



New South Wales

Botany Bay Local Environmental Plan 2013 (Amendment No 8)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

AMANDA HARVEY

As delegate for the Minister for Planning and Public Spaces

Botany Bay Local Environmental Plan 2013 (Amendment No 8)

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1 Name of Plan

This Plan is *Botany Bay Local Environmental Plan 2013 (Amendment No 8)*.

2 Commencement

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

3 Land to which Plan applies

This Plan applies to land at 128 Bunnerong Road, Pagewood and 120 Banks Avenue, Eastgardens, being Lot 1, DP 1187426 and Lot 24, DP 1242288.

4 Maps

The maps adopted by *Botany Bay Local Environmental Plan 2013* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 Amendment of Botany Bay Local Environmental Plan 2013

[1] Clauses 6.18 and 6.19

Insert after clause 6.17—

6.18 Development requiring the preparation of a development control plan

- (1) The objective of this clause is to ensure that development on certain land occurs in accordance with a site-specific development control plan.
- (2) This clause applies to land at 128 Bunnerong Road, Pagewood and 120 Banks Avenue, Eastgardens, being Lot 1, DP 1187426 and Lot 24, DP 1242288.
- (3) Development consent must not be granted for development on land to which this clause applies unless—
 - (a) a development control plan that provides for the matters specified in subclause (4) has been prepared for the land, or
 - (b) guidelines and controls similar to those mentioned in subclause (4) already apply to the land, or
 - (c) the development is of a minor nature and is consistent with the objectives of the zone in which the land is situated.
- (4) The development control plan must provide for all of the following—
 - (a) design principles drawn from an analysis of the site and its context,
 - (b) the compatibility of the proposed development with the desired future character of the area,
 - (c) the phasing of development and how it will provide for the social and recreational needs of a new community,
 - (d) distribution of land uses, including open space (its function and landscaping) and environment protection areas,
 - (e) the existing and proposed mix of land uses,
 - (f) subdivision pattern and provision of services,
 - (g) building envelopes and built form controls, including bulk, massing and modulation of buildings,
 - (h) housing mixes and tenure choices, including affordable and adaptable housing,
 - (i) heritage conservation, including both Aboriginal and European heritage,
 - (j) encouraging sustainable transport, including increased use of public transport, walking and cycling, road access and the circulation network and appropriate car parking provision, including integrated options to reduce car use,
 - (k) the overall transport hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, with particular regard to public transport, pedestrians and cyclists,
 - (l) improvements to the public domain,
 - (m) minimising adverse impacts on adjoining buildings or the public domain,

- (n) achieving appropriate interface at ground level between buildings and the public domain,
- (o) impacts on view corridors,
- (p) the application of the principles of ecologically sustainable development,
- (q) environmental impacts, such as overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,
- (r) environmental constraints, including acid sulfate soils, flooding, groundwater, stormwater, aircraft movement and noise, contamination and remediation,
- (s) opportunities to apply integrated water sensitive urban design,
- (t) no additional overshadowing to the residential buildings in Zone R2 on the eastern side of Bunnerong Road between 9 am and 3 pm on 21 June in each year.

**6.19 128 Bunnerong Road, Pagewood and 120 Banks Avenue, Eastgardens—
general**

- (1) This clause applies to land at 128 Bunnerong Road, Pagewood and 120 Banks Avenue, Eastgardens, being Lot 1, DP 1187426 and Lot 24, DP 1242288.
- (2) The consent authority must not grant consent to development unless it is satisfied the development will provide for a minimum of 5,000 square metres of gross floor area on the land for non-residential purposes, not including any of the following—
 - (a) residential accommodation,
 - (b) a car park,
 - (c) a telecommunications facility.

[2] Schedule 1 Additional permitted uses

Insert after clause 18—

19 Use of certain land at 128 Bunnerong Road, Pagewood and 120 Banks Avenue, Eastgardens

- (1) This clause applies to land at 128 Bunnerong Road, Pagewood and 120 Banks Avenue, Eastgardens, being Lot 1, DP 1187426 and Lot 24, DP 1242288 and identified as “19” on the Additional Permitted Uses Map.
- (2) Development for the following purposes is permitted with development consent—
 - (a) serviced apartments,
 - (b) commercial premises,
 - (c) recreation facilities (indoor).