

Table 1 – Consideration of relevant State Environmental Planning Policies

SEPP	Requirement	Consistency
SEPP 55 – Remediation of Land	Contains state-wide planning controls for the remediation of contaminated land. When carrying out planning functions under the Act, SEPP 55 requires that a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination.	The potential for contamination on the site is low and the proposed land uses have been deemed appropriate. Refer to EAR Section 7.14 and Stage 1 Contamination Assessment included at Appendix FF . The assessment has been undertaken in accordance with SEPP 55 which allows for a staged approach to contamination assessments.
SEPP No. 64 - Advertising and Signage	Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	No inconsistency arises. SEPP 64 will apply to future development on the site and will be a matter for consideration in any relevant future application. Refer to EAR Section 6.3 Relationship to other EPIs.
SEPP 65 – Design Quality of Residential Flat Development	Aims to improve the design quality of residential flat development in New South Wales. Raises the design quality of residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development. The accompanying regulation requires the involvement of a qualified designer throughout the design, approval and construction stages	No inconsistency arises. SEPP 65 will apply to future development on the site and will be a matter for consideration in any relevant future application. Refer to EAR Section 6.3 Relationship to other EPIs.
SEPP (Infrastructure) 2007	Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.	No inconsistency arises. ISEPP 2007 will apply to future development on the site and will be a matter for consideration in any relevant future application. Refer to EAR Section 6.3 Relationship to other EPIs.
SEPP (Housing for Seniors or People with a Disability) 2004	Encourages the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood.	No inconsistency arises. SEPP will apply to future development on the site and will be a matter for consideration in any relevant future application. Refer to EAR Section 6.3 Relationship to other EPIs.
SEPP (BASIX) 2004	Operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans.	No inconsistency arises. SEPP (Basix) will apply to future development on the site and will be a matter for consideration in any relevant future application. Refer to EAR Section 6.3 Relationship to other EPIs.
SEPP (Major Development) 2005	Defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. It also provides planning provisions for State significant sites. In addition, the SEPP identifies the council consent authority functions that may be carried out by joint regional planning panels (JRPPs) and classes of regional	The future approvals and assessment regime is to be determined through approval of the Concept Plan and gazettal of the SEPP Amendment. Refer to EAR Section 4.2 Proposed Development, Section 6.4 Future Approvals and Environmental Assessment Requirements.

SEPP	Requirement	Consistency
	development to be determined by JRPPs.	
SEPP (Temporary Structures) 2007	Provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity.	No inconsistency arises. SEPP Temporary Structures will apply to future development on the site and will be a matter for consideration in any relevant future application. Refer to EAR Section 6.3 Relationship to other EPIs.
SEPP (Exempt and Complying Development Codes) 2008	Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the EP&A Act.	No inconsistency arises. Codes SEPP will apply to future development on the site and will provide for exempt and complying development on the land. Refer to EAR Section 6.3 Relationship to other EPIs.
SEPP (Rural Lands) 2008	Aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes. Applies to land within the Shellharbour LGA.	Following the proposed amendment to Schedule 3 of SEPP Major Development, the land will no longer be zoned for rural purposes, and SEPP Rural Lands will accordingly cease to apply. Detailed consideration of the proposed reduction in agricultural land has been addressed in accordance with the provisions of Section 117 Directions 1.2 and 1.5 (refer below) and with respect to the Sustainability Criteria of the Illawarra Regional Strategy (refer to Appendix E). The Strategic Justification for the Project demonstrates that the proposed change in land use is justified having regard to a comprehensive consideration of all issues arising, including the status of the site under the Illawarra Regional Strategy. Refer to EAR Section 2 Strategic Justification, Section 2.5 Alternative Land Uses and Agricultural Land Study at Appendix K .
SEPP (Affordable Rental Housing) 2009	Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.	No inconsistency arises. SEPP Affordable Rental Housing will apply to future development on the site and will be a matter for consideration in any relevant future application. Refer to EAR Section 6.3 Relationship to other EPIs.
Illawarra REP 1	Establishes a range of considerations to be taken into account in preparing draft LEPS, as well as objectives for rural lands and environmental management.	<p>The provisions of IREP 1 relating to the preparation of LEPS do not technically apply to the proposal to amend SEPP Major Development. Nonetheless, the proposed amendment to Schedule 3 of SEPP Major Development has had regard to all of the relevant matters for consideration identified under IREP 1.</p> <p>The productive capacity of prime crop and pasture lands (IREP cl.11) is considered at EAR Section 2.5 Alternative Land Uses, Section 3.4 Existing and Future Land Uses, Section 3.6 Agricultural Land Capability and Agricultural Land Assessment at Appendix K.</p>

SEPP	Requirement	Consistency
		<p>The value of the natural environment and wildlife corridors (IREP cl.11) is considered at EAR Section 2.6 Environmental Constraints and Benefits, Section 3.11 Ecological Characteristics and Values, Section 7.7 Riparian Corridor Network, Section 7.8 Biodiversity and is comprehensively addressed by the Concept Plan proposal and SEPP Amendment (refer EAR Section 4.5 Riparian Corridors, 4.5 Conservation and Open Space, 4.7 Retention of Vegetation, 6.5 Proposed Land Use Zones, 6.10 Environmentally Sensitive Lands).</p> <p>Flood potential, bushfire risk, salinisation, soil degradation, erosion and weed infestation (IREP cl11, 28) have been comprehensively addressed at Section 3 Site Analysis and Section 7 Environmental Assessment.</p> <p>The rezoning of the site for urban purposes (IREP cl.61) is comprehensively addressed and justified (refer to EAR Section 2 Strategic Justification).</p> <p>The impact of the proposal on the coastal lands, wetlands and other water bodies (IREP Part 13) has been addressed through the Water Cycle Management Study and Floodplain Risk Management Study at Appendices N and R.</p> <p>Heritage (IREP Part 15) has been addressed, refer to EAR Section 3.15 and 3.16, Section 6.9 and Sections 7.9 and 7.10.</p>

Table 2 – Consideration of relevant s117 Ministerial Directions

S.117 Direction No. and Title	Contents of S.117 Direction	Proposal consistency
1.2 Rural Zones - Shellharbour	<p>A draft LEP shall not rezone land from a rural zone to a residential, business, industrial village or tourist zone, nor increase permissible density within a rural zone.</p> <p>A draft LEP may be inconsistent with the terms of this direction if the Director-General of the Department of Planning can be satisfied that the proposed draft LEP is justified by a strategy, or justified by an environmental study, is in accordance with the relevant Regional Strategy, or is of minor significance.</p>	The proposal is Strategy consistent, justified by an environmental strategy, and meets the requirements for rezoning as a site of State and regional planning significance refer EAR Section 2 Strategic Justification .
1.5 Rural Lands – Wollongong	<p>A draft LEP affecting land within an existing or proposed rural or environment protection zone, or changing existing minimum lot sizes, must be consistent with the Rural Planning Principles listed in SEPP (Rural Lands) 2008.</p> <p>A draft LEP may be inconsistent with the terms of this direction if the Director-General of the Department of Planning can be satisfied that the proposed draft LEP is justified by a strategy, or is of minor significance.</p>	The proposal is Strategy consistent, justified by an environmental strategy, and meets the requirements for rezoning as a site of State and regional planning significance refer EAR Section 2 Strategic Justification.
2.1 Environment Protection Zones	<p>A draft LEP must include provisions that facilitate the protection and conservation of environmentally sensitive areas, and must not reduce the environmental protection standards applying to land within an existing environment protection zone or otherwise identified for environmental protection purposes.</p> <p>A draft LEP may be inconsistent with the terms of this direction if the Director-General of the Department of Planning can be satisfied that the proposed draft LEP is justified by a strategy, or justified by an environmental study, is in accordance with the relevant Regional Strategy, or is of minor significance.</p>	The SEPP Amendment proposes land that has been identified to be of environmental significance to be zoned E2 Environmental Conservation, E3 Environmental Management, RE1 Public Recreation and SP2 Infrastructure (Local drainage), with an associated environmental protection provision. Existing environmental protection standards are appropriately accommodated in the zoning proposal. Specifically, the areas of the site that are currently zoned 7(n) Nature Conservation, and the Riparian Corridors of Marshall Mount Creek and Macquarie Rivulet are to be retained and protected in public ownership. The proposal incorporates both north south and east west regional habitat connectivity. East west connectivity is provided in an alternative location to the existing LEP corridor, but provides for the same or enhanced environmental outcome (refer to EAR Section 3.11 and Figures 23 and 24, Section Conservation and Open Space, Section 7.5 Biodiversity and Flora and Fauna Assessment at Appendix Q . No inconsistency arises.
2.3 Heritage Conservation	A draft LEP must facilitate conservation of places of heritage significance	The SEPP Amendment proposes to include Marshall Mount House and Barn and the Marshall Mount Methodist Cemetery as local items of heritage significance (refer to EAR Section 6.9 Heritage).
3.1 Residential	Planning proposal must broaden the choice of building types in the housing market, make more efficient use of infrastructure and services, reduce consumption of land on	The R1 General Residential Zone is proposed for future residential areas. This zone is proposed to permit the broadest range of

S.117 Direction No. and Title	Contents of S.117 Direction	Proposal consistency
Zones	the fringe, and be of good design.	<p>dwelling types possible under the Standard LEP Template provisions. Refer to EAR Section 4,4 Land Uses and Distribution and 6.5 Proposed Land Use Zones.</p> <p>The Project will deliver a range of lot sizes and dwelling types and create a diverse community that is demographically balanced. The variety of housing forms will provide opportunities to respond to changing life cycle, lifestyle and work requirements over time, enabling people to age in place. It delivers key social sustainability outcomes. Refer to EAR Section 2.1 Housing Affordability, Section 4.4.2 Dwelling Yield, Mix and Minimum Lot Sizes, Section 7.13 Social and Community and Social and Community Planning Assessment at Appendix AA.</p> <p>The Project is supported by a viable implementation strategy that will leverage ready access to existing infrastructure capacity, provide structural enhancement to regional infrastructure and deliver savings and efficiencies in Government infrastructure expenditure. The provision of required infrastructure, including utility services, road network upgrades, open space provision and communications has been costed and a detailed implementation and staging proposal provided. Refer to EAR Section 5.2 Implementation and Delivery Proposal, and Infrastructure, Services and Facilities Implementation Plan and Infrastructure Delivery Schedules included at Appendix G.</p>
3.3 Home Occupations	Draft LEPs must permit home occupations to be carried out in dwelling houses without the need for development consent.	The SEPP Amendment proposal reflects this requirement. Refer to proposed Land Use Table EAR Section 6.5.
3.4 Integrating land use and transport	Planning proposal must be consistent with DUAP publications <i>"Improving Transport Choice"</i> and <i>"The Right Place for Business and Services"</i> .	The Concept Plan and SEPP Amendment proposal are consistent with this requirement. The integration of land use and transport is specifically addressed in the Transport Accessibility Study and TMAP at Appendix T and at EAR Sections 4.13 Sustainability and 7.4 Transport and Accessibility.
3.5 Development near licensed aerodromes	Planning proposal must take into consideration the Obstacle Limitation Surface (OLS) of licensed aerodromes and where relevant prepare appropriate development standards and permissible development compatible with the operation of the aerodrome. Restrictions and application of noise criteria apply to rezoning for residential and certain non residential purposes within specified ANEF contours.	The site is located outside of the ANEF contours of the Illawarra Regional Airport and no noise mitigation is required. Refer to EAR Section 3.20 and Noise Assessment at Appendix Z .
4.1 Acid Sulfate Soils	The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when	Acid sulphate soils have been considered. Refer to EAR Section 3.9 Acid Sulphate Soils, and Section 7.14 and to Acid Sulphate Soil

S.117 Direction No. and Title	Contents of S.117 Direction	Proposal consistency
	preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.	Assessment included at Appendix O . Provisions are reflected in the Statement of Commitments accompanying the Concept Plan to ensure the appropriate management of acid sulphate soils at subsequent stages of development.
4.3 Flood Prone Land	Planning proposal must be consistent with the NSW Government's Flood Prone Policy and the principles of the Floodplain Development Manual 2005, and the provisions of an LEP on flood land is to be commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.	A 1% AEP flood level (incorporating the climate change scenario) plus 500 mm free board has been adopted as the Flood Planning Level for the Project. The FPL has been determined in a manner that is entirely consistent with the principles of the Flood Plain Development Manual and Section 117 Direction 4.3. The proposed R1 General Residential / B4 Mixed Use Zone boundaries have been determined such that the urban developable areas of the site are above the 1:100 year flood levels following implementation of the proposed Flood Mitigation Plan. The Flood Mitigation Plan proposal mitigates the potential impacts of flooding across the site, ensures no significant off site impacts arise, and also, wherever possible, improved flood affectation external to the site. The Majority of the site will be located on land above the PMF and as such will not be subject to flood related planning controls or located on flood prone land. Where development cannot be located on flood free land, safe evacuation routes will be available in the 1% AEP flood event. Refer to EAR Section 3.12.2 Existing Flood Conditions, Section 4.11 Flood Management, Section 7.6 Flooding and Figures 70 to 72 and Flood Study and Floodplain Risk Management Study included at Appendix R .
4.4 Planning for Bushfire Protection	Draft LEPs must have regard to Planning for Bushfire Protection 2006, introduce controls that avoid placing inappropriate developments in hazardous areas, and ensure that bushfire hazard reduction is not prohibited within the APZ.	Bushfire is addressed at EAR Section 3.17 Bushfire, Section 4.8 Concept Plan Bushfire Asset Protection Zones and 7.11 Bushfire Risk Assessment and to the Bushfire Assessment included at Appendix W . The Concept Plan incorporates bushfire APZs in locations of known bushland interface. The SEPP Amendment proposal (refer EAR Section 11 Miscellaneous Provisions includes Standard LEP Template clause 5.11 to ensure that bushfire hazard reduction is not prohibited within the APZ.
5.1 Implementation of Regional Strategies	Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	The proposal is consistent with the Illawarra Regional Strategy as demonstrated at EAR Section 2 Strategic Justification.

6.1 Approval and Referral Requirements	Planning proposals must minimise the include of provisions that require the concurrence, consultation or referral of applications to a Minister or public authority	No concurrence, consultation or referral provisions are proposed for inclusion in the SEPP Amendment. Refer to EAR Section 6 SEPP Amendment Proposal.
6.2 Reserving Land for Public Purposes	Planning proposal shall not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director General.	The SEPP Amendment proposal includes land to be zoned SP2 (local drainage), SP2 (electricity) and RE1 Public Recreation. It is proposed to dedicate these lands to the relevant Council, and to Integral Energy, free of cost as set out in the Outline Voluntary Planning Agreements at Appendix DD .