

Armidale Dumaresq LEP 2012 - Amd 4 - Rezoning and Minimum Lot Size Change at 53A The Avenue and 134-162 Ross Street and the adjoining road reserve

Proposal Title : **Armidale Dumaresq LEP 2012 - Amd 4 - Rezoning and Minimum Lot Size Change at 53A The Avenue and 134-162 Ross Street and the adjoining road reserve**

Proposal Summary : **The Planning Proposal seeks to rezone Lot 10 and part of Lot 9, DP 836850, and the adjoining road reserve, 53A The Avenue and 134-162 Ross Street, Armidale, from E4 Environmental Living to R1 General Residential. The proposal also seeks to amend the minimum lot sizes across the site to cater for the change in land zoning.**

PP Number : **PP_2015_ARMID_001_00** Dop File No : **15/05759**

Proposal Details

Date Planning Proposal Received : **30-Mar-2015** 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 : **53A The Avenue and 134-162 Ross Street**

Suburb : City : **Armidale** Postcode : **2350**

Land Parcel : **Lots 9 and 10 DP 836850 and the adjoining road reserve**

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**

**Armidale Dumaresq LEP 2012 - Amd 4 - Rezoning and Minimum Lot Size Change at 53A
The Avenue and 134-162 Ross Street and the adjoining road reserve**

MDP Number :		Date of Release :	
Area of Release (Ha) :	3.18	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	35
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 Environment'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 statement of objectives adequately describes the intention of the Planning Proposal to make various zoning and minimum lot size changes to Armidale Dumaresq LEP 2012.**

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

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

Comment : **The explanation of provisions adequately addresses the intended changes to Armidale Dumaresq LEP 2012**

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

**1.3 Mining, Petroleum Production and Extractive Industries
1.5 Rural Lands
2.1 Environment Protection Zones
2.3 Heritage Conservation
2.4 Recreation Vehicle Areas
3.1 Residential Zones
3.2 Caravan Parks and Manufactured Home Estates
3.3 Home Occupations
3.4 Integrating Land Use and Transport**

**Armidale Dumaresq LEP 2012 - Amd 4 - Rezoning and Minimum Lot Size Change at 53A
The Avenue and 134-162 Ross Street and the adjoining road reserve**

- 4.4 Planning for Bushfire Protection
- 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 21—Caravan Parks
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 36—Manufactured Home Estates
SEPP No 44—Koala Habitat Protection
SEPP No 55—Remediation of Land
SEPP No 64—Advertising and Signage
SEPP No 65—Design Quality of Residential Flat Development
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP (Rural Lands) 2008
SEPP (Temporary Structures and Places of Public Entertainment) 2007

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 :

The Planning Proposal is considered to be consistent with all relevant SEPPs and the New England North West Strategic Regional Land Use Plan.

The inconsistencies with Council's local growth management strategy and section 117 Directions 2.1 Environmental Protection Zones and 4.4 Planning for Bushfire Protection are discussed below.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

While the amended LEP map sheets have not been provided at this stage, the Planning Proposal includes maps identifying the proposed zoning and minimum lot size changes. The maps provided are considered sufficient for the Planning Proposal to proceed and for public exhibition purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed?

Comment :

The RPA has identified a 28 day exhibition period for the proposal. The RPA has also recommended consultation with the NSW Office of Environment and Heritage and the NSW Rural Fire Service.

As the proposal will rezone land not identified in Council's Secretary approved local growth management strategy for residential purposes, it is considered appropriate that a 28 day notification period be undertaken to allow the community an adequate opportunity to review the proposal.

**Armidale Dumaresq LEP 2012 - Amd 4 - Rezoning and Minimum Lot Size Change at 53A
The Avenue and 134-162 Ross Street and the adjoining road reserve**

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.**

It is understood that Council has not sought an authorisation to exercise its plan making delegations in this instance as the proposal is not in accordance with a Secretary approved local strategy. Due to the small area of land to be rezoned (3.18ha), and as it directly adjoins an existing residential area, this proposal is considered to be a local matter with no issues of State or regional significance. It is recommended that an authorisation to exercise its plan making delegations be issued to Council in regard to this matter.

The RPA has provided a project time line which estimates that Council will be ready to seek a Parliamentary Counsel Opinion for this matter in October 2015. To ensure an adequate period for finalisation a 9 month time frame for completion of the proposal is recommended. If an authorisation to exercise delegation is issued to Council, the project time line will also need to be updated prior to public exhibition to include the additional delegated tasks.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Armidale Dumaresq LEP 2012 was notified on 30 November 2012.

Assessment Criteria

Need for planning
proposal :

The proposal is needed to make the necessary zoning and minimum lot size changes to Armidale Dumaresq LEP 2012.

The proposal is not the result of any current strategic study or report. While Council has identified that it has sufficient zoned land to cater for its projected growth to 2021, it believes the proposal will help provide improved housing choice while not undermining the broader residential growth strategy for Armidale. Council has estimated that the rezoning will facilitate an additional 35 residential lots.

**Armidale Dumaresq LEP 2012 - Amd 4 - Rezoning and Minimum Lot Size Change at 53A
The Avenue and 134-162 Ross Street and the adjoining road reserve**

Consistency with
strategic planning
framework :

The Planning Proposal is considered to be consistent with all relevant SEPPs.

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 consistent with the provisions of the Strategic Regional Land Use Plan (SRLUP), and the settlement planning principles contained in SRLUP.

The proposal is considered to be inconsistent with Council's local strategy (New England Development Strategy) that was approved by the Director General in March 2010 as the rezoning is not located within an identified urban release area. It is noted however that the strategy identifies that the existing identified urban release areas were designed to cater for projected growth only until 2021, that some of the zoned land may not come forward to the market due to the reluctance of landowners to subdivide the land, and that further suitable areas for urban expansion will need to be identified for the period beyond 2021. In this regard, the inconsistency of the proposal with the approved local strategy is considered to be of minor significance due to:

- the small area of land to be rezoned (3.18ha);
- the relatively small lot yield (35 residential lots);
- the increase in housing choice that will be provided due to the relative scarcity of vacant residential land in this area of Armidale;
- its ability to be efficiently serviced by appropriate infrastructure; and
- its location directly adjoining existing residential zoned and developed land.

The Planning Proposal is considered to be consistent with all applicable section 117 Directions, except in relation to 2.1 Environmental Protection Zones and 4.4 Planning for Bushfire Protection as discussed below.

2.1 Environmental Protection Zones

The proposal is considered to be inconsistent with this Direction as it seeks to reduce the environmental protection standards applying to the land by rezoning part of the site from E4 Environmental Living to R1 General Residential and reducing the minimum lot size for the area being rezoned from 1ha to 500m². The proposal also seeks to reduce the minimum lot size for the existing part of the site zoned E3 Environmental Management from 4ha to 3ha to help facilitate the future subdivision of the site being rezoned (the E3 Zone area of the site is 3.13ha and under clause 4.1D of AD LEP 2012 would need to be consolidated with the 1.69ha E4 residue when the residential subdivision proceeds if it is unable to satisfy the minimum lot size requirements in its own right). The inconsistency with the Direction is considered to be of minor significance as the E3 and E4 Zonings in this instance are a translation of former zonings under AD LEP 2008 and relate to scenic protection rather than any known environmental significance of the site (which is predominantly cleared land).

4.4 Planning for Bushfire Protection

This Direction is relevant as the Planning Proposal applies to land that is in close proximity to bushfire prone land. The Direction requires the RPA to consult with the Commissioner of the NSW Rural Fire Service after a Gateway Determination has been issued. Until this consultation has occurred the consistency of the proposal with the Direction cannot be resolved.

Environmental social
economic impacts :

The Planning Proposal identifies no significant adverse environmental, social or economic impact resulting from this matter.

The main issue identified in the Planning Proposal relates to the potential scenic impact of the proposal. The current E3 and E4 Zones are a reflection of Council's previous strategic planning work which identified 'prime scenic' (E3) and 'support scenic' (E4) areas around Armidale. In this regard, no significant scenic impact from the development is anticipated due to:

- the topography of the site;
- the maintenance of the timbered ridge line to the rear of the site;
- the adoption of the 1080 Reduced Level contour as the limit for the residential zone;
- no additional development is proposed for the E3 Zone area; and

**Armidale Dumaresq LEP 2012 - Amd 4 - Rezoning and Minimum Lot Size Change at 53A
The Avenue and 134-162 Ross Street and the adjoining road reserve**

- the location of Council's existing water reservoirs above the development site within the visual catchment.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

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

Public Authority Consultation - 56(2) (d) : **Office of Environment and Heritage
NSW Rural Fire Service**

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. It is noted that the proposal recommends consultation with the Office of Environment and Heritage and with the NSW Rural Fire Service. This is considered appropriate.**

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No specific additional studies are considered necessary to support the rezoning. The proposal states that further flora and fauna, slope and geotechnical studies will be undertaken either to the support the proposal after a Gateway determination or at development application stage. It is noted that a small isolated stand of koala feed trees identified under SEPP 44 is located on the site. These trees are predominantly located on the area of the site being retained as Zone E4 Environmental Living and are not within the development footprint of the proposed R1 Zone (except for one tree). The impact of the proposal on this vegetation is unlikely to be significant.

It is considered that all these matters can be adequately considered and addressed at the development application stage.

Identify any internal consultations, if required :

No internal consultation required

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 requesting Gateway determination.pdf	Proposal Covering Letter	Yes
Planning Proposal No 4. ADLEP 2012 - 23 March 2015.pdf	Proposal	Yes
Council meeting 23 March 2015 - Agenda Item 6.1.pdf	Proposal	Yes
Council meeting 23 March 2015 - Attachment 1.pdf	Proposal	Yes
Council meeting 23 March 2015 - Minute No 48.15.pdf	Proposal	Yes
Planning Team Report.pdf	Determination Document	Yes

**Armidale Dumaresq LEP 2012 - Amd 4 - Rezoning and Minimum Lot Size Change at 53A
The Avenue and 134-162 Ross Street and the adjoining road reserve**

Planning Team Recommendation

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

S.117 directions: **1.3 Mining, Petroleum Production and Extractive Industries**
 1.5 Rural Lands
 2.1 Environment Protection Zones
 2.3 Heritage Conservation
 2.4 Recreation Vehicle Areas
 3.1 Residential Zones
 3.2 Caravan Parks and Manufactured Home Estates
 3.3 Home Occupations
 3.4 Integrating Land Use and Transport
 4.4 Planning for Bushfire Protection
 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 28 days;
 3. The Planning Proposal be completed within 9 months;
 4. Council is to consult with the Office of Environment and Heritage and the NSW Rural Fire Service;
 5. That the Secretary (or her delegate) agree that the inconsistency with section 117 Direction 2.1 Environmental Protection Zones is of minor significance;
 6. That the Secretary (or her delegate) note the current inconsistency with section 117 Direction 4.4 Planning for Bushfire Protection and that it is anticipated that this inconsistency will need to be resolved prior to the proposal being finalised;
 7. That an authorisation to exercise delegation be issued to Council; and
 8. That a revised project time line (that incorporates the additional delegated proposal tasks) be included in the Planning Proposal prior to public exhibition.

Supporting Reasons : **The Planning Proposal is supported as it is considered that it will help provide improved housing choice while not undermining the broader residential growth strategy for Armidale.**

Signature: _____



Printed Name: _____

Craig Duss

Date: _____

9/4/15