



New South Wales

Port Stephens Local Environmental Plan 2013 (Amendment No 37)

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*.

STEVEN PEART, GROUP MANAGER, DEVELOPMENT SERVICES
PORT STEPHENS COUNCIL
As delegate for the local plan-making authority

Port Stephens Local Environmental Plan 2013 (Amendment No 37)

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1 Name of Plan

This Plan is *Port Stephens Local Environmental Plan 2013 (Amendment No 37)*.

2 Commencement

- (1) This Plan commences on the day on which it is published on the NSW legislation website, except as provided by subclause (2).
- (2) Schedule 1[12] commences on 1 September 2022.

3 Land to which Plan applies

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

Schedule 1 Amendment of Port Stephens Local Environmental Plan 2013

[1] Clause 1.2 Aims of Plan

Omit clause 1.2(2)(aa)–(j). Insert instead—

- (a) to cultivate a sense of place that promotes community well-being and quality of life,
- (b) to provide for a diverse and compatible mix of land uses,
- (c) to protect and conserve environmental values,
- (d) to facilitate economic growth that contributes to long-term employment,
- (e) to provide opportunities for housing choice and support services tailored to the needs of the community,
- (f) to conserve and respect the heritage and cultural values of the natural and built environments,
- (g) to promote an integrated approach to the provision of infrastructure and transport services,
- (h) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts.

[2] Land Use Table

Insert “Centre-based child care facilities;” and “Respite day care centres;” in appropriate order in item 3 of the matter relating to Zone RU2 Rural Landscape.

[3] Land Use Table, Zone B1 Neighbourhood Centre, item 2

Omit “Environmental protection works;”.

[4] Land Use Table, Zone B3 Commercial Core, item 3

Omit “Dwelling houses;”.

[5] Land Use Table, Zone B3 Commercial Core, item 4

Insert “;” after “aquaculture”.

[6] Land Use Table, Zone B4 Mixed Use, item 4

Insert “;” after “aquaculture”.

[7] Land Use Table, Zone RE1 Public Recreation, item 3

Omit “Flood mitigation works;”.

[8] Clause 4.1C Exceptions to minimum lot sizes for certain residential development

Insert “or more” after “into 2” in clause 4.1C(4)(a).

[9] Clause 4.2B

Omit the clause. Insert instead—

4.2B Erection of dual occupancies and dwelling houses on land in certain rural and conservation zones

- (1) The objectives of this clause are as follows—
 - (a) to minimise unplanned rural residential development,

- (b) to enable the replacement of lawfully erected dual occupancies and dwelling houses in rural and conservation zones.
 - (2) This clause applies to land in the following zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone C2 Environmental Conservation,
 - (d) Zone C3 Environmental Management.
 - (3) Development consent must not be granted for the erection of a dual occupancy or a dwelling house on land to which this clause applies unless the land—
 - (a) is a lot with at least the minimum lot size shown on the Lot Size Map for the land, or
 - (b) is a lot created before this Plan commenced—
 - (i) on which the erection of a dual occupancy or a dwelling house was permitted immediately before the commencement, and
 - (ii) with an area of at least 4,000m², or
 - (c) is a lot—
 - (i) created by a boundary adjustment in accordance with clause 4.1E, and
 - (ii) on which the erection of a dual occupancy or a dwelling house was permitted immediately before the boundary adjustment, or
 - (d) would have been a lot referred to in paragraph (a), (b) or (c) had it not been affected by—
 - (i) a minor realignment of its boundaries that did not create an additional lot, or
 - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
 - (iii) a consolidation with an adjoining public road or public reserve or for another public purpose.
- Note—** A dwelling must not be erected on a lot created under clause 4.2.
- (4) A dual occupancy or a dwelling house may be erected on land to which this clause applies if—
 - (a) there is a lawfully erected dual occupancy or dwelling house on the land, and
 - (b) the dual occupancy or dwelling house to be erected is intended only to replace the existing dual occupancy or dwelling house.

[10] Clauses 7.13, 7.17, 7.19 and 7.21

Omit the clauses.

[11] Schedule 2 Exempt development

Omit “(When this Plan was made this Schedule was blank)”. Insert instead—

Temporary use of Council land, schools and places of public worship

- (1) Must be the temporary use of—
 - (a) land owned by the Council, or
 - (b) land, including roads and Crown land, for which the Council has care, control or management, or

- (c) a school, or
- (d) a place of public worship.
- (2) Must be for a maximum period of 52 days, whether consecutive or not, in a 12-month period.
- (3) Must be of minor impact.
- (4) Must not—
 - (a) compromise future development on the land, or
 - (b) adversely impact—
 - (i) adjoining land, or
 - (ii) the amenity of the neighbourhood, or
 - (c) in relation to the use and location of related structures—
 - (i) adversely impact the environmental attributes or features of the land, or
 - (ii) increase the risk of natural hazards that may affect the land.
- (5) Must involve, at the end of the use, the restoration of the land, as far as practicable, to the condition it was in before the use commenced.

Note— Approvals may be required under the *Local Government Act 1993* and other legislation in relation to the temporary use, including for the closure of roads, the erection of temporary structures and the conduct of activities on public land.

[12] Schedule 2

Insert in alphabetical order—

Signage—sports field advertising

- (1) Must be located on an amenity facility or ancillary structure.
- (2) Must be installed in accordance with—
 - (a) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*, and
 - (b) AS/NZS 1170.2:2021, *Structural design actions, Part 2: Wind actions*.
- (3) Must only provide information about sponsors, or products of sponsors, of teams or organisations using the sporting facility.
- (4) Must not contain direct advertising for the following—
 - (a) alcohol or tobacco products,
 - (b) gambling,
 - (c) a form of entertainment involving nudity, an act of indecency, or sexual activity.
- (5) Must not be illuminated.
- (6) Must not obstruct a gate, access point or walkway.
- (7) Must be removable.