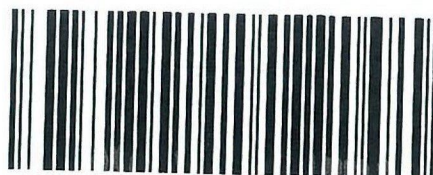




Jazmin van Veen  
File Ref: LP/06/694793

26 March 2012



PCU032172

Juliet Grant  
Regional Director  
Sydney Region - East  
Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Dear Ms Grant

**Planning Proposal for Amendment 15 to Sutherland Shire Local Environmental Plan 2006**

[In response, please quote File Ref: LP/06/694793]

Council has resolved that a number of minor amendments be made to Sutherland Shire Local Environmental Plan 2006 (SSLEP2006) under the gateway process (EAP161-12). A planning proposal has now been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979*. The proposal contains the following amendments:

- Rezoning of 4 properties
- Reclassification of 4 properties
- Amendments to Schedule 2 – Exempt Development

In Accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*, Council submits the enclosed planning proposal for a Gateway determination. The proposal contains the following attachments:

1. 50 Pacific Cres, Maianbar MAP
2. 999N Lenna Pl, Jannali MAP
3. 32R Timbrey Crct, Barden Ridge MAP
4. 25 Baringa Rd, Engadine MAP
5. Council Report EAP161-12 – Planning Proposal for Amendment 15
6. Schedule 2 – Exempt Development

Should you have any further enquiries please contact Jazmin van Veen of Council's Environmental Planning Unit on 9710 0809.

Yours faithfully

Jazmin van Veen  
for J W Rayner  
General Manager



# **Planning Proposal – Sutherland Shire Local Environmental Plan 2006 (Draft Amendment No 15)**

## **Section 55 of the Environmental Planning and Assessment Act, 1979**

### **LOCAL GOVERNMENT AREA**

Sutherland Shire Council

### **NAME OF PLANNING PROPOSAL**

Sutherland Shire Local Environmental Plan 2006 (Draft Amendment No 15)

### **ADDRESS OF LAND**

This Planning Proposal applies to all land covered by Sutherland Shire Local Environmental Plan 2006 and specifically applies to:

- 50 Pacific Cres, Maianbar (S/P 56080),
- 999N Lenna Place, Jannali,
- 32R Timbrey Circuit, Barden Ridge, and
- 25 Baringa Road, Engadine.

### **MAPS**

Sutherland Shire Local Environmental Plan 2006 – Amendment No 15 Sheet 1 – 50 Pacific Cres Maianbar

Sutherland Shire Local Environmental Plan 2006 – Amendment No 15 Sheet 2 – 999N Lenna Place, Jannali

Sutherland Shire Local Environmental Plan 2006 – Amendment No 15 Sheet 3 – 32R Timbrey Circuit, Barden Ridge

Sutherland Shire Local Environmental Plan 2006 – Amendment No 15 Sheet 4 – 25 Baringa Road, Engadine

### **DETAILS OF THE PLANNING PROPOSAL**

#### **1. A statement of the objectives or intended outcomes of the proposed local environmental plan. [Act s. 55(2)(a)]**

The Planning Proposal seeks to:

- enable the rezoning of land at 50 Pacific Cres, Maianbar (S/P 56080) from Zone 1 – Environmental Housing (Environmentally Sensitive Land) to Zone 10 – Neighbourhood Centre. The land is currently covered by Clause 14 – Exceptions to Zoning Table - specified development on specified land to permit a 'general store and residential flat buildings with no more than three dwellings'. This exception is proposed to be removed and permissibility will be maintained and extended under a commercial centre zoning.
- reclassify of 25 Baringa Rd, Engadine to enable the removal of a covenant over the site which restricts all uses of the land other than for bush fire protection purposes, parks or recreation reserves. This will then enable this surplus land to be sold for residential use.
- reclassify and rezone of two lots of surplus Council land at 999N Lenna Pl, Jannali for residential purposes, to allow for their sale to adjoining residential property owners.
- reclassify and rezone of 32R Timbrey Circuit, Barden Ridge to zone the land for open space purposes and extinguish restrictions on the title that limit its use as a park as restrictions are not acceptable to Council. This will then enable Council to effectively use this lot for a park.

- amend Schedule 2 Exempt Development to remove uses that have been replaced by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The schedule will also be reformatted to allow for ease of use.
- amend the exempt provisions within Sutherland Shire Local Environmental Plan 2006 – Schedule 2 to allow:
  - Animal grazing,
  - Events (community and fundraising) and
  - Luminous pole advertising.

## **2. An explanation of the provisions that are to be included in the proposed local environmental plan. [Act s. 55(2)(b)]**

- Amendment to the map series Sutherland Shire Local Environmental Plan 2006 – Zoning for land at:
  - 50 Pacific Cres, Maianbar (S/P 56080) to allow for the rezoning from Zone 1 – Environmental Housing (Environmentally Sensitive Land) to Zone 10 – Neighbourhood Centre.
  - 32R Timbrey Circuit, Barden Ridge to allow for the rezoning from Zone 3 – Environmental Housing (Bushland) to Zone 13 – Public Open Space.
  - 999N Lenna Place, Jannali (Lot 5, DP 732363) - to be rezoned from Zone 23 - Road to Zone 4 - Local Housing
  - 999N Lenna Place, Jannali (Lot 13, DP 618437) - to be rezoned from Zone 23 - Road to Zone 3 - Environmental Housing (Bushland)
- Amendment to Sutherland Shire Local Environmental Plan 2006 to amend Clause 14 - Exceptions to Zoning Table – specified development on specified land by deleting the existing reference to 50 Pacific Cres, Maianbar (S/P 56080).
- Amendment to Schedule 4 – Classification and Reclassification of Public Land to:
  - Remove the reference to a covenant for 25 Baringa Road, Engadine in Column 3.
  - Add 999N Lenna Pl, Jannali and 32R Timbrey Circuit, Barden Ridge to Part 2 - Land classified, or reclassified, as operational land—interests changed
- Amendment to Sutherland Shire Local Environmental Plan 2006 – Schedule 2 Exempt Development to remove all uses that are now covered by the State Environmental planning Policy (Exempt and Complying Development Codes) 2008 and reformat Schedule.
- Amendment to Sutherland Shire Local Environmental Plan 2006 – Schedule 2 Exempt Development to include the following new uses:
  - Animal grazing,
  - Events (community and fundraising) and
  - Luminous pole advertising.

### **3. Justification for those objectives, outcomes and provisions and the process for their implementation. [Act s. 55(2)(c)]**

#### **Proposed reclassification of land at: 25 Baringa Road, Engadine**

##### *1. Is the planning proposal the result of any strategic study or report?*

###### 25 Baringa Road, Engadine

The site at 25 Baringa Road, Engadine is not considered to be suitable for a fire station which has outgrown the site given its limited size (575m<sup>2</sup> in area). Council reviewed and rationalized the area of land required to service the needs of the community in the Engadine area. The outcome of this review was that other uses for the site such as its use as a public park cannot be justified given its location only 250 meters away from Engadine Park (Anzac Oval) as well as a nearby reserve on Collins Place. As a result, Council resolved to sell this parcel of land as it is surplus to Council's needs. It was intended that the sale of this land would partly fund a new fire station at 22R Ferntree Road, Engadine.

Council resolved to reclassify the subject land and remove the existing covenant over the site as part of the next LEP Amendment. This report found that there is no significant planning merit in retaining part of this parcel in community ownership. The land is vacant with the exception of a number of mature trees. The site is not suitable for community uses given its limited size. The optimal use of the site is for residential purposes.

A reclassification was undertaken as part of Amendment 6 to SSLEP, however a restrictive covenant was inadvertently not discharged which now prevents the sale of land. It is for this purpose that this site is to be reclassified again, to remove the covenant and allow for the sale of this land. This was originally part of Amendment 12, however the additional steps required for reclassifications were unnecessarily holding up the other portions of this amendment and as such the reclassification was removed to now form part of this Amendment.

###### 32R Timbrey Circuit, Barden Ridge

As part of a 39 lot residential lot subdivision at Barden Ridge, a Voluntary Planning Agreement required a park to be dedicated to Council free of cost. The park located at 32R Timbrey Circuit, Barden Ridge is now in Council ownership. It includes new facilities such as children's play equipment, seating, shelters, lighting, pathways, fencing and landscaping and a tennis court. However, there are restrictions on the title of this land that limit its use as a park and these restrictions are not acceptable to Council. Under the current terms of the restrictions, Council must obtain concurrence from all lots and Gandangara Local Aboriginal Land Council.

The Park is currently classified as "community land" under the Local Government Act 1993. By reclassifying the land as "operational" Council can remove the restrictions on title to allow the effective use of this land as a park. The reclassification of this parcel does not raise any significant economic, social or environmental impacts. An environmental study for this proposed reclassification is not necessary. The park will continue to be used by the community for public purposes.

###### 999N Lenna Place, Jannali

The reclassify 999N Lenna Place, Jannali from "community" to "operational" land is to permit its sale. This land consists of two (2) lots being Lot 5, DP 732363 and Lot 13, DP 618437. The land forms an access control strip along the rear of the lots at Toronto

Parade. The land is now considered surplus to Council's requirements. The proposed sale of the land has been endorsed by Council's Land Management Committee.

The reclassification of this land does not raise any significant economic, social or environmental impacts. It is a small strip of land that is grassed, with no significant vegetation and no structures erected upon it. It is not currently used by the public. In this case there is no significant planning merit to retaining this land in public ownership for community use. There are no other appropriate community uses for a parcel of land this size. The reclassification itself will have no environmental impact. The reclassification of this land will enable its sale to the adjoining residents. Council will be able to realise the highest and best market value for this land in the event that it is reclassified.

2. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

The planning proposal is minor in nature and is not contrary to Council's community plan or local strategic plan. The reclassification of 32R Timbrey Circuit, Barden Ridge will allow for the land to be effectively continued used as a park, which will contribute positively to the amenity of the neighbourhood.

999N Lenna Place, Jannali contains two very small strips of land (30cm wide). As Council's current open space acquisitions policy is focused on creating large areas for public recreation and use, the land has no community value.

It should be noted that 25 Baringa Road is located within an area that contains a significant amount of community facilities and open space. The site is only a small parcel of land essentially reducing its contribution to the passive and recreational opportunities for residents within the locality.

3. *If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.*

#### 25 Baringa Road, Engadine

The planning proposal includes the removal of a covenant listed against the land in Schedule 4 of the LEP which restricts its use and therefore its sale for residential purposes. While the land is already classified for "operational" purposes the covenant in place over the land restricts its sale and use for anything other than bush fire protection purposes under the Bush Fires Act 1949 or as a park and recreation reserve. In the case of the subject site there is no significant planning merit to retain the site for community use. The sale of this site for residential purposes is considered to be the most appropriate utilisation of this site.

#### 32R Timbrey Circuit, Barden Ridge

32 Timbrey Circuit was dedicated to Council as part of a VPA associated with a 39 lot subdivision. However at time of transfer there were still restrictions on the title of this land that limited its use as a park and these restrictions are not acceptable to Council. Item 12.2 in the section 88B instrument (restriction 7 on title) states that "*The Burdened Owner must not erect any temporary structures on the Burdened Lot unless associated with the construction of a dwelling, in which case temporary structures are permitted for the duration of the construction period only*". This may restrict the erection of a temporary structure, such as a marquee for a wedding etc. While this restriction refers to the construction of dwelling and does not really apply to the maintenance of a park, to

avoid any disputes it is best to remove any restrictions from the title through a reclassification LEP.

Another restriction on title that needs to be removed is, item 14 in the 88B instrument (restriction 8 on title). This contains restrictions in terms of building works, but only for a period of five (5) years from the date of registration of the plan (which was approximately 29 November 2010). This restriction limits what Council may wish to build over the next four (4) years.

These restrictions were not removed from the title prior to the transfer of ownership from Gandangara Local Aboriginal Land Council (GLALC) to Council. This was due to the difficulty of obtaining the consent of all the new property owners in the subdivision. However, Council seeks to remove these restrictions from the title of the land through reclassifying the land to "operational".

4. *The concurrence of the landowner, where the land is not owned by the relevant planning authority.*

Sutherland Shire Council is the landowner of all lots proposed to be reclassified.

#### **A Need for planning proposal**

1. *Is the planning proposal the result of any strategic study or report?*

The planning proposal is not the result of a strategic study or report. Many of the proposed amendments were due to form part of the Draft Standard Instrument Local Environmental Plan (DSILEP), however due to Council's decision to defer the DSILEP they have been incorporated in this amendment to allow for their progression.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The objectives of this planning proposal are to:

- allow broader uses on one lot of land in Maianbar. This could be achieved by extending the existing exception to the zoning table outlined in Clause 14, however this is not seen as the most efficient and transparent way of achieving the objectives. As such the rezoning of this land and extinguishing the existing exception is the best means of achieving this objective.
- allow for additional exempt development types. The planning proposal is the only way that Council can achieve the objectives as they relate to exempt development. Amendments to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 exempt development provisions could also achieve the objectives; however this is beyond the control of Council.
- allow for amendments to Schedule 2 – Exempt Development to remove uses replace by the Exempt and Complying SEPP and reformat remaining uses to allow for ease of use.
- allow for the reclassification of four properties. Council has no alternative but to reclassify these properties as three are surplus land and to be sold for residential use, and one is to be a park which requires the extinguishing of existing covenants.
- allow for the rezoning of surplus land at 999N Lenna Place. It is intended that this land will be sold to the adjoining property owners and is therefore necessary to facilitate the rezoning of this land to a residential use.

- allow for the rezoning of a new park at 32R Timbrey Circuit. This land was dedicated to Council as part of a new subdivision with the intent of the land being used as a park. It is therefore suitable to rezone this land to an open space zone to reflect the use of the land. This can only be done through the planning proposal process.

### 3. *Is there a net community benefit?*

Maianbar is a small isolated community in the Royal National Park. Currently if residents require services beyond the existing general store they must travel to Bundeena or some 25 minutes to Sutherland. The existing general store is the only shop within Maianbar which is able to provide goods to residents who may be unable or unwilling to travel to Bundeena for everyday grocery items. The area is also a tourist attraction particularly over the summer months due to its water and national park access. Should the rezoning go ahead, greater flexibility in use will be provided to the general store. This will allow uses such as the sale of hot food through the operation of a takeaway within the existing store. The rezoning of this site would also allow a greater variety of uses should the existing shop cease to be an economically viable option, with additional permissibility of uses such as tourist facilities, arts and crafts centre and restaurants.

In the event that a commercial use is no longer suitable SSLEP06 Clause 15 allows for development in line with the adjoining zone subject to conditions. The rezoning of this land will provide the community with a clear expectation of what is possible on this site and will likely provide them with essential services.

The rezoning of 32R Timbrey Circuit, Barden Ridge will allow Council to effectively operate a park at this location. During the development of the subdivision playground equipment and other park facilities were provided however, should Council wish to alter the design of the park it will be necessary for it to be zoned for Open Space.

The amendments to Schedule 2 – Exempt Development will provide community benefits through the addition of six new types of exempt development. The reformatting and deletion of replaced terms will also allow the community to more easily read the exempt provision.

## **B Relationship to strategic planning framework**

1. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

The planning proposal is consistent with the Sydney Metropolitan Strategy and Draft South Subregional Strategy. The rezoning of 50 Pacific Crescent specifically relates to Draft Subregional Strategy - Action B1 Provide places and locations for all types of economic activity and employment across the Sydney region. The rezoning of this shop and dwellings to a neighbourhood centre zone will allow for a greater variety of economic activity.

2. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

The planning proposal is not contrary to Council's Community Strategic Plan, which specifically seeks to provide *local employment and local economic opportunities*. The rezoning of 50 Pacific Cres, Maianbar will support these aims. The rezoning of 32R Timbrey

Circuit, Barden Ridge will help achieve the Community Strategic Plan through the provisions of public open space.

3. *Is the planning proposal consistent with applicable state environmental planning policies?*

The planning proposal is minor in nature and consistent with applicable state environmental planning policies.

4. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The following s.117 directions apply to this planning proposal:

| Direction                                       | Consistent | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.1 Business and Industrial Zones               | Yes        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 2.1 Environmental Protection Zones              | Yes        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 2.3 Heritage Conservation                       | Yes        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 3.1 Residential Zones                           | Yes        | <p>Direction 3.1 Residential Zones requires that a planning proposal that affects land within an existing or proposed residential zone must broaden housing choice in terms of building types and locations.</p> <p>The proposal for 50 Pacific Cres, Maianbar does not remove the residential permissibility relating to the land as shop top housing is still permissible. The site has been developed into a shop with three residences in 1993. It is unlikely this building will be redeveloped in the foreseeable future. The rezoning is only likely to facilitate broader uses in the existing shop.</p> <p>The rezoning of 32R Timbrey Circuit to public open space will prevent this land being used for residential purposes. While the land was originally zoned for residential use a subdivision surrounding this lot provided 39 residential lots. The use of the land for a local park is seen as a suitable outcome as it meets a community need within this subdivision.</p> |
| 3.2 Caravan Parks and Manufactured Home Estates | Yes        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 3.3 Home Occupations                            | Yes        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 3.4 Integrating Land                            | Yes        | There is currently no public transport in                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

|                                                 |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Transport                               |     | Maianbar. The location of the general store is pre-existing and is location adjoining community uses. It is seen as the most suitable location for a neighbourhood centre.                                                                                                                                                                                                                                                                                                                                                          |
| 4.1 Acid Sulfate Soils                          | Yes | Direction 4.1 Acid Sulfate Soils states that a planning proposal must not be prepared for the intensification of land uses on land identified as having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps. An inconsistency with this direction is considered justified as the site (50 Pacific Cres, Maianbar) is Class 5 acid sulfate soils and already heavily developed. It is anticipated that no further construction or land disturbance will be associated with the rezoning. |
| 4.4 Planning for Bushfire Protection            | Yes | 32 Timbrey Circuit and 999N Lenna Place are both within Bushfire Prone Land. 32R Timbrey Circuit is a reclassification and rezoning of an existing park within a new subdivision. 999N Lenna Place is also partially within Bushfire Prone Land, however both lots to be rezoned when combined are under 25sqm. It is considered unnecessary for the planning proposal to be referred to the Rural Fire Service due to these two minor amendments.                                                                                  |
| 5.1 Implementation of Regional Strategies       | Yes |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 6.1 Approval and Referral Requirements          | Yes |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 6.2 Reserving land for a Public Purpose         | Yes |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 6.3 Site Specific Provisions                    | Yes | The rezoning of 50 Pacific Cres, Maianbar will remove an existing exemption for a specific use on this land and will apply a commercial zone to allow broader uses.                                                                                                                                                                                                                                                                                                                                                                 |
| 7.1 Implementation of the Metropolitan Strategy | Yes |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

## **C Environmental, social and economic impact**

5. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The planning proposal is some distance from any recorded critical habitat or threatened species, populations or ecological communities, or their habitat, as such it is unlikely to have any adverse impacts.

6. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are no likely environmental effects from the majority of the elements of the planning proposal. Specific impacts or environmental concerns which may result from the developments permissible as a result of rezonings will be assessed and managed as part of the development assessment process, if required.

7. *How has the planning proposal adequately addressed any social and economic effects?*

The rezoning of 50 Pacific Cres, Maianbar to a commercial zone will increase flexibility and potential development on the site. Any further development will be subject to development consent and be assessed on merit. The amenity experienced by adjoining property owners will be a consideration of any future use. As there is an existing commercial premises operating on the site, it is unlikely that there should be a significant impact.

The economic impact of this rezoning may be felt by existing commercial operators in Bundeena, as residents of Maianbar and tourists may frequent the new Neighbourhood Centre rather than travel to the existing centre in Bundeena.

The rezoning and reclassification of 32R Timbrey Circuit will allow this land to be effectively used for a local park providing the community with a much needed open space asset.

The reclassifications of 25 Baringa Rd and 999N Lenna Place, and the latter's rezoning will allow Council to sell these lots of surplus land.

The planning proposal is unlikely to raise any significant social and economic concerns.

#### **D State and Commonwealth interests**

1. *Is there adequate public infrastructure for the planning proposal?*

The planning proposal is minor in nature and unlikely to cause any impact on public infrastructure.

2. *What are the views of the State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?*

Public Authorities will be consulted in accordance with the Gateway Determination once it is received.

4. **Details of the community consultation that is to be undertaken on the planning proposal. [Act s. 55(2)(e)]**

Council proposes that the planning proposal be exhibited in accordance with any requirements as determined by the gateway process and the requirements of Section 29 of the Local Government Act, 1993 and Section 57 the Environmental Planning and Assessment Act, 1979.

Council proposes to give notice of the public exhibition of the planning proposal:

- In the local newspaper (The St George and Sutherland Shire Leader and the Liverpool City Champion);
- On Council's website;
- In writing to relevant adjoining landowners of the proposed rezonings and reclassifications who may be affected by the proposal.

In addition, Council is required to conduct a public hearing in relation to the land parcel at 25 Baringa Road, Engadine proposed to be reclassified to allow for the covenants on the property to be extinguished. Council is also required to conduct a public hearing in relation to the land parcel at 999N Lenna Place, Jannali, and 32R Timbrey Circuit, Barden Ridge. Council will give notice of this public hearing in accordance with the relevant provisions of the Local Government Act 1993 and the associated regulations.



# AMENDS SUTHERLAND SHIRE LOCAL ENVIRONMENTAL PLAN 2006

DRAFT SUTHERLAND SHIRE LOCAL  
ENVIRONMENTAL PLAN 2006  
(AMENDMENT No. 15) - SHEET 1

1:1,500



0 5 10 20m



CERTIFIED IN ACCORDANCE  
WITH THE ENVIRONMENTAL  
PLANNING & ASSESSMENT ACT  
1979, AND REGULATIONS

THE HON. BRAD HAZZARD MP  
MINISTER FOR PLANNING AND INFRASTRUCTURE  
DATE

PLANNING OFFICER J. Van Veen

CERTIFICATE PLAN NUMBER      SSLEP2006 Amend 15

COUNCIL FILE NUMBER TBA

DEPT. FILE NUMBER TBA

|                                              |          |
|----------------------------------------------|----------|
| CERTIFICATE ISSUED UNDER<br>SEC.65 E.P&A ACT | DATE TBA |
|----------------------------------------------|----------|



 Subject Land - Lot 5, DP 732363 - to be rezoned from Zone 23 - Road to Zone 4 - Local Housing, Lot 13, DP 618437 - to be rezoned from Zone 23 - Road to Zone 3 - Environmental Housing (Bushland) (As per the adjoining lot). They are to be reclassified from "community" to Operational Land

#### STATEMENT OF RELATIONSHIP WITH OTHER PLANS

**AMENDS  
SUTHERLAND SHIRE LOCAL  
ENVIRONMENTAL PLAN 2006**

#### ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

**DRAFT SUTHERLAND SHIRE LOCAL  
ENVIRONMENTAL PLAN 2006  
(AMENDMENT No. 15) - SHEET 2**

**LOCATION 999N Lenna Pl, Jannali**

1:1,000

0 10 20 40m



CERTIFIED IN ACCORDANCE  
WITH THE ENVIRONMENTAL  
PLANNING & ASSESSMENT ACT  
1979, AND REGULATIONS

THE HON. BRAD HAZZARD MP  
MINISTER FOR PLANNING AND INFRASTRUCTURE  
DATE

DRAWN BY J.Loo

Date: 26/03/2012

PLANNING OFFICER

J.Van Veen

CERTIFICATE PLAN NUMBER

SSLEP2006 Amend 15

COUNCIL FILE NUMBER

TBA

DEPT. FILE NUMBER

TBA

CERTIFICATE ISSUED UNDER  
SEC.65 E.P&A ACT

DATE TBA



Subject Land - Lot 40, DP 1158596 to be rezoned from Zone 3 - Environmental Housing (Bushland) to Zone 13 - Public Open Space. This is to be reclassified from "community" to Operational Land

#### STATEMENT OF RELATIONSHIP WITH OTHER PLANS

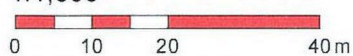
**AMENDS**  
**SUTHERLAND SHIRE LOCAL**  
**ENVIRONMENTAL PLAN 2006**

#### ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

**DRAFT SUTHERLAND SHIRE LOCAL**  
**ENVIRONMENTAL PLAN 2006**  
**(AMENDMENT No. 15) - SHEET 3**

**LOCATION 32 Timbrey Cres, Barden Ridge**

1:1,000



CERTIFIED IN ACCORDANCE  
WITH THE ENVIRONMENTAL  
PLANNING & ASSESSMENT ACT  
1979, AND REGULATIONS

THE HON. BRAD HAZZARD MP  
MINISTER FOR PLANNING AND INFRASTRUCTURE  
DATE

DRAWN BY J.Loo Date: 26/03/2012

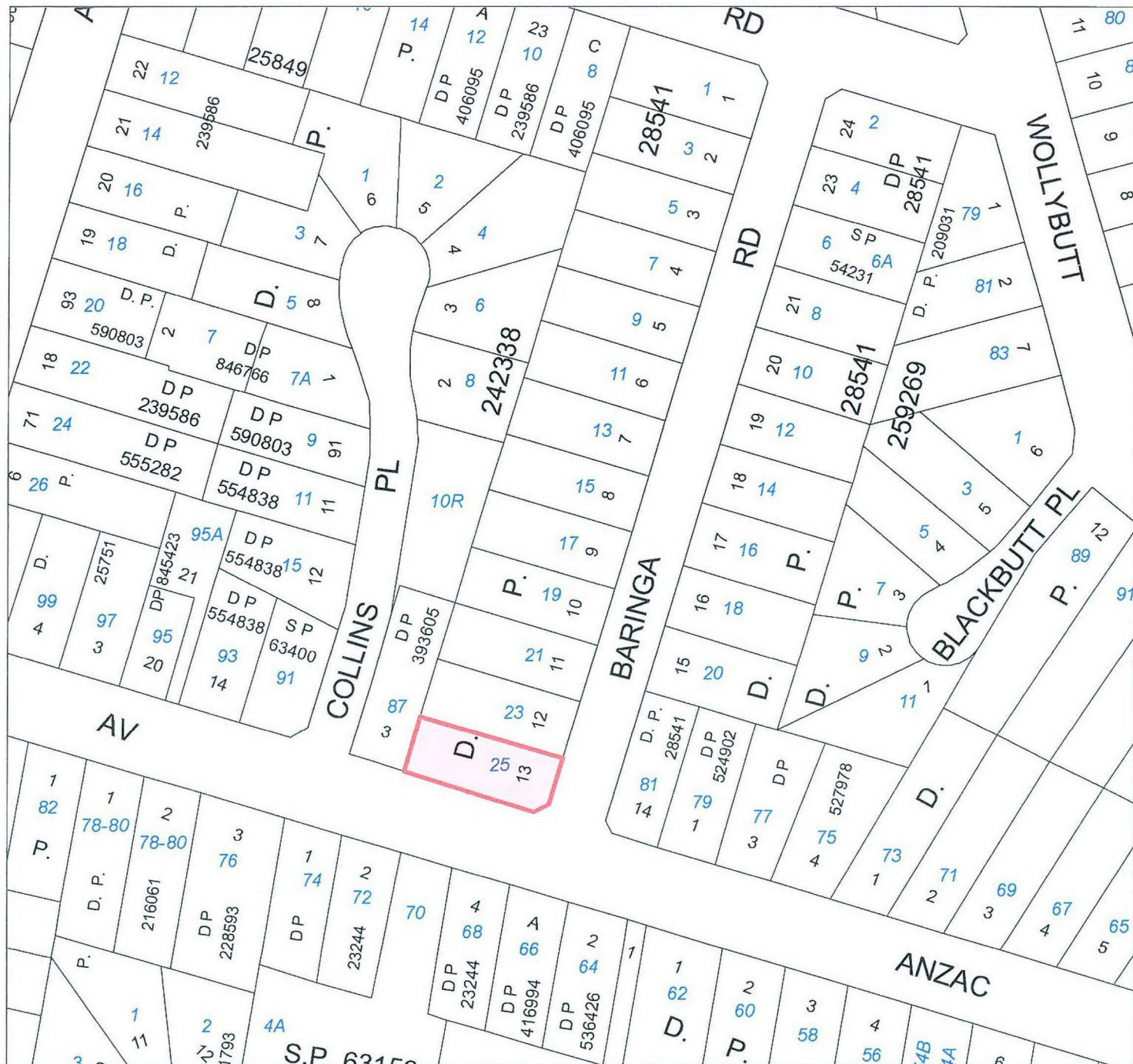
PLANNING OFFICER J.Van Veen

CERTIFICATE PLAN NUMBER SSLEP2006 Amend 15

COUNCIL FILE NUMBER TBA

DEPT. FILE NUMBER TBA

CERTIFICATE ISSUED UNDER DATE TBA  
SEC.65 E.P&A ACT



 Subject Land - Lot13 DP28541 - to be reclassified as Operational Land

#### STATEMENT OF RELATIONSHIP WITH OTHER PLANS

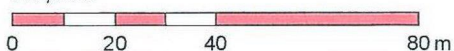
**AMENDS**  
**SUTHERLAND SHIRE LOCAL**  
**ENVIRONMENTAL PLAN 2006**

#### ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

**SUTHERLAND SHIRE LOCAL**  
**ENVIRONMENTAL PLAN 2006**  
**(AMENDMENT No 15) - SHEET 4**

**LOCATION 25 Baringa Road, ENGADINE**

1:1,500



CERTIFIED IN ACCORDANCE  
WITH THE ENVIRONMENTAL  
PLANNING & ASSESSMENT ACT  
1979, AND REGULATIONS

THE HON. BRAD HAZZARD MP  
MINISTER FOR PLANNING AND INFRASTRUCTURE  
DATE

DRAWN BY J. LOO

DATE 29/11/2011

PLANNING OFFICER

J. Van Veen

CERTIFICATE PLAN NUMBER

SSLEP2006 Amend 15

COUNCIL FILE NUMBER

TBA

DEPT. FILE NUMBER

TBA

GATEWAY APPROVAL  
GRANTED

DATE TBA

# Environment and Planning

12/03/2012 EAP161-12

Planning Proposal for Amendment 15

File Number: LP/06/694793

Director: Environmental Services (JVV)

Report Item

(Attachments to this report are available electronically only.)

## REPORT IN BRIEF

### Purpose

The purpose of this report is to seek Council's endorsement of a Planning Proposal for an amendment to Sutherland Shire Local Environmental Plan 2006, to be known as Amendment 15.

### Summary

The planning proposal for Amendment 15 contains the following issues:

- The rezoning of land at 50 Pacific Cres, Maianbar from Zone 1 – Environmental Housing (Environmentally Sensitive Land) to Zone 10 – Neighbourhood Centre.
- Amendments to Schedule 2 – Exempt Development including, reformatting, deletion of terms repealed by the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and the introduction of exempt provisions for:
  - animal grazing,
  - events (community and fundraising),
  - luminous pole advertising (Identilites).
- Reclassification from community to operational land and rezoning of three lots of land being 999N Lenna Pl, Jannali (Lot 5, DP 732363 and Lot 13, DP 618437) (from Zone 23 – Road to adjoining residential zones being par Zone 3 – Environmental Housing (Bushland) and part Zone 4 – Local Housing) and 32 Timbrey Cres, Barden Ridge (Lot 40, DP 1158596) (from Zone 3 – Environmental Housing (Bushland) to Zone 13 – Public Open Space).
- Reclassification of 25 Baringa Rd, Engadine to remove restrictive covenant.

The report seeks the endorsement of the planning proposal in order for it to be submitted for Gateway Determination with the Department of Planning and Infrastructure. Upon receiving the Gateway Determination, a public exhibition and public hearing shall be held in accordance with relevant legislation and conditions of the Gateway Determination.

## REPORT IN FULL

Sutherland Shire Local Environmental Plan 2006 has had a number of amendments through the new Planning Proposal and Gateway Determination System. This report seeks to submit the sixth planning proposal under this system covering a number of issues, many of which Council has previously considered. These are detailed below:

### Rezoning of 50 Pacific Cres, Maianbar (SDC019A-12)

50 Pacific Cres Maianbar is currently zoned for residential uses being wholly within Zone 1 – Environmental Housing (Environmentally Sensitive Land). The site currently contains a general store and three residential units in a two storey building. The land currently has an exception to the zoning table through Clause 14 allowing the development of the general store and residential units. It is proposed to rezone this site to Zone 10 – Neighbourhood Centre as shown in Appendix 1 and extinguish the existing exception. The rezoning of this land reflects the current use more accurately and ensures that services to the Maianbar community will be available into the future through the introduction of a broader range of permissible uses. This will allow more flexible use of the site over time to meet community demand. The rezoning of this site was due to form part of the Draft Standard Instrument Local Environmental Plan (DSILEP), however due to its uncertain timeframe this rezoning has been included in this amendment to allow for its timely progression.

### Reclassification and Rezoning of 999N Lenna Pl, Jannali and 32R Timbrey Crct, Barden Ridge (SDC011-12 )

Council previously considered these two reclassifications as part of the DSILEP, however as the DSILEP is unlikely to be made in the near future these reclassifications are proposed to form part of this amendment. Both reclassifications are to be from “Community” to “Operational” Land. The reclassification of 999N Lenna Place allows Council to sell these small development strips to the adjoining property owners. The proposed sale of the land has been endorsed by Council’s Finance Committee (FIN003-12 ) . It also proposed that the site be rezoned from Zone 23 – Road to part Zone 3 – Environmental Housing (Bushland) and part Zone 4 – Local Housing in line with adjoining residential parcels, shown in Appendix 2.

The reclassification of 32R Timbrey Circuit allows Council to extinguish restrictions on the title that limit its use as a park. The current restrictions are not acceptable to Council. This site also requires rezoning from the existing Zone 3 – Environmental Housing (Bushland) to Zone 13 – Public Open Space which is in line with the current use of the land, as a park, this is shown in Appendix 3.

### Reclassification of 25 Baringa Road, Engadine (EAP175-11 )

This property is already classified as operational land, but needs to be reclassified again to enable the removal of a covenant over the site which restricts all uses of the land other than for bush fire protection purposes, parks or recreation reserves. This will enable its sale given that it is surplus to Council’s needs. The reclassifications originally formed part of Amendment 12. However, it was removed due to delays likely from requiring Governor’s approval. This anticipated delay is considered an unnecessary and unreasonable impost on the other components of Amendment 12. As such the reclassification of 25 Baringa Rd now forms part of this amendment so as not to delay the progression of Amendment 12. A map of 25 Baringa Road, Engadine is shown in Appendix 4.

### Schedule 2 – Exempt Development (FIN030A-12) (SDC002-12 )

Due to the introduction of State Environmental planning Policy (Exempt and Complying Development Codes) 2008 most of Council's existing exempt development provisions are no longer applicable as they are repealed by the policy. Those which continue to apply are proposed to be reformatted to allow for ease of use and to mimic the Standard Instrument format which will allow for an easier transition to the DSILEP, shown in Appendix 5.

Additionally, this amendment seeks to allow a number of additional exempt provisions which were to form part of the DSILEP, which has been deferred. These include:

- Animal grazing,
- Events (community and fundraising), and
- Luminous pole advertising.

To ensure that luminous pole advertising can be safely installed the below controls must be met to allow the development as exempt development. Of particular note is the standard ensuring sight lines are maintained, this prevents the installation of Identilites where they may block visibility at traffic lights, round-a-bouts or intersections.

- Shall not exceed 5.5m in height.
- Shall not exceed 1.5m in width.
- Shall not obstruct sight lines to traffic signals or intersections.
- Clearance between structure & kerb shall allow for heavy vehicle overhang at intersections.
- Shall not obstruct existing footpaths.
- Where no footpath exists, a minimum of 1.5m clearance for pedestrian access within the nature strip should be maintained at all times.
- There shall be no more than two structures per intersection.
- Must be constructed by or on behalf of Sutherland Shire Council.

These issues have now been detailed in a Planning Proposal to amend SSLEP2006, to be known as Amendment 15. It is recommended that Council endorse the Planning Proposal attached as Appendix 6 and forward it to the Department of Planning and Infrastructure for consideration.

### **Conclusion**

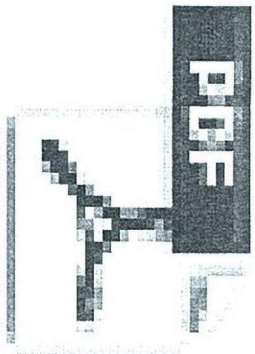
Council has previously resolved to amend a number of components of SSLEP2006, some of which were to form part of the Draft Standard Instrument Local Environmental Plan. However due to the uncertainty of timing for the DSILEP these components are proposed to form part of Amendment 15 to allow for their progression. A Planning Proposal has been prepared covering these issues and it is recommended that it be submitted to the Department of Planning and Infrastructure for consideration.

### **Report Recommendation:**

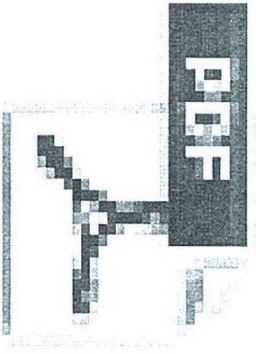
1. That the Planning Proposal attached as Appendix 6 of this report be endorsed by Council.
2. That the Planning Proposal for Amendment 15 be forwarded to the Department of Planning and Infrastructure for consideration.

## APPENDIX

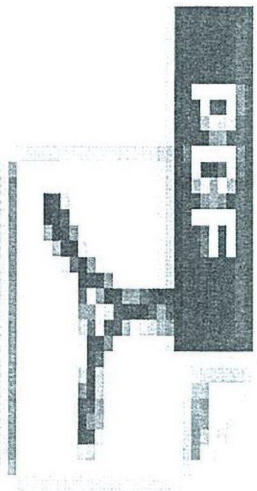
### Planning Proposal for Amendment 15



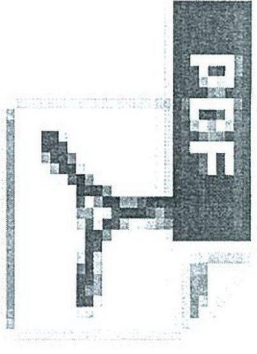
Appendix 1 - 50 Pacific Cres.pdf



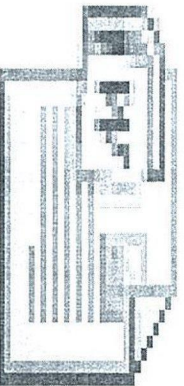
Appendix 2 - 999N Lenna Pl.pdf



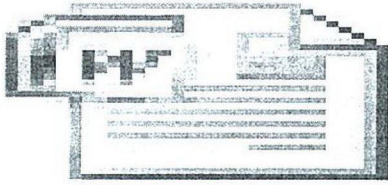
Appendix 3 - Rezoning 32R Timbrey Cres.pdf



Appendix 4 - 25 Baringa Rd.pdf



Appendix 5 - Exempt Schedule.docx



Appendix 6 - Planning proposal.docx

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**Committee Recommendation:**

1. That the Planning Proposal attached as Appendix 6 of this report be endorsed by Council.
2. That the Planning Proposal for Amendment 15 be forwarded to the Department of Planning and Infrastructure for consideration.

**Council Resolution:**

1. That the Planning Proposal attached as Appendix 6 of this report be endorsed by Council.
2. That the Planning Proposal for Amendment 15 be forwarded to the Department of Planning and Infrastructure for consideration.

## **Schedule 2 Exempt Development**

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

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

- 1) Applies to boards or structures advertising goods at ground level, located outside a shop or business the premises of which are located on land in Zone 8—Urban Centre, Zone 9—Local Centre and Zone 10—Neighbourhood Centre.
- 2) Must meet the standards required under Sutherland Shire Council Environmental Specification—Advertising.
- 3) Must not flash.
- 4) Structures erected on or above any part of a public road not used for the driving or riding of motor vehicles (such as any footpath) must be set back at least 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 carried out on bush fire prone land, except if constructed of non-combustible materials.
- 6) Must not be carried out on contaminated risk land, foreshore land or heritage item land.
- 7) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning.

### **Advertisements on bus shelters and seats**

- 1) Must meet the standards required under Sutherland Shire Council Environmental Specification—Advertising.
- 2) Must not flash.
- 3) Must not cover mechanical ventilation inlets or outlets.
- 4) Structures erected on or above any part of a public road not used for the driving or riding of motor vehicles (such as any footpath) must be set back at least 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 carried out on bush fire prone land, except if constructed of non-combustible materials.
- 6) Must not be carried out on contaminated risk land, foreshore land or heritage item land.
- 7) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning.

### **Advertisements on industrial premises**

- 1) Must be no more than 1 advertisement installed on the premises and it must relate to the use of the premises. However, where a site comprises a multiple use occupancy premises, a single freestanding directory board may be erected.
- 2) Must not exceed 5m<sup>2</sup> in area.
- 3) Must not be located more than 4.5m above ground level or project above the parapet of the building or the eaves line if the building has a pitched roof, whichever is the lesser.
- 4) Must be fixed flush to the front elevation of a building on the premises except where the advertisement is a freestanding directory board for a multiple occupancy premises.
- 5) A freestanding directory board must not result in the removal of landscaping.
- 6) Must not flash or be displayed on, or erected above, the parapet or eaves of a building.
- 7) Must not cover mechanical ventilation inlets or outlets.
- 8) Structures erected on or above any part of a public road not used for the driving or riding of motor vehicles (such as any footpath) must be set back at least 600mm from the edge of the part of the road that is used for the driving or riding of motor vehicles.
- 9) Must not be carried out on bush fire prone land, except if constructed of non-combustible materials.
- 10) Must not be carried out on contaminated risk land, foreshore land or heritage item land.
- 11) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning.

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

- 1) Applies to roll down blinds and awnings attached to premises on land in Zone 8—Urban Centre, Zone 9—Local Centre and Zone 10—Neighbourhood Centre.
- 2) Advertisement must not cover more than 20% of the area of the blind or awning.
- 3) Advertisement must relate to the use of premises on which it 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) Structures erected on or above any part of a public road not used for the driving or riding of motor vehicles (such as any footpath) must be set back at least 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 carried out on bush fire prone land, except if constructed of non-combustible materials.
- 8) Must not be carried out on contaminated risk land, foreshore land or heritage item land.
- 9) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning.

#### **Animal grazing**

- 1) May only be carried out on land that is not:
  - a) a wetland, or
  - b) within a foreshore area, or
  - c) on a slope greater than 15%, or
  - d) heritage item land.
- 2) Must not involve more than 1 animal per lot.
- 3) Any stable, corral, exercise yard or the like must be located no closer than 9m from:
  - a. any dwelling, school, shop, office, factory, workshop, church, public hall, or
  - b. any premises used for the manufacture, preparation or storage of food.
- 4) Must be carried out on an area of at least 30m<sup>2</sup> and a width of at least 3m.
- 5) Trees within animal yards (paddocks) must be fenced off to protect them from damage.
- 6) Must have a 300mm fenced off buffer from a drainage line or bushland
- 7) Must not adversely affect the amenity of the neighbourhood because of the emission of noise, smell, waste water, waste products or otherwise.
- 8) Must not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal is undertaken in accordance with a permit or development consent.
- 9) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning.

#### **Awning fascia advertisements**

- 1) Must relate to the use of the premises to which the advertisement is attached.
- 2) Must not flash or be displayed on, or erected above, the parapet or eaves of a building.
- 3) Must not cover mechanical ventilation inlets or outlets.
- 4) Structures erected on or above any part of a public road not used for the driving or riding of motor vehicles (such as any footpath) must be set back at least 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 carried out on bush fire prone land, except if constructed of non-combustible materials.
- 6) Must not be carried out on contaminated risk land, foreshore land or heritage item land.
- 7) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning.

#### **Banners and flags advertising special events**

- 1) Applies to banners and flags displayed on the land on which the special event is to be held.
- 2) Must be constructed of light weight, banner-type material.
- 3) Must not be installed more than 21 days before, and must be removed no later than 2 days after, the special event.
- 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) Structures erected on or above any part of a public road not used for the driving or riding of motor vehicles (such as any footpath) must be set back at least 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 carried out on bush fire prone land, except if constructed of non-combustible materials.

- 8) Must not be carried out on contaminated risk land, foreshore land or heritage item land.
- 9) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning.

#### **Banners and flags used for promotional purposes**

- 1) Applies to banners and flags used for promotional purposes, other than those relating to special events.
- 2) Banner or flag used for promotional purposes (whether the same or a different banner or flag) must not be displayed on the land concerned:
  - (a) for more than 14 consecutive days, or
  - (b) on more than 4 occasions, or
  - (c) for a total of more than 28 days, in any 12-month period.
- 3) Must be removed no later than 2 days after the relevant promotion finishes.
- 4) Must not be displayed on, or erected above, the parapet or eaves of a building.
- 5) Must not cover mechanical ventilation inlets or outlets.
- 6) Structures erected on or above any part of a public road not used for the driving or riding of motor vehicles (such as any footpath) must be set back at least 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 carried out on bush fire prone land, except if constructed of non-combustible materials.
- 8) Must not be carried out on contaminated risk land, foreshore land or heritage item land.
- 9) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning.

#### **Business identification signs and building identification signs**

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

#### **Change of use of premises resulting from a change from one kind of restaurant to another kind of restaurant**

- 1) Hours of operation must be between 6 am and 9 pm on any day
- 2) Must be no change to the area of any floor space or to parking, landscaping or waste facilities the subject of consent by the consent authority and in existence before the use is changed.
- 3) Changed use must not cause interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic, parking or otherwise.
- 4) Must not be carried out on foreshore land or heritage item land.

#### **Community advertisements and notices**

- 1) In the case of a community advertisement or notice intended to be temporary (other than a beach, motor vehicle or boat advertisement or notice):
  - a) must not be installed on the land concerned for more than 21 consecutive days, or for a total of more than 28 days, in any 12-month period, and
  - b) must not exceed 2.5m<sup>2</sup> in area, and
  - c) sponsorship details must take up no more than 30% of the advertisement or notice.
- 2) In the case of a community advertisement or notice intended to be permanent (other than a beach, motor vehicle or boat advertisement or notice):
  - a) must not exceed 3.5m in height from ground level and 5m<sup>2</sup> in area, and
  - b) sponsorship details must take up no more than 30% of the advertisement or notice, and
  - c) if the advertisement or notice relates to a building, it must be attached to the building.
- 3) In the case of a beach advertisement or notice:
  - a) must be displayed only at entrances to beaches fronting Bate Bay and on surf lifesaving towers, and
  - b) sponsorship details must take up no more than 10% of the advertisement or notice.
- 4) In the case of a motor vehicle or boat advertisement or notice, the vehicle or boat must principally be used for the conveyance of goods or passengers
- 5) Must not flash or be displayed on, or erected above, the parapet or eaves of a building.
- 6) Must not cover mechanical ventilation inlets or outlets.
- 7) Structures erected on or above any part of a public road not used for the driving or riding of motor vehicles (such as any footpath) must be set back at least 600mm from the edge of the part of the road that is used for the driving or riding of motor vehicles.
- 8) Must not be carried out on bush fire prone land, except if constructed of non-combustible materials.
- 9) Must not be carried out on contaminated risk land, foreshore land or heritage item land.
- 10) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning.

#### **Events (community and fundraising)**

- 1) Must not exceed 1 day.
- 2) If not on community land, only 2 days per year.
- 3) May only operate between 8 am and 9:30 pm.
- 4) Must have portable water and toilet facilities within 200m.
- 5) The noise level of any open air entertainment must not exceed the background noise level by more than 5dB(A) when measured at the nearest residential boundary.
- 6) Must provide adequate artificial lighting, if necessary, to permit safe movement of patrons.
- 7) Must have adequate and suitable waste containers for the removal of waste at the conclusion of the event.

#### **Horse stabling**

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

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

- 1) Applies to inflatable structures displayed on the land on which the promotion is to be held.
- 2) Inflatable structure (whether advertising the same or a different promotion) must not be displayed on the land concerned:
  - (a) for more than 14 consecutive days, or
  - (b) on more than 4 occasions, or
  - (c) for a total of more than 28 days,in any 12-month period.
- 3) Must be removed no later than 2 days after the relevant promotion finishes.
- 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) Structures erected on or above any part of a public road not used for the driving or riding of motor vehicles (such as any footpath) must be set back at least 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 carried out on bush fire prone land, except if constructed of non-combustible materials.
- 8) Must not be carried out on contaminated risk land, foreshore land or heritage item land.
- 9) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning.

#### **Luminous Pole Advertising**

- 1) Shall not exceed 5.5m in height.
- 2) Shall not exceed 1.5m in width.
- 3) Shall not obstruct sight lines to traffic signals or intersections.
- 4) Clearance between structure and kerb shall allow for heavy vehicle overhang at intersections.
- 5) Shall not obstruct existing footpaths.
- 6) Where no footpath exists, a minimum of 1.5m clearance for pedestrian access within the nature strip should be maintained at all times.
- 7) There shall be no more than two structures per intersection.
- 8) Must be constructed by or on behalf of Sutherland Shire Council.
- 9) Must not flash.
- 10) Structures erected on or above any part of a public road not used for the driving or riding of motor vehicles (such as any footpath) must be set back at least 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 carried out on bush fire prone land, except if constructed of non-combustible materials.
- 12) Must not be carried out on contaminated risk land, foreshore land or heritage item land.
- 13) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning.

#### **Real estate advertisements**

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

#### **Suspended under awning advertisements**

- 1) Must be no more than 1 suspended under awning advertisement for each premises to which the advertisement relates.
- 2) Must not exceed 1.5m<sup>2</sup> in area.
- 3) If located over a public road, must be located 2.6m or more above the road.
- 4) Must relate to the use of premises on which the advertisement is installed.
- 5) Must not flash or be displayed on, or erected above, the parapet or eaves of a building.
- 6) Must not cover mechanical ventilation inlets or outlets.
- 7) Structures erected on or above any part of a public road not used for the driving or riding of motor vehicles (such as any footpath) must be set back at least 600mm from the edge of the part of the road that is used for the driving or riding of motor vehicles.
- 8) Must not be carried out on bush fire prone land, except if constructed of non-combustible materials.
- 9) Must not be carried out on contaminated risk land, foreshore land or heritage item land.
- 10) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning.

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

- 1) Must relate to the use of the building
- 2) Must be located below the awning level.
- 3) Must not flash or be displayed on, or erected above, the parapet or eaves of a building.
- 4) Must not cover mechanical ventilation inlets or outlets.
- 5) Structures erected on or above any part of a public road not used for the driving or riding of motor vehicles (such as any footpath) must be set back at least 600mm from the edge of the part of the road that is used for the driving or riding of motor vehicles.
- 6) Must not be carried out on bush fire prone land, except if constructed of non-combustible materials.
- 7) Must not be carried out on contaminated risk land, foreshore land or heritage item land.
- 8) Must meet the standards for access, car spaces, excavation, landscaped area, sewer mains, storm water and tree removal and pruning.