

Section 3.22 EP&A Act submission

Part A. Council to complete

Subject:

Amendment to "Newcastle Local Environmental Plan 2012"

Report requesting the making of amending local environmental plan under sections 3.22 of the EP&A Act.

Background:

The City of Newcastle seeks to make a minor amendment to Newcastle Local Environmental Plan 2012, to correct an error to the *Floor Space Ratio (FSR)*, *Height of Buildings*, *Land Zoning* and *Minimum Lot Size* maps that were introduced through Amendment 22 of Newcastle Local Environmental Plan 2012.

The error resulted in three properties defined on the map incorrectly reverting to previous versions of FSR, Height of Buildings, Land Zoning and Minimum Lot Size provisions. The properties affected by this error are:

- Lots 1 & 2 DP1197128
- Lot 10 DP1226229

This anomaly occurred due to outdated data inadvertently being used while preparing the final mapping for Amendment 22. Unfortunately, this was not detected prior making the amendment.

Why there is a need for the amendment:

To ensure the correct map versions are identified and displayed on the Legislation NSW Webpage.

What the amendment does:

The amendment will correctly identify the FSR, Height of Buildings, Land Zoning and Minimum Lot Size maps applicable to three sites that are incorrectly labelled at present. The amendment will reinstate provisions introduced through Amendments 2 and 5, which were unintentionally removed while preparing the mapping for amendment 22.

City of Newcastle requests for the Minister for Planning to make the plan under sections 3.22 of the Environmental Planning and Assessment Act 1979 by way of implementing new map sheets FSR_002C, HOB_002C, LZN_002C and LSZ_002C.

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

The amendment is to rectify an anomaly caused by a version control error during the creation of the maps used in planning proposal not related to the affected sites, rather than one intentionally made as a result of a planning proposal or valid amendment process.

The council requests that the Minister agree to make draft Newcastle Local Environmental Plan 2012

Signed:



Date: 25 August 2020



Section 3.22 EP&A Act submission

Name: Michelle Bisson

Position: Manager Regulatory, Planning and Assessment

On behalf of: City of Newcastle

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:

(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