

## Section 3.22 EP&A Act submission

### Part A. Council to complete

**Subject:**

Amendment to "Newcastle Local Environmental Plan 2012 - Addition to Hunter Wetlands National Park"

Report requesting the making of an amending local environmental Plan under sections s3.22

**Background:**

City of Newcastle seeks to amend the Land Zoning Map (Sheet LZN\_001D and LZN\_001B) within Newcastle Local Environmental Plan 2012 (NLEP2012) and to request that the Minister for Planning make the plan under sections 3.22 of the Environmental Planning and Assessment Act 1979.

The draft amending plan seeks to amend the land zone of land described as Lot 4222 DP 1238665 to E1 National Park and Nature Reserves.

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

The City of Newcastle received Notice of Reservation under the National Parks & Wildlife Act 1974 from NSW National Parks and Wildlife Services of an additional parcel of land being included as part of the Hunter Wetlands National Park.

A copy of the notice is attached for information.

Under the standard instrument LEP, land reserved under the National Parks and Wildlife Act 1974 is zoned E1 National Parks and Nature Reserves. Hence this amendment will rectify an inconsistency resulting between the land and other parcels with the hunter Wetland National Park.

**What the amendment does:**

The amendment rezones the land from E2 Environmental Conservation to E1 National Parks and Nature Reserves, which will ensure a consistent approach is taken the zoning of land within the Hunter Wetland National Park.

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

Council has identified this amendment to merely be an administrative amendment to ensure consistent application of land zoning based on landownership and reservation due to the land now being part of national park reservation.

Furthermore, the amendment is of a minor nature consistent with Section 3.22(1)(c) and does not require consultation with other state agencies or the public, given no alternative option (other than this rezoning) is available to the Council.

## Section 3.22 EP&A Act submission

The council requests that the Minister agree to make draft Newcastle LEP 2012 in relation to the land.

Signed:



Date: 16/10/2019

Name: Johannes Honnef

Position: Senior Urban Planner

On behalf of: City of Newcastle 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:

- (a) under sections 3.22 and 3.36(2) of the *Environmental Planning and Assessment Act 1979* make  
Newcastle Local Environmental Plan 2012 (Amendment No. 45) tagged 'B'  
(Name of LEP)
- (b) authorise the Department to advise council of the Minister's decision.

Signed:



20/07/2020

Date: .....

Name:

Dan Simpkins

Director, Central Coast and Hunter Region

Position: .....

for Secretary