

156 Cardiff Road, Elmore Vale - Residential Rezoning

Proposal Title : **156 Cardiff Road, Elmore Vale - Residential Rezoning**

Proposal Summary : **It is proposed to rezone 6500m2 of land at Elmore Vale from RE2 Private Recreation to R2 Low Density Residential. This will enable redevelopment of the existing privately owned gym and indoor swimming centre which is no longer economically viable to maintain for the owner.**

PP Number : **PP_2013_NEWCA_005_00**

Dop File No : **13/06903**

Proposal Details

Date Planning Proposal Received : **17-Apr-2013**

LGA covered : **Newcastle**

Region : **Hunter**

RPA : **Newcastle City Council**

State Electorate : **WALLSEND**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **156 Cardiff Road**

Suburb : **Elmore Vale**

City :

Postcode : **2287**

Land Parcel : **Lot 39 DP 711005**

DoP Planning Officer Contact Details

Contact Name : **Dylan Meade**

Contact Number : **0249042718**

Contact Email : **dylan.meade@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Johannes Honnef**

Contact Number : **0249742983**

Contact Email : **jhonef@ncc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Lower Hunter Regional Strategy**

Consistent with Strategy : **Yes**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	0.65	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	8	No. of Dwellings (where relevant) :	8
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **Council have not requested use of plan-making delegations. As the planning proposal is considered to have minor impacts, it is recommended Council are given plan-making delegations.**

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives provided indicates that the proposal intends to enable redevelopment of the site for low density residential purposes. The statement of objectives is supported.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions explains that the proposal will amend the Newcastle LEP 2012 through changes to the:**

- **Land Use Zone Maps** by rezoning the site from RE2 Private Recreation to R2 Low Density Residential.
- **Height of Building Map** to include a maximum height of 8.5m.
- **Floor Space Ratio Map** to include a maximum floor space ratio of 0.6.
- **Minimum Lot Size Map** to reflect change from 400,000m² (40 ha) to 400m².

The explanation of provisions is supported.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

4.2 Mine Subsidence and Unstable Land

4.4 Planning for Bushfire Protection

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Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council proposes to exhibit the proposal for a period of 14 days. This timeframe is supported.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The Newcastle LEP 2012 was gazetted on 15 June 2012.

Assessment Criteria

Need for planning proposal :

The planning proposal is required to enable redevelopment of the site. A planning proposal is considered the best way to achieve the intended outcomes.

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Consistency with strategic planning framework :

LOWER HUNTER REGIONAL STRATEGY (LHRS)

The proposal is consistent with the LHRS in that it facilitates residential development opportunities in existing urban areas.

SECTION 117 DIRECTIONS

The following Section 117 Directions are applicable to the proposal:

1.1 Business and Industrial Zones

Council has identified the proposal as being inconsistent with this direction as the rezoning will facilitate the loss of employment provided by the existing recreational uses on the subject site. It is considered that the proposal is consistent with this direction as it rezones land from RE2 Private Recreation to R2 Low Density Residential, and as such does not reduce the area or location of employment or business zones.

4.2 Mine Subsidence and Unstable Land

Council advises that the subject site is affected by mine subsidence. As required by the direction, Council will need to consult with the Mine Subsidence Board prior to exhibition of the proposal.

4.4 Planning for Bushfire Protection

Council advises that the land is identified as being affected by bushfire risk under Newcastle Bushfire Prone Land Map 2009. As required by the direction, Council will need to consult with the commissioner of NSW Rural Fire Service prior to exhibition of the proposal.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

The proposal is considered consistent with all relevant SEPPs.

Council notes that SEPP 44 - Koala Habitat Protection is applicable to the planning proposal as the policy applies to all land in the Newcastle LGA. Council advises that it has no knowledge of koala habitat on the site, but will undertake further investigation during development assessment. It is considered that the presence of any koala habitat is unlikely to affect the proposed rezoning as the site is only 0.65 ha, partially vegetated, and is surrounded by urban development. The proposal is considered sufficiently consistent with the SEPP to proceed through Gateway. Council's approach to undertaking investigation at the development assessment stage is supported.

Environmental social economic impacts :

ENVIRONMENTAL

The proposal may result in the loss of some vegetation present on the site. This vegetation is highly disturbed and surrounded by residential development. Retention of mature trees on the site can be adequately considered by Council during development assessment. It is considered that the proposal's environmental impacts are negligible.

SOCIAL AND ECONOMIC

The proposal will result in the loss of private recreation facilities. It is understood that existing facilities are underused and not economically viable, so retaining the existing zone does not allow for the highest and best use for the land. Rezoning of the land to allow residential development will result in positive economic outcomes and the best use of the land.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 Month** Delegation : **DDG**

Public Authority **Mine Subsidence Board**
Consultation - s56(2)(d) **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
4.2 Mine Subsidence and Unstable Land
4.4 Planning for Bushfire Protection

Additional Information : **1. Council is to consult with the Mine Subsidence Board regarding the proposal as per the requirements of S117 Direction 4.2 Mine Subsidence and Unstable Land and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.**

2. Council is to consult with the NSW Rural Fire Services as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 14 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- NSW Rural Fire Service
- Mine Subsidence Board

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

7. Council are given plan-making delegations.

Supporting Reasons :

The proposal is supported as it will allow redevelopment of the site for residential purposes in an infill area.

Signature:



Printed Name:

K. O'FLAHERTY

Date:

2-5-2013