



New South Wales

# **City of Shoalhaven Local Environmental Plan 1985 (Amendment No 185)**

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*. (W01/00065/PC)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

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## **2002 No 62**

Clause 1                      City of Shoalhaven Local Environmental Plan 1985 (Amendment No 185)

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# **City of Shoalhaven Local Environmental Plan 1985 (Amendment No 185)**

## **1    Name of plan**

This plan is *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 185)*.

## **2    Aims of plan**

This plan aims to set out the lot densities applicable to the development of certain land within zone No 1 (c) under *City of Shoalhaven Local Environmental Plan 1985*.

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

This plan applies to certain land shown edged heavy black on the map marked “City of Shoalhaven Local Environmental Plan 1985 (Amendment No 185)” deposited in the office of the Council of the City of Shoalhaven.

## **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.

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 12A

Insert after clause 12:

#### 12A Lot densities—Zone No 1 (c)

- (1) This clause applies to land within Zone No 1 (c) as shown edged heavy black on the map marked “City of Shoalhaven Local Environmental Plan 1985 (Amendment No 185)”.
- (2) Despite clause 12 (3) (b) (iii), the Council must not grant consent to the subdivision of land within Zone No 1 (c) unless:
  - (a) the proposed subdivision is consistent with the specific objectives and performance criteria for the relevant land set out in Schedule 13, and
  - (b) each lot created by the proposed subdivision has a ratio of depth to frontage that is satisfactory to the Council, and
  - (c) there will be practical and legal access to each lot created by the proposed subdivision.
- (3) In Schedule 13, **holding** means that part of a lot, portion or parcel of land within Zone No 1 (c) existing on the date of commencement of *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 127)* and, where a person owned two or more adjoining lots, portions or parcels of land on that day, the aggregation of those lots, portions or parcels.

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### **[2] Schedule 13**

Insert after Schedule 12:

## **Schedule 13**

(Clause 12A)

### **1 BERRY—BEACH ROAD AREA**

#### **Specific objectives**

##### **Conservation**

- 1 To retain the conservation values of the remnant coastal forest vegetation in the area and to ensure that development does not reduce those values.

##### **Lifestyle and rural character**

- 2 To recognise the presence of prime crop and pasture land in the area and to provide opportunities for small scale part time farming.
- 3 To prevent ribbon development along Beach Road and Agars Lane.

##### **Services**

- 4 To provide only a basic level of services to the area in keeping with its low development potential and the potential impact of reticulated water supply on waste water volumes.

#### **Performance criteria**

##### **Performance criteria**

- 1 To ensure that:
  - (a) no lot created is less than 10 hectares in area, and
  - (b) the overall density of lots to be created from a holding is no greater than 1 lot per 10 hectares of land.

## **2 BERRY—BUNDEWALLAH ROAD AREA**

### **Specific objectives**

#### **Lifestyle and rural character**

- 1 To provide for a primarily non-agricultural lifestyle.

### **Performance criteria**

#### **Performance criteria**

- 1 To ensure that:
  - (a) no lot created is less than 1 hectare in area, and
  - (b) the overall density of lots to be created from a holding is no greater than 4 lots per 10 hectares of land or part of 10 hectares of land.

## **3 BOMADERRY—PRINCES HIGHWAY AREA**

### **Performance criteria**

- 1 To ensure that no lot created is less than 1 hectare in area.

## **4 EAST NOWRA—WORRIGEE ROAD AREA**

### **Performance criteria**

- 1 To ensure that no lot created is less than 1 hectare in area.

## **5 FALLS CREEK—PARMA ROAD AREA**

### **Performance criteria**

- 1 To ensure that no lot created is less than 1 hectare in area.

## **6 KANGAROO VALLEY—NUGENTS CREEK AREA**

### **Performance criteria**

- 1 To ensure that no lot created is less than 2 hectares in area.

## **7 LAKE CONJOLA—CONJOLA PARK AREA**

### **Performance criteria**

- 1 To ensure that no lot created is less than 2 hectares in area.

## **8 MILTON—GARRADS LANE AREA**

### **Performance criteria**

- 1 To ensure that no lot created is less than 10 hectares in area.

## **9 MILTON—LITTLE FOREST ROAD**

### **Specific objectives**

#### **Bush fire**

- 1 To recognise the potential for periodic bush fire in the locality particularly the western part of the area adjoining State forest and to ensure that adequate protection measures are provided.

#### **Lifestyle and rural character**

- 2 To provide opportunities for a non-agricultural lifestyle at low density north of Little Forest Road and higher densities south of Little Forest Road.
- 3 To retain the wooded character of the area.
- 4 To prevent ribbon development along Little Forest Road.

#### **Catchment management**

- 5 To retain as much vegetation cover as possible and avoid development on steep slopes so as to minimise erosion potential.

### **Performance criteria**

#### **Performance criteria**

- 1 To ensure that:
  - (a) no lot created is less than 1 hectare in area, and

- (b) the overall density of lots created from each holding is no greater than 1 lot per 10 hectares of land or part of 10 hectares of land north of Little Forest Road, and 3 lots per 10 hectares of land or part of 10 hectares of land south of Little Forest Road, and
- (c) development does not occur on land with slope in excess of 20% (1:5).

## **10 MILTON—MATRON PORTER DRIVE**

### **Performance criteria**

- 1 To ensure that no lot created is less than 1 hectare in area.

## **11 SOUTH NOWRA—CENTRAL AVENUE AREA**

### **Performance criteria**

- 1 To ensure that no lot created is less than 2 hectares in area.

## **12 WANDANDIAN—WANDEAN ROAD AREA**

### **Specific objectives**

#### **Bush fire**

- 1 To recognise the potential for periodic bush fire in the locality and to ensure that adequate bush fire protection measures are provided for the area as a whole and for each individual development.

#### **Flooding**

- 2 To recognise that the broad stream valleys in the area are subject to periodic inundation and to ensure that these are kept free from development.

#### **Water quality and catchment management**

- 3 To recognise the sensitivity of St Georges Basin to increased sediment and nutrient loads and to maintain a high quality of surface run-off and ground water leaving the area.

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- 4 To retain as much as possible of the natural vegetation in the area and to minimise soil disturbance.

### **Rural character**

- 5 To provide for a low density of lots in a relatively isolated setting with a mixture of cleared and wooded sites.

### **Services**

- 6 To provide for only a basic level of services consistent with the relative isolation of the area and the sensitivity of the catchment.

### **Performance criteria**

#### **Performance criteria**

- 1 To ensure that no lot created is less than 2 hectares in area, and
  - (a) the overall density of lots created from each holding is not greater than 1 lot per 10 hectares of land, or
  - (b) in the case of a holding between 4 and 19 hectares, the holding is subdivided into no more than 2 lots.

## **13 TAPITALLEE (FORMERLY WEST CAMBEWARRA)—ILLAROO ROAD AREA**

### **Specific objectives**

#### **Bush fire**

- 1 To recognise the potential for periodic bush fire in the locality and to ensure that adequate bush fire protection measures are provided, particularly for the area south of Illaroo Road and for each individual development in that area.

#### **Lifestyle and rural character**

- 2 To recognise the presence of prime crop and pasture land and to provide opportunities for small scale part time farming.
- 3 To provide for a non-agricultural lifestyle primarily south of Illaroo Road.



- 4 To ensure that ribbon development does not occur along Illaroo Road.

#### **Landscape and visual management**

- 5 To retain as much as possible of the native vegetation in the area.
- 6 To maintain the agricultural landscape north of Illaroo Road.
- 7 To ensure that development does not take place on prominent ridges.

#### **Conservation/Biodiversity**

- 8 To recognise the need to conserve strategic vegetation communities and the presence of biodiversity habitat south of Illaroo Road.

#### **Services**

- 9 To provide only a basic level of services to the area in keeping with its low development potential and the potential impact of reticulated water supply on waste water volumes.

#### **Performance criteria**

##### **Performance criteria**

- 1 To ensure that:
  - (a) no lot created is less than 1 hectare in area, and
  - (b) the overall density of lots created from each holding is no greater than 1 lot per 10 hectares of land north of Illaroo Road, and 4 lots per 10 hectares south of Illaroo Road, or, if a holding is between 3 and 5 hectares in area and is located south of Illaroo Road, the overall number of lots created from the holding is no more than two lots, and
  - (c) development will not take place on land greater than 20% (1:5) in slope so as to minimise erosion potential, and
  - (d) development will not take place closer than 50 metres from Bangalee and Tapitallee Creeks and from Illaroo Road, and

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- (e) subdivision will not result in more than 86 additional lots since 16 July 1999.

### **14 WEST ULLADULLA—SLAUGHTERHOUSE ROAD AREA**

#### **Performance criteria**

- 1 To ensure that no lot created is less than 1 hectare in area.

### **15 YATTE YATTAH—POINTER ROAD AREA**

#### **Specific objectives**

##### **Bush fire**

- 1 To recognise the potential for periodic bush fire in the locality and to ensure that adequate bush fire protection measures are provided for the area as a whole and for each individual site.

##### **Lifestyle and rural character**

- 2 To provide for non-agricultural lifestyle opportunities in a timbered setting by clustering lots to maximise bush fire protection and reduce the amount of clearing of natural vegetation.

#### **Performance criteria**

##### **Performance criteria**

- 1 To ensure that:
  - (a) no lot created is less than 1 hectare in area,
  - (b) the overall density of lots created from a holding within the area is no greater than 1 lot per 10 hectares of land or part of 10 hectares of land.

## **16 TOMERONG—BATTUNGA DRIVE**

### **Specific objectives**

#### **Bush fire**

- 1 To recognise the potential for periodic bush fire in the locality and to ensure that adequate bush fire protection measures are provided for the area as a whole and for each individual development.

#### **Services**

- 2 To provide only a basic level of services to the area in keeping with its low development potential.

### **Performance criteria**

#### **Performance criteria**

- 1 To ensure that no lot created is less than 1 hectare in area.