



New South Wales

Shoalhaven Local Environmental Plan 1985 (Amendment No 223)

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*. (W01/00048/PC)

FRANK SARTOR, M.P.,
Minister for Planning

2005 No 623

Clause 1 Shoalhaven Local Environmental Plan 1985 (Amendment No 223)

Shoalhaven Local Environmental Plan 1985 (Amendment No 223)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Shoalhaven Local Environmental Plan 1985 (Amendment No 223)*.

2 Aims of plan

The aims of this plan are:

- (a) to provide that *State Environmental Planning Policy No 15—Rural Landsharing Communities* no longer applies to the City of Shoalhaven local government area, and
- (b) to allow certain dwelling-houses for which development consent was granted pursuant to *State Environmental Planning Policy No 15—Rural Landsharing Communities* or under the repealed *State Environmental Planning Policy No 15—Multiple Occupancy of Rural Land* to be located on individual lots created by subdivisions under the provisions of the *Community Land Development Act 1989*, and
- (c) to allow consent to be granted by Shoalhaven City Council pursuant to *State Environmental Planning Policy No 15—Rural Landsharing Communities* for certain dwellings if the consent is granted to a pending development application within 2 years after the commencement of this plan.

3 Land to which plan applies

This plan applies to all land within the City of Shoalhaven local government area.

4 Amendment of Shoalhaven Local Environmental Plan 1985

Shoalhaven Local Environmental Plan 1985 is amended as set out in Schedule 1.

5 Amendment of State Environmental Planning Policy No 15—Rural Landsharing Communities

State Environmental Planning Policy No 15—Rural Landsharing Communities is amended as set out in Schedule 2.

2005 No 623

Shoalhaven Local Environmental Plan 1985 (Amendment No 223)

Schedule 1 Amendment of Shoalhaven Local Environmental Plan 1985

Schedule 1 Amendment of Shoalhaven Local Environmental Plan 1985

(Clause 4)

Clauses 13D and 13E

Insert after clause 13C:

13D Subdivision of dwelling-houses—multiple occupancy

- (1) Despite other provisions of this plan and any State environmental planning policy dealing with multiple occupancy development, the Council may consent to a subdivision of land on which multiple occupancy development has been carried out so that dwelling-houses lawfully erected on the land are each located on a separate lot if:
 - (a) consent for the multiple occupancy development was granted on or before 27 March 2001, and
 - (b) erection of each of the dwelling-houses was lawfully physically commenced before 31 December 2002, and
 - (c) each separate lot is a neighbourhood lot under the *Community Land Development Act 1989*.
- (2) For the purposes of this clause, **multiple occupancy development** means development for which consent was granted pursuant to either *State Environmental Planning Policy No 15—Multiple Occupancy of Rural Land*, repealed by *State Environmental Planning Policy No 42—Multiple Occupancy of Rural Land (Repeal)*, or *State Environmental Planning Policy No 15—Rural Landsharing Communities*.

13E Transitional arrangements for certain multiple occupancy development

- (1) A development application made pursuant to *State Environmental Planning Policy No 15—Rural Landsharing Communities* before the commencement of *Shoalhaven Local Environmental Plan 1985 (Amendment No 223)* that had not been finally determined when that plan commenced is to be determined as if that Policy applies to the City of Shoalhaven.
- (2) However, the Council must not consent to any such development application after the expiration of 2 years from the date of publication in the Gazette of *Shoalhaven Local Environmental Plan 1985 (Amendment No 223)*.

Shoalhaven Local Environmental Plan 1985 (Amendment No 223)

Amendment of State Environmental Planning Policy No 15—Rural
Landsharing Communities

Schedule 2

**Schedule 2 Amendment of State Environmental
Planning Policy No 15—Rural
Landsharing Communities**

(Clause 5)

[1] Schedule 1 Land to which this Policy applies

Omit “City of Shoalhaven”.

[2] Schedule 2 Specified land to which this Policy does not apply

Insert at the end of the Schedule:

Land within the City of Shoalhaven.