

# Sutherland Shire Local Environmental Plan 2000

[2000-711]



New South Wales

## Status Information

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### Provisions in force

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### Authorisation

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New South Wales

## Contents

<b>Part 1 General provisions</b> .....	6
1 What is this plan called? .....	6
2 What are the objectives of this plan? .....	6
3 Where does this plan apply?.....	7
4 How does this plan affect other environmental planning instruments? .....	7
5 Definitions .....	7
6 What savings provisions apply?.....	20
7 Who is the consent authority for this plan? .....	20
8 How does this plan affect covenants etc?.....	21
9 What special provisions apply to the temporary use of land? .....	21
10 What services are to be provided? .....	21
11 What general provisions apply to advertising? .....	21
12 Is development publicly exhibited? .....	22
13 How are trees and bushland vegetation preserved? .....	22
14 How are heritage items and relics protected? .....	23
15 What incentives apply to heritage items? .....	24
16 Development of known or potential archaeological sites .....	25
17 What is exempt development? .....	25
18 What is complying development?.....	27
19 What is a foreshore scenic protection area?.....	29
20 Foreshore building lines and waterfront development.....	30
21 What public land has been reclassified?.....	33
22 Development on land identified on acid sulfate soils planning maps .....	33

23 Exceptions to this Plan .....	34
24 What zones apply to land? .....	35
<b>Part 2 Rural zones</b> .....	<b>37</b>
25 What rural zones apply? .....	37
26 What controls apply to dwelling houses in the 1 (a) Rural zone?.....	37
27 Acquisition of land zoned 1 (a) Rural .....	37
28 What development is allowed in each zone? .....	37
<b>Part 3 Residential zones</b> .....	<b>39</b>
29 What residential zones apply? .....	39
30 Special considerations in the residential zones .....	39
31 Special considerations for non-residential uses in residential zones .....	40
32 Bushland vegetation considerations.....	40
33 What development is allowed in each zone? .....	41
34 What height limits apply in residential zones? .....	50
35 What floorspace ratios apply in residential zones? .....	51
36 What minimum landscaped area requirements apply in residential zones? .....	52
37 What minimum allotment sizes apply in residential zones? .....	54
38 What minimum allotment dimensions apply in residential zones? .....	56
39 Residential flat buildings not complying with minimum allotment size requirements .....	57
40 Subdivision of dual occupancy housing .....	58
41 Can development within a residential zone be limited? .....	58
<b>Part 4 Business zones</b> .....	<b>58</b>
42 What business zones apply in this plan? .....	58
43 What height limits apply in business zones? .....	58
44 What floorspace ratios apply in business zones?.....	59
45 What controls apply to residential development in the business zones?.....	59
46 Can development within a business zone be limited? .....	59
47 What development may be allowed in each zone?.....	59
<b>Part 5 Industrial zones</b> .....	<b>63</b>
48 What industrial zone applies in this plan? .....	63
49 What height limits apply in the industrial zone?.....	63

50 What floorspace ratios apply in the industrial zone? .....	63
51 Do any special provisions apply to bulky goods retailing and food shops in the industrial zone? ...	63
52 Can development within an industrial zone be limited? .....	64
53 What development may be allowed in the zone? .....	64
<b>Part 6 Special use zones</b> .....	<b>66</b>
54 What special use zones apply in this plan? .....	66
55 What height limits apply in special use zones? .....	66
56 Do any special provisions apply to land zoned 5 (a) Special Uses—Medical Purposes?.....	67
57 Who acquires land? .....	67
58 Is interim development allowed? .....	68
59 Exceptions to the land use table in the 5 (c), 5 (d) and 5 (g) zones .....	68
60 What development may be allowed in each zone?.....	68
<b>Part 7 Open space zones</b> .....	<b>74</b>
61 What open space zones apply in this plan? .....	74
62 What height limits apply in open space zones? .....	74
63 Who acquires land? .....	74
64 Is interim development allowed on land zoned 6 (c) Regional Recreation? .....	75
65 Exceptions to the land use table in the 6 (a) Public Recreation and 6 (d) Future Recreation zones .....	75
66 What special considerations apply to development in open space zones?.....	76
67 What development may be allowed in each zone?.....	77
<b>Part 8 Environmental protection zones</b> .....	<b>81</b>
68 What environmental protection zones apply in this plan? .....	81
69 Exceptions to the land use table in the 7 (a) and 7 (b) zones .....	81
70 What development may be allowed in each zone?.....	82
<b>Part 9 National parks, nature reserves and State recreation areas zone</b> .....	<b>85</b>
71 What national parks, nature reserves and State recreation areas zone applies in this plan? .....	85
72 What development may be allowed in the zone? .....	85
<b>Part 10 Mixed residential/business zone</b> .....	<b>86</b>
73 What mixed residential/business zone applies in this plan? .....	86

74 What height limits apply in the 9 (a) zone? .....	86
75 What floorspace ratios apply in the 9 (a) zone? .....	86
76 What controls apply to residential development within the 9 (a) Mixed Residential/Business zone? .....	86
77 Can development within the 9 (a) Mixed Residential/Business zone be limited?.....	87
78 What development may be allowed in each zone?.....	87
<b>Schedule 1 Heritage items—archaeological sites</b> .....	<b>89</b>
<b>Schedule 2 Heritage items—built and landscape</b> .....	<b>93</b>
<b>Schedule 3 Schedule of savings provisions</b> .....	<b>104</b>
<b>Schedule 4 Exempt development</b> .....	<b>107</b>
<b>Schedule 5 Complying development—general provisions</b> .....	<b>126</b>
<b>Schedule 6 Reclassification of public land as operational land</b> .....	<b>137</b>
<b>Schedule 7 Maps</b> .....	<b>138</b>

# Sutherland Shire Local Environmental Plan 2000



New South Wales

## Part 1 General provisions

### 1 What is this plan called?

This plan is called *Sutherland Shire Local Environmental Plan 2000*.

### 2 What are the objectives of this plan?

The objectives of this plan are:

- (a) to establish a broad planning framework for future development in Sutherland Shire which allows for detailed provisions and standards to be made in development control plans,
- (b) a sustainable Sutherland Shire through the efficient and equitable management of land uses,
- (c) to implement the objectives of the Strategic Plan for Sutherland Shire relating to land use outcomes,
- (d) to allow for provision of community facilities and land for public purposes,
- (e) an environmentally appropriate balance of development that is ecologically sustainable, socially equitable and economically viable and leads to a more sustainable outcome for Sutherland Shire,
- (f) to conserve items of environmental heritage,
- (g) to preserve or enhance the quality of life of the local community,
- (h) to preserve and enhance the quality of native vegetation,
- (i) to protect environmentally sensitive areas,
- (j) to provide employment opportunities in Sutherland Shire,
- (k) to encourage development which supports access by public transport, walking and cycling and which is energy efficient.

### 3 Where does this plan apply?

This plan applies to all land in Sutherland Shire as shown on the maps, except for land to which the following plans apply:

- (a) *Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989)*, and
- (b) *Sutherland Shire Local Environmental Plan—Menai Town Centre 1992*, and
- (c) (Repealed)

### 4 How does this plan affect other environmental planning instruments?

- (1) All local environmental plans (including *Sutherland Shire Local Environmental Plan 1993*) that applied to the land to which this plan applies and that were in force immediately before the appointed day are repealed.
- (2) This plan amends *State Environmental Planning Policy No 4—Development Without Consent*, by inserting in alphabetical order of local government area in Schedule 2 the following words:

Land to which *Sutherland Shire Local Environmental Plan 2000* applies

- (3) To permit extractive industries in the 7 (a) Environmental Protection (Waterways) Zone, *Sydney Regional Environmental Plan No 9—Extractive Industry* is amended by omitting from Division 5 of Schedule 1, the following matter:

The land at Port Hacking within Zone 7 (a) (the Environmental Protection (Waterways) Zone) under *Sutherland Shire Local Environmental Plan 1993*” and inserting instead the following matter:

The land in Port Hacking within the 7 (a) Environmental Protection (Waterways) zone under *Sutherland Shire Local Environmental Plan 2000*.

- (4) This plan amends *Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989)* by inserting at the end of clause 3 the following subclause:

- (2) Despite subclause (1), this plan does not apply to the following land:

Land at Parraweena Road, Taren Point, adjoining Woollooware Bay, to which *Sutherland Shire Local Environmental Plan 2000* applies.

### 5 Definitions

- (1) In this plan:

**Accredited certifier** has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

**Acid sulfate soils** means actual or potential acid sulfate soils, as defined in the *Acid Sulfate Soils Assessment and Management Guidelines*.

**Acid Sulfate Soils Assessment and Management Guidelines** means the *Acid Sulfate Soils Assessment and Management Guidelines* as published from time to time by the NSW Acid Sulfate Soils Management Advisory Committee and adopted by the Director.

**Acid Sulfate Soils Planning Maps** means the series of maps marked “*Sutherland Local Environmental Plan 2000—Acid Sulfate Soils Planning Maps*” which are kept in the office of the Council of Sutherland Shire as amended from time to time by the maps so kept and listed in Part 2 of Schedule 7.

**Advertising** means the use of a building or place where the display of symbols, messages or other devices for promotional purposes is visible from a public place, whether or not the display involves the erection of a structure or the carrying out of a work.

**Agriculture** means:

- (a) cultivating fruit, vegetables or flower crops, or
  - (b) keeping or breeding livestock, bees or poultry or other birds, or
  - (c) cultivating plants in a wholesale plant nursery,
- for business purposes.

**Ancillary development** means a building, work or use which is used or carried out in conjunction with the primary legal use of a site.

**Animal establishment** means a building or place used for breeding, boarding, training, keeping or caring for animals for business purposes, and includes a riding school, but does not include a veterinary hospital.

**Aquaculture** means the cultivation of the resources of the sea or estuarine waters for the propagation or rearing of marine, estuarine or freshwater fish or plants or other organisms.

**Archaeological site** means a site described in Schedule 1.

**Arts and craft centre** means a building or place owned by the Council which provides facilities for the cultural, intellectual, social and educational needs of the community and which may incorporate all or any of the following:



- (a) an art or craft gallery,
- (b) art or craft workshops and storage areas,
- (c) outdoor or indoor exhibition and performance space,
- (d) a museum,
- (e) an ancillary restaurant and a place for retail sales,
- (f) meeting and lecture rooms,
- (g) ancillary administration space,
- (h) a caretaker's residence.

**Backpackers accommodation** means a building used for the purposes of providing accommodation for tourists, travellers or persons engaged in recreational pursuits and that:

- (a) may have shared facilities, such as a communal bathroom, kitchen or laundry, and
- (b) will generally provide shared accommodation in which there are two or more persons in a room, and
- (c) must only provide temporary accommodation.

**Beach and foreshore protection works** means works undertaken on land abutting a waterway between dry land and Indian Spring Low Water for the purpose of rehabilitation. They include construction or reconstruction of sea walls and works in accordance with an adopted plan of management by or on behalf of a public authority.

**Boarding house** means a building:

- (a) that is wholly or partly let in lodgings, and
- (b) that provides lodgers with a principal place of residence for 3 months or more, and
- (c) that generally has shared facilities, such as a communal bathroom, kitchen or laundry.

**Brothel** means any building or place used habitually for the purposes of prostitution.

**Building line** means the line which is parallel to the street frontage as specified in any development control plan that applies to the land concerned.

**Bulky goods retailing** means use of a building or place primarily for the sale by retail or auction, or the hire or display, of goods or materials which are individually so big, bulky or heavy as to require:

- (a) a large area for handling, storage or display, and
  - (b) direct vehicular access to the site of the building or place by members of the public, for the purpose of loading items into their vehicles after purchase,
- but does not include use of a building or place for the sale of foodstuffs or clothing.

**Bus depot** means a building or place used for servicing, repairing and garaging of buses and other vehicles used for the purposes of a bus transport undertaking.

**Bushfire hazard reduction** means the reduction or modification (by burning, mechanical or manual means) of material that constitutes a bushfire hazard.

**Bushfire interface area** means an area identified as such on a bushfire hazard map held by the Council and includes improved or unimproved properties within or immediately adjacent to bushland.

**Bushfire prone area** means an area identified on a bushfire hazard map held by the Council as having a high or medium bushfire hazard and includes land within 100 metres of such an area.

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

**Business premises** means a building or place used for the purpose of administrative, clerical, technical or like activities for an occupation, profession or trade, but (in a development control table) does not include a building or place elsewhere defined in this plan.

**Car parking** means a building or place used for parking vehicles, and any manoeuvring space and access to it, whether operated for gain or not, but does not include car parking ancillary to a permissible use.

**Child care centre** means a building or place used for the purpose of supervising or caring for children which:

- (a) caters for 6 or more under school age children, whether or not those children are related to the owner or operator of the building or place, and
- (b) may include an educational function, and
- (c) may operate for the purpose of gain,

but does not include a building or place providing residential care for those children.

**Cluster housing** means three or more dwellings grouped on a site to take advantage of good building areas or views and to conserve large areas of open space.

**Community advertising** means:

- (a) advertising of community events or community uses, or charity events, or
- (b) display of health or safety notices, or like notices, or
- (c) advertising which is ancillary to the primary legal use of community or recreational land, but is not for the purpose of advertising the sale of a product, or
- (d) display of a notice by a public authority.

**Community facility** means a building or place owned or controlled by a public authority or a body of persons, and that provides for the physical, social, cultural or intellectual development, welfare or safety of the local community. It includes, but is not limited to, any of the following:

- (a) a police, ambulance or fire station,
- (b) a rescue or emergency service centre,
- (c) a public library,
- (d) rest rooms or meeting rooms,
- (e) a child minding centre,
- (f) a public health service centre.

**Complying development** has the same meaning as in the [Environmental Planning and Assessment Act 1979](#).

**Contaminated land** means land in or under which any substance is present at a concentration above that naturally present in, on or under the land and that poses, or is likely to pose, an immediate or long-term risk to human health or the environment.

**Convenience store** means that portion of a building on a site, with a floor space not exceeding 100 square metres, that is used for the sale of groceries and other small items and is operated in conjunction with a service station, but does not include a building or place licensed to sell liquor under the [Liquor Act 1982](#).

**Demolish** a heritage item means wholly or partly destroy, dismantle or move the heritage item.

**Demolition** means the partial or total destruction, dismantling or moving of a building. It includes decontamination, rehabilitation or remediation of land on which a building has been partially or totally destroyed or dismantled, or from which a building has been removed.

**Development consent** has the same meaning as in the [Environmental Planning and](#)

*Assessment Act 1979.*

**Drainage** means works carried out for the purpose of drainage which are not ancillary to development for which consent has been granted.

**Dual occupancy housing** means two dwellings on land that is one allotment or that was one allotment when development consent was granted for the two dwellings.

**Dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate permanent residence.

**Dwelling house** means one dwelling on one allotment except where that dwelling forms a component of a dual occupancy housing development.

**Educational establishment** means a building used for educational purposes but does not include a building used wholly or principally as business premises, an institution or a child care centre. It includes, but is not limited to, a school, college, technical college, lecture hall, gallery or museum.

**Exempt development** has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

**Extractive industry** means an industry or undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land upon which it is carried on.

**Extractive material** means turf, sand, gravel, clay, soil, rock, stone or similar substances.

**Floorspace ratio** means the ratio of the gross floor area of all buildings on a site to the area of the site. The site is taken to be only that part of the site zoned to permit the development for which the buildings are or are proposed to be used.

**Food shop** means a building or place, the principal purpose of which is the preparation and selling of food and refreshments to people for consumption off the premises, whether or not the selling involves a drive-through service.

**Generating works** means a building or place used for the purpose of making or generating gas, electricity or other forms of energy.

**Gross floor area** means the sum of the areas of each floor of the buildings on a site where the area of each floor is taken to be the area within the outer face of the external enclosing walls, excluding any of that area occupied by:

- (a) lift towers, motor rooms and stairwells within a basement or above the roof level,
- and

- (b) car parking needed to meet requirements of the Council, up to 20 square metres per required parking space, and
- (c) storage areas needed to meet requirements of the Council, and
- (d) plant rooms, garbage storage areas, switch rooms or the like within a basement.

**Ground level** is the ground surface of a site as it was prior to any cutting, filling or grading of the site.

**Health care professional** means a person who renders professional health services to members of the public and includes a legally qualified medical practitioner, a dentist within the meaning of the [Dentists Act 1989](#), a chiropodist, a chiropractor, an osteopath, a physiotherapist, an optometrist, an acupuncturist, a psychologist, a herbalist, a homoeopath or the like.

**Height** is measured vertically from the ground level.

**Heritage item** means a building, work, tree or place described in Schedule 1 or 2.

**Home activity** means a business that is ancillary to a residential use and is carried out, or partially carried out, in a dwelling or within an allotment which contains a dwelling house or dwellings, but only if:

- (a) that use is undertaken by the permanent residents, and
- (b) not more than two non-residents are employed in it at any one time, and
- (c) the use does not interfere with the amenity of adjoining properties or the locality, whether or not by the generation of vehicular traffic or parking or the emission of noise, vibration, smell or creation of some other nuisance,

but does not include a bed and breakfast establishment or a building or place elsewhere defined in this plan.

**Hotel** means premises specified or proposed to be specified in a hotelier's licence granted under the [Liquor Act 1982](#), which may provide accommodation.

**Housing for older people or people with a disability** has the same meaning as in [State Environmental Planning Policy No 5—Housing for Older People or People with a Disability](#).

**Industry** means a building or place used for the manufacture, storage, repair, cleaning, maintenance, supply, hire or handling of any goods, materials, food or machinery, or for like or ancillary activities, but (in a development control table) does not include a building or place elsewhere defined in this plan.

**Institution** means a mental hospital or a penal or reformatory establishment.

**Internal allotment** means an allotment within a residential zone where there is no practical lawful vehicular access to any existing or proposed building on the allotment, or where the only practical lawful vehicular access to any existing or proposed building on the allotment is by way of an access corridor (a hatchet shaped allotment) or a right-of-carriageway over another allotment.

**Junk yard** means land used for:

- (a) the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or goods, or
- (b) the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery or for the sale of parts of such items.

**Land** includes any ground, soil or earth whatsoever, whether dry or under water.

**land at Sandy Point** means the land known as the village of Sandy Point, being land bounded by the Georges River and Deadman's Creek and shown edged heavy black on the map marked "*Sutherland Shire Local Environmental Plan 2000 (Amendment No 7)*" deposited in the office of Sutherland Shire Council.

**Landscaped area** means any part of the site of a building or a proposed building that contributes to achieving the objectives of the landscaped area development standards of this plan. The site is taken to be only that part of the site zoned to permit the development for which the building is or is proposed to be used.

Landscaped area includes any areas used for gardens, lawns, shrubs or trees, but does not include any part of the site occupied by buildings, driveways, service accessways, parking areas, communal drying yards, garbage storage areas, swimming pools, balconies or decks.

**Liquid fuel depot** means a depot or place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid.

**Main road** means a road declared to be a main road under the [Roads Act 1993](#).

**Marina** means an arrangement of pontoons, jetties or the like, used or intended to be used as a business to provide moorings for boats. It includes any associated:

- (a) slipways, or
- (b) facilities for the repair, maintenance and fuelling of, or the provision of accessories and parts for, boats or boating enthusiasts, or
- (c) facilities for the storage or provision of food, or
- (d) ancillary office.

**Medical facility** means a building or place used for the medical or surgical treatment

of persons, whether public or private, and must include facilities for overnight stay accommodation. It may consist of:

- (a) a hospital, or
- (b) a sanatorium, or
- (c) a health centre, or
- (d) a nursing home, or
- (e) a home for infirm persons, incurable persons or convalescent persons,

and includes any shop or dispensary used in conjunction with the facility, but does not include an institution or a building or place elsewhere defined in this plan.

**Motel** means a building or buildings used for temporary overnight accommodation, whether or not the building or buildings is or are also used in the provision of meals to travellers or the general public.

**Motor showroom** means a building or place used for the display and sale of motor vehicles, caravans or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are sold or displayed and may also include servicing.

**Nightclub** means a building or place to which a nightclub licence relates under the [Liquor Act 1982](#).

**Offensive or hazardous industry** means an industry which by reason of the processes involved, the method of manufacture or the nature of the materials used or produced, requires isolation from other buildings.

**Passenger transport terminal** means any building or place used for the assembly of passengers travelling by any form of passenger transport, including any required facilities for parking, manoeuvring, storage or routine servicing of any vehicle.

**Place of assembly** means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such and whether used for the purpose of gain or not, but does not include a place of public worship, an institution or an educational establishment.

**Place of public worship** means a building or place used for the purpose of religious worship by a congregation or religious group whether in the Christian faith or not, and whether or not the building or place is also used for counselling, social events, instruction and religious training.

**Plan of management** means a plan of management as defined under the [Local Government Act 1993](#).

**Potential archaeological site** means a site known to the Council to have archaeological potential.

**Public utility undertaking** means any of the following undertakings carried on in pursuance of any Commonwealth or State Act:

- (a) railway, road, water or air transport, telecommunications, wharf or river undertakings, and
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a **person carrying on a public utility undertaking** includes a reference to a council, county council, government department, corporation, firm or authority carrying on the undertaking.

**Recreation area** means:

- (a) an area of open space for passive recreation activities, or
- (b) a children's playground, or
- (c) an area used for sporting activities or sporting facilities, or
- (d) an area used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by:
  - (i) the Council, or
  - (ii) a body of persons associated for the purposes of the physical, cultural or intellectual welfare of persons within the community,

whether used for the purposes of gain or not, but does not include a racecourse or showground.

**Recreation facility** means a building or place used for indoor or outdoor recreation, and used for the purpose of gain. It may consist of or include a billiard saloon, a table tennis centre, squash courts, tennis courts, a swimming pool, a gymnasium, a health studio, a golf driving range, a bowling alley, a fun parlour or any other building of a like character used for recreation.

**Registered club** means a building or place used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes and which is, or is intended to be, registered under the [Registered Clubs Act 1976](#).

**Relic** means any deposit, object or material evidence relating to:

- (a) the use or settlement of Sutherland Shire, not being Aboriginal habitation, which is



more than 50 years old, or

- (b) Aboriginal habitation of Sutherland Shire either before or after its occupation by persons of European extraction, including human remains.

**Repair centre** means a building or place used in association with the operation of a waste recycling and management centre or waste depot and at which materials and goods can be retrieved, repaired or refurbished for re-use in the community.

**Residential flat** means a dwelling within a building containing three or more dwellings but does not include a townhouse or villa house.

**Residential medical practice** means a room or a number of rooms forming part of, attached to, or within the curtilage of a dwelling house used by not more than two health care professionals and where no more than two employees are employed, but does not include facilities for in-patient care (whether or not there is residential occupation of the dwelling house).

**Restaurant** means a building or place, the principal purpose of which is the provision of food to people for consumption on the premises, but does not include a food shop or a nightclub.

**Road** means a roadway, whether made or unmade, for general public use, generally designed to accommodate the movement of vehicles and pedestrians, and may include bridges forming part of roads.

**Road transport terminal** means a building or place used for the principal purpose of the bulk handling of goods for transport by road, including facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles.

**Rural industry** means:

- (a) handling, treating, processing or packing of primary produce, or
- (b) regular servicing or repairing of plant or equipment used for the purpose of agriculture, aquaculture or a rural industry in the locality.

**Service station** means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oils and other petroleum products, whether or not the building or place is also used for any one or more of the following purposes:

- (a) the sale by retail of spare parts and accessories for motor vehicles,
- (b) washing and greasing of motor vehicles,
- (c) installation of accessories,

(d) repairing and servicing of motor vehicles involving the use of hand tools (other than repairing and servicing which involves top overhaul of motors, body building, panel beating, spray painting, or suspension, transmission or chassis restoration),

(e) convenience store.

**Sex shop** means a building primarily used for the purposes of business premises in which:

(a) publications classified Category 1 restricted, Category 2 restricted or RC under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth are shown, exhibited, displayed, sold or otherwise rendered accessible or available to the public, or

(b) a business to which section 578E of the *Crimes Act 1900* applies is conducted.

**Shop** means a building or place used for the purpose of display, sale, hire, auction, processing of goods or materials, or like or ancillary activities, but (in a development control table) does not include a building or place elsewhere defined in this plan.

**Site area** is the area of an allotment zoned so as to allow proposed development and includes any area of a right-of-carriageway burdening the allotment, but does not include the area of any access corridor.

**Standard allotment** means an allotment within a residential zone where practical lawful vehicular access to any existing or proposed building on the allotment is not reliant on an access corridor (a hatchet shaped allotment) or a right-of-carriageway over another residential allotment.

**Storey** means:

(a) the space between two floors, or

(b) the space between any floor and its ceiling or roof above, or

(c) foundation areas, garages, workshops, storerooms and the like, where the height between ground level and the top of the floor above is 1.5 metres or more.

A storey which exceeds 4.5 metres is considered as two storeys.

**Subdivision** has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

**Swimming enclosure** means a place within a body of water which is enclosed by a fence or netting to provide a safe bathing area for public purposes only and does not include a swimming pool as defined under the *Swimming Pools Act 1992*.

**Tennis court (private)** means a tennis court used solely for the purpose of private

recreational enjoyment and not used for competition or coaching.

**The Council** means the Council of Sutherland Shire.

**The maps** means the series of maps marked “*Sutherland Shire Local Environmental Plan 2000*” which are kept in the office of the Council of Sutherland Shire as amended from time to time by the maps so kept and listed in Schedule 7.

**Tourist Information Centre** means a building or place owned or controlled by the Council at which tourist-related services, facilities and information to the community are provided, but does not include a restaurant. It may include:

- (a) literature and booking services for tourist destinations and accommodation, and
- (b) retail sales of souvenirs, gifts and the like, and
- (c) ancillary administration space, and
- (d) public toilets or change facilities.

**Townhouse** means a two storey dwelling on a site containing three or more dwellings, where each dwelling has an individual entrance and there is open space for the exclusive use of the occupants of the dwelling.

**Utility installation** means a building or work used for a public utility undertaking, but does not include a building used wholly or principally for administration or as business premises, a showroom, workshop or depot.

**Vehicle and mechanical repair premises** means a building or place used for the purpose of carrying out repairs to motor vehicles or machinery, including watercraft, and engines.

**Veterinary hospital** means a building or place used for surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment or rehabilitation.

**Villa house** means a single storey dwelling on a site containing three or more dwellings, where each dwelling has an individual entrance and there is open space at ground level for the exclusive use of the occupants of the dwelling.

**Warehouse** means a building or place used for the storage of goods, merchandise or materials pending distribution.

**Waste recycling and management centre** means a building or place used for the recycling or recovery of resource materials, excluding sludge-like material, from waste materials that would otherwise be acceptable as landfill, and involves separating and sorting, processing (such as baling, crushing, shredding and composting) and sorting, transferring and the sale of recycled or recovered material, but does not involve re-

manufacture, chemical manufacturing or incineration of the material.

**Waterbody** means:

(a) **a natural waterbody**, including:

- (i) a lake or lagoon either naturally formed or artificially modified, or
- (ii) a river or stream, whether perennial or intermittent, flowing in a natural channel with an established bed or in a natural channel artificially modifying the course of the stream, or
- (iii) tidal waters including any bay, estuary or inlet, or

(b) **an artificial waterbody**, including any constructed waterway, canal, inlet, bay, channel, dam, pond or lake, but does not include a dry detention basin or other construction that is only intended to hold water intermittently.

**Watercraft facility** means a pontoon, suspended ramp or walkway, jetty, mooring, wharf, slipway, watercraft landing and launching facility or the like, but does not include a marina.

- (2) References to maps in this plan are to maps as in force at the commencement of this plan, unless otherwise described.
- (3) Any notes in this plan are intended to help a reader to understand this plan but are not part of this plan.

## 6 What savings provisions apply?

- (1) Nothing in this Plan shall be construed as restricting or prohibiting or enabling the consent authority to restrict or prohibit:
  - (a) the carrying out of development of any description specified in Schedule 3 (Schedule of savings provisions), or
  - (b) the use of existing buildings of the Crown by the Crown.
- (2) Despite clause 4 (1), local environmental plans (including *Sutherland Shire Local Environmental Plan 1993*) and deemed environmental planning instruments, as in force immediately before the commencement of this plan, apply to a development application that was made but had not been finally determined before that commencement as if this plan had been exhibited but had not been made.

## 7 Who is the consent authority for this plan?

For the purposes of this plan the Council is the consent authority for all development, subject to the [Environmental Planning and Assessment Act 1979](#).

## **8 How does this plan affect covenants etc?**

- (1) This clause does not apply to the 2 (a1), 2 (a2), 2 (b), 2 (c), 2 (e1) and 2 (e2) Residential zones.
- (2) If any agreement, covenant or other similar instrument prohibits development allowed by this plan, then it shall not apply to that development, to the extent necessary to allow that development.
- (3) In accordance with section 28 of the *Environmental Planning and Assessment Act 1979*, the Governor approved of subclauses (1) and (2) before this plan was made.

## **9 What special provisions apply to the temporary use of land?**

Regardless of any other provision of this plan, consent may be granted to the temporary use of land, other than for designated development, being carried out for a maximum period of 28 days, whether consecutive or non-consecutive, in any 12 month period.

## **10 What services are to be provided?**

Consent must not be granted unless the consent authority is satisfied that any requirement made by Sydney Water Corporation Limited for the provision of water and sewerage services to the site of the proposed development will be met.

## **11 What general provisions apply to advertising?**

Nothing in this plan prevents consent from being granted to advertising:

- (a) on any premises within any zone:
  - (i) if the advertising only indicates the purpose for which the premises are or the site is used, and
  - (ii) the Council is satisfied that the advertising will not interfere with the amenity of the area, or
- (b) on land in the 1 (a) Rural zone, if the advertising is directing the travelling public to tourist areas or tourist facilities, or
- (c) on any land to which this plan applies:
  - (i) if the advertising forms part of a shelter or seat, or if the advertising is in accordance with any agreement entered into with the Council before the commencement of this plan, and
  - (ii) if the Council is satisfied that the advertising will not interfere with the amenity of the locality.

## **12 Is development publicly exhibited?**

- (1) The objective of this clause is to provide for public participation in the decision-making process related to development applications that potentially may affect other properties as well as the property proposed to be developed or are of general public interest.
- (2) Certain development applications will be publicly exhibited by the Council in accordance with any relevant development control plan.
- (3) This clause does not apply to an application for development consent to designated development.

## **13 How are trees and bushland vegetation preserved?**

- (1) The objective of this clause is the preservation of valuable trees and bushland vegetation in Sutherland Shire.
- (2) Where it appears to the Council 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.
- (3) 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.
- (4) 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.
- (5) 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 that order.
- (6) 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.
- (7) A person must not contravene, or cause or permit the contravention of, a tree and bushland vegetation preservation order that is in force.
- (8) 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, 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 Bush Fire Services, 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.

- (9) The provisions of a tree and bushland vegetation preservation order shall 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](#).

#### **14 How are heritage items and relics protected?**

- (1) The following development may be carried out only with development consent:
  - (a) demolishing or damaging a heritage item,
  - (b) altering a heritage item by making structural changes to its exterior,
  - (c) altering a heritage item by making non-structural changes to the detail, fabric, finish or appearance of its exterior,
  - (d) moving a relic, or excavating land for the purpose of discovering, exposing or moving a relic,
  - (e) erecting a building on, or subdividing, land on which a heritage item is located,

- (f) development, other than exempt development, on land abutting land that is listed as, or contains an item listed as, a heritage item in Schedule 2 that is not:
  - (i) an item of landscape significance (being an item listed in Schedule 2 with an identifier containing the letter “L” corresponding to the item), or
  - (ii) an item of archaeological significance (being an item listed in Schedule 2 with an identifier containing the letter “A” corresponding to the item).
- (2) When determining a development application required by this clause, the consent authority:
  - (a) must consider the effect of the development on the heritage significance of the heritage item and its setting, and
  - (b) is to consider any conservation plan that assesses the impact of the proposal on the heritage significance of the item and its setting.
- (3) The consent authority must notify the Heritage Council if it intends to consent to the demolition of a heritage item that is of State significance (as indicated in Schedule 1 or 2) and consider any comments received from the Heritage Council within 28 days after the notice is sent.
- (4) This clause does not require consent for:
  - (a) maintenance necessary for ongoing protective care, including bushfire hazard reduction,
  - (b) internal alterations to residential buildings,
  - (c) installation of skylights which would not be visible from the street or other public places,
  - (d) demolition and erection of rear or side fences,
  - (e) lopping or removal of any structures or trees for safety reasons,
  - (f) removal of dead or dying trees, or
  - (g) any other development if the Council considers the proposed development would not adversely affect the heritage significance of the heritage item concerned.

### **15 What incentives apply to heritage items?**

Consent may be granted to development of a site of a heritage item which is a building, except a boatshed or other structure ancillary to a dwelling, regardless of any other provision of this plan, provided the consent authority is satisfied that:

- (a) the proposed development would not adversely affect the heritage significance of the



heritage item, and

- (b) the proposed development would have little or no adverse effect on the amenity of the area, and
- (c) conservation of the item will be carried out to the consent authority's satisfaction.

#### **16 Development of known or potential archaeological sites**

- (1) Consent may be granted to the carrying out of development on an archaeological site or potential archaeological site that has Aboriginal cultural heritage significance only if the consent authority:
  - (a) has considered a heritage impact statement of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
  - (b) except where the development is integrated development, has notified the Director-General of National Parks and Wildlife of its intention to do so and taken into consideration any comments received from that Director-General within 28 days after the notice was sent.
- (2) Consent may be granted to the carrying out of development on any other archaeological site or potential archaeological site only if the consent authority:
  - (a) has considered a heritage impact statement of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
  - (b) has notified the Heritage Council of its intention to do so and taken into consideration any comments received from the Heritage Council within 28 days after the notice was sent.

#### **17 What is exempt development?**

- (1) Development of minimal environmental impact listed in Schedule 4 is exempt development, subject to subclauses (2) and (3).
- (2) Development is exempt development only if:
  - (a) the development is in accordance with the specified predetermined development standards and other requirements identified for that development in Schedule 4, and
  - (b) the development is ancillary to an existing legal use of a property and will be contained wholly within the property, and
  - (c) the development complies with the deemed-to-satisfy provisions of the *Building Code of Australia* ("BCA") and the standards currently prescribed in the

*Environmental Planning and Assessment Regulation 2000*, and

- (d) the development does not contravene any condition of a development consent applying to the land, and
- (e) the development does not result in removal, pruning or lopping of trees or bushland vegetation which would otherwise require consent or the permission of the Council to remove, prune or lop under the Council's tree and bushland vegetation preservation order, and
- (f) the development does not result in a lesser landscape area or greater floorspace ratio than allowed by this plan, and
- (g) the development does 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 or otherwise, and
- (h) the development is not carried out within the zone of influence of or over an existing or proposed easement or public sewer main or, if over a sewer main, the proposal complies with the "building over sewer" requirements of Sydney Water Corporation Limited applying to the land, and
- (i) if appropriate, any installation involved is carried out to the manufacturer's specifications and requirements, and
- (j) the development does not restrict any vehicular or pedestrian access to or from the site or reduce the number of car spaces on the site below the minimum required by the Council, and
- (k) the development does not result in the redirection of surface storm water or run off onto adjoining private property, and
- (l) (Repealed)
- (m) the development does not involve excavation beyond 600 millimetres below natural ground level, and
- (n) it does not involve handling, storing, or using hazardous chemicals or materials otherwise than on a domestic scale (except on farms and at a distance of more than 25 metres from any habitable building), and does not release any hazardous chemicals or materials or any pollutants into the environment, and
- (o) it is located within a bushfire interface area or bushfire prone area and complies with the Council's construction standards for buildings in these areas.

(3) Development is not exempt development if it is carried out on land that:

- (a) is listed as, or contains an item listed as, a heritage item in this plan, or
- (b) is an Aboriginal place under the *National Parks and Wildlife Act 1974*, or
- (c) is reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna or geological formations or for other environmental protection purposes, or
- (d) is a location of an endangered ecological community or critical habitat as identified in the *Threatened Species Conservation Act 1995*, or
- (e) is within the 7 (a) Environmental Protection (Waterways) zone, or
- (f) is within the 7 (b) Environmental Protection (Bushland) zone, or
- (g) is within the 7 (c) Environmental Protection (Water Catchment) zone, or
- (h) is within the 8 (a) National Parks, Nature Reserves and State Recreation Areas zone, or
- (i) is within 40m of a waterbody, as defined in this plan, where the development requires any excavation, or
- (j) is affected by a foreshore building line.

**18 What is complying development?**

- (1) Development listed in Schedule 5 is complying development, subject to subclauses (2) and (3).
- (2) Development is complying development only if:
  - (a) the development is in accordance with the specified predetermined development standards and other requirements identified for that development in Schedule 5, and
  - (b) the proposed development does not involve a building or a site in or on which an existing use, as defined in section 106 of the *Environmental Planning and Assessment Act 1979*, is being carried out, and
  - (c) it is consistent with any plan of management approved under *State Environmental Planning Policy No 44—Koala Habitat Protection*, and with any recovery plan or threat abatement plan in force under the *Threatened Species Conservation Act 1995* that may apply to the land, and
  - (d) it does not contravene any condition of a development consent applying to the land, and
  - (e) the development complies with the deemed-to-satisfy provisions of the *Building*

*Code of Australia* (“BCA”) and the standards currently prescribed in the *Environmental Planning and Assessment Regulation 2000*, and

- (f) the development does not result in a landscape area less than or floorspace ratio greater than permitted by this plan, and
  - (g) the development does not restrict any vehicular or pedestrian access to or from the site or reduce the number of car spaces on the site below the minimum required by the Council, and
  - (h) the development will not result in removal, pruning or lopping of trees or bushland vegetation which would require the consent or permission of the Council to remove, prune or lop under the Council’s tree and bushland vegetation preservation order, and
  - (i) the development is not carried out within the zone of influence of or over an existing or proposed easement or public sewer main or, if over a sewer main, the proposal complies with the “building over sewer” requirements of Sydney Water Corporation Limited applying to the land, and
  - (j) the development will not result in the redirection of surface storm water or run off onto adjoining private property.
  - (k) (Repealed)
- (3) Development is not complying development if it is carried out on land that:
- (a) is identified by the Council as being:
    - (i) within a bushfire interface area, or
    - (ii) subject to flooding, tidal inundation, subsidence or land slip, or
    - (iii) contaminated land, or
  - (b) is listed as, or contains an item listed as, a heritage item in this plan or is on land that abuts a heritage item, or
  - (b1) abuts land that is listed as, or contains an item listed as, a heritage item in Schedule 2 that is not:
    - (i) an item of landscape significance (being an item listed in Schedule 2 with an identifier containing the letter “L” corresponding to the item), or
    - (ii) an item of archaeological significance (being an item listed in Schedule 2 with an identifier containing the letter “A” corresponding to the item),
  - (c) is an Aboriginal place under the *National Parks and Wildlife Act 1974*, or

- (d) is reserved or dedicated under the [Crown Lands Act 1989](#) for the preservation of flora, fauna or geological formations or for other environmental protection purposes, or
  - (e) is identified on any of the maps marked “*Sutherland Shire Local Environmental Plan 2000—Acid Sulfate Soils Planning Maps*” and the Council has not approved an Acid Sulfate Soils Management Plan for the proposed development, or
  - (f) is a location of an endangered ecological community or critical habitat as identified in the [Threatened Species Conservation Act 1995](#), or
  - (g) is within the 1 (a) Rural zone, or
  - (h) is within the 1 (b) Rural (Future Urban) zone, or
  - (i) is within the 6 (a) Public Recreation zone, or
  - (j) is within the 7 (a) Environmental Protection (Waterways) zone, or
  - (k) is within the 7 (b) Environmental Protection (Bushland) zone, or
  - (l) is within the 7 (c) Environmental Protection (Water Catchment) zone, or
  - (m) is within the 8 (a) National Parks, Nature Reserves and State Recreation Areas zone, or
  - (n) has previously been used as a service station, for intensive agriculture, mining or extractive industry, for waste storage or waste treatment, or for the manufacture of chemicals, asbestos or asbestos products and a notice of completion of remediation work for the proposed use has not been given to the Council in accordance with [State Environmental Planning Policy No 55—Remediation of Land](#), or
  - (o) is affected by a foreshore building line, except in Sylvania Waters, or
  - (p) is within 40m of a waterbody, as defined in this plan, where the development requires any excavation, or
  - (q) is adjacent to an arterial road or arterial road reservation where the development proposes a new, or alters an existing, vehicular accessway to that road or reservation.
- (4) A complying development certificate issued for any such development is to be subject to the conditions for the development specified in any applying development control plan adopted by the Council, as in force when the certificate is issued.

## **19 What is a foreshore scenic protection area?**

- (1) The objective of the foreshore scenic protection area is to limit the scale of

development and protect the landscape and visual character of foreshore areas of Sutherland Shire.

- (2) A foreshore scenic protection area is shown on the maps by hatching. It applies to land within a number of zones next to Bate Bay, Port Hacking, the Georges River and Woronora River.
- (3) Buildings in a foreshore scenic protection area are required by the development control tables to have more landscaped area than buildings outside the area.

## **20 Foreshore building lines and waterfront development**

(1) The objectives of this clause are:

- (a) preservation and enhancement of the natural features and vegetation near where the land meets the water,
- (b) restoration of the land below the foreshore building line, so far as practicable, to a natural state, with a minimum intrusion of man-made structures,
- (c) no buildings below the foreshore building line other than buildings excepted by this clause,
- (d) a significant reduction in the number of structures below the foreshore building line, particularly on redevelopment of a site,
- (e) conservation and enhancement of waterfront buildings of heritage value,
- (f) avoidance of adverse ecological effects on the waterways, and
- (g) public use of the intertidal areas below the mean high water mark or high water mark, where appropriate.

(2) In this clause:

***foreshore building line*** for an allotment means:

- (a) if the maps indicate by a black line that a foreshore building line applies to the allotment—the line across the allotment parallel to, and at the greater of the following distances from, the mean high water mark at 24 April 1980:
  - (i) the distance specified on the maps, or
  - (ii) 7.5 metres from the mean high water mark for the time being, or
- (b) if the maps do not indicate by a black line that a foreshore building line applies to the allotment, and the allotment adjoins or is adjacent to the mean high water mark for the time being—the line across the allotment parallel to, and 7.5 metres from, the mean high water mark for the time being (except in respect of land at

Sandy Point, where the line is taken to be the greater of the following distances from the tidal water:

- (i) the 1% Annual Exceedance Probability flood line, or
  - (ii) a line across the allotment parallel to and 7.5 metres from the mean high water mark for the time being), or
- (c) regardless of paragraphs (a) and (b), if the allotment adjoins a waterfront reserve—the line across the allotment parallel to, and 7.5 metres from, the landward boundary of the waterfront reserve.

For the purposes of this definition, the **mean high water mark at 24 April 1980** on any land is taken to be as shown on the last Deposited Plan or other plan which defined the mean high water mark and was registered by the Registrar-General on or before 24 April 1980. It is not affected by reclamation, works or other changes before or after that date. Establishing the foreshore building line for an allotment to which paragraph (a) or (b) applies will require reference to the mean high water mark at 24 April 1980 on adjoining or adjacent land in some cases.

- (3) A person must not erect a building or carry out a work on land between a foreshore building line and the tidal water in respect of which the line is fixed.
- (4) However, subclause (3) does not apply to:
- (a) boat sheds,
  - (b) watercraft facilities,
  - (c) in-ground swimming pools, no higher than 300 millimetres above ground level at any point (unless located in the area of Bundeena or Maianbar),
  - (d) works, including mechanical works, to enable pedestrian access,
  - (e) landscaping and barbecues.
- (4A) Additionally, in respect of land at Sandy Point that is located on the landward side of a line parallel to and 7.5 metres from the mean high water mark, subclause (3) does not apply in relation to the following:
- (a) development for the purpose of tennis courts and ancillary development (but only if any structures resulting from the ancillary development are non-habitable),
  - (b) development for the purposes of a dwelling-house to be partially located on flood liable land, but only if the Council is satisfied that:
    - (i) the land is categorised as low hazard by a flood study undertaken in accordance with the *Floodplain Management Manual* prepared by the New South Wales Government, and

- (ii) the development will not have a significant effect on the depth, velocity or distribution of floodwaters, and
  - (iii) all pedestrian and vehicular access to the dwelling-house will be provided to the part of the dwelling-house that is located above the 1% Annual Exceedance Probability flood line, and
  - (iv) the dwelling-house will be designed and constructed to reduce or eliminate flood damage, and
  - (v) the relevant height limit imposed by clause 34 (2) will not be exceeded, and
  - (vi) the dwelling-house will not unreasonably restrict views from buildings on adjoining lots, and
  - (vii) the appearance of the escarpment defining the limit of the flood plain will not be adversely affected by the cumulative impact of dwelling-house construction.
- (5) Development consent must not be granted to any development on an allotment of land affected by a foreshore building line, or to any development below the mean high water mark from time to time on an allotment or within the 7 (a) Environmental Protection (Waterways) zone adjoining the allotment, unless the consent authority is satisfied that the following buildings or works (if any) will be removed before, or within a reasonable time after, the development is carried out:
- (a) any building or work on the allotment between the foreshore building line and the mean high water mark or high water mark, in each case as shown on the latest registered Deposited Plan showing the allotment, not being a building or work specified in subclause (4), or
  - (b) any building or work below the mean high water mark or high water mark, in each case as shown on the latest registered Deposited Plan showing the allotment, being a building or work on the allotment or on land adjacent to the allotment which is in the same ownership as the allotment or to which the owner or occupier of the allotment has some form of occupancy rights, but not being a building or work specified in subclause (4) (b).
- (6) However, subclause (5) does not apply to a building or work if the consent authority is satisfied that requiring removal of the building or work:
- (a) would be inconsistent with any of the objectives of this clause, or
  - (b) is not necessary to achieve the objectives of this clause, or
  - (c) is unreasonable or unnecessary in the circumstances of the case, having regard to the provisions of any relevant development control plan.



- (7) This clause does not apply to buildings or works on reclaimed land, or on land adjacent to reclaimed land, in Sylvania Waters.
- (8) To avoid doubt, *State Environmental Planning Policy No 1—Development Standards* applies to a requirement made by subclause (3) in the same way as it applies to a development standard.

## 21 What public land has been reclassified?

The public land described in Schedule 6 is reclassified as operational land for the purposes of the *Local Government Act 1993*.

## 22 Development on land identified on acid sulfate soils planning maps

- (1) A person must not, without development consent, carry out works described in the following table on land of the class specified for those works, except as provided by subclause (3).

Class of land as shown on acid sulfate soils planning maps	Works
1	<p>Any works</p> <ul style="list-style-type: none"><li>• Works below the ground surface.</li></ul>
2	<ul style="list-style-type: none"><li>• Works by which the watertable is likely to be lowered.</li><li>• Works beyond 1 metre below the ground surface.</li></ul>
3	<ul style="list-style-type: none"><li>• Works by which the watertable is likely to be lowered beyond 1 metre below the ground surface.</li><li>• Works beyond 2 metres below the ground surface.</li></ul>
4	<ul style="list-style-type: none"><li>• Works by which the watertable is likely to be lowered beyond 2 metres below the ground surface.</li></ul>
5	<ul style="list-style-type: none"><li>• Works within 500 metres of adjacent Class 1, 2, 3 or 4 land which are likely to lower the watertable below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land.</li></ul>

- (2) For the purposes of the Table to subclause (1), **works** includes:

- (a) any disturbance of more than one tonne of soil (such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial waterbodies (including canals, dams and detention basins) or foundations, or flood mitigation works, or
  - (b) any other works that are likely to lower the watertable.
- (3) This clause does not require development consent for the carrying out of works if:
- (a) a copy of a preliminary assessment of the proposed works undertaken in accordance with the *Acid Sulfate Soils Assessment Guidelines* has been given to the Council, and
  - (b) the Council has provided written advice to the person proposing to carry out the works confirming that results of the preliminary assessment indicate the proposed works need not be carried out pursuant to an acid sulfate soils management plan prepared in accordance with the *Acid Sulfate Soils Assessment Guidelines*.
- (4) Development consent required by this clause must not be granted unless the consent authority has considered:
- (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the *Acid Sulfate Soils Assessment Guidelines*, and
  - (b) the likelihood of the proposed development resulting in the discharge of acid water, and
  - (c) any comments received from the Department of Land and Water Conservation within 21 days of the Council having sent that department a copy of the development application and of the related acid sulfate soils management plans.
- (5) This clause requires development consent for works to be carried out by the Council, or other public authorities, despite the provisions of clause 6.

**23 Exceptions to this Plan** (also refer to clause 65 and clause 69)

- (1) Regardless of the development control tables in this plan, consent may be granted to development for the purpose of any of the following:
- (a) a general store and residential flat building (with a maximum of 3 units) at No 50 Pacific Crescent, Maianbar, on land shown edged heavy black on the map marked "*Map 30: No. 50 Pacific Crescent*" in Part 1 of Schedule 7 to this plan,
  - (b) a motor showroom and ancillary uses on Nos 28 and 30 Tea Gardens Avenue and Nos 5 to 21 Waratah Street, Kirrawee,
  - (c) outdoor markets on the Cronulla Sutherland Leagues Club site provided that they are confined to the area shown on the map marked "*Map 1: Cronulla/Sutherland*"

*Leagues Club, Captain Cook Drive, Woolooware*” in Schedule 7 to this Plan, operate only one day per week and cease to operate no later than on 31 December 2004,

- (d) a motor showroom on land shown on the map marked “*Map 2: 101-119 Princes Highway, Sylvania*” in Schedule 7 to this Plan,
  - (e) car parking ancillary to the use of a motor showroom on land shown on the map marked “*Map 4: Rear 101-107 Princes Highway, Sylvania*” in Schedule 7 to this Plan,
  - (f) a community facility or tourist information centre on land shown on the map marked “*Map 6: RTA Depot—Old Princes Highway, Engadine*” in Schedule 7 to this Plan,
  - (g) a recreation facility, being a sailing club, shown on the map marked “*Map 7: Burraneer Bay Sailing Club, Burraneer Bay*” in Schedule 7 to this Plan,
  - (h) a watercraft facility, beach or foreshore protection work, marina or swimming enclosure on any land within 10 metres of any adjoining land within the 7 (a) Environmental Protection (Waterways) zone,
  - (i) light rail or public transport infrastructure on any land to which this plan applies.
  - (j) a motor showroom with an area set aside exclusively for customer parking, no pedestrian or vehicular access or egress to Kumbardang Avenue and incorporating acceleration and deceleration lanes to and from all egress and access to The Boulevarde, on land shown on map “*Map 9: 220-234 The Boulevarde, Nos 1-3 Kiora Road and Nos 1-5 Kumbardang Avenue, Miranda*” in Schedule 7 to this Plan.
- (2) Regardless of the development control table in this plan, the following land may be used for helicopter landings and take-offs associated with emergency situations or, only with development consent, on not more than ten other occasions per year:
- (a) Sutherland Oval, The Grand Parade, Sutherland,
  - (b) Waratah Park, Sutherland,
  - (c) Heathcote Oval, East Heathcote,
  - (d) “Old Tip site” Illawarra Road, Menai.

## **24 What zones apply to land?**

The following zones apply as identified on the maps:

1 (a) Rural

1 (b) Rural (Future Urban)

- 2 (a1) Residential
- 2 (a2) Residential
- 2 (b) Residential
- 2 (c) Residential
- 2 (e1) Residential
- 2 (e2) Residential
- 3 (a) General Business
- 3 (b) Neighbourhood Business
- 4 (a) General Industrial
- 5 (a) Special Uses
- 5 (b) Special Uses (Railways)
- 5 (c) Special Uses (Arterial Road)
- 5 (d) Special Uses (Future Arterial Road)
- 5 (e) Special Uses (Proposed Road)
- 5 (f) Special Uses (Waste Recycling)
- 5 (g) Special Uses (General Road)
- 6 (a) Public Recreation
- 6 (b) Private Recreation
- 6 (c) Regional Recreation
- 6 (d) Future Recreation
- 7 (a) Environmental Protection (Waterways)
- 7 (b) Environmental Protection (Bushland)
- 7 (c) Environmental Protection (Water Catchment)
- 8 (a) National Parks, Nature Reserves and State Recreation Areas
- 9 (a) Mixed Residential/Business

## Part 2 Rural zones

### 25 What rural zones apply?

This Part applies to land within the following rural zones identified on the maps:

1 (a) Rural

1 (b) Rural (Future Urban)

### 26 What controls apply to dwelling houses in the 1 (a) Rural zone?

- (1) A dwelling house may be erected in the 1 (a) Rural zone only with development consent, and only if the dwelling house is:
  - (a) on 2 hectares or more of land, and
  - (b) used in conjunction with agriculture, an animal establishment or rural industry.
- (2) Existing dwelling houses in the Rural 1 (a) zone may be enlarged or altered with development consent.
- (3) Any dwelling house erected or enlarged in the Rural 1 (a) zone must comply with the following:
  - (a) height must not exceed 7.2 metres to any point on the uppermost ceiling and 9 metres to the highest point on the roof, and
  - (b) gross floor area must not increase by more than 30m<sup>2</sup> or 10% of the existing gross floor area, whichever is the lesser, or exceed a maximum floorspace of 300m<sup>2</sup> (inclusive of any ancillary buildings).

### 27 Acquisition of land zoned 1 (a) Rural

The owner of any allotment in the 1 (a) Rural zone, which has a frontage to Woronora River (as identified on the maps), may request the Minister administering the [Environmental Planning and Assessment Act 1979](#) to acquire the land. On receipt of the request, the Corporation under the Act shall acquire the land.

### 28 What development is allowed in each zone?

The following development control tables give the objectives of the rural zones and what development is allowed or is prohibited in each zone.

Development control table

#### Zone 1 (a) Rural

##### 1 Objective of the zone

The provision of land suitable for a range of rural-oriented activities or uses less suited to an urban environment.

## **2 Development allowed without development consent**

Exempt development.

## **3 Development that requires development consent**

Ancillary development not included in item 2.

Development for the purpose of:

agriculture (involving land clearing, earthworks or the erection of buildings or structures),

animal establishments,

drainage,

dwelling houses,

recreation areas,

roads,

rural industries,

utility installations, other than gas holders or generating works.

Demolition not included in item 2.

Subdivision.

## **4 Development that is prohibited**

Any development other than development included in item 2 or 3.

Development control table

### **Zone 1 (b) Rural (Future Urban)**

#### **1 Objective of the zone**

The maintenance of land in an undeveloped state until appropriate assessments are made of the sustainability of the land for urban development.

#### **2 Development allowed without development consent**

Exempt development.

### **3 Development that requires development consent**

Ancillary development not included in item 2.

Development for the purpose of:

drainage,

recreation areas,

roads,

utility installations, other than gas holders or generating works.

Demolition not included in item 2.

Subdivision.

### **4 Development that is prohibited**

Any development other than development included in item 2 or 3.

## **Part 3 Residential zones**

### **29 What residential zones apply?**

This Part applies to land within the following residential zones identified on the maps:

2 (a1) Residential

2 (a2) Residential

2 (b) Residential

2 (c) Residential

2 (e1) Residential

2 (e2) Residential

### **30 Special considerations in the residential zones**

When assessing the impact of residential land uses proposed in the residential zones by development applications and whether those uses satisfy the objectives of the zone concerned, the consent authority must take into consideration the following matters and must not grant consent unless it is satisfied that those matters have been adequately addressed by relevant documentation submitted to it:

- (a) the impact that the proposed development may have on adjoining development, buildings and open space from loss of sunlight, views and privacy,

- (b) the effect of the proposed development on the quality of the streetscape,
- (c) the cumulative impact of successive development on the general character of the neighbourhood,
- (d) the impact of the proposed development on adjoining properties in terms of size, bulk, height and amount of landscaped area,
- (e) the retention and enhancement of existing vegetation,
- (f) any adverse impact on the natural and built environment,
- (g) the location of the proposed development in relation to potential risks, including flooding, bush fire and other hazards,
- (h) the impact that the proposed development may have on any public area or waterbody from loss of sunlight, views and visual amenity.

### **31 Special considerations for non-residential uses in residential zones**

When assessing the impact of non-residential land uses proposed in the residential zones by development applications, the consent authority must consider whether the proposal adequately addresses the following:

- (a) the amount of traffic that will be generated by the proposed development and whether or not there will be a significant change to the traffic volumes currently experienced within the locality as a result of the development that would affect the amenity of the area, and
- (b) the potential of the proposed development to cause a level and kind of noise above and different from the normal background noise of the area, particularly noise resulting from any night time activities generated by the development, and
- (c) the necessity that the proposed use does not detract from the economic viability of any existing neighbourhood or commercial centre.

### **32 Bushland vegetation considerations**

Consent must not be granted to residential development unless the consent authority is satisfied that the proposed development will not have a significant adverse effect on:

- (a) the protection of rare and endangered flora and fauna species and the protection of habitats for native flora and fauna, or
- (b) the protection of wildlife corridors and vegetation links with other nearby bushland vegetation, or
- (c) the protection of bushland vegetation as a natural stabiliser of the soil surface and the protection of existing landforms such as natural drainage lines, water courses and



foreshores, or

- (d) the protection of bushland vegetation of scenic value and the retention of the unique visual identity of the landscape.

### **33 What development is allowed in each zone?**

The following development control tables give the objectives of the residential zones and what development is allowed or is prohibited in each zone.

Development control table

#### **Zone 2 (a1) Residential**

##### **1 Objective of the zone**

A residential environment:

- (a) where the scale, amenity and general character of the area is preserved, and
- (b) where the streetscape is characterised by detached 1 and 2 storey residential buildings, and
- (c) where the predominantly single dwelling house character of a neighbourhood is not diminished by the cumulative impact of successive dual occupancy, town house or villa house developments, and
- (d) where non-residential uses provide necessary services to the local neighbourhood without adversely affecting the residential amenity.

##### **2 Development allowed without development consent**

Development for the purpose of:

drainage.

Exempt development.

##### **3 Development that requires development consent**

Ancillary development not included in item 2.

Development for the purpose of:

child care centres,

community facilities,

dual occupancy housing, except on internal allotments,

dwelling houses,  
educational establishments,  
housing for older people or people with a disability,  
medical facilities,  
places of public worship,  
recreation areas,  
residential medical practice,  
roads,  
tennis courts (private),  
townhouses, except on internal allotments,  
utility installations, other than gas holders or generating works,  
villa houses, except on internal allotments.

Demolition not included in item 2.

Development below the foreshore building line allowed by clause 20.

Subdivision.

#### **4 Development that is prohibited**

Any development other than development included in item 2 or 3.

Development control table

### **Zone 2 (a2) Residential**

#### **1 Objective of the zone**

A lower density residential environment than the 2 (a1) Residential zone, in an environmentally and visually sensitive location:

- (a) where the scale, amenity and sensitive environmental character of the area is preserved, and
- (b) where the streetscape is characterised by detached 1 and 2 storey residential buildings within a landscape setting, and

- (c) where the predominantly single dwelling house character of a neighbourhood is not diminished by the cumulative impact of successive dual occupancy, townhouse or villa house developments, and
- (d) where non-residential uses provide necessary services to the local neighbourhood without adversely affecting the residential amenity.

## **2 Development allowed without development consent**

Development for the purpose of:

drainage.

Exempt development.

## **3 Development that requires development consent**

Ancillary development not included in item 2.

Development for the purpose of:

child care centres,

community facilities,

dual occupancy housing, except on internal allotments,

dwelling houses,

educational establishments,

housing for older people or people with a disability,

medical facilities,

places of public worship,

recreation areas,

residential medical practice,

roads,

tennis courts (private),

townhouses, except on internal allotments,

utility installations, other than gas holders or generating works,

villa houses, except on internal allotments.

Demolition not included in item 2.

Development below the foreshore building line allowed by clause 20.

Subdivision.

#### **4 Development that is prohibited**

Any development other than development included in item 2 or 3.

Development control table

### **Zone 2 (b) Residential**

#### **1 Objective of the zone**

A medium density residential environment:

- (a) that provides a graduation between high and low density residential areas, and
- (b) with co-ordinated, efficient and economical development of villas and townhouses to ensure high quality design outcomes, and
- (c) where non-residential uses provide necessary services to the local neighbourhood without adversely affecting the residential amenity.

#### **2 Development allowed without development consent**

Development for the purpose of:

drainage.

Exempt development.

#### **3 Development that requires development consent**

Ancillary development not included in item 2.

Development for the purpose of:

backpackers accommodation,

boarding houses,

child care centres,

community facilities,

dual occupancy housing, except on internal allotments,  
dwelling houses,  
educational establishments,  
housing for older people or people with a disability,  
medical facilities,  
places of public worship,  
recreation areas,  
residential medical practice,  
roads,  
tennis courts (private),  
townhouses, except on internal allotments,  
utility installations, other than gas holders or generating works,  
villa houses, except on internal allotments.

Demolition not included in item 2.

Development below the foreshore building line allowed by clause 20.

Subdivision.

#### **4 Development that is prohibited**

Any development other than development included in item 2 or 3.

Development control table

### **Zone 2 (c) Residential**

#### **1 Objective of the zone**

A high density residential environment:

- (a) in close proximity to the major shopping centres and railway stations,  
and
- (b) with co-ordinated, efficient and economical development of residential  
flat buildings of high quality design, and

(c) where non-residential uses provide necessary services to the local neighbourhood without adversely affecting the residential amenity.

## **2 Development allowed without development consent**

Development for the purpose of:

drainage.

Exempt development.

## **3 Development that requires development consent**

Ancillary development not included in item 2.

Development for the purpose of:

backpackers accommodation,

boarding houses,

child care centres,

community facilities,

educational establishments,

housing for older people or people with a disability,

medical facilities,

places of public worship,

recreation areas,

residential flats,

residential medical practice,

roads,

tennis courts (private),

townhouses,

utility installations, other than gas holders or generating works,

villa houses.

Demolition not included in item 2.

Development below the foreshore building line allowed by clause 20.

Subdivision.

#### **4 Development that is prohibited**

Any development other than development included in item 2 or 3.

Development control table

### **Zone 2 (e1) Residential**

#### **1 Objective of the zone**

A residential environment in an environmentally and visually sensitive locality:

- (a) where the scale, amenity and general character of the area is preserved, and
- (b) where the streetscape and views to the land from the waterways are characterised by 1 and 2 storey detached residential buildings, and
- (c) which is protected from visually intrusive development, especially where buildings or works may be viewed from the waterway or on sites which contain significant vegetation or natural features which should be preserved, and
- (d) where non-residential uses provide necessary services to the local neighbourhood without adversely affecting the residential amenity, and
- (e) where the natural environment is protected from development that would harm the foreshore, escarpment and habitats in the vicinity of waterways.

#### **2 Development allowed without development consent**

Development for the purpose of:

drainage.

Exempt development.

#### **3 Development that requires development consent**

Ancillary development not included in item 2.

Development for the purpose of:

- child care centres,
- cluster housing,
- community facilities,
- dual occupancy housing, except on internal allotments and on land at Sandy Point,
- dwelling houses,
- educational establishments,
- medical facilities,
- places of public worship,
- recreation areas,
- residential medical practice,
- roads,
- tennis courts (private),
- utility installations, other than gas holders or generating works.

Demolition not included in item 2.

Development below the foreshore building line allowed by clause 20.

Subdivision.

#### **4 Development that is prohibited**

Any development other than development included in item 2 or 3.

Development control table

### **Zone 2 (e2) Residential**

#### **1 Objective of the zone**

A residential environment at a lower density than the Residential 2 (e1) zone in an environmentally and visually sensitive locality:

- (a) where the scale, amenity and sensitive environmental character of the



area is preserved, and

- (b) where the streetscape and views to the land from the waterways are characterised by 1 and 2 storey detached residential buildings within a landscape setting, and
- (c) which is protected from visually intrusive development, especially where buildings or works are within view of any waterway or on sites which contain significant vegetation or natural features that should be preserved, and
- (d) where non-residential uses provide necessary services to the local neighbourhood without adversely affecting the residential amenity, and
- (e) where the natural environment is protected from development that would harm the foreshore, escarpment and habitats in the vicinity of waterways.

## **2 Development allowed without development consent**

Development for the purpose of:

drainage.

Exempt development.

## **3 Development that requires development consent**

Ancillary development not included in item 2.

Development for the purpose of:

child care centres,

cluster housing,

community facilities,

dual occupancy housing, except on internal allotments,

dwelling houses,

educational establishments,

medical facilities,

places of public worship,

recreation areas,  
residential medical practice,  
roads,  
tennis courts (private),  
utility installations, other than gas holders or generating works.

Demolition not included in item 2.

Development below the foreshore building line allowed by clause 20.

Subdivision.

#### **4 Development that is prohibited**

Any development other than development included in item 2 or 3.

##### **34 What height limits apply in residential zones?**

(1) The objectives of the height limits are to:

- (a) achieve consistency in the scale of buildings within each zone, and
- (b) minimise adverse impacts from development on adjoining or nearby properties due to loss of privacy and views, and overshadowing, and
- (c) relate the building form to the topography of the site, and
- (d) ensure all buildings in a residential zone, other than the 2 (c) Residential zone, maintain a maximum 2 storey appearance.

(2) The height limits are:

- (a) Except for buildings in the 2 (c) Residential zone, buildings in the area of Bundeena or Maianbar, villa houses and housing for older people or people with a disability, a building must not exceed a height of:
  - (i) 7.2 metres to any point on the uppermost ceiling, and
  - (ii) 9 metres to the highest point of the roof.
- (b) Before granting consent for development within the 2 (c) Residential zone, the consent authority must consider any height limit specified in any development control plan applying to land.
- (c) Villa houses must be 1 storey only and must not exceed 5.4 metres to the highest point of the roof.

- (d) The height limits for housing for older people or people with a disability are as specified in *State Environmental Planning Policy No 5—Housing for Older People or People with a Disability*.
  - (e) Basement carparking must not exceed 1.5 metres above ground level to the top of the slab.
- (3) For land located in the area of Bundeena or Maianbar, the Council must consider any height limit recommended in a development control plan applying to the land.

### **35 What floorspace ratios apply in residential zones?**

- (1) The objectives of the floorspace ratio requirements are:
- (a) to provide a degree of consistency for existing residents as to the size and bulk of potential buildings in their neighbourhood, and
  - (b) to allow buildings of sufficient scale to satisfy the needs of residents while preventing development of sites beyond community expectations and the environmental capacity of the zone.
- (2) The maximum floorspace ratio for buildings in a residential zone is as indicated in the following Table:

#### **Table**

<b>Residential Zone</b>	<b>Maximum floorspace ratio or gross floor area</b>
2 (a1) Residential	0.45:1
2 (a2) Residential	0.4:1
2 (b) Residential	0.45:1 for dwelling houses and dual occupancy housing 0.7:1 for other buildings
2 (c) Residential	Except where a floorspace ratio is specified in a development control plan, the maximum floorspace ratio is 1:1. The consent authority must consider floor space ratios specified in any development control plan applying to the land.

2 (e1) Residential

0.4:1, except as provided below:

If the area of an existing allotment is less than the minimum allotment size that clause 37 requires for new allotments in this zone, then the maximum gross floor area for a dwelling house on the allotment is the lesser of:

- (a) the maximum gross floor area that a floorspace ratio of 0.4:1 would allow on a minimum sized allotment, and
- (b) the maximum gross floor area allowed on the actual allotment by a floorspace ratio of 0.45:1.

2 (e2) Residential

0.4:1, except as provided below:

If the area of an existing allotment is less than the minimum allotment size that clause 37 requires for new allotments in this zone, then the maximum gross floor area for a dwelling house on the allotment is the lesser of:

- (a) the maximum gross floor area that a floorspace ratio of 0.4:1 would allow on a minimum sized allotment, and
- (b) the maximum gross floor area allowed on the actual allotment by a floorspace ratio of 0.45:1.

(3) Despite the other provisions of this plan, for the purpose of calculating the floorspace ratio for land at Sandy Point the following are to be excluded from the area of the site on any allotment created in accordance with a development consent for which application was made on or after 1 January 2002:

- (a) the area of any land between the 1% Annual Exceedance Probability flood line and a line parallel to and 30 metres above the mean high water mark for the time being, but only if the 1% Annual Exceedance Probability flood line is more than 30 metres from that mean high water mark,
- (b) any area of right of carriageway that affects the allotment.

**36 What minimum landscaped area requirements apply in residential zones?**

(1) The objectives of the landscaped area requirements are:

- (a) to ensure opportunities for tree retention and tree planting to preserve and

enhance the tree canopy of Sutherland Shire, and

(b) to ensure that unbuilt upon areas balance the built form, and

(c) to contain urban runoff flows by minimising the impervious areas on residential development sites.

(2) The minimum landscaped area for an allotment in a residential zone, other than an allotment in the area of Bundeena or Maianbar, is as indicated in the following Table:

**Table**

<b>Zone</b>	<b>Minimum landscaped area required as percentage of allotment (FSPA means foreshore scenic protection area)</b>
2 (a1) Residential	45% (or 50% when in FSPA)
2 (a2) Residential	50% (or 55% when in FSPA)
2 (b) Residential	45% (or 50% when in FSPA) for dwelling houses and dual occupancy housing, and 40% (or 45% when in FSPA) for other development
2 (c) Residential	65%
2 (e1) Residential	50% (for allotments burdened by a right-of-carriageway, 25% of the area of the right-of-carriageway may be included as landscaped area)
2 (e2) Residential	55% (for allotments burdened by a right-of-carriageway, 25% of the area of the right-of-carriageway may be included as landscaped area)

(3) If development is carried out on an allotment for the purpose of villa houses only, the minimum landscaped area required is reduced by 5% where all other relevant development standards in this plan are complied with on the allotment.

(4) The minimum landscaped area for an allotment in a residential zone in the area of Bundeena or Maianbar is as indicated in the following table:

<b>Zone</b>	<b>Minimum landscaped area required as percentage of allotment (FSPA means Foreshore Scenic Protection Area)</b>
2 (a1) Residential	55% when in FSPA
2 (e1) Residential	60% when in FSPA
2 (e2) Residential	60% when in FSPA

### 37 What minimum allotment sizes apply in residential zones?

- (1) The objectives of the minimum allotment size requirements are:
- (a) to achieve efficient use of residential land, having regard to the existing allotment sizes across each zone, the expectations of the community and the environmental capacity of the various zones, and
  - (b) within the 2 (b) Residential and 2 (c) Residential zones, to reduce the instances of isolated parcels being left with reduced development potential, and
  - (c) to complement the floorspace ratio requirements to ensure an appropriate number of dwellings per site having regard to the characteristics of the zone.
- (2) The minimum size for an allotment in a residential zone is indicated in the following Table:

**Table**

<b>Residential zone</b>	<b>Minimum allotment sizes</b>
2 (a1) Residential	For creation of new allotments: Standard allotment—550sqm, Internal allotment—700sqm, except as provided below: 600sqm for the site of 2 dwellings, 1200sqm for the site of 3 or more dwellings.
2 (a2) Residential	For creation of new allotments: Standard allotment—850sqm, Internal allotment—1000sqm, except as provided below: 850sqm for the site of 2 dwellings, 1200sqm for the site of 3 or more dwellings.

- For creation of new allotments:  
Standard allotment—550sqm,  
Internal allotment—700sqm,  
except as provided below:  
600 sqm for the site of 2 dwellings,
- 2 (b) Residential
- For townhouse or villa house development, except where a development control plan specifies a minimum amalgamation of parcels or minimum allotment size for townhouse or villa development, the minimum allotment size is 1200 sqm.  
The consent authority must consider any minimum amalgamation of parcels or minimum allotment size specified in any development control plan applying to the land.
- For residential flat building development, except where a development control plan specifies a minimum amalgamation of parcels or minimum allotment size for residential flat development, the minimum allotment size is 1800 sqm.  
The consent authority must consider any minimum amalgamation of parcels or minimum allotment size specified in any development control plan applying to the land.
- 2 (c) Residential
- For creation of new allotments:  
Standard allotment—550sqm,  
Internal allotment—700sqm,  
except as provided below:  
600sqm for the site of 2 dwellings,
- 2 (e1) Residential
- 2100sqm for the site of 3 or more dwellings, with the overall density not to exceed 1 dwelling per 550sqm of site area for a standard allotment and the overall density not to exceed 1 dwelling per 700sqm of site area for an internal allotment.

2 (e2) Residential

For creation of new allotments:

Standard allotment—850sqm,

Internal allotment—1000sqm,

except as provided below:

900sqm for the site of 2 dwellings,

3000sqm for the site of 3 or more dwellings, with the overall density not to exceed 1 dwelling per 850sqm of site area for a standard allotment and the overall density not to exceed 1 dwelling per 1000sqm of site area for an internal allotment.

- (3) The area of an access corridor is not to be included when the size of an internal allotment is calculated.
- (4) No minimum allotment size requirement applies in the case of the erection of a single dwelling house on an existing allotment or to the strata subdivision of land.
- (5) Despite the other provisions of this plan, for the purpose of calculating the minimum allotment size for land at Sandy Point the following are to be excluded from the area of the site:
  - (a) the area of any land between the 1% Annual Exceedance Probability flood line and a line parallel to and 7.5 metres above the mean high water mark for the time being, and
  - (b) any area of any right of carriageway that affects the allotment.

**38 What minimum allotment dimensions apply in residential zones?**

- (1) The objectives of the allotment dimension requirements are:
  - (a) to require sufficient allotment widths and depth to enable some variations in design for development, and
  - (b) to ensure sites have adequate widths and depth for the arrangement of sufficient side boundary setbacks, efficient driveways, sufficient landscaped areas and satisfactory building form that takes into account the uses made of adjoining properties.
- (2) The minimum allotment width dimensions are as indicated in the following Table:

**Table**

<b>Zone</b>	<b>Minimum allotment width</b>
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2 (a1) Residential	15m for creation of a new allotment, except as provided below: 25m for the site of 3 or more dwellings
2 (a2) Residential	18m for creation of a new allotment, except as provided below: 25m for the site of 3 or more dwellings
2 (b) Residential	For townhouse or villa house development, except where a development control plan specifies an amalgamation of parcels, the minimum allotment width is 25m.
2 (c) Residential	For residential flat building development, except where a development control plan specifies an amalgamation of parcels, the minimum allotment width is 30m.
2 (e1) Residential	15m for creation of a new allotment, except as provided below: 25m for the site of 3 or more dwellings
2 (e2) Residential	18m for creation of a new allotment, except as provided below: 25m for the site of 3 or more dwellings

- (3) A minimum allotment depth of 27m applies for the creation of a new allotment in all residential zones, except for the creation of an allotment by strata subdivision of land.
- (4) No minimum allotment width or depth requirement applies for the site of a single dwelling house or dual occupancy development if it is an existing allotment.
- (5) For townhouse, villa house or residential flat development, the consent authority must consider any provisions relating to the amalgamation of parcels specified in any development control plan applying to the land.

### **39 Residential flat buildings not complying with minimum allotment size requirements**

If development for the purpose of a residential flat building is proposed in the 2 (c) Residential zone on a site that is less than the minimum allotment size required by this plan, development consent must not be granted for the development unless the development complies with the following:

- (a) the maximum floorspace ratio is  $(\text{site area in square metres} \times 0.0005) + 0.1:1$  (but is not greater than 1:1 and not less than 0.7:1), and

- (b) the site has a minimum landscaped area of 65%.

#### **40 Subdivision of dual occupancy housing**

- (1) Development consent must not be granted for a subdivision which creates separate allotments for each of the two dwellings comprising dual occupancy housing.
- (2) This clause does not apply to dual occupancy housing created in accordance with a consent granted before, on or after 1 September 1995 if:
  - (a) the application for consent was made before 19 May 1995 and each allotment in the subdivision has an area of at least the minimum area applying at the date of the application for consent, or
  - (b) the application for consent was made on or after 19 May 1995 but before 1 September 1995 and each allotment in the subdivision has an area of at least 450sqm.
- (3) This clause does not apply to the strata subdivision of dual occupancy housing created in accordance with a granted development consent where the application for that consent was made on or before 28 February 2000.
- (4) An allotment of land created by a subdivision in accordance with this clause or a building erected on such an allotment may not be further subdivided.

#### **41 Can development within a residential zone be limited?**

Regardless of the development control tables in this plan, a development control plan relating to land within a residential zone may recommend restrictions on specific types of development otherwise permitted on the land.

### **Part 4 Business zones**

#### **42 What business zones apply in this plan?**

This Part applies to land within the following business zones identified on the maps:

- 3 (a) General Business
- 3 (b) Neighbourhood Business

#### **43 What height limits apply in business zones?**

- (1) Except where a maximum height is specified in a development control plan, the maximum height for a building in a business zone is:
  - (a) 7.2 metres to any point on the uppermost ceiling, and
  - (b) 9 metres to the highest point on the roof.

- (2) The consent authority must consider any maximum height specified in any development control plan applying to the land.

**44 What floorspace ratios apply in business zones?**

- (1) Except where a maximum floorspace ratio is specified in a development control plan, the maximum floorspace ratio for buildings in a business zone is:
  - (a) 2:1 in the 3 (a) General Business zone, and
  - (b) 1:1 in the 3 (b) Neighbourhood Business zone.
- (2) The consent authority must consider any maximum floorspace ratio specified in any development control plan applying to the land.

**45 What controls apply to residential development in the business zones?**

- (1) Except where a development control plan specifies a maximum amount of residential floor space for a site area, the residential floorspace of any buildings on a site area must not exceed 50% of the total gross floor area of the buildings on that site area.
- (2) The consent authority must consider any maximum amount of residential floor space specified in any development control plan applying to the land.

**46 Can development within a business zone be limited?**

Regardless of the development control tables in this plan a development control plan relating to land within a business zone may recommend restrictions on specific types of development otherwise permitted on the land.

**47 What development may be allowed in each zone?**

The following development control tables give the objectives of the business zones and what development is allowed or prohibited in each zone.

Development control table

**Zone 3 (a) General Business**

**1 Objectives of the zone**

- (a) Appropriately located land for the provision of a wide range of retail, business and professional activities.
- (b) Business centres with integrated public transport and pedestrian networks.
- (c) Viable business centres supported by appropriate forms of residential development.

## **2 Development allowed without development consent**

Development for the purpose of:

drainage.

Exempt development.

## **3 Development that requires development consent**

Ancillary development not included in item 2.

Development for the purpose of:

advertising not included in item 2,

backpackers accommodation,

boarding houses,

bulky goods retailing,

business premises,

car parking,

child care centres,

community facilities,

convenience stores,

dwellings only in buildings subject to another permitted use,

educational establishments,

food shops,

hotels,

housing for older people or people with a disability, only in buildings subject to another permitted use

medical facilities,

motels,

motor showrooms,

nightclubs,  
passenger transport terminals,  
places of assembly,  
places of public worship,  
public transport interchanges or associated structures,  
recreation areas,  
recreation facilities,  
registered clubs,  
residential flats, only in buildings subject to another permitted use,  
restaurants,  
roads,  
service stations,  
sex shops,  
shops,  
utility installations, other than gas holders or generating works,  
veterinary hospitals.

Demolition not included in item 2.

Subdivision.

#### **4 Development that is prohibited**

Any development other than development included in item 2 or 3.

Development control table

### **Zone 3 (b) Neighbourhood Business**

#### **1 Objectives of the zone**

- (a) Appropriately located land for the provision of small scale retail and business activities that principally aim to serve the day to day needs of the surrounding local community.

(b) Business centres with integrated public transport and pedestrian networks.

(c) Viable neighbourhood centres supported by appropriate forms of residential development.

## **2 Development allowed without development consent**

Development for the purpose of:

drainage.

Exempt development.

## **3 Development that requires development consent**

Ancillary development not included in item 2.

Development for the purpose of:

advertising not included in item 2,

backpackers accommodation,

boarding houses,

business premises,

child care centres,

community facilities,

convenience stores,

dwellings only in buildings subject to another permitted use,

food shops,

housing for older people or people with a disability, only in buildings subject to another permitted use,

places of assembly,

places of public worship,

recreation areas,

recreation facilities,

residential flats, only in buildings subject to another permitted use,  
restaurants,  
roads,  
service stations,  
shops,  
utility installations, other than gas holders or generating works,  
veterinary hospitals.

Demolition not included in item 2.

Subdivision.

#### **4 Development that is prohibited**

Any development other than development included in item 2 or 3.

### **Part 5 Industrial zones**

#### **48 What industrial zone applies in this plan?**

This Part applies to land within the following industrial zone identified on the maps:

4 (a) General Industrial

#### **49 What height limits apply in the industrial zone?**

- (1) Except where a maximum height is specified in a development control plan, the maximum height for a building in the industrial zone is 12 metres from ground level to the highest point of the roof.
- (2) The consent authority must consider any maximum height specified in any development control plan applying to the land.

#### **50 What floorspace ratios apply in the industrial zone?**

- (1) Except where a maximum floorspace ratio is specified in a development control plan, the maximum floorspace ratio for buildings in the industrial zone is 1:1.
- (2) The consent authority must consider any maximum floorspace ratio specified in any development control plan applying to the land.

#### **51 Do any special provisions apply to bulky goods retailing and food shops in the**

### **industrial zone?**

- (1) Regardless of the development control tables in this plan, bulky goods retailing and food shops are prohibited on land in the 4 (a) General Industrial zone which adjoins land zoned 5 (c) Special Uses (Arterial Road) where direct vehicular access to the land in the 4 (a) zone is gained from the land zoned 5 (c).
- (2) Each individual bulky goods retailer must have a minimum gross floorspace of 1000 square metres.

### **52 Can development within an industrial zone be limited?**

Regardless of the development control tables in this plan, a development control plan relating to land within the 4 (a) General Industrial zone may recommend restrictions on specific types of development otherwise permitted on the land.

### **53 What development may be allowed in the zone?**

The following development control table gives the objectives of the industrial zone and what development is allowed or is prohibited in the zone.

Development control table

#### **Zone 4 (a) General Industrial**

##### **1 Objectives of the zone**

- (a) Appropriate forms of industrial development which will contribute to employment generation and the economic growth of the area.
- (b) A range of non-industrial land uses which provide direct services to those industrial activities and their work force.
- (c) To provide for shop and business uses ancillary to a permitted industrial use and also provide for bulky goods retailing and food shops on appropriate sites.

##### **2 Development allowed without development consent**

Development for the purpose of:

drainage.

Exempt development.

##### **3 Development that requires development consent**

Ancillary development not included in item 2.

Development for the purpose of:



advertising not included in item 2,  
brothels,  
bulky goods retailing,  
bus depots,  
business premises ancillary to another permissible use or to serve the needs of local industries,  
car parking,  
child care centres,  
convenience stores,  
community facilities,  
dwelling houses ancillary to another permissible use,  
educational establishment,  
food shops,  
generating works,  
industry,  
junk yards,  
liquid fuel depots,  
motor showrooms,  
passenger transport terminals,  
places of public worship,  
recreation areas,  
recreation facilities,  
repair centres,  
roads,  
road transport terminals,

sawmills,

service stations,

shops ancillary to another permissible use or to serve the needs of local industries,

utility installations,

vehicle and mechanical repair premises,

veterinary hospitals,

warehouses,

waste recycling and management centres.

Demolition not included in item 2.

Subdivision.

#### **4 Development that is prohibited**

Any development other than development included in item 2 or 3.

### **Part 6 Special use zones**

#### **54 What special use zones apply in this plan?**

This Part applies to land within the following special use zones identified on the maps:

5 (a) Special Uses

5 (b) Special Uses (Railways)

5 (c) Special Uses (Arterial Road)

5 (d) Special Uses (Future Arterial Road)

5 (e) Special Uses (Proposed Road)

5 (f) Special Uses (Waste Recycling)

5 (g) Special Uses (General Road)

#### **55 What height limits apply in special use zones?**

(1) Except where a maximum height is specified in a development control plan, the maximum height for a building in a special use zone is:

(a) 7.2 metres to any point on the uppermost ceiling, and

(b) 9 metres to the highest point of the roof.

(2) The consent authority must consider any maximum height specified in any development control plan applying to the land.

**56 Do any special provisions apply to land zoned 5 (a) Special Uses—Medical Purposes?**

Direct vehicular access to or from The Kingsway from land zoned 5 (a) Special Uses—Medical Purposes is prohibited.

**57 Who acquires land?**

(1) If you own land in a special use zone you may request the responsible authority (as shown below) to acquire your land. The request must be in writing.

(2) On receipt of the request, the responsible authority shall acquire the land.

**Table**

<b>Zone</b>	<b>Responsible authority</b>
5 (a) School	Minister administering the <a href="#">Education Act 1990</a>
5 (a) W.S.&D.	Sydney Water Corporation Limited
5 (a) Technical College	Technical and Further Education Commission
5 (a) Community Facility	Sutherland Shire Council
5 (a) Parking	Sutherland Shire Council
5 (b) Railways	State Rail Authority
5 (d) Future Arterial Road	
• vacant land and on the 5 year RTA program	Roads and Traffic Authority
• vacant land and NOT on the 5 year RTA program	The corporation under the <a href="#">Environmental Planning and Assessment Act 1979</a>
• Not vacant	Roads and Traffic Authority
5 (e) Proposed Road	Sutherland Shire Council

(3) For the purposes of subclause (2), **vacant land** means land which, immediately before the day of the written request, had no buildings except for fences, greenhouses, conservatories, garages, summer houses, private boat houses, fuel sheds, tool houses, cycle sheds, aviaries, milking bails, hay sheds, stables, fowl

houses, pig sties, barns or the like.

**58 Is interim development allowed?**

(1) With the concurrence of the responsible authority, development consent may be granted to interim development of land in a special use zone, being development that is or is compatible with development permissible on land within an adjoining zone:

(a) if the land has not been acquired by the responsible authority, or

(b) after the land has been acquired by the responsible authority, until the land is needed for the purpose for which it is zoned,

but only if the use of the land does not interfere with the amenity of adjoining properties and use of the land for such a purpose is not likely to impact adversely on the future use of the land.

(2) In determining whether to grant concurrence required by this clause, the responsible authority must take the following into consideration:

(a) the likely effect of the proposed development on the costs of acquisition,

(b) the imminence of acquisition,

(c) the costs of reinstatement of the land for the use for which it is to be acquired.

**59 Exceptions to the land use table in the 5 (c), 5 (d) and 5 (g) zones**

(1) Regardless of the development control tables in this plan, development consent may be granted to outdoor eating areas on land zoned 5 (c) Special Uses (Arterial Road), 5 (d) Special Uses (Future Arterial Road) and 5 (g) Special Uses (General Road) within the constructed footpath area of the road reserve only where in conjunction with a permitted restaurant on adjoining land.

(2) Regardless of the development control tables in this plan, development consent may be granted to advertising or fixed awnings on land zoned 5 (c) Special Uses (Arterial Road), 5 (d) Special Uses (Future Arterial Road) and 5 (g) Special Uses (General Road) within the constructed footpath area of the road reserve where the advertising is or fixed awnings are associated with a permitted use on adjoining land.

**60 What development may be allowed in each zone?**

The following development control tables give the objectives of the zone and what development is allowed or is prohibited in each zone.

Development control table

**Zone 5 (a) Special Uses**

## **1 Objectives of the zone**

- (a) The provision of community services and facilities to provide necessary services to the community.
- (b) To provide for development by public authorities.
- (c) To provide for educational, religious or similar land uses.

## **2 Development allowed without development consent**

Development for the purpose of:

drainage.

Exempt development.

## **3 Development that requires development consent**

The particular use indicated by lettering on the maps.

Ancillary development not included in item 2.

Development for the purpose of:

advertising not included in item 2,

child care centres,

community facilities,

education establishments,

recreation areas,

roads,

utility installations, other than gas holders or generating works.

Demolition not included in item 2.

Subdivision.

## **4 Development that is prohibited**

Any development other than development included in item 2 or 3.

Development control table

### **Zone 5 (b) Special Uses (Railways)**

**1 Objective of the zone**

To provide land for railway purposes to meet public transport needs.

**2 Development allowed without development consent**

Development for the purpose of:

drainage.

Exempt development.

**3 Development that requires development consent**

Ancillary development not included in item 2.

Development for the purpose of:

advertising not included in item 2,

child care centres,

community facilities,

railway purposes,

recreation areas,

roads,

utility installations, other than gas holders or generating works.

Demolition not included in item 2.

Subdivision.

**4 Development that is prohibited**

Any development other than development included in item 2 or 3.

Development control table

**Zone 5 (c) Special Uses (Arterial Road)**

**1 Objective of the zone**

To provide for an arterial road network to serve Sutherland Shire and the metropolitan area of Sydney.

## **2 Development allowed without development consent**

Development for the purpose of:

- drainage,
- roads.

Exempt development.

## **3 Development that requires development consent**

Ancillary development not included in item 2.

Development for the purpose of:

- car parking,
- recreation areas,
- utility installations.

Demolition not included in item 2.

Subdivision.

## **4 Development that is prohibited**

Development other than development included in item 2 or 3.

Development control table

### **Zone 5 (d) Special Uses (Future Arterial Road)**

#### **1 Objective of the zone**

To provide for an arterial road link to serve the future needs of Sutherland Shire and the metropolitan area of Sydney.

#### **2 Development allowed without development consent**

Development for the purpose of:

- drainage,
- roads.

Exempt development.

### **3 Development that requires development consent**

Ancillary development not included in item 2.

Development for the purpose of:

- recreation areas,
- utility installations.

Demolition not included in item 2.

Subdivision.

### **4 Development that is prohibited**

Development other than development included in item 2 or 3.

Development control table

#### **Zone 5 (e) Special Uses (Proposed Road)**

##### **1 Objective of the zone**

To provide for road links to serve the future local needs of Sutherland Shire.

##### **2 Development allowed without development consent**

Nil.

##### **3 Development that requires development consent**

Development for the purpose of:

- roads.

##### **4 Development that is prohibited**

Development other than development included in item 3.

Development control table

#### **Zone 5 (f) Special Uses (Waste Recycling)**

##### **1 Objective of the zone**

To provide for a mix of recycling and resource recovery activities that:

- (a) assist in reducing the volume of waste going to landfill, and
- (b) are compatible with adjoining land uses through minimal environmental



impact, and

(c) assist in the conservation of resources and energy.

## **2 Development allowed without development consent**

Nil.

## **3 Development that requires development consent**

Development for the purpose of:

advertising,

business premises ancillary to another permissible use,

drainage,

generating works,

repair centres,

roads,

utility installations,

waste recycling and management centres.

## **4 Development that is prohibited**

Any development other than development included in item 3.

Development control table

### **Zone 5 (g) Special Uses (General Road)**

#### **1 Objective of the zone**

To provide a road network to serve the local needs of Sutherland Shire and the metropolitan area of Sydney.

#### **2 Development allowed without development consent**

Development for the purpose of:

drainage,

roads.

Exempt development.

### **3 Development that requires development consent**

Ancillary development not included in item 2.

Development for the purpose of:

- car parking,
- recreation areas,
- utility installations.

Demolition not included in item 2.

Subdivision.

### **4 Development that is prohibited**

Development other than development included in item 2 or 3.

## **Part 7 Open space zones**

### **61 What open space zones apply in this plan?**

This Part applies to land within the following open space zones identified on the maps:

- 6 (a) Public Recreation
- 6 (b) Private Recreation
- 6 (c) Regional Recreation
- 6 (d) Future Recreation

### **62 What height limits apply in open space zones?**

- (1) Except where a maximum height is specified in a development control plan, the maximum height for a building in an open space zone is:
  - (a) 7.2 metres to any point on the uppermost ceiling, and
  - (b) 9 metres to the highest point of the roof.
- (2) The consent authority must consider any maximum height specified in any development control plan applying to the land.

### **63 Who acquires land?**

- (1) The owner of land in the 6 (a) Public Recreation zone may request the Council to acquire the land. The request must be in writing. On receipt of the request, the Council

shall acquire the land.

- (2) The owner of land in the 6 (c) Regional Recreation zone may request the Minister administering the *Environmental Planning and Assessment Act 1979* to acquire the land. The request must be in writing. On receipt of the request, the corporation under the Act shall acquire the land.

**64 Is interim development allowed on land zoned 6 (c) Regional Recreation?**

- (1) With the concurrence of the Minister administering the *Environmental Planning and Assessment Act 1979*, consent may be granted to development of land in the 6 (c) Regional Recreational zone, being development that is or is compatible with development permissible on land within an adjoining zone:
  - (a) if the land has not been acquired by the corporation under the Act, but only so as to allow the development until the land is needed for the purpose for which it is zoned, or
  - (b) where consent to interim development of the land will not interfere with the amenity of adjoining properties and the development is not likely to adversely impact on the future use of the land.
- (2) In determining whether to grant concurrence required by this clause, the Minister must take the following into consideration:
  - (a) the likely effect of the proposed development on the costs of acquisition,
  - (b) the imminence of acquisition,
  - (c) the costs of reinstatement of the land for the use for which it is to be acquired.

**65 Exceptions to the land use table in the 6 (a) Public Recreation and 6 (d) Future Recreation zones**

- (1) Regardless of the development control tables in this plan, consent may be granted to development for the purpose of an arts and craft centre on land shown on the map marked "*Map 3: Hazelhurst Retreat, The Kingsway, Gymea*" in Schedule 7.
- (2) Regardless of the development control tables in this plan, consent may be granted to development on land known as the Lucas Heights Waste Management Centre, being the land within the 6 (d) Future Recreation zone shown on the map marked "*Map 5: Tip—Lucas Heights Waste Depot*" in Schedule 7, for the purpose of a solid waste disposal and associated waste recycling and management centre.
- (3) Regardless of the development control table, but subject to any plan of management adopted under the *Local Government Act 1993*, consent may be granted to development for the purpose of a restaurant, not involving the sale of takeaway food, within the footprint of each of the following buildings shown on Sheets 1-11 of Map 8

in Schedule 7:

Sheet 1: Sutherland Oval Football Club, Sutherland

Sheet 2: Waratah Park Leisure Club, Sutherland

Sheet 3: Anzac Oval Youth Club, Engadine

Sheet 4: Café de Como, Como Pleasure Grounds, Como

Sheet 5: E G Waterhouse Gardens Teahouse, Caringbah

Sheet 6: Bates Drive Soccer Centre, Kirrawee

Sheet 7: Wanda Surf Life Saving Club, Cronulla

Sheet 8: North Cronulla Surf Life Saving Club, Cronulla

Sheet 9: Cronulla Surf Life Saving Club, Sport Complex, restaurant, Cronulla

Sheet 10: Gunnamatta Park Pavilion, Cronulla

Sheet 11: Elouera Surf Life Saving Club, Cronulla

For the purposes of this subclause, the **footprint of a building** does not include structures used for providing access for pedestrians and disabled people to the building.

- (4) Regardless of the development control table, consent may be granted for advertising and the use of outdoor eating areas in conjunction with a restaurant for which consent is granted pursuant to subclause (3), but only if:
- (a) the sign on which the advertising is displayed is attached flush with the building, neither exceeds 1.5 metres in height nor 0.6 metre in width, and only displays the name of the restaurant, and
  - (b) the outdoor eating area immediately adjoins the part of the building in which the restaurant is located.

#### **66 What special considerations apply to development in open space zones?**

Before granting consent for development of land in open space zones, the consent authority must be satisfied that the proposal adequately addresses:

- (a) the need for the proposed development, and
- (b) the impact of the proposed development on the existing or likely future use of the land, and
- (c) the need to retain the land for its existing or likely future use, and

- (d) the impact of the proposed development on surrounding residential areas and business centres, and
- (e) the impact of the proposed development on traffic movements and parking requirements, and
- (f) the impact of the proposed development on existing pedestrian movements within the recreation area concerned, and
- (g) the visual impact of the proposed development on that recreation area, and
- (h) the visual impact of any proposed advertising on that recreation area.

### **67 What development may be allowed in each zone?**

The following development control tables give the objectives of the open space zones and what development is allowed or is prohibited in each zone.

Development control table

#### **Zone 6 (a) Public Recreation**

##### **1 Objectives of the zone**

- (a) Provision for both active and passive open space activities and a range of recreational facilities to meet the needs of all age groups in the community.
- (b) Preservation of land of high scenic, environmental or landscape character.
- (c) To identify and protect land to be acquired for local public open space.

##### **2 Development allowed without development consent**

Development for the purpose of:

drainage.

Exempt development.

##### **3 Development that requires development consent**

Ancillary development not included in item 2.

Development for the purpose of:

beach and foreshore protection works not included in item 2,

buildings associated with landscaping, gardening or bushfire hazard

reduction and vehicular access to these buildings,  
community facilities,  
places of assembly,  
recreation areas,  
recreation facilities,  
roads,  
utility installations, other than gas holders or generating works.

Demolition not included in item 2.

Subdivision.

#### **4 Development that is prohibited**

Any development other than development included in item 2 or 3.

Development control table

### **Zone 6 (b) Private Recreation**

#### **1 Objective of the zone**

To identify areas of privately owned land for recreational purposes to meet local and regional community needs, such as bowling clubs, golf courses, tennis courts and the like.

#### **2 Development allowed without development consent**

Exempt development.

#### **3 Development that requires development consent**

Ancillary development not included in item 2.

Development for the purpose of:

advertising not included in item 2,  
buildings associated with landscaping, gardening or bushfire hazard reduction and vehicular access to those buildings,  
drainage,

dredging,  
marinas,  
places of assembly,  
recreation areas,  
recreation facilities,  
registered clubs,  
restaurants,  
roads,  
utility installations, other than gas holders or generating works,  
watercraft facilities.

Demolition not included in item 2.

Subdivision.

#### **4 Development that is prohibited**

Any development other than development included in item 2 or 3.

Development control table

### **Zone 6 (c) Regional Recreation**

#### **1 Objectives of the zone**

- (a) To identify areas of regional recreational significance for the provision of open space to meet the community needs of the Sydney Region.
- (b) Preservation of land of high scenic, landscape or environmental character.
- (c) To identify regional recreation land for acquisition by the Minister administering the *Environmental Planning and Assessment Act 1979*.

#### **2 Development allowed without development consent**

Development for the purpose of:

works (other than buildings) associated with landscaping, gardening or bushfire hazard reduction.

### **3 Development that requires development consent**

Development for the purpose of:

- beach and foreshore protection works,
- buildings associated with landscaping, gardening or bushfire hazard reduction and vehicular access to these buildings,
- drainage,
- recreation areas,
- roads,
- utility installations, other than gas holders or generating works.

Demolition not included in item 2.

Subdivision.

### **4 Development that is prohibited**

Any development other than development included in item 2 or 3.

Development control table

## **Zone 6 (d) Future Recreation**

### **1 Objectives of the zone**

- (a) To allow for the future provision of open space and a range of recreational facilities to meet local and regional community needs.
- (b) To provide facilities which ensure the ongoing management of impacts from waste disposal activities.

### **2 Development allowed without development consent**

Development for the purpose of:

- works (other than buildings) associated with landscaping, bushfire hazard reduction and landfill gas and leachate collection if in accordance with an appropriate plan of management approved by the Council.

### **3 Development that requires development consent**

Development for the purpose of:



buildings associated with landscaping, bushfire hazard reduction and landfill gas and leachate collection,  
child care centres,  
drainage,  
generating works,  
places of assembly,  
recreation areas,  
recreation facilities,  
registered clubs,  
roads,  
utility installations.

Subdivision.

#### **4 Development that is prohibited**

Any development other than development included in item 2 or 3.

### **Part 8 Environmental protection zones**

#### **68 What environmental protection zones apply in this plan?**

This Part applies to land within the following environmental protection zones identified on the maps:

- 7 (a) Environmental Protection (Waterways)
- 7 (b) Environmental Protection (Bushland)
- 7 (c) Environmental Protection (Water Catchment)

#### **69 Exceptions to the land use table in the 7 (a) and 7 (b) zones**

- (1) Regardless of the development control table, development may be carried out without development consent in the 7 (a) Environmental Protection (Waterways) zone for the purpose of a bridge to carry State Road No 663 over the Woronora River and for the purpose of associated roadworks.
- (2) Regardless of the development control table, consent may be granted to development for the purpose of remedial dredging in the 7 (a) Environmental Protection

(Waterways) zone, where the need for such dredging is identified in a plan of management or development control plan approved by the Council.

- (3) Regardless of the development control table, consent may be granted to a dwelling house on an allotment of 20 hectares or more in the 7 (b) Environmental Protection (Bushland) zone, but only if the allotment was in existence and was in private ownership on 12 November 1993.
- (4) Any dwelling house erected in accordance with subclause (3) must comply with the following controls:
  - (a) the height must not exceed 7.2 metres to any point on the uppermost ceiling nor 9 metres to the highest point on the roof, and
  - (b) the gross floor area must not exceed a maximum of 300m<sup>2</sup> (inclusive of any ancillary buildings).
- (5) Regardless of the development control table in this plan, consent may be granted to development on land to the north of the Lucas Heights Waste Management Centre, being the land within the 7 (b) Environmental Protection (Bushland) zone shown on the map marked "*Map 5: Tip—Lucas Heights Waste Depot*" in Schedule 7, for the purpose of an information centre and water quality control structures.
- (6) Regardless of the development control table, the existing fire trail between Bundanoon Road, Woronora Heights and The Crescent, Woronora, being the land in the 7 (b) Environmental Protection (Bushland) zone shown edged heavy black on the map marked "*Map 26: Woronora Emergency Access Road, between Bundanoon Road, and the Crescent*" in Part 1 of Schedule 7, may be used for the purpose of vehicular access by emergency services vehicles and vehicles requiring emergency access.

## **70 What development may be allowed in each zone?**

The following development control tables give the objectives of each of the environmental protection zones and what development is allowed or is prohibited in each zone.

Development control table

### **Zone 7 (a) Environmental Protection (Waterways)**

#### **1 Objectives of the zone**

- (a) To recognise the importance of the waterways of Sutherland Shire, as an environmental and recreational asset for residents of the area and the Sydney region.
- (b) To ensure development does not adversely affect the ecology, scenic value or navigability of the waterways.
- (c) To ensure aquatic environments are not adversely affected by the

recreational use of the waterways.

(d) To provide for viable aquaculture in waterway areas.

## **2 Development allowed without development consent**

Development for the purpose of:

aids to navigation required by the Waterways Authority,

beach and foreshore protection works if in accordance with a plan of management approved by the Council and undertaken by or on behalf of the Council,

maintenance dredging of Waterways Authority navigation channels.

## **3 Development that requires development consent**

Development for the purpose of:

aquaculture,

beach and foreshore protection works not included in item 2,

business activities associated with the provision of recreational activities within the waterways,

marinas,

swimming enclosures,

watercraft facilities,

works to enable public pedestrian access to facilitate recreational use of the waterway.

Demolition not included in item 2.

Subdivision.

## **4 Development that is prohibited**

Any development other than development included in item 2 or 3.

Development control table

### **Zone 7 (b) Environmental Protection (Bushland)**

## **1 Objectives of the zone**

- (a) To preserve natural bushland areas, particularly steep valley areas of Sutherland Shire, not suitable for urban development.
- (b) To ensure development does not adversely affect natural bushland and wildlife corridors.
- (c) Flora and fauna habitats which are protected and preserved for the aesthetic, recreational, educational and scientific resource value to the community as part of the natural heritage.

## **2 Development allowed without development consent**

Development for the purpose of:

works (other than buildings) associated with bushland regeneration or bushfire hazard reduction.

## **3 Development that requires development consent**

Development for the purpose of:

works to enable pedestrian access to facilitate recreational use of the bushland.

Demolition not included in item 2.

Subdivision.

## **4 Development that is prohibited**

Any development other than development included in item 2 or 3.

Development control table

### **Zone 7 (c) Environmental Protection (Water Catchment)**

#### **1 Objective of the zone**

To ensure development in the Woronora Water Catchment area is restricted to prevent contamination of the water supply from within the catchment area.

#### **2 Development allowed without development consent**

Development for the purpose of:

any land use authorised by or under the *Sydney Water Act 1994*, or any land use ancillary or incidental to such a use,

roads, including bridges forming parts of roads.

### **3 Development that requires development consent**

Development for the purpose of:

utility installations, other than gas holders or generating works.

Demolition not included in item 2.

Subdivision.

### **4 Development that is prohibited**

Any development other than development included in item 2 or 3.

## **Part 9 National parks, nature reserves and State recreation areas zone**

### **71 What national parks, nature reserves and State recreation areas zone applies in this plan?**

This Part applies to land within the following national parks, nature reserves and State recreation areas zone identified on the maps:

8 (a) National Parks, Nature Reserves and State Recreation Areas

### **72 What development may be allowed in the zone?**

The following development control table gives the objectives of the national parks, nature reserves and State recreation areas zone and what development is allowed or is prohibited in the zone.

Development control table

#### **Zone 8 (a) National Parks, Nature Reserves and State Recreation Areas**

##### **1 Objectives of the zone**

- (a) The conservation of areas of natural, ecological, scenic, educational, scientific, cultural or historical importance.
- (b) To identify land under the control of the Director-General of National Parks and Wildlife within Sutherland Shire.

## **2 Development allowed without development consent**

Any development authorised by or under the *National Parks and Wildlife Act 1974* or any development ancillary or incidental to such development.

## **3 Development that requires development consent**

Nil.

## **4 Development that is prohibited**

Any development other than development included in item 2.

### **Part 10 Mixed residential/business zone**

#### **73 What mixed residential/business zone applies in this plan?**

This Part applies to land within the following mixed residential/business zone identified on the maps:

9 (a) Mixed Residential/Business

#### **74 What height limits apply in the 9 (a) zone?**

(1) Except where a maximum height is specified in a development control plan, the maximum height for a building in the mixed residential/business zone is:

- (a) 7.2 metres to any point on the uppermost ceiling, and
- (b) 9 metres to the highest point on the roof.

(2) The consent authority must consider any maximum height specified in any development control plan applying to the land.

#### **75 What floorspace ratios apply in the 9 (a) zone?**

(1) Except where a maximum floorspace ratio is specified in a development control plan, the maximum floorspace ratio for buildings in the mixed residential/business zone is 2:1.

(2) The consent authority must consider any maximum floorspace ratio specified in any development control plan applying to the land.

#### **76 What controls apply to residential development within the 9 (a) Mixed Residential/Business zone?**

A development control plan may recommend the residential floorspace component of any building within the 9 (a) Mixed Residential/Business zone.

**77 Can development within the 9 (a) Mixed Residential/Business zone be limited?**

Regardless of the development control table in this plan, a development control plan relating to land within the 9 (a) Mixed Residential/Business zone may recommend restrictions on specific types of development otherwise permitted on the land.

**78 What development may be allowed in each zone?**

The following development control table gives the objectives of the mixed residential/business zone and what development is allowed or is prohibited in the zone.

Development control table

**Zone 9 (a) Mixed Residential/Business**

**1 Objective of the zone**

- (a) To provide flexibility in the type, location and intensity of land uses surrounding major business centres and public transport nodes which will be detailed in development control plans.
- (b) To promote the vitality of business centres by permitting appropriate forms of residential development and development incorporating a mix of appropriate permitted uses, as detailed in development control plans.
- (c) To achieve and maintain a compatible mix of residential and business uses.

**2 Development allowed without development consent**

Development for the purpose of:

drainage.

Exempt development.

**3 Development that requires development consent**

Ancillary development not included in item 2.

Development for the purpose of:

advertising not included in item 2,

backpackers accommodation,

boarding houses,

bulky goods retailing,

business premises,  
car parking,  
child care centres,  
community facilities,  
convenience stores,  
dwellings only in buildings subject to another permitted use,  
educational establishments,  
food shops,  
hotels,  
housing for older people or people with a disability,  
medical facilities,  
motels,  
motor showrooms,  
nightclubs,  
passenger transport terminals,  
places of assembly,  
places of public worship,  
public transport interchanges or associated infrastructure,  
railways,  
recreation areas,  
registered clubs,  
recreation facilities,  
residential flats,  
restaurants,  
roads,



service stations,  
sex shops,  
shops,  
utility installations, other than gas holders or generating works,  
veterinary hospitals.

Demolition not included in item 2.

Subdivision.

#### **4 Development that is prohibited**

Any development other than development included in item 2 or 3.

### **Schedule 1 Heritage items—archaeological sites**

(Clause 5)

#### **Note—**

The number corresponding to a site indicates the number given to the site in the Council's Heritage Study.

#### **Alfords Point**

##### **Alfords Point Road**

**A008**—Alfords Point Bridge

#### **Audley (Royal National Park)**

##### **Artillery Hill**

**A109**—Stone work on road (near Visitors' Centre)

##### **Audley Road/Sir Bertram Stevens Drive**

**A057**—Audley group (Audley Conservation Plan area)

##### **Lady Carrington Drive**

**A058**—Lady Carrington Drive group

#### **Bundeena (Royal National Park)**

##### **Brighton Street**

**A030**—Site of 1920 Bundeena Wharf

##### **Simpsons Road**

**A060**—Bonnie Vale cabins group

**A061**—Simpsons Hotel site

#### **Como**

**A020**—Como railway bridge

**A009**—Former Como railway bridge (now cycleway)

### **Cremona Road**

**A039**—Como Reserve, including:

**A040**—Pavilion

**A041**—Boatshed

**A042**—Sea walls

**A043**—Tidal baths

**A044**—Scylla Bay

### **Cronulla**

**A051**—Brick kerbing (Gerrale Street, Parramatta Street and others)

#### **Cecil Monro Avenue**

**A050**—Rock pool

#### **Cronulla Street**

**A026**—Cronulla Railway Station

#### **Elouera Road/Kingsway**

**A049**—Sea wall (south of Dunningham Park)

#### **Ewos Parade**

**A048**—Shelly Park rock pool

**A047**—Oak Park rock pool

#### **Gowrie Street**

**A055**—Bass and Flinders memorial

**A027**—Salmon Haul ocean wharf (on Salmon Haul Reserve)

#### **Nicholson Parade**

**A046**—Gunnamatta Park, including dressing pavilion

**A036**—Fisheries Research Institute (Hungry Point)

### **Engadine**

#### **Waratah Road**

**A112**—“Bakery Trade Industry” building

“Meat Trade Industry” building

### **Gundamaian (Royal National Park)**

#### **Deer Park Road (Deer Park)**

**A065**—Access stairs to jetty and boatshed, “Chaldercot”

#### **Point Danger**

**A062**—Site of landscaping and jetty remains

**A063**—Remains of landscape and jetty

#### **Wants Point**

**A064**—Remains of jetty

#### **Warumbul Road (Gogerlys Point)**

**Ar** Gogerlys Point group, including:

**A068**—“Gogerlys Cottage”

**A069**—“Hilltop” and landscaping

**A067**—“Rathane” and landscaping

**A067**—Rotunda

**A066**—"Telford" and landscaping

**A070**—Lamont house site

**Warumbul Road (Warumbul)**

**A071**—Warumbul

**Heathcote**

**Bottle Forest Road**

**A033**—Heathcote Brickworks

**Illawong**

**Old Ferry Road**

**A007**—Old Punt crossing (Lugarno ferry)

**A004**—Old Illawarra Road

**Jannali**

**Jannali Avenue/Railway Parade**

**A025**—Jannali Railway Station and immediate surrounds

**Kirrawee**

**Princes Highway/Oak Road/Flora Street**

**A034**—Site of former brickworks

**Lilli Pilli**

**Lilli Pilli Point Road**

**A045**—Site of Lilli Pilli wharf

**Loftus**

**Farnell Avenue**

**A076**—Military Parade site

**Loftus Avenue**

**A107**—Old Illawarra Highway

**Lucas Heights**

**Old Illawarra Road**

**A003**—Old Illawarra Road

**Royal National Park**

*(Miscellaneous items and sites not listed elsewhere)*

**Cabbage Tree Basin**

**A075**—Bundeena/Maianbar water supply

**Costens Point**

**A072**—House sites and associated remains

**A073**—Old Coast Road

**Florence Parade**

**A080**—Florence Parade

**Jibbon Head**

**A110**—Plaque

**A111**—Shell grit beach mine

**McKell Avenue**

**A059**—Fosters Flat saw pit

**A077**—Wilson Parade fire trail

**Rawson Drive**

**Ar**—Rawson Drive group, including:

**A078**—Site of bridge

**A108**—Road

**Red Jacks Point**

**A074**—Red Jacks Point group of sites

**Sutherland**

**Linden Street**

**A052**—Woronora Cemetery

**A053**—Site of mortuary line, Woronora Cemetery

**Old Princes Highway**

**A024**—Sutherland Railway Station

**A018**—Site foundations for steam tramway (west side)

**A019**—Former steam tramway office (No 753)

**A035**—Electrical substation

**Toronto Parade**

**A032**—No 100 (cnr Clio Street), “Brinsley’s Joinery Works”

**Sylvania**

**Belgrave Street**

**A010**—Tom Ugly’s ferry site No 1

**A011**—Tom Ugly’s ferry site No 2

**A012**—Stone setting at 1929 Tom Ugly’s Bridge

**Princes Highway**

**A013**—Tom Ugly’s Bridge (1929)

**A014**—Tom Ugly’s Bridge (1987)

**Sylvania Waters**

**Belgrave Esplanade**

**A001**—Gwawley Bay claires

**Taren Point**

**Old Taren Point Road**

**A015**—Disused ramp for punt

**Taren Point Road**

**A016**—Captain Cook Bridge (1965)

### **Waterfall**

**A022**—Rail turntable

**A023**—Watertank

### **Woolooware**

#### **Kingsway**

**A054**—No 141 “Woolooware House”

#### **Woolooware Road North**

**A005**—Woolooware Road North

#### **Woolooware Road South**

**A006**—Woolooware Road South

### **Woronora**

#### **Menai Road**

**A017**—Woronora Bridge

### **Miscellaneous items**

*(Not listed by location elsewhere)*

**A056**—Royal National Park

**A098**—Heathcote National Park

**A099**—Woronora Dam

**A037**—Woronora—Penshurst pipeline

**A100**—Kolora Weir (on Woronora River, south of Heathcote Road Bridge)

**A101**—Lake Toolooma Dam

**A102**—Lake Toolooma Dam pumping station

#### **Botany Bay**

**A083**—Buoy marking position of Captain Cook’s Endeavour

**A031**—Pells Island Oyster Farm

#### **Port Hacking**

**A002**—Ballast heap, Yennibilli Point

## **Schedule 2 Heritage items—built and landscape**

(Clause 5)

### **Note—**

“A” in the identifier corresponding to the item indicates the item is of archaeological significance.

“L” in the identifier corresponding to the item indicates the item is of landscape significance.

“R” indicates item is of Regional significance.

“S” indicates item is of State significance.

The number in the identifier corresponding to an item indicates the number given to the item in the Council’s Heritage Study.

### **Alfords Point**

**L194-R**—Georges River State Recreation Area

#### **Alfords Point Road**

**L193**—Alfords Point Bridge

**Audley (Royal National Park)**

**Audley Road**

**B001**—House (east side of road, on western approach to weir)

**Sir Bertram Stevens Drive**

**B002**—Rangers' cottage (cnr Lady Carrington Drive)

**B003**—Shelter pavilion (cnr Lady Carrington Drive)

**Bundeena (Royal National Park)**

**L114-R**—Horderns Beach (between Crammond Avenue and Brighton Street)

**Brighton Street**

**L113**—Bundeena Wharf (eastern end of Horderns Beach)

**Bundeena Drive**

**B004**—Nos 25-31, "Bundeena House"

**Loftus Street**

**B276**—Nos 96-98, "Bundeena Park Store" (corner of Brighton and Loftus Streets)

**Scarborough Street**

**L115**—Bundeena Caravan Park

**Simpson Road (off Crammond Avenue)**

**B277**—No 8, house

**Caringbah**

**Fernleigh Road**

**B005-S**—Nos 44-46, "Fernleigh"

**Frangipani Place**

**B264**—No 2 (cnr Willarong Road), "Rellum"

**Kingsway**

**L186-R**—Park (southwest cnr Port Hacking Road)

**Mirral Road**

**B235**—No 41, boatshed

**Turriel Bay Road**

**B236**—No 33, waterfront cottage

**Wallami Street**

**B287**—No 27, house

**Water Street**

**B010**—Nos 28 and 32, including "The Terraces" and former stables

**Willarong Road South**

**B279**—No 359, boatshed

**B280**—No 432, boatshed and stone walls

**B342**—No 541, boatshed/dwelling and swimming enclosure

**B239**—No 509, cottage, boatshed and jetty

**B234**—No 527, waterfront cottage

**Como**

**L197-R**—Como Railway Bridge

**Bonnett Avenue**

**B281**—No 39, house

**Como Parade**

**B013**—No 105, (cnr Warraba Street), house

**Cremona Road**

**L048-R**—Former Como Pleasure Grounds

**B016**—No 2, “Café de Como”

**Wolger Street**

**B019**—No 41, (cnr Burunda Street), house

**Cronulla**

**Burraneer Bay Road**

**B021**—Cronulla Public School, main building and grounds

**Connels Road**

**B022**—No 15, house

**Cronulla Street**

**B025**—No 41, Cronulla Post Office

**B026**—Cronulla Railway Station

**B027**—Nos 2-6, (cnr Kingsway), “Cronulla Theatre”

**B028**—Nos 8-12, commercial building

**B029**—Nos 66-70, Commonwealth Bank

**B030**—No 118, State Bank

**L008-R**—Monro Park

**Darook Park Road**

**B282**—No 9, boatshed, garage and walling

**B248**—No 29, house

**Ewos Parade**

**L003**—Shelly Beach and Park

**L058**—Oak Park

**L055**—Street trees (opposite Oak Street)

**B032**—No 157, (cnr Rose Street), house

**Excelsior Road**

**L070, B036**—No 6, house and garden trees

**B037**—No 22, house

**Franklin Road**

**B038**—No 54, house

**Gerrale Street**

**L002-R**—South Cronulla Beach and Cronulla Park

**B041**—Nos 97-99, (cnr Nicholson Parade, commercial pair)

**B042**—Nos 80-82, house

**Giddings Avenue**

**B043**—“Thornton Hall” (cnr Nicholson Parade), part of St Aloysius School

**Grosvenor Crescent**

**L032**—No 28, garden

**Hampshire Street**

**B044**—No 12, (cnr Nicholson Parade), house

**John Street**

**B045**—Nos 10-12, “Mimi’s” kindergarten

**Kingsway**

**L001**—Dunningham Park (also fronts Elouera Road)

**L168**—Street trees (cnr Wilbar Avenue)

**B046**—Nos 43-45, “Masonic Temple”

**Links Avenue**

**B048**—No 17, (cnr Berry Street)

**Lucas Street**

**B049**—No 9, (cnr Boronia Street), “Eleanor Mackinnon House”

**L056**—No 9, (cnr Boronia Street), gardens

**Nicholson Parade**

**L033**—Gunnamatta Park, including dressing pavilion

**L061-R**—Fisheries Research Institute (Hungry Point)

**Oak Street**

**B052**—No 8, house

**Parramatta Street**

**B055**—No 50, house

**Prince Street**

**B056**—North Cronulla Surf Club

**Richmount Street**

**B057**—No 12, “Moonbow”

**B058**—No 14, house

**St Andrews Place**

**B059**—No 1A, St Andrews Church of England

**Surf Road**

**B063**—Nos 4-8, “School of Arts”

**Taloombi Street**

**B283**—No 47, boatshed

**A113**—Laneway between Nos 51 and 53, sandstone steps from street to waterfront

**B284**—No 53, boatshed/dwelling

**B064**—No 52, “Coombe Grange”

**The Esplanade**

**B065**—Cronulla Surf Club

**B066**—Cronulla Sports Complex

**L059**—Walking path on eastern foreshore

**B067**—No 40, house

**L060-R**—Bass and Flinders Point and Salmon Haul Reserve (at southern point of Cronulla peninsula)

**Tonkin Street**

**L068**—Tonkin Park

**Via Mare**

**B070**—No 8, house

**Waratah Street**

**B071**—Sub-station (“Electric Light Department”)

**A114**—Cronulla Wharf, stone steps

**Wilshire Avenue**

**B073**—No 14, Uniting Church

**Dolans Bay**

**Parthenia Street**



**B285**—No 92, house

**Port Hacking Road**

**B280**—No 733, house

**Port Hacking Road South**

**B009**—No 698, house

**B074**—No 742, “Our Lady of Mercy Convent”

**Engadine**

**Banksia Avenue**

**B075**—No 133, house

**Railway Parade (Princes Highway)**

**B077**—No 43, house

**Waratah Road**

**Ar**—“The Boys Town” including:

**B078**—“Bakery Trade Industry” building

**B079**—“Meat Trade Industry” building

**B080**—“Memorial Hospital”

**L160**—Grounds

**Woronora Road**

**B081**—No 277, (cnr Fairview Avenue), “Homelea”

**Grays Point**

**North West Arm Road**

**B083**—No 152, house

**Peninsula Road**

**B288**—No 129, house, boatshed and sea wall

**Gundamaian (Royal National Park)**

**Deer Park Road (Deer Park)**

**B084-R**—“Chaldercot” group

**Warumbul Road (Gogerlys Point)**

**Ar**—Gogerlys Point Group including:

**B085-S**—“Gogerlys Cottage”

**B086**—“Hilltop” and landscaping

**B087**—Boatsheds

**B088**—Timber Cottages

**B089**—“Rathane” and landscaping

**B090**—Rotunda

**B091**—“Telford” and landscaping

**L036-R**—Gardens/grounds

**Warumbul Road (Warumbul)**

**L035**—Grounds and foreshore

**GyMEA**

### **Kingsway**

**L101**—Nos 782–800, (cnr Talara Road), “Hazelhurst” garden

### **North West Arm Road**

**L141**—Natural sandstone arch bridge

### **GyMEA Bay**

**L039**—GyMEA Baths (northwest cnr of GyMEA Bay)

### **Bayhaven Place**

**B291**—No 9, house

### **CooperNOok Avenue**

**B240**—No 38, boatshed

### **Ellesmere Road**

**B242**—No 116, waterfront cottage

**B096**—No 180, house

### **Maroopna Road**

**B344**—No 14, “Magnetic” waterfront cottage

### **Pinaroo Place**

**B094**—No 24A, house

### **Heathcote**

### **Bottle Forest Road (and former brickpit embankment)**

**L153**—Street trees

### **Dillwynnia Grove**

**B098**—Nos 1–21, (cnr Tecoma Street), “Heathcote Hall”

**L151-S**—Nos 1–21, (cnr Tecoma Street), “Heathcote Hall” grounds

**B099**—No 40, “Kennet Villa”

### **Princes Highway**

**B100**—No 1330, former railway cottage

### **Wilson Parade**

**B101**—No 1, house

**B102**—No 122, house

### **Illawong**

### **Bignell Street**

**A116**—At the end of Bignell Street, stone jetty

**B293**—No 4, foreshore house, boatshed and stone wall

**B294**—Nos 7–13, stone boatshed, seawall and basin

**B295**—Nos 20–22, early waterfront housing/boatsheds

**B296**—Nos 60, 64, 66, 68 and 72, houses and boatsheds (group)

### **Cranbrook Place**

**B343**—Nos 9–21, sculptures, pathways and steps, seawall and swimming enclosure

### **Fowler Road**

**B103**—Nos 45–53, “Cranbrook”

**L022**—Nos 45–53, “Cranbrook” gardens

**B298**—No 69, house and boatshed

**B299**—Nos 77–79, seawall

**B104**—No 118, house

**B297**—Nos 119-121, boatshed, house, wharf and stone waterfront

**Griffin Parade**

**B301**—Nos 9-11, early waterfront house

**Old Ferry Road**

**A117**—stone wharf

**B302**—No 1R, waterfront houses (group of 5)

**Sproule Road**

**A118**—Various oyster workings remains (off end of Sproule Road)

**Kangaroo Point**

**Ilma Avenue**

**B303**—No 9, boatshed and house

**Kangaroo Point Road**

**B304**—Nos 6-8, boatshed and wall

**B109**—No 10, house

**B108**—No 25, house

**L080**—No 25, garden

**B305**—Nos 72-74, boatshed

**B258**—Nos 105-107, house

**B111**—No 162, (cnr Tara Street), house

**Kirrawee**

**Acacia Avenue**

**B112**—No 94, “Botany View”

**President Avenue**

**B114**—No 455, (cnr Oak Road), house

**Lilli Pilli**

**Bareena Street**

**B118**—No 18, “Waratah”

**L006**—No 18, “Waratah” garden trees

**Beckton Place**

**B120**—Nos 20-24, “Beckton”, house

**B237**—Nos 20-24, “Beckton”, boatsheds

**Gow Avenue**

**B238**—No 24, waterfront cottage

**Korokan Road**

**B262**—Nos 16-18, “Nuimburra” and adjoining house

**Moombara Crescent**

**B123-R**—Nos 17-19, “Moombara”

**Sand Bar Place**

**B124**—No 1, house

**Shiprock Road**

**B286**—No 34, boatshed

**Wallendbeen Street**

**B125**—No 10, “Wallendbeen Lodge”

### **Loftus**

#### **National Avenue**

**B127**—No 9, house

**B128**—No 44, house

#### **Princes Highway (on edge of Royal National Park)**

**L175**—Avenue of trees, National Park entry

**B129**—“Bedford”

**B130**—Former “Gardeners Garage”

#### **Rawson Avenue**

**L108-R**—“National Avenue” street trees

### **Menai**

#### **David Road**

**B131**—No 1, house

### **Miranda**

#### **Bellingara Road**

**B134**—house (part of Frank Vickery Village No 16)

#### **Central Road**

**Ot, L163**—Miranda Centre School War Memorial (north end of street)

#### **Kiora Road North**

**L164**—Street trees

### **Oyster Bay**

#### **Caravan Head Road**

**B308**—Nos 141 and 151, waterfront cottages

#### **Carina Road**

**B307**—No 27, boatshed and cottage

#### **Green Point Road**

**B308**—Nos 14-20, 22-28 and 40, waterfront cottages (group along Green Point Road and Shipwright Place)

#### **Sage Avenue**

**B139**—No 2, “Desiree”

#### **Ward Crescent**

**B309**—Nos 20, 24, 28, 30 and 32, waterfront houses/boatsheds (group)

### **Sutherland**

#### **Acacia Road**

**B140**—No 189, house

#### **Adelong Street**

**Ar**—Nos 3-7, row of three houses

**B143**—No 5, house

**B144**—No 7, house

**B145**—No 10, house

#### **Auburn Street**

**B147**—No 68, house

### **Clio Street**

**B152**—No 52, house

### **East Parade**

**L174**—Street trees

**B154**—No 15, house

**B157**—Nos 21-23, former School of Arts

**B159**—No 77, (cnr Sutherland Street), house

### **Eton Street North**

**Ot, L192**—Sutherland War Memorial (Peace Park)

**B161**—Former “Sutherland Intermediate High School” building (now part of Primary School)

### **Flora Street**

**B162**—Sutherland Primary School (cnr Eton and Merton Streets), including original building and grounds

**B163**—(cnr Merton Street), church

**B164**—No 116, house

**B165**—No 122, (cnr Glencoe Street), house

### **Glencoe Street North**

**Ot, B172**—No 56, house and fence

### **Jannali Avenue**

**B173**—No 123, (rear frontage to Vesta Street), house

**B174**—No 125, (cnr Moira Street), house

**B175**—No 133, “Lark Ellen Nursing Home”

### **Linden Street**

**L044-R**—Sutherland Park

**L043-S**—“Cooee Tree”, Sutherland Park

**L045-S**—Woronora Cemetery

**B177**—No 148, (cnr Sutherland Street), house

### **Old Princes Highway**

**L017**—Forby Sutherland Memorial Gardens and Council grounds, Council chambers

**L104**—Railway Station precinct, bridge retaining walls and Hills Figs

**B178**—No 685, (next to overpass) commercial building

**B179**—No 810, (cnr Boyle Street) “Boyles Sutherland Hotel”

**B180**—No 816, Commonwealth Bank

### **Toronto Parade**

**B189**—No 90, house

**B190**—No 94, house

**B191**—No 100, (cnr Clio Street), “Brinsley’s Joinery Works”

**B192**—No 102, house

**B193**—No 104, “Walton”

### **Sylvania**

#### **Belgrave Street**

**L161**—Street tree

#### **Canberra Road**

**B194**—No 23, (cnr Pembroke Street), house

#### **Evelyn Street**

**B197**—No 5, house

**Harrow Street**

**B310**—No 35, boatshed, jetty and walling

**Murralin Lane**

**B198**—No 167, “Glen Robin”, house, Fairy House, boatshed and jetty

**Port Hacking Road**

**L075**—Gwawley Creek stormwater canal (east side of road, 200m south of Box Road)

**Princes Highway**

**L086-R**—Tom Uglys Bridge (1987)

**L087**—Fig tree (on southern approach to Tom Uglys Bridge)

**B200**—Former St Marks Church (now part of public school)

**B201**—Nos 56-60, (cnr Endeavour Street), old church

**Sylvania Waters**

**L074-R**—Sylvania Waters canal development

**Taren Point**

**Taren Point Road**

**L072-R**—Captain Cook Bridge (1965) and southern approach

**Waterfall**

**L158-R**—“Camp Coutts”, Heathcote National Park

**Ar**—Row of railway cottages including “Community Cottage”

**McKell Avenue**

**B205**—Nos 7, 8, 9 and 10, pair of semi-detached houses

**Willarong Point**

**Woolooware**

**Bermuda Place**

**B313**—No 1, boatshed

**B265**—No 7, house

**Caronia Avenue West**

**B210**—No 28, house

**Castlewood Avenue**

**B211**—No 26, House

**Dolans Bay Road**

**B275**—No 93, “Coolangatta”

**Dunkeld Close**

**B266**—No 4, house

**Eurabalong Road**

**B212**—Nos 1-9, house

**Goobarah Road**

**B267**—No 4, house

**Gunnamatta Road**

**B315**—Wharf, boardwalk and steps (at end of street)

**A119**—Remains of bath walls (at end of street)

**Hazel Place**

**B316**—Nos 2, 2C and 11, boatsheds (group)

**Kingsway**

**B214**—No 141, “Woolooware House”

**Loch Lomond Crescent**

**B215**—Nos 3-3A, “Loch Lomond”

**Portview Place**

**B269**—No 6, house

**L030**—No 6, grounds

**Rutherford Avenue**

**B317**—No 18, boatshed

**B216**—No 22, “Minnamurra”

**Shell Road**

**B217**—No 12, house

**Smarts Crescent**

**B218**—Nos 6-16, “Mount Vincent”

**B270**—Nos 27-31, house

**Swan Street**

**B219**—No 2, “Wyndham Flats”

**Woolooware Road South**

**L187**—Street trees (between Burraneer Bay Road and Wren Place)

**B222**—No 79, (cnr Castlewood Avenue), house

**B223-R**—No 89, “Castlewood”

**B318**—No 224, boatshed

**B319**—No 255A, boatshed/house

**B320**—No 295, boatshed/house

**B321**—Nos 321-323, “Attwells Boat Brokerage”, boatshed/house

**L**—No 346, garden including nearby street trees

**Woronora**

**Liffey Place**

**B323**—No 67, house

**Prince Edward Park Road**

**Ot, L110**—Woronora RSL War Memorial

**B325**—No 87, house

**B324**—No 105, stone boatshed and seawall

**B326**—No 201, stone house, boatshed and carport

**River Road**

**B226**—No 1D, house

**Woronora River**

**B327**—Nos 53, 205 and 219, cottages frontages (Woronora River Precinct “Shackles Estate”)

**Yowie Bay**

**Attunga Road**

**B227**—No 8, house

**B334**—No 102, boatshed and baths

**B328**—No 135, boatshed

**B329**—No 255, boatshed and house

**B330**—Nos 296–298, boatshed

**Baliga Avenue**

**B332**—Nos 39–41, boatshed

**Bayside Place**

**B278**—No 21, house and boatshed “Elanora”

**Glen Ayr Avenue**

**B333**—No 4, boatshed

**Kalang Lane**

**L026**—Nos 5 and 6, sandstone seawall

**B334**—No 5, boatshed

**Matson Crescent**

**B228**—No 13, house

**B335**—No 32, waterfront house

**B336**—Nos 42, 46, 50–56, 60 and 62, boatsheds and boatshed/dwellings

**Munella Place**

**B337**—No 4, two storey stone boatshed

**Nottingham Place**

**B338**—No 1C, boatshed

**President Avenue**

**L134-R**—EC Waterhouse National Camelia Garden (cnr Kareena Road South)

**Sherwood Avenue**

**B339**—No 6, boatshed

**B339**—No 8, waterfront cottage

**Wonga Road**

**B230**—No 1, boatshed

**B231**—No 7, house

**B233**—No 16, “Cliff Haven”

**Yellambie Road**

**B340**—No 23A, boatshed and seawall

**Miscellaneous items**

*(not listed by location elsewhere)*

**L037-S**—Royal National Park

**L143-S**—Heathcote National Park

**Port Hacking**

**L034-R**—Ballast shoal (just northeast of Maianbar)

## **Schedule 3 Schedule of savings provisions**

(Clauses 6 and 22 (5))

- (1)** The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:
- (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
  - (b) the erection within the limits of a railway station of buildings for any purpose,



but excluding:

- (c) the construction of new railways, railway stations and bridges over roads,
  - (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration, so as materially to affect their design, of railway stations or bridges,
  - (e) the formation or alteration of any means of access to a road, and
  - (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.
- (2)** The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings, that is to say:
- (a) development of any description at or below the surface of the ground,
  - (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before this plan commenced of any plant or other structures or erections required in connection with the station or substation,
  - (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housings, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brickworks,
  - (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
  - (e) the erection of service reservoirs on land acquired or in process of being acquired for the purpose before this plan commenced, provided reasonable notice of the proposed erection is given to the Council, or
  - (f) any other development, except:
    - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration, so as materially to affect their design or external appearance, of buildings, or
    - (ii) the formation or alteration of any means of access to a road.
- (3)** The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to

affect their design or external appearance, or

(b) the formation or alteration of any means of access to a road.

**(4)** The carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:

(a) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect their design or external appearance, or

(b) the formation or alteration of any means of access to a road.

**(5)** The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:

(a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or

(b) the formation or alteration of any means of access to a road.

**(6)** The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, except:

(a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or

(b) the formation or alteration of any means of access to a road.

**(7)** The carrying out by the owner or lessee of a mine (other than a mineral sands mine), on the mine, of any development required for the purposes of a mine, except:

(a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect their design or external appearance, or

(b) the formation or alteration of any means of access to a road.

**(8)** The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road within the existing road reserve.

**(9)** The carrying out of any forestry work by the Forestry Commission, or School Forest Trust empowered under relevant Acts to undertake afforestation, construction and maintenance of roads,

protection, cutting and marketing of timber, and other forestry purposes under such Acts or on any Crown land temporarily reserved for sale as a timber reserve under the *Forestry Act 1916*.

**(10)** The carrying out by a Rural Lands Protection Board of any development required for the improvement and maintenance of travelling stock and water reserves, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or purposes, or
- (b) any development designed to change the use or purpose of any such reserve.

**(11)** The carrying out or causing to be carried out by a council engaged in flood mitigation works or by the Department of Land and Water Conservation of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement in pursuance of the provision of the *Water Act 1912*, the *Irrigation Act 1912*, the *Farm Water Supplies Act 1946* or the *Rivers and Foreshores Improvement Act 1948*, except:

- (a) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

## Schedule 4 Exempt development

(Clause 17)

**Type of activity—development consisting of erection and use or carrying out of the following:**

**Development standards and other requirements**

**Access ramps for the disabled**

- (a) Maximum height 1m above ground level.
- (b) Maximum grade 1:14 and otherwise in compliance with Australian Standards.
- (c) Must be located a minimum of 1.5 m from site boundaries.

### General requirements

- (a) The erection of the advertising structure must comply with all the requirements of the *Building Code of Australia*, including Part B1 (Structural Provisions).
- (b) Signs must not cover mechanical ventilation inlet or outlet vents.
- (c) Advertising structures within a public road reserve must be at least 0.6m from kerb/roadway edge.
- (d) Flashing signs are not exempt in any zone.
- (e) No restrictions on advertising where displayed within a building and the advertisement is not visible from a public place, although it may be visible through openings at the ground and first floor levels of business premises, shops, food shops, restaurants, industrial premises, warehouses or bulky goods outlets.

## Advertising structures

### 1 Street and traffic signs

(including street name plates, directional signs, advance traffic warning signs, traffic signs and traffic signal devices)

- (a) Construction must be by or on behalf of the Council or the Roads and Traffic Authority.
- (b) Must be designed, fabricated and installed in accordance with relevant Standards Australia standards.

### 2 Business advertising

(a) Suspended under awning signs

- (a) One per premises.
- (b) Must not exceed 1.5m<sup>2</sup> in area and, if over a public road, must be suspended with a clearance of no less than 2.6m above ground or pavement level.
- (c) Must relate to the use of premises.

(b) Awning fascia signs

- (a) Must relate to the use of the premises to which the fascia is attached.
- (b) Where a development control plan for a business centre applies, the background colour, and all lettering colours and styles on the awning fascia must comply with the requirements of that plan.

(c) Under awning advertising (on building facades)

Must relate to the use of the building.

- (d) A-frame signs and shopfront displays
  - (a) Must comply with the approved development control plan for A-frame advertising boards and shopfront display.
  - (b) A lease or licence for the structure must be obtained from the Council before the sign or shopfront display is erected.

- (a) One advertising sign of a maximum of 5m<sup>2</sup> in area is permitted and it must be fixed flush to the front elevation of the industrial building or industrial unit, to a maximum height of 4.5m above ground level and not project above the parapet of the building or the eaves line where the building has a pitched roof.

### 3 Industrial advertising

- (b) Freestanding directory boards for multiple occupancy complexes are permitted within the property boundary/premises subject to the total area of the board or boards not exceeding 5m<sup>2</sup> in area and a maximum height of 4.5m above ground level.
- (c) All signage must relate to the activity on the site.

### 4 Temporary signs

- (a) Real estate signs
  - (a) Must only advertise premises or land for sale or lease.
  - (b) One sign per premises and located within property boundaries.
  - (c) Sign must not exceed 2.5m<sup>2</sup> in area.
  - (d) Not exempt more than 14 days after completion of the sale or granting of the lease.
- (a) Only during construction of the building.
- (b) Construction signs (signs advertising firms involved in construction of a building)
  - (b) One composite sign per premises only and the sign must be located within the property boundaries.
  - (c) Any signage must not exceed 2.5m<sup>2</sup> in area.

- (c) Special event sign
- (a) Must be displayed only on the property where the special event is to be held.
  - (b) Must be constructed of lightweight, banner type material.
  - (c) Not exempt for more than 14 days before the special event or more than 48 hours after the event is finalised.

- (d) Inflatable promotional signs
- (a) Must be displayed only on the property where the promotion is to be held.
  - (b) Not exempt development if displayed for more than 7 consecutive days, more than 4 times or for a total of more than 28 days in any year or later than 48 hours after the relevant promotion is finalised.

#### **5 Home activity identification signs**

- (a) One per premises.
- (b) Signs must not exceed 0.5m<sup>2</sup> in area and be affixed to the dwelling no higher than 3 metres above ground or pavement level and below the eaves line of the building.

#### **6 Community advertising**

- (a) A permanent fixed sign must not exceed 1.5m<sup>2</sup> in area and must not be higher than 3m above the ground or pavement level.
- (b) A temporary sign may not display an advertisement for more than 7 consecutive days or for a total of more than 28 days in any year.

**Aerials/Antennae/Microwave antennae/  
Satellite dishes**

- (a) For receiving purposes only.
- (b) Must not have substantial adverse impact on views enjoyed by adjoining and neighbouring premises.

For Satellite dishes only:

- (a) Maximum diameter 750mm.
- (b) Maximum height must not exceed the highest point of a pitched roof, or 1m above the highest point of a flat roof, of the building it will serve.
- (c) Must not be installed forward of the building line or on roof areas visible from the road.
- (d) Must not be visible from any public place, including roads, public open space, public recreation areas and waterways.
- (e) The dish and supporting structure must be finished in a non-reflective colour, which blends in with the surrounding environment.

### **Air conditioning units**

- (a) External units must not be attached above the second storey on residential buildings, unless located on a balcony where the air conditioning unit is not clearly visible from street level.
- (b) Roof mounted air conditioning units are permitted on industrial premises only.
- (c) Must not be located within the street facing elevation or within the front building setback if ground mounted.
- (d) Must be located a minimum of 0.5m from any side or rear boundaries.
- (e) Any air conditioning unit must not include a cooling tower as part of the system.
- (f) Any building work must not reduce the structural integrity of the building.
- (g) Any opening created must be adequately weatherproofed.
- (h) The noise level generated by the air conditioning unit must not exceed an LAeq of 5 dB(A) above background noise level when measured at the property boundary. Despite this, domestic air conditioning units must not be audible within any room of any adjoining premises, from 10pm to 7am on weekdays or 10pm to 8am on weekends or public holidays.
- (i) Any noise emitted must not include any tonal, impulsive or intermittent characteristics.
- (j) Must be maintained and installed in compliance with Australian Standards AS/NZS 1668.1:1998, AS 1668.2—2002, AS/NZS 3666.1:2002, AS/NZS 3666.2:2002 and AS/NZS 3666.3:2000.

- (a) Must be retractable.

**Note—**

See “Pergolas, and fixed awnings etc” for fixed attachments.

### **Awnings, canopies and security/storm blinds or shutters**

- (b) Must not be installed above the second storey of any building.
- (c) This exemption is not applicable to security blinds or shutters on the street front elevation of business buildings or business shopfront awnings.



**Barbecues (portable and fixed structures)**

- (a) All barbecues are to be located so that they do not cause a nuisance while being used.
- (b) Maximum height of fixed structure 2.7m from ground level.
- (c) Fixed structures 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.
- (d) For fixed structures, a minimum 0.5 m setback from side or rear boundaries, except where a heat shield is incorporated or adjoins non-combustible fence.
- (e) Barbeques must be located so that the risk of the spread of fire from the barbecue to any other structure is minimised.

**Bird aviaries and pet animal shelters**

- (a) Maximum area 10m<sup>2</sup>.
- (b) Maximum height 2.7m from ground level.
- (c) Must be located in rear or side yard areas only.
- (d) Must be located away from the boundary a minimum of 0.5 m.
- (e) Limit of one bird aviary per property.
- (f) An aviary for fowls (poultry, including domestic fowl, chickens or guinea fowls) and small birds must not be located within 4.5m of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.
- (g) An aviary for poultry (other than fowls) must not be located within 30m of any building referred to in paragraph (f).
- (h) All poultry or fowls must be kept in accordance with Part 3 of and Division 2 of Schedule 5 to the [Local Government \(Orders\) Regulation 1999](#).
- (i) Fowls are limited to a maximum of 20, and other poultry to a maximum of 5.
- (j) The floors of poultry houses within 15.2m of a dwelling, public hall or school must be paved with concrete or mineral asphalt underneath the roosts or perches, unless situated on clean sand.

### **General requirements**

- (a) Does not apply to:
  - (i) residential flat buildings, or
  - (ii) the principal street frontage of buildings in the 3 (a) General Business, 3 (b) Neighbourhood Business, 4 (a) General Industrial or 9 (a) Mixed Residential/Business zone, or
  - (iii) any development in the 5 (a) Special Uses, 6 (a) Public Recreation or 6 (b) Private Recreation zone.

**Note—**

See Schedule 5 (Complying development) for external building alterations.

- (b) Work must be non-structural.
- (c) Applies only to alterations or renovations to previously completed buildings.
- (d) Works are not to include changes to the footprint or increase floorspace of the buildings or residential use of rooms whether by removal of existing walls, partitions or by other means. This does not exclude bay windows up to 0.3m from the existing alignment of the wall.
- (e) Works are not to include repositioning or enlarging of windows above ground level.
- (f) Works are not to cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas.
- (g) Any work involving lead paint removal must not cause lead contamination of the air or ground or water.

### **Building alterations (external)**

- (a) Recladding of roofs or walls
  - (a) Replacement of existing materials must be with similar materials which do not increase the reflectivity.
  - (b) Recladding not to involve structural alterations, change to roof shape or roof pitch, or brick veneering.

- (b) Skylight roof windows (including solartube or similar type installations and roof ventilators)
    - (a) The building work must not reduce the structural integrity of the building or involve structural alterations.
    - (b) Any opening created by the installation must be adequately weatherproofed.
  
  - (c) Windows, glassed areas and external doors
    - (a) Replacement materials must comply with:
      - Australian Standard AS 1288—1994*Glass in buildings—Selection and installation* and AS/NZS 2208:1996*Safety glazing materials in buildings*.
    - (b) Opaque or other obscured glazing must be replaced with similar opaque glazing so as not to impact on the privacy of neighbouring properties.
    - (a) Does not include alterations to premises for the preparation or storage (or both) of food for sale to the public.
    - (b) Works must be non-structural, such as shelving, displays, benches and partitions that do not provide structural support to any part of the building.
- Building alterations (internal)**
- (a) Business/Industrial
    - (c) Works must not compromise fire safety or affect accessibility to fire exits.
    - (d) Must not increase existing floor area of premises.
    - (e) Must be an alteration to an existing building.

- (a) Works must be non-structural.
- (b) Applies only to alterations or renovations to previously completed buildings.
- (c) Works are not to include changes to the footprint of the dwelling or residential use of rooms whether by removal of existing walls, partitions or by other means.
- (d) Works may include replacement of internal doors, walls, windows, ceiling or floor linings or deteriorated frame members with equivalent or improved quality materials.
- (b) Residential
  - (e) Works may include renovation of bathrooms, kitchens, and inclusion of built-in fixtures such as vanities, cupboards and wardrobes.
  - (f) Works are not to cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas.
  - (g) Works must not increase external size and envelope of the existing building.
  - (h) Works are not to include installation of oil or solid fuel heating appliances.
  - (i) Does not include alterations to premises for the preparation or storage (or both) of food for sale to the public.

**Bushfire hazard reduction**

Work must be carried out consistent with a bush fire management plan made pursuant to section 52 of the [Rural Fires Act 1997](#).

- (a) Maximum area 10m<sup>2</sup> per structure.
- (b) The floor must be located at or near ground level.
- (c) Maximum height of 4.0m from ground level.
- (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.

### **Cabanas and gazebos**

- (e) Structures must be sited a minimum of 0.5m from side and rear boundaries, except in the 2 (a2), 2 (e1) and 2 (e2) Residential zones where the Foreshore Scenic Protection Area applies, Woronora Heights and areas west of the Woronora River (excepting Woronora) where the minimum setback is to be 1.5m.
- (f) Maximum total floorspace of combined structures in this category is 40m<sup>2</sup>.

### **Changes of use**

(Different use resulting from change of use of:

- (a) business premises, shop, restaurant, food shop or sex shop to business premises, or
- (b) business premises, shop, restaurant, food shop or sex shop to shop or different kind of shop, or
- (c) food shop to different kind of food shop, or
- (d) restaurant to a different kind of restaurant, or
- (e) bulky goods outlet to different kind of bulky goods outlet, or
- (f) industry to different kind of industry, or
- (g) warehouse to different kind of warehouse.)

- (a) The following changes of use of premises within the 9 (a) Mixed Residential/Business zone are not included:
  - (i) business premises to shop,
  - (ii) shop to business premises, and
  - (iii) restaurant, food shop or sex shop to business premises or shop.
- (b) Does not include a change of use to a sex shop.
- (c) Hours of operation are limited generally to between 6am and 9pm daily for all uses except industrial uses where the hours of operation are limited to between 6am and 7pm Monday to Saturday with no use on Sundays or public holidays.
- (d) The change of use is not to include any change to existing floorspace, parking, landscaping or waste facilities approved for the development.

### **Clothes hoists/lines**

- (a) Must be installed at ground level.
- (b) Must be located behind the building or in the side or rear yard.
- (c) Must not be located on balconies or elevated decks.

- (a) The finished surface level must not be greater than 1m above ground level.
- (b) The structure must not exceed an area of 20m<sup>2</sup>.
- (c) The structure 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.
- (d) Sufficient step down is to be provided to prevent the entry of water into any associated dwelling.

### **Decks and patios**

- (e) Decks and patios 0.5m or less above natural ground level must be located a minimum 0.9m from side and rear boundaries, except in the 2 (a2), 2 (e1) and 2 (e2) Residential zones where the Foreshore Scenic Protection Area applies, Woronora Heights and areas west of the Woronora River (excepting Woronora) where the minimum setback is to be 1.5m.
- (f) Decks and patios greater than 0.5m above natural ground level, or decks to swimming pools, must be located a minimum of 1.5m from side and rear boundaries.

### **Demolition of a structure**

- (a) Demolition of a structure is only exempt development if erection of that structure would be exempt development, or where an order to demolish has been issued by the Council under the [Environmental Planning and Assessment Act 1979](#).
- (b) Does not apply to demolition of a structural retaining wall.
- (c) Does not apply to the decontamination, rehabilitation or remediation of contaminated land.
- (d) Demolition must be carried out in accordance with Australian Standard AS 2601—2001 *Demolition of structures*.

### **Driveways and pathways**

- (a) Does not apply to works on public land except for driveways or pathways constructed by or on behalf of the Council.
- (b) Must be structurally sound and of stable construction.
- (c) Must not be elevated or suspended above ground level or involve excavation greater than 0.6m.
- (d) Driveway or access gradients must be designed to align with footpath crossing levels issued by the Council and must comply with the access gradient requirements of Australian Standard AS 2890.1—1993 *Parking facilities, Part 1: Off-street car parking*.
- (e) Must be graded and drained so as not to cause a drainage nuisance to adjoining property or footpath area.

### **General requirements**

### **Fences and gates**

(including replacement of existing fences or gates)

- (a) Does not apply to fences required by the [Swimming Pools Act 1992](#).
- (b) Does not apply to fencing of street frontages of land occupied by dual occupancies, townhouses or villas.
- (c) Does not apply to fences or gates for residential flats.
- (d) All fences are to be constructed so as not to create a drainage nuisance.
- (e) Does not apply to fencing along the street boundary of land occupied by dual occupancies, townhouses or villas.
- (f) Does not apply to waterfront properties in Sylvania Waters where fencing between the rear of the dwelling and the waterway is restricted to a maximum 1.2m high open form fencing.

- (a) Front fences (including side fences between the building line and the street or any other public place)
  - (a) Does not apply to front fences in Alford's Point, Barden Ridge, Bangor, Bonnet Bay, Illawong, Lucas Heights, Menai, Woronora Heights or land at Sylvania Waters where covenants apply to the land that restricts erection of front fencing.
  - (b) Does not apply to commercial premises.
  - (c) A maximum height of 1m.
  - (d) An open form front fence, to a maximum height of 2.5m, is permitted on industrial premises but only where set behind existing landscaping carried out with consent.

- (b) Side fences and rear fences (fences behind the building line)
  - (a) Maximum height of 1.8m if constructed of timber, metal or lightweight materials, all other materials maximum height of 1.0m.
  - (b) Open form fencing to a maximum height of 2.5m is permitted on industrial premises.

- (a) Maximum height 6.0m above ground level.
- (b) Must not project beyond property boundaries.
- (c) Limit of one flagpole per property.

### **Flagpoles**

- (d) Not used to display flag larger than 1m<sup>2</sup>.
- (e) Not used to display flags for advertising purposes.



**Greenhouses, garden sheds, studios,  
cubby houses and playground  
equipment**

- (a) Maximum area 10m<sup>2</sup> per structure.
- (b) The floor must be located at or near ground level.
- (c) Maximum height of 4.0m from ground level.
- (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) Structures must be sited a minimum of 0.5m from side and rear boundaries, except in the 2 (a2), 2 (e1) and 2 (e2) Residential zones where the Foreshore Scenic Protection Area applies, Woronora Heights and areas west of the Woronora River (excepting Woronora) where the minimum setback is to be 1.5m.
- (f) Maximum total floorspace of combined structures in this category is 40m<sup>2</sup>.
- (g) Maximum area and height requirements do not apply where the structures are located on land zoned 5 (a) Special Uses.

**Home activities**

- (a) The activity must not interfere with the amenity of the area by reason of such things as vehicular traffic, parking, noise, vibration, smell, fumes, smoke, water or other waste products.
- (b) Any sound producing plant, equipment, machinery or fittings associated with or forming part of a mechanical ventilation system or refrigeration system, which is installed as part of a home activity, must be sound insulated or isolated (or both).
- (c) Noise emitted must not exceed an LAeq of 5dB(A) above the background level in any octave band from 63.0 Hz centre frequencies inclusive at the boundary of the site. The method of measurement of sound must be carried out in accordance with Australian Standard AS 1055.1—1997 *Acoustics—Description and measurement of environmental noise—General procedures*.
- (d) Any noise emitted must not include any tonal, impulsive or intermittent characteristics.
- (e) Hours of operation for the activity are limited to between 8am and 6pm Monday to Saturday.

**Letter box**

Must not exceed a maximum height of 1.2m above ground level.

(a) Must comply with the approved development control plan for outdoor eating areas.

**Outdoor eating areas**

(b) A licence for the activity must be obtained from the Council before any outdoor eating activities are undertaken.

(a) Maximum area 20m<sup>2</sup> per structure.

(b) Maximum height 2.7m above ground level where proposed at ground floor level.

(c) Maximum height 2.7m above existing first floor or deck level where proposed over an existing elevated deck.

(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.

**Pergolas, and fixed awnings, shade structures/sunshades at ground floor level or over an existing first floor deck**

(e) Must be located a minimum of 0.5m from side and rear boundaries, except in the 2 (a2), 2 (e1) and 2 (e2) Residential zones where the Foreshore Scenic Protection Area applies, Woronora Heights and areas west of the Woronora River (excepting Woronora), where the minimum is 1.5m.

(f) Does not apply to business shopfront awnings.

(g) Maximum area and height requirements do not apply where the structure is located on land zoned 5 (a) Special Uses.

**Public facilities and amenities (new construction and use)**

(includes such things as playground equipment, public toilet facilities, staircases, recreational, sporting, entertainment and cultural activities, works for the purpose of landscaping, gardening, beach and foreshore protection works, lighting and night-time activities, traffic management facilities, public transport facilities, street furniture, security equipment or devices, goal posts, sight screens and similar ancillary sporting structures)

- (a) Approved by the Council and undertaken by or on behalf of the Council, or if on Crown land where consultation with the Department of Land and Water Conservation has occurred or, in the case of traffic management facilities, must be undertaken by or on behalf of the Roads and Traffic Authority.
- (b) Works must be located on land under the control of the Council or the Roads and Traffic Authority.
- (c) Must be designed, fabricated and installed in accordance with any relevant Australian Standards and the *Building Code of Australia*.
- (d) Bus shelters and seats with ancillary advertising must comply with the requirements of the development control plan for bus shelters and seats.
- (e) Park and street furniture (for example, seats, bins, picnic tables, barbecues etc) must comply with the requirements of any applicable development control plan or adopted plan of management.
- (f) The following works or uses may only be exempt if in accordance with an adopted plan of management:
  - (i) temporary uses, such as markets, concerts, fetes etc,
  - (ii) public toilet facilities,
  - (iii) installation of lighting to enable the night use of recreational facilities.

### **Retaining walls**

- (a) Not if any site filling or raising of site levels greater than 0.3m will occur within 1.5m of side or rear boundaries.
- (b) Maximum height 0.6m.
- (c) Masonry walls to comply with Australian Standards AS 3700—2001 *Masonry structures*, AS 3600—1994 *Concrete structures* and AS/NZS 1170.0: 2002, AS/NZS 1170.1: 2002, AS/NZS 1170.2: 2002 and AS 1170.4—1993 *Structural design actions and Minimum design loads on structures*.
- (d) Timber walls to comply with Australian Standards AS 1720.1—1997, AS 1720.2—1990 and AS 1720.4—1990 *Timber structures* and AS/NZS 1170.0: 2002, AS/NZS 1170.1: 2002, AS/NZS 1170.2: 2002 and AS 1170.4—1993 *Structural design actions and Minimum design loads on structures*.
- (e) All retaining walls are to be constructed so as not to cause a drainage nuisance.
- (f) Maximum length of 20 lineal metres of retaining wall per property.
- (g) Not if there are two or more wall rises or drops in succession.

### **Water heaters**

(includes heat pump hot water heaters and solar water heaters)

- (a) 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.
- (b) The installation must not reduce the structural integrity of the building or involve structural alterations.
- (c) The development must comply with the provisions of the *Building Code of Australia* for fire separation if in multi-unit housing.
- (d) The noise level generated must not exceed an LAeq of 5 dB(A) above background noise level when measured at the property boundary. Despite this, domestic water heaters must not be audible within any room of any adjoining premises, from 8pm to 7am on weekdays and 10pm to 8am on weekends or public holidays.
- (e) Maximum height must not exceed the highest point of a pitched roof, or 1m above the highest point of a flat roof, of the building it will serve.
- (f) Trees must not be lopped in order to achieve solar access for solar water heaters.

### **Water tanks**

- (a) Not if a below ground tank or on land that requires excavation.
- (b) Maximum height 2.7m from ground level.
- (c) 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.
- (d) Tanks must be located a minimum of 0.5m from side and rear boundaries.
- (e) Maximum capacity of 1,600 litres.
- (f) Suitable proofing for the prevention of mosquito breeding must be provided.
- (g) Rainwater tank overflows must be connected to an approved stormwater system.

## Schedule 5 Complying development—general provisions

(Clause 18)

### Part 1 Complying development in the following zones:

Zone 2 (a1) Residential

Zone 2 (a2) Residential

Zone 2 (b) Residential

Zone 2 (e1) Residential

Zone 2 (e2) Residential

#### Development consisting of the erection or carrying out of the following:

#### Development standards and other requirements

#### Building alterations (internal)

- (a) Work must not reduce fire safety or accessibility to a fire exit.
- (b) Applies only to alterations or renovations to previously completed buildings.
- (c) Works must not include installation of oil or solid fuel heating appliances.
- (d) Work on that part of residential premises used for the purpose of preparation or storage (or both) of food for sale to the public as part of a home activity use, must comply with the [Food Regulation 2001](#) and the Council's *Code for Food Premises* and *Code for Commercial Home Catering*. Work does not include installation of any commercial mechanical exhaust ventilation system.

### **Cabanas and gazebos**

- (a) Maximum area of 40m<sup>2</sup> per structure.
- (b) Maximum height of 4.0m from ground level for all structures.
- (c) 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.
- (d) Must be located a minimum of 0.5m off side and rear boundaries, except in the 2 (a2), 2 (e1) and 2 (e2) Residential zones where the Foreshore Scenic Protection Area applies, Woronora Heights and areas west of the Woronora River (excepting Woronora), where the minimum is 1.5m.
- (e) The finished floor level must be no more than 1.0m above ground level at any point.
- (a) The finished surface level must not be greater than 1m above ground level.
- (b) The structure must not exceed an area of 40m<sup>2</sup>.
- (c) The structure 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.
- (d) Sufficient step down is to be provided to prevent the entry of water into any associated dwelling.

### **Decks and Patios**

- (e) Must be located a minimum of 0.9m from side and rear boundaries if situated 0.5m or less above natural ground level, except in the 2 (a2), 2 (e1) and 2 (e2) Residential zones where the Foreshore Scenic Protection Area applies, Woronora Heights and areas west of the Woronora River (excepting Woronora) where the minimum setback is to be 1.5m.
- (f) Must be located a minimum of 1.5m from side and rear boundaries if situated more than 0.5m above natural ground level or are decks to swimming pools.

### **Demolition**

- (a) Not including decontamination, rehabilitation or remediation of a contaminated site.
- (b) Demolition must be in accordance with any relevant Australian Standards.

### **Fences, Gates and Retaining Walls**

- (a) Not within the front building line setback in areas west of Woronora River (excluding Woronora), Sylvania Waters, Woronora Heights and Bonnet Bay.
- (b) Front fences within the front building line must not exceed a maximum height of 1.0m above ground level.
- (c) Side or rear fences must not exceed a maximum height of 1.8m above ground level.
- (d) Retaining walls:
  - (i) must be located a minimum of 0.5m from a boundary line, and
  - (ii) must not exceed a maximum height of 1.0m above ground level, and
  - (iii) maximum length of 20 lineal metres of retaining wall per property.
- (e) Does not apply to fencing along the street boundary of land occupied by dual occupancies, townhouses or villas.
- (f) Does not apply to waterfront properties in Sylvania Waters where fencing between the rear of the dwelling and the waterway is restricted to a maximum 1.2m high open form fencing.

### **Garages**

- (a) Maximum gross floor area of 40m<sup>2</sup> per structure.
- (b) Maximum height 4.0m from ground level for all structures.
- (c) 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.
- (d) Must be located a minimum of 0.9m off side boundaries or 0.5m if detached and to the rear of the building, except in 2 (a2), 2 (e1) and 2 (e2) Residential zones where the Foreshore Scenic Protection Area applies, Woronora Heights and areas west of the Woronora River (excepting Woronora), where the minimum is 1.5m.
- (e) The finished floor level must be no more than 1.0m above ground level at any point.



**Greenhouses, garden sheds, studios,  
cubby houses**

- (a) Maximum gross floor area of 40m<sup>2</sup> per structure.
- (b) Maximum height 4.0m from ground level for all structures.
- (c) 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.
- (d) Must be located in rear or side yards.
- (e) Must be located a minimum of 0.9m off side boundaries or 0.5m if detached and to the rear of the building, except in 2 (a2), 2 (e1) and 2 (e2) Residential zones where the Foreshore Scenic Protection Area applies, Woronora Heights and areas west of the Woronora River (excepting Woronora), where the minimum is 1.5m.
- (f) The finished floor level must be no more than 1.0m above ground level at any point.

**Pergolas, awnings, shade structures/  
sunshades, carports**

- (a) Maximum area of 40m<sup>2</sup> per structure.
- (b) Maximum height of 4.0m from ground level for all structures.
- (c) 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.
- (d) Must be located a minimum of 0.5m off side and rear boundaries, except in the 2 (a2), 2 (e1) and 2 (e2) Residential zones where the Foreshore Scenic Protection Area applies, Woronora Heights and areas west of the Woronora River (excepting Woronora), where the minimum is 1.5m.
- (e) The finished floor level must be no more than 1.0m above ground level at any point.

**Seawalls**

- (a) Only applies to seawalls on land zoned 2 (a1) Residential in Sylvania Waters.
- (b) Reconstruction, replacement or maintenance of existing seawalls only.

**Single storey single dwelling houses and ground floor single storey additions or alterations to single dwelling houses**

- (a) Maximum height of 5.4m from ground level 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 where the Foreshore Scenic Protection Area applies, Woronora Heights and areas west of the Woronora River (excepting Woronora), where the minimum is 1.5m.
- (c) Must be located a minimum of 4.5m from rear boundaries.
- (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.
- (f) All fill must be retained within the perimeter of the buildings.
- (g) For new dwellings, two car parking spaces must be provided behind the building line.
- (h) 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*.
- (i) Any driveways provided must be designed to align with footpath crossing levels issued by the Council.
- (j) New dwellings must be entitled to at least a 3.5 star rating under the *National House Energy Rating Scheme* (NatHERS).
- (k) Alterations or additions must comply with the energy efficiency standards in the applicable development control plan.
- (l) Works are not to include installation of oil or solid fuel heating appliances.
- (m) Must comply with Council's construction standards for buildings located in bushfire prone areas or relevant Council building standards.
- (n) Work on that part of residential premises used for the purpose of preparation or storage (or both) of food for sale to the public as part of a home activity

use, must comply with the *Food Regulation 2001* and the Council's *Code for Food Premises* and *Code for Commercial Home Catering*. Work does not include any commercial mechanical exhaust ventilation system.

**Subdivision for one or more of the following purposes only:**

- (a) widening of a public road by a public authority, or
- (b) adjusting a boundary between allotments, but only if the new lots comply with this plan. The subdivision must not result in an increased number of lots, the re-orientation of the existing allotments or redefinition of the Mean High Water Mark, or
- (c) correcting an encroachment on an allotment, but only if the new lots comply with this plan, or
- (d) strata subdivision of any building, except dual occupancy housing, approved and constructed after 1 July 1988, subject to the development conforming with all conditions of any applicable development consent, or
- (e) consolidation of allotments, if it is development, or
- (f) the creation of an allotment for public reserve purposes but only where the residue lot or lots comply with the minimum size standards of this plan.

**Swimming pools, spas and safety fencing**

- (a) Must be located in the rear or side yard.
- (b) Must be located a minimum of 1.0m distance from side or rear boundaries to the water.
- (c) Pools (including in-ground or above-ground) must not exceed 1.0m above ground level with no attached decking within 1.5m of side and rear boundaries (refer to Decks and Patios).
- (d) Safety fencing must comply with the *Swimming Pools Act 1992* and Australian Standard AS 1926.2—1995 *Swimming pool safety, Part 2: Location of fencing for private swimming pools*.
- (e) Swimming pool/spa pump and associated equipment must be sound insulated or isolated (or both) so that the noise emitted does not exceed an LAeq of 5 dB (A) above background noise level in any octave band from 63.0 Hz centre frequencies inclusive at the property boundary, measured in accordance with Australian Standard AS 1055.1—1997 *Acoustics—Description and measurement of environmental noise—General procedures*.

- (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.

**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)

- (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).
- (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.

## **Part 2 Complying development in the following zones:**

- 2 (c) Residential
- 3 (a) General Business
- 3 (b) Neighbourhood Business
- 4 (a) General Industrial
- 5 (a) Special Uses
- 5 (b) Special Uses (Railways)
- 6 (b) Private Recreation
- 9 (a) Mixed Residential/Business

### **Development consisting of the erection or carrying out of the following:**

#### **Building alterations (external)**

### **Development standards and other requirements**

- (a) Building must be an existing building authorised by a consent.
- (b) Only where there is an applicable development control plan or plan of management that specifies standards for the external treatment or appearance of the building and only where the development complies with the requirements of the applicable development control plan or plan of management.
- (c) Work must not reduce fire safety or accessibility to a fire exit.
- (d) Work must not contravene any conditions of any development consent applicable to the building or its use.

- (a) Building must be an existing building authorised by a consent.
- (b) Work must not reduce fire safety or accessibility to a fire exit.
- (c) Work must not increase the existing gross floor area of industrial premises except where it is an internal mezzanine floor, where that area may be increased by up to a maximum floor area of 50m<sup>2</sup> but only for the purpose of storage or amenities.
- (d) Work must not increase existing gross floor area of business premises, including extensions within pedestrian arcades.
- (e) Work on that part of residential premises used for the purpose of preparation or storage (or both) of food for sale to the public as part of a home activity use, must comply with the *Food Regulation 2001* and the Council's *Code for Food Premises* and *Code for Commercial Home Catering*. Work does not include any commercial mechanical exhaust ventilation systems.

**Building alterations (internal)**

- (f) Work on food shops or restaurants must comply with the *Food Regulation 2001*, the Council's *Code for Food Premises*, the *Clean Air (Plant and Equipment) Regulation 1997*, the *Protection of the Environment Operations Act 1997*, AS/NZS 1668.1:1998 and AS 1668.2—2002.

Alterations to an existing food shop or restaurant do not include the construction or installation of an externally mounted or located exhaust duct, fan or refrigeration unit.

- (g) Work on hairdressers, beauty salons or skin penetration premises must comply with the *Public Health Act 1991* and Regulations under that Act, the NSW Health Department's *Skin Penetration Guidelines*, published in July 1999 (if appropriate) and the *Local Government (Orders) Regulation 1999*.
- (h) Existing sound producing machinery or fittings associated with or forming part of the existing mechanical ventilation system or refrigeration system, must be sound insulated or isolated (or both) so that the noise emitted does not exceed LAeq of 5 dB(A) above the background level in any octave band from 63.0 Hz centre frequencies inclusive at the boundary of the site (in accordance with any relevant Australian Standards). Any noise

emitted must not include any tonal, impulsive or intermittent characteristics.

**Demolition**

- (a) Demolition is only permitted of a building the erection of which is identified in this Schedule as complying development.
- (b) Not including decontamination, rehabilitation or remediation of a contaminated site.
- (c) Demolition must be carried out in accordance with any relevant Australian Standards.

**Seawalls**

- (a) Only applies to seawalls on land in the 6 (b) Private Recreation zone in Sylvania Waters.
- (b) Reconstruction, replacement or maintenance of existing seawalls only.

**Subdivision for one or more of the following purposes only:**

- (a) widening of a public road by a public authority, or
- (b) adjusting a boundary between allotments, but only if the new lots comply with this plan. The subdivision must not result in an increased number of lots, the re-orientation of the existing allotments or redefinition of the Mean High Water Mark, or
- (c) correcting an encroachment on an allotment, but only if the new lots comply with this plan, or
- (d) strata subdivision of any building, except dual occupancy housing, approved and constructed after 1 July 1988 subject to the development conforming with all conditions of any applicable development consent, or
- (e) consolidating allotments, if it is development, or
- (f) the creation of an allotment for public reserve purposes but only where the residue lot or lots comply with the minimum size standards of this plan.



## **Schedule 6 Reclassification of public land as operational land**

(Clause 21)

### **Cronulla**

Masefield Place                      Lots 8 and 9, DP 238755

### **GyMEA**

Carter Crescent                      Lot 23, DP 28324

### **Heathcote**

Princes Highway                      Lot 3, DP 230603

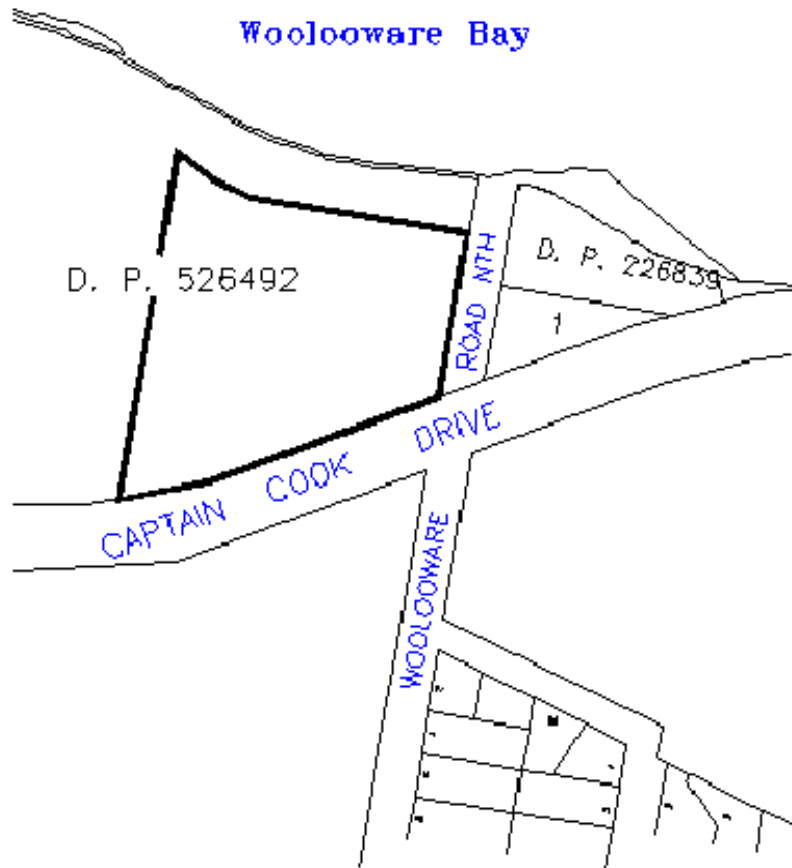
### **Sutherland**

Vermont Street                      Lot 3, DP 181070

## Schedule 7 Maps

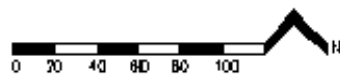
(Clauses 5, 23, 65 and 69)

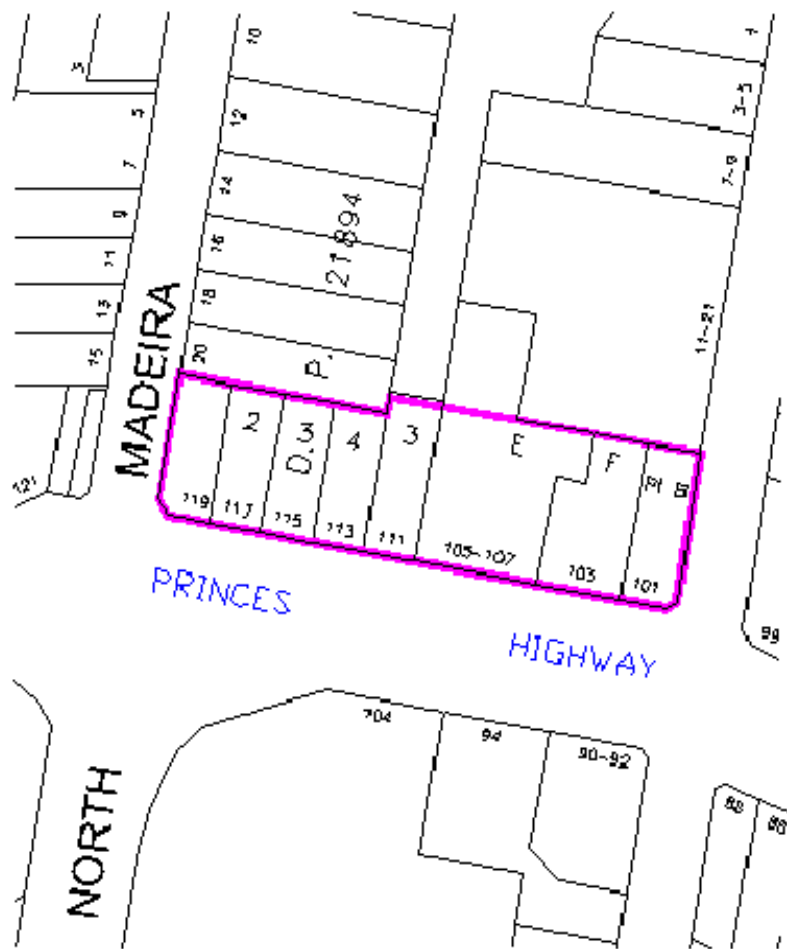
### Part 1 Rezoning maps and maps relating to additional uses



Map 1 : Cronulla Sutherland Leagues Club.  
Captain Cook Drive.

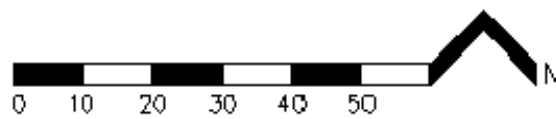
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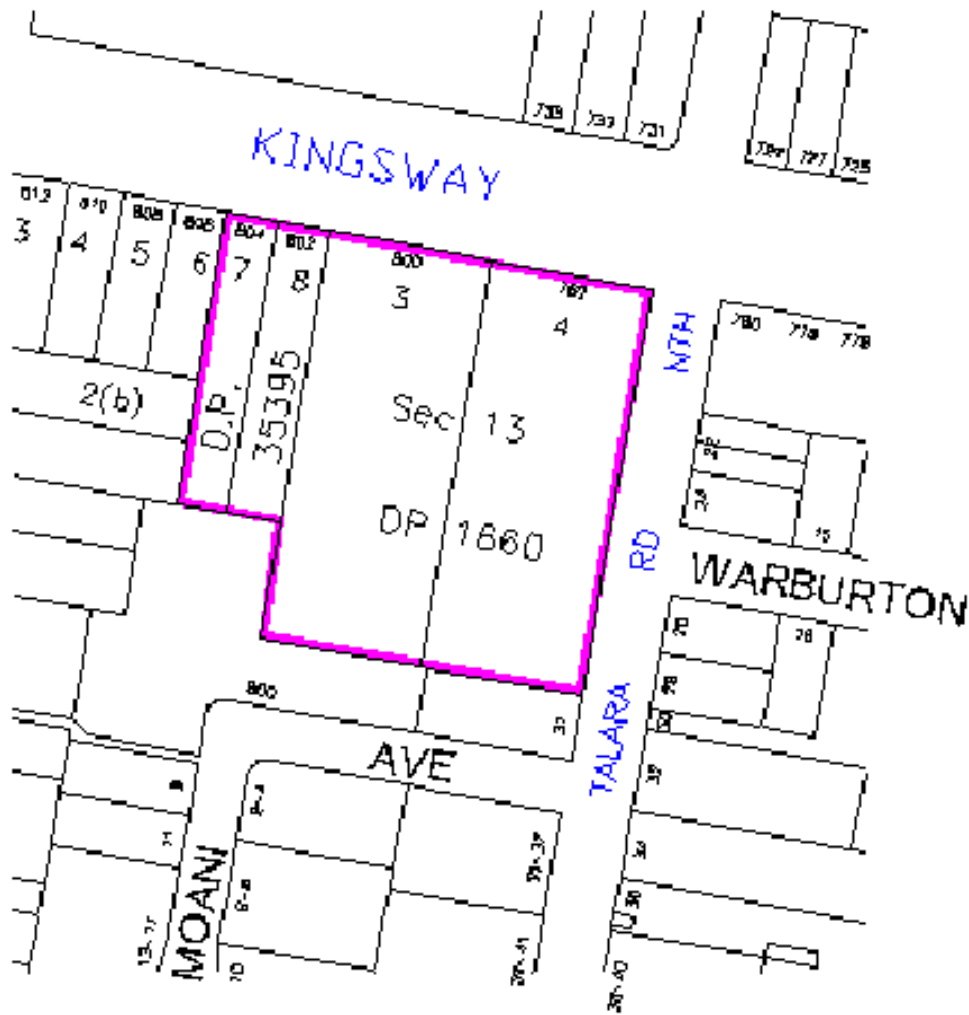




Map 2: 101-119 Princes Highway.

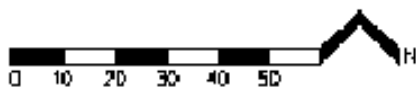
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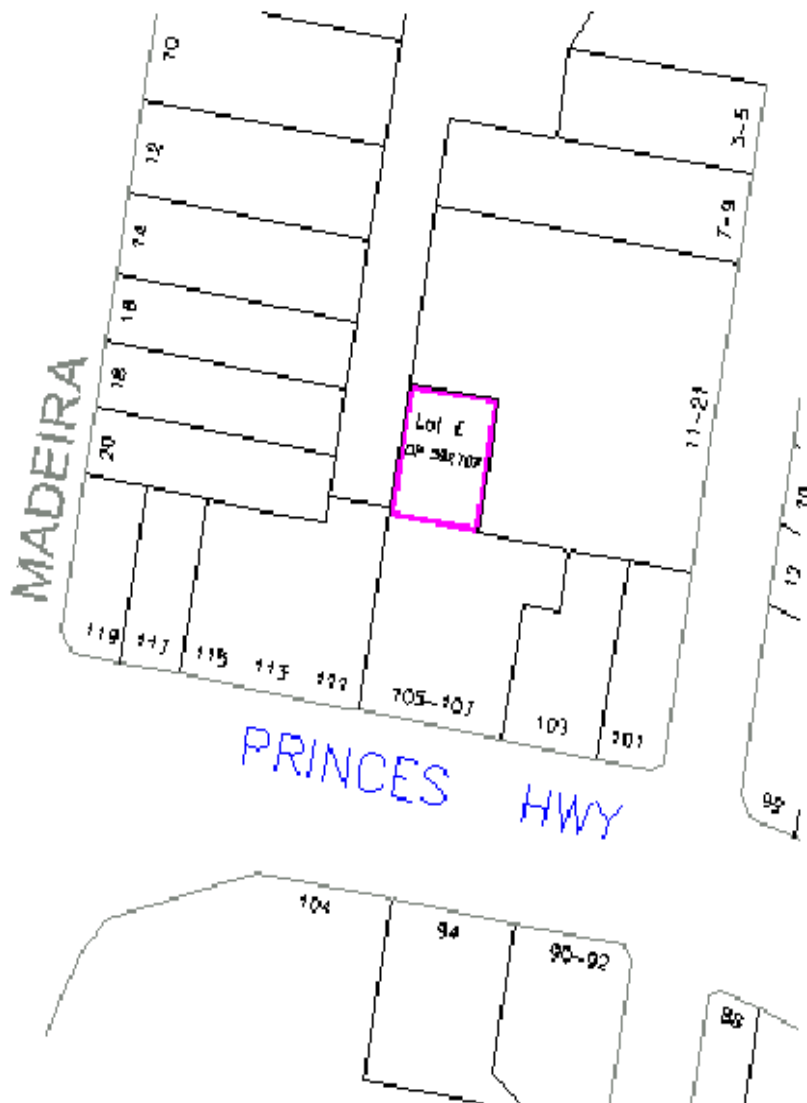




Map 3: Hazelhurst Retreat  
The Kingsway

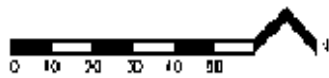
LOCATION GYMEA

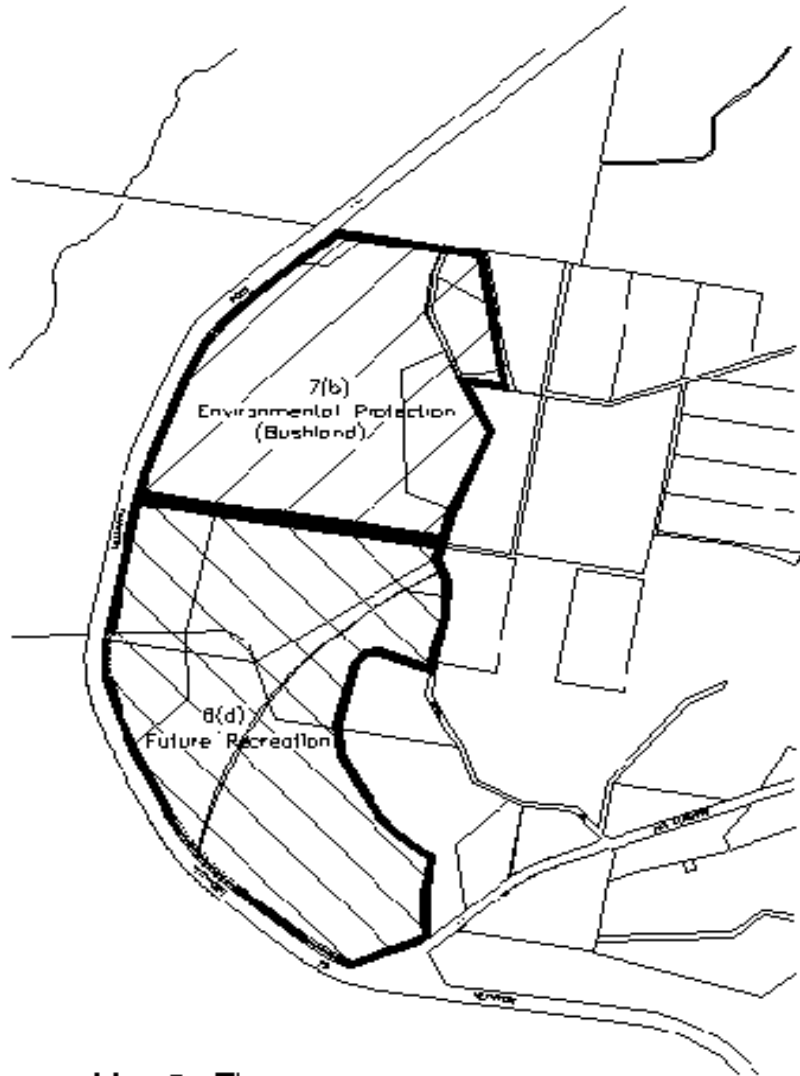




Map 4: Rear 101-107 Princes Highway.

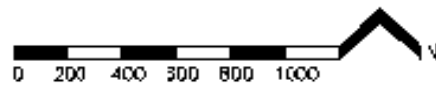
LOCATION SYDNEY

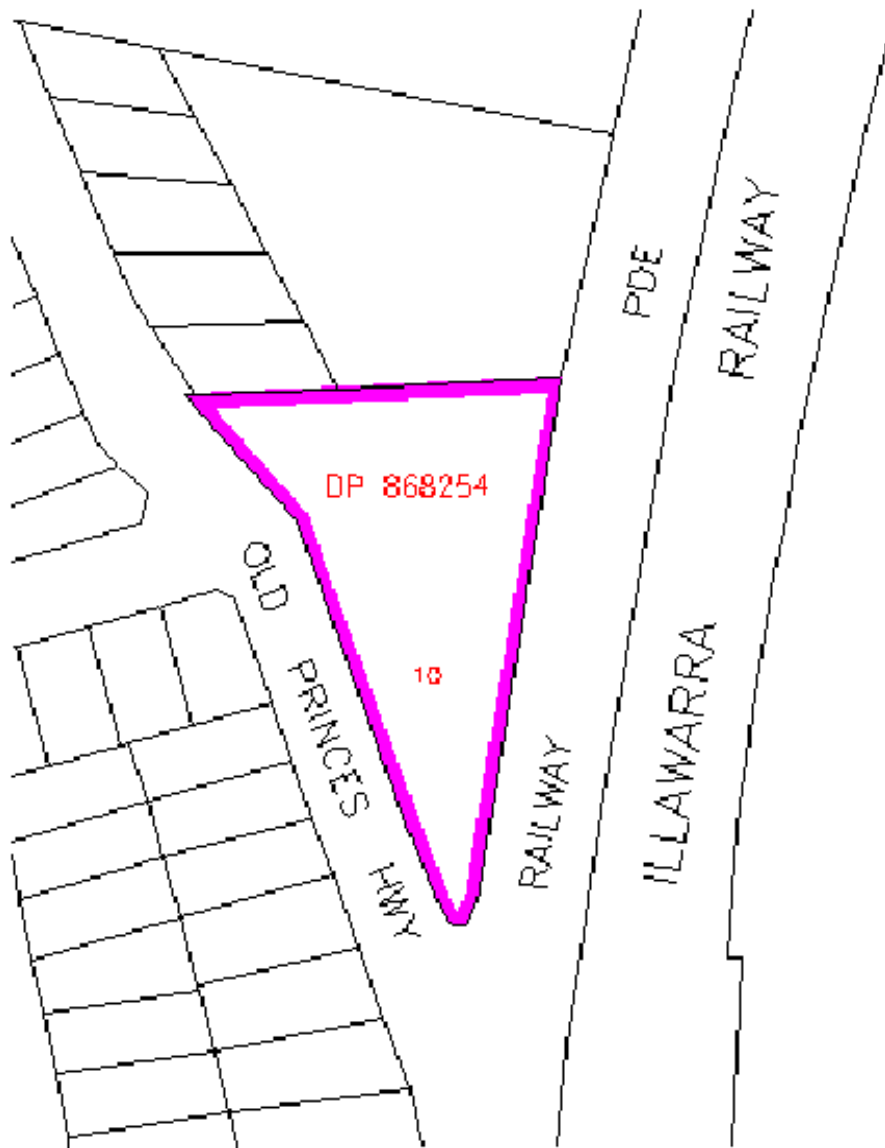




**Map 5: Tip**  
**Lucas Heights Waste Depot**

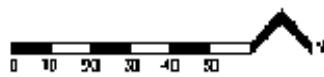
LOCATION LUCAS HEIGHTS

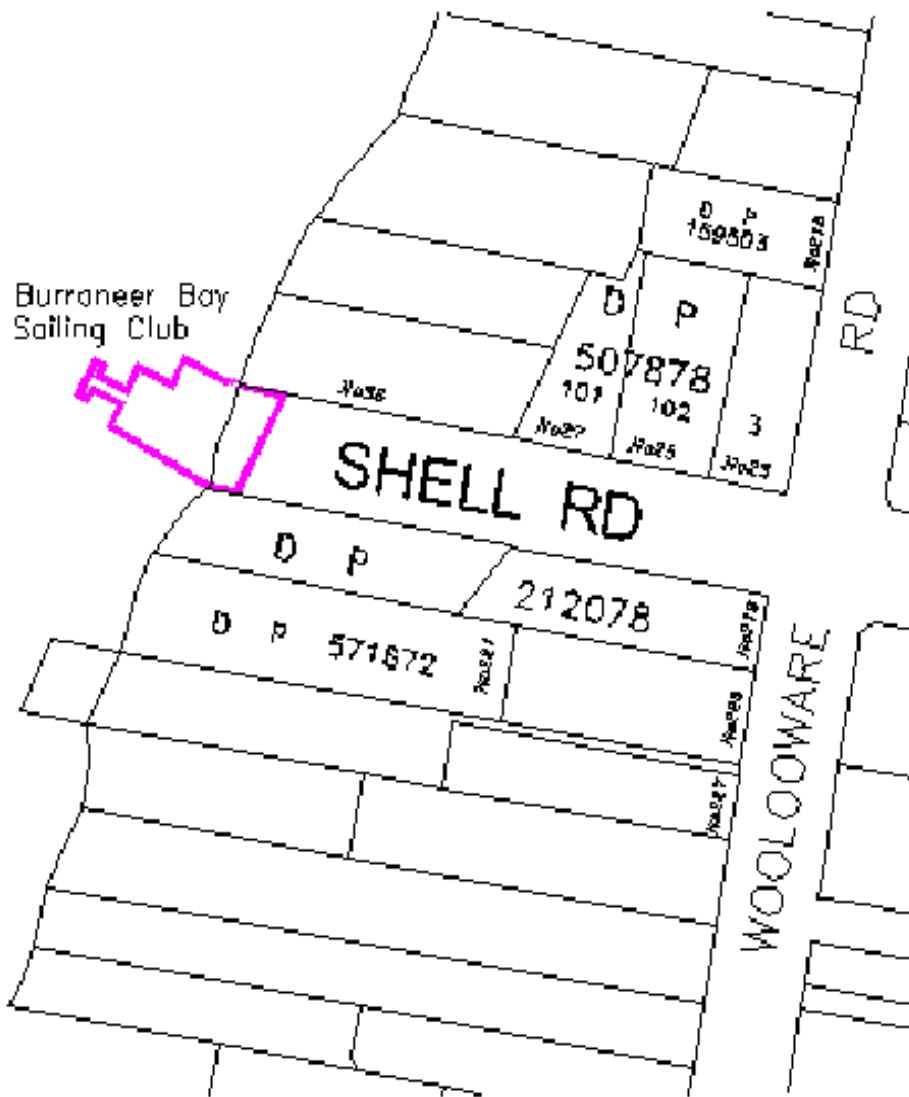




Map 6: FIA Depot  
Old Princes Highway

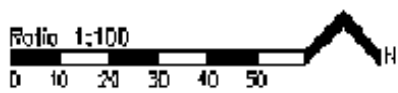
LOCATION ENDS/DONE



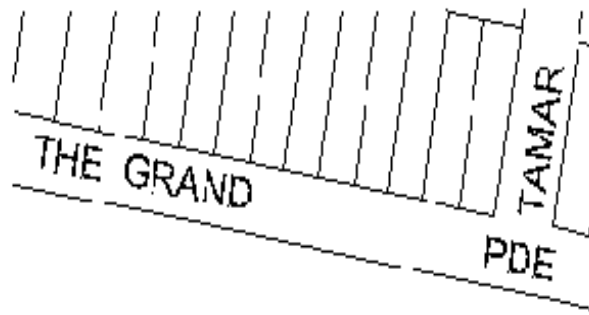


Map 7: Burraneer Bay Sailing Club

LOCATION BURRANEER BAY

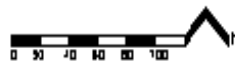


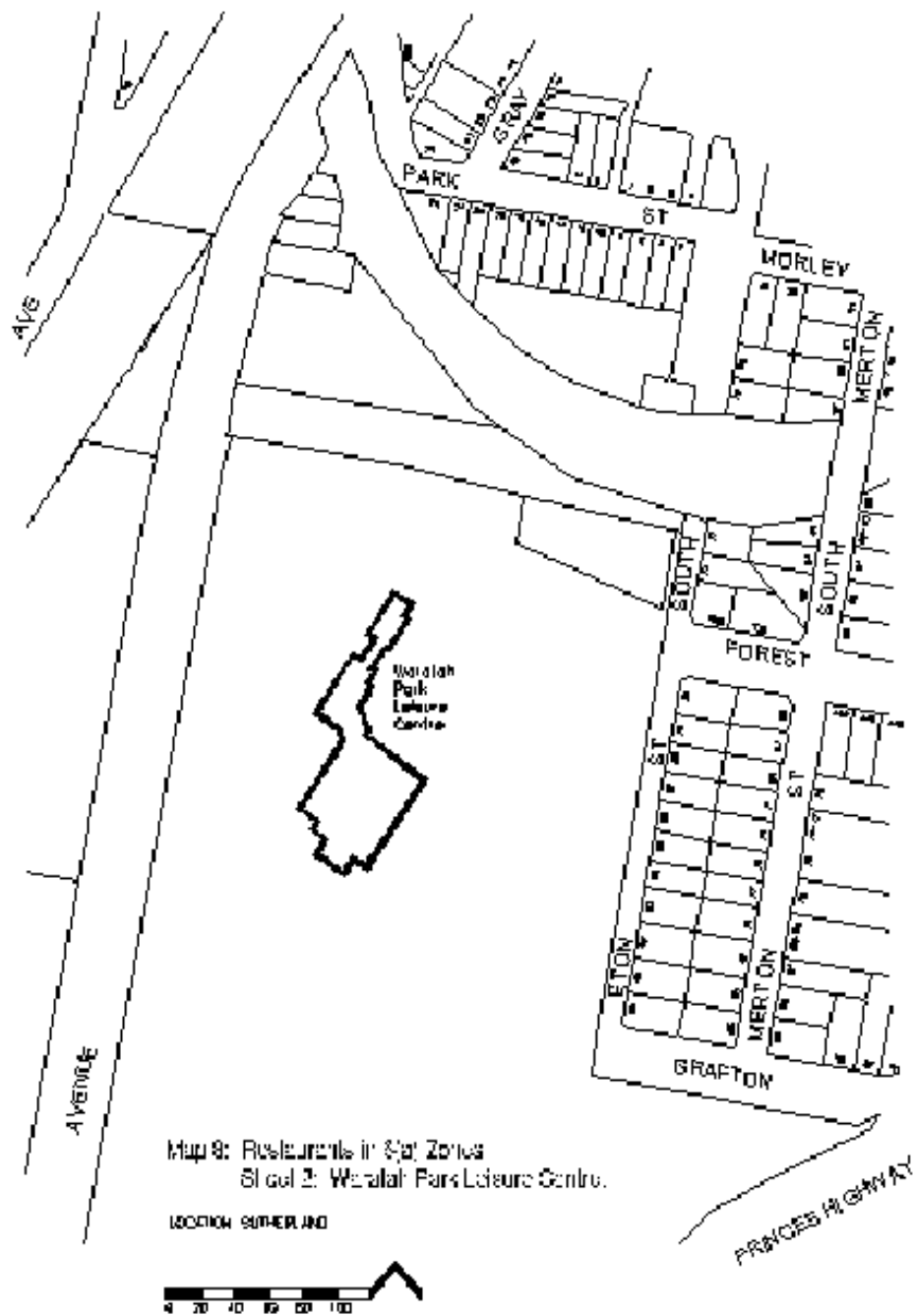


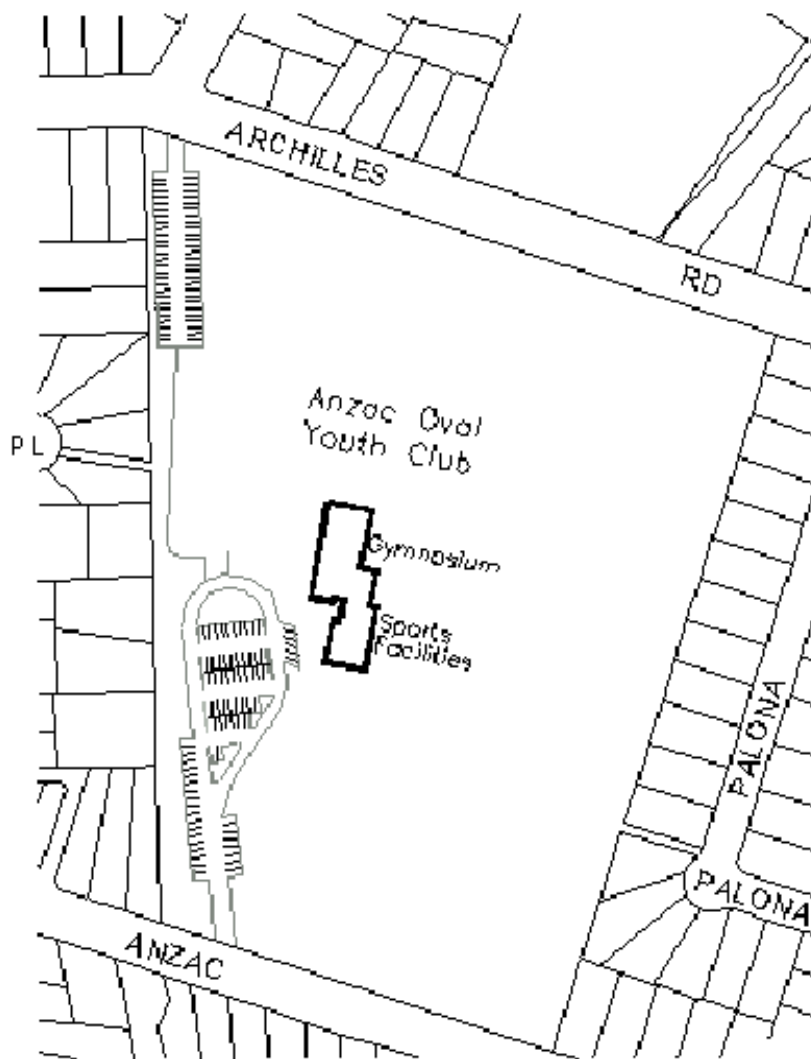


Map 8 Restaurants in C(a) Zones  
Sheet 1 Sutherland Oval Football Club

LOCATION ON THE PLAN

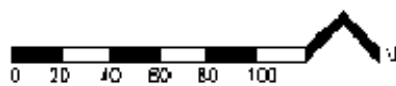


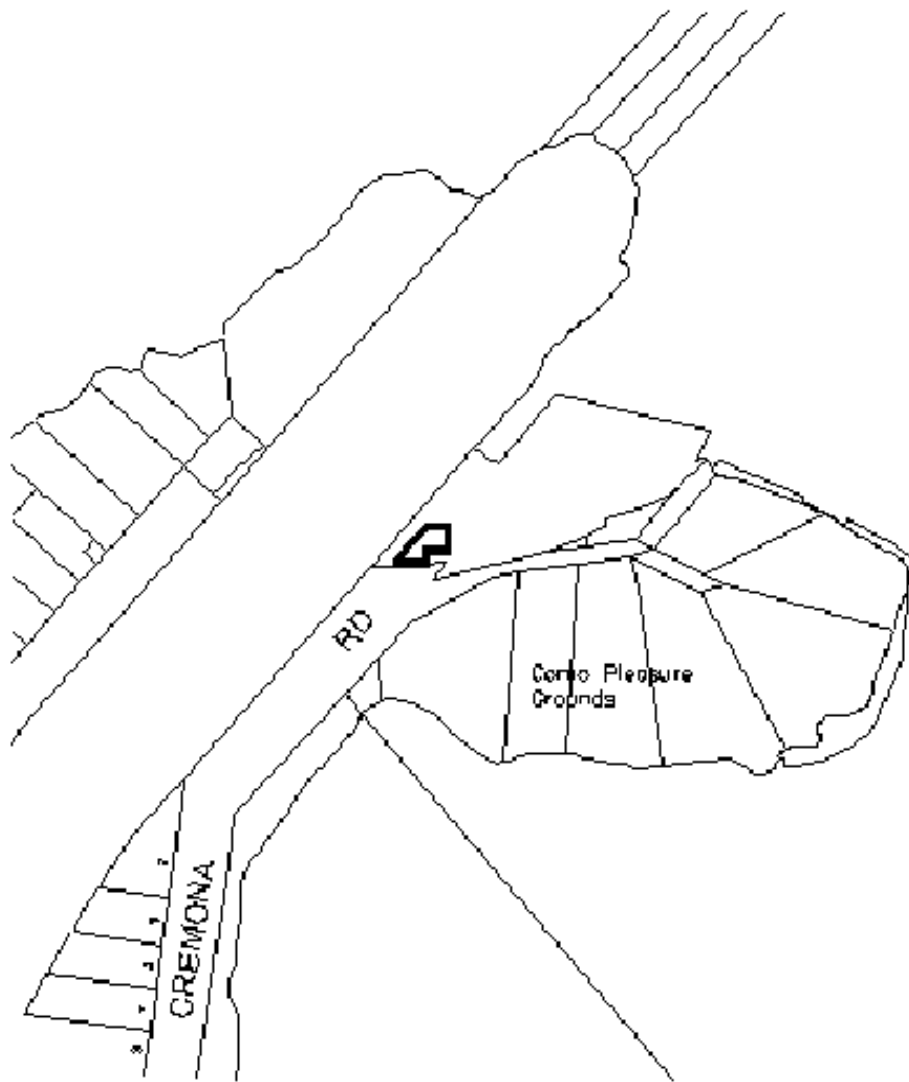




Map 8: Restaurants in 6(a) Zones  
Sheet 3: Anzac Oval Youth Club.

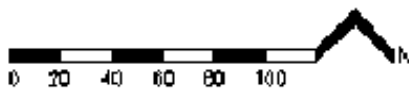
LOCATION ENCADINE





**Map 8: Restaurants in 6(a) Zones**  
Sheet: 4: Cafe de Como, Como Pleasure Grounds.

LOCATION COMO

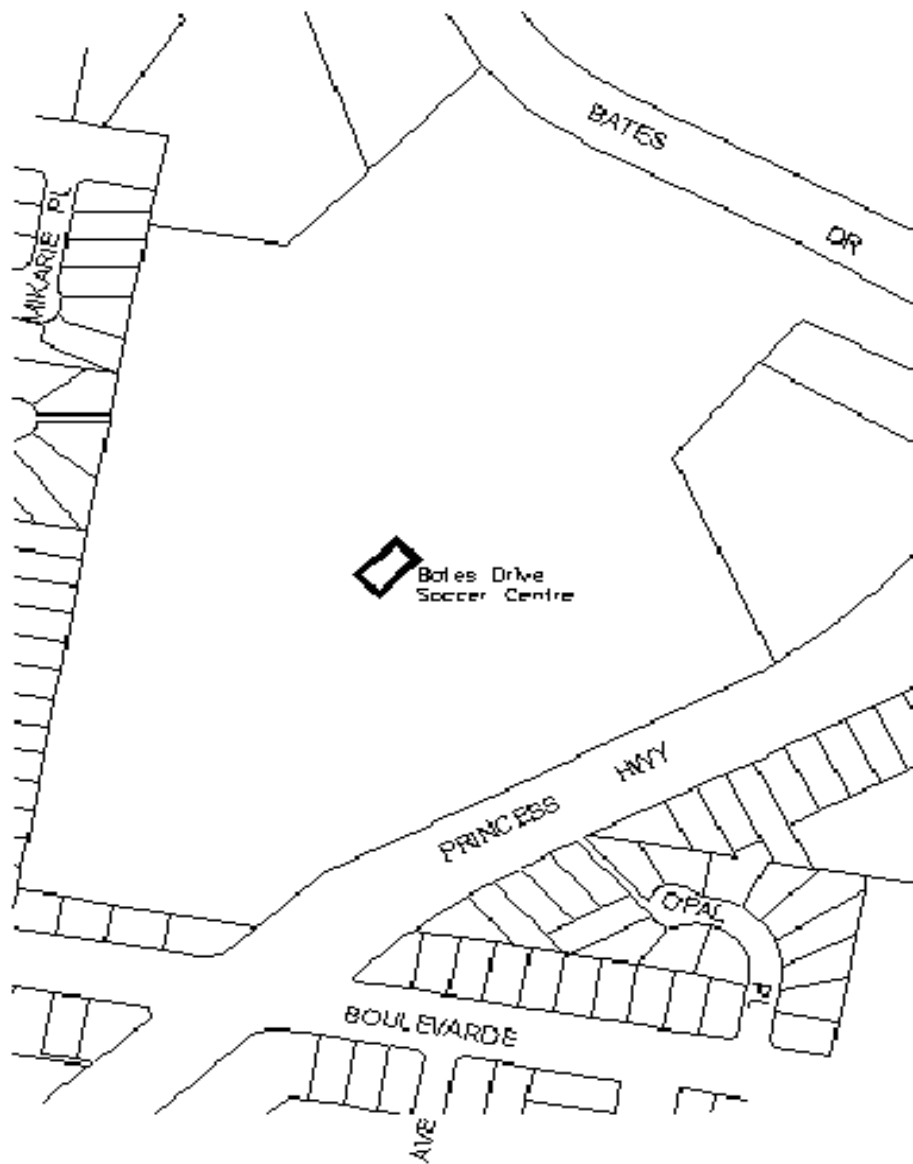




Map 8: Restaurants in 6(a) Zones  
Sheet 5: E.G. Waterhouse Gardens Teahouse

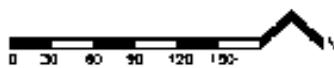
LOCATION CARINGBAH

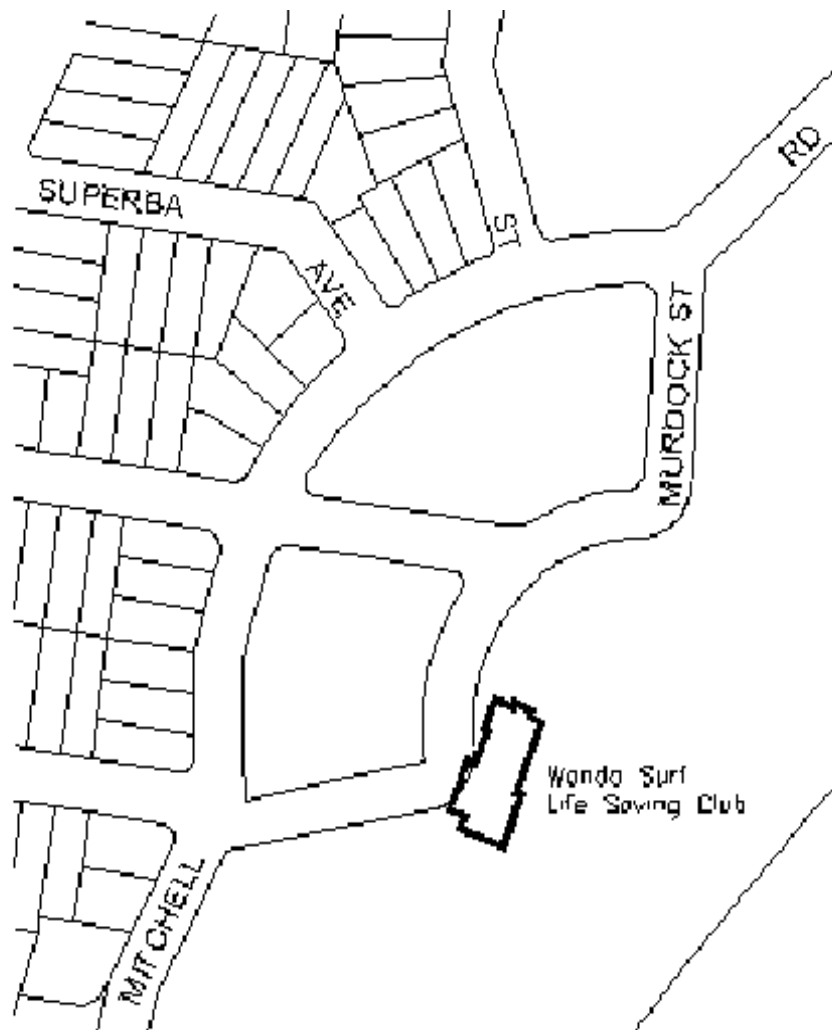




Map 3: Restaurants in B1a; Zones  
Sheet 6: Bates Drive Soccer Centre

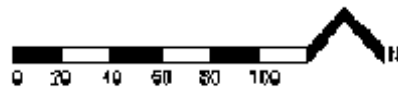
LOCATION: KERRAWEE

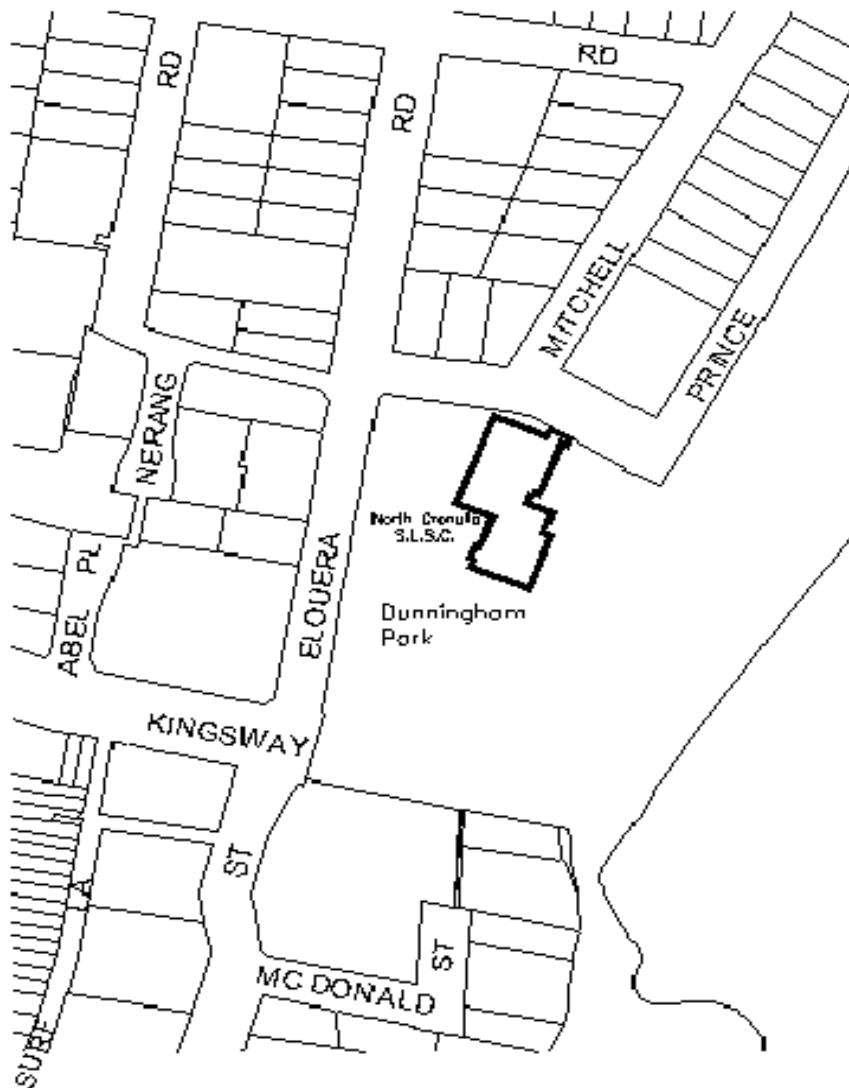




Map 8: Restaurants in 6(a) Zones  
Sheet 7: Wanda Surf Life Saving Club

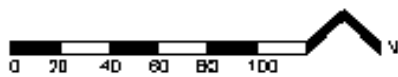
LOCATION CRONULLA



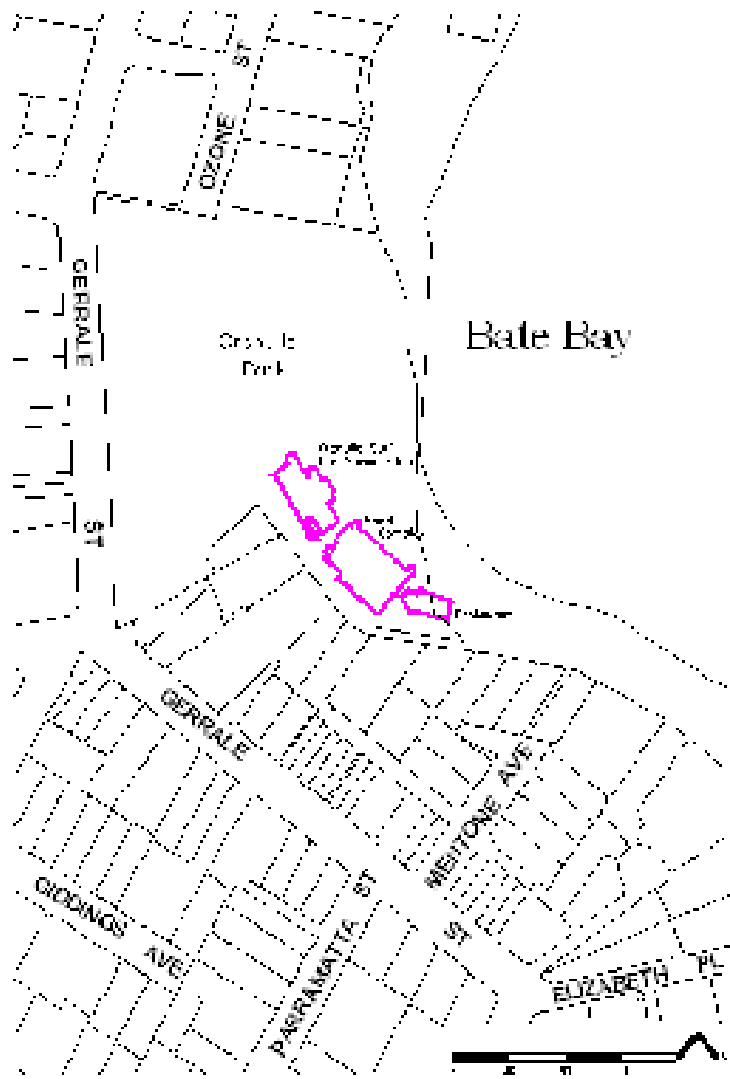


Map 8: Restaurants in 6(a) Zones  
Sheet 8: North Cronulla Surf Life Saving Club

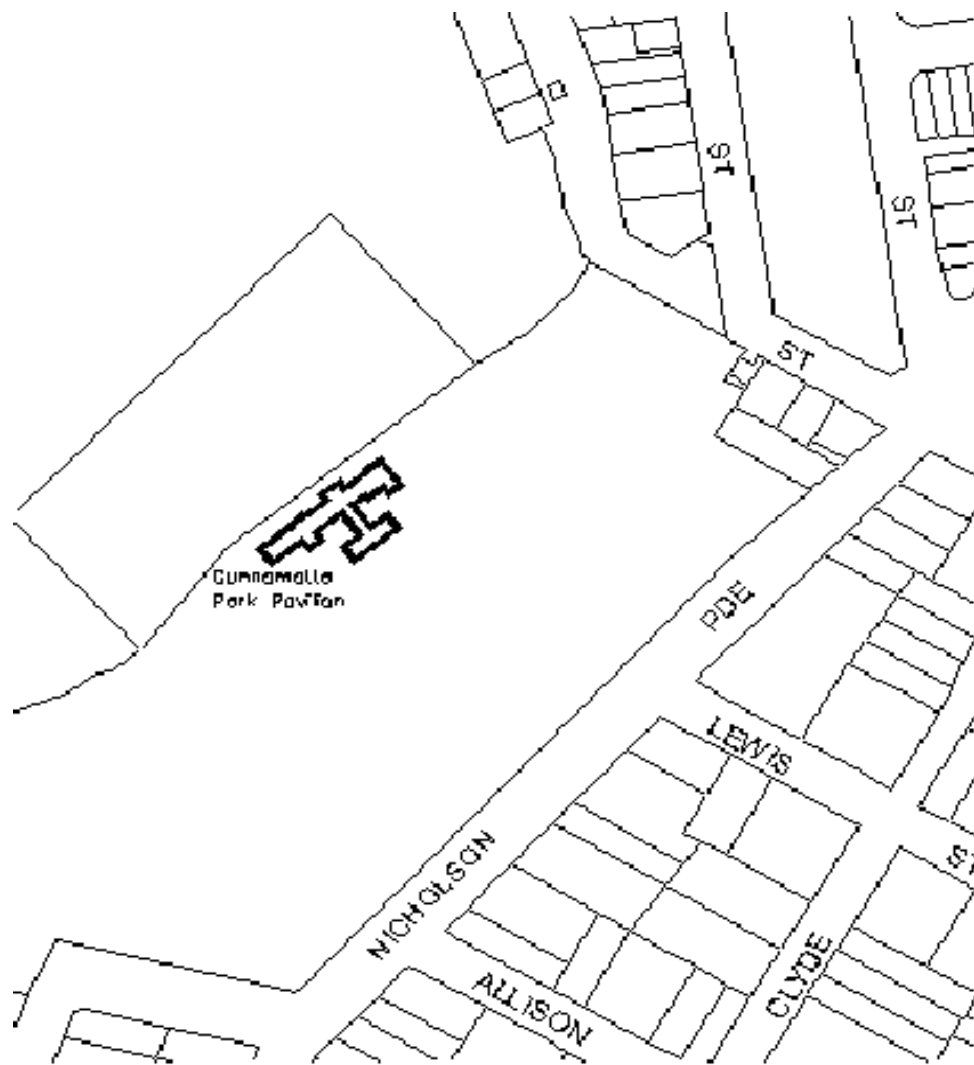
LOCATION CRONULLA







**Map 8: Restaurants in 6 (a) Zones Sheet 9: Cronulla Surf Life Saving Club, Sports Complex and Restaurant. LOCATION CRONULLA**



Map 8: Restaurants in 6(a) Zones  
Sheet 10: Gunnamatta Park Pavilion

LOCATION CRONULLA



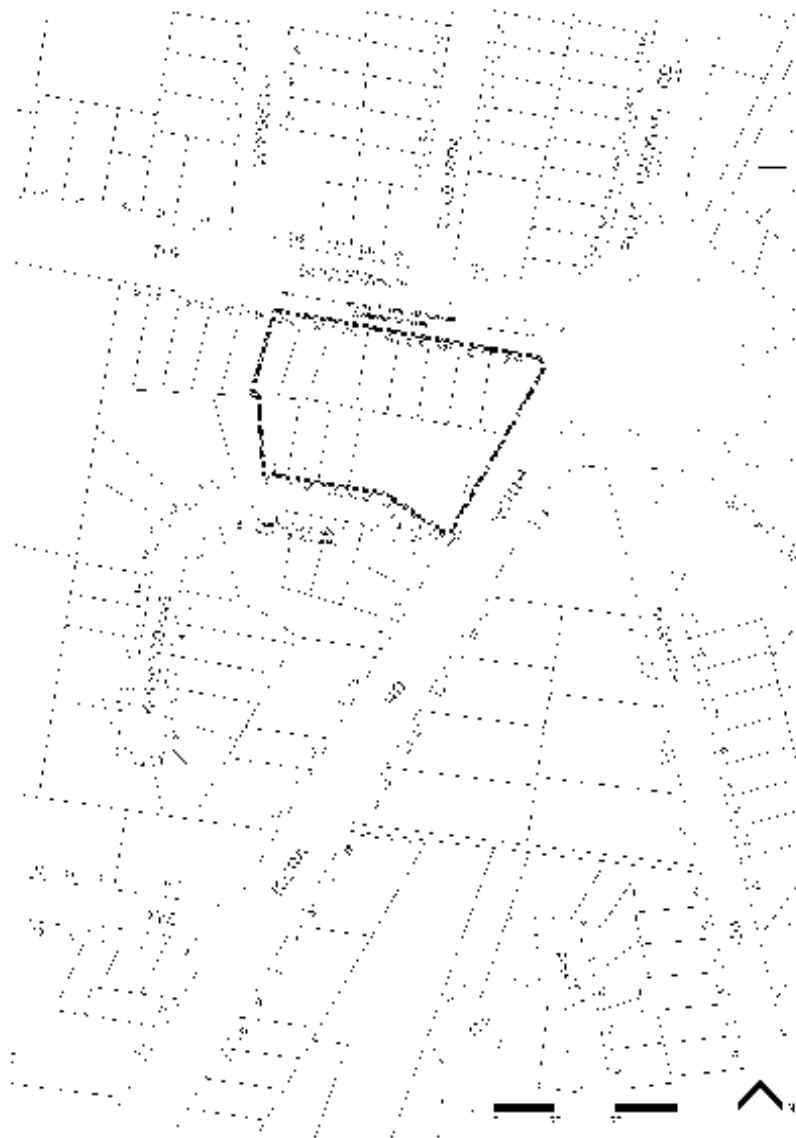


Map 08 Sheet f1: Nos.66-94r Mitchell Road

Location CRONULLA

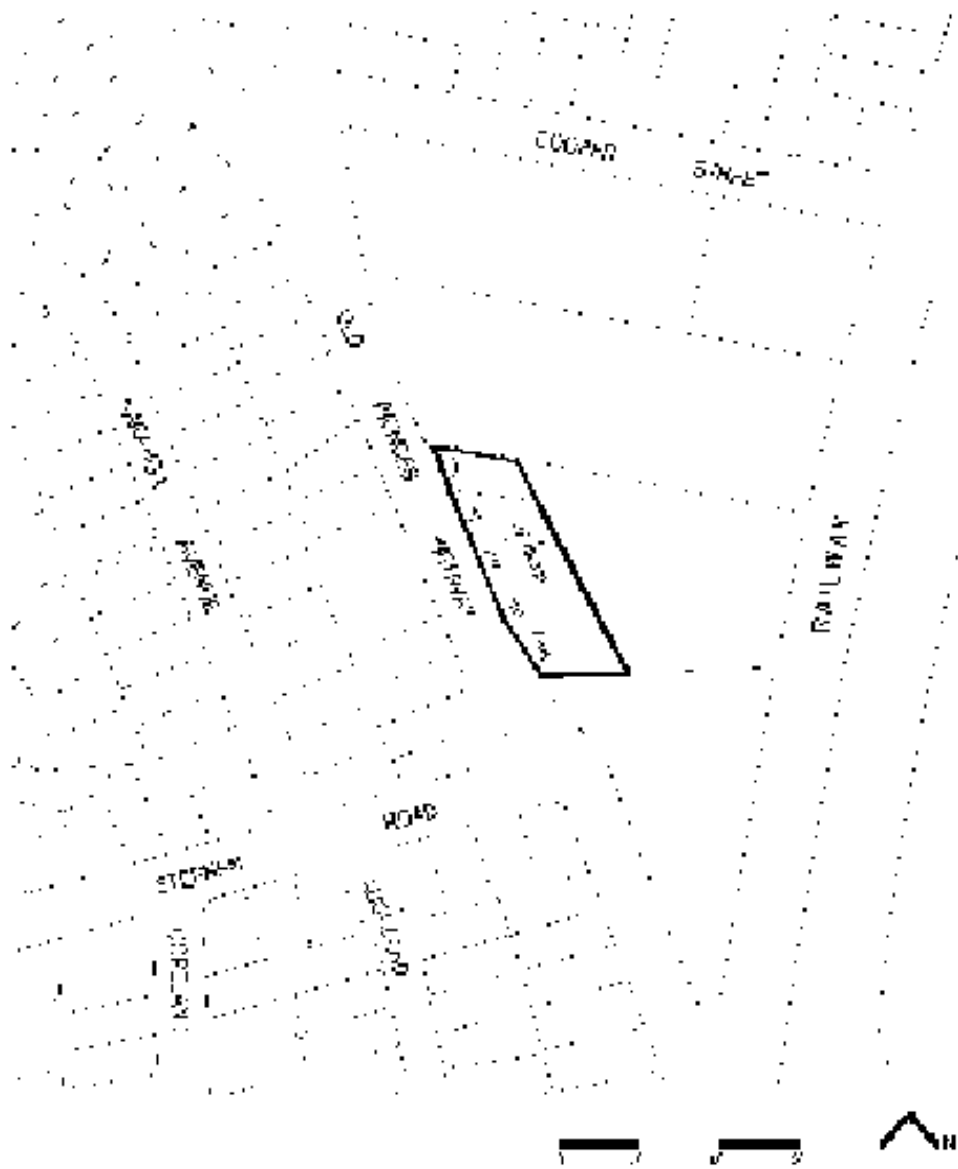


Building where a proposed restaurant may locate



Map 9: 220-234 The Boulevard, Nos 1-3 Kiora Rd &  
Nos 1-5 Kumbardang Ave.

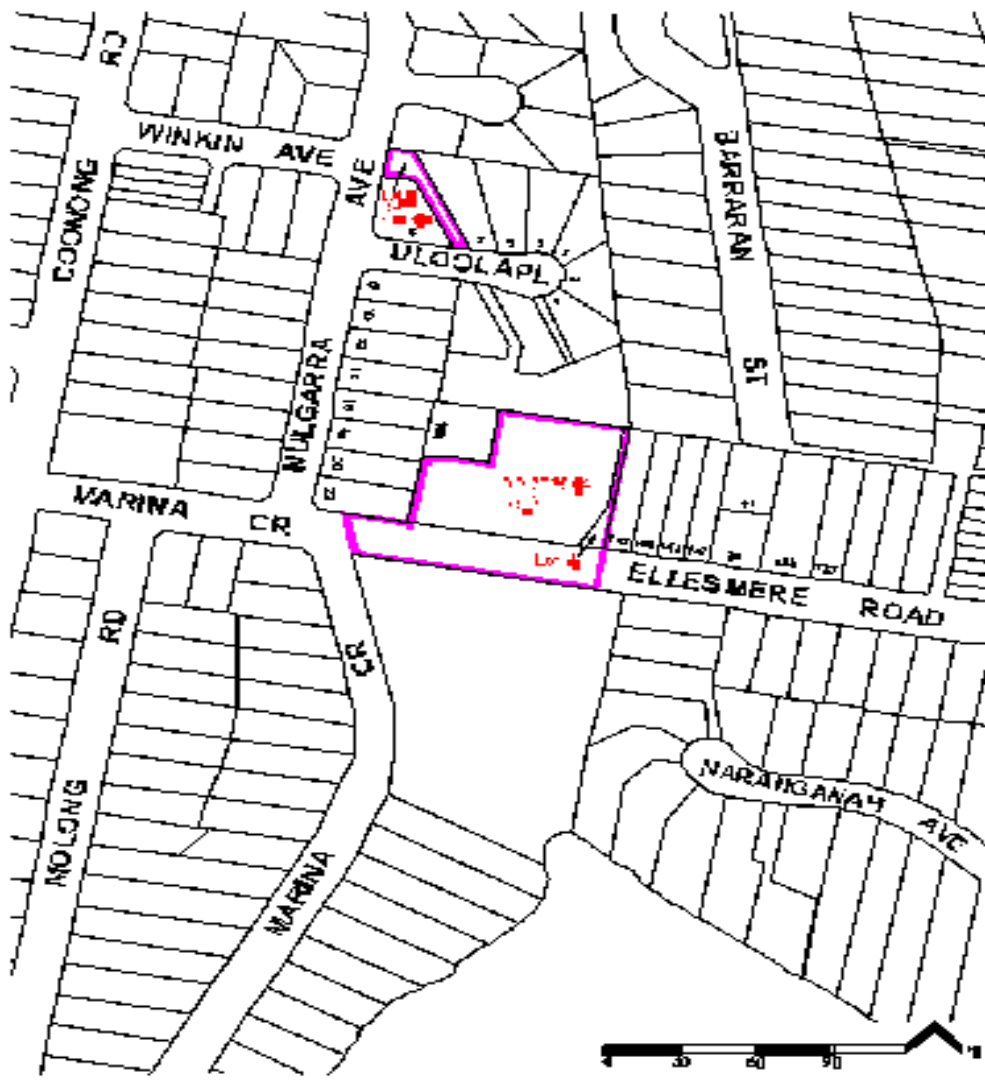
Location: Miranda



Map 10: 1120-1128 Old Princes Highway

Location: ENGLAND

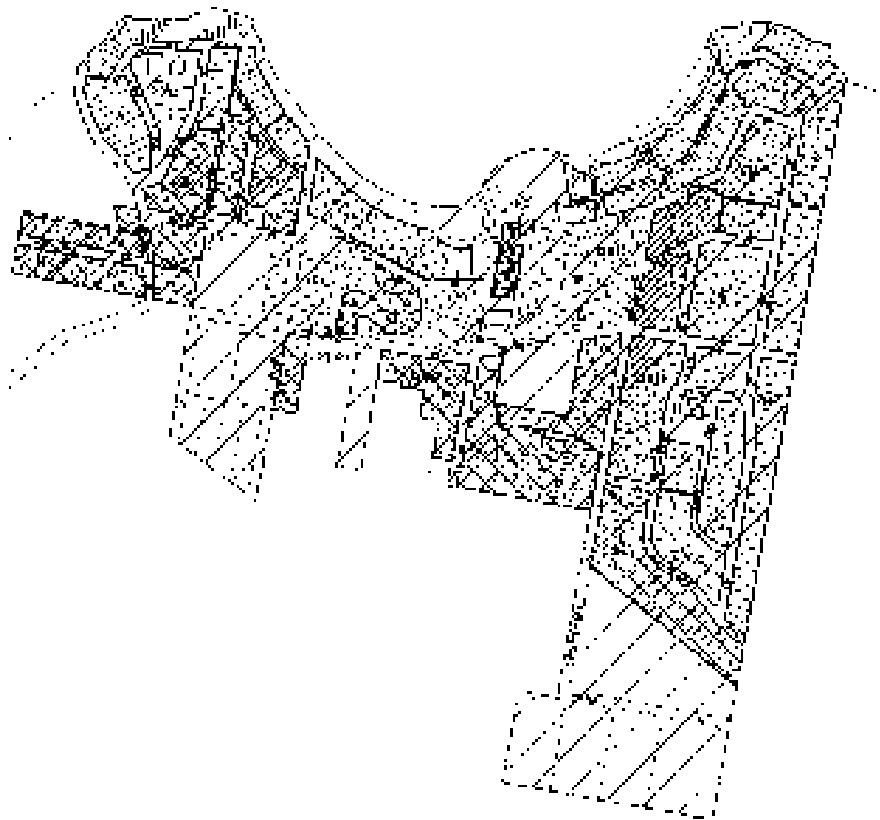
Local Public Recreation



Map 11: 51-57 Ellesmere Road, an unmade section of that road and 4-10-14 Place

LOCATION: SYDNEY

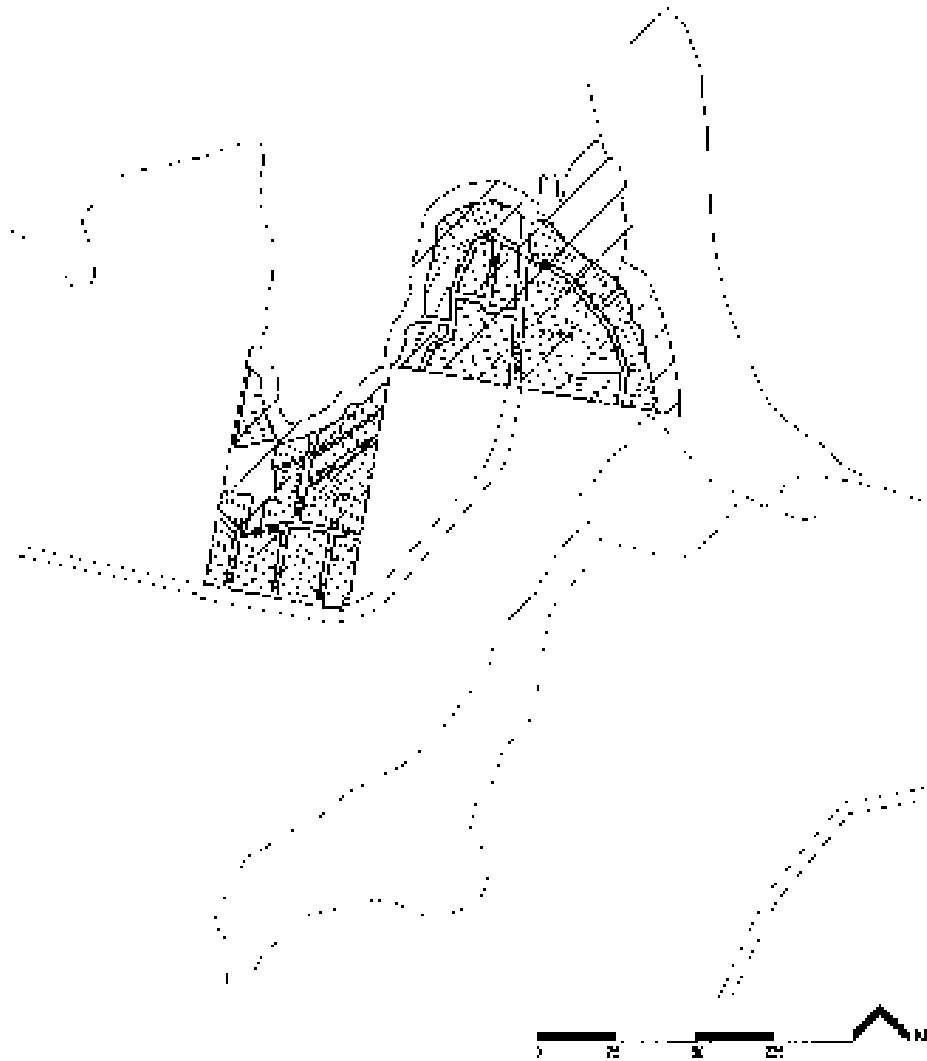
3 (a) Full Part 4 (13P)



Map 12: Sheet 1

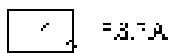
Location: BUNCEENA





Map 12: Sheet 2

Location MAINBEAR







Map 13: Old Illawarra Rd. and Allison Cres.


Local Ordinance 10/2000

7. Environmental Protection (Bushland)



**Map 14: 12 Denman Avenue  
12R Wills Road,**


LOCATION WOOLLOOWARE

 6(a) Public Recreation



**Map 15: 94,95,96 The Esplanade**


LOCATION CRONULLA

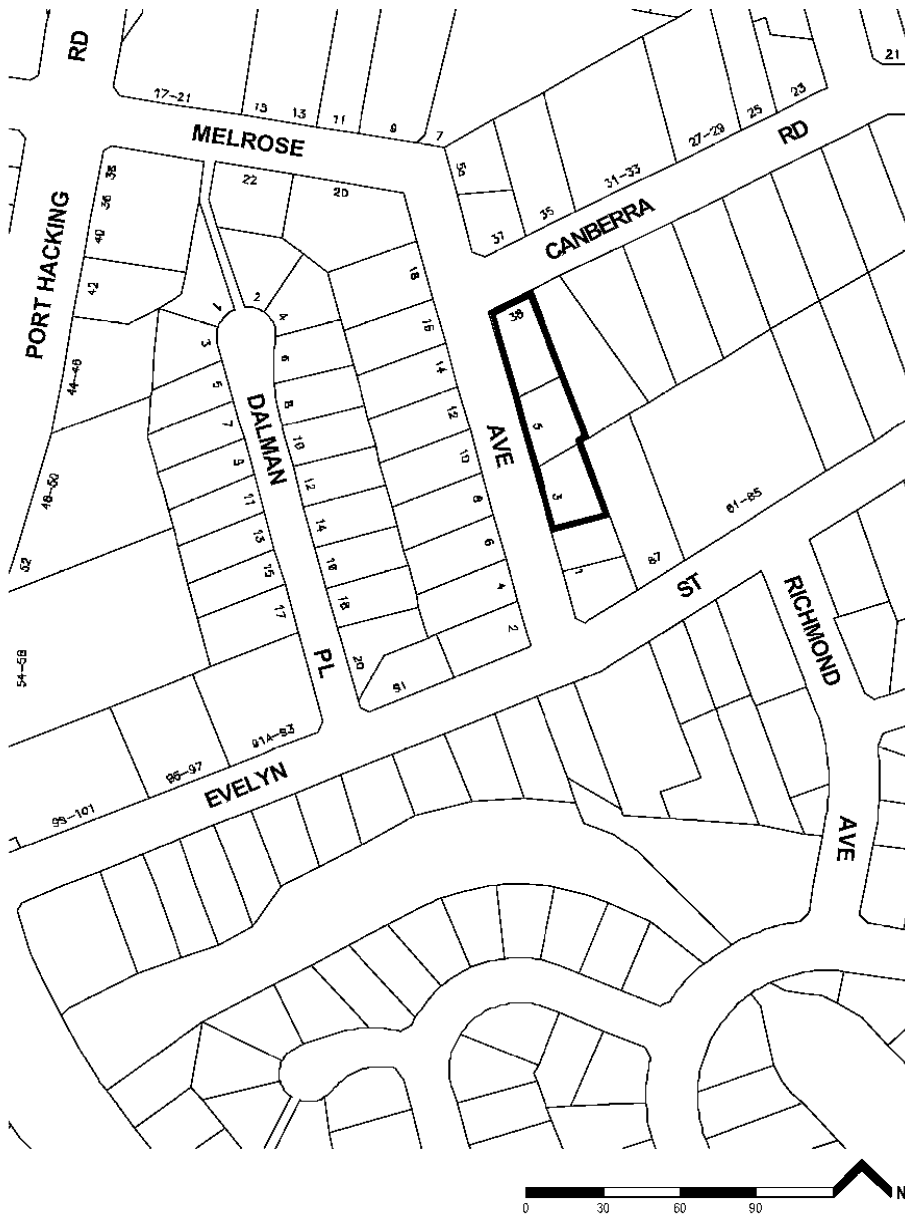
 6 (a) Public Recreation - Foreshore Scenic Protection Area



**Map 16: 6,8,10,12 Castelnau Street**


LOCATION CARINGBAH

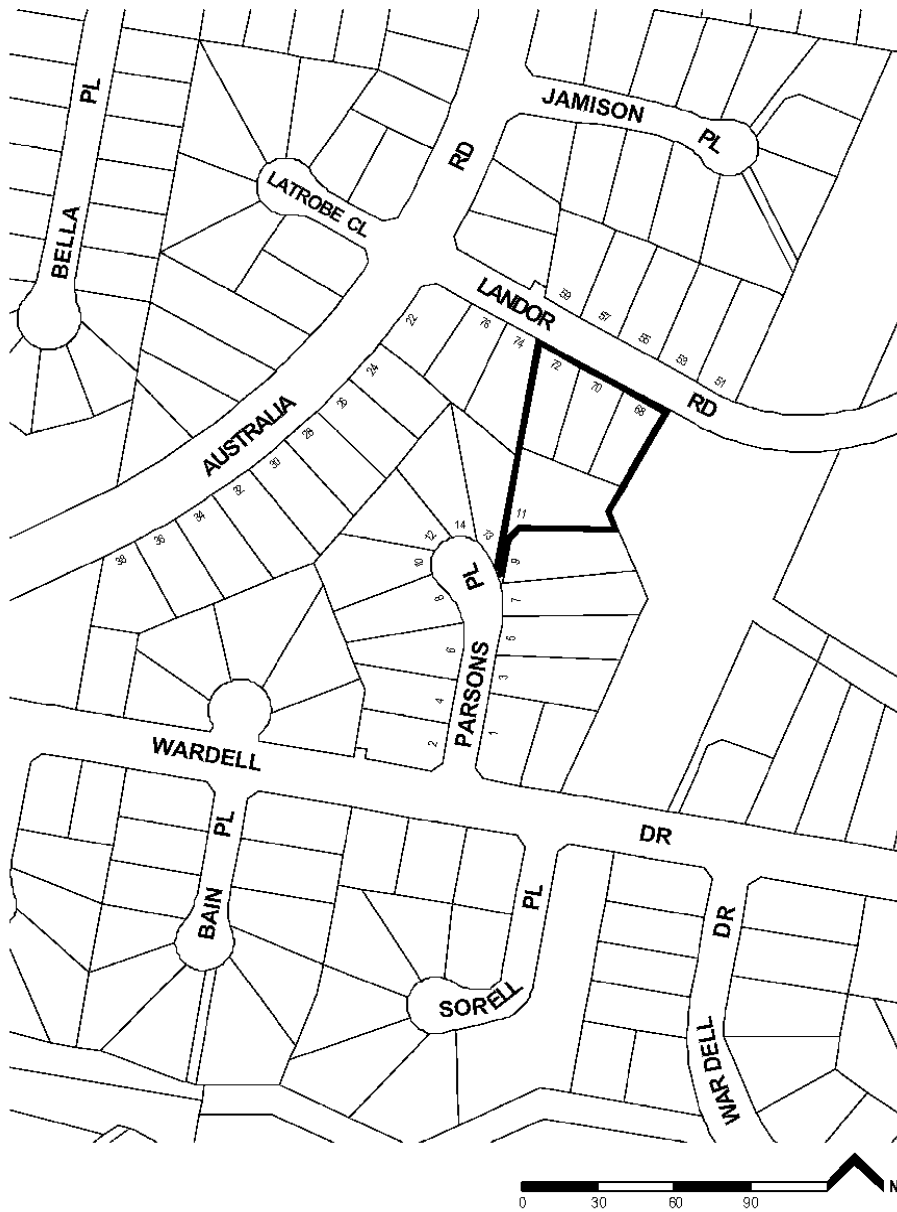
 6(a) Public Recreation



**Map 17: 38 Canberra Road,  
3,5 Melrose Avenue**


LOCATION SYLVANIA

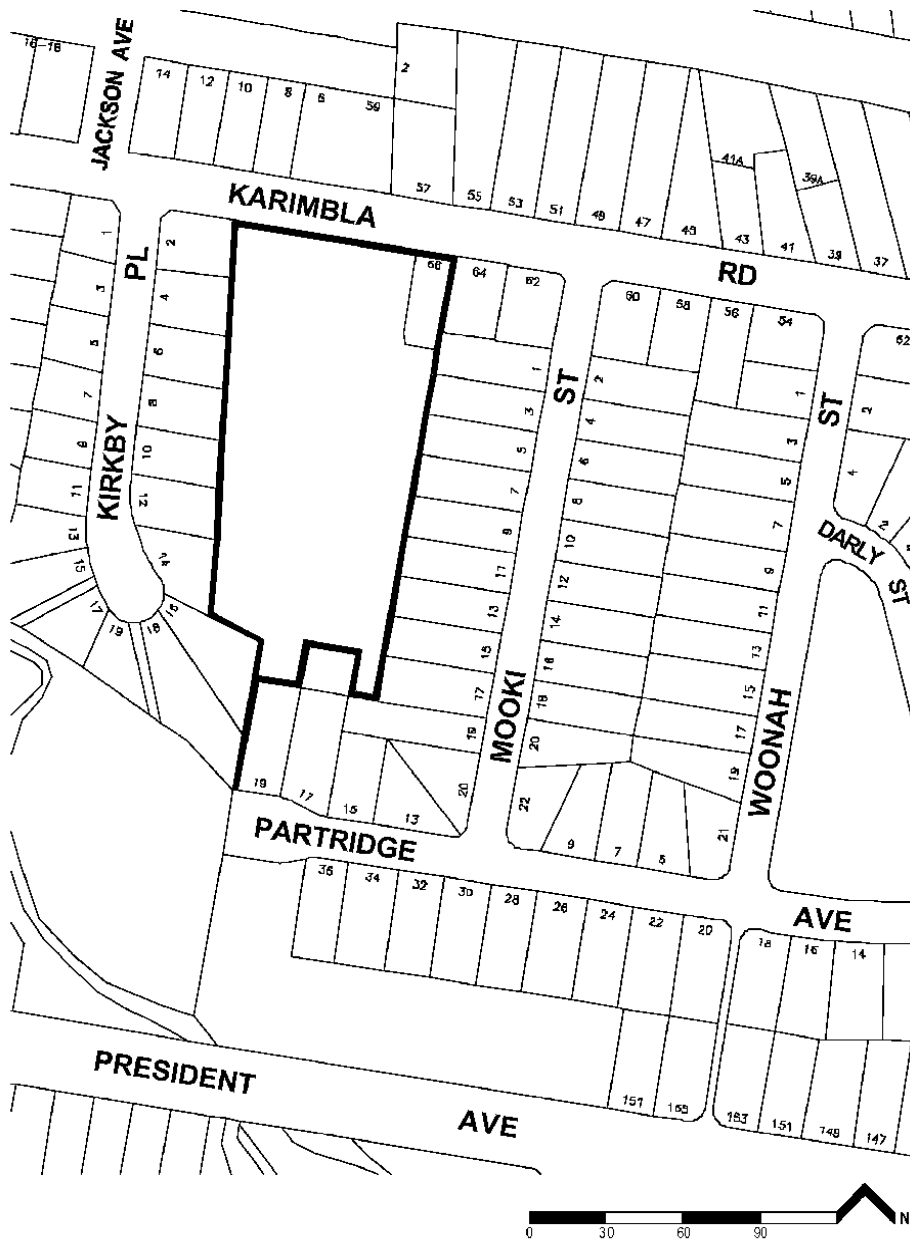
 6(a) Public Recreation



**Map 18: 68,70,72 Landor Road,  
11 Parsons Place**


LOCATION BARDEN RIDGE

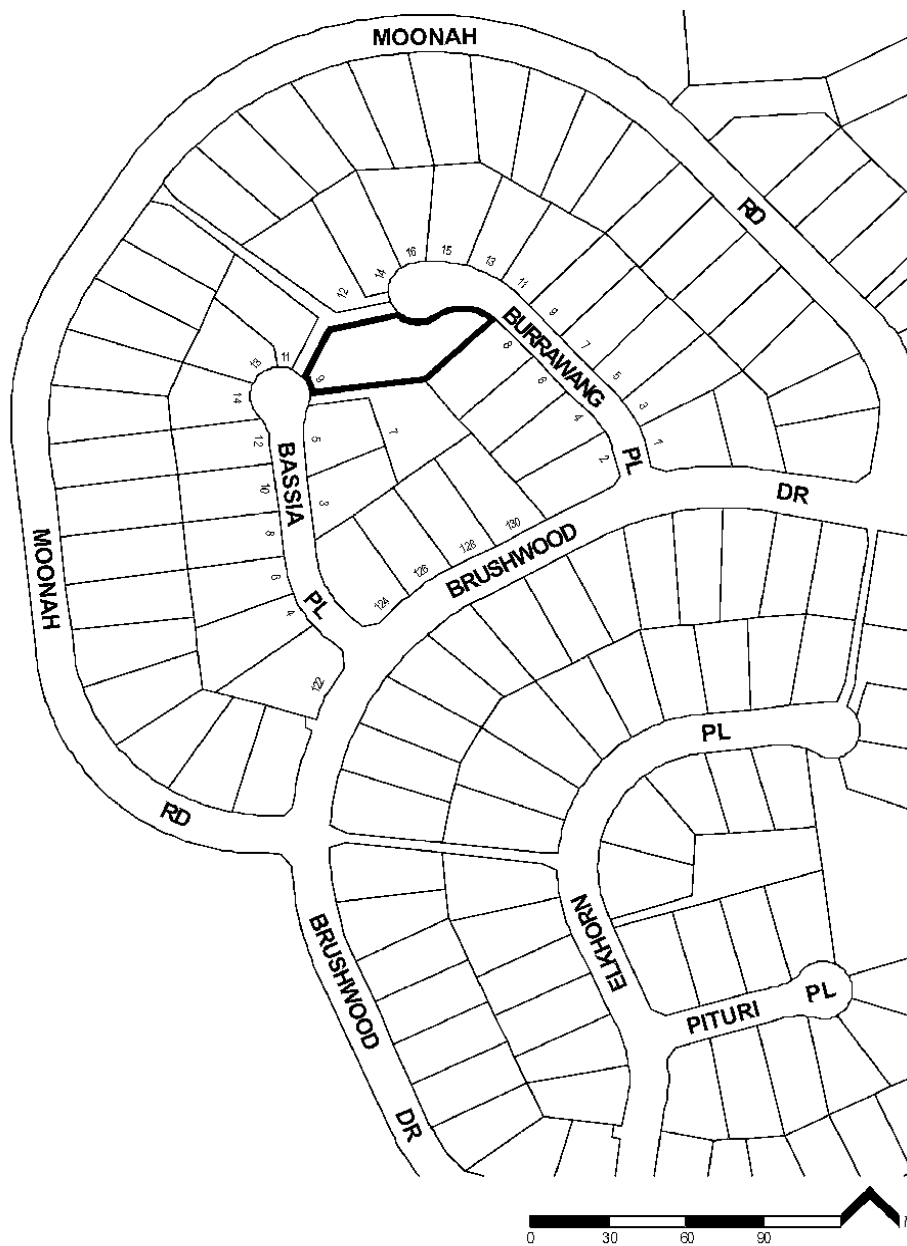
 6(a) Public Recreation



**Map 19: 66-74 Karimbla Road**


LOCATION MIRANDA

 6(a) Public Recreation

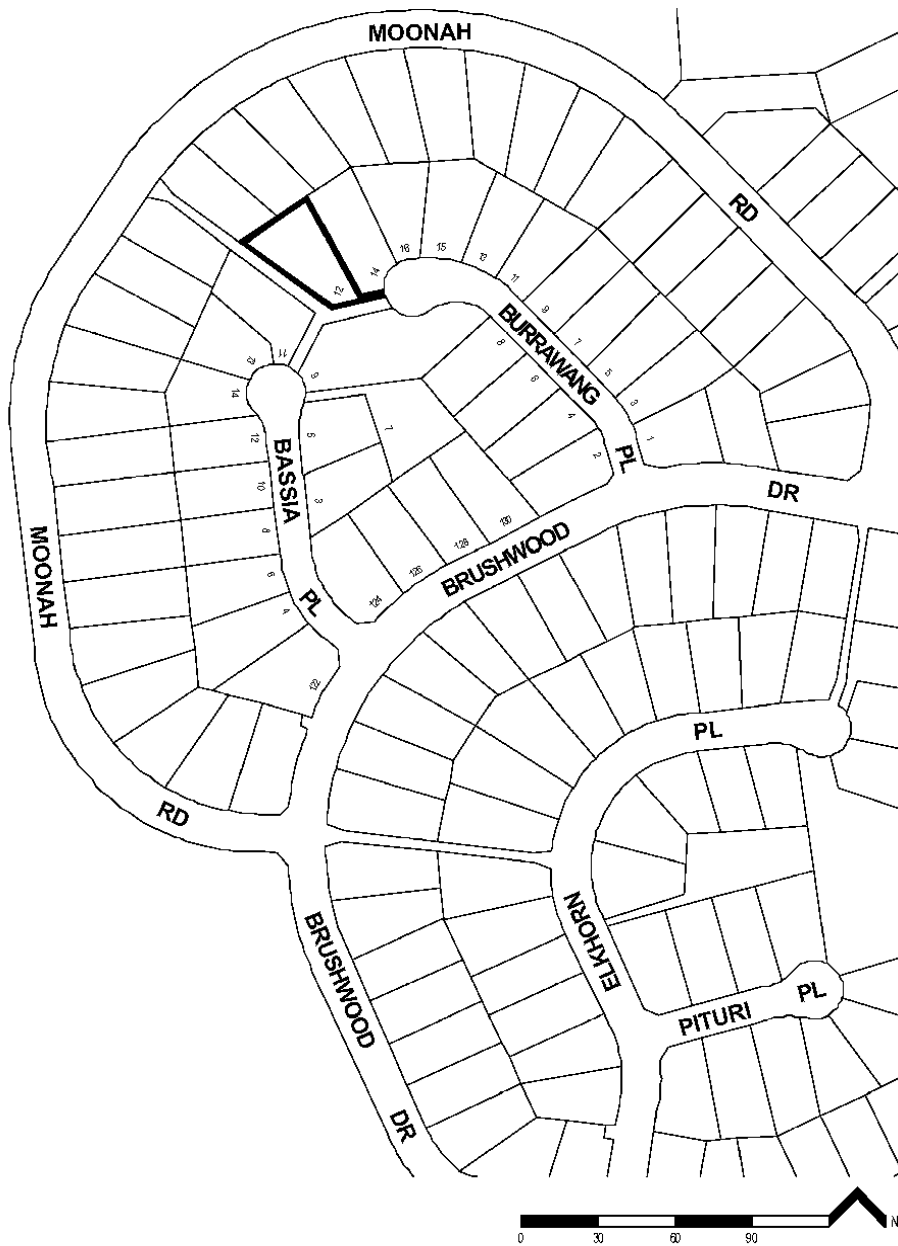


**Map 20: 9 Bassia Place**

LOCATION ALFORDS POINT


 6(a) Public Recreation - Foreshore Scenic Protection Area

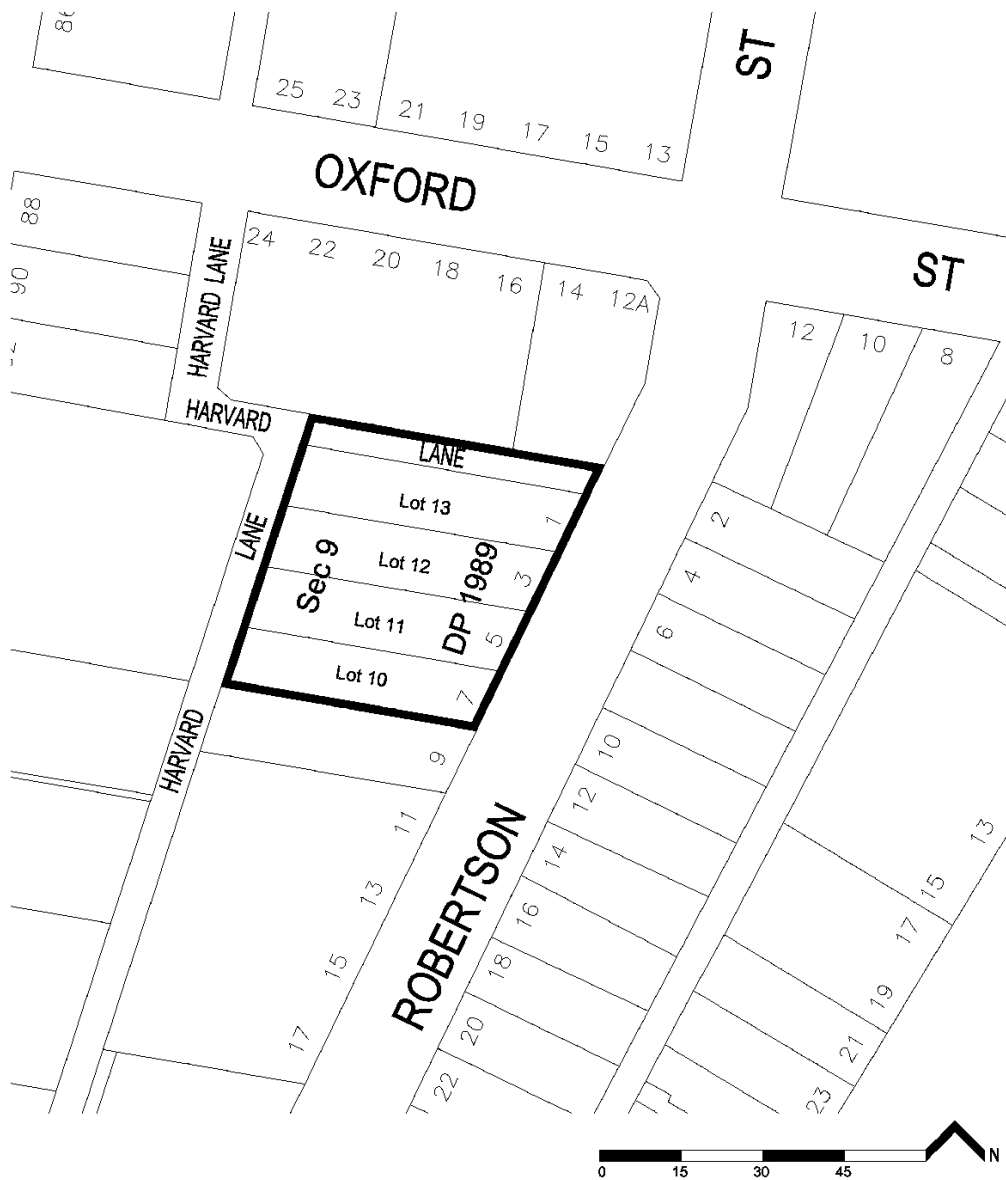




**Map 21: 12 Burrawang Place**


LOCATION ALFORDS POINT

 2 (a1) Residential - Foreshore Scenic Protection Area



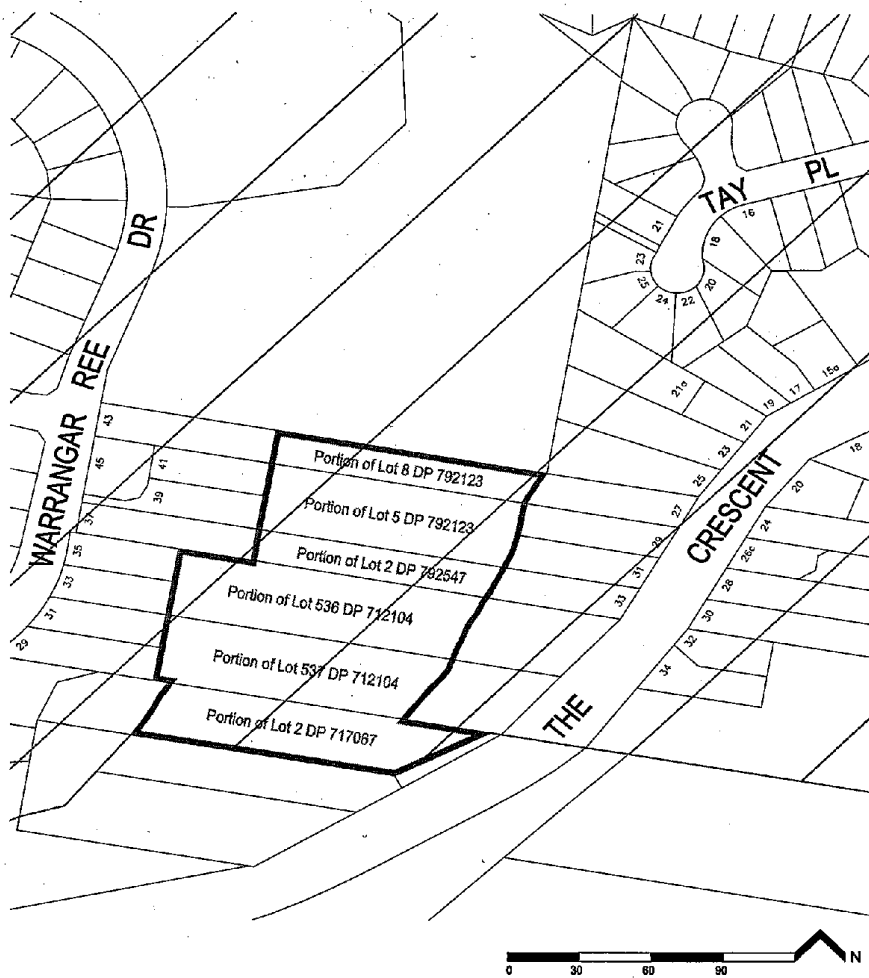
Map 14: 1-7 Robertson Street and part of Harvard Lane

LOCATION SUTHERLAND

 6 (a) Public Recreation


**Editorial note—**

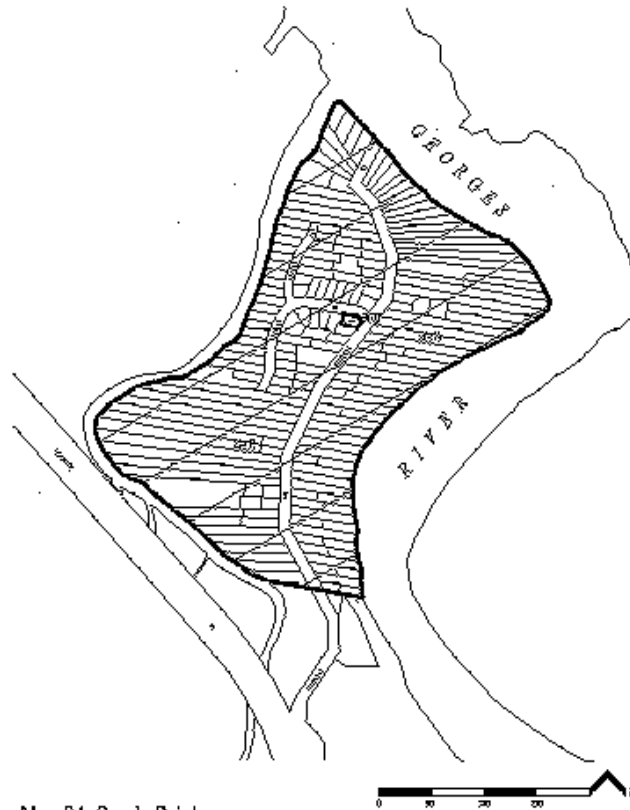
This map, as inserted by Gazette No 38 of 8.2.2002, p 788, was renumbered as “Map 22:1-7 Robertson Street and Part of Harvard Lane” by Gazette No 57 of 8.3.2002, p 1532.



Map 23: The Crescent




Location WORONORA

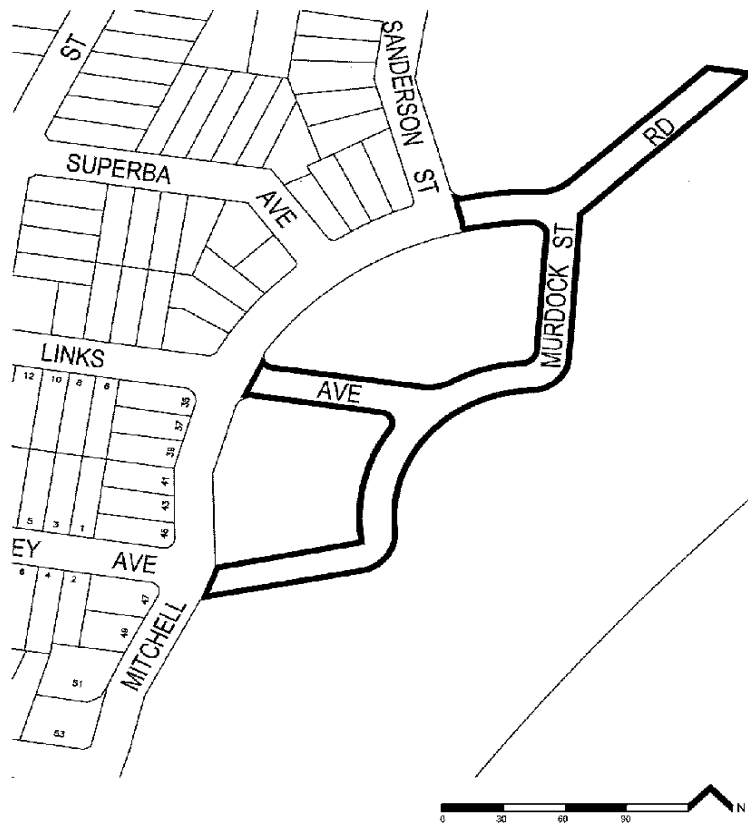
 6 (a) Public Recreation



Map 24: Sandy Point


Location SANDY POINT

-  2 (a) Residential
-  3 (b) Neighbourhood Business
-  F.S.P.A.



Map 25: Wanda Reserve


Location NORTH CRONULLA

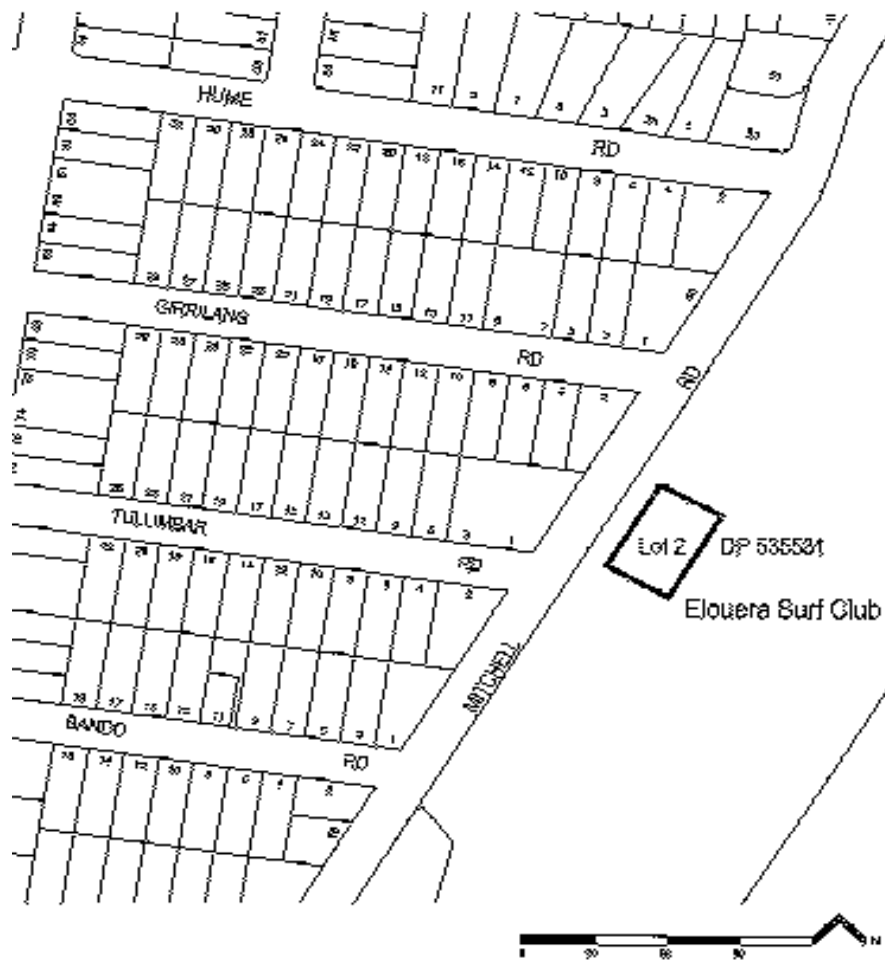
 6 (a) Public Recreation



Map 26: Woronora Emergency Access Road,  
between Bundanoon Road, and The Crescent.


Location WORONORA AND WORONORA HEIGHTS

 7(b) Environmental Protection (Bushland)



Map 27: Nos.66-94r Mitchell Road


Location CRONULLA

 B(a) Public Recreation



Map 28 ; No.99 Oak Road.

Location KIRRAWEE

 § (a) Private Recreation

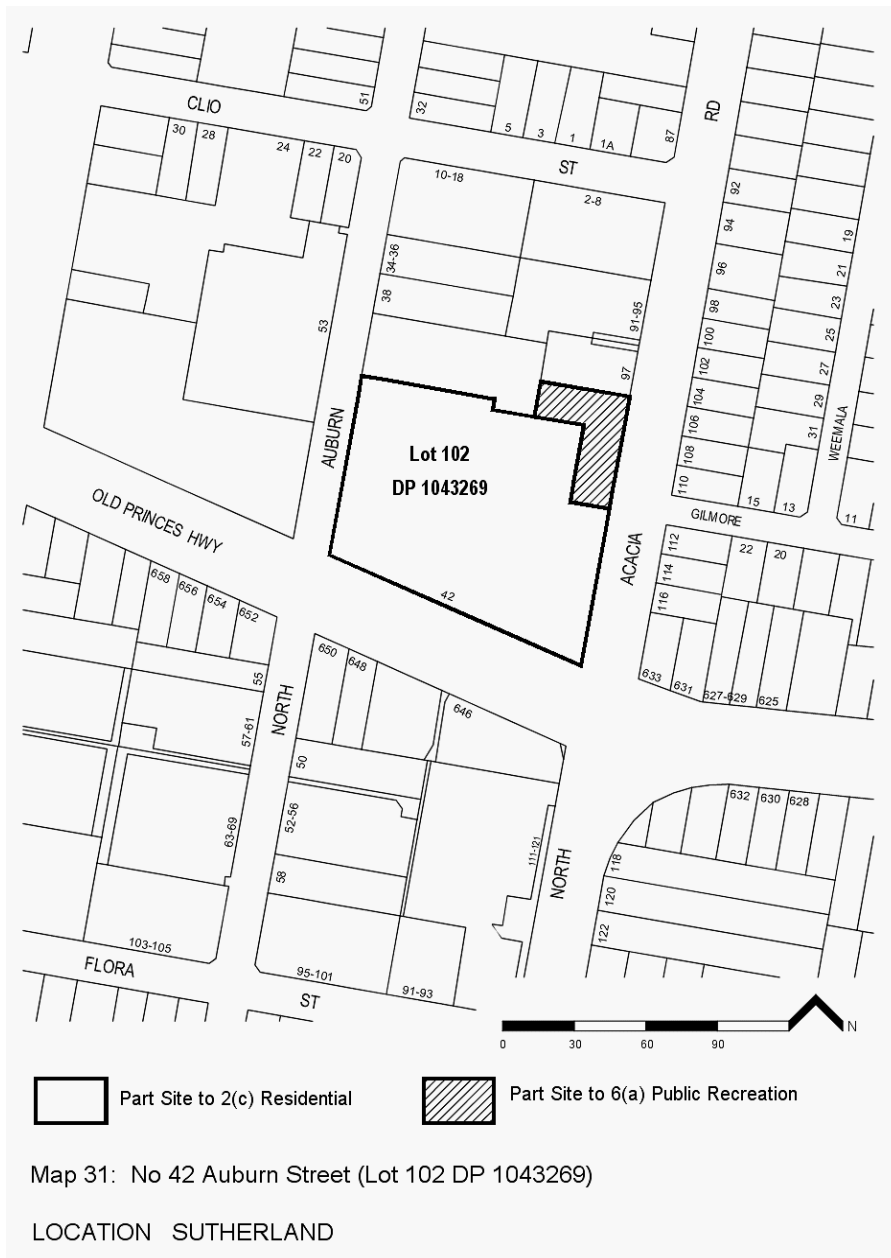




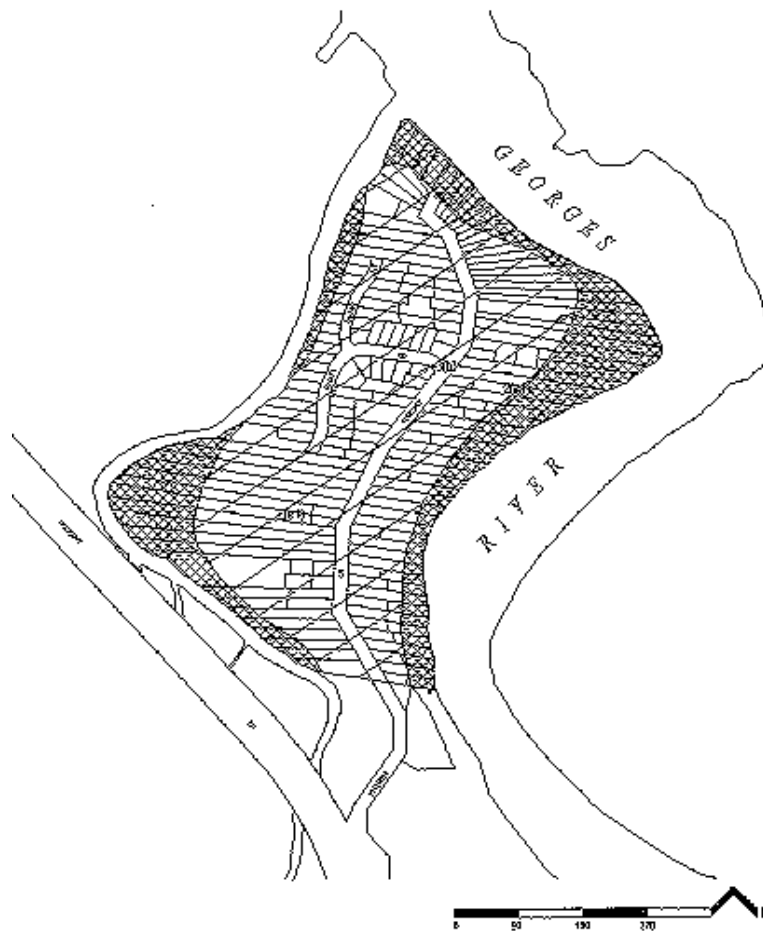
Map 30: No.55 Part 10 Concept

1:000 TO SCALE

□ Area of the Council's Public Domain  
□ Area of the Council's Public Domain  
□ Area of the Council's Public Domain





## Part 2 Maps amending the acid sulfate soil planning maps



Map 1: Sandy Point

Location SANDY POINT

-  Acid Sulfate Soils Class 3
-  Acid Sulfate Soils Class 5