

1.1 Proposed Listing in SEPP Major Projects – Schedule 3

Part ### Catherine Hill Bay (Middle Camp) Site

Division 1 Preliminary

1. Land to which Part applies

This Part applies to the land identified on the Land Zoning Map to this Part, referred to in this Schedule as the Catherine Hill Bay (Middle Camp) site.

2. Definitions

1. A word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the Standard Instrument (Local Environmental Plans) Order 2006 unless it is otherwise defined in this part.
2. In this part **Land Zoning Map** means the map marked “State Environmental Planning Policy (Major Projects) 2005 (Amendment No,) – Catherine Hill Bay (Middle Camp) – Land Zoning Map.

Division 2 Permitted or prohibited development

3. Zoning of land to which part applies

For the purposes of this Part, land is within the zones shown on the Land Zoning Map.

4. Zone objectives and land use Table

Zone objectives and land use table

(1) The Table at the end of this Division specifies for each zone:

- the objectives for development, and
- development that may be carried out without consent, and
- development that may be carried out only with consent, and
- development that is prohibited.

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

Land Use Table and Objectives

For the purposes of this part, land within the Catherine Hill Bay (Middle Camp) site is zoned:

- a) R2 – Low Density Residential
- b) E1 – National Parks and Nature Reserves
- c) E2 – Environmental Conservation
- d) E3 Environmental Management Zone
- e) E4 – Environmental Living

Zone R2 Low Density Residential

1 Objectives of Zone

- To provide for the housing needs of the community within a low density environment.
- To enable other land uses that provides facilities or services to meet the day to day needs of residents.
- To encourage development that does not impact on the scenic, aesthetic and cultural heritage qualities of the built and natural environment on the Wallarah Peninsula.
- To encourage development that responds and is sympathetic to the surrounding built and natural environmental setting.

2 Permitted without consent

Bed and breakfast accommodation; bushfire protection requirements; electricity generating works; public utility undertakings; environmental protection works; home occupation; roads. .

3 Permitted with consent

Business Identification Sign; Child care centres; Community facilities; Drainage; Dwelling houses; Earthworks; Environmental facilities; Filming; Flood mitigation works; Group homes; Home based child care; Home business; Signage; Recreation Areas, Recreation Facilities (outdoor); Semi-detached dwellings; telecommunication facilities.

4 Prohibited

Except as otherwise provided by this Policy, development is prohibited within Zone R2 Low Density unless it is permitted in items 2 or 3.

Zone E1 National Parks and Nature Reserves

Objectives of Zone

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

2. Permitted without consent

Uses authorised under the *National Parks and Wildlife Act 1974*.

3. Permitted with consent

Nil

4. Prohibited

Any development not specified in item 2 or 3.

Zone E2 Environmental Conservation

Objectives of Zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2. Permitted without consent

Bushfire protection requirements; Environmental Protection Works; earthworks; drainage

3. Permitted with consent

Car Park, Environmental facility, Recreation Areas, Roads

4. Prohibited

Any other development not specified in item 2 or 3.

Zone E3 Environmental Management

1. Objectives of Zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To provide for infrastructure and related uses.

2. Permitted without consent

Electricity generating works; environmental protection works; home occupations; public utility undertakings; sewage reticulation system; telecommunication facility; water reticulation system; roads

3. Permitted with consent

Nil

4. Prohibited

Any other development not specified in item 2 or 3

Zone E4 Environmental Living

Objectives of Zone

- To provide for low impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on these values.

2. Permitted without consent

Electricity generating works environmental protection works; home occupations, public utility undertaking; sewage reticulation system; telecommunication facility; water reticulation system

3. Permitted with consent

Dwelling houses, roads.

4. Prohibited

Industries; service stations, warehouse or distribution centres, any other development not specified in item 2 or 3.

5. Additional permitted uses

Despite any other provision of this Policy, development may be carried out with development consent:

(a) Attached dwellings; Multi dwelling housing – on R2 zoned land edged heavy black and identified as “Attached dwellings”, or “Multi dwelling housing” on the Additional Permitted Uses Map.

Division 3 Exempt and Complying Development

Development on land within the Catherine Hill Bay (Middle Camp) site that satisfies the requirements for exempt development or complying development specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 is exempt development or complying development as per the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Notwithstanding the above:

- Clause 3.1 of Division 1 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 “New single storey and two storey dwelling houses” does not apply to land within the Catherine Hill Bay (Middle Camp) site.
- The following development is to be exempt development for land within the Catherine Hill Bay (Middle Camp) site:
 - Development within the Catherine Hill Bay (Middle Camp) site for the purposes of short term holiday or tourist rental of dwelling houses is exempt development.
 - Demolition of non-statutory heritage listed items is exempt development.

6. Public Utility Undertakings excepted

Development for the purpose of a public utility undertaking that is carried out on land within the Catherine Hill Bay (Middle Camp) does not require development consent.

Note. As a consequence of the removal of the requirement for development consent under Part 4 of the Act, development for the purposes of public utility undertakings is subject to the environmental assessment and approval requirements of Part 5 of the Act or, if it is applicable, Part 3A of the Act.

7. Subdivision

- (1) Land to which this Plan applies may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
 - (a) widening a public road,
 - (b) a minor realignment of boundaries that does not create:
 - (i) additional lots or the opportunity for additional dwellings, or
 - (ii) lots that are smaller than the minimum size as illustrated in the layout of the Catherine Hill Bay Concept Plan Design Guidelines , Drawing B2.1 in relation to the land concerned.

- (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
- (d) rectifying an encroachment on a lot,
- (e) creating a public reserve,
- (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

The size of any lot resulting from any such subdivision of land is not to be less than 250 square metres.

Subdivision of any land into a lot less than 250 square metres is permissible only if the land is 1000 square metres or more and the subdivision is integrated with dwelling development.

8. Dwellings Houses in the E4 _ Environmental Living Zone

Despite any other provision of this plan, a person must not erect a dwelling house on an allotment of land within E4 – Environmental Living Zone, unless the allotment has an area of not less than 6,000m², with the exception of the “House and 4 Norfolk Pines” at 38 Flowers Drive on proposed Lot 5 DP ### (formerly known as Lot 22, DP 593154), which is to have a minimum allotment area of 1,700m².

9. Heritage Conservation

- (1) A person must not, in respect of a building, work, relic, tree or place that is a heritage item:
 - (a) demolish, dismantle, move or alter the building, work, relic, tree or place, or
 - (b) damage or remove the relic, or
 - (c) excavate land for the purpose of discovering, exposing or moving the relic, or
 - (d) damage or despoil the tree or place, or
 - (e) erect a building on, or subdivide, land on which the building, work or relic is situated or that comprises the place, or
 - (f) damage any tree or land on which the building, work or relic is situated, or the land that comprises the place, or
 - (g) make structural changes to the interior of the building or work, except with the consent of the consent authority.
- (2) However, consent under this clause is not required if the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (a) is of a minor nature, or is for the maintenance of the heritage item, or a building, work, relic or tree; and
 - (b) would not adversely affect the significance of the heritage item.
- (3) In this clause, **heritage item** means a building, work, or relic in the heritage area listed in Schedule 4 of the Lake Macquarie Local Environmental Plan 2004.

10. Relationship with other environmental planning instruments

The only environmental planning instruments that apply, according to their terms, to or in respect of development within the Catherine Hill Bay (Middle Camp) site are as follows:

(a) in the case of development that is a project to which Part 3A of the Act applies—this Policy and all other State environmental planning policies otherwise applicable to the land, except State Environmental Planning Policy No 1—Development Standards,

(b) in the case of all other development—all environmental planning instruments otherwise applicable to the land, except State Environmental Planning Policy No 1—Development Standards, but only to the extent that those instruments are not inconsistent with this Policy.

11. Subsequent Applications

The proposed approvals process for future development is set out below.

Future Development	Process	Consent Authority
Residential development and other permissible development in the residential subdivision.	Major Project Application (Concept Plan / Project Application) Part 3A of the development meets state significant development criteria <ul style="list-style-type: none"> ▪ Project Application for submission of Area A and B. 	<ul style="list-style-type: none"> ▪ Minister for Planning /Planning Assessment Commission ▪ Minister for Planning/Planning Assessment Commission
	Local Development <ul style="list-style-type: none"> ▪ Part 4 Development consent – for proposed development of individual lots, or if the development does not meet the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and is not state significant. 	<ul style="list-style-type: none"> ▪ Lake Macquarie Council
	Local Development <ul style="list-style-type: none"> ▪ Part 4 Complying development – if it meets the Complying Development provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 except for new “New single storey and two storey dwelling houses under Clause 3.1 of Division 1 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008”. 	<ul style="list-style-type: none"> ▪ Accredited Certifier

The Minister of Planning is the consent authority to consider any modifications to the concept and project approval.

For future stages of the project assessed under the provisions of Part 4, the following is to occur:

- Determination of any future development application should be generally consistent with the terms of approval of the Concept Plan and the associated Statement of Commitments.
- The future stages of the project are not to be considered as integrated development.

12. Definitions

The dictionary in Schedule 1, in the Standard Instrument (Local Environmental Plans) Order 2006 defines words and expressions for the purpose of controls affecting the land covered by the concept plan.