

**SNOWY MONARO REGIONAL COUNCIL**

**Part 5 Environmental Assessment Template (NSW Environmental Planning and Assessment Act 1979)**

**Assessment completed by:** Pam Vipond **Date:** 10<sup>th</sup> August 2022

**Council designation:** Environmental Project Officer

**Qualifications:** Bachelor of Applied Science

**Assessment reviewed by:**

*Note:*

*the primary reviewer should be a qualified planner who is not associated with the project*

Sarah Brown

**Date:** 19<sup>th</sup> August 2022

**Council designation:**

**Location Name:** Matong Road, Jimenbuen

**Asset No:**

**J/N#**

**Conquest N#**

**Chainage:**

**Datum:**

**Segment No:**

**Location**

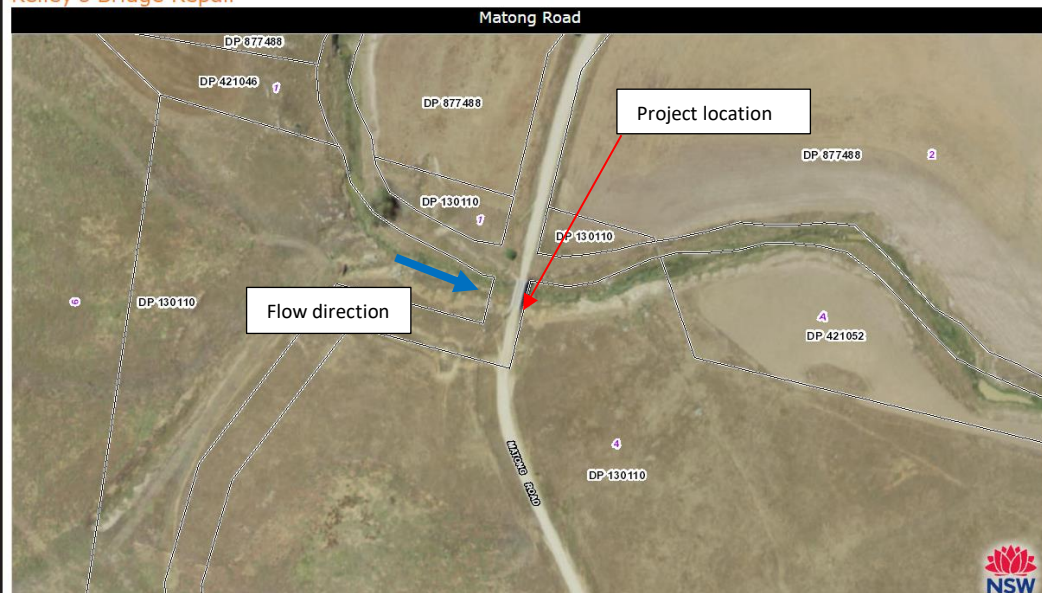
**Description:** Kelley's Bridge, Matong Road (Lot 1 DP 130110)

**Project Description:** *Overview*

Snowy Monaro Regional Council (SMRC) is proposing to undertake stabilisation and repair works on Kelley's Bridge (also referred to as Matong Road Bridge #2) whilst waiting for further funding to replace the entire bridge.

A Structure Condition Inspection Report (SCIR) was undertaken by PUS International Consultants (Australia) Pty Ltd. The report concluded that minor works were required for the repair and replacement of timber that is rotting/absent. There is also a recommendation to reinforce the existing central pylon and one proposed piling and one proposed prop support, refer attached Design Plan prepared by G.O Engineering Consultants.

## Kelley's Bridge Repair



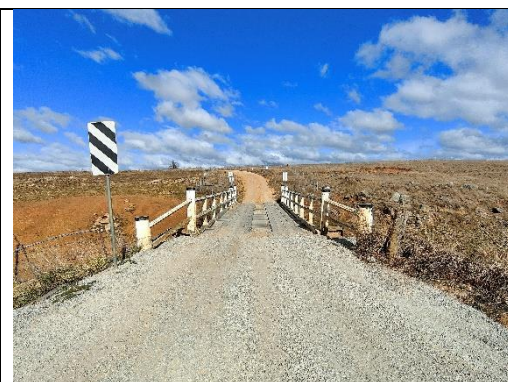
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The current capacity of the bridge is 3T, post works the capacity will be 68T.

### *Description of environment*

Matong Road is a rural unsealed road with surrounding landuse being primary production. Land use at Kelley's Bridge is sheep grazing and cropping, refer photographs below.

The northern approach of the bridge is dominated by Phalaris with some patches of Kanagaroo Grass. Adjoining groundcover is heavily grazed native grassland to the west and cropping to the east. The southern approach has high quality native grassland within the road reserve from approximately 10m from the bridge. Surrounding private land is again grazed native grassland. Refer photographs.



Photograph 1 – Kelley's Bridge facing south



Photograph 2 – Kelley's Bridge and cropping facing north east



Photograph 3 – North western approach with patches of Kanagaroo Grass



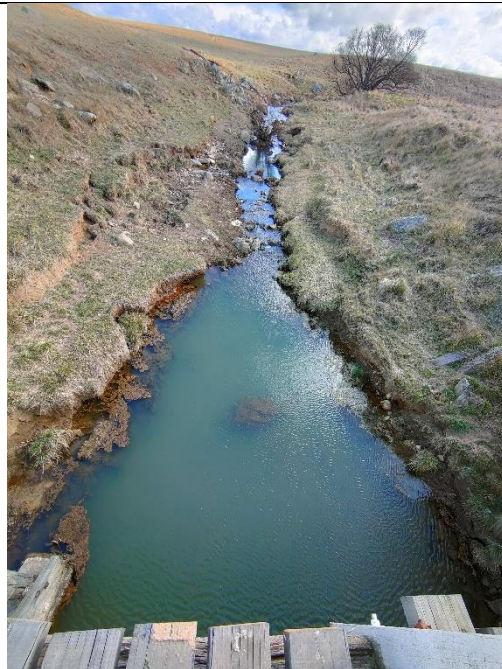
Photograph 4 – Compound location (north western approach).



Photograph 5 – High quality native grassland – will be marked as NO GO zone



Photograph 6 – Another example of high quality native grassland within road reserve on southern approach.



Photograph 7 – Upstream from bridge deck



Photograph 8 – Downstream from bridge deck

No works will occur on the southern side of the bridge however the areas of high quality native grassland will be cordoned off with NO GO zone bunting tape. A designated compound/worksite areas will be established on the northern approach outside of the patches of Kanagaroo Grass. Again NO GO zone bunting tape will delineate areas of no impact.

Kelley's Bridge is a single lane wooden bridge with a speed limit of 10km/hr and current capacity of 3T.

#### *Scope/lists of tasks*

- Advice landholders/community of start date of works;
- Site establishment inclusive of compound site, designated plant parking and NO Go bunting tape;
- Install Sediment and Erosion Controls;
- Construct dewatering system;
- Excavation for footing (5000W x 1200L x 600D)

#### *Alternatives to undertaking the works*

The 'do nothing' alternative was not considered given the existing 3T limit. Given surrounding landuse is sheep and cattle grazing, producers are unable to utilise this bridge to move stock.

Funding has been applied for under 'Fixing Country Bridges' Program however thus far this bridge has not been successful. It is anticipated Round 2B will see funding for this bridge to be successful.

To meet road user expectation, the most appropriate way forward is to undertake recommendations from the bridge report and reinforce the structure, thus increasing capacity to 68T.

#### *Expected project time frame*

Works are expected to commence in mid-September 2022 and take up to 3 working weeks.

#### *Legislation*

Works are 'Development permitted without consent' as per Section 2.109 of the *SEPP (Transport and Infrastructure) 2021*.

Works are being assessed under Part 5 of the *Environmental Planning and Assessment Act 1979*. Section 5.5 of the EPa A Act and Clause 175 of the EPA &A Regulation require Council to consider environmental impacts relating to proposed works.

Council has a duty to consider potential impacts on threatened entities in association with proposed works as per Part 7 of the *Biodiversity Conservation Act 2016*.

<b>Location and site maps:</b>	Within report.
<b>Drawing No(s):</b>	Design Plan prepared by G.O. Engineering Consultants.
<b>List of photographs:</b>	Within report.
<b>List of environmental assessments:</b>	Nil required.
<b>List of environmental checks:</b>	Biodiversity Values Map, AHIMS, BioNet, State Heritage Register database searches.
<b>List of permits:</b>	Fisheries Permit required.
<b>Legislation</b>	<input checked="" type="checkbox"/> <i>Fisheries Management Act 1994</i> (S 201, S219) <input type="checkbox"/> <i>Water Management Act 2000</i> (S89, S90, S91) <input type="checkbox"/> <i>Heritage Act 1977</i> (S58) (see Schedules 1 & 6 of CMSC LEP) <input type="checkbox"/> <i>NPWS Act 1974</i> (S90) <input type="checkbox"/> <i>Protection of the Environment Operations Act 1997</i> (S43 which then leads you to other sections if applicable) <input type="checkbox"/> <i>Roads Act 1993</i> (S138)

#### **Comments/notes:**

Fisheries permit application will be submitted and works will not commence until a permit has been approved.

*A determining authority shall consider the effect of an activity on any conservation agreement/s entered into under any legislation.*

*Note: A title search should be undertaken for the land parcel on which the activity will be undertaken.*

**Comment:** A search of the Department of Planning, Environment and Industry (DPEI) revealed there are no conservation agreements in place within this locality.

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**The TranSection 5.5 of the *Environmental Planning & Assessment Act 1979*, requires a duty to consider environmental impact:**

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*(1) For the purpose of attaining the objects of this Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of this Act or the provisions of any other Act or of any instrument made under this or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.*

**Comment:** Consideration has been given to all real and potential impacts likely to affect the environment due to proposed works. There are recorded threatened entities within the proposed works footprint. These are addressed later in the report.

Much of the proposed footprint is highly disturbed but this does not dissolve the requirement for implementation of Best Practice Codes/guidelines and following of relevant Council Procedures (including but not limited to Erosion and Sediment Control, Excavation General, Cleaning Plant and Vehicles Biosecurity Hygiene and Site Establishment and Disestablishment).

*(3) Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the [Wilderness Act 1987](#)) in the locality in which the activity is intended to be carried on.*

*Note: The only declared wilderness areas within the SMRC LGA are within Kosciuszko National Park, namely Pilot Wilderness and Byadbo Wilderness.*

**Comment:** There are no declared Wilderness areas within this locality.

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**The Part 7 of the *Biodiversity Conservation Act 2016* requires duty to consider whether the proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats:**

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*The following is to be taken into account for the purposes of determining whether a proposed development of activity is likely to significantly affect threatened species or ecological communities, or their habitats:*

*(a) in the case of threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable population of the species is likely to be placed at risk of extinction,*

**Comment:** There are recorded sightings of the Spotted-tailed Quoll (*Dasyurus maculatus*) within the broader locality (refer BioNet database search map below). This species is listed as Vulnerable in NSW and Endangered under Commonwealth legislation.

This species utilises a range of habitats including rainforest, open forest, woodland, inland riparian forest and extends from the east coast to sub-alpine zones. The species utilises hollow-bearing trees, fallen logs, other animal burrows, small caves and rock outcrops as den sites. Communal toilet sites are used by multiple individuals and are most often found on



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The grassland community is most likely PCT 3414 'Monaro Snowgrass-Kangaroo Grass Grassland'.

This site will **not** be impacted by works however NO GO zone bunting tape will be erected to ensure no incidental impacts from vehicles turning around or parking onsite.  
There will be no adverse impact to the extent of the native grassland on site given no works are planned for this location.

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*(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be at risk of extinction,*

**Comment:** Refer comments above. Not applicable as works will only disturb the northern approach which is dominated by bare ground and Phalaris.

Note: patches of Kangaroo grass will be marked out with NO GO zone bunting tape to ensure no incidental impacts.

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*(c) in relation to the habitat of a threatened species or ecological community:*

*(i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and*

**Comment:** Not applicable, refer previous comments.

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*(ii) 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*

**Comment:** Not applicable, refer previous comments.

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*(iii) 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,*

**Comment:** Not applicable, refer previous comments.

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*(d) 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),*

**Comment:** There are no declared areas of outstanding biodiversity value as per Part 3 of the *Biodiversity Conservation Regulation 2017*, within this locality.

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*(e) 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.*

**Comment:** Proposed works are not identified as a Key threatening process as per Schedule 4 of the *Biodiversity Conservation Act 2016*.

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*For the purposes of Part 5 of the Environmental Planning and Assessment Act 1979, an activity is to be regarded as an activity likely to significantly affect the environment if it is likely to significantly affect threatened species.*

**Comment:** Most works will take place on and under the bridge, as such there will be minimal habitat disturbance for native flora and fauna. A Fisheries Permit will be applied for and conditions of consent met to ensure minimal impacts to the watercourse and associated fish habitat.

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*In that case, the environmental impact statement under Part 5 of the Environmental Planning and Assessment Act 1979 is to include or be accompanied by:*

*(a) a species impact statement, or*

**Comment:** Not required.

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*(b) if the proponent so elects – a biodiversity development assessment report.*

**Comment:** Not required.

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**Note.** The determining authority is not required to consider the effect of an activity on biodiversity values if:

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- (a) the activity is to be carried out on biodiversity certified land (within the meaning of Part 1 of the [Biodiversity Conservation Act 2016](#)), or
  - (b) a biobanking statement has been issued in respect of the activity under the [Biodiversity Conservation Act 2016 and Biodiversity Regulation 2017](#)

**Environmental Planning and Assessment Regulation 2021, Part 14, Division 1, Clause 171, states:**

- (1) For the purposes of Part 5 of the Act, the factors to be taken into account when consideration is being given to the likely impact of an activity on the environment include:**
  - (a) for activities of a kind for which specific guidelines are in force under this clause, the factors referred to in those guidelines, or**
  - (b) for any other kind of activity:**
    - (i) the factors referred to in the general guidelines in force under this clause, or**
    - (ii) if no such guidelines are in force, the factors referred to subclause (2).**

**List any guidelines and detail the assessment against these guidelines:**

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- (2) The factors referred to in subclause (1) (b) (ii) are as follows:**

- (a) any environmental impact on a community,**

**Comment:** There will be an impact on community as the bridge works will require the road to be closed at this location. A detour will be available but will involve an extra 30km of driving. The detour road has been recently graded to endeavour to minimise the inconvenience of such a lengthy detour. Works will take a maximum of 3 working weeks meaning the detour will be in place for this length of time.

Contact will be made with residents directly affected by this detour and communications will be ongoing keeps residents across works progress.

Closure of the bridge is unavoidable given the scope of works and a bypass would be too costly given site conditions.

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- (b) any transformation of a locality,**

**Comment:** The transformation of the locality will be minimal as most works are occurring under the bridge to reinforce and stabilise the deck.

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- (c) any environmental impact on the ecosystems of the locality,**

**Comment:** This has been discussed in previous sections, along with mitigation measures to minimise environmental impacts such as NO GO bunting tape.

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- (d) any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality,**

**Comment:** The existing use of the site is road and road reserve. Post works this will not change. No database searches (SEED portal) have revealed any other special quality or value to this locality.

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- (e) any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations,**

*Note: see Aboriginal cultural heritage due diligence assessment at end*

**Comment:** A search of the SEED portal (Heritage etc) did not reveal any local listings near to proposed works.

An AHIMS database search revealed there are no recorded sites within adjoining land parcels.

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	(f) <i>any impact on the habitat of protected fauna (within the meaning of the Biodiversity Conservation Act 2016),</i>
<b>Comment:</b>	Given the proximity to water it is highly likely native fauna utilise this site for foraging and the water source.
	(g) <i>any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air,</i>
<b>Comment:</b>	Some mostly non-native ground cover will be impacted by plant movement onsite. Most works will occur from the existing road pavement to minimise ground cover disturbance. Works will be approached from the northern abutment which is dominated by Phalaris and other weed species such as thistles. Higher quality patches of Kangaroo Grass will be delineated by NO GO zone bunting.
	(h) <i>any long-term effects on the environment,</i>
<b>Comment:</b>	Nil long-term effects on the environment have been identified in the preparation of this report.
	(i) <i>any degradation of the quality of the environment,</i>
<b>Comment:</b>	As previously discussed relevant Best Practise and SMRC procedures will be followed onsite for all activities commencing from site establishment through to site disestablishment. NO GO zone bunting tape will be erected around areas of native grasslands. Erosion and Sediment controls will ensure no contaminated material leaves the footprint of the site. Works will also be monitored by weekly environmental checklists to ensure compliance.
	(j) <i>any risk to the safety of the environment,</i>
<b>Comment:</b>	Controls will be implemented to minimise any risk to the environment. These have been discussed previously and include Sediment and Erosion Controls, NO GO bunting tape and an approved Fisheries Permit prior to works commencing.
	(k) <i>any reduction in the range of beneficial uses of the environment,</i>
<b>Comment:</b>	<p>The existing use of the proposed works site is road pavement and road reserve. Whilst the road will in fact be closed for up to 3 working weeks, post works the site will continue to road pavement and road reserve.</p> <p>There will be no reduction in the range of beneficial uses of the environment in association with proposed works.</p>
	(l) <i>any pollution of the environment,</i>
<b>Comment:</b>	Erosion and Sediment controls will be implemented on site to minimise any impacts associated with spills from plant. A fully stocked spill kit will be onsite at all times to contain any pollution event.
	(m) <i>any environmental problems associated with the disposal of waste,</i>
<b>Comment:</b>	<p>Bins will be onsite for waste materials. All daily waste from meals will be taken home daily with staff onsite.</p> <p>Any construction material no suitable for re-use on site will be transported off site to the appropriate land fill.</p>
	(n) <i>any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply,</i>
<b>Comment:</b>	All required materials will be brought onsite. It is not anticipated there will be any increased demands on resources (natural or otherwise).
	(o) <i>any cumulative environmental effect with other existing or likely future activities,</i>
<b>Comment:</b>	No cumulative environmental effects have been identified in association with future activities. Funding has been sought to replace the bridge in its entirety. A new environmental assessment will be written up if and when that funding is successful. That process will also

involve the submission of another Fisheries Permit application. Impact to the watercourse will be mitigated through this process.

- (p) any impact on coastal processes and coastal hazards, including those under projected climate change conditions.

**Comment:** Not applicable.

#### Aboriginal cultural heritage due diligence assessment – refer to the document

*Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*

<http://www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf>

criteria	comment
1. Will the activity disturb the ground surface or culturally modified trees	This site has been subject to ground disturbance given the road infrastructure on site. There are no culturally modified trees within this locality.
2. AHIMS database result and any other sources of information (previous studies, reports or surveys)	AHIMS database search was undertaken with nil recorded sites on adjoining land parcels.
3. Are there landscape features that are likely to indicate the presence of Aboriginal objects? <ul style="list-style-type: none"> <li>- proposed activity within 200m of waters</li> <li>- located within a sand dune</li> <li>- located on a ridge top, ridge line or headland</li> <li>- located within 200m below or above a cliff face</li> <li>- within 20 m of or in a cave, rock shelter, or cave mouth</li> </ul> <p>Examples include but are not limited to: mountains, rock shelters, sand dunes, waterways, waterholes and wetlands.</p>	Works are within 200m of a watercourse.  If an unexpected 'find' is revealed during works, works will cease immediately and Heritage NSW will be contacted for advice. Works would only recommence with Heritage NSW approval.
4. Can you avoid harm to the object or disturbance to the landscape feature?	Refer above.
5. If the activity is on land that is not disturbed or contains known Aboriginal objects, has a desktop assessment and visual inspection confirmed that there are Aboriginal objects or that they are likely?	Refer previous comments.

Chapter 3, Section 8 (1) of the *Local Government Act 1993* lists a set of principles that guide council in the carrying out of its functions. One of those principles is "to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development"

Does the proposed project comply with these principles?

**Comment:**

Repair works have been funded under the Transport for NSW Fixing Country Bridges Program making works cost effective for Council. The repair works will have minimal environmental impact and increase the bridge capacity to 68T which will be of great benefit to the local producers needing to move stock.