



## Section 3.22 EP&A Act submission

### Part A. Council to complete

#### Subject:

Guyra Local Environmental Plan 2012 (Guyra LEP)

Report requesting the making of amending local environmental plan under sections 3.22 and 3.36(2).

#### Background:

The Armidale Regional Council Chief Executive Officer decided under delegated authority ~~resolved~~ on 22 April 2020, to amend Guyra Local Environmental Plan 2012 and to request that the Minister for Planning make the plan under sections 3.22 and 3.36(2) of the *Environmental Planning and Assessment Act 1979*.  
~~The draft amending plan is attached.~~

The land to which this amendment applies is: All land in Zone IN1 General Industrial.

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

Within the Guyra LEP Land Use Table, the type of development defined as “freight transport facility” is listed under both the “Permitted with consent” and the “Prohibited” heading for Zone IN1 General Industrial. As freight transport facilities are mandated by the State Government in the Standard Instrument – Principal Local Environmental Plan as being Permitted with consent in Zone IN1, the development type should be removed from the list under the Prohibited heading.

#### What the amendment does:

The amendment removes the development type “Freight transport facilities” and associated punctuation from the list under the Prohibited heading for Zone IN1 General Industrial.

#### Why the amending plan is suitable to be made in accordance with section 3.22:

The removal of the development type “Freight transport facilities” from the list under the Prohibited heading for Zone IN1 General Industrial will correct an obvious error in the Guyra LEP as provided for under Section 3.22 (1) (a) of the *Environmental Planning and Assessment Act 1979*.

The council requests that the Minister agree to make draft Guyra Local Environmental Plan 2012.

Signed: .....

Date: ...14/5/2020.....

Name: .....Susan Law .....

Position: ...Chief Executive Officer.....

On behalf of: Armidale Regional Council



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### Part B. Department of Planning use only

**Date of referral to Gateway:** ..... (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 3.22 (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 3.22 and 3.36(2) 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: .....

Position: .....  
for Secretary