



## Section 73A EP&A Act submission

### Part A. Council to complete

#### Subject:

North Sydney LEP 2013 (Amendment No.3) (12 Shirley Road, Wollstonecraft)

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

#### Background:

On 23 May 2014, Amendment No.3 to NSLEP 2013 came into force.

Amendment No.3 applies to the site known as 12 Shirley Road, Wollstonecraft and rezoned a portion of the subject site from *IN4 - Working Waterfront* to *E4 - Environmental Living* and applies a minimum subdivision lot size requirement of 450m<sup>2</sup> to that part of the site which was rezoned.

This amendment was completed via amendment to the relevant LEP maps.

#### Why there is a need for the amendment:

There has been an error in the map for Amendment No.3 to NSLEP 2013. The Planning Proposal sought to rezone a portion of the land from IN4 Working Waterfront to E4 Environmental Living.

However the amending zoning map (5950\_COM\_LZN\_002\_010\_20140114) accidentally removed the E2 Environmental Conservation zone which applied to a portion of that site and zoned that land to IN4 Working Waterfront.

It was never the intention to amend the area zoned E2 Environmental Conservation and was not identified in the Planning Proposal and was therefore not identified in the Gateway Determination.

It is requested that the E2 Environmental Conservation zone be returned as it previously applied to that portion of the site. This would be completed via a relevant map amendment. Draft maps are attached.

#### What the amendment does:

The amendment will correct this mapping error in drafting NSLEP 2013 Amendment No. 3 by reinstating the E2- Environment Conservation zone to that portion of the site where it was previously applied.



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

The requested amendment seeks to correct a minor drafting error only.

The council requests that the Minister agree to make the amendment to NSLEP 2013.

Signed: Alex Williams Date: 7/7/14

Name: Alex Williams Position: Acting Manager Strategic Planning.

On behalf of: North Sydney Council (Name of council)

### 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.



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Date: .....

Signed: ..... Name: .....

Position: .....  
for Director-General