

STATEMENT OF ENVIRONMENTAL EFFECTS

REPLACEMENT BRIDGE

**926 WESTLEYS ROAD, BINDERA
NSW 2422
LOT 902 DP878135**

PREPARED FOR SIMON TAYLOR

PP Reference: **J004160**

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EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Simon Taylor (the client) to prepare a Statement of Environmental Effects (SEE) for a bridge (inclusive of watercourse crossing), at 926 Westleys Road, Bindera, NSW, 2422. The site is legally identified as Lot: 902 DP: 878135 ('the site').

The objective of the proposed development is to obtain development consent for a steel platform bridge to replace a failing timber/ gravel bridge over Mackays Creek. The crossing will provide vehicular access for a local road on a right of carriageway through the subject site. As such, the site will be burdened by the construction and use of the proposed bridge as neighbouring property owners have access to the right of carriageway.

The characteristics of the development include:

- a. A proposed steel platform bridge (including side rails) measuring 12.88m x 3.35m;
- b. Soil retaining wings (attached to either end of the platform) measuring 1.54m x 5.94m; and
- c. Reinforced concrete abutments at either end of the bridge crossing.

No culverts are required as the structure is not expected to impede waterflow.

The key reasons why the proposed development is appropriate are as follows;

- The proposed bridge crossing is permissible under the RU1 zoning.
- No adverse impact on the existing character or amenity of the area will result.
- The property currently does not have sufficient vehicle access along the private road, and this development would enable transport to the property to allow for future development of the site.

The SEE will expand on those matters that have been summarised above to assist Council in completing a detailed assessment of the proposal development.

TERMS AND ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management
System BDAR	Biodiversity Development Assessment Report
EPA	Environment Protection Authority
EP&A Act	Environmental Planning & Assessment Act
1979 EPI	Environmental Planning Instrument
DA	Development Application
DCP	Development Control Plan
LGA	Local Government Area
PSI	Preliminary Site Investigation
SEPP	State Environmental Planning Policy
SEE	Statement of Environmental Effects

PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

Appendix	Document	Prepared by	Reference
1	DCP Compliance Table	Perception Planning	J004160 Dated: 05.03.24
2	Detail Plans	Longwall Haul	Job No. LWH-9-32-7
3	Survey Plan	Calco Surveyors	3547 Dated: 21.04.24
4	Deposited Plans & Title Searches	Land Registry Services	DP878135
5	Ecological Assessment Report	Anderson Environment & Planning	Project No. 3427 Dated: 01.03.24
6	AHIMs Search Results	Perception Planning	926 Westleys Rd Dated: 23.02.24
7	DBYD Search Results	Perception Planning	Job No. 36105398 Dated: 23.02.24
8	Site Waste Management Plan	Perception Planning	J004160 Dated: 05.03.24
9	Structural Engineering Plans	Matrix Thornton	M22181 Dated: 31.05.22
10	Site Plan	Perception Planning	J004160 Dated: 26.11.24
11	Owner's Consent	Owner	N/A

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1 BACKGROUND

1.1 PURPOSE

The purpose of this Statement of Environmental Effects (SEE) is to assist Council in their assessment and determination and to assist the community in understanding the proposed development.

This SEE has been prepared in coordination with Simon Taylor (**‘the client’**) and other sub-consultants to demonstrate the relevant matters associated with in the proposed development. The SEE examines the existing development and site location, how the proposed development relates to the location and the environment, as well as the planning merits of the development with respect to the relevant legislation, regulation and other requirements. The SEE examines the applicable site attributes and the specifics of the development proposal that are appropriate to the development application stage. The SEE seeks to provide all the relevant data to give a suitable level of certainty to the consent authority that the proposal has a positive impact on the immediate area and the wider surrounds.

This SEE has been prepared in accordance with best practice principles, applicable aspects of the Development Assessment Framework and the Department of Planning and Infrastructure’s (now the Department of Planning, Infrastructure and Environment) guide to the *Environmental Planning and Assessment Act* (EP&A Act) 1979 (s4.15).

The objectives of this SEE are as follows:

- To provide a description of the site, existing development and the surrounding locality;
- To provide a description of the proposal and the key issues;
- To provide a discussion of the relevant Environmental Planning Instruments (EPI)s; and
- To provide an assessment of the potential environmental impacts, having regard to the matters for consideration pursuant to the EP&A Act (s4.15) and other State, Regional and Local environmental planning policies and guidelines.

1.2 SITE DETAILS

Property Address	926 Westleys Road, Bindera, NSW, 2422
Lot and DP	LOT 902 DP 878135
Current Use	Rural/Residential
Zoning	RU1: Primary Production
Size	363.6 ha
Site Constraints	Minimum Lot size: 100 ha Bushfire prone land: Vegetation category 1, vegetation category 3 Biodiversity values map Height of Buildings Map: 7.5m Local Government: Mid-Coast Council
Owner	Owners consent has been provided on the Application Form for the DA.
DP and 88B Instrument	The lot is burdened by a right of carriageway, reserved road, and Crown Grant. The Certificate of Title and DP are contained in APPENDIX 4 .

1.3 SITE DESCRIPTION

The site is located at 926 Westleys Road, Bindera, legally identified as Lot 902, DP 878135 (**‘the site’**) (**FIGURE 1**). The site is bound by the Barrington River to the east and predominately surrounded by undeveloped land within the Mid-Coast Council Local Government Area (LGA). The subject site has a total area of 363.6 ha excluding roads which enter within the external boundaries of the site.

The site is currently used for residential purposes. Dense bushland (including large trees) is found on the northern and southern extremities of the site, while vegetation is scattered through the centre and to the east of the site. The site has an irregular shape, that somewhat follows the Barrington River to the East. There are several roads which allow access through the site, shown on the DP (**APPENDIX 4**).

The site is situated to the North East of Westleys Road. As mentioned previously, the site abuts the Barrington River on the eastern side. This is a rural area with adjacent properties consisting of either vacant lot, dwellings, farm buildings and ancillary structures.

A bridge crossing is needed to safely access the site, and as a provision for future development on the site. The proposed bridge crossing will service a local road, which is located on a right of carriageway that burdens the subject site.

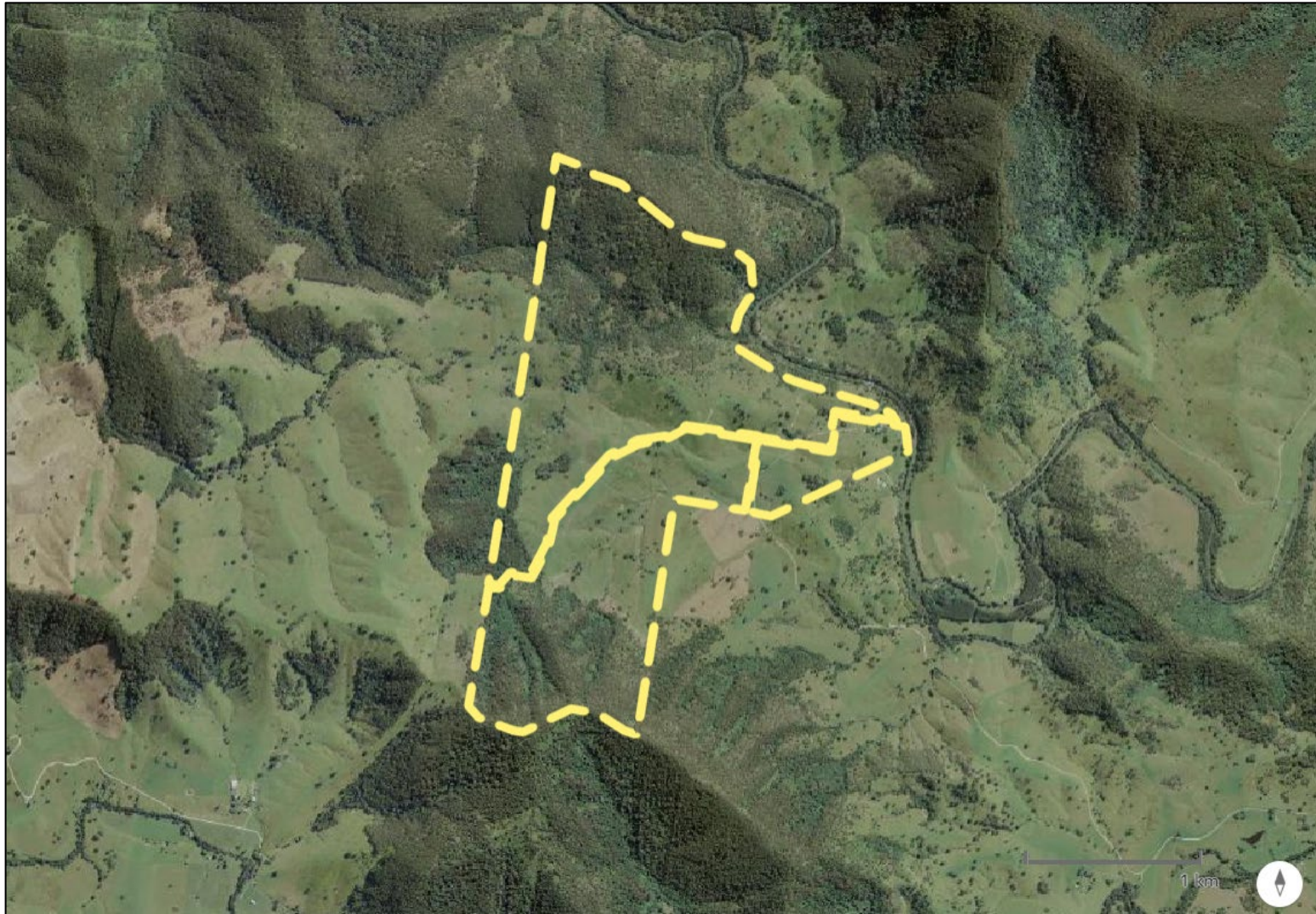


Figure 1: Locality Plan (NSW Planning Portal Spatial Viewer, 2024)

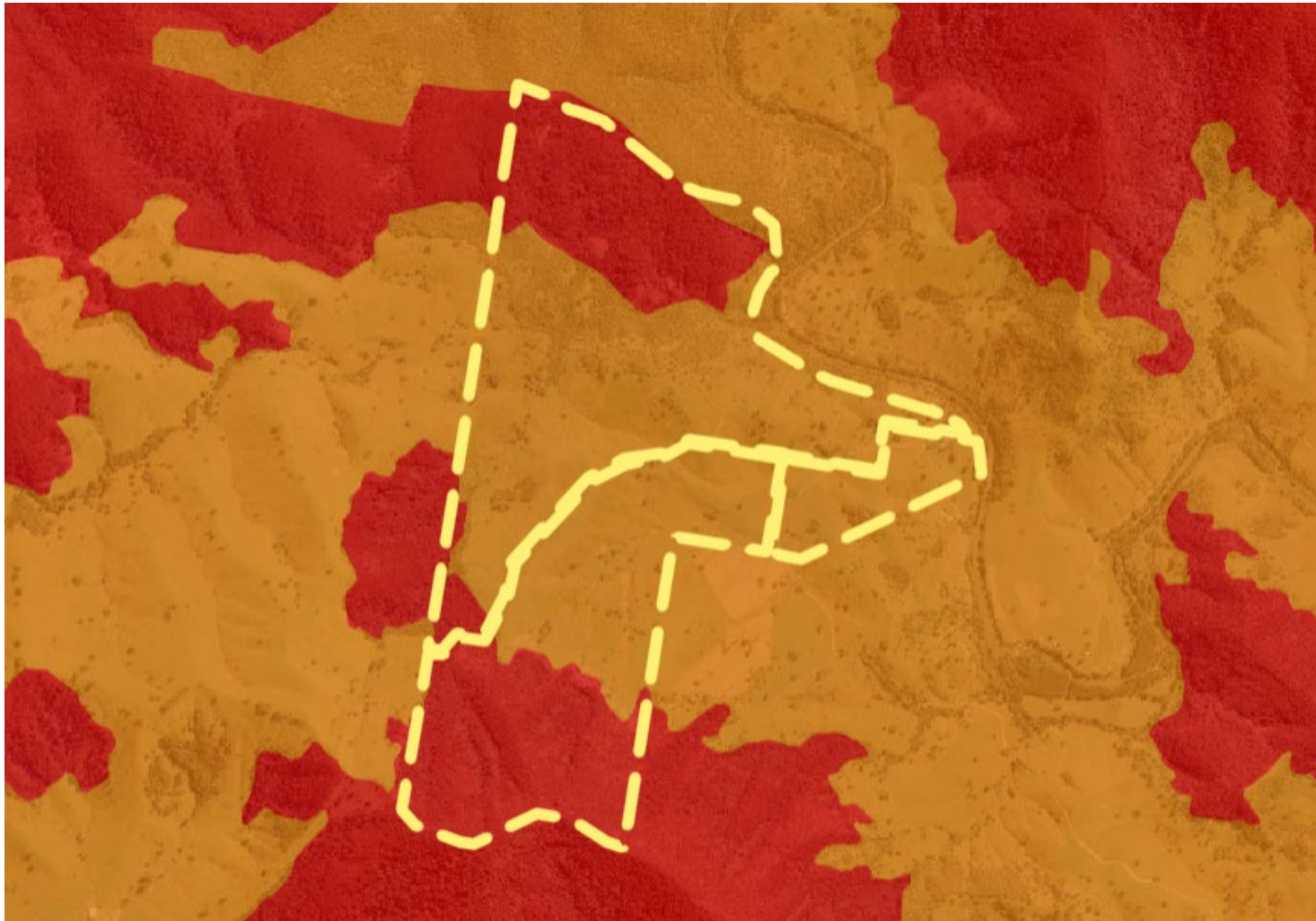


Figure 2: Bushfire Map (NSW Planning Portal Spatial Viewer, 2024)

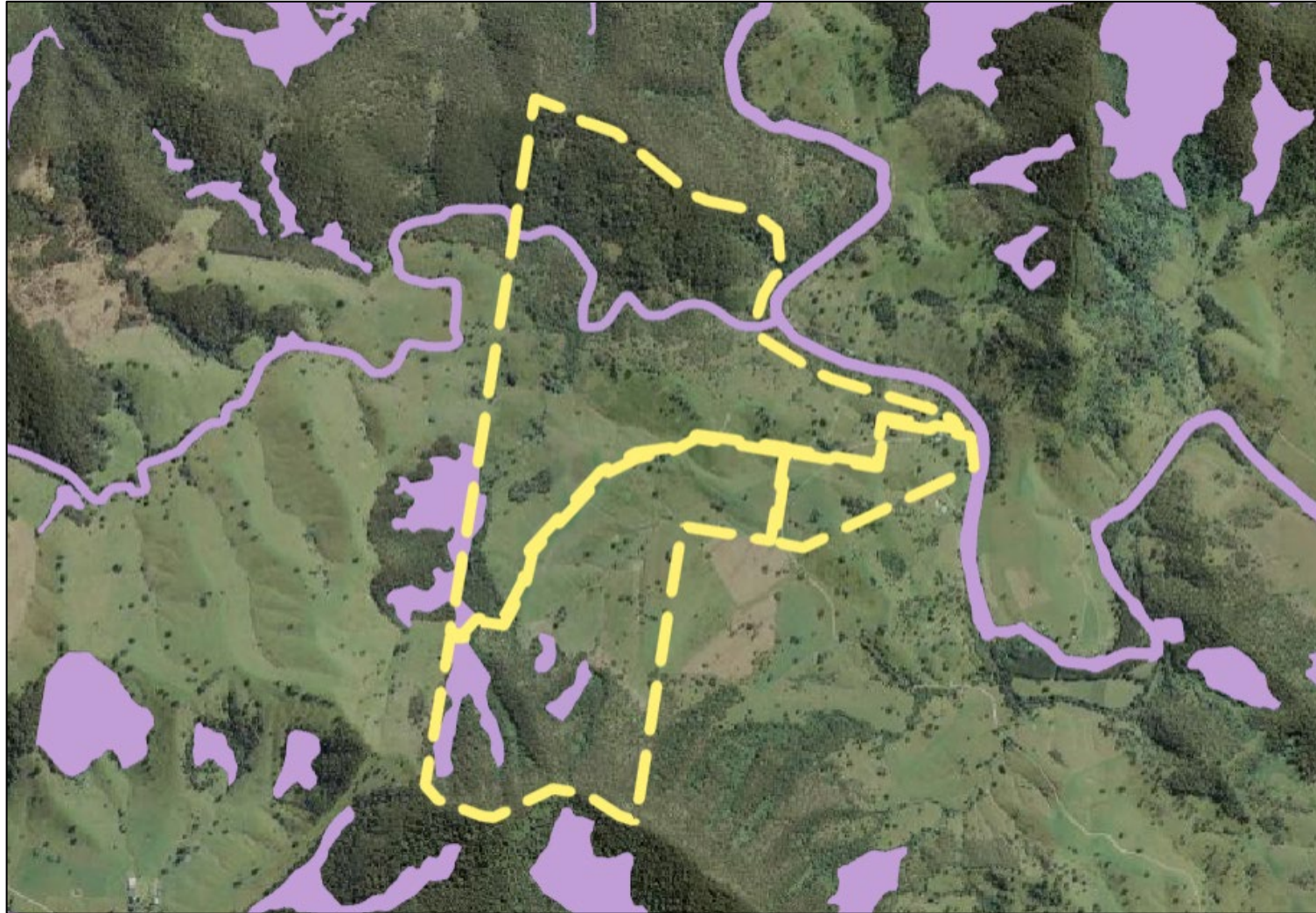


Figure 3: *Biodiversity Map (NSW Planning Portal Spatial Viewer, 2024)*

1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS

The site is currently used for residential purposes, it is filled with dense bushland to the north and south, with less vegetation central to the site and to the East. Mid-Coast Council Development Application Tracker website does not identify any recent or historic approvals. No known compliance matters exist over the site which would pose issues for the proposed development.

2 DESCRIPTION OF THE DEVELOPMENT

2.1 PROPOSED DEVELOPMENT

The objective of the proposed development is to obtain development consent for a steel platform bridge to replace a failing timber/ gravel bridge over Mackays Creek. The crossing will provide vehicular access for a local road on a right of carriageway on the subject site. The characteristics of the development include:

- a. A proposed steel platform bridge (including side rails) measuring 12.88m x 3.35m;
- b. Soil retaining wings (attached to either end of the platform) measuring 1.54m x 5.94m; and
- c. Reinforced concrete abutments at either end of the bridge crossing.

The site will be burdened by the construction and use of the proposed bridge as neighbouring property owners have access to the right of carriageway.

No culverts required as structure is not expected to impede waterflow.

3 PLANNING CONTROLS

3.1 ACTS

The following Acts are considered relevant to the proposed development:

3.1.1 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) is the principal planning and development legislation in NSW and is applicable to the proposed development. Section 4.15 of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15 are addressed in further detail in separate sections of this SEE below.

- **Section 4.46 – What is integrated development?**

Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more of the approvals listed within **Table 1** below.

Table 1 - Integrated development

Integrated development	Proposed Development	
Fisheries Management Act 1994	s 144 s 201 s 205 s 219	N/A
Heritage Act 1977	s 58	N/A
Coal Mine Subsidence Compensation Act 2017	s 22	N/A – The site is not located within a Mine Subsidence Area.
Mining Act 1992	s 63, 64	N/A
National Parks & Wildlife Act 1974 (as amended)	s 90	N/A
Protection of the Environment Operations Act 1997	ss 43(a), 47, 55 ss 43(b), 48, 55 ss 43(d), 55, 122	N/A
Roads Act 1993	s 138	N/A
Rural Fires Act 1997	s 100B	No – Whilst the subject site is identified as bushfire prone, vegetation category 1 and category 3, the proposal involves a non-habitable concrete and steel structure which is not being built within 10m of a habitable building.
Water Management Act 2000	ss 89, 89, 90, 91	Yes – Given development will occur within 40m of the mapped watercourse, referral to the Natural Resource Access Regulator as integrated development is required as part of this application.

3.1.2 Hunter Water Act 1991 (HW Act)

The subject site is not located in a Drinking Water Catchment area. Consequently, a referral to HW is not required.

The private road and crossing will have minimal effect of water flow and quality.

3.1.3 Water Management Act 2000

Watercourse crossings are a controlled activity under the *Water Management Act 2000* (WM Act). The NSW Office of Water administers the WM Act and is required to assess the impact of any proposed controlled activity to ensure that no more than minimal harm will be done to waterfront land as a consequence of carrying out the controlled activity.

Waterfront land includes the bed and bank of any river, lake or estuary and all land within 40 metres of the highest bank of the river, lake or estuary. The proposed bridge is located over Mackays Creek; therefore, a controlled activity approval is required from the Natural Resource Access Regulator in accordance with Section 90 of the WM Act.

3.1.4 Biodiversity Conservation Act 2016

The purpose of the Biodiversity Conservation Act 2016 (BC Act) is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

As indicated in **FIGURE 4** below, the location of the proposed bridge is identified as an area of biodiversity value. As such, an Ecological Assessment Report (EAR) has been prepared to evaluate any potential impacts on native flora and fauna in the immediate vicinity and is contained as **APPENDIX 5** of this report. The EAR determined that no threatened species of flora or fauna were identified or observed during surveys undertaken as part of the assessment.

Overall, given that no vegetation is proposed to be removed to accommodate the development, the impact on the ecology of the site is expected to be negligible.

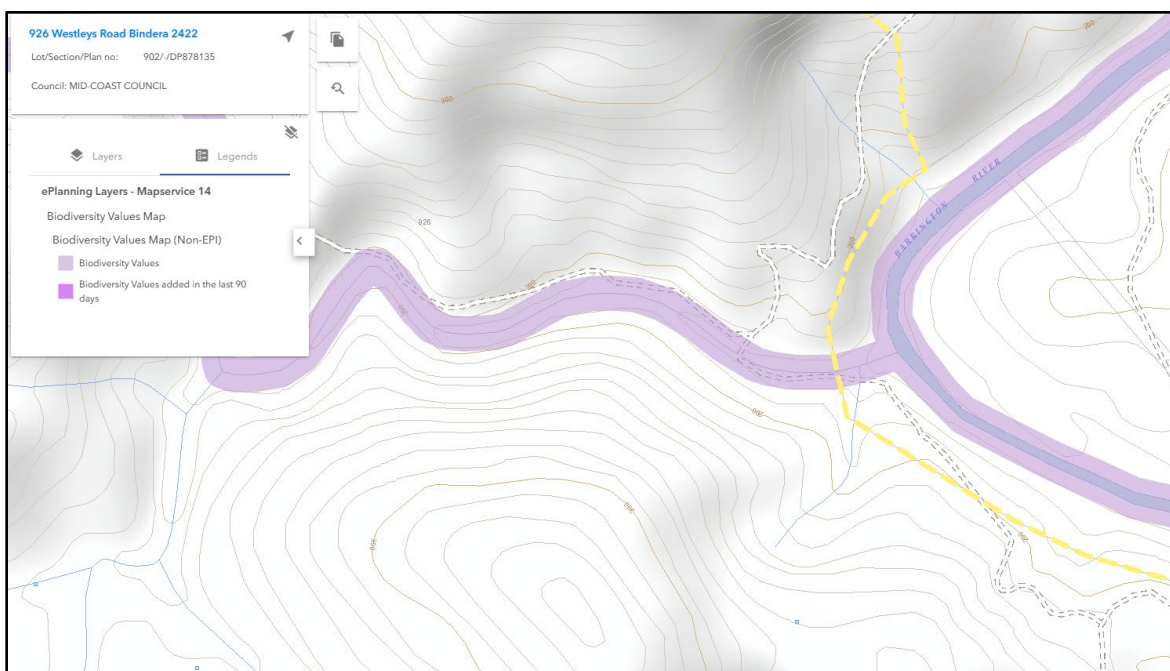


Figure 4: Biodiversity Values Map (ePlanning Spatial Viewer, 2024)

3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

The following SEPPs are considered relevant to the proposed development:

3.2.1 SEPP (Resilience and Hazards) 2021

This Chapter provides a State-wide planning approach to the remediation of contaminated land. Under Section 4.6 a consent authority must not consent to the carrying out of development on land unless it has given consideration as to whether the land subject to the development is contaminated. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development, or alternatively determine that the land would be suitable once remediated.

Based on the results of the site history review, site inspection and analytical results, the Site is considered to present a low to negligible risk of contamination.

3.2.2 SEPP (Biodiversity and Conservation) 2021

Chapter 3 – Koala Habitat Protection 2020

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. Section 4.4 and Schedule 2 of the SEPP identifies the Mid-Coast Local Government Area as land to which the policy applies.

The development does not involve the removal of trees to facilitate the proposed works. As there is no proposed native tree removal, no adverse effects on the koala population are anticipated as a result of the proposed development.

3.2.3 SEPP (Transport and Infrastructure) 2021

Chapter 2 – Infrastructure

The purpose of this Chapter is to facilitate the effective delivery of infrastructure across the state and to identify matters to be considered in the assessment of developments adjacent to particular types of infrastructure.

Division 5, Subdivision 2 Development likely to affect an electricity transmission or distribution network

Section 2.48 – Determination of development applications – Other development

Penetration of the ground within 2m of underground electrical infrastructure triggers referral the electricity supply authority is triggered pursuant to Section 2.48(1)(a). It is not anticipated that referral to the electricity authority is warranted in this instance.

Division 12A, Subdivision 2 Development adjacent to pipeline corridors

Section 2.76 – Determination of development applications

The proposed development is not in the vicinity of a 'licenced' pipeline corridor as defined under Section 2.76 (2). Accordingly, the proposed development does not trigger referral to any pipeline operator pursuant to Section 2.76.

3.3 LOCAL ENVIRONMENTAL PLAN (LEP)

The following parts of the Gloucester Local Environmental Plan (LEP) 2010 apply to the proposed development:

- **Clause 2.3 – Zone Objectives and Land Use Table**

The site is zoned RU1: Primary Production under the Gloucester LEP 2014.

The Land Use Table of the LEP identifies the following objectives for the RU1 zone:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage eco-tourism enterprises that minimise any adverse*

effect on primary industry production and the scenic amenity of the area.

The development of roads is permissible in RU1 zoning. The following definition is provided within the Gloucester *LEP 2014*.

- **Road** means *a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road.*

The following definition is provided within the *Roads Act 1993*:

- **Private Road** includes *any road that is not a public road.*

In assessing this development against the objectives of the RU1 zone, the proposed bridge crossing will ensure safe vehicle access can be afforded to all lots entitled to its use. This will allow for the maintenance and enhancement of the natural resource base located on the subject site.

The development will also minimise the fragmentation and alienation of resource lands on the site and encourage land use within adjoining zones, including ecotourism.

The proposed bridge does not negatively influence the scenic amenity of the land or adversely impact the value of the land, rather it will only provide safe vehicle access to the lot. Furthermore, the proposed bridge will be replacing an existing bridge which is currently in a dilapidated state creating a hazard when crossing.

The bridge will provide an essential resource to the primary production land while blending into the scenery.

- **Clause 4.1 – Minimum Subdivision Lot Size**

The objective of this clause applicable to the proposed development is to ensure that lot sizes are able to accommodate development that is suitable for its purpose and that it is consistent with the relevant development controls. The size of any lot resulting from the subdivision of land to which this clause applies is not to be less than the minimum size shown on the lot size map in relation to that land.

The minimum lot size in relation to the subject site is 100ha, no subdivision of land is requested through this DA.

- **Clause 5.10 – Heritage conservation**

A search of the Aboriginal Heritage Information Services (AHIMS) database (23 February 2024) did not identify the subject site as containing any Aboriginal sites or places as shown in **APPENDIX 6**. The site is also not identified within Schedule 5 of the LEP as containing any items or places of heritage significance.

Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person. In this regard, no further assessment against the requirements of clause 5.10 is required.

- **Clause 5.21 – Flood Planning**

Whilst not mapped as a flood planning area, it is noted that given the subject development is taking place over a mapped water course (Mackays Creek), the immediate locality is likely to be subject to flood waters during above average rainfall events. However, given that the proposed development will result in the construction of an improved bridge to replace the existing, it is not considered that the development will create any new flood hazards.

- **Clause 6.4 – Earthworks**

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The application proposes earthworks on the site to accommodate the construction of foundations for the bridge. However, earthworks are minor in nature and are not anticipated to result in any negative impacts on the subject or adjoining land, or any public place.

3.4 DEVELOPMENT CONTROL PLAN (DCP)

Consideration of compliance and/or consistency with the relevant provisions of the Gloucester DCP 2010 is provided in the Table of Compliance provided at **APPENDIX 1**. The Table of Compliance identifies that the proposed development demonstrates compliance with the relevant provisions of the DCP or overarching objectives where variations are proposed.

4 LIKELY IMPACTS OF THE DEVELOPMENT

The likely impacts of the proposed development and constraints affecting the subject site have been explored throughout this SEE. The following sections detail the major potential impacts and constraints in greater detail, in accordance with Section 4.15(1) of the EP&A Act 1979.

4.1 BUILT ENVIRONMENT

4.1.1 CONTEXT, SETTING AND VISUAL IMPACT

The proposed development will reinforce accessibility of the subject site and establish consistency with the nature and characteristics of the locality. The application includes relevant plans providing details of the proposed development, and an ecological

assessment report, which addresses the potential impacts of the development on the watercourse on site. The proposed bridge provides a logical connection to the road network and safe vehicular access to the site. There are no anticipated adverse impacts on the built environment as a result of the proposed development.

4.1.2 ACCESS, TRANSPORT AND TRAFFIC

Primary access to the subject site will not be impacted by the proposed development. However, continued access via the right of carriageway that burdens the subject site will be ensured as a result of the development. No adverse traffic or transport impacts are associated with the proposed development given its consistency with the existing rural landscape.

4.1.3 PUBLIC DOMAIN

The development will not have an impact on any public domain. The development contributions derived from this development in providing infrastructure and public domain improvements in accordance with Council's Infrastructure Contribution Plan.

4.1.4 SERVICES

The subject site is serviced with electricity and telecommunication infrastructure (see **APPENDIX 7**) which is available for extension into the site for future development. Given the nature of the proposed development however, the services available to the site are inconsequential to the assessment of the Development Application.

4.1.5 NOISE AND VIBRATION

Construction noise will be as per normal construction times and processes and will cease once construction is completed.

4.2 NATURAL ENVIRONMENT

4.2.1 ECOLOGICAL

As aforementioned, an ecological assessment was prepared for the submission of this Development Application, see **APPENDIX 5**.

The ecology report summarises that the site should be subject to a minimal change in topography and erosion is not expected to occur upon completion of the bridge.

The proposed development is not anticipated to impact on the ecology of the area.

4.2.2 LANDSCAPING

A detailed landscaping plan is not included in this DA given the nature of the proposed development.

4.2.3 ARCHAEOLOGY

A search of the Aboriginal Heritage Information Services (AHIMS) database (24th February 2024) did not identify the subject site as containing any Aboriginal sites or places as shown in **APPENDIX 6**. The site is also not identified within Schedule 5 of the LEP as containing any items or places of heritage significance.

Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person.

4.2.4 STORMWATER

The proposed development includes reinforced concrete abutments on either side of the bridge crossing. As the structure is not expected to impact waterflow, no culverts are required. No adverse impacts on stormwater flows are anticipated to result from the proposed development.

4.3 SOCIAL AND ECONOMIC

Social

Social impact is best defined by (Armour 1992) that describes changes that occur in:

- People's way of life (how they live, work, play and interact with one another on a day to day basis),
- Their culture (shared beliefs, customs and values), and
- Their community (its cohesion, stability, character, services and facilities).

The proposed development provides vehicle access through the site and to neighbouring properties which will minimise fragmentation, allowing for more consistent site access. The proposal will allow for improved functionality of the site and the potential for future development.

The proposed development is not out of character with the existing rural landscape context, will not involve an increased risk to public safety and will not threaten the existing rural amenity and scenic landscape values, rather will contribute to the increase of these aspects in the locality.

Economic

Although minor in scale, the construction of the proposed development will provide employment opportunities in the locality and support the local building and development industries.

There are no anticipated adverse economic impacts as a result of the proposed development.

4.3.1 SAFETY, SECURITY AND CRIME PREVENTION

No safety, security or crime prevention measures are required as a result of the proposed development. The proposed development will not create any safety, security or crime concerns on or around the site.

5 SUITABILITY OF THE SITE

The subject site requires a crossing to facilitate safe access within the right of carriageway. The proposed development will replace an existing timber and gravel crossing which is currently situated on the subject site. Furthermore, and as outlined above, the proposed crossing will have minimal impacts on the natural and built environments. Therefore, the site is considered suitable for the proposed development.

6 ANY SUBMISSIONS AND CONSULTATION

As part of the DA consideration process it is envisaged Council may place the proposal on public exhibition and send neighbor notification letters to adjoining or adjacent properties.

7 PUBLIC INTEREST

The proposal represents the interest of the owner and the wider community to have access to the property so the land which is zoned Rural Landscape can be used to its full potential. The proposal is not anticipated to have any significant adverse impacts to surrounding properties or the amenity of the locality.

8 CONCLUSION

This SEE has shown that the development is within the public interest, from a social, economic and environmental perspective. The proposed development is the most suitable option for the development of the site. Any relevant matters have been addressed through this SEE.

The key reasons why the proposed development is appropriate are as follows;

- The proposed bridge is permissible under the RU1 zoning.
- No adverse impact on the existing character or amenity of the area will result.
- This development will replace existing timber and gravel bridge along the right of carriageway. This development would enable transport to the property so that it can be used to its full potential.

It is considered that the proposal will have no significant impacts on the surrounding properties to that it is likely to adversely affect their enjoyment or amenity. We look forward to Councils determination of this matter.

If we can provide any further information or clarity, please don't hesitate to contact us.



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