



New South Wales

## **Port Stephens Local Environmental Plan 2000 (Amendment No 29)**

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*. (N08/00020/PC-1)

KRISTINA KENEALLY MP  
Minister for Planning

## **2009 No 46**

Clause 1 Port Stephens Local Environmental Plan 2000 (Amendment No 29)

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### **Port Stephens Local Environmental Plan 2000 (Amendment No 29)**

under the

Environmental Planning and Assessment Act 1979

#### **1 Name of plan**

This plan is *Port Stephens Local Environmental Plan 2000 (Amendment No 29)*.

#### **2 Aims of plan**

The aims of this plan are:

- (a) to facilitate the establishment of a sustainable employment hub associated with RAAF Base Williamtown and Newcastle Airport, and
- (b) to provide for the adequate provision of infrastructure, facilities and services to that employment hub.

#### **3 Land to which plan applies**

This plan applies to land shown as being within Zone SP1 Defence and Airport Related Employment Development on the map marked "Port Stephens Local Environmental Plan 2000 (Amendment No 29)".

#### **4 Amendment of Port Stephens Local Environmental Plan 2000**

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

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## Schedule 1 Amendments

(Clause 4)

**[1] Clause 26 Special use zonings**

Insert the following after the matter relating to Zone No 5 (g):

Zone SP1 Defence and Airport Related Employment  
Development Zone—lettered SP1 on the map.

**[2] Clause 26 (2)**

Insert immediately before the development control table to clause 26:

- (2) A word or expression used in the matter relating to Zone SP1 Defence and Airport Related Employment Development Zone in the development control table to this clause has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

**[3] Clause 26, Development control table**

Insert the following after the matter relating to Zone No 5 (g):

**Zone SP1 Defence and Airport Related Employment  
Development Zone**

**(1) Description of the zone**

The SP1 Defence and Airport Related Employment Development Zone identifies land for defence and airport related employment development purposes.

**(2) Objectives of the zone**

The objectives of the SP1 Defence and Airport Related Employment Development Zone are:

- (a) to provide opportunities for the establishment of employment generating activities supporting the ongoing operation of RAAF Base Williamtown and Newcastle Airport, and
- (b) to permit development that is appropriate and supportive to the continued operation of RAAF Base Williamtown and Newcastle Airport in terms of its land use type and location within the employment zone, and

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- (c) to prevent development that is not compatible with or that may compromise the continued operation of RAAF Base Williamtown or Newcastle Airport, and
- (d) to minimise any adverse impacts on the surrounding land while protecting the inherent natural qualities and groundwater recharge areas, and
- (e) to minimise the impact of the particular characteristics of the site including flooding constraints, groundwater quality and surface drainage, and
- (f) to prevent urban encroachment to airfield operations.

#### **(3) Development allowed without development consent**

Environmental protection works.

#### **(4) Development allowed only with development consent**

Development for the purpose of:

- advertisements,
- airports,
- bushfire hazard reduction work,
- business premises,
- car parks,
- clearing,
- earthworks,
- educational establishments,
- freight transport facilities,
- heliports,
- hotel or motel accommodation,
- industries,
- information and education facilities,
- kiosks,
- neighbourhood shops,
- office premises,
- public administration buildings,
- recreation facilities (indoor),

- recreation facilities (outdoor),
- restaurants,
- service stations,
- vehicle repair stations,
- warehouse or distribution centres.

**(5) Development which is prohibited**

Any development not included in Item 3 or 4.

**[4] Clauses 26A–26C**

Insert after clause 26:

**26A Development in the vicinity of RAAF Base Williamtown/Newcastle Airport**

- (1) This clause applies to land within Zone SP1 Defence and Airport Related Employment Development.
- (2) Despite any other provisions of this plan, consent to any development on land to which this clause applies must not be granted unless the consent authority is satisfied that:
  - (a) it complies with the relevant provisions of Australian Standard AS 2021–2000, *Acoustics—Aircraft noise intrusion—Building siting and construction* as applicable, and
  - (b) it will not compromise the continued operation of RAAF Base Williamtown or Newcastle Airport, and
  - (c) the location and type of development supports a focused defence and airport related employment area.

**26B Restrictions on certain subdivisions—infrastructure, facilities and services**

- (1) This clause applies to land within Zone SP1 Defence and Airport Related Employment Development, but does not apply to such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).
- (2) The object of this clause is to require assistance towards the provision of designated State public infrastructure to satisfy needs that arise from development on land to which this clause applies, but only if the land is developed intensively for urban purposes.

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- (3) Despite any other provision of this plan, the consent authority must not grant consent to the subdivision of land to which this clause applies if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the commencement of *Port Stephens Local Environmental Plan 2000 (Amendment No 29)*, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure referred to in subclause (2) in relation to that lot.
- (4) Subclause (3) does not apply to any lot:
  - (a) identified as a residue lot, or
  - (b) that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities, or any other public purpose.
- (5) Subclause (3) does not apply to a subdivision for the purpose only of rectifying an encroachment on any existing allotment.
- (6) *State Environmental Planning Policy No 1—Development Standards* does not apply to development for the purposes of subdivision on land to which this clause applies.
- (7) In this clause, **designated State public infrastructure** means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:
  - (a) State and regional roads,
  - (b) bus interchanges and bus lanes,
  - (c) rail infrastructure and land,
  - (d) land required for regional open space,
  - (e) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

### **26C Subdivision of land zoned SP1 Defence and Airport Related Employment Development**

- (1) A person must not subdivide land within Zone SP1 Defence and Airport Related Employment Development except with the consent of the consent authority.

- (2) The consent authority may grant consent for a subdivision of land within Zone SP1 Defence and Airport Related Employment Development only if each allotment to be created by the proposed subdivision will be of a size, and will have a ratio of depth to frontage, that the consent authority considers appropriate:
- (a) having regard to the purpose for which the allotment is intended to be used, or
  - (b) to facilitate the future development of the land for defence and airport related employment development.