



Planning Group

Explanatory Statement

DRAFT LOCAL ENVIRONMENTAL PLAN NO. LP 351

Review of the Provisions Contained Within Clause 28

File 27826

Background

Council resolved to review the provisions within clause 28 of the Shoalhaven Local Environmental Plan 1985 (Shoalhaven LEP) on 26 November 2002 due to the recent legislative amendments made to the Rural Fires Act (1997) which were introduced in August 2002.

Recent amendments to the Rural Fires Act 1997 require that consent not be granted for development on "bushfire prone land" (as defined in the amendments) unless it complies with *Planning for Bushfire Protection Guidelines 2001* or the NSW Rural Fires Service has been consulted in cases where this can not be achieved.

This draft plan aims to ensure that Shoalhaven LEP gives weight to bushfire management planning principles, having regard to the provisions contained within *Planning for Bushfire Protection Guidelines 2001*.

This draft LEP applies to all land within the City of Shoalhaven.

SEPP's REP's and Section 117 Directions

The following SEPP's REP's and Section 117 Directions, which substantially govern the context and operation of Shoalhaven LEP have been considered in the preparation of the draft LEP. The draft LEP is not inconsistent with the following.

- Environmental Planning and Assessment Model Provisions
- Planning for Bushfire Protection Guidelines 2001
- Section 117 Directions G1, G2, G7, G8, G8, G9, G10, G12-15, G18-22 and S26
- Determination and direction under s72 and 117(2) for plan made using s 68 delegation to Council officers
- State Environmental Planning Policies 14, 15, 16, 21, 22, 30, 33, 36, 44, 65, 71 and 72
- Illawarra Regional Environmental Plan No 1 Clauses 11, 16-31, 51, 58, 69-73, 95, 101, 105, 132 and 137
- Jervis Bay Regional Environmental Plan Clauses 4, 9, 12, 14, 15, 16, 17

- NSW Coastal policy Clauses 1.1.9, 1.1.10, 3.3.1, 5.1.2, 5.2.3, 5.2.11 and 6.4.2
- Coastline Management Manual

The remaining 117 Directions do not apply to the draft LEP.

Materials available for viewing with the draft LEP include: Shoalhaven LEP 1985; Jervis Bay Regional Environmental Plan; Illawarra Regional Environmental Plan, Ministerial Directions under Section 117 of the Environmental Planning & Assessment Act 1979; Planning for Bushfire Protection Guidelines 2001 and the Environmental Planning & Assessment Model Provisions.

A handwritten signature in black ink, appearing to read 'E J Royston', with a stylized flourish extending to the right.

E J Royston
Director Planning
Date: 7.7.04