



Section 3.22 EP&A Act submission

Part A. Council to complete

Subject:

Newcastle Reservoirs Site at 51 Brown Street, The Hill, NSW 2300 - Amend the heritage significance and name of Item no.1558 in Schedule 5 of the Newcastle LEP 2012 to be consistent with the State Heritage Register.

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

Background:

Heritage Council of NSW (Insert name of council) resolved on **26 April 2018**.....

to amend the **State Heritage Register (and therefore by default Schedule 5 of the Newcastle LEP 2012)** (Insert name of LEP) and to request that the Minister for Planning make the plan under sections 3.22 and 3.36(2) of the *Environmental Planning and Assessment Act 1979*.

The Notice from the Heritage Council of NSW pursuant to 37(1)(a) of the Heritage Act 1977 (NSW) addressed to Mr Jeremy Bath, CEO of Newcastle City Council draft amending plan is attached. (Attach copy of resolution.)

The land to which this amendment applies is
Newcastle Reservoirs Site at 51 Brown Street, The Hill, NSW 2300 - Lots 346 & Lot 347 DP 758769, Lots 1-5 DP 1141417.
..... (Specify area. Attach map if appropriate)

Why there is a need for the amendment:

The heritage item listed on the State Heritage Register has recently been upgraded by the Heritage Council of NSW from 'Local' to 'State' heritage significance. Furthermore, the name of the heritage item is referred to as 'Newcastle Reservoirs Site' on the SHR rather than 'Newcastle Hill Reservoir' as stated in the LEP. As such, the heritage significance of Item no.1558 listed in Schedule 5 of the Newcastle LEP 2012 needs to be amended from 'Local' to 'State' and renamed 'Newcastle Reservoirs Site' to ensure consistency with the level of heritage significance attributed to the item and the item name provided in the State Heritage Register.

[To clarify, please note the heritage item's suburb address of 'Newcastle' provided in the SHR is incorrect and should instead be 'The Hill'. Newcastle City Council has requested that the Heritage Council amend this error in the SHR. As such, we respectfully request the suburb of 'The Hill' provided for Item no.1558 in Schedule 5 of the Newcastle LEP 2012 remains unchanged].

.....
(Please attach a separate sheet if necessary)

What the amendment does:

Upgrades the existing Heritage Item no.1558 listed in Schedule 5 of the Newcastle LEP 2012 from 'Local' to 'State' heritage significance and changes the name the item from 'Newcastle Hill Reservoir' to 'Newcastle Reservoirs Site' to ensure consistency with the recently amended State Heritage Register.

.....
(Please attach a separate sheet if necessary)

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

3.22(1)(a) correct an obvious error in the principal instrument consisting of a misdescription or wrong cross-reference.



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(Please attach a separate sheet if necessary)

The council requests that the Minister agree to make draft **Newcastle Local Environmental Plan 2012**..... (Name of amending LEP)

Signed: Tom Smith Date: 31/5/18

Name: ... **Tom Smith**.....

Position: **Heritage 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* make tagged 'B')
(Name of LEP)

(b) authorise the Department to advise council of the Minister's decision.

Date:

Signed: Name:

Position:

for Secretary