

Amendment to Maitland LEP 2011S - 73A to correct minor error in heritage schedule

Proposal Title : **Amendment to Maitland LEP 2011S - 73A to correct minor error in heritage schedule**

Proposal Summary : **Maitland City Council seeks to correct an error in Schedule 5 - environmental heritage of the Maitland LEP 2011. Heritage item number 1206A at 67-69 Swan Street Morpeth is incorrectly described as having a SP instead of a DP in the property description.**

Council has requested the plan be amended under section 73A of the EP&A Act 1979.

PP Number : **PP_2014_MAITL_002_00** Dop File No : **14/17077**

Proposal Details

Date Planning Proposal Received :	09-Oct-2014	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 :	Swan Street		
Suburb :	Morpeth	City :	Postcode : 2321
Land Parcel :	Lot 1, DP 72883		

DoP Planning Officer Contact Details

Contact Name : **Dylan Meade**
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RPA Contact Details

Contact Name : **Josh Ford**
 Contact Number : **0249349728**
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DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :

Amendment to Maitland LEP 2011S - 73A to correct minor error in heritage schedule

MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

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 :

BACKGROUND:

The error was introduced during the legal drafting stage of an LEP (Amendment 6 to the Maitland LEP 2011) made in June 2013.

USE OF S73A:

Council indicates the matter should be progressed under s73A as it considers the change to be a minor and transitional matter (s73A(2)). This assessment is supported.

As the incorrect property description of an heritage item solely relates to a legal drafting error, it is considered that s73A is the appropriate mechanism for correcting this mistake.

PLAN-MAKING DELEGATION

Council has accepted plan-making delegation for PPs generally. However it has not requested delegations for this amendment as it will be progressed as a combined amendment (Amendment 15) with PP_2013_MAITL_002 which does not have delegation.

Council's request not to be given plan-making delegation is supported.

External Supporting Notes :

Adequacy Assessment

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

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

Comment :

The original planning proposal (relating to Amendment 6) has been provided and clearly specifies the desired property description. This, coupled with additional information provided by Council is considered sufficient for explaining what Council seeks to achieve with this amendment.

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

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

Comment :

As with the Statement of Objectives, the information provided by Council clearly explains the provisions which are to be changed. The property description of item 1206A will be

changed to from 'Lot 1, SP 72883' to 'Lot 1, DP 72883'. This will be achieved through Amendment 15 to Maitland LEP 2011.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* 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?

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

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **The proposal seeks to rectify a wording error. Mapping is not required.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **Council proposes the change occur as part of a 73A amendment and so no community consultation is proposed. This is supported.**

Additional Director General's requirements

Are there any additional Director General's requirements?

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **No**

If No, comment : **While technically not complying with the Agency's "Guide to Preparing Planning Proposals", the information provided by Council is considered sufficient for the administrative change sought.**

The change is to correct a minor wording error introduced during the LEP drafting process. As a result, the preparation of new PP documentation detailing consistency with s117 directions, SEPPs, and other required information outlined in the guide is not necessary.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The principal Maitland LEP was gazetted in 2011.**

Assessment Criteria

Need for planning proposal :	The need for the proposal is to correct a wording error of an heritage item.
Consistency with strategic planning framework :	These matters were considered by Council and the Department when it considered Amendment 6 to Maitland LEP 2011.
Environmental social economic impacts :	These matters were considered by Council and the Department when it considered Amendment 6 to Maitland LEP 2011.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	Nil
Timeframe to make LEP :	3 months	Delegation :	DG
Public Authority Consultation - 56(2) (d) :			

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
2014-06-10 Request for amendment to heritage schedule of Maitland LEP 2011 under 73A .pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

Amendment to Maitland LEP 2011S - 73A to correct minor error in heritage schedule

S.117 directions:

Additional Information : **This planning proposal should proceed subject to the following conditions:**

- 1. This is a minor matter that can be dealt with under section 73A of the Environmental Planning and Assessment Act 1979 ("EP&A Act").**
- 2. No community consultation is required under sections 56(2)(c) and 57 of the EP&A Act.**
- 3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.**
- 4. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act.**
- 5. The timeframe for completing the LEP is to be 3 months from the week following the date of the Gateway determination.**

Supporting Reasons : **It is proposed to amend a property description of a heritage item. This proposal is supported as it correct a minor wording error to introduced through a previous amendment (Amendment 6).**

Signature:



Printed Name:

KOFUAMERTY

Date:

9/10/14