



# PLANNING FRAMEWORK

## 4.1 Commonwealth Matters

### 4.1.1 Environmental Protection and Biodiversity Conservation Act 1999

Provides for a national process for environmental assessment and protection for significant matters.

## 4.2 State Planning Matters

### 4.2.1 Environmental Planning and Assessment Act

Section 5A of the Act provides that in dealing with development, consent authorities must take into account whether there is likely to be a significant effect on threatened species, populations or ecological communities or their habitats.

Part 3A of the Act sets out the procedures for dealing with applications for major projects.

### 4.2.2 State Environmental Planning Policies

#### 4.2.2.1 State Environmental Planning Policy 2005 Major Projects

This policy defines certain developments that are major projects under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. Under the provisions of this policy, the redevelopment of the Illawarra Regional Business Park is a major project. The proposed development would have an investment value of up to \$376 million dollars, and would employ up to 1650 people on completion. It is considered that this proposal falls within the definition of Group 4 Other Manufacturing industries, distribution and storage facilities in Schedule 1 to State Environmental Planning Policy (Major Projects) (Major Projects SEPP) Group 4 provides as follows:

Group 4 Other manufacturing industries, distribution and storage facilities

11 Other manufacturing industries

Development that employs 100 or more people or with a capital investment value of more than \$30 million for the purpose of:

- (a) laboratory, research or development facilities, or
- (b) medical products, or
- (c) printing or publishing, or
- (d) textile, clothing, footwear or leather manufacturing, or
- (e) furniture manufacturing, or
- (f) machinery or equipment manufacturing, or
- (g) the vehicle, defence or aerospace industry, or
- (h) vessel or boat building.

12 Distribution and storage facilities

Development for the purpose of container storage facilities, or storage or distribution centres, with a capital investment value of more than \$30 million.

As a result any development on the site is determined under the provisions of Part 3A of the EPA Act by the Minister for Planning. Further, the SEPP also provides for the nomination of projects as a State Significant Site which allows the gazettal of a planning regime for the site under the SEPP.

#### 4.2.2.2 State Environmental Planning Policy 11 – Traffic Generating Development

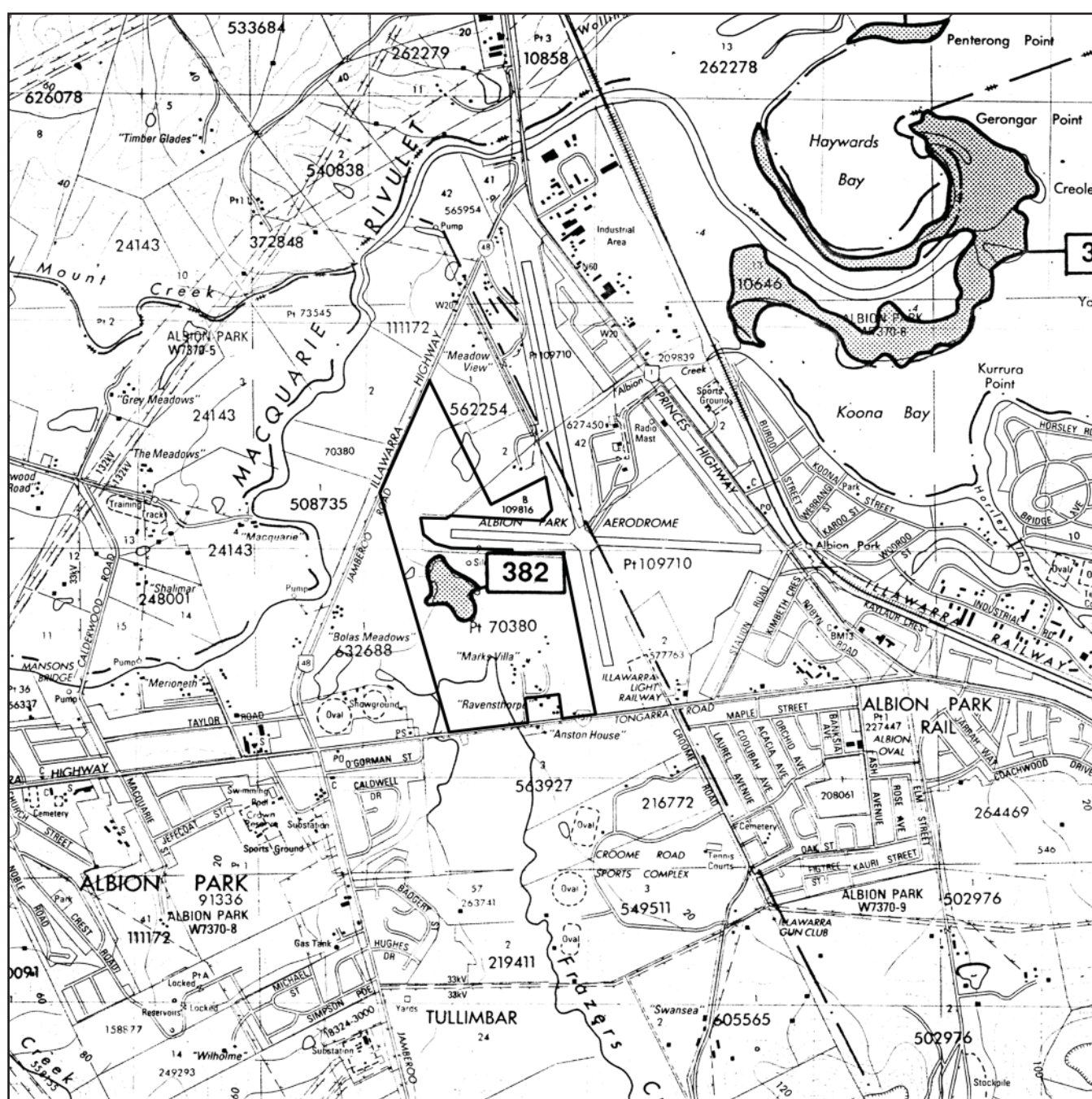
SEPP 11 provides that certain applications need to be referred to the Roads and Traffic Authority for advice.

#### 4.2.2.3 State Environmental Planning Policy 14 – Coastal Wetlands

This policy ensures that coastal wetlands are preserved and protected for environmental and economic reasons. The policy applies to local government areas outside the Sydney metropolitan area that front the Pacific Ocean. The policy identifies over 1300 wetlands of high natural value and one of these, 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.

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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.



**Figure 4.1 SEPP14 Wetland Plan**

#### 4.2.2.4 State Environmental Planning Policy

##### 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.

#### 4.2.2.5 State Environmental Planning Policy

##### 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.

#### 4.2.2.6 State Environmental Planning Policy

##### 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.

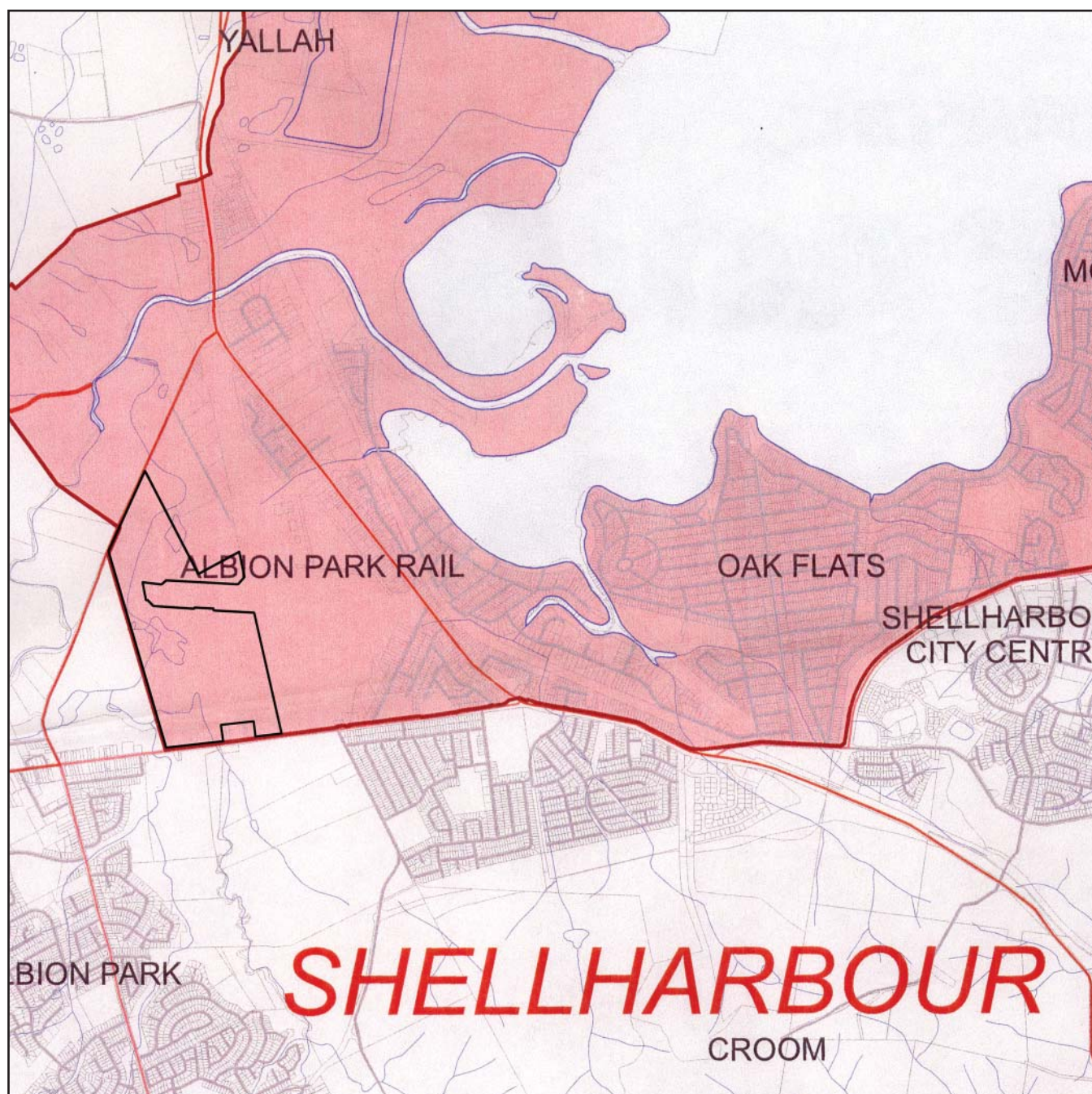
The aims of the policy are as follows:

- (a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and
- (b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and
- (c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and
- (d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and
- (e) to ensure that the visual amenity of the coast is protected, and
- (f) to protect and preserve beach environments and beach amenity, and

- (g) to protect and preserve native coastal vegetation, and
- (h) to protect and preserve the marine environment of New South Wales, and
- (i) to protect and preserve rock platforms, and
- (j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and
- (k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and
- (l) to encourage a strategic approach to coastal management.

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**Figure 4.2 Coastal Zone Plan SEPP 71**

SEPP 71 provides that the following matters are to be taken into consideration when considering development proposals in the coastal zone:

- (a) the aims of this Policy set out in clause 2,
- (b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,
- (c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,

- (d) the suitability of development given its type, location and design and its relationship with the surrounding area,
- (e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,
- (f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,
- (g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,
- (h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats
- (i) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,
- (j) measures to reduce the potential for conflict between land-based and water-based coastal activities,
- (k) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,
- (l) likely impacts of development on the water quality of coastal waterbodies,
- (m) the conservation and preservation of items of heritage, archaeological or historic significance,
- (n) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,
- (o) only in cases in which a development application in relation to proposed development is determined:
- (p) the cumulative impacts of the proposed development on the environment, and
- (q) measures to ensure that water and energy usage by the proposed development is efficient.

#### 4.2.3 S 117 Directions

S117 Directions are directions to Councils in relation to the preparation of Local Environmental Plans. The proposal to develop the Illawarra Regional Business Park will involve the alteration of the current zoning of the site and although it is not proposed that this be done by way of a Local Environmental Plan it is considered that certain s117 Directions should be taken into consideration in relation to the proposal. These are as follows:

##### Direction No.1 - Acid Sulfate Soils

###### Objective

To ensure that any use of land that is mapped as having a probability of containing acid sulfate soils will not result in significant environmental impacts.

###### Considerations

The Acid Sulfate Soils Planning Guidelines Provisions shall be consistent with the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General  
An acid sulphate soils study is to be considered

##### Direction No.6 – Coastal Protection

###### Objective

To protect the ecological, scenic and leisure value of the coast for the people of NSW.

###### Considerations

LEPs are to include provisions that give effect to and are consistent with:

- (a) the manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 [NSW Coastline Management Manual 1990], and
- (b) the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, and
- (c) the Coastal Design Guidelines 2003

LEPs are not to alter, create or remove existing zonings

#### Direction No.12 – Development near Licensed Aerodromes

##### Objective

To ensure the effective and safe operation of aerodromes, and

To ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity.

To ensure development for residential purposes or human occupation, if situated on land within the ANEF contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

##### Considerations

In the preparation of a draft Local Environmental Plan affecting land in the vicinity of a licensed aerodrome, the council shall:

- (a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,
- (b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,
- (c) for land affected by the OLS:
  - (i) prepare appropriate development standards, such as height
  - (ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome
- (d) obtain permission from that Department of the Commonwealth, or their delegate, where a draft LEP proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission shall be obtained prior to a certificate under section 65 of the Act being issued.

Draft Local Environmental Plans shall not rezone land for hotels, motels, offices or public buildings where the ANEF exceeds 30.

Draft Local Environmental Plans that rezone land: for hotels, motels, offices or public buildings where the ANEF is between 25 and 30, or for commercial or industrial purposes where the ANEF is above 30 shall include a provision to ensure that development meets AS 2021 regarding interior noise levels.

#### Direction No.13 – Environmental Protection Zones

##### Objective

To protect land identified for environmental protection purposes.

##### Considerations

Draft Local Environmental Plans shall not:

- (a) create, alter or remove existing zonings, or identification, of land for environmental protection, however described, or
- (b) alter or remove existing provisions in environmental planning instruments relating to subdivision and development controls for land referred to in (a).

#### Direction No. 15 – Flood Prone Land

##### Objective

To ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual, 2005.

To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

##### Considerations

A draft LEP shall include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual, 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).

A draft LEP shall not rezone land within the flood planning areas from Special Area, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial or Special Area Zone.

A draft LEP shall not contain provisions that apply to the flood planning areas which:

- (a) permit development in floodway areas,
- (b) permit development that will result in significant flood impacts to other properties,
- (c) permit a significant increase in the development of that land,
- (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or
- (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas) or exempt development.

For the purposes of a draft LEP, a council must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a council provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

A draft LEP may be inconsistent with this direction only if council can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that any particular provision or area should be varied or excluded having regard to the provisions of section 5 of the Environmental Planning and Assessment Act, and

- (a) the rezoning is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual, 2005, or
- (b) the rezoning is, in the opinion of the Director-General (or an officer of the Department nominated by the Director-General), of a minor significance.

Note: "flood planning area", "flood planning level", "flood prone land" and "floodway area" have the same meaning as in the Floodplain Development Manual 2005

#### Direction No.17 – Integrating Land Use and Transport

##### Objective

To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport
- (b) increasing the choice of available transport and reducing dependence on car
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car supporting the efficient and viable operation of public transport services
- (d) providing for the efficient movement of freight.

##### Considerations

A draft LEP shall locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- (a) Improving Transport Choice – guidelines for planning and development (DUAP 2001), and

- (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).

#### Direction No.22 – Rural Zones

##### Objective

To protect the agricultural production value of existing rural land.

##### Considerations

Draft LEPs shall retain existing zones and provisions relating to the control of traffic generating development or access on major road frontages.

Draft LEPs shall not rezone rural land for urban purposes, including residential, business or industrial purposes

Draft LEPs which zone land for rural purposes shall not contain provisions which will increase the permissible density on any land to which the plan applies.

#### Direction No.25 – Site Specific Zoning

##### Objective

To make the range of uses permissible in zones as flexible as possible

##### Considerations

A draft LEP that amends another environmental planning instrument in order to allow a particular development proposal to be carried out shall either:

- (a) allow that land use to be carried out in the zone the land is situated on, or
- (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
- (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

A draft LEP shall not contain or refer to drawings that show details of the development proposal.

The s117 Directions generally provide that draft LEPs may be inconsistent with directions only if council can satisfy the Director-General that any particular provision or area should be varied or excluded having regard to the provisions of section 5 of the Environmental Planning and Assessment Act; and

- (a) the land has been identified in a strategy prepared

- by the council and approved by the Director-General, or
- (b) the rezoning is justified by an environmental study, or
- (c) the rezoning is in accordance with the relevant Regional Strategy prepared by the Department, or
- (d) the rezoning is, in the opinion of the Director-General, of a minor significance.

### 4.3 Regional Planning

#### 4.3.1 Illawarra Regional Strategy

The Illawarra Regional Strategy was adopted by the Minister in 2006 and applies to the Shellharbour Local Government area as well as Wollongong and Kiama. The strategy provides a framework to manage regional growth and timely monitoring and review will ensure the strategy remains relevant.

The strategy identifies that currently 15.8% of the Region's workforce commutes to Sydney making job containment a major challenge for the Region.

Specific and significant employment areas such as the port of Port Kembla, University of Wollongong, Kembla Grange and Illawarra Regional Airport need to be supported to attract investment.

The major elements of the strategy are as follows:  
The Regional Strategy will guide sustainable growth and economic development within the Illawarra over the next 25 years. The aims of the Strategy are to:

- Ensure an adequate supply of land strategically located to support economic growth and the capacity for an additional 30 000 new jobs by building on the current strengths in the existing manufacturing sector and the export opportunities presented by the port of Port Kembla.
- Ensure that existing and proposed transport corridors are protected to support freight transport and improve network efficiencies.
- Strengthen Wollongong City Centre as part of the Cities Taskforce project by enabling medium and high density living opportunities and revitalisation to bring economic growth, employment-generating opportunities, a strong urban form and improved liveability.
- Provide 38 000 new dwellings by 2031 to accommodate the additional 47600 people expected in the Region over the next 25 years.
- Ensure that 50% of new dwellings are provided in the form of detached housing, achieved through existing land release areas and the delivery of the West Dapto release area.
- Increase densities and revitalise areas around major centres and towns to provide housing choice in accessible locations, and to support economic growth.
- Provide for an additional new release area at Calderwood if demand for additional housing supply arises because growth in the Region is beyond projections and the ability of identified developments to satisfy housing demand.
- Consideration of new release areas outside those identified on the Regional Strategy map will only be given to those proposals that can demonstrate compliance with the Sustainability Criteria.
- Protect high value environments including coastal lakes, estuaries, aquifers, threatened species, vegetation communities and habitat corridors by ensuring that new urban development minimises impacts on these important areas and their catchments.
- Limit development in places constrained by coastal processes, flooding and wetlands, or which are important primary industry resources or significant scenic/cultural landscapes.
- Promote the economic food and fibre production and community values of existing agricultural lands.
- Protect the cultural, European and Aboriginal heritage values and visual character of rural and coastal towns and villages, and surrounding landscapes.

Where development or rezoning increases the need for State infrastructure, the Minister for Planning may require a contribution to the provision of such infrastructure having regard to the State Infrastructure Strategy and equity considerations.

The strategy is arranged in sections and each section contains proposed actions. These are summarised below:

#### Economic Development and Employment Growth

Approximately 270 ha of employment lands need to be secured and protected to accommodate the 30,000 new jobs required within the region. The Illawarra Regional Airport is identified as a key employment area and infrastructure in the region. The strategy identifies that there is currently high demand in the region for larger parcels of land; 2-3 and 10-15 ha. Expected outcomes

are to encourage employment growth by protecting employment lands, the concentration of other uses where there is an adequate supply of employment land, facilitate growth through the provision of suitable employment lands and recognise the economic value of natural and cultural resources.

Proposed actions to facilitate employment growth are as follows:

- (a) Implement the principles of the Employment Lands Guidelines
- (b) Maintain the supply and protect regionally significant employment lands including the Illawarra Regional Airport
- (c) Ensure employment lands are protected to accommodate the jobs required
- (d) Ensure that employment lands are appropriately zoned including the lands adjoining the Illawarra Regional Airport
- (e) Provide an adequate supply of employment lands
- (f) Support a hierarchy of centres
- (g) Wollongong to continue as an internationally competitive regional city by providing employment, government centre high density residential development and good accessibility
- (h) Resist the fragmentation of employment lands
- (i) Encourage the clustering of synergistic businesses
- (j) Efficiently utilise existing infrastructure including Illawarra Regional Airport
- (k) Identify sites for major tourist developments

#### Regional Transport

The transport network includes road and rail networks which need to be managed to provide continued access for both passenger and freight vehicles. Air services are provided within the region by the Illawarra Regional Airport which is a key asset and promoting and protecting the airport is a priority.

Proposed actions include:

Protection of the major transport corridors

Land use decisions to consider transport access and minimise the need to travel

Land use decisions to protect Illawarra Regional Airport recognising the link it provides to and from the region

#### Housing and Settlement

The population living in the region is expected to grow by 47600 by 2031. 38,000 new dwellings will be needed to

cater for this increase. The priority new release area will be West Dapto.

Proposed actions include:

Strengthen Wollongong as a regional city

Develop West Dapto urban release area

Encourage greater utilisation of available infrastructure through higher densities around major towns including Shellharbour and Albion Park

Manage the provision and coordination of the provision of housing through the Illawarra Urban Development Programme.

#### Natural Environment

The region's natural environment supports the regional economy through tourism and recreational opportunities as well as providing for amenity and lifestyle. Indicative biodiversity corridors have been identified throughout the region. These could be enhanced to offset losses elsewhere. Such a corridor is identified on the Illawarra Regional Business Park site. The region also contains high value wetlands and one of these is also on the site. The strategy supports the maintenance and enhancement of the region's biodiversity. Urban development will be directed away from areas known to be important for biodiversity conservation.

Proposed actions include:

Planning is to maximise protection of "Significant Native Vegetation Indicative DEC Regional Habitat Corridors" and "Other Indicative Corridors". The location of these features will be verified and development in these areas will protect biodiversity values including the retention of native vegetation and rehabilitation of disturbed areas

All future development is to apply water sensitive urban design principles to meet stormwater management targets that support the environmental values of the catchment Strategic Assessments of Riparian corridors methodology to be used by incorporating assessment, appropriate zoning, and appropriate management

Development affecting riparian lands will be required to suitably protect the value of riparian lands by retaining native vegetation and rehabilitating disturbed areas

Zone all SEPP14 Wetlands appropriately such as E2 Environmental Conservation or W1 Natural Waterways

Development to involve no net impact on hydrology, water quality or ecology of wetlands

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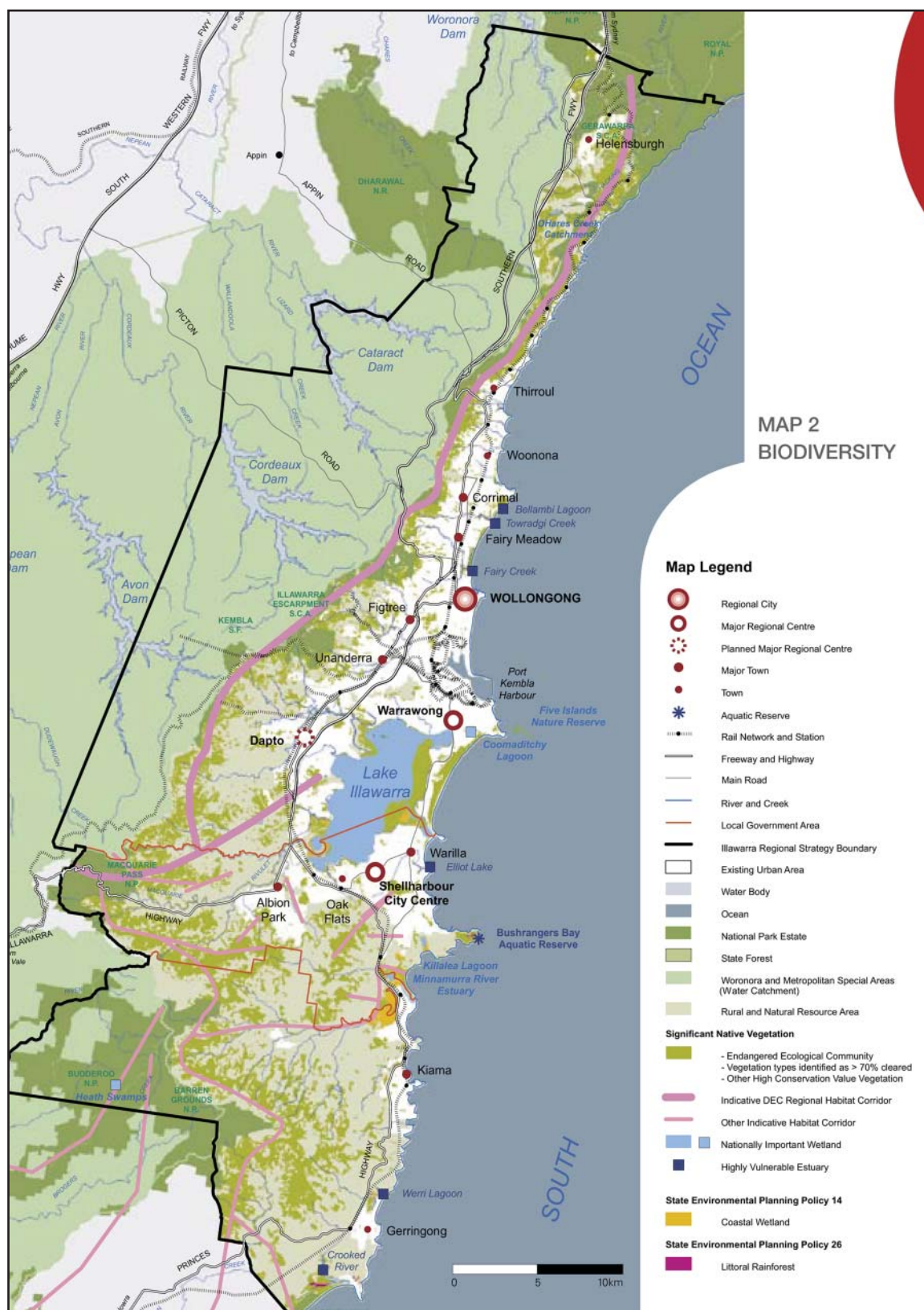


Figure 4.3 Biodiversity Map

#### Natural Hazards

The strategy recognises that some areas may be subject to the effects of natural hazards such as flooding, coastal inundation, shoreline recession, acid sulphate soils and landslip. Development in areas subject to natural hazards will be assessed according to the policies in the Floodplain Development Manual and Coastal Zone Management Manual.

Proposed actions include:

Land will not be zoned or development approved in potential hazard areas unless assessed within a risk assessment framework adopted by Council

#### Water Energy and Waste

The three Councils in the area manage their own waste services and the supply of bulk water is the responsibility of the Sydney Catchment Authority. The provision of drinking water and wastewater services is the responsibility of Sydney Water. The supply of energy is the responsibility of Integral Energy.

Proposed actions include:

Mechanisms will be considered to reduce demand for potable water such as the harvesting and reuse of stormwater for non potable uses consistent with water sensitive urban design principles

Provisions will be included in development control plans to achieve water and energy conservation measures in new commercial and industrial development

Waste avoidance and recovery will be encouraged in the design of commercial and industrial development

#### Rural Landscape and Rural Communities

The value of primary industries is to be recognised and the resource where possible protected for future generations.

#### Cultural Heritage

The Illawarra is rich in both Aboriginal and non-Aboriginal cultural heritage. The identification, recording and protection of cultural heritage is important for current and future generations.

Proposed actions include:

Aboriginal cultural and community values are to be considered in the future planning and management of the area

#### Sustainability Criteria

The strategy also includes a list of threshold sustainability criteria against which proposals will be assessed.

Threshold Sustainability Criteria for any proposed development site outside designated areas in the Illawarra Regional Strategy	Measurable explanation of criteria
<b>1. Infrastructure Provision</b> Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way	<ul style="list-style-type: none"> <li>Development is consistent with the Illawarra Regional Strategy, any subregional strategy, the State Infrastructure Strategy and relevant section 117 direction.</li> <li>The provision of infrastructure (utilities, transport, open space, and communications) is costed and economically feasible based on government methodology for determining infrastructure development contributions.</li> <li>Preparedness to enter into development agreement.</li> </ul>
<b>2. Access</b> Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided	<ul style="list-style-type: none"> <li>Accessibility of the area by public transport and/or appropriate road access in terms of:               <ul style="list-style-type: none"> <li>location/land use – to existing networks and related activity centres.</li> <li>network – the area's potential to be serviced by economically efficient transport services</li> <li>catchment – the area's ability to contain, or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals.</li> </ul> </li> <li>No net negative impact on performance of existing subregional road, bus, rail, ferry and freight network.</li> </ul>
<b>3. Housing Diversity</b> Provide a range of housing choices to ensure a broad population can be housed	<ul style="list-style-type: none"> <li>Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.</li> </ul>
<b>4. Employment Lands</b> Provide regional/local employment opportunities to support the Illawarra's expanding role in the wider regional and NSW economies	<ul style="list-style-type: none"> <li>Maintain or improve the existing level of subregional employment self-containment.</li> <li>Meets subregional employment projections.               <ul style="list-style-type: none"> <li>Employment-related land is provided in appropriately zoned areas.</li> </ul> </li> </ul>
<b>5. Avoidance of Risk</b> Land use conflicts, and risk to human health and life, avoided	<ul style="list-style-type: none"> <li>No residential development within 1:100 floodplain.</li> <li>Avoidance of physically constrained land, e.g.               <ul style="list-style-type: none"> <li>High slope.</li> <li>Highly erodible.</li> </ul> </li> <li>Avoidance of land use conflicts with adjacent existing or future land use as planned under relevant subregional or regional strategy.</li> <li>Where relevant available safe evacuation route (flood and bushfire).</li> </ul>
<b>6. Natural Resources</b> Natural resource limits not exceeded/environmental footprint minimised	<ul style="list-style-type: none"> <li>Demand for water within infrastructure capacity to supply water and does not place unacceptable pressure on environmental flows.</li> <li>Demonstrates most efficient/suitable use of land:               <ul style="list-style-type: none"> <li>Avoids identified significant agricultural land.</li> <li>Avoids productive resource lands – extractive industries, mining and fishing.</li> </ul> </li> <li>Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy – requires demonstration of efficient and sustainable supply solution.</li> </ul>
<b>7. Environmental Protection</b> Protect and enhance biodiversity, air quality, heritage and waterway health	<ul style="list-style-type: none"> <li>Consistent with government-approved Regional Conservation Plan (if available).</li> <li>Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DEC). This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitats.</li> <li>Maintain or improve existing environmental condition for air quality.</li> <li>Maintain or improve existing environmental condition for water quality:               <ul style="list-style-type: none"> <li>Consistent with community water quality objectives for recreational water use and river health (DEC and CMA).</li> <li>Consistent with catchment and stormwater management planning (CMA and council).</li> </ul> </li> <li>Protects areas of Aboriginal cultural heritage value (as agreed by DEC).</li> </ul>
<b>8. Quality and Equity in Services</b> Quality health, education, legal, recreational, cultural and community development and other Government services are accessible	<ul style="list-style-type: none"> <li>Available and accessible services:               <ul style="list-style-type: none"> <li>Do adequate services exist?</li> <li>Are they at capacity or is some capacity available?</li> <li>Has Government planned and budgeted for further service provision?</li> <li>Developer funding for required service upgrade/access is available.</li> </ul> </li> </ul>

Figure 4.4 Threshold Sustainability Criteria

### 4.3.2 Illawarra Regional Environmental Plan No 1

This plan applies to the Shellharbour area.

#### Aims

The aim of the plan is to maximise the opportunities for the people of the region and the State to meet their individual and community economic and social needs with particular reference to the way in which these needs are related to the allocation, availability, accessibility and management of the region's land resources having regard to the objectives specified in the plan. The plan is divided into various sections relating to various matters. Relevant objectives are as follows.

#### Rural Land

The objectives relating to rural lands are:

- (a) to retain the productive capacity of prime crop and pasture lands,
- (b) to protect valuable natural environments, as identified on sheets 1–10, 14, 15 and 17 of the map,
- (c) to provide for wildlife movement between major protected wildlife habitats,
- (d) to effectively manage the development of rural lands having regard to flood potential, bushfire risks, salinisation, soil degradation, erosion and weed infestation,
- (e) to allow for the development of small rural holdings in appropriate locations,
- (f) to prevent uneconomic demand for State Government services,
- (g) to allow for future urban expansion,
- (h) to retain the scenic attributes of rural areas, and
- (i) to provide for developments which by virtue of their character require siting away from urban areas.

#### Energy

The objectives relating to energy are:

- (a) to ensure that planning decisions take into account the need to safeguard energy resources for future use and to reduce or limit energy use in

new development,

- (b) to facilitate, with respect to transport and power generation, a reduction from dependence on petroleum to greater dependence on coal resources, and
- (c) to ensure that planning decisions are made having regard to the need to provide electricity generating and transmission facilities to satisfy present and future needs for electrical energy.

#### Industry

The objectives relating to industry are:

- (a) to ensure that there is sufficient industrially zoned land to meet industrial requirements,
- (b) to encourage industries and other enterprises to locate within the region to diversify the economic base or act as stimuli to the local economy or both, and so provide new employment opportunities, and
- (c) to locate industrial land where it will meet the particular requirements of industry while having a minimal adverse impact on the natural environment and the amenity of living areas.

#### Transport and Service Corridors

The objectives relating to transport and service corridors are:

- (a) to facilitate the development of a public transport system which enhances the mobility of those without access to private vehicles and provides a reasonable alternative to the private car on key routes,
- (b) to encourage the development of a satisfactory system of urban, inter-urban and inter-regional links to meet existing and future communication and utility installation needs,
- (c) to improve road safety and protect public investment in main and arterial roads by the control of adjacent land uses,
- (d) to facilitate the development of air transport opportunities in the region,
- (e) to accommodate private vehicles which are expected to remain an important mode of passenger transport in the region, in planning

provisions, and

- (f) to reduce the adverse environmental impact of road haulage of extractive materials and other bulk freight.

#### Waste Disposal

The objectives relating to waste disposal are:

- (a) to dispose of waste materials in a manner which positively contributes to the environment or does least environmental harm, and
- (b) to encourage the most efficient use of resources by recycling or alternative use.

#### Coastal Lands, Wetlands and Other Water Bodies

The objectives relating to coastal lands, wetlands and other water bodies are:

- (a) to protect beach systems and conserve their scenic, recreation and natural values,
- (b) to maintain and improve public access to waterways, lakes and the sea front, and
- (c) to protect the productive ecosystems and natural habitats of the region's estuaries, wetlands, lakes and lagoons and their scenic attributes.

#### Recreation and Tourism

The objectives relating to recreation and tourism are:

- (a) to promote a wide range of leisure opportunities,
- (b) to conserve and promote the region's natural, historical and cultural features which are the bases of the tourist industry, and
- (c) to preserve access to natural resources and public lands which have recreational value.

#### Environmental Heritage

The objectives relating to environmental heritage are:

- (a) to encourage the conservation of the environmental heritage of the region, and
- (b) to control the demolition and renovation of items identified by this plan as items of the environmental heritage of the region.

## **4.4 Local Planning Framework**

### **4.4.1 Shellharbour Local Environmental Plan 2000**

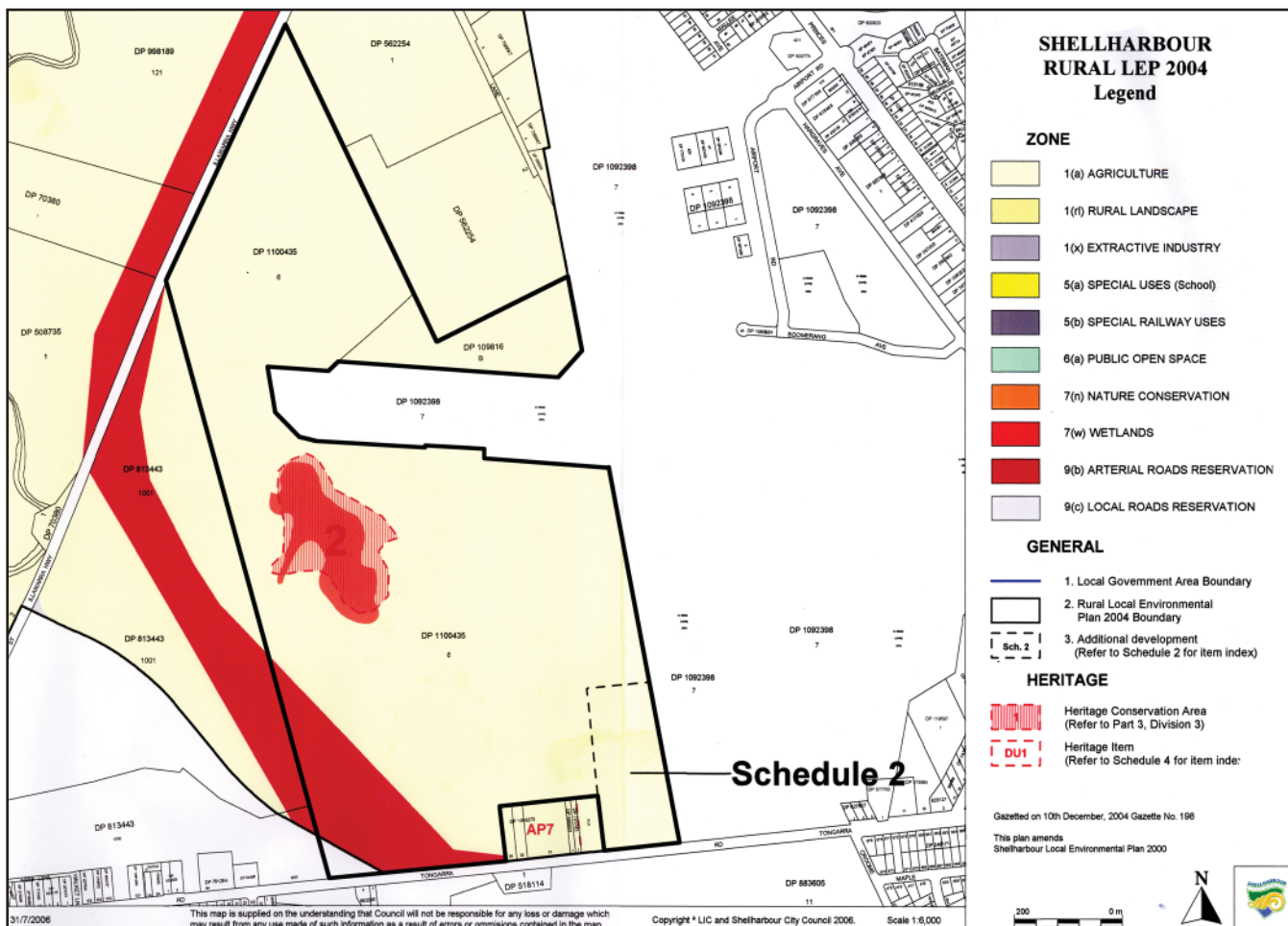
This plan does not apply to land to which Shellharbour Rural Local Environmental Plan 2004 applies.

### **4.4.2 Shellharbour Rural Local Environmental Plan 2004**

#### Aims

The aims of this plan are as follows:

- (a) to provide a comprehensive rural planning framework based on the principles of ecologically sustainable development,
- (b) to establish ecologically sustainable development goals and require those goals to be taken into consideration when determining development applications,
- (c) to ensure that the primary use of prime agricultural land and other land in the 1 (a) Agriculture Zone is for sustainable agricultural pursuits and associated development that support a diversified range of agricultural uses,
- (d) to preserve and enhance the visual rural landscape character of land in the 1 (rl) Rural Landscape Zone,
- (e) to provide for the management of the extraction of mineral resources in a manner that has regard to the surrounding land uses and end-use options of the altered landscape while minimising the environmental impacts of mineral extraction,
- (f) to protect, enhance and manage environmentally important land having special aesthetic, historic, ecological or conservation values for the benefit of present and future generations.



**Figure 4.5 Zoning Map**

### Zoning

Under the provisions of this plan the site currently has the following zones applying to it:

Rural 1(a) Agriculture  
9 (b) Arterial Road Reservation  
7(w) Wetlands

Rural 1(a) Agriculture  
(1) Objectives of the zone

The primary objectives of the zone are as follows:

- (a) to recognise the importance and retain the productive capacity of high class agricultural land,
- (b) to encourage sustainable agricultural practices and management of rural land,

(c) to minimise the incidence of existing and potential rural land use conflict by the appropriate separation of potentially incompatible uses,

- (d) to ensure that development and management of land within the zone has a minimal impact on:
  - (i) water quality and environmental flows of receiving streams, and
  - (ii) ecological values of the land, including habitat corridors, and
  - (iii) the amenity of surrounding landowners, and
  - (iv) rural landscape character,

(e) to encourage habitat restoration on cleared land and rehabilitation activities that enhance the biodiversity values of the escarpment, foothills, riparian corridors, wetlands and wildlife links,

# 4

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- (f) to ensure that mineral resources of State or regional significance are not sterilised by the location of inappropriate uses on adjoining land.

The secondary objective of the zone is to allow non-agricultural uses that are compatible with the environmental quality and visual rural landscape character of land within the zone and that do not adversely impact on the agricultural potential or use of surrounding lands.

(2) Allowed without development consent

Exempt development and development for the purpose of the following may be carried out without development consent:

agriculture; approved bush fire hazard reduction; bush food plantations; home businesses; home occupations; identification signs; removal of environmental weeds; roadside stalls.

(3) Allowed only with development consent

Any development not included in subclause (2) or (4) may be carried out only with development consent.

(4) Prohibited in the zone

Subdivisions that create lots less than 40 hectares in area and development for the purpose of the following are prohibited:

advertisements not displaying the purpose for which the land is used or directional information; amusement parks; boarding houses; brothels; bulky goods; bush rock removal; caravan parks; car repair stations; child care centres; clubs; commercial premises; detached dual occupancies; educational establishments; heavy industries; helipads; hospitals; hotels; housing for older people or people with a disability; houses on lots less than 40 hectares in area; industries; junk yards; light industries; liquid fuel depots; medium density housing; mineral sand mines; mines; motels; motor showrooms; offensive or hazardous industries; passenger terminals; places of assembly; places of worship; professional consulting rooms; public buildings; racecourses; recreation facilities; road transport terminals; rural workers' dwellings; service stations; shops; warehouses.

7 (w) Wetlands Zone

(1) Objectives of the zone

The objective of the zone is to protect and enhance wetland areas, the natural hydrology of their ecosystems and the important habitats for species of wetland flora and fauna that they provide.

(2) Allowed without development consent

Approved bush fire hazard reduction.

(3) Allowed only with development consent

Development for the purpose of the following may be carried out only with development consent:

aids to marine navigation; utility installations (other than gas holders or generating works); wetland improvement.

(4) Prohibited in the zone

Any development not included in subclause (2) or (3) is prohibited.

9 (b) Arterial Roads Reservation Zone

(1) Objectives of the zone

The objectives of the zone are:

- (a) to identify land reserved for main or arterial roads for the purpose of its acquisition, and

- (b) to allow use of that land for the purpose of roads.

(2) Allowed without development consent

Development for the purpose of the following may be carried out without development consent:

main or arterial roads; removal of environmental weeds; widening of existing main or arterial roads.

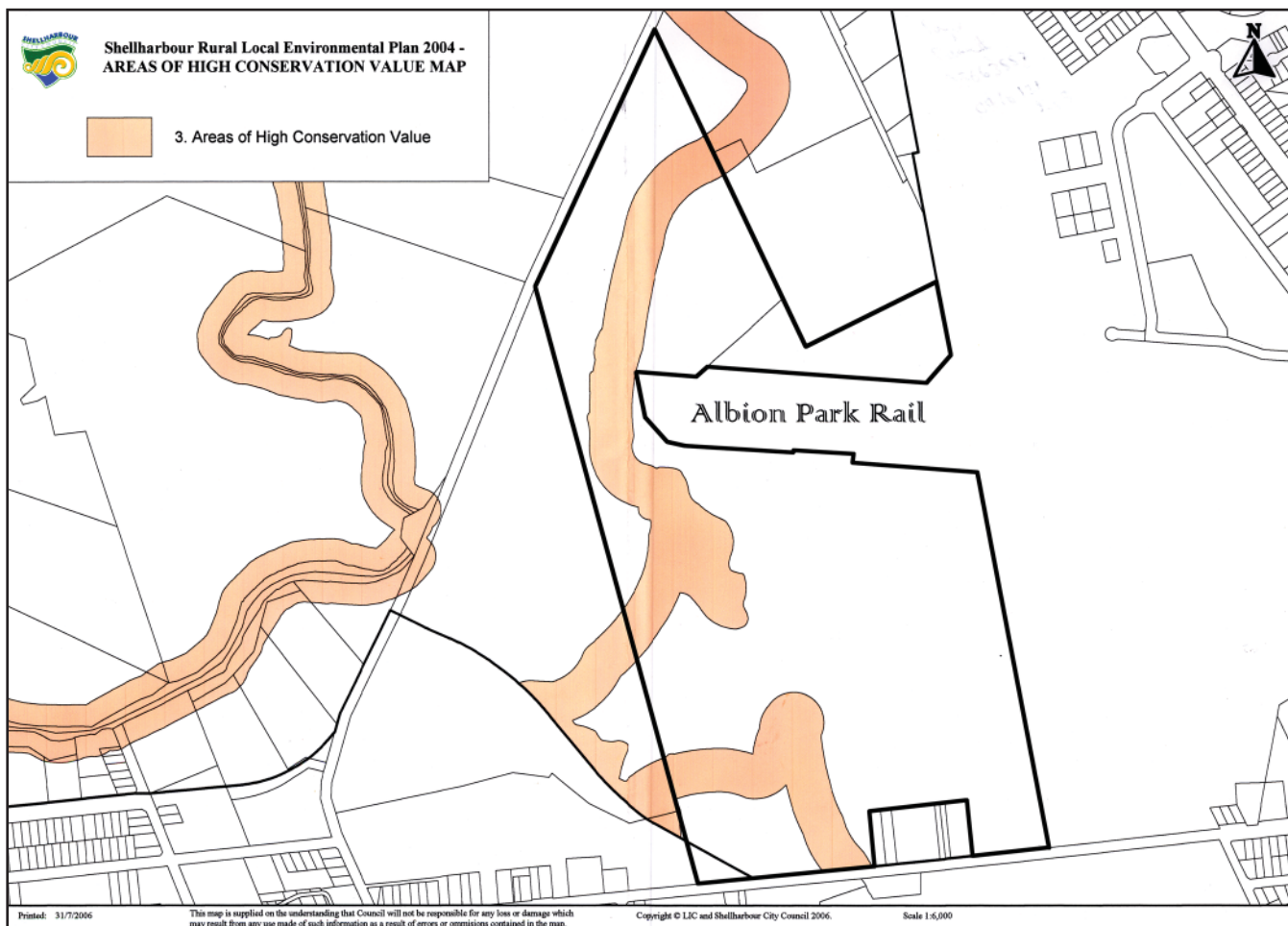
(3) Allowed only with development consent

Development for the purpose of the following may be carried out only with development consent:

clearing of land; drainage of land; extractive industries; filling; mineral sand mines; telecommunications facilities; telecommunications networks; utility installations (other than gas holders and generating works).

Areas of High Conservation Value

An area is identified on the site.



**Figure 4.6 High Conservation Value Map**

1) Environmental management objectives

The environmental management objectives of this clause are:

- (a) to require certain environmental issues to be considered before development is carried out on land within an area of high conservation value, and
  - (b) to retain bushland in parcels of a size and configuration which will, as far as possible, enable the native flora and fauna species and communities to survive in the long term, and
  - (c) to maintain and, where appropriate, revegetate habitat corridors between remnant areas of bushland, and
  - (d) to ensure that any development adjacent to, adjoining or within a watercourse or wetland does not adversely impact on water quality, the natural hydrological regime or habitat value, and
  - (e) to ensure that any development adjacent to, adjoining or within a riparian corridor conserves or enhances the aquatic and native vegetation of the riparian corridor, and
  - (f) to protect bushland and existing landforms for their scenic values, and
  - (g) to retain the unique visual identity of the landscape.
- (2) Is consent required?  
A person shall not carry out development, including the clearing of land, in an area of high conservation value except with development consent.
- (3) What must be included in an assessment by the consent authority?  
Before granting consent for development of land allowed to be carried out with consent by Part 2, the consent authority must consider the following:

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- (a) the impact of the proposal on the habitat value of vegetation within riparian corridors and wildlife corridors or links,
- (b) the potential for undertaking environmental conservation works to enhance the biodiversity values of the land, including the potential for rehabilitation works of degraded habitats or breaks in riparian corridors or wildlife corridors or links,
- (c) whether the design and construction of any proposed fencing minimises possible limitation of fauna movement,
- (d) whether provision has been made for the planting of appropriate native plant species on the land where the planting would visually screen the development or contribute to the restoration or enhancement of riparian and wildlife corridors or links.

(4) What must the consent authority be satisfied about before granting consent?

Consent must not be granted to development of land in an area of high conservation value unless the consent authority is satisfied that:

- (a) the development has been designed to minimise disturbance to native vegetation communities, and
- (b) opportunities to restore or enhance the biodiversity values of the land, including riparian corridors and wildlife corridors or links, have been considered.

(5) The consent authority may decline to consent to development of land in an area of high conservation value until it has considered a site plan of an appropriate scale clearly and accurately showing the boundary of any vegetation edge and stands of remnant vegetation on the subject land to enable it to properly assess the impact of the proposed development on that vegetation and the biodiversity it supports.

### Land Management Issues

The plan also includes requirements in relation to land management issues as follows:

#### Clearing of Land

##### (1) Environmental management objectives

The environmental management objectives of this clause are to ensure that the development of land has minimal

impact on the biodiversity of native vegetation and to encourage environmental conservation works to enhance wildlife corridors or links and remnant stands of vegetation within the rural area.

##### (2) Consent required for clearing

A person must not clear land except with development consent.

##### (3) Exception

Despite subclause (2), a person may clear land without development consent if the clearing comprises a maximum of 7 trees per annum from a property for farm management and fencing purposes.

##### (4) What must be included in an assessment by the consent authority?

Consent must not be granted to clearing of vegetation on land in a rural zone unless the consent authority has taken into consideration the following:

- (a) the impact of the proposed development on the movement of native fauna,
- (b) the impact of the proposed development on any regionally or locally rare communities,
- (c) populations, species or ecologically significant habitats,
- (d) the potential for undertaking environmental conservation works to enhance the biodiversity values of the land,
- (e) the impact of the proposed development on any endangered or vulnerable species, populations or ecological communities and their habitats.

##### (5) What must the consent authority be satisfied about before granting consent?

Consent must not be granted for clearing unless the consent authority is satisfied that:

- (a) there is no reasonable alternative to the removal of the vegetation to be cleared, and
- (b) the proposed development will not have an unacceptable visual impact on the scenic quality of the area, and
- (c) the amount of the vegetation proposed to be removed is minimal, and
- (d) opportunities for planting local native plant

species elsewhere on the land have been considered, and

- (e) the proposed development will not threaten the integrity of any unbroken natural tree canopy cover or create smaller discrete parcels of vegetation from an existing stand.

#### Land and Water Management

##### (1) Environmental management objectives

The environmental management objective of this clause is to ensure that development carried out on land adjoining a stream, creek or river:

- (a) conserves or enhances the aquatic and remnant native vegetation within the riparian corridor, and
- (b) has minimal impact on the natural hydrological regime and potential fish habitat of the watercourse.

##### (2) When is consent required?

A person must not carry out development for the purpose of earthworks, drainage, dams or land filling without development consent if the development:

- (a) will raise or lower the ground level by 50 centimetres or more, through filling or reshaping the existing ground level, or
- (b) is carried out within 40 metres of the high bank of a watercourse or edge of a wetland, or
- (c) involves land forming or filling over natural drainage lines, or
- (d) in the opinion of the consent authority, affects the flow of water across property boundaries or risks the degradation of land, riparian corridors or wetlands.

##### (3) What must be included in an assessment by the consent authority?

Consent must not be granted for the carrying out of earthworks, drainage, dams, land forming or filling, unless the consent authority has made an assessment of the following:

- (a) whether the land is flood liable land,
- (b) the likely effect of flooding or surface runoff on adjoining land or other land in the locality, as a result of the proposed land forming, filling or use

of the land,

- (c) the risk of soil erosion and other land degradation,
- (d) any likely loss of, or impact on, vegetation, wildlife or riparian corridors, including threatened species,
- (e) the need for drainage easements and arrangements made with adjoining property owners to secure such easements,
- (f) the impact on environmental flows that maintain natural watercourses,
- (g) the impact of drainage discharges on the environment, including their effect on water quality and fish habitat as well as any obstruction to fish passage within an existing water course.

#### Bushfire Risk Assessment

##### (1) Environmental management objectives

The environmental management objectives of this clause are to minimise bush fire risk to built assets and people as well as to reduce bush fire threat to ecological assets.

##### (2) What must be included in assessing a development application?

Before granting consent to development on land that is bush fire prone land, the consent authority must take into account:

- (a) whether the development is likely to have a significant adverse effect on the implementation of any strategies for bush fire control and fuel management outlined in the adopted Bush Fire Risk Management Plan, and
- (b) whether a significant threat to the lives of residents, visitors or emergency services personnel may be created or increased as a result of the development, and
- (c) whether the increased demand for emergency services during bush fire events increased by the development would lead to a significant decrease in the ability of the emergency services to effectively control major bush fires, and

(d) the measures proposed to avoid or mitigate the threat from bush fire, including:

- (i) the siting of the development, and
- (ii) the design of structures and combustible nature of materials used, and
- (iii) the provision of an asset protection zone on the land, and
- (iv) the provision of a two-way access that links the road and fire trail network, and
- (v) adequate access around buildings and manoeuvring areas on site for fire fighting vehicles, and
- (vi) adequate water supply for fire fighting purposes, and

(e) whether any such proposed measures meet the performance requirements of the document entitled Planning for Bushfire Protection—2001 available from the Council and the nature of any variations from those requirements, and

(f) the environmental and visual impacts of the clearing of vegetation for hazard reduction activities, including the conservation priority rating of the vegetation community and any wildlife corridors or links or riparian corridors.

#### Development of Land Known to be Flood Liable Development on land known to be flood liable

##### (1) Ecologically sustainable development objectives

The ecologically sustainable development objectives of this clause are:

- (a) to regulate development of the flood plain so as to minimise the hazard to built assets and people, and
- (b) to allow for the natural functioning of the flood plain.

##### (2) What must be included in an assessment by the consent authority?

Before granting consent for development on flood liable land, or on land the consent authority considers to be potentially flood liable, the consent authority must make an assessment of the following:

- (a) the likely levels, velocity, sedimentation and debris-carrying effects of flooding,
- (b) the structural sufficiency of any building the

subject of the application and its ability to withstand flooding,

- (c) the effect that the development, if carried out, will or is likely to have on the flow characteristics of floodwaters,
- (d) whether or not access to the site will be possible during a flood,
- (e) the likely increased demand for assistance from emergency services during a flood,
- (f) the cumulative impact of development on flooding within the area,
- (g) the possible effects on the development of floods in excess of the flood planning level and the significance of the risk to development posed by such floods.

##### (3) What must the consent authority be satisfied about before granting consent?

Before granting consent to the erection of a building or the carrying out of a work on land that is known to the consent authority to be subject to flooding, the consent authority must be satisfied that the proposed development will not:

- (a) risk the safety of the community or future occupants, or
- (b) increase the community burden from flooding, including flood damage.

(4) Conditions may be imposed on such a consent that set floor levels, require filling, structural changes or other measures to mitigate the effects of flooding or otherwise assist in emergency situations.

#### Development of land Identified as Potential Acid Sulphate Soils

##### (1) Ecologically sustainable development objectives

The ecologically sustainable development objectives of this clause are to prevent or minimise the environmental consequences caused by the exposure of potentially acid sulfate soils.

##### (2) Consent usually required

Notwithstanding Part 2, a person must not, without development consent, carry out works described in the following table on land of the class specified for those

works, except as provided by subclause (4).

Class of land as shown on Acid Sulfate Soils Planning Maps

Works

1

Any works

2

Works below the natural ground surface

Works by which the watertable is likely to be lowered

3

Works beyond 1 metre below the natural ground surface

Works by which the watertable is likely to be lowered beyond 1 metre below the natural ground surface

4

Works beyond 2 metres below the natural ground surface

Works by which the watertable is likely to be lowered beyond 2 metres below the natural ground surface

5

Works, within 500 metres of adjacent Class 1, 2, 3 or 4 land, which are likely to lower the watertable below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land

(3) For the purposes of the table to subclause (2), works includes:

- (a) any disturbance of more than one tonne of soil (such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works), or

- (b) any other works that are likely to lower the watertable.

(4) Exception following preliminary assessment

This clause does not require consent for the carrying out of those works if:

- (a) a copy of a preliminary assessment of the proposed works undertaken in accordance with the Acid Sulfate Soils Assessment Guidelines has been given to the Council, and

- (b) the Council has provided written advice to the person proposing to carry out the proposed works confirming that the results of the preliminary assessment indicate the proposed works need not be carried out pursuant to an acid sulfate soils management plan prepared in accordance with the Acid Sulfate Soils Assessment Guidelines.

(5) Considerations for consent authority

A consent required by this clause must not be granted unless the consent authority has considered:

- (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the Acid Sulfate Soils Assessment Guidelines, and
- (b) the likelihood of the proposed development resulting in the discharge of acid water, and
- (c) any comments received from the Department of Infrastructure, Planning and Natural Resources within 21 days of the consent authority having sent that Department a copy of the development application and the related acid sulfate soils management plan.

(6) Public authorities not excepted

The clause requires consent for development to be carried out by councils, county councils or drainage unions despite:

- (a) clause 35 of, and clauses 2 and 11 of Schedule 1 to, the Environmental Planning and Assessment Model Provisions 1980, as adopted by this plan, and
- (b) clauses 10 and 11 of State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development.

Visual Landscape Assessment

(1) Ecologically sustainable development objectives

The ecologically sustainable development objectives of this clause are to ensure:

- (a) that the visual character and quality of the landscape are assessed before consent is granted for development, and
- (b) that the visual impacts of proposed development are minimised.

(2) What must be included in an assessment by a consent authority?

Before granting consent for development involving the carrying out of any works or building construction, within the rural zones, the consent authority must have regard to the likely visual impacts of carrying out the proposal, including the visual impacts of ancillary uses like driveways

and fencing and of the provision of electricity and other services to the site of the development.

(3) In assessing visual impacts, consideration must be given to the following:

- (a) important visual features and the landscape character of the site and surrounding land,
- (b) minimising the visual impact of the proposal on views from public areas, including public roads,
- (c) siting buildings below visually prominent ridgelines,
- (d) reducing the visual impact of driveways and the provision of services to the development,
- (e) reducing the visual impact of proposed buildings by ensuring that external finishes are non-reflective and of a colour that blends in with the surroundings,
- (f) ensuring fencing and building styles are compatible with the visual character of the area.

#### Conservation of Heritage

An area on the site is identified as a Heritage Conservation Area. This relates to the wetland area on the site.

The ecologically sustainable development objectives in relation to heritage are as follows:

- (a) to conserve the environmental heritage of the rural area of the City of Shellharbour,
- (b) to conserve the existing significant fabric, setting, relics and views associated with the heritage significance of heritage items and heritage conservation areas,
- (c) to ensure that archaeological sites and Aboriginal places which have cultural heritage significance are protected.

Controls relating to heritage conservation areas are as follows:

(1) Before granting consent for the erection of a building within a heritage conservation area, the consent authority must be satisfied that the features and location of the proposed building will be compatible with the heritage significance of the heritage conservation area.

(2) In satisfying itself about those features, the consent authority must have regard to at least the following (but is not to be limited to having regard to those features):

- (a) the pitch and form of the roof,
- (b) the style, size, proportion and position of the openings for windows or doors,
- (c) the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building.

There are no heritage items on the site. However, "Ravensthorpe"

Lot 1, DP 741745 and Parts Lot 9, 52–56 Tongarra Road, Albion Park are listed as heritage items of local significance.

#### Miscellaneous Controls

Development in the Vicinity of Illawarra Regional Airport; Despite any other provision of this plan, consent must not be granted to development on land affected by restrictions as indicated in the plan titled Airport Height Limitation and Noise Exposure Forecast Plan dated 17 April 1998 and held in the office of the Council unless:

- (a) the consent authority is satisfied that the proposal is acceptable in relation to building height, noise exposure, lighting and bird hazard management, and
- (b) where a proposal does not comply with that plan, the Civil Aviation Safety Authority has been given notice of the proposal and any comments made by it to the consent authority within 28 days of its being notified have been taken into consideration by the consent authority.

#### Development Along Main Roads

(1) Ecologically sustainable development objectives  
The ecologically sustainable development objective of this clause is to ensure safe and efficient transport and vehicle use of main roads.

(2) What must be included in the assessment before consent is granted?

Consent must not be granted to the carrying out of development on land with frontage to a main road unless:

- (a) access to that land is provided by a road other than the main road wherever practicable, and

(b) in the opinion of the consent authority, the safety and efficiency of traffic on the main road will not be adversely affected by:

(i) the design of the access to the site of the proposed development, or

(ii) the nature, volume or frequency of vehicles using the main road to gain access to the site of the proposed development.

#### Telecommunications

Ecologically sustainable development objectives

The ecologically sustainable development objective of this clause is to encourage telecommunications facilities and networks:

- (a) to be provided in a manner that makes efficient use of existing infrastructure and services, and
- (b) to be designed and located in such a way as to avoid and minimise impacts on the environment and amenity of the area in which the facilities or network are to be located, including the siting of those facilities.

(2) What must be included in the assessment before consent is granted?

Before granting consent to development for the purposes of telecommunications facilities or telecommunications networks, the consent authority must have regard to the following:

- (a) whether the telecommunications facilities or telecommunications networks have been designed, and will be installed and operated, to comply with standards relating to human exposure to electromagnetic energy appearing in any applicable code or standard made under any applicable law of the Commonwealth,
- (b) whether the telecommunications lines will be located within existing underground conduits or ducts and whether antennae (and similar structures) are to be attached to existing utility poles, towers, structures or buildings so as to minimise visual clutter,
- (c) a site analysis showing site boundaries and dimensions, existing vegetation, location of existing buildings, views to and from the site and the location of sensitive land uses within the exposure area, together with a written statement explaining

how the design of the telecommunications facilities or telecommunications networks has responded to the site analysis.

### 4.4.3 Development Control Plans

Shellharbour Council has several Development Control Plans of relevance to the development of the site. These are:

Floodplain Risk Management DCP April 2006

Advertising & Identification Signs DCP

Car Parking Policy DCP

Child Care Centres Guidelines

Complying DCP

Contaminated Land Policy

Exempt DCP

Landscape Guidelines DCP

Notifications DCP

Shellharbour City Flood Policy

Social Impact Assessment

Subdivision Design Code

Telecommunications Facilities DCP

Waste Minimisation & Management DCP

There is also a specific Industrial DCP applying to industrial development.

## 4.5 Other Matters

### 4.5.1 Illawarra Action for Transport

This document has been updated and the new version is Moving Together 2004. This is a transport strategy for Kiama, Shellharbour and Wollongong. The strategy aims to create a safe, integrated and reliable regional transport system which will encourage residents out of the private car. The strategy lists infrastructure priorities and objectives for future development within the Region. Key strategies relate to:

- Accessibility
- Communication
- Integration

### 4.5.2 Planning for Bushfire Protection

This document aims to ensure land use decisions take into consideration bushfire issues. The Illawarra Regional Business Park is located in an urban area and as a result is not likely to be affected by bushfire issues. The Rural Fire Service has advised that it will assess the requirements if any, on exhibition of the proposals for the site.

#### 4.5.3 Employment Lands Guidelines for the Illawarra

This report has been prepared by the Department of Planning but has not yet been finalised or published. It identifies the Illawarra Regional Airport as a regionally significant precinct for employment lands. The guidelines recognise that agricultural/rural lands and landscapes should be protected for agriculture and sustainable production and that rural lands should be protected where they provide important primary and agricultural produce.

The report contains guiding principles for industrial and commercial lands. The general principles are as follows:

- Ensure adequate supply of employment land within the development pipeline to encourage sustainable regional economies and the maintenance of the established centre hierarchy.
- Cluster businesses and industries with similar environmental impacts and business synergies to reduce land use conflicts and improve business efficiency and their identity.
- Consolidate major trip generating businesses around public transport nodes to provide the economies of scale required to support public transport infrastructure. Where this is not appropriate, consider extending or 'retrofitting' transport nodes, maximising developer contribution.
- Ensure new Urban/Greenfield release provides adequate supply and mix of employment land.
- Support the Regional Strategy centres hierarchy with mechanisms to preserve this hierarchy at a regional and LGA level.
- Preserve lands of regional significance for employment generating use, including the ports, rail corridors, airport lands and highway intersections. Preserve and consolidate these lands with their utility identified in regional objectives expressed in the LEPs.

In relation to light industrial land the guidelines are:

- Preserve large parcels and clusters of light industrial land.
- Protect light industrial employment clusters from encroachment of incompatible land uses both from within the cluster and its surrounds.
- Preserve and/or enhance buffer zones around land zoned light industrial to minimise environmental impact.
- Preserve a supply of light industrial land in the development pipeline to support the long term need

for employment lands at a reasonable cost to industry, identifying appropriate interim land uses that do not compromise the long term use identified. Ensure compatible uses be identified and encouraged within the buffer areas to enable the full economic value of the land to be realised.

- Provide opportunities for a mixture of on site operations including, light industrial, wholesaling and showroom and office administration that 'support and service' the zone (Particularly in areas requiring local neighbourhood services such as motor mechanics and home maintenance). The amount of office space needs to be restricted and retailing of products not manufactured on site prohibited.
- Provide for a broad range of industrial and warehouse land uses (other than offensive of hazardous industries).
- Accommodate Business Parks in a separate identified employment zone specifically for Business/ Hi Technology Parks.
- Do not permit bulky goods development or SEPP 5 developments.

In relation to Business Parks the report provides the following guidelines on the basis that the purpose of this zoning is to facilitate the industry need to co-location warehousing and/or research with office administration. It is not intended to draw away office space for business services and government from the commercial centres:

- Ensure adequate supply of land for business and technology parks within the development pipeline to anticipate future demand. Such supply should not undermine the economic viability of competing commercial centres and business parks in the Region.
- Ensure these lands are strategically located to support and enhance the existing network of centres and invested public infrastructure including public transport and community facilities.
- Business parks should not permit standalone office buildings. These commercial uses should be located in commercial centres. The business parks should serve a demand for businesses that require co-location of administration and storage/warehousing and/or clustering of research facilities with other business/university research.
- To support the principle above, there should be a maximum percentage of office space per development permitted (suggested 60%).
- Applications for new business parks with an office component are to include an economic impact statement as to their impact on the established centre hierarchy, and its utilisation of existing and proposed infrastructure.

- Encourage the integration of all buildings, structures and landscape areas with strong visual and aesthetic appeal.

The guidelines state that bulky goods retailing should be recognised as retail and not a special industrial use and should not be permitted in industrial zones.

#### **4.5.4 Illawarra Regional Airport Guidelines**

This report was produced for Shellharbour Council in 1996 and deals specifically with noise assessment and abatement procedures. The report identifies that the airport is currently used for flying training, joy flights, charter operations and private flying. The airport covers 117ha and consists of two bitumen runways with associated taxiways and aircraft parking aprons. The report states that because of surrounding land use constraints further development of the airports runways is unlikely.