

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**

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, Elernore Vale will also benefit the community.

Panel Recommendation

Recommendation Date : 26-Jul-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. 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 28 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

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

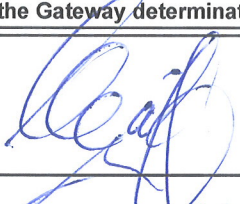
- NSW Rural Fire Services
- Mine Subsidence Board

3. 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).

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:

Printed Name:


Neil McGaffin

Date:

1.8.12