

APPENDIX C:

CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

SEPP (State and Regional Development) 2011

As outlined in Section 3.1, the project meets the criteria for State Significant Development under the *State Environmental Planning Policy (State and Regional Development) 2011*.

SEPP (Infrastructure) 2007

In accordance with clause 104 of *SEPP (Infrastructure) 2007*, the application was referred to RMS. The matters raised in RMS's submission on the project were considered by the Department, and the Department has recommended conditions of approval in relation to the classified road network.

SEPP (Rural Lands) 2008

SEPP (Rural Lands) 2008 aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes whilst ensuring the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State.

The Department is satisfied that the proposed development is consistent with *SEPP (Rural Lands) 2008* as the operation of the project would not compromise the long-term use of the land for agricultural purposes and would provide an additional source of income for the landowners of the associated properties, whose land would be directly affected by the project.

SEPP No. 44 – Koala Habitat Protection

The Department is satisfied that the project site does not contain any areas of core koala habitat, and that the project is generally consistent with the aims, objectives and requirements of *SEPP 44*.

SEPP No.55 – Remediation of Land

The Department is satisfied that the project site is not located on land identified as contaminated land, nor is it adjacent to land identified as contaminated land.

Yass Valley LEP 2013

The zoning and permissibility of the development under the *Yass Valley LEP 2013* is addressed in Section 3.2 of this report.

There are no other provisions of the LEP that substantially govern the development, and the Department is satisfied that the project can be managed in a manner that is generally consistent with the aims, objectives and provisions of the LEP.

Boorowa LEP 2012

The zoning and permissibility of the development under the *Boorowa LEP 2012* is addressed in Section 3.2 of this report.

There are no other provisions of the LEP that substantially govern the development, and the Department is satisfied that the project can be managed in a manner that is generally consistent with the aims, objectives and provisions of the LEP.

Upper Lachlan LEP 2010

The zoning and permissibility of the development under the *Upper Lachlan LEP 2010* is addressed in Section 3.2 of this report.

There are no other provisions of the LEP that substantially govern the development, and the Department is satisfied that the project can be managed in a manner that is generally consistent with the aims, objectives and provisions of the LEP.

The Department has also considered the project against the relevant provisions of the *Upper Lachlan Development Control Plan 2010*, noting that the DCP is a deemed Environmental Planning Instrument that only applies to the portions of the project within the Upper Lachlan LGA.

While the Department acknowledges that some aspects of the project are not fully consistent with the DCP, it has sought to address the intent of the DCP by recommending the removal of 25 turbines to increase setbacks and minimise cumulative visual impacts on local residents. It has also recommended acquisition or agreement be reached with a number of individual property owners where the residual impacts are considered to be high.

However, even with these changes there would be 2 turbines (i.e. Turbines No. 86 and 87) located within 2 km of a non-associated residence within the Upper Lachlan LGA, and 1 turbine (i.e. Turbines No. 149) that would be less than two times the height of the turbine (including the tip of the blade) from a non-associated property boundary.

The Department has considered the impacts of these turbines in detail in its assessment of the project, and is satisfied that with the implementation of the recommended conditions, these matters can be suitably managed.