



New South Wales

Shoalhaven Local Environmental Plan 2014 (Amendment No 46)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

**GORDON CLARK, STRATEGIC PLANNING MANAGER
SHOALHAVEN CITY COUNCIL**
As delegate for the local plan-making authority

Shoalhaven Local Environmental Plan 2014 (Amendment No 46)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Shoalhaven Local Environmental Plan 2014 (Amendment No 46)*.

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

Schedule 1 Amendment of Shoalhaven Local Environmental Plan 2014

[1] Clause 4.1A Minimum lot sizes for dual occupancies, manor houses, multi dwelling housing, multi dwelling housing (terraces) and residential flat buildings

Omit “and R3 Medium Density Residential” from the matters relating to Multi dwelling housing, Multi dwelling housing (terraces) and Residential flat buildings in the table to clause 4.1A(2).

Insert instead “, R3 Medium Density Residential and B4 Mixed Use”.

[2] Clause 4.1A(5)

Omit the subclause.

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

Insert after clause 4.1B(2)—

- (3) A dual occupancy for which development consent has been granted under this clause may, with development consent, be subdivided into 2 lots to enable the resulting individual dwellings on those lots to have separate titles.

[4] Clause 5.9

Omit the clause. Insert instead—

5.9 Dwelling house or secondary dwelling affected by natural disaster

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
- (a) a rural zone,
 - (b) a residential zone,
 - (c) a business zone,
 - (d) an industrial zone,
 - (e) a special activities zone,
 - (f) a recreation zone,
 - (g) a conservation zone,
 - (h) a waterways zone.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
- (a) the dwelling house or secondary dwelling was lawfully erected, and
 - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

[5] Clause 5.9A

Insert after clause 5.9—

5.9A Other specified residential accommodation affected by natural disaster

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected specified residential accommodation that has been damaged or destroyed by a natural disaster.
- (2) This clause applies to all the land to which this Plan applies.
- (3) Development consent may be granted to development to enable specified residential accommodation that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
 - (a) the specified residential accommodation was lawfully erected, and
 - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction, and
 - (c) the development is for the same type of specified residential accommodation as the specified residential accommodation that was damaged or destroyed.
- (4) In this clause—

specified residential accommodation means the following—

 - (a) attached dwellings,
 - (b) boarding houses,
 - (c) co-living housing,
 - (d) dual occupancies,
 - (e) group homes,
 - (f) hostels,
 - (g) manor houses,
 - (h) multi dwelling housing,
 - (i) multi dwelling housing (terraces),
 - (j) residential flat buildings,
 - (k) rural workers' dwellings,
 - (l) semi-detached dwellings,
 - (m) seniors housing,
 - (n) shop top housing.

[6] Dictionary

Insert in alphabetical order—

manor house has the same meaning as in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, clause 1.5.

multi dwelling housing (terraces) has the same meaning as in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, clause 1.5.