



New South Wales

Port Stephens Local Environmental Plan 2000 (Amendment No 13)

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*. (N03/00090/S69)

DIANE BEAMER, M.P.,

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

2004 No 177

Clause 1 Port Stephens Local Environmental Plan 2000 (Amendment No 13)

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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 13)*.

2 Aims of plan

The aims of this plan are:

- (a) to identify an area as the Nelson Bay (West) Area and to divide that area into precincts, and
- (b) to prohibit development for the purposes of dual occupancy housing and urban housing in the Hill Tops precinct of that area, and
- (c) to recognise neighbourhood character and visual characteristics in that area by introducing minimum site area provisions for residential development so as to achieve more appropriate densities and better site-responsive design in the area, and
- (d) to exclude the use of *State Environmental Planning Policy No 1—Development Standards* for the development standard of a minimum site area per dwelling in the Nelson Bay (West) Area, except for residential lots created for dwelling houses prior to the commencement of this plan.

3 Land to which plan applies

This plan applies to land in the local government area of Port Stephens, as shown edged heavy black on the map marked “Nelson Bay (West) Area” deposited in the office of the Council 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 16 Residential zonings

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

- dual occupancy housing within the Hill Tops precinct of the Nelson Bay (West) Area,
- urban housing within the Hill Tops precinct of the Nelson Bay (West) Area,

[2] Clause 19

Omit the clause. Insert instead:

19 Dwelling-houses, dual occupancy housing and urban housing

- (1) Consent must not be granted to the erection of a dwelling-house, dual occupancy housing or urban housing on land in a zone, or on land within a precinct of the Nelson Bay (West) Area, specified in the Table to this subclause, unless:
 - (a) the allotment on which the existing or proposed building is, or is proposed to be, erected has an area of not less than the minimum area for each dwelling specified in the Table in respect of the type of housing, zone or precinct concerned, and
 - (b) the ratio of the gross floor area of the building to the site area of the allotment does not exceed the ratio identified for the relevant zone or precinct concerned, and
 - (c) the height of the building does not exceed the maximum height identified for the relevant zone or precinct concerned.

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Schedule 1 Amendments

Table

Housing type	Zone	Precinct (where specified)	Minimum site area per dwelling	Floor space ratio	Maximum height
Dwelling house	2 (a), 2 (c)	Unspecified areas	500 m ²	0.5:1	9 m
	2 (a)	Hill Tops	600 m ²	0.5:1	9 m
Dual occupancy housing	2 (a)	Unspecified areas	300 m ²	0.5:1	8 m
	2 (c)	Unspecified areas	250 m ²	0.5:1	8 m
	2 (a)	Upper Slopes	500 m ²	0.5:1	8 m
	2 (a), 2 (c)	Foreshore and Lower Slopes	300 m ²	0.5:1	8 m
	2 (a), 2 (c)	Town Centre Edge, Town Centre Housing, Wahgunyah Neighbourhood	250 m ²	0.5:1	8 m
Urban housing	2 (a)	Upper Slopes	500 m ²	0.5:1	8 m
	2 (a)	Unspecified areas	300 m ²	0.5:1	8 m
	2 (a)	Foreshore and Lower Slopes	300 m ²	0.5:1	8 m

Housing type	Zone	Precinct (where specified)	Minimum site area per dwelling	Floor space ratio	Maximum height
	2 (a)	Town Centre Edge, Wahgunyah Neighbourhood	250 m ²	0.5:1	8 m
	2 (c)	Town Centre Housing	150 m ²	1.8:1	15 m
	2 (c)	Foreshore, Unspecified areas	150 m ²	1.8:1	15 m

(2) *State Environmental Planning Policy No 1—Development Standards* does not apply to the minimum site area for each dwelling specified in the Table to subclause (1), other than for:

- (a) a dwelling not in the Nelson Bay (West) Area, or
- (b) a dwelling on land subdivided for that purpose before the date of commencement of *Port Stephens Local Environmental Plan 2000 (Amendment No 13)*.

[3] Clause 32 Environment protection zonings

Omit “• dual occupancy housing,” from Item (4) of the matter relating to Zone No 7 (f3) in the development control table to the clause.

Insert instead:

- dual occupancy housing, other than on land within the Hill Tops precinct of the Nelson Bay (West) Area,

[4] Dictionary

Insert in alphabetical order:

Nelson Bay (West) Area means the land shown edged heavy black on the map marked “Nelson Bay (West) Area” deposited in the office of the Council.

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precinct, in relation to the Nelson Bay (West) Area, means a precinct shown by black edging and identified as “Foreshore”, “Hill Tops”, “Lower Slopes”, “Town Centre Edge”, “Town Centre Housing”, “Upper Slopes” or “Wahgunyah Neighbourhood”, on the map marked “Nelson Bay (West) Area” deposited in the office of the Council.

BY AUTHORITY
