



New South Wales

Port Stephens Local Environmental Plan 2013 (Amendment No 44)

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*.

ROMINA VELARDE, CADET PLANNER
PORT STEPHENS COUNCIL
As delegate for the local plan-making authority

Port Stephens Local Environmental Plan 2013 (Amendment No 44)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Port Stephens Local Environmental Plan 2013 (Amendment No 44)*.

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

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 5.22 Special flood considerations

Omit the clause. Insert instead—

Clause 5.22 Special flood considerations

- (1) The objectives of this clause are as follows—
 - (a) to enable the safe occupation and evacuation of people subject to flooding,
 - (b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,
 - (c) to avoid adverse or cumulative impacts on flood behaviour,
 - (d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,
 - (e) to avoid adverse effects of hazardous development on the environment during flood events.
- (2) This clause applies to—
 - (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and
 - (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—
 - (i) cause a particular risk to life, and
 - (ii) require the evacuation of people or other safety considerations.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—
 - (a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and
 - (b) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (c) will adversely affect the environment in the event of a flood.
- (4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.
- (5) In this clause—

Considering Flooding in Land Use Planning Guideline—see clause 5.21(5).

flood planning area—see clause 5.21(5).

Flood Risk Management Manual—see clause 5.21(5).

probable maximum flood has the same meaning as in the Flood Risk Management Manual.

sensitive and hazardous development means development for the following purposes—
 - (a) boarding houses,
 - (b) caravan parks,

- (c) correctional centres,
- (d) early education and care facilities,
- (e) eco-tourist facilities,
- (f) educational establishments,
- (g) emergency services facilities,
- (h) group homes,
- (i) hazardous industries,
- (j) hazardous storage establishments,
- (k) hospitals,
- (l) hostels,
- (m) information and education facilities,
- (n) respite day care centres,
- (o) seniors housing,
- (p) sewerage systems,
- (q) tourist and visitor accommodation,
- (r) water supply systems.

[2] Schedule 5 Environmental heritage

Omit Part 1, item no I79. Insert in appropriate order—

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