



New South Wales

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 188)

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. (W01/00024/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 188)

1 Name of plan

This plan is *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 188)*.

2 Aims of plan

This plan aims:

- (a) to allow the residue of land remaining after the creation of an allotment under clause 11 (3) of *City of Shoalhaven Local Environmental Plan 1985* to be less than 40 hectares, and
- (b) to allow the Council of the City of Shoalhaven to grant consent to a subdivision under clause 11 (3) before the allotment proposed to be created is lawfully used for a purpose nominated under that provision, if the Council is satisfied that the allotment will be used for such a purpose before the plan of subdivision or strata plan is registered, and
- (c) to allow the Council to consent to the erection of a dwelling-house on an allotment created for the purpose of a tourist facility under clause 11 (3) or (4) of that Plan, to provide a residence for a manager of the tourist facility, and
- (d) to vary the additional purposes for which development may be carried out on the land described in clause 3 (b).

3 Land to which plan applies

This plan applies:

- (a) to land situated in the City of Shoalhaven within Zones Nos 1 (a), 1 (b), 1 (d), 1 (e), 1 (g), 7 (a), 7 (c), 7 (d1), 7 (e), 7 (f1) and 7 (f3) under *City of Shoalhaven Local Environmental Plan 1985*, in relation to the amendments made by Schedule 1 [1]–[4], and
- (b) to Lot 8, DP 865023, and Lots 76, 77 and 78, DP 878143, Willinga Road, Bawley Point, in relation to the amendment made by Schedule 1 [5].

4 Amendment of City of Shoalhaven Local Environmental Plan 1985

City of Shoalhaven Local Environmental Plan 1985 is amended as set out in Schedule 1.

2002 No 373

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 188)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

- [1] Clause 11 Subdivision—Zones Nos 1 (a), 1 (b), 1 (d), 1 (e), 1 (g), 7 (a), 7 (c), 7 (d1), 7 (d2), 7 (e), 7 (f1), 7 (f2) and 7 (f3)**

Insert “, or will be used for such a purpose before the plan of subdivision or strata plan is registered” after “with the consent of the Council” in clause 11 (3) (a).

- [2] Clause 11 (3A)**

Insert after subclause (3):

- (3A) The residue of land remaining after the creation of an allotment under subclause (3) may be less than 40 hectares.

- [3] Clause 14 Dwelling-houses—Zones Nos 1 (a), 1 (b), 1 (d) and 1 (g)**

Omit “only” where first occurring in clause 14 (2).

- [4] Clause 14 (2A)**

Insert after clause 14 (2):

- (2A) A dwelling-house may, with the consent of the Council, be erected on land within Zone No 1 (a), 1 (b) or 1 (d) if:
- (a) the land is an allotment created under clause 11 (3) or (4) for the purpose of a tourist facility, and
 - (b) there is no other dwelling-house or dwelling erected on the allotment, and
 - (c) the Council is satisfied that the dwelling-house is to provide a residence for a manager of the tourist facility and will otherwise be integral to and essential for the proper and efficient operation of the tourist facility.

[5] Clause 15 Dwelling-houses etc—Zones Nos 7 (a), 7 (c), 7 (d1), 7 (e), 7 (f1) and 7 (f3)

Insert after clause 15 (1):

- (1A) Subject to subclauses (2) and (3), a dwelling-house may, with the consent of the Council, be erected on an allotment of land within Zone No 7 (a), 7 (c), 7 (d1), 7 (e), 7 (f1) or 7 (f3) if:
- (a) the allotment is created under clause 11 (3) or (4) for the purpose of a tourist facility, and
 - (b) there is no other dwelling-house or dwelling erected on the allotment, and
 - (c) the Council is satisfied that the dwelling-house is to provide a residence for a manager of the tourist facility and will otherwise be integral to and essential for the proper and efficient operation of the tourist facility.

[6] Schedule 9

Omit the matter relating to Lot 8, DP 865023 and Lots 76, 77 and 78, DP 878143, Willinga Road, Bawley Point. Insert instead:

Lot 8, DP 865023, and Lots 76, 77 and 78, DP 878143, Willinga Road, Bawley Point—the erection of not more than one dwelling-house on each lot, the re-subdivision of the whole area of Lots 8, 76, 77 and 78 into a maximum of 4 lots, and the erection of not more than one dwelling-house on each lot so created but only if no other dwelling-house is erected on the lot.