

A stylized graphic on the left side of the page. It features a light grey silhouette of a person's arm and hand reaching out to hold a small, light green leaf. The background is a solid olive green.

PLANNING PROPOSAL

**Part Lot 9 and Lot 10 in DP 836850 and adjoining
Ross Street road reserve, Armidale**

prepared on behalf of the owner of Lot 9 DP 836850, 53A
The Avenue, Armidale by

ALL ABOUT **PLANNING**

AS AMENDED BY ARMIDALE DUMARESQ COUNCIL
MARCH 2015

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PLANNING PROPOSAL

ARMIDALE DUMARESQ COUNCIL

PART LOT 9 DP 836850, 53A The Avenue, Armidale
LOT 10 DP 836850, Armidale
Adjoining Ross Street Road Reserve, Armidale

AAP Reference: 2013-007

All About Planning Pty Ltd

This Rezoning Application has been prepared on behalf of the owners of 53A The Avenue, Armidale.

In preparing this report, All About Planning Pty Ltd has relied on site inspections, research, communication with their client and a local real estate agent and consultations with the strategic planning staff of Armidale Dumaresq Council.

For and on behalf of All About Planning Pty Ltd.



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INTRODUCTION

A residential rezoning of land on the lower northern slopes of Armidale's South Hill is proposed. The land subject of the rezoning is immediately adjacent to existing residential development. The proposed rezoning will respond to local demand for high amenity, fully serviced South Hill residential lots whilst maintaining scenic landscape and environmental qualities.

The sites subject of the Planning Proposal are Lots 9 and 10 DP 836850 and the adjoining road reserve in Ross Street, Armidale. Lot 9 has an area of 8.004 hectares and partly irregular dimensions, due to existing water storage tanks positioned on the eastern boundary of the site. Lot 9 currently contains a large rendered brick and grey tile roofed dwelling orientated to the north which is positioned uphill and a little west of the two large concrete water storage tanks. Lot 9 is shown in Map 1 and the site dimensions are shown in Map 2.

Map 1. Lot 9 DP 836850, 53A The Avenue, Armidale



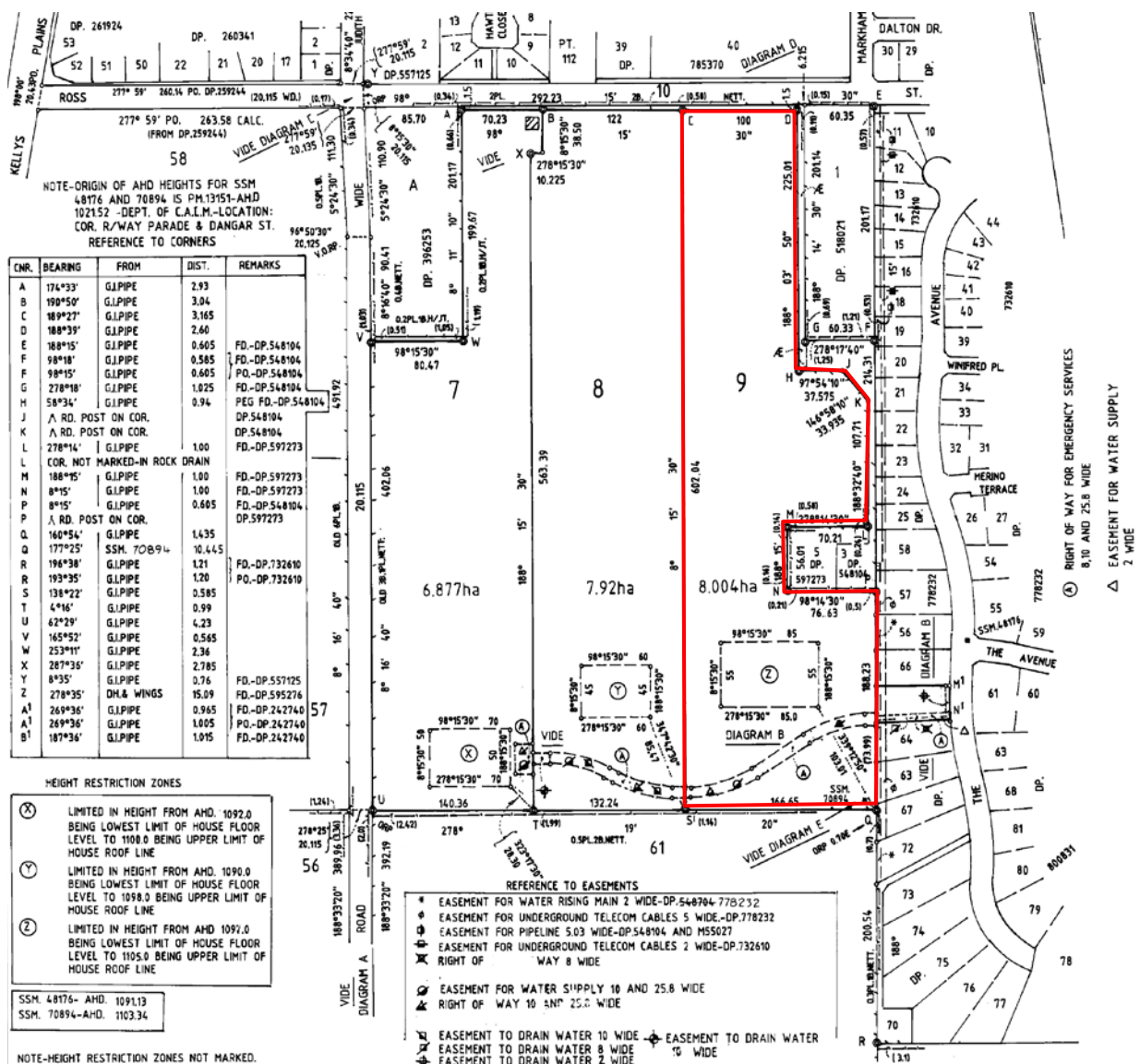
Under Armidale Dumaresq Local Environmental Plan 2012 (Armidale Dumaresq LEP 2012) most of the site is zoned E4 Environmental Living with the northern higher end of the site being zoned E3 Environmental Management. Only the lower part of Lot 9 is proposed to be rezoned to R1 General Residential.

No change is proposed to the existing zoning of the E3 zoned portion of Lot 9 and no change is proposed to the remainder of the E4 zone in the mid section of the site above the proposed R1 zone and below the

existing E3 zone. The existing E3 zoned area of Lot 9 is approximately 3.13 hectares and contains the land owner's existing dwelling.

A 4 hectare and 1 hectare minimum lot size standard (MLS) for subdivision currently applies, respectively, to the E3 and E4 zoned parts of the site. It is proposed to introduce a MLS for subdivision of 500m² for the part of the site to be rezoned to R1. This standard is consistent with the MLS for adjacent residential development on R1 zoned land. It is also proposed to vary the MLS for subdivision applying to that part of Lot 9 that is zoned E3. The proposed variation from 4 hectares to 3 hectares for the land zoned E3 will permit the creation of a lot for the existing dwelling on Lot 9.

Map 2. Dimensions of Lot 9 DP 836850 (Extract from DP 836850)



Lot 9 is located immediately adjacent to both R1 and R2 residential zoned land to the north and east of the site, off The Avenue and Ross Street, and is in the locality of three heritage items listed in Armidale

Dumaresq LEP 2012, being the St Patrick's Orphanage off The Avenue and private dwellings across from the site in Markham and Short Streets. Photographs of the site are shown in Figure 1.

Figure 1: Site and surrounds



Above: Existing residence on subject Lot 9, which is positioned above the proposed rezoning area on Lot 9



Above: Access from Ross St to water towers and the Heritage listed old orphanage in locality



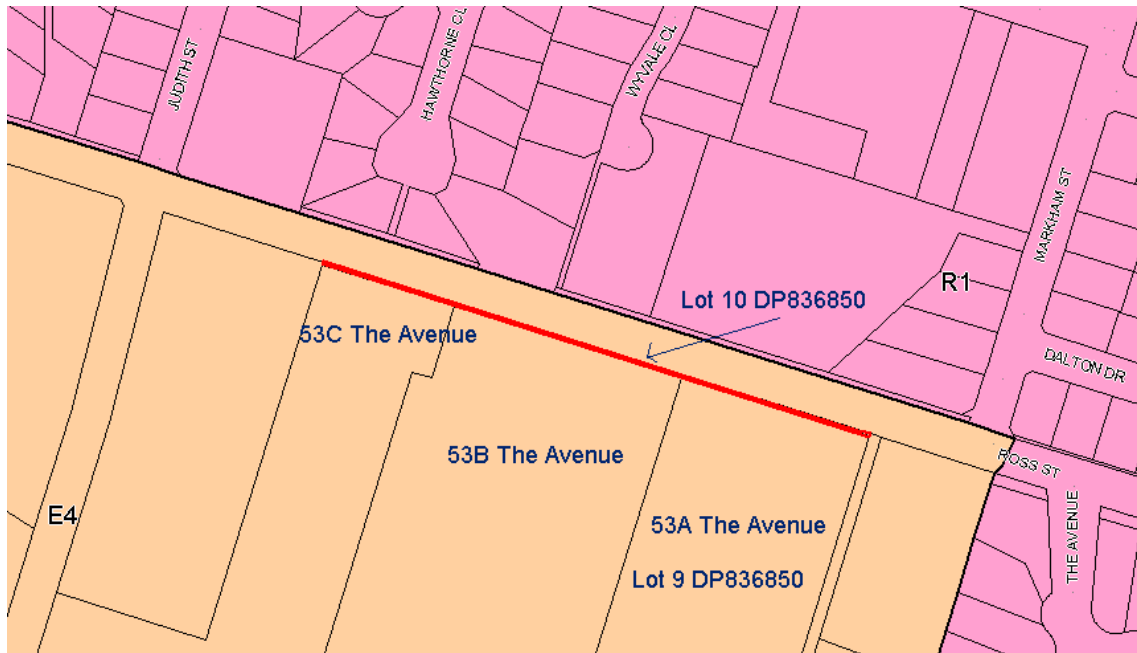
Above: Views from subject site looking south and north



Above: Adjacent water towers

It is also proposed to rezone Lot 10 DP 836850 (Lot 10), 134-162 Ross Street, and the adjacent Ross Street road reserve from E4 Environmental Living to R1 General Residential and introduce a MLS of 500m² for this land. Lot 10 has an area of 438m² and adjoins the northern boundary of Lots 7, 8 and 9 DP 836850. It was created for the purpose of an access denial strip when the subdivision plan creating Lots 7, 8 and 9 was registered. Lot 10 is owned by Council and is classified as Operational land under the Local Government Act 1993. The location of Lot 10 and the current zoning of land in the locality under Armidale Dumaresq LEP 2012 are shown on Map 3.

Map 3. Lot 10 DP 836850, 134-162 Ross Street, Armidale



I OBJECTIVES OR INTENDED OUTCOMES

The objectives or intended outcomes of the Planning Proposal are to:

- allow the submission and consideration of a development application for a residential subdivision of the lower portion of Lot 9 DP 836850 (Lot 9), 53A The Avenue, Armidale, and future residential use of that part of the site.
- permit a 1 lot subdivision of that part of Lot 9 that will retain its current E3 Environmental Management zoning to create a lot for the existing dwelling-house on the land
- to rezone land adjacent to the northern boundary of Lot 9 so that its zoning is contiguous with the existing residential zoning of the land opposite on the northern side of the Ross Street road reserve and the lower part of Lot 9.

It is proposed to extend the existing (adjacent) R1 General Residential zone onto the lower part of Lot 9, extending from Ross Street up to the RL1080 contour on Lot 9. An E4 Environmental Living zone is proposed to be retained over the central section of Lot 9 and the E3 Environmental Management zone is also proposed to be retained at the upper level of the site (including the existing dwelling occupied by the proponents).

Lot 10 is owned by Council and is classified as Operational land under the Local Government Act 1993. Due to its classification it may be sold or disposed of by Council. Future residential subdivision of Lot 9 would require upgrading of Ross Street and access across Lot 10 to the subdivision. The location(s) of the access would be considered as part of a development application for a future subdivision, taking into account such matters as likely future traffic flow along Ross Street and providing safe sight distances. Future residential subdivision of Lot 9 is not dependent on the proponent owning Lot 10. Council could retain ownership and maintain any remaining access denial strip(s) following subdivision or sell the land to the owners of Lot 9 so it could be incorporated into a future subdivision. Irrespective of whether Council retains ownership of Lot 10, zoning Lot 10 and the Ross Street road reserve adjacent to 53A, 53B and 53C The Avenue to R1 General Residential would facilitate orderly development of the land. Should future subdivision of the land require restrictions on access to Ross Street, this may be considered at the development application stage for a subdivision and be dealt with by alternative measures, such as a covenant on the title of newly created lots adjoining Ross Street.

It is also proposed to vary the minimum lot size standards for subdivision (MLS) applying to the land subject of the Planning Proposal to achieve the above outcomes.

The existing zonings and MLS applying to the land subject of the Planning Proposal are shown in Attachment 1 and the proposed zonings and MLS are shown in Attachment 2.

2 EXPLANATION OF PROVISIONS

The proposed outcomes of the Planning Proposal will be achieved by:

- amending the Armidale Dumaresq LEP 2012 Land Zoning Map by zoning part Lot 9 DP836850, Lot 10 DP 836850 and the adjoining Ross Street Road Reserve, R1 General Residential (refer Attachment 2), and
- amending Armidale Dumaresq LEP 2012 Lot Size Map by altering the lot size standards for Lot 9 DP836850, Lot 10 DP 836850 and adjoining Ross Street Road Reserve in accordance with the proposed Lot Size map (refer Attachment 2).

3 JUSTIFICATION

Section A – Need for the planning proposal

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

The subject Planning Proposal is not the direct result of any current strategic study or report by Council or the NSW Department of Planning and Environment.

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

Consideration has been given to alternative methods of achieving the objectives and intended outcomes of the Planning Proposal, including the use of Schedule 1: "Additional Permitted Uses" within the Armidale Dumaresq LEP 2012. This approach however is not consistent with the Department of Planning and Environment's policy and guidelines for the use of the Standard Instrument LEP, for example NSW Planning and Infrastructure: LEP Practice Note PN11-001, dated 10 March 2011.

The proposed rezonings and variations to the MLS standards is considered to be the best means of achieving the objectives or intended outcomes of the Planning Proposal.

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 the Sydney Metropolitan Strategy and exhibited draft strategies)?

The relevant regional strategy is the *New England North West Strategic Regional Land Use Plan 2012* (SRLUP). This Plan represents the NSW State Government's proposed framework to support growth, protect the environment and respond to competing land uses, whilst preserving key regional values over the next 20 years.

Actions in the SRLUP where local councils are the lead agencies and are relevant to the Planning Proposal are considered in Table 1.

Table 1: New England North West Strategic Regional Land Use Plan – relevant actions.

SRLUP		Applicable to Planning Proposal?
Action	Timeframe	
Balancing agriculture and resources development		
3.3 Include appropriate zonings and provisions in LEPs to protect agricultural land including, as a minimum, mapped strategic agricultural land (p.22).	Ongoing	Lot 9 is not mapped as significant agricultural land. The agricultural potential of the site is considered to be minimal given its size and proximity to existing residential areas.
Infrastructure		
4.3 LEPs are to ensure housing and employment development occurs in areas which can be appropriately serviced (p.40).	Ongoing	Lot 9 is in an area that can be appropriately serviced for residential development.
Housing and settlement		
6.1 Local councils will prepare land and housing supply strategies that identify sufficient land to facilitate an adequate supply of appropriately located housing to meet identified demand (p.51).	Ongoing	The <i>New England Development Strategy</i> (Worley Parsons, 2010) identifies residential land in Armidale that will be sufficient to meet projected demand for housing up to 2021. The <i>New England Development Strategy</i> (NEDS) also identifies land to the north east of Armidale (Tilbuster Corridor) for future longer term residential development. Lot 9 is not within a residential area identified by the NEDS. However, the proposed rezoning of part of Lot 9 would allow for

		additional land suitable for residential development that is contiguous with existing residential areas. This additional supply will maximize development of suitable residential land within Armidale prior to having to release a new area in the Tilbuster corridor, which is just beyond the urban fringe.
6.2 Local councils will zone land through their LEPs to ensure an adequate supply of land for residential development and to facilitate delivery of a range of housing types (p.51).	Ongoing	The Planning Proposal will contribute towards providing an adequate supply of new residential lots. It is not proposed to change the permissible uses within the current R1 zone which allows for a range of housing types.
6.3 Local councils will ensure that new residential development makes a positive contribution to livability and character by ensuring residential areas are planned in accordance with the settlement principles in this plan (p.51).	Ongoing	
Settlement planning principles (p.50) When planning for housing growth, the following settlement principles must be considered:		Future residential development of that part of Lot 9 to be zoned R1 is considered to be consistent with the settlement planning principles in the SRLUP – see comments below.
Development will contribute to the diversity of housing types available. Any medium or higher density housing should be located in central and accessible locations, to ensure access to a full range of services within a reasonable walking distance.		The R1 zone permits a range of housing types. Lot 9 is readily accessible to the existing urban road network, which includes pedestrian footpaths and connections. A number of services are located within a reasonable walking and/or cycling distance of Lot 9, including: - Within 500 metres: playgrounds and passive recreation areas - Within 1 kilometre: netball courts, corner store. - Within 1.7 to 2.5 kilometres: Martins Gully Primary School, Armidale High School and the New England Girls School.

Development will be located to maximise the efficiency of essential urban infrastructure, services and facilities, including transport, health and education.		Lot 9 is adjacent to the built up residential area of Armidale and is therefore capable of connecting to or accessing existing water supply and sewer infrastructure; road network (including pedestrian and cycle ways); Armidale hospital; schools, TAFE college and the University of New England; and commercial premises in the Armidale Central Business District.
Development will respect and respond to the character of the area and the identified settlement hierarchy of the region.		Future residential development on the lower part of Lot 9 would be similar to the established character of the immediate area to the north and east and will not detract from the identified settlement hierarchy of the region. Future subdivision of the remainder of Lot 9 would be similar to the character of areas to the north and west which are zoned E3 and E4.
New residential areas will be planned with streets that make it easy for people to walk and cycle, and with recreational and open space.		Any future residential subdivision of the lower part of Lot 9 will need to consider Armidale Dumaresq Development Control Plan 2012, which includes provisions for street layout and design. There is adequate open space provided within proximity to Lot 9 to meet the demand for recreational areas arising from future residential subdivision of the land.
New residential and rural residential areas will respect environmental and cultural heritage and avoid areas most affected by natural hazards or having high cultural significance.		There are no identified natural hazards or areas of known high cultural significance on Lot 9. It is proposed to carry out an Aboriginal heritage assessment of Lot 9 either as required by a Gateway determination or as part of a development application for subdivision of the land.

New residential and rural residential areas should minimise the potential for land use conflict with land needed for valuable economic activities, such as valuable agricultural lands and natural resource lands. This includes avoiding locations where possible adverse impacts associated with industry (such as noise, dust, visual impacts or other amenity impacts) are likely to affect future residents.		With existing residential development to the east and north and environment protection zoned lands to the south and west of Lot 9, no land use conflicts are expected to result from the proposed zonings and variations to the MLS standards in the Planning Proposal,
Natural environment		
9.1 Ensure that LEPs zone areas subject to natural hazards appropriately to reflect the risks associated with the hazard and limitations of the land (p.66).	Ongoing	The land subject of the Planning Proposal has no known natural hazards that would preclude its consideration for urban development.

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

New England Development Strategy 2010

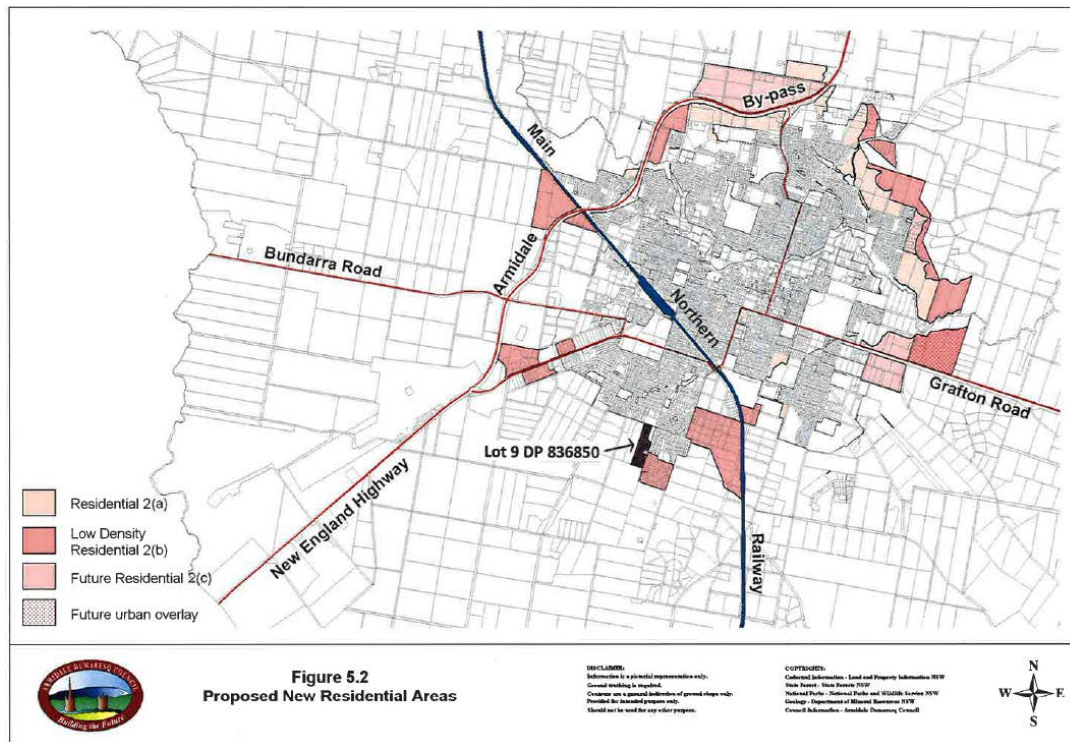
The *New England Development Strategy* (Worley Parsons, 2010) was prepared for Armidale Dumaresq, Guyra Shire, Uralla Shire and Walcha Councils. The *New England Development Strategy* (NEDS) outlines key land use policies and principles for the four council areas and provides the planning context for preparing LEP provisions. The NEDS has a timeframe of up to 2032.

The NEDS was adopted by the four councils and endorsed by the then Director-General of the Department of Planning and Infrastructure and formed the basis of the Standard Instrument LEPs prepared for the four local government areas, including Armidale Dumaresq LEP 2012.

The Planning Proposal is not considered to be consistent with the NEDS as that part of Lot 9 proposed to be rezoned to R1 General Residential was not identified for future residential development in the Strategy. However, the inconsistency is considered to be justified for the reasons outlined below.

The Armidale urban release areas identified in the NEDS were based on the '*Strategic Analysis for Draft Armidale Dumaresq LEP 2005*' (Armidale Dumaresq Council, 2005). This Strategic Analysis underpinned the new residential lands that were rezoned in the Armidale Dumaresq LEP 2008 and subsequently carried through into Armidale Dumaresq LEP 2012.

Following a demand and supply analysis and consideration of the potential residential areas the Strategic Analysis identified the new residential areas (Figure 5.2 of the Strategic Analysis below), which were included in Armidale Dumaesq LEP 2008 and subsequently identified in the NEDS as urban release areas. Lot 9 was not identified as a new residential area for LEP 2008 (as shown in Figure 5.2 below) or as an urban release area in the NEDS (see NEDS, Map 6.1, page 33).



The demand and supply analysis estimated an average population growth rate of 1.1% per annum, resulting in a projected population for Armidale of 28,960 in 2021 (or some later time if the population growth rate is less than 1.1% per annum). The urban release areas in the NEDs:

- are capable of providing the extra estimated 1,940 new dwellings required to house a total population of 28,960.
- provide a land bank or supplementary supply of land to allow for situations where land owners of residentially zoned land do not wish to fully develop their land.
- allow for 70% of a site on average to be available for residential lots. The other 30% allows for infrastructure such as roads and open space as well as any constrained land that may be present (e.g. drainage lines, buffers to roads or the rail line).

Therefore, that part of Lot 9 proposed to be rezoned to R1 is surplus to the amount of land that is already zoned Residential and expected to satisfy projected demand up to 2021.

Since the new residential areas were rezoned to Residential in Armidale Dumaesq LEP 2008, Council has granted development consent for 711 residential lots within these areas. This represents 37% of the estimated 1,940 lots required by 2021 (or when the population reaches 28,960). Up to December 2014,

93 lots had been registered and released onto the market. The release of lots has been less than anticipated. This is likely to be a result of the actual population growth rate not being as great as the projected estimates used for preparing Armidale Dumaresq LEP 2008. The areas rezoned to Residential in 2008 were based on an average population growth rate for Armidale of 1.1% between 2005 and 2021. ABS Census data indicates that the average population growth rate for Armidale between 2006 and 2011 was 0.6%. It should also be noted that construction certificates for subdivision works have been issued for lots that are likely to be released onto the market during 2015.

In conclusion, there is an adequate supply of residentially zoned land available to meet housing demand in Armidale up to at least 2021. The timing for when lots are developed and released is mainly subject to demand and market conditions. When the NEDS sites have been developed, an area to the north-east of Armidale (referred to as the Tilbuster corridor) has been identified as an investigation area for future urban expansion (NEDS, Map 6.1, p33).

Lot 9 is not included in the urban release areas of the NEDS and therefore the proposed R1 zoning of the lower part of Lot 9 is inconsistent with the NEDS. However, it is considered that the inconsistency between the proposed residential rezoning in the Planning Proposal and the NEDS is justified for the following reasons:

- The estimated potential lot yield of 33 lots on that part of Lot 9 to be rezoned R1 would account for 1.7% of the estimated 1,940 lots required for future population growth in Armidale. Future residential development of Lot 9 would make a contribution to housing supply, but it would not be a sufficiently large proportion to undermine the strategy for residential growth in the NEDS.
- The land proposed to be rezoned to R1 General Residential:
 - is suitable for residential purposes in terms of its natural attributes as well as access to physical and social infrastructure
 - is contiguous with residentially zoned land in Armidale.
- Future residential development of the land:
 - will provide housing in a location that is likely to be able to use existing infrastructure and services
 - will contribute to keeping Armidale compact by not creating urban sprawl on the fringes of the city.
- While the Tilbuster corridor has been identified as the long-term urban growth area for Armidale, maximising development of suitable residential land within Armidale prior to developing land in the Tilbuster corridor is considered to provide an efficient and orderly pattern of growth.
- The proposed rezoning is considered to be consistent with the key assessment criteria in the NEDS (page 30) that was used to identify new urban land in and around Armidale. The key assessment criteria includes the following:
 - 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.

The NEDS considers environmental values and constraints and includes the following objectives and policies relevant to landscapes with scenic values:

- Objective – 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.
- Policies –
 - 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.

The Environment Protection zones in Armidale are mainly based on the scenic qualities of the surrounding hills and ridges. The hills and ridges are predominantly covered by native trees and provide a rural visual backdrop to the city. The environment protection zones introduced in Armidale Dumaresq LEP 2008 were incorporated into Armidale Dumaresq LEP 2012. The zones and MLS standards were largely based on the *City of Armidale Environmental Protection Zone Review – Hilltop Planners & Manidis Roberts, July 1995* (EP Review).

The EP Review was carried out at a landscape scale and a more detailed visual analysis of individual properties may support variations to the environment protection zone boundaries. The proposed rezoning of the northern part of Lot 9 from E4 Environmental Living to R1 General Residential is supported by a visual analysis prepared by All About Planning (see Attachment 3). The visual impact of the proposed R1 zoning is considered to have minimal impact on the scenic qualities of Lot 9 (refer to the response to Question 8 of the Planning Proposal).

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

The Planning Proposal is considered to be consistent with applicable State Environmental Planning Policies (SEPP), as summarised below.

SEPP No. 21 - Caravan Parks

Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993 are also permitted. The policy ensures that development consent is required for new caravan parks and camping grounds and for

additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.

Comment: Caravan parks are permitted with consent on land within R1 General Residential zone and are prohibited in the E3 Environmental Management and E4 Environmental Living zones under Armidale Dumaresq LEP 2012.

Comment: No inconsistency with this SEPP is identified.

SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)

States the Government's intention to ensure that urban consolidation objectives are met in all urban areas throughout the State. The policy focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy.

Comment: No inconsistency with this SEPP is identified.

SEPP No. 36 - Manufactured Home Estates

Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approve development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years.

Comment: No inconsistency with this SEPP is identified.

SEPP No. 44 - Koala Habitat Protection

Encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range. Local councils cannot approve development in an area affected by the policy without an investigation as to whether core koala habitat is present. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat.

Comment: No inconsistency with this SEPP is identified.

SEPP No. 55 - Remediation of Land

Introduces State-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of

all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, prepared Managing Land Contamination: Planning Guidelines.

Comment: Based on the known historical use of the site for grazing and a thorough inspection by All About Planning which did not reveal the remains of any potentially contaminating past activities, it is considered that there is a low likelihood of any soil contamination being present on the site. The property is not listed as a potentially contaminated site by Armidale Dumaresq Council. No contaminating land uses as identified in Table I of Managing Land Contamination Guidelines for SEPP 55 have been identified as occurring on the subject site.

SEPP No. 64 - Advertising and Signage

Aims to improve the amenity of urban and natural settings by managing the impact of outdoor advertising. The policy responded to growing concerns from the community, the advertising industry and local government that existing controls and guidelines were not effective. SEPP No. 64 offers the comprehensive provisions and consistent approach needed. SEPP 64 – Advertising and Signage: Explanatory Information should be read in conjunction with the policy.

Comment: No inconsistency with this SEPP is identified.

SEPP No. 65 – Design Quality of Residential Flat Development

Aims to improve the design quality of flats of three or more storeys with four or more dwellings. The policy sets out a series of design principles for local councils or other consent authorities to consider when assessing development proposals for flats. It also creates a role for special design review panels and registered architects in the design and approval processes.

This SEPP highlights 10 design quality principles to guide architects designing residential flats and to assist councils in assessing these developments.

The principles relate to key design issues such as:

- the context for design – the locality and streetscape
- scale, form and density of the building
- measures to achieve resource, energy and water efficiency
- landscape design to create useful outdoor spaces for residents
- safety and security, including ensuring public areas are safe, visible and well lit at night.

Comment: No inconsistency with this SEPP is identified.

SEPP – Housing for Seniors or People with a Disability 2004

Aims to increase the supply and choice of housing for older people or people with a disability. Such housing is permitted, with council consent, wherever houses, flats, hospitals or certain 'special uses' are permitted in or adjoining urban areas, except for some environmentally sensitive lands. The policy contains development standards and matters a consent authority must consider when determining development applications. For example, future residents must have reasonable access to services they require, taking into account convenience, affordability and the type and scale of housing. Relevant Government Circulars should be read in conjunction with this Policy.

Comment: No inconsistency with this SEPP is identified.

SEPP Building Sustainability Index: BASIX 2004

This SEPP operates in conjunction with the Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans.

Comment: No inconsistency with this SEPP is identified.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

Provides for the management and development of mineral, petroleum and extractive material resources.

Comment: No inconsistency with this SEPP is identified.

SEPP (Temporary Structures) 2007

Provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity.

Comment: No inconsistency with this SEPP is identified.

SEPP (Rural Lands) 2008

The aims of this policy are:

- to facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,
- to implement measures designed to reduce land use conflicts,

- to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
- to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.

The SEPP includes matters to be considered in determining development applications for subdivision or dwellings on land in an environment protection zone.

Comment: No inconsistency with this SEPP is identified.

SEPP (Exempt and Complying Development Codes) 2008

This policy aims to provide streamlined assessment processes for development that complies with specified development standards by:

- providing exempt and complying development codes that have State-wide application, and
- identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and
- identifying, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the *Environmental Planning and Assessment Act 1979*, and
- enabling the progressive extension of the types of development in this Policy, and
- providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.

Comment: The General Housing Code identifies dwellings in the R1 General Residential zone as complying development subject to satisfying specified development standards. Under the Code a dwelling house with a height up to 8.5 metres above existing ground level can be complying development in the R1 zone. The potential affect of this development standard on the scenic values of the land in the adjoining environment protection zones has been taken into consideration when identifying the southern boundary of the proposed R1 zone on Lot 9.

Comment: No inconsistency with this SEPP is identified.

SEPP (Affordable Rental Housing) 2009

This Policy aims to provide a consistent planning regime for the provision of affordable rental housing in the State and provides development standards for such housing, which are permissible with consent in residential zones.

Comment: No inconsistency with this SEPP is identified.

SEPP (State and Regional Development) 2011

This Policy identifies classes of regional development (to be determined by Joint Regional Planning Panels) and classes of development that are considered to be State significant development, State significant infrastructure and critical State significant infrastructure (to be determined by the Minister or Minister's delegate).

Comment: No inconsistency with this SEPP is identified.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Table 2 lists the relevant Directions issued by the Minister for Planning to planning authorities under section 117(2) of the *Environmental Planning and Assessment Act 1979*, together with comments regarding consistency of the planning proposal with these Directions.

The Proposal is considered to be consistent with all applicable Section 117 Ministerial Directions, except for the following (see Table 2 for specific details):

- 4.4 Planning for Bushfire Protection.

Table 2: Consideration of applicable Section 117 Directions

Section 117 Direction	Comment on Consistency of Proposal with Direction
I. Employment and Resources	
1.3 Mining, Petroleum Production and Extractive Industries	The permissibility of mining and extractive industries is provided for in SEPP Mining, Petroleum Production and Extractive Industries) 2007 and Armidale Dumaresq LEP 2012. The Planning Proposal will have the effect of prohibiting mining and extractive industries on that part of the land to be rezoned from E4 to R1. Council has not consulted with the Director-General of the Department of Primary Industries during preparation of the Planning Proposal. The Planning Proposal is inconsistent with this Section 117 Direction. The inconsistency is considered to be of minor significance for the following reasons: • The Mineral Resource Audit of Armidale Dumaresq prepared by Geological Survey of NSW (Division of Resources and Industry, NSW Trade & Investment) does not identify Lot 9 (and land in the locality) as having an identified or potential resource or being

	located in a buffer zone or transition area. Lot 9 and any land in the locality is not identified as being an area of partial assessment or not yet assessed on the mapping provided by the GSNSW. The area of Lot 9 proposed to be rezoned to R1 is approximately 3.18 hectares. It is adjacent to R1 zoned land and existing residential areas to the north and east. It is likely that any extractive industry or mining activity on Lot 9 would create land use conflict with adjoining uses and any mitigation measures (eg buffers) would be very limited due to the size of Lot 9 and the proximity of existing residential development.
I.5 Rural Lands	The land subject of the Planning Proposal is zoned E3 and E4 and it is proposed to rezone part of the E4 zone to R1. The current MLS standards are 4 hectares and 1 hectare for the E3 and E4 zoned land, respectively. It is proposed to vary the MLS as follows: - Reducing the MLS from 1 hectare to 500m² for the subject land to be rezoned from E4 to R1. - Reduce the MLS from 4 hectares to 3 hectares for the southern part of Lot 9 that will retain its current E3 zoning. The proposal is considered to be consistent with the Rural Planning and Rural Subdivision Principles listed in SEPP (Rural Lands) 2008 for the following reasons: - The land contains no significant mapped rural land and has not been used for many years for productive agricultural purposes. - Lot 9 at 8 hectares is a small parcel with minimal, if any, agricultural potential. - The current MLSs of 1 and 4 hectares permitted are too small to provide for any significant rural opportunities. - The area of the E3 zoned land is approximately 3.13 hectares, which is less than the current MLS standard of 4 hectares. - The intent of the current E3 and E4 zonings is to protect Armidale's scenic character rather than any significant productive rural land. - The proposed rezoning will not negatively impact on

	existing opportunities for agricultural production or rural lifestyle and housing in the Armidale area. There is a sufficient supply of land zoned R1, RU4 and R5 to provide for these opportunities (refer to the <i>New England Development Strategy 2010</i> and <i>Armidale Dumaresq Rural Residential Study, Edge Land Planning. 2004</i>). • No land use conflicts are likely to occur as a result of the proposed rezoning, as it adjoins existing residential and environment protection zoned land. • The Planning Proposal is inconsistent with the <i>New England Development Strategy</i> (Worley Parsons, 2010) endorsed by the Director-General. However, the inconsistency is considered to be of minor significance (refer to response to Question 4 of the Planning Proposal). The Planning Proposal is considered to be consistent with this Section 117 direction.
2. Environment and Heritage	
2.1 Environment Protection Zones	The Planning Proposal proposes to rezone part of Lot 9 from E4 to R1 and to reduce the MLS for subdivision for land to be rezoned R1 and for land retaining its E3 zoning. The visual impact of the proposed changes on environment protection zones is considered to be minimal (refer to the response to Question 8 of the Planning Proposal). Any inconsistency between the s117 Direction is justified as it is considered to be of minor significance.
2.3 Heritage Conservation	Armidale Dumaresq LEP 2012 includes provisions from the Standard Instrument LEP for protecting European and Aboriginal cultural heritage. The Planning Proposal does not propose to alter the provisions. Lot 9 is neither the site of a heritage item nor is it located in a heritage conservation area. The Planning Proposal is considered to be consistent with this Section 117 Direction.
2.4 Recreation Vehicle Areas	The Planning Proposal does not alter the permissibility of recreation vehicle areas on the land, as recreation facilities (major and outdoor) are prohibited in the E4 and R1 zones under Armidale Dumaresq LEP 2012. The Planning Proposal is

	considered to be consistent with this Section 117 Direction.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	In relation to that part of Lot 9 proposed to be zoned R1: - the existing aims, objectives and provisions for the R1 zone of Armidale Dumaresq LEP 2012 will apply. These provisions allow for a choice of building types. - Residential subdivision and development will make use of existing infrastructure and services. - Future residential development will contribute to the compact settlement of Armidale prior to any long term release of residential land in the Tilbuster corridor (as identified in the <i>New England Development Strategy</i>). - The existing design provisions of the General Housing Code (SEPP Exempt and Complying Development 2008) or Armidale Dumaresq DCP 2012 will apply to future residential development on the land. Armidale Dumaresq LEP 2012 includes Clause 6.6 <i>Essential Services</i> which 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 propose to alter this provision. The Planning Proposal does not propose to reduce the permissible residential density of the land. It is proposed to alter the minimum lot size from 1 hectare to 500m². The MLS of 500m² is the same as the standard applying to most R1 zoned land in Armidale. The Planning Proposal is considered to be consistent with this Section 117 direction.
3.2 Caravan Parks and Manufactured Home Estates	Under Armidale Dumaresq LEP 2012 caravan parks are permitted with consent in the R1 zone and prohibited in the E3 and E4 zones. The Planning Proposal does not intend to alter the permissibility of caravan parks in the zones nor does it propose to alter the zonings of existing caravan parks. Under SEPP 36 Manufactured Home Estates, manufactured home estates would be permitted with consent on the land proposed to be zoned to R1. The Planning Proposal does not intend to alter the existing provisions in Armidale Dumaresq LEP 2012 relating to manufactured home estates. The Planning Proposal is considered to be consistent with this

	Section 117 direction.
3.3 Home Occupations	The Planning Proposal does not seek to vary the current provisions in Armidale Dumaresq LEP 2012 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 Section 117 direction.
3.4 Integrated Land Use and Transport	The Planning Proposal seeks to rezone part of Lot 9 from E4 to R1. The location of the proposed residential zone is considered to be consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001). Transport choice means choosing how people travel – being able to choose whether to walk, cycle, use public transport or private cars. The land proposed to be rezoned to R1: • can readily connect to the existing road network, including footpaths and on-road cycleways, and is within a reasonable walking and/or cycling distance of the following services and facilities: - o Within 500 metres: playgrounds and passive recreation areas - o Within 1 kilometre: netball courts, corner store. - o The Martins Gully Primary School, Armidale High School and the New England Girls School are within walking/cycling distance (1.7 to 2.5 kilometres) of the subject site. • is within 400m of a school bus route and 400m to 800m of bus routes that connect to the Armidale CBD (where most retail, government and commercial businesses are located) and the University of New England. The Planning Proposal is considered to be consistent with this Section 117 direction.

4. Hazard and Risk	
4.4 Planning for Bushfire Protection	Lot 9 is not identified as bush fire prone land on Council's Bush Fire Prone Land Map, certified by the Commissioner of the NSW Rural Fire Service. The southern boundary of that part of Lot 9 to be rezoned to R1 is approximately 310 metres from Bush Fire Prone Land to the east of Lot 9. It is proposed to consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination.
6. Local Plan Making	
6.1 Approval and Referral Requirements	The Planning Proposal does not include provisions requiring concurrency, consultation or referral of development applications to a Minister or public authority. The Planning Proposal is considered to be consistent with this Section 117 direction.
6.2 Reserving Land for Public Purposes	The Planning Proposal seeks to alter the zoning of part of the Ross Street road reserve from E4 to R. In endorsing the Planning Proposal, council as the relevant roads authority agrees to the proposed rezoning. The Planning Proposal is inconsistent with the direction as the approval of the Director-General of the Department of Planning and Environment has not been granted. However, the inconsistency is justified as it is considered to be of minor significance. The Planning Proposal is considered to be consistent with this Section 117 direction.
6.3 Site Specific Provisions	The Planning Proposal will not allow a particular development to be carried out on the land subject of the proposal. The Planning Proposal is considered to be consistent with this Section 117 direction.

Section C – Environmental, Social and Economic Impact

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?

No critical habitat will be adversely affected as a result of the Planning Proposal.

The *Armidale City Flora and Fauna Survey* (CJ Bale, GJ White and S Debus, 1996) identifies two pockets of *Eucalyptus Viminalis* (Ribbon Gum) on Lot 9, shown shaded on Map 4. Only one pocket is within that portion of the site proposed to be rezoned RI General Residential. The pocket on the southern boundary of the site is not within a proposed area for rezoning.

Eucalyptus Viminalis (Ribbon Gum) has potential ecological value. Other native flora may be present on part(s) of the site. It is recommended that a flora and fauna assessment be undertaken either as a result of the Gateway Determination or as part of a future development application to subdivide the land.

Map 4: Location of *Eucalyptus Viminalis* on Lot 9, DP 836850, 5m interval contour overlay



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

The suitability of the land to be rezoned to R1 General Residential for future residential development has been considered based on known constraints applying to the site. The following studies have been identified as being required, either subject to a Gateway determination or to support a development application for future residential development:

- spring affected: to be considered as part of a geotechnical assessment with any future development application(s)
- slope affected – the southern end of that part of Lot 9 to be rezoned to R1 General Residential has a slope of up to 14%: to be considered as part of a geotechnical assessment with any future development application(s)
- flora and fauna – it is recommended an assessment be carried out as part of this Planning Proposal subject to a Gateway determination to do so or a future development application(s) (see also comments for Q7 of this proposal). The assessment should also include consideration of SEPP No. 44: Koala Habitat.

Scenic Quality

It is proposed to rezone the southern part of Lot 9 below the Reduced Level (RL) 1080 contour from E4 Environmental Living to R1 General Residential.

An analysis of the impact a future residential subdivision is likely to have on the scenic quality of the existing E4 zoned portion of the subject site has been undertaken by All About Planning Pty Ltd (refer Attachment 3). A summary of these findings is included below.

The Environment Protection zones applying to Lot 9 are based on the 'City of Armidale Environmental Protection Zone Review – Hilltop Planners & Manidis Roberts, July 1995' (EP Study 1995).

As can be seen from the Scenic Lands Map following, the subject portion of Lot 9 falls within the 'Support Scenic Protection Lands' category being one of two landscape units defined by the EP Study 1995. The two land management units identified for the South West Sector of Armidale were:

- Prime Scenic Protection – Lands of High Scenic Value which are now zoned E3
- Support Scenic Protection Lands – lands of Moderate Scenic Value which are now zoned E4.

Support Scenic lands were identified as valuable in supporting lands of high scenic value or supporting the retention of existing vegetation. The E4 zoned portion of Lot 9 currently contains very little existing established trees, apart from one small pocket of eucalypts which can be retained as required.

The following Landscape Unit Analysis undertaken by All About Planning further considers the potential visual and scenic impacts of the proposed residential rezoning of the lower section of Lot 9.



The Landscape Unit Analysis identified 4 key landscape unit types relevant to Lot 9, being:

- Existing dominant vegetation
- Existing prominent urban forms
- Lower to Mid Range Slopes
- Mid to Higher Range Slopes

Attachment 3 contains further scenic quality analysis of the proposal including photographs taken from various vantage points around Armidale's North Hill looking towards Lot 9.

The Scenic Quality Analysis found that the scenic quality of South Hill, Armidale, will not be negatively impacted by a proposed residential rezoning over the lower part of the existing E4 (Support Lands).

All of the existing established trees on Lot 9, including the native vegetated ridge line, will be retained under the proposed residential rezoning of the lower slopes and this rezoned area itself can be softened by residential landscaping that will become established over time.

Furthermore, the visual quality of South Hill's vegetated ridgeline will continue to be protected by the existing E3 zone that sits uphill and further south of the area to be rezoned to R1 General Residential. The existing small clump of eucalypts on the predominantly grassy portion of Lot 9 may also be retained as part of a future development application for subdivision.

It should be noted that Lot 9 has not been surveyed at this stage. The heights (RLs) and areas referred to below are based on the 1 metre contours and spatial information in Council's GIS system and are approximations.

To assist with assessing the visual impact of future residential development on Lot 9, it is assumed that most dwellings would have a height no greater than 8.5 metres above existing ground level. This is the height limit that applies to new dwelling houses (and alterations and additions to dwelling houses) in the R1 zone for Complying Development under the General Housing Code (SEPP Exempt and Complying Development Codes 2008). The height limit of 8.5 metres is also the acceptable solution that ensures compliance in Chapter 4.1 Urban Residential Development – Single and Dual Occupancy Dwellings in Armidale Dumaresq Development Control Plan 2012. It is considered reasonable to assume that future developers may wish to build to this height limit in order to maximize views to the north over Armidale. The likely maximum height of the rooflines of future dwellings on that part of the land to be zoned R1 General Residential is RL 1088.5.

The Planning Proposal includes a Scenic Quality/Visual Impact Analysis (Attachment 3 of the Planning Proposal) prepared by All About Planning. The Analysis includes photographs of views towards Lot 9 from various vantage points around Armidale. A view of Lot 9 from Apex Lookout, Drummond Park, is shown in Figure 2.

Figure 2: View of Lot 9 DP 836850, from Apex Lookout, Drummond Park (Focal length of 38.2mm)



Source: Scenic Quality/Visual Impact Analysis, All About Planning

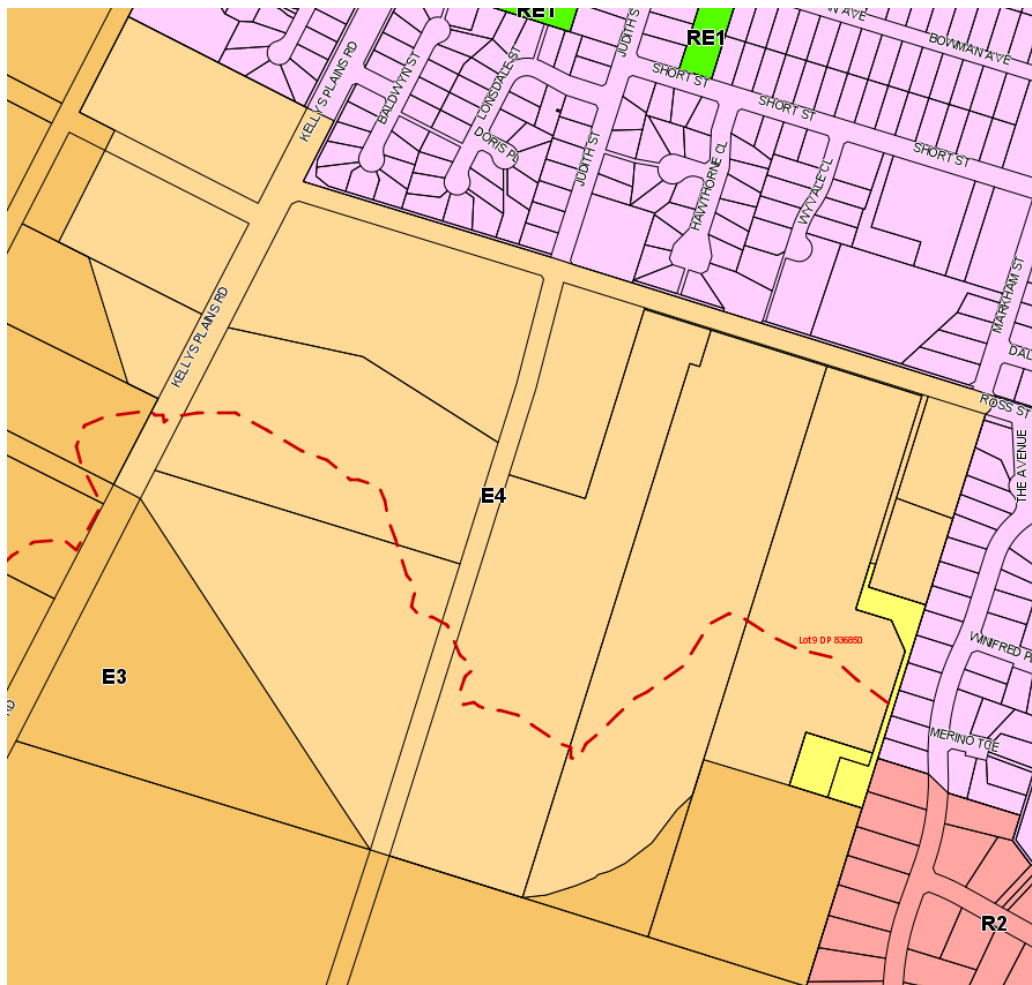
The base of the water tanks adjoining the eastern boundary of Lot 9 is at RL1088 on the northern side of the tanks. The existing ground level adjoining the water tanks is RL1090. The likely maximum height of the roof lines of future dwellings on that part of Lot 9 to be rezoned to R1 General Residential would be:

- 0.5 metres above the base of the water tanks (RL 1088)
- 1.5 metres below the existing ground level adjacent to the water tanks (RL 1090).

The eastern portion of Lot 9 up to the base of the water tanks is relatively well screened by existing development and trees in the foreground when seen from vantage points in Armidale. Although the western portion of Lot 9 is more visually exposed when viewed from these vantage points it is considered that the proposed R1 zoning of Lot 9 up to the RL1080 contour will have minimal impact on the scenic qualities of the remaining E4 zoned land and will have no impact on the scenic qualities of the higher vegetated part of Lot 9 which will retain its current E3 zoning.

The following considers the broader potential impacts that the proposed R1 zoning of part Lot 9 may have on the scenic qualities of E3 and E4 zoned land in the locality and the extent to which such a rezoning may set a precedent. The current environment protection zoning of land in the locality and the RL1080 contour are shown on Map 5.

Map 5: Land in locality currently zoned E4 and adjacent to R1 zone (- - - RL1080)



Any proposal for future rezoning of nearby properties from E4 to R1 would need to demonstrate, amongst other matters, that:

- the proposed rezoning would not adversely impact on the scenic values of the slopes, hilltops and ridges surrounding Armidale
- the land proposed to be rezoned is suitable for residential development.

The E4 zoned land shown in Map 5 is located in the south-western sector identified in the *City of Armidale Environmental Protection Zone Review* (Hilltop Planners-Manidis Roberts, 1995). In assessing the scenic values of the ridges and slopes surrounding Armidale, the Review considered the following factors:

- Vegetation, topography and land uses patterns
- Exposure from important viewing locations, which include Kellys Plains Road, Drummond Park, UNE, Rockvale Road and the Armidale bypass
- Extent to which lands with moderate scenic values give support to lands of high scenic value or support the retention of existing vegetation to assist in providing green belts between various land uses. All of the land currently zoned E4 in Map 5 was identified in the Review as having moderate scenic value. The ridge immediately to the south was identified as having high scenic value and is zoned E3.

The *City of Armidale Environmental Protection Zone Review* was carried out at a landscape scale and a more detailed visual analysis for individual properties may identify land which could be rezoned from E4 to R1 without adversely affecting the scenic values of the slopes surrounding Armidale. The outcomes of a visual analysis may be different for each property, for example due to the extent to which the topography, trees or urban structures shield or expose a property from being seen from important viewing locations around Armidale.

Any proposal to rezone land from E4 to R1 would also need to demonstrate that the land is suitable for future residential development. This would include consideration of planning constraints and the availability of infrastructure. Properties near Lot 9 zoned E4 (Map 5) have not been fully evaluated for their suitability as future residential areas. However, a possible constraint to development for some of the land for example is the presence of koala habitat on land west towards Kellys Plains Road as identified in the *Flora and Fauna Study: A Report to the Armidale City Council* (Bale, White and Debus, 1996),

Any future proposals to rezone land in the locality of Lot 9 from E4 to R1 are likely to vary for each property as a result of a visual analysis and/or an assessment of the land's suitability for future residential development. Therefore the extent of any future residential zone would not necessarily coincide with the continuation of the R1 zone boundary proposed for Lot 9 along the RL1080 contour. The proposed rezoning of part Lot 9 to R1 is unlikely to set a general precedent for other E4 zoned land in the locality. If it were to be demonstrated that parts of the other properties in the locality could be zoned from E4 to R1, any resulting subdivision would contribute to meeting the future demand for dwellings in Armidale prior to any urban expansion into the Tilbuster corridor.

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

The subject site is in the locality of 3 local heritage items:

- St Patrick's Orphanage approximately 240m away
- house at 236 Markham Street, adjacent to the northern boundary of the subject site in Ross Street
- house at 16 Short Street approximately 140m away.

It is considered that no negative impacts on the items of European cultural heritage will occur should the lower part of Lot 9 be zoned R1 General Residential as all items are on land within the R1 General Residential zone and are surrounded by existing residential development.

No item of Aboriginal Cultural Heritage has been identified on the site. However, it is recommended that an Aboriginal heritage assessment of Lot 9 should be carried out subject to a Gateway determination or as part of any development application for future development of the land.

No negative social or economic effects are anticipated from the intended outcomes of the Planning Proposal. Being located immediately adjacent to an existing urban area and residential zoned land in Armidale, future residential subdivision of part Lot 9 will connect socially and be physically integrated within the urban area.

The approximately 33 lot future residential subdivision of part Lot 9 will contribute to the range of land available to the local market given its different attributes and location. The proposed area for residential rezoning is likely to satisfy local market demand for new South Hill residential sites as it:

- is situated in a desirable location, being north facing, with established dwellings immediately adjacent and will afford views over Armidale from South Hill.
- can connect to existing services in the area
- is relatively unconstrained – the site not being located in proximity of a railway line, major road or existing significant established vegetation.
- will contribute to satisfying projected continued local demand for supply of new, well located housing sites in Armidale, as demonstrated in recent statistical analysis of population growth in Armidale between 2005 and 2011 and in the most recent 2014 population projections issued by NSW Department of Planning and Environment, which forecast an average annual population growth rate for Armidale Dumaresq of between 1.0% and 1.3% up to 2031. Most of the increase in population will occur within Armidale.
- The proposed 33 (approximately) lot subdivision will not result in any significant impact on existing social infrastructure including local schools and hospitals and will support Armidale's existing retail centre.

Section D – State and Commonwealth Interests

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

Lot 9 can connect to Council's reticulated water supply and sewerage systems. The site is already serviced by electricity and telecommunications networks (including the NBN).

Legal access to Ross Street and an upgrade of Ross Street to Council's required standards would be required as part of a future subdivision process for Lot 9. Lot 10 DP 836850 (Lot 10) adjoins the northern boundary of Lot 9 and extends west along the frontage of properties at 53B and 53C The Avenue, Armidale (refer to Map 3, page 7 of the Planning Proposal). Lot 10 is owned by Council for the purposes of a vehicular access denial strip and was created when the plan of subdivision for 53A, 53B and 53C The Avenue was registered. Lot 10 DP 836850 is classified as Operational land under the Local Government Act 1993 and, therefore, Council is able to sell or dispose of the land.

Should the proposed rezoning to R1 General Residential proceed then access to Lot 9 would be required across Lot 10 to Ross Street. The location(s) of the access would be considered as part of a development application for a future subdivision, taking into account such matters as likely future traffic flow along Ross Street and providing safe sight distances. Council could retain ownership of Lot 10 and maintain any remaining access denial strip(s) following subdivision or sell or dispose of the land to the owners of Lot 9 so it could be incorporated into any future subdivision of Lot 9. The Planning Proposal seeks to zone Lot 10 and the Ross Street road reserve adjacent to 53A, 53B and 53C The Avenue to R1 General Residential to facilitate orderly development of the land. Should future subdivision of the land require restrictions on access to lots adjoining Ross Street, this may be considered at the development application stage for a subdivision and be dealt with by requiring access denial strips or by alternative measures such as placing a covenant on the title of the affected lots. The latter has been Council's preferred approach in recent years when seeking to restrict vehicular access.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The preliminary views of State or Commonwealth agencies were not obtained prior to preparing this Planning Proposal.

The following identifies the State and Commonwealth agencies to be consulted and outlines the particular issues or site conditions which have triggered the need for the referral.

- Office of Environment and Heritage, Department of Planning and Environment – Flora and Fauna Assessment and Aboriginal Heritage Assessments to be carried out subject to a Gateway determination.
- NSW Rural Fire Service – Section 117 Direction 4.4 Planning for Bushfire Protection.

4 MAPS

Maps showing the land subject of the Planning Proposal have been included in the Introduction to the Planning Proposal.

Relevant mapping is included in the following Attachments to the Planning Proposal:

- Attachment 1: Current land use zones and minimum lot size standards applying to the land
- Attachment 2: Proposed land use zones and minimum lot size standards applying to the land.

5 COMMUNITY CONSULTATION

The proposed community consultation to be undertaken comprises:

- Public exhibition of the Planning Proposal for 28 days, entailing notification:
 - in a newspaper circulating in Armidale,
 - on Council's website, and
 - in writing to adjoining landowners.
- Public exhibition of the Planning Proposal will be carried out in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the Gateway determination.

6 TIMEFRAMES

The anticipated project timeline for completion of the Planning Proposal is outlined in the following Table.

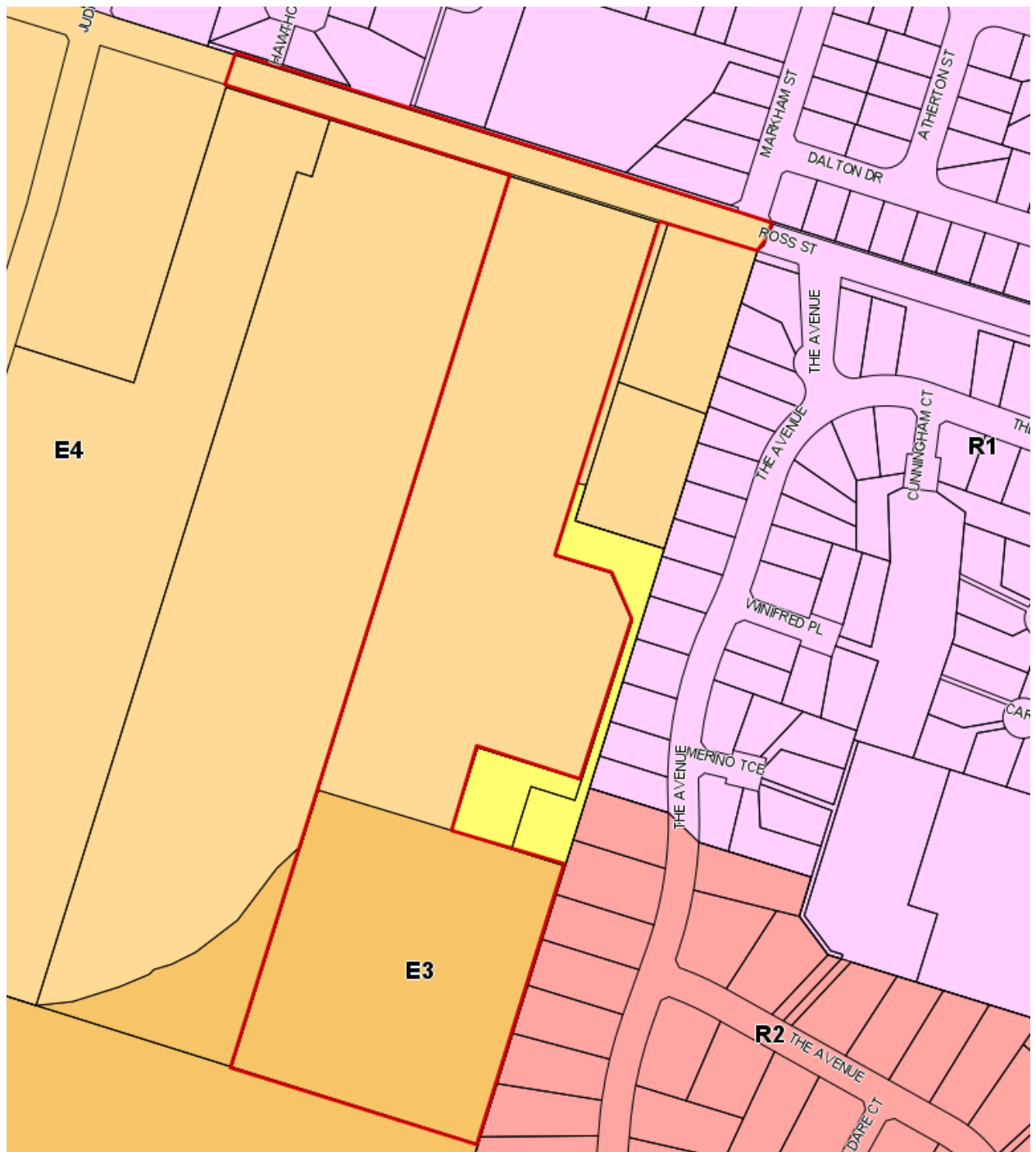
Task	Anticipated timeframe
Date of Gateway Determination.	By 30 April 2015
Completion of required technical information (if required).	By 30 June 2015
Government agency consultation (pre and post exhibition - if required by Gateway Determination).	By 30 June 2015
Any changes that may be required to the Planning Proposal resulting from technical studies and government agency consultations. If required resubmit altered Planning Proposal to Gateway panel. Revised Gateway determination issued, if required.	By mid July 2015.
Commencement and completion dates for public exhibition.	23 July – 21 August 2015
Consideration of submissions, Planning Proposal post exhibition.	Council meeting 28 September 2015
Date of submission of proposal to Department to finalise the LEP. Note: assuming Council will not be using its local plan making delegations.	1 October 2015.

ATTACHMENT I: CURRENT ZONINGS AND MLS OF LAND SUBJECT OF PLANNING PROPOSAL

Current zones

 Land subject of Planning Proposal

↑N

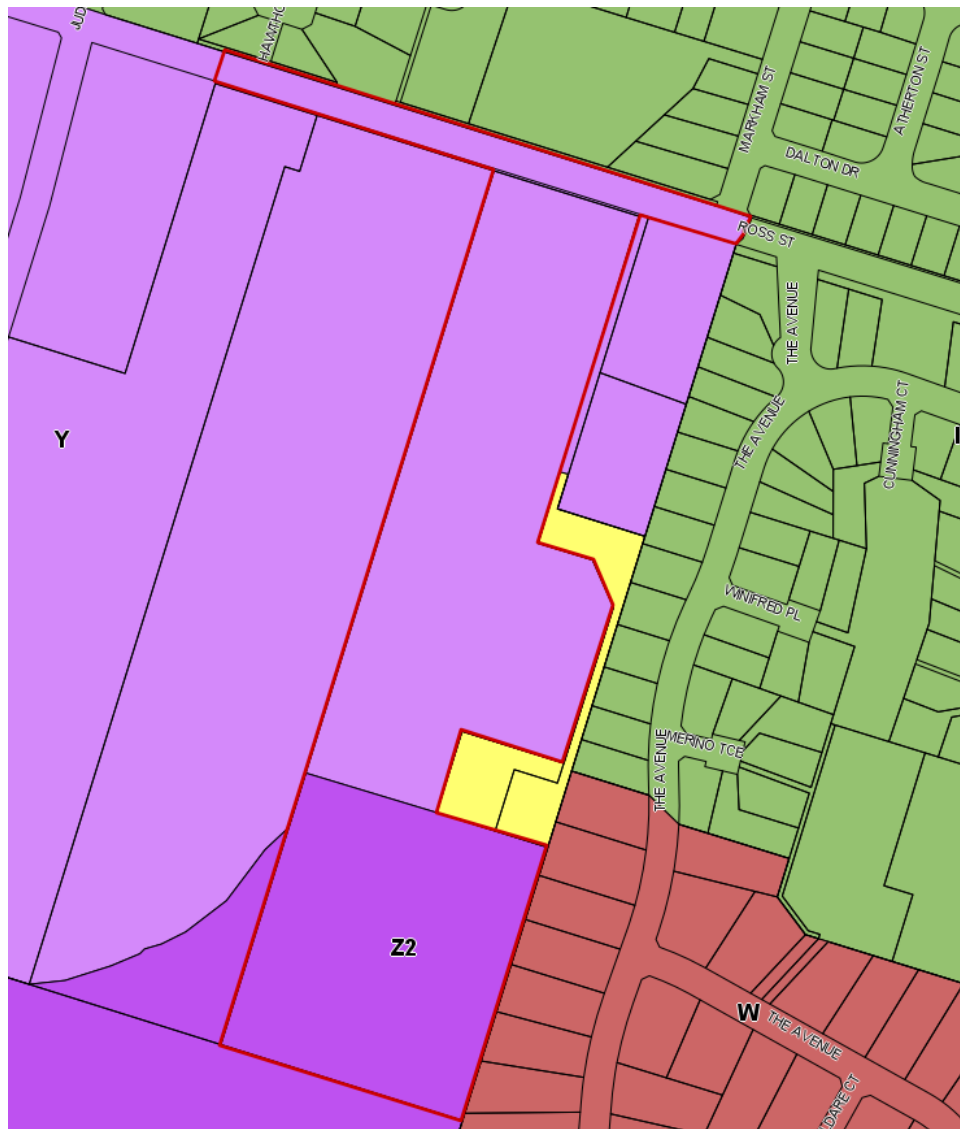


ATTACHMENT I: CURRENT ZONINGS AND MLS OF LAND SUBJECT OF PLANNING PROPOSAL

Current minimum lot sizes

 Land subject of Planning Proposal

↑N



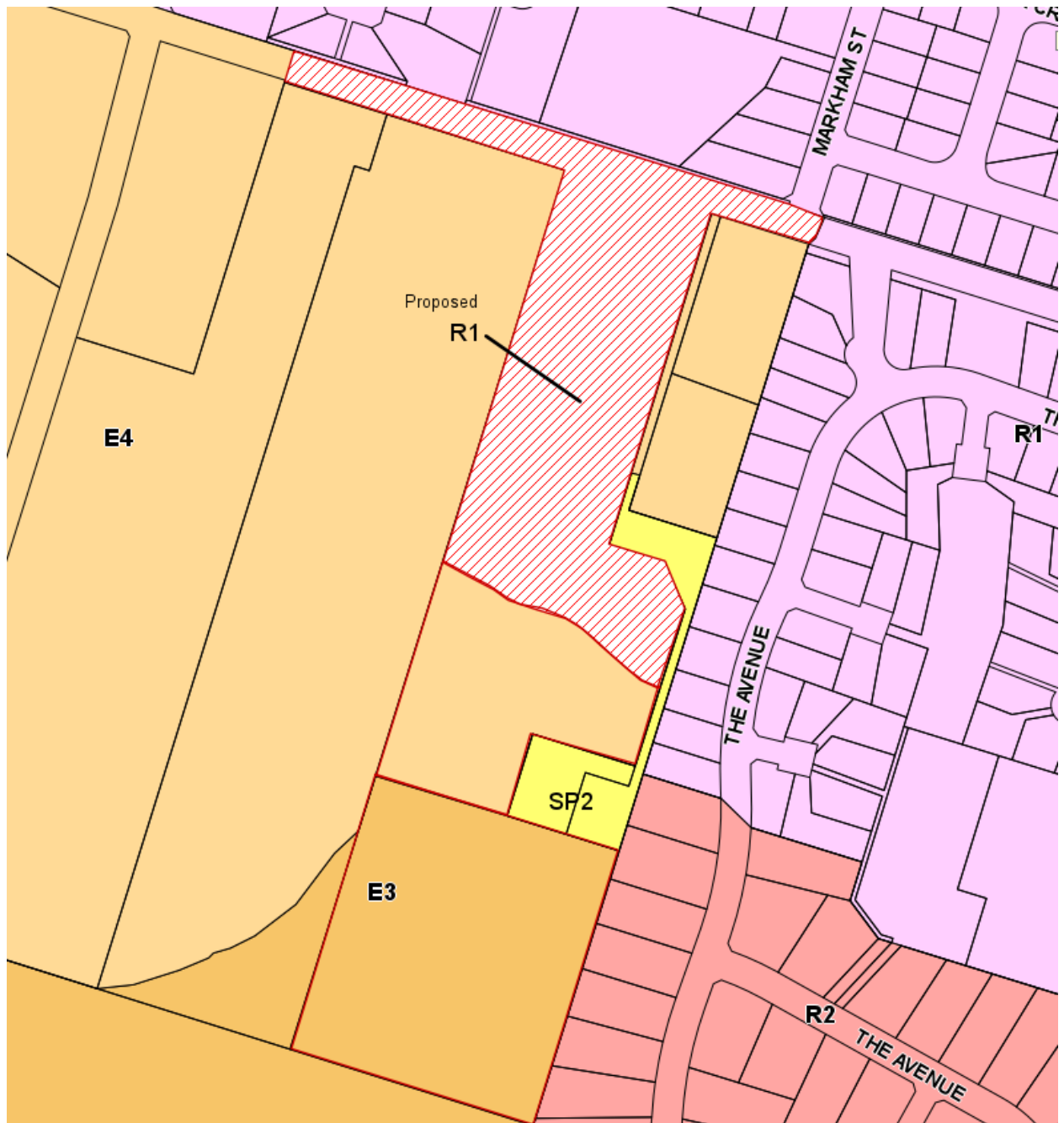
	I 500 m2
	U 1000 m2
	W 4000 m2
	X 5000 m2
	Y 1 ha
	Z1 2 ha
	Z2 4 ha
	AA1 5 ha
	AA2 8 ha
	AB 40 ha
	AE 200 ha

ATTACHMENT 2: PROPOSED ZONINGS AND MLS OF LAND SUBJECT OF PLANNING PROPOSAL

Proposed zones

 Land subject of Planning Proposal

↑N

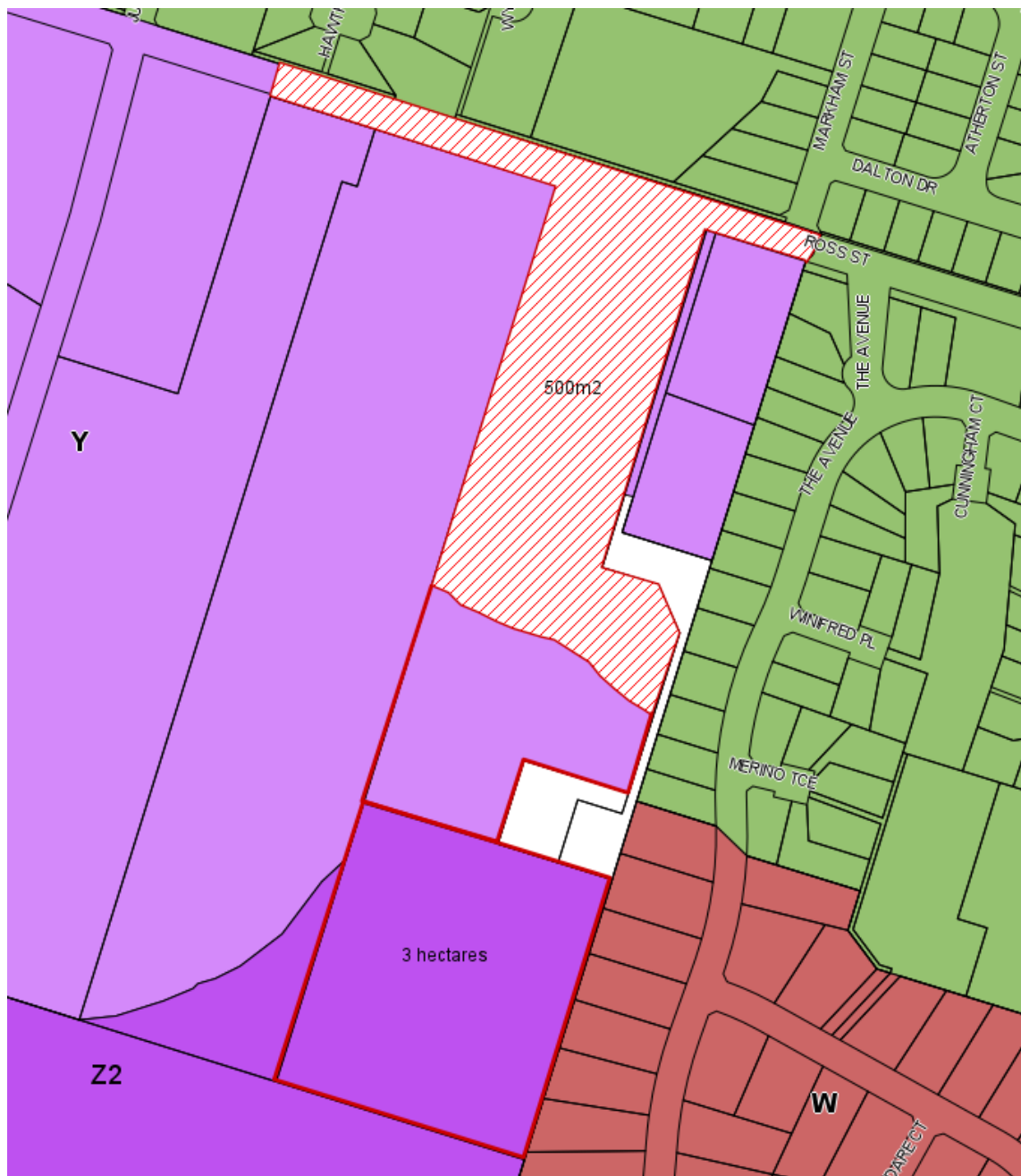


ATTACHMENT 2: PROPOSED ZONINGS AND MLS OF LAND SUBJECT OF PLANNING PROPOSAL

Proposed minimum lot sizes

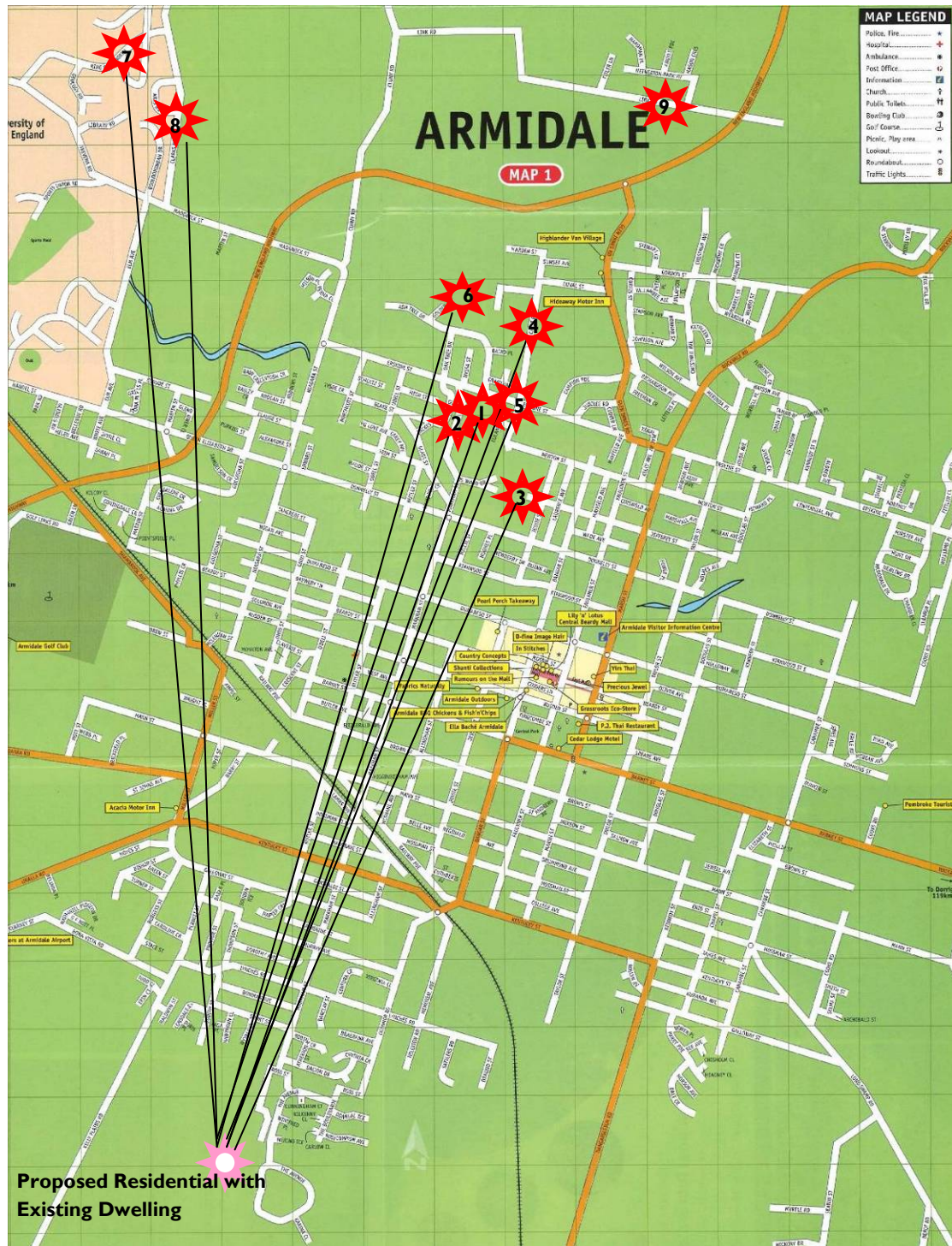
 Land subject of Planning Proposal

↑N



ATTACHMENT 3: SCENIC QUALITY / VISUAL IMPACT ANALYSIS OF PROPOSED RESIDENTIAL REZONING

A scenic analysis of the prominence and key landscape and built environment features of the subject Lot 9 from various vantage points around Armidale was undertaken by All About Planning on 8th April 2013.



Scenic vantage points and the location of Lot 9 in DP 836850 are indicated on the above map.

The vantage points were selected as they afforded the clearest views of the subject site proposed for residential rezoning. It is relevant to note that other sites were investigated, including vantage Point No.9, however no view of the subject site from these other locations could be obtained.

The following photographs of the subject Lot 9 from the indicated vantage points around Armidale were obtained.

A comment on the attributes of the view to Lot 9 is included under each of the relevant points.



Vantage Point No.1 – Illallangi Close



Above: Focal length 4.3mm

Above: Focal length 62.5mm (zoomed in)

Comment: As demonstrated in the above photographs, a direct line of sight to the Hanna's dwelling and the subject Lot 9 is achieved from this location. The dwelling is barely discernible to the normal eye however. At maximum zoom, the dwelling on Lot 9 can be seen but is still clearly subservient to the two large water tanks adjacent. The grey roof of the Hanna's existing dwelling blends into the hill side and is not visually prominent, even at significant camera zoom.

It is also relevant to note that the location of the Hanna's existing dwelling is set substantially lower than the ridge of the southern hill and in this section of the hill's ridge line, vegetation is unbroken.

No loss of scenic quality as viewed from Illallangi Close would result from a future residential subdivision of the E4 portion of Lot 9. In fact, the addition of new established vegetation in this area via street trees and new gardens would improve on the current scenic contribution of the site and be compatible with existing vegetation that sits behind and around the rezoning area.

Vantage Point No.2 – Markham Street between Erskine and Glass Street



Above: Focal length 86mm (zoomed in)

Comment: Zoomed in view of Hanna's dwelling and Part Lot 9 which confirms subject site is not a significant visual element on the Southern Hill of Armidale.

No loss of scenic quality as viewed from Markham Street would result from a future residential subdivision of the E4 portion of Lot 9. In fact, the addition of new established vegetation in this area via street trees and new gardens would improve on the current scenic contribution of the site and be compatible with existing vegetation that sits behind and around the rezoning area.

Vantage Point No.3 – Apex Memorial Lookout



Above: Panorama at focal length of 4.3mm



Above: Focal length of 38.2mm

Comment: The only perceivable built elements on the southern hill of Armidale from the Apex memorial Lookout are the sides of the two existing water towers. Even these are difficult to make out and appear only as specks within the landscape at standard eye focal length and given the naked eyes wider standard view.

No loss of scenic quality from the Apex Lookout would result from a future residential subdivision of the E4 portion of Lot 9. In fact, the addition of new established vegetation in this area would improve on the current scenic contribution of the site and be compatible with existing vegetation that sits behind and around the rezoning area.

Vantage Point No.4 – Crest Road



Above: Focal length 9.7mm



Focal length 44.4mm

Comment: A narrow view corridor to part of Lot 9 is obtained between significant vegetation from Crest Road in proximity of PLC.

No loss of scenic quality from this road would result from a future residential subdivision of the E4 portion of Lot 9. In fact, the addition of new established vegetation in this area would improve on the current scenic contribution of the site and be compatible with existing vegetation that sits behind and around the rezoning area.

Vantage Point No.5 – Cnr Crest Road and Erskine Street



Above: Focal length 9.7mm



Focal length 41.3mm (zoomed in)

Comment: Another narrow view corridor to Lot 9 between existing roadside vegetation is obtained near the corner of Crest Rd and Erskine Street. As demonstrated in the above photographs, Lot 9 is barely if at all visible at a standard eye focal length.

Vantage Point No.6 – Grandview Crescent



Above: Focal length 7.4mm



Focal length 41.3mm (zoomed in)

Comment: Lot 9 is not visually prominent from this location and additional residential development in this area would be entirely consistent with adjacent and surrounding land uses and the scenic quality of South Hill.

Vantage Point No.7 – Ring Road North (UNE)



Above: Focal length 4.3mm (standard)



Focal length 41.3mm (zoomed in)

Comment: Existing vegetation partially screens the subject Lot 9 from the UNE's Ring Road North vantage point. Future urban development on the subject site would consequently be barely visible. No loss of scenic quality from this point would result from a future residential subdivision of the E4 portion of Lot 9.

Vantage Point No.8 – Clarks Road (opposite UNE)



Above: Focal length 4.3mm



Focal length 41.3mm (zoomed in)



Above: Focal length 86mm (maximum zoom)

Comment: Four telecommunication towers are positioned above and behind the Hanna's dwelling and in proximity of the Southern Hill ridge line as highlighted in the above photograph. These towers, the existing water reservoirs adjoining the site and the tree cover behind the site will continue to be the dominant landscape features if the subject site is subdivided.

Armidale Dumaresq Local Environmental Plan 2012

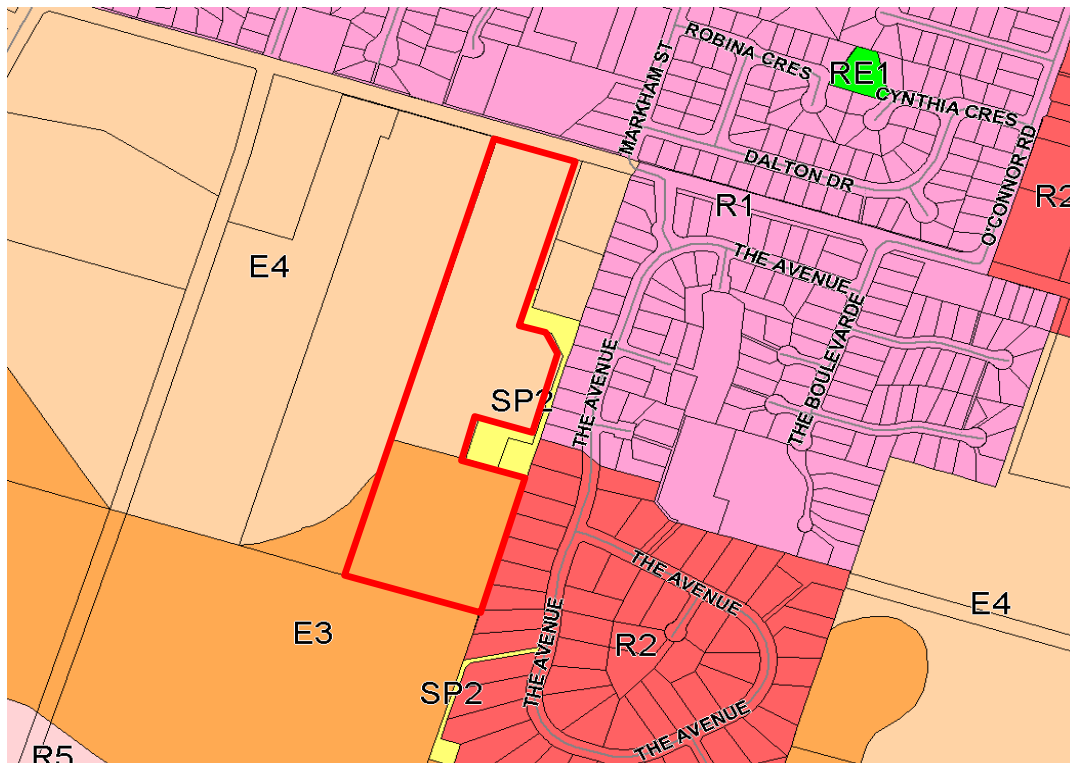
The Armidale Dumaresq Local Environmental Plan 2012 is the key local strategic planning document for Armidale and is addressed below as the LEP makes specific reference to areas of high scenic value.

The Armidale Dumaresq LEP 2012 has the following specific aims:

- (a) to encourage the orderly management, development and conservation of resources by protecting, enhancing and conserving:*
 - (i) land of significance for agricultural production, and*
 - (ii) timber, minerals, soils, water and other natural resources, and*
 - (iii) areas of high scenic or recreational value, and*
 - (iv) native plants and animals, including threatened species, populations and ecological communities, and their habitats, and*
 - (v) places and buildings of heritage significance,*
- (b) to provide a choice of living opportunities and types of settlements,*
- (c) to facilitate development for a range of business enterprises and employment opportunities,*
- (d) to ensure that development is sensitive to both the economic and social needs of the community, including the provision of community facilities and land for public purposes,*
- (e) to ensure that development has regard to the principles of ecologically sustainable development and to areas subject to environmental hazards and development constraints,*
- (f) to provide for flexibility in applying certain development standards, where compliance with such standards may be unreasonable or unnecessary in the circumstances of a particular development, and there is sufficient justification for varying the standards on environmental planning grounds*

Comment: The subject planning proposal is consistent with the above LEP aims in that the proposal will constitute orderly management, development and conservation of resources as it will not affect agriculturally significant land, any natural resources, any area of high scenic or recreational value, any ecologically significant plants, animals or their habitats or any items of historical significance,

The subject site currently has a split zone, being E3 Environmental Management and E4 Environmental Living under the Armidale Dumaresq LEP 2012. The E4 zone extends from Ross Street to the rear boundary of the water towers and the E3 zone runs uphill from this point to the rear southern boundary as shown on the following zoning plan extract from the LEP.



E3 Environmental Management zone

The LEP objectives of the E3 Environmental Management zone are as follows:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*

Within the E3 Environmental Management zone residential dwellings are permitted with a minimum lot size of 4 hectares per lot.

The following other uses are also permissible in this zone: Animal boarding or training establishments; Backpackers' accommodation; Bed and breakfast accommodation; Cellar door premises; Dual occupancies; Eco-tourist facilities; Extensive agriculture; Farm buildings; Farm stay accommodation; Health consulting rooms; Home businesses; Home industries; Information and education facilities; Rural workers' dwellings; Sewage reticulation systems; Veterinary hospitals; Water recycling facilities; Water supply systems

This existing E3 zoned area of the subject site is proposed to be retained in the subject planning proposal. The proposed rezoning of the E4 part of the site to R1 Residential will be consistent with the commonly found interface between the R1, R2 and E4 zonings already on the urban edges of Armidale and will not create any conflicting land uses.

E4 Environmental Living zone

The LEP objectives of the E4 Environmental Living zone are as follows:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To provide for a limited range of uses that does not adversely affect the special environmental values or residential amenity of the area.*

Within the E4 Environmental Living zone residential dwellings are permitted with a minimum lot size of 1 hectare.

The following other uses are also permissible in this zone: Backpackers' accommodation; Bed and breakfast accommodation; Cellar door premises; Cemeteries; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Extensive agriculture; Farm buildings; Group homes; Health consulting rooms; Home businesses; Home industries; Information and education facilities; Intensive plant agriculture; Neighbourhood shops; Plant nurseries; Recreation areas; Respite day care centres; Roadside stalls; Seniors housing; Sewage reticulation systems; Sewage treatment plants; Veterinary hospitals; Water recycling facilities.

As stated above dwellings are permissible in the E4 zone however this is proposed to be altered to R1 due to the E4 zone minimum lot size. The subject site does not have any special ecological or scientific values that will be affected by the proposal. In addition this proposed rezoning will:

- not impact on the aesthetic values of the area to any greater extent than the adjoining and existing residential development to the east and north of the site,
- further to the above the proposal will aesthetically be in keeping with the existing character and nature of the area as viewed from various public viewing points around the rest of Armidale
- all new urban development will be positioned well below the vegetated ridgeline to the south of the site,
- not result in the clearing of any additional vegetation (as outlined elsewhere in this planning proposal).

Proposed R1 General Residential Zoning

As outlined earlier in this submission the subject planning proposal is to rezoning the existing E4 zoned area of the subject site to R1 General Residential. The objectives of the R1 General Residential Zone within the Armidale Dumaresq LEP 2012 are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Within the R1 Residential zone dwellings are permitted with a minimum lot size of 500m².

The following other uses are also permissible in this zone: Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Group homes; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Plant nurseries; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Sewage reticulation systems; Shop top housing; Water reticulation systems; Any other development not specified in item 2 or 4.

The proposed R1 (partial) rezoning of the subject site is reasonable. The proposed R1 zoning on the site will comply with the aims of the Armidale Dumaresq LEP 2012 (as discussed earlier in this section of this submission).

Visual Analysis Concluding Summary:

Future residential development on Lot 9 will have no significant visual impact on the scenic quality of Armidale, including the visual quality of the landscape as viewed from key vantage points, for the following reasons:

- All Vegetated Ridgelines will be retained behind and beside the proposed development.
- Visually the proposed new subdivision area will only read as a minor extension of the existing adjoining urban areas and which will be appropriately softened through street tree planting and new established private gardens.
- No loss of scenic quality as viewed from any scenic vantage point in Armidale would result from a future residential subdivision of the E4 portion of Lot 9. In fact, the addition of new established vegetation in this area via street trees and new gardens would improve on the current scenic contribution of the site and be compatible with existing vegetation that sits behind and around the rezoning area. This statement is demonstrated by the beneficial current plantings that have occurred in Armidale, including nearby newer residential areas.
- The proposed rezoning area is only that part of the site below the exiting dwelling and which forms part of the site's lower slopes, not the upper slopes. The higher exiting E3 Environmental Management zoned part of the site is proposed to be retained as an E3 zone and which existing controls actively seek to protect scenic environmental quality.
- The exiting mapped pockets of native vegetation on site will have a softening effect on any future residential development.
- The minimum lot size of 500m² will allow for adequate garden and trees to be established to soften the urban form of new residential development.

- The subject site will be read as a minor extension to the existing adjacent urban form and which itself is not an existing prominent element in the landscape.
- The existing ridgelines and the telecommunications towers and the existing water reservoirs will continue to be the dominant landscape features of South Hill and the subject site in particular.
- The long distance from and wide view available from key vantage points and the subject site, will ensure new development on the site is read by the viewer as a minor element of the whole view.

Recommended Mitigations:

- Require planting of street trees at DA subdivision stage.
- Consider requiring retention of existing small stand of *Eucalyptus Viminalis* on subject site at DA subdivision stage.