

## Section 3.22 EP&A Act submission

### Part A. Council to complete

#### Subject:

Kempsey Local Environmental Plan 2013

Report requesting the making of amending local environmental plan under sections 3.22 and 3.36(2).

#### Background:

Kempsey Shire Council resolved on .....  
to amend Kempsey Local Environmental Plan 2013 and to request that the Minister for Planning and Public Spaces make the plan under sections 3.22 and 3.36(2) of the *Environmental Planning and Assessment Act 1979*.

The draft amending plan is attached. (*Attach copy of resolution.*)

The land to which this amendment applies is across the entire Shire (*Specify area. Attach map if appropriate*)

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

To transition all mapping in the KLEP2013 to a digital format and align the new mapping with the underlying cadastre.

(*Please attach a separate sheet if necessary*)

#### What the amendment does:

The amendment will complete the transition of KLEP2013 mapping to a digital format which currently only applies to Council's Land Zoning Maps. It is anticipated that this amendment will remove the current requirement to prepare PDFs, the numerous mapping amendments that are often required, and the non-alignment of mapping layers with the underlying cadastre and enable more efficient processes when undertaking planning proposals and housekeeping amendments requiring mapping changes.

(*Please attach a separate sheet if necessary*)

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

A Section 3.22 amendment is the recommended process to enable the digitisation of the KLEP2013 mapping following discussions with the Regional office of the Department of Planning, Housing and Infrastructure. The amendments proposed are consistent with the provisions of S3.22 (1) of the *Environmental Planning and Assessment Act 1979* and Planning Circular PS 21-014, in that the amendment "(b)addresses matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature" and there is no need for exhibition of the draft instrument.

(*Please attach a separate sheet if necessary*)

The council requests that the Minister agree to make draft KLEP2013

Signed: ..... Date: .....

Name: ..... Position: .....

On behalf of Kempsey Shire Council (*Name of council*)



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### Part B. Department 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:

- (a) under sections 3.22 and 3.36(2) of the *Environmental Planning and Assessment Act 1979* make ..... tagged 'B')  
(Name of LEP)
- (b) authorise the Department to advise council of the Minister's decision.

Date: .....

Signed: ..... Name: .....

Position: .....  
for Secretary