

## 1.1 Proposed Listing in SEPP Major Projects – Schedule 3

### Part ### Nords Wharf 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 Nords Wharf 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, ) – Nords Wharf – 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 Nords Wharf site is zoned:

- a) R2 – Low Density Residential Zone
- b) E1 – National Parks and Conservation Zone
- c) E3 - Environmental Management Zone

## **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 provide 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; earthworks; electricity generating works; public utility undertakings; drainage; environmental protection works; home occupations; roads;

### **3.      Permitted with consent**

Business Identification Sign; Child care centres; Community facilities; Dwelling houses; Group homes; Filming; Flood mitigation works; home based child care; Home Business; Recreation Areas; Recreation facilities (outdoor); Roads; Semi-detached dwellings; Telecommunication facilities.

### **4.      Prohibited**

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

## **Zone E1      National Parks and Nature Reserves**

### **1.      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 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

### **5. Additional permitted uses**

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

(a) Attached dwellings and 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 Nords Wharf 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.

Development within the Nords Wharf site for the purposes of short term holiday or tourist rental of dwelling houses 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 Nords Wharf site 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 Nords Wharf Concept Plan Design Guidelines , Drawing B2.2 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 350 square metres.

Subdivision of any land into a lot less than 350 square metres is permissible only if the land is 1000 square metres or more and the subdivision is integrated with dwelling development.

## 8. 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 Nords Wharf 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.

## 9. 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) <ul style="list-style-type: none"><li>▪ Part 3A if the development meets state significant development criteria</li></ul>	<ul style="list-style-type: none"><li>▪ Minister for Planning/Planning Assessment Commission</li></ul>

	<p>Local Development</p> <ul style="list-style-type: none"> <li>▪ Part 4 Complying development – if it meets the Complying Development provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</li> </ul> <p>Local Development</p> <ul style="list-style-type: none"> <li>▪ Part 4 Development consent – 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</li> </ul>	<ul style="list-style-type: none"> <li>▪ Accredited Certifier</li> <li>▪ Lake Macquarie Council</li> </ul>
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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.

#### 11. 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.