

PLANNING PROPOSAL C:
REZONING PART 15-57 CREST ROAD,
ARMIDALE, TO RESIDENTIAL 2(a)

Prepared by
ARMIDALE DUMARESQ COUNCIL

PART 1 – OBJECTIVES OR INTENDED OUTCOMES OF THE PROPOSED LEP

The intended outcome of the proposed local environmental plan (LEP) is to permit, with consent, the erection of a dwelling house on each of the four residential lots previously approved at 15-57 Crest Road, Armidale.

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

The land subject of the Planning Proposal is zoned Special Uses 5(a) under Armidale Dumaresq LEP 2008 and is shown on the zoning map with the particular purpose of 'Education'. Dwelling houses are not permitted in the Special Uses 5(a) zone.

The intended outcome of the Planning Proposal will be achieved by rezoning part Lot 1 DP 1003685, 15-57 Crest Road, Armidale, from Special Uses 5(a) to Residential 2(a) under Armidale Dumaresq LEP 2008. The land subject of the Planning Proposal is shown on the map at Attachment 1.

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 is in response to a request to rezone part Lot 1 DP 1003685, 15-57 Crest Road, Armidale, to Residential 2(a).

Development consent (DA 478-2007) was granted on 22 April 2008 for subdivision of the site into 4 residential lots. The development application was lodged and determined under Armidale LEP 1988 which permitted the erection of dwellings on land in the Special Uses 5(a) – Community Services zone.

Under the exhibited Draft Armidale Dumaresq LEP development permitted on adjacent land was also permitted, with consent, on land in the Special Uses 5(a) zone. The site is adjacent to land zoned Residential 2(a) and, therefore, under the Draft LEP the erection of dwellings on the site was permitted. However, on 22 August 2007 the Department of Planning advised Council it no longer supported the provision in the Special Uses 5(a) zone that allowed for development permitted on adjacent land, as it was concerned that ad hoc planning and land use decisions could result. The provision was removed from the Draft LEP, and consequently the gazetted Armidale Dumaresq LEP 2008, and the erection of dwellings on the site became prohibited.

Rezoning the site to Residential 2(a) would permit, with consent, the erection of a dwelling house on each of the 4 residential lots approved in development consent DA 478-2007.

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

The Planning Proposal is considered the best means of achieving the intended outcomes.

The site subject of the Planning Proposal adjoins the Presbyterian Ladies College Armidale, which is also zoned Special Uses 5(a) under Armidale Dumaresq LEP 2008. An alternative approach to the Planning Proposal could be to rezone all of the school site to Residential 2(a) as 'educational establishments' are permitted in the zone. However, Armidale has other private schools zoned Special Uses 5(a) and a consistent approach to zonings should be adopted. The most appropriate opportunity for this to occur will be as part of preparing a new comprehensive LEP in accordance with the Standard Instrument – Principal LEP (refer below to *Section B.1*).

Although the rezoning would also allow for other types of development permitted in the Residential 2(a) zone aside from dwelling houses, this is considered appropriate as the site adjoins a school and is within a residential area. This approach is also preferable to introducing another 'additional uses' provision into the LEP.

A3. Is there a net community benefit?

There is considered to be a net community benefit associated with the Planning Proposal for the following reasons:

- The Planning Proposal will correct an anomaly that arose when changes were made to the Armidale Dumaresq LEP 2008 prior to its gazettal.
- The proposed rezoning will enable dwelling houses to be erected on residential lots previously granted consent by Council.
- The land subject of the proposal, which is surplus to the needs of the school, is within an established residential area and will be used for residential purposes and be able to utilise existing services.

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 following objectives and strategic actions in the final Draft Strategy that relate to urban infill development:

- Objective – ensure planning controls allow appropriate residential infill development, taking into account important issues including adequacy of servicing, streetscape and urban character, heritage, and water sensitive urban design.
- Strategic Action – identify any existing or projected surplus land holdings controlled by private schools, other institutions or government agencies, investigate opportunities for infill housing or other forms of development, and consider appropriate future zonings.

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.

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?

There is no known likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal.

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

The land subject of the Planning Proposal has been identified in Chapter B8 - Geotechnical Hazard Code of Armidale Dumaresq Development Control Plan 2007 as having potential spring hazard. While this does not preclude rezoning the land it is a matter to be considered with any future development proposal on the land.

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

The grounds of the Presbyterian Ladies College Armidale are listed as a landscape heritage item in Schedule 2 of the Armidale Dumaresq LEP 2008. However, the site subject of the Planning Proposal does not include the trees and other vegetation included in the listing and, therefore, future development of the site is unlikely to impact significantly on the heritage values of the school grounds. This matter can be addressed if necessary as part of any future development proposal on the land subject of the Planning Proposal.

D. STATE AND COMMONWEALTH INTERESTS.

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

Adequate infrastructure is available or can be provided to the site for the purposes of carrying out residential development.

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 State and Commonwealth 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
- in writing to adjacent landowners.

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	Yes	Yes	
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	
No. 33 Hazardous and Offensive Development	No	Not applicable	
No. 36 Manufactured Home Estates	Yes	Yes	
No. 44 Koala Habitat Protection	No	Not applicable	
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	Yes	Yes	
Major Development 2005	No	Not applicable	
Mining, Petroleum Production and Extractive Industries 2007	No	Not applicable	
Temporary Structures 2007	No	Not applicable	
Infrastructure 2007	Yes	Yes	
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 it is considered to be of minor significance.

2.3 Heritage Conservation

The Planning Proposal does not include heritage provisions and 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	
3.3 Home Occupations	Yes	Yes	
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:
- (a) broaden the choice of building types and locations available in the housing market, and
 - (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, and
- (d) be of good design.
- (5) A Planning Proposal must, in relation to land to which this direction applies:
- (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
- (b) not contain provisions will reduce the permissible residential density of the land.

The Planning Proposal does not include the provisions and requirements for housing and residential development as specified in the Direction. However, the Planning Proposal, which will provide infill residential development, will add to the choice of building locations available in the housing market, make use of existing infrastructure and services, and not increase the consumption of land for housing on the urban fringe. In this respect the Planning Proposal is consistent with the provisions in the Direction and, therefore, the extent of the inconsistency is considered to be of minor significance.

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	No	Not applicable	
4.4 Planning for Bushfire Protection	No	Not applicable	

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	Yes	Yes	

7. Metropolitan Planning

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

