



New South Wales

Shoalhaven Local Environmental Plan 1985 (Amendment No 218)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (W03/00041/S69)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2005 No 86

Clause 1 Shoalhaven Local Environmental Plan 1985 (Amendment No 218)

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1 Name of plan

This plan is *Shoalhaven Local Environmental Plan 1985 (Amendment No 218)*.

2 Aims of plan

This plan aims to replace a provision in *Shoalhaven Local Environmental Plan 1985* with a new provision to further ensure that:

- (a) emergency personnel and properties are adequately protected from bush fires, and
- (b) future development does not adversely affect existing bush fire protection strategies.

3 Land to which plan applies

This plan applies to all land situated in the City of Shoalhaven to which *Shoalhaven Local Environmental Plan 1985* applies.

4 Amendment of Shoalhaven Local Environmental Plan 1985

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

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 Interpretation

Insert after clause 6 (3):

- (4) Notes included in this plan do not form part of this plan.

[2] Clause 28

Omit the clause. Insert instead:

28 Danger of bush fire

- (1) The Council must not grant consent to the carrying out of development on bush fire prone land if it is of the opinion that:
 - (a) the development may have a significant adverse effect on the implementation of:
 - (i) any strategies for bush fire hazard reduction or risk management adopted by the Council, or
 - (ii) any relevant provisions of the Act or the *Rural Fires Act 1997*, and
 - (b) the development, including the arrangements for access to and from the development, may constitute a significant threat to the lives of residents, visitors or emergency services personnel, and
 - (c) the development may give rise to an increased demand for emergency services during bush fire events that will result in a significant decrease in the ability of the emergency services to effectively control major bush fires.

Note. Section 146 of the Act provides that bush fire prone land is land recorded by the Council as such on a map certified by the Commissioner of the NSW Rural Fire Service as a bush fire prone land map for the area of the Council.
- (2) The Council must not grant consent to the carrying out of development on bush fire prone land unless it is satisfied that adequate measures are proposed to avoid or mitigate the threat from bush fire, having regard to:
 - (a) the siting of the development, and
 - (b) the design of, and the materials used in, any structures involved in the development, and
 - (c) the clearing of vegetation, and

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Schedule 1 Amendments

- (d) the provision of asset protection zones, landscaping and fire control aids (such as roads and water supplies).
- (3) Before deciding to grant consent to any development on bush fire prone land, the Council:
 - (a) must have regard to the requirements set out in *Planning for Bushfire Protection* (ISBN 0 9585987 8 9), prepared by Planning & Environment Services, NSW Rural Fire Service in co-operation with the Department of Planning (as it then was), and published in December 2001, and
 - (b) must be satisfied that those requirements will be met as far as is practicable in the circumstances.
- (4) The Council must not consent to the erection of any building on the following land within the set-backs identified by building lines on the map describing that land:

Callala Beach, Griffin Street area—land shown as being within Zone No 2 (c) on the map marked “City of Shoalhaven Local Environmental Plan 1985 (Amendment No 77)”.

BY AUTHORITY
