



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 section 70 and section 73A.

Background:

Port Stephens Council resolved on 8 March 2016, to amend Port Stephens Council 2013 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...Located on Lot 302 DP 1004596 (15 Gray Drive, Karuah).

Why there is a need for the amendment:

The land to which this amendment applies was inadvertently rezoned from R2 Low Density Residential to RU2 Rural Landscape (including consequential amendments to the height of building map and lot size map) when Amendment No. 8 was published (17 February 2017).

What the amendment does:

Seeks to correct a mapping anomaly which was original resolved through PS LEP 2013 Amendment No. 14 (see attached Council resolution, published 12 August 2016). When Amendment No. 8 was published (17 February 2017) the map data and map sheet (003B) did not include the published Amendment No. 14.

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 - 15 Gray Drive, Karuah

Signed: Jeffrey Bretag

Date: 15/06/17

Name: JEFFREY BRETAG.

Position: STRATEGIC PLANNING COORDINATOR.

On behalf of: PORT STEPHENS COUNCIL. (Name of council)



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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* maketagged 'B')
(Name of LEP)
- (b) authorise the Department to advise council of the Minister's decision.

Date:

Signed: Name:

Position:
for Director-General