



New South Wales

# **Shoalhaven Local Environmental Plan 1985 (Amendment No 235)**

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*. (W06/00070/PC)

KRISTINA KENEALLY, MP  
Minister for Planning

## 2009 No 192

Clause 1 Shoalhaven Local Environmental Plan 1985 (Amendment No 235)

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### **Shoalhaven Local Environmental Plan 1985 (Amendment No 235)**

under the

Environmental Planning and Assessment Act 1979

#### **1 Name of plan**

This plan is *Shoalhaven Local Environmental Plan 1985 (Amendment No 235)*.

#### **2 Aims of plan**

This plan aims to amend *Shoalhaven Local Environmental Plan 1985*:

- (a) to rezone the former Ulladulla Sewerage Treatment Works to allow the site to be appropriately redeveloped and to enable the natural environmental values of the site to be recognised and maintained, and
- (b) to provide for a wider range of potential uses of part of the former Ulladulla Sewerage Treatment Works site, by allowing development that is permitted with or without consent on land within Zone No 6 (a) (Open Space—Recreation “A” (Existing) Zone) on that land that is rezoned as Zone No 4 (b) (Industrial “B” (Light) Zone), and
- (c) to remove the 30 metre building line that applies to certain industrial land at South Ulladulla and allow the building line to be determined and applied under the relevant development control plan, and
- (d) to amend the definition applying to bulky goods retailing to also include premises used primarily for the sale of electrical appliances and to allow the ancillary sale of foodstuffs or clothing, and
- (e) to allow certain community events to be held on public reserves or other public land without the need for development consent.

#### **3 Land to which plan applies**

- (1) In respect of the aims referred to in clause 2 (a)–(c), this plan applies to land shown edged heavy black on Sheets 1 and 2 of the map marked “Shoalhaven Local Environmental Plan 1985 (Amendment No 235)”, deposited in the office of the Council of the City of Shoalhaven.

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- (2) In respect of the aims referred to in clause 2 (d) and (e), this plan applies to all land 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.

## 2009 No 192

Shoalhaven Local Environmental Plan 1985 (Amendment No 235)

Schedule 1 Amendments

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### Schedule 1 Amendments

(Clause 4)

**[1] Clause 6 Interpretation**

Omit the definition of *bulky goods* from clause 6 (1). Insert instead:

*bulky goods premises* means a building or place used primarily for the sale by retail, wholesale or auction of (or for the hire or display of) bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

**[2] Clause 6 (1), definition of “the map”**

Insert in appropriate order:

Shoalhaven Local Environmental Plan 1985 (Amendment No 235)—Sheets 1 and 2

**[3] Clause 9 Zone objectives and development control table**

Omit “bulky goods retailing” from the Table to clause 9, wherever occurring, except in the matters relating to Zone No 3 (b) (Business “B” (Transitional) Zone), Zone No 3 (c) (Business “C1” (Neighbourhood) Zone), Zone No 4 (a) (Industrial “A” (General) Zone), Zone No 4 (b) (Industrial “B” (Light) Zone), and Zone No 4 (c) (Industrial “C” (Special) Zone).

Insert instead “bulky goods premises”.

**[4] Clause 9, Table**

Omit “bulky goods retailing” from the matters relating to Zone No 3 (b) (Business “B” (Transitional) Zone), Zone No 4 (a) (Industrial “A” (General) Zone), Zone No 4 (b) (Industrial “B” (Light) Zone), and Zone No 4 (c) (Industrial “C” (Special) Zone).

Insert instead “retailing of bulky goods”.

**[5] Clause 9, Table**

Omit “shops used for bulky goods retailing” from the matter relating to Zone No 3 (c) (Business “C1” (Neighbourhood) Zone).

Insert instead “bulky goods premises”.

**[6] Clause 40M**

Insert after clause 40L:

**40M Development of certain land at Ulladulla**

- (1) This clause applies to certain land at Ulladulla that is within Zone No 4 (b) (Industrial “B” (Light) Zone), as shown edged heavy black on Sheet 2 of the map marked “Shoalhaven Local Environmental Plan 1985 (Amendment No 235)”.
- (2) Despite any other provision of this plan, development that may be carried out with development consent on land in Zone No 6 (a) (Open Space—Recreation “A” (Existing) Zone) may also be carried out with development consent on this land.
- (3) Despite clause 9 (3), in determining an application for development consent for development pursuant to subclause (2), the Council must take into account the aims and objectives of this plan and the objectives of Zone No 6 (a) (Open Space—Recreation “A” (Existing) Zone).

**[7] Clause 51A**

Insert after clause 51:

**51A Development without consent on public reserves or other public land**

Despite any other provision of this plan, development consent is not required for the carrying out of development for the purpose of a community event that is open to the general public on a public reserve or on other public land owned or controlled by the Council, unless:

- (a) the community event includes the use of an adjoining body of water, or
- (b) the community event includes the use of air space by fireworks, aeroplanes, helicopters, hot air balloons, skydivers or the like, or
- (c) the community event includes or comprises a market or auction, or

## 2009 No 192

Shoalhaven Local Environmental Plan 1985 (Amendment No 235)

Schedule 1 Amendments

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- (d) the public reserve or other public land will be occupied for longer than 48 hours, including the set up and removal of any temporary structures or equipment, or
- (e) the community event is likely to cause interference with the amenity of neighbouring properties because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.