

Planning Proposal PP2012/02 - Amendment to Newcastle Local Environmental Plan 2012

- Reclassify **39a Kerry Avenue ELERMORE VALE** from Community to Operational land ✓
- Rezone part of **124 Cardiff Road ELERMORE VALE** and part of **124a Cardiff Road ELERMORE VALE** from R2 Low Density Residential to RE1 Public Recreation
- Reclassify part of **124a Cardiff Road ELERMORE VALE** from Operational to Community land ✓
- Amend part of **124 Cardiff Road ELERMORE VALE** and part of **124a Cardiff Road ELERMORE VALE** to have a minimum lot size of 400 000m² (40ha) ✓
- Amend the height and FSR maps for all of the subject sites to allow the portions of land zoned R2 Low Density Residential to have a height of 8.5m and a FSR of 0.6. ✓

Prepared by The City of Newcastle

26 June 2012

PP2012/02 - 122, 124, 124a Cardiff Road and 39A Kerry Avenue Elmore Vale

Summary of Proposal

Proposal	Reclassify 39a Kerry Avenue from Community to Operational land. Rezone part of 124 Cardiff Road and part of 124a Cardiff Road Elmore Vale from R2 Low Density Residential to RE1 Public Recreation. Reclassify part of 124a Cardiff Road Elmore Vale from Operational to Community land. Amend part of 124 Cardiff Road Elmore Vale and part of 124a Cardiff Road Elmore Vale to have a minimum lot size of 400 000m² (40ha). Amend the height and FSR maps for all of the subject sites to allow the portions of land zoned R2 Low Density Residential to have a height of 8.5m and a FSR of 0.6.	
Property Details	122 Cardiff Road Elmore Vale	Lot 21A DP 17677
	124 Cardiff Road Elmore Vale	Lot 20A DP 17677
	124a Cardiff Road Elmore Vale	Lot 22 DP 235930
	39a Kerry Avenue Elmore Vale	Lot 25 DP 260024
Applicant Details	Strategic Property and Fleet Management Service Unit Newcastle City Council 28 King Street Newcastle NSW 2300	
Land owner	Newcastle City Council 39A Kerry Ave Elmore Vale 122 Cardiff Road Elmore Vale 124A Cardiff Road Elmore Vale Sterling Property Group 124 Cardiff Road Elmore Vale	

Background

The Newcastle Council Local Environmental Plan 2012 was prepared as a means of converting Newcastle LEP 2003 into the correct format of the standard instrument.

Council has received a request to amend the zoning and classifications on the subject sites to create a more developable portion of residential land at the rear of the sites and a more usable area of RE1 Public Recreation land fronting onto Cardiff Road. In assessing the proposal Council Officers have determined that the height, FSR and lot size maps also need to be amended for the proposal to proceed.

Site

The subject site consists of four (4) parcels of land covering an area of approximately 32,750m². **Figure 1** provides an aerial view of the site.

124a and 39 Kerry Ave are currently vacant lots. 124 Cardiff Road is also vacant but contains a heritage item of local significance (Jubilee Ventilation Shaft (Wallsend Colliery)).

122 Cardiff Road contains a community hall and tennis court. However, this parcel is not subject to the proposed amendments.

Internal consultation

The proposal was presented to Councils LEP Advisory Panel on 29 February 2012. The panel consists of technical experts from Council including representatives from Strategic Planning, Compliance, Development and Building and Flooding Engineers. The comments from the panel have been incorporated into this planning proposal.

Figure 1: Aerial View of Subject Site



Part 1 - Objectives or Intended Outcomes

The intended outcomes of the planning proposal are to: provide for more efficient land uses and create more consolidated recreational land at the front of the site, towards Cardiff Road, and allow Council the option of selling the existing portion of residential land.

Part 2 - Explanation of Provisions

The current environmental planning instrument which covers the local government area of Newcastle City Council is known as Newcastle Local Environmental Plan 2012.

The intended outcomes are to be achieved through the proposed amendments, which include:

Rezone part of 124 Cardiff Road Elmore Vale, also known as Lot 20A DP 17677 from R2 Low Density Residential to RE1 Public Recreation (see **Figure 2** for proposed zoning).

Rezone part of 124a Cardiff Road Elmore Vale, also known as Lot 22 DP 235930 from R2 Low Density Residential to RE1 Public Recreation (see **Figure 2** for proposed zoning)..

Amend the Height maps for 122 Cardiff Road Elmore Vale (Lot 25 DP 260024), part of 124 Cardiff Road Elmore Vale (Lot 20A DP 17677), and part of 124a Cardiff Road Elmore Vale (Lot 22 DP 235930) to have a height limit of 8.5m on the portions of land zoned R2 Low Density Residential (see **Figure 3** for proposed Height of Buildings).

Amend the Floor Space Ratio (FSR) maps for 122 Cardiff Road Elmore Vale (Lot 25 DP 260024), part of 124 Cardiff Road Elmore Vale (Lot 20A DP 17677), and part of 124a Cardiff Road Elmore Vale (Lot 22 DP 235930) to have a FSR limit of 0.6 on the portions of land zoned R2 Low Density Residential (see **Figure 4** for proposed FSR).

Amend the Minimum Lot Size maps to allow part of 124 Cardiff Road Elmore Vale (Lot 20A DP17677) and part of 124a Cardiff Road Elmore Vale (Lot 22 DP 235930) to have a minimum Lot size of 400 000 (40ha) (see **Figure 5** for proposed Minimum Lot Size).

Insert the following provision into 'Schedule 4 Classification and reclassification of public land Part 1 Land classified, or reclassified, as operational land – no interest changed' (see **Figure 6** for proposed classification).

'Lot 25 DP 260024 known as 39a Kerry Avenue Elmore Vale, as shown edged heavy black on the map marked "Newcastle Local Environmental Plan 2012 (Amendment No __)'.

Insert the following provision into 'Schedule 4 Classification and Reclassification of public land Part 3 Land Classified, or reclassified as community land (see **Figure 6** for proposed classification).

'Part Lot 22 DP 235930 known as 124a Cardiff Road Elmore Vale as shown edged heavy black on the map marked 'Newcastle Local Environmental Plan 2012 (Amendment No __)'.

Figure 2: Proposed Zoning



Figure 3: Proposed Height of Buildings

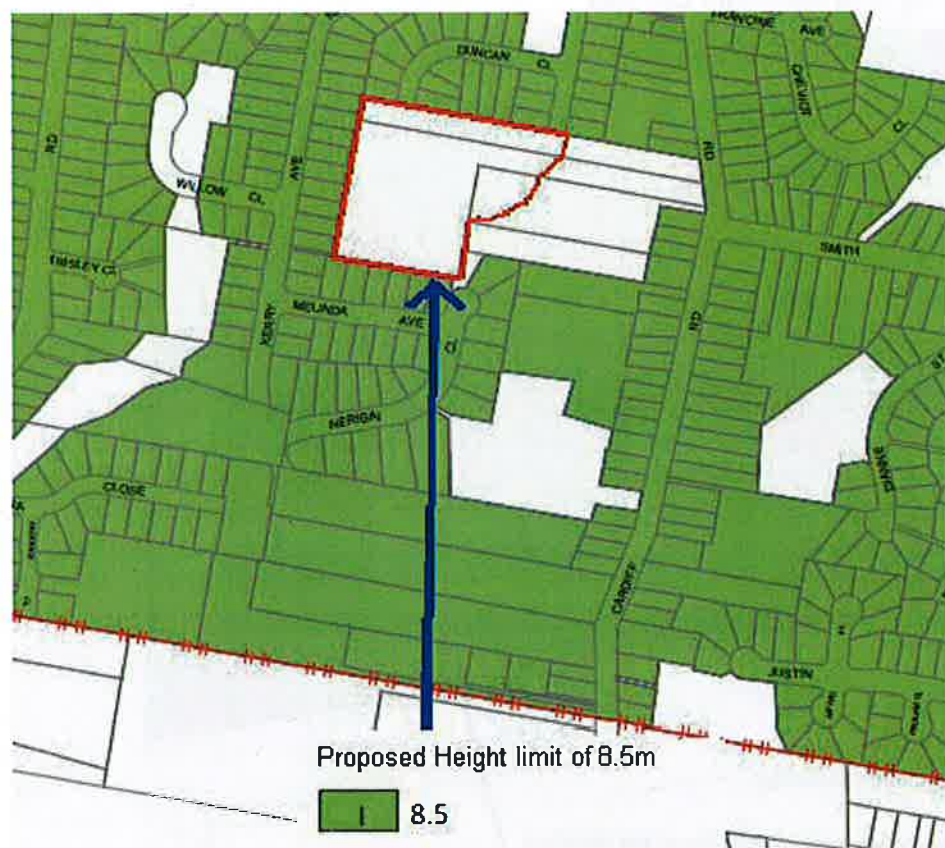


Figure 4: Proposed FSR



Figure 5: Proposed Minimum Lot Size

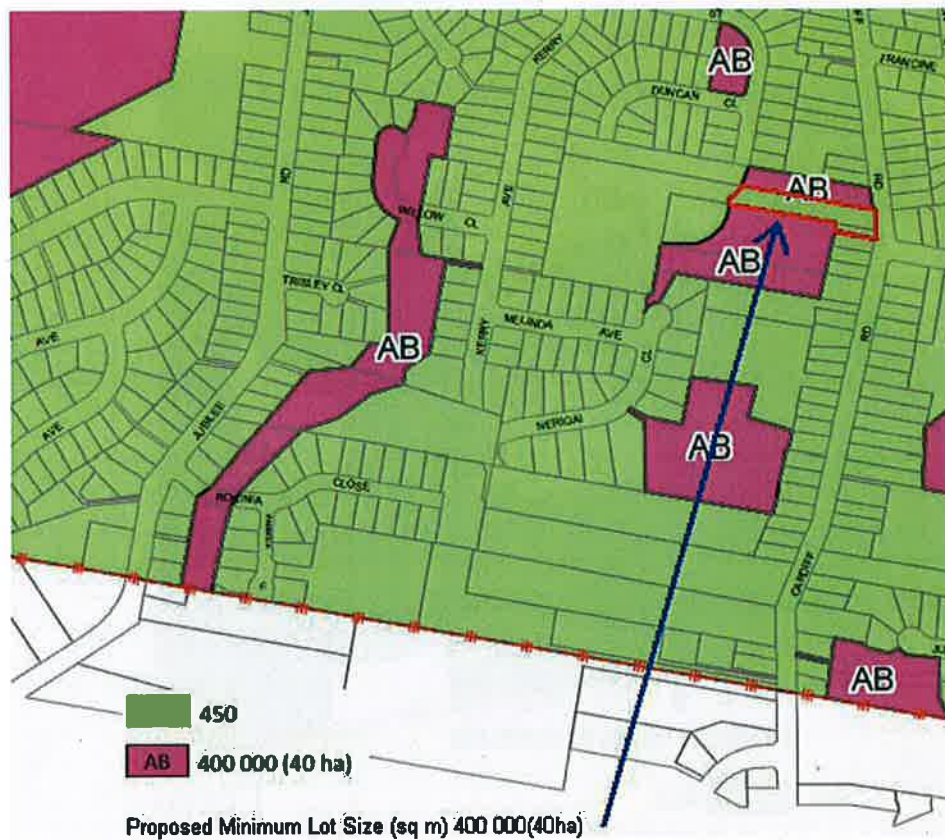


Figure 6: Proposed classification



Part 3 – Justification

Section A - Need for the planning proposal

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

The planning proposal is not the result of a strategic study or report.

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

It is considered that rezoning and reclassifying the sites are the best way to achieve the objectives of the planning proposal. The proposed zonings will reflect the intended uses for the sites.

The Council owned land which is proposed to be zoned RE1 Public Recreation is not intended to be leased or sold. As such a community classification is the appropriate classification for this portion of land.

The sites currently do not have height and FSR controls on them. Amending the height and FSR maps will ensure that the height and FSR controls for the portions of the site zoned R2 Low Density Residential are consistent with the surrounding blocks of land and

3. Is there a net community benefit?

The following table has been prepared to assist with assessing the net community benefit of the planning proposal with reference to the format set out in the Department of Planning and Infrastructure's Draft Centres Policy.

Table 1: Net community Benefit, Draft Centres Policy

Evaluation Criteria	Evaluation	Benefit
Will the LEP be compatible with agreed State and regional strategic direction for development in the area?	Not applicable	Neutral
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The applicable regional strategy is the Lower Hunter Regional Strategy. There are no relevant objectives in the strategy.	Neutral
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	It is unlikely the LEP will create a precedent as the proposal is unique in that the rezoning of part of 124 and 124a Cardiff Road will	Neutral

Evaluation Criteria	Evaluation	Benefit
	connect two parcels of RE1 Public Recreation land which have previously been separated by a parcel of R2 Low Density Residential land.	
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations	No other spot rezoning are proposed in the locality.	Neutral
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No	Not applicable
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Yes. The proposal will result in a small loss of Residential land however this is expected to have a greater community benefit as it will result in a larger and more usable parcel of Recreation land which can be utilised by the surrounding residential land.	Negative
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	Yes, existing infrastructure is capable of servicing the site. There is a bus stop on Cardiff Road, adjoining the RE1 Public Recreation land. It is most likely that the RE1 Public Recreation land will be used by neighbouring residents.	Neutral
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs	No	Not Applicable

Evaluation Criteria	Evaluation	Benefit
and road safety?		
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	No	Not Applicable
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No	Not Applicable
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve	Yes, the proposal is consistent with the surrounding land zones. The surrounding land is zoned either R2 Low Density Residential or RE1 Public Recreation.	Neutral
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	No	Not Applicable
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	No	Not Applicable
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The proposal will result in more efficient use of RE1 Public Recreation and R2 Low Density Residential land as the recreational land will be connected to allow more efficient use of the land. The proposal will result in	Positive

Evaluation Criteria	Evaluation	Benefit
	an increase in the area of land zoned RE1 Public Recreation.	

It is considered that the net community benefit of the proposal is neutral.

Section B - Relationship to strategic planning framework

4. 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)?

The applicable regional strategy is the Lower Hunter Regional Strategy. There are no relevant objectives in the Strategy.

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

Newcastle Community Strategic Plan 2030

The proposal is consistent with the following strategic directions in the Community Strategic Plan:

Vibrant and Activated Public Places: The proposal is consistent with the objective to 'Increase opportunities for active and passive recreational use of the city's parks, foreshores and harbour through the provision of child safe spaces, shade, seating, toilets and other amenities'. The proposal to rezone part of 124 Cardiff Road from R2 to RE1 will result in more usable recreational land and will connect two existing parcels of RE1 zoned land. This has the potential to create a larger and more usable recreational area.

Liveable and Distinctive Built Environments: The proposal is consistent with the objective to provide greater diversity of quality housing for current and future community needs. Consolidating the residential land and providing height and FSR controls for the sites will assist in providing quality housing in the future.

Newcastle Urban Strategy

The planning proposal is consistent with the fundamental elements of the Newcastle Urban Strategy. The proposal is consistent with the principles of Newcastle Urbanism. The proposal to rezone parts of the sites to RE1 will contribute to the creation of quality public space as the proposal will link two existing RE1 parcels of land making the RE1 area larger and more usable.

The proposal is consistent with the neighbourhood vision for Elmore Vale. The proposed zoning will be consistent with the residential character of Elmore Vale.

The proposal is consistent with the Residential Development Strategy in the Newcastle Urban Strategy. The site is located in a limited growth precinct and the proposed zoning, height and FSR will be consistent with this precinct. The proposal is also consistent with the Newcastle Urban Structure.

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

The following outlines Council's consideration of State Environmental Planning Policies (SEPPs) in relation to the planning proposal:

Table 2: Consideration of State Environmental Planning Policies

	Applicable	Consistent	Reason for inconsistency
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		

	Applicable	Consistent	Reason for inconsistency
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		
State Environmental Planning Policy No 44—Koala Habitat Protection	Yes	Yes	There are no known koalas on the site.
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	No		

	Applicable	Consistent	Reason for inconsistency
Complying Development			
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		
State Environmental Planning Policy (Major Development) 2005	No		
State Environmental Planning Policy (Mining, Petroleum Production and Extractive	No		

	Applicable	Consistent	Reason for inconsistency
Industries) 2007			
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		
State Environmental Planning Policy (State and Regional Development) 2011	No		

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

The Section 117 Directions relevant to this planning proposal are addressed in the table below:

Table 3: Consistency of Planning Proposal to S117 Directions

	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	No	
1.2 Rural Zones	No	
1.3 Mining, Petroleum Production and Extractive Industries	No	
1.4 Oyster Aquaculture	No	
1.5 Rural Lands	No	

	Applicable	Consistent
2. Environment and Heritage		
2.1 Environment Protection Zones	No	
2.2 Coastal Protection	No	
2.3 Heritage Conservation	Yes	Yes. 124 Cardiff Road contains a Heritage Item of Local Significance. The heritage item (Jubilee Ventilation Shaft (Wallsend Colliery)) is located on part of the site which is currently zoned R2 Low Density Residential and is not affected by the planning proposal. However, any proposed development on the site will have to address the Heritage item as part of the application.
2.4 Recreation Vehicle Areas	No	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes	Yes. Part of 124 and 124A Cardiff Road are to be rezoned from R2 Low Density Residential to RE1 Public Recreation. The proposal will assist in improving the amenity and infrastructure near residential land through creating usable recreational land near residential areas. The proposal is not creating more residential zoned land.

	Applicable	Consistent
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	Yes	The land which is zoned R2 Low Density Residential will permit Home Occupation without development consent.
3.4 Integrating Land Use and Transport	Yes	Yes, the proposal is removing provisions for land zoned R2 Low Density Residential and rezoning the land to RE1 Public Recreation. The proposal is considered acceptable as it is not creating a higher demand for transport.
3.5 Development Near Licensed Aerodromes	No	
3.6 Shooting Ranges	No	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	No	
4.2 Mine Subsidence and Unstable Land	Yes	Consultation with State Government Agencies (including Mine Subsidence Board) will be conducted in accordance with the requirements outlined in the Gateway Determination. Council has not consulted with the Mine Subsidence Board at this stage as the proposal is rezoning the portions of land from R2 Low Density Residential to RE1 Public Recreation. This will

	Applicable	Consistent
		result in a decrease in potential development on the site.
4.3 Flood Prone Land	No	
4.4 Planning for Bushfire Protection	Yes	The proposal has regard to Planning for Bushfire Protection 2006 and is consistent with this guide. However, the proposal is not proposing an intensification of land uses. If required by the Gateway Determination Council will consult with the Commissioner of the NSW Rural Fire Service.
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	As stated in Section B-Relationship to Strategic Planning Framework the proposal is consistent with the Lower Hunter Regional Strategy.
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	
5.8 Second Sydney Airport: Badgerys Creek	No	
6. Local Plan Making		
6.1 Approval and Referral Requirements	No	

	Applicable	Consistent
6.2 Reserving Land for Public Purposes	Yes	Council is seeking approval from the Department of Planning and Infrastructure to reclassify land in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.
6.3 Site Specific Provisions	No	
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	No	

Further to the above, both Table 4: Written Statement for 39A Kerry Avenue Elmore Vale and Table 5: Written Statement for Part of 124a Cardiff Road Elmore Vale, address the requirements of the Department of Planning and Infrastructure's Practice Note (PN09-003) on 'Classification and reclassification of public land through a local environmental plan'.

Table 4: Written Statement for 39A Kerry Avenue Elmore Vale

Issues to be addressed	Comment
Proposal	Reclassify the subject site from Community to Operational land
Reasons why the draft LEP is being prepared including the planning merits of the proposal	The draft LEP is being prepared to allow Council to reclassify and rezone parts of 4 parcels of land which will create more developable residential land and more effective public recreation land.
The current and proposed classification of the land	Current classification: Community Proposed classification: Operational
The reasons for the reclassification	The site is being reclassified to allow Council the option of selling the site. The site is currently zoned R2 Low Density Residential. If the site is reclassified and sold it will allow the site to be incorporated into a larger, more effective residential development on 124 Cardiff Road (which adjoins the rear of 39A Kerry Ave), refer to Figure 2.

Issues to be addressed	Comment
Councils' ownership of the land	The subject site has been owned by Newcastle City Council since 1 August 1985.
Nature of Council's interest in the land	Council owns the site. The site is currently vacant and has been for some time.
How and when interest was first acquired	The site was dedicated to Council on 1 August 1985
The reason Council acquired an interest in the land	The land was dedicated as a Public Reserve from the Roman Catholic Church.
Any agreements over the land to dispose of the land	There are no known agreements on the land to dispose of the land.
An indication of the magnitude of any financial gain or loss from the proposed reclassification and of the types of benefit that could arise	The site is currently estimated to be valued at \$17,220.
The asset management objectives being pursued; the manner in which they will be achieved and the type of benefits the council wants	If the site is reclassified and sold council will no longer be responsible for ongoing maintenance costs or liability of the site.
Whether there is an agreement for the sale or lease of the land; the basic detail of the any such agreement and if relevant when council intends to realise its asset, either immediately after rezoning/reclass or at a later time.	No agreement has been entered into for the sale of the site.
Relevant matters required in plan making under the EPA Act	The reclassification is proposed to be carried out in accordance with: S55 Relevant Authority to prepare a planning proposal S56 Gateway determination S57 Community Consultation
Attach practice note to exhibition material	A copy of the practice note will be placed with the exhibition material.

Table 5: Written Statement for 124a Cardiff Road Elmore Vale

Issues to be addressed	Comment
Proposal	Reclassify part of the land from Operational to Community land
Reasons why the draft LEP is being prepared including the planning merits of the proposal	The draft LEP is being prepared to allow Council to reclassify and rezone part of the land which will create more effective public recreation land.
The current and proposed classification of the land	Current classification: Operational land Proposed classification: Community land
The reasons for the reclassification	Council is proposing to create a larger area of RE1 Public Recreation land fronting onto Cardiff Rod. In order for this to occur the subject portion of land needs to be rezoned to RE1 Public Recreation and classified as community land to reflect the intended use of the site.
Councils' ownership of the land	The subject site is owned by Newcastle City Council.
Nature of Council's interest in the land	Council owns the site. The site is currently vacant and has been for some time.
How and when interest was first acquired	Council acquired the land on 11 April 1968
The reason Council acquired an interest in the land	There are no formal records of why the site was acquired however it is believed that Council acquired the site for a public reserve.
Any agreements over the land to dispose of the land	There are no known agreements on the land to dispose of the land.
An indication of the magnitude of any financial gain or loss from the proposed reclassification and of the types of benefit that could arise	The site is currently estimated to be valued at \$328,320 Council is not expected to profit from the reclassification of part of 124a Cardiff Road. The site will remain in Council ownership and be used in conjunction with part of 122, part 124, part 124a and 132b Cardiff Road Elmore Vale as public recreation.
The asset management objectives being pursued; the manner in which they will be achieved and the type of benefits the	The proposal will allow for a larger, consolidated area of RE1 Public Recreation land. The RE1 Public

Issues to be addressed	Comment
council wants	Recreation land on 122, 124, 124a and 132b Cardiff Road will all be connected. This will also assist Council in the maintenance of the land.
Whether there is an agreement for the sale or lease of the land; the basic detail of the any such agreement and if relevant when council intends to realise its asset, either immediately after rezoning/reclass or at a later time.	There is no agreement for the sale of lease of the subject portion of land. It is proposed to rezone the site to RE1 Public Recreation and classify the portion of land as Community. The site will continue to be owned by Council.
Relevant matters required in plan making under the EPA Act	The reclassification is proposed to be carried out in accordance with: S55 Relevant Authority to prepare a planning proposal S56 Gateway determination S57 Community Consultation
Attach practice note to exhibition material	A copy of the practice note will be placed with the exhibition material.

Section C - Environmental, social, and economic impact

8. 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?

The portions of the sites which are to be rezoned and/or reclassified do not contain significant amounts of vegetation. There is no known critical habitat or threatened species on the site. It is unlikely that critical habitat or threatened species, populations or ecological communities or their habitat will be adversely affected by the proposal.

Further assessment of the site would be carried out in the design phase if the site is developed for a public recreational use.

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

There are a number of environmental constraints on the site; however, these are not considered to be significant issues.

Stormwater Management

39A Kerry Avenue has a Council owned drain which passes through the site. This is not expected to impact on development and could be addressed at the design stage of any future development application.

Contamination

There is no record of contamination on the sites from past or present uses.

Mine Subsidence

The subject land is affected by mine subsidence. Rezoning parts 124 and 124a Cardiff Road to RE1 Public Recreation is not expected to be an issue. However, any development application which is lodged in the future would need approval by the Mine Subsidence Board.

Bushfire

All the subject sites are bushfire prone, containing either Vegetation Category 1 or Vegetation Buffer. Council will consult with the NSW Rural Fire Service under section 56 of the Environmental Planning and Assessment Act 1979 if required by the Gateway Determination. The rezoning of part of 124 and 124a Cardiff Road from R2 Low Density Residential to RE1 Public Recreation is likely to reduce the chance of inappropriate development occurring in a bushfire prone area. The bushfire risk can be addressed at the design stage of any applicable development application.

10. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal has adequately addressed social and economic effects of the proposal. These include:

Social

Rezoning part of 124 Cardiff Road to RE1 will allow the consolidation of two existing parcels or RE1 land. This is likely to have a positive social impact as the RE1 land will be larger, more useable and easier to manage.

Economic

Reclassifying the parcels of land will allow Council the option of selling the portions of land which are already zoned R2 Low Density Residential. This has the potential to result in a more economically viable development parcel and reduced maintenance costs to Council.

Heritage

124 Cardiff Road contains a Heritage Item of Local Significance. The heritage item (Jubilee Ventilation Shaft (Wallsend Colliery)) is located on part of the site which is currently zoned R2 Low Density Residential and is not affected by the planning proposal.

However, any proposed development on the site will have to address the Heritage item as part of the application.

Council's Public Land Reclassification Policy 2000

Councils Public Land Reclassification Policy 2000 applies to all proposals reclassifying public owned land from community land to operational.

In this planning proposal 39A Kerry Avenue is proposed to be reclassified from community to operational land and is therefore assessed against this policy (See table 6).

Part of 124a Cardiff Road is proposed to be reclassified from Operational to Community land; hence this policy does not apply.

Table 6: Assessment under Newcastle Public Lands Reclassification Policy 2000 - 39A Kerry Avenue Elmore Vale

Issues to be addressed	Comment
Step 1: Are there any significant public interest issues affecting the land?	
Biodiversity conservation	The land is not of significance for biodiversity conservation.
Significant natural features	The land does not contain any significant natural features
Cultural significance	The site does not contain items of

Issues to be addressed	Comment
	cultural significance.
Public health and safety	The land is bushfire prone and is affected by mine subsidence. These issues could be resolved at the design stage of any future development.
Public access	The parcel of land to be reclassified does not contain a designated pathway for access to community facilities. The subject site is not identified as part of the Newcastle Cycle Strategy. It is possible that some local residents may currently use this site as an informal thoroughfare between Kerry Avenue and Cardiff Road. However, this requires crossing over 124 Cardiff Road, which is privately owned vacant residential zoned land; hence not a legal right of access.
Special legal status	The community does not have a special legal interest in the land. The land is not subject to any trust for public purposes and is not a public reserve.
Proceed to step 2?	No significant public interests have been raised, therefore the proposal may proceed to step 2.
Step 2: Will there be a net positive benefit for the community?	
Financial impact	The proposal will have a positive financial impact on Council. Council will have the option of selling or leasing the operational land at the market value. If the land is sold Council will not be responsible for ongoing maintenance costs or liability of the site.
Land management impact	There will be no land management impacts.
Impact on community uses and opportunities	Reclassifying the site will not result in a reduction of usable parkland or recreation grounds. The subject site in its current form is unusable for the public as it is zoned R2 Low Density Residential. 124a Cardiff Road, which is adjacent to this site is proposed to be reclassified from Operational to Community land. This will result in a larger more usable

Issues to be addressed	Comment
	area of recreational land.
Impact on enjoyment of community land	Reclassification of the site will have a minimal impact on enjoyment of the community land. The land currently has minimal community use.
Social impact	Reclassifying the subject land will have a minimal social impact on the community.
Economic impact	The site is currently zoned residential. Reclassifying the land will allow Council to sell the land which can then be used for uses which are permissible in the R2 Low Density Residential zone.

The proposal meets the assessment criteria in the Public Lands Reclassification Policy 2000 outlined in **Table 6**.

The site does not contain and significant public interests however the proposal is expected to have a minor financial and moderate community benefit.

Section D - State and Commonwealth interests

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

Yes, existing infrastructure is adequate to meet the needs of the proposal.

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

No consultation has been carried out at this stage.

Consultation with the State and Commonwealth Public Authorities will occur if required in the Gateway Determination.

Part 4 – Community Consultation

Council recommends that the planning proposal be exhibited in accordance with the requirements of Section 57 of the EP&A Act 1979 and Section 29 of the Local Government Act 1993.

The proposal is not considered to be a low impact proposal as it is reclassifying land.

It is proposed that the planning proposal be placed on public exhibition for 28 days.

A public hearing will be required to be held in accordance with Department of Planning and Infrastructure Circular (PN09-003) after the close of the exhibition period. Public notice of the public hearing will be sent and published at least 21 days before the public hearing.

Additional community consultation requirements will be confirmed by the Gateway Determination.