

APPENDIX B: CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

The Department has assessed the project against the relevant provisions of the following environmental planning instruments:

State Environmental Planning Policy No. 14 – Coastal Wetlands (SEPP 14)

SEPP 14 aims to ensure that coastal wetlands are preserved and protected in the environmental and economic interests of the State. The project was referred to DECC and has also been assessed with consideration to section 7(1) of SEPP 14.

Based on the Proponent's proposed dredging pipeline route change to ensure SEPP 14 wetlands were avoided and through the implementation of proposed mitigation measures and Proponent commitments the Department is satisfied that the proposed project would be consistent with the aims and objectives of the SEPP.

State Environmental Planning Policy No. 33 - Hazardous and Offensive Development (SEPP 33)

SEPP 33 aims to identify proposals with the potential for significant off-site impacts, in terms of risk and/ or offence (odour, noise etc) to people, property or the environment.

The Department is satisfied that the project is not potentially hazardous or offensive, and that the proposal is generally consistent with the aims, objectives, and requirements of SEPP 33.

State Environmental Planning Policy No. 44 - Koala Habitat Protection (SEPP 44)

SEPP 44 applies to proposals that are located on land that is potential Koala habitat. Potential Koala habitat is defined as areas of vegetation where trees providing food for Koalas comprise at least 15% of the total number of trees. The project area was assessed by the Proponent to contain a small number of Koala feed trees (ie. Swamp Mahogany). However, as this tree species comprised less than 15% of the total number of trees in the proposed development area, the Proponent concluded that the project area does not 'contain potential Koala habitat'.

The Proponent also used a Spot Assessment Technique to identify likely occurrence of Koalas utilising the habitat within the project area. These investigations determined that the site was not 'core Koala Habitat' and therefore a Koala Plan of Management would not be required.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. Clause 7 of SEPP 55 states that:

- 7(1) *A consent authority must not consent to the carrying out of any development on land unless:*
- (a) *it has considered whether the land is contaminated, and*
 - (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, and*
 - (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.*

The Department is satisfied that existing land contamination is not a significant issue for the site.

State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)

SEPP 71 aims to protect and enhance the coastal zone and ensure that it is managed in accordance with the principles of ecologically sustainable development. The SEPP applies to all land in the coastal zone and contains matters for consideration that must be taken into account by a consent authority when it determines a DA.

The Department has addressed the relevant matters in section 4 of this report and is satisfied that the project is consistent with the relevant provisions of SEPP 71.

State Environmental Planning Policy (Infrastructure) 2007 (and former SEPP 11 – Traffic Generating Development)

In accordance with clause 104 of the Infrastructure SEPP (and the now repealed SEPP 11), the application was referred to the RTA. The Hunter Regional Development Committee raised no objection to the project and recommended a condition to ensure that the entrance to the stockpile site from Grey Gum Road is sealed. This condition is reflected in the recommended conditions of approval.
