



New South Wales

Port Stephens Local Environmental Plan 2000 (Amendment No 18)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(10/16469)

TOM GELLIBRAND

As delegate for the Minister for Planning and Infrastructure

2011 No 228

Clause 1 Port Stephens Local Environmental Plan 2000 (Amendment No 18)

Port Stephens Local Environmental Plan 2000 (Amendment No 18)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Port Stephens Local Environmental Plan 2000 (Amendment No 18)*.

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 at Rees James Road, Raymond Terrace, as shown edged heavy black, coloured pink and lettered “2 (a)” on the map marked “Port Stephens Local Environmental Plan 2000 (Amendment No 18)” deposited in the office of Port Stephens Council.

Schedule 1 Amendment of Port Stephens Local Environmental Plan 2000

[1] Part 3 Special provisions

Insert after Division 2:

Division 2A Special provisions relating to land at Rees James Road, Raymond Terrace

54D Application of Division

This Division applies to land at Rees James Road, Raymond Terrace, as shown edged heavy black, coloured pink and lettered “2 (a)” on the map marked “Port Stephens Local Environmental Plan 2000 (Amendment No 18)”.

54E Development in areas subject to airport noise

- (1) The objectives of this clause are as follows:
 - (a) to prevent certain noise sensitive developments from being located near Newcastle Airport, RAAF Base Williamtown and their flight paths,
 - (b) to assist in minimising the impact of aircraft noise from those airports and their flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
 - (c) to ensure that land use and development in the vicinity of those airports do not hinder or have any other adverse impact on the ongoing, safe and efficient operation of those airports.
- (2) This clause applies to development that:
 - (a) is on land to which this Division applies:
 - (i) that is near Newcastle Airport and RAAF Base Williamtown, and
 - (ii) that is in an ANEF contour of 20 or greater, and
 - (b) the consent authority considers is likely to be adversely affected by aircraft noise.
- (3) Before determining a development application for development to which this clause applies, the consent authority:
 - (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and

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- (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, and
 - (c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.
- (4) In this clause:
- ANEF contour*** means a noise exposure contour shown as an ANEF contour on the Noise Exposure Forecast Contour Map for Newcastle Airport and RAAF Base Williamtown prepared by the Department of the Commonwealth responsible for airports.
- AS 2021—2000*** means AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

54F Arrangements for designated State public infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land to which this Division applies if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the commencement of this Division, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.
- (3) Subclause (2) does not apply to:
 - (a) any lot identified in the certificate as a residue lot, or
 - (b) any lot to be created by a subdivision on land that was the subject of a previous development consent granted in accordance with this clause, or
 - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
 - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.

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- (4) This clause does not apply if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).

54G Public utility infrastructure

- (1) Development consent must not be granted for development on land to which this Division applies unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.
- (3) In this clause, **public utility infrastructure** includes infrastructure for any of the following:
- (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the disposal and management of sewage.

54H Relationship between Division and remainder of Plan

A provision of this Division prevails over any other provision of this Plan to the extent of any inconsistency.

[2] Dictionary

Insert in appropriate order in the definition of ***the map***:

Port Stephens Local Environmental Plan 2000 (Amendment No 18)