



IRF23/985

Gateway determination report – PP-2023-782

To amend the minimum lot size on part Lot 200
DP1277689, 90 Kurrawatha Avenue, Armidale

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal No. 18 – Altering the Lot Size of Land at 90 Kurrawatha Avenue, Armidale (part Lot 200 DP1277689) from 1 hectare to 4000m ² – March 2023
Aboriginal Heritage Impact Assessment – RPS – August 2023

Flora and Fauna Assessment – Birdwing Ecological Services – August 2021

Targeted *Dichanthium setosum* Survey – Birdwing Ecological Services – April 2023

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Armidale Regional Council
PPA	Armidale Regional Council
NAME	To amend the minimum lot size on part Lot 200 DP1277689, 90 Kurrawatha Avenue, Armidale
NUMBER	PP-2023-782
LEP TO BE AMENDED	Armidale Regional Local Environmental Plan (LEP) 2012
ADDRESS	90 Kurrawatha Avenue, Armidale
DESCRIPTION	Part Lot 200 DP 1277689
RECEIVED	17/04/2023
FILE NO.	IRF23/985
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to amend the Armidale Regional LEP 2012 to reduce the minimum lot size on Lot 200 DP 1277689, 90 Kurrawatha Avenue, Armidale from 1 hectare to 4,000m square metres in order to:

- facilitate an increase in density of residential development on the land; and
- ensure protection of the visual amenity and environmental values of the site.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Armidale Regional LEP 2012 by amending the minimum lot size map as follows:

- Amend part Lot 200 DP1277689 from Y – 1 hectare to W – 4,000m² (Figures 1 and 2).

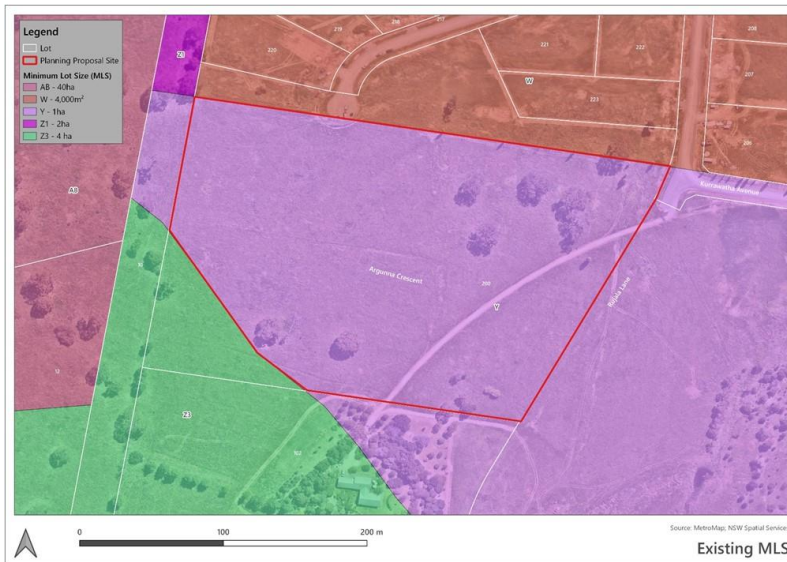


Figure 1 Existing minimum lot size map (source: Planning Proposal)

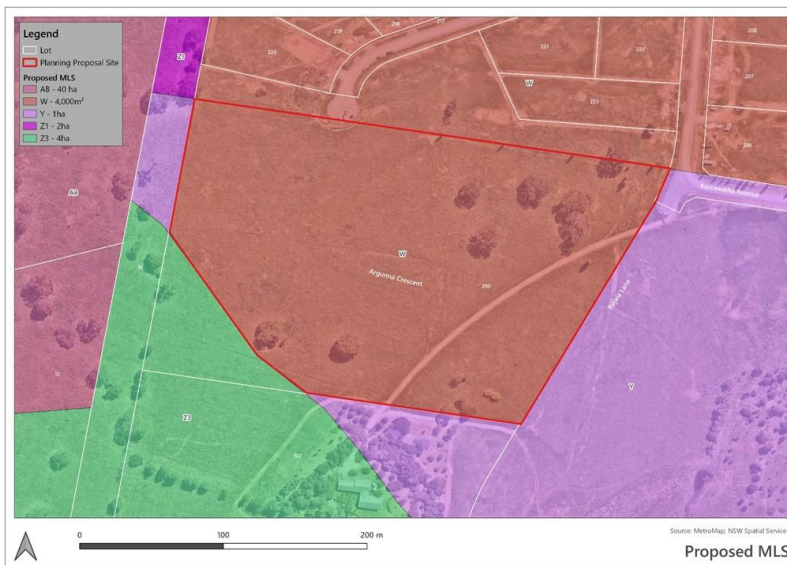


Figure 2 Proposed minimum lot size map (source: Planning Proposal)

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The subject land is described as part Lot 200 DP1277689, known as 90 Kurrawatha Avenue, Armidale. The allotment is 6.075 hectares in size. The site is located within 5km of the Armidale CBD and approximately 600m from Armidale Airport.



Figure 3 Subject site (source: Planning Proposal)



Figure 4 Site context (source: Planning Proposal)



Figure 5 Approved subdivision DA-2-2104-A (source: Planning Proposal)

1.5 Mapping

The planning proposal includes mapping (Figures 1 and 2) showing the proposed changes to the Minimum Lot Size maps, which are suitable for community consultation.

Maps consistent with the Standard Technical Requirements will need to be prepared before the making of the LEP amendment.

1.6 Background

The subject site is located within the area that was within the former Dumaresq Shire Council Local Government Area (LGA) and directly abutted the former Armidale City Council LGA.

The subject site and surrounds were identified as part of previous planning investigations as having visual amenity value. In retaining the visual amenity from the key visual receptor areas, retaining the vegetated upper slopes and undeveloped hilltop areas were deemed to be of importance.

To reinforce the protection of amenity values, the upper slopes were zoned as 'Environmental Protection – Prime' and the lower elevations 'Environmental Protection – Scenic Support'. Minimum lot size controls were also established to restrict density. The land was zoned 'Rural Fringe' within the adjacent Armidale City Council land.

To achieve these objectives, further controls were included within the Development Control Plan (DCP), which have been transferred upon amalgamation of the two Councils and subsequent LEP iterations.

Council granted consent to a 28-lot subdivision of the subject site and adjacent land in 2014 (DA-2-2014-A). This subdivision consent has commenced but not completed.

PP No. 10 rezoned the adjacent former Armidale City Council land from R5 Large Lot Residential to R2 Low Density Residential and C4 Environmental Living and changed the minimum lot size from 2 hectares to 4,000m² within the R2 area. The PP No. 10 land has subsequently been subdivided (DA-52-2018), which has essentially replaced (whilst not surrendered) the DA-2-2014-A approval in the PP No. 10 location.

At the May 2022 Ordinary Meeting, Council resolved to endorse Planning Proposal No. 18 to rezone the land at 48 Kurrawatha Avenue, Armidale from C4 Environmental Living and C3 Environmental Management to R2 Low Density Residential and alter the minimum lot size from 1 hectare and 4 hectare to 4000m². The proposal was returned at lodgement due to a lack of strategic and site-specific merit, given the land is located outside the areas identified for future growth under Council's strategic planning documents. In this regard, the proposal has been updated to retain the current C3/C4 zoning and reduce the area subject to the reduction in minimum lot size.

2 Need for the planning proposal

The planning proposal is not the result of a local strategic planning statement, or Department approved local housing strategy, employment strategy or report.

Council have indicated that the aim of the proposal is to amend the LEP to allow for a reduced lot size on the lower elevations of the site, facilitating an increase in density of residential development on the land whilst ensuring visual amenity and environmental protection for the site is retained. Council has also indicated the proposal aims to facilitate more efficient use of the existing infrastructure available to the site.

As part of the previous PP No. 10 for the adjacent land to the north of the site, consideration was given to an alternative method of achieving the objectives and intended outcomes by retaining the

current R5 Zoning but reducing the minimum lot size to 4,000m². However, this approach was not considered appropriate as it would allow a range of permissible uses on R5 Large Lot Residential land under the LEP 2012 and State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 which may not be compatible or in keeping with the character of low density residential development. This is not the case for the subject proposal, where the C4 Environmental Living zone is to be retained.

Council had considered rezoning the land to R2 to achieve these objectives, however this approach would not provide any scenic protection in the absence of standard scenic protection provisions. Furthermore, this approach did not have sufficient strategic and site-specific merit, given the land is located outside the areas identified for future growth under Council's strategic planning documents. Including a clause for the protection of visually sensitive land would require further consideration and would be more appropriately considered as a separate planning proposal.

Therefore, the planning proposal to amend the Armidale Regional LEP 2012 is considered the best means of achieving the objectives or intended outcomes.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the New England North West Regional Plan 2041. The proposal does not undermine the vision, objectives or strategies of the Regional Plan.

Table 3 Regional Plan assessment

Regional Plan Objectives	Justification
Part 1: Growth, change and opportunity	<p><i>Objective 1: Coordinate land use planning for future growth, community need and regional economic development</i></p> <p>In relation to Strategy 1.2, the proposal will utilise existing infrastructure recently installed in the area and provide for greater utilisation of this existing infrastructure through the increased density of development.</p>

Part 2: Productive
and innovative

Objective 2: Protect the viability and integrity of rural land

The site contains a small area of Biophysical Strategic Agricultural Land (BSAL).

The proposal to reduce the minimum lot size will provide for an increased number of allotments (and subsequently dwellings) within the planning proposal site. The proposal identifies that the land to the west of the site is zoned RU4 Primary Production Small Lots, currently used for grazing activities and a funeral home, which also includes a crematorium.

The planning proposal is not consistent with this objective as it is considered the potential for land use conflict has not been fully addressed.

It is recommended consultation be undertaken with the NSW Department of Primary Industries (DPI) – Agriculture to confirm the suitability of the planning proposal. Any recommendations are to be updated in the planning proposal.

Objective 4: Responsibly manage mineral resources

No consultation has occurred with the NSW Division of Resources and Geoscience. However, Council indicated a search of the Department of Regional NSW MinView web mapping has revealed no mineral resources or deposits located within or in proximity to the site. Given no change in land use is proposed, the proposal is not inconsistent with this objective.

Part 3: Sustainable and resilient	<p><i>Objective 8: Adapt to climate change and natural hazards and increase climate resilience</i></p> <p>Although the planning proposal site is not subject to flooding, the land to the east is mapped within the Flood Planning Area and subject to the 100-year flood. Flooding has been addressed within the planning proposal and Council has indicated that Kurrawatha Avenue will be free from flooding for all flood events up to and including the 1% AEP event. In this regard, all future allotments within the planning proposal area will have flood free access for the entire length of Kurrawatha Avenue, allowing safe evacuation from the site in the case of an emergency during a 1% AEP flood event.</p> <p><i>Objective 12: Protect regional biodiversity and areas of High Environmental Value</i></p> <p>A small portion of the site is mapped as HEV land. The current C4 zoning is to be retained as part of the planning proposal to reduce the minimum lot size. Whilst the reduction in minimum lot size would allow for an estimated additional seven allotments, the proposal will not impact upon the permissible land uses on the site. The submitted Flora and Fauna Assessment has indicated that the site is substantially degraded and remnant native vegetation is in low condition. However, woodland vegetation corresponds with PCT 571 Ribbon Gum – Rough-barked Apple – Yellow Box grassy woodland of the New England Tableland Bioregion and NSW North Coast Bioregion (PCT 571). Despite being in low condition, this vegetation is of high conservation value, as it is consistent with the characteristics of the BC Act listed critically endangered TEC ‘White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands, NSW South Western Slopes, South East Corner and Riverina Bioregions’.</p> <p>To reduce potential biodiversity impacts of the proposal, it was recommended that removal of PCT 571 woodland and isolated paddock tree eucalypts for a future development should be minimised where possible, with building envelopes and associated infrastructure located within cleared areas.</p> <p>It is recommended consultation be undertaken with the Biodiversity and Conservation Division (BCD) to confirm the suitability of the planning proposal.</p>
Part 4: Housing and place	<p><i>Objective 13: Provide well located housing options to meet demand</i></p> <p>In relation to Strategy 13.3, Council has indicated that the proposal is not considered to be new rural residential housing. The planning proposal will facilitate an estimated additional seven lots and the additional density is consistent with previous studies and adjacent land uses.</p> <p><i>Objective 18: Public spaces and green infrastructure support connected, inclusive and healthy communities</i></p> <p>Council has indicated the intention for any future subdivision to incorporate revegetation through street tree planting and windbreak vegetation along the external site boundaries.</p>

Part 5: Connected and accessible	<p><i>Objective 20: Improve state and regional freight connectivity</i></p> <p>Strategy 20.2 relates to supporting the operation of regional airports and aerodromes in local planning. The planning proposal site is located within the vicinity of the Armidale airport outside of the ANEF 20 Contour. The site is affected by the OLS 1125.45 contour. The highest point of the site is the 1062 contour, which would enable development of the site without penetration of the OLS. Council has indicated that consultation with CASA will be carried out, which forms part of the Gateway conditions.</p>
Local Government Narratives	The planning proposal is not inconsistent with the Local Government Narratives as it will assist in delivering a variety of housing options in Armidale.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 4 Local strategic planning assessment

Local Strategies	Justification
Armidale Local Strategic Planning Statement: A Plan for 2040	<p>The Armidale Local Strategic Planning Statement: A Plan for 2040 (LSPS) was adopted by Council following consideration at the October 2020 Ordinary Meeting. The proposal is not inconsistent with the following planning priorities contained in the LSPS:</p> <p><i>1c) Land for Housing</i></p> <p>This action requires undertaking of studies to identify land required and suitable for residential and related purposes within or as a logical extension to existing settlements. Planning Action 1(c)(ii) requires the amendment of the LEP in response to the studies to allow development of land identified as being required and suitable for residential and related purposes. In the absence of these studies being completed, it is considered there is sufficient justification from existing strategic planning documents to support the change in minimum lot size proposed.</p> <p><i>2b) Agricultural Land</i></p> <p>The site contains a small area of Biophysical Strategic Agricultural Land (BSAL).</p> <p>The proposal to reduce the minimum lot size will provide for an increased number of allotments (and subsequently dwellings) within the planning proposal site. The proposal identifies that the land to the west of the site is zoned RU4 Primary Production Small Lots, currently used for grazing activities and a funeral home, which also includes a crematorium.</p> <p>The planning proposal is not consistent with this action as it is considered the potential for land use conflict has not been fully addressed.</p> <p>It is recommended consultation be undertaken with the NSW Department of Primary Industries (DPI) – Agriculture to confirm the suitability of the planning proposal. Any recommendations are to be updated in the planning proposal.</p>

Dumaresq Environmental Study Visual Assessment	<p>The Dumaresq Environmental Study Visual Assessment was carried out by EDAW (Aust) Pty Ltd and Magoffin Deakin Pty Ltd in 1993.</p> <p>The proposal site covers the land that is currently zoned C4, which is the same area that was formerly zoned “Environmental Protection – Support Scenic” under the previous Armidale Dumaresq LEP 2008 and identified as “Integrated Development” in the Visual Management Units. In terms of management of the “Integrated Development” Area, the strategies identified in the assessment included:</p> <ul style="list-style-type: none"> • Create a diverse range of block sizes to satisfy market and visual requirements • Design subdivision layouts to visually integrate with the rural landscape <p>The proposal will facilitate lots of a smaller size whilst still achieving the visual requirements identified throughout the various studies and integrating with the landscape.</p>
City of Armidale – Environmental Protection Zone Review	<p>The review recommended that the Support Scenic Protection Lands (i.e. C4 zone) be amended to an urban use zone with scenic protection provisions and a DCP prepared (Hill Top Planners and Manidis Roberts Pty Limited, 1995).</p> <p>The proposal is not inconsistent with the review as it will provide for a lot size that is consistent with the adjacent “urban use” zone (i.e. R2 zone) whilst retaining scenic protection provisions through the retention of the C4 zoning in the absence of other scenic protection provisions within the LEP.</p> <p>The review recommends that lot sizes are to reflect the characteristics of the land, including slope. The planning proposal area includes grades of 5-10% which is similar to the recently developed PP No. 10 area, which also includes a minimum lot size of 4,000m².</p> <p>Furthermore, the review recommended that allotments are to be of a size to accommodate large scale trees in locations without damaging retaining walls or batters (Hill Top Planners and Manidis Roberts Pty Limited, 1995). The minimum lot size of 4,000m² is considered sufficient to accommodate large scale trees to provide the required screen plantings.</p>
Strategic Analysis for Draft Armidale Dumaresq Local Environmental Plan 2005	<p>The Strategic Analysis for the Draft Armidale Dumaresq LEP 2005 (Strategic Analysis) was prepared in 2005 to provide a background to and rationale for the intended LEP to be created as part of the merged Armidale City and Dumaresq Shire Councils.</p> <p>Page 42 of the Strategic Analysis identified that land with high scenic values is inappropriate to allow urban residential subdivision and development. However, the planning proposal site is outside the prime scenic protection area (i.e. C3 zoned land) and the proposal to reduce the minimum lot size is not considered to impact upon this area.</p> <p>The proposal achieves the site-specific constraints criteria within the Strategic Analysis principles.</p>

New England
Development
Strategy (NEDS)

The NEDS report (Worley Parsons 2010) notes that during the preparation of the Armidale Dumaresq LEP 2008, it was estimated that land would be needed in Armidale to accommodate an estimated 3,680 new dwellings up to 2021.

At the time the strategy was prepared, the Armidale Dumaresq LEP (2008) provided a sufficient supply of residentially zoned land to meet projected dwelling demand over a 10-year period. Beyond this period, urban growth would need to be accommodated in suitable areas identified for urban investigation.

Council has indicated there are currently no other vacant allotments of 4,000 square metre land size available in the Armidale market, apart from the adjacent land rezoned via PP No.10. Two other R2 zoned sites have existing subdivision approvals, however their viability is limited due to servicing constraints.

Given the length of time that has elapsed since the last major update of the Armidale Dumaresq LEP in 2012, the lack of development in some land which is suitably zoned, and strong growth in residential development in Armidale in intervening years, Council has indicated it is now necessary to consider rezoning additional land to cater for further urban growth, particularly for land having minimum lot size of 4,000m².

Given the above, the planning proposal is not inconsistent with the NEDS report.

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 5 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.4 Site Specific Provisions	Inconsistent resolved.	The proposal is inconsistent with this Direction as it briefly refers to a concept subdivision (page 55). The planning proposal is to be updated to remove this reference prior to exhibition as a requirement of the Gateway determination which will resolve the inconsistency with this Direction.

9.2 Rural Lands	Inconsistent Justified - minor significance	<p>The planning proposal is inconsistent with this Direction as applies to land zoned C4 Environmental Living and it does not support all of the Direction's requirements. It is also noted the site contains a small area of BSAL.</p> <p>The inconsistency is considered to be of minor significance as it affects land that has already has approval for subdivision and adjoins existing urban development. As such, it is unlikely to be suitable for agricultural practices.</p> <p>However, as the proposal identifies the land to the west of the site is zoned RU4 Primary Production Small Lots, currently used for grazing activities, it is recommended consultation be undertaken with the NSW Department of Primary Industries (DPI) – Agriculture to confirm the suitability of the proposal.</p>
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3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 6 Environmental impact assessment

Environmental Impact	Assessment
Flora and fauna	<p>A small part of the site is mapped as High Environmental Value (HEV). The current C4 zoning is to be retained as part of the planning proposal to reduce the minimum lot size.</p> <p>A Flora and Fauna Assessment was prepared by Birdwing Ecological Services in 2021 as part of the proposed rezoning of 48 Kurrawatha Avenue, Armidale (PP No. 10).</p> <p>The assessment indicated that the site is substantially degraded from previous land uses, and remnant vegetation is in low condition. The site does not contain any land mapped as being of Biodiversity Value as per the Office of Environment and Heritage (OEH) Biodiversity Values Map and Threshold Tool.</p> <p>The site is dominated by heavily disturbed exotic-dominated grassland, with small patches of low condition regrowth eucalypt woodland and isolated mature paddock trees. Apart from these trees, there is a low proportion of native vegetation within an exotic-dominated understorey/midstorey. While in low condition, the woodland vegetation corresponding with PCT 571 Ribbon Gum – Rough-barked Apple – Yellow Box grassy woodland has a high conservation value.</p> <p>No threatened fauna or migratory species listed under the BC Act or EPBC Act were recorded in the site survey, and no key habitat features such as hollow-bearing trees were recorded. Site vegetation could provide minor habitat value to threatened fauna species, though as these species forage over large areas any impact of future development is considered to be minimal.</p> <p>Further to this assessment, a targeted <i>Dichanthium setosum</i> (Bluegrass) survey was carried out on 6 April 2023, which is within the preferred survey period of November-May. The survey indicated <i>D. setosum</i> was not detected at the site, with the potential habitat for this species being marginal and of low quality. It was therefore considered highly unlikely any future development of the site would impact on the local population of this species in the Armidale locality.</p> <p>Specific recommendations have been made in the Flora and Fauna Assessment for the local preservation of existing isolated trees which can be addressed in the Biodiversity Development Assessment Report as part of any future Development Application on the land. The concept subdivision has been designed to allow all existing trees to be retained, clear of boundaries, servicing and future building areas.</p> <p>It is recommended consultation is undertaken with the Biodiversity and Conservation Division (BCD) to confirm the suitability of the planning proposal. It is also recommended the planning proposal is updated to include the outcome of the further targeted assessment survey of <i>Dichanthium setosum</i> (Bluegrass).</p>

Contamination	<p>The planning proposal does not propose a change in land use.</p> <p>Council has indicated the subject site is not known to have comprised previous land uses that are expected to have cause contamination. In addition, the site does not include:</p> <ul style="list-style-type: none"> land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997, 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.
Land use conflict	<p>The land to the west of the site is zoned RU4 Primary Production Small Lots, which is currently used for grazing purposes and a funeral home, which also includes a crematorium.</p> <p>A small area of the site is mapped as Biophysical Strategic Agricultural Land (BSAL).</p> <p>Council has indicated that the proposal would have no discernible impact on the productive capacity of agricultural land or land use conflict compared to the existing minimum lot size for the site. However, given the proposal will increase the number of allotments (and subsequently dwellings), this has the potential to increase land use conflict issues.</p> <p>It is recommended consultation be undertaken with the NSW Department of Primary Industries (DPI) – Agriculture to confirm the suitability of the planning proposal.</p> <p>It is also recommended consultation be undertaken with Cemeteries & Crematoria NSW in relation to the proximity of the proposal to an existing crematorium.</p> <p>The requirement for consultation forms part of the conditions of the Gateway determination.</p>
Flooding	<p>Although the planning proposal site is not subject to flooding, the land to the east is mapped within the Flood Planning Area and subject to the 100-year flood. Council has indicated that Kurrawatha Avenue will be free from flooding for all flood events up to and including the 1% AEP event.</p> <p>In this regard, all future allotments within the planning proposal area will have flood free access for the entire length of Kurrawatha Avenue, allowing evacuation from the site in the case of an emergency during a 1% AEP flood event.</p>
Geotechnical hazard	<p>The subject land predominantly includes grades of 5-10%. The proposal to reduce the minimum lot size is not considered to result in additional geotechnical risk, which will be considered as part of any future Development Application lodged.</p> <p>Council has identified the site as potentially spring affected as per Chapter 2.6 of the Development Control Plan. Council's review of historic NSW imagery over the site taken during a dry period identified one spring within the site, however this is outside the area of the planning proposal. Given there are no known springs within the planning proposal area, it is considered the potential impacts can be addressed as part of any future Development Application for the subdivision of the land.</p>
Noise	<p>The site is located approximately 600m from the Armidale Airport. The proposal will not increase residential densities within the ANEF 20 to 25 area.</p>

Visual impact

The proposal has the potential to result in increased visual impact through facilitating additional allotments (and dwellings) on the site. Council has carried out a visibility analysis to determine where the existing terrain would allow visibility of an 8.5m dwelling located on the highest point of the site.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 7 Social and economic impact assessment

Social and Economic Impact	Assessment
Social infrastructure	<p>The site has the potential for the development of approximately 13 low density residential lots under the proposed minimum lot size, or approximately six large lot rural residential allotments under the current provisions. The site is in proximity to the following facilities and services:</p> <ul style="list-style-type: none"> • 600m of Martins Gully Public School, 2km of New England Girls School and 2km of Armidale Secondary College; • 3km of Armidale Regional Airport; • 3.5km of Armidale Hospital; • 5km of the Armidale CBD <p>No negative social effects are anticipated from the intended outcomes of the proposal due to integration with the existing urban area.</p>
Economic impact	<p>No negative economic effects are anticipated from the intended outcomes of the proposal. Being located immediately adjacent to the existing urban area and residential zoned land in Armidale, the future residential subdivision of the site will achieve physical integration with the urban area.</p>

Heritage	<p><i>European heritage</i></p> <p>The allotment does not contain any items listed as Heritage Items in Schedule 5 of the Armidale Regional LEP 2012 or the State Heritage Register. The nearest heritage items are more than 500 metres from the site. Therefore, the proposal is unlikely to impact upon the scheduled items or curtilage.</p> <p><i>Aboriginal heritage</i></p> <p>It is acknowledged from the proposal that an AHIMS report conducted by Council on 17 September 2021 shows that no Aboriginal places have been declared on the site or in the near vicinity.</p> <p>The proposal was accompanied by an Aboriginal Heritage Impact Assessment prepared by RPS Group dated August 2010. The report was originally prepared to meet the heritage assessment requirements for the former Cameron's Dairy as part of the previous PP No. 10 to rezone the land directly to the north of the planning proposal site. The site of the subject proposal is wholly contained within this assessment.</p> <p>One Aboriginal site was identified on the originally assessed land area, and this site is not located within the site of the planning proposal. Overall, the study area was identified as having low archaeological sensitivity due to extensive clearing and past land uses including:</p> <ul style="list-style-type: none"> • use as a dairy; and • a history of farming, including extensive soil disturbance from disc ploughing; and • landscaping, earthworks and fencing of the land. <p>However, given the date of the AHIMS search and report, it is recommended that further consultation is undertaken with Armidale Local Aboriginal Land Council (LALC) to confirm the suitability of the planning proposal and Aboriginal Heritage Impact Assessment.</p> <p>Consultation with Armidale LALC is required as a condition of Gateway approval.</p>
Land use conflict	<p>The land to the west of the site is zoned RU4 Primary Production Small Lots, which is currently used for grazing purposes and a funeral home, which also includes a crematorium.</p> <p>A small area of the site is mapped as Biophysical Strategic Agricultural Land (BSAL).</p> <p>Council has indicated that the proposal would have no discernible impact on the productive capacity of agricultural land or land use conflict compared to the existing minimum lot size for the site. However, given the proposal will increase the number of allotments (and subsequently dwellings), this has the potential to increase land use conflict issues.</p> <p>It is recommended consultation be undertaken with the NSW Department of Primary Industries (DPI) – Agriculture to confirm the suitability of the planning proposal.</p> <p>It is also recommended consultation be undertaken with Cemeteries & Crematoria NSW in relation to the proximity of the proposal to an existing crematorium.</p> <p>The requirement for consultation forms part of the conditions of the Gateway determination.</p>

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 8 Infrastructure assessment

Infrastructure	Assessment
Local	<p>Urban infrastructure has been extended to the adjacent PP No. 10 area to the north and has been designed to be extended into the current subdivision approval for the subject site. The proposal will therefore utilise existing infrastructure recently installed in the area. There are no issues with infrastructure availability or capacity.</p> <p><i>Vehicular access</i></p> <p>The site has access to two public roads (Argunna Crescent and Rujala Lane). Both roads connect to Kurrawatha Avenue, which connects to Uralla Road.</p> <p><i>Traffic</i></p> <p>The proposed reduction in minimum lot size will permit an estimated additional seven allotments. Based on typical land use traffic generation, the proposal indicates this will generate up to 5.5 additional peak hour trips (based on 0.78/dwelling) on Kurrawatha Avenue and Uralla Road (NSW Roads & Maritime Services 2013). Traffic will then disperse depending on destination though most traffic is expected to continue across the Main Northern Railway to the Armidale CBD via Kentucky Street, and either Markham Street or Dangar Street.</p> <p>Council does not anticipate that this additional traffic will exceed the capacity of these roads nor result in any adverse impacts in terms of functioning or safety of the local road network. However, it is recommended consultation is undertaken with Transport for NSW (TfNSW) to confirm the suitability of the proposal.</p> <p><i>Water and sewer</i></p> <p>The proposal indicates that water mains extended along Kurrawatha Avenue to the adjoining residential development have capacity to permit adequate pressure and flowrate for the additional allotments.</p> <p>The site has natural fall to the east and gravity sewerage can be constructed to service the site without reliance on a sewage pumping station.</p> <p><i>Telecommunications and electricity</i></p> <p>The first stage of the subdivision of the land immediately to the north of the site is currently under construction and includes the provision of telecommunication and electricity infrastructure. The existing telecommunication and electricity infrastructure in the adjacent land can be extended to service the planning proposal site.</p> <p><i>Waste Management</i></p> <p>Council has an existing waste management facility with capacity to service the current and any additional demand generated by future residential development on the site.</p>

State

There will be no impact on State or regional infrastructure or the requirement for additional funding.

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 days.

The exhibition period proposed is considered appropriate and forms part of the conditions of the Gateway determination.

5.2 Agencies

Council has nominated the following public agencies to be consulted about the planning proposal:

- NSW Environment & Heritage
- Civil Aviation Safety Authority (CASA)

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Armidale Local Aboriginal Land Council (LALC)
- NSW Department of Primary Industries (DPI) Agriculture
- Biodiversity and Conservation Division (BCD)
- Civil Aviation Safety Authority (CASA)
- Cemeteries & Crematoria NSW
- Transport for NSW (TfNSW)

6 Timeframe

Council proposes a six month time frame to complete the LEP.

The Department recommends a time frame of six months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has indicated that it would like to exercise its functions as a Local Plan-Making authority.

As the site/planning proposal is consistent or justifiably inconsistent with the State, regional and local planning framework and deals only with matters of local significance, it is considered appropriate that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- the subject land is identified as urban land in the New England North West Regional Plan;
- the proposal is consistent with directions of the Regional Plan;

- the proposal consistent with the intent of Council's strategic planning documents, including the Local Strategic Planning Statement (LSPS); and
- reducing the minimum lot size of the land will assist in delivering additional housing supply and diversity in Armidale.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Remove reference to the proposed rezoning of the land;
- Remove reference to 48 Kurrawatha Avenue, Armidale;
- Remove reference to the concept subdivision (Page 55);
- Include outcomes of the targeted survey on *Dichanthium setosum* (Bluegrass); and
- Update the project timeframe table.

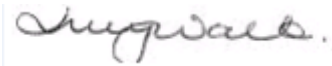
9 Recommendation

It is recommended the delegate of the Secretary:

- **Note** that the consistency with section 9.1 Directions 1.4 Site Specific Provisions and 9.2 Rural Lands are unresolved and will require further justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, the planning proposal is to be updated to:
 - Remove reference to the proposed rezoning of the land;
 - Remove reference to 48 Kurrawatha Avenue, Armidale;
 - Remove reference to the concept subdivision (Page 55);
 - Include the outcomes of the targeted survey on *Dichanthium setosum* (Bluegrass); and
 - Update the project timeframe table.
2. Consultation is required with the following public authorities:
 - Biodiversity and Conservation Division (BCD)
 - NSW Department of Primary Industries (DPI) – Agriculture
 - Armidale Local Aboriginal Land Council (LALC)
 - Civil Aviation Safety Authority (CASA)
 - Cemeteries & Crematoria NSW
 - Transport for NSW (TfNSW)
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. The timeframe for completing the LEP is to be six months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



08/05/2023

(Signature)

(Date)

Lucy Walker
Manager, Local & Regional Planning
Northern Region



19/5/2023

(Signature)

(Date)

Jeremy Gray
Director, Northern Region

Assessment officer

Georgia Weallans
Planning Officer, Northern Region
5778 1413