

3. Legislative Context

In accordance with the requirements of the TSC Act, an SIS is required when the results of the 8 Part Test conclude that there is likely to be a significant impact on a threatened species. Threatened species are listed as being Endangered or Vulnerable on Schedules 1 and 2 respectively, of the TSC Act 1995.

A flora and fauna assessment of the proposed route options was undertaken by Biosis Research (1997a), this report is presented in the appendices. The assessment included an Eight Part Test in accordance with Section 5A of the Environmental Planning and Assessment Act (1979). Biosis Research (1997a) concluded that there was likely to be a significant effect on threatened species likely to occur along the proposed route. In accordance with the TSC Act, this SIS has been prepared to more clearly define the extent of the impact.

As described in Biosis Research (1997a), there are two State Environmental Planning Policy No.14 (SEPP 14) wetlands in the vicinity of the proposed route. These wetlands are downstream of the proposed works. SEPP 14 requires that the impact on wetlands covered by the policy must be addressed in any development proposal. This issue will be addressed in the Environmental Impact Statement (EIS).

State Environmental Planning Policy No. 44 (SEPP 44) – Koala Habitat Protection applies to those parts of the proposed route that potential or core habitat as defined in the SEPP. In brief, potential habitat occurs where Koala food trees listed in Schedule 1 of the SEPP are greater than 15% of the canopy species; core habitat occurs where there is evidence of Koalas in areas of potential habitat. As for SEPP 14, this issue will be addressed in the Environmental Impact Statement (EIS).

In addition to these planning policies, the Australian Government has an international obligation under the Japan-Australia Migratory Birds Agreement (JAMBA) and the China-Australia Migratory Birds Agreement (CAMBA) to manage and protect migratory birds and their habitats. Some wader species listed on these agreements may occur in wetlands in the study area.

Other Approvals

The proposed development will require approval under Part V of the Environmental Planning and Assessment (EP&A) Act (1979). Section 5A of the EP&A Act will also apply. A full list of approvals required to undertake the proposal is contained within the Environmental Impact Statement.