

## 1.0 Future Approvals Regime

### 1.1 Major Development SEPP Amendment

The Calderwood Urban Development Project site has been listed as a State Significant Site within Schedule 3 of the Major Development SEPP

The SEPP Amendment has rezoned the land to a combination of R1 General Residential, B4 Mixed Use, R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management, RU2 Rural Landscape and RE1 Public Recreation.

The following sections identify the new zonings and planning provisions that apply. A full copy of the SEPP Amendment, including all maps, is included in the following section of this appendix, **Appendix A**. A copy of the relevant definitions that accompany the SEPP Amendment is also included in the following section of this appendix, **Appendix A**.

#### 1.1.1 Relationship to other EPIs

The Schedule 3 amendment replaces all former local environmental planning instruments that applied to the land. Accordingly, Shellharbour Rural LEP 2004 and Wollongong LEP 1990 no longer apply to the land.

All other existing SEPPs continue apply to the site, except for *State Environmental Planning Policy No 1 – Development Standards*.

Accordingly, the following key SEPPs will apply to future proposals within the development, with detailed consideration of the objectives and provision of these policies required to be addressed in future applications:

- SEPP 55 – Remediation of Land
- SEPP No. 64 - Advertising and Signage
- SEPP 65 – Design Quality of Residential Flat Development
- SEPP (Infrastructure) 2007
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (BASIX) 2004
- SEPP (Temporary Structures) 2007
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Affordable Rental Housing) 2009

The Illawarra Regional Environmental Plan, which is a deemed SEPP, applies to the site. To the extent of any inconsistency, SEPP Major Development prevails.

### 1.2 Land Use Zones

The following land use zones apply to the Calderwood site:

- R1 General Residential;
- R5 Large Lot Residential;
- B4 Mixed Use;
- E2 Environmental Conservation;
- E3 Environmental Management; and
- RE1 Public Recreation.

The proposed development that is permissible without consent, with consent or prohibited in each zone is shown in **Table 1** (overleaf). The relevant zone objectives are also shown.

It is noted that Clause 29 of the SEPP Amendment allows for flexibility in the boundaries of the land use zones by up to 50 metres from the boundary, except in relation to land that is zoned RE1 Public Recreation, E2 Environmental Conservation or E3 Environmental Management. When using the flexible zone boundaries provision, development must be not inconsistent with the objectives for development in both zones, and be demonstrated to be desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

It is further noted that in addition to the uses permitted under the SEPP as set out in the land use tables:

- The temporary use of land for any purpose is permitted for up to 52 consecutive days in any 12 month period, subject to demonstrating appropriate impacts (Clause 32).
- A range of agricultural activities (animal boarding or training establishments, extensive agriculture, cellar door premises, farm buildings, farm forestry, farm stay accommodation, rural worker's dwellings) are permitted with consent for a maximum period of 10 years, subject to demonstrating appropriate impacts (Clause 33).
- Bushfire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out anywhere within the site without consent (Clause 25).

It is further noted that Clause 21 of the SEPP restricts the gross floor area of any kiosk development to a maximum of 10 m<sup>2</sup>.

**Table 1 – Calderwood Land Zoning Table**

Zone	Permissible
RU2 Rural Landscape	<p>(1) The objectives of Zone RU2 Rural Landscape are as follows:</p> <p>(a) to encourage sustainable primary industry production by maintaining and enhancing the natural resource base,</p> <p>(b) to maintain the rural landscape character of the land,</p> <p>(c) to provide for a range of compatible uses, including extensive agriculture,</p> <p>(d) to retain, manage or restore native vegetation.</p> <p>(2) Development for any of the following purposes is permitted without development consent on land within Zone RU2 Rural Landscape: extensive agriculture; home occupations; roadside stalls.</p> <p>(3) Development for any of the following purposes is permitted only with development consent on land within Zone RU2 Rural Landscape: agriculture (other than extensive agriculture); bed and breakfast accommodation; child care centres; community facilities; dwelling houses; environmental facilities; environmental protection works; farm buildings; farm stay accommodation; forestry; home-based child care; home businesses; home industries; recreation areas; recreation facilities (outdoor); roads; secondary dwellings; signage; veterinary hospitals.</p> <p>(4) Development for any of the following purposes is prohibited on land within Zone RU2 Rural Landscape: any development not specified in subclause (2) or (3).</p>
R1 General Residential	<p>(1) The objectives of Zone R1 General Residential are as follows:</p> <p>(a) to provide for the housing needs of the community,</p> <p>(b) to provide for a variety of housing types and densities,</p> <p>(c) to enable other land uses that provide facilities or services to meet the day to day needs of residents.</p> <p>(2) Development for any of the following purposes is permitted without development consent on land within Zone R1 General Residential: home occupations.</p> <p>(3) Development for any of the following purposes is permitted only with development consent on land within Zone R1 General Residential: attached dwellings; boarding houses; child care centres; community facilities; dwelling houses; group homes; hostels; multi dwelling housing; neighbourhood shops; places of public worship; residential flat buildings; roads; semi-detached dwellings; shop top housing; any other development not specified in subclause (2) or (4).</p> <p>(4) Development for any of the following purposes is prohibited on land within Zone R1 General Residential: agriculture; air transport facilities; amusement centres; biosolid waste applications; boat repair facilities; boat sheds; bulky goods premises; business premises; caravan parks; charter and tourism boating facilities; correctional centres; crematoria; depots; eco-tourism facilities; entertainment facilities; extractive industries; farm buildings; farm stay accommodation; forestry; freight transport facilities; function centres; highway service centres; home occupations (sex services); industrial retail outlets; industries; marinas; office premises; passenger transport facilities; port facilities; public administration buildings; recreation facilities (major); registered clubs; research stations; restricted premises; restriction facilities; retail premises; rural industries; rural supplies; rural workers' dwellings; service stations; sex services premises; storage premises; timber and building supplies; transport depots; truck depots; vehicle body repair workshops; vehicle repair stations; vehicle sales or hire premises; waste or resource management facilities; water recreation structures; wholesale supplies.</p>
Zone	Permissible

R5 Large Lot Residential	<p>(1) The objectives of Zone R5 Large Lot Residential are as follows:</p> <ul style="list-style-type: none"> <li>(a) to provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality,</li> <li>(b) to ensure that large residential allotments do not hinder the proper and orderly development of urban areas in the future,</li> <li>(c) to ensure that development in the area does not unreasonably increase the demand for public services or public facilities,</li> <li>(d) to minimise conflict between land uses within the zone and land uses within adjoining zones.</li> </ul> <p>(2) Development for any of the following purposes is permitted without development consent on land within Zone R5 Large Lot Residential: home occupations.</p> <p>(3) Development for any of the following purposes is permitted only with development consent on land within Zone R5 Large Lot Residential:</p> <ul style="list-style-type: none"> <li>animal boarding or training establishments; bed and breakfast accommodation; business identification signs; child care centres; community facilities; dwelling houses; environmental protection works; exhibition homes; farm buildings; home-based child care; home businesses; home industries; recreation areas; roads; roadside stalls; secondary dwellings.</li> </ul> <p>(4) Development for any of the following purposes is prohibited on land within Zone R5 Large Lot Residential:</p> <ul style="list-style-type: none"> <li>any development not specified in subclause (2) or (3).</li> </ul>
B4 Mixed Use	<p>(1) The objectives of Zone B4 Mixed Use are as follows:</p> <ul style="list-style-type: none"> <li>(a) to provide a mixture of compatible uses,</li> <li>(b) to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</li> </ul> <p>(2) Development for any of the following purposes is permitted without development consent on land within Zone B4 Mixed Use: home occupations.</p> <p>(3) Development for any of the following purposes is permitted only with development consent on land within Zone B4 Mixed Use:</p> <ul style="list-style-type: none"> <li>boarding houses; business premises; child care centres; community facilities; educational establishments; entertainment facilities; function centres; hotel or motel accommodation; information and education facilities; office premises; passenger transport facilities; recreation facilities (indoor); registered clubs; retail premises; roads; shop top housing; any other development not specified in subclause (2) or (4).</li> </ul> <p>(4) Development for any of the following purposes is prohibited on land within Zone B4 Mixed Use:</p> <ul style="list-style-type: none"> <li>agriculture; air transport facilities; biosolid waste applications; boat repair facilities; boat sheds; caravan parks; charter and tourism boating facilities; correctional centres; crematoria; depots; extractive industries; farm buildings; farm stay accommodation; forestry; freight transport facilities; hazardous storage establishments; hazardous industries; heavy industries; home occupations (sex services); liquid fuel depots; offensive storage establishments; restricted premises; restriction facilities; rural industries; sex services premises; transport depots; truck depots; water recreation structures.</li> </ul>

Zone	Permissible
RE1 Public Recreation	<p>(1) The objectives of Zone RE1 Public Recreation are as follows:</p> <p>(a) to enable land to be used for public open space or recreational purposes,</p> <p>(b) to provide a range of recreational settings, activities and compatible land uses,</p> <p>(c) to protect and enhance the natural environment for recreational purposes.</p> <p>(2) Development for any of the following purposes is permitted without development consent on land within Zone RE1 Public Recreation: nil.</p> <p>(3) Development for any of the following purposes is permitted only with development consent on land within Zone RE1 Public Recreation: building identification signs; business identification signs; child care centres; community facilities; drainage; environmental facilities; environmental protection works; flood mitigation works; information and education facilities; kiosks; markets; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); roads; sewerage reticulation facilities; stormwater management systems; water reticulation systems; waterbodies; waterway or foreshore management activities.</p> <p>(4) Development for any of the following purposes is prohibited on land within Zone RE1 Public Recreation: any development not specified in subclause (2) or (3).</p>
E2 Environmental Conservation	<p>(1) The objectives of Zone E2 Environmental Conservation are as follows:</p> <p>(a) to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values,</p> <p>(b) to prevent development that could destroy, damage or otherwise have an adverse effect on those values.</p> <p>(2) Development for any of the following purposes is permitted without development consent on land within Zone E2 Environmental Conservation: nil.</p> <p>(3) Development for any of the following purposes is permitted only with development consent on land within Zone E2 Environmental Conservation: drainage; environmental protection works; environmental facilities; flood mitigation works; information and education facilities; kiosks; recreation areas; roads; sewerage systems; stormwater management systems; water reticulation systems; water supply systems; waterbodies; waterway or foreshore management activities.</p> <p>(4) Development for any of the following purposes is prohibited on land within Zone E2 Environmental Conservation: business premises; hotel or motel accommodation; industries; multi dwelling housing; recreation facilities (major); residential flat buildings; retail premises; service stations; warehouse or distribution centres; any development not specified in subclause (2) or (3).</p>

Zone	Permissible
E3 Environmental Management	<p>(1) The objectives of Zone E3 Environmental Management are as follows:</p> <p>(a) to protect, manage and restore areas of special ecological, scientific, cultural or aesthetic values,</p> <p>(b) to provide for a limited range of development that does not have an adverse effect on those values.</p> <p>(2) Development for any of the following purposes is permitted without development consent on land within Zone E3 Environmental Management:</p> <p>home occupations.</p> <p>(3) Development for any of the following purposes is permitted only with development consent on land within Zone E3 Environmental Management:</p> <p>bed and breakfast accommodation; building identification signs; business identification signs; community facilities; drainage; dwelling houses; eco-tourism facilities; environmental facilities; environmental protection works; flood mitigation works; home-based child care; home businesses; home industries; information and education facilities; kiosks; recreation areas; roads; sewerage systems; stormwater management systems; water reticulation systems; waterbodies; waterway or foreshore management activities.</p> <p>(4) Development for any of the following purposes is prohibited on land within Zone E3 Environmental Management:</p> <p>industries; multi dwelling housing; residential flat buildings; retail premises; service stations; warehouse or distribution centres; any development not specified in subclause (2) or (3).</p>

### 1.3 Exempt and Complying Development

*Environmental Planning Policy (Exempt and Complying Development Codes) 2009, State Environmental Planning Policy (Infrastructure 2007) and State Environmental Planning Policy No. 64 (Advertising and Signage)* apply to the site establishing a range of exempt and complying development.

The exempt and complying development provisions of the relevant SEPPs may be supplemented at a later stage by the gazettal of the draft comprehensive LEPs by Wollongong and Shellharbour Councils.

### 1.4 Subdivision

Subdivision within the Calderwood site is permissible with consent, except for the following subdivision which does not require consent:

- (a) Widening a public road;
- (b) A minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings;
- (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.

Refer to Clause 17.

## 1.5 Subdivision Certificates

Clause 19 of the SEPP permits subdivision certificates to be issued by an accredited certifier for a subdivision of land within the Calderwood site in accordance with section 109D(1)(d)(iv) of the Act.

## 1.6 Principal Development Standards

The SEPP Amendment establishes principal development standards for:

- Minimum lot sizes; and
- Maximum height of buildings.

The Minimum Lot Size Map establishes minimum lot sizes of :

- 0 m<sup>2</sup> in the B4 Mixed Use Zone;
- 300 m<sup>2</sup> in the RE1 General Residential Zone;
- 2,000 m<sup>2</sup> in the R5 Large Lot Residential Zone; and
- 100,000 m<sup>2</sup> – 400,000 m<sup>2</sup> in the RU2 Rural Landscape and parts of the E3 Environmental Management Zone.

The maximum permitted height of buildings is:

- 6.5 metres in part of the E3 Environmental Management Zone;
- 9 metres within the R1 General Residential and R5 Large Lot Residential Zones; and
- 18 metres within the B4 Mixed Use Zone.

Under the SEPP Amendment ‘**building height**’ means the vertical distance between ground level (finished) at any point to the highest point of the building including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

‘**Ground level (finished)**’ is defined under the SEPP to mean *“for any point on a site, the ground surface after completion of any earthworks (excluding an excavation for a basement, footing or the like) for which development consent or an approval under Part 3A of the Act has been granted.”*

Clauses 22 and 23 of the SEPP Amendment permit the variation of the minimum lot size and maximum building height development standards in certain circumstances.

## 1.7 Heritage

Marshall Mount House and Barn and the Marshall Mount Methodist Cemetery are identified as items of local environmental heritage under the SEPP Amendment.

Clause 27 of the SEPP Amendment provides for the consideration of heritage impacts in relation to these items.

## 1.8 Flood Planning

Clause 26 of the SEPP Amendment applies to land at or below the 'flood planning level', which is defined to be the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 m freeboard.

Before granting consent to development on land at or below the flood planning level, the consent authority must be satisfied that the development:

- (a) Is compatible with the flood hazard of the land;
- (b) Will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties; and
- (c) Incorporates appropriate measures to manage risk to life from flood; and
- (d) Will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction or riparian vegetation or a reduction in the stability of river banks or water courses; and
- (e) Is not likely to result in unsustainable social and economic costs to the community as a consequence of floodings.

Expressions used at Clause 26 have the same meaning as in the NSW Government's Floodplain Development Manual published in 2005.

## 1.9 Infrastructure

The SEPP Amendment requires the consent authority to be satisfied that:

- Any public utility infrastructure (water, electricity or gas and the disposal and management of sewerage) that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required (clause 28); and
- Satisfactory arrangements are made for the provision of designated State public infrastructure (State and regional roads and land required for social infrastructure and facilities such as land for schools, hospitals, emergency services and justice purposes) before the subdivision of land (Clause 30).

A copy of the State Voluntary Planning Agreement that satisfies Clause 30 is included at **Appendix D**.