

Newcastle Local Environmental Plan 2012 - Reclassification at Elmore Vale

Proposal Title : **Newcastle Local Environmental Plan 2012 - Reclassification at Elmore Vale**

Proposal Summary : **The Planning Proposal aims to amend Newcastle Local Environmental Plan 2012 as follows:-**

- 1. Reclassify Lot 25 DP260024 No.39a Kerry Avenue, Elmore Vale from community to operational land.**
- 2. Reclassify part of Lot 22 DP 235930 No.124a Cardiff Road, Elmore Vale from operational to community land. Council advises that it is not necessary to reclassify part of No.124 Cardiff Road, because when it is acquired it will default to community land after 3 months under the provisions of the Local Government Act 1993.**
- 3. Rezone part of No.124 & part of 124a Cardiff Road, Elmore Vale from R2 Low Density Residential to RE1 Public Recreation.**
- 4. Amend the height of building and FSR maps to stipulate a maximum height of 8.5m and a FSR of 0.6:1 for the portion of the subject land zoned R2 Low Density Residential.**
- 5. Amend the minimum lot size map to stipulate a minimum lot size of 40ha for the land being rezoned RE1 Public Recreation, which is consistent with the adjoining reserve.**

PP Number : **PP_2012_NEWCA_002_00** Dop File No : **12/11681**

Proposal Details

Date Planning Proposal Received :	10-Jul-2012	LGA covered :	Newcastle
Region :	Hunter	RPA :	Newcastle City Council
State Electorate :	NEWCASTLE	Section of the Act :	55 - Planning Proposal
LEP Type :	Reclassification		

Location Details

Street :	Various Properties		
Suburb :	Elmore Vale	City :	Newcastle
		Postcode :	2300
Land Parcel :			

DoP Planning Officer Contact Details

Contact Name : **Trent Wink**
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RPA Contact Details

Contact Name : **Johannes Honnef**
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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
MDP Number :		Date of Release :	
Area of Release (Ha)		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
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 : **It is the intended outcome of this PP that an agreement between Council and the private land owner to transfer land will make it possible to develop the residential land as well as securing a larger and more usable area of public open space along Cardiff Road, Elernmore Vale.**

External Supporting
Notes :

Adequacy Assessment

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

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

Comment :

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

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

Comment :

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.2 Mine Subsidence and Unstable Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Yes**

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 :

Direction 6.2 Reservation of Land

The PP zones additional land RE1 Public Recreation to consolidate and provide a more usable area of public open space along Cardiff Road, Elernore Vale. It is recommended that the D-G approves the reservation of additional land for public purposes.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Council will also need to prepare an information map showing the reclassification boundaries.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The reclassification of land is not considered a low impact proposal. Council recommends an exhibition of 28 days. This 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 : **June 2012**

Comments in relation to Principal LEP : **The Newcastle SI LEP 2012 was published on 15 June 2012**

Assessment Criteria

Need for planning proposal : **Yes. The reclassification and zoning of land can only be achieved through an LEP amendment.**

Consistency with strategic planning framework : **Yes. The PP will make it possible to develop the residential land as well as securing a larger and more usable area of public open space along Cardiff Road, Elernore Vale.**

Environmental social economic impacts : **The PP should have positive environmental, social and economic impacts.**

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

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

Public Authority Consultation - 56(2)(d)

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

Newcastle Local Environmental Plan 2012 - Reclassification at Elmore Vale

Document File Name	DocumentType Name	Is Public
Council Resolution Amendment No.2.pdf	Determination Document	Yes
Planning Proposals Amendment N0.2 Reclassification.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

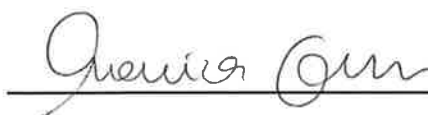
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.2 Mine Subsidence and Unstable Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.2 Reserving Land for Public Purposes

Additional Information : **It is recommended that:**

1. The Planning Proposal be supported.
2. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ('EP&A' Act) as follows:
 - (a) the Planning Proposal be made publicly available for 28 days;
 - (b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 4.5 of A guide to preparing LEPs (Department for Planning 2009)
3. The Director General (or delegate) approves the reservation of additional land under the Minister's S117 Direction 6.1 Reserving Land for Public Purposes.
4. 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.
5. Compliance with the LEP Practice Note PN 09-003 Classification and reclassification of public land through a LEP.
6. Council will need to prepare an information map to identify the land being reclassified. This will need to be forwarded to the Department when requesting the drafting of the instrument.
7. The timeframe for completing the LEP is 9 months from the date of the Gateway Determination.

Supporting Reasons : The PP will make it possible to develop the residential land and provide additional housing. Securing a larger and more usable area of public open space along Cardiff Road, Elmore Vale will also benefit the community.

Signature:



Printed Name:

Jennifer Gibson

Date:

20 July 2012