

Section 3.22 EP&A Act submission

Part A. Council to complete

Subject:

Report requesting the making of Tamworth Regional Local Environmental Plan 2010 under Sections 3.22 and 3.36(2) of the *Environmental Planning and Assessment Act 1979*.

Background:

Tamworth Regional Council resolved on 26/02/2019 to amend the *Tamworth Regional Local Environmental Plan 2010* and to request the Minister for Planning and Environment exercise plan making powers under Section 3.36 of the *Environmental Planning and Assessment Act 1979* to delegate authority to Council to make the Local Environmental Plan.

The draft amending plan is attached.

The land to which this amendment applies is Lot 300 DP 1247566, Bellas Way, North Tamworth. Please refer to attached Land Zoning and Lot Size maps (Enclosures 2 and 4).

Why there is a need for the amendment:

The planning proposal aims to realign the zoning and lot size boundaries on part of the northern portion of the subject lot. This is to rectify a mapping anomaly which occurred in the original publication of the *Tamworth Regional Local Environmental Plan 2010*, on 21 January 2011.

The subject land parcel contains a portion of land which was incorrectly zoned *RU4 - Primary Production Small Lots* with a Lot Size of AB2 - 40ha during the preparation of mapping associated with the drafting of the *Tamworth Regional Local Environmental Plan 2010*.

The subject portion should reflect the prevailing zoning which is *R1 - General Residential*. The subject portion should also reflect the minimum lot size applicable to the subject area which is M - 600m².

What the amendment does:

The proposal amends the section that is currently zoned *RU4 Primary Production Small Lots* to *R1 General Residential* and amend the lot size of 40 hectares to 600m² of the same section.

This amendment of the Land Zoning and Lot Size maps will correct the mapping error and ensure that the zoning applicable to the subject land area reflects the original intent of the mapping.

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

The proposed amendment fulfils criteria of Section 3.22 of the *Environmental Planning and Assessment Act 1979* which includes the correction of an obvious error in the principal instrument, including an error in the *Tamworth Regional Local Environmental Plan 2010* maps.

Tamworth Regional Council requests that the Minister exercise plan making powers under Section 3.36 of the *Environmental Planning and Assessment Act 1979* to delegate authority to Council to make the *Tamworth Regional Local Environmental Plan 2010*.

Signed:



Date: 25/3/19

Name: Paul Bennett

Position: General Manager

On behalf of: Tamworth Regional Council

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:



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(a) under sections 3.22 and 3.36(2) 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 Secretary