



New South Wales

Armidale Dumaresq Local Environmental Plan 2008 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (10/01430)

TOM GELLIBRAND
As delegate for the Minister for Planning

2010 No 500

Clause 1 Armidale Dumaresq Local Environmental Plan 2008 (Amendment No 3)

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1 Name of Plan

This Plan is *Armidale Dumaresq Local Environmental Plan 2008 (Amendment No 3)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

- (1) To the extent that this Plan replaces the definitions of *convenience shop* and *group of convenience shops* with the definitions of *neighbourhood shop* and *group of neighbourhood shops*, it applies to all land to which *Armidale Dumaresq Local Environmental Plan 2008 (the Principal Plan)* applies.
- (2) To the extent that this Plan increases the permitted retail floor area for neighbourhood shops, it applies to land in Zone Nos 1 (a) General Rural, 1 (b) Rural Living, 1 (c) Rural Fringe, 1 (d) Urban Fringe, 2 (a) Residential, 2 (b) Low Density Residential, 2 (c) Future Residential, 7 (b) Environment Protection (Support Scenic) and 10 (a) Enterprise under the Principal Plan.
- (3) To the extent that this Plan removes the minimum lot size requirements for attached dual occupancy development, it applies to land in Zone No 2 (a) Residential under the Principal Plan.
- (4) To the extent that this Plan rezones land, it applies to part of Lot 1, DP 1003685, 15–57 Crest Road, Armidale (being part of the land known as the Presbyterian Ladies' College Armidale campus), as shown coloured light scarlet and lettered "2 (a)" on the map marked "Armidale Dumaresq Local Environmental Plan 2008 (Amendment No 3)" deposited in the office of Armidale Dumaresq Council.

Schedule 1 Amendment of Armidale Dumaresq Local Environmental Plan 2008

[1] Clause 14 Zone No 1 (a) General Rural

Omit “convenience” wherever occurring in clause 14 (4).

Insert instead “neighbourhood”.

[2] Clause 14 (14)

Omit the subclause. Insert instead:

(14) Neighbourhood shops

Consent must not be granted to erect or use a building for the purposes of a neighbourhood shop on a lot in this zone if:

- (a) the lot has a frontage to an arterial road, or
- (b) the lot is less than 800 metres from another neighbourhood shop or a shop, or
- (c) the retail floor area of a building on the lot is greater than 150 square metres.

[3] Clause 15 Zone No 1 (b) Rural Living

Omit “convenience” from clause 15 (4). Insert instead “neighbourhood”.

[4] Clause 15 (12)

Omit the subclause. Insert instead:

(12) Neighbourhood shops

Consent must not be granted to erect or use a building for the purposes of a neighbourhood shop on a lot in this zone if:

- (a) the lot has a frontage to an arterial road, or
- (b) the lot is less than 800 metres from another neighbourhood shop or a shop, or
- (c) the retail floor area of a building on the lot is greater than 150 square metres.

[5] Clause 16 Zone No 1 (c) Rural Fringe

Omit “convenience” from clause 16 (4). Insert instead “neighbourhood”.

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[6] Clause 16 (10)

Omit the subclause. Insert instead:

(10) Neighbourhood shops

Consent must not be granted to erect or use a building for the purposes of a neighbourhood shop on a lot in this zone if:

- (a) the lot has a frontage to an arterial road, or
- (b) the lot is less than 800 metres from another neighbourhood shop or a shop, or
- (c) the retail floor area of a building on the lot is greater than 150 square metres.

[7] Clause 17 Zone No 1 (d) Urban Fringe

Omit “convenience” wherever occurring in clause 17 (4).

Insert instead “neighbourhood”.

[8] Clause 17 (7)

Omit the subclause. Insert instead:

(7) Neighbourhood shops

Consent must not be granted to erect or use a building for the purposes of a neighbourhood shop on a lot in this zone if:

- (a) the lot has a frontage to an arterial road, or
- (b) the lot is less than 800 metres from another neighbourhood shop or a shop, or
- (c) the retail floor area of a building on the lot is greater than 150 square metres.

[9] Clause 19 Zone No 2 (a) Residential

Omit “convenience” from clause 19 (4). Insert instead “neighbourhood”.

[10] Clause 19 (8) and (9)

Omit the subclauses. Insert instead:

(8) Detached dual occupancy

Consent may be granted for a detached dual occupancy on a lot in this zone only if the lot will have an area of at least 600 square metres.

(9) **Neighbourhood shops**

Consent must not be granted to erect or use a building for the purposes of a neighbourhood shop on a lot in this zone if:

- (a) the lot is less than 400 metres from another neighbourhood shop, a shop or a business zone, or
- (b) the retail floor area of a building on the lot is greater than 150 square metres.

[11] **Clause 20 Zone No 2 (b) Low Density Residential**

Omit “convenience” from clause 20 (4). Insert instead “neighbourhood”.

[12] **Clause 20 (10)**

Omit the subclause. Insert instead:

(10) **Neighbourhood shops**

Consent must not be granted to erect or use a building for the purposes of a neighbourhood shop on a lot in this zone if:

- (a) the lot is less than 400 metres from another neighbourhood shop, a shop or a business zone, or
- (b) the retail floor area of a building on the lot is greater than 150 square metres.

[13] **Clause 21 Zone No 2 (c) Future Residential**

Omit “convenience” from clause 21 (4). Insert instead “neighbourhood”.

[14] **Clause 21 (9)**

Omit the subclause. Insert instead:

(9) **Neighbourhood shops**

Consent must not be granted to erect or use a building for the purposes of a neighbourhood shop on a lot in this zone if:

- (a) the lot is less than 400 metres from another neighbourhood shop, a shop or a business zone, or
- (b) the retail floor area of a building on the lot is greater than 150 square metres.

[15] **Clause 32 Zone No 7 (b) Environment Protection (Support Scenic)**

Omit “convenience shops;” from clause 32 (3).

Insert in alphabetical order “neighbourhood shops;”.

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[16] Clause 32 (11)

Insert after clause 32 (10):

(11) Neighbourhood shops

Consent must not be granted to erect or use a building for the purposes of a neighbourhood shop on a lot in this zone if the retail floor area of a building on the lot is greater than 150 square metres.

[17] Clause 36 Zone No 10 (a) Enterprise

Omit “convenience” wherever occurring in clause 36 (4).

Insert instead “neighbourhood”.

[18] Clause 36 (6)

Insert after clause 36 (5):

(6) Neighbourhood shops

Consent must not be granted to erect or use a building for the purposes of a neighbourhood shop on a lot in this zone if the retail floor area of a building on the lot is greater than 150 square metres.

[19] Dictionary

Omit the definitions of *convenience shop* and *group of convenience shops*.

Insert in alphabetical order:

group of neighbourhood shops means a group of no more than 4 neighbourhood shops that:

- (a) adjoin each other, and
- (b) are not located closer than 400 metres to another shop or a business zone.

neighbourhood shop means a shop used for the purposes of selling small daily convenience goods such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

[20] Dictionary, definition of “the map”

Insert in appropriate order:

Armidale Dumaresq Local Environmental Plan 2008
(Amendment No 3)