



PLANNING PROPOSAL No. 7

10558 New England Highway and 19 Kia Ora Road, Armidale
(Lot 1 DP 1173995, Lot 1 DP 1195163 & Lot 14 DP 5188)

Prepared on behalf of the owner of 10558 New England Highway and 19 Kia-Ora Road,
Armidale by:

NEW ENGLAND SURVEYING & ENGINEERING
1/161 Rusden Street
Po Box 656
Armidale NSW 2350

as amended by Armidale Dumaresq Council.

SEPTEMBER 2015

Table of Contents

PART 1	OBJECTIVES OR INTENDED OUTCOMES	5
PART 2	EXPLANATION OF PROVISIONS	5
PART 3	JUSTIFICATION	6
	<i>Section A Need for the planning proposal.....</i>	<i>6</i>
Q1	Is the Planning Proposal a result of any strategic study or report?	6
Q2	Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	8
	<i>Section B Relationship to strategic planning framework.....</i>	<i>8</i>
Q3	Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?	8
Q4	Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?	11
Q5	Is the Planning Proposal consistent with applicable State Environmental Planning Policies?	11
Q6	Is the Planning Proposal consistent with applicable Ministerial Directions (s. 117 directions)?	12
	<i>Section C Environmental, social and economic impact</i>	<i>12</i>
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?	12
Q8	Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	14
Q9	How has the planning proposal adequately addressed any social and economic effects?	16
	<i>Section D State and Commonwealth interests</i>	<i>20</i>
Q10	Is there adequate public infrastructure for the planning proposal?	20
Q11	What are the views of State and Commonwealth Public Authorities consulted in accordance with the Gateway determination?	22
PART 4	MAPPING	23
PART 5	COMMUNITY CONSULTATION	23
PART 6	PROJECT TIMELINE	24

Appendices:

- Appendix A: Consideration of State Environmental Planning Policies
- Appendix B: Consideration of Section 117 Ministerial Directions

Attachments:

- Attachment 1 Current and Proposed Land Zoning Maps
- Attachment 2 Current and Proposed Lot Size Maps
- Attachment 3 Correspondence from Deputy Director General of the Department of Planning and Infrastructure approving Armidale Industrial Lands Study
- Attachment 4 Roads and Maritime Services correspondence to Council re: New England Highway (HW9) Armidale Airport Industrial Land, dated 23 June 2014
- Attachment 5 Rural Fire Service correspondence to Council re: Request for comment – Armidale Industrial Land Study 2012, dated 21 August 2012
- Attachment 6 Trade and Investment Resources and Energy correspondence to Council re: Armidale Industrial Land Study, dated 29 August 2012
- Attachment 7 Heritage Council correspondence to Council re: Consultation on Armidale Industrial Land Study, dated 28 August 2012
- Attachment 8 Office of Environment and Heritage correspondence to Council re: Armidale Industrial Lands Study, dated 28 August 2012
- Attachment 9 Office of Environment and Heritage correspondence to Council re: Pre-Gateway advice Airport East Site 10558 New England Highway and 19 Kia-Ora Road dated 23 March 2015.

Preliminary

Context and Background

This planning proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Infrastructure's "*A Guide to Preparing Planning Proposals*" (October 2012). The planning proposal seeks to amend the *Armidale Dumaresq Local Environmental Plan 2012* (LEP 2012) based on the recommendations of the *Armidale Industrial Land Study*, AECgroup, 2013 (AILS). The AILS is the planning strategy for industrial land in Armidale and has been approved by Council and the Department of Planning and Infrastructure.

This planning proposal implements the recommendation of the AILS to rezone land at 10558 New England Highway and 19 Kia-Ora Road, Armidale, comprising Lot 1 DP 1173995, Lot 1 DP 1195163 and Lot 14 DP 5188 (subject site) from RU4 Primary Production Small Lots to IN2 Light Industrial. The planning proposal also seeks to reduce the minimum lot size standard for the land from 40 hectares to 1,000m². The subject site is shown in Figure 1.

Figure 1: Site Plan



Source: <http://maps.six.nsw.gov.au/>

□ Subject Site

↑N

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of the planning proposal is to give effect to the *Armidale Industrial Land Study* (AECgroup, 2013) by enabling future subdivision of 10558 New England Highway and 19 Kia-Ora Road, Armidale, being Lot 1 DP 1173995, Lot 1 in DP 1195163 and Lot 14 in DP 5188 (the subject site) for the purposes of light industrial development.

The subject site is currently zoned RU4 Primary Production Small Lots (refer to Attachment 1) and has a minimum lot size standard of 40 hectares (refer to Attachment 2). It is proposed to rezone the land to IN2 Light Industrial and reduce the minimum lot size standard to 1,000m².

PART 2 - EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by making the following amendments to the Armidale Dumaresq Local Environmental Plan LEP 2012 (LEP 2012):

- a) zoning the subject site IN2 Light Industrial in accordance with the proposed Land Zoning Map shown at Attachment 1, and
- b) altering the lot size standard applying to the subject site to 1,000m² in accordance with the Lot Size Map shown at 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?

The planning proposal implements the outcomes of the *Armidale Industrial Land Study* (AECgroup, 2013) (AILS). The aim of the AILS is to assess the existing and future supply and demand for industrial land in Armidale to determine whether there is a need for additional industrial land releases. The Study provides recommendations on how to ensure an adequate supply of industrial land to meet demand for development and facilitate investment and employment opportunities.

The AILS found that there is a projected additional demand for between 50 and 87 hectares of industrial land in Armidale by 2036. Based on the assessment of the industrial market, the AILS identified that industrial land is required for the manufacturing; transport, warehousing and logistics; and building supplies and products industry sectors. The Study recommends that the release of industrial land supply lead demand by approximately 15 years in order to provide choice and sufficient land to be able to react quickly to changes in demand. Due to an identified undersupply of industrial land the AILS recommended that between 23 and 37 hectares of industrial land be released as soon as possible to meet demand over the short term. The proposed rezoning of the subject site will facilitate the release of land to meet short term demand.

The subject site is identified in the AILS as the Airport East Site (refer to Figure 2).

Figure 2: Airport East Site (Armidale Industrial Lands Study 2013)



Council owned land opposite the subject site on the New England Highway and south of the Armidale Regional Airport is identified in the AILS as the Airport Site (refer to Figure 3). The Airport Site has been zoned industrial since at least 2008 and is currently zoned IN2 under LEP 2012.

Figure 3: Airport Site (Armidale Industrial Lands Study 2013)



The AILS notes that there is an opportunity for council to share infrastructure costs with the owner/developer of the Airport East Site and that such a partnership would reduce the costs of both developments and improve the viability of the projects. The provision of infrastructure is considered further under Question 10 of this planning proposal.

The AILS was endorsed by the Deputy Director-General of the Department of Planning and Infrastructure (DP&I) on 19 April 2013. The DP&I approved the Study's recommendations with the exception of the proposal to allow bulky goods retailing at the subject site due to concerns about the adverse impacts of such activity on the operation of the New England Highway. The AILS final document was amended to reflect the DP&I advice and the recommended industrial zonings are summarized in Table 1 (p. 48).

Table 1: Future Industrial Land Proposals (Armidale Industrial Lands Study 2013)

Site	Size	Useable ¹	Zoning
Airport Site	66.5 ha	35.3 ha	IN2
Airport East Site	53.6 ha	53.6 ha	IN2
West Armidale Expansion - West	19.3 ha	3.4 ha	IN2 ²
Existing West Armidale Precinct	Existing	Existing	IN2 ²
Acacia Park North Extension	TBD	TBD	IN1
Total	139.4 ha	92.3 ha	

¹ Preliminary estimate based on previous flood studies and topographical maps.

² With LEP provisions to allow for bulky good retailing with consent.

In terms of timing, the AILS notes that "the shortage of industrial land in Armidale is constraining economic growth and new land is required to facilitate investment by new and existing businesses. The rezoning of land can take considerable time and it is recommended that the

Planning Proposal No. 7

process is initiated in the near future in order to address the supply shortages as soon as possible” (p.47).

The recommended industrial zonings in Table 1 have been implemented except for the Airport East Site and the Acacia Park North Extension. This planning proposal seeks to implement the recommended IN2 zoning for the Airport East site.

To facilitate implementation of the Study’s recommendations the planning proposal also seeks to reduce the minimum lot size standard for the subject site to 1,000m², which is consistent with the lot size standard applying to other industrially zoned land in Armidale.

In endorsing the AILS the Deputy Director-General of the DP&I noted “that the NSW Heritage Council, NSW Roads and Maritime Services and the NSW Office of Environment and Heritage have all raised issues that require resolution as part of any Planning Proposal for the rezoning of the land at the Airport East Site to industrial. Any future Planning Proposal to rezone the Airport East Site will need to address these issues”. A copy of the letter from the Deputy Director-General of the DP&I is included in Attachment 3. The issues raised by the government agencies referred to in the letter have been considered in the relevant sections of this planning proposal.

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

The planning proposal is considered to be the only means of achieving the objectives or intended outcomes. The AILS has identified the site as future industrial lands and recommended that the land be zoned IN2. The planning proposal seeks to implement this recommendation by rezoning the subject site to IN2 and reducing the minimum lot size standard to 1,000m².

Section B. Relationship to strategic planning framework.

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The *New England North West Strategic Regional Land Use Plan 2012* (SRLUP) represents the NSW State Government's proposed framework to support growth, protect the environment and respond to competing land uses, whilst preserving key regional values over the next 20 years. It includes a particular focus on protection of agricultural land and the recent growth of mining activities and emergence of the coal seam gas industry.

Actions in the SRLUP where local councils are the lead agencies and are relevant to this planning proposal are discussed below:

Balancing Agriculture and Resources Development. Action 3.3: Include appropriate zonings and provisions in local environmental plans to protect agricultural land including, as a minimum, mapped strategic agricultural land.

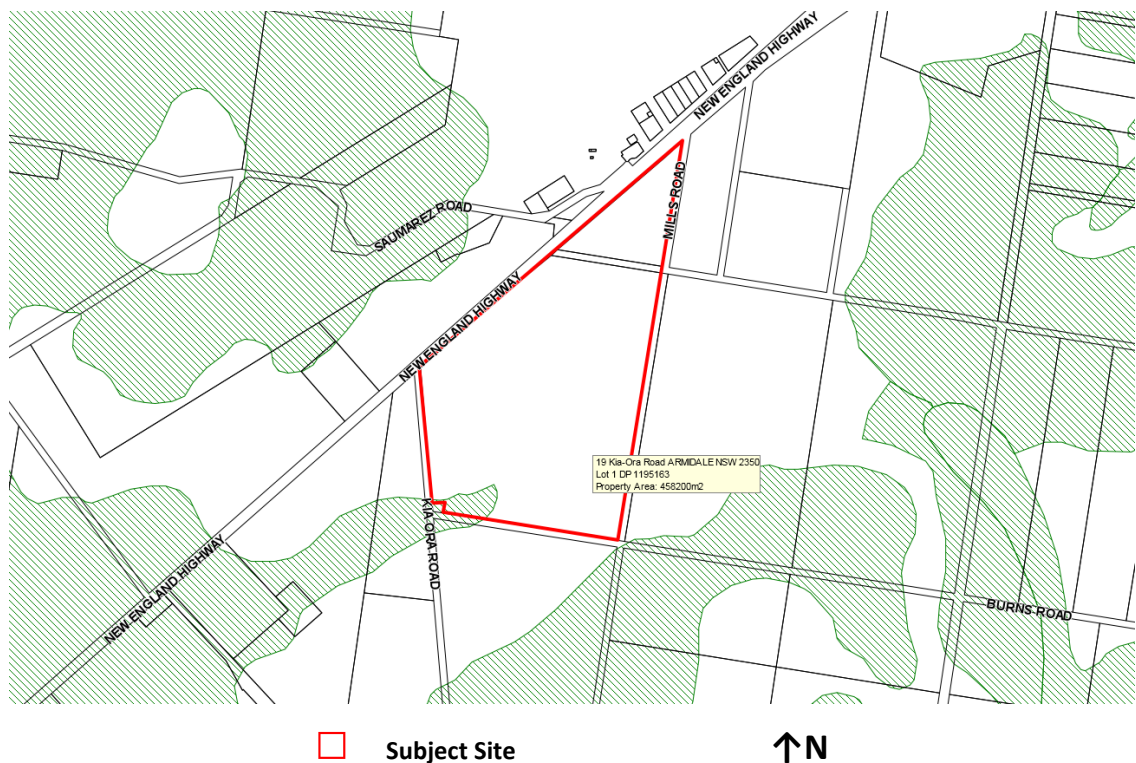
The planning proposal rezones the subject site from RU4 to IN2. The subject site has a small portion of land in the south western corner that is mapped as strategic agricultural land in the SRLUP, based on its estimated moderately high fertility and land soil capability class III (see Figure 4). This portion of land is approximately 8,400m².

Planning Proposal No. 7

Although the planning proposal intends zoning strategic agricultural land on the subject site from RU4 to IN2, this is considered to be justified for the following reasons:

- The area of strategic agricultural land on the subject site is relatively small (8,400m²) and is unlikely to support a viable agricultural activity.
- Ownership of the land is not contiguous with other strategic agricultural land in the locality and this, along with its size, is unlikely to be consolidated to form a viable agricultural parcel of land.
- With the proposed IN2 zoning of the remainder of the subject site there may be potential land use conflict between industrial and agricultural activities if that part of the subject site identified as strategic agricultural land were to retain its current RU4 zoning.
- The area of the land is relatively small and the proposed rezoning is unlikely to have a significant impact on the supply of strategic agricultural land around Armidale.

Figure 4: Strategic Agricultural Land (New England North West Strategic Regional Land Use Plan 2012)



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

The SRLUP (p.34) identifies the New England Highway as a key existing infrastructure resource that forms part of the National Land Transport Network. It performs a vital role in servicing key centres such as Tamworth and Armidale and provides a means of regional freight distribution and an important north-south spine which connects with other state roads.

Planning Proposal No. 7

Future industrial development of the subject site and council's Airport Site will include construction of a roundabout on the New England Highway to ensure road safety and provide access to the industrial areas, including access for heavy vehicles.

Infrastructure to the subject site, including reticulated water supply and sewer and high speed internet, has been recently constructed by Council. This infrastructure has been designed with sufficient capacity for future development of the subject site for industrial land uses.

Economic Development and Employment. Action 5.1: Local Councils are to prepare local strategies to identify an adequate supply of appropriately located commercial and industrial land in order to meet local demand.

Council's local strategy for industrial land is the AILS. The Study (pp 32-33) identifies the subject site as suited for light industrial uses given its location away from residential land uses, close proximity to the New England Highway and Armidale Regional Airport and the availability of appropriate utility infrastructure.

The planning proposal implements the release of new industrial land as identified in the AILS.

Economic Development and Employment. Action 5.2: Local Councils will zone land through their local environmental plans to ensure an adequate supply of employment land.

The proposed rezoning of the subject site to IN2 is based on the recommendations of the AILS which found that there is a projected additional demand for between 50 and 87 hectares of industrial land in Armidale by 2036. To satisfy this projected demand, the AILS identified future industrial areas, including the subject site. Rezoning the subject site to IN2 will ensure an adequate supply of employment land in Armidale into the future.

The SRLUP (p. 45) indicates that emerging industries can be supported by ensuring an adequate supply of employment land and that economic diversification is vital to building the resilience and long term strength of regional communities. The subject site has direct access to the National Land Transport Network and is located approximately half way between Sydney and Brisbane. The rezoning of the subject site to IN2 could facilitate the establishment of new transport orientated business opportunities and a new role for Armidale as part of state and national distribution operations.

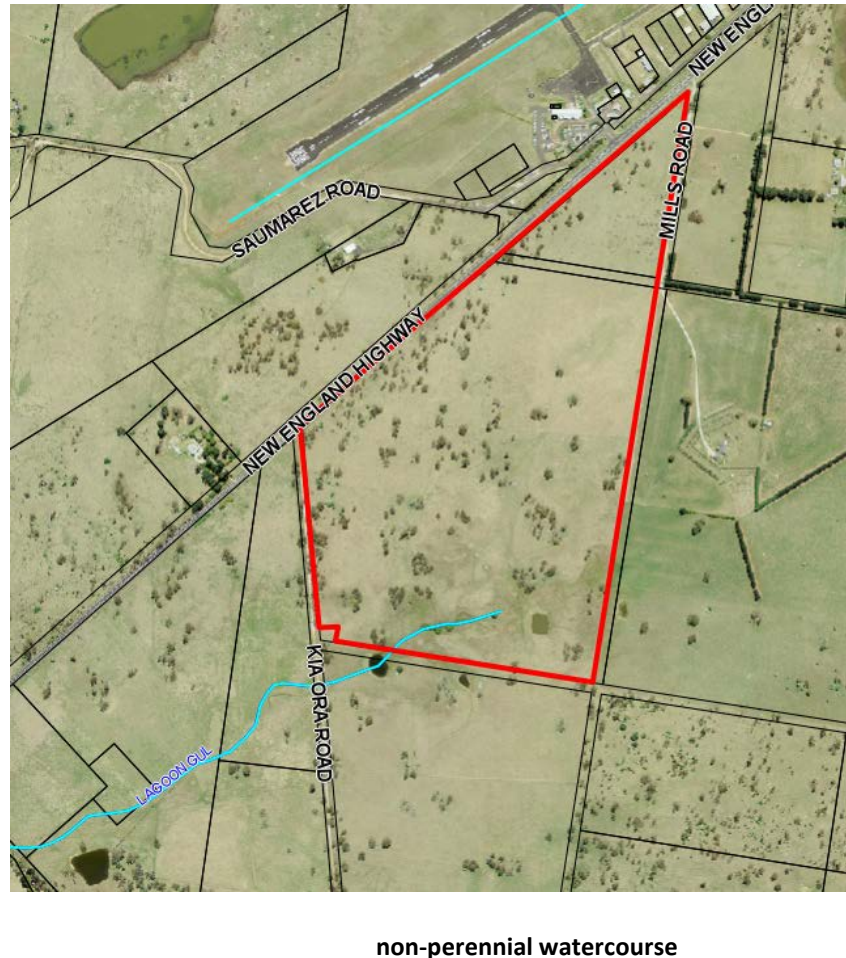
Natural hazards and climate change. Action 9.1: Ensure that LEPs zone areas subject to natural hazards appropriately to reflect the risks associated with the hazard and limitations of the land.

There is a non-perennial watercourse, Lagoon Gully, across the southern part of the subject site (refer to Figure 5). This gully is not included in any flood studies prepared by council. While the extent of any flooding is unknown it is unlikely to be a significant constraint to the proposed rezoning. Any potential flooding associated with the gully could be considered at the development application stage for future development on the subject site.

The subject site is not identified as bush fire prone land on Council's Bushfire Prone Land map certified by the Commissioner of the Rural Fire Service. The nearest bushfire prone land is approximately 455 metres to the south of the subject site.

Further details on flooding and bushfire hazard are provided in Question 8 of the planning proposal.

Figure 5: Watercourses on subject site



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

The *New England Development Strategy 2010* (NEDS) has been prepared to identify land use planning objectives and strategies to guide growth and change in the Armidale Dumaresq, Guyra Shire, Uralla Shire and Walcha local government areas. The Strategy has been adopted by the four Councils and was endorsed by the Director-General of the DP&I on 16 March 2010.

The NEDS' zoning recommendation for industrial land provision in Armidale Dumaresq is to incorporate the findings and recommendations of the then commissioned bulky goods retail and industrial lands study for Armidale into the Draft Standard Instrument LEP (p. 39). The *Armidale Bulky Goods Retail and Industrial Lands Study* (SGS Economics and Planning, 2010) has been subsequently replaced by the AILS. This planning proposal seeks to implement the recommendations of the AILS.

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

Consideration of the whether the planning proposal is consistent with applicable SEPPs is in Appendix A.

The planning proposal is considered to be consistent with applicable state environmental planning policies (SEPPs) except for SEPP No. 64 *Advertising and Signage*. Clause 31 of the SEPP provides that council should consult with the RMS where a draft LEP makes provision for advertising within 250 metres of a classified road. Rezoning the site to IN2 will permit advertising on the subject site

Planning Proposal No. 7

which has frontage to the New England Highway. The planning proposal recommends that the RMS be consulted, subject to a Gateway determination.

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

Consideration of the whether the planning proposal is consistent with applicable section 117 directions is in Appendix B.

The planning proposal is considered to be consistent with applicable section 117 directions, or justified where there is an inconsistency, except for the following:

- *3.5 Development Near Licensed Aerodromes* – to address the inconsistency the planning proposal recommends that the Commonwealth Department responsible for licensed aerodromes be consulted
- *4.4 Planning for Bushfire Protection* - to address the inconsistency the planning proposal recommends that the NSW Rural Fire Service be consulted

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?

In approving the AILS, the Deputy Director of the DP&I noted that the NSW Office of Environment and Heritage (OEH) had raised issues that required resolution as part of any planning proposal for rezoning of the subject site. The OEH recommended that prior to any decision to increase intensification of land uses in areas containing native vegetation and/or areas where there has been low soil disturbance, investigations are conducted to ascertain implications on flora and fauna. A copy of the OEH letter is in Attachment 8.

Pre-Gateway advice was also received from the OEH (a copy of which is included in Attachment 9) that advised the subject site has the potential to contain a number of high conservation value biodiversity attributes, including:

- Ribbon Gum-Mountain White Gum-Snow Gum endangered ecological community (EEC) and/or White Box-Yellow Box-Blakely's Red Gum Woodland EEC.
- Scattered trees that may contain hollows and habitat for hollow-dependent fauna species, including threatened species of microbats, arboreal mammals and possibly birds.
- Koala habitat, including preferred Koala feed tree species.

OEH advised that it is important for the planning proposal to accurately identify these potential constraints and plan for their avoidance, protection and/or management.

No critical habitat will be adversely affected as a result of the planning proposal.

An *Existing Biodiversity Report* (the Report) for the subject site has been prepared by SLR Consulting Australia Pty Ltd (18 September 2015) and submitted for the planning proposal. The Report was based on a one-day ecological survey of the subject site and surrounds carried out on 3 June 2015 and a desktop review of available information and design plans available at the time of preparing the Report.

The following summarises the main findings of the Report regarding the likelihood of threatened species, populations or EECs being adversely affected as a result of the planning proposal.

Planning Proposal No. 7

The Report (p. 6) concluded that “the only threatened species of flora that could possibly occur on the site is Bluegrass *Dichanthium setosum*, which has been recorded nearby”. The Report identified only one EEC, the Ribbon Gum-Mountain Gum-Snow Gum Grassy Forest/Woodland of the New England Tableland Bioregion EEC as possibly being on the subject site. The Report (p. 8) notes that “further detailed surveys during spring (when the majority of ground cover species would be flowering) would be required to identify more characteristic species of this EEC”.

The Report considered that five threatened fauna species which have been recorded nearby are likely to utilize the subject site. The survey did not observe any threatened fauna species, nor any particularly suitable habitat for those species on the subject site. The Report notes (p. 7) that “local populations of these species, if present in the locality, are not likely to rely on the subject site for survival, given the extent, type and condition of the habitats and resources available for native fauna on the site”. The Report notes (p.9) that due to the site’s poor condition, it is considered to provide potentially suitable habitat for only more mobile and wide ranging species which may be present occasionally (e.g. threatened bats and birds).

In relation to threatened species, populations or communities the Report concludes (p. 9):

- Threatened species
No threatened species, populations or communities were detected on the subject site. There is some possibility that individuals of a few of the locally occurring threatened species (e.g. Bluegrass and mobile fauna such as threatened bats and birds) could be detected at the subject site during more detailed ecology work at the development application stage, though given the current condition of the site this is not likely. Nonetheless additional flora and fauna surveys are recommended to inform any future development application for the site.
- Endangered populations
There are no endangered populations listed as occurring in the locality and none that are likely to occur.
- Threatened ecological communities
There is some evidence that some of the small patches of woodland recorded on the subject site constitute a very small and degraded occurrence of one EEC, namely the Ribbon Gum-Mountain Gum-Snow Gum Grassy Woodland which is listed as endangered under the *Threatened Species Conservation Act 1995*. However, these patches are of limited ecological value as they are subject to weed invasion, are of small size and have limited connectivity in the landscape to other patches of woodland.

The Report (pp. 10-13) includes an assessment of significance under section 5A of the *Environmental Planning and Assessment Act 1979* in relation to potential impacts of the planning proposal on the Ribbon Gum-Mountain Gum-Snow Gum Grassy Woodland EEC. As the extent of clearing for future industrial development is currently unknown the Report adopts a conservative approach and assumes that the proposed rezoning to industrial purposes will require clearing of all native vegetation on the subject site. The Report concludes (p. 13) “the proposal is not “likely” to impose a “significant effect” upon Ribbon Gum-Mountain Gum-Snow Gum Grassy Woodland EEC, pursuant to Section 5A of the EP&A Act”.

The Report (p. 15) concludes, based on the evidence collected to date, that the proposed rezoning of the subject site to IN2 is not constrained by the existing biodiversity on the site. However, the Report notes that the presence or absence (or likelihood of occurrence) of threatened species on the site will need to be confirmed with more detailed field surveys as part

of any future development application. The Report (pp. 15-16) also recommends amelioration and environmental management measures would be anticipated at the development application stage to address minor impacts that could ensue on the natural environment from the rezoning of the subject site. These measures include flora and fauna survey work, such as detailed mapping of any native grassland, targeted searches for Bluegrass (in the summer months), as well as a fauna survey program to search for evidence of use of the site, in particular by bats and birds.

Other matters in the Report relating to the Pre-Gateway advice from the OEH include:

- Most live canopy trees on the subject site do not contain hollows, although a handful of hollow bearing trees were mapped during the survey. There are also several dead trees present across the site, some of which contain hollows, but most do not.
- One tree species, the Ribbon Gum *Eucalyptus viminalis*, which is listed as a feed tree under *State Environmental Planning Policy (SEPP) No 44 – Koala Habitat*, was recorded on the subject site. While the site constitutes 'potential koala habitat' it is not considered to be 'core koala habitat' under the SEPP as there was no evidence of use of the site by the Koala.

Based on the conclusions of the Report and its recommended amelioration and environmental management measures, it is recommended that further detailed flora and fauna surveys be undertaken as part of the Gateway determination or otherwise with a future development application for subdivision of the subject site. It is also recommended that OEH be consulted in relation to the planning proposal and the Report.

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

Flooding

There is a non-perennial watercourse, Lagoon Gully, which begins at a dam in the southeastern corner of the subject site, flowing west to a small dam outside the site, then continuing through agricultural land for approximately 3 kilometres until reaching Saumarez Creek. The gully does not form a creek with true bed and banks.

Lagoon Gully is not included in any flood studies prepared by council. While the extent of any flooding is unknown it is very unlikely to be a significant constraint to the proposed rezoning. Any potential flooding associated with the gully could be considered as part of future development applications for proposals on the subject site.

Bushfire hazard

The subject site is not identified as bush fire prone land on Council's Bush Fire Prone Land Map, certified by the Commissioner of the NSW Rural Fire Service. The southern boundary of the subject site is approximately 455 metres from Bush Fire Prone Land located to the south.

In its comments on the AILS the NSW Rural Fire Service (RFS) advised that rezoning of land for industrial purposes should assess the impact of bush fire and any bush fire prevention measures that will need to be adopted to achieve the requirements of bush fire legislation and guidelines, noting that grasslands are considered a bush fire hazard. A copy of the RFS correspondence is included in Attachment 5.

Planning Proposal No. 7

It is recommended that the planning proposal be referred to the RFS given the Service's comments on the AILS and to comply with Section 117 Direction 4.4 *Planning for Bushfire Protection*.

Landslip

The site is relatively flat and does not have topographical features that are likely to create a landslip risk. A detailed geotechnical assessment can be considered at the development stage.

Environmental effects

The likely environmental effects of the planning proposal and proposed management controls are as follows:

- Water quality impacts - future development will require servicing by reticulated sewage and storm water drainage systems. These can be designed to prevent any adverse impacts in the surrounding locality. These matters are managed at the development application stage.
- Sedimentation and waste management – future development will require sediment/erosion controls and waste management plans. These matters are managed at the development application stage.
- Visual amenity at a 'gateway' to Armidale - development of the subject site for industrial purposes has the potential to have an adverse visual impact on the southern 'gateway' to Armidale. Chapter 5.2 *Industrial Development* of Armidale Development Control Plan 2012 (DCP 2012) provides guidelines (e.g. landscaping buffers, building setbacks and external materials) to reduce the visual impact of industrial development on the southern gateway to Armidale. The guidelines in DCP 2012 will apply to proposals subject of a development application. However, where a proposed industrial development is exempt or complying under *SEPP Exempt and Complying Development Codes 2008* the proposal will be subject to the provisions of the SEPP and not DCP 2012. Some exempt and complying development that may be carried out under the SEPP has the potential to have adverse visual impacts on the southern gateway, for example :
 - wall mounted business identification signs with an area up to 16m² are exempt development in industrial zones, subject to meeting relevant criteria.
 - new industrial buildings are complying development, subject to meeting relevant criteria. The criteria do not include the colour and type of all external building materials.

The design of any future subdivision of the subject site should take into consideration the visual impact on the southern gateway resulting from future industrial development on the land, including exempt and complying development, and provide measures to mitigate those impacts. Consideration should also be given to the visual impact of a proposed industrial subdivision on adjoining properties in the RU4 zone.

- Proximity to Armidale Regional Airport - The subject site is located within the 'Airport Buffer Area' identified on LEP 2012 Buffer Map. The effect of the planning proposal on the operation of the Airport can be managed at the development application stage when Clauses 6.3 and 6.4 of LEP 2012 would apply. These clauses are concerned with controlling the height of development and ensuring that development will not adversely affect the safe and effective operational environment of the Airport. The planning

proposal recommends that the Commonwealth Department responsible for licensed aerodromes be consulted, subject to a Gateway determination.

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

Aboriginal cultural heritage

In approving the AILS, the Deputy Director of the DP&I noted that the OEH had raised issues that required resolution as part of any planning proposal for the rezoning of the subject site. The OEH recommended that prior to any decision to increase intensification of land uses in areas containing native vegetation and/or areas where there has been low soil disturbance, investigations be conducted to ascertain implications on Aboriginal cultural heritage. A copy of the OEH letter is in Attachment 8.

Pre-Gateway advice was also received from the OEH which recommended that an Aboriginal cultural heritage assessment report be prepared in support of the planning proposal. A copy of the advice is provided in Attachment 9.

Council's records do not identify any known Aboriginal objects or Aboriginal places of heritage significance on the subject site. However, there is considered to be potential for Aboriginal objects or places to be present, given that part of the subject site has not been heavily modified by past or present land uses; the location of two known Aboriginal heritage sites within a kilometre of the subject site; and the presence of old growth trees and an ephemeral creek (Lagoon Gully) on the subject site. It is recommended that an Aboriginal cultural heritage assessment be undertaken either as a result of the Gateway Determination or as part of a future development application for the subject site.

European heritage items

There are no heritage items listed in LEP 2012 on the subject site. The subject site is located 1,876 metres north east of Saumarez Homestead. Saumarez Homestead is an item of state heritage significance and is listed on the State Heritage Register.

In approving the AILS, the Deputy Director of the DP&I noted that the NSW Heritage Council had raised issues that required resolution as part of any planning proposal for the rezoning of the subject site. The Heritage Council raised concerns that the proposed industrial rezoning of the subject site could potentially have adverse impacts on the view corridors both to and from Saumarez Homestead and the landscape curtilage. The Heritage Council recommended that a landscape analysis be undertaken that addresses significant views and vistas of Saumarez Homestead, the visual relationship with surrounding lands and the visual and physical impacts on the curtilage resulting from any future industrial development. A copy of the letter from the Heritage Council is in Attachment 7.

Pre-Gateway advice was also received from the OEH in relation to historic heritage. A copy of the advice is provided in Attachment 9.

Saumarez Homestead has an elevation of 1,043 metres. The subject site has an elevation ranging from 1,060 metres at the southern portion to 1,083 metres in the northern portion. A ridgeline with an elevation of 1,090 metres is located between the Homestead and the subject site. The ridge line runs north to south. The landscape between the subject site and Homestead consists of grassland with patches of eucalypt woodland. The subject site is not in the line of sight from Saumarez Homestead. This is illustrated in Figure 6, which shows the locality and contours. The

Planning Proposal No. 7

white dashed lines identify the points where the ridgeline protrudes above the ground level of the subject site, inhibiting views of the subject site from the Homestead.

Figure 6: Locality and contours



The Saumarez Homestead site also contains well established trees that form the boundary of its curtilage. These trees screen views from the Homestead to the north through to the east. As such, the landscape beyond the curtilage to the north and east is not visible from the Homestead.

It is considered, therefore, that development of the subject site will not impact on the views, vistas, curtilage or significant landscape elements contributing to the heritage significance of Saumarez Homestead.

Economic and social effects

The planning proposal relates to the provision of serviced industrial land on the urban fringe of Armidale. The planning proposal provides an opportunity to create more employment generating development. There are few vacant industrial sites in Armidale with direct access to the New England Highway and in close proximity to the Armidale Regional Airport. Given Armidale's location approximately half way between Sydney and Brisbane the location of this site could result in new transport orientated business opportunities for the region. In addition, the release of industrial land suitable for transport logistics services and other supporting industrial uses could provide diversified freight transport and storage options that support and benefit the existing retail sector in the Armidale region.

The proposed rezoning will promote an employment node and economic activity around Armidale Regional Airport. The proposed rezoning will contribute towards the following *Armidale Dumaresq Community Strategic Plan 2013-2028* objectives:

To have a strong and resilient local Economy

Targeted Outcomes

- Greater diversification of the local economic base.
- Available and affordable industrial land upon which to develop and expand business.
- Growth in industrial and retail businesses.
- Growth in population and service area.
- Reduction in economic leakage.

Strategic Goal

- Increase the net number and range of businesses.
- Industrial land developed and available for sale.
- Value of business has grown.
- Growth in population to 30,000 plus.
- To decrease economic leakage.

Enhance Employment Opportunities

Targeted Outcomes

- Reduce indigenous unemployment.
- Reduce youth unemployment.
- Increase the diversity and range of business/employers.
- Increase in number of and revenue of export industries.
- Regionalisation (Clustering) of some industries.

Strategic Goal

- Annually increase the diversification of business.
- Increase export revenue.
- To increase business networks through clustering.

The planning proposal also aligns with one of the key priorities of the Regional Development Australia Northern Inland Regional Plan 2010-15: Industry Diversification and Job Creation.

Key Economic effects –

The AILS provides an economic analysis and identifies the need to increase industrial land supply in the Armidale region to stimulate economic growth. The following lists the key findings and economic benefits for rezoning the subject site to IN2:

- An analysis of the market in Armidale indicates there is strong demand for industrial land based on community aspirations/economic growth targets, pent up demand and lack of current supply. A comparison of industrial properties for sale and rent in Armidale and several benchmark towns in regional NSW indicate that industrial land costs in Armidale are significantly higher than the average (AILS, piii).
- There is an estimated 17.5ha of vacant industrial land in Armidale that is suitable for industrial development. While it would appear that the 17.5ha of land should be sufficient to meet demand until 2016, the available land does not meet the requirements of businesses as supported by the existing market and consultation. Therefore, there is an existing undersupply of industrial land that is projected to increase over time to between 33-69ha by 2036 (AILS, piii).
- There is a need for additional industrial land to be released in Armidale over the next 25 years to meet projected demand. It is recommended that the release of industrial land supply lead demand by approximately 15 years in order to provide choice and sufficient land to be able to react quickly to changes in demand (AILS, pv).

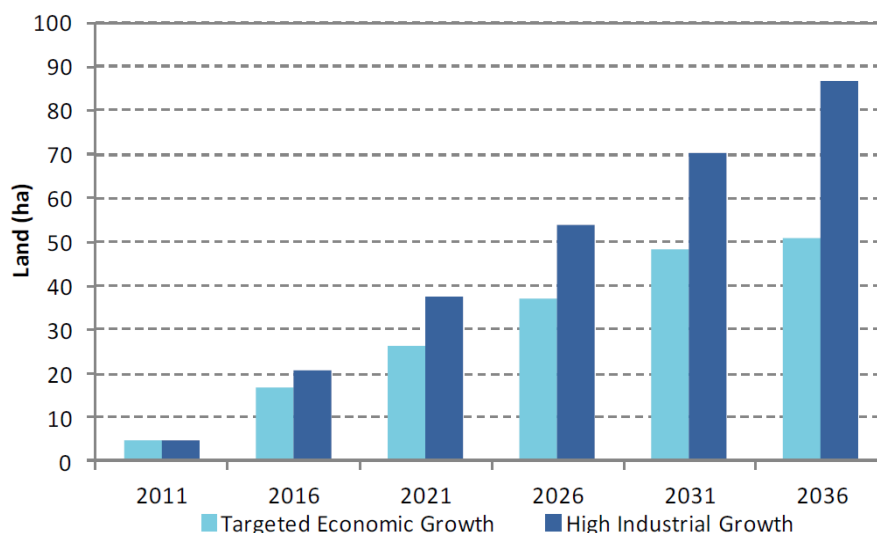
Planning Proposal No. 7

- With reference to the subject site (referred to as Airport East Site), it is recommended that the site be rezoned IN2 Light Industrial under the new Standard Instrument to create an industrial precinct around the airport. There is an opportunity for Council to share infrastructure costs with the owner/developer of the potential development. It is recommended that infrastructure provision be promoted in the short term so that the land is ready for development in the medium to long term (AILS, pv).
- The shortage of industrial land in Armidale is constraining economic growth and new land is required to facilitate investment by new and existing businesses. The rezoning of land can take considerable time and it is recommended that the process is initiated in the near future in order to address the supply shortages as soon as possible (AILS, pv).
- The AILS identifies the future industrial land proposals, which are shown in Table 1 (p. 7) of this planning proposal.

The Airport Site referred to in the AILS has been zoned for industrial purposes since at least 2008. Since the AILS was adopted in 2013, the West Armidale Expansion – West area has been rezoned to IN2 – Light Industrial.

Based on available and planned industrial land development over the next 10 years, there will potentially be 19.3ha of developed land available to the market. Figure 7 illustrates the industrial land requirements from 2011 to 2036. The demand is 26-38 hectares by 2021, 38-53 hectares by 2026 and 49-70 hectares by 2031. The planning proposal seeks to ensure a sufficient supply of industrially zoned land in Armidale.

Figure 7. Additional Industrial Land Demand (Armidale Industrial Lands Study 2013, p24)



Source: AECgroup

Key Social Effects –

Armidale has historically been a regional agricultural centre, but also has strong education and research sectors. In particular, Armidale's strength lies in education, agriculture, retail and professional services. Based on 2011 census data, the main industries that people work in are education and training (21.3%), health care and social assistance (13.5%), retail trade (12.8%), accommodation and food services (9.3%), professional, scientific and technical services (6.1%),

Planning Proposal No. 7

construction (5.9%), public administration and safety (5.5%), other services (3.6%) and agriculture, forestry and fishing (3.3%).

Armidale has a significantly lower proportion employed in the industrial sector than the New England region and NSW, with 7.8% employed in the sectors of manufacturing, wholesale trade and transport, postal and warehousing, compared to 14.5% in the New England region and 19.8% in NSW. Manufacturing only employed 3.3% of Armidale's workforce, followed by wholesale trade (2.6%) and transport, postal & warehouse services (2.0%) (AILS, p.8).

The rezoning of the subject site will release land for employment generating purposes, primarily in the industrial sector, and will support potential diversification of employment opportunities in the Armidale region.

Like many rural regions, Armidale is experiencing an ageing population. It is expected that providing more employment opportunities will increase the proportion of the population of working age and assist in reducing the social implications associated with ageing communities.

Section D. State and Commonwealth interests.

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

Road Access

In approving the AILS, the Deputy Director of the DP&I noted that the RMS had raised issues that required resolution as part of any planning proposal for the rezoning of the subject site. The RMS indicated that a traffic impact assessment was required to determine an appropriate access for the subject site and council's industrial Airport Site with the New England Highway.

The *Armidale Regional Airport Industrial Lands Vehicle Access Management Strategy Traffic Study* (GTA consultants, 2014) was prepared to assess various vehicle access options for future industrial development in the vicinity of the Armidale Regional Airport. The Study considered seven options that could provide access to the subject site, Armidale Regional Airport and Council's industrial Airport site. The RMS endorsed Option 3 of the Study as the appropriate vehicle access strategy for the Airport and future industrial lands (refer to Attachment 4). Option 3 is shown in Figure 8.

The proposed access to the New England Highway involves construction of a new roundabout on the highway as well as rationalisation of the existing intersections of Mills Road and Kia-Ora Road with the highway. Council and the owner of the subject site are proposing to enter into a Voluntary Planning Agreement (VPA) that shall include contributions towards the construction of the roundabout, closure of the two intersections of Kia Ora and Mills Road with the New England Highway and provide connection of these two roads back to the proposed roundabout. The draft VPA shall be publicly exhibited with the planning proposal as part of the community consultation.

Figure 8: Proposed access to New England Highway



Water and Sewer

Reticulated water and sewer infrastructure has recently been constructed to service the Armidale Regional Airport, the subject site, and Council's industrial Airport Site. This infrastructure has been designed with sufficient capacity to service future industrial development of the subject site as well as surrounding lands.

Council's Public Infrastructure Division has confirmed the infrastructure for the subject site has been constructed and designed with the capacity to service 184 equivalent tenements with an average lot size of 2,000m². The subdivision of the land will require the applicant to demonstrate that adequate water and sewer servicing is available to all lots in the subdivision as required by council's water and sewer servicing standards.

Telecommunications and Electricity

Power and NBN high speed internet infrastructure is available to the subject site. Council and the owner of the subject site propose to enter into a VPA that shall include contributions towards the cost of the NBN extension. The draft VPA shall be publicly exhibited with the planning proposal as part of the community consultation. Any required upgrades for power connections to the existing infrastructure can be provided at the time of subdivision.

Waste Management

Council has approval for a new regional landfill with capacity to serve current and projected domestic, commercial and industrial waste.

Planning Proposal No. 7

Public Transport

The Airport Precinct is not serviced by a designated bus service. An existing bus service travels past the subject site completing a round trip that departs from Uralla for Armidale at 8.50am and 3.50pm Monday to Friday. The local taxi service currently provides services to the Airport Precinct on a booking basis. Development of the subject site and Council's industrial Airport site will create a new employment hub and may require additional public transport infrastructure. Consultation with local bus operators to consider the provision of bus services and associated infrastructure would require consideration at the development application stage.

Social Infrastructure

Should future industrial development of the subject site increase job opportunities and contribute to population growth, Armidale is well serviced with social infrastructure including several public and private schools, University and TAFE College, a regional Hospital and other health support services.

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. The NSW Rural Fire Service is currently expanding its operations at the Airport Precinct.

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

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

State or Commonwealth agency	Need for referral
Roads and Maritime Services	Clause 31 of SEPP No. 64 – <i>Advertising and Signage</i>
Commonwealth Department responsible for licensed aerodromes	Section 117 Direction 3.5 <i>Development Near Licensed Aerodromes</i> .
NSW Rural Fire Service	Section 117 Direction 4.4 <i>Planning for Bushfire Protection</i> .
Office of Environment and Heritage, Department of Planning and Environment	• Flora and Fauna assessment – refer to Question 7 of the planning proposal • Aboriginal Cultural Heritage assessment – refer to Question 8 of the planning proposal.

Pre-Gateway advice from the NSW Office of Environment and Heritage was provided in relation to biodiversity, Aboriginal cultural heritage, historic heritage and flooding. A copy of the advice is provided in Attachment 9.

PART 4 - MAPPING

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

- | | |
|---------------------|---|
| Attachment 1 | Current and Proposed Land Zoning Map of subject site. |
| Attachment 2 | Current and Proposed Lot Size Map of subject site. |

PART 5 – COMMUNITY CONSULTATION

The community consultation proposed to be undertaken in relation to the planning proposal is:

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

It is also proposed to exhibit a draft voluntary planning agreement regarding the proposed road access to the New England Highway and the extension of the NBN (refer to Question 10 for details).

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 Table 2.

Table 2: Project timeline

Task	Anticipated Timeframe
Date of Gateway Determination	By 30 October 2015
Completion of technical information, studies if required	By 31 December 2015
Government Agency consultation, if required by Gateway Determination	By 31 January 2016
Any changes made to Planning Proposal resulting from technical studies and Government agency consultations. If required resubmit altered Planning Proposal to Gateway panel. Revised Gateway determination issued, if required.	by mid February 2016
Commencement and completion dates for public exhibition.	mid February to mid March 2016
Consideration of submissions and Planning Proposal post exhibition.	Council meeting at end of April 2016
Submission of the planning proposal to the Department of Planning and Environment to finalise the LEP amendment or Council adopts and makes the LEP amendment under its local plan making delegation.	May 2016

Appendix A: Consideration of State Environmental Planning Policies

SEPP	Consistent	Comment
SEPP No. 15 Rural Landsharing Communities	Yes	An aim of the SEPP is to encourage and facilitate the development of rural landsharing communities committed to environmentally sensitive and sustainable land use practices. Under the current RU4 zoning, rural landsharing communities are permitted with consent in accordance with the SEPP. This type of development would not be permissible under the proposed IN2 zoning. However, there has been a low demand for such types of development and there is sufficient rural or non-urban zoned land available in Armidale Dumaresq to accommodate any increase in demand.
SEPP No. 21 Caravan Parks	Yes	This SEPP requires development consent for caravan parks (including camping grounds) and subdivision of caravan parks for lease purposes where they are permitted in a zone. Uses to which this SEPP apply are not permissible in either the current RU4 zone or the proposed IN2 zone.
SEPP No. 30 Intensive Agriculture	Yes	The SEPP: • requires development consent for cattle feedlots and piggeries above thresholds specified in the Policy • includes mushroom composting facilities and works in the definition for a rural industry • identifies the matters that council must take into consideration when assessing development applications for cattle feedlots or piggeries. Intensive livestock agriculture is prohibited under both the current RU4 zone and proposed IN2 zoning.
SEPP No. 33 Hazardous and Offensive Development	Yes	Industries, other than rural and extractive industries, are prohibited in the RU4 zone. Under the proposed IN2 zoning light industries are permitted with consent. The aims of the SEPP include: • To render ineffective a provision of an LEP that prohibits a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in the Policy • To ensure that in determining whether a development is a hazardous or offensive industry any measures proposed to be employed to reduce the impact of the development are taken into account • To require advertising of applications to carry out any such development. The provisions of the SEPP will apply should a development application be submitted for a potentially hazardous or offensive industry or storage establishment.

SEPP	Consistent	Comment
No. 36 Manufactured Home Estates	Yes	The 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 both the current RU4 zone and proposed IN2 zone.
SEPP No. 44 Koala Habitat Protection	Yes	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. Under clause 15 of the SEPP council should survey the land within its area to identify areas of potential koala habitat and core habitat and include core koala habitat within an environmental protection zone or apply special LEP provisions to control development of that land. Council has not undertaken a survey of land in its area to identify areas of potential and core habitat and does not have special provisions in LEP 2012. However, where a planning proposal identifies core koala habitat on a site, consideration could be given to zoning that part of the site environment protection or introducing special LEP provisions. The <i>Existing Biodiversity Report</i> (SLR, September 2015) submitted with the planning proposal recorded one tree species (Ribbon Gum <i>Eucalyptus viminalis</i>) on the subject site that is listed as a feed tree under Schedule 2 of the SEPP. Ribbon Gum forms over 15% of the number of trees of the tree canopy present and, accordingly, the subject site would constitute ‘potential koala habitat’. The survey found no evidence of use of the subject site by the Koala, including recent scats, scratches in tree bark, calling males or females with young. The Report concludes that the subject site is not considered to constitute ‘core koala habitat’.
SEPP No. 55 Remediation of Land	Yes	SEPP No. 55 introduces State-wide planning controls for the remediation of contaminated land. Clause 6 of SEPP No. 55 provides for contamination and remediation to be considered in rezoning proposals. Where a rezoning will result in a change of use of the land, the following land is not to be included unless council has considered whether the land is contaminated and, if so, whether it requires remediation to be made suitable for any purpose permitted in the proposed zone: - Land that is within an investigation area declared under the <i>Contaminated Land Management Act 1997</i>. The subject site is not within an investigation area. - Land on which development for a purpose referred to in Table 1 of the <i>Managing Land Contamination: Planning</i>

Planning Proposal No. 7

		<i>Guidelines for SEPP No. 55</i> is being, or is known to have been carried out. No contaminating land uses as identified in Table 1 of <i>Managing Land Contamination Guidelines for SEPP No. 55</i> have been identified as occurring on the subject site. The extent to which it is proposed to carry out development on the land for residential, educational, recreational or child care purposes or for the purposes of a hospital. Under the proposed IN2 zoning residential accommodation, educational establishments, recreation areas and facilities (except for indoor facilities), child care centres and hospitals are prohibited. Note: the Standard Instrument LEP mandates that industrial training facilities are permitted with consent in the IN2 zone. The known historical use of the subject site has been for grazing. An inspection by the proponent did not reveal the remains of any potentially contaminating past activities. The property is not listed as a potentially contaminated site by council.
SEPP No. 62 Sustainable Aquaculture	Yes	The SEPP aims to encourage sustainable aquaculture in the State and amongst other matters makes aquaculture development permissible in certain zones under the Standard Instrument LEP. The permissibility of different types of aquaculture under the current and proposed zonings varies for pond based aquaculture, which is permitted in the RU4 zone and prohibited in IN2 zone.
SEPP No. 64 Advertising and Signage	No	SEPP No. 64 aims to improve the amenity of urban and natural settings by managing the impact of outdoor advertising. The policy responded to growing concerns from the community, the advertising industry and local government that existing controls and guidelines were not effective. The SEPP identifies different types of signs, their permissibility and matters for consideration when assessing development applications. Under LEP 2012 business and building identification signs are permitted in the RU4 and IN2 zones. Advertisements are prohibited in the RU4 zone but permitted in the IN2 zone. Under clause 31 of the SEPP, where a draft LEP makes provision for or with respect to signage or advertising within 250 metres of a classified road, council should consult with the RMS. The subject site has frontage to and is within 250 metres of the New England Highway which is a classified road under the Roads Act 1993. This planning proposal recommends that the RMS be consulted, subject to a Gateway determination.

SEPP	Consistent	Comment
SEPP Mining, Petroleum Production and Extractive Industries 2007	Yes	This SEPP provides for the management and development of mining, petroleum production and extractive resources. The SEPP identifies development that is permitted with or without consent as well as the procedures and matters for consideration in relation to development applications. The types of development that may be carried out with consent under the SEPP include the following: • underground mining on any land – therefore underground mining is permitted with consent under the current RU4 and proposed IN2 zoning. • mining where development for the purposes of agriculture or industry may be carried out – therefore mining is permitted with consent under the SEPP in the current RU4 zone (where agriculture is permitted) and the proposed IN2 zone (where industry is permitted). • extractive industry where development for the purposes of agriculture or industry may be carried out – therefore extractive industry is permitted with consent under the SEPP in the current RU4 zone (where agriculture is permitted) and the proposed IN2 zone (where industry is permitted). In relation to extractive industries, this type of development is prohibited in the IN2 zone under LEP 2012 although it is permitted under the SEPP. However, the SEPP prevails to the extent of any inconsistency with another environmental planning instrument.
SEPP Infrastructure 2007	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.
SEPP Rural Lands 2008	Yes	The aims of this policy include: • to facilitate the orderly and economic use and development of rural lands for rural and related purposes, • to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State. The SEPP includes matters to be considered in determining development applications for rural subdivisions or rural dwellings. Under section 117 of the Act, the Minister has directed that councils exercise their functions relating to LEPs in accordance with the Rural Planning Principles in the SEPP (refer to Appendix B in the planning proposal for further details).

Planning Proposal No. 7

SEPP	Consistent	Comment
SEPP Exempt and Complying Development Codes 2008	Yes	This policy aims to provide streamlined assessment processes for development that complies with specified development standards and includes: • exempt and complying development codes that have State-wide application, and • a Commercial and Industrial Alterations Code and a Commercial and Industrial (New Buildings and Additions) Code, which will apply to the subject site under the proposed IN2 zoning. The Codes identify types of complying development and allow the construction of new industrial buildings as well as alterations and additions to industrial buildings provided the development meets specified standards and criteria set out in the SEPP.
SEPP State and Regional Development 2011	Yes	This SEPP identifies regional development, State significant development and State significant infrastructure in NSW.

Appendix B: Consideration of Section 117 Ministerial Directions

The following assessment is provided of the consistency of the planning proposal with relevant Section 117 Directions applying to planning proposals lodged after 1st September 2009:

1. Employment and Resources

Direction	Consistent	Comment
1.1 Business and Industrial Zones	Yes	The planning proposal seeks to rezone the subject site to IN2. The planning proposal is considered to be consistent with the direction for the following reasons: • It will encourage employment growth in suitable locations • It does not apply to existing employment land in business and industrial zones • It will not detract from the viability of identified strategic centres • It does not alter the areas and locations of existing business and industrial zones • It does not propose to reduce the total potential floor space area for employment uses or industrial uses in business zones or industrial zones • It is consistent with the AILS, which was approved by the Deputy Director General of the DP&I in 2013.
1.2 Rural Zones	No (justified)	Clause 4(a) of the Direction requires that a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. The planning proposal seeks to rezone the subject site from RU4 to IN2 and is, therefore, inconsistent with the direction. Clause (5)(e) of the direction is considered to determine if the inconsistency is justified. The proposed rezoning is justified by the AILS which was approved by the Deputy Director General of the DP&I and identifies the subject site to be rezoned from RU4 to IN2 . However, the AILS does not give consideration to the objectives of the direction. The objective is to protect the agricultural production value of rural land. The subject site has been predominantly used for grazing. An area, approximately 8,400m², in the southwestern corner is identified as strategic agricultural land in the <i>New England North West Strategic Regional Land Use Plan</i>. However, due to its small area and the fragmented ownership of other strategic agricultural land nearby it is unlikely to be able to support a viable agricultural activity. The inconsistency is considered to be of minor significance and therefore justified.

Direction	Consistent	Comment
1.3 Mining, Petroleum Production and Extractive Industries	Yes	The planning proposal will not have the effect of prohibiting mining, petroleum production or extractive industries. Under SEPP Mining, Petroleum Production and Extractive Industries 2007, mining and extractive industries are permitted in the current RU4 and proposed IN2 zones. The planning proposal may restrict the potential development of mineral resources and extractive materials given the density and type of development permitted under the proposed IN2 zoning. In terms of whether there are resources of state or regional significance on the subject site, the Mineral Resources Audit of Armidale Dumaresq prepared by Geological Survey of NSW (Division of Resources and Industry, NSW Trade and Investment) does not identify the subject site or land in the locality as having an identified or potential resource or being located in a buffer zone or transition area. The subject site and land in the locality is not identified as being an area of partial assessment or not yet assessed on the mapping provided by GSNSW. NSW Trade and Investment – Resources & Energy were consulted on the AILS and advised that as the proposed industrial sites were urban, near urban or abut airport lands no significant issues arise that are of concern to their Mineral Resources Branch. A copy of the letter from NSW Trade and Investment – Resources & Energy is included in Attachment 6.
1.5 Rural Lands	No (justified)	This direction applies when a planning authority prepares a planning proposal that will affect land within an existing rural zone. Clause 4 of the direction requires that a planning proposal be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008. The planning proposal is not considered to be consistent with all of the Rural Planning Principles, for example principle (f) ‘the provision of opportunities for rural ifestyle, settlement and housing that contribute to the social and economic welfare of rural communities’. Clause (6)(a) of the direction is considered to determine if the inconsistency is justified. The proposed rezoning is consistent with the AILS which was approved by the Deputy Director General of the DP&I and identifies the subject site to be rezoned from RU4 to IN2 . However, the AILS does not give consideration to the objectives of the direction. The objectives of the direction are to: (a) Protect the agricultural production value of rural land. (b) Facilitate the orderly and economic development of rural lands for rural and related purposes. The subject site has been predominantly used for grazing. An area, approximately 8,400m², in the southwestern corner is identified as strategic agricultural land in the <i>New England North West Strategic Regional Land Use Plan</i>. However, due to its small area and the

		fragmented ownership of other strategic agricultural land nearby it is unlikely to be able to support a viable agricultural activity. The proposed rezoning to IN2 will facilitate the economic development of the subject site for rural related purposes that are permitted in the zone, for example animal boarding or training establishments, rural supplies, veterinary hospitals, agricultural produce industries, livestock processing industries, sawmill or log processing industries, stock and saleyards, liquid fuel depots, freight transport facilities and research stations. The inconsistency is considered to be of minor significance and therefore justified.
--	--	---

2. Environment and Heritage

Direction	Consistent	Comment
2.1 Environment Protection Zones	Yes	The objective of this direction is to protect and conserve environmentally sensitive areas. The direction requires a planning proposal to include provisions that facilitate the protection and conservation of environmentally sensitive areas. The <i>Existing Biodiversity Report</i> (SLR, 20415) has been submitted with the planning proposal. Based on the recommendations of this Report the planning proposal is consistent with the direction. However, the planning proposal recommends that further flora and fauna studies be required as part of a Gateway determination or at the development application stage for subdivision of the subject site. Should further flora and fauna studies carried out as part of the planning proposal identify environmentally sensitive areas on the subject site, then the current planning proposal may need to be changed to facilitate protection and conservation of these areas.
2.3 Heritage Conservation	Yes	The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and Aboriginal cultural heritage significance. 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. The subject site is not identified as a heritage item or being located within a heritage conservation area. The planning proposal recommends that an Aboriginal cultural heritage study be undertaken subject to a Gateway determination or at the development application stage.
2.4 Recreation Vehicle Areas	Yes	The planning proposal does not enable the subject site to be developed for the purpose of a recreation vehicle area, as recreation facilities (major and outdoor) are prohibited in the IN2 zone under LEP 2012.

3. Housing, Infrastructure and Urban Development

Direction	Consistent	Comment
3.2 Caravan Parks and Manufactured Home Estates	Yes	The planning proposal does not alter the permissibility of caravan parks and manufactured home estates under LEP 2012. Caravan parks are not permitted in either the current RU4 zone or the proposed IN2 zone.
3.3 Home Occupations	Yes	The planning proposal does not propose to alter the current provisions in LEP 2012 that permits home occupations to be carried out in dwelling houses without the need for development consent.
3.4 Integrating Land Use and Transport	Yes	Clause (4) of the Direction requires a planning proposal to locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for Planning and Development</i> (DUAP 2001) and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001). Transport choice means choosing how people travel – being able to choose whether to walk, cycle, use public transport or private cars. The relevant objectives of the direction for this planning proposal is to locate businesses which generate transport demand in locations that offer a choice of transport; increase opportunities for people to make fewer and shorter trips; and provide for the efficient movement of freight. The subject site is located on the urban fringe, approximately 6km from the Armidale Central Business District. Access is available by road. There are no existing pedestrian or designated cycleway links to the subject site. A bus service runs past the subject site between Uralla and Armidale. Taxi services are available between the Airport precinct and Armidale. The most convenient access currently available for future employees and clients is by private motor vehicle. Providing improved bus services and a cycleway link to the subject site is a matter that should be considered at the development application stage for industrial subdivision. <i>The Right Place for Business and Services</i> notes that industrial zones in urban fringe locations are suitable for businesses with significant freight movements and low employment densities. These types of uses are permitted in the IN2 zone and will benefit from their location with direct access to the New England Highway. Other potential businesses that are likely to benefit from locating on the subject site are those that will use air freight. DCP 2012 includes design guidelines for industrial development which along with the principles in the <i>The Right Place for Business and Services</i> can be considered at the development application stage for future subdivision of the subject site.

Direction	Consistent	Comment
3.5 Development Near Licensed Aerodromes	No	The northern part of the subject site is opposite Armidale Regional Airport on the New England Highway. All of the subject site is within 1 km of the Airport and is wholly located within the Airport Buffer as shown on the Airport Buffer Map for LEP 2012. Development of the subject site would be subject to the following existing provisions in LEP 2012: • Clause 6.3 <i>Airspace Operations</i>. While the clause does not set development standards such as height it does require the consent authority to consult with the relevant Commonwealth authority where a proposed development will penetrate the Obstacle Limitation or Operations Surface for the Airport. • Clause 6.5 <i>Development within a Designated Buffer</i>. The clause does not identify permissible development types that are compatible with the operation of an aerodrome. However the clause does require a consent authority to consider the following matters for development of land within the Airport Buffer: - The impact that any noise or other emissions associated with existing land uses would have on the proposed development - Any proposed measures incorporated into the development that would limit the impact of such noise and other emissions associated with the existing land use - Any opportunities to relocate the proposed development outside the land to which the clause applies - Whether the proposed development would adversely affect the safe and effective operational environment of the Armidale Regional Airport and any existing development that forms part of the facility. The subject site is not in an ANEF contour of 20 or greater. The planning proposal does not seek to permit development that will encroach above the Obstacle Limitation Surface for the Airport. Clause 4(a) of the direction requires consultation with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome where a planning proposal sets controls for the development of land in the vicinity of a licensed aerodrome. The planning proposal does not set controls that relate to the operation of the Airport, which are already covered by Clauses 6.3 and 6.5 of LEP 2012. However, the proposed rezoning of the subject site to IN2 will change the planning controls applying to the land with future industrial development being subject to relevant provisions in LEP 2012 and Development Control Plan 2012. In this respect the planning proposal is considered to be inconsistent with Clause 4(a) of the direction. It is recommended that the Department of the Commonwealth responsible for licensed aerodromes be consulted, subject to a Gateway determination. It is not necessary to consult with the lessee as Council owns the Armidale Regional Airport.

Planning Proposal No. 7

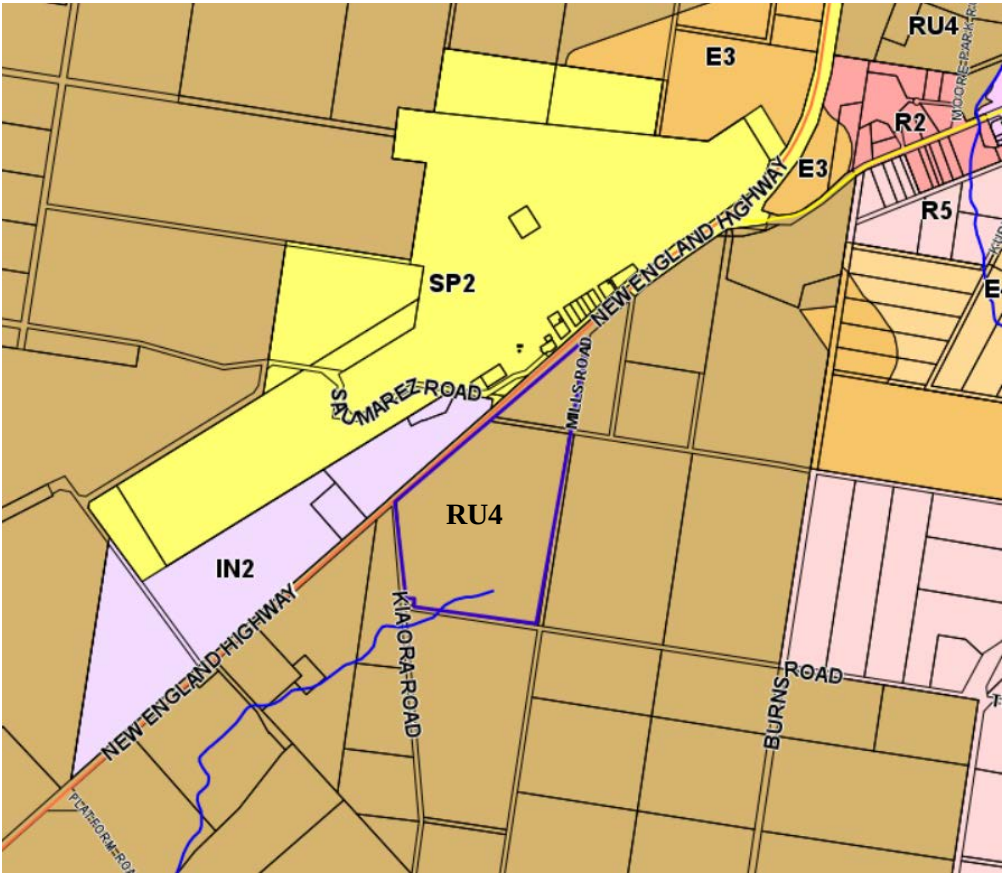
4. Hazard and Risk

Direction	Consistent	Comment
4.4 Planning for Bushfire Protection	No	The subject site is not identified as bush fire prone land on Council's Bushfire Prone Land map certified by the Commissioner of the Rural Fire Service. However, there is bushfire prone land in the vicinity being approximately 455 metres to the south of the subject site. The planning proposal is not considered to be consistent with clause (4) of the direction and it is recommended that the NSW Rural Fire Service be consulted regarding the planning proposal, subject to a Gateway determination.

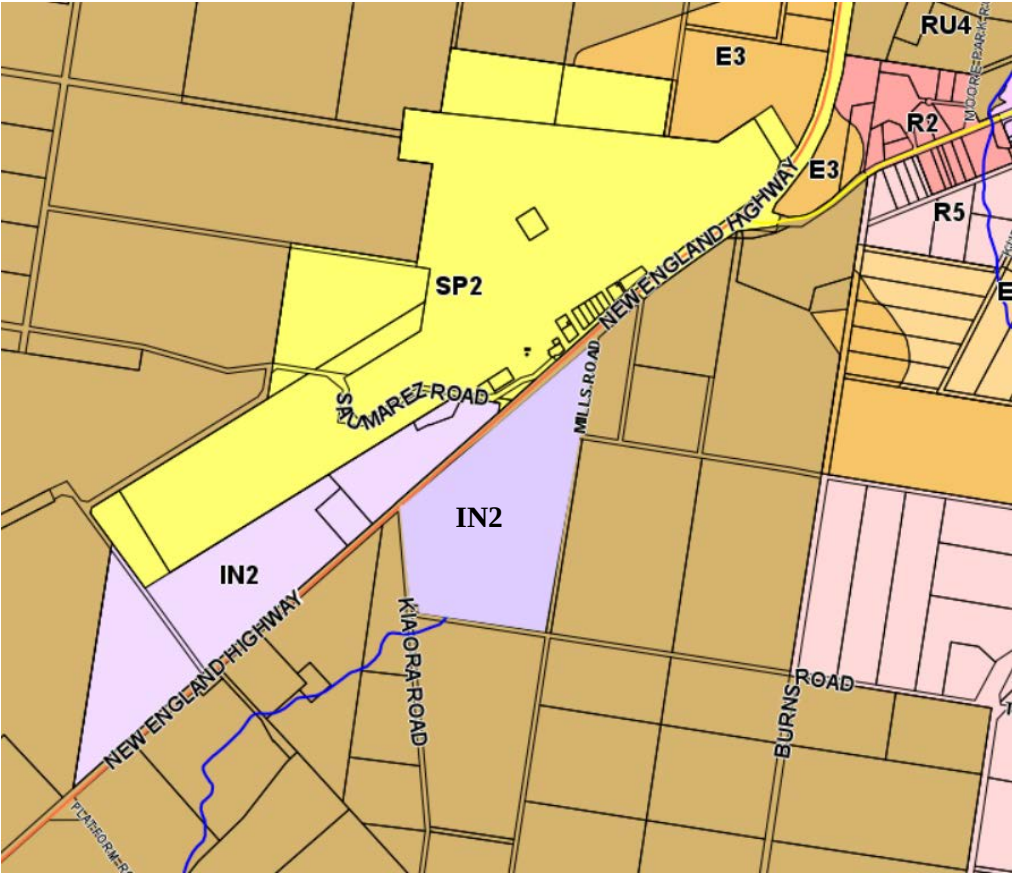
6. Local Plan Making

Direction	Consistent	Comment
6.1 Approval and Referral Requirements	Yes	Clause (4) of the Direction requires a planning proposal to minimise the inclusion of concurrence, consultation or referral provisions and not identify development as designated development. The planning proposal does not include any concurrence, consultation or referral provisions and does not identify development as designated development.
6.2 Reserving Land for Public Purposes	Yes	The planning proposal does not intend to create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	Yes	The planning proposal does not restrict development of the subject site to a particular development proposal and does not contain or refer to drawings that show details of a development proposal.

Attachment 1 Current and Proposed Land Zoning Maps



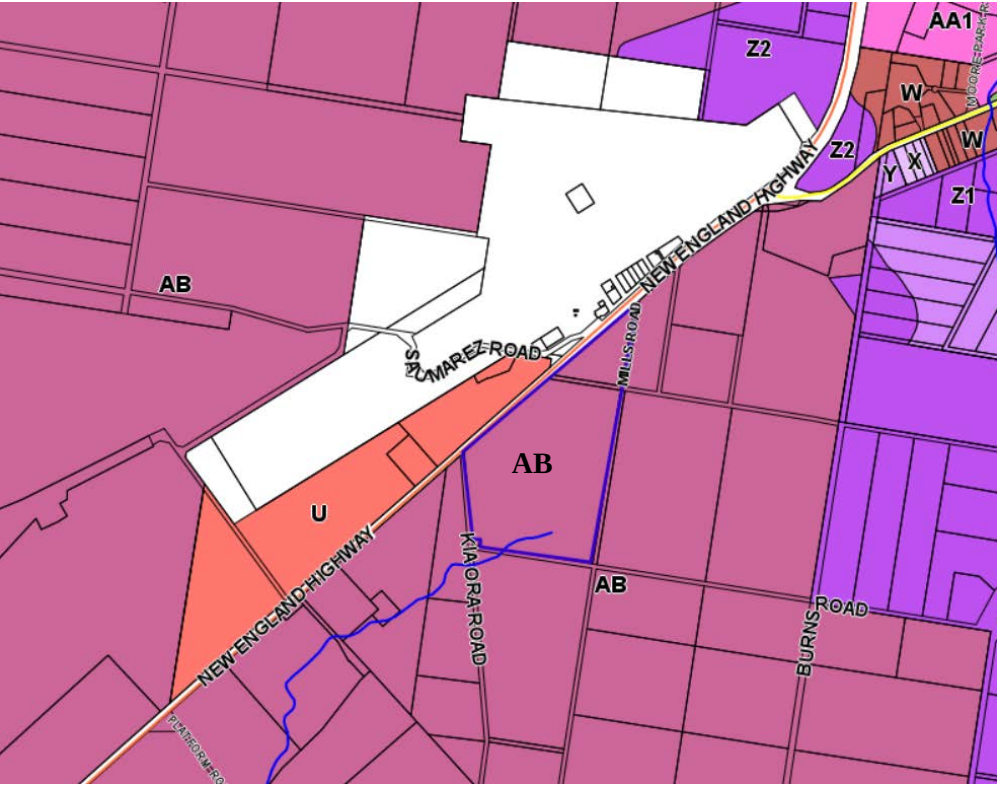
Current Zoning - RU4 Primary Production Small Lots



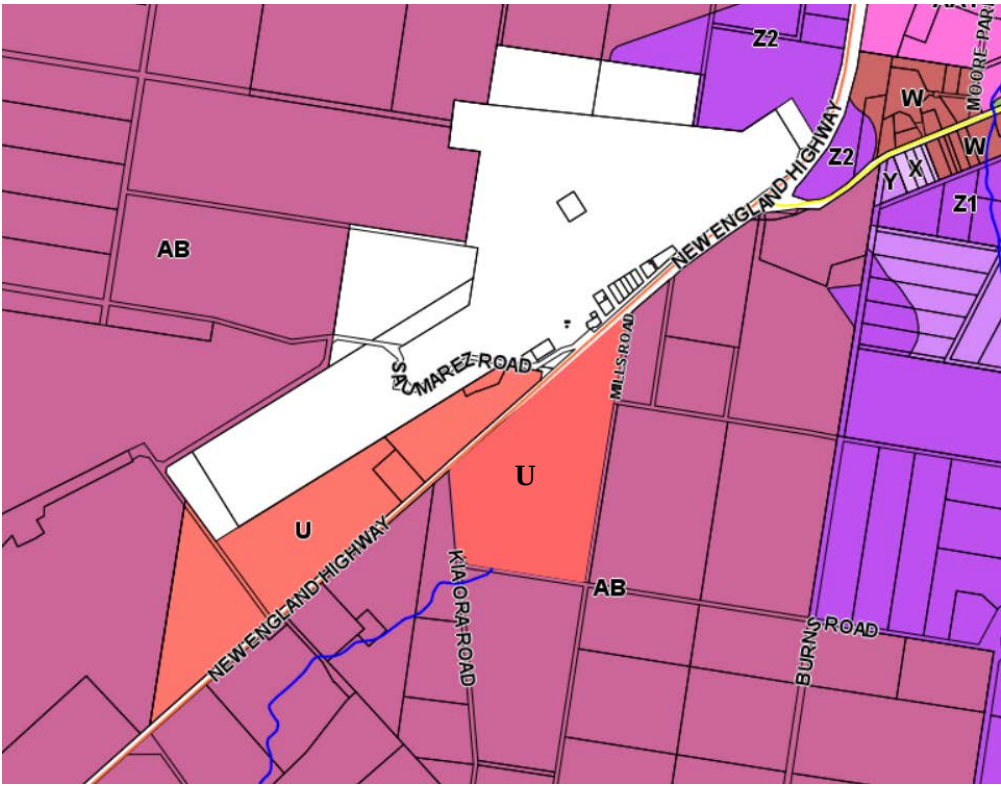
Proposed Zoning – IN2 Light Industrial

□ Subject Site ↑N

Attachment 2 Current and Proposed Lot Size Maps



Current Lot Size – RU4 Primary Production Small Lots



Proposed Lot Size – IN2 Light Industrial

□ Subject Site ↑N

Attachment 3 Copy of letter from Director General approving Armidale Industrial Lands Study



Mr Shane Burns
General Manager
Armidale Dumaresq Council
PO Box 75A
Armidale NSW 2350

10/14852

Dear Mr Burns

I refer to Council's letter seeking approval of the Armidale Industrial Lands Study 2012.

Following consideration of the Study, I am pleased to approve the Armidale Industrial Lands Study 2012 subject to the following.

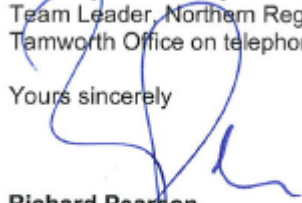
The additional future industrial land at the West Armidale Expansion and Airport East sites, and the allowance of bulky goods retailing within the West Armidale industrial area, as proposed by the Study is approved. The proposed bulky goods retailing at the Airport and Airport East sites is not approved due to the location and the potential adverse impacts that could occur to the operation and efficiency of the New England Highway. I understand that NSW Roads and Maritime Services has advised Council that it does not support bulky goods retailing at these sites. I note the advice in Council's letter dated 8 January 2013 that the owner of the Airport East site is not concerned in pursuing bulky goods retailing on the land.

In reviewing Council's correspondence it is also noted that the NSW Heritage Council, NSW Roads and Maritime Services and the NSW Office of Environment and Heritage have all raised issues that require resolution as part of any Planning Proposal for the rezoning of the land at the Airport East site to industrial. Any future Planning Proposal to rezone the Airport East site will need to address these issues.

Completion and approval of the Study will now enable Council to prepare a Planning Proposal that resolves the future planning provisions for the West Armidale industrial area. This will also allow the amendment of Armidale Dumaresq LEP 2012 to create a single LEP for the entire LGA. I look forward to Council progressing and finalising the upcoming Planning Proposal as soon as possible.

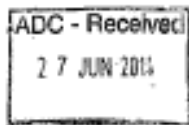
Should you have any further enquiries about this matter, I have arranged for Mr Craig Diss – Team Leader, Northern Region, to assist you. Mr Diss may be contacted at the Department's Tamworth Office on telephone number (02) 6701 9685.

Yours sincerely

 18/4/13
Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery

Bridge St Office 23-33 Bridge St Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney
Telephone: (02) 9228 6111 Facsimile: (02) 9228 6191 Website planning.nsw.gov.au

Attachment 4 RMS correspondence to Council re: New England Highway
(HW9) Armidale Airport Industrial Land, dated 23 June 2014



23 June 2014.

SF2012/003548/1

The General Manager
Armidale Dumaresq Council
PO Box 75A
ARMIDALE NSW 2350

Att: David Maunder.

Dear Sir

New England Highway (HW9) Armidale Airport Industrial Land.

I refer to your email of 19 May forwarding a copy of the Vehicle Assess Management Strategy (traffic Study) for the New England Highway at Armidale Airport and RMS meeting with council on 19 June 2014.

Councils Vehicle Assess Management Strategy for the proposed development prepared by GTA Consultants adequately covers the options previously proposed by council and RMS.

RMS concurs with concept Option 3 (copy attached), the construction of a roundabout at Saumarez Road and either of the two options proposed for the existing airport access. It is noted this option includes rationalisation of the intersections with Mills Road and Kia Orara Road. Concurrence of the DA for this proposal will include approvals of the detailed design and pavement design for any works on the highway that may affect traffic efficiency or safety. All works for this proposal are to funded by council and/or the developer.

Should you have any further enquiries regarding the above or require further assistance, Jim Synott Leader – Network Optimisation on ph 66401383 will be please to assist,

Yours sincerely

cc: John Alexander
Regional Manager, Northern

23 JUN 2014

**Attachment 5 RFS correspondence to Council RE: Request for comment –
Armidale Industrial Land Study 2012, dated 21 August 2012**

All communications to be addressed to:

Headquarters
NSW Rural Fire Service
Locked Mail Bag 17
GRANVILLE NSW 2142

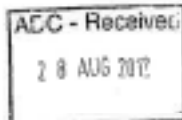
Telephone: (02) 6655 7002
e-mail: csc@rfs.nsw.gov.au

Customer Service Centre
NSW Rural Fire Service
PO Box 203
URUNGA NSW 2455

Facsimile: (02) 6655 7008



The General Manager
Armidale Dumaresq Council
PO Box 75A
Armidale NSW 2350



Your Ref: A11/5340

Our Ref: L12/0016
DA12080884381 AB

21 August 2012

ATTENTION: Mr Harold Ritch

Dear Mr Ritch,

Request for comment - Armidale Industrial Land Study 2012

I refer to your letter dated 2 August 2012 seeking the Rural Fire Service (RFS) comment for the Armidale Industrial Land Study.

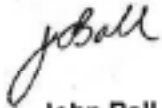
The RFS has reviewed the study and has no objection to the contents and outcomes projected by the study.

The RFS further advises that:

- Development of existing land zoned for industrial uses will need to consider the specifications and requirements of bush fire legislation and guidelines. It should be noted that grasslands are considered a bush fire hazard. This may be required at the subdivision or construction phase of the development.
- The re-zoning of land for industrial uses should assess the impact of bush fire and any bush fire prevention measures that will need to be adopted to achieve the specifications and requirements of bush fire legislation and guidelines. It should be noted that grasslands are considered a bush fire hazard. Rezoning reports should address bush fire as part of the land release proposal.

For any enquiries regarding this correspondence please contact Alan Bawden on 6655 7002.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'J Ball', is positioned above the printed name.

John Ball
Manager – Coffs Harbour Customer Service Centre

The RFS has made getting additional information easier. For general information on *Planning for Bush Fire Protection 2006*, visit the RFS web page at www.rfs.nsw.gov.au and search under *Planning for Bush Fire Protection 2006*.

**Attachment 6 Trade and Investment Resources and Energy correspondence
re: Armidale Industrial Land Study, dated 29 August 2012**



**Trade &
Investment**
Resources & Energy

Our Ref: V12/3698
Your Ref: A11/5340

29th August 2012

The General Manager
Armidale Dumaresq City Council
PO Box 75A
Armidale NSW 2350

Attn: Mr H. Ritch

Dear Sir/Madam,

Re: Armidale Industrial Land Study

I refer to your letter of 2nd August 2012. Thank you for the opportunity to comment and for supplying a digital copy of the associated outline map.

This is a response from NSW Trade & Investment – Mineral Resources Branch. The Department of Primary Industries, incorporating advice from Agriculture, Fisheries and Forests NSW will respond separately.

Mineral Resources Issues

As the subject land is essentially urban, near urban or abuts airport lands, no significant issues arise that are of concern to NSW Trade & Investment – Mineral Resources Branch.

For further information regarding mineral issues please contact Mr Jeff Brownlow in the Department's Armidale Office (Tel 02 6738 8513 or email jeff.brownlow@industry.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Coleman'.

Team Leader Land Use

NSW Department of Trade and Investment, Regional Infrastructure and Services
RESOURCES & ENERGY DIVISION
PO Box 344 Hunter Region Mail Centre NSW 2310
Tel: 02 4931 6666 Fax: 02 4931 6726
ABN 51 734 124 190
www.dtiris.nsw.gov.au

Attachment 7 Heritage Council correspondence to Council re: Consultation on Armidale Industrial Land Study, dated 28 August 2012

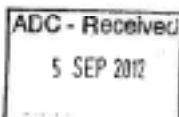


3 Mariot Place
Parramatta NSW 2150

Telephone: 61 2 9873 8500
Facsimile: 61 2 9873 8599

Locked Bag 5020
Parramatta NSW 2124
DX 8225 PARRAMATTA

heritage@heritage.nsw.gov.au
www.heritage.nsw.gov.au



Contact: Michael Edwards
Phone: (02) 9873 8588
Fax: (02) 9873 8550
Email: michael.edwards@heritage.nsw.gov.au

The General Manager
Armidale Dumaresq Council
PO Box 75A
ARMIDALE NSW 2350

Dear Sir / Madam,

CONSULTATION ON ARMIDALE INDUSTRIAL LAND STUDY.

Thank you for referring the Armidale Industrial Land Study to the Heritage Branch for comment.

The Heritage Branch understands that the purpose of the Armidale Industrial Land Study is to assess the existing and future supply and demand for industrial land in Armidale to determine whether there is a need for additional land releases and subsequent rezoning to allow for further industrial land uses.

The study has identified 9 key interest sites for possible land release and rezoning to allow for industrial land uses.

The Heritage Branch considers the identification, management and protection of heritage items should be a relevant matter for consideration in any strategic land use study.

Two of the key interest sites, the 'Airport Site' and 'Airport East Site', are within the vicinity of the Saumarez Homestead. The Saumarez Homestead is identified as a listed item of state heritage significance, listed on the State Heritage Register (SHR). The property is also identified by the National Trust as having heritage significance, and is inscribed on the National Trust Register.

The Heritage Branch raises concerns regarding the location of the precincts within the two Airport sites. Specifically, the Heritage Branch regards that these precincts have the potential to result in adverse impacts on significant view corridors both to and from Saumarez Homestead and the landscape curtilage.

The Heritage Branch understands that a Conservation Management Plan (CMP) exists for the Saumarez Homestead. Accordingly, it is recommended that any further investigations as part of any strategic land use study and future development of a Planning Proposal for the Airport Sites, be appropriately guided and informed by the CMP. In this regard, rezoning of the adjoining land, together with any future envisaged built form, must have regard to the views, vistas, curtilage and significant landscape elements that contribute to the heritage significance of the Saumarez Homestead.

Helping the community conserve our heritage

In this regard, the Heritage Branch recommends that a detailed heritage landscape analysis be undertaken for the heritage item and the adjoining lands. The heritage landscape analysis should address significant views and vistas of Saumarez Homestead, the visual relationship with surrounding lands and the visual and physical impacts to the curtilage resulting from any future development within the Airport Sites.

It is also recommended that Council consult with the National Trust as a relevant stakeholder in the further investigation and development of the Airport Sites.

Please feel free to contact Michael Edwards on (02) 9873 8588 if you have any further enquiries in this matter.

Yours sincerely



28/08/2012

Vincent Sicari

Manager

Conservation Team

Heritage Branch, Environment and Heritage, Policy and Programs Group

Office of Environment & Heritage

AS DELEGATE OF THE NSW HERITAGE COUNCIL

Attachment 8 Office and Environment and Heritage correspondence to Council dated 28 August 2012



**Office of
Environment
& Heritage**

Your reference: A11/5340
Our reference: DOC 12/32612
Contact: Liz Mazzer (02) 68635325
Date: 27/8/2012

The General Manager
Armidale Dumaresq Council
PO Box 75A
Armidale NSW 2350

Attn Mr Harold Ritch

Dear Mr Ritch

Thank you for your letter (dated 2nd August 2012) seeking comment from the Office of Environment and Heritage (OEH) regarding the Armidale Industrial Land Use Study

Please note that as of the 29th of February 2012, the Environment Protection Authority (EPA) has been re-created as an independent authority. If the EPA intends to provide comments on the draft documents, a separate response will be provided to Council.

Similarly, this response does not contain comments on non-Aboriginal cultural heritage matters. If the Heritage Branch of OEH has comments to make on the draft documents, a separate response will be provided by that Branch.

The OEH has the following primary areas of interest relating to strategic land use planning:

1. The impacts of development and settlement intensification on biodiversity and Aboriginal cultural heritage;
2. Adequate investigation of the environmental constraints of affected land;
3. Avoiding intensification of land use and settlement in environmentally sensitive areas (ESAs).
4. Ensuring that development within a floodplain is consistent with the NSW Government's Flood Prone Land Policy, the principles set out in the Floodplain Development Manual, and applicable urban and rural floodplain risk management plans.

We generally support strategic planning proposals which:

- Avoid rural development intensification in areas of biodiversity value, Aboriginal cultural heritage value and other environmentally sensitive areas;
- Include objectives, such as 'no net loss of native vegetation', that will ensure the LEP supports the NSW State Natural Resource Management Targets and Catchment Management Authority Action Plans; and

PO Box 2111 Dubbo NSW 2830
Level 1 45-52 Wingewarra Street Dubbo NSW
Tel: (02) 6883 6312 Fax: (02) 6884 8675
ABN 30 641 387 271
www.environment.nsw.gov.au

- Minimise flood risk to human life, property and the local environment while maintaining floodplain connectivity for environmental benefit.

While the OEH does not have any specific comments to make at this stage, it is recommended that, prior to any decision to increase intensification of land use in areas containing native vegetation (for example, the Airport East Site may contain an open woodland) and/or areas where there has been low soil disturbance, investigations are conducted to ascertain implications on flora, fauna and Aboriginal cultural heritage.

If additional information relating to the LEP indicates that areas within the OEH's responsibility require further investigation, we may provide future input. Should you require further information about this submission generally, please contact Liz Mazzer, Conservation Planning Officer on (02) 6883 5325, or via liz.mazzer@environment.nsw.gov.au.

Yours sincerely,

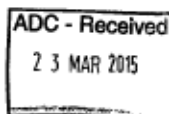


JODIE SAVILLE
A/Manager, Environment and Conservation Programs
Conservation and Regulation Division

Attachment 9: Office Of Environment And Heritage Correspondence To Council
Re: Pre-Gateway Advice, Dated 23 March 2015



Office of
Environment
& Heritage



Your reference: A15/6623
Our reference: DOC15/6623
Contact: Ms Nicky Owner (02) 6659 8254

General Manager
Armidale Dumaresq Council
PO Box 75A
Armidale NSW 2350

Attention: Ms Jennifer Campbell

Dear Mr Wilcox

Re: Pre Gateway advice - Airport East Site 10558 New England Highway and 19 Kia-Ora Road

OEH provided initial advice on this matter dated 10 March 2015 in response to Council's letter of 28 February 2015 requesting advice from the Office of Environment and Heritage (OEH) on whether comprehensive environmental studies are likely to be required prior to the Gateway Determination process for the above site. Following further discussion with Council's Ms Jennifer Campbell, OEH would like to withdraw the advice dated 10 March 2015 and replace it with the advice contained within this letter. I apologise for any inconvenience caused.

OEH encourages Council (and the landowner/developer) to obtain a sufficient level of detail to inform and justify the planning proposal. OEH is of the view that, at a minimum, a constraints identification exercise should be carried out over the site to determine the biodiversity, Aboriginal cultural heritage, historic heritage values present, as well as any issues associated with flooding.

Biodiversity

Based on biodiversity values known to be present across the New England Tableland (Armidale Plateau) Bioregion in which the subject site occurs, and following examination of aerial photographs, OEH is of the view that the subject site has the potential to contain a number of high conservation value biodiversity attributes, including:

- Ribbon gum/Mountain white gum/Snow gum Endangered Ecological Community (EEC) and/or White box/Yellow box/Blakely's red gum Woodland EEC.
- Scattered trees (possibly both living and dead) that may contain hollows.
- If hollow resources are present, these are likely to provide habitat for hollow-dependent fauna species which could include threatened species of microbats, arboreal mammals and possibly birds.
- Koala habitat, including preferred Koala feed tree species.

Given the potential existence of what OEH would deem to be features of high conservation value (as identified above), it will therefore be important for the planning proposal to accurately identify these potential constraints and plan for their avoidance, protection and/or management. This information can then be used to formulate the proposed amending instrument, as well as supporting draft instrument maps that illustrate proposed zone boundaries. OEH's preference is for areas of high conservation value to be zoned Environmental Protection.

Locked Bag 914, Coffs Harbour NSW 2450
Federation House Level 7, 24 Moonsee Street,
Coffs Harbour NSW 2450
Tel: (02) 6651 5946 Fax: (02) 6651 6187
ABN 30 841 387 271
www.environment.nsw.gov.au

Aboriginal Cultural Heritage

An important component of the environmental assessment process undertaken in support of planning proposals is the consideration of Aboriginal cultural heritage values. As part of any planning proposal, it is critical that tangible and intangible Aboriginal cultural heritage is fully assessed and considered. Planning proposals provide opportunities to reduce future impacts to Aboriginal cultural heritage by applying appropriate land-use zones to parts of a planning area with important Aboriginal cultural heritage values.

OEH's preference is to avoid impacting Aboriginal cultural heritage values as a component of any planning proposal and to ensure appropriate long term protection mechanisms are in place in perpetuity.

Accordingly, OEH recommends that an Aboriginal cultural heritage assessment report should be prepared in support of the planning proposal and should contain:

1. A description of any Aboriginal objects and declared Aboriginal places located in or associated with the planning area.
2. A description of the Aboriginal cultural heritage values of the planning area and the immediate locality, including the significance of any Aboriginal objects and declared Aboriginal places that exist in the planning area and the significance of these values to Aboriginal people who have a cultural association with the land.
3. A description of any consultation with Aboriginal people regarding the planning proposal and the significance of any Aboriginal cultural heritage values identified. OEH advises that the proponent may utilise OEH's '*Aboriginal Cultural Heritage Consultation Requirements for Proponents*' (2010) as best practice guidelines for such consultation.
4. Analysis of the Aboriginal cultural heritage values of the planning area to justify the application of appropriate zonings. OEH would recommend that areas of high Aboriginal cultural heritage significance be zoned Environmental Protection to protect such values.

In addressing these requirements, the applicant is encouraged to refer to the following documents:

- a) *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (OEH, 2010) - <http://www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf>. These guidelines identify the factors to be considered in Aboriginal cultural heritage assessments for proposals.
- b) *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (OEH, 2010) - <http://www.environment.nsw.gov.au/licences/consultation.htm>. This document further explains the consultation requirements that are set out in clause 80C of the *National Parks and Wildlife Regulation 2009*. The process set out in this document must be followed and documented in the EIS.
- c) *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales* (OEH, 2010) - <http://www.environment.nsw.gov.au/licences/archinvestigations.htm>. The process described in this Code should be followed and documented where the assessment of Aboriginal cultural heritage requires an archaeological investigation to be undertaken.

Historic Heritage

The heritage significance of the site and any impacts the proposal may have upon this significance should be assessed. This assessment should include natural areas and places of Aboriginal, historic or archaeological significance. It should also include a consideration of wider heritage impacts in the area surrounding the site.

Appropriate heritage databases such as the State Heritage Inventory, lists maintained by the National Trust, and by the local council, should be consulted in order to identify any known items of heritage significance in the area affected by the proposal.

Non-Aboriginal heritage items within the area affected by the proposal should be identified by field survey. This should include any buildings, works, relics (including relics underwater), gardens, landscapes, views, trees or places of non-Aboriginal heritage significance.

A statement of significance and an assessment of the impact of the proposal on the heritage significance of these items should be undertaken. Any measures to conserve their heritage significance should be identified. OEH's preference is for matters of Historic Heritage significance to be protected through the application of appropriate land use zones or provisions.

Flooding

Assessment for the planning proposal should consider whether the proposal is consistent with any floodplain risk management plans and whether it is compatible with the flood hazard of the land. It should also consider whether the proposal will enable future development that will significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties. OEH's preference is to avoid applying intensive land use zones to areas of flood hazard or risk

It is OEH's preference for the assessment of biodiversity, heritage and flooding matters to form part of the planning proposal, for Gateway Determination by the Department of Planning and Environment.

If you require further information or clarification, or should Council be in possession of information that suggests that OEH's statutory interests may be affected, please contact Ms Nicky Owner, Conservation Planning Officer by email nicky.owner@environment.nsw.gov.au or by telephone (02) 6659 8254.

Yours sincerely



DIMITRI YOUNG
Senior Team Leader Planning, North East Region
Regional Operations