



PARLIAMENTARY COUNSEL

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*Opinion*

Environmental Planning and Assessment Act 1979  
Proposed Shoalhaven Local Environmental Plan 2014 (Amendment No 22)

Your ref: PP\_2017\_SHOAL\_002\_01 Thomas Trezise  
Our ref: e2018-299.d07 FG

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In my opinion the attached draft environmental planning instrument may legally be made.



(A O'CALLAGHAN)  
Parliamentary Counsel  
12 February 2019



New South Wales

## Shoalhaven Local Environmental Plan 2014 (Amendment No 22)

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 18 February 2019*  
.....  
*Strategic Planning Manager, Shoalhaven City Council*  
*Signed under delegation for Shoalhaven City Council*  
*As delegate for the Minister for Planning.*

## **Shoalhaven Local Environmental Plan 2014 (Amendment No 22)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Plan**

This Plan is *Shoalhaven Local Environmental Plan 2014 (Amendment No 22)*.

### **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 4.1E Minimum lot size for certain split zone lots**

Omit “that is identified as “Flood Planning Area” on the Flood Planning Area Map” from the definition of *flood prone land* in clause 4.1E (8).

Insert instead “at or below the flood planning level”.

**[2]    Clause 7.2A**

Insert after clause 7.2:

**7.2A    Stock mounds**

- (1) The objective of this clause is to ensure that earthworks for stock mounds will not have a detrimental impact on environmental functions and processes on land at or below the flood planning level or affected by acid sulfate soils.
- (2) This clause applies to land in Zone RU1 Primary Production or Zone RU2 Rural Landscape.
- (3) Despite any other provision of this Plan, development consent is required for earthworks for the purposes of a stock mound on land to which this clause applies if:
  - (a) the land is at or below the flood planning level, or
  - (b) the land is identified as Class 1, Class 2, Class 3 or Class 4 on the Acid Sulfate Soils Map and development consent is not otherwise required for the earthworks under clause 7.1.
- (4) In this clause, *stock mound* means a raised area greater than 100 square metres for stock to move to during a flood event.

**[3]    Clause 7.3 Flood planning**

Omit clause 7.3 (2). Insert instead:

- (2) This clause applies to land at or below the flood planning level.

**[4]    Clause 7.3 (4)**

Omit “clause” where secondly occurring. Insert instead “Plan”.

**[5]    Clause 7.3 (5)**

Omit the subclause.

**[6]    Dictionary**

Omit the definition of *Flood Planning Area Map*.

**[7]    Dictionary**

Insert in alphabetical order:

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.