

Planning Proposal



156 Cardiff Road, Elermore Vale

March 2013

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156 CARDIFF ROAD, ELMORE VALE

Summary of Proposal

Proposal	156 Cardiff Road Elmore Vale
Property Details	156 Cardiff Road Elmore Vale Lot 39 DP 711005
Applicant Details	Mr Brian Roberts

Background

Council has received a request to amend Newcastle LEP 2012 in order to enable the land to be redeveloped from its current use as a gymnasium and indoor swimming centre to low density residential use.

The applicant maintains that the current use is no longer economically viable due to the cost of maintaining aging assets (such as the swimming pools) and the competitiveness of the newer format gyms that are accessible 24/7, have lower overheads, and are better located within existing commercial centres.

The applicant has attempted disposing of the land as a single parcel but to no avail. Hence the request to zone the land consistent with adjoining lands.

Site

The proposal consists of land at 156 Cardiff Road Elmore Vale, described as Lot 39 DP 711005.

The site is currently zoned RE2 Private Recreation and consists of a building with a floor plate of approximately 3000m², a car park and access road, and vegetated areas. Access to the site is off Cardiff Road via an 18m wide access handle, which is zoned R2 Low Density Residential.

The surrounding land is zoned R2 Low Density Residential, consisting detached dwellings, however, the land to the south is currently undeveloped bushland (see **Figure 1: Local Context of Site**).

In 1971 the topography of the land was a hill, which the applicant removed the top off in order to create about 6500m² of flat site for the current use (see **Figure 2: Air photo of site**). The access soil was moved to the edges of the site, which resulted in very steep gradients. The access road to the current use is also very steep with gradients of up to 1:2. Fortunately the sloping land consists of regrowth that assists in maintaining stability of the site.

The applicant has obtained initial geotechnical investigation in order to establish whether the site is feasible for residential development. Council has indicated that should the land be suitable for a residential zoning, it would most likely best suit a Community Title development which concentrates development on the higher more stable soils and is accessed by a private road. However, such details can be addressed at the DA stage and are beyond the scope of this planning proposal.



Newcastle Local Environmental Plan 2012

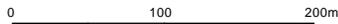
Local Area Context Map

Cadastre

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 21/02/2013 © Newcastle City Council
- Subject Site
- Suburb boundary
- LGA boundary



Projection GDA 1994
Zone 56



Scale 1:5,000 @ A4

Planning Proposal - 156 Cardiff Road Elmore Vale -
Local Area Context Map



Newcastle Local Environmental Plan 2012

Site Air Photo Map

Cadastral

-  Cadastral base data 01/08/2007 © LPMA
Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site
-  Suburb boundary



Projection GDA 1994
Zone 56



Scale 1:2,000 @ A4

Planning Proposal - 156 Cardiff Road Elmore Vale -
Site Air Photo Map



PART 1 - OBJECTIVES OR INTENDED OUTCOMES

To enable the land to be redeveloped for the purpose of providing low density residential land uses.

PART 2 - EXPLANATION OF PROVISIONS

The objective of this planning proposal will be achieved by amending Newcastle LEP 2012, with respect to part of the subject site, as follows:

1. Land Zoning Map to reflect a change of zone from RE2 Private Recreation zone to R2 Low Density Residential zone.
2. Height of Building Map to include a maximum height of 8.5m.
3. Floor Space Ratio Map to include a maximum floor space ratio of 0.6.
4. Minimum Lot Size Map to reflect change from 400,000m² (40 ha) to 400m².

PART 3 – JUSTIFICATION

Section A - Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

No, the planning proposal is a result of a request made to Council to amend Newcastle LEP 2012 by a private landowner, in order to dispose of the land.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, an amendment resulting in a R2 zoning of the site is considered the most suitable way of achieving the objectives of this planning proposal and is consistent with the zoning of adjoining lands.

Section B - Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Lower Hunter Regional Strategy (2006)

The Lower Hunter Regional Strategy applies to the land. The aim of this Strategy is to ensure that adequate land is available to accommodate the projected housing and employment growth in the Hunter Region over the next 25 years.

Although this project is small in scale it will contribute to generating greater provision of housing and is therefore considered consistent with this aim.

4. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Newcastle 2030 Community Strategic Plan

Council adopted the Newcastle 2030 Community Strategic Plan in February 2011. The planning proposal primarily aligns to the strategic direction 'Open and Collaborative Leadership' identified within the Newcastle Community Strategic Plan 2030.

Compliance with the LEP amendment process, in particular section 57 – community consultation of the Environmental Planning and Assessment (EP&A) Act 1979, will assist in achieving the strategic objective; "Consider decision-making based on collaborative, transparent and accountable leadership" and the identified strategy 7.2b, which states: "Provide opportunities for genuine and representative community engagement in local decision making".

Newcastle Urban Strategy (NUS)

The planning proposal is consistent with the principles, city wide strategies, and neighbourhood vision of the NUS, including the identified residential densities nominated by the residential development strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

Table 1 - Consideration of State Environmental Planning Policies

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 1—Development Standards	No	
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	No	
State Environmental Planning Policy No 6—Number of Storeys in a Building	No	
State Environmental Planning Policy No 14—Coastal Wetlands	No	
State Environmental Planning Policy No 15—Rural Landsharing Communities	No	
State Environmental Planning Policy No 19—Bushland in Urban Areas	No	
State Environmental Planning Policy No 21—Caravan Parks	No	
State Environmental Planning Policy No 22—Shops and Commercial Premises	No	
State Environmental Planning Policy No 26—Littoral Rainforests	No	
State Environmental Planning Policy No 29—Western Sydney Recreation Area	No	
State Environmental Planning Policy No 30—Intensive Agriculture	No	
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	No	
State Environmental Planning Policy No 33—Hazardous and Offensive Development	No	
State Environmental Planning Policy No 36—Manufactured Home Estates	No	
State Environmental Planning Policy No 39—Spit Island Bird Habitat	No	
State Environmental Planning Policy No 41—Casino Entertainment Complex	No	

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 44—Koala Habitat Protection	Yes	Yes, there are no known records of koalas on site. Further flora and fauna assessment may need to be undertaken as part of a future DA depending on the proposed development footprint on the land.
State Environmental Planning Policy No 47—Moore Park Showground	No	
State Environmental Planning Policy No 50—Canal Estate Development	No	
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No	
State Environmental Planning Policy No 53—Metropolitan Residential Development	No	
State Environmental Planning Policy No 55—Remediation of Land	No	
State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area	No	
State Environmental Planning Policy No 60—Exempt and Complying Development	No	
State Environmental Planning Policy No 62—Sustainable Aquaculture	No	
State Environmental Planning Policy No 64—Advertising and Signage	No	
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	No	
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	No	
State Environmental Planning Policy No 71—Coastal Protection	No	
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No	
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No	
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No	
State Environmental Planning Policy (Infrastructure) 2007	No	
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	No	

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy (Major Development) 2005	No	
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	
State Environmental Planning Policy (Rural Lands) 2008	No	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	No	
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	
SEPP (State and Regional Development) 2011	No	

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

Table 2 - Consideration of Section 117 Direction

S117 Direction	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	No	Note: The proposal may result in a loss of employment on the site. However the applicant claims that employment is likely to cease regardless due to the existing use being unviable to continue.
1.2 Rural Zones	No	
1.3 Mining, Petroleum Production and Extractive Industries	No	
1.4 Oyster Aquaculture	No	
1.5 Rural Lands	No	
2. Environment and Heritage		
2.1 Environment Protection Zones	Yes	
2.2 Coastal Protection	No	
2.3 Heritage Conservation	No	
2.4 Recreation Vehicle Areas	No	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes	Yes, the Planning proposal will deliver additional supply of residential development.
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	No	

S117 Direction	Applicable	Consistent
3.4 Integrating Land Use and Transport	Yes	Yes, the proposal is consistent with the objectives of this direction as the site is strategically located for the proposed use and will not affect transport choices.
3.5 Development Near Licensed Aerodromes	No	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	No	
4.2 Mine Subsidence and Unstable Land	Yes	The property is affected by mine subsidence. Council will consult with the mine subsidence board prior to exhibition of this planning proposal.
4.3 Flood Prone Land	No	
4.4 Planning for Bushfire Protection	Yes	The land is identified as being affected by bushfire risk under Newcastle Bushfire Prone Land Map 2009, hence Council will consult with the commissioner of NSW Rural Fire Service prior to exhibition of this Planning Proposal.
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	Yes, the planning proposal is consistent with the Lower Hunter Regional Strategy and does not undermine achievement of its vision, land use strategy, policies, outcomes, or actions.
5.2 Sydney Drinking Water Catchments	No	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.8 Second Sydney Airport: Badgerys Creek	No	
6. Local Plan Making		
6.1 Approval and Referral Requirements	No	
6.2 Reserving Land for Public Purposes	No	
6.3 Site Specific Provisions	No	

Section C - Environmental, social, and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No, the site was cleared in about 1971 and only consist of areas of regrowth around the edges. However an assessment of these areas may be warranted at the DA stage, should a proposed development footprint effect these.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Mine Subsidence

Yes, as addressed in Section B, above.

Hydrology and Water Management

The site is not located within a flood prone area.

Bushfire

Yes, as addressed in Section B, above.

Heritage

There are no listed items of environmental heritage on site or in the vicinity of the site.

Contamination

There is no known contamination of the land and the current and former uses of the land are unlikely to have cause risk of contamination.

Traffic Impacts and Vehicular and Pedestrian Access

The proposal is likely to have a decreased impact on traffic than the current use of the site.

The existing access to the site has steep gradients of up to 1:2, which is unlikely to be acceptable for a publicly owned roadway. However, this is unlikely to exclude some level of residential development on the land, hence this can be resolved at the DA stage, should the land be rezoned.

9. Has the planning proposal adequately addressed any social and economic effects?

The land does not contain known items of European or Aboriginal cultural heritage.

The land is adequately serviced by social infrastructure and services such as schools and hospitals and impacts on existing retail centres. Potential development resulting from the proposed amendment is unlikely to be of a scale that would have any significant impact on the supply of local services.

Section D - State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

Yes, the site is adequately serviced with public utilities.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No State and Commonwealth public authorities were consulted at this stage but will be carried out in accordance with the requirements of the gateway determination.

PART 4 – MAPPING

The Planning proposal does not seek to amend any maps within Newcastle LEP 2012. The planning proposal seeks to amend the following maps within Newcastle LEP 2012:

- Land Zoning Map
- Height of Buildings Map
- Floor Space Ratio Map
- Minimum Lot Size Map

The following maps are included to illustrate the mapping amendments proposed:

- **Figure 3:** Existing Land Zoning Map
- **Figure 4:** Proposed Land Zoning Map
- **Figure 5:** Proposed Max Height of Buildings Map
- **Figure 6:** Proposed Max Floor Space Ratio Map
- **Figure 7:** Existing Min Lot Size Map
- **Figure 8:** Proposed Min Lot Size Map



Newcastle Local Environmental Plan 2012

Existing Land Zoning Map

Cadastre

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 21/02/2013 © Newcastle City Council
- Subject Site

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- IN3 Heavy Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP1 Special Activities
- SP2 Infrastructure
- W2 Recreational Waterways
- UL Unzoned Land

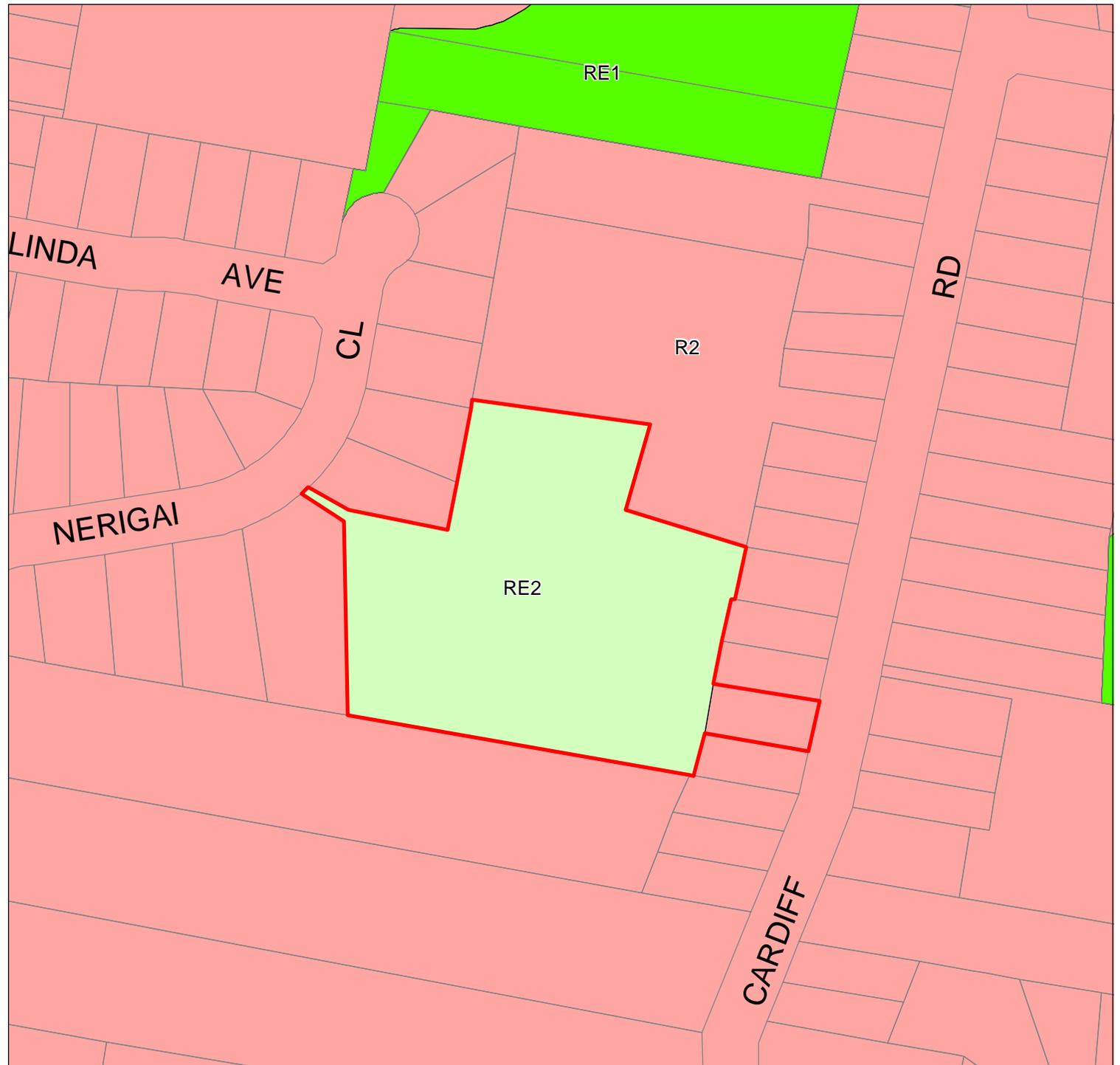


Projection: GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 156 Cardiff Road Elmore Vale -
Existing Land Zoning Map





Newcastle Local Environmental Plan 2012

Proposed Land Zoning Map

Cadastral

- Cadastral base data 01/08/2007 © LPMA
Addendum data 21/02/2013 © Newcastle City Council
- Subject Site

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- IN3 Heavy Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP1 Special Activities
- SP2 Infrastructure
- W2 Recreational Waterways
- UL Unzoned Land

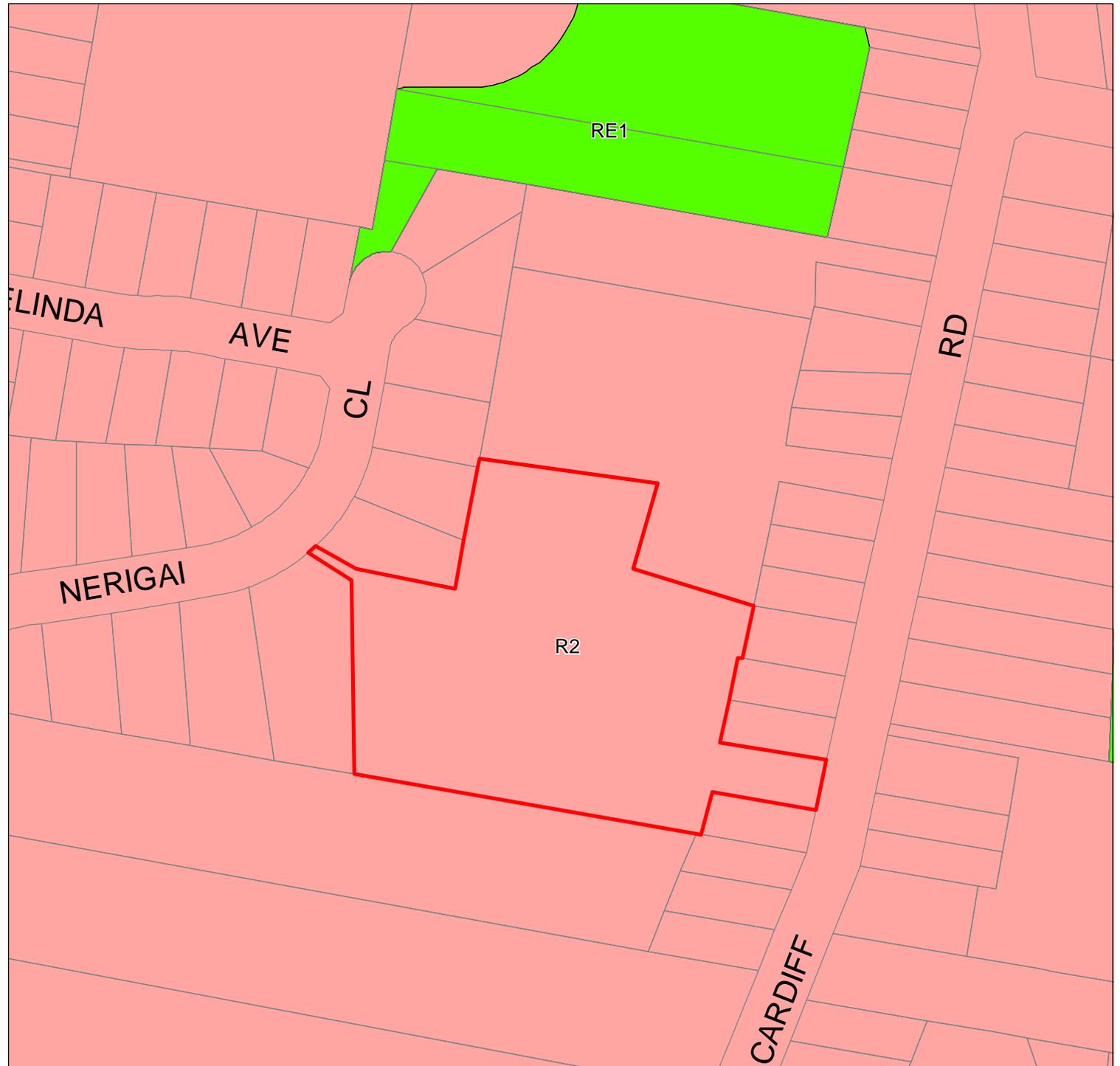


Projection: GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 156 Cardiff Road Elmore Vale -
Proposed Land Zoning Map





Newcastle Local Environmental Plan 2012

Proposed Max Height of Building Map

Cadastre

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 21/02/2013 © Newcastle City Council
- Subject Site

Maximum Building Height (m)

- I 8.5
- K 10
- L 11
- N 14
- P1 17
- P2 18
- Q 20
- R 21
- S 24
- U 30
- V 35
- X 45
- AA 60
- AB 90



Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 156 Cardiff Road Elernore Vale -
Proposed Max Height of Building Map





Newcastle Local Environmental Plan 2012

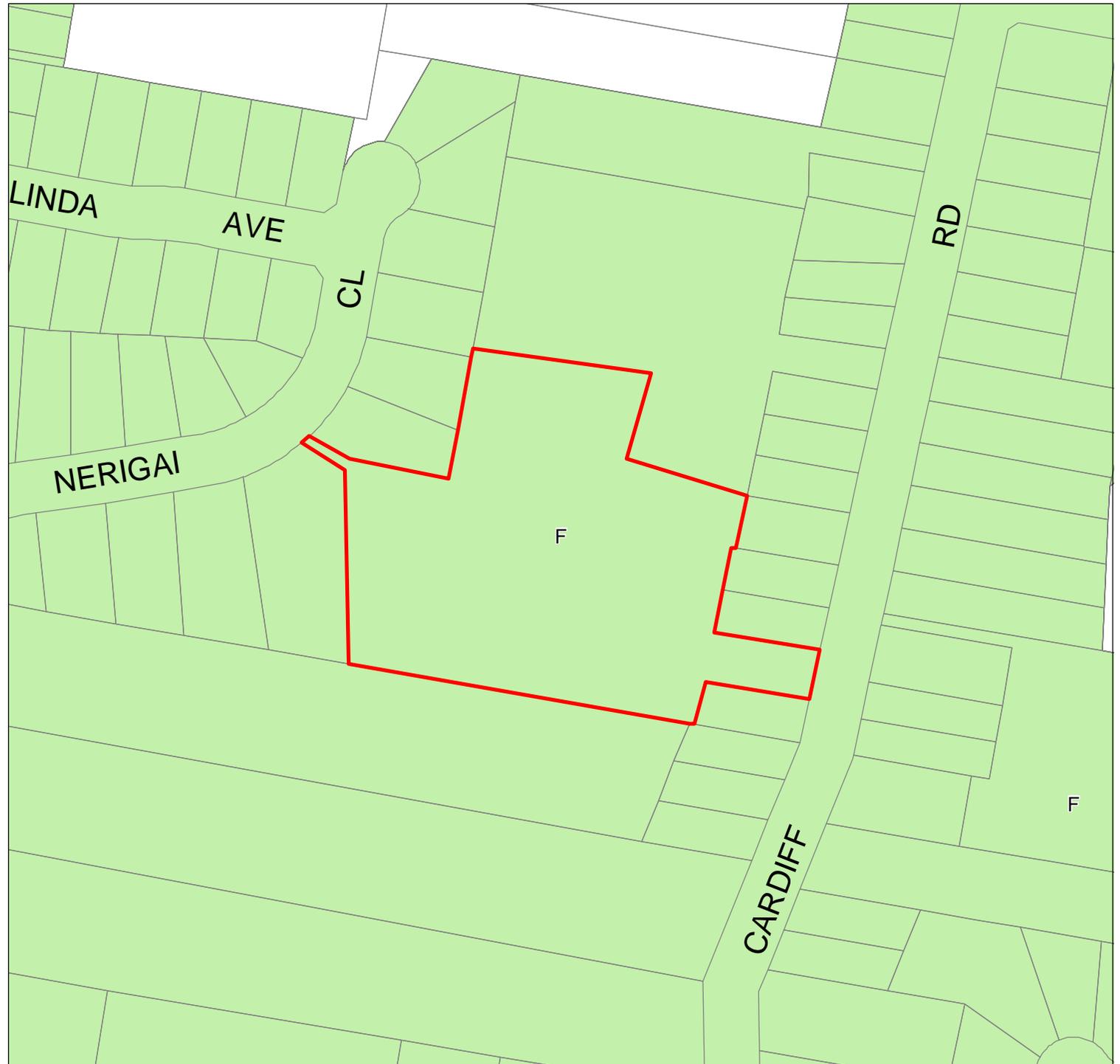
Proposed Max Floor Space Ratio Map

Cadastr

- Cadastr base data 01/08/2007 © LPMA
- Addendum data 21/02/2013 © Newcastle City Council
- Subject Site

Maximum Floor Space (n:1)

- F 0.6
- I 0.75
- L 0.9
- N 1
- S 1.5
- T 2
- U 2.5
- V 3
- X 4
- Z 5
- AA 6
- AB 7
- AC 8



Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4



Newcastle Local Environmental Plan 2012

Existing Min Lot Size Map

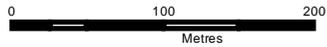
Minimum Lot Size (sq m)

- F 400
- G 450
- U 1 000
- Y 10 000 (1 ha)
- Z 20 000 (2 ha)
- AB 400 000 (40 ha)

Cadastre

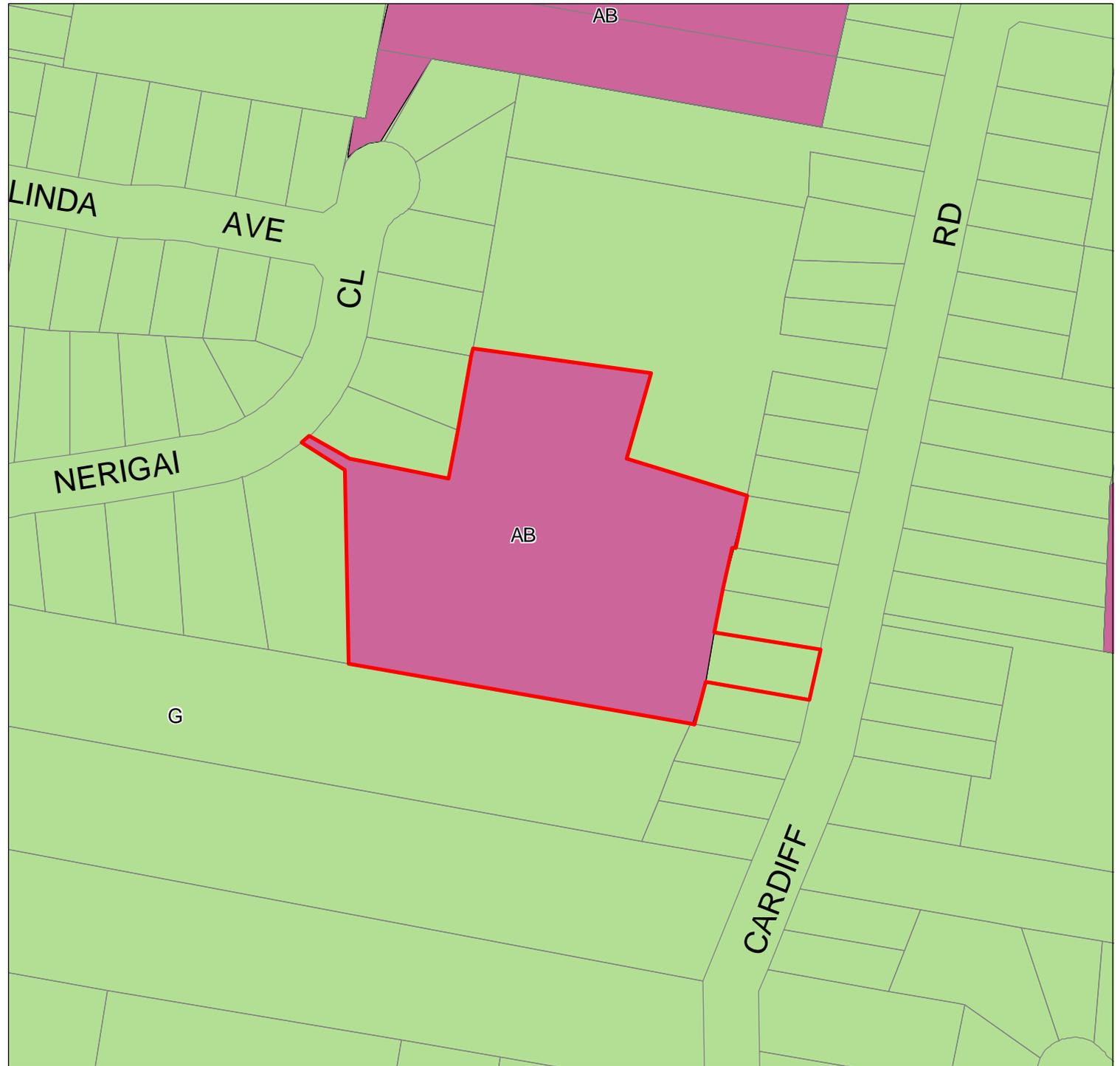
- Cadastre base data 01/08/2007 © LPMA
- Addendum data 26/09/2012 © Newcastle City Council

NORTH



Scale 1:5000 @ A4

Projection GDA 1994
Zone 56





Newcastle Local Environmental Plan 2012

Proposed Min Lot Size Map

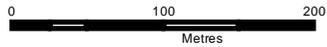
Minimum Lot Size (sq m)

- F 400
- G 450
- U 1 000
- Y 10 000 (1 ha)
- Z 20 000 (2 ha)
- AB 400 000 (40 ha)

Cadastre

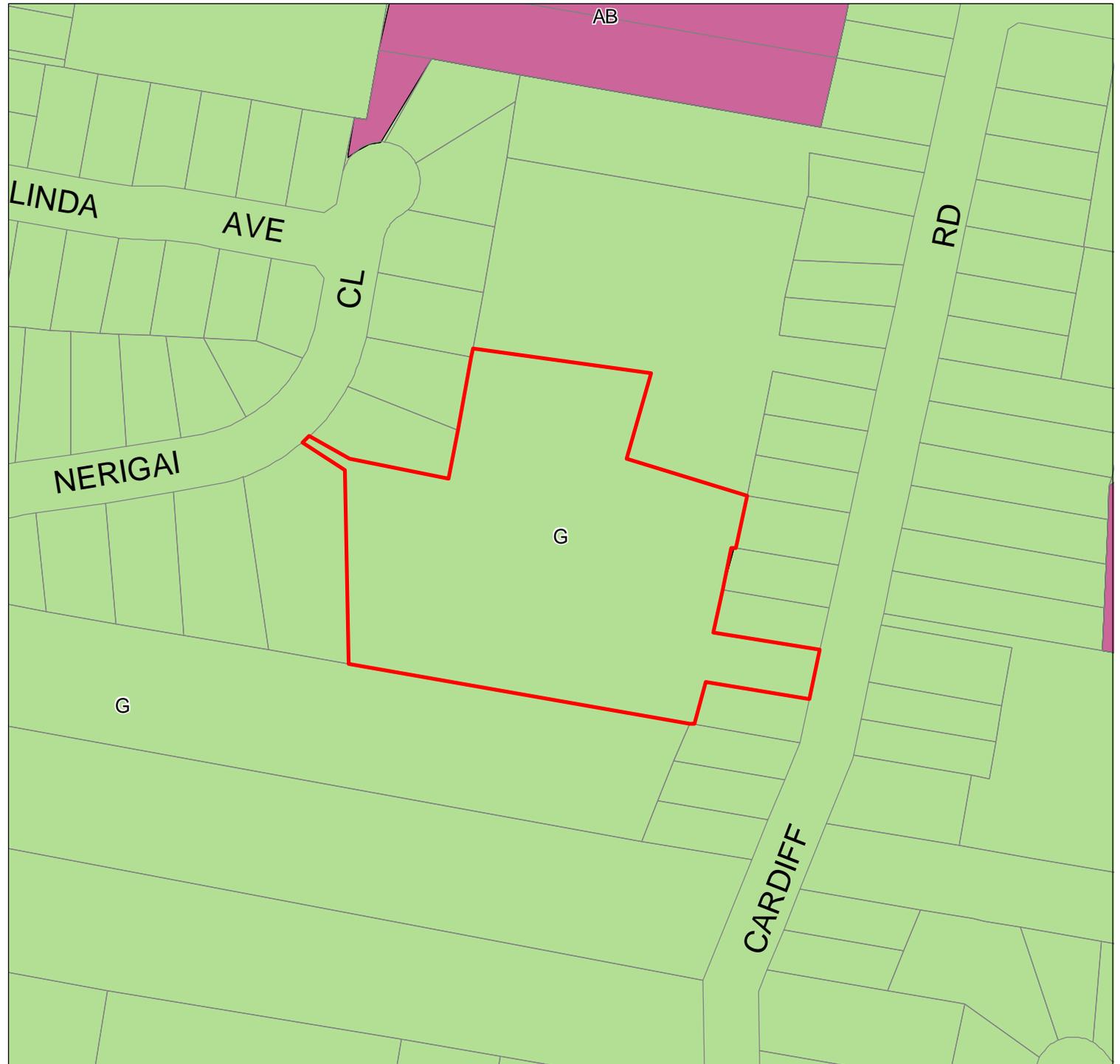
- Cadastre base data 01/08/2007 © LPMA
- Addendum data 26/09/2012 © Newcastle City Council

NORTH



Scale 1:5000 @ A4

Projection GDA 1994
Zone 56



PART 5 – COMMUNITY CONSULTATION

The planning proposal is considered as low impact in accordance with the Department of Planning's guidelines, 'A guide to preparing local environmental plans'. Hence it is proposed that the planning proposal will be publicly exhibited for a minimum 14 day period.

Council propose to consult with the following agencies prior to public exhibition of the planning proposal:

- Mine Subsidence Board
- Rural Fire Services

Any other relevant agencies will be consulted in accordance with the requirements of the gateway determination.

PART 6 – PROJECT TIMELINE

The project is expected to be completed within seven months from Gateway Determination. The following timetable is proposed:

Task	Planning Proposal Timeline												
	Mar 13	Apr 13	May 13	Jun 13	Jul 13	Aug 13	Sep 13	Oct 13	Nov 13	Dec 13	Jan 14	Feb 14	
Issue of Gateway Determination													
Prepare any outstanding studies													
Consult with required State Agencies													
Exhibition of planning proposal and technical studies													
Review of submissions and preparation of report to Council													
Report to Council following exhibition													
Planning Proposal sent back to Department requesting that the draft LEP be prepared													