

Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989) (1989 EPI 443)

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New South Wales

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New South Wales

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Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989) (1989 EPI 443)



New South Wales

Part 1 Preliminary

1 Name of plan

This plan may be cited as *Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989)*.

2 Aims, objectives etc

(1) The general aims and objectives of this plan are:

- (a) to conserve the natural environment of the Kurnell Peninsula and ensure that development is managed having regard to the environmental, cultural and economic significance of the area to the nation, State, region and locality,
- (b) to apply environmental performance criteria which will ensure that the environment is not adversely affected by development,
- (c) to promote, encourage and facilitate opportunities for commercial, industrial and tourist development consistent with the conservation of the unique ecological and landscape attributes of the Kurnell Peninsula,
- (d) to ensure that development is co-ordinated to allow the economic and efficient provision of public services and amenities having regard to the environment,
- (e) to promote the sharing of responsibility for environmental planning on the Kurnell Peninsula between the Council, the Department of Planning, the National Parks and Wildlife Service, the Department of Agriculture, the Water Board and the Department of Water Resources, and
- (f) to protect, enhance and utilise the tourism, leisure and recreation potential of the Kurnell Peninsula so far as it is consistent with the conservation of its ecological and heritage value.

(2) The particular environmental planning aims and objectives of this plan are:

- (a) to preserve and protect the wetland areas of the Kurnell Peninsula in the environmental and economic interest of the State, region and locality,
- (b) to identify lands having high value and strategic importance as local or regional open space and national park or nature reserve areas and to facilitate bringing these lands into public ownership,
- (c) to protect the health, well-being and safety of the local community,
- (d) to identify and conserve areas, sites and features of natural, ecological, historic or cultural significance,
- (e) to conserve and manage the aquatic environment and its resources in the interests of the community and the oyster, prawn and fishing industries,
- (f) to identify and protect lands having regional and international significance as wildlife habitats,
- (g) to ensure that the recommendations of any relevant risk assessment or transportation studies are implemented,
- (h) to control and progressively phase out sand mining and to facilitate the rehabilitation of degraded lands, and
- (i) to conserve the environmental heritage of the Kurnell Peninsula.

3 Land to which plan applies

- (1) This plan applies to the land within the Shire of Sutherland, known as Kurnell Peninsula, and adjacent waterways, as shown on the map, with boundaries as indicated on the map.
- (2) Despite subclause (1), this plan does not apply to the following land:

Land at Parraweena Road, Taren Point, adjoining Woollooware Bay, to which [Sutherland Shire Local Environmental Plan 2000](#) applies.

4 Relationship to other environmental planning instruments

This plan repeals the following environmental planning instruments:

- (a) *Sydney Regional Environmental Plan No 3—(Kurnell Peninsula)*,
- (b) *Sydney Regional Environmental Plan No 12—Dual Occupancy* to the extent to which, immediately before the commencement of this plan, that plan applied to the land to which this plan applies,
- (c) *State Environmental Planning Policy No 5—Housing for Aged or Disabled Persons* to the extent to which, immediately before the commencement of this plan, that plan

applied to the land to which this plan applies,

(d) *Interim Development Order No 33—Shire of Sutherland*, and

(e) such other deemed environmental planning instruments and local environmental plans as, immediately before the commencement of this plan applied to the land to which this plan applies, to the extent to which those instruments applied to that land.

5 Definitions

(1) In this plan:

access channel means a channel or passage:

(a) which is within tidal waters, and

(b) which was created by dredging or other mechanical operations, and

(c) which provides or has provided water access to a permissible commercial, recreation or public facility, and

(d) which provides water access to any of the following properties at Woollooware Bay between Taren Point and Shell Point:

(i) Lot 21 DP 715660 at 33–39 Bay Road, Taren Point, or

(ii) Lot 2 DP 816949 at 1A Atkinson Road, Taren Point, or

(iii) Lots 131 and 132 DP 737027 at 13 and 15 Mangrove Lane, Taren Point, or

(iv) Lot 1 DP 132973 at 17–21 Mangrove Lane, Taren Point.

aid to navigation means a buoy, sign, light or other structure located on a waterway or on land, which is designed to assist the safe and efficient movement of vessels on a waterway.

aquaculture means the cultivation of the resources of the sea or estuarine waters for the propagation or rearing of marine, estuarine or freshwater fish or plants or other organisms but does not include oyster farming.

archaeological site means a site described in Schedule 2.

bulky goods sales room or showroom means a building or place used for the retail sale (including sale by auction) or display of goods or materials (including motor powered or motor drawn vehicles and agricultural or industrial plant or machinery), where the individual units of goods or materials sold or displayed are of such a size, shape or weight as to require:

(a) a large area for handling, storage or display, or

(b) direct vehicular access to the site by members of the public, for the purpose of loading the goods or materials into their vehicles after purchase,

or both, but does not include a building or place used for the retail sale of food for human consumption or clothing.

bushfire hazard reduction means the reduction or modification (by burning, mechanical or manual means) of material that constitutes a bushfire hazard.

clearing, in relation to land, means the destruction or removal in any manner of native plants growing on the land, but does not include:

- (a) the destruction or removal of plants declared noxious by proclamation pursuant to section 467 of the [Local Government Act 1919](#), by means not likely to be significantly detrimental to the native ecosystem, or
- (b) the incidental destruction or removal of native plants adjacent to any such noxious plants that is not avoidable during the process of destroying or removing those noxious plants.

Council means the Council of the Shire of Sutherland.

demolish a heritage item means wholly or partly destroy, dismantle or move the heritage item.

development control codes or design and management guidelines means those codes or guidelines prepared pursuant to clause 29 and adopted by the Council from time to time for the purpose of this plan.

existing ground level, in relation to land, means the level of the land:

- (a) in the case of land where no previous development has taken place, in its undisturbed state, or
- (b) in the case of land on which development has previously taken place, the level of the land before any demolition, construction or excavation work connected with the development occurred.

hazardous industry or storage establishment means a building or place which, by reason of the nature of materials produced or used or the handling, processing, manufacture or related requirements for storage of the establishment:

- (a) requires specific safety precautions resulting in isolation from other buildings or storage establishments, or
- (b) represents a significant hazard to human health or life or property or the biophysical environment.

heritage item means a building, work, tree or place described in Schedule 3.

heritage significance means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

light industry means an industry, not being an offensive industry or a hazardous industry or storage establishment, in which the processes carried on, the transportation involved or the machinery or materials used do or does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.

maintenance dredging means the removal and disposal of material from the bed of an access channel to enable the access channel:

- (a) to continue to function as an access channel, or
- (b) to resume its function as an access channel,

but does not include increasing the depth, extent or area of an access channel beyond that to which the access channel has been previously formed.

map means the map marked “*Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989)*” deposited in the office of the Department, as amended by the maps (or if any sheets of maps are specified, by the specified sheets of the maps) deposited in the office of the Department and marked as follows:

Editorial note—

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

*Sydney Regional Environmental Plan No 17—Kurnell Peninsula
(1989)—(Amendment No 3)*

native plant means a plant indigenous to the Kurnell Peninsula, including trees, shrubs, ferns, vines, herbs and grasses including seagrasses indigenous to the Kurnell Peninsula.

offensive industry means an industry which, when in operation and when all proposed measures to reduce or minimise its impact have been employed, is required to be isolated from other buildings, including industrial buildings.

potential archaeological site means a site known to the Council to have archaeological potential.

recreation area means:

- (a) a childrens playground,
- (b) an area used for sporting activities or sporting facilities,

- (c) an area used by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community, and
- (d) an area used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by:
 - (i) the Council, or
 - (ii) a body of persons associated together for the purposes of the physical, cultural or intellectual welfare of persons within the community,but does not include a racecourse or a showground.

recreation facility means a building or place used exclusively for a sporting activity, exercise, pastime or leisure activity, whether operated for the purpose of gain or not and whether used for activities, exercises or pastimes based on land or water.

relic means any deposit, object or material evidence relating to:

- (a) the use or settlement of Sutherland Shire, not being Aboriginal habitation, which is more than 50 years old, or
- (b) Aboriginal habitation of Sutherland Shire commencing before and continuing after its occupation by persons of European extraction, including human remains.

single mooring means an apparatus located on or in a waterway to which one vessel is attached.

tourist facility means a building or place used or intended to be used by tourists or holidaymakers for the purposes of holiday accommodation, sport or recreation, and may include:

- (a) hotels, motels and other types of accommodation,
- (b) shops attached to or incorporated within the building or located at the place, or
- (c) facilities servicing the needs of tourists and holidaymakers using the building or place,

but does not include a caravan park.

toxic industry means an industry which manufactures, utilises or produces as a by-product any substance (other than in a minor or insignificant amount) which, when introduced into or absorbed by a living organism, including by low-level chronic exposure, destroys life or injures health or which may interact with other substances to cause such an effect.

utility undertaking means an undertaking by a public utility for the purposes of the

supply of water, electricity or gas, or the provision of sewerage or drainage services or communications installations.

waste disposal means:

- (a) the use of a building or place for the purpose of treating, storing or disposing of any waste, as defined by the [Waste Disposal Act 1970](#), other than a building or place used for the treatment, storage or disposal of waste resulting from any other activity carried out on the same land, or for the purposes of a depot registered with the Environment Protection Authority for the receipt of natural excavated material and demolition materials as approved by that Authority, and
- (b) the use of any bore or excavation that is connected with the underlying shallow groundwater system for disposal of wastes.

wetland areas means the land as shown by black hatching and heavy black edging on sheet 3 of the map.

works associated with or ancillary to oyster farming means any structure that is used in the oyster farming industry which relates to the purification, processing or packaging of oysters for wholesale distribution, but which is not used in the direct sale of oysters to the public.

zone means land shown on the map in some distinctive manner for the purpose of indicating the restrictions imposed by this plan on the development of the land.

(2) In this plan:

- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and
- (b) a reference to land within a zone specified in the Table to clause 9 is a reference to land shown on the map in the manner indicated in clause 8 as the means of identifying land of the zone so specified.

(3) The matter “WS & D”, where appearing on the map, means Water Board purposes.

6 Adoption of model provisions

- (1) This plan adopts clauses 4 (1) (except for the definitions of **light industry**, **map**, **offensive or hazardous industry**, **recreation facility** and **tourist facilities**), 7, 8, 13, 14, 25, 29, 30, 31, 33, 34 and 35 and Schedule 1 of the [Environmental Planning and Assessment Model Provisions 1980](#).
- (2) In their application to this plan, the [Environmental Planning and Assessment Model Provisions 1980](#) shall be construed as if a reference in those provisions to a local environmental plan were a reference to this plan.

7 Consent authority

For the purposes of this plan the consent authority is the Council.

Part 2 General restrictions on development

8 Zones indicated on the map

For the purposes of this plan, land to which this plan applies shall be within a zone specified hereunder if the land is shown on the map in the manner specified hereunder in relation to that zone:

Zone No 2 (a) (Residential Zone)—coloured light scarlet, edged black and lettered “2 (a)”.

Zone No 3 (d) (Neighbourhood Business Zone)—coloured medium blue, edged black and lettered “3 (d)”.

Zone No 4 (a) (General Industrial Zone)—coloured purple, edged black and lettered “4 (a)”.

Zone No 4 (b) (Light Industrial Zone)—coloured purple, edged black and lettered “4 (b)”.

Zone No 4 (c1) (Special Industrial (Oil Refining) Zone)—coloured purple, edged black and lettered “4 (c1)”.

Zone No 4 (c2) (Special Industrial Zone)—coloured purple, edged black and lettered “4 (c2)”.

Zone No 5 (a) (Special Uses “A” Zone)—coloured yellow, edged black, lettered “5 (a)”, with purpose indicated by red lettering.

Zone No 6 (a) (Public Recreation (Existing) Zone)—coloured dark green, edged black and lettered “6 (a)”.

Zone No 6 (b) (Public Recreation (Proposed) Zone)—coloured light green, edged black and lettered “6 (b)”.

Zone No 6 (c) (Private Recreation Zone)—coloured dark green, edged black and lettered “6 (c)”.

Zone No 7 (a) (Waterways Zone)—uncoloured, edged light blue and lettered “7 (a)”.

Zone No 7 (b) (Special Development Zone)—coloured orange, edged black and lettered “7 (b)”.

Zone No 8 (a) (National Parks and Nature Reserves (Existing) Zone)—uncoloured, edged dark green and lettered “8 (a)”.

Zone No 9 (a) (Regional Open Space (Reservation) Zone)—coloured light green, edged black and with red notation “R”.

9 Zone objectives and development control table

- (1) The objectives of a zone are set out in the Table to this clause under the heading “Objectives of zone” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purposes (if any) for which:
 - (a) development may be carried out without development consent,
 - (b) development may be carried out only with development consent, and
 - (c) development is prohibited,are specified under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.
- (3) Except as otherwise provided by this plan, the consent authority shall not grant consent to the carrying out of development on land to which this plan applies unless it is of the opinion that the carrying out of the development is consistent with the aims and objectives of the plan and the objectives of the zone within which the development is proposed to be carried out.

Table

Zone No 2 (a) (Residential Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to maintain and enhance the existing village character of the residential areas of Kurnell,
- (b) to ensure that development does not place demands on services beyond the level reasonably required for low density residential use,
- (c) to control the subdivision and use of land and limit population growth within the Kurnell village, and
- (d) to ensure that development is compatible with the unique ecological and landscape attributes of the Kurnell Peninsula, especially the wetland areas and their environs.

2 Without development consent

Dwelling-houses having not more than 2 floors above existing ground level.

3 Only with development consent

Any purpose other than a purpose included in Items 2 or 4.

4 Prohibited

Advertising structures; boarding-houses; bulky goods sales rooms or showrooms; car parks; car repair stations; caravan parks; clubs; commercial premises; dual occupancy buildings; extractive industries; gas holders; generating works; helipads; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motels; places of assembly (other than public halls); recreation facilities; refreshment rooms; residential flat buildings; road transport terminals; roadside stalls; sawmills; service stations; shops; tourist facilities; warehouses; waste disposal.

Zone No 3 (d) (Neighbourhood Business Zone)

1 Objectives of zone

The objective of this zone is to provide retail, commercial and professional services that serve the local residents of the Kurnell village and visitors to the Kurnell Peninsula.

2 Without development consent

Nil.

3 Only with development consent

Advertisements; advertising structures; child care centres; commercial premises; drainage; dwellings used in conjunction with shops or commercial premises; home industries; open space; refreshment rooms; roads; shops; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose included in Item 3.

Zone No 4 (a) (General Industrial Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to accommodate industrial development, having regard to environmental safety planning principles,
- (b) to ensure that development is compatible with the unique ecological and landscape attributes of the Kurnell Peninsula, especially the wetland areas and their environs,
- (c) to promote industrial park estate type development and to mitigate land use conflicts within and adjacent to the zone, and
- (d) to promote the orderly and economic development of land within the zone and to ensure that adequate provision is made for the supply of water and the disposal in an environmentally sensitive manner of all wastes and stormwater from the land.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in Item 4.

4 Prohibited

Boarding houses; bulky goods sales rooms or showrooms; car repair stations; caravan parks; clubs; commercial premises; dwelling-houses or residential flat buildings (other than those essential to the operation of an industry and situated on the land on which such industry is conducted); educational establishments; extractive industries (other than sand mining); hazardous industry or storage establishments (other than those for which the proposed site layout of the buildings is such as to render the establishment non-hazardous to adjoining development and for which adequate facilities are available for the treatment and disposal of all waste water and waste products); helipads; hospitals; hotels; institutions; junk yards; mines; motels; offensive industries; places of assembly; places of public worship; recreation areas; road transport terminals; roadside stalls; service stations; shops; tourist facilities; toxic industries; waste disposal.

Zone No 4 (b) (Light Industrial Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to recognise existing industry and identify land suitable for light industrial development,
- (b) to encourage and facilitate the establishment of suitable light industry so as to increase the local employment base,
- (c) to ensure that development is compatible with the unique ecological and landscape attributes of the Kurnell Peninsula, especially the wetland areas and their environs, and
- (d) to promote the orderly and economic development of land within the zone and to ensure that adequate provision is made for the supply of water and the disposal in an environmentally sensitive manner of all wastes and stormwater from the land.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in Item 4.

4 Prohibited

Boarding houses; bulky goods sales rooms or showrooms; caravan parks; clubs; commercial premises; dwelling-houses or residential flat buildings (other than those essential to the operation of an industry and situated on the land on which such industry is conducted); educational establishments; extractive industries (other than sand mining); hazardous industry or storage establishments; helipads; hospitals; hotels; industries (other than light industries); institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; offensive industries; places of assembly; places of public worship; public buildings; road transport terminals; roadside stalls; service stations; shops; toxic industries; warehouses; waste disposal.

Zone No 4 (c1) (Special Industrial (Oil Refining) Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to recognise land used for oil refinery, liquid fuel depot and liquified petroleum gas extraction purposes,
- (b) to ensure that development has regard to environmental safety planning principles, and
- (c) to mitigate land use conflicts within and adjacent to the zone and to ensure that adequate provision is made for the supply of water and the disposal in any environmentally sensitive manner of all wastes and stormwater from the land.

2 Without development consent

Nil.

3 Only with development consent

Drainage; liquid fuel depots; liquified petroleum gas extraction plants; oil refining; roads; sand mining; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose included in Item 3.

Zone No 4 (c2) (Special Industrial Zones)

1 Objectives of zone

The objectives of this zone are:

- (a) to accommodate industrial development, including activities related to the oil refinery, having regard to environmental safety planning principles, and
- (b) to promote the orderly and economic development of land within the zone and to ensure that adequate provision is made for the supply of water and disposal, in an environmentally sensitive manner, of all wastes and stormwater from the land.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in Item 4.

4 Prohibited

Boarding-houses; bulky goods sales rooms or showrooms; caravan parks; carbon black industries; clubs; coal gasification establishments; coal tar industries; coke production; commercial premises; dwelling-houses; dye industries; educational establishments; extractive industries (other than sand mining); hospitals; hotels; industries involving the derivatisation of benzene; industries involving the manufacture of carbon tetrachloride, trichloroethylene, ethylene dichloride or dichloromethane; industries involving the manufacture of pesticides, herbicides or weedicides; industries involving the manufacture or derivatisation of ethylene oxide, vinyl chloride, vinyl bromide, formaldehyde or propylene oxide; institutions; leather industries; metal refining; mines; motels; places of assembly; places of public worship; plastics or acrylics industries; recreation areas; residential flat buildings; road transport terminals; roadside stalls; rubber industries; service stations; shops; tourist facilities; waste disposal.

Zone No 5 (a) (Special uses “A” Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to identify land which is currently used by a public utility undertaking, servicing the needs of the community and industry for certain facilities and services,
- (b) to maintain and provide for the economic and efficient provision of services and appropriate infrastructure, and
- (c) to provide for the continued use of the land for the purpose indicated by red lettering on the map.

2 Without development consent

Works for the purposes of landscaping, gardening and bushfire hazard reduction.

3 Only with development consent

Development for the particular purpose indicated by red lettering on the

map and any purpose ordinarily incidental or subsidiary to that purpose; buildings for the purposes of landscaping, gardening and bushfire hazard reduction; drainage; roads; utility installations (other than gas holders or generating works); utility undertakings.

4 Prohibited

Any purpose other than a purpose included in Item 2 or 3.

Zone No 6 (a) (Public Recreation (Existing) Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to identify land which is vested in the Council and which is set aside principally for the purposes of public recreation,
- (b) to identify land which is owned by the Crown and which is under the care, control and management of the Council as public recreation space, and
- (c) to provide a range of recreation opportunities to meet the needs of the community.

2 Without development consent

Recreation, sporting, entertainment and cultural activities not requiring the erection of any buildings; works for the purposes of landscaping, gardening and bushfire hazard reduction and sand dune stabilisation.

3 Only with development consent

Buildings for the purposes of landscaping, gardening and bushfire hazard reduction; car parking; drainage; helipads; recreation areas; recreation facilities; refreshment rooms; roads; sand extraction for beach nourishment purposes; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose included in Item 2 or 3.

Zone No 6 (b) (Public Recreation (Proposed) Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to identify land, not in public ownership, which is proposed to be used for the purposes of public recreation and which will be acquired by the Council, either by dedication or purchase,
- (b) to enhance the visual and recreational amenity of the Kurnell Peninsula,
- (c) to conserve and enhance the environmental heritage of the Kurnell Peninsula and to facilitate appropriate public access to it,
- (d) to create a park system which integrates the existing public parklands and the important landscape, ecological and heritage elements of the area, and
- (e) to protect important topographical features, in particular the Bate Bay frontal dune.

2 Without development consent

Beach nourishment; recreation, sporting, entertainment and cultural activities not requiring the erection of any buildings; sand dune stabilisation; works for the purposes of landscaping, gardening and bushfire hazard reduction.

3 Only with development consent

Buildings for the purposes of landscaping, gardening and bushfire hazard reduction; car parking; drainage; helipads; kiosks; picnic areas; recreation areas; recreation facilities; refreshment rooms; roads; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose included in Item 2 or 3.

Zone No 6 (c) (Private Recreation Zone)

1 Objectives of zone

The objective of this zone is to identify private land which is set aside for recreational purposes.

2 Without development consent

Works for the purposes of landscaping, gardening and bushfire hazard reduction.

3 Only with development consent

Buildings for the purposes of landscaping, gardening and bushfire hazard reduction; car parking; clubs; drainage; pleasure craft and recreational boat building; recreation areas; recreation facilities; refreshment rooms; roads; tourist facilities; utility installations (other than gas holders or generating works); watercraft landing facilities.

4 Prohibited

Any purpose other than a purpose included in Item 2 or 3.

Zone No 7 (a) (Waterways Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to protect and enhance the aquatic environment,
- (b) to protect and conserve significant wetland areas, and
- (c) to maintain the viability of the oyster, prawn and fishing industries.

2 Without development consent

Aids to navigation; beach nourishment; oyster farming; single moorings.

3 Only with development consent

Aquaculture; commercial recreational activities associated with the waterways (other than marinas or activities involving the hiring of powered craft); environmental education facilities; maintenance dredging; mooring piles; pipelines; public boat launching ramps; public jetties; swimming enclosures; utility installations (other than gas holders or generating works); works associated with or ancillary to oyster farming.

4 Prohibited

Any purpose other than a purpose included in Item 2 or 3.

Zone No 7 (b) (Special Development Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to provide flexible planning controls which permit a broad range of land uses subject to compliance with environmental performance criteria,
- (b) to ensure that development is compatible with the unique ecological and landscape attributes of the Kurnell Peninsula, especially the wetland areas and their environs,
- (c) to ensure that sand mining is controlled and to facilitate the progressive phasing out of sand mining and the rehabilitation of degraded lands,
- (d) to promote the orderly and economic development of land within the zone subject to the provision of adequate water and sewerage services and the disposal, in an environmentally sensitive manner, of all wastes and stormwater from the land,
- (e) to promote, enhance and utilise the development potential of the zone primarily for tourism, recreation or industrial parks, where this is consistent with the conservation of the unique, ecological and landscape attributes of the Kurnell Peninsula, and
- (f) to promote the sharing of the responsibility for environmental planning by creating a broad framework of controls and requiring the Council to adopt development control codes or design and management guidelines applying to development in the zone.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in Item 4.

4 Prohibited

Dwelling-houses; extractive industries (other than sand mining); hazardous industry or storage establishments; junk yards; mines; offensive industries; places of public worship; residential flat buildings (other than those used only for holiday or other non-permanent residential accommodation); stock and sale yards; toxic industries; transport terminals; units for aged persons;

waste disposal.

Zone No 8 (a) (National Parks and Nature Reserves (Existing) Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to identify lands presently under the control of the National Parks and Wildlife Service,
- (b) to conserve areas of natural, ecological, scenic, educational, scientific, cultural or historic importance, and
- (c) to permit development of the land as considered appropriate by the Director of the National Parks and Wildlife Service.

2 Without development consent

Any purpose authorised by or under the [National Parks and Wildlife Act 1974](#) or any purpose ancillary or incidental to such a purpose.

3 Only with development consent

Drainage; roads; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose included in Item 2 or 3.

Zone No 9 (a) (Regional Open Space (Reservation) Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to identify land to be acquired for the provision of regional open space and to protect environmentally sensitive lands,
- (b) to identify and bring into public ownership those lands of strategic importance to the management of the Towra Point Nature Reserve or the Towra Point Aquatic Reserve, and
- (c) to provide opportunities to enhance the total environmental quality of the Kurnell Peninsula.

2 Without development consent

Beach nourishment works for the purposes of landscaping, gardening and bushfire hazard reduction.

3 Only with development consent

Buildings for the purposes of landscaping, gardening and bushfire hazard reduction; drainage; environmental educational facilities; environmental protection works; recreation areas (other than those involving the erection of permanent structures or buildings); roads; sand dune stabilisation; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose included in Item 2 or 3.

Part 3 Special provisions

Division 1 Development control

10 Subdivision of land generally

A person shall not subdivide land to which this plan applies except with the consent of the Council.

11 Erection of dwelling-houses within Zone No 2 (a)

- (1) Except as provided by subclause (2), a dwelling-house shall not be erected on an allotment of land within Zone No 2 (a) which has a width of less than 18 metres at the front alignment of the dwelling-house, a depth of less than 30 metres or an area:
 - (a) in the case of a hatchet-shaped allotment or an allotment not having a frontage to a public road—of less than 1,000 square metres, or
 - (b) in the case of any other allotment—of less than 900 square metres.
- (2) Nothing in subclause (1) shall operate to prohibit the erection of a dwelling-house:
 - (a) on an allotment of land if that allotment was in existence as a separate allotment before the commencement of this plan, or
 - (b) on an allotment of land on which a dwelling-house is already erected if the dwelling house to be erected is intended to entirely replace the dwelling-house already erected, or
 - (c) on an allotment of land created after the commencement of this plan if the allotment was created as a consequence of:

- (i) consolidating two or more allotments described in paragraph (a), or
- (ii) subdividing an allotment described in paragraph (a) so as to provide land for a public purpose.

12 Development in industrial zones

- (1) The Council shall not consent to the carrying out of development on an allotment of land within Zone No 4 (a) or 4 (c2) unless the allotment:
 - (a) has an area of not less than 2,500 square metres, and
 - (b) at least 50 per cent of the allotment is not, or will not, be built upon.
- (2) Where any proposed allotment relies on Captain Cook Drive for its sole means of access, the Council shall not consent to an application to subdivide land within Zone No 4 (a) unless the area of each allotment to be created will not be less than 4 hectares.
- (3) The Council shall not consent to the carrying out of development on an allotment of land within Zone No 4 (b) unless the allotment:
 - (a) has an area of not less than 1,000 square metres,
 - (b) had a width of not less than 21 metres at the front alignment of the building, and
 - (c) has a depth of not less than 37 metres.
- (4) Nothing in subclause (1), (2) or (3) prevents the Council from granting consent to the erection or use of a building on an allotment of land, where that allotment was in existence as a separate allotment before the commencement of this plan.
- (5) The Council shall not consent to the carrying out of development on land within Zone No 4 (c1) or 4 (c2) unless it has considered:
 - (a) the level of any risk to life, and
 - (b) the pollution effects, including low level long-term effects, upon the health of people,created by, or arising out of, the carrying out of the development on that land.
- (6) Development for the purposes of a hazardous industry or storage establishment, an offensive industry or a toxic industry shall only be carried out on land within Zone No 4 (c2) where not less than 50 per cent of the feedstock for the product being manufactured originates from a refinery on the Kurnell Peninsula.

13 Captain Cook Drive

- (1) The Council shall not consent to the carrying out of development (other than

development for the purposes of landscaping, access, bicycle paths, drainage or utility installations) on any land within Zone No 4 (a), 4 (b), 4 (c1), 4 (c2), 6 (c) or 7 (b) which is within 20 metres from the boundary of the Captain Cook Drive road reserve.

- (2) The Council shall not consent to the carrying out of development within Zone No 4 (a), 4 (b), 4 (c1), 4 (c2) or 7 (b) if the development, in the opinion of the Council, is likely to have a significant adverse impact on the safety and efficiency of Captain Cook Drive.
- (3) The Council may as a condition of granting development consent or subdivision approval in respect of any land referred to in subclause (2) require a contribution towards the upgrading of Captain Cook Drive.
- (4) In considering whether to impose a condition referred to in subclause (3) the Council shall take into consideration:
 - (a) the amount of traffic likely to be generated by the development in relation to Captain Cook Drive,
 - (b) the nature of the goods or materials transported or likely to be transported along Captain Cook Drive as a result of the development, and
 - (c) any means that are, in the opinion of the Council, required to be employed to protect the environment or to mitigate harm to the environment as a result of the development because of the amount of traffic generated or the nature of the goods or materials transported.
- (5) The Council may consent to the relocation of Captain Cook Drive between the points marked "X" and "Y" on the map.
- (6) Where Captain Cook Drive is relocated, the Council may consent to the carrying out of development on land formerly occupied by that road and on land south of the relocated road within Zone No 6 (c) for any purpose for which development may be carried out in Zone No 7 (b).

14 Protection of certain land within Zone No 5 (a) or 7 (b)

The Council shall not consent to the carrying out of development on land within Zone No 5 (a) or 7 (b) that is shown hatched black on the map if, in its opinion, that development would significantly affect or alter the topographical or ecological features of the land.

15 Development within Zone No 6 (a)

The Council shall not consent to the carrying out of development on land within Zone No 6 (a) unless the Council has considered:

- (a) the need for the proposed development to be carried out on that land,

- (b) the impact of the carrying out of the proposed development on the existing or likely future use of the land, and
- (c) the need to retain the land for its existing or likely future use.

16 Consideration of use of certain land by tourists

In considering any development application relating to land within Zone No 6 (b) adjacent to Bate Bay or Zone No 9 (a) and adjoining Boat Harbour (where that land has been dedicated or transferred free of cost to the Council or the corporation, as the case may be), the Council shall take into consideration the use for tourist or other similar purposes of any adjoining land within Zone No 7 (b) and the use of the land within Zone Nos. 6 (b) and 9 (a) by people accommodated on land within Zone No 7 (b).

17 Development of certain land in Zone No 6 (b) or 9 (a)

The Council may consent to the carrying out of development on land:

- (a) within Zone No 6 (b) adjacent to Bate Bay and which is within 10 metres of the boundary of that zone and Zone No 7 (b), and
- (b) within Zone No 9 (a) adjacent to Boat Harbour and which is within 5 metres of the boundary of that zone and Zone No 7 (b),

and not being land on the seaward side of the crest of the frontal dune, for any of the purposes for which development may be carried out on land within Zone No 7 (b) where the balance of the land within Zone No 6 (b) and 9 (a) adjoining the particular land in Zone No 7 (b) and an equal amount of land within Zone No 7 (b) adjacent to the boundary of the two zones is dedicated or transferred free of charge to the Council or the corporation, as the case may be.

18 Development adjacent to or adjoining Zone No 7 (a)

The Council shall not consent to the carrying out of development on land adjacent to or adjoining land within Zone No 7 (a) where that development:

- (a) is located or sited less than 10 metres from the boundary of Zone No 7 (a), or
- (b) would require the clearing, construction of a levee on, draining or filling of land within 10 metres from the boundary of Zone No 7 (a).

19 Development within Zone No 7 (b)

- (1) Except as provided by subclause (2), the Council shall not consent to the subdivision of land within Zone No 7 (b) unless:
 - (a) the area of each allotment to be created by the subdivision is not less than 2,500 square metres, and

(b) the average area of all allotments to be created by the subdivision is not less than 5,000 square metres.

- (2) Where an allotment of land within Zone No 7 (b) relies on Captain Cook Drive for its sole means of access, the Council shall not consent to the carrying out of development on that land unless the allotment has an area of not less than 4 hectares.
- (3) The Council shall not consent to the carrying out of development on land within Zone No 7 (b) adjacent to land within Zone No 9 (a) adjacent to Boat Harbour unless reasonable provision is made for public access to Boat Harbour and between land within Zone No 6 (b) adjoining Bate Bay and land within Zone No 9 (a) adjoining Boat Harbour.

20 Development of certain land within Zone No 7 (b)

- (1) Except as provided by subclause (2), land within Zone No 7 (b) which is within 300 metres of the Mean High Water Mark of Bate Bay or Boat Harbour may be developed, with the consent of the Council, only for the purpose of kiosks, picnic areas, sand mining and extraction, and sand stabilisation and conservation.
- (2) Land referred to in subclause (1) may be developed with the consent of Council for purposes permissible in Zone No 7 (b) (other than those referred to in subclause (1)), only where reasonable measures to ensure the stability of the frontal sand dune and to protect the environmentally sensitive features of the land have been taken or will be taken within 3 months of the date of commencement of any construction on the land referred to in subclause (1).
- (3) Measures which may be required under subclause (2) include the dedication or transfer free of cost of the land within Zone No 6 (b) adjoining Bate Bay or the land within Zone No 9 (a) adjoining Bate Harbour.

21 Consideration of environmental effect—protection of wetlands

- (1) The Council shall not consent to the carrying out of development on any land to which this plan applies if the development, in the opinion of the Council, is likely to have a significant adverse impact on the long term viability of the wetland areas or any ecosystem or species within the wetland areas.
- (2) Without limiting any other matters which the Council may consider, in considering whether the carrying out of any development on land is likely to have a significant adverse impact on the long term viability of the wetland areas or any ecosystem or species within the wetland areas, the Council shall take into consideration:
 - (a) the accumulation in the surrounding ecosystems, by any biological, chemical or physical processes, of toxic or other chemicals to be used or produced by the development,

- (b) the likelihood of increased mortality or morbidity in natural populations of plants or animals and any effect of that on:
 - (i) the diversity of species,
 - (ii) the integrity of life cycles of species including, but not limited to, species of economic and cultural value, and
 - (iii) the maintenance of ecological processes, including nutrient cycles, hydrologic cycles, microclimate and biological productivity,
- (c) the persistence of the chemicals to be used or produced in carrying out the development, their existing concentrations in the ecosystems, and whether those chemicals are likely to be released into the ecosystems from other existing or approved development, and
- (d) the frequency of emissions which may result from the carrying out of the development in normal and atypical operating conditions and in different weather conditions.

22 Restriction on development of wetland areas

- (1) In respect of land within the wetland areas, a person shall not:
 - (a) clear that land,
 - (b) construct a levee on that land,
 - (c) drain that land,
 - (d) fill that land, or
 - (e) landscape that land,except with the consent of the Council and the concurrence of the Director.
- (2) In considering whether to grant concurrence required by subclause (1), the Director shall take into consideration:
 - (a) the environmental effects of the proposed development, including the effect of the proposed development on:
 - (i) the growth of native plant communities,
 - (ii) the survival of native and migratory wildlife populations,
 - (iii) the provision of quality habitats for both indigenous and migratory species,
 - (iv) the surface and groundwater characteristics of the site on which the development is proposed to be carried out and of the surrounding area,

including salinity and water quality, and

- (v) the condition of the wetland area, in particular the presence of weeds or rubbish, and the prospects for its viability in the long term,
 - (b) whether adequate safeguards and rehabilitation have been, or will be, made to protect the environment, including the preparation of a plan of management,
 - (c) whether carrying out the development would be consistent with the aims of this plan,
 - (d) the objectives and major goals of the “National Conservation Strategy for Australia”, as contained in the second edition of a paper by the Commonwealth Department of Home Affairs and Environment and published in 1984 by the Australian Government Publishing Service, a copy of which is deposited in the office of the Department, as they relate to wetlands and the conservation of living resources,
 - (e) the public interest in carrying out the proposed development compared to the public interest in the preservation of the wetland area in its present state and whether consideration has been given to any feasible alternatives to the carrying out of the proposed development (either on other land or by other methods) and if so, the reasons given for choosing the proposed development,
 - (f) any representations made by the Director-General of Agriculture, the Director of National Parks and Wildlife or the Council in relation to the development application, and
 - (g) any wetland areas surrounding the land to which the development application relates and the appropriateness of imposing conditions requiring the carrying out of works to preserve or enhance the value of those surrounding wetland areas.
- (3) Pursuant to section 29 of the Act, development for which consent is required by subclause (1) is declared to be designated development for the purposes of the Act.

23 Aircraft noise—restriction on development

- (1) The Council shall not consent to the carrying out of development:
- (a) for residential purposes (including development which would increase existing residential densities) in areas where the noise level exceeds 25 as measured on the Australian Noise Exposure Forecast (ANEF) as from time to time advised by the Civil Aviation Authority, or
 - (b) for schools, universities, hospitals or nursing homes, where the noise level exceeds 25 ANEF, or
 - (c) for hotels, motels, hostels, other tourist accommodations or public buildings,

where the noise level exceeds 30 ANEF, or

(d) for commercial purpose, where the noise level exceeds 35 ANEF, or

(e) for light industry, where the noise level exceeds 40 ANEF.

(2) The Council shall not consent to the carrying out of development:

(a) for residential purposes (including development which would increase residential densities) in areas, where the ANEF is between 20 and 25, or

(b) for schools, universities, hospitals or nursing homes, where the ANEF is between 20 and 25, or

(c) for hotels, motels, hostels or other tourist accommodation, where the ANEF is between 25 and 30, or

(d) for public buildings, where the ANEF is between 20 and 30, or

(e) for commercial purposes where the ANEF is between 25 and 35, or

(f) for light industry where the ANEF is between 30 and 40,

unless it is satisfied that the development meets Australian Standard 2021 regarding interior noise levels.

23A Protection of heritage items and relics

(1) The following development may be carried out only with development consent:

(a) demolishing or damaging a heritage item,

(b) altering a heritage item by making structural changes to its exterior,

(c) altering a heritage item by making non-structural changes to the detail, fabric, finish or appearance of its exterior,

(d) moving a relic, or excavating land for the purpose of discovering, exposing or moving a relic,

(e) erecting a building on, or subdividing, land on which a heritage item is located.

(2) Development consent is not required by this clause for development specified in Schedule 4 or for any other development if Council considers the proposed development would not adversely affect the heritage significance of a heritage item.

(3) When determining a development application required by this clause, the Council:

(a) must consider the effect of the development on the heritage significance of the heritage item and its setting, and

- (b) may consider any conservation plan that assesses the impact of the proposal on the heritage significance of the heritage item and its setting, and
- (c) must, in the case of a heritage item that is of State or regional significance (as indicated in Schedule 3), notify the Heritage Council of its intention to consent to the demolition of the item, and consider any comments received within 28 days after the notice is sent.

23B Development of known or potential archaeological sites

- (1) The Council may consent to the carrying out of development on an archaeological site or potential archaeological site that has Aboriginal heritage significance only if:
 - (a) it has considered a conservation assessment of the impact of the proposed development on the site, and
 - (b) it has notified the Director-General of National Parks and Wildlife of its intention to do so and taken into consideration any comments received from the Director General within 28 days after the notice was sent, and
 - (c) it is satisfied that any necessary consent or permission required under the *National Parks and Wildlife Act 1974* has been granted.
- (2) The Council may consent to the carrying out of development on an archaeological site or potential archaeological site that has non-Aboriginal heritage significance only if:
 - (a) it has considered a conservation assessment of the impact of the proposed development on the site, and
 - (b) it has notified the Heritage Council of its intention to do so and taken into consideration any comments received from the Heritage Council within 28 days after the notice was sent, and
 - (c) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

23C Conservation incentives

The Council may grant consent to the development of a site of a heritage item which is a building, except a boatshed or other structure ancillary to a dwelling, regardless of clause 9 provided it is satisfied that:

- (a) the proposed development would not adversely affect the heritage significance of the heritage item, and
- (b) the proposed development would have little or no adverse effect on the amenity of the area, and
- (c) conservation of the item will be carried out to the Council's satisfaction.

23D Advertisement of heritage development applications

The Council must advertise any development application involving the demolition of a heritage item or the use of heritage items as allowed under clause 23C on at least 2 occasions in a local newspaper.

Division 2 Concurrence, consultation etc

24 Water Board requirements

- (1) The Council shall not consent to the carrying out of development on land to which this plan applies unless arrangements satisfactory to the Water Board have been made for the provision of water and sewerage services to the land.
- (2) The Council shall not consent to the carrying out of development on land within Zone No 7 (b) for the purpose of commercial premises (other than commercial premises ancillary to another purpose), retail activities or holiday accommodation where the proposed development will be situated within 400 metres:
 - (a) from the existing treatment structures of the Water Board's Cronulla Sewerage Treatment Works, or
 - (b) from the northern boundary of the site on which those structures are erected.

25 Department of Water Resources requirements

The Council shall not consent to the carrying out of development where:

- (a) groundwater is abstracted for water supply purposes, or
- (b) groundwater is recirculated for industrial purposes and returned to the aquifer, or
- (c) groundwater or surface water is discharged as waste water into bores, unlined pits, channels or excavations,

unless arrangements for the proper utilisation and protection of this natural resource have been made that are satisfactory to the Department of Water Resources.

26 Consultation with government bodies

- (1) Where the Council receives an application for consent to the carrying out of development within Zone No 7 (a), or 9 (a), or on land adjoining or adjacent to land within Zone No 8 (a) or 9 (a), the Council shall, within 7 days of receiving that application, forward a copy of it to the Director of National Parks and Wildlife.
- (2) Where the Council receives an application for consent to the carrying out of development on land within Zone No 7 (a), or on land adjoining or adjacent to land within Zone No 7 (a), the Council shall, within 7 days of receiving that application, forward a copy of it to the Director-General of Agriculture and the Managing Director,

MSB Sydney Ports Authority.

- (3) Where the Council receives an application for consent to the carrying out of development for the purposes of an extractive industry the Council shall, within 7 days of receiving that application, forward a copy of it to the Secretary of the Department of Mineral Resources.
- (4) In determining the application, the Council shall take into consideration any representation made by those bodies referred to in subclauses (1), (2) or (3).

27 Development control—coastal areas

Before granting consent to development on land affected or likely to be affected by coastal processes, the Council shall:

- (a) consult with the Director of Public Works and the Commissioner of the Soil Conservation Service of New South Wales and shall take into consideration their comments on the proposed development,
- (b) require as a condition of development consent that disturbed foreshore areas be rehabilitated, and
- (c) require as a condition of development consent that access across foredune areas be confined to specified points.

28 Consideration of certain reports

The Council shall not consent to the carrying out of development on land to which this plan applies unless it has first considered the contents of any reports prepared by the Department relating to:

- (a) risk assessment for the Kurnell Peninsula,
- (b) transportation on the Kurnell Peninsula,
- (c) dangerous goods routes, and
- (d) guidelines on risk assessment criteria and methodology.

Division 3 General

29 Development control codes and design and management guidelines

- (1) Where land is within Zone No 7 (b) or where the Council considers it necessary or desirable to make more detailed provisions than are contained in this plan in respect of any other land to which this plan applies, it may prepare or cause to be prepared a development control code or design and management guidelines.
- (2) The format, structure, subject-matter and procedures for the preparation, public

exhibition, approval, amendment and repeal of a development control code or design and management guidelines shall comply with Part 3 of the *Environmental Planning and Assessment Regulation 1980* which shall be construed as if:

- (a) a reference in that Part to a development control plan were a reference to a development control code or design and management guidelines,
 - (b) a reference in that Part to a local environmental plan were a reference to this plan, and
 - (c) a reference in that Part to the council were a reference to the consent authority.
- (3) A development control code or design and management guidelines shall not be inconsistent with the provisions of this plan applying to the land to which the development control code or design and management guidelines apply.
 - (4) A development control code or design and management guidelines prepared in accordance with this clause shall be available for public inspection, without charge, at the office of the Council during ordinary office hours.
 - (5) The Council shall take any code or guidelines prepared in accordance with this clause into consideration in determining any development applications relating to land to which the code or guidelines may apply.

30 Sand extraction

- (1) Pursuant to section 29 of the Act, development for the purpose of extractive industries (being sand mining) on land to which this plan applies is declared to be designated development for the purposes of the Act.
- (2) The Council shall require as a condition of any consent given for the purpose of sand mining or extraction the restoration of the area of land subject to the consent.

31 Acquisition of reserved lands

- (1) The owner of any land within Zone No 9 (a) may, by notice in writing, require the corporation to acquire that land.
- (2) Subject to subclause (3), on receipt of a notice referred to in subclause (1), the corporation, shall acquire by purchase the land to which the notice relates.
- (3) Where a person owns a parcel of land which is partly within Zone No 9 (a) and partly within any other zone, nothing in subclause (1) requires the corporation to acquire so much of the land within Zone No 9 (a) as could be required to be dedicated or transferred to the corporation as a condition of consent to the development of that part of the land within any other zone or otherwise under this plan.
- (4) Except as provided by subclause (5), land within Zone No 9 (a) may be developed for

a purpose permissible in an adjoining zone with the consent of the Council, until that land is acquired by the Corporation.

- (5) The Council shall not grant consent, as referred to in subclause (4), to the development of land to be acquired by the corporation unless it obtains the concurrence of the Director.
- (6) In considering whether to grant concurrence required by subclause (5) the Director shall take into consideration:
 - (a) the effect of the proposed development on the costs of acquisition,
 - (b) the imminence of acquisition,
 - (c) the costs associated with the reinstatement of the land for the purposes for which it is reserved, and
 - (d) the environmental consequences of the development.

32 Suspension of covenants

- (1) For the purpose of enabling development to be carried out in accordance with this plan or a consent given under the Act, any covenant, agreement or instrument imposing restrictions as to the erection or use of buildings for certain purposes or as to the use of land for certain purposes on land within any zone, other than Zone No 2 (a), shall not apply to the extent necessary to enable that development to proceed.
- (2) Nothing in subclause (1) affects the right or interests of the Crown or any public authority under any registered instrument.
- (3) Pursuant to section 28 of the Act, before the making of this plan the Governor approved of subclause (1).

33 Development for certain additional purposes

- (1) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on land referred to in Schedule 1 for a purpose specified in relation to that land, subject to such conditions, if any, as are so specified.
- (2) Subclause (1) does not affect the application, to or in respect of development to which that subclause applies, of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted by the Council in respect of the development.
- (3) The Council may grant consent to a development application made by FAPACE PTY LIMITED dated March 1989 relating to Lot 4, DP 712157, Lot 2, DP 559922 and Lot 3, DP 225537 where the Council has taken into consideration the Deed dated 14 March 1989 between Besmaw Pty Limited, Fapace Pty Limited, the Minister administering the

Environmental Planning and Assessment Act 1979, the Director of Planning and the Council of the Shire of Sutherland relating to the land.

- (4) Notwithstanding any other provision of this plan, if the Council grants a consent in respect of the development application referred to in subclause (3), the Council may, by that consent or by any subsequent consent, grant consent to the carrying out of development for any purpose referred to in that development application.

Schedule 1 Development for certain additional purposes

(Clause 33)

Land forming part of Woollooware Bay in the vicinity of Mangrove Lane, Shell Point, as shown by heavy black edging on the map marked “*Sutherland Local Environmental Plan No 74*”—marine travel lift within the 12 metre protrusion and floating pontoon and jetty within the 9 metre protrusion.

Land situated south east of Polo Street, Kurnell, being Lot 1 DP 513932, as shown edged heavy black on the map marked “*Sutherland Shire Local Environmental Plan—Kurnell Peninsula (1997)—Weather Watch Tower (Amendment No 8)*”—a weather watch tower with radar.

Schedule 2 Archaeological sites

(clause 5 (1))

Note—

The number corresponding to a site indicates the number given to the site in the Council’s heritage survey

Cape Solander Drive

| | |
|------|------------------------------|
| A081 | Captain Cook’s landing place |
| A082 | Captain Cook’s landing site |
| A084 | Banks Memorial |
| A085 | Solander monument |
| A086 | Captain Cook monument |
| A087 | Forby Sutherland monument |
| A088 | Landing place wharf abutment |
| A089 | Alpha Farm Site |
| A090 | Captain Cook Watering hole |
| A091 | Captain Cook Watering well |
| A092 | Flagpole |
| A093 | Yena track |
| A094 | Muru track |

Captain Cook Drive

A028 Four wheel drive track

Sir Joseph Banks Drive

A038 Australian Oil Refinery

A097 Boat Harbour house sites group

Tabbagai Gap

A095 Tabbagai Gap cliff site

A096 Tabbagai Gap house site

Towra Point

A103 Towra Point Nature Reserve and Quibray Bay

A104 Pelican Point

A015 Site of abandoned oyster depot

A016 Site of abandoned oyster lease

Schedule 3 Heritage items

(clause 5 (1))

Note—

R = indicates item is of Regional significance

S = indicates item is of State significance

The number corresponding to an item indicates the number given to the item in the Council's heritage survey

L015—S Botany Bay National Park (Kurnell Historic Site)

L016—S Kurnell monuments (in National Park)

Captain Cook Drive

B115 No 121-123, former church

Prince Charles Parade

L011 Bonna Point Reserve

L012 Silver Beach and roadway

L013 Nos. 256-262, indigenous trees

B117 No 286, "Bayview"

B341 Crown Land, boatshed

Shell Point

B312 oyster jetty (end of Atkinson Road)

Towra Point

L010—R Towra Point Nature Reserve and Quibray Bay

Schedule 4

(clause 23A (2))

- 1 Maintenance necessary for ongoing protective care, including bush fire hazard reduction.
- 2 Internal alterations
- 3 Installation of skylights which would not be visible from the street or other public places.
- 4 Demolition or erection of rear or side fences.
- 5 Lopping or removal of any structures or trees for safety reasons.
- 6 Removal of dead or dying trees