

Planning Report

Environmental Protection Works

695A Boeill Creek Road
Boeill Creek, NSW, 2739



EXECUTIVE SUMMARY

Proposal	Environmental Protection Works (Rehabilitation of an existing retaining wall)
Street Address	695A Boeill Creek Road, Boeill Creek
Formal Land Description	Lot 2 on DP 1227853
Zone	W1 - Natural Waterways
Relevant State Environmental Planning Policies	State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 5 - Murray River Lands

SUBJECT SITE AND SURROUNDING AREA

The subject site comprises one parcel of land commonly known as 695A Boeill Creek Road, Boeill Creek, and more formally as Lot 2 on DP 1227853. It has an area of 1.067 hectares (ha) and is accessed from Boeill Creek Road. The site is currently used for residential purposes and contains an existing dwelling and wood retaining wall at the interface with the Murray River. The existing retaining wall was damaged during the most recent floods and has lost its structural integrity, leading to this application for a new retaining wall. The site has environmental sensitivity due to the interface with the Murray River.

The site is within a pocket of existing dwellings, approximately 7km to the south east of the Wentworth township. The surrounding area contains a number of existing dwellings and vacant rural land.

An aerial image of the site and surrounding area as well as site photos are contained on the following pages.

Aerial Image of the Site and Surrounding Area



Figure 1: Subject site and surrounding area (Source: NSW Planning Portal Spatial Viewer)

Site Photos



Figure 2: View of the existing retaining wall from the north west



Figure 3: View of the existing retaining wall from the north west



Figure 4: View of the existing retaining wall damage

PROPOSAL

DESCRIPTION

This proposal seeks approval for Environmental Protection Works (Rehabilitation of an existing retaining wall), as summarised below.

- The proposed rehabilitation works consists of the construction of a new retaining wall offset approximately 0.5m from the existing retaining wall. After extensive investigations were undertaken by Tonkin, it was determined that this is the most effective way to stabilise the bank.
- The new retaining wall will be constructed of iron bark sleepers, at a height varying up to 4m.
- The new retaining wall has been engineered for its intended purposes and will be installed by a suitably qualified contractor.

PLANNING

CONTROLS AND ASSESSMENT

Wentworth Local Environmental Plan 2011 (LEP)

The proposed works are located within the Zone W1 – Natural Waterways.

The objectives of the zone are:

- *To protect the ecological and scenic values of natural waterways.*
- *To prevent development that would have an adverse effect on the natural values of waterways in this zone.*
- *To provide for sustainable fishing industries and recreational fishing.*

Discussion

The proposal positively addresses the objectives of the W1 Zone. The proposed Environmental Protection Works involves the construction of a new retaining wall to rehabilitate an existing retaining wall that was damaged in the recent flooding event. Rehabilitating the existing retaining wall will stabilise the river bank and protect the ecological and scenic values of the Murray River.

Clause 5.21 Flood Planning

The objectives of this clause are:

- *To minimise the flood risk to life and property associated with the use of land,*
- *To allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- *To avoid adverse or cumulative impacts on flood behaviour and the environment,*
- *To enable the safe occupation and efficient evacuation of people in the event of a flood.*

Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- *is compatible with the flood function and behaviour on the land, and*
- *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- *incorporates appropriate measures to manage risk to life in the event of a flood, and*
- *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Discussion

The proposal involves environmental protection works that will stabilise the bank of the Murray River and will not increase the risk to life from flooding, displace flood waters or change the flood function/behaviour.

Clause 7.4 Terrestrial biodiversity

The objective of this clause is to maintain terrestrial biodiversity by—

- *protecting native fauna and flora, and*
- *protecting the ecological processes necessary for their continued existence, and*
- *encouraging the conservation and recovery of native fauna and flora and their habitats.*

Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development—

- *is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
- *is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
- *has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
- *is likely to have any adverse impact on the habitat elements providing connectivity on the land.*

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

- *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Discussion

The proposed environmental protection works will not result in any significant adverse environmental impacts. Rather, the works will be of environmental benefit by stabilising the bank of the Murray River. No native flora and fauna will be impacted.

Clause 7.5 Wetlands

The objective of this clause is to ensure that natural wetlands are preserved and protected from the impacts of development.

When assessing a development application for development on land to which this clause applies, the consent authority must consider potential adverse impacts from the proposed development on—

- *the growth and survival of native flora and fauna,*
- *the condition and significance of the native flora on the land and whether it should be substantially retained, and*
- *the provision and quality of habitats for indigenous and migratory species, and*
- *the surface and groundwater characteristics of the site, including water quality, natural water flows and salinity, and*
- *any wetland in the vicinity of the proposed development and any proposed measures to minimise or mitigate those impacts.*

Before granting consent to development to which this clause applies the consent authority must be satisfied that—

- *the development is sited, designed and managed to avoid potential adverse environmental impacts, or*

- *where an impact cannot be avoided, and having taken into consideration feasible alternatives, the proposed design, construction and operational management of the development will mitigate and minimise those impacts.*

Discussion

As discussed above, the proposed works will not result in any detrimental environmental impacts and will not require the removal of any native vegetation. The rehabilitation works have been designed by an engineering firm and will be installed by a suitably qualified contractor for undertaking works on a riverbank.

Clause 7.6 Development on river front areas

The objectives of this clause are as follows—

- *to support natural riverine processes, including the migration of the Murray River's channels,*
- *to protect and improve the bed and bank stability of the Murray River,*
- *to maintain and improve the water quality of the Murray River,*
- *to protect the amenity, scenic landscape values and cultural heritage of the Murray River and to protect public access to its riverine corridors,*
- *to conserve and protect the riverine corridors of the Murray River, including wildlife habitat.*

(1) Despite any other provision of this Plan, development consent may only be granted to development on land in a river front area for the following purposes—

- *boat building and repair facilities, boat launching ramps, boat sheds, charter and tourism boating facilities or marinas,*
- *the extension or alteration of an existing building that is wholly or partly in the river front area, but only if the extension or alteration is to be located no closer to the river bank than the existing building,*
- *environmental protection works,*
- *extensive agriculture and intensive plant agriculture,*
- *walking trails, cycleways, picnic facilities, recreation facilities and recreation facilities (outdoors),*
- *water recreation structures.*

(2) *Development consent must not be granted under subclause (2) unless the consent authority is satisfied of the following—*

- *that the appearance of the development, from both the Murray River and the river front area will be compatible with the surrounding area,*
- *that the development is not likely to cause environmental harm, including (but not limited to) any of the following—*
 - *pollution or siltation of the Murray River,*
 - *any adverse effect on surrounding uses, riverine habitat, wetland areas or flora or fauna habitats,*
 - *any adverse effect on drainage patterns,*
- *that the development is likely to cause only minimal visual disturbance to the existing landscape,*
- *that continuous public access, and opportunities to provide continuous public access, along the river front and to the Murray River are not likely to be compromised,*
- *that any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land is to be maintained.*

Discussion

The proposed development is in the form of Environmental Protection Works which is a purpose listed under Subclause 2 and development consent may be granted. The new retaining wall will encroach an additional 500mm into the river but will be visually the same as the existing retaining wall. The works will not result in environmental harm, as discussed previously and there will be no changes to existing access opportunities to the river. No historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic qualities will be impacted by the proposal.

Clause 7.7 Riparian land and Murray River and other watercourses—general principles

The objective of this clause is to protect and maintain the following—

- *water quality within the Murray River and other watercourses,*
- *the stability of the bed and banks of the Murray River and other watercourses,*
- *aquatic riparian habitats,*

- *ecological processes within the Murray River and other watercourses and riparian areas.*

Before determining a development application to carry out development on land to which this clause applies, the consent authority must consider whether or not the development:

- *is likely to cause any adverse impact on the following—*
 - *the water quality and flows within a watercourse,*
 - *aquatic and riparian species, habitats and ecosystems,*
 - *the stability of the bed, shore and banks of a watercourse,*
 - *the free passage of fish and other aquatic organisms within or along a watercourse,*
 - *any future rehabilitation of a watercourse and riparian areas, and*
- *will increase water extraction from a watercourse.*

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

- *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- *if that impact cannot be avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
- *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Discussion

As discussed previously, the proposed works will have a positive impact on the Murray River and surrounding environs by way of bank stabilisation. There will be no increase in the amount of water extracted from the river and no adverse impacts are identified.

Clause 7.8 - Additional provisions—development on river bed and banks of the Murray River

The objectives of this clause are as follows—

- *to manage and maintain the quality of water in the Murray River,*

- *to protect the environmental values, scenic amenity and cultural heritage of the Murray River,*
- *to protect the stability of the bed and banks of the Murray River,*
- *to limit the impact of structures in or near the Murray River on natural riverine processes and navigability of the River.*

Development consent must not be granted to any development on land to which this clause applies unless the consent authority is satisfied of the following—

- *that the development is likely to contribute to achieving the objectives of the zone in which the land is located,*
- *that the development will not increase erosion,*
- *that the development is not likely to cause an adverse effect on riverine habitat or flora or fauna habitats,*
- *that the development will not cause an adverse effect on drainage or flow patterns.*

Development consent must not be granted for the erection of a structure on land to which this clause applies unless the consent authority is satisfied of the following—

- *that the proposed structure will not be located on an outside bend of the Murray River,*
- *that the appearance of the proposed structure, from both the Murray River and any adjacent land, will be compatible with the surrounding area,*
- *that the development does not involve, and will not result in, the erection of more than one mooring per lot or per lots owned by the same owner or owners.*

Discussion

As discussed above, the proposed environment protection works are unlikely to result in any detrimental impacts to the Murray River and surrounding environs. Whilst the works are located on an outside bend of the river, they are for the purpose of rehabilitating an existing structure and will reduce erosion. No native vegetation or riverine habitat will be impacted, and the new retaining wall will have the same appearance as the existing retaining wall, maintaining the current scenic qualities of the site.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 5 – Murray River Lands

The aims of this Chapter are to conserve and enhance the riverine environment of the River Murray for the benefit of all users.

The objectives of this Chapter are—

- *to ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray, and*
- *to establish a consistent and co-ordinated approach to environmental planning and assessment along the River Murray, and*
- *to conserve and promote the better management of the natural and cultural heritage values of the riverine environment of the River Murray.*

Clause 5.8 General Principles

When this Part applies, the following must be taken into account—

- *the aims, objectives and planning principles of this Chapter,*
- *any relevant River Management Plan,*
- *any likely effect of the proposed plan or development on adjacent and downstream local government areas,*
- *the cumulative impact of the proposed development on the River Murray.*

Clause 5.9 Specific Principles

When this Part applies, the following must be taken into account—

Flooding

Where land is subject to inundation by floodwater—

- *the benefits to riverine ecosystems of periodic flooding,*
- *the hazard risks involved in developing that land,*
- *the redistributive effect of the proposed development on floodwater*
- *the availability of other suitable land in the locality not liable to flooding,*
- *the availability of flood free access for essential facilities and services,*
- *the pollution threat represented by any development in the event of a flood,*

- *the cumulative effect of the proposed development on the behaviour of floodwater, and*
- *the cost of providing emergency services and replacing infrastructure in the event of a flood.*

Land degradation

- *Development should seek to avoid land degradation processes such as erosion, native vegetation decline, pollution of ground or surface water, groundwater accession, salination and soil acidity, and adverse effects on the quality of terrestrial and aquatic habitats.*

Discussion

As mentioned previously, the development will not have any significant adverse impacts on the health of the Murray River and will lead to positive improvements in bank stability and erosion mitigation. The works will not increase the risk to human life from flooding or impact the floodway function and behaviour.

Wentworth Development Control Plan (DCP)

There are no controls within the DCP that are relevant to this application.

General Assessment

Visual Impacts

The proposal works will not be visually notable, as discussed throughout this report.

Open Space

Not applicable.

Overshadowing and Privacy

Not applicable.

Noise

Not applicable.

Erosion Control Measures

The proposal is for the purpose of erosion mitigation in the long term. In the short term, appropriate measures will be put in place to mitigate erosion during construction.

Economic and Social Impacts

No significant economic and social impacts are identified.

Environmental Benefits

As discussed throughout this report, the proposal will result in environmental benefits by way of river bank stabilisation and erosion mitigation.

Disabled Access

Not applicable.

Security, Site Facilities and Safety

Not applicable.

Waste Management

Not applicable.

National Construction Code

The National Construction Code will be assessed as part of the Construction Certificate process by a Building Surveyor.

Traffic

Not applicable.

Stormwater/flooding

The proposal will not change how stormwater is managed on the site and flooding has been discussed previously in this report.

Bushfire

The subject site is not located in a bushfire prone area.

CONCLUSION

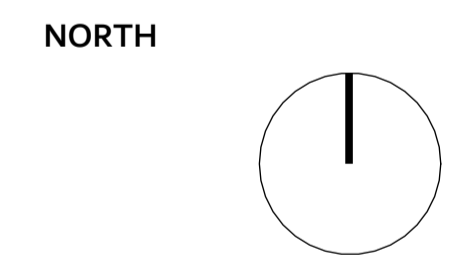
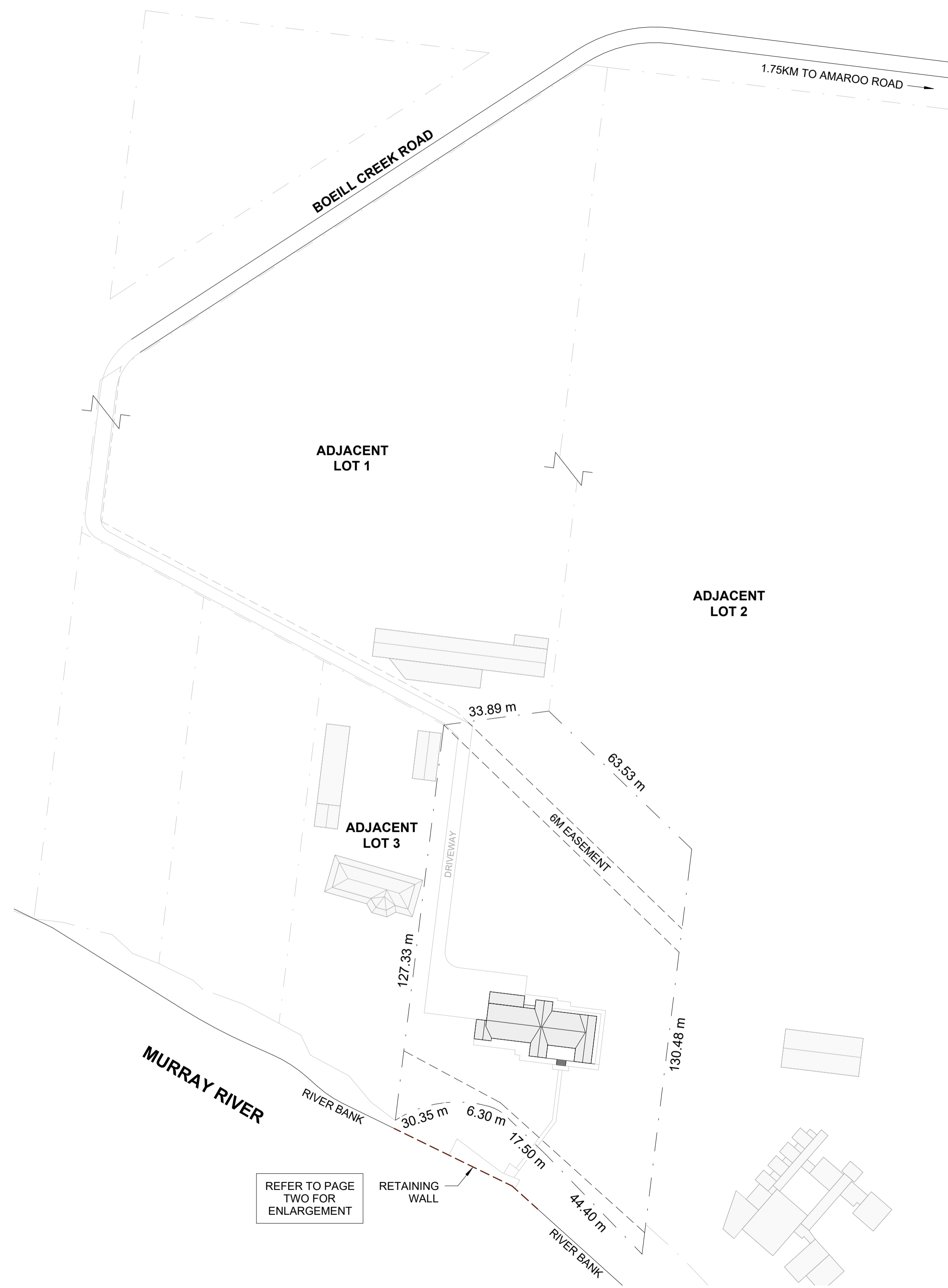
This report demonstrates that the proposal is consistent with the relevant provisions of the *Wentworth Local Environmental Plan 2011* and chapter 5 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.

The proposed environment protection works is appropriate for the site as it:

- Supports the objectives of the Zone W1 – Natural Waterways;
- Is appropriately located on the subject site and will stabilise the river bank;
- Will have an acceptable impact on the locality in terms of amenity and visual dominance; and
- Will not result in any detrimental impacts on the Murray River and surrounding environment.

It is considered that the proposal is worthy of support, and it is therefore respectfully requested that the Wentworth Shire Council grant Development Consent for the proposal as described in this report at 695A Boeill Creek Road, Boeill Creek.

CLIENT
 DARYL & SUSAN SANFORD
PROJECT
 PROPOSED RETAINING WALL
ADDRESS
 695A BOEILL CREEK ROAD, BOEILL
 CREEK, NSW 2739
LOT NO. 2 DP1227853
LOT AREA: 1.067HA



PROPOSED SITE PLAN

REVISION 00

A01

SCALE 1 : 1000

A2

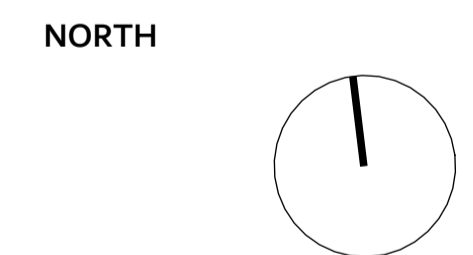
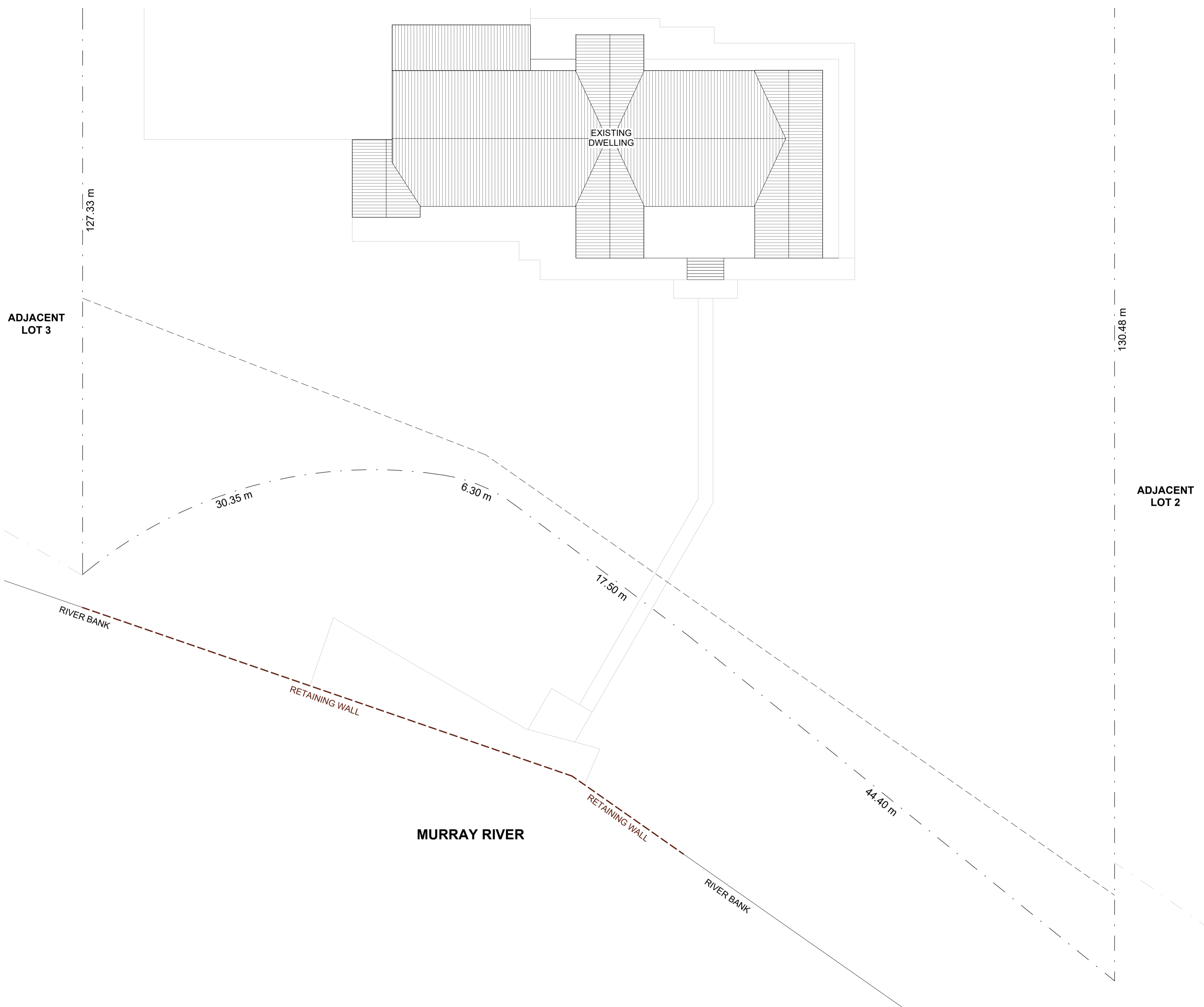
CLIENT
DARYL & SUSAN SANFORD

PROJECT
PROPOSED RETAINING WALL

ADDRESS
695A BOEILL CREEK ROAD, BOEILL
CREEK, NSW 2739

LOT NO. 2 DP1227853

LOT AREA: 1.067HA



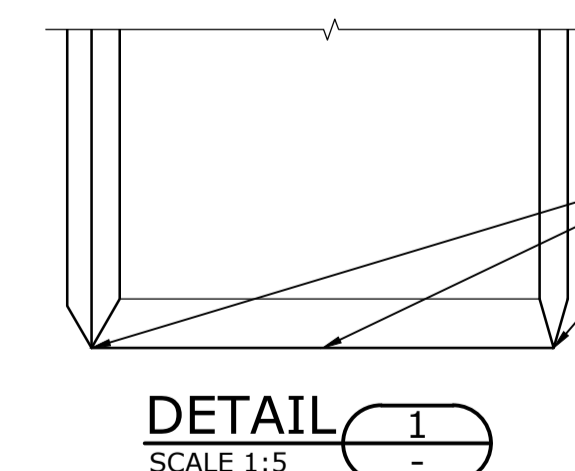
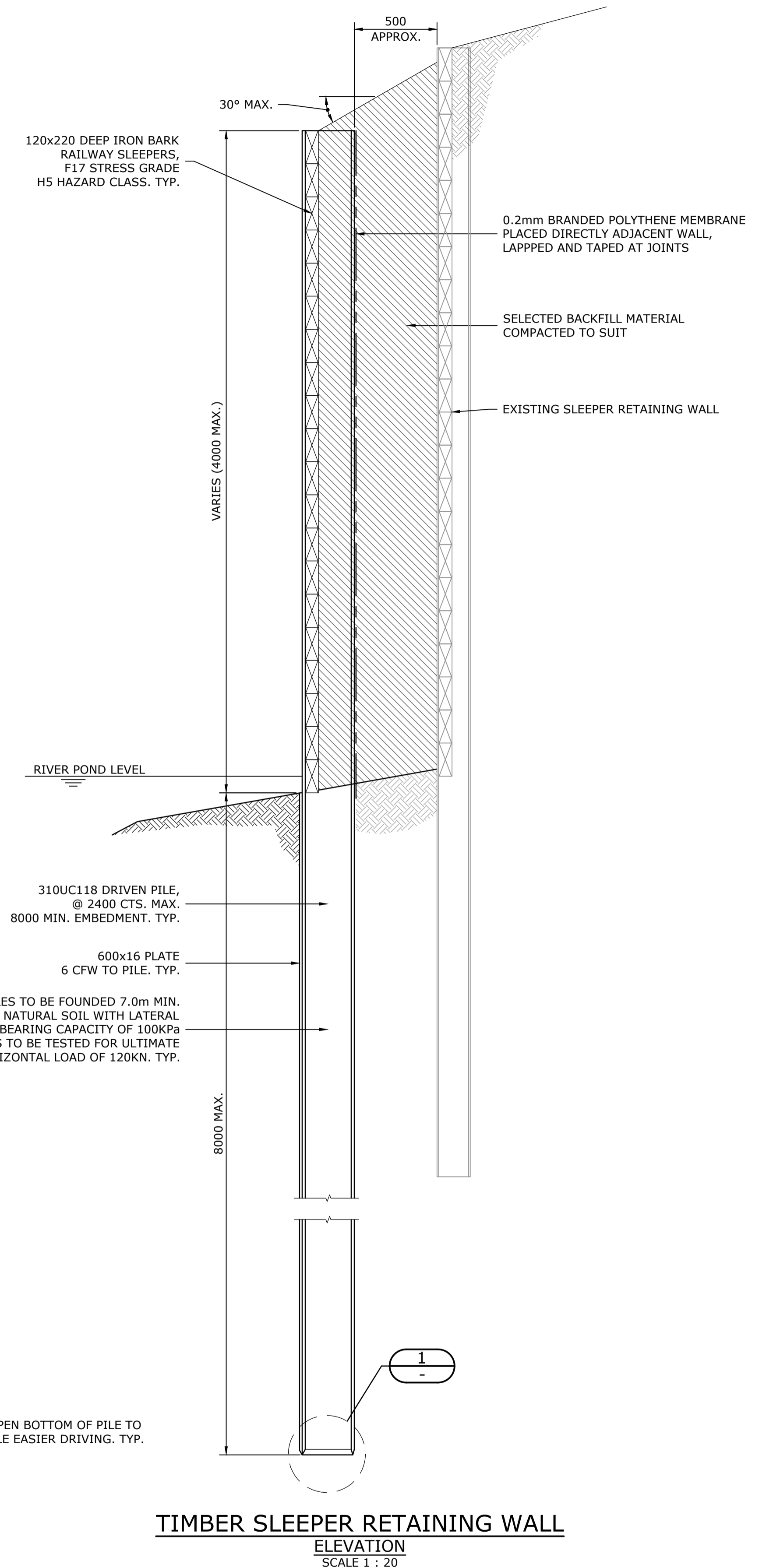
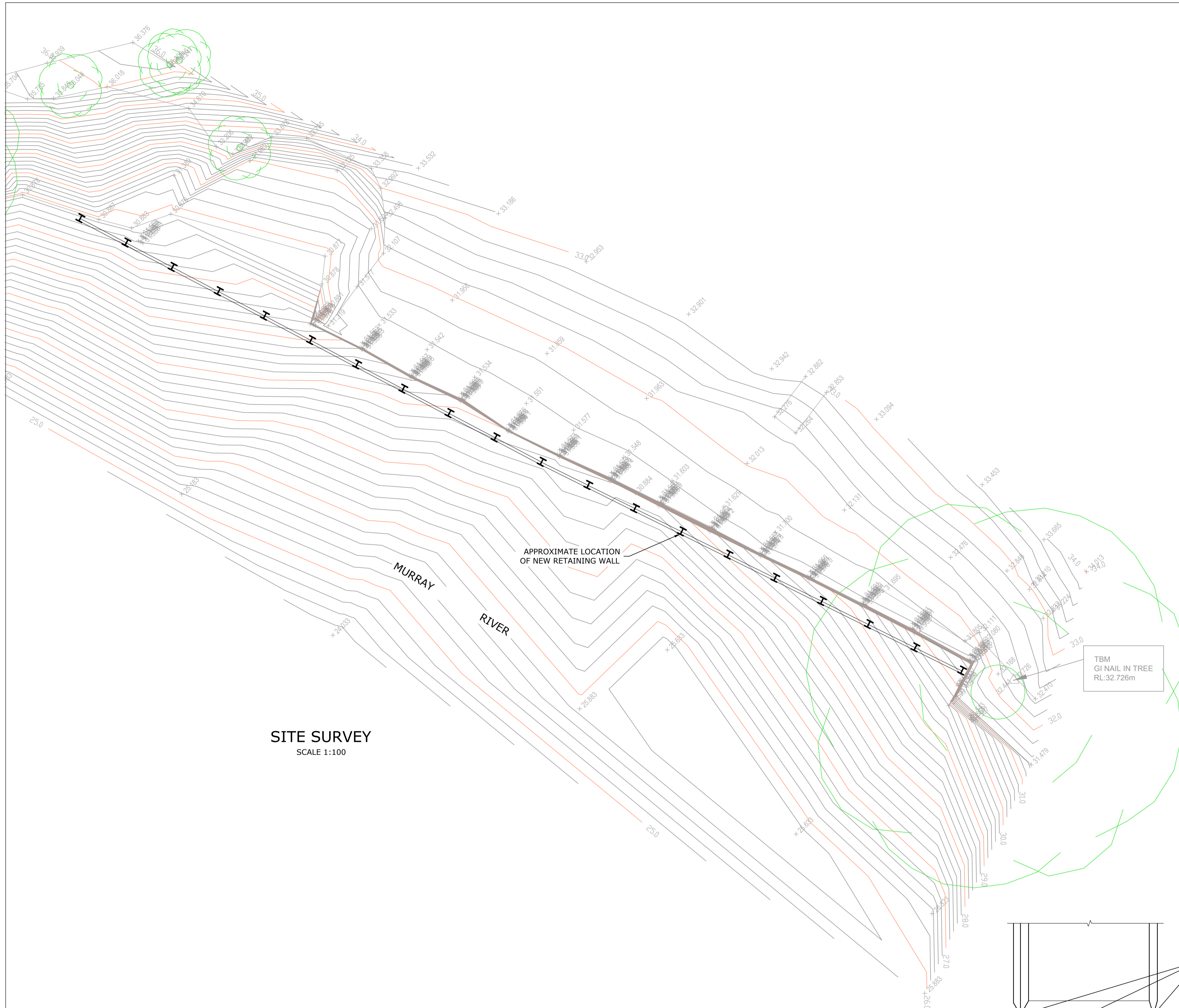
**PROPOSED SITE
PLAN**

REVISION 00

A02

SCALE 1 : 200

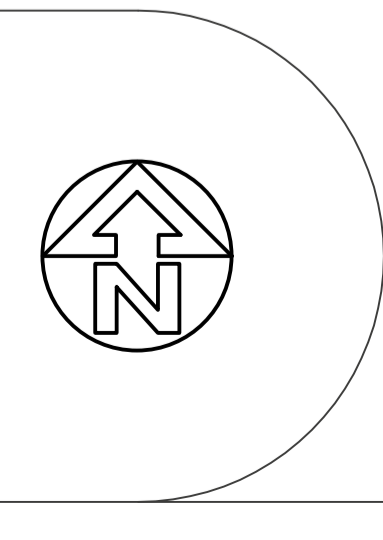
A2



SHEET SIZE
A1

100mm ON ORIGINAL DRAWING - DO NOT SCALE DRAWING

REV	AMENDMENT / REASON FOR ISSUE	DATE	DES.	DWN.	COORDS: DATUM: ALL LEVELS TO A.H.D.
3	ISSUED FOR CONSTRUCTION - LENGTH OF RETAINING WALL EXTENDED	27.01.26	A.S.	N.G.A.	SCALE:
2	ISSUED FOR CONSTRUCTION - SITE PLAN UPDATED	09.10.25	A.S.	N.G.A.	SURVEYED:-
1	ISSUED FOR CONSTRUCTION - LOCALITY PLAN ADDED	29.09.25	A.S.	N.G.A.	SURVEY DATE:-
0	ISSUED FOR CONSTRUCTION	29.07.25	A.S.	N.G.A.	APPROVED / PROJECT LEADER
A	PRELIMINARY ISSUE	24.07.25	A.S.	N.G.A.	ANDREW SEATON-STEWART



tonkin

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ISSUED FOR CONSTRUCTION

JACKSON PLANNING

PROPOSED RETAINING WALL
695a BOEILL CREEK RD. BOEILL CREEK
PLAN AND SECTION DETAILS

FILENAME:	250361 [3].DWG	PROJECT NUMBER	250361	DRAWING NUMBER	02	REVISION	3
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