

Item:	8.1	Ref: INT/2015/07720
Title:	Amendment No.7 to Armidale Dumaresq LEP 2012 - Industrial Land Rezoning at 10558 New England Highway and 19 Kia-Ora Road, Armidale	Container: A15/6623
Author:	Director of Planning and Environmental Services	
Attachments:	1. Attachment - Planning Proposal 7	

RECOMMENDATION:

(a) That the Planning Proposal for Draft Amendment No. 7 to Armidale Dumaresq Local Environmental Plan 2012, prepared by consultants New England Surveying and Engineering and amended by Council, which proposes to:

- **rezone land at 10558 New England Highway and 19 Kia-Ora Road, Armidale (Lot 1 DP 1173995, Lot 1 DP 1195163 and Lot 14 DP 5188) from RU4 Primary Production Small Lots to IN2 Light Industrial, Armidale, and**
- **alter the minimum lot size standard applying to Lot 1 DP 1173995, Lot 1 DP 1195163 and Lot 14 DP 5188 from 40ha to 1000m².**

and that these proposals be forwarded to the Department of Planning and Environment with a request for a Gateway Determination, in accordance with the *Environmental Planning and Assessment Act 1979*.

(b) That a further report be provided to Council following public exhibition of the Planning Proposal for Draft Amendment No. 7.

(c) That the applicant, New England Surveying and Engineering, be advised of Council's resolution.

GENERAL MANAGER'S ADVISORY NOTE TO:

Councillors

Applicant

Persons making public submissions (written or verbal) Members of the Public

Record (Division) of Voting

In accordance with Section 375A(3) of the Local Government Act 1993, a Division is required to be called whenever a motion for a planning decision is put at a meeting of the Council or a Council Committee.

Relevant Planning Application

In accordance with Section 147(4) of the Environmental Planning and Assessment Act 1979, a person who makes a relevant planning application to Council is required to disclose the following reportable political donations and gifts (if any) made by a person with a financial interest in the application within the period commencing 2 years before the application is made and ending when the application is determined:

- (a) All reportable political donations made to any local Councillor of the Council;
- (b) All gifts made to any local Councillor or employee of the Council.

Relevant Public Submission

In accordance with Section 147(5) of the Environmental Planning and Assessment Act 1979, a person who makes a relevant public submission to Council in relation to a relevant planning

application made to the Council is required to disclose the following reportable political donations and gifts (if any) made by the person making the submissions or any associate of that person within the period commencing two years before the submission is made and ending when the application is determined:

- (a) All reportable political donations made to any local Councillor of the Council;
- (b) All gifts to any local Councillor or employee of the Council.

Disclosure of Reportable Political Donations and Gifts

Planning Applications - Nil

Public Submission - Nil

Introduction:

PROPOSAL: Planning Proposal to rezone land and amend minimum lot size standards

PROPERTY DESCRIPTION/ADDRESS: 10558 New England Highway (Lot 1 DP 1173995 and Lot 14 DP 5188) and 19 Kia-Ora Road (Lot 1 DP 1195163), Armidale.

APPLICANT: New England Surveying and Engineering

LAND OWNER: Mr Peter Anthony Maguire (10558 New England Highway) and Sorenta Pty Ltd (19 Kia-Ora Road)

Council has received a Planning Proposal to amend Armidale Dumaresq Local Environmental Plan 2012 (LEP 2012). The Planning Proposal has been prepared by consultants New England Surveying and Engineering on behalf of the owner of 10558 New England Highway and 19 Kia-Ora Road and seeks to rezone the property from RU4 Primary Production Small Lots to IN2 Light Industrial and to amend the minimum lot size standard to enable future industrial subdivision of the land.

Council will be seeking to use its local plan making delegations as the Planning Proposal satisfies the types of LEP amendments routinely delegated by the Department of Environment and Planning (DP&E) to Councils.

This Report recommends that the Planning Proposal prepared by New England Surveying and Engineering and amended by Council be forwarded to DP&E with a request for a Gateway Determination.

Report:

Council has received a Planning Proposal to amend Armidale Dumaresq Local Environmental Plan 2012 (LEP 2012). A Planning Proposal explains the intended effect of the proposed changes and sets out the justification for making an amendment to an LEP. Section 55(2) of the *Environmental Planning and Assessment Act 1979 (EPA Act)* sets out the matters to be included in a Planning Proposal.

A Planning Proposal can be prepared by a council, a landowner, developer or a third party on behalf of a landowner or council. While a Planning Proposal can be prepared by a developer, landowner or a consultant on behalf of a landowner, Council is responsible for the content and quality of the information and must ensure that the information is accurate, current and sufficient for issuing a Gateway determination and detailed enough for the purposes of consulting with agencies and the general community (*A Guide to Preparing Planning Proposals*, NSW Department of Planning and Infrastructure, 2012).

The Planning Proposal for 10558 New England Highway and 19 Kia-Ora Road has been reviewed by Council officers and changes have been made.

Draft Planning Proposal No. 7- Industrial Land Rezoning at 10558 New England Highway and 19 Kia-Ora Road, Armidale

Draft Planning Proposal No. 7 has been prepared by consultants New England Surveying and Engineering on behalf of the owner of 10558 New England Highway and 19 Kia-Ora Road and seeks to rezone the property from RU4 Primary Production Small Lots to IN2 Light Industrial and to amend the minimum lot size standard to enable future industrial subdivision of the land.

Review of Planning Proposal No. 7

The Planning Proposal submitted by New England Surveying and Engineering has been reviewed and changes made to ensure that relevant matters have been addressed in accordance with the Department of Planning and Environment's *A Guide to Preparing Planning Proposals*.

- Expanded and revised information and assessment in relation to the environmental impacts on the site, including additional information about the biodiversity attributes of the site.
- Current updated information in relation to the availability and future demand for industrial land in the Armidale Dumaresq LGA.
- The results of a desktop assessment in relation to the potential for aboriginal heritage on the site.
- Addressing inconsistencies with the s117 Directions applicable to the proposal.
- Ensuring the information in the Planning Proposal is stated in a succinct way and duplication is reduced.

The Planning Proposal (including the changes resulting from the review by Council officers) is included in Attachment 1 of this Report.

Following endorsement by Council, Draft Planning Proposal No. 7 will be forwarded to the Department of Planning and Environment (DP&E) with a request for a Gateway Determination. Council will be seeking to use its local plan making delegations as the proposal satisfies the delegations outlined in *A Guide to Preparing Local Environmental Plans* (Department of Planning and Infrastructure, 2013) in that the Planning Proposal is for a spot rezoning which is consistent with strategies endorsed by the Director-General of the DP&I, i.e. the New England Development Strategy (2010), and the AECgroup Armidale Industrial Lands Study 2013 (AILS).

Should the proponent not support the amendments resulting from the council officers' review of the Planning Proposal, the proponent may ask the DP&E for a pre-Gateway review. The outcomes of the review are informed by advice from Regional Panels or the Planning and Assessment Commission.

Financial Implications:

Council and the applicant are to enter into a Voluntary Planning Agreement and shall include contributions towards the construction of a roundabout that will service the land, closure of the two intersections of Kia Ora and Mills Road with the New England Highway and provide connection of these two roads back to the proposed roundabout, contributions towards the NBN extension and other community benefits.

The VPA is currently being pursued and will be a joint VPA to include Council's industrial land to the west of this site. The VPA shall be presented to Council and exhibited with the Draft Planning Proposal and Council's subdivision application following its lodgement.

Environmental Implications:

The Planning Proposal seeks to rezone land from RU4 Primary Production Small Lots to IN2 Light Industrial and reduce the minimum lot size from 40ha to 1000m². There are a range of environmental implications in relation to this rezoning that are considered in detail in the Planning Proposal. Consultation and relevant studies are likely to be recommended by the Gateway Determination, and the results of any studies will frame the management of the environmental impacts on the site.

Policy Issues:

The Planning Proposal process follows State procedures and policies.

Social Implications:

The proposed zoning will provide land suitable for future industrial development that will increase the availability of employment generating land. This may attract additional industrial business to Armidale, and increase the local population. The population increase may place some demand on existing facilities. It is unlikely that the population increase generated by this development will require significant new social infrastructure. The VPA will identify a contribution. It is expected that these changes will be absorbed into current capacity.

An increase in accessible public transport services may be required to service the workforce at the Airport East site.

Integrated Planning and Reporting Issues:

By providing new light industrial sites, the Planning Proposal is considered to support the following Strategic Objectives in Council's Community Strategic Plan 2013-2028:

- support our local economy
- develop and sustain the economic growth of the local government area.

Risk Management Issues:

There are no known constraints, e.g. flooding, bushfire, applying to the land subject of the Planning Proposal.

Legal Issues:

An amending LEP must be prepared in accordance with the *Environmental Planning and Assessment Act 1979*.