

ATTACHMENT 1

Section 73A Submission Form



Section 73A EP&A Act submission

Part A. Council to complete

Subject:

Waverley Local Environmental Plan (Amendment No. 34) 1996

Report requesting the making of amending local environmental plan under section 70 and section 73A.

Background:

Waverley Council resolved on **15 June 2010**, to amend **Waverley Local Environmental Plan 1996** and to request that the Minister for Planning make the plan under section 70 and section 73A of the *Environmental Planning and Assessment Act 1979*.

The draft amending plan is attached. (*Attach copy of resolution.*)

The land to which this amendment applies is **Nos. 82-92 Gould Street, Bondi Beach and Substation 183 to the north (see attached Locality Map).**

Why there is a need for the amendment:

A minor mapping error was brought to the attention of Council staff in correspondence with the architect currently preparing a development application for Nos. 82-92 Gould Street, Bondi Beach.

Nos. 82-92 Gould Street, Bondi Beach comprises a row of retail outlets with a history of commercial approvals ranging from restaurants, libraries and retail stores dating back to at least 1975. 82-92 Gould Street is located within a strip of properties zoned 3(a) which front Campbell Parade, Hall Street and the south eastern side of Gould Street.

The amendment is required as Nos. 82-92 Gould Street is coloured Yellow for zone Special Uses – Substation and conversely, the Substation is coloured Light Blue for zone 3(a) - Business General. Without the amendment to the zoning map the development potential of Nos. 82-92 Gould Street, Bondi Beach is unnecessarily restricted for the applicant who wishes to lodge a development application in the near future.

What the amendment does:

The amendment corrects a mapping error to identify Nos. 82-92 Gould Street, Bondi Beach as 3(a) Business General (Light Blue) and Substation 183 as Special Uses – Substation (Yellow).

Why the amending plan is suitable to be made in accordance with section 73A:

Section 73A(2) expressly provides that "an amendment of an instrument include a reference to the amendment or replacement of a map adopted by an instrument". Accordingly it follows that the zoning map can be amended under Section 73A. The minor amendment only corrects a mapping error and is unlikely to impact upon adjoining properties.

The council requests that the Minister agree to make draft **Waverley Local Environmental Plan (Amendment No. 34) 1996**

Signed:

Date:

16/6/10

Name: **George Bramis**

Position: **Acting Director –
Planning and Environmental Services**

On behalf of: **Waverley Council**



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Part B. Department of Planning use only

Date of referral to LEP Review Panel: (Insert date)

Department position:

The draft LEP amendment has been considered by the Department and it is satisfied that the amendment can be considered as a minor amendment under section 73A (see advice tagged 'A').

Parliamentary Counsel opinion:

The Parliamentary Counsel has provided an opinion indicating that the plan may legally be made (tagged 'B').

Recommendation:

It is recommended that the Minister:

- (a) under sections 70(1)(a) and (8) and section 73A of the *Environmental Planning and Assessment Act 1979* make tagged 'B')
(Name of LEP)
- (b) authorise the Department to advise council of the Minister's decision.

Date:

Signed: Name:

Position:
for Director-General