



Section 73A EP&A Act submission

Part A. Council to complete

Subject:

Pittwater Local Environmental Plan (Amendment No 1) made 6 June 2014.
Report requesting the making of amending local environmental plan under Section 70 and 73A.

Background:

Sydney Joint Regional Planning Panel resolved on 15 August 2013, to amend the *Pittwater Local Environmental Plan 1993* 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 120-122 Mona Vale Road, Warriewood.

Why there is a need for the amendment:

The requested action under Section 73A is required due to drafting errors that is not consistent with the planning proposal namely:

1. The Land Acquisition Map does not reflect Council's intention to acquire 122 Mona Vale Road and the western portion of 120 Mona Vale Road that is to be zoned E2 Environmental Conservation.
2. The Lot Size Map Sheet 012 imposes a minimum lot size on lands zoned E2 Environmental Conservation. This is inconsistent with Sydney East Joint Regional Planning Panel's (as the RPA) instructions dated 8 May 2014 at 6(b).
3. The Urban Release Area Map should, as addressed in a separate Section 73A submission, incorporate a label on the land to read "120-122 Mona Vale Road".
4. The Urban Release Area Map should show the western portion of 120 Mona Vale Road that is to be zoned E2 Environmental Conservation as "Creek Line Corridor" to ensure Clause 6.1 operates as intended and drafted so the identified planning outcomes are achieved.
5. Clause 6.2(2) should reference "120-122 Mona Vale Road" instead of "Clause 6.2", being the Urban Release Area already labels the property "120-122 Mona Vale Road" as per point 3 above.

What the amendment does:

The amendment corrects mapping errors to clearly:

1. identify land to be acquired by Pittwater Council as Local Open Space (E2) and
2. enable Clauses 6.1 and 6.2 as it relates to 120-122 Mona Vale Road to operate as intended.

**Section 73A EP&A Act submission****Why the amending plan is suitable to be made in accordance with section 73A:**

The use of section 73A is suitable in this instance as the request is consistent with s73A (1)(a) which allows correction of an obvious error in the principal instrument.

The council requests that the Minister agree to make draft Pittwater Local Environmental Plan 2014

Signed: Date: 18/6/14

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On behalf of: Pittwater Council