



## Section 3.22 EP&A Act submission

### Part A. Council to complete

#### Subject:

Former Civic Railway Station at 430 Hunter Street, Newcastle, NSW 2300 - Amend Schedule 5 of the Newcastle LEP 2012 to list the former Civic Railway Station, Newcastle as a Heritage Item of Local Significance.

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

#### Background:

The former Civic Railway Station site (430 Hunter Street Newcastle) is currently in the ownership of Hunter and Central Coast Development Corporation (HCCDC) and is already listed as an item of Local Heritage Significance under Section 170 of the Heritage Act 1977 known as 'Civic Railway Station Group' (See **Attachment A** - s.170 Register listing SRA623).

Works are currently underway to part demolish structures such as the footbridge and platforms, and make alterations and additions to the station building and platform shelter for adaptive re-use, and associated landscaping (see **Attachment B** for the approved statement of heritage impact and drawings of DA consent 2018/00578). Once the works are completed satisfactory, approximately September 2019, the ownership of the application site is due to be transferred from HCCDC to the City of Newcastle (CN).

The land to which this amendment applies is

**Former Civic Railway Station at 430 Hunter Street, Newcastle, NSW 2300 - Lot 7 DP 1247375.**

See attached Site Map (**Attachment C**)

..... (Specify area. Attach map if appropriate)

#### Why there is a need for the amendment:

When the ownership of the site transfers from a State agency to CN, the Civic Railway Station site will be required to be removed from the s.170 Register. This 3.22 Application ensures that the site at 430 Hunter Street, Newcastle continues to be protected as a heritage item.

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

#### What the amendment does:

Amend Schedule 5 and the Heritage Map of the Newcastle LEP 2012 by designating the site as a heritage item of local significance to be referred to as the '**Civic Railway Station former**'.

Attached are existing and proposed Newcastle LEP 2012 Heritage Maps (See **Attachments D & E**)

The heritage significance of the Civic Railway Station Group as cited in the s.170 Register requires updating to reflect the current DA approved works underway to part demolish structures and prepare the retained railway station building structures for adaptive re-use. It is considered that even after these significant approved works are complete, the site and retained structures of the former Civic Railway Station will still be culturally significant on a number of levels and is very much suitable for inclusion in Schedule 5 of the NLEP 2012. A draft State Heritage Inventory for the proposed item including the updated Statement of Significance and Assessment of Significance is attached (see **Attachment F**).

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

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

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Section 3.22(1) of the Environmental Planning and Assessment Act 1979 provides for expedited amendments of environmental planning instruments, where the amendments are to:

- (a) correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error,
- (b) address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature,
- (c) deal with matters that the Minister considers do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land.

It is considered that the proposed changes to Schedule 5 and Heritage Map of the Newcastle LEP 2012 is consistent with the provisions of Section 3.22(1)(c) of the EP&A Act.

The making of this instrument will not have any significant adverse impact on the environment or adjoining land. The site is already listed as an item of Local Heritage Significance under Section 170 of the Heritage Act 1977. When the ownership of the site transfers from a State agency to CN, the Civic Railway Station site will be required to be removed from the s.170 Register. This 3.22 Application ensures that the site at 430 Hunter Street, Newcastle continues to be protected as a heritage item.

In earlier discussions, the Department of Planning and Environment acknowledged that application of 3.22 of the *Environmental Planning and Assessment Act 1979* was appropriate.

(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: ..... Date: ..... **12 July 2019**.....

Name: ...**Tom Smith**..... Position: .....**Heritage Planner**.....  
On behalf of: ..... **City of Newcastle**..... (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').



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### 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