

Section 3.22 EP&A Act submission

Part A. Council to complete

Subject:

Newcastle Local Environmental Plan 2012

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

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) map that was introduced through Amendment 28 of Newcastle Local Environmental Plan 2012.

The error resulted in the area defined on the map as being applicable to clause 7.10, reverting back to the version prior being amended under State Environmental Planning Policy Amendment (Newcastle City Centre) 2014.

This anomaly occurred due to outdated data being used for preparing the final mapping for Amendment 28. 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 legal maps on the Legislation NSW webpage.

What the amendment does:

The amendment will remove areas identified in the maps as Area B and Area C but that are not referred to in the related clause 7.10 of Newcastle Local Environmental Plan 2012. The amendment will reinstate Area A as introduced under State Environmental Planning Policy Amendment (Newcastle City Centre) 2014.

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 together with proposed Amendment 37 to Newcastle LEP 2012 as per PP_2018_NEWCA_002_00, by way of including the correction as part of implementing a new map sheet FSR_004G.

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

The amendment is correcting an unintended error made due to incorrect version control of the Floor Space Ratio Map, rather than one intentionally made as a result of a planning proposal or valid amendment process.

City of Newcastle requests that the Minister agree to make draft Newcastle Local Environmental Plan 2012

Signed:



Name: Johannes Honnef

Date: Tuesday, 11 September 2018

Position: Coordinator Urban Planning

On behalf of: City of Newcastle



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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.

Date:

Signed: Name:

Position:
for Secretary