

Armidale Dumaresq LEP 2012 Amendment No.6 - Various Corrections and Amendments

Proposal Title :	Armidale Dumaresq LEP 2012 Amendment No.6 - Various Corrections and Amendments		
Proposal Summary :	Armidale Dumaresq LEP 2012 Amendment No.6 seeks to undertake various corrections and amendments, including: - Amending Clause 4.1AA Minimum Subdivision Lot Size for Community Title Schemes to apply to Zone R2 Low Density Residential; - Amending Clause 4.1A Minimum Subdivision Lot Size for Strata Plan Schemes in Certain Rural, Residential and Environmental Protection Zones to apply to Zone R2 Low Density Residential; - Amend a drafting error in Clause 4.1B Subdivision in Zone E3 and Zone E4 to permit buildings to be located on 'resulting' lots created under the clause on the area of the lot zoned E4; and - Include a boundary adjustment clause for Zones RU1, RU4, R5, E3 and E4.		
PP Number :	PP_2014_ARMID_001_00	Dop File No :	14/07375

Proposal Details

Date Planning Proposal Received :	06-May-2014	LGA covered :	Armidale Dumaresq
Region :	Northern	RPA :	Armidale Dumaresq Council
State Electorate :	NORTHERN TABLELANDS	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :
Suburb : City : Postcode :
Land Parcel : **Land Zoned RU1, RU4, R2, R5, E3 and E4 under Armidale Dumaresq LEP 2012**

DoP Planning Officer Contact Details

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RPA Contact Details

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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 :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
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 :

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

2.1 Environment Protection Zones

- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.3 Flood Prone Land**
- 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 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 (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 (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? **No**

Comment : **No amendments to Armidale Dumaresq LEP 2012 maps will be needed to achieve the proposed outcomes of the Planning Proposal. Due to the number of zones and the large area of the LGA to which the Planning Proposal will apply (Zones RU1, RU4, R2, R5, E3 and E4) it is not considered practical or of value to include any specific locality mapping for public exhibition purposes.**

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 Rural Fire Service. These recommendations are supported and a 14 day exhibition period is considered to be appropriate.**

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

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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 considered to be dealing with matters of local significance, it is appropriate that an authorisation to exercise its plan making delegations be issued to Council.

The RPA has provided a project time line which estimates that the LEP will be ready for finalisation and notification by September 2014. The submitted project time line is considered as reasonable and a 6 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 is not the result of any specific study or land use strategy.

The proposal seeks to rectify translation and drafting issues that occurred in the preparation of Armidale Dumaresq LEP 2012 and to introduce a boundary adjustment clause that was not available when Armidale Dumaresq LEP 2012 was made. The Planning Proposal is the only mechanism available to implement the intended objectives and to allow the LEP to operate more effectively and efficiently.

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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 considered not to be inconsistent with Council's local growth management strategy (New England Development Strategy) that was approved by the Director General in March 2010.

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

2.1 Environmental Protection Zones

The proposal is considered to be inconsistent with this Direction as it will permit additional development (ie. buildings) on 'resulting' lots created under Clause 4.1B of Armidale Dumaresq LEP 2012. This inconsistency is considered to be of minor significance as the proposal seeks only to rectify a drafting error in the preparation of Armidale Dumaresq LEP 2012. The effective operation of clause 4.1B is also considered likely to have an overall beneficial environmental impact by reducing development pressure on the E3 Zone by directing buildings to the less constrained E4 Zone areas of the resulting lots.

3.1 Residential Zones

The proposal is considered to be inconsistent with this Direction as it seeks to reduce the current permissible residential density of the R2 Low Density Zone by introducing a 4000m² minimum strata and community title lot size consistent with the existing freehold title minimum lot size. This increase in strata and community title lot size is considered to be of minor significance due to Council's advice that:

- that the current nil lot size was unintended and was a translation issue in the making of Armidale Dumaresq LEP 2012;
- the change will be reverting the strata and community lot size to the 4000m² standard previously permitted under Armidale Dumaresq LEP 2008 and that is currently permitted for freehold title subdivision under Armidale Dumaresq LEP 2012;
- its current infrastructure requirements for the R2 Low Density Residential Zone are not sufficient to cater for more intensive subdivision and development below the 4000m² proposed standard. Inappropriately serviced residential areas are likely to result in poor social outcomes for residents;
- the R2 Low Density Zone has varying environmental constraints and is specifically designed to provide low density residential development on the fringes of the Armidale urban area appropriate to its constraints. It is also designed to provide a transition area between the smaller lot sizes of the R1 Zone and the larger lots of the R5 Zone.

4.4 Planning for Bushfire Protection

This Direction is relevant to the proposal to as it will amend and introduce new planning provisions applying 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 remains unresolved.

Environmental social economic impacts :

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

The proposed amendments are considered likely to have a beneficial effect in protecting sensitive environment locations by permitting suitable subdivisions while reducing subdivision pressure and increased density within the R2 Low Density Zone.

While land owners within the R2 Low Density Zone will lose some level of economic / development potential due to the increase in strata and community title lot sizes, this loss of development potential is considered as acceptable for the reasons discussed above in relation to section 117 Direction 3.1 Residential Zones.

Assessment Process

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

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **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 and that consultation be undertaken with the NSW Rural Fire Service.**

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

If Yes, reasons :

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 :

Residential Land Release (MDP)

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Letter to P&I requesting Delegations and Gateway.pdf	Proposal Covering Letter	Yes
Amendment No 6 Planning Proposal- Part 4 Principal Development Standards - P&I amend.docx	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.3 Flood Prone Land**
- 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;**

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2. The Planning Proposal be exhibited for 14 days;
3. The Planning Proposal be completed within 6 months;
4. Council is to consult with the NSW Rural Fire Service;
5. That the Director General (or his delegate) agree that the inconsistencies with section 117 Directions 2.1 Environmental Protection Zones and 3.1 Residential Zones are of minor significance;
6. That the Director General (or his delegate) note the currently unresolved inconsistency with section 117 Direction 4.4 Planning for Bushfire Protection; and
7. That an authorisation to exercise delegation be issued to Council.

Supporting Reasons :

The proposal is supported as it seeks to rectify translation and drafting issues that occurred in the preparation of Armidale Dumaresq LEP 2012 and to introduce a boundary adjustment clause that was not available when Armidale Dumaresq LEP 2012 was made. The Planning Proposal is the only mechanism available to implement the intended objectives and to allow the LEP to operate more effectively and efficiently.

Signature:



Printed Name:

Craig Diss

Date:

7/5/14