

**Correction to Port Stephens LEP 2013 under Section 73A of the Act- 15 Gray Drive, Karuah
(0 dwellings, 0 jobs)**

Proposal Title : Correction to Port Stephens LEP 2013 under Section 73A of the Act- 15 Gray Drive, Karuah (0 dwellings, 0 jobs)

Proposal Summary : Amendment 8 to PSLEP 2013 reversed a zoning change made under Amendment 14 - inadvertently rezoning part of Lot 302 DP 1004596 from R2 Low Density Residential to RU2 Rural Landscape. The height of buildings and lot size maps were incorrectly changed also. The LEP Amendment now proposed by Council under Section 73A of the Environmental Planning and Assessment Act, 1979 seeks to correct this mapping error.

PP Number : PP_2017_PORTS_002_00 Dop File No : 17/08412

Proposal Details

Date Planning Proposal Received :	15-Jun-2017	LGA covered :	Port Stephens
Region :	Hunter	RPA :	Port Stephens Council
State Electorate :	PORT STEPHENS	Section of the Act :	73A - Minor Matter
LEP Type :	73A		

Location Details

Street :	15 Gray Drive		
Suburb :	Karuah	City :	Port Stephens
		Postcode :	2324
Land Parcel :	Lot 302 DP 1004596		

DoP Planning Officer Contact Details

Contact Name : Ken Phelan
Contact Number : 0249042705
Contact Email : ken.phelan@planning.nsw.gov.au

RPA Contact Details

Contact Name : Jessica Franklin
Contact Number : 0249800141
Contact Email : Jessica.Franklin@portstephens.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Hunter Regional Plan 2036	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
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 :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes : A map has been prepared by the Department showing the two areas involved, which are related only through this error.

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : Council has completed a s73A application form which states that the amendment is to correct a rezoning map error.

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

Is an explanation of provisions provided? Yes

Comment : Council has completed a s73A application form which states that the amendment is to correct a rezoning map error.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

* May need the Director General's agreement

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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 : **No SEPPs or s117 Directions are involved in this correction of a mapping minor error.**

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 : **New land use zone, lot size and height of buildings maps would need to be prepared by Council.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **Correction of the error under Section 73A would be consistent with the community's expectations from exhibited material in LEP Amendments 8 and 14. No consultation is required.**

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 : **None applicable.**

Assessment Criteria

Need for planning proposal : **As Council states, the proposed LEP Amendment would correct an obvious map error and is of minor nature. s73A(1)(b) of the Act provides that it may be used where an LEP Amendment would "address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature". As the error inadvertently resulted from a subsequent LEP amendment that was undertaken relatively recently, the Department is satisfied that this may be considered to be of "other minor nature" and so s73A may be used.**

Consistency with strategic planning framework : **The proposal is consistent.**

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Environmental social The proposal is consistent.
economic impacts :

Assessment Process

Proposal type : Minor Community Consultation Nil
Period :

Timeframe to make 3 months Delegation : RPA
LEP :

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
LEP Zone map comparison between LEP Amendment 14 and LEP Amendment 8.pdf	Map	Yes
Council s73A request.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

Additional Information : Planning proposal (Department Ref: PP_2017_PORTS_002_00): to correct mapping errors at 15 Gray Drive, Karuah.

I, the Director Regions, Hunter, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act, 1979 (EP&A Act) that an amendment to the

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Port Stephens Local Environmental Plan (LEP) 2011 to correct mapping errors at 15 Gray Drive, Karuah should proceed as a minor amendment under s73A of the EP&A Act subject to the following conditions:

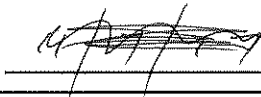
1. No community consultation is required under sections 56(2)(c) and 57 of the EP&A Act.
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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 : The map error was unintentional, reversing a previous rezoning, which now needs correcting.

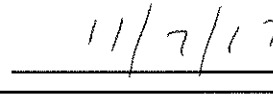
Signature:



Printed Name:



Date:



BEN HOLMES

