



Port Stephens Local Environmental Plan 2000 (Amendment No 9)

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*. (N02/00239/PC)

DIANE BEAMER, M.P.,

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

2003 No 658

Clause 1 Port Stephens Local Environmental Plan 2000 (Amendment No 9)

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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 9)*.

2 Aims of plan

This plan aims to amend *Port Stephens Local Environmental Plan 2000*:

- (a) to remove a number of inappropriate land uses currently permissible in Zones Nos 1 (a) (Rural Agriculture “A” Zone), 2 (a) (Residential “A” Zone) and 2 (c) (Residential “C” Zone) to enhance consistency with the zoning objectives, and
- (b) to allow development for the purpose of a hotel or restaurant as a permissible land use in Zone No 1 (a) (Rural Agriculture “A” Zone) only if it is carried out in conjunction with tourist facilities, and
- (c) to modify the current definition of *retail plant nursery* to include premises also used for the sale of landscaping supplies and other landscaping or horticultural products, and
- (d) to omit redundant provisions.

3 Land to which plan applies

This plan applies to all land in the local government area of Port Stephens.

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] Clause 11 Rural zonings

Insert in alphabetical order in item 5 of the matter relating to Zone No 1 (a) (Rural Agriculture "A" Zone) in the development control table to the clause:

- bus stations,
- depots,
- material recycling facilities,
- places of assembly,
- road transport terminals,

[2] Clause 14A

Insert after clause 14:

14A Hotels and restaurants in Zone No 1 (a)

- (1) This clause applies to land within Zone No 1 (a).
- (2) Despite any other provision of this plan, the consent authority must not consent to development of any land to which this clause applies for the purpose of a hotel or restaurant unless the development is in conjunction with a tourist facility.

[3] Clause 16 Residential zonings

Insert in alphabetical order in item 5 of the matter relating to Zone No 2 (a) (Residential "A" Zone) in the development control table to the clause:

- bus stations,
- camp or caravan sites,
- clubs,
- places of assembly,

[4] Clause 16, development control table

Insert in alphabetical order in item 5 of the matter relating to Zone No 2 (c) (Residential "C" Zone):

- clubs,
- retail plant nurseries,

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Schedule 1 Amendments

[5] Clause 62 Particular development permitted with consent

Omit the following from the Table to clause 62:

Lot 8, DP 822162, corner Lavis Lane and Nelson Bay Road, Williamtown	Service station and associated restaurant and convenience store.	Development consent must be granted within one year after the appointed day.
Lot 1 DP 158268, No 3 Richardson Road, Lots 6 and 7 DP 240103, Nos 5 and 7 Richardson Road, Lots 20 and 23 DP 240103, No 2 and No 4 Road 559, new M.R. 518, Salt Ash	Service station and associated shops and restaurant.	Development consent must be granted within 3 years after the date on which <i>Port Stephens Local Environmental Plan 1987 (Amendment No 123)</i> took effect.
Lot 1, DP 854649— No 183 Cabbage Tree Road, Williamtown, as shown edged heavy black on the map marked <i>Port Stephens Local Environmental Plan 1987 (Amendment No 114)</i>	Service Centre, including service station and associated shops and restaurant.	Development consent must be granted within 3 years after the date on which <i>Port Stephens Local Environmental Plan 1987 (Amendment No 114)</i> took effect.

[6] Dictionary

Omit the definition of *retail plant nursery*.

Insert instead:

retail plant nursery means a building or place primarily used for the retail selling of plants, whether or not it is also used for the sale of landscaping supplies (including earth products) or other landscaping and horticultural products.

BY AUTHORITY
