



Planning Proposal No. 13

Part 111 Cookes Road, Armidale (Part Lot 40 DP 1215012)

May 2017

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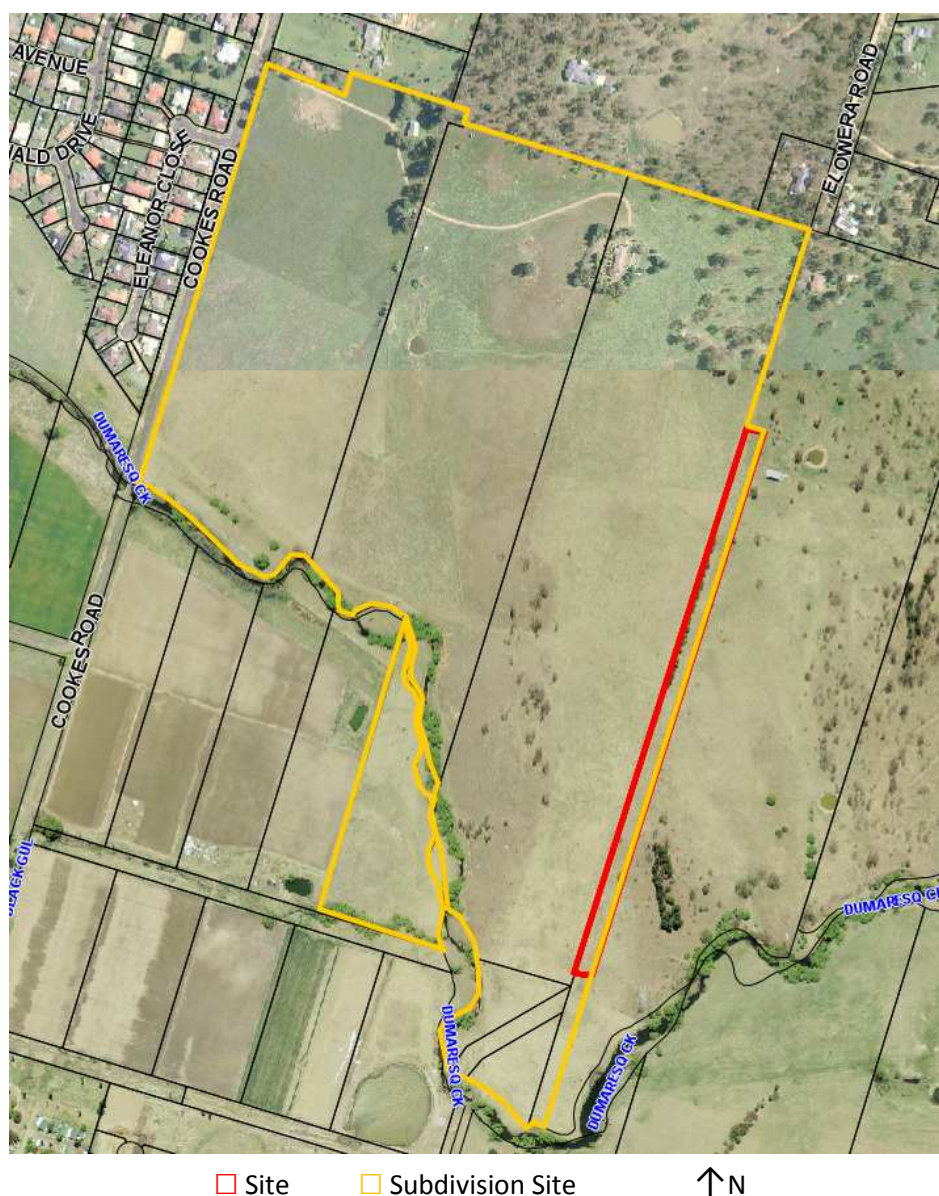
INTRODUCTION

The land subject of the Planning Proposal is part Lot 40 DP 1215012 (the Site) and is part of the property at 111 Cookes Road, Armidale. The Planning Proposal has been prepared by the property owner, McCloy Dumaresq Pty Ltd, and reviewed and amended by council.

The property at 111 Cookes Road is 42.362 hectares and the Site occupies a relatively small area of approximately 1.2 hectares, or 2.8% of the property.

On 23 July 2013 council granted development consent (DA-117-2012) for a 210 lot subdivision over 111 Cookes Road (Subdivision Site). A subsequent application to increase the lot yield to 250 lots was granted development consent on 13 March 2017. The Site and the Subdivision Site are shown in Figure 1.

Figure 1 – Site (part Lot 40 DP 1215012) and Subdivision Site (111 Cookes Road, Armidale)



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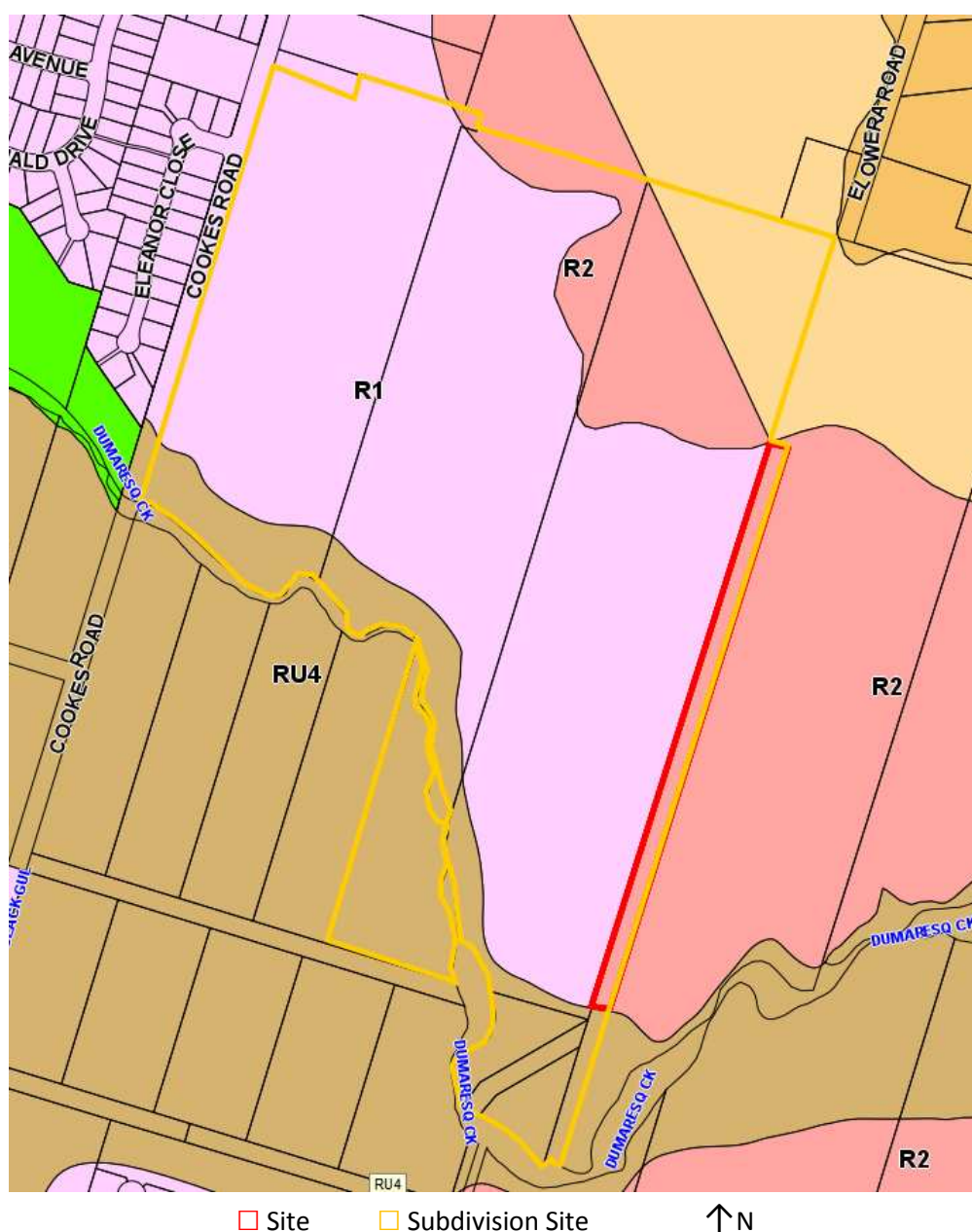
Development of the approved subdivision is proposed to be carried out in stages, commencing on the western side of the Subdivision Site along Cookes Road and progressing east with the final stages including the Site. The Planning Proposal seeks to amend Armidale Dumaresq Local Environmental Plan 2012 (ADLEP 2012) by rezoning the Site from R2 Low Density Residential to R1 General Residential and to alter the minimum lot size standard from 4,000m² to 500m², consistent with the zoning and lot size standards applying to adjoining land within the Subdivision Site. By doing so, this will enable future subdivision of the western part of the Subdivision Site to be reconfigured with the potential to increase the residential lot yield by approximately 20 lots.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The land subject of the Planning Proposal is part Lot 40 DP 1215012 (the Site) and is part of the property at 111 Cookes Road, Armidale. Council has granted development consent for a 250 lot subdivision over 111 Cookes Road (the Subdivision Site).

The objective of the Planning Proposal is to amend Armidale Dumaresq Local Environmental Plan 2012 (ADLEP 2012) by shifting a zoning and minimum lot size boundary line approximately 20 metres to the east to allow for a more efficient and orderly development of the Site with adjoining residentially zoned land. Extending the R1 General Residential zoning and 500m² minimum Lot Size across the Site to align with the easternmost boundary of the Subdivision Site will facilitate a potential increase in lot yield of approximately 20 residential lots for this area. The current zoning of the Site and Subdivision Site are shown in Figure 2.

Figure 2 – Site and Subdivision Site zoning (Armidale Dumaresq LEP 2012)



PART 2 - EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by making the following amendments to ADLEP 2012:

- a) zoning part Lot 40 DP 1215012 from R2 Low Density Residential to R1 General Residential in accordance with the proposed Land Zoning Map shown at Attachment 1, and
- b) altering the lot size standard applying to part Lot 40 DP 1215012 from 4,000m² to 500m² in accordance with the Lot Size Map shown at Attachment 1.

The existing Land Zoning and Lot Size maps are also in Attachment 1 of the Planning Proposal.

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?

Consideration has been given to an alternative method of achieving the objectives and intended outcomes of the Planning Proposal by retaining the current R2 Low Density Residential zoning but varying the Lot Size Map by reducing the Minimum Lot Size (MLS) to 500m². However, this alternative method is not considered desirable for the following reasons:

- Retaining the R2 zoning would not allow for more intensive types of residential development that are permitted in the R1 zone, eg multi unit housing; and
- Difficulties may occur when applying the following clauses in ADLEP 2012 to any future lot with a split zoning of R1 and R2:
 - o clause 4.1AA Minimum subdivision lot size for community title schemes
 - o clause 4.1A Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones.

Under these clauses any lot resulting from the subdivision of land zoned R2 for the purposes of a community title or strata title scheme must not be less than the MLS shown on the Lot Size Map. There is no lot size restriction for R1 zoned land when subdividing for the purposes of a community title or strata title scheme.

The proposed zoning of the Site to R1 General Residential and applying a MLS of 500m² is considered to be the best means of achieving the objectives or intended outcomes of the Planning Proposal for the following reasons:

- it will allow a more efficient and orderly development of the Subdivision Site without the need to seek variations under clause 4.6 of ADLEP 2012 to the MLS standard for each lot to be created;

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- it will provide for some flexibility for future subdivision proposals by allowing boundary adjustments to the existing/approved lots that would otherwise traverse the zone and MLS boundaries.

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 any exhibited draft plans or strategies)?

The Planning Proposal is considered to be consistent with the objectives and actions of:

- New England North West Strategic Regional Land Use Plan (NSW State government, 2012), and
- Draft New England North West Regional Plan 2036 (Department of Planning and Environment, 2016)

New England North West Strategic Regional Land Use Plan (NSW State government, 2012)

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 20 years. Actions in the SRLUP where local councils are the lead agencies and are relevant to this Planning Proposal are discussed below:

Infrastructure

Action 4.3 LEPs are to ensure housing and employment development occurs in areas which can be appropriately serviced.

The Subdivision Site adjoins the urban area of Armidale and is located approximately 1.8 kms by road from the Armidale Central Business District (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 in Cookes Road. Social infrastructure is available in the locality including schools and open space areas. Armidale hospitals, government agencies, retail and commercial centres are available in or near the CBD.

The Planning Proposal provides some flexibility for future subdivision proposals and will provide for additional housing within an area that already offers existing infrastructure.

Housing and settlement

Action 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.

The Planning Proposal seeks to amend the zoning and lot size standard for an approximately 1.2ha strip of land (which was a former road reserve) to be consistent with the remainder of the Subdivision Site. The Planning Proposal will provide some flexibility for future subdivision proposals and allow for a potential increase of 20 housing lots that will form part of the Subdivision Site.

The *New England Development Strategy 2010* (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 identified by the NEDS (Map 6.1, page 33). The NEDS also shows land to the north

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east of Armidale (the Tilbuster Corridor) for future longer term residential development. The Planning Proposal provides for a moderate amount of additional residential development which will be close to existing facilities and infrastructure. This additional supply will assist in maximising 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.

Action 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.

The Planning Proposal will assist in ensuring an adequate supply of land for residential development in Armidale by increasing the potential lot yield for the Subdivision Site by approximately 20 lots. The Planning Proposal will also facilitate delivery of a range of housing types as the proposed R1 zoning of the Site permits a full range of residential development whereas the current R2 zoning does not allow medium and higher density housing types, such as multi unit housing.

Action 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.

The Planning Proposal is considered to be consistent with the SRLUP's settlement principles (refer to comments below):

Settlement planning principles

- *Development will contribute to the diversity of housing types available. Any medium or higher density housing should be located in central and accessible locations, to ensure access to a full range of services within a reasonable walking distance.*

The Planning Proposal will allow for a more efficient use of the Site for residential development. Lot sizes within the Subdivision Site vary significantly in terms of area and slope and along with the additional types of residential development permitted under the proposed R1 zoning of the Site (eg attached dwellings, multi dwelling housing and semi detached dwellings) a greater diversity of housing types will be provided for.

The Site is approximately 600m east of Cookes Road and will be readily accessible to Cookes Road via future development of the Subdivision Site. Cookes Road forms part of the existing urban road network that includes pedestrian and cycle ways. Cookes Road is approximately 600m from the existing off-road pedestrian cycleway in the Creeklands that connects the University of New England on the western side of Armidale with the eastern side of Armidale via the CBD. The Creeklands also includes many sporting and recreational facilities that serve the city's population.

Currently there are no constructed footpaths connecting the Subdivision Site to the existing urban footpath network and this will be addressed as part of the future subdivision. A development contributions plan applies to the Subdivision Site for the provision of a pedestrian cycleway connection between the existing pedestrian cycleway in the Creeklands and the Subdivision Site.

A number of services are located within the following distances of the Subdivision Site:

- o bus stop for public and school bus services (600m) Macdonald Drive.

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- o local shops (700m), corner Macdonald Drive and Erskine Street
 - o schools (1.1km – 2.0km) O'Connor Catholic College (secondary), Ben Venue Public School (primary).
 - o child care centre (1.5km) , Kirkwood Street
 - o Armidale Hospital precinct (3.9km).
- *Development will be located to maximise the efficiency of essential urban infrastructure, services and facilities, including transport, health and education.*

The Site has access to existing residential urban infrastructure including reticulated water supply and sewerage system, electricity, telephone and waste collection.

Development contributions plans apply to the Subdivision Site which propose to:

- o provide a pedestrian cycleway connection between the existing pedestrian cycleway in the Creeklands and the Subdivision Site, and
- o upgrade the Cookes Road bridge over Dumaresq Creek.

The Site is also in proximity to or capable of accessing existing public transport, health and educational facilities (refer above).

- *Development will respect and respond to the character of the area and the identified settlement hierarchy of the region.*

The Site adjoins R1 zoned land to the west and the Planning Proposal provides some flexibility for future subdivision proposals and offers a variety of housing types that are consistent with the character of the area and settlement hierarchy of the region.

- *New residential areas will be planned with streets that make it easy for people to walk and cycle, and with recreational and open space.*

The Site will be connected to the existing road network off Cookes Road via an approved residential subdivision, which addressed relevant subdivision layout and design provisions in Armidale Dumaresq Development Control Plan 2012 and includes an area of public open space along Dumaresq Creek.

- *New residential and rural residential areas will respect environmental and cultural heritage and avoid areas most affected by natural hazards or having high cultural significance.*

There is no item of European heritage listed in Schedule 5 – Environmental Heritage present on the Site.

An Aboriginal cultural heritage assessment of the Subdivision Site was undertaken to support the development application (DA-117-2012) for a 210 lot subdivision. No known Aboriginal cultural heritage sites were found on the Site (refer to the response to Question 8 for details).

Whilst the southern end of the Site is below the Flood Planning Level (FPL), sufficient land would be available to enable a future residential subdivision to have access roads and residential lots above the FPL. Further detail regarding flooding is addressed in Question 8.

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- *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.*

Current surrounding land uses include rural residential to the north and east on land within the Low density Residential, Environmental Management or Environmental Living zones. Land adjoining the eastern boundary of the Site is zoned R2 Large Lot Residential but is yet to be developed for this purpose. Land to the south along Dumaresq Creek is zoned RU4 Primary Production Small Lots and is predominantly flood prone. RU4 zoned land along the southern side of Dumaresq Creek is generally used for agricultural and grazing purposes. There are existing residential land uses to the west, consistent with the proposed development of the Subdivision Site.

The Site has not been mapped as Strategic Agricultural Land under the *Strategic Regional Land Use Plan for New England North West*. The Mineral Resources Audit mapping provided by the State government does not show identified or potential resources on the Site.

It is not anticipated that the proposed zoning and lot size adjustments for the Site will result in any potential land use conflict with any surrounding land uses.

- *New rural residential areas should be located adjacent to, or in close proximity to, existing urban centres and be within easy access of relevant infrastructure and services.*

It is anticipated that an additional 20 residential lots could be achieved as a result of the Planning Proposal. The Site forms part of the Subdivision Site, which is adjacent to the urban area of Armidale and is within easy access of relevant infrastructure and services (refer above and to the response to Question 10 for details).

Draft New England North West Regional Plan 2036 (Department of Planning and Environment, 2016)

The *draft New England North West Regional Plan 2036* (draft Plan) was publicly exhibited from 19 December 2016 to 20 March 2017. The Vision of the draft Plan is “a sustainable future that maximises the advantages of the region’s diverse climates, landscapes and resources”. The following regionally focused goals were identified to achieve the draft Plan’s vision:

1. A growing and diversified agricultural sector
2. A diversified economy through the management of mineral and energy resources, including renewable energy generation
3. Communities resilient to change, with housing choice and services that meet shifting needs and lifestyles
4. Prosperous urban centres with job opportunities
5. Protected water, environment and heritage.

The Planning Proposal is considered to have strategic merit as it is consistent with the draft Plan, in particular the following directions and actions for the respective goals:

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Goal 3 – Communities resilient to change, with housing choice and services that meet shifting needs and lifestyles

- *Direction 3.3 Deliver housing choice to suit changing needs*
 - *Action 3.3.1 Provide for a range of dwelling types in local controls.*

The Planning Proposal rezones the Site from R2 Low Density Residential to R1 General Residential. All types of residential accommodation (other than rural workers' dwellings) are permitted in the R1 zone. Under the current R2 zoning the range of permitted residential accommodation is restricted, eg multi unit dwellings are prohibited.

- *Direction 3.4 Promote sustainable settlement growth with great places to live*
 - *Action 3.4.1 Direct future growth to the most appropriate locations by applying Draft Settlement Planning Principles*
 - *Action 3.4.2 Promote quality urban design in neighbourhoods and centres*
 - *Action 3.4.3 Encourage healthy living by increasing options for walking and cycling.*

The Planning Proposal is considered to be consistent with the Draft Settlement Planning Principles in the draft Plan as the Site:

- is part of a land release area identified in the *New England Development Strategy* (refer to the response to Question 4);
- is located close to the existing urban area of Armidale and infrastructure (water, sewer, roads)
- is in keeping with the existing and proposed future development of land in the locality for residential purposes, thereby avoiding potential land use conflict
- does not have heritage or cultural values, is not regionally significant farmland and is only minimally affected by flooding (refer to response to Questions 7 and 8 for further details).

The Site is part of a larger Subdivision Site with future residential subdivision including aspects of the Neighbourhood Planning Principles in the draft Plan, eg responding to site characteristics such as topography; and providing access to local public open space and recreation areas.

The Site is subject to a development contributions plan for the provision of a pedestrian cycleway connecting the Subdivision Site to the existing pedestrian cycleway in the Creeklands, which extends along Dumaresq Creek through the centre of town and west to the University of New England.

Goal 4 – Prosperous urban centres with job opportunities

- *Direction 4.1 Grow the regional cities of Tamworth and Armidale*
 - *Action 4.1.1 Work with Tamworth and Armidale Regional Councils to provide opportunities for increased jobs, services and housing.*

An outcome of the Planning Proposal is to increase the potential lot yield of the Subdivision Site by approximately 20 residential lots, thereby making a modest contribution to increasing housing opportunities in Armidale.

Goal 5 – Protected water, environment and heritage

- *Direction 5.4 Adapt to natural hazards and climate change*
 - *Action 5.4.2 Minimise the potential impacts of flooding*
 - *Action 5.4.3 Minimise the potential impacts of bushfires.*

A very small part of the Site is below the Flood Planning Level for Dumaresq Creek. The Site is also in proximity to bushfire prone land. The extent of flooding is not considered to be a constraint to development of the Site in accordance with the proposed R1 zoning. The Planning Proposal recommends that the NSW Rural Fire Service be consulted following the Gateway determination and prior to any community consultation. Refer to the responses to Questions 6 and 8 for further details regarding flooding and bushfire hazards.

The Planning Proposal is considered to have site specific merit for the following reasons:

- It is unlikely to have an adverse impact on the natural environment. Studies undertaken to date indicate that there are no known heritage or cultural values associated with the Site. While part of the Site is subject to flooding, this is considered to be of minor significance. The Site is in proximity to bushfire prone land and it is intended to consult with the NSW Rural Fire Service following the Gateway determination.
- The outcome of the Planning Proposal is considered to be in keeping with the existing and likely future uses of land in the vicinity. The Site is part of a larger Subdivision Site which has been granted development consent for a residential subdivision. The Planning Proposal will enable the approved subdivision design to be altered to increase the potential lot yield for the Subdivision Site. An established residential area is west of the Subdivision Site with small lot rural residential development to the north and Dumaresq Creek and some agricultural activities along the flood plain to the south. Land to the east of the Subdivision Site and adjoining the Site is zoned for large lot residential development.
- The Planning Proposal will facilitate a redesign of the approved subdivision over the Subdivision Site resulting in approximately 20 additional residential lots. There are adequate services available, or can be made available, to serve the additional lots. The Site is subject to development contributions plans to provide a pedestrian cycleway linking the Subdivision Site with the existing pedestrian cycleway in the Creeklands and to upgrade the Cookes Road bridge that crosses Dumaresq Creek.

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) (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 between 2008 and 2021 and identifies Urban Release Areas to cater for the projected demand. 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.

The Planning Proposal is considered to be generally consistent with the NEDS. The Site is identified as being within an Urban Release Area and the Planning Proposal will provide the potential for an additional 20 lots within this area. The additional lot yield will contribute to meeting projected demand for housing by developing suitable land within Armidale for residential purposes prior to releasing land in the Tilbuster corridor. This is considered to provide an efficient and orderly pattern of growth.

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 2).

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

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

- s.117 direction 4.3 *Flood Prone Land* – the inconsistency is considered to be of minor significance and therefore justified.

Consideration of the s.117 directions is included in Attachment 3.

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 Subdivision Site has been predominantly used for grazing.

A 7-part test of significance under the *Environmental Planning and Assessment Act 1979* for a Ribbon Gum-Mountain Gum-Snow Gum Forest or Woodland on the New England Tablelands endangered ecological community (OzArk Environmental & Heritage Management P/L, June 2012) was submitted with development application (DA-117-2012) for the EEC in the south-west part of the Subdivision Site.

The 7-part test concluded that given the EEC in the Subdivision Site is already degraded, fragmented and isolated, removing a proportion of the greater local population is not considered to be a significant impact and therefore it is not likely that the development proposal (210 lot subdivision) will have a significant impact upon this EEC.

The assessment did not apply to the Site but in considering land further to the east it did identify a Ribbon Gum-Mountain Gum-Snow Gum Forest EEC which extended over a small section of the Site, approximately 1,550m², as shown in Figure 3.

Figure 3. Ribbon Gum-Mountain Gum-Snow Gum Forest EEC (southern part of Subdivision Site and adjoining land to the east)



Source: 7-Part Test development application DA-1107-2012, OzArk Environmental & Heritage P/L, June 2012

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

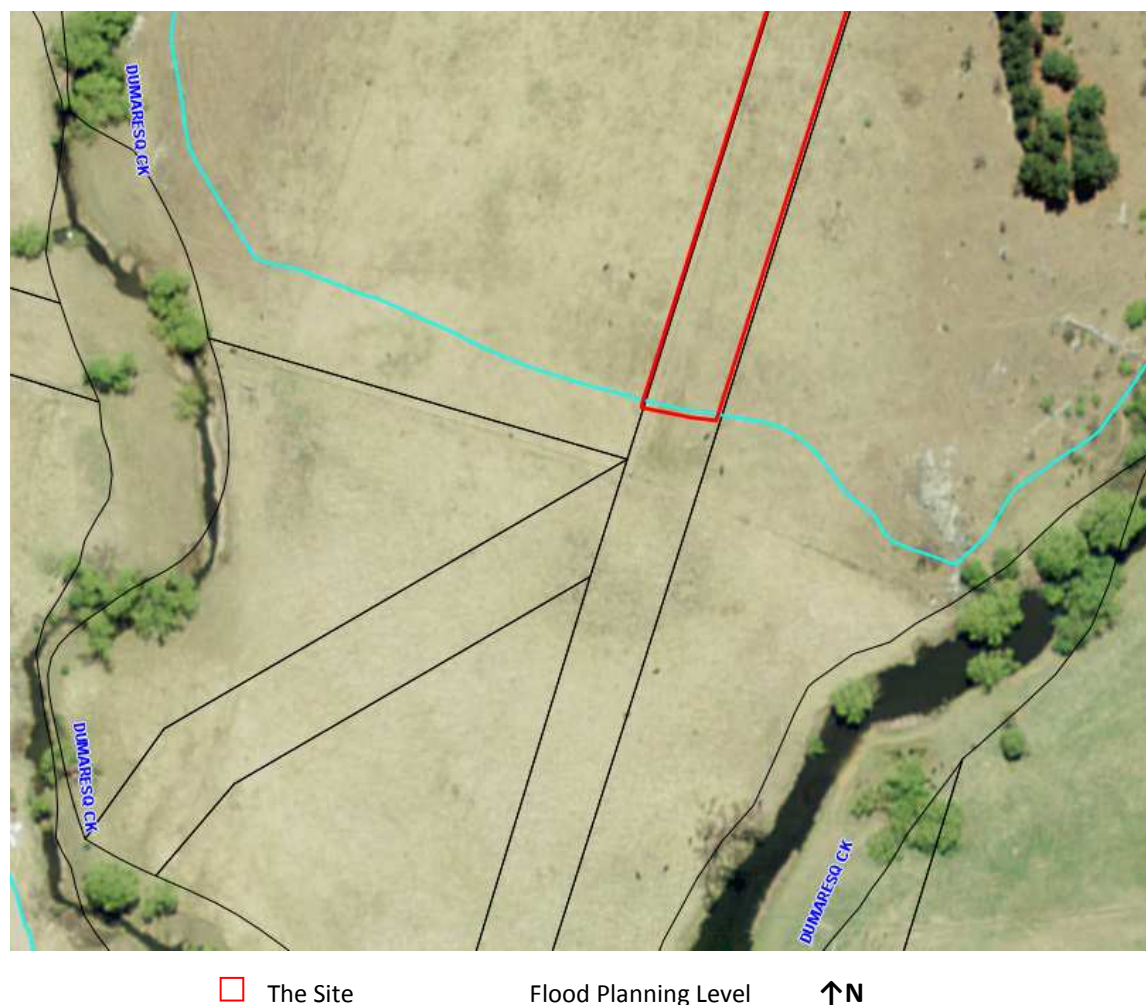
Flooding

The *Armidale Flood Study Review and Update – Stage 3* (BMT WBM, 2014) was adopted by council on 28 September 2015. A small section of the southern end of the Site is below the Flood Planning Level (FPL) identified in the flood study, as shown in Figure 4. The Planning Proposal proposes to rezone this part of the Site below the FPL, a strip of land approximately 2m wide, to R1 General Residential rather than retaining its current R2 zoning.

A Floodplain Risk Management Plan (FRMP) is being prepared by council based on the Flood Study and 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 through a specific LEP prepared for flood prone land along Dumaresq Creek and its tributaries. Any changes to the planning controls applying to that part of the Site below the FPL to be zoned R1 would be considered as part of implementing the FRMP. During the interim the proposed R1 zoning is unlikely to affect future development of the Site given its size

(approximately 40m²) and its dimensions (2m x 20m). Sufficient land would be available above the FPL to enable a future residential subdivision to have flood free access roads and residential lots.

Figure 4 – Flood Planning Mapping



Bushfire

The Site is approximately 125m south from land mapped as bushfire prone on council's Bushfire Prone Land map certified by the NSW Commissioner of the NSW Rural Fire Service. Due to the proximity of the mapped bushfire prone land it is recommended that the Planning Proposal be referred to the NSW Rural Fire Service in accordance with section 117 direction 4.4 *Planning for Bushfire Protection* (refer to the responses to Questions 6 and 11).

Slope and soils

The Site falls from its northern end towards Dumaresq Creek, with the slope varying between 3% and 10%. The average slope over the Site is 6%. A Geotechnical Report (Regional Geotechnical Solutions, July 2011) was submitted with development application DA-117-2012 for the initial 210 lot subdivision of 111 Cookes Road, Armidale. The Report concluded that the Subdivision Site is considered appropriate for the proposed subdivision from a geotechnical perspective provided good engineering and construction practice is adhered to and the comments and recommendation contained within the Report are adopted. Suitable conditions were included in the development consent and subsequent approval for the 250 lot subdivision. Any future reconfiguration of the

approved subdivision on the western part of the Subdivision Site can also be addressed in a similar manner through the development assessment process.

A Preliminary Site Contamination Assessment (Regional Geotechnical Solutions, July 2011) was submitted with development application DA-117-2012. The analysis of soil samples across the Subdivision Site found that potential contaminants were either at concentrations below the laboratory detection limits or at concentrations below the adopted criteria for residential land use. The Assessment identified areas of environmental concern based on previous and current uses of the Subdivision Site, including an area of environmental concern over a disused sheep dip and nearby areas on the southern part of the property. The investigation did not encounter soil contamination in the areas of environmental concern but noted that the potential for isolated 'hot spots' of soil contamination between sampling locations exists, and it would be prudent to undertake some additional sampling in the vicinity of the sheep dip site prior to residential development of the area. Based on the information provided, this area of environmental concern adjoins the south west corner of the Site but does not encroach on the Site.

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

Social and economic effects

The Planning Proposal will provide the potential for an additional 20 lots within an identified urban release area which, whilst only minimal, will contribute to the demand for housing in Armidale.

The Planning Proposal will allow for a more efficient and orderly development of residential land in close proximity to existing infrastructure and services including, sporting facilities, schools, University, hospital and the Armidale CBD. The increased density allowed by the Planning Proposal is relatively modest and is unlikely to result in any significant impacts on existing social infrastructure in Armidale.

European Heritage

There is no European item of heritage significance on the Site. The nearest heritage item to the subdivision site is Local Heritage Item I053 being the Garden at "Maroombra", 90 – 92 Cookes Road. As the Site is over 900m from this item, it is not anticipated that the additional 20 Lots resulting from this Planning Proposal will impact on its heritage significance.

Aboriginal Cultural Heritage

An Aboriginal Heritage Report (Oz Ark, November 2012) for the Subdivision Site was submitted as part of development application DA-117-2012. No Aboriginal sites or cultural sites (non-physical site types) were recorded during the assessment. No recorded sites were re-located during the field assessment. One (1) potential archaeological deposit (PAD) was noted on land adjoining the Site to the south, upslope from the creek and below the 1% AEP flood event. The PAD is located on a gentle slope bounded by flood plain and hill slope. It is a colluvial deposit which may contain intact buried deposits or artefacts that have moved down the slope. The PAD does not extend onto the Site. No further investigation is considered necessary as part of this Planning Proposal.

Section D. State and Commonwealth interests.

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

It is considered that development of an additional 20 residential lots as a result of the Planning Proposal will not result in significant further demand on existing public infrastructure.

Social infrastructure (health, education, emergency services, public transport)

The Site is approximately 600m from Cookes Road and access to Cookes Road will be provided via future residential subdivision of the Subdivision Site. The Subdivision Site is located in proximity to or can readily access health, education and emergency services including:

- Medical services: including local medical centre (2.1km) and the Armidale Hospital and medical precinct (3.9km)
- Educational facilities: including Ben Venue Public School (1.9km), O'Connor Catholic College (1.1km), the University of New England (5.4km) and New England TAFE (3.3km)
- Emergency services: including Ambulance Service (4km), Armidale Police Station (3.6km) and the Armidale Fire Station (5.3km)
- Public transport: Armidale is served by a public and school bus service that connects residential areas to public and private primary and secondary schools across Armidale as well as the University of New England, TAFE, the Armidale Hospital and the CBD. The nearest bus stop is approximately 600m from the Subdivision Site. There is also a local taxi service available in Armidale.

Roads and cycleways

Upon development of the Subdivision Site, new local roads and cycleway access will be made available to access the Site. Development contributions plans apply to the Subdivision Site and under the plans future residential development will contribute towards:

- Construction of a pedestrian cycleway linking the Subdivision Site to the existing pedestrian cycleway in the Creeklands
- Upgrading of Cookes Road bridge across Dumaresq Creek.

Water and sewer infrastructure

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

Waste management services

Council's weekly Urban Waste Management and Recycling Services will be made available to future additional residential development on the Subdivision Site.

Power

The Site is not currently serviced by power. Upon development underground reticulated power will be made available to future additional residential development on the land in accordance with a development consent.

Telecommunications

The Site is not currently serviced by telecommunications infrastructure. Upon development underground reticulated NBN will be made available to future additional residential development on the land in accordance with a development consent.

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

Preliminary views of State or Commonwealth public authorities have not been obtained prior to preparing this Planning Proposal.

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
NSW Rural Fire Service	Section 117 direction 4.4 <i>Planning for Bushfire Protection</i> . The Site is in proximity to Bushfire Prone Land and under the s117 direction council is required to consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination.

PART 4 – MAPPING

The map identifying the Site is included in Figure 1.

Relevant mapping for the proposed changes in the Planning Proposal are included in Attachment 1:

- Existing and Proposed Land Zoning map
- Existing and Proposed Lot Size map.

PART 5 –COMMUNITY CONSULTATION

The community consultation proposed to be undertaken in relation to the Planning Proposal comprises public exhibition of the Planning Proposal for a period of 14 days with written notice of the exhibition being given:

- in a local Armidale newspaper;
- on council's website at www.armidaleregional.nsw.gov.au; and
- in writing to adjoining landowners.

Public exhibition of the Planning Proposal will be in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the Gateway determination.

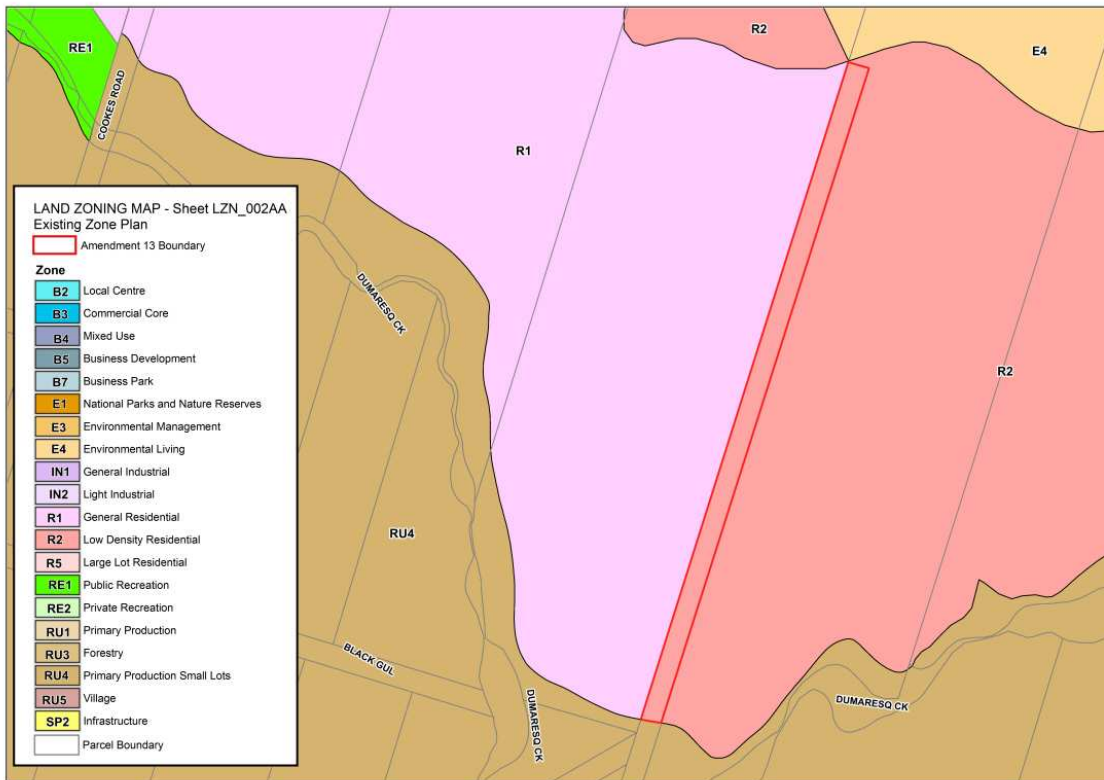
It is considered unlikely that a Public Hearing will be required for the Planning Proposal.

PART 6 – PROJECT TIMELINE

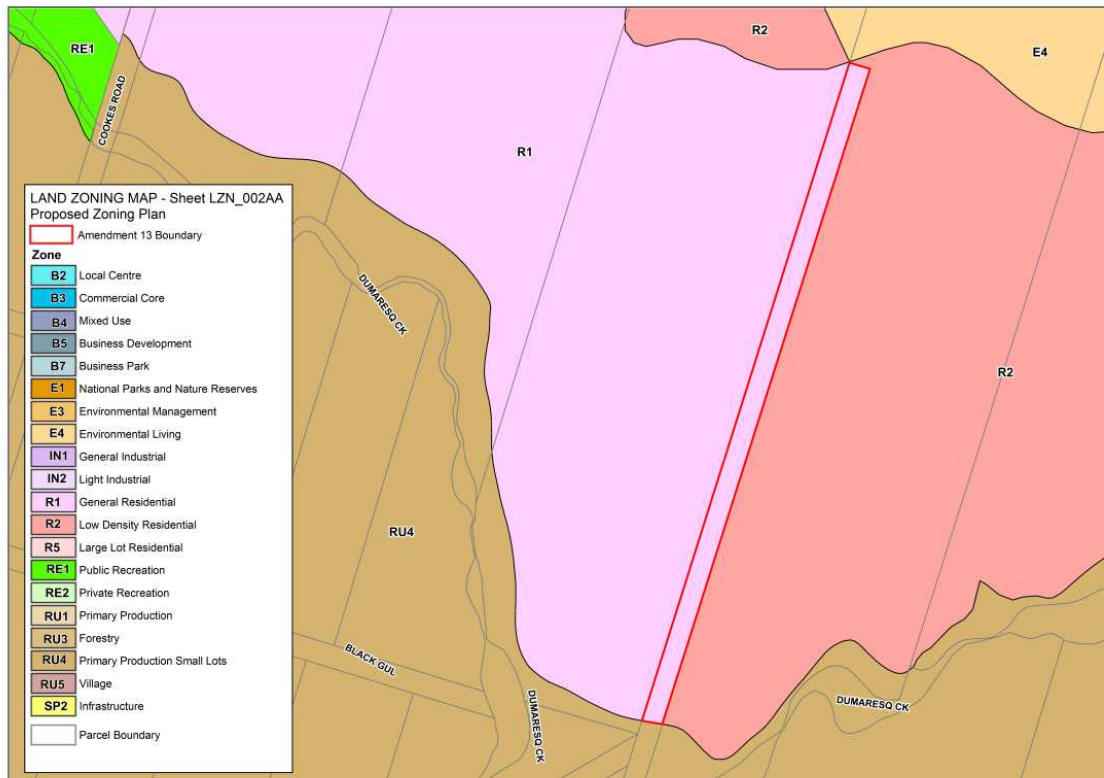
The anticipated project timeline for completion of the Planning Proposal is outlined in the following table:

Task	Anticipated timeframe
Anticipated date of Gateway Determination.	June 2017
Completion of required technical information (if required).	July 2017
Government agency consultation (pre and post exhibition - if required by Gateway Determination).	August 2017
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 August 2017
Commencement and completion dates for public exhibition.	8-22 September 2017
Consideration of submissions, Planning Proposal post exhibition.	Council meeting in October 2017
Anticipated date council will make the plan (if delegated)	1 December 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 November 2017

ATTACHMENT 1 – MAPS

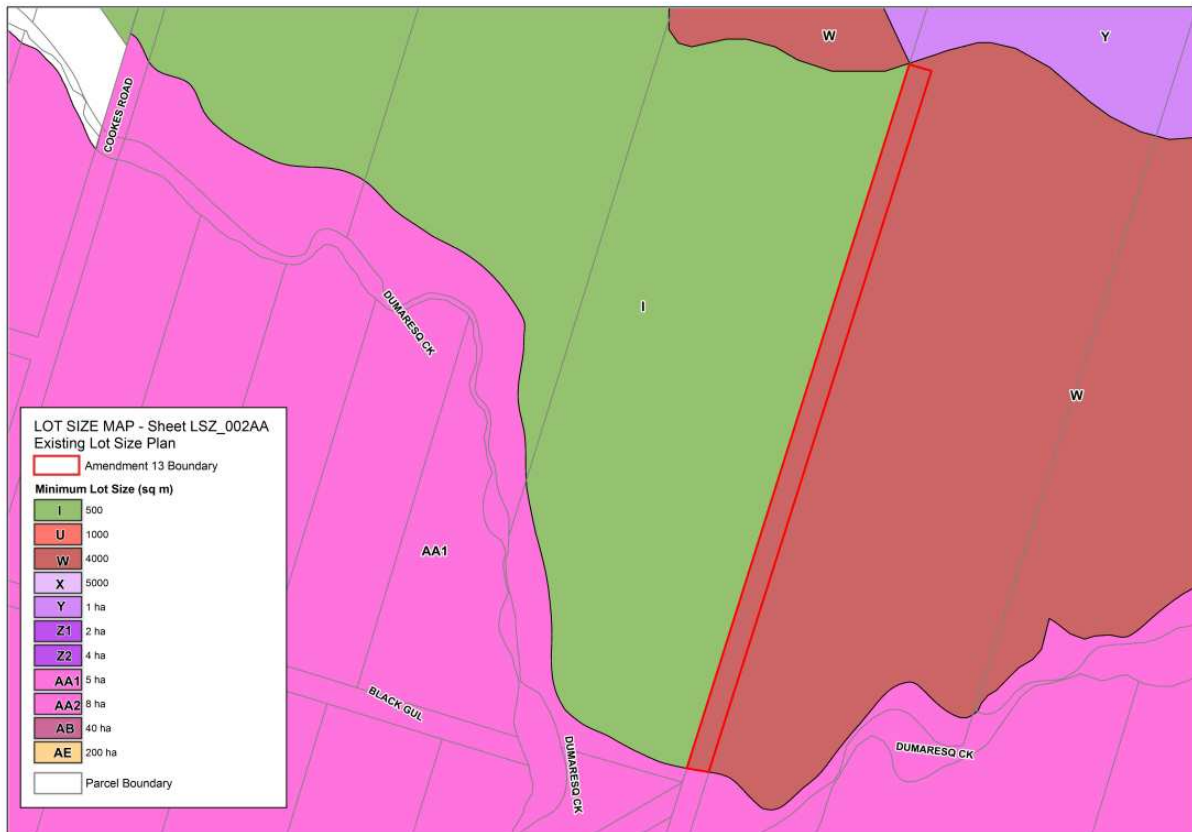


Existing Zoning Plan

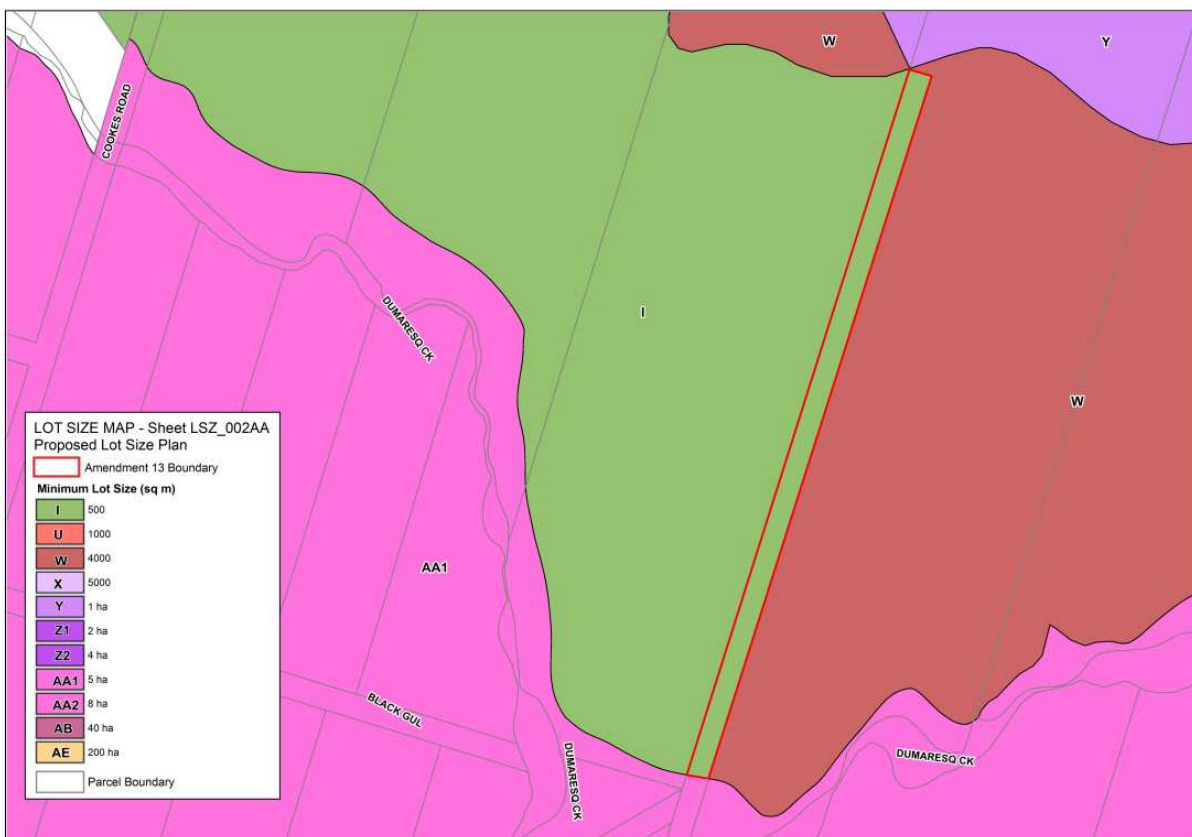


Proposed Zoning Plan

Planning Proposal No. 13



Existing Lot Size Plan



Proposed Lot Size Plan

ATTACHMENT 2: APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES

SEPP	Applicable	Consistent	Comment
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 for the Site. The Planning Proposal is considered to be consistent with this SEPP.
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 on the Site subject to the SEPP. The Planning Proposal is considered to be consistent with this SEPP.
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 Supplementary Fauna Assessment (Stephen Debus PhD, Ecologist) submitted with development application DA-117-2012 for the initial 210 lot subdivision concluded that a Koala habitat management plan was not required because the vegetation type in the north-east of the Subdivision Site was assessed as insufficient to meet the criteria for core Koala habitat under SEPP 44. The Planning Proposal is considered to be consistent with this SEPP.

Planning Proposal No. 13

SEPP	Applicable	Consistent	Comment
No. 55 Remediation of Land	Yes	Yes	This SEPP includes provisions for identification and/or remediation of contaminated land when preparing a rezoning and/or determining a development application. The Planning Proposal proposes to rezone the Site from R2 to R1 under LEP 2012. A range of residential developments are permitted in both the R2 and R1 zones. A Preliminary Site Contamination Assessment (Regional Geotechnical Solutions, July 2011) of the Subdivision Site was submitted with development application DA-117-2012. The analysis of soil samples across the Subdivision Site, including areas of environmental concern based on previous and current landuses, found that potential contaminants were either at concentrations below the laboratory detection limits or at concentrations below the adopted criteria for residential land use. Note: based on the information provided, an area of environmental concern adjoins the south west corner of the Site but does not encroach on the Site. The Planning Proposal is considered to be consistent with this SEPP.
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 Flat Development	Yes		This SEPP provides for consistent controls in relation to the design of residential apartment development in NSW where permitted under an environmental planning instrument. The SEPP applies to residential apartment buildings, shop top housing or mixed use development with a residential component. Under LEP 2012 these types of development are not permitted in the R2 Zone, but are permitted with consent in the R1 Zone. 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 to provide housing for seniors or people with a disability. The Planning Proposal is considered to be consistent with this SEPP.

Planning Proposal No. 13

SEPP	Applicable	Consistent	Comment
Building Sustainability Index: BASIX 2004	Yes	Yes	This SEPP operates in conjunction with the Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction and consistent implementation of BASIX in NSW. 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.
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.
Exempt and Complying Development Codes 2008	Yes	Yes	This SEPP 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. The Planning Proposal is considered to be consistent with this SEPP.
Affordable Rental Housing 2009	Yes	Yes	This SEPP 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 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.

ATTACHMENT 3: APPLICABLE MINISTERIAL DIRECTIONS (SECTION 117 DIRECTIONS)

2. Environment and Heritage

Direction	Applicable	Consistent	Comments
2.1 Environment Protection Zones	Yes	Yes	The Planning Proposal does not seek to vary the current LEP 2012 provisions relating to environmental protection zones. The Planning Proposal is considered to be consistent with this s117 Direction.
2.3 Heritage Conservation	Yes	Yes	LEP 2012 includes provisions from the Standard Instrument 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. An Aboriginal Cultural Heritage Report for the Subdivision Site did not identify any Aboriginal area, objects, places or landscapes with Aboriginal heritage significance on the Site. A potential archaeological deposit was identified south of the Site and will therefore not be impacted as a result of the Planning Proposal. The Planning Proposal is considered to be consistent with this s117 Direction.
2.4 Recreation Vehicle Areas	Yes	Yes	The Planning Proposal does not enable the Site to be developed for the purpose of 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.

3. Housing, Infrastructure and Urban Development

Direction	Applicable	Consistent	Comments
3.1 Residential Zones	Yes	Yes	The rezoning of the Site from R2 to R1 is consistent with Clauses (4) and (5)(a) of this Direction. The Planning Proposal: • offers a greater choice of housing types on the Site for existing and future housing markets • makes efficient use of existing infrastructure and services • provides for more residential housing within Armidale prior to any long term release of residential land in the Tilbuster corridor (as identified in the NEDS). The Planning Proposal is considered to be consistent with this s117 direction.

Planning Proposal No. 13

Direction	Applicable	Consistent	Comments
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	Caravan parks and manufactured home estates are permitted in the R1 zone and prohibited in the R2 zone under LEP 2012. Under SEPP No 36 Manufactured Home Estates, a manufactured home estate would be permitted with consent on the part of the Site to be zoned R1. 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.
3.3 Home Occupations	Yes	Yes	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.
3.4 Integrating Land Use and Transport	Yes	Yes	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) with transport choices available for future residents, including bus services, taxi services, pedestrian cycleways as well as connections to the local road network via private vehicles. The Site will be accessible to Cookes Road, via the Subdivision Site, to transport services, various amenities and facilities including the Armidale city centre, and to UNE and its associated facilities to the west. Future residents of the Subdivision Site will have the option to walk, cycle, drive or use public transport to access those services and amenities. The nearest bus stop to the Subdivision Site is located on Erskine Street at Macdonals Drive, approximately 600m from the Subdivision Site. The Planning Proposal is considered to be consistent with this s117 Direction.

4. Hazard and Risk

Direction	Applicable	Consistent	Comments
4.3 Flood Prone Land	Yes	No, but justified	A relatively small part of the Site (2m wide strip) is below the Flood Planning Level (FPL) for Dumaresq Creek. The Planning Proposal will permit an increase in the development of the Site and, therefore, it is inconsistent with clause (6)(c) of the s117 direction. However, the inconsistency is justified as it is considered to be of minor significance for the following reasons: • A Floodplain Risk Management Plan (FRMP) is being prepared and implementation of the FRMP is likely to include land use planning controls that may require amendments to LEP 2012. Any changes to the planning controls applying to that part of the Site below the FPL would be considered as part of implementing the FRMP. • During the interim the proposed R1 zoning is unlikely to pose a constraint to future development as there is sufficient land available above the FPL to enable a future residential subdivision to have access roads and residential lots above the FPL. The Planning Proposal is inconsistent with the s117 direction but is considered to be of minor significance and therefore justified.
4.4 Planning for Bushfire Protection	Yes	Yes	The Site is in proximity to land mapped as bushfire prone land. The Site is approximately 125m south of land shown on council's Bushfire Prone Land map certified by the NSW Commissioner of the NSW Rural Fire Service. The s117 direction requires council to consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination and prior to undertaking community consultation. The response to Question 11 in the Planning Proposal indicates that consultations will be undertaken in accordance with the s117 direction. The Planning Proposal is considered to be consistent with this s117 direction.

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6. Local Plan Making

Direction	Applicable	Consistent	Comments
6.1 Approval and Referral Requirements	Yes	Yes	The Planning Proposal does not change the concurrence, consultation or referral of development applications to a Minister or public authority, nor does it identify development as designated development. The Planning Proposal is considered to be consistent with this s117 Direction.
Direction	Applicable	Consistent	Comments
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.
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.