



New South Wales

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 206)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (W00/00023/PC)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2004 No 542

Clause 1 City of Shoalhaven Local Environmental Plan 1985 (Amendment No 206)

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1 Name of plan

This plan is *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 206)*.

2 Aims of plan

- (1) This plan aims to amend *City of Shoalhaven Local Environmental Plan 1985*:
 - (a) to permit the subdivision of land in rural areas in certain circumstances, and
 - (b) to update references to *Development Control Plan No 89 Exempt and Complying Development*, which has been remade, and
 - (c) to correct the heading to two provisions.
- (2) This plan also aims to amend *Interim Development Order No 1—Shire of Shoalhaven* to update references to *Development Control Plan No 89 Exempt and Complying Development*.

3 Land to which plan applies

This plan applies to all land in the City of Shoalhaven to which *City of Shoalhaven Local Environmental Plan 1985* and *Interim Development Order No 1—Shire of Shoalhaven* apply.

4 Relationship to other environmental planning instruments

- (1) *City of Shoalhaven Local Environmental Plan 1985* is amended as set out in Schedule 1.
- (2) *Interim Development Order No 1—Shire of Shoalhaven* is amended as set out in Schedule 2.

Schedule 1 Amendment of City of Shoalhaven Local Environmental Plan 1985

(Clause 4 (1))

[1] Clause 11C

Insert after clause 11B:

11C Subdivision—boundary adjustments

- (1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (d), 1 (e), 1 (f), 1 (g), 7 (a), 7 (c), 7 (d1), 7 (d2), 7 (e), 7 (f1), 7 (f2) or 7 (f3).
- (2) Despite any other provision of this plan, a person may subdivide land to which this clause applies with the consent of the Council, but only if:
 - (a) no additional allotments will be created by the subdivision, and
 - (b) the area of each allotment created by the subdivision is not more than 50 per cent greater than the area of the corresponding former lot immediately before the subdivision, and
 - (c) a dwelling-house has been lawfully erected, or could be lawfully erected, on each allotment created by the subdivision, and
 - (d) the subdivision will not result in any building contravening the deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (e) the Council has issued a certificate stating that the subdivision complies with its requirements regarding water, if such a certificate is required, and
 - (f) each allotment to be subdivided has been lawfully created and has an area of less than 40 hectares, and
 - (g) the objectives of the zone applying to the land are met, and
 - (h) the boundary adjustment will not affect the connectivity of riparian and vegetation corridors, and
 - (i) there is no increase in the number of lots with frontage to a watercourse, and

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Schedule 1 Amendment of City of Shoalhaven Local Environmental Plan 1985

- (j) the land does not encompass, or is not adjacent to, a watercourse or waterbody, and
 - (k) in the case of a subdivision involving the adjustment of the boundaries of land that, in the opinion of the Council, is bushfire prone land:
 - (i) the resulting allotments will comply with the “Planning for Bushfire Protection” guidelines published by the NSW Rural Fire Service, and
 - (ii) any approvals required under the *Rural Fires Act 1997* have been obtained from the NSW Rural Fire Service.
- (3) This clause does not apply to land that has been previously subdivided pursuant to this clause.

[2] Clause 54A What is exempt and complying development?

Omit “7 September 1999” wherever occurring from clause 54A (1), (2) and (3).

Insert instead “23 June 2003”.

[3] Clause 54B Subdivision—complying development

Omit “complying” from the heading to the clause.

Insert instead “exempt”.

[4] Clause 54B

Omit “7 September 1999”. Insert instead “23 June 2003”.

Schedule 2 Amendment of Interim Development Order No 1—Shire of Shoalhaven

(Clause 4 (2))

[1] Clause 53 What is exempt and complying development?

Omit “7 September 1999” wherever occurring from clause 53 (1), (2) and (3).

Insert instead “23 June 2003”.

[2] Clause 54 Subdivision—complying development

Omit “complying” from the heading to the clause.

Insert instead “exempt”.

[3] Clause 54

Omit “7 September 1999”. Insert instead “23 June 2003”.