



New South Wales

## **Sutherland Shire Local Environmental Plan 2000 (Amendment No 23)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S00/01293/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

## 2006 No 165

Clause 1 Sutherland Shire Local Environmental Plan 2000 (Amendment No 23)

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# Sutherland Shire Local Environmental Plan 2000 (Amendment No 23)

under the

Environmental Planning and Assessment Act 1979

## 1 Name of plan

This plan is *Sutherland Shire Local Environmental Plan 2000 (Amendment No 23)*.

## 2 Aims of plan

The aims of this plan are:

- (a) to enable the land to which this plan applies to be used for the purpose of a conference/convention centre, seniors housing, hotel, motel, residential flats and ancillary shops, but only if such a use is consistent with, and does not adversely impact on, the ongoing use of the Cronulla Sutherland Leagues Club as a club, and
- (b) to facilitate the orderly development of the land to which this plan applies so that its economic potential is realised, and
- (c) to promote an appropriate balance of development and management of the environment that will be ecologically sustainable, socially equitable and economically viable, and
- (d) to establish the planning framework and matters for future development, and
- (e) to promote development that enhances the natural, visual and ecological values of Botany Bay and that protects the internal wetlands of the Bay, and
- (f) to ensure high quality buildings, private open space and public domain, and
- (g) to promote development that conforms with appropriate building setbacks and alignments, and
- (h) to ensure that any development maintains and improves public access (pedestrian and cycling) to the foreshore and through the site linking with the pedestrian and street networks and uses beyond the site, and
- (i) to encourage resource and energy efficient design, and

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- (j) to ensure that car parking is generally located beneath buildings and away from public view and entries are sited discreetly and safely, and
  - (k) to ensure that any development on the land to which this plan applies maintains, protects and enhances views to and from Woollooware Bay.

**3 Land to which plan applies**

This plan applies to Part Lot 11, DP 526492, Captain Cook Drive, Woollooware, as shown with heavy edging on the map marked “Map 32 Cronulla Sutherland Leagues Club, Captain Cook Drive” appearing in Schedule 1 [3] to this plan and deposited in the office of Sutherland Shire Council.

**4 Amendment of Sutherland Shire Local Environmental Plan 2000**

*Sutherland Shire Local Environmental Plan 2000* is amended as set out in Schedule 1.

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Schedule 1 Amendments

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### Schedule 1 Amendments

(Clause 4)

**[1] Clause 65 Exceptions to the land use table in the 6 (a) Public Recreation, 6 (b) Private Recreation and 6 (d) Future Recreation zones**

Insert after clause 65 (4):

- (5) Regardless of the development control tables in this plan, consent may be granted to the carrying out of development on land known as Part Lot 11, DP 526492, Captain Cook Drive, Woollooware, being the land shown with heavy edging on the map marked "Map 32 Cronulla Sutherland Leagues Club, Captain Cook Drive" in Schedule 7, if:
- (a) the proposed development is for the purpose of a conference/convention centre, seniors housing, hotel, motel, residential flats or ancillary shops, and
  - (b) the proposed development is consistent with, and does not adversely impact on, the ongoing use of the Cronulla Sutherland Leagues Club as a club, and
  - (c) the proposed development complies with any development standards specified in Part 1 of Schedule 8 applicable to development of the kind concerned, and
  - (d) the consent authority is satisfied of the matters that Part 1 of Schedule 8 requires the consent authority to be satisfied of before granting consent.

For the purposes of this subclause and Part 1 of Schedule 8, **seniors housing** has the same meaning as it has in *State Environmental Planning Policy (Seniors Living) 2004*.

**[2] Clause 65A**

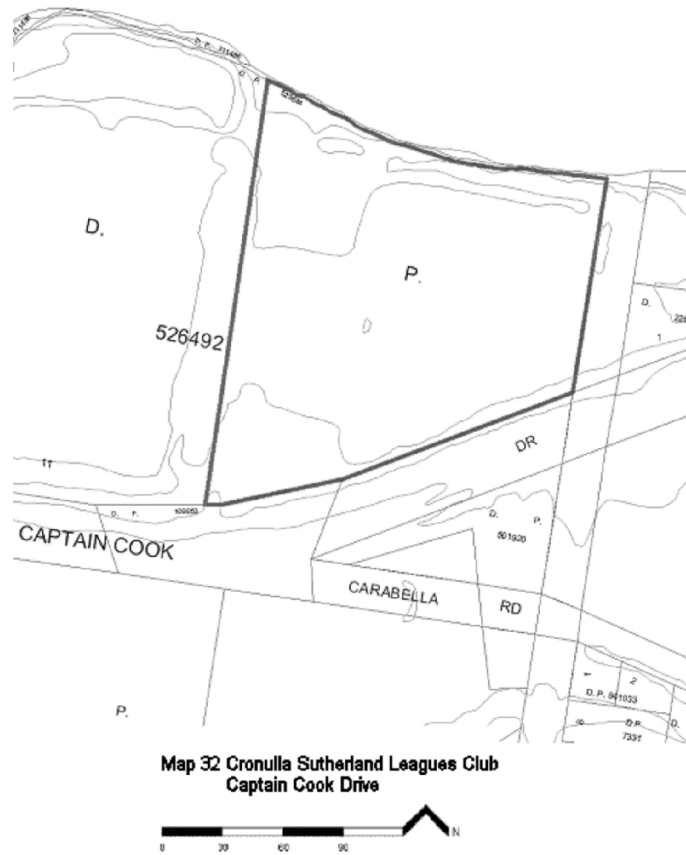
Insert after clause 65:

**65A Subdivision of Cronulla Sutherland Leagues Club site**

Despite any other provision of this plan, subdivision of the land shown with heavy edging on the map marked "Map 32 Cronulla Sutherland Leagues Club, Captain Cook Drive" in Schedule 7 is prohibited except for the purpose of creating an allotment comprising the whole of, or land within, the environmental buffer (as referred to in clause 10 of Part 1 of Schedule 8), being an allotment that is to be used as public open space and that will be owned and managed by a public authority.

**[3] Schedule 7 Maps**

Insert the following map in Part 1 after Map 31:



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### [4] Schedule 8

Insert after Schedule 7:

## Schedule 8 Detailed planning controls for land

(Clause 65 (5))

### Part 1 Part Lot 11, DP 526492, Captain Cook Drive, Woollooware

#### Division 1 Primary development controls

##### 1 Objectives

The objectives of this Division relating to local context in relation to the land to which this Part applies (referred to in this Part as *the site*) are as follows:

- (a) to ensure appropriate height relationship between the existing clubhouse/sportsground, surrounding land uses, Botany Bay and new development,
- (b) to improve the amenity of the public domain by creating a view corridor through the site to Woollooware Bay with building heights that enhance the view corridor,
- (c) to protect and enhance the environmental and visual features of the site,
- (d) to achieve compatibility between the scale, density, bulk and landscape character of buildings and the site,
- (e) to provide space between buildings, to maximise daylight and sunlight access between buildings, to ensure adequate space for landscaping and to create view corridors,
- (f) to regulate the density of the development on the site and the scale and bulk of development consistently with the capacity and area of the site,
- (g) to ensure that there is sufficient space for car parking and that these areas are not visually obtrusive,
- (h) to achieve an appropriate separation between buildings and site boundaries,
- (i) to establish a consistency of building forms across the site,

- (j) to minimise impact of new development on existing distant views across the site from Sans Souci, immediate views from Woollooware Bay and from residential properties to the south-east,
- (k) to enhance opportunities for ecological management of the adjoining Towra Point Aquatic Reserve,
- (l) to ensure that the foreshore is adequately re-vegetated and managed in the long term.

**2 Matters for consideration**

- (1) Before granting consent to the carrying out of development on the site, the consent authority must be satisfied that the development is consistent with:
  - (a) any relevant objectives contained in this plan, and
  - (b) any relevant State environmental planning policy.
- (2) Before granting consent to the carrying out of development on the site, the consent authority must be satisfied that the development will comply with:
  - (a) the relevant development standards and other requirements for the development set out in this Part, and
  - (b) the relevant provisions of clause 30 of this plan in relation to residential development.
- (3) Before granting consent to the carrying out of development on the site, the consent authority must be satisfied that the development is consistent with, and does not adversely impact on, the ongoing use of the Cronulla Sutherland Leagues Club as a club.

**3 Building height**

- (1) The provisions of clause 62 of this plan that specify the maximum height of a building in an open space zone do not apply to development carried out on the site.
- (2) The maximum height of any building above ground level is 15 metres to the highest point of the roof.
- (3) Plant equipment, lift overruns, communication devices, solar collectors, exhaust stacks, ventilation shafts and other typically roof mounted items are to be concealed or integrated into the design of the building. Despite the requirements of subclause (2), roof mounted items may have a height greater than 15 metres above ground level.

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### 4 Development standards for seniors housing

Despite any other provision in this Part:

- (a) the development standards in Parts 4 and 7 of Chapter 3 of *State Environmental Planning Policy (Seniors Living) 2004* apply to any development for the purpose of seniors housing on land to which this Schedule applies in the same way as those standards apply to development on land to which that Policy applies generally, and
- (b) any such development standards prevail over any other development standards set out in this Part to the extent of any inconsistency.

### 5 Floorspace ratio

The maximum floorspace ratio for development on the site is 1:1.

### 6 Minimum landscaped area

The minimum landscaped area for the site is 65% of the site area.

### 7 Building design

- (1) Buildings must be of a size and bulk that is consistent with the medium density nature of the development site.
- (2) The provisions of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development* apply to the site.
- (3) All development must be set back from a public road, property boundary, public open space, environmental buffer or proposed public open space by a distance of not less than 5 metres.
- (4) Before granting consent to the carrying out of development on the site, the consent authority must be satisfied that all building designs demonstrate how optimum natural daylight, cross ventilation, building separation, solar access, landscaping, aural and visual privacy and protection from mosquitoes are to be achieved.
- (5) To reduce the apparent scale of a building in relationship to adjacent development, the uppermost floor of the development is to be set back from the lower floors of a building.



## **Division 2     Site design**

### **8     Objectives**

The objectives of this Division relating to site design (landscaping, fences, safety, access and car parking, building entries, public domain and public lighting) are as follows:

- (a) to connect the existing public road network to the site and ensure internal accessways permit a visual connection between the surrounding areas to the south and Woolooware Bay,
- (b) to protect and conserve environmentally sensitive land, particularly the foreshore lands to Woolooware Bay,
- (c) to accommodate the future needs of the Cronulla Sutherland Leagues Club in relation to club activities and other development,
- (d) to concentrate non-residential uses at street level,
- (e) to promote characteristic landscaping and streetscapes with substantial plantings, including trees that will grow to a minimum height of 15 metres,
- (f) to maximise opportunities for the development to utilise public transport services and pedestrian and bicycle links,
- (g) to create a high quality residential living environment that contributes to a sense of place and community,
- (h) to provide useable private open space for the enjoyment of residents,
- (i) to facilitate re-contouring of the foreshore lands, replicating as closely as possible, the original landform and vegetative state,
- (j) to allow for re-vegetation with appropriate plant species, including saltmarsh, taking into consideration the implications of future sea level rise,
- (k) to create a visual screen to the development from the waterway.

### **9     Matters for consideration**

Before granting consent to the carrying out of development on the site, the consent authority must be satisfied that the development provides for the following:

- (a) well-designed landscaped areas that contribute to the continuity and amenity of the public domain as well as the buildings,

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- (b) public areas that are predominantly planted with trees and shrubs and minimal paving that is limited to access paths, vehicular access points and cycleways,
- (c) appropriate levels of visual privacy for residents using both internal and external spaces at night and during the day,
- (d) buildings and spaces that comply with the principles for minimising crime risk set out in Part B of the guidelines issued by the Department of Urban Affairs and Planning (as it was then named) in April 2001 entitled *Crime prevention and the assessment of development applications: Guidelines under section 79C of the Environmental Planning and Assessment Act 1979* (ISBN 0 7347 0184 5),
- (e) minimal light spillage adjacent to the 40 metre wide environmental buffer.

### 10 Environmental buffer

- (1) A 40 metre wide environmental buffer is required from the mean high water mark. No development is permitted within the environmental buffer.
- (2) The 40 metre wide environmental buffer must incorporate a 5 metre wide riparian buffer zone, to the eastern side of the drainage channel that divides the development site from the western playing fields.
- (3) A visual barrier from Woollooware Bay must be provided incorporating plantings of trees that form a continuous canopy dense enough to screen views from the Bay and which will grow to a minimum height of 15 metres.
- (4) The environmental buffer must be rehabilitated in accordance with a rehabilitation plan that has been endorsed by the Council and the NSW Department of Primary Industries, Fisheries Division. The rehabilitation plan is to be submitted by the applicant with any development application lodged for the site.
- (5) At the boundary of the environmental buffer a physical barrier is required that will impede uncontrolled access to Woollooware Bay by people and domesticated animals.
- (6) Any provision for a publicly accessible pedestrian pathway and cycleway must be outside the 40 metre wide environmental buffer.

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**11 Access and parking**

- (1) Access, parking and servicing is to be provided in accordance with the requirements set out in the *Guide to Traffic Generating Development*, Version 2.2, published by the Roads and Traffic Authority in 2002.
- (2) Car parking must generally be located beneath buildings and away from public view.
- (3) Car parking spaces for the existing registered club are to be provided in addition to the car parking requirements for the residential and non-residential uses of the development. These are to be calculated in accordance with the requirements set out in the *Guide to Traffic Generating Development*.
- (4) A publicly accessible pedestrian pathway and cycleway must be provided on the northern side of the building.
- (5) The consent authority must not grant consent to the carrying out of development on the site unless the consent authority is satisfied that the development adequately addresses the following:
  - (a) pedestrian and vehicular entries should be separated and clearly demarcated,
  - (b) pedestrian entries to buildings should be prominently located on primary streets, as close to property boundaries as acceptable,
  - (c) bicycle parking and storage.

**Division 3 Building design****12 Objectives**

The objectives of this Division relating to building design (apartment layout, balcony design, ceiling heights, flexibility, ground level activity, acoustic privacy, visual privacy, natural light, natural ventilation and building expression and articulation) are as follows:

- (a) to ensure that all development has been designed to be compatible with and protect the topography and setting of the site,
- (b) to reinforce and enhance the character of the development site,
- (c) to ensure that buildings are designed with adequate provision for the intended occupants, in terms of amenity and access to private open space,

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- (d) to ensure that development provides adequate landscaping and open space to enhance the quality and appearance of the building while accommodating the needs of its users and maintaining residential amenity,
- (e) to create a built form that defines and enhances the view corridor through the site, from Woollooware Road to Woollooware Bay,
- (f) to ensure development has adequate utility services and drainage facilities,
- (g) to use materials that improve the energy efficiency of a building when used in external walls that are properly protected from direct summer sun by using sun shading devices.

### 13 Matters for consideration

Before granting consent to the carrying out of development on the site, the consent authority must be satisfied that the development provides:

- (a) noise attenuation to achieve a night time L90 noise level for bedrooms within residential development of not more than:
  - (i) 45 dBa within noise sensitive spaces, and
  - (ii) 40 dBa at the southern limit of the environmental buffer, and
- (b) elements within buildings that assist in the modulation of a facade, such as verandas, awnings, balconies, terraces, sun shading, cornice lines, roof gardens, eaves overhangs, windows, openings and the like, and
- (c) external finishes that seek to minimise the apparent visual impact of the buildings.

## Division 4 Environmental considerations

### 14 Objectives

The objectives of this Division relating to environmental considerations (biodiversity, ecologically sustainable development, water conservation and solar energy use, waste management and air quality) are as follows:

- (a) to minimise the impact of development on the flora, fauna and water qualities of Woollooware Bay and adjacent mangroves and wetlands by recognising the international importance of these areas,

- (b) to ensure that development is carried out in a manner that reflects constraints associated with acid sulfate soils, flooding, drainage and the like,
- (c) to reduce stormwater run-off by minimising the area of impervious surfaces,
- (d) to ensure that stormwater discharge has a dispersed pattern of flow, avoiding newly created centralised or concreted discharge points into the wetland/riparian buffer,
- (e) to ensure that stormwater discharge maintains an appropriate saline/freshwater interface within the wetland/riparian buffer,
- (f) to maximise retention and absorption of surface drainage water on site,
- (g) to minimise obstruction to the underground flow of water,
- (h) to achieve effective environmental performance of development generally,
- (i) to reduce the consumption of energy used in the habitation of multi-unit housing by ensuring that solar design principles are followed in the development,
- (j) to minimise the use of reticulated water on site through water conservation practices including the collection and reuse of rainwater in gardens, toilets, laundries and car washing areas,
- (k) to contribute to water and stormwater efficiency by integrating landscape design with water and stormwater management.

**15 Matters for consideration**

Before granting consent to the carrying out of development on the site, the consent authority must be satisfied that the development provides for:

- (a) adequate remediation measures to be carried out before the development is commenced if any part of the site is identified as being contaminated, and
- (b) water and stormwater efficiency by integrating landscape design with water and stormwater management, and
- (c) building design that incorporates passive solar design techniques to optimise heat storage in winter and heat transfer in summer, and

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- (d) the emission of gases from the development site that are below the units specified in the *National Environment Protection (Ambient Air Quality) Measure*, as varied up to May 2003, published by the National Environment Protection Council, and
- (e) stormwater that is removed from the development to be disposed of through suitable detention areas designed to reduce rubbish in, and suspended solids and nutrients from, the water before its further disposal and the requirements of the *Lower Georges River Stormwater Management Plan 1999* are satisfied, and
- (f) stormwater run-off from the development to be discharged to a Council drainage system approved by the Council for the purpose and with no adverse impact on the water quality of any receiving stormwater infrastructure, watercourse, stream, lagoon, lake, waterway or the like, and
- (g) implementation of an acid sulfate soils management plan that has been prepared in accordance with the *Acid Sulfate Soils Assessment and Management Guidelines*, and
- (h) implementation of an environmental management plan that has been prepared to provide for the long term health and management of the foreshore vegetation and that will adequately address the potential mosquito issue for future residents without degrading the sensitive aquatic reserve ecosystem.

BY AUTHORITY

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