



New South Wales

Sutherland Shire Local Environmental Plan 2000 (Amendment No 16)

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*. (S01/02441/S69 Pt 1)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 778

Clause 1 Sutherland Shire Local Environmental Plan 2000 (Amendment No 16)

Sutherland Shire Local Environmental Plan 2000 (Amendment No 16)

1 Name of plan

This plan is *Sutherland Shire Local Environmental Plan 2000 (Amendment No 16)*.

2 Aims of plan

This plan aims to introduce in the complying development provisions in *Sutherland Shire Local Environmental Plan 2000*, *Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989)* and *Sutherland Local Environmental Plan—Menai Town Centre 1992* provisions relating to a new category for two storey single dwelling houses and two storey additions or alterations to single dwelling houses.

This plan also corrects a typographical error in a provision of *Sutherland Shire Local Environmental Plan 2000*.

3 Land to which plan applies

This plan applies to all land within the local government area of Sutherland Shire under *Sutherland Shire Local Environmental Plan 2000*, *Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989)* and *Sutherland Local Environmental Plan—Menai Town Centre 1992*.

4 Amendment of Sutherland Shire Local Environmental Plan 2000

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

5 Amendment of Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989)

Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989) is amended as set out in Schedule 2.

6 Amendment of Sutherland Local Environmental Plan—Menai Town Centre 1992

Sutherland Local Environmental Plan—Menai Town Centre 1992 is amended as set out in Schedule 3.

Schedule 1 Amendment of Sutherland Shire Local Environmental Plan 2000

(Clause 4)

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

Omit “Elouera Surf Living Saving Club” from clause 65 (3).
Insert instead “Elouera Surf Life Saving Club”.

[2] Schedule 5 Complying development—general provisions

Insert at the end of Part 1:

Two storey single dwelling houses and two storey additions or alterations to single dwelling houses

(excluding areas where the Australian Noise Exposure Forecast (ANEF) is between 20 and 25)

- (a) Maximum height of 6.5m from ground level to the ceiling and 8m to the highest point of the roof.
- (b) Must be located a minimum of 0.9m off side boundaries, except in 2 (a2), 2 (e1) and 2 (e2) Residential zones, Woronora Heights and areas west of the Woronora River (excepting Woronora), where the minimum is 1.5m.
- (c) The two storey component of any proposed dwelling or addition must not extend beyond 50% of the depth of an allotment measured from the primary street frontage.
- (d) Must be located behind the building line of the property or no further forward than the alignment of any existing building on any adjoining property, whichever is the greater setback.
- (e) The maximum amount of cut or fill is restricted to 0.6m and the cut must not extend further than 0.9m beyond the perimeter of the building. All fill must be retained within the perimeter of the buildings.
- (f) For new dwelling houses two carparking spaces must be provided behind the building line.
- (g) Any car spaces and access provided must comply with the requirements of Australian Standard AS 2890.1—1993 *Parking facilities*, Part 1: *Off-street car parking*.

2002 No 778

Sutherland Shire Local Environmental Plan 2000 (Amendment No 16)

Schedule 1

Amendment of Sutherland Shire Local Environmental Plan 2000

- (h) Any driveways provided must be designed to align with footpath crossing levels issued by the Council.
- (i) New dwellings must be entitled to at least a 3.5 star rating under the House Energy Rating Scheme (NatHERS).
- (j) Additions and alterations to existing dwellings must comply with insulation (roof, wall and floor), hot water system, AAA rated fittings and clothes dryer requirements as per the existing development control plan requirements for single dwelling additions.
- (k) Works are not to include side or rear first floor balconies.
- (l) Works are not to include kitchen areas on the first floor.
- (m) Works are not to include installation of oil or solid fuel heating appliances.
- (n) Must comply with the Council's construction standards for buildings located in bushfire prone areas or relevant Council building standards.
- (o) Work on that part of the residential premises used for the purpose of preparation or storage of food (or both) for sale to the public as part of a home activity use, must comply with the *Food Regulation 2001*, the Council's *Code for Food Premises* and *Code for Commercial Home Catering*.
Work does not include any commercial mechanical exhaust ventilation system.

Schedule 2 Amendment of Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989)

(Clause 5)

Schedule 6 Complying development—general provisions

Insert at the end of Part 1 of the Schedule:

Two storey single dwelling houses and two storey additions or alterations to single dwelling houses

(excluding areas where the Australian Noise Exposure Forecast (ANEF) is between 20 and 25)

- (a) Maximum height of 6.5m from ground level to the ceiling and 8m to the highest point of the roof.
- (b) Must be located a minimum of 1.5m off side boundaries.
- (c) The two storey component of any proposed dwelling or addition must not extend beyond 50% of the depth of an allotment measured from the primary street frontage.
- (d) Must be located behind the building line of the property or no further forward than the alignment of any existing building on any adjoining property, whichever is the greater setback.
- (e) The maximum amount of cut or fill is restricted to 0.6m and the cut must not extend further than 0.9m beyond the perimeter of the building. All fill must be retained within the perimeter of the buildings.
- (f) For new dwelling houses two carparking spaces must be provided behind the building line.
- (g) Any car spaces and access provided must comply with the requirements of Australian Standard AS 2890.1—1993 *Parking facilities*, Part 1: *Off-street car parking*.
- (h) Any driveways provided must be designed to align with footpath crossing levels issued by the Council.
- (i) New dwellings must be entitled to at least a 3.5 star rating under the House Energy Rating

2002 No 778

Sutherland Shire Local Environmental Plan 2000 (Amendment No 16)

Schedule 2

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

Scheme (NatHERS).

- (j) Additions and alterations to existing dwellings must comply with insulation (roof, wall and floor), hot water system, AAA rated fittings and clothes dryer requirements as per the existing development control plan requirements for single dwelling additions.
- (k) Works are not to include side or rear first floor balconies.
- (l) Works are not to include kitchen areas on the first floor.
- (m) Works are not to include installation of oil or solid fuel heating appliances.
- (n) Must comply with the Council's construction standards for buildings located in bushfire prone areas or relevant Council building standards.
- (o) Work on that part of the residential premises used for the purpose of preparation or storage of food (or both) for sale to the public as part of a home activity use, must comply with the *Food Regulation 2001*, the Council's *Code for Food Premises* and *Code for Commercial Home Catering*.
Work does not include any commercial mechanical exhaust ventilation system.
- (p) Maximum floorspace ratio is 0.4:1.
- (q) Minimum landscaped area is 50% of the site area.

Schedule 3 Amendment of Sutherland Local Environmental Plan—Menai Town Centre 1992

(Clause 6)

Schedule 2 Complying development—general provisions

Insert at the end of Part 1 of the Schedule:

Two storey single dwelling houses and two storey additions or alterations to single dwelling houses

(excluding areas where the Australian Noise Exposure Forecast (ANEF) is between 20 and 25)

- (a) Maximum height of 6.5m from ground level to the ceiling and 8m to the highest point of the roof.
- (b) Must be located a minimum of 0.9m off side boundaries.
- (c) The two storey component of any proposed dwelling or addition must not extend beyond 50% of the depth of an allotment measured from the primary street frontage.
- (d) Must be located behind the building line of the property or no further forward than the alignment of any existing building on any adjoining property, whichever is the greater setback.
- (e) The maximum amount of cut or fill is restricted to 0.6m and the cut must not extend further than 0.9m beyond the perimeter of the building. All fill must be retained within the perimeter of the buildings.
- (f) For new dwelling houses two carparking spaces must be provided behind the building line.
- (g) Any car spaces and access provided must comply with the requirements of Australian Standard AS 2890.1—1993 *Parking facilities*, Part 1: *Off-street car parking*.
- (h) Any driveways provided must be designed to align with footpath crossing levels issued by the Council.
- (i) New dwellings must be entitled to at least a 3.5 star rating under the House Energy Rating Scheme (NatHERS).

2002 No 778

Sutherland Shire Local Environmental Plan 2000 (Amendment No 16)

Schedule 3

Amendment of Sutherland Local Environmental Plan—Menai Town Centre
1992

- (j) Additions and alterations to existing dwellings must comply with insulation (roof, wall and floor), hot water system, AAA rated fittings and clothes dryer requirements as per the existing development control plan requirements for single dwelling additions.
- (k) Works are not to include side or rear first floor balconies.
- (l) Works are not to include kitchen areas on the first floor.
- (m) Works are not to include installation of oil or solid fuel heating appliances.
- (n) Must comply with the Council's construction standards for buildings located in bushfire prone areas or relevant Council building standards.
- (o) Work on that part of the residential premises used for the purpose of preparation or storage of food (or both) for sale to the public as part of a home activity use, must comply with the *Food Regulation 2001*, the Council's *Code for Food Premises* and *Code for Commercial Home Catering*.
Work does not include any commercial mechanical exhaust ventilation system.
- (p) Minimum landscaped area is 45% of the site area.

BY AUTHORITY
