

West Armidale Industrial Area

Proposal Title : **West Armidale Industrial Area**

Proposal Summary : **The Planning proposal seeks to:**

- consolidate the two LEPs that currently apply in the Armidale Dumaresq Local Government Area (Armidale Dumaresq LEP 2008 and Armidale Dumaresq LEP 2012) by rezoning land from 4(a) General Industrial in West Armidale under Armidale Dumaresq LEP 2008 to IN2 Light Industrial under Armidale Dumaresq LEP 2012;
- rezone part of Lot 1132 DP 40754, 61 Bundarra Rd, from RU4 Primary Production to IN2 Light Industrial;
- apply a minimum lot size of 1000sqm to the West Armidale industrial area (including the land to be rezoned at 61 Bundarra Rd);
- make bulky goods premises permissible with consent on land zoned IN2 Light Industrial and identified on the Additional Permitted Uses Map; and
- amend Schedule 5 Environmental Heritage to include 2 additional archaeological items located in the West Armidale industrial area.

PP Number : **PP_2013_ARMID_003_00**

Dop File No :

13/18200

Proposal Details

Date Planning
Proposal Received : **01-Nov-2013**

LGA covered : **Armidale Dumaresq**

Region : **Northern**

RPA : **Armidale Dumaresq Council**

State Electorate : **NORTHERN TABLELANDS**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Land zoned 4(a) General Industrial in West Armidale under Armidale Dumaresq LEP 2008**

Street : **61**

Suburb : **Bundarra Rd**

City : **Armidale**

Postcode : **2350**

Land Parcel : **Part of Lot 1132 DP 40754**

DoP Planning Officer Contact Details

Contact Name : **Craig Diss**
Contact Number : **0267019685**
Contact Email : **craig.diss@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Kathy Martin**
Contact Number : **0267703632**
Contact Email : **kmartin@armidale.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :	0	Date of Release :	
Area of Release (Ha) :	5.50	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment : **The Department of Planning and Infrastructure's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.**

Have there been
meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives and intended outcomes of the Planning Proposal are adequately expressed for the proposed amendment to Armidale Dumaresq LEP 2012.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

2.3 Heritage Conservation

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP No 64—Advertising and Signage

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

The New England North West Strategic Regional Land Use Plan applies to the Armidale Dumaresq LGA.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **Refer to discussion below.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The Planning Proposal has included mapping that clearly identifies the West Armidale industrial area and the proposed planning provisions, and are prepared at an appropriate scale and contain sufficient information to explain the effect of the proposal. It is noted that the map on page 2 of the Planning Proposal contains:**
- two existing archaeological items shown in blue that are located outside of the West Armidale industrial area and are not part of the Planning Proposal; and
- a pointer for Component 3 incorrectly includes land located outside of the West Armidale industrial area that is not part of the Planning Proposal.
It is recommended that these matters be corrected on the map within the Planning

Proposal prior to public exhibition to better inform the community of the intent of the Planning Proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The RPA has identified the proposal as being 'low impact'. The RPA has also recommended consultation with the:

- NSW Office of Environment and Heritage - Heritage Branch;
- NSW Livestock Health and Pest Authority; and
- NSW Department of Trade & Investment - Crown Lands.

As extensive public consultation has already taken place during the processes that have informed the preparation of the Planning Proposal, these recommendations are supported and a 14 day exhibition period is recommended.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:

1. Providing appropriate objectives and intended outcomes;
2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;
3. Providing an adequate justification for the proposal;
4. Outlining a proposed community consultation program; and
5. Providing a project time line.

Council is seeking an authorisation to exercise its plan making delegations. As the Planning Proposal is consistent with Council's Director General approved industrial lands study, it is considered appropriate that an authorisation to exercise its plan making delegations be issued to Council. While the proposed changes to the heritage schedule are not supported by an Office of Environment and Heritage endorsed local strategy, Council has provided advice that they have made preliminary contact with the Office of Environment and Heritage who raised no objection to the inclusion of the two additional archaeological items.

The RPA has provided a project time line which estimates that the LEP will be ready for finalisation and notification by June 2014. The submitted project time line is considered as reasonable and a 9 month time frame for completion of the proposal is recommended.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

Armidale Dumaresq LEP 2012 was notified in November 2012.

Assessment Criteria

Need for planning proposal :

The proposal to amend the LEP is the result of the Armidale Industrial Lands Study 2012. The study examined industrial land issues across Armidale and made a number of

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recommendations. The proposal seeks to implement the study recommendations relevant to the West Armidale industrial area.

Council prepared the Armidale Industrial Lands Study 2012 in response to two key issues:

1. the perceived need within the Armidale community for additional industrial land in highly visible locations; and
2. concerns that bulky goods premises would become prohibited in the existing West Armidale industrial area with the adoption of the Standard Instrument LEP.

To allow sufficient time to strategically examine these issues, Council requested that the existing West Armidale industrial area be deferred from Armidale Dumaresq LEP 2012. The Minister's delegate agreed to Council's request and deferred the West Armidale industrial area when making LEP 2012. Council has now completed its review with the adoption of the Armidale Industrial Lands Study 2012. The study was approved by the Director General in April 2013. The proposal is now needed to implement the recommendations of the study and to consolidate the two LEPs that Council is currently operating under by addressing the land that has been deferred from Armidale Dumaresq LEP 2012.

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Consistency with strategic planning framework :

While no Regional Strategies apply to the Armidale Dumaresq LGA, the New England North West Strategic Regional Land Use Plan does apply. The Planning Proposal is considered to be consistent with the provisions of the Strategic Regional Land Use Plan.

The proposal is also considered to be consistent with Council's local growth management strategy (New England Development Strategy) that was approved by the Director General in March 2010 and with the Armidale Industrial Lands Study 2012 approved by the Director General in April 2013. The approved Armidale Industrial Lands Study in particular recommended that:

- the existing West Armidale industrial area be rezoned to IN2 Light Industrial;
- that land at 61 Bundarra Rd, West Armidale, be rezoned to IN2 Light Industrial; and
- bulky goods premises be permitted in the IN2 Light Industrial area in West Armidale through the inclusion of a suitable provision within Schedule 1 - Additional Permitted Uses of the LEP.

The Planning Proposal has been identified as being consistent with all applicable SEPPs and section 117 Directions, except in relation to the following:

1.2 Rural Zones

The proposal is considered to be inconsistent with this Direction as it seeks to rezone land at 61 Bundarra Rd, West Armidale, from RU4 Primary Production Small Lots to IN2 Light Industrial. This inconsistency is considered to be satisfactory as the proposal is consistent with a study approved by the Director General.

1.3 Mining, Petroleum Production and Extractive Industries

The proposal is considered to be inconsistent with this Direction as it will prohibit extractive industries on the land proposed to be zoned as IN2 Light Industrial under Armidale Dumaresq LEP 2012. This inconsistency is considered to be of minor significance due to the:

- relative small area of the LGA occupied by the West Armidale industrial area;
- existing developed nature of the majority of land within the West Armidale industrial area making the development of any extractive industries in this area highly unlikely; and
- mineral resource audit prepared by DPI - Minerals for the Armidale LGA in 2012 identified no existing or potential resources in the proximity of the West Armidale industrial area.

1.5 Rural Lands

The proposal is considered to be inconsistent with this Direction as it not consistent with all the rural planning principles contained within SEPP (Rural Lands) 2008 in relation to the land proposed to be rezoned at 61 Bundarra Rd, West Armidale. This inconsistency is considered to be satisfactory as the proposal to rezone the subject land is consistent with a study approved by the Director General.

6.2 Reserving Land for Public Purposes

The proposal is considered to be inconsistent with this Direction as it seeks to rezone land currently designated as a Travelling Stock Route for the public at 61 Bundarra Rd, West Armidale, and the Director General's approval for this reduction in land reservation has not yet been obtained. This inconsistency is considered to be satisfactory as the proposal is consistent with a study approved by the Director General and the Department of Trade & Investment (Crown Lands) as the relevant landowner has confirmed in writing that they support the rezoning.

It is noted that Council has also identified the proposal as being inconsistent with Direction 6.3 Site Specific Provisions due to the proposed inclusion of bulky goods premises in Schedule 1 - Additional Permitted Uses of the LEP as a permissible use with consent in the West Armidale industrial area. It is not considered however that this Direction is applicable as the proposal does not deal with a specific development proposal or seek to impose additional requirements upon bulky goods premises on the subject land.

Environmental social economic impacts :

No adverse social, environmental or economic impacts have been identified as resulting from the proposal.

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The vast majority of the land is already zoned 4(a) General Industrial under Armidale Dumaresq LEP 2008 and the Planning Proposal is primarily transitioning the West Armidale industrial area to the IN2 Light Industrial zone under Armidale Dumaresq LEP 2012. The additional land at 61 Bundarra Rd, West Armidale, to be rezoned to IN2 Light Industrial has minimal vegetation, is not classified as bushfire prone, only land above the 1%AEP flood level plus 0.5m freeboard is being rezoned and only a small area of the site has been identified as potentially contaminated (associated with a shed used by the Livestock Health and Pest Authority). Council has confirmed that no change in land use is anticipated for this part of the land as the shed will be retained and used by the Livestock Health and Pest Authority into the future. If circumstances were to change, any development proposal for the land would be subject to the provisions of SEPP 55 - Remediation of Land. The issue of any potential land contamination could be considered adequately at that time if necessary.

In relation to the two proposed additional archaeological items in West Armidale, Council recently completed the preparation of an Archaeological Management Plan (AMP) for the Armidale Urban Area. The AMP involved extensive consultation with affected land owners. Council completed Armidale Dumaresq LEP 2012 - Amendment No.1 in August 2013. Amendment No.1 added all the relevant items identified in the AMP into Schedule 5 - Environmental Heritage of Armidale Dumaresq LEP 2012 except for two items located on deferred land in West Armidale. With the proposed inclusion of the West Armidale industrial area into Armidale Dumaresq LEP 2012, it is now the appropriate time to recognise and provide appropriate heritage protection to the two additional items identified in the AMP.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage
Department of Trade and Investment**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **It is recommended that this matter proceed and that consultation be undertaken with the:**
- NSW Office of Environment and Heritage - Heritage Branch;
- NSW Livestock Health and Pest Authority; and
- NSW Department of Trade & Investment - Crown Lands.

Resubmission - s56(2)(b) : **No**

If Yes, reasons : **Resubmission of the Planning Proposal prior to exhibition is not considered necessary.**

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies have been identified as needed to support the proposal.

Identify any internal consultations, if required :

No internal consultation required

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Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Covering letter for PP Amendment No.3 Industrial Land.pdf	Proposal Covering Letter	Yes
Planning Proposal - West Armidale industrial area.pdf	Proposal	Yes
Attachment 1 Armidale Industrial Land Study May 2013.pdf	Study	Yes
Attachment 2 - PP Approval fromNSW Government Planning & Infrastructure....pdf	Proposal	Yes
Attachment 3 - Current LEP 2012 Zoning Map LZN_002AA identifying "Deferr....pdf	Map	Yes
Attachment 4 - Map identifying the area referred to as the "Deferred Mat....pdf	Map	Yes
Attachment 5 - Map of 61 BundarraRoad (~d for rezoning from RU4 Primary....pdf	Map	Yes
Attachment 6 - Map identifyingthe area where proposed Additional Permit....pdf	Map	Yes
Attachment 7 - Map identifyingthe two archaeological items located in t....pdf	Map	Yes
Attachment 8 - Map identifying proposed amendments to Lot Size Map – LSZ....pdf	Map	Yes
Attachment 9 - Crown LandsSupport for Rezoning of 61 Bundarra Road Lett....pdf	Proposal	Yes
Attachment 10 - HIS - Site of International Hotel – A052.pdf	Study	Yes
Attachment 11 - HIS - Site of Palmer's Brickworks – A021.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.3 Heritage Conservation
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information :

- 1. The Planning Proposal be supported;
- 2. The Planning Proposal be exhibited for 14 days;
- 3. The Planning Proposal be completed within 9 months;
- 4. Council is to consult with the following agencies:
 - NSW Office of Environment and Heritage - Heritage Branch;
 - NSW Livestock Health and Pest Authority;
 - NSW Department of Trade & Investment - Crown Lands;
- 5. That the Director General (or his delegate) agree that the inconsistencies with section 117 Directions 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands and 6.2 Reserving Land for Public Purposes are in accordance with a Director General approved study or are of minor significance;
- 6. The Planning Proposal be amended prior to public exhibition to make the following changes to the Map of Components on page 2:

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- the two existing archaeological items shown in blue that are located outside of the West Armidale industrial area, and are not part of the Planning Proposal, be removed; and
- the pointer for Component 3 that incorrectly includes land located outside of the West Armidale industrial area that is not part of the Planning Proposal be amended; and
- 7. That an authorisation to exercise delegation be issued to Council.

Supporting Reasons :

The proposal seeks to amend the Armidale Dumaresq LEP 2012 to implement the recommendations of the Armidale Industrial Lands Study 2012 and to ensure that appropriate planning provisions apply to the West Armidale industrial area that support growth and employment into the future.

Signature:



Printed Name:

Craig Diss

Date:

7/11/13