



New South Wales

Shoalhaven Local Environmental Plan 2014 (Amendment No 35)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

SARAH LEES

As delegate for the Minister for Planning and Public Spaces

Shoalhaven Local Environmental Plan 2014 (Amendment No 35)

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1 Name of Plan

This Plan is *Shoalhaven Local Environmental Plan 2014 (Amendment No 35)*.

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 all the land to which *Shoalhaven Local Environmental Plan 2014* applies and, in particular, to land in the following zones under the Plan—

- (a) Zone RU5 Village,
- (b) Zone R1 General Residential,
- (c) Zone R2 Low Density Residential,
- (d) Zone R3 Medium Density Residential.

4 Maps

The maps adopted by *Shoalhaven Local Environmental Plan 2014* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 Amendment of Shoalhaven Local Environmental Plan 2014

[1] Clause 1.8A Savings provision relating to development applications

Insert at the end of the clause—

- (2) If a development application has been made before the commencement of *Shoalhaven Local Environmental Plan 2014 (Amendment No 35)* in relation to land to which that Plan applies and the application has not been finally determined before that commencement, the application must be determined as if that Plan had not commenced.

[2] Clause 4.1 Minimum subdivision lot size

Insert after clause 4.1(3)—

- (3A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.

[3] Clause 4.1A

Omit the clause. Insert instead—

4.1A Minimum lot sizes for dual occupancies, manor houses, multi dwelling housing, multi dwelling housing (terraces) and residential flat buildings

- (1) The objectives of this clause are as follows—
- (a) to achieve planned residential density in certain zones,
 - (b) to ensure that the area and dimensions of a lot are able to accommodate development that is consistent with the objectives and development controls for dual occupancies, manor houses, multi dwelling housing, multi dwelling housing (terraces) and residential flat buildings,
 - (c) to minimise any likely adverse impact of development on the amenity of neighbouring properties.
- (2) Development consent must not be granted to development on a lot in a zone shown in Column 2 of the Table to this subclause for a purpose shown in Column 1 of the Table opposite that zone, unless the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table.

Column 1	Column 2	Column 3
Dual occupancy (attached)	RU5 Village, R1 General Residential and R2 Low Density Residential	500 square metres
Dual occupancy (detached)	RU5 Village, R1 General Residential and R2 Low Density Residential	700 square metres
Manor houses	RU5 Village, R1 General Residential and R3 Medium Density Residential	900 square metres
Multi dwelling housing	RU5 Village, R1 General Residential and R3 Medium Density Residential	900 square metres

Column 1	Column 2	Column 3
Multi dwelling housing (terraces)	RU5 Village, R1 General Residential and R3 Medium Density Residential	900 square metres
Residential flat buildings	RU5 Village, R1 General Residential and R3 Medium Density Residential	900 square metres

- (3) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.
- (4) Despite any other provision of this Plan, a dual occupancy, manor house, multi dwelling housing or multi dwelling housing (terraces) for which development consent has been granted in accordance with this clause may, with development consent, be subdivided into lots of any size to enable the resulting individual dwellings on those lots to have separate titles.
- (5) In this clause—
manor house and *multi dwelling housing (terraces)* have the same meaning as in clause 1.5 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
Note. Clause 3B.1A of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that development for the purposes of manor houses is permitted with development consent in Zones RU5, R1 and R3.

[4] Clause 4.1C Exceptions to minimum subdivision lot sizes for certain residential development

Omit “350 square metres” from clause 4.1C(3)(b). Insert instead “300 square metres”.

[5] Dictionary

Insert in alphabetical order—

battle-axe lot means a lot that has access to a road by an access handle.