

Sutherland Shire Local Environmental Plan 2015

[2015-319]



New South Wales

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About this plan

This Plan is a [standard instrument local environmental plan](#) under the [Environmental Planning and Assessment Act 1979](#).

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 2015



New South Wales

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Sutherland Shire Local Environmental Plan 2015



New South Wales

Part 1 Preliminary

1.1 Name of Plan

This Plan is *Sutherland Shire Local Environmental Plan 2015*.

1.1AA Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Sutherland Shire in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular 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 deliver the community's vision for Sutherland Shire by achieving an appropriate balance between development and management of the environment that will be ecologically sustainable, socially equitable and economically viable,
 - (b) to establish a broad planning framework for controlling development, minimising adverse impacts of development, protecting areas from inappropriate development and promoting a high standard of urban design,
 - (c) to protect and enhance the amenity of residents, workers and visitors in all localities throughout Sutherland Shire,
 - (d) to minimise risk to life, property and the environment from hazards, particularly bush fires, flooding and climate change,
 - (e) to concentrate development in localities with adequate infrastructure that is accessible to transport and centres,

- (f) to protect and enhance the natural environment and scenic quality of the Sutherland Shire through the retention and rehabilitation of wildlife habitats, wildlife corridors, bushland, foreshores and waterways,
- (g) to conserve, protect and enhance the environmental and cultural heritage of Sutherland Shire,
- (h) to provide leisure and recreation opportunities to suit the needs of the changing population,
- (i) to meet the future housing needs of the population of Sutherland Shire.

1.3 Land to which Plan applies

(1) This Plan applies to the land identified on the [Land Application Map](#).

(1A) Despite subclause (1), this Plan does not apply to the land identified as “Deferred matter” on the [Land Application Map](#).

1.4 Definitions

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

1.5 Notes

Notes in this Plan are provided for guidance and do not form part of this Plan.

1.6 Consent authority

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

1.7 Maps

(1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name—

- (a) approved by the local plan-making authority 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 local plan-making authority when the instruments are made.

(1AA) (Repealed)

(2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan 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 Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

Note—

The maps adopted by this Plan are to be made available on the NSW Planning Portal. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the website of the Department of Planning and Environment.

1.8 Repeal of planning instruments applying to land

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.
- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

Note—

While the following environmental planning instruments no longer apply to the land to which this Plan applies, they continue to apply to the land identified as “Deferred matter” under clause 1.3(1A)—

[State Environmental Planning Policy \(Precincts—Central River City\) 2021](#), Chapter 5

[Sutherland Shire Local Environmental Plan 2006](#)

1.8A Savings

- (1) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

Note—

However, under Division 3.5 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

- (2) If a development application has been made before the commencement of [Sutherland Shire Local Environmental Plan 2015 \(Amendment No 14\)](#) in relation to land to which that Plan applies and the application has not been finally determined before that commencement, the application must be determined as if that Plan had not commenced.

- (2A) If a development application has been made before the commencement of

Sutherland Shire Local Environmental Plan 2015 (Amendment No 23) in relation to land to which the Plan applies and the application has not been finally determined before the commencement, the application must be determined as if the Plan had not commenced.

- (3) If an application for a complying development certificate has been made before the commencement of *State Environmental Planning Policy Amendment (Planning for Bush Fire Protection) 2020* in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if that Policy had not commenced.
- (4) An application for a complying development certificate lodged before 1 May 2023 must be determined as if *State Environmental Planning Policy Amendment (National Construction Code) 2023* had not commenced.
- (5) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

1.9 Application of SEPPs

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 3.28 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies—

1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan 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 Subdivision 2 of Division 7.1 of the Act.

(3) This clause does not affect the rights or interests of any public authority under any registered instrument.

(4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Plan are as follows—

Residential Zones

R2 Low Density Residential

R3 Medium Density Residential

R4 High Density Residential

Employment Zones

E1 Local Centre

E2 Commercial Centre

E3 Productivity Support

E4 General Industrial

E5 Heavy Industrial

Mixed Use Zones

MU1 Mixed Use

Special Purpose Zones

SP1 Special Activities

SP2 Infrastructure

SP3 Tourist

SP4 Enterprise

Recreation Zones

RE1 Public Recreation

RE2 Private Recreation

Conservation Zones

C1 National Parks and Nature Reserves

C2 Environmental Conservation

C3 Environmental Management

C4 Environmental Living

Waterway Zones

W1 Natural Waterways

W2 Recreational Waterways

W4 Working Waterfront

2.2 Zoning of land to which Plan applies

For the purposes of this Plan, land is within the zones shown on the [Land Zoning Map](#).

2.3 Zone objectives and Land Use Table

- (1) The Land Use Table at the end of this Part specifies for each zone—
 - (a) the objectives for development, and
 - (b) development that may be carried out without development consent, and
 - (c) development that may be carried out only with development consent, and
 - (d) development that is prohibited.
- (2) 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.
- (3) In the Land Use Table at the end of this Part—
 - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
 - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to

separately in the Land Use Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Plan.

Notes—

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 2.6 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development.

2.4 Unzoned land

- (1) Development may be carried out on unzoned land only with development consent.
- (2) In deciding whether to grant development consent, the consent authority—
 - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
 - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out—
 - (a) with development consent, or
 - (b) if the Schedule so provides—without development consent,in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

2.6 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with development consent.

Notes—

- 1 If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.

2 Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.

- (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.

Note—

The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

2.7 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 Plan 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.

2.8 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 Plan, 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 Plan 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).

2.9 Canal estate development prohibited

- (1) Canal estate development is prohibited on land to which this Plan applies.
- (2) In this Plan, **canal estate development** means development that involves—
- (a) a constructed canal, or other waterway or waterbody, that—
 - (i) is inundated by surface water or groundwater movement, or
 - (ii) drains to a waterway or waterbody by surface water or groundwater movement, and
 - (b) the erection of a dwelling, and
 - (c) one or both of the following—
 - (i) the use of fill material to raise the level of all or part of the land on which the dwelling will be erected to comply with requirements for residential development in the flood planning area,
 - (ii) excavation to create a waterway.
- (3) Canal estate development does not include development for the purposes of drainage or the supply or treatment of water if the development is—
- (a) carried out by or with the authority of a person or body responsible for the drainage, supply or treatment, and
 - (b) limited to the minimum reasonable size and capacity.
- (4) In this clause—

flood planning area has the same meaning as in clause 5.21.

Land Use Table

Note—

State environmental planning policies, including the following, may be relevant to development on land to which this Plan applies—

[State Environmental Planning Policy \(Housing\) 2021](#)

[State Environmental Planning Policy \(Transport and Infrastructure\) 2021](#), Chapter 2—relating to infrastructure facilities, including air transport, correction, education, electricity generating works and solar energy systems, health services, ports,

railways, roads, waste management and water supply systems

State Environmental Planning Policy (Resources and Energy) 2021, Chapter 2

State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 3

State Environmental Planning Policy (Industry and Employment) 2021, Chapter 3

State Environmental Planning Policy (Primary Production) 2021, Chapter 2

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To protect and enhance existing vegetation and other natural features and encourage appropriate bushland restoration particularly along ridgelines and in areas of high visual significance.
- To allow the subdivision of land only if the size of the resulting lots retains natural features and allows a sufficient area for development.
- To ensure the single dwelling character, landscaped character, neighbourhood character and streetscapes of the zone are maintained over time and not diminished by the cumulative impact of multi dwelling housing or seniors housing.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Centre-based child care facilities; 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; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Tank-based aquaculture

4 Prohibited

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage the supply of housing that meets the needs of the Sutherland Shire's population, particularly housing for older people and people with a disability.
- To promote a high standard of urban design and residential amenity in a high quality landscape setting that is compatible with natural features.
- To allow development that is of a scale and nature that provides an appropriate transition to adjoining land uses.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture

4 Prohibited

Any other development not specified in item 2 or 3

Zone R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage the supply of housing that meets the needs of the Sutherland Shire's population, particularly housing for older people and people with a disability.
- To promote a high standard of urban design and residential amenity in a high quality landscape setting that is compatible with natural features.
- To minimise the fragmentation of land that would prevent the achievement of high density residential development.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Flood mitigation works; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing

4 Prohibited

Any other development not specified in item 2 or 3

Zone E1 Local Centre

1 Objectives of zone

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.

- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To create an attractive, vibrant and safe public domain that has both a high standard of urban design and public amenity that is designed to cater for the needs of all ages and abilities.
- To provide a mix of compatible land uses and building forms that act as a transition to the surrounding residential neighbourhood.

2 Permitted without consent

Home occupations

3 Permitted with consent

Amusement centres; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Freight transport facilities; General industries; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home-based child care; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Jetties; Marinas;

Open cut mining; Resource recovery facilities; Rural industries; Rural workers' dwellings; Semi-detached dwellings; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water supply systems; Wholesale supplies

Zone E2 Commercial Centre

1 Objectives of zone

- To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.
- To encourage investment in commercial development that generates employment opportunities and economic growth.
- To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.
- To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.

2 Permitted without consent

Home occupations

3 Permitted with consent

Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal

boarding or training establishments; Attached dwellings; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Freight transport facilities; General industries; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home-based child care; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Jetties; Marinas; Multi dwelling housing; Open cut mining; Recreation facilities (major); Resource recovery facilities; Rural industries; Rural workers' dwellings; Semi-detached dwellings; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Water supply systems; Wholesale supplies

Zone E3 Productivity Support

1 Objectives of zone

- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.
- To provide opportunities for new and emerging light industries.
- To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.
- To enhance the visual appearance of the area by ensuring new development achieves high architectural and landscape standards.
- To ensure that development does not have an adverse impact on the effective operation and safety of main roads.

- To prevent the fragmentation of large sites and to realise their economic strategic advantage.
- To provide opportunities for the erection of buildings requiring large floor areas and to discourage small-scale uses unless they are of an ancillary or service nature.
- To minimise the impact of development within the zone on areas of environmental or heritage significance.

2 Permitted without consent

Nil

3 Permitted with consent

Animal boarding or training establishments; Boat building and repair facilities; Business premises; Centre-based child care facilities; Community facilities; Depots; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Rural supplies; Service stations; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Freight transport facilities; General industries; Heavy industrial storage establishments; Heavy industries; Helipads; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Jetties; Marinas; Open cut mining; Pubs; Registered clubs; Residential accommodation; Resource recovery facilities; Restricted

premises; Roadside stalls; Rural industries; Sewerage systems; Sex services premises; Shops; Tourist and visitor accommodation; Truck depots; Waste disposal facilities; Water supply systems; Wharf or boating facilities

Zone E4 General Industrial

1 Objectives of zone

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
- To enhance the visual appearance of the area by ensuring new development achieves high architectural and landscape standards.
- To minimise the impact of development within the zone on areas of environmental significance.

2 Permitted without consent

Nil

3 Permitted with consent

Depots; Freight transport facilities; Funeral homes; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Local distribution premises; Neighbourhood shops; Oyster aquaculture; Plant nurseries; Pond-based aquaculture; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises;

Community facilities; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Jetties; Marinas; Open cut mining; Recreation facilities (major); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Tourist and visitor accommodation

Zone E5 Heavy Industrial

1 Objectives of zone

- To provide areas for industries that need to be separated from other land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.

2 Permitted without consent

Nil

3 Permitted with consent

Data centres; Depots; Freight transport facilities; General industries; Hazardous storage establishments; Heavy industries; Industrial training facilities; Kiosks; Neighbourhood shops; Offensive storage establishments; Oyster aquaculture; Pond-based aquaculture; Take away food and drink premises; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Helipads; Highway service centres; Home-based child care; Home

businesses; Home occupations; Home occupations (sex services); Jetties; Local distribution premises; Marinas; Mortuaries; Open cut mining; Places of public worship; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Sex services premises; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone MU1 Mixed Use

1 Objectives of zone

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To facilitate the revitalisation of the Kirrawee town centre and the Kirrawee railway station precinct.
- To ensure that any expansion of retail activity in the zone maintains the role and function of Kirrawee town centre and does not adversely impact the sustainability of other centres in the Sutherland Shire.

2 Permitted without consent

Home occupations

3 Permitted with consent

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities

(indoor); Registered clubs; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Attached dwellings; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Freight transport facilities; General industries; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home-based child care; Home occupations (sex services); Hostels; Industrial training facilities; Jetties; Marinas; Multi dwelling housing; Open cut mining; Recreation facilities (major); Resource recovery facilities; Rural industries; Rural workers' dwellings; Semi-detached dwellings; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Waste disposal facilities; Water supply systems; Wholesale supplies

Zone SP1 Special Activities

1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Roads; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Food and drink premises; Roads; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone SP3 Tourist

1 Objectives of zone

- To provide for a variety of tourist-oriented development and related uses.
- To provide for tourist development that capitalises on ocean views while complementing existing residential development.
- To provide for ground floor uses that use the scenic views and attract visitors to Cronulla.
- To promote a high standard of urban design and residential amenity in a high quality landscape setting.

2 Permitted without consent

Home occupations

3 Permitted with consent

Aquaculture; Attached dwellings; Boarding houses; Centre-based child care

facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Flood mitigation works; Food and drink premises; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Seniors housing; Shop top housing; Tourist and visitor accommodation

4 Prohibited

Any development not specified in item 2 or 3

Zone SP4 Enterprise

1 Objectives of zone

- To provide for development and land uses that support enterprise and productivity.
- To encourage employment opportunities.
- To provide a range of office and light industrial uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To prevent the fragmentation of large sites and realise their economic strategic advantage.
- To provide opportunities for the erection of buildings requiring large floor areas and to discourage small-scale uses unless they are of an ancillary or service nature.
- To enhance the visual appearance of the employment area by ensuring new development achieves high architectural and landscape standards.
- To minimise the impact of development within the zone on areas of environmental or heritage significance.

2 Permitted without consent

Roads

3 Permitted with consent

Building identification signs; Business identification signs; Neighbourhood shops; Oyster aquaculture; Self-storage units; Take away food and drink

premises; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; General industries; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Jetties; Marinas; Markets; Open cut mining; Plant nurseries; Pond-based aquaculture; Pubs; Recreation facilities (major); Registered clubs; Residential accommodation; Resource recovery facilities; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Sewerage systems; Sex services premises; Shops; Specialised retail premises; Storage premises; Timber yards; Tourist and visitor accommodation; Truck depots; Waste disposal facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Aquaculture; Community facilities; Environmental facilities; Food and drink premises; Information and education facilities; Kiosks; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads

4 Prohibited

Pubs; Any other development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To ensure the scale, density and form of development reflects the nature of the recreational use of the land and is compatible with the surrounding urban form and natural setting.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Animal boarding or training establishments; Aquaculture; Car parks; Community facilities; Entertainment facilities; Environmental facilities; Hotel or motel accommodation; Kiosks; Marinas; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Roads; Small bars; Water recreation structures

4 Prohibited

Any other development not specified in item 2 or 3

Zone C1 National Parks and Nature Reserves

1 Objectives of zone

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

2 Permitted without consent

Uses authorised under the *National Parks and Wildlife Act 1974*

3 Permitted with consent

Nil

4 Prohibited

Any development not specified in item 2 or 3

Zone C2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To ensure that development, by way of its type, design and location, complements and enhances the natural environment in environmentally sensitive areas.

2 Permitted without consent

Nil

3 Permitted with consent

Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Oyster aquaculture; Roads

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone C3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific,

cultural or aesthetic values.

- To provide for a limited range of development that does not have an adverse effect on those values.
- To allow development of a scale and nature that maintains the predominantly natural landscape setting of the locality and protects and conserves existing vegetation and other natural features of the locality.
- To limit development in the vicinity of the waterfront so that the locality's natural qualities can dominate.
- To allow the subdivision of land only if the size of the resulting lots makes them capable of development that will not compromise the sensitive nature of the environment.
- To share views between new and existing development and also from public space.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boat sheds; Dwelling houses; Environmental protection works; Flood mitigation works; Health consulting rooms; Home businesses; Home industries; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Roads; Secondary dwellings; Tank-based aquaculture

4 Prohibited

Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone C4 Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

- To allow for development that preserves and enhances the natural landscape setting of the locality.
- To protect and restore trees, bushland and scenic values particularly along ridgelines and in other areas of high visual significance.
- To ensure the character of the locality is not diminished by the cumulative impacts of development.
- 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 natural or man-made hazards.
- To allow the subdivision of land only if the size of the resulting lots makes them capable of development that retains or restores natural features while allowing a sufficient area for development.
- To share views between new and existing development and also from public space.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boat sheds; Dwelling houses; Environmental protection works; Flood mitigation works; Health consulting rooms; Home businesses; Home industries; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Roads; Secondary dwellings; Tank-based aquaculture

4 Prohibited

Industries; Local distribution premises; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W1 Natural Waterways

1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.

- To provide for sustainable fishing industries and recreational fishing.
- To protect and preserve beaches and ensure they are free from man-made structures.
- To protect and enhance remnant natural features, aquatic habitat, public access and the navigability of waterways.
- To allow for a range of water recreation structures if their size, siting and form will not diminish the natural scenic character of the waterways, intertidal areas and aquatic reserves.
- To ensure that the natural scenic qualities of waterways are not diminished through the cumulative impact of man-made structures.
- To enable uses authorised under the [Marine Estate Management Act 2014](#).

2 Permitted without consent

Moorings

3 Permitted with consent

Aquaculture; Boat launching ramps; Environmental facilities; Environmental protection works; Flood mitigation works; Passenger transport facilities; Water recreation structures

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W2 Recreational Waterways

1 Objectives of zone

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.

- To achieve a balance between public and private use of the waterways and intertidal areas.
- To protect remnant natural features, aquatic habitat, public access and the navigability of waterways.
- To allow suitable mooring facilities having regard to the established character of an area, recreational uses, the functionality of the waterways and the cumulative impact of mooring facilities and other man-made structures in a waterway.

2 Permitted without consent

Moorings

3 Permitted with consent

Aquaculture; Boat launching ramps; Boat sheds; Charter and tourism boating facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Marinas; Mooring pens; Passenger transport facilities; Recreation facilities (outdoor); Water recreation structures

4 Prohibited

Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W4 Working Waterfront

1 Objectives of zone

- To retain and encourage industrial and maritime activities on foreshores.
- To identify sites for maritime purposes and for activities requiring direct foreshore access.
- To ensure that development does not have an adverse impact on the environment and visual qualities of the foreshore.
- To encourage employment opportunities.
- To minimise any adverse effect of development on land uses in other zones.
- To enhance the visual appearance of the employment area by ensuring that new development achieves high architectural and landscape standards.

- To ensure that development protects and enhances the long term sustainability of the local ecology, including the riparian zone, intertidal areas and bays.

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Boat building and repair facilities; Boat launching ramps; Food and drink premises; Jetties; Light industries; Neighbourhood shops; Vehicle sales or hire premises; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Community facilities; Crematoria; Depots; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; General industries; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Local distribution premises; Mortuaries; Open cut mining; Places of public worship; Pubs; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water supply systems; Wholesale supplies

Part 3 Exempt and complying development

3.1 Exempt development

- (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) To be exempt development, the development—
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, 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*.
- (4) 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.
- (5) To be exempt development, the development must—
 - (a) be installed in accordance with the manufacturer's specifications, if applicable, and
 - (b) not involve the removal, pruning or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in accordance with a permit, development consent or other approval.

Note—

See *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2 and the *Local Land Services Act 2013*, Part 5A.

- (6) A heading to an item in Schedule 2 is part of that Schedule.

3.2 Complying development

- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with—
 - (a) the development standards specified in relation to that development, and
 - (b) the requirements of this Part,

is complying development.

Note—

See also clause 5.8(3) which provides that the conversion of fire alarms is complying development in certain circumstances.

- (3) To be complying development, the development must—
- (a) be permissible, with development 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.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

3.3 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 within the coastal wetlands and littoral rainforests area (within the meaning of the *Coastal Management Act 2016*),
- (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 under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,
 - (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 that is a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* or declared critical habitat under Part 7A of the *Fisheries Management Act 1994*.

Part 4 Principal development standards

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows—
 - (a) to ensure that a new lot created for the purpose of a dwelling house has a sufficient area available for the following—
 - (i) a dwelling house and ancillary facilities,
 - (ii) an outdoor recreation and service space,
 - (iii) vehicular access to and from the lot,
 - (iv) landscaping,
 - (v) drainage,
 - (vi) parking,
 - (b) to ensure that 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,
 - (c) to ensure that lot sizes and dimensions allow development to be sited to protect natural or cultural features including heritage items, remnant vegetation, habitat and waterways.
- (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 Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

(3A) Development consent must not be granted for the subdivision of land that would result in an internal lot for which the minimum lot size shown on the [Lot Size Map](#) in relation to that land is specified in Column 1 of the table to this subclause, unless the size of the internal lot is not less than the size specified opposite in Column 2 of that table.

| Column 1 | Column 2 |
|-------------------|---------------------|
| 550 square metres | 700 square metres |
| 700 square metres | 850 square metres |
| 850 square metres | 1,000 square metres |

(3B) If a lot is an internal lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.

(3C) This clause does not apply to the subdivision of a lot in the following zones if there is a dual occupancy on the lot and one of those dwellings will be situated on each lot resulting from the subdivision—

- (a) Zone R2 Low Density Residential,
- (b) Zone R3 Medium Density Residential,
- (c) Zone R4 High Density Residential.

(4) This clause does not apply in relation to the subdivision of any land—

- (a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or
- (b) by any kind of subdivision under the [Community Land Development Act 2021](#).

(4A) This clause does not apply to the subdivision of land occurring in connection with the closure of a road, or part of a road, by a public authority under the [Roads Act 1993](#).

4.1AA Minimum subdivision lot size for community title schemes

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

- (a) to ensure that newly created lots have an adequate area to accommodate the type of development to be carried out on the lots,
- (b) to ensure that the area and width of lots are sufficient for their intended purposes,
- (c) to ensure that a sufficient area of land is available, in connection with development, for landscaping, open space, drainage and parking so as to achieve a satisfactory amenity,

- (d) to ensure that lot sizes and dimensions allow development to be sited to protect natural or cultural features, including heritage items, remnant vegetation, habitat and waterways,
 - (e) to ensure that subdivision of low density residential and environmental living sites reflects and reinforces the predominant subdivision pattern of the area.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the [Community Land Development Act 2021](#) of land in any of the following zones—
- (a) Zone R2 Low Density Residential,
 - (b) Zone R3 Medium Density Residential,
 - (c) Zone R4 High Density Residential,
 - (d) Zone C3 Environmental Management,
 - (e) Zone C4 Environmental Living,
- but does not apply to a subdivision by the registration of a strata plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the [Community Land Development Act 2021](#)) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (3A) Development consent must not be granted for the subdivision of land that would result in an internal lot for which the minimum lot size shown on the [Lot Size Map](#) in relation to that land is specified in Column 1 of the table to this subclause, unless the size of the internal lot is not less than the size specified opposite in Column 2 of that table.

| Column 1 | Column 2 |
|-------------------|---------------------|
| 550 square metres | 700 square metres |
| 700 square metres | 850 square metres |
| 850 square metres | 1,000 square metres |

- (3B) If a lot is an internal lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.
- (4) This clause applies despite clause 4.1.

4.1A Minimum subdivision requirements in certain residential and conservation zones

- (1) Development consent must not be granted for the subdivision of land in Zone R2 Low

Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential, unless each lot resulting from the subdivision will have—

- (a) a minimum width of 15 metres at the building line, and
 - (b) a minimum depth of 27 metres.
- (2) Development consent must not be granted for the subdivision of land in Zone C3 Environmental Management or Zone C4 Environmental Living unless each lot resulting from the subdivision will have—
- (a) a minimum width of 18 metres at the building line, and
 - (b) a minimum depth of 27 metres.
- (3) This clause does not apply in relation to the following—
- (a) the subdivision of a lot in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential if there is a dual occupancy on the lot and one of those dwellings will be situated on each lot resulting from the subdivision,
 - (b) the subdivision of land by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#),
 - (c) the subdivision of land under the [Community Land Development Act 1989](#),
 - (d) the subdivision of a building on land in Zone R3 Medium Density Residential or Zone R4 High Density Residential into stratum lots (within the meaning of Division 3B of Part 23 of the [Conveyancing Act 1919](#)),
 - (e) the subdivision of land occurring in connection with the closure of a road, or part of a road, by a public authority under the [Roads Act 1993](#).

4.1B Minimum lot sizes for strata subdivisions of dual occupancies in certain conservation zones

- (1) The objectives of this clause are as follows—
- (a) to limit the impacts associated with increased residential density (because of development resulting in dual occupancies) on land in Zone C3 Environmental Management or Zone C4 Environmental Living,
 - (b) to maintain the amenity and character of land in those zones,
 - (c) to prevent the cumulative fragmentation of land in those zones.
- (2) Development consent must not be granted for the strata subdivision of a dual occupancy on a lot of land (an **original lot**) in Zone C3 Environmental Management or Zone C4 Environmental Living unless—

- (a) the size of the original lot is not less than the minimum lot size shown on the [Lot Size Map](#) in relation to the land, or
 - (b) the dwellings comprised in the dual occupancy were lawfully erected on or before 23 June 2015.
- (3) Development consent must not be granted for the strata subdivision of a dual occupancy on a lot of land in Zone C3 Environmental Management unless the dwellings comprised in the dual occupancy were lawfully erected on or before 23 June 2015.

4.1C (Repealed)

4.1D Subdivision of land in Kurnell Village

- (1) The objective of this clause is to ensure the safe evacuation of all residents from Kurnell Village in the event of an emergency.
- (2) This clause applies to land identified as “Kurnell Village” on the [Activity Hazard Risk Map](#).
- (3) Despite any other provision of this Plan, development consent must not be granted to the subdivision of land to which this clause applies if the consent authority is satisfied that the subdivision will result in an increase in the residential capacity of the land.

4.1E Minimum lot sizes for dual occupancies, manor houses and multi dwelling housing

- (1) The objectives of this clause are—
 - (a) to achieve planned residential density in certain zones, and
 - (b) to ensure development is of a type, scale and character that will maintain an acceptable level of residential amenity.
- (2) Development consent must not be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 of the Table opposite that zone, unless the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table.

| Column 1 | Column 2 | Column 3 |
|------------------------|-------------------------------|---------------------|
| Dual occupancy | R2 Low Density Residential | 600 square metres |
| Manor house | R2 Low Density Residential | 900 square metres |
| Manor house | R3 Medium Density Residential | 900 square metres |
| Multi dwelling housing | R2 Low Density Residential | 1,200 square metres |

4.2 Rural subdivision

[Not applicable]

4.3 Height of buildings

- (1) The objectives of this clause are as follows—
 - (a) to ensure that the scale of buildings—
 - (i) is compatible with adjoining development, and
 - (ii) is consistent with the desired scale and character of the street and locality in which the buildings are located or the desired future scale and character, and
 - (iii) 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 in those zones,
 - (f) to achieve transitions in building scale from higher intensity employment and retail centres to surrounding residential areas.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).
- (2A) Despite subclause (2), the maximum height for a dwelling house on land in Zone R4 High Density Residential is 9 metres.
- (2B) Despite subclauses (2) and (2A), the maximum height for a dual occupancy on an internal lot in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone C3 Environmental Management and Zone C4 Environmental Living is 5.4 metres.
- (2C) Despite subclauses (2) and (2A), the maximum height for a rear dwelling that is part of a dual occupancy on land in Zone R2 Low Density Residential, Zone C3 Environmental Management and Zone C4 Environmental Living is 5.4 metres if the lot has only one road frontage.
- (2D) Despite subclauses (2) and (2A), the maximum height for multi dwelling housing on an internal lot in Zone R2 Low Density Residential and Zone R3 Medium Density

Residential is 5.4 metres.

- (2E) Despite subclause (2), the height of the following buildings may exceed the maximum height shown for the land on the [Height of Buildings Map](#) by an additional amount specified below, but only in the circumstances so specified—
- (a) a building on land identified as “Area 1” on the [Height of Buildings Map](#) (including the council-owned land at 39R President Avenue, 340R and 348R Kingsway, Caringbah) may exceed that height by 5 metres if the development provides a pedestrian plaza, pedestrian access through the land from Park Lane to Kingsway, Caringbah and vehicular access to 344–346 Kingsway, Caringbah (being Lot 1, DP 219784) and 340 Kingsway, Caringbah (being SP 13533),
 - (b) a building on land identified as “Area 2” on the [Height of Buildings Map](#) may exceed that height by 15 metres if there is to be a lot amalgamation and the development provides pedestrian access through the land from Port Hacking Road to President Avenue, Caringbah,
 - (c) a building on land identified as “Area 3” on the [Height of Buildings Map](#) may exceed that height by 5 metres if the land consists of at least 4 amalgamated lots, including 307 Kingsway, Caringbah (Lot 1, DP 13346), and the development provides pedestrian access through the site from Kingsway to Hay Lane, Caringbah,
 - (d) a building on land identified as “Area 4” on the [Height of Buildings Map](#) may exceed that height by 15 metres if the land has an area of at least 1,800 square metres and the development provides an enlargement of the Park Place pedestrian plaza in Caringbah,
 - (e) a building on land identified as “Area 5” on the [Height of Buildings Map](#) may exceed that height by 14 metres if the development will incorporate vehicular access to all lots identified as “Area 5A” on the [Height of Buildings Map](#),
 - (f) a building at 40–44 Kingsway, Cronulla (being Lot 506, DP 1109821), being land identified as “Area 10” on the [Height of Buildings Map](#) may exceed that height by 10 metres if the development is wholly for the purposes of tourist and visitor accommodation.

4.4 Floor space ratio

- (1) 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 ensure that the bulk and scale of new buildings is compatible with the context of the locality,

- (c) to control development density and intensity of land use, taking into account—
 - (i) the environmental constraints and values of the site, and
 - (ii) the amenity of adjoining land and the public domain, and
 - (iii) the availability of infrastructure to service the site, and
 - (iv) the capacity of the road network to accommodate the vehicular and pedestrian traffic the development will generate, and
 - (v) the desirability of retaining the scenic, visual, and landscape qualities of the area.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).
- (2A) Despite subclause (2), the floor space ratio for the following buildings may exceed the maximum floor space ratio shown for the land on the [Floor Space Ratio Map](#) by up to the amount specified below, but only in the circumstances so specified—
 - (a) a building on land identified as “Area 5” on the [Floor Space Ratio Map](#) may exceed the floor space ratio by up to 0.3:1 if the development incorporates vehicular access to all lots identified as “Area 5A” on the [Floor Space Ratio Map](#),
 - (b) a building on land identified as “Area 9” on the [Floor Space Ratio Map](#) may exceed the floor space ratio by up to 0.25:1 if all lots in that area are amalgamated into a single lot,
 - (c) a building at 40–44 Kingsway, Cronulla (being Lot 506, DP 1109821), on land identified as “Area 10” on the [Floor Space Ratio Map](#), may exceed the floor space ratio by up to 1:1 if the development is wholly for the purposes of tourist and visitor accommodation,
 - (d) a building located at 121 Georges River Road, Jannali (being Lot 2, DP 205183), on land identified as “Area 11” on the [Floor Space Ratio Map](#), may exceed the floor space ratio by up to 0.1:1 if the development incorporates shop top housing and/or medical facilities,
 - (e) a building on land identified as “Area 12” on the [Floor Space Ratio Map](#) may exceed the floor space ratio by up to 0.3:1 if the building is on an amalgamated lot with an area greater than 2,500 square metres,
 - (f) a building on land identified as “Area 13” on the [Floor Space Ratio Map](#) may exceed the floor space ratio by up to 0.9:1 if the development is wholly for the purposes of commercial premises.

4.5 Calculation of floor space ratio and site area

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

- (a) to define **floor space ratio**,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—
 - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
 - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
 - (iii) require community land and public places to be dealt with separately.

(2) **Definition of “floor space ratio”** The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the **site area** is taken to be—

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)-(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) **Exclusions from site area** The following land must be excluded from the site area—

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

- (7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.
- (8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.
- (9) **Covenants to prevent “double dipping”** When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.
- (10) **Covenants affect consolidated sites** If—
- (a) a covenant of the kind referred to in subclause (9) applies to any land (**affected land**), and
 - (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,
- the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.
- (11) **Definition** In this clause, **public place** has the same meaning as it has in the [Local Government Act 1993](#).

4.5A Density controls for multi dwelling housing

- (1) The objective of this clause is to facilitate housing choice in accessible locations without significantly adversely impacting on local amenity.
- (2) Despite clauses 4.3 and 4.4, development consent may be granted to the erection of multi dwelling housing on land in Zone R2 Low Density Residential identified as “Area 6” on the [Height of Buildings Map](#), [Floor Space Ratio Map](#) and [Landscape Area Map](#) if—
- (a) the height of any buildings will not exceed 5.4 metres, and
 - (b) the floor space ratio of the buildings on the land will not exceed 0.6:1, and
 - (c) a minimum of 20% of the site will be available as landscaped areas.

4.5B Density controls for dual occupancy

- (1) The objective of this clause is to ensure that the floor space ratio of each dwelling on a lot created by the subdivision of a dual occupancy will not exceed the maximum permissible floor space ratio shown on the [Floor Space Ratio Map](#) for that land.
- (2) The floor space ratio of a dwelling on a lot created by the subdivision of a lot containing a dual occupancy must not exceed the maximum floor space ratio shown for the land on the [Floor Space Ratio Map](#).
- (3) This clause does not apply to a subdivision of land under the [Community Land Development Act 1989](#) or the [Strata Schemes \(Freehold Development\) Act 1973](#).

4.6 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 to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—
 - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Note—

The [Environmental Planning and Assessment Regulation 2021](#) requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

- (4) The consent authority must keep a record of its assessment carried out under subclause (3).
- (5) (Repealed)

- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note—

When this Plan was made it did not include all of these zones.

- (7) (Repealed)
- (8) 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 5.4,
 - (caa) clause 5.5.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 3.15 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 specified below in relation to the land shown on the [Land Reservation Acquisition Map](#) (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).

| Type of land shown on Map | Authority of the State |
|---|---|
| Zone R4 High Density Residential and marked "Local road" | Council |
| Zone RE1 Public Recreation and marked "Local open space" | Council |
| Zone RE1 Public Recreation and marked "Regional open space" | The corporation constituted under section 2.5 of the Act |
| Zone SP2 Infrastructure and marked "Classified road" | Transport for NSW |
| Zone SP2 Infrastructure and marked "Railway corridor" | RailCorp |
| Zone C1 National Parks and Nature Reserves and marked "National Park" | Minister administering the National Parks and Wildlife Act 1974 |
| Zone C2 Environmental Conservation and marked "Regional open space" | The corporation constituted under section 8 of the Act |

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

5.1A Development on land intended to be acquired for public purposes

- (1) The objective of this clause is to protect land that is intended to be acquired for a public purpose.
- (2) Development consent must not be granted to any development on land identified on the [Land Reservation Acquisition Map](#) unless the consent authority is satisfied that—
- (a) 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
 - (b) the development and its use will cease no later than 5 years after development consent is granted.
- (3) In determining whether to grant development consent under subclause (2), the consent authority must consider the following—
- (a) any impact the development will have on traffic movement and parking,

- (b) any impact the development will have on existing pedestrian movement,
- (c) any visual impact the development will have (including the installation of any advertisements),
- (d) the need to carry out development on the land for the purpose for which it is to be acquired,
- (e) the timing of the acquisition by the relevant authority of the State,
- (f) any likely additional cost to the authority of the State resulting from the carrying out of the development.

5.2 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council 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 and certain Crown land). 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 when the description of the land is inserted into that Part and 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*).

Note—

In accordance with section 30(2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

5.3 Development near zone boundaries

[Not adopted]

5.4 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 Plan, 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 Plan, 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 Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.
- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—
- (a) 10% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
 - (b) 100 square metres,
- whichever is the lesser.
- (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms in buildings.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 25 square metres.
- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 80 square metres.

- (7AA) **Neighbourhood supermarkets** If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 9 square metres.
- (9) **Secondary dwellings on land other than land in a rural zone** If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, 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) 5% of the total floor area of the principal dwelling.
- (10) **Artisan food and drink industry exclusion** If development for the purposes of an artisan food and drink industry is permitted under this Plan in Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial, Zone W4 Working Waterfront or a rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—
- (a) 10% of the gross floor area of the industry, or
 - (b) 100 square metres,
- whichever is the lesser.

5.5 Controls relating to secondary dwellings on land in a rural zone

[Not adopted]

5.6 Architectural roof features

- (1) The objectives of this clause are as follows—
- (a) to ensure that architectural roof features do not result in adverse visual and amenity impacts on adjoining premises,
 - (b) to ensure that architectural roof features are considered in the design of buildings in the following zones and form an integral part of the building design—
 - (i) Zone R4 High Density Residential,
 - (ii) Zone E1 Local Centre,
 - (iii) Zone E2 Commercial Centre,
 - (iv) Zone E3 Productivity Support,

- (v) Zone E4 General Industrial,
 - (vi) Zone E5 Heavy Industrial,
 - (vii), (viii) (Repealed)
- (c) to promote architectural design excellence,
- (d) to specify what part of a building may exceed the height limits specified in this Plan.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that—
- (a) the architectural roof feature—
 - (i) comprises a decorative element on the uppermost portion of a building, and
 - (ii) is not an advertising structure, and
 - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
 - (iv) will cause minimal overshadowing, and
 - (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

5.7 Development below mean high water mark

- (1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.
- (2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

5.8 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.

5.9, 5.9AA (Repealed)

5.10 Heritage conservation

Note—

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

(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 and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

- (2) **Requirement for consent** Development consent is required for any of the following—
- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
 - (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
 - (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 Schedule 5 in relation to the item,
 - (c) 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,
 - (d) disturbing or excavating an Aboriginal place of heritage significance,
 - (e) erecting a building on land—
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
 - (f) subdividing land—
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.
- (3) **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, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item,

Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, 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.

(4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) **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 a heritage conservation area, 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 heritage conservation area concerned.

(6) **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.

(7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on 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.
- (8) **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.
- (9) **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.
- (10) **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 Plan, 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.

5.11 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.

5.12 Infrastructure development and use of existing buildings of the Crown

- (1) This Plan 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 (Transport and Infrastructure) 2021*, Chapter 2.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

5.13 Eco-tourist facilities

- (1) The objectives of this clause are as follows—
 - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
 - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that—
 - (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
 - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
 - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
 - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal,

and

- (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
- (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
- (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and
- (h) any infrastructure services to the site will be provided without significant modification to the environment, and
- (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
- (j) the development will not adversely affect the agricultural productivity of adjoining land, and
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—
 - (i) measures to remove any threat of serious or irreversible environmental damage,
 - (ii) the maintenance (or regeneration where necessary) of habitats,
 - (iii) efficient and minimal energy and water use and waste output,
 - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
 - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

5.14 Siding Spring Observatory—maintaining dark sky

[Not adopted]

5.15 Defence communications facility

[Not adopted]

5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation

zones

[Not applicable]

5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations

[Not applicable]

5.18 Intensive livestock agriculture

[Not applicable]

5.19 Pond-based, tank-based and oyster aquaculture

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

- (a) to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced,
- (b) to set out the minimum site location and operational requirements for permissible pond-based and tank-based aquaculture development.

(2) **Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent** The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following—

- (a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,
- (b) in the case of—
 - (i) pond-based aquaculture in Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial or Zone MU1 Mixed Use—that the development is for the purpose of small scale aquarium fish production, and
 - (ii) pond-based aquaculture in Zone C3 Environmental Management or Zone C4 Environmental Living—that the development is for the purpose of extensive aquaculture, and
 - (iii) tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density

Residential, Zone R5 Large Lot Residential, Zone C3 Environmental Management or Zone C4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and

- (iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.
- (3) The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.
- (4) **Extensive pond-based aquaculture permitted without consent in certain zones**
Development for the purpose of pond-based aquaculture, that is also extensive aquaculture, may be carried out without development consent if—
- (a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and
 - (b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.
- (5) **Oyster aquaculture—additional matters that consent authority must consider in determining a development application** In determining a development application for development for the purpose of oyster aquaculture, the consent authority must consider—
- (a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and
 - (b) the *NSW Oyster Industry Sustainable Aquaculture Strategy*.
- (6) **Oyster aquaculture permitted without consent in priority oyster aquaculture areas**
Development for the purpose of oyster aquaculture may be carried out without development consent—
- (a) on land that is wholly within a priority oyster aquaculture area, or
 - (b) on land that is partly within and partly outside a priority oyster aquaculture area, but only if the land outside the area is no more than 0.1 hectare in area.

- (7) **Definitions** In this clause—

aquaculture industry development plan means an aquaculture industry development plan published under Part 6 of the *Fisheries Management Act 1994*.

extensive aquaculture has the same meaning as in the *Fisheries Management*

(Aquaculture) Regulation 2017.

NSW Oyster Industry Sustainable Aquaculture Strategy means the third edition of the publication of that title, as published in 2016 by the Department of Primary Industries (within the Department of Industry).

priority oyster aquaculture area means an area identified as a priority oyster aquaculture area on a map referred to in Chapter 5.3 of the *NSW Oyster Industry Sustainable Aquaculture Strategy*, being a map a copy of which is held in the head office of the Department of Primary Industries (within the Department of Industry) and published on that Department's website.

5.20 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 decorations 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*.

5.21 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 flood function and behaviour on the land, taking into account projected changes as a result of climate change,
 - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
 - (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.
- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
- (a) is compatible with the flood function and behaviour on the land, and
 - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
 - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—
- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
 - (b) the intended design and scale of buildings resulting from the development,
 - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
 - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.
- (4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.

(5) In this clause—

Considering Flooding in Land Use Planning Guideline means the *Considering Flooding in Land Use Planning Guideline* published on the Department's website on 14 July 2021.

flood planning area has the same meaning as it has in the Flood Risk Management Manual.

Flood Risk Management Manual means the *Flood Risk Management Manual*, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.

5.22 Special flood considerations

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

- (a) to enable the safe occupation and evacuation of people subject to flooding,
- (b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,
- (c) to avoid adverse or cumulative impacts on flood behaviour,
- (d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,
- (e) to avoid adverse effects of hazardous development on the environment during flood events.

(2) This clause applies to—

- (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and
- (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—
 - (i) cause a particular risk to life, and
 - (ii) require the evacuation of people or other safety considerations.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—

- (a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and
- (b) incorporates appropriate measures to manage risk to life in the event of a flood, and

(c) will adversely affect the environment in the event of a flood.

(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.

(5) In this clause—

Considering Flooding in Land Use Planning Guideline—see clause 5.21(5).

flood planning area—see clause 5.21(5).

Flood Risk Management Manual—see clause 5.21(5).

probable maximum flood has the same meaning as in the Flood Risk Management Manual.

sensitive and hazardous development means development for the following purposes—

- (a) boarding houses,
- (b) caravan parks,
- (c) correctional centres,
- (d) early education and care facilities,
- (e) eco-tourist facilities,
- (f) educational establishments,
- (g) emergency services facilities,
- (h) group homes,
- (i) hazardous industries,
- (j) hazardous storage establishments,
- (k) hospitals,
- (l) hostels,
- (m) information and education facilities,
- (n) respite day care centres,
- (o) seniors housing,
- (p) sewerage systems,

- (q) tourist and visitor accommodation,
- (r) water supply systems.

5.23 Public bushland

- (1) The objective of this clause is to protect and ensure the ecological viability of bushland, including rehabilitated areas in urban areas, by—
 - (a) preserving biodiversity, habitat corridors and links between public bushland and other nearby bushland, and
 - (b) preserving bushland as a natural stabiliser of the soil surface, and
 - (c) preserving existing hydrological landforms, processes and functions, including natural drainage lines, watercourses, wetlands and foreshores, and
 - (d) preserving the recreational, educational, scientific, aesthetic, environmental, ecological and cultural values and potential of bushland, and
 - (e) mitigating disturbance caused by development.
- (2) Development that will disturb, or is reasonably likely to disturb, public bushland is permitted with development consent.
- (3) Development consent must not be granted to development that will disturb, or is reasonably likely to disturb, public bushland unless the consent authority is satisfied of the following—
 - (a) the disturbance of the bushland is essential for a purpose in the public interest,
 - (b) there is no reasonable alternative to the disturbance,
 - (c) the development minimises the amount of bushland to be disturbed,
 - (d) the development includes measures to remediate the disturbed bushland.
- (4) Despite subclause (2), development that will disturb, or is reasonably likely to disturb, public bushland is permitted without development consent if the development is for the following purposes—
 - (a) the construction, operation or maintenance of pipelines to carry water, sewerage or gas or pipelines licensed under the *Pipelines Act 1967*,
 - (b) the construction, operation or maintenance of electricity or telecommunication lines,
 - (c) bush fire hazard reduction,
 - (d) the construction or maintenance of classified roads,

- (e) facilitating the recreational use of the public bushland.
- (5) Development specified in subclause (4)(e) is permitted without development consent only if it is carried out in accordance with a plan of management for the public bushland, adopted by the Council in the same way a plan of management is required to be adopted for community land under the *Local Government Act 1993*, Chapter 6, Part 2, Division 2, that includes measures for the following—
- (a) the recreational use of the land,
 - (b) bush fire hazard reduction,
 - (c) the prevention of degradation, including the alteration of drainage patterns, rubbish dumping, vehicle intrusion and infestation with weeds or non-native plants,
 - (d) the remediation of degraded public bushland.
- (6) This clause does not require development consent for clearing of native vegetation if the clearing is of a kind that is authorised under the *Local Land Services Act 2013*, section 600.
- (7) In deciding whether to grant development consent to development on land adjoining public bushland, the consent authority must consider the following—
- (a) the need to retain public bushland adjoining the site of the development,
 - (b) the likely effect of the development on public bushland, including the following—
 - (i) the erosion of soil,
 - (ii) the siltation of streams and waterways,
 - (iii) the spread of weeds and non-native plants within public bushland,
 - (c) other matters the consent authority considers relevant to the protection and preservation of public bushland.
- (8) This clause does not apply to the following land that is public bushland—
- (a) land in Zone RU1, RU2, RU3, RU4 or RU5,
 - (b) land reserved, dedicated or acquired under the *National Parks and Wildlife Act 1974*,
 - (c) land within a State forest, flora reserve or timber reserve within the meaning of the *Forestry Act 2012*,
 - (d) land to which *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 7 applies.

(9) In this clause—

disturb public bushland means—

- (a) remove vegetation from public bushland, or
- (b) cause a change in the natural ecology of public bushland that results in the destruction or degradation of the public bushland.

non-native plant means a plant that is not native vegetation.

public bushland means land—

- (a) on which there is vegetation that is—
 - (i) a remainder of the natural vegetation of the land, or
 - (ii) representative of the structure and floristics of the natural vegetation of the land, and
- (b) that is owned, managed or reserved for open space or environmental conservation by the Council or a public authority.

5.24 Farm stay accommodation

[Not adopted]

5.25 Farm gate premises

[Not adopted]

Part 6 Local provisions

6.1 Acid sulfate soils

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the [Acid Sulfate Soils Map](#) as being of the class specified for those works.

| Class of land | Works |
|----------------------|---|
| 1 | Any works. |
| 2 | Works below the natural ground surface. Works by which the watertable is likely to be lowered. |

- | | |
|---|---|
| 3 | Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface. |
| 4 | Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface. |
| 5 | Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. |

- (3) Development consent must not be granted under this clause for the carrying out of works unless—
- (a) an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority, and
 - (b) the consent authority is satisfied that any disturbance of acid sulfate soils resulting from the works will be managed so as to minimise adverse impacts on natural waterbodies, wetlands, native vegetation, agriculture, fishing, aquaculture and urban and infrastructure activities.
- (4) Despite subclause (2), development 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 Manual indicates that an acid sulfate soils management plan is not required 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) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—
- (a) emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,

- (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
 - (c) minor work, being work that costs less than \$20,000 (other than drainage work).
- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if—
- (a) the works involve the disturbance of less than 1 tonne of soil, and
 - (b) the works are not likely to lower the watertable.

6.2 Earthworks

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
- (2) Development consent is required for earthworks unless—
- (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
 - (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.
- (3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—
- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
 - (b) the effect of the development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill or the soil to be excavated, or both,
 - (d) the effect of the development on the existing and likely amenity and structural integrity of adjoining properties,
 - (e) the source of any fill material and the destination of any excavated material,
 - (f) the likelihood of disturbing relics,
 - (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Note—

The [National Parks and Wildlife Act 1974](#), particularly section 86, deals with harming Aboriginal objects.

6.3 (Repealed)

6.4 Stormwater management

- (1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this Plan applies and on native bushland and receiving waters.
- (2) (Repealed)
- (3) Development consent must not be granted to development on land to which this Plan applies unless the consent authority is satisfied that the development—
 - (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
 - (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
 - (c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

6.5 Environmentally sensitive land—terrestrial biodiversity

- (1) The objective of this clause is to maintain terrestrial biodiversity by—
 - (a) protecting native fauna and flora, and
 - (b) protecting the ecological processes necessary for their continued existence, and
 - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.
- (2) This clause applies to land identified as “Environmentally Sensitive Land” on the [Terrestrial Biodiversity Map](#).
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—
 - (a) whether the development is likely to have—
 - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and

- (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
 - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
 - (iv) any adverse impact on the habitat elements providing connectivity on the land, and
- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that—
- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 - (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

6.6 Environmentally sensitive land—groundwater vulnerability

- (1) The objectives of this clause are as follows—
- (a) to maintain the hydrological functions of key groundwater systems,
 - (b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.
- (2) This clause applies to land identified as “Environmentally Sensitive Land” on the [Groundwater Vulnerability Map](#).
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the following—
- (a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),
 - (b) any adverse impacts the development may have on groundwater dependent ecosystems,
 - (c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),

(d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

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

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

6.7 Environmentally sensitive land—riparian land and watercourses

(1) The objective of this clause is to protect and maintain the following—

(a) water quality within watercourses,

(b) the stability of the bed and banks of watercourses,

(c) aquatic and riparian habitats,

(d) ecological processes within watercourses and riparian areas.

(2) This clause applies to land identified as “Environmentally Sensitive Land” on the [Riparian Lands and Watercourses Map](#).

(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—

(a) whether or not the development is likely to have any adverse impact on the following—

(i) the water quality and flows within the watercourse,

(ii) aquatic and riparian species, habitats and ecosystems of the watercourse,

(iii) the stability of the bed and banks of the watercourse,

(iv) the free passage of fish and other aquatic organisms within or along the watercourse,

(v) any future rehabilitation of the watercourse and riparian areas, and

(b) whether or not the development is likely to increase water extraction from the watercourse, and

- (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that—
 - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

6.8 Environmentally sensitive land—environmental and scenic qualities of natural landforms

- (1) The objectives of this clause are to protect and enhance the environmental and scenic qualities of natural landforms, including rock outcrops, cliffs, beaches and rock platforms.
- (2) This clause applies to all land identified as “Environmentally Sensitive Land” on the [Natural Landforms Map](#).
- (3) In determining whether to grant development consent for development on land to which this clause applies, the consent authority must consider whether the development is likely to have any adverse impact on the environmental and scenic qualities of natural landforms.
- (4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development—
 - (a) is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 - (b) if that impact cannot be avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

6.9 Limited development on foreshore area

- (1) The objectives of this clause are as follows—
 - (a) to ensure that development in the foreshore area will not adversely impact on natural foreshore processes or affect the significance and amenity of the area,

- (b) to maintain and improve public access to the intertidal area of waterfronts if that access will cause minimal adverse environmental impact,
 - (c) to avoid adverse ecological effects on waterways by minimising any adverse impact from development on water quality and, so far as is practicable, to improve the quality of urban run-off entering waterways,
 - (d) to protect and enhance significant natural features and vegetation in the foreshore area,
 - (e) to retain endemic vegetation along foreshore areas,
 - (f) to restore and revegetate foreshore areas to improve estuarine flora and fauna habitat,
 - (g) 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 foreshore area,
 - (h) to minimise any adverse impact of development on the natural landform of the foreshore area and waterways by integrating the development with minimal change to the natural topography of the foreshore area,
 - (i) to achieve a balance between private development and the public use of waterways,
 - (j) to minimise the obstruction of water views from public land.
- (2) Development consent must not be granted to development on land in the foreshore area except for the following purposes—
- (a) the alteration of, or additions to, residential accommodation, or the demolition of existing residential accommodation and the erection of new residential accommodation on the land, if the footprint of the residential accommodation will not extend further forward of the foreshore building line than the footprint of the existing residential accommodation,
 - (b) the erection of new residential accommodation if there is no reasonable alternative location for the residential accommodation outside the foreshore area,
 - (c) development for the following purposes that does not significantly alter the shape, natural form or drainage of the foreshore area—
 - (i) boat sheds,
 - (ii) jetties,
 - (iii) landscaped areas,

- (iv) sea retaining walls,
 - (v) slipways,
 - (vi) swimming pools (that are no higher than 300 millimetres above ground level),
 - (vii) water recreation structures,
 - (viii) waterway access stairs,
 - (ix) inclinators,
- (d) the erection of a building in the foreshore area (other than a building referred to in paragraph (a), (b) or (c)), if the levels, depth or other exceptional features of the site make it appropriate to do so.
- (3) Development consent must not be granted under this clause, unless the consent authority is satisfied that—
- (a) the appearance of the development, from both the foreshore area and the adjacent waterway, will be compatible with the surrounding area, and
 - (b) the development will not cause environmental harm such as—
 - (i) pollution or siltation of the waterway, or
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas or fauna and flora habitats, or
 - (iii) an adverse effect on drainage patterns, and
 - (c) the natural qualities of the foreshore area are retained or restored as far as practicable through the retention or reinstatement of natural levels and endemic vegetation, and
 - (d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and
 - (e) opportunities to provide continuous public access along the foreshore area and to the waterway will not be compromised, and
 - (f) any heritage significance of the foreshore area on which the development is to be carried out and of surrounding land will be maintained, and
 - (g) for development for 1 of the following purposes, the development and resulting building will not have an adverse impact on the amenity or aesthetic appearance of the foreshore—
 - (i) the alteration of, or additions to, a building,

- (ii) the demolition of an existing building and erection of a new building on the land,
 - (iii) the erection of a new building, and
 - (h) (Repealed)
 - (i) it has considered sea level rise or change of flooding patterns as a result of climate change.
- (4) In deciding whether to grant development consent for development in the foreshore area, the consent authority must consider whether and to what extent the development would facilitate the following—
- (a) continuous public access to and along the foreshore area through or adjacent to the proposed development,
 - (b) public access to link with existing or proposed open space,
 - (c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,
 - (d) public access to be located above the mean high water mark,
 - (e) reinforcement of the foreshore character and respect for existing environmental conditions,
 - (f) management of any rise in sea level or change of flooding patterns as a result of climate change.

6.10 (Repealed)

6.11 Development for dwelling houses in Zone C2 and fronting the Woronora River

- (1) This clause applies to the following land—
- (a) 53 Woronora River Frontage, Bangor, being Lot 21, DP 8754,
 - (b) 141 Woronora River Frontage, Bangor, being Lot 63, DP 8754,
 - (ba) 155–157 Woronora River Frontage, Bangor, being Lots 70 and 71, DP 8754,
 - (c) 177 Woronora River Frontage, Bangor, being Lot 77, DP 8754,
 - (d) 185 Woronora River Frontage, Bangor, being Lot 81, DP 8754,
 - (e) 197 Woronora River Frontage, Bangor, being Lot 87, DP 8754,
 - (f) 199–201 Woronora River Frontage, Bangor, being Lots 88 and 89, DP 8754,
 - (g) 305 Woronora River Frontage, Bangor, being Lot 134, DP 8755,

- (h) 307 Woronora River Frontage, Bangor, being Lot 135, DP 8755,
 - (i) 361 Woronora River Frontage, Bangor, being Lot 157, DP 8755,
 - (j) 445 Woronora River Frontage, Bangor, being Lot 198, DP 8755,
 - (k) 70–72 Tirto St, Bangor (also known as 487–489 Woronora River Frontage, Bangor), being Lots 219–220, DP 8755,
 - (l) 68 Tirto Street, Barden Ridge, being Part Lot 218, DP 18174.
- (2) Despite any other provision of this Plan, development consent may be granted to the rebuilding, enlarging or alteration of a dwelling house on land to which this clause applies if the dwelling house existed when this Plan was made and will comply with the following—
- (a) the height of the dwelling house must not exceed 7.2 metres to any point on the uppermost ceiling and 9 metres to the highest point on the roof, and
 - (b) the gross floor area of the dwelling house must not—
 - (i) increase by more than 30 square metres or 10% of the existing gross floor area (whichever is the lesser), or
 - (ii) exceed 300 square metres (inclusive of any ancillary buildings).

6.12 Airspace operations

- (1) The objective of this clause is to protect airspace around airports.
- (2) The consent authority must not grant development consent to development that is a controlled activity within the meaning of Division 4 of Part 12 of the [Airports Act 1996](#) of the Commonwealth unless the applicant has obtained approval for the controlled activity under regulations made for the purposes of that Division.

Note—

Controlled activities include the construction or alteration of buildings or other structures that causes an intrusion into prescribed airspace (being generally airspace around airports). Controlled activities cannot be carried out without an approval granted under regulations made for the purposes of Division 4 of Part 12 of the [Airports Act 1996](#) of the Commonwealth.

6.13 Development in areas subject to aircraft noise

- (1) The objectives of this clause are as follows—
 - (a) to prevent certain noise sensitive developments from being located near the Sydney Airport and its flight paths,
 - (b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive

buildings,

(c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.

(2) This clause applies to development that—

(a) is on land that—

(i) is near the Sydney Airport, and

(ii) is in an ANEF contour of 20 or greater, and

(b) the consent authority considers is likely to be adversely affected by aircraft noise.

(3) Despite any other provision of this Plan, development consent must not be granted to development for any of the following purposes—

(a) if the development will be on land that is in an ANEF contour of 25 or greater—boarding houses, centre-based child care facilities, dual occupancies, educational establishments, health consulting rooms, home businesses, home industries, medical centres, multi dwelling housing, respite day care centres, secondary dwellings, seniors housing, shop top housing and tourist and visitor accommodation,

(b) if the development will be on land that is in an ANEF contour of 30 or greater—community facilities, information and education facilities, places of public worship and recreation facilities (indoor),

(c) if the development will be on land that is in an ANEF contour of 35 or greater—businesses premises, food and drink premises, landscaping material supplies, neighbourhood shops, office premises, service stations, shops, timber yards, vehicle sales or hire premises and veterinary hospitals,

(d) if the development will be on land that is in an ANEF contour of 40 or greater—industrial retail outlets, industrial training facilities, light industries, self-storage units, vehicle body repair workshops, vehicle repair stations, warehouse or distribution centres and waste or resource management facilities.

(4) Despite subclause (3), development consent may be granted to development for any of the following purposes on land identified as “Kurnell Village” on the [Activity Hazard Risk Map](#) if the development is otherwise permitted by this Plan—

(a) centre-based child care facilities,

(b) dwelling houses,

(c) educational establishments,

- (d) home businesses,
 - (e) home industries.
- (5) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied that the development—
- (a) will not result in an increase in the number of dwellings or people affected by aircraft noise, and
 - (b) will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000 if—
 - (i) the development will be on land that is in an ANEF contour of 20 or greater and is for the purposes of boarding houses, centre-based child care facilities, community facilities, dual occupancies, dwelling houses, educational establishments, health consulting rooms, home businesses, home industries, information and education facilities, medical centres, multi dwelling housing, places of public worship, recreation facilities (indoor), respite day care centres, secondary dwellings, seniors housing or shop top housing, or
 - (ii) the development will be on land that is in an ANEF contour of 25 or greater and is for the purposes of businesses premises, food and drink premises, neighbourhood shops, office premises, service stations, shops, tourist and visitor accommodation, vehicle sales or hire premises or veterinary hospitals, or
 - (iii) the development will be on land that is in an ANEF contour of 30 or greater and is for the purposes of industrial retail outlets, industrial training facilities, light industries, self-storage units, vehicle body repair workshops, vehicle repair stations, warehouse or distribution centres or waste or resource management facilities.
- (6) Nothing in this clause prevents development consent being granted for the repair, renovation, minor alteration, extension of or addition to an existing building if there will be no resulting reduction in the degree of insulation of the building interior.
- (7) In this clause—

ANEF contour means a noise exposure contour shown as an ANEF contour on the Noise Exposure Forecast Contour Map for the Sydney Airport prepared by the Department of the Commonwealth responsible for airports.

AS 2021—2000 means AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

6.13A Green grid links

- (1) The objective of this clause is to provide for a network of tree-lined pathways for pedestrians and cyclists that run between and through open spaces and along waterways.
- (2) This clause applies to land identified as a green grid link on the [Green Grid Map](#).
- (3) In deciding whether to grant development consent to development on land to which this clause applies, the consent authority must consider the extent to which the development—
 - (a) retains and enhances tree canopy cover, and
 - (b) facilitates and prioritises pathways for pedestrians and cyclists that run between and through open spaces and along waterways.

6.14 Landscaped areas in certain residential, employment, conservation and waterway zones

- (1) The objectives of this clause are as follows—
 - (a) to ensure adequate opportunities exist for the retention or provision of vegetation that contributes to biodiversity and, in the case of trees, enhances the tree canopy of Sutherland Shire,
 - (b) to minimise urban run-off by maximising permeable areas on the sites of development,
 - (c) to ensure that the visual impact of development is minimised by appropriate landscaping and that the landscaping is maintained,
 - (d) to ensure that landscaping carried out in connection with development is sufficient to complement the scale of buildings, provide shade, screen parking areas and enhance workforce amenities.
- (2) This clause applies to land in the following zones—
 - (a) Zone R2 Low Density Residential,
 - (b) Zone R3 Medium Density Residential,
 - (c) Zone R4 High Density Residential,
 - (d) Zone E3 Productivity Support,
 - (e) Zone E4 General Industrial,
 - (f) Zone E5 Heavy Industrial,

- (g) Zone C3 Environmental Management,
 - (h) Zone C4 Environmental Living,
 - (i) Zone W4 Working Waterfront.
 - (ia)–(k) (Repealed)
- (3) The minimum percentage of the site area on land to which this clause applies that is to consist of landscaped areas is the percentage shown on the [Landscape Area Map](#) in relation to that land.
- (4) Despite subclause (3), development consent may be granted to development even though the percentage of the site consisting of landscaped areas is up to 5% less than the percentage shown on the [Landscape Area Map](#) in relation to the land if—
- (a) there is a tree on the site to which *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Part 2.3 applies, and
 - (b) the consent authority is satisfied that—
 - (i) the tree makes an important contribution to the character or amenity of the locality, or
 - (ii) the species of tree is indigenous to the local area and listed as a threatened species under the *Threatened Species Conservation Act 1995*, or
 - (iii) the tree is important habitat for native fauna, or
 - (iv) the tree is important to the maintenance of biodiversity in the environment of the locality, or
 - (v) the tree is part of remnant bushland, or
 - (vi) the tree forms a notable visual element in the landscape of the locality, or
 - (vii) the tree is botanically unique in or rare to the local area (whether the species of tree is native or exotic).
- (4A) Despite subclause (3), development consent may be granted to relevant development on land to which this clause applies, even though the percentage of the site area consisting of landscaped areas is less than the percentage shown on the [Landscape Area Map](#) in relation to the land if—
- (a) the development will not result in a reduction of the percentage of the site area consisting of landscaped areas, and
 - (b) the consent authority is satisfied that—
 - (i) the tree canopy on the site area is maintained or enhanced, and

(ii) the landscaped area is protected and enhanced, and

(iii) the development does not have an adverse effect on the landscape quality of the site.

(4B) In subclause (4A)—

relevant development means—

(a) the alteration of or addition to an existing dwelling house or any development ancillary to an existing dwelling house, or

(b) signage, internal alteration or a change of use of a building on land in any of the following zones—

(i) Zone E3 Productivity Support,

(ii) Zone E4 General Industrial,

(iii) Zone E5 Heavy Industrial,

(iv) Zone W4 Working Waterfront.

(v)–(vii) (Repealed)

(5) Despite subclause (3), the minimum percentage of the site area on land in Zone R2 Low Density Residential that is to consist of landscaped areas is 25% if the development is for the purposes of a centre-based child care facility.

(6) The minimum landscaped area for any lot of land to which this clause applies created by the subdivision of a lot containing a dual occupancy is the percentage shown on the [Landscape Area Map](#) in relation to the land.

(7) Subclause (6) does not apply to a subdivision of land under the [Community Land Development Act 1989](#) or the [Strata Schemes \(Freehold Development\) Act 1973](#).

(8) The following are taken to be excluded from the site area for the purposes of this clause—

(a) land on which the development is prohibited under this Plan (other than land on which the development is prohibited solely because of the application of clause 6.9),

(b) in the case of an internal lot—

(i) any access corridor to or from the lot, and

(ii) any right of way that traverses another lot.

Note—

Among other things, clause 6.9 imposes certain restrictions on the erection of buildings on a foreshore area.

6.15 Energy efficiency and sustainable building techniques for commercial and industrial developments

- (1) The objective of this clause is to ensure that development utilises building materials and construction techniques that are energy efficient, ecologically sustainable and maximise the useful lifecycle of buildings (while minimising the expenditure of energy in the manufacturing processes of the materials and during the construction phase).
- (2) Development consent must not be granted to development for the purposes of commercial premises or industries, unless the consent authority has considered the following matters—
 - (a) the extent to which potential energy consumption may be reduced during the construction and lifecycle of buildings,
 - (b) the extent to which sustainable natural resources, such as the sun and wind, will be used in the buildings to create naturally comfortable working environments,
 - (c) the extent to which 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 buildings,
 - (d) the extent to which waste generated in any demolition of a building will be minimised,
 - (e) the extent to which waste generated during construction or during the lifecycle of buildings will be minimised through design and on-site waste management.

6.16 Urban design—general

- (1) In deciding whether to grant development consent for any development, the consent authority must consider the following—
 - (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 development,
 - (b) the extent to which any 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 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 development,
- (e) the extent to which the development will respond to the natural landform of the site of the development,
- (f) the extent to which the 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.

(2) In this clause, **Crime Prevention Guidelines** means the publication, *Crime prevention and the assessment of development applications* (ISBN 0 7347 0184 5), published by the NSW Department of Urban Affairs and Planning in 2001.

6.17 Urban design—residential accommodation

In deciding whether to grant development consent for development for the purposes of residential accommodation the consent authority must consider the following—

- (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 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 development on adjoining land, in terms of size, bulk, height, scale and siting, will be minimised,
- (f) the extent to which the residential accommodation concerned integrates with a well-designed landscaped setting,
- (g) any opportunities for the provision of affordable housing.

6.18 Urban design—non-residential development in residential areas

- (1) This clause applies to development, other than development for the purposes of residential accommodation and places of public worship, on land in the following zones—
 - (a) Zone R2 Low Density Residential,
 - (b) Zone R3 Medium Density residential,
 - (c) Zone R4 High Density Residential,
 - (d) Zone C3 Environmental Management,
 - (e) Zone C4 Environmental Living.
- (2) Development consent must not be granted for development to which this clause applies unless the consent authority has considered the following—
 - (a) the extent to which any proposed non-residential accommodation and its design will integrate into the locality,
 - (b) the extent to which any such accommodation will respond to the local character, and relate to the scale, streetscape, setbacks and use of materials of other accommodation in the locality,
 - (c) the extent to which the residential amenity of the locality will be protected from detrimental traffic-related impacts and noise associated with the development.

6.19 Kurnell Peninsula

- (1) The objective of this clause is to minimise risk to life or property in the event of an emergency on Kurnell Peninsula.
- (2) This clause applies to land identified as “Refinery Risk Area” on the [Activity Hazard Risk Map](#).
- (3) Despite any other provisions of this Plan, development consent must not be granted for development for the following purposes on land to which this clause applies—
 - (a) dual occupancies,
 - (b) multi dwelling housing,
 - (c) secondary dwellings,
 - (d) seniors housing,
 - (e) shop top housing.

- (4) Development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the contents of any reports relating to Kurnell Peninsula about the following matters that have been prepared by the Department and given to the Council—
- (a) risk assessment,
 - (b) transportation,
 - (c) dangerous goods routes,
 - (d) guidelines on risk assessment criteria and methodology.

6.20 Nuclear research reactor at Lucas Heights Science and Technology Centre

- (1) The objective of this clause is to minimise the risk to life or property near the nuclear research reactor at Lucas Heights Science and Technology Centre.
- (2) This clause applies to land identified as “Nuclear Reactor Buffer Area” on the [Activity Hazard Risk Map](#).
- (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the following—
- (a) any risk of radiation to life or property on the land,
 - (b) the extent to which residential densities on the land 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 the 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.

- (4) In this clause—

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 an emergency evacuation, 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 seniors housing and medical centres with short term or long term accommodation.

6.21 Caringbah Medical Precinct

- (1) The objectives of this clause are as follows—
 - (a) to create a mixed use development precinct that has health services facilities and residential accommodation located adjacent to the Sutherland Hospital and within walking distance of Caringbah Centre,
 - (b) to provide employment opportunities and promote economic growth for Sutherland Shire through synergies with the existing medical facilities of Sutherland and Kareena Hospitals,
 - (c) to be a catalyst for the revitalisation of Caringbah Centre,
 - (d) to ensure that there are high quality areas of private and public domain, with deep soil setbacks for the planting of substantial landscaping including large scale indigenous trees which will complement the scale of buildings up to 6 storeys, particularly in the building setbacks adjacent to Kingsway, Caringbah,
 - (e) to protect the amenity of the adjacent areas by providing a transition to adjacent 2-storey residential development, including reasonable setbacks from side and rear boundaries and the maintenance of a transitional scale of building height to Flide Street, Caringbah,
 - (f) to improve safety and traffic flow by limiting vehicle access from Kingsway, Caringbah, to redevelopment sites.
- (2) This clause applies to the land known as Caringbah Medical Precinct and identified as “Area 7” on the [Height of Buildings Map](#) and the [Floor Space Ratio Map](#).
- (3) Despite any other provision of this Plan relating to the purposes for which development may be carried out, development consent may be granted for development for the purposes of a health services facility on land to which this clause applies.
- (4) Despite clause 4.3(2), the height of a building on land to which this clause applies may exceed the maximum height shown for the land on the [Height of Buildings Map](#) by an additional 11 metres if—
 - (a) the building contains a health services facility, and
 - (b) the building provides a transitional scale of building height to Flide Street, Caringbah, and
 - (c) the building setbacks are sufficient for the deep soil planting of substantial

landscaping, including large scale indigenous trees on Kingsway frontage at Caringbah.

- (5) Despite clause 4.4(2), the maximum floor space ratio for a building on land to which this clause applies may exceed the maximum floor space ratio shown for the land on the [Floor Space Ratio Map](#) by an additional 1.45:1 if—
- (a) the building is on land identified as “Area 7” on the [Floor Space Ratio Map](#), and
 - (b) the building contains a health services facility, and
 - (c) the building provides a transitional scale of building height to Flide Street, Caringbah, and
 - (d) the building setbacks are sufficient for the deep soil planting of substantial landscaping, including large scale indigenous trees on Kingsway frontage at Caringbah.

6.22 Location of sex services premises

- (1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
- (2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following—
- (a) whether the premises will be located on land that adjoins, is directly opposite to or is separated only by a local road from land—
 - (i) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or
 - (ii) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship,
 - (b) the impact of the development and its hours of operation on any place likely to be regularly frequented by children—
 - (i) that adjoins the development, or
 - (ii) that can be viewed from the development, or
 - (iii) from which a person can view the development.

6.23 101-151 Port Hacking Road, Sylvania

- (1) The objective of this clause is to facilitate the redevelopment of land to which this clause applies for seniors housing.

- (2) This clause applies to Lot 1, DP 1025954, 101-151 Port Hacking Road, Sylvania, identified as “Area 8” on the [Height of Buildings Map](#) and the [Floor Space Ratio Map](#).
- (3) A building on land to which this clause applies used for the purposes of seniors housing may have—
 - (a) a maximum building height of 26.5m, and
 - (b) a maximum floor space ratio of 1.26:1.

6.24 Calculation of floor space ratio for buildings on certain land at Jannali

- (1) This clause applies to certain land at Railway Crescent, Box Road and Box Lane, Jannali, identified as “Area 1” on the [Additional Local Provisions Map](#).
- (2) For the purposes of calculating the floor space ratio of a building on land to which this clause applies, the floor area of a car park is not to be included in the gross floor area if the consent authority is satisfied the car park is—
 - (a) operated by or on behalf of a public authority, and
 - (b) predominantly below ground level (finished), and
 - (c) publicly accessible, and
 - (d) predominantly used for the purposes of providing car parking for commuters travelling using nearby public transport.

6.25 Development in local centres

- (1) The objectives of this clause are as follows—
 - (a) to ensure the scale and function of development in local centres are appropriate for the location,
 - (b) to ensure development in local centres is compatible with the desired future character and amenity of surrounding residential areas.
- (2) This clause applies to land identified as “Area 1” on the [Land Zoning Map](#).
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered—
 - (a) the impact of the development on—
 - (i) the amenity of surrounding residential areas, and
 - (ii) the desired future character of the local centre, and
 - (b) whether the development is consistent with the hierarchy of centres.

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of certain land at 60-70 Bournemouth Street, Bundeena

- (1) This clause applies to land at 60-70 Bournemouth Street, Bundeena, being Lot 3, DP 213924.
- (2) Development for the purpose of an eco-tourist facility is permitted with development consent.

2 Use of certain land at 34 Shell Road, Burraneer

- (1) This clause applies to land at 34 Shell Road, Burraneer, comprising permissive occupancy 1966/196 under the former *Crown Lands (Continued Tenures) Act 1989*.
- (2) Development for the purpose of a registered club that is a sailing club (including related restaurants and cafes within the club's premises) is permitted with development consent.
- (3) In this clause, **sailing club** means a club that is established for the purposes of sailing, boating and yachting and the storing of equipment associated with those activities.

3 Use of certain land at 435 and 437 Kingsway, Caringbah

- (1) This clause applies to land at 435 Kingsway, Caringbah being Lot 24, DP 21004 and 437 Kingsway, Caringbah being Lot 25, DP 21004.
- (2) Development for the purpose of a health services facility is permitted with development consent.

4 Use of certain land at 103-107 Willarong Road, Caringbah

- (1) This clause applies to land at 103-107 Willarong Road, Caringbah, being Lots 1, 3, 4, 5, 6 and 7, DP 31460 and Lot P, DP 413007.
- (2) Development for the purposes of a recreation facility (indoor), recreation facility (outdoor) and for a registered club that is a bowling club is permitted with development consent.

5 Use of certain land at 113 Willarong Road, Caringbah

- (1) This clause applies to land at 113 Willarong Road, Caringbah, being Lot 102, DP 868930.
- (2) Development for the purposes of a health services facility, recreation facility (indoor), recreation facility (outdoor) and registered club is permitted with development

consent.

6 Use of certain land at 1403 Princes Highway, Heathcote

- (1) This clause applies to land at 1403 Princes Highway, Heathcote, being Lot 81, DP 558873.
- (2) Development for the purpose of a service station is permitted with development consent.

7 Use of certain land at 15 The Avenue and 23, 27, 29 and 31 Nirimba Crescent, Heathcote

- (1) This clause applies to the following land in Heathcote—
 - (a) 15 The Avenue, being Lot 10, DP 1110571,
 - (b) 23, 27, 29 and 31 Nirimba Crescent, being Lots 60 and 62–64, DP 31803.
- (2) Development for the purposes of seniors housing is permitted with development consent.

8 Use of certain land at 121 Georges River Road, Jannali

- (1) This clause applies to land at 121 Georges River Road, Jannali, being Lot 2, DP 205183.
- (2) Development for the purposes of a medical centre and shop top housing is permitted with development consent.

9 Use of certain land at 97 Soldiers Road, Jannali

- (1) This clause applies to land at 97 Soldiers Road, Jannali, being Lot 16, DP 20055.
- (2) Development for the purpose of multi dwelling housing is permitted with development consent.

10 Use of certain land at 1-3 Waratah Street (487 Princes Highway), Kirrawee

- (1) This clause applies to land at 1-3 Waratah Street (also known as 487 Princes Highway), Kirrawee, being Lot 40, DP 790839.
- (2) Development for the purpose of a service station is permitted with development consent.

11 Use of certain land at 5-17 Waratah Street, Kirrawee

- (1) This clause applies to land at 5-17 Waratah Street, Kirrawee, being Lots 37-41, DP 16900 and Lots 42A and 43B, DP 388434.
- (2) Development for the purpose of a vehicle sales or hire premises is permitted with development consent.

12 Use of certain land at 1 Pitt Street, Loftus

- (1) This clause applies to land at 1 Pitt Street, Loftus, being Lots 1 and 2, DP 1064223 and Lot 1138, DP 752064.
- (2) Development for the purpose of tourist and visitor accommodation is permitted with development consent.

13 Use of certain land at 84 Kareena Road, Miranda

- (1) This clause applies to land at 84 Kareena Road, Miranda, being Lot 9A, DP 420748.
- (2) Development for the purpose of a health services facility is permitted with development consent.

14 Use of certain land at 870, 870A, 872 Old Princes Highway, Sutherland

- (1) This clause applies to land at 870, 870A and 872 Old Princes Highway, Sutherland, being Lot 1, DP 120503, Lot 1, DP 120773 and Lot 1, DP 1061715.
- (2) Development for the purpose of hotel or motel accommodation is permitted with development consent.

15 Use of certain land at 24 Rawson Avenue, Sutherland

- (1) This clause applies to land at 24 Rawson Avenue, Sutherland, being part of Lot 7023, DP 1027162 and identified as "15" on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of a respite day care centre is permitted with development consent.

16 (Repealed)

17 Use of certain land at 101-119 Princes Highway, Sylvania

- (1) This clause applies to land at 101-119 Princes Highway, Sylvania, being Lots 1 and 2, DP 21894, Lots E and F, DP 392702, Lot 1, DP 866976, Lot 101, DP 1039848 and Lot 1, DP 1086397.
- (2) Development for the purpose of multi dwelling housing is permitted with development consent.

18 Use of certain land at 414-416 Princes Highway, Sylvania

- (1) This clause applies to land at 414-416 Princes Highway, Sylvania, being Lot 16, DP 700140.
- (2) Development for the purpose of a service station is permitted with development consent.

19 Use of certain land at Taren Point in Zone W4

- (1) This clause applies to land at 2-14 Atkinson Road and 13, 15, 15A, 17-21 Mangrove Lane, Taren Point, being Lots 1-19, SP 60871, Lot 132, DP 737027, Lots 1-3, SP 73897, Lot 2, DP 1075552 and Lot 100, DP 1103290.
- (2) Development for the purpose of maritime activities is permitted with development consent.
- (3) In this clause, **maritime activities** means maritime-based industries or commercial activities that depend on direct access to a navigable waterway and includes boat repairing, marinas and yacht clubs.

20 Use of certain land at 2-14 Atkinson Road, Taren Point

- (1) This clause applies to land at 2-14 Atkinson Road, Taren Point, being Lots 1-19, SP 60871.
- (2) Development for the purpose of a warehouse or distribution centre is permitted with development consent.

21 Use of certain land at 31 Bay Road, Taren Point

- (1) This clause applies to land at 31 Bay Road, Taren Point, being part of Lot 22, DP 715660 and identified as “21” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of seniors housing is permitted with development consent.

22 Use of certain land at 1780-1788 Princes Highway, Waterfall

- (1) This clause applies to land at 1780-1788 Princes Highway, Waterfall, being Lot 1000, DP 823991.
- (2) Development for the purposes of multi dwelling housing and an animal boarding or training establishment is permitted with development consent.

23 Use of certain land at 449 Captain Cook Drive, Woollooware

- (1) This clause applies to land at 449 Captain Cook Drive, Woollooware, being Lot 11, DP 1148476.
- (2) Development for the purpose of a service station is permitted with development consent.

24 Use of certain land at 100 Woollooware Road, Woollooware

- (1) This clause applies to land at 100 Woollooware Road, Woollooware, being Lot 2, DP 509957.

- (2) Development for the purpose of a service station is permitted with development consent.

25 Use of certain land at 131 Prince Edward Park Road, Woronora

- (1) This clause applies to land at 131 Prince Edward Park Road, Woronora, being Lot 16, DP 717701.
- (2) Development for the purposes of a restaurant or cafe is permitted with development consent.

26 Use of certain land in Zone C2

- (1) This clause applies to land shown edged heavy red and identified as “C” on the [Additional Permitted Uses Map](#).
- (2) Rebuilding, enlarging or altering an existing dwelling house is permissible with development consent if—
 - (a) the height of the dwelling house does not exceed 7.2 metres to any point on the uppermost ceiling and 9 metres to the highest point on the roof, and
 - (b) the gross floor area of the dwelling house does not increase by more than 30m² or 10% of the existing gross floor area, whichever is the lesser, or exceed a maximum floorspace of 300m² (inclusive of any ancillary buildings).

27 Use of certain land in Zone C3

- (1) This clause applies to land shown edged heavy red and identified as “B” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a dual occupancy is permissible with development consent if—
 - (a) one of the dwellings is a lawfully constructed dwelling on the foreshore area, and
 - (b) that dwelling has been in existence for at least 3 years before the commencement of this Plan, and
 - (c) the consent authority is satisfied that the dwelling forms part of the existing character of the waterfront.
- (3) The erection of a new dwelling that forms part of a dual occupancy on the foreshore area is prohibited.

28 Use of certain land in Zone C4

- (1) This clause applies to land shown edged heavy red and identified as “A” on the [Additional Permitted Uses Map](#).

- (2) Development for the purpose of dual occupancies is permissible with development consent, but only if the area of the lot is equal to or greater than 700 square metres.

29 Use of certain land at New Illawarra Road, Lucas Heights

- (1) This clause applies to land at New Illawarra Road, Lucas Heights, being Lot 101, DP 1009354, Lot 3, DP 1032102 and Lot 2, DP 605077 (also known as Lucas Heights Resource Recovery Park) and identified as “29” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of a waste or resource management facility is permitted with development consent if the consent authority is satisfied that the development—
 - (a) improves the resource recovery capabilities of the land, and
 - (b) increases the waste disposal capacity of the land to meet the needs of the community, and
 - (c) ensures landfill is of a type and degree of compaction that is capable of supporting the future use of the land for recreation purposes, and
 - (d) minimises the environmental impacts of the continued operation of the land on local residents and the environment.

30 Use of certain land at 310 New Illawarra Road, Barden Ridge

- (1) This clause applies to land at 310 New Illawarra Road, Barden Ridge, being Lot 1, DP 1229719 (also known as the Ridgeway Estate) and identified as “30” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of exhibition homes and exhibition villages is permitted with development consent.

31 Use of land at 101-151 Port Hacking Road, Sylvania

- (1) This clause applies to Lot 1, DP 1025954, 101-151 Port Hacking Road, Sylvania, identified as “Area 8” on the [Height of Buildings Map](#) and the [Floor Space Ratio Map](#).
- (2) Development for the following purposes is permitted with development consent if the consent authority is satisfied that the development is associated with seniors housing—
 - (a) retail premises with a gross floor area of no more than 1000m², including individual retail premises with a gross floor area of no more than 500m²,
 - (b) recreation facilities (indoor) with a gross floor area of no more than 3000m²,
 - (c) medical centres with a gross floor area of no more than 1000m².

32 Use of certain land in Zone E1

- (1) This clause applies to land identified as “32” on the [Additional Permitted Uses Map](#).
- (2) Development for the following purposes is permitted with development consent—
 - (a) dual occupancies,
 - (b) dwelling houses,
 - (c) semi-detached dwellings.

33 Use of certain land in Zone E3

- (1) This clause applies to land identified as “33” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of pubs is permitted with development consent.

34 Use of certain land in Zone E4

- (1) This clause applies to land identified as “D” on the [Additional Permitted Uses Map](#).
- (2) Development for the following purposes is permitted with development consent—
 - (a) business premises,
 - (b) centre-based child care facilities,
 - (c) health services facilities,
 - (d) office premises,
 - (e) restaurants or cafes.

35 Use of certain land at 147 Garnet Road, Kareela

- (1) This clause applies to part of Lot 1142, DP 752064, 147 Garnet Road, Kareela, identified as “35” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of residential flat buildings is permitted with development consent.
- (3) The maximum building height for a residential flat building is 16m.
- (4) The maximum floor space ratio for a residential flat building is 0.7:1.

Schedule 2 Exempt development

(Clause 3.1)

Note 1—

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies exempt development under

that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

Note 2—

Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

A-frame sign boards and structures

- (1) Must be an A-framed board or structure advertising goods at ground level and located outside a shop or business the premises of which are located on land in Zone E1 Local Centre and Zone E2 Commercial Centre.
- (2) Maximum size—600mm × 900mm.
- (3) Must not flash.
- (4) If erected on or above any part of a public road not used for the driving or riding of motor vehicles (such as any footpath), must be set back at least 600mm from the edge of the part of the road that is used for the driving or riding of motor vehicles.
- (5) Must not be on bush fire prone land, unless constructed of non-combustible materials.
- (6) Must not be on contaminated land, the foreshore area or land on which there is a heritage item.
- (7) Must not restrict any vehicular or pedestrian access to or from the site.
- (8) Must not reduce the number of car spaces on the site of the development.
- (9) Must not result in a lesser landscaped area than is provided for in clause 6.14.
- (10) 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.
- (11) Must have the consent in writing of the owner of the land on which the board or structure is to be located.

Demolition

- (1) Must be the demolition of a structure that could be erected as exempt development under this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- (2) Must comply with AS 2601—2001, *The demolition of structures*.

Events (community and fundraising)

- (1) Must not exceed 1 day, unless on community land.
- (2) If on community land—must not exceed 3 days.
- (3) If not on community land—must not exceed 2 days per year.
- (4) May only operate between 8.00 am and 9.30 pm.
- (5) Must have potable water and toilet facilities within 200m of the event.
- (6) Must have 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.

Fences for swimming pools in Zone C4

Must not be on bush fire prone land, unless constructed of non-combustible materials.

Note—

Swimming pool fences must comply with the requirements of the [Swimming Pools Act 1992](#).

Fences (other than swimming pool fences) in Zone C4

- (1) Must not be constructed or installed—
 - (a) on a lot, or along a common boundary of a lot, that contains a heritage item or a draft heritage item, or
 - (b) along the boundary of, or within the setback area of, a primary or secondary road within a heritage conservation area or draft heritage conservation area, or
 - (c) on a flood control lot within the meaning of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#), or
 - (d) on land that is identified as being in a foreshore area.
- (2) Must not be higher than 1.8m above ground level (existing).
- (3) Must not be of masonry construction to a height that is more than 1.2m above ground level (existing).
- (4) If it includes an entrance gate—must not have a gate that opens outwards.
- (5) If it is located in a core koala habitat within the meaning of [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#), Chapter 3 or 4 or in a movement corridor used by koalas—must be constructed or installed in accordance with any relevant council policy or guideline under that Policy.

- (6) If it is located on bush fire prone land—must be constructed of non-combustible materials or hardwood.
- (7) If it is constructed of metal components—must be of low reflective, factory pre-coloured materials.
- (8) Must not be an electrical fence or use barbed wire.
- (9) If located along the boundary of, or within the setback area to, a primary or secondary road—
 - (a) must not be more than 1.2m above ground level (existing), and
 - (b) must be open for at least 20% of the area of the fence that is more than 400mm above ground level (existing), with any individual solid element of the fence above this height being no more than 350mm in width with a minimum aperture of 25mm.
- (10) If a lot has a frontage to a secondary road or roads, subclause (9) only applies to 50% of the length of all contiguous secondary road boundaries, measured from the corner with the primary road boundary.
- (11) Subclause (9)(b) does not apply to the part of the fence along the side boundary and within the setback area to the primary road.
- (12) Despite subclauses (2) and (9), if the fence is erected on a sloping site and stepped to accommodate the fall in the land—
 - (a) a fence that is required to be not more than 1.2m above ground level (existing), must not be more than 1.5m above ground level (existing) at each step, and
 - (b) a fence that is required to be not more than 1.8m above ground level (existing), must not be more than 2.2m above ground level (existing) at each step.

Note—

If the fence is a dividing fence, the [Dividing Fences Act 1991](#) also applies.

Luminous pole signs

- (1) Must not exceed 5.5m in height.
- (2) Must not exceed 1.5m in width.
- (3) Must not obstruct sight lines to traffic signals or intersections.
- (4) Clearance between structure and kerb must allow for heavy vehicle overhang at intersections.
- (5) Must not obstruct existing footpaths.

- (6) Where no footpath exists—a minimum of 1.5m clearance for pedestrian access within the nature strip must be maintained at all times.
- (7) No more than 2 structures per intersection.
- (8) Must be constructed by or on behalf of the Council.
- (9) Must not flash.
- (10) If erected on or above any part of a public road not used for the driving or riding of motor vehicles (such as any footpath), must be set back at least 600mm from the edge of the part of the road that is used for the driving or riding of motor vehicles.
- (11) Must not be on bush fire prone land, unless constructed of non-combustible materials.
- (12) Must not be on contaminated land, the foreshore area or land on which there is a heritage item.
- (13) Must not restrict any vehicular or pedestrian access to or from the site.
- (14) Must not reduce the number of car spaces on the site of the development.
- (15) Must not result in a lesser landscaped area than is provided for in clause 6.14.
- (16) 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.
- (17) Must have the consent in writing of the owner of the land on which the sign is to be located.

Signage—bus shelter and bus stop seat advertising

- (1) Must be located on or in a bus shelter or on a bus stop seat.
- (2) Must not flash.

Signs on roll down blinds and awnings

- (1) Must be roll down blinds and awnings attached to premises on land in Zone E1 Local Centre and Zone E2 Commercial Centre.
- (2) Must not cover more than 20% of the area of the blind or awning.
- (3) Must relate to the use of premises on which the sign is installed.
- (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 erected on or above any part of a public road not used for the driving or riding of motor vehicles (such as any footpath), must be set back at least 600mm from the edge of the part of the road that is used for the driving or riding of motor vehicles.
- (7) Must not be on bush fire prone land, unless constructed of non-combustible materials.
- (8) Must not be on contaminated land, the foreshore area or land on which there is a heritage item.
- (9) Must not restrict any vehicular or pedestrian access to or from the site.
- (10) Must not reduce the number of car spaces on the site of the development.
- (11) Must not result in a lesser landscaped area than is provided for in clause 6.14.
- (12) Must not be located within 1m 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.
- (13) Must have the consent in writing of the owner of the land on which the advertising or work is to be located.

Schedule 3 Complying development

(Clause 3.2)

Note—

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

Part 1 Types of development

Note—

This Part has the following structure—

- (a) Division 1 specifies the development that is complying development under this Part,
- (b) Division 2 sets out the specified development standards that apply to all development specified by this Part,
- (c) Division 3 sets out additional specified development standards that apply only to the erection, alteration of or addition to certain dwelling houses (so that such development must accord with both Divisions 2 and 3),
- (d) Division 4 sets out additional specified development standards that apply only to the erection, construction, installation, alteration of or addition to certain ancillary development (so that such development must accord with both Divisions 2 and 4).

Division 1 Development that is complying development under this

Part

1 Land to which Part applies

- (1) This Part applies to development on land in Zone C4 Environmental Living.
- (2) This Part does not apply to development on land—
 - (a) identified on the [Acid Sulfate Soils Map](#) as being Class 1 or Class 2, or
 - (b) identified as being within the foreshore area, or
 - (c) that is contaminated land, or
 - (d) that is identified as “Environmentally Sensitive Land” on the [Groundwater Vulnerability Map](#), the [Natural Landform Map](#), the [Riparian Land and Watercourses Map](#) or the [Terrestrial Biodiversity Map](#), or
 - (e) that is, or on which there is—
 - (i) a heritage item, or
 - (ii) a draft heritage item (that is, a building, work, archaeological site, tree, place or aboriginal object identified as a heritage item in a draft local environmental plan that amends this Plan and that has been subject to community consultation under section 57 of the Act), or
 - (iii) an item that is listed on the State Heritage Register under the [Heritage Act 1977](#), or
 - (iv) an item that is subject to an interim heritage order under the [Heritage Act 1977](#), or
 - (v) a nominated State heritage item.

Note—

Clause 3.3 of this Plan provides that complying development must not be carried out on any environmentally sensitive area (within the meaning of that clause).

- (3) This Part does not apply to development on land that is—
 - (a) bush fire prone land or bush fire interface property, and
 - (b) land in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ).

Note—

More information about the categories of bush fire attack, including the flame zone, can be found in Table A1.7 of *Planning for Bush Fire Protection*.

- (4) For the purposes of this Part, land is not in bush fire attack level-40 (BAL-40) or the

flame zone (BAL-FZ) if the Council or a person recognised by the NSW Rural Fire Service as a suitably qualified consultant in bush fire risk assessment determines, in accordance with the methodology specified in *Planning for Bush Fire Protection*, that the land is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ).

(5) In this Part—

bush fire attack level-40 (BAL-40) and **flame zone (BAL-FZ)** have the same meanings as in AS 3959:2018, *Construction of buildings in bushfire-prone areas*.

bush fire interface property means a lot identified as bush fire interface property by a development control plan made by the Council for the purposes of this Part and in force on 22 January 2016.

Planning for Bush Fire Protection means the document prescribed by the [Environmental Planning and Assessment Regulation 2021](#), section 271.

2 New single storey and two storey dwelling houses

The erection of a new single storey or two storey dwelling house is development specified for this Part.

3 Alterations or additions to existing single storey and two storey dwelling houses

Alterations or additions to an existing single storey or two storey dwelling house, including the addition of a second storey to an existing single storey dwelling house, is development specified for this Part.

4 Certain ancillary development

(1) The erection, construction or installation of any of the following, or any alteration or addition to any of the following, is development specified for this Part if the development is ancillary to a dwelling house and is not otherwise exempt development—

- (a) an awning, blind or canopy,
- (b) a balcony, deck, patio, pergola, terrace or verandah,
- (c) a carport,
- (d) a driveway associated with access to an open hard stand space, a carport or a garage,
- (e) a hard stand space associated with a driveway, whether open or part of a carport,
- (f) a pathway or paving (including any paving of a deck, pergola, patio or terrace),
- (g) a fence or screen,

- (h) a rainwater tank,
- (i) a retaining wall,
- (j) a swimming pool that is not part of development that requires development consent under clause 6.1 of this Plan,
- (k) a spa pool and child-resistant barrier,
- (l) a garage.

Note—

This Part does not apply to the ancillary development in the above list if the development is exempt development. This means that, if the development is carried out in accordance with the specifications set out in Part 2 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* this Part does not apply.

(2) In this clause—

hard stand space means an area of concrete, paving or other hard material at ground level designed solely for parking a motor vehicle.

5 General exclusions from this Part

The following development is not development specified for this Part—

- (a) the erection of a roof terrace on the topmost roof of—
 - (i) an existing or a new dwelling house, or
 - (ii) an existing or a new outbuilding,
- (b) the erection of a building over a registered easement,
- (c) the erection of a basement.

Division 2 Development standards that apply to new dwelling houses, alterations or additions to dwelling houses and ancillary development

6 Application of development standards

This Division—

- (a) sets out the specified development standards that apply to all development specified for this Part, and
- (b) applies in addition to all other development standards specified for this Part.

7 Setbacks

- (1) A new dwelling house, an addition to an existing dwelling house or ancillary development (other than a fence, pathway, paving, driveway or hard stand area) must have—
 - (a) a setback from any secondary frontage of at least 3m, and
 - (b) a setback from the rear boundary of at least 6m, and
 - (c) a setback from the side boundaries of at least 1.5m, and
 - (d) a setback from the primary street frontage of at least—
 - (i) 7.5m, or
 - (ii) the average distance of the setbacks of the nearest 2 dwelling houses to the dwelling house (but only if they have the same primary street boundary as the dwelling house and are located within 40m of the lot on which the dwelling house is erected),whichever is the greater.
- (2) Any second storey of a new dwelling house, or an existing dwelling house that has been altered or added to, must not exceed a depth of 50% of the depth of the allotment, measured from the primary street frontage.
- (3) If a different setback is specified in Division 4 for particular ancillary development in respect of a boundary, that setback applies rather than the setback specified in this clause.

8 Earthworks, retaining walls and structural support

- (1) Fill must not be more than 0.6m above ground level (existing).
- (2) Fill, for the purpose of erecting a new dwelling house, must be contained within the footprint of the dwelling house.
- (3) The maximum depth of an excavation below ground level (existing) is as follows—
 - (a) if within 1m of a property boundary—0.3m,
 - (b) if 1m or more from the closest property boundary—0.6m,
 - (c) if within the footprint of a swimming pool—
 - (i) 2m, or
 - (ii) 1m, if the land is identified as class 3 or class 4 on the [Acid Sulfate Soils Map](#) or within 40m of a waterbody (natural).

- (4) Fill more than 150mm above ground level (existing) must not cover more than 50% of the landscaped area of a lot.
- (5) If the fill is imported to the site—be free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*.
- (6) If fill is to be placed on fill that was previously placed on land under this clause, a reference in this clause to ground level (existing) is the ground level (existing) immediately before any fill was placed on the land under this clause.
- (7) Natural rock outcrops greater than 5m² in area must be retained on any lot on which development is carried out.
- (8) Earthworks must be contained by a retaining wall or structural support.
- (9) The retaining wall or structural support—
 - (a) must not be more than 1.2m high, measured vertically from the base to its uppermost portion, and
 - (b) must be at least 1.5m from each property boundary, and
 - (c) if more than 0.6m high, must be certified as structurally sound by a professional engineer, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load, and
 - (d) must have adequate drainage lines connected to the existing stormwater drainage system for the site, and
 - (e) be designed so as not to redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property, and
 - (f) must be separated from any retaining wall existing building foundations or other structural support on the site by at least 2m, measured horizontally, and
 - (g) must be installed in accordance with any manufacturer's specifications, and
 - (h) if the structural support is a sloping embankment or batter—
 - (i) must not have a slope of more than 20° from horizontal, and
 - (ii) must include erosion protection and soil stabilisation measures to permanently hold the slope in place.

9 Landscaped area

- (1) A lot on which development is carried out must have a landscaped area of at least 45% of the area of the site.

- (2) For this purpose, the area of the site includes the area on which any dwelling house and any ancillary development is located.

10 Stormwater drainage

- (1) All stormwater drainage collection as a result of the development must be conveyed by a gravity system fed to—
- (a) a public drainage system, or
 - (b) an inter-allotment drainage system, or
 - (c) an on-site disposal system.
- (2) All stormwater drainage systems within a lot and the connection to a public or an inter-allotment drainage system must—
- (a) if an approval is required under section 68 of the *Local Government Act 1993*, be approved under that Act and carried out in accordance with that approval, or
 - (b) if an approval is not required under section 68 of the *Local Government Act 1993*, comply with any requirements for the disposal of stormwater drainage contained in a development control plan, in force on the date of commencement of *Sutherland Shire Local Environmental Plan 2015 (Amendment No 1)*, that is applicable to the land.

11 Additional development standards for flood control lots

Clause 3.5 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* applies to all development specified for this Part that is to be carried out on a flood control lot (within the meaning of that Policy).

12 Additional development standards for bush fire prone land or bush interface property

- (1) This clause applies to all development specified for this Part that is to be carried out on a lot that is wholly or partly—
- (a) bush fire prone land, or
 - (b) bush fire interface property.
- (2) The development may be carried out on the lot only if—
- (a) the development conforms to the specifications and requirements of *Planning for Bush Fire Protection*, and
 - (b) any associated access way is on land that is—
 - (i) not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ), or

Note—

See clause 1 in relation to when land is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ).

- (ii) grasslands (within the meaning of *Planning for Bush Fire Protection*), and
- (c) the lot has direct access to a public road or a road vested in or maintained by the Council, and
- (d) there is sufficient access designed in accordance with the acceptable solutions identified in Table 7.4a of *Planning for Bush Fire Protection*, and
- (e) reticulated or bottled gas on the lot is installed and maintained in accordance with AS/NZS 1596:2014, *The storage and handling of LP Gas* and the requirements of relevant authorities (metal piping must be used), and
- (f) all fixed gas cylinders on the lot are located at least 10m from flammable materials and are enclosed on the hazard side of the installation, and
- (g) any gas cylinders on the lot that are within 10m of a dwelling house—
 - (i) have the release valves directed away from the dwelling house, and
 - (ii) are enclosed on the hazard side of the installation, and
 - (iii) have metal connections to and from the cylinders, and
- (h) there are no polymer-sheathed flexible gas supply lines to gas meters adjacent to the dwelling.

Note—

The requirements relating to the construction of buildings in bush fire prone areas, as set out in the *Building Code of Australia* also apply.

(3)–(5) (Repealed)

Division 3 Additional development standards only for new dwelling houses or alterations or additions to dwelling houses

13 Application of development standards

This Division—

- (a) sets out the specified development standards that apply to development specified for this Part by clauses 2 and 3, and
- (b) applies in addition to all other development standards specified for this Part.

14 Maximum floor space ratio

The maximum floor space ratio of a new building or an existing building that is altered or

added to must not be more than 0.45:1.

15 Maximum height of dwelling houses

- (1) The height of a new dwelling house, or the alterations and additions to an existing dwelling house, that is not on an internal lot—
 - (a) must not be greater than 8.5m in height above ground level (existing), and
 - (b) must not be more than 2 storeys.
- (2) The height of a new dwelling house, or the alterations and additions to an existing dwelling house, that is on an internal lot—
 - (a) must not be greater than 5.4m in height above ground level (existing), and
 - (b) must not be more than one storey.
- (3) For the purposes of calculating the number of storeys in a dwelling house, any existing basement (including a garage) is to be counted as a storey.
- (3A) The ground floor of any dwelling house must not be more than 0.6m above ground level (existing).
- (4) In this clause—

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.

16 Retention of vegetative cover

- (1) If development for the purposes of a new dwelling house, or the alteration of or addition to an existing dwelling house, is carried out on a lot that has a slope greater than 18°, any vegetative cover on those slopes must be retained.
- (2) This clause does not apply to that part of any slope on which a dwelling house is located.

17 Car parking and access

- (1) Development for the purposes of a new dwelling house, or an existing dwelling house that has been altered or added to, must not reduce the existing number of car spaces to fewer than 2 spaces.

- (2) Development for the purposes of the erection of a new dwelling house must result in an additional 2 car parking spaces (and no more than 2 spaces) behind the building line, additional to those that existed before the erection of the dwelling house.
- (3) If the development involves the building of any new kerb, crossover or driveway in association with car parking written consent must have been given by the relevant roads authority (if required under section 138 of the *Roads Act 1993*) for the building of any kerb, crossover or driveway.

18 Building articulation

- (1) A new dwelling house, other than a dwelling house on a battle-axe block, must have an entry that faces the street.
- (2) A new dwelling house, other than a dwelling house on a battle-axe block, must overlook any other adjacent public areas.

19 Walls

- (1) A new dwelling house, or an existing dwelling house that has been altered or added to, must not present blank walls to any street frontage.
- (2) A new dwelling house, or an existing dwelling house that has been altered or added to, must not have any external wall longer than 6m that does not have a door or window.

20 Privacy screens on certain windows and balconies

- (1) A relevant window in a new dwelling house, or a new window in any alteration or addition to an existing dwelling house, must have an acceptable privacy screen for any part of the window that is less than 1.5m above floor level.
- (2) Any balcony in a new dwelling house, or a new balcony in an existing dwelling house, on the upper level of a two storey dwelling—
 - (a) must face the street, and
 - (b) if the side setback is less than 3m and the balcony is greater than 1m² in area, must have an acceptable privacy screen.
- (3) In this clause—

acceptable privacy screen means a structure that—

- (a) provides a screen or visual barrier between a window of a habitable room or an outdoor area on a lot and an adjoining lot, and
- (b) has no individual opening more than 30mm wide, and
- (c) has a total area of all openings that is no more than 30% of the surface area of the

screen or barrier, and

- (d) has a height of at least 1.7m, but not more than 2.2m, above the finished floor level facing towards the relevant side or rear boundary.

relevant window means a window that—

- (a) is in a habitable room (other than a bedroom) that has a finished floor level of more than 0.6m above ground level (existing), and
- (b) has a sill height of less than 1.5m above that floor level, and
- (c) either—
 - (i) faces a side or rear boundary and is less than 6m from that boundary, or
 - (ii) faces residential land.

21 Open space

- (1) A new dwelling house, or an addition to an existing dwelling house, must provide at least one primary area of usable private open space at ground level and directly accessible from, and adjacent to, a living area with minimum dimensions of 6m × 6m.
- (2) A minimum of 50% of the outdoor private open space for a new dwelling house, or an existing dwelling house that has been altered or added to, must receive direct sunlight at ground level for at least 4 hours between 9.00 am and 3.00 pm on 21 June.

22 Heating and ventilation

The erection of a new dwelling house, or an alteration or addition to an existing dwelling house, must not involve the installation of—

- (a) any oil or solid fuel heating appliance, or
- (b) any commercial mechanical exhaust ventilation system.

23 Development in certain areas subject to aircraft noise

- (1) A new dwelling house, or any alteration of or addition to an existing dwelling house, on land in an ANEF contour of between 20 and 29 (inclusive) must be constructed in accordance with AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*.
- (2) In this clause—

ANEF contour means a noise exposure contour shown as an ANEF contour on the *Noise Exposure Forecast Contour Map* for the Sydney Airport prepared by the Department of the Commonwealth responsible for airports.

Division 4 Additional development standards only for ancillary development

24 Application of development standards

This Division—

- (a) sets out the specified development standards that apply to development specified for this Part by clause 4, and
- (b) applies in addition to all other development standards specified for this Part.

25 Awnings, blinds, canopies, shade structures and sunshades

A new awning, blind, canopy, shade structure or sunshade, or an awning, blind, canopy, shade structure or sunshade that has been altered or added to—

- (a) must not occupy an area greater than 40m², and
- (b) must not be greater than 4m in height above ground level, and
- (c) must be set back behind the building line, and
- (d) must be at least 1.5m from each side and rear boundary.

26 Carports, gazebos, pergolas, decks, balconies, terraces, verandahs and patios

A new carport, gazebo, pergola, deck, balcony, terrace, verandah or patio, or a carport, gazebo, deck, balcony, terrace, verandah or patio that has been altered or added to—

- (a) must not occupy an area greater than 40m², and
- (b) must not be greater than 4m in height above ground level (existing), and
- (c) must be set back behind the building line, and
- (d) must be at least 1.5m from each side and rear boundary, and
- (e) must not have a finished floor level more than 0.6m in height above ground level (existing), and
- (f) must have not less than one-third of its perimeter open, and
- (g) must not have a solid enclosing wall greater than 1.4m in height above the floor level of the structure.

27 Fences

- (1) A new front fence, or a front fence that has been altered or added to, must not be greater than 1.2m in height above ground level (existing).

(2) A new side or rear fence, or a side or rear fence that has been altered or added to, must not be greater than 1.8m in height above ground level (existing).

(3) In this clause—

front fence means a fence all of which is built forward of the front building line and, in the case of a corner lot, is a fence all of which is built forward of both the front and side building alignments.

side or rear fence means a fence following the side of a building and, in the case of a corner lot, is a fence not wholly built forward of both the front and side building lines.

28 Swimming pools or spa pools

(1) Any new swimming pool or spa pool, or any swimming pool or spa pool that has been altered or added to—

(a) must be installed or erected in the rear or side yard, and

(b) must be installed or erected behind the building line, and

(c) must have a water line that has a setback of at least 1.5m from a side or rear boundary, and

(d) must not be—

(i) in the case of an in-ground pool—greater than 0.6m in height above ground level (existing), or

(ii) in the case of an above ground pre-fabricated pool (where any coping width is no greater than 250mm wide)—greater than 1.2m in height above ground level (existing), and

(e) must meet the standards required under *Environmental Specification Swimming Pools 2012* published by the Council on 23 April 2012, and

(f) if the pool, its surrounds or decking stands are more than 500mm above ground level (existing)—must be screened by plants and must have its surrounds and decking screened by plants.

Note—

A child-resistant barrier must be constructed or installed in accordance with the requirements of the [Swimming Pools Act 1992](#).

(2) Any pool pump and equipment associated with the pump of a new swimming pool or spa pool, or a swimming pool or spa pool that has been altered or added to—

(a) must be designed so as to be sound insulated, or

- (b) must be 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, Part 1: General procedures*.

29 Driveways

A driveway—

- (a) must not require cut or fill more than 600mm below or above ground level (existing), and
- (b) must not result in less than 50% of the area forward of the building line being landscaped area, and
- (c) must not be wider than the open hard stand space, carport or garage with which it is associated, and
- (d) must not result in less than a 750mm wide landscaped strip along the boundary with an adjoining lot on which a dwelling is located, and
- (e) must be constructed in accordance with—
 - (i) AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*, or
 - (ii) AS 2890.2—2002, *Parking facilities, Part 2: Off-street commercial vehicle facilities*.

30 Hard stand space

A hard stand space—

- (a) must not require cut or fill more than 600mm below or above ground level (existing), and
- (b) must not result in less than 50% of the area forward of the building line being landscaped area, and
- (c) must not result in less than a 750mm wide landscaped strip along the boundary with an adjoining lot on which a dwelling is located.

31 Pathway or paving

Pathway or paving—

- (a) must not require cut or fill more than 600mm below or above ground level (existing), and
- (b) must not result in less than 50% of the area forward of the building line being landscaped area, and

- (c) must not result in any landscaped strip along the boundary with an adjoining lot on which a dwelling house is located being less than 750mm wide.

32 Garages

A new garage, or any garage that has been altered or added to—

- (a) must not occupy an area greater than 40m², and
- (b) must not be greater than 4m in height above ground level (existing), and
- (c) must be set back behind the building line, and
- (d) must not have a finished floor level more than 0.6m in height above ground level (existing), and
- (e) must be accessed by a driveway that has sufficient turning space so that vehicles are able to enter and leave the premises in a forward direction, and
- (f) garage doors facing a road must not have a width greater than—
 - (i) 6.4m, or
 - (ii) 3.2m, if the lot has a width of less than 12m at the building line, and
- (g) must be accessed from one of the following (within the meaning of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#)) if it is a detached garage on a lot with a width of less than 8m at the building line—
 - (i) a secondary road,
 - (ii) a parallel road,
 - (iii) a lane, and
- (h) must comply with AS 2890.1:2004, *Parking facilities—Off-street car parking*.

Part 2 Complying development certificate conditions

Note—

Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

General conditions

Any development specified in Part 1 is subject to the same conditions set out in Schedule 6 to [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).

Provision of information to Council relating to certain Council property

- (1) Prior to work commencing, the current condition of any property owned or controlled

by the Council that is in the vicinity of the development must be documented and photographed.

- (2) Those documents and photographs must be provided to the Council at or before the time that notice to commence demolition or the erection of a building is given to the Council.

Note—

Clause 136M of the *Environmental Planning and Assessment Regulation 2000* requires certain complying development certificates to be issued subject to conditions requiring the provision of security relating to potential damage to council property.

Removal or pruning of trees or other vegetation

If the development involves the removal or pruning of a tree or other vegetation that requires a permit granted by the Council under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2, Part 2.3, or development consent, the permit or development consent must be granted before work commences.

Note—

A permit for the removal or pruning of a tree or other vegetation may be granted under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2, Part 2.3. Development consent for the removal of native vegetation may be granted under the *Biodiversity Conservation Act 2016*.

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

| Column 1 | Column 2 |
|-----------------|--|
| Locality | Description |
| Cronulla | Lot 1, DP 700935, 9 Kingsway |
| Miranda | Lot 31, DP 11987, 13R Pinnacle Street |
| Oyster Bay | Lot 219, DP 259657, 34R–36R Caravan Head Road |
| Taren Point | Part of Lot 1, DP 234622, being part of 2R Alexander Avenue, identified as “Operational Land” on the Land Reclassification (Part Lots) Map |

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

| Column 1 | Column 2 | Column 3 |
|-----------------|--------------------|--------------------------------------|
| Locality | Description | Any trusts etc not discharged |

| | | |
|------------|--|---|
| Sutherland | Part of Lot 11, DP 1103619, being part of 99R Acacia Road, identified as "Operational Land" on the Land Reclassification (Part Lots) Map | Easement to drain water (DP 1043269) as noted on Certificate of Title Folio Identifier 11/1103619 |
|------------|--|---|

Part 3 Land classified, or reclassified, as community land

| Column 1 | Column 2 |
|----------|-------------|
| Locality | Description |
| Nil | |

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage items

| Suburb | Item name | Address | Property description | Significance | Item no |
|---------------|--|---|--|--------------|---------|
| Alfords Point | Alfords Point Bridge | Alfords Point Road | MGA Zone 56, 318050°E, 6238520°N | Local | 0102 |
| Bangor | Shackels Estate Cottage (part of group) | 53 Woronora River Frontages | Lot 21, DP 8754 | Local | 0201 |
| Barden Ridge | Shackels Estate Cottage (part of group) | 205 Woronora River Frontages | Lot 91, DP 8754 | Local | 0303 |
| Bundeena | Bundeena Wharf | Brighton Street, eastern end of Horderns Beach | MGA Zone 56, 329433°E, 6227116°N | Local | 0501 |
| Bundeena | Horderns Beach (including the remnant dunes behind the beach and Bundeena Creek) | 1R Brighton Street | Lot 7008, DP 93560 | Local | 0502 |
| Bundeena | Bundeena House | 25 Bundeena Drive | Lot 1, DP 202961 | Local | 0503 |
| Bundeena | Sandstone formations in headland at Cabbage Tree Point, including Pulpit Rock (major) and sandstone rock shelf | Fronting 1-49 Crammond Avenue, Cabbage Point at base of headland, sandstone rock shelf provides public access | Lots 2-23, DP 10317; Lot 1, DP 18618 and Lots 1 and 2, DP 204055 | Local | 0504 |

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|-----------|---|---|--|-------|------|
| Bundeena | Sandstone cliff formation at Bundeena Reserve and sandstone platform containing igneous features | Fronting 75 Loftus Street, Gunyah Beach and Crown land | MGA Zone 56, 329510°E, 6227175°N | Local | 0506 |
| Bundeena | Cliff tops and slopes, and rock platform | Fronting 3–55 Neil Street | Lots 2–10, Section B, DP 18038; Lot B, DP 376841; Lots 5, 6 and 8, DP 8327; Lot 100, DP 1041394; Lot 39, DP 1077001; Lot 2, DP 1134702; Lot 7006, DP 93566 | Local | 0507 |
| Bundeena | Remnant canopy, including <i>Angophora costata</i> (Smooth-barked Apple or Sydney Red Gum), <i>Eucalyptus haemastoma</i> (Scribbly Gum) and <i>Corymbia gummifera</i> (Red Bloodwood) | 48R Scarborough Street (Bundeena Public School grounds) | Lot 1, DP 366736 | Local | 0508 |
| Bundeena | Bundeena Caravan Park | 74 Scarborough Street | Lot 5, Section I, DP 1782 | Local | 0509 |
| Bundeena | “Simpson Cottage”—house | 8 Simpson Road | Lot 30, DP 10317 | Local | 0510 |
| Burraneer | Sandstone rock platform on foreshore | Fronting 1–5 Bell Place, 2–6 Bell Place and 1–9 Eurabalong Road | Lot 1, DP 252099 and Lot 2, DP 623110 | Local | 0601 |
| Burraneer | House and garden | 7 Bermuda Place | Lot 1, DP 529633 | Local | 0602 |
| Burraneer | Street trees, consisting of <i>Eucalyptus racemosa</i> (Snappy Gum or Small-leaf Scribbly Gum) | Burraneer Bay Road, between Elm Road, Gannons Road and eastern side of 153 Burraneer Bay Road | MGA Zone 56, 327585°E, 6230540°N, MGA Zone 56, 327634°E, 6230519°N, MGA Zone 56, 327707°E, 6230521°N, MGA Zone 56, 327780°E, 6230495°N | Local | 0604 |
| Burraneer | “Coolangatta”—house and garden | 93 Dolans Road | Lot 1, DP 163380 | Local | 0608 |

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|-----------|---|--|----------------------------------|-------|------|
| Burraneer | House and garden | 4 Dunkeld Close | Lot 106, DP 259602 | Local | 0609 |
| Burraneer | House, boat shed and garden | 1 Eurabalong Road | Lot 2, DP 1199493 | Local | 0610 |
| Burraneer | House and garden (including mature trees) | 4 Goobarah Road | Lot 4, DP 231515 | Local | 0611 |
| Burraneer | Boat shed (part of group) | 2C Hazel Place | Lot C, DP 12558 | Local | 0612 |
| Burraneer | Boat shed (part of group) | 11 Hazel Place | Lot B, DP 12558 | Local | 0613 |
| Burraneer | Boat shed and jetty (part of group) | 15 Hazel Place | Lot A, DP 12558 | Local | 0614 |
| Burraneer | “Loch Lomond”—house and garage | 3 Loch Lomond Crescent | Lot 3, DP 516886 | Local | 0615 |
| Burraneer | House, grounds and boat shed | 6 Portview Place | Lot 2, DP 582394 | Local | 0616 |
| Burraneer | Sandstone cliff formation | 2-52 Rutherford Avenue and 2-16 Loch Lomond Crescent | MGA Zone 56, 327965°E, 6228193°N | Local | 0618 |
| Burraneer | Boat shed and natural rock face | 18 Rutherford Avenue | Lot 125, DP 837180 | Local | 0619 |
| Burraneer | “Minnamurra”—house | 22 Rutherford Avenue | Lot 11, DP 839389 | Local | 0620 |
| Burraneer | House | 14 Shell Road | Lot 12, DP 568803 | Local | 0621 |
| Burraneer | “Mount Vincent”—house | 6-16 Smarts Crescent | Lot 23, DP 628128 | Local | 0622 |
| Burraneer | House and garden | 27 Smarts Crescent | Lot 4, SP 86037 | Local | 0623 |
| Burraneer | Alignment of first road in Sutherland Shire | 1-483 Woollooware Road | MGA Zone 56, 328230°E, 6229600°N | Local | 0631 |
| Burraneer | Boat shed, sea wall and beach tidal pool | 224 Woollooware Road | Lot 2, DP 714471 | Local | 0625 |
| Burraneer | Boat house, stone sea wall and ramp | 255A Woollooware Road | Lot 291, DP 507136 | Local | 0626 |
| Burraneer | Waterfront dwelling with boat shed | 295 Woollooware Road | Lot 1, DP 10043 | Local | 0627 |

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|-----------------|---|---|--|-------|------|
| Burraneer | “Attwells Boat Brokerage”—boat shed/house, slipways and painted signage | 321 Woolooware Road | Lot 2, DP 600577 | Local | 0628 |
| Burraneer | Garden, including nearby street trees | 344–350 Woolooware Road | Lots 1 and 2, DP 1050299; Lot 1, DP 607826; Lot Y, DP 401691 | Local | 0629 |
| Caringbah | Park | Corner of Kingsway and Port Hacking Road | MGA Zone 56, 326770°E, 6231440°N | Local | 0701 |
| Caringbah South | Boat shed | 39 Baliga Avenue | Lot 2, DP 114283 | Local | 0801 |
| Caringbah South | “Elonara”—house and boat shed | 21 Bayside Place | Lot 7, DP 718137 | Local | 0802 |
| Caringbah South | “Fernleigh”—house | 44–46 Fernleigh Road | Lot 122, DP 825842 | State | 0806 |
| Caringbah South | “Rellum”—house | 4 Frangipani Place | Lot 91, DP 846864 | Local | 0807 |
| Caringbah South | Boat shed, sea wall and tidal pool remnants | 41 Mirral Road | Lot 23, DP 541144 | Local | 0808 |
| Caringbah South | EG Waterhouse National Camellia Garden | Corner of President Avenue and Kareena Road | Lot 57, DP 663328 | Local | 0810 |
| Caringbah South | House | 27 Wallami Street | Lot 2, DP 595290 | Local | 0811 |
| Caringbah South | The Terraces—house, former stables and garden | 28 and 32 Water Street | Lots 1 and 2, DP 259267 | Local | 0812 |
| Caringbah South | Boat shed, remains of the pool, landscape and sea wall | 359A Willarong Road | Lot 32, DP 1070362 | Local | 0813 |
| Caringbah South | Stone walls | 432 Willarong Road | Lot B, DP 400045 | Local | 0814 |
| Caringbah South | “Sheel Do”—boat house, slip rails and sandstone ramp | 448 Willarong Road | Lot B, DP 365088 | Local | 0815 |
| Caringbah South | Cottage, boat shed, jetty and sea wall | 509 Willarong Road | Lot 1181, DP 599117 | Local | 0816 |
| Caringbah South | Waterfront cottage | 527A Willarong Road | Lot 2, SP 64686 | Local | 0817 |

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|-----------------|--|--|--|-------|------|
| Caringbah South | Waterfront cottage and boat shed | 533 Willarong Road | Lot 720, DP 752064 | Local | 0818 |
| Caringbah South | “Punter’s Rest”—boat shed/dwelling and swimming enclosure | 541 Willarong Road | Lot 6, DP 19624 | Local | 0819 |
| Como | House and sea wall | 39 Bonnet Avenue | Lot 4, DP 318689 | Local | 0901 |
| Como | House | 105 Como Parade | Lot 1, DP 505159 | Local | 0902 |
| Como | Como Pleasure Grounds | End of Cremona Road | Lots 3–10, DP 3134; Lot 648, DP 752064 | Local | 0903 |
| Como | Former Como railway bridge (now cycleway), lattice girder railway bridge | North of Cremona Road | MGA Zone 56, 321771°E, 6236675°N | State | 0904 |
| Como | “Cafe de Como”—house | 2 Cremona Road | Lot 1, DP 366566 | Local | 0905 |
| Como | House | 41 Wolger Street | Lot 1, DP 883870 | Local | 0906 |
| Cronulla | House | 8 Arthur Avenue (also known as 40 The Esplanade) | Lot 1, DP 9040 | Local | 1001 |
| Cronulla | Remnant native <i>Cupaniopsis anacardioides</i> (Tuckeroo) and endangered Sutherland Shire littoral rainforest | Bass and Flinders Point, South Cronulla | MGA Zone 56, 329541°E, 6228213°N | Local | 1002 |
| Cronulla | Cronulla Public School, main building and grounds | 20–24 Burraneer Bay Road | Lot 1, DP 122433; Lots 1–7, Section 2, DP 7048 | Local | 1003 |
| Cronulla | Remnant foreshore vegetation, at head of Gunnamatta Bay, consisting of mixed species shrubs and understorey plants | 20–24 Burraneer Bay Road, near end of Excelsior Road | Lot 1, DP 122433; Lot 7055, DP 1060600 | Local | 1004 |
| Cronulla | House | 26–28 Caronia Avenue | Lot 1, SP 75606 | Local | 1005 |
| Cronulla | House and garden | 15 Connells Road | Lot 45, DP 6967 | Local | 1006 |
| Cronulla | Cronulla Railway Station | Cronulla Street | Lot 1, DP 1129292 | State | 1007 |

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|----------|---|---|--|-------|------|
| Cronulla | "Cronulla Theatre" | 2-6 Cronulla Street | Lot 1, DP 317807; Lots 1 and 2, DP 130895 | Local | 1008 |
| Cronulla | Commercial building | 8-12 Cronulla Street | Lots A-C, DP 101166 | Local | 1009 |
| Cronulla | Cronulla Post Office | 41 Cronulla Street | Lots 12 and 13, DP 1087743 | Local | 1010 |
| Cronulla | Former Commonwealth Bank | 66-70 Cronulla Street | Lot 1, DP 133454 | Local | 1011 |
| Cronulla | Former State Bank | 112 Cronulla Street | Lot A, DP 313806 | Local | 1012 |
| Cronulla | Monro Park, bus shelter, gate posts and monument | 146 Cronulla Street | Lots 5-7 and part of Lot 8, Section 1, DP 758305 | Local | 1013 |
| Cronulla | Boat shed, garage, walls and sea wall | 9 Darook Park Road | Lot 27, DP 16746 | Local | 1014 |
| Cronulla | Sandstone caves and wind eroded formations on foreshore | From Darook Park towards 27 Darook Park Road | Lots 14-21, DP 900239; Lot 4, DP 821371 | Local | 1015 |
| Cronulla | Oak Park (including pavilion, <i>Araucaria</i> and <i>Phoenix</i> plantings and stone retaining wall with inbuilt seat) | Ewos Parade | Lot 248, DP 752064; Lot 72, DP 585011; Lots 8-10, Section 2, DP 8670; Lot 9A, Section 1, DP 8670; Lot 1, DP 170453; Lot 2, DP 249974 | Local | 1018 |
| Cronulla | Shelly Beach and Park (including Shelly Beach pavilion, rendered picnic shelter and avenue of mature <i>Araucaria</i> and <i>Phoenix</i> plantings) | Ewos Parade | Lots 236-238, DP 752064 | Local | 1016 |
| Cronulla | 4 street trees— <i>Araucaria cunninghamii</i> (Hoop Pine) and <i>Araucaria heterophylla</i> (Norfolk Island Pine) | Fronting 144-146 Ewos Parade and 12 Orient Avenue | In front of Lot 1, Section 1, DP 5414 | Local | 1017 |
| Cronulla | House and garden | 157 Ewos Parade | Lot 2, DP 310015 | Local | 1019 |
| Cronulla | House | 22 Excelsior Road | Lot 3, SP 54832 | Local | 1020 |

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| Cronulla | House | 54 Franklin Road | Lot 10, DP 7052 | Local | 1022 |
| Cronulla | Brick kerbing | Gerrale Street, Parramatta Street, Richmount Street, Waratah Street and Ewos Parade | Located on road reserve | Local | 1069 |
| Cronulla | Cronulla Beach and Cronulla Park | 20R–38R Gerrale Street | Lot 2222 and part of Lot 2224, DP 1182456; Lot 1, DP 963734; Lot 1, DP 172078; Lot 1, DP 958158; Lot 12, DP 12149; Part of Lot D, DP 173271 | Local | 1023 |
| Cronulla | House | 82 Gerrale Street | Lots 2, DP 1096856 | Local | 1024 |
| Cronulla | Commercial pair (shops/residence) | 97–99 Gerrale Street | Lots A and B, DP 23736 | Local | 1025 |
| Cronulla | “Thornton Hall” | 7–17 Giddings Avenue (corner Nicholson Parade, part of St Aloysius School) | Lots 1 and 2, DP 190854; Lot E, DP 23736 | Local | 1026 |
| Cronulla | House and garden | 28–30 Grosvenor Crescent | Lots 13 and 14, DP 10350 | Local | 1027 |
| Cronulla | Wharf, sandstone steps and walling | End of Gunnamatta Road | MGA Zone 56, 328637°E, 6229949°N | Local | 1029 |
| Cronulla | House and garden | 12 Hampshire Street (corner of Nicholson Parade) | Lot 1, DP 166807 | Local | 1030 |
| Cronulla | Street plantings, consisting of <i>Ficus hillii</i> (Hill’s Weeping Fig), pines, palms and eucalyptus | Hume Road boundary to Cronulla golf course | Lot 2, DP 1001050 | Local | 1031 |
| Cronulla | “Mimi’s Kindergarten”—house, garage and garden | 10–12 John Street | Lot 10, DP 6654; Lot 7, DP 6013; Lot B, DP 361239 | Local | 1032 |
| Cronulla | Dunningham Park | Eastern end of Kingsway (corner of Elouera Road) | Lots 2–8, 14 and 15, DP 12825; Lots A–K, DP 15585; Lot 7337, DP 1160017 | Local | 1033 |

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| Cronulla | Street trees, consisting of <i>Ficus macrophylla</i> (Moreton Bay Fig) and <i>Ficus rubiginosa</i> (Port Jackson Fig) | Kingsway (corner of Wilbar Avenue) | MGA Zone 56, 329345°E, 6230630°N | Local | 1034 |
| Cronulla | Sandstone cliff feature above Esplanade walkway | Between Kingsway and Cronulla Park, along Esplanade walkway | Part of Lot 222, DP 752064; Lot 1, DP 172595; Lot E, DP 355570; SP 20305; SP 2550; SP 2626; SP 2737; SP 315; SP 35; SP 4128; SP 615; SP 831; SP 9154; Lot 451, DP 857299; SP 56190; SP 66933; SP 34995; SP 39031; Lot 7002, DP 1123269 and Lot 1, DP 1159683 | Local | 1035 |
| Cronulla | Masonic Temple | 43-45 Kingsway | Lot 1, DP 168340 | Local | 1036 |
| Cronulla | "Judge's House"—house and garden | 17 Links Avenue (corner of Berry Street) | Lot X, DP 412414 | Local | 1037 |
| Cronulla | "Eleanor Mackinnon House"—house and garden | 9 Lucas Street (corner of Boronia Street) | Lots 1-6, SP 61837; Lots 8-22, SP 62055 | Local | 1038 |
| Cronulla | Fisheries Research Institute | Hungry Point Reserve (southern end of Nicholson Parade) | Lots 257, 1129 and 1187, DP 752064 | State | 1040 |
| Cronulla | Gunnamatta Park, including Gunnamatta Pavilion, the early Brick Pavilion and Picnic Pavilion and remnant indigenous vegetation | Nicholson Parade (on rise, east of Gunnamatta Baths) | Part Lot 282 and Lots 285 and 286, DP 752064 | Local | 1041 |
| Cronulla | House | 8 Oak Street | Lot 10, Section 3, DP 5414 | Local | 1042 |
| Cronulla | House | 50 Parramatta Street | Lot 5, DP 4913 | Local | 1043 |
| Cronulla | North Cronulla Surf Club | 62 Prince Street, north of Dunningham Park | Lot 1, DP 12825; Lots 16-20, DP 12825; Part of Lot 1, DP 17118 | Local | 1044 |

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| Cronulla | “Moonbow”—house | 12 Richmount Street | Lot 1, DP 204789 | Local | 1045 |
| Cronulla | House | 14 Richmount Street | Lot 4, DP 6492 | Local | 1046 |
| Cronulla | St Andrews Church of England,—church, rectory and grounds | 1A St Andrews Place | Lots 1, 1A and 2, Section A, DP 6419 | Local | 1047 |
| Cronulla | School of Arts | 4-8 Surf Road | Lot B, DP 384304 | Local | 1048 |
| Cronulla | Waterfront cottage | 47 Taloombi Street | Lot 19, DP 6875 | Local | 1049 |
| Cronulla | “Combe Grange”—house and garden | 52 Taloombi Street | Lot A, DP 392762 | Local | 1050 |
| Cronulla | Boat shed/dwelling | 53 Taloombi Street | Lot 7, DP 10446 | Local | 1051 |
| Cronulla | Cronulla Sports Complex | The Esplanade | Lots B and C, DP 173271 | Local | 1052 |
| Cronulla | The Esplanade—walking path of eastern foreshore, extending from Cronulla Park to Bass and Flinders Point | The Esplanade | Lot 2223 and part of Lot 2224, DP 1182456 | Local | 1053 |
| Cronulla | Bass and Flinders Point and Salmon Haul Reserve (including the stand of <i>Cupaniopsis anacardioides</i> (Tuckeroo)) | The Esplanade (at southern point of Cronulla Peninsula) | Lot 1, DP 200124; Lot 989, DP 752064; Lot 7047, DP 1060625; Lot 7048, DP 1060625; Lot 7049, DP 1119647; Lot 7076, DP 1119653 | Local | 1054 |
| Cronulla | Cronulla Surf Club | The Esplanade (to the east of Cronulla Park) | Lot 2221 and part of Lot 2222, DP 1182456; Lot A, DP 173271 | Local | 1055 |
| Cronulla | Tonkin Park—facilities building, small painted masonry building and Tonkin Memorial | Tonkin Street | Lot 7055, DP 1060600 | Local | 1056 |
| Cronulla | Remnant <i>Eucalyptus tereticornis</i> (Forest Red Gum) canopy in Tonkin Park, adjacent to car park | 3R Tonkin Street | Lot 7054, DP 1060600; Lot 2, DP 1153728 | Local | 1058 |
| Cronulla | House | 8 Via Mare | Lot 5, DP 5516 | Local | 1060 |

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| Cronulla | Substation (Electric Light Department) | Waratah Street, abutting Gunnamatta Park | Part of Lot 1052, DP 752064 | Local | 1061 |
| Cronulla | Former Uniting Church | 14 Wilshire Avenue | Lot 15, DP 6585; Lot B, DP 303739 | Local | 1063 |
| Dolans Bay | House | 92 Parthenia Street | Lot 178, DP 6930 | Local | 1101 |
| Dolans Bay | House and garden | 698 Port Hacking Road South | Lot 1, DP 559607 | Local | 1102 |
| Dolans Bay | Our Lady of Mercy Convent | 742 Port Hacking Road South | Lot 1, DP 1043243 | Local | 1103 |
| Engadine | House | 133 Banksia Avenue | Lot 44, DP 848092 | Local | 1201 |
| Engadine | The "Needles" rock formations in Woronora River | Immediately downstream of the causeway | Lot 7038, DP 1027187 | Local | 1202 |
| Engadine | House | 43 Railway Parade (Princes Highway) | Lot 37, SP 64909 | Local | 1204 |
| Engadine | Bakery Trade Industry building | 35B Waratah Road | Part of Lot 10, DP 1231293 | Local | 1205 |
| Engadine | Meat Trade Industry building and brick fence | 35B Waratah Road | Part of Lot 10, DP 1231293 | Local | 1206 |
| Engadine | Memorial Hospital and grounds | 50-52 Waratah Road | Lot 353, DP 752033 | Local | 1207 |
| Engadine | "Homelea"—house | 277 Woronora Road | Lot 14, DP 22331 | Local | 1209 |
| Grays Point | Mansion Bay, sandstone foreshore, cliffs and native vegetation | Between 8-70A Mansion Point Road | SP 69994; Lot 12, DP 614900; Lot 2, DP 545204; Lots 42, 46, 47, 51, 53 and 55-57, DP 12160; Lot B, DP 403184; Lot 2, DP 532406; Lot 2, DP 407301; Lot 44, DP 730799; Lot 101, DP 1064689; Lot 2, DP 1072429; Lot 52, DP 1082965 | Local | 1303 |
| Grays Point | House | 14/150-158 North West Arm Road | Lot 14, SP 57657 | Local | 1304 |

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| Grays Point | House, boat shed and stone sea wall | 129 Peninsula Road | Lot 9, DP 13379; Lot 1106, DP 752064 | Local | 1305 |
| Grays Point | “Swallow Rock” rock formations, east of boat ramp | Swallow Rock Drive | Part of Lot 1164, DP 752064 | Local | 1307 |
| GyMEA | Street trees, consisting of <i>Eucalyptus pilularis</i> (Blackbutt) | Southern side of Forest Road, opposite Walker Avenue | MGA Zone 56, 323506°E, 6231512°N | Local | 1502 |
| GyMEA | Street trees, consisting mainly of <i>Eucalyptus pilularis</i> (Blackbutt) and <i>Eucalyptus globoidea</i> (White Stringybark) | GyMEA Bay Road, south, between President Avenue and High Street | MGA Zone 56, 323140°E, 6231877°N | Local | 1503 |
| GyMEA | “Hotham House”—house and garden | 65 Hotham Road | Lot 24A, DP 26995 | Local | 1510 |
| GyMEA | Street plantings, including <i>Eucalyptus racemosa</i> (Narrow Leaved Scribbly Gum) and <i>Eucalyptus pilularis</i> (Blackbutt Gum) and wide grassed verges | Kingsway, mainly southern side, between Talara Road and Premier Street | MGA Zone 56, 323119°E, 6232586°N | Local | 1506 |
| GyMEA | Hazelhurst garden and grounds (including cottage) | 782–804 Kingsway (corner of Talara Road) | Lot 1, DP 1006317 | Local | 1507 |
| GyMEA | Natural sandstone arch bridge | North West Arm Road | Lot 1, DP 235621 | Local | 1508 |

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| GyMEA | Stands of <i>Eucalyptus microcorys</i> (Tallow Wood), <i>Eucalyptus pilularis</i> (Blackbutt), <i>Eucalyptus racemosa</i> (Snappy Gum or Small-leaf Scribbly Gum), <i>Eucalyptus grandis</i> (Rose Gum) and <i>Eucalyptus globoidea</i> (White Stringybark) | Along Princes Highway (between Kingsway and The Boulevarde) | Lots 1 and 2, DP 350852; Lots 3 and 4, DP 417609; Lot 2, DP 563565; Lots 2-4, 34-37 and 39-43, Section C, DP 9792; SP 52824; Lot 1, DP 455387; SP 57179; Lot 1, DP 877232; SP 57553; SP 67562; Lot 1, DP 1110259; SP 79926; Lot 2, DP 1166936; Lot 50, DP 1178390 | Local | 1509 |
| GyMEA Bay | GyMEA Baths (including surrounding bushland) | North-western corner of GyMEA Bay | MGA Zone 56, 323966°E, 6230690°N | Local | 1601 |
| GyMEA Bay | House | 9 Bayhaven Place | Lot 13, DP 708229 | Local | 1602 |
| GyMEA Bay | Boat shed | 38 Cooperbrook Avenue | Lot 18B, DP 14902 | Local | 1604 |
| GyMEA Bay | Waterfront cottage, sea wall, recessed stone slipway and stairs | 116 Ellesmere Road | Lot 5, DP 8937; Lot 632, DP 752064 | Local | 1605 |
| GyMEA Bay | House | 180 Ellesmere Road | Lot 1, DP 206569 | Local | 1606 |
| GyMEA Bay | House | 24A Pinaroo Place | Lot 42, DP 814870 | Local | 1607 |
| Heathcote | Street trees (<i>Eucalyptus pilularis</i> (Blackbutt Gum), <i>Eucalyptus saligna</i> (Blue Gum) and <i>Eucalyptus globoidea</i> (Stringybark)) and former brickpit embankment | Outside 37R-39R Bottle Forest Road | MGA Zone 56, 316800°E, 6226640°N | Local | 1701 |
| Heathcote | Cultural street trees, <i>Lophostemon confertus</i> (Brush Box) | Dillwynnia Grove (from Wilson Parade to 22 Dillwynnia Grove) | MGA Zone 56, 316660°E, 6226300°N | Local | 1702 |
| Heathcote | Heathcote Hall and grounds of Heathcote Hall | 1-21 Dillwynnia Grove (corner of Tecoma Street) | Lots 1 and 2, DP 725184 | State | 1703 |

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| Heathcote | "Kennet Villa"—house | 40 Dillwynnia Grove | Lot 9, DP 14918 | Local | 1704 |
| Heathcote | Natural street plantings, including <i>Eucalyptus pilularis</i> (Blackbutt), <i>Syncarpia glomulifera</i> (Turpentine) and Angophora | Forest Road | MGA Zone 56, 317050°E, 6226950°N | Local | 1705 |
| Heathcote | Former railway cottage | 1328 Princes Highway | Lot 1, DP 1096009 | Local | 1706 |
| Heathcote | House | 1 Wilson Parade | Lot 5, DP 853887 | Local | 1708 |
| Heathcote | House | 122 Wilson Parade | Lot 20, DP 1128889 | Local | 1709 |
| Illawong | "The Rockies"—boat house and stone sea wall | 4 Bignell Street | Lot 3, DP 619553 | Local | 2001 |
| Illawong | Stone boat house, sea wall, basin, tidal pool, dock, steps and derrick | 7 Bignell Street | Lot 1, DP 214127 | Local | 2002 |
| Illawong | Cottage (part of group), sea wall, pool and sandstone retaining wall | 20 Bignell Street | Lot A, DP 339474 | Local | 2003 |
| Illawong | Cottage (part of group), sea wall, pool and sandstone retaining wall | 22 Bignell Street | Lot 1, DP 776739 | Local | 2004 |
| Illawong | Cottage (part of group) and sea wall | 60 Bignell Street | Lot 544, DP 752034; Lot 12, DP 9572 | Local | 2005 |
| Illawong | Cottage and boat shed (part of group), sea wall and wharf | 66 Bignell Street | Lot A, DP 364745; Lot 9, DP 9572 | Local | 2006 |
| Illawong | Cottage (part of group) and sea wall | 68 Bignell Street | Lot 448, DP 752034; Lot 8, DP 747455 | Local | 2007 |
| Illawong | Cottage (part of group) | 72 Bignell Street | Lot 6, DP 603700 | Local | 2008 |
| Illawong | Sculptures, pathways, steps, sea wall, public park, castellated top wall and swimming enclosure | 9–21 Cranbrook Place | Lots 7–12, DP 240621; Lot 21, DP 711944 | Local | 2009 |

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| Illawong | “Cranbrook”—house and gardens | 45-53 Fowler Road | Lot 5, DP 855000 | Local | 2010 |
| Illawong | “Wandeen”—house, boat shed and sea wall | 69 Fowler Road | Lot 2, DP 507068 | Local | 2012 |
| Illawong | Sea wall | 77-79 Fowler Road | Lot B, DP 418308 | Local | 2013 |
| Illawong | Sea wall and boat shed | 81 Fowler Road | Lot A, DP 418308 | Local | 2014 |
| Illawong | House | 118 Fowler Road | Lot 1, DP 214556 | Local | 2015 |
| Illawong | Boat shed and stone waterfront | 119 Fowler Road | Lot 202, DP 1189575 | Local | 2016 |
| Illawong | Waterfront house (part of group) | Georges River—150m west of Old Ferry Road | Lot 531, DP 752034 | Local | 2022 |
| Illawong | Waterfront house (part of group) | Georges River—180m west of Old Ferry Road | MGA Zone 56, 318940°E, 6236915°N | Local | 2021 |
| Illawong | Waterfront house (part of group) | Georges River—215m west of Old Ferry Road | MGA Zone 56, 318910°E, 6236910°N | Local | 2020 |
| Illawong | Waterfront house (part of group) | Georges River—220m west of Old Ferry Road | MGA Zone 56, 318895°E, 6236910°N | Local | 2019 |
| Illawong | Waterfront house (part of group) and sea wall | Georges River—240m west of Old Ferry Road | MGA Zone 56, 318875°E, 6236910°N | Local | 2018 |
| Illawong | Early waterfront house | 9-11 Griffin Parade | Lot A, DP 311424 | Local | 2017 |
| Jannali | Stand of <i>Eucalyptus pilularis</i> (Blackbutt) | Jannali Avenue, between Mitchell Avenue and Louise Street | MGA Zone 56, 321290°E, 6234155°N | Local | 2101 |
| Jannali | Cultural planting, comprising <i>Lophostemon confertus</i> (Brush Box) | Mitchell Avenue, corner of Oxley Avenue | MGA Zone 56, 321180°E, 6234390°N | Local | 2102 |
| Kangaroo Point | Boat house, sea wall, jetty and slip rails | 9 Ilma Avenue | Lot 14, DP 8822 | Local | 2201 |
| Kangaroo Point | Boat shed and wall | 6-8 Kangaroo Point Road | Lots 22-23, DP 7269 | Local | 2202 |
| Kangaroo Point | “Green Gables”—house | 10-12 Kangaroo Point Road | Lots 20-21, DP 7269 | Local | 2203 |
| Kangaroo Point | House and front garden | 25 Kangaroo Point Road | Lot 4, DP 11338 | Local | 2204 |

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| Kangaroo Point | Boat shed, sea wall and Norfolk Island Pines | 72-74 Kangaroo Point Road | Lot D, DP 26408 | Local | 2206 |
| Kangaroo Point | House | 107 Kangaroo Point Road | Lot 5, DP 285830 | Local | 2207 |
| Kangaroo Point | House | 162 Kangaroo Point Road (corner of Tara Street) | Lot A, DP 366804 | Local | 2208 |
| Kirrawee | "Botany View"—house | 94 Acacia Road | Lot 8, DP 392336 | Local | 2401 |
| Kirrawee | House | 189 Acacia Road | Lot 8, Section 61, DP 802 | Local | 2402 |
| Kirrawee | House | 455 President Avenue (corner of Oak Road) | Lot B, DP 402016 | Local | 2403 |
| Kurnell | Former church | 123 Captain Cook Drive | Lot 42, DP 815126 | Local | 2501 |
| Kurnell | Cronulla sand dune and Wanda Beach coastal landscape | 434 and 440 Captain Cook Drive and 31 Lindum Road | Lot 1055, DP 1140838; Lot 1059, DP 1140838; State Lot 7304, DP 1130200 | | 2502 |
| Kurnell | Kurnell monuments (in Kamay Botany Bay National Park) | Kamay Botany Bay National Park | Land shown in Miscellaneous Plan of Sydney 20239-3000 | Local | 2503 |
| Kurnell | Kurnell Historic Site (in Kamay Botany Bay National Park) | Polo Street and Sir Joseph Banks Drive | Lots 71-76 and 85, DP 908; Lot 7334, DP 1162374; land shown in Miscellaneous Plan of Sydney 20239-3000; Lot 1, State DP 556396; land shown in NSW Government Gazette 13 December 1968: folio 4968. | State | 2504 |
| Kurnell | Bonna Point Reserve | Prince Charles Parade | Lot 11, DP 819440 | Local | 2505 |
| Kurnell | Silver Beach and roadway | Prince Charles Parade | Lot 3, DP 1165618 | Local | 2506 |

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| Kurnell | Indigenous trees | 254-266 Prince Charles Parade and 1-9 Balboa Street | Lots 76-79 and 92-96, DP 7632; Lots 104-106, DP 800513 | Local | 2507 |
| Kurnell | Oyster jetty (end of Atkinson Road) | Shell Point | Lot 2, DP 879760 | Local | 2508 |
| Kurnell | Towra Point Nature Reserve and Quibray Bay | Towra Point | Lots 101-109, DP 777967; Lot 31, DP 217907; Lot 101, DP 555205; Lot 4, DP 732257; Lot 2, DP 856868; Lot 1, DP 1014443; Lot 1, DP 1030269 | State | 2509 |
| Lilli Pilli | Garden trees | 18 Bareena Street | Lot 2, DP 956230 | Local | 2602 |
| Lilli Pilli | "Waratah"—house | 18 Bareena Street | Lot 2, DP 956230 | Local | 2601 |
| Lilli Pilli | "Beckton"—house and garden | 20-24 Beckton Place | Lot 48, DP 1193005 | Local | 2603 |
| Lilli Pilli | Beckton Recreational Group—boat shed, changing shed/ outbuilding, tidal pool and sea wall | 20-24 Beckton Place | Lot 48, DP 1193005 | Local | 2604 |
| Lilli Pilli | House | 32 Beckton Place | Lot 1, DP 209344 | Local | 2605 |
| Lilli Pilli | Waterfront cottage | 24 Gow Avenue | Lot 13, DP 29382 | Local | 2606 |
| Lilli Pilli | "Nuimburra" and adjoining house | 16-18 Korokan Road | Lot 24, DP 524917 | Local | 2607 |
| Lilli Pilli | Remnant mixed canopy | Eastern end of Lilli Pilli Point Reserve, North East Crescent | Lot 7004, DP 93567 and part of Lot 7335, DP 1158580 | Local | 2608 |
| Lilli Pilli | "The Rocks"—waterfront cottage | 33 Turriell Bay Road | Lot 2, DP 409606 | Local | 2609 |
| Loftus | House | 9 National Avenue | Lot 3, DP 501404 | Local | 2701 |
| Lucas Heights | Trees— <i>Eucalyptus paniculata</i> (Grey Ironbark) | Within ANSTO grounds bounded by Little Forest Road and New Illawarra Road | Lot 1, DP 106967; Lot 25, DP 874608; Lots 272 and 274, DP 752034; Part of Lots 2 and 3, DP 1032102; Lot 2, DP 605076; Lot 112, DP 1050235 | Local | 2802 |

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| Maianbar | Vegetated islands off Maianbar containing some threatened species of vegetation | Constables Point | Lot 47, DP 752065; Lot 1, DP 1047125; Lot 7300, DP 1143291 | Local | 2901 |
| Menai | Tree— <i>Ficus macrophylla</i> (Moreton Bay Fig) | Between Carter Road and Old Illawarra Road, Menai town centre | Lot 101, DP 1038691 | Local | 3001 |
| Menai | Sandstone escarpment | In Georges River National Park, between Heathcote Road and Mill Creek | Part of Lot 2, DP 828667 at MGA Zone 56, 315820°E, 6237820°N | Local | 3002 |
| Menai | Sandstone escarpment | In Georges River National Park, between Heathcote Road and Mill Creek | Part of Lot 2, DP 828667 at MGA Zone 56, 316370°E, 6237720°N | Local | 3003 |
| Menai | Trees— <i>Angophora costata</i> x <i>bakerii</i> | St George Crescent | Part of Lot 2, DP 828667 at MGA Zone 56, 316540°E, 6236890°N | Local | 3005 |
| Menai | Trees— <i>Eucalyptus maculata</i> (Spotted Gum) | St George Crescent | Part of Lot 2, DP 828667 at MGA Zone 56, 315570°E, 6237470°N | Local | 3004 |
| Miranda | Street trees, alternate planting of <i>Lophostemon confertus</i> (Brush Box) and <i>Cinnamomum camphora</i> (Camphor Laurel) | Kiora Road | MGA Zone 56, 324920°E, 6232620°N | Local | 3102 |
| Miranda | House | 13 Matson Crescent | Lot 65, DP 10693 | Local | 3103 |
| Miranda | Waterfront house | 32 Matson Crescent | Lot 656, DP 752064 | Local | 3104 |
| Miranda | Boat shed/house (part of a group) | 42 Matson Crescent | Lot 92, DP 10693 | Local | 3105 |
| Miranda | Boat shed (part of a group), sea wall and boat ramp | 46 Matson Crescent | Lots 1 and 2, SP 45278 | Local | 3106 |

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| Miranda | Boat shed (part of a group), slipways and jetty | 50 Matson Crescent | Lot 881, DP 841761 | Local | 3107 |
| Miranda | Boat shed (part of a group), slipways and jetty | 52 Matson Crescent | Lot 87, DP 10693 | Local | 3108 |
| Miranda | Boat house (part of a group) | 54 Matson Crescent | Lot 86, DP 10693 | Local | 3109 |
| Miranda | “Mount View”—boat house (part of a group) | 56 Matson Crescent | Lot 85, DP 10693 | Local | 3110 |
| Miranda | Boat house | 60 Matson Crescent | Lot 83, DP 10693 | Local | 3111 |
| Miranda | Boat shed | 62 Matson Crescent | Lot 82, DP 10693 | Local | 3112 |
| Miranda | Miranda Centre School War Memorial | Northern end of The Boulevard | Lots 535 and 536, DP 1073046 | Local | 3116 |
| Miranda | Remnant stand of <i>Eucalyptus racemosa</i> (Snappy Gum or Small-leaf Scribbly Gum) | Northern side of The Boulevard, between Aster Avenue and Ingara Avenue | MGA Zone 56, 325545°E, 6232850°N | Local | 3114 |
| Oyster Bay | Stands of <i>Avicennia marina</i> (Grey Mangrove) | Fringing Coronation Bay | MGA Zone 56, 322650°E, 6236175°N | Local | 3206 |
| Oyster Bay | Boat house, sea wall, jetty and ramp | 27 Carina Road | Lot 252, DP 550590 | Local | 3201 |
| Oyster Bay | Waterfront cottage (part of group) | 14–20 Green Point Road | Lot 1, DP 4079 | Local | 3202 |
| Oyster Bay | Waterfront cottage (part of group) | 40 Green Point Road | Lot 32, DP 228618; Lot 1, LN 305079 | Local | 3203 |
| Oyster Bay | “Desiree”—house | 2 Sage Avenue | Lot 1, DP 612154 | Local | 3204 |
| Oyster Bay | Waterfront cottage (part of group) | 19 Shipwright Place | Lot 62, DP 1106236 | Local | 3205 |
| Oyster Bay | Waterfront cottage (part of group) | 20 Ward Crescent | Lot 10, DP 17645 | Local | 3207 |
| Oyster Bay | Waterfront cottage (part of group) with attached boat shed, sea wall, jetty and slip rails | 24 Ward Crescent | Lot 12, DP 17645 | Local | 3208 |

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| Oyster Bay | Waterfront cottage, boat shed and sea wall (part of group) | 28 Ward Crescent | Lot 14, DP 17645 | Local | 3209 |
| Port Hacking | “Moombara”—house | 17–19 Moombara Crescent | Lot X, DP 442185 | Local | 3301 |
| Port Hacking | “Lyons House”, garden and interiors | 733 Port Hacking Road | Lot 1, DP 650205 | State | 3302 |
| Port Hacking | House | 1 Sandbar Place | Lot 26, DP 255250 | Local | 3303 |
| Port Hacking | Shiprock rock feature on foreshore, opposite 2 Shiprock Road, together with the Shiprock Aquatic Reserve | In water adjoining 2–4 Shiprock Road | MGA Zone 56, 327410°E, 6228600°N | Local | 3305 |
| Port Hacking | Maris Park—sandstone boundary wall and park | 26, 36, 40 and 42 Turriell Point Road and 2 Sandbar Place | Lot 27, DP 255250; Part of Lots 1, 2, 29 and 30, DP 255250 | Local | 3307 |
| Port Hacking | “Wallendbeen Lodge”—house | 10 Wallendbeen Avenue | Lot 11, DP 30985 | Local | 3304 |
| Royal National Park | Historic recreational complex, comprising Audley Group | Junction of Audley Road and Sir Bertram Stevens Drive | MGA Zone 56, 320656.03°E, 6227853.95°N | State | 3402 |
| Royal National Park | Historic recreational complex, comprising house | Audley Road/Sir Bertram Stevens Drive, eastern side of road, on western approach to Audley Weir | MGA Zone 56, 320590°E, 6288030°N | Local | 3403 |
| Royal National Park | Historic recreational complex, comprising ranger’s cottage | Audley Road/Sir Bertram Stevens Drive, corner of Lady Carrington Drive | MGA Zone 56, 320625°E, 6227710°N | Local | 3404 |
| Royal National Park | Historic recreational complex, comprising shelter pavilion | Audley Road/Sir Bertram Stevens Drive, corner of Lady Carrington Drive | MGA Zone 56, 320650°E, 6227800°N | Local | 3405 |
| Royal National Park | Deeban spit—sand spit | Extending from Bonnie Vale towards Burraneer Headland | Part of Lot 50, DP 48305 | Local | 3406 |

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| Royal National Park | "Chaldercot"—house | On foreshore between Dark Bay and Carruthers Bay | MGA Zone 56, 324800°E, 6228850°N | Local | 3407 |
| Royal National Park | Avenue of trees, consisting of Bunya Pine, Hoop Pine and Monterey or Radiata Pine | Royal National Park entry at Loftus Junction and extending into Royal National Park | MGA Zone 56, 320395°E, 6230185°N | Local | 3408 |
| Royal National Park | Ballast shoal | Port Hacking mid channel between Little Turriell Bay and Yennibilli Point (just north-west of Maianbar) | MGA Zone 56, 326800°E, 6228100°N | Local | 3410 |
| Royal National Park | "Bedford"—cottage | Princes Highway (on edge of Royal National Park) | MGA Zone 56, 320260°E, 6230630°N | Local | 3401 |
| Royal National Park | Former "Gardeners Garage" | Princes Highway (on edge of Royal National Park) | MGA Zone 56, 320244.89°E, 6230659.66°N | Local | 3411 |
| Royal National Park | Rock formation, described locally as "Pulpit Rock" (minor) | On foreshore west of Red Jacks Point | Lot 1, DP 744531 | Local | 3412 |
| Royal National Park | Boat sheds | Warumbul Road (Gogerly's Point) | Lot 2, DP 3274 | Local | 3413 |
| Royal National Park | Rotunda | Warumbul Road (Gogerly's Point) | Lot A, DP 361390 | Local | 3414 |
| Royal National Park | Timber cottages | Warumbul Road (Gogerly's Point) | Lot B, DP 361390 | Local | 3415 |
| Royal National Park | "Gogerly's Cottage" | Warumbul Road (Gogerly's Point), adjacent to "Hilltop" | Lot 2, DP 3274 | Local | 3416 |
| Royal National Park | "Rathane" cottage, associated buildings and landscape setting | Warumbul Road (Gogerly's Point), north of "Hilltop" | Lot A, DP 361390 | Local | 3418 |
| Royal National Park | "Telford" and landscaping | Warumbul Road (Gogerly's Point), including west of "Rathane" | Part of Lot 21, DP 57765 | Local | 3417 |
| Royal National Park | "Hilltop" and landscaping | Warumbul Road (Gogerly's Point), south of "Rathane" | Lot 2, DP 3274 | Local | 3419 |

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| Royal National Park | Gardens/grounds | Warumbul Road (Gogerly's Point), within landscape setting for "Rathane" | Lot A, DP 361390 | Local | 3420 |
| Royal National Park | "Warumbul"—remnant period garden and ancillary foreshore structures in grounds | Warumbul Road (Warumbul) | MGA Zone 56, 324950°E, 6227740°N | Local | 3421 |
| Sutherland | Tree cluster, consisting of <i>Eucalyptus microcorys</i> (Tallow Wood), <i>Eucalyptus pilularis</i> (Blackbutt) and <i>Eucalyptus saligna</i> (Sydney Blue Gum) | Along southern edge of 101 Acacia Road and within the adjacent road reservation on northern side of Old Princes Highway | In front of road reserve and part of Lot 200, DP 1110295; MGA Zone 56, 321470°E, 6232710°N | Local | 3601 |
| Sutherland | House | 5 Adelong Street | Lot B, DP 165415 | Local | 3603 |
| Sutherland | House | 7 Adelong Street | Lot C, DP 165415 | Local | 3604 |
| Sutherland | House | 10 Adelong Street | Lot 12, Section 8, DP 1989 | Local | 3605 |
| Sutherland | House | 68 Auburn Street | Lot 28, SP 52072 | Local | 3606 |
| Sutherland | House | 52 Clio Street | Lot 9, DP 6641 | Local | 3608 |
| Sutherland | Street trees, alternate planting of <i>Ficus rubiginosa</i> (Port Jackson Fig) and <i>Lophostemon confertus</i> (Brush Box) | East Parade | MGA Zone 56, 320425°E, 6232320°N | Local | 3609 |
| Sutherland | Single tree— <i>Ficus rubiginosa</i> (Port Jackson Fig) | East Parade, at the bus interchange | MGA Zone 56, 320625°E, 6232675°N | Local | 3610 |
| Sutherland | House | 9-15 East Parade | Lot 30, SP 60557 | Local | 3611 |
| Sutherland | Former School of Arts | 21-23 East Parade | Lots 6 and 7, Section 10, DP 1989 | Local | 3612 |
| Sutherland | House | 77 East Parade (corner of Sutherland Street) | Lot 13, Section 6, DP 1989 | Local | 3613 |
| Sutherland | Sutherland War Memorial | Peace Park, Eton Street | Lot 7, Section 46, DP 802 | Local | 3615 |

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| Sutherland | Forby Sutherland Memorial Gardens | Eton Street and Old Princes Highway | Lot 1, DP 1087442; Part of Lot 2, Sec 46, DP 802 | Local | 3616 |
| Sutherland | Former Sutherland Intermediate High School building (now part of Sutherland Primary School) | 38-54 Eton Street | Lots 6-10, Section 45, DP 802 | Local | 3614 |
| Sutherland | Single tree— <i>Ficus rubiginosa</i> (Port Jackson Fig) | Western side of Eton Street, outside 61-65 Eton Street | MGA Zone 56, 320725°E, 6232295°N | Local | 3617 |
| Sutherland | Sutherland Primary School, including original building and grounds | Flora Street (corner of Eton and Merton Streets) | Lot 5, Section 45, DP 802; Lots 1-10, DP 6600 | Local | 3618 |
| Sutherland | Church | Flora Street (corner of Merton Street) | Lot 11, Section 46, DP 802 | Local | 3619 |
| Sutherland | House | 116 Flora Street | Lot 1, DP 324080 | Local | 3620 |
| Sutherland | House | 122 Flora Street (corner of Glencoe Street) | Lot 1, DP 877080 | Local | 3621 |
| Sutherland | House | 56 Glencoe Street | Lot 11, DP 876387 | Local | 3622 |
| Sutherland | House and garden | 123 Jannali Avenue (rear frontage to Vesta Street) | Lot 1, Section 28, DP 802 | Local | 3623 |
| Sutherland | House and garden | 125 Jannali Avenue (corner of Glenelg Street) | Lot 1, DP 1087441 | Local | 3624 |
| Sutherland | Lark Ellen Nursing Home | 133 Jannali Avenue | Lots 24, 25 and 28, DP 9306 | Local | 3625 |
| Sutherland | Sutherland Park | Linden Street | Lot 7351, DP 1165563; Lot 7058, DP 1027168; Lot 3, DP 1006363 | Local | 3626 |
| Sutherland | Woronora Cemetery | Linden Street | Lot 7065, DP 1027170; Lot 7066, DP 1069862; Lot 7331, DP 1158060 and Part of Lot 7329, DP 1158060 | Local | 3627 |

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| Sutherland | "Waratah Tree", <i>Eucalyptus racemosa</i> (Snappy Gum or Small- leaf Scribbly Gum), 1.8m diameter trunk | Sutherland Park, Linden Street | Lot 7351, DP 1165563 | Local | 3628 |
| Sutherland | Stand of <i>Eucalyptus haemastoma</i> (Scribbly Gum) and <i>Eucalyptus racemosa</i> (Snappy Gum or Small-leaf Scribbly Gum) | Sutherland Park, Linden Street | Lot 7351, DP 1165563 | Local | 3629 |
| Sutherland | 2 trees— <i>Tristaniaopsis laurina</i> (Water Gum) | Linden Street footpath reserve, opposite Adelong Street | MGA Zone 56, 320410°E, 6232660°N, MGA Zone 56, 320400°E, 6232625°N | Local | 3630 |
| Sutherland | House | 148 Linden Street (corner of Sutherland Street) | Lot 12, Section 6, DP 1989 | Local | 3631 |
| Sutherland | Railway station precinct (including tramway office, bridge, retaining walls and <i>Ficus hillii</i> (Hills Weeping Figs) | Between East Parade and Old Princes Highway | Part of Lot 2, DP 1001739 | Local | 3632 |
| Sutherland | Cultural plantings, consisting of 4 <i>Lophostemon confertus</i> (Brush Box) | Old Princes Highway (in front of Olsens Funeral Chapel) | In front of road reserve and parts of Lot 25, DP 6641; Lot 26, DP 6641; Lot 1, DP 736041, MGA Zone 56, 320900°E, 6232870°N | Local | 3602 |
| Sutherland | Commonwealth Bank | 816 Old Princes Highway | Lot 1, DP 717026 | Local | 3633 |
| Sutherland | Single tree— <i>Ficus rubiginosa</i> (Port Jackson Fig) | Opposite Oxford Street on eastern side of East Parade | MGA Zone 56, 320745°E, 6232875°N | Local | 3634 |
| Sutherland | Commercial building | 685 Princes Highway (next to overpass) | Lot 26, DP 6641 | Local | 3635 |
| Sutherland | "Boyles Sutherland Hotel" | 808-810 Princes Highway (corner of Boyle Street) | Lot 8, Section 1, DP 1688 | Local | 3636 |

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| Sutherland | “National Avenue”—street trees | Rawson Avenue | MGA Zone 56, 320350°E, 6231690°N | Local | 3637 |
| Sutherland | Cultural plantings of <i>Lophostemon confertus</i> (Brush Box) | Northern and southern boundaries of Sutherland Park Ovals | Lot 7058, DP 1027168; Lot 7065, DP 1027170; Lot 7351, DP 1165563 | Local | 3640 |
| Sutherland | House | 88–90 Toronto Parade | Lot 5, SP 48925 | Local | 3642 |
| Sutherland | House | 94 Toronto Parade | Lot 1, SP 72518 | Local | 3643 |
| Sutherland | “Brinsley’s Joinery Works” | 100 Toronto Parade (corner of Clio Street) | Lot 5, DP 6641 | Local | 3644 |
| Sutherland | House | 102 Toronto Parade | Lot 4, DP 6641 | Local | 3645 |
| Sutherland | “Walton”—house | 104 Toronto Parade | Lot 3, DP 6641 | Local | 3646 |
| Sylvania | House | 23 Canberra Road (corner of Pembroke Street) | Lot B, DP 409705 | Local | 3702 |
| Sylvania | House | 5 Evelyn Street North | Lot B, DP 379630 | Local | 3712 |
| Sylvania | Jetty and walls | 35 Harrow Street | Lot 3, DP 10615 | Local | 3704 |
| Sylvania | “Glenn Robin”—house, Fairy House, boat shed and jetty | 35 Murralin Lane | Lot 72, DP 792778 | Local | 3706 |
| Sylvania | House | Part of Frank Vickery Village, 16/101–151 Port Hacking Road | Lot 1, DP 1025954 | Local | 3707 |
| Sylvania | Single tree— <i>Ficus rubiginosa</i> (Port Jackson Fig) | Princes Highway on southern approach to Georges River Bridge | Part of Lot 4, DP 11575 | Local | 3710 |
| Sylvania | Georges River Bridge (constructed 1929) | Princes Highway northbound across Georges River from Horse Rock Point to Tom Uglys Point | MGA Zone 56, 325710°E, 6235800°N | Local | 3711 |
| Sylvania | Former St Mark’s Church | Part of Sylvania Public School, 46 Princes Highway | Lot 3, Section 3, DP 800 | Local | 3708 |

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| Sylvania | Old church | 56–60 Princes Highway (corner of Endeavour Street) | Lot 1, DP 205859 | Local | 3709 |
| Sylvania Waters | Sylvania Waters canal development | Sylvania Waters waterway | Lot 1, DP 615171 | Local | 3801 |
| Taren Point | Captain Cook Bridge (1965) (including landscaping forming part of the southern approach) | Taren Point Road, 1R Taren Point Road and 2R Woodlands Road | Lots 11 and 12, DP 579321 | Local | 3904 |
| Waterfall | Pair of semi-detached houses | 7, 8, 9 and 10 McKell Avenue | Lots 1–4, DP 829659 | Local | 4001 |
| Waterfall | “Camp Coutts”, Heathcote National Park | On hillside, 1km south-west of Waterfall, off highway (near freeway) | Part of Lot 958, DP 752033; Lot 7302, DP 1137037 | Local | 4002 |
| Woolooware | House | 26 Castlewood Avenue | Lot 60, DP 6965 | Local | 4104 |
| Woolooware | Remnant canopy, consisting of <i>Eucalyptus globoidea</i> (White Stringybark) and <i>Eucalyptus paniculata</i> (Grey Ironbark) | Denman Avenue, Hagger Park | Lot 2, DP 1142135; Lots 13–16, DP 9018; Lot 1, DP 440601 and Part of Lot 1 132830 | Local | 4105 |
| Woolooware | Remnant avenue planting— <i>Ficus rubiginosa</i> (Port Jackson Fig) | Footpath fronting 63–65, 67, 77–79, 97, 103A, 111–113, 115, 119, 139, 141 and 143 Kingsway | MGA Zone 56, 328490°E, 6230930°N | Local | 4108 |
| Woolooware | “Woolooware House” and stables building | 141 Kingsway | Lot 6, DP 19677 | Local | 4107 |
| Woolooware | “Wyndham Flats”—residential flat building | 2 Swan Street | Lot 7, DP 9018 | Local | 4110 |
| Woolooware | Alignment of first road in Sutherland Shire | 1–483 Woolooware Road | MGA Zone 56, 328550°E, 6231580°N | Local | 4114 |
| Woolooware | House | 79 Woolooware Road (corner of Castlewood Avenue) | Lot 1, DP 6966 | Local | 4111 |

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| Woolooware | "Castlewood"—house and garage | 89 Woolooware Road | Lot B, DP 372164 | Local | 4112 |
| Woronora | House and sea wall | 67 Liffey Place | Lot 63, DP 238731 | Local | 4201 |
| Woronora | Sandstone formations | Prices Circuit, riverfront at southern end of Prices Circuit Reserve | Lot 7008, DP 1027166 | Local | 4204 |
| Woronora | Stand of eucalyptus and single fig tree | Prices Circuit Crown Reserve, tree at northern end of reserve | Lot 7008, DP 1027166 | Local | 4206 |
| Woronora | Trees— <i>Calodendrum capense</i> (Cape chestnut) planted around 1930 | 193 Prices Circuit | Lot 31, DP 11327 | Local | 4207 |
| Woronora | House | 87 Prince Edward Park Road | Lot 14, DP 7859 | Local | 4209 |
| Woronora | Stone boat shed and sea wall | 105 Prince Edward Park Road | Lot 23, DP 7859 | Local | 4210 |
| Woronora | Woronora RSL War Memorial and retaining walls | 118 Prince Edward Park Road | Lot 928, DP 752064 | Local | 4211 |
| Woronora | Stone house, boat shed, carport, sea wall and tree | 201 Prince Edward Park Road | Lot 83, DP 5989 | Local | 4212 |
| Woronora | Sandstone retaining walls | 29 River Road | Lot 201, DP 1081859 and adjoining | Local | 4205 |
| Woronora | Wishing well in creek bed | The Crescent | MGA Zone 56, 318800°E, 6232610°N | Local | 4213 |
| Woronora | Woronora Dam | | Lot 1, DP 830604; Lots 1-11, DP 1078435 and the road leading to Woronora Dam | State | 4301 |
| Yowie Bay | House, garage and garden | 8 Attunga Road | Lot 134, DP 599914 | Local | 4601 |
| Yowie Bay | Boat shed, remains of swimming enclosure, stone steps and sea wall on southern side | 135 Attunga Road | Lot 32, DP 570155 | Local | 4602 |

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| Yowie Bay | Boat shed and house (including tidal pool, sea wall and remnants of stone boat ramps) | 255 Attunga Road | Lot 14, DP 6309; Lot 618, DP 752064 | Local | 4603 |
| Yowie Bay | Boat shed, sea wall and remains of pool | 296-298 Attunga Road | Lot 56, DP 593847 | Local | 4604 |
| Yowie Bay | Sandstone boat launching ramp, saltwater bath rubble remnants and sea wall | 17-19 Binda Road | Lots 1-5, SP 75926 | Local | 4605 |
| Yowie Bay | Remnant canopy of indigenous trees, including <i>Angophora costata</i> (Sydney Smooth Barked Apple), <i>Eucalyptus punctata</i> (Grey Gum) and <i>Ficus rubiginosa</i> (Port Jackson Fig) | South of Calypso Place | Unformed parts of Kiora Road between Calypso Place and waterfront to Gymea Bay | Local | 4620 |
| Yowie Bay | Boat shed, sandstone sea wall and steps | 2-4 Coolum Place and 5 Kalang Lane | Lot 101, DP 1067851; Lot 8, DP 602042 | Local | 4606 |
| Yowie Bay | Boat shed, pool, sea wall and baths | 1C Coora Road | Lot 6, DP 247888 | Local | 4608 |
| Yowie Bay | Boat shed and sea wall | 4 Glen-Ayr Avenue | Lot 1, DP 566447 | Local | 4609 |
| Yowie Bay | Stands of <i>Eucalyptus microcorys</i> (Tallow Wood) and <i>Lophostemon confertus</i> (Brush Box) | Vegetated, unformed parts of Kiora Road, between Forest Road and Wonga Road | MGA Zone 56, 324590°E, 6231170°N, MGA Zone 56, 324560°E, 6230975°N, MGA Zone 56, 324545°E, 6230900°N, MGA Zone 56, 324545°E, 6230805°N | Local | 4611 |
| Yowie Bay | "Magnetic"—waterfront cottage and stone retaining walls | 14 Maroopna Road | Lot 2, SP 61678 | Local | 4612 |
| Yowie Bay | Stone boat shed and sea wall | 4 Muneela Place | Lot 17, DP 242366 | Local | 4613 |
| Yowie Bay | Boat shed, stone wall and steps to former pool | 6 Sherwood Avenue | Lot 13, DP 220166 | Local | 4614 |

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| Yowie Bay | Sherwood cottage, stone wall and steps to former pool | 8 Sherwood Avenue | Lot 12, DP 220166 | Local | 4615 |
| Yowie Bay | Yowie Bay Boat Shed | 1 Wonga Road | Lot 15, DP 12432 | Local | 4616 |
| Yowie Bay | House | 7 Wonga Road | Lot 13, DP 12432 | Local | 4617 |
| Yowie Bay | “Cliff Haven”—house | 16 Wonga Road | Lot 2, DP 229106 | Local | 4618 |
| Yowie Bay | Boat shed and sea wall | 23A Yellambie Street | Lot 2, DP 1126145 | Local | 4619 |

Part 2 Archaeological sites

| Suburb | Item name | Address | Property description | Significance | Item no |
|---------------|---|---|--|--------------|---------|
| Alfords Point | Alfords Point Bridge | Alfords Point Road | MGA Zone 56, 318050°E, 6238520°N | Local | A0103 |
| Barden Ridge | Western end of Woronora Road | Western end of Woronora Road, over Sabugal Causeway to Old Illawarra Road | MGA Zone 56, 315853°E, 6231134°N | Local | A0302 |
| Bundeena | Site of 1920 Bundeena Wharf | Eastern end of Hordens Beach | MGA Zone 56, 329433°E, 6227116°N | Local | A0512 |
| Burraneer | Southern end of Gunnamatta Road on foreshore—remains of bath walls (including the bush setting, the simple form and construction of the jetty and the sea wall) | Gunnamatta Road | MGA Zone 56, 328611°E, 6229953°N | Local | A0630 |
| Como | Boat shed | End of Cremona Road | Lot 1, DP 366566 | Local | A0909 |
| Como | Como Pleasure Grounds | End of Cremona Road | Lot 1, DP 366566; Lot 648, DP 752064; Lots 1, 3, 4 and 5, DP 1124472; Lots 3–10 DP 3134 | Local | A0907 |
| Como | Pavilion site | End of Cremona Road | Lot 5, DP 3134 | Local | A0908 |

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| Como | Scylla Bay | End of Cremona Road | Lot 1, DP 193039 | Local | A0912 |
| Como | Sea walls | End of Cremona Road | Lot 648, DP 752064 | Local | A0910 |
| Como | Tidal baths | End of Cremona Road | MGA Zone 56, 321792°E, 6236490°N | Local | A0911 |
| Como | Como railway bridge (current railway bridge) | North of Cremona Road | MGA Zone 56, 321722°E, 6236636°N | Local | A0914 |
| Como | Former Como railway bridge (now cycleway), lattice girder railway bridge | North of Cremona Road | MGA Zone 56, 321753°E, 6236644°N | State | A0913 |
| Cronulla | Cronulla Railway Station | Cronulla Street | Lot 1, DP 1129292 | Local | A1065 |
| Cronulla | Sea wall | Elouera Road/ Kingsway | Lot 7002, DP 1123269 | Local | A1066 |
| Cronulla | Oak Park rock pool | Ewos Parade | Lot 7302, DP 1130200; Lot 7049, DP 1119647 | Local | A1067 |
| Cronulla | Shelly Park rock pool | Ewos Parade | Lot 588, DP 752064 | Local | A1068 |
| Cronulla | Bass and Flinders Memorial | Gowrie Street | MGA Zone 56, 329614°E, 6228221°N | Local | A1071 |
| Cronulla | Remains of Salmon Haul Ocean Wharf | Gowrie Street, eastern end of Salmon Haul Reserve | MGA Zone 56, 329476°E, 6228200°N | Local | A1070 |
| Cronulla | Rock pool | McDonald Street (foreshore between North and South Cronulla Beaches) | Lot 1, DP 900338 | Local | A1072 |
| Cronulla | Fisheries Research Institute | Hungry Point Reserve, southern end of Nicholson Parade | Lots 257, 1129 and 1187, DP 752064 | Local | A1073 |
| Cronulla | Gunnamatta Park, including dressing pavilion | Nicholson Parade, on rise, east of Gunnamatta Baths | Part of Lot 282, DP 752064 | Local | A1074 |

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| Cronulla | Sandstone steps from street to waterfront | Laneway between 51 and 53 Taloombi Street (51R Taloombi Street) | Lot 11, DP 10446 | Local | A1075 |
| Cronulla | Cronulla Wharf, stone steps | Waratah Street | MGA Zone 56, 329253°E, 6230071°N | Local | A1076 |
| Engadine | "The Boys Town" | 35B Waratah Road | Part of Lot 10, DP 1231293; Part of Lots 1 and 2, DP 1190871 | Local | A1210 |
| Engadine | Lucas Watermills | Woronora Reserve | Part of Lot 294, DP 8755; Part of Lot 7314, DP 1147726; Part of Lot 7038, DP 1027187 | State | A1211 |
| Heathcote | Site of former Heathcote Brickworks | Bottle Forest Road, on southern side of laneway leading to Heathcote Sesquicentenary Park | Lot 15, DP 262877; Lot 3, DP 625213 | Local | A1711 |
| Holsworth | Kolora Weir | On Woronora River, south of Heathcote Road Bridge | MGA Zone 56, 314900°E, 6229025°N | Local | A1801 |
| Illawong | Stone jetty | At the end of Bignell Street | Lot 7003, DP 93141 | Local | A2021 |
| Illawong | Old Illawarra Road | Old Ferry Road between Old Illawarra Road and Old Ferry Road junction | MGA Zone 56, 318400°E, 6236280°N | Local | A2022 |
| Illawong | Old punt crossing (Lugarno ferry) | Old Ferry Road | MGA Zone 56, 319100°E, 6236688°N | Local | A2023 |
| Illawong | Stone wharf | Old Ferry Road | MGA Zone 56, 319360°E, 6236880°N | Local | A2024 |
| Illawong | Various oyster workings (remains) | End of Sproule Road | MGA Zone 56, 320190°E, 6236115°N | Local | A2025 |
| Jannali | Jannali Railway Station and immediate surrounds | Jannali Avenue and Railway Parade | Part of Lot 2, DP 1001739 | Local | A2104 |

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| Kirrawee | Pipe kiln of former Sutherland Brick Company | 1 Village Place, Kirrawee | Part of SP 98216 | Local | A2404 |
| Kurnell | Alpha Farm site | Cape Solander Drive | MGA Zone 56, 335650°E, 6236020°N | Local | A2517 |
| Kurnell | Banks memorial | Cape Solander Drive | MGA Zone 56, 335368°E, 6235865°N | Local | A2512 |
| Kurnell | Captain Cook's landing place | Cape Solander Drive | MGA Zone 56, 335696°E, 6236160°N | Local | A2510 |
| Kurnell | Captain Cook's landing site | Cape Solander Drive | MGA Zone 56, 335619°E, 6236107°N | Local | A2511 |
| Kurnell | Captain Cook monument | Cape Solander Drive | MGA Zone 56, 335396°E, 6235895°N | Local | A2514 |
| Kurnell | Captain Cook watering hole | Cape Solander Drive | MGA Zone 56, 3354155°E, 6235883°N | Local | A2518 |
| Kurnell | Captain Cook watering well | Cape Solander Drive | MGA Zone 56, 335380°E, 6235867°N | Local | A2519 |
| Kurnell | Flagpole | Cape Solander Drive | MGA Zone 56, 335742°E, 6236132°N | Local | A2520 |
| Kurnell | Forby Sutherland monument | Cape Solander Drive | MGA Zone 56, 335320°E, 6235728°N | Local | A2515 |
| Kurnell | Four wheel drive track | Captain Cook Drive | MGA Zone 56, 334150°E, 6232600°N | Local | A2523 |
| Kurnell | Landing place wharf abutment | Cape Solander Drive | MGA Zone 56, 335413°E, 6235979°N | Local | A2516 |
| Kurnell | Muru track | Cape Solander Drive | MGA Zone 56, 336155°E, 6235630°N | Local | A2522 |
| Kurnell | Solander monument | Cape Solander Drive | MGA Zone 56, 335672°E, 6236125°N | Local | A2513 |

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| Kurnell | Yena track | Cape Solander Drive | MGA Zone 56, 336015°E, 6235310°N | Local | A2521 |
| Kurnell | Pells Island Oyster Farm | North side of Pells Island within mangroves | MGA Zone 56, 331656°E, 6234330°N | Local | A2532 |
| Kurnell | Australian Oil Refinery | Sir Joseph Banks Drive | Part of Lot 1, DP 215819; Part of Lot 25, DP 776328; Lot 283, DP 752064; Lot 570, DP 752064; Lot 56, DP 908; Lot 57, DP 908; Lot 62, DP 908; Lot 1, DP 132055; Part of Lot 2, DP 215818; Lot 1, DP 1044690 | Local | A2524 |
| Kurnell | Boat Harbour house sites group | Sir Joseph Banks Drive | At boat harbour in Lot 7062, DP 1123911 | Local | A2525 |
| Kurnell | Tabbagai Gap cliff site | Tabbagai Gap | MGA Zone 56, 336565°E, 623500°N | Local | A2526 |
| Kurnell | Tabbagai Gap house site | Tabbagai Gap | MGA Zone 56, 336565°E, 6233530°N | Local | A2527 |
| Kurnell | Pelican Point | Towra Point | MGA Zone 56, 328570°E, 6234885°N | Local | A2529 |
| Kurnell | Site of abandoned oyster depot | Towra Point | MGA Zone 56, 331998°E, 6234955°N | Local | A2530 |
| Kurnell | Site of abandoned oyster lease | Towra Point | MGA Zone 56, 331662°E, 6235528°N | Local | A2531 |
| Kurnell | Towra Point Nature Reserve and Quibray Bay | Towra Point | Lots 101-109, DP 777967; Lot 31, DP 217907; Lot 101, DP 555205; Lot 4, DP 732257; Lot 2, DP 856868; Lot 1, DP 1014443; Lot 1, DP 1030269 | State | A2528 |
| Lilli Pilli | Site of Lilli Pilli Wharf | At the end of Lilli Pilli Point Road | Adjoining part of Lot 7335, DP 1158580 | Local | A2610 |

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| Loftus | Loftus Heights, east of Illawarra Railway Line, Old Illawarra Highway | Loftus Avenue | MGA Zone 56, 319604°E, 6230132°N | Local | A2703 |
| Loftus | Loftus junction railway signal box | Nattai Street (opposite, on railway land) | MGA Zone 56, 320141°E, 623-132°N | State | A2704 |
| Port Hacking | Ballast heap | Yennibilli Point | MGA Zone 56, 326580°E, 6228105°N | Local | A3306 |
| Royal National Park | Stone work on road, 300m from the visitors centre | Artillery Hill, crosses Winifred Falls Track | MGA Zone 56, 320720°E, 6227570°N | Local | A3422 |
| Royal National Park | Audley Historic Recreational Complex, comprising: Audley group | Junction of Audley Road and Sir Bertram Stevens Drive | MGA Zone 56, 320656.03°E, 6227853.95°N | Local | A3423 |
| Royal National Park | House sites and associated remains | On western side of Costens Point | Lots 1-19, DP 12359; Lot 5, DP 4466 | Local | A3425 |
| Royal National Park | Old Coast Road | Commencing north-west of sites at Costens Point | Lots 1-19, DP 12359 and unidentified land between Maianbar Road and DP 4466 (Royal National Park) | Local | A3426 |
| Royal National Park | Access stairs to jetty and boat shed—"Chaldercot" | Deer Park Road (Deer Park) | Lot 8, DP 57765 | Local | A3427 |
| Royal National Park | Military parade site | From Farnell Avenue west to Loftus Ridge Bottle Forest Road | MGA Zone 56, 319485°E, 6229490°N | Local | A3428 |
| Royal National Park | Fosters Flat saw pit | Eastern side of Fosters Flat, above creek, 350m north of Couranga Track | MGA Zone 56, 317650°E, 6219540°N | Local | A3429 |
| Royal National Park | Former clay pit associated with railway contractors | East of Illawarra railway line and northern end of Wilson Parade | MGA Zone 56, 316600°E, 6227540°N | Local | A3430 |

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|---------------------|-----------------------|--|--|-------|-------|
| Royal National Park | Shell grit beach mine | On Jibbon Beach 200m south-west of Jibbon Head | MGA Zone 56, 330895°E, 6227845°N | Local | A3432 |
| Royal National Park | Plaque | Erected in cliff face at Jibbon Head | MGA Zone 56, 331035°E, 6227990°N | Local | A3431 |

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| Royal National Park | <p>Lady Carrington Drive group, including the roadway, sandstone cobblestone paving and Mullion Brook (unlocated site of former Ranger's Cottage) (including stone embankment wall on west side of road 8-9 courses high. Jersey Springs, 2 identical stone basins, 0.69cm x 0.55cm, on western side of road, incised deeply with the lettering JERSEY SPRINGS 1892. Each basin fed by spring water flowing from coursed stone-lined drain at bases of basins. Lady Carrington Bower and Kobardo Brook. On east side of road brick basin 0.58cm x 0.58cm, depth 0.33cm, set below rock cut pool. Adjacent flight of 8 small steps lead to lower pool, on western side of which is stonework for culvert across Kobardo Brook. Culvert constructed of squared sandstone blocks up to 6 courses high, with one course forming capping on top. Width of culvert 4.48m (14 feet). On west side of culvert stone steps led down to brook below.</p> | Lady Carrington Drive, from Audley to Sir Bertram Stevens Drive | MGA Zone 56, 320155°E, 6223730°N | Local | A3433 |
|---------------------|--|---|----------------------------------|-------|-------|

Now damaged.
South of Lady Carrington's Bower on east side remains old steps—3 are visible. 200m north of Calala rectangular sandstone remain in setting for 22.35m. For most of distance one block wide, at northern end two visible lying adjacent. To east are remnants of small stone cobbles. South of Karani Brook quarry site on east of road. North of Bola Creek quarry site on East side of road. Entrance gates, Lady Carrington Drive, south end. Two stone piers each with 4 bolts protruding from concrete on top, which originally held wrought iron lyre birds forming arch (not extant). Concrete dated 20.12.63 A.W (oral informant: Albie Weigland) Curved parallel stone walls on either side of gate with central depression for flower beds. Style of stonework construction not seen elsewhere in Lady Carrington Drive sites—rectangular flat stones with thick mortar—strong horizontal emphasis. Leterite quarry opposite entrance gates, on east side of road.

Quarry face c. 15m high, extends some 70m in length. Cuttings in rockface indicate quarrying both Laterite gravel and stone. East Lady Carrington Drive formerly continued through quarry site opposite entrance gates for further two miles to the original park boundary. This section is now part of Lady Wakehurst Drive.)

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| Royal National Park | Florence Parade | Commencing at Grays Point and terminating at Lady Rawson Parade | MGA Zone 56, 321440°E, 6229450°N | Local | A3434 |
| Royal National Park | Bundeena/Maianbar water supply | 50 Maianbar Road to Cabbage Tree Basin | Lot 1, DP 444458 and unidentified land between Maianbar Road and Bundeena Drive | Local | A3424 |
| Royal National Park | Remains of landscape and jetty | Point Danger on western side of Gundamaian | MGA Zone 56, 323900°E, 6228820°N | Local | A3436 |
| Royal National Park | Site of landscaping and jetty remains | Point Danger on western side of Gundamaian | MGA Zone 56, 323800°E, 6229020°N | Local | A3435 |
| Royal National Park | Rawson Drive, including site of bridge across tributary of Temptation Creek | Rawson Drive, 200m east of tram line | MGA Zone 56, 320500°E, 6230060°N | Local | A3438 |
| Royal National Park | Rawson Road Group—road (including small sandstone cobblestones) | Rawson Drive, east of Illawarra railway line, beside fire trail | MGA Zone 56, 320390°E, 6230240°N | Local | A3439 |
| Royal National Park | Remains of house sites | Red Jacks Point | Lot 1, DP 744531 | Local | A3440 |

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| Royal National Park | End of Simpsons Road, Simpsons Hotel site, sandstone remains, sea wall and Norfolk Island Pines | End of Simpson Road | Lot 162A, DP 10317 | Local | A3442 |
| Royal National Park | Remaining Bonnie Vale cabins, generally fibro, tin and timber frame | End of Simpson Road | Part Lot 6, DP 752065 | Local | A3441 |
| Royal National Park | Remains of jetty | Wants Point on eastern side of Gundamaian | MGA Zone 56, 324640°E, 6229230°N | Local | A3443 |
| Royal National Park | Warumbul | North of Graham's Point, Warumbul Road | Part Lot 20, DP 57765 | Local | A3444 |
| Royal National Park | "Telford"—house and landscaping | Warumbul Road (Gogerly's Point), including west of "Rathane" | Part Lot 21, DP 57765 | Local | A3445 |
| Royal National Park | Gogerly's Point | Warumbul Road (Gogerly's Point) | Part Lot 21, DP 57765; Lot 5, DP 3274; Lot 4, DP 3274; Lots A and B, DP 361390; Lot 2, DP 3274 | Local | A3450 |
| Royal National Park | "Gogerly's Cottage" | Warumbul Road (Gogerly's Point), adjacent to "Hilltop" | Lot 2, DP 3274 | Local | A3447 |
| Royal National Park | "Lamont"—house site | Warumbul Road (Gogerly's Point), east of "Hilltop", | MGA Zone 56, 325100°E, 6228110°N | Local | A3449 |
| Royal National Park | "Rathane" cottage and associated buildings and landscape setting | Warumbul Road (Gogerly's Point), north of "Hilltop" | Lot A, DP 361390 | Local | A3446 |
| Royal National Park | "Hilltop" and landscaping | Warumbul Road (Gogerly's Point), south of "Rathane" | Lot 2, DP 3274 | Local | A3448 |
| Sutherland | Row of 3 houses | 3-7 Adelong Street | Lots A, B, and C, DP 165415 | Local | A3648 |

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| Sutherland | Sutherland Railway Station | Between East Parade and Old Princes Highway | Part Lot 2, DP 1001739 and MGA Zone 56, 320600E, 6232560N | Local | A3649 |
| Sutherland | Woronora Cemetery | Bounded by Linden Street, First Avenue, Sutherland Oval and Prince Edward Park | Lot 7065, DP 1027170; Lot 7066, DP 1069862; Lot 7331, DP 1158060 | Local | A3650 |
| Sutherland | Site of mortuary line, Woronora Cemetery | Between cemetery office and Linden Street | Lot 7065, DP 1027170 | Local | A3651 |
| Sutherland | Electrical substation | South of Cronulla branch line junction, Old Princes Highway | Lot 1, DP 1001783 | Local | A3652 |
| Sutherland | Site foundations for steam tramway (western side) | Western side of Old Princes Highway, 50m south of Cronulla branch line | MGA Zone 56, 320460°E, 6232230°N | Local | A3653 |
| Sutherland | Former steam tramway office | 751 Old Princes Highway | Lot 2, DP 226262 | Local | A3654 |
| Sutherland | "Brinsley's Joinery Works" | 100 Toronto Parade (corner of Clio Street) | Lot 5, DP 6641 | Local | A3655 |
| Sylvania | Stone setting for Georges River Bridge | Belgrave Esplanade | MGA Zone 56, 325630°E, 6235670°N | Local | A3712 |
| Sylvania | Tom Uglys Ferry site (punt ramp) showing stone setting and cutting in rock | Between Georges River and Tom Uglys Bridges | MGA Zone 56, 325650°E, 6235680°N | Local | A3713 |
| Sylvania | Tom Uglys Punt site (punt ramp) | Between Georges River and Tom Uglys Bridges | MGA Zone 56, 325700°E, 6235650°N | Local | A3714 |
| Sylvania | Georges River Bridge (constructed 1924-29) | Horse Rock Point to Tom Uglys Point across Georges River | MGA Zone 56, 325630°E, 6235670°N | Local | A3715 |
| Sylvania | Tom Uglys Bridge (duplication) constructed 1987 | Princes Highway southbound across Georges River from Horse Rock Point to Tom Uglys Point | MGA Zone 56, 325710°E, 6235640°N | Local | A3716 |

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| Taren Point | Gwawley Bay oyster claires | Within road reservation, between Belgrave Esplanade, Box Road and Gwawley Parade | Lot 17, DP 226990 | Local | A3908 |
| Taren Point | Disused ramp for punt | At northern end of Old Taren Point Road, west of Captain Cook Bridge | MGA Zone 56, 326995°E, 6235145°N | Local | A3906 |
| Taren Point | Captain Cook Bridge (1965) | Taren Point Road spanning Georges River between Taren Point and Rocky Point | Lot 12, DP 579321 | Local | A3907 |
| Waterfall | Row of 3 railway workers' cottages including "Community Cottage" | 3A-E McKell Avenue on eastern side of Waterfall Station | Part of Lot 5, DP 829659; Lot 892, DP 752033 | Local | A4004 |
| Waterfall | Watertank | Opposite 1899 Princes Highway | Part of Lot 511, DP 752033; MGA Zone 56, 315010°E, 6221430°N | Local | A4005 |
| Waterfall | Waterfall Railway Turntable | Southern end of railway yards on eastern side of railway line | Part of Lot 6, DP 829659 | Local | A4003 |
| Waterfall | Lake Toolooma Dam | West of Waterfall township | MGA Zone 56, 314450°E, 6220900°N | Local | A4006 |
| Waterfall | Lake Toolooma Dam pumping station | West of Waterfall township | MGA Zone 56, 314445°E, 6220990°N | Local | A4007 |
| Woolooware | "Woolooware House" and stables building | 141 Kingsway | Lot 6, DP 19677 | Local | A4113 |
| Woronora | Woronora Bridge | Site of 1912 road bridge across the Woronora River, Menai Road | MGA Zone 56, 319889°E, 6233837°N | Local | A4214 |

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| Woronora Dam | Woronora—Penshurst pipeline | From Woronora Dam to Penshurst reservoirs, via former Como railway bridge across Georges River | MGA Zone 56, 316075°E, 6230855°N | Local | A4302 |
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Schedule 6 Pond-based and tank-based aquaculture

(Clause 5.19)

Part 1 Pond-based and tank-based aquaculture

Division 1 Site location requirements

1 Conservation exclusion zones

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
 - (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
 - (b) vacant Crown land,
 - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.
- (2) Must not be carried out on the following land, except for the purposes of minimal infrastructure to support the extraction of water from, and discharge of water to, the land concerned—
 - (a) land declared as an aquatic reserve under the *Marine Estate Management Act 2014*,
 - (b) land declared as a marine park under the *Marine Estate Management Act 2014*.

Note—

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

Division 2 Operational requirements

2 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

3 Pond-based aquaculture that is also intensive aquaculture—pond design

For pond-based aquaculture that is also intensive aquaculture—ponds must be capable of being drained or pumped and then completely dried.

4 Pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—freshwater discharges

For pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—no discharge of freshwater used to intensively cultivate or keep fish to natural waterbodies or wetlands is permitted, except freshwater discharge from open flow through systems.

5 Outlets from culture ponds etc

All outlets from culture ponds, tanks and other culture facilities must be screened to avoid the escape of fish.

6 Definition

In this Division—

intensive aquaculture has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2017*.

Part 2 Extensive pond-based aquaculture

Division 1 Site location requirements

7 Conservation exclusion zones

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
 - (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
 - (b) vacant Crown land,
 - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.

Note—

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

8 Flood liability

Must be designed or constructed on land so that it will not be inundated by the discharge of a 1:100 ARI (average recurrent interval) flood event.

Division 2 Operational requirements

9 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

10 Pond design

- (1) Must not require the construction of new ponds, water storages, dams or buildings.
- (2) Must not be located on permanent watercourses, creeks, billabongs or isolated outreaches of creeks or rivers.
- (3) Must be capable of preventing the escape of stock into natural waterbodies or wetlands.

11 Culture water

Must use freshwater.

Dictionary

(Clause 1.4)

Note—

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this Plan.

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

Aboriginal place of heritage significance means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the [Heritage Map](#), that is—

- (a) the site of one 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 may (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.

Note—

The term may include (but is not limited to) places that are declared under section 84 of the [National Parks and Wildlife Act](#)

1974 to be Aboriginal places for the purposes of that Act.

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 Manual means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

Acid Sulfate Soils Map means the [Sutherland Shire Local Environmental Plan 2015 Acid Sulfate Soils Map](#).

Activity Hazard Risk Map means the [Sutherland Shire Local Environmental Plan 2015 Activity Hazard Risk Map](#).

Additional Local Provisions Map means the [Sutherland Shire Local Environmental Plan 2015 Additional Local Provisions Map](#).

Additional Permitted Uses Map means the [Sutherland Shire Local Environmental Plan 2015 Additional Permitted Uses Map](#).

advertisement has the same meaning as in the Act.

Note—

The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

advertising structure has the same meaning as in the Act.

Note—

The term is defined as a structure used or to be used principally for the display of an advertisement.

Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

affordable housing has the same meaning as in the Act.

Note—

The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

agricultural produce industry means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

Note—

Agricultural produce industries are a type of **rural industry**—see the definition of that term in this Dictionary.

agriculture means any of the following—

(aaa) agritourism,

(a) aquaculture,

- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

Note—

Part 6 of the *Plantations and Reafforestation Act 1999* provides that exempt farm forestry within the meaning of that Act is not subject to the *Environmental Planning and Assessment Act 1979*.

agritourism means the following—

- (a) farm gate premises,
- (b) farm experience premises.

Note—

Agritourism is a type of **agriculture**—see the definition of that term in this Dictionary.

air transport facility means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

airport means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

Note—

Airports are a type of **air transport facility**—see the definition of that term in this Dictionary.

airstrip means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

amusement centre means a building or place (not being part of a pub or registered club) used principally for playing—

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

aquaculture has the same meaning as in the *Fisheries Management Act 1994*. It includes oyster aquaculture, pond-based aquaculture and tank-based aquaculture.

Note—

Aquaculture is a type of **agriculture**—see the definition of that term in this Dictionary.

archaeological site means a place that contains one or more relics.

artisan food and drink industry means a building or place the principal purpose of which is the

making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,
- (b) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,
- (c) facilities for holding tastings, tours or workshops.

Note—

See clause 5.4 for controls in certain zones relating to the retail floor area of an artisan food and drink industry.

Artisan food and drink industries are a type of **light industry**—see the definition of that term in this Dictionary.

attached dwelling means a building containing 3 or more dwellings, where—

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

Note—

Attached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

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 a building or place that—

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

Note—

Backpackers' accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

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

bed and breakfast accommodation means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where—

- (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.

Note—

See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

bee keeping means a building or place used for the keeping and breeding of bees for commercial purposes.

Note—

Bee keeping is a type of **extensive agriculture**—see the definition of that term in this Dictionary.

biodiversity or **biological diversity** means the variety of living animal and plant life from all sources, and includes diversity within and between species and diversity of ecosystems.

biosolids treatment facility means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

Note—

Biosolids treatment facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

boarding house means a building or place—

- (a) that provides residents with a principal place of residence for at least 3 months, and
- (b) that contains shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (c) that contains rooms, some or all of which may have private kitchen and bathroom facilities, and
- (d) used to provide affordable housing, and
- (e) if not carried out by or on behalf of the Land and Housing Corporation—managed by a registered community housing provider,

but does not include backpackers' accommodation, co-living housing, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

boat building and repair facility means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

boat launching ramp means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

boat shed means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

brothel has the same meaning as in the Act.

Note—

This definition is relevant to the definitions of **home occupation (sex services)** and **sex services premises** in this Dictionary.

building has the same meaning as in the Act.

Note—

The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

building height (or **height of building**) means—

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

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 does not include general advertising of products, goods or services.

Note—

Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

building line or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and—

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

bush fire hazard reduction work has the same meaning as in the [Rural Fires Act 1997](#).

Note—

The term is defined as follows—

bush fire hazard reduction work means—

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

bush fire prone land has the same meaning as in the Act.

Note—

The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 10.3(2) of the Act.

bush fire risk management plan means a plan prepared under Division 4 of Part 3 of the [Rural Fires Act 1997](#) for the purpose referred to in section 54 of that 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 contain any advertising relating to a person who does not carry on business at the premises or place.

Note—

Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

business premises means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note—

Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

camping ground means an area of land, with access to communal amenities, used for the short term placement of campervans, tents, annexes or other similar portable and lightweight temporary shelters for accommodation and includes a primitive camping ground but does not include—

- (a) a caravan park, or
- (b) farm stay accommodation.

canal estate development means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either—

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to—
 - (i) dwellings that are permitted on rural land, and
 - (ii) dwellings that are used for caretaker or staff purposes, or

- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

caravan park means an area of land, with access to communal amenities, used for the installation or placement of caravans, or caravans and other moveable dwellings, but does not include farm stay accommodation.

catchment action plan has the same meaning as in the [Catchment Management Authorities Act 2003](#).

Note—

The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the [Catchment Management Authorities Act 2003](#).

cellar door premises means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

Note—

Cellar door premises are a type of **farm gate premises**—see the definition of that term in this Dictionary.

cemetery means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

centre-based child care facility means—

- (a) a building or place used for the education and care of children that provides any one or more of the following—
- (i) long day care,
 - (ii) occasional child care,
 - (iii) out-of-school-hours care (including vacation care),
 - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)),

Note—

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the [Children \(Education and Care](#)

Services) National Law (NSW)), or

- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

Note—

Centre-based child care facilities are a type of **early education and care facility**—see the definition of that term in this Dictionary.

charter and tourism boating facility means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

classified road has the same meaning as in the *Roads Act 1993*.

Note—

The term is defined as follows—

classified road means any of the following—

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(See *Roads Act 1993* for meanings of these terms.)

clearing native vegetation has the same meaning as in Part 5A of the *Local Land Services Act 2013*.

clearing vegetation has the same meaning as in *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2.

coastal hazard has the same meaning as in the [Coastal Management Act 2016](#).

coastal lake means a body of water identified in [State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), Schedule 1.

coastal protection works has the same meaning as in the [Coastal Management Act 2016](#).

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

coastal zone has the same meaning as in the [Coastal Management Act 2016](#).

co-living housing means a building or place that—

- (a) has at least 6 private rooms, some or all of which may have private kitchen and bathroom facilities, and
- (b) provides occupants with a principal place of residence for at least 3 months, and
- (c) has shared facilities, such as a communal living room, bathroom, kitchen or laundry, maintained by a managing agent, who provides management services 24 hours a day,

but does not include backpackers' accommodation, a boarding house, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

Note—

Co-living housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

commercial farm means a farm on which agriculture is undertaken that is—

- (a) on land categorised as farmland under the [Local Government Act 1993](#), section 515, or
- (b) a primary production business within the meaning of the [Income Tax Assessment Act 1997](#) of the Commonwealth, or part of a primary production business, including a business that—
 - (i) was a primary production business, and
 - (ii) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

commercial premises means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

community facility means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

community land has the same meaning as in the [Local Government Act 1993](#).

contaminated land has the same meaning as in Part 7A of the Act.

correctional centre means—

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the [Crimes \(Administration of Sentences\) Act 1999](#), including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5(1) of the [Children \(Detention Centres\) Act 1987](#),

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

Council means the Sutherland Shire Council.

creative industry means a building or place the principal purpose of which is to produce or demonstrate arts, crafts, design or other creative products, and includes artists' studios, recording studios, and set design and production facilities.

Note—

Creative industries are a type of **light industry**—see the definition of that term in this Dictionary.

crematorium means a building or place in which deceased persons or pets are cremated or processed by alkaline hydrolysis, whether or not the building or place contains an associated building for conducting memorial services.

curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

dairy (pasture-based) means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle generally feed by grazing on living grasses and other plants on the land and are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

Note—

Dairies (pasture-based) are a type of **extensive agriculture**—see the definition of that term in this Dictionary.

dairy (restricted) means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

Note—

Dairies (restricted) are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

data centre means a building or place the principal purpose of which is to collect, distribute, process or store electronic data using information technology.

Note—

Data centres are a type of **high technology industry**—see the definition of that term in this Dictionary.

demolish, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

drainage means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

Note—

Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note—

Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Note—

Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

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.

Note—

Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

early education and care facility means a building or place used for the education and care of children, and includes any of the following—

- (a) a centre-based child care facility,
- (b) home-based child care,
- (c) school-based child care.

earthworks means excavation or filling.

ecologically sustainable development has the same meaning as in the Act.

eco-tourist facility means a building or place that—

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

Note—

See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

educational establishment means a building or place used for education (including teaching), being—

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

electricity generating works means a building or place used for the purpose of—

- (a) making or generating electricity, or
- (b) electricity storage.

emergency services facility means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

emergency services organisation means any of the following—

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

environmental facility means a building or place that provides for the recreational use or scientific

study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

estuary has the same meaning as in the [Water Management Act 2000](#).

Note—

The term is defined as follows—

estuary means—

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the [Water Management Act 2000](#)) to be an estuary,

but does not include anything declared by the regulations (under the [Water Management Act 2000](#)) not to be an estuary.

excavation means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

exhibition home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

exhibition village means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

extensive agriculture means any of the following—

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,
- (c) bee keeping,
- (d) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.

Note—

Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

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.

Note—

Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary.

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

farm experience premises means a building or place—

- (a) on a commercial farm, and
- (b) ancillary to the farm, and
- (c) used to provide visitors to the farm, on a commercial basis, with small-scale and low-impact tourist or recreational activities, including the following, but not including motor sports—
 - (i) horse riding,
 - (ii) farm tours,
 - (iii) functions or conferences,
 - (iv) farm field days.

Note—

Farm experience premises are a type of **agritourism**—see the definition of that term in this Dictionary.

farm gate premises—

- (a) means a building or place—
 - (i) on a commercial farm, and
 - (ii) ancillary to the farm, and
 - (iii) used to provide visitors to the farm, on a commercial basis, with agricultural products predominantly from the farm, supplemented by products from other farms in the region, or with services or activities related to the products, including the following—
 - (A) processing, packaging and sale of the products, but not the processing of animals,
 - (B) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,

(C) tastings or workshops,

(D) the provision of information or education related to the products, and

(b) includes cellar door premises.

Note—

Farm gate premises are a type of **agritourism**—see the definition of that term in this Dictionary.

farm stay accommodation means a building or place—

(a) on a commercial farm, and

(b) ancillary to the farm, and

(c) used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings.

Note—

Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

feedlot means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, but does not include a poultry farm, dairy or pig farm.

Note—

Feedlots are a type of **intensive livestock agriculture**. Intensive livestock agriculture does not include **extensive agriculture**. See the definitions of those terms in this Dictionary.

fill means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include—

(a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or

(b) the use of land as a waste disposal facility.

filming means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include—

(a) still photography, or

(b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or

(c) recording images as a visitor or tourist for non-commercial purposes, or

(d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

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

Note—

The term is defined as follows—

Definition of “fish”

(1)

Fish means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

(2)

Fish includes—

- (a) oysters and other aquatic molluscs, and
- (b) crustaceans, and
- (c) echinoderms, and
- (d) beachworms and other aquatic polychaetes.

(3)

Fish also includes any part of a fish.

(4)

However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the [Fisheries Management Act 1994](#).

flood mitigation work means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the [Sutherland Shire Local Environmental Plan 2015 Floor Space Ratio Map](#).

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

Note—

Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

foreshore area means the land between the foreshore building line and the mean high water mark of the nearest bay or river.

foreshore building line means the line shown as the foreshore building line on the [Foreshore Building Line Map](#).

Foreshore Building Line Map means the [Sutherland Shire Local Environmental Plan 2015 Foreshore Building Line Map](#).

forestry means forestry operations within the meaning of the [Forestry Act 2012](#) or Part 5B of the [Local Land Services Act 2013](#).

freight transport facility means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

funeral home means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

Note—

Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following—

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

Note—

Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

general industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

Note—

General industries are a type of **industry**—see the definition of that term in this Dictionary.

goods repair and reuse premises means a building or place the principal purpose of which is to collect, repair or refurbish goods, including furniture and appliances, for the purposes of sale, hire or swap, and includes premises known as op shops.

Note—

Goods repair and reuse premises are a type of **business premises**—see the definition of that term in this Dictionary.

Green Grid Map means the [Sutherland Shire Local Environmental Plan 2015 Green Grid Map](#).

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 (existing) means the existing level of a site at any point.

ground level (finished) means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

ground level (mean) means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

Groundwater Vulnerability Map means the [Sutherland Shire Local Environmental Plan 2015 Groundwater Vulnerability Map](#).

group home means a permanent group home or a transitional group home.

Note—

Group homes are a type of **residential accommodation**—see the definition of that term in this Dictionary.

group home (permanent) or **permanent group home** means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

Note—

Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

group home (transitional) or transitional group home means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

Note—

Transitional group homes are a type of **group home**—see the definition of that term in this Dictionary.

hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

Note—

Hardware and building supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

hazardous industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality—

- (a) to human health, life or property, or
- (b) to the biophysical environment.

Note—

Hazardous industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

hazardous storage establishment means a building or place that is used for the storage of goods, materials or products and that would, when 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 building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality—

- (a) to human health, life or property, or

(b) to the biophysical environment.

Note—

Hazardous storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

headland includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

health care professional means any person registered under an Act for the purpose of providing health care.

health consulting rooms means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

Note—

Health consulting rooms are a type of **health services facility**—see the definition of that term in this Dictionary.

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following—

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

heavy industrial storage establishment means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following—

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

heavy industry means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes—

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

Note—

Heavy industries are a type of **industry**—see the definition of that term in this Dictionary.

Height of Buildings Map means the [Sutherland Shire Local Environmental Plan 2015 Height of Buildings Map](#).

helipad means a place not open to the public used for the taking off and landing of helicopters.

heliport means a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes—

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

Note—

Heliports are a type of **air transport facility**—see the definition of that term in this Dictionary.

heritage conservation area means an area of land of heritage significance—

- (a) shown on the [Heritage Map](#) as a heritage conservation area, and
 - (b) the location and nature of which is described in Schedule 5,
- and includes any heritage items situated on or within that area.

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Public Service agency responsible to the Minister administering the [Heritage Act 1977](#) that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of—

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, 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, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

Note—

An inventory of heritage items is also available at the office of the Council.

heritage management document means—

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation

area.

Heritage Map means the [Sutherland Shire Local Environmental Plan 2015 Heritage Map](#).

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

high technology industry means a building or place predominantly used to carry out an industrial activity that involves any of the following—

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

and includes a data centre, but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

Note—

High technology industries are a type of **light industry**—see the definition of that term in this Dictionary.

highway service centre means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

home-based child care means a family day care residence (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)) at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

Note 1—

A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the *Children (Education and Care Services) National Law (NSW)*.

Note 2—

Home-based child care is a type of **early education and care facility**—see the definition of that term in this Dictionary.

home business means a business, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) 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 generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Note—

See clause 5.4 for controls relating to the floor area used for a home business.

home industry means an industrial activity, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) 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 generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

but does not include bed and breakfast accommodation or sex services premises.

Note—

See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of **light industry**—see the definition of that term in this Dictionary.

home occupation means an occupation that is carried on in a dwelling, or in a building ancillary to a

dwelling, by one or more permanent residents of the dwelling and that does not involve—

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

home occupation (sex services) means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve—

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

Note—

Horticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following—

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,

- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

Note—

Hospitals are a type of **health services facility**—see the definition of that term in this Dictionary.

hostel means premises that are generally staffed by social workers or support providers and at which—

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

Note—

Hostels are a type of **residential accommodation**—see the definition of that term in this Dictionary.

hotel or motel accommodation means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and
 - (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,
- but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note—

Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

independent living unit means a dwelling or part of a building, whether or not attached to another dwelling—

- (a) used to house seniors or people with a disability, and
- (b) containing private facilities for cooking, sleeping and bathing, and
- (c) where clothes washing facilities or other facilities for use in connection with the dwelling or part of a building may be provided on a shared basis,

but does not include a hostel.

Note—

Independent living units are a type of **seniors housing**—see the definition of that term in this Dictionary.

industrial activity means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

industrial retail outlet means a building or place that—

- (a) is used in conjunction with an industry (other than an artisan food and drink industry) or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

Note—

See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

industrial training facility means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

industry means any of the following—

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include—

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following—

- (a) dairies (restricted),
- (b) feedlots,

- (c) pig farms,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

Note—

Intensive livestock agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

intensive plant agriculture means any of the following—

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

Note—

Intensive plant agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

internal lot means a lot to which there is no practicable means of vehicular access by motor vehicle or to which the only practicable 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 or community title scheme.

jetty means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items.

Note—

See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of **retail premises**—see the definition of that term in this Dictionary.

Land Application Map means the [Sutherland Shire Local Environmental Plan 2015 Land Application Map](#).

Land Reclassification (Part Lots) Map means the [Sutherland Shire Local Environmental Plan 2015 Land Reclassification \(Part Lots\) Map](#).

Land Reservation Acquisition Map means the [Sutherland Shire Local Environmental Plan 2015 Land Reservation Acquisition Map](#).

Land Zoning Map means the [Sutherland Shire Local Environmental Plan 2015 Land Zoning Map](#).

landholding means an area of land—

- (a) constituted or worked as a single property, and
- (b) if comprising more than 1 lot—the lots are—
 - (i) contiguous, or
 - (ii) separated only by a road or watercourse.

Landscape Area Map means the [Sutherland Shire Local Environmental Plan 2015 Landscape Area Map](#).

landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

landscaping material supplies means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

Note—

Landscaping material supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

Note—

Light industries are a type of **industry**—see the definition of that term in this Dictionary.

liquid fuel depot means premises used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution and at which no retail trade is conducted.

Note—

Liquid fuel depots are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

livestock processing industry means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals and includes abattoirs, knackeries, tanneries, woolscours and rendering plants.

Note—

Livestock processing industries are a type of **rural industry**—see the definition of that term in this Dictionary.

local distribution premises means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but

from which no retail sales are made.

Lot Size Map means the [Sutherland Shire Local Environmental Plan 2015 Lot Size Map](#).

maintenance, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

manor house has the same meaning as in [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).

manufactured home has the same meaning as in the [Local Government Act 1993](#).

marina means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities—

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

Note—

Markets are a type of **retail premises**—see the definition of that term in this Dictionary.

mean high water mark means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

Note—

Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

mezzanine means an intermediate floor within a room.

mine means any place (including any excavation) where an operation is carried on for mining of any

mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

mine subsidence district means a mine subsidence district proclaimed under section 15 of the [Mine Subsidence Compensation Act 1961](#).

mining means mining carried out under the [Mining Act 1992](#) or the recovery of minerals under the [Offshore Minerals Act 1999](#), and includes—

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

Note—

Mining is not a type of **industry**—see the definition of that term in this Dictionary.

mixed use development means a building or place comprising 2 or more different land uses.

mooring means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

mooring pen means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

mortuary means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

moveable dwelling has the same meaning as in the [Local Government Act 1993](#).

Note—

The term is defined as follows—

moveable dwelling means—

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the [Local Government Act 1993](#)) for the purposes of this definition.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Note—

Multi dwelling housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

native fauna means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

native flora means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the [Fisheries Management Act 1994](#).

native vegetation has the same meaning as in Part 5A of the *Local Land Services Act 2013*.

Natural Landforms Map means the [Sutherland Shire Local Environmental Plan 2015 Natural Landforms Map](#).

navigable waterway means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, but does not include neighbourhood supermarkets or restricted premises.

Note—

See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

neighbourhood supermarket means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

Note—

See clause 5.4 for controls relating to the gross floor area of neighbourhood supermarkets.

Neighbourhood supermarkets are a type of **shop**—see the definition of that term in this Dictionary.

nominated State heritage item means a heritage item that—

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

non-potable water means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

offensive industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note—

Offensive industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

offensive storage establishment means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality

or on existing or likely future development on other land in the locality.

Note—

Offensive storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note—

Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

open cut mining means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

operational land has the same meaning as in the [Local Government Act 1993](#).

oyster aquaculture means the cultivation of any species of edible oyster for a commercial purpose.

Note—

Oyster aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary.

parking space means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

passenger transport facility means a building or place used for the assembly 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.

people who are socially disadvantaged means—

- (a) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or
- (b) people who require protection because of domestic violence or upheaval.

people with a disability means people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.

pig farm means land that is used to keep or breed pigs for animal production, whether an indoor, outdoor, free-range or other type of operation.

Note—

Pig farms are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

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.

plant nursery means a building or place the principal purpose of which is the retail sale of plants that

are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

Note—

Plant nurseries are a type of **retail premises**—see the definition of that term in this Dictionary.

pond-based aquaculture means aquaculture undertaken predominantly in ponds, raceways or dams (including any part of the aquaculture undertaken in tanks such as during the hatchery or depuration phases), but not including natural water-based aquaculture.

Note—

Pond-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

port facilities means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the [Ports and Maritime Administration Act 1995](#)—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

potable water means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

poultry farm means land that is used to keep or breed poultry for animal production, whether for meat or egg production (or both) and whether an indoor, outdoor, free-range or other type of operation.

Note—

Poultry farms are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

primitive camping ground means a camping ground approved under the [Local Government Act 1993](#), Chapter 7, Part 1 as a primitive camping ground.

Note—

Primitive camping ground is a type of **camping ground**—see the definition of that term in this Dictionary.

private open space means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

property vegetation plan mean a property vegetation plan approved under Part 4 of the [Native Vegetation Act 2003](#) before the repeal of that Act (as continued in force by the regulations under the

Biodiversity Conservation Act 2016).

pub means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Note—

Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

public authority has the same meaning as in the Act.

public land has the same meaning as in the *Local Government Act 1993*.

public reserve has the same meaning as in the *Local Government Act 1993*.

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Public Service agency 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, Public Service agency, corporation, firm or authority carrying on the undertaking.

rainwater tank means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

Reduced Level (RL) means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

registered club means a club that holds a club licence under the [Liquor Act 2007](#).

registered community housing provider has the same meaning as in the [Community Housing Providers \(Adoption of National Law\) Act 2012](#), section 13.

relic has the same meaning as in the [Heritage Act 1977](#).

Note—

The term is defined as follows—

relic means any deposit, artefact, object or material evidence that—

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

research station means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following—

- (a) attached dwellings,
- (b) boarding houses,
- (baa) co-living housing,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (faa) (Repealed)

- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

residential care facility means accommodation for seniors or people with a disability that includes—

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

Note—

Residential care facilities are a type of **seniors housing**—see the definition of that term in this Dictionary.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

Note—

Residential flat buildings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

Note—

Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

respite day care centre means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—

- (a) an artisan food and drink industry, or
- (b) farm gate premises.

Note—

Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

restricted premises means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

restriction facilities means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (a), (b) (Repealed)
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include farm gate premises, highway service centres, service stations, industrial retail outlets or restricted premises.

Note—

Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

Riparian Lands and Watercourses Map means the [Sutherland Shire Local Environmental Plan 2015 Riparian Lands and Watercourses Map](#).

road means a public road or a private road within the meaning of the [Roads Act 1993](#), and includes a classified road.

roadside stall means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note—

See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following—

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

Note—

Rural industries are not a type of **industry**—see the definition of that term in this Dictionary.

rural supplies means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

Note—

Rural supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

rural worker's dwelling means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

Note—

Rural workers' dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

sawmill or log processing works means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

Note—

Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

school means a government school or non-government school within the meaning of the [Education Act 1990](#).

Note—

Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

school-based child care means a building or place within a school that is used to provide out-of-school-hours care (including vacation care) for school children only.

Note 1—

Accordingly, a building or place within a school that is used to provide out-of-school-hours care for both school children and pre-school children is not school-based child care.

Note 2—

School-based child care is a type of **early education and care facility**—see the definition of that term in this Dictionary.

secondary dwelling means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note—

See clauses 5.4 and 5.5 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

self-storage units means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

Note—

Self-storage units are a type of **storage premises**—see the definition of that term in this Dictionary.

semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.

Note—

Semi-detached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

seniors housing means a building or place that is—

- (a) a residential care facility, or
- (b) a hostel within the meaning of [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5, or
- (c) a group of independent living units, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),
and that is, or is intended to be, used permanently for—
- (e) seniors or people who have a disability, or

- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

Note—

Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

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) installation of accessories,
- (d) inspecting, repairing and 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 or both.

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Note—

Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

sewage reticulation system means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated—

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

Note—

Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

sewage treatment plant means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

Note—

Sewage treatment plants are a type of **sewerage system**—see the definition of that term in this Dictionary.

sewerage system means any of the following—

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place that is a combination of any of the things referred to in paragraphs (a)–(d).

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means a brothel, but does not include home occupation (sex services).

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

Note—

Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

Note—

Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following—

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

Note—

The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage—

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

small bar means a small bar within the meaning of the [Liquor Act 2007](#).

Note—

Small bars are a type of **food and drink premises**—see the definition of that term in this Dictionary.

spa pool has the same meaning as in the [Swimming Pools Act 1992](#).

Note—

The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

specialised retail premises means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—

- (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 or 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, hire or display of other goods referred to in this definition.

Note—

Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

Specialised retail premises are a type of **retail premises**—see the definition of that term in this Dictionary.

stock and sale yard means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

Note—

Stock and sale yards are a type of **rural industry**—see the definition of that term in this Dictionary.

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment, local distribution premises or a warehouse or distribution centre.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include—

- (a) a space that contains only a lift shaft, stairway or meter room, or

(b) a mezzanine, or

(c) an attic.

swimming pool has the same meaning as in the [Swimming Pools Act 1992](#).

Note—

The term is defined as follows—

swimming pool means an excavation, structure or vessel—

(a) that is capable of being filled with water to a depth of 300 millimetres or more, and

(b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the [Swimming Pools Act 1992](#) not to be a swimming pool for the purposes of that Act.

take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Note—

Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.

tank-based aquaculture means aquaculture undertaken exclusively in tanks, but not including natural water-based aquaculture.

Note—

Tank-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical tank-based aquaculture is the tank culture of barramundi or abalone.

telecommunications facility means—

(a) any part of the infrastructure of a telecommunications network, or

(b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or

(c) any other thing 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 guided or unguided electromagnetic energy, or both.

temporary structure has the same meaning as in the Act.

Note—

The term is defined as follows—

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

Terrestrial Biodiversity Map means the [Sutherland Shire Local Environmental Plan 2015 Terrestrial Biodiversity Map](#).

the Act means the *Environmental Planning and Assessment Act 1979*.

timber yard means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

Note—

Timber yards are a type of **retail premises**—see the definition of that term in this Dictionary.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,

(e) serviced apartments,

but does not include—

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

turf farming means the commercial cultivation of turf for sale and the removal of turf for that purpose.

Note—

Turf farming is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

underground mining means—

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

vehicle repair station means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

vehicle sales or hire premises means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

Note—

Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

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.

viticulture means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

Note—

Viticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

warehouse or distribution centre 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, but does not include local distribution premises.

waste disposal facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

Note—

Waste disposal facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

waste or resource management facility means any of the following—

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

Note—

Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

water recreation structure means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

water recycling facility means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated—

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

Note—

Water recycling facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

water reticulation system means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure and dosing facilities.

Note—

Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

Note—

Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

water supply system means any of the following—

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

water treatment facility means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

Note—

Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

waterbody means a waterbody (artificial) or waterbody (natural).

waterbody (artificial) or **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.

waterbody (natural) or 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).

watercourse means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

wetland means—

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgeland, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgeland or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

wharf or boating facilities means a wharf or any of the following facilities associated with a wharf or boating that are not port facilities—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

wholesale supplies means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the [A New Tax System \(Australian Business Number\) Act 1999](#) of the Commonwealth.