

Rezone land at New England Highway and Kia Ora Rd, Armidale

Proposal Title : **Rezone land at New England Highway and Kia Ora Rd, Armidale**

Proposal Summary : **The proposal seeks to rezone Lot 1 DP 1173995, Lot 1 DP 1195163 and Lot 14 DP 5188, 10558 New England Highway and 19 Kia Ora Rd, Armidale, from RU4 Primary Production Small Lots to IN2 Light Industrial and amend the minimum lot size from 40ha to 1000sqm.**

PP Number : **PP_2015_ARMID_003_00** Dop File No : **15/14436**

Proposal Details

Date Planning Proposal Received : **30-Sep-2015** LGA covered : **Armidale Dumaresq**

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

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

LEP Type : **Spot Rezoning**

Location Details

Street : **10558 New England Highway and 19 Kia Ora Rd**

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

Land Parcel : **Lot 1 DP 1173995, Lot 1 DP 1195163 and Lot 14 DP 5188**

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 :

Land Release Data

Growth Centre : **Other** Release Area Name : **Other**

Regional / Sub Regional Strategy : **N/A** Consistent with Strategy : **N/A**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	53.00	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	2,100
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. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :			

Supporting notes

Internal Supporting Notes :

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 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

1.1 Business and Industrial Zones

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

2.1 Environment Protection Zones

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.2 Caravan Parks and Manufactured Home Estates

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- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 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 15—Rural Landsharing Communities
SEPP No 21—Caravan Parks
SEPP No 30—Intensive Agriculture
SEPP No 33—Hazardous and Offensive Development
SEPP No 36—Manufactured Home Estates
SEPP No 44—Koala Habitat Protection
SEPP No 55—Remediation of Land
SEPP No 62—Sustainable Aquaculture
SEPP No 64—Advertising and Signage
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Infrastructure) 2007
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP (Rural Lands) 2008

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 the New England North West Strategic Regional Land Use Plan.

The inconsistencies with SEPPs and section 117 Directions are discussed below.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Mapping identifying the subject land, the existing and proposed zoning, and the existing and proposed minimum lot size are included in the proposal and are considered appropriate for community consultation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The RPA has identified a 28 day exhibition period for the proposal. While the land is identified within Council's Secretary approved Armidale Industrial Lands Study 2012 for release, the Secretary's approval was subject to a number of issues being addressed in detail at the rezoning stage of the proposal. A 28 day notification period is therefore considered appropriate to allow a sufficient period for the community to review and make comment on the proposal.

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 has confirmed that it wishes to exercise its plan making delegations in relation to this proposal. As the proposal involves primarily a rezoning of local significance, it is considered appropriate that an authorisation to exercise its plan making delegations be issued to Council for this matter.

The RPA has provided a project time line which estimates that Council will complete this matter in May 2016. To ensure an adequate period for finalisation 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 :

During the preparation of Armidale Dumaresq comprehensive LEP 2008 a number of policy issues were identified in relation to Council's treatment of industrial land. These matters were addressed through the preparation of the Armidale Dumaresq Bulky Goods Retail and Industrial Lands Study approved by the Director General in July 2010.

Council in 2011 determined that the 2010 Study had been overly conservative in its recommendations and may be unreasonably limiting the supply of suitably zoned industrial land. The major reasons for this change in position were:

- high industrial land values when compared to other regional centres; and
- concerns that some of the land with the existing zoned land bank were 'undevelopable' due to prohibitive infrastructure costs or physical characteristics such as slope and native vegetation.

Council as a result prepared the Armidale Industrial Lands Study 2012 to address these issues. The 2012 Study was prepared on a community aspirational approach rather than the historical trend based approach adopted by the 2010 study. The 2012 Study adopts aspirational growth rates for the Armidale LGA of 1.3% and 2.5% per annum, with the population projected to grow from approximately 25,000 in 2010 to 36,408 or 49,954 respectively by 2036. The study estimates that this will create demand for an additional 50-87ha of industrial land. The 2012 Study also concluded that the current industrial land bank had only 17.5ha of vacant land that is 'developable' and not affected by prohibitive infrastructure costs or physical characteristics such as slope and native vegetation. The 2012 Study identified a number of new potential industrial sites in Armidale with a total combined 'developable' area of 87.3ha. The Armidale Airport East site (the subject land) was the major land release identified to supply the additional required industrial land. The Secretary's delegate granted conditional approval to the 2012 Study in April 2013.

The Secretary's conditional approval to the 2012 Study did not support bulky goods

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retailing on the subject land and also required a number of matters raised by the NSW Heritage Council (heritage landscape issues impacts on the adjacent State Heritage Register listed Saumarez Homestead), NSW Roads and Maritime Services (access to the New England Highway) and the NSW Office of Environment and Heritage (Biodiversity, Aboriginal heritage and flooding issues) to be addressed at the Planning Proposal stage. The Planning Proposal as submitted is consistent with the requirements of the conditional approval. It is recommended however that the above agencies again be consulted should a Gateway determination be issued to ensure that their issues have been resolved satisfactorily.

The Planning Proposal is now needed to rezone and release the subject land and allow its development to meet the future industrial land needs of Armidale.

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Consistency with strategic planning framework :

While no Regional Strategies apply to the Armidale Dumaresq LGA, the New England North West Strategic Regional Land Use Plan (SRLUP) does apply. The Planning Proposal is considered to be consistent with the provisions of the SRLUP despite containing a small area of Biophysical Strategic Agricultural Land (BSAL). The BSAL involves only 0.8ha of land, is not in contiguous ownership with other BSAL, and is not currently or likely to be used for significant agricultural purposes.

The proposal is consistent with the intent of Council's local growth management strategy (New England Development Strategy) that was approved by the Director General in March 2010. The proposal is also consistent with Council's Armidale Industrial Lands Study 2012 that was conditionally approved by the Secretary's delegate in April 2013. The 2012 Study identifies the land as a light industrial land release area.

The Planning Proposal is considered to be consistent with all relevant SEPPs except SEPP (Rural Lands) 2008. The proposal seeks to rezone the land from RU4 Primary Production Small Lots to IN2 Light Industrial and is not fully consistent with all the principles contained within the Rural Lands SEPP. The inconsistency of the Planning Proposal with this SEPP is considered to be of minor significance as the land is identified for future industrial use in Council's Secretary approved Armidale Industrial Lands Study 2012.

The Planning Proposal is considered to be consistent with all applicable section 117 Directions except in relation to 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.5 Development Near Licensed Aerodromes, 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection as discussed below.

1.2 Rural Zones

This Direction applies as the draft LEP contains provisions that will rezone land from RU4 Primary Production Small Lots to IN2 Light Industrial. The inconsistency of the Planning Proposal with this Direction is considered to be justified as the proposed rezoning is in accordance with Council's Secretary approved Armidale Industrial Lands Study 2012.

1.3 Mining, Petroleum Production and Extractive Industries

The proposal is considered to be inconsistent with the Direction as extractive industries are prohibited in the IN2 Light Industrial Zone under Armidale Dumaresq LEP 2012. This inconsistency is considered to be of minor significance as:

- the NSW DPI Resource Audit Maps show no existing or potential resources in this locality;
- extractive industries are already prohibited on the land under the provisions of the RU4 Primary Production Small Lots Zone of Armidale Dumaresq LEP 2012; and
- extractive industries will still be able to be undertaken on the land if necessary under the provisions of the Mining SEPP.

1.5 Rural Lands

The proposal is inconsistent with the Direction as it seeks to rezone land from RU4 Primary Production Small Lots to IN2 Light Industrial and is not fully consistent with all the principles contained within the Rural Lands SEPP. The inconsistency of the Planning Proposal with this Direction is considered to be of minor significance as the land is identified for future industrial use in Council's Secretary approved Armidale Industrial Lands Study 2012.

2.1 Environmental Protection Zones

The proposal is inconsistent with this Direction as it does not include provisions that facilitate the protection and conservation of environmentally sensitive areas. The proposal identifies that the site has the potential to contain or help support certain threatened species, endangered populations and threatened ecological communities, but concludes that based on the currently available evidence these do not appear to be an overall constraint to the rezoning subject to further investigations post Gateway or at Development Application stage to confirm the suitability of the site. This inconsistency is

considered to be of minor significance based on the findings of the work undertaken to date, the further works that will be required prior to the development of the site, and subject to consultation being undertaken with the Office of Environment and Heritage.

2.3 Heritage Conservation

The proposal is inconsistent with this Direction as it does not contain provisions that conserve Aboriginal or historic heritage. While the site does not contain any known Aboriginal or historic heritage, it is in the vicinity of the State Heritage Register listed Saumarez Homestead and has been identified as having the potential for Aboriginal objects or places to be present. This inconsistency is considered to be of minor significance based on the findings of the work undertaken to date, the further works that will be required prior to the development of the site, and subject to consultation being undertaken with the Office of Environment and Heritage, the NSW Heritage Council and the National Trust of Australia.

3.5 Development Near Licensed Aerodromes

This Direction is relevant as the Planning Proposal will affect land that is in the vicinity of a licensed aerodrome. The Direction requires the RPA to consult with the Department of the Commonwealth responsible for aerodromes. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

4.3 Flood Prone Land

The proposal is inconsistent with this Direction as it proposes changes that could increase the development potential of land that may be flood prone. A non-perennial watercourse is located along the southern boundary of the site. The inconsistency is considered to be of minor significance as:

- the area of land affected by the non-perennial watercourse is extremely small;
- the land is at the top of the catchment and is likely to be affected primarily by minor overland drainage flows;
- clause 6.2 Flood Planning of Armidale Dumaresq LEP 2012 applies to the land and ensures that flooding issues are appropriately considered and addressed at the development application stage.

4.4 Planning for Bushfire Protection

This Direction is relevant as the Planning Proposal will affect land that is in the vicinity of bushfire prone land. 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 :

No adverse economic or social impacts associated with the proposal have been identified. The proposal confirms that appropriate infrastructure is available to service the land, including agreement with NSW Roads and Maritime Services on the preferred future access options for the site to the New England Highway.

While the site is predominantly cleared and heavily disturbed by past and present grazing activities, the proposal identifies that further flora and fauna work will be undertaken either after the Gateway Determination or as part of a future development application. The proposal also identifies the potential for Aboriginal objects or places to be present, and the vicinity of the State Heritage Register listed Saumarez Homestead, with further heritage assessment to be undertaken after the Gateway Determination or as part of a future development application. Based on this assessment, it is considered appropriate that the Office of Environment and Heritage, the NSW Heritage Council and the National Trust be consulted in regard to this matter.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Office of Environment and Heritage
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
Other**

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

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

If no, provide reasons : **It is recommended that this matter proceed.**

The Secretary's approval of the Armidale Industrial Lands Study 2012 was made conditional in part due to the submissions received by Council from the NSW Heritage Council, NSW Roads and Maritime Services and the NSW Office of Environment and Heritage raising issues that required further consideration as part of any Planning Proposal for the rezoning of the land at the Airport East site. While the proposal has attempted to address many of the issues raised in these submissions, it considered appropriate that these agencies again be consulted (including the National Trust as recommended by the NSW Heritage Council).

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 :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal - Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council Report.pdf	Proposal	Yes
Council Minute 24.8.2015 (1).pdf	Proposal	Yes
Biodiversity Report.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones
1.2 Rural Zones
1.3 Mining, Petroleum Production and Extractive Industries**

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- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
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- 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. Council is to consult with the following agencies:
 - Department of the Commonwealth responsible for aerodromes;
 - NSW Rural Fire Service;
 - Office of Environment and Heritage;
 - Roads and Maritime Services;
 - NSW Heritage Council; and
 - National Trust of Australia;
5. That the Secretary (or her delegate) approve the inconsistencies with s117 Directions 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation and 4.3 Flood Prone Land;
6. That the Secretary (or her delegate) note the current inconsistencies with section 117 Directions 3.5 Development Near Licensed Aerodromes and 4.4 Planning for Bushfire Protection and that these inconsistencies will need to be resolved prior to the proposal being finalised; and
7. That an authorisation to exercise delegation be issued to Council.

Supporting Reasons :

The Planning Proposal is supported as it will rezone and release additional industrial land to support the future needs of Armidale.

Signature:



Printed Name:

Craig Diss

Date:

12 October 2015