

Reclassification of 43-49 White Ave and 1A The Boulevard, Armidale, to operational land

Proposal Title : **Reclassification of 43-49 White Ave and 1A The Boulevard, Armidale, to operational land**

Proposal Summary : **Proposed reclassification of surplus Council owned land at Lot 20 DP 711016, 43-49 White Ave, and Lot 50 DP 732610, 1A The Boulevard, Armidale, from community to operational status. The reclassification also involves the extinguishment of an existing interest applying to Lot 50 DP 732610, 1A The Boulevard, which restricts unauthorised dealings in public reserves. Lot 50 DP 732610, 1A The Boulevard, was dedicated to Council as a public reserve.**

PP Number : **PP_2013_ARMID_002_00** **Dop File No :** **13/11445**

Proposal Details

Date Planning Proposal Received : **05-Jul-2013** **LGA covered :** **Armidale Dumaresq**

Region : **Northern** **RPA :** **Armidale Dumaresq Council**

State Electorate : **NORTHERN TABLELANDS** **Section of the Act :** **55 - Planning Proposal**

LEP Type : **Reclassification**

Location Details

Street : **43-49 White Ave**

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

Land Parcel : **Lot 20 DP 711016**

Street : **1A The Boulevard**

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

Land Parcel : **Lot 50 DP 732610**

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 :

Reclassification of 43-49 White Ave and 1A The Boulevard, Armidale, to operational land

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	Yes
MDP Number :	0	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 :

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

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The subject land is currently zoned R1 General Residential under Armidale Dumaresq LEP 2012. No change in zoning or development standards is proposed or needed in association with the reclassification.**

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 reclassify the land from community to operational status.**

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 reclassify Lot 20 DP 711016, 43-49 White Ave, by inclusion in Schedule 4, Part 1 (no interests changed) and Lot 50 DP 732610, 1A The Boulevard, by inclusion in Schedule 4, Part 2 (interests changed) of 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

**2.1 Environment Protection Zones
2.3 Heritage Conservation
2.4 Recreation Vehicle Areas**

Reclassification of 43-49 White Ave and 1A The Boulevard, Armidale, to operational land

- 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

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 (Major Projects) 2005
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
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, the New England North West Strategic Regional Land Use Plan and applicable section 117 Directions except in relation to Direction 6.2 Reserving Land for Public Purposes. This inconsistency is discussed in detail below.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

No changes to the Armidale Dumaresq LEP 2012 maps will be necessary to facilitate the proposal. Maps identifying the sites and the current planning controls applying to the land have been included within the Planning Proposal and are considered adequate for exhibition purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

As the Planning Proposal seeks to reclassify land from community to operational, a 28 day public exhibition period has been proposed by Council. Council has also confirmed that a public hearing for the reclassification will be conducted after the conclusion of the public exhibition period. The proposed community consultation 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 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 not seeking an authorisation to exercise its plan making delegations in this instance as the Governor's approval will be required to alter an existing interest applying to Lot 50 DP 732612, 1A The Boulevard, Armidale. As the Governor's approval will be required, Council's request that an authorisation to exercise its delegation not be issued is supported.

The RPA has provided a project time line which estimates that the LEP will be ready for submission to the Department for finalisation in December 2013. To allow an appropriate period for legal drafting, and for obtaining the Governor's approval, 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 Planning Proposal is needed as it is the only avenue available to Council to reclassify the land from community to operational status to allow disposal of the surplus Council owned land.

As discussed in the Planning Proposal, Council undertook the Armidale Dumaresq Council: Achieving Sustainable Infrastructure, Services and Finances Report (Review Today Pty Ltd, 2009). One of the recommendations of the Report was for Council to look at selling excess public lands and applying the proceeds to an asset backlog, in particular roads. The land being proposed for reclassification was included in the sites identified as being surplus by the report. Council has approximately 210 hectares of public lands (active parks 43% and passive parks 53%). The area of lands to be reclassified is 1.52 hectares, which represents only 0.7% of lands currently held for public recreation in the Armidale Dumaresq LGA.

Reclassification of 43-49 White Ave and 1A The Boulevard, Armidale, to operational land

Consistency with strategic planning framework :

The Planning Proposal is considered to be consistent with all relevant SEPPs, the New England North West Strategic Regional Land Use Plan and Council's local land use strategy (New England Development Strategy approved by the Director General in March 2010). The subject land is currently zoned R1 General Residential under Armidale Dumaresq LEP 2012. No change in zoning or development standards is proposed or needed in association with the reclassification.

The proposal is considered to be consistent with all applicable s117 Directions except Direction 6.2 Reserving Land for Public Purposes as discussed below. While the Planning Proposal identifies a potential inconsistency with Direction 4.4 Planning for Bushfire Protection, as the proposal confirms that consultation with the the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination will be undertaken, no current inconsistency with this Direction has been identified.

6.2 Reserving Land for Public Purposes

The proposed removal of an interest on Lot 50 DP 711016, 1A The Boulevard, Armidale is inconsistent with this Direction as it reduces an existing reservation of land for public purposes without the approval of the Director General. The inconsistency with this Direction is considered to be of minor significance because of the small area of the land involved, its undeveloped nature for public recreational purposes and the large quantity of public land remaining in Armidale for active and passive recreational purposes.

In accordance with the requirements of 'A guide to preparing local environmental plans', the Planning Proposal confirms that:

1. it is the result of the Armidale Dumaresq Council: Achieving Sustainable Infrastructure, Services and Finances Report;
2. it is consistent with Council's Armidale Dumaresq Council: Achieving Sustainable Infrastructure, Services and Finances Report;
3. that only interests on Lot 50 DP 711016, 1A The Boulevard, Armidale will be extinguished; and
4. Council is the only landowner.

The Planning Proposal has also been prepared in accordance with Practice Note PN09-003 Classification and reclassification of public land through a local environmental plan. Additional information has been provided in the Planning Proposal where necessary to address matters raised in the practice note.

Environmental social economic impacts :

No adverse environmental, social or economic impacts have been identified as likely to occur as a result of the proposed reclassification. The land is already zoned R1 General Residential under Armidale Dumaresq LEP 2012, and the possible impacts of any specific development proposals will be assessed as part of determining future development applications for the sites.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	DDG
Public Authority Consultation - 56(2) (d) :	NSW Rural Fire Service		

Reclassification of 43-49 White Ave and 1A The Boulevard, Armidale, to operational land

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

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

If no, provide reasons : **While the Planning Proposal identifies potential consultation with the NSW Office of Environment and Heritage in relation to Aboriginal heritage issues, this is not considered to be a matter for the reclassification and would be more appropriately dealt with at the development application stage.**

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies are needed in relation to the proposed reclassification.

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
Planning Propsoal Covering letter.pdf	Proposal Covering Letter	Yes
Planning Proposal No 2 Reclassification of Community Land.pdf	Proposal	Yes
Planning Proposal No 2 - Council Report to Governance and Risk Committee meeting 4 February 2013.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 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. That consultation with the NSW Rural Fire Service be undertaken prior to public exhibition;**
- 5. That a public hearing on the reclassification of the subject land in accordance with section 29 of the Local Government Act 1993 and section 57 of the Environmental Planning and Assessment Act 1979 be held after completion of the public exhibition period;**
- 6. The Director-General's delegate determines that the inconsistency with S117 Direction 6.2 Reserving Land for Public Purposes is of minor significance; and**
- 7. That an authorisation to exercise delegation not be issued to Council.**

Reclassification of 43-49 White Ave and 1A The Boulevard, Armidale, to operational land

Supporting Reasons :

The proposal seeks to reclassify two parcels of land in Armidale. The purpose of the reclassification is to permit the disposal of the land that has been identified as being surplus to Council's needs. The Planning Proposal is needed as it is the only avenue available to Council to reclassify the land from community to operational status to permit its disposal. The subject land is currently zoned R1 General Residential under Armidale Dumaersq LEP 2012. No change in zoning or development standards is proposed or needed in association with the reclassification.

Signature:



Printed Name:

Craig Diss

Date:

11/7/13