



Planning Proposal No. 10

Zoning Lots 661 and 662 DP 755808, Lot 2 DP 1213220 and Lot 1 DP 1129031 (part 48-72 Kurrawatha Avenue, Armidale) to part R2 Low Density Residential and part E4 Environmental Living and altering the lot size standard.

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INTRODUCTION

This Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment's "A Guide to Preparing Planning Proposals" (August 2016). The Planning Proposal seeks to amend the *Armidale Dumaresq Local Environmental Plan 2012* (LEP 2012).

This Planning Proposal applies to Lots 661 and 662 DP 755808, Lot 1 DP 1129031 and Lot 2 DP 1213220 at 48-72 Kurrawatha Avenue, Armidale (the Site). It is proposed to zone most of the Site to R2 Low Density Residential to facilitate residential development of the land and the efficient use of existing infrastructure provided in the surrounding locality. It is also proposed to zone part of the watercourse on the eastern part of the Site to E4 Environmental Living to include part of the flood planning area and to protect riparian values and a Ribbon-Gum woodland endangered ecological community.

The Site is approximately 12.5 hectares and it is proposed to zone approximately 11.34 hectares to R2 Low Density Residential and 1.16 hectares to E4 Environmental Living. The Site has the potential for approximately 21 low density residential lots to be developed under the proposed zonings and minimum lot size standard in the Planning Proposal. The location of the Site is shown in Figures 1 and 2.

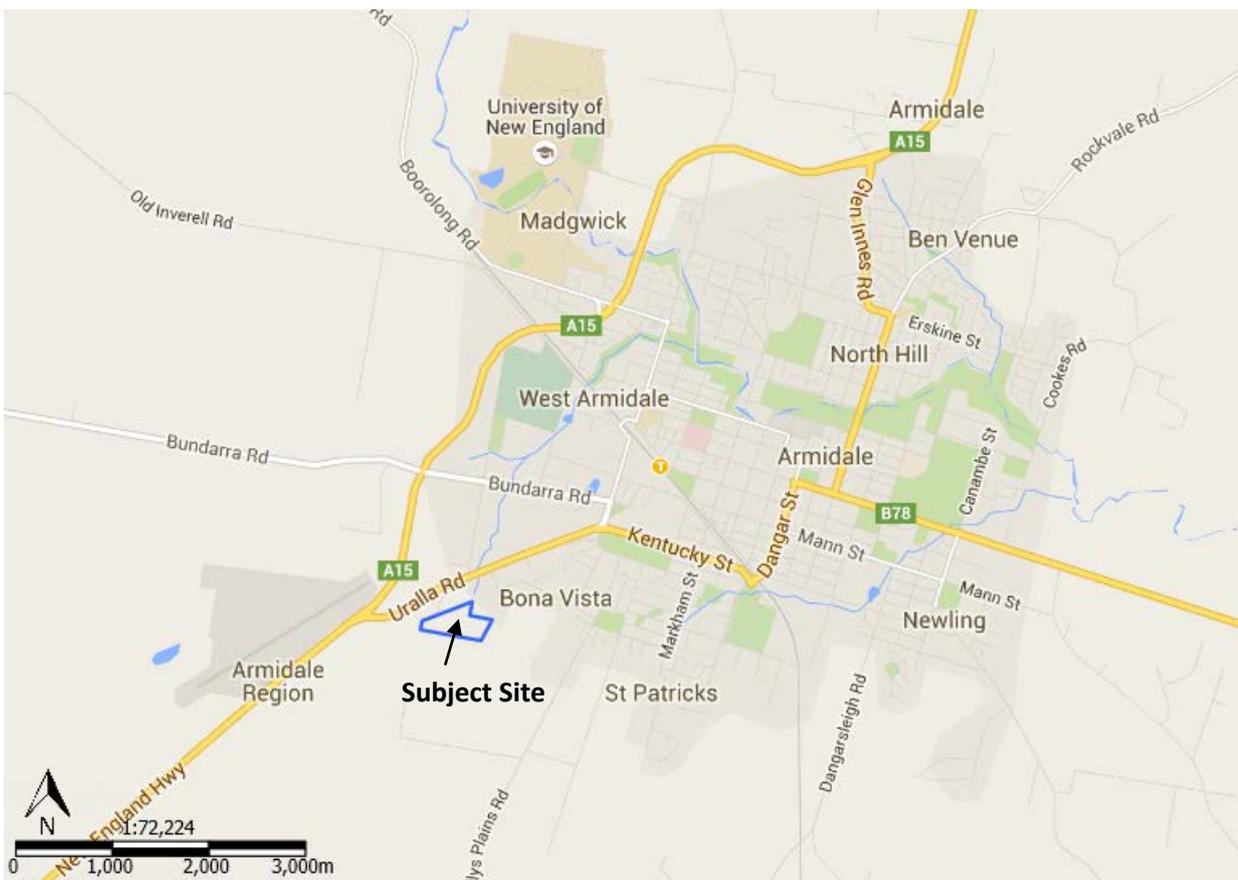


Figure 1: Locality Plan (sourced: NSW Planning Portal)

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objectives or intended outcomes of the Planning Proposal are to amend Armidale Dumaresq Local Environmental Plan 2012 (LEP 2012) to:

- allow for a low density residential subdivision of Lots 661 and 662 DP 755808, part Lot 1 DP 1129031 and Lot 2 DP 1213220, 48-72 Kurrawatha Avenue, Armidale, and
- protect the environmental values of a section of Martins Gully on part Lot 1 DP 1129031.

PART 2 - EXPLANATION OF PROVISIONS

Lots 661 and 662 DP 755808, Lot 1 DP 1129031 and Lot 2 DP 1213220 at 48-72 Kurrawatha Avenue, Armidale (the Site) are currently shown on the Land Zoning and Lot Size maps for LEP 2012 as being zoned R5 Large Lot Residential and having a minimum lot size standard (MLS) of 2 hectares under LEP 2012.

The existing zoning and MLS applying to the Site as shown on the LEP 2012 maps are in Attachment 1.

Clause 4.1(4A) of LEP 2012 also permits land within the R5 Large Lot Residential zone to be subdivided to create lots with a MLS of 1 hectare where each lot is or will be serviced by a water reticulation system and sewerage system. The Site can readily connect to these services and, therefore, subdivision of the Site into lots of at least 1 hectare is currently permitted under LEP 2012.

The objectives or intended outcomes of the Planning Proposal will be achieved by making the following amendments to LEP 2012:

- amending the Land Zoning Map by
 - rezoning Lots 661 and 662 DP 755808, part Lot 1 DP 1129031 and Lot 2 DP 1213220, from R5 Large Lot Residential to R2 Low Density Residential, and
 - rezoning part Lot 1 DP 1129031 from R5 Large Lot Residential to E4 Environmental Living
- amending the Lot Size Map by
 - altering the lot size standard for Lots 661 and 662 DP 755808, part Lot 1 DP 1129031 and Lot 2 DP 1213220 from 2 hectares to 4,000m² for the proposed R2 zoned land.

The proposed zonings and MLS for the Site are shown in Attachment 2.

PART 3 - JUSTIFICATION

Section A. Need for the planning proposal.

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

No.

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

Consideration has been given to an alternative method of achieving the objectives and intended outcomes of the Planning Proposal, by retaining the current R5 Zoning but varying the Lot Size Map by reducing the MLS to 4,000m². However, this approach:

- would allow a range of permissible uses on R5 Large Lot Residential land under LEP 2012 and *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, that may not be compatible or in keeping with the character of low density residential development. For example extensive agriculture, rural supplies and intensive plant agriculture would continue to be permitted under the R5 zoning in LEP 2012 and the Rural Housing Complying Development Code would apply under the State Environmental Planning Policy; and
- could permit subdivision and the erection of dwellings on the eastern side of the Site where there is a watercourse and trees that are part of a Ribbon Gum woodland endangered ecological community (EEC). Creating lots that traverse the watercourse and permitting the erection of dwellings in riparian areas could adversely affect the environmental values of this part of the Site.

The proposed zoning of the Site to part R2 and part E4 and applying a MLS of on 4,000m² to land in the proposed R2 zone is considered to be the best means of achieving the objectives or intended outcomes of the Planning Proposal for the following reasons:

- low density residential development would be permitted on that part of the land which has not been identified as having environmental values, and
- subdivision or erection of dwellings would be prevented on that part of the Site with environmental values.

Section B. Relationship to strategic planning framework.

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or 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 discussed below:

SRLUP		Applicable to Planning Proposal?
Action	Timeframe	
Infrastructure		
4.3 LEPs are to ensure housing and employment development occurs in areas which can be appropriately serviced.	Ongoing	The Site adjoins the urban area of Armidale and is located approximately 4 kms by road from the Armidale CBD. The Site is in an area that can be appropriately serviced for residential development as it can gain access to council's reticulated water supply, sewerage system and road network. Social infrastructure is available in the locality (2 schools) and Armidale (hospitals, government agencies, retail and commercial centre).
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.	Ongoing	The <i>New England Development Strategy</i> (Worley Parsons, 2010) identifies residential land in Armidale that will be sufficient to meet projected demand for housing up to 2021. These lands were zoned Residential and Low Density Residential in Armidale Dumaresq LEP 2008 and zoned R1 and R2 respectively in LEP 2012. The <i>New England Development Strategy</i> (NEDS) also identifies land to the north east of Armidale (Tilbuster Corridor) for future longer term residential development. The Site is not within a residential area identified by the NEDS. However, the proposed rezoning of the Site would provide additional land suitable for low density residential development that is contiguous with existing residential areas. This additional supply will assist with meeting the demand for suitable residential land within Armidale prior to releasing residential land in the Tilbuster corridor, which is just beyond the urban fringe.
6.2 Local councils will zone land through their LEPs to ensure an adequate supply of land for residential development and to facilitate delivery of a range of housing types.	Ongoing	The Planning Proposal will contribute towards an adequate supply of new residential lots by providing approximately 21 lots. The range of permissible housing types will not vary significantly. Attached dwellings are permitted in the R5 zone but prohibited in the R2 zone. However, boarding houses which are prohibited in the R5 zone will be permitted under the proposed R2 zoning. The proposed E4 zoning and lot size standard will prevent the erection of a dwelling house or dual occupancy on this land for environmental reasons.
6.3 Local councils will ensure that new residential development makes a positive contribution to liveability and character by ensuring residential areas are planned in accordance with the settlement principles in this plan.	Ongoing	Future residential development of the Site is considered to be consistent with the settlement planning principles in the SRLUP – see comments below.

SRLUP		Applicable to Planning Proposal?
Action	Timeframe	
Housing and settlement, cont'd		
<p>Settlement planning principles When planning for housing growth, the following settlement principles must be considered:</p>		
<ul style="list-style-type: none"> 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. 		<p>The R2 zone permits a range of low density housing types. Medium and high density housing, such as multi dwelling housing and residential flat buildings are prohibited in the R2 zone.</p>
<ul style="list-style-type: none"> Development will be located to maximise the efficiency of essential urban infrastructure, services and facilities, including transport, health and education. 		<p>The Site is adjacent to the built up residential area of Armidale and is therefore capable of connecting to or accessing existing water supply and sewerage infrastructure; Armidale hospital; schools, TAFE college and the University of New England; and commercial premises in the Armidale Central Business District (CBD). The Site is readily accessible to the existing urban road network, which includes pedestrian footpaths and connections. A number of services are located within a reasonable walking and/or cycling distance, including:</p> <ul style="list-style-type: none"> Within 300 metres: Martins Gully Primary School Within 1.0 kilometre: New England Girls School. Within 1.2 kilometre: netball courts, corner store. Within 300m of a school bus route and 350m to a bus route that connects to the Armidale CBD.
<ul style="list-style-type: none"> Development will respect and respond to the character of the area and the identified settlement hierarchy of the region. 		<p>Future residential development of the Site would be similar to the established character of the area immediately to the north and will contribute towards Armidale's role as a regional centre.</p>
<ul style="list-style-type: none"> New residential areas will be planned with streets that make it easy for people to walk and cycle, and with recreational and open space. 		<p>Any future residential subdivision of the Site will need to consider Armidale Dumaesq Development Control Plan 2012 (DCP 2012), which includes provisions for street layout and design, including pedestrian footpath requirements. There is adequate open space provided within proximity to the Site to meet the likely demand for recreational areas, for example, the Arboretum and the netball courts/parkland are located between 1km and 1.5km away. Future residential subdivision can link with the existing road network which provides access for pedestrians and cyclists.</p>

SRLUP		Applicable to Planning Proposal?
Action	Timeframe	
Housing and settlement, cont'd		
<ul style="list-style-type: none"> 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. 		<p>There are no European heritage items listed in LEP 2012 located on the Site. No known item of Aboriginal cultural significance is recorded on the Site. It is recommended that an Aboriginal cultural heritage assessment be carried out subject to a Gateway determination or as part of a development application for subdivision of the land (refer to Question 9 for further details).</p> <p>Martins Gully runs through the eastern section of the Site. It is proposed to zone most of the creek and adjoining land to E4, which along with the MLS of 2 hectares applying to this land, will prevent subdivision of the watercourse and the erection of dwellings on this land. The proposed E4 zoned land will include:</p> <ul style="list-style-type: none"> most of the land along Martins Gully that is below the Flood Planning Level. Flood free access across the southern part of the gully can be provided by a suitably designed crossing as part of the development application for future subdivision of the Site, trees that form part of a Ribbon Gum Woodland endangered ecological community, and a riparian area along most of Martins Gully that is within 20m of the centre of the gully.
<ul style="list-style-type: none"> New residential and rural residential areas should minimise the potential for land use conflict with land needed for valuable economic activities, such as valuable agricultural lands and natural resource lands. This includes avoiding locations where possible adverse impacts associated with industry (such as noise, dust, visual impacts or other amenity impacts) are likely to affect future residents. 		<p>Existing low density residential development is located to the north. A large lot residential subdivision (1 hectare lot sizes) has been approved and commenced immediately to the south of the Site. Extensive agricultural uses are located to the east and west. A viticulture property is located to the north west of the Site for an extent of approximately 100m and is approximately 20m from the Site boundary. Future subdivision of the Site in this area may incorporate building envelopes away from the north west boundary to provide an increased buffer to the grape growing area if considered necessary.</p> <p>There are no known industries operating nearby and are unlikely to do so in the future given the zonings of the land surrounding the Site, i.e. predominantly R2, R5 and E4.</p>

SRLUP		Applicable to Planning Proposal?
Action	Timeframe	
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.	Ongoing	<p>The land is not identified as bush fire prone on Council’s Bushfire Prone Land map certified by the Commissioner of the Rural Fire Service.</p> <p>Part of the Site is subject to flooding and it is proposed to include most of the Flood Planning Area in the E4 zone and to restrict subdivision of the watercourse and the erection of dwelling houses on flood prone land by applying a MLS of 2 hectares. While flood prone land associated with the tributary and dam on the Site is proposed to be zoned R2, suitable building envelopes would be available above the Flood Planning Level to enable large lot residential subdivision of this land.</p>

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

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

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

The NEDS (Map 7.1, page 48) identifies the Site for Large Lot Residential development and it is zoned for this purpose under LEP 2012. Therefore, the proposed rezoning of the Site from R5 Large Lot Residential to R2 Low Density Residential is not consistent with the NEDS. However, the inconsistency between the Planning Proposal and the NEDS is considered to be justified for the following reasons:

- previous potential constraints to a higher density residential development of the Site have been addressed since the NEDS was adopted;
- the proposed rezoning will have minimal impact on the demand and supply of large lot residential and low density residential land in and around Armidale; and
- the Site is considered suitable for low density residential development.

Previous potential constraints

Land identified for Large Lot Residential development in the NEDS was based on land zoned for this purpose in LEP 2008, which included the Site, and was expected to meet the demand for this type of development up to 2021.

The zoning of the Site as Large Lot Residential in LEP 2008 was based on Council’s *Strategic Analysis for Draft Armidale Dumaresq Local Environmental Plan 2005* (Strategic Analysis). The Strategic Analysis considered suitable zonings of the Site, including residential, low density residential and large lot residential. The Strategic Analysis (page 53) recommended that the Site and some

adjoining land be zoned large lot residential rather than residential or low density residential due to the following potential constraints:

- Part affected by potential spring hazard.
- Drainage line dissects site.
- Most lies within the Airport Buffer zone.
- Adjoins viticulture.
- Partly within archaeologically sensitive area.
- Reticulated water and sewer not available.

It is considered that the potential spring hazard on part of the Site can be addressed as part of a geotechnical assessment with any future development application and any appropriate design solutions implemented.

Martins Gully creek runs through a section of the Site. The watercourse was included in the *Armidale Flood Study Review and Update – Stage 3* (BMT WBM, 2014) with the extent of flooding on the Site being identified. The proposed E4 zoning in the Planning Proposal will accommodate most of the land below the Flood Planning Level along Martins Gully. Suitable building envelopes would be available across the remainder of the Site above the Flood Planning Level.

While the Site is in the Airport Buffer zone, the Site does not fall within the 20 or 25 ANEF contour and is capable of being developed for residential purposes without penetrating the Obstacle Limitation Surface for the Airport.

The viticulture activity is located on a small holding of approximately 2.35ha to the north west of the Site for an extent of approximately 100m and is approximately 20m from the Site boundary. Future subdivision of the Site may incorporate building envelopes away from the viticulture activity to provide an increased buffer between residences and the grape growing area if required.

No known item of Aboriginal Cultural Heritage has been identified on the Site based on a search of the Office of the Environment and Heritage Web Services Aboriginal Heritage Information Management System. It is recommended that an Aboriginal cultural heritage assessment of the Site be carried out subject to a Gateway determination or as part of any development application for future development of the land.

In recent years the Site has gained direct access to reticulated water and sewerage services.

The potential constraints that applied to the Site at the time the Strategic Analysis was prepared have since been addressed or can be managed through the development application process and the majority of the Site is now considered to be suitable for low density residential development.

Demand and supply of large lot residential land

The *Armidale Dumaresq Rural Residential Study* (Edge Land Planning, 2004) identified land suitable for large lot residential and rural small holdings development around Armidale in the former Dumaresq Shire based on the characteristics of the land and a demand and supply analysis. The *Armidale Dumaresq Rural Residential Study* (ADRRS) was adopted by Council and endorsed by the Director-General of the Department of Infrastructure, Planning and Natural Resources. The recommendations of the Study informed the Rural Living 1(b) and Rural Fringe 1(c) zonings in LEP 2008 which subsequently became the RU4 and R5 zonings, respectively, in LEP 2012.

As the ADRRS only applied to land within the former Dumaresq Shire, the Site was not considered as part of the Study. Consequently, the potential lot yield from the Site under an R5 zoning would be in excess of the supply of rural residential land required up to 2021, as identified by the Study.

The ADRRS estimated that 200 new dwellings would be needed by 2021 to meet the demand for large lot residential development and to provide a supplementary supply of land in the event that not all land zoned for large lot residential will actually be developed for that purpose. The estimated 200 new lots/dwellings equates to an average of 15.4 new lots/dwellings per year.

A review of the demand and supply of R5 Large Lot Residential land has found that from when the Rural Fringe 1(c) was introduced by LEP 2008 to June 2016:

- development consent has been granted for 34 dwellings or an average of 4.2 dwellings per year
- development consent has been granted for 82 lots (or an average of 10.3 lots per year) and subdivision certificates issued for 33 lots.

The review found that residential activity in the R5 zone between July 2008 and June 2016 has been less than expected by the ADRRS projections and concluded that there is sufficient R5 zoned land, particularly in corridors to the north and south of Armidale, to meet projected demand up to 2021.

In terms of the Planning Proposal, the estimated lot yield for the Site under its current R5 Large Lot Residential zoning is 10 lots, which represents 5% of the demand estimated by the ADRRS up to 2021. Given that the Site was not included in the supply of land required in the ADRRS and the outcomes of the rural residential review, the 'loss' of these 10 potential lots is unlikely to adversely affect the supply of large lot residential development that is required to meet projected demand up to at least 2021.

Demand and supply of low density residential land

The NEDS provides projected population growth and an estimate of the anticipated future housing stock in Armidale 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 the projected demand based on potential lot yields under R1 General Residential and R2 Low Density Residential zonings. 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 (NEDS, Map 6.1, page 33).

The proposed zoning of the Site to R2 Low Density Residential is likely to create up to 21 lots, which represents 1.1% of the estimated demand for 1,940 new lots in Armidale up to 2021. Future residential development of the Site would make a modest contribution to housing supply and would not undermine the strategy for residential growth in the NEDS.

Suitability of the Site

The proposed rezoning is considered to be consistent with the key assessment criteria in the NEDS (page 30) that were used to identify new urban land in and around Armidale. The key assessment criteria include the following:

- Flat-moderate grades to minimise construction costs and improve 'walkability'.

The average slope of the Site is approximately 6% from the higher ground on the western side to the creek bank towards the eastern side.

- Service and Infrastructure capacity/staging

Refer to the response to Question 9 in this Planning Proposal for details.

- Access to community services and facilities

Refer to the response to Question 10 in this Planning Proposal for details.

- Access to convenience / other retail

Refer to the response to Question 10 in this Planning Proposal for details.

- Road Access

Refer to the response to Question 9 in this Planning Proposal for details.

- Market considerations such as aspect and neighbourhood amenity

The Site has a predominantly north-easterly aspect.

- Environmental sustainability

Refer to the responses to Questions 7 and 8 in this Planning Proposal for details.

While the Tilbuster corridor has been identified as the long-term urban growth area for Armidale, maximising development of suitable residential land within Armidale prior to developing land in the Tilbuster corridor is considered to provide an efficient and orderly pattern of growth.

Q5. Is the planning proposal consistent with applicable state environmental planning policies?

The Planning Proposal is considered to be consistent with applicable State Environmental Planning Policies.

Refer to Attachment 3: *Applicable State Environmental Planning Policies*.

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

The Planning Proposal is considered to be consistent with applicable section 117 directions, except for the following:

- Section 117 Direction 1.3 *Mining, Petroleum Production and Extractive Industries* but the inconsistency is considered to be of minor significance and therefore justified.
- Section 117 Direction 1.5 *Rural Lands* – the Planning Proposal is inconsistent with parts of the Section 117 direction but are considered to be of minor significance and therefore justified.
- Section 3.5 *Development Near Licensed Aerodromes* – to address the inconsistency it is recommended that the Commonwealth Department for licensed aerodromes be consulted.
- Section 117 Direction 4.3 *Flood Prone Land*. Land along the watercourse and dam on the eastern side of the Site is below the Flood Planning Level. The Planning Proposal is 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 a Flood Plain Risk Management Plan (FRMP) being prepared

for Armidale. Until such time as the FRMP is prepared and adopted, future development will be restricted on that part of the Flood Planning Area to be zoned E4 and for the remainder of the Flood Planning Area on the Site the current flood related planning controls in LEP 2012 and DCP 2012 will apply to development of this land.

Refer to Attachment 4: *Applicable Section 117 Ministerial Directions*.

Section C. Environmental, social and economic impact.

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

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

The Site is predominantly cleared open lands with sparsely scattered trees that are mainly within the riparian area of the creek located on the eastern side of the Site.

A Threatened Species Assessment was undertaken by 3E Environment Engineering and Energy in November 2013 for approximately 12 ha of the Site, comprising Lots 661 & 662 DP 755808 and Lot 1 DP 1129031 (but not Lot 2 DP 213220). The assessment, which was undertaken at the time as part of a possible subdivision of the land, is attached to the Planning Proposal. The conclusions from the assessment are:

1. *Two (2) species of threatened fauna listed under the Threatened Species Conservation Act 1995 (TSC Act) were observed near the Site. The threatened fauna observed near the Site were the Little Eagle and Black Falcon.*

Two (2) other threatened fauna species (TSC Act, one also under the Environment Protection and Biodiversity Conservation Act 1999) are considered likely to occur at the Site. The threatened fauna species considered likely to occur on the Site are the Diamond Firetail and Koala.

2. *Koala habitation is not present on the Site. As such, the Site does not represent core koala habitat under State Environmental Planning Policy No 44 – Koala Habitat (SEPP 44). Under SEPP 44, Clause 9 a ‘Plan of Management’ is not required for koala habitat.*
3. *No species of threatened flora were recorded at the Site, although two species (TSC Act and EPBC Act 1999) may occur. The two threatened species that may occur are Bluegrass and Austral Toadflax. Many species of exotic flora were recorded.*
4. *Two (2) threatened ecological communities occur on the Site:*
 - i. *Yellow Box-Red Gum Grassy Woodland (TSC Act and EPBC Act 1999); and*
 - ii. *Ribbon Gum-Mountain Gum-Snow Gum Grassy Forest/Woodland of the New England Tableland Bioregion (TSC Act).*

Stands of Yellow Box woodland occur in the west and south-west of the Site and Ribbon (Manna) Gum grassy woodland occurs on the basalt soil in the east and north of the Site along the creek.

5. *The application of the ‘7-part test’ under Section 5A of the EP&A Act found that the threatened species likely to occur on the Site are unlikely to be significantly impacted upon by any proposed development.*

6. *In considering the species listed under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), there is potential habitat on the Site for five migratory species, of which two are primarily aerial in Australia. The five migratory species are Cattle Egret, Fork-tailed Swift, Great (White) Egret, Japanese (Latham's) Snipe and White-throated Needletail. Application of the EPBC Act 'consideration of impacts on matters of national significance' found that there is unlikely to be significant impact on matters under this Act. Therefore, the proposed development does not require referral to the Commonwealth Minister for the Environment.*
7. *With regard to the TSC Act listing of specific threatened species, a Species Impact Statement (SIS) or Environmental Impact Statement (EIS) is not likely to be required for the threatened species considered in the report. Under the EP&A Act, it is the responsibility of the consent or determining authority to form a view as to whether a proposed development or activity is likely to significantly affect a community or threatened species.*
8. *The flora and fauna survey and habitat assessment of the Site was conducted on 28th October 2013. A mid-spring survey is moderately suitable for detecting flora and fauna, as species of fauna (particularly frogs and bats) are active and some annual flora species are flowering or starting to. However, the seasonal conditions were very dry prior to and at the time of the survey and species listed in the report should be considered minimal.*

The Threatened Species Assessment (p. 11) also makes recommendations to minimise direct and indirect impacts on native flora, fauna and EECs on the Site. The recommendations apply to areas that would be disturbed during potential future development phases of the Site:

- (a) *Locating development in the most open areas of the Site, and minimising the clearing of trees;*
- (b) *Implementing control measures to prevent the spread or further establishment of weeds;*
- (c) *Implementing measures for the control of foxes;*
- (d) *Sourcing of locally native species of flora for general landscaping to prevent further introduction and spread of invasive exotic species.*

In relation to the Planning Proposal, it is intended to zone most of the land within a 20 metre buffer either side of the centre line of Martins Gully from R5 Large Lot residential to E4 Environmental Management, which will assist in implementing recommendation (a) above. The proposed E4 zoned land will include the trees in the Ribbon Gum grassy woodland EEC on the basalt soil in the east of the Site. The proposed zoning and MLS of 2 hectares will restrict future development on this land, create a protected riparian zone along most of Martins Gully and protect the Ribbon Gum woodland EEC that occurs adjacent to the watercourse. The remaining recommendations (b) – (d) above may be addressed at the development application stage.

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

Flooding

The *Armidale Flood Study Review and Update – Stage 3* (BMT WBM, 2014), which was adopted by Council on 28 September 2015, indicates that part of the Site along Martins Gully, its tributary and the dam is subject to flooding. The Flood Planning Level (FPL) in relation to the Site is shown in Figure 5. The FPL refers to the flood level established by the 1:100 ARI event plus 0.5 metres freeboard.

A Floodplain Risk Management Study and Floodplain Risk Management Plan (FRMP) for Dumaresq Creek and its urban reaches (including Martins Gully) are being prepared in accordance with 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 DCP 2012.



Figure 5. Proposed zones and Flood Planning Level _____
(Source: *Armidale Flood Study Review and Update – Stage 3* (BMT WBM, 2014))

It is proposed to rezone part of the Site to E4 Environmental Living and retain the current MLS standard of 2 hectares which would prevent subdivision or the erection of a dwelling on land in this zone. The proposed E4 zone includes most of the land along Martins Gully that is below the FPL, as shown in Figure 5.

Suitable building envelopes would be available on the remainder of the Site to be zoned R2 Low Density Residential. Flood free access to the Site can be achieved by an appropriately designed crossing over Martins Gully on or adjoining the southern part of the Site which would be addressed at the development application stage. Under the provisions of Clause 6.2 *Flood Planning* in LEP 2012, planning controls apply to development on land below the FPL. These controls aim to minimise flood risks to life and property associated with the use of the land as well as preventing development from adversely affecting flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties.

Any development that involves works within 40 metres of the watercourse on the Site is likely to require a Controlled Activity Approval under the *Water Management Act 2000* and a

development application would be subject to the provisions for integrated development under the *Environmental Planning and Assessment Act 1979*.

The proposed E4 zoning and lot size standard in the Planning Proposal, the provisions of clause 6.2 of LEP 2012 and the provisions for Controlled Activity Approvals under the *Water Management Act 2000* will assist in reducing flood risk for future development on the Site. It is considered to be a suitable approach until such time as the FRMP identifies any changes to LEP 2012 for land subject to flooding in Armidale, including the Site.

Riparian Areas

As noted above, the *Water Management Act 2000* regulates Controlled Activities carried out in, on or under waterfront land. The NSW Government Department of Primary Industries - Water (DPI-Water) assesses the impact of a Controlled Activity to ensure that minimal harm will be done to any waterfront land. Waterfront land is defined as “the bed and a distance inland of 40 metres from a river, lake or estuary”. It is proposed to zone most of the land within 20 metres either side of the centre line of the gully to E4 Environmental Living. It is recommended that consultation with DPI-Water be undertaken subject to a Gateway determination. A Controlled Activity approval would be required from DPI-Water at the development stage.

Development of the Site within the riparian areas has the potential to decrease water quality, impact bank stability and adversely affect aquatic ecosystem health. The proposed E4 Environmental Living zoning will restrict development on land immediately adjoining most of Martins Gully and create a protected riparian zone. Furthermore, the following mitigation measures could be considered at the development application stage:

- include the riparian area in a single lot with a building envelope above the FPL,
- implement stormwater management and erosion and siltation controls to manage water quality and discharge rates,
- provide a reticulated water supply to reduce extraction of water under Basic Land Holder rights, and
- undertake creek bank reshaping and stabilisation to prevent future erosion and to promote revegetation.

Airport Buffer Area

The Site is located 550 metres from the northern end of the main runway at Armidale Regional Airport.

Clause 6.4 *Development in areas subject to aircraft noise* of LEP 2012 requires a consent authority to consider certain matters for development on land that is near Armidale Regional Airport and is in an Australian Noise Exposure Forecast (ANEF) contour of 20 or greater. The Site is not within an ANEF contour of 20 or greater.

Clause 6.3 *Airspace operations* of LEP 2012 seeks to ensure that the effective and on-going operation of the Airport is not compromised by proposed development penetrating the Obstacle Limitation Surface (OLS) or the Procedures for Air Navigation Services Operations Surface (PANOS). The OLS Plan for the Airport indicates an OLS height of 1125.45 metres AHD over the Site. The natural ground levels for the Site range from approximately 1025 to 1050 metres AHD. As the minimum difference between the OLS and natural ground level for the Site is 75 metres, future low density residential is capable of being carried out without penetrating the OLS.

LEP 2012 identifies the Site as being located within the Armidale Regional Airport Buffer, as shown in Figure 6. The objective of Clause 6.5 *Development within a Designated Buffer* in LEP 2012 is to maintain a safe and effective operational environment around the Airport. Prior to

granting development consent consideration must be given to the impact that any noise or other emissions associated with existing land uses would have on the proposed development and whether the proposed development would adversely affect the safe and effective operational environment of the Airport and any existing development that forms part of those facilities.

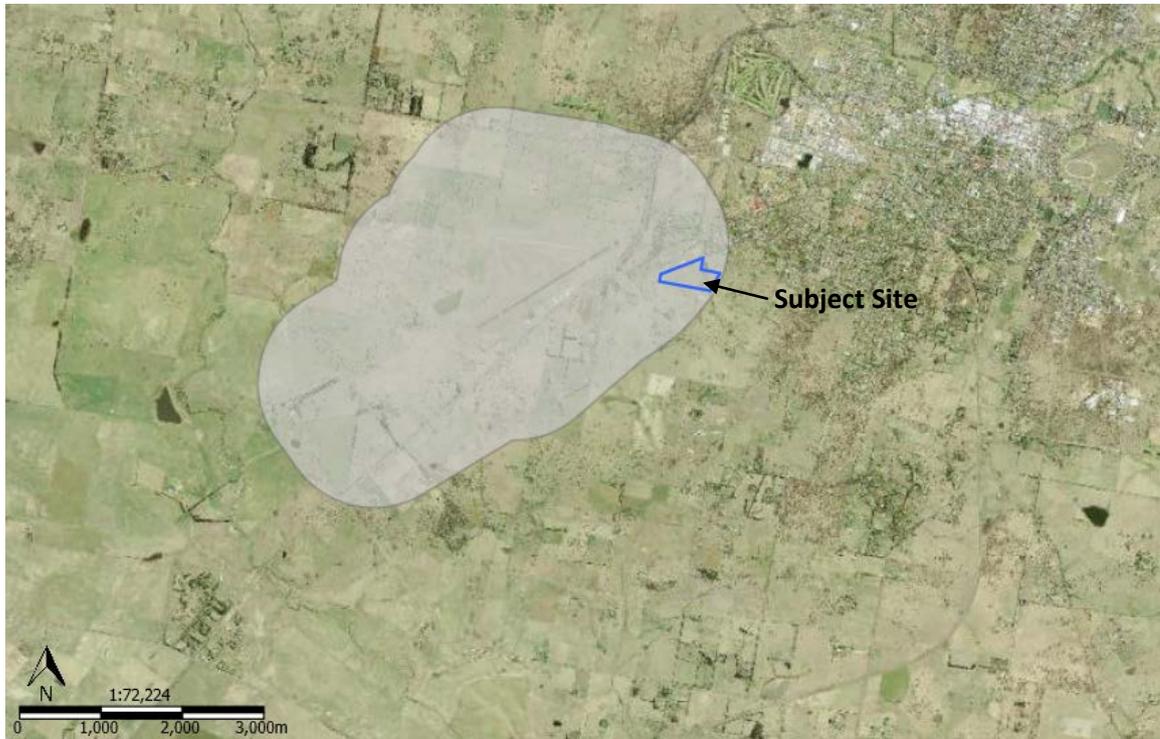


Figure 6. Armidale Regional Airport Buffer (Source: NSW Planning Portal)

Future low density residential development of the Site is unlikely to adversely affect the safe and effective operation of the Airport. Future development will not penetrate the OLS and is unlikely to be adversely affected by aircraft noise or result in aviation hazards such as bird strikes.

Bushfire hazard

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 land identified as being bush fire prone on Council’s map is approximately 1.18km to the north and 1.35km to the southeast of the Site. It is considered that the bushfire threat to the Site from the closest bush fire prone land is low.

Although the Site and adjoining land contains grassland that is considered a bushfire hazard, the land is considered to be capable of being developed in a manner consistent with *Planning for Bushfire Protection* (NSW Rural Fire Service, 2006).

Springs

Council’s records indicate that part of the Site has the potential to be spring affected. This matter can be considered as part of a geotechnical assessment with any future development application.

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

There are no European heritage items listed in Schedule 5 *Environmental Heritage* of LEP 2012 on the Site. The nearest heritage items listed in LEP 2012 all have local heritage significance and are on land:

- approximately 290m to north of Site, 63 Moore Park Land, (Item No I151 - House and chapel, "Moore Park")
- approximately 335m to east of Site, 30 Bona Vista Road (Item No I031 - House and grounds, "Bona Vista")
- approximately 540m to northeast of the Site, 17 Bona Vista Road (Item No I030 - Trees, garden, timber garage and paddock gate)

The Planning Proposal is unlikely to have any negative impacts on the above heritage items. The Site does not affect the setting of the items, is not on a major approach to the items and is compatible with the residential character of land surrounding the items

A search of the Office of the Environment and Heritage Aboriginal Heritage Information Management System (AHIMS) Web Services was conducted for the Site, with a buffer of 1000 metres. The AHIMS report shows that no Aboriginal places have been declared on the Site. However, there may be potential for Aboriginal cultural heritage values to be present as the AHIMS search only identifies recorded or known Aboriginal sites. Council's records indicate there is potential for Aboriginal objects or places to be present given there is a watercourse on the eastern part of the Site and the location of an Aboriginal heritage site approximately 450m from the Site. It is recommended that an Aboriginal cultural heritage assessment of the Site be carried out subject to a Gateway determination or as part of any development application for future development of the land.

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

The Site has the potential for the development of approximately 21 low density residential lots under the proposed rezonings. These lots will contribute to the range of land available to the local market given its different attributes and location. The Planning Proposal is likely to satisfy local market demand for new low density residential density as the Site:

- is situated in a desirable location, within 300m of Martins Gully Public School and within 1km of the New England Girls School
- being north facing, it provides opportunity for sustainable housing design options and affords rural views
- beyond the watercourse and riparian areas is relatively unconstrained
- can connect to existing services in the area
- will contribute to satisfying projected demand for new, low density housing sites close to the Armidale CBD, as demonstrated in the NEDS which estimated an average annual population growth rate for Armidale of 1.1% up to 2021. The 2014 population projections issued by NSW Department of Planning and Environment forecast an average annual population growth rate for Armidale Dumaresq of between 1.0% and 1.3% up to 2031. Most of the increase in population is expected to continue to occur within Armidale.

- The potential for 21 new residential lots is unlikely to result in any significant impact on existing social infrastructure, including local schools and hospitals, and will support Armidale's existing commercial centre.

Section D. State and Commonwealth interests.

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

Adequate public infrastructure is available or can be made available for the Planning Proposal, as outlined below.

Water and Sewer – The Site can gain access to the water reticulation system located along Kurrawatha Avenue. The Site can gain access to the sewer reticulation system that is located along the northern boundary of the Site. Any upgrades to the existing infrastructure can be dealt with at the time of subdivision.

Telecommunications and Electricity – The Site can gain access to telecommunication and electricity infrastructure located in Kurrawatha Avenue. Any upgrades for connections to the existing infrastructure can be dealt with at the time of development.

Vehicular Access – Kurrawatha Avenue is a two-way sealed public road from the Uralla Road and Kurrawatha Avenue intersection to the north-east of the Site. Kurrawatha Avenue is a two-way gravel public road along the eastern boundary of the Site. Any upgrades to the existing infrastructure can be dealt with at the time of development.

Waste Management – Council has commenced construction of a new regional landfill that has been designed to service current and projected population levels.

Public Transport – Kurrawatha Avenue is not part of a designated bus service. Bus Route 480 travels along Uralla Road, Monday to Friday. Uralla Road is located approximately 200m from the Site. The local taxi service operates within the Armidale region.

Social Infrastructure - Armidale is serviced with social infrastructure, such as 9 public and 3 private schools, a regional public hospital, a private hospital and many health support services. Armidale Hospital has commenced a major redevelopment.

The Site is located near Martins Gully Public School and within 1km of the New England Girls School and within 2km of Armidale High School.

Emergency Services – The Site is located within 10 minutes travel time from Ambulance/Hospital Services, NSW Fire Services, NSW Rural Fire Service and State Emergency Service.

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

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

The following identifies the State and Commonwealth agencies to be consulted and outlines the matters that have triggered the need for the referral.

State or Commonwealth agency	Need for referral
Commonwealth Department responsible for licensed aerodromes	Section 1117 Direction 3.5 <i>Development Near Licensed Aerodromes</i> .
Office of Environment and Heritage	Biodiversity Assessment – refer to Question 7 of the Planning Proposal. Aboriginal Cultural Heritage Assessment – refer to Question 8 of the Planning Proposal.
Department of Primary Industries - Water	A watercourse traverses part of the Site – refer to Question 8 of the Planning Proposal.

PART 4 – MAPPING

Maps showing the location of the Site as well as an aerial photograph identifying the lots subject of the Planning Proposal have been included in the Introduction to this Proposal.

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

- Attachment 1: Current land use zones and lot sizes applying to the Site
- Attachment 2: Proposed land use zones and lot sizes applying to the Site.

PART 5 –COMMUNITY CONSULTATION

The proposed community consultation to be undertaken comprises:

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

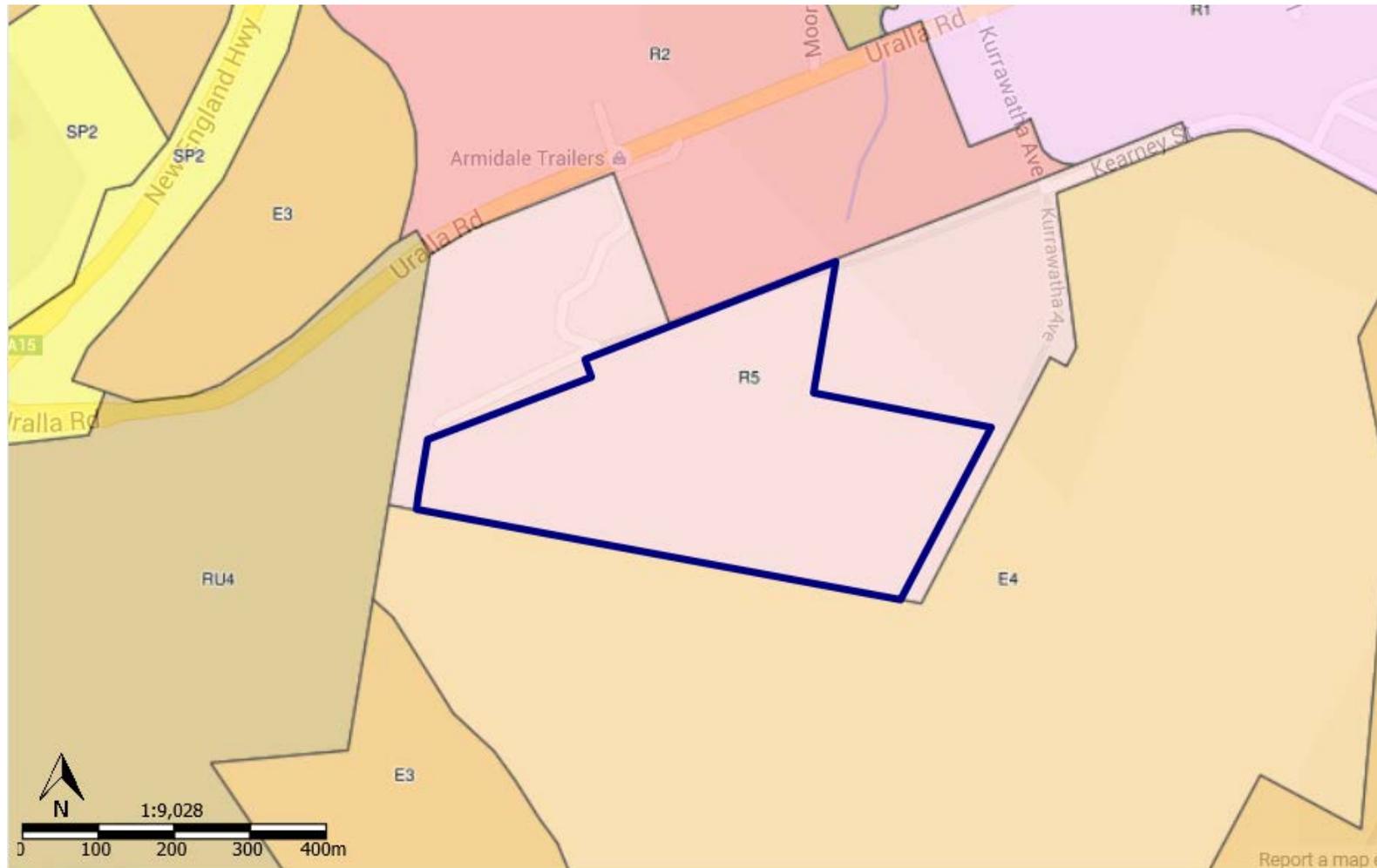
It is considered unlikely that a Public Hearing will be required for the Planning Proposal.

PART 6 – PROJECT TIMELINE

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

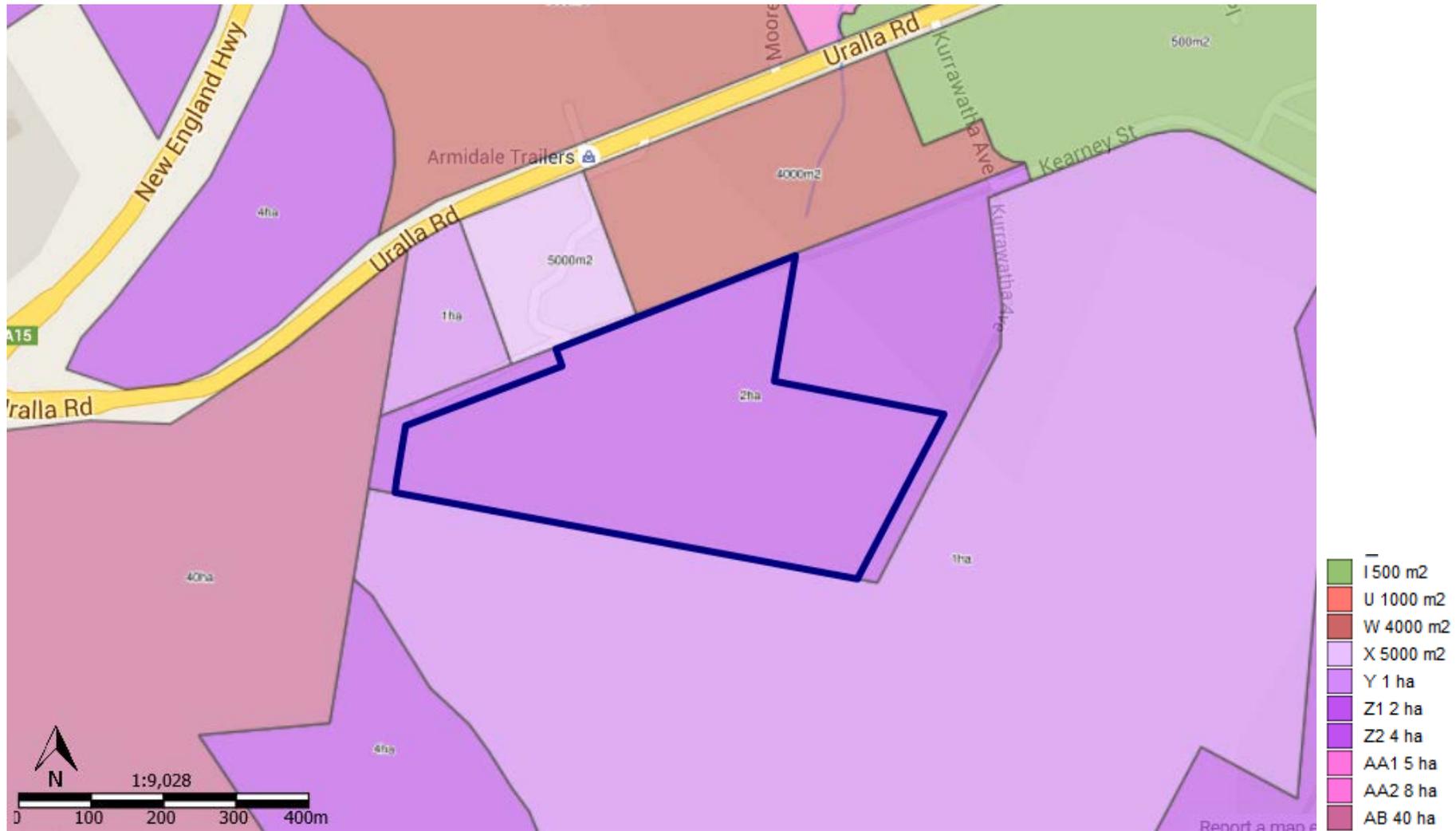
Task	Anticipated timeframe
Anticipated date of Gateway Determination.	30 November 2016
Completion of required technical information (if required).	December 2015 - January 2016
Government agency consultation (pre and post exhibition - if required by Gateway Determination).	By end of December 2016
Any 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 for consideration and issuing of revised Gateway determination.	By end of February 2016
Commencement and completion dates for public exhibition.	3 - 31 March 2017
Consideration of submissions, Planning Proposal post exhibition.	Council meeting in April 2017
Anticipated date council will make the plan (if delegated)	30 June 2017
Anticipated date of submission of proposal to Department of Planning and Environment to finalise the LEP (if council is not using its local plan making delegations).	1 May 2017

ATTACHMENT 1: CURRENT LAND USE ZONES APPLYING TO THE SITE



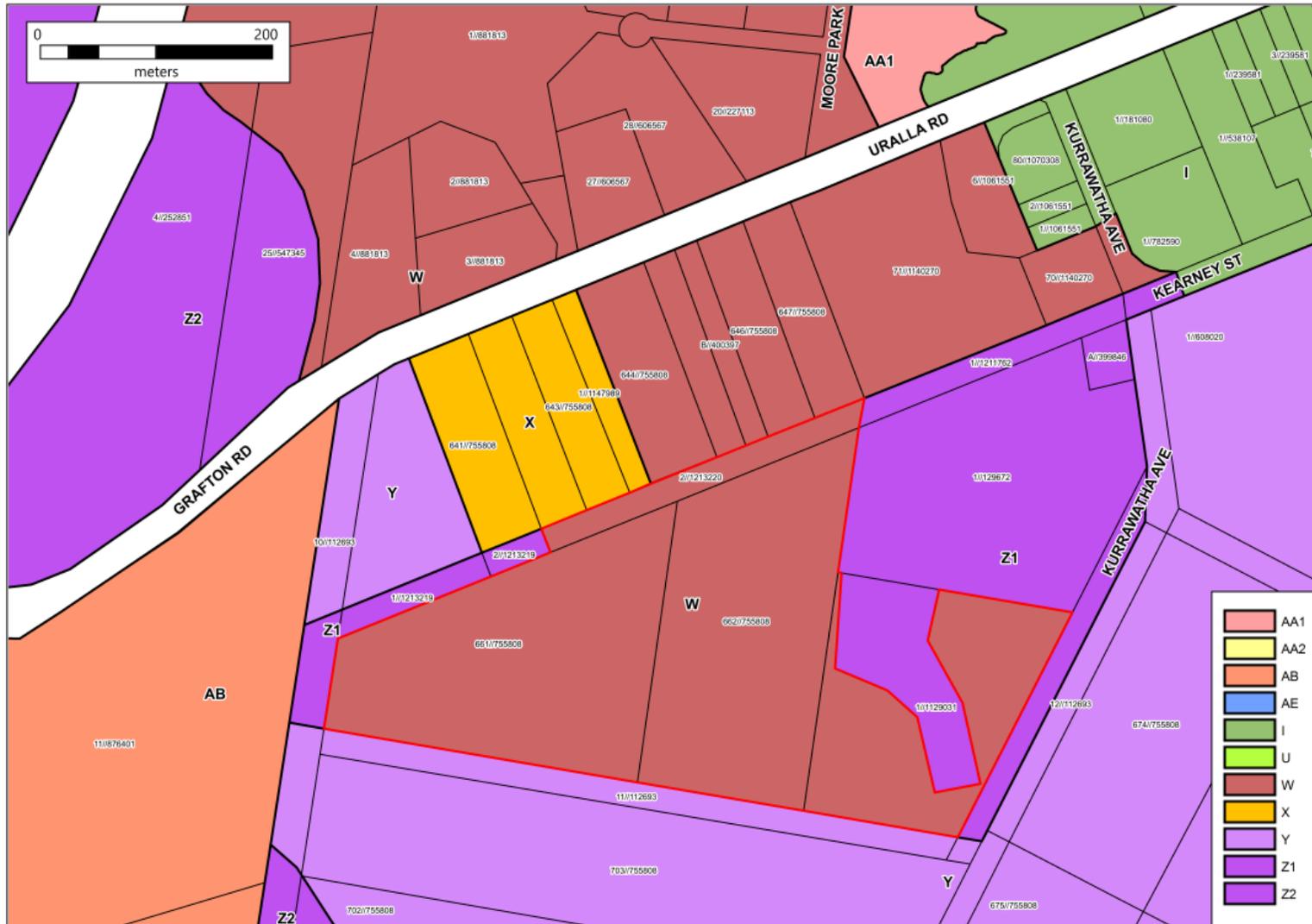
(Source: NSW Planning Portal)

ATTACHMENT 1: CURRENT LOT SIZES APPLYING TO THE SITE



(Source: NSW Planning Portal)

ATTACHMENT 2: PROPOSED LOT SIZES APPLYING TO THE SITE



ATTACHMENT 3: APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES

SEPP	Consistent	Comment
No. 21 Caravan Parks	YES	SEPP No 21 requires development consent for the purposes of a caravan park. Caravan parks are prohibited under the current R5 zoning and proposed R2 and E4 zonings of the Site. The Planning Proposal is not inconsistent with this SEPP.
No. 36 Manufactured Home Estates	YES	SEPP No 36 allows development for the purposes of a manufactured home estate on land where caravan parks are permitted. Caravan parks are prohibited under the current R5 zoning and proposed R2 and E4 zonings of the Site. The Planning Proposal is not inconsistent with this SEPP.
No. 44 Koala Habitat Protection	YES	SEPP No.44 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free living population over their present range and reverse the current trend of koala population decline. The Threatened Species Assessment (3E Environment Engineering and Energy, November 2013) concludes that <i>“Koala habitation is not present on the Site. As such, the Site does not represent core koala habitat under SEPP 44. Under SEPP 44, Clause 9 a ‘Plan of Management’ is not required for koala habitat.</i> The Planning Proposal is not inconsistent with this SEPP.
No. 55 Remediation of Land	YES	SEPP No. 55 introduces State-wide planning controls for the remediation of contaminated land. Where a rezoning will result in a change of use of the land, the following land is not to be included unless council has considered whether the land is contaminated and, if so, whether it requires remediation to be made suitable for any purpose permitted in the proposed zone: <ul style="list-style-type: none"> • Land that is within an investigation area declared under the <i>Contaminated Land Management Act 1997</i>. The Site is not within an investigation area. • Land on which development for a purpose referred to in Table 1 of the <i>Managing Land Contamination: Planning Guidelines for SEPP No. 55</i> is being, or is known to have been carried out. No contaminating land uses as identified in Table 1 of the <i>Managing Land Contamination Guidelines for SEPP No. 55</i> have been identified as occurring on the Site. • The extent to which it is proposed to carry out development on the land for residential, educational, recreational or child care purposes or for the purposes of a hospital. The change in zonings will permit the following uses that are currently prohibited in the R5 zone: <ul style="list-style-type: none"> ○ on proposed R2 land – boarding houses, semi-detached dwellings, and

		<ul style="list-style-type: none"> o on proposed E4 land – semi-detached dwellings, seniors housing and recreation areas. <p>Based on the known historical use of the site for grazing and a thorough inspection by the proponent, which did not reveal the remains of any potentially contaminating past activities, it is considered that there is a low likelihood of any soil contamination being present on the Site. The property is not listed as a potentially contaminated site by council.</p> <p>The Planning Proposal is not inconsistent with this SEPP.</p>
No. 62 Sustainable Aquaculture	YES	<p>The SEPP aims to encourage sustainable aquaculture in the State and amongst other matters makes aquaculture development permissible in certain zones under the Standard Instrument LEP. The permissibility of different types of aquaculture under the current and proposed zonings of the Site is similar.</p> <p>The Planning Proposal is not inconsistent with this SEPP.</p>
No. 64 Advertising and Signage	YES	<p>SEPP No. 64 aims to improve the amenity of urban and natural settings by managing the impact of outdoor advertising. Under the SEPP, advertisements (other than exempt development) are prohibited in residential zones and environment protection areas.</p> <p>The Planning Proposal is not inconsistent with this SEPP.</p>
Housing for Seniors or People with a Disability 2004	YES	<p>The SEPP aims to increase the supply and choice of housing for older people or people with a disability. Such housing is permitted on land, or adjoining land, that is zoned primarily for urban purposes.</p> <p>The Planning Proposal is not inconsistent with this SEPP.</p>
Building Sustainability Index: BASIX 2004	YES	<p>This SEPP operates in conjunction with the <i>Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004</i> to ensure the effective introduction and consistent implementation of BASIX in NSW by overriding competing provisions in other environmental planning instruments and development control plans.</p> <p>The Planning Proposal is not inconsistent with this SEPP.</p>
Infrastructure 2007	YES	<p>This SEPP permits certain infrastructure and services that are exempt development or development that may be carried out with or without consent where specific development standards and criteria are met.</p> <p>The Planning Proposal is not inconsistent with this SEPP.</p>
Exempt and Complying Development Codes 2008	YES	<p>This policy aims to provide streamlined assessment processes for development that complies with specified development standards by providing exempt and complying development codes that have State-wide application. Application of the complying development codes will change as a result of the proposed rezonings, eg the Rural Housing Code currently applies to the Site and under the proposed R2 zoning the General Housing Code will apply instead.</p> <p>The Planning Proposal is not inconsistent with this SEPP.</p>

SEPP	Consistent	Comment
Rural Lands 2008	YES	The Planning Proposal zones part of the Site to E4. The SEPP includes matters to be considered in determining development applications for rural subdivisions or rural dwellings on land within the E4 zone. However, under clauses 4.1, 4.1AA, 4.1A & 4.2A of LEP 2012 subdivision or erection of a dwelling on the proposed E4 part of the Site would not be permitted. The Planning Proposal is not inconsistent with this SEPP.
Affordable Rental Housing 2009	YES	This Policy aims to provide a consistent planning regime for the provision of affordable rental housing in the State and provides requirements for permissibility as well as development standards for such housing. The Planning Proposal is not inconsistent with this SEPP.
Mining, Petroleum Production and Extractive Industries 2007	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 changes the permissibility of mining which is permitted in the R5 zone but prohibited in the R2 and E4 zones. The permissibility of mining is provided for in Part 2 of the SEPP. Where there is an inconsistency between the SEPP and any other environmental planning instrument, the SEPP prevails to the extent of the inconsistency. The Planning Proposal is not inconsistent with this SEPP.
State and Regional Development 2011	YES	This Policy identifies classes of regional development (to be determined by Joint Regional Planning Panels) and classes of development that are State significant, State significant infrastructure and critical State significant infrastructure (to be determined by the Minister or Minister's delegate). The Planning Proposal is not inconsistent with this SEPP.

ATTACHMENT 4: APPLICABLE MINISTERIAL DIRECTIONS (SECTION 117 DIRECTIONS)

1. Employment and Resources

Direction	Consistent	Comments
<p>1.3 Mining, Petroleum Production and Extractive Industries</p>	<p>NO, BUT JUSTIFIED</p>	<p>The Planning Proposal rezones the land from R5 to part R2 and part E4. Open cut mining is permitted in the R5 zone but prohibited in the R2 and E4 zones under LEP 2012. In preparing the Planning Proposal, the Director-General of the Department of Primary Industries (DPI) has not been consulted and therefore the proposal is inconsistent with the direction. However, any inconsistency with the direction is considered to be of minor significance as:</p> <ul style="list-style-type: none"> • no resources (identified or potential resources or transitional area) have been identified in the DPI Mineral Resources Audit undertaken by DPI Minerals in August 2012, and • the area of the proposed E4 zoned land is approximately 1.16ha and adjoins the urban area of Armidale, including residences and a nearby school. Open cut mining on the Site would create potential land use conflict.
<p>1.5 Rural Lands</p>	<p>NO, BUT JUSTIFIED</p>	<p>Under the direction, the Planning Proposal must be consistent with the Rural Planning Principles in <i>SEPP (Rural Lands) 2008</i>. The following considers the extent to which the proposed rezoning of part of the Site to E4 is consistent with the Rural Planning Principles (a) – (h) in clause 7 of the SEPP:</p> <p><i>(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas</i></p> <p><i>(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State</i></p> <p><i>(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,</i></p> <p>Comments (a) – (c) above: current and potential productive and sustainable economic activities for land on the Site to be zoned E4 is considered to be limited, particularly given its area (approximately 1.16ha); elongated shape along a watercourse; and proximity to existing and future residential development. The land to be zoned E4 is likely to have limited rural or agricultural importance at a local, regional or State level.</p> <p>While the majority of the the Site is mapped as strategic agricultural land in the <i>New England North West Strategic Regional Land Use Plan 2012</i> it represents less than 10 hectares of the region’s strategic agricultural land. This is considered to be of minor significance.</p>

	<p><i>(d) in planning for rural lands, to balance the social, economic and environmental interests of the community</i></p> <p><i>(e) the identification and protection of natural resources, having regard to maintaining diversity, the protection of native vegetation, the importance of water resources and avoiding constrained land</i></p> <p>Comments (d) – (e) above: the Planning Proposal seeks to balance social, economic and environmental interests of the community, acknowledges the importance of water resources and avoids constrained land. The proposed R2 zoning will contribute to low density residential housing options in Armidale and the E4 zoning with MLS standard of 2 hectares will assist in protecting the riparian values of the watercourse, reducing the flood risk to future development and limiting the creation of additional basic landholder rights under the <i>Water Management Act 2000</i>.</p> <p><i>(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities</i></p> <p><i>(g) the consideration of impacts on services and infrastructure and appropriate location when providing rural housing</i></p> <p><i>(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</i></p> <p>Comments (f) – (h) above: the Planning Proposal will no longer provide for rural lifestyle and housing on the Site. The estimated lot yield for the Site under its current R5 Large Lot Residential zoning is 10 lots, which represents 5% of the estimated demand up to 2021 in the <i>Armidale Dumaresq Rural Residential Study</i> (Edge Land Planning, 2004) up to 2021. Given that the Site was not included in the original supply of land required in the Study and the less than expected rate of development of land in the R5 zone since 2008, the ‘loss’ of these 10 potential lots is unlikely to adversely affect future opportunities for rural lifestyle lots. The inconsistency with this part of the direction is considered to be of minor significance and therefore justified.</p> <p>The Planning Proposal is considered to be generally consistent with the <i>New England North West Strategic Regional Land Use Plan 2012</i> (refer to Question 3 of this Planning Proposal). Any inconsistency with the <i>New England Development Strategy 2010</i> is considered to be of minor significance and is therefore justified (refer to Question 4 of the Planning Proposal).</p>
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2. Environment and Heritage

Direction	Consistent	Comments
2.1 Environment Protection Zones	YES	<p>The Planning Proposal proposes to rezone part of the Site to E4 to assist in protecting riparian values and the Ribbon-Gum woodland EEC along most of this section of Martins Gully. The Planning Proposal does not propose to alter existing provisions in LEP 2012 that currently apply to land within the E4 zone. The proposed MLS standard of 2 hectares is greater than the MLS of 1 hectare which applies to most land on the urban fringe of Armidale that is zoned E4 under LEP 2012.</p> <p>The Planning Proposal is considered to be consistent with this s117 direction.</p>
2.3 Heritage Conservation	YES	<p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>LEP 2012 includes the provisions from the Standard Instrument LEP for protecting European and Aboriginal cultural heritage. The Planning Proposal does not propose to alter these provisions. There are no European heritage items located on the Site. The Planning Proposal recommends that an Aboriginal cultural heritage study be undertaken subject to a Gateway determination or at the development application stage.</p> <p>The Planning Proposal is considered to be consistent with this s117 direction.</p>
2.4 Recreation Vehicle Areas	YES	<p>The Planning Proposal does not enable the Site to be developed for the purpose of recreation vehicle areas as recreational facilities (major and outdoor) are prohibited in the E4 zone under LEP 2012.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>

3. Housing, Infrastructure and Urban Development

Direction	Consistent	Comments
3.1 Residential Zones	YES	<p>The following considers the direction as it applies to that part of the Site to be zoned R2. In relation to clause (9) of the direction:</p> <ul style="list-style-type: none"> The proposed rezoning of the Site from R5 to R2 will result in a slight increase in the types of residential accommodation permitted under LEP 2012. The R2 zoning permits boarding houses and semi-detached dwellings (which are prohibited in the R5 zone). Residential subdivision and development will make more efficient use of existing infrastructure and services by allowing for greater residential density on the Site. Future residential development will assist in reducing the consumption of land for housing on the urban fringe by increasing

		<p>residential density and contributing to the compact settlement of Armidale, prior to any long term release of residential land in the Tilbuster corridor (as identified in the <i>New England Development Strategy 2010</i>).</p> <ul style="list-style-type: none"> The existing design provisions of the General Housing Code (<i>SEPP Exempt and Complying Development 2008</i>) or Armidale Dumaresq DCP 2012 will apply to future residential development on the land. <p>In relation to clause (10) of the direction:</p> <ul style="list-style-type: none"> LEP 2012 includes Clause 6.6 <i>Essential Services</i> which provides that Council must be satisfied prior to granting development consent that essential services are available or that adequate arrangements have been made to make them available to a development. The Planning Proposal does not propose to alter this provision. The Planning Proposal does not propose to reduce the permissible residential density of the land. It is proposed to alter the MLS from 2 hectare to 4,000m² for that part of the Site to be zoned R2. The MLS of 4,000m² applies to most R2 zoned land in Armidale. <p>The Planning Proposal is considered to be consistent with this Section 117 direction</p>
3.2	Caravan Parks and Manufactured Home Estates	<p>YES</p> <p>Caravan parks are prohibited in the R2, R5 and E4 zones under LEP 2012. The Planning Proposal does not seek to alter the permissibility of caravan parks or to alter the zonings of existing caravan parks.</p> <p>The Planning Proposal is considered to be consistent with this Section 117 Direction.</p>
3.3	Home Occupations	<p>YES</p> <p>The Planning Proposal does not seek to vary the current provisions in LEP 2012 which permit home occupations to be carried out in dwelling houses without the need for development consent.</p> <p>The Planning Proposal is considered to be consistent with this Section 117 direction.</p>
3.4	Integrating Land Use and Transport	<p>YES</p> <p>The Planning Proposal seeks to rezone most of the Site from R5 to R2. 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). Transport choice (i.e. walking, cycling, using public transport or private cars) is available for future residents:</p> <ul style="list-style-type: none"> the Site can readily connect to the existing road network, including footpaths and on-road cycleways, and is within a reasonable walking and/or cycling distance of the following services and facilities: <ul style="list-style-type: none"> Martins Gully Primary School is within walking/cycling distance (300m) of the Site. New England Girls School is within walking/cycling distance

		<p>(1km) of the Site.</p> <ul style="list-style-type: none"> - netball courts, corner store, playgrounds and passive recreation areas within cycling (1.2km) of the Site. • the Site is within 300m of a school bus route and 350m to bus routes that connect to the Armidale CBD (where most retail, government and commercial businesses are located) and the University of New England. <p>The Planning Proposal is considered to be consistent with this Section 117 direction.</p>
<p>3.5 Development Near Licensed Aerodromes</p>	<p>NO</p>	<p>The objective of this Direction is to ensure the effective and safe operation of aerodromes and to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity.</p> <p>The Site is within the 'Airport Buffer Area' identified on the Airport Buffer Map for LEP 2012. All of the Site is within approximately 1,060m of Armidale Regional Airport.</p> <p>In relation to clause (14) of the Direction, which requires consultation with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome as well as consideration of the Obstacle Limitation Surface as defined by the Commonwealth Department:</p> <ul style="list-style-type: none"> • Consultation with the relevant Commonwealth Department has not yet occurred. • It is not necessary to consult with the lessee as Council owns the Armidale Regional Airport. • A review of the Obstacle Limitation Surface over the Site varies between 1120 and 1135 metres AHD, which is considerably higher than the natural ground level of the Site which ranges between RL 1020 and RL 1050. The Site is considered to be capable of being developed for residential purposes without future development penetrating the Obstacle Limitation Surface. <p>In relation to clauses (15) and (16) of the Direction, certain types of development must not be located on land where the ANEF exceeds 20 unless they comply with AS 2021 regarding interior noise levels. The Site is not located on land where the ANEF exceeds 20.</p> <p>The Planning Proposal is considered to be consistent with this Section 117 direction, except for clause 14(a) which requires consultation with the Department of the Commonwealth responsible for aerodromes. It is recommended that the Commonwealth Department be consulted, subject to a Gateway Determination.</p>

4. Hazard and Risk

Direction	Consistent	Comments
<p>4.3 Flood Prone Land</p>	<p>NO, BUT JUSTIFIED</p>	<p>The <i>Armidale Flood Study Review and Update – Stage 3</i> (BMT WBM, 2014) was adopted by Council on 28 September 2015 and identifies the Flood Planning Level for the watercourse on the Site. The Flood Planning Level in relation to the Site is shown in Figure 5 of the Planning Proposal.</p> <p>Part of the Site is flood prone land and the Planning Proposal intends to include most of the Flood Planning Area -</p> <ul style="list-style-type: none"> • for Martins Gully within the proposed E4 zone, and • for the tributary and around the dam within the proposed R2 zone. <p>The following comments are provided in response to the following clauses in the Direction:</p> <p>(4) The <i>Armidale Flood Study Review and Update – Stage 3</i> is consistent with the principles of the <i>Floodplain Development Manual</i> (NSW Government 2005).</p> <p>A Floodplain Risk Management Study and Floodplain Risk Management Plan (FRMP) are being prepared in accordance with the process outlined in the <i>Floodplain Development Manual</i>. Implementation of the FRMP may result in changes to planning controls for development on flood prone land in Armidale. It is proposed to prepare a single LEP amendment that implements any relevant recommendations of the FRMP relating to flood prone land. By preparing a single LEP amendment an ad hoc approach to managing and using flood prone land in Armidale will very likely be avoided. The proposed zonings and lot size standards in the Planning Proposal may change following completion of the FRMP. However, during the interim the Planning Proposal will assist in reducing the flood risk to future development on the Site by preventing subdivision or the erection of a dwelling on that part of the Flood Planning Area to be included in the E4 zone.</p> <p>(5) The Planning Proposal does not rezone land within the Flood Planning Area from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential Zone.</p> <p>(6) (a) and (b). LEP 2012, which is based on the Standard Instrument, does not include a provision which prohibits development in a floodway. Development of that part of the Site in the Flood Planning Area 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. Future flood free access to the western part of the Site is capable of being provided by a suitably designed crossing over Martins Gully to the south west corner of the Site. The proposed E4 zoning and 2 ha MLS standard will restrict future development on land within part</p>

		<p>of the Flood Planning Area. For that part of the Flood Planning Area to be zoned R2, there is sufficient land available to provide for building envelopes above the Flood Planning Level.</p> <p>(6)(c) The proposed rezoning of part of the Flood Planning Area from R5 to E4 with a MLS of 2 ha and the application of clause 6.2 of LEP 2012 to the Flood Planning Area in both the proposed R2 and E4 zones will not permit a significant increase in the development of flood prone land.</p> <p>(6)(d) The Planning Proposal is unlikely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services.</p> <p>(6)(e) Under LEP 2012 development permitted without consent in the R2 and E4 zones comprises home occupations and roads and exempt development comprises certain types of signage.</p> <p>(7) The Planning Proposal does not impose flood related controls above the residential Flood Planning Level.</p> <p>(8) The Flood Planning Level is consistent with the <i>Floodplain Development Manual 2005</i>.</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 a FRMP for Armidale. Until such time as the FRMP is prepared and adopted, future development will be restricted on that part of the Flood Planning Area to be zoned E4 and for the remainder of the Flood Planning Area on the Site the current flood related planning controls in clause 6.2 of LEP 2012 will apply to development of this land.</p>
<p>4.4 Planning for Bushfire Protection</p>	<p>YES</p>	<p>This direction applies when a Planning Proposal will affect, or is in proximity to land mapped as bushfire prone land. The closest area of mapped bushfire prone land is 1.1 km away. The Site is not considered to be in proximity to mapped bushfire prone land.</p> <p>The Planning Proposal is considered to be consistent with this Section 117 direction.</p>

6. Local Plan Making

Direction	Consistent	Comments
6.1 Approval and Referral Requirements	YES	<p>Clause (4) of the Direction requires a Planning Proposal to minimise the inclusion of concurrence/consultation provisions and not identify development as designated development. The Planning Proposal does not include any provisions requiring concurrence/consultation or identify development as designated development.</p> <p>The Planning Proposal is considered to be consistent with this Section 117 direction.</p>
6.2 Reserving Land for Public Purposes	YES	<p>The Planning Proposal does not intend to create, alter or reduce existing zonings or reservations of land for public purposes.</p> <p>The Planning Proposal is considered to be consistent with this Section 117 direction.</p>
6.3 Site Specific Provisions	YES	<p>The Planning Proposal does not intend to allow a particular development to be carried out on the Site.</p> <p>The Planning Proposal is considered to be consistent with this Section 117 direction.</p>