



New South Wales

# Shoalhaven Local Environmental Plan 1985 (Amendment No 242)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

RICHARD PEARSON

As delegate for the Minister for Planning and Infrastructure

## 2013 No 181

Clause 1 Shoalhaven Local Environmental Plan 1985 (Amendment No 242)

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# Shoalhaven Local Environmental Plan 1985 (Amendment No 242)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of Plan

This Plan is *Shoalhaven Local Environmental Plan 1985 (Amendment No 242)*.

### 2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

### 3 Land to which Plan applies

- (1) This Plan applies to certain land in the vicinity of Badgee Lagoon, Sussex Inlet, as shown distinctively coloured, edged and identified as “2 (c)”, “6 (b)” or “7 (a)” on the map marked “Shoalhaven Local Environmental Plan 1985 (Amendment No 242)” deposited in the office of Shoalhaven City Council (*the amending map*).
- (2) This Plan does not apply to parcels of land in the vicinity of Badgee Lagoon, Sussex Inlet shown distinctively edged and marked “Deferred Matter” on the amending map.

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## Schedule 1      Amendment of Shoalhaven Local Environmental Plan 1985

### [1]    Clause 6 Interpretation

Insert in appropriate order in the definition of *the map* in clause 6 (1):

Shoalhaven Local Environmental Plan 1985 (Amendment  
No 242)

### [2]    Clause 54I

Insert after clause 54H:

#### **54I    Development of certain land in the vicinity of Badgee Lagoon, Sussex Inlet**

##### (1)    **Application**

This clause applies to certain land in the vicinity of Badgee Lagoon, Sussex Inlet, as shown distinctively coloured, edged and identified as “2 (c)”, “6 (b)” or “7 (a)” on the map marked “Shoalhaven Local Environmental Plan 1985 (Amendment No 242)”. This clause does not apply to the parcels of land shown distinctively edged and marked “Deferred Matter” on that map.

##### (2)    **Public utility infrastructure arrangements**

Development consent must not be granted for development on land to which this clause applies unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

##### (3)    This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

##### (4)    **Development control plan required**

Development consent must not be granted for development on land to which this clause applies unless a development control plan that provides for the matters specified in subclause (5) has been prepared for the land.

##### (5)    The development control plan must provide for all of the following:

- (a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,

## 2013 No 181

Shoalhaven Local Environmental Plan 1985 (Amendment No 242)

Schedule 1 Amendment of Shoalhaven Local Environmental Plan 1985

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- (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
  - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
  - (d) a network of active and passive recreation areas,
  - (e) stormwater and water quality management controls,
  - (f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
  - (g) detailed urban design controls for significant development sites,
  - (h) measures to encourage higher density living around transport, open space and service nodes,
  - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
  - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (6) Subclause (4) does not apply to any of the following developments:
- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
  - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environment protection purpose,
  - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
  - (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.