

Statement of Environmental Effects



Nine Lot Subdivision

Lot 328 DP 727843 Cemetery Road Bingara

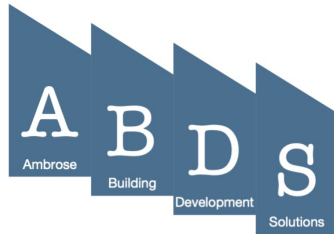
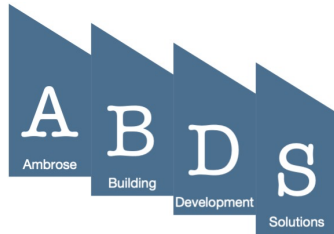


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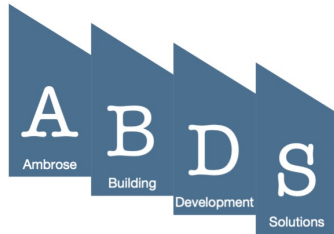


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Summary

Site

Address	Unnumbered Cemetery Road Bingara
Description	Lot 328 DP 727843
Area	37,770 m ²
Current Use	Vacant

Planning Details

Zoning	RU5 Village
Local Environmental Plan	Gwydir Local Environmental Plan 2013
Application Type	Local Development

Constraints

Bushfire Prone	Yes
Flooding Prone	No
Heritage Item	No
Indigenous Heritage	No
Heritage Conservation	No
Biodiversity Values Map	No
Acid Sulfate Soil	No
Height of Building (LEP)	No
Minimum Lot Size	550 m ²
Contamination	No
Mine Subsidence Area	No

Development Details

Proposed Development	Nine Lot Torrens Subdivision
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Proposed Development

The development proposes the subdivision of Lot 328 DP 727843 into nine lots, each with the proposed areas listed below:

Lot 1	3320 m ²
Lot 2	3320 m ²
Lot 3	3280 m ²
Lot 4	3850 m ²
Lot 5	3850 m ²
Lot 6	3180 m ²
Lot 7	3180 m ²
Lot 8	4970 m ²
Lot 9	8820 m ²

Figure 1 shows the proposed subdivision. These lots will be used for future commercial or industrial land uses, including the Gwydir Council Works Depot.

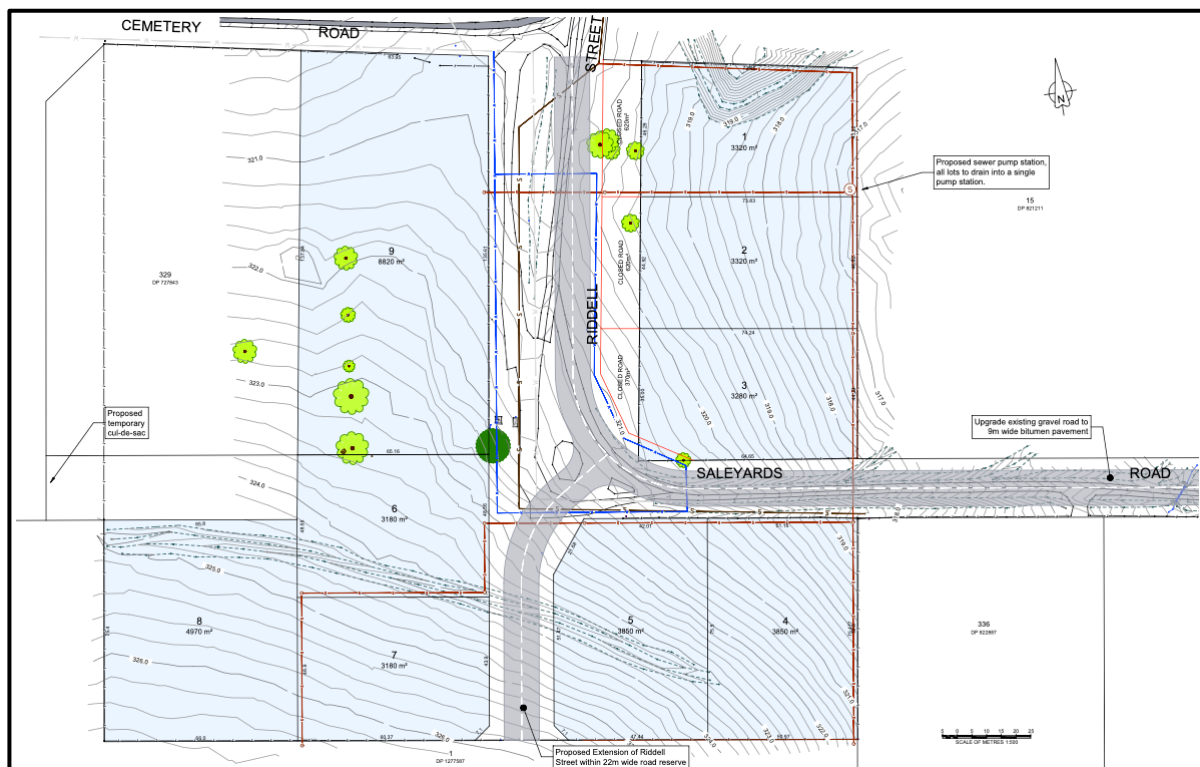


Figure 1 Proposed Subdivision

The Site

The subject site, Lots 328 DP 727843, is not currently addressed but is on the site of the old Bingara Saleyards. It is located on the southern fringe of Bingara and has direct access to Fossickers Way / Cobbadah Road via existing public roads.

As shown in Figure 2, the site is located between the Bingara Cemetery to the west and a public reserve (All Nations Hill Historic Site) to the east.

An existing gravel public road, consisting of Saleyards Road and Riddell Street, provides access from Fossickers Way/Cobbadah Road to the site. Fossickers Way / Cobbadah Road is a bitumen-sealed state "classified road."

The site is bisected by a public road reserve (Riddell Street), with a total area of approximately 3.8 hectares in the Gwydir Shire Council Local Government Area.



Figure 2 Subject Site

Existing structures on the Site

The subject site includes abandoned buildings/sheds surrounded by grazing land.

Surrounding Development

As shown in Figure 3, the site is located on the southern fringe of Bingara between the All Nations Hill Historic Site and the Bingara Cemetery.

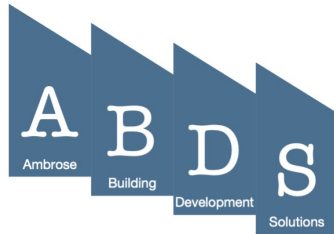


Figure 3 Aerial Image of the Locality

Site Constraints

The following planning site constraints apply or affect the development site.

- The site is zoned RU5 Village.
- The minimum lot size applicable to the site is 550 m².
- The site is identified as bushfire-prone.



Potential Impacts / Main Issues

- Nil.

Referrals and Other Approvals

Concurrences and Integrated Development

The development is classified as integrated development under 4.46 of the Environmental Planning and Assessment Act 1979 because it involves subdividing bushfire-prone land that could be used for a residential purpose.

A referral to the Rural Fire Services is required, even though the intention is to market the properties for commercial and industrial land uses, as the RU5 Village zoned permits residential land uses.

The development does not require concurrences under any environmental planning instrument.

Referrals

The development is required to be referred to the Essential Energy under Clause 2.48 of State Environmental Planning Policy (Transport and Infrastructure) 2021.

Other Approvals

Subdivision Works Certificate
Subdivision Certificate

Planning Matters

Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 has three triggers that determine if a Biodiversity Assessment Report (BDAR) is required to be submitted with a Development Application. The three triggers applicable to the subject site are detailed below:

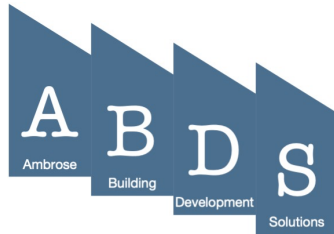
- Area Clearance.
 - The minimum lot size for the subject property is 550 m².

- The clearing threshold, above which the BAM and offsets scheme apply in this case, is 2500 m².
- The proposed development will not involve clearing native vegetation greater than 2500 m².
- Biodiversity Values Map
 - The subject site has no land identified on the Biodiversity Values Map.
- Test of Significance.
 - The proposed development is located on the site of the old sale yards and grazing paddocks. The SEED's mapping (Figure 4) shows no native vegetation plant communities on the site, and the development is for the subdivision of land. Therefore, it is unlikely to affect threatened species or ecological communities significantly.

The proposed development does not trigger the Biodiversity Conservation Act 2016 thresholds.



Figure 4 Native Vegetation Plant Community Types



Environmental Planning Policies

The following State Environmental Planning Policies apply to the proposed development.

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3 Koala Habitat Protection 2020

This chapter does not apply to this application because the land is zoned RU5 Village, which is not a nominated zone.

Chapter 4 Koala Habitat Protection 2021

This chapter applies to the site as the land is zoned RU5 Village. The development must be assessed under Clause 4.9 of the SEPP, as no approved koala management plan applies to the land. The site area is 3.8 ha, which is greater than the minimum 1 ha threshold.

Clause 4.9 (2) states:

“Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.”

A search of the BioNet Atlas of NSW Wildlife has not identified any koala sighting in or near the subject site, as shown in Figure 5.

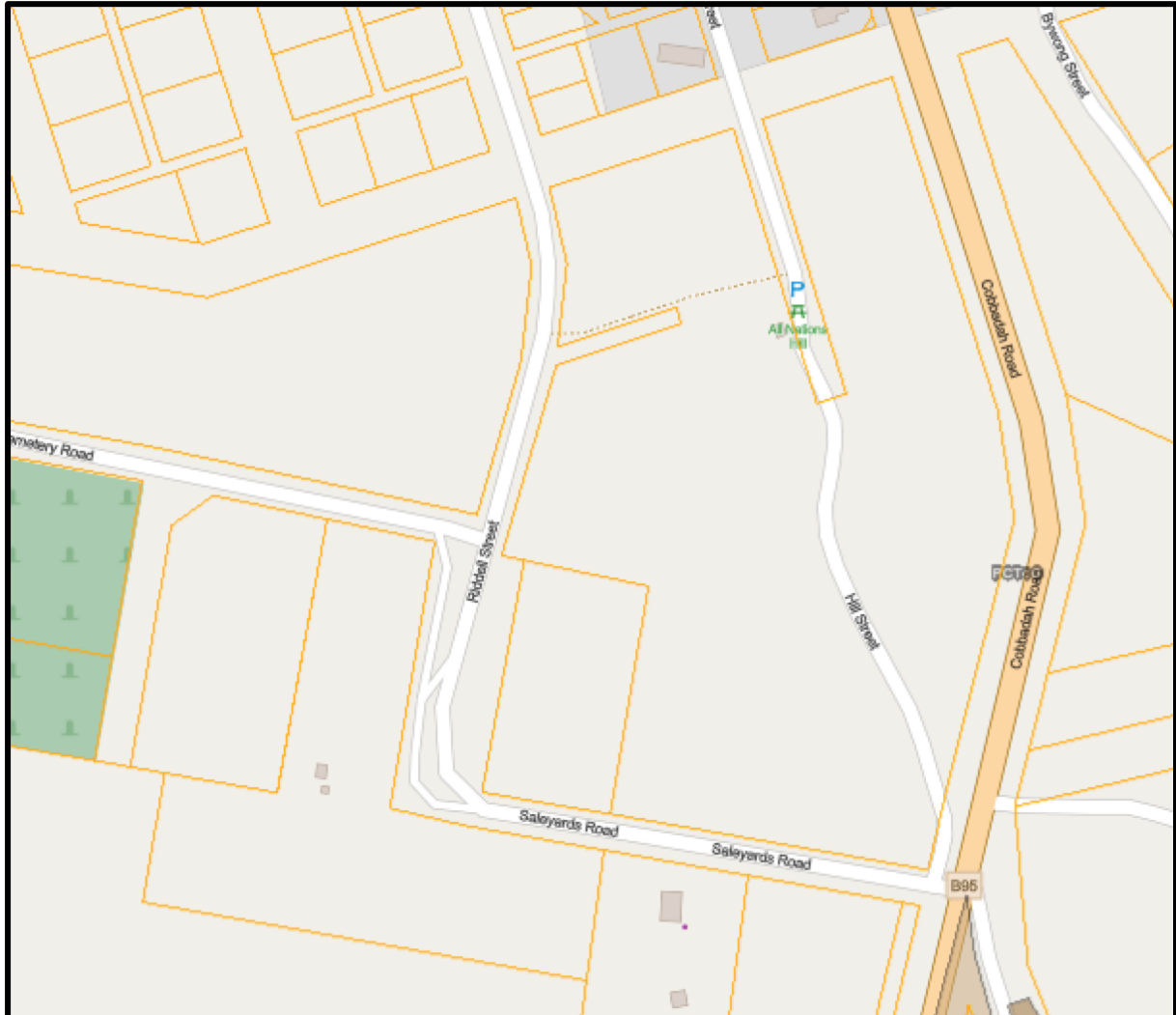


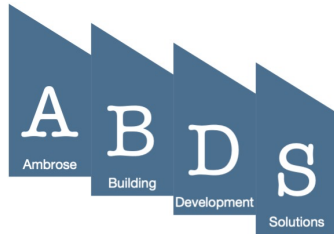
Figure 5 Bionet Koala Sightings

The site is devoid of native trees, and the development does not involve removing any trees. Therefore, it is unlikely that this development will significantly impact koala populations or their habitat.

Clause 4.9 (3) states:

“If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.”

The development does not involve removing any trees, so it is considered to have little or no impact on koalas or their habitat, and consent could be granted. In this instance, requiring a koala assessment for this development application is considered unnecessary.



State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

The subject site is not identified on the EPA list of contaminated sites. The site's current use is vacant grazing land; it was previously used as a sale yard, which is not listed in Table 1 of the Contaminated Planning Guidelines as a potentially contaminated land use.

There is no evidence of an old dip, old orchard or disused mining site in the location of the proposed development.

Clause 4.5 of the Resilience and Hazards SEPP requires the consent authority to consider the following:

- a) *whether the land is contaminated.*

The subject site is not on the EPA list of contaminated sites. Due to its previous use, the likelihood of potential contamination is considered low, and as the lots are intended for commercial or industrial use, the risk of contamination is minimal.

- b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out,*

Not applicable.

- c) *If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Not applicable.

2. *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

This clause is not applicable because the proposed development does not involve a change of use.

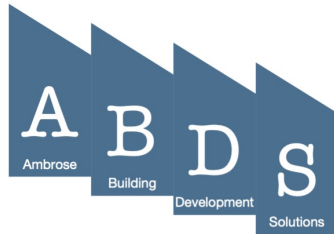
State Environmental Planning Policy (Transport and Infrastructure) 2021

Section 2.48 Determination of development applications—other development

Essential Energy has above-ground power infrastructure (22kV) running through the site (Figure 6), and the proposed subdivision is within 5m of this infrastructure; therefore, a referral to Essential Energy is required under Clause 2.48 of State Environmental Planning Policy (Transport and Infrastructure) 2021.



Figure 6 Electricity Infrastructure Network



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Local Environmental Plan

Gwydir Local Environmental Plan 2013

Permissibility of Development

The subject site is zoned RU5 Village under Gwydir Local Environmental Plan 2013 (GLEP13) (Figure 7). The GLEP13 RU5 zone is an open zone.

2.6 Subdivision—consent requirements

The permissibility of the proposed subdivision is established by Clause 2.6 of the GLEP13. This Clause states:

“Land to which this Plan applies may be subdivided, but only with development consent.”

4.1 Minimum Subdivision Lot Size

Clause 4.1 of GLEP13 stipulates that the minimum lot size for the subdivision of the subject site is 550 m².

The development proposes a nine-lot subdivision. All lots have an area greater than 550 m² and range in size from 3180 m² to 8820 m².



Figure 7 Zoning Map

5.10 Heritage Conservation

The site adjoins a heritage item, being the stamper battery (Figure 8) within the All Nations Hill, a listed Local Heritage Item (I006) under GLEP13.

Given that the proposed development involves subdividing land, the impact on the stamper battery is likely to be very minor and unlikely to impact its heritage significance. Therefore, the development is not considered to have a significant impact on the heritage item.

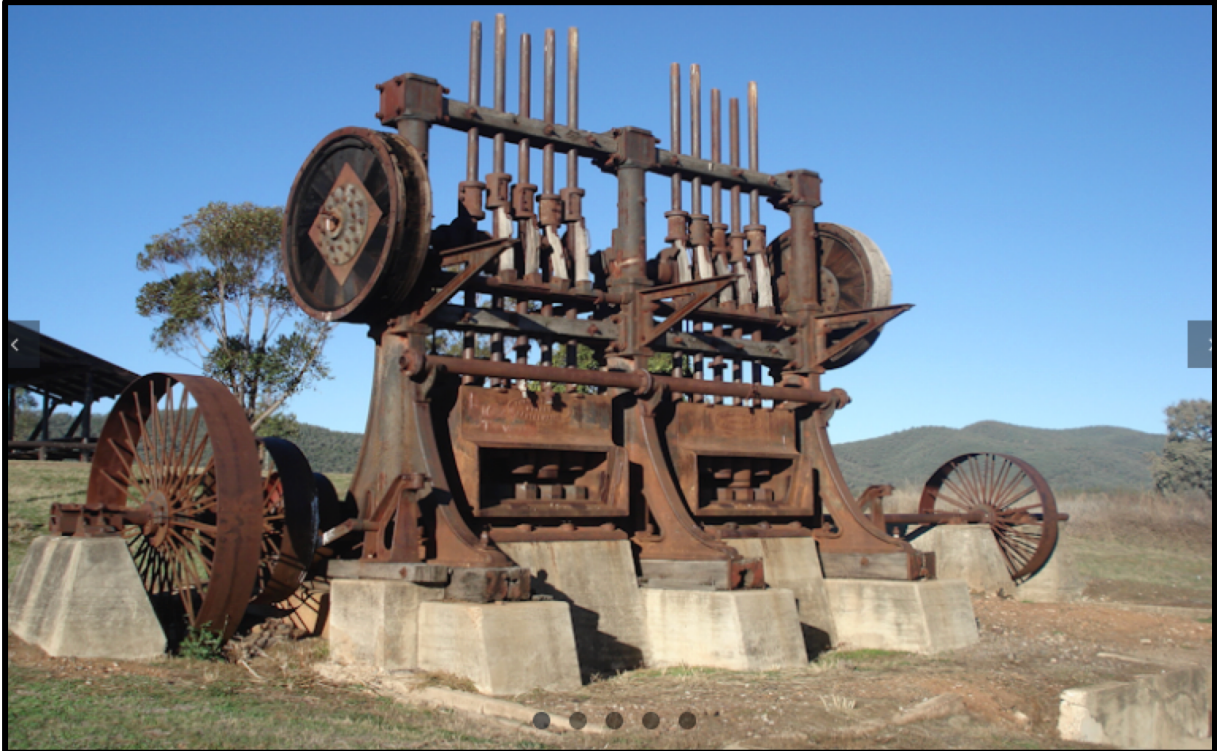


Figure 8 Stamper Battery

6.1 Earthworks

The site has a moderate slope away from the centre in three directions. Minimal earthworks will be carried out to reshape the property, and the existing dam on-site is not proposed to be altered as part of this development. The other earthworks required involve the construction of the required infrastructure and road construction.

- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*

The earthworks will ensure the drainage of the site and the adjoining site continues to operate efficiently and effectively. The earthworks should not disrupt drainage on or around the site.

- (b) *the effect of the proposed development on the likely future use or redevelopment of the land,*

The earthworks should facilitate the future development of the subject site by ensuring suitable infrastructure is installed, including water and sewer.

- (c) *the quality of the fill or the soil to be excavated, or both,*

The soil is likely of excellent quality and should not present any issues for the development or the local area.

- (d) *the effect of the development on the existing and likely amenity of adjoining properties,*

The earthworks are considered to have a minimal impact on the amenity of the adjoining properties due to the proposed location of the site and the setbacks from the boundary.

- (e) *the source of any fill material and the destination of any excavated material,*

Not applicable.

- (f) *the likelihood of disturbing relics,*

The likelihood of disturbing a relic is limited; however, if a relic is unearthed during the development's excavation, normal notification to the Office of Environmental Heritage will occur.

- (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*

Not considered applicable.

- (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development*

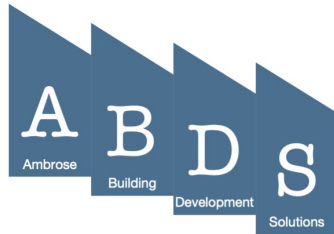
The soil will be placed on site and battered appropriately, and soil erosion measures will be installed around the fill to prevent soil erosion from the site to adjoining properties.

- (i) *the effect of the development on native fauna and flora, including threatened species, populations or ecological communities and their habitats,*

The development is not expected to have any significant impact on flora or fauna, as none have been mapped on the subject site.

- (j) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Not considered relevant to this subdivision development.



6.6 Essential Services

Water Supply

The development proposes connecting each new lot to Council's reticulated water supply in the road reserve. This system will be designed and submitted with the Subdivision Works Certificate.

Sewage Disposal

Council's sewerage system is in the road reserve running through Lot 328. The development proposes installing a sewer pump station, which will pump all the sewage from the proposed nine lots to the Council's existing sewer infrastructure to flow to the sewage treatment plant.

Stormwater Disposal

The subdivision does not propose any changes to the existing dam on the site, and all proposed lots will continue to discharge stormwater into a formal open swale stormwater drainage line to be dispersed on site, which should ensure that no nuisance to adjoining properties occurs.

Electricity Supply

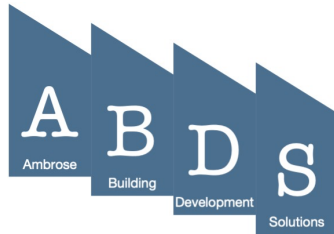
An aboveground electricity supply line runs through the property, which will supply electricity to the proposed subdivision.

Telecommunication

The site is in the NBN satellite footprint. Any future development can be connected to this service.

Suitable Road Access

As indicated above, access to the subject site will be via an existing public road from Saleyards Road, which connects to Cobbadah Road/Fossickers Way. Saleyards Road is currently a gravel road, and the development proposes upgrading the road to a 9 m-wide bitumen pavement in accordance with the Council's engineering standards. No upgrades are proposed to the Saleyards Road and Cobbadah Road/Fossickers Way intersection. The development also proposes extending Riddell Street within a new road reserve to provide road access to the allotment (Lot 1 DP 1277587) that adjoins the southern boundary of the subject site.



Development Control Plans

Council has not formally adopted a Development Control Plan to assist with the suitability of the development; however, the following information is provided.

Lot Dimensions

The development proposes the creation of nine new lots, all with suitable depth and frontage ratios to facilitate future forward vehicle entry and exit.

Frontage and Access

All the proposed lots have access frontage to a public road. The development includes closing a portion of Riddell Street and connecting these portions of the closed road to proposed lots 1, 2 and 3. Lots 3, 5 and 9 are also proposed to be corner lots.

Roads

The development relies on the existing road reserves for access and includes upgrading these roads to bitumen pavement to ensure suitable and legal access to each proposed lot is provided. Proposed Lot 8 will have road access provided via a temporary cul-de-sac on Cemetery Road.

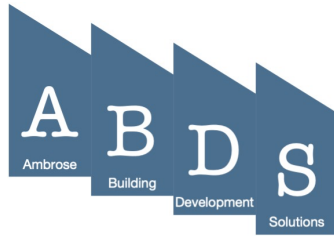
Likely Impacts of the Development

Context and setting

The proposed subdivision aims to divide lot 328 into nine new lots while closing the eastern part of the Riddell Street road reserve. Each new lot exceeds the minimum area requirement of 550 m². This development is positioned along the road leading to the Bingara Cemetery and adjoins the All Nations Hill reserve, which includes a heritage item. The goal is for these new lots to support commercial and industrial uses. The site was selected due to its proximity to rural grazing land, the Bingara Cemetery, and the All Nations Hill Reserve, which are unlikely to be sensitive noise receptors and therefore unlikely to restrict future commercial and industrial development.

Public Domain

The proposed development is expected to have a negligible impact on the public domain.



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Indigenous Cultural Heritage

A search of the Heritage NSW Aboriginal Heritage Information Management System with a buffer of 200m from Lot 328 DP 727843 shows that no Aboriginal sites or places have been declared in or near the subject properties. A copy of this report is attached to this application.

Standard notification protocols will be enforced during the construction of the proposed development, should any potential artifact be unearthed.

European Heritage

The site is not listed as a heritage item under the Gwydir Local Environmental Plan 2013 and is not in the Heritage Conservation Area.

Flora and Fauna Impacts

The site is not identified on the biodiversity values map as having any biodiversity significance. It consists of non-native vegetation only.

Natural hazards

The site is identified as bushfire-prone land (Figure 9). The Application is supported by a Bushfire Report that has assessed the site and recommended the following, all of which can be implemented within the property's boundaries.



Figure 9 Bushfire Prone Land

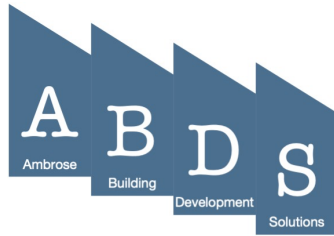
No other identified natural hazards impact the subject site.

Social impact

The provision of new lots in the Village zoning area of Bingara is likely to have positive social impacts. New or expanded businesses will be allowed to operate in Bingara, potentially bringing new residents, trades, and businesses. This may result in an increased population for the town and the provision of a greater level of services for the community.

Economic impact

The proposed subdivision is likely to result in new or expanded businesses, which should provide additional services for the community and generate increased economic activity in the town.



Construction

The proposed development should have only a minimal impact on the amenity and environment during the construction works other than some construction noise and traffic. These impacts will be further mitigated by adhering to the following construction hours:

Monday to Friday, 7 am to 6 pm; and
Saturday 8 am to 1 pm.

During the construction, normal erosion and sedimentation mitigation measures will be implemented.

Cumulative impacts

The proposed development is not considered to create any cumulative impacts in the locality.

Suitability of the Site

The site is considered suitable for the proposed development for the following reasons:

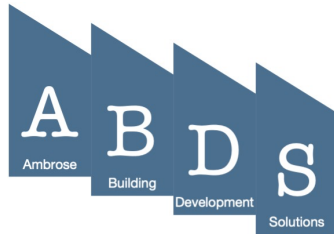
- The site is zoned RU5 Village, and the development is permitted with consent under Clause 2.6.
- The proposed lots comply with the minimum lot size under Clause 4.1.
- The required services can be connected to the nine new lots.
- The public road network currently services the proposed lots and will be upgraded as part of the development.

Contribution Plans

Council has not adopted any Section 7.11 or 7.12 contribution plans that apply to this development.

Planning Agreements

No Planning Agreement or draft Planning Agreements apply to the site or the proposed development.



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Provisions of Regulations

No Clauses under Division 1 of the Environmental Planning and Assessment Regulation 2021 apply to this development application.

Public Interest

The proposed development is considered to be in the public interest, given the following:

- The positive benefit to the community and the township of additional new lots of land being created and made available for commercial/ industrial land uses.
- The development could provide additional services and vitality to the township of Bingara.

Conclusion

The proposed development involves a nine-lot subdivision of the existing Lot 328. The proposed lots are intended for commercial/industrial use, and this site is considered a suitable location with few constraints unlikely to result in future land-use conflicts with other uses. The site is connected to all the required services or can be connected to them. The Planning for Bushfire Guidelines requirements can be implemented wholly within the proposed property boundaries.

The development is permissible in the zone and complies with the relevant Environmental Planning instruments and other related policies.