



Section 73A EP&A Act submission

Part A. Council to complete

Subject:

Mid-Western Regional Local Environmental Plan 2012 – Mapping Caerelon

..... (Insert name of amending LEP)

Report requesting the making of amending local environmental plan under section 70 and section 73A.

Background:

Mid-Western Regional Council resolved on 4 September 2013, to amend Mid-Western Regional Local Environmental Plan 2012 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 relates to amendments to the Lot Size, Land Zoning, Height of Buildings Map Sheets for Mudgee (Attached). A copy of the report to Council and resolution(s) are attached.

The land to which this amendment applies is identified on page 19-21 of the Attached Planning Proposal.

Why there is a need for the amendment:

In the process of preparing the Draft maps for Amendment no.3 to the LEP 2012, an error was made in the distance as measured from the railway corridor and width of the RE1 zone is 13.65 m too wide and as such the RE1 zone encroaches on residential lots adjacent to the RE1 zone.

.....
Refer to Reports to Council attached

.....
(Please attach a separate sheet if necessary)

What the amendment does:

Amend the map sheets to rectify the mistakes – refer to pages 19-21 of the Attached Planning Proposal.

.....
(Please attach a separate sheet if necessary)

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

.....
The amending plan corrects a mapping error in the published documentation

.....
(Please attach a separate sheet if necessary)

The council requests that the Minister agree to make draft Mid-Western Regional LEP 2012 - Mapping Caerelon

Signed:

Date:

Name:

Position:

On behalf of: Mid-Western Regional 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