

Item:	9.1	Ref: AINT/2023/04815
Title:	Planning Proposal for 57 Newton Street, Armidale ARC23/5777	Container:
Responsible Officer	Chief Officer Planning and Activation	
Author:	John Goodall, Manager Land Use Planning	
Attachments:	1. 57 Newton St, Armidale Planning Proposal	

### 1. Purpose

The purpose of this report is to seek Council approval to forward the Planning Proposal for 57 Newton Street, Armidale (Lot 4 DP 546075) to the Department of Planning and Environment (DPE) with a request for a Gateway Determination and to commence the necessary actions resulting from that determination.

### 2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the Planning Proposal to amend the *Armidale Regional Local Environmental Plan* to regularise the permissibility of the light industry land uses that have historically and continually been carried out at 57 Newton Street, Armidale (Lot 4 DP 546075).
- b. Forward the endorsed Planning Proposal to the Department of Planning and Environment with a request for Gateway Determination and exhibit the proposal in accordance with that determination.
- c. Seek authorisation from the Department of Planning and Environment to be the local plan-making authority.

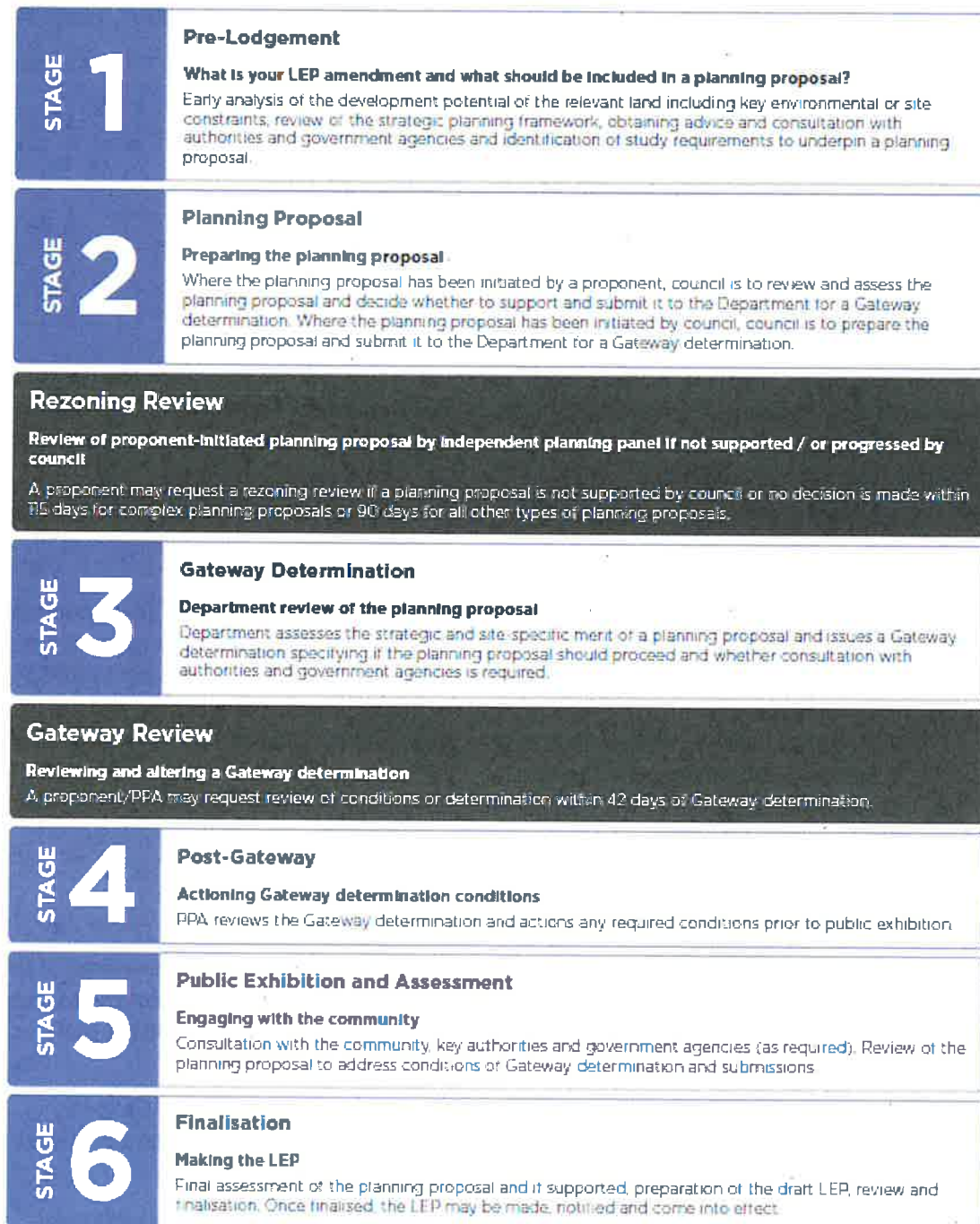
### 3. Background

At the February 2022 Ordinary Council Meeting, Council resolved to finalise the merge of the *Armidale Dumaresq Local Environmental Plan 2012 (ADLEP)* and the *Guyra Local Environmental Plan 2012 (GLEP)* into a single *Armidale Regional Local Environmental Plan (ARLEP)* (Ref: AINT/2021/44634 (ARC16/0030-3)).

As part of finalising the ARLEP, Council resolved to regularise existing uses (which were prohibited under the ADLEP) at 57 Newton Street (Lot 4 DP 546075) and 242 Rusden Street (Lot A DP 329168), by adding additional permitted uses for these sites.

Once DPE received the final ARLEP package from Council they advised that the additional permitted uses at Newton and Rusden Street would be best dealt with by way of a new planning proposal (PP), as these changes were not exhibited as part of the LEP merge PP and weren't, (in their view) part of the objectives of the LEP merge project.

Council finalised the additional permitted use at 242 Rusden Street and now have the opportunity to support the new PP (Attachment 1) for 57 Newton Street. If supported, the PP will be forwarded to the DPE for a Gateway Determination. Figure 1 provides an outline of the process from here.



**Figure 1: Planning Proposal Process**

#### 4. Discussion

The site the subject of this PP is Lot 4 DP 546075, which is known as 57 Newton Street, Armidale. The location of the site and aerial photograph is shown in Figure 2.

The site is zoned R1 General Residential under ARLEP (Figure 3).

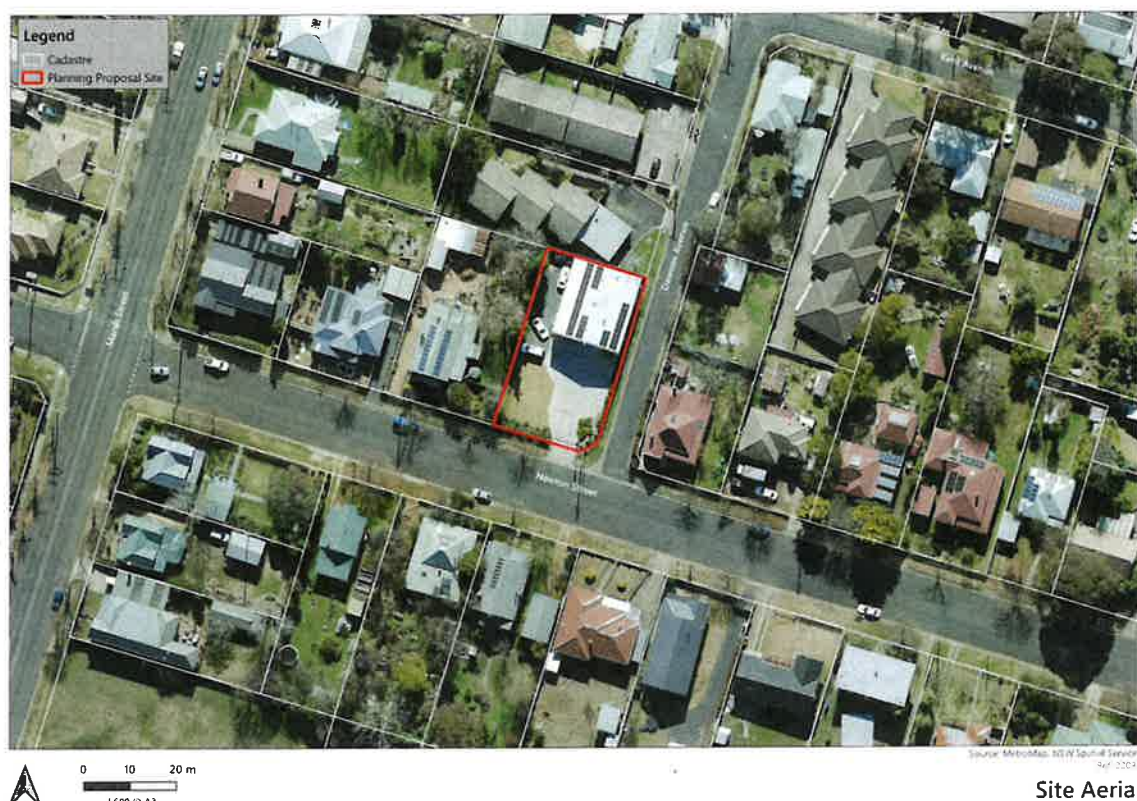


Figure 2: 57 Newton Street Aerial Photograph



Figure 3: 57 Newton Street Zoning

In 1961 a bus depot was approved on the site, which is understood to have been a permissible land use at the time. In 1971 the building was extended to the west, which is understood to have been permitted through existing use provisions.

In 2011 Council granted development consent on the site for Alterations and Additions and Change of Use to Office and Storage for Construction Material. The assessment report indicated that the DA was granted on the basis of existing use rights with both the existing and proposed uses being Light Industrial land use.

In 2017, Council granted consent for a further change of use of the site from office/storage to showroom/office & workshop, which was also approved under the existing use provisions of the *Environmental Planning and Assessment Regulation 2000*, as it was again considered to be for a Light Industrial land use. This land use approved by Council in 2017, is the current use operating from the site.

The objective of the PP is to amend ARLEP to regularise the permissibility of the light industrial land uses that have historically and continually been carried out at 57 Newton Street, Armidale.

The PP includes the following intended provisions:

- **Amend the Armidale Regional LEP 2012 Schedule 1 to include an Additional Permitted Use for the site as follows:**

“10 Use of certain land at 57 Newton Street, Armidale

(1) This clause applies to land at 57 Newton Street, Armidale, being Lot 4 DP 546075.

(2) Development for the purposes of Light Industry is permitted with development consent.

- **Amend the Armidale Regional LEP 2012 Additional Permitted Uses Map to include the site.**

## 5. Implications

### 5.1. Strategic and Policy Implications

This item may result in the amendment of the LEP. The PP is an environmental planning instrument, a statutory legal document affecting land use within the Armidale Regional Local Government Area.

### 5.2. Risk

There are no legal or risk implications arising from the matters addressed in this report.

### 5.3. Sustainability

There are no known sustainability implications arising from the matters addressed in this report.

### 5.4. Financial

Budget Area:	Strategic Natural Resources and Land Use Planning						
Funding Source:	Operational						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
250203	Sustainability and Strategic Planning	295,000	38,610	221,250	0	295,000	35,140

There are no financial implications arising from the matters addressed in this report.

#### **6. Consultation and Communication**

No formal public consultation has been carried out in relation to this matter. The terms of any formal consultation required to complete this LEP amendment will be stipulated by the DPE should it issue a Gateway Determination in relation to the PP.

#### **7. Conclusion**

This report recommends that the PP be forwarded to DPE with a request for a Gateway Determination. The Gateway Determination will specify any government agencies to be consulted, the terms of community consultation/public exhibition, any further specialist studies to be undertaken, 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.