



New South Wales

State Environmental Planning Policy Amendment (Great Lakes) 2023

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP
Minister for Planning

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1 Name of Policy

This Policy is *State Environmental Planning Policy Amendment (Great Lakes) 2023*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of Policy

This Policy is repealed at the beginning of the day following the day on which this Policy commences.

4 Maps

The maps adopted by *Great Lakes Local Environmental Plan 2014* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Policy.

Schedule 1 Amendment of Great Lakes Local Environmental Plan 2014

[1] Clause 2.1 Land use zones

Insert in appropriate order in clause 2.1—

R1 General Residential

[2] Land Use Table

Insert in appropriate order in the Land Use Table—

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for development that is compatible with the character and amenity of the surrounding neighbourhood.
- To provide for low rise and medium density development that is compatible with the existing and desired future character and amenity of the surrounding neighbourhood.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Building identification signs; Car parks; Caravan parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Educational establishments; Emergency services facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Jetties; Medical centres; Moorings; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Sewerage systems; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

[3] Clause 4.4 Floor space ratio

Insert after clause 4.4(2A)—

(2AB) Subclause (2A) does not apply to the North Tuncurry Urban Release Area.

[4] Part 6 Urban release areas

Insert before clause 6.1—

Division 1 General

[5] Part 6, Division 2

Insert after clause 6.4—

Division 2 North Tuncurry Urban Release Area

6.5 Application of Division

This Division applies to the North Tuncurry Urban Release Area.

6.6 Minimum lot sizes

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
- (2) This clause applies to the following land—
 - (a) land in Zone R1 General Residential, with a minimum lot size of no more than 450m² shown for the land on the Lot Size Map,
 - (b) land in Zone R3 Medium Density Residential.
- (3) Land may be subdivided into 2 or more lots (**resulting lots**) if—
 - (a) the land adjoins land in the North Tuncurry Urban Release Area that—
 - (i) is in one or more of the following zones—
 - (A) Zone R3 Medium Density Residential,
 - (B) Zone B2 Local Centre,
 - (C) Zone RE2 Private Recreation,
 - (D) Zone C2 Environmental Conservation, or
 - (ii) the consent authority is satisfied is or will be a recreation area or used for stormwater detention or retention, or both, and
 - (b) the size of each resulting lot will be at least 200m², and
 - (c) 1 existing dwelling will be located, or 1 dwelling will be erected, on each resulting lot, other than a lot resulting from a subdivision under the *Community Land Development Act 2021*.
- (4) Development consent must not be granted to the development unless the consent authority is satisfied each resulting lot will have an area suitable for the location of the dwelling.

6.7 Affordable housing

- (1) The objective of this clause is to increase the supply of affordable rental housing, liveable housing and diverse housing for very low, low and moderate income earning households in North Tuncurry in a way that is consistent with the development control plan prepared for the land.
- (2) This clause applies to development for the purposes of residential accommodation.
- (3) Development consent must not be granted to the development unless the consent authority is satisfied—
 - (a) from the date of the issue of the occupation certificate—

- (i) the dwellings proposed to be used for affordable housing will be used for affordable housing, and
 - (ii) all accommodation used for affordable housing will be managed by a registered community housing provider, and
 - (b) a restriction will be registered in accordance with the *Conveyancing Act 1919*, section 88E, before the date of the issue of the occupation certificate, against the title of the property relating to the development that will ensure the requirements of paragraph (a) are met, and
 - (c) the development will result in at least 10% of the total number of dwellings being used for affordable housing in the North Tuncurry Urban Release Area.
- (4) A word or expression used in this clause has the same meaning as in *State Environmental Planning Policy (Housing) 2021* unless otherwise defined in this Plan.

6.8 Concurrence of Planning Secretary

- (1) The objective of this clause is to ensure—
 - (a) an appropriate flood planning level is reached for the subdivision design of the North Tuncurry Urban Release Area, and
 - (b) a risk-based approach to flood planning levels is adopted.
- (2) This clause applies to land below 5.5m Australian Height Datum.
- (3) Development consent must not be granted for the subdivision of land unless the consent authority has obtained the concurrence of the Planning Secretary.
- (4) Subclause (3) does not apply to a subdivision by the registration of a strata plan or strata plan of subdivision under the *Strata Schemes Development Act 2015*.
- (5) In deciding whether to grant concurrence, the Planning Secretary must seek advice from the Biodiversity Conservation Division of the Department on the provision of appropriate flood management considerations, including the following—
 - (a) flood planning levels,
 - (b) detention basin sizing,
 - (c) an overland flow path,
 - (d) emergency access and egress arrangements,
 - (e) detailed landform modelling,
 - (f) updated groundwater modelling, including groundwater outputs used to determine flood risk that include impacts of sea level rise on groundwater and any residual uncertainty,
 - (g) suitable risk-based freeboard selection taking into account groundwater modelling.

6.9 Concurrence of Transport for NSW

- (1) The objective of this clause is to ensure development will not have adverse impacts on the State road network.
- (2) This clause applies to land in the following zones—
 - (a) Zone R1 General Residential,
 - (b) Zone R3 Medium Density Residential,
 - (c) Zone IN1 General Industrial,

- (d) Zone B2 Local Centre,
 - (e) Zone B5 Business Development.
- (3) Development consent must not be granted for the subdivision of land unless the consent authority has obtained the concurrence of Transport for NSW.
- (4) In deciding whether to grant concurrence, Transport for NSW must consider the potential effects of the development on existing and proposed future road and public transport infrastructure in the locality.

6.10 Studio dwellings in Zone R1

- (1) This clause applies to land in Zone R1 General Residential.
- (2) Development consent must not be granted to development for the purposes of the erection of a single dwelling above a garage for another dwelling (the *principal dwelling*) unless the consent authority is satisfied—
- (a) the single dwelling will be located on a separate strata lot to both the principal dwelling and the garage for the principal dwelling, and
 - (b) there will be direct access to the single dwelling from a street or lane that is not the same access to the principal dwelling.

[6] Schedule 1 Additional permitted uses

Insert at the end of the Schedule, with appropriate clause numbering—

Use of certain land in North Tuncurry Urban Release Area

- (1) This clause applies to land in the North Tuncurry Urban Release Area that is in Zone RE2 Private Recreation.
- (2) Development for the purposes of tourist and visitor accommodation is permitted with development consent if the site area of the development is no more than 3,000m².

[7] Dictionary

Insert in alphabetical order—

North Tuncurry Urban Release Area means the land identified as “North Tuncurry Urban Release Area” on the Urban Release Area Map.