



New South Wales

State Environmental Planning Policy Amendment (Newcastle) 2014

under the

Environmental Planning and Assessment Act 1979

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

PRU GOWARD, MP
Minister for Planning

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1 Name of Policy

This Policy is *State Environmental Planning Policy Amendment (Newcastle) 2014*.

2 Commencement

This Policy commences on 31 May 2014 and is required to be published on the NSW legislation website.

3 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

4 Maps

Each map adopted by *Newcastle Local Environmental Plan 2012* that is specified in Column 1 of the following table is declared by this Policy to be amended or replaced, as the case requires, by the map specified opposite in Column 2 of the table as approved by the Minister on the making of this Policy:

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Newcastle Local Environmental Plan 2012 Acid Sulfate Soils Map (5900_COM_ASS_001_040_20120411)	Newcastle Local Environmental Plan 2012 Acid Sulfate Soils Map (5900_COM_ASS_001_040_20140509)
Newcastle Local Environmental Plan 2012 Acid Sulfate Soils Map (5900_COM_ASS_002_040_20120411)	Newcastle Local Environmental Plan 2012 Acid Sulfate Soils Map (5900_COM_ASS_002_040_20140509)
Newcastle Local Environmental Plan 2012 Acid Sulfate Soils Map (5900_COM_ASS_003_040_20120411)	Newcastle Local Environmental Plan 2012 Acid Sulfate Soils Map (5900_COM_ASS_003_040_20140509)
Newcastle Local Environmental Plan 2012 Acid Sulfate Soils Map (5900_COM_ASS_004_040_20120419)	Newcastle Local Environmental Plan 2012 Acid Sulfate Soils Map (5900_COM_ASS_004_040_20140509)
Newcastle Local Environmental Plan 2012 Heritage Map (5900_COM_HER_004A_010_20120402)	Newcastle Local Environmental Plan 2012 Heritage Map (5900_COM_HER_004A_010_20140326)

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Newcastle Local Environmental Plan 2012 Land Application Map (5900_COM_LAP_001_080_20120402)	Newcastle Local Environmental Plan 2012 Land Application Map (5900_COM_LAP_001_080_20140317)
Newcastle Local Environmental Plan 2012 Land Zoning Map (5900_COM_LZN_001D_020_20130730)	Newcastle Local Environmental Plan 2012 Land Zoning Map (5900_COM_LZN_001D_020_20140509)
Newcastle Local Environmental Plan 2012 Land Zoning Map (5900_COM_LZN_002E_010_20140212)	Newcastle Local Environmental Plan 2012 Land Zoning Map (5900_COM_LZN_002E_010_20140509)
Newcastle Local Environmental Plan 2012 Land Zoning Map (5900_COM_LZN_003_040_20120411)	Newcastle Local Environmental Plan 2012 Land Zoning Map (5900_COM_LZN_003_040_20140509)
Newcastle Local Environmental Plan 2012 Land Zoning Map (5900_COM_LZN_004A_010_20120411)	Newcastle Local Environmental Plan 2012 Land Zoning Map (5900_COM_LZN_004A_010_20140509)
Newcastle Local Environmental Plan 2012 Land Zoning Map (5900_COM_LZN_004F_010_20120411)	Newcastle Local Environmental Plan 2012 Land Zoning Map (5900_COM_LZN_004F_010_20140509)
Newcastle Local Environmental Plan 2012 Land Zoning Map (5900_COM_LZN_004I_010_20120411)	Newcastle Local Environmental Plan 2012 Land Zoning Map (5900_COM_LZN_004I_010_20140509)
Newcastle Local Environmental Plan 2012 Land Zoning Map (5900_COM_LZN_004J_010_20120411)	Newcastle Local Environmental Plan 2012 Land Zoning Map (5900_COM_LZN_004J_010_20140509)
Newcastle Local Environmental Plan 2012 Lot Size Map (5900_COM_LSZ_004A_010_20120402)	Newcastle Local Environmental Plan 2012 Lot Size Map (5900_COM_LSZ_004A_010_20140509)
Newcastle Local Environmental Plan 2012 Lot Size Map (5900_COM_LSZ_004F_010_20120402)	Newcastle Local Environmental Plan 2012 Lot Size Map (5900_COM_LSZ_004F_010_20140505)

Schedule 1 Amendment of Newcastle Local Environmental Plan 2012

[1] Schedule 1 Additional permitted uses

Insert at the end of the Schedule with appropriate clause numbering:

Use of certain land at Mayfield West

- (1) This clause applies to land at 10, 16 and 20 MacIntosh Drive, 3, 9 and 10 Murray Dwyer Circuit and 5 Steel River Boulevard, Mayfield West that is identified as “Item 1” on the Additional Permitted Uses Map.
- (2) Development for the purposes of food and drink premises, high technology industries and waste or resource management facilities is permitted with consent.
- (3) Development for the purposes of business premises and office premises is permitted with consent if the consent authority is satisfied that the development is directly related to the operation of the Port of Newcastle.

[2] Dictionary

Insert in alphabetical order:

Additional Permitted Uses Map means the Newcastle Local Environmental Plan 2012 Additional Permitted Uses Map.

Schedule 2 Amendment of State Environmental Planning Policy (Three Ports) 2013 (as renamed and amended by State Environmental Planning Policy (Port Botany and Port Kembla) Amendment (Port of Newcastle) 2014)

[1] Schedule 2 Complying development

Omit “combustible liquids, dangerous goods of class” from clause 13 (1).

Insert instead “combustible liquids or dangerous goods of class 2 (including liquefied petroleum gas or liquefied natural gas)”.

[2] Schedule 2, clause 13 (1)

Omit “Code, liquefied petroleum gas or liquefied natural gas”. Insert instead “Code”.

[3] Schedule 2, clause 19B

Insert before clause 20:

19B Definition of “final inspection”

In this Part:

final inspection means the inspection referred to in clause 162AB (3) (c) of the *Environmental Planning and Assessment Regulation 2000*.

[4] Schedule 2, clause 20 (a)

Omit “and 11”. Insert instead “, 11 and 15”.

[5] Schedule 2, clause 21 Further general conditions

Insert “a danger to life or property or” after “cause” in clause 21 (e) (i).

[6] Schedule 2, clause 21 (e) (ii)

Omit the subparagraph. Insert instead:

- (ii) must not redirect the flow of any surface or ground water, or cause sediment to be transported, onto an adjoining property,

[7] Schedule 2, clause 21 (2)

Insert at the end of clause 21:

- (2) Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.

[8] Schedule 2, clause 21A

Insert after clause 21:

21A Survey certificate required where proposed building close to lot boundary

- (1) This clause applies to development that consists of the erection of a new building (or any alteration of, or addition to, an existing building) if the new building (or altered part, or addition to, an existing building) is proposed to be located less than 3m from any lot boundary.

- (2) Development to which this clause applies is subject to the condition that a survey certificate must be provided to the principal certifying authority:
 - (a) before any form work below any ground floor slab is completed, or
 - (b) if there is to be no such form work—before any concrete is poured for any ground floor slab or for any foundations.
- (3) The survey certificate must be prepared by a registered land surveyor and show the location of the new building (or the existing building as altered or added to) relative to the boundaries of the lot concerned.

[9] Schedule 2, clauses 23 (2) and 27 (3)

Omit “on completion of the development and prior to the first use of the development” wherever occurring.

Insert instead “before the principal certifying authority carries out the final inspection”.

[10] Schedule 2, clause 29 (a)

Omit “, on completion of the development and prior to the first use of the development, to the principal certifying authority”.

Insert instead “to the principal certifying authority, before the principal certifying authority carries out the final inspection,”.