

## **APPENDIX F ENVIRONMENTAL PLANNING INSTRUMENTS**

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### **STATE ENVIRONMENTAL PLANNING POLICIES**

#### ***State Environmental Planning Policy State Environmental Planning Policy (Infrastructure) 2007***

The main objectives of the State Environmental Planning Policy (Infrastructure) 2007, are to facilitate the effective delivery of infrastructure by improving regulatory certainty through consistent planning management for infrastructure and providing greater flexibility in the location of infrastructure and service facilities. As part of the assessment process the proposal was referred to relevant State agencies responsible for infrastructure including the RTA, Department of Education and Training, Department of Health, and Emergency Services.

The Infrastructure SEPP also aims to ensure the Transport for NSW (Roads and Maritime Services) is made aware of and allowed to comment on projects for developments listed in Schedule 3 of the SEPP. The project was referred to the Transport for NSW for comment, and consideration has been given to issues raised by Transport for NSW as outlined in section 5.6.1.

#### ***State Environmental Planning Policy No. 44 Koala Habitat Protection***

*State Environmental Planning Policy No. 44 – Koala Habitat Protection* (SEPP 44) aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

The proponent has carried out an assessment of the proposal against SEPP 44. As a result of a single koala being observed during the fauna survey, further targeted surveys were carried out, however no further sightings or secondary indications of Koalas was recorded. The assessment concluded that the site is considered to be potential koala habitat, but that it is not core koala habitat as it was considered that the koala sighted is not part of a significant koala population. The Department is satisfied that SEPP 44 has been adequately addressed.

#### ***State Environmental Planning Policy No. 55 Remediation of Land***

*State Environmental Planning Policy No. 55 (Remediation of Land)* (SEPP 55) aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment by specifying that certain considerations be made by the consent authority when determining development applications.

The proponent has prepared a Preliminary Contamination Assessment, which concluded that the site is suitable for the proposed residential development in accordance with SEPP 55, subject to detailed investigation through the preparation and implementation of a remediation action plan. This is reflected in the proponent's statement of commitments.

The Department considers that the proposed development site can be made suitable for residential development through remediation, and accordingly is satisfied that the proposal complies with the requirements of SEPP 55.

### ***Hunter Regional Environmental Plan 1989 (Heritage)***

The *Hunter Regional Environmental Plan 1989 (Heritage)* identifies the Stockrington No. 2 Colliery as an 'item requiring further investigation', and sets out heads of consideration prior to approval of demolition of this item. The Stockrington No. 2 Colliery is located within the Stockrington conservation lands which are proposed to be dedicated to the NSW Government for conservation purposes. Accordingly, the item would not be impacted by the proposal and no further consideration is required. The *Hunter Regional Environmental Plan 1989 (Heritage)* does not identify any heritage items within the development site.

### ***Cessnock Local Environmental Plan 2011***

*State Environmental Planning Policy Amendment (Minmi-Newcastle Link Road) 2013* amended *Cessnock Local Environmental Plan 2011* to rezone the areas of the site within Cessnock local government area as E1 National Parks and Nature Reserves. The concept plan proposes to dedicate the land zoned E1 National Parks and Nature Reserves to the NSW Government for conservation purposes. Accordingly, the concept plan is considered to be entirely consistent with the *Cessnock Local Environmental Plan 2011*

### ***Lake Macquarie Local Environmental Plan 2004***

*State Environmental Planning Policy Amendment (Minmi-Newcastle Link Road) 2013* amended *Lake Macquarie Local Environmental Plan 2004* to rezone the areas of the site within Lake Macquarie local government area as B2 Local Centre, R2 Low Density Residential, E1 National Parks and Nature Reserves and E2 Environmental Conservation. The concept plan is generally consistent with the LEP through its proposed layout, land use and development controls.

### ***Newcastle Local Environmental Plan 2013***

*State Environmental Planning Policy Amendment (Minmi-Newcastle Link Road) 2013* amended *Newcastle Local Environmental Plan 2013* to rezone the areas of the site within Newcastle local government area as B1 Neighbourhood Centre, B2 Local Centre, R2 Low Density Residential, R3 Medium Density Residential, E1 National Parks and Nature Reserves, E2 Environmental Conservation. The concept plan is generally consistent with the LEP through its proposed layout, land use and development controls.

## **APPENDIX G AGENCY SUBMISSIONS**

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See the Department's website at <http://majorprojects.planning.nsw.gov.au>