



Public Works  
Advisory



## Cudgegong Community Education Centre and Fire Control Centre

### Statement of Environmental Effects

NSW Rural Fire Service

Report No ISR18004

May 2018



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Prepared for NSW Rural Fire Service

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## List of Abbreviations

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<b>AHIP</b>	Aboriginal Heritage Impact Permit
<b>AS</b>	Australian Standard
<b>CEC</b>	Community Education Centre
<b>CEMP</b>	Construction Environmental Management Plan
<b>DA</b>	Development Application
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>FCC</b>	Fire Control Centre
<b>ISEPP</b>	<i>State Environmental Planning Policy (Infrastructure) 2007</i>
<b>LEP</b>	Local Environmental Plan
<b>LGA</b>	Local Government Area
<b>MWRC</b>	Mid - Western Regional Council
<b>RFS</b>	NSW Rural Fire Service
<b>SEE</b>	Statement of Environmental Effects
<b>SEPP</b>	State Environmental Planning Policy
<b>WHS</b>	Work Health and Safety

## 1. Introduction

This Statement of Environmental Effects (SEE) accompanies a Development Application (DA) lodged on behalf of the NSW Rural Fire Service (RFS). RFS seeks approval to build the Cudgegong Community Education Centre (CEC) and Fire Control Centre (FCC) on vacant land at 363 Ulan Road, Eurunderee (Lot 201 DP 1210399).

The site is owned by Mid - Western Regional Council. The new facilities are to be handed over to Council for upkeep and maintenance on completion.

The proposal will involve construction of a new facility that includes the following features:

- Building A – Community Education Centre (CEC) (Heritage Museum Shed);
- Building B – RFS Mitigation Shed (8 bay shed);
- Building C – RFS Fire Control Centre;
- Building D – Ablutions Shed Building;
- Carpark area (150m<sup>2</sup>); and

Entry and exit points will be located off Goodger Place.

The construction of the proposed development will be undertaken in stages, based on current and future funding. The CEC and Mitigation Shed will be constructed in the first stage. The construction of the FCC will be undertaken in Stage 2.

The development is described in the following documentation that accompanies the Development Application and this SEE. It should be noted that the detailed design would be undertaken as part of a design and construct contract, and therefore this SEE is based on concept level design details currently available.

### Plans

The site master plan and development plans prepared by Cameron Anderson Architects, and Architectural plans prepared by Kollanyi Architects as described below:

- Overall Site and Locality Plans (Drawing SK001);
- Floor plan and Furniture Plan (Drawing A02, A03 SK002, and SK003);
- Reflected Ceiling and Roof Plan (Drawing A04 and A05); and
- Site Elevations and Cross Section (Drawing A06, A07 and SK004).

### Reports

This SEE describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15 of the *Environmental Planning and Assessment Act* (EP&A Act) 1979.

## 2. Section 4.15 Considerations

This SEE has been prepared to meet the requirements of Section 4.15 (1) of the Act, which require a consent authority to take into consideration a number of matters as relevant to the development.

These matters, and how they have been considered as part of this SEE, are detailed in Table 2-1 below.

As a result of the assessment it is concluded that development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

**Table 2-1 Section 4.15 (1) Matters for Consideration**

Section 4.15 (1) Considerations	Where Addressed in the SEE
<i>(a) the provisions of any of the following that apply to the land to which the development application relates,</i>	
<i>(i) any environmental planning instrument, and</i>	Section 5.3
<i>(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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	Section 5.3.4
<i>(iii) any development control plan, and</i>	Section 5.3.5
<i>(iiiia) 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</i>	No applicable current or draft planning agreements
<i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and</i>	Section 5.2.2
<i>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	Section 5.3.5
<i>(c) the suitability of the site for the development,</i>	Section 6.3
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	Council to consider
<i>(e) the public interest.</i>	Section 6.4

### 3. The Site and Surrounding Environment

The site is located on the corner of Goodger Place and Ulan Road, which is identified as Lot 201 DP 1210399. Council is currently creating a subdivision of the site, however the subdivision has not been finalised during the preparation of this SEE. Accordingly, the site address is 363 Ulan Road, Eurunderee.

The site has been nominated by Council to accommodate the proposed development.

Maps showing the general location, an aerial and several photographic views of the existing site are provided in Figure 3-1 to Figure 3-3.



**Figure 3-1: Aerial View of the Site**

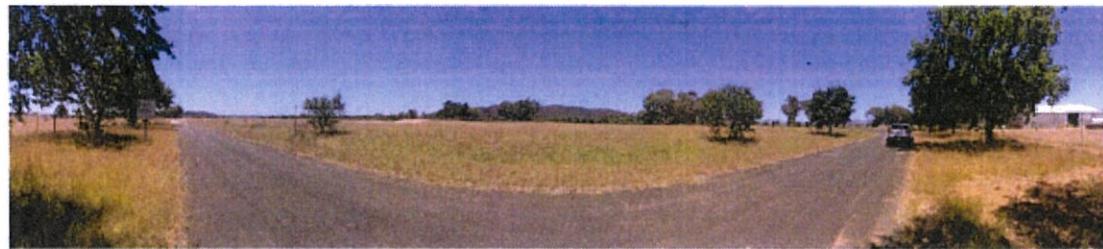
Source: SIX Maps, 2018

#### 3.1. Description of the Subject Site

The subject site is located on the corner of Goodger Place and Ulan Road at the southwestern corner of Lot 201 DP 1210399. The site's north-eastern boundary is a proposed taxiway for Mudgee Regional Airport.

The site is a vacant grassed area that has been previously utilised for agriculture. The lot area is approximately 7.09 ha. The area to be developed for the proposed RFS facility constitutes a total building footprint area of approximately 1,882 m<sup>2</sup>. The site is generally flat, with a number of landscape trees planted on the Goodger Place boundary.

The water supply, sewerage and power supply will be connected to the site from Goodger Place.



Panorama from Goodger Place, Looking East to Site, pan from North to South



Panorama from Goodger Place, Looking West to Airport, pan from South to North



Panorama from Ulan Road, Looking North West to Site, pan from South West to North East

### Figure 3-2: Photographic views of the site

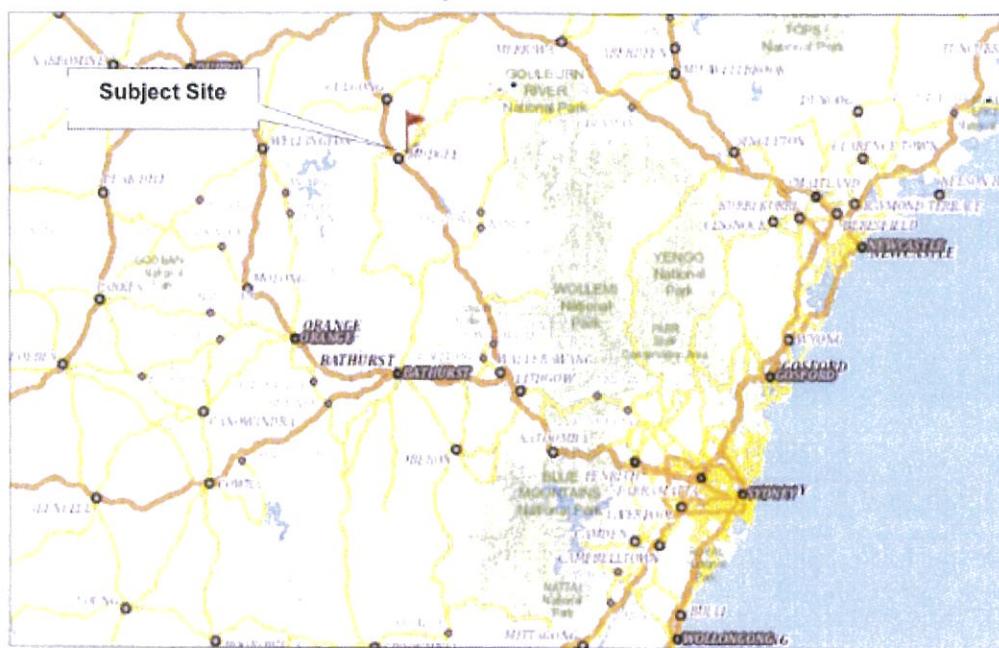
Source: PWA, 2018

#### 3.2. Surrounding Environment

The subject site is located within the suburb of Eurunderee, approximately 3.8 kilometres north east of the Mudgee township centre. Mudgee is located within the Cudgegong River Valley 261 km to the north-west of Sydney, and within the Mid-Western Regional Council Local Government Area (MWRC LGA).

The site can be accessed from Goodger Place. Entry and exit access points will be developed as part of the proposed RFS facility. The site is a vacant grassed area that has been utilised for agriculture. Mudgee Airport is located approximately 200m to the northwest of the site. The site is surrounded by rural land from all sides, and surrounded by vineyards, wineries and a cemetery to the south east. The nearest sensitive noise receivers are the retail businesses located approximately 100m to the south west of the site, a winery and a residential property located approximately 400m and 750m respectively from the proposed RFS facility.

The greatest noise source in the vicinity of the site is likely to be from the adjacent Mudgee Airport, in addition to the vehicles travelling on Ulan Road.



**Figure 3-3: Location Map of the site in relation to Sydney**

Source: SIX Maps, January 2018

## 4. The Development

### 4.1. Overview

RFS has developed a standardised approach to its facility developments and the proposed Cudgegong CEC is the latest version of the recently refined design that is being applied all over NSW. Cudgegong CEC will be the RFS's centre for the storage and display of NSW RFS historical artefacts and memorabilia. The facility will be run by volunteers who have an interest in RFS History. The concept for the building is the fitout of a building typically constructed as an eight-bay mitigation shed.

The FCC is based on a RFS Standard Type C facility. The centre will provide day to day office accommodation for the Cudgegong District Command and be activated as the district FCC to manage bush fire incidents.

The Mitigation Shed is used as vehicle and equipment storage for the Cudgegong District, an Ablutions building will be provided to meet the needs of FCC and Mitigation Shed staff.

### 4.2. Description of the Proposed Development

The concept design of the proposed facility is described as follows. Locality and site plans are illustrated in Figure 3-1 to Figure 3-3, with all plans provided in Appendix A. The proposal will involve construction of a new facility that includes the following features:

- Building A – Community Education Centre (Heritage Museum Shed), including:
  - Office and meeting room (1);
  - Reception;
  - Truck parking bays (8);
  - Store room (1);
  - Kitchenette; and
  - Male and Female toilets including one accessible;
- Building B – RFS Mitigation Shed (8 bay shed);
- Building C – RFS Fire Control Centre, including:
  - Training rooms (2);
  - Planning and logistics room (1);
  - Operations room (1);
  - Undercover area;
  - Manager zone;
  - General office and reception Store rooms (3);
  - Meeting rooms (2);
  - IT room (1);

- Quiet Room (1);
- Kitchen;
- Male and Female toilets including one accessible; and
- Communication tower (13m high).
- Building D – Ablutions Shed Building;
- Carpark area; and

Entry and exit points will be located off Goodger Place.

The design of the building and the specification for its construction will be required to satisfy the requirements of Section 22 of the *Work Health and Safety Act 2011* and the relevant parts of the National Construction Code (including the Building Code of Australia). All the levels within the building comply with *AS1428.1-2009 Design for Access and Mobility*, as do the ground levels from the car parking spaces to the door of the new buildings.

All vehicles will enter and depart from the site via Goodger Place. A total of 45 parking spaces, including 2 disabled parking spaces, will be provided to allow parking for operational staff and visitors.

The proposal includes signage, which consists of RFS identification above the roller doors (up to 10m<sup>2</sup> in surface area) and wayfinding and parking signage at the entrance and within the carpark area, which will be less than 3.5 m<sup>2</sup> in area.

The proposal will include external night-lights, which would be designed to avoid the “spill effect”.

#### **4.3. Operation of the Facility**

##### **Community Education Centre (Heritage Shed)**

The CEC will be staffed by 3 volunteers and will be open to the public. The CEC will have the capacity to accommodate 30 people.

Visitation to the CEC is expected to take place throughout the day, and therefore congestion at certain times is not anticipated to occur. Visitors to the centre may also be able to tour the FCC and the Mitigation Shed when they are constructed.

##### **Fire Control Centre and Mitigation Shed**

It is anticipated that the FCC and Mitigation Shed will be staffed by 12 full time staff and may have up to 15 visitors at any one time. Visitors with motor vehicles will be allowed to park onsite.

The Mitigation Shed will be primarily used for the storage of RFS Fire Fighting vehicles, equipment and materials (e.g. uniforms, consumables etc). The shed will also be used as a workshop for maintenance and repair of equipment. The amenities, offices and spaces within the shed will be used as training areas for volunteers and muster areas during operations.

Staff at the FCC will typically be working during normal business hours (9am to 5pm) Monday to Friday. In case that the FCC is activated to manage bush fire incidents, there will be 50 staff members working on site, in addition to fire fighting vehicles and appliances movements, and in that situation the CEC will not be operational.

#### **4.4. Sewer and Water Services**

Water supply, sewerage and power supply will enter the site from Goodger Place. It is anticipated that the demand for water supply and sewage services will be minor and in proportion to the projected staffing levels.

Stormwater management including any requirements for the onsite capture and storage of rainwater will be incorporated in the design brief as required by the DA approval conditions.

The design of the proposed facility will need to include consideration of how water is managed and provided at the site (e.g. Inline onsite pressure systems) as the site may experience low water pressure being located at the edge of the reticulation network.

High steel water tanks will be utilised to store water on site (e.g. 2x 5.5m diameter, 2.5m). The storing of "bulk" water on the site will enable RFS to meet the needs of firefighting appliances and equipment to be filled at the site. Water can be either potable or non- potable such as stormwater. The volume of water stored is of the order of 100kL.

The capture and reuse of stormwater for operations and fire hydrants may be undertaken. Where stormwater runoff is insufficient tanks will be automatically topped up with town water. Excess stormwater will be discharged to the environment.

#### **4.5. Waste Management**

During construction, the bulk of waste generated by construction of the proposed development will include any excavated soils and/or fill material which are not suitable to remain on site, as well as excess building materials and miscellaneous waste associated with packaging and transport of plant and equipment, and various other manufactured items forming part of the proposed development.

Any excess spoil and unsuitable excavated materials will be classified and transported offsite for disposal to a licensed landfill. Other construction waste will be placed directly into a waste receptacle before being taken off site for recycling (where practicable) or disposal in accordance with the POEO Act and the POEO Reg. The building contractor will be required to prepare a Waste Management Plan.

Waste generated during the operation of the RFS facility will predominantly comprise domestic, office and building wastes.

#### **4.6. Construction Activities**

The proposed development is likely to include the following general activities by the contractor(s):

- Preparation of a Construction Environmental Management Plan (CEMP). The CEMP will incorporate any conditions of consent and any other licence/approval conditions. The CEMP will incorporate an emergency response plan in case of a pollution incident, complaints handling procedure and a 24-hour telephone contact number. The CEMP will also incorporate a Waste Management Plan and Erosion and Sediment Control Plan.
- Establishment of site preliminaries such as entry/exit points (including construction of driveway), erosion and sediment controls, stormwater management controls, temporary protection fencing, etc;

- Loading/unloading, transportation and placement of construction equipment and building materials;
- Construction of the new heritage museum, mitigation shed, fire control centre, access road and carpark area;
- Completion of minor external/internal fittings including furniture transportation and installation;
- Make good/repair any damage caused to Council assets during the construction process; and
- Clean-up site and remove all materials and equipment from the site and make good. Clean site and any facilities used during the construction process.

#### **4.6.1. Construction Management**

The successful contractor will construct a compound within the site. Parking for construction personnel will be available on site.

The successful contractor(s) will implement the work procedures and mitigation control measures outlined in the Construction Environmental Management Plan (CEMP).

#### **4.6.2. Construction Equipment**

Construction equipment will include the following or similar equipment as required:

- Light commercial and passenger vehicles;
- Excavator;
- Crane, low loader transporters and delivery/material transport vehicles (construction and waste materials);
- Concrete agitator trucks, bob cat, back hoe, trenching machines and auger; and
- Chain saws, jackhammers and pneumatic hand tools.

#### **4.6.3. Hours of Construction**

Hours of construction will be as follows:

- Monday to Friday: 7.30am to 6.00pm.
- Saturdays: 7.30am to 1.00pm.
- Sundays and Public Holidays: No work allowed unless special permission granted.

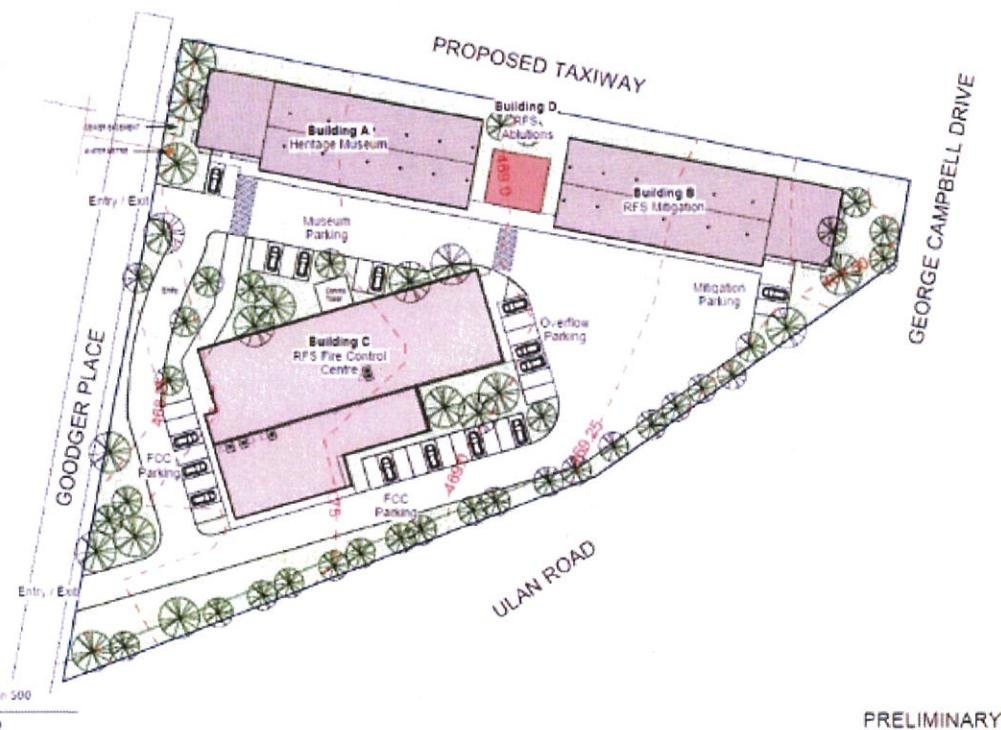
The CEC, Mitigation Shed and basic site works will be undertaken in Stage 1, and will be completed within at least 30 weeks of commencing. The construction of the FCC will be undertaken in Stage 2 and will be completed within at least 30 weeks of commencing.

### **4.7. Ecologically Sustainable Development Principle**

The encouragement of ecologically sustainable development (ESD) is one of the objects of the EP&A Act. The proposed development is considered to be consistent with these principles. Environmental safeguards have been proposed to be implemented during construction works to prevent long term and irreversible environmental degradation in accordance with the precautionary principle and inter-generational equity. The proposed development will have minimal impact on biological

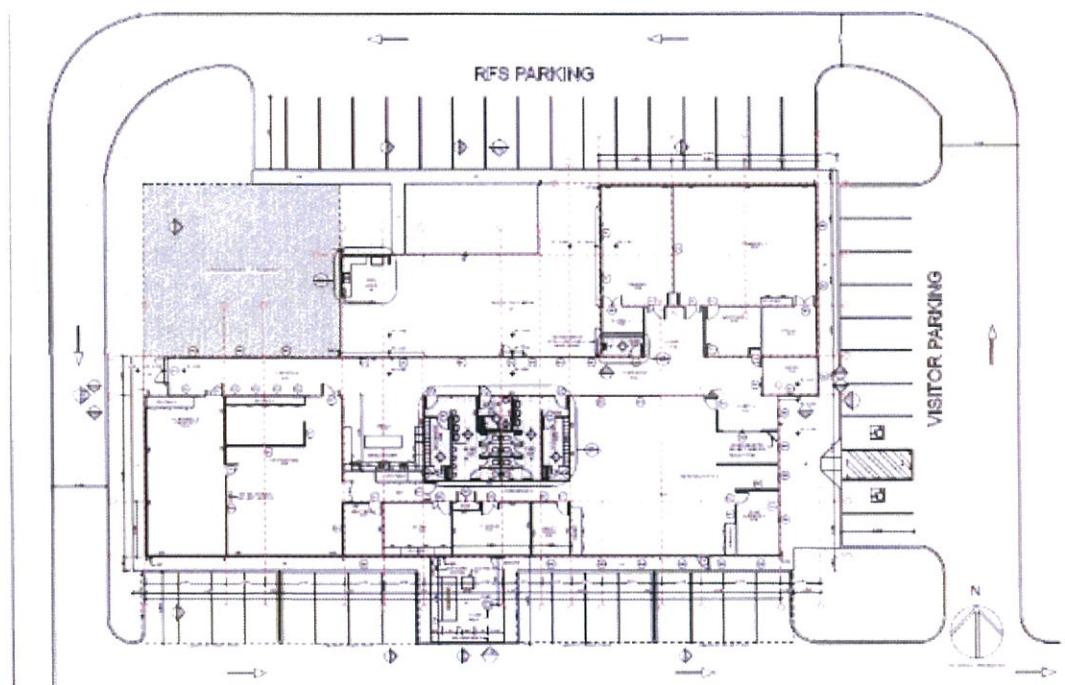
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diversity and ecological integrity, given the previous disturbance of the site. The final detailed design will comply with the applicable sections of Section J of the BCA for energy efficiency and will include incorporation of the rainwater tanks.



**Figure 4-1 Site Plan of the RFS facility**

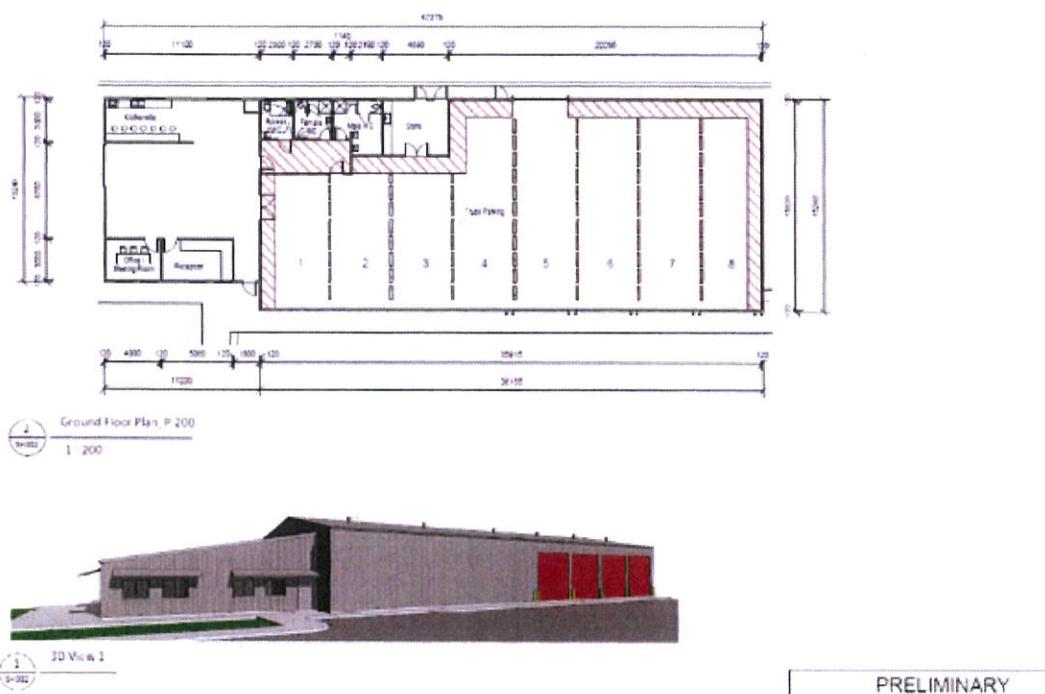
Source: RFS, Cameron Anderson Architects, 2018



**Figure 4-2: Fire control centre plan**

Source: RFS 2017

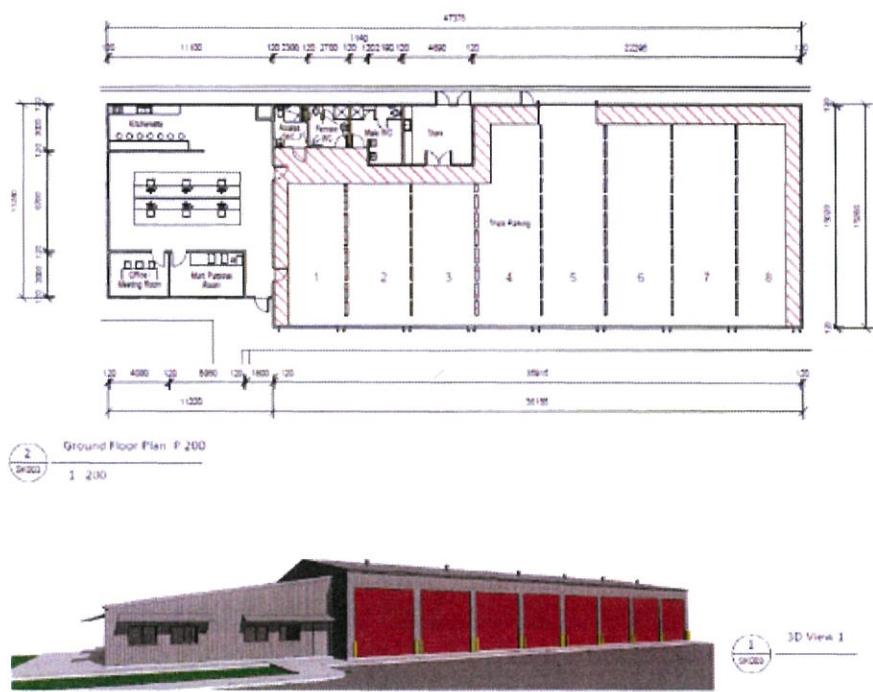
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**Figure 4-3: Community Education Centre Plan and 3D view**

Source: RFS, 2017

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**Figure 4-4: Mitigation Shed Plan**

Source: RFS, 2018

## 5. Statutory Framework and Development Controls

### 5.1. Consultation

A pre-DA meeting was held at Mid-Western Regional Council, where Council was represented by Josh Baker on 20 April 2017. The proposed development was discussed together with the information requirements to submit with the development application. Council's design and planning requirements, most notably in relation to parking and obstacle surface limitation matters, were taken into consideration in this SEE.

### 5.2. Legislation

The following Acts are relevant to the Proposal.

#### 5.2.1. Environmental Planning and Assessment Act 1979 (NSW)

As the proposed works will require development consent, Mid-Western Regional Council will be the consent authority and the proposal will be assessed as Crown development under Division 4, Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Section 4.15 of the EP&A Act requires that the consent authority take into account the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

This SEE has been prepared to meet the requirements of Section 4.15 of the Act noted below, which require a consent authority "to take into consideration such of the following matters as are of relevance to the development the subject of the development application":

(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 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*
- (iiiia) *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),*

*that apply to the land to which the development application relates,*

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*

(e) *the public interest.*

As a result of the assessment it is concluded that development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

***Crown Statutory Provisions***

The proposal is considered to be a Crown Development, as it is being undertaken by a government department (public authority). The following statutory provisions are relevant to Crown Development:

- Section 4.33 of the EP&A Act states that a consent authority (other than the Minister) must not refuse its consent to a Crown development application, except with the approval of the Minister, or impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.
- Pursuant to Section 6.28 (2) of the EP&A Act, the Crown is self-certifying and therefore a Construction Certificate will not be obtained and a Principal Certifying Authority will not be appointed for the development. The development would be certified in accordance with Section 6.28 (2).
- Pursuant to Section 69 of the EP&A Act, an Occupation Certificate is not required for the occupation or use of a new building that has been erected by or on behalf of the Crown.
- Section 69 of the *Local Government Act 1993* states that Section 68 does not require the Crown to obtain the approval of a council to do anything that is incidental to the erection or demolition of a building.
- Section 7.11 of the EP&A Act relates to contributions towards provision or improvement of amenities or services. The Department of Planning Circular D6 provides a guide on the justifiable categories of (formerly) section 94 contributions towards off-site works for Crown developments. It should be noted that the Circular stipulates that where councils intend to levy contributions on Crown developments, they must be justified in a Section 7.11 contributions plan.
- Section 7.12 of the EP&A Act relates to fixed development consent levies. In accordance with Circular D6, the levying of contributions from Crown developments requires a clear nexus between the developments and the works for which they are collected. As Section 7.12 plans collect indirect contributions, they are not applicable to Crown developments, such as the subject application.

**5.2.2. Environmental Planning and Assessment Regulation 2000 (NSW)**

Section 92 of the *Environmental Planning and Assessment Regulation 2000* prescribes a number of matters that must be taken into consideration by a consent authority in determining a development application, for the purposes of Section 4.15 of the EP&A Act. A review of these matters indicates that none are relevant to the proposed development.

**5.2.3. Biodiversity Conservation Act 2016 (NSW)**

The *Biodiversity Conservation Act 2016* has repealed the *Threatened Species Conservation Act 1995*, the *Nature Conservation Trust Act 2001* and the animal and plant provisions of the *National Parks and Wildlife Act 1974*.

The Act specifies the requirements for biodiversity assessment for development applications under Part 4, environmental assessment of an activity under Part 5, or approval of State significant infrastructure under Part 5.1, of the *Environmental Planning and Assessment Act 1979*. For Part 4 assessment, the proponent of a development that is likely to significantly affect threatened species will have the option of providing a biodiversity development assessment report or a Species Impact Statement.

No vegetation removal is required for the proposed development, as the proposed RFS facility will be located in an established cleared rural area. The site is dominated by grassland with few landscaping trees planted on the western boundary of the site. Accordingly, no threatened species, populations or endangered ecological communities are anticipated to occur on the site.

#### **5.2.4. Crown Lands Act 1989 (NSW)**

The *Crown Lands Act 1989* sets out how Crown land is to be managed in NSW. The Act is administered by Crown Lands Division within the Department of Industry – Lands & Water (Dol – Lands & Water). The site is Crown Reserve (R85737) that is reserved for aviation and racecourse.

Under s155 of the Act it is an offence to erect a structure, clear or dig up public land without a lawful authority. The project within Crown land will require authorisation by a lease, licence or other permit to allow the use of Public Land (section 45 of the Act). Council is the Crown Reserve Trust Manager and as the Reserve Trust Manager Council can licence or lease the site to RFS.

#### **5.2.5. Crown Land Management Act 2016 (NSW)**

The *Crown Lands Management Act 2016* was passed in November 2016 but has not yet commenced. It is anticipated that the majority of this new legislation will commence in 2018. Upon coming into force, this Act will consolidate eight pieces of legislation into one, including the *Crown Lands Act 1989*. The aim of the new legislation is to reduce complexity and duplication with regard to management of Crown lands.

Section 9.2 of the Act relates to the unauthorised use of Crown land, and states that it is an offence to erect a structure, clear or dig up Crown land without a lawful authority. This Act will not impose any requirements for additional approvals when it commences, as compared to existing requirements under the *Crown Lands Act 1989* (detailed above).

#### **5.2.6. National Parks and Wildlife Act 1974 (NSW)**

The *National Parks and Wildlife Act 1974* (NPW Act) provides for the statutory protection of Aboriginal cultural heritage places, objects and features. One of the objects of the NPW Act is the conservation of places, objects and features of significance to Aboriginal people (Section 2A).

Aboriginal Objects and Aboriginal Places are protected under Part 6 of the NPW Act and there are legislative penalties if a person harms or desecrates an Aboriginal Place or Object (s. 86). Harm to an Aboriginal Place or Object includes any act or omission that destroys, defaces or damages the object or place, or, in relation to an Aboriginal object, moves the object from the land on which it had been situated. It is a defence against prosecution for unintentionally harming Aboriginal Objects if due diligence had

been exercised to determine that no Aboriginal object will be harmed, or the harm or desecration was authorised by an Aboriginal Heritage Impact Permit (AHIP).

A search of OEH's Aboriginal Heritage Information Management System (AHIMS) indicated that no Aboriginal places or sites have been declared or recorded at the proposal site. The site has been largely cleared, disturbed and used for agricultural purposes in the past. Therefore, it is considered that the potential for Aboriginal objects to be present is low and the proposal can proceed with caution without an AHIP.

#### **5.2.7. Native Titles Act 1993 (Commonwealth)**

The *Native Title Act 1993* sets up processes to determine where native title exists, how future activity impacting upon native title may be undertaken, and to provide compensation where native title is impaired or extinguished. The Act gives Indigenous Australians who hold native title rights and interests or who have made a native title claim, the right to be consulted and, in some cases, to participate in decisions about activities proposed to be undertaken on the land.

A search of the National Native Title Register found one unopposed application within the Mid-Western Regional LGA (Mudgee Local Aboriginal Land Council – NND2013/003). However, this application does not apply to the proposed development site but to a site in Munna, which is located approximately 6 km to the west of the proposed RFS facility site.

#### **5.2.8. Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)**

A number of Matters of National Environmental Significance are protected under the *Environment Protection and Biodiversity Conservation Act 1999*.

A search of the database for Matters of National Environmental Significance records 3 threatened ecological communities, 31 threatened species, 11 migratory bird species and 4 wetlands of international importance occur in the locality (Appendix C). However, the site is disturbed and consists of grass groundcover. No vegetation removal is required for the proposed development. No Matters of National Environmental Significance are anticipated to be dependent on the site and therefore no referral to the Federal Minister for the Environment and Energy is required.

#### **5.2.9. Airports Act 1994 (Commonwealth)**

Part 12 of the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996* establish a framework for the protection of airspace at and around airports.

The *Airports Act 1996* defines any activity resulting in an intrusion into an airport's protected airspace to be a "controlled activity", and requires that controlled activities cannot be carried out without approval. The Regulations provide for the Department or the airport operator to approve applications to carry out controlled activities, and to impose conditions on an approval.

The proposal includes a 13-metre communication tower that is located more than 500 metres south-east of the runway. The take-off and approach to the runway is from an east/west direction. The proposed 13 metre telecommunication tower is located more than 250 metres south-east of the (04/22) runway. The take-off and approach to the runway is from an east/west direction. It is understood the proposed tower is below the 55-metre observation limitation surface (OLS), as per the Mudgee Airport OLS map.

### 5.3. Environmental Planning Instruments

The following environmental planning instruments are relevant to the Proposal.

#### 5.3.1. State Environmental Planning Policy – (Infrastructure) 2007 (ISEPP)

State Environmental Planning Policy (SEPP) (Infrastructure) 2007 aims to assist in the effective delivery of public infrastructure by improving certainty and regulatory efficiency. It provides a clear definition of environmental assessment and approval process for public infrastructure and services facilities.

##### Development Permitted with Consent – Emergency Services Facility

In accordance with Cause 47(2), development for the purpose of an emergency services facility may be carried out with consent in a prescribed zone by or on behalf of the NSW Rural Fire Service.

Prescribed zones are defined in Clause 46 as any of the following land use zones or a land use zone that is equivalent to any of those zones:

- (a) RU1 Primary Production,
- (b) RU2 Rural Landscape,
- (c) RU3 Water,
- (d) RU4 Primary Production Small Lots,
- (e) RU5 Village,
- (e1) B1 Neighbourhood Centre,
- (f) B2 Local Centre,
- (g) B3 Commercial Core,
- (h) B4 Mixed Use,
- (i) B5 Business Development,
- (j) B6 Enterprise Corridor,
- (k) B7 Business Park,
- (k1) B8 Metropolitan Centre,
- (l) IN1 General Industrial,
- (l1) IN2 Light Industrial,
- (m) IN3 Heavy Industrial,
- (n) IN4 Working Waterfront,
- (o) SP1 Special Activities,
- (p) SP2 Infrastructure

The site is zoned RU4 -Primary Production and SP2 - Air Transport Facilities, which are prescribed zones under Clause 46, and therefore the development is permissible with consent under SEPP (Infrastructure) 2007. MWRC Council is the consent authority for the development.