



# Gateway determination report – PP-2024-1099

To amend the minimum lot size on part Lot 200 DP  
1277689, 90 Kurrawatha Avenue, Armidale

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure 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. 24 – Altering the Current Lot Size of Land at 90 Kurrawatha Avenue, Armidale (Part Lot 200 DP1277689) from 1 and 4 hectares to 4,000m <sup>2</sup> and 6,000m <sup>2</sup> – April 2024

Flora and Fauna Assessment (Rev 2) – Birdwing Ecological Services – 5 March 2024

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Ordinary Council Meeting Report – 24 April 2024

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Ordinary Council Meeting Minutes – 24 April 2024

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Targeted *Dichanthium setosum* Survey – Birdwing Ecological Services – 5 March 2024

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Aboriginal Cultural Heritage Due Diligence Assessment – AREA Environmental & Heritage Consultants – February 2024

# 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-2024-1099
LEP TO BE AMENDED	Armidale Regional Local Environmental Plan 2012
ADDRESS	90 Kurrawatha Avenue, Armidale
DESCRIPTION	Part Lot 200 DP 1277689
RECEIVED	21/05/2024
FILE NO.	IRF24/7057
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 and 4 hectares to 4,000m square metres and 6,000 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 (Figures 1 and 2).

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



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



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

## 1.4 Site description and surrounding area

The subject land is described as part Lot 200 DP1277689, known as 90 Kurrawatha Avenue, Armidale. Lot 200 is 22.85 hectares in area, whilst the planning proposal area is 6.626 hectares in size. Of this area, 6.051ha (91%) currently has a minimum lot size of 1ha (current C4 zone), and 0.575 ha (9%) currently has a minimum lot size of 4ha (current C3 zone).

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 Locality plan (source: Planning Proposal)**





Figure 5 Planning proposal site (source: Planning Proposal)



Figure 6 Site context (source: Planning Proposal)



Figure 7 Approved subdivision DA-2-2014-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 planning proposal was initially submitted in May 2023 (PP-2023-782) and the Department issued a Gateway to proceed. The local environmental plan was required to be completed in six months from the date of the Gateway determination. The planning proposal was unable to be finalised within the timeframe due to an unresolved agency objection and subsequent need to amend the planning proposal. Due to the nature of the changes proposed and the extent of work still to occur to finalise the planning proposal at that time, Council withdrew the planning proposal with the view to relodge once outstanding matters had been resolved.

# 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.

# 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.

**Table 4 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	<p><i>Objective 2: Protect the viability and integrity of rural 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. In this regard, the proposal has the potential to increase land use conflict issues.</p> <p>Consultation was previously undertaken with the NSW Department of Primary Industries (DPI) – Agriculture as part of PP-2023-782. DPI Agriculture raised no</p>

objection to the planning proposal but provided guidance on the assessment of land use conflict issues. Given the subject planning proposal will only result in a minor increase of two additional lots and will not reduce the distance between rural and residential land uses, it is not considered further consultation with DPI Agriculture is required.

*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

*Objective 8: Adapt to climate change and natural hazards and increase climate resilience*

The planning proposal site is not subject to flooding. The land to the east (outside the PP site) is mapped within the Flood Planning Area and subject to the 100-year flood. It is noted this eastern portion was previously included as part of PP-2023-782 but has been removed as part of the subject PP-2024-1099.

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.

*Objective 12: Protect regional biodiversity and areas of High Environmental Value*

A small portion of the site is mapped as HEV land (Figure 8).



**Figure 8 High Environmental Value Land (source: Northern Region viewer)**

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 nine 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’.

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.

As part of the previous PP-2023-782, the former Biodiversity and Conservation Division (BCD) raised concerns in relation to potential impact of land use intensification enabled by the reduced minimum lot size on remnants of the White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland Critically Endangered Ecological Community (CEEC), which occur in the planning area. These impacts would comprise a Serious and Irreversible Impact (SII) entity.

To address these concerns, a revised lot layout was to be provided including an overlay of the HEV land to ensure these areas are contained within one lot. The discussion also included consideration of a further reduction in the MLS on the unconstrained areas of the PP site, including the area of C3 land in the south western corner of the site to achieve a similar lot yield as was initially proposed.

It is recommended that consultation be undertaken with the Division of Biodiversity, Conservation and Science (BCS) to confirm the suitability of the revised planning proposal.

<p>Part 4: Housing and place</p>	<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 nine 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>
<p>Part 5: Connected and accessible</p>	<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.</p> <p>As part of PP-2023-782, consultation was previously undertaken with the Civil Aviation Safety Authority (CASA) in relation to the proposed amendments. Given</p>

	CASA did not object to the planning proposal and does not seek to increase the density of dwellings as considered under PP-2023-782, it is not considered further consultation with CASA is required.
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 6 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). 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. In this regard, the proposal has the potential to increase land use conflict issues.</p> <p>Consultation was previously undertaken with the NSW Department of Primary Industries (DPI) – Agriculture as part of PP-2023-782. DPI Agriculture raised no objection to the planning proposal but provided guidance on the assessment of land use conflict issues. Given the subject planning proposal will only result in a minor increase of two additional lots and will not reduce the distance between rural and residential land uses, it is not considered further consultation with DPI Agriculture is required.</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</p>

	<p>Development” Area, the strategies identified in the assessment included:</p> <ul style="list-style-type: none"> <li>• Create a diverse range of block sizes to satisfy market and visual requirements</li> <li>• Design subdivision layouts to visually integrate with the rural landscape</li> </ul> <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 4,000m<sup>2</sup>.</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 4,000m<sup>2</sup> 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)	<p>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.</p> <p>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.</p> <p>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.</p> <p>Given the length of time that has elapsed since the last major update of the</p>

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 4,000m<sup>2</sup>.

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 7 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 54). 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, the proposal identifies the land to the west of the site is zoned RU4 Primary Production Small Lots, currently used for grazing activities. Given the proposal will increase the number of allotments (and subsequently dwellings), this has the potential to increase land use conflict issues. Consultation was previously undertaken with the NSW Department of Primary Industries (DPI) – Agriculture as part of PP-2023-782. DPI Agriculture raised no objection to the planning proposal but provided guidance on the assessment of land use conflict issues. Given the subject planning proposal will only result in a minor increase of two additional lots and will not reduce the distance between rural and residential land uses, it is not considered further consultation with DPI Agriculture is required.</p>



### 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 9 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>An updated Flora and Fauna Assessment was prepared by Birdwing Ecological Services on 5 March 2024.</p> <p>The assessment indicated that the site is substantially degraded and remnant native vegetation is in low condition. Consequently, few major biodiversity constraints are present at the site. The site does not contain 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 5 March 2024, 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 at the site being marginal and of low quality. It was therefore considered highly unlikely that 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>As part of the previous PP-2023-782, the former Biodiversity and Conservation Division (BCD) raised concerns in relation to potential impact of land use intensification enabled by the reduced minimum lot size on remnants of the White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland Critically Endangered Ecological Community (CEEC), which occur in the planning area. These impacts would comprise a Serious and Irreversible Impact (SII) entity.</p> <p>To address these concerns, a revised lot layout was to be provided including an overlay of the HEV land to ensure these areas are contained within one lot. The discussion also included consideration of a further reduction in the MLS on the unconstrained areas of the PP site, including the area of C3 land in the south western corner of the site to achieve a similar lot yield as was initially proposed.</p> <p>It is a requirement of Section 9.1 Direction 1.4 Site Specific Provisions that a planning proposal must not contain or refer to drawings that show details of the proposed development. However, an amended lot layout plan was provided as part of the previous discussions with BCD. BCD confirmed this plan was consistent with the changes discussed with the applicant and Council and their recommendations.</p> <p>It is recommended consultation be undertaken with the Division of Biodiversity, Conservation and Science (BCS) to confirm the suitability of the planning proposal.</p>
Contamination	<p>The planning proposal does not propose a change in land use. 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"> <li>land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,</li> <li>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.</li> </ul>
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.</p> <p>Given the proposal will increase the number of allotments (and subsequently dwellings), this has the potential to increase land use conflict issues. Consultation was previously undertaken with the NSW Department of Primary Industries (DPI) – Agriculture as part of PP-2023-782. DPI Agriculture raised no objection to the planning proposal but provided guidance on the assessment of land use conflict issues. Given the subject planning proposal will only result in a minor increase of two additional lots and will not reduce the distance between rural and residential land uses, it is not considered further consultation with DPI Agriculture is required.</p> <p>Consultation was also previously undertaken with Cemeteries &amp; Crematoria NSW in relation to the proximity of the proposal to an existing crematorium. No response was received. Given the subject planning proposal does result in a reduced distance between crematorium and future dwellings, it is not considered further</p>

	consultation with Cemeteries & Crematoria NSW is required.
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. The eastern part of the parent Lot 200 has therefore not been included in this proposal. 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	The site is located approximately 600m from the Armidale Airport. The proposal will not increase residential densities within the ANEF 20 to 25 area.
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 10 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"> <li>• 600m of Martins Gully Public School, 2km of New England Girls School and 2km of Armidale Secondary College;</li> <li>• 3km of Armidale Regional Airport;</li> <li>• 3.5km of Armidale Hospital;</li> <li>• 5km of the Armidale CBD</li> </ul> <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>In February 2024, a comprehensive Aboriginal Cultural Heritage Due Diligence Assessment (AREA Environmental &amp; Heritage Consultants) was prepared over the former Cameron's Dairy which wholly includes 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"> <li>• use as a dairy; and</li> <li>• a history of farming, including extensive soil disturbance from disc ploughing; and</li> <li>• landscaping, earthworks and fencing of the land.</li> </ul> <p>Consultation was previously undertaken with the Armidale Local Aboriginal Land Council (LALC) as part of PP-2023-782. Given no objection was received and a comprehensive Aboriginal Cultural Heritage Due Diligence Assessment (dated 2024) has been prepared, it is not considered further consultation with Armidale LALC is required. Aboriginal cultural heritage can be suitably addressed at the development application stage for subdivision.</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.</p> <p>However, given the proposal will increase the number of allotments (and subsequently dwellings), this has the potential to increase land use conflict issues. Consultation was previously undertaken with the NSW Department of Primary Industries (DPI) – Agriculture as part of PP-2023-782. DPI Agriculture raised no objection to the planning proposal but provided guidance on the assessment of land use conflict issues. Given the subject planning proposal will only result in a minor increase of two additional lots and will not reduce the distance between rural and residential land uses, it is not considered further consultation with DPI Agriculture is required.</p> <p>Consultation was also previously undertaken with Cemeteries &amp; Crematoria NSW in</p>

relation to the proximity of the proposal to an existing crematorium. No response was received. Given the subject planning proposal does result in a reduced distance between crematorium and future dwellings, it is not considered further consultation with Cemeteries & Crematoria NSW is required.

## 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 11 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 nine allotments.</p> <p>Based on typical land use traffic generation, this will generate up to 7 additional peak hour trips (based on 0.78/dwelling) on Kurrawatha Avenue and Uralla Road (NSW Roads &amp; 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>It is not expected 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.</p> <p>Consultation was previously undertaken with Transport for NSW (TfNSW) as part of PP-2023-782. TfNSW raised no objection or requirements for the planning proposal as it was considered there will be no significant impact on the nearby classified (State) road network. Given the subject planning proposal will only result in a minor increase of two additional lots, it is not considered further consultation with TfNSW is required.</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. 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 construction of the first stage of the subdivision of the land immediately to the</p>

	<p>north of the site has recently been completed 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 working 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 Department of Climate Change, Energy, the Environment and Water (DCCEEW)
- Civil Aviation Safety Authority (CASA)
- NSW Department of Primary Industries (DPI) – Agriculture
- Cemeteries & Crematoria NSW
- Transport for NSW (TfNSW)

As this is the second iteration of this proposal, it is considered only further consultation with the Biodiversity, Conservation and Science Directorate (BCS) is necessary.

It is recommended BCS be consulted on the planning proposal and given 30 working days to comment.

## 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 is 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:

- Amend Part 3, Section A, Q1 to remove reference to the rezoning of the site; and
- Remove written reference to the concept subdivision (page 54).

## 9 Recommendation

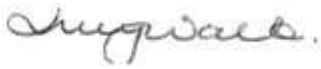
It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Direction 9.2 Rural Lands are minor or justified.

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

The following conditions are recommended to be included on the Gateway determination:

1. Prior to agency and community consultation, the planning proposal is to be updated to:
  - Amend Part 3, Section A, Q1 to remove reference to the rezoning of the site; and
  - Remove written reference to the concept subdivision (page 54).
2. Consultation is required with the following public authorities:
  - NSW Biodiversity, Conservation and Science Directorate (BCS)
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.



31 May 2024

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(Signature)

\_\_\_\_\_  
(Date)

Lucy Walker  
Manager, Local and Regional Planning  
Hunter and Northern Region



05/06/2024

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(Signature)

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(Date)

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