



Planning Proposal No. 15

Alter the Lot Size of 267 Long Swamp Road, Armidale (Lot 1 in DP 34495, Lot 9 in DP 112693, Lots 515-517, 730, and 733 in DP 755808) from 40 hectares to 8 hectares

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INTRODUCTION

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Infrastructure'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 relates to Lot 1 in DP 34495, Lot 9 in DP 112693, Lots 515-517, 730, and 733 in DP 755808, being part of 267 Long Swamp Road, Armidale. The Site comprises seven lots with an existing dwelling house on Lot 1 DP 34495. Under LEP 2012 the erection of a dwelling house on each of the vacant lots is not permitted due to the lot size standard that applies to the land. It is proposed to reduce the current minimum lot size of 40 hectares to 8 hectares.

The Site has a total area of approximately 63 hectares and is zoned RU4 Primary Production Small Lots. The Proposal would enable the Site to be subdivided into seven lots with the erection of a dwelling house or dual occupancy on each lot created, subject to development consent. The location of the Site is shown in Figure 1 and Figure 2.

The Planning Proposal seeks to amend the LEP 2012 Lot Size map applicable to the Site.

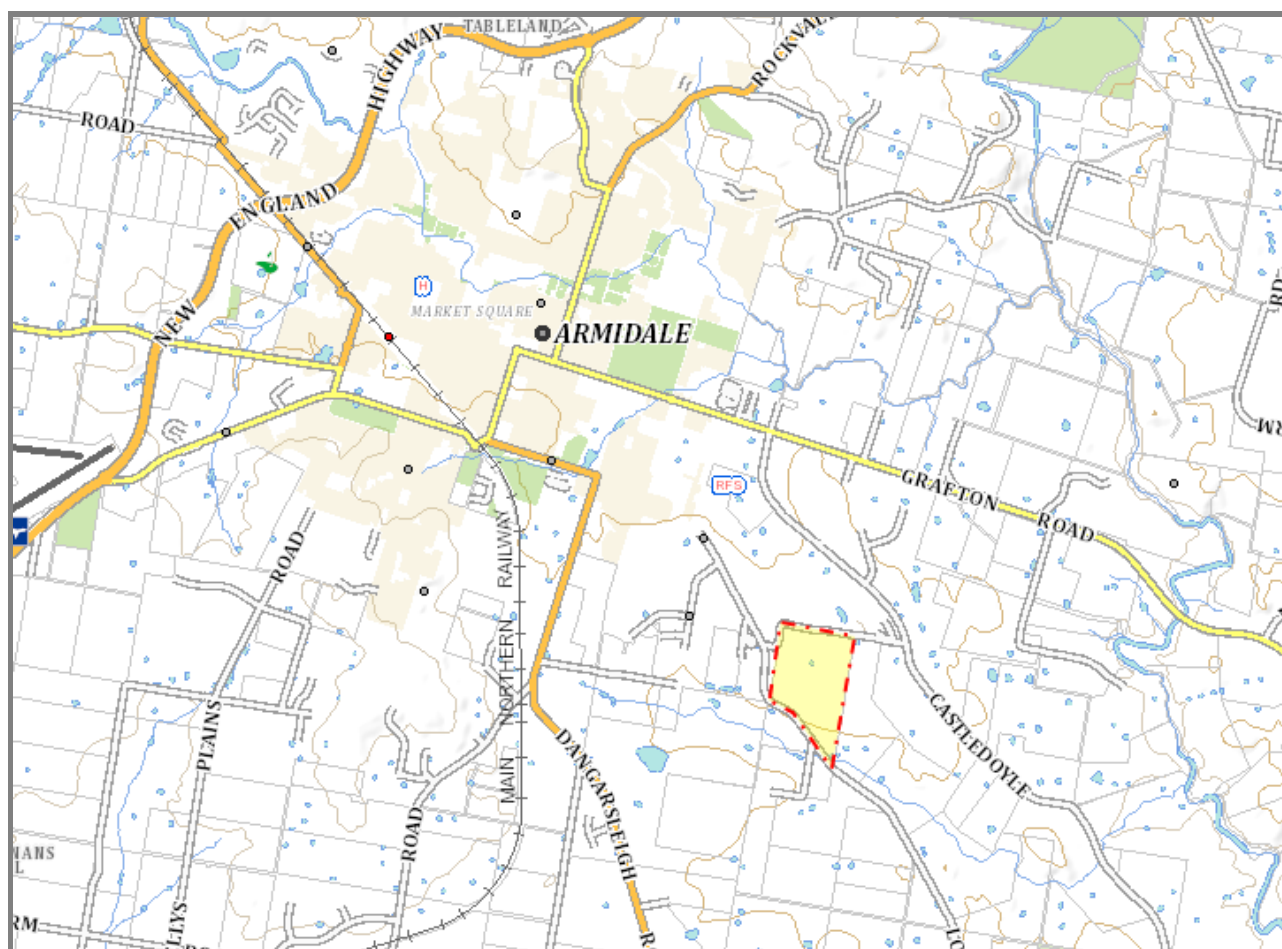


Figure 1: Locality Plan (sourced: SixMaps)



Figure 2: Site (sourced: SixMaps)

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective or intended outcome of the Planning Proposal is to enable subdivision of Lot 1 in DP 34495, Lot 9 in DP 112693, Lots 515-517, 730, and 733 in DP 755808 (the Site) to create lots of at least 8 hectares where a dwelling house or dual occupancy could be erected on each lot.

The Site comprises seven lots and the Planning Proposal does not propose to increase the number of new lots created. Rather it seeks to allow for lots to have a more suitable configuration and shape for the intended residential purposes. The resulting lots would be of a similar density to many of the existing RU4 zoned lots surrounding the Site.

PART 2 - EXPLANATION OF PROVISIONS

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

- amending Armidale Dumaresq LEP 2012 Lot Size Map by altering the lot size standard for Lot 1 in DP 34495, Lot 9 in DP 112693, Lots 515-517, 730, and 733 in DP 755808 from 40 hectares to 8 hectares.

The existing Lot Size applying to the Site is shown in Attachment 1 and the proposed Lot Size is 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?

An alternative option for achieving the intended outcome of the Planning Proposal is to apply Clause 2.5 *Additional Permitted Uses* and amend Schedule 1 of LEP 2012 to permit with development consent the erection of a dwelling house or dual occupancy on each of the existing lots comprising the Site. Any changes to the shape or size of the existing lots could be carried out under Clause 4.1E *Exceptions to minimum subdivision lot size for boundary adjustments*.

While the alternative option would achieve the same outcome as the proposed altering of the Lot Size map for the Site from 40 hectares to 8 hectares, the latter approach is considered to be more desirable as it is less likely to introduce complexity into the LEP. The Planning Proposal would not introduce a new requirement into LEP 2012, such as a new Item in Schedule 1, but utilises existing provisions instead, being Clauses 4.1 *Minimum subdivision size* and 4.2A *Erection of dwelling houses or dual occupancies on land in certain rural, residential and environment protection zones* and the associated Lot Size map.

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

The goals of the Regional Plan are:

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

For each goal the Regional Plan identifies directions and associated actions to assist in achieving the goal. Table 1 summarises the directions and actions of the Regional Plan that are directly relevant to the Planning Proposal and indicates whether the Proposal is considered to be consistent or inconsistent with the Plan.

Table 1: Applicable directions and actions from New England North West Regional Plan

New England North West Regional Plan	
GOAL 1 – A strong and dynamic regional economy	
Direction 1: Expand agribusiness and food processing sectors	ACTION 1.2 Promote the expansion of agribusiness and associated value-adding activities through local plans.
Consistent	The planning proposal seeks to provide suitable small rural lots that will increase opportunities for more diversity and employment related to primary industry in a location close to the city of Armidale. Therefore, the planning proposal is consistent with this action as it supports the development expansion of agribusiness and associated value-adding activities.
	ACTION 1.3 Protect intensive agriculture clusters in local plans to avoid land use conflicts, particularly with residential and rural residential expansion.
Consistent	No existing intensive agriculture clusters are located in the surrounding area.
	ACTION 1.4 Encourage commercial, tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector's adaptability.
Consistent	The planning proposal seeks to provide suitable small rural lots that will increase opportunities for more diversity and employment related to primary industry and tourism enterprises in a location close to the city of Armidale. Therefore, the planning proposal is consistent with this

	<p>action as it supports the development of complementary tourism experiences associated with agriculture.</p>
<p>Direction 3: Protect and enhance productive agricultural lands</p>	<p>ACTION 3.2 Limit urban and rural residential development on important agricultural land, including mapped Biophysical Strategic Agricultural Land, unless it is in a strategy that is:</p> <ul style="list-style-type: none"> • agreed between council and the Department of Planning and Environment; and • consistent with the guidelines for councils on important agricultural land. <p>Figure 3 below identifies that approximately 0.68 hectares of the Site is mapped as Biophysical Strategic Agricultural Land as shown with green hatching. Although the Planning Proposal intends this area of strategic agricultural land to be part of lot to be used for a rural residential use , this is considered justified for the following reasons:</p> <ul style="list-style-type: none"> • the Site is currently part of an existing holding used for rural residential purposes. The proposed change in minimum lot size is unlikely to reduce the current agricultural potential of the Site. • the agricultural potential of the site is considered to be minimal given its size and proximity to surrounding rural residential uses. • the mapped strategic agricultural land area of the subject site represents less than one hectare of the region’s strategic agricultural land. This is considered of minor significance. • the mapped strategic agricultural land is located on the south east fringe of the site and has limited practical production capacity.

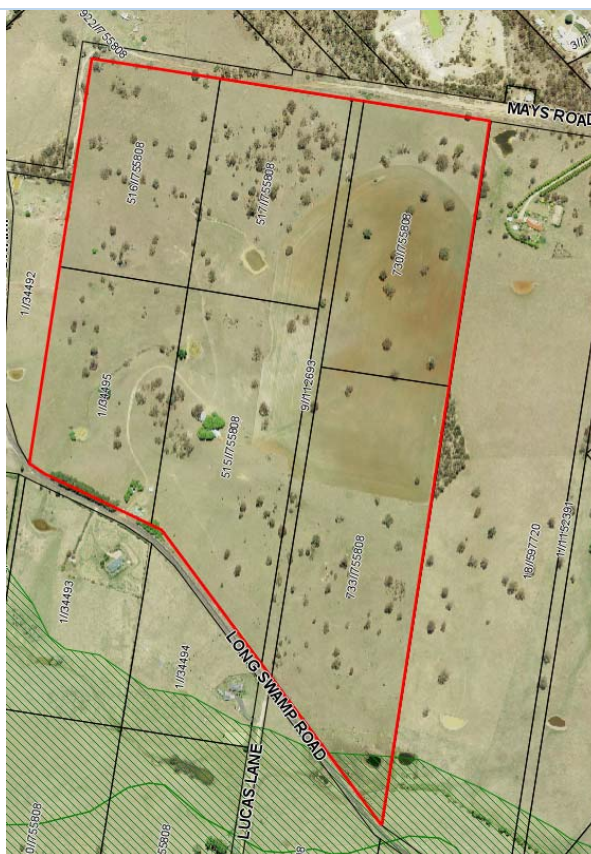
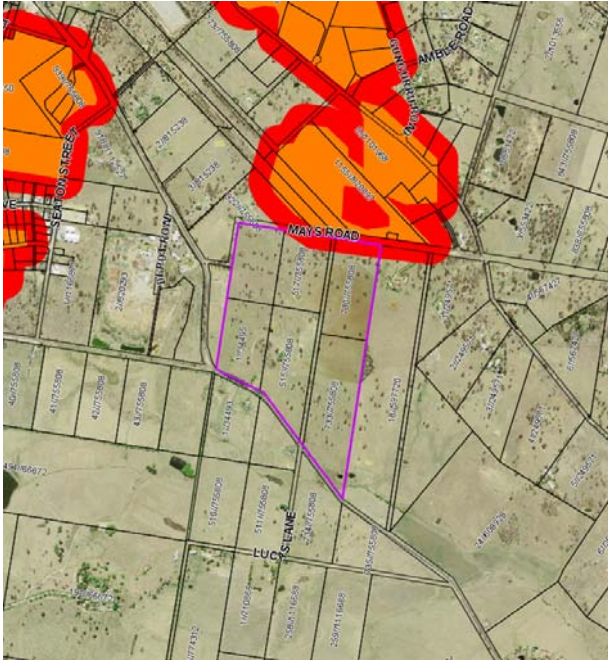


Figure 3: Mapped strategic agricultural land

Direction 4: Sustainably manage mineral resources	ACTION 4.1. Consult with the NSW Division of Resources and geoscience when assessing applications for land use changes (strategic land use planning, rezoning and planning proposals) and new development or expansion.
Consistent, subject to consultation	It is recommended that the NSW Division of Resources and Geoscience be consulted regarding the Planning Proposal, subject to the Gateway Determination.
	ACTION 4.2. Protect areas of mineral and energy resource potential through local strategies and local environmental plans.
Consistent	The Mineral Resources Audit (NSW Trade & Investment - Resources and Energy, 2012) does not identify the Site or land in the vicinity as being an identified or potential mineral resource or being in a transition area. The audit indicates that the nearest mineral deposit is approximately 750 metres from the Site's western boundary.
GOAL 2 – A healthy environment with pristine waterways	
Direction 11: Protect areas of potential high environmental value	ACTION 11.2 Ensure local plans consider areas of high environmental value to avoid potential development impacts.
Consistent	The Site is not identified under the Biodiversity Values Map (Office of Environment and Heritage) which identifies land with high biodiversity

	value and is particularly sensitive to development and clearing.
Direction 12: Adapt to natural hazards and climate change	Action 12.1 Minimise the risk from natural hazards and the projected effects of climate change by identifying hazards, managing risks and avoiding vulnerable areas, particularly when considering new urban release areas.
Minor Inconsistency	<p>No Flood Study has been carried out for the Site and other land in the area. However, the Site is not considered to be flood prone as there are no natural watercourses on the Site or within the locality.</p> <p>Land along the northern boundary of the Site is identified as bush fire prone land buffer area on the Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service (refer to Figure 4). It is recommended that the Planning Proposal be referred to the NSW Rural Fire Service for comment, subject to a Gateway Determination.</p>  <p>Figure 4: Mapped bushfire prone land</p>
GOAL 3 – Strong infrastructure and transport networks for a connected future	
Direction 16: Coordinate infrastructure delivery	Action 16.1 Undertake detailed infrastructure service planning to establish that land can be feasibly and economically serviced prior to rezoning.
Consistent	The proposal does not involve the rezoning of land rather a change in minimum lot size. It is noted that the Site has access to adequate infrastructure for future rural development of the site. The provision and upgrading requirements are detailed in Question 10. No trunk infrastructure extensions are required to service future rural development of the site. The upgrading of infrastructure would directly relate to the nature/type of future development and would be provided at the time of future development.

GOAL 4 – Attractive and thriving communities	
Direction 21: Deliver well planned rural residential housing	Action 21.1 Enable new rural residential development where identified in a local growth management strategy prepared by council and endorsed by the Department of Planning and Environment.
Consistent	The Planning Proposal is considered to be generally consistent with council's Armidale Dumaresq Rural Residential Study (EDGE land Planning, 2004) which has been endorsed by the Department of Planning and Environment.
	Action 21.2 Deliver rural residential development consistent with principles 1-5 of the Interim Settlement Planning Principles (Appendix A) or comprehensive framework once released.
Consistent	<p><i>Principle 1</i> <i>New land release areas are to be located adjacent to existing urban settlements to maximise the efficient use of existing infrastructure and services, including water, sewer, road and waste services.</i> <i>Where new development is proposed away from existing settlements, the provision of essential infrastructure must have no cost to government.</i> <i>The location, structure and layout of rural residential release areas should promote clustering to encourage a sense of community and facilitate the long-term expansion of existing centres and residential areas.</i> The proposal is consistent with the above principle intents. The proposal will result in the clustering of similar sized small rural holdings consistent with that in the surrounding locality.</p> <p><i>Principle 2</i> <i>Direct new land release areas to unconstrained land by avoiding areas of high environmental value, cultural, and heritage significance and/or areas affected by natural hazards such as flooding or bushfire.</i> Not Applicable. The proposal is not for a new land release area. It seeks the establishment of dwelling entitlements for existing allotments. It is noted that the proposal relates to relatively unconstrained land.</p> <p><i>Principle 3</i> <i>New land release areas should avoid and manage the potential for land use conflicts with existing and likely future adjoining uses and infrastructure, including important agricultural land, and productive resource lands.</i> Not Applicable. The proposal is not for a new land release area. It seeks the establishment of dwelling entitlements for existing allotments. It is noted that the proposal will result in future used of the site consistent with the existing surrounding land uses.</p> <p><i>Principle 4</i> <i>Require new land release areas to provide links to adjoining areas to</i></p>

	<p><i>ensure new areas are well integrated and maximise efficiency and shared use of services and facilities.</i></p> <p>Not Applicable. The proposal is not for a new land release area. It seeks the establishment of dwelling entitlements for existing allotments. It is noted that the site is located on the fringe of the Armidale City within a rural small holding area.</p> <p><i>Principle 5</i> <i>Recognise, protect and be compatible with any unique topographic, natural or built cultural features essential to the visual setting, character, identity, or heritage significance of the area.</i></p> <p>The proposal is consistent with the existing setting.</p>
Direction 23: Collaborate with Aboriginal communities to respect and protect Aboriginal culture and heritage	Action 23.4 Undertake Aboriginal cultural heritage assessments to inform the design of planning and development proposals so that impacts to Aboriginal cultural heritage are avoided and appropriate heritage management mechanisms are identified.
Inconsistent	A search of the Office of the Environment and Heritage AHIMS Web Services Aboriginal Heritage Information Management System was conducted for Lot 733 in DP 755808, with a Buffer of 1km. The AHIMS report shows one Aboriginal site is declared on or near the site. It is recommended that an Aboriginal cultural heritage assessment be undertaken subject to a Gateway Determination.

Assessment criteria have been established in the *Guide to Preparing Planning Proposals*. The following addresses the applicable assessment criteria relevant to the Planning Proposal.

Assessment Criteria

a) Does the proposal have strategic merit? Is it:

- **Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or**
- **Consistent with a relevant local council strategy that has been endorsed by the Department; or**

The planning proposal is consistent with the key land use policies and principles for small rural holdings as identified in the *New England Development Strategy 2010*, as discussed in Section B of this report. This strategy was endorsed by the then Director-General of the Department of Planning and Infrastructure.

b) Does the proposal have site-specific merit, having regard to the following:

- **the natural environment (including known significant environmental values, resources or hazards) and**

The Site has been highly modified for rural purposes. The land is suitable for the intended small primary production lots. Most of the site does not contain any significant environmental values, resources or hazards, as discussed in Section C of this report. Land along the northern boundary of the Site is identified as bush fire prone land on the Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service (refer to Figure 4). It is recommended that the Planning Proposal be referred to the NSW Rural Fire Service for comment, subject to a Gateway Determination.

- **the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and**

The planning proposal is consistent with the existing small primary production land uses surrounding the Site. Land adjoining the site consists of small rural holdings of similar size to the proposed minimum lot size for the site. Future land uses are likely to continue to be for small rural holding purposes. Surrounding land is zoned RU4 Small Primary Production Lots typically between 8-10 hectares in area. The proposal is consistent with the planning intent for the locality and will minimise the potential for land use conflict by providing for similar land use characteristics that surround the site.

- **the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.**

The Site has access to adequate infrastructure for future rural development of the site. The provision and upgrading requirements are detailed in Question 10. No trunk infrastructure extensions are required to service future rural development of the site. The upgrading of infrastructure would directly relate to the nature/type of future development and would be provided at the time of future development.

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

The *New England Development Strategy* (WorleyParsons, 2010) was prepared for Armidale Dumaresq, Guyra Shire, Uralla Shire and Walcha Councils. The Strategy outlines key land use policies and principles for the four council areas and provided the planning context for the preparation of the Standard LEP Instruments for each local government area, including LEP 2012. The Strategy, which has a timeframe up to 2032, was adopted by the four councils and endorsed by the then Director-General of the Department of Planning and Infrastructure.

Part 7 of the NEDS identifies key land use planning issues, including environmental impacts from rural small holdings subdivision and identifies several potential areas for rural small holdings. The land is currently zoned RU4 Primary Production Small Lots and is within the area identified as current rural small holding release area. The proposed change to minimum lot size in the Planning Proposal is justified for the following reasons:

- The Site is suitable for smaller primary production purposes (on lots with a minimum lot size of 8 hectares) in terms of its natural attributes, absence of environmental constraints and its close proximity to the city of Armidale and its associated infrastructure and services.
- The Site is contiguous with surrounding small primary production lots, with lot sizes typically between 8-10 hectares.

The clustering of future small lot primary production and tourism enterprises will encourage and promote diversity and employment opportunities in close proximity to the city of Armidale.

The *Armidale Dumaresq Rural Residential Study* (Edge Land Planning, 2004) identified land suitable for large lot residential and rural small holdings development around Armidale 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 Armidale Dumaresq LEP 2008 which subsequently became the RU4 and R5 zonings, respectively, in LEP 2012. The study recommended that existing lots between the Main Northern Railway Line and Waterfall Way be given a dwelling entitlement. This recommendation was implemented for land between the Main Northern Railway Line and Long Swamp Road when Armidale Dumaresq LEP 2008 came into effect.

The Site is contained within the area between Long Swamp Road and Waterfall Way. In this regard the *Armidale Dumaresq Rural Residential Study* recommends that the land between Long Swamp Road and the Waterfall Way be released as a second stage.

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

The Planning Proposal is considered to be generally consistent with applicable State Environmental Planning Policies (SEPPs). Refer to Attachment 3 for further details.

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

The Planning Proposal is considered to be consistent with applicable Ministerial Directions, except for the following:

- Direction 1.5 Rural Lands
- Direction 4.4 Planning for Bushfire Protection

Refer to Attachment 4 for further details.

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 Planning Proposal will have no adverse effects on critical habitat or threatened species, populations or ecological communities, or their habitats.

The land has been cleared and pasture improved for stock grazing purposes over many years. The pasture is introduced and is characteristic of 'derived grasslands'. Derived grasslands are areas of former woodland vegetation, which have been cleared. While these areas may be important because they provide grassland habitat they are not natural grasslands. Derived grasslands are the result of clearing of the overstorey and shrub layers for grazing. These grasslands have been derived from one or more of the original woodland and forest communities indigenous to the area. The areas that were once woodland, and where the natural seedbank is 'at least partially intact' may constitute one or another of the three woodland threatened Ecological Communities (White Box Yellow Box Blakely's Red Gum grassy

woodlands; Ribbon Gum – Mountain Gum – Snow Gum grassy open forest/woodland; and New England Peppermint woodland).

The sparsely scattered trees located on the Site may once have constituted a woodland, however, the understorey has been grazed for many years and it is unlikely that the natural seedbank will be intact.

It is recommended that the Planning Proposal be referred to the NSW Office and Environment and Heritage for comment, subject to a Gateway Determination.

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

Land along the northern boundary of the Site is identified as bush fire prone land buffer area on the Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service (refer to Figure 4). It is recommended that the Planning Proposal be referred to the NSW Rural Fire Service for comment, subject to a Gateway Determination. Referral to the NSW Rural Fire Service will also satisfy the requirements of Ministerial Direction 4.4 Planning for Bushfire Protection (refer to Question 6 for further details).

The Site is not flood prone land and has the land capability for onsite waste water disposal.

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

The Planning Proposal will provide suitable small rural lots that will provide rural living and small holding primary production opportunities in a location close to the city of Armidale.

There are no European heritage items listed in Schedule 5 of LEP 2012 on the Site. The nearest heritage item listed in LEP 2012 of local heritage significance is the site of “House Palmerston” that is located to the south west of the Site, 345 and 347 Dangarsleigh Road, Armidale, Local Item I066, which is within 1km diameter.

It is considered that no negative impacts on the items of European cultural heritage will occur should the Site minimum lot size be reduced to 8 hectares, as land area would be available for development of the land without impact on the “House Palmerston” site.

No items of Aboriginal Cultural Heritage have been identified on the site. A search of the Office of the Environment and Heritage AHIMS Web Services Aboriginal Heritage Information Management System was conducted for Lot 733 in DP 755808, with a Buffer of 1km. The AHIMS report shows that one Aboriginal site is declared on or near the site.

It is recommended that an Aboriginal heritage assessment of the Site should be carried out subject to a Gateway determination or as part of any development application for future development of the land.

No negative social or economic effects are anticipated from the intended outcomes of the Planning Proposal. Being located within 3km of the Armidale city centre, the future rural development of the Site will be accessible to social, business and industry services.

The Site has the potential for the development of approximately 7 small rural holdings with dwelling entitlements, this in combination with surrounding small rural holdings will create rural living and small primary production opportunities.

Section D. State and Commonwealth interests.

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

There are no additional infrastructure requirements arising from the Planning Proposal.

Telecommunications and Electricity – The Site can gain access to telecommunication and electricity infrastructure that service the Site. Any upgrades for connections to the existing infrastructure can be dealt with at the time of future development.

Vehicular Access – Long Swamp Road is a two-way sealed public road. Mays Road is a single width gravel public road. The future subdivision of site can provide for direct access to Long Swamp Road. Any road or driveway connection works or upgrading can be dealt with at the time of subdivision. The Site can also connect to the Armidale cycleway network via Long Swamp Road.

Water and Sewer – The proposed minimum lot size of 8 hectares provides sufficient area for onsite waste water disposal and water harvesting for rural and domestic uses. Lots 515-516 DP 755808 and Lot 1 DP 34495 are within council's Development Servicing Plan – Water. None of the Site is within the Development Servicing Plan – Sewer.

Waste Management – Council has an existing waste management facility located west of the site with capacity to service current and any additional demand generated by future residential development of the Site.

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

The subject site is located within 4km of Newling Public School, Armidale City Public School, The Armidale School and O'Connor Catholic High School.

The Armidale Public Hospital has recently undertaken a major redevelopment.

Emergency Services – The subject 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?

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, subject to a Gateway Determination, and outlines the matters that have triggered the need for the referral.

State or Commonwealth agency	Need for referral
NSW Rural Fire Service	Section 9.1 Direction 4.4 Planning for Bushfire Protection – refer to Question 6 of the Planning Proposal.
Office of Environment and Heritage	Biodiversity – refer to Question 7 of the Planning Proposal. Aboriginal Cultural Heritage – refer to Question 8 of the Planning Proposal.

PART 4 – MAPPING

The following mapping is included in the Planning Proposal:

- Figure 2, page 2** Land subject of the Planning Proposal
- Attachment 1** Current Lot Size Map applying to the land
- Attachment 2** Proposed Lot Size Map applying to the land.

PART 5 –COMMUNITY CONSULTATION

In accordance with Schedule 1 of the EP&A Act 1979, this Planning Proposal must be approved under a Gateway determination prior to community consultation being undertaken by Council.

Pursuant to “*A guide to preparing local environmental plans*”, the subject proposal meets the following definition of being a low impact Planning Proposal:

A ‘low’ impact planning proposal is a planning proposal that, in the opinion of the person making the Gateway determination is:

- consistent with the pattern of surrounding land use zones and/or land uses
- consistent with the strategic planning framework
- presents no issues with regard to infrastructure servicing
- not a principal LEP
- does not reclassify public land.

It is recommended that this Planning Proposal is exhibited for a period of 28 days and adjoining property owners are notified of the exhibition period.

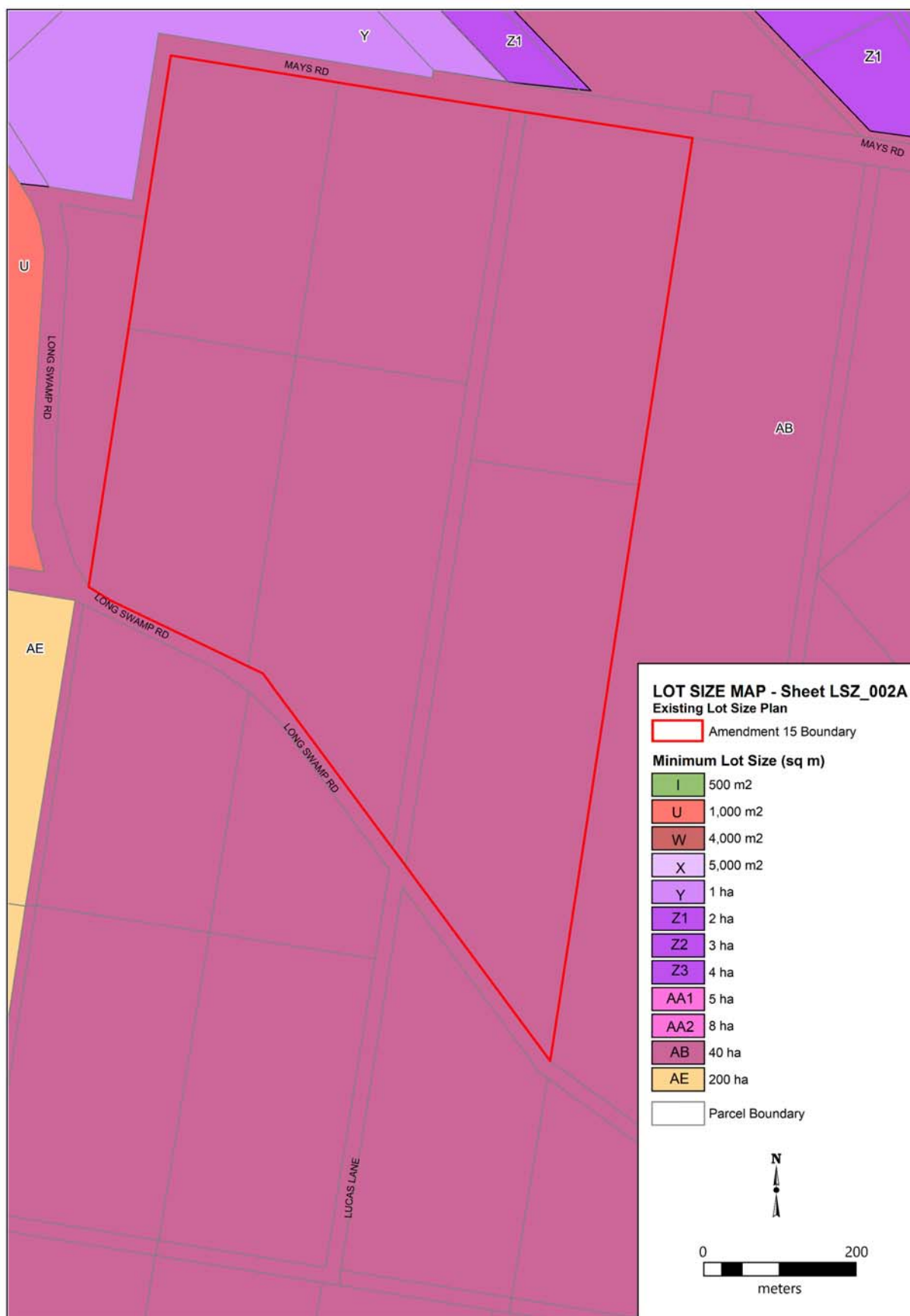
PART 6 – PROJECT TIMELINE

The anticipated project timeline for completion of the Planning Proposal is outlined in Table 2.

Table 2: Project timeline

Task	Anticipated Timeframe
Date of Gateway Determination	By 31 August 2020
Completion of technical information, studies if required	
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	By 30 September 2020
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.	Mid-October 2020
Commencement and completion dates for public exhibition (28 days).	Mid-October to mid-November 2020
Dates for public hearing (if required).	December 2020/January 2021
Timeframe for the consideration of submissions and the PP post exhibition	February 2021
Date of submission to the Department to finalise the LEP.	31 March 2021

ATTACHMENT 1: CURRENT LOT SIZE MAP APPLYING TO THE LAND



ATTACHMENT 2: PROPOSED LOT SIZE MAP APPLYING TO THE LAND

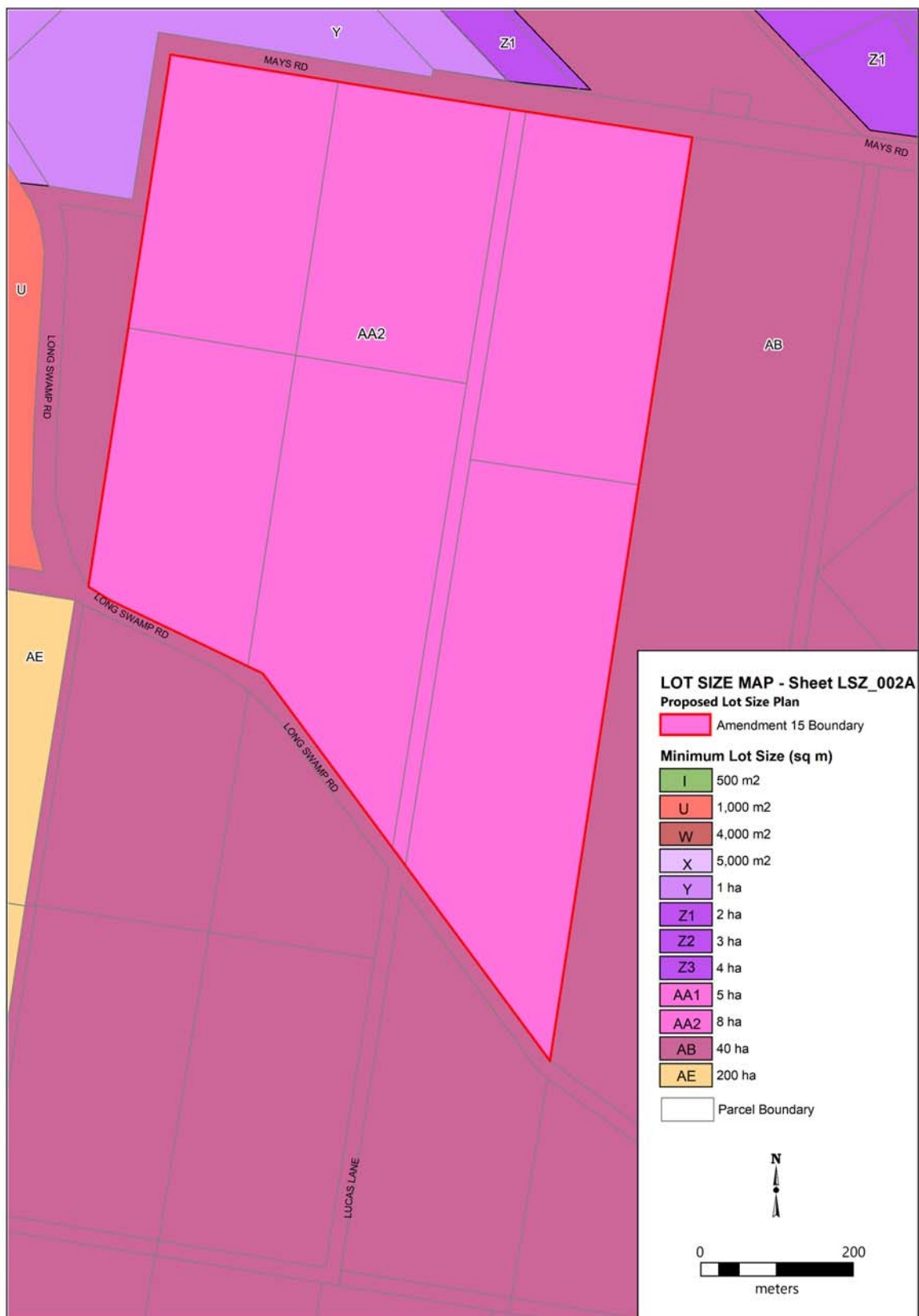


Figure 6. Proposed Minimum Lot Size Standards

ATTACHMENT 3: APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES

SEPP	Consistent	Comment
No. 44 Koala Habitat Protection	Yes	<p>State Environmental Planning Policy No.44 – Koala Habitat Protection (SEPP 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.</p> <p>SEPP 44 applies to development applications for sites that are over one hectare within local government areas listed under Schedule 1 of the policy. Armidale Regional LGA is listed under Schedule 1 of the policy, and the Site has an area of more than one hectare. A flora and fauna assessment of the Site has not been undertaken and the scattered trees located on the Site may constitute potential or core koala habitat. The planning proposal is not inconsistent with this SEPP.</p>
No. 55 Remediation of Land	Yes	<p>SEPP No. 55 introduces State-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, prepared Managing Land Contamination: Planning Guidelines.</p> <p>Clause 6 of the SEPP requires contamination and remediation to be considered in a zoning or rezoning proposal.</p> <p>The Planning Proposal has triggered the requirement for a contaminated land investigation to be undertaken due to the historic and current use of the site for agricultural purposes, which is considered a potentially contaminating activity. The Phase 1 Preliminary Site Investigation (PSI) identified potentially contaminating activities including a possible sheep spray race, shearing shed and storage areas associated with the farm sheds and dwelling. As a result a detailed investigation was undertaken.</p> <p>Phase 2 investigations further confirm the contamination status and recommend a Remediation Action Plan (RAP) be implemented to remediate the identified arsenic, lead and dieldrin impacted soils to make the site suitable for the proposed residential use.. The remediation is defined as Category 2 under SEPP No. 55, which requires that all remediation work must be carried out in accordance with the</p>

		<p>contaminated land planning guidelines.</p> <p>Phase 3 - Remediation Action Plan (RAP) outlines the remedial strategy. <i>'The selected remedial strategy is off-site disposal of contaminated soil to a licensed landfill facility. Soils will be excavated from the remediation areas, stockpiled on-site for waste classification sampling, and disposed to the appropriate facility based on the confirmed classification.'</i></p> <p>The proposed remedial actions are outlined in part 7 of the RAP (dated 1 July 2020). It is intended to backfill remedial excavations with validated soils or on-site soils sourced from outside the remediation areas. All excavation works during remediation will be supervised by an appropriately qualified consultant with validation sampling and analysis being conducted within the remediation areas to demonstrate that the contaminated materials have been removed and that site has been remediated to a standard suitable for the proposed use.</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.</p> <p>The SEPP deals with the permissibility of signage and matters for consideration when assessing DAs. In terms of permissibility building identification signs and business identification signs are permitted with consent in the RU4 zone and advertising structures are prohibited.</p> <p>The Planning Proposal is not inconsistent with this SEPP.</p>
Educational Establishments and Child Care Facilities 2017	Yes	<p>The SEPP includes provisions for the permissibility of educational establishments and child care facilities. Some types of these developments are permitted in the RU4 zone under the SEPP.</p> <p>The Planning Proposal is not inconsistent with this SEPP.</p>
Mining, Petroleum Production and Extractive Industries 2007	Yes	<p>This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State.</p> <p>The Policy establishes appropriate planning controls to encourage ecologically sustainable development. Mining and extractive industries are permitted with development consent under the SEPP and on land in the RU4 zone in LEP 2012.</p> <p>The Planning Proposal is not inconsistent with this SEPP.</p>
Infrastructure 2007	Yes	<p>This SEPP permits certain public authority infrastructure and services in the RU4 zone provided specific development standards and criteria are met.</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:</p> <ul style="list-style-type: none"> (a) providing exempt and complying development codes that have State-wide application, and (b) identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for

		<p>development consent, and</p> <p>(c) identifying, in the Rural Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Environmental Planning and Assessment Act 1979, and</p> <p>(d) enabling the progressive extension of the types of development in this Policy, and</p> <p>(e) providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.</p> <p>Under the Rural Housing and Inland Housing Codes in the SEPP single and two storey dwelling houses are complying development, subject to satisfying the relevant complying development standards and conditions. One of the standards is that the lot on which a dwelling house is to be erected must be not less than the lot size shown on the Lot Size map.</p>
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 considered to be State significant development, State significant infrastructure and critical State significant infrastructure (to be determined by the Minister or Minister's delegate).
Miscellaneous Consent Provision 2007	Yes	Part 2 of the SEPP applies to the council area and provides for the permissibility of erecting temporary structures.
Primary Production and Rural Development 2019	Yes	The aim of the SEPP is to facilitate the orderly and economic use and development of rural lands for rural and related purposes. This SEPP does not directly relate to the Planning Proposal, however it does provide some matters to be considered when assessing rural subdivisions and dwellings.

ATTACHMENT 4: APPLICABLE MINISTERIAL DIRECTIONS (SECTION 9.1 DIRECTIONS)

1. Employment and Resources

Direction	Consistent	Comments
1.2 Rural Zones	Yes	<p>The objective of this direction is to protect the agricultural production value of rural land. A planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone</p> <p>The planning proposal does not propose to rezone the Site.</p>
1.3 Mining, Petroleum Production and Extractive Industries	Yes	<p>The objective of this Direction is to ensure that the future mining and extraction of State or regionally significant mineral, petroleum and extractive resources are not compromised by inappropriate development.</p> <p>The Planning Proposal does not prohibit the mining of minerals, production of petroleum or winning or obtaining or extractive materials.</p> <p>No resources were identified on, or in the vicinity of the Site by the DPI Mineral Resources Audit undertaken by DPI Minerals in August 2012. It is considered that the Planning Proposal would not restrict the potential development of mineral resources.</p>

2. Environment and Heritage

Direction	Consistent	Comments
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 direction.</p>
2.4 Recreation Vehicle Areas	YES	<p>The Planning Proposal does not change the permissibility of recreation vehicle areas in 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
3.2 Caravan Parks and Manufactured Home Estates	YES	Caravan parks are prohibited in the RU4 zone 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. The Planning Proposal is considered to be consistent with this Direction.
3.3 Home Occupations	YES	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. The Planning Proposal is considered to be consistent with this direction.

4. Hazard and Risk

Direction	Consistent	Comments
4.4 Planning for Bushfire Protection	No.	The northern part of the Site is mapped as bushfire prone land buffer area. The Site is also in proximity to adjoining land to the north that is mapped as bushfire prone land. The direction requires council to consult with the Commissioner of the NSW Rural Fire Service (RFS) following receipt of a Gateway Determination and prior to undertaking community consultation and to take into account any comments provided. The Planning Proposal is not consistent with the direction until such time as council has consulted with the RFS and taken into account any comments provided.

5. Regional Planning

Direction	Consistent	Comments
5.10 Implementation of Regional Plans	No	The direction requires planning proposals to be consistent with a Regional Plan. <i>The New England North West Regional Plan 2036</i> was released by the Minister for Planning in August 2017. The planning proposal some minor inconsistencies with this plan. The inconsistencies relate to the site containing a bushfire affected land and the area of Biophysical Strategic Agricultural Land. These are considered to be matters that can be justified as per clause (5) of the direction as the matters are considered to be of minor significance, and the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of its vision, land use strategy, goals, directions or actions. The inconsistency resulting from the need to consider the potential for sites of Aboriginal significance can be addressed with the undertaking of an Aboriginal cultural heritage assessment.

6. Local Plan Making

Direction	Consistent	Comments
6.1 Approval and Referral Requirements	Yes	Clause (4) of the Direciton requires a planning proposal to minimise the inclusion of concurrence/consultation provisions and not identify development as designated development. This planning proposal is consistent with this direction as no such inclusions, or designation is proposed.
6.2 Reserving Land for Public Purposes	Yes	This Planning Proposal is consistent with this direction as it does not intend to create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	Yes	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The planning proposal is consistent with this direction as it is not intended to restrict development of the Site to a particular development proposal or impose any land use restrictions, development standards, or requirements in addition to those already contained in the RU4 zone.