

Sydney Local Environmental Plan 2005 (Amendment No.4) (section 73A amendment)

Proposal Title : **Sydney Local Environmental Plan 2005 (Amendment No.4) (section 73A amendment)**

Proposal Summary : **Proposed amendment to clause 52a of Sydney local Environmental Plan 2005 under section 73A of the Environmental Planning and Assessment Act 1979 to correct an error in the description of 'block 2'**

PP Number : **PP_2012_SYDNE_004_00** Dop File No : **12/15935-1**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions :

Additional Information : **Not proceed.**

Supporting Reasons : **Council's proposed section 73A amendment should not proceed because:**

1. It cannot be considered a minor matter or an obvious error. The insertion of Lot 1 DP 913005 into the description of development block 2 will significantly alter Sydney LEP 2005 as it was not previously identified as part of development block 2, either in the written instrument or associated LEP maps. The amendment would need to be made via a planning proposal.
2. Draft Sydney LEP 2012 rectifies the problem identified in Councils submission by inserting the missing lot description into the description of development block 2 in the APDG site and excluding Mirvac's development application from the savings provisions to allow that application to be assessed under draft Sydney LEP 2012 when made, avoiding any delays.
3. It is highly unlikely that the proposed amendment to Sydney LEP 2005 would be made before draft Sydney LEP 2012 meaning the proposed amendment would have no effect.

Panel Recommendation

Recommendation Date : **11-Oct-2012** Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **It has been determined that this is a minor amendment under s73A of the EP&A Act and public exhibition and agency consultation is not required in this instance. Therefore, the Department in consultation with Council and Parliamentary Counsel will now make the necessary arrangements to finalise the LEP.**

The amending Local Environmental Plan (LEP) is to be finalised within 3 months of the week following the date of this letter. The Regional Planning Team will remain your principal contact on this matter and will be able to advice on the progress of the draft LEP.

Signature: _____

Printed Name: Neil McGowan

Date: 16.10.12