



New South Wales

Port Stephens Local Environmental Plan 2000 (Amendment No 38)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

NEIL McGAFFIN

As delegate for the Minister for Planning and Infrastructure

2013 No 371

Clause 1 Port Stephens Local Environmental Plan 2000 (Amendment No 38)

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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 38)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to land at Boundary Road, Medowie, being Lots 93–96, DP 753194, as shown edged heavy black on the map marked “Port Stephens Local Environmental Plan 2000 (Amendment No 38)” deposited in the office of Port Stephens Council.

Schedule 1 Amendment of Port Stephens Local Environmental Plan 2000

[1] Clauses 54CA and 54CB

Insert after clause 54C:

54CA Minimum lot size on land at Boundary Road, Medowie

- (1) This clause applies to land at Boundary Road, Medowie, being part of Lots 93–96, DP 753194, as shown edged heavy black and lettered “1(c4)” on the map marked “Port Stephens Local Environmental Plan 2000 (Amendment No 38)”.
- (2) Despite any other provision of this plan, development consent may be granted to the subdivision of land to which this clause applies if each lot to be created will be at least 1,000 square metres.

54CB Development at Boundary Road, Medowie

- (1) This clause applies to land at Boundary Road, Medowie, being Lots 93–96, DP 753194, as shown edged heavy black on the map marked “Port Stephens Local Environmental Plan 2000 (Amendment No 38)”.
- (2) Despite any other provision of this plan, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that arrangements, acceptable to the consent authority and the Office of Environment and Heritage, have been made for the ongoing protection and management, for conservation purposes, of the land.

[2] Part 3, Division 5

Insert after Division 4:

Division 5 Urban release areas

63 Definitions

In this Division:

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,

2013 No 371

Port Stephens Local Environmental Plan 2000 (Amendment No 38)

Schedule 1 Amendment of Port Stephens Local Environmental Plan 2000

- (b) bus interchanges and bus lanes,
- (c) land required for regional open space,
- (d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

public utility infrastructure, in relation to an urban release area, means infrastructure for any of the following:

- (a) the supply of water,
- (b) the disposal and management of waste,
- (c) the disposal and management of sewage.

urban release area means the land edged heavy black and lettered “1(c4)” or “1(c5)” on the map marked Port Stephens Local Environmental Plan 2000 (Amendment No 38).

64 Arrangements for designated State public infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, 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 in relation to that lot.
- (3) Subclause (2) does not apply to:
 - (a) any lot identified in the certificate as a residue lot, or
 - (b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or
 - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
 - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.

- (4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).
- (5) *State Environmental Planning Policy No 1—Development Standards* does not apply to the subdivision of land to which subclause (2) applies.

65 Public utility infrastructure

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

66 Development control plan

- (1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.
- (3) The development control plan must provide for all of the following:
 - (a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,
 - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
 - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,

2013 No 371

Port Stephens Local Environmental Plan 2000 (Amendment No 38)

Schedule 1 Amendment of Port Stephens Local Environmental Plan 2000

- (d) a network of active and passive recreation areas,
 - (e) stormwater and water quality management controls,
 - (f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
 - (g) detailed urban design controls for significant development sites,
 - (h) measures to encourage higher density living around transport, open space and service nodes,
 - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
 - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (4) Subclause (2) does not apply to any of the following development:
- (a) a subdivision of land for the purpose of a realignment of boundaries that does not create additional lots,
 - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environment protection purpose,
 - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
 - (d) development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

[3] Dictionary

Insert in appropriate order in the definition of *the map*:

Port Stephens Local Environmental Plan 2000 (Amendment No 38)