



New South Wales

Port Stephens Local Environmental Plan 2013 (Amendment No 40)

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*.

DAN SIMPKINS

As delegate for the Minister for Planning

Port Stephens Local Environmental Plan 2013 (Amendment No 40)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Port Stephens Local Environmental Plan 2013 (Amendment No 40)*.

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 the land to which *Port Stephens Local Environmental Plan 2013* applies.

Schedule 1 Amendment of Port Stephens Local Environmental Plan 2013

[1] Land Use Table

Insert at the end of item 1 of the matter relating to Zone RU1 Primary Production—

- To facilitate a variety of tourist and visitor-orientated land uses that complement and promote a stronger rural sector appropriate for the area.

[2] Land Use Table, Zone RU1 Primary Production, item 3

Insert “Artisan food and drink industries;”, “Charter and tourism boating facilities;”, “Secondary dwellings;”, “Recreation facilities (outdoor);”, “Research stations;” and “Rural supplies;” in appropriate order.

[3] Land Use Table, Zone RU2 Rural Landscape, item 1

Insert at the end of the item—

- To facilitate a variety of tourist and visitor-orientated land uses that complement and promote a stronger rural sector appropriate for the area.

[4] Land Use Table, Zone RU2 Rural Landscape, item 3

Insert “Artisan food and drink industries;” “Charter and tourism boating facilities;”, “Function centres;”, “Garden centres;”, “High technology industries;”, “Research stations;”, “Restaurants or cafes;”, “Recreation facilities (indoor);”, “Recreation facilities (major);”, “Rural supplies;” and “Secondary dwellings;” in appropriate order.

[5] Clause 5.4 Controls relating to miscellaneous permissible uses

Omit “6” from clause 5.4(5). Insert instead “12”.

[6] Clause 5.5

Omit the clause. Insert instead—

5.5 Controls relating to secondary dwellings on land in a rural zone

If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—

- (a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—
 - (i) 100 square metres,
 - (ii) 40% of the total floor area of the principal dwelling, and
- (b) [Not adopted]