



# CURRAJONG

PLANNING, PROPERTY + PROJECT MANAGEMENT

## DOCUMENT TITLE

Statement of Environmental Effects

## CLIENT

Cumnock and District Progress Association

## PROJECT

Temporary use of land (community event) on Lot 3 DP 1100326, Lot 1 DP 358065, Lot 1 DP 952047, Lots 7 and 8 Section 1 DP 5907, Lot 12 DP 602799, Lot 3A DP403155 and Lots 4 and 5 Section 1 DP 5907, 46 Obley Street, Cumnock

## REVISION

A

# DOCUMENT CONTROL

## PROJECT REPORT DETAILS

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Project Reference	APC250413

## DOCUMENT STATUS

Revision	A
Status	Final
Date	20/04/2025

Authorised for Issue



## DISTRIBUTION RECORD

Recipient	Distribution Method	Date
Client	Email	20/05/2025
Cabonne Council	NSW Planning Portal	21/05/2025

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# 01. INTRODUCTION

## 1.1. Project Overview

This Statement of Environmental Effects (SEE) has been prepared by Currajong Pty Ltd (Currajong) on behalf of the Cumnock and District Progress Association to support a Development Application (DA) and Section 68 Approval for the temporary use of land for a community event at Cumnock Sports Oval, comprising Lot 3 DP 1100326, Lot 1 DP 358065, Lot 1 DP 952047, Lots 7 and 8 Section 1 DP 5907, Lot 12 DP 602799, Lot 3A DP403155 and Lots 4 and 5 Section 1 DP 5907, 46 Obley Street, Cumnock.

The Cumnock and District Progress Association hold four (4) temporary community events per year that include entertainment, amusements / activities and market stalls. These community events are important for the local economy and increase visitations into the area. The money raised by the Cumnock and District Progress Association supports local projects and charitable causes in the area.

Development consent is sought for the temporary use of Cumnock Sports Oval located at 46 Obley Street, Cumnock for four (4) x community events per year for the next five (5) years. The events will be held from 9.00am to 4.00pm, with approximately 500 people attending each event.

The proposal includes two sub-areas for the holding of the community event, being the main sports oval as the preferred event area and the hardstand area in and around the bowling club carpark, green and boundary of the tennis courts to provide a wet weather contingency option.

This SEE aims to provide all relevant information to Cabonne Council for the proper assessment of the proposed development.

## 1.2. Approvals Required

The proposal requires development consent under Part 4 of the Environmental Planning and Assessment Act (EP&A Act) 1979. The proposal is local development, as it does not trigger any of the provisions listed below:

- The proposal is not 'designated development' pursuant to Part 1 of Schedule 3 of the EP&A Regulation 2021 and an Environmental Impact Statement is not required.
- The proposal does not trigger 'State significant development' or 'regionally significant development' because it is not designated development and is general development less than \$30 million, pursuant to State Environmental Planning Policy (Planning Systems) 2021.
- The proposal does not trigger 'integrated development' because it does not require any other approval listed under Section 4.46 of the EP&A Act 1979.
- The proposal does not trigger the Biodiversity Offsets Scheme threshold, because it does not involve the removal of native vegetation under the Biodiversity Conservation Act 2016.

A DA is to be lodged with Cabonne Council via the NSW Planning Portal along with an SEE (this report) and various plans in support of the proposal.

### 1.3. Application Details

The key details of the application are presented in Table 1.

**Table 1 - Application Details**

Detail	Description
Applicant	Cumnock and District Progress Association
Landowner	Cabonne Council
Proposed Site	Lot 3 DP 1100326, Lot 1 DP 358065, Lot 1 DP 952047, Lots 7 and 8 Section 1 DP 5907, Lot 12 DP 602799, Lot 3A DP403155 and Lots 4 and 5 Section 1 DP 5907, 46 Obley Street, Cumnock
Proposal	Temporary Use of Land (Community Events)
Zoning	REI Public Recreation and RU5 Village
Consent Authority	Cabonne Council

### 1.4. Format of this Report

The information presented in this SEE covers all aspects of the proposal as specified under the EP&A Regulation 2021. The SEE has been prepared as a single document as described in Table 2.

**Table 2 - Report Format**

Detail	Description
Section 1	Introduces the proposal and the main project drivers
Section 2	Describes the main features of the site and surrounds
Section 3	Provides a description of the proposal
Section 4	Reviews the proposal against the relevant legislative requirements
Section 5	Assesses the potential environmental impacts of the proposal and documents the mitigation and management strategies proposed to minimise impacts
Section 6	Reviews the proposal against the environmental, economic and social considerations
Section 7	Provides the conclusion for the SEE

### 1.5. Schedule of Plans and Drawings

The information presented in this SEE is supported by a number of plans and reports which are included as separate attachments to the SEE. A brief description of these documents is presented in Table 3.

**Table 3 - Schedule of Plans and Drawings**

Ref	Prepared by	Description	Date
Rev A	Currajong	Statement of Environmental Effects	20 May 2025
Rev A	Currajong	Site Plans	10 April 2025
Rev A	Currajong	Site Plan – Wet Weather Option	10/04/2025



## 02. DESCRIPTION OF THE SITE

### 2.1. Site Description

The land, the subject of the DA, is formally described as Lot 3 DP 1100326, Lot 1 DP 358065, Lot 1 DP 952047, Lots 7 and 8 Section 1 DP 5907, Lot 12 DP 602799, Lot 3A DP403155 and Lots 4 and 5 Section 1 DP 5907, 46 Obley Street, Cumnock. Key features of the sites are as follows:

- The site is known as Cumnock Sports Oval and Cumnock Bowling Club.
- The site is used for recreational and community purposes.
- The site contains bowling club and greens, sports oval, tennis courts, picnic tables with covered shelters, amenities, community building and walking paths linking the site to the adjoining recreational land.
- The site has frontage to McLaughlan Street on its southern boundary. Vehicle access to the site is from McLaughlan Street via an existing gravel road. Pedestrian access to the site can be accessed via Obley Street or McLaughlan Street to the adjoining recreational area on its eastern boundary.
- Ironbark Gully is located on the eastern boundary of the site.
- The site is connected to reticulated sewer, water electricity and NBN telecommunication services.
- The site is generally cleared of native vegetation, except for established native and deciduous trees located along the boundary of the sports oval and scattered throughout the site.

Figure 1 show the location of the site in relation to the immediate and wider locality.

**Figure 1 - Aerial Map - 46 Obley Street, Cumnock**

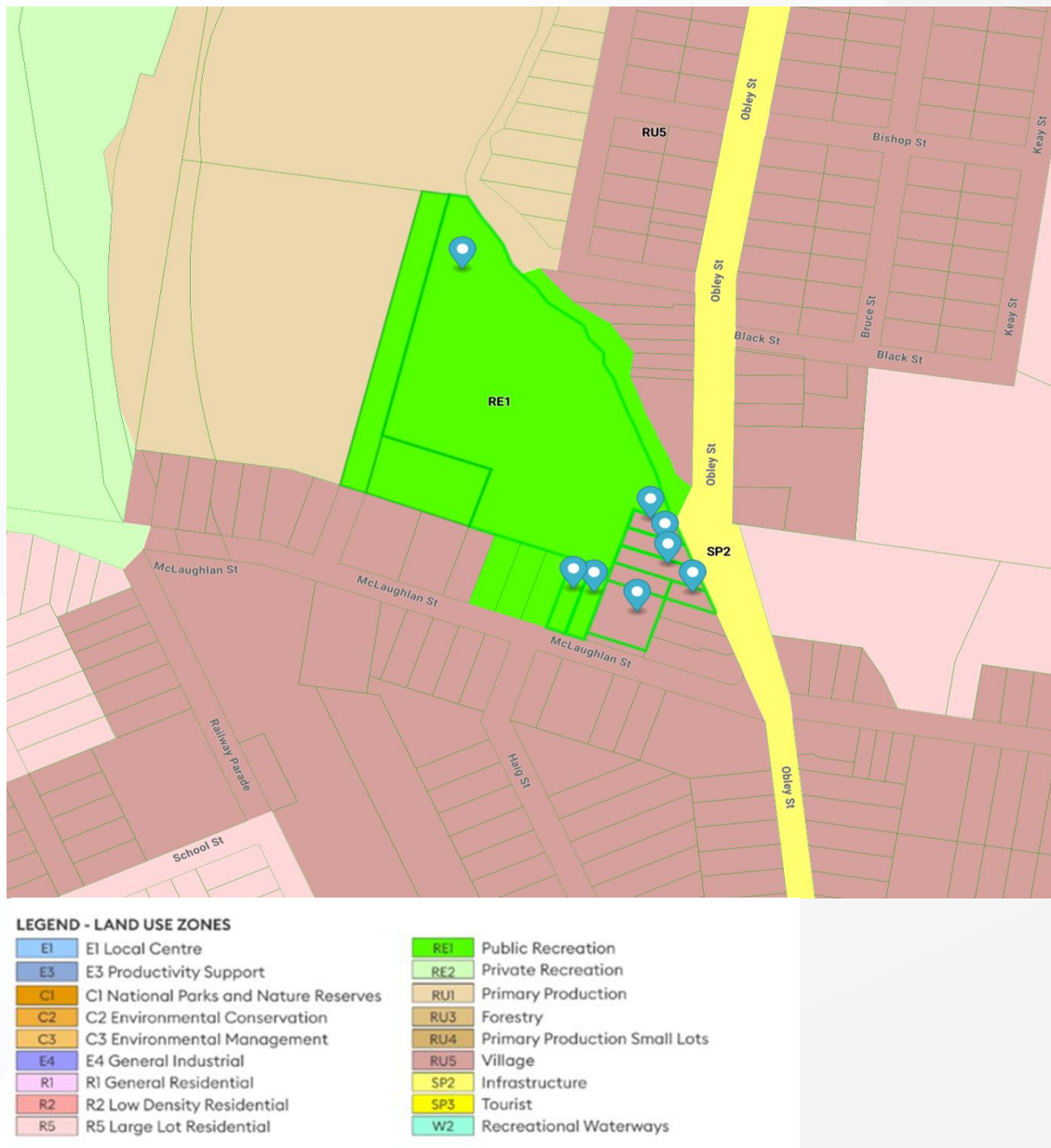


## 2.2. Land Zoning

The site is zoned RE1 Private Recreation and RU5 Village under the Cabonne Local Environmental Plan (LEP) 2012, which permits temporary use of land for a community event with consent. Clause 2.8 of the Cabonne LEP 2012 provides additional criteria to assist with the assessment and determination of temporary uses.

Figure 2 shows the zoning framework on and around the subject site.

**Figure 2 - Zoning Map - 46 Obley Street, Cumnock**



## 2.3. Surrounding Land-use

This site is surrounded by residential land uses to the north and south. The Cumnock Crossroads Park is located to the east of the site and the Cumnock Swimming Pool is located to the west of the site.



## 03. DESCRIPTION OF THE PROPOSAL

### 3.1. Objectives of the Project

The objective of the project is to obtain approval from Cabonne Council for the temporary use of land for 4 x community events per year for the next 5 years.

### 3.2. The Proposal

A breakdown of the proposed temporary use is as follows:

#### Temporary Use

The DA is seeking development consent for the temporary use of Lot 3 DP 1100326, Lot 1 DP 358065, Lot 1 DP 952047, Lots 7 and 8 Section 1 DP 5907, Lot 12 DP 602799, Lot 3A DP403155 and Lots 4 and 5 Section 1 DP 5907, 46 Obley Street, Cumnock for 4 x community events per year for a period of 5 years.

#### Temporary Amusement Devices

The proposal involves the installation and operation of up to 10 amusement devices. Operators are required to apply to the Cumnock and District Progress Association for approval of each device proposed to be installed. Application Forms will be required to indicate the type of device / structure proposed and whether power and / or water is required. Operators will be allowed to set-up from 8.00am onwards on the day of the event and generally vacate the site by 5.00pm on the same day. Operators are required to comply with the terms and conditions of the application form prepared by the Cumnock and District Progress Association. This includes complying with the Work Health and Safety Regulation 2017 and any Cabonne Council requirements. The location of temporary amusement devices is shown on the submitted Site Plan, prepared by Currajong.

#### Market Stalls

The proposal involves the installation and operation of up to 62 stalls selling local produce and food, including homegrown fruit and vegetables, handmade products and new or second-hand items. Market stall holders are required to apply to the Cumnock and District Progress Association for approval of their stall. Application Forms must indicate the type of stall / structure proposed (e.g. marquee tent or food van) and whether power and / or water is required. Market stall holders will be allowed to set-up from 8.00am on the day of the event and generally vacate the site by 5.00pm on the same day. Market stall holders are required to comply with the terms and conditions of the application form prepared by the Cumnock and District Progress Association. This includes outlets serving food / beverages needing to comply with the NSW Food and Authority Guidelines and any Cabonne Council requirements. The location of temporary stage and market stalls are shown on the submitted Site Plan, prepared by Currajong.

#### Wet Weather Option

A wet weather option is proposed on Lot 7 and 8 Section 1 DP 5907, Lot 12 DP 602799, Lot 3A DP403155 and Lot 4 and 5 Section 1 DP 5907, 46 Obley Street, Cumnock. The temporary amusement devices, stage and market stalls will be located on the Cumnock bowling club carpark, green and boundary of the tennis courts as shown on the submitted Site Plan, prepared by Currajong.

#### Utilities, Services and Security

The site contains existing toilet facilities and waste bins, which are managed by Cabonne Council. During the community events a representative of the Cumnock and District Progress Association will be available on-site to manage the operations of the event.

#### Access and Parking

It is proposed to use existing public parking areas provided at the Cumnock Sports Oval as well as on-street parking in McLaughlan Street and Obley Street or McLaughlan Street.

## 04. PLANNING AND LEGISLATIVE CONTEXT

The following section of the report describes the applicable local planning policies, State and Federal legislation and guidelines. The applicable documents are summarised in this section, followed by a statement outlining how the development will address and / or comply with the legislation or policy.

### 4.1. Commonwealth Legislation

Section 4.1 describes the applicable Federal legislation and guidelines followed by a statement outlining how the development will address and / or comply with the legislation or policy.

#### 4.1.1. Environment Protection and Biodiversity Conservation Act 1999

Under the Federal Environment Protection and Biodiversity Conservation (EPBC) Act 1999, referral is required to the Australian Government for proposed actions that have the potential to significantly impact on Matters of National Environmental Significance (MNES) or the environment of Commonwealth land. The EPBC Act 1999 identifies the following as MNES for which Ministerial approval is required:

- World heritage properties.
- Wetlands of international significance.
- Listed threatened species and communities.
- Listed migratory species protected under international agreements.
- National Heritage Places.
- Protection of the environment from nuclear actions.
- Commonwealth Marine environments.

Assessment of the proposal confirms there is unlikely to be a significant impact on relevant MNES or on Commonwealth land. The proposal does not warrant referral under the EPBC Act 1999.

### 4.2. New South Wales Legislation

Section 4.2 describes the applicable State legislation and guidelines followed by a statement outlining how the development will address and / or comply with the legislation or policy.

#### 4.2.1. Environmental Planning and Assessment Act 1979

The EP&A Act 1979 forms the legal and policy platform for development assessment and approvals process in NSW. The objectives of the Act are:

- To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources.
- To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment.
- To promote the orderly and economic use and development of land.
- To promote the delivery and maintenance of affordable housing.
- To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.
- To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage).

- To promote good design and amenity of the built environment.
- To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.
- To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State.
- To provide increased opportunity for community participation in environmental planning and assessment.

Under the EP&A Act 1979, environmental planning instruments are made to specify planning controls for specific parcels of land and / or land-use. Applicable environmental planning instruments are discussed in later parts of this SEE. In general, development consent is required for the proposed temporary use of the land pursuant to the requirements of Cabonne LEP 2012.

#### 4.2.2. Local Government Act 1993

Section 68, Part D of the Local Government (LG) Act 1993 specifies that approval is required for a number of activities carried out on community land, including:

- Engage in a trade or business.
- Direct or procure a theatrical, musical or other entertainment for the public.
- Construct a temporary enclosure for the purpose of entertainment.
- For fee or reward, play a musical instrument or sing.
- Set up, operate or use a loudspeaker or sound amplifying device.
- Deliver a public address or hold a religious service or public meeting.

Under Section 68, Part D – Community Land, the proposed development seeks the following approvals:

- Engage in a trade or business. The proposed development seeks approval for 62 market stalls that will engage in trade or business and includes food and beverages, local produce, homegrown fruit and vegetables, handmade products and new or second-hand items.
- Direct or procure a theatrical, musical or other entertainment for the public. The proposed development seeks approval for 10 amusement devices that will provide entertainment for the public.
- Set up, operate or use a loudspeaker or sound amplifying device. The proposed development seeks approval for set up and operation/use of a loudspeaker and the amplifying of live music.

#### 4.2.3. National Parks and Wildlife Act 1974

The National Parks and Wildlife (NPW) Act 1974 is administered by the Office of Environment and Heritage and provides the basis for the legal protection of flora and fauna in NSW.

Unless a licence is obtained under the NPW Act 1974 (or the Threatened Species Conservation Act 1995), it is an offence to harm any animal that is protected or is a threatened species, population or ecological community. It is also an offence to pick any plant that is protected or is a threatened species, population or ecological community. In addition, a person must not, by act or omission, damage any critical habitat.

The NPW Act 1974 also provides the basis for the legal protection and management of Aboriginal sites within NSW. Sections 86, 90 and 91 of the NPW Act 1974 provide statutory protection for any physical / material evidence of Aboriginal occupation of NSW and places of cultural significance to the Aboriginal community.

The sites comprise 'disturbed land', as defined under The NPW Regulation 2019. A search of the Aboriginal Heritage Information Management System (AHIMS) has been completed and there are no Aboriginal Sites or Places identified to be located within close proximity of the sites. No heritage issues / impacts have been identified and approvals under the Heritage Act 1977 or NPW Act 1974 are not required to be obtained for the proposal.

#### 4.2.4. Biodiversity Conservation Act 2016

The Biodiversity Conservation (BC) Act 2016 provides the framework for the management of flora and fauna on lands within NSW. Under the BC Act 2016 the principles of ecologically sustainable development are used to achieve the conservation and protection of biodiversity values. Clause 7.2 of the BC Act 2016 identifies the following circumstances where a development is likely to significantly affect threatened species:

- It is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3.
- The development exceeds the biodiversity offsets scheme threshold if the biodiversity offset scheme applies to the impacts of the development on biodiversity values.
- It is carried out in a declared area of outstanding biodiversity value.

Inspection of the sites and surrounds confirms a general absence of native flora and fauna species in the immediate vicinity of the site. There are no woodlands, water bodies, wetlands or cave systems in close proximity of the sites that would provide critical habitat for threatened species.

Section 7.3 of the BC Act 2016 specifies the assessment criteria to test impacts, as follows:

- In the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of these species such that a viable local population of the species is likely to be placed at risk of extinction.
- In the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:
- Is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or
  - Is likely to substantially and adversely modify the composition of the ecological community such that its occurrence is likely to be placed at risk of extinction.
  - In relation to the habitat of a threatened species or ecological community:
- The extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and
  - Whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and
  - The importance of the habitat to be removed, modified, fragmented, or isolated to the long-term survival of the species or ecological community in the locality.
  - Whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly).
- Whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

In conjunction with the BC Act 2016, the Biodiversity Assessment Method (BAM) is used as the model for undertaking biodiversity assessments on developments that require consent under the EP&A Act 1979. The BAM provides a classification and credit system to ensure that there is no net loss of biodiversity values across the State. In circumstances where the clearing of native vegetation is proposed, the BC Act 2016 makes provision for the retirement of biodiversity offsets (credit payments) under the Biodiversity Offset Scheme (BOS) as part of the determination of a DA for a proposal under the EP&A Act 1979. In this case no clearing of native vegetation is proposed.

Assessment of the impacts of the proposal on biodiversity values is undertaken in Section 5 of this SEE. Tests of significance completed for the site conclude the proposal is unlikely to cause significant impacts on any threatened species and does not trigger entry into the BOS. There is consequently no requirement for the proponent to offset biodiversity impacts associated with this proposal or to prepare a Biodiversity Assessment Report (BAR) or a Biodiversity Development Assessment Report (BDAR).

#### 4.2.5. Water Management Act 2000

The objective of the Water Management (WM) Act 2000 is the sustainable and integrated management of the State's water sources for the benefit of both present and future generations by applying the principles of ecologically sustainable development to protect, enhance and restore water sources and their associated ecosystems, ecological processes and biological diversity and their water quality. No specific approvals are required under the WM Act 2000, due to the temporary use of the land and no physical works being undertaken within 40m of the Ironbark Gully.

#### 4.2.6. Heritage Act 1977

The Heritage Act 1977 provides for the conservation of environmental heritage defined as places, buildings, works, relics, moveable objects, and precincts of State or local heritage significance which are at least 50 years old. The Heritage Act 1977 applies to non-Aboriginal relics only, as Aboriginal relics are protected under the NPW Act 1974. The subject site is not listed on the State Heritage Register and an approval from Heritage NSW is not required under the Heritage Act. No built heritage issues / impacts have been identified. No separate approvals are required under the Heritage Act 1977.

#### 4.2.7. Protection of the Environment Operations Act 1997

The Protection of the Environment Operations (POEO) 1997 regulates air, noise, land and water pollution. The proposal would not operate under an Environment Protection Licence (EPL) and Cabonne Council is the Appropriate Regulatory Authority (ARA) for general pollution control matters on the sites.

#### 4.2.8. Roads Act 1993

Under Section 138 of the Roads Act 1993 a person must not erect a structure or carry out a work in, on or over a public road, or dig up or disturb the surface of a public road, otherwise than with the consent of the appropriate road authority. The proposed temporary use of the land will be accessed from McLaughlan Street. No changes to public roads are proposed.

#### 4.2.9. Contaminated Land Management Act 1997

Cabonne Council is required to notify the EPA if contamination is discovered that presents a significant risk of harm. Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997 are available on the EPA website. Site inspection has not identified any current uses of the land, or evidence of historic uses of the land which give rise to concerns about potential land contamination.

#### 4.2.10. Rural Fires Act 1997

The Rural Fires (RF) Act 1997 requires approval of development on bushfire prone land as identified by a bushfire prone land map prepared under Section 146 of the EP&A Act 1979. According to the mapping prepared by the NSW Rural Fire Service, the subject land is not identified as being bushfire prone.

### 4.3. State Environmental Planning Policies (SEPP)

A high-level assessment of the applicability of each SEPP to the proposed development is included in Table 4, with further assessment work completed in Section 4.3.1 as necessary.

**Table 4 - SEPP Overview**

Name of SEPP	Specific Assessment Required?
SEPP (Exempt and Complying Development Codes) 2008	No. The proposed development is neither exempt or complying development and a DA is to be lodged
SEPP (Planning Systems) 2021	Yes. See Section 4.3.2
SEPP (Biodiversity and Conservation) 2021	Yes. See Section 4.3.2
SEPP (Sustainable Buildings) 2022	No
SEPP (Housing) 2021	No



SEPP (Industry and Employment) 2021	No
SEPP (Primary Production) 2021	No
SEPP (Precincts - Central River City) 2021	No
SEPP (Precincts - Eastern Harbour City) 2021	No
SEPP (Precincts - Western Parkland City) 2021	No
SEPP (Precincts - Regional) 2021	No
SEPP (Resilience and Hazards) 2021	Yes. See Section 4.3.2
SEPP (Resources and Energy) 2021	No
SEPP (Transport and Infrastructure) 2021	Yes. See Section 4.3.2

### 4.3.1. SEPP Assessment

#### SEPP (Planning Systems) 2021

The Planning Systems SEPP 2021 identifies significant development and infrastructure and confers functions on Regional Planning Panels to determine development applications. The proposal is not classified as 'State significant development' or 'regionally significant development' and will be assessed and determined by Cabonne Council as 'local development'.

#### SEPP Biodiversity and Conservation 2021

The site is majorly cleared of native vegetation. Tests of significance completed for the site conclude the proposal is unlikely to cause significant impacts to any threatened species and does not trigger entry into the BOS. There is no requirement for the proponent to offset biodiversity impacts associated with this proposal or to prepare a BAR or BDAR.

#### SEPP (Resilience and Hazards) 2021

Clause 4.6(1) of the Resilience and Hazards SEPP 2021 requires that a consent authority must not consent to the carrying out of any development on land unless:

- It has considered whether the land is contaminated, and
- 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, and
- 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.

Clause 4.6(4) requires a preliminary investigation to be carried out if the land concerned is:

- Within an investigation area.
- Land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being or is known to have been carried out.
- To the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital - land - in relation to which there is no knowledge as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge.

The following background information has been established in order to determine the level of assessment required in relation to the issue of potential land contamination at the subject land:

- The land is not declared to be a significantly contaminated site within the meaning of the Contaminated Land Management Act 1997.

- The land is not and has not been regulated by the EPA or other regulatory authority in relation to land contamination.
- There are no other features of the site that give rise to concern about potential land contamination.
- Site inspection did not reveal any physical evidence of contamination.

In the circumstances a Preliminary Site Investigation is not warranted.

#### **SEPP – Transport and Infrastructure 2021**

There are provisions contained within the Transport and Infrastructure SEPP 2021 which are triggers for the referral of the DA to certain authorities prior to a council being able to grant consent. With particular regard to the nature of the development proposed by this DA, the potential triggers for referral are summarised as follows:

##### Development Likely to affect an electricity transmission or distribution network

Clause 2.48 of the Transport and Infrastructure SEPP 2021 requires Council to give written notice to the electricity supply authority (and consider any response received within 21 days) when a DA involves:

- The penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower.
- Development carried out within or immediately adjacent to an easement for electricity purposes or substation, or within 5m of an exposed overhead electricity power line.
- Development involving the installation of a swimming pool within 30m of a structure supporting an overhead transmission line, or within 5m of an overhead electricity power line.
- Development involving or requiring the placement of power lines underground.

A review of the plans prepared in support of the DA do not identify any triggers for referral of the application to Essential Energy.

##### Development in or adjacent to road corridors and road reservations

Clause 2.122 of the Transport and Infrastructure SEPP 2021 requires Council to give written notice to Transport for NSW (and consider any response received within 21 days) when a DA involves traffic generating development of a kind specified in Column 1 of Schedule 3 of the SEPP.

The nature and scale of the proposed development does not trigger referral of the DA to Transport for NSW.

## **4.4. Local Environmental Plans**

### **4.4.1. Cabonne Local Environmental Plan 2012**

The Cabonne LEP 2012 applies to the land. The site is zoned RE1 Public Recreation under the Cabonne LEP 2012. An assessment has been completed to determine the potential applicability of key clauses in the Cabonne LEP 2012 to the proposed development. This work is presented in Table 5. Where it is identified that a clause of Cabonne LEP 2012 applies to the proposed development, this assessment work is presented in Section 4.4.2.

**Table 5 - Preliminary LEP Assessment**

LEP Clause	Clause Name	Applicability
1.9A	Suspension of covenants, agreements & instruments	N/A
2.3	Zone objectives	Applicable. See Section 4.4.2
2.5	Additional permitted uses for particular land	N/A
2.6	Subdivision - consent requirements	N/A
2.7	Demolition requires development consent	N/A

LEP Clause	Clause Name	Applicability
2.8	Temporary use of land	Applicable. See Section 4.4.2
	Land-use Table	Applicable. See Section 4.4.2
4.1-4.1A	Minimum Lot Size Standards	N/A
4.1D	Boundary changes between lots in certain rural, residential and environmental zones	N/A
4.2	Rural Subdivision	N/A
4.2A	Erection of a dual occupancies and dwelling houses on land in certain rural zones	N/A
4.2B	Boundary adjustments in certain rural zones	N/A
5.1	Relevant acquisition authority	N/A
5.2	Classification and reclassification of public land	N/A
5.3	Development near zone boundaries	N/A
5.4	Controls relating to miscellaneous uses	N/A
5.5	Controls relating to secondary dwellings on land in a rural zone	N/A
5.8	Conversion of fire alarms	N/A
5.10	Heritage Conservation	N/A
5.11	Bushfire Hazard Reduction	N/A
5.12	Infrastructure development and use of existing buildings of the Crown	N/A
5.13	Eco-tourist facilities	N/A
5.16	Subdivision of, or dwellings on, land in certain rural, residential and conservation zones	N/A
5.18	Intensive livestock agriculture	N/A
5.19	Pond-based, tank based and oyster aquaculture	N/A
5.20	Standards that cannot be used to refuse consent - playing music	N/A
5.21	Flood planning	N/A
5.22	Special flood considerations	N/A
6.2	Stormwater management	N/A
6.3	Terrestrial biodiversity	N/A
6.4	Groundwater vulnerability	Applicable. See Section 4.4.2
6.5	Drinking water catchments	N/A
6.6	Riparian land and watercourses	Applicable. See Section 4.4.2
6.7	Land affected by karst	N/A
6.8	Essential services	Applicable. See Section 4.4.2
6.9	Location of sex services premises	N/A

#### 4.4.2. Assessment of LEP Provisions

##### Clause 2.3 - Zone Objectives

Clause 2.3 of Cabonne LEP 2012 states that Council must have regard to the objectives for development in a zone when determining a DA in respect of land within the zone. The objectives of the REI Public Recreation zone are:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

The objectives of the REI Public Recreation zone are:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To encourage and provide opportunities for development and local employment growth.
- To ensure that development is compatible with surrounding land uses.

The proposed development is not inconsistent with the objectives for the RU5 Village zone. The proposed temporary community events are suitable for the site and compatible with surrounding land-uses and will support development and local employment growth.

#### **Clause 2.8 – Temporary Use of Land**

The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

Despite any other provision of the Cabonne LEP 2012, Clause 2.8(2) states that development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

Clause 2.8(3) states that development consent must not be granted unless the consent authority is satisfied that:

- The temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument.
- The temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood.
- The temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land or increase the risk of natural hazards that may affect the land.
- At the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

Having regard to the above, the proposed temporary use of the site for activities associated with the Cumnock and District Progress Association is considered to be consistent with Clause 2.8, as detailed below:

- The proposed development, being the temporary use of the land will be for 4 days per year.
- The proposed development, being the temporary use of the land will not prejudice the subsequent carrying out of development on the land in accordance with this plan and any other applicable environmental planning instrument.
- The proposed development will not adversely impact adjoining land or the amenity of the neighbourhood due to the proposal operating for 4 days per year and during outlined times to control noise and disturbance to the surrounding land uses.
- The proposed development will not adversely impact on environmental attributes or features of the land or increase the risk of natural hazards that may affect the land.
- The proposed development will not compromise future development of the land or have detrimental effects on the land.

- At the end of the temporary use period of the land, the site will be restored to the condition in which it was before the commencement of the use.

#### **Land-use Table – RE1 Public Recreation**

Development for the purposes of a temporary use of land is permissible in the RE1 Public Recreation zone with the consent of Council.

#### **Land-use Table – RU5 Village**

Development for the purposes of a temporary use of land is permissible in the RU5 Village zone with the consent of Council.

#### **Clause 6.4 Groundwater Vulnerability**

Clause 6.4 applies to land that has been identified as 'Groundwater Vulnerable' on the Groundwater Vulnerability Map. The subject land is mapped in Cabonne LEP 2012 as containing vulnerable groundwater and therefore consideration of Clause 6.4 is required.

The objectives of the Clause are:

- To maintain the hydrological functions of key groundwater systems.
- To protect vulnerable groundwater resources from depletion and contamination as a result of development.

In accordance with Clause 6.4(3), before determining a development on land to which the clause applies, Council must consider the following:

- The likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals).
- Any adverse impacts the development may have on groundwater dependent ecosystems.
- The cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply).
- Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

In accordance with Clause 6.4(4), Council must not grant consent to development unless:

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

To assist in the Council's assessment of groundwater issues above, the proposed development is unlikely to result in significant impacts on groundwater resources for the following reasons:

- The site is connected to reticulated water supply, with connections to existing amenities during the temporary use of the land.
- No groundwater or surface water from the Ironbark Gully will be taken.
- There are no physical works being undertaken within 40m of the Ironbark Gully.

#### **Clause 6.6 Riparian Land and Watercourses**

Clause 6.6 applies to land that has been identified 'Watercourse' on the Riparian Lands and Watercourses Map, or land that is within 40m of the top of the bank of each mapped watercourse. Parts of the site is mapped as containing Watercourse and therefore consideration of Clause 6.6 is required. The mapped Watercourse is the Lachlan River which adjoins the southern boundaries of the land.

The objective of the Clause is to protect and maintain the following:

- Water quality within watercourses.



- The stability of the bed and banks of watercourses.
- Aquatic and riparian habitats.
- Ecological processes within watercourses and riparian areas.

Before determining a development on land to which the clause applies, Clause 7.4(3) requires that Council must consider the following:

- Whether or not the development is likely to have any adverse impact on the following:
  - The water quality and flows within the watercourse.
  - Aquatic and riparian species, habitats and ecosystems of the watercourse.
  - The stability of the bed and banks of the watercourse.
  - The free passage of fish and other aquatic organisms within or along the watercourse.
  - Any future rehabilitation of the watercourse and riparian areas.
- Whether or not the development is likely to increase water extraction from the watercourse.
- Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

In accordance with Clause 6.6(4) Council must not grant consent to development unless:

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

To assist in the Council's assessment of riparian land and watercourse issues above, the proposed development is unlikely to result in significant impacts on riparian lands and watercourses for the following reasons:

- The proposal is for a temporary use of the land (community events) and is well separated from the Ironbark Gully.
- The proposal does not include any construction work with 40m of the Ironbark Gully and its riparian environment.
- There is no proposal to remove or disturb riparian vegetation.
- The site is connected to reticulated water supply and not surface water from the Ironbark Gully will be taken.

#### **Clause 6.8 - Essential Services**

Clause 6.8 requires that consent must not be granted to development unless the Council is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- The supply of water.
- The supply of electricity.
- The disposal and management of sewage.
- Stormwater drainage or on-site conservation.
- Suitable vehicle access.

An assessment of the essential servicing requirements of the proposal is as follows:

- The Cabonne Council reticulated water supply is connected and available to the site.
- The Cabonne Council reticulated sewerage system is connected and available to the site.
- Electricity is connected and available to the site.

- Stormwater will be managed on-site and or diverted to the surrounding stormwater systems in McLaughlan Street.
- There are existing toilets and waste bin facilities on the site.
- The site will be accessed from an existing crossing on McLaughlan Street. The location of the access is shown on the site plan submitted with the DA.
- On-street parking is available in McLaughlan Street and Obley Street.

The proposed development is capable of being connected to essential services in accordance with the requirements of Clause 6.8.

## 4.5. Development Control Plans

An assessment has been completed in Table 6 to determine the potential applicability of each Development Control Plan in the Cabonne LGA to determine whether they are applicable to the proposed temporary use.

**Table 6 - Preliminary DCP Assessment**

Name	Statement of Applicability
DCP 2 – West Canowindra Rural Small Holdings	N/A
DCP 3 – Weemelah Rural Small Holdings	N/A
DCP 4 – Long Corner Road Rural Small Holdings	N/A
DCP 5 – General Rural Zones	N/A
DCP 6 – Rural Small Holdings	N/A
DCP 7 – North Street Canowindra Industrial	N/A
DCP 8 – North Molong Industrial	N/A
DCP 9 – Stathnook Lane Rural Small Holdings	N/A
DCP 10 – Flood Prone Land in Molong	N/A
DCP 13 – Advertising Signage in Conservation Areas (Molong & Canowindra)	N/A
DCP 15 – Relocatable and Transportable Homes – Amendment 1	N/A
DCP 16 – Interim Guidelines for Development of Flood Prone Land in Eugowra – Amendment 1	N/A

## 05. ASSESSMENT OF ENVIRONMENTAL ISSUES

The main environmental issues that have been raised and investigated as part of the design process for the proposed development have been documented in this section. Each issue is investigated by way of documenting existing conditions, assessing impacts and proposing management and mitigation measures.

### 5.1. Site Design

#### 5.1.1. Assessment of Existing Conditions

The site is known as the Cumnock Sports Oval. The site is and used for recreational and community purposes. The site contains the Cumnock Bowling Club and greens, sports oval, tennis courts, picnic tables with covered shelters, amenities, community building and walking paths linking the site to the adjoining recreational land.

#### 5.1.2. Assessment of Potential Impact

The site design for the temporary use of the land has been developed following consideration of relevant planning requirements as well as a site opportunities and constraints analysis. Key features of the site design are described as follows:

- The proposed temporary use of the land complies with the setback requirements of the National Construction Code, Australian Standards and Council Policies.
- The temporary use of the land will be accessed from a safe location on McLaughlan Street.
- The proposal will not impact on biodiversity or groundwater.
- The proposal is consistent with requirements of the Cabonne LEP 2012 without variation.

#### 5.1.3. Management and Mitigation

No additional mitigation measures are proposed other than to construct and install the temporary structures in accordance with the plans submitted in support of the DA and Section 68 Approval.

### 5.2. Access and Traffic

#### 5.2.1. Assessment of Existing Conditions

The site has frontage to McLaughlan Street on its southern boundary. Vehicle access to the site is from McLaughlan Street via an existing off street parking area. Pedestrian access to the site can be accessed via McLaughlan Street or Obley Street or the adjoining Crossroads Park on its eastern boundary.

#### 5.2.2. Assessment of Potential Impact

Public parking is available on the site and in McLaughlan Street or Obley Street. An existing walking path links the adjoining Crossroad Park to the site. Bus and accessible parking are available on the site. It is assessed that adequate arrangements will be made to accommodate the access and parking needs of the temporary community events.

#### 5.2.3. Management and Mitigation

No other specific transport or traffic mitigation measures have been identified as being necessary.

## **5.3. Soil and Water Quality**

### **5.3.1. Assessment of Existing Conditions**

The subject site is mapped in Cabonne LEP 2012 as being located in an area that contains vulnerable groundwater, riparian lands or watercourses. There are no soil related impacts observed to be causing a problem at the site.

### **5.3.2. Assessment of Potential Impact**

The proposed temporary use is likely to cause some levels of soil disturbance, due to the large numbers of people, traffic, stalls and structures proposed at the site(s). In general, impacts are assessed to be minor and temporary in nature. Clean-up and repairs are generally carried out immediately following the event so as to avoid longer term impacts. The proposal is unlikely to adversely impact on soil and water quality issues given substantive / long-term changes landform are not proposed.

### **5.3.3. Management and Mitigation**

No additional mitigation measures are proposed other than general clean-up of the event areas and surrounds immediately after events being held.

## **5.4. Air Quality**

### **5.4.1. Assessment of Existing Conditions**

There are no significant air quality impacts created by existing site conditions.

### **5.4.2. Assessment of Potential Impact**

The POEO Act 1997 sets and the statutory framework for managing air quality in NSW and the POEO (Clean Air) Regulation 2022 sets standards of concentration for emissions to air from both scheduled and non-scheduled activities, including odour, dust, emissions and excessive motor vehicle air impurities.

There is low potential for odour emissions to air resulting from the temporary event. Assessment of the proposal against the NSW EPA Technical Framework for the Assessment and Management of Odour from Stationary Sources in NSW 2006 is not considered to be necessary.

Air quality assessment has focused on the potential for dust emissions to air from vehicles movements as the main cause of potential air quality impacts. The specific pollutant of interest associated with dust is the total suspended particulate (TSP). Due to the temporary nature of the event, dust impacts can be properly controlled through the watering of ground surfaces if the conditions are dry and strong winds occur.

### **5.4.3. Management and Mitigation**

No additional mitigation measures are proposed other than control of dust during the temporary use of the event.

## **5.5. Noise and Vibration**

### **5.5.1. Assessment of Existing Conditions**

The site is used daily by the community and individuals that all make noise, to some extent. Noise sources include, vehicle movements, loudspeakers and general noise created from people.

### **5.5.2. Assessment of Potential Impact**

Noise and vibration impacts will be created as a result of the outlined temporary event. Noise sources will be from vehicle movements and general noise from people attending the event. The main times when noise is to be expected to occur is from 8.00pm to 5.00pm. The impacts are expected to be temporary in nature and will only occur during the outlined times.

### 5.5.3. Management and Mitigation

No additional mitigation measures are proposed, other than alerting Cabonne Council and NSW Police Force of the event for monitoring and regulatory purposes.

## 5.6. Heritage

### 5.6.1. Assessment of Existing Conditions

A search of the Aboriginal Heritage Information System (AHIMS) has been completed for the subject land parcels. The search was completed to determine whether there are any items of cultural heritage significance either on the subject land or within 200m of the subject land. The search result found that:

- There are 0 Aboriginal sites recorded in or near the subject land.
- There are 0 Aboriginal places that have been declared in or near the above location.

The subject land parcels are not listed as a heritage item under the Cabonne LEP 2012 or State Heritage Register. There are no features of the site that are particularly rare or have significant heritage value.

### 5.6.2. Assessment of Potential Impact

#### Aboriginal Cultural Heritage

Whilst a search of the AHIMS has not identified the presence of any recorded sites or places, there is a need to consider whether the proposal will impact on potential items of Aboriginal cultural heritage significance. Based on the framework in the Due Diligence Code of Practice (DDCP) for the Protection of Aboriginal Objects in NSW, the following assessment statements are true:

- The proposal does not represent an activity that is a declared project under Part 3A of the EP&A Act 1979.
- The proposal is not an activity that is an exempt activity listed in the NPW Act 1974 or other legislation.
- The proposal will not involve harm to an Aboriginal object that is trivial or negligible under Section 86 of the NPW Act 1974.
- The proposal is not on land that is known to be in an Aboriginal Place declared by the Minister under Section 84 of the NPW Act 1974.
- The proposal is not a low impact activity for which there is a defence in the NPW Regulation 2019.

Having regard to the above, the correct procedure is to follow the generic due diligence process as per Section 8 of the DDCP. An assessment of the due diligence process is included in Table 7.

**Table 7 - The Generic Due Diligence Process**

Step	Question	Response
1	Will the activity disturb the ground surface or any culturally modified trees?	Yes. Proceed to Step 2.
2	Are there any: a) relevant confirmed site records or other associated landscape feature information on AHIMS? and/or b) any other sources of information of which a person is already aware? and/or c) landscape features that are likely to indicate presence of Aboriginal objects?	No. According to the DDCP, an AHIP application not necessary and it is possible to proceed with caution. If any Aboriginal objects are found, stop work and notify DECCW. If human remains are found, stop work, secure the site and notify the NSW Police and DECCW.  Consideration of Steps 3, 4 and 5 (below) not necessary.



3	Can harm to Aboriginal objects listed on AHIMS or identified by other sources of information and/or can the carrying out of the activity at the relevant landscape features be avoided?	N/A
4	Does a desktop assessment and visual inspection confirm that there are Aboriginal objects or that they are likely?	N/A
5.	Further investigation and impact assessment	N/A

### **Built Heritage**

Assessment of historic and built heritage is open for assessment, based on the matters for consideration under Section 4.15 of the EP&A Act 1979. This assessment reveals no impacts on heritage items. No heritage items / issues are particularly relevant due to the site separation from heritage sites / areas. Consequently, a Heritage Impact Assessment is not required.

### **5.6.3. Management and Mitigation**

No additional mitigation measures are proposed, other than implementation of the unexpected finds procedure under the DDCP for the Protection of Aboriginal Objects in NSW.

## **5.7. Hazards and Safety**

### **5.7.1. Assessment of Existing Conditions**

The site adjoins the Ironbark Gully and is impacted by flooding during moderate to large flood events. According to the mapping prepared by the NSW Rural Fire Service, the site is not identified as being within a bushfire prone area. A site inspection of the land has not identified any activities that are being carried out on the land which are likely to be direct sources of potential land contamination.

### **5.7.2. Assessment of Potential Impact**

Flooding hazards have been considered as part of the Risk Assessment carried out by the Cumnock and District Progress Association. The risk of significant flooding impacts is assessed as low as the proposal is temporary in nature and sufficient flood risk warning generally being available for event organisers to plan and implement evacuation of the site well before a flood event.

Site contamination issues have been considered as part of the Risk Assessment carried out by the Cumnock and District Progress Association. Site contamination is considered to be low risk for the following reasons:

- The land is not declared to be a significantly contaminated site within the meaning of the Contaminated Land Management Act 1997.
- The land is not and has not been regulated by the EPA or other regulatory authority in relation to land contamination.
- There are no other features of the sites that give rise to concern about potential land contamination.
- Site inspection did not reveal any physical evidence of contamination.

### **5.7.3. Management and Mitigation**

Procedures have been developed by the Cumnock and District Progress Association to manage all identified hazards, including evacuation procedures in the event of a flood or other emergency situation.

## 5.8. Biodiversity

### 5.8.1. Assessment of Existing Conditions

The site is not mapped as being Terrestrial Biodiversity Map under the Cabonne LEP 2012. Generally, the land parcels are clear of any other significant vegetation.

### 5.8.2. Assessment of Potential Impact

A significance assessment under Section 1.7 of the EP&A Act 1979 which takes into consideration Part 7 of the BC Act 2016 has been undertaken to determine whether the proposal is likely to significantly affect threatened species and / triggers the Biodiversity Offsets Scheme. This assessment is provided in Table 8.

**Table 8 - BC Significance Assessment**

Test	Assessment
Section 7.3(l)(a) - likely adverse effect on the life cycle of threatened species	The potential for the site to significantly affect threatened species is assessed to be low, due to the absence of required habitat. There is no proposal to disturb any roadside vegetation or land that is mapped as containing terrestrial biodiversity. The proposal is unlikely to have an adverse effect on the life cycle of these species such that a viable local population of the species is likely to be placed at risk of extinction.
Section 7.3(l)(b) - likely adverse effect on the extent or composition of an endangered ecological community	The potential for the site to significantly affect an endangered ecological community is assessed to be low. The site is not observed to contain the necessary habitat for endangered ecological communities.
Section 7.3(l)(c) - likely adverse effects on habitat of threatened species or ecological community	As above.
Section 7.3(l)(d) - likely adverse effect on declared area of outstanding biodiversity value	The site is not a declared area of outstanding biodiversity value.
Section 7.3(l)(e) - potential for the development to be part of a key threatening / impact process	The proposal would not significantly increase the prevalence or risk of key threatening process. The site is not observed to contain the necessary habitat for endangered ecological communities. The potential for foraging over the site is already severely restricted given the context and setting of the site.

The potential impacts on the condition, ecological value and significance of the fauna and flora on the land are considered to be low and will not change as a result of the proposed development.

### 5.8.3. Mitigation and Management

No additional mitigation measures are proposed.

## 5.9. Services and Utilities

### 5.9.1. Assessment of Existing Conditions

The site is connected to reticulated water supply, sewerage and electricity.

### 5.9.2. Assessment of Potential Impact

The site contains existing services, amenities and buildings. The existing amenities will be serviced and cleaned and maintained by Cabonne Council. The site contains existing waste bins located throughout the site. Cabonne Council will monitor and remove the waste generated during the community events.

### 5.9.3. Mitigation and Management

No additional mitigation measures are proposed.

## 5.10. Social and Economic Impacts

### 5.10.1. Assessment of Existing Conditions

There are no significant social and economic impacts created by existing site conditions.

### 5.10.2. Assessment of Potential Impact

An assessment of potential impacts of the proposed development has been undertaken with regards to scoping methodology outlined in the Social Impact Assessment (SIA) Guideline 2017 published by the Department of Planning and Environment. Table 9 provides an assessment of the proposed development against the criteria in the SIA Guideline.

**Table 9 - Social Impact Assessment**

Matters	Key Links to Social Impacts	Risk of Impact without Mitigation	Nature of Impact	Assessment Findings
<b>Amenity</b>				
Acoustic	Way of life;	Likely	Negative	The development will generate additional noise during the scheduled event time being 8am – 5pm.
Visual	Surroundings	Likely	Negative	The site will likely have an acceptable impact in terms of visual amenity.
Odour	Surroundings	Unlikely	Negative	The proposal will not produce odour.
Micro-climate	Surroundings	N/A	Nil	The proposal will not significantly impact microclimate.
<b>Access</b>				
Access to property	Way of life;	Likely	Negative	The proposal will impact on access to neighbouring properties during the scheduled event time being 8am – 5pm.
Utilities and public transport	Access to infrastructure, services and facilities;	Unlikely	Negative	Connection to available services and utilities will be completed to requirements of relevant authorities.
Road and rail	Personal and property rights.	Likely	Negative	The proposed development is within the capacity of local road conditions.
<b>Built Environment</b>				
Public domain	Community;	Likely	Negative	The proposal will impact the public domain as the event will be located on recreational land.
Public infrastructure	Access to infrastructure, services and facilities;	Unlikely	Negative	The proposed land-use is capable of proceeding without connection to public utilities and infrastructure.

Matters	Key Links to Social Impacts	Risk of Impact without Mitigation	Nature of Impact	Assessment Findings
Other built assets	Surroundings; Personal and property rights	Unlikely	Nil.	The proposal will not preclude public access to build assets.
<b>Heritage</b>				
Natural	Way of life;	N/A	Nil	Natural heritage of the site is not compromised by the proposed development.
Cultural	Community;	Unlikely	Negative	The proposal will not impact on cultural values in the public domain.
Aboriginal culture	Culture;	Unlikely	Negative	The proposal has considered the likelihood that the proposal will impact on items of known Aboriginal cultural significance.
Built	Surroundings.	Unlikely	Negative	There is no built heritage items registered on the site.
<b>Community</b>				
Health	Health and wellbeing;	Unlikely	Negative	The proposal does not create any health risks.
Safety	Surroundings	Unlikely	Negative	The proposal has been assessed as not increasing a known safety risk.
Services and facilities	Way of life, Access to infrastructure, services and facilities;	Unlikely	Negative	The proposal does not impact access to public services or facilities.
Cohesion, capital and resilience	Way of life; Community; Culture	Unlikely	Negative	The proposal is unlikely to generate impacts.
Housing	Way of life, Personal and property rights.	N/A	Nil	The proposal does not create a new housing opportunity.
<b>Economic</b>				
Natural resource area	Way of life;	Unlikely	Negative	The proposal will utilise available natural resources in a sustainable manner.
Livelihood	Surroundings;	N/A	Nil	The proposal is unlikely to generate impacts.
Opportunity cost	Personal and property rights	N/A	Nil	The proposal is unlikely to generate impacts.
<b>Air</b>				
Air emissions	Surroundings	Unlikely	Negative	The proposal is unlikely to generate impacts.
<b>Biodiversity</b>				

Matters	Key Links to Social Impacts	Risk of Impact without Mitigation	Nature of Impact	Assessment Findings
Native vegetation and fauna	Surroundings	Unlikely	Negative	Vegetation clearing is not proposed on site.
<b>Land</b>				
Structural stability, land capability, topography	Surroundings	Unlikely	Negative	The proposal will not result in significant disturbance to the receiving environment.
<b>Water</b>				
Quality, availability, hydrological flows	Surroundings	Unlikely	Negative	The proposal is unlikely to generate impacts.

Considering the proposal in the context of surrounding land-use as well as the previously addressed issues related to water, soil and air quality, noise, traffic, heritage, hazards, servicing and utilities, the proposal would be unlikely to have an unacceptable impact on the environment within or surrounding the site. The social and economic impacts of the proposal are determined to be acceptable.

#### 5.10.3. Management and Mitigation

No additional mitigation measures are proposed.



## 06. EVALUATION AND JUSTIFICATION FOR THE PROPOSAL

### 6.1. Objectives of the EP&A Act 1979

Development consent is being sought under Section 4.16 of the EP&A Act 1979 and must therefore satisfy the objectives of the Act. The objectives of the Act are:

- To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources.
- To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment.
- To promote the orderly and economic use and development of land.
- To promote the delivery and maintenance of affordable housing.
- To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.
- To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage).
- To promote good design and amenity of the built environment.
- To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.
- To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State.
- To provide increased opportunity for community participation in environmental planning and assessment.

The proposal is considered to be consistent with the above objectives. An objective of the EP&A Act 1979 is for the encouragement of ecologically sustainable development (ESD), which is assessed in the next section.

### 6.2. Ecological Sustainable Development

ESD is a long-standing and internationally recognised concept. The concept has been affirmed by the 2002 World Summit for Sustainable Development and has been included in multiple pieces of Federal and State legislation. Australia's National Strategy for Ecologically Sustainable Development (1992) defines ecologically sustainable development as:

*'Development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.'*

The proposal has endeavoured to address long established ESD principles, as follows:

- The precautionary principle - No serious environmental threats have been identified. No delays to the final design investigations or assessment process are recommended to allow for additional information / studies / surveys to take place under different climatic or seasonal conditions.
- Inter-generational (social) equity - Social equity provides a notion of preservation of environmental aspects that cannot be replaced for the enjoyment of future generations. Generally, such aspects relate to biodiversity, cultural heritage, land-use and the transformation of the locality as a result of the development. The proposal has considered such aspects, and the SEE assessment concludes that environmental impacts will be minimal. By adopting the recommendations in this SEE for the and operational phases and temporary use of the land, intergenerational equity can be maintained.

- Conservation of biological and ecological integrity - Given the highly disturbed / modified nature of the sites, no significant flora or fauna issues have been identified. Procedures will be implemented during operational and the temporary use of the land to minimise potential risks on the environment.
- Improved valuation, pricing and incentive mechanisms - The volumes of waste generated from the proposal will be appropriately managed to minimise impacts on common public areas, the appropriate pricing mechanism are used to reflect the user pays approach to environmental management.

## **6.3. Other Relevant Considerations**

### **6.3.1. Safety, Security and Crime Prevention**

During the community event a representative from the Cumnock and District Progress Association will be on-site to manage and operational matters.

### **6.3.2. Cumulative Impacts**

The potential environmental impacts of the proposal have been detailed in the relevant sections of the SEE. The proposal will not generate unacceptable environmental impacts. Overall, the proposal makes a neutral contribution to the environment.

### **6.3.3. Suitability of the Site for the Development**

The environmental assessment work completed and detailed in this SEE demonstrates that the subject land is suitable for the proposed development. The development has been designed to be consistent with the Cabonne LEP 2012.

### **6.3.4. Public Interest**

Due to the nature and scale of the proposed development, the public interest in the matter is assessed to be low, with the likely impacts concentrated on nearby land-use. Relevant State Government planning policies and guidelines have been identified and considered as part of the preparation of the project design and assessed in this report. Compliance can be achieved. The proposal is assessed to pose no significant detrimental impacts on the public interest.

## 07. CONCLUSION

This Statement of Environmental Effects has been prepared by Currajong Pty Ltd on behalf of the Cumnock and District Progress Association to support a Development Application and Section 68 Approval for the temporary use of land for a community event at Cumnock Sports Oval, comprising Lot 3 DP 1100326, Lot 1 DP 358065, Lot 1 DP 952047, Lots 7 and 8 Section 1 DP 5907, Lot 12 DP 602799, Lot 3A DP403155 and Lots 4 and 5 Section 1 DP 5907, 46 Obley Street, Cumnock.

The Cumnock and District Progress Association hold four (4) community events per year. The community events provide entertainment, amusements / activities and market stalls. The community event encourages community engagement and stimulation of the local economy by increasing visitations into Cumnock. The money raised by the Cumnock and District Progress Association supports local projects and charitable causes in the area.

Development consent is sought for the temporary use of Cumnock Sports Oval for four (4) community events per year for the next for a period of five (5) years. The events will be open to the public from 9.00am to 4.00pm, with approximately 500 people attending each event. The proposal includes two sub-areas for the holding of the community event, being the main sports oval as the preferred event area and the hardstand area in and around the bowling club carpark, green and boundary of the tennis courts to provide a wet weather contingency option.

The assessment of the proposed development has been documented in this Statement of Environmental Effects to visualise all aspects of the relevant matters for consideration under the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021. The assessment also extends to other legislation, including the Local Government Act 1993. The assessment concludes the proposed temporary event is permissible in the RE1 Public Recreation and is consistent with the special provisions contained in the Cabonne Local Environmental Plan 2012 relating to the temporary use of land.

It is recommended that sufficient information has been submitted with the Development Application to allow Cabonne Council to make an informed decision on the proposal. It is the findings of this Statement of Environmental Effects that the proposed development is capable of being supported by Council.

