

Sutherland Shire Local Environmental Plan 2006

[2006-669]



New South Wales

Status Information

Currency of version

Historical version for 13 June 2008 to 14 December 2008 (accessed 10 November 2024 at 19:50)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

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

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 13 June 2008

Sutherland Shire Local Environmental Plan 2006



New South Wales

Contents

Part 1 Preliminary	5
1 Name of plan	5
2 Commencement	5
3 Aims of plan.....	5
4 Land to which plan applies	6
5 Definitions, notes and maps	6
6 Consent authority	7
7 Repeal of other local environmental plans	7
8 Application of SEPPs and REPs.....	7
9 Suspension of covenants and agreements	8
Part 2 General provisions	9
10 Zones in this plan	9
11 Zoning Table	10
12 Exempt development	34
13 Complying development.....	36
Part 3 Special provisions	38
Division 1 Provisions that apply to particular land	38
14 Exceptions to Zoning Table—specified development on specified land	38
15 Development in Zone 10—Neighbourhood Centre	41
16 Development in Zone 17—Environmental Protection (Low Impact Rural)	41
17 Buildings or works on land traversed by foreshore building line	42

18 Development in or adjacent to waterways	45
19 Biodiversity—wetlands	47
20 Environmental risk—flood risk	47
21 Environmental risk—bush fire	48
22 Environmental risk—contaminated land management.....	48
23 Environmental risk—acid sulfate soils	48
24 Environmental risk—high flux research nuclear reactor at Lucas Heights Science and Technology Centre	50
25 Classification and reclassification of public land.....	51
26 Acquisition of land	51
27 Development on land referred to in clause 26 before acquired or used for purpose for which reserved	53
Division 2 Provisions that apply to particular kinds of development	54
28 Subdivision—consent requirements	54
29 Crown development and public utilities.....	54
30 Maintenance dredging of tidal waterways	57
31 Development for group homes	57
32 Seniors housing in Zone 8 or 9	58
33 Building height	58
34 Building height—seniors housing in Zone 4, 5 or 6	61
35 Building density.....	62
36 Landscaped area	64
37 Objectives of clauses 39–42	66
38 References to area, width and depth of lot in clauses 39–42	66
39 Minimum size of lot for dwelling houses.....	67
40 Dual occupancies—internal lots and lot sizes	68
41 Villa houses, townhouses and residential flat buildings—internal lots and lot sizes	69
42 Seniors housing—minimum lot size.....	69
43 Extended family units—maximum floor space	69
44 Convenience stores—maximum floor space	70
45 Childcare centres—maximum number of children in Zone 1, 2, 4, 5 or 6.....	70
46 Telecommunication facilities and electromagnetic radiation emitting facilities and structures.....	70

Division 3 Miscellaneous	71
47 Temporary use of land	71
48 Urban design—general	71
49 Urban design—residential buildings	72
50 Urban design—non-residential development in residential areas.....	73
51 Ecologically sustainable development.....	73
52 Energy efficiency and sustainable building techniques	74
53 Transport accessibility, traffic impacts and car parking.....	74
54 Heritage.....	74
55 Significant trees or natural landforms	78
56 Preservation of trees or vegetation	78
57 Removal of certain vegetation permissible without consent	79
Schedule 1 Amendment of other environmental planning instruments ...82	
Schedule 2 Exempt development	84
Schedule 3 Complying development	108
Schedule 4 Classification and reclassification of public land	125
Schedule 5 Land for which the corporation is an acquiring authority	126
Schedule 6 Heritage items	127
Dictionary	148

Sutherland Shire Local Environmental Plan 2006



New South Wales

Part 1 Preliminary

1 Name of plan

This plan is *Sutherland Shire Local Environmental Plan 2006*.

2 Commencement

This plan commences on the day occurring 14 days after the date of its publication in the Gazette.

3 Aims of plan

The aims of this plan are as follows:

- (a) to enable the achievement of the community's vision for Sutherland Shire through the proper management, development and conservation of the Shire's environmental resources,
- (b) to describe the intended environmental outcomes that will result from the effective implementation of this plan,
- (c) to promote an appropriate balance of development and management of the environment that will be ecologically sustainable, socially equitable and economically viable,
- (d) to provide for appropriate land use controls that protect critical requirements relating to the use of Commonwealth land for defence purposes,
- (e) to establish a broad planning framework for controlling development in Sutherland Shire,
- (f) to conserve items of environmental heritage,
- (g) to preserve and enhance the quality of native vegetation and fauna,
- (h) to protect environmentally sensitive areas,
- (i) to conserve natural, indigenous and built heritage sites throughout Sutherland Shire,

- (j) to encourage development that is energy efficient and supports access by public transport, walking and cycling,
- (k) to provide opportunities for business interests to respond to the demands of the community for shopping and the provision of services,
- (l) to provide employment opportunities in Sutherland Shire,
- (m) to put in place a framework of controls to address current and future housing needs,
- (n) to allow for provision of community facilities and land for public purposes,
- (o) to preserve or enhance the quality of life of the local community,
- (p) to allow for improvements and appropriate additions to the recreational assets of Sutherland Shire.

4 Land to which plan applies

This plan applies to all land in Sutherland Shire, except for the following land:

- (a) land to which *Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989)* applies,
- (b) land identified on the map as “deferred matter”, being land that is excluded from this plan under section 68 (5) or 70 (4) of the Act,
- (c) land identified on the map as “Excluded”.

Note—

The land identified on the map as “Excluded” comprises the following land:

- (a) certain land at West Menai,
- (b) the land shown edged heavy black on the map marked “Map 26: Woronora Emergency Access Road, between Bundanoon Road, and the Crescent” in Schedule 7 to the former *Sutherland Shire Local Environmental Plan 2000*,
- (c) the land shown with heavy edging on the map marked “Map 32 Cronulla Sutherland Leagues Club, Captain Cook Drive” in Schedule 7 to the former *Sutherland Shire Local Environmental Plan 2000*.

5 Definitions, notes and maps

- (1) The Dictionary at the end of this plan defines words and expressions for the purposes of this plan.
- (2) Notes in this plan are provided for guidance and do not form part of this plan.
- (3) A reference in this plan to a map is a reference to a map deposited in the office of the Council, except as otherwise stated.

Note about references to publications—

This plan also contains references to various publications, including Australian Standards. See section 69 of the *Interpretation Act 1987* in relation to references to publications.

6 Consent authority

The consent authority for the purposes of this plan is (subject to the Act) the Council.

7 Repeal of other local environmental plans

- (1) *Sutherland Local Environmental Plan—Menai Town Centre 1992* and *Sutherland Shire Local Environmental Plan 2000* are repealed.
- (2) Despite subclause (1):
 - (a) *Sutherland Local Environmental Plan—Menai Town Centre 1992* and *Sutherland Shire Local Environmental Plan 2000*, as in force immediately before the commencement of this plan, continue to apply to land referred to in clause 4 (b) and (c) to the extent to which they applied to that land immediately before that commencement, and
 - (b) any development application lodged before the commencement of this plan, but not finally determined before its commencement, is to be determined as if this plan had been exhibited under section 66 of the Act but had not been made.

8 Application of SEPPs and REPs

Note about application of this plan to seniors housing—

This plan does not apply to development in Sutherland Shire for the purposes of seniors housing to which *State Environmental Planning Policy (Seniors Living) 2004* applies. See clause 4 of that Policy.

- (1) This plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail over this plan as provided by section 36 of the Act.

Note—

Section 36 of the Act generally provides that SEPPs prevail over REPs and LEPs and that REPs prevail over LEPs. However, a LEP may (by an additional provision included in the plan) displace or amend a SEPP or REP to deal specifically with the relationship between this plan and the SEPP or REP.

- (2) *State Environmental Planning Policy No 1—Development Standards (SEPP 1)* does not apply to any provisions of this plan other than the provisions referred to in subclause (3).
- (3) SEPP 1 applies to the following provisions of this plan in the same way as SEPP 1 applies to development standards:
 - (a) clause 33 (4), (6)–(9) and (11)–(16) (relating to the height of buildings),
 - (b) clause 34 (3)–(6) (relating to the height of seniors housing on land in certain zones),

- (c) clause 35 (5)–(13) (relating to building density),
 - (d) clause 36 (3)–(9) (relating to the area of landscaping in connection with development for the purpose of buildings),
 - (e) clause 39 (2) (relating to lot sizes for dwelling houses),
 - (f) clause 40 (4) and (5) (relating to lot sizes for dual occupancies, including the subdivision of land on which there is a dual occupancy),
 - (g) clause 41 (4) and (5) (relating to lot sizes for villa houses, townhouses and residential flat buildings),
 - (h) clause 42 (1) (relating to lot sizes for seniors housing).
- (4) *State Environmental Planning Policy No 9—Group Homes* does not apply to land to which this plan applies.
- (5) The environmental planning instruments specified in Schedule 1 are amended as specified in that Schedule.

9 Suspension of covenants and agreements

- (1) For the purpose of enabling development to be carried out in accordance with this plan or in accordance with a development consent, any agreement, covenant or other similar instrument, to the extent necessary to serve that purpose, does not apply to the development.
- (2) This clause does not apply to land in the following zones under this plan:
- (a) Zone 1—Environmental Housing (Environmentally Sensitive Land),
 - (b) Zone 2—Environmental Housing (Scenic Quality),
 - (c) Zone 3—Environmental Housing (Bushland),
 - (d) Zone 4—Local Housing,
 - (e) Zone 5—Multiple Dwelling A,
 - (f) Zone 6—Multiple Dwelling B.
- (3) This clause does not apply to:
- (a) a covenant imposed by the Council or that the Council requires to be imposed, or
 - (b) any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
 - (c) any conservation agreement within the meaning of the *National Parks and Wildlife*

Act 1974, or

- (d) any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
 - (e) a covenant imposed in respect of land at Alford's Point, Barden Ridge, Bangor, Bonnet Bay, Illawong, Lucas Heights, Menai, Woronora Heights or Sylvania Waters to the extent that the covenant restricts the erection of front fences on the land, or
 - (f) a covenant imposed in respect of land facing the waterway at Sylvania Waters to the extent that the covenant restricts the erection of fences between the rear of any dwelling on the land and the waterway.
- (4) This clause does not affect the rights or interests of any public authority under any agreement, covenant or other similar instrument.
- (5) In accordance with section 28 of the Act, the Governor approved of subclause (1) before this plan was made.

Part 2 General provisions

10 Zones in this plan

- (1) The zones under this plan are as follows:
- (a) Zone 1—Environmental Housing (Environmentally Sensitive Land),
 - (b) Zone 2—Environmental Housing (Scenic Quality),
 - (c) Zone 3—Environmental Housing (Bushland),
 - (d) Zone 4—Local Housing,
 - (e) Zone 5—Multiple Dwelling A,
 - (f) Zone 6—Multiple Dwelling B,
 - (g) Zone 7—Mixed Use—Kirrawee,
 - (h) Zone 8—Urban Centre,
 - (i) Zone 9—Local Centre,
 - (j) Zone 10—Neighbourhood Centre,
 - (k) Zone 11—Employment,
 - (l) Zone 12—Special Uses,

- (m) Zone 13—Public Open Space,
- (n) Zone 14—Public Open Space (Bushland),
- (o) Zone 15—Private Recreation,
- (p) Zone 16—Environmental Protection (Waterways),
- (q) Zone 17—Environmental Protection (Low Impact Rural),
- (r) Zone 18—Environmental Protection (Water Catchment),
- (s) Zone 19—Aquatic Reserves,
- (t) Zone 20—National Parks, Nature Reserves and State Conservation Areas,
- (u) Zone 21—Railway,
- (v) Zone 22—Arterial Road,
- (w) Zone 23—Road,
- (x) Zone 24—Transport Reservation.

(2) For the purposes of this plan, land is in a zone if it is shown on the map as being in that zone.

11 Zoning Table

The Table to this clause specifies the following for each zone:

- (a) the objectives of the zone,
- (b) development that may be carried out without consent,
- (c) development that may be carried out only with consent,
- (d) development that is prohibited.

Table

Zone 1—Environmental Housing (Environmentally Sensitive Land)

1 Objectives of zone

The objectives of this zone are as follows:

- (a) to allow development of a scale and nature that:
 - (i) complements the natural landscape setting of the zone, and
 - (ii) protects and conserves existing vegetation and other natural

features of the zone,

- (b) to limit development in the vicinity of the waterfront so that the environment's natural qualities can dominate,
- (c) to minimise the risk to life, property and the environment by restricting the type, or level and intensity, of development on land that is subject to either natural or man-made hazards,
- (d) to minimise the impacts of development in the vicinity of heritage items,
- (e) to allow the subdivision of land only where the size of the resulting lots makes them capable of development that will not compromise the sensitive nature of the environment,
- (f) to ensure sharing of waterfront views between occupiers and users of new and existing buildings.

2 Development allowed without consent

Development for the purpose of:

bush fire hazard reduction work, bushland regeneration.

Exempt development.

3 Development allowed only with consent

Development (other than development included in item 2) for the purpose of:

boatsheds, childcare centres, community facilities, drainage, dual occupancies, dwelling houses, extended family units, places of public worship, recreation areas, residential medical practices, roads, utility installations (except gas holders or generating works).

Demolition not included in item 2.

4 Prohibited development

Any development not included in item 2 or 3.

Zone 2—Environmental Housing (Scenic Quality)

1 Objectives of zone

The objectives of this zone are as follows:

- (a) to allow development that complements the predominantly urban landscape setting of the zone, characterised by dwelling houses on single lots of land,
- (b) to ensure the character of the zone, as one comprised predominantly of dwelling houses, is not diminished by the cumulative impacts of development,
- (c) to allow development that is of a scale and nature that is consistent with the urban surroundings of the zone, while retaining or restoring natural features,
- (d) to protect existing vegetation and other natural features of the zone and encourage appropriate bushland restoration,
- (e) to minimise the risk to life, property and the environment by restricting the type, or level and intensity, of development on land that is subject to either natural or man-made hazards,
- (f) to minimise the impacts of development in the vicinity of heritage items,
- (g) to allow the subdivision of land only where the size of the resulting lots makes them capable of development that retains or restores natural features, while allowing a sufficient area for building footprints,
- (h) to ensure sharing of waterfront views between occupiers and users of new and existing buildings.

2 Development allowed without consent

Development for the purpose of:

bush fire hazard reduction work, bushland regeneration.

Exempt development.

3 Development allowed only with consent

Development (other than development included in item 2) for the purpose of:

boatsheds, childcare centres, community facilities, drainage, dual occupancies, dwelling houses, extended family units, places of public worship, recreation areas, residential medical practices, roads, tennis courts (private), utility installations (except gas holders or generating

works).

Demolition not included in item 2.

4 Prohibited development

Any development not included in item 2 or 3.

Zone 3—Environmental Housing (Bushland)

1 Objectives of zone

The objectives of this zone are as follows:

- (a) to minimise the risk to life, property and the environment from bush fire,
- (b) to allow development that is of a scale and nature that complements the natural surroundings of the zone,
- (c) to protect or restore existing bushland and other natural features,
- (d) to ensure the character of the zone, as one comprised predominantly of dwelling houses, is not diminished by the cumulative impacts of development,
- (e) to minimise the impacts of development in the vicinity of heritage items,
- (f) to allow the subdivision of land only where the size of the resulting lots makes them capable of development that retains or restores natural features, while allowing a sufficient area for building footprints and bush fire protection measures.

2 Development allowed without consent

Development for the purpose of:

bush fire hazard reduction work, bushland regeneration.

Exempt development.

3 Development allowed only with consent

Development (other than development included in item 2) for the purpose of:

drainage, dual occupancies, dwelling houses, extended family units, places of public worship, recreation areas, residential medical practices,

roads, tennis courts (private), utility installations (except gas holders or generating works).

Demolition not included in item 2.

4 Prohibited development

Any development not included in item 2 or 3.

Zone 4—Local Housing

1 Objectives of zone

The objectives of this zone are as follows:

- (a) to allow low density residential buildings that complement the predominantly urban landscape setting of the zone, characterised by dwelling houses on single lots of land,
- (b) to ensure the character of the zone, as one comprised predominantly of dwelling houses, is not diminished by the cumulative impacts of development,
- (c) to allow development that is of a scale and nature that preserves the streetscape and neighbourhood character of the zone,
- (d) to allow residential buildings that provide a variety of housing choices for the needs of the local community,
- (e) to allow non-residential buildings that provide necessary services to the local community without adversely affecting the residential amenity of the zone.

2 Development allowed without consent

Development for the purpose of:

bush fire hazard reduction work, drainage.

Exempt development.

3 Development allowed only with consent

Development (other than development included in item 2) for the purpose of:

boarding houses, childcare centres, community facilities, dual

occupancies, dwelling houses, educational establishments, extended family units, medical facilities (but only on land identified on the map for such a purpose), places of public worship, recreation areas, residential medical practices, roads, seniors housing, tennis courts (private), townhouses (except on internal lots), utility installations (except gas holders or generating works), villa houses (except on internal lots).

Demolition not included in item 2.

4 Prohibited development

Any development not included in item 2 or 3.

Zone 5—Multiple Dwelling A

1 Objectives of zone

The objectives of this zone are as follows:

- (a) to allow multiple dwellings that complement the predominantly urban landscape setting of the zone,
- (b) to allow development that is of a scale and nature that provides a transition from Zone 4—Local Housing,
- (c) to permit development on land at a density that is appropriate in terms of the land's proximity to services, facilities, employment opportunities and public transport,
- (d) to provide a range of housing choices in accessible locations.

2 Development allowed without consent

Development for the purpose of drainage.

Exempt development.

3 Development allowed only with consent

Development (other than development included in item 2) for the purpose of:

backpackers' accommodation, boarding houses, childcare centres, community facilities, dual occupancies, dwelling houses, extended family units, places of public worship, recreation areas, residential medical practices, roads, seniors housing, tennis courts (private), townhouses,

utility installations (except for gas holders or generating works), villa houses.

Demolition not included in item 2.

4 Prohibited development

Any development not included in item 2 or 3.

Zone 6—Multiple Dwelling B

1 Objectives of zone

The objectives of this zone are as follows:

- (a) to allow residential flat buildings in a form that complements the predominantly urban landscape setting of the zone,
- (b) to allow development that is of a scale and nature that reflects its position as part of an urban centre,
- (c) to permit development on land at a density that is appropriate in terms of the land's proximity to the retail/commercial centre, public transport, services and employment opportunities,
- (d) to provide a range of housing choices in accessible locations.

2 Development allowed without consent

Development for the purpose of drainage.

Exempt development.

3 Development allowed only with consent

Development (other than development included in item 2) for the purpose of:

backpackers' accommodation, boarding houses, childcare centres, community facilities, dwelling houses, places of public worship, recreation areas, residential flat buildings, residential medical practices, roads, seniors housing, tennis courts (private), townhouses, utility installations (except for gas holders or generating works), villa houses.

Demolition not included in item 2.

4 Prohibited development

Any development not included in item 2 or 3.

Zone 7—Mixed Use—Kirrawee

1 Objectives of zone

The objectives of this zone are as follows:

- (a) to take advantage of the zone's access and profile from the Princes Highway,
- (b) to create development that mixes employment activities within a liveable urban environment,
- (c) to encourage high employment-generating development that encompasses high technology industries, commercial display centres and light industries compatible with the existing locality and adjoining residential buildings,
- (d) to allow the zone to support a live-and-work culture that provides for local employment and acts as a transition between employment activity and strict residential uses in the surrounding neighbourhood,
- (e) to encourage industrial uses that are compatible with the desired future residential amenity of the zone,
- (f) to ensure the design of all residential buildings is of a high architectural quality and all residential buildings have an attractive streetscape setting,
- (g) to ensure development is carried out in a way that addresses the street concerned (achieving an attractive and vibrant streetscape) and reinforces surveillance of the public domain,
- (h) to make provision for a prestigious gateway development capable of employing a substantial workforce,
- (i) to provide a substantial area of public open space for employees, residents and the local community,
- (j) to facilitate the re-vitalisation of the Kirrawee Town Centre and the Kirrawee railway station precinct.

2 Development allowed without consent

Development for the purpose of drainage.

Exempt development.

3 Development allowed only with consent

Development (other than development included in item 2) for the purpose of:

advertisements, arts and crafts centres, awnings, backpackers' accommodation, boarding houses, building identification signs, business premises, car parks, childcare centres, community facilities, convenience stores, educational establishments, entertainment facilities, food shops, high technology industries, hotels, medical facilities, mixed use premises, motels, places of assembly, places of public worship, recreation areas, recreation facilities, registered clubs, residential flat buildings, restaurants, roads, seniors housing, service support industries, shop-top housing, shops, tourist facilities, utility installations (except for gas holders or generating works), warehouses.

Demolition not included in item 2.

4 Prohibited development

Any development not included in item 2 or 3.

Zone 8—Urban Centre

1 Objectives of zone

The objectives of this zone are as follows:

- (a) to identify appropriate land for the provision of a wide range of retail, business and professional activities,
- (b) to promote viable businesses through increased economic and employment activity,
- (c) to provide for an integrated mix of commercial, office, retail and residential buildings,
- (d) to create attractive, vibrant and safe establishments and facilities as a focus for community spirit.

2 Development allowed without consent

Development for the purpose of drainage.

Exempt development.

3 Development allowed only with consent

Development (other than development included in item 2) for the purpose of:

advertisements, arts and crafts centres, awnings, backpackers' accommodation, boarding houses, bulky goods premises, business identification signs, business premises, car parks, childcare centres, community facilities, convenience stores, educational establishments, entertainment facilities, food shops, hotels, medical facilities, mixed use premises, motels, motor showrooms, nightclubs, passenger transport facilities, places of assembly, places of public worship, railways, recreation areas, recreation facilities, registered clubs, residential flat buildings (but only on land identified on the map for such a purpose), restaurants, roads, seniors housing, service stations, service support industries, sex shops, shop-top housing, shops, tourist facilities, tourist information centres, utility installations (except for gas holders or generating works), vehicle rental centres, veterinary hospitals.

Demolition not included in item 2.

4 Prohibited development

Any development not included in item 2 or 3.

Zone 9—Local Centre

1 Objectives of zone

The objectives of this zone are as follows:

- (a) to identify appropriate land for the provision of a wide range of retail, business and professional activities,
- (b) to promote viable, small, local and specialty shops to support the needs of the local community and provide local employment,
- (c) to provide for a mix of commercial, office, retail and residential buildings,
- (d) to create attractive, vibrant and safe establishments and facilities as a

focus for community spirit.

2 Development allowed without consent

Development for the purpose of drainage.

Exempt development.

3 Development allowed only with consent

Development (other than development included in item 2) for the purpose of:

advertisements, arts and crafts centres, awnings, backpackers' accommodation, boarding houses, business identification signs, business premises, car parks, childcare centres, community facilities, convenience stores, educational establishments, entertainment facilities, food shops, hotels, medical facilities, mixed use premises, motels, motor showrooms, nightclubs, passenger transport facilities, places of assembly, places of public worship, railways, recreation areas, recreation facilities, registered clubs, residential flat buildings, restaurants, roads, seniors housing, service stations, service support industries, sex shops, shop-top housing, shops, tourist facilities, tourist information centres, utility installations (except for gas holders or generating works), vehicle rental centres.

Demolition not included in item 2.

4 Prohibited development

Any development not included in item 2 or 3.

Zone 10—Neighbourhood Centre

1 Objectives of zone

The objectives of this zone are as follows:

- (a) to promote small-scale retail and business activities to serve the day-to-day needs of the surrounding local community,
- (b) to provide for pedestrian-friendly and safe shopping designed to cater particularly for the needs of all ages and disabilities,
- (c) to encourage shop-top housing in association with small business uses.

2 Development allowed without consent

Development for the purpose of drainage.

Exempt development.

3 Development allowed only with consent

Development (other than development included in item 2) for the purpose of:

advertisements, arts and crafts centres, awnings, backpackers' accommodation, boarding houses, business identification signs, business premises, car parks, childcare centres, community facilities, convenience stores, food shops, medical facilities, mixed use premises, places of public worship, recreation areas, recreation facilities, registered clubs, residential medical practices, restaurants, roads, seniors housing, service stations, service support industries, shop-top housing, shops, tourist facilities, utility installations (except for gas holders or generating works), vehicle rental centres.

Demolition not included in item 2.

4 Prohibited development

Any development not included in item 2 or 3.

Zone 11—Employment

1 Objectives of zone

The objectives of this zone are as follows:

- (a) to ensure development supports the role and functioning of employment areas,
- (b) to promote appropriate development that will contribute to employment generation and the economic growth of Sutherland Shire,
- (c) to provide for a range of related land uses to provide direct services to employees,
- (d) to provide for development for the purposes of shops and businesses ancillary to other development carried out on the land concerned,
- (e) to provide for bulky goods premises only on selected sites.

2 Development allowed without consent

Development for the purpose of:

bush fire hazard reduction work, drainage.

Exempt development.

3 Development allowed only with consent

Development (other than development included in item 2) for the purpose of:

advertisements, animal boarding or training establishments (not including a riding school), arts and crafts centres, awnings, brothels, bulky goods premises (but only on land identified on the map for such a purpose), bus depots, business identification signs, car parks, childcare centres, community facilities, convenience stores, dwelling houses ancillary to other permissible uses, food shops, generating works, high technology industries, industries, junk yards, liquid fuel depots, maritime activities, motor showrooms, nightclubs, passenger transport facilities, places of public worship, recreation areas, recreation facilities, registered clubs, repair centres, road transport terminals, roads, service stations, service support industries, sex shops, utility installations, vehicle and mechanical repair premises, vehicle rental centres, veterinary hospitals, warehouses, waste recycling and management centres.

Demolition not included in item 2.

4 Prohibited development

Any development not included in item 2 or 3.

Zone 12—Special Uses

1 Objectives of zone

The objectives of this zone are as follows:

- (a) to provide for a range of community facilities and services to meet the needs of the community,
- (b) to allow for development by public authorities,
- (c) to provide for a variety of development in accordance with local educational, religious or similar community demand,

- (d) to ensure the scale and nature of new development is compatible with the surrounding urban form and natural setting of the zone,
- (e) to recognise critical requirements, as identified by the Commonwealth, relating to the use of Commonwealth land for defence purposes.

2 Development allowed without consent

Development for the purpose of:

bush fire hazard reduction work, drainage.

Exempt development.

3 Development allowed only with consent

Development (other than development included in item 2) for the purpose of:

the particular use indicated in respect of land by lettering on the map, advertisements, car parks, childcare centres, community facilities, educational establishments, public hospitals, recreation areas, roads, utility installations (except for gas holders or generating works), waste recycling and management centres.

Demolition not included in item 2.

4 Prohibited development

Any development not included in item 2 or 3.

Zone 13—Public Open Space

1 Objectives of zone

The objectives of this zone are as follows:

- (a) to enable development of land for open space and recreation purposes,
- (b) to provide active and passive open space, allowing for a range of recreational activities and facilities that meet the needs of all ages in the community,
- (c) to enable development ancillary to the primary legal use of land that will encourage the enjoyment of land in the zone,
- (d) to preserve public open space that enhances the scenic and

environmental quality of Sutherland Shire.

2 Development allowed without consent

Development for the purpose of:

bush fire hazard reduction work, bushland regeneration, drainage.

Exempt development.

3 Development allowed only with consent

Development (other than development included in item 2) for the purpose of:

beach and foreshore protection works (if carried out by a public authority and authorised by a plan of management under the [Local Government Act 1993](#)), buildings used in association with landscaping or gardening (including vehicular access to those buildings), cycle access, pedestrian access, recreation areas, recreation facilities, roads, scientific research associated with native habitats, utility installations (except for gas holders or generating works).

Demolition not included in item 2.

Development (if authorised by a plan of management under the [Local Government Act 1993](#)), other than development included in item 2, for the purpose of:

arts and crafts centres, community facilities, food shops, passenger transport facilities, places of assembly, restaurants, tourist facilities, tourist information centres.

4 Prohibited development

Any development not included in item 2 or 3.

Zone 14—Public Open Space (Bushland)

1 Objectives of zone

The objectives of this zone are as follows:

- (a) to enable development that facilitates recreation and preserves natural bushland areas located on publicly owned land,
- (b) to allow development that does not adversely affect natural bushland or

wildlife corridors,

(c) to protect public open space that is of environmental significance,

(d) to ensure that flora and fauna habitats are protected and preserved for their aesthetic, educational and scientific value.

2 Development allowed without consent

Development for the purpose of:

bush fire hazard reduction work, bushland regeneration.

Exempt development.

3 Development allowed only with consent

Development (other than development included in item 2) for the purpose of:

beach and foreshore protection works (if carried out by a public authority and authorised by a plan of management under the [Local Government Act 1993](#)), buildings used in association with landscaping or gardening (including vehicular access to those buildings), drainage, recreation areas, scientific research associated with native habitats, utility installations (except for gas holders or generating works).

Demolition not included in item 2.

Development (if authorised by a plan of management under the [Local Government Act 1993](#)), other than development included in item 2, for the purpose of:

cycle access, educational facilities (including signage), pedestrian access, roads.

4 Prohibited development

Any development not included in item 2 or 3.

Zone 15—Private Recreation

1 Objectives of zone

The objectives of this zone are as follows:

(a) to identify areas of privately owned land for recreational purposes to

meet local and regional community needs, such as bowling clubs, golf courses and tennis courts,

- (b) to allow development that is of a scale and density that reflects the nature of the recreational use of the zone,
- (c) to allow buildings to be erected that are of a height, scale, density and nature compatible with the surrounding urban form and natural setting of the zone.

2 Development allowed without consent

Development for the purpose of:

bush fire hazard reduction work, drainage.

Exempt development.

3 Development allowed only with consent

Development (other than development included in item 2) for the purpose of:

animal boarding or training establishments, buildings used in association with landscaping or gardening (including vehicular access to those buildings), maintenance dredging, marinas, passenger transport facilities, places of assembly, recreation areas, recreation facilities, registered clubs, restaurants, roads, tourist facilities, utility installations (except for gas holders or generating works), watercraft facilities.

Demolition not included in item 2.

4 Prohibited development

Any development not included in item 2 or 3.

Zone 16—Environmental Protection (Waterways)

1 Objectives of zone

The objectives of this zone are as follows:

- (a) to recognise the importance of the waterways of Sutherland Shire as an environmental and recreational asset,
- (b) to ensure development is carried out in a way that protects 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 allow private development only where it does not reduce or hinder the use of public beaches, intertidal areas or the waterways,
- (e) to provide for viable aquaculture in the waterways.

2 Development allowed without consent

Development for the purpose of:

beach and foreshore protection works by or on behalf of the Council (if authorised by a plan of management under the [Local Government Act 1993](#)), moorings.

Development by or on behalf of (or authorised by) the Maritime Authority of NSW for the purpose of:

maintenance dredging of navigation channels or access channels that provide water access to a lawful commercial, recreational or public facility, navigation aids.

3 Development allowed only with consent

Development (other than development included in item 2) for the purpose of:

aquaculture, beach and foreshore protection works (if carried out by a public authority and authorised by a plan of management under the [Local Government Act 1993](#)), berthing areas, ferry operations, marinas, passenger transport facilities, public pedestrian access to facilitate recreational use of the waterway, scientific research associated with native habitats, utility installations (except for gas holders or generating works), watercraft facilities, wildlife refuges.

Demolition not included in item 2.

4 Prohibited development

Any development not included in item 2 or 3.

Zone 17—Environmental Protection (Low Impact Rural)

1 Objectives of zone

The objectives of this zone are as follows:

- (a) to preserve valuable bushland that is not suitable for urban development,
- (b) to allow low impact rural and agricultural development that does not have an adverse impact on the natural environment,
- (c) to protect native flora and fauna and wildlife corridors,
- (d) to preserve the scenic value of the zone,
- (e) to maintain the ecological integrity of land in the zone,
- (f) to limit encroaching non-native vegetation,
- (g) to allow development for the purpose of agriculture that is compatible with the natural qualities of the area,
- (h) to ensure habitats are protected for their aesthetic, educational and scientific value as part of Sutherland Shire's natural heritage.

2 Development allowed without consent

Development for the purpose of:

bush fire hazard reduction work (including allowing vehicular access for emergency services vehicles and other vehicles requiring emergency access), bushland regeneration, drainage.

Exempt development.

3 Development allowed only with consent

Development (other than development included in item 2) for the purpose of:

apiculture, dwelling houses ancillary to another permissible use, pedestrian access to facilitate the recreational use of the land concerned, roads, scientific research associated with native habitats, utility installations (except for gas holders or generating works), wildlife refuges.

Demolition not included in item 2.

4 Prohibited development

Any development not included in item 2 or 3.

Zone 18—Environmental Protection (Water Catchment)

1 Objective of the zone

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

2 Development allowed without consent

Development for the purpose of:

drainage, roads.

Development for any purpose authorised by or under the [Sydney Water Catchment Management Act 1998](#).

3 Development allowed only with consent

Development (other than development included in item 2) for the purpose of:

utility installations (except for gas holders or generating works).

4 Prohibited development

Any development not included in item 2 or 3.

Zone 19—Aquatic Reserves

Note—

Under section 197C of the [Fisheries Management Act 1994](#), a consent authority must take into account matters specified in that section when determining a development application for development in an aquatic reserve. In addition, the consent authority may consent to such development only with the concurrence of the Minister administering that Act.

1 Objectives of zone

The objectives of this zone are as follows:

- (a) to conserve marine areas of natural, ecological, scenic, educational, scientific, cultural or historical importance,
- (b) to identify land in Sutherland Shire that is an aquatic reserve under the [Fisheries Management Act 1994](#).

2 Development allowed without consent

Development for the purpose of beach and foreshore protection works by or on behalf of the Council (if authorised by a plan of management under the [Local Government Act 1993](#)).

Development by or on behalf of the Maritime Authority of NSW for the purpose of:

maintenance dredging of navigation channels or access channels that provide water access, navigation aids.

3 Development allowed only with consent

Development (other than development included in item 2) for the purpose of:

scientific research associated with native habitats, utility installations (except for gas holders or generating works), wildlife refuges.

Demolition not included in item 2.

4 Prohibited development

Any development not included in item 2 or 3.

Zone 20—National Parks, Nature Reserves and State Conservation Areas

1 Objectives of zone

The objectives of this zone are as follows:

- (a) to conserve areas of natural, ecological, scenic, educational, scientific, cultural or historical importance to the State,
- (b) to identify land in Sutherland Shire that is or is to be reserved under the [National Parks and Wildlife Act 1974](#).

2 Development allowed without consent

Any development authorised by or under the [National Parks and Wildlife Act 1974](#).

3 Development allowed only with consent

Nil.

4 Prohibited development

Any development not included in item 2.

Zone 21—Railway

1 Objectives of zone

The objectives of this zone are as follows:

- (a) to provide land for railway purposes to meet current and future public transport needs,
- (b) to provide for the upgrade, expansion and improvement of rail infrastructure.

2 Development allowed without consent

Development for the purpose of:

bush fire hazard reduction work, cycle access, drainage, pedestrian access, railways.

Exempt development.

3 Development allowed only with consent

Development (other than development included in item 2) for the purpose of:

community facilities, passenger transport facilities, recreation areas, roads, utility installations (except for gas holders or generating works).

Demolition not included in item 2.

4 Prohibited development

Any development not included in item 2 or 3.

Zone 22—Arterial Road

1 Objectives of zone

The objectives of this zone are as follows:

- (a) to provide for an arterial road network to serve Sutherland Shire and the Sydney region,

(b) to provide for sustainable transport modes.

2 Development allowed without consent

Development for the purpose of:

bush fire hazard reduction work, cycle access, drainage, pedestrian access, roads.

Exempt development.

3 Development allowed only with consent

Development (other than development included in item 2) for the purpose of:

awnings, car parks, passenger transport facilities, recreation areas, utility installations (except for gas holders or generating works).

Demolition not included in item 2.

4 Prohibited development

Any development not included in item 2 or 3.

Zone 23—Road

1 Objectives of zone

The objectives of this zone are as follows:

- (a) to provide a road network to serve the local and regional needs of the community,
- (b) to provide facilities to serve the needs of cyclists, pedestrians, buses and motor vehicles,
- (c) to provide for sustainable transport modes.

2 Development allowed without consent

Development for the purpose of:

bush fire hazard reduction work, cycle access, drainage, pedestrian access, roads.

Exempt development.

3 Development allowed only with consent

Development (other than development included in item 2) for the purpose of:

awnings, passenger transport facilities, recreation areas, utility installations (except for gas holders or generating works).

Demolition not included in item 2.

4 Prohibited development

Any development not included in item 2 or 3.

Zone 24—Transport Reservation

1 Objectives of zone

The objectives of this zone are as follows:

- (a) to identify land for the provision of transportation networks and facilities,
- (b) to reserve land identified for transport corridors,
- (c) to encourage the provision of multi-modal transportation and the retention of natural bushland.

2 Development allowed without consent

Development for the purpose of:

bush fire hazard reduction work, cycle access, drainage, pedestrian access, roads.

Exempt development.

3 Development allowed only with consent

Development (other than development included in item 2) for the purpose of:

car parks, passenger transport facilities, recreation areas, utility installations (except for gas holders or generating works).

Demolition not included in item 2.

4 Prohibited development

Any development not included in item 2 or 3.

12 Exempt development

Note—

Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act. That section states that exempt development:

- (a) must be of minimal environmental impact, and
- (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
- (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).

Development of minimal environmental impact that is specified in Schedule 2 is exempt development if:

- (a) the development complies with the standards for the development and any other applicable requirements contained in Schedule 2, and
- (b) the development is carried out on land in a zone in relation to which clause 11 provides that exempt development may be carried out, and
- (c) the development is not carried out on any of the following land:
 - (i) land that contains or is (or adjoins land that is) a heritage item,
 - (ii) land that contains or is (or adjoins land that is) an item listed on the State Heritage Register kept under the *Heritage Act 1977*,
 - (iii) land that is subject to an interim heritage order under the *Heritage Act 1977*,
 - (iv) land that is declared to be an Aboriginal place under the *National Parks and Wildlife Act 1974*,
 - (v) land that is habitat for an endangered ecological community or vulnerable ecological community,
 - (vi) land that is between a foreshore building line and any waterway or waterfront reserve in respect of which the building line is fixed,
 - (vii) land that is, or is part of, a wetland,
 - (viii) land that is bush fire prone land,
 - (ix) land shown on the Flood Liable Land Map as being subject to the risk of flooding, and

- (d) the development is ancillary to an existing legal use of the land concerned and is carried out wholly within that land, and
- (e) the development does not contravene any condition of a development consent applying to the land, and
- (f) the development meets any relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
- (g) any installation involved in carrying out the development is carried out to the specifications and requirements of the manufacturer (if any), and
- (h) the development does not result in a greater gross floor area or floor space ratio than is provided for in clause 35 or a lesser landscaped area than is provided for in clause 36, and
- (i) the development does not reduce the number of car spaces on the site of the development to below the minimum specified in *Sutherland Shire Development Control Plan 2006*, as adopted by the Council on 15 May 2006, and
- (j) the development does not involve excavation beyond:
 - (i) if Schedule 2 expressly restricts excavation to a specified depth below ground level in relation to the development—the specified depth, or
 - (ii) in any other case—0.6 metres below ground level, and
- (k) the development does not restrict any vehicular or pedestrian access to or from the site, and
- (l) the development does not result in the redirection of surface storm water or run-off onto adjoining land (other than any road or public open space, including land within Zone 13—Public Open Space or Zone 14—Public Open Space (Bushland)), and
- (m) the development does not:
 - (i) 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), or
 - (ii) release any hazardous chemicals or materials or any pollutants into the environment, and
- (n) 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.

13 Complying development

Note—

See also any relevant requirements prescribed by regulations made under the Act.

- (1) Development that is specified in Schedule 3 is complying development if:
- (a) the development complies with the applicable development standards listed in Schedule 3 and complies with the requirements of section 76A (6) of the Act, and
 - (b) the development is not carried out on any of the following land:
 - (i) land that is in Zone 7—Mixed Use—Kirrawee, Zone 13—Public Open Space (other than land that is held by a public authority for the purpose of public open space), Zone 14—Public Open Space (Bushland), Zone 16—Environmental Protection (Waterways), Zone 17—Environmental Protection (Low Impact Rural), Zone 18—Environmental Protection (Water Catchment), Zone 19—Aquatic Reserves, Zone 20—National Parks, Nature Reserves and State Conservation Areas, Zone 22—Arterial Road, Zone 23—Road or Zone 24—Transport Reservation,
 - (ii) land that is adjacent to Zone 22—Arterial Road if the development involves a new vehicular accessway, or alters an existing accessway, to an arterial road in that zone,
 - (iii) land that contains or is (or adjoins land that is) a heritage item,
 - (iv) land that contains or is (or adjoins land that is) an item listed on the State Heritage Register kept under the [Heritage Act 1977](#),
 - (v) land that is subject to an interim heritage order under the [Heritage Act 1977](#),
 - (vi) land that is declared to be an Aboriginal place under the [National Parks and Wildlife Act 1974](#),
 - (vii) land that is habitat for an endangered ecological community or vulnerable ecological community,
 - (viii) land that is between a foreshore building line and any waterway or waterfront reserve in respect of which the building line is fixed,
 - (ix) land that is, or is part of, a wetland,
 - (x) land that is within a bush fire interface area unless the development comprises the installation of a swimming pool or the erection of a safety fence associated with a swimming pool (including any related gate),
 - (xi) land shown on the Flood Liable Land Map as being subject to the risk of

flooding,

- (xii) land that is being, or has been, used for the purpose of a service station, mining, extractive industry, waste storage, waste treatment, intensive agriculture or the manufacture of chemicals, asbestos or asbestos products unless (in a case where the use of land for that purpose has ceased) a notice of completion of remediation work has been given to the Council in accordance with *State Environmental Planning Policy No 55—Remediation of Land*, and
- (c) the development does not involve a building or a site in or on which an existing use (within the meaning of section 106 of the Act) is being carried out, and
- (d) the development does not contravene any development consent applying to the land, and
- (e) the development meets any relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
- (f) the development 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
- (g) the development does not result in a greater gross floor area or floor space ratio than is provided for in clause 35 or a lesser landscaped area than is provided for in clause 36, and
- (h) the development does not involve the carrying out of works described in the Table to clause 23 (2) on land specified in the Table in relation to those works, and

Note—

Clause 23 deals with development on land identified as having, or potentially having, acid sulfate soils.

- (i) the development does not reduce the number of car spaces on the site of the development to below the minimum specified in *Sutherland Shire Development Control Plan 2006*, as adopted by the Council on 15 May 2006, and
- (j) the development does not restrict any vehicular or pedestrian access to or from the site, and
- (k) the development does not result in the redirection of surface storm water or run-off onto adjoining land (other than any road or public open space, including land within Zone 13—Public Open Space or Zone 14—Public Open Space (Bushland)), and
- (l) in the case of any development comprising the erection of a building or demolition, the development is carried out only at the following times:

(i) any time between 7:00am and 6:00pm on Monday, Tuesday, Wednesday, Thursday or Friday,

(ii) any time between 8.00am and 5.00pm on Saturday, and

Note—

See an exception to this requirement in subclause (2).

(m) in the case of any development comprising the erection of a building or demolition, any LAeq level, measured over a 15 minute period at adjoining premises, during the erection of the building or demolition does not exceed the background level by more than:

(i) if the development takes place, or is proposed to take place, over a period of 4 weeks or less—20dB(A), or

(ii) if the development takes place, or is proposed to take place, over a period of more than 4 weeks and less than 26 weeks—10dB(A), or

(iii) if the development takes place, or is proposed to take place, over a period of 26 weeks or more—5dB(A), and

(n) any trees or bushland on the site of the development, or within any road reserve adjoining the site, are protected during construction or demolition in accordance with the requirements set out in the *Sutherland Shire Environmental Specification—Landscaping 2004*.

(2) Subclause (1) (l) does not apply in relation to the carrying out of internal alterations within a shopping arcade or centre unless the carrying out of the alterations is audible within residential premises.

Part 3 Special provisions

Division 1 Provisions that apply to particular land

14 Exceptions to Zoning Table—specified development on specified land

(1) Despite clause 11, consent may be granted to development specified in Column 2 of the Table to this subclause on corresponding land specified in Column 1 of the Table, subject to any corresponding requirements specified in Column 3 of the Table.

Column 1	Column 2	Column 3
Land	Development for the purpose of the following	Requirements

50 Pacific Crescent, Maianbar	General store or residential flat building (with no more than 3 dwellings)	
5-21 Waratah Street, Kirrawee	Motor showroom	
101-107 Princes Highway, Sylvania	Motor showroom	
108-119 Princes Highway, Sylvania	Motor showroom (not including car parking)	
67 Warrangarree Drive, Woronora Heights (Lot 448, DP 814427)	Townhouses	
64 Anzac Avenue, Engadine (Lot 2, DP 536426)	Car parking	
220-234 The Boulevard, 1-3 Kiora Road and 1-5 Kumbardang Avenue, Miranda	Motor showroom with an area set aside exclusively for customer parking	The development must not involve the provision of pedestrian or vehicular access to or from Kumbardang Avenue. There are to be acceleration lanes and deceleration lanes to and from all entry and exit points to The Boulevard.
154 Flora Street, Sutherland	Business premises	
34 Shell Road, Burraneer, comprising permissive occupancy 1966/196 under the Crown Lands (Continued Tenures) Act 1989	Sailing club	
Zone 22—Arterial Road	Outdoor eating areas ancillary to a restaurant Advertisements or fixed awnings	The development may only be carried out within the constructed footpath area of the relevant public road and must be ancillary to a lawful use on land adjoining the zone.

104 The Esplanade,
Sylvania and the
adjoining nature strip
of the public road

Inclinators

The development must not obstruct pedestrian or vehicular access on the road or create a hazard to road users. The development must be ancillary to the lawful use of the land on which the residence is located.

(2) **Marine travel lift, or floating pontoon and jetty, on certain land at Taren Point** Despite clauses 11 and 17, development for the purpose of a marine travel lift, or a floating pontoon and jetty, may be carried out with consent on any of the following land:

- (a) 2–14 Atkinson Road, Taren Point,
- (b) 13–21 (including 15A) Mangrove Lane, Taren Point.

Note—

Clause 17 deals with buildings or works on land traversed by a foreshore building line.

Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989) (rather than this plan) will apply to the extent that the development is carried out on land referred to in Schedule 1 to that Regional Environmental Plan.

(3) **Helicopter take-offs and landings** Despite clause 11, the following land may be used for helicopter landings and take-offs:

- (a) Sutherland Oval, The Grand Parade, Sutherland,
- (b) Waratah Park, Sutherland,
- (c) Heathcote Oval, East Heathcote,
- (d) the old tip site, Illawarra Road, Menai,

but only if the consent authority is satisfied that the land will be used for no more than 10 landings or take-offs for non-emergency situations in any 12 month period.

(4) Nothing in this plan restricts helicopter landings or take-offs in emergency situations.

(5) **Advertisements and outdoor eating areas connected to restaurants in Zone 13—Public Open Space** Despite clause 11, development for the purpose of advertisements that is ancillary to the use of the land as a restaurant may be carried out with consent on land in Zone 13—Public Open Space, but only if:

- (a) consent has been granted to the use of the land as a restaurant, and
- (b) the sign on which the advertisement is displayed:
 - (i) is attached flush with the part of the building in which the restaurant is located, and

(ii) does not exceed 0.6 metre in height or 1.5 metres in width, and

(iii) only displays the name of the restaurant.

(6) **Outdoor eating areas in Zone 13—Public Open Space** Despite clause 11, the use of land for an outdoor eating area in conjunction with a restaurant may be carried out with consent on land in Zone 13—Public Open Space, but only if:

(a) consent has been granted to the use of the land as a restaurant, and

(b) the outdoor eating area immediately adjoins the part of the building in which the restaurant is located.

15 Development in Zone 10—Neighbourhood Centre

Despite clause 11, the consent authority may consent to development of land in Zone 10—Neighbourhood Centre (***the subject land***) that is not otherwise allowed on land in that zone, but is allowed on land in a zone that is adjacent to or adjoins Zone 10—Neighbourhood Centre (an ***adjoining zone***), if the consent authority is satisfied that:

(a) the subject land is surplus to the current and future needs of the community, or development that is otherwise allowed in the Zone 10—Neighbourhood Centre is not economically viable on the subject land, and

(b) the proposed development will not prejudice the current and future needs of the community, and

(c) the proposed development will not adversely affect land in the adjoining zone or the surrounding area of the proposed development or, and

(d) the proposed development is consistent with the objectives of the adjoining zone.

16 Development in Zone 17—Environmental Protection (Low Impact Rural)

(1) This clause applies to land in Zone 17—Environmental Protection (Low Impact Rural).

(2) Despite clause 11, the consent authority may consent to development on land to which this clause applies if:

(a) the development is for the purpose of a dwelling house on a lot of land, being a lot that was in existence on 15 December 2000, and, in a case where part of the lot is also zoned for residential purposes, the dwelling is proposed to be located on that part, or

(b) the development comprises the collection of native vegetation for plant propagation (including seed stock), floristry or the production of oils or fragrances, or

(c) in the opinion of the consent authority, the proposed development would not

involve the clearing of land or alteration of any water course or otherwise have an adverse impact on the natural habitat, scenic quality or bushland character of land in the zone.

17 Buildings or works on land traversed by foreshore building line

- (1) **Application of clause** This clause applies to land that is traversed by a foreshore building line.
- (2) **Objectives** The objectives of this clause are as follows:
- (a) to avoid adverse ecological effects on waterways,
 - (b) to protect and enhance significant natural features and vegetation on riparian land,
 - (c) to retain endemic vegetation along foreshore areas,
 - (d) to restore and revegetate foreshore areas to improve estuarine flora and fauna habitat,
 - (e) to minimise any adverse impact from development on water quality and, so far as is practicable, to improve the quality of urban run-off entering waterways,
 - (f) to minimise any adverse visual impact of development when viewed from adjacent land and waterways by using a design and materials that complement the natural landscape of the land to which this clause applies,
 - (g) to minimise any adverse impact of development on the natural landform of foreshore areas and waterways by integrating structures into the site with minimal change to the natural topography of the land to which this clause applies,
 - (h) to achieve an appropriate balance between private development and the public use of waterways,
 - (i) to maintain and improve public access to the intertidal area of waterfronts where there will be minimal environmental impact,
 - (j) to conserve and enhance structures on waterfronts that are of heritage significance,
 - (k) to minimise the obstruction of water views from public land,
 - (l) to ensure that there is no development below any foreshore building line, except as provided by this clause.

- (3) **Meaning of “foreshore building line”—generally** In this plan:

foreshore building line, in relation to land (other than land referred to in subclause

(4) or (5)), means:

- (a) if a foreshore building line is shown on the map in relation to the land:
 - (i) in the case of land that has a deemed mean high water mark—a line across the land that is parallel to, and the distance specified on the map from, that deemed mean high water mark, or
 - (ii) in the case of land that does not have a deemed mean high water mark—a line across the land that is parallel to, and the distance specified on the map from, any boundary of the land that adjoins a waterway or waterfront reserve, or
- (b) if a foreshore building line is not shown on the map in relation to the land:
 - (i) in the case of land that has a deemed mean high water mark—a line across the land that is parallel to, and 7.5 metres from, the deemed mean high water mark, or
 - (ii) in the case of land that does not have a deemed mean high water mark—a line across the land that is parallel to, and 7.5 metres from, any boundary of the land that adjoins a waterway or waterfront reserve.

(4) **Meaning of “foreshore building line”—Sandy Point** In this plan:

foreshore building line, in relation to land at Sandy Point, means:

- (a) the 1 percent annual exceedance probability flood line, or
- (b) a line across the land that is parallel to, and 7.5 metres from, the deemed mean high water mark,

whichever is further inland.

(5) **Meaning of “foreshore building line”—Illawong or Oyster Bay** In this plan:

foreshore building line, in relation to specified land at Illawong or Oyster Bay, means:

- (a) in the case of land that has a deemed mean high water mark—a line across the land that is parallel to, and the distance specified on the map from, that deemed mean high water mark, or
- (b) in the case of land that does not have a deemed mean high water mark—a line across the land that is parallel to, and the distance specified on the map from, the nearest waterway to the land.

(6) In subclauses (3)-(5):

deemed mean high water mark, in relation to land, means the mean high water

mark, or high water mark, as shown on any plan relating to that land that was registered with the Registrar-General on or before 24 April 1980, being a plan that was current at that date.

Note—

The deemed mean high water mark is not affected by any reclamation of land or other changes that may have occurred since registration of the plan concerned.

specified land at Illawong or Oyster Bay means any of the following land:

- (a) 183-187, 189-193, 199A, 203, 207, 207A and 215 Fowler Road, Illawong,
 - (b) 5-7 and 9-11 Griffin Parade, Illawong,
 - (c) 47, 51, 83-85, 87-89, 91, 95-97, 103A, 109-111, Caravan Head Road, Oyster Bay,
 - (d) 85B and 85C Carina Road, Oyster Bay,
 - (e) 20, 22, 24, 28 and 30 Farrer Place, Oyster Bay,
 - (f) 15 Shipwright Place, Oyster Bay.
- (7) **Controls** A building must not be erected, and a work must not be carried out, on land between a foreshore building line and any waterway or waterfront reserve in respect of which the line is fixed.
- (8) Nothing in subclause (7) or clause 11 prevents consent being granted to:
- (a) any alteration (not being an addition) to an existing dwelling that is forward of the foreshore building line, or
 - (b) the erection, carrying out of, or an alteration or addition to, an excluded building or work.
- (9) Nothing in subclause (7) or clause 11 prevents consent being granted to the erection of a dwelling, or any addition to an existing dwelling, on land between a foreshore building line and any waterway or waterfront reserve in respect of which the line is fixed if:
- (a) the consent authority has considered the objectives of this clause, and
 - (b) the consent authority is satisfied that:
 - (i) the new dwelling or addition will not be erected any further forward of the foreshore building line than any existing dwelling on the land, and
 - (ii) the new dwelling will not dominate the locality in which it is erected as a result of its height, bulk, design, colour or detailing, and
 - (iii) the natural qualities of the foreshore are retained or restored as far as

practicable through the retention or reinstatement of natural levels and endemic vegetation, and

- (iv) in the case of the erection of a dwelling—there is no reasonable alternative that would allow a new dwelling to be located behind the foreshore building line.

(10) In this clause:

excluded building or work means any of the following:

- (a) a boat shed,
- (b) a watercraft facility,
- (c) an in-ground swimming pool that is no higher than 300 millimetres above ground level at any point,
- (d) a work to enable pedestrian access,
- (e) landscaping,
- (f) a barbecue,
- (g) a utility installation (except for a gas holder or generating works).

riparian land means:

- (a) submerged land, or
- (b) land that adjoins, directly influences or is directly influenced by a body of water, and the body of water itself.

18 Development in or adjacent to waterways

(1) This clause applies to any of the following land:

- (a) land in Zone 16—Environmental Protection (Waterways),
- (b) land traversed by a foreshore building line,
- (c) land below the mean high water mark.

Note—

The mean high water mark referred to here is the mean high water mark as it currently exists.

(2) The objectives of this clause are as follows:

- (a) to ensure that any development does not result in the obstruction or interference with navigation in waterways,
- (b) to ensure restoration of land below any foreshore building line, to a natural state

- (so far as is practicable), with a minimum intrusion of man-made structures,
- (c) to reduce the number of structures below any foreshore building line, particularly following the redevelopment of a site,
 - (d) to promote the public use of intertidal areas below the mean high water mark or high water mark, where appropriate.
- (3) The consent authority must not consent to development on land to which this clause applies unless the consent authority is satisfied that the following building or work will be removed before, or within a reasonable time after, the development is carried out:
- (a) any building or work, other than an excluded building or work, that is:
 - (i) on the lot concerned or an adjoining lot owned by the person carrying out the development, and
 - (ii) between a foreshore building line and any waterway or waterfront reserve in respect of which the line is fixed,
 - (b) any building or work (other than a watercraft facility) that is:
 - (i) on the lot concerned or on an adjoining lot that is owned by a person carrying out the development, and
 - (ii) below the mean high water mark.
- (4) Subclause (3) does not require the removal of any building or work if:
- (a) the proposed development is the erection or installation of any of the following:
 - (i) a fence or retaining wall between a dwelling and the street on which the dwelling is located,
 - (ii) a garage or carport adjacent to a dwelling or located between a dwelling and the street on which the dwelling is located,
 - (iii) a deck or verandah,
 - (iv) an awning or canopy, or
 - (b) the consent authority is satisfied that the use of the building or work is lawful, or
 - (c) the consent authority is satisfied that the removal of the building or work:
 - (i) would be inconsistent with, or is not necessary to achieve, any of the objectives of this clause, or
 - (ii) is unreasonable or unnecessary in the circumstances of the case.
- (5) In this clause:

excluded building or work has the same meaning as it has in clause 17.

19 Biodiversity—wetlands

The consent authority must not consent to development on wetlands unless it has considered the following matters that are of relevance to the development:

- (a) any potential that the proposed development has to fragment, pollute, disturb or diminish the values of wetlands,
- (b) the extent to which the proposed development will restore, protect or maintain ecological processes, natural systems and biodiversity within wetlands,
- (c) the extent to which the proposed development will incorporate best practice environmental design measures to maintain or improve the sustainability of wetlands,
- (d) the extent to which the proposed development will restore existing degraded wetlands or water sources to compensate for the loss or degradation of those wetlands or water sources,
- (e) in the case of land that is also bush fire prone land—the extent to which fire management regimes will be in place, and bush fire hazard reduction techniques will be used, that are appropriate in terms of their impact on wetlands.

20 Environmental risk—flood risk

- (1) This clause applies to land shown on the Flood Liable Land Map as being subject to the risk of flooding.
- (2) The consent authority must not consent to development on land to which this clause applies unless it has considered the following matters that are of relevance to the development:
 - (a) the extent to which the proposed development will achieve an appropriate balance between the conservation of the natural environment and the provision of appropriate flood protection measures,
 - (b) the need to limit the extent of development to minimise any risk of flooding to life or property,
 - (c) the extent to which any proposed buildings will be constructed using appropriate techniques and materials to:
 - (i) preserve the structural performance of those buildings during and after flooding,
 - (ii) limit the deterioration of those buildings after flooding,
 - (iii) minimise repair costs after flooding,

- (d) whether adequate measures will be in place to enable the safe evacuation of people from the land, and enable access to that land by emergency services, during flooding,
- (e) the intensity of the existing and proposed use of the land,
- (f) the need to restrict vulnerable development on the land.

21 Environmental risk—bush fire

The consent authority must not consent to development on bush fire prone land unless it has considered the following matters that are of relevance to the development:

- (a) the extent to which the proposed development will achieve an appropriate balance between the conservation of the natural environment and the provision of appropriate bush fire protection measures,
- (b) the risk of bush fire to life, property or the environment,
- (c) the extent to which any proposed buildings will be constructed using techniques and materials to maximise their resistance to bush fire,
- (d) whether adequate measures will be in place to enable the safe evacuation of people from the land, and enable access to that land by emergency services, during a bush fire,
- (e) the intensity of the existing and proposed use of the land,
- (f) the need to restrict vulnerable development on the land.

Note—

Section 79BA of the Act and the [Rural Fires Act 1997](#) also make provision for the carrying out of development on bush fire prone land.

22 Environmental risk—contaminated land management

- (1) This clause applies to land that is, or in the opinion of the consent authority is likely to be, contaminated land (within the meaning of Part 7A of the Act).
- (2) The consent authority must not consent to development on land to which this clause applies unless the consent authority is satisfied that the development will be carried out in a manner that minimises, manages or eliminates risk to human health and the environment.

23 Environmental risk—acid sulfate soils

- (1) The objectives of this clause are as follows:
 - (a) to manage any disturbance to acid sulfate soils so as to minimise impacts on

natural waterbodies, wetlands, native vegetation, agriculture, fishing, aquaculture and urban and infrastructure activities,

(b) to require development consent for works that would disturb soils or groundwater levels on land identified as having, or potentially having, acid sulfate soils,

(c) to require special assessment of certain development on land identified as being subject to risks associated with the disturbance of acid sulfate soils.

(2) Development consent is required for the carrying out of works described in the Table to this subclause on land of the class specified for those works, except as provided by this clause.

Class of land as shown on Acid Sulfate Soils Map	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works beyond 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered beyond 1 metre below the natural ground surface.
4	Works beyond 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered beyond 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that are likely to lower the watertable below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

(3) Consent must not to be granted under this clause unless:

(a) an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Guidelines and has been provided to the consent authority, and

(b) a copy of the plan and a copy of the development application have been provided to the Department of Natural Resources and the consent authority has considered any comments of the Director-General of that Department made within 40 days after those copies were provided to that Department, and

(c) the consent authority has considered the likelihood of the proposed works resulting in the discharge of acid water, and

(d) the consent authority is satisfied that any disturbance of acid sulfate soils resulting from the proposed works will be managed so as to minimise impacts on

natural waterbodies, wetlands, native vegetation, agriculture, fishing, aquaculture and urban and infrastructure activities.

- (4) Consent is not required under this clause for the carrying out of works if:
- (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Guidelines indicates that an acid sulfate soils management plan need not be carried out for the works, and
 - (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.
- (5) This clause does not require consent to carry out any works unless:
- (a) the works involve the disturbance of more than 1 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 swimming pools) or foundations, or flood mitigation works, or
 - (b) the works are likely to lower the water table.

24 Environmental risk—high flux research nuclear reactor at Lucas Heights Science and Technology Centre

- (1) This clause applies to land identified on the map as being within a 1.6 kilometre radius of the high flux research nuclear reactor at Lucas Heights Science and Technology Centre.
- (2) The consent authority must not consent to development on land to which this clause applies unless it has considered the following matters that are of relevance to the development:
- (a) any risk of radiation to life or property on the site of the proposed development,
 - (b) the extent to which residential densities on the site and on the land as a whole should be limited to minimise the risk to life or property,
 - (c) whether adequate measures will be in place to enable the safe evacuation of people from the land, and enable access to that land by emergency services, during an emergency,
 - (d) the intensity of the existing and proposed use of the land,
 - (e) the need to restrict vulnerable development on the land,
 - (f) any recommendations of the Australian Radiation Protection and Nuclear Safety Agency or Australian Nuclear Science and Technology Organisation relating to development on the land.

25 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council, by means of this plan, to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

Note—

Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this plan to discharge trusts on which public reserves are held if the land is reclassified under this plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
 - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant classification plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
 - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (6) In this clause, the **relevant classification plan**, in relation to land described in Part 2 of Schedule 4, means this plan or, if the description of the land is inserted into that Part by another environmental planning instrument, that instrument.
- (7) Before the relevant classification plan inserted a description of land into Part 2 of Schedule 4, the Governor approved of subclause (5) applying to the land.

26 Acquisition of land

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the

authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (**the owner-initiated acquisition provisions**).

Note—

If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State indicated in Column 2 of the Table to this clause in relation to the land specified in Column 1 of the Table (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).
- (3) A reference to vacant land in the Table to this clause is a reference to land on which there are no buildings, except for aviaries, barns, conservatories, cycle sheds, fences, fowl houses, fuel sheds, garages, greenhouses, hay sheds, milking bails, pig sties, private boat houses, stables, summer houses, tool houses or similar buildings.

Column 1	Column 2
Land	Authority of the State
Zone 12—Special Uses and lettered “Community Facility” on the map	The Council
Zone 12—Special Uses and lettered “Parking” on the map	The Council
Zone 13—Public Open Space (except for land specified in Schedule 5)	The Council
Zone 14—Public Open Space (Bushland) (except for land specified in Schedule 5)	The Council
Land specified in Schedule 5 that is in Zone 13—Public Open Space or Zone 14—Public Open Space (Bushland)	The corporation
Zone 21—Railway	Rail Corporation New South Wales
Zone 22—Arterial Road or Zone 24—Transport Reservation:	
(a) vacant land and not on the 5 year works program of the Roads and Traffic Authority, or	The corporation

(b) in any other case	Roads and Traffic Authority
Zone 23—Road	The Council

27 Development on land referred to in clause 26 before acquired or used for purpose for which reserved

- (1) This clause applies to land referred to in Column 1 of the Table to clause 26 that has not been acquired by the relevant authority of the State under the *Land Acquisition (Just Terms Compensation) Act 1991*.
- (2) Consent for development on land to which this clause applies may be granted only if:
 - (a) the development is carried out with the concurrence of the authority of the State that is indicated in Column 2 of the Table to clause 26 in relation to the land, and
 - (b) the development is of a kind, or is compatible with development of a kind, that may be carried out on land in an adjoining zone, and
 - (c) the development concerned is not designated development, and
 - (d) any use of the land that is authorised if development consent is granted will cease no later than 5 years after consent is granted.
- (3) In determining whether to grant concurrence to proposed development under this clause, the authority of the State must take the following matters into consideration:
 - (a) the need to carry out development on the land for the purpose for which it is reserved,
 - (b) the imminence of acquisition by the authority of the State,
 - (c) the likely additional cost to the authority of the State resulting from the carrying out of the proposed development.
- (4) Before granting consent to proposed development on land to which this clause applies, the consent authority must take the following matters into consideration:
 - (a) any impact of the proposed development on traffic movements and parking,
 - (b) any impact of the proposed development on existing pedestrian movements,
 - (c) any visual impact of the proposed development (including any proposed installation of advertisements).
- (5) Development on land acquired by an authority of the State under clause 26 may, before it is used for the purpose for which it is reserved, be carried out, with consent, for any purpose.

Division 2 Provisions that apply to particular kinds of development

28 Subdivision—consent requirements

- (1) Despite clause 11, land to which this plan applies may be subdivided, but only with consent.
- (2) Consent must not be granted to the subdivision of land in a zone unless the consent authority has considered the relevant objectives of the zone specified in clause 11.
- (3) Nothing in this clause requires consent for subdivision that is exempt development.

29 Crown development and public utilities

- (1) Nothing in this plan (except for clause 23) is to 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 subclauses (2)–(12), or
 - (b) the use of existing buildings of the Crown by the Crown.

Note—

Clause 23 deals with development on land identified as having, or potentially having, acid sulfate soils.

- (2) **Railway undertakings** 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, and
 - (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, and
 - (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.
- (3) **Water, sewerage, drainage, electricity or gas undertakings** 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:

- (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 the commencement of this plan 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 housing, 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 housing 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 the process of being acquired for the purpose before the commencement of this plan, provided reasonable notice of the proposed erection is given to the consent authority,
- (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 of buildings so as materially to affect their design or external appearance, or
 - (ii) the formation or alteration of any means of access to a road.

(4) **Water transport undertakings** 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.

(5) **Wharf or river undertakings** 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 of passengers, livestock or goods at a wharf or the movement of traffic 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.

(6) **Air transport undertakings** 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.

(7) **Road transport undertakings** 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, 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.

(8) **Mining** 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.

(9) **Roads** 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.

- (10) **Forestry** The carrying out of any forestry work by the Forestry Commission or Community Forest Authorities empowered under relevant Acts to undertake afforestation, the construction of roads, protection, cutting and marketing of timber, and other forestry purposes under such Acts or upon any Crown land temporarily reserved from sale as a timber reserve under the *Forestry Act 1916*.
- (11) **Development carried out by a rural lands protection board** 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, and
 - (b) any development designed to change the use or purpose of any such reserve.
- (12) **Soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement** The carrying out or causing to be carried out by the consent authority, where engaged in flood mitigation works, or by the Department of Natural Resources, of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the *Water Act 1912*, the *Water Management Act 2000*, the *Farm Water Supplies Act 1946* or the *Rivers and Foreshores Improvement Act 1948*, except:
- (a) the erection of buildings, and 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, and
 - (b) the formation or alteration of any means of access to a road.

30 Maintenance dredging of tidal waterways

Despite clause 11, maintenance dredging, by or on behalf of a public authority (including the Council), within tidal waterways may be carried out without consent.

31 Development for group homes

- (1) If development for the purpose of a dwelling house or a dwelling in a residential flat building may lawfully be carried out in accordance with this plan, development for the purpose of a group home may, subject to this clause, be carried out with consent.
- (2) The consent authority must not consent to development for the purpose of a group home unless it has considered the community need for the group home concerned.
- (3) Consent is not required under this clause to carry out development for the purpose of a permanent group home that contains 5 or less bedrooms and that will be occupied by not more residents (including any resident staff) than the number calculated by multiplying the number of bedrooms in that dwelling by 2.

- (4) Consent may not be refused under this clause unless an assessment has been made of the need for the group home concerned.
- (5) Nothing in this clause requires consent to be obtained by the Department of Housing (or a person acting jointly with the Department of Housing) to carry out development for the purpose of a transitional group home.

32 Seniors housing in Zone 8 or 9

Despite clause 11, development for the purpose of seniors housing may be carried out on land in Zone 8—Urban Centre or Zone 9—Local Centre only if:

- (a) it is proposed that any building in which seniors housing is to be located is also to be used for a purpose, other than seniors housing, permitted under this plan, and
- (b) the consent authority is satisfied that the development is consistent with the objectives of the zone in which it is proposed to be carried out.

33 Building height

- (1) **Clause does not apply to seniors housing in Zone 4, 5 or 6** This clause does not apply to seniors housing on land in Zone 4—Local Housing, Zone 5—Multiple Dwelling A or Zone 6—Multiple Dwelling B.
- (2) **Objectives** The objectives of this clause are as follows:
 - (a) to ensure the scale of buildings:
 - (i) is consistent with the desired scale and character of the street and locality in which the buildings are located, and
 - (ii) complements any natural landscape setting of the buildings,
 - (b) to allow reasonable daylight access to all buildings and the public domain,
 - (c) to minimise the impacts of new buildings on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion,
 - (d) to ensure that the visual impact of buildings is minimised when viewed from adjoining properties, the street, waterways and public reserves,
 - (e) to ensure, where possible, that the height of non-residential buildings in residential zones is compatible with the scale of residential buildings on land in those zones.
- (3) The consent authority must not consent to development for the purpose of a building unless it has considered the objectives of this clause.
- (4) **Height of building generally—default position** A building must comply with each of the

following:

- (a) the building must not comprise more than 2 storeys,
 - (b) the building must not exceed the following:
 - (i) a height of 7.2 metres, as measured from ground level to any point on the uppermost ceiling in the building,
 - (ii) a height of 9 metres, as measured from ground level to the highest point of the roof of the building.
- (5) Subclause (4) does not apply to a building referred to elsewhere in this clause (other than a building referred to in subclause (2) or (3)).
- (6) **Buildings in Zone 7** A building on land in Zone 7—Mixed Use—Kirrawee must not comprise more than the maximum number of storeys specified on the Height and Density Controls Map in relation to that land.
- (7) A building on land in Zone 7—Mixed Use—Kirrawee must not exceed any maximum height (as measured from ground level to the highest point of the roof of the building) specified on the Height and Density Controls Map in relation to that land.
- (8) **Buildings in Zone 8, 9 or 10** A building on land in Zone 8—Urban Centre, Zone 9—Local Centre or Zone 10—Neighbourhood Centre must not comprise more than:
- (a) the maximum number of storeys specified on the Height and Density Controls Map in relation to the land concerned, or
 - (b) if that map does not specify a maximum number of storeys in relation to the land concerned:
 - (i) 2 storeys in the case of a building located on land in Zone 10—Neighbourhood Centre, or
 - (ii) 3 storeys in any other case.
- (9) A building on land in Zone 8—Urban Centre, Zone 9—Local Centre or Zone 10—Neighbourhood Centre must not exceed any maximum height specified on the Height and Density Controls Map in relation to the land concerned.
- (10) **Maximum number of storeys and height on certain land in Miranda** Despite subclause (8) or (9), a building on land in Zone 8—Urban Centre or Zone 12—Special Uses that is shown hatched on the Height and Density Controls Map may:
- (a) comprise 8 storeys, or
 - (b) have a height that exceeds 28 metres, but does not exceed 32 metres (as measured from ground level to the highest point of the roof of the building),

but only if the consent authority is satisfied that:

- (c) any overshadowing of land caused by the building is no greater than the overshadowing that would be caused if the building comprised the maximum number of storeys and had the maximum height that would otherwise apply to the building under subclause (8) or (9), and
- (d) the design of the building significantly benefits urban design and the public domain in the location.

Note—

The maximum number of storeys and height applying to the above land, as shown on the Height and Density Controls Map, is 7 storeys and 28 metres respectively.

- (11) **Buildings in Zone 11** A building on land in Zone 11—Employment must not exceed a height of 12 metres, as measured from ground level to the highest point of the roof.
- (12) Despite subclause (11), a building on land in Zone 11—Employment that adjoins land in Zone 3—Environmental Housing (Bushland) or Zone 4—Local Housing must not exceed a height of 9 metres, as measured from ground level to the highest point of the roof.
- (13) Despite subclauses (5) and (11), a dwelling house on land in Zone 11—Employment must comply with subclause (4).
- (14) **Residential flat buildings** Despite anything to the contrary in this clause, a residential flat building must not comprise more than:
 - (a) the maximum number of storeys specified on the Height and Density Controls Map in relation to the land concerned, or
 - (b) if that map does not specify a maximum number of storeys in relation to the land concerned—3 storeys.
- (15) Despite anything to the contrary in this clause, a residential flat building must not exceed any maximum height (as measured from ground level to the highest point of the roof of the building) specified on the Height and Density Controls Map in relation to the land concerned.
- (16) **Villa houses** Despite anything to the contrary in this clause, a villa house must not exceed the following:
 - (a) a height of 3.6 metres, as measured from ground level to any point on the uppermost ceiling,
 - (b) a height of 5.4 metres, as measured from ground level to the highest point on the roof.

34 Building height—seniors housing in Zone 4, 5 or 6

- (1) **Objectives** The objectives of this clause, in relation to seniors housing on land in Zone 4—Local Housing, Zone 5—Multiple Dwelling A or Zone 6—Multiple Dwelling B, are as follows:
 - (a) to ensure that seniors housing is of a height that is compatible with:
 - (i) the scale of other residential buildings in the zone in which it is located, and
 - (ii) the desired scale and character of the street and locality in which the seniors housing is located, and
 - (iii) complements any natural landscape setting of the seniors housing,
 - (b) to allow reasonable daylight access to all buildings and the public domain,
 - (c) to minimise the impacts of new seniors housing on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion,
 - (d) to ensure that the visual impact of seniors housing is minimised when viewed from adjoining properties, the street, waterways and public reserves.
- (2) **Controls** The consent authority must not consent to development for the purpose of seniors housing on land in Zone 4—Local Housing, Zone 5—Multiple Dwelling A or Zone 6—Multiple Dwelling B unless it has considered the objectives of this clause.
- (3) Seniors housing on land in Zone 4—Local Housing or Zone 5—Multiple Dwelling A must not exceed 2 storeys.
- (4) Seniors housing on land in Zone 6—Multiple Dwelling B must not comprise more than:
 - (a) the maximum number of storeys specified on the Height and Density Controls Map in relation to the land concerned, or
 - (b) if that map does not specify a maximum number of storeys in relation to the land concerned—3 storeys.
- (5) Seniors housing on land in Zone 6—Multiple Dwelling B must not exceed any maximum height (as measured from ground level to the highest point of the roof of the building) specified on the Height and Density Controls Map in relation to the land concerned.
- (6) If seniors housing on land in Zone 4—Local Housing, Zone 5—Multiple Dwelling A or Zone 6—Multiple Dwelling B includes a townhouse or villa house, the two-storey building in which the townhouse is located or the villa house must not exceed the maximum height specified in clause 33 (4) (b) or (16), respectively, for that kind of building.

35 Building density

- (1) **Application of clause** This clause does not apply to development for the purpose of a building that does not result in the creation of floor space.
- (2) **Objectives** The objectives of this clause are as follows:
- (a) to ensure that development is in keeping with the characteristics of the site and the local area,
 - (b) to provide a degree of consistency in the bulk and scale of new buildings that relates to the context and environmental qualities of the locality,
 - (c) to minimise the impact of buildings on the amenity of adjoining residential properties,
 - (d) to ensure, where possible, that non-residential buildings in residential zones are compatible with the scale and character of residential buildings on land in those zones.
- (3) **Definition of “floor space ratio”** For the purposes of this plan:
- floor space ratio** means the ratio of the gross floor area of all buildings on a site to the area of the site.
- (4) **Site** The following is taken to be excluded from the site of proposed development for the purposes of this clause:
- (a) land on which the proposed development is prohibited under this plan (other than land on which the proposed development is prohibited solely because of the application of clause 17),
 - (b) in the case of an internal lot:
 - (i) any access corridor to or from the lot (if the lot is a hatchet-shaped lot), and
 - (ii) any right of way that traverses another lot.

Note—

Among other things, clause 17 imposes certain restrictions on the erection of buildings on land traversed by a foreshore building line.

- (5) **Maximum gross floor area in Zone 1 or 2** The maximum gross floor area of all buildings on a site in Zone 1—Environmental Housing (Environmentally Sensitive Land) and Zone 2—Environmental Housing (Scenic Quality) is to be as indicated in the following table:

Area of site (m ²)	Maximum gross floor area (m ²)
--------------------------------	--

Less than 850	$AS \times 0.4$
850-less than 1,200	$(AS - 850) \times 0.3 + 340$
1,200-less than 1,800	$(AS - 1,200) \times 0.25 + 445$
1,800 or more	$(AS - 1,800) \times 0.2 + 595$

where **AS** is the area of the site in square metres.

- (6) **Maximum floor space ratios** The maximum floor space ratio applying to development for the purpose of a building on a site in Zone 3—Environmental Housing (Bushland) is 0.45:1.
- (7) The maximum floor space ratio applying to development for the purpose of a building on a site in Zone 4—Local Housing is as follows:
- (a) in the case of a hostel—0.75:1,
 - (b) in any other case—0.45:1.
- (8) The maximum floor space ratio applying to development for the purpose of a building on a site in Zone 5—Multiple Dwelling A is as follows:
- (a) in the case of a dual occupancy, dwelling house or extended family unit—0.45:1,
 - (b) in the case of a hostel—0.75:1,
 - (c) in any other case—0.7:1.
- (9) The maximum floor space ratio applying to development for the purpose of a building on a site in Zone 6—Multiple Dwelling B is as follows:
- (a) in the case of a dwelling house—0.45:1,
 - (b) in the case of a residential flat building:
 - (i) if the area of the site is 1,200 square metres or less—0.7:1, or
 - (ii) if the area of the site is more than 1,200 square metres and less than 1,800 square metres—the ratio calculated as follows:
 $((\text{area of site in square metres} \times 0.0005) + 0.1):1$,
 - (c) in the case of a townhouse or a villa house—0.7:1,
 - (d) in any other case:

- (i) if a floor space ratio is specified on the Height and Density Controls Map in relation to the site concerned—the floor space ratio specified on that map, or
 - (ii) if a floor space ratio is not specified on that map in relation to the site concerned—1:1.
- (10) The maximum floor space ratio applying to development for the purpose of a building on a site in Zone 7—Mixed Use—Kirrawee is as specified on the Height and Density Controls Map in relation to the site concerned.
- (11) The maximum floor space ratio applying to development for the purpose of a building on a site in Zone 8—Urban Centre or Zone 9—Local Centre is:
 - (a) if a floor space ratio is specified on the Height and Density Controls Map in relation to the site concerned—the floor space ratio specified on that map, or
 - (b) if a floor space ratio is not specified on that map in relation to the site concerned—2:1.
- (12) The maximum floor space ratio applying to development for the purpose of a building on a site in Zone 10—Neighbourhood Centre is:
 - (a) if a floor space ratio is specified on the Height and Density Controls Map in relation to the site concerned—the floor space ratio specified on that map, or
 - (b) if a floor space ratio is not specified on that map in relation to the site concerned—1:1.
- (13) The maximum floor space ratio applying to development for the purpose of a building on a site in Zone 11—Employment is 1:1.

36 Landscaped area

- (1) **Objectives** The objectives of this clause are as follows:
 - (a) to ensure adequate opportunities for the retention or provision of vegetation that contributes to biodiversity,
 - (b) to ensure adequate opportunities for tree retention and tree planting so as to preserve and enhance the tree canopy of Sutherland Shire,
 - (c) to minimise urban run-off by maximising pervious areas on the sites of development,
 - (d) to ensure that the visual impact of development is minimised by appropriate landscaping and that the landscaping is maintained,
 - (e) to facilitate the provision of private open space for each dwelling, being private space that is useable and provides a reasonable level of privacy and access to

sunlight,

- (f) to ensure that landscaping carried out in connection with development on land in Zone 11—Employment is sufficient to complement the scale of buildings, provide shade, screen parking areas and enhance workforce amenities.

(2) **Site** The following is taken to be excluded from the site of proposed development for the purposes of this clause:

- (a) land on which the proposed development is prohibited under this plan (other than land on which the proposed development is prohibited solely because of the application of clause 17),
- (b) in the case of an internal lot:
- (i) any access corridor to or from the lot (if the lot is a hatchet-shaped lot), and
- (ii) any right of way that traverses another lot.

Note—

Among other things, clause 17 imposes certain restrictions on the erection of buildings on land traversed by a foreshore building line.

(3) **Controls** The minimum landscaped area of the site of any development for the purpose of a building on any land in Zone 1—Environmental Housing (Environmentally Sensitive Land) or Zone 2—Environmental Housing (Scenic Quality) is indicated in the Table below:

Area of site (m ²)	Minimum landscaped area (m ²)
Less than 850	$AS \times 0.45$
850-less than 1,200	$(AS - 850) \times 0.55 + 383$
1,200- less than 1,800	$(AS - 1,200) \times 0.65 + 576$
1,800 or more	$(AS - 1,800) \times 0.7 + 966$

where **AS** is the area of the site in square metres.

- (4) The minimum landscaped area of the site of any development for the purpose of a building on any land in Zone 3—Environmental Housing (Bushland) is 45 percent of the area of the site.
- (5) The minimum landscaped area of the site of any development for the purpose of a building (other than a villa house) on any land in Zone 4—Local Housing or Zone 5—Multiple Dwelling A is 45 percent of the area of the site.

- (6) The minimum landscaped area of the site of any development for the purpose of a villa house on any land in Zone 4—Local Housing, Zone 5—Multiple Dwelling A and Zone 6—Multiple Dwelling B is 40 percent of the area of the site.
- (7) The minimum landscaped area of the site of any development for the purpose of a building (other than a villa house or townhouse) on any land in Zone 6—Multiple Dwelling B is 60 percent of the area of the site.
- (8) The minimum landscaped area of the site of any development for the purpose of a townhouse on any land in Zone 6—Multiple Dwelling B is 45 percent of the area of the site.
- (9) The minimum landscaped area of the site of any development for the purpose of a building on any land in Zone 11—Employment is 15 percent of the area of the site.

37 Objectives of clauses 39-42

The objectives of clauses 39-42 are as follows:

- (a) to ensure that a new lot created for the purpose of a dwelling house has a sufficient area available for:
 - (i) a dwelling house and ancillary facilities, and
 - (ii) an outdoor recreation and service space, and
 - (iii) vehicular access to and from the site,
- (b) to ensure that a sufficient area is available for building setbacks to reduce the effect of radiated heat from bush fire on bush fire prone land,
- (c) to ensure that newly created lots provide adequate building area to accommodate the type of dwellings that are proposed to be built on such lots,
- (d) to ensure that the area and width of lots are sufficient for their intended purpose and provide sufficient space for negative externalities to be resolved on site,
- (e) to ensure that a sufficient area of land is available, in connection with development, for landscaping, drainage and parking so as to achieve a satisfactory residential amenity,
- (f) to ensure new development complements the established scale and character of the streetscape where the development is carried out, and does not dominate the natural qualities of its setting.

38 References to area, width and depth of lot in clauses 39-42

- (1) For the purposes of applying clauses 39-42 to proposed development, the following is to be excluded in calculating the area of a lot of land:

- (a) land on which the proposed development is prohibited under this plan (other than land on which the proposed development is prohibited solely because of the application of clause 17),
- (b) any access corridor to or from the lot if the lot is a hatchet-shaped lot.

Note—

Among other things, clause 17 imposes certain restrictions on the erection of buildings on land traversed by a foreshore building line.

- (2) For the purposes of clauses 39–42, the points on the boundaries of a lot of land between which the width or depth of the lot is to be measured are to be as determined by the consent authority having regard to the objectives set out in clause 37.

39 Minimum size of lot for dwelling houses

Note—

Clauses 37 and 38 contain provisions that are relevant to the application of this clause.

- (1) This clause applies to a lot of land in Zone 1—Environmental Housing (Environmentally Sensitive Land), Zone 2—Environmental Housing (Scenic Quality), Zone 3—Environmental Housing (Bushland), Zone 4—Local Housing or Zone 5—Multiple Dwelling A that is created on or after the date on which this plan commences.
- (2) The area, width and depth of a lot of land to which this clause applies on which it is proposed to erect a dwelling house are not to be less than the minimum area, width and depth specified in the following Table:

Zone	Minimum area (except for internal lots) (m²)	Minimum area for internal lots (m²)	Minimum lot width (m)	Minimum lot depth (m)
Zone 1—Environmental Housing (Environmentally Sensitive Land)	850	1,000	18	27
Zone 2—Environmental Housing (Scenic Quality)	700	850	18	27

Zone 3—Environmental Housing (Bushland)	550	700	15	27
Zone 4—Local Housing	550	700	15	27
Zone 5—Multiple Dwelling A	550	700	15	27

40 Dual occupancies—internal lots and lot sizes

Note—

Clauses 37 and 38 contain provisions that are relevant to the application of this clause.

- (1) **Application of clause** This clause applies to land in Zone 1—Environmental Housing (Environmentally Sensitive Land), Zone 2—Environmental Housing (Scenic Quality), Zone 3—Environmental Housing (Bushland), Zone 4—Local Housing or Zone 5—Multiple Dwelling A.
- (2) **Controls** Despite any other provision of this plan, the following are prohibited on land to which this clause applies:
 - (a) the subdivision of land for the purpose of a dual occupancy if the lot on which the dual occupancy is proposed to be located is an internal lot,
 - (b) the subdivision of land that results in 2 separate lots for each of the 2 dwellings comprising a dual occupancy if 1 of the resulting lots would be an internal lot,
 - (c) the erection of 1 or 2 dwellings as, or as part of, a dual occupancy on an internal lot.
- (3) Despite any other provision of this plan, the subdivision of land that creates 2 separate lots for each of the 2 dwellings comprising a dual occupancy is prohibited on land in Zone 1—Environmental Housing (Environmentally Sensitive Land) or Zone 2—Environmental Housing (Scenic Quality).
- (4) The minimum area and minimum width of a lot of land in Zone 3—Environmental Housing (Bushland), Zone 4—Local Housing or Zone 5—Multiple Dwelling A is 800 square metres and 18 metres respectively if:
 - (a) there is a dual occupancy on the lot, and
 - (b) it is proposed to subdivide the lot to create 2 separate lots for each of the 2 dwellings comprising the dual occupancy.
- (5) Subclause (4) does not apply in relation to subdivision creating a lot within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata*

Schemes (Leasehold Development) Act 1986.

- (6) The minimum area of a lot of land to which this clause applies on which it is proposed to erect 1 or 2 dwellings as, or as part of, a dual occupancy is 600 square metres.

41 Villa houses, townhouses and residential flat buildings—internal lots and lot sizes

Note—

Clauses 37 and 38 contain provisions that are relevant to the application of this clause.

- (1) **Application of clause** This clause applies to land in Zone 4—Local Housing, Zone 5—Multiple Dwelling A or Zone 6—Multiple Dwelling B.
- (2) This clause does not apply in relation to seniors housing.
- (3) **Villa houses and townhouses** The erection of a villa house or a townhouse on an internal lot of land to which this clause applies is prohibited.
- (4) The minimum area of a lot of land to which this clause applies on which it is proposed to erect a townhouse or a villa house is 1,200 square metres and the minimum width of any such lot is 25 metres.
- (5) **Residential flat buildings** The minimum area of a lot of land in Zone 6—Multiple Dwelling B on which it is proposed to erect a residential flat building is 1,800 square metres and the minimum width of any such lot is 30 metres.
- (6) Despite subclause (5), a lot of land in Zone 6—Multiple Dwelling B on which it is proposed to erect a residential flat building may be less than 1,800 square metres, or have a minimum width of less than 30 metres, if the consent authority is satisfied that:
- (a) the amalgamation of the lot with an adjoining lot is not reasonably feasible, or
 - (b) the orderly and economic use and development of the lot and the adjoining lot can be achieved if amalgamation is not feasible.

42 Seniors housing—minimum lot size

Note—

Clauses 37 and 38 contain provisions that are relevant to the application of this clause.

The minimum area of a lot on which it is proposed to erect seniors housing is 1,200 square metres and the minimum width of any such lot is 25 metres.

43 Extended family units—maximum floor space

The maximum floor space of an extended family unit is 65 square metres.

44 Convenience stores—maximum floor space

The maximum floor space of a convenience store is 100 square metres.

45 Childcare centres—maximum number of children in Zone 1, 2, 4, 5 or 6

The maximum number of children that may be supervised or cared for in a childcare centre is 45 if the childcare centre is located on land in any of the following zones:

- (a) Zone 1—Environmental Housing (Environmentally Sensitive Land),
- (b) Zone 2—Environmental Housing (Scenic Quality),
- (c) Zone 4—Local Housing,
- (d) Zone 5—Multiple Dwelling A,
- (e) Zone 6—Multiple Dwelling B.

46 Telecommunication facilities and electromagnetic radiation emitting facilities and structures

(1) In this clause:

relevant facility or structure means any of the following:

- (a) a telecommunications facility,
- (b) a radio communications facility,
- (c) any other facility or structure that emits electromagnetic radiation in the radiofrequency of the electromagnetic spectrum.

(2) The consent authority must not consent to development for the purpose of a relevant facility or structure unless it has considered the following matters that are of relevance to the development:

- (a) the extent to which reasonable access to telecommunications and other communications technology that have no adverse impact on human health or the natural environment has been encouraged, or will be encouraged by the proposed development,
- (b) the extent to which the precautionary principle has been applied in choosing the site of the relevant facility or structure,
- (c) the extent to which any proposed relevant facility or structure will be visually compatible with the character of the surrounding area and visually integrated into any building or structure on which it is located.

Division 3 Miscellaneous

47 Temporary use of land

- (1) Despite any other provision of this plan, consent may be granted to the use of any land or building for a purpose that would otherwise be prohibited by this plan, but only for a period of not more than 28 days.
- (2) However, consent must not be granted under this clause to any use of the same land or building (whether or not the same use) for more than 28 days (whether consecutive or not) in any 12-month period.
- (3) The consent authority must not consent to the use of any land or building under this clause unless it is satisfied that:
 - (a) suitable arrangements have been or will be made for the removal of any structures erected or works carried out in connection with the use, and for the reinstatement of the land to its former state after the cessation of the use, and
 - (b) the use is reasonable having regard to the nature of the use and the desirability of enabling the economic use of land before any further development in accordance with other provisions of this plan, and
 - (c) the use would not be likely to adversely affect the residential amenity of the locality concerned, and
 - (d) the use would not be likely to adversely affect the viability of any commercial centre in the locality, and
 - (e) the use would not be likely to adversely affect the environmental quality of the locality.
- (4) This clause does not apply to a use of any land or building that is designated development.

48 Urban design—general

The consent authority must not consent to development unless it has considered the following matters that are of relevance to the development:

- (a) the extent to which high quality design and development outcomes for the urban environment of Sutherland Shire have been attained, or will be attained by the proposed development,
- (b) the extent to which any proposed buildings are designed and will be constructed to:
 - (i) strengthen, enhance or integrate into the existing character of distinctive locations, neighbourhoods and streetscapes, and

- (ii) contribute to the desired future character of the locality concerned,
- (c) the extent to which recognition has been given to the public domain in the design of the proposed development and the extent to which that design will facilitate improvements to the public domain,
- (d) the extent to which the natural environment will be retained or enhanced by the proposed development,
- (e) the extent to which the proposed development will respond to the natural landform of the site of the development,
- (f) the extent to which the proposed development will preserve, enhance or reinforce specific areas of high visual quality, ridgelines and landmark locations, including gateways, nodes, views and vistas,
- (g) the principles for minimising crime risk set out in Part B of the Crime Prevention Guidelines and the extent to which the design of the proposed development applies those principles.

49 Urban design—residential buildings

The consent authority must not consent to development for the purpose of residential buildings unless it has considered the following matters that are of relevance to the development:

- (a) the extent to which recognition has been given in the design of the development to the needs of the diverse and changing population of Sutherland Shire,
- (b) the extent to which any adverse impacts of the proposed development on adjoining land and open space in terms of overshadowing, overlooking, views, privacy and visual intrusion will be minimised,
- (c) the extent to which the quality of the streetscape concerned will be improved by the development,
- (d) the extent to which there will be private open space of a sufficient area and dimensions to enable proposed and required activities,
- (e) the extent to which any adverse impacts of the proposed development on adjoining land in terms of size, bulk, height, scale and siting will be minimised,
- (f) the extent to which the residential building concerned integrates with a well-designed landscaped setting,
- (g) any opportunities for the provision of affordable housing.

50 Urban design—non-residential development in residential areas

- (1) This clause applies to development, other than residential development, on land in the following zones:
 - (a) Zone 1—Environmental Housing (Environmentally Sensitive Land),
 - (b) Zone 2—Environmental Housing (Scenic Quality),
 - (c) Zone 3—Environmental Housing (Bushland),
 - (d) Zone 4—Local Housing,
 - (e) Zone 5—Multiple Dwelling A,
 - (f) Zone 6—Multiple Dwelling B.
- (2) The consent authority must not consent to development to which this clause applies unless it has considered the following matters that are of relevance to the development:
 - (a) the extent to which any proposed non-residential buildings and their design will integrate into the locality concerned,
 - (b) the extent to which any such buildings will respond to the local character, and relate to the scale, streetscape, setbacks and use of materials of residential buildings,
 - (c) the extent to which the residential amenity of the locality concerned will be protected from detrimental traffic-related impacts and noise associated with the development.

51 Ecologically sustainable development

The consent authority must not consent to development unless it has considered the following matters that are of relevance to the development:

- (a) the principles of ecologically sustainable development,
- (b) the extent to which the proposed development will meet the needs of the present without compromising the ability of future generations to meet their needs,
- (c) the extent to which the proposed development will improve the quality of life, both now and into the future, in a way that maintains the ecological processes on which life depends,
- (d) the extent to which the proposed development will contribute to the achievement of high quality ecologically sustainable development outcomes for the urban environment of Sutherland Shire,

- (e) to extent to which the proposed development will retain and enhance the natural environment.

52 Energy efficiency and sustainable building techniques

The consent authority must not consent to development for the purpose of buildings unless it has considered the following matters that are of relevance to the development:

- (a) the extent to which potential energy consumption may be reduced during the construction, occupation, utilisation and lifecycle of proposed buildings,
- (b) the extent to which sustainable natural resources, such as the sun and wind, will be used in proposed buildings to create naturally comfortable living and working environments,
- (c) the extent to which proposed building materials and construction techniques are ecologically sustainable and will:
 - (i) minimise the expenditure of energy (including, in the case of building materials, any expenditure of energy involved in their manufacture), and
 - (ii) maximise the useful lifecycle of proposed buildings.

53 Transport accessibility, traffic impacts and car parking

The consent authority must not consent to development unless it has considered the following matters that are of relevance to the development:

- (a) the extent to which the proposed development maximises opportunities, through design integration, to provide:
 - (i) efficient links to identified transport nodes and corridors, such as railway stations, bus routes, pedestrian and cycle paths, and
 - (ii) facilities to cater for bicycle users,
- (b) the extent to which the demand for car parking, where there is good access to public transport nodes, will be managed,
- (c) the extent to which appropriate levels of car parking will be provided in connection with the development,
- (d) the extent to which walking, cycling and the use of public transport have been or will be encouraged,
- (e) the design of proposed car parking areas and access to them.

54 Heritage

- (1) **Objectives** The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Sutherland Shire,
- (b) to conserve the heritage significance of heritage items, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve places of Aboriginal heritage significance,
- (e) to protect and recognise locally significant trees and natural landforms as part of Sutherland Shire's environmental heritage,
- (f) to provide flexibility in the application of standards for development or permitted uses of land to enable appropriate conservation of heritage items,
- (g) to ensure timely consultation with State agencies, the relevant local Aboriginal land council and local communities to ensure that measures to conserve items are appropriate,
- (h) to limit inappropriate and unsympathetic development in the vicinity of cultural heritage items.

(2) **Requirement for consent** Development consent is required for any of the following:

- (a) demolishing or moving a heritage item,
- (b) altering a heritage item, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,
- (c) altering a heritage item that is a building, by making structural changes to its interior,
- (d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (e) disturbing or excavating a place of Aboriginal heritage significance,
- (f) erecting a building on, or subdividing, land on which a heritage item is located.

(3) **When consent not required** However, consent under this clause is not required if:

- (a) the applicant has notified the consent authority in writing of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature or consists of maintenance of the heritage item, archaeological site or place of Aboriginal heritage significance, and
 - (ii) would not adversely affect the significance of the heritage item, archaeological

site or place of Aboriginal heritage significance, or

- (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(4) **Advertised development** The demolition of a heritage item is advertised development.

(5) **Demolition of item of State significance** The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 6 as being of State heritage significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received within 28 days after the notice is sent.

(6) **Archaeological sites of non-Aboriginal heritage significance** The consent authority must, before granting consent under this clause to development on an archaeological site (including development referred to in subclause (2) (d)):

- (a) consider the effect of the proposed development on the heritage significance of the site and any relic known or reasonably likely to be located at the place, and
- (b) notify the Heritage Council about the application and take into consideration any response received within 28 days after the notice is sent.

(7) Subclause (6) does not apply to:

- (a) any development that, in the opinion of the consent authority, does not involve:
 - (i) any disturbance of below-ground relics, or
 - (ii) any adverse impact on the heritage significance of above-ground relics, or
- (b) any site or relic that is listed on the State Heritage Register.

(8) **Places of Aboriginal heritage significance** The consent authority must, before granting consent under this clause to carrying out development in a place of Aboriginal heritage significance (including development referred to in subclause (2) (e)):

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and
 - (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.
- (9) **Heritage impact assessment** The consent authority may, before granting consent to any development on land on which a heritage item is situated, require a heritage impact statement to be prepared.
- (10) For the purposes of considering the matters referred to in subclause (6) (a) or (8) (a), the consent authority must require a heritage impact statement to be prepared.
- (11) A heritage impact statement prepared for the purposes of considering the matters referred to in subclause (8) (a), must be prepared in consultation with a person who, in the opinion of the consent authority, is a suitably qualified Aboriginal archaeologist.
- (12) However, a heritage impact statement is not required to be prepared for the purposes of considering the matters referred to in subclause (8) (a) if:
- (a) the proposed development involves the erection or use of a building and is to be carried out wholly within an existing or previous building footprint, or
 - (b) the proposed development is located away from sandstone rock features, shell deposits or other sites that, in the opinion of the consent authority, are, or have the potential to be, of Aboriginal heritage significance.
- (13) **Certain development permissible if retention of heritage item is dependent on consent** Despite any other provision of this plan, the consent authority may grant consent to the use of land on which a building that is a heritage item is located (including the use of the building) for any purpose if:
- (a) it is satisfied that the retention of the heritage item depends on the granting of consent, and
 - (b) the proposed use is in accordance with a heritage conservation management plan that has been approved by the consent authority, and
 - (c) the granting of consent to the proposed use would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
 - (d) the proposed use would not adversely affect the heritage significance of the heritage item, and
 - (e) the proposed use would not have a significant adverse effect on the amenity of

the surrounding area.

55 Significant trees or natural landforms

- (1) This clause applies to land on which a significant tree or significant landform is located.
- (2) The consent authority must not consent to development on land to which this clause applies unless it is satisfied that:
 - (a) the development will be carried out in a manner that ensures the continued good health of the tree or the continued structural integrity and visual quality of the landforms, and
 - (b) in the case of development involving the erection of a building:
 - (i) the building will be set back from the drip-line of any significant tree, and
 - (ii) the building will not encroach on, or adversely affect, any significant landform, and
 - (c) development carried out in the immediate vicinity of significant trees will not result in the alteration of any significant landform or of any contour lines or drainage patterns.

56 Preservation of trees or vegetation

- (1) The objective of this clause is to ensure the protection of trees and bushland vegetation that are fundamental to the conservation of biodiversity in Sutherland Shire.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

Note—

A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
 - (a) a development consent, or
 - (b) a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation that is or forms part of a heritage item.

Note—

As a consequence of this subclause, the activities concerned will require development consent. Clauses 54 and 55 will be applicable to any such consent.

- (8) This clause does not apply to or in respect of:
- (a) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the [Forestry Act 1916](#), or
- (b) action required or authorised to be done by or under the [Electricity Supply Act 1995](#), the [Roads Act 1993](#) or the [Surveying Act 2002](#), or
- (c) plants declared to be noxious weeds under the [Noxious Weeds Act 1993](#).

57 Removal of certain vegetation permissible without consent

Despite any other provision of this plan, any development comprised in the removal of any of the vegetation listed in the Table to this clause may be carried out without consent unless the vegetation is or forms part of a heritage item.

Trees

Botanical name	Common name
<i>Acacia saligna</i>	Golden wreath wattle
<i>Acer negundo</i>	Box elder
<i>Araucaria bidwillii</i>	Bunya bunya pine
<i>Chamaecyparis pisifera</i> spp <i>Cupressus macrocarpa</i> "Brunniana" <i>Cupressus sempervirens</i>	Conifer
<i>Cinnamomum camphora</i>	Camphor laurel
<i>Erythrina X sykesii</i>	Coral tree
<i>Ficus benjamina</i>	Weeping fig
<i>Ficus elastica</i>	Rubber tree
<i>Grevillea robusta</i>	Silky oak

<i>Ligustrum lucidum</i>	Large leaf privet
<i>Ligustrum sinense</i>	Small leaf privet
<i>Liquidamber styraciflua</i>	Liquidamber
<i>Lophostemon confertus</i>	Brush box
<i>Pinus radiata</i>	Radiata pine
<i>Populus nigra "Italica"</i>	Lombardy poplar
<i>Robinia pseudoacacia "Frisia"</i>	Golden robinia
<i>Schefflera actinophylla</i>	Umbrella tree
<i>Syagrus romanzoffiana</i>	Cocos palm

Weeds

Botanical name	Common name
<i>Acetosa sagittatus</i>	Turkey rhubarb
<i>Ageratina adenophora</i>	Crofton weed
<i>Ageratina riparia</i>	Mist flower
<i>Anredera cordifolia</i>	Madiera vine
<i>Araujia hortorum</i>	Moth vine
<i>Arundo donax</i>	Giant reed
<i>Bambusa spp</i>	Bamboo
<i>Cardiospermum grandiflorum</i>	Balloon vine
<i>Chamaecytisus palmensis</i>	Tree lucerne
<i>Coreopsis lanceolata</i>	Coreopsis
<i>Cotoneaster spp</i>	Cotoneaster
<i>Cytisus scoparius</i>	Scotch broom
<i>Delairia odorata</i>	Cape ivy
<i>Dipogon lignosus</i>	Dolichos pea
<i>Ehrharta erecta</i>	Veldt grass
<i>Eragrostis curvula</i>	African love grass
<i>Erigeron karvinskianus</i>	Erigeron daisy
<i>Genista monspessulana</i>	Montpellier broom

<i>Hedera helix</i>	English ivy
<i>Hedychium gardnerianum</i>	Wild ginger
<i>Hydrocotyle bonariensis</i>	Kurnell curse
<i>Ipomoea cairica</i>	Coastal morning glory
<i>Ipomoea indica</i>	Morning glory
<i>Ligustrum lucidum</i>	Large leaf privet
<i>Ligustrum sinense</i>	Small leaf privet
<i>Lonicera japonica</i>	Japanese honeysuckle
<i>Myrsiphyllum asparagoides</i>	Bridal creeper
<i>Nephrolepis cordifolia</i>	Fish bone fern
<i>Ochna serrulata</i>	Ochna
<i>Paraserianthes lophantha</i>	Crested wattle
<i>Persicaria capitata</i>	Japanese knot weed
<i>Polygala myrtifolia</i>	Polygala
<i>Protasparagus aethiopicus</i>	Asparagus fern
<i>Protasparagus plumosus</i>	Climbing asparagus
<i>Psoralea pinnata</i>	African scurf pea
<i>Senecio angulatus</i>	Climbing groundsel
<i>Senna pendula var glabrata</i>	Cassia
<i>Sollya heterophylla</i>	Bluebell creeper
<i>Thunbergia alata</i>	Black-eyed Susan
<i>Tradescantia albiflora</i>	Wandering Jew
<i>Vinca major</i>	Blue periwinkle

Noxious weeds

Botanical name

Common name

<i>Alternanthera philoxeroides</i>	Alligator weed
<i>Cestrum parqui</i>	Green cestrum
<i>Chrysanthemoides monilifera</i>	Bitou bush
<i>Cortaderia selloana</i>	Pampas grass

<i>Eichorina crassipes</i>	Water hyacinth
<i>Gymnocoronis spianthoides</i>	Sengal tea plant
<i>Hypericum perforatum</i>	St John's wort
<i>Lantana camara</i>	Lantana red and pink flower
<i>Ludwigia peruviana</i>	Ludwigia
<i>Oputia spp</i>	Prickly pear
<i>Parietaria judaica</i>	Asthma weed
<i>Ricinus communis</i>	Castor oil plant
<i>Salvinia molesta</i>	Salvina
<i>Toxicodendron succedaneum</i>	Rhus tree

Schedule 1 Amendment of other environmental planning instruments

(Clause 8)

1.1 State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

Schedule 2 Land excepted from clauses 6-10

Omit "*Sutherland Shire Local Environmental Plan 2000*".

Insert instead "*Sutherland Shire Local Environmental Plan 2006* (including any land excluded from that plan under section 68 (5) or 70 (4) of the Act)".

1.2 State Environmental Planning Policy (Seniors Living) 2004

[1] Clause 4 Land to which Policy applies

Omit clause 4 (3). Insert instead:

- (3) **Application of Policy to land in Sutherland Shire** This Policy does not apply to land in Sutherland Shire, except in relation to:
- (a) land in Alexander Avenue, Taren Point, being Lot 2, DP 1026203, or
 - (b) land that is shown with heavy edging on the map marked "*Map 32 Cronulla Sutherland Leagues Club, Captain Cook Drive*" deposited in the Office of Sutherland Shire Council, but only to the extent provided by *Sutherland Shire Local Environmental Plan 2000*, or

Note—

The above land is excluded from the application of *Sutherland Shire Local Environmental Plan 2006*.

- (c) an application to carry out development for the purposes of a residential care facility on land in any of the following zones under *Sutherland Shire Local Environmental Plan 2006*:
 - (i) Zone 4—Local Housing,
 - (ii) Zone 5—Multiple Dwelling A,
 - (iii) Zone 6—Multiple Dwelling B,
 - (iv) Zone 7—Mixed Use—Kirrawee,
 - (v) Zone 8—Urban Centre,
 - (vi) Zone 9—Local Centre,
 - (vii) Zone 10—Neighbourhood Centre, or
 - (d) in relation to land in Zone 12—Special Uses under *Sutherland Shire Local Environmental Plan 2006*, or
 - (e) in relation to land in the 5 (a) Special Uses zone under *Sutherland Shire Local Environmental Plan 2000* that is excluded from *Sutherland Shire Local Environmental Plan 2006* under section 68 (5) or 70 (4) of the Act, or
 - (f) an application to carry out development made by or on behalf of:
 - (i) the Director-General of the Department of Housing, or
 - (ii) a local government or community housing provider.
- (4) This Policy applies to land referred to in subclause (3) (a)–(c) despite subclause (2).
- (5) A reference in this clause to *Sutherland Shire Local Environmental Plan 2000* is a reference to that plan as in force immediately before the commencement of *Sutherland Shire Local Environmental Plan 2006*.

[2] Schedule 3 Special provisions relating to certain land

Omit clause 2 of the Schedule.

1.3 Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)

Schedule 1

Omit clause 3 of Division 5 of the Schedule. Insert instead:

- 3** The land in Port Hacking within Zone 16—Environmental Protection (Waterways) under *Sutherland Shire Local Environmental Plan 2006*.

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

Clause 3 Land to which plan applies

Omit “*Sutherland Shire Local Environmental Plan 2000*” from clause 3 (2).

Insert instead “*Sutherland Shire Local Environmental Plan 2006*”.

Schedule 2 Exempt development

(Clause 12)

Column 1	Column 2
Type of development	Development standards and other requirements
Access ramps for the disabled —installation of access ramps for disabled persons	<ul style="list-style-type: none"> (a) Height must not exceed 1m above ground level. (b) Must not have a grade greater than 1:14. (c) Must be set back at least 1.5m from boundaries of the relevant land.
Advertisements, advertising structures or signs —installation or erection of advertisements, advertising structures or signs	<ul style="list-style-type: none"> (a) Must not flash or be displayed on, or erected above, the parapet or eaves of a building. (b) Must not cover mechanical ventilation inlets or outlets.
General requirements	<ul style="list-style-type: none"> (c) Structures erected on or above any part of a public road not used for the driving or riding of motor vehicles (such as any footpath)—must be set back at least 0.6m from the edge of the part of the road that is used for the driving or riding of motor vehicles.
A-frame advertising boards, or structures displaying goods for advertising purposes, outside a shop	<ul style="list-style-type: none"> (a) Must comply with any applicable development standards and other requirements in the document entitled <i>Sutherland Shire Environmental Specification—Advertising 2004</i>. (b) Must not be installed on land vested in, or under the control of, the Council without authorisation from the Council.

Advertisements on bus shelters or seats	<p>Must comply with any applicable development standards and other requirements in the document entitled <i>Sutherland Shire Environmental Specification—Advertising 2004</i>.</p> <p>(a) Must be no more than 1 advertisement installed on the premises and it must relate to the use of the premises.</p> <p>(b) Must not exceed 5m² in area.</p>
Advertisements on industrial premises or directory signs for multiple occupancy industrial premises	<p>(c) Must not be located more than 4.5m above ground level.</p> <p>(d) Must be fixed flush to the front elevation of a building on the premises.</p> <p>(e) Must not project above the parapet of the building or the eaves line if the building has a pitched roof.</p>
Advertisements or signs on roll down blind or awning	<p>(a) Advertisement or sign must not cover more than 20% of the area of the blind or awning.</p> <p>(b) Advertisement or sign must relate to the use of premises on which it is installed.</p>
Awning fascia signs	<p>Must relate to the use of the premises to which the fascia sign is attached.</p> <p>(a) Must only be displayed on the land where the special event is to be held.</p>
Banners or flags advertising special events	<p>(b) Must be constructed of lightweight, banner type material.</p> <p>(c) Must not be installed more than 21 days before, and must be removed no later than 2 days after, the special event.</p>
Banners or flags used for promotional purposes (other than banners or flags solely advertising special events)	<p>(a) A banner or flag used for promotional purposes (whether the same or a different banner or flag) must not be displayed on the land concerned:</p> <p>(i) for more than 14 consecutive days, or</p> <p>(ii) on more than 4 occasions, or</p> <p>(iii) for a total of more than 28 days, in any 12-month period.</p> <p>(b) Must be removed no later than 2 days after the relevant promotion finishes.</p>

Business identification signs or building identification signs

- (a) Must not have an area greater than the following:
 - (i) in the case of a business identification sign that relates to a home occupation—0.5m²,
 - (ii) in any other case—2.5m².
- (b) If located over a public road, must be located 2.6m or more above the road.
- (c) Must not protrude more than 0.3m from the wall of any building on which the sign is installed.
- (d) Business identification signs that relate to home occupations must be affixed:
 - (i) to the building concerned, and
 - (ii) no higher than 3m above ground or pavement level and below the eaves line of the building.
- (e) Must be no more than 1 business identification sign relating to any home occupation carried out in the dwelling concerned.

- (a)
- In the case of a community advertisement or notice intended to be temporary (other than an advertisement or notice referred to in paragraph (c) or (d)):
- (i) must not be installed on the land concerned for more than 21 consecutive days, or for a total of more than 28 days, in any 12-month period, and
 - (ii) must not exceed 2.5m² in area, and
 - (iii) sponsorship details must take up no more than 30% of the advertisement or notice.
- (b) In the case of a community advertisement or notice intended to be permanent (other than an advertisement or notice referred to in paragraph (c) or (d)):
- (i) must not exceed 3.5m in height from ground level and 5m² in area, and
 - (ii) sponsorship details must take up no more than 30% of the advertisement or notice, and
 - (iii) if the sign relates to a building, it must be attached to the building.
- (c) In the case of a surf or beach information or safety notice:
- (i) must only be displayed at entrances to beaches fronting Bate Bay and on surf lifesaving towers, and
 - (ii) sponsorship details must take up no more than 10% of the notice.
- (d) In the case of a community advertisement or notice on a motor vehicle or boat, the vehicle or boat must principally be used for the conveyance of goods or passengers.
- (a) Must only be displayed on the land where the promotion is to be held.
- (b) An inflatable sign used for promotional purposes (whether the same or a different sign) must not be displayed on the land concerned:
- (i) for more than 14 consecutive days, or
 - (ii) on more than 4 occasions, or
 - (iii) for a total of more than 28 days, in any 12-month period.
- (c) Must be removed no later than 2 days after the relevant promotion finishes.

Community advertisements or notices

Inflatable signs used for promotional purposes

- Real estate signs advertising premises for sale or lease
- (a) Must only be displayed on the premises to which it relates.
 - (b) Must be no more than 1 real estate sign on premises.
 - (c) Must not exceed 2.5m² in area.
 - (d) Must be removed no later than 14 days after the completion of the sale or the granting of the lease to which the sign relates.

Street or traffic signs installed by or on behalf of a roads authority (within the meaning of the [Roads Act 1993](#))

- Suspended under awning signs
- (a) Must be no more than 1 suspended under awning sign for each premises to which the sign relates.
 - (b) Must not exceed 1.5m² in area.
 - (c) If located over a public road, must be located 2.6m or more above the road.
 - (d) Must relate to the use of premises on which the sign is installed.

Aerial subscriber connections to telecommunications distribution lines—aerial subscriber connections comprising:

- (a) the connection from a subscriber's premises to a telecommunications distribution line by means of a cable that is wholly or partly an aerial cable, or
- (b) the erection of any structure:
 - (i) that is necessary to enable such a connection to be made, or
 - (ii) ancillary to the making of such a connection,

Any cable erected must be consistent with the document entitled *Telecommunications in Road Reserves—Operational Guidelines for Installations* (as published by Austroads on 1 May 2002).

being a structure that is located between the point of connection of the cable to the subscriber's premises and a telecommunications distribution line.

Aerials or satellite dishes—erection of
aerials or satellite dishes

- (a) In the case of an aerial:
 - (i) height must not exceed 3m above roof ridge, and
 - (ii) must not have a surface area that is visible from outside the premises to which the aerial relates of greater than 0.3m², and
 - (iii) no more than 1 aerial per residential building.
- (b) In the case of a satellite dish:
 - (i) must not be higher than the roof ridge, and
 - (ii) diameter of the dish must not exceed 0.75m, and
 - (iii) must not be installed forward of the building line or on roof areas visible from any public road, and
 - (iv) must not be visible from any public place, including roads, public open space, public recreation areas and waterways, and
 - (v) the dish and any supporting structure must be finished in a non-reflective colour that blends in with the surrounding environment.

- Air conditioning units**—installation of air conditioning units
- (a) External air conditioning unit:
 - (i) must be set back at least 0.5m from any side or rear boundary, and
 - (ii) if ground mounted—must not be installed within the front building setback, and
 - (iii) must not be attached to the street front elevation of any building facing the street, and
 - (iv) must not be attached above the second storey on residential buildings unless located on a balcony where the unit is not clearly visible from street level, and
 - (v) must not be mounted on the roof of premises that are not industrial premises.
 - (b) Must not include a cooling tower as part of the air conditioning system.
 - (c) Installation must not reduce the structural integrity of the building.
 - (d) Any opening created by the installation must be adequately weatherproofed.
 - (e) Air conditioning units must not:
 - (i) emit noise exceeding an LAeq of 5 dB(A) above background noise level when measured at the property boundary, or
 - (ii) be audible in any residential room on adjoining property, or
 - (iii) emit any tonal, impulsive or intermittent sounds.
 - (f) Must be installed and maintained in accordance with the following Australian and New Zealand Standards:
 - (i) AS/NZS 1668.1:1998, *The use of ventilation and airconditioning in buildings, Part 1: Fire and smoke control in multi-compartment buildings*,
 - (ii) AS/NZS 1668.2:2002 *The use of ventilation and airconditioning in buildings, Part 2: Ventilation design for indoor air contaminant control*,
 - (iii) AS/NZS 3666.1:2002, *Air-handling and water systems of buildings—Microbial control, Part 1: Design, installation and commissioning*,
 - (iv) AS/NZS 3666.2:2002, *Air-handling and water systems of buildings—Microbial control, Part 2: Operation and maintenance*,
 - (v) AS/NZS 3666.3:2002, *Air-handling and water systems*

of buildings—Microbial control, Part 3: Performance-based maintenance of cooling water systems.

Awnings, canopies, security blinds, storm blinds or shutters—installation of awnings, canopies, security blinds, storm blinds or shutters

- (a) Must be retractable.
- (b) Must not be installed above the second storey of any building.
- (c) A security blind or shutter must not be installed on the street front elevation of any buildings that are business premises or on shopfront awnings.

Barbecues—installation of barbecues

- (a) Height must not exceed 2.7m above ground level.
- (b) Must be set back from the front boundary of the relevant land no further forward than either of the following:
 - (i) the building line of the relevant land,
 - (ii) the alignment of any dwelling on any adjoining land.
- (c) Must be set back at least 0.5m from side and rear boundaries of the relevant land, but may be installed closer to a side or rear boundary if a heat shield is incorporated in the barbecue or the barbecue adjoins a non-combustible fence.
- (d) Must be located so that the risk of the spread of fire from the barbecue to any other structure is minimised.
- (e) Must be located so that the barbecue does not cause a nuisance while being used.

Bird aviaries or shelters for pet animals—erection of bird aviaries or shelters for pet animals

- (a) Must not occupy an area greater than 10m².
- (b) Height must not exceed 2.7m above ground level.
- (c) Must only be located in rear or side yards.
- (d) Must be set back at least 0.5m from all boundaries of the relevant land.
- (e) Must be no more than 1 bird aviary per property.
- (f) Must be no more than 20 fowls and no more than 5 of any other poultry.
- (g) Must not be located within 4.5m of a dwelling, public hall or school, or premises used for the manufacture, preparation, sale or storage of food.
- (h) Any poultry must be kept in accordance with any relevant standards relating to the keeping of poultry under the [Local Government Act 1993](#) (being standards that are enforceable by the making of Order No 18 under section 124 of that Act).

Building alterations (external)—other than alterations to:

- (a) residential flat buildings, or
- (b) the street frontage of buildings on land in Zone 8—Urban Centre, Zone 9—Local Centre, Zone 10—Neighbourhood Centre or Zone 11—Employment.

- General requirements
- (a) Must be non-structural.
 - (b) Must not change the existing footprint of the building concerned unless the alterations concerned comprise the installation of bay windows that do not extend more than 0.3m beyond that footprint.
 - (c) Must not increase the floor space of the building concerned.
 - (d) Must not change the use of rooms in residential buildings whether by removal of existing walls or partitions or by other means.
 - (e) Must not involve repositioning or enlarging of windows above ground level.
 - (f) Must not involve enclosure of open areas or reduce the area of any windows or doorways.
 - (g) Any alterations involving lead paint removal must not cause lead contamination of the air or ground water.
- Installation of glassed areas, including windows and external doors with glass
- (a) Materials and installation must comply with:
 - (i) the Australian Standard entitled AS 1288—2006, *Glass in buildings—Selection and installation*, and
 - (ii) the Australian and New Zealand Standard entitled AS/NZS 2208:1996, *Safety glazing materials in buildings*.
 - (b) In the case of windows—materials and installation must also comply with the Australian Standard entitled AS 2047—1999, *Windows in buildings—Selection and installation*.
 - (c) Opaque or other obscuring glazing must be replaced with similar opaque or obscuring glazing so as not to impact on the privacy of neighbouring properties.
- Installation of skylight roof windows (including solartube or similar type installations and roof ventilators)
- (a) Must not reduce the structural integrity of the building concerned.
 - (b) Any opening created by the installation must be adequately weatherproofed.
- Recladding of roofs or walls
- (a) Replacement of existing materials must be with similar materials that do not increase the reflectivity of the roof or wall.
 - (b) Must not involve any change to roof shape or roof pitch, or brick veneering.

Building alterations (internal)

- Alterations to business or industrial premises (other than alterations to premises for, or to any part of the premises that is used for, the preparation or storage of food for sale to the public)
- (a) Must be non-structural.
 - (b) Must not compromise fire safety or affect accessibility to fire exits.
 - (c) Must not increase existing floor area of premises.
- Alterations to residential buildings, other than the following:
- (a) alterations to the building for, or to any part of the building that is used for, the preparation or storage of food for sale to the public,
 - (a) Must be non-structural.
 - (b) Any replacement of internal doors, walls, windows, ceiling or floor linings or deteriorated frame members must be done with:
 - (i) equivalent materials, or
 - (ii) materials of improved quality.
 - (c) Must not change the footprint, external size or envelope of the residential building.
 - (b) the installation of oil or solid fuel heating appliances.
 - (d) Must not be carried out for the purpose of changing the use of rooms whether by removal of existing walls or partitions or by other means.
 - (e) Must not involve enclosure of open areas or reduce the area of any windows or doorways.
- Cabanas or gazebos**—erection of cabanas or gazebos
- (a) Each cabana or gazebo must not occupy an area greater than 10m² and the total combined floor space of all cabanas and gazebos erected on the land concerned must not exceed 40m².
 - (b) Floor must be located at or near ground level.
 - (c) Height must not exceed 4m above ground level.
 - (d) Must be set back from the front boundary of the relevant land no further forward than either of the following:
 - (i) the building line of the relevant land,
 - (ii) the alignment of any dwelling on any adjoining land.
 - (e) Must be set back as follows from side and rear boundaries of the relevant land:
 - (i) at least 1.5m if the land is in Zone 1—Environmental Housing (Environmentally Sensitive Land), Zone 2—Environmental Housing (Scenic Quality) or Zone 3—Environmental Housing (Bushland),
 - (ii) at least 0.5m in any other case.

Changes of use—different use of land as:

- (a) business premises, resulting from a change from one kind of business premises to another or a change from a shop, a restaurant or a food shop, or
 - (b) a shop, resulting from a change from one kind of shop to another or a change from business premises, a restaurant or a food shop, or
 - (c) a food shop, resulting from a change from one kind of food shop to another, or
 - (d) a restaurant, resulting from a change from one kind of restaurant to another, or
 - (e) a warehouse, resulting from a change from one kind of warehouse to another.
- (a) Hours of operation must comply with the following:
 - (i) in the case of premises used for industry—must not be used for this purpose on public holidays or at any time other than between 6am and 7pm, Monday to Saturday,
 - (ii) in any other case—must only be carried out between 6am and 9pm on any day.
 - (b) Must be no change to the area of any floor space or to parking, landscaping or waste facilities the subject of consent by the consent authority and in existence before the use is changed.

Clothes hoists or lines—installation of clothes hoists or lines

- (a) Must be installed at ground level.
- (b) Must only be installed behind the building concerned, or in the side or rear yard.
- (c) Must not be installed on balconies or elevated decks.

- Decks or patios**—installation of decks or patios
- (a) Finished surface level must not be more than 1m above ground level.
 - (b) Must not occupy an area greater than 20m².
 - (c) Must be set back from the front boundary of the relevant land no further forward than either of the following:
 - (i) the building line of the relevant land,
 - (ii) the alignment of any dwelling on any adjoining property.
 - (d) Must be set back at least 1.5m from side and rear boundaries of the relevant land in the following cases:
 - (i) if the land is in Zone 1—Environmental Housing (Environmentally Sensitive Land), Zone 2—Environmental Housing (Scenic Quality) or Zone 3—Environmental Housing (Bushland),
 - (ii) a deck or patio that has a height of more than 0.5m above ground level,
 - (iii) a deck to a swimming pool if the pool or the deck stands higher than 0.5m above ground level.
 - (e) Must be set back at least 0.9m from side and rear boundaries of the relevant land in any case other than a case referred to in paragraph (d).
 - (f) Must be sufficiently stepped down from any associated dwelling so as to prevent the entry of water to the dwelling.

- Demolition of buildings whose erection would be exempt development (except for retaining walls)**
- (a) Must be carried out in accordance with the Australian Standard entitled AS 2601—2001, *Demolition of structures*.
 - (b) Must not be carried out in connection with the decontamination, rehabilitation or remediation of contaminated land (within the meaning of Part 7A of the Act).

- (a) Must not be elevated or suspended above ground level.
- (b) Driveway or access gradients must comply with the access gradient requirements of the Australian and New Zealand Standard entitled AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*.
- (c) Must be graded and drained so that drainage does not cause a nuisance to users of adjoining land or footpaths.

Driveways or pathways—installation of driveways or pathways, other than driveways or pathways on any public land (within the meaning of the [Local Government Act 1993](#)) unless installed by the Council on land vested in or under the control of the Council

Note—

The relevant roads authority (usually the Council) should be contacted about any requirements relating to connection of any driveway to the relevant road.

Electrical works—any development carried out by Energy Australia comprising the provision of public lighting requested by the Council

Note—

See also clause 29 of this plan (Crown development and public utilities).

Fences or gates—installation of fences or gates (including replacement of existing fences or gates), other than the following:

- (a) fences required by the *Swimming Pools Act 1992*,
- (b) fences on street frontages of land occupied by dual occupancies, townhouses or villa houses,
- (c) fences for residential flat buildings,
- (d) front fences erected on land at Alford's Point, Barden Ridge, Bangor, Bonnet Bay, Illawong, Lucas Heights, Menai, Woronora Heights or Sylvania Waters if covenants applying to the land restrict the erection of such fences,
- (e) fences erected between the rear of dwellings and the waterway at Sylvania Waters if covenants applying to the land restrict the erection of such fences.

General requirements

Fences must be constructed so as not to cause a drainage nuisance.

- (a) Height must not exceed:
 - (i) in the case of an open form fence on industrial premises—2.5m above ground level, or
 - (ii) in any other case—1m above ground level.

Front fences or gates (including side fences or gates between the building line and the street or any other public place), other than fences or gates on commercial premises

- (b) An open form front fence erected on industrial premises must be set behind any landscaping required by, or carried out under, a development consent.

- (c) Gates must not open beyond the property boundaries.

- Side fences or gates, or rear fences or gates behind the building line
- Height must not exceed:
- (a) in the case of an open form fence on industrial premises—2.5m above ground level, or
 - (b) in the case of a fence that is constructed of timber, metal or lightweight materials and not an open form fence—1.8m above ground level, or
 - (c) in any other case—1m above ground level.

- (a) Must only be on private land.
- (b) Must not create significant interference with the neighbourhood.
- (c) A filming management plan must be prepared and lodged with Council at least 5 days before filming that:
 - (i) specifies the name, address and phone number of the person or company filming (including a contact person), and
 - (ii) describes the nature of the proposed filming, and
 - (iii) specifies the dates, times, location and proposed daily duration of the proposed filming, and
 - (iv) specifies the number of persons who will be involved in the filming while it is being carried out, and
 - (v) specifies the types of cameras proposed to be used, and
 - (vi) gives details of any structures proposed to be installed, and
 - (vii) describes any proposed parking arrangements, and
 - (viii) describes any anticipated disruption to persons in the neighbourhood, and
 - (ix) specifies what approvals, if any, are required from any public authorities and whether these have been obtained, and
 - (x) is accompanied by evidence of public liability insurance of an amount not less than \$10 million.
- (d) Owners or occupiers of land within a 50m radius of proposed filming must be provided with the following, by letterbox drop, at least 5 days before filming:
 - (i) the name, address and telephone number of the person or company carrying out the filming (including a contact person),
 - (ii) a description of the nature of the proposed filming and any anticipated disruption to persons in the neighbourhood.

Filming—carrying out of a filming project within the meaning of the *Local Government Act 1993*

Flagpoles—installation of flagpoles

- (a) Height must not exceed 6m above ground level.
- (b) Must not project beyond property boundaries.
- (c) Must be no more than 1 flagpole per property.
- (d) Must not be used to display a flag that exceeds 1m² in area.
- (e) Must not be used to display flags that are advertisements.

Greenhouses, garden sheds, studios, cubby houses or playground equipment—erection of greenhouses, garden sheds, studios, cubby houses or playground equipment

- (a) Except where the land concerned is in Zone 12—Special Uses:
 - (i) each greenhouse, garden shed, studio, cubby house or item of playground equipment must not occupy an area greater than 10m², and
 - (ii) the total combined floor space of any greenhouse, garden shed, studio, cubby house and item of playground equipment on the land concerned must not exceed 40m², and
 - (iii) height must not exceed 4m above ground level.
- (b) The floor must be located at or near ground level.
- (c) Must be set back from the front boundary of the relevant land no further forward than either of the following:
 - (i) the building line of the relevant land,
 - (ii) the alignment of any dwelling on any adjoining land.
- (d) Must be set back from the side and rear boundaries of the relevant land:
 - (i) at least 1.5m, if the land is in Zone 1—Environmental Housing (Environmentally Sensitive Land), Zone 2—Environmental Housing (Scenic Quality) or Zone 3—Environmental Housing (Bushland), or
 - (ii) at least 0.5m, in any other case.

- Home occupations**—carrying out of home occupations
- (a) If there is any sound producing machinery, equipment or fittings associated with or forming part of a mechanical ventilation system or refrigeration system that is used in carrying out the home occupation, the machinery, equipment or fittings:
 - (i) must be sound insulated or isolated so that the noise emitted does not exceed LAeq of 5 dB(A) above the background level in any octave band from 63 Hz centre frequencies inclusive, as measured at the property boundary in accordance with the Australian Standard entitled AS 1055.1—1997, *Acoustics—Description and measurement of environmental noise, Part 1: General procedures*, and
 - (ii) must not emit any tonal, impulsive or intermittent sounds, and
 - (iii) must not be audible in any residential room on adjoining property.
 - (b) Must only be carried out between 8am and 6pm, Monday to Saturday.
- Horses**—keeping of horses
- (a) Must not be kept on a wetland.
 - (b) Must be no more than 1 horse per lot.
 - (c) Must not be kept, and any part of any stable, corral, exercise yard or the like must not be located, closer than 9m from:
 - (i) any dwelling, school, shop, office, factory, workshop, church, public hall, or
 - (ii) any premises used for the manufacture, preparation or storage of food.
 - (d) The horse must be provided with a yard having an area of at least 30m² and a width of at least 3m.
 - (e) Bushland within horse yards (paddocks) is to be fenced off to protect the vegetation from damage.
 - (f) Horse yards or paddocks that contain or are adjacent to drainage lines, or are adjacent to bushland, must have a 0.3m fenced off buffer from the drainage line or bushland.
- Letterboxes**—installation of letterboxes
- Must not be installed at a height greater than 1.2m above ground level.

- Outdoor eating areas**—use of land as an outdoor eating area in conjunction with a restaurant
- (a) Must comply with *Sutherland Shire Environmental Specification—Outdoor Eating Areas 2004*.
 - (b) If the land is public land (within the meaning of the *Local Government Act 1993*), a licence must be obtained from the Council before any outdoor eating activities are undertaken.
- Pergolas, awnings, shade structures or sunshades**—installation of:
- (a) pergolas, or
 - (b) fixed awnings (other than shop front awnings), shade structures or sunshades at ground floor level or over an existing first floor deck.
- (a) Except where the land concerned is in Zone 12—Special Uses, each pergola, awning or shade structure or sunshade must not occupy an area greater than 20m².
 - (b) Except where the land concerned is in Zone 12—Special Uses, height must not exceed 2.7m above:
 - (i) ground level if proposed to be erected at ground floor level, or
 - (ii) the deck if proposed to be erected over an existing first floor deck.
 - (c) Must be set back from the front boundary of the relevant land no further forward than either of the following:
 - (i) the building line of the relevant land,
 - (ii) the alignment of any dwelling on any adjoining land.
 - (d) Must be set back from the side and rear boundaries of the relevant land:
 - (i) at least 1.5m, if the land is in Zone 1—Environmental Housing (Environmentally Sensitive Land), Zone 2—Environmental Housing (Scenic Quality) or Zone 3—Environmental Housing (Bushland), or
 - (ii) at least 0.5m, in any other case.
- Portable classrooms**—erection of portable classrooms
- (a) Must be erected on land on which a government school or a non-government school (within the meaning of the *Education Act 1990*) is located.
 - (b) Height must not exceed 1 storey.
 - (c) Must not be used for more than 5 years after the date of its erection.

Public facilities and amenities—carrying out of any of the following by or on behalf of the Council or (if on Crown Land) with authorisation under the *Crown Lands Act 1989*:

- (a) installation of any of the following:
 - (i) playground equipment,
 - (ii) park and street furniture (such as seats, bins, picnic tables and barbecues),
 - (iii) public toilets,
 - (iv) steps or staircases,
 - (v) sporting facilities, including lighting to enable night time sport, security equipment or devices, goal posts, sight screens and the like,
 - (vi) public transport facilities,
 - (b) use of land for the purpose of recreational, sporting, entertainment or cultural activities and the erection of any ancillary structures,
 - (c) landscaping, gardening or beach and foreshore protection works.
- (a) Must be carried out on land vested in or under the control of the Council.
 - (b) The following must be authorised by a plan of management under the *Local Government Act 1993*:
 - (i) installation of park and street furniture,
 - (ii) installation of public toilet facilities,
 - (iii) installation of lighting to enable night time sport,
 - (iv) markets, concerts, fetes and the like,
 - (v) beach and foreshore protection works.

- (a) Must be designed to capture and store roof water from gutters or downpipes on a building only.
- (b) Drainage connections must comply with AS/NZS 3500.1:2003, *Plumbing and drainage, Part 1: Water services*.
- (c) Overflows must be connected to an approved stormwater system.
- (d) Height must not exceed 2.4m above ground level (including any stand).
- (e) Must be set back from the front boundary of the relevant land no further forward than either of the following:
 - (i) the building line of the relevant land,
 - (ii) the alignment of any dwelling on any adjoining land.
- (f) Must be set back at least 0.45m from side and rear boundaries of the relevant land.
- (g) Capacity must not exceed 10,000 litres.
- (h) Must be installed and maintained in accordance with any requirements of an applicable public authority.
- (i) Must be prefabricated, or constructed from prefabricated elements that were designed and manufactured for the purpose of the construction of a rainwater tank.
- (j) Must not involve the excavation beyond 1m below ground level, or the filling of more than 1m above ground level.
- (k) Must be enclosed and any inlet screened.
- (l) Any lid must be designed to prevent entry by children (whether or not by accidentally entering, climbing or falling into the tank).
- (m) Must contain a first flush system to prevent the entry of animals and contaminants.
- (n) Suitable proofing for the prevention of mosquito breeding must be provided.
- (o) Must not include pumps except where a recycling and reuse system is employed.
- (p) Any motorised pump must not:
 - (i) emit any noise exceeding LAeq of 5 dB(A) above the background level in any octave band from 63 Hz centre frequencies inclusive, as measured at the property boundary in accordance with the Australian Standard entitled AS 1055.1—1997, *Acoustics—Description and*

Rainwater tanks—installation of rainwater tanks other than on a lot within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*

measurement of environmental noise, Part 1: General procedures, or

- (ii) emit any tonal, impulsive or intermittent sounds, or
- (iii) be audible in any residential room on adjoining property.
- (q) A sign must be affixed to the tank clearly stating that the water in the tank is “Rainwater—not for human consumption”.

Retaining walls—erection of retaining walls

- (a) Site must not be filled, or raised, more than 0.3m within 1.5m of side or rear boundaries of the relevant land.
- (b) Height must not exceed 0.6m above ground level.
- (c) Must be no longer than 20m.
- (d) Must not result in there being more than 2 successive rows of retaining walls on the land being supported.
- (e) Must be constructed so as not to cause a drainage nuisance.
- (f) Masonry walls must comply with the following:
 - (i) the Australian Standards entitled AS 3700—2001, *Masonry structures*, AS 3600—2001, *Concrete structures* and AS 1170.4—1993, *Minimum design loads on structures (known as the SAA Loading Code), Part 4: Earthquake loads*,
 - (ii) the Australian and New Zealand Standards entitled AS/NZS 1170.0:2002, *Structural design actions—General principles*, AS/NZS 1170.1:2002, *Structural design actions, Part 1: Permanent, imposed and other actions* and AS/NZS 1170.2:2002, *Structural design actions, Part 2: Wind actions*.
- (g) Timber walls must comply with the following:
 - (i) the Australian Standards entitled AS 1720.1—1997, *Timber structures, Part 1: Design methods*, AS 1720.2—2006, *Timber structures, Part 2: Timber properties*, AS 1720.4—1990, *Timber structures, Part 4: Fire-resistance of structural timber members* and AS 1170.4—1993, *Minimum design loads on structures (known as the SAA Loading Code), Part 4: Earthquake loads*,
 - (ii) the Australian and New Zealand Standards entitled AS/NZS 1170.0:2002, *Structural design actions—General principles*, AS/NZS 1170.1:2002, *Structural design actions, Part 1: Permanent, imposed and other actions* and AS/NZS 1170.2:2002, *Structural design actions, Part 2: Wind actions*.

Subdivision—subdivision for the purpose of creating a lot of land to be acquired by, or dedicated to, the Council or the corporation for the purpose of public open space

**Traffic management facilities
(including traffic signal
devices)**

—installation of traffic management facilities (including traffic signal devices) by a roads authority within the meaning of the [Roads Act 1993](#)

- (a) 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.
- (b) Must be flush with roof alignment.
- (c) Must complement colour of roofing materials.
- (d) Must not be visible from any:
 - (i) street, or
 - (ii) foreshore, or
 - (iii) public place (including any waterway or reserves), or
 - (iv) windows of habitable rooms of adjoining properties.
- (e) Must be set back from the front boundary of the relevant land no further forward than either of the following:
 - (i) the building line of the relevant land,
 - (ii) the alignment of any dwelling on any adjoining land.
- (f) Must not reduce the structural integrity of the building or involve structural alterations.
- (g) The water heater must not:
 - (i) emit any noise exceeding LAeq of 5 dB(A) above the background level in any octave band from 63 Hz centre frequencies inclusive, as measured at the property boundary in accordance with the Australian Standard entitled AS 1055.1—1997, *Acoustics—Description and measurement of environmental noise, Part 1: General procedures*, or
 - (ii) emit any tonal, impulsive or intermittent sounds, or
 - (iii) in the case of a domestic water heater—be audible in any residential room on adjoining property between 8pm and 7am on Monday, Tuesday, Wednesday, Thursday or Friday or between 10pm and 8am on weekends or public holidays.
- (h) Must not involve the lopping of trees (for example, in order to achieve solar access for solar water heaters).

Water heaters—installation of water heaters (including the replacement of existing heat pump hot water heaters and solar water heaters)

Water undertakings—any development carried out by or on behalf of Sydney Water Corporation Limited comprising:

- (a) emergency work that involves the repair or replacement of any part of Sydney Water Corporation Limited's works:
 - (i) because it has been (or is being) damaged by a natural disaster, an accident, an act of vandalism or a similar occurrence, or
 - (ii) because it has suddenly ceased to function or suddenly ceased to function adequately (including work reasonably necessary to prevent or limit any further damage or malfunction), or
- (b) routine maintenance involving periodic repair and replacement of works (other than routine maintenance of works that would result in an increase in the designed capacity of any part of those works).

Note—

See also clause 29 of this plan (Crown development and public utilities).

Schedule 3 Complying development

(Clause 13)

1 Complying development in Zone 1, 2, 3, 4, 12, 13 or 15

The Table to this clause applies only to land in any of the following zones:

- (a) Zone 1—Environmental Housing (Environmentally Sensitive Land),
- (b) Zone 2—Environmental Housing (Scenic Quality),
- (c) Zone 3—Environmental Housing (Bushland),
- (d) Zone 4—Local Housing,
- (e) Zone 12—Special Uses,
- (f) Zone 13—Public Open Space,
- (g) Zone 15—Private Recreation.

Column 1

Type of development

Bed and breakfast

accommodation—use of a dwelling for bed and breakfast accommodation, other than a dwelling that is part of a dual occupancy, townhouse, villa house or residential flat building

Building alterations (internal)

other than the following:

- (a) alterations to incomplete buildings,
- (b) the installation of oil or solid fuel heating appliances,
- (c) the installation of any commercial mechanical exhaust ventilation system.

Column 2

Development standards and other requirements

- (a) Must be no more than 1 sign advertising the accommodation on the site and any such advertising sign must:
 - (i) have been provided by the Sutherland Shire Tourism Association, and
 - (ii) be located behind the building alignment, and
 - (iii) not have an area of more than 1.5m².
- (b) At least 1 off-street car parking space must be provided for guests in addition to any residential parking.
- (c) Car parking spaces must be located so as to minimise disturbance to, and preserve the privacy of, other residences.
- (d) Locks must be fitted to guest rooms and external doors, and must be capable of being opened from the inside by a single handed action without the need for a key.

Alterations to any part of residential premises used for the purpose of preparation or storage of food for sale to the public as part of a home occupation must comply with the following:

- (a) the Council's *Code for Food Premises*,
- (b) the Council's *Code for Commercial Home Catering*.

Cabanas or gazebos—erection of cabanas or gazebos

- (a) Must not occupy an area greater than 40m².
- (b) Height must not exceed 4m above ground level.
- (c) Finished floor level must not be greater than 1m above ground level.
- (d) Must be set back from the front boundary of the relevant land no further forward than either of the following:
 - (i) the building line of the relevant land,
 - (ii) the alignment of any dwelling on any adjoining land.
- (e) Must be set back from the side and rear boundaries of the relevant land:
 - (i) at least 1.5m, if the land is in Zone 1—Environmental Housing (Environmentally Sensitive Land), Zone 2—Environmental Housing (Scenic Quality) or Zone 3—Environmental Housing (Bushland), or
 - (ii) at least 0.5m, in any other case.

Decks or patios—installation of decks or patios

- (a) Finished surface level must not be greater than 1m above ground level.
- (b) Must not occupy an area greater than 40m².
- (c) Must be set back from the front boundary of the relevant land no further forward than either of the following:
 - (i) the building line of the relevant land,
 - (ii) the alignment of any dwelling on any adjoining property.
- (d) Must be set back at least 1.5m from side and rear boundaries of the relevant land in the following cases:
 - (i) if the land is in Zone 1—Environmental Housing (Environmentally Sensitive Land), Zone 2—Environmental Housing (Scenic Quality) or Zone 3—Environmental Housing (Bushland),
 - (ii) a deck or patio that has a height of more than 0.5m above ground level,
 - (iii) a deck to a swimming pool if the pool or the deck stands higher than 0.5m above ground level.
- (e) Must be set back at least 0.9m from side and rear boundaries of the relevant land in any case other than a case referred to in paragraph (d).
- (f) Must be sufficiently stepped down from any associated dwelling so as to prevent the entry of water to the dwelling.

- (a) Must be carried out in accordance with the Australian Standard entitled AS 2601—2001, *Demolition of structures*.
- (b) Must not be carried out in connection with the decontamination, rehabilitation or remediation of contaminated land (within the meaning of Part 7A of the Act).
- (c) Water run-off and site erosion controls:
 - (i) must be installed prior to the commencement of work, and
 - (ii) must be maintained continuously, during the period in which work is carried out, and in accordance with the requirements of Volume 1 of *Managing Urban Stormwater: Soils and Construction* (published by Landcom, March 2004) and *Sutherland Shire Environmental Specification—Landscaping 2004*.

Demolition of buildings

Dwelling houses—erection of, or additions or alterations to, single storey or two-storey dwelling houses, other than:

- (a) the addition of any storey to two-storey dwelling houses, or
- (b) any erection, alterations or additions on land:
 - (i) in Zone 1—Environmental Housing (Environmentally Sensitive Land), Zone 2—Environmental Housing (Scenic Quality) or Zone 3—Environmental Housing (Bushland), or
 - (ii) on which the Australian Noise Exposure Forecast (endorsed by Airservices Australia and current on the commencement of this plan) is between 20 and 25.

General requirements

- (a) Must not involve the installation of any oil or solid fuel heating appliance or any commercial mechanical exhaust ventilation system.
- (b) Must be set back from the front boundary of the relevant land no further forward than either of the following:
 - (i) the building line of the relevant land,
 - (ii) the alignment of any dwelling on any adjoining land.
- (c) Must be set back at least 4.5m from the rear boundaries of the relevant land.
- (d) Any cut or fill must not exceed 1m in depth and the area of the site cut or filled must not exceed an area that is equivalent to 60% of the area of the building footprint.
- (e) Any fill must be retained within the property boundaries.
- (f) If the relevant land is bush fire prone land, building work is to comply with the construction provisions for buildings located on bush fire prone land of *Sutherland Shire Environmental Specification—Bush Fire 2004*.
- (g) In the case of the erection of a new dwelling:
 - (i) the dwelling must be entitled to at least a 4 star rating under the National House Energy Rating Scheme (NatHERS), and
 - (ii) at least 2 car parking spaces per dwelling must be provided behind the building line.

Note—

See separate entry under **Garages** in this Table for relevant requirements relating to the erection of garages as complying development.

See also entry under **Driveways or pathways** in Schedule 2 for relevant requirements relating to the installation of driveways as exempt development.

- (h) In the case of the erection of a new dwelling, or an addition to an existing dwelling—water run-off and site erosion controls:
 - (i) must be installed prior to the commencement of work, and

- (ii) must be maintained continuously, during the period in which work is carried out, and in accordance with the requirements of Volume 1 of *Managing Urban Stormwater: Soils and Construction* (published by Landcom, March 2004) and *Sutherland Shire Environmental Specification—Landscaping 2004*.
- (i) In the case of the erection of a new dwelling, or an addition to an existing dwelling—stormwater must be discharged:
 - (i) by gravity feed to the street gutter or a drainage structure within an easement to drain water, or
 - (ii) to dispersal pits in accordance with the Council's *Stormwater Policy and Guidelines*.
- (j) In the case of the erection of a new dwelling, or an addition to an existing dwelling—connection to any existing domestic stormwater disposal system must not be made unless the system is capable of disposing of any increased stormwater generated by the development.
- (k) Any new part of residential premises used for the purpose of preparation or storage of food for sale to the public as part of a home occupation must comply with the following:
 - (i) the Council's *Code for Food Premises*,
 - (ii) the Council's *Code for Commercial Home Catering*.
- Dwelling houses (single storey)**—erection of, or additions or alterations to, single storey dwelling houses (other than the addition of another storey)
 - (a) Height of dwelling on completion must not exceed 5.4m, as measured from ground level to the highest point of the roof.
 - (b) Must be set back at least 0.9m from the side boundaries of the relevant land.

- (a) Must not involve any of the following:
 - (i) the erection of any balconies off the second storey of the dwelling concerned that face the side or rear boundaries of the relevant land,
 - (ii) the erection of a kitchen on the ground floor of the dwelling concerned.

Dwelling houses (two-storey)—erection of two-storey dwelling houses, addition of a second storey to single storey dwelling houses, alterations or additions (other than the addition of another storey) to a two-storey dwelling house

- (b) Height of dwelling on completion, must be no greater than either of the following:
 - (i) 7.2m, as measured from ground level to the ceiling of the second floor,
 - (ii) 9m, as measured from ground level to the highest point of the roof.
- (c) Any proposed second storey must be set back from the street to which the dwelling has frontage at least the distance equal to 50% of the depth of the site, as measured at a right angle from the street.
- (d) Must be set back at least 1.5m from the side boundaries of the relevant land.

Fences, gates or retaining walls—erection of fences, gates or retaining walls, other than the following:

- (a) fences erected along the street boundary of land occupied by dual occupancies, townhouses or villa houses,
- (b) front fences erected on land at Alfords Point, Barden Ridge, Bangor, Bonnet Bay, Illawong, Lucas Heights, Menai, Woronora Heights or Sylvania Waters if covenants applying to the land restrict the erection of such fences,
- (c) fences erected between the rear of dwellings and the waterway at Sylvania Waters if covenants applying to the land restrict the erection of such fences.

- (a) Front fences within the front building line must not exceed 1m in height above ground level.
- (b) Side or rear fences must not exceed 1.8m in height above ground level.
- (c) Retaining walls:
 - (i) must be set back at least 0.5m from any boundary, and
 - (ii) must not exceed 1m in height above ground level, and
 - (iii) must not be longer than 20m.

Fire alarms—any internal alterations to a building carried out for the purpose of converting fire alarms, including:

- (a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider, or
- (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider, or
- (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

The mounting of any antenna, and any support structure, on an external wall or roof of a building must not occupy a space of more than 450mm × 100mm × 100mm.

Garages—erection of garages

- (a) Must not occupy an area of more than 40m².
- (b) Height must not exceed 4m above ground level.
- (c) Must be set back from the front boundary of the relevant land no further forward than either of the following:
 - (i) the building line of the relevant land,
 - (ii) the alignment of any dwelling on any adjoining land.
- (d) Must be set back as follows from side boundaries of the relevant land:
 - (i) at least 1.5m if the land is in Zone 1—Environmental Housing (Environmentally Sensitive Land), Zone 2—Environmental Housing (Scenic Quality) or Zone 3—Environmental Housing (Bushland),
 - (ii) at least 0.5m if the garage is detached and to the rear of any dwelling with which it is associated,
 - (iii) at least 0.9m in any other case.
- (e) Finished floor level must be no more than 1m above ground level.

- (a) Must only be erected in rear or side yards.
- (b) Must not occupy an area of more than 40m² except on land in Zone 15—Private Recreation.
- (c) Height must not exceed 4m above ground level.
- (d) Must be set back from the front boundary of the relevant land no further forward than either of the following:
 - (i) the building line of the relevant land,
 - (ii) the alignment of any dwelling on any adjoining land.
- (e) Must be set back as follows from side boundaries of the relevant land:
 - (i) at least 1.5m if the land is in Zone 1—Environmental Housing (Environmentally Sensitive Land), Zone 2—Environmental Housing (Scenic Quality) or Zone 3—Environmental Housing (Bushland),
 - (ii) at least 0.5m if the proposed building is detached and to the rear of any dwelling with which it is associated,
 - (iii) at least 0.9m in any other case.
- (f) The finished floor level must be no more than 1m above ground level.

Greenhouses, garden sheds, studios or cubby houses—erection of greenhouses, garden sheds, studios or cubby houses

Pergolas, awnings, shade structures, sunshades or carports—erection or installation of pergolas, awnings, shade structures, sunshades or carports

- (a) Must not occupy an area greater than 40m² except on land in Zone 12—Special Uses or Zone 15—Private Recreation.
- (b) Height must not exceed 4m above ground level.
- (c) Must be set back from the front boundary of the relevant land no further forward than either of the following:
 - (i) the building line of the relevant land,
 - (ii) the alignment of any dwelling on any adjoining land.
- (d) Must be set back as follows from side and rear boundaries of the relevant land:
 - (i) at least 1.5m if the land is in Zone 1—Environmental Housing (Environmentally Sensitive Land), Zone 2—Environmental Housing (Scenic Quality) or Zone 3—Environmental Housing (Bushland),
 - (ii) at least 0.5m in any other case.
- (e) The finished floor level must be no more than 1m above ground level.

Seawalls—reconstruction, replacement or repair of seawalls in Sylvania Waters

Subdivision of land for the purpose of any of the following:

- (a) widening of a public road by a roads authority (within the meaning of the *Roads Act 1993*),
 - (b) adjusting a boundary between lots (including correcting an encroachment on a lot),
 - (c) creating a lot within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*,
 - (d) creating a lot for a public reserve.
- (a) In the case of subdivision carried out for the purpose of adjusting a boundary between lots—the size and dimensions of resulting lots must not be less than any relevant minimum size and dimensions provided for in clauses 39-42 of this plan.
 - (b) In the case of subdivision carried out for the purpose of adjusting a boundary between lots—the subdivision must not result in an increased number of lots or the reorientation of lots.
 - (c) In the case of subdivision carried out for the purpose of creating a lot within the meaning of strata subdivision of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*:
 - (i) the erection of any building comprised in the lot must have been approved and carried out after 1 July 1988, and
 - (ii) any development carried out for the purpose of the building (including the erection of the building) must have been carried out in accordance with any relevant development consent.
 - (d) In the case of subdivision creating a lot for a public reserve—the size and dimension of any residue lot must not be less than any relevant minimum size and dimensions provided for in clauses 39-42.

- (a) Must only be installed or erected in rear or side yards.
- (b) The pool (including any surrounds or decking) and any safety fence must be set back as follows from side and rear boundaries of the relevant land:
 - (i) at least 1.5m if the land is in Zone 1—Environmental Housing (Environmentally Sensitive Land), Zone 2—Environmental Housing (Scenic Quality) or Zone 3—Environmental Housing (Bushland),
 - (ii) at least 1.5m if the pool, its surrounds or decking stands higher than 0.5m above ground level,
 - (iii) at least 1m in any other case.
- (c) In the case of the installation of a swimming pool:
 - (i) the pool (whether or not in-ground) must not exceed a height of 1m above ground level, and
 - (ii) any pool pump and equipment associated with the pump must be sound insulated or isolated so that the noise emitted does not exceed an LAeq of 5 dB(A) above background noise level in any octave band from 63 Hz centre frequencies inclusive, as measured at the property boundary in accordance with the Australian Standard entitled AS 1055.1—1997, *Acoustics—Description and measurement of environmental noise, Part 1: General procedures*, and
 - (iii) if the pool, its surrounds or decking stands more than 0.5m above ground level—the pool, its surrounds and any decking must be screened by plants.
- (d) Safety fencing must comply with the relevant requirements of Australian Standards entitled AS 1926.1—1993, *Swimming pool safety, Part 1: Fencing for swimming pool* and AS 1926.2—1995, *Swimming pool safety, Part 2: Location of fencing for private swimming pools*.

Note—

The [Swimming Pools Act 1992](#) and regulations contain requirements relating to swimming pools, including child resistant barriers.

Swimming pools or safety fences associated with swimming pools (including related gates)—installation or erection of swimming pools or safety fencing associated with swimming pools (including related gates)

2 Complying development in Zone 5, 6, 8, 9, 10, 11 or 21

The Table to this clause applies only to land in any of the following zones:

- (a) Zone 5—Multiple Dwelling A,
- (b) Zone 6—Multiple Dwelling B,
- (c) Zone 8—Urban Centre,
- (d) Zone 9—Local Centre,
- (e) Zone 10—Neighbourhood Centre,
- (f) Zone 11—Employment,
- (g) Zone 21—Railway.

Column 1

Type of development

Building alterations (external)

other than alterations to incomplete buildings

Column 2

Development standards and other requirements

- (a) If the land concerned is community land, within the meaning of the *Local Government Act 1993*, the alterations must be authorised by a plan of management prepared under that Act.
- (b) If the alterations involve the erection of a roof over a wash bay area for a business that carries out wet processes (for example, the washing of vehicles)—the wash bay area must be located behind the building line.

- (a) Must not increase the gross floor area of premises used for industry unless:
 - (i) the increase in area results from the addition of an internal mezzanine floor, and
 - (ii) the internal mezzanine floor is added for the purpose of storage or amenities, and
 - (iii) the increase in area does not exceed 50m².
- (b) Must not increase the gross floor area of business premises (including pedestrian arcades).
- (c) Alterations to any part of residential premises used for the purpose of preparation or storage of food for sale to the public as part of a home occupation must comply with the following:
 - (i) the Council's *Code for Food Premises*,
 - (ii) the Council's *Code for Commercial Home Catering*.
- (d) If the alterations are for the purpose of a food shop or restaurant, the alterations:
 - (i) must comply with the Council's *Code for Food Premises*, and
 - (ii) must not involve the erection or installation of an externally mounted or located exhaust duct, fan or refrigeration unit.
- (e) If the alterations are for the purpose of a beauty salon or a hairdresser, they must comply with any relevant standards under the [Local Government Act 1993](#) (being standards that are enforceable by the making of Order No 5 under section 124 of that Act).
- (f) If the alterations are to sound producing machinery, or fittings, associated with or forming part of an existing mechanical ventilation system or refrigeration system, the machinery or fittings as altered:
 - (i) must be sound insulated or isolated so that the noise emitted does not exceed LAeq of 5 dB(A) above the background level in any octave band from 63 Hz centre frequencies inclusive, as measured at the property boundary in accordance with the Australian Standard

Building alterations (internal)

other than the following:

- (a) alterations to incomplete buildings,
- (b) the installation of any commercial mechanical exhaust ventilation system.

Demolition of any part of a building erected in carrying out an alteration permitted by this Table

entitled AS 1055.1—1997, *Acoustics—Description and measurement of environmental noise, Part 1: General procedures*, and

(ii) must not emit any tonal, impulsive or intermittent sounds.

(a) Must be carried out in accordance with the Australian Standard entitled AS 2601—2001, *Demolition of structures*.

(b) Must not be carried out in connection with the decontamination, rehabilitation or remediation of contaminated land (within the meaning of Part 7A of the Act).

(a) In the case of subdivision carried out for the purpose of adjusting a boundary between lots—the size and dimensions of resulting lots must not be less than any relevant minimum size and dimensions provided for in clauses 39–42 of this plan.

(b) In the case of subdivision carried out for the purpose of adjusting a boundary between lots—the subdivision must not result in an increased number of lots or the reorientation of lots.

(c) In the case of subdivision carried out for the purpose of creating a lot within the meaning of strata subdivision of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*:

(i) the erection of any building comprised in the lot must have been approved and carried out after 1 July 1988, and

(ii) any development carried out for the purpose of the building (including the erection of the building) must have been carried out in accordance with any relevant development consent.

(d) In the case of subdivision creating a lot for a public reserve—the size and dimension of any residue lot must not be less than any relevant minimum size and dimensions provided for in clauses 39–42.

Subdivision of land for the purpose of any of the following:

(a) widening of a public road by a public authority,

(b) adjusting a boundary between lots (including correcting an encroachment on a lot),

(c) creating a lot within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*,

(d) creating a lot for a public reserve.

Schedule 4 Classification and reclassification of public land

(Clause 25)

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Cronulla		
45 Croydon Street	Lot 47, DP 5709, as shown edged heavy black on Sheet 1 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 2)</i> "	Easement and covenant (633007) as noted on Certificate of Title Folio Identifier 47/5709
47 Croydon Street	Lot 48, DP 5709, as shown edged heavy black on Sheet 1 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 2)</i> "	Right of drainage and covenant (670851) as noted on Certificate of Title Folio Identifier 48/5709
49 Croydon Street	Lot 49, DP 5709, as shown edged heavy black on Sheet 1 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 2)</i> "	Easement, covenant and building conditions (681897) as noted on Certificate of Title Folio Identifier 49/5709
Engadine		
99R Caldarra Avenue (part)	Part of Lot 2, DP 786685, as shown edged heavy black on the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 5)</i> "	Easements (D20889, H166931 and U335084) as noted on Certificate of Title Folio Identifier 2/786685

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description

Schedule 5 Land for which the corporation is an acquiring authority

(Clause 26)

Column 1	Column 2
Property address	Real property description
Barden Ridge	
531-533 Woronora River Frontages, Barden Ridge	Lot 240A, DP 18174
531-533 Woronora River Frontages, Barden Ridge	Lot 241, DP 8755
637 Woronora River Frontages, Barden Ridge	Lot A, DP 344275
Bundeena	
74-78 Scarborough Street, Bundeena	Lot 5, Section I, DP 1782
Heathcote	
1623 Princes Highway, Heathcote	Lot 1, DP 1030130
1631 Princes Highway, Heathcote	Lot 1, DP 134274
Illawong	
183-187 Fowler Road, Illawong	The part of Lot 1, DP 307232 that is in Zone 14—Public Open Space (Bushland)
189 Fowler Road, Illawong	The part of Lot 2, DP 307232 that is in Zone 14—Public Open Space (Bushland)
199A Fowler Road, Illawong	The part of Lot 302, DP 1008448 that is in Zone 14—Public Open Space (Bushland)
203 Fowler Road, Illawong	The part of Lot 101, DP 598864 that is in Zone 14—Public Open Space (Bushland)
207 Fowler Road, Illawong	The part of Lot 15, DP 1041447 that is in Zone 14—Public Open Space (Bushland)
207A Fowler Road Illawong	Lot 16, DP 1041447
215 Fowler Road, Illawong	The part of Lot 102, DP 880759 that is in Zone 14—Public Open Space (Bushland)
5-7 Griffin Parade, Illawong	The part of Lot B, DP 311660 that is in Zone 14—Public Open Space (Bushland)
9-11 Griffin Parade, Illawong	The part of Lot A, DP 311424 that is in Zone 14—Public Open Space (Bushland)
Waterfall	

26–34 Mirang Road, Waterfall	Lot 726, DP 752033
Woronora Heights	
356 Woronora River Frontages, Woronora	Lot A, DP 358404
360 Woronora River Frontages, Woronora	Lot 6, DP 18836
362–368 Woronora River Frontages, Woronora	Lot 7, DP 18836
362–368 Woronora River Frontages, Woronora	Lot 8, DP 18836
362–368 Woronora River Frontages, Woronora	Lot 9, DP 18836
362–368 Woronora River Frontages, Woronora	Lot 10, DP 18836
374–380 Woronora River Frontages, Woronora	Lot 13, DP 18836
374–380 Woronora River Frontages, Woronora	Lot 14, DP 18836
374–380 Woronora River Frontages, Woronora	Lot 15, DP 18836
374–380 Woronora River Frontages, Woronora	Lot 16, DP 18836
382 Woronora River Frontages, Woronora	Lot 17, DP 18836

Schedule 6 Heritage items

(Clause 54)

Key to identifiers—corresponding to number given in Sutherland Shire Heritage Inventory

A= item of non-Aboriginal archaeological significance

Ar= item comprises an area or precinct that is an archaeological site

B= item is a building

L= item is a landscape

Lf= item is a significant landform

Ot= item is an item other than any of the above (includes monuments, relics and fences)

R= item is of regional heritage significance

S= item is of State heritage significance

T= item is a significant tree or trees

Alfords Point

Alfords Point Road

Alfords Point, Georges River State Recreation Area—**L194R**

Audley (Royal National Park)

Artillery Hill

Stone work on road, 300m from the Visitors Centre, crosses Winifred Falls Track—**A109**

Audley Road/Sir Bertram Stevens Drive

Audley Historic Recreational Complex, comprising:

- (a) Junction of Audley Road and Sir Bertram Stevens Drive—Audley group—**A057S**
- (b) House, eastern side of road, on western approach to Audley Weir—**B001**
- (c) Ranger's cottage, corner Lady Carrington Drive—**B002**
- (d) Shelter pavilion, corner Lady Carrington Drive—**B003**

Lady Carrington Drive

Lady Carrington Drive, from Audley to Sir Bertram Stevens Drive

Lady Carrington Drive group, including the roadway, sandstone cobble stone paving, Mullion Brook (unlocated site of former Rangers Cottage)—**A058**

Bonnet Bay

Washington Drive

Nos 185-195, Washington Drive, waterfront—sandstone formations—**Lf11**

Note—

Part of the above item is within land that is deferred matter. (See clause 4 (b) of this plan.)

Bundeena (Royal National Park)

Brighton Street

Site of 1920 Bundeena Wharf, eastern end of Horderns Beach—**A030, L113**

Bundeena and Maianbar

Rock formation on foreshore, described locally as "Pulpit Rock" (minor), to the west of Red Jacks Point, Royal National Park—**Lf24**

Vegetated islands off Maianbar containing some threatened species of vegetation—**T45**

Deeban spit—sand spit extending from Bonnie Vale towards Burraneer Headland—**Lf26**

Sandstone formations in headland at Cabbage Tree Point, including Pulpit Rock (major). (Fronting 1-49 Crammond Avenue.) At base of headland, sandstone rock shelf provides public access—**Lf27**

Thompson Street, median plantings, including *Angophora costata* (smooth bark angophora)—**T46**

Remnant canopy in Bundeena Park, including *Angophora costata* (smooth bark angophora), *Eucalyptus robusta* (coast mahogany), *Banksia integrifolia* (coast banksia)—**T47**

Bundeena Public School grounds, remnant canopy, including *Angophora costata* (smooth bark angophora), *Eucalyptus haemastoma* (scribbly gums), *Corymbia gummifera* (red blood wood)—**T48**

Sandstone cliff formation at Bundeena Reserve. Sandstone platform containing igneous features—**Lf28**

Cliff face and rock platform, fronting Neil Street (1-55 Neil Street)—**Lf29**

Bundeena Drive

Nos 25-31, Bundeena House—**B004**

Horderns Beach

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

Loftus Street

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

Scarborough Street

Nos 74-78, Bundeena Caravan Park—**L115**

Simpsons Road

Remaining cabins, generally fibro, tin and timber frame—Bonnie Vale cabins—**A060**

End of Simpsons Road, Simpsons Hotel site, sandstone remains, seawall and Norfolk Island pines—**A061**

No 8, house—**B277**

Burraneer

Bermuda Place

No 1, boatshed—**B313**

No 7, house—**B265**

Dunkeld Close

No 4, house—**B266**

Eurabalong Road

Nos 1-9, house—**B212**

Goobarah Road

No 4, house—**B267**

Hazel Place

Nos 2C, 11 and 15, boatsheds (group)—**B316**

Loch Lomond Crescent

No 3, "Loch Lomond"—**B215**

Portview Place

No 6, house and grounds—**B269, L030**

Rutherford Avenue

No 18, boatshed—**B317**

No 22, "Minnamurra"—**B216**

Shell Road

No 14, house—**B217**

Smarts Crescent

Nos 6-16, "Mount Vincent", house—**B218**

Nos 27-31, house—**B270**

Woolooware Road

Alignment of first road in Sutherland Shire—Woolooware Road—**A006**

No 224, boatshed—**B318**

No 255A, boatshed/house—**B319**

No 295, boatshed/house—**B320**

No 321, "Attwells Boat Brokerage", boatshed/house—**B321**

Nos 344-350, garden, including nearby street trees—**L170**

Other

Beach on western side of Gunnamatta Bay, in front of 2-34 Bulls Road—**Lf29**

Sandstone rock platform on foreshore, in front of 1-5 Bell Place and 1-9 Eurabalong Road—**Lf30**

Sandstone cliff formation running along 2-52 Rutherford Avenue and 2-16 Loch Lomond Crescent—**Lf31**

Caringbah

Baliga Avenue

No 39, boatshed—**B332**

Bayside Place

No 21, house and boatshed "Elanora"—**B278**

Burraneer Bay Road

2 street trees, southern side of Burraneer Bay Road, east from intersection with Port Hacking Road—**T52**

Street trees (possibly remnant canopy) along Burraneer Bay Road, between Gannons Road and Coral Road, consisting of *Eucalyptus racemosa* (ghost gums)—**T53**

Street trees, southern side of Burraneer Bay Road, between Dolans Road and Elm Place, consisting of *Eucalyptus fibrosa* (ironbarks)—**T54**

Caringbah Road

Street trees, Caringbah Road, west of Laguna Street and west of Kanoona Street, including *Eucalyptus microcorys* (tallow wood)—**T49**

Street trees (possibly remnant canopy), southern side of Caringbah Road, between Oleander Parade and Gannons Road and returning into Oleander Parade, consisting of *Eucalyptus racemosa* (ghost gums)—**T50**

Street trees, eastern side of Oleander Parade, at intersection with Burraneer Bay Road, consisting of *Eucalyptus racemosa* (ghost gums)—**T51**

Fernleigh Road

Nos 44-46, "Fernleigh"—**B005S**

Frangipani Place

No 4, "Rellum", house—**B264**

Kingsway

Park, south-western corner Port Hacking Road—**L186-R**

Mirral Road

No 41, boatshed—**B235**

President Avenue

EC Waterhouse National Camellia Garden (corner Kareena Road)—**L134-R**

The Boulevard

Remnant stand of *Eucalyptus racemosa* (ghost gums), northern side of The Boulevard, between Aster Avenue and Ingara Avenue—**T42**

Cultural plantings of *Melaleuca quinquenervia* (paperbark) at school frontage, opposite Edward Avenue—**T43**

Turriel Bay Road

No 33, waterfront cottage—**B236**

Wallami Street

No 27, house—**B287**

Water Street

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

Willarong Road

No 359, boatshed—**B279**

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

No 509, cottage, boatshed and jetty—**B2**

No 527, waterfront cottage—**B234**

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

Como

Bonnet Avenue

No 39, house—**B281**

Como Parade

No 105, corner Warraba Street, house—**B013**

Cremona Road

No 2, "Café de Como", house—**B016**

End of Cremona Road, Como Pleasure Grounds—**L048-R, A039**, including pavilion site—**A040**, boatshed—**A041**, sea walls—**A042**, tidal baths—**A043** and Scylla Bay—**A044**

Railway Bridge

North of Cremona Road, former Como railway bridge (now cycleway), lattice girder railway bridge—**A009**

North of Cremona Road, Como railway bridge (current railway bridge)—**A020**

Northern end of Cremona Road, Como Railway Bridge—**L197-R**

Wolger Street

No 41, corner Burunda Street, house—**B019**

Cronulla

Arthur Avenue

No 8, house—**B067** (also No 40 The Esplanade)

Note—

The property has 2 frontages. Arthur Avenue is the street frontage.

Burraneer Bay Road

Nos 20–24 Burraneer Bay Road, Cronulla Public School, main building and grounds—**B021**

Connels Road

No 15, house—**B022**

Cronulla Street

Between Tonkin Street and Cronulla Street—Cronulla Railway Station—**A026, B026-S**

Nos 2–6, corner Kingsway, “Cronulla Theatre”—**B027**

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

No 41, Cronulla Post Office—**B025**

Nos 66–70, Commonwealth Bank—**B029**

No 112, State Bank—**B030**

Nos 146–148, Cronulla Street, Monro Park—**L008-R**

Darook Park Road

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

Elouera Road/Kingsway

At the eastern end of Kingsway—sea wall (south of Dunningham Park)—**A049**

Ewos Parade

Southern end of Oak Park—Oak Park rock pool—**A047**

Southern end of Shelly Park, Shelly Park rock pool—**A048**

No 157, corner Rose Street, house—**B032**

Shelly Beach and Park—**L003**

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

Oak Park—**L058**

Excelsior Road

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

No 22, house—**B037**

Franklin Road

No 54, house—**B038**

Gerrale Street

Gerrale Street (opposite Mentone Avenue), Parramatta Street and surrounding streets—brick kerbing—**A051**

Nos 80–82, house—**B042**

Nos 97–99, corner Nicholson Parade, commercial pair—**B041**

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

Giddings Avenue

“Thornton Hall”, corner Nicholson Parade, part of St Aloysius School—**B043**

Gowrie Street

Remains of Salmon Haul ocean wharf, eastern end of Salmon Haul Reserve—**A027**

Bass and Flinders memorial—**A055**

Grosvenor Crescent

No 30, garden—**L032**

Hampshire Street

No 12, corner Nicholson Parade, house—**B044**

John Street

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

Kingsway

Nos 43-45, “Masonic Temple”—**B046**

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

Street trees, corner Wilbar Avenue—**L168**

Links Avenue

No 17, corner Berry Street—**B048**

Lucas Street

No 9, corner Boronia Street, “Eleanor Mackinnon House” and gardens—**B049, L056**

McDonald Street

Foreshore between North and South Cronulla Beaches—rock pool—**A050**

Nicholson Parade

Southern end of Nicholson Parade, Hungry Point—Fisheries Research Institute—**A036, L061S**

On rise, east of Gunnamatta Baths—Gunnamatta Park, including dressing pavilion—**A046, L033**

Oak Street

No 8, house—**B052**

Parramatta Street

No 50, house—**B055**

Prince Street

To the north of Dunningham Park, North Cronulla Surf Club—**B056**

Richmount Street

No 12, “Moonbow”, house—**B057**

No 14, house—**B058**

St Andrews Place

No 1A, St Andrews Church of England, church, rectory and grounds—**B059**

Surf Road

Nos 4-8, “School of Arts”—**B063**

Taloombi Street

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

No 47, boatshed—**B283**

No 52, “Coombe Grange”—**B064**

No 53, boatshed/dwelling—**B284**

The Esplanade

To the east of Cronulla Park, Cronulla Surf Club—**B065**

Cronulla Sports Complex—**B066**

No 40, house (also No 8 Arthur Avenue)—**B067**

Walking path on eastern foreshore—**L059**

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

Tonkin Street

Tonkin Park—**L068**

Via Mare

No 8, house—**B070**

Waratah Street

Northern end of Waratah Street, Cronulla Wharf, stone steps—**A114**

Abutting Gunnamatta Park, substation (Electric Light Department)—**B071**

Wilshire Avenue

No 14, Uniting Church—**B073**

Other

Trees, Captain Cook Drive, frontage to Woolooware High School, for example—*Sarcocornia quinqueflora* (Saltmarsh), *Avicennia marina* (Dwarf Mangrove), *Casuarina glauca* (Casuarina)—**T63**

Street plantings, eastern side of northern end of Franklin Road, consisting of eucalyptus (possibly snappy gums)—**T64**

Main frontages to Woolooware Primary School (Wills Road and Riverview Avenue), consisting of *Eucalyptus paniculata* (ironbark) and some *Eucalyptus pilularis* (blackbutt)—**T65**

Hagger Park at Denman Avenue, Woolooware, with remnant canopy consisting of *Eucalyptus globoidea* (stringybark) and *Eucalyptus paniculata* (ironbark)—**T66**

Street plantings, on Hume Road boundary to golf course, consisting of *Ficus hillii* (Hill's fig)—**T67**

Remnant foreshore vegetation, at head of Gunnamatta Bay, consisting of mixed species shrubs and understorey plants—**T68**

Linear cultural exotic planting of rail embankment, consisting of coral trees—**T69**

Remnant eucalypt canopy in Tonkin Park, adjacent to car park—**T70**

Sandstone platform at head of Gunnamatta Bay, below south-western corner of Tonkin Park—**Lf33**

Sandstone caves and wind eroded formations on foreshore, from Darook Park towards 29 Darook Park Road—**Lf34**

Bass and Flinders Point, South Cronulla, consisting of remnant native *Cupaniopsis anacardioides* (tuckeroo) and endangered Sutherland Shire littoral rainforest—**T71**

Sandstone cliff feature above Esplanade walkway, between Kingsway and Cronulla Park—**Lf35**

Dolans Bay

Parthenia Street

No 92, house—**B285**

Port Hacking Road

No 733, house—**B280**

Port Hacking Road South

No 698, house—**B009**

No 742, "Our Lady of Mercy Convent"—**B074**

Engadine

Banksia Avenue

No 133, house—**B075**

Railway Parade (Princes Highway)

No 43, house—**B077**

Waratah Road

"The Boys Town"—**Ar**, including "Bakery Trade Industry" building and "Meat Trade Industry" building—**A112, B078, B079**, "Memorial Hospital"—**B080** and grounds—**L160**

Woronora Road

No 277, corner Fairview Avenue, "Homelea"—**B081**

Cooper Street Reserve, stand of *Pinus radiata* (radiata pine) and *Lophostemon confertus* (brush box) on Princes Highway frontage—**T13**

Grays Point

Grays Point

Sandy beach next to boat ramp—**Lf13**

"Swallow Rock" rock formations, east of boat ramp—**Lf14**

Mangrove stands, between Swallow Rock and foreshore—**Lf15**

Grays Point rocky foreshore to public reserve—**Lf16**

Mangrove stands, between Grays Point and Point Danger—**Lf17**

DP 12160, Mansion Bay, sandstone foreshore (between 8-64 Mansion Point Road)—**Lf18**

North West Arm Road

No 152, house—**B083**

Peninsula Road

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

Gundamaian (Royal National Park)

Deer Park Road (Deer Park)

On foreshore between Dark Bay and Carruthers Bay, access stairs to jetty and boatshed,

"Chaldercot"—**A065**

"Chaldercot"—**B084-R**

Point Danger

On western side of Gundamaian, site of landscaping and jetty remains—**A062**

On western side of Gundamaian, remains of landscape and jetty—**A063**

Wants Point

On eastern side of Gundamaian, remains of jetty—**A064**

Warumbul Road (Gogerly's Point)

Gogerly's Point—**Ar**, including west of "Rathane", "Telford" and landscaping—**A066, B091**, north of "Hilltop", "Rathane" cottage and associated buildings and landscape setting—**A067, B089**, adjacent

to "Hilltop", "Gogerly's Cottage"—**A068, B085S**, south of "Rathane", "Hilltop" and landscaping—**A069, B086**, east of "Hilltop", Lamont house site—**A070**, boatsheds—**B087**, Timber cottages—**B088**, within landscape setting for Rathane, rotunda—**B090**, gardens/grounds—**L036-R**

Warumbul Road (Warumbul)

North of Graham's Point, Warumbul—**A071**

Remnant period garden and ancillary foreshore structures in grounds of Warumbul—**L035**

Gwawley Bay

Sandy Beach, between 12 Marra Place and 1 Holts Point Place—**Lf19**

Sandy Beach, between 75- 93 Holt Road—**Lf20**

Sandy Beach, between 31-47 Holt Road—**Lf21**

Sandy Beach, between 5-9 Holt Road—**Lf22**

Sandy Beach, between 2-12 Woodlands Road—**Lf23**

GyMEA

Kingsway

Nos 782-800, corner Talara Road, Hazelhurst garden—**L101**

Street plantings, eucalyptus, mainly southern side, between Talara Road North and Premier Street North—**T31**

Street plantings in GyMEA Bay Road, south, between President Avenue and High Street, consisting mainly of *Eucalyptus pilularis* (blackbutt) and *Eucalyptus globoidia* (stringybark)—**T32**

Eucalyptus species at north-eastern corner of GyMEA Bay Road and Forest Road—**T33**

Eucalyptus microcorys (tallow wood) on footpath reserve, outside 67 Coonong Road—**T34**

A single eucalyptus at north-eastern corner of Winkin Avenue and Coonong Road—**T35**

Eucalyptus racemosa (ghost gum) at south-western corner of GyMEA Bay Road and Forest Road—**T36**

Eucalyptus pilularis (blackbutt) on southern side of Forest Road, opposite Manchester Road—**T37**

Eucalyptus pilularis (blackbutt) on southern side of Forest Road, opposite Walker Avenue—**T38**

Eucalyptus pilularis (blackbutt) on southern side of Forest Road, immediately east of junction with Alkaringa Road—**T39**

Stands of *Eucalyptus microcorys* (tallow wood) and *Lophostemon confertus* (brush box) in Kiora Road, vegetated unformed parts of public road, between Forest Road and waterfront to GyMEA Bay—**T40**

North West Arm Road

Natural sandstone arch bridge—**L141**

Princes Highway

Stands of *Eucalyptus microcorys* (tallow wood), *Eucalyptus pilularis* (blackbutt), *Eucalyptus racemosa* (ghost gum), *Eucalyptus grandis* (rose gum) and *Eucalyptus globoidea* (white stringybark) along Princes Highway, between Kingsway and The Boulevard—**T30**

Note—

Part of the above item is within land that is deferred matter. (See clause 4 (b) of this plan.)

GyMEA Bay

GyMEA Baths, north-western corner of GyMEA Bay—**L039**

Bayhaven Place

No 9, house—**B291**

Cooperbrook Avenue

No 38, boatshed—**B240**

Ellesmere Road

No 116, waterfront cottage—**B242**

No 180, house—**B096**

Maroopna Road

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

Pinaroo Place

No 24A, house—**B094**

Heathcote

Bottle Forest Road

On southern side of laneway leading to Heathcote Sesquicentenary Park, site of former Heathcote Brickworks—**A033**

Bottle Forest Road (and former brickpit embankment)

Street trees, blue gums, blackbutt and stringybark—**L153**

Dillwynnia Grove

Nos 1-21, corner Tecoma Street, Heathcote Hall and grounds—**B098, L151-S**

No 40, “Kennet Villa”—**B099**

East Heathcote

Dillwynnia Grove—cultural street trees, *Lophostemon confertus* (brush box)—**T11**

Forest Road—natural street plantings, including blackbutt, turpentine and angophora species—**T12**

Princes Highway

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

Wilson Parade

No 1, house—**B101**

No 122, house—**B102**

Illawong

Bignell Street

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

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

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

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

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

Cranbrook Place

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

Nos 16-20, “Cranbrook”, house and gardens (also Nos 45-53 Fowler Road)—**B103, L022**

Fowler Road

Nos 45-53, "Cranbrook", house and gardens (also Nos 16-20 Cranbrook Place)—**B103, L022**

No 69, house and boatshed—**B298**

Nos 77-79, seawall—**B299**

No 118, house—**B104**

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

Griffin Parade

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

Old Ferry Road

Between Old Illawarra Road and Old Ferry Road junction, Old Illawarra Road—**A004**

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

Stone wharf—**A117**

200m west of No 1R, waterfront houses (group of 5)—**B302**

Jannali

Jannali Avenue

Stand of *Eucalyptus pilularis* (blackbutt) on Jannali Avenue, between Mitchell Avenue and Louise Street—**T29**

Jannali Avenue/Railway Parade

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

Mitchell Avenue

Cultural plantings on Mitchell Avenue, comprising *Lophostemon confertus* (brush box)—**T28**

Kangaroo Point

Ilma Avenue

No 9, boatshed and house—**B303**

Kangaroo Point Road

Nos 6-8, boatshed and wall—**B304**

No 10, house—**B109**

No 25, house and garden—**B108, L080**

Nos 72-74, boatshed—**B305**

Nos 105-107, house—**B258**

No 162, corner Tara Street, house—**B111**

Kirrawee

Acacia Avenue

No 94, "Botany View", house—**B112**

President Avenue

No 455, corner Oak Road, house—**B114**

Princes Highway/Oak Road/Flora Street

Site of former brickworks, Sutherland Brick Company claypits—**A034**

Lilli Pilli

Bareena Street

No 18, "Waratah" and garden trees—**B118, L006**

Beckton Place

Nos 20-24, "Beckton", house and boatsheds—**B120, B237**

Gow Avenue

No 24, waterfront cottage—**B238**

Korokan Road

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

Lilli Pilli Point Road

At the end of Lilli Pilli Point Road, site of Lilli Pilli wharf—**A045**

Moombara Crescent

Nos 17-19, "Moombara"—**B123-R**

Sand Bar Place

No 1, house—**B124**

Shiprock Road

No 34, boatshed—**B286**

Wallendbeen Avenue

No 10, "Wallendbeen Lodge"—**B125**

Other

Remnant mixed canopy at eastern end of Lilli Pilli Point Reserve—**T44**

Shiprock rock feature on foreshore, opposite 2 Shiprock Road, together with the Shiprock Aquatic Reserve, extending from 12 Wallendbeen Avenue to 18 Shiprock Road—**Lf25**

Loftus

Farnell Avenue

From Farnell Avenue, west to Loftus Ridge, military parade site—**A076**

Loftus Avenue

Loftus Heights, east of Illawarra Railway Line, Old Illawarra Highway—**A107**

National Avenue

No 9, house—**B127**

No 44, house—**B128**

Nattai Street (opposite on railway land)

Loftus Junction Railway Signal Box —**A121-S**

Princes Highway (on edge of Royal National Park)

"Bedford"—**B129**

Former "Gardeners Garage"—**B130**

Avenue of trees, hoop, bunya and radiata pines, extending into Royal National Park from Loftus Junction, Royal National Park entry—**L175**

Rawson Avenue

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

Lucas Heights

Old Illawarra Road

Western end of Woronora Road, over Sabugal Causeway to Old Illawarra Road, Old Illawarra Road—**A003**

Note—

Part of the above item is within land that is deferred matter. (See clause 4 (b) of this plan.)

Menai

Menai Town Centre

Between Carter Road and Old Illawarra Road, Moreton Bay fig, Lot 101 DP 1038691—**T6**

West Menai

Between Heathcote Road and Mill Creek, Commonwealth land held for defence purposes, sandstone escarpment, DP 828667—**Lf1**

Commonwealth land held for defence purposes, sandstone escarpment DP 828667—**Lf2**

Eucalyptus maculata (spotted gum) POR 456 DP 752034, DP 210890—**T1**

Note—

Part of the above item is within land to which this plan does not apply because of clause 4 (c) of this plan.

Angophora costata x bakerii POR 90 DP 507721—**T2**

Eucalyptus fibrosa (ironbark) POR 249 DP 752034, Lot 22 DP 818821, Lot 25 DP 874608, Pt 2 DP 1032102, Pt 3 DP 1032102, POR 272 DP 752034, POR 274 DP 752034—**T5**

Note—

The above item is partly within land that is deferred matter (because of clause 4 (b) of this plan) and partly within land to which this plan does not apply (because of clause 4 (c)).

Miranda

Bellingara Road

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

Central Road

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

Kiora Road

Street trees, alternate planting of brush box and camphor laurels—**L164**

Matson Crescent

No 13, house—**B228**

No 32, waterfront house—**B335**

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

Oyster Bay

Caravan Head Road

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

Carina Road

No 27, boatshed and cottage—**B307**

Green Point Road

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

Sage Avenue

No 2, "Desiree"—**B139**

Ward Crescent

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

Mangrove stands (*Avicennia marina*) fringing Coronation Bay—**Lf12**

Royal National Park

(Miscellaneous items and sites not listed elsewhere)

Cabbage Tree Basin

At weir on northern end of Cabbage Tree Basin, Bundeena/Maianbar water supply—**A075**

Costens Point

On western side of Costens Point, house sites and associated remains—**A072**

Commencing north-west of sites at Costens Point, Old Coast Road—**A073**

Florence Parade

Commencing at Grays Point and terminating at Lady Rawson Parade, Florence Parade—**A080**

Jibbon Head

Erected in cliff face at Jibbon Head, plaque—**A110**

On Jibbon Beach south-west of Jibbon Head, shell grit beach mine—**A111**

McKell Avenue

Eastern side of Fosters Flat, above creek, 350m north of Couranga Track, Fosters Flat saw pit—**A059**

East of Illawarra railway line and northern end of Wilson Parade, former clay pit associated with railway contractors—**A077**

Rawson Drive

Rawson Drive—**Ar**, including site of bridge across tributary of Temptation Creek—**A078**, east of Illawarra railway line, beside fire trail, Old Illawarra Highway remains—**A108**

Red Jacks Point

Red Jacks Point, remains of house sites—**A074**

Sutherland

Acacia Road

No 189, house—**B140**

Adelong Street

Nos 3-7, row of 3 houses—**Ar**

No 5, house—**B143**

No 7, house—**B144**

No 10, house—**B145**

Auburn Street

No 68, house—**B147**

Clio Street

No 52, house—**B152**

East Parade

Nos 9-15, house—**B154**

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

No 77, corner Sutherland Street, house—**B159**

Street trees, alternate planting of Port Jackson figs and brush box—**L174**

Eton Street

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

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

Flora Street

Sutherland Primary School, corner Eton and Merton Streets, including original building and grounds—**B162**

Corner Merton Street, church—**B163**

No 116, house—**B164**

No 122, corner Glencoe Street, house—**B165**

Glencoe Street

No 56, house and fence—**Ot, B172**

Jannali Avenue

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

No 125, corner Moira Street, house—**B174**

No 129, "Lark Ellen Nursing Home"—**B175**

Linden Street

Bounded by Linden Street, First Avenue, Sutherland Oval and Prince Edward Park, Woronora Cemetery—**A052**

Between cemetery office and Linden Street, site of mortuary line, Woronora Cemetery—**A053**

No 148, corner Sutherland Street, house—**B177**

"Cooee Tree", *Eucalyptus Racemosa*, 1.8m diameter trunk, Sutherland Park—**L043-S**

Sutherland Park—**L044-R**

Woronora Cemetery—**L045-S**

Old Princes Highway

Western side of Old Princes Highway, 50m south of Cronulla Branch line, site foundations for steam tramway (western side)—**A018**

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

Sutherland Railway Station—**A024**

South of Cronulla Branch Line junction, electrical substation—**A035**

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

No 808, (corner Boyle Street), “Boyles Sutherland Hotel”—**B179**

No 816, Commonwealth Bank—**B180**

Eton Street and Old Princes Highway, Forby Sutherland Memorial Gardens and Council grounds, Council chambers—**L017**

Railway Station precinct, bridge, retaining walls and fig trees—**L104**

Toronto Parade

No 100, corner Clio Street, “Brinsley’s Joinery Works”—**A032, B191**

No 90, house—**B189**

No 94, house—**B190**

No 102, house—**B192**

No 104, “Walton”—**B193**

Other

A *Eucalyptus punctata* (grey gum), opposite 115 The Grande Parade, located in Prince Edward Park Reserve—**T14**

Cultural plantings of *Lophostemon confertus* (brush box), northern and southern boundaries of sports ovals off The Grand Parade—**T15**

Grouping of *Eucalyptus haemastoma* (scribbly gums) and *Eucalyptus racemosa* (snappy gums) in Park Reserve, on western side of Linden Street—**T16**

2 *Tristaniopsis laurina* (water gums) in footpath reserve, Linden Street, opposite Adelong Street—**T17**

Stand of *Eucalyptus microcorys* (tallow wood) and *Eucalyptus pilularis* (blackbutt) in Sunbury Street road reserve, between Tudor Road and Hornby Avenue—**T18**

Pair of *Eucalyptus racemosa* (ghost gums), either side of Sumner Street at Sutherland Road junction—**T19**

A single *Eucalyptus microcorys* (tallow wood) in footpath reserve at 160 Sutherland Road—**T20**

A *Ficus rubiginosa* (Port Jackson fig), opposite Oxford Street on eastern side of East Parade—**T21**

A *Ficus rubiginosa* (Port Jackson fig) on East Parade, at the Bus Interchange—**T22**

A *Ficus rubiginosa* (Port Jackson fig) on western side of Eton Street (outside 51 Eton Street)—**T23**

Street plantings of *Eucalyptus scoparia* (willow gum) on western side of Belmont Street, from Morley Street to Cook Street—**T24**

4 *Lophostemon confertus* (brush box) (cultural plantings), Acton Street, in front of Olsens Funeral Chapel—**T25**

Street trees on northern side of Old Princes Highway, fronting 42 Auburn Street, consisting of *Eucalyptus microcorys* (tallow wood), *Eucalyptus pilularis* (blackbutt), *Eucalyptus saligna* (Sydney blue gum)—**T26**

Single *Eucalyptus pilularis*, south-western corner of Waratah Street and Acacia Road intersection—**T27**

Sylvania

Belgrave Street

West of 1929 Tom Ugly’s Bridge at Horse Rock Point, stone setting at 1929 Tom Ugly’s Bridge—**A012**

Street tree outside No 39, Norfolk Island pine—**L161**

Canberra Road

No 23, corner Pembroke Street, house—**B194**

Evelyn Street

No 5, house—**B197**

Harrow Street

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

Murralin Lane

No 35, "Glen Robin", house, Fairy House, boatshed and jetty—**B198**

Princes Highway

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

Nos 56-60, corner Endeavour Street, old church—**B201**

Fig tree (on southern approach to Tom Ugly's Bridge)—**L087**

Sylvania Waters

Belgrave Esplanade

Within road reservation, between Belgrave Esplanade, Box Road and Gwawley Parade, Gwawley Bay oyster claires—**A001**

Port Hacking Road

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

Sylvania Waters canal development

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

Taren Point

Old Taren Point Road

At northern end of Old Taren Point Road, west of Captain Cook Bridge, disused ramp for punt—**A015**

Taren Point Road

Spanning Georges River between Taren Point and Rocky Point, Captain Cook Bridge (1965)—**A016**

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

Waterfall

McKell Avenue

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

Other

At southern end of railway yards, on eastern side of the railway line—Waterfall Railway turntable—**A022**

Opposite 1899 Princes Highway, Watertank—**A023**

On the eastern side of Waterfall Station, row of 3 railway workers' cottages including "Community Cottage"—**Ar**

On hillside, 1km south-west of Waterfall, off highway (near freeway), "Camp Coutts", Heathcote

National Park—**L158-R**

Woolooware

Caronia Avenue

No 28, house—**B210**

Castlewood Avenue

Nos 26-28, house—**B211**

Dolans Road

No 93, “Coolangatta”, house—**B275**

Gunnamatta Road

Southern end of Gunnamatta Road on foreshore—remains of bath walls (at end of street)—**A119**

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

Kingsway

No 141 “Woolooware House” and stables building—**A054, B214**

Swan Street

No 2, “Wyndham Flats”—**B219**

Woolooware Road

Alignment of first road in Sutherland Shire—Woolooware Road—**A005**

No 79, corner Castlewood Avenue, house—**B222**

No 89, Castlewood—**B223-R**

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

Other

Single *Angophora costata* (smooth bark angophora), southern end of Dolans Road South, in vegetated unformed part of public road—**T55**

2 *Eucalyptus racemosa* (ghost gums) on eastern side of Dolans Road South, north of Burraneer Bay Road, 129 Burraneer Bay Road and 54 Dolans Road—**T56**

Single *Ulmus parifolia* (Chinese elm), eastern side of Cabramatta Road, at junction with Hyndman Parade—**T57**

2 *Eucalyptus racemosa* (ghost gums) on opposite corners of intersection of Munni Street and Cabramatta Road—**T58**

Single *Angophora costata* (smooth bark angophora) at the south-eastern corner of intersection of Caronia Avenue and Woolooware Road—**T59**

Single *Ficus rubiginosa* (Port Jackson fig) on footpath at 41 The Kingsway—**T60**

Single *Quercus robur* (English oak) located in rear garden of 53 Burraneer Bay Road (private property)—**T61**

Possible remnant canopy, mainly on eastern side of Gunnamatta Road, consisting of *Eucalyptus racemosa* (ghost gums) and *Angophora costata* (smooth bark angophora)—**T62**

Woronora

Liffey Place

No 67, house—**B323**

Menai Road

Site of 1912 Bridge across the Woronora River, Menai Road—Woronora Bridge—**A017**

Prince Edward Park Road

No 87, house—**B325**

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

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

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

River Road

No 29R, house—**B226**

Woronora Valley

The “Needles”, Lot 7038 DP 1027187, rock formations in river, immediately downstream from the Causeway—**Lf3**

Shackles Beach, Lots A, B and C DP 321089—**Lf4**

Sandstone Steps, Lot 7007 DP 750234, northern boundary to Woronora School—**Lf7**

Sandstone formations on Lot 7008 DP 1027166, riverfront at southern end of Prices Circuit Reserve—**Lf8**

Wishing well in creek bed, Lot 104 DP 875898 (AQC), at The Crescent—**Lf10**

Stand of eucalypts and single fig tree on Prices Circuit Crown Reserve, Lot 7008 DP 1027166—**T7**

Calodendrum capense (Cape chestnut), 193 Prices Circuit, Lot 31 DP 11327, planted around 1930 (private property)—**T7A**

Single eucalypt, Lot 7015 DP 1027164, *Eucalyptus racemosa* (snappy gum), western low level bridge approach—**T8**

Single *Eucalypt pilularis* (blackbutt), Lot B DP 379873, rear garden of 4 The Crescent (private property)—**T9**

Single *Eucalyptus camaldulensis* (river red gum), corner of Prince Edward Park Road and River Road—**T10**

Yowie Bay

Attunga Road

No 8, house—**B227**

No 135, boatshed—**B328**

No 255, boatshed and house—**B329**

Nos 296-298, boatshed—**B330**

Binda Road

No 19, boathouse, boatskid/ramp, saltwater bath remnants—**B350**

Coolum Place

Nos 2-4, Boatshed and baths (also No 5 Kalang Lane)—**B334**

Coora Road

Eastern end of Coora Road, 3 *Angophora costata* (smooth bark angophoras)—**T40**

No 1C, boatshed—**B338**

Glen-Ayr Avenue

No 4, boatshed—**B333**

Kalang Lane

No 5, boatshed (also Nos 2-4, Coolum Place)—**B334**

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

Muneela Place

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

Sherwood Avenue

No 6, boatshed—**B339**

No 8, waterfront cottage—**B339**

Wonga Road

No 1, boatshed—**B230**

No 7, house—**B231**

No 16, "Cliff Haven", house—**B233**

Yellambie Street

No 23A, boatshed and seawall—**B340**

Miscellaneous items (not listed by location elsewhere)

Woronora-Penshurst pipeline—**A037**

Note—

Part of the above item is within land that is deferred matter. (See clause 4 (b) of this plan.)

Royal National Park—**A056**

Note—

Part of the above item is within land that is deferred matter. (See clause 4 (b) of this plan.)

Heathcote National Park—**A098**

Note—

Part of the above item is within land that is deferred matter. (See clause 4 (b) of this plan.)

Woronora Dam—**A099-S**

On Woronora River, south of Heathcote Road Bridge, Kolora Weir—**A100**

West of Waterfall township, Lake Toolooma Dam—**A101**

West of Waterfall township, Lake Toolooma Dam pumping station—**A102**

Port Hacking

Yennibilli Point, Port Hacking, ballast heap—**A002**

Bounded by Port Hacking River to north, Illawarra rail line to west and Sutherland Shire boundary to south—Royal National Park—**L037-S**

Note—

Part of the above item is within land that is deferred matter. (See clause 4 (b) of this plan.)

Bounded by Sutherland Shire boundary to south, military area to west, Heathcote Road to the north

and Illawarra railway line to the east—Heathcote National Park—**L143-S**

Note—

Part of the above item is within land that is deferred matter. (See clause 4 (b) of this plan.)

Port Hacking mid channel between Little Turiel Bay and Yenabilli Point, ballast shoal (just north-west of Maianbar)—**L034-R**

Dictionary

(Clause 5)

Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of Sutherland Shire, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

access channel means a channel within tidal waters created by dredging or other mechanical operations.

acid sulfate soils means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

Acid Sulfate Soils Guidelines means guidelines by that name approved for the purposes of this definition by the Director-General and made publicly available.

Acid Sulfate Soils Map means the map marked “*Sutherland Shire Local Environmental Plan 2006—Acid Sulfate Soils*”.

advertisement has the same meaning as in the Act.

advertising display area means the area of an advertisement or advertising structure used for signage, and includes any borders of, or surrounds to, the advertisement or advertising structure, but does not include safety devices, platforms or lighting devices associated with advertisements or advertising structures.

advertising structure has the same meaning as in the Act.

animal boarding or training establishment means a building or place used for breeding, boarding, training, keeping or caring for animals for commercial purposes, and includes any associated riding school, but does not include a veterinary hospital.

aquaculture has the same meaning as in the [Fisheries Management Act 1994](#).

archaeological site means a site of 1 or more relics, being a site that is:

- (a) specified in the inventory of items, known as the *Sutherland Shire Heritage Inventory*, available at the office of the Council, and
- (b) described in Schedule 6, and identified on the Heritage Map, as an archaeological site.

artificial waterbody means an artificial body of water, including any constructed waterway, canal,

inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

arts and crafts centre means a building or place providing facilities for the cultural, intellectual, social and educational needs of the community and that may incorporate any of the following:

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

backpackers' accommodation means tourist and visitor accommodation:

- (a) that may have shared facilities, such as a communal bathroom, kitchen or laundry, and
- (b) that will generally provide accommodation on a bed basis (rather than by room).

beach and foreshore protection works means works undertaken on land within or abutting a waterway for the purpose of rehabilitation (including the construction or reconstruction of sea walls and works).

bed and breakfast accommodation means tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling for a maximum of 6 guests in a maximum of 2 bedrooms and:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

berthing area means a configuration of piles (typically 4), positioned adjacent to a jetty, ramp or pontoon, designed for the permanent parking of a vessel.

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, and
- (d) that has rooms that accommodate 1 or more lodgers.

boatshed means a single storey building or structure, associated with a dwelling and used for the storage of small boats and boating equipment, and includes any sliprails used to facilitate access for boats to and from the building or structure to the water.

brothel means any building or place used habitually for the purpose of prostitution.

building has the same meaning as in the Act.

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol, but that does not include general advertising of products, goods or services.

bulky goods premises means a building or place used primarily for the sale by retail, wholesale or auction of (or for the hire or display of) bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public, for the purpose of loading and unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire of bulky goods.

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.

bush fire hazard reduction work has the same meaning as in the [Rural Fires Act 1997](#).

bush fire interface area means land that is within bush fire prone land and is recorded as a bush fire interface area on a bush fire prone land map.

bush fire prone land has the same meaning as in the Act.

bush fire prone land map has the same meaning as in the Act.

business identification sign means a sign:

- (a) that indicates:
 - (i) the name of the person or business, and
 - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not include any advertisement relating to a person who does not carry on business at the premises or place.

business premises means a building or place used as an office, or for other business or commercial purposes, but does not include:

- (a) a building or place used for any of the following:
- (i) extractive industry,
 - (ii) industry,
 - (iii) light industry,
 - (iv) a maritime activity,
 - (v) offensive industry,
 - (vi) a radio-communications facility,
 - (vii) service support industry,
 - (viii) a telecommunications facility, or
- (b) any other building or place defined elsewhere in this Dictionary and specified in the Table to clause 11 (Zoning Table).

car park means a building or place used for parking vehicles, whether or not operated for gain, and (for the purposes of clause 11 (Zoning Table)) does not include a car park that is ancillary to another use.

childcare centre means a building or place used for the purpose of supervising or caring 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) that:

- (a) may educate the children concerned, and
- (b) may operate for the purpose of financial gain,

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

community advertisement or notice means an advertisement or sign that:

- (a) advertises a community or charity event, including sponsorship of a community or charity event (but not the sale of a product), or
- (b) is a health or safety notice or a like notice, or
- (c) is ancillary to the use of community land (within the meaning of the [Local Government Act 1993](#)).

community facility means a building or place (other than the premises of a registered club) owned or controlled by a public authority, a religious organisation or a body of persons and used for the physical, social, cultural, economic, intellectual or religious development or welfare of the community, including a public library, a rest room, a public health service centre, a recreation facility, a childcare centre, a police station, an ambulance station, a fire station, a rescue or emergency service centre and a community club.

conservation includes preservation, protection, maintenance, restoration and adaptation.

convenience store means a building or place used for the sale of groceries and other small items

that is operated in conjunction with a service station.

correctional centre means a correctional centre under the *Crimes (Administration of Sentences) Act 1999* or a detention centre under the *Children (Detention Centres) Act 1987*.

Council's Aboriginal Cultural Heritage Study means one of the following documents held by the Council:

- (a) the document entitled *Sutherland Shire Council Aboriginal Cultural Heritage Study* (November 2002),
- (b) the document entitled *Sutherland Shire Council Aboriginal Cultural Heritage Study—Georges and Woronora Rivers* (January 2004).

Crime Prevention Guidelines means Part B of the guidelines issued by the Department of Urban Affairs and Planning (as it was then named) in April 2001 entitled *Crime prevention and the assessment of development applications: Guidelines under section 79C of the Environmental Planning and Assessment Act 1979* (ISBN 0 7347 0184 5).

demolish, in relation to a heritage item, means wholly or partly destroy, dismantle or deface the heritage item.

development has the same meaning as in the Act.

development consent has the same meaning as in the Act.

development standards has the same meaning as in the Act.

dual occupancy means 2 dwellings (whether attached or detached) on 1 lot of land.

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 domicile.

dwelling house means a building containing only 1 dwelling and does not include a dwelling erected on a lot of land on which more than 1 dwelling is erected.

ecologically sustainable development has the same meaning as in the Act.

educational establishment means a building or place used for education, including a school, tertiary institution (including a university or a TAFE college) that provides formal education and is constituted by or under an Act, an art gallery or museum, but does not include a childcare centre, or a correctional centre, that provides for education.

entertainment facility means a building or place used for the purpose of entertainment (including sport and exhibitions) and includes a place of public entertainment within the meaning of the *Local Government Act 1993*, a sports stadium, a showground and a race course.

extended family unit mean a dwelling that is subordinate to, and attached to or within, another dwelling on the same lot of land and owned by the person who owns that other dwelling.

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing,

stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

fence means a dividing structure of natural or other materials that extends along, or is setback from, a boundary, whether or not continuously, including components such as posts, panels, masonry, railings and any foundation necessary to support the structure.

ferry operations means a regular, scheduled ferry service for conveying passengers, vehicles or animals across water.

Flood Liable Land Map means the map marked “*Sutherland Shire Local Environmental Plan 2006—Potential Flood Liable Land*”.

floor space ratio—see clause 35.

food shop means a building or place having as its principal purpose the preparation and retail of food or refreshments for consumption off the premises and does not involve a drive-through service.

foreshore building line—see clause 17.

gas holder means a container or vessel built or adapted for use for the storage of gas, but does not include liquified petroleum gas containers or vessels having a capacity of less than 15 kilolitres.

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 floor area of each storey of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, excluding:

- (a) the floor area of lift wells on any level and lift towers, motor rooms and stairwells within a basement or above the roof level, and
- (b) so much of the floor area of car parking (including vehicular access to that parking), required to meet any requirements of the consent authority, as does not exceed:
 - (i) a total of 40 square metres in the case of a dwelling house, or
 - (ii) a total of 20 square metres per dwelling in the case of a dual occupancy, or
 - (iii) a total of 20 square metres per parking space in any other case, and
- (c) storage areas needed to meet requirements of the consent authority, and
- (d) plant rooms, garbage areas, switch rooms or the like within a basement.

ground level means:

- (a) if the level of the site has been modified by the carrying out of development under a development consent that has been commenced but not completed—the level of the land as it was prior to that

modification, or

(b) in any other case—the existing level of a site.

group home means a dwelling that is a permanent group home or a transitional group home.

hazardous industry means development for the purpose of an industry that, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would, in the opinion of the consent authority, pose a significant risk in the locality:

(a) to human health, life or property, or

(b) to the biophysical environment.

health care professional means any person registered under an Act for the purpose of providing health care and also includes an acupuncturist, a herbalist, a homoeopath and the like.

Height and Density Controls Map means the map marked “*Sutherland Shire Local Environmental Plan 2006—Height and Density Controls*”.

heritage impact statement means a document consisting of:

(a) a statement demonstrating the heritage significance of a heritage item, archaeological site or place of Aboriginal heritage significance, and

(b) an assessment of the impact that proposed development will have on that significance, and

(c) proposals for measures to minimise that impact.

heritage item means a building, work, archaeological site, tree, landform, place or Aboriginal object:

(a) specified in an inventory of heritage items, known as the *Sutherland Shire Heritage Inventory*, that is available at the office of the Council, and

(b) described in Schedule 6, and

(c) the site of which is shown on the Heritage Map.

Heritage Map means the map marked “*Sutherland Shire Local Environmental Plan 2006—Heritage Items*”.

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

high technology industry means the manufacturing, production, assembling, processing, or research and development of, any of the following:

(a) electronic and microelectronic systems, goods or components,

(b) information technology, computer software or hardware,

(c) instrumentation or instruments,

- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) other goods, systems or components intended for use in science and technology.

home occupation means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons who are not permanent residents of the dwelling, or
- (b) interference with the amenity of adjoining land or the locality by reason of the the emission of noise, vibration, smell, traffic generation or parking or otherwise,

but does not include bed and breakfast accommodation.

hostel has the same meaning as in *State Environmental Planning Policy (Seniors Living) 2004*.

hotel means premises that may provide accommodation and are specified in a hotelier's licence granted under the *Liquor Act 1982*.

industry means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting, or the research and development of any goods, chemical substances, food, agricultural or beverage products, or articles for commercial purposes, but in clause 11 (Zoning Table) does not include extractive industry, hazardous industry, high technology industry, offensive industry or a mine.

internal lot means a lot to which there is no practical means of vehicular access or to which the only practical means of vehicular access is by way of:

- (a) an access corridor (in the case of a hatchet-shaped lot), or
- (b) a right of way that traverses another lot.

junk yard means an area of 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, or salvaging of automobiles or other vehicles or machinery, or for the sale of parts of such items.

landscaped area, in relation to a site, means any area of the site that comprises bushland or is otherwise vegetated with gardens, lawns, shrubs or trees and does not include any area that is:

- (a) paved or comprises a driveway, or
- (b) occupied by a garbage storage area, swimming pool or any other building.

light industry means an industry, not being an offensive industry or hazardous industry, in which the scale of the activities involved, the processes carried on, the transportation involved or the machinery or materials used do not, in the opinion of the consent authority, interfere unreasonably with the amenity of the neighbourhood.

liquid fuel depot means a depot or place used for the bulk storage for wholesale distribution of

petrol, oil, petroleum or other inflammable liquid.

local government or community housing provider means:

- (a) a local government organisation, or a not-for-profit organisation, that is a direct provider of housing to tenants receiving government housing subsidies, or
- (b) an organisation approved by the Minister for Housing as a community housing provider.

maintenance, in relation to a heritage item or archaeological site or place of Aboriginal heritage significance, means ongoing protective care. It does not include the removal or disturbance of existing fabric, alterations, such as (in the case of a building) carrying out extensions or additions, or the introduction of new materials or technology.

maintenance dredging means the winning, or removal, and disposal of extractive material from the bed of a tidal waterway or access channel to enable the waterway or access channel:

- (a) to continue to function as a tidal waterway or access channel, or
- (b) to resume its function as a tidal waterway or access channel.

marina means an arrangement of pontoons, jetties or the like, used as a business for providing moorings for boats, together with associated facilities, such as the following:

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

maritime activity means the use of land for the primary purpose of:

- (a) constructing, maintaining or selling boats and ancillary equipment, or
- (b) any other maritime business,

but does not include the use of land for the purpose of a marina.

medical facility means a building or place used for the medical or surgical treatment of persons, whether public or private, including any of the following:

- (a) any associated shop or dispensary,
- (b) a hospital (other than a psychiatric hospital),
- (c) a sanatorium,
- (d) a health centre,
- (e) a home for infirm persons, incurable persons or convalescent persons,

but does not include any part of a correctional centre used for the medical or surgical treatment of persons.

mixed use premises means a building that is used both for a land use having a residential purpose and for another non-residential land use that is permissible with or without consent.

mooring means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel.

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 be used for the servicing of motor vehicles, caravans or boats.

natural waterbody means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

navigation aids means buoys, signs, poles and lights located on or in a waterway, or on land, in Sutherland Shire that are designed to assist the safe and efficient movement of vessels on the waterway.

nightclub means premises specified in a nightclub licence under the [Liquor Act 1982](#).

offensive industry means any development for the purpose of an industry that would, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality) emit a polluting discharge (including, for example, noise) in a manner that, in the opinion of the consent authority, would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

passenger transport facility means a building or place used for the assembly, interchange or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

permanent group home means a dwelling:

- (a) used to provide a household environment for disabled persons or socially disadvantaged persons, whether those persons are related or not, and
- (b) occupied by the persons referred to in paragraph (a) as a single household, with or without paid or unpaid supervision or care and either with or without payment for board and lodging being required,

but does not include a building to which [State Environmental Planning Policy \(Seniors Living\) 2004](#) applies or a transitional group home.

place of Aboriginal heritage significance means an area of land, identified in the Council's Aboriginal Cultural Heritage Study, that is:

- (a) the site of 1 or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

place of assembly means any building or place that comprises (or is of a like character to) any of the following, within the meaning of the *Local Government Act 1993*, whether or not used for the purpose of financial gain:

- (a) a theatre or public hall,
- (b) a drive-in theatre,
- (c) an open-air theatre,

but does not include any building or place comprising or within a correctional centre, an educational establishment or a place of public worship.

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

public road has the same meaning as in the Act.

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (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, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

radio communications facility means a base station, radio communications link, satellite-based facility or radio communications transmitter.

recreation area means a place used for indoor or outdoor recreation (other than a racecourse or showground) for members of the public that comprises any of the following (whether or not used for the purposes of financial gain):

- (a) open space for passive recreation activities,
- (b) a children's playground,
- (c) a place used for sporting activities or that contains sporting facilities,
- (d) a place that contains facilities for recreational activities that promote the physical, cultural or intellectual development of persons within the community, being facilities provided by the Council, or by persons that are associated, or by a body incorporated, for the purposes of such development of persons.

recreation facility means a building or place used for indoor or outdoor recreation that is provided for the purpose of financial gain that comprises or is of a like character to any of the following:

- (a) an amusement centre,
- (b) a billiard saloon,
- (c) a bowling alley,
- (d) a golf driving range,
- (e) a gymnasium,
- (f) a health studio,
- (g) squash courts,
- (h) a swimming pool,
- (i) a table tennis centre,
- (j) tennis courts.

registered club means a club in respect of which a certificate of registration under the [Registered Clubs Act 1976](#) is in force.

relic means any deposit, object or other material evidence of human habitation:

- (a) that relates to the settlement of Sutherland Shire, not being Aboriginal settlement, and
- (b) that is more than 50 years old, and
- (c) that is a fixture or is wholly or partly within the ground.

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 building means a building (such as a dwelling house, residential flat building or boarding house) that is solely or principally used for residential purposes, and includes any structure (such as a garage or shed) that is ancillary to such a building, but does not include any of the following:

- (a) a building that merely forms part of a complex of buildings (such as a school or recreation centre)

that is principally used for non-residential purposes,

- (b) a moveable dwelling,
- (c) a hotel,
- (d) a motel.

residential development means development for residential purposes, including any of the following:

- (a) the erection or use of a dwelling house, a dual occupancy, an extended family unit, a villa house, a townhouse, a residential flat building, a group home,
- (b) the carrying out of subdivision for residential purposes,
- (c) a combination of the development referred to in paragraphs (a) and (b).

residential flat building means a building containing, 3 or more dwellings but does not include seniors housing, a townhouse or a villa house.

residential medical practice means 1 or more rooms forming part of, attached to, or within the curtilage of, a dwelling house (whether or not there is residential occupation of the dwelling house):

- (a) that are used by not more than 2 health care professionals, and
- (b) where no more than 2 employees are employed,

but does not include facilities for in-patient care either in the rooms or in the dwelling house.

restaurant means a building or place having as its principal purpose the provision and retail of food for consumption on the premises, but does not include a nightclub.

road includes any bridge forming part of a road.

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.

safety fence means the assembly of components, natural or otherwise that forms the barrier to a swimming pool (exclusive of any gates), such as posts and panels, walls, and sides of buildings, where they form part of the barrier.

seniors housing has the same meaning as in [State Environmental Planning Policy \(Seniors Living\) 2004](#).

Note—

This plan does not apply to development in Sutherland Shire for the purposes of seniors housing to which [State Environmental Planning Policy \(Seniors Living\) 2004](#) applies. See clause 4 of that Policy.

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,

- (b) the cleaning of motor vehicles,
- (c) the installation of accessories,
- (d) the inspection, repair or servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services.

service support industry means the repair and maintenance of office or household goods for financial gain.

sex shop means a building used for the purpose of either of the following:

- (a) the sale, or the showing, exhibiting or displaying for financial gain, of films or publications classified Category 1 restricted or Category 2 restricted under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth,
- (b) a business to which section 578E of the *Crimes Act 1900* applies.

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 clause 11 (Zoning Table) does not include bulky goods premises, a convenience store, a food shop, a junk yard, a motor showroom, a service station or a sex shop.

shop-top housing means 1 or more dwellings located above the ground floor of a building, being a building in which a non-residential land use that is permissible with or without consent is carried out on the ground floor.

significant landform means an area of land that is:

- (a) specified in the inventory of items, known as the *Sutherland Shire Heritage Inventory*, available at the office of the Council, and
- (b) described as a significant landform in Schedule 6.

significant tree means a tree that is:

- (a) specified in the inventory of items, known as the *Sutherland Shire Heritage Inventory*, available at the office of the Council, and
- (b) described as a significant tree in Schedule 6.

storey means a space within a building situated between one floor level and the floor level above, or the ceiling or roof above, and includes the space within the following:

- (a) foundation areas, garages, workshops, storerooms, basements and the like, whose external walls have a height of more than 1 metre, as measured from the ground level of the lowest point on the site,
- (b) an attic within a residential building, but only if:
 - (i) the roof of the attic is pitched from more than 300mm above the floor of the attic or at an

angle of more than 35 degrees, or

(ii) the area of the attic exceeds 60 percent of the floor space of the floor level below.

street or traffic sign includes a street name plate, a directional sign and an advance traffic warning sign.

subdivision of land has the same meaning as in the Act.

swimming enclosure means a body of water, not being a swimming pool, that is enclosed by a fence or netting and is used by members of the public for the purpose of swimming, wading, paddling or any other form of human aquatic activity.

swimming pool has the same meaning as in the [Swimming Pools Act 1992](#).

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or to be used, in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of electromagnetic energy.

tennis court (private) means a tennis court that is ancillary to a residential building and used solely for the purpose of private recreational enjoyment and not for financial gain.

the Act means the [Environmental Planning and Assessment Act 1979](#).

the corporation means the corporation constituted by section 8 (1) of the Act.

the Council means the Council of Sutherland Shire.

the map means the series of maps marked "*Sutherland Shire Local Environmental Plan 2006*", as amended by the maps (or specified sheets of maps) marked as follows:

Editorial note—

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

tidal waterway means a channel or passage within a body of water, where the tide ebbs and flows and where there is sufficient width and depth for:

- (a) tidal flow, or
- (b) travel or transport by a safe navigation route.

tourist facilities means a building or place intended to be used by tourists or holidaymakers for the purposes of accommodation, sport or recreation, including:

- (a) hotels and motels, and
- (b) shops attached to or within the building or at the place.

tourist information centre means a building or place owned or managed by the Council (other than a restaurant) at which tourist-related services, facilities and information to the community are provided, including any of the following:

- (a) leaflets relating to, and booking services for, tourist destinations and accommodation,
- (b) retail sales of souvenirs, gifts and the like,
- (c) toilets or change facilities for tourists.

townhouse means a dwelling within a two-storey building, on a lot of land containing 2 or more dwellings, where each dwelling has open space for the exclusive use of the occupants of the dwelling.

transitional group home means a dwelling:

- (a) used to provide temporary accommodation, for the purposes of relief or rehabilitation, for disabled persons or socially disadvantaged persons, whether those persons are related or not, and
- (b) occupied by the persons referred to in paragraph (a) as a single household, either with or without paid or unpaid supervision or care and either with or without payment for board and lodging being required,

but does not include a building to which [State Environmental Planning Policy \(Seniors Living\) 2004](#) applies.

tree includes a sapling or shrub.

utility installation means a building, work or place used for a public utility undertaking, but does not include a building used wholly or principally as administrative or business premises or as 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.

vehicle rental centre means a building or place used to rent out vehicles and service those vehicles.

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

villa house means a single storey dwelling on a lot of land containing 3 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.

vulnerable development means the erection or use of buildings whose occupants, in the opinion of the consent authority, are likely to need a high level of assistance during a bush fire or flood, including:

- (a) a building used for a special fire protection purpose (within the meaning of section 100B of the [Rural Fires Act 1997](#)), and
- (b) accommodation for people with health and mobility problems, including aged and disabled housing and medical facilities with short term or long term accommodation.

warehouse means a building or place used mainly or exclusively for storing or handling items

(whether goods or materials) pending their sale, but from which no retail sales are made.

waste recycling and management centre means a building or place used for the recycling of, or recovery of materials (other than sludge-like materials) from, waste materials, where the recycling or recovery involves the following:

- (a) separating and sorting of the waste materials,
- (b) processing of the waste materials (for example, by baling, crushing, shredding or composting),
- (c) transferring or selling recyclable or recovered materials following separation, sorting and processing,

but does not involve remanufacturing, chemical processing or incineration of waste materials.

watercraft facility means a pontoon, suspended ramp (being a ramp that connects a pontoon to a jetty), jetty, wharf or the like that facilitates access to recreational vessels for embarking and disembarking of passengers and the transfer of goods, but does not include a marina.

waterfront reserve means an area of land that adjoins a waterway and is in Zone 13—Public Open Space or Zone 14—Public Open Space (Bushland).

wetland means an area of land identified on the map marked “*Sutherland Shire Local Environmental Plan 2006—Wetlands*”.

wildlife refuge means a building or place used for preserving, conserving, propagating and studying wildlife, but does not include an animal boarding or training establishment, a veterinary hospital or a zoo.