

St Helena Close, Lochinvar- S.73A Amendment

Proposal Title : **St Helena Close, Lochinvar- S.73A Amendment**

Proposal Summary : **Correction of Schedule 1 Maitland LEP 2011 (MLEP 2011) in respect of property descriptions at St Helena Close, Lochinvar under Section 73A of the Environmental Planning and Assessment Act.**

PP Number : **PP_2013_MAITL_008_00**

Dop File No : **13/18569**

Proposal Details

Date Planning
Proposal Received : **13-Nov-2013**

LGA covered : **Maitland**

Region : **Hunter**

RPA : **Maitland City Council**

State Electorate : **MAITLAND**

Section of the Act : **73A - Minor Matter**

LEP Type : **73A**

Location Details

Street : **9 St Helena Close**

Suburb : **Lochinvar**

City : **Maitland**

Postcode : **2321**

Land Parcel : **Lot 10, DP1177217**

Street : **15 St Helena Close**

Suburb : **Lochinvar**

City : **Maitland**

Postcode : **2321**

Land Parcel : **Lot 200, DP1111493**

Street :

Suburb :

City :

Postcode :

Land Parcel : **The above property descriptions are the corrected (current) ones.**

DoP Planning Officer Contact Details

Contact Name : **Ken Phelan**
Contact Number : **4904270500**
Contact Email : **ken.phelan@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Josh Ford**
Contact Number : **0249349729**
Contact Email : **joshf@maitland.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Lower Hunter Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **This Planning Proposal is to correct a mis-description in property identification of an item in Schedule 1 of Maitland LEP 2011. Land transactions underway during the LEP drafting were not clarified prior to the LEP being finalised and have resulted in obsolete Property Descriptions. The error is being corrected where the item is referenced in Schedule 5 via a separate Housekeeping Planning Proposal PP_2013_MAITL_003_00.**

External Supporting Notes : **The land lies south of New England Highway adjoining St Helena heritage homestead.**

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **To correct property descriptions in Schedule 1 Maitland LEP 2011.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **St Helena Close property descriptions are incorrect in Maitland LEP 2011 Schedule 1- Additional permitted uses.**

The Section 73A proposal aims to correct this.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA : **2.3 Heritage Conservation**

* May need the Director General's agreement

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **N/A**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **The PP does not require new LEP mapping.**

Maps identifying current and superseded property boundaries (Deposited Plans) are provided to explain the property description error.

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **As a data correction it is considered unnecessary to exhibit the proposal or to consult agencies.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Maitland LEP 2011 was Gazetted on 16 December 2011.

Assessment Criteria

Need for planning
proposal :

A Planning Proposal is required to amend the property description.

Section 73A of the Environmental Planning and Assessment Act provides for the expedited amendment of an LEP without the usual prerequisites where an error is to be corrected.

This PP falls under s.73A(1)(a) in that it seeks to correct an obvious error of a property misdescription.

The proposal is required so as to avoid public confusion about references to property in Maitland LEP 2011.

- Checks against the cadastre show that the updated lot pattern and descriptions comprise the same land as the obsolete lot pattern and property descriptions.
- Checks of the St Helena Cottage DP against aerial photos show the need for this correction.
- Council's requests are supported.

Consistency with
strategic planning
framework :

Due to its minor administrative nature there are no implications for the strategic planning framework.

It is noted that the PP is consistent with s117 direction 2.3 Heritage Conservation because it facilitates the conservation of a heritage item.

Environmental social
economic impacts :

Council is concerned that the error may bring into question the legality of the additional permitted use on this site. Unaddressed this may have economic implications for future development.

The correction to the property description has no environmental, social or economic impacts.

Assessment Process

Proposal type :

Minor

Community Consultation
Period :

Nil

Timeframe to make
LEP :

3 months

Delegation :

RPA

Public Authority
Consultation - 56(2)
(d) :

St Helena Close, Lochinvar- S.73A Amendment

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required.:

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Maitland City Council_06-11-2013_Request for 73A Amendment Maitland LEP2011 Schedule 1_.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.3 Heritage Conservation**

Additional Information :

- 1. Community consultation is not required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979("EP&A Act").**
- 2. Consultation is not required with any public authorities under section 56(2)(d) of the EP&A Act.**
- 3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).**
- 4. The timeframe for completing the LEP is to be 3 months from the week following the date of the Gateway determination.**

Supporting Reasons : **To amend a mis-description in property identification within Schedule 1. This error is being addressed for the reference in Schedule 5 as part of a larger housekeeping amendment (PP_2013_MAITL_003_00), however the reference in Schedule 1 was overlooked.**

It is noted that the PP is consistent with s117 direction 2.3 Heritage Conservation because it facilitates the conservation of a heritage item.

Signature:



Printed Name:

KO'FLAHERTY

Date:

12-12-13

