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## CONSISTENCY WITH SEPPs

SEPPS and Key issues relevant to the PP	Consistent / Inconsistent
<b>SEPP (Biodiversity and Conservation) 2021</b>	
<b>Chapter 2 - Vegetation in Non-Rural Areas</b>	
<p>Consistent.</p> <p>A significant percentage of the original land holding was zoned for environmental protection purposes in 2009 (LEP Amendment 55). The Biodiversity Assessment has confirmed that there are no areas of the subject land that warrant an environmental zoning.</p> <p>The Planning Proposal is consistent with the aims or provisions of this SEPP.</p>	
<b>Chapter 3: Koala Habitat Protection 2020</b>	
<p>Consistent.</p> <p>The Kempsey LGA is listed in Schedule 1 of the SEPP.</p> <p>The Subject Land falls within the Kempsey Shire Council CKPoM. This CKPoM has mapped the area as Secondary A habitat meaning that a preferred koala food tree is part of the canopy of the area but not dominant. The Biodiversity Assessment (<b>Appendix F</b>) has undertaken extensive survey for the Koala in the form of spotlighting and secondary evidence searches (SAT) but has failed to record the species on the site. There are 76 records of the species within the locality however none within or adjacent to the Subject Land.</p> <p>Biodiversity Australia determined that mapped potential koala habitat was not considered core koala habitat. Secondary A koala habitat has not been included in HEV mapped land.</p> <p>Retention of all KFTs is not envisaged in the Subdivision Masterplan and as such will need to offset as per the CKPoM at a ratio of 2:1, requiring an area of 9 ha in total to be offset.</p> <p>The land proposed for offsetting of impacts to mapped Koala Habitat were deemed suitable as part is currently mapped as Secondary 'A' Koala Habitat under the CKPoM and contains the proposed species for replanting within the description of the community. Similarly, the proposed offsetting area for revegetation is currently mapped as 'other' under the CKPoM, however the proposed species for replanting is described as occurring within the PCT. Specific detail around koala offsetting locations and species can be found in Section 4.3 of the Biodiversity Assessment (<b>Appendix F</b>).</p> <p>KSC CKPoM Mapping is shown below.</p>	
<b>Chapter 4 – Koala Habitat Protection 2021</b>	
<p>Consistent.</p> <p>Where an approved Comprehensive Koala Plan of Management (CKPoM) is in place the SEPP defers to this plan. Impacts to Koala Habitat and proposed offsetting are as discussed above.</p> <p>The proposed LEP amendment does not contain provisions that contradict or hinder the application of this chapter of the SEPP. KSC CKPoM Mapping is shown below.</p>	

## KSC CKPoM Mapping



Source: Biodiversity Australia, 2023

## SEPP (Resilience and Hazards) 2021

### Chapter 2 – Coastal Management

Consistent.

Chapter 2 of the SEPP seeks to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016*, including the management objectives for each coastal management area by:

- managing development in the coastal zone and protecting the environmental assets of the coast, and
- establishing a framework for land use planning to guide decision-making in the coastal zone, and
- mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.

The Planning Proposal contains no provisions that contradict or hinder the application of the SEPP.

### Chapter 4 Remediation of Land

Consistent.

Development proposals must be accompanied by preliminary or detailed Contamination assessments depending upon previous land uses and the nature of the development. The determining authority must be certain that the land is suitable for a proposed land use.

The land has recently been managed as a Tea Tree farm. There is no past history that is indicative of a contaminating land use.

The nearby former Shell Fuel Terminal site has been remediated and is developed for residential purposes.

## SEPP (Exempt and Complying Development Codes) 2008

<p>Consistent.</p> <p>The proposed amendment will have no material effect on exempt or complying development.</p>	
<b>SEPP (Primary Production) 2021</b>	
<b>Chapter 2 - Primary Production and Rural Development</b>	
<p>Consistent.</p> <p>The Planning Proposal is consistent with the aims and provisions of this SEPP.</p> <p>The land is not identified in Schedule 1 of the SEPP as State significant agricultural land.</p> <p>Kempsey LEP is not listed in Part 6 of Schedule 4 of the SEPP.</p> <p>The proposed rezoning of rural land to residential will result in the loss of land currently zoned for primary production. However, given the lands location within an urban area and within the NCRP 2036 and 2041 growth area map, and the minimal agricultural activity of the land limited to Tea Tree farming, the proposal will have a minor impact in terms of the protection of land for primary production.</p> <p>Land use conflict will not be increased following the amendments request in this Planning Proposal. Rather potential conflicts with existing and approved residential lots will be reduced.</p>	
<b>SEPP (Transport and Infrastructure) 2021</b>	
<p>Consistent.</p> <p>The Planning Proposal contains no provisions that contradict or hinder the application of the SEPP.</p>	
<b>SEPP (Housing) 2021</b>	
<p>Consistent.</p> <p>The SEPP will operate where the land is zoned for residential purpose.</p>	
<b>SEPP (Planning Systems) 2021</b>	
Chapter 2 – State and Regional Development	This Planning Proposal does not contain provisions that contradict or hinder the application of this chapter of the SEPP.
Chapter 3 – Aboriginal Land	This chapter of the SEPP only applies to the Central Coast LGA.
Chapter 4 – Concurrences and Consents	The Planning Proposal does not contain provisions that contradict or hinder the application of this chapter of the SEPP.