

Item: 11.1 **Ref:** AINT/2019/18716
Title: FOR DECISION: Planning Proposal No. 15 to amend Armidale Dumaresq LEP 2012 **Container:** ARC18/2910
Author: Shili Wang, Strategic Planner
Attachments: 1. Draft PP No 15 - for Council meeting

RECOMMENDATION:

- a) **That Planning Proposal No. 15 to amend Armidale Dumaresq Local Environmental Plan (LEP) 2012, which proposes to:**
- **Alter the lot size standard for Lot 1 in DP 34495, Lot 9 in DP 112693, Lot 515-517, 730 and 733 in DP 755808 at 267 Long Swamp Road, Armidale from 40 hectares to 8 hectares.**
- Be forwarded to the Department of Planning and Environment with a request for Gateway Determination, in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*.**
- b) **That, subject to a Gateway Determination, a further report be provided to Council following public exhibition of Planning Proposal No. 15 to amend Armidale Dumaresq Local Environmental Plan 2012.**
- c) **That the proponent be advised of Council's resolution.**

Context:

Council has received a Planning Proposal for 267 Long Swamp Road, Armidale being Lot 1 in DP 34495, Lot 9 in DP 112693, Lot 515-517, 730 and 733 in DP 755808 (the Site) seeking to amend Armidale Dumaresq Local Environmental Plan 2012 (the 'LEP') to reduce the minimum lot size from 40 hectares to 8 hectares. The area to which the Planning Proposal relates is shown below and in Figure 1 of the attached Planning Proposal (being Attachment A). 0

The Site comprises seven lots with an existing dwelling house on Lot 1 DP 34495. Under the LEP the erection of a dwelling house on each of the vacant lots is not permitted due to the lot size standard that applies to the land. It is proposed to reduce the current minimum lot size of 40 hectares to 8 hectares.

Purpose

The purpose of this Planning Proposal is to alter the lot size standard for the subject Site. This report recommends the Planning Proposal to be forwarded to the Department of Planning and Environment with a request for Gateway Determination, in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*.

Proposal, research and analysis

The objective of the Planning Proposal is to enable subdivision of the Site to create lots of at least 8 Hectares where a dwelling house or dual occupancy could be erected on each lot. The Planning Proposal does not propose to increase the number of new lots created. Rather it seeks to allow for lots to have a more suitable configuration and shape for the intended residential purposes. The resulting lots would be of a similar density to many of the existing RU4 zoned lots surrounding the Site.

The proposal is considered to be consistent with the *Armidale Dumaresq Rural Residential Study* (Edge Land Planning, 2004), and it is also consistent with the key land use policies and principles for small rural holdings as identified in the *New England Development Strategy*

(WorleyParsons,2010), both were adopted by Council and endorsed by the Director-General of the Department of Infrastructure, Planning and Natural Resources.

Impacts

The Planning Proposal is considered to be generally consistent with the following strategies/studies:

- *New England North West Regional Plan 2036* (August, 2017) by DEP, and
- *New England Development Strategy* (April, 2010) by WorleyParsons Ltd.

See the responses to Question 3 and 4 of Attached A for more details.

The Planning Proposal is considered to be consistent with applicable State Environmental Planning Policies and S9.1 Directions. Except for the following:

- Direction 1.5 Rural Lands
- Direction 4.4 Planning for Bushfire Protection

Refer to Attachment 4 of Attached A for further details.

The Planning Proposal is not considered to have impact on flooding, biodiversity or aboriginal cultural heritage.

Financial Implications

Clause 11 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation 2000) allows Council to enter into an agreement or arrangement with a person who requests the preparation of a Planning Proposal, for the payment of the costs and expenses incurred by Council in undertaking studies and other matters required in relation to the Planning Proposal. Council has entered into an agreement with the proponent for Planning Proposal No. 15, to pay for costs associated with preparing the Proposal in accordance with the Fee Schedule in Council's Operational Plan 2018-2019.

Summary

This report recommends that the Planning Proposal, which has been submitted to Council and reviewed and edited by Council's Strategic Planning staff, be forwarded to the NSW Department of Planning and Environment (DPE) with a request for a Gateway Determination. Council will be seeking written authorisation for the DPE to use its local plan-making delegations, subject to the agreement of the Gateway, as the Planning Proposal is considered to be of local significance.

The next step in progressing the Planning Proposal is to refer it to DPE with a request for a Gateway Determination.

Council will be seeking to use its local plan-making delegations, subject to the agreement of the Gateway, as the Planning Proposal is considered to be of local significance.

The Gateway Determination will specify any government agencies to be consulted, the terms of community consultation/public exhibition, and whether or not Council may exercise its local plan-making delegations. Once all of these matters have been addressed, a further report will be presented to Council advising on whether changes to the Planning Proposal are required, and whether the LEP amendment can proceed to be made.