



***Planning Proposal No. 11 – Rezoning and Minimum Lot Size
Amendment affecting land at 16, part 20, and 22 Madgwick Drive
Armidale, NSW***

Lots 1, 2 and part 3 in DP 1196907

May 4, 2018

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INTRODUCTION

This Planning Proposal to amend *Armidale Dumaresq Local Environmental Plan 2012* (the ‘LEP’) has been initiated by one of the landowners of the land subject to the Proposal. The Planning Proposal has been prepared in accordance with Division 3.4 of the *Environmental Planning and Assessment Act 1979* (‘EP&A Act 1979’), *A Guide to Preparing Planning Proposals* and *A Guide to Preparing Local Environmental Plans* (August, 2016) issued by the NSW Department of Planning & Environment (‘DPE’).

Locality

Lot 1 (8,006m²), Lot 2 (4,000m²) and part Lot 3 (approximately 3.84 hectares) in DP 1196907 are the lots forming the ‘Site’ subject to the Planning Proposal. Note that the part of Lot 3 forming the Site is the part of the Lot above the Flood Planning Level. The part of Lot 3 below the Flood Planning Level is excluded from the Site, and this area is not proposed to be rezoned or the minimum lot size amended.

The Site is located in the north-west of Armidale (refer to [Figure 1](#)). It is in proximity to the University of New England, shops, recreational areas, health and medical facilities, primary schools, public bus routes, and is connected to the existing urban road network that provides access to the city centre. The Site adjoins part of the New England Highway bypass (A15), which is a National Highway.

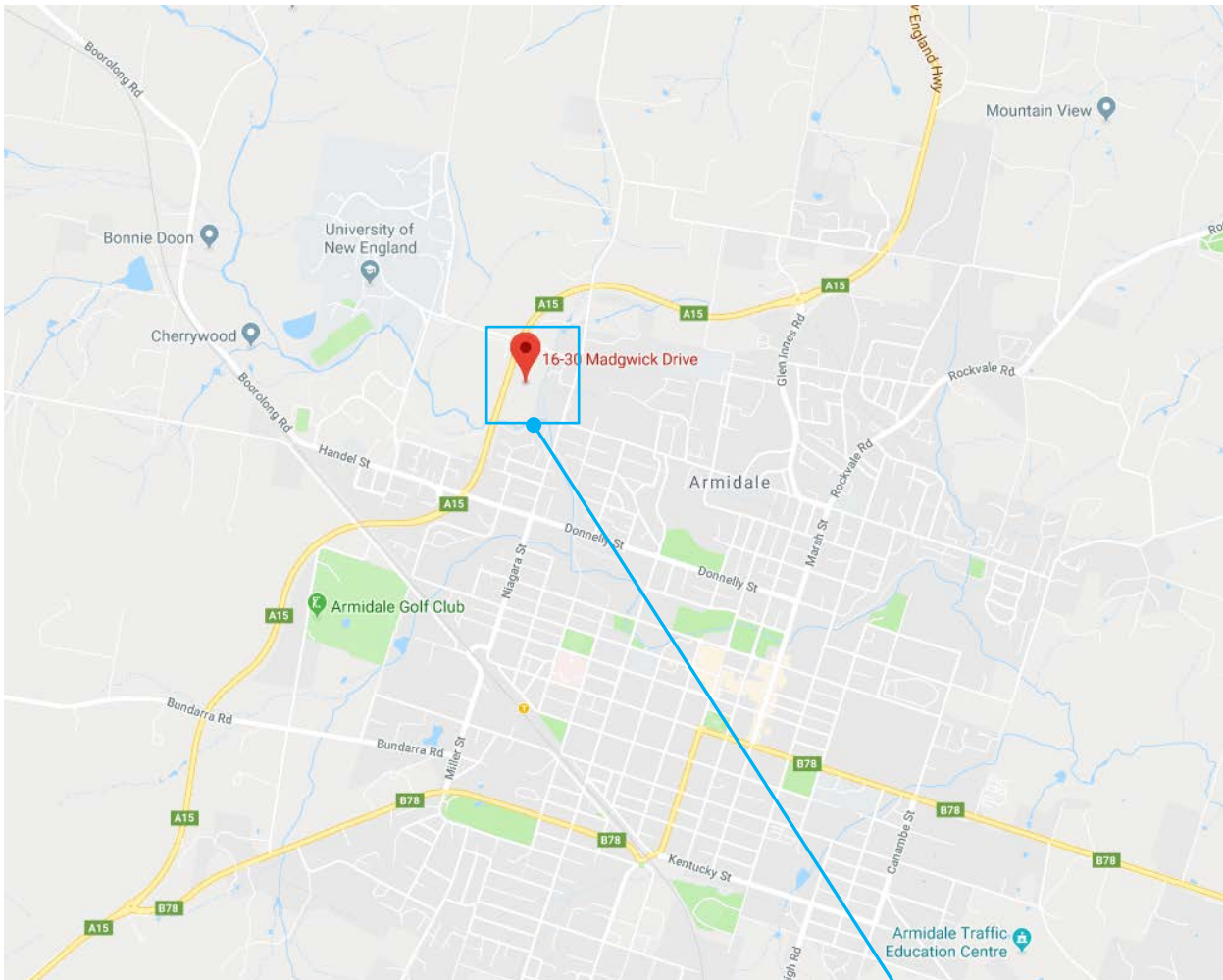


Figure 1. Locality Map of the Site in Armidale, with inset aerial imagery of the Site – outlined in red – and immediate surrounds (2009).



The Site – Background Information

The lots comprising the Site were created as part of stage 1 of a three stage subdivision, approved August 3, 2011 and subsequently modified twice (DA-1-2011; DA-1-2011/A; DA-1-2011/B). The lots were registered in their current form in 2014, and were zoned R2 Low Density Residential under the LEP. The title diagram portraying the three lots is shown in **Attachment 1**. Also attached to this Proposal is the latest version of the approved DA plans in **Attachment 2**. Upon completion of the final stage of subdivision (Stage 3), there would be an additional 10 lots compared to what is currently registered (Lots 1, 2, and 3 in DP 1196907). All of these lots would be at least 4,000m², with one large residual lot having an area of 28,293m². Some works have commenced for Stage 2 of approved DA-1-2011/B, such as the partially formed “Harrison Place”. A Subdivision Certificate has not been released for Stage 2 or 3 of the DA.

The Site slopes down to the south-east towards Dumaresq Creek at a rate of 7%:

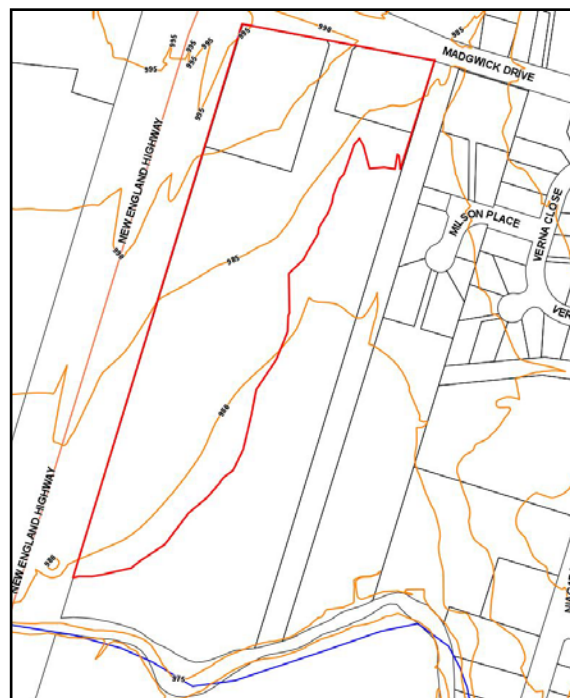


Figure 2. Contours of the Site.

The land is mostly cleared of trees except for an area around the two existing houses at the north-west of the Site. There is a watercourse to the east of the Site (part of the Cluny Road Gully), and Dumaresq Creek to the south of the Site.

Up until recently, the Site was only partially served by Council’s reticulated sewer and water systems. Flooding associated with Dumaresq Creek to the south, Cluny Road Gully to the east, and the proximity of the Site to – and its equivalent ground level with – New England Highway were previously considered potential constraints for zoning the land R1 General Residential. The Site is now fully serviced, or able to be fully serviced, by reticulated sewer and water. The *Armidale Flood Study Review and Update – Stage 3* (July 17, 2014) by BMT WBM Pty Ltd (the ‘Flood Study’) endorsed by Council identifies more land as prone to flooding than was identified in the superseded 2004 Armidale Flood Study. Those parts of the land above the flood planning level are proposed for zoning to R1 General Residential. This includes land adjacent to the New England Highway.

Existing Site Development

The Site currently supports residential dwellings and health consulting rooms. Lot 1 has two existing dwellings which were on the Site prior to subdivision in 2014. Development consent for “health consulting rooms” on Lot 2 was granted in February 2014, and are located in a new building on Lot 2. Lot 3 contains a relocated dwelling, which was approved in June 2014. See **Figure 3** below.



Lot 1 – Original Weatherboard Dwelling, located in northern portion of Lot 1 (looking south-west).



Lot 1 – Original Brick Dwelling, located in southern Portion of Lot 1 (looking south-west).



(Looking south-east): Foreground– Lot 2 containing health consulting rooms, background – Lot 3 containing relocated dwelling.

Figure 3. Existing Site Development.

Surrounding Area Development

Attachment 3 shows the land zones applying to the locality. The surrounding area comprises residential development to the east, north-east and beyond the Creeklands to the south. There is some hobby farming (mainly horse and cattle grazing) to the far north and north-west, and commercial development to the west, as separated from the Site by the New England Highway (see **Figure 4a**).



Figure 4a. West of Site – Business Park which is separated from the Site by the New England Highway, looking south-west from Madgwick Drive.

The land to the east and beyond the Creeklands to the south is mostly developed residential land zoned R1:



South of the Site beyond Dumaresq Creek – Residential area



East of the Site beyond Cluny Road Gully – Residential area

Figure 4b. South and east of the Site.

The part of Lot 3 excluded from this Planning Proposal is partially developed with a new (relocated) dwelling:



Figure 4c. East of the Site – other part of Lot 3 – Relocated dwelling.

The land to the north of the Site is zoned R2 with a single large dwelling and associated outbuildings. There is a section of R1 and part E4 Environmental Living zoned land north-east of the Site which is currently underdeveloped; four dwellings front Madgwick Drive:



Figure 4d. North-east of Site – Residential dwellings.

The New England Highway on the west side of the Site has a wide road reserve of approximately 80m. The road is approximately 45m from the Site boundary and there is established vegetation between the road and the Site, refer **Figure 4e**:



Aerial imagery – New England Highway road reserve.



Lot 3 – Views to the established vegetation buffering the Site from the Highway (looking west from the centre of the Site).

Figure 4e. Setting in relation to New England Highway

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of the Planning Proposal is to allow for higher density residential development, and a greater variety of residential development types, than what is currently permissible on the Site.

PART 2 - EXPLANATION OF PROVISIONS

In order to achieve the objective of the Planning Proposal, it is proposed to make the following changes to Armidale Dumaresq Local Environmental Plan 2012 (LEP):

- Amend the Land Zoning Map to zone the Site as R1 General Residential in accordance with the proposed zoning map shown in [Attachment 4b](#), and
- Amend the Lot Size Map to apply a minimum lot size of 500m² to the Site in accordance with the proposed lot size map shown in [Attachment 5b](#).

PART 3 - JUSTIFICATION

SECTION A: Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

After consideration was given to other means of achieving the objective of the Planning Proposal, it was concluded that the proposed changes to the zoning and lot size standards in the Planning Proposal are the best means of achieving those objectives and outcomes.

The primary alternative considered was to retain the existing R2 zoning applying to the land but to reduce the minimum lot size ('MLS') from 4,000m² to 1,000m², thereby allowing for an increased density for residential subdivision of the Site. However, retaining the R2 zoning would not allow for more intensive types of residential development, for example multi dwelling housing which is prohibited in the R2 zone but permitted with consent in the R1 zone.

The R1 zone in Armidale generally corresponds with a MLS of 500m², so this MLS is proposed for the Site alongside its proposed R1 zoning. Given the proximity of the Site with respect to UNE, primary schools, health facilities and so on, predominantly low density residential development is not considered to be the most effective and orderly use of the Site.

SECTION B: Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including exhibited draft strategies)?

The *New England North West Regional Plan 2036* (August, 2017) by DPE ('NENW Regional Plan') will guide the NSW Government's land use planning priorities and decisions in the region up to 2036. The NENW Regional Plan provides an overarching framework to guide subsequent and more detailed land use plans, development proposals and infrastructure funding decisions and is accompanied by an Implementation Plan.

The goals of the NENW Regional Plan are:

- A strong and dynamic regional economy
- A healthy environment with pristine waterways
- Strong infrastructure and transport networks for a connected future
- Attractive and thriving communities.

For each goal the NENW Regional Plan identifies directions and associated actions to assist in achieving the goal.

Table 1, beginning on the following page, provides comment on directions and actions of the NENW Regional Plan that are directly relevant to the Planning Proposal, and indicates whether the Proposal is considered to be consistent or inconsistent with the Plan.

Table 1. New England North West Regional Plan		
Goal 1: A strong and dynamic regional economy		Planning Proposal response – is the Proposal consistent with the Strategy?
DIRECTIONS & APPLICABLE ACTIONS	TIMEFRAME OF IMPLEMENTATION	COMMENTS
D1: Expand agribusiness and food processing sectors.	<i>Immediate to ongoing</i>	Consistent. The Site does not comprise any significant agricultural land or Biophysical Strategic Agricultural Land. Current zoning is not for primary production purposes.
D2: Build agricultural productivity.	<i>Medium term to ongoing</i>	
D3: Protect and enhance productive agricultural lands.	<i>Immediate to medium term to ongoing</i>	
D4: Sustainably manage mineral resources.	<i>Ongoing</i>	
D8: Expand tourism and visitor opportunities. A8.1 Facilitate tourism and visitor accommodation and supporting land uses where appropriate through local growth management strategies and local plans.	<i>Ongoing</i> (cont.) <i>Ongoing</i>	Consistent. Broadly, the Proposal is not inconsistent with the intent of the Direction. Some tourist and visitor accommodation types, such as: <ul style="list-style-type: none"> • bed and breakfast accommodation, • hotel/motel accommodation, • serviced apartments, are permissible with consent in the R1 zone. By comparison, only “bed and breakfast accommodation” is listed as a permissible land use in the R2 Land Use Table of the LEP.
Goal 2 : A healthy environment with pristine waterways		Planning Proposal response – is the Proposal consistent with the Strategy?
DIRECTIONS & APPLICABLE ACTIONS	TIMEFRAME OF IMPLEMENTATION	COMMENTS
D10: Sustainably manage and conserve water resources. A10.8 Ensure local plans manage water catchment areas and groundwater sources to avoid potential development impacts.	<i>Medium term to Ongoing</i>	Consistent. The Site does not directly adjoin Dumaresq Creek. The eastern portion of the Site to be rezoned will abut Lot 1 DP 728596 (14 Madgwick Drive), which contains a reach of Cluny Road Gully. The length of this common boundary is approximately 93m. Cluny Rd Gully feeds into Dumaresq Ck. The creek eventually flows south-east into the Macleay River. Water sensitive urban design and urban stormwater pollution management are ongoing processes under Council’s Development Control Plan for managing the quality of water entering creeks and rivers.

<p>D11: Protect areas of potential high environmental value.</p> <p>A11.1 Focus development to areas of least biodiversity sensitivity and implement the ‘avoid, minimise, offset’ hierarchy to biodiversity and areas of high environmental value.</p>	<p><i>Ongoing</i></p>	<p>Consistent.</p> <p>Part of Lot 3 is identified in the <i>Biodiversity Values Map</i> (undated) by DPE. The Site subject to the Planning Proposal does not include that part of Lot 3 – refer to Question 7 for more details.</p> <p>The Planning Proposal has adopted the ‘avoid, minimise, offset’ hierarchy approach to protecting areas of potential high environmental value. The Planning Proposal area avoids that land identified in the <i>Biodiversity Values Map</i>.</p> <p>The Site is mainly clear of trees, other than those planted around the dwellings situated on Lot 1. The trees appear to be introduced exotics (pines) and some planted native trees and shrubs in the dwelling curtilage. The remainder of the Site is covered with grass and used for grazing of horses and cattle.</p>
<p>D12: Adapt to natural hazards and climate change.</p> <p>A12.1 Minimise the risk from natural hazards and the projected effects of climate change by identifying hazards, managing risks and avoiding vulnerable areas, particularly when considering new urban release areas.</p> <p>12.2 Incorporate new knowledge on regional climate projections, including flooding and bushfire risk, related cumulative impacts, and findings of the New England North West Enabling Regional Adaptation Project in local plans for new development.</p>	<p><i>Ongoing to long term</i></p>	<p>Consistent.</p> <p>Climate change projections for the region in the near future (2020 – 2039) and far future (2060 – 2079) include warmer spring and summer days, less winter rainfall, and more autumn rainfall (NSW Office of Environment & Heritage (OEH), November 2014).</p> <p>The Site is not shown on Council’s Bush Fire Prone Land Map, certified by the Commissioner of the NSW Rural Fire service. The closest mapped bushfire prone land occurs approximately 1km west of the Site.</p> <p>The Site abuts flood prone land (1 in 100 year ARI or 1% AEP), as mapped in the <i>Armidale Flood Study Review and Update – Stage 3</i> (July 17, 2014) by BMT WBM Pty Ltd (‘Flood Study’). The Flood Study adopted by Council modelled flood behaviour for a Dumaresq Creek and its tributaries, identifying 1 in 100 year ARI (1% AEP) and other flood events whilst incorporating potential climate change impacts into the modelling. The Flood Study was prepared in accordance with the Floodplain Development Manual 2005, and other statutory requirements. As the Flood Study has already incorporated climate change projections into its modelling, Action 12.1 is considered satisfied. For more comments on flooding, see Question 8.</p> <p>The <i>Western Enabling Regional Adaptation – New England North West Region Report</i> (June, 2017) by OEH (‘WERA NENW Report’) was consulted. The WERA NENW Report project builds on local</p>

	(cont.) <i>Ongoing to long term</i>	knowledge to understand climate vulnerabilities in the Region and identify opportunities to respond, enabling regional decision-makers to enhance government service delivery and planning at a regional and subregional scale. The Planning Proposal does not detract from the identified activation projects in the WERA NENW Report. As the WERA NENW Report was released in April 2018, a Town Development Network has not yet been established for input into strategic planning processes (p. 29). Furthermore, the Water, Environment, and Technology (WET) working group has not been established and so was not consulted in relation to the Proposal.
Goal 3: Strong infrastructure and transport networks for a connected future		Planning Proposal response – is the Proposal consistent with the Strategy?
DIRECTIONS & APPLICABLE ACTIONS	TIMEFRAME OF IMPLEMENTATION	COMMENTS
D14: Enhance transport and infrastructure networks. A14.1 Protect freight and utility infrastructure and corridors through local plans and strategies to protect network opportunities and distribution from incompatible land uses or land fragmentation. A14.2 Minimise the impact of development on the regional and State road network and rail corridors by identifying buffer and mitigation measures.	<i>Short term to ongoing</i>	Consistent. The Site does not gain direct access to the New England Highway. Madgwick Drive is considered to be a sufficient transport corridor for the purposes of accommodating future residential traffic likely to be generated as a result of the Proposal. Visually, the Site is separated from the New England Highway by existing trees in the road reserve – see Figure 4e in 'Introduction'. A noise impact assessment was prepared for the Site (June 30, 2010) by Vipac Engineers & Scientists Pty Ltd, to support a development application for subdivision of the Site. Broadly, it is anticipated that noise impacts can be mitigated through appropriate lot layout and dimensions, dwelling orientation and placement, and construction methods. See comments under Question 8 for further details.

<p>D16: Coordinate infrastructure delivery.</p> <p>A16.1 Undertake detailed infrastructure service planning to establish that land can be feasibly and economically serviced prior to rezoning.</p> <p>16.2 Maximise the cost-effective and efficient use of infrastructure by focusing development on existing infrastructure or promoting co-location of new infrastructure.</p>	<p><i>Short term to ongoing</i></p>	<p>Consistent.</p> <p>The Site is located within the urban area of Armidale, and is readily able to connect to services where it is not already connected – refer to Question 10.</p>
<p>Goal 4: Attractive and thriving communities</p>		<p>Planning Proposal response – is the Proposal consistent with the Strategy?</p>
<p>DIRECTIONS & APPLICABLE ACTIONS</p>	<p>TIMEFRAME OF IMPLEMENTATION</p>	<p>COMMENTS</p>
<p>D18: Provide great places to live.</p> <p>A18.2 Secure an appropriate supply of residential land to meet projected housing needs within local growth management strategies endorsed by the Department of Planning and Environment.</p> <p>A18.4 Monitor the supply of residential land and housing through the New England North West Housing and Land Monitor.</p>	<p><i>Immediate to short term to ongoing</i></p>	<p>Consistent.</p> <p>The Site has been previously identified as a suitable ‘urban release area’ in an endorsed land use (development) strategy – see Question 4.</p> <p>The <i>New England North West: Housing and Land Monitor 2017</i> (October, 2017) by DPE indicates that there has been a surplus of residential approvals per year compared to the projected amount of new residential dwellings required by 2036 for the Region. From 2010 to 2016, Armidale had the highest amount of multi-unit (including dual occupancy) approvals in the Region, indicating the density of residential accommodation is likely to be higher in Armidale than any other locality in the Region. The proposed R1 zoning and reduction in minimum lot size applying to the Site will enable at least an additional 31 residential lots and will contribute to the pool of residential land able to be developed in Armidale.</p>

<p>D19: Support healthy, safe, socially engaged and well connected communities.</p> <p>A19.2 Facilitate more recreational walking and cycling paths, linkages with centres and public transport, and expand inter-regional and intra-regional walking and cycling links.</p>	<p><i>Immediate to short term to ongoing</i></p>	<p>Consistent.</p> <p>The location of the Site offers a variety of transport choices for future residents. The Site has direct access to, and is immediately adjacent to a sealed public road (Madgwick Drive) which has an existing cycleway. The Site is accessible to transport services, various amenities and facilities including the Armidale city centre, and to UNE and its associated facilities to the west. The proximity of the Site to amenities and services offers future residents of the Site the option to walk, cycle, drive, or use public transport to access those services and amenities. Refer to Question 10 for more details.</p>
<p>D20: Deliver greater housing diversity to suit changing needs.</p>	<p><i>Immediate to medium term to ongoing</i></p>	<p>Consistent.</p> <p>The proposed zoning from R2 to R1 and change in MLS from 4,000m² to 500m² will facilitate new residential development that is of a broader variety than what is currently the case for the Site.</p>
<p>D23: Collaborate with Aboriginal communities to respect and protect Aboriginal culture and heritage.</p> <p>A23.4 Undertake Aboriginal cultural heritage assessments to inform the design of planning and development proposals so that impacts to Aboriginal cultural heritage are avoided and appropriate heritage management mechanisms are identified.</p>	<p><i>Immediate to ongoing</i></p>	<p>Consistent.</p> <p>OEH's <i>Aboriginal Heritage Information Management System (AHIMS)</i> web services search result (March 19, 2018) concluded that within 200m of the Site, no Aboriginal sites or places are recorded or declared (see Attachment 6). An archaeological survey was undertaken for the Site in October 2010 by Suzanne R Hudson Consulting, but a specific Aboriginal Cultural Heritage study was not done for the land. Comments in relation to this study are contained in Question 9. It is considered that the Site is unlikely to contain items of Aboriginal cultural heritage significance.</p>

Q4. Is the planning proposal consistent with a Council’s local strategy or other local strategic plan?

New England Development Strategy

The New England Development Strategy (Worley Parsons, 2010) (NEDS) was prepared for Armidale Dumaresq, Guyra Shire, Uralla Shire and Walcha Councils. The NEDS outlines key land use policies and principles for the four council areas and provides the planning context for the preparation of LEP provisions. The Strategy has a timeframe up to 2032. The NEDS was adopted by the four councils and endorsed by the Director-General of the Department of Planning and Infrastructure and informed preparation of the current LEP.

The NEDS provides projected population growth and an estimate of the anticipated future housing stock required to meet growing demand. The NEDS estimates that 1,940 new residential lots will be required in Armidale up to 2021 and identifies Urban Release Areas to cater for that projected demand based on potential lot yields under an R1 or R2 zoning. When the Urban Release Areas have been developed, an area to the north-east of Armidale (referred to as the Tilbuster corridor) has been identified in the NEDS as an investigation area for future urban expansion – see [Figure 5](#).

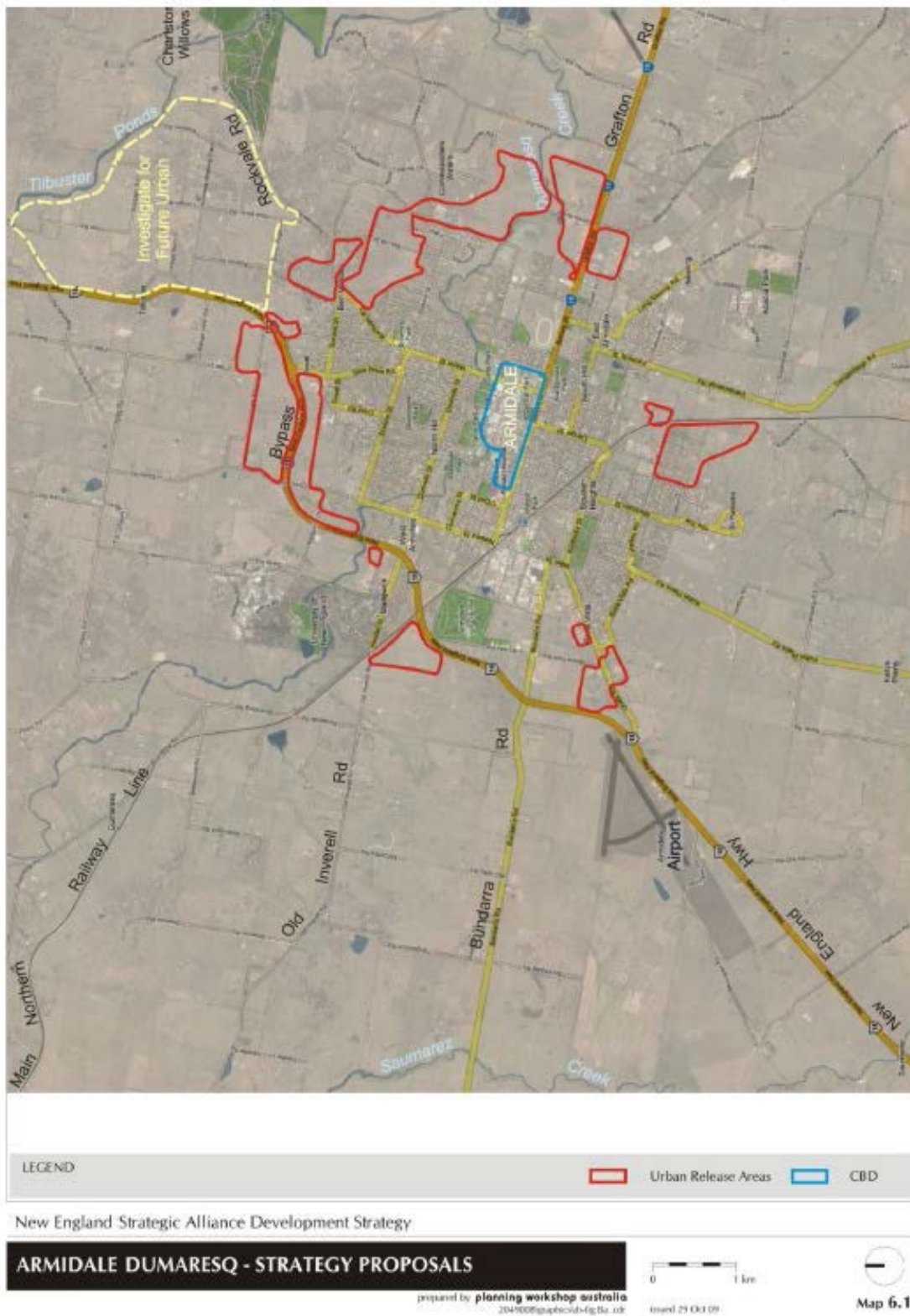


Figure 5. Armidale Urban Release Areas (NEDS, 2010, p. 33).

The Armidale Urban Release Areas identified in the NEDS were based on the *Strategic Analysis for the Draft Armidale Dumaresq LEP 2005* (January, 2005) by the former Armidale Dumaresq Council. The Strategic Analysis underpinned residential zones introduced in Armidale Dumaresq LEP 2008 (LEP 2008), and subsequently carried through into the current LEP. Figure 5.1 and Table 5.8 of the Strategic Analysis identify the Site as potentially being suitable for “conventional residential subdivision” subject to flood analysis (Dumaresq Ck and Cluny Rd Gully) and noise assessments (New England Highway). An updated Flood Study for Armidale was prepared in 2014 which identifies the extent of flooding associated with the eastern watercourse. A noise impact assessment was prepared for the Site (June 30, 2010) by Vipac Engineers & Scientists Pty Ltd, to support a development application for subdivision of the Site. See comments under **Question 8** for further details.

The Site currently has an area of approximately 5.0406 hectares and has been subdivided into 3 residential lots. Development consent for further subdivision has been granted over Lot 3 DP1196907 but the lots have not yet been created. Approximately 20% of the Site is already occupied by existing dwellings and buildings in use. Therefore, there is approximately 80% (4.0324 hectares) of the Site available for further residential development. Should the Site be zoned R1, the potential lot yield for the developable part of the land is estimated to be at least 31 lots, based on the following:

- exclude 30% of the developable part of the Site for internal roads and urban infrastructure, and
- assume lot size of 900m² for new residential lots as a low range estimate, which is consistent with the average lot size used in the demand and supply analysis for residential land in the Strategic Analysis. Assume the proposed minimum lot size control of 500m² is used uniformly for a high range estimate.

The demand and supply analysis underpinning the Urban Release Areas in the NEDS was based on the Site having an R2 zoning. The Planning Proposal is inconsistent with the NEDS as it proposes to rezone the land to R1 which will increase the potential supply of residential lots. However this inconsistency is considered to be minor and is justified for the following reasons:

- The Planning Proposal is likely to result in at least 31 additional lots on the Site, which represents a minimum of 1.6% of the projected 1,940 new lots required by 2021 in the NEDS. Future residential development of the Site will contribute to housing supply but not to the extent that it is likely to undermine the residential growth strategy in the NEDS.
- Since the Site was zoned R2 in 2008, the potential constraints to zoning the Site to R1 have been addressed. The Armidale Urban Release Areas identified in the NEDS to the north and north-west of the Armidale city centre are located adjacent to the New England Highway. Traffic noise levels from the New England Highway were therefore anticipated to be assessed as part of any future subdivision development application. Traffic noise is discussed further in **Question 8**. Water and sewer has been constructed and provided to the Site and the extent of any flooding associated with the eastern watercourse has been identified.

The Planning Proposal, which will permit smaller residential lots and an increased range of housing types, offers a more efficient use of the Site which is located close to amenities and serviced by physical and social infrastructure.

The Planning Proposal will contribute to greater development potential of suitable land within Armidale for residential purposes prior to developing land in the Tilbuster corridor. This is considered to provide an efficient and orderly pattern of growth. Future residential development of the Site will contribute to keeping Armidale compact and reduce urban sprawl on the periphery of the city.

The Planning Proposal is considered to satisfy the recommendation of the NEDS that land be provided 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, and
- market considerations such as aspect and neighbourhood amenity.

To conclude, the Planning Proposal furthers the following recommendation of the NEDS “...achieve a mix of dwelling and allotment sizes in new development areas on the periphery of the city” (p. 44).

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is considered to be consistent with all applicable SEPPs (refer to [Attachment 7](#)).

Q6. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

Consistent with every Direction, except 1.3 Mining, Petroleum Production and Extractive Industries. The inconsistency between the Planning Proposal and the Direction is considered to be of minor significance and therefore justified (see [Attachment 8](#)).

SECTION C: Environmental, social, and economic impacts

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Site has not been identified as containing any critical habitat. The *Armidale City Flora and Fauna Survey: A Report to the Armidale City Council* (June, 1996) by C.L. Bale, G.J. White and S. Debus ('Flora/Fauna Study') does not identify any flora and fauna species potentially occurring on the Site. Lot 3 borders Dumaresq Creek, which is identified on the *Biodiversity Values Map* (undated) by DPE:

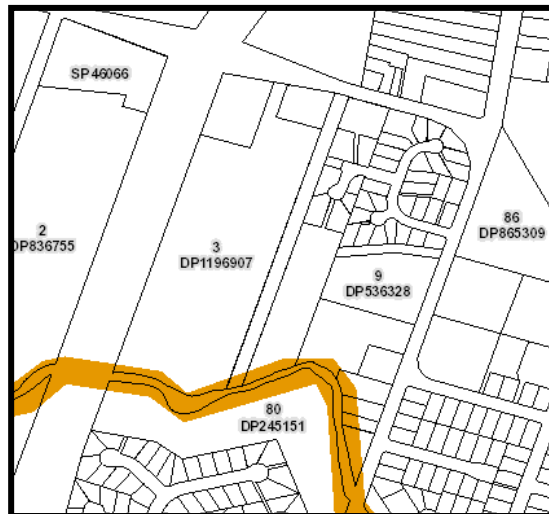


Figure 6. Extract from the *Biodiversity Values Map* (undated).

The highlighted part of Lot 3 may contain riparian vegetation. The Site forming the Planning Proposal excludes this part of Lot 3.

The Site is mainly clear of trees, other than those planted around the dwellings situated on Lot 1. The trees appear to be introduced exotics (pines) and some planted native trees and shrubs in the dwelling curtilage. The remainder of the Site is covered with grass and used for grazing of horses and cattle. Refer to [Figure 7](#) on the following page. The Site has been disturbed by past clearing and long term grazing activities. Grasses are introduced pasture species and little to no native flora remains on the Site.



Lot 3 – Views to Dumaresq Creek (south) from the centre of the Site. Note the Weeping Willow in the foreground (left).



Lot 1 – Views to brick dwelling (north) from the centre of the Site. Note the pines in the house-yard area.



Lot 2 and 3 – Views to north-east, including Lot 2 Building, from the centre of the Site. Trees are located in Lot 1 DP 728596 (14 Madgwick Drive), being part of the Cluny Road Gully.



Lot 3 – Views to south-east, including Lot relocated dwelling (not part of the Site) and flood prone land, from the centre of the Site.



Lot 3 – Views to west, including New England Highway, from centre of the Site. Trees in photo are located in road reserve, and not on the Site.

Figure 7. Vegetation on the Site and its boundaries.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Flooding

Part of Lot 3 is identified as flood prone land by the Flood Study prepared for Armidale in accordance with the Floodplain Development Manual 2005. The Flood Study was adopted by Council on 28 September 2015. A consequent Floodplain Risk Management Study (FRMS) and Floodplain Risk Management Plan (FRMP) has not as yet been prepared for or adopted by Council.

Flooding originating from Dumaresq Creek and Cluny Road Gully for certain events, floodwater depths, and velocities is shown in **Figure 8**:

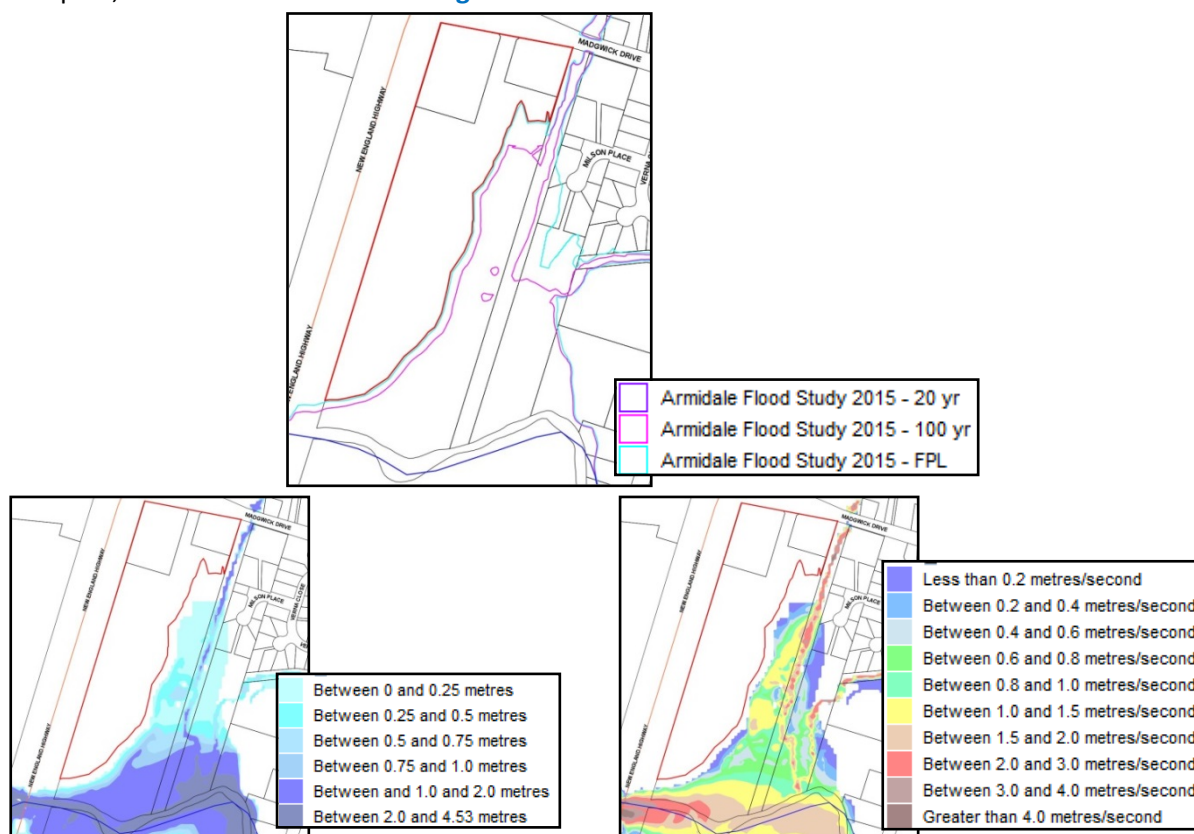


Figure 8. TOP: The Site as overlaid by the 4.9% AEP (“20 yr”), 1% AEP (“100 yr”), and Flood Planning Level 1% AEP + 500mm freeboard (FPL).

BOTTOM LEFT: The Site as overlaid by the 1% AEP flood depths.

BOTTOM RIGHT: The Site as overlaid by the 1% AEP flood velocities.

As can be seen above, the Site subject to this Planning Proposal is above the flood planning level (1% AEP + 500mm). The existing internal access road located between Lot 1 and 2 provides flood free access to those parts of Lot 3 that are not flood affected. Land below the flood planning level on Lot 3 is split zoned R2 Low Density Residential and E3 Environmental Management, and it is not proposed to alter the zoning or the minimum lot size standard applying to this land as part of the current Planning Proposal. This is considered the most appropriate approach until such time as a FRMP has been prepared which recommends the most appropriate zonings of land below the flood planning level for the urban reaches of Dumaresq Creek.

Groundwater

Part of the Site is identified as potentially spring affected, per Council’s Development Control Plan (Chapter 2.6):



Figure 9. The Site and extent of potentially spring affected land (purple dotted overlay).

It can be seen from **Figure 9** and from the ‘**Introduction**’ part of this Proposal that the northern portion of the Site that is potentially spring affected has largely been developed by way of dwellings and other structures. Future geotechnical engineering investigations would need to occur as part of any future development application on land that is potentially spring affected. Generally, development of spring affected land can be managed by way of engineered footings and the like.

Visual

There are established trees along the western boundary of the Site and in the New England Highway road reserve, which act as visual screens between the Site and the Highway – refer to **Figure 7** under **Question 7**. The New England Highway is slightly elevated above the Site, particularly in the southern portion of the Site (see **Figure 10** on the next page). Nonetheless, the extent of trees in the road reserve of the Highway provides dense landscaped screening that protects views to the Site from New England Highway.

Most of the eastern boundary of the Site is further screened by riparian vegetation and trees along Cluny Road Gully. Due to the south-east downslope of the land, the Site will be most highly visible from areas south of Dumaresq Creek, including the walking track on the southern side of Dumaresq Creek in the Creeklands. The majority of land south of Dumaresq Creek in this area is established residential area, as portrayed in **Figure 11** on the following page. The anticipated use of the Site for general residential purposes is not incongruous with the established residential area that will have views to the Site.



Figure 10. Approximate ground level of the Highway shown with red dashed line, as viewed from the centre of the Site (looking west).



Figure 11. Aerial view of area south of the Site (via Google Imagery), beyond Dumaresq Creek. NB: Site overlay is approximate only.

It is considered, therefore, that visual impacts as a result of the Proposal are considered to be acceptable, and views to the Site from the Highway are limited by way of existing vegetation and the topography of the land.

Noise

A noise impact assessment for the purposes of residential subdivision was prepared for the Site (June 30, 2010) by Vipac Engineers & Scientists Pty Ltd. The findings of that assessment have been used as an indication of the suitability of the Planning Proposal, with regards to noise impacts.

The basis of the noise impact assessment was for subdivision of the Site for thirteen resultant lots with average lot size of approximately 4,000m², and one remnant lot (southern part of Lot 3) of around 30,000m². Noise originating from New England Highway was logged and predictions made of future noise levels for future receivers (dwellings) located on the proposed lots. Recommendations were included in the assessment to achieve internal noise levels for future dwellings, such as:

- setback residences from the western boundary adjoining the Highway at least 20 metres,
- locate less sensitive rooms/spaces of future dwellings and lots away from the Highway, and
- incorporate small/few window openings and doors facing the Highway.

Future subdivision layout of the Site will need to be able to achieve the required setbacks from the western boundary of the Site. Good subdivision design will also need to incorporate principles to prevent noise reverberation between structures. It is acknowledged that achieving the right setbacks and dwelling layout to minimise noise impacts on future residents will be more complex for smaller lots, if subdivision were proposed at the minimum lot size control of 500m². Nonetheless, an appropriate subdivision design at this MLs could be achieved.

Q9. Has the planning proposal adequately addressed any social and economic effects?

European Heritage

The Site is not located within a heritage conservation area and there are no items of European heritage on the Site. The nearest built heritage items listed in Schedule 5: Environmental Heritage of the LEP are approximately 1km away and comprise:

- Item I116 – University of New England Lodge, sub-lodge, science block, shingled cottage (a local heritage item), and
- Item I117 – House and grounds at “Boooloominbah” (on the State Heritage Register).

There is also a local archaeological heritage item approximately 300m away (Item A043 “Site of Child’s Brickworks”). [Figure 12](#) on the following page shows the location of these items relative to the Site.

There are no indications that the Site once contained historical dwellings/huts that would be of archaeological value. Further comments in relation to archaeology are contained below, under the subheading “Aboriginal cultural heritage”, as a survey of the Site was undertaken in 2010, investigating the European and Aboriginal archaeological potential of the Site.

The Site is considered to be sufficiently far away to minimise potential impacts from future residential development on the setting or significance of the heritage items. The Planning Proposal is unlikely to result in any adverse impacts on heritage items in the area.

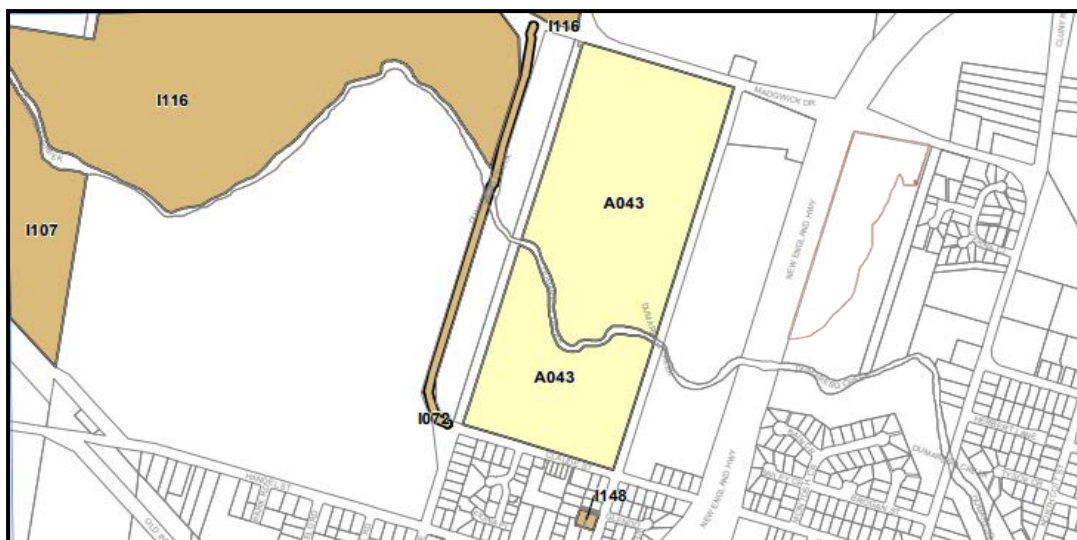


Figure 12. Extract of LEP Heritage Map, as located on the NSW Legislation website, with the Site overlaid in red.

Aboriginal cultural heritage

The Site subject to the Planning Proposal does not include the banks of Dumaresq Creek, but the Site is bordered to the east by Cluny Road Gully. Past and present uses of the Site have resulted in largely disturbed groundcover. There are no old growth native trees present in the Site.

There is limited potential for Aboriginal objects or places of significance to be present, given the Site has been modified by way of dwellings being built and continued hobby grazing. An archaeological survey of the Site was undertaken in October 2010 by Suzanne R Hudson Consulting. This survey found the Site contained no materials of archaeological significance (European or Aboriginal). The survey does acknowledge that the outskirts of Armidale – which would have included the Site many years ago – hold some cultural significance to the local Aboriginal community. The Site does not contain any listed Aboriginal sites or places, and the AHIMS web search undertaken March 19, 2018 did not identify any sites or places within 200m of the Site (see [Attachment 6](#)).

Social and Economic Effects

The increased residential density in the Planning Proposal will contribute to housing supply identified in the NEDS to cater for the projected population growth in the city until at least 2021. The Planning Proposal will allow a greater variety of housing types, including medium density housing.

The Site is in proximity to, or can reasonably access, existing social infrastructure such as the University of New England, schools, Armidale Hospital, as well as a retail hub in the area (Girraween) and the Armidale city centre. Pedestrian access to community open space, such as the Dumaresq Creeklands walking track to the south, is possible from the Site.

The increased density allowed by the Planning Proposal will potentially result in at least 31 additional residential lots and this increase is considered unlikely to result in significant impacts on existing social infrastructure in Armidale.

SECTION D: State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The Site is serviced by existing public infrastructure (refer to [Attachment 9a](#) to [9g](#)), including:

- health, education and emergency services
- public transport
- roads
- reticulated water and sewerage
- waste management and recycling services
- power
- gas
- telecommunications.

It is likely that existing public infrastructure is adequate, or can be upgraded, to meet the needs of the estimated additional development of at least 31 residential lots as a result of the Planning Proposal.

Health, education, and emergency services

The Site is located in proximity to health, education, and emergency services including:

- Medical services – including local medical centre (1.9km), the Armidale Hospital and medical precinct (2.6km), health consulting rooms (on site)
- Educational facilities – including Sandon Primary School (0.5km), University of New England (1.2km), Drummond Park Pre-School and Child Care (1.3km), PLC School (2.0km), Duval High School (2.5km)
- Emergency services – including Ambulance Service (3.8km), Armidale Police Service (4.6km), and the Armidale Fire Station (5.3km).

Public transport

The Site is in proximity to public transport services including:

- local buses servicing Armidale and surrounds (bus stops 1.0km and 1.5km)
- Armidale Railway Station (2.7km)
- Armidale Regional Airport (6.8km).

Roads and Cycleway

The Site is located on Madgwick Drive west of the corner of Madgwick Drive and Niagara St. Madgwick Drive is a sealed public road that services existing development on the Site. Both sides of Madgwick Drive have apron cycleways that can be utilised by users of the Site.

Water and Sewer Infrastructure

The Site is currently serviced by Council's sewerage and water supply infrastructure.

Waste Management and Recycling Services

The Site is currently serviced by Council's weekly Urban Waste Management and Recycling Services which can be made available to future additional residential development on the land.

Power

The Site is currently serviced by overhead electricity power lines along the northern boundary of the Site.

Gas

Natural gas infrastructure exists along the northern boundary of the Site in Madgwick Drive.

Telecommunications

The Site is currently serviced by:

- telephone infrastructure along the northern boundary of the Site.
- NBN high speed internet telecommunications infrastructure along the northern boundary of the Site.

Q11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?

The views of any State or Commonwealth agency have not been obtained prior to preparing this Planning Proposal. Given the attributes of the Site and the nature of the Proposal, it is not considered necessary to consult with government agencies. However, a Gateway Determination may require certain agencies to be consulted.

PART 4 – MAPPING

Relevant mapping for the proposed amendment to the LEP are included as attachments.

Attachment 4a and **4b**: Current and proposed land use zones for the Site.

Attachment 5a and **5b**: Current and proposed minimum lot size controls for the Site.

PART 5 – COMMUNITY CONSULTATION

Schedule 1 of the EP&A Act 1979 requires that Planning Proposals for LEPs be publicly exhibited for 28 days, or any other time period specified in the Gateway Determination issued by DPE.

The method for exhibition is proposed to include:

- notification in a local Armidale newspaper,
- notification on the Council’s website at www.armidale.nsw.gov.au, and
- notification (in writing) to adjoining landowners.

PART 6 – PROJECT TIMELINE

The anticipated project timeline for completion of the Planning Proposal is outlined in [Table 2](#) below.

The Project Timeline assumes Council exercises its local plan making delegations (see [Attachment 10](#)).

Table 2. Anticipated project timeline	
Task	Anticipated
Date of Gateway Determination.	June 2018
Completion of required technical information (if required).	August 2018
Government agency consultation (pre and post exhibition - if required by Gateway Determination).	July 2018
Any changes that may be required to the Planning Proposal resulting from technical studies and government agency consultations. If required resubmit altered Planning Proposal to Gateway panel for Revised Gateway determination.	September 2018
Commencement and completion dates for public exhibition (14, 28, or any other number of days per the Gateway Determination requirement).	October 2018
Council considers public submissions, any changes to the Planning Proposal and finalising the LEP amendment.	November 2018
Date of submission to the Department to finalise the LEP, if council does not use its local plan making delegations.	December 2018
If Council uses its local plan making delegations, anticipated date Council will forward the LEP amendment to the Department for notification.	January 2019

LIST OF RESOURCES

- Armidale Dumaresq Council [former]. (January, 2005). *Strategic Analysis for the Draft Armidale Dumaresq LEP 2005*.
- Bale C.L., White G.J. & Debus, S. (June, 1996). *Armidale City Flora and Fauna Survey: A report to the Armidale City Council*.
- BMT WBM Pty Ltd. (July 17, 2014). *Armidale Flood Study Review and Update – Stage 3*.
- NSW Government: Office of Environment & Heritage. (March 19, 2018). *Aboriginal Heritage Information Management System (AHIMS)*: Web services search result.
- NSW Government: Office of Environment & Heritage. (November, 2014). *New England North West: Climate Change Snapshot*. Available from <http://climatechange.environment.nsw.gov.au/Climate-projections-for-NSW/Climate-projections-for-your-region/New-England-North-West-Climate-Change-Downloads>
- NSW Government: Office of Environment & Heritage. (June, 2017). *Western Enabling Regional Adaptation – New England North West Region Report*. Available from <http://climatechange.environment.nsw.gov.au/Adapting-to-climate-change/Regional-vulnerability-and-assessment/New-England-North-West>
- NSW Government: Planning & Environment. (August, 2016). *A Guide to Preparing Planning Proposals*. Available from http://www.planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/~/_media/FC9BDEEC8CFA4BCD85FFDAAF7BFCBE63.ashx
- NSW Government: Planning & Environment. (August, 2016). *A Guide to Preparing Planning Proposals*. Available from http://www.planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/~/_media/0DC6DBCCED34FAD8CFFF87174928B44.ashx
- NSW Government: Planning & Environment. (Undated). *Biodiversity Values Map*. Available from <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap>
- NSW Government: Planning & Environment. (Exhibited January 25, 2017). *Contamination land Planning Guidelines: Draft*. Available from http://www.planning.nsw.gov.au/~/_media/Files/DPE/Guidelines/contaminated-land-planning-guidelines-2018-01.ashx
- NSW Government: Planning & Environment. (August 30, 2016). *LEP Practice Note 16-005: Delegation of plan making decisions*. Available from

<http://www.planning.nsw.gov.au/~media/Files/DPE/Circulars/delegation-of-plan-making-decisions-circular-2016-08-30.ashx>

NSW Government: Planning & Environment. (October, 2017). *New England North West: Housing and land monitor 2017*. Available from

<http://www.planning.nsw.gov.au/Plans-for-your-area/Regional-Plans/New-England-North-West/~media/3A81541109804CDBB3564158F7B3ACD2.ashx>

NSW Government: Planning & Environment. (August, 2017). *New England North West Regional Plan 2036*. Available from

<http://www.planning.nsw.gov.au/~media/Files/DPE/Plans-and-policies/new-england-north-west-final-regional-plan-2017-09.ashx>

NSW Government: Urban Affairs and Planning [former]. (August, 2001). *Integrating Land Use and Transport: Improving transport choice – Guidelines for planning and development*. Available from

<http://www.planning.nsw.gov.au/~media/Files/DPE/Guidelines/improving-transport-choice-guidelines-for-planning-and-development-2001-08.ashx>

NSW Government: Urban Affairs and Planning [former]. (August, 1998). *Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land*. Available

from <http://www.epa.nsw.gov.au/your-environment/contaminated-land/managing-contaminated-land/role-of-planning-authorities>

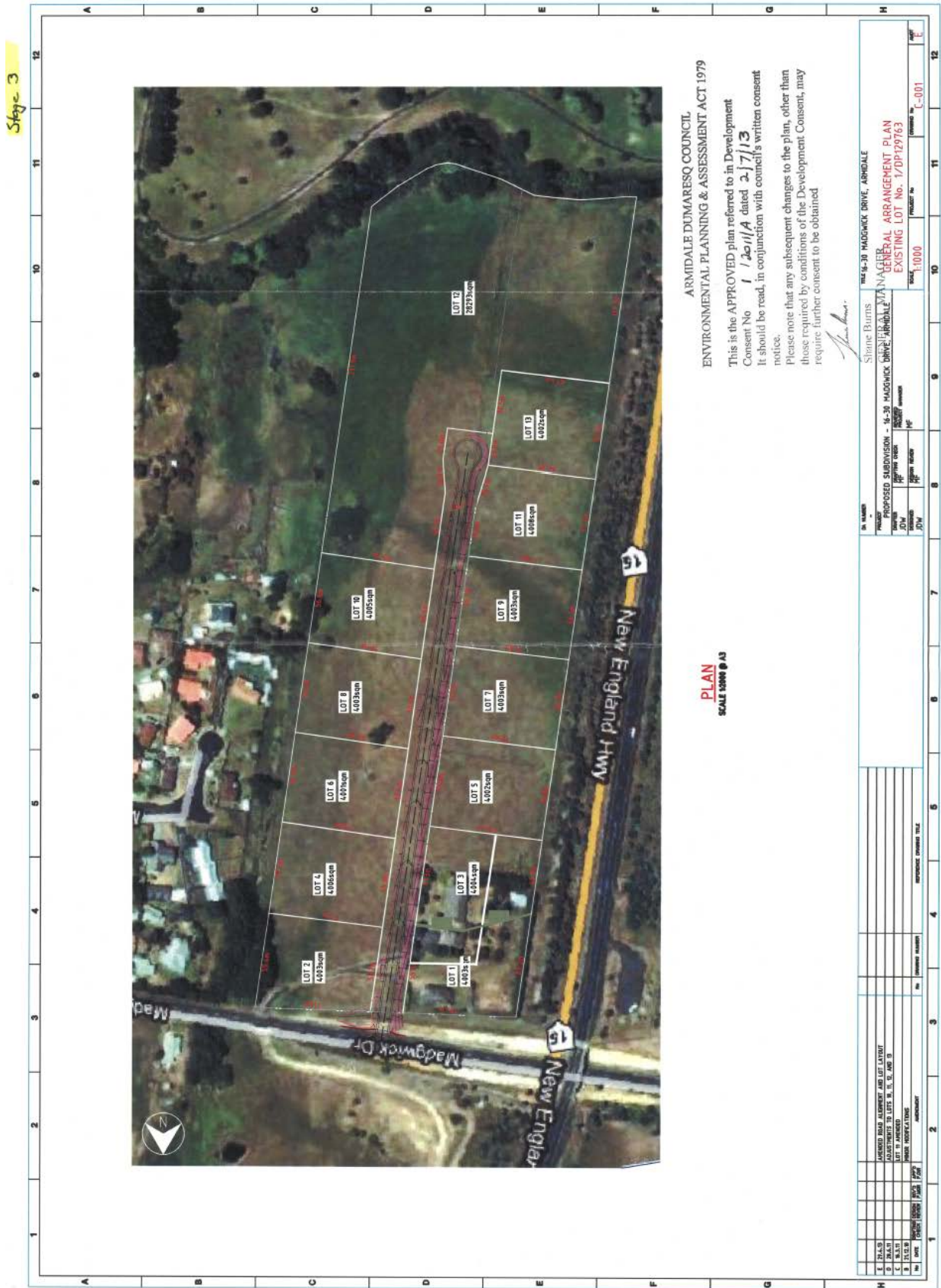
Suzanne R Hudson Consulting. (October, 2010). *Archaeological Survey of 16-32 Madgwick Drive, Armidale*.

Vipac Engineers & Scientists Pty Ltd. (June 30, 2010). *16-30 Madgwick Drive Armidale: DA Noise Assessment – traffic noise impact assessment*.

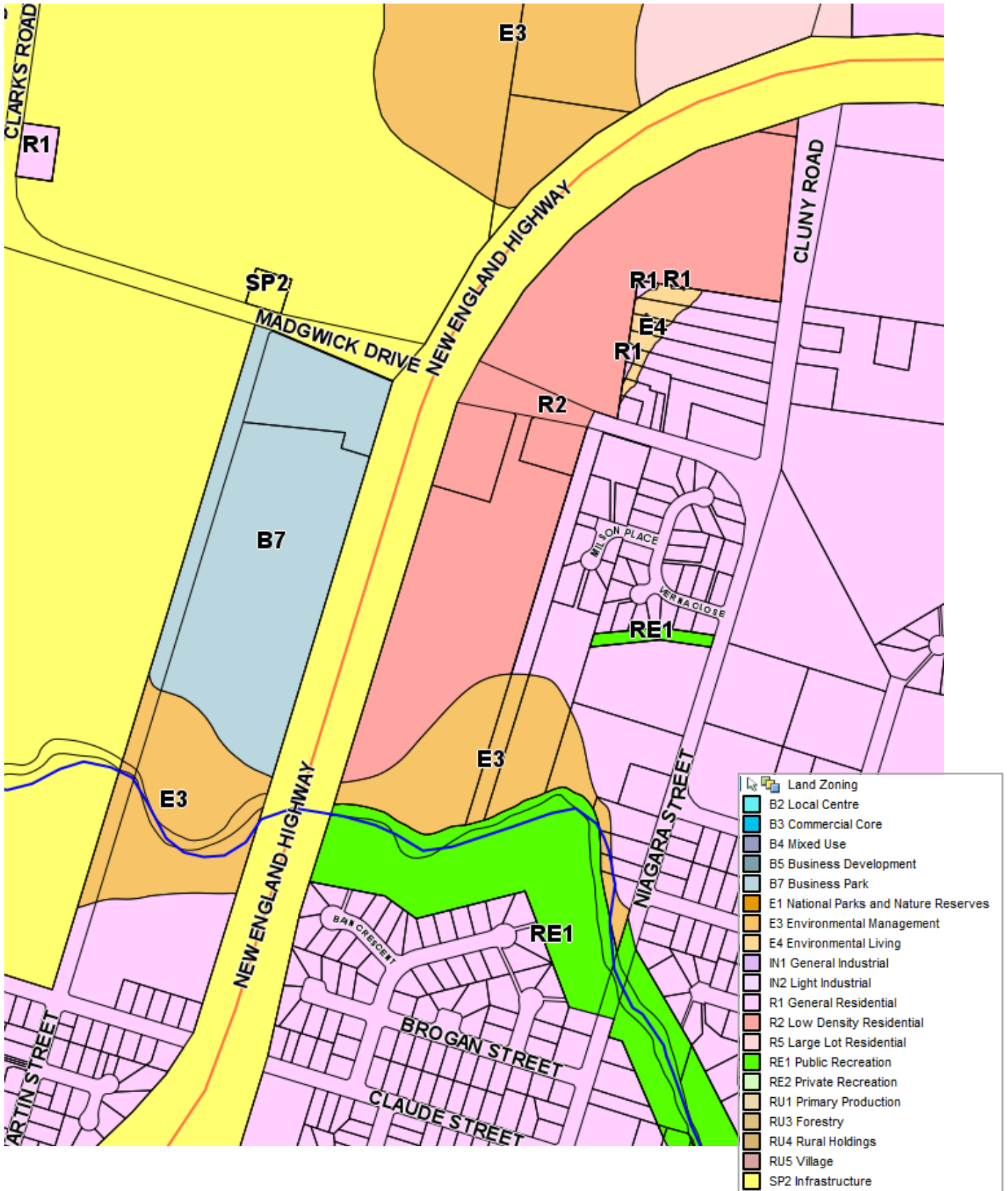
WorleyParsons Ltd. (April, 2010). *New England Development Strategy*. Available

from <http://www.armidaleregional.nsw.gov.au/development/planning-controls---guidelines/planning-strategies-and-documents>

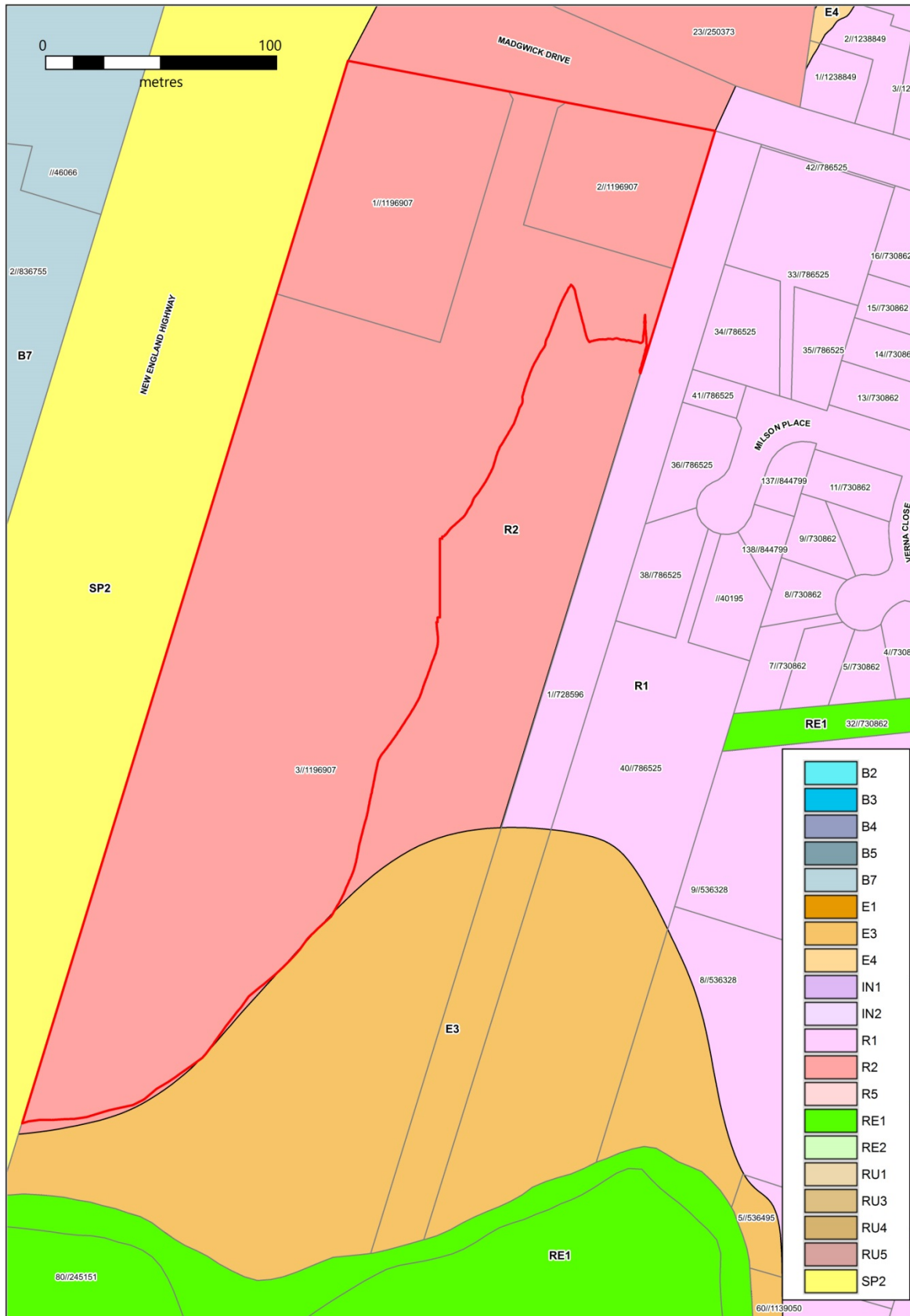
2. Approved plan from DA-1-2011/A. Stages 1, 2, and 3.



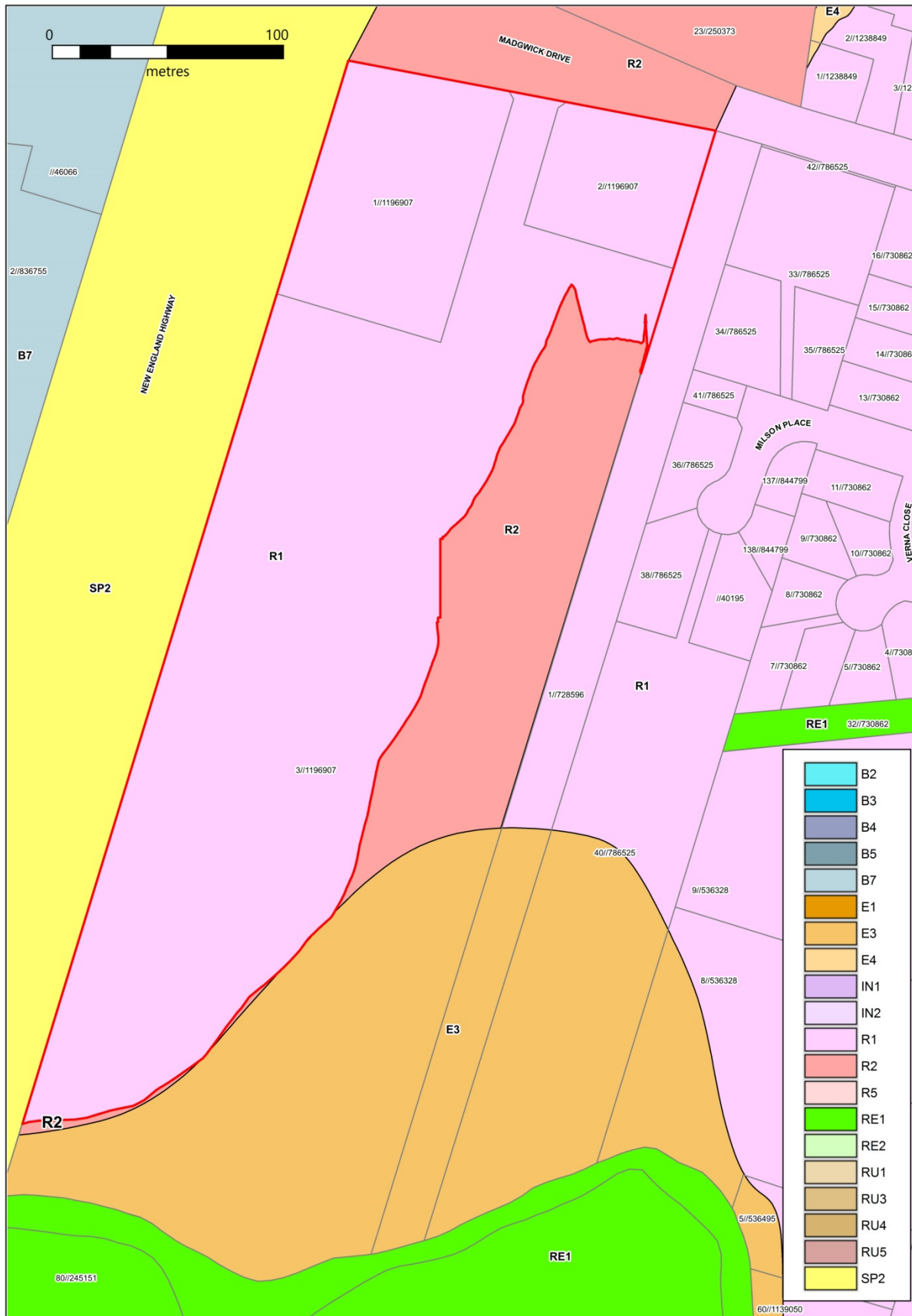
3. Locality – current land zones.



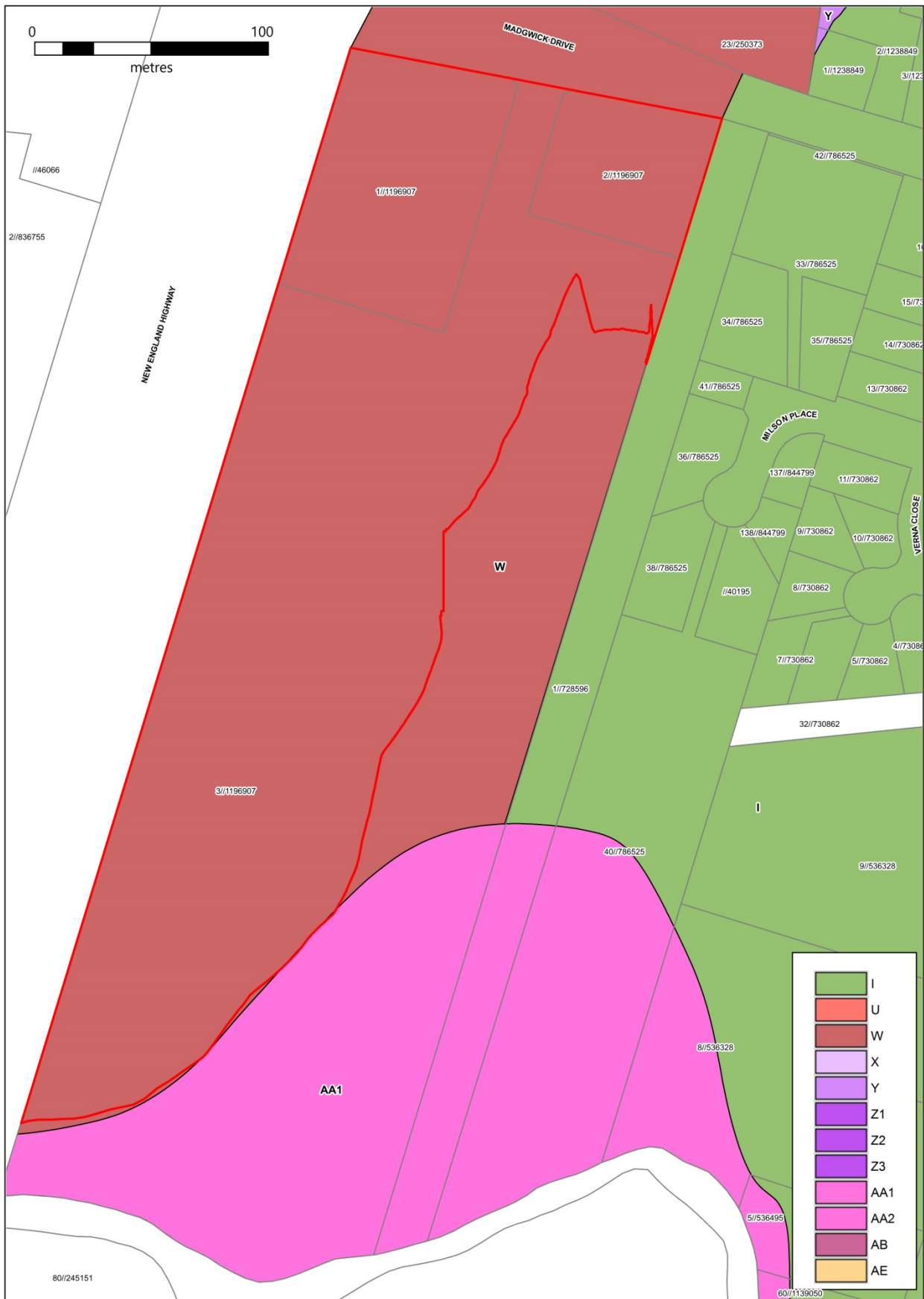
4a. Current zoning of the Site.



4b. Proposed zoning of the Site.



5a. Current lot size map of the Site.



6. AHIMS web search.

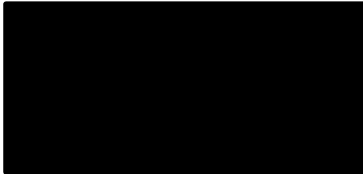


AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 20 madgwick

Client Service ID : 334389

Date: 19 March 2018



Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 3, DP:DP1196907 with a Buffer of 200 meters, conducted by Kayla Clanchy on 19 March 2018.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

6. (cont.).

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

7. Applicable State Environmental Planning Policies (SEPPs)

SEPP	Consistent?	Comment
No. 21 Caravan Parks	Yes	The Planning Proposal is not inconsistent with this SEPP. This SEPP requires development consent for caravan parks (including camping grounds) and subdivision of caravan parks for lease purposes. Uses to which this SEPP apply are not permissible in the current R2 Zone under ADLEP 2012, but are permitted with development consent in the R1 Zone.
No. 33 Hazardous and Offensive Development	Yes	The Planning Proposal is not inconsistent with this SEPP. This SEPP overrides any other environmental planning instrument definitions relating to hazardous, offensive, and storage facilities (hazardous or offensive) development. The SEPP also stipulates matters for consideration when determining whether consent should be granted for these types of development. The Planning Proposal does not seek to vary any of the definitions in relation to hazardous or offensive development. The current R2 and proposed R1 zonings applying to the Site prohibit such development, as defined in the SEPP.
No. 36 Manufactured Home Estates	Yes	The Planning Proposal is not inconsistent with this SEPP. This SEPP permits with consent manufactured home estates on land where caravan parks are permitted, if the land meets locational criteria in the SEPP. Under the LEP, caravan parks are prohibited in the R2 zone and permitted with consent in the R1 zone. The Planning Proposal would make manufactured home estates permissible with consent subject to the SEPP.
No. 44 Koala Habitat Protection	Yes	The Planning Proposal is not inconsistent with this SEPP. Part 4 of the SEPP encourages the appropriate zoning of identified potential and core koala habitat areas. It is anticipated that any potential koala habitat that may occur on part Lot 3 is already contained in an appropriate zoning (E3) which does not form part of the Site subject of the Planning Proposal. For more comments on biodiversity, see Question 8 .

7. (cont.)

<p>No. 55 Remediation of Land</p>	<p>Yes</p>	<p>The Planning Proposal is not inconsistent with this SEPP.</p> <p>This SEPP includes provisions for identification and/or remediation of contaminated land when preparing a rezoning and/or determining a development application.</p> <p>Clause 6 of the SEPP refers to the matters that must be taken into consideration when rezoning land. A planning authority is not to include in a particular zone any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless the planning authority has considered whether the land is contaminated. In relation to land specified in subclause (4):</p> <ul style="list-style-type: none"> • Subclause 4(a) - the Site is not contained within an investigation area. • Subclause 4(b) - the <i>Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land</i> (August, 1998) issued by the former NSW Department of Urban Affairs and Planning (‘current guideline’) was consulted. Council’s property file for the Site indicates that there is a history of dwelling and ancillary development approvals for Lots 1, 2, and 3 (including garages, sheds, sewer, and stormwater works). Ancillary use of the Site for hobby farming/grazing continues to this day. Recently, subdivision has been approved across the Site, and “health consulting rooms” approved in 2014 on Lot 2. The dwelling-like structure that houses the health consulting rooms provides specialised sleep assessment for patients, as well as the sale of specialised equipment (e.g. sleep apparatus). The historic and current land uses of the Site do not indicate that the land is potentially contaminated, in accordance with Table 1 and Appendix A of the current guideline. • Subclause (4)(c) - the Planning Proposal proposes to rezone the Site from R2 to R1 in the LEP. Both zones permit development for residential, educational and child care purposes as well as hospitals. In relation to residential purposes, a greater range of development is permitted in the R1 zone, eg multi unit housing. <p>The Site is not identified as being potentially contaminated in Council’s Land Information System and search of Council’s property file for the Site does not indicate that the land is currently, or has been previously used for a purpose listed in Table 1 of the <i>Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land</i>. It is therefore considered unlikely that the land is contaminated.</p>
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7. (cont.)

<p>No. 64 Advertising and Signage</p>	<p>Yes</p>	<p>The Planning Proposal is not inconsistent with this SEPP. The main aim of this SEPP is to control the location and impact of development for advertising and signage purposes. The SEPP makes permissible with consent a range of advertisement types on certain lands subject to the development meeting the assessment criteria and any other controls. The Planning Proposal does not contradict any part of the SEPP.</p>
<p>No. 65 Design Quality of Residential Apartment Development</p>	<p>Yes</p>	<p>The Planning Proposal is not inconsistent with this SEPP. This SEPP provides for consistent controls in relation to the design of residential apartment development in NSW where permitted under an EPI. The SEPP applies to residential apartment buildings, shop top housing or mixed use development with a residential component. Under the LEP, these types of development are not permitted in the R2 Zone, but are permitted with consent in the R1 Zone.</p>
<p>Affordable Rental Housing 2009</p>	<p>Yes</p>	<p>The Planning Proposal is not inconsistent with this SEPP. The SEPP seeks to facilitate more affordable housing development in NSW. There are some land uses, such as “secondary dwellings”, which are prohibited in the R2 zone, but are made permissible with consent in that zone by virtue of clause 20 of this SEPP. Therefore, the application of the SEPP to the Site – to be rezoned to R1 – will be similar to what is currently the case.</p>
<p>Building Sustainability Index: Basix</p>	<p>Yes</p>	<p>The Planning Proposal is not inconsistent with this SEPP. This SEPP provides for the implementation of a scheme to encourage sustainable residential development across NSW.</p>
<p>Educational Establishments and Child Care Facilities 2017</p>	<p>Yes</p>	<p>The Planning Proposal is not inconsistent with this SEPP. Exempt and complying development provisions for educational establishments and child care facilities are contained in this SEPP. Other controls and matters for consideration are included in the SEPP for land uses requiring a development application to be approved. There is nothing contained in the Planning Proposal that would contravene the intent and application of the SEPP to the Site.</p>
<p>Exempt and Complying Development Code 2008</p>	<p>Yes</p>	<p>The Planning Proposal is not inconsistent with this SEPP. This SEPP provides for streamlined assessment processes and codes for exempt and complying development that must satisfy specified criteria. The Planning Proposal is considered to be consistent with this SEPP.</p>
<p>Housing for Seniors or People with a Disability 2004</p>	<p>Yes</p>	<p>The Planning Proposal is not inconsistent with this SEPP. This SEPP stipulates where and how housing for seniors or people with a disability is to be developed.</p>

7. (cont.)

Infrastructure 2007	Yes	<p>The Planning Proposal is not inconsistent with this SEPP.</p> <p>The SEPP relates to infrastructure development carried out by or on behalf of a public authority and identifies exempt development and development that may be carried out with or without consent. There is nothing in the Planning Proposal that would contradict the intent and operation of this SEPP.</p>
Mining, Petroleum Production and Extractive Industries 2007	Yes	<p>The Planning Proposal is not inconsistent with this SEPP.</p> <p>This SEPP makes permissible with or without consent certain activities related to mining, petroleum production and extraction – regardless of any other EPI. Clause 8 of the SEPP includes matters to be satisfied in determining development consent for mining, petroleum production, or extractive industries.</p>
Miscellaneous Consent Provisions 2007	Yes	<p>The Planning Proposal is not inconsistent with this SEPP.</p> <p>The SEPP contains provisions that have largely already been absorbed into the Standard Instrument LEP or other SEPPs, such as matters relating to subdivision of land that would result in a secondary dwelling being located on a separate title to the primary dwelling.</p>
State and Regional Development 2011	Yes	<p>The Planning Proposal is not inconsistent with this SEPP.</p> <p>This SEPP identifies regional development, State significant development, and State significant infrastructure for NSW. The Planning Proposal does not affect any such development identified in the SEPP.</p>
Vegetation in Non-Rural Areas 2017	Yes	<p>The Planning Proposal is not inconsistent with this SEPP.</p> <p>The purpose of this SEPP is to regulate the clearing/disturbance of vegetation in predominantly urban areas. The provisions of the SEPP mostly relate to tree removal applications as required in a Council’s Development Control Plan, and where referral of such applications to the Native Vegetation Panel is required.</p>

8. Applicable Ministerial Directions (Section 9.1 Directions)

1. Employment and Resources	Consistent?	Comments
1.3 Mining, Petroleum Production and Extractive Industries	No, but justified	<p>The Planning Proposal rezones the land from R2 to R1 zone. Mining and extractive industries are prohibited in both zones under the LEP.</p> <p>The Direction-General of the Department of Primary Industries ('DPI') has not been consulted and therefore the proposal is inconsistent with the Direction. The inconsistency is considered to be of minor significance, because:</p> <ul style="list-style-type: none"> the Planning Proposal does not introduce mining and extractive industries as newly prohibited on the Site by virtue of the proposed zoning. These activities are already prohibited under the current zoning applying to the land. no resources (identified or potential resources or transitional area) have been identified in the DPI Mineral Resources Audit undertaken by DPI Minerals in August 2012, and the area of the proposed R1 land adjoins existing R1 zoned land in Armidale. There are nearby established residential neighbourhoods. Mining and extractive industries on the Site would generate potential land use conflict with nearby residential development.
2. Environment and Heritage	Consistent?	Comments
2.1 Environment Protection Zones	Yes	<p>The Planning Proposal does not propose to alter existing provisions in LEP 2012 that facilitate the protection and conservation of environmentally sensitive areas. The Planning Proposal does not seek to rezone land to or from an environment protection zone.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
2.3 Heritage Conservation	Yes	<p>The LEP includes provisions from the Standard Instrument LEP for the protection of environmental, historical, European and/or Aboriginal cultural or archaeological heritage. The Planning Proposal does not propose to alter these provisions. The Site is not identified as a heritage item or being located within a heritage conservation area. The Site is unlikely to contain items of Aboriginal cultural heritage significance. Further comments are made in relation to heritage under Question 9.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>

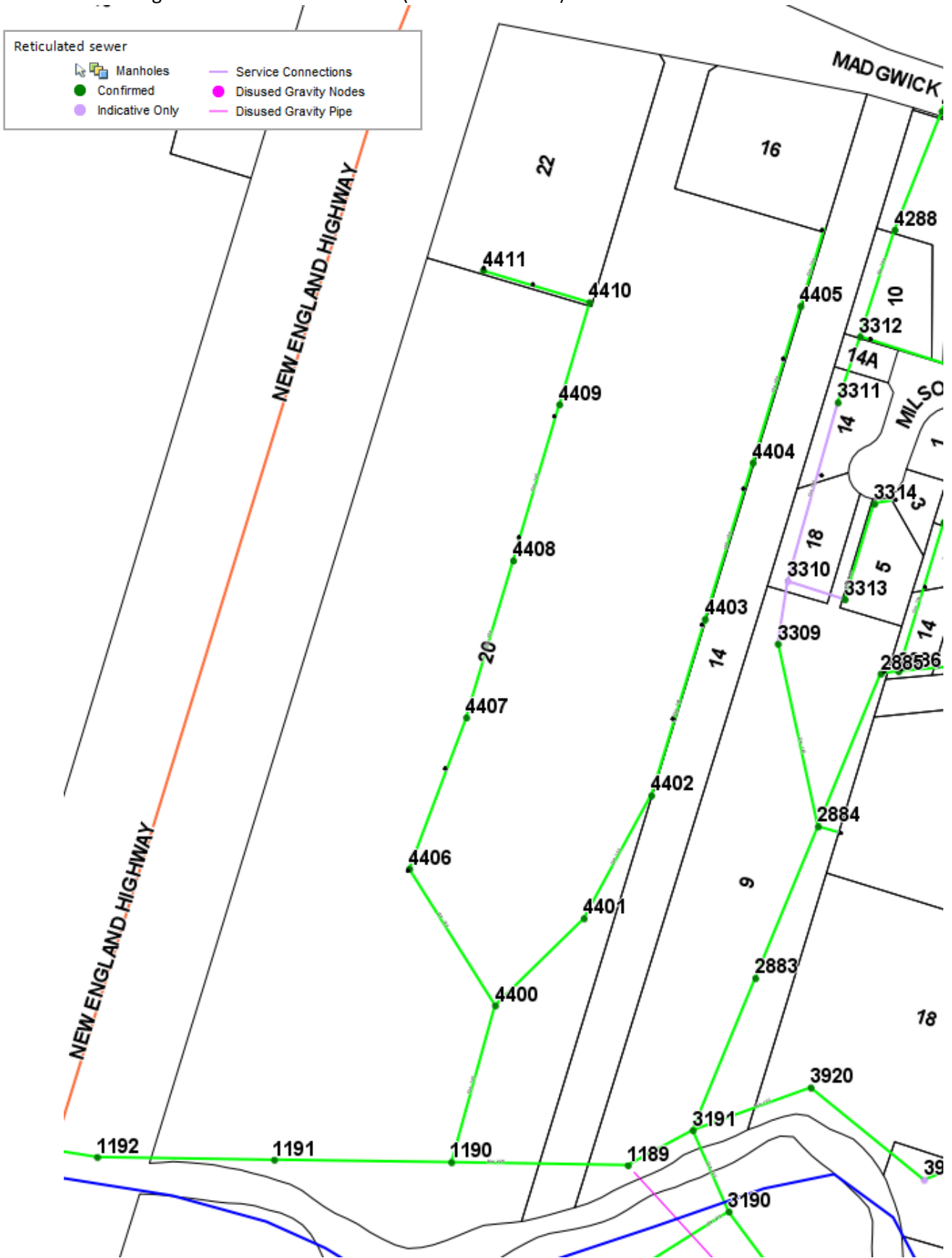
8. (cont.)

<p>2.4 Recreation Vehicle Areas</p>	<p>Yes</p>	<p>The Planning Proposal does not enable the Site to be developed for the purpose of a recreation vehicle area as recreation facilities (indoor, major, and outdoor) are prohibited in the R1 zone under the LEP. The Planning Proposal is considered to be consistent with this Direction.</p>
<p>3. Housing, Infrastructure and Urban</p>	<p>Consistent?</p>	<p>Comments</p>
<p>3.1 Residential Zones</p>	<p>Yes</p>	<p>The rezoning of the Site from R2 to R1 is consistent with this Direction by:</p> <ul style="list-style-type: none"> • offering a greater choice of housing types on the Site for existing and future housing markets (e.g. by permitting multi dwelling housing), • making efficient use of existing infrastructure and services, • providing for more residential housing close to the centre of Armidale prior to any long term release of residential land in the Tilbuster corridor (as identified in the NEDS – see Question 4), and • providing land of a suitable configuration and with few constraints, so that good subdivision design can be achieved for any future development application. <p>Clause 6.6 of LEP 2012 provides that Council must be satisfied prior to granting development consent that essential services are available or that adequate arrangements have been made to make them available to a development. The Planning Proposal does not alter this provision. Additionally, the Proposal does not contain provisions that will reduce the permissible residential density of land, as the objective of the Proposal is to increase the residential development capacity of the Site. The Planning Proposal is considered to be consistent with this Direction.</p>
<p>3.2 Caravan Parks and Manufactured Home Estates</p>	<p>Yes</p>	<p>Caravan parks and manufactured home estates are permitted with consent under the LEP in the R1 zone. Under SEPP No 36 Manufactured Home Estates, manufactured home estates would be permitted with consent on the Site. The Planning Proposal does not seek to alter the permissible uses in the R1 zone. The Planning Proposal is considered to be consistent with this Direction.</p>
<p>3.3 Home Occupations</p>	<p>Yes</p>	<p>The Planning Proposal does not seek to vary the current LEP 2012 provisions which permit home occupations to be carried out in dwelling houses without the need for development consent. The Planning Proposal is considered to be consistent with this Direction.</p>

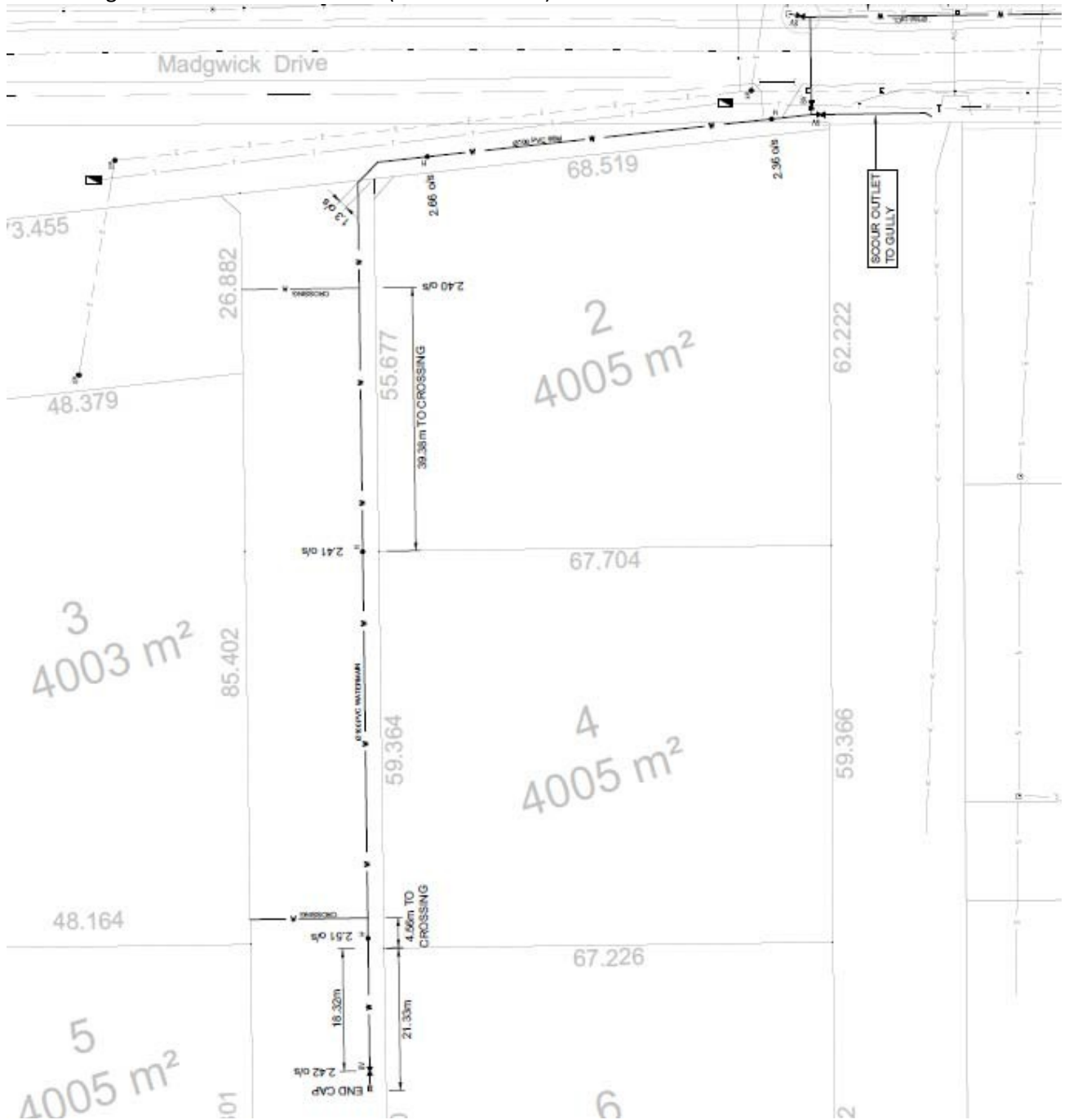
8. (cont.)

3.4 Integrating Land Use and Transport	Yes	<p>This Direction applies by virtue of the Planning Proposal altering/removing a zone relating to urban land. The provisions of this Direction mostly relate to planning residential land in such a way that there are improved cycling, pedestrian and public transport links to key businesses, services, and jobs. The location of the Site is considered to be consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for Planning and Development</i> (August, 2001) issued by the former DUAP, by offering a variety of transport choices for future residents. The Site has direct access to, and is immediately adjacent to a sealed public road (Madgwick Drive) which has an existing cycleway. The Site is accessible to transport services, various amenities and facilities including the Armidale city centre, and to UNE and its associated facilities to the west. The proximity of the Site to amenities and services offers future residents of the Site the option to walk, cycle, drive or use public transport to access those services and amenities.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
5. Regional Planning	Consistent?	Comments
5.10 Implementation of Regional Plans	Yes	<p>The NENW Regional Plan has been addressed under Question 3. The Proposal is considered to be consistent with all relevant matters contained in the NENW Regional Plan.</p> <p>The Planning Proposal is considered to be consistent with this</p>
6. Local Plan Making	Consistent?	Comments
6.1 Approval and Referral Requirements	Yes	<p>Clause (4) of the Direction requires a Planning Proposal to minimise the inclusion of concurrence/consultation provisions and not identify development as designated development. The Planning Proposal does not propose to alter the LEP in such a way that concurrence, consultation or referral of development applications to a Minister or public authority is required.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
6.2 Reserving Land for Public Purposes	Yes	<p>The Planning Proposal does not propose to create, alter or reduce existing zonings or reservations of land for public purposes.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
6.3 Site Specific Provisions	Yes	<p>The Planning Proposal does not propose to allow a particular development to be carried out on the Site. No specific drawings or technical details relating to future development proposals have been included in the Proposal.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>

9a. Existing infrastructure and services (reticulated sewer).

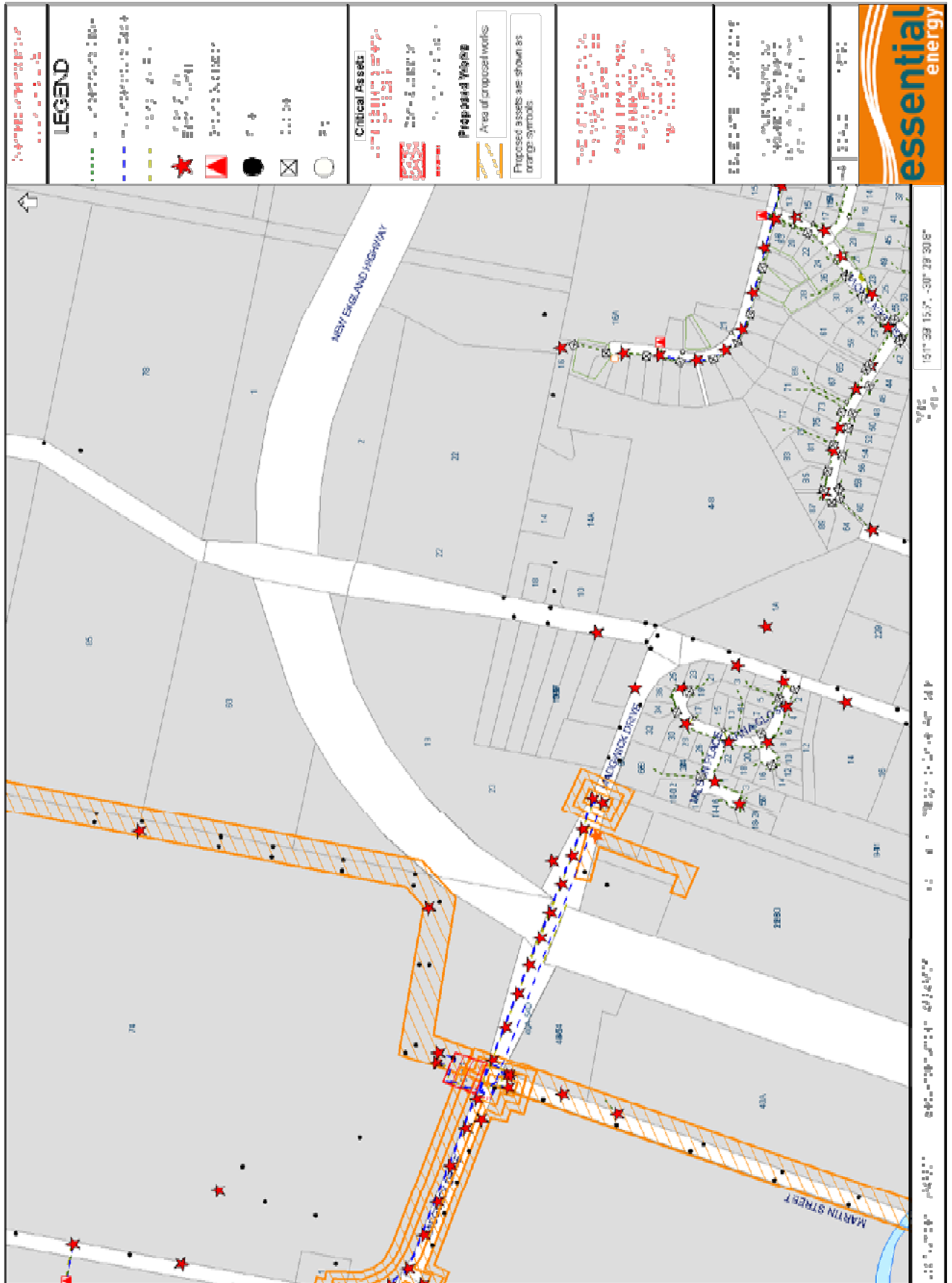


9b. Existing infrastructure and services (water & Telstra).

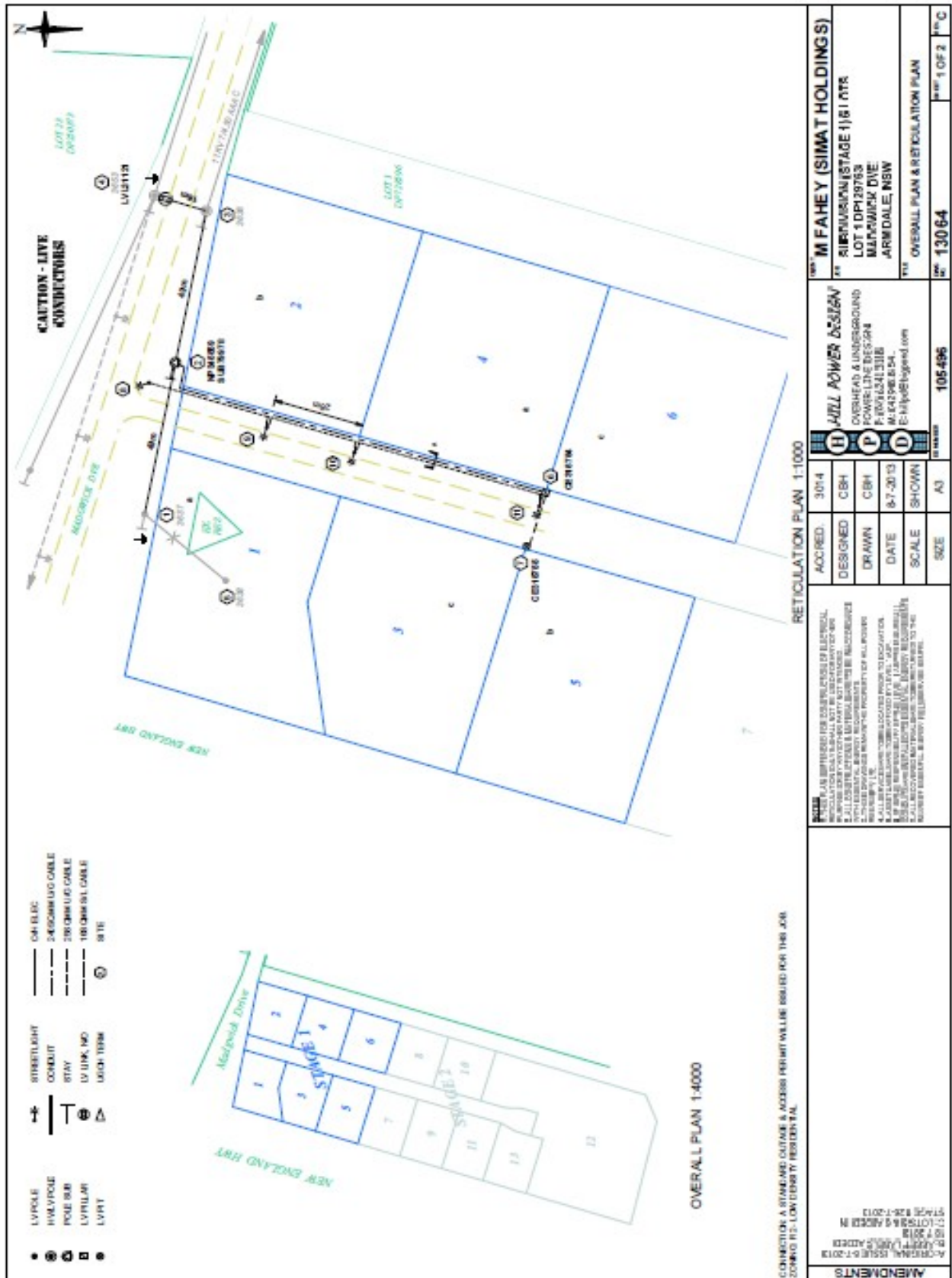


- Legend**
- W -- Water
 - T -- Telstra

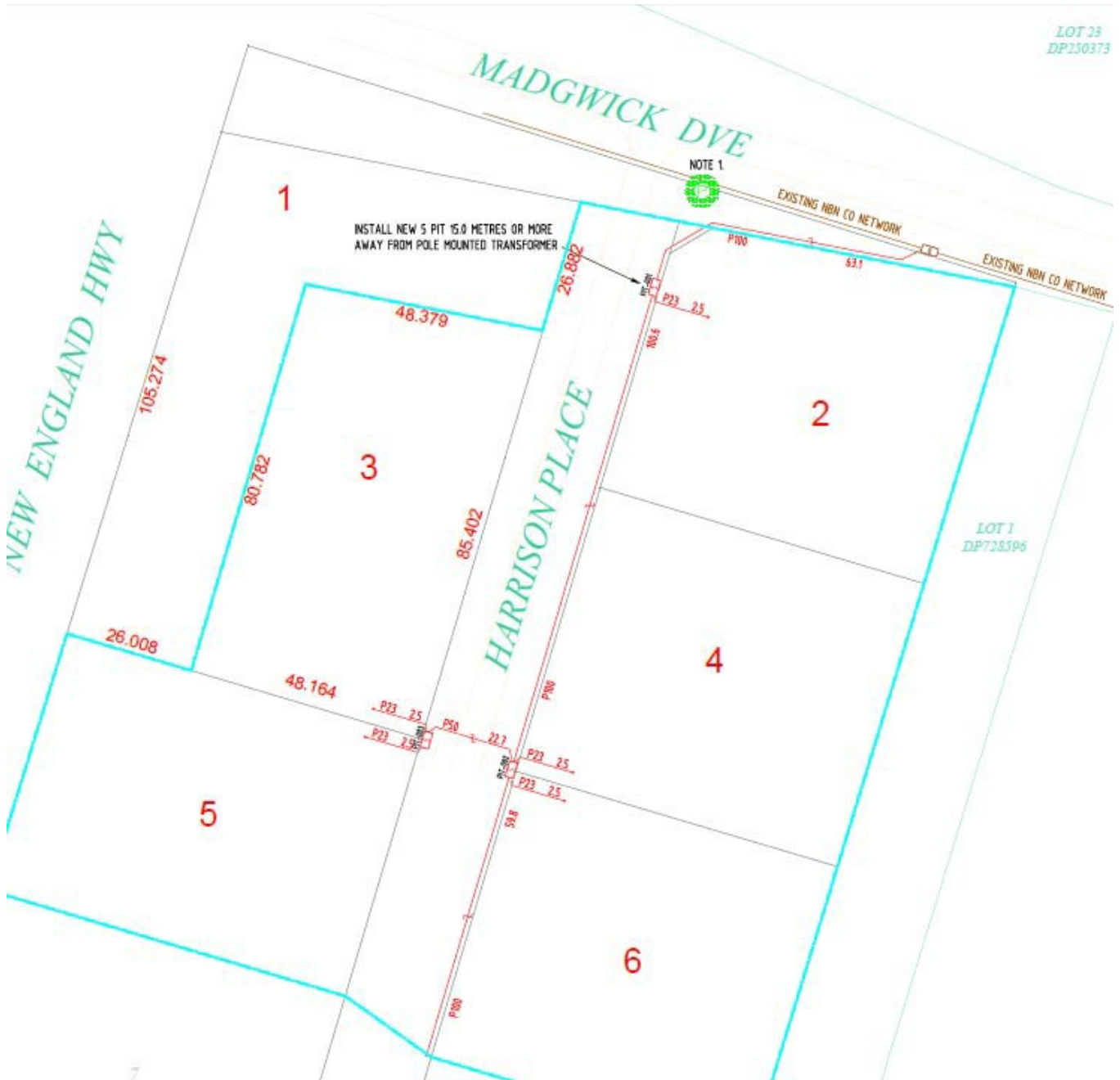
9c. Existing infrastructure and services (Essential Energy).



9d. Existing infrastructure and services (Essential Energy – as built for subdivision).



9e. Existing infrastructure and services (NBN – as built for subdivision).



9f. Existing infrastructure and services (Kleenheat natural gas).



9g. Existing infrastructure and services (Armidale Bus Route Map – Edwards Coaches). NB: Site is outlined in black.

