

Section 73A EP&A Act Submission

Part A. Council to complete

Subject:

Bathurst Regional (Interim) Local Environmental Plan 2005

Report requesting the making of amending local environmental plan under section 59 and section 73A of the *Environmental Planning and Assessment Act 1979*.

Background:

Bathurst Regional Council, under authority delegated to the Director of Environmental, Planning and Building Services, resolved on 22 June 201, to amend Schedule 5 of the Bathurst Regional (Interim) Local Environmental Plan 2005 and to request that the Minister for Planning make the plan under section 59 and section 73A of the *Environmental Planning and Assessment Act 1979*.

The land to which this amendment applies is Part Lot 2 DP 1117707, 281 Clear Creek road, Clear Creek.

Why there is a need for the amendment:

Heritage item No I108 has incorrectly been identified in its street address, listed as 620 Clear Creek Road rather than 281 Clear Creek Road. The Lot / DP details are correctly listed within Schedule 5 of the LEP.

The correct location is shown on the heritage map.

What the amendment does:

The proposed amendment will correctly identify the property intended to be listed as Heritage item No. I108 with the correct street address in schedule 5 of the Bathurst Regional (Interim) Local Environmental Plan 2005.

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

The property is correctly identified on the accompanying LEP maps and the Lot / DP details remain unchanged. The proposed amendment is considered by Council to be an obvious minor error and misdescription consistent with section 73A(1)(a) and (c) of the EP&A Act.

The council requests that the Minister agree to make draft Bathurst Regional (Interim) Local Environmental Plan 2005

Signed:



Date: 3rd August 2011



Section 73A EP&A Act Submission

Name: DAVID ROSS SHAW

Position: DIRECTOR, ENVIRONMENTAL PLANNING
AND BUILDING SERVICES

On behalf of: Bathurst Regional Council

Part B. Department of Planning use only

Date of referral to LEP Panel: (Insert date)

Department position:

The draft LEP amendment has been considered by the Department and it is satisfied that the amendment comes within the application of 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 59(2) and section 73A of the *Environmental Planning and Assessment Act 1979* maketagged 'B')
(Name of LEP Amendment No)

(b) authorise the Department to advise council of the Minister's decision.

Date:

Signed: Name:

Position:
for Director-General