

# ENVIRONMENTAL ASSESSMENT

## COBAR MINERS MEMORIAL PROJECT (VERSION 3)

### 1. Description of the Activity/Development

The background and the objectives of the project are as follows:

- Development intended to be a memorial to engage with and educate the community, including visitors.
- A tribute to the sacrifices made by mining workers in the region, both historically and recent as a safety reminder to current miners.
- To provide a venue for a memorial night held during the Festival of the Miner's Ghost event.
- A design that integrates into the existing landscape and complement existing mining structures featured in the park.
- Recognise and connect with the mining history of the site by expanding the Great Cobar Heritage Park whilst maintain a context with the intent of the park when it was established in or about 2000.

The proposed construction of the memorial is detailed in the architectural drawings included as an attachment to this assessment as well as a freestanding bell frame and information signage post.

The following list provides a brief overview of proposed pre-construction, construction activities and environmental management measures associated with the project.

- Preparation and implementation of a Construction Environmental Management Plan (CEMP).
- Installation of perimeter temporary safety fencing to define and control the work site.
- Provision of waste bins, materials and equipment storage within the controlled fence area.
- The exclusion of vehicle access to the site Nyngan Road (Barrier Highway).
- Dust control measures as needed.
- Construction hours will be controlled/limited to standard working hours as applied to construction sites in Cobar.
- Construction noise levels within standard working hours to be managed. Estimated noise levels for equipment to be used on site listed below to demonstrate that impacts from noise may be readily managed via the CEMP and legislative measures available to the appropriate regulatory authority should a problem occur.

#### Estimated Construction Noise Levels

Equipment	A-weighted sound power levels (mid-point dB)	Sound Pressure Level dB at 100m
Hand tools	102	54
Excavator	107	59
Air Compressor	101	53
Dump Truck	117	69
Cranes	104	56
Concrete agitator truck	109	61
Light commercial vehicle	78	30
Generator	99	51

On completion of the project it is expected that the asset will be operated, maintained and monitored by Council using existing staff.

The construction period for this is estimated at 5 months and will be completed in a single stage. It is expected that the project should be completed by the end of December 2020.

It is noted that versions 1 and 2 of this project were previously approved by Council under development Application 2017/LD-0002 and 2017/LD-0002 REV01.

## **2. Land Description**

The memorial structure will be built on Lot 1 in DP917693 and the adjacent Lots 2 and 3 are available and may be utilized during the period.

The land is classified as community land under the *Local Government Act 1993*.

## **3. Relevant Legislation**

### **- *Local Government Act 1993***

Under s47 of this Act the Council cannot delegate its power to approve the carrying out of this development on land because it is classified as “community land”.

The proposal does not require any separate approvals under section 68 of this Act in respect of water supply or sewerage work.

### **- *Environmental Planning and Assessment 1979 and Environmental Planning and Assessment Regulation 2000***

The proposed activity fits within the definition of development under this Act and is required to be approved by Council.

Section 1.7 of this Act gives affect to Part 7 of the *Biodiversity Conservation Act 2016* in respect of the terrestrial environment. Similarly, this Act gives effect or triggers the relevant environmental planning instruments as discussed below.

The preparation of this Environmental Assessment is subject to and consistent with Part 5 of this Act and Part 14 of the Regulation 2000.

Section 6.28 of the Act applies to this activity and the building work must be certified by or on behalf of Council in respect of compliance with the Building Code of Australia.

### **- *Biodiversity Conservation Act 2016 and Environmental Protection and Biodiversity Conservation Act 1999***

The subject site is a highly disturbed and modified site and it is anticipated that the proposal will not have a significant impact on any threatened flora and fauna species, populations or communities or their habitats. A species impact statement (SIS) is not required. As part of this assessment a threatened species search was undertaken.

The proposed activity is not likely to significantly affect any matters of national environmental significance.

- ***National Parks and Wildlife Act 1974***

This Act is relevant to protecting objects of Aboriginal cultural value. A search of the Aboriginal Heritage Information System (AHIMS) shows no records for this site.

In managing this project and in accordance with legislation, should any Aboriginal object be discovered, works in the immediate vicinity of the object which might impact (either directly or indirectly) on the object must cease and the proponent must notify the Department of Planning, Industry and Environment – Biodiversity and Conservation Division.

- ***Cobar Local Environmental Plan 2012***

The land is zoned IN1 General Industrial under the LEP 2012 with the two previous versions of the Memorial approved by Part 4 development applications on the basis of being ancillary structures being built within a “recreation area” which by definition includes a public park.

Clause 5.12 of the LEP 2012 is relevant to infrastructure development (being the selected approval pathway) as set out within the clause and extracted below.

5.12 Infrastructure development and use of existing buildings of the Crown

- 1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Infrastructure) 2007*.
- 2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

Under both the LEP 2012 and the Standard Instrument – Principal Local Environmental Plan the activity can fit with the definition of an information and education facility meaning; A building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

- ***State Environmental Planning Policy (Infrastructure) 2007***

Under clause 15 of this Policy a visitor information centre, information boards and other information facilities are development that may be carried out by or on behalf of a council consent on a public reserve under the control of or vested in the council.

For the purpose of this Policy a public reserve includes a public park. Therefore, under this Policy the proposed activity may be treated as being development without consent.

Further, under this Policy there are relevant consideration relating to development in or adjacent to road corridors and road reservations.

These considerations have been checked with specific reference to clause 101 relating to development with frontage to a classified road.

The proposed activity has been assessed as being consistent with the requirements of clause 101 in that:

- Safe vehicle access to the site is provided from Conduit Street with no approved vehicle access to the site from Nyngan Road.
- Nyngan Road is not adversely affected by the development as a result vehicular access to the land (no access from Nyngan Road), the emission of smoke or dust from the development and no vehicles will be using Nyngan Road being a classified road to access the site.
- The activity is not of a type that is sensitive to traffic noise or vehicle emissions.

Further under this Policy there is no required or mandated referral to Transport for NSW (formerly RMS) as either an integrated approvals agency or concurrence authority.

- ***State Environmental Planning Policy No.55 – Remediation of Land***

A detailed assessment relative to this Policy was considered in respect of Memorial version 1 under Development Consent 2017/LD-0002, issued on 23 March 2017.

The consent imposed a requirement for the preparation of a preliminary site investigation report (contamination assessment).

The required report was prepared, and the site was cleared in terms of contamination issues as relevant to this Policy in April 2018.

#### **4. Assessment Summary**

The proposed activity has history and has been subject to two previous planning approvals via consents issued under Part 4 of the Act.

During the development of the original concept and ongoing there has been numerous and varied forms of public consultation, including the current version 3 being workshopped with Councillors in June 2020.

This assessment report in item 2 identified relevant legislative requirements and considerations applicable to the proposed activity when being considered under Part 5 of the Act.

This legislative analysis did not identify any legislative constraints to the proposal being approved by Council. All identified pre-considerations/conditions required by legislation prior to an approval being granted have been satisfied.

The design of the proposal has been considered relative to its setting in Heritage Park both relative to its relationship to existing features of the site and surrounding public and private land. The design has been assessed as being an acceptable fit in its proposed location.

Further, the proposed activity has been considered relative to other known works by Council in the vicinity of the proposal in particular the Active Transport Plan and the approved development work to be undertaken at the Great Cobar Museum. The proposal is considered to be compatible, consistent and complimentary with the known future works by Council in the locality.

This assessment report has not identified any adverse public interest matters and should the proposal proceed it will provide an immediate positive economic impact and in the longer term provide a valuable community education, social, tourism and cultural asset to Cobar.

## 5. Conclusion

I have undertaken an environmental assessment of relevant legislative provisions, and potential impacts that may result from activities associated with the proposed Memorial version 3. This assessment has been prepared and considered relative to section 5.5 of the Act and clause 228 of the Regulation 2000. In my opinion it provides a true and fair assessment of the proposed activity in respect of its likely effects on the environment and has considered to the fullest extent possible all matters affecting or likely to affect the environment as a result of the proposed activity.

On the basis of this assessment I can conclude that the proposed activity is not likely to have a significant impact on the environment and an environmental impact statement (EIS) is not required.

The proposed activity is recommended for approval subject to the implementation of measures to avoid, minimise or manage environmental impacts as identified in this assessment and as required by relevant environmental legislation including the *Protection of the Environment Operations Act 1997*.

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**Garry Ryman**  
Director of Planning and Environmental Services

23 July 2020