

Planning Proposal No. 19 – 242 Rusden Street, Armidale Additional Permitted Use

Lot A DP 329168

June 2022

Armidale Regional Council

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INTRODUCTION

The Planning Proposal Site

The site the subject of this Planning Proposal (PP) is Lot A DP 329168, which is known as 242 Rusden Street, Armidale. The location of the site is shown in **Figure 1** and an aerial photograph provided in **Figure 2**.

The site has an area of 35 ¼ perches by title, which converts to 891.5m². The site contains an existing commercial building sited on the western boundary of the site and a detached shed in the southwestern corner of the site. The remainder of the site is undeveloped; however, the eastern part of the site is encumbered by sewerage infrastructure. **Plate 1** and **Plate 2** shows the site from Rusden Street.



Plate 1: Subject site (western side)





Plate 2: Subject site (eastern side)

The site is zoned R1 General Residential under Armidale Dumaresq Local Environmental Plan 2012 (LEP).

History of the Site

A review of historic aerial imagery for the site shows the building was in existence from at least in 1956 (refer **Plate 3**).

Council records indicate that on 20 December 2001 consent was granted for a change of use from a butcher's shop (approved in the 1960s) to a commercial premises for food preparation. Council granted consent for a retail clothing outlet on the site on 27 March 2006.

It is considered that the current use being undertaken from the premises at 242 Rusden Street, benefits from 'Existing Use' rights, as the original use was permissible in the zone when it was approved under a previous LEP.





Figure 1: Site Location





Figure 2: Site Aerial





Source: (NSW Government, 2022)

Plate 3: Aerial Imagery 1956

Site Context

The site is located in a hub of commercial type uses (refer Figure 3) at the intersection of Rusden and Ohio Streets, despite being with a R1 zone (refer Figure 4). This hub comprises the Grand Hotel (Plate 3) on the north-eastern corner, a hairdresser (Plate 4) to the immediate east of the hotel, a curtain shop (Plate 5) on the south-western corner which is adjacent to the subject site. Drummond Public School is located on the south-western corner of the intersection. These commercial land uses have been in existence for quite some time as evidenced by the 1956 aerial image (Plate 3) which shows the hotel, corner shop and subject site building.



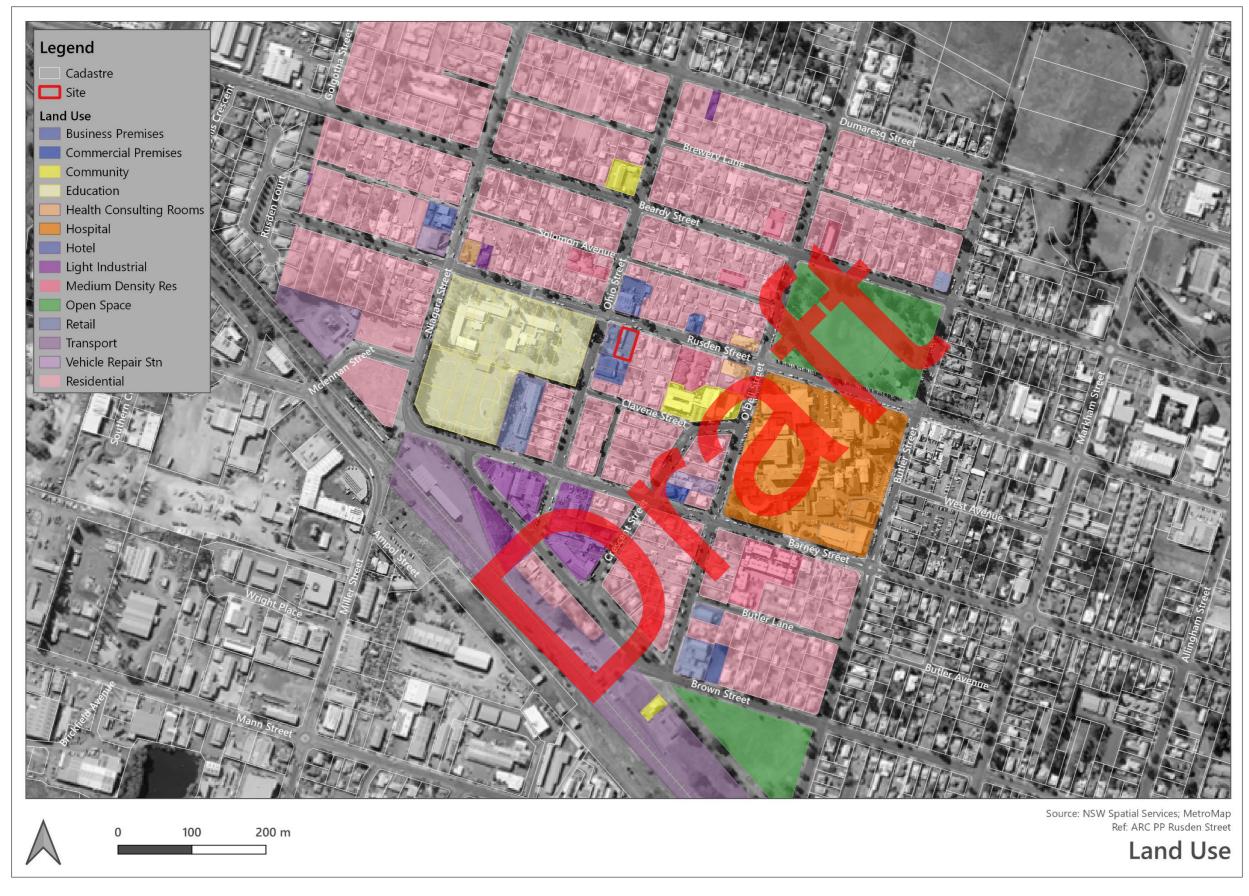


Figure 3: Land Use



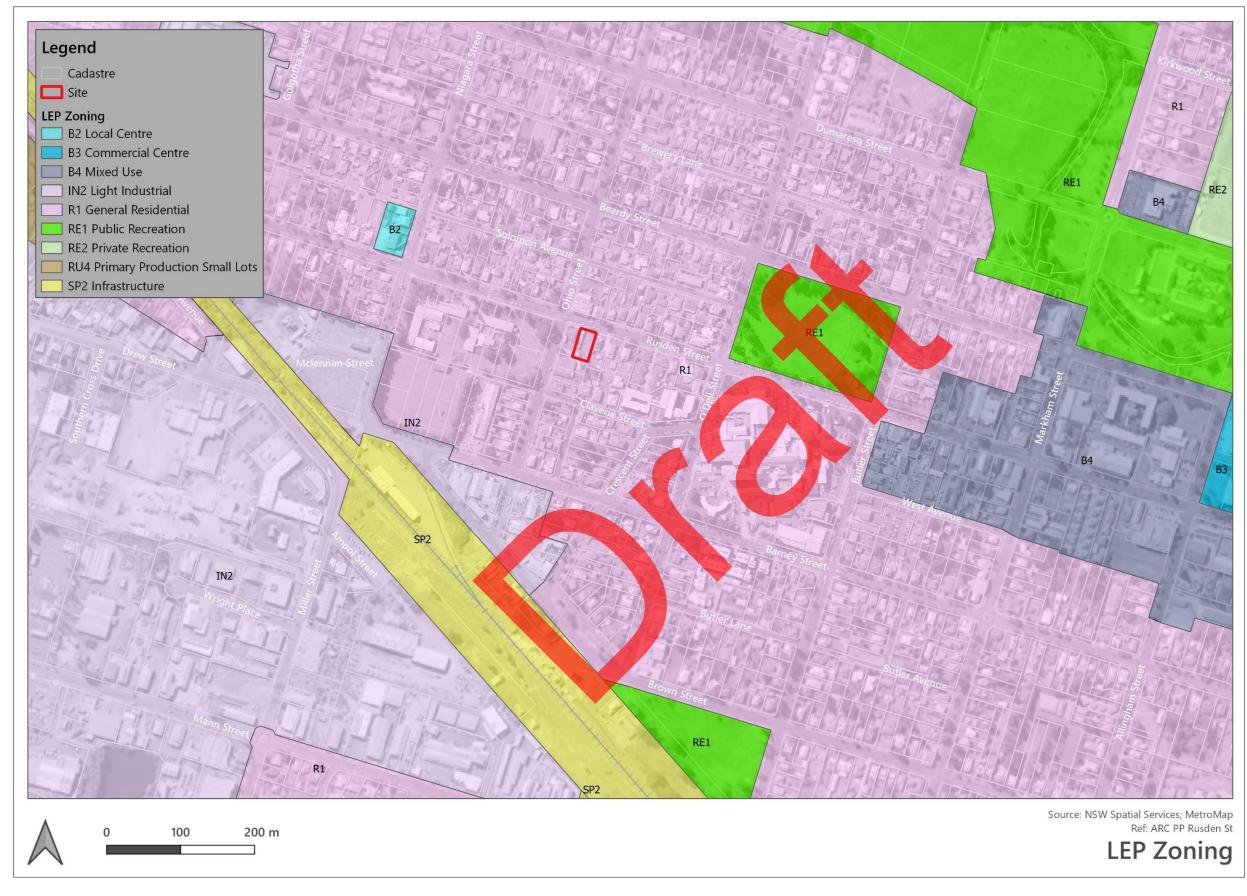


Figure 4: LEP Zoning





Plate 4: The Grand Hotel – 251 Rusden Street

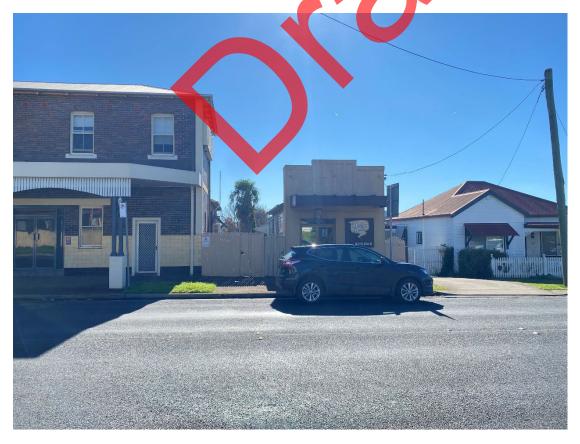


Plate 5: Hairdresser adjacent to the Grand Hotel – 249 Rusden Street





Plate 6: Curtain Shop adjacent to the subject site — 244 Rusden Street





Plate 7: Northern Inland Catering Equipment – 97-99 Ohio Street



PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of the PP is:

To amend the Armidale Dumaresq Local Environmental Plan 2012 to regularise the permissibility of the
retail premises land uses that have historically and continually been carried out at 242 Rusden Street,
Armidale.





PART 2 - EXPLANATION OF PROVISIONS

The PP includes the following intended provisions:

- Amend the Armidale Dumaresq LEP 2012 Schedule 1 to include an Additional Permitted Use for the site as follows:
 - "7 Use of certain land at 242 Rusden Street, Armidale
 - (1) This clause applies to land at 242 Rusden Street, Armidale, being Lot A DP 329168.
 - (2) Development for the purposes of Retail Premises is permitted with development consent.
 - (3) The retail floor area of the retail premises must not exceed 150 square metres."
- Amend the Armidale Dumaresq LEP 2012 Additional Permitted Uses Map to include the site.





PART 3 - JUSTIFICATION

Section A. Need for the planning proposal

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

No.

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

The retail use of the site has been continuing to operate under existing use rights since the permissible uses of the site were changed in 2008.

There are considered to be three (3) options to achieve the outcomes of the PP. The first is to retain the status quo and rely upon existing use rights for continued retail operations on site. By virtue of the limitations surrounding existing use rights within the *Environmental Planning & Assessment Regulation 2021*, such a use can only extend to minor alterations and additions, and does not permit rebuilding of premises or significant intensification of the land use. The existing use rights are also limited by continuance of use provisions. Due to the condition and small size of the existing building on site, it significantly limits continued use of the site and certainly prohibits any significant investment to modernise the building.

The second and preferred option is the PP option, which is to provide for an additional permitted use of "retail premises" on the site. This option would permit the continued use of the site whilst allowing for modernisation of the building and improving functionality/flexibility which cannot be reasonably achieved utilising option 1. This option would also limit the scale of the use to ensure it remains an appropriate scale for its context.

The third option would be to rezone the site to a B2 Local Centre Zoning, like has occurred at 118-120 Niagara Street. This option is potentially appropriate to apply to the site and the adjacent existing commercial uses within the intersection hub, however, it would require more detailed consideration to ensure the blanket rezoning is appropriate. This option is considered to be a long term strategy to consider, however, would not enable more immediate reuse of the site due to the time to appropriate the require studies.

Section B. Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, subregional or district plan or strategy (including any exhibited draft plans or strategies)?

New England North West Regional Plan 2036

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

The goals of the NENW Regional Plan are:

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

For each goal the NENW Regional Plan identifies directions and associated actions to assist in achieving the goal.



Table 1 below summarises the directions of the NENW Regional Plan, provides comment on the directions and actions of the Plan that are directly relevant to the Planning Proposal, and indicates whether the Proposal is considered to be consistent or inconsistent with the Plan.





Table 1: New England North West Regional Plan

DIRECTIONS & APPLICABLE ACTIONS	TIMEFRAME OF IMPLEMENTATION	Planning Proposal response – is the Proposal consistent with the Strategy?
	==:0:=:0:10:10	COMMENTS
Goal 1: A strong and dynamic regional economy		
D1: Expand agribusiness and food processing sectors.	Immediate to ongoing	Not relevant.
D2: Build agricultural productivity.	Medium term to ongoing	Not relevant.
D3: Protect and enhance productive agricultural lands.	Immediate to medium term to ongoing	Not relevant.
D4: Sustainably manage mineral resources.	Ongoing	Not relevant.
D5: Grow New England North West as the renewable energy hub of NSW.	Short term to ongoing	Not relevant.
D6: Deliver new industries of the future.	Immediate to ongoing	Not relevant.
D7: Build strong economic centres.	Ongoing	 The PP is considered to be consistent with the Plan as it is consistent with the Interim Settlement Planning Principles by virtue of: Design and locate land uses to minimise the need to travel; to maximise opportunity for efficient public transport and pedestrian access options; and to encourage energy and resource efficiency. Provide for local services that meet the day to day needs of residents. Furthermore it will facilitate economic activity around industry anchors, such as health and education facilities, through planning controls that encourage clusters of complementary uses and address infrastructure needs (7.4).



Table 1: New England North West Regional Plan

DIRECTIONS & APPLICABLE ACTIONS	TIMEFRAME OF	Planning Proposal response – is the Proposal consistent with the Strategy?		
	IMPLEMENTATION	COMMENTS		
D8: Expand tourism and visitor opportunities.	Ongoing	Not relevant.		
D9: Coordinate growth in the cities of Armidale and Tamworth.	Immediate to ongoing	Not relevant.		
Goal 2 : A healthy environment with pristine waterways				
D10: Sustainably manage and conserve water resources.	Medium term to Ongoing	Not relevant.		
D11: Protect areas of potential high environmental value.	Ongoing	Not relevant.		
D12: Adapt to natural hazards and climate change.	Ongoing to long term	Not relevant.		
Goal 3: Strong infrastructure and transport networks for a connected future				
D13: Expand emerging industries through freight and logistics connectivity.	Medium term to ongoing	Not relevant.		
D14: Enhance transport and infrastructure networks.	Short term to ongoing	Not relevant.		
D15: Facilitate air and public transport infrastructure.	Ongoing	Not relevant.		
D16: Coordinate infrastructure delivery.	Short term to ongoing	Not relevant.		
Goal 4: Attractive and thriving communities.				
D17: Strengthen community resilience.	Short term to medium term to ongoing	Not relevant.		
D18: Provide great places to live.	Immediate to short term to ongoing	The PP is considered to be consistent with the Plan as it is consistent with the Interim Settlement Planning Principles by virtue of: Design and locate land uses to minimise the need to		



Table 1: New England North West Regional Plan

DIRECTIONS & APPLICABLE ACTIONS	TIMEFRAME OF IMPLEMENTATION	Planning Proposal response – is the Proposal consistent with the Strategy?
		COMMENTS
		travel; to maximise opportunity for efficient public transport and pedestrian access options; and to encourage energy and resource efficiency. Provide for local services that meet the day to day needs of residents.
D19: Support healthy, safe, socially engaged and well connected communities.	Immediate to short term to ongoing	Not relevant.
D20: Deliver greater housing diversity to suit changing needs.	Immediate to medium term to ongoing	Not relevant.
D21: Deliver well planned rural residential housing.	Ongoing	Not relevant.
D22: Increase the economic self-determination of Aboriginal communities.	Short term to medium term to ongoing	Not relevant.
D23: Collaborate with Aboriginal communities to respect and protect Aboriginal culture and heritage.	Immediat <mark>e to</mark> ongoing	Not relevant.
D24: Protect the region's historic heritage assets.	Ongoing	Not relevant.



Planning for the future of retail | Discussion Paper

The DPE prepared the *Planning for the future of retail | Discussion Paper* (NSW Department of Planning & Environment, 2018). It "... describes how the NSW planning system could address the State's increasingly dynamic retail sector (NSW Department of Planning & Environment, 2018)". The Discussion Paper provides three directions for modernising the retail planning framework and achieving the right balance of customer and community amenity. Each of these is addressed below in relation to the PP.

Table 2: Directions

Direction PP Response Direction 1: Better local strategic planning for retail Retail planning will place greater emphasis on Council's LSPS has longer term intentions to carry out a local retail strategy. This PP intends to provide strategic planning and local place-based outcomes to guide retail land use objectives and decisions. In an interim solution to regularise the existing uses practice, this could mean: that have been carried out on the site since it was initially developed in the 1960s. The PP will limit Establishing long-term place based outcomes the scale of the use to ensure in the interim it does for retail at the local level consistent with local not detract from the integrity of the town centre strategic planning statements. whilst providing some certainty for continued use Updating local retail strategies to reflect and investment into the site. current and future trends in the retail sector and the implications these have for floor space requirements and other planning considerations such as accessibility. Aligning strategic narrative and statutory

Direction 2: A modern approach to retail development that reflects a range of retail formats in centres

While most retail will remain well-suited to traditional centre-based development, retail is an important activity in other locations. The emergence of retail clusters in some located will require an appropriate strategic planing and infrastructure response. In practice this could mean:

planning controls.

- Transitioning clusters of retail into an emerging centre in accordance with principles of planning for centre development.
- Ensuring appropriate levels of investment in infrastructure, accessibility and amenity are commensurate with the development of an emerging centre.
- Renewing main streets through greater coordination and targeting of investment in social and cultural infrastructure to help support local place-making, tourism and cohesion, particularly for regional towns.
- Providing guidance to support councils in planning for retail.

The PP intends to regularise the existing uses that have been carried out on the site since it was initially developed in the 1960, and within an existing retail cluster/hub as outlined in the **Site Context** section.

Being an existing development and being within an existing retail cluster/hub, the site is considered to have adequate existing infrastructure.

The PP will provide for renewal of the existing hub through providing certainty in land use permissibility to enable investment into the redevelopment of the site in order to modernise the existing building.



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Direction	PP Response
Direction 3: Adaptability and certainty for retail	
A greater emphasis on strategic planning for controlling retail land use outcomes will need to be matched with changes to the current statutory controls, many of which are complicated and burdensome. In practice this could mean:	Not relevant to this PP.
 Controlling permissibility by setting open zones. Establishing a retail innovation provision to allow a proposal that involves an undefined or prohibited use to be evaluated and potentially permitted. 	
 In the longer term, introducing a strategic plan aligned zoning framework as part of a comprehensive review of all zones. 	

Integrating Land Use and Transport

Integrating Land Use And Transport | The Right Place for Business and Services — Planning policy "aims to encourage a network of vibrant, accessible mixed use centres which are closely aligned with and accessible by public transport, walking and cycling" (NSW Department of Urban Affairs and Planning, 2001). Whilst the policy is more focussed on the development assessment stage of the planning process, the principles are applicable to PPs. The policy considerations are outlined below in relation to the PP.

Table	2.	Policy	Consid	lorations

Table 3: Policy Considerations					
Direction	PP Response				
Objectives					
 locate trip-generating development which provides important services in places that: help reduce reliance on cars and moderate the demand for car travel encourage multi-purpose trips encourage people to travel on public transport, walk or cycle provide people with equitable and efficient access 	Rusden Street and other surrounding streets form part of the local bus network (refer Attachment 3). The site is located within a cluster/hub of retail uses. It is also located adjacent to an existing schoo and in close proximity to the hospital precinct. The site and surrounds are interconnected by footpath infrastructure. The site is therefore located in an accessible area to all forms of transport.				
minimise dispersed trip-generating development that can only be accessed by cars					
ensure that a network of viable, mixed use centres closely aligned with the public transport system accommodates and creates opportunities for business growth and service delivery					



Table 3: Policy Considerations					
Direction	PP Response				
 protect and maximise community investment in centres, and in transport infrastructure and facilities 	The PP will reinforce the existing retail hub, thus encouraging investment in the hub.				
encourage continuing private and public investment in centres, and ensure that they are well designed, managed and maintained					
 foster growth, competition, innovation and investment confidence in centres, especially in the retail and entertainment sectors, through consistent and responsive decision making. 					
Structure					
The right location — locating trip-generating activities and development in places that optimise accessibility, limit the demand for travel, encourage and facilitate public transport use, and reduce car travel and reliance on cars	The PP site is accessible by all forms of transport, including for pedestrians, cyclists, public transport and private motor vehicles. It is located within a permeable and interconnected road and footpath network, making it easily accessible.				
The right centre — supporting a viable network of mixed use centres of a variety of sizes and functions to accommodate activities and services, foster the greater use of public transport, walking and cycling, and encourage multi-purpose trips	The site is located in an area with a cluster of non-residential uses as well as being in a wider residential based area. The site has and, with this PP, will enable such development to lawfully continue to serve the needs of its local community.				

Q4. Is the planning proposal consistent with a Council's local strategy or other local strategic plan? <u>Armidale Local Strategic Planning Statement: A Plan for 2040</u>

The Armidale Regional LSPS:

- Provides a 20 year land use vision for the Armidale Regional Council Local Government Area;
- Directs where further investigations are to be undertaken to identify how future growth and change will be managed;
- Identifies where further strategic land use planning is required; and
- Explains how the planning priorities and related actions will be implemented.

The LSPS vision is:

The Armidale Regional Council local government area is an exemplary sustainable region of New England, defined by its rich agricultural lands and its attractive natural environment, complemented by a series of well serviced interconnected communities, with the city of Armidale as the regional hub.

The Armidale area offers a positive, healthy and vibrant country lifestyle. Its identity is founded on its diverse economy, cultural heritage, civic and educational institutions and strong sense of community (Armidale Regional Council, 2020).

The Armidale Regional Local Strategic Planning Statement aims to meet the community's future social, economic and environmental needs by addressing important strategic land use planning and development issues. The LSPS identifies priorities for the Armidale Regional Local Government Area that will support and



develop the local identity, values and opportunities. It will shape the land use over time and the development standards we use. Immediate, short, medium and long term actions have been developed as part of the LSPS to help deliver on these priorities and the vision for the future.

Table 2 below summarises the directions of the LSPS, provides comment on the directions and actions of the Plan that are directly relevant to the Planning Proposal, and indicates whether the Proposal is considered to be consistent or inconsistent with the LSPS.





Table 4: Armidale Local Strategic Planning Statement: A Plan for 2040 Planning Proposal response – is the Proposal **TIMEFRAME OF** consistent with the Strategy? **DIRECTIONS & APPLICABLE ACTIONS IMPLEMENTATION COMMENTS** Theme 1. Community 1a) Population Growth Immediate: 2020 Not relevant. Endorse the NSW Population Projections as the basis for all Council strategic planning activities. Use the current version of the NSW Population Projections as Not relevant. Ongoing the basis for all Council strategic planning activities. **1b) Settlement Network** Immediate: 2020/21 Prepare a place-based strategy to guide future growth and Not relevant. development of each of the following villages and immediate surrounds consistent with the desired future character of the relevant village: Ben Lomond; b) Black Mountain; c) Ebor; d) Hillgrove; and e) Wollomombi. Prepare a place-based strategy to guide future growth and mmediate: 2021/22 Not relevant. development of Guyra and immediate surrounds consistent with the desired future character of the centre. Not relevant. Immediate: 2022/23 Prepare a place-based strategy to guide future growth and development of Armidale and immediate surrounds consistent with "regional city" status. Review and amend the merged LEP in response to the above-Subject to related Not relevant. mentioned strategy findings. strategy timing. 1c) Land for Housing Undertake such studies as are required to: Short-term Not relevant. identify land required and suitable for residential and



Table 4: Armidale Local Strategic Planning Statement: A Plan for 2040

	DIRECTIONS & APPLICABLE ACTIONS	TIMEFRAME OF IMPLEMENTATION	Planning Proposal response – is the Proposal consistent with the Strategy? COMMENTS	
	related purposes within and/or as a logical extension to existing settlements; and b) address the related land use planning implications.			
ii)	Review and amend the merged LEP, in response to the above- mentioned study outcomes, to: a) allow development of land identified as being required and suitable for residential and related purposes.	Subject to related study timing.	Not relevant.	
1d) H	lousing Options			
i)	 Undertake such studies as are required to: a) identify housing options designed to respond to existing and projected future community needs; and b) address the related land use planning implications. 	Short-term	Not relevant.	
ii)	Review and amend the merged LEP, in response to the above-mentioned study outcomes, to: a) allow the development of housing options identified as being required to meet existing and projected future community needs.	Subject to related study timing.	Not relevant.	
Then	ne 2. Economy			
2a) A	rmidale CBD			
i)	 Undertake such studies as are required to: a) identify opportunities to facilitate revitalisation of the Armidale central business district consistent with "regional city" status; and b) address the related land use planning implications. 	Short-term	Not relevant.	



Table 4: Armidale Local Strategic Planning Statement: A Plan for 2040

	DIRECTIONS & APPLICABLE ACTIONS	TIMEFRAME OF IMPLEMENTATION	Planning Proposal response – is the Proposal consistent with the Strategy? COMMENTS
ii)	Review and amend the merged LEP, subject to the abovementioned study outcomes to: (a) allow development designed to revitalise the Armidale central business district.	Subject to related study timing.	Not relevant.
2b) A	Agricultural Land		
i)	 Undertake such studies as are required to: a) identify areas of important or potentially important agricultural land; and b) address the related land use planning implications. 	Short-term	Not relevant.
ii)	Review and amend the merged LEP, as soon as practicable and/or in response to the above-mentioned study outcomes, to: a) protect areas identified as being important or potentially important agricultural land; and b) require development proponents to address important agricultural land values in areas containing or potentially containing such values.	2021+	Not relevant.
2c) A	gribusiness		
i)	Undertake such studies as are required to: a) identify opportunities to develop agribusiness and related facilities, and the appropriate circumstances for such development; and b) address the related land use planning implications.	Short-term	Not relevant.
ii)	Review and amend the merged LEP, in response to the abovementioned study outcomes, to:	Subject to related study timing.	Not relevant.



Table 4: Armidale Local Strategic Planning Statement: A Plan for 2040

	DIRECTIONS & APPLICABLE ACTIONS	TIMEFRAME OF IMPLEMENTATION	Planning Proposal response – is the Proposa consistent with the Strategy?
		INFLLIVILINIATION	COMMENTS
	 allow the development of agribusiness and related activities under the defined circumstances. 		
2d) I	Employment Land		
i)	Undertake such studies as are required to: a) identify land required and suitable for commercial or industrial and related purposes to support diversification of the local economy; and b) address the related land use planning implications.	Short-term	May form part of these future studies.
ii)	Review and amend the merged LEP, in response to the abovementioned study outcomes, to: (a) allow development of land identified as being required and suitable for commercial or industrial and related purposes.	Subject to related study timing.	May form part of these future studies.
2e) 1	ourism Facilities		
i)	 Undertake such studies as are required to: a) identify opportunities to develop tourism and related facilities, and the appropriate circumstances for such development; and b) address the related land use planning implications. 	Medium-term	Not relevant.
ii)	Review and amend the merged LEP, subject to the abovementioned study outcomes, to: a) allow the development of tourism and related facilities under the defined circumstances.	Subject to related study timing.	Not relevant.



Table 4: Armidale Local Strategic Planning Statement: A Plan for 2040

	DIRECTIONS & APPLICABLE ACTIONS	TIMEFRAME OF IMPLEMENTATION	Planning Proposal response – is the Proposal consistent with the Strategy? COMMENTS
3a) I	nfrastructure		
i)	Undertake such studies as are required to: a) identify existing and likely future infrastructure requirements to achieve desired standards of service and to service projected growth and related development; and b) address the related land use planning implications.	Short-term	Not relevant.
ii)	Review and amend the merged LEP, as soon as practicable and/or in response to the above-mentioned study outcomes, to: a) facilitate the delivery of infrastructure to achieve desired standards of service and to service projected growth and related development; and b) require development proponents to address infrastructure requirements.	Subject to related study timing.	Not relevant.
3b) 1	ransport Corridors		
i)	Undertake such studies as are required to: a) identify the existing and likely future operational requirements of major transport corridors and related infrastructure; and b) address the related land use planning implications.	Medium-term	Not relevant.
ii)	Review and amended the merged LEP, as soon as practicable and/or in response to the above-mentioned study outcomes, to: a) protect the operation of major transport corridors,	2021+	Not relevant.



Table 4: Armidale Local Strategic Planning Statement: A Plan for 2040 Planning Proposal response – is the Proposal **TIMEFRAME OF** consistent with the Strategy? **DIRECTIONS & APPLICABLE ACTIONS IMPLEMENTATION COMMENTS** including related infrastructure; and require development proponents to address major transport corridor operational requirements in areas impacting or potentially impacting such requirements. **3c) Regional Airport** Undertake such studies as are required to: Not relevant. Short-term identify the existing and likely future operational requirements of Armidale Regional Airport; and address the related land use planning implications. Review and amend the merged LEP, as soon as practicable 2021+ Not relevant. and/or in response to the above-mentioned study outcomes, to: facilitate and protect the operation of Armidale Regional a) Airport; and require development proponents to address Armidale Regional Airport operational requirements in areas impacting or potentially impacting such requirements. 3d) Armidale Hospital Undertake such studies as are required to: Medium-term Not relevant. identify whether opportunities exist to cluster development related to the Armidale Rural Referral Hospital near the Hospital site, and if so, under what circumstances: and address the related land use planning implications.



Table 4: Armidale Local Strategic Planning Statement: A Plan for 2040

ii)	DIRECTIONS & APPLICABLE ACTIONS Review and amend the merged LEP, subject to the abovementioned study outcomes, to: a) allow the clustering of related development near the Armidale Rural Referral Hospital site under the defined circumstances.	TIMEFRAME OF IMPLEMENTATION Subject to related study timing.	Planning Proposal response – is the Proposal consistent with the Strategy? COMMENTS Not relevant.
3e) E	Education Facilities		
i)	Undertake such studies as are required to: a) identify opportunities to develop education and related facilities, and the appropriate circumstances for such development; and b) address the related land use planning implications	Medium-term	Not relevant.
ii)	Review and amend the merged LEP, subject to the above- mentioned study outcomes, to: a) allow the development of education and related facilities under the defined circumstances.	Subject to related study timing.	Not relevant.
3f) F	acilities for Arts and Culture		
i)	 Undertake such studies as are required to: a) identify opportunities to develop facilities that promote arts and culture, and the appropriate circumstances for such development; and b) address the related land use planning implications. 	Medium-term	Not relevant.
ii)	Review and amend the merged LEP, subject to the above- mentioned study outcomes, to: a) allow the development of facilities that promote arts	Subject to related study timing.	Not relevant.



Table 4: Armidale Local Strategic Planning Statement: A Plan for 2040

DIRECTIONS & APPLICABLE ACTIONS		Planning Proposal response – is the Proposal consistent with the Strategy?	
		INFLLIMENTATION	COMMENTS
	and culture under the defined circumstances.		
3g) (Open Space and Recreation		
i)	Undertake such studies as are required to: a) identify opportunities to develop open space and recreation facilities, and the appropriate circumstances for such development; and b) address the related land use planning implications.	Medium-term	Not relevant.
ii)	Review and amend the merged LEP, subject to the abovementioned study outcomes, to: a) allow the development of open space and recreation facilities under the defined circumstances; and b) facilitate the development of the open space network. Renewable Energy	Subject to related study timing.	Not relevant.
i)	Undertake such studies as are required to: a) identify whether opportunities exist to develop renewable energy production facilities, and if so, under what circumstances; and b) address the related land use planning implications.	Medium-term	Not relevant.
ii)	Review and amend the merged LEP, subject to the above- mentioned study outcomes, to: a) allow the development of renewable energy production facilities under the defined circumstances.	Subject to related study timing.	Not relevant.
Ther	me 4. Environment		



Table 4: Armidale Local Strategic Planning Statement: A Plan for 2040

DIRECTIONS & APPLICABLE ACTIONS		TIMEFRAME OF IMPLEMENTATION	Planning Proposal response – is the Proposal consistent with the Strategy?	
		IIII EEIVIENTATION	COMMENTS	
4a) N	Natural Environment			
i)	Undertake such studies as are required to: a) identify areas of high or potential high natural environmental value; and b) address the related land use planning implications.	Short-term	Not relevant.	
ii)	Review and amend the merged LEP, as soon as practicable and/or in response to the above-mentioned study outcomes, to: a) protect areas identified as being of high or potentially high natural environmental value; and b) require development proponents to address natural environmental values in areas containing or potentially containing such values.		Not relevant.	
4b) (Cultural Heritage			
i)	 Undertake such studies as are required to: a) identify sites or potential sites of cultural heritage value; and b) address the related land use planning implications. 	Short-term	Not relevant.	
ii)	Review and amend the merged LEP, as soon as practicable and/or in response to the above-mentioned study outcomes, to: a) protect sites identified as being of cultural heritage or potential cultural heritage value; and	2021+	Not relevant.	
	 require development proponents to address cultural heritage values on sites containing or potentially 			



Table 4: Armidale Local Strategic Planning Statement: A Plan for 2040

	DIRECTIONS & APPLICABLE ACTIONS	TIMEFRAME OF IMPLEMENTATION	Planning Proposal response – is the Proposal consistent with the Strategy? COMMENTS
	containing such values.		
4c) [latural Hazards		
i)	 Undertake such studies as are required to: a) identify areas impacted or potentially impacted by natural hazards, including flooding and bushfire; and b) address the related land use planning implications. 	Short-term	Not relevant.
ii)	Review and amend the merged LEP, as soon as practicable and/or in response to the above-mentioned study outcomes, to: a) restrict development in areas identified as being impacted or potentially impacted by natural hazards; and b) require development proponents to address natural hazards on sites / in areas impacted or potentially impacted by such hazards.	2021+	Not relevant.
4d)	Contaminated Land		
i)	Undertake such studies as are required to: a) identify sites impacted or potentially impacted by contamination; and b) address the related land use planning implications.	Short-term	Not relevant.
ii)	Review and amend the merged LEP, as soon as practicable and/or in response to the above-mentioned study outcomes, to: a) manage development on sites identified as being	2021+	Not relevant.



DIRECTIONS & APPLICABLE ACTIONS	TIMEFRAME OF IMPLEMENTATION	Planning Proposal response – is the Proposal consistent with the Strategy? COMMENTS
impacted or potentially impacted by contamination; and b) require development proponents to address contamination on sites impacted or potentially impacted by contamination.		





New England Development Strategy

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

The proposed PP is considered to be consistent with the NEDS. It will facilitate the lawful continuation of existing uses within the neighbourhood hub.

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

Consideration of each of the State Environmental Planning Policies (SEPPs) is provided in **Attachment 1**. There are none that have any provisions that are specifically applicable to the PP.

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

The Ministerial Directions are considered in **Attachment 2**. The PP is not considered to be inconsistent with any of the Ministerial Directions.

Section C. Environmental, social, and economic impacts

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?

As shown on the mapping in Attachment 4,

- the site is not mapped as being on the Biodiversity Values Map
- The site is not mapped as containing native vegetation
- There are no threatened species mapped as recorded, by BioNet, as occurring on or near the site.

The site is highly modified through previous use of the site, as shown in **Plate 1** and **Plate 2**. It does not contain any significant or remnant vegetation. Based on this, it is not expected that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the PP.

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

There are no other likely environmental effects as a result of the PP.

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

Heritage

A search of the State Heritage Inventory has revealed the site is not mapped as containing any items of non-Aboriginal heritage significance. An Aboriginal Heritage Information Management System (AHIMS) Search has identified that no items of Aboriginal heritage significance have been identified on the site (refer **Attachment 5**).

Based on the absence of items of heritage significance, it is not expected that the PP would impact on any items/areas of heritage significance.

Estimate the number of jobs

The PP will regularise the lawfulness of the existing retail use of the site. This will provide certainty for existing and future employment on the site.



Identify the impact on existing social infrastructure

Given the existing use of the site, the PP is not expected result in a measurable impact on existing social infrastructure.

Identify the need for public open space or impacts on green infrastructure

The PP is not expected to result in an increased need for public open space or green infrastructure.

Identify the impact on existing retail centres

The PP will regularise the lawfulness of the existing retail use of the site. This would reinforce the commercial hub that is located at the intersection of Rusden and Ohio Streets. It is expected to have an immeasurable impact on the Armidale CBD.

Measures to mitigate any adverse social or economic impacts, where necessary, and whether additional studies are required

Nil required.

Public Benefits

On balance of issues, the PP is expected to result in a net public benefit through the certainty it will provide in continued use of the site and services provided to the local community.

Section D. State and Commonwealth interests

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

The site has existing connections to reticulated potable water supply and sewerage infrastructure. The use is in existence on the site. Given this it is understood that site has access to adequate existing public infrastructure.

The site has direct access to Rusden Street, which is a two lane two way local street. The continued retail use of the site is not expected to result in exceedances of the capacity of the local network.

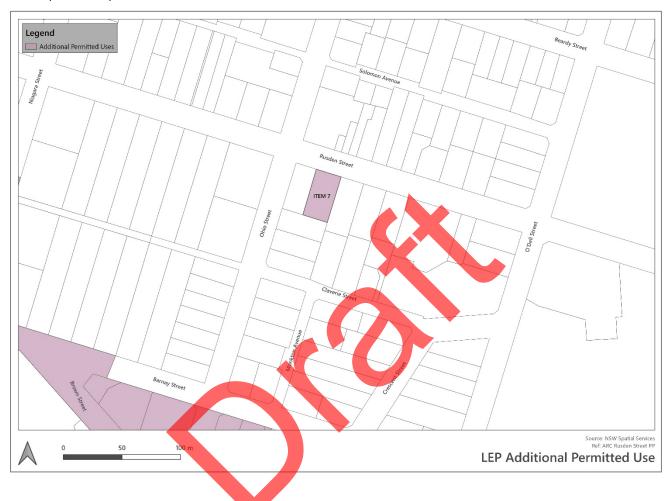
Q.11 What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?

There are no State or Commonwealth Public Authorities deemed to be required to be consulted as part of this PP unless DPE determines otherwise.



PART 4 – MAPPING

The LEP "Additional Permitted Uses Map – Sheet APU_002AA" is to be amended to include the site as Item 7 as generally shown below. Council's GIS Officer will finalise these in the standard technical format required by the Department prior to finalisation of the PP.





PART 5 – COMMUNITY CONSULTATION

Preliminary consultation with DPE indicated the PP could be undertaken as a Basic Category which requires a maximum of 10 working days public exhibition.

Notification of the PP would be undertaken in the following manner:

- In a newspaper that circulates in the area affected by the PP
- On the Planning Portal
- On council's website
- In writing to affected and adjoining landowners.





PART 6 – PROJECT TIMELINE

The anticipated project timeline for completion of the Planning Proposal is outlined in **Table 3**.

Tallal	I	D	:	time	1:
Iani	P 5:	Pro	IPCT	TIME	IINP

Tark	Auticipated Timeforms
Task	Anticipated Timeframe
Date of Gateway Determination	ТВА
Completion of technical information, studies if required	Not required
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	Not required
Commencement and completion dates for public exhibition.	10 business days exhibition
Dates for public hearing if required.	Not required
Timeframe for the consideration of submissions	30 days
Timeframe for the consideration of the PP post exhibition	30 days
Date of submission to the Department to finalise the LEP.	TBA following council endorsement meeting
Anticipated date council will make the plan (if delegated).	TBA following council endorsement meeting
Anticipated date council will forward to the Department for notification.	TBA following council endorsement meeting



REFERENCES

- Armidale Regional Council. (2020). *Local Strategic Planning Statement: A Plan for 2040.* Armidale: Armidale Regional Council.
- NSW Department of Planning & Environment. (2018). *Planning for the future of retail | Discussion Paper.* Sydney: DPE.
- NSW Department of Urban Affairs and Planning. (2001). *Integrating Land Use And Transport | The Right Place for Business and Services Planning policy.* Sydney: NSW DUAP.
- NSW Government. (2022). Historical Imagery. Retrieved from Spatial Collaboration Portal.
- NSW Planning & Environment. (2017). *New England North West Regional PLan 2036.* Tamworth: NSW Planning & Environment.

Worley Parsons. (2010). New England Development Strategy. Newcastle: Worley Parsons.









Attachment 1: APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES

The following table considers the applicability of each of the State Environmental Planning Policies (SEPPs).

Table 6: State Environmental Planning Policies

SEPP	Consistent	Comment
Biodiversity and Conservation 2021	N/A	No provisions applicable to the PP.
Building Sustainability Index: (BASIX) 2004	N/A	No BASIX affected buildings.
Exempt and Complying Development Codes 2008	N/A	Provides for exempt and complying development provisions. No provisions applicable to the PP.
Housing 2021	N/A	No housing included or proposed. No provisions applicable to the PP.
Industry and Employment 2021		No provisions applicable to the PP.
No 65—Design Quality of Residential Apartment Development	N/A	No residential apartment development provided. No provisions applicable to the PP.
Planning Systems 2021		No provisions applicable to the PP.
Precincts—Central River City 2021	N/A	Not applicable to the site.
Precincts—Eastern Harbour City 2021	N/A	Not applicable to the site.
Precincts—Regional 2021		No provisions applicable to the PP.
Precincts—Western Parkland City 2021	N/A	Not applicable to the site.
Primary Production 2021	N/A	No provisions applicable to the PP.
Resilience and Hazards 2021		No provisions applicable to the PP.
Resources and Energy 2021		No provisions applicable to the PP.
Transport and Infrastructure 2021		No provisions applicable to the PP.



Attachment 2: APPLICABLE MINISTERIAL DIRECTIONS (SECTION 9.1 DIRECTIONS)

The following table contains the Ministerial Directions and outlines the applicability and consistency of the PP with each.

Table 7: Section 9.1 Ministerial Directions

	Direction	Consistent	Comments		
Focus	Focus area 1: Planning Systems				
1.1	Implementation of Regional Plans	Yes	As outlined in under Question 3 of Section B.		
1.2	Development of Aboriginal Land Council land	N/A	Not on land shown on the land application map of Chapter 3 in State Environmental Planning Policy (Planning Systems) 2021.		
1.3	Approval and Referral Requirements	Yes	The PP does not include any provisions requiring concurrence, consultation or referral of development applications to a Minister or public authority. The PP does not identify any designated development.		
1.4	Site Specific Provisions	Yes	The development will regularise the lawfulness of existing uses on the site without reliance on existing use right provisions. It will achieve this by provision of an additional permitted use on the site within the existing zoning and without imposing developments standards/requirements in addition to those already contained in the LEP. The PP does not contain any or refer to any drawings showing the details of the proposed development.		
Focus	s area 1: Planning Systems - Place-b	ased			
1.5	Parramatta Road Corridor Urban Transformation Strategy	N/A	Not applicable to the site/LGA.		
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	Not applicable to the site/LGA.		
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	Not applicable to the site/LGA.		
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	Not applicable to the site/LGA.		
1.9	Implementation of Glenfield to	N/A	Not applicable to the site/LGA.		



Table 7: Section 9.1 Ministerial Directions

	Direction	Consistent	Comments
	Macarthur Urban Renewal Corridor		
1.10	Implementation of the Western Sydney Aerotropolis Plan	N/A	Not applicable to the site/LGA.
1.11	Implementation of Bayside West Precincts 2036 Plan	N/A	Not applicable to the site/LGA.
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	N/A	Not applicable to the site/LGA.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	N/A	Not applicable to the site/LGA.
1.14	Implementation of Greater Macarthur 2040	N/A	Not applicable to the site/LGA.
1.15	Implementation of the Pyrmont Peninsula Place Strategy	N/A	Not applicable to the site/LGA.
1.16	North West Rail Link Corridor Strategy	N/A	Not applicable to the site/LGA.
1.17	Implementation of the Bays West Place Strategy	N/A	Not applicable to the site/LGA.
Focus	area 2: Design and Place		
Nil			
Focus	s area 3: Biodiversity and Conservat	ion	
3.1	Conservation Zones	N/A	The PP will not impact any land that is identified as an environmentally sensitive area or land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP.
3.2	Heritage Conservation	N/A	 The PP site is not known to contain any (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified



Table 7: Section 9.1 Ministerial Directions

	Direction	Consistent	Comments
			by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.
3.3	Sydney Drinking Water Catchments	N/A	Not applicable to the site/LGA.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	Not applicable to the site/LGA.
3.5	Recreation Vehicle Areas	N/A	The PP does not include development for the purpose of a recreation vehicle area.
Focu	s area 4: Resilience and Hazards		
4.1	Flooding	N/A	The PP does not create, removes or alter a zone or a provision that affects flood prone land.
4.2	Coastal Management	N/A	The PP does not apply to land that is within the coastal zone.
4.3	Planning for Bushfire Protection	N/A	The PP will not affect, or not be in proximity to, land mapped as bushfire prone land.
4.4	Remediation of Contaminated Land	N/A	 The PP site is not: (a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997, (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out, (c) for residential, educational, recreational or childcare purposes, or for the purposes of a hospital.
4.5	Acid Sulfate Soils	N/A	The PP site is not land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment.
4.6	Mine Subsidence and Unstable Land	N/A	The PP site is not located within a declared mine subsidence district in the Coal Mine Subsidence Compensation Regulation 2017 pursuant to section 20 of the Coal Mine Subsidence Compensation Act 2017, or has been identified as unstable in a study, strategy or other



Table 7: Section 9.1 Ministerial Directions

	Direction	Consistent	Comments		
			assessment undertaken by or on behalf of the relevant planning authority or by or on behalf of a public authority and provided to the relevant planning authority.		
Focu	s area 5: Transport and Infrastructui	re			
5.1	Integrating Land Use and Transport	Yes	The PP will regularise the lawfulness of the existing retail land use of the site. The PP would not be inconsistent with aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).		
5.2	Reserving Land for Public Purposes	N/A	The PP does not create, alter or reduce existing zonings or reservations of land for public purposes.		
5.3	Development Near Regulated Airports and Defence Airfields	N/A	The PP will not create, alter or remove a zone or a provision relating to land near a regulated airport.		
5.4	Shooting Ranges	N/A	The PP will not affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.		
Focu	s area 6: Housing				
6.1	Residential Zones	Yes	The PP will regularise the lawfulness of the existing retail uses on site, thus making use of the existing infrastructure and services. It will not impact on the choise of building types/locations available, or impact on the consumption of land for housing and assocated urban development on the urban fringe. Furthermore it will not impact on the density of residential development.		
6.2	Caravan Parks and Manufactured Home Estates	N/A	The PP does not identify suitable zones, locations and provisions for caravan parks or manufactured home estates.		
Focu	Focus area 7: Industry and Employment				
7.1	Business and Industrial Zones	N/A	The PP will not impact on any existing or proposed business or industrial zone.		
7.2	Reduction in non-hosted short- term rental accommodation period	N/A	Not applicable to the site/LGA.		



Table 7: Section 9.1 Ministerial Directions

	Direction	Consistent	Comments
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	N/A	Not applicable to the site/LGA.
Focu	s area 8: Resources and Energy		
8.1	Mining, Petroleum Production and Extractive Industries	N/A	The PP would not have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.
Focu	s area 9: Primary Production		
9.1	Rural Zones	N/A	The PP does not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.
9.2	Rural Lands	N/A	The PP does not: (a) will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary) or (b) changes the existing minimum lot size on land within a rural or conservation zone.
9.3	Oyster Aquaculture	N/A	The PP does not apply to a 'Priority Oyster Aquaculture Areas' or oyster aquaculture outside such an area as identified in the NSW Oyster Industry Sustainable Aquaculture Strategy (2006).
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	N/A	Not applicable to the site/LGA.



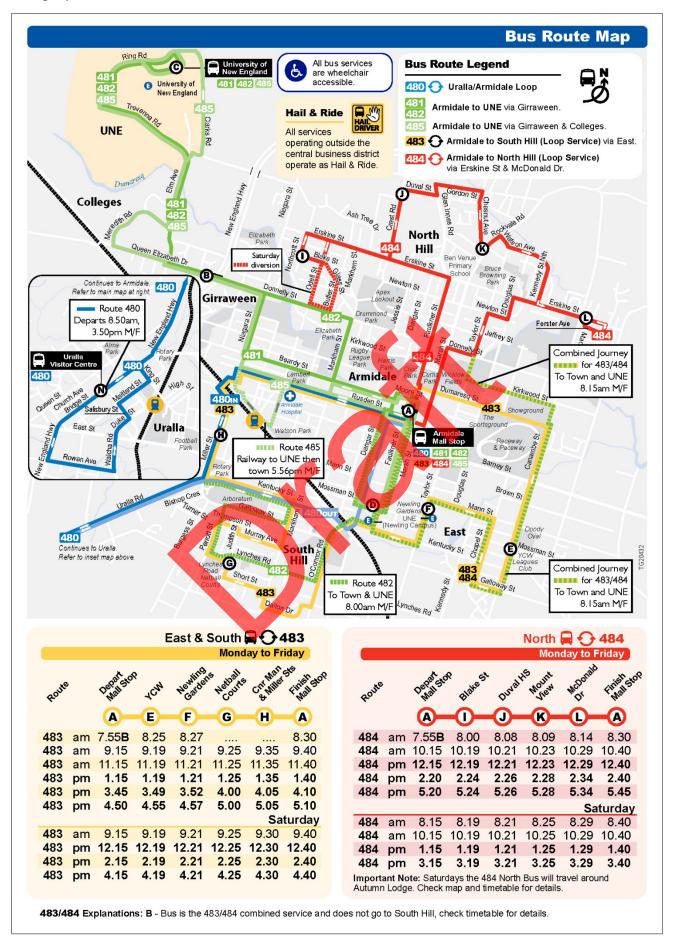
Attachment 3: BUS SERVICES









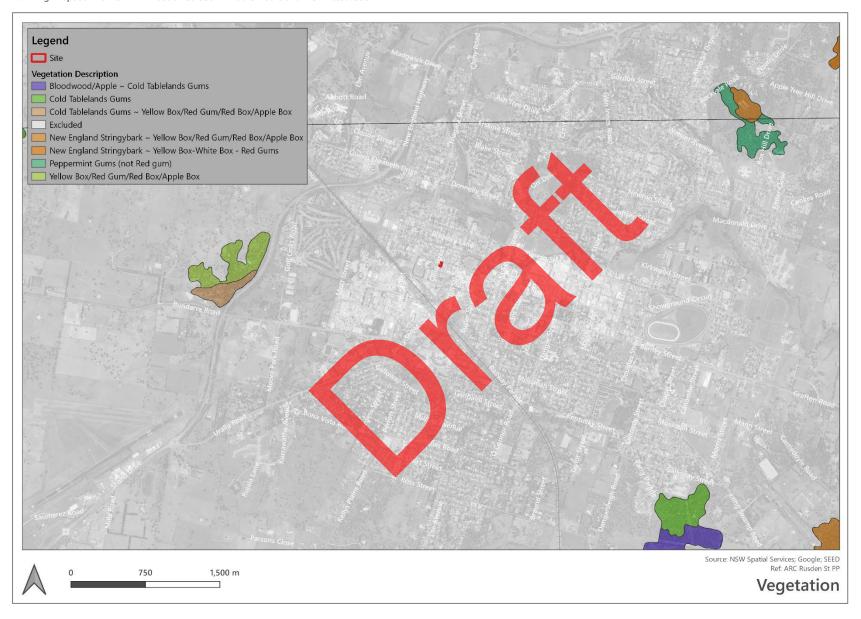




Attachment 4: BIODIVERSITY MAPPING













Attachment 5: AHIMS Search







Your Ref/PO Number : 21131 Client Service ID : 691648

Date: 14 June 2022

Integrated Consulting

PO Box 9026

Bathurst West New South Wales 2795

Attention: Erika Dawson

Email: erika@integratedconsulting.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: A. DP:DP329168. Section: - with a Buffer of 50 meters, conducted by Erika Dawson on 14 June 2022.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0 Aboriginal sites are recorded in or near the above location.

0 Aboriginal places have been declared in or near the above location. *



If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it.
 Aboriginal places gazetted after 2001 are available on the NSW Government Gazette (https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It
 is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal
 places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are
 recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



Level 6, 10 Valentine Ave, Parramatta 2150 Locked Bag 5020 Parramatta NSW 2124 Tel: (02) 9585 6345 ABN 34 945 244 274 Email: ahims@environment.nsw.gov.au Web: www.heritage.nsw.gov.au