



New South Wales

Port Stephens Local Environmental Plan 2013 (Amendment No 16)

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*.

MONICA GIBSON

As delegate for the Minister for Planning

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1 Name of Plan

This Plan is *Port Stephens Local Environmental Plan 2013 (Amendment No 16)*.

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 in the following zones under *Port Stephens Local Environmental Plan 2013*:

- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape,
- (c) Zone RU3 Forestry,
- (d) Zone R5 Large Lot Residential,
- (e) Zone E2 Environmental Conservation,
- (f) Zone E3 Environmental Management,
- (g) Zone E4 Environmental Living.

Schedule 1 Amendment of Port Stephens Local Environmental Plan 2013

Clause 4.1E

Insert after clause 4.1D:

4.1E Boundary adjustments of land in certain rural, residential and environment protection zones

- (1) The objective of this clause is to facilitate boundary adjustments between lots where one or more resulting lots do not meet the minimum lot size but the objectives of the relevant zone can be achieved.
- (2) This clause applies to land in the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU3 Forestry,
 - (d) Zone R5 Large Lot Residential,
 - (e) Zone E2 Environmental Conservation,
 - (f) Zone E3 Environmental Management,
 - (g) Zone E4 Environmental Living.
- (3) Despite clause 4.1, development consent may be granted to subdivide land by way of a boundary adjustment between adjoining lots where one or more resulting lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land, if the consent authority is satisfied that:
 - (a) the subdivision will not create additional lots or the opportunity for additional dwellings, and
 - (b) the number of dwellings or opportunities for dwellings on each lot after the subdivision will remain the same as before the subdivision, and
 - (c) the potential for land use conflict will not be increased as a result of the subdivision, and
 - (d) in relation to land in Zone RU1 Primary Production, Zone RU2 Rural Landscape or Zone RU3 Forestry—the subdivision will not have a significant adverse effect on the agricultural viability of the land, and
 - (e) in relation to land in Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living—the subdivision will result in the continued protection and long-term maintenance of the land.
- (4) In determining a development application for the subdivision of land under this clause, the consent authority must consider the following:
 - (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
 - (b) whether the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
 - (c) whether the subdivision is likely to be incompatible with a land use on any adjoining land,
 - (d) whether the subdivision is appropriate having regard to the natural and physical constraints affecting the land,

- (e) whether the subdivision will alienate water resources or access to water for agriculture,
 - (f) whether the subdivision is likely to have a significant adverse impact on the environmental values of the land.
- (5) This clause does not apply to the subdivision of land under the *Community Land Development Act 1989* or under the *Strata Schemes (Freehold Development) Act 1973*.