



New South Wales

Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)

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*. (S09/02025-1)

TONY KELLY, MLC
Minister for Planning

2010 No 293

Clause 1 Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)

Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)*.

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 to which *Sutherland Shire Local Environmental Plan 2006* applies.

Schedule 1 Amendment of Sutherland Shire Local Environmental Plan 2006

[1] Clauses 12 and 13

Omit “*flood liable risk land*” wherever occurring.

Insert instead “*flood planning land*”.

[2] Clause 20

Omit the clause. Insert instead:

20 Flood planning

- (1) The objectives of this clause are as follows:
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change,
 - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to:
 - (a) land that is shown as “Flood planning area” on the Flood Planning Map, and
 - (b) other land at or below the flood planning level.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
 - (a) is compatible with the flood hazard of the land, and
 - (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) incorporates appropriate measures to manage risk to life from flood, and
 - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
 - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

2010 No 293

Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)

Schedule 1 Amendment of Sutherland Shire Local Environmental Plan 2006

- (4) A word or expression used in this clause has the same meaning as it has in the NSW Government’s *Floodplain Development Manual* published in 2005, unless it is otherwise defined in this clause.
- (5) In this clause:
flood planning level means the level of 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

[3] Clause 40 Dual occupancies—internal lots and lot sizes

Omit clause 40 (7). Insert instead:

- (7) Despite any other provision of this plan, if proposed development on a lot is for dual occupancy in a zone shown in Column 1 of the following Table and both the dwellings comprising the dual occupancy will each have a gross floor area greater than 65 square metres, development consent must not be granted to the development unless the lot is equal to or greater than the minimum area specified in Column 2 of that Table for that zone.

Table

Column 1	Column 2
Zone	Minimum area (square metres)
Zone 1—Environmental Housing (Environmentally Sensitive Land)	850
Zone 2—Environmental Housing (Scenic Quality)	700
Zone 3—Environmental Housing (Bushland)	600
Zone 4—Local Housing	600
Zone 5—Multiple Dwelling A	600

[4] Schedules 2 and 3

Omit “flood liable risk land” wherever occurring.

Insert instead “flood planning land”.

[5] Schedule 4 Classification and reclassification of public land

Insert in Part 2 in alphabetical order of locality in Columns 1, 2 and 3, respectively:

Caringbah

26 Banksia Road	Lot 346, DP 594838, as shown edged heavy red on Sheet 10 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals (645158), exclusion of minerals (s. 536AA, <i>Local Government Act 1919</i>), rights to mine (645158), easements for electricity purposes (Y55380 and Y55381) and right of carriageways (Y55381 and AC133373) as noted on Certificate of Title Folio Identifier 346/594838
7R Binalong Avenue	Lot 226, DP 793244, as shown edged heavy red on Sheet 1 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals (F560457), easement(s) to drain water (DP793244) and restriction(s) on use of land (DP788036) as noted on Certificate of Title Folio Identifier 226/793244
374 Kingsway	Lot 2, DP 583656, as shown edged heavy red on Sheet 12 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals, and subject to rights to mine (A185556) as noted on Certificate of Title Folio Identifier 2/583656
7 Mackay Street	Lot 1, DP 221411, as shown edged heavy red on Sheet 9 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals (A996134), covenants (B408954, C164801, C745559 and C673629) and covenant and variation of covenant (H245779 and J289845) as noted on Certificate of Title Folio Identifier 1/221411

2010 No 293

Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)

Schedule 1 Amendment of Sutherland Shire Local Environmental Plan 2006

377 Port Hacking Road	Lot 3, DP 335295, as shown edged heavy red on Sheet 11 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals, and subject to rights to mine (B827113) as noted on Certificate of Title Folio Identifier 3/335295
387R Port Hacking Road	Lot 3, DP 712631, as shown edged heavy red on Sheet 14 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals, and subject to rights to mine (B827113) as noted on Certificate of Title Folio Identifier 3/712631
GyMEA		
46-50 South Street	Lot A, DP 371195, as shown edged heavy red on Sheet 7 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals (A436560) and easement for drainage (F163611) as noted on Certificate of Title Folio Identifier A/371195
	Lot B, DP 371195, as shown edged heavy red on Sheet 7 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals (A436560) and easement for drainage (F221898) as noted on Certificate of Title Folio Identifier B/371195
	Lot 33, DP 663207, as shown edged heavy red on Sheet 7 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals, and subject to rights to mine (A436560) as noted on Certificate of Title Folio Identifier 33/663207

Lot 65, DP 9461, as shown edged heavy red on Sheet 7 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"

Exclusion of minerals, and subject to rights to mine (A436560) as noted on Certificate of Title Folio Identifier 65/9461

Part of Lot 34, DP 9461, as shown edged heavy red on Sheet 7 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"

Exclusion of minerals, and subject to rights to mine (A436560) and excepting the road in D888885 as noted on Certificate of Title Folio Identifier 34/9461

Jannali

42A Railway Crescent

Lot 1, DP 1049519, as shown edged heavy red on Sheet 8 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"

Nil

Lot 2, DP 1049519, as shown edged heavy red on Sheet 8 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"

Nil

Lot 21, DP 597416, as shown edged heavy red on Sheet 8 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"

Nil

2010 No 293

Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)

Schedule 1 Amendment of Sutherland Shire Local Environmental Plan 2006

Lot 1, DP 506202, as shown edged heavy red on Sheet 8 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"

Nil

Lot 2, DP 504416, as shown edged heavy red on Sheet 8 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"

Nil

Lot J, DP 412142, as shown edged heavy red on Sheet 8 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"

Nil

Part of Lot C, DP 408761, as shown edged heavy red on Sheet 8 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"

Exclusion of road (s) comprised in Box Lane shown on DP 540399, right of footway (DP1049519) and easement for light and ventilation (DP 1049519) as noted on Certificate of Title Folio Identifier C/408761

Part of Lot E, DP 415814, as shown edged heavy red on Sheet 8 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"

Exclusion of road (s) comprised in Box Lane shown on DP 540399 as noted on Certificate of Title Folio Identifier E/415814

	Part of Lot G, DP 411603, as shown edged heavy red on Sheet 8 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Nil
Kirrawee		
459R President Avenue	Part of Lot 30, DP 233175, as shown edged heavy red on Sheet 6 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals (C638950 and F563892) as noted on Certificate of Title Folio Identifier 30/233175
5R Yalgar Road	Lot 17, DP 211273, as shown edged heavy red on Sheet 2 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals (D396668) and easement for drainage (DP211273) as noted on Certificate of Title Folio Identifier 17/211273
Sutherland		
127–133 Flora Street	Lot 1, DP 983916, as shown edged heavy red on Sheet 13 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals (A49164), easement for maintenance and repairs and easement to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 1/983916
	Lot 2, DP 983916, as shown edged heavy red on Sheet 13 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals (A49164), easement for maintenance and repairs and easement to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 2/983916

2010 No 293

Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)

Schedule 1 Amendment of Sutherland Shire Local Environmental Plan 2006

Lot 3, DP 983916, as shown edged heavy red on Sheet 13 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals (A49164), easement for maintenance and repairs and easement to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 3/983916
Lot 4, DP 983916, as shown edged heavy red on Sheet 13 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals (A49164), easement for maintenance and repairs and easement to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 4/983916
Lot 1, DP 314882, as shown edged heavy red on Sheet 13 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals, and subject to rights to mine (A351109), covenant (B376118), easements for maintenance and repairs and easements to drain water (DP1077997) as noted on Certificate of Title Folio Identifier AC3890-155
Part of Lot 2, DP 314882, as shown edged heavy red on Sheet 13 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals (A351109), easements for maintenance and repairs and easements to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 2/314882
Part of Lot 18, DP 13648, as shown edged heavy red on Sheet 13 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals, and subject to rights to mine (A351109), covenant (B518500), easements for maintenance and repairs and easements to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 18/13648

Part of Lot 19, DP 13648, as shown edged heavy red on Sheet 13 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals (A351109), covenant (B706663), easements for maintenance and repairs and easements to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 19/13648
Part of Lot 20, DP 13648, as shown edged heavy red on Sheet 13 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals, and subject to rights to mine (A351109), covenant (B758039), easements for maintenance and repairs and easements to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 20/13648
Part of Lot 21, DP 13648, as shown edged heavy red on Sheet 13 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals, and subject to rights to mine (A351109), covenant (B327778), easements for maintenance and repairs and easements to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 21/13648
Lot 22, DP 13648, as shown edged heavy red on Sheet 13 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals, and subject to rights to mine (A351109), covenant (B527071), easement for maintenance and repairs and easement to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 22/13648
Lot 23, DP 666045, as shown edged heavy red on Sheet 13 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals, and subject to rights to mine (B351109), covenants (B359591 and B400056), easement for maintenance and repairs and easement to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 23/666045

2010 No 293

Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)

Schedule 1 Amendment of Sutherland Shire Local Environmental Plan 2006

Lot 23, DP 666057, as shown edged heavy red on Sheet 13 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals, and subject to rights to mine (A351109), covenant (B359591), easement for maintenance and repairs and easement to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 23/666057
Lot A, DP 318922, as shown edged heavy red on Sheet 13 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals, and subject to rights to mine (A351109), covenant (C151398), easements for maintenance and repairs and easements to drain water (DP1077997) as noted on Certificate of Title Folio Identifier A/318922
Lot C, DP 318922, as shown edged heavy red on Sheet 13 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals, and subject to rights to mine (A351109), covenant (B744264), easement for maintenance and repairs and easement to drain water (DP1077997) as noted on Certificate of Title Folio Identifier C/318922
Lot 1, DP 314883, as shown edged heavy red on Sheet 13 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals, and subject to rights to mine (A351109), covenant (B376118), easements for maintenance and repairs and easements to drain water (DP1077997) as noted on Certificate of Title Folio Identifier AC3890-155

[6] Schedule 4, Part 2

Insert in alphabetical order of street name under the heading "**Engadine**" in Columns 1, 2 and 3, respectively:

25 Baringa Road	Lot 13, DP 28541, as shown edged heavy red on Sheet 3 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Covenant (H866606) as noted on Certificate of Title Folio Identifier 13/28541
-----------------	---	---

1-9 Miyal Place	<p>Lot 13, DP 555124, as shown edged heavy red on Sheet 5 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"</p> <p>Lot 14, DP 612131, as shown edged heavy red on Sheet 5 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"</p> <p>Lot 12, DP 599093, as shown edged heavy red on Sheet 5 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"</p> <p>Lot 4, DP 598936, as shown edged heavy red on Sheet 5 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"</p> <p>Lot 3, DP 530962, as shown edged heavy red on Sheet 5 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"</p>	<p>Right of way (M731161) as noted on Certificate of Title Folio Identifier 13/555124</p> <p>Easement for drainage (J652856), right of carriageway (DP555124) and right of way (M731161) as noted on Certificate of Title Folio Identifier 14/612131</p> <p>Covenant (F264457) and easement for drainage (J771248) as noted on Certificate of Title Folio Identifier 12/599093</p> <p>Easement for drainage (L322058) and easement for overhanging eave (DP620450) as noted on Certificate of Title Folio Identifier 4/598936</p> <p>Easement for drainage (DP530962) as noted on Certificate of Title Folio Identifier 3/530962</p>
-----------------	---	--

2010 No 293

Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)

Schedule 1 Amendment of Sutherland Shire Local Environmental Plan 2006

Lot 2, DP 220010, as shown edged heavy red on Sheet 5 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Nil
Lot 4, DP 505810, as shown edged heavy red on Sheet 5 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Nil
Lot 4, DP 209336, as shown edged heavy red on Sheet 5 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Covenant (J291486) as noted on Certificate of Title Folio Identifier 4/209336
Lot 5, DP 209336, as shown edged heavy red on Sheet 5 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Nil
Lot 6, DP 209336, as shown edged heavy red on Sheet 5 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Covenant (J624168) as noted on Certificate of Title Folio Identifier 6/209336

3R Renmark Place	Lot 13, DP 240360, as shown edged heavy red on Sheet 4 of the map marked “Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)”	Easement for drainage (G619288) as noted on Certificate of Title Folio Identifier 13/240360
------------------	--	---

[7] Schedule 6 Heritage items

Insert in numerical order under the heading “**Lilli Pilli**” and subheading “**Beckton Place**”:

No 32, house—**B351**

[8] Dictionary

Omit the definitions of *Flood Liable Land Map* and *flood liable risk land*.

[9] Dictionary

Insert in alphabetical order:

flood planning land means land that is shown as “Flood planning area” on the Flood Planning Map.

Flood Planning Map means the Sutherland Shire Local Environmental Plan 2006 Flood Planning Map.

[10] Dictionary, definition of “Heritage map”

Insert in appropriate order:

Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)—Sheet 51

[11] Dictionary, definition of “the map”

Insert in appropriate order:

Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)—Sheets 2, 15–50 and 52–57