



PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Port Stephens Local Environmental Plan (Amendment No 17)

Your ref: Jessica Franklin PSC2014-00920
Our ref: FHG e2016-259.d05

In my opinion the attached draft environmental planning instrument may legally be made.

When the environmental planning instrument is made, a map cover sheet that lists the final form of the maps adopted by the instrument should be signed by the person making the instrument.

A handwritten signature in black ink, appearing to be 'D Colagiuri', with a long horizontal stroke extending to the right.

(D COLAGIURI)
Parliamentary Counsel

20 October 2016



New South Wales

Port Stephens Local Environmental Plan 2013 (Amendment No 17)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979.

Minister for Planning

Jeffrey Bretag
JEFFREY BRETAG
STRATEGIC PLANNING COORDINATOR (ACTING)
PORT STEPHENS COUNCIL
03/11/2016

AS DELEGATE FOR THE
MINISTER FOR PLANNING

Port Stephens Local Environmental Plan 2013 (Amendment No 17)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Port Stephens Local Environmental Plan 2013 (Amendment No 17)*.

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 following land at Medowie:

- (a) Lots 4 and 5, DP 270731, 1/1 and 2/1 Heritage Avenue,
- (b) Lot 61, DP 1106425, 1A Heritage Avenue,
- (c) Lots 3, 2, 6 and 1, DP 270731, 140, 140A, 140B and 140C Kindlebark Drive,
- (d) Lot 10, DP 1154803, 142 Kindlebark Drive.

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 Minister on the making of this Plan.

Schedule 1 Amendment of Port Stephens Local Environmental Plan 2013

Schedule 1 Additional permitted uses

Insert at the end of the Schedule, with appropriate clause numbering:

Use of certain land at 142 Kindiebark Drive, Medowie

- (1) This clause applies to land at 142 Kindiebark Drive, Medowie, being Lot 10, DP 1154803.
- (2) Development for any of the following purposes is permitted with development consent:
 - (a) business premises, a shop and take away food and drink premises,
 - (b) cellar door premises,
 - (c) function centre,
 - (d) hotel or motel accommodation,
 - (e) restaurant or cafe,
 - (f) small bar.
- (3) Development consent must not be granted to any development for the purposes set out in subclause (2) (a) unless:
 - (a) the gross floor area of each business premises, shop and take away food and drink premises does not exceed 100m², and
 - (b) the total floor area of all business premises, shops and take away food and drink premises does not exceed 15% of the area of the land to which this clause applies.