

PLANNING PROPOSAL A:

**INCREASE MINIMUM LOT SIZES FOR
SUBDIVISIONS IN RESIDENTIAL 2(a) ZONE**

Prepared by

ARMIDALE DUMARESQ COUNCIL

PART 1 – OBJECTIVES OR INTENDED OUTCOMES OF THE PROPOSED LEP

The objectives or intended outcomes of the Planning Proposal are to amend Armidale Dumaresq Local Environmental Plan (LEP) 2008:

- to increase the minimum lot size for subdivision in the Residential 2(a) zone from 400 square metres to 500 square metres,
- for subdivisions in the Residential 2(a) zone that will create 10 or more new lots, the number of lots less than 600 square metres is to be no more than 25% of the new lots created,
- to preserve 'dwelling entitlements' (i.e. dwelling permitted with consent) on existing lots that are less than 500 square metres, and
- to remove the minimum lot size requirements for attached and detached dual occupancy developments and include them in Armidale Dumaresq Development Control Plan 2007.

PART 2 - EXPLANATION OF PROVISIONS TO BE INCLUDED IN THE PROPOSED LEP

The objectives or intended outcomes of the Planning Proposal are to be achieved by:

- Amending clause 19(6) of Armidale Dumaresq LEP 2008 to increase the development standard for the minimum lot size for subdivision in the Residential 2(a) zone from 400 square metres to 500 square metres.
- Amending clause 19(6) of Armidale Dumaresq LEP 2008 by including a new requirement that where a subdivision of 10 or more lots is proposed in the Residential 2(a) zone, no more than 25% of the new lots created are to be less than 600 square metres.
- Deleting clause 19(7)(a) of Armidale Dumaresq LEP 2008 in order to retain the permissibility of dwellings on existing lots that are less than 500 square metres.
- Deleting clause 19(7)(b) from Armidale Dumaresq LEP 2008 to retain the permissibility of dwellings on existing lots that are less than 500 square metres that were created as part of an integrated housing development.
- Deleting clause 19(8) from Armidale Dumaresq LEP 2008 to remove the development standards for attached and detached dual occupancy developments.

PART 3 - JUSTIFICATION

A. NEED FOR THE PLANNING PROPOSAL.

A1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal arose from Council's consideration of a development application for a residential subdivision of land zoned Residential 2(a) under Armidale Dumaresq LEP 2008. The current minimum lot size standard for subdivision in the Residential 2(a) zone is 400 square metres.

At its meeting on 27 July 2009 Council considered a development application (DA 354-2008) for an 85 lot residential subdivision at 2-20 Harden Street, Armidale. The proposed development will create lots varying in area from 400 square metres to 940 square metres. The development application was subject of 39 submissions during the notification period, all of which objected to the proposal. Some of the grounds for objection included the view that a minimum lot size of 400 square metres is too small.

In deciding to approve the application, Council also resolved (Minute Nos 212/09 and 213/09):

- (c) *That for future developments, Council's planning staff investigate the potential to increase the minimum lot size in the Residential 2(a) zone to at least 450 square metres per lot or beyond.*
- (d) *That for future developments, Council's planning staff investigate the potential to set a maximum percentage of minimum lot sizes in any one subdivision.*

A2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The current minimum lot size requirements for residential subdivision are specified in Armidale Dumaresq LEP 2008. Therefore, in order to increase the minimum lot size standard, it is necessary to amend the relevant provisions in Armidale Dumaresq LEP 2008.

A3. Is there a net community benefit?

There is unlikely to be any overall change to community benefit as a result of increasing the minimum lot size for residential subdivision from 400 square metres to 500 square metres and restricting the number of smaller lots in larger subdivisions. The Planning Proposal, which involves a relatively modest increase in the permitted minimum lot size, is unlikely to impact on the supply of residential land and, therefore, housing supply and affordability.

Generally, the trend in residential subdivisions over many years has been for very few small lots to be created and this trend is likely to persist. The current 400 square metre standard has been in place since 16 July 1993 and prior to that the standard was 420 square metres. A survey has found that 87 lots, or approximately 2% of lots zoned Residential 2(a), are less than 450 square metres. The distribution of the 87 lots is relatively scattered across Armidale, rather than being concentrated in specific areas (refer to attached Map 1. Residential Lots <450m², Armidale).

Armidale Dumaresq LEP 2008 rezoned land adjoining the built-up areas of Armidale to Residential in order to accommodate expected demand up to 2021. The 'Strategic Analysis for the Draft Armidale Dumaresq LEP 2005' estimated that 1,940 new dwellings would be required to meet expected demand up to 2021. The new areas zoned residential under Armidale Dumaresq LEP 2008 could potentially accommodate 3,680 new dwellings which represents 1,940 dwellings (as noted above) for projected growth plus, 1,740 lots as a land bank which represents 25% of housing stock in 2001. The estimated area required for the new residentially zoned land assumed an average lot size of 900 square metres. Given the residential land bank provided for in the Armidale Dumaresq LEP 2008 and the assumption that the average residential lot size up to 2021 will be 900 square metres, it is considered unlikely that the Planning Proposal will reduce the supply of residential land provided to meet demand over the next 12 years.

It is unlikely that the Planning Proposal will have any significant additional impact on existing, or the provision of new, infrastructure compared to the current situation.

B. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK.

B1. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including exhibited draft strategies)?

The Draft New England Development Strategy has been prepared to inform preparation of LEP(s) for Armidale Dumaresq, Uralla Shire, Guyra Shire and Walcha Councils. The Draft Strategy was exhibited from 15 September 2008 to 27 October 2008. The four Councils considered the submissions and adopted a final Draft Strategy at their meetings in April or May 2009. The final Draft Strategy is currently with the Department of Planning for endorsement.

The Planning Proposal is considered to be consistent with the objectives and actions of the final Draft Strategy. The final Draft Strategy adopts the analysis and recommendations of the 'Strategic Analysis for the Draft Armidale Dumaresq LEP 2005' which underpinned the Armidale Dumaresq LEP 2008 (refer above to *Section A.3* for further details). It notes that the new Armidale Dumaresq LEP now provides sufficient zoned land to cater for anticipated growth in that City for the next decade.

Amongst the strategic actions for urban expansion areas, the final Draft Strategy recommends that a monitoring system be established to track the construction of new dwellings and the creation of new allotments. This system would assist in measuring the take-up of existing zoned or serviced land, identifying development and market trends, and in determining the staging of future rezonings to maintain an adequate land supply.

B2. Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Council is in the process of preparing its Community Strategic Plan which will be completed by June 2011.

B3. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is considered to be consistent with applicable State Environmental Planning Policies (refer to Appendix 1).

B4. Is the Planning Proposal consistent with applicable Ministerial Directions (s. 117 directions)?

The Planning Proposal is considered to be inconsistent with the following Ministerial Directions:

- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones.

The extent to which the Planning Proposal is inconsistent with the above Directions is considered to be of minor significance for the reasons outlined in Appendix 2.

Direction 4.4 Planning for Bushfire Protection requires that Council consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination.

C. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

C1. 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 Planning Proposal does not change the land identified for residential development, it only changes a development standard relating to minimum lot sizes. Therefore, it is unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be subject to any additional adverse impacts as a result of the Planning Proposal proceeding.

C2. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The Planning Proposal does not change the land identified for residential development, it only changes a development standard relating to minimum lot sizes. Therefore, it is unlikely that environmental factors (such as natural hazards like flooding and slip) and how they are addressed as part of a development will be significantly different to the current situation, should the Planning Proposal proceed.

C3. How has the Planning Proposal adequately addressed any social and economic effects?

A potential social and economic effect of the Planning Proposal is its impact on housing affordability. However, as outlined above under *Section A3*, it is concluded that the Planning Proposal is unlikely to impact on the supply of residentially zoned land and, therefore, housing affordability.

D. STATE AND COMMONWEALTH INTERESTS.

D1. Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal is expected to have a similar impact on existing infrastructure as residential subdivisions carried out under the current development standards. In terms of future subdivisions and associated need for new infrastructure, this would be required to be provided in a similar manner and in accordance with Council's requirements.

With the potential for residential, and therefore, population densities in new urban areas to fall slightly, there may be less demand on some services although this is considered to be negligible compared to the current situation given the historically low rate of small lot developments.

D2. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal?

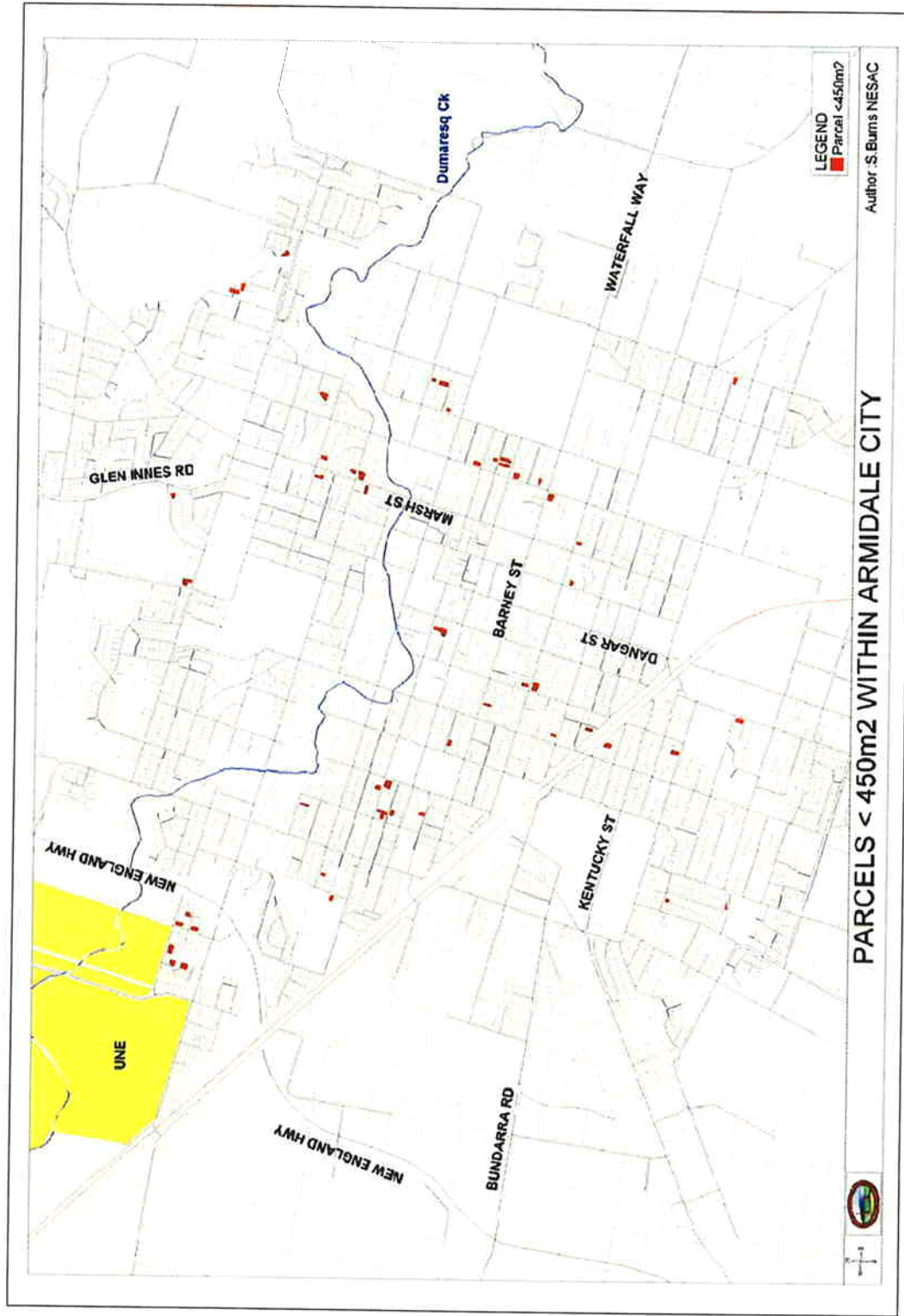
To be completed following consultation with the State and Commonwealth Public Authorities that may be identified in the Gateway Determination.

PART 4 –COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN

It is proposed to exhibit the Planning Proposal for 28 days, with notice of the public exhibition being given:

- in a newspaper that circulates in the area affected by the Planning Proposal – the “Armidale Independent” and/or “Armidale Extra” newspapers, and
- on Council’s web-site at www.armidale.gov.au

Map 1. Residential Lots <450m², Armidale



Appendix 1: Consideration of State Environmental Planning Policies

The following SEPP's apply to the Armidale Dumaresq local government area, as at 3/12/2009

SEPP	Applicable	Consistent	Reason for inconsistency
No. 1 Development Standards	Yes	Yes	
No. 4 Development Without Consent and Miscellaneous Exempt and Complying Development	No	Not applicable	
No. 6 Number of Storeys in a Building	No	Not applicable	
No. 15 Rural Landsharing Communities	No	Not applicable	
No. 21 Caravan Parks	Yes	Yes	
No. 22 Shops and Commercial Premises	No	Not applicable	
No. 30 Intensive Agriculture	No	Not applicable	
No. 32 Urban Land Consolidation (Redevelopment of Urban Land)	Yes	Yes	NB Planning Proposal does not change permissibility of multi-unit development in Residential 2(a) zone.
No. 33 Hazardous and Offensive Development	No	Not applicable	
No. 36 Manufactured Home Estates	Yes	Yes	
No. 44 Koala Habitat Protection	Yes	Yes	
No. 50 Canal Estate Development	No	Not applicable	
No. 55 Remediation of Land	Yes	Yes	
No. 62 Sustainable Aquaculture	No	Not applicable	
No. 64 Advertising and Signage	No	Not applicable	
No. 65 Design Quality of Residential Flat Development	No	Not applicable	
Housing for Seniors or People with a Disability 2004	Yes	Yes	
Building Sustainability Index: BASIX 2004	No	No	
Major Development 2005	No	Not applicable	
Mining, Petroleum Production and Extractive Industries 2007	No	Not applicable	
Temporary Structures 2007	No	Not applicable	
Infrastructure 2007	No	Not applicable	
Rural Lands 2008	No	Not applicable	
Exempt and Complying Development Codes 2008	Yes	Yes	
Affordable Rental Housing 2009	Yes	Yes	

Appendix 2: Consideration of Section 117 Ministerial Directions

1. Employment and Resources

	Applicable	Consistent	Reason for inconsistency
1.1 Business and Industrial Zones	No	Not applicable	
1.2 Rural Zones	No	Not applicable	
1.3 Mining, Petroleum Production and Extractive Industries	No	Not applicable	
1.4 Oyster Aquaculture	No	Not applicable	
1.5 Rural Lands	No	Not applicable	

2. Environment and Heritage

	Applicable	Consistent	Reason for inconsistency
2.1 Environment Protection Zones	Yes	No	See below.
2.2 Coastal Protection	No	Not applicable	
2.3 Heritage Conservation	Yes	No	See below.
2.4 Recreation Vehicle Areas	Yes	Yes	

Reasons for inconsistency:

2.1 Environment Protection Zones

The Planning Proposal does not include provisions that facilitate the protection and conservation of environmentally sensitive areas, and in this respect the inconsistency is considered to be of minor significance.

2.3 Heritage Conservation

The Planning Proposal does not include heritage provisions and in this respect the inconsistency is considered to be of minor significance in relation to heritage conservation.

3. Housing, Infrastructure and Urban Development

	Applicable	Consistent	Reason for inconsistency
3.1 Residential Zones	Yes	No	See below
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes – no change proposed	
3.3 Home Occupations	Yes	Yes – no change proposed	
3.4 Integrating Land Use and Transport	Yes	Yes	
3.5 Development Near Licensed Aerodromes	No	Not applicable	

Reasons for inconsistency:

3.1 Residential Zones

The Planning Proposal is not considered to be consistent with the following provisions in the direction:

- (4) A Planning Proposal must include provisions that encourage the provision of housing that will:
 - (b) make more efficient use of existing infrastructure and services, and
 - (c) reduce the consumption of land for housing and associated urban development on the urban fringe
- (5) A Planning Proposal must, in relation to land to which this direction applies:
 - (b) not contain provisions will reduce the permissible residential density of the land.

The provisions of the Planning Proposal that are inconsistent with the above parts of Direction 3.1 Residential Zones are considered to be of minor significance for the following reasons:

- There have been relatively few small residential lots created in Armidale since the early 1990's and this trend is likely to persist. The current 400 square metre minimum lot size standard has been in place since July 1993. Since that time approximately 63 residential lots in Armidale, with an area less than 450 square metres, have been registered (excluding strata plans). This is a relatively small proportion of the total number of residential lots registered over the same period.
- A review of registered lots in Armidale has found there are 87 lots with an area less than 450 square metres that are used for residential purposes or are vacant and zoned Residential 2(a). Using information from Council's rates system and ABS Census data for 2006, it is estimated that these 87 lots represent less than 2% of residential lots in Armidale. The proportion of lots less than 500 square metres is therefore likely to be similarly small.
- Although there is the potential for a reduction in residential density, it is not likely to be significant based on trends since the early 1990's. Therefore is not likely to result in less efficient use of existing infrastructure and services.
- It is considered unlikely that the Planning Proposal will reduce the supply of residential land required to meet demand over the next 12 years. Refer to *Section A3* of the Planning Proposal for further details.

4. Hazard and Risk

	Applicable	Consistent	Reason for inconsistency
4.1 Acid Sulfate Soils	No	Not applicable	
4.2 Mine Subsidence and Unstable Land	No	Not applicable	
4.3 Flood Prone Land	Yes	Yes	
4.4 Planning for Bushfire Protection	Yes	Yes.	See comment below.

4.4 Planning for Bushfire Protection

The Direction requires that Council consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination.

5. Regional Planning

	Applicable	Consistent	Reason for inconsistency
5.1 Implementation of Regional Strategies	No	Not applicable	
5.2 Sydney Drinking Water Catchments	No	Not applicable	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	Not applicable	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	Not applicable	

5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	Not applicable	
5.8 Second Sydney Airport: Badgerys Creek	No	Not applicable	

6. Local Plan Making

	Applicable	Consistent	Reason for inconsistency
6.1 Approval and Referral Requirements	Yes	Yes	
6.2 Reserving Land for Public Purposes	Yes	Yes	
6.3 Site Specific Provisions	No	Not applicable	

7. Metropolitan Planning

	Applicable	Consistent	Reason for inconsistency
7.1 Implementation of the Metropolitan Strategy	No	Not applicable	