

Statement of Environmental Effects

Lot 41 DP 1126436, known as 127 Railway Parade Werris Creek



Author Ambrose Hallman

Date 16 January 2023
Revision C

Property Address

127 Railway Parade Werris Creek

Property Description

Lot 41 DP 1126436

Description of the proposed development

The proposed development seeks consent to demolish the existing Trike Shed (see Pictures 1 and 2), located next to the Binnaway Werris Creek railway line. The Trike Shed was originally constructed of a concrete slab, railway line posts, and corrugated iron sheeting. However, as the pictures below show, most of the building has, at some time in the past, been damaged/removed.

Picture 1:



(Source Rice Group Construction)

Picture 2:



The property is owned by the Crown and under the control of Transport for NSW (TfNSW).

TfNSW assessed the building and determined that due to the poor condition and the inability to prevent public access, the building is at high risk of being subjected to more vandalism.

On behalf of TfNSW, UGL Regional Link has engaged Rice Group Construction to demolish the subject building. Rice Group Construction has subcontracted the preparation and lodgement of the required Development Application to Ambrose Building Development Solutions.

This development application is considered a Crown Development Application as TfNSW is regarded as a public authority for the purposes of the Environmental Planning and Assessment Act 1979 (as amended) (**the Act**), and all parties are acting on behalf of TfNSW.

Under section 2E (1) of Schedule 6A of the Transport Administration Act 1988, the Minister's approval to remove this asset is not required.

An infrastructure owner or a building owner may, subject to this Act, inspect, operate, repair, replace, maintain, remove, extend, expand, alter, connect, disconnect, improve or do any other thing that is necessary or appropriate to any of its rail infrastructure facilities or railway buildings that are situated on railway land or on or in a railway building or rail infrastructure facility to ensure that, in the opinion of the owner, the rail infrastructure facilities or railway buildings are established, held and managed in an efficient, safe and reliable manner.

Main Issues/Impacts

- Noise during demolition.
- Disposal of demolition waste.
- State Heritage listed property.

These matters and the proposed methods to reduce or alleviate them are discussed below.

Location of Development

The subject site is Lot 41 DP 1126436, located at the junction of the Main Northern line and the Mungindi and Binnaway–Werris Creek line in Werris Creek. The subject building is located close to the junction between the Binnaway–Werris Creek and Main Northern lines.

Existing structures on the Site

The subject parcel comprises several railway-related buildings, shunting yards and railway lines. The Werris Creek Railway Station, a Site Heritage Item, is located on adjoining Lot 42 DP 1126436.

Permissibility of Development

The site is zoned part RU1 Primary Production and part SP2 Infrastructure (Rail Infrastructure Facilities) under Liverpool Plains Local Environmental Plan 2011 (LPLEP11). Both zones are closed. The Trike Shed proposed to be demolished is located in the portion of the site zoned SP2 Infrastructure (Rail Infrastructure Facilities). The location of the zone boundaries in relation to the subject building is shown in Map 1.

Map 1:



(Source Liverpool Plains Local Environmental Plan 2011)

Clause 2.7 of LPLEP11 relates specifically to demolition and states:

“The demolition of a building or work may be carried out only with development consent.”

This Clause permits the demolition of the subject building but only with development consent.

In addition, Clause 5.12 of LPLEP11 states the following:

(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 (Transport and Infrastructure) 2021, Chapter 2.

(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.

The effect of Clauses 2.7 and 5.12 of LPLEP11 is that the demolition of the subject building is permissible with development consent.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The demolition of the subject building does not satisfy the exempt development provisions of Chapter 2 of the Transport and Infrastructure SEPP.

Relevant Environmental Planning Instruments and Development Control Plans

State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021

Liverpool Plains Local Environmental Plan 2011

Other Approvals

Nil.

Concurrences and Integrated Development

No concurrences are relevant to this application.

The application is considered integrated development as the subject site is listed as a State Heritage item, and an application under Section 58 of the Heritage Act 1977 is required prior to the demolition of the subject building.

Vegetation/Flora and Fauna

The vegetation on the subject site consists of a mixture of low grasses. No trees or shrubs are proposed to be removed as part of this development.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 2 Vegetation in non-rural areas

This chapter only applies to removing vegetation, not in conjunction with a development application.

Chapter 3 Koala habitat protection 2020

This chapter applies to this subject site as a part is zoned RU1 Primary Production, which is a nominated zone. Given that the building proposed to be demolished is located on the portion of the site zoned SP2 Infrastructure (Rail Infrastructure Facilities), an assessment under chapter 4 is considered more suited to this development.

Chapter 4 Koala habitat protection 2021

This chapter applies to the site as the land is zoned SP2 Infrastructure (Rail Infrastructure Facilities), a nominated zone.

The site is not within an approved Koala Plan of Management. However, the land size is approximately 36.41 ha, which is greater than the 1 ha requirement. Clause 4.9(2) and (3) state the following:

- (2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.*
- (3) If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.*

A Koala Sighting – BioNet mapping search shows no koala sightings mapped near the subject building or site.

The proposed demolition will not require the removal of trees, and it is considered that the development is likely to have a low to no impact on koala habitat.

Clause 4.9(3) of the SEPP allows Council to grant consent without requiring a koala assessment report if the development is unlikely to have a significant impact on koala feed trees or population; in this instance, taking into consideration the lack of vegetation, the existing management practices and the location of the building to be demolished, the likelihood of a significant impact on koala feed trees or populations are considered to be low.

Biodiversity Conservation Act 2016

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

1. Area Clearance;
 - The minimum lot size applicable to the RU1 Primary Production portion of the property is 200 ha. The SP2 Infrastructure portion does not have a minimum lot size under LPLEP11.
 - If no minimum lot size applies to the subject land, the biodiversity guidelines state that the lot size is used to determine the area clearance threshold. The size of the subject lot is approximately 36.41 ha.
 - The biodiversity guidelines state that where a property has two minimum lot sizes under the Local Environmental Plan, the smaller of the two is to be taken to determine the area clearance.
 - The applicable area threshold for clearing, above which the BAM and offsets scheme applies, is 0.5 ha.
 - The proposed demolition of the subject building will not involve clearing vegetation greater than the 0.5 ha threshold.
2. Biodiversity Values Map;
 - The site is not identified on the Biodiversity Values Map, and this threshold is not triggered.
3. Test of Significant;
 - Based on the size of the proposed demolition and being located on a disused railway station site, the proposed development is not likely to affect threatened species or ecological communities significantly.

A Biodiversity Assessment Report (BDAR) is not required to be submitted with the Development Application as the proposed development does not trigger the thresholds under the Biodiversity Conservation Act 2016.

Services

Water Supply

The building proposed to be demolished is not connected to a reticulated water supply.

Sewerage Disposal

The building proposed to be demolished is not connected to a reticulated sewerage system.

Stormwater Disposal

The building proposed to be demolished is not connected to a stormwater system.

Electricity and Telecommunication Supply

The building proposed to be demolished is not connected to an electrical or telecommunications network.

Bushfire

The site is identified as bushfire-prone land on the Bushfire-prone land map.

Section 4.14 of the Environmental Planning and Assessment Act 1979 (as amended) requires all development to conform to the specifications and requirements of the Planning for Bush Fire Protection. These guidelines have no provisions for demolishing a building within a bushfire-prone area. This allows the consent authority to grant development consent for demolishing the building without a bushfire risk assessment.

Flooding

The site is not subject to flooding.

Contamination

The site is not identified as being contaminated on the Environmental Protection Authority property register. TfNSW has undertaken a preliminary assessment of likely potential

contamination, which has not identified any potential contamination. As the building was previously used as a trike shed, the likelihood of contamination occurring at the demolition site is considered very low, and a preliminary contamination assessment is not considered necessary.

State Environmental Planning Policy (Resilience and Hazards) 2021

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

a) *Whether the land is contaminated.*

The subject site is not identified as contaminated land on the EPA list of contaminated sites. The likelihood of potential contamination is considered low as the building was previously used as a trike shed.

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

Not applicable.

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

Not applicable.

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

Not applicable, the proposed development does not involve a change of use; therefore, this clause does not require a site investigation report.

Heritage Item Conservation Area

The site subject property is listed as a State Heritage Item, and under Schedule 5 of LPLEP11. A Statement of Heritage Impact (SoHI) has been completed by Eric Martin & Associates to accompany this Development Application. The conclusions of the SoHI state the following:

The demolition of the remains of the trike shed will have minimal impact on the significance of the Werris Creek Railway Station and Yard Group.

It is unclear if the demolition is exempt under Section 57(2) of the Heritage Act 1977, so this should be clarified and if not exempt, approval will need to be sought from Liverpool Plains Shire Council and NSW Heritage.

A complete photographic recording of the trike shed should be undertaken prior to demolition and the record archived with NSW Transport.

A copy of the SoHI report is attached to this application.

The standard exemptions published in the NSW Government Gazette do not include demolishing a building on a state heritage-listed property.

As the subject building has been substantially damaged, the SoHI concluded that the removal of the building would have minimal impact on the significance of the Heritage item and precinct; the removal of the trike shed is, therefore, considered supportable.

Aboriginal Cultural Heritage

A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) with a buffer of 200m from Lot 41 DP 1126436 shows 1 Aboriginal site recorded near the subject site; however, no Aboriginal places are declared in or near the subject site.

The Aboriginal site recorded is in close proximity to the building proposed to be demolished. The demolition is not likely to impact or affect the Aboriginal site. The demolition contractors will be informed of a site nearby and their responsibility for reporting if any relics are discovered during the demolition. A copy of the AHIMS report is attached to this application.

Waste Management

The building proposed to be demolished consists of a concrete slab on the ground with several railway line posts projecting for the slab floor. There are several sheets of loose corrugated iron lying around the subject building, which will be cleaned up.

The demolished materials are proposed to be sorted onsite and disposed of at the Werris Creek Waste Management Facility. All work will be undertaken in accordance with applicable legislation and standards.

Traffic Impacts

The demolition will involve site establishment and vehicles accessing the site to undertake the demolition. The access will be from the Railway Station car park access road, with minimal traffic movements required to undertake the demolition. These movements are unlikely to result in any traffic impacts offsite.

Soils/Slope

Across the site, the property is relatively flat. The proposed development involves some earthworks to remove the posts and concrete slab. Once the building is removed, the disturbed surface will be smoothed to encourage natural revegetation.

Impact on amenity and environment during demolition

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

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

According to the Interim Construction Noise Guidelines (DECC 2009), a quantitative assessment of noise impacts is only warranted when works are likely to affect an individual or sensitive land use for more than three weeks. The proposed works are scheduled to take up to two days to complete; therefore, a quantitative noise assessment is not considered necessary.

Context and Setting

The proposed demolition should have only a minimal impact on the site due to the minor nature of the building being demolished. The subject building has previously been significantly damaged, and its removal is likely to provide a better outlook from the Werris Creek Railway Station and its surroundings. The subject building has no connection to

the railway and or the operations, and the building itself has only minor heritage value; therefore, its removal should not adversely impact the views and setting of the site.

Planning Agreements or Draft Planning Agreements

None are relevant to this property or development.

The regulations prescribed matters

Clause 61 of the Environmental Planning and Assessment Regulations 2021 requires consideration of Australian Standard AS 2601—2001: The Demolition of Structures. The proposed demolition will be undertaken in accordance with the Australian Standard.

Likely impacts of that development

Social

The subject site has heritage and cultural significance; however, given that the subject building is considered to have only minor heritage significance and is partially demolished already, the demolition is not likely to have a significant social impact.

Economic

The development is likely to have only a minimal economic impact.

The other likely impact of the development on natural and built environments is considered minimal.

Site suitability

The site is suitably zoned, and the proposed demolition is permitted with consent. Access for demolition contractors is available via the Railway Station car park access road. Given that the building proposed to be demolished is no longer required for railway operations, the proposed demolition is considered suitable.

Conclusion

The proposed demolition of the Trike Shed is considered to be in the public interest. This development should have minimal environmental impact and will remove a disused and derelict building, improving public safety.

The development is considered to comply with the relevant State and Council's policies, and nothing prevents development consent from being granted.