



Port Stephens Local Environmental Plan 2000 (Amendment No 12)

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*. (N02/00317/S69)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2003 No 560

Clause 1 Port Stephens Local Environmental Plan 2000 (Amendment No 12)

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under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Port Stephens Local Environmental Plan 2000 (Amendment No 12)*.

2 Aims of plan

This plan aims:

- (a) to define *restricted premises* for the purposes of *Port Stephens Local Environmental Plan 2000* (the *principal plan*), and
- (b) to prohibit development for the purpose of restricted premises in all zones under that plan except Zones Nos 3 (a) Business General “A” Zone, 5 (g) Special Urban (Flood Affected Zone) and 7 (w) Environment Protection “W” (Waterways) Zone (where such development is allowed only with the consent of the Council of Port Stephens), and
- (c) to update a reference to a development control plan in clause 49 of the principal plan.

3 Land to which plan applies

This plan applies to all land to which *Port Stephens Local Environmental Plan 2000* applies.

4 Amendment of Port Stephens Local Environmental Plan 2000

Port Stephens Local Environmental Plan 2000 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clauses 11, 16 and 23

Insert in alphabetical order in Item 5 of the matters relating to Zones Nos 1 (a) (in the development control table to clause 11), 2 (a) and 2 (c) (in the development control table to clause 16), and 4 (a) (in the development control table to clause 23):

- restricted premises,

[2] Clause 49 What is exempt and complying development?

Omit “*Development Control Plan No 53* as adopted by the Council on 26 May 2000” wherever occurring.

Insert instead “*Development Control Plan PS8—Guidelines for Exempt and Complying Development* as adopted by the Council on 24 February 2003”.

[3] Clause 49 (4)

Omit “*Development Control Plan No 53*”.

Insert instead “*Development Control Plan PS8—Guidelines for Exempt and Complying Development*”.

[4] Dictionary

Insert in alphabetical order:

restricted premises means a building or place at which:

- (a) publications classified Category 1 restricted or Category 2 restricted under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth are shown exhibited, displayed, sold or otherwise rendered accessible or available to the public, or
- (b) a business to which section 578E of the *Crimes Act 1900* applies is conducted,

but does not include a newsagency or pharmacy.