



PROPOSED PLANNING REGIME FOR THE SITE

3.1 Introduction

This section sets out the proposed planning controls which have been developed to control future development on the site. The controls will be implemented as an amendment to Schedule 3 of Major Projects SEPP. It is intended that the only statutory planning controls which will apply to the site will be those contained in Major Projects SEPP and other State Environmental Planning Policies. The development of the site will take place within the framework of the SEPP and the adopted Concept Plan for the site and associated Design Guidelines and Controls and Management Plans which form part of the Concept Plan. Development with a capital investment value of more than of \$20 million will be dealt with under the provisions of Part 3A of the Act. Other matters will be Part 4 development and Shellharbour Council will be the consent authority. The amendment to Schedule 3 is included in Appendix 2.

3.2 Land to Which the SEPP Applies

The amendment to Schedule 3 to Major Projects SEPP applies to the following land:

Lot B DP 109816
Lot 6 DP 1100435

Although Lot 1 DP 955731 was included in the site originally considered by the Minister for the State Significant Site Study, it is not intended to alter the zoning or planning regime relating to this site as it does not form part of the development proposal.

3.3 Amendment of SEPP 14

It is intended, as part of the amendment to Schedule 3 of the Major Projects SEPP to amend SEPP 14. This amendment is a map amendment to the SEPP and alters the boundaries of Wetland 382. The boundaries of this wetland have been investigated in detail on the ground and the amendment represents the correct boundaries of the wetland.

3.4 Exempt and Complying Development

It is intended, that development, listed as exempt and complying development in Shellharbour Development Control Plans 9/98 and 11/98 of 4 May 2005 will be exempt and complying development on the site.

3.5 Land Use Zoning

There are three land use zones proposed for the site as follows:

Zone B7 – Business Park
Zone E3 – Environmental Management
Zone SP2 - Infrastructure

The Business Park Zone applies to the area to be subdivided and developed as the Business Park and provides for a variety of uses as development permissible with consent. Development which is inconsistent with the zone objectives is prohibited in the zone.

The Environmental Management Zone applies to the wetlands and other areas and a limited range of uses are permitted within this zone.

The Infrastructure Zone applies to the area currently zoned Special Uses and implements the special controls for the reservation of the area as a road and its acquisition by the Roads and Traffic Authority.

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Figure 3.0 Zoning Plan

3.6 Definitions

The plan generally adopts the definitions used in the Standard Instrument (Local Environmental Plans) Order 2006.

3.7 Special Provisions

Special provisions included in the plan include the following:

- Sustainability objectives are to be met by development proposals
- A height limit of 25m is applied to the site
- A floor space ratio of 1:1 is applied to the site

Other provisions not applying to Part 3A projects are as follows:

- A clause to preserve trees and other vegetation
- Special provisions apply to the identified Riparian Buffer areas where development is strictly controlled
- Community use of educational establishments is permitted
- Temporary use of land is permitted
- Restrictions on development relating to the operation of the adjacent Illawarra Regional Airport are included
- Restrictions relating to the development of flood liable land are included

3.8 SEPPs and Ministerial Directions Applying

The proposed planning regime provides that SEPPs will apply to the site. Further, there are Ministerial Directions under s117 of the Act which apply to the preparation of Local Environmental Plans which should be considered here.

Ministerial Directions Section 117

The relevant 117 Directions are as follows:

No 1 Acid Sulphate Soils
No 6 Coastal Protection
No 13 Environment Protection Zones
No 15 Flood Prone Land
No 17 Integrating Land Use and Transport
No 22 Rural Zones
No 25 Site Specific Zoning

State Environmental Planning Policies

The relevant SEPP's are as follows:

SEPP 11 Traffic Generating Development
SEPP 14 Coastal Wetlands
SEPP 55 Remediation of Land
SEPP 65 Advertising and Signage
SEPP 71 Coastal Protection

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Consideration of these matters is included in the following table:

Section Directions	117	Requirement	Compliance
No 1 Acid Sulphate Soils		Seeks to ensure that any mapped acid sulphate soils will not have an environmental impact on development	A study has been carried out of the soils on the site (Appendix 8) and the preparation of a detailed management plan is recommended prior to excavation of the site
No 6 Coastal Protection		Seeks to protect the ecological, scenic and leisure value of the coast	The development includes measures to protect the ecological values of the site and to ensure that the development of the site will not cause harm to coastal areas. The development will not visually impact on the coastal area
No 12 Development Near Licensed Aerodromes		Seeks to ensure the effective and safe operation of aerodromes and to ensure their operation is not compromised by development	Controls relating to the airport to control height and other matters have been included in the proposed SEPP Schedule 3 amendment
No 13 Environmental Protection Zones		Seeks to protect land identified for environmental protection purposes	It is proposed that the land which is environmentally sensitive will be zoned environmental protection and further protection will be provided by the controls in the riparian buffer included in the planning controls for the site
No 15 Flood Prone Land		Seeks to ensure that the provisions of an LEP on flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	A detailed study has been carried out of the flood prone land on the site and hazard, flood impacts on and off the site have been considered (Appendix 10) The findings of these studies have been implemented in the Concept Plan and provisions relating to flooding have been included in the planning controls for the site
No 17 Integrating Land Use and Transport		Seeks to ensure that land use decisions achieve improved access and choice of transport and that travel demand is reduced	A detailed Traffic Study has been carried out of the site and the development (Appendix 17) The provision of the development in this area will implement the principles of this Direction by providing jobs close to living areas and public transport
No 22 Rural Zones		Seeks to protect the agricultural production value of existing rural land.	The site has been examined and it has been determined that agricultural use of a site in this location and of this size is no longer viable
No 25 Site Specific Zoning		Seeks to make the range of uses permissible in zones as flexible as possible	A wide range of uses are permitted in the planning controls for the site

SEPPs	Requirement	Compliance
SEPP 11 Traffic Generating Development	SEPP 11 provides that certain applications need to be referred to the Roads and Traffic Authority for advice.	The Concept Plan and development applications will be referred to the RTA at the appropriate times.
SEPP 14 Coastal Wetlands	This policy ensures that coastal wetlands are preserved and protected for environmental and economic reasons. Wetland 382, is situated on the site. Land clearing, levee construction, drainage work or filling may only be carried out within these wetlands with the consent of the local council and the agreement of the Director-General of the Department of Planning. Such development also requires an Environmental Impact Statement to be lodged with a development application. The wetland boundaries shown in the policy can be subject to ground truthing which may alter the boundaries of the wetland. Any change in boundaries would require a gazetted amendment to the map accompanying the policy.	The wetland on the site has been ground truthed and the proposed planning controls amend this SEPP to ensure the appropriate area is protected. No development or work is proposed within the revised wetland area. Further, the proposed Riparian Buffer will provide additional protection around the wetland.
SEPP 55 Remediation of Land	The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals.	A Study has been carried out of the likelihood of contamination on the site (Appendix 9) and this matter will be further examined before development commences. Any remediation, if required, will be carried out in Stage 1 of the development.

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SEPP 64 Advertising and Signage	Aims to improve the amenity of urban and natural settings by managing the impact of outdoor advertising. SEPP No. 64 offers the comprehensive provisions and a consistent approach to advertising.	Controls for signage have been included in the Design Guidelines and Controls to be adopted for the site as part of the proposed Concept Plan
SEPP 71 Coastal Protection	SEPP 71 aims to protect and manage the attributes of the New South Wales Coast. It applies to the coastal zone. The Illawarra Regional Business Park site is located within the coastal zone.	The aims and controls in this policy have been considered in the development of the Concept Plan for the site and it is considered that the proposed zoning of the site and the proposed Concept Plan comply with the provisions of this policy. The proposal protects the environmentally sensitive areas on the site and implements environmental controls to ensure there are no adverse impacts on the coastal area as a result of the proposal.