

May
2018

***Proposed
Amendment to:
Sydney Regional
Environmental
Plan No. 33-
Cooks Cove***

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June 2018

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Part 1 - Executive summary

The following is an Explanation of the Intended Effect of the proposed amendment to the Sydney Regional Environmental Plan No 33 – Cooks Cove provided under section 3.30 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Introduction

Sydney Regional Environmental Plan No. 33 – Cooks Cove (Cooks Cove SREP) applies to land within the Cooks Cove Precinct. This precinct is located within the Bayside Local Government Area.

The precinct is approximately 135 hectares in area, is traversed by the M5 South West Motorway and located west of the Cooks River. There is an existing golf course located within the northern portion of the precinct, north of the M5 South West Motorway. The southern portion of the precinct contains sporting fields and open space.

The proposed amendments to the Cooks Cove SREP seek to include 'recreational facility' as an additional permitted use on land within the southern portion of the precinct and zoned Special Uses. The land to which the additional permitted use would apply is part of Lot 18, DP 1069479, part of Lot 100, DP 1228008, part of Lot 1, DP 576148, and part of Lot 100, DP 1133869.

This land use permits for a wide range of recreational uses, including a golf course. To give effect to these amendments it is proposed that a new map and provisions be included into the Cooks Cove SREP.

This Explanation of Intended Effect details the proposed changes.

Part 2 – Planning Context

The Cooks Cove Precinct is located immediately west of the Sydney Airport and 10 kilometres south of the Sydney CBD.

The precinct comprises several separate parcels and various land uses including the Kogarah Golf Club and course in the northern portion of the site, and several Council sporting fields, a market garden, wetlands and open space.

The Cooks Cove SREP was gazetted on 25 June 2004 and establishes the primary planning framework for the precinct.

Clause 2 of the Cooks Cove SREP includes the following aims of the plan that are relevant to this EIE:

- “(d) to facilitate master planning strategies that will promote the orderly development of public open space and trade and technology land uses, and
.....
- (f) to provide open space for a range of recreational uses”

As shown in the Cooks Cove SREP zoning map in Figure 1, the precinct is largely zoned Open Space. The northern portion of the precinct is zoned Trade and Technology, and a Special Uses zoning reflects the existing M5 South West Motorway running east west across the precinct, and a potential future transport corridor dissecting the precinct, north south.

Clause 14 of the Cooks Cove SREP requires the preparation and adoption of a master plan to identify a land use strategy for the future development of the precinct. The Cooks Cove Master Plan was prepared by the former Sydney Harbour Foreshore Authority (SHFA) and was adopted by the former Minister for Infrastructure and Planning on 29 June 2004.

The approved master plan envisages a trade and technology hub in the location of the existing Kogarah Golf Club and course, and a new golf course located over part of the southern portion of the precinct, south of the M5 South West Motorway (see Figure 2).

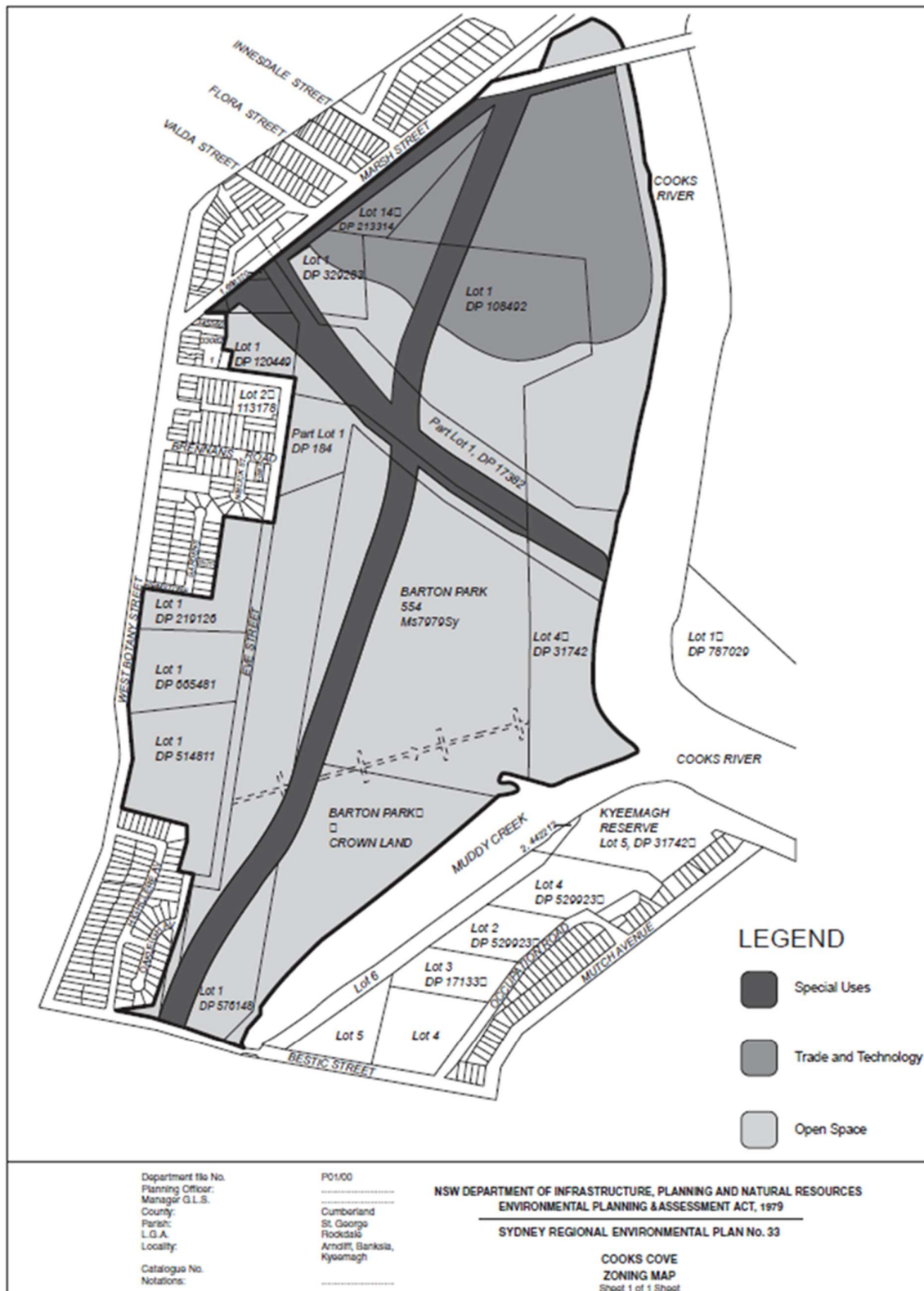


Figure 1 – Current Zoning Map for the Cooks Cove Precinct, under the Cooks Cove SREP

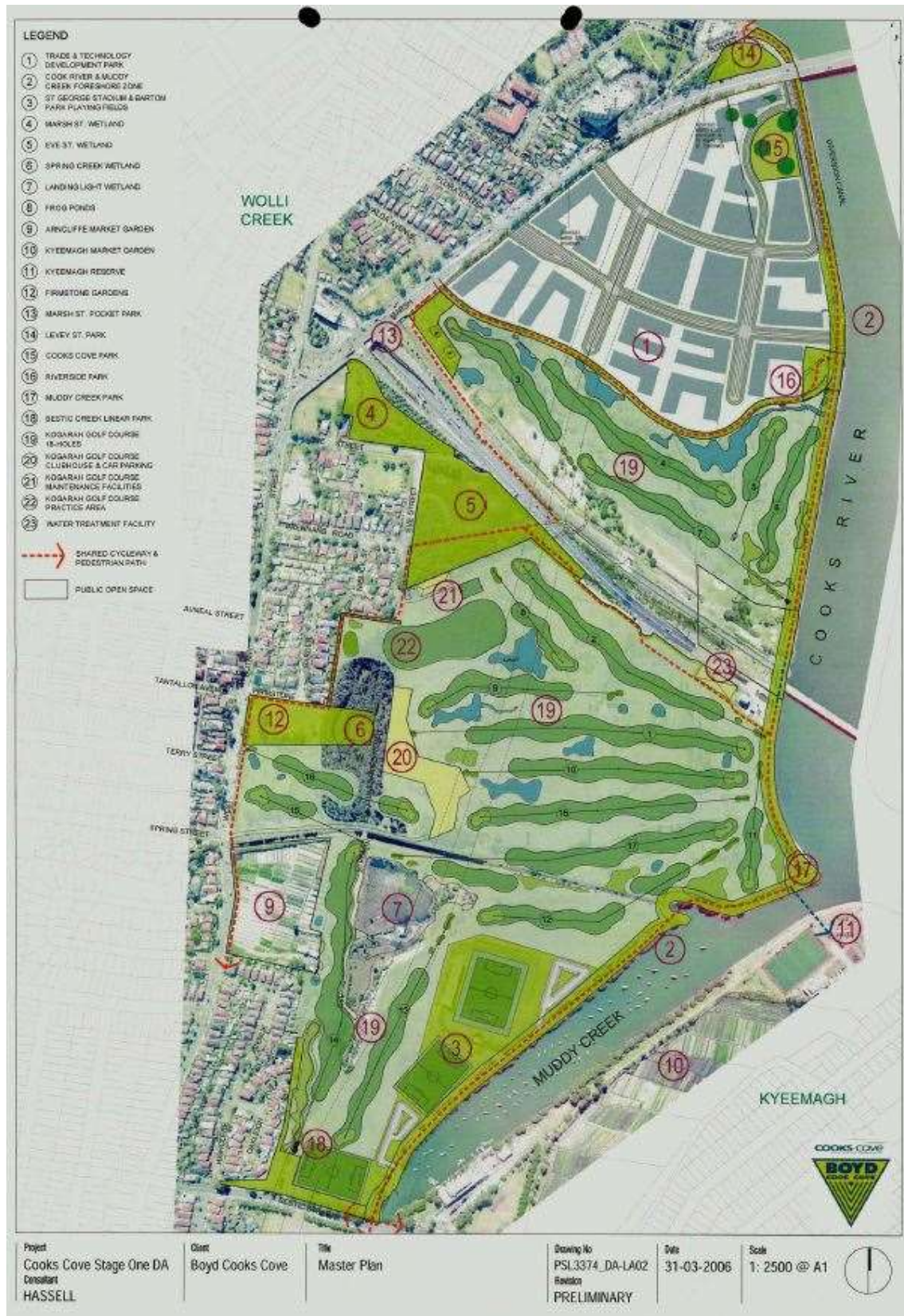


Figure 2 –Approved Masterplan for Cooks Cove

Part 3 - Proposed amendment of Sydney Regional Environmental Plan No 33 – Cooks Cove

Reason for amendment

In 2016, a development application (DA) was lodged with Bayside Council to seek development consent for the relocation of the Kogarah Golf Course and associated facilities to the southern portion of the precinct. The proposal for the new golf course related to land zoned Open Space and Special Uses under the Cooks Cove SREP.

In considering the above DA, Bayside Council determined that the golf course was defined as a 'recreation facility' and was therefore not permissible development in the Special Uses zone. This was despite the intention for this land to be developed as a golf course in accordance with the approved masterplan for the site (as shown in Figure 2), and regardless that other recreational uses were permitted in the Special Uses zone.

Specifically, 'recreation facilities' and 'recreation areas' are permissible with consent in the Open Space zone. Whereas, recreation areas are permissible in the Special Uses zone; however, recreation facilities are not.

'Recreation facilities' are currently defined under the Cooks Cove SREP as:

“a building or place used exclusively for sporting or leisure activities, whether operating for the purpose of gain or not.”

The SEPP amendments will enable development application to be submitted to Bayside Council for a new golf course over the southern portion of the precinct, as was envisaged by the approved Cooks Cove masterplan.

Recreational areas are currently permitted within the Special Uses zone. Therefore, the inclusion of recreational facilities as a separate land use in this same zone is appropriate.

Proposed amendments – Additional Permitted Use

The SEPP amendments seek to include 'recreation facility' is a permissible land use with development consent on land south of the M5 South West Motorway and zoned Special Uses.

This amendment is proposed to be achieved by mapping this designated area on a new "Additional Permitted Uses" map that will included with the Cooks Cove SREP (see Attachment B). The extent of affected land in this map aligns with the existing Special Uses zone mapped in the Cooks Cove SREP, south of the M5 South West Motorway.

This amendment will be supported by inserting a new clause in the Cooks Cove SREP that specifies that 'recreational facilities' will be additionally permitted within Additional Permissible Uses map area.

The proposed amendments to the SREP will provide greater clarity and certainty for the consent authority, relevant agencies and community in relation to the permissibility of a golf course within the southern portion of the precinct. This will allow a consent authority, such as council, to consider and determine any future development application that may be submitted for a golf course over this part of the precinct. This is consistent with the obligations of any consent authority under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

Attachment A – Existing Land Use Controls in Clause 11 of SREP No.33

Special Uses Zone

1 Objectives

The objectives of this zone are:

- (a) to accommodate existing special uses, including the South West Sydney Ocean Outfall Sewer and M5 corridor, and
- (b) to provide for the development of a transport corridor by the Roads and Traffic Authority or for other public transport infrastructure.

2 Development that is allowed

Exempt development and development for the purpose of the following may be carried out without development consent:

aids to navigation; public utility undertakings.

Development for the purpose of the following and subdivision of land may be carried out only with development consent:

drainage; public transport infrastructure; recreation areas; remediation of land; roads.

3 Prohibited development

Any development not listed in item 2.

Open Space Zone

1 Objectives

The objectives of this zone are:

- (a) to provide for active sporting and recreational land uses and club facilities, and
- (b) to provide public access along the Cooks River and Muddy Creek foreshores, and
- (c) to protect significant wetland areas within the Cooks Cove site and along the Cooks River foreshores, and
- (d) to provide for facilities that are ancillary to the recreational use of public open space, and
- (e) to provide vegetated riparian areas to enhance biological connectivity along the Cooks River and Muddy Creek foreshores,
- (f) to protect and enhance the habitat of the Green and Golden Bell Frog established within Cooks Cove.

2 Development that is allowed

Exempt development and development for the purpose of the following may be carried out without development consent:

aids to navigation; gardening; landscape maintenance works (including tree planting, repaving and replacement of street furniture); other maintenance works; public utility undertakings.

Development for the purpose of the following and subdivision of land may be carried out only with development consent:

artworks; boat landing and hire facilities; boat ramps and berths; car parks; clubs; community facilities; drainage; identifying or interpretive signage ancillary to another use allowed on the site; kiosks; landscaping (except landscape maintenance works); outdoor eating areas (if linked to kiosks within the zone or restaurants in adjoining zones); recreation areas; recreation facilities; remediation of land; roads; other land uses incidental or ancillary to the land uses lawfully carried out within the zone at the commencement of this plan.

Attachment B – Proposed Additional Permitted Uses Map

