



New South Wales

Sutherland Shire Local Environmental Plan 2006 (Amendment No 15)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

NEIL McGAFFIN

As delegate for the Minister for Planning and Infrastructure

2013 No 412

Clause 1 Sutherland Shire Local Environmental Plan 2006 (Amendment No 15)

Sutherland Shire Local Environmental Plan 2006 (Amendment No 15)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Sutherland Shire Local Environmental Plan 2006 (Amendment No 15)*.

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 all the land to which *Sutherland Shire Local Environmental Plan 2006* applies and, in particular, to the following land:

- (a) SP 56080, 50 Pacific Crescent, Maianbar, as shown coloured blue and edged red on Sheet 1 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 15)" deposited in the office of Sutherland Shire Council (*the map*),
- (b) Lot 5, DP 732363, 1R Lenna Place, Jannali and Lot 13, DP 618437, 7R Lenna Place, Jannali, as shown edged red on Sheet 2 of the map,
- (c) Lot 40, DP 1158596, 32R Timbrey Circuit, Barden Ridge, as shown coloured green and edged red on Sheet 3 of the map,
- (d) Lot 13, DP 28541, 25 Baringa Road, Engadine, as shown coloured pink and edged red on Sheet 4 of the map.

Schedule 1 Amendment of Sutherland Shire Local Environmental Plan 2006

**[1] Clause 14 Exceptions to Zoning Table—specified development on
specified land**

Omit the reference to 50 Pacific Crescent, Maianbar in Column 1 of the Table to clause 14 (1) and the corresponding matter in Column 2 of the Table.

[2] Schedule 2 Exempt development

Omit Schedule 2. Insert instead:

Schedule 2 Exempt development

(Clause 12)

Note. Clauses 12, 13A and 13B contain further requirements for exempt development.

A-frame advertising boards and structures

- (1) Applies to A-frame advertising boards or structures at ground level and positioned outside a shop or business on land in Zone 8—Urban Centre, Zone 9—Local Centre or Zone 10—Neighbourhood Centre.
- (2) Must not be on contaminated risk land, foreshore land or heritage item land.
- (3) Must meet the standards specified in Sutherland Shire Council Environmental Specification—Advertising.
- (4) Must not flash.
- (5) If above a footpath, must be set back at least 600mm from the edge of the kerb of the road.
- (6) If on bush fire prone land, must be constructed of non-combustible materials.
- (7) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning set out in clause 13B.

Advertisements on bus shelters and seats

- (1) Must not be on contaminated risk land, foreshore land or heritage item land.
- (2) Must meet the standards specified in Sutherland Shire Council Environmental Specification—Advertising.

2013 No 412

Sutherland Shire Local Environmental Plan 2006 (Amendment No 15)

Schedule 1 Environmental Plan 2006

- (3) Must not flash.
- (4) Must not cover mechanical ventilation inlets or outlets.
- (5) If above a footpath, must be set back at least 600mm from the edge of the kerb of the road.
- (6) If on bush fire prone land, must be constructed of non-combustible materials.
- (7) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning set out in clause 13B.

Advertisements on industrial premises

- (1) Must not be on contaminated risk land, foreshore land or heritage item land.
- (2) If on a single premises, maximum—1 advertisement that relates to the use of the premises.
- (3) If on a site comprising multiple use occupancy premises, maximum—1 single freestanding directory board that relates to the use of the premises.
- (4) Must not be more than 4.5m above ground level or project above the parapet of the building or the eaves line if the building has a pitched roof, whichever is the lesser.
- (5) Must be fixed flush to the front elevation of a building on the premises unless a freestanding directory board for a multiple occupancy premises.
- (6) If a freestanding directory board, must not result in the removal of landscaping.
- (7) Maximum area—5m².
- (8) Must not flash or be displayed on, or erected above, the parapet or eaves of a building.
- (9) Must not cover mechanical ventilation inlets or outlets.
- (10) If above a footpath, must be set back at least 600mm from the edge of the kerb of the road.
- (11) If on bush fire prone land, must be constructed of non-combustible materials.
- (12) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning set out in clause 13B.

Advertisements on roll down blinds and awnings

- (1) Applies to advertisements on roll down blinds and awnings attached to premises on land in Zone 8—Urban Centre, Zone 9—Local Centre or Zone 10—Neighbourhood Centre.
- (2) Must not be on contaminated risk land, foreshore land or heritage item land.
- (3) Must not cover more than 20% of the area of the blind or awning.
- (4) Must relate to the use of premises on which it is installed.
- (5) Must not flash or be displayed on the parapet or eaves of a building.
- (6) Must not cover mechanical ventilation inlets or outlets.
- (7) If above a footpath, must be set back at least 600mm from the edge of the kerb of the road.
- (8) If on bush fire prone land, must be constructed of non-combustible materials.
- (9) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning set out in clause 13B.

Animal grazing

- (1) Must not be carried out on land that is:
 - (a) a wetland, or
 - (b) foreshore land, or
 - (c) on a slope greater than 15%, or
 - (d) heritage item land.
 - (2) Must not be more than 1 animal per lot.
 - (3) Any stable, corral, exercise yard or the like must be located at least 9m from:
 - (a) any dwelling, school, shop, office, factory, workshop, church, public hall, or
 - (b) any premises used for the manufacture, preparation or storage of food.
 - (4) Must be carried out on an area of at least 30m² and a width of at least 3m.
 - (5) Any trees within animal yards (paddocks) must be fenced off to protect the trees from damage.
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2013 No 412

Sutherland Shire Local Environmental Plan 2006 (Amendment No 15)

Schedule 1 Environmental Plan 2006

- (6) Must have a 300mm fenced off buffer from a drainage line or bushland.
- (7) Must not adversely affect the amenity of the neighbourhood because of the emission of noise, smell, waste water, waste products or otherwise.
- (8) Must not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal is undertaken in accordance with a permit or development consent.
- (9) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning set out in clause 13B.

Awning fascia advertisements

- (1) Must not be on contaminated risk land, foreshore land or heritage item land.
- (2) Must relate to the use of the premises to which the advertisement is attached.
- (3) Must not flash or be displayed on, or erected above, the parapet or eaves of a building.
- (4) Must not cover mechanical ventilation inlets or outlets.
- (5) If above a footpath, must be set back at least 600mm from the edge of the kerb of the road.
- (6) If on bush fire prone land, must be constructed of non-combustible materials.
- (7) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning set out in clause 13B.

Banners and flags advertising special events

- (1) Applies to banners and flags displayed on the land on which the special event is to be held.
- (2) Must not be on contaminated risk land, foreshore land or heritage item land.
- (3) Must be constructed of light weight, banner-type material.
- (4) Must not be installed more than 21 days before, and must be removed no later than 2 days after, the special event.

- (5) Must not flash or be displayed on, or erected above, the parapet or eaves of a building.
- (6) Must not cover mechanical ventilation inlets or outlets.
- (7) If above a footpath, must be set back at least 600mm from the edge of the kerb of the road.
- (8) If on bush fire prone land, must be constructed of non-combustible materials.
- (9) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning set out in clause 13B.

Banners and flags used for promotional purposes

- (1) Applies to banners and flags used for promotional purposes, other than those relating to special events.
- (2) Must not be on contaminated risk land, foreshore land or heritage item land.
- (3) If used for promotional purposes (whether the same or a different banner or flag) must not be displayed on the land concerned:
 - (a) for more than 14 consecutive days, or
 - (b) on more than 4 occasions, or
 - (c) for a total of more than 28 days, in any 12-month period.
- (4) Must be removed no later than 2 days after the relevant promotion finishes.
- (5) Must not be displayed on, or erected above, the parapet or eaves of a building.
- (6) Must not cover mechanical ventilation inlets or outlets.
- (7) If above a footpath, must be set back at least 600mm from the edge of the kerb of the road.
- (8) If on bush fire prone land, must be constructed of non-combustible materials.
- (9) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning set out in clause 13B.

2013 No 412

Sutherland Shire Local Environmental Plan 2006 (Amendment No 15)

Schedule 1 Environmental Plan 2006

Business identification signs and building identification signs

- (1) Must not be on contaminated risk land, foreshore land or heritage item land.
- (2) Maximum area:
 - (a) for a business identification sign that relates to a home occupation—0.5m²,
 - (b) in any other case—2.5m².
- (3) If located over a public road, must be located 2.6m or more above the road.
- (4) Must not protrude more than 300mm from the wall of any building on which the sign is installed.
- (5) Maximum of 1 business identification sign relating to any home occupation carried out in the dwelling or ancillary building concerned.
- (6) If a business identification sign relating to a home occupation, must be affixed:
 - (a) to the building concerned, and
 - (b) no higher than 3m above ground or pavement level and below the eaves line of the building.
- (7) Must not flash or be displayed on, or erected above, the parapet or eaves of a building.
- (8) Must not cover mechanical ventilation inlets or outlets.
- (9) If above a footpath, must be set back at least 600mm from the edge of the kerb of the road.
- (10) If on bush fire prone land, must be constructed of non-combustible materials.
- (11) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning set out in clause 13B.

Community advertisements and notices

- (1) Must not be on contaminated risk land, foreshore land or heritage item land.

- (2) In the case of a community advertisement or notice intended to be temporary (other than an advertisement or notice in respect of a beach, motor vehicle or boat):
 - (a) must not be installed on the land concerned for more than 21 consecutive days, or for a total of more than 28 days, in any 12-month period, and
 - (b) maximum area—2.5m², and
 - (c) sponsorship details must take up no more than 30% of the advertisement or notice.
 - (3) In the case of a community advertisement or notice intended to be permanent (other than an advertisement or notice in respect of a beach, motor vehicle or boat):
 - (a) maximum height—3.5m from ground level, and
 - (b) maximum area—5m², and
 - (c) sponsorship details must take up no more than 30% of the advertisement or notice, and
 - (d) if the advertisement or notice in respect of a building, it must be attached to the building.
 - (4) In the case of an advertisement or notice in respect of a beach:
 - (a) must be displayed only at entrances to the beach fronting Bate Bay and on surf lifesaving towers, and
 - (b) sponsorship details must take up no more than 10% of the advertisement or notice.
 - (5) In the case of an advertisement or notice in respect of a motor vehicle or boat, the vehicle or boat must principally be used for the conveyance of goods or passengers.
 - (6) Must not flash or be displayed on, or erected above, the parapet or eaves of a building.
 - (7) Must not cover mechanical ventilation inlets or outlets.
 - (8) If above a footpath, must be set back at least 600mm from the edge of the kerb of the road.
 - (9) If on bush fire prone land, must be constructed of non-combustible materials.
 - (10) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning set out in clause 13B.
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2013 No 412

Sutherland Shire Local Environmental Plan 2006 (Amendment No 15)

Schedule 1 Environmental Plan 2006

Events (community and fundraising)

- (1) If on community land, must not exceed 1 day per year.
- (2) If not on community land, must not exceed 2 days per year.
- (3) May only operate between 8 am and 9:30 pm.
- (4) Must have potable water and toilet facilities within 200m.
- (5) The noise level of any open air entertainment must not exceed the background noise level by more than 5dB(A) when measured at the nearest residential boundary.
- (6) Must provide adequate artificial lighting, if necessary, to permit safe movement of patrons.
- (7) Must have adequate and suitable waste containers for the removal of waste at the conclusion of the event.

Horse stabling

- (1) Must not be carried out on foreshore land, heritage item land or a wetland.
- (2) Must be no more than 1 horse per lot.
- (3) Any stable, corral, exercise yard or the like must not be at least 9m from:
 - (a) any dwelling, school, shop, office, factory, workshop, church, public hall, or
 - (b) any premises used for the manufacture, preparation or storage of food.
- (4) Each horse must be provided with a yard having an area of at least 30m² and a width of at least 3m.
- (5) Bushland within horse yards (paddocks) must be fenced off to protect the vegetation from damage.
- (6) Horse yards or paddocks that contain, or are adjacent to, drainage lines, or are adjacent to bushland, must have a 300mm fenced off buffer from the drainage line or bushland.
- (7) Horse stabling must not cause interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic, parking or otherwise.
- (8) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning set out in clause 13B.

Inflatable structures used for promotional purposes

- (1) Must not be on contaminated risk land, foreshore land or heritage item land.
- (2) Must be displayed on the land on which the promotion is to be held.
- (3) Must not be displayed:
 - (a) for more than 14 consecutive days, or
 - (b) on more than 4 occasions, or
 - (c) for a total of more than 28 days, in any 12-month period.
- (4) Must be removed no later than 2 days after the relevant promotion finishes.
- (5) Must not flash or be displayed on, or erected above, the parapet or eaves of a building.
- (6) Must not cover mechanical ventilation inlets or outlets.
- (7) If above a footpath, must be set back at least 600mm from the edge of the kerb of the road.
- (8) If on bush fire prone land, must be constructed of non-combustible materials.
- (9) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning set out in clause 13B.

Luminous pole advertising

- (1) Must not be on contaminated risk land, foreshore land or heritage item land.
- (2) Must be constructed by or on behalf of Sutherland Shire Council.
- (3) Must not flash.
- (4) Must not obstruct sight lines to traffic signals or intersections.
- (5) Maximum height—5.5m.
- (6) Maximum width—1.5m.
- (7) Clearance between structure and kerb must allow for heavy vehicle overhang at intersections.
- (8) Must not obstruct footpaths.

2013 No 412

Sutherland Shire Local Environmental Plan 2006 (Amendment No 15)

Schedule 1 Environmental Plan 2006

- (9) If no footpath exists, a minimum of 1.5m clearance for pedestrian access within the nature strip must be maintained at all times.
- (10) Maximum—2 structures per intersection.
- (11) If above a footpath, must be set back at least 600mm from the edge of the kerb of the road.
- (12) If on bush fire prone land, must be constructed of non-combustible materials.
- (13) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning set out in clause 13B.

Outdoor eating areas

- (1) Applies to outdoor eating areas on public land immediately in front of a lawful food shop or restaurant premises.
- (2) Must not be carried out on foreshore land or heritage item land.
- (3) Must comply with the *Roads Act 1993*.
- (4) Must comply with the *Local Government Act 1993*.
- (5) Must meet the standards specified in Sutherland Shire Council Environmental Specification—Outdoor Eating Areas.
- (6) Must meet the standards for access, car spaces, excavation, floor area, landscaped area, sewer mains, storm water and tree removal and pruning set out in clause 13B.

Real estate advertisements

- (1) Applies to advertising that the premises are for sale or lease.
- (2) Must not be on contaminated risk land, foreshore land or heritage item land.
- (3) Must be displayed on the premises to which it relates.
- (4) Maximum—1 advertisement displayed on the premises.
- (5) Maximum area—2.5m².
- (6) Must be removed no later than 14 days after the completion of the sale or the granting of the lease to which the advertisement relates.
- (7) Must not flash or be displayed on, or erected above, the parapet or eaves of a building.
- (8) Must not cover mechanical ventilation inlets or outlets.

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- (9) If above a footpath, must be set back at least 600mm from the edge of the kerb of the road.
 - (10) If on bush fire prone land, must be constructed of non-combustible materials.
 - (11) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning set out in clause 13B.

Suspended under awning advertisements

- (1) Must not be on contaminated risk land, foreshore land or heritage item land.
- (2) Maximum—1 advertisement for each premises to which the advertisement relates.
- (3) Maximum area—1.5m².
- (4) If located over a public road, must be located 2.6m or more above the road.
- (5) Must relate to the use of premises on which the advertisement is installed.
- (6) Must not flash or be displayed on, or erected above, the parapet or eaves of a building.
- (7) Must not cover mechanical ventilation inlets or outlets.
- (8) If above a footpath, must be set back at least 600mm from the edge of the kerb of the road.
- (9) If on bush fire prone land, must be constructed of non-combustible materials.
- (10) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning set out in clause 13B.

Under awning shop front advertising on building facades

- (1) Must not be on contaminated risk land, foreshore land or heritage item land.
- (2) Must relate to the use of the building.
- (3) Must be located below the awning level.
- (4) Must not flash or be displayed on, or erected above, the parapet or eaves of a building.
- (5) Must not cover mechanical ventilation inlets or outlets.

2013 No 412

Sutherland Shire Local Environmental Plan 2006 (Amendment No 15)

Schedule 1 Environmental Plan 2006

- (6) If above a footpath, must be set back at least 600mm from the edge of the kerb of the road.
- (7) If on bush fire prone land, must be constructed of non-combustible materials.
- (8) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning set out in clause 13B.

[3] Schedule 4 Classification and reclassification of public land

Omit from Part 2 all matter relating to 25 Baringa Road, Engadine.

[4] Schedule 4, Part 2

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

Barden Ridge

32R Timbrey Circuit	Lot 40, DP 1158596, as shown coloured green and edged red on Sheet 3 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 15)"	Nil
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Engadine

25 Baringa Road	Lot 13, DP 28541, as shown coloured pink and edged red on Sheet 4 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 15)"	Nil
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Jannali

1R Lenna Place	Lot 5, DP 732363, as shown edged red on Sheet 2 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 15)"	Nil
7R Lenna Place	Lot 13, DP 618437, as shown edged red on Sheet 2 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 15)"	Nil