



Planning &
Environment

Mr Carey McIntyre
General Manager
Shellharbour City Council
Locked Bag 8821
Wollongong DC NSW 2500

Dear Mr McIntyre

**Shellharbour Local Environmental Plan 2013 (Amendment No 13) –
Subdivision of certain split zoned land**

I refer to Council's submission under the *Environmental Planning and Assessment Act 1979* (the Act), requesting the Minister make Shellharbour Local Environmental Plan 2013 (Amendment No 13).

This amendment will introduce a clause to permit the subdivision of certain split zoned land that cannot be subdivided under clause 4.1 Subdivision minimum lot size.

I am pleased to advise that as the Minister's delegate, I have made the Local Environmental Plan under section 59(2) of the *Environmental Planning and Assessment Act 1979* (the Act), and under section 34(5) it will take effect when published on the NSW Legislation website.

Should you have any questions regarding this matter, I have arranged for Louise Myler, of the Department's Southern Regional Office to assist you. Louise may be contacted on telephone number (02) 4224 9463.

Yours sincerely

15/12/15

Linda Davis
Acting General Manager
Southern Region
Planning Services



New South Wales

PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Shellharbour Local Environmental Plan 2013 (Amendment No 13)

Your ref: Vincent Ramos
Our ref: AE e2015-366.d03

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

A handwritten signature in black ink, appearing to be 'D Colagiuri'.

(D COLAGIURI)
Parliamentary Counsel

9 December 2015



New South Wales

Shellharbour Local Environmental Plan 2013 (Amendment No 13)

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.

Minister for Planning


LINDA DAVIS
ACTING GENERAL MANAGER
SOUTHERN REGION

**Delegate of the
Minister for Planning**

15/12/15

Shellharbour Local Environmental Plan 2013 (Amendment No 13)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Shellharbour Local Environmental Plan 2013 (Amendment No 13)*.

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 *Shellharbour Local Environmental Plan 2013* applies.

Schedule 1 Amendment of Shellharbour Local Environmental Plan 2013

Clause 4.1C

Insert after clause 4.1B:

4.1C Minimum lot size for certain split zone lots

- (1) The objectives of this clause are as follows:
 - (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,
 - (b) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.
- (2) This clause applies to each lot (an *original lot*) that contains:
 - (a) land in a residential, business or industrial zone or Zone E4 Environmental Living, and
 - (b) land in a rural zone, Zone E2 Environmental Conservation or Zone E3 Environmental Management.
- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the *resulting lots*) if:
 - (a) one of the resulting lots will contain:
 - (i) land in a residential, business or industrial zone or Zone E4 Environmental Living that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and
 - (ii) all of the land in the rural zone, Zone E2 Environmental Conservation or Zone E3 Environmental Management that was in the original lot, and
 - (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.