

## 1.0 Major Projects Draft SEPP Amendment

### Part 1 Preliminary

#### 1 Name of Policy

This Policy is State Environmental Planning Policy (Major Projects) 2005 (Amendment No xx).

#### 2 Aims of Policy

The aims of this Policy are:

- (a) to identify the land to which this Policy applies as a state significant site under *State Environmental Planning Policy (Major Projects) 2005*, and
- (b) to establish appropriate zoning and other development controls for that land, and
- (c) to provide for appropriate development of that land that satisfies the principles of ecologically sustainable development, and
- (d) to provide for development of that land in a manner consistent with the outcomes envisaged by the *Lower Hunter Regional Strategy*, published by the NSW Department of Planning in October 2006, and
- (e) to identify and provide part of that land for high quality open space for conservation purposes

#### 3 Land to which Plan applies

This Policy applies to land known as Sanctuary Villages in the local government area of Cessnock, shown edged heavy black on State Environmental Planning Policy (Major Projects) 2005 (Amendment No XX) – Sanctuary Villages – Land Application Map held at the office of the Department.

#### 4 Amendment to State Environmental Planning Policy (Major Projects) 2005

State Environmental Planning Policy (Major Projects) 2005 is amended as set out in Schedule 1.

## Schedule 1 Amendments

### [1] Schedule 3 State significant sites

Insert (with appropriate numbering) at the end of the Schedule (before the maps):

#### Part Sanctuary Villages Site

##### Division 1 Preliminary

#### 1 Land to which this Part Applies

This Part applies to the land shown edged heavy xxx on the Land Application Map, referred to in this Schedule as the **Sanctuary Villages** site.

#### 2 Interpretation

##### 1) In this Part:

**Asset protection zone** means an area surrounding the development which is managed to reduce the bush fire hazard to an acceptable level. The asset protection zone may consist of an area maintained to minimal fuel loads, and may comprise a combination of perimeter road, fire trail, rear yard or a reserve, so that a fire path is not created between the hazard and the building.

**Consent authority** means the relevant council.

**Electricity transmission or distribution network** has the same meaning as defined in State Environmental Planning Policy (Infrastructure) 2007.

Note: State Environmental Planning Policy (Infrastructure) 2007 defines electricity transmission or distribution network as follows:

- a) above or below ground electricity transmission or distribution lines (and related bridges, cables, conductors, conduits, poles, towers, trenches, tunnels, ventilation and access structures),
- b) above or below ground electricity kiosks or electricity substations, feeder pillars or transformer housing, substation yards or substation buildings.

**Land Application Map** means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No XXX)-Sanctuary Villages Site-Land Application Map.

**Land Zoning Map** means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No XX)—Sanctuary Villages Site-Land Zoning Map.

**Relevant Council** means Cessnock City Council.

**Soil conservation works** has the same meaning as defined in State Environmental Planning Policy (Infrastructure) 2007

Note: State Environmental Planning Policy (Infrastructure) 2007 defines soil conservation works as follows:

Development necessary:

- a) to avoid, manage or mitigate the effects of salinity, acid sulfate soils, acid soils or sodic soils, or
- b) to avoid, manage or mitigate the effects of erosion.

**Stormwater management system** has the same meaning as defined in State Environmental Planning Policy (Infrastructure) 2007.

Note: State Environmental Planning Policy (Infrastructure) 2007 defines Stormwater management system as:

- (a) works for the collection, detention, distribution or discharge of stormwater (such as channels, aqueducts, pipes, drainage works, embankments, detention basins and pumping stations), and
  - (b) stormwater quality control devices (such as waste entrapment facilities, artificial wetlands, sediment ponds and riparian management), and
  - (c) stormwater reuse schemes.
- 2) 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.

### 3 Maps

- 1) A reference in this Part to a named map adopted by this Part is a reference to a map by that name:
  - a) approved by the Minister when the map is adopted, and
  - b) as amended from time to time by maps declared by environmental planning instruments to amend that map, and approved by the Minister when the instruments are made.
- 2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Part to any such named map is a reference to the relevant part or aspect of the single map.
- 3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- 4) For the purposes of this Part, a map may be in, and may be kept and made available in, electronic or paper form, or both.

### 4 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 Sanctuary Villages site are as follows:

- a) this Policy, and all other State environmental planning policies otherwise applicable to the land.

## Division 2 Part 3A projects

### Part 3A projects

- 1) Subdivision of land and associated infrastructure within the Sanctuary Villages site, other than a strata title subdivision, a community title subdivision, or a subdivision for any one or more of the following purposes:
  - a) widening a public road,
  - b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
  - c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
  - d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
  - e) rectifying an encroachment on a lot,

- f) creating a public reserve,
  - g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes or emergency service purposes or public conveniences.
- 2) Notwithstanding subclause (1), consolidation of any lots within land zoned E1 National Parks and Nature reserves can be carried out without development consent.
- 3) Nothing in this clause applies to or with respect to development for the purposes of a public utility undertaking.

## **Division 2 Provisions applying to development within Sanctuary Villages site**

### **6 Application of Division**

- 1) This Division applies with respect to any development within the Sanctuary Villages site and so applies, except as provided by subclause (2).
- 2) Clauses 8-13 and 15-20 do not apply to development within the Sanctuary Villages site to the extent that it is a project to which Part 3A of the Act applies.

### **7 Land use zones**

For the purposes of this Policy, land within the Sanctuary Villages site is in a zone as follows if the land is shown on the Land Zoning Map as being within that zone:

- a) Zone RU2 – Rural Landscape,
- b) Zone R1 – General Residential,
- c) Zone B4 – Mixed Use,
- d) Zone RE1 – Public Recreation,
- e) Zone E1 – National Parks and Nature Reserves.

### **8 Objectives of use zones to be taken into account**

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.

### **9 Zone RU2 – Rural Landscape**

- 1) The objectives of Zone RU2 – Rural Landscape are as follows:
  - a) To encourage sustainable primary industry production by maintaining and enhancing the natural resource base;
  - b) To maintain the rural landscape character of the land; and
  - c) To provide for a range of compatible land uses, including extensive agriculture.
- 2) Development for any of the following is permitted without consent in the RU2 – Rural Landscape Zone:

Environmental protection works, Extensive agriculture; Home occupations; Horticulture; Roads constructed or operated by or on behalf of a public authority.
- 3) Development for any of the following purposes is permitted only with development consent in the RU2 – Rural Landscape Zone:

Agricultural produce industries; Agriculture (other than extensive agriculture or horticulture); Asset protection zones; Cellar door premises; Drainage; Dual

occupancies; Dwelling houses; Electricity transmission or distribution network; Earthworks; Farm Buildings; Flood mitigation works; Group homes; Health consulting rooms; Livestock processing industries; Neighbourhood shops (which also provide services to Tourists); Pubs; Recreation area; Recreation facilities (indoor) (in association with tourist or visitor accommodation); Registered clubs; Restaurants; Retail premises (primarily intended to provide services to tourists); Roads; Roadside stalls; Rural industries; Rural worker's dwelling; Soil conservation works; Sawmill or log processing works; Stock and sale yards; Stormwater management system; Telecommunications facility; Tourist of visitor accommodation; Water recycling facilities; Water reticulation systems; Water storage facilities; Water supply systems; Water treatment facilities; Waterbodies; Wetlands..

- 4) Except as otherwise provided by this Policy, development is prohibited on land within the Zone RU2 Rural Landscape unless it is carried out under subclause (2) or (3).

## 10 Zone R1 – General Residential

- 1) The objectives of Zone R1 – General Residential are as follows:
  - a) To provide for the housing needs of the community;
  - b) To provide for a variety of housing types and densities; and
  - c) To enable other land uses that provide facilities or services to meet the day to day needs of residents
- 2) Development for any of the following purposes is permitted without consent in Zone R1 – General Residential:

Environmental protection works; Home occupations; Roads constructed or operated by or on behalf of a public authority

- 3) Development for any of the following purposes is permitted only with consent in Zone R1 – General Residential :
 

Asset protection zones; Attached dwellings; Boarding houses; Child care centres; Community facilities; Drainage; Dual occupancy; Dwelling houses; Earthworks; Electricity transmission or distribution network; Exhibition Homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses, Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation area; Recreation facilities (outdoor); Residential care facilities; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Soil conservation works; Stormwater management system; Telecommunications facility; Water recycling facilities; Water reticulation systems; Water storage facilities; Water supply systems; Water treatment facilities; Waterbodies; Wetlands..
- 4) Except as otherwise provided by this Policy, development is prohibited on land within Zone R1 – General Residential unless it is permitted by subclause (2) or (3).

## 11 Zone B4 – Mixed Use

- 1) The objectives of Zone B4 – Mixed Use Zone are as follows:
  - a) To provide a mixture of compatible land uses,
  - b) To integrate suitable development so as to maximise public transport patronage and encourage walking and cycling.

- 2) Development for any of the following purposes is permitted without consent in Zone B4 – Mixed Use:  
  
Environmental protection works; Home occupations; Roads constructed or operated by or on behalf of a public authority.
- 3) Development for any of the following purposes may be carried out on land in Zone B4 – Mixed Use only with consent:  
  
Asset protection zones; Boarding houses; Business premises; Car parks; Child care centres; Community facilities; Drainage; Dual occupancies; Dwelling houses; Dual occupancy; Earthworks; Educational establishments; Electricity generating works; Electricity transmission or distribution network; Entertainment facilities (other than amusement centres); Exhibitions homes; Exhibition villages; Flood mitigation works; Food and drink premises; Function centres; Health consulting rooms; Health services facilities; Home businesses; Home industries; Hospitals; Hotel or motel accommodation; Information and education facilities; Light industries; Liquid Fuel Depots; Markets; Medical centres; Mixed use developments; Neighbourhood shops; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Restaurants; Retail premises (other than cellar door premises and roadside stalls); Roads; Roadside stalls; Seniors Housing; Service stations; Shop; Shop top housing; Soil conservation works; Stormwater management system; Take away food and drink premises; Telecommunications Facilities; Tourist and visitor accommodation (other than bed and breakfast accommodation and caravan parks); Transport depots; Vehicle Repair Stations; Veterinary Hospitals; Warehouse or Distribution Centres; Water recycling facilities; Water reticulation systems; Water storage facilities; Water supply systems; Water treatment facilities; Waterbodies; Wetlands..
- 4) Except as otherwise provided by this Policy, development is prohibited on land within the Zone B4 – Mixed Use unless it is permitted by subclause (2) or (3).

## 12 Zone RE1 – Public Recreation

- 1) The objectives of Zone RE1 – Public Recreation are as follows:
  - a) To enable land to be used for public open space or recreational purposes,
  - b) To provide a range of recreational settings and activities and compatible land uses,
  - c) To protect and enhance the natural environment for recreational purposes,
  - d) To ensure the vitality and safety of the community and public domain.
- 2) Development for any of the following purposes is permitted without consent in Zone RE1 Public Recreation:  
  
Environmental protection works; Roads constructed or operated by or on behalf of a public authority
- 3) Development for any of the following purposes is permitted with development consent in Zone RE1 – Public Recreation:  
  
Asset protection zones; Car parks; Child care facilities; Community Facilities; Drainage; Earthworks; Electricity transmission or distribution network;

Environmental facilities; Flood mitigation works; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs (in association with recreational area); Roads; Soil conservation works; Stormwater management system; Telecommunications Facilities; Water recycling facilities; Water reticulation systems; Water storage facilities; Water supply systems; Water treatment facilities; Waterbodies; Wetlands.

- 4) Except as otherwise provided by this Policy, development is prohibited on land within Zone RE1 – Public recreation unless it is permitted by subclause (2) or (3).

### 13 Zone E1 – National Parks and Nature Reserves

- 1) The objectives of Zone E1 – National Parks and Nature reserves Zone are as follows:
  - a) To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974*;
  - b) To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- 2) Development for any of the following purposes is permitted without consent in Zone E1 – National Parks and Nature Reserves Zone:
 

Uses authorised under the *National Parks and Wildlife Act 1974*; bushfire management plans prepared under the *Rural Fires Act, 1997*
- 3) Development for any of the following purposes is permitted only with development consent in Zone E1 – National Parks and Nature Reserves Zone:
 

Asset protection zones; Electricity transmission or distribution network; Soil conservation works; Stormwater management system; Telecommunications facilities; Water recycling facilities; Water reticulation systems; Water storage facilities; Water supply systems; Water treatment facilities; Waterbodies; Wetlands.
- 4) Except as otherwise provided by this Policy, development is prohibited on land within the Zone E1 – National Parks and Nature Reserves unless it is permitted under subclause (2) or (3).

### 14 Prohibited Development

Development, other than development that is permitted with or without consent on land within a zone, is prohibited on land within the zone

### 15 Exempt and Complying Development

Development within the Sanctuary Villages site that satisfies the requirements for exempt development or complying development specified in *Cessnock Development Control Plan 2006*, as in force on 22 May 2008, is exempt development or complying development, as appropriate.

### 16 Subdivision – Consent Requirements

- 1) Land within the Sanctuary Villages site may be subdivided, but only with development consent.
- 2) However, development 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) making an adjustment to a boundaries that does not create additional lots or the opportunity for additional buildings,
- c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
- d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
- e) rectifying an encroachment on a lot,
- f) creating a public reserve,
- g) 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 conveniences,
- h) consolidation of lots on land in Zone E1 – National Parks and National Reserves.

## 17 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without consent.

Note. The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

## 18. Infrastructure development and use of existing buildings of the Crown

- (1) This Division does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without consent under the State Environmental Planning Policy (Infrastructure) 2007.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

## 19 Relevant Acquisition Authority

- 1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (***the owner-initiated acquisition provisions***).

**Note:** If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- 2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to the land required to be so acquired, the authority designated or determined under those provisions).



3)

| Type of land shown on Land Acquisition Map   | Authority of the State   |
|--|--|
| Zone RE1 – Public Recreation Zone            | The corporation constituted by section 8(1) of the Act                 |
| Zone E1 – National Parks and Nature Reserves | Minister administering the <i>National Parks and Wildlife Act 1974</i> |

**Direction.** Land is required to be shown on the Land Reservation Acquisition Map if it is expressly set apart by the Plan exclusively for a public purpose referred to in section 26 (1) (c) of the Act. However, any such land that is held by an authority of the State, or by a public company or a subsidiary of a public company (within the meaning of the *Corporations Act 2001* of the Commonwealth) is not required to be shown on that Map. An authority of the State is to be listed for all land shown on the Land Reservation Acquisition Map, but the land is not to be so reserved and the authority listed unless the authority consents to its being listed.

## 20 Public utility infrastructure

- (1) Development consent must not be granted for development on land within the Sanctuary Villages site unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) In this clause, *public utility infrastructure* includes infrastructure for any of the following:
  - (a) the supply of water,
  - (b) the supply of electricity,
  - (c) the supply of natural gas,
  - (d) the disposal and management of sewage.
- (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

## 21 Interim Uses

- (1) Development may be carried out on any part of the land to which this plan applies for any other purpose, with consent, if the consent authority is satisfied that the carrying out of development for that purpose will not adversely affect the implementation of the Concept Plan approval granted pursuant to Part 3A of the Act,
- (2) Consent must not be granted for development as provided by this clause unless conditions of the consent:
  - (a) require that the development ceases by a specified time occurring no later than 5 years after the day on which the consent takes effect, and

- (b) provide for the consent to lapse if the development it allows to be carried out is not commenced within 2 years after the day on which the consent takes effect.
- (3) Nothing in this clause allows consent to be granted for Subdivision or development for the purpose of office premises or housing.