

State Environmental Planning Policies Assessment

SEPP	Comment
14 – Coastal Wetlands	
SEPP No. 14 Coastal Wetlands aims to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of the State. A wetland classified under this SEPP cannot be cleared, drained, filled or a levee constructed without the concurrence of the Director-General of the Department of Planning	▪ Applicable ▪ Part of the Precinct falls within the designated Porters creek wetland. It is not proposed to urbanise the floodplain, inclusive of the wetland. ▪ Additionally, it is proposed to manage stormwater so as to not adversely impact the wetland. ▪ Notwithstanding, any alterations to the wetland are required, concurrence will be sought from the Director General of the Department of Planning.
44 – Koala Habitat Protection	
SEPP No. 44 Koala Habitat protection 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 SEPP requires the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and encouragement of the identification of areas of core koala habitat, and the inclusion of areas of core koala habitat in environment protection zones.	▪ Applicable investigations (in the form of an Ecological Assessment) were undertaken during the planning process led to the conclusion that it is assumed that the precinct contains core koala habitat. Such habitat could potentially be impacted by urbanisation of the Precinct under such circumstances a koala plan of management would need to be prepared in accordance with the requirements of the SEPP and accompanying circular no. B35 (DUAP 1995). It is noted that the Ecological Assessment did not identify koala management as a key consideration in compiling the precinct Structure Plan.

55 – Remediation of Land	
SEPP No. 55 Remediation of Land aims to promote the remediation of land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. SEPP 55 states that when 'preparing an environmental planning instrument, a planning authority is not to include in a particular zone', land identified as being contaminated, 'if the inclusion of land in that zone would permit a change of use of the land.'	▪ Applicable ▪ A Stage 1 contamination assessment was undertaken. ▪ The Assessment concluded that the contamination risk across the site to be generally low although localised areas with elevated contamination potential, or areas of environmental concern exist across the site. Notwithstanding, the need for additional investigations were considered unlikely to result in constraints to development and that any areas of contamination once remediated would be suitable for the designated use established in the Structure Plan/Masterplan. ▪ Future sampling protocols were detailed for non fragmented Areas of Environmental Concern (AEC). Additionally, it was recommended that other areas be subject to reinspection prior to development so as to update contamination status. ▪ Hazardous building assessments is also suggested to be undertaken in respect of the demolition of any existing structure. ▪ With regard to the foregoing it is proposed to pursue the recommendation of including a DCP provision requiring assessment of AEC's, potential contaminant of concern and hazardous building materials.
SEPP (Infrastructure) 2007	
The subject policy seeks to facilitate the efficient delivery of infrastructure in a planning sense. It permits infrastructure provision in a range of circumstances, excluding the Coastal Wetland (SEPP no 14).	▪ The zoning provisions the principles contained in the draft LEP have been prepared having regard to LEP Practice Note Pn 10-001.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	
This SEPP makes provision for, amongst other things underground mining, with Council consent.	▪ Applicable ▪ The site is partly in a mine subsidence district, with development of single storey and two storey brick veneer dwellings not being precluded in such area. ▪ Undermining in the vicinity of the main rail and longer footprint and potentially higher buildings around the Warnervale Centre would likely need to be restricted. ▪ Little opportunities also exist to sensitively integrate surface level infrastructure into the Precinct urban and conservation zones.