



## Section 73A EP&A Act submission

### Part A. Council to complete

**Subject:**

*Port Stephens Local Environmental Plan 2013*

Report requesting the making of amending local environmental plan under Part 3 and section 73A of the *Environmental Planning and Assessment Act 1979*.

**Background:**

Port Stephens Council resolved to on 24.10.17 to amend the *Port Stephens Local Environmental Plan 2013* and to request the Minister for Planning make the plan under section 73A of the *Environmental Planning and Assessment Act 1979* (delegated decision attached).

The draft amending maps are attached.

The relevant land to which this amendment applies is 100 Salamander Way, Salamander Bay, legally known as Lot 21/DP1044009 and Lot 23/DP1044009.

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

The proposed amendment is required to make a minor adjustment to the boundary of the E2 Zone to ensure consistency with the boundary of a registered BioBanking Agreement that applies to the relevant land (BioBanking ID Number 158, registered on 17 November 2015).

The minor discrepancies between the boundary of the BioBanking Agreement and the land zoned E2 prevent the retirement of the credits under the Agreement (See Section 127ZJ(a) of the *Threatened Species Conservation Act 1995* which continues to apply to the BioBanking Agreement and will apply to any BioBanking Statement prepared).

The BioBanking Agreement was prepared and registered by the Office of Environment and Heritage on 17 November 2015 following extensive site surveys and investigations, which more accurately identified the boundary of the relevant land than the zoning boundaries which were prepared prior to that Agreement.

**What the amendment does:**

Seeks to correct a mapping anomaly. The amendment will make a minor adjustment to the zone boundary to ensure consistency with a registered BioBanking agreement over the land.

0.11ha of E2 zoned land affected by the Biobank Agreement will be converted to the SP2 zone. 0.15ha of SP2 zoned land will become E2 zoned land as a result of the zone boundary adjustment. Overall, the zone boundary adjustment will increase the amount of land that is currently zoned E2 on Lot 21/DP1044009 and Lot 23/DP1044009.

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

It will correct an obvious error that is considered of minor nature. The amendment would not result in any adverse effect on the surrounding land.

The council requests that the Minister agree to make draft amendment to *Port Stephens Local Environmental Plan 2013*

Signed:

Date: 24.10.17

Name: Liz Lamb

Position: Principal Strategic Planner.



## Section 73A EP&A Act submission

On behalf of: ..... Port Stephens 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.

Date: .....

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



## Section 73A EP&A Act submission


Position: .....  
for Director-General



# Port Stephens Local Environmental Plan 2013

## Site ID Map

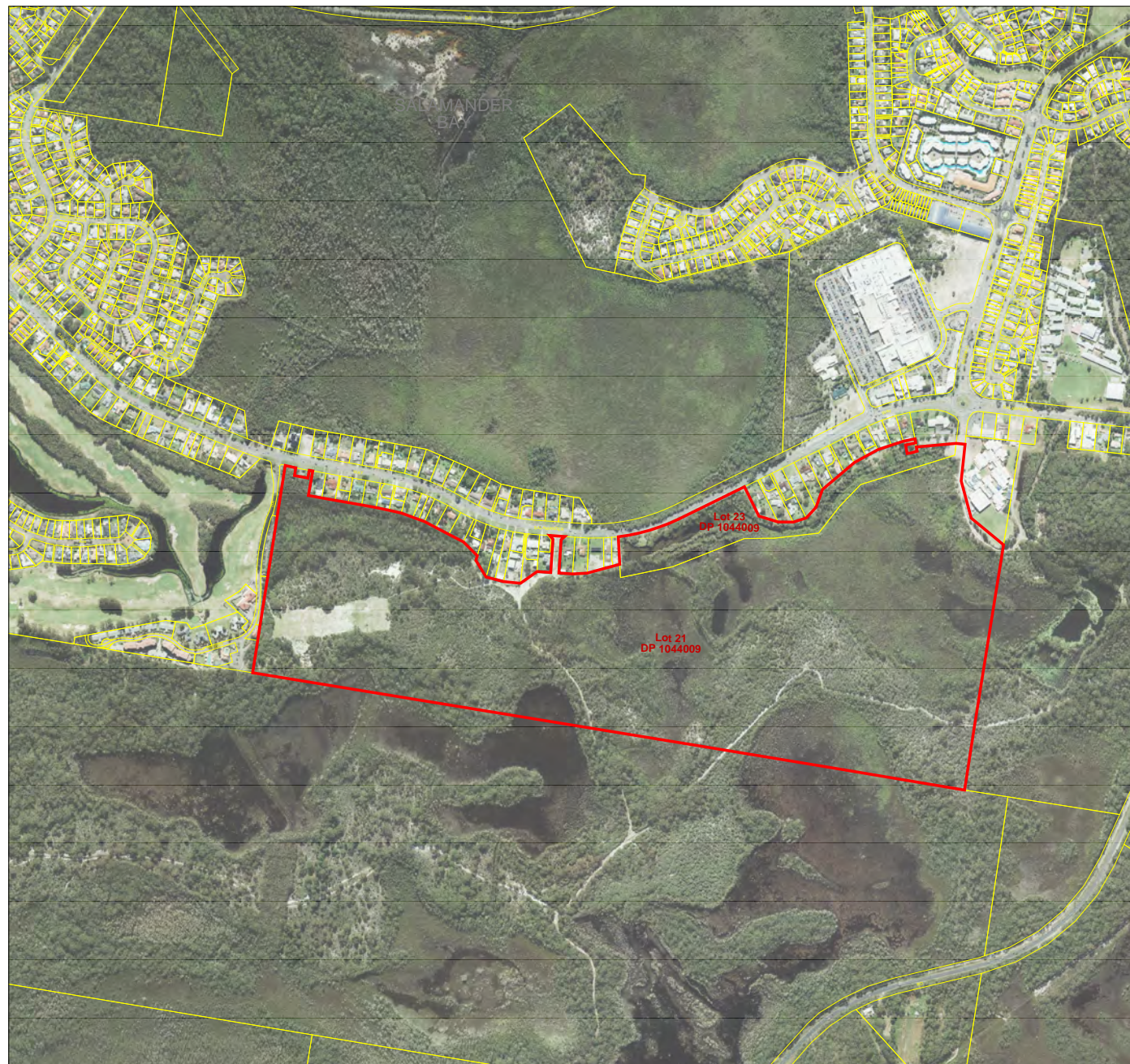
### Cadastre

-  Cadastre 09/10/2017 © Land and Property Information (LPI)
-  Subject Site

Aerial Photo: Aerometrix 2015



Planning Proposal - 100 Salamander Way, Salamander Bay  
Site ID Map







PORT STEPHENS  
COUNCIL

# Port Stephens Local Environmental Plan 2013

## Existing Land Zoning Map

### Cadastre

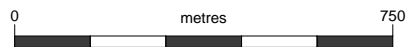
- Cadastre 09/10/2017 © Land and Property Information (LPI)
- Subject Site

### Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B7 Business Park
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- IN4 Working Waterfront
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- RU3 Forestry
- RU5 Village
- SP1 Special Activities
- SP2 Infrastructure
- W1 Natural Waterways
- W2 Recreational Waterways

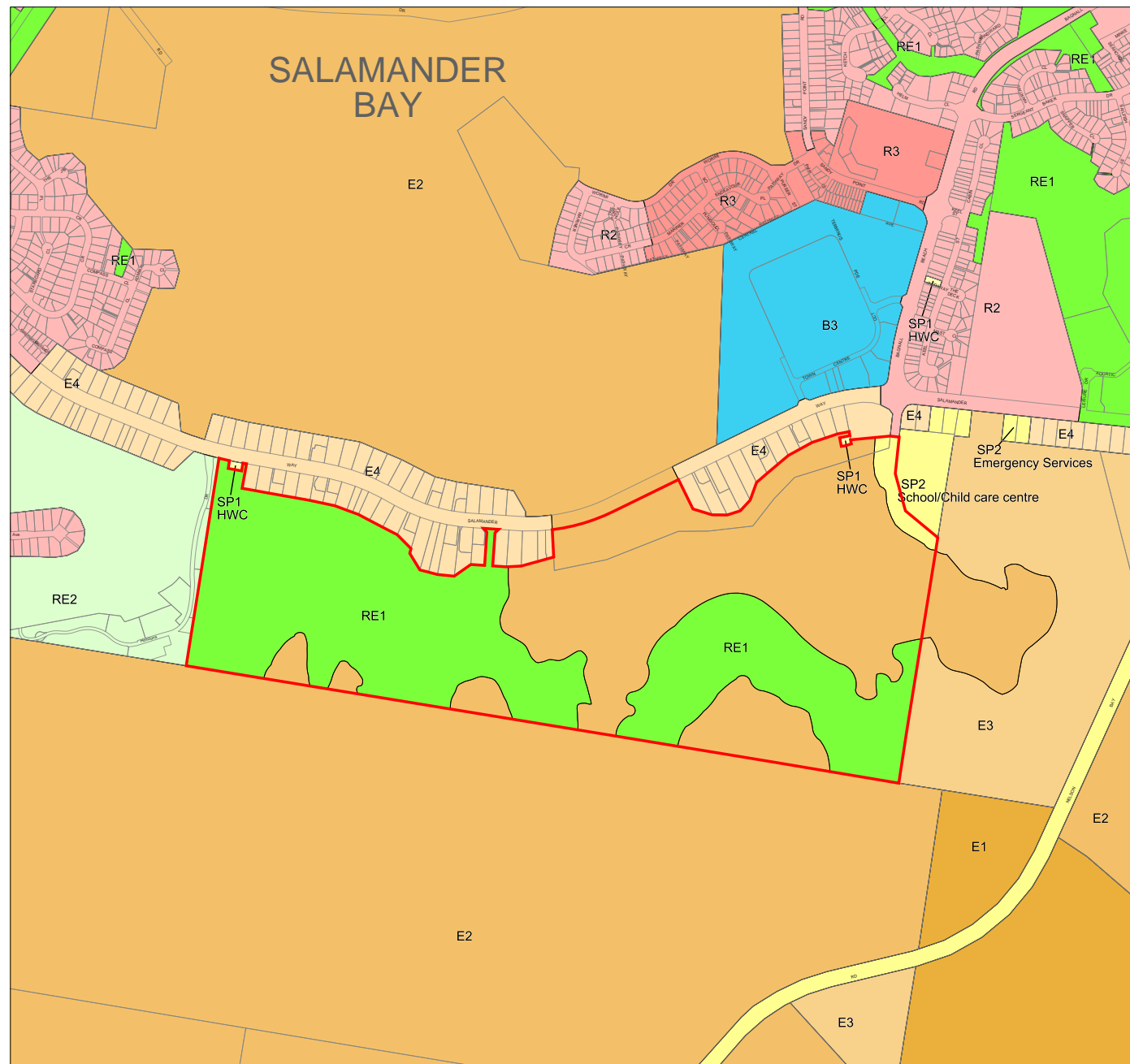


Projection: GDA 1994  
MGA Zone 56



Scale 1: 15000 @ A4

Planning Proposal - 100 Salamander Way, Salamander Bay  
Existing Land Zoning Map





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## Port Stephens Local Environmental Plan 2013

### Proposed Land Zoning Map

#### Cadastre

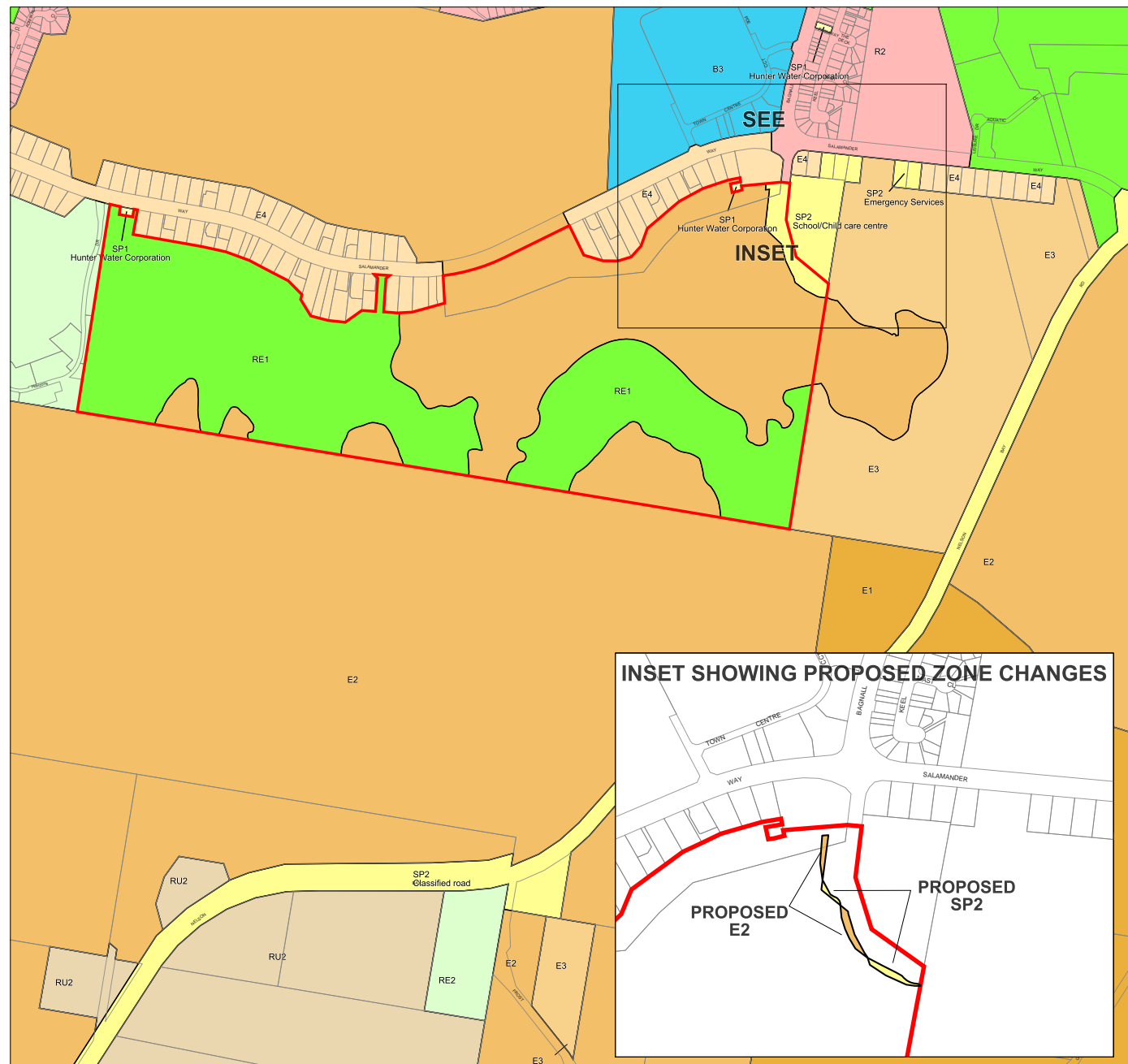
- Cadastre 09/10/2017 © Land and Property Information (LPI)
- Subject Site

#### Zone

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0 750  
metres  
Projection GDA 1994  
MGA Zone 56  
Scale 1: 15000 @ A4

Planning Proposal - 100 Salamander Way, Salamander Bay  
Proposed Land Zoning Map





# Port Stephens Local Environmental Plan 2013

## Existing Lot Size Map

### Cadastre

- Cadastre 09/10/2017 © Land and Property Information (LPI)
- Subject Site

### Minimum Lot Size (sq m)

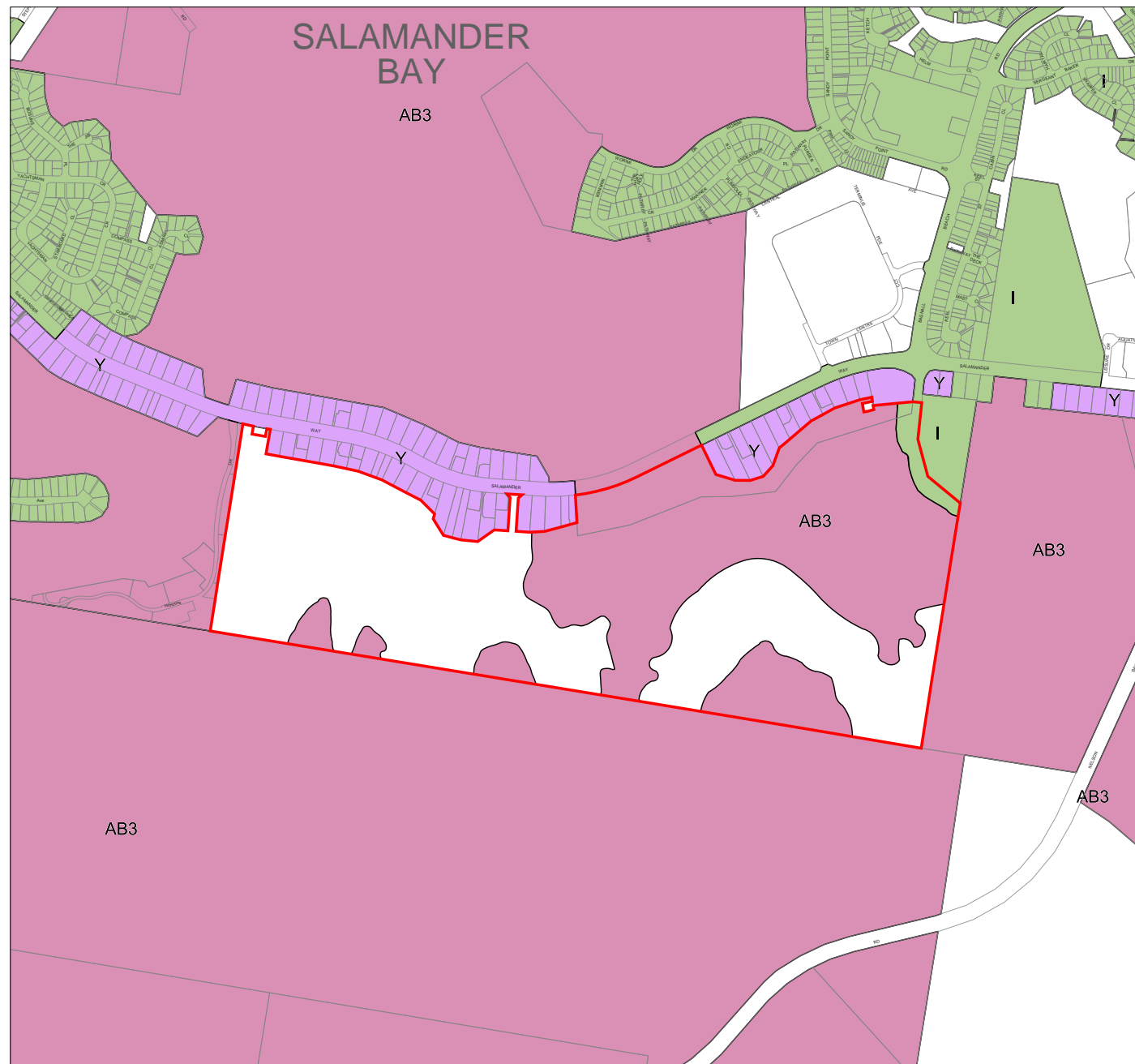
B	200
F	400
G	450
I	500
M	600
Q	700
T	900
U	1000
V	2000
W	4000
Y	1 ha
Z1	2 ha
Z2	4 ha
AB1	10 ha
AB2	20 ha
AB3	40 ha

Projection GDA 1994  
MGA Zone 56



Scale 1: 15000 @ A4

Planning Proposal - 100 Salamander Way, Salamander Bay  
Existing Lot Size Map





# Port Stephens Local Environmental Plan 2013

## Proposed Lot Size Map

### Cadastre

- Cadastre 09/10/2017 © Land and Property Information (LPI)
- Subject Site

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AB3	40 ha

Projection GDA 1994  
MGA Zone 56



Scale 1: 15000 @ A4

Planning Proposal - 100 Salamander Way, Salamander Bay  
Proposed Lot Size Map

