



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 73A.

Background:

Port Stephens Council resolved to on 30.10.17 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 land to which this amendment applies is:

1. Lot 1 DP 1186184 (508 Swan Bay Road, Swan Bay)
2. Lot 21 DP 1053667 (57 Slades Road, Williamtown)
3. Lots 2–4, DP 792211 (Land at Valerie Road, Salt Ash)

Why there is a need for the amendment:

1. Lot 1 DP 1186184 was inadvertently rezoned from Zone No 1 (a) (Rural Agriculture "A" Zone) under the *Port Stephens Local Environmental Plan 2000* to NP1 National Parks and Reserves (including consequential amendments to the lot size map) when the *Port Stephens Local Environmental Plan 2013* commenced. It is privately owned land and this mapping anomaly occurred in error when the Standard Instrument was adopted.
2. Lot 21 DP 1053667 is part of the land currently leased and used for the purposes of the Newcastle Airport. The use is the subject of a long term lease. The current zoning of the land is 'SP2 Infrastructure (Defence)'. Adjoining land (Lot 43 DP 1045602 and Lot 1 DP 854099) that is used for the same purpose is zoned 'SP2 Infrastructure (Defence Air Transport Facility)'. The amendment is required to ensure consistency with the adjoining land that is used for the same purpose and to align the zoning with the current use.
3. Lots 2–4, DP 792211 are currently identified in clause 5 of Schedule 1 to the *Port Stephens Local Environmental Plan 2013* as "Lots 2–4, DP 79221". This is an error that carried over from the *Port Stephens Local Environmental Plan 2000* when the Standard Instrument was adopted. The correct description of the land is "Lots 2–4, DP 792211" (emphasis added).

What the amendment does:

The amendment seeks to:

1. Restore the zoning of Lot 1 DP 1186184 to a rural zoning and apply an appropriate lot size. The amendment will zone and development standards that apply to the land so that it is equivalent to the zone that applied immediately prior to the commencement of the *Port Stephens Local Environmental Plan 2013*. The amendment zones Lot 1 DP 1186184 from NP1 National Parks and Reserves to RU2 Rural Landscape, with a lot size of 20ha. The proposed zoning and lot size will be consistent with the adjacent privately owned land.
2. Amend the label of the SP2 zone for Lot 21 DP 1053667 from 'SP2 Infrastructure (Defence)' to 'SP2 Infrastructure (Defence Air Transport Facility)' so that it reflects the current land use (Long term lease for Newcastle Airport) and is consistent with the adjoining land which is also used for the purposes of the Newcastle Airport.
3. The amendment will correct an error in the description of land at Valerie Road, Salt Ash by replacing the reference to "Lots 2–4, DP 79221" in clause 5 of Schedule 1 to the *Port Stephens Local*



Section 73A EP&A Act submission

Environmental Plan 2013 with "Lots 2–4, DP 792211".

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

The amendments will correct obvious errors of a minor nature. The amendments will not result in any adverse effect on the surrounding land.

The council requests that the Minister agree to make the proposed amendment to Port Stephens Local Environmental Plan 2013 for Lot 1 DP 1186184 (508 Swan Bay Road).

Signed:

Date: 30.10.17

Name: Liz Lamb

Position: ...Principal Strategic Planner

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

Date:



Section 73A EP&A Act submission

Signed: Name:

Position:
for Director-General