



New South Wales

Port Stephens Local Environmental Plan 2000 (Amendment No 21)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (NEW0000268/S69)

FRANK SARTOR, M.P.,
Minister for Planning

2006 No 121

Clause 1 Port Stephens Local Environmental Plan 2000 (Amendment No 21)

Port Stephens Local Environmental Plan 2000 (Amendment No 21)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Port Stephens Local Environmental Plan 2000 (Amendment No 21)*.

2 Aims of plan

The aims of this plan are:

- (a) to reduce the minimum allotment size required for the subdivision of land within Zone No 1 (c4) (Rural Small Holdings "C4" Zone) under *Port Stephens Local Environmental Plan 2000 (the principal plan)* from 5,000m² to 4,000m², and
- (b) to restate a prerequisite in the principal plan to the granting of consent to the subdivision of land in residential zones to create an allotment with an area of less than 500m², and
- (c) to allow the subdivision of land in the Hill Tops precinct of the Nelson Bay (West) Area to create an allotment with an area of less than 600m² for residential housing only if consent has already been granted for the erection of a dwelling on the allotment, and
- (d) to restate a prerequisite in the principal plan to the granting of consent to the erection of a dwelling-house, dual occupancy housing or urban housing on certain land, and
- (e) to rezone land from Zone No 1 (a) (Rural Agriculture "A" Zone) to Zone No 4 (a) (Industrial General "A" Zone) under the principal plan to match cadastral boundaries to remove unnecessary split zones, and
- (f) to rezone certain land dedicated to the Council of Port Stephens as either public reserve or drainage reserve from Zone No 2 (a) (Residential "A" Zone) to Zone No 6 (a) (General Recreation "A" Zone), and
- (g) to zone certain land that is currently unzoned to match the adjoining zones, and

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- (h) to correct a mapping error by rezoning certain waterways to Zone No 7 (w) (Environmental Protection “W” (Waterways) Zone) to match the cadastral boundary.

3 Land to which plan applies

In respect of the aims referred to in clause 2 (a), (b), (c) and (d), this plan applies to the whole of the land to which *Port Stephens Local Environmental Plan 2000* applies.

In respect of the aims referred to in clause 2 (e), (f), (g) and (h), this plan applies to land in the local government area of Port Stephens, being:

- (a) Lots 18–22 DP 842153 and Lot 231 DP 1016957, Nos 14, 16, 18, 20, 22 and 24 Laverick Avenue, Tomago (in respect of clause 2 (e)), and
- (b) Lot 1100 DP 1072449, No 816 Medowie Road and Lot 749 DP 1033896, No 157 Kindlebark Drive, Medowie (in respect of clause 2 (f)), and
- (c) Lot 1039 DP 1062665, No 48 Casuarina Avenue, Medowie (in respect of clause 2 (f)), and
- (d) Lot 22 DP 1064337, No 10 Primary Crescent, Nelson Bay (in respect of clause 2 (f)), and
- (e) Lot 1 DP 1064917, No 401 Tarean Road, Karuah (in respect of clause 2 (g)), and
- (f) Lot 537 DP 823701, No 18 Frost Road, One Mile (in respect of clause 2 (g)), and
- (g) parts of certain waterways known as Tilligerry Creek (in respect of clause 2 (h)),

as shown distinctively coloured and lettered on the maps numbered 1 to 7 marked “Port Stephens Local Environmental Plan 2000 (Amendment No 21)” 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.

2006 No 121

Port Stephens Local Environmental Plan 2000 (Amendment No 21)

Schedule 1 Amendments

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(Clause 4)

[1] Clause 13 Minimum allotment sizes for the subdivision of rural land within rural small holding zones

Omit “5,000” from the clause 13 (1) (d). Insert instead “4,000”.

[2] Clause 17 Subdivision in residential zones

Omit clause 17 (2). Insert instead:

- (2) Consent for the subdivision of land (other than land to which subclause (3) applies) to create an allotment with an area of less than 500m² that is, in the opinion of the consent authority, intended to be used for the purpose of residential housing is to be granted only if consent has been granted, or is granted at the same time, for the erection of a dwelling on that allotment.
- (3) Consent for the subdivision of land in the Hill Tops precinct of the Nelson Bay (West) Area to create an allotment with an area of less than 600m² that is, in the opinion of the consent authority, intended to be used for the purpose of residential housing, is to be granted only if consent has been granted for the erection of a dwelling on that allotment.

[3] Clause 19 Dwelling-houses, dual occupancy housing and urban housing

Omit “existing or proposed building is, or is proposed to be,” from clause 19 (1) (a).

Insert instead “building is proposed to be”.

[4] Dictionary, definition of “the map”

Insert in appropriate order:

Port Stephens Local Environmental Plan 2000 (Amendment No 21)—Sheets 1 to 7

BY AUTHORITY