

APPENDIX G CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (Infrastructure) 2007

The main objectives of the Infrastructure SEPP 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 former RTA (now Transport for NSW), the former Department of Education and Training (now Department of Education and Communities), NSW Health, Transgrid, Hunter Water Corporation and Ambulance NSW.

The Proponent contributes to the provision of local and regional infrastructure through a \$2 million dollar grant for a local bus service, sponsorship of local sporting teams, heritage studies, employment of an Aboriginal Heritage Officer and to fund the review of sub-regional strategy for cycle/pedestrian paths.

The Infrastructure SEPP also aims to ensure the former RTA (now Transport for NSW) is made aware of and allowed to comment on projects for developments listed in Schedule 3 of the SEPP. Schedule 3 identifies development including industrial development site exceeding 4,000m² in area where the site has access to a classified road or to a road that connects to a classified road. The proposal therefore triggers the Infrastructure SEPP. The project was referred to the former RTA for comment in accordance with the Infrastructure SEPP.

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

The 'Mining SEPP' aims to ensure the proper management and development of areas with mineral, petroleum and extractive material resources. The SEPP requires the consent authority to assess compatibility of the proposed development with an existing approved mining industry.

The proposed development is considered compatible with the existing mining operation, as it will not impact on resource extraction during the lifetime of the existing mining consent. Consistent with the requirements of the existing mining approval for the site, the Proponent has stated that development of the subject site will be deferred until 30 June 2013, the date by which any subsidence resulting from undermining was to be complete.

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

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.

SEPP 44 applies to the site as it is located in a local government area listed in Schedule 1. A survey of the site identified the presence of 1 tree species listed in Schedule 2 of SEPP No. 44 – 'Koala Habitat Protection' occurring on site, namely *Eucalyptus punctata* (Grey Gum), *E. punctata*. The Proponent has indicated that there is no evidence of koala activity on site. The Department is satisfied with the consideration of SEPP 44 contained in the Environmental Assessment.

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

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 in general, and where relevant, land has been appropriately remediated.

The proponent has prepared a Preliminary Contamination, Geotechnical and Mine Subsidence Assessment, which concluded that the site can be made suitable for industrial development through remediation. The proponent has committed to the implementation of the necessary remediation measures prior to issue of the subdivision certificate for stage 1 works.

The Department is satisfied that the site can be made suitable for the proposed uses, subject to further assessment and consideration at the development application stage.

State Environmental Planning Policy Amendment (Cessnock and Newcastle) 2013

SEPP Amendment (Cessnock and Newcastle) 2013 rezones the Site. The amendment protects land of environmental conservation value with environmental protection zoning, identifies land appropriate for development with industrial zoning, and establishes development controls over the Site. The concept plan is consistent with the SEPP Amendment SEPP Amendment (Cessnock and Newcastle) 2013 through its proposed layout, land use and development controls.