



PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Environmental Planning Instrument

Your ref: W95/00185/S69
Our ref: FHG E02/165 SHVN

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

D. Colagiuri,
(D COLAGIURI)
Parliamentary Counsel

13 DEC 2002

The Director
Legal Services Branch
Department of Planning

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 191)

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. (W95/00185/S69)

Minister for Planning

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 191)

1 Name of plan

This plan is *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 191)*.

2 Aims of plan

This plan aims:

- (a) to rezone part of the land to which this plan applies (*the residential land*) from the Environment Protection “D2” (Special Scenic) Zone to the Residential “A1” Zone under the *City of Shoalhaven Local Environmental Plan 1985 (the 1985 plan)*, and
- (b) to confirm the zoning of the remaining land as being within the Environment Protection “D2” (Special Scenic) Zone (*the non-residential land*), and
- (c) to allow subdivision of, and the carrying out of other development on, the residential land, subject to conditions, and
- (d) to provide sites on the residential land that each have sufficient area to accommodate a dwelling-house, vehicular access, water quality control and drainage, and
- (e) to allow, with the consent of the Council of the City of Shoalhaven, for most of the non-residential land to be attached to a parcel of residential land so as to form one allotment of land, but only if the Council is satisfied that adequate measures will be taken to preserve vegetation on the non-residential land, and
- (f) to protect the landscape values of the land, and
- (g) to ensure that the habitat of the Powerful Owl is generally protected on the land, and
- (h) to ensure that the risk to life and property from bush fire is minimised on the land, and

- (i) to ensure that the visual impact of development of the land is reduced through the protection and establishment of appropriate landscaping.

3 Land to which plan applies

This plan applies to Lot 29, DP 874275, in the vicinity of Seaspray Street, Narrawallee, as shown edged heavy black on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No 191)" deposited in the office of the Council of the City of Shoalhaven.

4 Amendment of City of Shoalhaven Local Environmental Plan 1985

The *City of Shoalhaven Local Environmental Plan 1985* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 Interpretation

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

City of Shoalhaven Local Environmental Plan 1985
(Amendment No 191)

[2] Clause 39BC

Insert after clause 39BB:

39BC Development of land in the vicinity of Seaspray Street, Narrawallee

- (1) This clause applies to Lot 29, DP 874275, in the vicinity of Seaspray Street, Narrawallee, as shown edged heavy black on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No 191)".
- (2) Consent must not be granted to the subdivision or other development of land to which this clause applies unless:
 - (a) the Council has considered a plan of management for the land showing how bush fire management issues are addressed by the design of the proposed subdivision, and will be addressed in carrying out development on the allotments to be created by the proposed subdivision or in carrying out other development, and
 - (b) the Council has taken into consideration a landscape plan of management for the land that is of a standard satisfactory to the Council, showing how the visual quality of the land is to be protected through the retention of existing vegetation, and
 - (c) the Council is satisfied that issues relating to visual quality, drainage control, building bulk and scale, threatened species and habitat and control of erosion are adequately addressed and provided for in the development proposal, and

- (d) any buildings to be erected on the land within Zone No 2 (a1) above the 35 metre contour will be no higher than 8.5 metres above natural ground level, and
 - (e) a road suitable to protect the land within Zone No 2 (a1) from bush fires will be located on the western edge of the land within Zone No 2 (a1), and
 - (f) each allotment on which a dwelling-house is to be erected will have an adequate area within Zone No 2 (a1) for the dwelling-house and for ancillary development, including vehicular access to the dwelling-house and works for water quality control and drainage.
- (3) Land to which this clause applies may be subdivided with development consent:
- (a) to create one allotment of land that is comprised partly of land on which a dwelling-house will be able to be erected within Zone No 2 (a1) and all of the land within Zone No 7 (d2) is situated to the west of the land within Zone No 2 (a1), but only if the Council is satisfied that adequate measures will be taken to preserve vegetation on the land within Zone No 7 (d2), and
 - (b) to create other allotments of land within Zone No 2 (a1) that are of a size that will enable the erection of a single dwelling-house on each allotment.
- (4) Except as provided by subclause (3), the land within Zone No 7 (d2) to which that subclause applies may not be subdivided.

