

APPENDIX C:

CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

SEPP (Infrastructure) 2007

In accordance with clause 104 of the Infrastructure SEPP, the application was referred to RMS and Transgrid. Transgrid did not raise any concerns with the project. 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

The Rural Lands SEPP applies to the project as the Applicant is proposing to subdivide land zoned RU1 - Primary Production that involves an existing dwelling.

While under the Rural Lands SEPP land in zone RU1 - Primary Production may be subdivided to create a lot of a size that is less than the minimum size otherwise permitted (i.e. 100 ha), such a lot cannot be created if an existing dwelling would, as a result of the subdivision, be situated on the lot.

As an existing dwelling would be situated on the 12 ha lot, the subdivision is prohibited under the Rural Lands SEPP.

However, under Section 89E(3) of the EP&A Act, development consent may be granted despite the development being partly prohibited by an environmental planning instrument. As such, the Department considers that consent should be granted for the proposed subdivision.

SEPP No. 44 – Koala Habitat Protection

The biodiversity assessment undertaken by the Applicant considered the potential impact on koalas and their habitat. The assessment involved undertaking targeted spotlighting surveys for koalas and inspecting all trees within the development footprint for signs of fauna use, such as the presence of scratch marks or scats at the base of trees. The assessment did not detect the presence of koalas on the project site.

The Department is satisfied that the project would not impact 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 Applicant undertook a search of the NSW EPA Contaminated Land Register and neither the project site, nor land located adjacent to it, is listed on the register. Further, no evidence of contamination was observed by the Applicant while undertaking site inspections.

The Department is satisfied that the risk that contamination is present on the project site is low. Also, construction activities would not significantly disturb soil or groundwater resources on the project site.