

# Sutherland Shire Local Environmental Plan 2006

[2006-669]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

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

### Notes—

- **See also**  
[Planning Legislation Amendment Bill 2019](#)

### 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](#).

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# Sutherland Shire Local Environmental Plan 2006



New South Wales

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# 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—

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (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**

- (1) 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*.
- (2) Despite subclause (1), Part 4 applies to the Heathcote Ridge West Menai site (within the meaning of that Part).

#### **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
    - (a1) clauses 2.6(1), 2.7, 4.6 and 5.8 of *Sutherland Shire Local Environmental Plan 2015* (the **2015 plan**) is taken to apply to land to which *Sutherland Shire Local Environmental Plan 2000* continues to apply under paragraph (a) with the following modifications—
      - (i) clause 4.6(6) of the 2015 plan is taken to apply only to land in Zone 1 (a) Rural, Zone 1 (b) Rural (Future Urban), Zone 7 (a) Environmental Protection (Waterways), Zone 7 (b) Environmental Protection (Bushland) and Zone 7 (c) Environmental Protection (Water Catchment),
      - (ii) clause 4.6(8)(c) of the 2015 plan is taken not to apply, 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**

- (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.
- (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) (Repealed)

## **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) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, 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—
- (a) approved of subclause (1) before this plan was made, and
  - (b) approved of Schedule 1 [5] to *Sutherland Shire Local Environmental Plan 2006 (Amendment No 14)* (to the extent that it provided for the application of this clause to land to which this clause did not apply before the commencement of Schedule 1 [5]) before *Sutherland Shire Local Environmental Plan 2006 (Amendment No 14)* 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, 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, 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, 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, high technology medical industries (but only on land identified on the map for such a purpose), 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, 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 permit light 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,
- (k) to ensure any expansion of retail activity within the zone maintains the role and function of Kirrawee Town Centre and does not adversely impact on the sustainability of other centres in the Sutherland Shire,
- (l) to ensure any new shops integrate with and support the existing Kirrawee Town Centre,
- (m) to ensure development is compatible with, and does not adversely impact on, the amenity of the surrounding residential area, particularly in terms of air pollutants, noise emissions and visual effects.

## **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, educational establishments, entertainment facilities, food shops, high technology industries, hotels, light industries, 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), vehicle and mechanical repair premises, 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 [Water NSW Act](#)

2014.

### **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.

The 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](#)).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
- (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
- (3) Without limiting subclause (2), a standard specified in Schedule 2 may specify that development must not be carried out on land specified in relation to that development, or may be carried out on such land only if the development complies with the specified standards.

**Note—**

The land that may be specified in relation to development includes **acid sulfate soils land, bush fire interface property, bush fire prone land, contaminated risk land, flood planning land, foreshore land** and **heritage item land**. These terms are defined in the Dictionary.

- (4) To be exempt development, the development—
  - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
  - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
  - (c) must not be designated development, and
  - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the [Heritage Act 1977](#) or that is subject to an interim heritage order under the [Heritage Act 1977](#).
- (5) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2-9 is exempt development only if—
  - (a) the building has a current fire safety certificate or fire safety statement, or
  - (b) no fire safety measures are currently implemented, required or proposed for the building.

**Note—**

Exempt development must be carried out on land in a zone in relation to which clause 11 provides that exempt development may be carried out.

### 13 Complying development

**Note—**

Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if—

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
- (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
- (c) the development is designated development, or
- (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
- (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment and Climate Change in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*)), or
- (f) the development is on land identified as an environmentally sensitive area.

- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Parts 1 and 2 of Schedule 3 that is carried out in compliance with—
  - (a) the development standards and other requirements specified in relation to that development, and
  - (b) the requirements of this Part,is complying development.
- (3) Without limiting subclause (2), a standard specified in Schedule 3 may specify that development must not be carried out on land specified in relation to that development, or may be carried out on such land only if the development complies with the specified standards.

**Note—**

The land that may be specified in relation to development includes **acid sulfate soils land, bush fire interface property, bush fire prone land, contaminated risk land, flood planning land, foreshore land** and **heritage item land**. These terms are defined in the Dictionary.

- (4) To be complying development, the development must—
  - (a) be permissible, with consent, in the zone in which it is carried out, and
  - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
  - (c) have an approval, if required by the *Local Government Act 1993*, from the Council

for an on-site effluent disposal system if the development is undertaken on unsewered land.

- (5) To be complying development, the development specified in Part 1 of Schedule 3 must be carried out 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 3—Environmental Housing (Bushland),
  - (d) Zone 4—Local Housing,
  - (e) Zone 12—Special Uses,
  - (f) Zone 13—Public Open Space (if it is land held by a public authority),
  - (g) Zone 15—Private Recreation.
- (6) To be complying development, the development specified in Part 2 of Schedule 3 must be carried out on 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.
- (7) A complying development certificate for development specified in Part 1 or 2 of Schedule 3 is subject to the conditions set out in Part 3 of that Schedule.

**Note—**

Complying development must not contravene any existing development consent applying to the land.

**13A Environmentally sensitive areas excluded**

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause—

***environmentally sensitive area for exempt or complying development*** means

any of the following—

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved as a state conservation area under the *National Parks and Wildlife Act 1974*,
- (i) land reserved or dedicated under the *Crown Land Management Act 2016* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

### **13B Standards for exempt and complying development**

Without limiting the standards which must be met under clause 12 (2) or 13 (2), the requirements of a standard set out as follows applies to development if the standard is specified in relation to that development in Schedules 2 or 3—

- (a) access standard—the development must not restrict any vehicular or pedestrian access to or from the site,
- (b) car spaces standard—the development must not reduce the number of car spaces on the site of the development,
- (c) excavation standard—the depth of any excavation must not be more than 600 millimetres below the existing ground level, unless otherwise permitted under Schedule 2 or Schedule 3,
- (d) floor space standard—the development must not result in a greater gross floor area or floor space ratio than is provided for in clause 35,

- (e) installation standard—all installation relating to the development must meet the specifications of the manufacturer,
- (f) landscaped area standard—the development must not result in a lesser landscaped area than is provided for in clause 36,
- (g) sewer mains standard—the development must not be located within 1 metre of an easement or within the zone of influence of a sewer main, unless the development complies with any standards set by the public authority having the benefit of the easement or occupation,
- (h) storm water standard—the development must not result in the redirection of surface storm water or run-off onto adjoining land, and storm water from the development must be discharged—
  - (i) by gravity feed to a road gutter, or
  - (ii) to an existing drainage structure within a lawful easement, or
  - (iii) to an on-site drainage management system,
- (i) tree removal and pruning standard—the development must not result in the removal, pruning, lopping or damage of trees which would require the consent or permission of the Council under this plan, unless that permit or consent has been obtained.

## 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.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Land</b>	<b>Development for the purpose of the following</b>	<b>Requirements</b>
5-17 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	
1-3 Kiora Road, 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 deceleration lanes to all entry points from The Boulevard.
154 Flora Street, Sutherland	Business premises	
34 Shell Road, Burraneer, comprising permissive occupancy 1966/196 under the <a href="#">Crown Lands (Continued Tenures) Act 1989</a>	Recreation facility, being a 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	Inclinorator	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.
97 Soldiers Road, Jannali	Villa houses or townhouses	The development must not result in a floor space ratio greater than 0.45:1.
121 Georges River Road, Jannali	Medical facilities or shop-top housing, or both	The development must not result in a floor space ratio greater than 0.65:1 and the landscaped area of the site of the development must be at least 30% of the area of the site.
533-541 Princes Highway, Kirrawee	Hotel	The development must not result in a floor space ratio greater than 1:1.

- (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.

(7) **Townhouse development—2 Corea Street, Sylvania** Despite clause 11, development for the purpose of townhouses may be carried out with consent on land at 2 Corea Street, Sylvania, being Lots 1 and 2, DP 872780, if—

- (a) each townhouse has open space for the exclusive use of the occupants of the dwelling (whether or not the open space is at finished ground level), and
- (b) the consent relates to development application DA08/0915.

### **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, or on adjacent land that person occupies under a lease or a licence, 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, or on adjacent land that person occupies under a lease or a licence, 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 Flood planning**

(1) The objectives of this clause are as follows—

- (a) to minimise the flood risk to life and property associated with the use of land,
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
- (c) to avoid significant adverse impacts on flood behaviour and the environment.

(2) This clause applies to—

- (a) land that is shown as “Flood planning area” on the Flood Planning Map, and
- (b) other land at or below the flood planning level.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—

- (a) is compatible with the flood hazard of the land, and
- (b) will not significantly adversely affect flood behaviour resulting in detrimental

- increases in the potential flood affectation of other development or properties, and
- (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the NSW Government's *Floodplain Development Manual* published in 2005, unless it is otherwise defined in this clause.

(5) In this clause—

**flood planning level** means the level of 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

## **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.

<b>Class of land as shown on Acid Sulfate Soils Map</b>	<b>Works</b>
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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) (Repealed)
  - (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—nuclear research reactor at Lucas Heights Science and Technology Centre**

- (1) This clause applies to land shown on the map marked “*Sutherland Shire Local Environmental Plan 2006 (Amendment No 4)—Clause 24—Environmental Risk—Nuclear research reactor at Lucas Heights Science and Technology Centre*” as being within a 1.6 kilometre radius of the nuclear research 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 Land Management Act*

2016).

- (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) (Repealed)
  - (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) (Repealed)
- (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),
  - (d) the need to carry out development on the land for the purpose for which it is

reserved,

- (e) the imminence of acquisition by the authority of the State,
  - (f) the likely additional cost to the authority of the State resulting from the carrying out of the proposed development.
- (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, reafforestation, 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, reafforestation, 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 vertically from ground level to any point on the uppermost ceiling in the building,
    - (ii) a height of 9 metres, as measured vertically 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 (12) or (13)).
- (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 vertically 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 vertically 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 vertically 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 vertically 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 vertically 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 vertically from ground level to any point on the uppermost ceiling,
  - (b) a height of 5.4 metres, as measured vertically 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 vertically 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 and (in relation to land at 97 Soldiers Road, Jannali) clause 14 (1)—

- (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—

<b>Area of site (m<sup>2</sup>)</b>	<b>Maximum gross floor area (m<sup>2</sup>)</b>
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.

- (5A) The maximum gross floor area of all buildings at 97 Soldiers Road, Jannali may exceed the area provided for in subclause (5), but only if the proposed development is for the purpose of villa houses or townhouses.

**Note—**

See clause 14 (1) for the maximum floor space ratio applying in relation to that development.

- (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 or dwelling house—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—  
 $((\text{area of site in square metres} \times 0.0005) + 0.1):1$ ,or
    - (iii) 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,
  - (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) (Repealed)
- (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,
- (c) 40 square metres of the area of any lot on which there is, or is intended to be as part of the proposed development, a swimming pool that is ancillary to a dwelling house.

#### **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 <sup>2</sup> )	Minimum landscaped area (m <sup>2</sup> )
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 is the following percentage of the area of the site specified below for that development—
- development for the purpose of a building (other than a villa house or townhouse) on any land in Zone 4—Local Housing or Zone 5—Multiple Dwelling A—45 per cent,
  - development for the purpose of a townhouse on any land in Zone 4—Local Housing—40 per cent,
  - development for the purpose of a villa house on any land in Zone 4—Local Housing—30 per cent,
  - development for the purpose of a townhouse on any land in Zone 5—Multiple Dwelling A—35 per cent,
  - development for the purpose of a villa house on any land in Zone 5—Multiple Dwelling A or Zone 6—Multiple Dwelling B—20 per cent,
  - development for the purpose of a building (other than a dwelling house, villa house, townhouse or residential flat building) on any land in Zone 6—Multiple Dwelling B—60 per cent,
  - development for the purpose of a townhouse on any land in Zone 6—Multiple Dwelling B—35 per cent,

- (h) development for the purpose of a residential flat building on any land in Zone 6—Multiple Dwelling B—40 per cent,
  - (i) development for the purpose of a building on any land in Zone 11—Employment—10 per cent,
  - (j) development for the purpose of a dwelling house on any land in Zone 6—Multiple Dwelling B—45 per cent,
- (6) The minimum landscaped area of a site for development for the purposes of a combined villa and townhouse development is determined by applying, on a pro rata basis, the minimum percentage set out in subclause (5) for each type of dwelling in the relevant zone.
- (7)-(9) (Repealed)

### **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—

<b>Zone</b>	<b>Minimum area (except for internal lots) (m<sup>2</sup>)</b>	<b>Minimum area for internal lots (m<sup>2</sup>)</b>	<b>Minimum lot width (m)</b>	<b>Minimum lot depth (m)</b>
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

- (3) Despite subclause (1), this clause does not apply to the erection of a dwelling house on a lot of land if development consent for the subdivision of land to create that lot was granted before the date of commencement of this plan.

#### **40 Dual occupancies—internal lots and lot sizes**

- (1) 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) Despite any other provision of this plan, the following are prohibited on land to which this clause applies—
- the subdivision of land for the purpose of a dual occupancy, whether attached or detached, if the lot on which the dual occupancy is proposed is an internal lot,
  - the subdivision of land to create a separate lot for each dwelling that currently comprises a dual occupancy, if any of the resulting lots would be an internal lot,
  - the erection of a dual occupancy, or the erection of a second dwelling, whether attached or detached, to create a dual occupancy on an internal lot, other than if one of the dwellings comprising the dual occupancy has a gross floor area not exceeding 65 square metres.
- (3) Despite any other provision of this plan, the subdivision of land to create a separate lot for each dwelling that currently comprises a dual occupancy is prohibited if the land is 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—
- there is a dual occupancy on the lot, and
  - it is proposed to subdivide the lot to create a separate lot for each dwelling that currently comprises the dual occupancy.

- (5) Subclause (4) does not apply to a subdivision to create a lot within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*.
- (6) Despite any other provision of this plan, the subdivision of land to create a separate lot for each dwelling that currently comprises a dual occupancy is prohibited if one of the dwellings has a gross floor area that does not exceed 65 square metres.
- (7) Despite any other provision of this plan, if proposed development on a lot is for dual occupancy in a zone shown in Column 1 of the following Table and both the dwellings comprising the dual occupancy will each have a gross floor area greater than 65 square metres, development consent must not be granted to the development unless the lot is equal to or greater than the minimum area specified in Column 2 of that Table for that zone.

**Table**

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

**Note—**

The term **dual occupancy** is defined in the Dictionary to mean 2 dwellings (whether attached or detached) on 1 lot of land. If that lot is subdivided, the dwellings cease to be a dual occupancy.

**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 (Repealed)**

#### **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 radio frequency 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) (Repealed)
- (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) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

(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 21 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.

**Note—**

The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**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

<b>Botanical name</b>	<b>Common name</b>
<i>Acacia podalyriifolia</i>	Queensland Silver Wattle
<i>Acacia saligna</i>	Golden wreath wattle
<i>Acer negundo</i>	Box elder
<i>Araucaria bidwillii</i>	Bunya bunya pine
<i>Arundinaria</i> spp	Clumping Bamboo
<i>Chamaecyparis pisifera</i> spp	Conifer
<i>Cinnamomum camphora</i>	Camphor laurel
<i>Citrus</i> spp	Cumquat, Grape Fruit, Lemon, Lime, Mandarin, Orange (edible species)
<i>Cupressus arizonica</i>	Arizona Cypress
<i>Cupressus macrocarpa</i> var <i>brunniana</i>	Brunnings Golden Cypress
<i>Cupressus sempervirens</i> X <i>Cuprocyparis leylandii</i>	Pencil Pine or Italian Cypress
<i>Eriobotrya japonica</i>	Loquat
<i>Erythrina</i> X <i>sykesii</i>	Coral tree
<i>Ficus benjamina</i>	Weeping fig
<i>Ficus elastica</i>	Rubber tree
<i>Grevillea robusta</i>	Silky oak
<i>Hakea salicifolia</i>	Willow Leaved Hakea
<i>Liquidamber styraciflua</i>	Liquidamber
<i>Lophostemon confertus</i>	Brush box
<i>Morus nigra</i>	Black Mulberry
<i>Olea europaea</i> subsp <i>cuspidata</i>	African Olive
<i>Phoenix canariensis</i>	Canary Island Date Palm

<i>Phyllostachys aurea</i>	Fishpole Bamboo
<i>Phyllostachys nigra</i>	Black Bamboo
<i>Pinus radiata</i>	Radiata Pine or Monterey Pine
<i>Pomme</i> spp	Apple, Crab Apple, Nashi Fruit, Pear, Quince (edible species)
<i>Populus nigra</i> "Italica"	Lombardy poplar
<i>Prunus</i> spp	Apricot, Cherry, Nectarine, Peach, Plum
<i>Robinia pseudoacacia</i>	Black Locust
<i>Schefflera actinophylla</i>	Umbrella tree
<i>Syagrus romanzoffiana</i>	Cocos palm

## **Weeds**

<b>Botanical name</b>	<b>Common name</b>
<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</i> spp	Bamboo
<i>Cardiospermum grandiflorum</i>	Balloon vine
<i>Chamaecytis palmensis</i>	Tree lucerne
<i>Coreopsis lanceolata</i>	Coreopsis
<i>Cotoneaster franchetii</i>	Grey Leaf or Franchet Cotoneaster
<i>Cotoneaster glaucophyllus</i>	Large Leaf Cotoneaster
<i>Cotoneaster lacteus</i>	Milkflower Cotoneaster
<i>Cotoneaster pannosus</i>	Silver Leaf 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**

<b>Botanical name</b>	<b>Common name</b>
<i>Acacia nilotica</i>	Prickly Acacia
<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>Cylindropuntia</i> spp	Tree Cholla
<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>Mimosa pigra</i>	Mimosa
<i>Oputia</i> spp	Prickly pear
<i>Parietaria judaica</i>	Asthma weed
<i>Ricinus communis</i>	Castor oil plant
<i>Salix</i> spp	Willows (includes all <i>Salix</i> species except <i>Salix babylonica</i> , <i>Salix reichardtii</i> and <i>Salix calodendron</i> )
<i>Salvinia molesta</i>	Salvina
<i>Tamarix aphylla</i>	Athel Tree
<i>Toxicodendron succedaneum</i>	Rhus tree

## **58 Savings and transitional provision**

A development application made, but not finally determined, before the commencement of [Sutherland Shire Local Environmental Plan 2006 \(Amendment No 4\)](#) is to be determined as if the plan had been exhibited but had not been made.

### **58A Exceptions to development standards**

(1) The objectives of this clause are as follows—

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless—
  - (a) the consent authority is satisfied that—
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

- (7) This clause does not allow development consent to be granted for development that would contravene any of the following—
- (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated.

**58B Savings provision—complying development**

If an application for a complying development certificate has been made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Planning for Bush Fire Protection) 2020*, the application must be determined as if that Policy had not commenced.

**58C Standards that cannot be used to refuse consent—playing and performing music**

- (1) The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—
- (a) the playing or performance of music, including the following—
    - (i) the genre of music played or performed, or
    - (ii) whether the music played or performed is live or amplified, or
    - (iii) whether the music played or performed is original music, or
    - (iv) the number of musicians or live entertainment acts playing or performing, or
    - (v) the type of instruments played,
  - (b) whether dancing occurs,
  - (c) the presence or use of a dance floor or another area ordinarily used for dancing,
  - (d) the direction in which a stage for players or performers faces,
  - (e) the decoration to be used, including, for example, mirror balls, or lighting used by players or performers.
- (2) The consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.
- (3) In this clause—



**licensed premises** has the same meaning as in the *Liquor Act 2007*.

## Part 4 Heathcote Ridge West Menai site

### 59 Application of Part

- (1) This Part applies to the land identified on the [Land Application Map](#), referred to in this Part as the **Heathcote Ridge West Menai site**.
- (2) No other provision of this plan (other than clauses 5 (2) and 6) applies to land within the Heathcote Ridge West Menai site.

### 60 Interpretation

- (1) In this Part—

**Council** means the Sutherland Shire Council.

**Height of Buildings Map** means the [Sutherland Shire Local Environmental Plan 2006—Heathcote Ridge West Menai—Height of Buildings Map](#).

**Land Application Map** means the [Sutherland Shire Local Environmental Plan 2006—Heathcote Ridge West Menai—Land Application Map](#).

**Land Zoning Map** means the [Sutherland Shire Local Environmental Plan 2006—Heathcote Ridge West Menai—Land Zoning Map](#).

**Lot Size Map** means the [Sutherland Shire Local Environmental Plan 2006—Heathcote Ridge West Menai—Lot Size Map](#).

- (2) A word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the [Standard Instrument \(Local Environmental Plans\) Order 2006](#), unless it is otherwise defined in this Part.
- (3) A reference in clause 65 to a type of building or other thing does not include (despite any definition applied to this Part) a reference to a type of building or other thing referred to separately in the clause.

### 61 Maps

- (1) A reference in this Part to a named map adopted by this Part is a reference to a map by that name—
  - (a) approved by the Minister when the map is adopted, and
  - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a

reference in this Part to any such named map is a reference to the relevant part or aspect of the single map.

- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Part, a map may be in, and may be kept and made available in, electronic or paper form, or both.

## **62 Application of SEPPs**

- (1) This Part is subject to the provisions of any State environmental planning policy that prevails over this Part as provided by section 36 of the Act.
- (2) *State Environmental Planning Policy No 1—Development Standards* does not apply to the land to which this Part applies.

## **63 Land use zones**

For the purposes of this Part, land within the Heathcote Ridge West Menai site is within a zone as follows if the land is shown on the [Land Zoning Map](#) as being within that zone—

- (a) Zone R2 Low Density Residential.

## **64 Objectives of land use zones to be taken into account**

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

## **65 Zone R2 Low Density Residential**

- (1) The objectives of Zone R2 Low Density Residential are as follows—
  - (a) to provide for the housing needs of the community within a low density residential environment,
  - (b) to enable other land uses that provide facilities or services to meet the day to day needs of residents.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone R2 Low Density Residential—
  - home occupations.
- (3) Development for any of the following purposes is permitted only with development consent on land within Zone R2 Low Density Residential—
  - bed and breakfast accommodation; boarding houses; child care centres; community facilities; dual occupancies; dwelling houses; environmental protection works; exhibition homes; exhibition villages; flood mitigation works; group homes;

health consulting rooms; home businesses; home industries; multi dwelling housing; places of public worship; recreation areas; respite day care centres; roads; secondary dwellings; semi-detached dwellings; seniors housing.

- (4) Except as otherwise provided by this Part, development for any of the following purposes is prohibited on land within Zone R2 Low Density Residential—  
any development not specified in subclause (2) or (3).

#### **66 Subdivision—consent requirements**

- (1) Land to which this Part applies may be subdivided, but only with development consent.
- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

#### **67 Minimum subdivision lot size**

- (1) The objectives of this clause are as follows—
- (a) to establish minimum lot sizes for residential and commercial development,
  - (b) to ensure that residential development has adequate usable areas for buildings and open space,
  - (c) to ensure that commercial development has adequate usable areas for buildings, parking and landscaping,
  - (d) to facilitate and encourage the provision of a range of dwelling types.
- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Part.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies must not be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

#### **68 Height of buildings**

- (1) The objectives of this clause are as follows—
- (a) to establish the maximum height for buildings,

- (b) to ensure that the height of buildings complements the streetscape and character of the area in which the buildings are located,
  - (c) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.
- (2) The height of a building on any land within the Heathcote Ridge West Menai site must not exceed the maximum height shown for the land on the [Height of Buildings Map](#).

## **69 Demolition requires development consent**

The demolition of a building or work may be carried out only with development consent.

### **Note—**

If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Part or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

## **70 Temporary use of land**

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Part, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Part and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.

- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

#### **71 Interim land use for exhibition and sales office**

- (1) Despite any other provision of this Part, development consent may be granted for development on land in Zone R2 Low Density Residential for the purposes of an exhibition and sales office for a maximum period of 6 years from the date of consent.
- (2) Development consent must not be granted unless the consent authority is satisfied that—
- (a) the use will not prejudice the subsequent carrying out of development on the land in accordance with this Part and any other applicable environmental planning instrument, and
  - (b) the use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the use and location of any structures related to the use will not adversely impact on environmental attributes, heritage significance, features of the land, or increase the risk of natural hazards that may affect the land.

- (3) In this clause—

***exhibition and sales office*** means a building or place used for house and land sales, site offices, advisory services, car parking and other associated purposes.

#### **72 Exceptions to development standards**

- (1) The objectives of this clause are as follows—
- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless—
- (a) the consent authority is satisfied that—
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider—
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (7) This clause does not allow development consent to be granted for development that would contravene any of the following—
- (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,
  - (c) clause 74, 80 or 81.

### 73 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development on the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 25 metres.
- (3) This clause does not apply to land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Part relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
  - (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Part.

### 74 Controls relating to miscellaneous permissible uses

- (1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Part, the accommodation that is provided to guests must consist of no more than 5 bedrooms.

**Note—**

Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

- (2) **Home businesses** If development for the purposes of a home business is permitted under this Part, the carrying on of the business must not involve the use of more than 50 square metres of floor area.
- (3) **Home industries** If development for the purposes of a home industry is permitted under this Part, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.
- (4) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Part, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

- (a) 60 square metres,
- (b) 20% of the total floor area of the principal dwelling.

#### **75 Conversion of fire alarms**

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent—
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (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,
  - (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.
- (3) Development to which subclause (2) applies is complying development if it consists only of—
  - (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.

- (5) In this clause—

***private service provider*** means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

#### **76 Preservation of trees or vegetation**

- (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.
- (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) 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—
  - (a) that is or forms part of a heritage item (within the meaning of clause 77 (10)), or
  - (b) that is within an Aboriginal place of heritage significance,  
unless the Council is satisfied that the proposed activity—
  - (c) is of a minor nature or is for the maintenance of the heritage item or Aboriginal place of heritage significance, and
  - (d) would not adversely affect the heritage significance of the heritage item or Aboriginal place of heritage significance.

**Note—**

As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 77 will be applicable to any such consent.

- (8) This clause does not apply to or in respect of—
  - (a) the clearing of native vegetation—
    - (i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or
    - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
- (c) 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
- (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or
- (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**Note—**

Permissibility may be a matter that is determined by or under any of these Acts.

## **77 Heritage conservation**

(1) **Requirement for consent** Development consent is required for any of the following—

- (a) demolishing or moving a heritage item,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in the Table to this clause in relation to the item,
- (c) disturbing or excavating a heritage item that is 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,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land on which a heritage item is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land on which a heritage item is located or that is within an Aboriginal place of heritage significance.

(2) **When consent not required** However, development consent under this clause is not required if—

- (a) the applicant has notified the consent authority 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 is for the maintenance of the heritage item or Aboriginal place of heritage significance, and

- (ii) would not adversely affect the heritage significance of the heritage item or Aboriginal place, 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 an Aboriginal place of 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, or
  - (d) the development is exempt development.
- (3) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item, consider the effect of the proposed development on the heritage significance of the item. This subclause applies regardless of whether a heritage management document is prepared under subclause (4) or a heritage conservation management plan is submitted under subclause (5).
- (4) **Heritage assessment** The consent authority may, before granting consent to any development—
- (a) on land on which a heritage item is located, or
  - (b) on land that is within an Aboriginal place of heritage significance, or
  - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or Aboriginal place concerned.
- (5) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (6) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on a heritage item that is an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—

- (a) notify the Heritage Council of its intention to grant consent, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (7) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—
- (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 by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
  - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.
- (8) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—
- (a) notify the Heritage Council about the application, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (9) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Part, if the consent authority is satisfied that—
- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
  - (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
  - (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
  - (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
  - (e) the proposed development would not have any significant adverse effect on the

amenity of the surrounding area.

(10) In this clause—

**heritage item** means a building, work, archaeological site, tree, place or Aboriginal object described in the Table to this clause.

**Table—heritage items**

<b>Item description</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
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(When this clause commenced this Table was blank)

**78 Bush fire hazard reduction**

Bush fire hazard reduction work authorised by the [Rural Fires Act 1997](#) may be carried out on any land without development consent.

**Note—**

The [Rural Fires Act 1997](#) also makes provision relating to the carrying out of development on bush fire prone land.

**79 Infrastructure development and use of existing buildings of the Crown**

- (1) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under [State Environmental Planning Policy \(Infrastructure\) 2007](#).
- (2) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

**80 Arrangements for designated State public infrastructure**

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land to which this Part applies to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land to which this Part applies if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the commencement of this Part, unless the Director-General has certified in writing that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.
- (3) Subclause (2) does not apply in relation to—
  - (a) any lot identified in the certificate as a residue lot, or

- (b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or
  - (c) any lot that is proposed to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities, or any other public purpose, or
  - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (4) In this clause, **designated State public infrastructure** means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds—
- (a) State and regional roads,
  - (b) bus interchanges and bus lanes,
  - (c) land required for regional open space,
  - (d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).
- (5) This clause does not apply to any part of the Heathcote Ridge West Menai site if all or any part of it is in a special contributions area (as defined by section 93C of the Act).

### **81 Public utility infrastructure**

- (1) Development consent must not be granted for development on land within the Heathcote Ridge West Menai site unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.
- (3) In this clause, **public utility infrastructure** includes infrastructure for any of the following—
  - (a) the supply of water,
  - (b) the supply of electricity,
  - (c) the disposal and management of sewage.

## **82 Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development on land within the Heathcote Ridge West Menai site to be carried out in accordance with this Part or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply—
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

## **Schedule 1 (Repealed)**

## **Schedule 2 Exempt development**

(Clause 12)

### **Note—**

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

### **A-frame advertising boards and structures**

- (1) Applies to A-frame advertising boards or structures at ground level and positioned outside a shop or business on land in Zone 8—Urban Centre, Zone 9—Local Centre or

Zone 10—Neighbourhood Centre.

- (2) Must not be on contaminated risk land, foreshore land or heritage item land.
- (3) Must meet the standards specified in Sutherland Shire Council Environmental Specification—Advertising.
- (4) Must not flash.
- (5) If above a footpath, must be set back at least 600mm from the edge of the kerb of the road.
- (6) If on bush fire prone land, must be constructed of non-combustible materials.
- (7) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning set out in clause 13B.

**Advertisements on bus shelters and seats**

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

**Advertisements on industrial premises**

- (1) Must not be on contaminated risk land, foreshore land or heritage item land.
- (2) If on a single premises, maximum—1 advertisement that relates to the use of the premises.
- (3) If on a site comprising multiple use occupancy premises, maximum—1 single freestanding directory board that relates to the use of the premises.
- (4) Must not be more than 4.5m above ground level or project above the parapet of the building or the eaves line if the building has a pitched roof, whichever is the lesser.
- (5) Must be fixed flush to the front elevation of a building on the premises unless a



freestanding directory board for a multiple occupancy premises.

- (6) If a freestanding directory board, must not result in the removal of landscaping.
- (7) Maximum area—5m<sup>2</sup>.
- (8) Must not flash or be displayed on, or erected above, the parapet or eaves of a building.
- (9) Must not cover mechanical ventilation inlets or outlets.
- (10) If above a footpath, must be set back at least 600mm from the edge of the kerb of the road.
- (11) If on bush fire prone land, must be constructed of non-combustible materials.
- (12) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning set out in clause 13B.

#### **Advertisements on roll down blinds and awnings**

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

#### **Animal grazing**

- (1) Must not be carried out on land that is—
  - (a) a wetland, or
  - (b) foreshore land, or

- (c) on a slope greater than 15%, or
  - (d) heritage item land.
- (2) Must not be more than 1 animal per lot.
  - (3) Any stable, corral, exercise yard or the like must be located at least 9m from—
    - (a) any dwelling, school, shop, office, factory, workshop, church, public hall, or
    - (b) any premises used for the manufacture, preparation or storage of food.
  - (4) Must be carried out on an area of at least 30m<sup>2</sup> and a width of at least 3m.
  - (5) Any trees within animal yards (paddocks) must be fenced off to protect the trees from damage.
  - (6) Must have a 300mm fenced off buffer from a drainage line or bushland.
  - (7) Must not adversely affect the amenity of the neighbourhood because of the emission of noise, smell, waste water, waste products or otherwise.
  - (8) Must not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal is undertaken in accordance with a permit or development consent.
  - (9) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning set out in clause 13B.

**Awning fascia advertisements**

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

**Banners and flags advertising special events**

- (1) Applies to banners and flags displayed on the land on which the special event is to be

held.

- (2) Must not be on contaminated risk land, foreshore land or heritage item land.
- (3) Must be constructed of light weight, banner-type material.
- (4) Must not be installed more than 21 days before, and must be removed no later than 2 days after, the special event.
- (5) Must not flash or be displayed on, or erected above, the parapet or eaves of a building.
- (6) Must not cover mechanical ventilation inlets or outlets.
- (7) If above a footpath, must be set back at least 600mm from the edge of the kerb of the road.
- (8) If on bush fire prone land, must be constructed of non-combustible materials.
- (9) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning set out in clause 13B.

**Banners and flags used for promotional purposes**

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

- (9) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning set out in clause 13B.

**Business identification signs and building identification signs**

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

**Community advertisements and notices**

- (1) Must not be on contaminated risk land, foreshore land or heritage item land.
- (2) In the case of a community advertisement or notice intended to be temporary (other than an advertisement or notice in respect of a beach, motor vehicle or boat)—
  - (a) must not be installed on the land concerned for more than 21 consecutive days, or for a total of more than 28 days, in any 12-month period, and

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

**Events (community and fundraising)**

- (1) If on community land, must not exceed 1 day per year.
- (2) If not on community land, must not exceed 2 days per year.
- (3) May only operate between 8 am and 9:30 pm.

- (4) Must have potable water and toilet facilities within 200m.
- (5) The noise level of any open air entertainment must not exceed the background noise level by more than 5dB(A) when measured at the nearest residential boundary.
- (6) Must provide adequate artificial lighting, if necessary, to permit safe movement of patrons.
- (7) Must have adequate and suitable waste containers for the removal of waste at the conclusion of the event.

### **Horse stabling**

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

### **Inflatable structures used for promotional purposes**

- (1) Must not be on contaminated risk land, foreshore land or heritage item land.
- (2) Must be displayed on the land on which the promotion is to be held.
- (3) Must not be displayed—
  - (a) for more than 14 consecutive days, or

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

**Luminous pole advertising**

- (1) Must not be on contaminated risk land, foreshore land or heritage item land.
- (2) Must be constructed by or on behalf of Sutherland Shire Council.
- (3) Must not flash.
- (4) Must not obstruct sight lines to traffic signals or intersections.
- (5) Maximum height—5.5m.
- (6) Maximum width—1.5m.
- (7) Clearance between structure and kerb must allow for heavy vehicle overhang at intersections.
- (8) Must not obstruct footpaths.
- (9) If no footpath exists, a minimum of 1.5m clearance for pedestrian access within the nature strip must be maintained at all times.
- (10) Maximum—2 structures per intersection.
- (11) If above a footpath, must be set back at least 600mm from the edge of the kerb of the road.
- (12) If on bush fire prone land, must be constructed of non-combustible materials.
- (13) Must meet the standards for access, car spaces, excavation, landscaped area, sewer

mains, storm water and tree removal and pruning set out in clause 13B.

### **Outdoor eating areas**

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

### **Real estate advertisements**

- (1) Applies to advertising that the premises are for sale or lease.
- (2) Must not be on contaminated risk land, foreshore land or heritage item land.
- (3) Must be displayed on the premises to which it relates.
- (4) Maximum—1 advertisement displayed on the premises.
- (5) Maximum area—2.5m<sup>2</sup>.
- (6) Must be removed no later than 14 days after the completion of the sale or the granting of the lease to which the advertisement relates.
- (7) Must not flash or be displayed on, or erected above, the parapet or eaves of a building.
- (8) Must not cover mechanical ventilation inlets or outlets.
- (9) If above a footpath, must be set back at least 600mm from the edge of the kerb of the road.
- (10) If on bush fire prone land, must be constructed of non-combustible materials.
- (11) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning set out in clause 13B.

### **Suspended under awning advertisements**

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



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

#### **Under awning shop front advertising on building facades**

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

### **Schedule 3 Complying Development**

(Clause 13)

#### **Note—**

Clauses 13, 13A and 13B contain further requirements for complying development.

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

### Column 1

#### Type of development

#### **Awnings, carports, pergolas, shade structures and sunshades**

Applies to an awning, carport, pergola, shade structure or sun shade that—

- (a) occupies an area not greater than 40m<sup>2</sup>, and
- (b) is not exempt development under Schedule 2.

### Column 2

#### Development standards

Height must not exceed 4m above ground level.

Must be set back behind the following—

- (a) the building line of the land,
- (b) the alignment of any dwelling on any adjoining land.

Must be set back from the side and rear boundaries of the land—

- (a) 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 bush fire prone land, or
- (b) at least 500mm in any other case.

Finished floor level must be no more than 1m above ground level.

Must not be carried out on 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.

Must not be carried out on bush fire interface property or bush fire prone land, except if constructed of non-combustible materials.

Must not be carried out on contaminated risk land, flood planning land, foreshore land or heritage item land.

Must meet the standards for access, car spaces, landscaped area, storm water and tree removal and pruning.

**Bed and breakfast accommodation**

Applies to use of a dwelling for bed and breakfast accommodation, other than—

- (a) a dwelling that is part of a dual occupancy, townhouse, villa house or residential flat building, or
- (b) a dwelling on land that is adjacent to Zone 22—Arterial Road, if the development would involve a new vehicular accessway, or the alteration of an existing accessway, to an arterial road in that zone.

Maximum of 1 sign, provided by the Sutherland Shire Tourism Association Inc, advertising the accommodation on the site.

Advertising sign must—

- (a) be located behind the building alignment, and
- (b) not have an area of more than 1.5m<sup>2</sup>.

Must provide at least 1 off-street car space for guests in addition to any residential parking.

Car spaces must be located so as to minimise disturbance to, and preserve the privacy of, other residences.

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.

Must not be carried out on bush fire prone land, contaminated risk land, flood planning land, foreshore land or heritage item land.

Must meet the standards for car spaces, storm water and tree removal and pruning.

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

- (a) the Australian Standard AS 4674—2004, *Design, construction and fit-out of food premises*, and
- (b) the *Code for Commercial Home Catering*.

Must not be carried out on bush fire prone land, except if constructed in accordance with the NSW Rural Fire Service guidelines titled *Planning for Bush Fire Protection* ISBN 978 0 646 99126 9, dated November 2019.

Must not be carried out on heritage item land.

Must meet the standards for access, car spaces, floor space and landscaped area.

**Building alterations (internal)**

Applies to internal building alterations, other than—

- (a) alterations to incomplete buildings, or
- (b) the installation of oil or solid fuel heating appliances, or
- (c) the installation of any commercial mechanical exhaust ventilation system, or
- (d) alterations that are exempt development under Schedule 2.

Height must not exceed 4m above ground level.

Finished floor level must not be greater than 1m above ground level.

Must be set back behind the following—

- (a) the building line of the land,
- (b) the alignment of any dwelling on any adjoining land.

**Cabanas and gazebos**

Applies to a cabana or gazebo that—

- (a) occupies an area not greater than 40m<sup>2</sup>, and
- (b) is not on 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, and
- (c) is not exempt development under Schedule 2.

Must be set back from the side and rear boundaries of the relevant land—

- (a) 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 bush fire prone land, or
- (b) at least 500mm in any other case.

Must not be carried out on acid sulfate soils land if part of a development that requires development consent under clause 23.

Must not be carried out on bush fire interface property, contaminated risk land, flood planning land, foreshore land or heritage item land.

Must meet the standards for access, landscaped area, storm water and tree removal and pruning.

	<p>Must be erected in rear or side yards.</p> <p>Height must not exceed 4m above ground level.</p> <p>Must be set back behind the following—</p> <p>(a) the building line of the land,</p> <p>(b) the alignment of any dwelling on any adjoining land.</p>
<p><b>Cubby houses, garden sheds, greenhouses and studios</b></p> <p>Applies to a cubby house, garden shed or studio that—</p> <p>(a) occupies an area not greater than 40m<sup>2</sup>, except on land in Zone 15—Private Recreation, and</p> <p>(b) is not on 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, and</p> <p>(c) is not exempt development under Schedule 2.</p>	<p>Must be set back from the side boundaries of the relevant land—</p> <p>(a) 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 bush fire prone land, or</p> <p>(b) at least 500mm if the proposed building is detached and to the rear of any dwelling with which it is associated, or</p> <p>(c) at least 900mm in any other case.</p> <p>Finished floor level must be no more than 1m above ground level.</p> <p>Must not be carried out on bush fire prone land, except if constructed of non-combustible materials.</p> <p>Must not be carried out on bush fire interface property, contaminated risk land, foreshore land or heritage item land.</p> <p>Must meet the standards for access, car spaces, floor space, landscaped area, storm water and tree removal and pruning.</p>

### **Decks and patios**

Applies to a deck or patio that—

(a) occupies an area not greater than 40m<sup>2</sup>, and

(b) is not exempt development under Schedule 2.

Finished surface level must not be greater than 1m above ground level.

Must be set back behind the following—

(a) the building line of the land,

(b) the alignment of any dwelling on any adjoining land.

Must be set back at least 1.5m from the side and rear boundaries of the relevant land in the following cases—

(a) the deck or patio is located on land in Zone 1—Environmental Housing (Environmentally Sensitive Land), Zone 2—Environmental Housing (Scenic Quality), Zone 3—Environmental Housing (Bushland), or bush fire prone land,

(b) the deck or patio has a height of more than 500mm above ground level,

(c) it is a deck to a swimming pool and the pool or the deck stands higher than 500mm above ground level.

Must be set back at least 900mm from side and rear boundaries of the relevant land in any other case.

Must not be carried out on acid sulfate soils land if part of a development that requires development consent under clause 23.

Must not be carried out on bush fire interface property, contaminated risk land, foreshore land or heritage item land.

Must meet the standards for access, floor space, landscaped area, storm water and tree removal and pruning.

Must comply with the Australian Standard AS 2601—2001, *Demolition of structures*.

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).

Must not be carried out on acid sulfate soils land if part of a development that requires development consent under clause 23.

Must not be carried out on contaminated risk land, foreshore land or heritage item land.

Must meet the standards for tree removal and pruning.

### **Demolition**

Applies to demolition of buildings and retaining walls, other than demolition that is exempt development under Schedule 2.

**Dwelling houses**

Applies to the 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, or
  - (iii) 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, or
  - (iv) land in a Greenweb Support area or Greenweb Core area, as shown on the Greenweb Map, or
  - (v) land that is an internal lot.

General standards

Must have vehicular access from the lowest order road shown on the Road Hierarchy Map if the development has 2 or more road frontages.

Must not be carried out on acid sulfate soils land if part of a development that requires development consent under clause 23.

Must not be carried out on bush fire interface property, except if constructed in accordance with the NSW Rural Fire Service guidelines titled *Planning for Bush Fire Protection* ISBN 978 0 646 99126 9, dated November 2019.

Must not be carried out on contaminated risk land, flood planning land, foreshore land or heritage item land.

Must meet the standards for access, floor space, landscaped area, storm water and tree removal and pruning.

Must be set back from the front boundary by—

- (a) 7.5m, and
- (b) not less than the alignment of any dwelling on any adjoining land.

In the case of corner properties, must be set back—

- (a) 7.5m from the narrowest street frontage, and
- (b) 3.5m from the second street.

Must be set back from the rear boundaries by a minimum of 6m.

Finished ground floor level must be within 1m of the existing ground level.

Basement footprint must not exceed the ground floor footprint.

Maximum area of the site to be affected by cut or fill to a greater depth than 300mm must not exceed 60% of the dwelling footprint.

Cut for slab on ground construction must not extend further than 900mm beyond the dwelling footprint.

Filling must be contained within the footprint of the dwelling.

Natural rock outcrops on the site greater than 5m<sup>2</sup> in area must be retained.

Vegetative cover on slopes greater than 18° must be maintained.

Dwelling entry must face the street and the dwelling must overlook any other adjacent public areas.

Dwelling must not present blank walls to any street frontage.

Maximum length of any external wall without openings



is 6m.

Habitable room windows with a direct outlook to habitable rooms in any adjacent dwelling within 9m must be offset by a minimum of 1m to limit the views into the adjacent windows.

Must not reduce existing sunlight access to useable private open space and windows of living areas of any adjoining property to less than four hours between 9 am and 3 pm on 21 June.

Living areas must be orientated between north-west and north-east.

Dwelling must provide at least one primary area of useable private open space at ground level and directly accessible from a living area with minimum dimensions of 6m x 6m.

Minimum of 10m<sup>2</sup> of the outdoor private open space for the dwelling must receive direct sunlight at ground level for at least four hours between 9 am and 3 pm on 21 June.

Roof or wall cladding materials must not be highly reflective.

Must not involve the installation of any oil or solid fuel heating appliance or any commercial mechanical exhaust ventilation system.

Minimum of 2 car spaces must be provided behind the building line.

**Note—**

See separate entry under “**Garages**” in this Table for relevant standards relating to the erection of garages as complying development. See also entry under “**Driveways or pathways**” in Schedule 2 for relevant standards relating to the installation of driveways as exempt development.

**Single storey dwelling houses**

Applies to—

- (a) a proposed single storey dwelling house, and
- (b) the additions to a single storey dwelling house, other than the addition of a second storey.

Building height must not exceed 5.4m, as measured from the ground level to the highest point of the roof.

Must be set back at least 900mm from the side boundaries.

**Two-storey dwelling houses**

Applies to—

- (a) a proposed two-storey dwelling house, and
- (b) the addition of a second storey to a single storey dwelling house, and
- (c) a second storey alteration or addition to an existing two storey dwelling house.

Must comply with the height requirements of clause 33 (4).

Must not involve the erection of any balconies off the second storey that face the side or rear boundaries.

Second storey must be set back at least 1.5m from the side boundaries.

Second storey depth must not exceed—

- (a) 10m, and
- (b) 50% of the depth of the allotment, measured from the primary street frontage.

Second storey must not contain a kitchen or primary living area.

Front fences within the front building line must not exceed 1m in height above ground level.

Side or rear fences, behind the building line, must not exceed 1.8m in height above ground level.

Retaining walls—

- (a) must be set back at least 500mm from any boundary, and
- (b) must not exceed 1m in height above ground level, and
- (c) must not be longer than 20m, and
- (d) must be for the purpose of retaining soil on the site and not to enable filling of the site.

**Fences, gates and retaining walls**

Applies to fences, gates and retaining walls, other than the following—

- (a) fences on street frontages of land occupied by dual occupancies, townhouses or villa houses,
- (b) 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,
- (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,
- (d) fences, gates and retaining walls that are exempt development under Schedule 2.

Must not be carried out on 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.

Must not be carried out on acid sulfate soils land if part of a development that requires development consent under clause 23.

Must not be carried out on bush fire interface property or bush fire prone land, except if constructed of non-combustible materials.

Must not be carried out on contaminated risk land, flood planning land, foreshore land or heritage item land.

Must meet the standards for access, car spaces, floor space, landscaped area, storm water and tree removal and pruning.

**Fire alarms**

Applies to—

- (a) internal alterations to a building, and
- (b) internal alterations to a building, together with mounting of any antenna, and any support structure, on an external wall or roof of a building occupying a space of not more than 450mm × 100mm × 100mm.

Applies to development for the purpose of—

- (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, and
- (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, and
- (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.

### Garages

Applies to a garage that—

- (a) occupies an area not greater than 40m<sup>2</sup>, and
- (b) is not on 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.

Height must not exceed 4m above ground level.

Must be set back behind the following—

- (a) the building line of the land,
- (b) the alignment of any dwelling on any adjoining land.

Must be set back as follows from the side and rear boundaries of the relevant land—

- (a) 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 bush fire prone land,
- (b) at least 500mm if the garage is detached and to the rear of any dwelling with which it is associated,
- (c) at least 900mm in any other case.

Finished floor level must be no more than 1m above ground level.

Must not be carried out on bush fire prone land, except if constructed in accordance with the NSW Rural Fire Service guidelines titled *Planning for Bush Fire Protection* ISBN 978 0 646 99126 9, dated November 2019.

Must not be carried out on bush fire interface property, contaminated risk land, flood planning land, foreshore land or heritage item land.

Must meet the standards for access, car spaces, floor space, landscaped area, storm water and tree removal and pruning.

### Seawalls

Applies to reconstruction, replacement or repair of seawalls in Sylvania Waters.

### Subdivision of land

Applies to subdivision of land for any of the following purposes—

- (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.

In the case of subdivision carried out for the purpose of adjusting a boundary between lots—

- (a) the size and dimensions of resulting lots must not be less than any relevant minimum size and dimensions provided for in clauses 39–42, and
- (b) the subdivision must not result in an increased number of lots or the reorientation of lots.

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

- (a) the erection of any building comprised in the lot must have been approved and carried out after 1 July 1988, and
- (b) 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, and
- (c) the development must not result in strata subdivision of dual occupancy that does not comply with clause 40.

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.

## Swimming pools

Must be installed or erected in rear or side yards, behind the building line.

Pool must be set back as follows from the side and rear boundaries of the relevant land—

- (a) at least 1.5m to the waterline of the pool 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 bush fire prone land,
- (b) at least 1.5m to the waterline of the pool if the pool, its surrounds or decking stands higher than 500mm above ground level,
- (c) at least 1m to the waterline of the pool in any other case.

In-ground pool must not exceed a height of 1m above ground level.

Above ground pre-fabricated pool (where any coping width is no greater than 250mm wide) must not exceed a height of 1.2m above ground level.

Pool pump and equipment associated with the pump must be designed so as to 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 AS 1055.1—1997, *Acoustics—Description and measurement of environmental noise—General procedures*.

Pool, surrounds and any decking must be screened by plants if the pool, its surrounds or decking stands more than 500mm above ground level.

Child resistant barriers must meet the standards specified by the [Swimming Pools Act 1992](#).

Must meet the standards required under *Sutherland Shire Council Environmental Specification—Swimming Pools*.

Must not be part of a development that requires development consent under clause 23.

Must not be carried out on bush fire interface property, except if associated fencing and decking is constructed of non-combustible materials.

Must not be carried out on bush fire prone land, except if associated fencing is constructed of non-combustible materials.

Must not be carried out on contaminated risk land, flood planning land, foreshore land or heritage item land.

Must meet the standards for landscaped area, storm water and tree removal and pruning.

**Note—**

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

**Note—**

See also provisions for decks or patios.

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

**Column 1**

**Type of Development**

**Column 2**

**Development Standards**

**Building alterations (external)**

Applies to external building alterations to buildings that have been lawfully constructed, other than—

- (a) alterations to incomplete buildings, and
- (b) buildings on 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, and
- (c) alterations that are exempt development under Schedule 2.

Alterations to buildings on community land within the meaning of the *Local Government Act 1993* must be undertaken in accordance with a plan of management under that Act.

Must not contravene any conditions of a development consent applicable to building or its use.

Must not involve the making of, or the alteration to the size of, any opening in the roof of a building or any opening in an external wall (such as a doorway or window), other than facades below the awning on shopfronts in Zone 8—Urban Centre, Zone 9—Local Centre or Zone 10—Neighbourhood Centre that may be altered to increase window openings.

If the alterations involve the erection of a roof over a wash bay area for a business that carries out wet processes (such as the washing of motor vehicles), the wash bay area must be set back behind the building line.

Must not—

- (a) alter existing storm water disposal arrangements, or
- (b) reduce landscaping on site, or
- (c) increase the total floor space or footprint of the premises, or
- (d) reduce the provision of parking or loading and unloading areas.

Must not be carried out on acid sulfate soils land if part of a development that requires development consent under clause 23.

Must not be carried out on bush fire interface property, contaminated risk land, flood planning land, foreshore land or heritage item land.

Must not be carried out on bush fire prone land, except if constructed in accordance with the NSW Rural Fire Service guidelines titled *Planning for Bush Fire Protection* ISBN 978 0 646 99126 9, dated November 2019.

Must meet the standards for access and tree removal and pruning.



Must not contravene any conditions of a development consent applicable to building or its use.

Must not increase the gross floor area of buildings used for industry or business premises (including pedestrian arcades) unless—

- (a) the increase in area results from the addition of an internal mezzanine floor, and
- (b) the internal mezzanine floor is added for the purpose of storage or amenities, and
- (c) the increase in area does not exceed 50m<sup>2</sup>.

Alterations to any part of residential premises used for the purpose of preparation or storage (or both) of food for sale to the public as part of a home occupation must be undertaken in accordance with—

- (a) the Australian Standard AS 4674—2004, *Design, construction and fit-out of food premises*, and
- (b) the *Code for Commercial Home Catering*.

#### **Building alterations (internal)**

Applies to internal alterations to buildings that have been lawfully constructed, other than—

- (a) alterations to incomplete buildings, or
- (b) alterations for the installation of any commercial mechanical exhaust ventilation system, or
- (c) alterations that are exempt development under Schedule 2.

Alterations to a food shop or restaurant—

- (a) must comply with the Australian Standard AS 4674—2004, *Design, construction and fit-out of food premises*, and
- (b) must not involve the erection or installation of an externally mounted or located exhaust duct, fan or refrigeration unit.

Alterations for the purpose of a beauty salon or a hairdresser, must be undertaken in accordance with any relevant standards under the [Local Government Act 1993](#) (being standards that are enforceable by the making of Order No 5 under the Table to section 124 of that Act).

Alterations to sound producing machinery, or fittings, associated with or forming part of an existing mechanical ventilation system or refrigeration system—

- (a) 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 AS 1055.1—1997, *Acoustics—Description and measurement of environmental noise—General procedures*, and
- (b) must not emit any tonal, impulsive or intermittent sounds.

Alterations involving sewer connections must meet the standards contained in an approval under the [Local](#)

**Change of use of premises**

Applies to the following different uses of premises—

- (a) light industry, resulting from a change from industry, bulky goods or recreation facility to light industry,
- (b) a warehouse, resulting from a change from industry, bulky goods premises, or recreation facility to a warehouse.

*Government Act 1993.*

Must not be carried out on heritage item land.

Must meet the standards for car spaces.

Must satisfy the conditions imposed by the consent authority for the use in existence before the use changed, in relation to—

- (a) gross floor area,
- (b) parking,
- (c) loading,
- (d) landscaping,
- (e) waste management,
- (f) external storage,
- (g) ancillary sale of products.

Changed use must not be as a vehicle and mechanical repair premises.

Hours of operation exclude Sunday and public holidays in the case of light industry.

Changed use must not—

- (a) 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 25m from any habitable building), or
- (b) release any hazardous chemicals or materials or any pollutants into the environment.

Changed use must not cause interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic, parking or otherwise.

Must not be carried out on foreshore land or heritage item land.

### Subdivision of land

Applies to subdivision of land for any of the following purposes—

- (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.

In the case of subdivision carried out for the purpose of adjusting a boundary between lots—

- (a) the size and dimensions of resulting lots must not be less than any relevant minimum size and dimensions provided for in clauses 39–42, and
- (b) the subdivision must not result in an increased number of lots or the reorientation of lots.

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

- (a) the erection of any building comprised in the lot must have been approved and carried out after 1 July 1988, and
- (b) 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, and
- (c) the development must not result in strata subdivision of dual occupancy that does not comply with clause 40.

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.

## Part 3 Complying development certificate conditions

### Note 1—

Complying development must comply with the requirements of the Act, the regulations, and this plan. This includes carrying out the development in accordance with the plans and specifications referred to in the complying development certificate.

### Note 2—

Information relevant to the carrying out of complying development is also contained in other legislation, including the *Building and Construction Industry Long Service Payments Act 1986*, the *Home Building Act 1989*, the *Protection of the Environment Operations Act 1997*, the *Roads Act 1993*, the *Swimming Pools Act 1992* and the *Sydney Water Act 1994*.

### 1 Notice to adjoining premises

The person having the benefit of the complying development certificate must give the occupier of any adjoining premises at least 2 days notice before work commences, and provide—

- (a) the name and accreditation number of the appointed principal certifying authority, and
- (b) the builder's name, telephone number and licence number.

## **2 Documents to be available**

A copy of the complying development certificate and the accompanying documents must be available on site at all times during demolition and construction.

## **3 Security for council property**

Prior to work commencing—

- (a) the current condition of any council property in the vicinity of the development must be documented and photographed and provided to the Council at the time notice to commence demolition or the erection of a building is given, and
- (b) security must be provided in accordance with the Council's *Schedule of Fees and Charges for Goods and Services*.

## **4 Public liability insurance for demolition**

Prior to demolition work commencing, the person having the benefit of the complying development certificate must ensure that the person carrying out the demolition work has a current public liability insurance policy to the value of at least \$5,000,000 that covers injury or damage that may arise as a consequence of carrying out that work and must provide evidence of that policy to the Council at the time notice to commence demolition is given.

## **5 Public roads**

(1) Prior to work commencing—

- (a) consent from the relevant roads authority under the [Roads Act 1993](#) for each opening of a public road that will be required by the development must be held, and
- (b) written permission from the relevant roads authority under the [Roads Act 1993](#) to stand or operate vehicles or machines required by the development on the footpath reserve must be held, and
- (c) consent from the relevant roads authority under the [Roads Act 1993](#) to construct each footpath crossing required by the development, at a level acceptable to the roads authority, must be provided to the principal certifying authority.

(2) All construction materials, sheds, temporary water closets, spoil, hoardings and machinery that relate to the development must be kept within the site, other than machinery that is subject to a permission under subclause (1) (b).

## **6 Waste management plan**

Prior to any work commencing, if the development involves the demolition or construction of a building, a waste management plan must be submitted to the Council in accordance

with the development control plan.

## **7 Sediment and erosion controls**

- (1) Run-off and erosion controls must be implemented to prevent erosion, water pollution or the discharge of loose sediment on the surrounding land by—
  - (a) diverting uncontaminated run-off around cleared or disturbed areas, and
  - (b) erecting and maintaining a silt fence to prevent debris escaping into drainage systems or waterways, and
  - (c) preventing tracking of sediment by vehicles onto roads, and
  - (d) stockpiling topsoil, excavated material, construction and landscaping supplies and debris within the site.

### **Note—**

Under the *Protection of the Environment Operations Act 1997* it is an offence to pollute any waters.

- (2) Any removal or disturbance of vegetation or topsoil must be confined to within 3 metres of the proposed development.

## **8 Construction hours**

All construction relating to the development, other than development involving internal alterations within a shopping arcade or centre, must be undertaken between the following hours—

- (a) Monday to Friday—7.00 am to 6.00 pm,
- (b) Saturday—8.00 am to 5.00 pm,

and no such construction is to be undertaken on a Sunday or a public holiday.

## **9 Noise control during demolition and construction**

The noise of a demolition or construction site when it is in operation must not exceed the background noise level by more than the following LAeq level, measured over a period of 15 minutes, when measured at the nearest affected premises—

- (a) if the entire construction and demolition period is estimated to be 4 weeks or less—20dB(A),
- (b) if the entire construction and demolition period is estimated to be longer than 4 weeks but less than 26 weeks—10dB(A),
- (c) if the entire construction and demolition period is estimated to be longer than 26 weeks—5dB(A).

## 10 Landscaping

- (1) Measures to comply with Sutherland Shire Council Environmental Specification—Landscaping must be taken to protect all trees and bushland areas that are located on the site of the development or on any adjacent road reserve during construction and demolition.
- (2) Measures must include the following—
  - (a) installation of adequate protective fencing and tree guards,
  - (b) identification of the area for root zone protection,
  - (c) protection of the root zone area by exclusion of storage materials within the dripzone, erosion control and soil pH maintenance.

## 11 Work adjacent to swimming pools

Measures must be taken to ensure compliance with the standards under the *Swimming Pools Act 1992* if work is undertaken on any building or structure that comprises all or part of a child resistant barrier under that legislation.

## 12 Work involving asbestos

Demolition or removal of material that contains asbestos material, and that is not **licensed work** under Chapter 7 of the *Occupational Health and Safety Regulation 2001*, must be carried out in accordance with *Working with asbestos: Guide 2008* (ISBN 0 7310 5159 9) published by WorkCover Authority.

### Note 1—

The maximum allowable area of bonded asbestos material that is excluded from the definition of **licensed work** is 10m<sup>2</sup>.

## Schedule 4 Classification and reclassification of public land

(Clause 25)

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

#### Column 1

#### Locality

#### Caringbah

39R President Avenue

#### Column 2

#### Description

Lot 1, DP 1003405, as shown edged heavy red on Sheet 5 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 9)"

340R The Kingsway	Lot 3, DP 231022, as shown edged heavy red on Sheet 5 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 9)"
348R The Kingsway	Lot 11, DP 662946, as shown edged heavy red on Sheet 5 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 9)"
<b>Sutherland</b>	
123-125 Flora Street	Lot 15, Section 37, DP 802 and Lot 1, DP 1088040, as shown edged heavy red on Sheet 3 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 8)"
2 Stapleton Avenue	Part Lot 1, DP 336599, as shown edged heavy red on Sheet 2 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 8)"
4 Stapleton Avenue	Part Lot 2, DP 336599, as shown edged heavy red on Sheet 2 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 8)"

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

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
<b>Barden Ridge</b>		
32R Timbrey Circuit	Lot 40, DP 1158596, as shown coloured green and edged red on Sheet 3 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 15)"	Nil
<b>Caringbah</b>		
26 Banksia Road	Lot 346, DP 594838, as shown edged heavy red on Sheet 10 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals (645158), exclusion of minerals (s. 536AA, <a href="#">Local Government Act 1919</a> ), rights to mine (645158), easements for electricity purposes (Y55380 and Y55381) and right of carriageways (Y55381 and AC133373) as noted on Certificate of Title Folio Identifier 346/594838

7R Binalong Avenue	Lot 226, DP 793244, as shown edged heavy red on Sheet 1 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)</i> "	Exclusion of minerals (F560457), easement(s) to drain water (DP793244) and restriction(s) on use of land (DP788036) as noted on Certificate of Title Folio Identifier 226/793244
374 Kingsway	Lot 2, DP 583656, as shown edged heavy red on Sheet 12 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)</i> "	Exclusion of minerals, and subject to rights to mine (A185556) as noted on Certificate of Title Folio Identifier 2/583656
7 Mackay Street	Lot 1, DP 221411, as shown edged heavy red on Sheet 9 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)</i> "	Exclusion of minerals (A996134), covenants (B408954, C164801, C745559 and C673629) and covenant and variation of covenant (H245779 and J289845) as noted on Certificate of Title Folio Identifier 1/221411
377 Port Hacking Road	Lot 3, DP 335295, as shown edged heavy red on Sheet 11 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)</i> "	Exclusion of minerals, and subject to rights to mine (B827113) as noted on Certificate of Title Folio Identifier 3/335295
387R Port Hacking Road	Lot 3, DP 712631, as shown edged heavy red on Sheet 14 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)</i> "	Exclusion of minerals, and subject to rights to mine (B827113) as noted on Certificate of Title Folio Identifier 3/712631
<b>Cronulla</b>		
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**



25 Baringa Road	Lot 13, DP 28541, as shown coloured pink and edged red on Sheet 4 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 15)</i> "	Nil
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
1-9 Miyal Place	Lot 13, DP 555124, as shown edged heavy red on Sheet 5 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)</i> "	Right of way (M731161) as noted on Certificate of Title Folio Identifier 13/555124
	Lot 14, DP 612131, as shown edged heavy red on Sheet 5 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)</i> "	Easement for drainage (J652856), right of carriageway (DP555124) and right of way (M731161) as noted on Certificate of Title Folio Identifier 14/612131
	Lot 12, DP 599093, as shown edged heavy red on Sheet 5 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)</i> "	Covenant (F264457) and easement for drainage (J771248) as noted on Certificate of Title Folio Identifier 12/599093
	Lot 4, DP 598936, as shown edged heavy red on Sheet 5 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)</i> "	Easement for drainage (L322058) and easement for overhanging eave (DP620450) as noted on Certificate of Title Folio Identifier 4/598936
	Lot 3, DP 530962, as shown edged heavy red on Sheet 5 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)</i> "	Easement for drainage (DP530962) as noted on Certificate of Title Folio Identifier 3/530962
	Lot 2, DP 220010, as shown edged heavy red on Sheet 5 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)</i> "	Nil
	Lot 4, DP 505810, as shown edged heavy red on Sheet 5 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)</i> "	Nil

	Lot 4, DP 209336, as shown edged heavy red on Sheet 5 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Covenant (J291486) as noted on Certificate of Title Folio Identifier 4/209336
	Lot 5, DP 209336, as shown edged heavy red on Sheet 5 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Nil
	Lot 6, DP 209336, as shown edged heavy red on Sheet 5 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Covenant (J624168) as noted on Certificate of Title Folio Identifier 6/209336
3R Renmark Place	Lot 13, DP 240360, as shown edged heavy red on Sheet 4 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Easement for drainage (G619288) as noted on Certificate of Title Folio Identifier 13/240360
<b>GyMEA</b>		
46-50 South Street	Lot A, DP 371195, as shown edged heavy red on Sheet 7 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals (A436560) and easement for drainage (F163611) as noted on Certificate of Title Folio Identifier A/371195
	Lot B, DP 371195, as shown edged heavy red on Sheet 7 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals (A436560) and easement for drainage (F221898) as noted on Certificate of Title Folio Identifier B/371195
	Lot 33, DP 663207, as shown edged heavy red on Sheet 7 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals, and subject to rights to mine (A436560) as noted on Certificate of Title Folio Identifier 33/663207
	Lot 65, DP 9461, as shown edged heavy red on Sheet 7 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals, and subject to rights to mine (A436560) as noted on Certificate of Title Folio Identifier 65/9461
	Part of Lot 34, DP 9461, as shown edged heavy red on Sheet 7 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals, and subject to rights to mine (A436560) and excepting the road in D888885 as noted on Certificate of Title Folio Identifier 34/9461

**Jannali**

1R Lenna Place	Lot 5, DP 732363, as shown edged red on Sheet 2 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 15)"	Nil
7R Lenna Place	Lot 13, DP 618437, as shown edged red on Sheet 2 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 15)"	Nil
42A Railway Crescent	Lot 1, DP 1049519, as shown edged heavy red on Sheet 8 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Nil
	Lot 2, DP 1049519, as shown edged heavy red on Sheet 8 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Nil
	Lot 21, DP 597416, as shown edged heavy red on Sheet 8 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Nil
	Lot 1, DP 506202, as shown edged heavy red on Sheet 8 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Nil
	Lot 2, DP 504416, as shown edged heavy red on Sheet 8 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Nil
	Lot J, DP 412142, as shown edged heavy red on Sheet 8 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Nil

Part of Lot C, DP 408761, as shown edged heavy red on Sheet 8 of the map marked "*Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)*" Exclusion of road (s) comprised in Box Lane shown on DP 540399, right of footway (DP1049519) and easement for light and ventilation (DP 1049519) as noted on Certificate of Title Folio Identifier C/408761

Part of Lot E, DP 415814, as shown edged heavy red on Sheet 8 of the map marked "*Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)*" Exclusion of road (s) comprised in Box Lane shown on DP 540399 as noted on Certificate of Title Folio Identifier E/415814

Part of Lot G, DP 411603, as shown edged heavy red on Sheet 8 of the map marked "*Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)*" Nil

**Kirrawee**

22 Churchill Avenue Lot 2, DP 536734, as shown edged heavy red on Sheet 6 of the map marked "*Sutherland Shire Local Environmental Plan 2006 (Amendment No 9)*" Nil

**Kirrawee**

459R President Avenue Part of Lot 30, DP 233175, as shown edged heavy red on Sheet 6 of the map marked "*Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)*" Exclusion of minerals (C638950 and F563892) as noted on Certificate of Title Folio Identifier 30/233175

5R Yalgar Road Lot 17, DP 211273, as shown edged heavy red on Sheet 2 of the map marked "*Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)*" Exclusion of minerals (D396668) and easement for drainage (DP211273) as noted on Certificate of Title Folio Identifier 17/211273

**Miranda**

1 Mawarra Avenue Part Lot 2, DP 608507, as shown edged heavy red on Sheet 4 of the map marked "*Sutherland Shire Local Environmental Plan 2006 (Amendment No 9)*" Nil

**Sutherland**

127-133 Flora Street	Lot 1, DP 983916, as shown edged heavy red on Sheet 13 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)</i> "	Exclusion of minerals (A49164), easement for maintenance and repairs and easement to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 1/983916
	Lot 2, DP 983916, as shown edged heavy red on Sheet 13 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)</i> "	Exclusion of minerals (A49164), easement for maintenance and repairs and easement to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 2/983916
	Lot 3, DP 983916, as shown edged heavy red on Sheet 13 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)</i> "	Exclusion of minerals (A49164), easement for maintenance and repairs and easement to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 3/983916
	Lot 4, DP 983916, as shown edged heavy red on Sheet 13 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)</i> "	Exclusion of minerals (A49164), easement for maintenance and repairs and easement to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 4/983916
	Lot 1, DP 314882, as shown edged heavy red on Sheet 13 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)</i> "	Exclusion of minerals, and subject to rights to mine (A351109), covenant (B376118), easements for maintenance and repairs and easements to drain water (DP1077997) as noted on Certificate of Title Folio Identifier AC3890-155
	Part of Lot 2, DP 314882, as shown edged heavy red on Sheet 13 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)</i> "	Exclusion of minerals (A351109), easements for maintenance and repairs and easements to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 2/314882
	Part of Lot 18, DP 13648, as shown edged heavy red on Sheet 13 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)</i> "	Exclusion of minerals, and subject to rights to mine (A351109), covenant (B518500), easements for maintenance and repairs and easements to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 18/13648
	Part of Lot 19, DP 13648, as shown edged heavy red on Sheet 13 of the map marked " <i>Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)</i> "	Exclusion of minerals (A351109), covenant (B706663), easements for maintenance and repairs and easements to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 19/13648

Part of Lot 20, DP 13648, as shown edged heavy red on Sheet 13 of the map marked <i>"Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"</i>	Exclusion of minerals, and subject to rights to mine (A351109), covenant (B758039), easements for maintenance and repairs and easements to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 20/13648
Part of Lot 21, DP 13648, as shown edged heavy red on Sheet 13 of the map marked <i>"Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"</i>	Exclusion of minerals, and subject to rights to mine (A351109), covenant (B327778), easements for maintenance and repairs and easements to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 21/13648
Lot 22, DP 13648, as shown edged heavy red on Sheet 13 of the map marked <i>"Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"</i>	Exclusion of minerals, and subject to rights to mine (A351109), covenant (B527071), easement for maintenance and repairs and easement to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 22/13648
Lot 23, DP 666045, as shown edged heavy red on Sheet 13 of the map marked <i>"Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"</i>	Exclusion of minerals, and subject to rights to mine (B351109), covenants (B359591 and B400056), easement for maintenance and repairs and easement to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 23/666045
Lot 23, DP 666057, as shown edged heavy red on Sheet 13 of the map marked <i>"Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"</i>	Exclusion of minerals, and subject to rights to mine (A351109), covenant (B359591), easement for maintenance and repairs and easement to drain water (DP1077997) as noted on Certificate of Title Folio Identifier 23/666057
Lot A, DP 318922, as shown edged heavy red on Sheet 13 of the map marked <i>"Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"</i>	Exclusion of minerals, and subject to rights to mine (A351109), covenant (C151398), easements for maintenance and repairs and easements to drain water (DP1077997) as noted on Certificate of Title Folio Identifier A/318922
Lot C, DP 318922, as shown edged heavy red on Sheet 13 of the map marked <i>"Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"</i>	Exclusion of minerals, and subject to rights to mine (A351109), covenant (B744264), easement for maintenance and repairs and easement to drain water (DP1077997) as noted on Certificate of Title Folio Identifier C/318922

Lot 1, DP 314883, as shown edged heavy red on Sheet 13 of the map marked "Sutherland Shire Local Environmental Plan 2006 (Amendment No 6)"	Exclusion of minerals, and subject to rights to mine (A351109), covenant (B376118), easements for maintenance and repairs and easements to drain water (DP1077997) as noted on Certificate of Title Folio Identifier AC3890-155
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### 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
<b>Barden Ridge</b>	
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
<b>Bundeena</b>	
74-78 Scarborough Street, Bundeena	Lot 5, Section I, DP 1782
<b>Heathcote</b>	
1623 Princes Highway, Heathcote	Lot 1, DP 1030130
1631 Princes Highway, Heathcote	Lot 1, DP 134274
<b>Illawong</b>	
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
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### **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—**L194-R**

#### **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 Ranger's Cottage)—**A058**

### **Barden Ridge**

#### **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)).

##### **Other**

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

### **Bonnet Bay**

#### **Washington Drive**

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

##### **Note—**

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

### **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**

Median plantings, including *Angophora costata* (Smooth-barked Apple or Sydney Red Gum), Thompson Street—**T46**

Remnant canopy, including *Angophora costata* (Smooth-barked Apple or Sydney Red Gum), *Eucalyptus robusta* (Swamp Mahogany), *Banksia integrifolia* (Coast Banksia), Bundeena Park—**T47**

Remnant canopy, including *Angophora costata* (Smooth-barked Apple or Sydney Red Gum), *Eucalyptus haemastoma* (Scribbly Gum), *Corymbia gummifera* (Red Bloodwood), Bundeena Public School grounds—**T48**

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

Cliff face and rock platform, fronting 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**

### **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**

#### **Burraneer Bay Road**

Street trees (possibly remnant canopy) consisting of *Eucalyptus racemosa* (Snappy Gum or Small-leaf Scribbly Gum), along Burraneer Bay Road, between Gannons Road and Coral Road—**T53**

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

#### **Dolans Road**

No 93, “Coolangatta”, house—**B275**

**Dunkeld Close**

No 4, house—**B266**

**Eurabalong Road**

Nos 1-9, house—**B212**

**Goobarah Road**

No 4, house—**B267**

**Gunnamatta Road**

Southern end of Gunnamatta Road on foreshore, remains of bath walls—**A119**

**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**

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

**Other**

Beach on western side of Gunnamatta Bay, fronting 2-34 Bulls Road—**Lf30**

Sandstone rock platform on foreshore, fronting 1-5 Bell Place and 1-9 Eurabalong Road—**Lf31**

Sandstone cliff formation running along 2-52 Rutherford Avenue and 2-16 Loch Lomond Crescent—**Lf32**

Single tree, *Angophora costata* (Smooth-barked Apple or Sydney Red Gum), southern end of Dolans Road South, in vegetated unformed part of public road—**T55**

2 trees, *Eucalyptus racemosa* (Snappy Gum or Small-leaf Scribbly Gum), eastern side of Dolans Road South, north of 129 Burraneer Bay Road and 54 Dolans Road—**T56**

## **Caringbah**

### **Kingsway**

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

### **Caringbah South**

#### **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**

#### **Caringbah Road**

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

Street trees (possibly remnant canopy), consisting of *Eucalyptus racemosa* (Snappy Gum or Small-leaf Scribbly Gum), southern side of Caringbah Road, between Oleander Parade and Gannons Road and returning into Oleander Parade—**T50**

Street trees, consisting of *Eucalyptus racemosa* (Snappy Gum or Small-leaf Scribbly Gum), eastern side of Oleander Parade, at intersection with Burraneer Bay Road—**T51**

#### **Fernleigh Road**

Nos 44-46, “Fernleigh”—**B005-S**

#### **Frangipani Place**

No 4, “Rellum”, house—**B264**

#### **Mirral Road**

No 41, boatshed—**B235**

#### **President Avenue**

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

#### **Wallami Street**

No 24, 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—**B239**

No 527, waterfront cottage—**B234**

No 533, cottage and boatshed—**B352**

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, "Cronulla Theatre", corner Kingsway—**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, garden trees—**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**

**Gunnamatta Road**

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

**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, “Elanora 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

Possible remnant canopy, consisting of *Eucalyptus racemosa* (Snappy Gum or Small-leaf Scribbly Gum) and *Angophora costata* (Smooth-barked Apple or Sydney Red Gum), mainly on eastern side of Gunnamatta Road—**T62**

Street plantings, consisting of *Eucalyptus* (possibly Snappy Gum), eastern side of northern end of Franklin Road—**T64**

Frontage trees, consisting of *Eucalyptus paniculata* (Grey Ironbark) and some *Eucalyptus pilularis* (Blackbutt), main frontages to Woollooware Primary School, Wills Road and Riverview Avenue—**T65**

Street plantings, consisting of *Ficus hillii* (Hill's Weeping Fig), Hume Road boundary to golf course—**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—**B345**

### 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, "Homelea", corner Fairview Avenue—**B081**

Stand of *Pinus radiata* (Radiata Pine or Monterey Pine) and *Lophostemon confertus* (Brush Box), Cooper Street Reserve, on Princes Highway frontage—**T13**

The "Needles", Lot 7038, DP 1027187, rock formations in river, immediately downstream of the Causeway—**Lf3**



## **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 8-70A 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**

#### **North West Arm Road**

Natural sandstone arch bridge—**L141**

#### **Princes Highway**

Stands of *Eucalyptus microcorys* (Tallow Wood), *Eucalyptus pilularis* (Blackbutt), *Eucalyptus racemosa* (Snappy Gum or Small-leaf Scribbly Gum), *Eucalyptus grandis* (Rose Gum) and *Eucalyptus globoidea* (White Stringybark) along Princes Highway, between Kingsway and The Boulevarde—**T30**

#### **Note—**

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

#### **GyMEA Bay**

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

#### **Bayhaven Place**

No 9, house—**B291**

#### **Coonong Road**

Street trees, consisting of *Eucalyptus microcorys* (Tallow Wood), footpath reserve, outside 67 Coonong Road—**T34**

Single tree, *Eucalyptus*, north-eastern corner of Winkin Avenue and Coonong Road—**T35**

#### **CooperNOOK Avenue**

No 38, boatshed—**B240**

#### **Ellesmere Road**

No 116, waterfront cottage—**B242**

No 180, house—**B096**

#### **Forest Road**

Street trees, consisting of *Eucalyptus pilularis* (Blackbutt), southern side of Forest Road, opposite Manchester Road—**T37**

Street trees, consisting of *Eucalyptus pilularis* (Blackbutt), southern side of Forest Road, opposite Walker Avenue—**T38**

#### **GyMEA Bay Road**

Street trees, consisting mainly of *Eucalyptus pilularis* (Blackbutt) and *Eucalyptus globoidea* (White Stringybark), GyMEA Bay Road, south, between President Avenue and High Street—**T32**

Street trees, consisting of *Eucalyptus*, north-eastern corner of GyMEA Bay Road and Forest Road—**T33**

Street trees, consisting of *Eucalyptus racemosa* (Snappy Gum or Small-leaf Scribbly Gum), south-western corner of GyMEA Bay Road and Forest Road—**T36**

#### **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 Gum, *Eucalyptus pilularis* (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 *Eucalyptus pilularis* (Blackbutt), *Syncarpia glomulifera* (Turpentine) and *Angophora*—**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 and 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), Jannali Avenue, between Mitchell Avenue and Louise Street—**T29**

### **Jannali Avenue/Railway Parade**

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

### **Mitchell Avenue**

Cultural planting, 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 Road**

No 94, "Botany View", house—**B112**

No 189, house—**B140**

### **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**

No 32, house—**B351**

### **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**

**Sandbar Place**

No 1, house—**B124**

**Shiprock Road**

No 34, boatshed—**B286**

**Turriel Bay Road**

No 33, waterfront cottage—**B236**

**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**

**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)**

Former “Gardeners Garage”—**B130**

**Menai**

**Menai Town Centre**

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

**Other**

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**

**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)).

*Eucalyptus squamosa* PT 185, DP 752034, DP 210890—**T4**

*Eucalyptus paniculata* (Grey 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—**

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

## **Miranda**

### **Forest Road**

Street trees, consisting of *Eucalyptus pilularis* (Blackbutt), southern side of Forest Road, immediately east of junction with Alkaringa Road—**T39**

### **Kiora Road**

Street trees, alternate planting of *Lophostemon confertus* (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**

### **Port Hacking Road**

Gwawley Creek storm water canal, eastern side of Port Hacking Road, 200m south of Box Road—**L075**

### **The Boulevarde**

Remnant stand, consisting of *Eucalyptus racemosa* (Snappy Gum or Small-leaf Scribbly Gum), northern side of The Boulevarde, between Aster Avenue and Ingara Avenue—**T42**

Cultural plantings, consisting of *Melaleuca quinquenervia* (Broad-leaved Paperbark), school frontage, opposite Edward Avenue—**T43**

Miranda Centre School War Memorial, northern end of The Boulevarde—**L163, Ot**

## **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 and 40, waterfront cottages—**B308**

### **Sage Avenue**

No 2, "Desiree"—**B139**

### **Shipwright Place**

Nos 17 and 19, waterfront cottages—**B308**

**Ward Crescent**

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

Stands of *Avicennia marina* (Grey Mangrove), fringing Coronation Bay—**Lf12**

**Royal National Park**

**Other**

Avenue of trees, consisting of Bunya Pine, Hoop Pine and Monterey Pine or Radiata Pine, Royal National Park entry at Loftus Junction and extending into Royal National Park—**L175**

**Audley Road**

“Bedford”—**B129**

**Bottle Forest Road**

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

**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**

**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 Fig and *Lophostemon confertus* (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* (Snappy Gum or Small-leaf Scribbly Gum), 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**

No 753, former steam tramway office—**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**

### **Rawson Avenue**

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

### **Toronto Parade**

No 90, house—**B189**

No 94, house—**B190**

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

No 102, house—**B192**

No 104, “Walton”—**B193**

### **Other**

Single tree, *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**

Stand of *Eucalyptus haemastoma* (Scribbly Gum) and *Eucalyptus racemosa* (Snappy Gum or Small-leaf Scribbly Gum), Park Reserve, on western side of Linden Street—**T16**

2 trees, *Tristaniopsis laurina* (Water Gum), Linden Street footpath reserve, opposite Adelong Street—**T17**

Stand of *Eucalyptus microcorys* (Tallow Wood) and *Eucalyptus pilularis* (Blackbutt), Sunbury Street road reserve, between Tudor Road and Hornby Avenue—**T18**

2 trees, *Eucalyptus racemosa* (Snappy Gum or Small-leaf Scribbly Gum), either side of Sumner Street at Sutherland Road junction—**T19**

Single tree, *Eucalyptus microcorys* (Tallow Wood) in footpath reserve at 160 Sutherland Road—**T20**

Single tree, *Ficus rubiginosa* (Port Jackson Fig), opposite Oxford Street on eastern side of East Parade—**T21**

Single tree, *Ficus rubiginosa* (Port Jackson Fig), East Parade, at the Bus Interchange—**T22**

Single tree, *Ficus rubiginosa* (Port Jackson Fig), western side of Eton Street, outside 51 Eton Street—**T23**

Street plantings, consisting of *Eucalyptus scoparia* (Willow Gum), western side of Belmont Street, from Morley Street to Cook Street—**T24**

Cultural plantings, consisting of 4 *Lophostemon confertus* (Brush Box), Acton Street, in front of Olsens Funeral Chapel—**T25**

Tree cluster, consisting of *Eucalyptus microcorys* (Tallowwood), *Eucalyptus pilularis* (Blackbutt), *Eucalyptus saligna* (Sydney Blue Gum), along southern edge of 101 Acacia Road and within adjacent road reservation on northern side of Old Princes Highway—**T26**

Single tree, *Eucalyptus pilularis* (Blackbutt), 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, “Glenn Robin”, house, Fairy House, boatshed and jetty—**B198**

**Port Hacking Road**

Nos 101-151, house (part of Frank Vickery Village No 16)—**B134**

**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**

**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 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**

**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**

**Other**

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

2 *Eucalyptus racemosa* (Snappy Gum or Small-leaf Scribbly Gum) on opposite corners of intersection of Munni Street and Cabramatta Road—**T58**

Single tree, *Angophora costata* (Smooth-barked Apple or Sydney Red Gum), south-eastern corner of intersection of Coronia Avenue and Woolooware Road—**T59**

Single tree, *Ficus rubiginosa* (Port Jackson Fig), footpath at 41 The Kingsway—**T60**

Single tree, *Quercus robur* (English Oak), rear garden of 53 Burraneer Bay Road (private property)—**T61**

Trees, including *Sarcocornia quinqueflora* (Saltmarsh), *Avicennia marina* (Grey Mangrove) and *Casuarina glauca* (Swamp Sheoak), frontage to Woolooware High School, Captain Cook Drive—**T63**

Remnant canopy, consisting of *Eucalyptus globoidea* (White Stringybark) and *Eucalyptus paniculata* (Grey Ironbark), Hagger Park at Denman Avenue—**T66**

**Woronora**

**Liffey Place**

No 67, house—**B323**

**Menai Road**

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

Single tree, *Eucalyptus racemosa* (Snappy Gum or Small-leaf Scribbly Gum), Lot 7015, DP 1027164, western low level bridge approach—**T8**

**Prices Circuit**

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

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

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

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

**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—**L110, Ot**

Single tree, *Eucalyptus camaldulensis* (River Red Gum), corner of Prince Edward Park Road and River Road—**T10**

#### **River Road**

No 29R, house—**B226**

#### **The Crescent**

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

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

#### **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**

3 trees, *Angophora costata* (Smooth-barked Apple or Sydney Red Gum), eastern end of Coora Road—**T41**

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**

##### **Maroopna Road**

No 14, "Magnetic", waterfront cottage—**B344**

##### **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**

### **Other**

Stands of *Eucalyptus microcorys* (Tallow Wood) and *Lophostemon confertus* (Brush Box), vegetated unformed parts of Kiara Road, between Forest Road and waterfront to Gynea Bay—**T40**

### **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)).

Royal National Park—**A056**

#### **Note—**

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

Heathcote National Park—**A098**

#### **Note—**

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

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)).

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)).

Port Hacking mid channel between Little Turiel Bay and Yennibilli 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 handcraft 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 land** means land identified on the Acid Sulfate Soils Map.

**Acid Sulfate Soils Map** means the map marked “*Sutherland Shire Local Environmental Plan 2006—Acid Sulfate Soils*”, as amended by the maps (or the specified sheets of maps) marked as follows—

**Editorial note—**

The amending maps are not necessarily listed in the order of publication on the NSW legislation website. Information about the order of publication can be determined by referring to the Historical notes at the end of the plan.

*Sutherland Shire Local Environmental Plan 2006 (Amendment No 14)—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.

**attic** means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

**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).

**basement** means the space of a building where the floor level of that space is predominantly below ground level and where the floor level of the storey immediately above is less than 1 metre above ground level.

**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 property** means land that is recorded as a bush fire interface property on the *Bush Fire Interface Property Map* within the development control plan.

**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.

**coastal lake** means a body of water specified in Schedule 1 to the [State Environmental Planning Policy No 71—Coastal Protection](#).

**coastal waters of the State**—see section 58 of the [Interpretation Act 1987](#).

**Code for Commercial Home Catering** means the *Sutherland Shire Council Commercial Home Catering Code* as adopted by the Council on 28 November 2005.

**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.

**contaminated risk land** means land that is being, or has been, used for a purpose which may cause contamination, as specified in the contaminated land planning guidelines that have been notified under section 145C of the Act, unless 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](#).

**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 control plan** means the *Sutherland Shire Development Control Plan 2006* adopted by the Council as in force on the date of commencement of [Sutherland Shire Local Environmental Plan 2006 \(Amendment No 4\)](#).

**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 one dwelling.

**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.

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

**Flood Planning Map** means the map marked “*Sutherland Shire Local Environmental Plan 2006 Flood Planning Map (Amendment No 12)*”, as amended by the maps (or the specified sheets of maps) marked as follows—

**Editorial note—**

The amending maps are not necessarily listed in the order of publication on the NSW legislation website. Information about the order of publication can be determined by referring to the Historical notes at the end of the plan.

*Sutherland Shire Local Environmental Plan 2006 (Amendment No 14)—Flood Planning Map*

**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.

**foreshore land** means land that is between a foreshore building line and any waterway or waterfront reserve in respect of which the building line is fixed.

**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.

**Greenweb Map** means the *Greenweb Map* contained within the development control plan.

**gross floor area** means the sum of the floor area of each floor 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, and includes—

(a) the area of a mezzanine, and

(b) habitable rooms in a basement or an attic, and

(c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes—

(d) any area for common vertical circulation, such as lifts and stairs, and

(e) any basement—

(i) storage, and

(ii) vehicular access, loading areas, garbage and services, and

(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and

(g) car parking to meet any requirements of the consent authority (including access to that car parking), and

(h) any space used for the loading or unloading of goods (including access to it), and

(i) terraces and balconies with outer walls less than 1.4 metres high, and

(j) voids above a floor at the level of a storey or storey above.

**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*”, as amended by the maps (or the specified sheets of maps) marked as follows—

**Editorial note—**

The amending maps are not necessarily listed in the order of publication on the NSW legislation website. Information about the order of publication can be determined by referring to the Historical notes at the end of the plan.

*Sutherland Shire Local Environmental Plan 2006 Height and Density Controls—Cronulla Centre (Amendment No 11)*

*Sutherland Shire Local Environmental Plan 2006 Height and Density Controls—Sylvania (Amendment No 12)*

*Sutherland Shire Local Environmental Plan 2006 Height and Density Controls—Miranda Centre (Amendment No 19)*

**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 item land** means land identified on the *Heritage Map*.

**Heritage Map** means the map marked “*Sutherland Shire Local Environmental Plan 2006—Heritage Items*”, as amended by the maps (or the 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.

*Sutherland Shire Local Environmental Plan 2006 (Amendment No 4)—Heritage Items*

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

*Sutherland Local Environmental Plan 2006 (Amendment No 9)—Heritage Items*

*Sutherland Shire Local Environmental Plan 2006 (Amendment No 14)—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.

**high technology medical industry** means the manufacturing, production, assembling, processing or research and development of biological, pharmaceutical, medical or paramedical systems, goods or components.

**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 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 \(Housing for Seniors or People with a Disability\) 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 by car 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, or
- (c) an access corridor that is common property in a strata plan or community title scheme.

**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** means that part of a site that is used for growing plants, grasses or trees (including bushland), but does not include any building, structure, hard paved area, driveway, garbage storage area or swimming pool, or any planting over a basement, on a podium or roof top or within a planter box.

**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.

**mezzanine** means an intermediate floor within a room.

**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 \(Housing for Seniors or People with a Disability\) 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, 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 one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals who practise in partnership (if there is more than one such professional) and who provide professional health care services to members of the public.

**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 Hierarchy Map** means the *Road Hierarchy Map* contained in the development control plan.

**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 (Housing for Seniors or People with a Disability) 2004*.

**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 vertically from the ground level immediately below,

(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.

**Sutherland Shire Council Environmental Specification—Advertising** means the *Sutherland Shire Council Environmental Specification—Advertising*, as adopted by the Council on 3 September 2007.

**Sutherland Shire Council Environmental Specification—Landscaping** means the *Sutherland Shire Council Environmental Specification—Landscaping*, as adopted by the Council on 3 September 2007.

**Sutherland Shire Council Environmental Specification—Outdoor Eating Areas** means the *Sutherland Shire Council Environmental Specification—Outdoor Eating Areas*, as adopted by the Council on 3 September 2007.

**Sutherland Shire Council Environmental Specification—Swimming Pools** means the *Sutherland Shire Council Environmental Specification—Swimming Pools*, as adopted by the Council on 3 September 2007.

**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 zoning 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.

*Sutherland Shire Local Environmental Plan 2006 (Amendment No 4)—Zoning*

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

*Sutherland Shire Local Environmental Plan 2006 (Amendment No 8)—Sheets 1 and 4-6*

*Sutherland Shire Local Environmental Plan 2006 (Amendment No 9)—Sheets 1-3*

*Sutherland Shire Local Environmental Plan 2006 (Amendment No 12)—Sheets 1 and 2*

*Sutherland Shire Local Environmental Plan 2006 (Amendment No 14)*

*Sutherland Shire Local Environmental Plan 2006 (Amendment No 17)—Sheets 1 and 2*

*Sutherland Shire Local Environmental Plan 2006 (Amendment No 21)*

**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 3 or more dwellings, where each dwelling has open space at finished ground level for the exclusive use of the occupants of that 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 \(Housing for Seniors or People with a Disability\) 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*”, as amended by the maps (or the specified sheets of maps) marked as follows—

**Editorial note—**

The amending maps are not necessarily listed in the order of publication on the NSW legislation website. Information about the order of publication can be determined by referring to the Historical notes at the end of the plan.

*Sutherland Shire Local Environmental Plan 2006 (Amendment No 14)—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.