

*Armidale Dumaresq Council*

*Planning Proposal No. 8*

**PLANNING PROPOSAL**

For Lots 22-26 DP 1153858, Lots 27 & 28 DP 1156909 and Lot 1 DP 1147739 at 9, 11, 13-17 Madgwick Drive and 15 & 17 Cluny Road, Armidale, NSW 2350.

**August 2015**

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## INTRODUCTION

### ***Description of Proposal***

The Planning Proposal has been initiated by the owner of the land subject of the proposal. The owner submitted a draft Proposal which has been reviewed and amended by Council.

The Planning Proposal applies to eight separate parcels of adjoining land at 9, 11, 13-17 Madgwick Drive and 15 & 17 Cluny Road, Armidale, being Lots 22-26 DP 1153858, Lots 27-28 DP 1156909 and Lot 1 DP 1147739 (the Site).

The Planning Proposal seeks to amend Armidale Dumaresq LEP 2012 (LEP 2012) by:

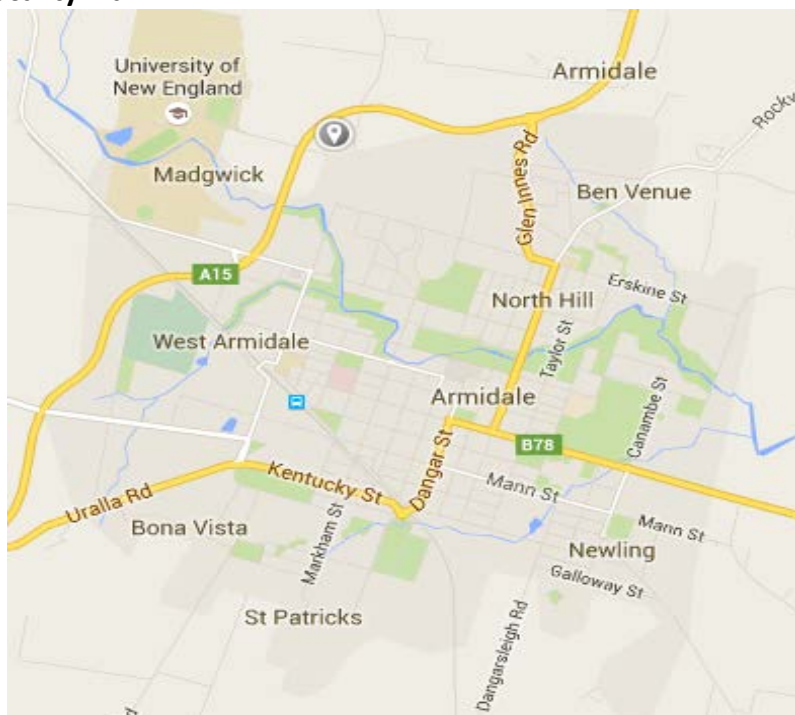
- rezoning the Site from the R2 Low Density Residential (R2 zone) to R1 General Residential (R1 zone), and
- reducing the minimum lot size (MLS) standard applying to the Site from 4,000m<sup>2</sup> to 500m<sup>2</sup>.

The Planning Proposal seeks to increase the potential density for residential development on the Site thereby resulting in a more efficient use of the land. The Site adjoins land to the east and south already zoned R1, some of which is partially or fully developed.

### ***Locality***

The Site is located in the north western area of Armidale. It is in proximity to the University of New England, shops, recreational areas, medical practices, primary and secondary schools, public bus routes, and is connected to the existing urban road network that provides access to the city centre and shopping centres (refer to *Diagram 1*).

**DIAGRAM 1: Locality Plan**



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### Site Description

Each of the eight lots proposed to be rezoned are approximately 4,000m<sup>2</sup> and the Site has an aggregated area of 32,327m<sup>2</sup> (refer to *Diagram 2*). The eight lots were created between 2008 and 2010 by three separate subdivisions pursuant to the 2(b) Low Density Residential zoning under Armidale Dumaresq LEP 2008 (LEP 2008). The sizes and dimensions of the eight lots are shown on the Deposited Plans in *Attachments 1-3*.

**DIAGRAM 2: The Site and surrounds**



□ The Site

↑N

### Site Serviced by Existing Infrastructure

The Site is currently serviced by Council's urban infrastructure including roads, town water supply and sewerage services, and waste collection and recycling services. The Site is also serviced by existing electricity, gas, telephone and the NBN high speed internet infrastructure.

### Site Topography

The Site is comprised of gently sloping (approximately 7% slope), naturally draining land from east to west with the steepest part of the Site situated to the north-east. A contour plan of the Site is included in *Attachment 4*.



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The land is cleared of trees except for an area along a watercourse and constructed dam near the western boundary. The watercourse and dam occupy approximately 16% of the Site and provide a natural stormwater discharge point for existing and potential development of the land.

### ***Existing Site Development***

The Site currently supports seven residential dwellings on five of the eight existing lots. Three lots (Lots 22-24 DP 1153858) with frontage to Cluny Road are currently vacant. The two lots at 9 and 11 Madgwick Drive have a dual occupancy development on each lot. The four dwellings for the dual occupancies were relocated from Rusden Street, Armidale circa 2009-2010 and were fully renovated around that time. Lot 1 DP 1147739 with frontage to Madgwick Drive comprises the original dwelling on the Site prior to the first subdivision in 2008. The lots at 15 and 17 Cluny Road each have a dwelling constructed circa 2011. These developed areas, including landscaping and carparking, occupy approximately 29% of the Site and are shown in *Diagram 3*.

### ***DIAGRAM 3: Existing Site Development***



*South Western side of Site -  
Original brick dwelling*



*Southern side of Site - Twin  
dual occupancy dwellings*



*Centre of Site - Vacant  
land*



*North side of Site - 2  
Executive homes  
constructed circa 2011*



*Northern side of Site - 2011  
home*



*Northern side of Site - 2011  
home*

### ***Surrounding Area Development***

The surrounding area comprises residential development to the east and south with some rural uses (mainly horse grazing) to the north and partly to the west (refer to *Diagram 4*). The land to the south is a fully developed residential precinct zoned R1. Land to the east also comprises a number of residential dwellings on land in the R1 zone. Development consent has been granted for a number of R1 zoned residential lots to the east which have

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not yet been created. The property opposite the Site at 20 Madgwick Drive is zoned R2 and has been granted development consent for subdivision of the property. The land to the west and north of the Site is zoned R2 with a single large dwelling and associated outbuildings to the north-west.

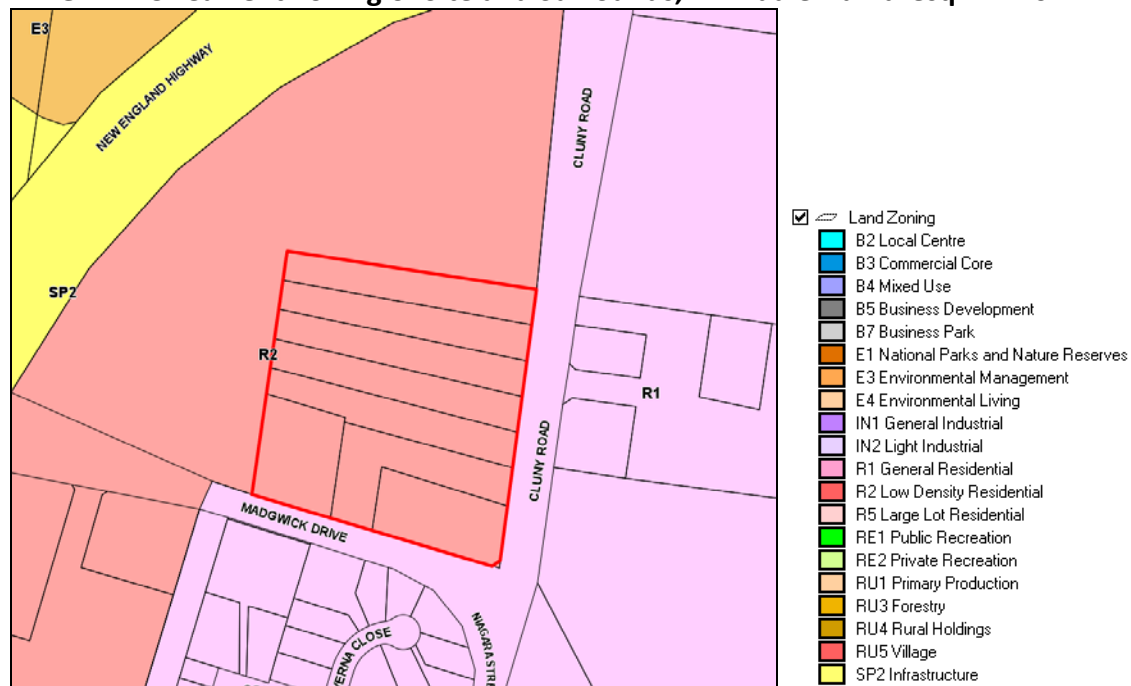
**DIAGRAM 4: Surrounding Area Development**



### Current Zoning – Site and Immediate Surrounds

The Site is currently in the R2 zone, as is the land to the immediate north and west. Land to the east and south, including the Cluny Road and Madgwick Drive road reserves, is zoned R1 (refer to Diagram 5).

**DIAGRAM 5: Current Zoning of Site and Surrounds, Armidale Dumaesq LEP 2012**



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### ***Proposed Zoning of Site - R1 Zone***

At the time when the Site was considered for an R1 or R2 equivalent zoning under LEP 2008, the Site was not connected to council's reticulated sewer and was partially served by the reticulated water supply. The watercourse and dam was also considered as posing a potential constraint for future development. Consequently, the Site was zoned R2 under LEP 2008.

The Site is now fully serviced by council's water supply and sewer infrastructure. Council has recently exhibited an updated Flood Study for Armidale which now includes the Site. While the presence of the watercourse and dam excludes approximately 16% of the land for dwelling sites, there is considered to be sufficient land available to allow for more intensive subdivision of the Site than is currently permitted in the R2 zone.

As the matters originally identified during preparation of LEP 2008 as potential constraints to an R1 zoning of the Site have since been addressed, the land is now considered to be suitable for rezoning to R1.

## **PART 1 – OBJECTIVES OR INTENDED OUTCOMES**

The Planning Proposal applies to eight separate parcels of adjoining land at 9, 11, 13-17 Madgwick Drive and 15 & 17 Cluny Road, Armidale, being Lots 22-26 DP 1153858, Lots 27-28 DP 1156909 and Lot 1 DP 1147739 (the Site).

The objectives of the Planning Proposal are to:

- rezone the Site from R2 Low Density Residential to R1 General Residential under Armidale Dumaresq LEP 2012 (LEP 2012) (refer current Zoning Map in *Attachment 5* and proposed Zoning Map in *Attachment 6*), and
- reduce the minimum lot size (MLS) standard applying to the Site from 4,000m<sup>2</sup> to 500m<sup>2</sup>, which is generally consistent with the R1 zone under LEP 2012 (refer current Lot Size Map in *Attachment 7* and proposed Lot Size Map in *Attachment 8*).

The intended outcomes of the Planning Proposal are to allow for future residential development and subdivision of the Site that is consistent with the provisions for the R1 zone under LEP 2012.

## **PART 2 - EXPLANATION OF PROVISIONS**

The objectives or proposed outcomes of the proposal will be achieved by:

- amending the Land Zoning Map for LEP 2012 by zoning 9, 11, 13-17 Madgwick Drive and 15 & 17 Cluny Road, Armidale, being Lots 22-26 DP 1153858, Lots 27-28 DP 1156909 and Lot 1 DP 1147739, R1 General Residential (refer proposed Land Zoning Map in *Attachment 6*).
- amending the Lot Size Map for LEP 2012 by altering the lot size standard to 500m<sup>2</sup> for 9, 11, 13-17 Madgwick Drive and 15 & 17 Cluny Road, Armidale, being Lots 22-26 DP 1153858, Lots 27-28 DP 1156909 and Lot 1 DP 1147739, (refer proposed Lot Size Map in *Attachment 8*).



## **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 objectives or intended outcomes 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 MLS from 4,000m<sup>2</sup> to 1,000m<sup>2</sup>, 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, in particular multi unit housing, nor facilitate the most efficient use of available physical and social infrastructure.

### **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 *New England North West Strategic Regional Land Use Plan 2012* (SRLUP) 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. It includes a particular focus on protection of agricultural land and the recent growth of mining activities and emergence of the coal seam gas industry.

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

**TABLE 1: New England North West Strategic Regional Land Use Plan (SRLUP)**

| 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   | The Site is not mapped in the SRLUP as strategic agricultural land. The agricultural potential of the Site is considered minimal having regard to its relatively small area (approximately 3 hectares), current residential zoning 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   | The Site is currently serviced by all appropriate infrastructure necessary for residential development including the Council’s town water supply and town sewerage infrastructure, electricity, gas, telephone, the NBN and Council’s waste & recycling management services. Future residential development in accordance with the objectives of the Planning Proposal can be appropriately serviced (for further details refer to Question 10 in this Planning Proposal).                                                                                                                                                                                                                                                                                                                                            |
| 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 2010</i> (NEDS) identified Urban Release Areas in Armidale to meet projected demand for residential housing up to 2021. The Site is included in an Urban Release Area and is zoned R2. The outcome of the Planning Proposal is to rezone the Site to R1.<br>The NEDS (p31) identified land to the north east of Armidale (Tilbuster Corridor) for future longer term residential development. The Planning Proposal provides for a moderate amount of additional residential development on the Site which is close to existing facilities, infrastructure and other R1 Zoned land. This additional supply will maximize the development of suitable land in Armidale prior to opening up a new area in the Tilbuster corridor which is located 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   | As noted at 6.1 above, the Planning Proposal seeks to provide for additional residential development in an Urban Release Area identified in the NEDS, thereby contributing to the supply of land for residential development in Armidale. A greater range of housing types is permitted in the proposed R1 zoning than in the current R2 zone. Therefore, the Planning Proposal will facilitate delivery of a range of housing types on the Site.                                                                                                                                                                                                                                                                                                                                                                     |

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| SRLUP                                                                                                                                                                                                                                                                                                   |           | Applicable to Planning Proposal?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| Action                                                                                                                                                                                                                                                                                                  | Timeframe |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| Balancing agriculture and resources development                                                                                                                                                                                                                                                         |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 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   | The Planning Proposal is considered to be consistent with the SRLUP’s settlement planning principles (refer to comments below).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Settlement planning principles (p.50)<br>When planning for housing growth, the following settlement principles must be considered:                                                                                                                                                                      |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <ul style="list-style-type: none"><li>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.</li></ul> |           | <p>The Planning Proposal will result in an increase in the types of housing permissible on the Site, including medium or higher density housing. The Site is readily accessible to the existing urban road network, which includes pedestrian and cycle ways. A cycle way passes along Madgwick Drive. Currently there are no constructed footpaths connecting the Site to the existing urban footpath network and this would need to be addressed with any development application for future residential development of the Site. A number of services are located within a reasonable walking and/or cycling distance of the Site, including:</p> <ul style="list-style-type: none"><li>child care centre (1.3km) Drummond Park Pre-school</li><li>primary and secondary schools (0.46km – 2.0km) Sandon Primary School, Presbyterian Ladies College, Duval High School</li><li>local commercial precinct (1.4km) local shops, restaurants and service station at Queen Elizabeth Drive</li><li>sporting and recreational facilities (0.8km - 1.2km), University of New England (UNE) and Creeklands</li><li>UNE and TAFE educational institutions (1.2km and 2.8km respectively)</li><li>bus routes (0.8km - 1.0km) Northcott and Elm Streets</li><li>medical centres and the Armidale Hospital precinct (1.9km – 2.6km).</li></ul> <p>The Site is also connected by the road and cycleway network to the CBD (3.8km away), which includes commercial premises and government offices.</p> |

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| SRLUP                                                                                                                                                                                                                                                                                                                                                                                          |           | Applicable to Planning Proposal?                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| Action                                                                                                                                                                                                                                                                                                                                                                                         | Timeframe |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| e                                                                                                                                                                                                                                                                                                                                                                                              |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Balancing agriculture and resources development                                                                                                                                                                                                                                                                                                                                                |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <ul style="list-style-type: none"><li>Development will be located to maximise the efficiency of essential urban infrastructure, services and facilities, including transport, health and education.</li></ul>                                                                                                                                                                                  |           | The Site is currently serviced by and has access to existing residential urban infrastructure including reticulated water supply and sewer, electricity, gas, telephone, NBN and waste collection. The Site is also in proximity to or capable of accessing existing public transport, health and educational facilities (refer above for details). The Site is also connected by the road and cycleway network to the Central Business District.                                              |
| <ul style="list-style-type: none"><li>Development will respect and respond to the character of the area and the identified settlement hierarchy of the region.</li></ul>                                                                                                                                                                                                                       |           | The Site already has some residential development (29% of the Site) and comprises a mix of dwelling types and sizes. The Site adjoins R1zZoned land to the east and south and will be capable of offering a variety of housing types that are consistent with the character of the area and settlement hierarchy of the region.                                                                                                                                                                |
| <ul style="list-style-type: none"><li>New residential areas will be planned with streets that make it easy for people to walk and cycle, and with recreational and open space.</li></ul>                                                                                                                                                                                                       |           | The Site is connected to the existing road network as well as the cycleway on Madgwick Drive. Future development of the Site will need to consider the relevant provisions of Armidale Dumaresq Development Control Plan 2012, which includes guidelines for street layout and design. The demand for additional open space or embellishment of existing open space in the area will be considered when development applications are submitted for future residential development of the Site. |
| <ul style="list-style-type: none"><li>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.</li></ul>                                                                                                                                                            |           | The western side of the Site is below the Flood Planning Level, as identified in the <i>Armidale Flood Study Review and Update – Stage 3</i> (BMT WBM2014) (for further details refer to 9.1 below). It is proposed to carry out an Aboriginal heritage assessment of the Site either as required by a Gateway determination or as part of any development application for subdivision of the land.                                                                                            |
| <ul style="list-style-type: none"><li>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 natural resource lands. This includes avoiding locations where possible adverse impacts associated with industry are likely to affect future residents.</li></ul> |           | Land in the locality is not identified as valuable agricultural or natural resource land . Since the Site is surrounded by residentially zoned land there is little potential for land use conflict or adverse impacts to affect future residents.                                                                                                                                                                                                                                             |

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| SRLUP                                                                                                                                                            |           | Applicable to Planning Proposal?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Action                                                                                                                                                           | Timeframe |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| Balancing agriculture and resources development                                                                                                                  |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Natural environment                                                                                                                                              |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 9.1 Ensure that LEPs zone areas subject to natural hazards appropriately to reflect the risks associated with the hazard and the limitations of the land (p.66). | Ongoing   | The western side of the Site is below the Flood Planning Level, as identified in the <i>Armidale Flood Study Review and Update – Stage 3</i> (BMT WBM2014) It is not considered necessary to have a different zoning for this part of the Site at this time. The <i>Armidale Flood Study Review and Update – Stage 3</i> (BMT WBM2014) will inform A Floodplain Risk Management Plan (FRMP) for Dumaresq Creek and its tributaries. The FRMP will include any recommended changes to LEP 2012 or other planning policies or documents for land subject to flooding. Consideration of any appropriate zoning of the Site along with other flood prone properties in Armidale will occur as part of the FRMP. During the interim any future development will be subject to Clause 6.2 <i>Flood planning</i> in LEP 2012, which seeks to minimize flood risk to life and property. The Site affords sufficient area for building envelopes to be identified above the Flood Planning Level and sufficient road frontage with flood free access. For further details refer to Question 8 in this Planning Proposal. |

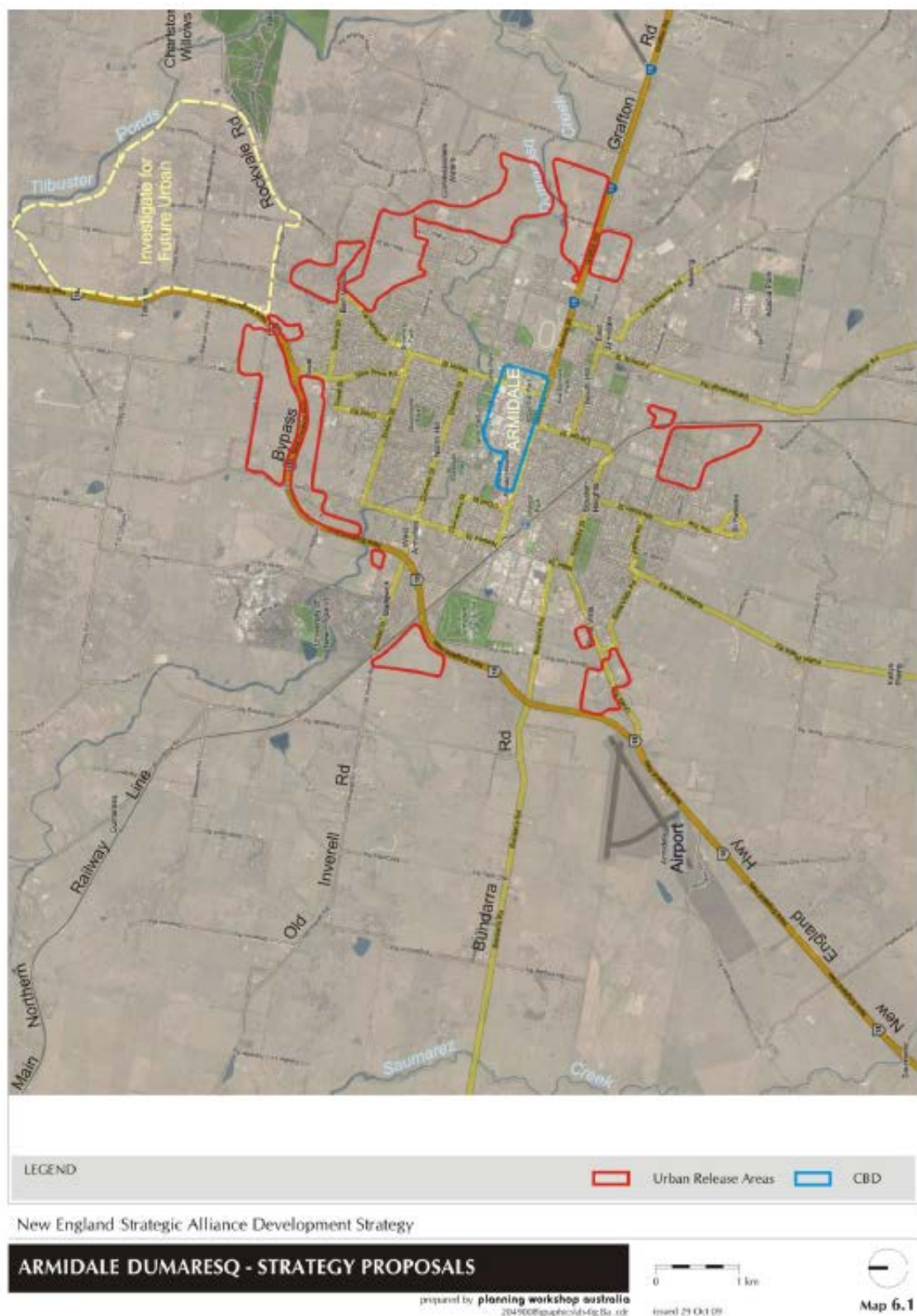
### **Q4. Is the planning proposal consistent with a Council's local strategy or other local strategic plan?**

#### **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 LEP 2012.

The NEDS provides projected population growth and an estimate of the anticipated future housing stock required to meet a 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 (refer *Diagram 6: NEDS 2010– Armidale Urban Release Areas*).

DIAGRAM 6: Armidale Urban Release Areas (New England Development Strategy 2010)





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The Armidale Urban Release Areas identified in the NEDS were based on the *Strategic Analysis for the Draft Armidale Dumaresq LEP 2005* (Armidale Dumaresq Council, 2005). This Strategic Analysis underpinned the new residential rezonings introduced in Armidale Dumaresq LEP 2008 (LEP 2008) and subsequently carried through into LEP 2012. The Strategic Analysis identified the Site as being suitable for large lot residential development, mainly because at the time sewer was not available and the watercourse and dam were considered to be potential constraints to more intensive residential development. Since 2008 sewer has been provided to the Site and a Flood Study prepared which identifies the extent of flooding associated with the watercourse and dam. It is considered that the initial potential constraints to zoning the land R1 have now been addressed.

### ***Existing Site Yield under R2 Zoning***

The Site has an area of 32,327m<sup>2</sup> and has been subdivided into eight residential lots. Development consent for a three lot community title subdivision has been granted over Lot 1 DP1147739 but the lots have not yet been created. LEP 2012 has since been amended (Amendment No. 6) to prevent community title subdivision of land in the R2 zone to create lots less than the MLS standard of 4,000m<sup>2</sup>.

### ***Potential Site Yield under R1 Zoning***

Approximately 45% of the Site is either already occupied by existing dwellings or is affected by flooding from the watercourse and dam. Therefore, there is approximately 55% (17,700m<sup>2</sup>) 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 13 lots, based on the following:

- allowing 30% of the developable part of the Site for internal roads and urban infrastructure
- assuming an average lot size of 900m<sup>2</sup> for new residential lots, which is consistent with the average lot size used in the demand and supply analysis for residential land in the Strategic Analysis.

The demand and supply analysis underpinning the Urban Release Areas in the NEDS was based on the Site having a 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 an additional 13 residential lots on the Site, which represents 0.7% 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. Sewer has been constructed and provided to the Site and the extent of any flooding associated with the watercourse and dam has been identified.

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- 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 urban infrastructure.
- An updated Armidale Flood Study for Dumaresq Creek and its tributaries was prepared in 2014 and exhibited in early 2015. The updated study, unlike previous flood studies, includes the watercourse and dam on the Site. While part of the Site is within the flood planning level (FPL), it is not considered to be a significant constraint to future development, given its location on the western side of the Site and the availability of flood free access. There is also considered to be sufficient land available above the FPL to provide building envelopes for any future residential subdivision of the land.
- 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 (p. 30) 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
  - market considerations such as aspect and neighbourhood amenity
  - environmental sustainability.
- The Planning Proposal is considered to be consistent with the recommendation of the NEDS in relation to the ongoing pressure for urban consolidation and medium density housing in Armidale, in particular the recommendation to "achieve a mix of dwelling and allotments 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 state environmental planning policies (refer to *Attachment 9*).

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

The Planning Proposal is considered to be inconsistent with:

- Section 117 Direction 1.3 *Mining, Petroleum Production and Extractive Industries* but the inconsistency is considered to be of minor significance and is justified.
- parts of Section 117 Direction 4.3 *Flood Prone Land*. Land along the watercourse and dam on the western side of the Site has been identified as being below the Flood Planning Level in a recently exhibited Flood Study for Armidale. The inconsistency is considered justified as there is a process in place to ensure that any flood related controls applying to the Site will be within the framework of a Floodplain Risk Management Plan (FRMP) for Armidale. The FRMP is expected to be completed in mid 2016. Until such time as the FRMP is prepared and any related amendments are made to LEP 2012, the current flood related planning controls will continue to apply.

The Planning Proposal is considered to be consistent with all other applicable Section 117 Ministerial Directions (refer to *Attachment 10*).

**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?**

The Site has not been identified as containing any critical habitat. The *Armidale City Flora and Fauna Survey* (CJ Bale, GJ White and S Debus, 1996) does not identify any flora and fauna species listed at the time under the *Threatened Species Conservation Act 1995*.

The Site is mainly clear of trees other than along the watercourse on the western side of the property. The remainder of the Site that is vacant is covered with grass and used for limited grazing, mainly horses. While the Site appears to have been relatively disturbed by past and present activities and most of the trees appear to be introduced exotics, there may be some native flora or fauna present, for example along the watercourse. 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.

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

A watercourse and man-made dam is located along the western boundary of the Site.

The Site and watercourse are not included in the currently adopted *Armidale Flood Study 2004*. However, the recently completed *Armidale Flood Study Review and Update – Stage 3* (BMT WBM, 2014) extended the coverage of the 2004 Flood Study taking in a number of minor tributaries not previously included. The updated Flood Study includes the Cluny Road Gully and identifies that the western part of the Site along the watercourse is subject to flooding. The Flood Planning Level in relation to the Site is shown in *Diagram 7*.

**DIAGRAM 7: Flood Planning Level, Cluny Road Gully, (based on Armidale Flood Study Review and Update – Stage 3 (BMT WBM, 2014))**



The updated Flood Study was placed on public exhibition from 5 January 2015 to 6 March 2015 and following its adoption a Floodplain Risk Management Study and Floodplain Risk Management Plan (FRMP) will be prepared in accordance with the process outlined in the *Floodplain Development Manual* (NSW Government, 2005). Implementation of the FRMP is likely to include land use planning controls that may require amendments to LEP 2012 and Development Control Plan 2012.

It is proposed to rezone all the Site from R2 to R1 until such time as a FRMP identifies any proposed changes to LEP 2012 for land subject to flooding in Armidale. The FRMP is likely to be completed by the end of June 2016 when a single LEP amendment that implements the FRMP will be prepared. By preparing a single LEP amendment an ad hoc approach to managing and using flood prone land in Armidale is very likely to be avoided. During the interim, it is proposed to apply current planning controls to future development of the Site, including clause 6.2 *Flood Planning* in LEP 2012. Clause 6.2, which applies to land below the Flood Planning Level, seeks to minimise flood risks to life and property associated with the

## ***Planning Proposal No. 8***

use of the land as well as avoiding significant adverse impacts on flood behaviour and the environment. The Site has access available above the Flood Planning Level along the full length of its road frontages to Madgwick Drive and Cluny Road. There is also sufficient land available on the Site to provide for building envelopes above the Flood Planning Level. It is therefore considered that the possible impact of flooding on lot layout, road access, and suitable building sites can be addressed as part of a development application for future subdivision of the Site. Furthermore, any development that involves works within 40m of the watercourse is likely to require a Controlled Activity Approval under the *Water Management Act 2000* and the development application would be subject to the provisions for integrated development under the *Environmental Planning and Assessment Act 1979*.

The Site 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 nearest bush fire prone land is approximately 1.13 kilometres to the north-west of the Site.

### ***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 LEP 2012 are approximately 1.16km 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 "Booloominbah" (on the State Heritage Register).

There is also a local archaeological heritage item approximately 455m away (Item No A043 Site of Child's Brickworks).

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

#### ***Aboriginal cultural heritage***

Council's records do not identify any known Aboriginal objects or Aboriginal places of heritage significance on the Site. However, there is considered to be potential for Aboriginal objects or places to be present, given that part of the Site has not been heavily modified by past or present land uses; the location of one known Aboriginal heritage site within 100 metres of the Site; and the presence of a watercourse on the western side of the Site. It is recommended that an Aboriginal heritage assessment be undertaken either as a result of the Gateway Determination or as part of a future development application for subdivision of the Site.

#### ***Social and Economic Effects***

The increased residential density in the Planning Proposal will contribute to the supply of 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.

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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 centre in the area and the Armidale Central Business District. The increased density allowed by the Planning Proposal is relatively modest (estimated to be an additional 13 residential lots) and is unlikely to result in any significant impacts on existing social infrastructure in Armidale.

### **SECTION D: State and Commonwealth interests**

#### ***Q.10 Is there adequate public infrastructure for the planning proposal?***

The Site is serviced by existing public infrastructure (refer to *Attachment 11*), including:

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

It is likely that existing public infrastructure is adequate, or can be upgraded, to meet the needs of the estimated additional development of 13 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)
- Educational facilities: including Sandon Primary School (0.46km), University of New England (1.2km), Drummond Park Pre-School and Child Care (1.3km), PLC School (2.0km), Duval High School (2.4km)
- 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 the corner of Madgwick Drive and Cluny Road both of which are sealed public roads that serve existing development on the Site. Some local road upgrading and associated drainage works will be required for future residential subdivision of the Site and would be considered as part of any development application for subdivision of the land.



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Both sides of Madgwick Drive have a dedicated cycleway that is part of the existing cycleway network for Armidale.

### ***Water and Sewer Infrastructure***

The Site is currently fully serviced by Council's sewerage and water supply infrastructure. This infrastructure is capable of supporting the proposed additional residential density in the Planning Proposal without the need for upgrading.

### ***Waste Management and Recycling Services***

The Site is currently fully 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 full length of its eastern and southern boundaries
- natural gas infrastructure along the full length of its southern boundary.

### ***Telecommunications***

The Site is currently serviced by:

- telephone infrastructure along the full length of its eastern and southern boundaries
- NBN high speed internet telecommunications infrastructure along the full length of its southern boundary.

## ***Q.11 What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?***

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

| State or Commonwealth agency                                               | Need for referral                                                                                                                                                           |
|----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Office of Environment and Heritage, Department of Planning and Environment | Flora and Fauna assessment and Aboriginal Cultural Heritage assessment to be carried out subject to a Gateway Determination or as part of a future development application. |

The preliminary views of any State or Commonwealth agency have not been obtained prior to preparing this Planning Proposal.

## **PART 4 – MAPPING**

Maps identifying the land subject of the Planning Proposal have been included in the Introduction section of this Planning Proposal.

Relevant mapping for the proposed changes in the Planning Proposal are included in the following Attachments:

- *ATTACHMENTS 5, 7*: Current and proposed zonings applying to the Site
- *ATTACHMENTS 6, 8*: Current and proposed lot size standards applying to the Site.

## **PART 5 – COMMUNITY CONSULTATION**

The community consultation proposed to be undertaken in relation to the Planning Proposal is:

- Public exhibition of the Planning Proposal to take place for a period of 28 days by giving written notice of the Planning Proposal:
  - in a local Armidale newspaper;
  - on the Council's website at [www.armidale.nsw.gov.au](http://www.armidale.nsw.gov.au); and
  - in writing to adjoining landowners.
- Public exhibition of the Planning Proposal in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the Gateway determination.

## **PART 6 – PROJECT TIMELINE**

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

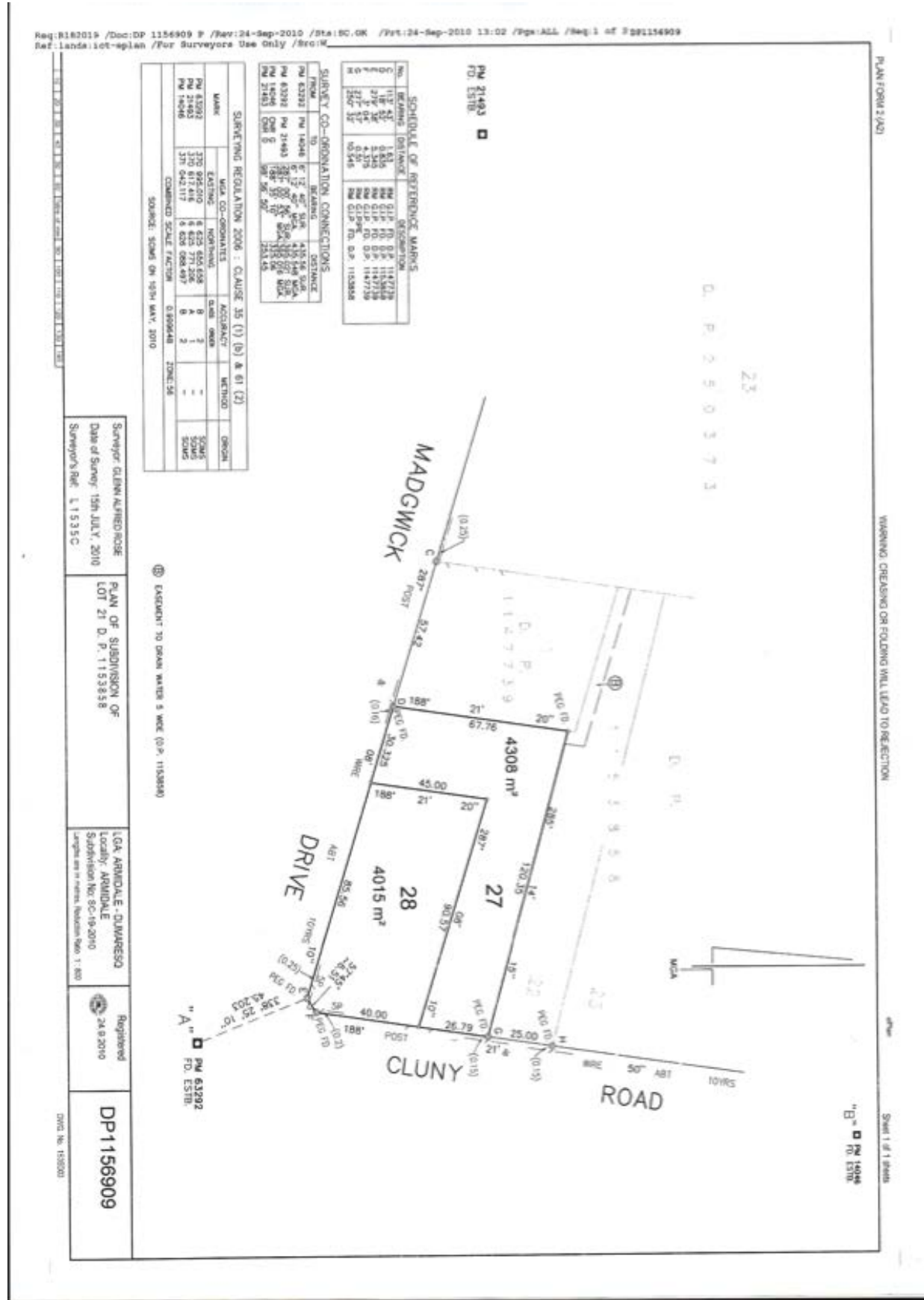
The Project Timeline is based on Council exercising its local plan making delegations.

| <b>Task</b>                                                                                                                                                                                                                                         | <b>Anticipated timeframe</b>         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| Date of Gateway Determination.                                                                                                                                                                                                                      | By 30 September 2015                 |
| Completion of required technical information (if required).                                                                                                                                                                                         | By 30 November 2015                  |
| Government agency consultation (pre and post exhibition - if required by Gateway Determination).                                                                                                                                                    | By 31 December 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 January 2016                  |
| Commencement and completion dates for public exhibition.                                                                                                                                                                                            | 21 January 2016 – 19 February 2016   |
| Consideration of public submissions and any changes to the Planning Proposal.                                                                                                                                                                       | Council meeting at end of March 2016 |
| Council adopts and makes the draft LEP.                                                                                                                                                                                                             | April 2016                           |





ATTACHMENT 3: Deposited Plan 1156909

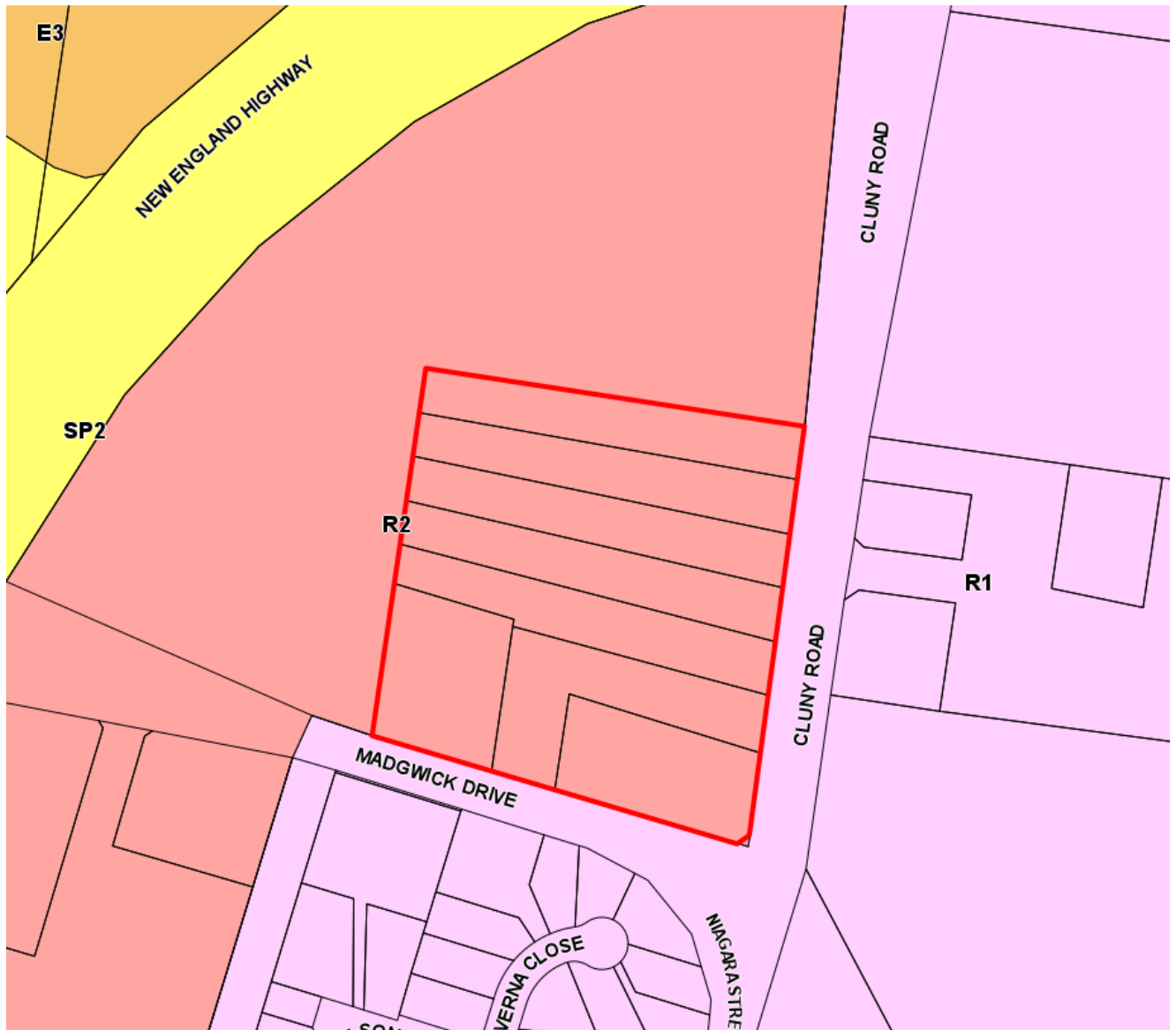




ATTACHMENT 4: Contour plan (2008 survey)



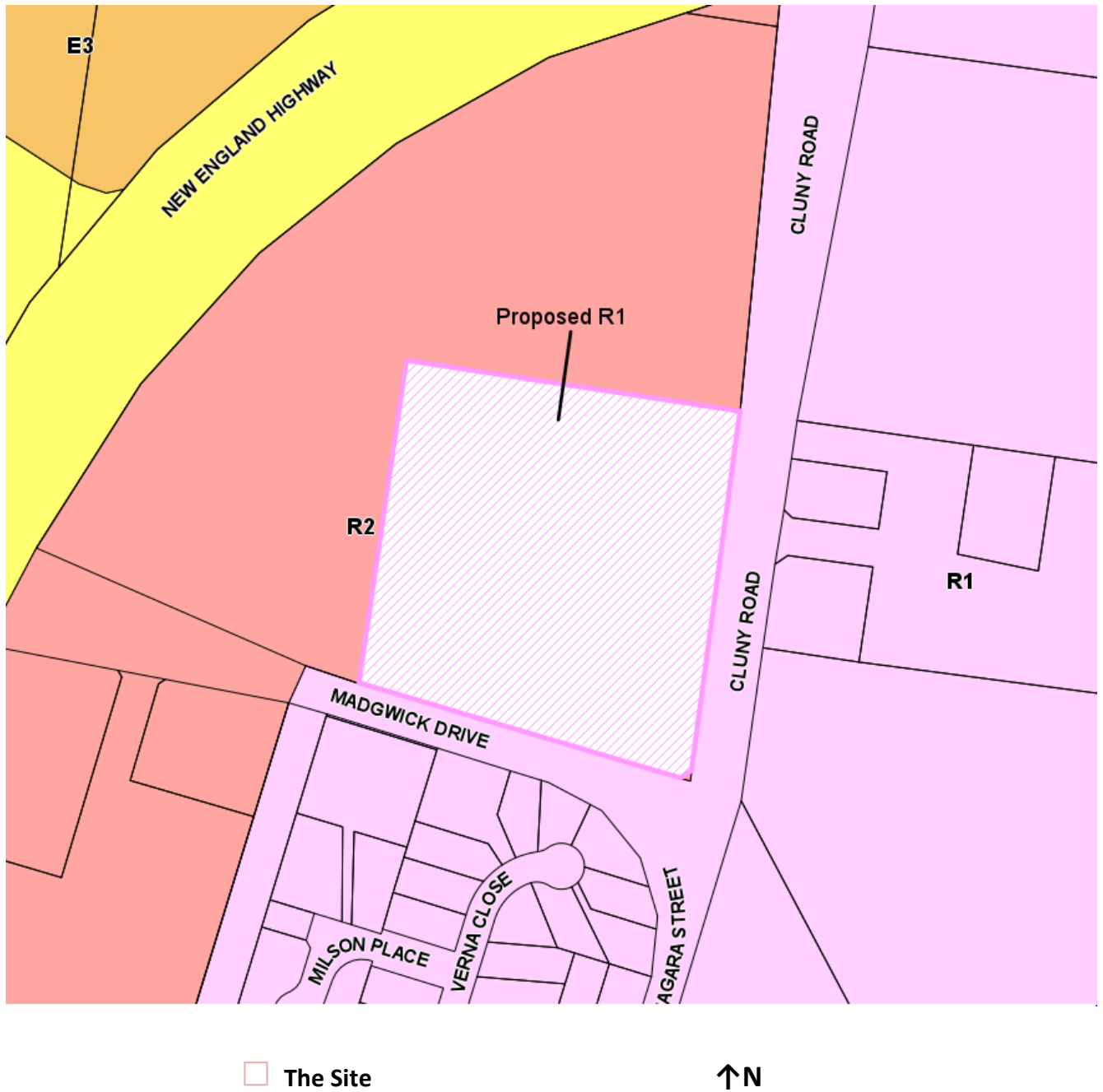
ATTACHMENT 5: Current zoning of the Site



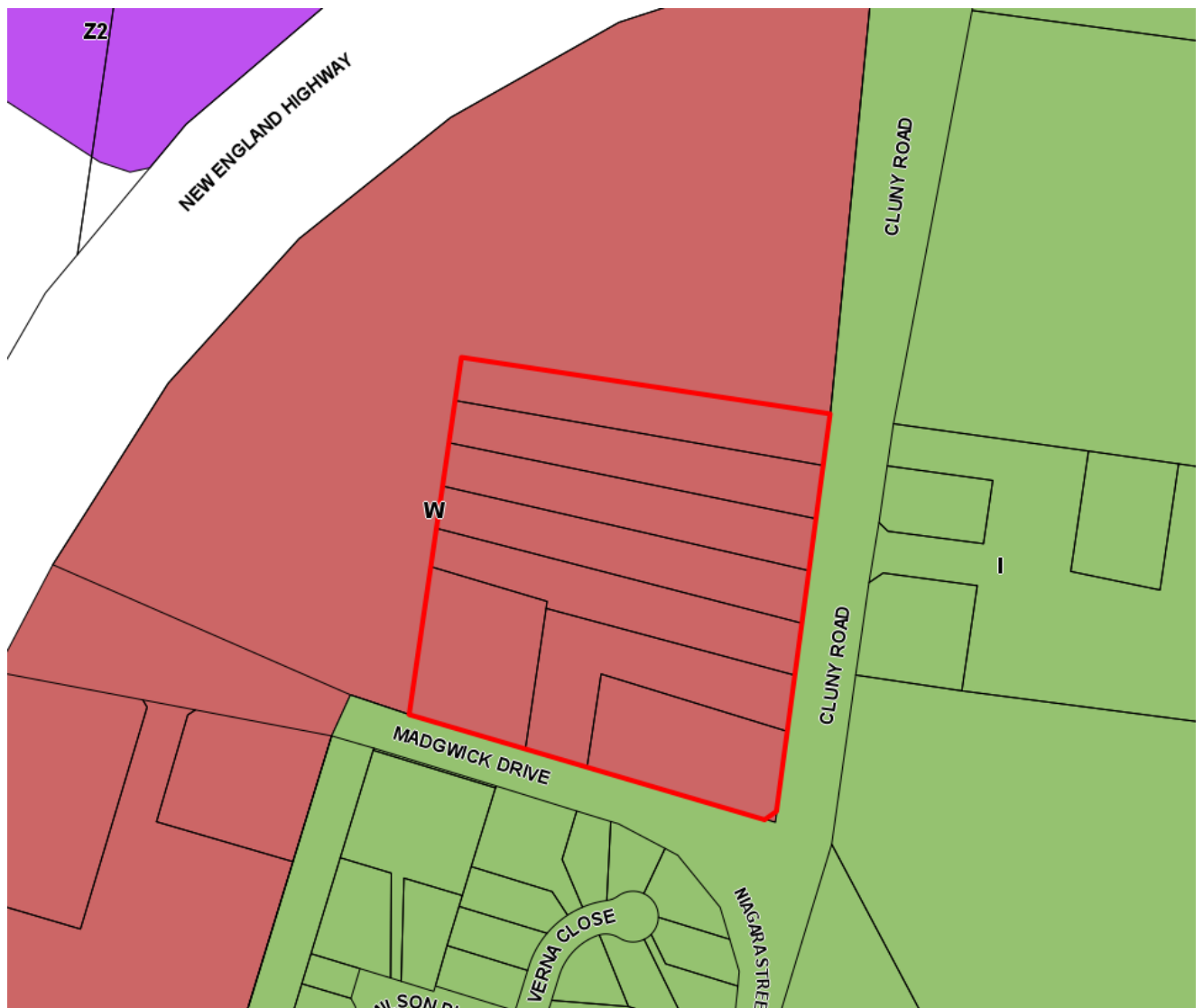
 The Site

↑N

ATTACHMENT 6: Proposed zoning of the Site



ATTACHMENT 7: Current Minimum Lot Size for the Site

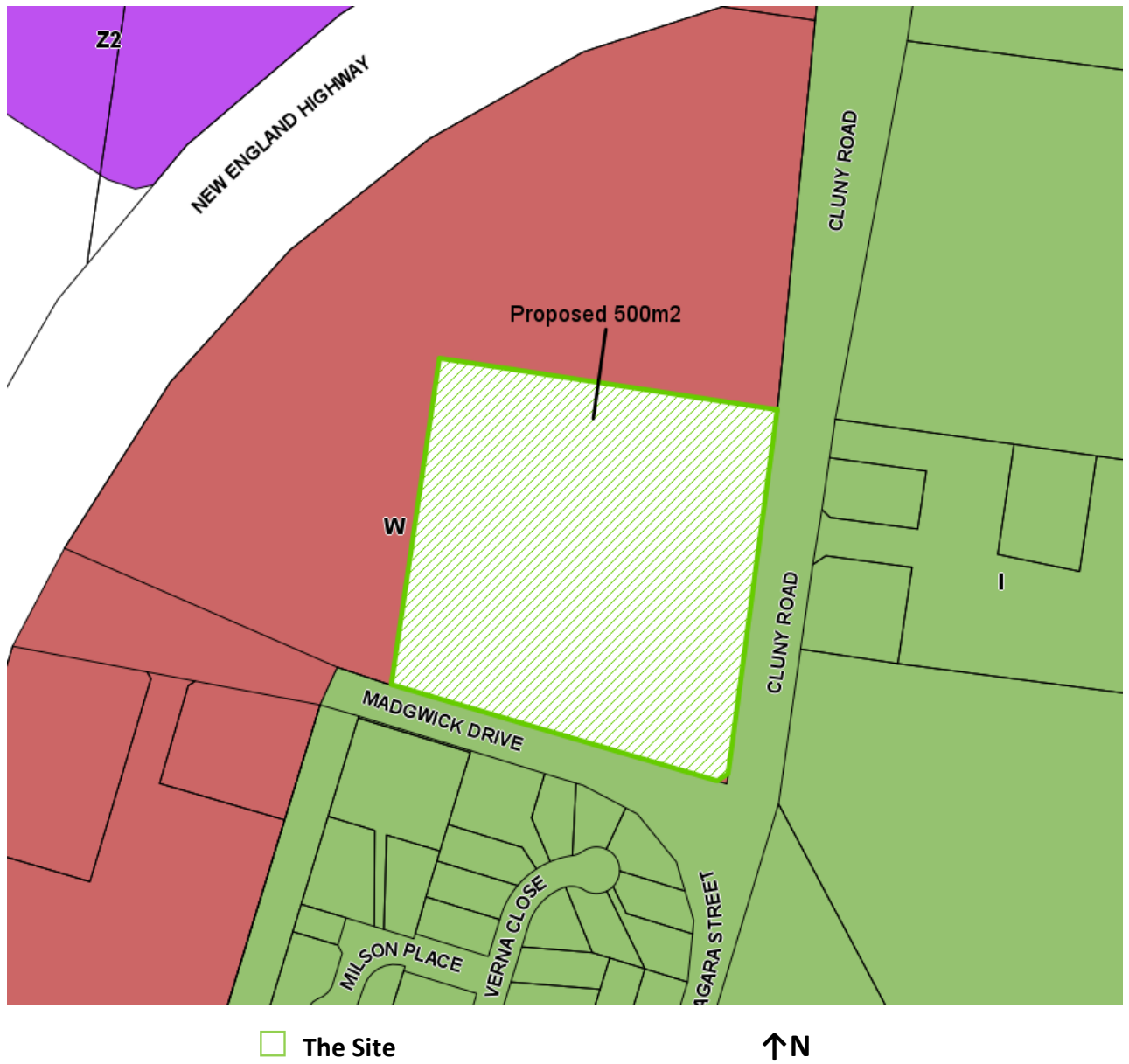


The Site

↑ N

| <input checked="" type="checkbox"/> Lot Size |  |
|----------------------------------------------|--|
| I 500 m2                                     |  |
| U 1000 m2                                    |  |
| W 4000 m2                                    |  |
| X 5000 m2                                    |  |
| Y 1ha                                        |  |
| Z1 2 ha                                      |  |
| Z2 4 ha                                      |  |
| AA1 5 ha                                     |  |
| AA2 8 ha                                     |  |
| AB 40 ha                                     |  |
| AE 200 ha                                    |  |

ATTACHMENT 8: Proposed Minimum Lot Size for the Site



**ATTACHMENT 9: Applicable State Environmental Planning Policies (SEPPs)**

| <b>SEPP</b>                                                   | <b>Applicable</b> | <b>Consistent</b> | <b>Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------|-------------------|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| No. 21 Caravan Parks                                          | Yes               | Yes               | 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 LEP 2012 but are permitted with development consent in the R1 Zone, which is proposed by the Planning Proposal for the Site. The Planning Proposal is considered to be consistent with this SEPP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| No. 32 Urban Land Consolidation (Redevelopment of Urban Land) | Yes               | Yes               | <p>This SEPP requires councils preparing LEPs to implement the aims and objectives of the SEPP. The aims and objectives include:</p> <ul style="list-style-type: none"> <li>• enabling urban land to be redeveloped for multi-unit housing</li> <li>• enabling housing in localities where there is existing physical and social infrastructure and is, close to employment, leisure and other opportunities</li> <li>• reducing the rate of land released for development on the existing urban fringe.</li> </ul> <p>The Planning Proposal seeks to increase the subdivision potential and types of residential development that can be carried out on the Site, which is in proximity to existing public infrastructure, transport and community facilities, and employment and leisure opportunities. The proposed rezoning will contribute to greater development potential of residential land within Armidale prior to developing land in the Tilbuster corridor, an area on the urban fringes of Armidale identified in the NEDS as an investigation area for future urban development.</p> <p>Therefore, the Planning Proposal is considered to be consistent with this SEPP.</p> |
| No. 36 Manufactured Home Estates                              | Yes               | Yes               | 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 LEP 2012 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. The Planning Proposal is considered to be consistent with this SEPP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

**Planning Proposal No. 8**

| <b>SEPP</b>                                                | <b>Applicable</b> | <b>Consistent</b> | <b>Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------|-------------------|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| No. 44 Koala Habitat Protection                            | Yes               | Yes               | This SEPP provides for the identification, conservation and management of koala habitats and applies when a development application is submitted. The Planning Proposal is considered to be consistent with this SEPP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| No. 55 Remediation of Land                                 | Yes               | Yes               | <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>The Planning Proposal proposes to rezone the Site from R2 to R1 under LEP 2012. A range of residential developments are permitted in both zones although the following types of development are prohibited in R2 zone and permitted in R1 zone: attached dwellings, hostels, multi unit housing, residential flat buildings, seniors housing and shop top housing. Other uses that are prohibited in the R2 zone but permitted in the R1 zone are hotel or motel accommodation, serviced apartments, camping grounds, caravan parks, hospitals and medical centres.</p> <p>Council's records do not identify the Site as being potentially contaminated land. The landowner is not aware of any current or previous uses of the Site that could have resulted in land contamination.</p> <p>The Planning Proposal is considered to be consistent with this SEPP.</p> |
| No. 64 Advertising and Signage                             | Yes               | Yes               | This SEPP prescribes certain controls in relation to signage. The Planning Proposal is considered to be consistent with this SEPP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| No. 65 Design Quality of Residential Apartment Development | Yes               | Yes               | <p>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.</p> <p>Under LEP 2012 these types of development are not permitted in the R2 Zone, but are permitted with consent the R1 Zone. The Planning Proposal is considered to be consistent with this SEPP.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |



**Planning Proposal No. 8**

| <b>SEPP</b>                                                 | <b>Applicable</b> | <b>Consistent</b> | <b>Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------|-------------------|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Affordable Rental Housing 2009                              | Yes               | Yes               | This SEPP provides for affordable rental housing within NSW. The Planning Proposal is considered to be consistent with this SEPP.                                                                                                                                                                                                                                                                                            |
| Building Sustainability Index: BASIX 2004                   | Yes               | Yes               | This SEPP provides for the implementation of sustainable residential development (the BASIX scheme) in NSW. The Planning Proposal is considered to be consistent with this SEPP.                                                                                                                                                                                                                                             |
| Exempt and Complying Development Codes 2008                 | Yes               | Yes               | 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.                                                                                                                                                                                                            |
| Housing for Seniors or People with a Disability 2004        | Yes               | Yes               | This SEPP prescribes certain controls in relation to land zoned for urban purposes for the benefit of seniors or people with a disability. The Planning Proposal is considered to be consistent with this SEPP.                                                                                                                                                                                                              |
| Mining, Petroleum Production and Extractive Industries 2007 | Yes               | Yes               | This SEPP aims to properly manage and develop mineral, petroleum and extractive material resources in NSW and includes provisions for the permissibility of mining and extractive industries. The Planning Proposal does not change the permissibility of mining or extractive industries, both being prohibited in the R1 and R2 zones under LEP 2012. The Planning Proposal is considered to be consistent with this SEPP. |
| State and Regional Development 2011                         | Yes               | Yes               | This SEPP identifies regional development, State significant development and State significant infrastructure in NSW. The Planning Proposal is considered to be consistent with this SEPP.                                                                                                                                                                                                                                   |
| Infrastructure 2007                                         | Yes               | Yes               | 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. The Planning Proposal is considered to be consistent with this SEPP.                                                                                                                                                     |

**ATTACHMENT 10: Applicable Ministerial Directions (Section 117 Directions)**

| <b>Environment and Heritage</b>                      |                                                        | <b>Applicable</b> | <b>Consistent</b> | <b>Comments</b>                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------------------------|--------------------------------------------------------|-------------------|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.3                                                  | Mining, Petroleum Production and Extractive Industries | Yes               | Yes (justified)   | The Planning Proposal rezones the land from R2 to R1. Mining and extractive industries are prohibited in the R1 zone under LEP 2012. However, any inconsistency with the direction is considered to be of minor significance as mining and extractive industries are also prohibited in the R2 zone.                                                                                                                                          |
| 2.1                                                  | Environment Protection Zones                           | Yes               | Yes               | 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 apply to land in an environment protection zone. The Planning Proposal is considered to be consistent with this s117 direction.                                                                                                            |
| 2.3                                                  | Heritage Conservation                                  | Yes               | Yes               | The LEP 2012 includes provisions from the Standard Instrument LEP for the protection of environmental, historical, European and/or Aboriginal cultural or archeological 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 Planning Proposal is considered to be consistent with this s117 Direction.        |
| 2.4                                                  | Recreation Vehicle Areas                               |                   |                   | The Planning Proposal does not enable the Site to be developed for the purpose of a recreation vehicle areas as recreation facilities (major and outdoor) are prohibited in the R1 zone under LEP 2012. The Planning Proposal is considered to be consistent with this s117 direction.                                                                                                                                                        |
| <b>Housing, Infrastructure and Urban Development</b> |                                                        | <b>Applicable</b> | <b>Consistent</b> | <b>Comments</b>                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 3.1                                                  | Residential Zones                                      | Yes               | Yes               | The rezoning of the Site from R2 to R1 is consistent with this Direction by: <ul style="list-style-type: none"> <li>• offering a greater choice of housing types on the Site for existing and future housing markets (eg. by permitting multi unit housing)</li> <li>• making efficient use of existing infrastructure and services</li> <li>• providing for more residential housing close within Armidale prior to any long term</li> </ul> |

**Planning Proposal No. 8**

|                                                 |     |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------|-----|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                 |     |     | <p>release of residential land in the Tilbuster corridor (as identified in the NEDS)</p> <ul style="list-style-type: none"> <li>increasing the permissible residential density for the Site, not decreasing it.</li> </ul> <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. The Planning Proposal is considered to be consistent with this s117 Direction.</p>                                                                                                                                                                                                                                                               |
| 3.2 Caravan Parks and Manufactured Home Estates | Yes | Yes | <p>Caravan parks and manufactured home estates are permitted under the LEP 2012 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 in relation to the Site. The Planning Proposal is considered to be consistent with this s117 Direction.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 3.3 Home Occupations                            | Yes | Yes | <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 s117 Direction.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 3.4 Integrating Land Use and Transport          | Yes | Yes | <p>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> (DUAP 2001) by offering a variety of transport choices for future residents. The Site has direct access to, and is immediately adjacent to, two sealed public roads including 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. The Planning Proposal is considered to be consistent with this s117 Direction.</p> |

| 4. Hazard and Risk   | Applicable | Consistent      | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------|------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.3 Flood Prone Land | Yes        | Yes (justified) | <p>The Site and watercourse are not included in the currently adopted <i>Armidale Flood Study 2004</i>. However, the recently completed <i>Armidale Flood Study Review and Update – Stage 3</i> (BMT WBM, 2014) extended the coverage of the 2004 Flood Study taking in a number of minor tributaries not previously included. The updated Flood Study includes the Cluny Road Gully and identifies that the western part of the Site along the watercourse is subject to flooding. The Flood Planning Level in relation to the Site is shown in <i>Diagram 7</i> of the Planning Proposal. The following comments are provided in response to the clauses in 4.3 as follows:</p> <p>(4) The updated Flood Study was placed on public exhibition from 5 January 2015 to 6 March 2015 and following its adoption a Floodplain Risk Management Study and Floodplain Risk Management Plan (FRMP) will be prepared in accordance with the process outlined in the <i>Floodplain Development Manual</i> (NSW Government, 2005). It is proposed to rezone all the Site from R2 to R1 until such time as a FRMP identifies any changes to LEP 2012 for flood prone land in Armidale. The FRMP is likely to be completed by the end of June 2016 when a single LEP amendment that implements the FRMP will be prepared. By preparing a single LEP amendment an ad hoc approach to managing and using flood prone land in Armidale will very likely be avoided.</p> <p>(5) The Planning Proposal does not rezone land within the Flood Planning Level from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential Zone.</p> <p>(6) LEP 2012, which is based on the Standard Instrument, does not include a zoning which prohibits development in a floodway. Currently there are 8 lots on the Site and the Planning Proposal will allow an estimated 13 additional lots on land above the Flood Planning Level. Development of that part of the Site below the Flood</p> |

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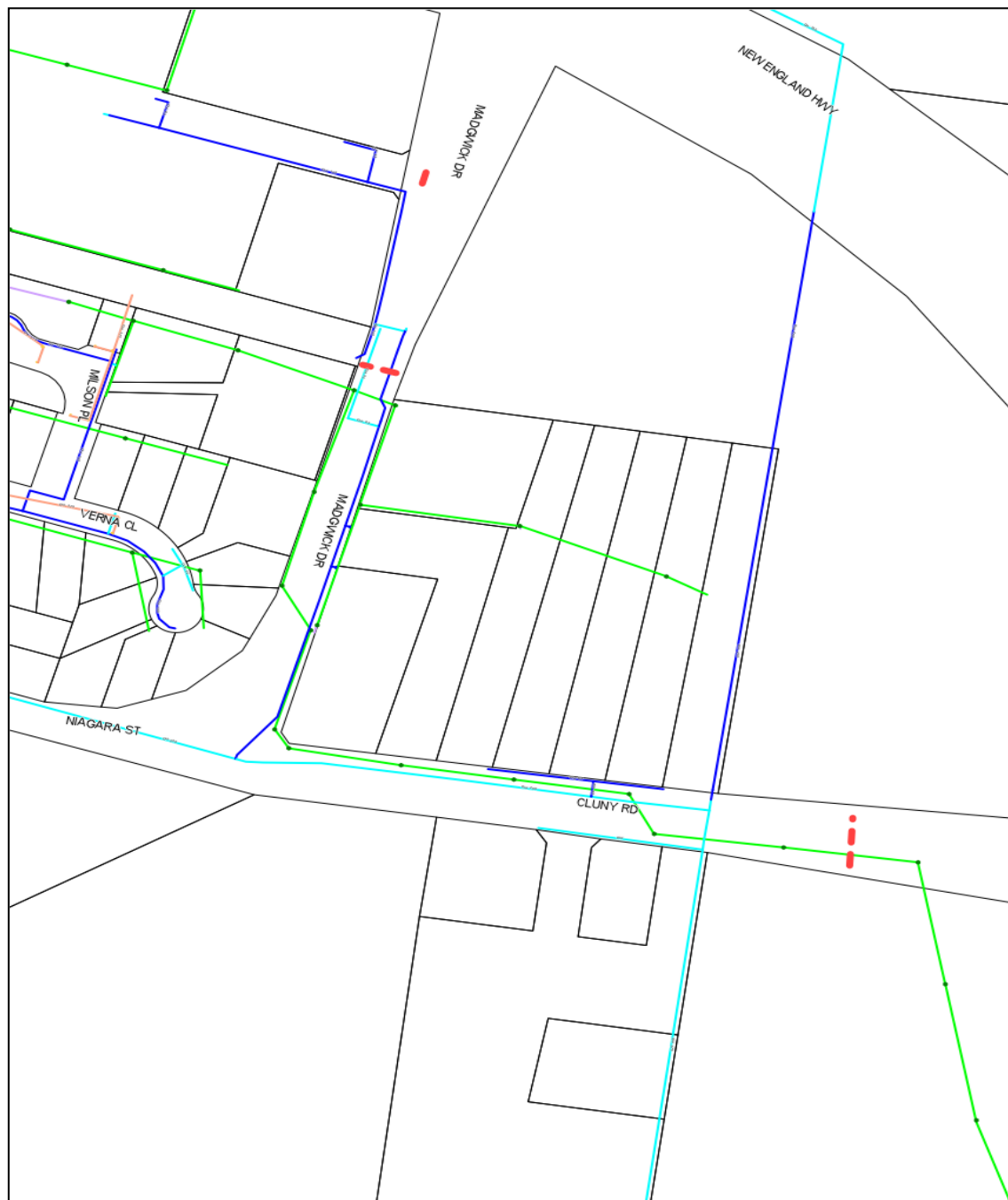
|                                        |                   |                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------|-------------------|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                        |                   |                   | <p>Planning Level will be subject to clause 6.2 <i>Flood Planning</i> in LEP 2012. Clause 6.2, seeks to minimise flood risks to life and property associated with the use of the land as well as avoiding significant adverse impacts on flood behaviour and the environment. The Site has access available above the Flood Planning Level along the full length of its road frontages to Madgwick Drive and Cluny Road. There is also sufficient land available on the Site to provide for building envelopes above the Flood Planning Level. Development of the Site is unlikely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services. The types of development that can be carried out without consent in the R1 zone are the same as those permitted without consent in the R2 zone, namely home occupations, roads and exempt development.</p> <p>(6) The Planning Proposal does not impose flood related controls above the residential Flood Planning Level.</p> <p>(7) The Flood Planning Level is consistent with the Floodplain Development Manual 2005.</p> <p>The Planning Proposal is considered to be inconsistent with parts of the s117 direction but are considered justified as there is a process in place to ensure that any flood related controls applying to the Site will be within the framework of the recommendations of a FRMP for Armidale. Until such time as the FRMP is prepared, the current flood related planning controls will continue to apply.</p> |
| <b>Local Plan Making</b>               | <b>Applicable</b> | <b>Consistent</b> | <b>Comments</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 6.1 Approval and Referral Requirements | Yes               | Yes               | The Planning Proposal does not propose the concurrence, consultation or referral of development applications to a Minister or public authority. The Planning Proposal is considered to be consistent with this s117 Direction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 6.2 Reserving Land for Public Purposes | Yes               | Yes               | The Planning Proposal does not propose to create, alter or reduce existing zonings or reservations of land for public purposes. The Planning Proposal is considered to be consistent with this s117 Direction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

***Planning Proposal No. 8***

|     |                          |     |     |                                                                                                                                                                                        |
|-----|--------------------------|-----|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6.3 | Site Specific Provisions | Yes | Yes | The Planning Proposal does not propose to allow a particular development to be carried out on the Site. The Planning Proposal is considered to be consistent with this s117 Direction. |
|-----|--------------------------|-----|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**ATTACHMENT 11: Existing Infrastructure and Services**

**Water Supply and Sewer Servicing Infrastructure Diagram**

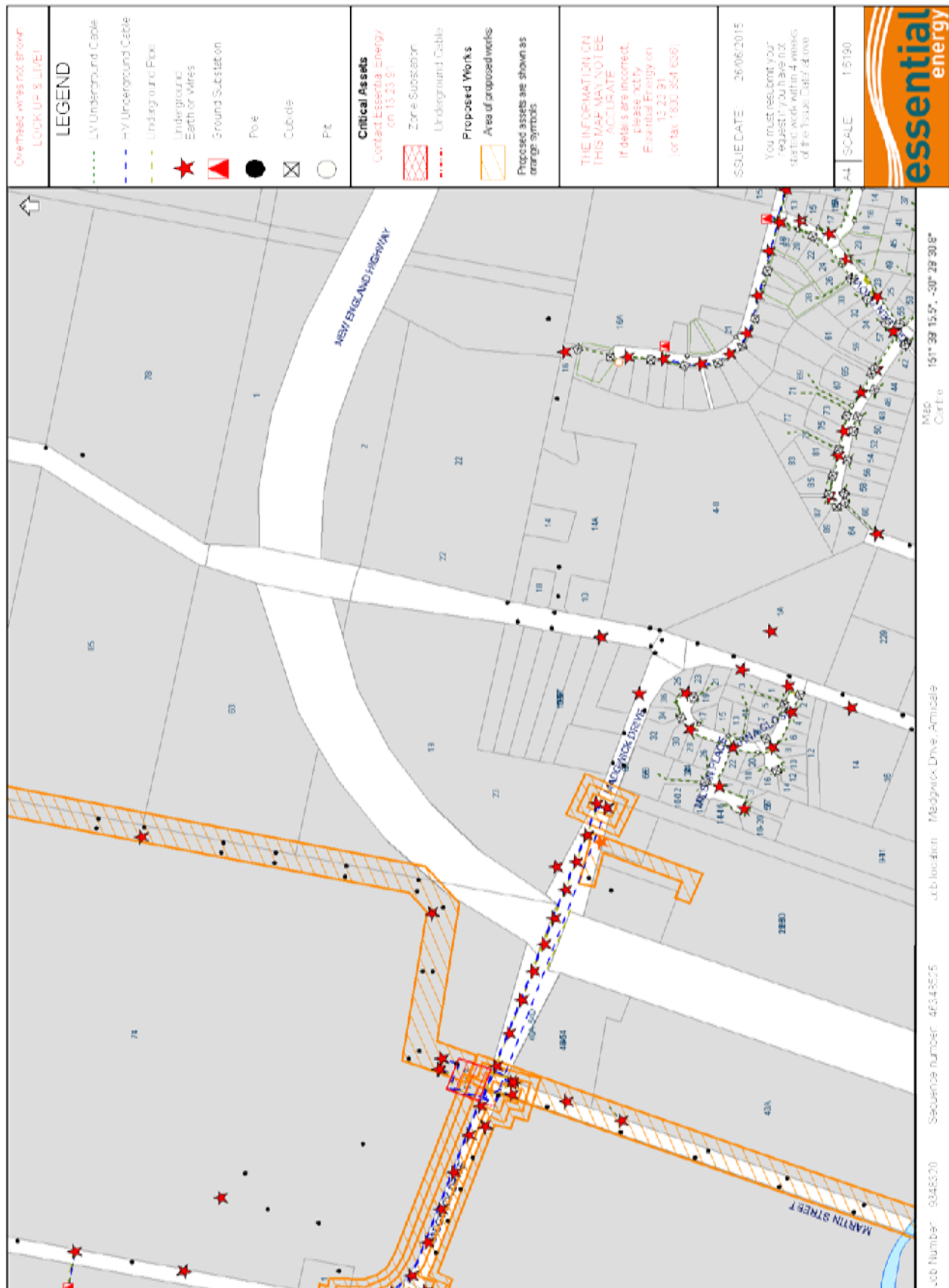


- Legend**
- water pipes
  - sewer pipes
  - Stormwater (culverts)



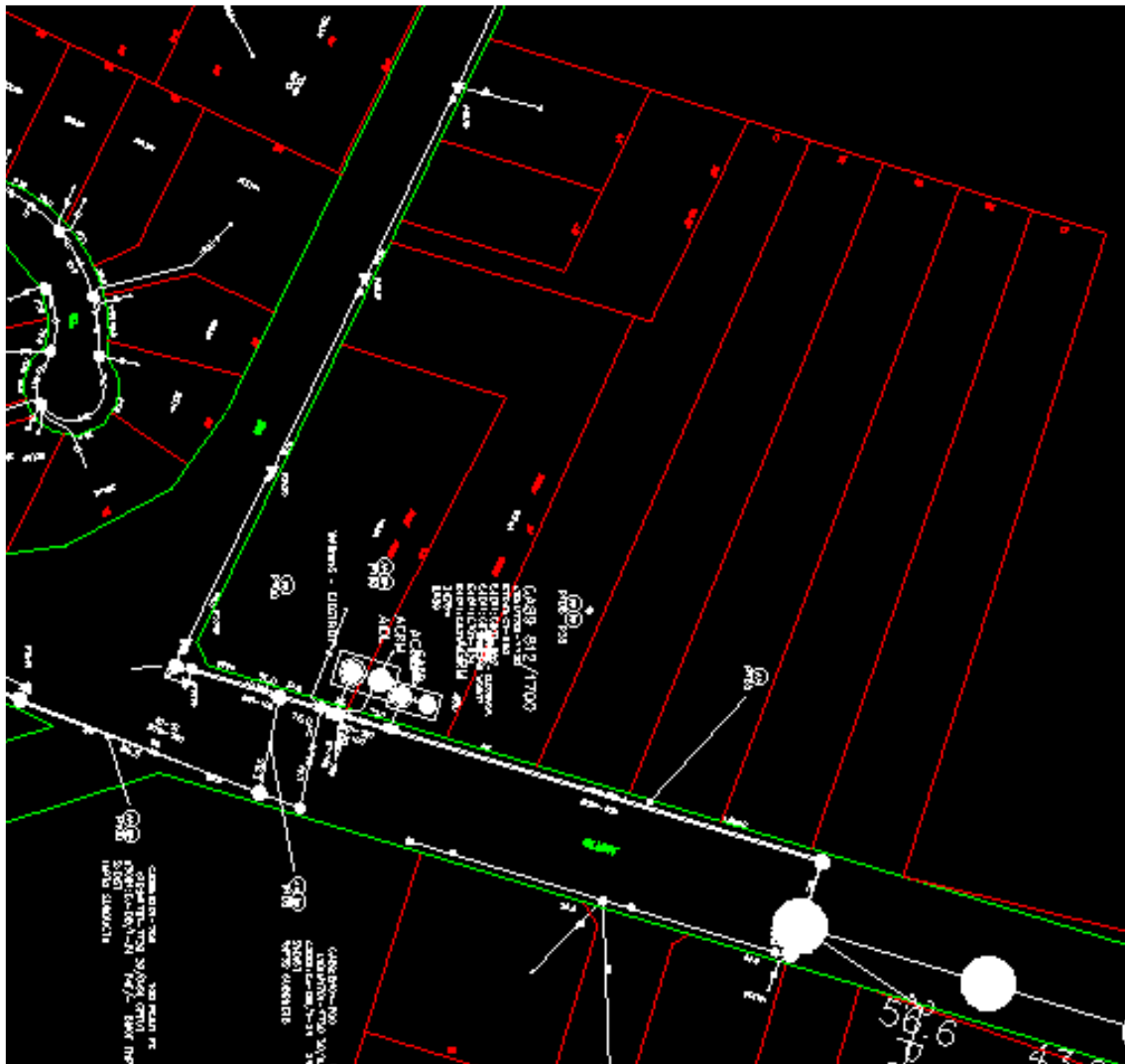
ATTACHMENT 11: Existing Infrastructure and Services (cont'd)

Essential Energy Electricity Services Location Map



ATTACHMENT 11: Existing Infrastructure and Services (cont'd)

Telstra Telecommunication Services Location Map



LEGEND

For more info contact a Telstra Accredited Locator or Telstra Plan Services 1800 653 935

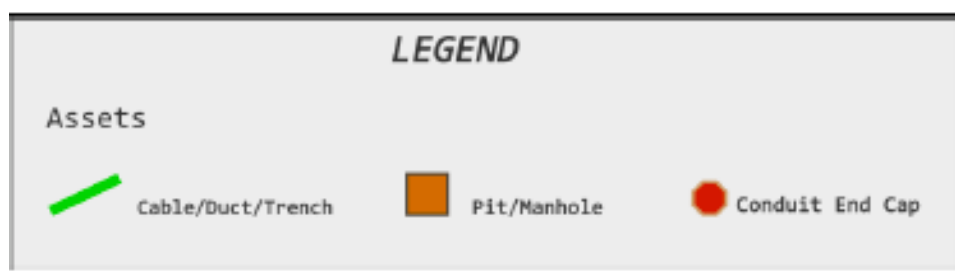
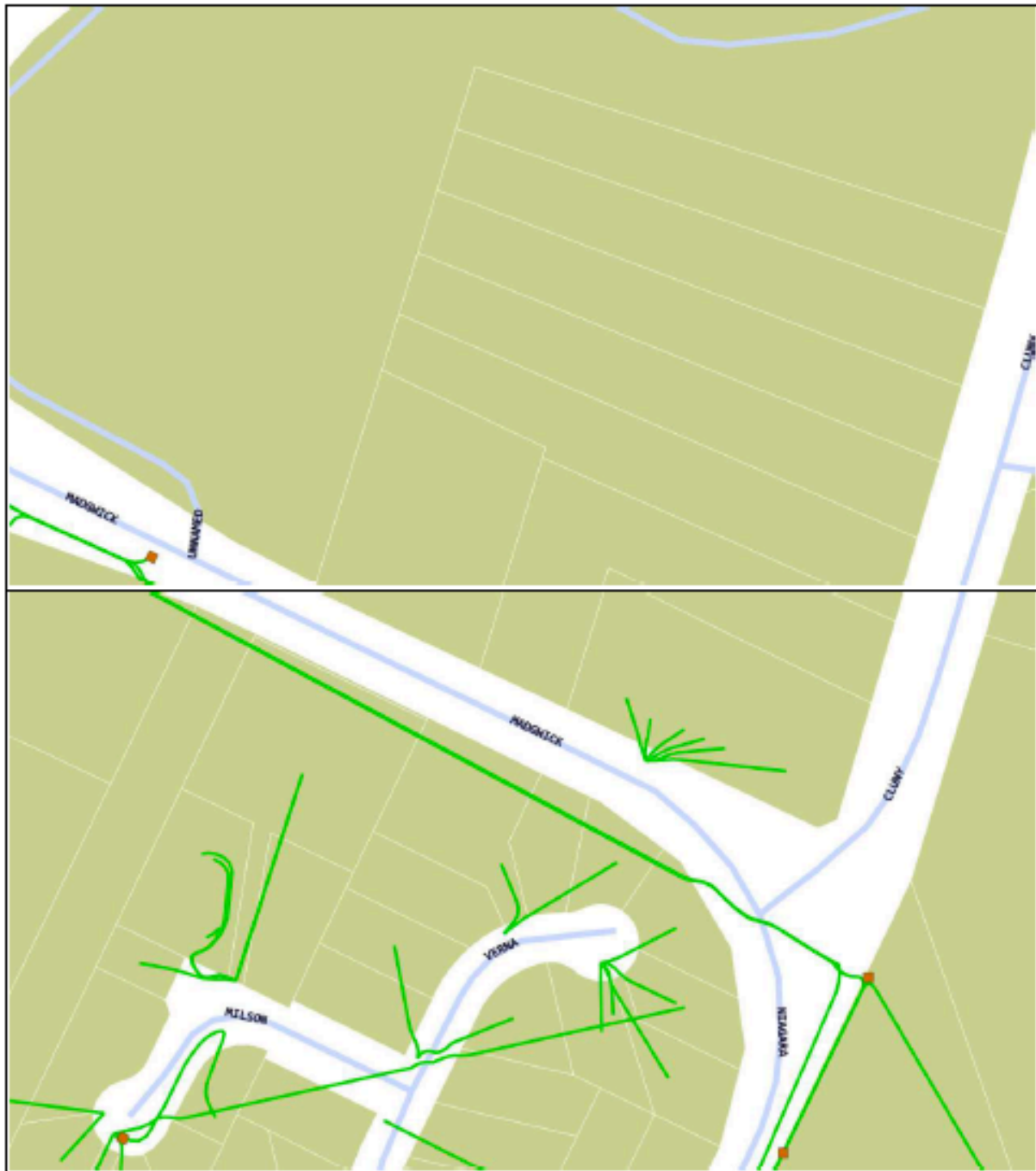
IT'S HOW  
WE CONNECT



|                                                                                     |                                                                                                                      |                                                                                     |                                                              |
|-------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|--------------------------------------------------------------|
|  | Exchange<br>(major cable present)                                                                                    |  | Cable jointing pit<br>(number indicating pit type)           |
|  | Footway access chamber<br>(can vary from 1-lid to 12-lid)                                                            |  | Buried cable jointing pit<br>(number indicating pit type)    |
|  | Roadway access chamber                                                                                               |  | Elevated cable joint<br>(above ground joint on buried cable) |
|  | Pillar/cabinet<br>(above the ground / free standing)                                                                 |  | Cable loop (direct buried)                                   |
|  | Above ground complex equipment<br>housing (eg RIM)<br>Please Note: This equipment is<br>powered by 240V electricity. |  | Telstra Plant in shared utility trench                       |
|  | PT Public telephone<br>Please Note: This equipment is<br>powered by 240V electricity.                                |  | Aerial Cable<br>(above ground)                               |
|  | Direct buried cable                                                                                                  |  | Aerial Cable<br>(attached to joint use pole e.g. power)      |
|                                                                                     |                                                                                                                      |  | SMOF Optical fibre cable direct buried                       |

ATTACHMENT 11: Existing Infrastructure and Services (cont'd)

NBN Asset Services Location Map



**ATTACHMENT 11: Existing Infrastructure and Services (cont'd)**

## Kleenheat Natural Gas Services Location Map

ATTACHMENT 11: Existing Infrastructure and Services (cont'd)

Armidale Bus Route Map – Edwards Coaches

