



New South Wales

# **City of Shoalhaven Local Environmental Plan 1985 (Amendment No 186)**

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*. (W97/00134/PC)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

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## **2002 No 614**

Clause 1 City of Shoalhaven Local Environmental Plan 1985 (Amendment No 186)

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# **City of Shoalhaven Local Environmental Plan 1985 (Amendment No 186)**

## **1 Name of plan**

This plan is *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 186)*.

## **2 Aims of plan**

This plan aims to amend the *City of Shoalhaven Local Environmental Plan 1985*:

- (a) to permit tourist facilities on certain land in the vicinity of Danjera Dam, Yalwal, within Zone No 7 (c) under that plan, and
- (b) to ensure that the water quality of Danjera Dam is safeguarded, and
- (c) to acknowledge the heritage significance of the area by identifying it as an item of environmental heritage under that plan, and
- (d) to ensure that matters relating to sound environmental, cultural and economic management, visual impact, heritage, management of riparian buffer zones, effluent management, erosion control and size and scale of any tourist facilities are adequately addressed.

## **3 Land to which plan applies**

This plan applies to land situated in the City of Shoalhaven local government area at Yalwal, as shown edged heavy black on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No 186)" deposited in the office of the Council of the City of Shoalhaven.

## **4 Amendment of Shoalhaven Local Environmental Plan 1985**

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

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 39F

Insert after clause 39E:

#### **39F Development on certain land at Yalwal**

- (1) This clause applies to land shown edged heavy black on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No 186)".
- (2) The Council must not grant consent to development for the purpose of a dwelling (including a tourist accommodation unit) on land that is within 40 metres of Danjera Dam or any natural watercourse measured as the shortest distance between the boundary of the development site and:
  - (a) the top of the high bank, if present, or
  - (b) if no high bank is present, then:
    - (i) the mean high water mark in tidal waters, or
    - (ii) the mean water level in non-tidal waters.
- (3) The Council may consent to development for the purpose of a tourist related use (other than a tourist accommodation unit) on land that is within 40 metres of Danjera Dam or any natural watercourse measured in accordance with subclause (2), but only if the Council is satisfied that the proposed use:
  - (a) is ancillary to a tourist facility, and
  - (b) is passive in nature, and
  - (c) will not have a detrimental effect on water quality in Danjera Dam.
- (4) The Council must not grant consent to the carrying out of development involving the disposal of effluent directly into the ground water system unless the Council is satisfied that the disposal will not have a detrimental effect on the water quality of Danjera Dam.

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Schedule 1      Amendments

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**[2] Schedule 7**

Insert in alphabetical order in the Schedule under the heading “RURAL AREAS:”:

YALWAL

Yalwal General Cemetery

Part of Lots 1–7, Section 5, Parish of Danjera, County of St Vincent

Part Portion 12, Parish of Danjera

**[3] Schedule 9**

Insert at the end of Schedule 9:

Land at Yalwal, in the vicinity of Danjera Dam, as shown edged heavy black on the map marked “City of Shoalhaven Local Environmental Plan 1985 (Amendment No 186)” —tourist facilities, but only if the Council is satisfied that the application for consent adequately addresses the following matters:

- (a) protection of water quality and the integrity of the Danjera water supply system,
- (b) protection of the natural and cultural environments on the land from damage,
- (c) sound management of water storage on the land, and natural and cultural values of the land,
- (d) sound economic management of the proposed tourist facilities,
- (e) visual amenity of the proposed tourist facilities and surrounding land,
- (f) heritage conservation,
- (g) management of riparian buffers,
- (h) management of effluent,
- (i) control of erosion,
- (j) appropriateness of the size and scale of the proposed tourist facilities.

BY AUTHORITY