

EXPLANATION OF THE INTENDED EFFECT

Section 38 of the *State Environmental Planning and Assessment Act 1979* ('the EP&A Act') requires the Minister to publish an explanation of the intended effect, if s/he considers it appropriate when proposing a change to a State environmental planning policy.

Under section 38 of the EP&A Act, a draft State Environmental Planning Policy Amendment (Newcastle) 2014 ('the proposed SEPP') has been prepared for public consultation.

NSW Planning & Infrastructure will consider submissions on the proposed SEPP, before recommending that the proposed change be made by the Governor.

The proposed SEPP together with this document explains a proposed amendment to the Newcastle Local Environmental Plan 2012 (Newcastle LEP). The proposed amendment is to include some parcels of land which currently form part of the Port of Newcastle State Significant Site under the State Environmental Planning Policy (Major Development) 2005 (the Major Development SEPP).

On 31 May 2014, a State Environmental Planning Policy (Three Ports) 2013 will commence and the Port of Newcastle State Significant Site provisions in Schedule 3 of the Major Development SEPP will be repealed.

The proposed SEPP will amend the Newcastle LEP to add some sites which were omitted from the Major Development SEPP, and not included in the State Environmental Planning Policy (Three Ports) 2013.

Specifically, the proposed SEPP will:

- Amend the Land Application Map in the Newcastle LEP to include the parcels of land that were not included in the Ports Amendment SEPP.
- Rezone an area of land currently zoned IN1 General Industrial in the Major Development SEPP (Lot 18, 19, 20, 21, 22, 51 DP 270249 and Lot 32 DP270249) to IN1 General Industrial in the Newcastle LEP. The additional permitted uses with consent on this land in the Major Development SEPP will be carried over to the Newcastle LEP through an additional permitted uses clause and map. These uses include: business premises, food and drink premises, high technology industries, office premises, resource recovery facilities and waste and resource management facilities.
- Rezone an area of land zoned SP1 Special Activities in the Major Development SEPP (Lot 1 DP874109) to IN1 General Industrial in the Newcastle LEP and adopt the same permitted uses and planning controls as the IN1 General Industrial zone currently in the Newcastle LEP.
- Rezone two areas of land currently zoned SP1 Special Activities in the Major Development SEPP (Parts of Lot 1002 DP 1178025) to E1- National Parks and Reserves. These have been acquired by the Minister for the Environment

under Part 11 of the *National Parks and Wildlife Act 1974* and will adopt the same permitted uses and planning controls as the E1 National Parks and Nature Reserves zone in the Newcastle LEP.

- Amend the Acid Sulphate Soils map, Lot Size map and Heritage map to provide appropriate planning controls for the additional parcels of land now included in the Newcastle LEP.
- Amend Schedule 5 of the Newcastle LEP to include the Remnant Garden heritage item located at 3 Murray Dwyer Circuit, Mayfield West.