
APPENDIX C – STATE ENVIRONMENTAL PLANNING POLICIES



C1. State Environmental Planning Policy (Rural Lands) 2008

The proposal to rezone land currently part zoned RU2 Rural Landscape requires consideration of the provisions of the SEPP for Rural Lands and flags the mid north coast farmland mapping for consideration.

Clause 7 of the SEPP for Rural Lands is addressed as follows.

Part 2 Rural Planning Principles

7 Rural Planning Principles

The Rural Planning Principles of SEPP (Rural Lands) 2008 are

(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,

Comment: The planning proposal does not impinge upon or alter the current agricultural capacity of the lands. The areas zoned RU2 Rural Landscape are 11 discrete areas of approximately 1 ha in size, square in shape. Taking into account the vegetated state of the land and poor soil types there small areas zoned Rural have little to nil agricultural capacity.

(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,

Comment: The planning proposal does not impact upon any areas of prime agricultural land capacity.

(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,

Comment: The planning proposal does not conflict with this principle.

(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,

Comment: The planning proposal recognises the environmental interests of the community and proposes to rezone the lands accordingly.

(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,

Comment: The Background Studies supporting the planning proposal assesses the natural resources of the subject area and include reference to historic and more recent ecological assessments. Regard has been had to maintaining biodiversity, protection of native vegetation, water resources and avoiding constrained lands.



(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,

The planning proposal for an intended outcome of 3 large rural lots with dwelling sites located within the E3 Environmental Management Zone.

(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,

The site had access to public road network and with sufficient capacity for 3 additional lots. The intended outcome is for an environmental sustainable development and as such extension of traditional urban services such as mains electricity supply, water and the like is not proposed. Each lot has ample area set aside under the proposed E3 zone to establish a dwelling, solar panels on dwelling & sheds, on site waste water disposal areas, asset protection zone and on site water capture such as dams and rain water tanks.

(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

In considering the above Rural Planning Principles, principles (d) & (e) are most relevant to the subject planning proposal. The planning proposal is consistent with the provisions of the SEPP for Rural Lands in that it protects considers the environment and in particular seeks to protect the broader biodiversity of the site and protects native vegetation as well as and avoiding constrained land.

C.2 State Environmental Planning Policy No. 14 – Coastal Wetlands

The subject land does not contain any mapped SEPP 14 Wetlands, nor does it impact upon any nearby wetland communities.

C.3 State Environmental Planning Policy No. 44 – Koala Habitat

The site identified as part of the area mapped under the Kempsey Comprehensive Koala Plan of Management. This KPoM was prepared under the provisions of SEPP 44 and has been approved by the Department of Planning.

Section 5.0 of the ecological assessment by *Naturecall Environmental* dated September 2014 addresses the provisions of SEPP 44 and the Kempsey Comprehensive Koala Plan of Management.

C.4 State Environmental Planning Policy No. 55 – Remediation of Land

Clause 6 of the *SEPP 55 – Remediation of Land* requires a planning authority to consider whether the land is contaminated and if the land is contaminated, to be satisfied that the land will be suitable for the proposed use or appropriately remediated.



In accordance with Clause 6(2) a preliminary investigation of the land in accordance with the contaminated land guidelines has been undertaken and the land has not been used for any of the purposes referred to in Table 1 of the contaminated land planning guidelines.

Enquiries of the current owners indicate that previous uses have included limited cattle grazing and some historic logging within suitable parts of the site. No potentially contaminating land activities were identified.

Substantially prior to the current ownership the land had a history of use for timber getting and cattle grazing. Historically logs were transported down Maria River and onto Port Macquarie. Subsequently Oxen and tractor haulage along Beranghi Road. (source *Archaeological assessment, J Appleton, 2002*).

There is no dwelling on the site or other farm infrastructure improvements. The land contains a European local heritage site known as *Ruins of Gordon's Gaol huts, remains of graves and Gordon's Jetty*. Reference to the NSW State Heritage Inventory Report 14 June 2006 shows the property referred to as a *Pastoral holding*. An extract from the report is provided at **Appendix E**. The planning proposal does not impact upon the Ruins and would enable them to remain unimpeded and untouched.

Aboriginal Cultural Heritage investigations undertaken in 2002 and did not make any findings but did recommend supervision during any ground disturbance works.

Enquiries as to previous and current land uses indicate it has primarily has been cattle grazing with some historic logging.

- There is no on site cattle tick dip or former tick dip site.
- The land has not been used for Market Gardens or Orchards.
- There are no oil storage depots or former fuel depots associated with the past or present uses.
- There are no refuse or garbage land fill areas

Searches of the land contamination register, record of notices and contaminated sites notified to EPA have not identified the subject Lot 1 DP 196559, Parish of Palmerston

Table 1 - List of Potentially Contaminating Activities

Acid/alkali plant and formation	Metal treatment
Agricultural/horticultural activities	Mining and extractive industries
Airports	Pesticide manufacture and formulation
Asbestos production and disposal	Pharmaceutical formulation and
Chemicals manufacture and formation	manufacture
Defence works	Oil production and storage
Drum re-conditioning works	Paint formulation and manufacture
Dry cleaning establishments	Power stations
Electrical manufacturing (transformers)	Railway yards
Electroplating and heat treatment premise	Scrap yards
Engine works	Service stations



Explosive industry	Sheep and cattle dips
Gas works	Smelting and refining
Iron and steel works	Tanning and associated trades
Landfill sites	Waste storage and treatment
	Wood preservation

Source: ANZECC & NHMRC 1992 The Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites, From DUAP & EPA 1998 Managing Land Contamination.

C.5 State Environmental Planning Policy No. 71 – Coastal Protection

Council GIS mapping indicates that the subject land is not mapped as part of the Coastal Zone mapping under SEPP 71.

C.6 State Environmental Planning Policy (Infrastructure) 2007

The subject land has frontage to Beranghi Road and is more than 90 m along from the intersection with Crescent Head Road. Together with the small scale development outcome proposed for the land, the referral provisions of the SEPP for Infrastructure under this clause are not triggered by the planning proposal or the intended outcome.

