



Statutory Compliance Table

Maroota Friable Sandstone Extraction Project

MAY 2021 | 099278.10EIS



Deerubbin LALC

DESIGN
COLLABORATIVE



The following table of contents lists legislation that contains statutory requirements relevant to the Project. The tables presented on the subsequent pages presents those statutory requirements and outlines where in the EIS those requirements have been addressed.

1. Commonwealth Acts of Parliament

1.1. Environmental Protection & Biodiversity Conservation Act 1999

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2.1. Environmental Planning & Assessment Act 1979

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3. NSW Environmental Planning Instrument

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3.2. Sydney Regional Environmental Plan No. 9 – Extractive Industry (No. 2 – 1995)

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3.4. State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

3.5. Sydney Regional Environmental Plan – Hawkesbury–Nepean River (No. 20 – 1997)

3.6. State Environmental Planning Policy 33 – Hazardous and Offensive Development

Commonwealth Acts of Parliament	
Statutory Requirement	EIS Section
1.1:Environmental Protection & Biodiversity Conservation Act 1999	
Section 136 General Considerations	
<i>(1) In deciding whether or not to approve the taking of an action, and what conditions to attach to an approval, the Minister must consider the following, so far as they are not inconsistent with any other requirement of this Subdivision:</i>	Section 7.11 & 8.1
<ul style="list-style-type: none"> <i>(a) matters relevant to any matter protected by a provision of Part 3 that the Minister has decided is a controlling provision for the action</i> <i>(b) economic and social matters.</i> 	
<i>(2) In considering those matters, the Minister must take into account:</i>	Section 8.1
<ul style="list-style-type: none"> <i>(a) the principles of ecologically sustainable development; and</i> <i>(b) the assessment report (if any) relating to the action</i> 	Annexure 8
139 Requirements for decisions about threatened species and endangered communities	
<i>(1) In deciding whether or not to approve for the purposes of a subsection of section 18 or section 18A the taking of an action, and what conditions to attach to such an approval, the Minister must not act inconsistently with:</i>	Annexure 8
<ul style="list-style-type: none"> <i>(a) Australia's obligations under: <ul style="list-style-type: none"> <i>(i) the Biodiversity Convention; or</i> <i>(ii) the Apia Convention; or</i> <i>(iii) CITES; or</i> </i> <i>(b) a recovery plan or threat abatement plan.</i> 	
<i>(2) If:</i>	
<ul style="list-style-type: none"> <i>(a) the Minister is considering whether to approve, for the purposes of a subsection of section 18 or section 18A, the taking of an action; and</i> <i>(b) the action has or will have, or is likely to have, a significant impact on a particular listed threatened species or a particular listed threatened ecological community;</i> <p><i>the Minister must, in deciding whether to so approve the taking of the action, have regard to any approved conservation advice for the species or community.</i></p>	

NSW Acts of Parliament	
Statutory Requirement	EIS Section
2.1: Environmental Planning & Assessment Act 1979	
Section 1.3 Objects of the Act	
<i>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources;</i>	Section 8.1
<i>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment;</i>	Section 8.1
<i>(c) to promote the orderly and economic use and development of land;</i>	Section 8.1
<i>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i>	Section 8.1
<i>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	Section 8.1
<i>(j) to provide increased opportunity for community participation in environmental planning and assessments</i>	Section 8.1
4.15 Evaluation	
<i>(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—</i>	Section 8.2
<i>(a) the provisions of—</i>	
<i>(i) any environmental planning instrument, and</i>	
<i>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	Section 8.2.2
<i>(iii) any development control plan, and</i>	Annexure 22 Section 8.2.3
<i>(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i>	Section 8.2.4
<i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,</i>	Section 8.2.5
<i>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	Section 8.2.6

<i>(c) the suitability of the site for the development,</i>	Section 8.2.7
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	Section 8.2.8
<i>(e) the public interest.</i>	Section 8.2.9

2.2: Biodiversity Conservation Act 2016

7.14 State significant development or infrastructure

<i>(2) The Minister for Planning, when determining in accordance with the Environmental Planning and Assessment Act 1979 any such application, is to take into consideration under that Act the likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report. The Minister for Planning may (but is not required to) further consider under that Act the likely impact of the proposed development on biodiversity values.</i>	Annexure 8 Section 7.1
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7.16 Proposed development or activity that has serious and irreversible impacts on biodiversity values

<i>(3) If the Minister for Planning is of the opinion that proposed State significant development or State significant infrastructure that is the subject of an application to which this Division applies is likely to have serious and irreversible impacts on biodiversity values, the Minister—</i>	Annexure 8 Section 7.1.3.2
<i>(a) is required to take those impacts into consideration, and</i>	
<i>(b) is required to determine whether there are any additional and appropriate measures that will minimise those impacts if consent or approval is to be granted.</i>	

NSW Environmental Planning Instruments	
Statutory Requirement	EIS Section
3.1 Hills Local Environmental Plan 2019	
Part 2 – Permitted or Prohibited Development	
Zone RU1 – Primary Production	
1 Objectives of zone	
<ul style="list-style-type: none"> • To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. • To encourage diversity in primary industry enterprises and systems appropriate for the area. • To minimise the fragmentation and alienation of resource lands. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To facilitate the economic extraction of materials from land and the subsequent rehabilitation of that land. 	Section 5.4.2 & Section 8.2.1
Zone RU2 – Rural Landscape	
1 Objectives of zone	
<ul style="list-style-type: none"> • To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. • To maintain the rural landscape character of the land. • To provide for a range of compatible land uses, including extensive agriculture. • To encourage innovative and sustainable tourist development, sustainable agriculture and the provision of farm produce directly to the public. 	Section 5.4.2 & Section 8.2.1
5.10 Heritage Conservation	
(2) Requirement for consent Development consent is required for any of the following—	Annexure 14
<p>(e) erecting a building on land—</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p>	Section 7.9
(4) The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	Annexure 14 Section 7.9
(7) The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)—	Annexure 14
<p>(a) notify the Heritage Council of its intention to grant consent, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p>	Section 7.9

7.2 Earthworks	Annexure 10
<i>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</i>	Section 7.4
<i>(a) the likely disruption of, or any detrimental effect on, flooding or drainage patterns and soil stability in the locality of the development,</i>	Annexure 15 & 17
<i>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</i>	Section 7.10
<i>(c) the quality of the fill or the soil to be excavated, or both,</i>	Annexure 15
<i>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</i>	Section 7.10
<i>(e) the source of any fill material and the destination of any excavated material,</i>	Section 7
<i>(f) the likelihood of disturbing relics,</i>	Annexure 17
<i>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,</i>	Section 3.3
<i>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i>	Annexure 14
7.4 Terrestrial biodiversity	Section 7.9
<i>(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—</i>	Annexure 10 & 8
<i>(a) whether the development is likely to have—</i>	Section 7.4, 7.1
<i>i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</i>	Annexure 5
<i>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</i>	Annexure 8
<i>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</i>	Section 7.1.5.2
<i>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</i>	Annexure 8
<i>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i>	Section 7.1.5.2
<i>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</i>	Annexure 8
<i>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i>	Section 7.1.5.2
	Annexure 8 & 5
	Section 7.1.5.2
	Annexure 8 & 5
	Section 7.1.5.1 &
	7.1.5.2

<i>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>	Annexure 8 & 5 Section 7.1.4.1, 7.1.5.2. 3.6
<i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i>	Annexure 8 & 5 Section 7.1.4 & 7.1.5.2
3.2: Sydney Regional Environmental Plan No.9 – Extractive Industry (No 2 – 1995)	
7 Extractive industries permissible with consent	
<i>(3) The council must not grant such a consent unless:</i>	
<i>(a) it has considered the effect of the development on flood behaviour, the water quality, quantity and hydrodynamics of any watercourse or underground waters and also the effect of flood behaviour on the development and operations associated with the development in the vicinity, and</i>	Annexure 10 Section 7.4
<i>(b) it has considered a rehabilitation plan prepared in accordance with the Guidelines for Rehabilitation Plans in the Extractive Industry Report, and</i>	Annexure 17 Section 3.3
<i>(c) it is satisfied that, while the development is being carried out, noise and vibration levels will generally be in accordance with the guidelines in the State Pollution Control Commission Environmental Noise Manual (1985 edition) available at the offices of the Environment Protection Authority and the councils of the areas specified in Schedule 4, and</i>	Annexure 9 Section 7.2
<i>(d) it is satisfied that rehabilitation measures will be carried out in accordance with the guidelines in the Urban Erosion and Sediment Control Handbook (1992) prepared by the Department of Conservation and Land Management and available at the offices of the Department of Land and Water Conservation.</i>	Annexure 17 Section 3.3
11 Special requirements for extractive industry at Maroota	
<i>(2) The council must not grant consent to the carrying out of development for the purpose of extractive industry on land to which this clause applies unless the council is satisfied that the proposed development:</i>	Annexure 10 Section 7.4.6
<i>(a) is unlikely to have a significant adverse impact on the Maroota groundwater resource or on other groundwater users in the region, and</i>	
<i>(b) will conserve the environmentally sensitive and significant areas and features of the Maroota locality, including the environment of threatened species, populations and ecological communities, and</i>	Annexure 8 Section 7.1
<i>(c) will involve controlled and limited access points to main roads, and</i>	Annexure 11 Section 7.5
<i>(d) will result in a final landform capable of supporting sustainable agricultural production or other post-extraction land uses compatible with the established character and the landscape and natural quality of the Maroota locality.</i>	Annexure 15 & 17 Section 3.3 & 7.10
3.3: State Environmental Planning Policy (Infrastructure)	
45 Determination of development applications—other development	Section 5.6

(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must—

- (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and
- (b) take into consideration any response to the notice that is received within 21 days after the notice is given.

101 Development with frontage to classified road

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

Annexure 8
Section 7.5

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—

- (i) the design of the vehicular access to the land, or
- (ii) the emission of smoke or dust from the development, or
- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

Annexure 8 & 10
Section 7.5 & 7.8

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Annexure 6 & 8
Section 7.2.7.5 & 7.5

104 Traffic-generating development

(3) Before determining a development application for development to which this clause applies, the consent authority must—

Section 5.6

- (a) give written notice of the application to RMS within 7 days after the application is made, and

(b) take into consideration—

- (i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including—

Annexure 11 &
Section 7.5

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

12 Compatibility of proposed mine, petroleum production or extractive industry with other land uses

Before determining an application for consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must—

(a) consider—

(i) the existing uses and approved uses of land in the vicinity of the development, and

(ii) whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development, and

(iii) any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and

(b) evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a)(i) and (ii), and

(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii)

Annexure 15
Section 7.10.3

12A Consideration of voluntary land acquisition and mitigation policy

(2) Before determining an application for consent for State significant development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider any applicable provisions of the voluntary land acquisition and mitigation policy and, in particular—

(a) any applicable provisions of the policy for the mitigation or avoidance of noise or particulate matter impacts outside the land on which the development is to be carried out, and

(b) any applicable provisions of the policy relating to the developer making an offer to acquire land affected by those impact

Annexure 9 & 13
Section 7.2 & 7.8

13 Compatibility of proposed development with mining, petroleum production or extractive industry

(2) Before determining an application to which this clause applies, the consent authority must—

(a) consider—

(i) the existing uses and approved uses of land in the vicinity of the development, and

(ii) whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and

(iii) any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and

(b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a)(i) and (ii), and

(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii).

Annexure 15 & 5
Section 7.10 & 8.2.9

14 Natural resource management and environmental management

Annexure 5, 8 & 10
Section 7.1 & 7.4

(1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner, including conditions to ensure the following—

- (a) that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable,*
- (b) that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,*
- (c) that greenhouse gas emissions are minimised to the greatest extent practicable.*

(2) Without limiting subclause (1), in determining a development application for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider an assessment of the greenhouse gas emissions (including downstream emissions) of the development, and must do so having regard to any applicable State or national policies, programs or guidelines concerning greenhouse gas emissions.

15 Resource recovery

(1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery.

(2) Before granting consent for the development, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at optimising the efficiency of resource recovery and the reuse or recycling of material.

(3) The consent authority may refuse to grant consent to development if it is not satisfied that the development will be carried out in such a way as to optimise the efficiency of recovery of minerals, petroleum or extractive materials and to minimise the creation of waste in association with the extraction, recovery or processing of minerals, petroleum or extractive materials.

Section 3

16 Transport

(1) Before granting consent for development for the purposes of mining or extractive industry that involves the transport of materials, the consent authority must consider whether or not the consent should be issued subject to conditions that do any one or more of the following—

- (a) require that some or all of the transport of materials in connection with the development is not to be by public road,*
 - (b) limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,*
 - (c) require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads.*
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Annexure 11

Section 7.5

17 Rehabilitation

(1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the development.

(2) In particular, the consent authority must consider whether conditions of the consent should—

- (a) require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or*
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Annexure 17

Section 3.3 & 7.10

<p>(b) require waste generated by the development or the rehabilitation to be dealt with appropriately, or</p> <p>(c) require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under clause 3 of Schedule 6 to the Act and the Contaminated Land Management Act 1997), or</p> <p>(d) require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.</p>	
<p>3.5 Sydney Regional Environmental Plan – Hawkesbury–Nepean River (No. 20 – 1997)</p>	
<p>3 Aim of this plan</p>	
<p><i>The aim of this plan is to protect the environment of the Hawkesbury–Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.</i></p>	Section 8.2.6
<p>4 Application of general planning considerations, specific planning policies and recommended strategies</p>	
<p>(1) <i>The general planning considerations set out in clause 5, and the specific planning policies and related recommended strategies set out in clause 6 which are applicable to the proposed development, must be taken into consideration:</i></p> <p>(a) <i>by a consent authority determining an application for consent to the carrying out of development on land to which this plan applies, and</i></p>	See below
<p>5 General planning considerations</p>	
<p><i>The general planning considerations relevant for this Part are:</i></p> <p>(a) <i>the aim of this plan, and</i></p>	See above
<p>(b) <i>the strategies listed in the Action Plan of the Hawkesbury–Nepean Environmental Planning Strategy, and</i></p>	See below
<p>(c) <i>whether there are any feasible alternatives to the development or other proposal concerned, and</i></p>	Section 8.3
<p>(d) <i>the relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored.</i></p>	Annexure 5 Section 7 & 8.2
<p>6 Specific planning policies and recommended strategies</p>	
<p>(1) <i>Total catchment management</i></p> <p>(a) <i>Refer the application or other proposal for comment to the councils of each adjacent or downstream local government area which is likely to suffer a significant adverse environmental effect from the proposal.</i></p> <p>(b) <i>Consider the impact of the development concerned on the catchment.</i></p> <p>(c) <i>Consider the cumulative environmental impact of development proposals on the catchment.</i></p>	Annexure 8 & 10 Section 7.1 & 7.4
<p>(2) <i>Environmentally sensitive areas</i></p> <p>(a) <i>Rehabilitate parts of the riverine corridor from which sand, gravel or soil are extracted so that attached aquatic plant beds are replaced and water quality and faunal habitats improved.</i></p> <p>(b) <i>Minimise adverse impacts on water quality, aquatic habitats, riverine vegetation and bank stability.</i></p>	Annexure 8, 10 & 17 Section 3.3, 7.1 & 7.4

(c) Minimise direct and indirect adverse impacts on land reserved or dedicated under the National Parks and Wildlife Act 1974 or the Forestry Act 1916 and conservation area sub-catchments in order to protect water quality and biodiversity.

(d) Protect wetlands (including upland wetlands) from future development and from the impacts of land use within their catchments.

(e) Consider the need to include buffer zones (such as adequate fire radiation zones) for proposals on land adjacent to land reserved or dedicated under the National Parks and Wildlife Act 1974 or the Forestry Act 1916.

(f) Consider the views of the Director-General of National Parks and Wildlife about proposals for land adjacent to land reserved or dedicated under the National Parks and Wildlife Act 1974.

(g) Consideration should be given to the impact of the development concerned on the water table and the formation of acid sulphate soils.

(h) New development in conservation area sub-catchments should be located in areas that are already cleared.

(3) Water quality

(a) Quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters.

(b) Consider the need to ensure that water quality goals for primary contact recreation and aquatic ecosystem protection are achieved and monitored.

(d) Do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site.

(e) Develop in accordance with the land capability of the site and do not cause land degradation.

(f) Consider the need for an Erosion and Sediment Control Plan (to be in place at the commencement of development) where the development concerned involves the disturbance of soil.

(g) Minimise or eliminate point source and diffuse source pollution by the use of best management practices.

(h) Site and orientate development appropriately to ensure bank stability. Plant appropriate native vegetation along banks of the river and tributaries of the river, but not so as to prevent or inhibit the growth of aquatic plants in the river, and consider the need for a buffer of native vegetation.

(i) Consider the impact of the removal of water from the river or from groundwater sources associated with the development concerned.

(j) Protect the habitat of native aquatic plants.

Annexure 5, 8, 10,
15 & 17

Section 3.3, 7.1, 7.10
& 7.4

(4) Water quantity

(a) Future development must be consistent with the interim or final river flow objectives that are set for the time being by the Government.

(b) Ensure the amount of stormwater run-off from a site and the rate at which it leaves the site does not significantly increase as a result of development. Encourage on-site stormwater retention, infiltration and (if appropriate) reuse.

(c) Consider the need for restricting or controlling development requiring the withdrawal or impoundment of water because of the effect on the total water budget of the river.

Annexure 10

Section 7.4

(d) Consider the impact of development on the level and quality of the water table.

(5) Cultural heritage

(a) Encourage development which facilitates the conservation of heritage items if it does not detract from the significance of the items.

(b) Protect Aboriginal sites and places of significance.

(c) Consider an Aboriginal site survey where predictive models or current knowledge indicate the potential for Aboriginal sites and the development concerned would involve significant site disturbance.

(d) Consider the extent to which heritage items (either identified in other environmental planning instruments affecting the subject land or listed in Schedule 2) derive their heritage significance from the river.

Annexure 14

Section 7.9

(6) Flora and fauna

(a) Conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities, aquatic habitats, wetland flora, rare flora and fauna, riverine flora, flora with heritage value, habitats for indigenous and migratory species of fauna, and existing or potential fauna corridors.

(b) Locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land.

(c) Minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices.

(d) Consider the impact on ecological processes, such as waste assimilation and nutrient cycling.

(e) Consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms.

(f) Consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas.

(g) Consider the need to control access to flora and fauna habitat areas.

Annexure 5 & 8

Section 7.1

3.6 State Environmental Planning Policy 33 – Hazardous and Offensive Development

3 Definitions of “potentially hazardous industry” and “potentially offensive industry”

In this Policy—

potentially hazardous industry means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality—

(a) to human health, life or property, or

(b) to the biophysical environment,

and includes a hazardous industry and a hazardous storage establishment.

potentially offensive industry means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the

Section 7.3

locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.

3.7: State Environmental Planning Policy No.55 – Remediation of Land

7 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless—

Section 7.3

(a) it has considered whether the land is contaminated
