



New South Wales

Shoalhaven Local Environmental Plan 2014 (Amendment No 11)

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*.

GORDON CLARK, STRATEGIC PLANNING MANAGER,
SHOALHAVEN CITY COUNCIL
As delegate for the Minister for Planning

Shoalhaven Local Environmental Plan 2014 (Amendment No 11)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Shoalhaven Local Environmental Plan 2014 (Amendment No 11)*.

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.

4 Maps

The maps adopted by *Shoalhaven Local Environmental Plan 2014* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

Schedule 1 Amendment of Shoalhaven Local Environmental Plan 2014

[1] Land Use Table

Insert “Industrial retail outlets;”, “Multi dwelling housing;” and “Storage premises;” in alphabetical order in item 3 of Zone RU5 Village.

[2] Clause 4.1A Exceptions to minimum lot sizes for dual occupancies and multi dwelling housing

Omit “or Zone R3 Medium Density Residential” from clause 4.1A (4).

[3] Clause 4.1B Dual occupancy development in Zone R3

Omit clause 4.1B (2). Insert instead:

- (2) Development consent must not be granted to development for the purpose of a dual occupancy on a lot in Zone R3 Medium Density Residential unless:
 - (a) the area of the lot is less than 800 square metres, and
 - (b) the consent authority is satisfied that amalgamation of the lot with other land in that zone is not feasible.

[4] Clause 4.1C Exceptions to minimum subdivision lot sizes for certain residential development

Omit clause 4.1C (2). Insert instead:

- (2) This clause applies to development on land in Zone R1 General Residential.

[5] Clause 4.2B Subdivision of certain land in Zone RU1, Zone RU2, Zone RU4, Zone R5 and Zone E4

Omit clause 4.2B (3) (f). Insert instead:

- (f) land identified as “Locality 6” on the Lot Size Map (in the vicinity of Termeil) may be subdivided if:
 - (i) the density of the resulting lots on the land that is to be subdivided is no more than 1 lot per 10 hectares, and
 - (ii) the vehicular access to each resulting lot is from a road other than the Princes Highway, and

[6] Clause 4.2C Subdivision of land fronting a watercourse

Omit clause 4.2C (2). Insert instead:

- (2) This clause applies to land in the following zones if the land has a direct frontage to a watercourse:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone RU5 Village,
 - (e) Zone R5 Large Lot Residential,
 - (f) Zone E2 Environmental Conservation,
 - (g) Zone E3 Environmental Management,
 - (h) Zone E4 Environmental Living.

[7] 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 (3) (ca):

- (cb) is a lot created under clause 4.2B (3) (f), (g) or (h), or
- (cc) is a lot created following a boundary adjustment under clause 4.2G, or

[8] Clause 4.2E Exceptions to minimum subdivision lot sizes for certain rural and environment protection zones

Omit clause 4.2E (3). Insert instead:

- (3) Land to which this clause applies may, with development consent, be subdivided to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land, if the consent authority is satisfied that:
 - (a) the land will not be used for the purposes of a dwelling house or a dual occupancy, and
 - (b) the land will continue to be used for the same purpose for which it was lawfully used immediately before the subdivision.

[9] Clauses 4.2G and 4.2H

Insert after clause 4.2F:

4.2G Boundary adjustments of land in certain rural and environment protection zones

- (1) The objective of this clause is to facilitate boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land but the objectives of the relevant zone can be achieved.
- (2) This clause applies to land in any of the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone E2 Environmental Conservation,
 - (d) Zone E3 Environmental Management.
- (3) Despite clause 4.1, development consent may be granted to subdivide land by way of a boundary adjustment between adjoining lots where one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land if the consent authority is satisfied that:
 - (a) the subdivision will not create additional lots or the opportunity for additional dwellings, and
 - (b) the number of dwellings or opportunities for dwellings on each lot after the subdivision will be the same as before the subdivision, and
 - (c) the potential for land use conflict will not be increased as a result of the subdivision, and
 - (d) the subdivision will not result in any increased bush fire risk to existing buildings, and
 - (e) if the land is in Zone RU1 Primary Production or Zone RU2 Rural Landscape, the agricultural viability of the land will not be adversely affected as a result of the subdivision.

- (4) The consent authority must not grant development consent under this clause unless a dwelling was permissible under this Plan on each lot immediately before the subdivision and a dwelling will be permissible under this Plan on each lot after the subdivision.
- (5) Before granting development consent to development to which this clause applies, the consent authority must:
 - (a) be satisfied that the subdivision will not compromise the continued protection and long-term maintenance of any land in Zone E2 Environmental Conservation or Zone E3 Environmental Management, and
 - (b) consider the effect of the boundary adjustment on vegetation corridors and riparian corridors.

4.2H Subdivision of land used for tourist and visitor accommodation

The consent authority cannot grant development consent for the subdivision of land used for the purposes of tourist and visitor accommodation unless the subdivision:

- (a) is otherwise authorised by this Plan, and
- (b) is done under the *Community Land Development Act 1989*, the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*.

[10] Clause 4.6 Exemptions to development standards

Insert after clause 4.6 (8) (ba):

- (bb) clause 4.2B,

[11] Clause 6.3 Development control plan

Omit clause 6.3 (4) (d). Insert instead:

- (d) development on land (but not subdivision of land) that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the development would be consistent with the objectives of the zone in which the land is situated and will not adversely affect development in the urban release area.

[12] Clause 7.13 Short-term rental accommodation

Insert after clause 7.13 (2):

Note. If a building or place is used for the holding of events, functions, conferences and the like it could be classified as a function centre and function centres are prohibited in all residential zones.

[13] Clause 7.14 Permanent occupation in mixed use developments

Omit “that is permitted with consent on that land” wherever occurring in clause 7.14 (2).

[14] Clause 7.26

Insert after clause 7.25:

7.26 Increased building height Huskisson Town Centre

- (1) The objective of this clause is to encourage the development of the Huskisson Town Centre as a business centre and a focal point for tourism.
- (2) This clause applies to land in Huskisson Town Centre as shown edged heavy black on the Incentive Height of Buildings Map.

- (3) The consent authority may grant consent to development that results in a building on land to which this clause applies that has a height that exceeds that permitted by clause 4.3 if the consent authority is satisfied that:
- (a) the building is on a site comprising a single lot with an area of greater than 2,000 square metres or comprising more than one lot, each of which has an area greater than 1,200 square metres, and
 - (b) no more than 50 percent of the building (as measured by its footprint) will have a height that exceeds that permitted by clause 4.3, and
 - (c) any part of the building with a height that exceeds that permitted by clause 4.3 will not have a height that exceeds the maximum height shown for the land on the Incentive Height of Buildings Map, and
 - (d) the basement of the building will contain car parking and will provide for 2 way traffic flow to access that car parking and will provide for the turning of vehicles, and
 - (e) the design and form of the building:
 - (i) follows good urban design practice, and
 - (ii) will improve the quality and amenity of the public domain, and
 - (iii) will minimise overshadowing of public places and residential premises.

[15] Schedule 2 Exempt development

Insert in alphabetical order:

Temporary events on public land and public roads and associated temporary structures

- (1) For the purposes of development specified for this clause:
event means any event (including, without limitation, a market, exhibition, ceremony, meeting, concert, sporting event or fete) that would, but for this clause, require development consent.
- (2) Must take place on public land within the meaning of the *Local Government Act 1993* or a public road for which the Council is the roads authority under the *Roads Act 1993*.
- (3) Must not involve demolition or excavation.
- (4) Must not involve overnight accommodation on bushfire prone land.
- (5) Must not be conducted for more than 52 days (whether or not consecutive) in any period of 12 months.

Note. The proposed event may involve activities that require approvals under the *Local Government Act 1993* and other legislation. Such activities include the closure of public roads, the erection of temporary structures and activities on public land. Consultation with the Council will assist in identifying any requirements before organising such activities.

[16] Dictionary

Insert in alphabetical order:

Incentive Height of Buildings Map means the Shoalhaven Local Environmental Plan 2014 Incentive Height of Buildings Map.