



New South Wales

Port Stephens Local Environmental Plan 2013 (Amendment No 34)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

**ELIZABETH LAMB, STRATEGIC PLANNING CO-ORDINATOR, STRATEGY AND
ENVIRONMENT
PORT STEPHENS COUNCIL
As delegate for the local plan-making authority**

Port Stephens Local Environmental Plan 2013 (Amendment No 34)

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Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Port Stephens Local Environmental Plan 2013 (Amendment No 34)*.

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 Zone R3 Medium Density Residential and Zone B2 Local Centre within the Nelson Bay Precinct identified on the Precinct Areas Map under *Port Stephens Local Environmental Plan 2013*.

4 Maps

The maps adopted by *Port Stephens Local Environmental Plan 2013* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 Amendment of Port Stephens Local Environmental Plan 2013

[1] Clause 4.4

Omit the clause. Insert instead—

4.4 Floor space ratio

- (1) The objectives of this clause are as follows—
 - (a) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,
 - (b) to provide a suitable balance between landscaping and built form,
 - (c) to minimise the effects of bulk and scale of buildings.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

[2] Part 7 Additional local provisions

Insert at the end of the Part, with appropriate clause numbering—

Active street frontages

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages.
- (2) This clause applies to land identified as “Active street frontage” on the Active Street Frontages Map.
- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that, after the erection or change of use—
 - (a) all premises that face the street on the ground floor of the building will be used for the purposes of business premises or retail premises, and
 - (b) those premises will have active street frontages.
- (4) For the purposes of subclause (3), an active street frontage is not required for a part of a building used for any of the following—
 - (a) entrances and lobbies, including as part of mixed use development,
 - (b) access for fire services,
 - (c) vehicular access.

Minimum building street frontages for development in Zones R3 and B2

- (1) The objective of this clause is to ensure that, visually, buildings have appropriate overall horizontal proportions compared to their vertical proportions.
- (2) This clause applies to land in Zone R3 Medium Density Residential and Zone B2 Local Centre within the Nelson Bay Precinct identified on the Precinct Areas Map.
- (3) A building erected on land to which this clause applies must have at least 1 street frontage of 15 metres or more.
- (4) Despite subclause (3), the consent authority may grant development consent to the erection of a building that does not comply with that subclause if the consent authority is satisfied that—

- (a) due to the physical constraints of the site or an adjoining site, it is not possible for the building to be erected with at least 1 street frontage of 15 metres or more, and
 - (b) the erection of the building is consistent with the other relevant provisions of this Plan.
- (5) Nothing in this clause restricts the operation of clause 4.6.

[3] Dictionary

Insert in alphabetical order—

Active Street Frontages Map means the Port Stephens Local Environmental Plan 2013 Active Street Frontages Map.

[4] Dictionary

Omit the definition of *Floor Space Ratio Map*. Insert instead—

Floor Space Ratio Map means the Port Stephens Local Environmental Plan 2013 Floor Space Ratio Map.