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SPECIAL SUPPLEMENT

State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Complying Development (Amendment No 14)

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning.

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Complying Development (Amendment No 14)

State Environmental Planning Policy No 4— Development Without Consent and Miscellaneous Complying Development (Amendment No 14)

1 Name of Policy

This Policy is *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Complying Development (Amendment No 14)*.

2 Principal Policy

In this Policy, *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Complying Development* is referred to as the Principal Policy.

3 Aims, objectives etc

This Policy aims to amend the Principal Policy to reapply a provision of the Principal Policy that ceased to have effect on 1 July 2002 and that enabled aerial subscriber connections to be made to telecommunications distributions lines:

- (a) in circumstances in which the making of the connection would otherwise be prohibited by an environmental planning instrument, or
- (b) in circumstances in which the making of the connection would otherwise require development consent under an environmental planning instrument, without the necessity for development consent,

subject to certain qualifications and controls. The provision is reapplied with an amendment concerning the standards that are to apply to the erection of the connections.

4 Land to which this Policy applies

This Policy applies to the land to which the Principal Policy applies.

5 Amendment of Principal Policy

The Principal Policy is amended as set out in Schedule 1.

State Environmental Planning Policy No 4—Development Without Consent
and Miscellaneous Complying Development (Amendment No 14)

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 5)

Clause 5B

Omit the clause. Insert instead:

5B Aerial subscriber connections to telecommunications distribution lines

- (1) This clause applies to development being:
 - (a) the connection from a subscriber's premises to a telecommunications distribution line by means of a cable that is wholly or partly an aerial cable, or
 - (b) the erection of any structure necessary to enable the connection to be made or ancillary to the making of the connection, being a structure that is located between the point of connection of the cable to the subscriber's premises and the point of connection of the cable to the telecommunications distribution line.
- (2) If, but for this clause, development to which this clause applies is prohibited or could not be carried out without development consent being obtained therefor, and:
 - (a) the subscriber's premises and any land or other thing traversed by the connection do not comprise an item of the environmental heritage, and
 - (b) electricity is not supplied to the subscriber's premises by means of an underground connection,the development may be carried out and may be carried out without the necessity for development consent.
- (3) If, but for this clause, development to which this clause applies is prohibited, and:
 - (a) the subscriber's premises or any land or other thing traversed by the connection comprise an item of the environmental heritage, or

State Environmental Planning Policy No 4—Development Without Consent
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Schedule 1 Amendment

- (b) electricity is supplied to the subscriber's premises by means of an underground connection,
- or both, the development may be carried out but only with development consent.
- (4) A cable erected in accordance with this clause, to the extent to which it is an aerial cable, must:
- (a) be consistent with the Austroads publication *Telecommunications in Road Reserves—Operational Guidelines for Installations*, as amended from time to time, and
- (b) comply with the standards of the appropriate road authority.
- (5) In this clause, *item of the environmental heritage* means:
- (a) any place, building, work, relic or precinct to which an interim heritage order or listing on the State Heritage Register under the *Heritage Act 1977* applies, or
- (b) any place, building, work, relic, tree or precinct that is identified as a heritage item, or an item of the environmental heritage, or by a similar description, in an environmental planning instrument, or
- (c) any place that comprises, or any thing that is within, a heritage conservation area identified in an environmental planning instrument.
- (6) This clause extends to:
- (a) a development application made but not finally determined before the date on which this clause (as inserted by *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Complying Development (Amendment No 14)*) commenced, and
- (b) development that was commenced to be carried out but not completed before that date.

Sutherland Shire Local Environmental Plan 2000 (Amendment No 14)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (S01/02441/S69 Pt 2)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Sutherland Shire Local Environmental Plan 2000 (Amendment No 14)

Sutherland Shire Local Environmental Plan 2000 (Amendment No 14)

1 Name of plan

This plan is *Sutherland Shire Local Environmental Plan 2000 (Amendment No 14)*.

2 Aims of plan

This plan aims:

- (a) to make minor amendments to various definitions and clauses under *Sutherland Shire Local Environmental Plan 2000 (the 2000 plan)*, and
- (b) to amend existing exempt and complying development provisions under the 2000 plan, and
- (c) to make a minor amendment to the zoning map in respect of Wanda Reserve to rezone land from Zone 5 (g) Special Uses (General Road) to Zone 6 (a) Public Recreation under the 2000 plan, and
- (d) to introduce provisions in the 2000 plan to allow establishment of residential medical practices in the residential zones, and
- (e) to amend Schedule 2 to the 2000 plan to add a property as a heritage item and to correct several property descriptions.

3 Land to which plan applies

This plan applies to all land within the local government area of Sutherland Shire under *Sutherland Shire Local Environmental Plan 2000*.

4 Amendment of Sutherland Shire Local Environmental Plan 2000

Sutherland Shire Local Environmental Plan 2000 is amended as set out in Schedule 1.

Sutherland Shire Local Environmental Plan 2000 (Amendment No 14)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

Omit the definitions of *Advertising*, *Animal establishment*, *Boarding house*, *Building line*, *Convenience store*, *Dwelling house*, *Food shop*, *Gross floor area*, *Home activity*, *Medical facility*, *Motor showroom*, *Road* and *Townhouse* from clause 5 (1).

[2] Clause 5 (1)

Insert in alphabetical order:

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

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

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

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

Boarding house means a building:

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

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Schedule 1 Amendments

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

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

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

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

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

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

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

Sutherland Shire Local Environmental Plan 2000 (Amendment No 14)

Amendments

Schedule 1

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

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

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

Medical facility means a building or place used for the medical or surgical treatment of persons, whether public or private, and must include facilities for overnight stay accommodation. It may consist of:

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

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

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

Sutherland Shire Local Environmental Plan 2000 (Amendment No 14)

Schedule 1 Amendments

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

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

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

[3] Clause 11 What general provisions apply to advertising?

Omit clause 11 (c). Insert instead:

- (c) on any land to which this plan applies:
 - (i) if the advertising forms part of a shelter or seat, or if the advertising is in accordance with any agreement entered into with the Council before the commencement of this plan, and
 - (ii) if the Council is satisfied that the advertising will not interfere with the amenity of the locality.

[4] Clause 17 What is exempt development?

Omit “1994” from clause 17 (2) (c). Insert instead “2000”.

[5] Clause 17 (2) (l)

Omit the paragraph.

Sutherland Shire Local Environmental Plan 2000 (Amendment No 14)

Amendments

Schedule 1

[6] Clause 17 (2) (o)

Insert after clause 17 (2) (n):

, and

- (o) it is located within a bushfire interface area or bushfire prone area and complies with the Council's construction standards for buildings in these areas.

[7] Clause 17 (3) (j)

Omit the paragraph. Insert instead:

- (j) is affected by a foreshore building line.

[8] Clause 18 What is complying development?

Omit "1994" from clause 18 (2) (e). Insert instead "2000".

[9] Clause 18 (2) (h)

Insert "vegetation" after "bushland" wherever occurring.

[10] Clause 18 (2) (j)

Omit ", and". Insert instead ".".

[11] Clause 18 (2) (k)

Omit the paragraph.

[12] Clause 18 (3) (b)

Insert "or is on land that abuts a heritage item" after "plan".

[13] Clause 18 (3) (o)

Omit the paragraph. Insert instead:

- (o) is affected by a foreshore building line, except in Sylvania Waters, or

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[14] Clause 31 Special considerations for non-residential uses in residential zones

Insert after clause 31 (b):

, and

- (c) the necessity that the proposed use does not detract from the economic viability of any existing neighbourhood or commercial centre.

[15] Clause 32 Bushland vegetation considerations

Insert "vegetation" after "bushland" wherever occurring in clause 32 (b)–(d).

[16] Clause 33 What development is allowed in each zone?

Insert "residential medical practice," in alphabetical order after the words "Development for the purpose of:" wherever occurring in item 3 (Development that requires development consent) of the matter relating to Zones 2 (a1), 2 (a2), 2 (b), 2 (c), 2 (e1) and 2 (e2) in the development control table to the clause.

[17] Clause 33, Development control table, Zone 2 (b), item 3

Omit "or 4" from item 3 of the matter relating to Zone 2 (b).

[18] Clause 33, Development control table, Zones 2 (b) and 2 (c), item 3

Insert "backpackers accommodation," in alphabetical order after the words "Development for the purpose of:" wherever occurring in item 3 of the matter relating to Zones 2 (b) and 2 (c).

[19] Clause 47 What development may be allowed in each zone?

Insert "backpackers accommodation," in alphabetical order after the words "Development for the purpose of:" wherever occurring in item 3 of the matter relating to Zones 3 (a) and 3 (b) in the development control table to the clause.

[20] Clause 47, Development control table, Zone 3 (b), item 3

Omit "or 4" from item 3 of the matter relating to Zone 3 (b).

Sutherland Shire Local Environmental Plan 2000 (Amendment No 14)

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[21] Clause 57 Who acquires land?

Insert in the table to clause 57 (2) after the matter relating to Zone 5 (a) Community Facility:

5 (a) Parking

Sutherland Shire Council

[22] Clause 59 Exceptions to the land use table in 5 (c), 5 (d) and 5 (g) zones

Insert “or fixed awnings” after “to advertising” in clause 59 (2).

[23] Clause 59 (2)

Insert “or fixed awnings are” after “advertising is”.

[24] Clause 60 What development may be allowed in each zone?

Insert “roads,” in alphabetical order after the words “Development for the purpose of:” wherever occurring in item 3 of the matter relating to Zones 5 (a) and 5 (b) in the development control table to the clause.

[25] Clause 60, Development control table, Zones 5 (c) and 5 (d), item 2

Omit “, including bridges forming parts of roads” wherever occurring in item 2 (Development allowed without development consent) of the matter relating to Zones 5 (c) and 5 (d).

[26] Clause 60, Development control table, Zones 5 (c), 5 (d) and 5 (g), item 3

Insert before the words “Development for the purpose of:” wherever occurring in item 3 of the matter relating to Zones 5 (c), 5 (d) and 5 (g):

Ancillary development not included in item 2.

[27] Clause 60, Development control table, Zones 5 (c) and 5 (g), item 3

Omit “public transport interchanges or associated infrastructure,” wherever occurring in item 3 of the matter relating to Zones 5 (c) and 5 (g).

Sutherland Shire Local Environmental Plan 2000 (Amendment No 14)

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[28] Clause 60, Development control table, Zones 5 (c), 5 (d) and 5 (g), item 3

Insert after the last entry under the words “Development for the purpose of:” in item 3 of the matter relating to Zones 5 (c), 5 (d) and 5 (g):

Demolition not included in item 2.

[29] Clause 67 What development may be allowed in each zone?

Insert “Demolition not included in item 2.” before “Subdivision.” wherever occurring in item 3 of the matter relating to Zones 6 (a) and 6 (c) in the development control table to the clause.

[30] Clause 67, Development control table, Zone 6 (b), item 3

Insert after the last entry under the words “Development for the purpose of:” in item 3 of the matter relating to Zone 6 (b):

watercraft facilities.

Demolition not included in item 2.

[31] Clause 70 What development may be allowed in each zone?

Insert “Demolition not included in item 2.” before “Subdivision.” wherever occurring in item 3 of the matter relating to Zones 7 (a), 7 (b) and 7 (c) in the development control table to the clause.

[32] Clause 78 What development may be allowed in each zone?

Insert “backpackers accommodation,” in alphabetical order after the words “Development for the purpose of:” in item 3 of the matter relating to Zone 9 (a) in the development control table to the clause.

[33] Schedule 2 Heritage items—built and landscape

Omit the matter relating to 21 Bayside Place under the heading “Caringbah”.

Insert that matter instead in alphabetical order under the heading “Yowie Bay”.

Sutherland Shire Local Environmental Plan 2000 (Amendment No 14)

Amendments

Schedule 1

[34] Schedule 2, 733 Port Hacking Road, Dolans Bay

Insert in alphabetical order under the heading “Dolans Bay”:

Port Hacking Road

B280—No 733, house

[35] Schedule 2, 698 Port Hacking Road South, Dolans Bay

Omit the matter relating to 698 Port Hacking Road South under the heading “Caringbah”.

Insert that matter instead in alphabetical order under the heading “Dolans Bay”.

[36] Schedule 2, 34 Shiprock Road, Lilli Pilli

Omit the matter relating to 34 Shiprock Road under the heading “Dolans Bay”.

Insert that matter instead in alphabetical order under the heading “Lilli Pilli”.

[37] Schedule 2, 27 Wallami Street, Caringbah

Omit the matter relating to 27 Wallami Street under the heading “Dolans Bay”.

Insert that matter instead in alphabetical order under the heading “Caringbah”.

[38] Schedule 2, 2 Frangipani Place, Caringbah

Omit the matter relating to 2 Frangipani Place under the heading “Willarong Point”.

Insert that matter instead in alphabetical order under the heading “Caringbah”.

[39] Schedule 3 Schedule of savings provisions

Omit “(Clauses 6 and 22)”. Insert instead “(Clauses 6 and 22 (5))”.

[40] Schedule 3, paragraph (8)

Insert “within the existing road reserve” after “such road”.

Sutherland Shire Local Environmental Plan 2000 (Amendment No 14)

Schedule 1 Amendments

[41] Schedules 4 and 5

Omit the Schedules. Insert instead:

Schedule 4 Exempt development

(Clause 17)

Type of activity—development consisting of erection and use or carrying out of the following:	Development standards and other requirements
Access ramps for the disabled	<ul style="list-style-type: none"> (a) Maximum height 1m above ground level. (b) Maximum grade 1:14 and otherwise in compliance with relevant Australian Standards. (c) Must be located a minimum of 1.5 m from site boundaries
Advertising structures	<p>General requirements</p> <ul style="list-style-type: none"> (a) The erection of the advertising structure must comply with all the requirements of the <i>Building Code of Australia</i>, including Part B1 (Structural Provisions). (b) Signs must not cover mechanical ventilation inlet or outlet vents. (c) Advertising structures within a public road reserve must be at least 0.6m from kerb/roadway edge. (d) Flashing signs are not exempt in any zone. (e) No restrictions on advertising where displayed within a building and the advertisement is not visible from a public place, although it may be visible through openings at the ground and first floor levels of business premises, shops, food shops, restaurants, industrial premises, warehouses or bulky goods outlets.

Sutherland Shire Local Environmental Plan 2000 (Amendment No 14)

Amendments

Schedule 1

Type of activity—development consisting of erection and use or carrying out of the following:	Development standards and other requirements
1 Street and traffic signs (including street name plates, directional signs, advance traffic warning signs, traffic signs and traffic signal devices)	(a) Construction must be by or on behalf of the Council or the Roads and Traffic Authority. (b) Must be designed, fabricated and installed in accordance with relevant Australian Standards.
2 Business advertising (a) Suspended under awning signs	(a) One per premises. (b) Must not exceed 1.5m ² in area and, if over a public road, must be suspended with a clearance of no less than 2.6m above ground or pavement level. (c) Must relate to the use of premises.
(b) Awning fascia signs	(a) Must relate to the use of the premises to which the fascia is attached. (b) Where a development control plan for a business centre applies, the background colour, and all lettering colours and styles on the awning fascia must comply with the requirements of that plan.
(c) Under awning advertising (on building facades)	Must relate to the use of the building.
(d) A-frame signs and shopfront displays	(a) Must comply with the approved development control plan for A-frame advertising boards and shopfront display. (b) A lease or licence for the structure must be obtained from the Council before the sign or shopfront display is erected.

Sutherland Shire Local Environmental Plan 2000 (Amendment No 14)

Schedule 1 Amendments

Type of activity—development consisting of erection and use or carrying out of the following:	Development standards and other requirements
3 Industrial advertising	<ul style="list-style-type: none"> (a) One advertising sign of a maximum of 5m² in area is permitted and it must be fixed flush to the front elevation of the industrial building or industrial unit, to a maximum height of 4.5m above ground level and not project above the parapet of the building or the eaves line where the building has a pitched roof. (b) Freestanding directory boards for multiple occupancy complexes are permitted within the property boundary/premises subject to the total area of the board or boards not exceeding 5m² in area and a maximum height of 4.5m above ground level. (c) All signage must relate to the activity on the site.
4 Temporary signs (a) Real estate signs	<ul style="list-style-type: none"> (a) Must only advertise premises or land for sale or lease. (b) One sign per premises and located within property boundaries. (c) Sign must not exceed 2.5m² in area. (d) Not exempt more than 14 days after completion of the sale or granting of the lease.
(b) Construction signs (signs advertising firms involved in construction of a building)	<ul style="list-style-type: none"> (a) Only during construction of the building. (b) One composite sign per premises only and the sign must be located within the property boundaries. (c) Any signage must not exceed 2.5m² in area.

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Amendments

Schedule 1

Type of activity—development consisting of erection and use or carrying out of the following:	Development standards and other requirements
(c) Special event sign	<ul style="list-style-type: none"> (a) Must be displayed only on the property where the special event is to be held. (b) Must be constructed of lightweight, banner type material. (c) Not exempt for more than 14 days before the special event or more than 48 hours after the event is finalised.
(d) Inflatable promotional signs	<ul style="list-style-type: none"> (a) Must be displayed only on the property where the promotion is to be held. (b) Not exempt if displayed for more than 7 consecutive days, more than 4 times or for a total of more than 28 days in any year or later than 48 hours after the relevant promotion is finalised.
5 Home activity identification signs	<ul style="list-style-type: none"> (a) One per premises. (b) Signs must not exceed 0.5m² in area and be affixed to the dwelling no higher than 3m above ground or pavement level and below the eaves line of the building.
6 Community advertising	<ul style="list-style-type: none"> (a) A permanent fixed sign must not exceed 1.5m² in area and must not be higher than 3m above the ground or pavement level. (b) A temporary sign may not display an advertisement for more than 7 consecutive days or for a total of more than 28 days in any year.
Aerials/Antennae/Microwave antennae/Satellite dishes	<ul style="list-style-type: none"> (a) For receiving purposes only. (b) Must not have substantial adverse impact on views enjoyed by adjoining and neighbouring premises. <p>For Satellite dishes only:</p> <ul style="list-style-type: none"> (a) Maximum diameter 750mm.

Sutherland Shire Local Environmental Plan 2000 (Amendment No 14)

Schedule 1 Amendments

Type of activity—development consisting of erection and use or carrying out of the following:	Development standards and other requirements
Air conditioning units	<ul style="list-style-type: none"> <li data-bbox="855 663 1272 801">(b) Maximum height must not exceed the highest point of a pitched roof, or 1m above the highest point of a flat roof, of the building it will serve. <li data-bbox="855 819 1272 898">(c) Must not be installed forward of the building line or on roof areas visible from the road. <li data-bbox="855 916 1272 1028">(d) Must not be visible from any public place, including roads, public open space, public recreation areas and waterways. <li data-bbox="855 1046 1272 1158">(e) The dish and supporting structure must be finished in a non-reflective colour, which blends in with the surrounding environment. <li data-bbox="855 1176 1272 1337">(a) External units must not be attached above the second storey on residential buildings, unless located on a balcony where the air conditioning unit is not clearly visible from street level. <li data-bbox="855 1355 1272 1433">(b) Roof mounted air conditioning units are permitted on industrial premises only. <li data-bbox="855 1451 1272 1563">(c) Must not be located within the street facing elevation or within the front building setback if ground mounted. <li data-bbox="855 1581 1272 1659">(d) Must be located a minimum of 0.5m from any side or rear boundaries. <li data-bbox="855 1677 1272 1756">(e) Any air conditioning unit must not include a cooling tower as part of the system. <li data-bbox="855 1774 1272 1852">(f) Any building work must not reduce the structural integrity of the building. <li data-bbox="855 1870 1272 1928">(g) Any opening created must be adequately weatherproofed.

Sutherland Shire Local Environmental Plan 2000 (Amendment No 14)

Amendments

Schedule 1

Type of activity—development consisting of erection and use or carrying out of the following:	Development standards and other requirements
Awnings, canopies and security/storm blinds or shutters	<p>(h) The noise level generated by the air conditioning unit must not exceed an LAeq of 5 dB(A) above background noise level when measured at the property boundary. Despite this, domestic air conditioning units must not be audible within any room of any adjoining premises, from 10pm to 7am on weekdays or 10pm to 8am on weekends or public holidays.</p> <p>(i) Any noise emitted must not include any tonal, impulsive or intermittent characteristics.</p> <p>(j) Must be maintained and installed in compliance with Australian Standards AS/NZS 1668.1:1998, AS 1668.2—2002, AS/NZS 3666.1:2002, AS/NZS 3666.2:2002 and AS/NZS 3666.3:2000.</p> <p>(a) Must be retractable. Note. See "Pergolas, and fixed awnings etc" for fixed attachments.</p> <p>(b) Must not be installed above the second storey of any building.</p> <p>(c) This exemption is not applicable to security blinds or shutters on the street front elevation of business buildings or business shopfront awnings.</p>
Barbecues (portable and fixed structures)	<p>(a) All barbecues are to be located so that they do not cause a nuisance while being used.</p> <p>(b) Maximum height of fixed structure 2.7m from ground level.</p>

Sutherland Shire Local Environmental Plan 2000 (Amendment No 14)

Schedule 1 Amendments

Type of activity—development consisting of erection and use or carrying out of the following:	Development standards and other requirements
Bird aviaries and pet animal shelters	<ul style="list-style-type: none"> <li data-bbox="855 663 1270 831">(c) Fixed structures must be located behind the building line of the property or no further forward than the alignment of any existing building on any adjoining property, whichever is the greater setback. <li data-bbox="855 846 1270 987">(d) For fixed structures, a minimum 0.5m setback from side or rear boundaries, except where a heat shield is incorporated or adjoins a non-combustible fence. <li data-bbox="855 1003 1270 1111">(e) Barbeques must be located so that the risk of the spread of fire from the barbecue to any other structure is minimised. <li data-bbox="855 1126 1270 1160">(a) Maximum area 10m². <li data-bbox="855 1160 1270 1216">(b) Maximum height 2.7m from ground level. <li data-bbox="855 1232 1270 1288">(c) Must be located in rear or side yard areas only. <li data-bbox="855 1303 1270 1359">(d) Must be located away from the boundary a minimum of 0.5m. <li data-bbox="855 1375 1270 1431">(e) Limit of one bird aviary per property. <li data-bbox="855 1447 1270 1659">(f) An aviary for fowls (poultry, including domestic fowl, chickens or guinea fowls) and small birds must not be located within 4.5m of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food. <li data-bbox="855 1675 1270 1787">(g) An aviary for poultry (other than fowls) must not be located within 30m of any building referred to in paragraph (f).

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Amendments

Schedule 1

Type of activity—development consisting of erection and use or carrying out of the following:	Development standards and other requirements
Building alterations (external)	<p>(h) All poultry or fowls must be kept in accordance with Part 3 of and Division 2 of Schedule 5 to the <i>Local Government (Orders) Regulation 1999</i>.</p> <p>(i) Fowls are limited to a maximum of 20, and other poultry to a maximum of 5.</p> <p>(j) The floors of poultry houses within 15.2m of a dwelling, public hall or school must be paved with concrete or mineral asphalt underneath the roosts or perches, unless situated on clean sand.</p> <p>General requirements</p> <p>(a) Does not apply to:</p> <p>(i) residential flats, or</p> <p>(ii) the principal street frontage of buildings in the 3 (a) General Business, 3 (b) Neighbourhood Business, 4 (a) General Industrial or 9 (a) Mixed Residential/Business zone, or</p> <p>(iii) any development in the 5 (a) Special Uses, 6 (a) Public Recreation or 6 (b) Private Recreation zone. Note. See Schedule 5 (Complying development) for external building alterations.</p> <p>(b) Work must be non-structural.</p> <p>(c) Applies only to alterations or renovations to previously completed buildings.</p>

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Schedule 1 Amendments

Type of activity—development consisting of erection and use or carrying out of the following:	Development standards and other requirements
(a) Recladding of roofs or walls	<ul style="list-style-type: none"> (d) Works are not to include changes to the footprint or increase floorspace of the buildings or residential use of rooms whether by removal of existing walls, partitions or by other means. This does not exclude bay windows up to 0.3m from the existing alignment of the wall. (e) Works are not to include repositioning or enlarging of windows above ground level. (f) Works are not to cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas. (g) Any work involving lead paint removal must not cause lead contamination of the air or ground or water. (a) Replacement of existing materials must be with similar materials which do not increase the reflectivity. (b) Recladding not to involve structural alterations, change to roof shape or roof pitch, or brick veneering.
(b) Skylight roof windows (including solartube or similar type installations and roof ventilators)	<ul style="list-style-type: none"> (a) The building work must not reduce the structural integrity of the building or involve structural alterations. (b) Any opening created by the installation must be adequately weatherproofed.

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Type of activity—development consisting of erection and use or carrying out of the following:	Development standards and other requirements
(c) Windows, glassed areas and external doors	<p>(a) Replacement materials must comply with: Australian Standard AS 1288—1994 <i>Glass in buildings—Selection and installation</i> and AS/NZS 2208:1996 <i>Safety glazing materials in buildings</i>.</p> <p>(b) Opaque or other obscured glazing must be replaced with similar opaque glazing so as not to impact on the privacy of neighbouring properties.</p>
Building alterations (internal)	<p>(a) Does not include alterations to premises for the preparation or storage (or both) of food for sale to the public.</p> <p>(b) Works must be non-structural, such as shelving, displays, benches and partitions that do not provide structural support to any part of the building.</p> <p>(c) Works must not compromise fire safety or affect accessibility to fire exits.</p> <p>(d) Must not increase existing floor area of premises.</p> <p>(e) Must be an alteration to an existing building.</p>
(a) Business/Industrial	
(b) Residential	<p>(a) Works must be non-structural.</p> <p>(b) Applies only to alterations or renovations to previously completed buildings.</p> <p>(c) Works are not to include changes to the footprint of the dwelling or residential use of rooms whether by removal of existing walls, partitions or by other means.</p>

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Schedule 1 Amendments

Type of activity—development consisting of erection and use or carrying out of the following:	Development standards and other requirements
Bushfire hazard reduction	<ul style="list-style-type: none"> (d) Works may include replacement of internal doors, walls, windows, ceiling or floor linings or deteriorated frame members with equivalent or improved quality materials. (e) Works may include renovation of bathrooms, kitchens, and inclusion of built-in fixtures such as vanities, cupboards and wardrobes. (f) Works are not to cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas. (g) Works must not increase external size and envelope of the existing building. (h) Works are not to include installation of oil or solid fuel heating appliances. (i) Does not include alterations to premises for the preparation or storage (or both) of food for sale to the public. <p>Work must be carried out consistent with a bush fire management plan made pursuant to section 52 of the <i>Rural Fires Act 1997</i>.</p>
Cabanas and gazebos	<ul style="list-style-type: none"> (a) Maximum area 10m² per structure. (b) The floor must be located at or near ground level. (c) Maximum height of 4.0m from ground level. (d) Must be located behind the building line of the property or no further forward than the alignment of any existing building on any adjoining property, whichever is the greater setback.

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Schedule 1

Type of activity—development consisting of erection and use or carrying out of the following:	Development standards and other requirements
<p>Changes of use (Different use resulting from change of use of:</p> <ul style="list-style-type: none"> (a) business premises, shop, restaurant, food shop or sex shop to business premises, or (b) business premises, shop, restaurant, food shop or sex shop to shop or different kind of shop, or (c) food shop to different kind of food shop, or (d) restaurant to a different kind of restaurant, or (e) bulky goods outlet to different kind of bulky goods outlet, or (f) industry to different kind of industry, or (g) warehouse to different kind of warehouse.) 	<ul style="list-style-type: none"> (e) Structures must be sited a minimum of 0.5m from side and rear boundaries, except in the 2 (a2), 2 (e1) and 2 (e2) Residential zones where the Foreshore Scenic Protection Area applies, Woronora Heights and areas west of the Woronora River (excepting Woronora) where the minimum setback is to be 1.5m. (f) Maximum total floorspace of combined structures in this category is 40m². (a) The following changes of use of premises within the 9 (a) Mixed Residential/Business zone are not included: <ul style="list-style-type: none"> (i) business premises to shop, (ii) shop to business premises, (iii) restaurant, food shop or sex shop to business premises or shop. (b) Does not include a change of use to a sex shop. (c) Hours of operation are limited generally to between 6am and 9pm daily for all uses except industrial uses where the hours of operation are limited to between 6am and 7pm Monday to Saturday with no use on Sundays or public holidays. (d) The change of use is not to include any change to existing floorspace, parking, landscaping or waste facilities approved for the development.
<p>Clothes hoists/lines</p>	<ul style="list-style-type: none"> (a) Must be installed at ground level. (b) Must be located behind the building or in the side or rear yard. (c) Must not be located on balconies or elevated decks.

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Schedule 1 Amendments

Type of activity—development consisting of erection and use or carrying out of the following:	Development standards and other requirements
Decks and patios	<ul style="list-style-type: none"> (a) The finished surface level must not be greater than 1m above ground level. (b) The structure must not exceed an area of 20m². (c) The structure must be located behind the building line of the property or no further forward than the alignment of any existing building on any adjoining property, whichever is the greater setback. (d) Sufficient step down is to be provided to prevent the entry of water into any associated dwelling. (e) Decks and patios 0.5m or less above natural ground level must be located a minimum 0.9m from side and rear boundaries, except in the 2 (a2), 2 (e1) and 2 (e2) Residential zones where the Foreshore Scenic Protection Area applies, Woronora Heights and areas west of the Woronora River (excepting Woronora) where the minimum setback is to be 1.5m. (f) Decks and patios greater than 0.5m above natural ground level, or decks to swimming pools, must be located a minimum of 1.5m from side and rear boundaries.
Demolition of a structure	<ul style="list-style-type: none"> (a) Demolition of a structure is only exempt development if erection of that structure would be exempt development, or where an order to demolish has been issued by the Council under the <i>Environmental Planning and Assessment Act 1979</i>. (b) Does not apply to demolition of a structural retaining wall.

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Type of activity—development consisting of erection and use or carrying out of the following:	Development standards and other requirements
Driveways and pathways	<ul style="list-style-type: none"> (c) Does not apply to the decontamination, rehabilitation or remediation of contaminated land. (d) Demolition must be carried out in accordance with Australian Standard AS 2601—2001 <i>Demolition of structures</i>. (a) Does not apply to works on public land except for driveways or pathways constructed by or on behalf of the Council. (b) Must be structurally sound and of stable construction. (c) Must not be elevated or suspended above ground level or involve excavation greater than 0.6m. (d) Driveway or access gradients must be designed to align with footpath crossing levels issued by the Council and must comply with the access gradient requirements of Australian Standard AS 2890.1—1993 <i>Parking facilities</i>, Part 1: <i>Off-street car parking</i>. (e) Must be graded and drained so as not to cause a drainage nuisance to adjoining property or footpath area.
Fences and gates (including replacement of existing fences or gates)	<p>General requirements</p> <ul style="list-style-type: none"> (a) Does not apply to fences required by the <i>Swimming Pools Act 1992</i>. (b) Does not apply to fencing of street frontages of land occupied by dual occupancies, townhouses or villas. (c) Does not apply to fences or gates for residential flats. (d) All fences are to be constructed so as not to create a drainage nuisance.

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Schedule 1 Amendments

Type of activity—development consisting of erection and use or carrying out of the following:	Development standards and other requirements
(a) Front fences (including side fences between the building line and the street or any other public place)	<p>(e) Does not apply to fencing along the street boundary of land occupied by dual occupancies, townhouses or villas.</p> <p>(f) Does not apply to waterfront properties in Sylvania Waters where fencing between the rear of the dwelling and the waterway is restricted to a maximum 1.2m high open form fencing.</p> <p>(a) Does not apply to front fences in Alford's Point, Barden Ridge, Bangor, Bonnet Bay, Illawong, Lucas Heights, Menai, Woronora Heights or land at Sylvania Waters where covenants apply to the land that restricts erection of front fencing.</p> <p>(b) Does not apply to commercial premises.</p> <p>(c) A maximum height of 1m.</p> <p>(d) An open form front fence, to a maximum height of 2.5m, is permitted on industrial premises but only where set behind existing landscaping carried out with consent.</p>
(b) Side fences and rear fences (fences behind the building line)	<p>(a) Maximum height of 1.8m if constructed of timber, metal or lightweight materials, all other materials maximum height of 1.0m.</p> <p>(b) Open form fencing to a maximum height of 2.5m is permitted on industrial premises.</p>
Flagpoles	<p>(a) Maximum height 6.0m above ground level.</p> <p>(b) Must not project beyond property boundaries.</p> <p>(c) Limit of one flagpole per property.</p>

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Type of activity—development consisting of erection and use or carrying out of the following:	Development standards and other requirements
Greenhouses, garden sheds, studios, cubby houses and playground equipment	<ul style="list-style-type: none"> (d) Not used to display flag larger than 1m². (e) Not used to display flags for advertising purposes. (a) Maximum area 10m² per structure. (b) The floor must be located at or near ground level. (c) Maximum height of 4.0m from ground level. (d) Must be located behind the building line of the property or no further forward than the alignment of any existing building on any adjoining property, whichever is the greater setback. (e) Structures must be sited a minimum of 0.5m from side and rear boundaries, except in the 2 (a2), 2 (e1) and 2 (e2) Residential zones where the Foreshore Scenic Protection Area applies, Woronora Heights and areas west of the Woronora River (excepting Woronora) where the minimum setback is to be 1.5m. (f) Maximum total floorspace of combined structures in this category is 40m². (g) Maximum area and height requirements do not apply where the structures are located on land zoned 5 (a) Special Uses.
Home activities	<ul style="list-style-type: none"> (a) The activity must not interfere with the amenity of the area by reason of such things as vehicular traffic, parking, noise, vibration, smell, fumes, smoke, water or other waste products.

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Type of activity—development consisting of erection and use or carrying out of the following:	Development standards and other requirements
Letter box	<ul style="list-style-type: none"> (b) Any sound producing plant, equipment, machinery or fittings associated with or forming part of a mechanical ventilation system or refrigeration system, which is installed as part of a home activity, must be sound insulated or isolated (or both). (c) Noise emitted must not exceed an LAeq of 5dB(A) above the background level in any octave band from 63.0 Hz centre frequencies inclusive at the boundary of the site. The method of measurement of sound must be carried out in accordance with Australian Standard AS 1055.1—1997 <i>Acoustics—Description and measurement of environmental noise—General procedures</i>. (d) Any noise emitted must not include any tonal, impulsive or intermittent characteristics. (e) Hours of operation for the activity are limited to between 8am and 6pm Monday to Saturday.
Outdoor eating areas	<p data-bbox="855 1476 1257 1532">Must not exceed a maximum height of 1.2m above ground level.</p> <ul style="list-style-type: none"> (a) Must comply with the approved development control plan for outdoor eating areas. (b) A licence for the activity must be obtained from the Council before any outdoor eating activities are undertaken.
Pergolas, and fixed awnings, shade structures/sunshades at ground floor level or over an existing first floor deck	<ul style="list-style-type: none"> (a) Maximum area 20m² per structure. (b) Maximum height 2.7m above ground level where proposed at ground floor level.

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Type of activity—development consisting of erection and use or carrying out of the following:	Development standards and other requirements
	<ul style="list-style-type: none"> <li data-bbox="853 660 1267 772">(c) Maximum height 2.7m above existing first floor or deck level where proposed over an existing elevated deck. <li data-bbox="853 784 1267 952">(d) Must be located behind the building line of the property or no further forward than the alignment of any existing building on any adjoining property, whichever is the greater setback. <li data-bbox="853 963 1267 1243">(e) Must be located a minimum of 0.5m from side and rear boundaries, except in the 2 (a2), 2 (e1) and 2 (e2) Residential zones where the Foreshore Scenic Protection Area applies, Woronora Heights and areas west of the Woronora River (excepting Woronora), where the minimum is 1.5m. <li data-bbox="853 1254 1267 1310">(f) Does not apply to business shopfront awnings. <li data-bbox="853 1321 1267 1449">(g) Maximum area and height requirements do not apply where the structure is located on land zoned 5 (a) Special Uses.

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Schedule 1 Amendments

Type of activity—development consisting of erection and use or carrying out of the following:	Development standards and other requirements
<p>Public facilities and amenities (new construction and use) (includes such things as playground equipment, public toilet facilities, staircases, recreational, sporting, entertainment and cultural activities, works for the purpose of landscaping, gardening, beach and foreshore protection works, lighting and night-time activities, traffic management facilities, public transport facilities, street furniture, security equipment or devices, goal posts, sight screens and similar ancillary sporting structures)</p>	<ul style="list-style-type: none"> (a) Approved by the Council and undertaken by or on behalf of the Council, or if on Crown land where consultation with the Department of Land and Water Conservation has occurred or, in the case of traffic management facilities, must be undertaken by or on behalf of the Roads and Traffic Authority. (b) Works must be located on land under the control of the Council or the Roads and Traffic Authority. (c) Must be designed, fabricated and installed in accordance with any relevant Australian Standards and the <i>Building Code of Australia</i>. (d) Bus shelters and seats with ancillary advertising must comply with the requirements of the development control plan for bus shelters and seats. (e) Park and street furniture (for example, seats, bins, picnic tables, barbecues etc) must comply with the requirements of any applicable development control plan or adopted plan of management. (f) The following works or uses may only be exempt if in accordance with an adopted plan of management: <ul style="list-style-type: none"> (i) temporary uses, such as markets, concerts, fetes etc, (ii) public toilet facilities, (iii) installation of lighting to enable the night use of recreational facilities.
<p>Retaining walls</p>	<ul style="list-style-type: none"> (a) Not if any site filling or raising of site levels greater than 0.3m will occur within 1.5m of side or rear boundaries.

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Type of activity—development consisting of erection and use or carrying out of the following:	Development standards and other requirements
Water heaters (includes heat pump hot water heaters and solar water heaters)	<ul style="list-style-type: none"> (b) Maximum height 0.6m. (c) Masonry walls to comply with Australian Standards AS 3700—2001 <i>Masonry structures</i>, AS 3600—1994 <i>Concrete structures</i> and AS/NZS 1170.0: 2002, AS/NZS 1170.1: 2002, AS/NZS 1170.2: 2002 and AS 1170.4—1993 <i>Structural design actions</i> and <i>Minimum design loads on structures</i>. (d) Timber walls to comply with Australian Standards AS 1720.1—1997, AS 1720.2—1990 and AS 1720.4—1990 <i>Timber structures</i> and AS/NZS 1170.0: 2002, AS/NZS 1170.1: 2002, AS/NZS 1170.2: 2002 and AS 1170.4—1993 <i>Structural design actions</i> and <i>Minimum design loads on structures</i>. (e) All retaining walls are to be constructed so as not to cause a drainage nuisance. (f) Maximum length of 20 lineal metres of retaining wall per property. (g) Not if there are two or more wall rises or drops in succession. (a) Must be located behind the building line of the property or no further forward than the alignment of any existing building on any adjoining property, whichever is the greater setback. (b) The installation must not reduce the structural integrity of the building or involve structural alterations.

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Type of activity—development consisting of erection and use or carrying out of the following:	Development standards and other requirements
Water tanks	<ul style="list-style-type: none"> (c) The development must comply with the provisions of the <i>Building Code of Australia</i> for fire separation if in multi-unit housing. (d) The noise level generated must not exceed an LAeq of 5 dB(A) above background noise level when measured at the property boundary. Despite this, domestic water heaters must not be audible within any room of any adjoining premises, from 8pm to 7am on weekdays and 10pm to 8am on weekends or public holidays. (e) Maximum height must not exceed the highest point of a pitched roof, or 1m above the highest point of a flat roof, of the building it will serve. (f) Trees must not be lopped in order to achieve solar access for solar water heaters. (a) Not if a below ground tank or on land that requires excavation. (b) Maximum height 2.7m from ground level. (c) Must be located behind the building line of the property or no further forward than the alignment of any existing building on any adjoining property, whichever is the greater setback. (d) Tanks must be located a minimum of 0.5m from side and rear boundaries. (e) Maximum capacity of 1,600 litres. (f) Suitable proofing for the prevention of mosquito breeding must be provided.

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Type of activity—development consisting of erection and use or carrying out of the following:	Development standards and other requirements
	(g) Rainwater tank overflows must be connected to an approved stormwater system.

Schedule 5 Complying development—general provisions

(Clause 18)

Part 1 Complying development in the following zones:

Zone 2 (a1) Residential

Zone 2 (a2) Residential

Zone 2 (b) Residential

Zone 2 (e1) Residential

Zone 2 (e2) Residential

Development consisting of the erection or carrying out of the following:	Development standards and other requirements
Building alterations (internal)	(a) Work must not reduce fire safety or accessibility to a fire exit. (b) Applies only to alterations or renovations to previously completed buildings. (c) Works must not include installation of oil or solid fuel heating appliances.

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Development consisting of the erection or carrying out of the following:	Development standards and other requirements
Cabanas and gazebos	<p>(d) Work on that part of residential premises used for the purpose of preparation or storage (or both) of food for sale to the public as part of a home activity use, must comply with the <i>Food Regulation 2001</i> and the Council's <i>Code for Food Premises</i> and <i>Code for Commercial Home Catering</i>. Work does not include installation of any commercial mechanical exhaust ventilation system.</p> <p>(a) Maximum area of 40m² per structure.</p> <p>(b) Maximum height of 4.0m from ground level for all structures.</p> <p>(c) Must be located behind the building line of the property or no further forward than the alignment of any existing building on any adjoining property, whichever is the greater setback.</p> <p>(d) Must be located a minimum of 0.5m off side and rear boundaries, except in the 2 (a2), 2 (e1) and 2 (e2) Residential zones where the Foreshore Scenic Protection Area applies, Woronora Heights and areas west of the Woronora River (excepting Woronora), where the minimum is 1.5m.</p> <p>(e) The finished floor level must be no more than 1.0m above ground level at any point.</p>
Decks and Patios	<p>(a) The finished surface level must not be greater than 1m above ground level.</p> <p>(b) The structure must not exceed an area of 40m².</p>

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Development consisting of the erection or carrying out of the following:	Development standards and other requirements
Demolition	<ul style="list-style-type: none"> (c) The structure must be located behind the building line of the property or no further forward than the alignment of any existing building on any adjoining property, whichever is the greater setback. (d) Sufficient step down is to be provided to prevent the entry of water into any associated dwelling. (e) Must be located a minimum of 0.9m from side and rear boundaries if situated 0.5m or less above natural ground level, except in the 2 (a2), 2 (e1) and 2 (e2) Residential zones where the Foreshore Scenic Protection Area applies, Woronora Heights and areas west of the Woronora River (excepting Woronora) where the minimum setback is to be 1.5m. (f) Must be located a minimum of 1.5m from side and rear boundaries if situated more than 0.5m above natural ground level or are decks to swimming pools. (a) Not including decontamination, rehabilitation or remediation of a contaminated site. (b) Demolition must be in accordance with any relevant Australian Standards.
Fences, Gates and Retaining Walls	<ul style="list-style-type: none"> (a) Not within the front building line setback in areas west of Woronora River (excluding Woronora), Sylvania Waters, Woronora Heights and Bonnet Bay. (b) Front fences within the front building line must not exceed a maximum height of 1.0m above ground level.

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Schedule 1 Amendments

Development consisting of the erection or carrying out of the following:
Development standards and other requirements
Garages

- (c) Side or rear fences must not exceed a maximum height of 1.8m above ground level.
- (d) Retaining walls:
 - (i) must be located a minimum of 0.5m from a boundary line, and
 - (ii) must not exceed a maximum height of 1.0m above ground level, and
 - (iii) maximum length of 20 lineal metres of retaining wall per property.
- (e) Does not apply to fencing along the street boundary of land occupied by dual occupancies, townhouses or villas.
- (f) Does not apply to waterfront properties in Sylvania Waters where fencing between the rear of the dwelling and the waterway is restricted to a maximum 1.2m high open form fencing.
- (a) Maximum gross floor area of 40m² per structure.
- (b) Maximum height 4.0m from ground level for all structures.
- (c) Must be located behind the building line of the property or no further forward than the alignment of any existing building on any adjoining property, whichever is the greater setback.

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Development consisting of the erection or carrying out of the following:	Development standards and other requirements
Greenhouses, garden sheds, studios, cubby houses	<ul style="list-style-type: none"> (d) Must be located a minimum of 0.9m off side boundaries or 0.5m if detached and to the rear of the building, except in 2 (a2), 2 (e1) and 2 (e2) Residential zones where the Foreshore Scenic Protection Area applies, Woronora Heights and areas west of the Woronora River (excepting Woronora), where the minimum is 1.5m. (e) The finished floor level must be no more than 1.0m above ground level at any point. (a) Maximum gross floor area of 40m² per structure. (b) Maximum height 4.0m from ground level for all structures. (c) Must be located behind the building line of the property or no further forward than the alignment of any existing building on any adjoining property, whichever is the greater setback. (d) Must be located in rear or side yards. (e) Must be located a minimum of 0.9m off side boundaries or 0.5m if detached and to the rear of the building, except in 2 (a2), 2 (e1) and 2 (e2) Residential zones where the Foreshore Scenic Protection Area applies, Woronora Heights and areas west of the Woronora River (excepting Woronora), where the minimum is 1.5m. (f) The finished floor level must be no more than 1.0m above ground level at any point.
Pergolas, awnings, shade structures/sunshades, carports	<ul style="list-style-type: none"> (a) Maximum area of 40m² per structure.

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Schedule 1 Amendments

Development consisting of the erection or carrying out of the following:	Development standards and other requirements
Seawalls	<ul style="list-style-type: none"> (b) Maximum height of 4.0m from ground level for all structures. (c) Must be located behind the building line of the property or no further forward than the alignment of any existing building on any adjoining property, whichever is the greater setback. (d) Must be located a minimum of 0.5m off side and rear boundaries, except in the 2 (a2), 2 (e1) and 2 (e2) Residential zones where the Foreshore Scenic Protection Area applies, Woronora Heights and areas west of the Woronora River (excepting Woronora), where the minimum is 1.5m. (e) The finished floor level must be no more than 1.0m above ground level at any point. (a) Only applies to seawalls on land zoned 2 (a1) Residential in Sylvania Waters. (b) Reconstruction, replacement or maintenance of existing seawalls only.
Single storey single dwelling houses and ground floor single storey additions or alterations to single dwelling houses	<ul style="list-style-type: none"> (a) Maximum height of 5.4m from ground level to the highest point of the roof. (b) Must be located a minimum of 0.9m off side boundaries, except in 2 (a2), 2 (e1) and 2 (e2) Residential zones where the Foreshore Scenic Protection Area applies, Woronora Heights and areas west of the Woronora River (excepting Woronora), where the minimum is 1.5m.

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Development consisting of the erection or carrying out of the following:

Development standards and other requirements

- (c) Must be located a minimum of 4.5m from rear boundaries.
- (d) Must be located behind the building line of the property or no further forward than the alignment of any existing building on any adjoining property, whichever is the greater setback.
- (e) The maximum amount of cut or fill is restricted to 0.6m and the cut must not extend further than 0.9m beyond the perimeter of the building.
- (f) All fill must be retained within the perimeter of the buildings.
- (g) For new dwellings, two car parking spaces must be provided behind the building line.
- (h) Any car spaces and access provided must comply with the requirements of Australian Standard AS 2890.1—1993 *Parking facilities, Part 1: Off-street car parking*.
- (i) Any driveways provided must be designed to align with footpath crossing levels issued by the Council.
- (j) New dwellings must be entitled to at least a 3.5 star rating under the *National House Energy Rating Scheme* (NatHERS).
- (k) Alterations or additions must comply with the energy efficiency standards in the applicable development control plan.
- (l) Works are not to include installation of oil or solid fuel heating appliances.

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Development consisting of the erection or carrying out of the following:
Development standards and other requirements

- (m) Must comply with Council's construction standards for buildings located in bushfire prone areas or relevant Council building standards.
- (n) Work on that part of residential premises used for the purpose of preparation or storage (or both) of food for sale to the public as part of a home activity use, must comply with the *Food Regulation 2001* and the Council's *Code for Food Premises* and *Code for Commercial Home Catering*. Work does not include any commercial mechanical exhaust ventilation system.

Subdivision for one or more of the following purposes only:

- (a) widening of a public road by a public authority, or
- (b) adjusting a boundary between allotments, but only if the new lots comply with this plan. The subdivision must not result in an increased number of lots, the re-orientation of the existing allotments or redefinition of the Mean High Water Mark, or
- (c) correcting an encroachment on an allotment, but only if the new lots comply with this plan, or
- (d) strata subdivision of any building, except dual occupancy housing, approved and constructed after 1 July 1988, subject to the development conforming with all conditions of any applicable development consent, or
- (e) consolidation of allotments, if it is development, or

Sutherland Shire Local Environmental Plan 2000 (Amendment No 14)

Amendments

Schedule 1

Development consisting of the erection or carrying out of the following:	Development standards and other requirements
(f) the creation of an allotment for public reserve purposes but only where the residue lot or lots comply with the minimum size standards of this plan.	
Swimming pools, spas and safety fencing	<p>(a) Must be located in the rear or side yard.</p> <p>(b) Must be located a minimum of 1.0m distance from side or rear boundaries to the water.</p> <p>(c) Pools (including in-ground or above-ground) must not exceed 1.0m above ground level with no attached decking within 1.5m of side and rear boundaries (refer to Decks and Patios).</p> <p>(d) Safety fencing must comply with the <i>Swimming Pools Act 1992</i> and Australian Standard AS 1926.2—1995 <i>Swimming pool safety, Part 2: Location of fencing for private swimming pools</i>.</p> <p>(e) Swimming pool/spa pump and associated equipment must be sound insulated or isolated (or both) so that the noise emitted does not exceed an LAeq of 5 dB (A) above background noise level in any octave band from 63.0 Hz centre frequencies inclusive at the property boundary, measured in accordance with Australian Standard AS 1055.1—1997 <i>Acoustics—Description and measurement of environmental noise—General procedures</i>.</p>

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Part 2 Complying development in the following zones:

- 2 (c) Residential
- 3 (a) General Business
- 3 (b) Neighbourhood Business
- 4 (a) General Industrial
- 5 (a) Special Uses
- 5 (b) Special Uses (Railways)
- 6 (b) Private Recreation
- 9 (a) Mixed Residential/Business

Development consisting of the erection or carrying out of the following:
Development standards and other requirements

Building alterations (external)

- (a) Building must be an existing building authorised by a consent.
- (b) Only where there is an applicable development control plan or plan of management that specifies standards for the external treatment or appearance of the building and only where the development complies with the requirements of the applicable development control plan or plan of management.
- (c) Work must not reduce fire safety or accessibility to a fire exit.
- (d) Work must not contravene any conditions of any development consent applicable to the building or its use.

Building alterations (internal)

- (a) Building must be an existing building authorised by a consent.
- (b) Work must not reduce fire safety or accessibility to a fire exit.

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Schedule 1

Development consisting of the erection or carrying out of the following:

Development standards and other requirements

-
- (c) Work must not increase the existing gross floor area of industrial premises except where it is an internal mezzanine floor, where that area may be increased by up to a maximum floor area of 50m² but only for the purpose of storage or amenities.
 - (d) Work must not increase existing gross floor area of business premises, including extensions within pedestrian arcades.
 - (e) Work on that part of residential premises used for the purpose of preparation or storage (or both) of food for sale to the public as part of a home activity use, must comply with the *Food Regulation 2001* and the Council's *Code for Food Premises* and *Code for Commercial Home Catering*. Work does not include any commercial mechanical exhaust ventilation systems.
 - (f) Work on food shops or restaurants must comply with the *Food Regulation 2001*, the Council's *Code for Food Premises*, the *Clean Air (Plant and Equipment) Regulation 1997*, the *Protection of the Environment Operations Act 1997*, AS/NZS 1668.1:1998 and AS 1668.2—2002. Alterations to an existing food shop or restaurant do not include the construction or installation of an externally mounted or located exhaust duct, fan or refrigeration unit.

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Schedule 1 Amendments

Development consisting of the erection or carrying out of the following:

Development standards and other requirements**Demolition**

- (g) Work on hairdressers, beauty salons or skin penetration premises must comply with the *Public Health Act 1991* and Regulations under that Act, the NSW Health Department's *Skin Penetration Guidelines*, published in July 1999 (if appropriate) and the *Local Government (Orders) Regulation 1999*.
- (h) Existing sound producing machinery or fittings associated with or forming part of the existing mechanical ventilation system or refrigeration system, must be sound insulated or isolated (or both) so that the noise emitted does not exceed LAeq of 5 dB(A) above the background level in any octave band from 63.0 Hz centre frequencies inclusive at the boundary of the site (in accordance with any relevant Australian Standards). Any noise emitted must not include any tonal, impulsive or intermittent characteristics.
- (a) Demolition is only permitted of a building the erection of which is identified in this Schedule as complying development.
- (b) Not including decontamination, rehabilitation or remediation of a contaminated site.
- (c) Demolition must be carried out in accordance with any relevant Australian Standards.

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Amendments

Schedule 1

Development consisting of the erection or carrying out of the following:

Development standards and other requirements

Seawalls

- (a) Only applies to seawalls on land in the 6 (b) Private Recreation zone in Sylvania Waters.
- (b) Reconstruction, replacement or maintenance of existing seawalls only.

Subdivision for one or more of the following purposes only:

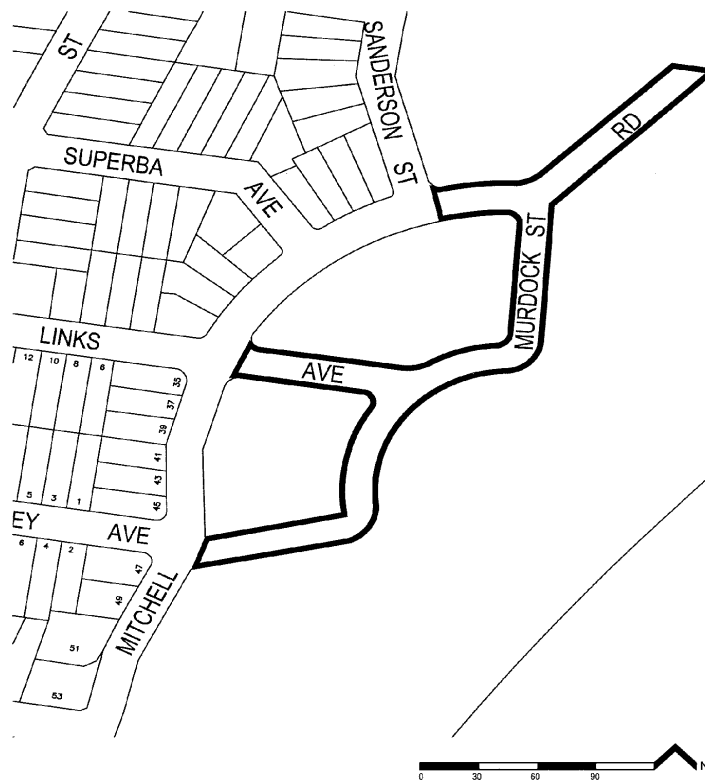
- (a) widening of a public road by a public authority, or
- (b) adjusting a boundary between allotments, but only if the new lots comply with this plan. The subdivision must not result in an increased number of lots, the re-orientation of the existing allotments or redefinition of the Mean High Water Mark, or
- (c) correcting an encroachment on an allotment, but only if the new lots comply with this plan, or
- (d) strata subdivision of any building, except dual occupancy housing, approved and constructed after 1 July 1988 subject to the development conforming with all conditions of any applicable development consent, or
- (e) consolidating allotments, if it is development, or
- (f) the creation of an allotment for public reserve purposes but only where the residue lot or lots comply with the minimum size standards of this plan.

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Schedule 1 Amendments


[42] Schedule 7 Maps

Insert in appropriate order:



Map 25: Wanda Reserve

Location NORTH CRONULLA

 6 (a) Public Recreation