

Sutherland Local Environmental Plan—Menai Town Centre 1992 (1993 EPI 154)

[1993-154]



New South Wales

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The provisions displayed in this version of the legislation have all commenced.

Authorisation

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1 What is the name of this plan?

This plan may be cited as *Sutherland Local Environmental Plan—Menai Town Centre 1992*.

2 What is the aim of the plan?

The aim of this plan is:

- (a) a town centre with shops, offices, community and recreation facilities and industry to serve the 40,000 people who will live in the Menai District by 2010, and
- (b) 3,000 people living in the town centre to support the businesses and community facilities in the centre, and
- (c) a centre able to expand to meet the long term needs of the Menai District, including the potential additional 10,000 people in south western Menai.

3 The plan has aims and special requirements for each area. The aims are of prime importance and Council will consider all development in relation to these aims.

4 Where does the plan apply?

(1) This plan applies to the land in the town of Menai which is inside the heavy black line on the map marked "*Sutherland Local Environmental Plan—Menai Town Centre 1992*". The Menai Town Centre is divided into areas as identified on the map. This map is kept in the office of the Council of the Sutherland Shire.

(2) However, this plan does not apply to the land shown rezoned under *Sutherland Shire Local Environmental Plan 2000* on the maps (or sheets of maps) marked as follows:

Sutherland Shire Local Environmental Plan 2000—Amendment No 9

5 How does the plan affect other plans?

This plan supersedes *Sutherland Local Environmental Plan No 97: Menai Town Centre*.

6 If any agreement, covenant or instrument restricts development allowed by this plan, then it shall

not apply to that development (to the extent necessary to allow that development).

- 7 Before making this plan, the Governor approved clause 6, pursuant to section 28 of the *Environmental Planning and Assessment Act 1979*.

8 What uses are allowed in the town centre?

All development requires the consent of the Council of the Sutherland Shire, except for urban servicing such as the provision of water, sewerage, electricity, gas, telephone, drainage and roadworks and railway facilities and main roads.

9 Land use table

Council may consider any development in any area, if it satisfies the aims of the area. The following developments may be allowed by Council:

Development	Residential		Business		Services	Recreation /Community	Road	Arterial Road
	B	C	A	B				
bulk store					✓			
bulky goods sales or showroom					✓			
bus depot					✓			
car repairs					✓			
child care centre	✓	✓	✓	✓	✓	✓		
club rooms						✓		
community centre						✓		
convention centre		✓		✓				
gallery			✓			✓		
general store	✓	✓		✓	✓	✓		
health centre	✓	✓	✓					
home business	✓	✓						
hospital	✓	✓						

hotel			✓					
housing	✓	✓		✓				
indoor recreation						✓		
light industry					✓			
lecture hall				✓		✓		
library			✓			✓		
licensed club			✓					
manufacture					✓			
motel		✓						
museum						✓		
nursing home	✓	✓						
office			✓	✓				
open space	✓	✓	✓	✓	✓	✓		✓
parking	✓	✓	✓	✓	✓	✓		
place of public worship	✓	✓			✓	✓		
plant nursery					✓			
playground	✓	✓	✓	✓	✓	✓		
roads	✓	✓	✓	✓	✓	✓	✓	✓
restaurant	✓	✓	✓	✓	✓	✓		
service station			✓		✓			
school	✓	✓						
signs	✓	✓	✓	✓	✓	✓	✓	✓
shopping centre			✓	✓				
sports fields						✓		
tertiary college	✓	✓						
utilities	✓	✓	✓	✓	✓	✓		

warehouse					✓			
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10 You must apply to Council for consent for all development. Council will assess an application using any requirements set out in this plan and Section 90 of the *Environmental Planning and Assessment Act 1979*.

11 You must consult the Water Board in regard to adequate provision of water and sewerage services for your development, before Council determines your application.

12 All applications for attached housing will be advertised.

13 Council may consider other uses, not stated in the Table, if the use is compatible with the aim of each area. The aim of each area follows.

13 What is the aim of the Business “A” area?

The aim of the Business “A” area is a business centre:

- (a) with shops and offices to serve the people living in the Menai District by 2010, and
- (b) with a library, and
- (c) which is integrated with the community centre.

14 Are there any special requirements?

In the Business “A” area, the following standards apply:

- (a) the business centre may have a range of uses, including shops and offices and community uses,
- (b) the maximum floor area allowed will be double the site area. This floor area includes any inside arcades or plazas but does not include car parking and loading areas or any outdoor plazas,
- (c) Council will specify:
 - the location and size of a library within the centre,
 - the location and size of an occasional child care centre within the centre,
 - how the community centre must be integrated with the shopping centre,
 - the amount and location of car parking,
 - pedestrian, car and truck access to the centre, and
 - the building design and landscaping.

15 What is the aim of the Business “B” area?

The aim of the Business “B” area is:

- (a) a centre which can expand to meet the long term needs of the Menai District, and
- (b) long term office, technical and professional jobs.

16 Are there any special requirements?

In the Business “B” area, the following standards apply:

- (a) Council will consider a range of uses in this area including an office park, a convention centre or business training centre. Housing will be considered in association with a business use,
- (b) the maximum floor area allowed will be equal to the site area. This floor area includes any inside arcades or plazas but does not include car parking and loading areas or any outdoor plazas,
- (c) Council will specify:
 - the amount and location of car parking,
 - pedestrian, car and truck access to the site, and
 - the building design and landscaping.

17 What is the aim of the Residential “B” area?

The aim of the Residential “B” area is:

- (a) 2,500 people living in this part of the Town Centre, and
- (b) a variety of housing, and
- (c) housing areas with good access to parks, bushland and the business and community centre.

18 Are there any special requirements?

In the Residential “B” area, the following standards apply:

- (a) the minimum density allowed is 15 dwellings per hectare. You can exceed this density but you cannot provide less,
- (b) the floor area of the housing must not exceed half the area of the site,
- (c) Council may require the dedication of land for recreation and community uses or a monetary contribution or both,
- (d) Council will specify car parking, building design and landscaping,

- (e) the dwellings can be any type including detached houses, dual occupancies, villas, townhouses, duplexes, home units or any mixture of these.

19 What is the aim of the Residential “C” area?

The aim of the Residential “C” area is:

- (a) 500 people living in this part of the Town Centre, and
- (b) a variety of housing, and
- (c) housing areas with good access to parks, bushland and the business and community centre.

20 Are there any special requirements?

In the Residential “C” area, the following standards apply:

- (a) the minimum density allowed is 45 dwellings per hectare. You can exceed this density but you cannot provide less,
- (b) the floor area of the housing must not exceed the area of the site,
- (c) Council may require the dedication of land for recreation or community uses or a monetary contribution or both,
- (d) Council will specify car parking, building design and landscaping,
- (e) the dwellings can be any type including detached houses, dual occupancies, villas, townhouses, duplexes, home units or any mixture of these.

21 What is the aim of the Services area?

The aim of the Services area is:

- (a) a variety of industrial development to serve the Menai District, and
- (b) an attractive industrial area with good access to parks, bushland and the business and community centre.

22 Are there any special requirements?

In the Services area, the following standards apply:

- (a) Council will consider a variety of uses including a high technology park, manufacturing, distribution centres, bulky goods retailing, offices and retailing associated with industries, computer related industries, car repairs and panel beating, printers and building supplies,
- (b) the maximum floor area allowed will be equal to the site area. This floor area does not include car parking and loading areas or any outdoor spaces,

(c) Council will specify the following details:

- the amount and location of landscaping,
- the amount and location of car parking and loading,
- pedestrian, car and truck access to the site,
- the type and size of signs.

23 What is the aim of the Recreation and Community Land area?

The aim of the Recreation and Community Land area is:

- (a) a central community centre to serve the Menai District, and
- (b) a range of facilities for community arts, recreation and support services, and
- (c) footpaths and bicycle ways which link the housing area to parks, bushland and the business and community centre.

24 Are there any special requirements?

In the Recreation and Community Land area, the following standards apply:

- (a) the area shown on the plan as Recreation and Community Land will be either dedicated to Council as part of a development, or acquired by Council. Council will develop the land for a variety of uses partly funded from developers contributions. Council will also consider applications from private developers to provide a range of indoor or outdoor recreation activities,
- (b) Council will specify the following:
 - the location of footpaths, bicycle ways, overbridges and community buildings,
 - the amount and location of tree planting and landscaping,
 - the location of recreational facilities and buildings,
 - the amount and location of car parking.

25 What is the aim of the Road area?

The aim of the Road area is convenient access to the Town Centre.

26 Are there any special requirements?

Any property which has frontage to the Road area is not permitted direct access to that Road area. If you own land in the Road area you may request Council to acquire your land.

27 What is the aim of the Arterial Road area?

The aim is uninterrupted travel for traffic passing by the Town Centre.

28 Are there any special requirements?

If you own land in the Arterial Road area you may request the Roads and Traffic Authority to acquire your land. The request must be in writing. On receipt of the request, the Authority shall make arrangements for the acquisition of the land.

- 29** If the Roads and Traffic Authority advises Council that any part of the Arterial Road area is abandoned, then Council may consent to an application to develop the abandoned part for the same use allowed in this plan as the adjoining land.

30 How are trees and bushland vegetation preserved?

- (1) For the purposes of this clause:

bushland vegetation means vegetation that is either a remnant of the natural vegetation of land, or if altered, is still representative of the structure and floristics of the natural vegetation.

- (2) The objective of this clause is the preservation of valuable trees and bushland vegetation in the Sutherland Shire.
- (3) Where it appears to the Council of the Sutherland Shire that it is expedient for the purpose of preserving or securing trees and bushland vegetation in order to ensure the integrity of the natural environment for both residents of and visitors to Sutherland Shire it may make a tree and bushland vegetation preservation order.
- (4) A tree and bushland vegetation preservation order may prohibit the ringbarking, cutting down, topping, lopping, pruning, removing, injuring or wilful destruction of any bushland vegetation, tree or trees specified in the order except with development consent or the permission of the Council of the Sutherland Shire.
- (5) A tree and bushland vegetation preservation order made in accordance with this clause may apply to any tree or trees, or to any specified class, type or description of trees or to bushland vegetation described in the order.
- (6) A tree and bushland vegetation preservation order may exempt any tree or any specified class, type or description of trees or bushland vegetation upon land described in the order.
- (7) A tree and bushland vegetation preservation order, and an amendment or repeal of any such order, has effect only when it has been published in the Gazette and in a local newspaper.
- (8) A person must not contravene, or cause or permit the contravention of, a tree and bushland vegetation preservation order that is in force.

- (9) It is a sufficient defence to a prosecution for an offence under this clause if the accused establishes:
- (a) that the tree or bushland vegetation concerned was dying or dead or had become dangerous, or
 - (b) that taking the action alleged to comprise the offence was reasonably necessary to protect human life, buildings or other property from imminent danger from a bush fire burning in the vicinity of the land on which the tree or bushland vegetation was situated, or
 - (c) that written notice about proposed action to remove trees or bushland vegetation that pose or poses a fire hazard was given to the Council of Sutherland Shire, and the Council, before the action alleged to comprise the offence was taken, confirmed in writing:
 - (i) that the tree or bushland vegetation concerned was in a fuel free zone within the meaning of the document entitled *Planning for Bush Fire Protection* published by the Department of Rural Fire Service, or
 - (ii) that the tree or bushland vegetation concerned was of a species classified by the Council as being likely to present a significant fire hazard, or
 - (d) that written notice about the proposed action alleged to comprise the offence was given to the Council, a period of not less than 14 days occurred after the notice was given (and before the action was taken) and the Council did not advise the person during that period that it opposed the action being taken.

In this subclause, **notice** means a notice that includes the name and address of the person who gives it and that explains that a tree of a named species or bushland vegetation situated in a specified position on land described in the notice is intended to be ringbarked, cut down, topped, lopped, removed, injured or wilfully destroyed for the purpose of bush fire hazard reduction.

- (10) The provisions of a tree and bushland vegetation preservation order do not apply to activities lawfully conducted in accordance with the [Telecommunications Act 1992](#) of the Commonwealth, the [Roads Act 1993](#), the [Rural Fires Act 1997](#), the [Local Government Act 1993](#) or the [Environmental Planning and Assessment Act 1979](#).