

Rezone land at Madgwick Drive and Cluny Rd, Armidale

Proposal Title : **Rezone land at Madgwick Drive and Cluny Rd, Armidale**

Proposal Summary : **The proposal seeks to rezone Lots 22-26 DP 1153858, Lots 27-28 DP 1156909 and Lot 1 DP 1147739, 9, 11, 13-17 Madgwick Drive and 15-17 Cluny Rd, Armidale, from R2 Low Density Residential to R1 General Residential and amend the minimum lot size from 4000 sqm to 500 sqm.**

PP Number : **PP_2015_ARMID_002_00** Dop File No : **15/13376**

Proposal Details

Date Planning Proposal Received : **01-Sep-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 : **9, 11, 13-17 Madgwick Drive and 15-17 Cluny Rd**

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

Land Parcel : **Lots 22-26 DP 1153858, Lots 27-28 DP 1156909 and Lot 1 DP 1147739**

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**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	3.20	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	13
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 a zoning and minimum lot size change for the subject land under 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
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

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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 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 (Infrastructure) 2007

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Affordable Rental Housing) 2009

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 section 117 Directions 1.3 Mining, Petroleum Production and Extractive Industries and 4.3 Flood Prone Land 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 site and 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.

Maps prepared in accordance with the Department's technical mapping guidelines will be required before a Parliamentary Counsel Opinion can be sought.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

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.

The site is already zoned R2 Low Density Residential under Armidale Dumaresq LEP 2012 and is identified as an urban release area in the Secretary approved local growth management strategy. The proposal is therefore considered to be 'low impact' and a 14 day notification period is considered adequate.

Additional Director General's requirements

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

If Yes, reasons :

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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 has confirmed that it wishes to exercise its plan making delegations in relation to this proposal. As the proposal involves only matters of local significance, it is considered appropriate that an authorisation to exercise its plan making delegations be issued to Council for this matter.

The RPA has provided a project time line which estimates that Council will complete this matter in April 2016. To ensure an adequate period for finalisation 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 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. The proposal has been initiated by the land owner to allow a higher and more appropriate use of the land than the current R2 Low Density Residential zone and 4000 sqm minimum lot size.

At the time the site was originally considered for an R1 General Residential Zone or R2 Low Density Residential zone equivalent under Armidale Dumaresq 2008, the site was not adequately serviced by Council's water and sewer infrastructure and the existing water course and dam were considered as potential constraints for future development. The site is now fully serviced, is in close proximity to other infrastructure and services, adjoins existing R1 General Residential land to the west and south, and Council has recently exhibited an updated flood study that confirms sufficient area is available above the flood planning level to allow for more intensive subdivision and development.

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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 consistent with Council's local growth management strategy (New England Development Strategy) that was approved by the Director General in March 2010. The strategy identifies the land as an urban release area.

The Planning Proposal is considered to be consistent with all applicable section 117 Directions, except in relation to 1.3 Mining, Petroleum Production and Extractive Industries and 4.3 Flood Prone Land as discussed below.

1.3 Mining, Petroleum Production and Extractive Industries

The proposal is considered to be inconsistent with the Direction as mining and extractive industries are prohibited in the R1 General Residential Zone under Armidale Dumaresq LEP 2012. This inconsistency is considered to be of minor significance as the NSW DPI Resource Audit Maps show no existing or potential resources in this locality and as mining and extractive industries are prohibited in the R2 Low Density Residential Zone under Armidale Dumaresq LEP 2012 that currently applies to the land.

4.3 Flood Prone Land

The proposal is inconsistent with this Direction as it proposes changes that could increase the development potential of flood prone land. The inconsistency is considered to be of minor significance as:

- Council has exhibited an updated flood study that illustrates that flooding impacts are limited to the western boundary of the site and that sufficient land is available on site for more intensive subdivision and building envelopes above the flood planning level;
- all sites will have flood free access;
- that land is already zoned for residential purposes;
- clause 6.2 Flood Planning of Armidale Dumaresq LEP 2012 applies to the land and ensures that flooding issues are appropriately considered and addressed at the development application stage.

Environmental social economic impacts :

The proposal confirms that the land is not bushfire prone or has any known potential contamination. The main constraint affecting the land is partial flooding (as discussed above).

While the site is predominantly cleared and heavily disturbed by past and present activities, the proposal identifies that some native flora or fauna may be present and recommends that a flora and fauna assessment be undertaken either after the Gateway Determination or as part of a future development application. The proposal also identifies the potential for Aboriginal objects or places to be present, with a Aboriginal heritage assessment to be undertaken after the Gateway Determination or as part of a future development application. Based on this assessment, it considered appropriate that the Office of Environment and Heritage be consulted in regard to this matter.

No adverse economic or social impacts associated with the proposal have been identified.

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Assessment Process

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

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

Public Authority Consultation - s56(2) (d) : **Office of Environment and Heritage**
Other

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 this is considered appropriate. As the proposal could ultimately result in works within 40m of a watercourse that would require a controlled activity approval under the Water Management Act 2000, it is recommended that the Department of Primary Industries - Water also be consulted.**

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 at present. The proposal states that further flora and fauna and Aboriginal heritage will be undertaken either to support the proposal after a Gateway determination or at development application stage. It is considered that these matters can be adequately considered and addressed at the development application stage (or after consultation with the Office of Environment and Heritage if they deem it as necessary).

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 Gateway determination request PP No. 8.pdf	Proposal Covering Letter	Yes
Council meeting 24.8.2015 Report.pdf	Proposal	Yes
Council meeting 24.8.2015 Minute No.199-15.pdf	Proposal	Yes
Planning Proposal No. 8 August 2015.pdf	Proposal	Yes

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**
2.1 Environment Protection Zones
2.3 Heritage Conservation

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2.4 Recreation Vehicle Areas
3.1 Residential Zones
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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 Office of Environment and Heritage and the NSW Department of Primary Industries - Water;
5. That the Secretary (or her delegate) agree that the inconsistencies with section 117 Directions 1.3 Mining, Petroleum Production and Extractive Industries and 4.3 Flood Prone Land are of minor significance; and
6. That an authorisation to exercise delegation be issued to Council.

Supporting Reasons : The proposal is supported as it will allow a higher and more appropriate use of the land than the current R2 Low Density Residential zone and 4000 sqm minimum lot size.

Signature:



Printed Name:

JIM CLARK

Date:

8 September 2015

Team Leader Local Planning

