

## Section 3.22 EP&A Act submission

**Subject:**

Tweed Local Environment Plan 2014 Amendment no. 27 - Report requesting the making of amending local environmental plan under sections 3.22 and 3.36(2).

**Background:**

A Section 3.22 amendment under the Act is needed to rectify a mapping error found in the Lot Size Map of the Tweed LEP 2014 map LSZ\_023.

The error was made by State Environmental Planning Policy Amendment (Tweed Valley Hospital) 2019) on 22 February 2019.

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

The error to the Minimum Lot Size map legend first appeared in the third version of the maps associated with Tweed Local Environmental Plan 2014 (State Environmental Planning Policy Amendment (Tweed Valley Hospital) 2019). The error has resulted in the incorrect lot size being applied to 'G' in the legend. The current map legend requires a minimum lot size of 2000m<sup>2</sup> for the area identified as 'G' instead of the correct 450m<sup>2</sup>.

**What the amendment does:**

The amendment will replace the current map sheet with an amended map sheet showing the correct lot size legend to ensure the minimum lot size of 'G' is 450m<sup>2</sup>.

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

The draft LEP may be finalised without compliance with the provisions of Part 3 of the Act, relating to the conditions precedent to the making of the instrument, as the proposal is in accordance with subsection (1)(c) of section 3.22 of the Act and will have no significant adverse impact on the environment or adjoining land.

**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.

**Parliamentary Counsel opinion:**

The Parliamentary Counsel has provided an opinion indicating that the plan may legally be made (tagged 'PC')

**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 Tweed Local Environment Plan 2014 Amendment 27 (tagged 'LEP' and 'MCS')
- (b) authorise the Department to advise council of the Minister's decision.

Date: .....3 February 2020.....

Signed: .....



Name: Jeremy Gray.....

Position: ...Director Northern Region.....  
for Secretary