

NEW ENGLAND DEVELOPMENT STRATEGY



prepared for

THE NEW ENGLAND STRATEGIC ALLIANCE

by



WorleyParsons

resources & energy

Incorporating
Planning Workshop Australia

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April 2010

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Land & Environment Planning and Wakefield Planning

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1 INTRODUCTION

The New England Development Strategy has been prepared for the New England Strategic Alliance Councils. The Alliance comprises the four local government areas (LGAs) of Armidale Dumaresq, Guyra, Uralla and Walcha, as shown in Map 1.1.

The Strategy outlines key land use policies and principles for the four LGAs, and provides the planning context for the preparation of local environmental plan (LEP) provisions. The Strategy has a time frame of approximately 25 years, to 2032.

The intent of the Strategy is to:

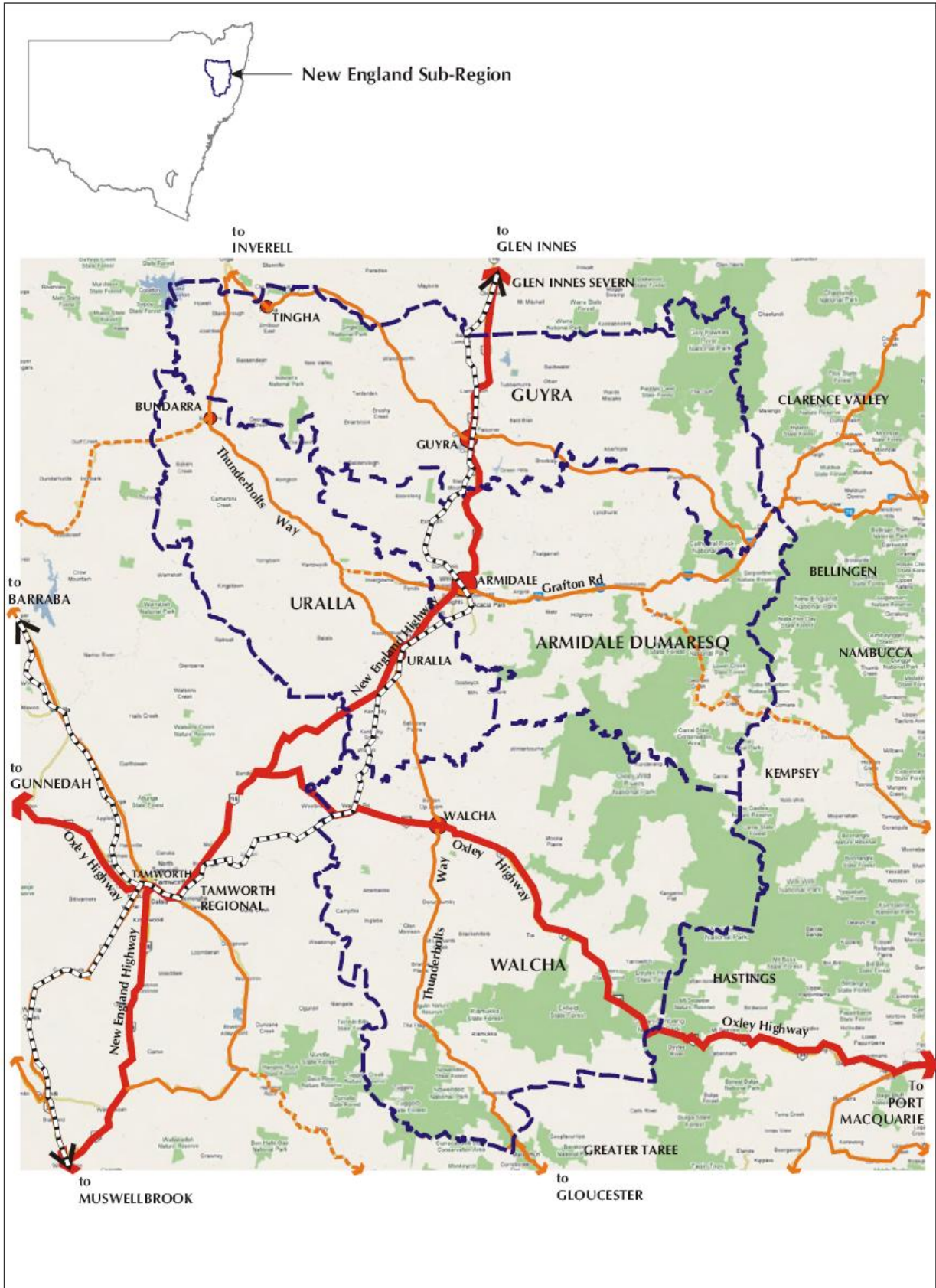
- Recommend actions for achieving the vision prepared by each Council for its LGA
- Make recommendations for achieving sustainable land use in the Sub-region
- Facilitate preparation of a single LEP or consistent LEPs for the New England Sub-region to simplify the planning process and help ensure that the Councils take coordinated planning decisions

The Development Strategy identifies where growth and change is expected to occur, and land use planning objectives and strategies to guide this growth and change. It also identifies infrastructure requirements to support development, and informs local and state government budget processes.

The Strategy has been prepared with funding under the Department of Planning's (DoP) Planning Reform Funding Program. Preparation of the Strategy has been overseen by a Development Strategy Working Group comprising representatives from the four Councils and the Department of Planning, and involved the following steps:

1. Review of key planning issues
2. Consultation with relevant State agencies
3. Preparation and public exhibition of a Situation Analysis report
4. Community consultation workshops
5. Preparation and public exhibition of the Strategy

The Situation Analysis report provides a profile of the New England Sub-region and each LGA. It presents key background data and has established the key land use planning issues and strategic priorities and actions to be considered in the preparation of the Development Strategy and LEP. A summary of the information in the Situation Analysis has been included in the Strategy.



New England Strategic Alliance Development Strategy

LOCATION



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Map 1.1



2 VISION

The vision for the Development Strategy, based on the Councils' vision statements with a land use emphasis and the outcomes from public consultation on the *Situation Analysis*, is to:

- Facilitate the provision of quality development activity in an economically efficient and environmentally sustainable manner, including urban water and sewerage services, road links and telecommunications,
- Support and facilitate economic development and a diverse economy (including agriculture and rural development, industry, and tourism) while maintaining and, where possible, enhancing environmental qualities,
- Allow for an increase in the resident population of the Sub-region and maintain a balanced Sub-regional demographic structure,
- Identify a policy framework, land use and settlement structure that recognises existing land uses, makes adequate provision for growth, maintains Armidale's role as a Sub-regional centre, and maintains and enhances the towns and villages, and
- Support social and cultural development and the protection of heritage values, and foster the educational excellence of the Sub-region.



3 STRUCTURE OF STRATEGY

The Strategy is based on the Sub-regional profile and land use planning issues identified in the Situation Analysis and during the consultation process. Its priority is those issues that are within the scope of LEP provisions.

Key land use planning issues for the Strategy were identified in the Situation Analysis as:

- Rural small holdings subdivision and development
- Economic development, and protecting employment opportunities and the natural resource base
- Identifying areas for urban expansion
- Identifying environmental values, constraints and protection requirements

The themes used in structuring the Strategy take into account the key land use planning issues, and are as follows:

- Armidale, Bundarra, Guyra, Tingha, Uralla, and Walcha
- Villages, large lot residential, and rural small holdings development
- Rural areas
- Environmental values and constraints

A summary of the present situation is presented for each theme, followed by background information on each issue and objectives that can be considered for the subsequent local environmental plan, development control plans, management plans and the like. This is followed by a policy indicating how the Councils should respond to each issue in a consistent manner, and strategic actions which would direct future planning and identify implementation responsibilities. The Strategy also provides broader direction to development control plans and other planning documents.



4 SUB-REGIONAL PLANNING CONTEXT

The New England Sub-region has a population of 38,386 (ABS estimate at 30 June 2007) and an area of 18,140 km². The area is widely recognised for its excellence in agricultural production, particularly beef and wool. The Sub-region is an attractive place to live in due to its country lifestyle, cultural, environmental and natural resources. However, it experienced a declining population during the 15 year period between 1991-2006 (-7.6%). In recent years this decline has slowed.

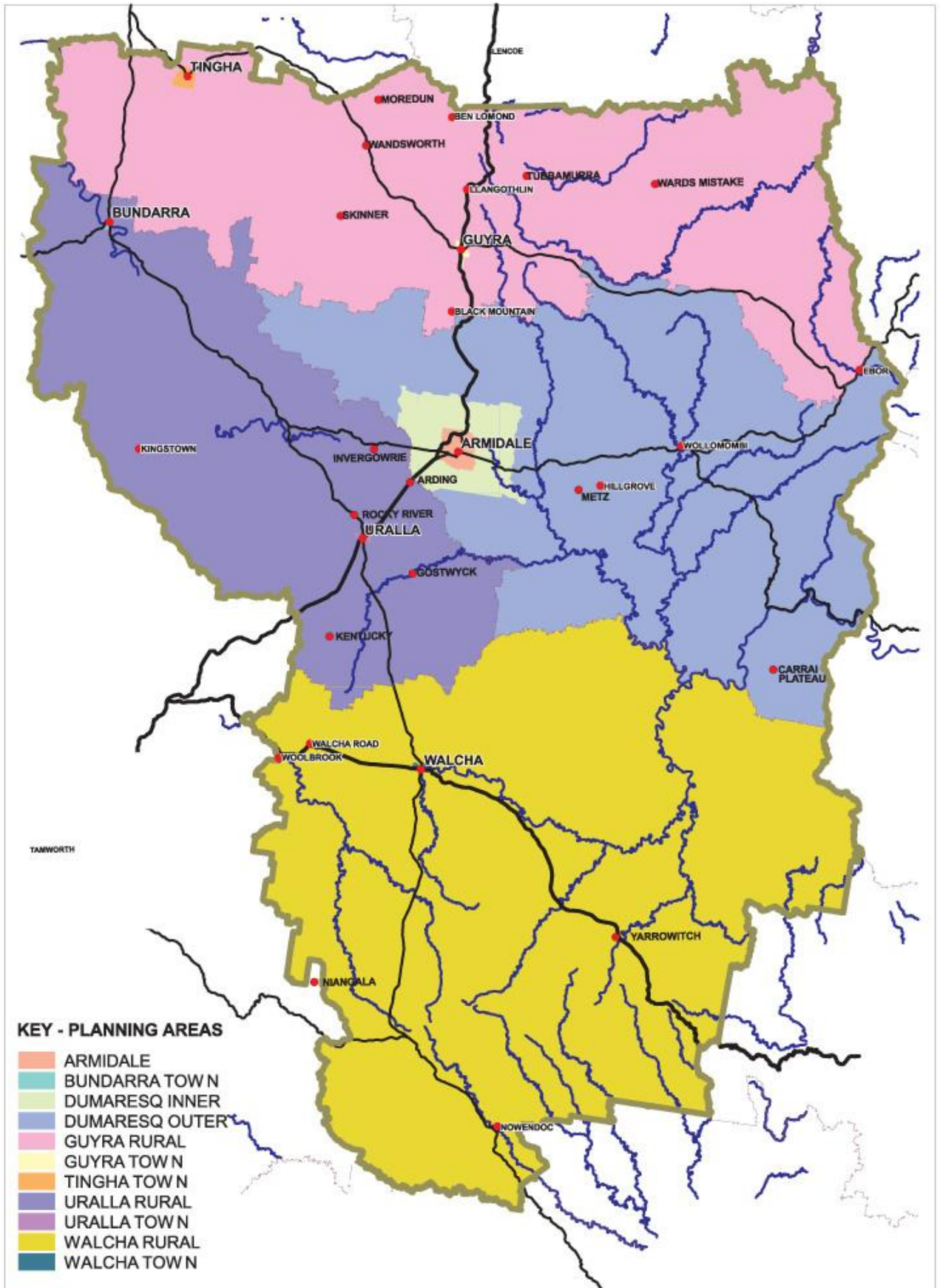
The City of Armidale is the Sub-regional centre, containing the largest urban centre, and the principal focus for retail, commercial, education and research facilities. It also houses 65% of the Sub-region's population. The population of Armidale Dumaresq rose steadily between 1981 and 1992, when it reached a high of nearly 26,200 people. Since then the population has decreased to 24,684 in 2007.

Uralla has experienced an increase in population, growing from 5,350 in 1981 to 5,987 in 2007. Guyra has declined from 5,000 in 1981 to 4,411 in 2007, and Walcha has also declined from 3,850 in 1981 to 3,307 in 2007.

Despite this, there has been a marked increase in the value of agricultural production (28% between 1994 and 2001) and an increase in agricultural employment (10% between 1997 and 2001). Other key employment sectors are the retail and education sectors.

Agriculture (and grazing in particular) is a key contributor to local and regional economies and a very significant local employer. A total of 2,392 people (or 16% of the total workforce) were directly employed in agricultural production in the Sub-region in 2001. A further 447 persons were employed in agricultural processing and support industries (excluding retail), and forestry, fisheries and minerals employed 615 persons. The total value of agricultural production in the Sub-region in 2001 was estimated at nearly \$200 million. A summary of existing agricultural holding information is provided in Section 8 *Rural Areas*.

Planning areas used for demographic analysis in the Situation Analysis are shown in Map 4.1. There are significant variations in the characteristics of each planning area and in key land issues as summarised in Table 1. In particular, Armidale Dumaresq has distinctly different demographic characteristics (such as age structure and mobility) due to the presence of the student population associated with the University of New England and boarding schools.



New England Strategic Alliance Development Strategy

TOWNS, VILLAGES, LOCALITIES & PLANNING AREAS

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Map 4.1

Table 1: Planning areas and key land use issues

Planning area name	Description	Key land use issues (e.g. growth expectations, land use constraints)
ARMIDALE DUMARESQ LGA		
Armidale City	Armidale urban area	Urban infill development, consolidation of CBD, retail/bulky goods/industrial hierarchy, management of New England Highway bypass, affordable housing, servicing and infrastructure issues (especially urban stormwater). Demand for large lot residential.
Dumaresq Inner	Rural areas surrounding Armidale urban area. Primarily rural residential in character	Additional pressure for rural small holdings. Biodiversity values and impacts require further review for future development areas.
Dumaresq Outer	Rural areas, primarily used for grazing	Stable or slightly declining rural population. Little land use change.
GUYRA LGA		
Guyra urban	Guyra urban area	Stable or slightly declining urban population. Provide additional land for general and large lot residential, plus industrial development.
Tingha	Tingha village and surrounding areas	Increasing population requiring services. Emerging demand for large lot residential development.
Guyra rural	Rural areas, primarily used for grazing	Stable or slightly declining rural population. Little land use change. Opportunity to assist modest growth around Guyra via small holding zonings.
URALLA LGA		
Uralla township	Uralla urban area	Slightly increasing population due to gradual infill development. Some limits due to urban flooding. Provide land for additional large lot residential development and facilitate industrial development opportunities. Address issue of natural hazards.
Bundarra	Bundarra village area	Minor urban infill development. Servicing issues. Opportunity for small holdings close to town.
Uralla rural	Rural areas, primarily used for grazing	Additional pressure for rural small holdings in areas accessible to town. More distant rural areas stable. Issue of consolidation at areas such as Rocky River.
WALCHA LGA		
Walcha urban	Walcha urban area (currently zoned village)	Demand for urban infill. Some constraints on further residential development due to flood impacts. Differentiation of urban zones needed in new LEP.
Walcha rural	Rural areas, primarily used for grazing	Stable rural population. Some demand for rural small holdings around town.

4.1 Growth Trends

The Sub-regional growth scenario anticipated for the 25 years to 2032 is for a population increase in the range of 0 to 1% per annum. The Development Strategy adopts a population growth forecast of 0.5% (183 persons) per annum. Growth is expected to substantially result from in-migration for lifestyle reasons, which is currently around 190 persons per annum. Dwelling requirements are expected to grow faster than population growth, based on lower dwelling occupancy rate trends. A large proportion of the workforce is employed in primary industries (agriculture and forestry), education and retail trade.

At 30 June 2007 the Australian Bureau of Statistics (ABS) released its estimates of resident population. These estimates indicate that the population of the Sub-region grew by 135 persons or 0.35% over the previous 12 months, reaching 38,386 persons. The population of Armidale Dumaresq is estimated to have grown by 151 persons to 24,684 (representing an increase of 0.6%).

While population in most areas of the Sub-region is expected to remain relatively stable, continued population increase is expected in the Armidale Dumaresq LGA. The increasingly ageing population structure reflects regional and national trends and contributes to a reduction in dwelling occupancy rates which are expected to contribute to additional demand for housing. An increasing proportion of the aged population is expected to live in or close to urban areas. The population is likely to require smaller dwellings which are accessible to transport and services. This is likely to increase the demand for infill housing close to the centre of Armidale and to a lesser extent in the smaller towns.

The segment of the market choosing to live in large lot residential areas and on rural small holdings is still expected to require good accessibility to urban services and employment.

4.2 Planning Framework

The existing planning framework within the Sub-region is outlined in the Situation Analysis. A new LEP for the Armidale Dumaresq LGA was gazetted on 15 February 2008.

This Strategy supports the implementation of a consistent planning framework for the Sub-region and has taken into account relevant State planning policies and directions under Section 117 of the *Environmental Planning and Assessment Act 1979*.

The format and content of the LEP resulting from the Strategy will be substantially determined by NSW Government's standard provisions for such plans (refer Appendix 1). A suite of reforms of the planning system approved by Parliament in June 2008 will also affect both LEP preparation and implementation. Furthermore, other specific agency requirements will affect the LEP provisions. The 'standard instrument' (refer Appendix 1) provides a template which local Councils throughout NSW must use as the basis for preparing a new LEP for each local area by 2011. The standard components include:

- Zones (including standard zone objectives and mandated permitted and prohibited uses)
- Definitions

- Clauses
- Format

Councils are able to:

- Prepare additional local provisions that address local planning issues and which reflect the outcomes of local and regional strategies
- Add local objectives to core objectives
- Add additional permitted or prohibited land uses for each zone in the land use table
- Decide whether or not to include optional provisions in their LEP
- Insert local criteria or standards into certain mandatory clauses
- Prepare maps that specify the lot sizes, building heights and floor space ratios appropriate for their local area
- Define terms within a local provision in certain circumstances
- Suggest new definitions to the Department of Planning that could be suitable for inclusion in the standard dictionary for all Councils to use.

Councils cannot:

- Add new zones or create sub-zones
- Prohibit uses that are mandated as permissible in a zone
- Permit uses that are mandated as prohibited in a zone
- Add local provisions that are inconsistent with the mandatory provisions
- Change the standard dictionary by altering or adding to the standard definitions
- Change the standard clause numbering
- Change the format
- Change the wording of the provisions.

All local provisions prepared by Councils must be consistent with the relevant core zone objectives and mandated land uses, other mandatory provisions (including SEPPs, REPs, section 117 directions, metropolitan or regional strategies and other relevant policy guidance).

A certificate to enable public exhibition cannot be issued to the draft LEP unless the Director-General is satisfied that the Draft LEP has been prepared in accordance with the standard instrument.

New principal LEPs will include a statement that the applicable mandatory provisions of the standard instrument are adopted.

State, regional and local planning documents taken into account in the preparation of this Strategy are outlined in the Situation Analysis.

Other plans and strategies affecting land use that will need to be taken into account in conjunction with this Strategy are any LEPs prepared subsequent to the Strategy, and catchment action plans prepared by Catchment Management Authorities.

4.3 Infrastructure Provision

The Situation Analysis reviewed key infrastructure issues within the Sub-region. This is summarised in Table 2 for each LGA and key elements are shown on Maps 4.2 to 4.8.

Overall, the current provision of services is generally appropriate. The main issue relating to existing infrastructure is the financial cost of upgrading and maintaining facilities. No specific major deficiencies have been identified. Provision of new infrastructure as a result of projected development has been taken into account in determining the suitability of development areas. Within urban areas, there do not appear to be technical reasons preventing provision of services, the main limitation is financial. Important policy issues arise, however, with the provision of infrastructure services to rural residential areas, and the standard of services that should be provided. Provision of water supply and onsite waste disposal for rural residential areas is primarily provided by individual landowners, and is not referred to in Table 2.

Table 2: Summary of key infrastructure issues

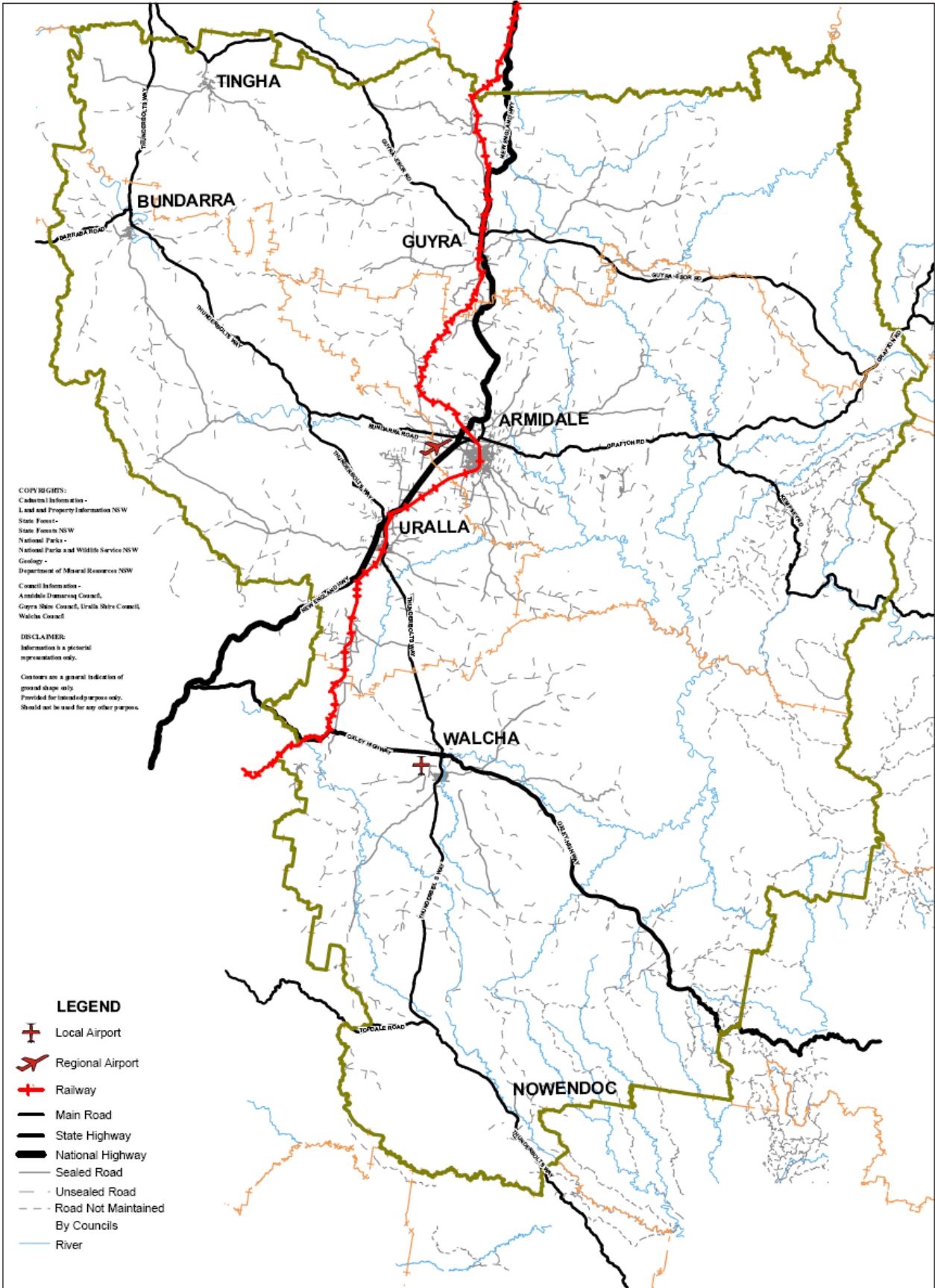
ARMIDALE DUMARESQ	
Water	Armidale City currently has an adequate good quality water supply for 25,000 persons. Future augmentation has been built into the design and there is capacity to meet the needs of projected development as development requires it. The need to implement water restrictions is very rare. All existing residences in the Armidale City area are supplied with treated water, plus some outside but close to the boundary. Extension to supply zones is proposed to improve supplies to outer areas which will permit infill development. Rural and rural residential dwelling-houses are often required to provide their own potable water supply via rainwater tank collection. The Drought Management Plan specifies measures to control demand during droughts. The Water and Sewerage Development Servicing Plan provides for servicing projected population growth in existing and new urban areas of Armidale. The villages of Hillgrove, Ebor and Wollomombi do not have a reticulated water supply.
Sewerage	Sewerage is connected to all dwellings within the Armidale City boundaries if economically feasible, and only a small number of properties are not connected. There is spare capacity to meet projected growth with system augmentation. The majority of rural residential dwellings are equipped with on-site waste disposal facilities such as aerated wastewater treatment systems and septic systems. Further investigation on the implementation of integrated water cycle management proposals is being considered. The Council's Water and Sewerage Servicing Plan for servicing population growth in existing and new urban areas of Armidale. The villages of Hillgrove, Ebor and Wollomombi are not sewered.
Roads	The key issues in relation to roads relate to the sustainability of the assets, and maintenance requirements.

Table 2: Continued

ARMIDALE DUMARESQ	
Stormwater	Stormwater drainage assets are mostly confined to Armidale City. Arrangements are outlined in the Stormwater Drainage Strategic Business Plan. The capability of the drainage system is reducing with increasing connections. Deficiencies have been identified and the system is being amplified as funding becomes available and/or where there are new subdivisions and large developments. Stormwater quality and other environmental issues are increasing in importance.
Waste Management	There is one existing land fill site within the LGA. One major waste transfer station at the waste management site in Armidale and 4 rural transfer stations. Possible new land fill sites have been investigated and a potential new site to replace the existing landfill has been identified and is in the process of being assessed. There is increasing emphasis on, and introduction of, waste recovery processes.
GUYRA	
Water	<p>Guyra has capacity to cater for ongoing urban growth. There is an adequate water supply, with the existing system capable of catering for a doubling of the population to 5,000 persons.</p> <p>Located north east of the township, at the headwaters of the Garra River.</p> <p>The village of Tingha is serviced from the Copeton Dam through Inverell. This supply is also adequate for the anticipated future use. The villages of Black Mountain and Ebor have no reticulated water supply system and the village of Ben Lomond has a private supply from the old railway dam which is not treated and is therefore not considered potable.</p>
Sewerage	<p>Sewerage is connected to virtually all dwellings in the town of Guyra and the treatment works is capable of catering for additional capacity of up to 5,000 persons with the recent augmentation of the sewage treatment works.</p> <p>All premises in the Village of Tingha have now been connected to the new pressurised sewerage system with its capacity of 500 persons.</p>
Roads	Maintenance of the existing road network is a concern for the Council, with alternative funding sources constantly being sought and new, better or more cost effective methods being under constant investigation.
Stormwater	<p>Guyra's stormwater network is adequate for the town, with very little flooding experienced. Investigation is currently being undertaken into the feasibility of a stormwater reuse scheme which, if funding can be obtained, will reduce the impact on the environmental flow.</p> <p>While the storm water system is adequate in the village of Tingha, there is some flooding in extreme storm events in the village, where some of the dwellings were built in close proximity to Copes Creek.</p>

Table 2: Continued

GUYRA	
Waste Management	<p>The bulk of Guyra's waste is transported to and disposed of at Armidale's landfill, with some waste transported to the Tingha landfill. The Tingha landfill is approaching the end of its useful life and the expansion of that site and/or other alternatives for the disposal of the waste from that area are currently being investigated. The Ben Lomond landfill has adequate capacity for the foreseeable future, as it receives very little waste each year.</p> <p>Recycling or waste recovery is a high priority for the Council and it operates recycling facilities in Guyra, Tingha, Ben Lomond and Black Mountain.</p>
URALLA	
Water	Existing schemes are in excess of current needs with a 6,000 person capacity.
Sewerage	Existing scheme is adequate to cater for expected demand. Scheme has been upgraded to a capacity of 6,000 persons.
Roads	Existing road network is adequate to cater for expected demand with ongoing sealing program for gravel roads, and developer upgrading associated with individual development proposals. The sustainability and maintenance of existing assets is an issue
Stormwater	Existing town infrastructure is adequate to cater for expected demand.
Waste Management	Existing landfill site is adequate with expected lifespan of another 5 to 15 years. Unlicensed sites also exist at Kingstown and Bundarra.
WALCHA	
Water	The Council has an adequate water supply; however, consideration is to be given to sourcing an additional supply. Current capacity is 2,000 persons.
Sewerage	The sewerage infrastructure is old and consideration is being given to upgrades. Alternative methods of disposals are to be considered.
Roads	The road network is ageing with continual pressure to maintain and improve the infrastructure.
Stormwater	The local network of stormwater drainage is adequate to cater for the 'average' storm but is not adequate to cover events that have occurred recently.
Waste Management	The Council has 3 landfill sites in the Shire. The main one at Walcha is a licensed landfill and consideration is being given to future waste disposal options for Walcha.



New England Strategic Alliance Development Strategy

PLANNING CONTEXT - TRANSPORT INFRASTRUCTURE

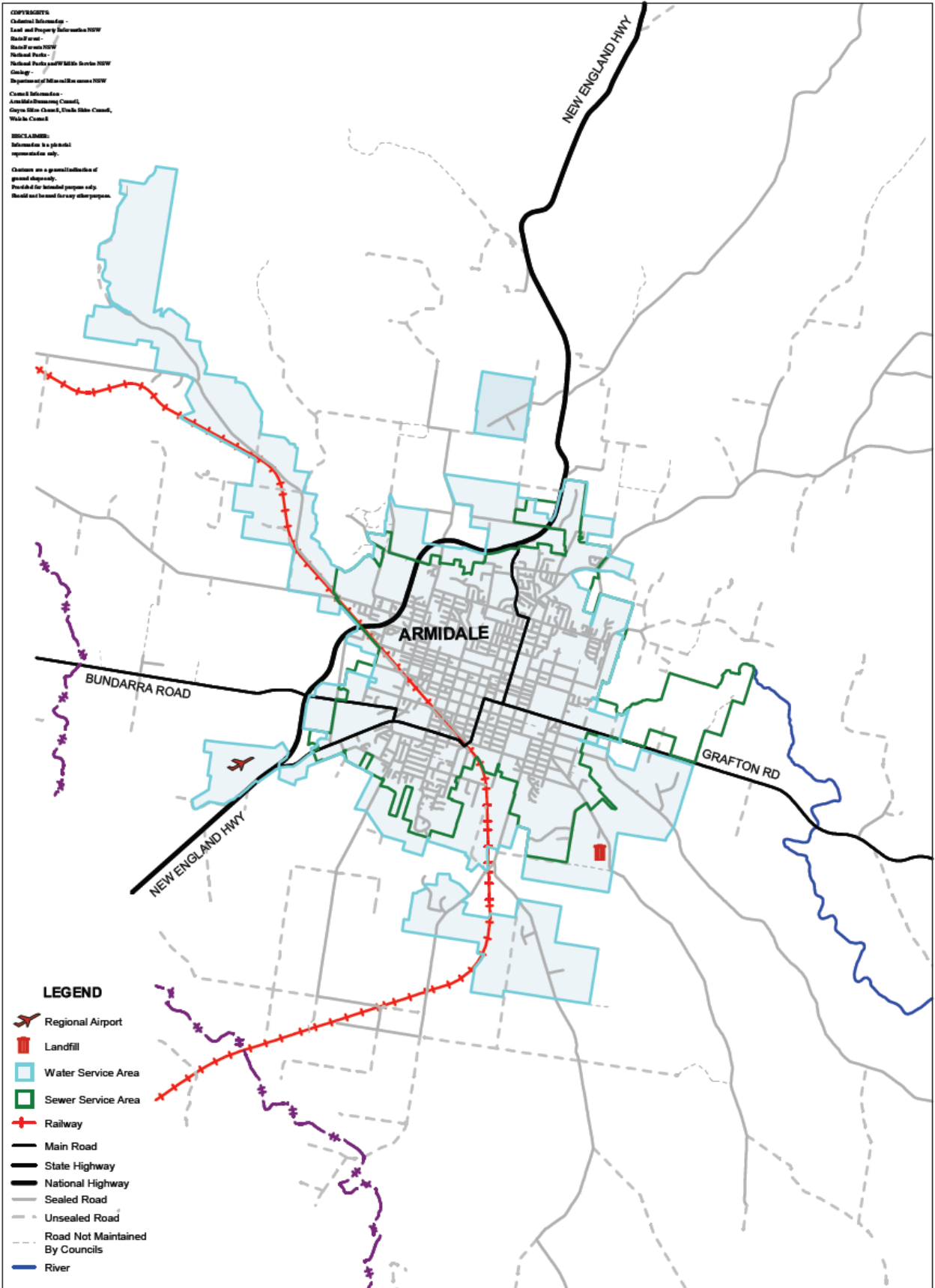
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Map 4.2



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ARMIDALE PLANNING CONTEXT - INFRASTRUCTURE

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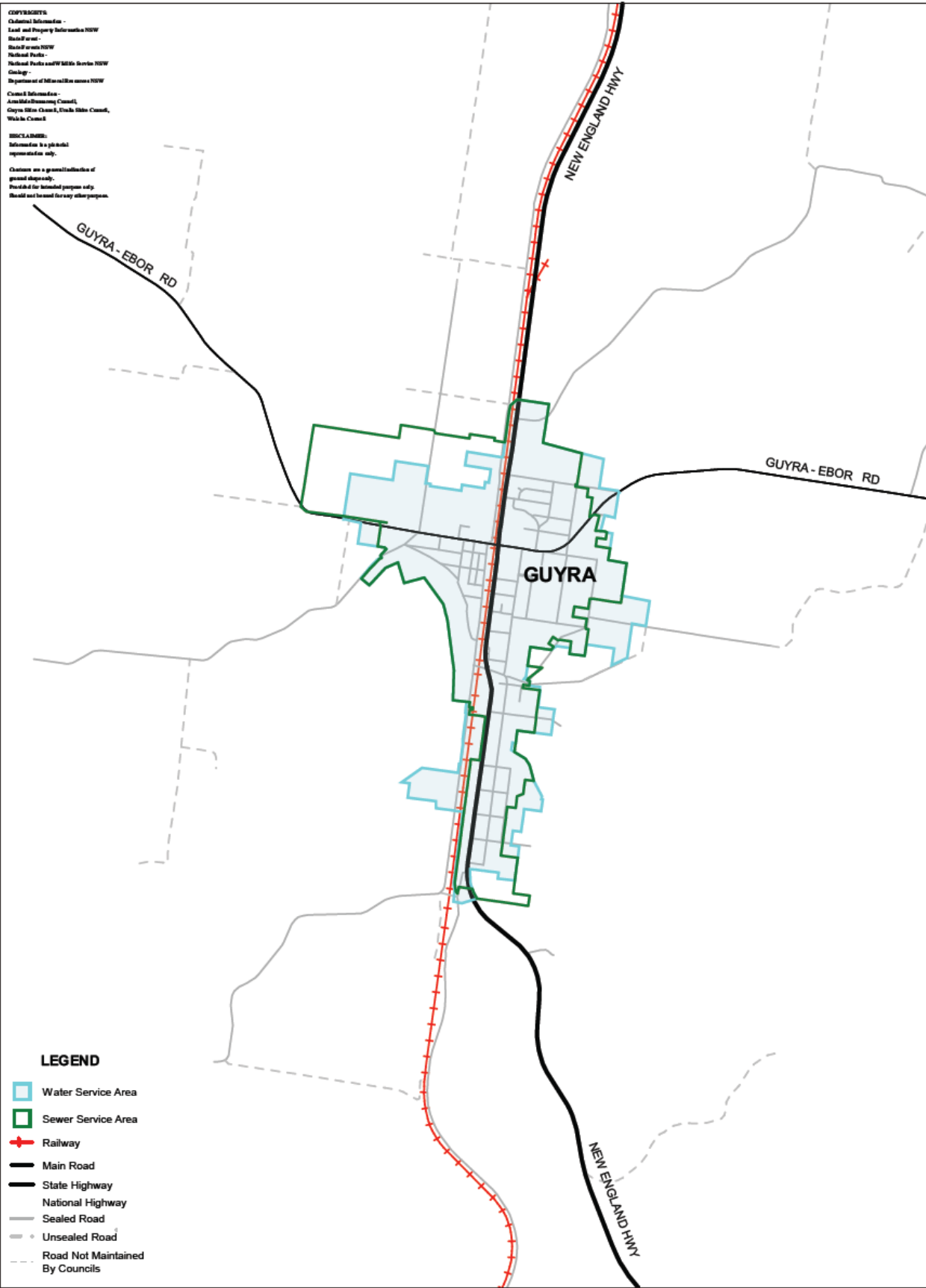


Map 4.3

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 Department of Mineral Resources NSW
 Council Information -
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 Guyra Shire Council, Ernieville Council,
 Walcha Council

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New England Strategic Alliance Development Strategy

GUYRA PLANNING CONTEXT - INFRASTRUCTURE

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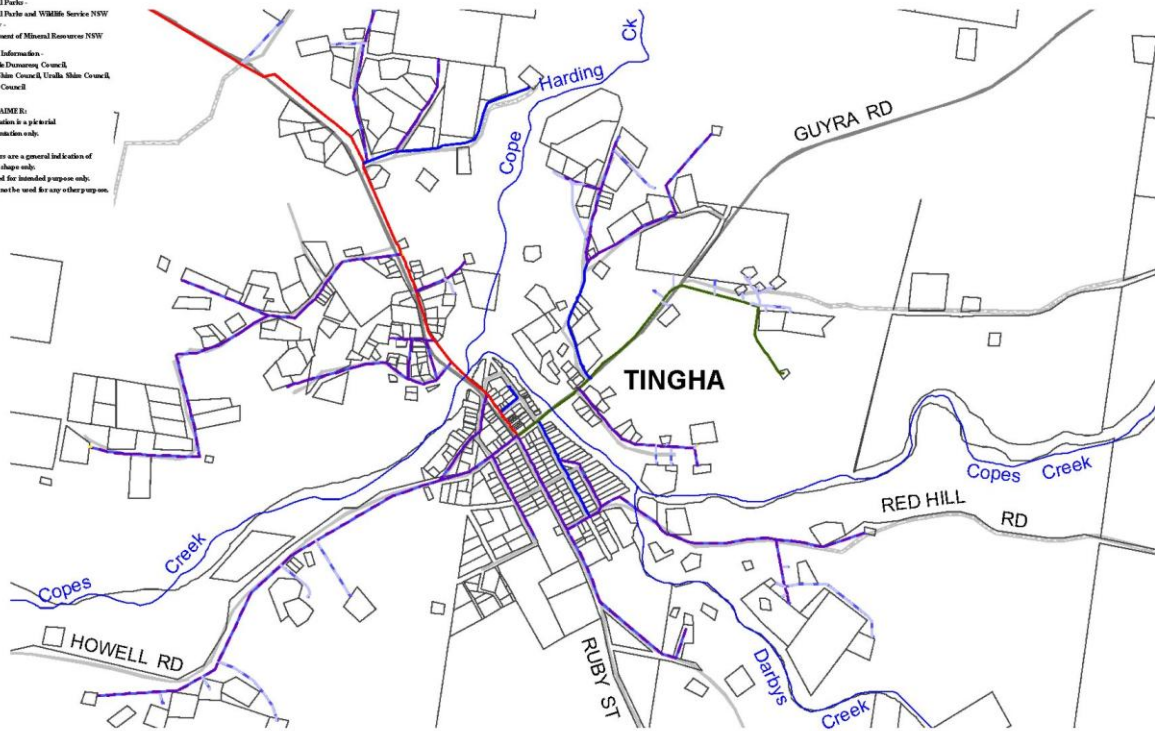
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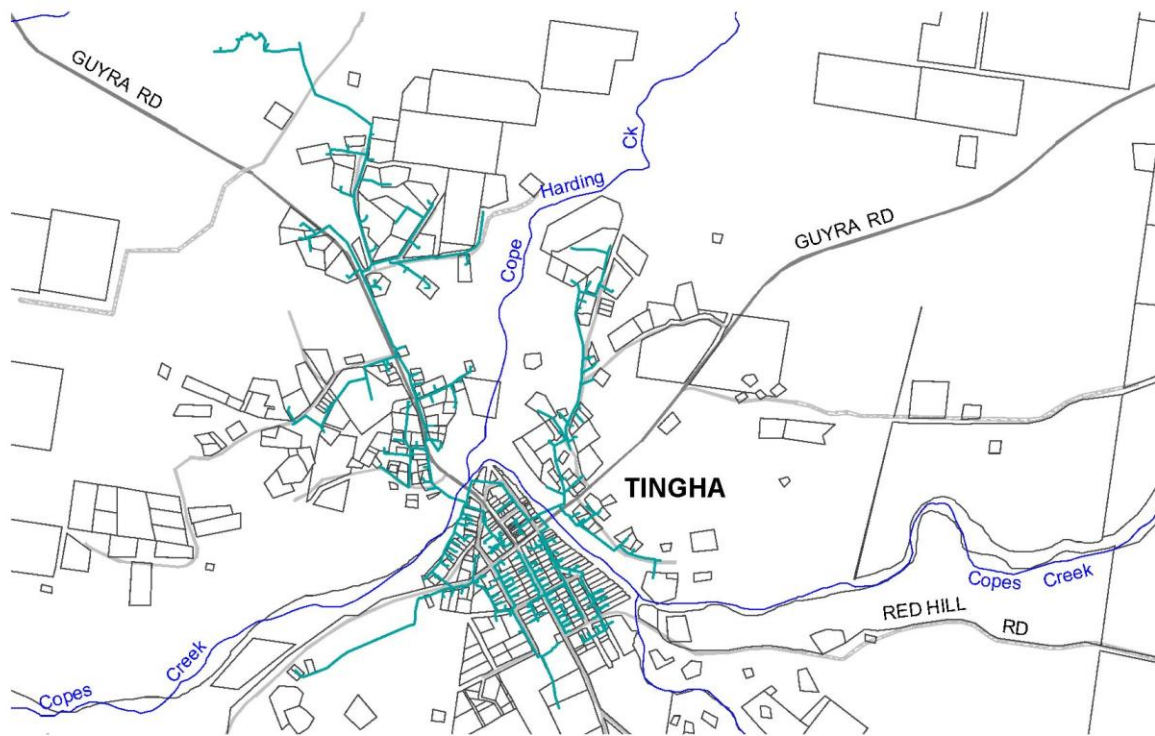
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TINGHA WATER NETWORK



TINGHA SEWER NETWORK

New England Strategic Alliance Development Strategy

TINGHA PLANNING CONTEXT - INFRASTRUCTURE

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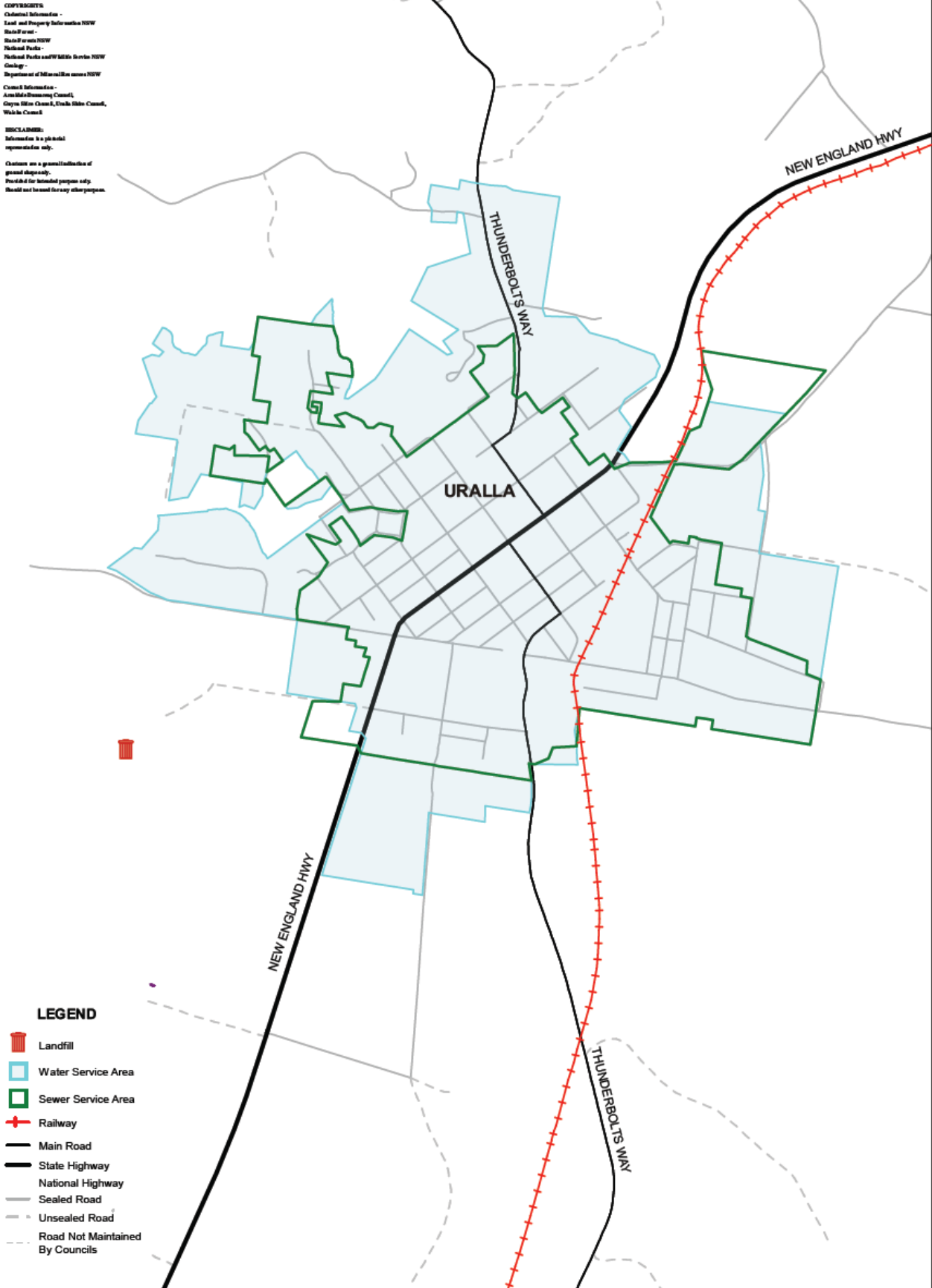
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Map 4.5

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LEGEND

-  Landfill
-  Water Service Area
-  Sewer Service Area
-  Railway
-  Main Road
-  State Highway
-  National Highway
-  Sealed Road
-  Unsealed Road
-  Road Not Maintained By Councils

New England Strategic Alliance Development Strategy

URALLA PLANNING CONTEXT - INFRASTRUCTURE

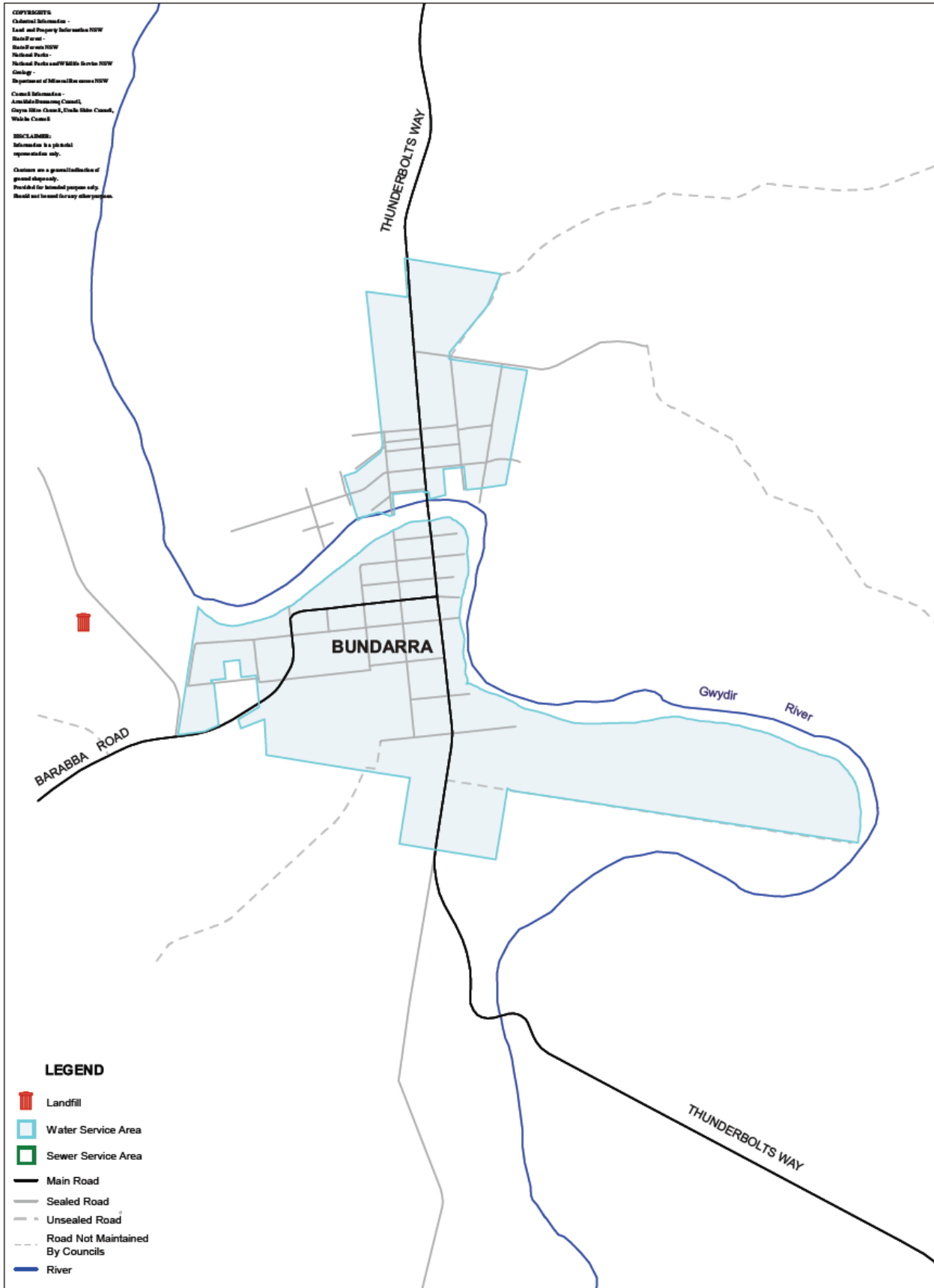
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Map 4.6



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BUNDARRA PLANNING CONTEXT - INFRASTRUCTURE

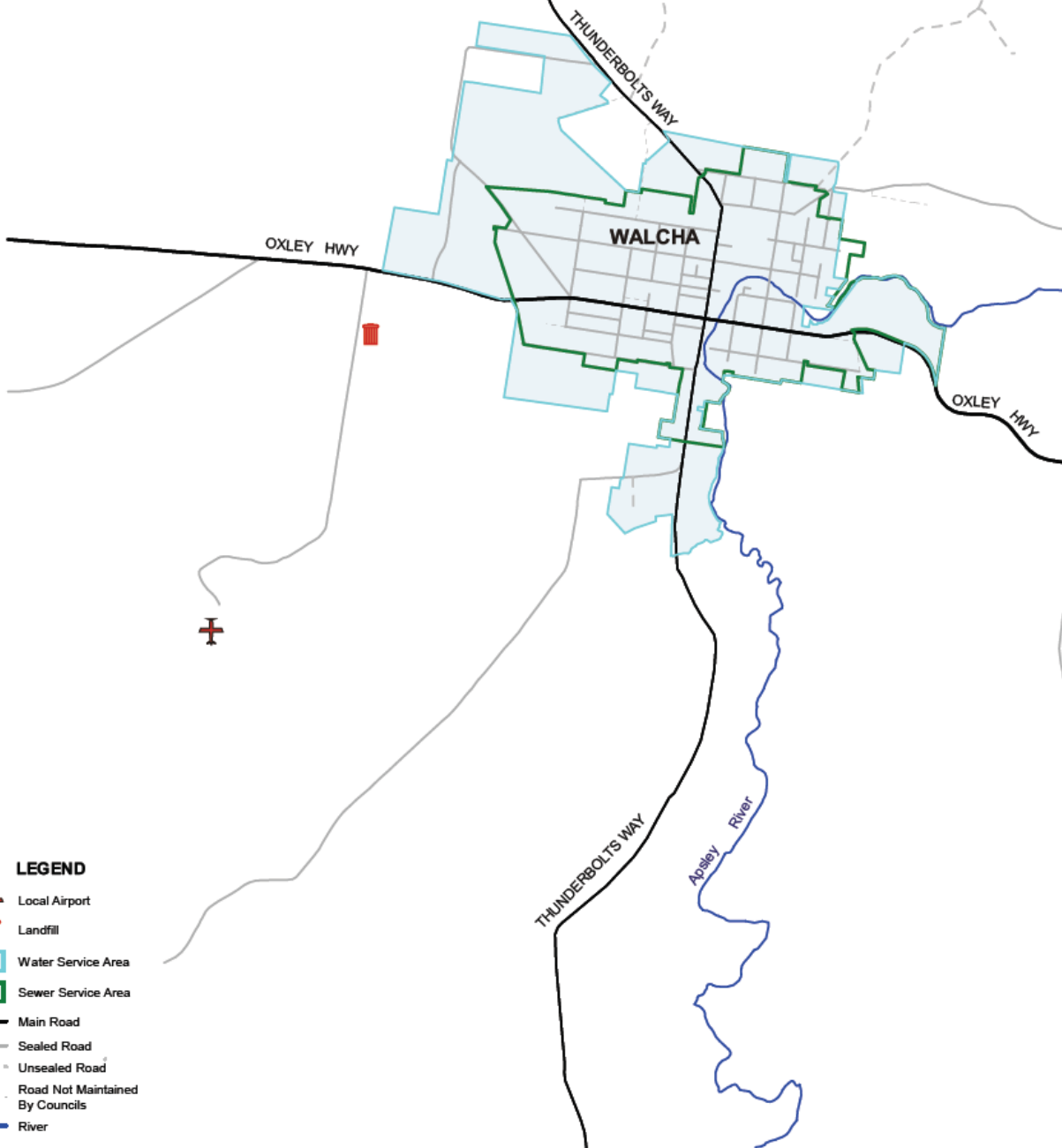
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WALCHA PLANNING CONTEXT - INFRASTRUCTURE

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Map 4.8



5 GENERAL AIMS AND OBJECTIVES

General aims and objectives for land use within the New England Sub-region are outlined in this section. These aims and objectives take into account the visions expressed by the four Councils and their communities and the strategic objectives of existing plans applying within the Sub-region.

Plan aims and objectives take into account the objects of the *Environmental Planning and Assessment Act 1979* which provides the legal framework for the preparation of statutory plans.

The Development Strategy has the following aims and objectives, which have been prepared in a form to enable them to be incorporated into subsequent LEP provisions:

- (a) to provide a coordinated approach to land use planning within the LGAs of Armidale Dumaresq, Guyra, Uralla and Walcha (the Sub-region), which is expected to include implementation of a single LEP, or alternatively a number of consistent LEPs.
- (b) to facilitate stimulation of demand for a range of residential, enterprise and employment opportunities.
- (c) to ensure that development is sensitive to both the economic and social needs of the community and the environmental capacity of the area.
- (d) to provide a choice of living opportunities and types of settlements.
- (e) to encourage the proper management, development and conservation of resources within the Sub-region by protecting, enhancing and conserving:
 - (i) land currently used for agricultural production
 - (ii) native vegetation, biodiversity, minerals, soils, water and other natural resources
 - (iii) areas of high scenic or recreational value
 - (iv) places and buildings of heritage significance, including Aboriginal places and relics.
- (f) to ensure that development has regard to the principles of ecologically sustainable development.
- (g) to minimise the Sub-region's contribution to the causes of global climate change.
- (h) to adapt to major social, economic and environmental changes affecting the Sub-region such as climate change.

In addition to the general aims and objectives outlined in this section, LEPs are required to have specific objectives for each land use zone identified within the scope provided by the NSW Government's standard plan provisions.



6 ARMIDALE, BUNDARRA, GUYRA, TINGHA, URALLA, AND WALCHA

After Armidale City, there are 5 main towns in the New England Sub-region. They are Bundarra, Guyra, Tingha, Uralla, and Walcha. These towns are expected to have a relatively stable or slightly increasing population during the Strategy time frame. Population increase is most likely to be focussed on Armidale, and to a lesser extent on Uralla and Tingha. However, Walcha and Guyra are now also exhibiting signs of growth. In particular, provision needs to be made for long term urban expansion in Armidale, as this will have flow on effects throughout the Sub-region.

Adequate provision of urban land and service infrastructure exists in the short term, although there are issues in relation to urban water supply security for Walcha.

The role of large lot residential development and rural small holdings in providing for residential demand around Armidale, Bundarra, Guyra, Tingha, Uralla, and Walcha requires consideration in future planning, as does maintaining a reasonable bank of vacant but zoned land to assist with housing affordability.

Social infrastructure, community services and recreational facilities are reasonably well catered for within the Sub-region, although the trend for increasing centralisation of many specialist services means that these are located in Armidale and Tamworth. Armidale's excellent educational facilities, including a university, will continue to attract people from within and outside the Sub-region.

Key land use planning issues for Armidale and the 5 towns in the Sub-region were identified in the Situation Analysis as follows:

- Identification of urban expansion areas
- Industrial land provision (especially in Guyra, Uralla and Walcha)
- Commercial land (including sites for bulky goods outlets)
- Urban infill development
- Residential large lot development

Potential urban expansion areas to cater for future industrial and residential growth have been identified on Maps 6.1 to 6.5. These maps are not intended to provide specific reference to cadastral boundaries.

6.1 Urban expansion areas

Housing in the New England Sub-region is principally in the form of individual detached dwellings, representing 86% of the housing stock. This contrasts widely with NSW as a whole, where 70% of dwellings are separate dwellings. The NSW proportion of medium density housing is 27%, with the New England Sub-region having a much lower proportion (12%) of dwellings in this category. The dwelling occupancy rate

for the Sub-region has shown long term decline and was estimated at 2.3 persons per dwelling in 2006, slightly below the NSW average rate.

Demand for residential land differs within the Sub-region and is outlined below:

Armidale Dumaresq The main area required for future urban expansion is within and around the Armidale urban area. An analysis has been undertaken of projected residential land supply and demand for Armidale Dumaresq up to 2021. An average growth in population for the period 2001 to 2021 of 1.1% per annum is projected, resulting in a total increase of 4,457 persons.

Based on past trends, the average household size is likely to decline from 2.5 persons in 2001 to 2.3 persons during the period to 2021, with the consequence that about 1,940 new dwellings would be required in Armidale to cater for projected population growth.

In Armidale, 78% of occupied private dwellings in 2001 were single dwellings, while in the 5 years to 2003, 391 development consents were granted for new dwellings. Of these 52% were single dwellings and 48% were medium density (including dual occupancy). Following a review of trends, the *Strategic Analysis for the Armidale Dumaresq LEP* proposed that 30% of new dwellings are likely to be medium density, with these mainly occurring on infill sites within central parts of the City.

During the preparation of the Armidale Dumaresq LEP 2008, it was estimated that land would be needed in Armidale to accommodate an estimated 3,680 new dwellings up to 2021. This estimate represents 1,940 new dwellings (as noted above) for projected growth plus 1,740 lots as a land bank which represents 25% of housing stock in 2001.

Up to 2021, the analysis indicates that about 580 new medium density dwellings would be required and at least 770 dwellings would need to be located on land currently zoned residential but not yet subdivided. These figures do not include the desirability of having supplementary zoned land available, due to reluctance by some landowners to subdivide even if the zoning permits it. A reasonable "land bank" provides a more competitive market, as well as flexibility to respond to higher growth and development rates. The recently gazetted Armidale Dumaresq LEP now provides a sufficient supply of residentially zoned land to meet projected dwelling demand over the next 10 years. Beyond this period urban growth will need to be accommodated in suitable areas identified for urban investigation.

Bundarra Sufficient zoned land is already available within the village to accommodate expected demand.

- Guyra** Demand for residential lots has increased since 2000. Analysis of recent development approvals indicates that 20-25 new dwellings are being constructed in the Guyra LGA each year, of which at least 10 are within Guyra township. Based on a 10 year planning horizon, sufficient land for at least 125 new dwellings needs to be provided to meet demand and ensure a supplementary land stock of 25%. The Council has indicated that the current supply of zoned residential land is almost exhausted and needs supplementing as soon as possible.
- Tingha** Generally, sufficient zoned land is available within the village but there is scope for minor expansion. Provision is needed for additional large lot residential land to increase housing choice.
- Uralla** Sufficient zoned land is available for several years. There is a current zoned land supply equivalent to approximately 220 lots. Provision is needed for additional large lot residential land in the medium term. This is primarily due to the reluctance of owners to bring existing zoned land onto the market. Analysis of recent development approvals indicates that 30-40 new dwellings are being constructed in Uralla LGA each year, of which at least 16-20 are in or adjacent to the township. Based on a 10 year planning horizon, sufficient land for at least 200 new dwellings needs to be provided to meet demand and ensure a supplementary land stock of 25%.
- Walcha** Sufficient zoned land is available for the creation of at least 100 residential lots. However the servicing of some existing residential lots is an issue. Analysis of recent development approvals indicates that around 15 new dwellings are being constructed in the Walcha LGA each year, of which approximately 6-8 are within Walcha township. Based on a 10 year planning horizon, sufficient land for at least 75 new dwellings needs to be available within the town to meet demand and ensure a supplementary land stock of 25%. During preparation of the draft LEP, consideration should be given to permitting higher density housing close to the Commercial Centre, while maintaining larger allotments more distant from the Commercial Centre, thereby protecting the ambience of the town. Consideration of a village zone for Nowendoc will occur at the draft LEP stage.

Based on the reluctance of some existing owners to develop zoned land to stimulate a more competitive land supply market, and provide greater choice of lots sizes, it is proposed that additional land be investigated for urban purposes around Guyra, Tingha and Uralla over the next 10 years. The new Armidale Dumaresq LEP now provides sufficient zoned land to cater for anticipated growth in that city for the next decade.

It will be necessary to provide extra land for anticipated urban expansion around Guyra, Tingha and Uralla over the next 10 years. Within Walcha and Bundarra sufficient residential zoned land appears to be already available, and infill of existing zoned but vacant sites should be encouraged.

Objectives – Urban expansion areas

- The New England Sub-region will have urban land that is zoned and serviced to meet projected housing needs up to 2021. Housing will vary in size and form to meet changing household formations and the needs of an ageing population.

Policies – Urban expansion areas

- Areas to be investigated in more detail for future urban expansion are shown on Maps 6.1 to 6.5.
- Urban sustainability issues will be considered in the determination of boundaries of urban expansion areas (e.g. protection of biodiversity values, road and subdivision layout to provide optimum orientation for solar access).

Strategic Actions – Urban expansion areas

- Ensure approximately 10 years of development potential through zoning based on preliminary demand/supply analysis already undertaken.
- Ensure that future demand and supply analysis also considers available infill opportunities.
- Implement comprehensive new zonings consistent with Standard LEP recommended zones.
- Establish a coordinated monitoring system to track the construction of new dwellings and the creation of new allotments across the 4 LGAs within the Sub-region. This system would extend from medium density and infill housing to fringe urban development, rural small holdings and general rural areas. It would assist in measuring the take up of existing zoned or serviced land, identifying development and market trends, and in determining the staging of future land releases and rezonings to maintain adequate land supply.
- Provide land for residential development based on the following attributes:
 - Flat-moderate grades to minimise construction costs and improve 'walkability'
 - Service and infrastructure capacity/staging
 - Access to community services and facilities
 - Access to convenience/other retail
 - Road access
 - Market considerations such as aspect and neighbourhood amenity
 - Environmental sustainability

- In general, direct urban growth to areas where effective use could be made of existing urban infrastructure, particularly where spare capacity is available.
- Urban growth should also be focussed on providing attractive lifestyle choices, so as to capture potential “in migration” to New England towns and to help retain existing residents seeking new homes.
- Implement comprehensive Section 94 plans to assist the funding of those facilities required to service new development and identify priorities for expenditure.

Zoning Recommendations – Urban expansion areas

Armidale Dumaresq A wide range of residential development is provided for in the new residential and business zones of the recently gazetted Armidale Dumaresq LEP. Refer to Map 6.1 for guidance on future growth areas.

The residentially zoned land is anticipated to satisfy projected demand up to 2021. These lands can be subdivided now subject to Council approval.

The Tilbuster Corridor (land bounded by New England Highway, Rockvale Road, Tilbuster Creek and Puddleduck Road) should be investigated as a future urban area for Armidale in the longer term subject to future growth rates in Armidale. Master planning for the area will need to commence in the next 5 to 10 years.

Structure plans for future residential and future large lot residential zones should include:

- Approximate location of major roads including connections to the existing road network as well as residential collector roads
- Infrastructure requirements such as water supply and sewer
- Indicative locations for neighbourhood shops and open space areas
- Environmental hazards and constraints

Bundarra Maintain current village boundaries, as adequate vacant land remains within the existing village area.

Guyra Investigate Rural 1(c) land east of Hardings Street, south of Clark Street and north of Albert Street for conversion to residential zoning. This responds to the need for an expansion of the residential area for Guyra. It provides a logical

eastwards extension of the existing residential areas in South Guyra. In the short term, residential development is appropriately consolidated on the east side of the New England Highway and is contained by an existing recreation zone. This maintains a compact urban form and makes efficient use of existing services.

Tingha

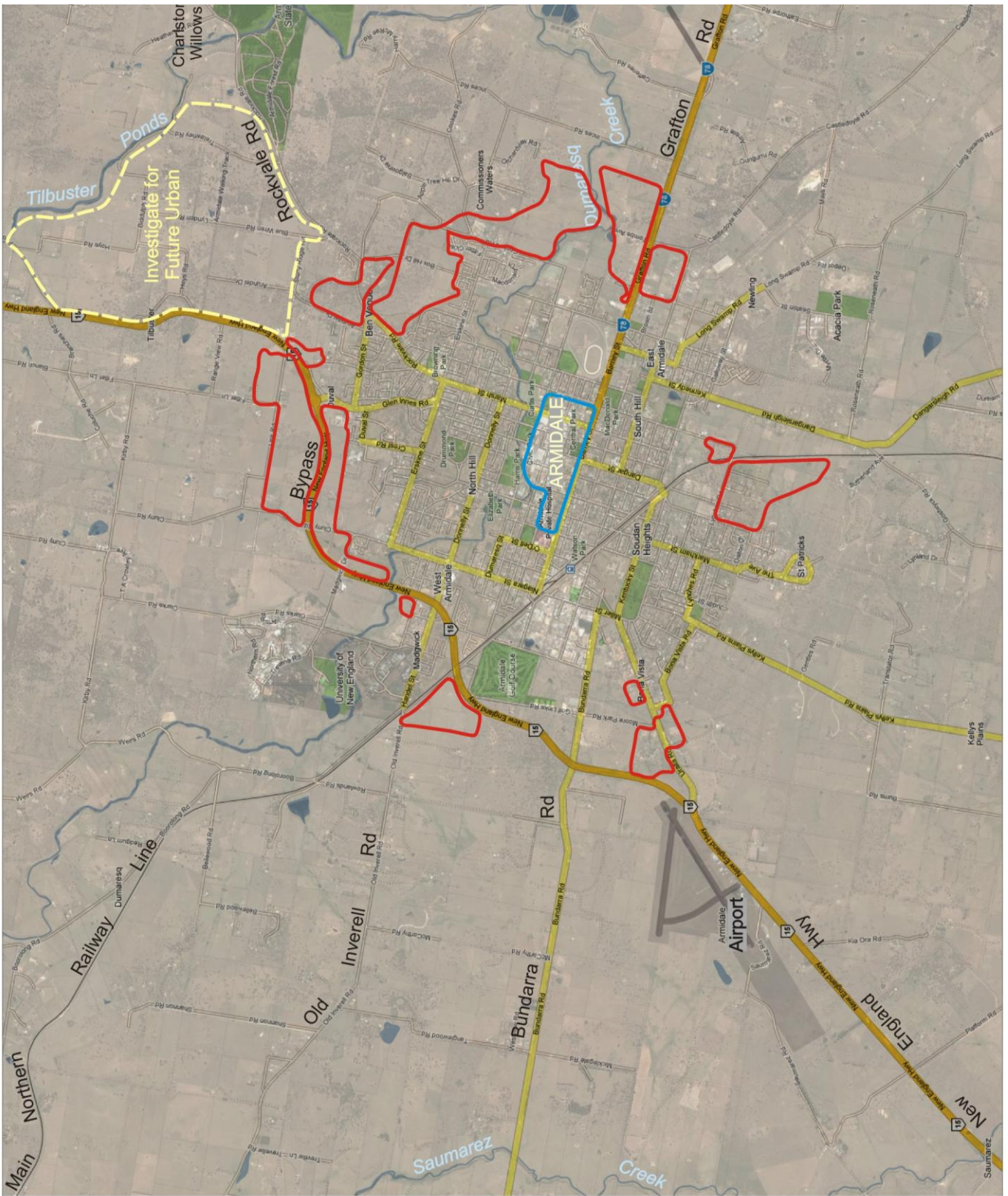
Maintain current village zonings, subject to a minor extension of the village zone beyond or south of Garnet Street due to increasing population and an emerging market for larger lots.

Uralla

Maintain current town boundaries as adequate vacant land remains available for subdivision and development within the existing urban area. Investigate the area of land to the east of Uralla Township for rezoning to large lot residential development (consider 2,000m² to 4,000m² minimum lot size). Larger residential lots in this location would be appropriate to maintain the low density character of the town.

Walcha

Maintain current town boundaries, as adequate vacant land remains available for subdivision and development within the existing urban area. Consideration be given to permitting higher density housing close to the Commercial Centre, while maintaining larger allotments more distant from the Commercial Centre, thereby protecting the ambience of the town.



LEGEND

-
 Urban Release Areas
 CBD

New England Strategic Alliance Development Strategy

ARMIDALE DUMARESQ - STRATEGY PROPOSALS

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Map 6.1



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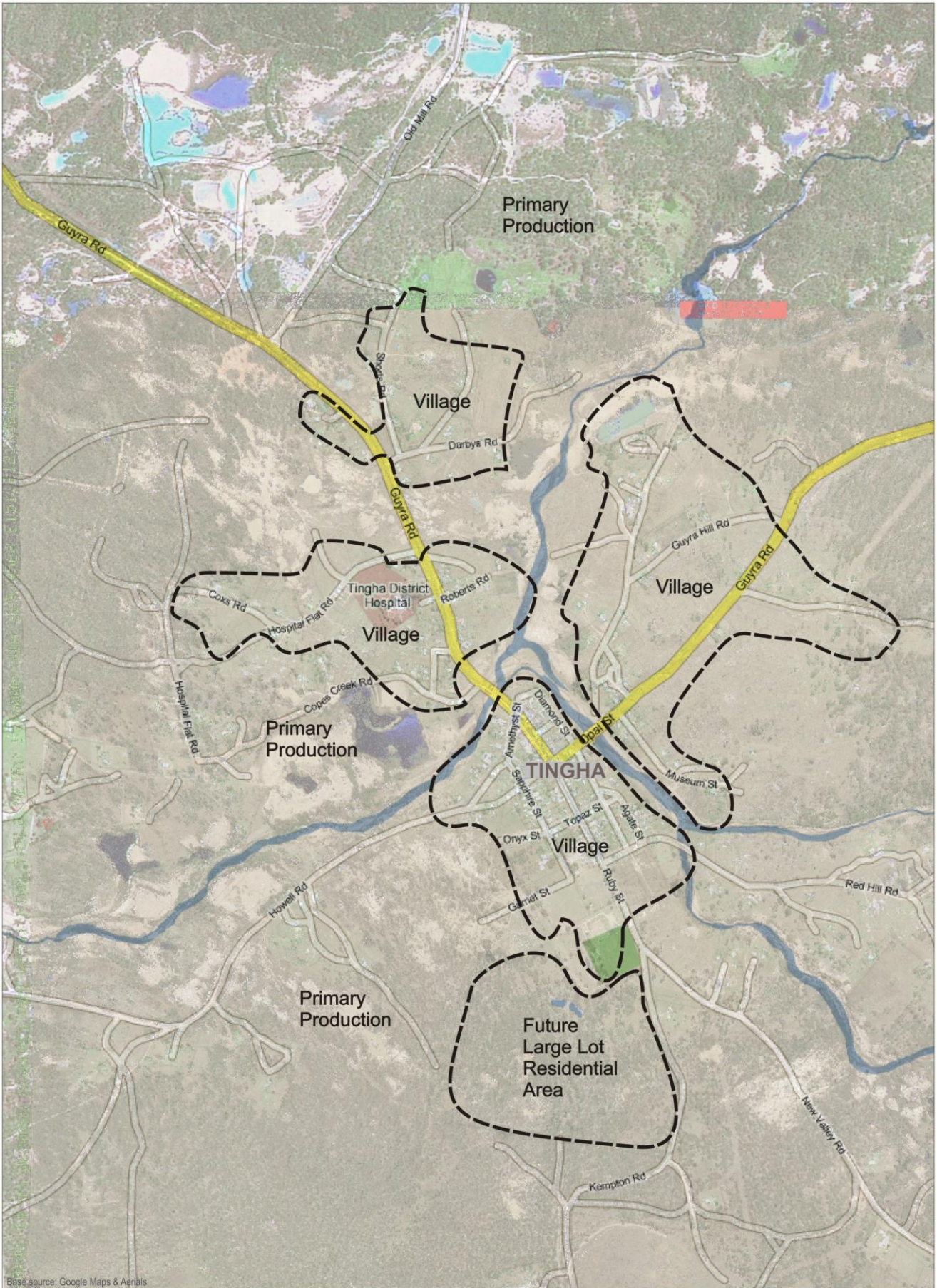
GUYRA - STRATEGY PROPOSALS

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Map 6.2



New England Strategic Alliance Development Strategy

TINGHA - STRATEGY PROPOSALS

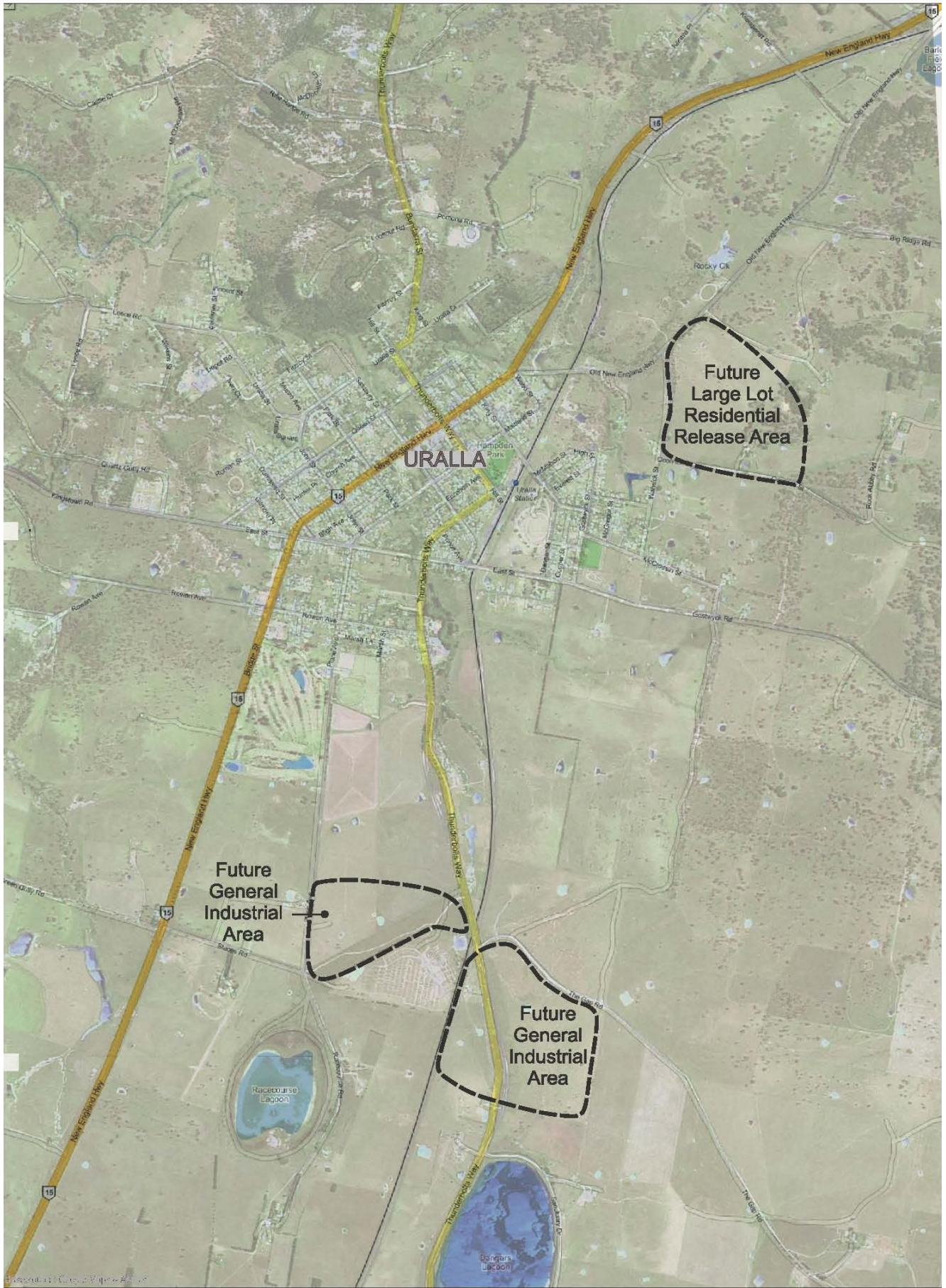
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Map 6.3



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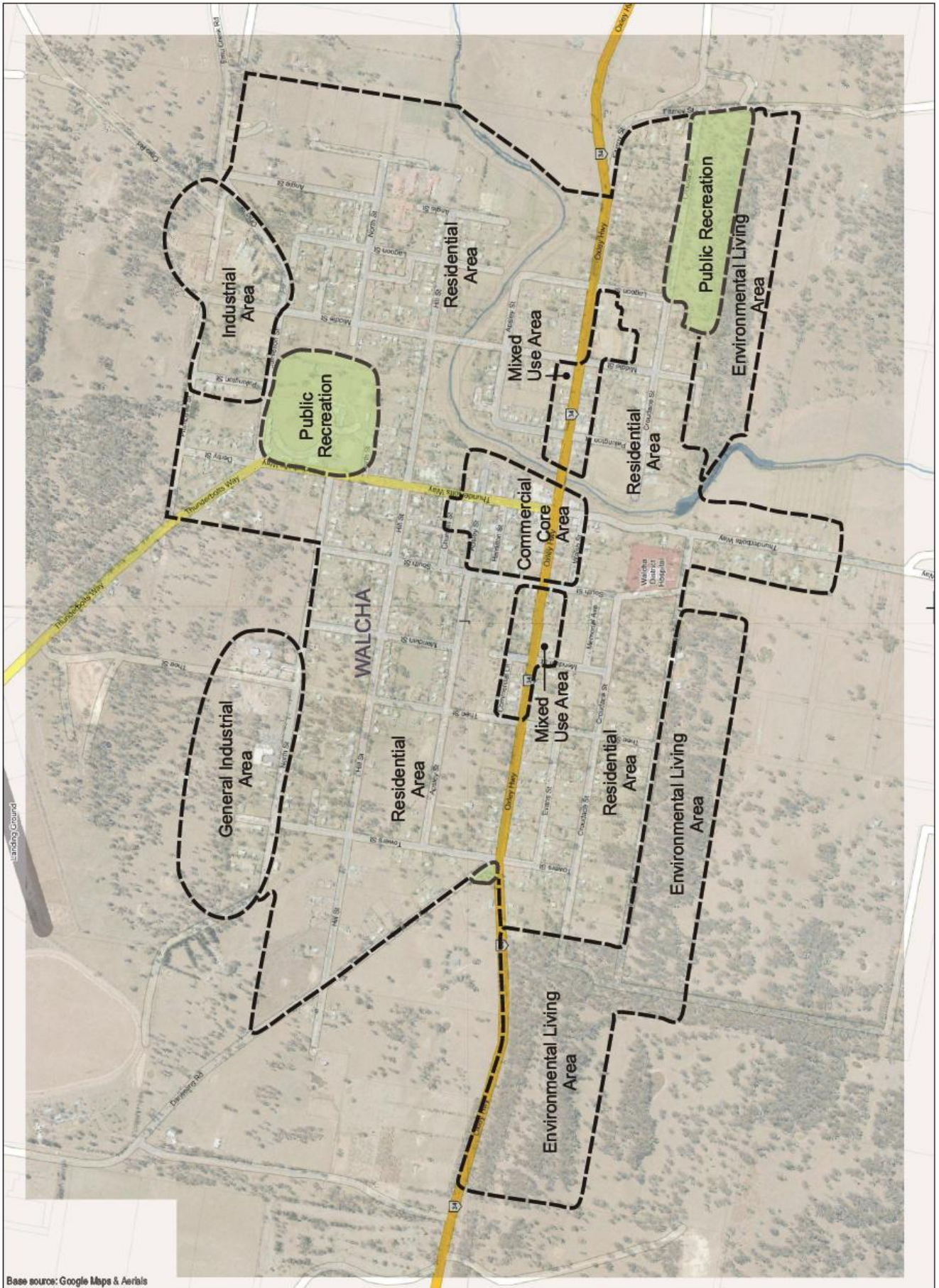
URALLA - STRATEGY PROPOSALS

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Map 6.4

issued Feb 10



Base source: Google Maps & Aerials

New England Strategic Alliance Development Strategy

WALCHA - STRATEGY PROPOSALS

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Issued 14 Dec 09

Map 6.5

6.2 Industrial land provision

The Armidale Dumaresq LEP 2008 identifies land for industrial purposes, comprising 147 hectares zoned Industrial 4(a); 70 hectares zoned Industrial 4(b); and 40 hectares zoned Enterprise 10(a). The Enterprise Zone is adjacent to the University of New England which also owns most of the land in this zone. The Industrially zoned land adjacent to Armidale Regional Airport is owned by Armidale Dumaresq Council. The Strategic Analysis concludes that industrially zoned land currently available for development exceeds demand. It is estimated that there is sufficient land already zoned to meet the needs of a population of over 30,000 in Armidale.

During the final stages of the preparation of Armidale Dumaresq LEP 2008 the Department of Planning identified some unresolved policy and area specific issues remaining in relation to the type and location of industrial development (e.g. DoP policy regarding bulky goods retailing and development near the airport). These issues are to be the subject of further investigation, with project funding having been provided to Armidale Dumaresq Council via Round 5 of the Planning Reform Funding for this supplementary work. Upon completion of this work its findings and recommendations will be incorporated into the Draft Regional LEP.

Despite the current supply of industrial land, Armidale is perceived to have a relative shortage of high visibility employment land.

It is also important to have enough land available within other parts of the Sub-region for employment generating activities. Although there is adequate undeveloped land currently zoned for industry, there is a perceived shortage of developed industrial lots available on the market in the towns of Uralla and Guyra. The main issue appears to be the limited choice of zoned industrial land, with the current owners of zoned land not yet proceeding to service and develop the land. As a result, alternative locations for industry and employment need to be identified to provide a more competitive market in Uralla and Guyra.

Objectives – Industrial land provision

- Provide adequate industrial land to meet demand for development and enable employment opportunities.

Policies – Industrial land provision

- The LEP within the New England Sub-region will provide adequate industrial zoned land for each of the towns to meet demand for development and enable employment opportunities.
- Within Armidale Dumaresq LGA, further investigation of retail activity in the west Armidale industrial zone is required, including an assessment of impacts on general industrial activity.
- Ensure planning provisions for industrial areas discourage inappropriate commercial development.

- Commission a specific study of bulky goods retailing and industrial lands in Armidale, including the provision of adequate and appropriately located land for this form of development.

Strategic Actions – Industrial land provision

- Provide for heavy and light industrial zonings in conjunction with the main towns
- Permit industrial agriculture uses in industrial zones
- Ensure a more competitive market for industrial land by enabling at least 2 development fronts in each main town
- Ensure that, where possible, access to industrial areas avoids traversing residential areas and the areas are accessible by public transport (if available)
- Ensure that the review of the village zoning in Walcha provides for adequate and/or additional industrial land

Zoning Recommendations – Industrial land provision

Armidale Dumaresq	Incorporate the findings and recommendations of the recently commissioned bulky goods retail and industrial lands study for Armidale Dumaresq LGA into the Draft Regional LEP.
Bundarra	Maintain current village zonings as this provides adequate flexibility for employment generating activities.
Guyra	Investigate an existing portion of land generally bounded by the New England Highway and Black Mountain Road for rezoning to industrial. Also investigate an additional portion of land immediately east and north of the Guyra saleyards for conversion to industrial. The two new industrial areas, one to the south of the town and one to the north, have been identified due to their site characteristics and the nature of surrounding land uses. There is potential to encourage a more competitive market for industrial land.
Tingha	Maintain current village zonings as this provides adequate flexibility for employment generating activities.
Uralla	Industrial land in Duke Street is likely to be more suitable for a light industrial zoning due to its proximity to existing residential. Investigate the provision of a new industrial area due to issues associated with the failure of the existing zoned land being brought to the market. Additional industrial land should provide opportunities for industrial uses in the vicinity of existing industry and “buffered” from residential areas by open space. The proposed new general industrial areas to the south of the golf course and south-east of the railway

line/Thunderbolts Way crossing, shown in Map 6.4, are well separated from residential areas.

Walcha

Establish general industrial zones to rationalise the current distribution of industrial uses in and around Walcha. These will comprise land:

- In the vicinity of Plumtree Street, Emu Creek Road and Middle Street
- North of North Street, generally between South Street and Towers Street
- Industrial Estate, Thunderbolts Way

6.3 Commercial land

The commercial centres hierarchy is discussed in the Situation Analysis for the New England Sub-region.

Although outside the study area, Tamworth exerts a strong influence not only in terms of retailing, but also in terms of the number of higher order services, including the range of government agencies and medical services.

The City of Armidale fulfils an emerging regional centre role. The next level in the hierarchy is occupied by the towns of Uralla, Guyra and Walcha. Uralla, and to a lesser degree, Guyra, perform a satellite function to Armidale. The towns continue to provide services for nearby rural communities. Tingha also has its own small main street, and the other villages in the Sub-region have one or two retail outlets, including a general store.

The existing retail hierarchy is seen as appropriate. In Armidale, the CBD should remain as the major Sub-regional centre; the existing Girraween Shopping Centre should function as a neighbourhood centre. Armidale is likely to experience an excess of floor space with the now completed Centro Centre. There does not appear to be justification for additional business zoning in Armidale at present.

The commercial and retail sectors are large employers in the Sub-region, with the majority of the economic base being located in Armidale. Locational variations among the LGAs are as follows:

Armidale Dumaresq There is a sufficient amount of land zoned for business activities to meet the projected population up to 2021. Limiting the expansion of business zoned land within the centre of Armidale may encourage more efficient use of areas within the CBD. (Source: *Strategic Analysis for the Draft Armidale Dumaresq LEP 2006*). For this to occur, the land should be of sufficient size and shape and have adequate street frontage to meet the needs of new businesses. Provision for bulky goods retailing requires further investigation, recognising the standard LEP provisions for this use.

Key recommendations from the 2006 Strategic Analysis for Armidale which are supported include:

- The CBD continue to be the main focus of commercial and retail development within Armidale and the Sub-region in general
- Land west of the existing CBD along Rusden Street to Markham Street should be zoned for General Business purposes
- Mixed use retail/residential development should be permitted within the General Business area
- Land occupied by the Girraween Shopping Centre is appropriately zoned for Business purposes
- The scale of shops, commercial premises and bulky goods retailing at Girraween shopping centre should be limited by adopting a maximum gross floor area of 1500m² for such developments
- Professional consulting offices should be permissible on residentially zoned land within the area bounded by Jessie, Barney, Butler and Rusden Streets
- Convenience stores should be permitted with consent in residential and rural zones

Bundarra	Adequate land is already zoned for existing and anticipated future Commercial development. This is in a central and compact location.
Guyra	Adequate land is already zoned for existing and anticipated future Commercial development. This is in a central and compact location.
Tingha	Adequate land is already zoned for existing and anticipated future Commercial development. This is in a central and compact location.
Uralla	Adequate land is already zoned for existing and future commercial use. Some is currently being used for residential purposes, but provides scope for redevelopment.
Walcha	The commercial centre is compact and concentrated on the main streets of the town. A specific new commercial zone is recommended to help maintain this area as the business hub of the LGA.

Objectives – Commercial land

- Provide adequate land for commercial development in town centres within the Sub-region in suitable locations, while maintaining compact, walkable centres in accordance with the commercial centres hierarchy within the Sub-region.

Policies – Commercial land

- Maintain existing commercial zoned land in towns, and strengthen the integrity of the Armidale CBD by adopting planning controls that consolidate commercial development.
- Ensure planning provisions do not support commercial development in inappropriate areas (such as industrial zones).
- Within Armidale, permit small neighbourhood shops with consent in residential zones.

Strategic Actions – Commercial land

- Maintain the new Armidale CBD boundaries to ensure commercial areas are appropriately zoned and to avoid oversupply of commercially zoned land.
- Promote and facilitate 'core' and 'peripheral/supporting' commercial zones subject to the standard LEP template and town size.
- Ensure the permissibility of community and cultural facilities in town centres.
- Encourage compact town centres through infill and mixed use developments.

Zoning Recommendations – Commercial land

Armidale Dumaresq	Endorse the recently gazetted LEP which facilitates intensification of commercial use within the existing compact CBD. The establishment of a bulky goods retailing area is to be the subject of the separate investigation to be incorporated into the new LEP. This investigation will consider the extent to which any form of retail activity should be permissible in future within industrial areas. Permit with consent small neighbourhood shops within residential zones.
Bundarra	No change to the current flexible village zoning is recommended.
Guyra	No change to the current provisions is recommended. Adequate zoned land exists to meet foreseeable needs and considerable intensification is possible within the existing commercial area. The current commercial zoning defines an appropriate 'High Street' area.

Tingha	Minor change to the current flexible village zoning is recommended, as shown in Map 6.3.
Uralla	No change to the current provisions is recommended. Adequate zoned land exists to meet foreseeable needs and considerable intensification is possible within the existing commercial area. The current commercial zoning defines an appropriate 'High Street' area.
Walcha	Designate a commercial core generally bounded by Walsh Street, South Street, Apsley Street and the Apsley River. Support this with mixed use zonings to reflect the current patterns of use along Fitzroy Street. The eastern zoning would generally extend to Lagoon Street, while the western zoning would generally extend to Thee Street.

6.4 Urban infill development

Infill residential development is an important consideration in all existing urban areas, most importantly in Armidale, where the pressures are likely to be greatest. Although there is currently still a market preference for conventional housing on town fringes, this has a range of implications such as poorer accessibility, environmental impacts and higher service provision costs. Infill development within the existing urban boundary may provide advantages to a growing proportion of the housing market, in line with an ageing population, the ongoing needs generated by the University of New England, and fewer persons living in each household. Key issues related to infill are:

- Targeted redevelopment sites in central locations
- Good urban design and appropriate development scale
- Infrastructure servicing
- Minimum subdivision size and dimensions.

Objectives – Urban infill development

- Ensure planning controls allow appropriate residential infill development, taking into account important issues including adequacy of servicing, streetscape and urban character, heritage, and water sensitive urban design.

Policies – Urban infill development

- Residential infill development will be encouraged as an alternative to further greenfield development outside the existing urban area.
- Development should recognise existing infrastructure constraints (e.g. sewer and drainage) and ensure that best use is made of current infrastructure provision.

Strategic Actions – Urban infill development

- As part of infill development, ensure that servicing capacities are assessed and are adequate, particularly water supply, sewerage and stormwater drainage.
- Implement minimum lot sizes and DCP controls on infill development to ensure the protection of urban character and appropriate amenity.
- Identify constraints to infill development (e.g. urban flooding).
- Identify any existing or projected surplus land holdings controlled by private schools, other institutions or government agencies, investigate opportunities for infill housing or other forms of development, and consider appropriate future zonings.

Zoning Recommendations – Urban infill development

Armidale Dumaresq	Pressures for urban consolidation and medium density housing are likely to be highest in Armidale. Small-scale infill subdivision is continuing to occur although additional coordination, particularly regarding drainage, will assist yields. An estimated 30% of new dwelling demand in Armidale up to 2021 is likely to be in the form of medium density dwellings. This equates to approximately 580 dwellings. Council's 2006 Strategic Analysis contains a breakdown of where medium density dwellings could be provided under the former LEP. It is recommended that Council maintain zonings which facilitate medium density housing in central Armidale, as well as aiming to achieve a mix of dwelling and allotment sizes in new development areas on the periphery of the city.
Guyra	No specific provisions for urban infill development are considered necessary in Guyra. Large lots together with considerable tracts of lightly developed land provide considerable scope for infill and intensification, provided an appropriate residential zoning is selected.
Uralla	No specific provisions for urban infill development are considered necessary in Uralla. Some flood prone areas along Uralla Creek are unsuitable for intensification. Large lots together with considerable tracts of lightly developed land provide considerable scope for infill housing, provided an appropriate residential zoning is selected.
Walcha	Encourage low scale infill housing adjacent to the town centre. Considerable opportunities for further development exist throughout the town. This will make effective use of existing infrastructure, noting that drainage issues may arise with intensification.



7 VILLAGES, LARGE LOT RESIDENTIAL, AND RURAL SMALL HOLDINGS DEVELOPMENT

Key land use planning issues were identified in the Situation Analysis as follows:

- Village development and servicing, and
- Large lot residential and rural small holdings development.

Large lot residential and rural small holdings subdivision and development is an important land use planning issue in the Sub-region. It has the potential to affect agricultural land uses and viability, and the provision of services and infrastructure. It can also result in a range of environmental impacts including water availability, traffic, and loss of biodiversity. Demand for large lot residential and rural small holdings development is primarily related to proximity to Armidale and to the other towns.

Existing rural villages have individual character and servicing issues. However, they can provide alternative and more affordable residential opportunities compared to Armidale and the major towns.

Individual LGAs are experiencing varying degrees of demand for large lot residential and rural small holdings development, as highlighted below:

Armidale Dumaresq The demand for large lot residential and rural small holdings development up to 2021 is expected to be fully met by the land zoned for these purposes in LEP 2008 which is shown in Map 7.1. Map 7.7 shows the longer term area proposed for large lot residential development, west of Armidale.

Guyra Guyra experiences low to moderate demand for rural small holdings development. Recent trends suggest that approximately 8-10 rural small holdings are being built upon per annum. A significant amount of land is already zoned but not yet developed.

Uralla A rural lifestyle appears to be the impetus for rural small holdings development, with most landowners relying on employment in Armidale rather than an agricultural income. Arding/Rocky River and Kentucky Plain experience moderate demand for rural small holdings, with approximately 12-15 lots being built upon per annum.

Walcha There is an emerging demand for rural small holdings in the LGA. Around 5-6 rural dwellings are being approved on existing holdings per annum. An application has recently been approved for a 43 lot subdivision adjacent to the town and fronting Oxley Drive.

The following strategy Maps 7.1 to 7.7 aim to provide general locational guidance. The maps are not intended to provide specific reference to cadastral boundaries.

7.1 Village Development and Servicing

A review of development issues relating to each village within each LGA was included in the Situation Analysis. With the exception of Black Mountain village in Guyra LGA, all villages are expected to continue to experience relatively low demand for development, and there is adequate zoned land available. Areas to be investigated for potential village expansion are also shown on Maps 7.2 to 7.6.

The following objectives, policies and strategic actions are derived from the Situation Analysis.

Objectives – Village development and servicing

- Villages have a clear and distinct identity and facilitate community cohesion and sense of belonging.
- Provision of limited urban services (e.g. water, sewer and waste) where demand for growth is identified and service provision is economic or required for environmental reasons.

Policies – Village development and servicing

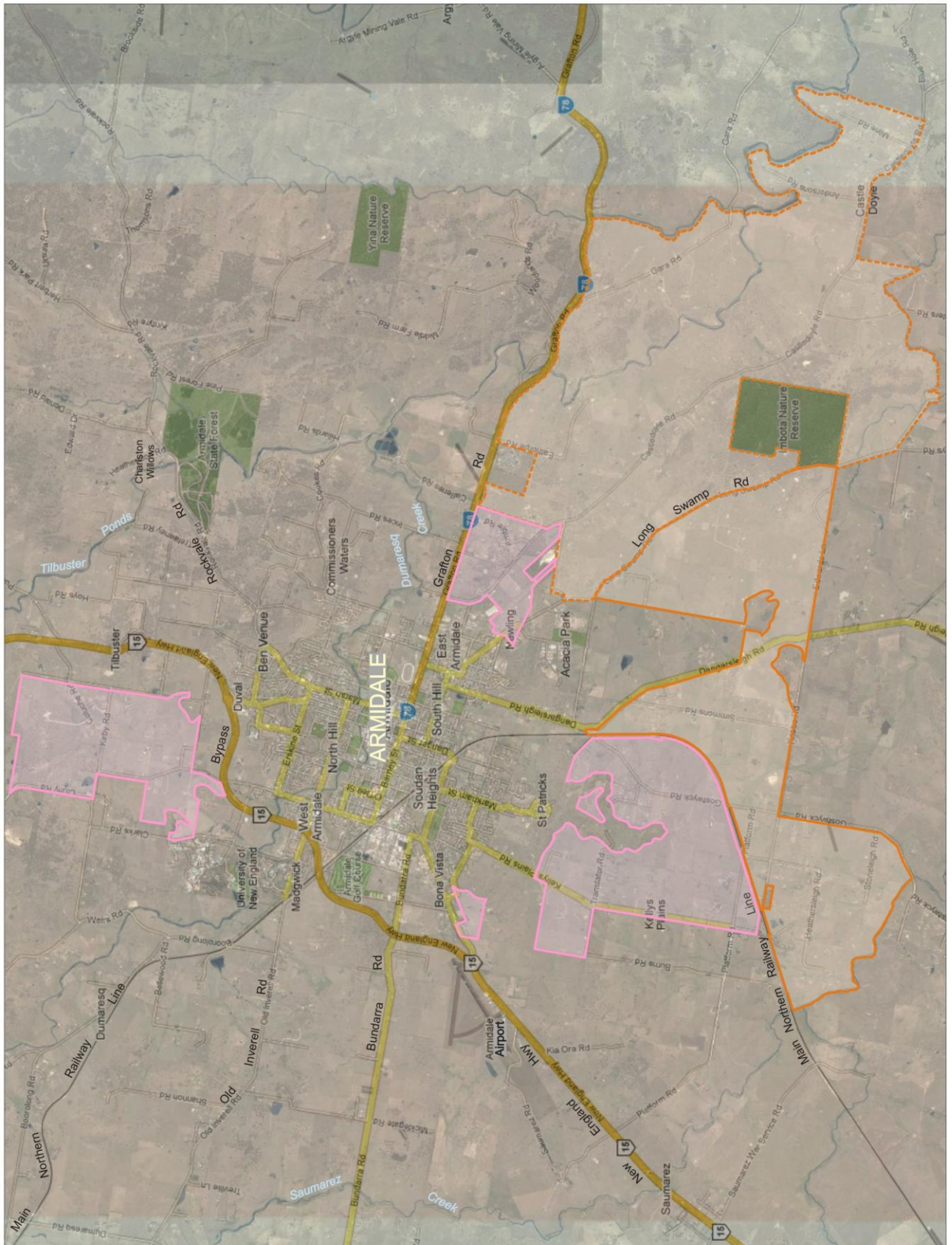
- Minimum lot sizes for subdivision and the erection of dwelling houses to be based on onsite wastewater capacity where reticulated sewer is not available. The provision of a water supply sourced from rainwater tanks is favoured over a reticulated supply. Mandatory first flush systems should be required.
- Maintain and enhance the distinctive character and landscape setting of each village.

Strategic Actions – Village development and servicing

- Identify through village zoning, ensuring that adequate land is designated to accommodate villages which are experiencing growth. Maintain at least 2 development options in terms of land ownership for each village.
- Ensure that distinctive character of each village is identified in DCP or LEP supplementary objectives.
- Put in place strong controls on incompatible land uses, including supplementary objectives to the village zone and with DCP support.
- Consider minimum lot sizes for each village, taking into account existing lots, character requirements, onsite wastewater servicing requirements, and separation distances from existing dwellings.

Zoning Recommendations – Village development and servicing

- Armidale Dumaresq** LEP 2008 caters for anticipated low development pressures in Hillgrove, Wollomombi and Ebor (part). The villages of Armidale Dumaresq have adequate land for expansion. Hillgrove has considerable vacant land but, with the adjacent mine, has more potential for expansion than the other villages.
- Guyra** *Ben Lomond* is experiencing very low development pressure at the present time. It is recommended that back zoning of village land occur in the southwest corner of the village. The value of land in this locality is insufficient to make re-subdivision of the old 'town lots' viable. These could appropriately return to a rural use.
- Ebor* (see also Armidale Dumaresq) - the current zoning provision is satisfactory. An appropriate parcel of developable land exists north of the current village. If demand eventuates, a compact village form would result.
- Llangothlin* - the current zoning provision is satisfactory.
- Black Mountain* – the current zonings are satisfactory. This is the closest village to Armidale, and has attracted a combination of village and rural residential land uses. Adequate zoned land exists to cater for anticipated future demands.
- Tingha* – due to growth in population investigate additional large lot residential zone in the area west of Kempton Road. This area will accommodate anticipated demand for larger lots adjacent to the existing village and help fill a gap in the existing market.
- Uralla** *Kentucky* – investigate small village zones in areas of existing settlement and services. The existing hubs should be recognised by way of a village zoning, subject to identifying a satisfactory lot size that protects the existing character of the village and is environmentally appropriate. A rural small holdings zone could be investigated as an appropriate method of support for these village centres.
- Walcha** Identify Village Zones for Walcha Road, Woolbrook and Nowendoc and consider a Village Zone for Yarrowitch in the Draft Regional LEP, reflecting the existing landuse pattern.



LEGEND

- Large Lot Residential
- Rural Small Holdings (current release area)
- Rural Small Holdings (longer term release area)

New England Strategic Alliance Development Strategy

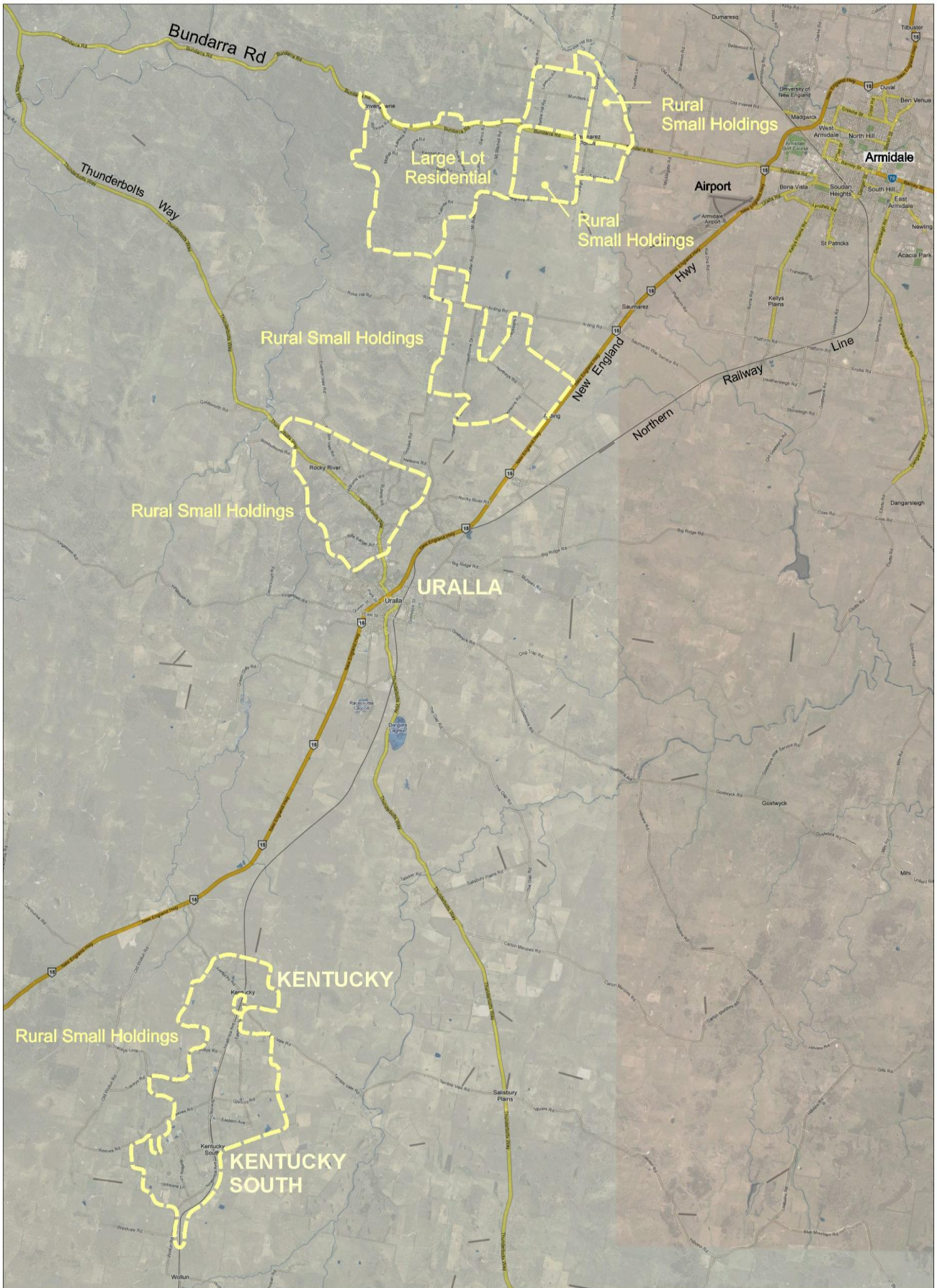
ARMIDALE DUMARESQ - LARGE LOT RESIDENTIAL & RURAL SMALL HOLDINGS

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issued March 09

Map 7.1



New England Strategic Alliance Development Strategy

URALLA RURAL SMALL HOLDINGS - STRATEGY PROPOSALS

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Map 7.2

issued 24 June 08



New England Strategic Alliance Development Strategy

LLANGOTHLIN - STRATEGY PROPOSALS



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issued 24 June 08

Map 7.3

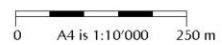


Design source: Cairn & Associates

New England Strategic Alliance Development Strategy

BEN LOMOND - STRATEGY PROPOSALS

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issued 24 June 08



Map 7.4



New England Strategic Alliance Development Strategy

BLACK MOUNTAIN - STRATEGY PROPOSALS

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0 A4 is 1:10'000 250 m



Map 7.5



New England Strategic Alliance Development Strategy

EBOR - STRATEGY PROPOSALS

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Map 7.6



LEGEND  Rural Small Holdings

New England Strategic Alliance Development Strategy

ARMIDALE DUMARESQ - FUTURE RURAL SMALL HOLDINGS

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issued March 09

7.2 Large Lot Residential and Rural Small Holdings Development

With the exception of Armidale Dumaresq, there has been no recent comprehensive assessment of large lot residential and rural small holdings subdivision and development within the Sub-region, although there has been continuing demand for it over at least the last 15 years.

Within Armidale Dumaresq LGA new zones and a staged release program have been introduced in the recently gazetted LEP 2008. The new zones and staged release programs are based on the recommendations of the Armidale Dumaresq Rural Residential Study (EDGE Land Planning, 2005). Land within the new zones, which is shown in Map 7.1, is expected to satisfy demand for large lot residential and rural small holding developments up to 2021.

Large lot residential development will occur in two corridors:

- To the south of Armidale between Kellys Plains Road and the Main Northern Railway Line
- To the north of Armidale, west of the new England Highway.

In the longer term the Armidale Dumaresq Rural Residential Study identified land to the west of Armidale along Bundarra Road as a future large lot residential area, which is shown in Map 7.7. The take up rates of large lot residential land to the north and south are being monitored, and land to the west of Armidale will be made available through an amending LEP if required.

LEP 2008 provides that land within the new zones will be released for large lot residential and rural small holdings development over the next 10 years or so. A review of the program for releasing land has been carried out to determine its effectiveness to date. Based on the review, it is proposed to retain the program of staged land releases for the rural small holdings zone in LEP 2008. The initial land release is shown in Map 7.1. However, it is intended to remove the requirement for the staged release of land in the large lot residential zone for the following reasons:

- Since gazettal of LEP 2008 on 15 February 2008, no new large lot residential subdivisions have been approved. Only one development application for subdivision has been submitted and this only had the potential to create one additional lot within the first release area.
- An alternative approach of varying the location of release areas within the zone is not likely to achieve better outcomes than removing staged land releases altogether. Varying the location of release areas raises issues to do with identifying land owners who genuinely wish to subdivide their land within the next 10 years so that their land may be included in the varied zone, and determining whether land already in the first release areas in LEP 2008, but not developed, should be retained or removed from a subsequent varied release area.

- Regional centres such as Armidale do not experience consistent growth pressures. Development of land does not always occur in an 'orderly' and predictable way and an LEP needs to be flexible enough to allow for these less predictable development patterns.
- The new zone for large lot residential development in LEP 2008 is significantly smaller in area and concentrated in terms of location, compared to what was previously permitted in the semi-rural areas surrounding Armidale up to the late 1990's.
- If there is not a reasonable bank of vacant but zoned land available for large lot residential development, then the market may be less competitive and this type of development becomes generally less affordable.

Armidale Regional Airport is an important item of regional infrastructure. Future options for ancillary developments that can make a positive economic contribution to the region should be investigated, such as 'hangar housing' proposals. 'Hangar housing' involves the provision of large residential lots with frontage to an airport. Private aircraft are able to use airport facilities and owners can store their aircraft on their private property. Any such development would need to ensure that the operational integrity of the Airport is not compromised. Also, this type of subdivision should not result in an ad hoc pattern of large lot residential development around Armidale.

The *Situation Analysis* identified demand and supply issues and future planning options. Flowing from this, the following objectives, policies, strategic actions and zoning recommendations have been developed.

Objectives – Large lot residential and rural small holdings development

- Provide opportunities for large lot residential and rural small holdings development in suitable locations.
- Ensure that adequate and appropriate services are available for large lot residential and rural small holdings development.
- Ensure that the supply of large lot residential and rural small holdings land does not significantly exceed demand.
- Identify the best locations for large lot residential and rural small holdings development and balance development pressures with the need to preserve areas of high agricultural, scenic or environmental value.
- Identify appropriate planning controls for large lot residential and rural small holdings development.

Policies – Large lot residential and rural small holdings development

- Focus large lot residential and rural small holdings land adjacent to existing development without prejudicing future urban growth.
- Subdivision for the purposes of large lot residential and rural small holdings should be undertaken in an environmentally sensitive manner.

The following criteria, where applicable, should be used to identify land suitable for rural small holdings development.

Table 3: Criteria for identifying land suitable for future rural small holdings

Broad Location Criteria	Comment
Distance from town	Land should be within a reasonable travel distance/time from the centre of an urban area (e.g. less than 5km).
Provision of services	Ability to provide potable water electricity, telephone, bushfire services should be considered.
Capacity for onsite water storage	This relates to the ability to have supplementary dam supplies (see NSW Farm Dams Policy).
Availability of groundwater and service water	Needs to be considered strategically for other purposes in terms of quantity and quality, water source, and within Water Management Act 2000 framework.
Minimal impact on existing infrastructure	Sufficient reserve capacity should exist in power, school bus and telecommunications services.
Good sealed road access	Efficient use needs to be made of the existing road network. In general, this is very lightly trafficked apart from the New England Highway and some major roads leading to Armidale.
Exclude environmentally sensitive land	This land often has good visual outlooks, vegetation and privacy, all of which are in demand.
Exclude areas of high bushfire hazard	This land often has good visual outlooks, vegetation and privacy, all of which are in demand.
Exclude known mineral and extractive resources	Includes appropriate buffers to extractive and other non-compatible land uses.
Exclude areas near non-compatible land uses	Includes appropriate buffers to uses such as sewerage treatment works, etc.
Exclude water supply catchment land	This issue predominantly relates to avoiding contamination from onsite treatment systems, but may also relate to water access rights and usage.
Avoid areas with threatened species, Endangered Ecological Communities and remnant native vegetation	This land often has good visual outlooks, vegetation and privacy, all of which are in demand.
Avoid areas with high soil erosion risk	Primarily relates to steeper lands, and land with soil characteristics that make it more prone to erosion.

Table 3: Continued

Broad Location Criteria	Comment
Avoid forestry land and contaminated land	Relates generally to former orchard areas, stock dip areas, and areas with identified forestry resources.
Avoid areas with soils unsuitable for onsite effluent disposal	Although not an absolute constraint, development of these lands would require alternative treatment systems.
Avoid flood prone land	Acceptable only if flood free access and building sites/waste disposal areas are available.
Avoid Aboriginal and European heritage areas and sites and not detrimentally affect Aboriginal Cultural Landscapes	Examples include the curtilage surrounding historic dwellings.
Avoid areas with high groundwater tables	Problems with onsite waste disposal.
Avoid land with slopes greater than 18 degrees	Increased erosion potential, including from vehicle access.

Strategic Actions – Large lot residential and rural small holdings development

- 'Hub' on the existing towns and villages while making sure that growth corridors exist where needed for future standard residential development (wedge approach). In village areas this can help to maintain the population base and retain key services (e.g. general store, school).
- Avoid water catchment areas for rural small holdings unless higher development standards are applied.
- Consider rationalising existing fragmented land holdings in accessible locations with growth potential (e.g. Rocky River, Kentucky) while taking into account development constraints (e.g. bushfire and water supply catchment).
- Consider back zoning, by way of sunset clause, long term zoned but undeveloped rural small holding areas, particularly where they are in less appropriate areas.
- Consider both minimum and average lot size as a requirement, allowing for more flexible design to reflect environmental and planning constraints.
- Relate minimum subdivision size to servicing and to soil capacity for onsite disposal. Ensure appropriate minimum areas for onsite disposal depending upon soil type, slope, proximity to watercourse, and amount of effluent likely to be generated.

Zoning Recommendations – Large lot residential and rural small holdings development

Armidale Dumaresq Implement the provisions of *Armidale Dumaresq Local Environmental Plan 2008*, except for the release areas in the Large Lot Residential zone. The longer term large lot residential corridor west of Armidale along Bundarra and Old Inverell Roads (refer Map 7.7) should only be considered for rezoning once the supply in the north and south of Armidale has been taken up. In association with this, consideration be given to air related and ancillary development on land adjoining the Airport. Planning proposals in areas designated as future expansion will need to be carefully considered (prior to being developed for rural small holdings) to ensure that the long term intended use of these areas is not compromised.

Guyra At this stage no area in Guyra has been identified for rural small holdings development. Investigate areas for large lot residential development east of Guyra on Elm Street and West of Mother of Ducks Lagoon.

Tingha – investigate additional areas for future large lot residential development in the vicinity of New Valley Road and west of Hospital Flat Road.

Uralla *Invergowrie* – A Local Environmental Study prepared for the area in 1992 identified “substantial demand” for rural small holdings lots. Study resulted in provision of 10 year supply of land for rural small holdings (min. 2 ha lots). Now necessary to investigate the availability of undeveloped land in the area to ascertain whether additional supply required. Also investigate possible provision of land for 5 ha rural small holding lots in the area.

Rocky River - investigate potential rural small holdings zone. This acknowledges the current settlement pattern. Parts of this area are of relatively high bushfire risk and over intensification of development would be inappropriate.

South Arding area - investigate potential rural small holdings zone along Rocky River Road. This provides a logical rural small holdings area immediately north of the Rocky River area, and reflects existing fragmentation, etc. It also reduces pressure on some of the traditional rural areas.

A rural small holdings zone could be investigated as an appropriate method of support for these village centres.

Investigate an area of land to the east of Uralla township for rezoning to large lot residential development and consider 2,000 m² to 4,000 m² minimum lot size (refer to Map 6.4). Large lot residential lots in this location would be appropriate to maintain the low density character of the

town. However, the area may be constrained by endangered species of native vegetation. This potential constraint will require resolution prior to any rezoning.

Saumarez – Rezone existing small holdings “clusters” northeast of the township of Arding and Saumarez. This is essentially to reinforce the current settlement pattern.

Kentucky - Investigate potential small village zones in areas of existing settlement and services. The existing hubs should be recognised by way of a village zoning subject to identifying a satisfactory lot size that protects the existing character of the village and is environmentally appropriate. A rural small holdings zone could be investigated as an appropriate method of support for these village centres.

Walcha

Council has approved a development application for 43 rural residential blocks. The area nominated will be serviced and appears to have few other constraints although there are some bushfire issues to be resolved.

Rather than providing a specific rural small holdings zone, it would be more appropriate to meet projected demand by maintaining dwelling entitlements that are currently available on vacant existing holdings and by maintaining existing subdivision regime within 5 km of the Walcha Township.



8 RURAL AREAS

There are over 1300 farms in the Sub-region. Agriculture is a significant industry and employer, and is primarily focused on sheep and wool production. It is also the major land use in terms of land area (12,879 km²) and represents about 2% of agricultural land in NSW.

The 2001 ABS agricultural census indicates that average farm size for the Sub-region is 978 hectares, and ranges between 897 hectares in Guyra and 1,062 hectares in Walcha, not taking into account small holdings on which there is limited agricultural production. ABS statistics in the decade leading up to 2001 show little change in the number of farms, average farm size, and total farm area. However, there have been significant increases in land values, value of production and, in Armidale Dumaresq and Walcha, substantial increases in agricultural employment. Armidale Dumaresq, the most populated LGA, has experienced a decline in total farm area. The general trend is for population decline and ageing in rural areas, and consolidation of land into larger holdings (not necessarily adjoining).

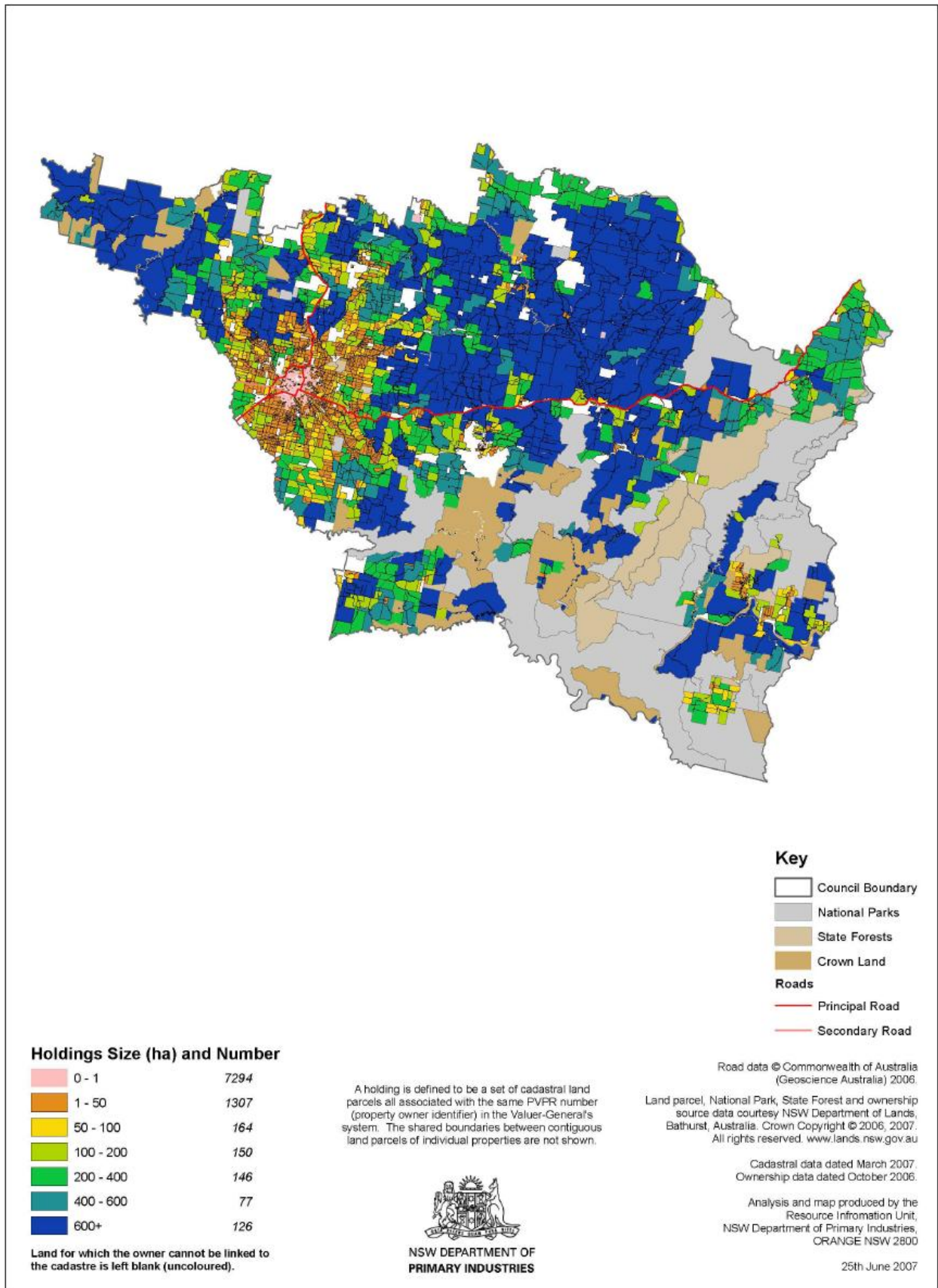
To assist in the preparation of the Strategy the Department of Primary Industries prepared Property Holdings Maps during 2007 for each LGA. These maps show the spatial distribution of the differing rural land holdings within each LGA. They are reproduced in Maps 8.1 to 8.4.

In respect of rural areas in the Sub-region trends in the individual LGAs are as follows:

Armidale Dumaresq	Reduction in agricultural area. Employment and production has increased significantly, as has land value.
Guyra	Substantial increase in agricultural production and land value.
Uralla	Very significant increase in agricultural production (47%) and significant increase in farm size.
Walcha	Marked increase in agricultural employment and production.

Key land use planning issues for the rural areas of the Sub-region were identified in the Situation Analysis as follows:

- Subdivision in rural areas
- Planning provisions for development in rural areas
- Provision for forestry (primarily in Walcha)
- Climate change implications for land use



New England Strategic Alliance Development Strategy

SITE DISTRIBUTION OF PROPERTY HOLDINGS IN ARMIDALE DUMARESQ

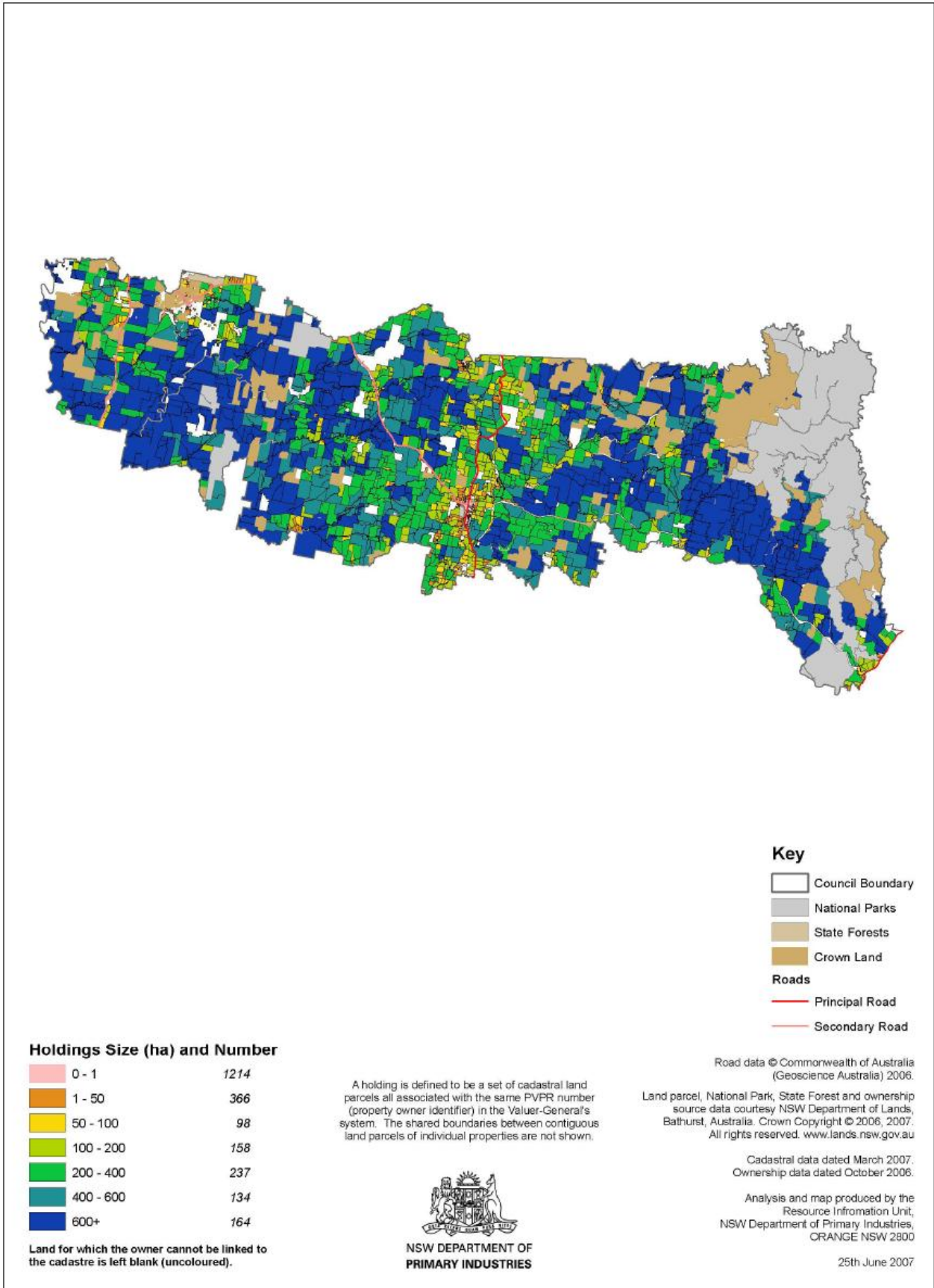
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issued 13 Feb 08



Map 8.1



New England Strategic Alliance Development Strategy

SITE DISTRIBUTION OF PROPERTY HOLDINGS IN GUYRA SHIRE

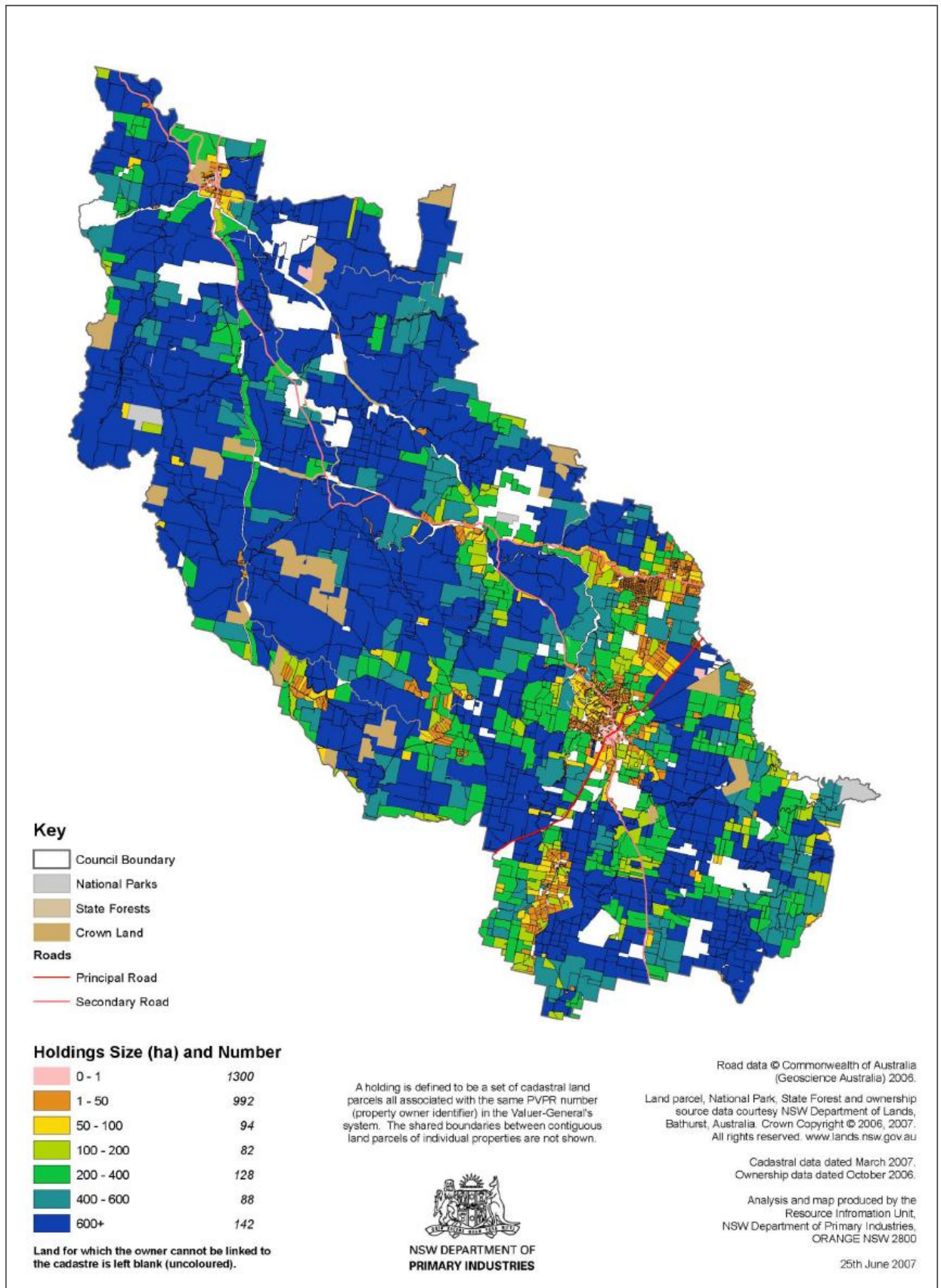
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Map 8.2



New England Strategic Alliance Development Strategy

SITE DISTRIBUTION OF PROPERTY HOLDINGS IN URALLA SHIRE

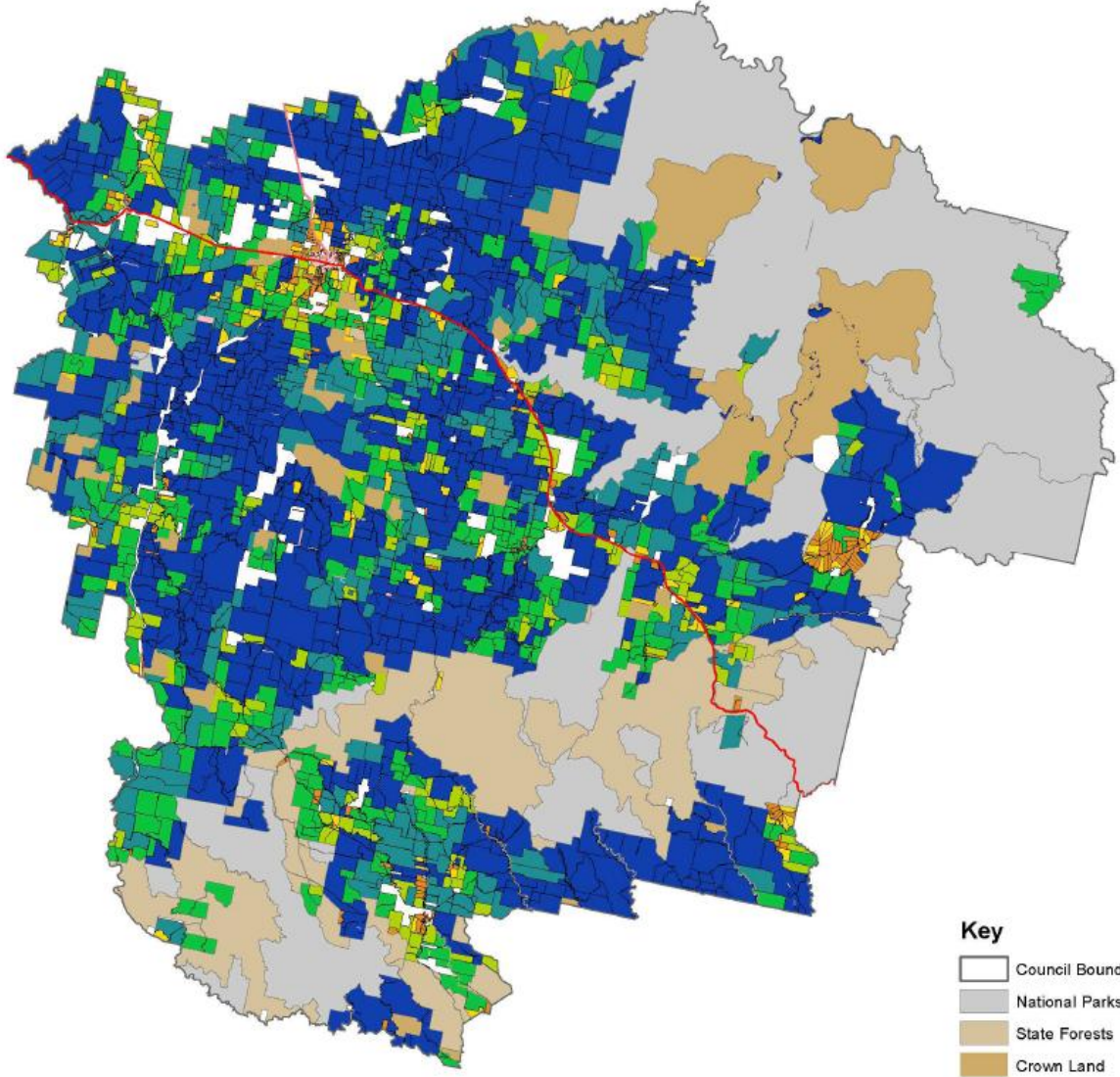
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0 10 km

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Map 8.3



Holdings Size (ha) and Number

0 - 1	813
1 - 50	277
50 - 100	91
100 - 200	157
200 - 400	208
400 - 600	137
600+	197

Land for which the owner cannot be linked to the cadastre is left blank (uncoloured).

A holding is defined to be a set of cadastral land parcels all associated with the same PVPR number (property owner identifier) in the Valuer-General's system. The shared boundaries between contiguous land parcels of individual properties are not shown.



NSW DEPARTMENT OF
PRIMARY INDUSTRIES

Key

- Council Boundary
- National Parks
- State Forests
- Crown Land
- Roads**
- Principal Road
- Secondary Road

Road data © Commonwealth of Australia (Geoscience Australia) 2006.

Land parcel, National Park, State Forest and ownership source data courtesy NSW Department of Lands, Bathurst, Australia. Crown Copyright © 2006, 2007. All rights reserved. www.lands.nsw.gov.au

Cadastral data dated March 2007. Ownership data dated October 2006.

Analysis and map produced by the Resource Information Unit, NSW Department of Primary Industries, ORANGE NSW 2800

25th June 2007



8.1 Subdivision in rural areas

Significant employment in the Sub-region is generated by agriculture and related activities. The importance of maintaining commercial agriculture is essential from both an economic and environmental point of view, and has been particularly emphasised by the NSW Department of Primary Industries.

Important ways in which the Strategy and LEP can influence agriculture are in determining suitable locations for rural small holdings and development; supporting the provision or improvement of infrastructure (such as roads or telecommunications); specifying minimum areas for the erection of dwellings, facilitating the efficient approval of genuine agriculture-related activities (e.g. rural worker dwellings, sheds and buildings, farm based industries, etc.); and discouraging land uses that may be incompatible with agriculture.

The *Armidale Dumaresq Local Environmental Plan 2008* contains a 200ha minimum lot size for a dwelling entitlement in the 1(a) general rural area.

The current minimum lot size for rural dwellings in the other three LGAs is 100 ha in Walcha, 200 ha in Guyra, and 200/400 ha in Uralla.

The standard LEP provisions include a primary production zone, within which a range of minimum lot sizes can apply. The NSW Department of Primary Industries has also developed a methodology for determining rural lot sizes. However, the Director-General of the Department of Planning has advised that a 'one-size-fits-all' development standard for the subdivision of agricultural land is not the Government's position. Instead, the Government's current position is that current minimum lot sizes for a locality can be retained. Any proposals to vary existing minimums will need to be based on the set of principles contained in *State Environmental Planning Policy (Rural Lands) 2008*, gazetted on 9 May 2008. These principles are reproduced at Appendix 2.

A rural lands holdings analysis was carried out in early 2007 to inform the preparation of the Development Strategy. This was based on the assessment of information, with lots/holdings below 2 ha excluded to reduce bias. The Armidale locality was also excluded because of extensive fragmentation around the City when compared to other rural areas of the study area.

It is important to distinguish between the minimum size for an agricultural subdivision, and the minimum area of rural land required for the construction of an additional dwelling. With respect to agricultural subdivision where no dwelling right is created, there appears to be no valid reason why there should be any restriction on such subdivisions. It is important to provide an opportunity for rural landowners to adjust their overall holding size as necessary either through the acquisition of land or the sale of land whether that land be contiguous with their present holding or not. For this reason it is recommended that no minimum lot size apply to subdivisions for agricultural purposes. This approach is consistent with the recently gazetted SEPP (Rural Lands) 2008.

The question of minimum areas which apply for an additional rural dwelling is more complex. Applications for rural dwellings are subject to development consent and an assessment on merit. In this respect, the minimum size area merely identifies the amount of rural land required before an application can be made for a dwelling.

At this stage the New England Strategic Alliance of Councils (NESAC) considers it appropriate to maintain the existing range of minimum lot sizes over the four LGAs.

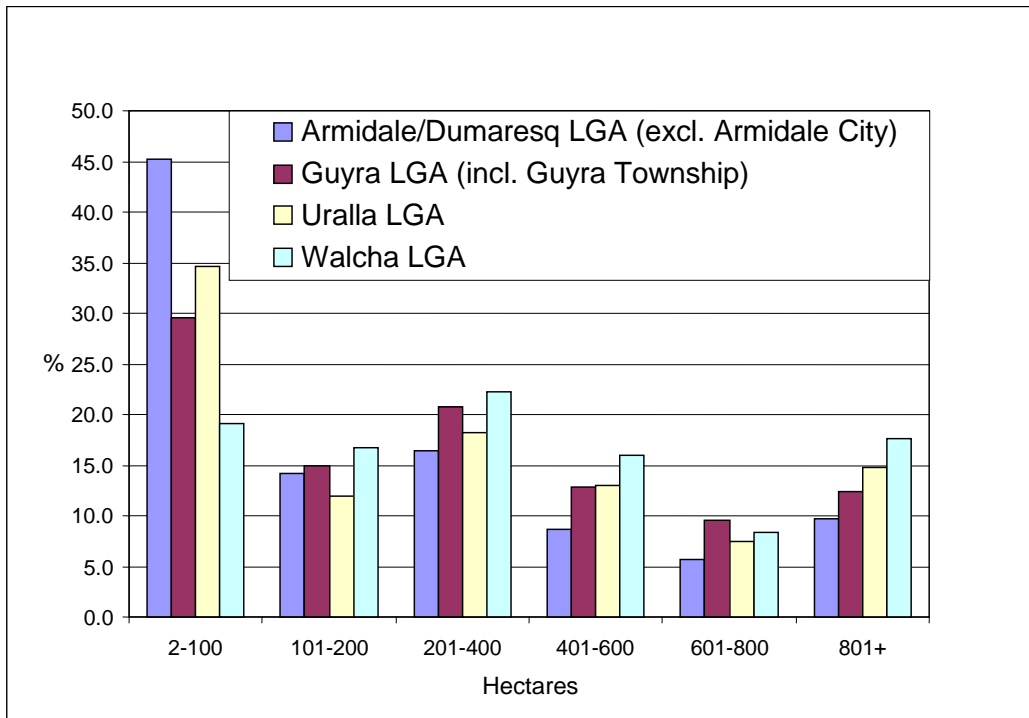


FIGURE 1: PROPORTION OF LANDHOLDING AREAS WITHIN THE NEW ENGLAND REGION (GREATER THAN 2 HA)

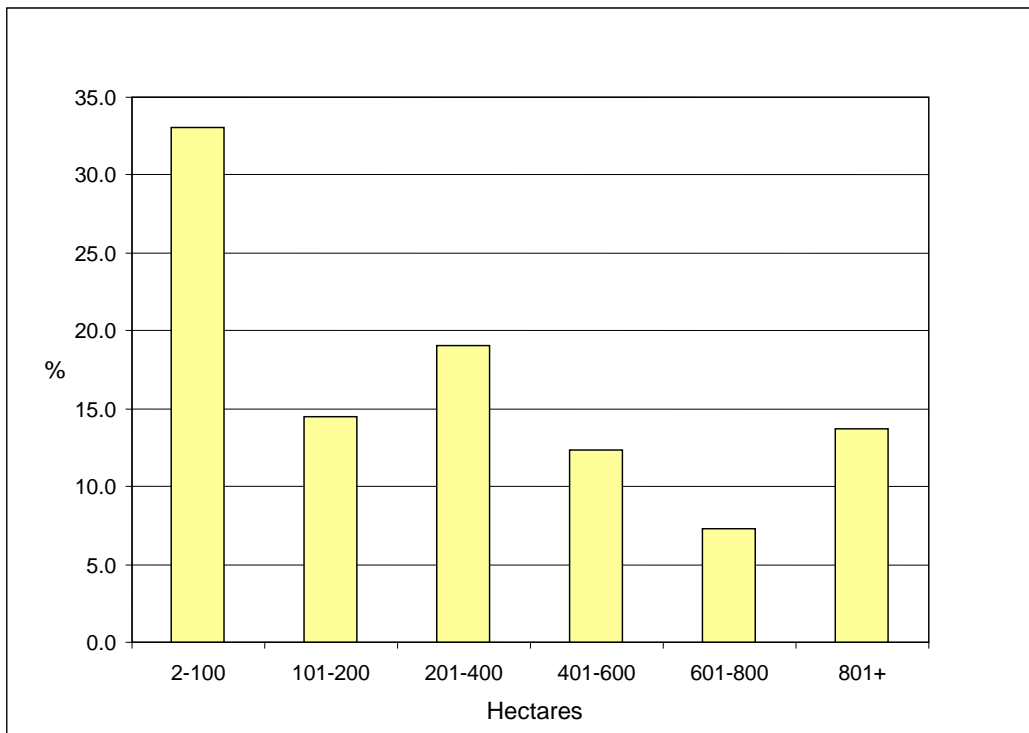


FIGURE 2: TOTAL LANDHOLDINGS BY SIZE

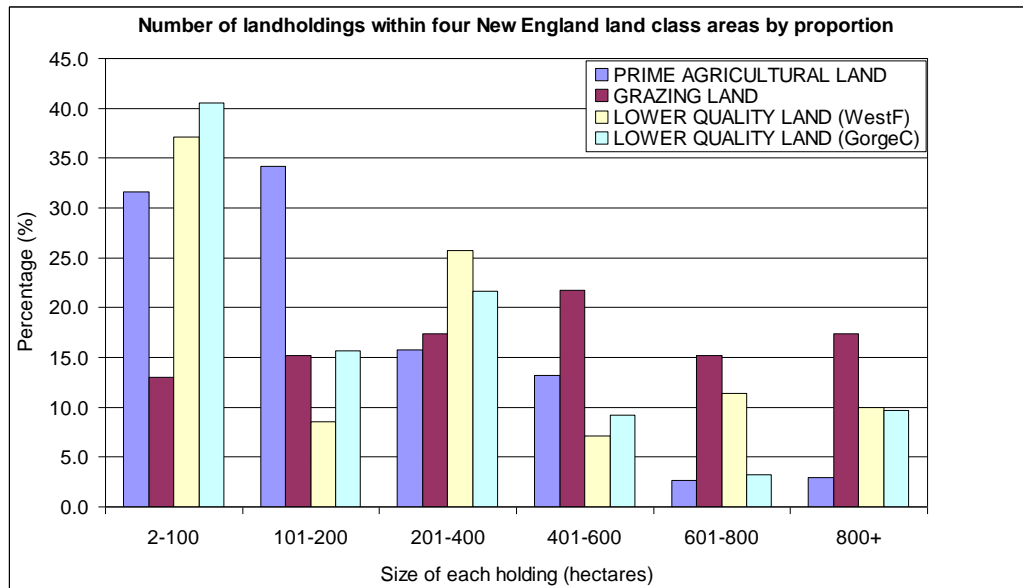


FIGURE 3: NUMBER OF LANDHOLDINGS WITHIN 4 NEW ENGLAND LAND CLASS AREAS BY PROPORTION

8.2 SEPP (Rural Lands) 2008

On 9 May 2008, the Minister for Planning gazetted State Environmental Policy (Rural Lands) 2008. It has been introduced with two objectives;

1. to protect the agricultural production value of rural land; and
2. to facilitate the orderly and economic development of rural lands for rural and related purposes.

Under the SEPP Councils can maintain their minimum lot sizes in existing LEPs and these can be transferred on the preparation of a new LEP. However, if a Council does want to vary its existing minimum lot size it must do so in accordance with the Rural Subdivision Principles, as follows:

- a) the minimisation of rural land fragmentation
- b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses
- c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands
- d) the consideration of the natural and physical constraints and opportunities of the land
- e) ensuring that planning for dwelling opportunities takes account of those constraints.

The SEPP (Rural Lands) 2008 applies when;

- a) a Council prepares a draft LEP that affects land within an existing or proposed rural or environmental protection zone (including the alteration of any existing rural or environment protection zone boundary), or
- b) a Council prepares a draft LEP that changes the existing minimum lot size on land with a rural or environment protection zone.

The SEPP (Rural Lands) 2008 removes provisions relating to concessional lot style subdivision from the Environmental Planning Instrument. However, if a lot has an existing dwelling entitlement under the LEP this can be retained. However, the preparation of a new LEP provides the opportunity for a Council to apply a sunset clause to dwelling entitlement.

The SEPP encourages Councils to be mindful of emerging trends in agriculture, and transitions from extensive agriculture to intensive agriculture such as horticulture and intensive livestock.

There is also the opportunity under the SEPP for the Minister to establish a rural lands panel at the local, regional or State level with the function of providing advice to the Director General. However no such panels are currently developed.

While the objectives for the subdivision in rural areas (following) in this Strategy were developed prior to gazettal of the SEPP (Rural Lands) 2008, there is alignment in vision. Following are the objectives as developed for the Strategy.

Objectives – Subdivision in rural areas

- The New England Sub-region will have agricultural landholdings that:
- Are sufficient in size to maintain commercial agricultural production.
- Accommodate a range of agricultural uses in accordance with land capability and suitability.
- Maintain employment for a significant share of the Sub-region's labour force.
- Provide for flexibility in overall land use management and primary production on agricultural lands.
- Respect and protect the environmental values and constraints of rural land.

Policies – New dwellings and subdivision in rural areas

- LEP provisions for dwelling entitlement and subdivision of rural land should reflect land use capability and the objective for maintaining commercial agriculture.
- Farm Plans or Property Management Plans should be mandatory planning considerations in determining rural dwelling and subdivision requirements.
- Further subdivision does not automatically result in the creation of a right or expectation of additional water entitlements (e.g. avoid creation of additional lots with river frontage, requiring onsite water provision, or by prior purchase of water entitlement).

Strategic Actions – Subdivision in rural areas

- Permit agricultural subdivision to occur without dwelling rights or without minimum lot sizes, particularly for property consolidations and boundary adjustments. Investigate additional use of exempt or complying development provisions already in the *Environmental Planning and Assessment Act 1979*.
- Require the provision of a Property Management Plan as a key reference in the consideration of the matters under Clause 10(3) of SEPP (Rural Lands) 2008 in respect of proposed variations of the minimum lot size.
- Recognise that contemporary agricultural enterprises now often utilise multiple properties, when setting minimum dwelling and lot sizes.
- Maintain existing minimum lot sizes for dwellings in general rural areas at this stage.
- Consider a farm adjustment clause (as per standard LEP).

8.3 Other planning provisions for development in rural areas

A range of land uses and activities need to be catered for in rural areas in the Sub-region, including mining, extractive industries, forestry, tourism, recreation, renewable energy projects and intensive agriculture. Some of these uses may potentially result in high environmental impacts, and are also subject to separate regulatory regimes (e.g. for clearing of native vegetation, private forestry, water licensing).

Objectives – Planning provisions for development in rural areas

- Development should take into account the adequacy of infrastructure provision and relevant development constraints identified in planning overlays.
- Planning provisions for rural land should take into account other legislative requirements regulating land use (e.g. protection of native vegetation and water licensing).
- Land uses should be compatible with agricultural production and protect natural, cultural and scenic values in rural areas.
- Urban uses that could lead to an increased potential for land use conflict are not to be encouraged in rural zones.

Policies – Planning provisions for development in rural areas

- Recognise the Catchment Management Action Plan's targets, objectives and priorities as a priority to assist in achieving the CAP targets and contributing towards achieving the environmental targets of the State Plan.
- Ensure water availability is considered in new development proposals and that adequate supplies are available for the proposed use.

- Development within rural areas should not adversely affect rural infrastructure such as roads. Contributions plans or planning agreements provide mechanisms for dealing with this issue in conjunction with development approvals.

Strategic Actions – Planning provisions for development in rural areas

- Ensure that water supply or provision of onsite tanks/water storage for rural development is appropriately considered, including availability of water licences and appropriateness of ground water usage.
- Implement performance-based outcomes for the quality of water being discharged.
- Develop policies for dwellings erected in conjunction with intensive agricultural production.
- Develop policies for the control and management of environmental weeds in rural areas.

8.4 Climate change implications for land use

Climate change has potentially significant implications for water supply, agriculture and rural land use generally. It also has significant implications for urban land use. While there is a long term likelihood of greater frequency of extreme events, increasing temperatures, evaporation and potential changes in seasonal patterns, the likely timeframes are beyond the period of the Strategy.

Climate change is likely to have implications for agricultural viability, and the size and characteristics of rural holdings. The 3 major implications of climate change for agriculture will be change to the growing season (and number of frosts), the impacts on the availability of water (including total rainfall and higher evaporation), and lower predictability of climate. A longer growing season may benefit the introduction of new crops to the New England area, while lower effective water availability may increase the frequency of drought conditions.

Additionally, NESAC has been awarded 2008-09 funding under the Federal Government's Local Adaptation Pathways Program to undertake detailed work on the expected impacts of climate change in the Sub-region.

Objectives – Climate change implications for rural land use

- Take into account the best available information on climate change scenarios for the Sub-region in making strategic land use decisions, especially for uses with sensitivity to climate change.
- Minimise the Sub-region's contribution to the causes of climate change.

Policies – Climate change implications for rural land use

- Review responses to climate change periodically as further information becomes available.

Strategic Actions – Climate change implications for rural land use

- No specific planning response is identified. However, this may have implications for the growth potential of towns utilising town water supplies in the New England area, and may exacerbate some natural hazards with potential to require higher building construction standards. Flooding may also become more intense, suggesting a conservative approach in critical areas.
- Recommend periodic review through State of the Environment reporting.



9 ENVIRONMENTAL VALUES AND CONSTRAINTS

Many areas within the Sub-region have important environmental values and/or are subject to constraints which may limit development opportunities. These areas should be identified and, where necessary, addressed by provisions in the LEP, and may require specific development control guidelines. In May 2008 the Departments of Water and Energy, Environment and Climate Change, and Primary Industries worked together to develop “*Using Maps of Environmentally Sensitive Areas in Land Use Strategies, Local Environmental Plans and Studies and Development Assessment*”. While the document had not been fully endorsed on the completion of this Strategy it may be a useful resource when developing future LEPs.

Key land use planning issues for the Sub-region relating to environmental values and constraints were identified in the Situation Analysis as follows:

- Biodiversity and natural ecosystems
- Natural hazards and land capability
- Urban water supply catchments
- Heritage and landscape

9.1 Biodiversity and natural ecosystems

The Sub-region supports diverse biodiversity as a result of its topography, geology and climate. It includes parts of the North Coast, Nandewar and New England Tablelands Bioregions. The New England Tablelands Bioregion is considered botanically significant because of high levels of diversity in plant species and a high level of endemism. Map 9.1 shows the biodiversity and natural ecosystems of the Sub-region. Aquatic ecosystems are also important in the Sub-region.

A substantial proportion of the pre-European extent of native vegetation has been cleared, especially on more fertile areas of low slope. Approximately 15% of the total area of the Sub-region is included within dedicated conservation reserves (national park or nature reserve). The reserve area primarily includes steep escarpment areas on the eastern edge of the Sub-region which are unsuited to agricultural land use, and reserved areas are not representative of the ecosystems as a whole. The greatest extent of clearing within the Sub-region is within the Uralla LGA, which also has the least area protected in conservation reserves.

Threatened species, endangered ecological communities, and other important biodiversity characteristics occur within the Sub-region, including the following:

- 22 fauna species, 39 flora species and 9 migratory species listed under the Commonwealth’s *Environment Protection and Biodiversity Conservation Act 1999*. Under NSW legislation, a total of 69 fauna species, 44 flora species, and 2 fish species occurring within the area are listed as threatened
- One Ramsar listed wetland within the area (Little Llangothlin Nature Reserve), and the listed Gwydir wetlands downstream of part of the Sub-region
- Two Commonwealth listed threatened ecological communities, and two NSW listed endangered ecological communities, with potential for others to occur

- Parts of the World Heritage listed Central Eastern Rainforest Reserves are located within the Sub-region. Included are Oxley-Wild Rivers National Park, New England National Park, and Werrikimbe National Park.

The number of listed threatened species and threatened/endangered ecological communities has progressively increased over time, and this trend is expected to continue. Land use responses require improved and regularly updated information, especially in areas likely to be subject to land use change and development pressure.

Important biodiversity areas potentially to be impacted upon by further development and land use change are upland wetlands and Grassy White Box woodland areas on the western slopes. Areas potentially suitable for residential expansion and rural small holdings development are likely to have biodiversity values which would be impacted upon by development. The Strategy needs to take biodiversity values and the potential land use constraints into account.

Objectives – Biodiversity and natural ecosystems

- Maintain the ecological values of conservation reserves, and recognise their other economic benefits, including their role in supporting tourism.
- Zone conservation reserves appropriately in the LEP.
- Minimise adverse impacts of development on land adjoining or affecting existing conservation reserves by establishing appropriate LEP provisions and development guidelines.
- Recognise the Catchment Management Action Plan's targets, objectives and priorities as a priority to assist in achieving the CAP targets and contributing towards achieving the environmental targets of the State Plan.
- Maintain or improve biodiversity values in the Sub-region. This includes protection and recovery of threatened species, communities and populations and their habitat, and endangered ecological communities.
- Promote net gain of native vegetation within each LGA.
- Consider opportunities to reverse the effect of Key Threatening Processes for threatened species, as identified under the *Threatened Species Conservation Act 1995* and the *Fisheries Management Act 1994*, when determining planning provisions and development proposals.
- Undertake further investigations of biodiversity values and planning responses in parts of the Sub-region expected to be subject to further pressure for urban expansion and rural residential development (primarily around Armidale and Uralla).

Policies – Biodiversity and natural ecosystems

- The value of biodiversity in the Sub-region will be recognised where decisions are made about land use.

- The promotion and encouragement of water conservation, re-use and recycling will be encouraged where possible to enable maximum release of water from storages to help sustain environmental flows.

Strategic Actions – Biodiversity and natural ecosystems

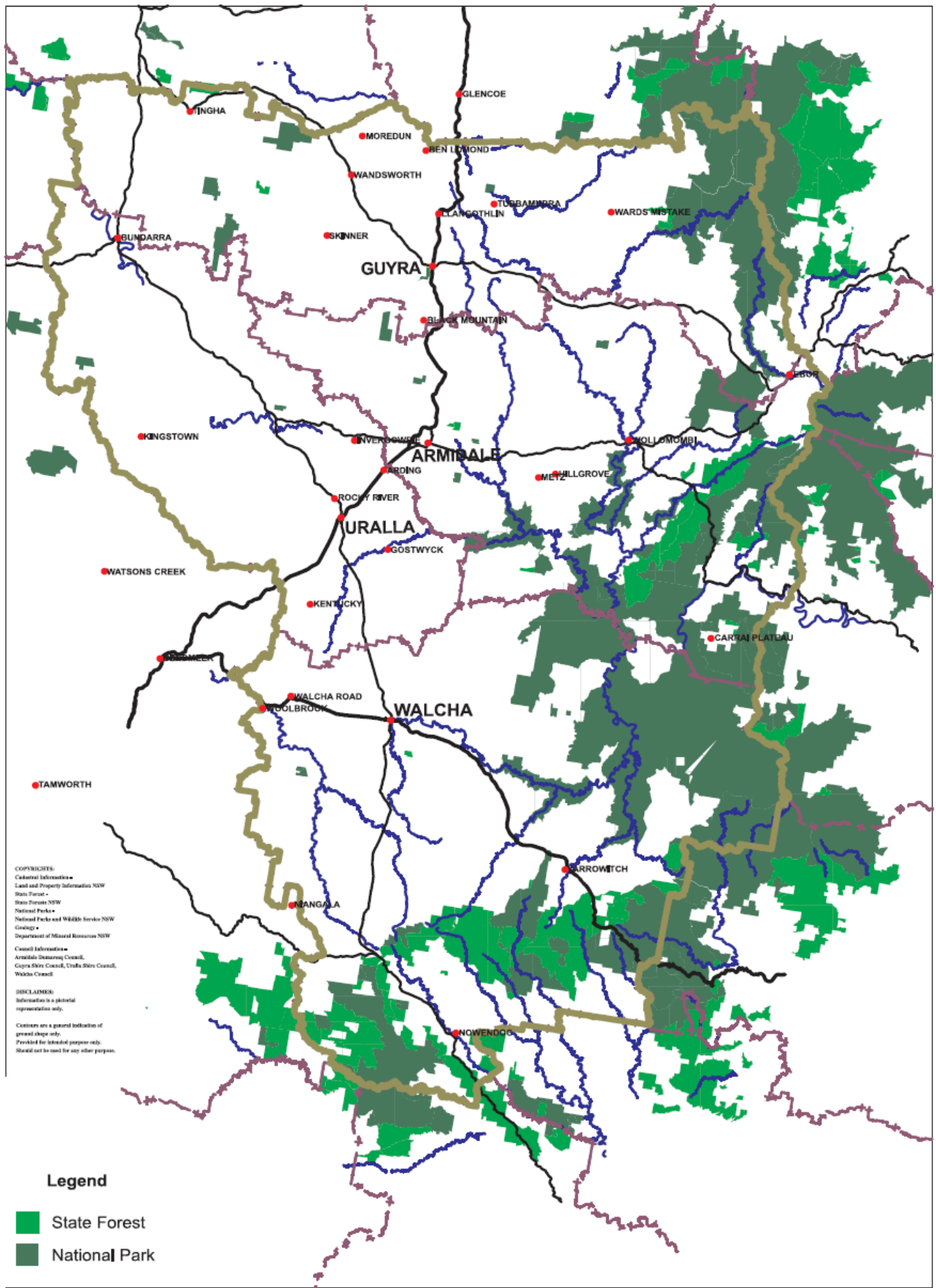
Proposed LEP provisions:

- Appropriate zoning of existing conservation reserves (E1 National Parks and Nature Reserves using Standard LEP provisions).
- Matters of national environmental significance under the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* are to be recognised in LEP provisions, including Ramsar wetlands, world heritage areas, migratory species, and Commonwealth-listed threatened species and threatened ecological communities. These matters should be identified on an LEP overlay map and be considered when determining zoning, permissible land uses in environmental protection zones, and buffer zone provisions.
- Consult with DECC as to whether any land should be reserved in the LEP for acquisition and incorporation within existing reserves.

Additional actions by Councils and/or relevant State agencies, as appropriate:

- Undertake local area studies for areas identified for investigation, or where development pressures may be anticipated
- Investigate the appropriate size of a buffer zone to environmentally sensitive areas.
- Liaise further with DECC regarding the identification of important regional, Sub-regional and local wildlife and habitat corridors and incorporate these within an LEP overlay map, with appropriate provisions and/or environment zonings with suitable permissible and prohibited uses.
- Where significant natural values exist on private land, encourage the voluntary adoption of conservation agreements, the establishment of Private Protected Areas under the Natural Heritage Trust National Reserve System, Nature Conservation Trust Agreements and/or management plans. Consideration may be given to an appropriate environmental zone. Protection of environmental assets through Property Vegetation Plans under the Native Vegetation Act 2003 are another alternative to conservation agreements.
- In conjunction with State Government agencies, develop and manage a Sub-regional database identifying the location of threatened species and their habitat, as identified by cumulative flora and fauna surveys, to inform future planning.
- Work with State Government agencies to develop regional scale surveying and mapping of high quality native vegetation areas and the distribution of endangered ecological communities, for the purpose of including this information as an overlay map forming part of the LEP.

- Ensure consideration and implementation of appropriate threatened species legislation during determination of development applications (*Threatened Species Conservation Act 1995, Fisheries Management Act 1994 and the Environment Protection and Biodiversity Conservation Act 1999*). Guidelines for the application of these provisions could be included in DCP provisions.
- Incorporate provisions within DCPs to address and consider impacts upon threatened species, environmental conservation zone areas, wildlife corridors and areas of high quality native vegetation when applying for development consent. DCP provisions could include provisions for minimum ecological survey standards, and could define local biodiversity values and policy to determine local interpretation of maintaining or improving biodiversity values.



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New England Strategic Alliance Development Strategy

PLANNING CONTEXT - BIODIVERSITY & NATURAL ECOSYSTEMS

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Map 9.1

Issued 1 Feb 07

9.2 Natural hazards and land capability

Natural hazards are accepted as constraints to land use in order to limit damage to life and property. Within the Sub-region, these are primarily flooding and bushfires. Natural hazard policy is primarily determined by NSW Government guidelines. A summary of available information and references is included in the *Situation Analysis*.

Various parts of the Sub-region are subject to flooding, but little information exists for areas other than Armidale. A summary of flooding information is provided below:

Armidale Dumaresq	Extensive study and risk assessment: <i>Armidale Flood Study (2004)</i>
Guyra	Minimal flood information, records of flood heights at bridges in Tingha over last 20 years
Uralla	Minimal flood information is available for Uralla township, and good information for Bundarra
Walcha	A flood study for Walcha town is nearing completion

Existing residential areas are relatively isolated from bushfire prone land, although significant areas of bushfire prone land in the Sub-region will impact upon the location of rural residential areas. Bush Fire mapping for all NESCA is now drafted.

Regional scale rural land capability mapping exists for the whole Sub-region and provides information on limits to land use potential and management issues. This primarily focuses on soil erosion and slope stability.

Objectives – Natural hazards and land capability

- Ensure that natural hazards are considered when making development decisions, and that hazards are avoided wherever possible.
- Maintain current and accurate flooding and development data that guides land use planning decisions to limit damage to life and property.
- Identify land with potential for bushfire hazard and implement systems to minimise danger to life and property.
- Ensure that future subdivision of land has regard to the capability of the land for future use, and that boundaries are located appropriately having regard to water catchments and capability considerations.

Policies – Natural hazards and land capability

- Adopt a consistent flood standard for the Sub-region, in accordance with floodplain management studies and the *NSW Floodplain Development Manual 2005*.
- Recognise the need to appropriately consider bushfire, flooding and salinity as natural hazards in LEP provisions.
- Adopt a system of water quality monitoring for the Sub-region in association with the CMAs.

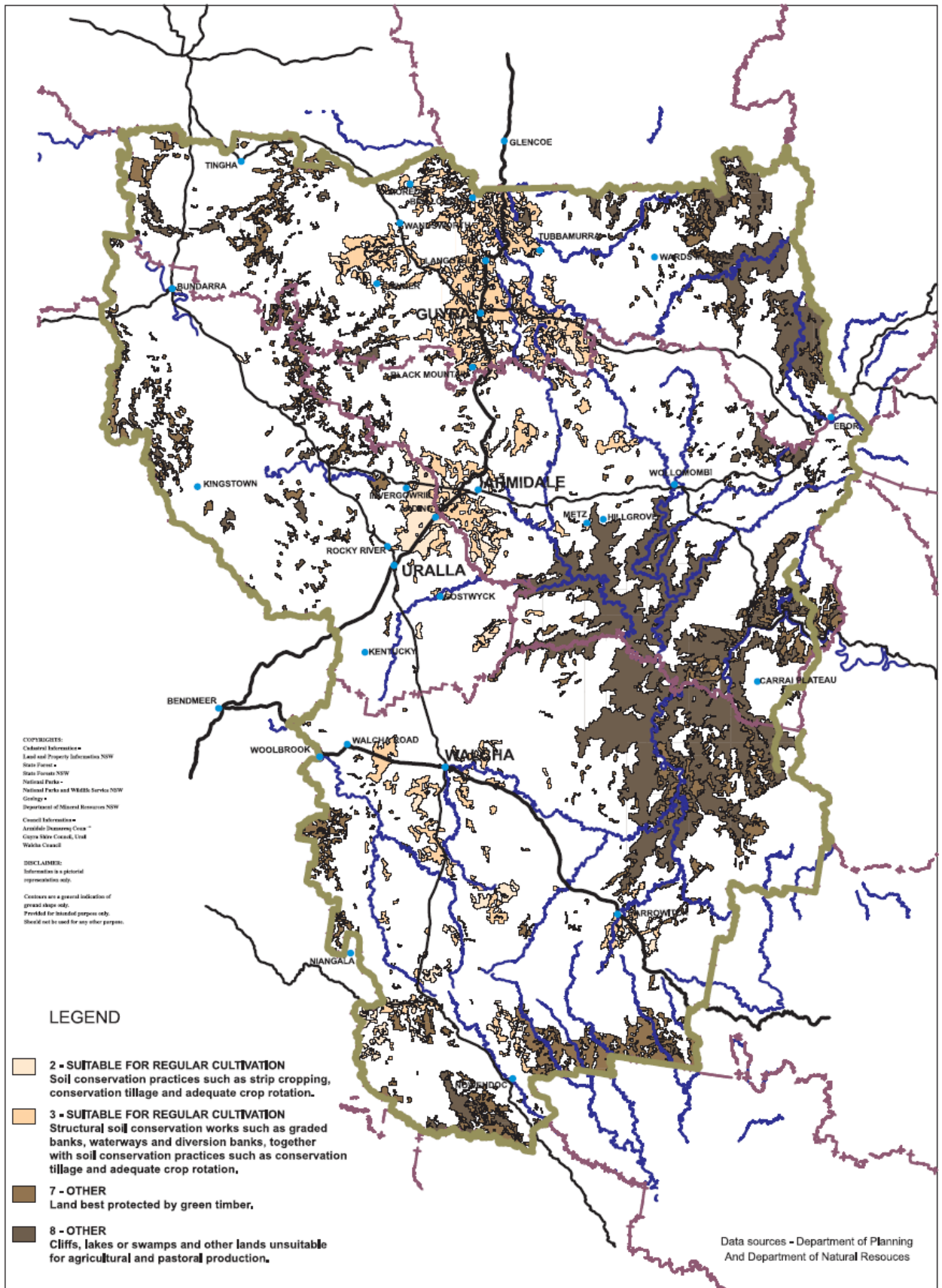
- Consider the Border Rivers – Gwydir CMA's reconnaissance scale soil landscape mapping when available in preparing the LEP/s.

Strategic Actions – Natural hazards and land capability

Upgrade and maintain spatial information systems on natural hazards for planning overlay maps to be included in proposed LEP provisions:

- Include current bushfire mapping as an overlay
- Include all available data relating to floodways and land subject to inundation within urban zonings as overlays
- Include land with known stability problems within urban zonings as an overlay

Map 9.2 through to Map 9.6 provide a broad overview of land constraints and Bush Fire Prone Land, Unconstrained Land and some Flooding information in the Sub-region.



New England Strategic Alliance Development Strategy

PLANNING CONTEXT - LAND CAPABILITY

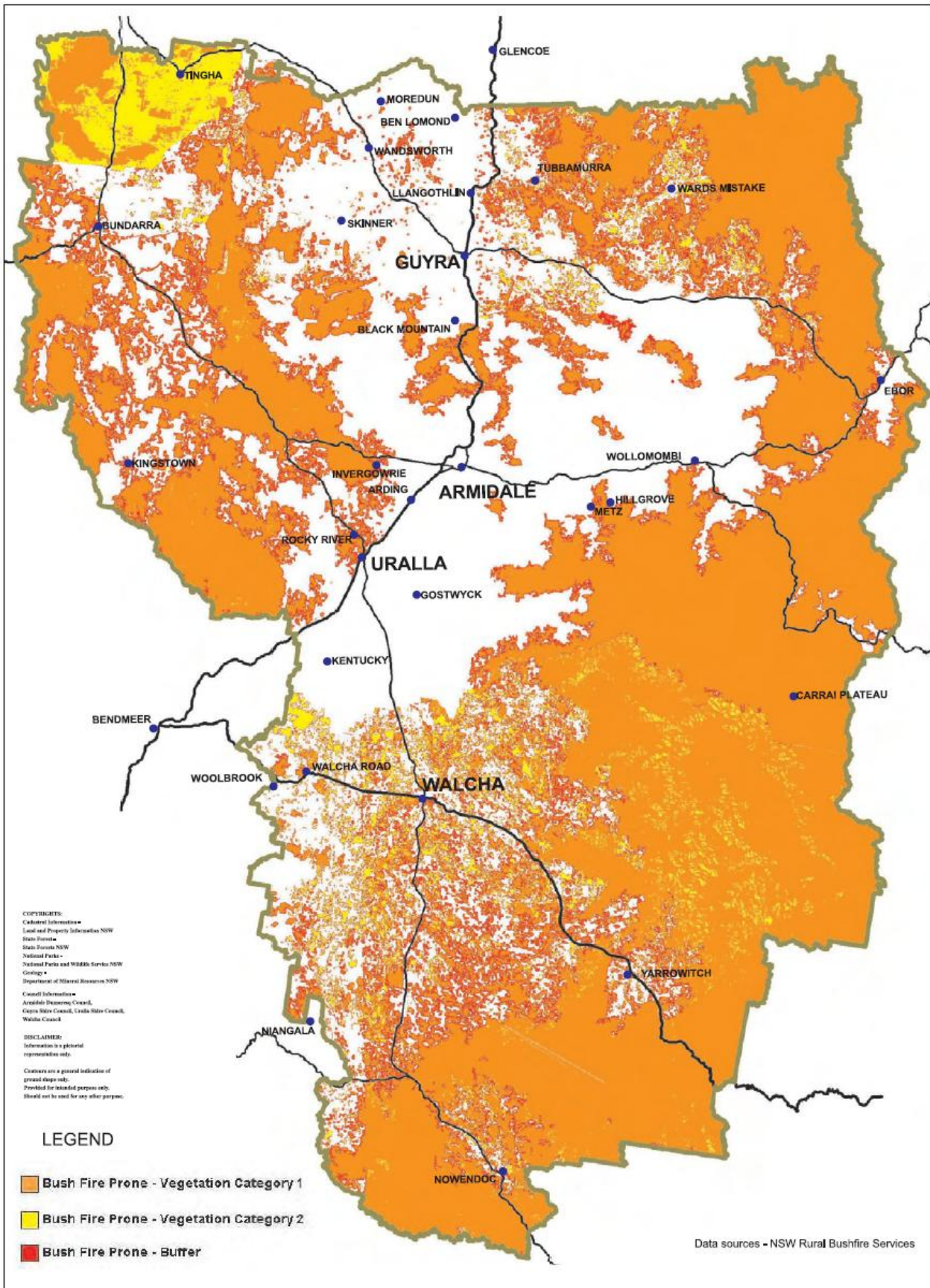
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Issued 3 Feb 07



Map 9.2



New England Strategic Alliance Development Strategy

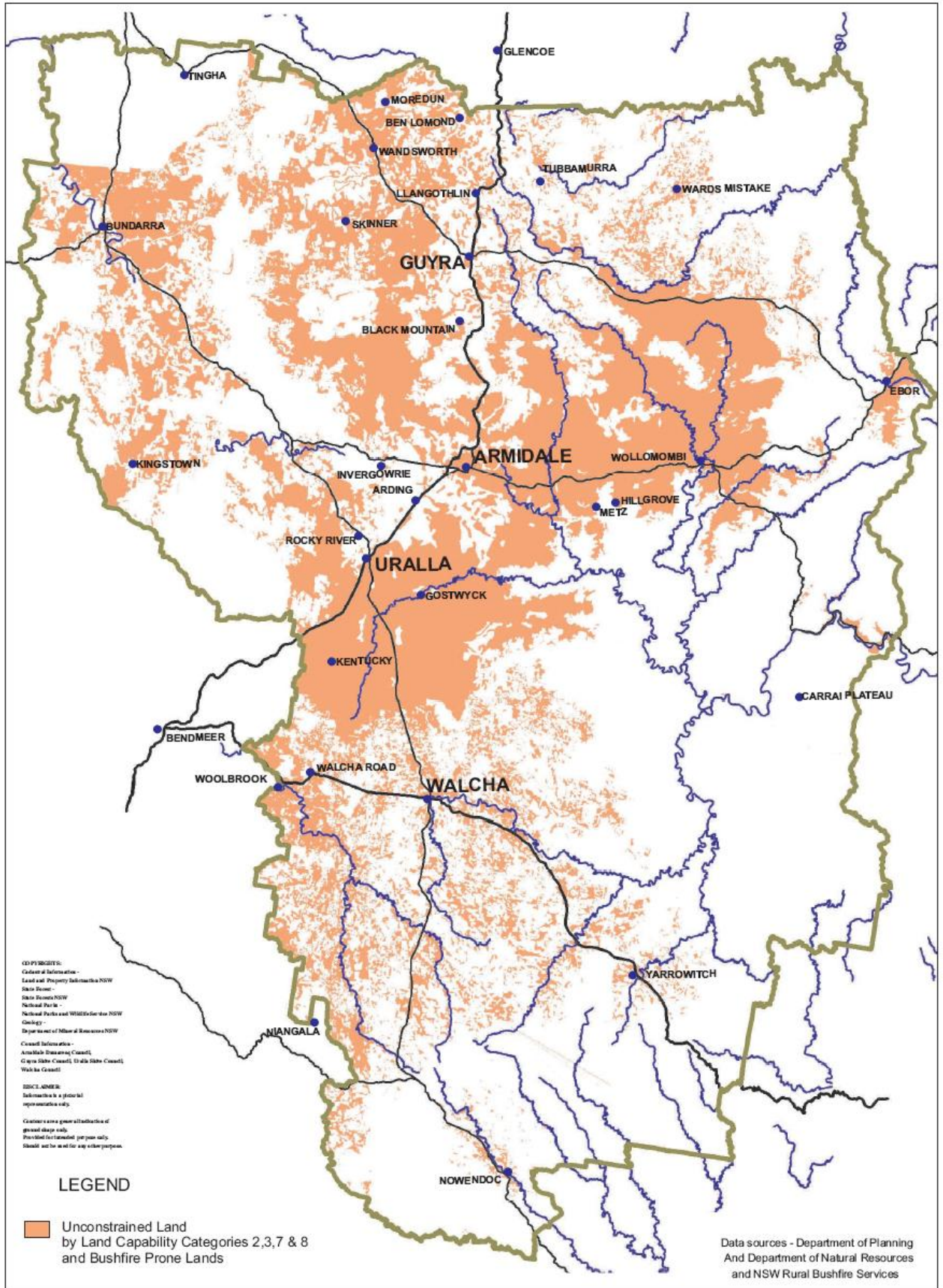
PLANNING CONTEXT - BUSH FIRE PRONE LAND

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Map 9.3



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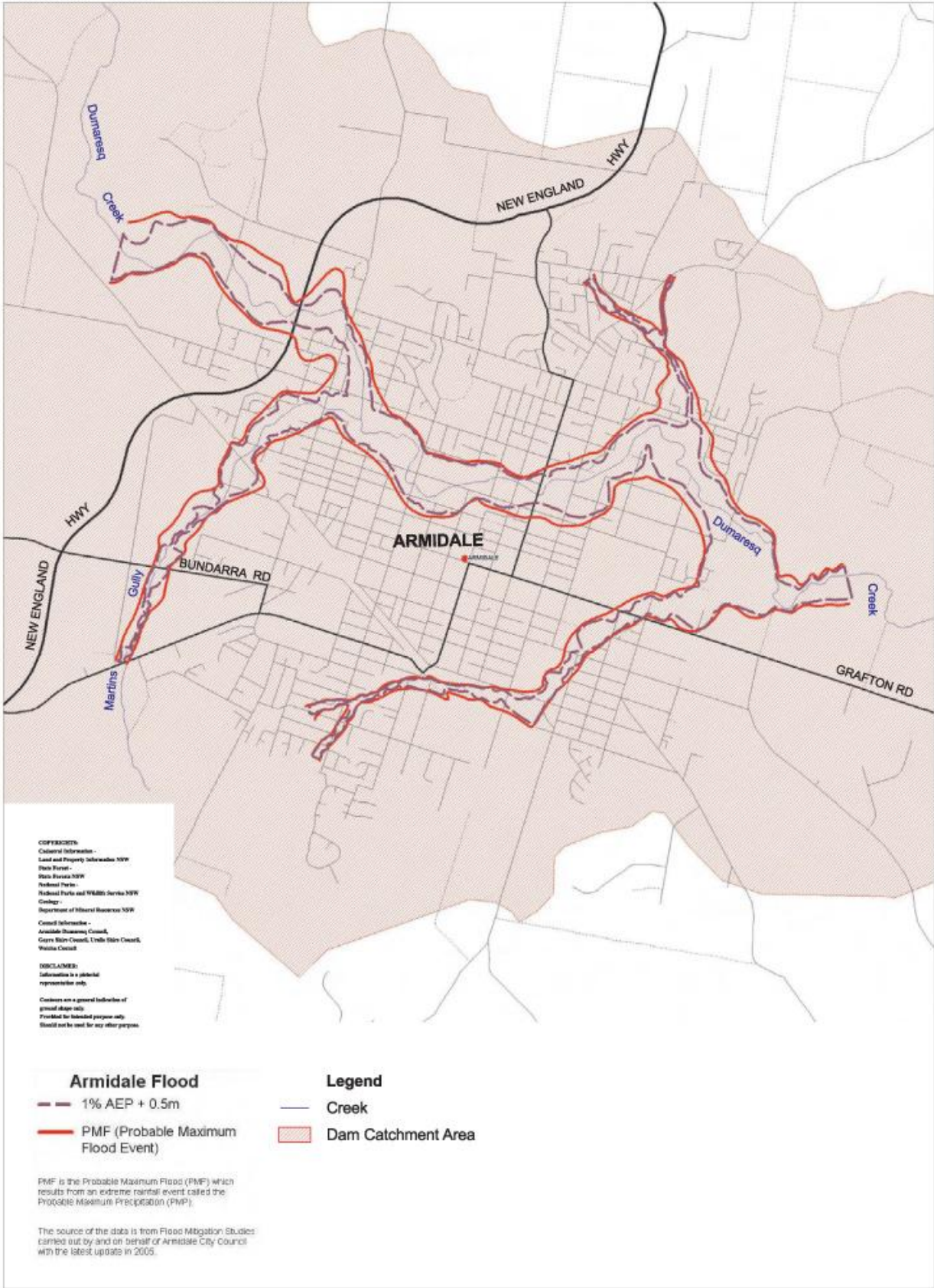
PLANNING CONTEXT - UNCONSTRAINED LAND

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Issued 30 Mar 07

Map 9.4



New England Strategic Alliance Development Strategy

ARMIDALE PLANNING CONTEXT - FLOODING

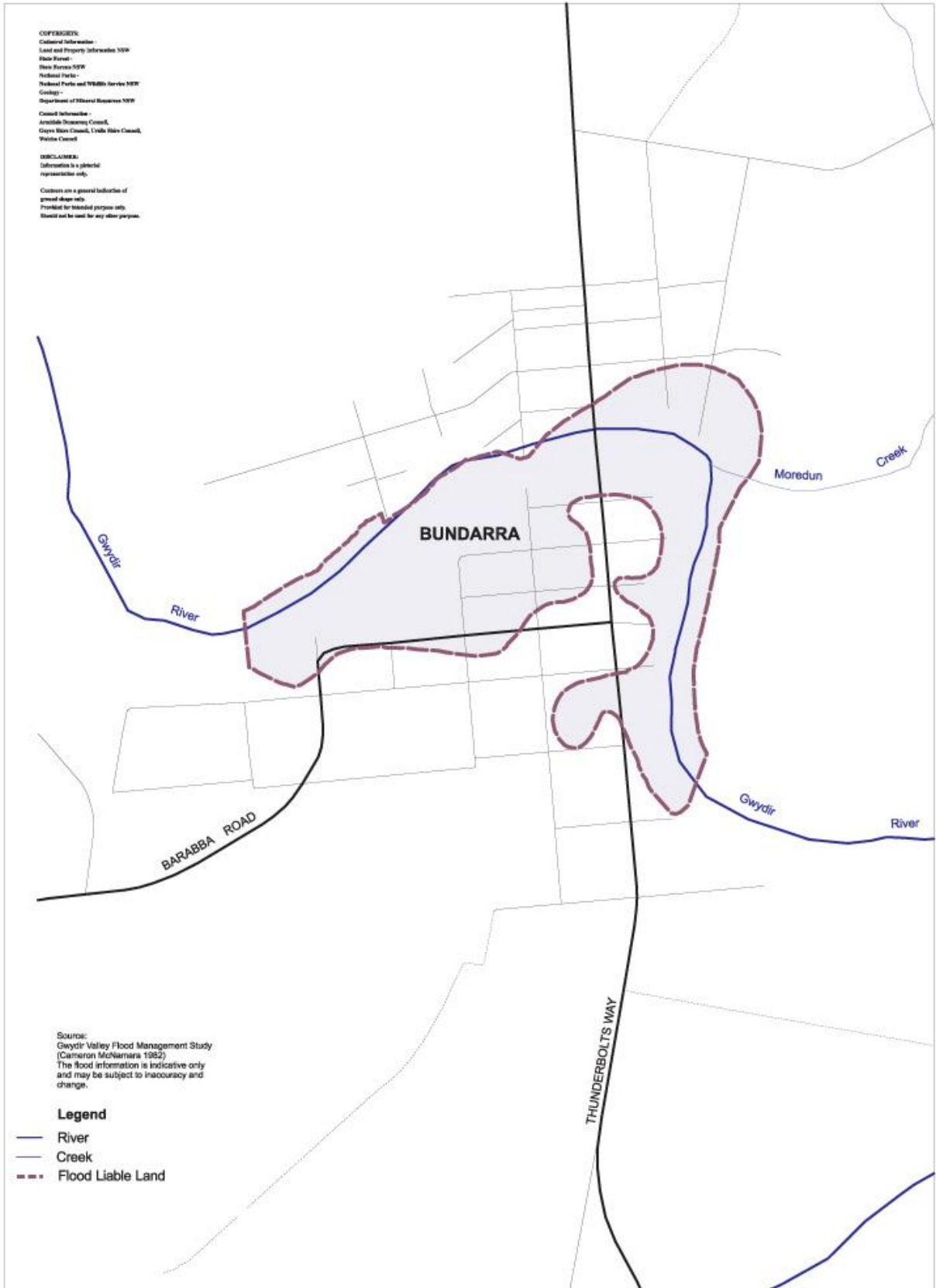
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Map 9.5



New England Strategic Alliance Development Strategy

BUNDARRA PLANNING CONTEXT - FLOODING

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Map 9.6

9.3 Urban water supply catchments

Water supply catchments in rural areas provide essential urban water supplies. Map 9.7 highlights these catchment areas.

Objectives – Urban water supply catchments

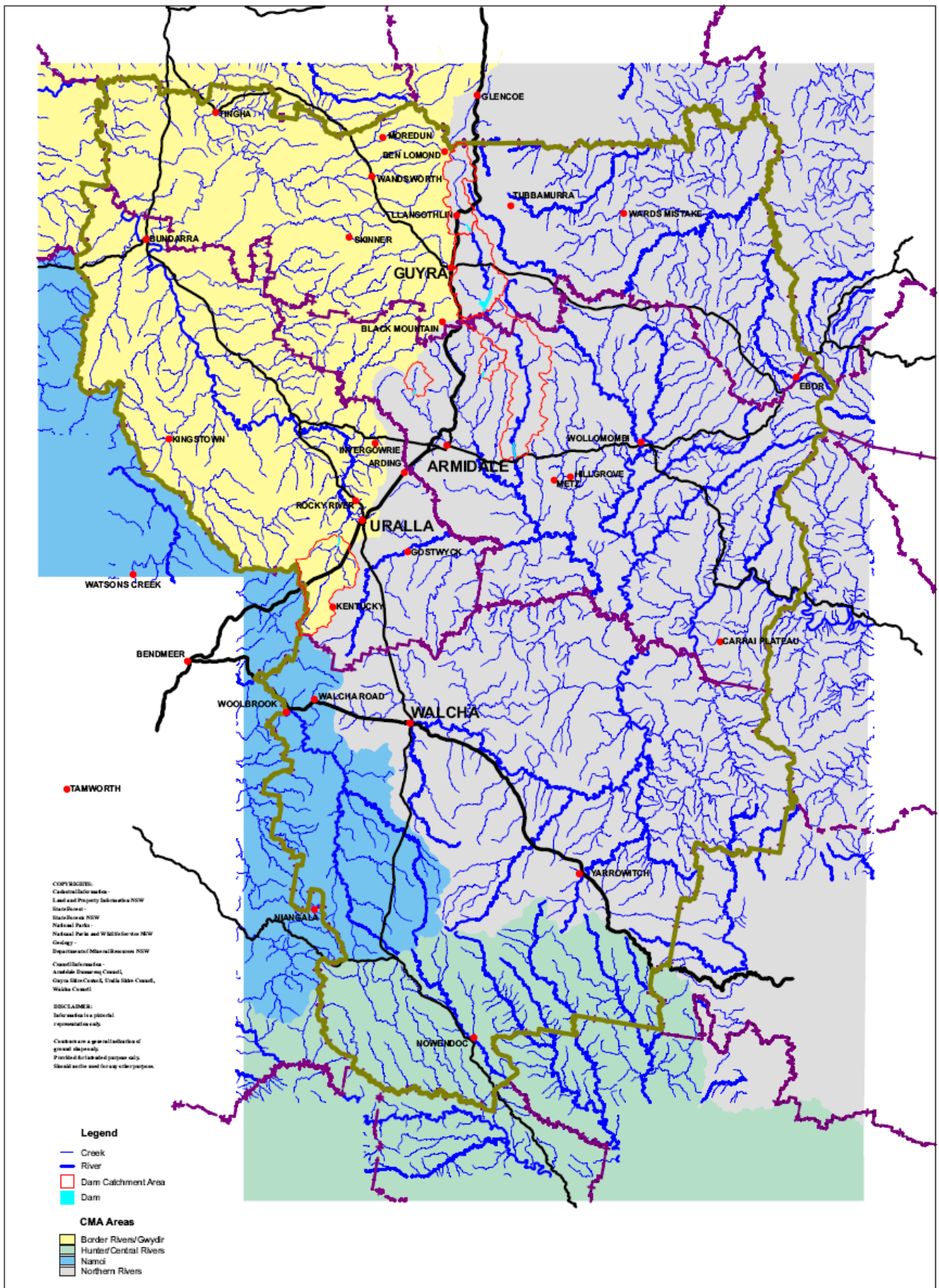
- To protect the quality and security of urban water supplies, by preventing incompatible land uses within water catchment areas.

Policies – Urban water supply catchments

- Development within urban water supply catchments is to maintain or improve water flow and quality.

Strategic Actions – Urban water supply catchments

- Consider LEP provisions to restrict incompatible land uses, limit subdivision or impose development criteria to protect water quality and supply.
- Map catchment boundaries for inclusion as overlays in LEP and establish development criteria within catchments through LEP/DCP.
- Implement performance-based controls on environmental evaluation of all development within water supply catchments.
- Ensure rural dwellings have a high standard of waste disposal (e.g. similar to the Uralla Shire risk management approach).



New England Strategic Alliance Development Strategy

PLANNING CONTEXT - CATCHMENTS

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Map 9.7

9.4 Heritage and landscape

The Sub-region contains many sites of heritage significance and a number of existing heritage conservation areas. There are also landscapes with scenic and cultural values, which provide important social and economic benefits. Map 9.8 through to Map 9.10 highlight these heritage areas. It is noted that Walcha's heritage study will be completed soon.

The need to conserve the Sub-region's heritage is important for tourism and maintaining identity and cultural history. There are a significant number of heritage items identified in the area as follows:

Armidale Dumaresq	332 items listed in a range of registers
Guyra	29 items listed in a range of registers
Uralla	90 items listed in a range of registers
Walcha	60 items listed in a range of registers

There are 508 identified sites of Aboriginal significance in the Sub-region with the potential for many more to be identified. The Aboriginal Heritage Management System is maintained by the NSW Department of Environment and Climate Change, and is subject to confidentiality policies to protect sites.

Objectives – Heritage and landscape

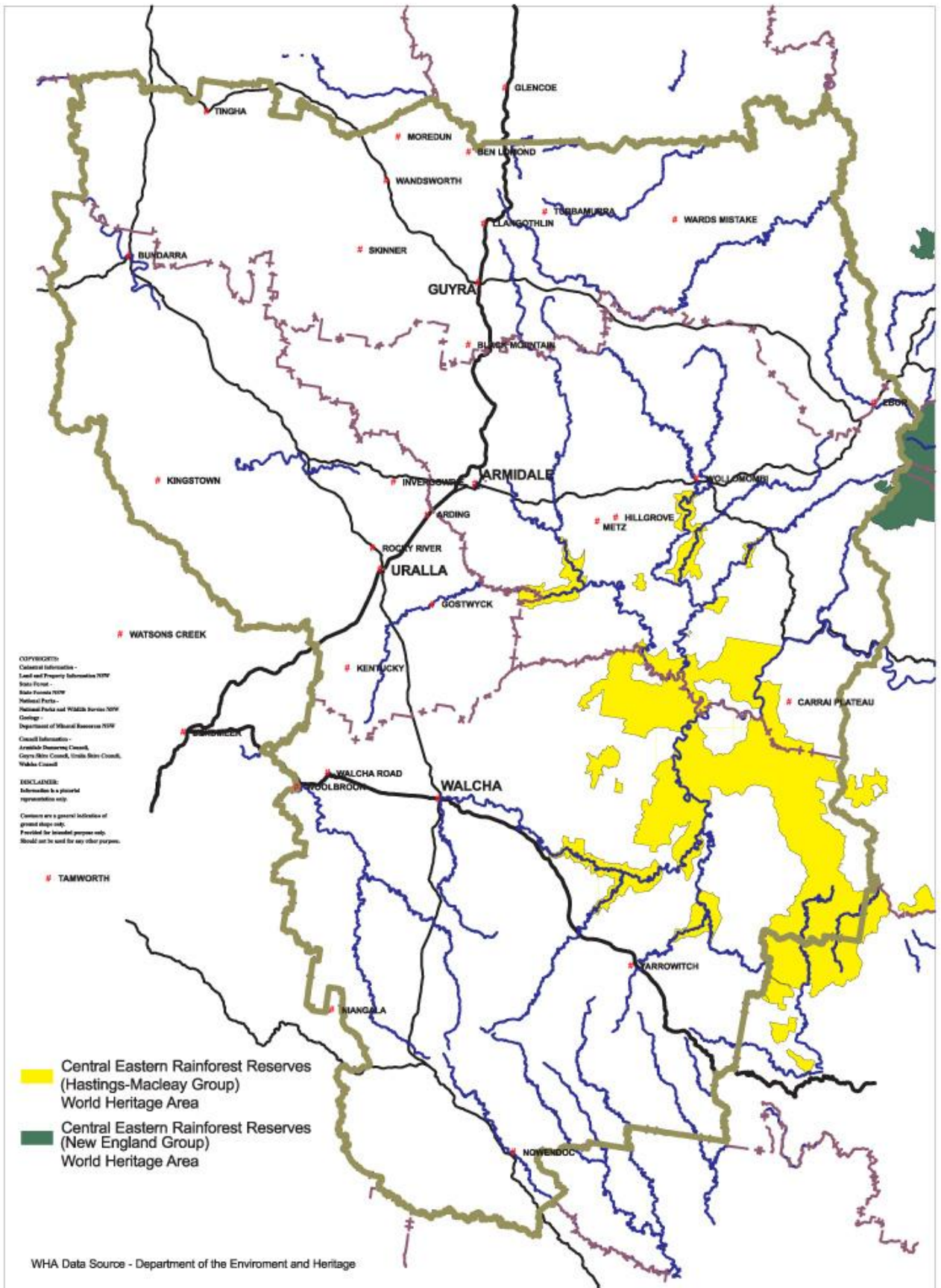
- The New England Sub-region will be a place where the rural landscape is valued as an important vista to the open, treed character of its urban neighbourhoods.
- European heritage is identified, protected and valued.
- Agencies will be encouraged to identify and protect Aboriginal heritage and Aboriginal Cultural Landscapes.

Policies – Heritage and landscape

- Heritage and landscape will be taken into account by implementing standard LEP provisions and DCP guidelines.
- Existing environment protection zones will be incorporated into the new LEP and DCP provisions as appropriate.
- Where there is lack of information on these issues, further investigation will be required prior to zoning amendments or development consent.

Strategic Actions – Heritage and landscape

- Implement Standard LEP clauses.
- Identify conservation areas and heritage items with overlays. Overlay maps will provide a trigger for further investigations.
- Separately distinguish built heritage from sensitive environmental areas through overlays.



New England Strategic Alliance Development Strategy

PLANNING CONTEXT - SUBREGIONAL HERITAGE AREAS

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Map 9.8

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 Guyra Shire Council, Uralla Shire Council,
 Walla Council

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LEGEND

■ Armidale Conservation Areas

New England Strategic Alliance Development Strategy

ARMIDALE CITY PLANNING CONTEXT - HERITAGE

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Map 9.9

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New England Strategic Alliance Development Strategy

URALLA PLANNING CONTEXT - HERITAGE

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issued 4 June 08



Map 9.10

9.5 Other constraints and hazards

A range of other planning issues require consideration in LEP preparation. These include airport height limitations, contaminated land, noise and odour impacts, and other matters.

LEP provisions will be determined by the standard LEP requirements where these relate to a specific issue.

Objectives – Other constraints and hazards

- Relevant development constraints will be identified in planning provisions and should be taken into account in development and land use.

Policies – Other constraints and hazards

- Implement Standard LEP clauses and relevant NSW Government requirements and guidelines.

Strategic Actions – Other constraints and hazards

- Implement Standard LEP clauses.
- Use an overlay map or LEP schedule to identify key development constraints and hazards (e.g. airport height limitation surface and noise impacts, buffer requirements around waste water treatment plants and contaminating land uses) and DCPs where appropriate (e.g. contaminated land).



10 PLANNING ADMINISTRATION AND STRATEGY IMPLEMENTATION

This Development Strategy provides a land use structure and policy framework for the Sub-region. It closely relates to a range of other formal and informal plans and documents, such as Council management plans, LEPs in adjoining LGAs, catchment action plans, road and utility infrastructure planning, tourism development, state of the environment reporting programs, etc. Key plans and documents are shown in Table 4.

The Strategy will be implemented by the Councils of Armidale Dumaresq, Guyra, Uralla and Walcha through their current and future land use planning and management initiatives. The following strategic actions are recommended:

- Prepare a single Local Environmental Plan (or a series of coordinated and similar LEPs) be made in accordance with the Government's *Standard Local Environmental Plan* (refer Section 10.1 and Appendix 1) to implement the Development Strategy in a consistent and uniform manner across the Sub-region.
- Ensure future service demands are integrated with Council financial and infrastructure planning.
- Develop a combined housing and land development monitor for the Sub-region by the 4 Councils, particularly for residential, rural residential, industrial and commercial land.
- Clarify the role of the Catchment Management Authorities in determination of development proposals (especially in relation to native vegetation clearing and water entitlements), consistent with Standard LEP provisions.
- Examine in detail identified investigation areas during preparation of future LEPs to determine their suitability.

Table 4: Strategy relationship with other plans and programs

Plan or program	Relationship to strategy	Comment
Council management, community and social plans	Identify Council visions and priorities, including important demographic, planning and social issues to be addressed	Council management, community and social plans should complement, and be aligned with, the Development Strategy
Local environmental plans	Key instrument for regulating land use and implementing Development Strategy	Development control plans may be made by Councils to identify land use guidelines for matters not included in LEP provisions
Catchment action plans	CAPs identify investment priorities for catchment management authority funding	CAPs inform the LEP, e.g. through protection of environmental assets and helping achieve Management targets.
State of the environment report (SoE)	Enables monitoring of achievement of strategy objectives and environmental indicators	Information from the Situation Analysis may be included and updated in SoE

Implementing the Strategy requires the preparation of draft LEP provisions under the *Environmental Planning and Assessment Act 1979*. This provides the regulatory framework for land use and, where possible, should not duplicate other approval processes (e.g. native vegetation clearing, water use, etc).

Strategy implementation also requires further strategic land use analysis of some issues and the preparation of land use guidelines through the preparation of DCPs. DCPs are considered in the assessment of development proposals for which consent is required by a LEP. Table 5 shows the scope of future strategic work. The program can be built upon with subsequent studies and information, and should establish a review framework.

Table 5: Future strategic work program priorities

Issue	Proposed action
Preparation of development control plans	DCP provisions should be prepared for the following where required: <ul style="list-style-type: none"> • Staging, sustainability, design and infrastructure issues in new and future residential release areas • Infill residential subdivision and development guidelines • Industrial development guidelines • Rural small holdings subdivision and development guidelines
Strategic biodiversity review of proposed development areas	Undertake further review of biodiversity information for the Sub-region and detailed assessment of issues relating to proposed development areas. Investigate opportunities for biodiversity certification of LEP.
Contributions plans	Update contributions plans based on the Strategy and LEP provisions, and prepare guidelines for planning agreement use within the Sub-region

10.1 Standard Instrument (Local Environmental Plans) Order 2006

This Development Strategy supports the implementation of a consistent planning framework for the Sub-region and is compliant with relevant State planning policies and directions under Section 117 of the *Environmental Planning and Assessment Act 1979*.

The format and content of the LEP resulting from the Strategy will be substantially determined by the NSW Government's standard provisions for plans. Other specific agency requirements will also affect the LEP provisions. The standard instrument provides a 'template' which local government will use as the basis for preparing a new LEP for each local area within the next 5 years. The standard components include:

- Zones (including standard zone objectives and mandated permitted and prohibited uses)
- Definitions
- Clauses
- Format

Councils are able to:

- Prepare additional local provisions that address local planning issues and which reflect the outcomes of local and regional strategies
- Add local objectives to core objectives
- Add additional permitted or prohibited land uses for each zone in the land use table
- Decide whether or not to include optional provisions in their LEP
- Specify what will be permitted as exempt and complying development
- Insert local criteria or standards into certain mandatory clauses
- Prepare maps that specify the lot sizes, building heights and floor space ratios appropriate for their local area
- Define terms within a local provision in certain circumstances
- Suggest new definitions to the Department of Planning that could be suitable for inclusion in the standard dictionary for all Councils to use

Councils cannot:

- Add new zones or create sub-zones
- Prohibit uses that are mandated as permissible in a zone
- Permit uses that are mandated as prohibited in a zone
- Add local provisions that are inconsistent with the mandatory provisions
- Change the standard dictionary by altering or adding to the standard definitions
- Change the standard clause numbering
- Change the format
- Change the wording of the provisions

All local provisions prepared by Councils must be consistent with the relevant core zone objectives and mandated land uses, other mandatory provisions (including SEPPs, REPs, section 117 directions, metropolitan or regional strategies and other relevant policy guidance).

A certificate to enable public exhibition cannot be issued to the Draft LEP unless the Director-General is satisfied that the Draft LEP has been prepared in accordance with the standard instrument.

New principal LEPs will include a statement that the applicable mandatory provisions of the standard instrument are adopted. (Refer Department of Planning Circular PS 06-008; 03042006 <http://www.planning.nsw.gov.au/planningsystem/practicenotes.asp>. A copy of circular PS 06-008 is contained at Appendix 1).

10.2 Monitoring and Review

The New England Development Strategy outlines the key land use policies and principles for the 4 LGAs that form the New England Strategic Alliance. It provides the planning context for the preparation of a single local environmental plan covering the Sub-region. The Strategy has a time frame of approximately 10 years, to 2018, but also provides a broad planning framework for the long term future of the Sub-region to 25 years plus.

While the New England Alliance Councils will monitor the implementation of the Strategy in their annual state of the environment reports, a formal review framework will also be established, as follows:

- A major review of the Strategy will be undertaken after 5 years to ascertain whether the assumptions made in the Strategy are holding true, as well as considering whether the visions, actions and policies are being achieved.
- The Alliance Councils will monitor land supply and development to inform land release and, subsequently, any necessary amendments of the LEP. This monitoring will take place on an annual basis.

The above review will take place after the release of the 2011 ABS Census of Population and Housing data. The 5 year review will also be undertaken to update as necessary the Strategy's Objectives, Policies and Strategic Actions. The LEP and other documents, such as DCPs and Section 94 Plans, will then be appropriately amended. In this way, the New England Development Strategy will become a dynamic document, able to be refined and updated over time, but able to maintain its fundamental strategic planning direction in guiding future growth and change in the New England Sub-region.



PLANNING circular

PLANNING SYSTEM

Local planning

Circular	PS 06-008
Issued	03 April 2006
Related	

Standard Instrument (Local Environmental Plans) Order 2006

This circular provides an overview of the Standard Instrument (Local Environmental Plans) Order 2006 and its implications for preparing local environmental plans.

Introduction

The Standard Instrument (Local Environmental Plans) Order was gazetted on 31 March 2006. The Order prescribes a standard form and content of a principal local environmental plan (LEP) for the purposes of section 33A of the *Environmental Planning and Assessment Act 1979* (the Act).

The standard instrument is part of a package of local planning reforms, which include:

- changes to the Act in 2005 aimed at reducing the number of plans and improving consistency in planning instruments
- gazettal of revised ministerial directions under section 117 of the Act
- introduction of an LEP Review Panel to provide early advice from the Department on the preparation of new LEPs and reduce the overall number of LEP amendments
- Environmental Planning and Assessment Amendment Bill 2006, which proposes further reforms aimed at improving local planning in NSW.

This Circular provides an overview of the key operational aspects of the standard instrument. Further guidance on the preparation of LEPs using the standard instrument will also be provided in practice notes issued from time-to-time by the Department.

When does the standard instrument take effect?

The standard instrument is not in itself an environmental planning instrument (EPI) under the Act. The provisions set out in the standard instrument will only have the legal force of an EPI once they are adopted as part of a council's gazetted LEP.

The standard instrument will therefore come into effect incrementally. The implementation will include the following stages.

From 31 March 2006

Following the date of gazettal, draft principal LEPs will be required to be prepared in accordance with the standard instrument and incorporate the relevant mandatory provisions before they can be publicly exhibited or recommended for gazettal.

However, the standard instrument will not be a matter for consideration under section 79C(1)(a)(ii) of the Act until such time as a council publicly exhibits a draft LEP for its area that adopts the relevant standard instrument provisions.

When a council exhibits a draft principal LEP prepared in accordance with the standard instrument

When a draft principal LEP that has been prepared in accordance with the standard instrument is placed on public exhibition under section 66 of the EP&A Act, the draft LEP (including the relevant provisions of the standard instrument) will become a matter for consideration under section 79C(1)(a)(ii) of the Act.

The public exhibition of a draft LEP under section 66 of the Act must include:

- a copy of the standard instrument
- a statement that the standard instrument substantially governs the content and operation of the draft LEP, and that any submissions made on the draft LEP should have regard to this fact.

When a new principal LEP prepared in accordance with the standard instrument is gazetted

The standard instrument provisions will only commence their full legal effect on development once a new principal LEP prepared in accordance with the standard instrument has been gazetted for the local government area.

Councils will take between two and five years to prepare a new principal LEP for their area which accords with the standard instrument.

Effect of the standard instrument

The standard instrument provides a 'template' which councils will use as the basis for preparing a new LEP for their local area within the next five years, using standard:

- zones (including standard zone objectives and mandated permitted and prohibited uses)
- definitions
- clauses
- format.

Councils can:

- prepare additional local provisions that address local planning issues and which reflect the outcomes of local and regional strategies
- add local objectives to the core zone objectives
- add additional permitted or prohibited land uses for each zone in the land use table
- decide whether or not to include optional provisions in their LEP
- specify what will be permitted as exempt and complying development
- insert local criteria or standards into certain mandatory clauses
- prepare maps that specify the lot sizes, building heights and floor space ratios appropriate for their local area
- define terms within a local provision in certain circumstances
- suggest new definitions to the Department of Planning that could be suitable for inclusion in the standard dictionary for all councils to use.

Councils can not:

- add new zones or create sub-zones
- prohibit uses that are mandated as permissible in a zone
- permit uses that are mandated as prohibited in a zone
- add local provisions that are inconsistent with the mandatory provisions
- change the standard dictionary by altering or adding to the standard definitions
- change the standard clause numbering
- change the format
- change the wording of the provisions.

All local provisions prepared by councils must be consistent with the relevant core zone objectives and mandated land uses, other mandatory provisions, and relevant State or regional planning guidance (including SEPPs, REPs, section 117 directions, metropolitan or regional strategies and other relevant policy guidance).

A certificate cannot be issued under section 65 of the Act for the exhibition of a draft LEP unless the Director-General is satisfied that the draft LEP has been prepared in accordance with the standard instrument.

Similarly, a Director-General's report on a draft LEP cannot be provided to the Minister for Planning under section 69 of the Act unless the Director-General is satisfied that the draft LEP has been prepared in accordance with the standard instrument. If a draft LEP does not accord with the standard instrument, section 68 (9) of the Act allows:

- the council and the Director-General to agree to the council making changes to the LEP and resubmitting it, or
- the Director-General to return the draft plan to the council to make the necessary changes to ensure that it does accord with the standard instrument.

New principal LEPs will include a statement that the applicable mandatory provisions of the standard instrument are adopted.

Mandatory provisions

The standard instrument identifies mandatory provisions for inclusion in new principal LEPs. These are either compulsory, (including compulsory [if applicable]), or optional.

Compulsory provisions

Compulsory provisions are those which must be included in all principal LEPs. These are generally administrative matters that are common to all LEPs or planning matters that are relevant to all councils in NSW. In many cases these provisions are already included in many existing LEPs, although not necessarily with consistent wording. Examples include definitions, zones, zone objectives, administrative clauses (such as 'name of plan' and 'consent authority') and common planning issues such as exempt and complying development and subdivision.

Compulsory [if applicable] provisions

Compulsory [if applicable] provisions are clauses that are compulsory where specified conditions exist. These generally relate to the environmental or other attributes of the local government area (e.g. 'compulsory if the LEP covers land within the coastal zone'), or where certain other provisions are included in the LEP (e.g. 'compulsory if clause 19 is adopted and land to which plan applies includes land zoned RU1, RU2, RU4 or RU6').

Councils must include the relevant Compulsory [if applicable] provision if the condition specified in parentheses applies.

Optional provisions

Optional provisions are a type of mandatory provision which councils can choose whether or not to use, but which cannot be altered. Councils cannot include local provisions in their LEP (or similar provisions in their development control plan [DCP]) that could be addressed using the optional provisions in the standard instrument.

Examples include clauses on height of buildings, floor space ratio and minimum subdivision lot size. If a council wishes to make provision for these issues in its local area it must do so by adopting the relevant optional clause in its LEP and filling in the relevant local content where applicable (e.g. specifying numerical standards for building height).

Non-mandatory provisions

The standard instrument does not currently contain any non-mandatory provisions under section 33A 2(c) of the Act.

Local provisions

Local provisions refer to any LEP content (e.g. clauses, objectives, additional permitted or prohibited land uses) that is not part of the standard instrument. Local provisions may be prepared by councils to address matters that are relevant to their local area and which are not covered by provisions in the standard instrument.

Local provisions may not deal with planning matters that are addressed by mandatory provisions (whether compulsory or optional) in the standard instrument. The inclusion of local provisions should be justified, e.g. in the context of a local or regional strategy. Matters that might be covered by local provisions include:

- issues that are the subject of State or regional planning guidance requiring councils to develop tailored provisions that are appropriate to their local area, e.g. developing flood planning provisions using the NSW Government's Floodplain Development Manual
- local environmental or hazard 'overlays' that apply in addition to zones
- defining local design objectives or neighbourhood character
- other provisions that reflect the outcomes of local strategic planning and consultation.

All local provisions must be consistent with relevant State or regional planning guidance and the mandatory provisions in the standard instrument.

Format

The standard instrument provides a consistent format for all new principal LEPs in NSW. Provisions common to each LEP will be located in the same place in all principal LEPs, making it easier to find provisions. The format is designed so that mandatory provisions can be updated simultaneously and consistently in all LEPs. Consideration may be given to further refinements to the format of the standard instrument as part of a future review.

Where an optional provision is not adopted by the council, or a compulsory [if applicable] provision does not apply, the number or other identifier of the provision shall be shown in the plan with the words 'not adopted' or similar wording.

Definitions

The standard instrument includes a dictionary of standard terms relating to land uses and other matters relevant to the interpretation of LEPs.

The definitions in the standard instrument are mandatory provisions and may not be altered or deleted. Councils cannot add local definitions to the dictionary.

Although the standard dictionary includes 241 terms, only the terms that are actually used in a council's LEP will be reproduced in that council's plan. This will mean that for most councils the dictionary that appears in their LEP will be much shorter.

Councils may propose a new definition for inclusion in the standard instrument where it can be justified that no existing standard definitions are suitable. Requests for new standard definitions will be considered by the Department of Planning and where appropriate, will be added to the standard instrument at the next review. Requests for new terms to be defined should be submitted to the Department as early as possible during the LEP preparation process, e.g. at section 54 notification stage.

Where appropriate, councils might also be permitted to define terms that are used in a local provision, however the definition would be set out within the relevant (local) clause and would only apply for the purposes of interpreting that clause.

Zones

The standard instrument includes 34 zones from which councils can select in preparing their LEPs. Councils do not need to use all the zones. Only those zones which are used in a council's LEP will appear in their gazetted plan.

Each zone has one or more core objectives for development in the zone. Core objectives may be supplemented where appropriate with local objectives prepared by the council, provided that these are consistent with the standard objectives and mandated land uses.

Councils cannot add new zones or create sub-zones. Where appropriate, LEPs may, in addition, set out 'overlay' controls as local provisions. Such provisions would consist of a map and associated heads of consideration for development) that apply in addition to the zoning of the land. They may apply to land that has particular environmental, hazard or design constraints (e.g. flood prone land, wildlife corridors, catchments) and which may be in different zones. Any local overlay provisions will apply in addition to the objectives and land use table for zones, and may not alter the mandated permissible or prohibited uses. Any overlay type provisions must be consistent with any relevant State or regional policy guidance.

Permitted and prohibited development

The gazetted standard instrument adopts a land use table format for identifying permitted and prohibited land uses, as this was preferred over a land use matrix by the majority of respondents to the exhibition of the draft standard instrument in late 2005.

Councils may choose to prepare a land use matrix for information purposes where they believe that this will aid understanding of their LEP, however this will not form part of the gazetted legal instrument.

The land use table in the standard instrument specifies certain mandated uses that are permitted or prohibited in certain zones. In addition to the mandated uses for each zone, councils will need to determine whether to permit (with or without consent) or prohibit the other land uses which are defined in the dictionary.

In supplementing the mandated land uses for each zone, councils should seek to maximise the range of appropriate uses that are permissible with or without consent. For most zones the preferred approach will be to:

- specifically list any uses that may be undertaken without consent as 'permitted without consent'
- specifically list land uses that will always be inappropriate in the zone (no matter how well designed) as 'prohibited'
- allow all other (unnamed) uses as 'permissible with consent'.

This will minimise the need to undertake spot rezonings or other ad hoc LEP amendments to permit additional acceptable uses that were not envisaged during the initial LEP preparation. An exception to this would be the environmental protection and recreation zones, where it is generally appropriate to list only the permitted uses, and for remaining development to be prohibited.

Councils must give effect to any relevant strategies, plans, policies or directions when determining permitted and prohibited land uses.

Clauses

The standard instrument sets out 36 standard clauses as mandatory provisions. Councils must include all compulsory clauses, and must also include all compulsory [if applicable] clauses where the conditions specified in parentheses apply. The standard instrument also includes a number of optional clauses, which councils may choose whether or not to include.

Some clauses allow or require councils to provide specific local details such as:

- preparing maps to show the land to which development standards, e.g. minimum lot size and building height apply
- setting out the objectives for development standards clauses and inserting the numerical standards for minimum lot size, building height, floor space ratio etc. that are to apply
- identifying additional areas where exempt and complying development cannot be carried out, if desired
- identifying the relevant public authority (with the authority's consent) for the acquisition of land that is reserved for public purposes.

Standard clauses will save councils time and resources in consultation and drafting their LEPs as they will avoid the need to resolve issues already dealt with in the standard instrument. This will also save time and resources in the exhibition, assessment of submissions and reporting to the Director-General, and the consideration of draft LEPs by the Parliamentary Counsel's Office.

It is expected that as part of the ongoing review of the standard instrument that new standard clauses may be included to address issues that would benefit from a consistent planning approach across NSW.

Maps

A number of mandatory provisions in the standard instrument (both compulsory and optional) require maps to be prepared. Examples include clauses on minimum lot sizes and land acquisition. Local provisions may also include additional maps, e.g. environmental and hazard 'overlays'.

Two or more maps may be combined into a single map where appropriate (in accordance with clause 6) to minimise the number of hard copy maps that may need to be produced. Technical requirements for LEP maps are currently being finalised.

Directions and notes

The standard instrument order includes three different types of notations which have different functions:

- notes—which do not have statutory force, but are included for interpretation purposes (e.g. a note in clause 16 identifies the relevant provisions of the Act relating to exempt development). Notes used in the standard

instrument will be replicated in councils' gazetted LEPs

- directions—which relate to the form and content of LEPs. Councils must give effect to any relevant directions when preparing their LEPs. Unlike notes, the directions used in the standard instrument will not be replicated in councils' gazetted LEPs
- bracketed words in italics—which are to be replaced by the appropriate local provision wherever they appear, e.g. inserting the name of the local government area.

What happens when mandatory provisions are amended

When the order is amended to make changes to the mandatory provisions of the standard instrument, then any LEP (or draft plan) that adopts those provisions will be automatically amended to reflect the changes (section 33A (4) of the Act). When this happens existing plans on the NSW legislation website, www.legislation.nsw.gov.au will be updated.

Standard clause numbering in the standard instrument will ensure that any amendment by the Minister will not affect the numbering scheme in council's LEP. The Minister's order that amends the standard instrument may make provision of a savings or transitional nature as a result of the amendment of the standard instrument.

Reviewing and updating the standard instrument

An annual review process will be established to ensure that the standard instrument is regularly reviewed and remains up-to-date and relevant.

New provisions will be added over time in response to planning issues that affect many or all councils in NSW. These may be developed to implement State policies or regional strategies, or may reflect issues identified by councils as they prepare their LEPs. Existing provisions may be amended in response to changes in State policy, or as the result of court cases or issues raised by councils or other stakeholders.

Appropriate savings or transitional provisions may apply where proposed changes may have impacts on the operation of existing LEPs.

How does the standard instrument apply to LEPs that are already underway

All draft principal LEPs are now to be prepared in accordance with the relevant provisions of the standard instrument before the Director-General certifies the draft plan for public exhibition or recommends a draft LEP for gazettal.

However, the savings and transitional provisions, set out in Schedule 6 of the Act, allow for a reasonable approach to be taken where councils are already a long way down-the-track of preparing a new principal LEP.

A draft LEP that is not in accordance with the standard instrument may be permitted to proceed where the Director-General is satisfied that:

- significant council resources have already been expended in the preparation of the draft instrument before the standard instrument was made, or
- the draft instrument makes a necessary amendment of a principal LEP which was made before the standard instrument order, or
- the draft instrument makes a necessary amendment to a LEP which was made under the circumstances referred to in first dot point above.

In all cases the Director General will need to be satisfied that satisfactory arrangements have been made for the making of a replacement instrument in accordance with the standard instrument.

Further information

More information, including the standard instrument for LEPs, is available from the Department's website, www.planning.nsw.gov.au.

Further enquiries can also be directed to the Department of Planning regional office nearest to you.

Authorised by:

Alice Spizzo

Important note

This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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APPENDIX 2: RURAL PLANNING PRINCIPLES, STATE ENVIRONMENTAL PLANNING POLICY (RURAL LANDS) 2008

State Environmental Planning Policy (Rural Lands) 2008

7 Rural Planning Principles

The Rural Planning Principles are as follows:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

Note. Under section 117 of the Act, the Minister has directed that Councils exercise their functions relating to local environmental plans in accordance with the Rural Planning Principles. Under section 55 of the Act, the Minister may also direct a Council to prepare a local environmental plan.