



New South Wales

# Newcastle Inner-City Rail Corridor Preservation Bill 2014

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to preserve the Newcastle inner-city rail corridor for the purposes of public open space, passive recreational activities or public transport after the heavy rail line that currently occupies the corridor is removed.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

**Clause 3** defines certain words and expressions used in the proposed Act.

**Clause 4** allows development to be carried out with the consent of Newcastle City Council for the purposes of public open space, recreation areas that are used for passive recreation only, kiosks, cafes and amenities related or ancillary to public open space and passive recreational activities and public transport.

**Clause 5** specifies the development that is prohibited in the Newcastle inner-city rail corridor, including residential accommodation and commercial sports centres or gymnasiums.

**Clause 6** provides that proposed sections 4 and 5 operate as provisions of an environmental planning instrument under the *Environmental Planning and Assessment Act 1979* and prevail to the extent of any inconsistency with any other environmental planning instrument.

**Clause 7** makes it clear that the proposed Act binds the Crown in right of New South Wales and, in so far as the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities.



New South Wales

# Newcastle Inner-City Rail Corridor Preservation Bill 2014

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New South Wales

# Newcastle Inner-City Rail Corridor Preservation Bill 2014

No. , 2014

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## **A Bill for**

An Act to preserve the Newcastle inner-city rail corridor for the purposes of open space, recreational activities or public transport.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Newcastle Inner-City Rail Corridor Preservation Act 2014</i> .	3
<b>2 Commencement</b>	4
This Act commences on the date of assent to this Act.	5
<b>3 Definitions</b>	6
(1) In this Act:	7
<i>development</i> has the same meaning as in the <i>Environmental Planning and Assessment Act 1979</i> .	8
<i>environmental planning instrument</i> has the same meaning as in the <i>Environmental Planning and Assessment Act 1979</i> .	10
<i>Newcastle inner-city rail corridor</i> means the land between Wickham Station and the Newcastle Station terminus, being the length of rail line spanned by Wickham, Civic and Newcastle railway stations, bounded by Stewart Avenue at the western end and Watt Street at the eastern end that was, immediately before the relevant date, vested in Rail Corporation New South Wales and occupied by an electrified heavy rail line and associated infrastructure.	12
<i>public open space</i> means any land available for public use that is not built upon, that is set aside for public recreation and to which public access is unrestricted.	18
<i>relevant date</i> means the day on which the Bill for this Act was first introduced into Parliament (whether or not this Act was enacted in the form of the Bill as introduced).	20
(2) Words and expressions used in this Act have the same meaning as in the standard instrument prescribed under section 33A (1) of the <i>Environmental Planning and Assessment Act 1979</i> .	22
<b>4 Development that is permitted on land in the Newcastle inner-city rail corridor</b>	25
(1) Development may be carried out, with development consent, on land in the Newcastle inner-city rail corridor for the following purposes only after the heavy rail line on that land is removed:	26
(a) public open space, including the following:	29
(i) parks and gardens,	30
(ii) public pedestrian paths or walkways, including pedestrian overpasses or underpasses,	31
(iii) cycle ways,	33
(iv) squares or playgrounds,	34
(b) recreation areas used for passive recreation, including associated facilities such as the following:	35
(i) bike hire stations,	37
(ii) public seating,	38
(iii) public art installations,	39
(iv) public outdoor exercise stations,	40
(c) kiosks, cafes and amenities related or ancillary to public open space and passive recreation areas referred to in paragraph (a) or (b),	41
(d) public transport, including light or heavy rail and associated infrastructure.	43

(2)	The consent authority for any development application relating to land in the Newcastle inner-city rail corridor is the council of the local government area in which the land is situated (despite any other Act or environmental planning instrument).	1 2 3
<b>5</b>	<b>Development that is prohibited on land in the Newcastle inner-city rail corridor</b>	4
(1)	Development for any of the following purposes on land in the Newcastle inner-city rail corridor is prohibited:	5 6
(a)	residential accommodation,	7
(b)	commercial sports centres or gymnasiums,	8
(c)	other commercial premises (other than kiosks, cafes and amenities related or ancillary to the public open space and passive recreation areas referred to in section 4 (1) (a) and (b)),	9 10 11
(d)	caravan parks,	12
(e)	a community scheme within the meaning of the <i>Community Land Development Act 1989</i> .	13 14
(2)	Consent must not be granted for any development of land in the Newcastle inner-city rail corridor if the development would result in buildings of a size or nature that precludes re-instatement of public transport along the corridor.	15 16 17
<b>6</b>	<b>Relationship with Environmental Planning and Assessment Act 1979</b>	18
(1)	For the purposes of the <i>Environmental Planning and Assessment Act 1979</i> , sections 4 and 5 are taken to be provisions of an environmental planning instrument under that Act and prevail over any provision of any other environmental planning instrument (made before or after the date of assent to this Act) to the extent of any inconsistency.	19 20 21 22
(2)	Development carried out on land in the Newcastle inner-city rail corridor is not, and cannot be declared to be, State significant infrastructure under Part 5.1 of the <i>Environmental Planning and Assessment Act 1979</i> .	23 24 25
<b>7</b>	<b>Act to bind Crown</b>	26
	This Act binds the Crown in right of New South Wales and, in so far as the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities.	27 28 29