



New South Wales

# **Shoalhaven Local Environmental Plan 2014 (Amendment No 10)**

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*.

LINDA DAVIS

As delegate for the Minister for Planning

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### **1 Name of Plan**

This Plan is *Shoalhaven Local Environmental Plan 2014 (Amendment No 10)*.

### **2 Commencement**

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

### **3 Land to which Plan applies**

This Plan applies to the land to which *Shoalhaven Local Environmental Plan 2014* applies.

## Schedule 1 Amendment of Shoalhaven Local Environmental Plan 2014

### [1] Clause 4.1AA

Omit the clause. Insert instead:

#### 4.1AA Minimum subdivision lot size for community title schemes

- (1) The objectives of this clause are as follows:
  - (a) to provide controls for the subdivision of community schemes in order to achieve the objectives of the relevant zones.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 1989* of land in any of the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone R5 Large Lot Residential,
  - (e) Zone E2 Environmental Conservation,
  - (f) Zone E3 Environmental Management,
  - (g) Zone E4 Environmental Living.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 1989*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

### [2] Clause 4.1F

Insert after clause 4.1E:

#### 4.1F Minimum subdivision lot size for community scheme and strata plan lots

- (1) The objective of this clause is to ensure that vacant community scheme and strata plan lots are not created.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 1989* or under the *Strata Schemes (Freehold Development) Act 1973* or *Strata Schemes (Leasehold Development) Act 1986* of land in any of the following zones:
  - (a) Zone R1 General Residential,
  - (b) Zone R2 Low Density Residential,
  - (c) Zone B4 Mixed Use,
  - (d) Zone SP3 Tourist.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property or common property) is not to be less than the minimum size shown on the Lot Size Map in relation to that land unless the consent authority is satisfied that each lot to be created will be used for a purpose permitted as an existing use or under an existing development consent for the land.

**Note.** Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that strata subdivision of a building in certain circumstances is specified complying development.

(4) In this clause:

*association property* has the same meaning as in the *Community Land Development Act 1989*.

*common property* has the same meaning as in the *Strata Schemes (Freehold Development) Act 1973*.

**[3] Clause 4.2D Erection of dual occupancies (attached) and dwelling houses on land in certain rural, residential and environment protection zones**

Insert after clause 4.2D (6):

(6A) This clause applies to a dual occupancy (attached) in the same way as it applies to a dwelling house.