

Armidale Dumaresq LEP 2012 - Rezone land from R2 Low Density Residential to R1 General Residential to facilitate 20 additional lots in an approved subdivision.

Proposal Title : Armidale Dumaresq LEP 2012 - Rezone land from R2 Low Density Residential to R1 General Residential to facilitate 20 additional lots in an approved subdivision.

Proposal Summary : This Proposal seeks to rezone part of Lot 40, DP 1215012 from R2 Low Density Residential to R1 General Residential to facilitate 20 additional lots in an approved subdivision and alter the minimum lot size from 4000m2 to 500m2 to match the adjoining land.

PP Number : PP_2017_AREGI_001_00 Dop File No : 17/07846

Proposal Details

Date Planning Proposal Received : 01-Jun-2017 LGA covered : Armidale Regional

Region : Northern RPA : Armidale Regional Council

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

LEP Type : Spot Rezoning

Location Details

Street : 111 Cookes Road

Suburb : City : Armidale Postcode : 2350

Land Parcel : Part Lot 40, DP 1215012

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : Kathy Martin

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DoP Project Manager Contact Details

Contact Name : Tamara Prentice

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Land Release Data

Growth Centre : N/A Release Area Name : N/A

Regional / Sub Regional Strategy : New England North West Consistent with Strategy : Yes

Regional Strategy : Regional Plan 2036

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MDP Number :		Date of Release :	
Area of Release (Ha) : 1.20		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots : 0		No. of Dwellings (where relevant) :	20
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.**

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

If Yes, comment : **The Northern Region office has not met any lobbyists in relation to this proposal, nor has the Region been advised of any meeting between other officers within the agency and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **The property at 111 Cookes Road is 42.3ha and has an approved 256 lot subdivision. The subject site adjoins the subdivision and is a 20m wide lot that has an area of approximately 1.2ha. By rezoning and altering the minimum lot size the site, an additional 20 lots may be added to the subdivision through reconfiguration of the lot design.**

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

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

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- 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?

e) List any other matters that need to be considered : **An assessment of the applicable S117 Directions and SEPP's is provided within the 'Assessment' section of this planning team report.**

Council have indicated that they believe the planning proposal is consistent with all applicable SEPP's.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **See the 'Assessment' section of this planning team report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The Planning Proposal has included maps that show the locality and the current and proposed zonings and minimum lot size standards applying to the land.**

These maps are considered adequate for exhibition purposes.

Revised maps which comply with the Department's 'Standard Technical Requirements for LEP Maps' will be needed prior to the making of the LEP.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council have indicated a 14 day timeframe for community consultation. As the proposal is 'low impact' and identified in an approve strategy this timeframe is considered appropriate.**

It is understood that Council intends to consult with the NSW Rural Fire Service in accordance with the requirements of S117 Direction 4.4 Bushfire Prone Land.

This is also 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

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5. Providing a project time line.

Council is seeking an authorisation to exercise its plan making delegations. As the proposal deals with only matters of local significance, it is recommended that an authorisation to exercise plan making delegations be issued to Council in regard to this matter.

The RPA has provided a project timeline which estimates that the LEP will be ready for notification in November 2017. It is recommended that a 6 month timeframe be given for the completion of this LEP Amendment.

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 :

This Planning Proposal seeks to rezone the subject land to enable the expansion of an existing approved subdivision on an adjoining holding.

The subject land is a part lot, 20m wide, that adjoins the eastern boundary of an approved 250 lot subdivision at 111 Cookes Road, Armidale. The rezoning will enable the approved subdivision to be reconfigured with the potential to increase the residential lot yield by approximately 20 lots. Separate Council approvals or modification of the existing consents will be required before this can be realised

The subject site is adjacent to land zoned R1 General Residential with a 500m2 minimum lot size (the approved 250 lot subdivision) which in turn adjoins the urban area of Armidale. The land is in an area that can be serviced for residential development by the reticulated water, sewerage system and road network via the approved subdivision to Cookes Road.

The rezoning of this site will provide some flexibility for the existing approved subdivision and future proposals as well as providing additional housing within an area that is capable of being adequately serviced.

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Consistency with strategic planning framework :

REGIONAL STRATEGIES

The draft New England North West Regional Plan 2036 applies to the Armidale Regional LGA. The planning proposal is consistent with draft Plan's goals and specific directions, including Direction 3.3 - Deliver housing choice to suit changing needs, Direction 3.4 - Promote sustainable settlement growth with great places to live and Direction 4.1 - Grow the regional cities of Tamworth and Armidale.

The New England North West Strategic Regional Land Use Plan (SRLUP) applies to the Armidale Regional LGA. The subject land has not been mapped as Strategic Agricultural Land under the SRLUP and council does not anticipate that the proposed zoning and lot size adjustments will result in any potential land use conflict with any surrounding land uses. It is considered that the Planning Proposal is consistent with the Actions of the SRLUP.

LOCAL STRATEGIES

The New England Development Strategy (NEDS) was prepared for Armidale Dumaresq, Guyra Shire, Uralla Shire and Walcha Councils. The NEDS outlines key land use policies and principles for the four council areas and provides the planning context for the preparation of LEP provisions. The NEDS identifies urban release areas, including the subject site, to cater for future population growth and demand for residential housing. It is considered that the planning Proposal is consistent with the NEDS as the site is identified within an urban release area for Armidale.

SEPPs AND S117 DIRECTIONS

The planning proposal is considered to be consistent with all relevant State Environmental Planning Policies.

The planning proposal is considered to be consistent with all applicable section 117 Directions except for 4.3 Flood Prone Land and 4.4 Planning for Bushfire protection.

4.3 Flood Prone Land

This Direction applies as small part of the Site (2m wide strip along the southern boundary) is below the Flood Planning Level. The Planning Proposal will permit an increase in the development of the Site and is therefore inconsistent with clause (6)(c) of the s117 direction.

The inconsistency is justified as it is considered to be of minor significance due the area of land involved (40m2) and because there will be sufficient land available above the FPL to enable a future residential subdivision to have flood free access and developable land.

4.4 Planning for Bushfire protection

This Direction applies as the planning proposal will affect land that is identified as being in proximity to bushfire prone. 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 :

The subject land is generally clear of vegetation apart from the windbreak of trees planted along the eastern boundary. This is not considered to be significant habitat and the development of the site for residential uses is not anticipated to result in any adverse impact on habitat for threatened species or ecological communities. The adjoining lands have been identified as having endangered ecological communities present but it has been determined that they are already degraded, fragmented and isolated. No EEC is identified on the subject land.

The Planning Proposal proposes to rezone a strip of land approximately 2m wide at the southern end of the site which is below the Flood Planning Level (FPL) identified in the Armidale Flood Study Review and Update - Stage 3. The 2m wide section of land is considered insignificant as there would be land available above the FPL to enable a future residential subdivision to have flood free access roads and residential lots.

Council is also preparing a Floodplain Risk Management Plan (FRMP) in accordance with

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the Floodplain Development Manual (NSW Government, 2005). Council identifies that implementation of the FRMP is likely to include land use planning controls that may require amendments to LEP 2012 through a specific LEP prepared for flood prone land along Dumaresq Creek and its tributaries. Any changes to the planning controls applying to this part of the Site below the FPL to be zoned R1 would be considered as part of implementing the FRMP.

The subject site is approximately 125m south from land mapped as bushfire prone on council's Bushfire Prone Land map. Due to this proximity Council has identified that will refer the planning proposal to the NSW Rural Fire Service in accordance with section 117 direction 4.4 Planning for Bushfire Protection.

Information supporting the development application of the 250 lot subdivision did not identify any land contamination other than a potential 'hot spot' associated with a sheep dip site. This potential 'hot spot' does not encroach upon the subject land. No further land contamination investigation is considered necessary for this site.

It is not anticipated that the site has items of cultural heritage significance. The supporting information for the subdivision application identified no sites on the approved subdivision area to the west of the subject land.

The development of this land, in conjunction with the approved subdivision to the west is expected have a positive social and economic impact for Armidale by the provision of additional housing choice and growth within the community.

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 :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

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 :

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Documents

Document File Name	DocumentType Name	Is Public
2017-06-01 - Cover letter.pdf	Proposal Covering Letter	Yes
2016-06-01 - Planning Proposal.pdf	Proposal	Yes
Council Report 24 May 2017.pdf	Determination Document	Yes
Council Minute No. 121.17.pdf	Determination Document	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
- 4.3 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 : It is recommended that:

1. That the proposal be supported.
2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions. They are to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 14 days;
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2016).
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.
6. That the Secretary's delegate determine that the inconsistencies with s117 Directions 4.3 Flood Prone Land is justified as being of minor significance.
7. That a written authorisation to exercise plan making delegations be issued to Armidale Regional Council.

Supporting Reasons : This Planning Proposal is supported as it is consistent with local and regional strategic planning and will provide additional housing opportunities in Armidale.

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Signature:

TRentice.

Printed Name:

Thomas Rentice

Date:

9 June 2017