



Contact: Jim Clark  
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Mr David Rawlings  
General Manager  
Kempsey Shire Council  
PO Box 78  
WEST KEMPSEY NSW 2440

Dear Mr Rawlings,

As you are aware, the Minister for Planning and Infrastructure delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation.

In light of this delegation, I have considered the nature of various planning proposals which are yet to be finalised and have decided to issue Council with authorisation to exercise its delegation for the making of the below proposals. I understand that Council agrees to delegation being issued for these proposals.

PP\_2010\_KEMPS\_002\_00  
PP\_2012\_KEMPS\_001\_00

Council is reminded that it must not use its delegation where there is an unresolved agency objection to the proposal. If an agency objects to the proposal, Council is to contact the regional office of the department to seek assistance in resolving the matter so that the planning proposal may proceed under delegation.

Council is also reminded that it may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The planning proposals should still be finalised within the timeframes identified in the Gateway determination (extension). Council's request to draft and finalise the plans should be made directly to Parliamentary Counsel's Office as soon as possible to ensure timeframes are met. Council should consult the Parliamentary Counsel's website ([www.pco.nsw.gov.au](http://www.pco.nsw.gov.au)) to ensure all necessary information is provided in its request to draft the plan.

A copy of the request should also be forwarded to the department for administrative purposes ([planmaking.monitoring@planning.nsw.gov.au](mailto:planmaking.monitoring@planning.nsw.gov.au)). If Council requires any assistance, including assistance with access to GIS support or liaison with Parliamentary Counsel's Office on the drafting of the plan it should contact the regional office. Further information can be found on the department's website (<http://www.planning.nsw.gov.au/>) and in *A Guide to Preparing LEPs*.

Should you have any queries in regard to this matter, please contact Jim Clark of the regional office of the department on 02 6641 6600.

Yours sincerely,

  
**Neil McGaffin**  
**Executive Director**  
**Rural and Regional Planning**

3.6.13



**WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

Kempsey Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

| Number               | Name  |
|----------------------|---|
| PP_2012_KEMPS_001_00 | Planning proposal to include 'highway service centres' as a definition in Clause 5 and as an additional permitted use for land at Lot 2454 DP 610363 under Schedule 2 of the Kempsey Local Environmental Plan 1987. |

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 3 June 2013

  
Neil McGaffin  
Executive Director  
Rural and Regional Planning  
Department of Planning and Infrastructure

## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

#### Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

**Table 1 – To be completed by the department**

| Stage                               | Date/Details                                |
|-------------------------------------|---|
| Planning Proposal Number            | PP_2012_KEMPS_001_00                        |
| Date Sent to Department under s56   | 10/01/2012                                  |
| Date considered at LEP Review Panel | 19/01/2012                                  |
| Gateway determination date          | 02/02/2012<br>Extension letter (19/12/2012) |

**Table 2 – To be completed by the RPA**

| Stage   | Date/Details | Notified Reg Off |
|---|--------------|------------------|
| Dates draft LEP exhibited                       |              |                  |
| Date of public hearing (if held)                |              |                  |
| Date sent to PCO seeking Opinion                |              |                  |
| Date Opinion received                           |              |                  |
| Date Council Resolved to Adopt LEP              |              |                  |
| Date LEP made by GM (or other) under delegation |              |                  |
| Date sent to DP&I requesting notification       |              |                  |

**Table 3 – To be completed by the department**

| Stage                         | Date/Details |
|-------------------------------|--------------|
| Notification Date and details |              |

#### Additional relevant information: