

## Planning Services

### Gateway Determination Report

<b>LGA</b>	Newcastle
<b>RPA</b>	Newcastle City Council
<b>NAME</b>	S73A amendment to correct recreation term in IN3 Heavy Industrial zone (0 homes, 0 jobs)
<b>NUMBER</b>	PP_2017_NEWC_003_00
<b>LEP TO BE AMENDED</b>	Newcastle Local Environmental Plan 2012
<b>ADDRESS</b>	All IN3 zoned land
<b>DESCRIPTION</b>	
<b>RECEIVED</b>	5 September 2017
<b>FILE NO.</b>	17/12528
<b>QA NUMBER</b>	NA
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

#### INTRODUCTION

##### Description of Planning Proposal

The proposal seeks to correct a misdescription of a recreation term in the IN3 Heavy Industrial zone land use table. The term “recreation area (indoor)” has been used, which is not a defined term in the Standard Instrument Local Environmental Plan. The term should be “recreation facility (indoor)”.

It appears that the misdescription occurred before the exhibition of the draft citywide local environmental plan and was included in Newcastle Local Environmental Plan 2012 when it was published.

It is clearly a misdescription as the term is not in the Dictionary of the Standard Instrument Local Environmental Plan, and that the term was intended to be the Dictionary term “recreation facility (indoor)”.

The change will correct the error, but maintain that the recreation uses is permitted in the IN3 Heavy Industrial zone subject to consent.

##### Summary of Recommendation

It is recommended to proceed as per submitted as an expedited amendment under Section 73A. This amendment can without the need for community consultation, as it is clearly a misdescription and has not significant adverse impact on the environment or adjoining land.

## **PROPOSAL**

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### **Objectives or Intended Outcomes**

The objective of the proposal is clear as it intends to correct a minor error for the description of a recreation term.

### **Explanation of Provisions**

The amendment would correct the one use of the wrong term, which only appears in the Newcastle Local Environmental Plan 2012 in the land use table for the IN3 Heavy Industrial zone.

### **Mapping**

No mapping change is proposed or needed.

## **NEED FOR THE PLANNING PROPOSAL**

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The amendment to the term is required to ensure that there is no confusion about what recreation use is proposed as permissible subject to consent in the IN3 Heavy Industrial zone of Newcastle LEP 2012. It is a minor change, and can be made as an expedited amendment instead of part of a future housekeeping planning proposal.

## **STRATEGIC ASSESSMENT**

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### **State**

The amendment would ensure that the term is consistent with the Standard Instrument Local Environmental Plan.

### **Regional / District**

No impacts

### **Local**

There is no change proposed to the permissibility of the recreation use, and it is clear from the background searches that the term "recreation facility (indoor)" was the intended term.

### **Section 117(2) Ministerial Directions**

None apply.

### **State Environmental Planning Policies**

None apply.

## **SITE SPECIFIC ASSESSMENT**

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### **Social/ Environmental/ Economic/ Infrastructure**

No effects identified from the correction of a misdescription of the recreation term.

## **CONSULTATION**

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### **Community/ Agencies**

None required as it is the correction of a misdescription of the recreation term.

## **TIMEFRAME**

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A 3 month timeframe is proposed as it will be an expedited amendment. This timeframe is ample of the drafting of the corrected term.

## **DELEGATION**

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Council has not requested the use of plan making delegations. Given the nature of the amendment with no need for public exhibition and a minor drafting change, it is considered unnecessary to issue Council with delegations. This will also further expedite the timeframe for the amendment.

## **CONCLUSION**

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The planning proposal is supported to proceed as an expedited amendment with no environmental, social or economic impacts.

## **RECOMMENDATION**

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It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. No community consultation is required.
2. The timeframe for completing the LEP is to be 3 months from the date of the Gateway determination.
3. Given the nature of the planning proposal, Council should not be authorised to exercise delegation to make this plan.



27/9/2017

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