

PLANNING PROPOSAL B:
INCREASE PERMITTED RETAIL FLOOR AREA
FOR NEIGHBOURHOOD SHOPS

Prepared by
ARMIDALE DUMARESQ COUNCIL

PART 1 – OBJECTIVES OR INTENDED OUTCOMES OF THE PROPOSED LEP

The objectives or intended outcomes of the proposed local environmental plan (LEP) are to:

- replace the definition for a ‘convenience shop’ in Armidale Dumaresq LEP 2008 with the definition for ‘neighbourhood shop’ in the Standard Instrument – Principal LEP, and
- increase the permitted maximum retail floor area for neighbourhood shops from 75 square metres to 150 square metres.

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

The Dictionary to Armidale Dumaresq LEP 2008 contains the following definition for ‘convenience shop’:

convenience shop means a shop that:

- (a) *trades principally in the retail sale of groceries, takeaway foods, smallgoods and household items and services and may include the facilities of a post office, and*
- (b) *may be attached to or form part of a dwelling, and*
- (c) *does not have an area devoted to retailing that exceeds 75 square metres.”*

It is not considered appropriate to include a development standard in the definition for a particular type of development. This Planning Proposal seeks to:

- replace the definition for ‘convenience shop’ with the definition for ‘neighbourhood shop’ from the Standard Instrument – Principal LEP, and
- include a provision wherever a neighbourhood shop is permitted, that the retail floor area must not exceed 150 square metres.

The definition for a ‘neighbourhood shop’ in the Standard Instrument – Principal LEP is:

neighbourhood shop means retail premises used for the purposes of selling small daily convenience goods such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

Clause 5.4(7) from the Standard Instrument – Principal LEP requires that the Council nominate a minimum retail floor area of at least 80 square metres for a neighbourhood shop. It is proposed that the retail floor area not exceed 150 square metres.

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 for an LEP amendment from the owners of a convenience shop in Armidale. The owners of the shop are seeking to increase the retail floor area from approximately 66 square metres to a maximum of 150 square metres.

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 to be the best means of achieving the objectives or intended outcomes.

Rather than allowing an increase in retail floor area for the particular convenience shop subject of the initial request, it is proposed to apply the new development standard to all convenience shops.

The opportunity is also being taken to remove what is essentially a development standard from the current definition of a convenience shop. The Planning Proposal will replace the current definition for a 'convenience shop' with the definition for a 'neighbourhood shop' from the Standard Instrument – Principal LEP.

The maximum retail floor area will be 150 square metres and included in the relevant provisions in Armidale Dumaresq LEP 2008.

A3. Is there a net community benefit?

The effects of the Planning Proposal on community benefit are considered to be:

- An increased retail floor area is likely to improve the viability of existing and new neighbourhood shops, thereby creating greater choice.
- An increased retail floor area increases the potential for improved services to the local community. This may also reduce car distances travelled and associated greenhouse gas emissions.
- It is unlikely that increasing the permitted retail floor area to 150 square metres will adversely impact on the role of the Armidale Central Business District as the major retail and commercial area. While convenience shops are currently permitted with consent in the Residential zones in Armidale, new shops are only permitted if they are not within 400 metres of another convenience shop, shop, business zone or group of convenience shops (i.e. 4 or more shops on adjoining land). Similarly, convenience shops are permitted in the Rural zones but new shops are only permitted if they are not within 800 metres of another convenience shop, shop, business zone or group of convenience stores. These provisions will be retained in Armidale Dumaresq LEP 2008.

- There may be some adverse impacts on the amenity of residences near neighbourhood shops arising from increased traffic or pedestrian activity associated with an increase in retail floor area.

Overall, increasing the maximum permitted retail floor area from the current 75 square metres to 150 square metres for neighbourhood shops is considered to have a net community benefit.

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.

For urban areas, the final Draft Strategy recommends that the integrity of the Armidale CBD should be strengthened by adopting planning controls that consolidate commercial development and that small neighbourhood shops should be permitted with consent in Residential zones. The Planning Proposal is considered to be consistent with the relevant recommendations in the final Draft Strategy.

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 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 applicable Ministerial Directions:

- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.5 Development Near Licensed Aerodromes

All of the above inconsistencies are justified on the basis that they are considered to be of minor significance (refer to 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?

It is unlikely that the Planning Proposal will adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.

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

Environmental effects may arise depending on the characteristics of sites on which neighbourhood shops are, or proposed to be, located. These effects will be assessed when determining a development application. It is not considered necessary to undertake environmental technical studies or investigations as part of this Planning Proposal.

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

Increasing the permitted retail floor area for neighbourhood shops may adversely impact on the amenity of nearby residences. There may be additional noise associated with increased traffic and pedestrian activity. These matters will need to be taken into consideration when determining a development application, including the requirement for on-site parking and suitable hours of operation.

D. STATE AND COMMONWEALTH INTERESTS.

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

Existing public infrastructure is unlikely to be affected by the Planning Proposal.

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

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	No	Not applicable	
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	Yes	Yes	
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	Not applicable	
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	No	Not applicable	

Appendix 2: Consideration of Section 117 Ministerial Directions

1. Employment and Resources

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

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	Yes	No	See below.

Reasons for inconsistency:

3.1 Residential Zones

The Planning Proposal does not include provisions and requirements in relation to housing and residential development as specified in the Direction. The provisions of the Planning Proposals that are inconsistent are considered to be of a minor significance.

3.5 Development Near Licensed Aerodromes

Preparation of the Planning Proposal did not involve consultations with the Department of the Commonwealth responsible for aerodromes as the proposal is considered to be of minor significance in relation to likely impacts on the operation of Armidale Regional Airport.

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	

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	

