



New South Wales

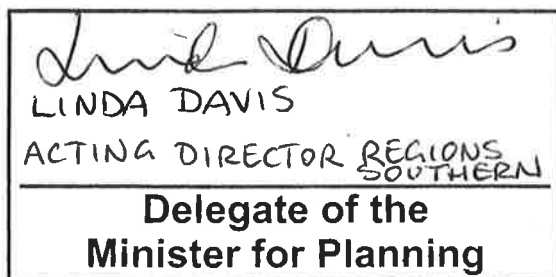
Shoalhaven Local Environmental Plan 2014 (Amendment No 10)

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



4/7/16



New South Wales

PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Shoalhaven Local Environmental Plan 2014 (Amendment No 10)

Your ref: Davida Liang
Our ref: AE e2016-092.d09

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

The instrument should be made after *Shoalhaven Local Environmental Plan 2014 (Amendment No 11)*.

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

(D COLAGIURI)
Parliamentary Counsel
1 July 2016

Shoalhaven Local Environmental Plan 2014 (Amendment No 10)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Shoalhaven Local Environmental Plan 2014 (Amendment No 10)*.

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 4.1AA

Omit the clause. Insert instead:

4.1AA Minimum subdivision lot size for community title schemes

- (1) The objectives of this clause are as follows:
 - (a) to provide controls for the subdivision of community schemes in order to achieve the objectives of the relevant zones.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 1989* of land in any of the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone R5 Large Lot Residential,
 - (e) Zone E2 Environmental Conservation,
 - (f) Zone E3 Environmental Management,
 - (g) Zone E4 Environmental Living.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 1989*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

[2] Clause 4.1F

Insert after clause 4.1E:

4.1F Minimum subdivision lot size for community scheme and strata plan lots

- (1) The objective of this clause is to ensure that vacant community scheme and strata plan lots are not created.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 1989* or under the *Strata Schemes (Freehold Development) Act 1973* or *Strata Schemes (Leasehold Development) Act 1986* of land in any of the following zones:
 - (a) Zone R1 General Residential,
 - (b) Zone R2 Low Density Residential,
 - (c) Zone B4 Mixed Use,
 - (d) Zone SP3 Tourist.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property or common property) is not to be less than the minimum size shown on the Lot Size Map in relation to that land unless the consent authority is satisfied that each lot to be created will be used for a purpose permitted as an existing use or under an existing development consent for the land.

Note. Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that strata subdivision of a building in certain circumstances is specified complying development.

(4) In this clause:

association property has the same meaning as in the *Community Land Development Act 1989*.

common property has the same meaning as in the *Strata Schemes (Freehold Development) Act 1973*.

[3] 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 (6):

(6A) This clause applies to a dual occupancy (attached) in the same way as it applies to a dwelling house.



Mr Russ Pigg
General Manager
Shoalhaven City Council
PO Box 42
Nowra NSW 2541

Our ref: 16/08740
Your ref: 51735E (D16/18149)

Attention: Eric Hollinger

Dear Mr Pigg

Shoalhaven Local Environmental Plan 2014 (Amendment No 10)

I refer to Council's submission under the *Environmental Planning and Assessment Act 1979* (EP&A Act), requesting the Minister make *Shoalhaven Local Environmental Plan 2014 (Amendment No 10)*.

I am pleased to advise that as the Minister's delegate, I have made the LEP under section 59(2) of the EP&A Act, and under section 34(5) it will take effect when published on the NSW Legislation website.

The Department appreciates the cooperation of Council in preparing this LEP.

Should you have any questions regarding this matter, I have arranged for Mr George Curtis, of the Department's Southern Region Office to assist you. George Curtis may be contacted on telephone number (02) 4224 9465.

Yours sincerely



4/7/16

Linda Davis
**A/Director Regions,
Southern
Planning Services**