



Item: 7.4 **Ref:** INT/2010/08914
Title: PLANNING PROPOSAL FOR DRAFT AMENDMENT
No 6 TO ARMIDALE DUMARESQ LEP 2008
Container: A02/0582-16
Author: Strategic Planner
Attachments:

1. Armidale Dumaresq LEP - New England Development Strategy - Request consideration of amending current LEP - Gostwyck Park Estate - Lot 2 DP 1046517 Lot 172 DP 1084198 & Lot 173 DP 755808
2. Planning Proposal to remove rural fringe release areas from Armidale Dumaresq LEP 2008
3. Attachment 1 map Planning Proposal remove rural fringe release areas

Introduction:

A Planning Proposal has been prepared to amend Armidale Dumaresq Local Environmental Plan 2008 (LEP 2008). The proposed amendment becomes Draft Amendment No 6 and it seeks to remove the provisions for the staged release of land in the Rural Fringe 1(c) zone.

The proposed amendment is consistent with the recommendations of the New England Development Strategy which will inform the regional LEP(s) to be prepared for Armidale Dumaresq, Guyra Shire, Uralla Shire and Walcha Councils. However, the regional LEP(s) is unlikely to be in place for at least 12 to 18 months and, given the lack of subdivision development in the release areas to date, it is not considered appropriate to further delay removal of these release areas from Council's LEP.

The Planning Proposal requires Council's endorsement to be sent to the Department of Planning for a Gateway Determination which will indicate whether the proposal can proceed and the required consultations with the community and State government agencies.

Report:

A Planning Proposal has been prepared to amend LEP 2008 by removing the provisions for staged land releases in the Rural Fringe 1(c) zone. The first release areas in the Rural Fringe 1(c) zone are shown with blue cross hatching on the map for LEP 2008 and were originally based on the recommendations of the Armidale Dumaresq Rural Residential Study.

The minimum lot size for subdivision in the Rural Fringe 1(c) zone is normally 40 hectares. However in the release areas land may be subdivided into lots with an area of at least 2 hectares, except where lots are to be connected to a sewerage system in which case they may be at least 1 hectare. All such lots must connect to a reticulated water supply.



The current Rural Fringe 1(c) zone in Armidale Dumaresq LEP 2008 is 'equivalent' to the Large Lot Residential zone in the Standard Instrument and, therefore, this Report uses the latter term to describe this type of development.

Preparation of the Planning Proposal is in response to a submission from Gostwyck Park Estate Pty Ltd, a copy of which is included in the Attachments. Gostwyck Park Estate Pty Ltd, which owns land in the Rural Fringe 1(c) zone but outside the first release area, has made previous submissions to Council to permit development of their land for large lot residential development. Their last submission was made on the Draft New England Development Strategy when it was on public exhibition.

The New England Development Strategy (Strategy) has been prepared to inform preparation of LEP(s) for Armidale Dumaresq, Guyra Shire, Uralla Shire and Walcha Councils. One of the changes made to the Draft Strategy following exhibition was to recommend that the first release areas for the large lot residential zone not be carried through from LEP 2008 into the regional LEP(s) being prepared for the four Councils. The final Strategy was adopted by the four Councils during 2009 and endorsed by the Director-General of the Department of Planning on 16 March 2010.

The Planning Proposal is considered to be consistent with the Zoning Recommendation in the Strategy (page 57) to 'implement the provisions of Armidale Dumaresq LEP 2008, except for the release areas in the Large Lot Residential zone'. The demand for large lot residential development up to 2021 is expected to be fully met by the two corridors to the north and south of Armidale which are currently zoned Rural Fringe 1(c). After that supply has been taken up, the Strategy identifies land to the west of Armidale as being suitable for large lot residential development.

Removing staged land releases in the Rural Fringe 1(c) zone could be postponed to the commencement of the regionally based LEP(s). However, the regional LEP(s) is unlikely to be in place for at least 12 to 18 months and, given the lack of subdivision development in the release areas to date, it is not considered appropriate to further delay removal of these release areas from Council's LEP. Since the LEP 2008 was gazetted on 15 February 2008, only one subdivision has been approved and this resulted in the creation of one extra lot with a dwelling entitlement.

It is, therefore recommended that Council endorse the Planning Proposal in the Attachments, and request a Gateway Determination from the Minister for Planning. The Gateway Determination will indicate whether the Planning Proposal can proceed, the period and form of community consultation and the Government Agencies to be consulted.

Financial Implications:

None apparent for Council.

Environmental Implications:

The proposed amendment will be consistent with the recommendations of the New England Development Strategy.



Policy Issues/Management Plan Issues:

Should the Gateway Determination indicate that the Planning Proposal may proceed, preparation of Draft Amendment No 6 to LEP 2008 will be included in the Strategic Planning Work Program for 2010-2011.

Social Implications:

The proposed amendment will be consistent with the recommendations of the New England Development Strategy and increase the supply of land for large lot residential development in the short term.

Risk Management Issues:

None apparent.

Legal Issues:

Any amendments to LEP 2008 are to be prepared in accordance with the requirements of the EPA Act 1979.

RECOMMENDATION:

- (a) That Council endorse the Planning Proposal in the Attachments which seeks to amend Armidale Dumaresq Local Environmental Plan 2008 by removing the first release areas in the Rural Fringe 1(c) zone.
- (b) That Council forward the Planning Proposal referred to in (a) to the Minister for Planning, requesting that a Gateway Determination be provided in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.