

Section 3.22 EP&A Act submission

Part A. Council to complete

Subject:

Newcastle Local Environmental Plan 2012

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

Background:

City of Newcastle seeks to amend Newcastle Local Environmental Plan 2012 by replacing Map Sheet HOB_004K with an updated Map Sheet to correct an anomaly caused by NLEP Amendment 32, and to request that the Minister for Planning make the plan under sections 3.22 and 3.36(2) of the Environmental Planning.

The amendment applies to all the land within Map Sheet HOB_004K, but specifically to address an anomaly on the following parcels of land:

- 121 Hunter Street Newcastle NSW 2300
- 33 Wolfe Street Newcastle NSW 2300
- 98 King Street Newcastle NSW 2300
- 100 King Street Newcastle NSW 2300
- 102 King Street Newcastle NSW 2300
- 104 King Street Newcastle NSW 2300
- 106 King Street Newcastle NSW 2300
- 108 King Street Newcastle NSW 2300
- 110 King Street Newcastle NSW 2300

Why there is a need for the amendment:

NLEP Amendment 26 (Newcastle East Building Heights) was gazetted on the 23 March 2018 and reduced building heights on certain parcels of land within the former Newcastle Mall area in Newcastle City Centre (Map Sheet HOB_004K).

The Department of Planning and Environment made an amendment to the Planning Proposal for NLEP Amendment 26 prior to gazettal and made the plan as exhibited, not as endorsed by Council, amending the building heights for Block 4B (the Market Square building on Hunter Street) and Block 7 (the terraces and Masonic Hall in King and Thorn Streets).

NLEP Amendment 32 (former Rail Corridor) had already been submitted to the DPE for making prior to the gazettal of NLEP Amendment 26. NLEP Amendment 32 was gazetted on the 17 April 2018 but Map Sheet HOB_004K was not updated to reflect the change made by NLEP Amendment 26 in relation to Block 4B and Block 7. Block 4B and Block 7 are showing a HOB of 24 metres instead of RL 20 and RL 24.

What the amendment does:

The amendment will correct the anomaly created by NLEP Amendment 32 and correct the building heights on Map Sheet HOB_004K relating to Block 4B and Block 7.



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

The amendment is to address matters that are a consequence of an error that occurred with the gazettal of NLEP Amendment 32.

The council requests that the Minister agree to make draft Newcastle Local Environmental Plan 2012 (Amendment No. 39)

Signed:

Date: 18 September 2018

Name: Shannon Turkington

Position: Senior Urban Planner

On behalf of: Newcastle City Council (*Name of 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* maketagged 'B')
(*Name of LEP*)
- (b) authorise the Department to advise council of the Minister's decision.



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Date:

Signed: Name:

Position:
for Secretary