400
Height (m):	9	**Failure Potential:**	Medium
Spread (m)	4	**Target Factor:**	Frequent
DBH (cm):	50/40		

Comments & Recommended Works
Bi-furcated, badly damaged and not viable – remove 6-12 months

Fig.16

Tree Number:	16A.		
Botanical Name:	Eucalyptus microcarpa	**Health:**	Fair
Common Name:	Grey Box	**Structure:**	Fair
Maturity:	Mature	**ULE:**	3
Status:	Native	**Failure size (mm):**	400
Height (m):	18	**Failure Potential:**	Medium
Spread (m)	6	**Target Factor:**	Frequent
DBH (cm):	60		

Comments & Recommended Works
Tree not tornado damaged but suspect it is in decline with the borer infestation present

Fig.16A

Tree Number:	17.		
Botanical Name:	Eucalyptus microcarpa	**Health:**	Fair
Common Name:	Grey Box	**Structure:**	Very poor
Maturity:	Mature	**ULE:**	<3
Status:	Native	**Failure size (mm):**	250-450
Height (m):	25	**Failure Potential:**	High
Spread (m)	10	**Target Factor:**	Constant
DBH (cm):	100/90		

Comments & Recommended Works
Bi-furcated tree has had numerous failures. Remove dead wood and remove stem over power-line - 3-6 months

Fig.17

Tree Number:	18.		
Botanical Name:	Eucalyptus microcarpa	**Health:**	Fair
Common Name:	Grey Box	**Structure:**	Fair
Maturity:	Mature	**ULE:**	5
Status:	Native	**Failure size (mm):**	100-300
Height (m):	25	**Failure Potential:**	High
Spread (m)	15	**Target Factor:**	Frequent
DBH (cm):	140		

Comments & Recommended Works
Very minor tornado damage. A few small hangers and few failures. Moderate dead wood to prune. Trunk lean has corrected itself in canopy

Fig.18

Tree Number:	19.		
Botanical Name:	Eucalyptus camaldulensis	**Health:**	Good
Common Name:	River Red Gum	**Structure:**	Fair
Maturity:	Mature	**ULE:**	5
Status:	Native - found in Australia	**Failure size (mm):**	Click or tap here to enter text.
Height (m):	32	**Failure Potential:**	Choose an item.
Spread (m)	14	**Target Factor:**	Choose an item.
DBH (cm):	160		

Comments & Recommended Works
Minor tornado damage, there is a hollow in trunk at 4 metres caused by prior trunk failure. Bee hive noted here and also a few other failures. Some dead wood to remove and some irregular notches also noted on south trunk in mid canopy, tree should be monitored 6-12 monthly.

Fig.19

Fig.19A

Tree Number:	20.		
Botanical Name:	Eucalyptus camaldulensis	**Health:**	Fair
Common Name:	River Red Gum	**Structure:**	Poor
Maturity:	Mature	**ULE:**	3
Status:	Native - found in Australia	**Failure size (mm):**	100-300
Height (m):	22	**Failure Potential:**	Medium
Spread (m)	6	**Target Factor:**	Frequent
DBH (cm):	110		

Comments & Recommended Works
No tornado damage, but some major failures and prunes reveal some hollows that need to be monitored.

Fig.20

Tree Number:	21.		
Botanical Name:	Eucalyptus maculata	**Health:**	Fair
Common Name:	Spotted Gum	**Structure:**	Very Poor
Maturity:	Mature	**ULE:**	5
Status:	Native - found in Australia	**Failure size (mm):**	100-300
Height (m):	11	**Failure Potential:**	Medium
Spread (m)	67	**Target Factor:**	Frequent
DBH (cm):	11600		

Comments & Recommended Works
Major tornado damage resulting in tree having to be topped. The stress shoots that will emanate from these wounds will become a problem in a few years. There is also a large wound on both sides of the central leader that will cause problems. The tree is within 2.5 metres of HV/LV circuits and the better option could be to remove this tree.

Fig.21

5. Conclusion:

The reserve off Hennesy St has suffered most and the question is how many trees to retain for habitat. All the habitat trees must be treated so as not to produce epicormic shoots.

Please don't hesitate to contact the author if any points need to be clarified.

Yours Sincerely

Mick Downing

Dip Hort/Arb

AA, NAAA

6. References

Holiday, I. (1987). *A field guide to Australian trees*. (3rd ed.). Sydney, Australia. New Holland Publishers.

Macoboy, S (1979). *What Tree Is That*. Lansdowne Press, Sydney

Harris, R., Clark, J., & Matheny, N. (1999). *Arboriculture Integrated Management of Landscape trees, shrubs and vines*. (3rd ed.). New Jersey, America: Prentice-Hall Inc.

Hadlington P. & Johnston J. (1988) Australian Trees- Their care and Repair. UNSW Press Ltd, Sydney

AS 4373 – 2007 Pruning of Amenity Trees; Standards Australia

Appendix "L"

Cenekew Pty Ltd

PO Box 286, Finley, NSW. 2713
p. 03 5883 1558 f. 03 9012 4476
email: admin@berriquinfunerals.com.au

Revenue Department
Berrigan Shire Council
56 Chanter Street
Berrigan, NSW. 2712

Monday 22nd July 2019

Dear Sirs

Re: Developer Concessions for Cenekew Pty Ltd

Please would Council consider Developer Concessions on water and sewer supply charges on a new sub-division of undeveloped land in Finley for the following blocks:

DP1250196 Lot 4
DP1250196 Lot 5
DP1250196 Lot 6
DP1250196 Lot 7

Until these blocks are sold as per Berrigan Shire Revenue Policy 1.3.2 (ii) Developer Concessions. (page 12 enclosed)

Yours faithfully

Janet Congram
General Manager

BERRIGAN SHIRE COUNCIL
23 JUL 2019
FILE
REFER TO RC
COPY TO
ACTION / CODE
ACKNOWLEDGE Y / N

ii) Developer Concessions

Council may offer incentives in the form of rating waivers relative to annual water and sewerage charges to developers involved with multi-lot subdivisions. Applications for developer concessions are as follows:

- Written application should be submitted to the Council prior to 31st May for consideration at the June Meeting.
- Annual water and sewerage charges may be waived on the undeveloped lots of a subdivision, up to a maximum period of three (3) years, or until the lots are built upon, sold, leased or otherwise occupied (whichever is the sooner).
- No concessions under this section are given for Domestic Waste, Storm water, Pedestal or Water Consumption Charges.

*1.3.3 **Hardship Provisions***

Ratepayers having difficulty meeting their commitments may be eligible for assistance and consideration.

All applications for assistance and consideration will be assessed as per the Council's adopted Hardship Policy.

*1.3.4 **Recovery of Rates and Charges, Including Water Consumption Charges***

i) Reminder Notices

- If an instalment or charge is not paid within fourteen (14) days of the instalment or payment date, a reminder letter will be issued requesting payment within twenty one (21) days.
- If the debt remains unpaid after this time, a final notice will be issued giving fourteen (14) days to pay.
- If an instalment or charge amount of current defaulters are less than $300.00, initial external recovery action may be deferred until outstanding amounts reach this amount, however this will be at the discretion of the Revenue Officer.
- If the debt remains unpaid, the debt may then be referred to Councils debt recovery agency.

ii) Recovery Action – Debt Recovery Agency Procedures

- The debt recovery agency will as soon as possible, after receipt of the referral from the Council, issue a letter of demand in relation to each overdue amount advising that the Council has referred the debt to the agency for collection and that payment is required.

Appendix "L"

BERRIGAN SHIRE

4071655-SEM-001006-ASA001-01892

BERRIGAN SHIRE COUNCI
56 CHANTER STRE
BERRIGAN NSW 27
TELEPHONE: (03) 5888 5100 FACSIMILE: (03) 5885 20
EMAIL: mail@berriganshire.nsw.gov.
WEBSITE: www.berriganshire.nsw.gov.
ABN: 53 900 833 1

2019 RATE NOTICE

1ST JULY 2019 - 30TH JUNE 2020

As the owner, holder, tenant or other person liable to pay rates and charges in respect of the undermentioned land (or the agent for any such person) you are hereby notified that such land has been rated by the Berrigan Shire Council for the period 01/07/2019 - 30/06/2020, as shown hereunder. For payment of rates and interest charges on overdue rates and arrears, please see over.

B PAY — Biller Code: 89961 — Ref No.: 10012946

• SHOULD THE ADDRESS SHOWN ON THIS NOTICE BE INCORRECT, PLEASE ADVISE COUNCIL BY SEPARATE LETTER.

01892-019
CENEKEW PTY. LTD.
PO BOX 286
FINLEY NSW 2713

Property Location and Description
74 HOWE STREET,FINLEY NSW 2713
PARISH FINLEY, LOT 4 DP1250196,
AREA 888.2 M2, DIM 21.92 IRR/21.07 X 45/40 IRR

Assessment No.: 01294-00000000-0
Date of Issue.: 12/07/2019

PAYMENT IN FULL OR FIRST INSTALMENT
DUE DATE: 31/08/2019

Rating Category: 1109 - Residential - Finley

Base Date: 1/7/2016
VG Land Value: $20,000

PARTICULARS OF RATES AND CHARGES	CENTS IN $ /CHARGE	RATEABLE VALUE	AMOUNT
Residential - Finley	$0.027948	18000	$503.06
Sewerage Supply Charge	$554.00	1	$554.00
Domestic Waste Uncollected Charge	$58.00	1	$58.00
Stormwater Management Service Charge	$25.00	1	$25.00
Water Access Charge	$537.00	1	$537.00

* Indicates taxable supply
INSTALMENTS MUST BE PAID BY THE DATES OR DAILY INTEREST CHARGES OF 7.5% WILL APPLY.
THE RIGHT OF COUNCIL TO PROCEED WITH LEGAL ACTION FOR THE RECOVERY OF ARREARS WILL TAKE PRECEDENCE OVER ANY AMOUNTS OR DUE DATES SHOWN HERE AND WILL NOT BE PREJUDICED BY THE SERVICE OF THIS NOTICE. DAILY INTEREST IS ACCRUING ON ARREARS AT THE RATE PRESCRIBED AND MAY AFFECT THE ACTUAL INSTALMENT AMOUNTS.

1ST INSTALMENT	2ND INSTALMENT	3RD INSTALMENT	4TH INSTALMENT	TOTAL AMOUNT DUE	$ 1,677.06
$420.06	$419.00	$419.00	$419.00		
31-08-2019	30-11-2019	28-02-2020	31-05-2020	Deduct Payments Made Since	09-07-2019

BANK STAMP / / $

DATE OF PAYMENT

GENERAL MANAGER

TRANSFER TO **Bendigo Bank**
The Bendigo Centre, Bendigo Victoria 3550

PLEASE TICK IF RECEIPT REQUIRED ☐

CREDIT

TOTAL DUE: $1,677.06

01/07/2019 - 30/06/2020 RATE PAYMENT FIRST INSTALMENT AMOUNT: $420.06

/ /

NAME: CENEKEW PTY. LTD.
PROPERTY: 74 HOWE STREET,FINLEY NSW 2713
ASSESSMENT No: 01294-00000000-000

TELLER No.

CASH

No. OF CHQS.

Note: This deposit will be transferred under the Bank's internal procedures. The bank not to be responsible for delays in transmission. Details of cheque (proceeds will not be available until cleared).

CHQS

DRAWER BANK BRANCH

PAID IN BY

FREE FROM TRANSFER FEE AT ANY BENDIGO BANK

FOR CREDIT OF **BERRIGAN SHIRE COUNCIL** $

⑈1001294 ⑈633⑈000⑆16289⑈9652⑈60

Appendix "L"

BERRIGAN SHIRE

4071655-SEM-001006-ASA001-01892

BERRIGAN SHIRE COUNCIL
56 CHANTER STREET
BERRIGAN NSW 271
TELEPHONE: (03) 5888 5100 FACSIMILE: (03) 5885 209
EMAIL: mail@berriganshire.nsw.gov.au
WEBSITE: www.berriganshire.nsw.gov.au
ABN: 53 900 833 10

2019 RATE NOTICE

1ST JULY 2019 - 30TH JUNE 2020

As the owner, holder, tenant or other person liable to pay rates and charges in respect of the undermentioned land (or the agent for any such person) you are hereby notified that such land has been rated by the Berrigan Shire Council for the period 01/07/2019 - 30/06/2020, as shown hereunder. For payment of rates and interest charges on overdue rates and arrears, please see over.

Biller Code: 89961
Ref No.: 10012953

01892-019

• SHOULD THE ADDRESS SHOWN ON THIS NOTICE BE INCORRECT, PLEASE ADVISE COUNCIL BY SEPARATE LETTER.

CENEKEW PTY. LTD.
PO BOX 286
FINLEY NSW 2713

Property Location and Description
78 HOWE STREET,FINLEY NSW 2713
PARISH FINLEY, LOT 5 DP1250196,
AREA 888.2 M2, DIM 24.18 IRR/21.07 X 40/45 IRR

Assessment No.: 01295-00000000-00

Date of Issue.: 12/07/2019

PAYMENT IN FULL OR FIRST INSTALMENT DUE DATE: 31/08/2019

Rating Category: 1109 - Residential - Finley

Base Date: 1/7/2016
VG Land Value: $20,000

PARTICULARS OF RATES AND CHARGES	CENTS IN $ /CHARGE	RATEABLE VALUE	AMOUNT
Residential - Finley	$0.027948	18000	$503.06
Sewerage Supply Charge	$554.00	1	$554.00
Domestic Waste Uncollected Charge	$58.00	1	$58.00
Stormwater Management Service Charge	$25.00	1	$25.00
Water Access Charge	$537.00	1	$537.00

* Indicates taxable supply

INSTALMENTS MUST BE PAID BY THE DATES OR DAILY INTEREST CHARGES OF 7.5% WILL APPLY.

THE RIGHT OF COUNCIL TO PROCEED WITH LEGAL ACTION FOR THE RECOVERY OF ARREARS WILL TAKE PRECEDENCE OVER ANY AMOUNTS OR DUE DATES SHOWN HERE AND WILL NOT BE PREJUDICED BY THE SERVICE OF THIS NOTICE. DAILY INTEREST IS ACCRUING ON ARREARS AT THE RATE PRESCRIBED AND MAY AFFECT THE ACTUAL INSTALMENT AMOUNTS.

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$420.06	$419.00	$419.00	$419.00	Deduct Payments Made Since	09-07-2019
31-08-2019	30-11-2019	28-02-2020	31-05-2020		

BANK STAMP / / $

DATE OF PAYMENT

GENERAL MANAGER

TRANSFER TO **Bendigo Bank**
The Bendigo Centre, Bendigo Victoria 3550

PLEASE TICK IF RECEIPT REQUIRED ☐

CREDIT

TOTAL DUE: $1,677.06

01/07/2019 - 30/06/2020 RATE PAYMENT FIRST INSTALMENT AMOUNT: $420.06

/ /

NAME: CENEKEW PTY. LTD.
PROPERTY: 78 HOWE STREET,FINLEY NSW 2713
ASSESSMENT No: 01295-00000000-000

TELLER No.

CASH

No. OF CHQS.

Note: This deposit will be transferred under the Bank's internal procedures. The bank not to be responsible for delays in transmission. Details of cheque (proceeds will not be available until cleared).

CHQS

DRAWER

BANK BRANCH

FREE FROM TRANSFER FEE AT ANY BENDIGO BANK

PAID IN BY

FOR CREDIT OF **BERRIGAN SHIRE COUNCIL** $

⑈1001295 ⑈633⑈000⑆16289⑈965⑈60

Appendix "L"

BERRIGAN SHIRE

4071655-SEM-001006-ASA001-01892

2019 RATE NOTICE

1ST JULY 2019 - 30TH JUNE 2020

As the owner, holder, tenant or other person liable to pay rates and charges in respect of the undermentioned land (or the agent for any such person) you are hereby notified that such land has been rated by the Berrigan Shire Council for the period 01/07/2019 - 30/06/2020, as shown hereunder. For payment of rates and interest charges on overdue rates and arrears, please see over.

BERRIGAN SHIRE COUNCI
56 CHANTER STRE
BERRIGAN NSW 27
TELEPHONE: (03) 5888 5100 FACSIMILE: (03) 5885 20
EMAIL: mail@berriganshire.nsw.gov.
WEBSITE: www.berriganshire.nsw.gov.
ABN: 53 900 833 1

BPAY Biller Code: 89961
Ref No.: 10012961

• SHOULD THE ADDRESS SHOWN ON THIS NOTICE BE INCORRECT, PLEASE ADVISE COUNCIL BY SEPARATE LETTER.

01892-019
CENEKEW PTY. LTD.
PO BOX 286
FINLEY NSW 2713

Property Location and Description
80 HOWE STREET,FINLEY NSW 2713
PARISH FINLEY, LOT 6 DP1250196,
AREA 900 M2, DIM 21.07 X 45

Assessment No.: 01296-00000000-0(
Date of Issue.: 12/07/2019

PAYMENT IN FULL OR FIRST INSTALMENT
DUE DATE: 31/08/2019

Rating Category: 1109 - Residential - Finley

Base Date: 1/7/2016
VG Land Value: $20,000

PARTICULARS OF RATES AND CHARGES	CENTS IN $ /CHARGE	RATEABLE VALUE	AMOUNT
Residential - Finley	$0.027948	18000	$503.06
Sewerage Supply Charge	$554.00	1	$554.00
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Stormwater Management Service Charge	$25.00	1	$25.00
Water Access Charge	$537.00	1	$537.00

* Indicates taxable supply

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1ST INSTALMENT	2ND INSTALMENT	3RD INSTALMENT	4TH INSTALMENT	TOTAL AMOUNT DUE	$ 1,677.06
$420.06	$419.00	$419.00	$419.00		
31-08-2019	30-11-2019	28-02-2020	31-05-2020	Deduct Payments Made Since	09-07-2019

BANK STAMP

/ / $

DATE OF PAYMENT

GENERAL MANAGER

TRANSFER TO Bendigo Bank
The Bendigo Centre, Bendigo Victoria 3550

PLEASE TICK IF RECEIPT REQUIRED ☐

CREDIT

/ /

01/07/2019 - 30/06/2020 RATE PAYMENT

TOTAL DUE: $1,677.06
FIRST INSTALMENT AMOUNT: $420.06

NAME: CENEKEW PTY. LTD.
PROPERTY: 80 HOWE STREET,FINLEY NSW 2713
ASSESSMENT No: 01296-00000000-000

TELLER No.

Note: This deposit will be transferred under the Bank's internal procedures. The bank not to be responsible for delays in transmission. Details of cheque (proceeds will not be available until cleared).

No. OF CHQS.

DRAWER

BANK BRANCH

PAID IN BY

CASH

CHQS

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FOR CREDIT OF BERRIGAN SHIRE COUNCIL

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⑈100296

Appendix "L"

BERRIGAN SHIRE

4071655-SEM-001006-ASA001-01892

BERRIGAN SHIRE COUNCI
56 CHANTER STRE
BERRIGAN NSW 27
TELEPHONE: (03) 5888 5100 FACSIMILE: (03) 5885 20
EMAIL: mail@berriganshire.nsw.gov.
WEBSITE: www.berriganshire.nsw.gov.
ABN: 53 900 833 1

2019 RATE NOTICE

1ST JULY 2019 - 30TH JUNE 2020

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Biller Code: 89961
Ref No.: 10012979

• SHOULD THE ADDRESS SHOWN ON THIS NOTICE BE INCORRECT, PLEASE ADVISE COUNCIL BY SEPARATE LETTER.

01892-019
CENEKEW PTY. LTD.
PO BOX 286
FINLEY NSW 2713

Property Location and Description
82 HOWE STREET,FINLEY NSW 2713
PARISH FINLEY, LOT 7 DP1250196,
AREA 900 M2, DIM 21.07 X 45

Assessment No.: 01297-00000000-0(
Date of Issue.: 12/07/2019

PAYMENT IN FULL OR FIRST INSTALMENT DUE DATE: 31/08/2019

Rating Category: 1109 - Residential - Finley

Base Date: 1/7/2016
VG Land Value: $20,000

PARTICULARS OF RATES AND CHARGES	CENTS IN $ /CHARGE	RATEABLE VALUE	AMOUNT
Residential - Finley	$0.027948	18000	$503.06
Sewerage Supply Charge	$554.00	1	$554.00
Domestic Waste Uncollected Charge	$58.00	1	$58.00
Stormwater Management Service Charge	$25.00	1	$25.00
Water Access Charge	$537.00	1	$537.00

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1ST INSTALMENT	2ND INSTALMENT	3RD INSTALMENT	4TH INSTALMENT	TOTAL AMOUNT DUE	
$420.06	$419.00	$419.00	$419.00	$	1,677.06
31-08-2019	30-11-2019	28-02-2020	31-05-2020	Deduct Payments Made Since	09-07-2019

BANK STAMP / / $

DATE OF PAYMENT

GENERAL MANAGER

TRANSFER TO **Bendigo Bank**
The Bendigo Centre, Bendigo Victoria 3550

PLEASE TICK IF RECEIPT REQUIRED ☐

CREDIT

01/07/2019 - 30/06/2020 RATE PAYMENT

TOTAL DUE: $1,677.06
FIRST INSTALMENT AMOUNT: $420.06

NAME: CENEKEW PTY. LTD.
PROPERTY: 82 HOWE STREET,FINLEY NSW 2713
ASSESSMENT No: 01297-00000000-000

/ /

TELLER No.

CASH

No. OF CHQS.

Note: This deposit will be transferred under the Bank's internal procedures. The bank not to be responsible for delays in transmission. Details of cheque (proceeds will not be available until cleared).

DRAWER

BANK BRANCH

CHQS

PAID IN BY

FREE FROM TRANSFER FEE AT ANY BENDIGO BANK

FOR CREDIT OF **BERRIGAN SHIRE COUNCIL**

$

⑈1001297 ⑈633⑈000⑆16289⑈965⑈⑈ ...

HELEN DALTON MP
Member for Murray

Appendix "M"

15 August 2019

Our Ref: DEN032-190815

Cr Matthew Hannan
56 Chanter Street
Berrigan NSW 2712

Sent via email: mhannan@berriganshire.nsw.gov.au

Dear Cr Hannan

Thank you for contacting my office in relation to the emergency services levy increases.

I am still awaiting a formal response from the Minister for Local Government, the Hon Shelley Hancock MP, however, I welcome the Minister's announcement on Tuesday that the government will be covering the levy increase for this year.

My office will contact you when I receive the formal confirmation from the Minister.

Thank you once again for bringing this matter to my attention. If I can assist you with any other matter relating to the NSW Government, please do not hesitate to contact my office.

Yours sincerely,

Helen Dalton MP
Member for Murray

Berrigan Shire Council

Submission:

Riverina and Murray Joint Organisation Meeting 28 August 2019
Planning for Agriculture in Riverina Murray (Draft) June 2019

This submission is made by Joanne Ruffin, Strategic & Social Planning Coordinator and Elizabeth Schindler, Town Planner on behalf of the Berrigan Shire Council. Further information regarding this submission can be obtained by contacting either at mail@berriganshire.nsw.gov.au or by contacting the Council administration office on 03 5888 5100.

Introduction

The Berrigan Shire Council appreciates the opportunity to provide comment on the NSW Dept. of Planning, Industry and Environment's draft strategy for *Agriculture in the Riverina Murray June* 2019 (The Plan). A strategy prepared for the Department of Planning, Industry and Environment by RMCG- Victoria. The Council notes that the strategy reflects NSW strategic planning principles. Further, the Objective of *the Plan* is to:

1. Identify and map the Region's agricultural land
2. Identify emerging opportunities for agriculture and guide; and
3. Direct local planning for the Region and NSW.

Comments concerning each Objective follow:

1. Identify and map the Region's agricultural land

As noted in *the Plan* the NSW Department of Industry is currently completing a mapping program of important agricultural land in regional NSW and, that the Biophysical Evaluation of Soil and Land maps provided in *the Plan* relate to the urban centres of Griffith, Deniliquin, Moama and Junee or (4) LGAs out of the 18 LGAs included in *the Plan.* Therefore, these maps are relevant in a regional context to the LGAs of Griffith, Edward River, Murray River and Junee.

The Plan provides a regional level mapping of Agriculture Related Land use 2013, which given the scale and the diversity of agricultural land use is difficult to read. The narrative describing the Region's land use and irrigation is confusing and for the casual reader conflates the relative importance of irrigated agriculture for horticulture at the expense of irrigated dependent cropping and dairy industries. Also, the use of GVAP per hectare compounds the ambiguity and conflation as it is not necessarily the most appropriate economic measure given the variation in productive potential across the Region.

The overall value of produce from the Region needs not only to consider the dollar value of produce but the health value of produce and the long term economic effect on the community consuming affordable healthy food.

Recommendation:

1.1 At a minimum mapping to have an overlay of the Region's LGAs similar to commodity maps to assist with correctly locating the scale and localised level of agricultural mapping.

1.2 Preferred mapping would be separate mapping for land use types with overlay of the Region's LGA's.

1.3 Additional context should be provided to explain (given the variability in productive potential across Region_ for the choice of commodity group per hectare – GVAP per hectare as the economic measure. An economic measure that is useful and used when land is uniform in its productive potential and capable of sustaining higher yields. Alternatively, use measures that recognise variation. For example, use GVAP per hectare by land-use type.

2. Identify emerging opportunities for agriculture

A key requirement for the identification of emerging opportunities for agriculture is the accuracy and credibility of the information informing strategic analysis and planning. The Dept. of Planning, Industry and the Environment commitment to developing a strategic framework designed to maintain profitability, productivity and innovation is commendable. The profitability, productivity and innovation needed for the competitiveness of our agricultural industry. An agricultural industry in what is a globally exposed commodity market characterised in recent years by a decline in terms of trade.

Of concern to the Berrigan Shire Council are the strategic failures, which characterise the various regional strategic plans developed by the NSW State Agencies for the Riverina Murray Region. Strategic planning failures that disadvantage our local communities and the agri-business.

For example, *the Plan* repeats the mapping first noted by the Council in the NSW Transport Infrastructure Plan 2056. Wherein critical north-south freight (the Newell Highway) and east-west logistics links in the western and southern part of the Region (the Murray Region) do not appear on high-level mapping.

Source: Riverina Murray Regional Plan (p: 15) Draft Planning for Agriculture in the Riverina Murray (p5)

A failure similarly repeated in *the Plan's* commentary identifying five out of six Regional Economic Development Strategies (REDS), omitting the Murray REDs – the Regional Economic Development Strategy which includes the Berrigan, Edward River, Murray River, Moira (Vic); Campaspe (Vic) and Ganawarra Shires' (Vic).

A failure compounded in the strategic narrative by the omission of irrigation infrastructure as a regional endowment (p3) that could be leveraged for agriculture.

A further example of strategic failure from the perspective of the Berrigan Shire also relates to *the Plan* not providing a detailed analysis of the Region's dairy industry – similar to the analysis of crops and hay, meat and wool, pigs, poultry, sheep and wool, fruit and nuts, and vegetables.

For example, according to the NSW Dept. Primary Industry (2018):

> *The Riverina Murray dairy industry is part of the broader Murray dairy region that includes northern Victoria. This area is one of Australia's most productive dairy regions with all major milk processors operating in the Region. The Murray region produced approximately 23% of the national milk output, and dairy production in the Riverina Murray region contributes 24% of NSW milk. (NSW Dept Primary Industry, 2018, p. 9)*

A view supported by the following snapshot of the value of agricultural production in the Berrigan Shire.

Value of agricultural production

Value of agricultural production

Berrigan Shire 2015/16

Commodity	**$**	**%**	**New South Wales%**	**Berrigan Shire as a % of New South Wales**
Cereal crops	65,470,768	35.0	23.1	2.2
Other broadacre crops	22,754,978	12.1	15.3	1.1
Nurseries & cut flowers	103,397	0.1	2.3	0.0
Crops for Hay	9,120,785	4.9	2.5	2.8
Vegetables	12,384,087	6.6	3.2	2.9
Citrus fruit	1,127,757	0.6	1.4	0.6
Grapes (wine and table)	1,790,466	1.0	1.6	0.8
Other fruit	79,027	0.0	2.1	0.0
Nuts				
Wool	7,515,056	4.0	7.2	0.8
Milk	37,878,511	20.2	4.5	6.4
Eggs	504	0.0	2.0	0.0
Livestock slaughterings	29,059,865	15.5	33.6	0.7
Agriculture - Total Value	**187,285,202**	**100.0**	**100.0**	**1.4**

https://home.id.com.au

While these examples may be oversights in the context of what is a complex process of drawing together a high-level strategic perspective of the Region to be amended in the final plans. The Berrigan Shire Council is disappointed in what appears to be a pattern of blindness or lack of regional planning knowledge about the mid-Murray.

This disappointment is compounded by the strategic intent of the draft plan to promote as a competitive advantage and opportunity the following actively:

> *There has been a substantial level of innovation within the irrigation industry in response to growing pressures on water. For annual growers of rice and cotton, flexibility has been essential to success as they choose to plant irrigated crops based on predictions of water availability and commodity prices this means that in some circumstances production will fall while a component of irrigator incomes will remain buffered by water sales. The significance of agriculture therefore remains in the Region, while the means this is realised (asset trading rather than growing) changes.* (NSW Planning, Industry and Environment, 2019, p. 27)

The consequence of this strategic approach is all too evident within the Berrigan Shire LGA and our irrigation farming communities. The Berrigan Shire Council does not support the view that *asset trading* in water is an agriculture activity.

Water when it is the 'end' commodity – is not agriculture. In the context of agriculture, water is a critical input for the generation of agricultural commodities.

The commoditisation of water (a scarce resource) is not necessarily a positive outcome for rural and regional communities. As the lack of regulation, governing the market provides no incentive for the investment of profit generated by water trading in a region's agriculture or agri-business. Nor are there plans to regulate this market. Hence, the commodisation of water should not be viewed as a strategic opportunity or competitive advantage in the region's Agricultural Plan.

Further, the negative consequences for agriculture of the commoditisation of water and the view that it is a tradable commodity include:

- The continued contraction of agriculture industry on regional and rural towns, which has the following flow-on effects:
    - Fewer jobs in the agriculture industry
    - Fewer inputs needed for agricultural production with flow-on effects for local and regional agri-business
    - The squeezing out of the market of the smaller and efficient agri-business/farms that add to the social capital of our regions
    - Health and community benefits associated with growing and trading local produce
    - Loss of water through Transportation of water
    - Environmental impacts of the transfer of irrigation water between river valleys
    - Agricultural businesses without permanent and tradable water rights (as the cost of water increases) may convert to dryland farming a commercial decision that may result in the decommissioning of an existing network of channels. Potentially compromising in our heavily irrigated LGA the viability of the water transmission network in the Region – the honeycomb effect. Negatively impacting the Region's ability to engage in irrigation or water trading if that is the outcome sought by the government.
    - Agricultural consumers will not want to pay higher prices for agricultural commodities attributed to higher water prices: the higher water prices that result from an unregulated water trading market.

In the Competitive Advantages and Opportunities section, the following statement:

> *It is also likely that there will be further contributions to shared reductions in the southern Basin. The reduction in water availability will result in a reduced irrigation footprint and an increasing proportion of the available irrigation water used on high-value commodities. Currently, this includes almonds, walnuts, dairy and cotton (NSW Department Planning, Industry and Environment 2019 pg 28).*

The flagging in this strategy of a further reduction in the irrigation footprint in the region highlights the need for an 'Irrigation Strategy' for the Region if not NSW to provide certainty in the location of future strategic irrigation land.

In a similar vein, we are disappointed to note in the competitive and opportunity section that the Port of Melbourne is not included in the export ports in the first paragraph of the Competitive Advantages and Opportunities section. In addition, this section hence the Plan could be strengthened by naming the strategically located river crossings, intermodals and highways, e.g., Tocumwal intermodal terminal, Hay to Deniliquin highway, Echuca-Moama and the Hume in Albury. It should not be assumed that the reader would have this information.

In light of the above, we make the following suggestions concerning the analysis of the strategic implications.

Land with irrigation infrastructure and water for consumptive purposes is significantly productive and needs to be protected through strategic mapping of irrigation land and water availability. The suggestion in the plan that land with irrigation infrastructure and water is potentially productive suggests another use. Land with irrigation infrastructure and water is productive land *it is not potentially productive land*.

We also believe based on RAMROC modelling of future regional transport and freight loads that the transport infrastructure predictions in *the Plan* are underestimated and omit critical region-specific information. For example, the

> Tocumwal Intermodal facility is a key transport asset that provides a competitive advantage to users through cost advantages and direct Melbourne port access. The onsite container terminal is the second-largest container terminal in the Victorian rail freight system (while it is in NSW, Victoria controls it). (RAMROC, 2018)

That it is a Victorian controlled asset in NSW does not limit nor restrict the competitive or productive value of this infrastructure for NSW grain producers in the central and western Region of the Region. Sub-region's which produce the majority of the Region's grain.

Recommendations

2.1 Include in the mapping the Newell Highway, Riverina Highway and VicTrack rail links (Oaklands, Tocumwal, Deniliquin) to Port of Melbourne

2.2 Identify and included the Murray REDs in the Plan

2.3 Include irrigation infrastructure in the Plan as one of the Region's significant economic endowments

2.4 Identify and include dairy as one of the main commodities produced in the Riverina Murray Region with commentary and trend data

2.5 Do not include the trading of water as an asset class (a commodity in its own right) in a plan designed to drive the growth and the competitiveness of Agriculture Industry due to the foreseeable and perverse consequences of this action on regional communities and agriculture as an industry.

2.6 An 'Irrigation Strategy' for the Region if not NSW should also be included as an action to provide certainty for agriculturalists about the location and strategic future of irrigation land so that it is protected and land reserved where it is appropriate for more land to be opened up to irrigation and water allocation is a priority to be delivered.

3. Direct local planning for the Region and NSW

In the Local Strategic Planning Statements (LSPS) section. The minimum lot size of 120 hectares that has been flagged by *the Plan* for BSC is 120 hectares. In the context of a 20-year vision, if there is to be a reduction in the footprint of irrigation. The flexibility to increase Lot size to accommodate dryland farming is essential.

The Plan appears to be overly focused on preventing smaller lot sizes. Consideration also needs to be given to the implications of land intensification, which require a relatively small allotment for production, which will result in vacant land on a minimum 120-hectare allotment. What happens to this land once it is in the management of the intensified land user? Does it become barren and not utilised? What consideration in the Plan is given to the land management, environmental and bio-security implications of this practice? We would suggest that there is a case for smaller lots sizes in this scenario.

We would also argue that renewable energy facilities are not an agricultural output; however, it is a use that is not necessarily incompatible with agriculture land use. Based on our experience of utility-scale renewable energy facilities and which do not provide low-cost energy directly to primary producers, there is a need for a separate policy and strategic plan for this type of development and land use.

Recommendations

3.1 The development of a separate regional plan for Utility-Scale energy facilities in rural and regional NSW.

3.2 In areas not impacted by Rural Residential or Urban Village zones:

- **Include provisions for the increase of lot sizes to accommodate any reduction in irrigation footprint and the subsequent transition from irrigated agriculture to dryland agriculture.**
- **Where lot sizes are 120 hectares plus for example, consider a decrease lot sizes to 60 hectares to accommodate intensification. And in doing so incentivise active management of the land for bio-security and hazard reduction purposes where intensification occurs.**

Appendix "O"

Berrigan & District Race Club Inc.

PO Box 84 Berrigan NSW 2712
ABN 47 691 515 440

Mr Matt Hansen
Director Corporate Services
Berrigan Shire Office
Berrigan NSW 2712

14th August 2019

Dear Matt

Re Hayes Park Concept Plan 1

The committee of the Berrigan Race Club wish to make a suggestion after viewing the proposed development of the concept plan.

Thoroughbred racing has been part of the fabric of the social life in Berrigan for over 100 years. It would seem appropriate that some of the history and highlights over that time be depicted in the proposed community information notice boards that are to appear as part of the concept plan.

The race club would be delighted to provide suitable material to appear on those boards at a suitable time.

Please let us know if we can assist in this regard.

Yours sincerely

Bill Daly
Treasurer

Committee: G Swann, K Moar, C Alexander, B Larter, W Daly, M Haintz, D Ryan, A Ryan, B Haintz, J Gorman, A Gorman, J Murphy, C Wraight

BERRIGAN SHIRE COUNCIL

HAYES PARK CONCEPT 2

BDDA CHANGE REQUEST/ SUGGESTIONS

3

1. No deciduous trees at all
   - The whole area should have native non deciduous trees.
   - No new trees to be planted until design has been changed or discussed
2. The ground level to be brought up near toilets and shelter area to reduce flooding chances
3. Proposed Concrete Seats in Skate Park area
   - Not practical concrete is cold , there is no backing
   - Picnic Table is more practical or seats with backs
4. Keep the drinking fountain near skate park
   - Kids will not walk from the skate park to the rest stop to use the fountain
   - Why remove it and install new one further away why not have both
5. Proposed walkway from skate park to toilets
   - Can this be moved closer to the road to leave room for a ½ basketball court (future planning)

Priority 1

6. Toilet Block
   - Needs to have 2 female cubicles, 1 mens cubicle and small urinal and a disabled facility with a baby change
   - Move the toilets to the proposed location of the RSL War memorial
7. Bill's Water Trough to not be placed at Hayes Park & Rest Stop
   - New location to be discussed
   - We don't want to attract horse riders to rider horse on or in Hayes Park
8. RSL War Memorial Honour Roll & Flag Pole Location to move
   - Have the memorial in the open section in front of the picnic area
9. Removing existing shelter & concrete pad and reusing the shelter over the new picnic area
   - Have north facing and that way the sun will still come through tree and into the picnic area.
   - Guttering on the existing shelter

2

10. Road into the Rest stop
    - Needs to be wider at the Jerilderie Side entrance
    - Needs to be two way not one way
11. Club Signs & Light to stay
12. Historical Ruwolt Rock Crusher to remain in same location
    - New fence around it
    - Signage with details
    - And crushed rock under underneath and around
13. Post and Log fence at rest area to remain
    - Removing this will allow vehicles to drive on the grassed area.
14. Concrete Pad and Park Furniture to remain
15. The Concrete path way to have colour
16. Proposed Granite Sand Compact- ???
17. Entry Walls
    - Needs to have the plaque from the old fence incorporated

4 18. pathway from the Jerilderie St to the toilets- for vehicle that has parked along the roadside.

change R= Remain don't move Agree

Appendix "O"

Proposed deciduous trees in skate park forecourt area

Proposed grass strip between granitic sand forecourt and skate park to minimise loose material on skating surface

Proposed compacted granitic sand forecourt to Skate Park - ensure drains away from skate park to limit small particles on skate surface. Ensure surface is highly compacted to limit loose materials

Retain existing Skate Park. Repaint hand rails yellow to brighten up the space

Retain existing skate park concrete edge path

Remove existing concrete pad and park furniture. Consider refurbishment and relocation of 'Berrigan' galah cast iron bench seats into town centre R

Remove existing flag pole and footing

Proposed concrete bench seats in Skate Park forecourt area. Refer to concept on following page for more detail

Trees next to skate park have no mulch to limit hazards on skating surface

Existing historical 'Ruwolt Rock Crusher' to be removed from park and relocated elsewhere - BSC to assign location
Remove surrounding fence R

Retain large grassed area as a kickabout space. Irrigation infrastructure to be reviewed and upgraded to suit new path conditions

Proposed concrete bench seat overlooking kickabout grassed area

Proposed tree planting along fence line

Proposed tree planting along proposed footpath

Remove existing Ash street trees to update street tree boulevard to match Wilga tree planting already completed south of Hayes Park

Remove existing drinking fountain in this area R

Proposed 1.2m wide concrete footpath to connect Skate Park area to toilet block

Remove existing concrete pad and park furniture

Remove existing Bulloak tree

Proposed 'wombat' speed hump style crossing to provide safer environment for pedestrians

Proposed relocation of existing Book Swap Box to improve pedestrian access

Proposed location of old Bills Water Trough. Include a new post and rail fence for tieing up horses. Include water connection for tap

Proposed new tree planting in mulch surface, refer to tree palette on following page

Proposed community information notice board to display community events etc.

Remove existing shelter, concrete pad and internal and external furniture

Proposed new alignment of upgraded kerb in pull-in parking area. Alignment will formalise parking and protect existing tree

Proposed location of RSL War Memorial Honour Roll and flag pole (Design by Others)

Proposed replacement and upgrade of entry walls to welcome visitors to Hayes Park as a part of community mosaic project

Proposed upgrade to existing deteriorating kerb

Proposed upgrade to existing road surface within pull-in rest stop area

Proposed new toilet block with 1 DDA access cubicle, 1 ambulant cubicle and 1 standard cubicle. Solar panels provide power for lighting after hours and laser light or similar roofing above cubicles to provide day light

Proposed street light at path and kerb intersection to light path to new toilet block

Proposed 1.2m wide concrete footpath to connect existing long vehicle parking to new toilet block

Remove existing Murray Pine tree with significant limb damage and crown dieback (refer image right)

Protect and retain Murray Pine tree currently in road surface. New kerb alignment to direct cars away from base of tree. Proposed mulch at base of tree

Proposed compacted granitic sand surface to connect toilet block area to shelter area and provide setting for interpretive sign area

Proposed shelter approx. 5x5m to provide picnic area for locals or visitors travelling through and utilising rest stop facilities. Proposed park furniture including picnic tables, bins, relocated BBQ and drinking fountain to be provided

Remove existing toilet block. Retain mosaic artwork and re-install on new toilet block

Remove existing post and log fence R

Gravel access road to dump point to be retained. Upgrade gravel surface drainage issues and material as required

Existing sewer dump pit to be retained

Proposed interpretive signage trail depicting the historical firsts of Berrigan including:
- The Birthplace of Federation story
- The first Volunteer Bush Fire Brigade
- The first Parents & Citizens committee
- The first country branch of the Australian Red Cross

Consider the opportunity to include further information and history of the significant Murray Pine forest towering above Hayes Park and acknowledgement of First Nation People & connection to country

Remove ageing clubs sign and light. Replace with small sign to acknowledge the BBDA and the planting and maintenance they undertake in this area (approximate location only)

Remove existing flag pole and footing (approximate location only)

MOMALONG STREET
JERILDERIE STREET
RIVERINA HIGHWAY
HORSFALL STREET
Stage 1
Stage 2
Berrigan Skate Ramp
Berrigan Swimming Pool
Berrigan Caravan Park

Legend

- Existing kerb
- Existing kerb to be removed
- Proposed upgrade to kerb
- Proposed item to be removed
- Proposed upgrade to road surface
- Gravel road surface
- Existing concrete footpath
- Proposed concrete footpath
- Proposed mulch surface
- Proposed granitic sand surface
- Grass surface
- Existing tree
- Approx. TPZ / extent to be mulched (see note)
- Existing tree to be removed
- Proposed evergreen tree
- Proposed Wilga street tree
- Proposed deciduous tree
- Existing fence
- Proposed steel edge
- Existing entry wall to be replaced
- Proposed timber bench seat
- Proposed timber picnic table
- Proposed concrete bench seat
- Relocated BBQ
- Proposed bin
- Proposed drinking fountain
- Proposed street light
- Book Swap box
- Proposed interpretive sign
- Proposed community information noticeboard
- Bills Water Trough & horse tie up fence - see note
- Possible mosaic locations
- Proposed location of memorial - Honour Roll (design by others)

Note:
Approximate Tree Protection Zones (TPZ) have been shown on the plan in an orange dashed line to indicate protection area for the ecologically significant Murray Pine (*Callitris columellaris* or *glaucophylla*) trees throughout Hayes Park.
All works near trees to be retained need to consider long-term tree health. Disturbing or compacting tree roots or tearing bark can result in limb drop or tree death. For all trees to be retained the following is to be undertaken:
- No stockpiles, machinery, equipment, trenching, excavation, cement, fuel, paint, chemicals or toxic materials are to be stored near, or in the drip line of, the tree canopy.
- Damage to major tree roots shall be avoided wherever possible. Alignment of edging may be adjusted on site to avoid cutting of any major roots.
- Any pruning of roots shall be cleanly cut. Do not tear or mechanically rip root system.

Note:
Underground service locations are approximate only. Undertake a dial-before-you dig to confirm all services prior to starting any work

Note:
Take care to ensure all surfaces are free draining. Paths & paved surfaces are free of puddles and pooling.
All surfaces are to be free of trip hazards or unnecessary level changes.

LM·LA

Project: 1932_Berrigan Parks for People
Sheet: Hayes Park Concept Plan 1
Client: Berrigan Shire Council

Scale: 1:300 at A1 | Designed by: CR & GC June 2019
Revision: - | Drawn by: CR & GC June 2019

Hansen, Matthew

From: BDDA Secretary <bddasecretary@gmail.com>
Sent: Saturday, 17 August 2019 5:48 PM
To: Mail; Hansen, Matthew
Subject: Hayes and Apes Parks

Dear Matt,

The BDDA would like to support the idea of having a advertising/community board at Hayes Park. As per earlier communications with the Shire, the BDDA would like to work closely with Berrigan Shire to see this come to fruition.

As the close of submissions regarding the Hayes and Apex Park Redevelopment is before our meeting, we are unable to comment on the rest of the plans.

Regards, Cristina
--
Carla von Brockhusen and Cristina von Brockhusen
BDDA Secretary
bddasecretary@gmail.com
Meetings held the 4th Week of the Month

Appendix "O"

BERRIGAN & DISTRICT HERITAGE MUSEUM COMMITTEE INC.

INC. 9893266

60 Jerilderie Street, BERRIGAN 2712

President: Marney Dalgliesh.
"Atholdene."
Dalgliesh's Rd,
Berrigan. NSW 2712.
Ph. 0358852363

Secretary: Marnie Steer,
59 Budd St,
Berrigan. NSW 2712.
Ph. 0358852512

15 August, 2019

The Chief Executive Officer,
Berrigan Shire Council,
BERRIGAN 2712

Dear Sir,

After studying the Council's new concept plan for Apex Park our members wish to advise you of their concerns regarding the proposed changes.

We believe that the parking area should remain where it is because it is adequate and well used by both private cars and heavy vehicles.

It is our belief that the play area should also be left where it is rather than being relocated near Cobram Street where there is constant traffic. Any new tree plantings should be Australian natives instead of deciduous species.

As this is a public park, well used by both young and old, we ask the council to call a public meeting to discuss any necessary changes. Up to the present, most people in the town have no idea of what is being proposed.

Yours faithfully,

Marnie Steer
Honorary Secretary

Appendix "O"

BERRIGAN & DISTRICT HERITAGE MUSEUM COMMITTEE INC.

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Ph. 0358852363

Secretary: Marnie Steer,
59 Budd St,
Berrigan. NSW 2712.
Ph. 0358852512

15 August, 2019

The Chief Executive Officer,
Berrigan Shire Council,
BERRIGAN 2712

Dear Sir,

Our members have studied the Hayes Park Concept 2 and are concerned about the proposed plan. We suggest the attached changes, including some thoughts for the future. With regard to the Rock Crusher, this is of historical importance to Berrigan and should be left at its present site.

Some of us have canvassed travellers for their experiences in stopping and using the present park facilities and feel that much of the proposed plan would not be an improvement.

We would appreciate it if you would carefully consider our suggestions. We would be happy to meet with you on the site to discuss our concerns.

Yours faithfully,

M.J.Steer
Honorary Secretary

2 sheets attached.

BERRIGAN SHIRE COUNCIL HAYES PARK CONCEPT 2

Suggestions by the Berrigan Heritage committee for changes to the plan

Toilet block:

Needs 2 female cubicles, a small urinal and a disabled facility with baby change table.

Move the toilets to the proposed location of the RSL War Memorial

Road into the rest stop:

Should be wider at the Jerilderie Street entrance and should be 2-way, not- 1 way.

Trees:

The whole area should have native non deciduous trees

No new trees should be planted until the design has been discussed and changed.

New pathway:

There should be a new pathway from Jerilderie Street to the toilets for people from vehicles that park in Jerilderie Street.

Proposed concrete seats:

Concrete is very cold to sit on and there is no backing. A picnic table is more practical.

Drinking fountain:

Keep the fountain near the skate park. Kids will not walk to the rest stop to use the fountain, so why remove the present one and put a new one further away? In fact, why not have both?

Bills Water Trough:

This should not be at Hayes Park and rest stop.

We suggest the best place is on the RSL property.

RSL War Memorial Honour Roll and Flag Pole:

We suggest that this be placed in the front of the RSL Building, not in Hayes Park at all.

Picnic area Shelter:

The existing shelter and concrete pad should be removed and the shelter used over the new picnic area. It should be north-facing and guttering should be added.

Ruwolt Rock Crusher:

This should remain in the same location with crushed rock beneath and around it and a new fence.

New signs should be added, with information about its historical significance

Post and log fence:

This should remain at the rest area to prevent vehicles from driving on to the grassed area

Concrete pad and park furniture:

This should remain and the ground level should be raised near the shelter and toilet area to reduce the possibility of flooding.

Concrete pathway:

This would be better if coloured

Entry walls:

The entry walls should incorporate the plaque from the old fence

Appendix "O"

Berrigan Lions Club

Foundation 1973

President: Inara Fox
Secretary: Kurt Bauer

PO Box 83,
Berrigan NSW 2712

Berrigan Shire Council

Re Concept Plans Hayes Park

.Berrigan Lions Club are pleased to put forward a submission to concept plans for Hayes Park

We would like the Berrigan shire Council to look at a few possibilities for changes to the plans

No 1 Would a shower be able to be added to the toilet block as many trucks do change trailers at that the area of the Hayes Park It could be operated by An AVDATA key so that the use could be monitored.

No 2 A small play ground be somewhere near in park area away from road to let young children run off stored up energy before they are put back in cars for the next part of their trip.

No 3 Water bottle filler to be included in water fountain assembly

No 4 Some sign age for Hayes park to be included

No 5 Existing Rotunda over the BBQ was put there by Berrigan Lions club we would like to be consulted as to what will happen to the structure and have some say on its further use.

No6 Berrigan Lions Mosaic on Toilet wall is not to be relocated as we believe it will not suit new location Berrigan Lions at our expense will have made for us a new sign to better suit new location and surrounds

Berrigan Lions Club would like to thank the Berrigan Shire Council for having the opportunity to be able to put in a submission as to the redevelopment of Hayes Park.

Yours in Lions
Kurt Bauer
Secretary Berrigan Lions Club

HAYES PARK

The skate park: – gravel nearby with deciduous trees. The gravelling of an area in front of the skate park should remain as lawn and we don't believe there is any need for more trees to be planted. If any are planted they are to be native eg: Murray Pine in tune with the rest of the park.

Hayes Park in General: I agree with the concrete path going through the park up to the entrance to the caravan park.

Once again if any trees are to be planted they should be Murray pine. For the future we need new plantings of Murray pine to replace the aging Murray pines and to retain the heritage of the park.

The suggestion of the removal of the rock crusher ---
It should remain where it is. Its steel foundations to be restored, and the history of the quarries of Berrigan noted. Mr Chanter was a member of the Legislative Assembly (MLA) and representative of this area in the 1890's and he took samples of rock from Green Hill to Sydney for testing for suitability for crushing and for road foundation.

The positioning of the water trough from the Show Ground to Hayes Park:
We believe it should be relocated to the front of the RSL/Heritage Museum

The prosposed site of the toilet block:

We do not believe that it is the right position for a toilet block.
a) Don't believe there should be a toilet at the entrance to the caravan park.
b) The block will spoil part of the view of our local swimming pool, caravan park entrance and Hayes park generally.
c) Don't really want vehicles parking on the entrance to the caravan park.

Due to there being no increase in size of toilet block proposed, it may as well remain as is or if increased in size to 3 toilets (really needed), then moved towards Jerilderie Street, in its present location.

The proposed War Memorial site should be on the site proposed for the new toilet block. And therefore the relocation of the BBQ area etc could be slightly further northwest towards the memorial.

We agree with the planting of Wilga trees on the eastern side of Jerilderie Street between Horsfall and Momalong streets. To keep the avenue "look" the Wilga should also be planted on the Western side.

We just cannot stress strongly enough the need for the retention of our indigenous and native trees.

<u>APEX PARK</u>

The reduction of the present parking space should not occur. Presently it provides ease of access for all vehicles including the garbage collection trucks and other rigid delivery trucks. They use this area frequently. The parking space is providing a safe parking area for many people of all ages.

***** We have attached two examples of seating WITH BACK SUPPORT. The semi-circle example illustrates a meeting place.**

***** Once again any new tree plantings should be native with a the green winter look and not the skeleton look we see right through our town at present and to avoid the high water use of introduced species during summer.**

[redacted]

Berrigan Sub Branch of RSL NSW
160 Jerilderie Street Berrigan NSW 2712
PO Box 198 Berrigan NSW 2712

Mr Matt Hansen
Director of Corporate Services
Berrigan Shire Council Office
Chanter Street
Berrigan NSW 2712

14th August 2019

Dear Matt

Re Hayes Park Concept Plan 1

Thank you for your time today to help us understand the council's perspective in the proposed development.
The Berrigan RSL wish to make the following comments after viewing the plan and visiting the site.

A **Memorial's purpose** is to commemorate the sacrifice of those **Australians** who have died in **war** or on operational service and those who have served our nation in times of conflict. Its mission is leading remembrance and understanding of **Australia's** wartime experience.
These **memorials are** important because they act as historical touchstones. They link the past to the present and enable people to remember and respect the sacrifice of those who died, fought, participated or were affected by conflict(s).

We do not believe the concept plan currently on display provides the significance that our proposed memorial deserves. Berrigan RSL is planning to honour approximately **450** past and present serving personnel who were from Berrigan or have a strong Berrigan connection.

We believe our local community will strongly endorse our Memorial Wall for which plans are well advanced and will require our sub branch to raise funds of $60,000 for completion. Therefore, an appropriate location is felt strongly desirable.

Our committee believe there are some alternatives that the landscape designer might take into consideration and that would not significantly change the general scope of the plan. If the opportunity allows, we can make these suggestions on site.

Thank you for taking these comments into consideration.

Yours sincerely,

Geoff Stein — President
Amy Batten — Secretary

-----Original Message-----
From: Gary Lehre <ghlehre@gmail.com>
Sent: Friday, 9 August 2019 8:55 AM
To: Hansen, Matthew <MatthewH@berriganshire.nsw.gov.au>
Subject: Hayes Park Development

Hi Matt,

After closer inspection of the new plans for Hayes Park our concerns are as follows.

Our existing Berrigan Caravan Park signs are behind the existing brick entrance.
The proposed new ammenities block appears to close to the entrance and would cause congestion in peak times.
Fears are that people will park out the front of Jerilderie St close to park entrance.
We believe toilets should be closer to the shelter to encourage off street parking.

We are keen to retain signage for the park to have maximum visual impact.
Could the ammenities be moved towards the existing block?

Kind Regards

Gary & Helen Lehre
Berrigan Caravan Park

Hansen, Matthew

Subject: FW: Hayes Park

From: [redacted]
Sent: Thursday, 15 August 2019 1:42 PM
To: Mail <mail@berriganshire.nsw.gov.au>
Subject: Hayes Park

Dear Berrigan Shire Council,

I would like to commend the Council on the Hayes Park Final Concept Plan..

I believe that the toilets need to be relocated more towards the shelter area
.
I do not agree with having a War Memorial there at the park especially when there is a Hall and/or Museum that would be better suited for such a monument.

I personally dislike Wilga trees and I hope they die.

Otherwise, I find the Plan great.

Yours sincerely,,
[redacted]

Appendix "P"

NSW GOVERNMENT

LOCAL STRATEGIC PLANNING STATEMENTS

Guideline for Councils

The Department of Planning and Environment acknowledges the Traditional Custodians of the land and pays respect to all Elders past, present and future.

Overview

In March 2018, amendments to the *Environmental Planning and Assessment Act 1979* (EP&A Act) introduced new requirements for councils to prepare and make local strategic planning statements.

Local strategic planning statements (LSPS) will set out

- the 20-year vision for land use in the local area
- the special characteristics which contribute to local identity
- shared community values to be maintained and enhanced
- how growth and change will be managed into the future.

Councils will show how their vision gives effect to the regional or district plan, based on local characteristics and opportunities, and the council's own priorities in the community strategic plan it prepares under local government legislation.

Informed by the strategic and community planning work undertaken across regions, districts and local government areas, the LSPS will be the key resource to understand how strategic and statutory plans will be implemented at the local level.

Please visit *www.planning.nsw.gov.au/Policy-and-Legislation/Environmental-Planning-and-Assessment-Act-updated* for more information on local strategic planning statements and other planning legislation updates.

Purpose of this guideline

This guideline provides information for councils, the community and other stakeholders on the contents of a local strategic planning statement, how it is made, and how it is implemented.

The guideline provides councils with a suggested process to help develop their first statement. Whilst the guideline applies across the state, different councils and regions have different resources and needs.

The Department will support regional councils with their technical or practical needs. The Greater Sydney Commission will assist councils in the Greater Sydney region.

Councils will be provided with supplementary information on the tools, data and resources available.

Contents

Purpose of an LSPS

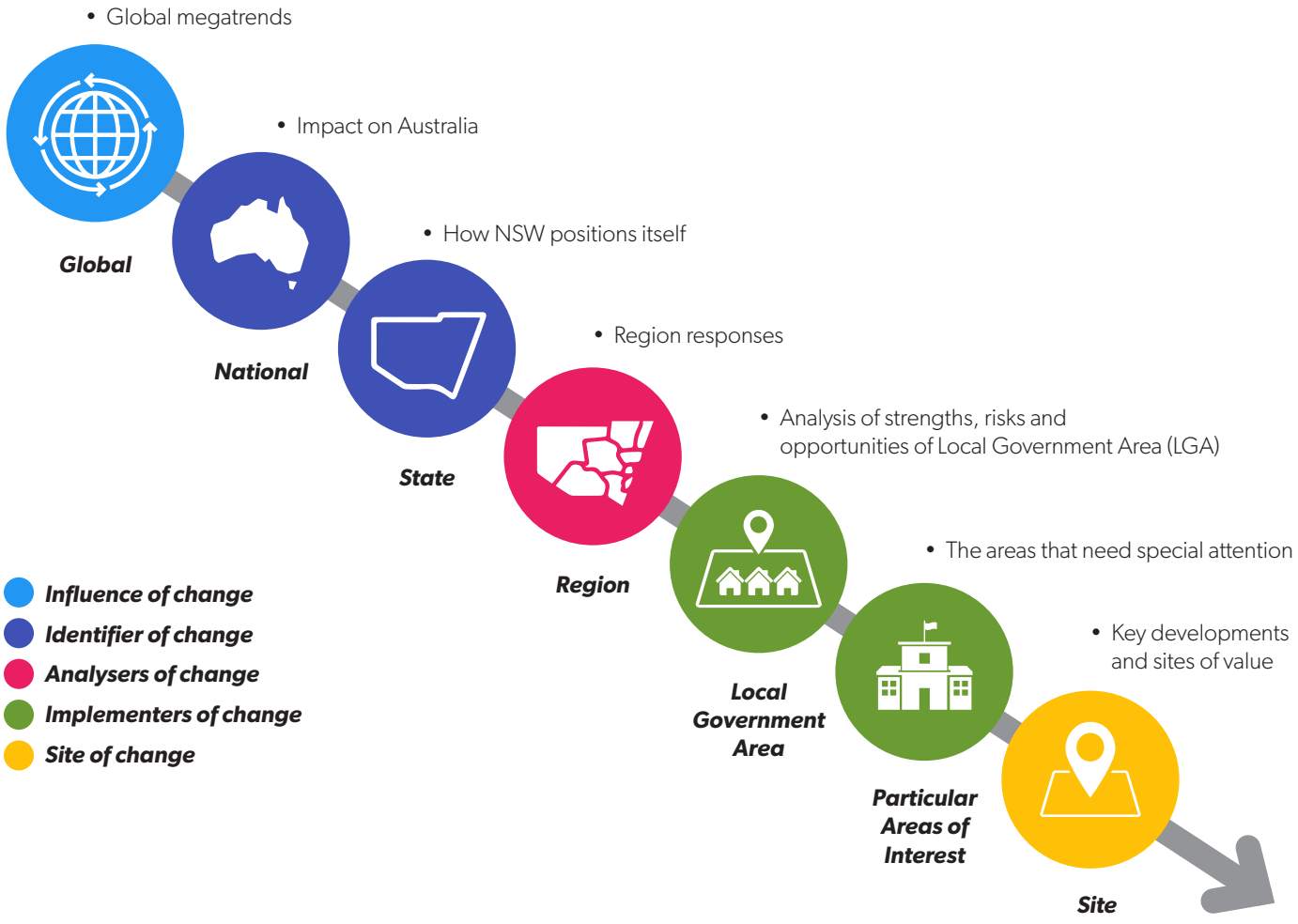
Local strategic planning statements will be a pivotal tool for local strategic planning in NSW. They will inform local statutory plans and development controls, and give effect to regional and district plans. The LSPS can also identify where further strategic planning effort may be needed.

The statements will act as a unifying document. Drawing together and summarising planning priorities identified through State, regional, district and local strategic work. They provide the local context and local-scale expression of actions and priorities from these plans.

In practice, the statements will shape how the local environmental plan (LEP) and development control plans (DCP) evolve over time.

Councils, in consultation with their communities, will determine the priorities for their area, informed by and consistent with other applicable strategic plans. Developing actions that respond to and build on the place and community's strengths and potential.

The LEP will deliver the council and community's plan and actions from the district and regional plans. This is supported by other tools such as contributions plans, place based planning strategies, growth management strategies and investment in infrastructure.



Strategic-led planning

Local strategic planning statements will shift the NSW planning system into a **strategic-led planning framework**. The statements provide a clear **line-of-sight** between the key strategic priorities identified at regional or district spatial scales and the finer-grained planning at local, centre and neighbourhood scales.

The statements provide a **bridging point** to ensure that regional and district priorities are placed within a clear local context and tailored to the unique economic, social and environmental characteristics of the local government area.

The statements will be the primary resource to express the desired future for the LGA as a whole and for specific areas. This will guide and indicate what significant changes are planned for the LEP and DCP to deliver the vision. The LSPS will identify the need for further local strategic planning effort such as precinct and master planning, local character statements, and local housing and infrastructure strategies. Thus an LSPS should be seen as evolutionary where identified actions result in future refinements to the plan.

Importantly, the LSPS allows councils to translate their strategic planning work into local priorities and actions. In turn this informs the review and development of future strategic plans at the district and regional level. This **feedback cycle from local to regional planning** ensures that the **line-of-sight** between the different levels of spatial planning **works both ways**.

Lessons learnt through local strategic planning can strongly influence the planning and delivery of infrastructure and services, and patterns of planned growth at the broader district and regional scales.

The LSPS will assist councils in their consideration of infrastructure needs to support growth. This will promote transparency and clarity by identifying upfront the strategic infrastructure priorities for an area, which can then be delivered through a range of methods such as government funding or planning agreements.

The LSPS will also assist regional councils to plan for needs associated with significant population change or transformation in local employment opportunities.

What should the LSPS include

20-year vision

An LSPS will be a succinct and easy to understand document that will allow community members to contribute to and understand the future direction of land use in their area. This future direction should be framed in the LSPS as a **20-year vision** for the LGA, which builds on the 10-year vision in council's Community Strategic Plan.

Importantly, it must be a **planning vision**, emphasising strategic land use, transport and environmental planning, clearly demonstrating how the area will change to meet the community's needs in 20 years' time.

The 20-year vision may be derived from a community strategic visioning process conducted as part of the Community Strategic Plan prepared under the *Local Government Act 1993*, or from a separate engagement process.

Legal requirements

The statements are to identify the planning priorities for an area and explain how these are to be delivered and implemented.

The legal requirements for an LSPS outlined in section 3.9 of the EP&A Act include:

(a) **Context** - the basis for strategic planning in the area, having regard to economic, social and environmental matters

(b) **Planning priorities** - the planning priorities for the area that are consistent with any strategic plan applying to the area and (subject to any such strategic plan) any applicable community strategic plan under section 402 of the Local Government Act

(c) **Actions** - the actions required for achieving those planning priorities

(d) **Implementation** - the basis on which the council is to monitor and report on the implementation of those actions.

Scope and structure

The statements may be simple or more complex depending on the requirements of the LGA, but should be in plain English with images, graphics and maps to assist in explaining the outcomes. They are envisaged to be relatively short, succinct documents, with the detailed analysis in the relevant informing strategies.

The LSPS should not simply repeat all the actions from a region/district plan, but present council's priorities and give guidance to the LEP.

Each statement will include a **20-year vision** of future land use and address the **legal requirements** listed above. Depending on council's priorities and actions, the statement could be structured around:

- economic, social and environmental matters
- land use themes such as housing, employment, infrastructure, agriculture, transport / connectivity, tourism, social, cultural and community facilities, open space and recreation, and the environment
- objectives and priorities identified in council's Community Strategic Plan relevant to land use planning
- strategic goals and directions / actions identified in the relevant regional plan
- district priorities (in Greater Sydney) or directions such as infrastructure and collaboration, liveability, productivity and sustainability
- local geography, including wards, suburbs or other spatial distinctions.

The table at Attachment A provides a suggested outline of the content for the LSPS and how the document could be structured.

Councils should develop their local strategic planning statement as a single document for the whole council area.

The context for a ward based approach will become apparent from the scoping stage. If needed, the LSPS will outline why a fine grained approach is necessary and appropriate, based on the circumstances relevant to the area, such as distinctive features or character, significant industry or agriculture.

For council areas that are divided into wards, each Councillor of a ward is to be given the opportunity to engage and participate in the shaping of the planning priorities and actions relevant to their ward. Any ward-based priorities and actions must align with the planning priorities relevant to the whole council area, as expressed in the higher-order strategic plan/s and the local strategic planning statement.

Visualising priorities

The LSPS is an important messaging document for councils and their communities, in that it provides the 20-year vision for planning in the LGA and the direction to achieve that. It should clearly demonstrate what the planning priorities and actions are, how they fit within a local context and where they are located.

A map should present an overview of where the planning priorities lie within the LGA and indicate where future strategic planning work and potential change may occur.

It should identify those areas that require a finer grain analysis, such as a town centre, precinct or other area requiring further strategic planning investigation, development control plan or other tailored response.

Individual elements, such as housing or particular wards, could be indicated in additional maps and diagrams.

LSPS process – Aligned and Collaborative

The legislation does not prescribe a set process for councils to prepare and make their LSPS, however, the Secretary may issue such requirements in future.

The following pages suggest a process which councils may follow to develop and implement their LSPS. It is intentionally flexible to allow councils to develop their own process based on their needs, the currency and availability of source material and the resources they have.

In general, the LSPS process comprises four stages:
- Scoping
- Testing
- Finalisation
- Implementation.

Each stage involves **alignment** with other strategic planning activities at the local, regional and state-level. The LSPS should 'give effect to' the regional or district plan. It delivers the actions in the relevant regional or district plan through councils' local plans.

The context for a ward based approach, as part of the planning system, should come from the process followed during the scoping stage. The LSPS will outline why a fine grained approach is necessary and appropriate, based on the circumstances relevant to the area, for instance distinctive features or character, significant industry or agriculture.

The LSPS is supported by **collaboration** across regions, between local and state government, and between different agencies, and engaging with the community and stakeholders.

Next steps

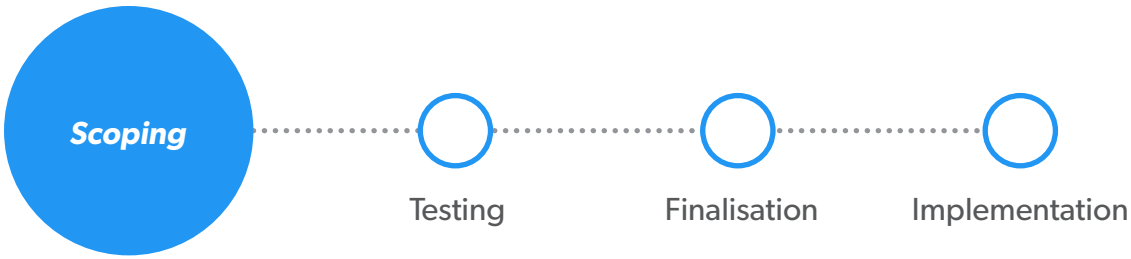
The Department and in the Sydney metropolitan region, the Greater Sydney Commission, will work closely with councils throughout the process to assist with the development of their LSPS.

Councils will be advised of the resources and data available to support preparation of the first LSPS, for example strategic planning tools, datasets and mapping.

Councils should contact the Department at legislativeupdates@planning.nsw.gov.au for further information on local strategic planning statements or specific requests.

Please visit the Department's website at *www.planning.nsw.gov.au/Policy-and-Legislation/Environmental-Planning-and-Assessment-Act-updated* for information.

Stage 1 – Scoping



The scoping stage should commence as soon as practical and involves:

1. **Collation** – assembling the relevant strategic and community plans applying to the LGA. This includes consideration of:
- regional and/or district plans
- community strategic plans
- council's strategies and policies such as local housing, growth, infrastructure and employment strategies
- council's LEP and its review
- growth plans and other strategic planning studies
- council's demographic profile, ABS or Department of Planning data.

2. **Issue identification** – understanding local issues for consideration in the LSPS. This may include engagement with key stakeholders and the wider community, dependent on council's consultation arrangements to understand community preferences and aspirations.

3. **Analysis, synthesis and gap assessment** – understanding how the strategic inputs apply in the local context. How they relate to each other, their currency, and identifying any tensions or inconsistencies between each piece of strategic work, with a particular focus on how local economic, social and environmental characteristics affect their relevance and importance.

4. **Vision setting** – identifying the main strategic initiatives that resonate across each piece of strategic work. Identifying areas within the LGA that are a key focus for change (or projected change), and identifying knowledge gaps that require further investigation.

It is crucial that this draws on the knowledge and views of councillors, community leaders and stakeholders to directly inform the community vision and key priorities during the scoping stage.

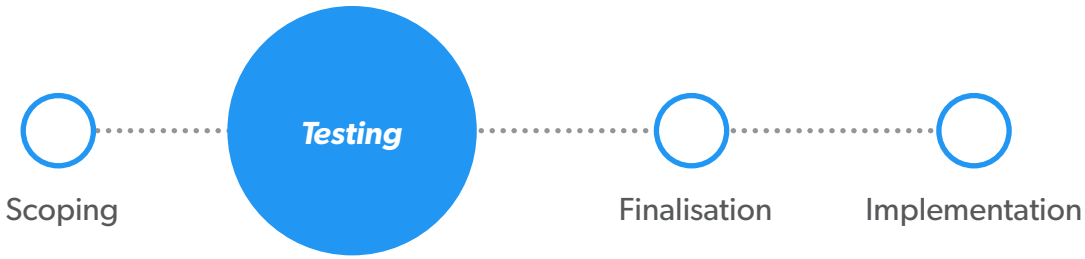
Councils should plan and if possible, commence the community consultation and engagement activities needed to develop the vision and LGA planning priorities.

As part of this, councils should consult with the Local Aboriginal Land Council to understand and incorporate relevant future strategic land use planning outlined in the Community Land and Business Plan.

5. **Prioritisation** – The main outcomes from this stage should include a preliminary list of planning priorities for further investigation at the next stage, and identification of additional strategic work necessary to inform and support the development of the LSPS.

Relevant actions, gaps and inconsistencies can be laid out using a simple table.

Stage 2 – Testing



This stage develops, tests and refines the preliminary findings from the scoping stage, including the local vision, planning priorities and actions. Councils will develop a draft LSPS addressing the legal requirements. This may include a number of different options or scenarios depending on the relevant priorities.

This involves:

1. **Targeted analysis** – undertaking essential strategic work identified through the gap analysis to inform the development of specific priorities in the LSPS.

2. **Strategy development and assessment** – the development of a draft LSPS and assessment of options (scenarios) as required. Tasks will likely include:
- preparation of a local housing or employment strategy
- establishment of 6-10 and 20-year housing targets for councils in Greater Sydney
- industrial and urban services land review
- growth and change management plans, relevant to the key changes projected for the next 20 years based on demographic change such as housing, retail, industrial and commercial needs, jobs and centres, accessibility, tourism, social, cultural or community infrastructure, environment, rural or agricultural uses.

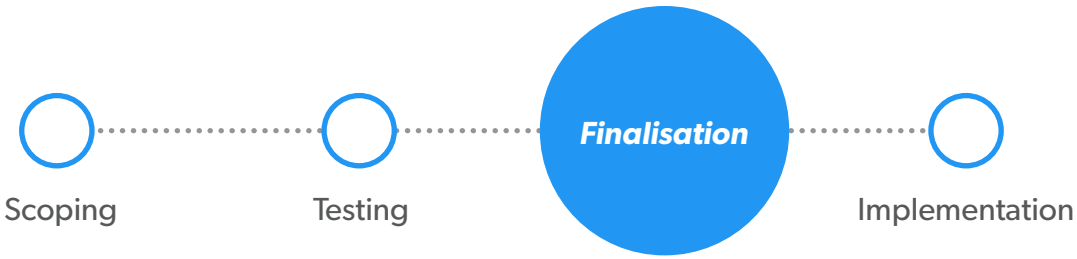
3. **Local infrastructure assessment** – councils should identify the infrastructure response to projected population change such as additional education facilities, health, transport and open space needs.

4. **Consultation** – testing preliminary findings, assumptions and options with the community and a broad range of stakeholders. This may include seeking specific feedback on targeted priorities and actions, such as options to identify possible future growth areas or options for revitalisation in key localities.

5. **Prepare draft LSPS for exhibition** – revising the draft LSPS by incorporating feedback of targeted strategy work, consultation and exhibition activities, narrowing options and isolating key areas of local priority.

The main outcome from this stage is a draft LSPS.

Stage 3 – Finalisation



To assist finalisation of the LSPS, councils may develop supporting material to explain the priorities identified in the draft, options considered and reasons for final choices.

This stage involves:
1. **Approval of draft LSPS and exhibition** – councils will need to resolve to exhibit their draft LSPS, with the minimum exhibition time of 28 days. Councils may choose to increase the exhibition period depending on the complexity of the proposed changes and other associated studies / timeframes.

2. **Finalisation of draft** – council reviews submissions and makes modifications to planning priorities and actions for the LGA as required. Any incomplete strategic work or unresolved planning issues can be identified in the final LSPS as further work to be undertaken in the LSPS action plan.

3. **Making the LSPS** – the final LSPS is to be approved and made by council. The EP&A Act includes provisions for ward-based councils to seek endorsement by councillors of a ward on provisions in the LSPS relating to their ward.

The Department may issue guidelines in the future prescribing how an LSPS must be made. Guidelines or Secretary's Requirements may also be issued to outline processes for having an LSPS endorsed by the relevant strategic planning authority in the event that ward councillors do not endorse the statement. That is the Greater Sydney Commission for Greater Sydney councils and the Department for all other councils.

Once an LSPS is made, it becomes a consideration when preparing LEPs. Of note, planning proposals must justify any proposed changes to LEPs, including indicating whether the changes will give effect to the relevant LSPS.

Stage 4 - Implementation

Implementation of the LSPS will be an ongoing program of works until it is reviewed, which must occur at least every seven years from it being made.

Implementation includes:
1. **Implementing priorities and actions** – of the LSPS including necessary changes to statutory plans and development controls, council's infrastructure funding and delivery programs and finer grained strategic planning (e.g. DCPs, masterplans etc).

2. **Alignment with related work** – LSPS used to inform the basis of any amendment to the LEP, CSP review, and review of regional and district plans. Future strategic planning work by councils should support priorities within the LSPS and address knowledge gaps.

3. **Monitoring and review** – undertaking monitoring and reporting as outlined in the LSPS, regularly seeking community feedback and identifying continuous improvement opportunities, and reviewing the LSPS within seven years.

The LSPS is intended to be a live policy – rather than a static document, fixed at one point-in-time. In addition to being reviewed at least every seven years, the statement should be revised on an ongoing, as-needs-basis, to ensure that it continues to reflect the community's views on the future desired state for the local area and ensure it remains responsive, relevant and local.

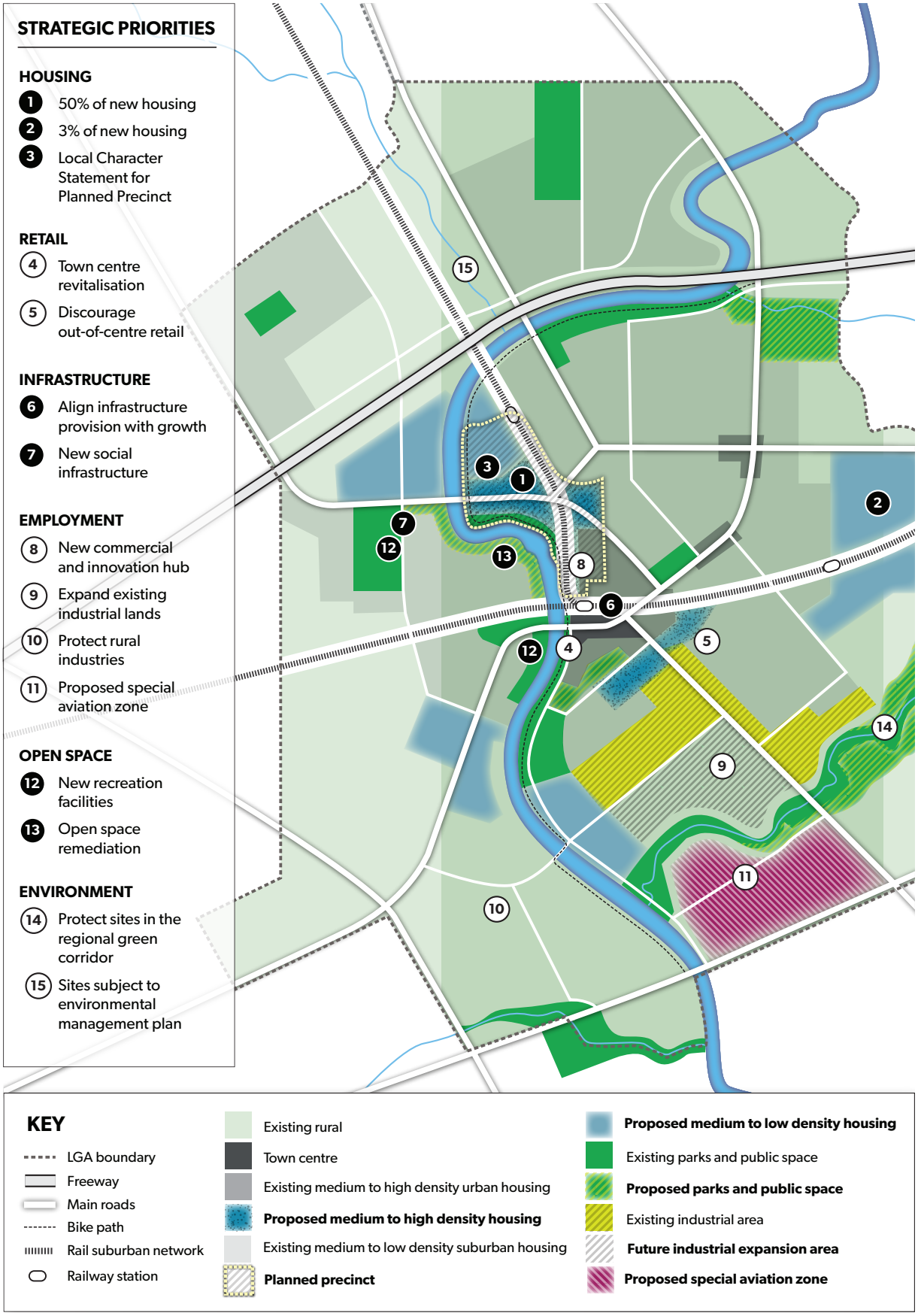
Revisions to the LSPS may be required in response to significant changes within the LGA, such as announcements on centre revitalisation, new infrastructure investment and employment opportunities, significant changes in projected population growth or changes to the relevant higher order strategic plan.

Attachment A -
Suggested structure for a Local Strategic Planning Statement

	LSPS Content	Possible sources and inputs
20 Year Vision	Vision captures the future desired state for the local area and high-level outcomes that give effect to the higher order strategic plan. Planning priorities and actions in the LSPS should aim to achieve the future desired state and outcomes stated in the vision.	Community participation / engagement activities to articulate the local vision. Community strategic visioning process conducted as part of the Community Strategic Plan could help inform the 'planning vision'. The relevant district or regional plans.
Strategic Context	Explain the basis for strategic planning in the area, having regard to economic, social and environmental matters.	Inputs to help inform context include: • relevant regional strategic plan and district plan, including vision statements and objectives • aspirations for the future of the LGA and the strategic objectives identified in the council's Community Strategic Plan • other endorsed public documents identifying or supporting strategic planning for the LGA • demographic, housing, transport and economic trends. Opportunities for regional / district collaborations of research / assessments should be considered.
	Recommendation: This section should introduce the LGA, including the impact of local geography, profile and defining characteristics, regional context, the key economic, social and environmental issues, and the key opportunities and challenges to achieving the 20-year vision. The strategic context should include a temporal discussion of the issues, that is past, present and future.	
Planning priorities	Local planning priorities are to be consistent with: • strategies identified in regional plans (relevant to LGA) • planning priorities in district plans (relevant to LGA) • main priorities for the future of the LGA identified in council's Community Strategic Plan.	The council should also have regard to: • identified areas of State, regional or district significance, relevant to the LGA (eg. planned precincts and growth areas) • other public documents endorsed by council identifying planning priorities for the LGA (eg. local housing and infrastructure strategies, centres plans, industrial strategies, growth plans, retail, etc) • housing outcomes including the local housing strategy and in Greater Sydney 0-5, 6-10 and 20-year housing targets • any updated / new State Government policies.
	Recommendation: Local planning priorities can be grouped within the document around themes, to provide structure and context. Themes should cover the key issues identified by the council to deliver the 20-year vision as outlined in the strategic context.	Theme groupings may be around key areas of action related to land uses, transport and infrastructure, directions identified in strategic and community plans, or under broader economic, social and environmental headings. Sub-themes may assist in identifying the actions necessary to implement the planning priorities (eg. 'Environment' theme may be broken into sub-themes such as biodiversity, climate, natural resources, resilience and risks etc).

	LSPS Content	Possible sources and inputs
Action plan	List actions required to achieve planning priorities, having regard to: • strategies and actions for achieving regional objectives identified in regional plans (relevant to the LGA) • actions to achieve planning priorities identified in district plans (relevant to the LGA) • strategies for achieving strategic objectives (as they relate to land use planning) identified in council's Community Strategic Plan.	The action plan provides the strongest link between strategic and statutory planning, and should indicate how council's LEP and DCP work will accommodate the planning priorities for the LGA. The statement should also include planning-related actions arising from the community visioning work undertaken for the CSP. LSPSs identify planning tools and levers that can give effect to the planning priorities. Examples include: • LEP amendments to provide for projected housing and employment needs, open space, heritage and local character protections etc • Master planning processes for specific centres and locality-based DCPs • Further research and preparation of local housing or infrastructure strategies • Develop local character statements and/or urban design frameworks • Local infrastructure priorities • Coordinate community input to planning work for planned precincts within the LGA.
	Recommendation: These actions may be grouped together as an action plan within the statement, or they may sit with the associated planning priority under the various themes within the document. In either case, there must be a clear relationship between the identified planning priorities and the related actions.	
Implementation	The statement must set out the basis on which the council is to monitor and report on the implementation of those actions.	The development, monitoring and review of LSPS should be aligned to other council planning processes including the LEP review and IP&R framework under the Local Government Act. Of note, the LSPS should: • inform the review of the council's LEP, including directing key changes to the instrument • be recognised within the council's CSP as the primary tool for implementing the CSP strategic objectives related to land use planning • inform the development of local infrastructure plans and management of contributions schemes.
	Recommendation: The LSPS could include: • Implementation strategy (with timeframes) • Performance indicators and other success measures • Monitoring and reporting methods for implementing actions • LSPS Review (at least 7-year review) • Community feedback and continuous improvement opportunities (ie. measures the council will take to ensure the LSPS remains responsive, relevant and local) • Assumptions eg any government funding needed / secured.	
Mapping	**Recommendation:** Include a structure plan for the LGA depicting key areas and themes, and locations where the priorities and actions are to be implemented. Indicative sub-maps and illustrative images, graphics, tables etc.	Statements could include finer detailed maps focussing on key initiatives, such as: • localities where land use changes are proposed • areas affected by other major actions • images derived from the strategic housing tool • quotes / images from other community consultation, other documents, aspirational future images etc.

Attachment B - Sample Map



For illustrative purposes only.

Appendix "Q"

Local Government Grants Commission

Our Reference: A658479
Contact: Helen Pearce
(02) 4428 4131
helen.pearce@olg.nsw.gov.au

Mr Rowan Perkins
General Manager
Berrigan Shire Council

By email: rowanp@berriganshire.nsw.gov.au
Cc: mail@berriganshire.nsw.gov.au

22 August 2019

Dear Mr Perkins

In accordance with the Commission's policy of providing information to councils about the way it calculates financial assistance grants (FAGs), please find attached a summary of Council's 2019-20 estimated FAG entitlement (**Appendix A**).

The national figure for 2019-20 was made up of $1,757 billion for the general purpose component and $780 million for the local roads component. The estimated entitlement for 2018-19 reduced by $5.6 million for final adjustments to CPI and population shares.

The general purpose component was distributed across the States on a population basis. NSW received 32% or $562 million, which represents a 3.9% increase on last year's figure.

The local roads component is based on a historical formula. NSW's share of the total road funding is a fixed 29% share, or $226 million, which was in line with the previous year. The total, then, for NSW was $788 million.

The Council's 2019-20 FAG estimated entitlement compared to 2018-19 final entitlement is as follows:

Berrigan Shire Council				
Year	General Purpose	Local Roads	Total	
2018-19 final	$3,285,165	$1,379,940	$4,665,105	Change
2019-20 est.	$3,488,747	$1,437,807	$4,926,554	5.6%

To assist councils with budgeting and bank reconciliations, a breakdown of the 2019-20 quarterly instalments is attached (**Appendix A).** The NSW Statement of Payments is also attached **(Appendix B)**.

Strengthening local government

As councils will be aware, the Commission is required to adhere to the National Principles which mandate a per capita payment based on population growth/decline. It is also the policy of the NSW Government to explore opportunities to direct grants to communities with the greatest relative need. In allocating the grants the Commission has had regard to these policies.

A key challenge for the Commission continues to be the Commonwealth's request to apply the minimum per capita grant, which has a significant impact on the ability of the Commission to redirect funding. The map contained in **Appendix D** identifies the rate of population change in NSW from 2006 to 2016. **Appendix D** also lists the revised expenditure categories, disability factors, data sources used in calculating the expenditure allowance and the relative disability allowance.

In addition to these calculations, in its 2019 Budget, the Federal Government decided to retain the practice of forward payments of approximately half of the financial assistance grants based on the 2018-19 estimates for payment. Councils, therefore, received approximately 52 percent of their estimated 2019-20 FAGs on 18 June 2019. The remainder of the grant entitlements will be paid in quarterly instalments in August 2019, November 2019, February 2020 and May 2020.

SPECIAL SUBMISSIONS RELATING TO 2020-21 GRANTS

Special submissions from councils for 2020-21 will be considered by the Commission. The purpose of a submission is to give councils the opportunity to present information on the financial impact of inherent expenditure disabilities beyond councils' control that are not generally recognised in the current methodology. Please refer to the expenditure functions and Council's disability factors listed in **Appendix A**. This process allows the Commission to adequately consider all legitimate factors that affect councils' capacity to deliver services.

Appendix C, titled ***Guidelines for Special Submissions***, contains guidelines for preparing submissions – please read the guidelines carefully.

Submissions should be e-mailed to the Commission at olg@olg.nsw.gov.au by **30 November 2019**.

I would ask that this letter please be tabled at the next Council meeting.

If you have any questions concerning these matters please contact me on (02) 4428 4131.

Yours sincerely

Helen Pearce

Helen Pearce
Executive Officer

Berrigan (S) Council

General Purpose Component

Expenditure Allowance

Expenditure Functions	State ave cost per capita
Recreation and cultural	$210.51
Admin and governance	$248.52
Education and community	$63.17
Roads, bridges, footpaths and aerodromes	$204.68
Public order, safety, health and other	$162.62
Housing amenity	$69.42

Recreation and cultural			Pop <SS = relative disadvantage Pop >SS = 0 ATSI <SS = 0 ATSI >SS = relative disadvantage
Disability Measure	LGA measure	State Std (SS)	Weighted DF%
Population	8,707	62,400	27.0%
Aboriginal & Torres Strait Islander	2.3%	2.9%	0.0%

Admin and governance			
Disability Measure	LGA measure	State Std	Weighted DF%
Population	8,707	62,400	84.5%

Education and community			
Disability Measure	LGA measure	State Std	Weighted DF%
Population	8,707	62,400	80.1%

Roads, bridges, footpaths and aerodromes			
Disability Measure	LGA measure	State Std	Weighted DF%
Population	8,707	62,400	155.6%
Road Length	1,278	1,148	4.5%

Public order, safety, health and other			RTD <SS = 0 RTD >SS = relative disadvantage Env <SS = 0 Env >SS = relative disadvantage
Disability Measure	LGA measure	State Std	Weighted DF%
Population	8,707	62,400	59.8%
Rainfall, topography and drainage index	107%	161%	0.0%
Environment (Ha of environmental lands)	3,485	54,087	0.0%

Housing amenity			
Disability Measure	LGA Std	State Std	Weighted DF%
Population	8,707	62,400	15.2%

Isolation Allowance

Outside the Greater Statistical Area	Yes

APPENDIX A
LOCAL GOVERNMENT GRANTS COMMISSION 2019-20 FINANCIAL ASSISTANCE GRANTS

Pensioner Rebate Allowance

PR <SS = relative disadvantage (+ allowance) PR >SS = relative advantage (- allowance)	
LGA % Pensioner Rebates (PR) Res Props:	28.8%
State Standard (SS) % PR	15.8%

Revenue Allowance

Revenue Allowance CV <SS = relative disadvantage (+ allowance) CV >SS = relative advantage (- allowance)	
No. of Urban Properties:	4,142
Standard Value Per Property:	$449,458
Council Value (CV):	$59,951

No. of Non-urban Properties:	900
Standard Value Per Property:	$640,070
Council Value (CV):	$347,941

Relative Disadvantage Allowance

Unsealed roads; Isolation; Population Decline	$39,682
Special Submission	-

Total General Purpose Grant	**$3,488,747**

Local Roads Component

Population:	8,707
Local Road Length (km):	1,278
Length of Bridges on Local Roads (m):	291

Road/Population Allowance:	$1,412,978
Bridge Length Allowance:	$24,829
Local Roads Total:	**$1,437,807**

Total Grant	**$4,926,554**

Quarterly Instalments Payable in 2019-20 for 2019-20 FAGs

	August 2019	
GPC	$428,279	
LRC	$175,129	$603,408
	November 2019	
GPC	$428,279	
LRC	$175,129	$603,408
	February 2020	
GPC	$428,279	
LRC	$175,129	$603,408
	May 2020	
GPC	$428,279	
LRC	$175,129	$603,408
	TOTAL	
GPC	$1,713,117	
LRC	$700,516	$2,413,632