



New South Wales

Shellharbour Local Environmental Plan 2000 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(W00/00095/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

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Clause 1 Shellharbour Local Environmental Plan 2000 (Amendment No 3)

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1 Name of plan

This plan is *Shellharbour Local Environmental Plan 2000 (Amendment No 3)*.

2 Aims of plan

This plan aims to amend *Shellharbour Local Environmental Plan 2000* so as:

- (a) to permit development for residential purposes on land within Zone 7 (h) (the Environmental Protection (Living Area 2) zone), and
- (b) to require development consent for strata subdivisions, and
- (c) to replace the definitions of *club*, *filling*, *home business*, *home occupation* and *junk yard* with definitions that better reflect Shellharbour City Council's intentions for such development, and
- (d) to include a definition of *community facility* and to allow community facilities as permissible development in appropriate zones, and
- (e) to allow educational establishments, places of assembly and places of public worship as permissible development in appropriate zones, and
- (f) to permit certain land to be used for additional land uses, and
- (g) to change the adoption date for the development control plans relating to exempt and complying development referred to in the year 2000 plan, and
- (h) to require development consent for home occupations involving the handling or preparation (or both) of food for sale or the carrying out of skin penetration procedures.

3 Land to which plan applies

The plan applies to certain land within the local government area of Shellharbour, being:

- (a) in respect of the aim referred to in clause 2 (a)—all land within Zone 7 (h) (the Environmental Protection (Living Area 2) zone) under the year 2000 plan, and
- (b) in respect of the aims referred to in clause 2 (b)–(e), (g) and (h)—all land within the City of Shellharbour under the year 2000 plan, and
- (c) in respect of the aim referred to in clause 2 (f)—land known as the Croom Regional Sporting Complex, Croom Road, Croom, being Lot 2 DP 605565, Lot 3 DP 549511 and Lot 1 DP 216772.

4 Amendment of Shellharbour Local Environmental Plan 2000

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

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Schedule 1 Amendments

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(Clause 4)

[1] Clauses 11, 12, 20–24, 27, 28, 30, 31, 33, 38, 39, 43, 44 and 49–53

Insert “(excluding an occupation or industry involving the handling or preparation (or both) of food for sale or the carrying out of skin penetration procedures as defined in the *Public Health Act 1991*)” after “home occupations” wherever occurring in clauses 11 (3), 12 (3), 20 (3), 21 (3), 22 (3), 23 (3), 24 (3), 27 (3), 28 (3), 30 (3), 31 (3), 33 (3), 38 (3), 39 (3), 43 (3), 44 (3), 49 (3), 50 (3), 51 (3), 52 (3) and 53 (3).

[2] Clauses 12 and 33

Insert “community facilities;” in alphabetical order in clauses 12 (5) and 33 (5).

[3] Clauses 38, 43 and 44

Insert in alphabetical order in clauses 38 (4), 43 (4) and 44 (4):

- community facilities;
- educational establishments;
- places of assembly;
- places of public worship;

[4] Clauses 38, 39, 43, 44 and 49–53

Insert “home occupations where the occupation or industry involves the handling or preparation (or both) of food for sale or the carrying out of skin penetration procedures as defined in the *Public Health Act 1991*;” in alphabetical order in clauses 38 (4), 39 (4), 43 (4), 44 (4), 49 (4), 50 (4), 51 (4), 52 (4) and 53 (4).

[5] Clause 53 General controls for development—Zone 7 (h) (the Environmental Protection (Living Area 2) zone)

Insert “dwelling houses;” in alphabetical order in clause 53 (4).

[6] Clause 63 Controls for building dwelling houses within Zone 7 (h)

Omit the clause.

[7] Clause 77 Subdivision

Omit clause 77 (2). Insert instead:

- (2) Development consent is not required for subdivision for any one or more of the following purposes:
- (a) to excise an allotment that will be used only for the purpose of opening a public road or to widen a public road,
 - (b) to make minor adjustments to common property boundaries,
 - (c) to amalgamate a vacant original holding with one or more other vacant original holdings,
 - (d) to rectify an encroachment on a vacant original holding.

[8] Clause 87 Exempt and complying development

Omit “23 November 1999” wherever occurring.
Insert instead “12 June 2001”.

[9] Schedule 1 Definitions

Omit the definitions of *club*, *filling*, *home business*, *home occupation* and *junk yard*.

Insert in alphabetical order:

club means premises that require registration under the *Registered Clubs Act 1976*.

community facility means a building or place that does not require registration under the *Registered Clubs Act 1976* and that is used to provide for the physical, cultural or intellectual development or welfare of the local community.

filling means the placement of fill independently of other development for which consent has been granted on an area:

- (a) within 40 metres of a water course, or

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- (b) to a depth greater than 1 metre above existing ground level and over an area exceeding 100 square metres on land within Zone 1 (a), or
- (c) to a depth greater than 200mm above existing ground level on land within any zone other than Zone 1 (a), or
- (d) where natural drainage to an adjacent property will be affected.

home business means a business carried on from the allotment that is the site of a lawfully erected dwelling house, where:

- (a) the majority of the business is carried on away from the dwelling house, with the dwelling house and its outbuildings and curtilage being used primarily as a base or office, and
- (b) the business will not:
 - (i) interfere with the amenity of the neighbourhood by reason of traffic generation, noise or otherwise, or
 - (ii) involve the exposure to view from any adjacent premises or from any public place of any goods associated with the business or any unsightly matter, or
 - (iii) involve the parking of heavy vehicles either on or adjacent to the property, or
 - (iv) involve the employment of persons other than the permanent residents of the dwelling house at the base or office, and
- (c) the dwelling house continues to be used for permanent residential occupation by the person carrying out the business.

home occupation means an occupation or industry carried on from the allotment that is the site of a lawfully erected dwelling, where:

- (a) the dominant use of the allotment remains that for which the land is zoned, and
- (b) two car parking spaces will be provided on the allotment, at least one of which is behind the building line, and

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- (c) the floor space of the building or the area used for the occupation or industry does not exceed 50 square metres and is located within the curtilage of the dwelling, and
 - (d) the occupation or industry does not:
 - (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, or
 - (ii) involve exposure to view from any adjacent premises or from any public place of any unsightly matter or any goods, or
 - (iii) require the provision of any essential service main of a greater capacity than that available in the locality, or
 - (iv) involve the exhibition of any notice, advertisement or sign other than a single notice to indicate the name, occupation and contact number of the resident, or
 - (v) employ more than one person who is not a permanent resident of the dwelling, or
 - (vi) involve the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail.

junk yard means land used for the collection, storage, dismantling or sale of scrap metals, vehicles or machinery or parts of vehicles or machinery.

[10] Schedule 6 Exceptions

Insert at the end of the Schedule:

Croom Regional Sporting Complex, being Lot 2 DP 605565, Lot 3 DP 549511 and Lot 1 DP 216772, Croom Road, Croom:

- (a) expositions—being events that bring together suppliers of a broad range of product lines and services that relate to a common theme for the primary purpose of exhibiting and explaining the products and services, but where sales may also form a part of the event, and

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- (b) trade fairs—being events that bring together a range of products or services that relate to an industry group for the purpose of demonstrating the range of products and services available to traders within that industry group.

BY AUTHORITY