

June 2023



## Statement of Environmental Effects

1164 Coxs Creek Road, Coxs Creek  
Community Facility



<b>Document Reference</b>	23-1173
<b>Document Title</b>	Statement of Environmental Effects
<b>Land and Proposal</b>	1164 Coxs Creek Road, Coxs Creek Lot 7 DP 755423 Community Facility
<b>Proponent</b>	Rylstone Region Community Association Inc.
<b>Prepared by</b>	O'Ryan Geospatial Pty Ltd
<b>Version History</b>	V1.0 – For client review V2.0 – For DA Lodgement

## Disclaimer

*O'Ryan Geospatial (O'Ryan), is responsible for the preparation, contents and information provided within this report and declare that there is no current benefit nor expect to have a beneficial interest in the study area of this project and will not benefit from any of the recommendations outlined in this report.*

*The preparation of this report has been in accordance with the project brief provided by the client and has relied upon the information, data and results provided or collected from the sources and under the conditions outlined in the report.*

*O'Ryan accepts no liability for the accuracy or completeness of the data and information provided to it by, or obtained by it, from any third parties, even if that data has been incorporated into or relied upon for generating this report.*

*This report has been produced by O'Ryan using information that is available to the client as of the date stated within this report and cannot be relied upon in any way if situations at the subject site change. O'Ryan is under no obligation to update the information contained within the report at any time.*

*This report has been prepared on behalf of and for the exclusive use of the O'Ryan client and is subject to and issued in connection with the provisions of the agreement between O'Ryan and its client. All information contained within this report are prepared for the exclusive use of the client to accompany this report for the land described herein and are not to be used for any other purpose or by any other person or entity. No reliance should be placed on the information contained in this report for any purposes apart from those stated therein. O'Ryan accepts no responsibility for any loss, damage suffered or inconveniences arising from, any person or entity using the plans or information in this study for purposes other than those stated above.*

## TABLE OF CONTENTS

<b>Part A – Proposal Overview</b> .....	<b>5</b>
<b>1 Introduction</b> .....	<b>5</b>
<b>2 Site Overview</b> .....	<b>6</b>
<b>3 Proposed Development</b> .....	<b>16</b>
3.1 Overview .....	16
3.2 Bushfire Hazard Assessment and Response .....	16
3.3 Section J Assessment .....	18
3.4 Bulk Earthworks .....	18
3.5 Servicing .....	18
<b>Part B - Statutory Considerations</b> .....	<b>20</b>
<b>4 Biodiversity Conservation Act 2016 &amp; Fisheries Management Act 1994</b> .....	<b>20</b>
<b>5 Environmental Planning &amp; Assessment Act 1979: Section 4.15 (1)(A) – Statutory Provisions</b> .....	<b>21</b>
5.1 State Environmental Planning Policies .....	22
5.2 Local Environmental Plan .....	23
5.2.1 Zoning and Permissibility .....	23
5.2.2 Zone Objectives .....	25
5.2.3 Aboriginal Archaeology and European Heritage Conservation .....	25
5.2.4 Flood Planning .....	26
5.2.5 Salinity .....	26
5.2.6 Earthworks .....	26
5.2.7 Terrestrial Biodiversity .....	26
5.2.8 Essential Services .....	27
5.3 Proposed Instruments .....	27
5.4 Matters Prescribed Under the Environmental Planning & Assessment Regulation 2021 .....	28
5.5 Development Control Plan .....	28
<b>6 Environmental Planning &amp; Assessment Act 1979: Section 4.15 (1)(B) – Impacts</b> .....	<b>29</b>
6.1 Environmental Impacts .....	29
6.1.1 Ecological Considerations .....	29

6.1.2	Soil and Water.....	29
6.1.3	Air Quality and Noise.....	29
6.1.4	Access, Transport and Traffic.....	29
6.2	Social and Economic Impacts .....	30
6.2.1	Proposed Land Use.....	30
6.2.2	Context and Setting .....	30
6.2.3	Privacy, Views and Solar Access.....	31
6.2.4	European Heritage .....	31
6.2.5	Aboriginal Cultural Heritage .....	31
6.3	Cumulative Impacts.....	31
<b>7</b>	<b>Environmental Planning &amp; Assessment Act 1979: Section 4.15 (1)(C) - (E) - Site Suitability and Public Interest.....</b>	<b>31</b>
7.1	Is the proposal suitable for the locality? .....	31
7.2	Is the site appropriate for the proposed development? .....	31
7.3	Is the proposal in the public interest? .....	32
<b>8</b>	<b>Conclusion .....</b>	<b>32</b>

## FIGURES

Figure 1: Site Location .....	6
Figure 2: Proposed Lease Area .....	7
Figure 3: Site Aerial Photography .....	9
Figure 4: Mid-Western Regional Council Bushfire Prone Land Map.....	17
Figure 5: High-Value Biodiversity Mapping .....	21
Figure 6: Land Zoning .....	24
Figure 7: Terrestrial Biodiversity .....	27

## **TABLES**

Table 1: Site Characteristics .....	8
Table 2: Servicing Arrangements .....	19
Table 3: Evaluation against SEPPs.....	22
Table 4: DCP Evaluation .....	28

## **PLATES**

Plate 1: View from Coxs Creek Road to Proposed Community Facility Development Site .....	10
Plate 2: Proposed Community Facility Development Site Looking East .....	11
Plate 3: Proposed Community Facility Development Site Looking West.....	12
Plate 4: Proposed Community Facility Development Site Looking North.....	13
Plate 5: Proposed Community Facility Development Site Looking South .....	14
Plate 6: Proposed Community Facility Development Site: Detail .....	15

## **APPENDICES**

Appendix 1: Lease Plan

Appendix 2: Sub-Consultants Reports and Vehicular Swept Path Details

Appendix 3: Development Plans

Appendix 4: Bulk Earthworks Plan

Appendix 5: Aboriginal Heritage Information Management System Report

# PART A – PROPOSAL OVERVIEW

## 1 INTRODUCTION

O’Ryan Geospatial Pty Ltd (O’Ryan) has been engaged by the Rylstone Region Community Association Inc. (the Community Association) to prepare a Statement of Environmental Effects (SEE) to describe and assess the permissibility of a proposed development against relevant legislative, environmental, and planning requirements. The SEE accompanies the development application (DA), seeking consent for the proposed development of the land, being a Community Facility.

The subject land is legally described as Lot 7 DP 755423, 1164 Coxs Creek Road, Coxs Creek.

The proposed Community Facility is intended to be located on private land within a lease area to be provided to the Community Association for a period of 99 years.

Funding for the Community Facility was received through the Federal Government’s Black Summer Bushfire Recovery Grant. The facility will meet an urgent and unmet need for residents in Rylstone and general surrounds (including Coxs Creek, Coxs Creek Trail, Coxs Crown, Reedy Creek, Nullo Mountain and Olinda), all devastated by the 2019-20 Black Summer bushfires. The Community Facility will reduce social isolation, strengthen social connectedness and improve social and community capital and cultural life. The Community Facility will support the region’s resilience and economic growth, through a collaborative multi-purpose community led hub.

The Community Facility will maintain social connection and improved cultural life by providing a community ‘home’ to enable continued connection, and to showcase its artistic, artisanal, Aboriginal cultural and historical character. This improved sense of identity, coupled with improved social connectedness and social capital will support long-term community recovery from the negative health impacts of the bushfires and compounding other disasters (droughts, multiple flooding events and COVID-19), and foster resilience to reduce the impact of future disasters. The Community Facility will also support the region’s economic growth and resilience by providing new local employment opportunities during construction and by supporting broader tourism to the area.

The proposed development is not integrated development (section 4.46 of the *Environmental Planning & Assessment Act 1979*) (EP&A Act).

The SEE is structured into two parts:

- Part A – provides an overview of the subject site and proposed development.
- Part B – evaluates the proposed development against the environmental planning framework.

## 2 SITE OVERVIEW

The subject land is legally described as Lot 7 DP 755423, 1164 Coxs Creek Road, Coxs Creek.

The location of the subject land is shown below in Figure 1. The land is located approximately 15km north-east of Rylstone.

The location of the intended lease area relative to the subject land is shown in Figure 2 and in Appendix 1.

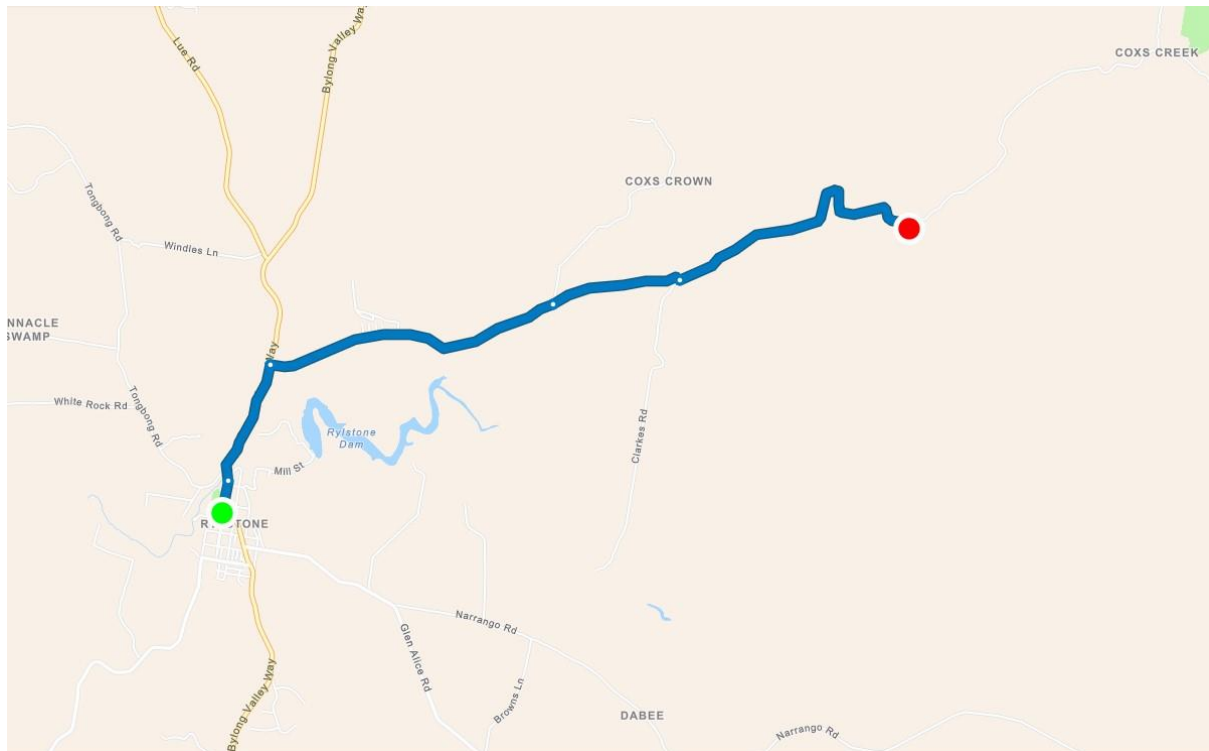


Figure 1: Site Location (Google Maps 2022)

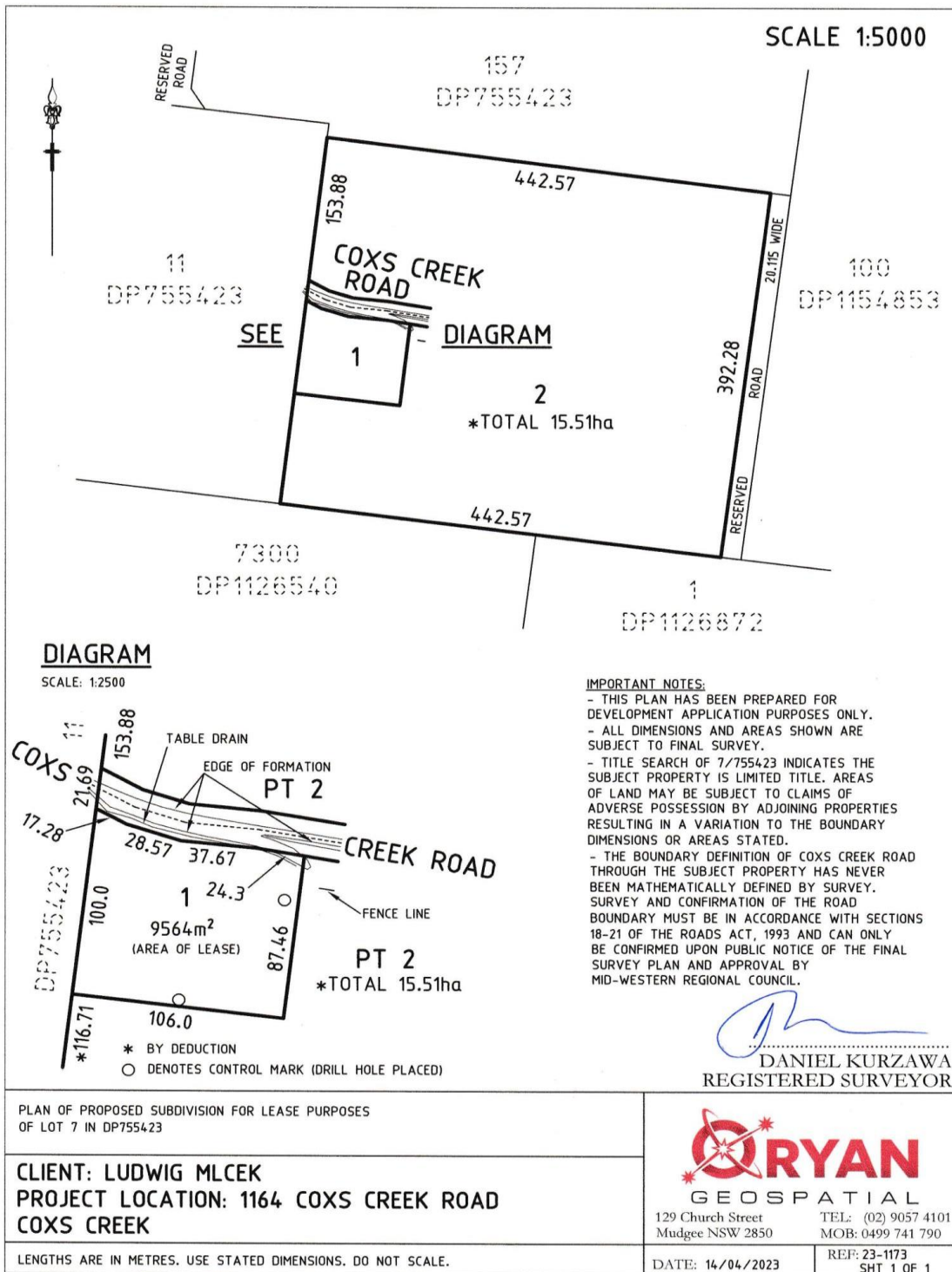


Figure 2: Proposed Lease Area (O’Ryan Geospatial, 2023)



**Table 1: Site Characteristics**

<b>Characteristic</b>	
<b>Size</b>	Lot Area: 15.51 hectares Lease Area: 9564m <sup>2</sup>
<b>Shape</b>	Lot Area: Rectangular Lease Area: Rectangular
<b>Site Frontage</b>	Coxs Creek Road, Coxs Creek
<b>Terrain Features</b>	Gentle Slope from south to north Exotic grassland dominates the proposed development site. Remnant native vegetation is located on other parts of the property.
<b>Environmental Hazards</b>	<p><b>Bushfire:</b> The site is shown on the Mid-Western Regional Council Bushfire Prone Land Map to be within a combination of category 1 vegetation, category 3 vegetation and the resultant buffer zones. Refer to the detail in the Bushfire Hazard Assessment Report prepared by Control Line Consulting (Rev 2.0, 2 May 2023) located at Appendix 2.</p> <p><b>Flooding:</b> The proposed development area is not subject to flooding.</p> <p><b>Contamination:</b> There are no potential contamination concerns associated with historic land use at the site.</p>

Figure 3 comprises an aerial photograph of the property. Site photography is located at Plates 1 to 6.



Figure 3: Site aerial photography (Six Maps)



**Plate 1: View from Coxs Creek Road to  
Proposed Community Facility Development Site**





**Plate 2: Proposed Community Facility Development Site: Looking East**





**Plate 3: Proposed Community Facility Development Site: Looking West**





**Plate 4: Proposed Community Facility Development Site: Looking North**





**Plate 5: Proposed Community Facility Development Site: Looking South**





**Plate 6: Proposed Community Facility Development Site: Detail**



## **3 PROPOSED DEVELOPMENT**

---

### **3.1 OVERVIEW**

The proposed development intends the establishment of a Community Facility on the subject land.

The proposed Community Facility is intended to be located on private land within a lease area to be provided to the Community Association for a period of 99 years.

Funding for the Community Facility was received through the Federal Government's Black Summer Bushfire Recovery Grant. The facility will meet an urgent and unmet need for residents in Rylstone and general surrounds (including Coxs Creek, Coxs Creek Trail, Coxs Crown, Reedy Creek, Nullo Mountain and Olinda), all devastated by the 2019-20 Black Summer bushfires. The Community Facility will reduce social isolation, strengthen social connectedness and improve social and community capital and cultural life. The Community Facility will support the region's resilience and economic growth, through a collaborative multi-purpose community led hub.

The Community Facility will maintain social connection and improved cultural life by providing a community 'home' to enable continued connection, and to showcase its artistic, artisanal, Aboriginal cultural and historical character. This improved sense of identity, coupled with improved social connectedness and social capital will support long-term community recovery from the negative health impacts of the bushfires and compounding other disasters (droughts, multiple flooding events and COVID-19), and foster resilience to reduce the impact of future disasters. The Community Facility will also support the region's economic growth and resilience by providing new local employment opportunities during construction and by supporting broader tourism to the area.

The building will be constructed from colourbond custom orb wall cladding and roofing. Internal building components are intended to comprise a main hall, meeting room, kitchen (with associated cool room and pantry), laundry, storage areas and amenities.

Two (2) metal tanks, each having 60 000 litres capacity will be provided at the Community Facility building. A 20 000 litres gravity fed metal tank will also be provided on the hill above the building.

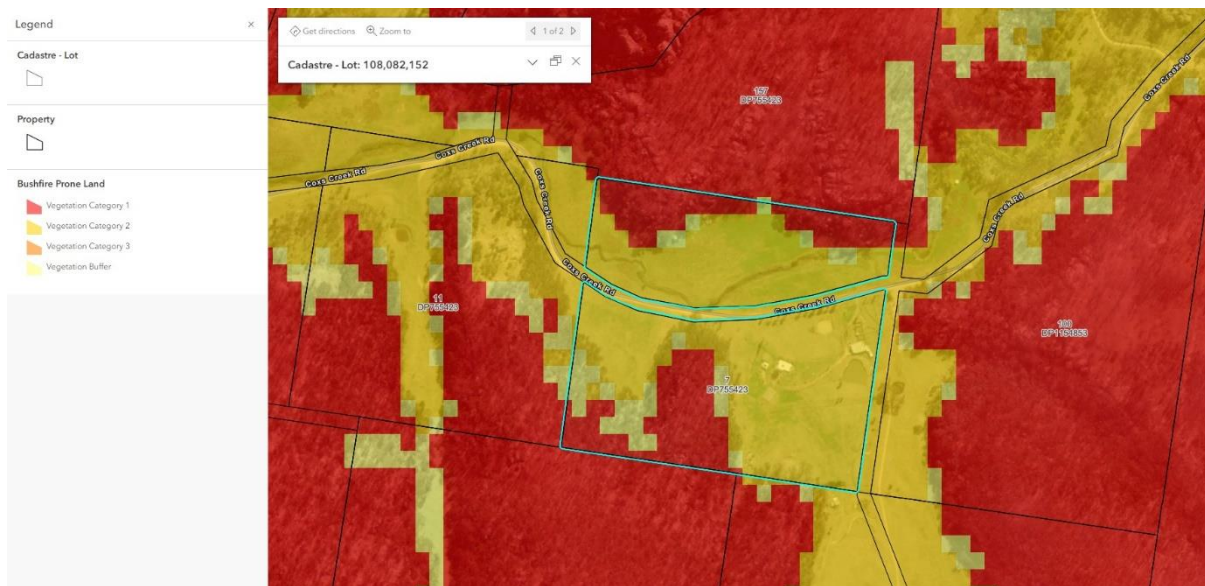
Refer to development plans at Appendix 3.

The proposed development site is primarily occupied by non-native (pasture) grasses. No native vegetation is proposed to be removed, including requirements for access and for maintenance of the Asset Protection Zone.

### **3.2 BUSHFIRE HAZARD ASSESSMENT AND RESPONSE**

A Bushfire Hazard Assessment Report was prepared by Control Line Consulting (Rev 2.0, 2 May 2023), located at Appendix 2.

The site is shown on the Mid-Western Regional Council Bushfire Prone Land Map to be within a combination of category 1 vegetation, category 3 vegetation and the resultant buffer zones, viz:



**Figure 4: Mid-Western Regional Council Bushfire Prone Land Map**

**(Source: MWRC, 2023)**

The report recommends that the entire site (where undeveloped) is maintained in-perpetuity to the requirements of an inner protection area of an asset protection zone as follows:

- From the northern elevation of the proposed building to the adjacent section of the allotment (road frontage) boundary;
- From the south-eastern corner of the proposed building for a distance of 44 metres; and
- From the south-western corner of the proposed building for a distance of 30 metres.

The report advises that the maintenance will be satisfied by the regular mowing of grassland. No native vegetation is impacted.

The report recommends that the proposed development should include additional protection measures and be designed and constructed to the requirements of AS 3959-2018. The report further recommends that the building be constructed to comply with section 3 Construction General and section 7 BAL 29 of such standard apart from as varied to comply with section 7.5.2 Additional Construction Requirements of Planning for Bushfire Protection 2019

The access to the proposed development site is from Coxs Creek Road, which in sections is an unsealed road in a reasonably well-maintained condition. The report advises that under most conditions Coxs Creek Road should provide adequate access and egress for both residents and emergency service vehicles although during major bushfire events or high bushfire behaviour, access and egress may become

problematic. Importantly, recent roadworks continue to seal Coxs Creek Road. This will result in the provision of improved access to the site.

According to the report, the proposed development site plan shows that vehicle access may not be possible to all elevations of the community facility, although a fire tanker will be able to park in close proximity to the northern and southern building elevations upon the proposed parking areas and foot access will be available to each of the other building elevations.

To satisfy the requirements of Planning for Bush Fire Protection 2019 the report recommends that a reserve Static Water Supply (SWS) of not less than 20,000 litres be permanently maintained within the inner protection area of the asset protection zone.

Two (2) metal tanks, each having 60 000 litres capacity will be provided at the Community Facility building. A 20 000 litres gravity fed metal tank will also be provided on the hill above the building.

### **3.3 SECTION J ASSESSMENT**

A Section J Energy Efficiency Assessment has been completed for the proposed development. Refer to Appendix 2.

### **3.4 BULK EARTHWORKS**

Cut and fill details are illustrated on proposed development plans and in further detail on the Bulk Earthworks Plan located at Appendix 4. 3497.1m<sup>3</sup> of cut is intended directly at the site of the proposed building with 2290.8m<sup>3</sup> of fill dispersed within the building site and the remainder redirected to Depression (1) (having a maximum design capacity of 675.0m<sup>3</sup>) and Obsolete Dam (2) (having a maximum design capacity 2360m<sup>3</sup>).

### **3.5 SERVICING**

The proposed development will access and augment services currently available at the site. Details of the proposed servicing arrangements are outlined in Table 2.

**Table 2: Servicing Arrangements**

<b>Service</b>	<b>Proposed Arrangements</b>
<b>Access and Traffic</b>	<p>The property has an existing unsealed ingress and egress at Coxs Creek Road. An additional point of access is proposed to the proposed Community Facility. However, recent roadworks continue to seal Coxs Creek Road. This will result in the provision of improved access to the site.</p> <p>(Refer to development plans at Appendix 3).</p>
<b>Water supply</b>	<p>The Community Facility is intended to be serviced by potable water made available through collection of rainwater into metal rainwater tanks. Specific provision of rainwater in a separate supply will be made available for the purposes of bushfire protection. There are 2 non-combustible water tanks to be provided, one on each side of the proposed Community Facility, and each holding 60, 000 litres of water. Each tank will have two outlets to draw water. The tanks will be interconnected so that there is always 20, 000 litres available at the bottom of tanks for fire-fighting purposes. There is also a further 20, 000 litre tank on the southern hill to provide additional potable water, with gravity feed to the proposed Community Facility.</p>
<b>Effluent disposal</b>	<p>On-site disposal of primary treated effluent from a septic tank using conventional absorption beds is proposed as a component of the development. A geotechnical/effluent disposal assessment has been provided (Calare Civil, April 2023) to guide its siting and design. Refer to Appendix 2.</p>
<b>Waste disposal</b>	<p>Waste generated by the proposed Community Facility will be disposed of at a licensed waste management facility.</p>
<b>Drainage and stormwater</b>	<p>Any rainwater tank overflow will be discharged directly to the site via a level spreader.</p>
<b>Electricity</b>	<p>The site has existing access to grid electricity infrastructure.</p>



**Telecommunications** Mobile phone and satellite NBN are available to the site.

## PART B - STATUTORY CONSIDERATIONS

The NSW Planning system operates under the statutory requirements outlined by the EP&A Act and other relevant acts. This section of the SEE evaluates the proposed development against relevant statutory obligations.

### 4 BIODIVERSITY CONSERVATION ACT 2016 & FISHERIES MANAGEMENT ACT 1994

Part 1.7 of the EP&A Act requires the application of Part 7 of the *Biodiversity Conservation Act 2016* (BC Act) and Part 7A of the *Fisheries Management Act 1994* (FM Act). Part 7, Division 1, Section 7.2 of the BC Act requires consideration of whether the development or activity is “likely to significantly affect threatened species”, viz:

“(1) For the purposes of this Part, development or an activity 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”.



Mapping associated with areas of high-biodiversity value is provided in Figure 5.



**Figure 5: High-Value Biodiversity Mapping (coloured purple)  
(NSW Department of Planning & Environment 2023).**

Whilst the site contains mapping associated with high -value biodiversity, it is limited to Coxs Creek, to the north of Coxs Creek Road, and is locationally removed from the proposed development site.

The proposed development, including the provision of vehicular access to the proposed development site, will not remove any vegetation associated with high-value biodiversity. The proposed development will not impact threatened species.

## **5 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979: SECTION 4.15 (1)(A) – STATUTORY PROVISIONS**

In determining a DA, the consent authority considers relevant legislative matters under section 4.15(1)(a) of the EP&A Act, viz:

“(a) the provisions of:

- (i) any environmental planning instrument, and
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

- (iii) any development control plan, and
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
- (v) (Repealed)".

Those matters are considered as follows:

## 5.1 STATE ENVIRONMENTAL PLANNING POLICIES

A discussion of the applicability of State Environmental Planning Policies (SEPPs) to the proposed development is outlined below in Table 3.

**Table 3: Evaluation Against State Environmental Planning Policies**

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) EVALUATION	
SEPP	Evaluation and Comment
<a href="#">SEPP (Biodiversity and Conservation) 2021</a>	<ul style="list-style-type: none"> <li>- The provisions of the Biodiversity Offset Scheme are not relevant to the proposed development of the land.</li> <li>- The proposed development does not impact trees listed under Council's DCP Section 4.7 – Tree Preservation Order.</li> </ul> <p>Chapter 4 Koala Habitat 2021 applies to the site. Being limited to the removal of exotic grasses, the proposed development will not result in clearing associated with native habitat. This vegetation does not comprise koala habitat or koala feed trees.</p> <p>The proposed development will, therefore, have no impact on koala habitat.</p>
<a href="#">SEPP (Building Sustainability Index: BASIX) 2004</a>	<ul style="list-style-type: none"> <li>- Not applicable</li> </ul>
<a href="#">SEPP (Exempt and Complying Development Codes) 2008</a>	<ul style="list-style-type: none"> <li>- Not applicable</li> </ul>
<a href="#">SEPP (Housing) 2021</a>	<p>The proposed development is consistent with the aims and objectives of SEPP (Housing) 2021</p>

<a href="#">SEPP (Industry and Employment) 2021</a>	- Not applicable
<a href="#">SEPP No 65 Design Quality of Residential Apartment</a>	- Not applicable
<a href="#">SEPP (Planning Systems) 2021</a>	- Not applicable.
<a href="#">SEPP (Precincts—Regional) 2021</a>	- Not applicable
<a href="#">SEPP (Primary Production) 2021</a>	- Not applicable
<a href="#">SEPP (Resilience and Hazards) 2021</a>	<ul style="list-style-type: none"> <li>- The SEPP requires the planning authority to consider the potential of land contamination at the site under assessment.</li> <li>- The site is not listed on the NSW EPA public register of known contaminated sites. Current and historical land uses of the property are considered unlikely to have resulted in land contamination.</li> </ul>
<a href="#">SEPP (Resources and Energy) 2021</a>	- Not applicable.
<a href="#">SEPP (Transport and Infrastructure) 2021</a>	<ul style="list-style-type: none"> <li>- Not listed under Schedule 3 – Traffic Generating developments</li> <li>- No additional access is proposed via a classified road.</li> </ul>

## 5.2 LOCAL ENVIRONMENTAL PLAN

The proposed development has been assessed against the *Mid-Western Regional Local Environmental Plan 2012* (LEP).

### 5.2.1 Zoning and Permissibility

The subject site is zoned C3 Environmental Management pursuant to the LEP. Refer to Figure 6.





**Figure 6: Land Zoning (Mid-Western Regional LEP 2012)**

The proposed development of the land is defined as a Community Facility and is permissible with Council consent pursuant to Part 2 of the LEP, viz:

**“community facility** means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
  - (b) used for the physical, social, cultural or intellectual development or welfare of the community,
- but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation”.

### **“Zone C3 Environmental Management**

#### **1 Objectives of zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

- To manage development within the water supply catchment lands of Windamere and Burrendong Dams, to conserve and enhance the district's water resources.

## **2 Permitted without consent**

*Extensive agriculture; Home-based child care; Home occupations; Moorings*

## **3 Permitted with consent**

*Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; **Community facilities**; Dairies (pasture-based); Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Helipads; Home businesses; Home industries; Horticulture; Information and education facilities; Open cut mining; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roads; Secondary dwellings; Tank-based aquaculture; Water recreation structures; Water recycling facilities; Water storage facilities*

## **4 Prohibited**

*Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3".*

### **5.2.2 Zone Objectives**

As stated above, the objectives of the C3 Environmental Management zone are:

- *"To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values;*
- *To provide for a limited range of development that does not have an adverse effect on those values; and*
- *To manage development within the water supply catchment lands of Windamere and Burrendong Dams, to conserve and enhance the district's water resources".*

#### **Comment:**

The proposed development has been designed having regard to the environmental and aesthetic values of the locality. Its footprint, choice of materials and its intended use will have minimal impact on environment and the aesthetics of the site and surrounds. The proposed development will not impact any cultural or scientific values of the locality.

The proposed development satisfies the relevant objectives of the C3 Environmental Management zone.

### **5.2.3 Aboriginal Archaeology and European Heritage Conservation**

An AHIMS search (see Appendix 5) has established that there are no known Aboriginal sites or places of heritage significance located within the subject site or a 200m radius of the site boundaries.

There are no matters of European heritage significance listed under Schedule 5 of the LEP which are relevant to the proposed development of the site.

#### **5.2.4 Flood Planning**

The subject site is not located within a Flood Planning Area identified in the LEP.

#### **5.2.5 Salinity**

The subject site is not identified as being affected by high salinity and the proposed development is otherwise unlikely to influence salinity processes.

#### **5.2.6 Earthworks**

The Bulk Earthworks Plan establishes the detail of intended earthworks at the site. Cut and fill details clearly articulate the intended movement of soil/rock at the site.

Cut and fill details are illustrated on proposed development plans and in further detail on the Bulk Earthworks Plan located at Appendix 4. 3497.1m<sup>3</sup> of cut is intended directly at the site of the proposed building with 2290.8m<sup>3</sup> of fill dispersed within the building site and the remainder redirected to Depression (1) (having a maximum design capacity of 675.0m<sup>3</sup>) and Obsolete Dam (2) (having a maximum design capacity 2360m<sup>3</sup>).

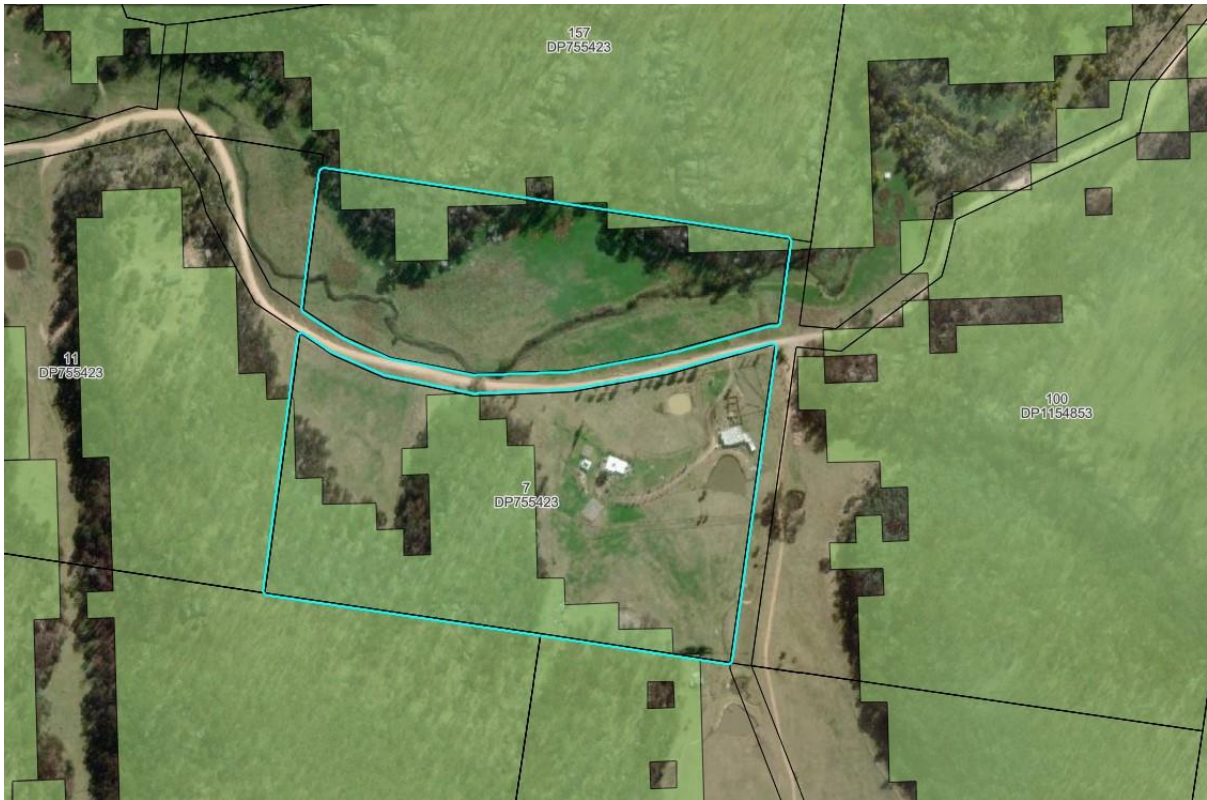
Soil erosion and sedimentation catchment procedures will be employed as necessary and relevant.

#### **5.2.7 Terrestrial Biodiversity**

The proposed development will not result in significant clearing with disturbance limited to non-native grasses.

The proposed lease area does not contain vegetation identified as "moderate" or "high" terrestrial biodiversity on the LEP sensitivity biodiversity map. (See Figure 7).

The proposed development will not significantly impact biodiversity at the site.



**Figure 7: Terrestrial Biodiversity  
(Mid-Western Regional Council, 2023).**

Given the proximity of the proposed lease area to areas of surrounding native vegetation, lighting is to be carefully positioned and noise limited to avoid adverse impact to animals, including nocturnal species.

### **5.2.8 Essential Services**

LEP clause 6.9 requires that services that are essential for the proposed development are available or that adequate arrangements have been made to make them available. Essential services include:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or onsite conservation,
- (e) suitable road access.

Section 3 of this report describes the proposed arrangements for the provision of services to the development. All essential services are available to the site.

## **5.3 PROPOSED INSTRUMENTS**

There are no draft environmental planning instruments directly relevant to the proposed development of the land.

## 5.4 MATTERS PRESCRIBED UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 2021

Clause 61 outlines additional matters that the consent authority must consider. No relevant matters have been identified.

## 5.5 DEVELOPMENT CONTROL PLAN

Compliance with the Mid-Western Regional Development Control Plan 2013 (DCP) (Part 5) requirements is discussed below.

<b>Table 4 – DCP Evaluation</b>		
<b>Provision</b>	<b>Compliance? (Y/N)</b>	<b>Evaluation and Comment</b>
Part 5		
Car Parking	Yes	<p>The DCP has no prescription for the calculation of car parking spaces to service a Community Facility.</p> <p>On that basis, the DCP requires that a car parking calculation is individually calculated having regard to the expected traffic generation.</p> <p>A Traffic and Parking Impact Assessment (Motion Traffic Engineers P/L, N221852A (Version 1a) April 2023) is contained at Appendix 2. Based on an anticipated maximum attendance of 30 people (and given likely car pooling), the report advises a requirement for provision of 30 car parking spaces. One (1) accessible car parking space is also provided. Adequate car parking is provided.</p> <p>A series of swept path vehicular diagrams are also included at Appendix 2 including details relating to larger vehicles such as those utilised in building construction and in fighting bushfires. Ingress and egress to the site, along with car parking configuration, is considered adequate.</p>
Flooding	Yes	The subject site is not located within a Flood Planning Area. The proposed development area is not subject to flooding.
Stormwater Management	Yes	Any rainwater tank overflow will be discharged directly to the site via a level spreader.

Environmental Controls	Yes	<p>Soil erosion and sedimentation catchment procedures will be employed as necessary and relevant.</p> <p>Given the proximity of the proposed lease area to areas of surrounding native vegetation, lighting is to be carefully positioned and noise limited to avoid adverse impact to animals, including nocturnal species.</p>
------------------------	-----	---

## **6 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979: SECTION 4.15 (1)(B) – IMPACTS**

Section 4.15(1)(b) of the EP&A Act requires consideration of the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

### **6.1 ENVIRONMENTAL IMPACTS**

#### **6.1.1 Ecological Considerations**

The subject development site is vacant and is occupied by exotic grasses.

Neither the NSW Biodiversity Values Map nor Council's sensitivity biodiversity map identify the proposed lease area as having high biodiversity conservation value.

Given the proximity of the proposed lease area to areas of surrounding native vegetation, lighting is to be carefully positioned and noise limited to avoid adverse impact to animals, including nocturnal species.

There are no requirements to remove adjoining native vegetation for the purposes of bushfire Asset Protection Zone measures.

The proposed development will not impact threatened species.

#### **6.1.2 Soil and Water**

As detailed in the Bulk Earthworks Plan (Appendix 4), earthworks are associated with the proposed development of the land. Soil erosion and sedimentation procedures will be employed as necessary and relevant.

The proposed development will have minimal impact on soil, surface water and groundwater.

#### **6.1.3 Air Quality and Noise**

No significant air quality or noise impacts will occur as a result of the proposed development of the land.

#### **6.1.4 Access, Transport and Traffic**

A Traffic and Parking Impact Assessment (Motion Traffic Engineers P/L, N221852A (Version 1a) April 2023) is located at Appendix 2.

Access to the proposed development site requires the provision of one (1) additional point of access from Coxs Creek Road. The proposed location of the additional access has sufficient sight distance in both directions.

Anticipated maximum attendance at Community Facility events is estimated to be 30 persons, primarily on weekends and/or weekday evenings. A maximum of 30 vehicle trips are anticipated in response. The traffic report advises that existing traffic on Coxs Creek Road during the time of vehicle trips associated with Community Facility events and there is spare capacity to accommodate the additional traffic, particularly in light of ongoing improvements to the road.

Based on an anticipated maximum attendance of 30 people (and given likely car pooling), the report advises a requirement for provision of 30 car parking spaces. One (1) accessible car parking space is also provided. Adequate car parking is provided.

A series of swept path vehicular diagrams are also included at Appendix 2 including details relating to larger vehicles such as those utilised in building construction and in fighting bushfires. Ingress and egress to the site, along with car parking configuration, is considered adequate.

## **6.2 SOCIAL AND ECONOMIC IMPACTS**

### **6.2.1 Proposed Land Use**

The facility will meet an urgent and unmet need in Rylstone and general surrounds, which was devastated by the 2019-20 Black Summer bushfires. The Community Facility will strengthen social connectedness, social capital and cultural life and will support the region's resilience and economic growth through a collaborative multi-purpose community hub.

The Community Facility will maintain social connection and improved cultural life by providing a community 'home' to enable continued connection and to showcase its artistic, artisanal, Aboriginal cultural and historical character. This improved sense of identity coupled with improved social connectedness and social capital will support long-term community recovery from the negative health impacts of the bushfires and compounding other disasters (droughts, multiple flooding events and COVID-19) and foster resilience to reduce the impact of future disasters. The Community Facility will also support the region's economic growth and resilience by providing new local employment opportunities during construction and by supporting broader tourism to the area.

### **6.2.2 Context and Setting**

The subject site is located within an established rural locality, utilised primarily for lifestyle and agricultural purposes.

The proposed development of the site for a Community Facility is considered unlikely to result in land use conflict with the surrounding properties.



### **6.2.3 Privacy, Views and Solar Access**

The proposed development of the land will have no significant impact on neighbouring residents' privacy or views. The closest residence is approximately 100 metres to the west of the proposed development site. Views into the site from neighbouring development are obscured by topography and vegetation.

### **6.2.4 European Heritage**

There are no matters of European heritage significance listed under Schedule 5 of the LEP which are relevant to the proposed development of the site.

The proposed development will have no impact on European Heritage.

### **6.2.5 Aboriginal Cultural Heritage**

Earthworks are associated with the proposed development of the land.

An AHIMS report (see Appendix 5) establishes that there are no known Aboriginal sites or places of heritage significance located within the subject site or a 200m radius of the site boundaries.

## **6.3 CUMULATIVE IMPACTS**

Cumulative impacts result when individual impacts of a development interact or accumulate to result in environmental degradation. The following typical scenarios have been considered:

- Temporal crowding involves a series of impacts occurring closely together in time such that the initial impact has not yet dispersed before the next impact occurs
- Spatial crowding occurs when impacts occur closely together in space such that the impacts overlap
- Compounding effects occur when a range of impacts interact and result in a combined impact greater than the sum of the separate effects.

The proposed development will have an insignificant cumulative impact.

## **7 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979: SECTION 4.15 (1)(C) - (E) - SITE SUITABILITY AND PUBLIC INTEREST**

### **7.1 IS THE PROPOSAL SUITABLE FOR THE LOCALITY?**

The proposed development of the land will the provision of a Community Facility consistent with the relevant objectives of the C3 Environmental Management zone.

The Community Facility will be a cohesive and beneficial addition to the locality.

### **7.2 IS THE SITE APPROPRIATE FOR THE PROPOSED DEVELOPMENT?**

The proposed development will enable development consistent with the objectives of the C3 Environmental Management zone.



Given the nature of works associated with the proposed development and its continued operation, no significant environmental impact is anticipated.

### **7.3 IS THE PROPOSAL IN THE PUBLIC INTEREST?**

The Community Facility will strengthen social connectedness, social capital and cultural life and will support the region's resilience and economic growth through a collaborative multi-purpose community hub.

There are no significant adverse environmental or likely future social impacts associated with the proposed development of the land.

The proposal is in the public interest.

## **8 CONCLUSION**

---

The proposed development has been assessed against the requirements of Section 4.15 of the EP&A Act. This report has established that:

- The proposed development of the land is permissible with Council consent pursuant to Part 2 of the LEP
- The proposed development is consistent with Council's strategic land use direction for the site
- The proposal development is consistent with the relevant objectives of C3 Environmental Management zone
- The proposal development is consistent with the relevant provisions of Mid-Western Regional Development Control Plan 2013
- The proposed development has no significant adverse environmental impacts
- The proposed development has significant positive social impacts
- The proposed development is in the public interest

The development application has merit and is considered worthy of Council's approval.