



## ORDINARY MEETING OF COUNCIL

To be held on

Wednesday, 27 February 2019  
4pm

at

Guyra Council Chambers

SUPPLEMENTARY ATTACHMENTS



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## PLANNING PROPOSAL No. 7

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

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

**NEW ENGLAND SURVEYING & ENGINEERING**

1/161 Rusden Street  
Po Box 656  
Armidale NSW 2350

as amended by Armidale Regional Council.

SEPTEMBER 2015, AMENDED JUNE 2017 AMENDED NOVEMBER 2018



## Planning Proposal No. 7

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- Attachment 4 Roads and Maritime Services correspondence to Council re: New England Highway (HW9) Armidale Airport Industrial Land, dated 23 June 2014
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- Attachment 9 Office of Environment and Heritage correspondence to Council re: Pre-Gateway advice Airport East Site 10558 New England Highway and 19 Kia-Ora Road dated 23 March 2015.
- Attachment 10: Office Of Environment And Heritage correspondence to Council Re: Armidale Regional Airport Industrial Park Development East Armidale, Dated 20 February 2017.
- Attachment 11: Copies of the comments from the public authorities consulted in accordance with the Gateway determination.

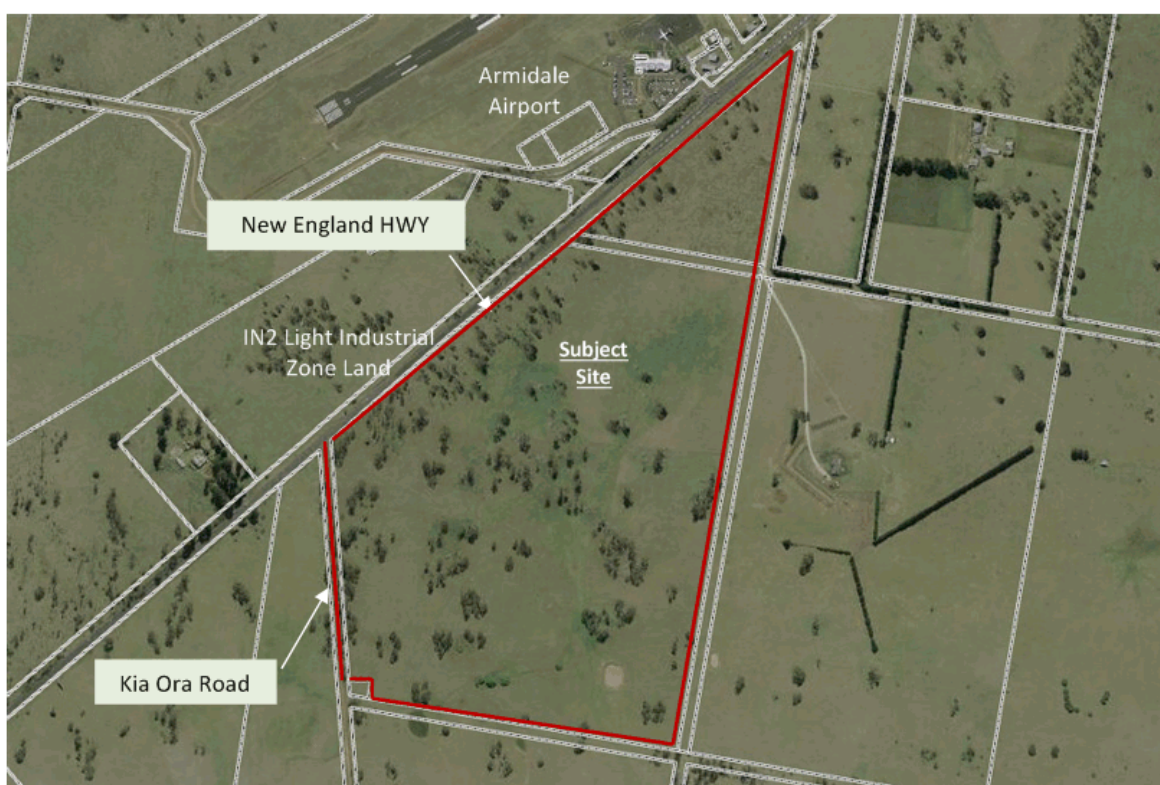


## Planning Proposal No. 7

**Preliminary****Context and Background**

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Infrastructure's "A Guide to Preparing Planning Proposals" (October 2012). The planning proposal seeks to amend the *Armidale Dumaresq Local Environmental Plan 2012* (LEP 2012) based on the recommendations of the *Armidale Industrial Land Study*, AECgroup, 2013 (AILS). The AILS is the planning strategy for industrial land in Armidale and has been approved by Council and the Department of Planning and Infrastructure.

This planning proposal implements the recommendation of the AILS to rezone land at 10558 New England Highway and 19 Kia-Ora Road, Armidale, comprising Lot 1 DP 1173995, Lot 1 DP 1195163 and Lot 14 DP 5188 (subject site) from RU4 Primary Production Small Lots to IN2 Light Industrial. The planning proposal also seeks to reduce the minimum lot size standard for the land from 40 hectares to 1,000m<sup>2</sup>. The subject site is shown in Figure 1.

**Figure 1: Site Plan**Source: <http://maps.six.nsw.gov.au/>

□ Subject Site

↑N



**Planning Proposal No. 7****PART 1 – OBJECTIVES OR INTENDED OUTCOMES**

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

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

**PART 2 - EXPLANATION OF PROVISIONS**

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

- a) zoning the subject site IN2 Light Industrial in accordance with the proposed Land Zoning Map shown at Attachment 1, and
- b) altering the lot size standard applying to the subject site to 1,000m<sup>2</sup> in accordance with the Lot Size Map shown at Attachment 2.

**PART 3 - JUSTIFICATION****Section A. Need for the planning proposal.****Q1. Is the planning proposal a result of any strategic study or report?**

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

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

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

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

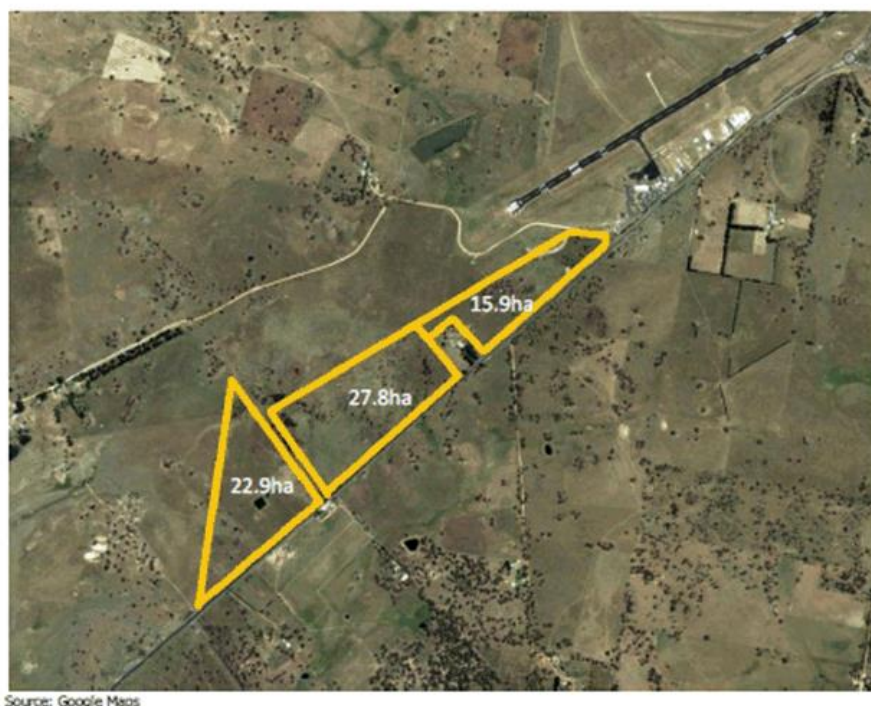


## Planning Proposal No. 7



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

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



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



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

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

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

<sup>1</sup> Preliminary estimate based on previous flood studies and topographical maps.

<sup>2</sup> With LEP provisions to allow for bulky good retailing with consent.

In terms of timing, the AILS notes that "the shortage of industrial land in Armidale is constraining economic growth and new land is required to facilitate investment by new and existing businesses. The rezoning of land can take considerable time and it is recommended that the process is initiated in the near future in order to address the supply shortages as soon as possible" (p.47).

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

To facilitate implementation of the Study's recommendations the planning proposal also seeks to reduce the minimum lot size standard for the subject site to 1,000m<sup>2</sup>, which is consistent with the lot size standard applying to other industrially zoned land in Armidale.

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

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

The planning proposal is considered to be the only means of achieving the objectives or intended outcomes. The AILS has identified the site as future industrial lands and recommended that the land be zoned IN2. The planning proposal seeks to implement this recommendation by rezoning the subject site to IN2 and reducing the minimum lot size standard to 1,000m<sup>2</sup>.



**Planning Proposal No. 7****Section B. Relationship to strategic planning framework.****Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

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

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

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

The planning proposal rezones the subject site from RU4 to IN2. The subject site has a small portion of land in the south western corner that is mapped as strategic agricultural land in the SRLUP, based on its estimated moderately high fertility and land soil capability class III (see Figure 4). This portion of land is approximately 8,400m<sup>2</sup>.

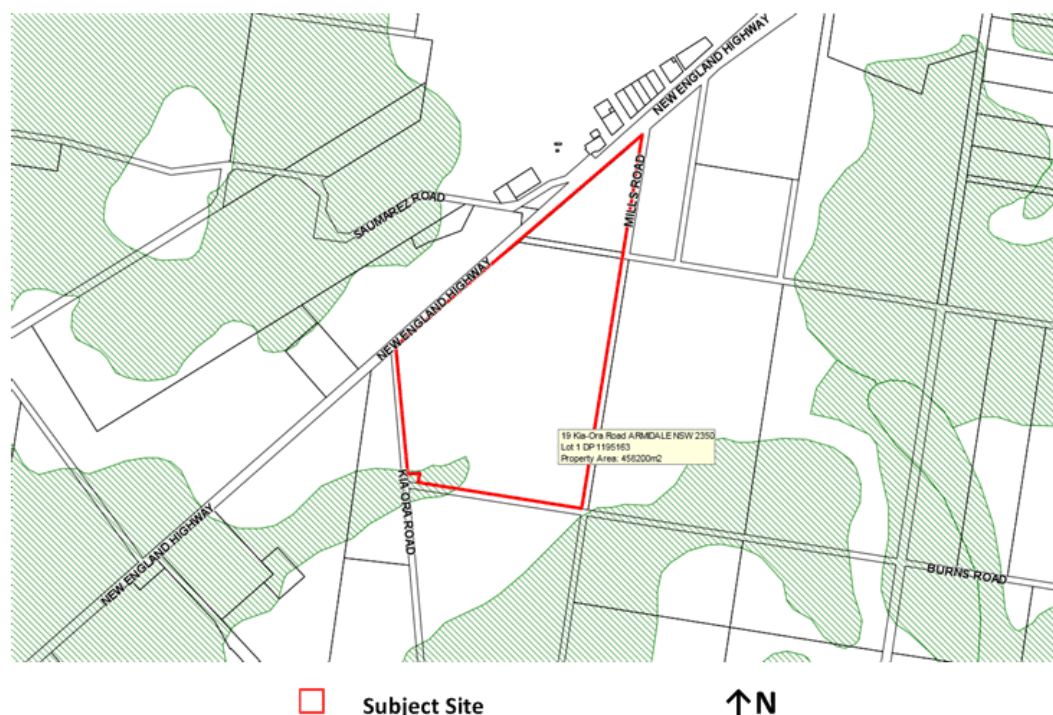
Although the planning proposal intends zoning strategic agricultural land on the subject site from RU4 to IN2, this is considered to be justified for the following reasons:

- The area of strategic agricultural land on the subject site is relatively small (8,400m<sup>2</sup>) and is unlikely to support a viable agricultural activity.
- Ownership of the land is not contiguous with other strategic agricultural land in the locality and this, along with its size, is unlikely to be consolidated to form a viable agricultural parcel of land.
- With the proposed IN2 zoning of the remainder of the subject site there may be potential land use conflict between industrial and agricultural activities if that part of the subject site identified as strategic agricultural land were to retain its current RU4 zoning.
- The area of the land is relatively small and the proposed rezoning is unlikely to have a significant impact on the supply of strategic agricultural land around Armidale.



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



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

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

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

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

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

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



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

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

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

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

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

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

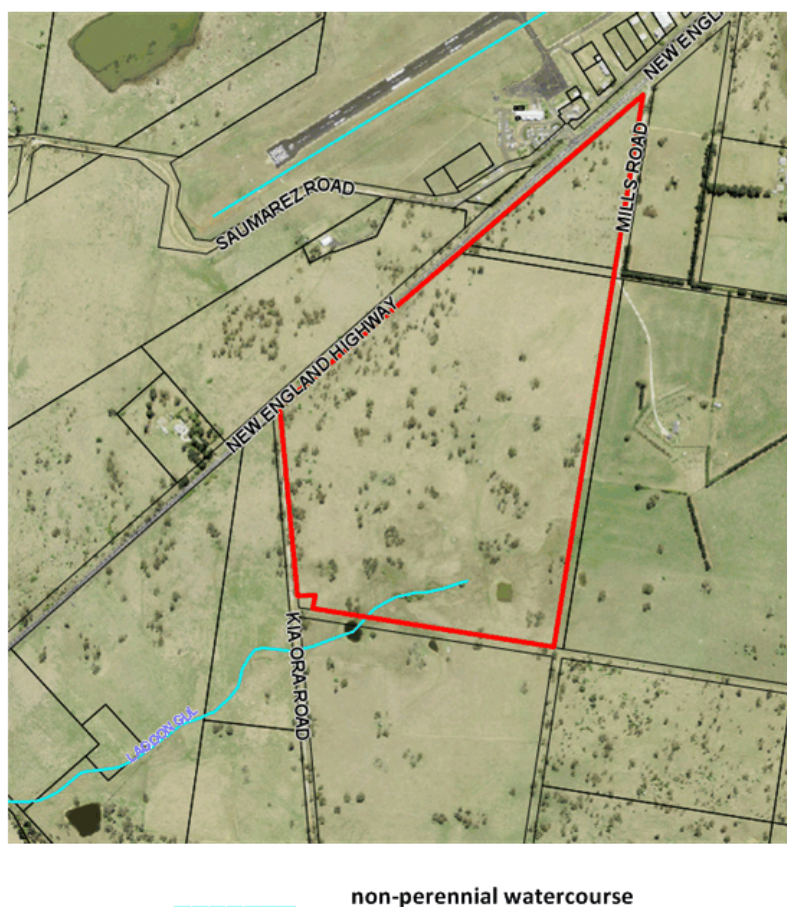
The subject site is not identified as bush fire prone land on Council's Bushfire Prone Land map certified by the Commissioner of the Rural Fire Service. The nearest bushfire prone land is approximately 455 metres to the south of the subject site.

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



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Figure 5: Watercourses on subject site

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

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

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

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

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

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



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250 metres of a classified road. Rezoning the site to IN2 will permit advertising on the subject site which has frontage to the New England Highway. The planning proposal was referred to the RMS for comment in accordance with the Gateway determination issued by the Department of Planning and Environment. In relation to SEPP No. 64 *Advertising and Signage*, the RMS advised that any Development Control Plan for the proposed industrial precinct refer to the provisions of SEPP No. 64 and the guidelines.

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

Consideration of the whether the planning proposal is consistent with applicable section 9.1 directions is in Appendix B.

The planning proposal is considered to be consistent with applicable section 9.1 directions, or justified where there is an inconsistency, except for the following:

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

The planning proposal was referred to the Commonwealth Department of Infrastructure and Regional Development (DIRD) and the RFS for consultation in accordance with the Gateway Determination. Taking into consideration the comments provided by the public authorities, the planning proposal is considered to be consistent with section 9.1 directions 3.5 *Development Near Licensed Aerodromes* and 4.4 *Planning for Bushfire Protection*.

In issuing the Gateway determination for the planning proposal, the Department of Planning and Environment advised that Council will need to obtain the agreement of the Department's Secretary to comply with the requirements of section 9.1 directions 3.5 *Development Near Licensed Aerodromes* and 4.4 *Planning for Bushfire Protection*.

**Section C. Environmental, social and economic impact.****Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

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

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

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



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

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

An *Existing Biodiversity Report* (the Report) for the subject site was prepared by SLR Consulting Australia Pty Ltd (18 September 2015) and submitted for the initial planning proposal.

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

The initial Planning Proposal was referred to the Department of Planning and Environment for a Gateway determination. The determination required consultation with OEH, which subsequently recommended (correspondence dated 7 December 2015) that prior to public exhibition of the planning proposal:

- the extent of the area of land containing EECs should be verified on ground and be zoned Environmental Protection
- the applicant prepare an offset proposal for the biodiversity impacts of the proposed rezoning if sufficient justification can be provided that areas of high conservation value cannot be zoned for Environmental Protection. The OEH recommended use of the BioBanking Assessment Methodology to determine the type and quantum of offsets required. Offsets must be secured by an appropriate mechanism in perpetuity and accord with the *OEH principles for the use of biodiversity offsets in NSW*.
- Further consideration be given to the presence of the threatened species Koala and any koala habitat within the subject site. The planning proposal should respond to this information by giving further consideration to the application of land use zones to protect the habitat and the species on the subject site.

A biodiversity assessment for the Site subject of this planning proposal, *Armidale Airport East – Proposed Rezoning, Planning Proposal No. 7, Flora and Fauna Assessment* (SLR Global Environmental Solutions, 19 December 2016) was undertaken which included a field survey to refine vegetation mapping and fill any gaps in the mapping and information for the 2015 Report and filled . The findings of the Assessment are summarised as follows:

***Threatened flora***

No individual of threatened flora species under the TSC Act were observed during field surveys. Should the rezoning of the Site proceed detailed Assessments of Significance in accordance with s.1.7 of the EPA Act will be carried out as part of any future development application for subdividing the land.

***Threatened fauna***

The Site provides potential habitat for Powerful Owl, Little Eagle Red goshawk and the Koala, all of which are threatened species under the TSC Act. Consideration of the seven factors under section 1.7 of the EPA Act indicates that the rezoning and subsequent development of the Site is unlikely to have a “significant effect” on threatened species.

***Endangered populations***



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No endangered populations are listed as occurring within 10km of the Site and none are likely to occur.

*Endangered ecological communities*

Two EECs occur on the Site, comprising approximately 6.5 ha of Ribbon Gum-Mountain Gum-Snow Gum Grassy Forest Woodland (Ribbon Gum grassy woodland) and 0.6ha of White Box-Yellow Box-Blakely's Red Gum Woodland (Blakely's Red Gum woodland).

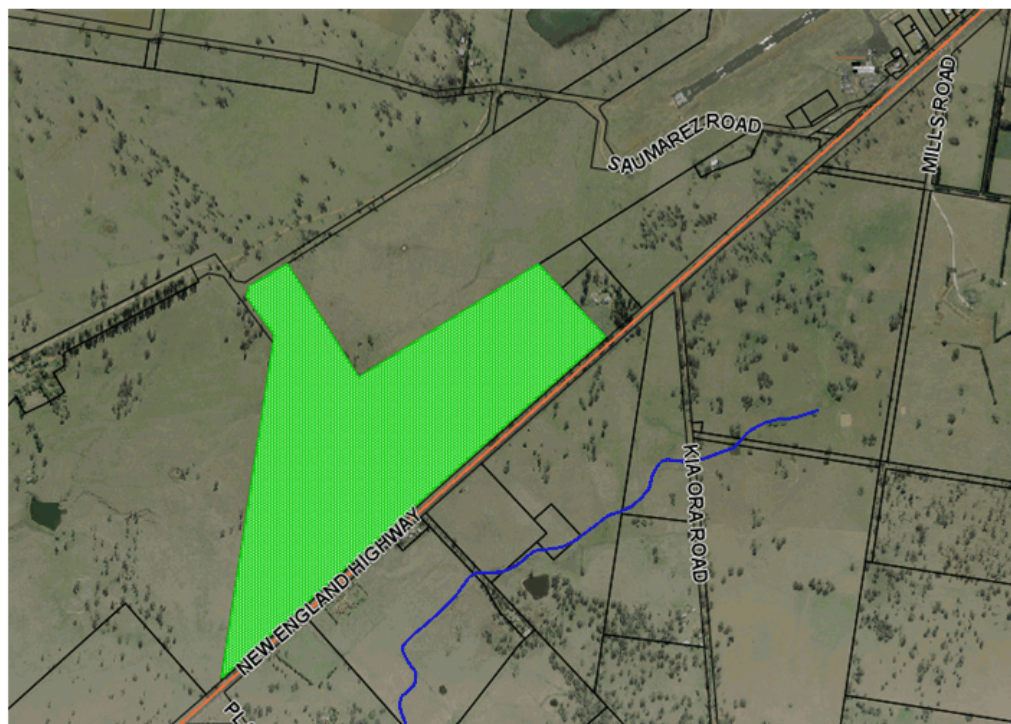
The Site is opposite council's industrial land adjoining the Armidale Regional Airport which is already zoned IN2 Light Industrial and subject to a development application for subdivision (DA-46-2017). Part of this land is also subject to Planning Proposal No 9 that seeks to amend LEP 2012 to enable business park and airport related development in addition to light industrial land uses.

A flora and fauna assessment has been undertaken for council's land (Airport West Site) and, like the assessment for the Site subject of this planning proposal (Airport East Site), found the following EECs under the Threatened Species Conservation Act 1995 present on the land:

- Ribbon Gum-Mountain White Gum-Snow Gum endangered ecological community (EEC)
- White Box-Yellow Box-Blakely's Red Gum Woodland EEC.

While development of the Airport West and Airport East Sites are characterised by differing proponents and planning pathways they are, however, linked by the intention to develop a joint voluntary biodiversity offset to be implemented through a Voluntary Planning Agreement (VPA) between the proponent for this planning proposal and council. The southern part of council's land on the Airport West Site, being Lot 3 DP 1198787 and Lot 21 DP 817347, has been identified as a biodiversity offset area (refer to Figure 1) to compensate for the loss of the EECs associated with the rezoning of the Airport East site subject of this planning proposal and development of the northern section of council's land at the Airport West site.

**Map/Figure 1 Biodiversity offset area**





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The Biobanking Assessment Method 2014 was applied to provide guidance as to the nature and type of biodiversity offset that may be required to allow the clearing of native vegetation associated with the proposed rezoning and development of the Airport West and Airport East sites. The Biobanking Assessment Method 2014 was applied to provide guidance as to the nature and type of biodiversity offset that may be required to allow the clearing of native vegetation associated with the proposed rezoning and development of the Airport West and Airport East sites.

The number of ecosystem credits required to offset the proposed future development of the Airport West and Airport East Sites and the number of credits available in the biodiversity offset area are summarized in Table 1.

**Table 1. Ecosystem credit requirements**

Vegetation Type	Airport East (credit requirement)*	Airport West (credit requirement) **	Combined credit requirement (East + West)	Total credits available on offset site**	Total credit balance
Ribbon Gum grassy woodland	224	45	269	49	-220
Blakely's Red Gum woodland	26	89	115	213	98
Total	250	134	384	262	-122

\* SLR

\*\* EcoLogical Australia

OEH advised (letter dated 20 February 2017 Attachment 10) that it supports the intention of the owners of the Airport East and Airport West Sites to jointly establish an offset area but notes there is a deficit of 122 total credits at the proposed offset site. OEH recommends that assisted regeneration be undertaken to restore the cleared areas present on Lot 21 DP 817347 to a suitable vegetation type (either Blakely's red gum woodland or ribbon gum grassy woodland) to assist in overcoming the deficit. OEH also advised that they would be satisfied if the offset site were to be zoned E3 Environmental Management along with a commitment to the preparation of a Vegetation Management Plan (VMP) to be implemented in perpetuity. The VMP must provide for ongoing management and restoration so that the offset site can adequately offset the permanent loss of vegetation. The commitment to prepare a VMP should be secured with a Voluntary Planning Agreement (VPA) or other suitable mechanism.

Council proposes to refine the biodiversity offset area and zone it from part SP2 Infrastructure and IN2 Light Industrial to E3 Environmental Management in a separate planning proposal. It is also intended to prepare a Vegetation Management Plan for the final offset area. A Voluntary Planning Agreement has been prepared and is exhibited with this planning proposal. The draft VPA requires the Developer to make monetary contributions for:

1. a new roundabout currently under construction servicing the New England Highway, Armidale Regional Airport, Airport Subdivision and the Land ("the roundabout");
2. the extension of the National Broadband Network;
3. the provision of open space and;
4. the provision of land and vegetation management for bio-banking

In addition the developer is to undertake all the works of road closure and reconnection to close the intersections of Kia Ora Road and Mills Road with the New England Highway and to reconnect both roads to New England Highway at the roundabout.



**Planning Proposal No. 7****Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***Flooding*

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

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

*Bushfire hazard*

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

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

It is recommended that the planning proposal be referred to the RFS given the Service's comments on the AILS and to comply with Section 9.1 Direction 4.4 *Planning for Bushfire Protection*.

The planning proposal was referred to the RFS for consultation in accordance with the Gateway Determination. The RFS raised no concerns or issues in relation to bush fire.

*Landslip*

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

*Environmental effects*

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

- Water quality impacts - future development will require servicing by reticulated sewage and storm water drainage systems. These can be designed to prevent any adverse impacts in the surrounding locality. These matters are managed at the development application stage.
- Sedimentation and waste management – future development will require sediment/erosion controls and waste management plans. These matters are managed at the development application stage.
- Visual amenity at a 'gateway' to Armidale - development of the subject site for industrial purposes has the potential to have an adverse visual impact on the southern 'gateway' to



**Planning Proposal No. 7**

Armidale. Chapter 5.2 *Industrial Development* of Armidale Development Control Plan 2012 (DCP 2012) provides guidelines (e.g. landscaping buffers, building setbacks and external materials) to reduce the visual impact of industrial development on the southern gateway to Armidale. The guidelines in DCP 2012 will apply to proposals subject of a development application. However, where a proposed industrial development is exempt or complying under *SEPP Exempt and Complying Development Codes 2008* the proposal will be subject to the provisions of the SEPP and not DCP 2012. Some exempt and complying development that may be carried out under the SEPP has the potential to have adverse visual impacts on the southern gateway, for example :

- wall mounted business identification signs with an area up to 16m<sup>2</sup> are exempt development in industrial zones, subject to meeting relevant criteria.
- new industrial buildings are complying development, subject to meeting relevant criteria. The criteria do not include the colour and type of all external building materials.

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

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

The planning proposal was referred to the Commonwealth Department of Infrastructure and Regional Development (DIRD) for consultation in accordance with the Gateway Determination. The DIRD recommended that consideration be given to the *National Airport Safeguarding Framework* (NASF) during the assessment of any individual future development proposals. The NASF includes six guidelines related to landuses on or near airports that provide guidance on managing the impacts of airport noise as well as the risks of building generated windshear and turbulence, wildlife strikes, wind turbine farms, distractions to pilots from lighting, and intrusions into protected airspace.

Consideration of the guidelines in relation to the planning proposal has concluded that while the proposed IN2 zoning would permit a range of landuses, most of the permitted landuses are likely to be consistent with the NASF guidelines. However, some types of development may impact on airport operations depending on the characteristics of the development as well as its location in relation to the airport runways and approaches. The impact of a development on airport operations and any mitigating measures would need to be assessed at the development application stage for each proposal.

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

*Aboriginal cultural heritage*



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

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

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

The planning proposal was referred to the OEH for comment in accordance with the Gateway determination. The OEH (correspondence dated 7 December 2015) recommended that prior to public exhibition of the planning proposal the proponent prepare an Aboriginal cultural heritage assessment for tangible and intangible Aboriginal cultural heritage values to identify any such values. OEH recommended that areas of high Aboriginal cultural heritage significance be zoned Environmental Protection to protect such values.

The *Aboriginal Cultural Heritage Assessment – Armidale East Airport Development, Armidale, NSW* (Everick Heritage Consultants Pty Ltd, March 2016) investigated the potential for the proposed rezoning to impact on any Aboriginal cultural heritage values which may be present with the Site and to outline appropriate amelioration measures for future development applications. The Assessment found:

- A modified tree, recorded as Armidale Plateau Shield Tree 1, on the Site. At the time of the inspection (February 2016) the tree was in poor condition and considered senescent (close to death).
- The Site is part of a cultural 'gateway' area for travelling Aboriginal groups. The nature of this cultural value is such that it would not impact on the proposed development.
- No areas were specifically identified on the Site as meeting the criteria for potential archaeological deposits.

The Assessment concluded that the planning proposal will potentially result in harm to Aboriginal objects, in the form of damage to the Armidale Plateau Shield Tree 1, and made two recommendations:

- Recommendation 1: Shield Tree Avoidance. Where impacts are reasonably able to be avoided through project design, the proponent should consider a buffer of no less than 100m<sup>2</sup> around the tree and other design measures to prevent ancillary harm to the tree.
- Recommendation 2: Shield Tree Salvage Off-site. Additional assessment and consultation with the Aboriginal community should take place to investigate options for salvage and repatriation off-site. This management response is considered appropriate given that the tree is senescent and a cultural centre and keeping place exists within Armidale.



**Planning Proposal No. 7**

Recommendation 2 is currently being implemented between the property owner and the cultural centre and keeping place.

There are also recommendations in the Assessment for precautionary measures to be put in place should Aboriginal material or Aboriginal human remains (unlikely) be uncovered during development activities or earthworks. It is considered that these matters be addressed as part of a future development application for the Site as they will apply when physical works are carried out on the land.

*European heritage items*

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

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

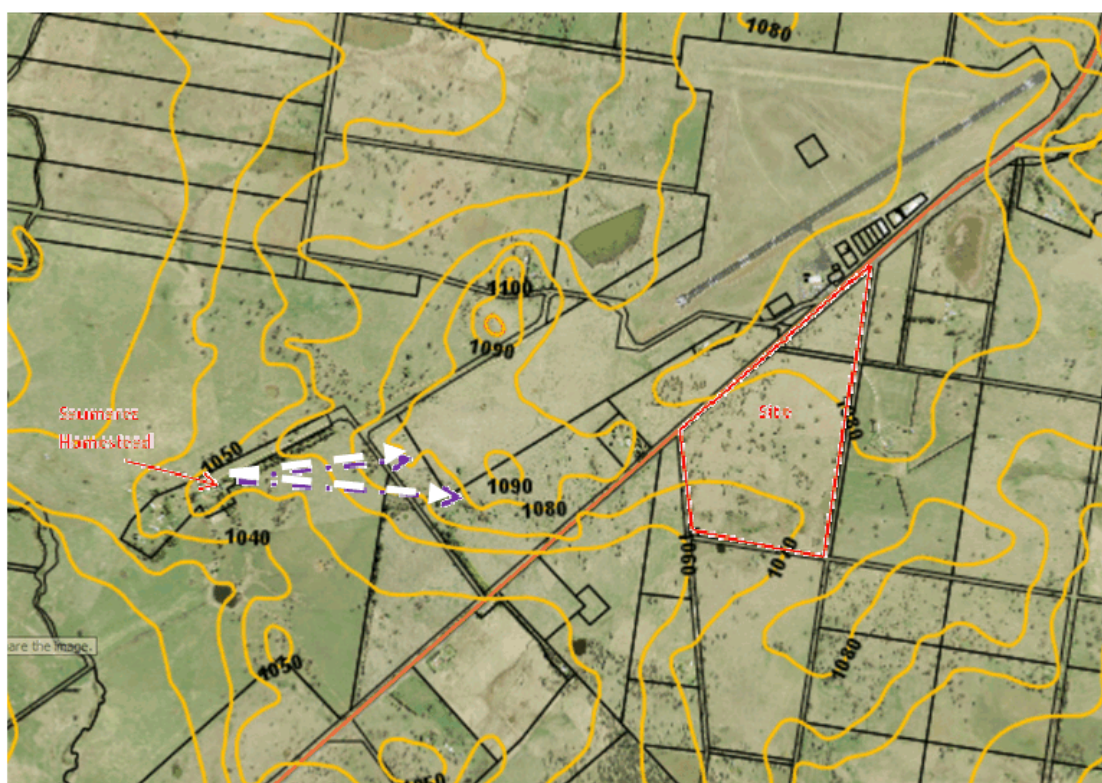
Pre-Gateway advice was also received from the OEH in relation to historic heritage. A copy of the advice is provided in Attachment 9.

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



## Planning Proposal No. 7

Figure 6: Locality and contours



The Saumarez Homestead site also contains well established trees that form the boundary of its curtilage. These trees screen views from the Homestead to the north through to the east. As such, the landscape beyond the curtilage to the north and east is not visible from the Homestead. Development of the subject site will not impact on the views, vistas, curtilage or significant landscape elements contributing to the heritage significance of Saumarez Homestead.

The planning proposal was referred to the NSW Heritage Council in accordance with the Gateway determination. The NSW Heritage Council (16 November 2015) advised that the planning proposal adequately addresses the potential impact on the State Heritage listed Saumarez Homestead, noting that the views to and from the homestead are protected by a ridgeline that has a higher elevation than both the homestead and the subject site. Further, established trees at the homestead help minimize any visual impact.

#### *Economic and social effects*

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

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



**Planning Proposal No. 7****To have a strong and resilient local Economy****Targeted Outcomes**

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

**Strategic Goal**

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

**Enhance Employment Opportunities****Targeted Outcomes**

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

**Strategic Goal**

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

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

**Key Economic effects –**

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

- An analysis of the market in Armidale indicates there is strong demand for industrial land based on community aspirations/economic growth targets, pent up demand and lack of current supply. A comparison of industrial properties for sale and rent in Armidale and several benchmark towns in regional NSW indicate that industrial land costs in Armidale are significantly higher than the average (AILS, piii).
- There is an estimated 17.5ha of vacant industrial land in Armidale that is suitable for industrial development. While it would appear that the 17.5ha of land should be sufficient to meet demand until 2016, the available land does not meet the requirements of businesses as supported by the existing market and consultation. Therefore, there is an existing undersupply of industrial land that is projected to increase over time to between 33-69ha by 2036 (AILS, piii).
- There is a need for additional industrial land to be released in Armidale over the next 25 years to meet projected demand. It is recommended that the release of industrial land supply lead demand by approximately 15 years in order to provide choice and sufficient land to be able to react quickly to changes in demand (AILS, pv).
- With reference to the subject site (referred to as Airport East Site), it is recommended that the site be rezoned IN2 Light Industrial under the new Standard Instrument to create an industrial precinct around the airport. There is an opportunity for Council to share



**Planning Proposal No. 7**

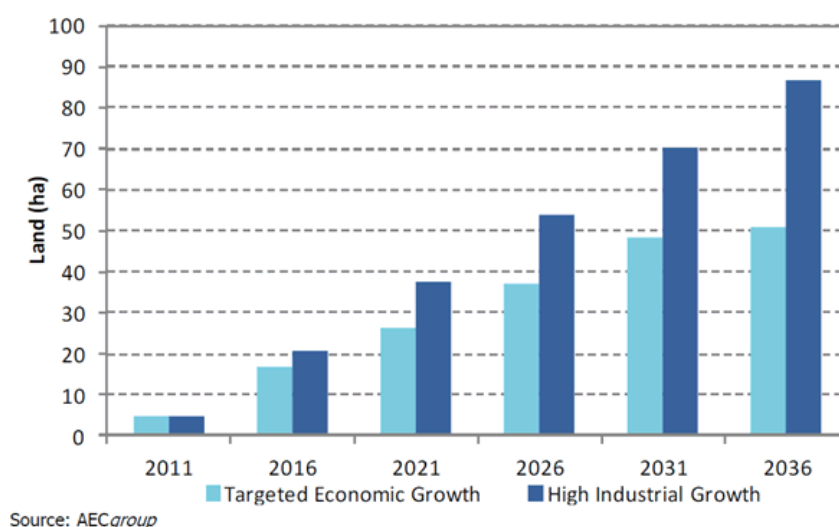
infrastructure costs with the owner/developer of the potential development. It is recommended that infrastructure provision be promoted in the short term so that the land is ready for development in the medium to long term (AILS, pv).

- The shortage of industrial land in Armidale is constraining economic growth and new land is required to facilitate investment by new and existing businesses. The rezoning of land can take considerable time and it is recommended that the process is initiated in the near future in order to address the supply shortages as soon as possible (AILS, pv).
- The AILS identifies the future industrial land proposals, which are shown in Table 1 (p. 7) of this planning proposal.

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

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

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



### Key Social Effects –

Armidale has historically been a regional agricultural centre, but also has strong education and research sectors. In particular, Armidale's strength lies in education, agriculture, retail and professional services. Based on 2011 census data, the main industries that people work in are education and training (21.3%), health care and social assistance (13.5%), retail trade (12.8%), accommodation and food services (9.3%), professional, scientific and technical services (6.1%), construction (5.9%), public administration and safety (5.5%), other services (3.6%) and agriculture, forestry and fishing (3.3%).



**Planning Proposal No. 7**

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

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

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

**Section D. State and Commonwealth interests.****Q.10 Is there adequate public infrastructure for the planning proposal?***Road Access*

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

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

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

The planning proposal was referred to the RMS for comment in accordance with the Gateway determination. The RMS (30 November 2015) advised that it supports the Access Management Strategy and the proposed VPA. The RMS requested that the VPA be finalized prior to the rezoning the subject land to ensure that the timing of works required under the VPA ensures that impacts on the classified road are addressed. The RMS also requested that it be provided with the opportunity to comment on the draft VPA during exhibition of the planning proposal.



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Figure 8: Proposed access to New England Highway

*Water and Sewer*

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

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

*Telecommunications and Electricity*

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

*Waste Management*

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



**Planning Proposal No. 7***Public Transport*

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

The planning proposal was referred to the RMS for comment in accordance with the Gateway determination. The RMS (30 November 2015) considers that the provision of suitable public transport services is a critical action in addressing the likely impacts of the proposed industrial precinct.

*Social Infrastructure*

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

*Emergency Services*

The subject site is located within 10 minutes travel time from Ambulance/Hospital Services, NSW Fire Services, NSW Rural Fire Service and State Emergency Service. The NSW Rural Fire Service is currently expanding its operations at the Airport Precinct.

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

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

The following lists the public authorities that were consulted in accordance with the Gateway determination and the relevant parts of the planning proposal where their comments have been included. Copies of the comments from the public authorities consulted in accordance with the Gateway determination are provided in Attachment 11.

State or Commonwealth agency	Part of planning proposal
Roads and Maritime Services	<ul style="list-style-type: none"> <li>• Clause 31 of SEPP No. 64 – <i>Advertising and Signage</i>: refer to Question</li> <li>• Adequate public infrastructure – refer to Question 10 of the planning proposal</li> </ul>
Commonwealth Department of Infrastructure and Regional Development	<ul style="list-style-type: none"> <li>• Section 9.1 Direction 3.5 <i>Development Near Licensed Aerodromes</i>.</li> <li>• Environmental effects – refer to Question 8 of the planning proposal.</li> </ul>
NSW Rural Fire Service	<ul style="list-style-type: none"> <li>• Section 9.1 Direction 4.4 <i>Planning for Bushfire Protection</i> – refer to Question 6 of</li> </ul>



**Planning Proposal No. 7**

	the planning proposal.
	<ul style="list-style-type: none"><li>• Environmental - refer to Question 8 of the planning proposal.</li></ul>
Office of Environment and Heritage, Department of Planning and Environment	<ul style="list-style-type: none"><li>• Biodiversity – refer to Question 7 of the planning proposal</li><li>• Aboriginal Cultural Heritage – refer to Question 8 of the planning proposal.</li></ul>
NSW Heritage Council	<ul style="list-style-type: none"><li>• European heritage – refer to Question 8 of the planning proposal.</li></ul>

The planning proposal was also referred to the National Trust of Australia (NTA) for comment in accordance with the Gateway determination. No comments were provided by the NTA on the planning proposal.



**Planning Proposal No. 7****PART 4 - MAPPING**

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

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

**PART 5 – COMMUNITY CONSULTATION**

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

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

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

The Gateway determination advised that a public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EPA Act 1979. This does not discharge council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission).



**Planning Proposal No. 7****PART 6 – PROJECT TIMELINE**

The anticipated project timeline for completion of the planning proposal is outlined in Table 2.

**Table 2: Project timeline**

<b>Task</b>	<b>Anticipated Timeframe</b>
Date of Gateway Determination and altered determinations	12 October 2015 8 July 2016 and 19 April 2017
Completion of technical information, studies if required	Completed 31 March 2017
Government Agency consultation, if required by Gateway Determination	Completed. Consultation period 5-27 November 2015
Any changes made to Planning Proposal resulting from technical studies and Government agency consultations. If required resubmit altered Planning Proposal to Gateway panel. Revised Gateway determination issued, if required.	22 October 2018
Commencement and completion dates for public exhibition.	Mid November to mid December 2018
Consideration of submissions and Planning Proposal post exhibition.	January-February 2019
Council adopts and makes the LEP amendment under its local plan making delegation.	19 March 2019

The altered Gateway determination of 19 April 2017 requires that the timeframe for completing the LEP amendment is 19 October 2017.

A further altered Gateway determination of 22 October 2018 requires that the timeframe for completing the LEP amendment is 19 March 2019.



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## Appendix A: Consideration of State Environmental Planning Policies

SEPP	Consistent	Comment
SEPP No. 15 Rural Landsharing Communities	Yes	<p>An aim of the SEPP is to encourage and facilitate the development of rural landsharing communities committed to environmentally sensitive and sustainable land use practices.</p> <p>Under the current RU4 zoning, rural landsharing communities are permitted with consent in accordance with the SEPP. This type of development would not be permissible under the proposed IN2 zoning. However, there has been a low demand for such types of development and there is sufficient rural or non-urban zoned land available in Armidale Dumaresq to accommodate any increase in demand.</p>
SEPP No. 21 Caravan Parks	Yes	<p>This SEPP requires development consent for caravan parks (including camping grounds) and subdivision of caravan parks for lease purposes where they are permitted in a zone. Uses to which this SEPP apply are not permissible in either the current RU4 zone or the proposed IN2 zone.</p>
SEPP No. 30 Intensive Agriculture	Yes	<p>The SEPP:</p> <ul style="list-style-type: none"> <li>requires development consent for cattle feedlots and piggeries above thresholds specified in the Policy</li> <li>includes mushroom composting facilities and works in the definition for a rural industry</li> <li>identifies the matters that council must take into consideration when assessing development applications for cattle feedlots or piggeries.</li> </ul> <p>Intensive livestock agriculture is prohibited under both the current RU4 zone and proposed IN2 zoning.</p>
SEPP No. 33 Hazardous and Offensive Development	Yes	<p>Industries, other than rural and extractive industries, are prohibited in the RU4 zone. Under the proposed IN2 zoning light industries are permitted with consent. The aims of the SEPP include:</p> <ul style="list-style-type: none"> <li>To render ineffective a provision of an LEP that prohibits a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in the Policy</li> <li>To ensure that in determining whether a development is a hazardous or offensive industry any measures proposed to be employed to reduce the impact of the development are taken into account</li> <li>To require advertising of applications to carry out any such development.</li> </ul> <p>The provisions of the SEPP will apply should a development application be submitted for a potentially hazardous or offensive industry or storage establishment.</p>



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SEPP	Consistent	Comment
No. 36 Manufactured Home Estates	Yes	The SEPP permits with consent manufactured home estates on land where caravan parks are permitted, if the land meets locational criteria in the SEPP. Under LEP 2012 caravan parks are prohibited in both the current RU4 zone and proposed IN2 zone.
SEPP No. 44 Koala Habitat Protection	Yes	<p>State Environmental Planning Policy No.44 – Koala Habitat Protection (SEPP 44) aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.</p> <p>Under clause 15 of the SEPP council should survey the land within its area to identify areas of potential koala habitat and core habitat and include core koala habitat within an environmental protection zone or apply special LEP provisions to control development of that land. Council has not undertaken a survey of land in its area to identify areas of potential and core habitat and does not have special provisions in LEP 2012. However, where a planning proposal identifies core koala habitat on a site, consideration could be given to zoning that part of the site environment protection or introducing special LEP provisions.</p> <p>The <i>Existing Biodiversity Report</i> (SLR, September 2015) and <i>Armidale Airport East – Proposed Rezoning, Planning Proposal No. 7, Flora and Fauna Assessment</i> (SLR, 19 December 2016) recorded one tree species (Ribbon Gum <i>Eucalyptus viminalis</i>) on the subject site that is listed as a feed tree under Schedule 2 of the SEPP. Ribbon Gum forms over 15% of the number of trees of the tree canopy present and, accordingly, the subject site would constitute ‘potential koala habitat’. The survey found no evidence of use of the subject site by the Koala, including recent scats, scratches in tree bark, calling males or females with young. The Report concludes that the subject site is not considered to constitute ‘core koala habitat’.</p>
SEPP No. 55 Remediation of Land	Yes	<p>SEPP No. 55 introduces State-wide planning controls for the remediation of contaminated land. Clause 6 of SEPP No. 55 provides for contamination and remediation to be considered in rezoning proposals. Where a rezoning will result in a change of use of the land, the following land is not to be included unless council has considered whether the land is contaminated and, if so, whether it requires remediation to be made suitable for any purpose permitted in the proposed zone:</p> <ul style="list-style-type: none"> <li>Land that is within an investigation area declared under the <i>Contaminated Land Management Act 1997</i>. The subject site is not within an investigation area.</li> <li>Land on which development for a purpose referred to in</li> </ul>



## Planning Proposal No. 7

		<p>Table 1 of the <i>Managing Land Contamination: Planning Guidelines for SEPP No. 55</i> is being, or is known to have been carried out. No contaminating land uses as identified in Table 1 of <i>Managing Land Contamination Guidelines for SEPP No. 55</i> have been identified as occurring on the subject site.</p> <ul style="list-style-type: none"> <li>The extent to which it is proposed to carry out development on the land for residential, educational, recreational or child care purposes or for the purposes of a hospital. Under the proposed IN2 zoning residential accommodation, educational establishments, recreation areas and facilities (except for indoor facilities), child care centres and hospitals are prohibited. Note: the Standard Instrument LEP mandates that industrial training facilities are permitted with consent in the IN2 zone.</li> </ul> <p>The known historical use of the subject site has been for grazing. An inspection by the proponent did not reveal the remains of any potentially contaminating past activities. The property is not listed as a potentially contaminated site by council.</p>
SEPP No. 62 Sustainable Aquaculture	Yes	<p>The SEPP aims to encourage sustainable aquaculture in the State and amongst other matters makes aquaculture development permissible in certain zones under the Standard Instrument LEP. The permissibility of different types of aquaculture under the current and proposed zonings varies for pond based aquaculture, which is permitted in the RU4 zone and prohibited in IN2 zone.</p>
SEPP No. 64 Advertising and Signage	Yes	<p>SEPP No. 64 aims to improve the amenity of urban and natural settings by managing the impact of outdoor advertising. The policy responded to growing concerns from the community, the advertising industry and local government that existing controls and guidelines were not effective. The SEPP identifies different types of signs, their permissibility and matters for consideration when assessing development applications.</p> <p>Under LEP 2012 business and building identification signs are permitted in the RU4 and IN2 zones. Advertisements are prohibited in the RU4 zone but permitted in the IN2 zone. Under clause 31 of the SEPP, where a draft LEP makes provision for or with respect to signage or advertising within 250 metres of a classified road, council should consult with the RMS. The subject site has frontage to and is within 250 metres of the New England Highway which is a classified road under the Roads Act 1993. This planning proposal was referred to the RMS in accordance with the Gateway Determination. The RMS suggested that any Development Control Plan for the proposed industrial precinct refer to the provisions of SEPP 64 and the guidelines.</p>



## Planning Proposal No. 7

SEPP	Consistent	Comment
SEPP Mining, Petroleum Production and Extractive Industries 2007	Yes	<p>This SEPP provides for the management and development of mining, petroleum production and extractive resources. The SEPP identifies development that is permitted with or without consent as well as the procedures and matters for consideration in relation to development applications.</p> <p>The types of development that may be carried out with consent under the SEPP include the following:</p> <ul style="list-style-type: none"> <li>• underground mining on any land – therefore underground mining is permitted with consent under the current RU4 and proposed IN2 zoning.</li> <li>• mining where development for the purposes of agriculture or industry may be carried out – therefore mining is permitted with consent under the SEPP in the current RU4 zone (where agriculture is permitted) and the proposed IN2 zone (where industry is permitted).</li> <li>• extractive industry where development for the purposes of agriculture or industry may be carried out – therefore extractive industry is permitted with consent under the SEPP in the current RU4 zone (where agriculture is permitted) and the proposed IN2 zone (where industry is permitted).</li> </ul> <p>In relation to extractive industries, this type of development is prohibited in the IN2 zone under LEP 2012 although it is permitted under the SEPP. However, the SEPP prevails to the extent of any inconsistency with another environmental planning instrument.</p>
SEPP Infrastructure 2007	Yes	<p>The SEPP relates to infrastructure development carried out by or on behalf of a public authority and identifies exempt development and development that may be carried out with or without consent.</p>
SEPP Rural Lands 2008	Yes	<p>The aims of this policy include:</p> <ul style="list-style-type: none"> <li>• to facilitate the orderly and economic use and development of rural lands for rural and related purposes,</li> <li>• to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State.</li> </ul> <p>The SEPP includes matters to be considered in determining development applications for rural subdivisions or rural dwellings. Under section 117 of the Act, the Minister has directed that councils exercise their functions relating to LEPs in accordance with the Rural Planning Principles in the SEPP (refer to Appendix B in the planning proposal for further details).</p>



**Planning Proposal No. 7**

<b>SEPP</b>	<b>Consistent</b>	<b>Comment</b>
SEPP Exempt and Complying Development Codes 2008	Yes	<p>This policy aims to provide streamlined assessment processes for development that complies with specified development standards and includes:</p> <ul style="list-style-type: none"> <li>• exempt and complying development codes that have State-wide application, and</li> <li>• a Commercial and Industrial Alterations Code and a Commercial and Industrial (New Buildings and Additions) Code, which will apply to the subject site under the proposed IN2 zoning. The Codes identify types of complying development and allow the construction of new industrial buildings as well as alterations and additions to industrial buildings provided the development meets specified standards and criteria set out in the SEPP.</li> </ul>
SEPP State and Regional Development 2011	Yes	This SEPP identifies regional development, State significant development and State significant infrastructure in NSW.



**Planning Proposal No. 7****Appendix B: Consideration of Section 9.1 Ministerial Directions**

The following assessment is provided of the consistency of the planning proposal with relevant Section 9.1 Directions applying to planning proposals lodged after 1st September 2009:

**1. Employment and Resources**

Direction	Consistent	Comment
1.1 Business and Industrial Zones	Yes	<p>The planning proposal seeks to rezone the subject site to IN2. The planning proposal is considered to be consistent with the direction for the following reasons:</p> <ul style="list-style-type: none"> <li>• It will encourage employment growth in suitable locations</li> <li>• It does not apply to existing employment land in business and industrial zones</li> <li>• It will not detract from the viability of identified strategic centres</li> <li>• It does not alter the areas and locations of existing business and industrial zones</li> <li>• It does not propose to reduce the total potential floor space area for employment uses or industrial uses in business zones or industrial zones</li> <li>• It is consistent with the AILS, which was approved by the Deputy Director General of the DP&amp;I in 2013.</li> </ul>
1.2 Rural Zones	No (justified)	<p>Clause 4(a) of the Direction requires that a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. The planning proposal seeks to rezone the subject site from RU4 to IN2 and is, therefore, inconsistent with the direction.</p> <p>Clause (5)(e) of the direction is considered to determine if the inconsistency is justified. The proposed rezoning is justified by the AILS which was approved by the Deputy Director General of the DP&amp;I and identifies the subject site to be rezoned from RU4 to IN2 . However, the AILS does not give consideration to the objectives of the direction.</p> <p>The objective is to protect the agricultural production value of rural land. The subject site has been predominantly used for grazing. An area, approximately 8,400m<sup>2</sup>, in the southwestern corner is identified as strategic agricultural land in the <i>New England North West Strategic Regional Land Use Plan</i>. However, due to its small area and the fragmented ownership of other strategic agricultural land nearby it is unlikely to be able to support a viable agricultural activity. The inconsistency is considered to be of minor significance and therefore justified.</p>



## Planning Proposal No. 7

Direction	Consistent	Comment
1.3 Mining, Petroleum Production and Extractive Industries	Yes	<p>The planning proposal will not have the effect of prohibiting mining, petroleum production or extractive industries. Under SEPP Mining, Petroleum Production and Extractive Industries 2007, mining and extractive industries are permitted in the current RU4 and proposed IN2 zones.</p> <p>The planning proposal may restrict the potential development of mineral resources and extractive materials given the density and type of development permitted under the proposed IN2 zoning. In terms of whether there are resources of state or regional significance on the subject site, the Mineral Resources Audit of Armidale Dumaresq prepared by Geological Survey of NSW (Division of Resources and Industry, NSW Trade and Investment) does not identify the subject site or land in the locality as having an identified or potential resource or being located in a buffer zone or transition area. The subject site and land in the locality is not identified as being an area of partial assessment or not yet assessed on the mapping provided by GSNSW.</p> <p>NSW Trade and Investment – Resources &amp; Energy were consulted on the AILS and advised that as the proposed industrial sites were urban, near urban or abut airport lands no significant issues arise that are of concern to their Mineral Resources Branch. A copy of the letter from NSW Trade and Investment – Resources &amp; Energy is included in Attachment 6.</p>
1.5 Rural Lands	No (justified)	<p>This direction applies when a planning authority prepares a planning proposal that will affect land within an existing rural zone.</p> <p>Clause 4 of the direction requires that a planning proposal be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008. The planning proposal is not considered to be consistent with all of the Rural Planning Principles, for example principle (f) 'the provision of opportunities for rural ifestyle, settlement and housing that contribute to the social and economic welfare of rural communities'.</p> <p>Clause (6)(a) of the direction is considered to determine if the inconsistency is justified. The proposed rezoning is consistent with the AILS which was approved by the Deputy Director General of the DP&amp;I and identifies the subject site to be rezoned from RU4 to IN2 . However, the AILS does not give consideration to the objectives of the direction.</p> <p>The objectives of the direction are to:</p> <ul style="list-style-type: none"> <li>(a) Protect the agricultural production value of rural land.</li> <li>(b) Facilitate the orderly and economic development of rural lands for rural and related purposes.</li> </ul> <p>The subject site has been predominantly used for grazing. An area, approximately 8,400m<sup>2</sup>, in the southwestern corner is identified as strategic agricultural land in the <i>New England North West Strategic Regional Land Use Plan</i>. However, due to its small area and the</p>



## Planning Proposal No. 7

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

Direction	Consistent	Comment
2.1 Environment Protection Zones	Yes	<p>The objective of this direction is to protect and conserve environmentally sensitive areas. The direction requires a planning proposal to include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>The <i>Existing Biodiversity Report</i> (SLR, 2015) was submitted with the initial planning proposal which recommended that further flora and fauna studies be required as part of a Gateway determination or at the development application stage for subdivision of the subject site. The Gateway determination required that the planning proposal be referred to OEH, which advised that a further flora and fauna assessment was required. The <i>Armidale Airport East – Proposed Rezoning, Planning Proposal No. 7, Flora and Fauna Assessment</i> (SLR, 19 December 2016) identified two endangered ecological communities on the subject site. It is proposed to provide a biodiversity offset area to the west of the subject site compensate for the loss of the EECs as a result of the planning proposal. Establishment of the offset area will be implemented through a Planning Agreement (PA) between the proponent for this planning proposal and council. Refer to Question 7 for further details.</p>
2.3 Heritage Conservation	Yes	<p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and Aboriginal cultural heritage significance.</p> <p>LEP 2012 includes the provisions from the Standard Instrument LEP for protecting European and Aboriginal cultural heritage. The planning proposal does not propose to alter these provisions. The subject site is not identified as a heritage item or being located within a heritage conservation area. The Gateway determination required that the planning proposal be referred to OEH which advised that an Aboriginal cultural heritage assessment be prepared for the subject site. The <i>Aboriginal Cultural Heritage Assessment – Armidale East Airport Development, Armidale, NSW</i> (Everick Heritage Consultants Pty Ltd, March 2016) identified a Shield Tree on the subject site and made recommendations for either future development being</p>



**Planning Proposal No. 7**

		designed in such a way so as to avoid the tree or for the tree to be salvaged and repatriated off-site. Refer to Question 8 for further details.
2.4 Recreation Vehicle Areas	Yes	The planning proposal does not enable the subject site to be developed for the purpose of a recreation vehicle area, as recreation facilities (major and outdoor) are prohibited in the IN2 zone under LEP 2012.

**3. Housing, Infrastructure and Urban Development**

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



## Planning Proposal No. 7

		<p>uses are permitted in the IN2 zone and will benefit from their location with direct access to the New England Highway. Other potential businesses that are likely to benefit from locating on the subject site are those that will use air freight.</p> <p>DCP 2012 includes design guidelines for industrial development which along with the principles in the <i>The Right Place for Business and Services</i> can be considered at the development application stage for future subdivision of the subject site.</p>
3.5 Development Near Licensed Aerodromes	No	<p>The northern part of the subject site is opposite Armidale Regional Airport on the New England Highway. All of the subject site is within 1 km of the Airport and is wholly located within the Airport Buffer as shown on the Airport Buffer Map for LEP 2012.</p> <p>Development of the subject site would be subject to the following existing provisions in LEP 2012:</p> <ul style="list-style-type: none"> <li>• Clause 6.3 <i>Airspace Operations</i>. While the clause does not set development standards such as height it does require the consent authority to consult with the relevant Commonwealth authority where a proposed development will penetrate the Obstacle Limitation or Operations Surface for the Airport.</li> <li>• Clause 6.5 <i>Development within a Designated Buffer</i>. The clause does not identify permissible development types that are compatible with the operation of an aerodrome. However the clause does require a consent authority to consider the following matters for development of land within the Airport Buffer: <ul style="list-style-type: none"> <li>- The impact that any noise or other emissions associated with existing land uses would have on the proposed development</li> <li>- Any proposed measures incorporated into the development that would limit the impact of such noise and other emissions associated with the existing land use</li> <li>- Any opportunities to relocate the proposed development outside the land to which the clause applies</li> <li>- Whether the proposed development would adversely affect the safe and effective operational environment of the Armidale Regional Airport and any existing development that forms part of the facility.</li> </ul> </li> </ul> <p>The subject site is not in an ANEF contour of 20 or greater. The planning proposal does not seek to permit development that will encroach above the Obstacle Limitation Surface for the Airport.</p> <p>Clause 4(a) of the direction requires consultation with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome where a planning proposal sets controls for the development of land in the vicinity of a licensed aerodrome. The planning proposal does not set controls that relate to the operation of the Airport, which are already covered by Clauses 6.3 and 6.5 of LEP 2012. However, the proposed rezoning of the subject site to IN2 will change the planning controls applying to the land with future industrial development being subject to relevant provisions in</p>



**Planning Proposal No. 7**

		<p>LEP 2012 and Development Control Plan 2012. In this respect the planning proposal is considered to be inconsistent with Clause 4(a) of the direction. It is recommended that the Department of the Commonwealth responsible for licensed aerodromes be consulted, subject to a Gateway determination. It is not necessary to consult with the lessee as Council owns the Armidale Regional Airport.</p> <p>The planning proposal was referred to the Commonwealth Department of Infrastructure and Regional Development (DIRD) which recommended that council consider the National Airport Safeguarding Framework (NASF) during the assessment of any individual future development proposals.</p> <p>The NASF includes six guidelines related to landuses on or near airports that provide guidance on managing the impacts of airport noise as well as the risks of building generated windshear and turbulence, wildlife strikes, wind turbine farms, distractions to pilots from lighting and intrusions into protected airspace.</p> <p>Consideration of the guidelines in relation to the Planning Proposal has concluded that while the proposed IN2 zoning permits a range of landuses, most of the permitted landuses are likely to be consistent with the NASF guidelines. However, some types of development may impact on airport operations depending on the characteristics of the development as well as its location in relation to the airport runways and approaches. The impact of a development on airport operations and any mitigating measures would need to be assessed at the development application stage for each proposal.</p>
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**Planning Proposal No. 7****4. Hazard and Risk**

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

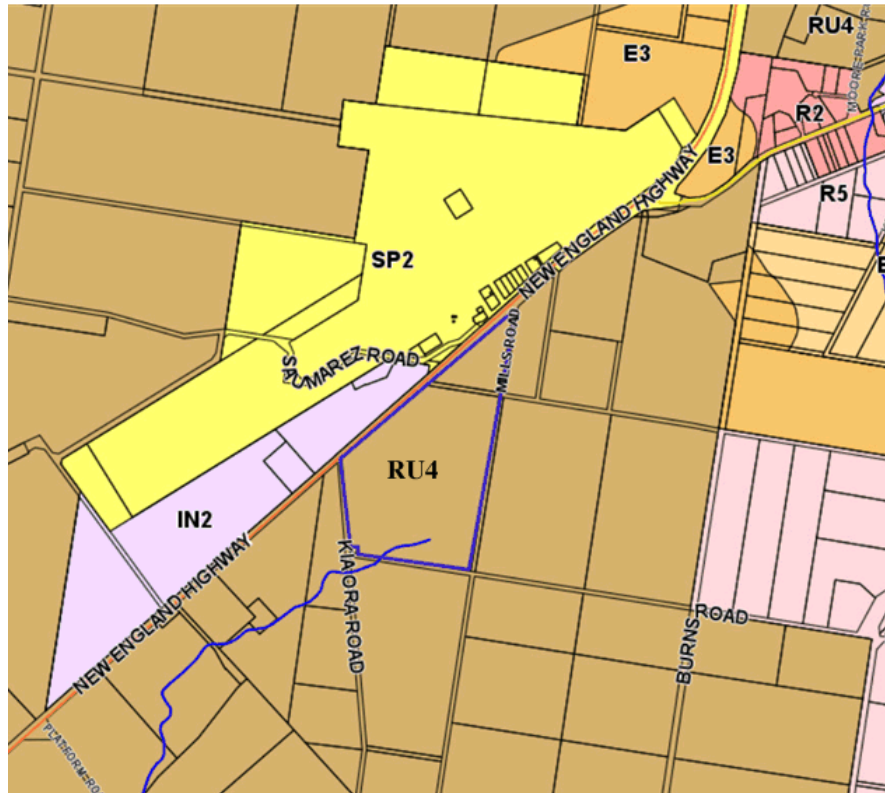
**6. Local Plan Making**

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

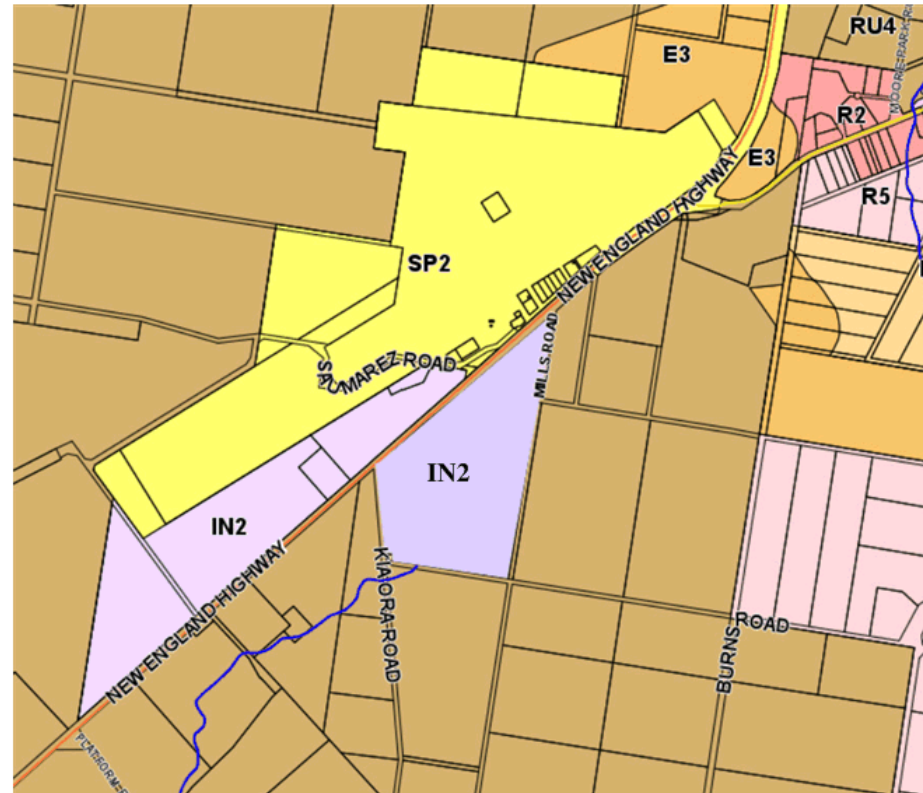


## Planning Proposal No. 7

## Attachment 1 Current and Proposed Land Zoning Maps



Current Zoning - RU4 Primary Production Small Lots



Proposed Zoning – IN2 Light Industrial

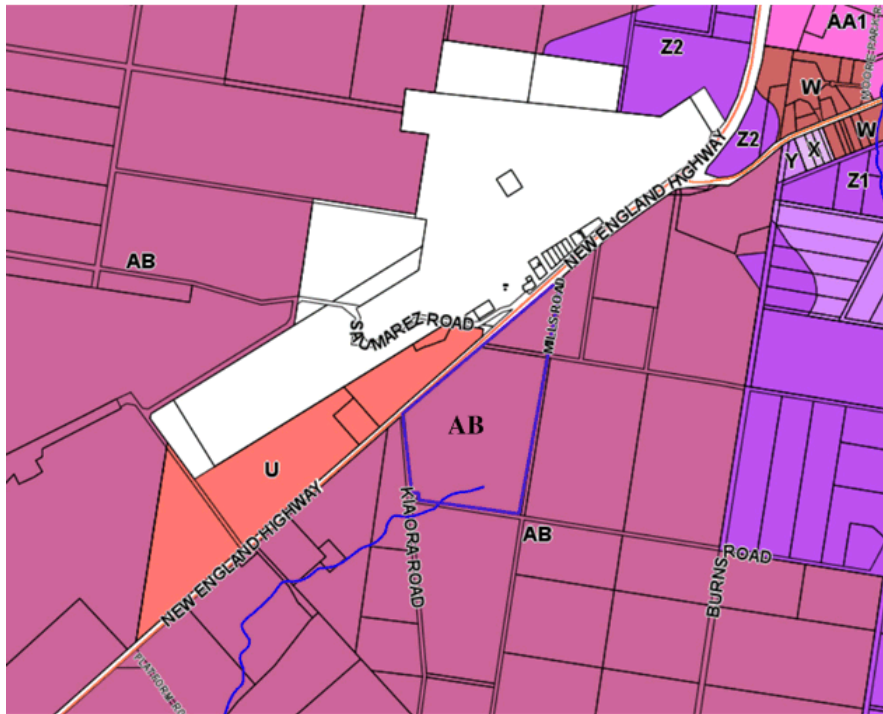
□ Subject Site

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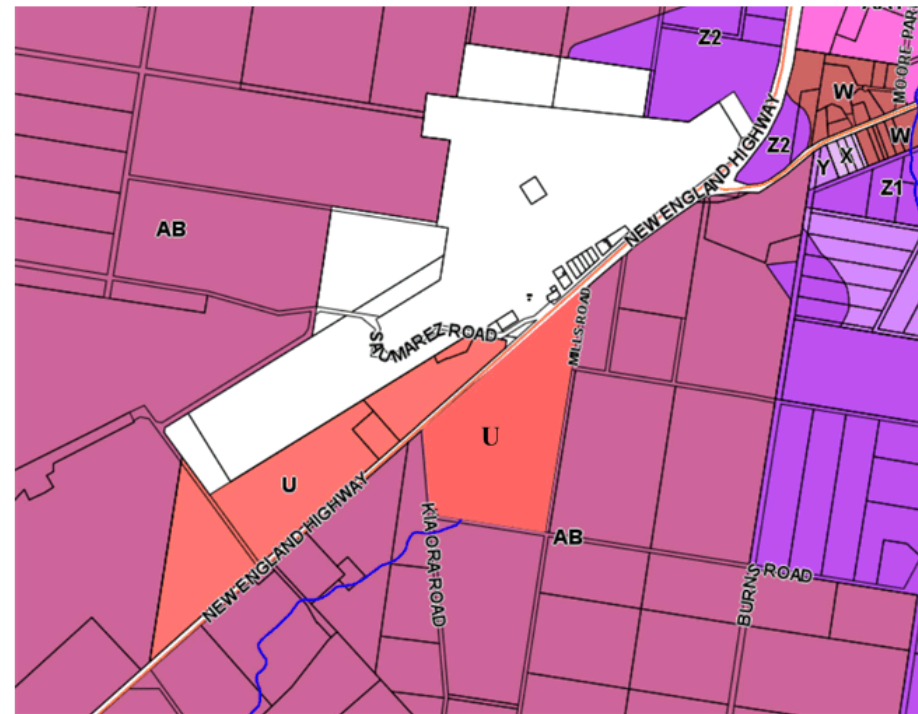


## Planning Proposal No. 7

## Attachment 2 Current and Proposed Lot Size Maps



Current Lot Size – RU4 Primary Production Small Lots



Proposed Lot Size – IN2 Light Industrial

□ Subject Site

↑ N



## Planning Proposal No. 7

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

Planning &  
Infrastructure

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

10/14852

Dear Mr Burns

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

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

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

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

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

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

Yours sincerely

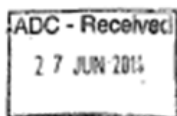
  
**Richard Pearson**  
Deputy Director General  
Planning Operations and Regional Delivery

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



## Planning Proposal No. 7

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



23 June 2014.

SF2012/003548/1

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

Att: David Maunder.

Dear Sir

**New England Highway (HW9) Armidale Airport Industrial Land.**

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

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

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

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

Yours sincerely

John Alexander  
Regional Manager, Northern

23 JUN 2014

**Roads and Maritime Services**

76 Victoria Street, Grafton NSW 2460 | PO Box 576 Grafton NSW 2460  
T 02 6640 1300 | F 02 6640 1304 | E Grafton.Regional.Office@rms.nsw.gov.au

www.rms.nsw.gov.au | 13 1782



## Planning Proposal No. 7

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

All communications to be addressed to:

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

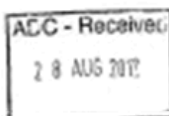
Telephone: (02) 6655 7002  
e-mail: csc@rfs.nsw.gov.au

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

Facsimile: (02) 6655 7008



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



Your Ref: A11/5340  
Our Ref: L12/0016  
DA12080884381 AB

21 August 2012

**ATTENTION:** Mr Harold Ritch

Dear Mr Ritch,

**Request for comment - Armidale Industrial Land Study 2012**

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

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

The RFS further advises that:

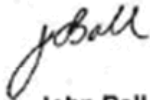
- Development of existing land zoned for industrial uses will need to consider the specifications and requirements of bush fire legislation and guidelines. It should be noted that grasslands are considered a bush fire hazard. This may be required at the subdivision or construction phase of the development.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



Planning Proposal No. 7

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

Yours faithfully,



**John Ball**  
**Manager – Coffs Harbour Customer Service Centre**

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



## Planning Proposal No. 7

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

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

29<sup>th</sup> August 2012

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

Attn: Mr H. Ritch

Dear Sir/Madam,

**Re: Armidale Industrial Land Study**

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

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

**Mineral Resources Issues**

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

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

Yours sincerely

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

Team Leader Land Use

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



## Planning Proposal No. 7

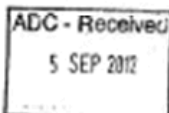
## Attachment 7 Heritage Council correspondence to Council re: Consultation on Armidale Industrial Land Study, dated 28 August 2012



**Heritage Council**  
of New South Wales

3 Marist Place  
Parramatta NSW 2150  
  
Locked Bag 5020  
Parramatta NSW 2124  
DX 8225 PARRAMATTA

Telephone: 61 2 9873 8500  
Facsimile: 61 2 9873 8599  
  
[heritage@heritage.nsw.gov.au](mailto:heritage@heritage.nsw.gov.au)  
[www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au)



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

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

Dear Sir / Madam,

#### CONSULTATION ON ARMIDALE INDUSTRIAL LAND STUDY.

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

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

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

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

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

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

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

Helping the community conserve our heritage



## Planning Proposal No. 7

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

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

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

Yours sincerely



28/08/2012

**Vincent Sicari**  
Manager  
Conservation Team  
Heritage Branch, Environment and Heritage, Policy and Programs Group  
Office of Environment & Heritage

**AS DELEGATE OF THE NSW HERITAGE COUNCIL**



## Planning Proposal No. 7

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



## Office of Environment & Heritage

Your reference: A11/5340  
Our reference: DOC 12/32612  
Contact: Liz Mazzer (02) 68835325  
Date: 27/8/2012

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

**Attn Mr Harold Ritch**

Dear Mr Ritch

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

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

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

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

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

We generally support strategic planning proposals which:

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

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## Planning Proposal No. 7

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

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

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

Yours sincerely,



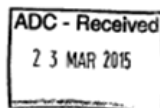
JODIE SAVILLE  
A/Manager, Environment and Conservation Programs  
Conservation and Regulation Division



## Planning Proposal No. 7

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

Office of  
Environment  
& Heritage



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

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

Attention: Ms Jennifer Campbell

Dear Mr Wilcox

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

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

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

Biodiversity

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

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

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

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## Planning Proposal No. 7

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Aboriginal Cultural Heritage

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

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

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

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

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

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

Historic Heritage

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



## Planning Proposal No. 7

Page 3

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

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

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

Flooding

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

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

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

Yours sincerely



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



## Planning Proposal No. 7

Attachment 10: Office Of Environment And Heritage Correspondence To  
Council Re: Armidale Regional Airport Industrial Park Development East  
Armidale, Dated 20 February 2017



Our Ref: DOC16/649351  
Your Ref: 16ARM-5079

The Administrator  
Armidale Regional Council  
PO Box 75A  
Armidale NSW 2350

Attention: Mr Greg Meyers

Dear Mr Tiley

**Re: Planning Proposal 7 – Armidale Regional Airport Industrial Park Development – Airport East**

Thank you for your letter dated 21 December 2016 about the proposed rezoning of land to facilitate the construction of the Armidale Regional Airport Industrial Park Development, seeking comments from the Office of Environment and Heritage (OEH). I appreciate the opportunity to provide ongoing input.

The OEH's Senior Conservation Planning Officer Ms Nicky Owner visited the Airport East planning area on Wednesday 15 February 2017 after gaining approval to enter the property. This inspection was conducted to gain an appreciation of the types and condition of the vegetation and habitat features present, and to inform our response to council on Planning Proposal 7.

Based on the results of our inspection and our review of the revised Flora and Fauna Assessment prepared by SLR dated 19 December 2016, we provide the following comments and recommendations for council's consideration.

Vegetation mapping

We note that the mapping of vegetation types and Endangered Ecological Communities (EECs) in the planning area has been revised as recommended in our letter of 12 September 2016.

As part of the revision of vegetation mapping, it appears that the labelling of vegetation types within SLR's Flora and Fauna Assessment has been reversed, as evidenced during our examination of 2015 and 2016 versions of vegetation maps. Following a telephone discussion with SLR's Mr Jeremy Pepper, we understand that this reversal was made following the identification of a GIS map labelling error. With this knowledge, we are satisfied with the revised vegetation mapping conducted for the planning area, including the revised locations occupied by each EEC type present.

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## Planning Proposal No. 7

Page 2

We agree with the identification and labelling of the Biometric Vegetation Types (BVTs) identified in the planning area, including NR300 – Ribbon Gum – Rough-barked Apple – Yellow Box grassy woodland of the New England Tableland Bioregion, and NR127 – Blakely's Red Gum – Yellow Box grassy open woodland of the New England Tableland Bioregion.

#### Use of the BioBanking Assessment Methodology 2014

Although the OEH has not been given an opportunity to review the data entered into the BioBanking Credit Calculator, we are generally satisfied with the total ecosystem credit requirement presented in the SLR report. Based on the revised Flora and Fauna Assessment, 224 ecosystem credits are required to offset the loss of NR300 (ribbon gum grassy woodland) and 26 ecosystem credits are required to offset the loss of NR127 (Blakely's red gum woodland) in the planning area (Airport East) – refer to Table 1 below.

Table 1 – Ecosystem credit requirements

Vegetation Type	Airport East (credit requirement)	Airport West (credit requirement)**	Combined credit requirement (east + west)	Total Credits Available on proposed offset sites**	Total credit balance
Ribbon Gum grassy woodland (NR186)	224	45	269	49	-220
Blakely's Red Gum woodland (NR300)	26	89	115	213	98
Total	250	134	384	262	-122

\*\* As calculated by EcoLogical Australia

#### Proposed Offset

The OEH supports the intention of the owners of the Airport East site, and the council as the owner of the Airport West site, to jointly establish an offset site over nearby land to compensate for the loss of native vegetation resulting from the future development of the Armidale Airport Park (comprising of the Airport East and Airport West land parcels).

The number of credits required to offset the loss of vegetation at the Airport East site and the Airport West site are set out in Table 1 above. In addition, Table 1 lists the total number of credits generated at the offset site following the protection of the mapped extent of the two EECs present.

Unfortunately, the calculations in Table 1 indicate that there is a total ecosystem credit deficit for ribbon gum grassy woodland of 220 credits at the proposed offset site (based on the ribbon gum credit requirements for both the Airport East and West sites).

However, given both vegetation types on the offset site belong to the same 'New England Grassy Woodland' vegetation class, both vegetation types are considered to be matching ecosystem credit types for the purposes of the BioBanking Assessment Methodology. This means that the surplus credits available for Blakely's red gum grassy open woodland can be used to satisfy the ribbon gum grassy woodland credit requirement. This reduces the total outstanding credit deficit to 122 credits.

To further assist in overcoming this deficit, the OEH recommends that assisted regeneration be undertaken to restore the cleared areas present on Lot 21 to a suitable vegetation type (either Blakely's red gum woodland or ribbon gum grassy woodland). This work is likely to substantially increase the ecosystem credit value of the offset site to a point that the impact of development at both the Airport East and Airport West sites will be appropriately and adequately offset.

#### Protecting and managing the offset site

While we recognise that there is no legal requirement for the offset site to be protected and managed in accordance with a BioBanking Agreement, we suggest that the owners of the offset lands consider making an application for such an agreement. BioBanking Agreements ensure that lands over which the agreement is made are protected in perpetuity. They also provide landowners with a regular and ongoing income to enable active management of the biodiversity values present.




## Planning Proposal No. 7

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Whilst a BioBanking Agreement is the OEH's preferred mechanism for securing an offset site, should this not be a viable option, we would be satisfied with the rezoning of the offset site to E3 – Environmental Management to reflect its conservation value, along with a commitment to the preparation of an accompanying vegetation management plan (VMP) to be implemented in perpetuity. The VMP must provide for ongoing management and restoration so that the offset site can adequately offset the permanent loss of vegetation resulting from the construction of the proposed Armidale Airport Park. The commitment to prepare a VMP for the offset site for its management in perpetuity should be secured with Voluntary Planning Agreement or other suitable mechanism at this early stage of the Armidale Airport Park proposal.

If you have any further questions about this issue, Ms Nicky Owner, Senior Conservation Planning Officer, Regional Operations, OEH, can be contacted on 6659 8254 or at [nicky.owner@environment.nsw.gov.au](mailto:nicky.owner@environment.nsw.gov.au).

Yours sincerely

 20 February 2017

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

Contact officer: NICKY OWNER  
6659 8254



*Planning Proposal No. 7*

Attachment 11: Copies of the comments from the public authorities consulted in accordance with the Gateway determination.





Office of  
Environment  
& Heritage

Our Ref: DOC15/448759  
Your Ref: A15/6623

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

Attention: Mr Greg Meyers – Director Planning and Environmental Services

Dear Mr Wilcox

**Re: Planning Proposal No. 7 for Draft Amendment 7 to Armidale Dumaresq LEP 2012.**

Thank you for your letter dated 5 November 2015 regarding the Planning Proposal No. 7 for Draft Amendment 7 to Armidale Dumaresq LEP 2012 requesting comments from the Office of Environment and Heritage (OEH) in accordance with the provisions of section 56(2)(d) of the *Environmental Planning and Assessment Act 1979*, following a Gateway Determination issued for the proposal by the Minister for Planning. I appreciate the opportunity to provide input and apologise for the delay in responding.

The OEH has statutory responsibilities relating to biodiversity (including threatened species, populations, ecological communities, or their habitats), Aboriginal and historic heritage, OEH estate, acid sulfate soils, flooding and estuary management.

We have reviewed the documents supplied and advise that, although we have no major concerns about OEH estate, historic heritage, flooding or acid sulfate soils, a number of issues are apparent with respect to the assessments for biodiversity and Aboriginal cultural heritage. These issues are discussed in detail in **Attachment 1** to this letter.

In summary, the OEH recommends that prior to the exhibition of the planning proposal council should:

1. require the applicant to prepare an Aboriginal cultural heritage assessment for tangible and intangible Aboriginal cultural heritage values to identify any such values. The OEH would recommend that areas of high Aboriginal cultural heritage significance be zoned Environmental Protection to protect such values.
2. satisfy itself that the correct vegetation communities have been mapped on the planning area, particularly in relation to the identified Endangered Ecological Community (EEC). The extent of the area of land containing EECs is to be verified on ground by a suitably qualified person and should be zoned Environmental Protection.

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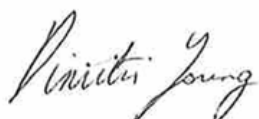


3. require the applicant to prepare an offset proposal for the biodiversity impacts to be enabled by the rezoning if sufficient justification can be provided that areas of high conservation value cannot be zoned for environmental protection. The OEH recommends use of the BioBanking Assessment Methodology to determine the type and quantum of offsets required. Offsets must be secured by an appropriate mechanism in perpetuity and accord with the 'OEH principles for the use of biodiversity offsets in NSW'.
4. give further consideration to the presence of the threatened species Koala (*Phascolarctos cinereus*) and any koala habitat within the planning area. The planning proposal should respond to this information by giving further consideration to the application of land use zones to protect the habitat and the species in the planning area.

The OEH requests an opportunity to further review the planning proposal either before or during the exhibition period.

If you have any further questions about this issue, Mr Clyde Treadwell, Conservation Planning Officer, on 6659 8288, or via email [clyde.treadwell@environment.nsw.gov.au](mailto:clyde.treadwell@environment.nsw.gov.au). Please note that Clyde works Tuesday to Friday each week.

Yours sincerely

 7 December 2015

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

Contact officer: CLYDE TREADWELL  
6659 8288

Enclosure: Detailed OEH Comments – Planning Proposal No.7 Armidale Dumaresq Council.



**Attachment 1: Detailed OEH Comments – Planning Proposal Armidale Dumaresq Council**The Proposal

The effect of the planning proposal is to:

1. Rezone privately owned lands Lot 1 DP 1173995, Lot 1 DP 1195163 and Lot 14 DP 5188 from RU4 Primary Production Small Lots to IN2 Light Industrial under the *Armidale Dumaresq Local Environmental Plan 2012* (LEP).
2. Altering the minimum lot size standard applying to Lot 1 DP 1173995, Lot 1 DP 1195163 and Lot 14 DP 5188 from 40 hectares to 1000sqm.

The OEH notes that the planning proposal accords with the Department of Planning and Environment's endorsed Armidale Industrial Lands Strategy.

Aboriginal Cultural Heritage

An important component of the environmental assessment process undertaken in support of planning proposals is the consideration of Aboriginal cultural heritage values. The importance of protecting Aboriginal cultural heritage is reflected in the provisions of the *National Parks and Wildlife Act 1974* (NPW Act). The NPW Act clearly establishes that Aboriginal objects and places are protected and may not be damaged, defaced or disturbed without appropriate authorisation. Importantly, approvals under Part 3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) do not absolve the proponent of their obligations under the NPW Act.

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

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

The OEH has reviewed the proposal and supporting documentation from the perspective of possible Aboriginal cultural heritage constraints. The OEH notes references to our earlier advice regarding this matter. The OEH supports the recommendation for an Aboriginal cultural heritage assessment in the "*New England SURVEYING & ENGINEERING Land Development Consultants*" report which accompanied the proposal.

We would like to take this opportunity to remind council that any such Aboriginal cultural heritage assessment should be done in such a manner as to ensure that both tangible and intangible values that may be present are captured. This means that such an assessment would require any archaeological survey to be complemented by a thorough consultation process with representatives of the local Aboriginal community.

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

a) Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (OEH, 2010) - <http://www.environment.nsw.gov.au/licences/consultation.htm>

b) Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (OEH, 2010) - <http://www.environment.nsw.gov.au/licences/archinvestigations.htm>



### Recommendation

- The OEH recommends that, prior to final determination of the planning proposal to rezone this land, it is subject to a full Aboriginal cultural heritage assessment for tangible and intangible Aboriginal cultural heritage values to identify any such values which may affect the long term use of the land. The OEH would recommend that areas of high Aboriginal cultural heritage significance be zoned Environmental Protection to protect such values.

### Biodiversity

Based on the biodiversity values known to be present across the New England Tableland (Armidale Plateau) Bioregion together with the consultant's report accompanying the planning proposal, and following examination of aerial photographs and a site inspection, the OEH is of the view that the subject site contains a number of high conservation value biodiversity attributes, including:

- Ribbon gum/Mountain white gum/Snow gum Endangered Ecological Community (EEC) and/or White box/Yellow box/Blakely's red gum Woodland EEC. The site inspection confirmed that the understorey on the site is highly degraded with few natives, but that the site contains an EEC with distinct patches of overstorey still representing that EEC and with evidence of some natural regrowth that may be sustainable. The OEH supports assisted rehabilitation to return the understorey to a representative part of the EEC.
- Scattered trees (possibly both living and dead) that contain hollows. The hollow resources present can provide habitat for hollow-dependent fauna species which could include threatened species of microbats, arboreal mammals and possibly birds.
- Koala habitat. The planning area has vegetation that comprises *potential koala habitat* (as defined under State Environmental Planning Policy 44 – Koala Habitat Protection SEPP 44) as it has areas of native vegetation where the trees of the types listed in Schedule 2 of the SEPP constitute at least 15% of the total number of trees in the upper or lower strata of the tree component habitat within the planning area. Further consideration should be given to the presence of the threatened species Koala (*Phascolarctos cinereus*) as the site inspection carried out by the consultant was on the 3 June 2015, a time of the year when Koala activity is not considered high. The extant *Eucalyptus viminalis* component of the EEC on the site is an important contribution to foraging habitat for the declining local Koala population. The planning proposal should further consider the application of land use zones to protect the habitat and the species. In consultation with relevant council officers (involved with recording Koala sightings), they indicate that they "do not have any sightings for this location. That is not to say that koalas do not travel through the area as there are both primary and local preferred koala feed trees on the site and contiguous throughout the surrounding landscape. There are many sightings within 2km of the site on the edge of town which reflects the fact that there are people living in these areas that report them".

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

The OEH's preference is for areas of high conservation value particularly threatened species, endangered ecological communities, or their habitats, to be zoned E2 Environmental Conservation to protect those values.

The planning proposal could respond to the findings of a flora and fauna study by adjusting the proposed IN2 zone so that future industrial development will avoid impacts on the high biodiversity conservation values present, including the EEC, and proposing the rezoning of areas containing those values to E2. This should consider the provision of vegetated buffers to the EEC to mitigate



indirect impacts due to the edge effects of future development to be enabled by the planning proposal. This is OEH's preferred approach.

However, if the planning proposal could adequately justify that such zoning adjustments make it unviable, then OEH recommends the provision of a suitable offset package to compensate for the loss of the identified biodiversity values in the planning area, in accordance with the *OEH principles for the use of biodiversity offsets in NSW*. The OEH encourages use of the BioBanking Assessment Methodology to determine the type and quantum of offsets required. The required offsets should be identified prior to the finalisation of the planning proposal, with the implementation of the offset package secured via a Planning Agreement between the proponent, Council and the Minister for Planning under Section 93F of the *Environmental Planning and Assessment Act 1979*.

*Recommendations:*

- Council should satisfy itself that the correct vegetation communities have been mapped on the planning area, particularly in relation to the identified Endangered Ecological Community (EEC). The extent of the area of land containing EECs is to be verified on ground by a suitably qualified person and should be zoned Environmental Protection.
- An offset proposal be developed for the biodiversity impacts to be enabled by the rezoning if sufficient justification can be provided that areas of high conservation value cannot be zoned for environmental protection. The OEH recommends use of the BioBanking Assessment Methodology to determine the type and quantum of offsets required. Offsets must be secured by an appropriate mechanism in perpetuity and accord with the '*OEH principles for the use of biodiversity offsets in NSW*'.
- Further consideration be given to the presence of the threatened species Koala (*Phascolarctos cinereus*) and any koala habitat within the planning area. The planning proposal should respond to this information by giving further consideration to the application of land use zones to protect the habitat and the species in the planning area.









Transport  
Roads & Maritime  
Services

File No: NTH06/00641/02  
Your Ref: A15/6623

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

Attention: Greg Meyers – Director Planning and Environmental Services

Dear Sir / Madam,

**Planning Proposal to amend the Armidale Dumaresq Local Environment Plan 2012 –  
Proposed IN2 Light Industrial, Armidale Airport Precinct, New England Highway, Armidale.**

I refer to your letter of 5 November 2015 requesting comment from Roads and Maritime Services in relation to the abovementioned planning proposal.

**Roles and Responsibilities**

The key interests for Roads and Maritime are the safety and efficiency of the road network, traffic management, the integrity of infrastructure assets and the integration of land use and transport.

The New England Highway (HW9) is a classified (state) road. Armidale Dumaresq Council is the 'Roads Authority' for this road and all other public roads in the local government area pursuant to Section 7 of the *Roads Act 1993*. Roads and Maritime has responsibilities for classified roads in accordance with the Act.

In accordance with Clause 101 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) the Consent Authority is to have consideration for the safety, efficiency and ongoing operation of the classified road as the development has frontage to a classified road.

In accordance with Clause 31 of the *State Environmental Planning Policy No. 64 – Advertising and Signage* (SEPP64), Roads and Maritime is given the opportunity to review and comment on the proposed rezoning as the subject land has frontage to a classified road.

**Roads and Maritime Response**

Roads and Maritime has reviewed the draft planning proposal and provides the following comments;

1. The proposed rezoning will encourage development fronting the New England Highway with subsequent traffic impacts on the safety and efficiency of the classified (state) road. The proposed industrial lands are accessed via the state road network. To ensure the public benefits of the Armidale Bypass are not diminished, access to future development of the subject area must be appropriately managed.
2. Roads and Maritime supports the identified Access Management Strategy and the Voluntary Planning Agreement (VPA). The rationalisation of existing accesses, the construction of a new roundabout and the provision of suitable public transport services are considered critical actions in addressing the likely impacts of the proposed industrial precinct. The timing of works required under the VPA is to ensure that impacts on the classified road are addressed. It is requested that the VPA be finalised prior to the rezoning of the subject land.

**Roads and Maritime Services**

76 Victoria Street, Grafton NSW 2460 |  
PO Box 576, Grafton NSW 2460 |

[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au) | 13 22 13



3. It is noted that advertisements and advertising structures are prohibited under the exiting RU4 zone and would be permissible with consent under the proposed IN2 zone. It is suggested that any Development Control Plan for the proposed industrial precinct refer to the provisions of SEPP64 and the guidelines.
4. It is understood that rezoning of the subject land is not to include Bulky Goods Retail development.

Roads and Maritime would appreciate the opportunity to comment on the draft VPA during exhibition of the planning proposal.

If you have any further questions regarding the above comments please contact Liz Smith, Manager Land Use Assessment on (02) 6640 1362 or via email at: [development.northern@rms.nsw.gov.au](mailto:development.northern@rms.nsw.gov.au)

Yours faithfully



30 November 2015

for Monica Sirol  
Network & Safety Manager, Northern Region



**Kathy Martin**

---

**From:** Safeguarding <safeguarding@infrastructure.gov.au>  
**Sent:** Wednesday, 25 November 2015 11:30 AM  
**To:** Council  
**Cc:** Kerr Donna; Owen Sharyn; Shumaker Annegret  
**Subject:** Planning Proposal No. 7 for Draft Amendment No. 7 to Armidale Dumaresq LEP 2012 - comment from Department of Infrastructure & Regional Development [SEC=UNCLASSIFIED]

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

Dear Sir/Madam

Thank you for the opportunity to comment on Planning Proposal No. 7 for Draft Amendment No. 7 to Armidale Dumaresq LEP 2012. As you are aware, airports are important national infrastructure assets. They are essential transport hubs for cities, regional and remote areas and contribute significantly to the national economy as well as to the economy of New South Wales. Land-use planning and management is an effective means to ensure that the activities nearby airports are compatible with aviation while still maintaining the safety and amenity of nearby residents.

In May 2012 all Australian governments agreed to implement the National Airports Safeguarding Framework (NASF). The Framework provides guidance to State/Territory and local government decision makers, airport operators and developers about recognition of aviation impacts in land use planning decisions. It includes six guidelines relating to the regulation and management of the risks associated with: aircraft noise; building generated windshear at airports; wildlife strikes in the vicinity of airports; wind turbine farms as physical obstacles to air navigation; lighting distractions in the vicinity of airports and intrusions into the protected operational airspace of airports.

Full details of the Framework, including guidance material, are available online at [www.infrastructure.gov.au/aviation/environmental/airport\\_safeguarding/nasf/index.aspx](http://www.infrastructure.gov.au/aviation/environmental/airport_safeguarding/nasf/index.aspx)

The Department recommends that Council consider the National Airport Safeguarding Framework (NASF) during the assessment of any individual future development proposals in these areas. As an active member of the National Airports Safeguarding Advisory Group (NASAG) NSW has contributed to the development of the Framework which seeks to improve safety outcomes by ensuring aviation safety requirements are recognised in land-use planning decisions and improve community amenity by minimising noise-sensitive developments near airports.

Should you wish to discuss the matters raised in this submission, the relevant contact officer in the Department is Ms Sharyn Owen ([sharyn.owen@infrastructure.gov.au](mailto:sharyn.owen@infrastructure.gov.au)) on (02) 6274 6125.

---

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and delete all copies of this transmission together with any attachments.

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All communications to be addressed to:

Headquarters  
15 Carter Street  
Lidcombe NSW 2141

Telephone: 1300 NSW RFS  
e-mail: csc@rfs.nsw.gov.au

Headquarters  
Locked Bag 17  
Granville NSW 2142

Facsimile: 8741 5433

Armidale Dumaresq  
Council

- 4 DEC 2015

Received



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

Your Ref: A15/6623  
Our Ref: L12/0016  
DA15110699274 AB

**ATTENTION:** Greg Myers

1 December 2015

Dear Mr Myers

**Planning Instrument for Planning Proposal For Draft Amendment No.7 To  
Armidale Dumaresq Local Environmental Plan 2012**

I refer to your letter dated 5 November 2015 seeking advice for the above Planning Instrument in accordance with the 'Environmental Planning and Assessment Act 1979'.

The Service has reviewed the plans and documents received for the proposal and subsequently raise no concerns or issues in relation to bush fire.

For any queries regarding this correspondence please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Ball', written over a light, dotted background.

John Ball  
Manager



The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006' , visit the RFS web page at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) and search under 'Planning for Bush Fire Protection, 2006'.





**Heritage Council**  
The logo of the Heritage Council of New South Wales, featuring a stylized 'H' and 'C' with a leaf and a bird.  
of New South Wales

3 Marist Place  
Parramatta NSW 2150

Locked Bag 5020  
Parramatta NSW 2124  
DX 8225 PARRAMATTA

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

[heritage@heritage.nsw.gov.au](mailto:heritage@heritage.nsw.gov.au)  
[www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au)

Job ID: DOC15/442043  
Your ref: A15/6623

Mr Greg Meyers  
Director Planning and Environmental Services  
Armidale, Dumaresq Council  
PO Box 75A  
ARMIDALE NSW 2350

Dear Mr Meyers

**RE: Planning Proposal No.7 to Armidale Dumaresq Local Environmental Plan 2012**

Thank you for consulting the Heritage Division of the Office of Environment and Heritage regarding the above planning proposal. It is considered that the documents submitted as part of the referral adequately address potential impact on the State Heritage listed Saumarez Homestead.

The Heritage Division notes that the homestead is located almost 2km south west of the subject site. Views to and from the homestead are protected by a ridgeline that has a higher elevation than both the homestead and the site. Further, established trees at the homestead help minimise any visual impact.

If you have any questions regarding the above matter please contact Adrian Hohenzollern, A/Senior Team Leader, at the Heritage Division, Office of Environment and Heritage, on (02) 9873 8540 or by email at [Adrian.hohenzollern@environment.nsw.gov.au](mailto:Adrian.hohenzollern@environment.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rajeep Maini'.

**Rajeep Maini**  
Manager, Conservation  
Heritage Division, Office of Environment & Heritage  
**As Delegate of the Heritage Council of NSW**  
16 November 2015

Helping the community conserve our heritage









Office of  
Environment  
& Heritage

Our Ref: DOC18/973197-13  
Your Ref: PP No. 7

Chief Executive Officer  
Armidale Regional Council  
PO Box 75A  
Armidale NSW 2350

Attention: Ambrose Hallman

Dear Mr Dennis

**Re: Planning Proposal Number 7 – Airport East.**

Thank you for your email dated 17 December 2018 about Planning Proposal Number 7 (PP No. 7) for the Armidale Airport East development site, seeking comments from the Office of Environment and Heritage (OEH). I appreciate the opportunity to provide input and apologise for the delay in responding.

We have reviewed the information provided by Armidale Regional Council, including the draft Voluntary Planning Agreement (draft VPA) between the council, and Sorenta Pty Ltd and Mr Peter Maguire (the Developer).

Biodiversity

We note that the draft VPA will require the Developer to make a 'BioBanking Contribution' of \$294,779 to the council as an offset for the loss of native vegetation facilitated by the rezoning of the site to Light Industrial (IN2), and to allow the council, to 'meet the ecosystem credit requirements for the land identified as the Airport East site'.

However, as you would be aware, the *Biodiversity Conservation Act 2016* (BC Act) has now commenced. It is possible that, should the rezoning of the subject site to IN2 proceed, and a subsequent development application made to subdivide the site, that the development may trigger the Biodiversity Offsetting Scheme (BOS), as set out at Part 6 of the BC Act. In this instance, the development application would need to be informed by a Biodiversity Development Assessment Report that documents the biodiversity assessment and offsetting requirements resulting from the likely loss of native vegetation and threatened species habitat.

Conversely, the development may not trigger the BOS, and therefore an offset that meets the requirements of both the BC Act and the *Environmental Planning and Assessment Act 1979* may be unnecessary. In this instance, the OEH would continue to support the requirement for a "BioBanking Contribution" as stipulated in the draft VPA, to be payable to the council, to offset the loss of native vegetation.

Locked Bag 914 Coffs Harbour NSW 2450  
Federation House, Level 8, 24 Moonee Street  
Coffs Harbour NSW 2450  
Tel: (02) 6659 8200 Fax: (02) 6659 8281  
ABN 30 841 387 271  
[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)



*OEH Recommendation:*

To ensure that the VPA addresses both potential eventualities, we recommend that the draft VPA be amended to include a commitment from the Developer that:

1. Should the development application trigger the Biodiversity Offset Scheme, then the \$294,779 "BioBanking Contribution" will not be required, and instead an offset will be provided by the Developer, as determined following application of the Biodiversity Assessment Method (BAM) by an Accredited Person, and in accordance with the requirements of the BC Act.
2. In the situation that the proposed development does not trigger the Biodiversity Offset Scheme, the Developer must contribute \$294,779 as a "BioBanking Contribution" to the council, to compensate for the anticipated loss of native vegetation on the subject site.

Flooding

We have assessed the proposed rezoning of the site in the context of flooding following examination of relevant spatial data. The OEH supports the findings of the planning proposal and given the scale of the gully and its proximity from the Saumarez Creek, combined with the slope of the land, it is unlikely to present as a significant constraint to development. It is appropriate that flooding/drainage impacts be addressed at the development application stage.

Aboriginal Cultural Heritage

The OEH has reviewed the Aboriginal Cultural Heritage Assessment Report (ACHAR) provided to inform the planning proposal. We note that no Aboriginal objects, apart from one scarred tree, were located during the survey. We also note that the lack of a deep soil profile, the absence of surface objects and the fact that anthropological information provided by the Aboriginal community members indicates that that area was a temporary waiting ground for non-local Aboriginal travellers to await permission to enter Anaiwan lands, indicate a low likelihood for other Aboriginal objects to be present within the planning area.

We note the two possible management outcomes for the senescent scarred tree that was identified during the survey and advise that the first option, for avoidance through careful planning of any proposed development is the OEH's preferred outcome.

Overall, the OEH supports the outcomes and recommendations of the ACHAR and does not consider that any further Aboriginal Cultural Heritage constraints exist to affect the proposed rezoning.

If you have any further questions about this issue, Mrs Nicky Owner, Senior Conservation Planning Officer, Conservation and Regional Delivery, OEH, can be contacted on 6659 8254 or at [nicky.owner@environment.nsw.gov.au](mailto:nicky.owner@environment.nsw.gov.au).

Yours sincerely

11 February 2019

**DIMITRI YOUNG**  
**Senior Team Leader Planning, North East Branch**  
**Conservation and Regional Delivery**

Contact officer: NICKY OWNER  
6659 8254





## Transport Roads & Maritime Services

File No: NTH12/00060/02  
Your Ref: Draft Planning Proposal No. 7

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

Attention: Ambrose Hallman

Dear Sir / Madam,

**New England Highway [HW9]: Planning Proposal to Amend Armidale Dumaresq Local Environment Plan 2012 – Proposed IN2 Light Industrial Zone Lot 1 DP 1173995, Lot 1 DP 1195163 & Lot 14 DP 5188 - 10558 New England Highway, Armidale.**

I refer to your email of 15 November 2018 requesting comment from Roads and Maritime Services in relation to the abovementioned planning proposal.

### Roles and Responsibilities

The key interests for Roads and Maritime are the safety and efficiency of the road network, traffic management, the integrity of infrastructure and the integration of land use and transport.

New England Highway is a classified (State) road under the *Roads Act 1993* (Roads Act). Armidale Dumaresq Council is the roads authority for all public roads (other than freeways or Crown roads) in the local government area pursuant to Section 7 of the Roads Act. Roads and Maritime is the roads authority for freeways and can exercise roads authority functions for classified roads in accordance with the Roads Act. Any proposed works on a classified (State) road will require the consent of Roads and Maritime. Consent is provided under the terms of a Works Authorisation Deed (WAD).

In accordance with Clause 101 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) the Consent Authority is to have consideration for the safety, efficiency and ongoing operation of the classified road as the development has frontage to a classified road.

### Roads and Maritime Response

Roads and Maritime has reviewed the referred information and provides the following comments to assist the consent authority in making a determination:

- The timing of the closure of the junctions of the New England Highway with Kia Ora and Mills Roads is unclear.
- The road closures of Kia Ora and Mills Roads will require agreement from Roads and Maritime Services because they junction with a State Highway.
- Any roadworks on the highway associated with the closures will require a S138 concurrence and Road Occupancy Licence (ROL) from Roads and Maritime Services.
- A setback with a landscaped buffer should be provided along the New England Highway's frontage to minimise visual impacts on traffic.

The scale of the future subdivision probably will not trigger a referral to Roads and Maritime Services under *ISEPP2007*. The following additional comments are provided at this stage so they can be considered when a development application is submitted:



- i. A Construction Traffic Management Plan (CTMP) should be prepared by a suitably qualified person.
- ii. The internal road network will need to be designed, constructed and approved for B-Double access in order to service existing rural properties in Kia Ora and Mills Roads.

All works on the classified (State) road will need to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and Roads and Maritime Supplements.

**Advice to the Consent Authority**

Upon determination of the application it would be appreciated if Council could forward a copy of the approval for our records. If you have any further enquiries regarding the above comments please do not hesitate to contact Greg Sciffer, Development Assessment Officer on (02) 6640 1362 or via email at: [development.northern@rms.nsw.gov.au](mailto:development.northern@rms.nsw.gov.au)

Yours faithfully,



John Perkins  
A/Land Use Assessment Manager  
Northern Region





Our Reference: MM:180733  
Your Reference:

**Contact**  
Michael McHugh  
Principal  
02 6767 2000  
mmchugh@stacklaw.com.au

Mr Ambrose Hallam  
Service Leader  
Armidale Regional Council  
135 Rusden Street  
**ARMIDALE NSW 2350**

Email [council@armidale.nsw.gov.au](mailto:council@armidale.nsw.gov.au)

Dear Sir

13 December 2018

**ARMIDALE REGIONAL COUNCIL PLANNING PROPOSAL NO. 7**  
**OUR CLIENT: ANDREW JACKSON, ELIZABETH JACKSON, JAI MOAR & LILLY MOAR**  
**PROPERTY: 11 & 45 MILLS ROAD, ARMIDALE NSW 2350**

We act for Andrew Jackson and Elizabeth Jackson of 45 Mills Road Armidale and Jai Moar and Lilly Brooks Fulwood of 11 Mills Road Armidale.

Our clients are the registered proprietors of the following land:

Andrew James Jackson and Elizabeth Jane Jackson	FI 16/5188 known as 45 Mills Road Armidale
Jai Anthony Moar and Lilly Brooks Fulwood	Auto Consol 3518-148 (Lots 12-13 in DP 5188) known as 11 Mills Road Armidale

Our client's land is currently zoned RU4 and is used and occupied for residential and primary production purposes.

Our clients have received notice from the Armidale Regional Council regarding Armidale Regional Council's Planning Proposal No 7 east of Armidale Airport (the Proposal) in relation to the following land:

Peter Anthony Maguire	FI 14/5188 & FI 1/1173995
Sorenta Pty Ltd	FI 1/1195163

## Tamworth

Tamlaw Pty Ltd ABN 35 144 724 621  
[stacklaw.com.au/tamworth](http://stacklaw.com.au/tamworth)

Liability limited by a scheme approved under Professional Standards Legislation. Legal practitioners employed by this firm are members of the scheme.

1/1 Fitzroy Street  
PO Box 1023  
Tamworth NSW 2340  
DX 6113 Tamworth NSW

T (02) 6767 2000  
F (02) 6766 5027

1805656



The planning proposal includes rezoning of 14/5188, 1/1173995 and 1/1195163 land from RU4 Primary Production to IN2 Light Industrial, construction of a roundabout on the New England Highway immediately adjacent to the Armidale Airport and the rerouting of Mills Road and Kia Ora Lane to the new roundabout.

We have reviewed the Armidale Regional Council Planning Proposal No 7 and supporting documentation.

Our clients object to the Proposal on the following grounds:

1. Industrial land use conflicts with our clients current RU4 residential and primary production land use.
2. Light industrial land adjoining RU4 primary production land will lower RU4 land values
3. The development will change the lifestyle amenity of our clients' RU4 land because of its proximity to industrial land and access through an industrial estate.
4. The proposed development will increase traffic movements next to our client's land.
5. The proposed development will reduce neighbourhood security and privacy.
6. The proposed development will increase the likelihood of noise and air pollution impacting on our client's rural lifestyle amenity.
7. The closure of Mills Road and its rerouting through an industrial estate. Our clients do not want to drive through an industrial estate to access their principal place of residence.
8. The risk of closure of existing B double livestock transport access to our client's property.

We are instructed to emphasise the importance of existing B double livestock transport access to our client's properties. The land is currently used for primary production and income generation. Loss of double B access would restrict our clients use of their land and income.

If our client's objections are not accepted, then our clients submit the following modifications to the Proposal.

1. Maintain the existing Mills Road access to our client's properties.
2. Alternatively, redirect Mills Road from its current intersection with the New England Highway to run parallel with the New England Highway to the new roundabout to avoid driving through the proposed IN2 industrial land.
3. Create a buffer zone between the proposed IN2 industrial land and existing RU4 rural residential land along existing Mills Road and Kia Ora Road adjoining the IN2 industrial land.



12th December 2018

4. Landscape the proposed IN2 industrial land along existing Mills Road.
5. Create a tree bio bank on the proposed IN2 industrial land along Mills Road.
6. Maintain multi combination B double livestock transport access to our client's land.

B double livestock transport access is critical to our client's current land use and income production from their existing land use.

Kindly acknowledge receipt of this letter. Do not hesitate to contact us if you have any questions or require any further information.

Yours faithfully



**Michael McHugh**

Principal

Accredited Specialist Property Law



**Jessica Bower**

---

**From:** Clifford Axelsen <axelzen@me.com>  
**Sent:** Sunday, 6 January 2019 5:14 PM  
**To:** Ambrose Hallman  
**Subject:** Armidale East Airport Business park

Hi Ambrose,

I am following the Airport industrial development proposals with interest because I own a neighbouring block of rural land at 89 Kia Ora Road.

A query about the signage at the new airport roundabout advertising Armidale East Airport Business Park-

Has the rezoning and subdivision even been approved yet? I see that lots are already drawn up and roads mapped out.

Where can I see the submission to the council of these subdivisions and the proposed roads? They were not included in the Draft amendment no 7.

When are Mills Road and Kia Ora Road going to be closed and redirected (funded by the developer) onto the new roundabout?

Thank you for your time,

Regards,

Clifford Axelsen



# Armidale East Airport Business Park

## FOR SALE INDUSTRIAL LAND

- Fully serviced lots including NBN
- B-Double access to all sites
- Bold Highway Exposure
- Lots starting from 1,000m<sup>2</sup> up to 5ha
- Competitively priced



**PHONE 6772 4549**  
24 HOURS

**0429 075 001**

**Professionals**  
Armidale

**DEVELOPER**  
Peter Maguire 0428 456 157



Dated [XXX]

## PLANNING AGREEMENT

Parties

**Armidale Regional Council (Council)**  
(ABN 39 642 954 203)

**Sorenta Pty Ltd and Mr Peter Anthony Maguire (Developer)**  
(ACN 136 510 542)

Crennan Legal  
90 Bentinck Street  
Bathurst NSW 2795



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**Planning agreement** dated [XXX]

**Parties**

**Armidale Regional Council** - ABN 39 642 954 203  
of 135 Rusden Street  
Armidale NSW 2350 (**Council**)

Sorenta Pty Ltd – ACN 136 510 542  
of 90 Rusden St, ARMIDALE NSW 2350  
Armidale NSW 2350  
AND  
Mr Peter Anthony Maguire  
of Spring Park WOLLOMOMBI NSW 2350]  
(**Developer**)

**Background**

- A** The Developer is the owner of the Subject Land comprising 53.089 hectares of land on the New England Highway at Armidale and located opposite the Armidale Regional Airport.
- B** The Subject Land is currently zoned RU4 Primary Production Small Lots under the Armidale Dumaresq Local Environmental Plan 2012.
- C** By a Planning Proposal the Developer seeks rezoning of the subject land from RU4 Primary Production Small Lots to IN2 Light Industrial with a reduction of the minimum lot size from 40 hectares to 1000m<sup>2</sup>.
- D** In connection with the Planning Proposal, the Developer proposes to make a monetary contribution to Council comprising four (4) separate components, and to bear the cost of intersection closure and reconnection together being the Development Contribution.
- E** This Agreement describes the components of the Development Contribution and provides for the manner and the terms upon which, the Developer will make the Development Contribution.
- F** The Development Contribution is to be applied towards the roundabout construction, NBN connection open space and BioBanking offsets outlined in this Agreement.
- G** In connection with the Planning Proposal the Developer proposes to close Mills and Kio Ora Roads and reconnect them via the proposed new roundabout.

**Operative Provisions****1 Definitions and interpretation****1.1 Definitions**

In this Agreement:

- (1) **Act** means the Environmental Planning and Assessment Act 1979 (NSW).
- (2) **Agreement** means this document, including any schedule or annexure to it, signed by the parties.



- (3) **BioBanking Contribution** means the amount described in Clause 5.1(4) and Item 7 of Schedule 1 which constitutes a contribution to Council to meet the ecosystem credit requirements for the land identified as the Airport East site.
- (4) **Business Day** means a day that is not a Saturday, Sunday or any other day which is a public holiday or a bank holiday in the place where an act is to be performed or a payment is to be made.
- (5) **Council's Discretion** means:
  - (a) the Council's power to make any lawful decision; or
  - (b) the Council's exercise of any statutory power or discretion.
- (6) **CPI Increase** has the meaning expressed in Schedule 2.
- (7) **Developed land** means lots created by subdivision of the subject land.
- (8) **Development** means the development described in Item 2 of Schedule 1.
- (9) **Development Contribution** means the 4 components of monetary contribution described in clause 5.1(1) and Item 4 of Schedule 1 together with the cost of closure and reconnection of the intersections
- (10) **Development Consent** means consent under Part 4 of the Environmental Planning and Assessment Act 1979 to carry out development and includes, unless expressly excluded, a complying development certificate..
- (11) **Ecosystem credit requirements** means the requirements identified in Table 1 of the Office of Environment and Heritage letter date 20 February 2017 reference number DOC16/649351 (Attachment 1)
- (12) **Event of Default** means a breach of a requirement of clauses 5, 6 or 10 or the happening of an event identified in clause 8.2.
- (13) **Industrial Lot** means each of the lots comprising the subdivision of the subject land created by Development Consent once the Planning Proposal has been approved; and the Local Environmental Plan has been made.
- (14) **Land Utilisation Contributions** means the amount described in Clause 5.1(4) and Item 7 of Schedule 1 payable for the value of the land which Council will preserve in perpetuity for the required Ecosystem credit requirements.
- (15) **Legislation** means the Act and the *Local Government Act 1993* (NSW).
- (16) **LEP** means the Armidale Dumaresq Local Environment Plan 2012.
- (17) **Monetary Contribution** means the monetary contribution to be made by the Developer under Clause 5.1.
- (18) **NBN** means National Broadband Network an Australian national wholesale-only, access data network designed, built and operated by NBN Co.
- (19) **NBN Contribution** means the amount described in Clause 5.1(2) and Item 5 of Schedule 1.
- (20) **Open Space Contribution** means the amount described in Clause 5.1(3) and Item 6 of Schedule 1.
- (21) **Planning Proposal** means the change sought to the LEP described in Item 3 of Schedule 1.



- (22) **Regulations** mean the *Environmental Planning and Assessment Regulation 2000* (NSW).
- (23) **Required Works** mean works required to be carried out as a condition of Development Consent for a purpose identified in a contributions plan (within the meaning of section 94EA of the Act.)
- (24) **Road Closure and Reconnection Costs** means the total amount of costs incurred to formally close the existing access points of Mills and Kia Ora Roads with the New England Highway and the reconnection of these roads back to the proposed new roundabout.
- (25) **Roundabout** means the roundabout described in Item 9 of Schedule 1.
- (26) **Roundabout Contribution** means the amount described in Clause 5.1(1) and calculated by reference to Item 4 of Schedule 1.
- (27) **Roundabout Works** mean the works required to construct the roundabout.
- (28) **Subject Land** means the land described in Item 1 of Schedule 1.
- (29) **The Local Environmental Plan** means the local environmental plan if made which has the effect of amending the LEP as a consequence of the Planning Proposal.
- (30) **Vegetation Management Contribution** means the amount described in Clause 5.1(4) and Item 7 of Schedule 1 payable for the preparation and implementation of a 5 year vegetation management plan for the offset site.

## 1.2 Interpretation

- (1) Reference to:
- (a) one gender includes the others;
  - (b) the singular includes the plural and the plural includes the singular;
  - (c) a person includes a body corporate;
  - (d) a party includes the party's executors, administrators, successors and permitted assigns;
  - (e) a thing includes the whole and each part of it separately;
  - (f) a statute, regulation, code or other law or a provision of any of them includes:
    - (i) any amendment or replacement of it; and
    - (ii) another regulation or other statutory instrument made under it, or made under it as amended or replaced;
  - (g) dollars means Australian dollars unless otherwise stated; and
  - (h) an Item means an item in the Schedule.
- (2) "Including" and similar expressions are not words of limitation.
- (3) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.



- (4) Headings and any table of contents or index are for convenience only and do not form part of this Agreement or affect its interpretation.
- (5) A provision of this Agreement must not be construed to the disadvantage of a party merely because that party was responsible for the preparation of the Agreement or the inclusion of the provision in the Agreement.
- (6) If an act must be done on a specified day which is not a Business Day, it must be done instead on the next Business Day.

## 2 Planning agreement under the Act

- 2.1 The parties agree that this Agreement is a planning agreement governed by Subdivision 2 of Division 7.1 to Part 7 of the Act.

## 3 Application of this Agreement

- 3.1 This Agreement applies to the Subject Land, of the Planning Proposal and to the Development.

## 4 Operation of this Agreement

- 4.1 This document, when unsigned by the parties and lodged by the Developer with the Council in connection with the Planning Proposal, is an irrevocable offer from the Developer to the Council to enter into this Agreement if the LEP amendment is made.
- 4.2 This Agreement commences on the date on which all the parties have signed this Agreement.
- 4.3 This Agreement does not require any action from either party until the subject land is rezoned in accordance with the Planning Proposal.

## 5 Development Contribution to be made by the Developer

- 5.1 The Developer must pay to Council the following Development Contribution:
  - (1) The amount described in Item 4 to Schedule 1 to Council for the carrying out of the Roundabout Works (**Roundabout Contribution**);
  - (2) The amount of \$43,400 for the NBN extension to the Subject Land based on the formula described in Item 5 to Schedule 1 (**NBN Contribution**);
  - (3) The amount of \$157,370 for embellishment of existing open space based on the formula described in Item 6 to Schedule 1 (**Open Space Contribution**).
  - (4) The amount of \$294,779 for the cost of a BioBanking/vegetation offset for the developed land (being for the use of land, and the acquiring and planting vegetation plus a five year maintenance contribution). The contribution is identified in two components as the Land Utilisation Contribution and the Vegetation Management Contribution in Item 7 to Schedule 1 (**BioBanking Contribution**). Unless the subsequent Development Application on the subject land triggers the Biodiversity Offset Scheme, then the \$294,779 "BioBanking Contribution" will not be required, and instead an offset will be provided by the Developer, as determined following application of the Biodiversity Assessment Method (BAM) by an Accredited Person, and in accordance with the requirements of the Biodiversity Conservations Act (BC Act). This offset credit requirement, or part there of, under the BC Act must be provided from the available "BioBanking Contribution" surplus located on Council land.



- 5.2 The Developer shall undertake all work required to close the existing intersections of the New England Highway and each of Kia Ora Road and Mills Road and reconnect Kia Ora Road and Mills Road to the Roundabout at its cost (**Road Closure and Reconnection Costs**).
- 5.3 The Developer offers to make the monetary contribution referred to in clause 5.1 and to undertake the works and to incur the cost in clause 5.2 in substitution for any similar requirement which might otherwise be imposed as a condition of consent to the Development.
- 5.4 The Developer must pay the Development Contribution to Council required by clause 5.1 in the timing identified in clause 6.
- 5.5 The amounts in clause 5.1 shall be indexed to increase in accordance with the CPI increase.

## 6 Timing of the Development Contribution

- 6.1 The Developer must pay the Development Contribution required by clause 5.1 as follows:-
- (1) The Developer shall pay the Roundabout Contribution to Council prior to the issue of a subdivision certificate as follows:-
    - (a) At the rate of \$4750 per lot.
    - (b) If within 12 years of the grant of a Development Consent, and if the Development is a Staged Development, within 12 years of the grant of Development Consent for the first stage of the Development, the Roundabout Contribution is not paid in full by the method in (a) the balance is to be paid by the Developer to Council forthwith.
  - (2) The Developer shall pay the NBN Contribution to Council prior to the issue of a subdivision certificate as follows:-
    - (a) At the rate of \$542.50 per lot.
    - (b) If within 12 years of the grant of a Development Consent, and if the Development is a Staged Development, within 12 years of the grant of Development Consent for the first stage of the Development, the NBN Contribution is not paid in full by the method in (a) the balance is to be paid by the Developer to Council forthwith.
  - (3) The Developer shall pay the Open Space Contribution to Council prior to the issue of a subdivision certificate as follows:-
    - (a) At the rate of \$1,954 per lot.
    - (b) If within 12 years of the grant of a Development Consent, and if the Development is a Staged Development, within 12 years of the grant of Development Consent for the first stage of the Development, the Open Space Contribution is not paid in full by the method in (a) the balance is to be paid by the Developer to Council forthwith.
  - (4) The Developer shall pay the Developer's BioBanking Contribution required by Clause 5.1 as follows:-
    - (a) The Land Utilisation Contribution is to be paid to Council in full prior to the release of the first subdivision certificate for the Development.
    - (b) The Vegetation Management Contribution is to be paid to Council prior to the issue of a subdivision certificate as follows:-



- i) At the rate of \$1,350 per lot.
  - ii) If within 12 years of the grant of a Development Consent, and if the Development is a Staged Development, within 12 years of the grant of Development Consent for the first stage of the Development, the Vegetation Management Contribution is not paid in full by the method in (i) the balance is to be paid by the Developer to Council forthwith.
- 6.2 The Developer must close the existing access point of Mills Road with the New England Highway and reconnect Mills Road back to the proposed new roundabout prior to the issue of the first subdivision certificate for the Development.
- 6.3 The Developer must close the existing access point of Kia Ora Road with the New England Highway and reconnect Kia Ora Road back to the proposed new roundabout prior to the issue of any subdivision certificate for the land identified as "land adjoining Kia Ora Road" on the plan attached titled "Land Adjoining Kia Ora Road" drawn by New England Surveying and Engineering and dated 4 July 2018 (Attachment 2).

## **7 Application of the Development Contribution and Obligations of Council**

- 7.1 Development Contribution payments received by Council shall be applied towards or used by it to recoup the cost of the respective works or purposes in the amounts set out in clause 5.1, and for no other works or purposes.
- 7.2 Council shall prepare a Vegetation Management Plan and provide the proposed offset areas to meet the Ecosystem credit requirements in accordance with Table 1 of Attachment 1.

## **8 Provisions in Default of Payment**

- 8.1 If an Event of Default occurs:-
  - (1) The Development Contributions in clause 5.1 shall become due and payable in full forthwith.
  - (2) The performance of the obligations under clause 5.2 if not concluded is required forthwith.
  - (3) Interest on the outstanding balance of the Development Contribution shall be payable by the Developer to Council at the Cash Rate Target percentage last published by the Reserve Bank of Australia prior to the date of default plus 4% per annum payable monthly from the date of default with payment of the Development Contribution.
- 8.2 It shall be an event of default for the Developer to be placed into liquidation, receivership, voluntary administration or to otherwise assign its debts for the benefit of creditors where upon the provisions of clause 8.1 shall apply.

## **9 Application of s7.11 and s7.12 of the Act to the Development**

- 9.1 This Agreement excludes the application of sections 7.11 and 7.12 of the Act to the development.

## **10 Registration of this Agreement**

- 10.1 The parties agree that this Agreement shall be registered on the title to the Subject Land at the cost of the Developer.



## **11 Work as condition of Development Consent**

- 11.1 If the Council grants Development Consent subject to a condition imposed under section 4.17 of the Act which requires the Developer to carry out any works, the Development Contribution is not to be amended so that the value of the Development Contribution is reduced by the value of the works.

## **12 Dispute resolution**

- 12.1 If a dispute arises in connection with this Agreement, a party to the dispute must give to the other party to the dispute notice specifying the dispute and requiring its resolution under this clause 11 (**Notice of Dispute**).
- 12.2 The chief executive officers of each party, or their respective authorised senior representatives, must confer within 3 days after the Notice of Dispute is given to try to resolve the dispute and must negotiate in good faith for this purpose.
- 12.3 If the dispute is not resolved within 7 days after the Notice of Dispute is given to the other party or parties, a party at any time may commence proceedings in a Court of competent jurisdiction in relation to any dispute or claim arising under or in connection with this Agreement, or to enforce this Agreement.
- 12.4 Having regard to the time for payment of the Development Contribution as set out in clause 6.1, the parties agree that it is unnecessary for this Agreement to require the provision of a bond or guarantee.

## **13 Confidentiality**

- 13.1 The terms of this Agreement are not confidential. This Agreement may be exhibited by either party.
- 13.2 If requested by a party, the other party must:
- (1) not issue, publish or authorise any media release, advertisement or publicity concerning this Agreement without obtaining the prior written consent of the other party; and
  - (2) ensure that its officers, employees, agents, contractors and related companies do the same.
- 13.3 This clause 13 does not apply to any information which:-
- (1) is generally available to the public (other than as a result of the wrongful disclosure by the Council); or
  - (2) is required to be disclosed by any law.

## **14 Severability**

- 14.1 If any provision in this Agreement is unenforceable, illegal or void or makes this Agreement or any part of it unenforceable, illegal or void, then that provision is severed and the rest of this Agreement remains in force.

## **15 No fetter**

- 15.1 The parties:



- (1) acknowledge that the Council is a consent authority, having statutory rights and obligations under the Legislation;
  - (2) do not intend this Agreement to fetter Council's Discretion.
- 15.2 If, contrary to the parties' intention, any provision in this Agreement is held by a court of competent jurisdiction to constitute an unlawful fetter on Council's Discretion:
  - (1) the parties must take all practical steps, including the execution of any further documents, to ensure that the objective of this clause 4 is substantially satisfied; and
  - (2) if clause 15.2(1) cannot be achieved without unlawfully fettering Council's Discretion, the relevant provision is severed and the rest of this Agreement remains in force.
- 15.3 If:
  - (1) the Legislation permits the Council to contract out of a provision of that Legislation or gives the Council power to exercise Council's Discretion; and
  - (2) the Council has in this Agreement contracted out of a provision or exercised Council's Discretion, then to that extent this Agreement is to be regarded as consistent with the Legislation.

## 16 Goods and services tax

### 16.1 Definitions

In this clause 16:

- (1) **GST** means GST as defined in *A New Tax System (Goods and Services Tax) Act 1999* as amended (**GST Act**) or any replacement or other relevant legislation and regulations; and
- (2) words or expressions used in this clause which have a particular meaning in the **GST law** (as defined in the GST Act, and also including any applicable legislative determinations and Australian Taxation Office public rulings) have the same meaning, unless the context otherwise requires.

### 16.2 No taxable supply

The parties believe that there is no GST liability in respect of the amendment of a Local Environmental Plan or the payment or provision of the Development Contribution because:

- (1) the Development Contribution is a monetary contribution and:
  - (a) it is not consideration for the grant of the Development Consent by Council in accordance with section 81-5(2) of the GST Act; and
  - (b) the payment of a monetary Developer's Contribution is not a supply by the Developer under section 9-10(4) of the GST Act.

### 16.3 If supply is a taxable supply

Despite clause 16.2, to the extent that the Commissioner of Taxation, a court or tribunal determines that any supply made under or in connection with this Agreement is a taxable supply, the GST exclusive consideration otherwise to be paid or provided for that taxable supply is increased by the amount of any GST payable in respect of that taxable supply and that amount must be paid at the same time and in the same manner as the GST exclusive



consideration is otherwise to be paid or provided. A party's right to payment under this clause is subject to a valid tax invoice being delivered to the recipient of the taxable supply.

## **17 Further assurance**

- 17.1 Each party must promptly at its own cost do all things (including executing and if necessary delivering all documents) necessary or desirable to give full effect to this Agreement.

## **18 Entire understanding**

- 18.1 Subject to clause 18.2, this Agreement:

- (1) is the entire agreement and understanding between the parties on everything connected with the subject matter of this Agreement; and
- (2) supersedes any prior agreement or understanding on anything connected with that subject matter.

- 18.2 The explanatory note prepared in relation to this Agreement under clause 25E(1) of the *Environmental Planning and Assessment Regulation 2000* (NSW) may be used to assist in construing this Agreement.

## **19 Variation**

- 19.1 An amendment or variation to this Agreement is not effective unless it is in writing and signed by the parties.

## **20 Waiver**

- 20.1 A party's failure or delay to exercise a power or right does not operate as a waiver of that power or right.
- 20.2 The exercise of a power or right does not preclude either its exercise in the future or the exercise of any other power or right.
- 20.3 A waiver is not effective unless it is in writing.
- 20.4 Waiver of a power or right is effective only in respect of the specific instance to which it relates and for the specific purpose for which it is given.

## **21 Costs and outlays**

- 21.1 Each party must pay its own costs and outlays connected with the negotiation, preparation and execution of this Agreement.

## **22 Notices**

- 22.1 A notice or other communication connected with this Agreement (**Notice**) has no legal effect unless it is in writing.
- 22.2 In addition to any other method of service provided by law, the Notice may be:
- (1) sent by prepaid ordinary post to the address for service of the addressee, if the address is in Australia and the Notice is sent from within Australia;



- (2) sent by prepaid airmail to the address for service of the addressee, if the address is outside Australia or if the Notice is sent from outside Australia;
- (3) sent by facsimile to the facsimile number of the addressee; or
- (4) delivered at the address for service of the addressee.

22.3 If a Notice is served by a method which is provided by law but is not provided by clause 22.2, and the service takes place after 5pm on a business Day, or on a day which is not a Business Day, it must be treated as taking place on the next Business Day.

22.4 A Notice sent or delivered in a manner provided by clause 22.2, it must be treated as validly given to and received by the party to which it is addressed even if:

- (1) the addressee has been liquidated or deregistered or is absent from the place at which the Notice is delivered or to which it is sent; or
- (2) the Notice is returned unclaimed.

22.5 Council's address for service and facsimile number are:

Name: Armidale Regional Council  
Attention: The Chief Executive Office  
Address: PO Box 75A, ARMIDALE NSW 2350  
Facsimile no: (02) 6772 9275

22.6 Developer's address for service and facsimile number are:

Name: Sorenta Pty Ltd  
Attention: Peter Maguire  
Address: 90 Rusden St, ARMIDALE NSW 2350  
Facsimile no: 02 6775 8513

22.7 A party may change its address for service or facsimile number by giving Notice of that change to each other party.

22.8 If the party to which a Notice is intended to be given consists of more than 1 person then the Notice must be treated as given to that party if given to any of those persons.

22.9 Any Notice by a party may be given and may be signed by its solicitor.

## 23 Governing law and jurisdiction

23.1 The law of New South Wales governs this Agreement.

23.2 The parties submit to the non-exclusive jurisdiction of the courts of New South Wales and of the Commonwealth of Australia.



**Executed** as an agreement.

THE COMMON SEAL OF **SORENTA PTY LTD ACN 136 510 542** was affixed on in accordance with its constitution in the presence of:

.....  
Signature of Authorised Person

.....  
Signature of Authorised Person

.....  
Name of Authorised Person in full  
(BLOCK LETTERS)

.....  
Name of Authorised Person in full  
(BLOCK LETTERS)

Signed by **PETER ANTHONY MAGUIRE**  
in the presence of:

.....  
Signature of Peter Anthony Maguire

.....  
Signature of Witness

.....  
Name of Witness  
(BLOCK LETTERS)

THE SEAL OF **ARMIDALE REGIONAL COUNCIL** was  
hereunto affixed on 2018  
pursuant to a Resolution of the Council made  
on  
in the presence of:

.....  
Signature of Mayor

.....  
Signature of Chief Executive Officer

.....  
Name  
(BLOCK LETTERS)

.....  
Name  
(BLOCK LETTERS)



## Schedule 1

Item 1      **Subject Land**

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

Item 2      **Development**

Subdivision (as that term is defined in the Environmental Planning and Assessment Act) of the subject land which may occur in stages.

Item 3      **Planning Proposal**

A proposal to amend Armidale Dumaresq Local Environmental Plan 2012 by rezoning the Subject land to IN2 Light Industrial and altering the minimum lot size from 40 hectares to 1000 m<sup>2</sup>.

Item 4      **Roundabout Contribution = (A-B) x 38%**

Roundabout Contribution per lot = (A-B) x 38%/L

When:    A = Total Cost of Roundabout and Associated Works

          B = State and Federal Government Grants

          L = estimated number of lots to be created (80 lots).

Item 5      **NBN Contribution = \$43,400**

NBN Contribution (per lot) = C/L

                                 = \$43400/80

                                 = \$542.50

Where:      C = cost of NBN extension to the Subject Land (\$43,400)

          L = estimated number of lots to be created (80 lots).



**Item 6 Open Space Contribution**

Open Space Contribution (per lot) =  $(E \times F \times G) / L$

$$\begin{aligned} &= 53.089 \times 23 \times \$128 / 80 \\ &= \$156,294 / 80 \\ &= \$1,954 \end{aligned}$$

Where: E = Number of hectares of Subject Land (53.089)

F = Employees per hectare (23)

G = Contribution per employee (\$128)

L = estimated number of lots to be created (80 lots).

**Item 7 BioBanking Contribution = H + I = J**

Where: H = Land Utilisation contribution (\$186,680)

I = Vegetation managements contribution (\$108,099)

J = Total Biobanking contribution (\$294,779)

Payment of the BioBanking Contribution is to be made for Land Utilisation Contribution and Vegetation Management Contribution as follows:

**(i) Land Utilisation Contribution.**

The Land Utilisation Contribution in the amount of \$186,680 is payable as a single payment in full by the Developer.

**(ii) Vegetation Management Contribution**

Vegetation Management Contribution (per lot) =  $K \times M / L$

$$= 53.089 \times \$2,036.18 / 80$$

$$= \$108,099 / 80$$

$$= \$1,351$$

Where:-

K = the area of the Subject Land (53.089 Hectares)

M = Contribution per hectare \$2,036.18

L = estimated number of lots to be created (80 lots).

**Item 8 Road closure and reconnection**



Road closure and reconnection is all the works of administration and construction to close the intersections of Kia Ora Road and Mills Road with the New England Highway and to connect both roads to the roundabout.

Item 9      **Roundabout**

The Roundabout is a new roundabout to be constructed servicing the New England Highway, Armidale Regional Airport, Airport Subdivision and the Subject Land. Being a new two lane concrete pavement roundabout and associated infrastructure of the New England Highway within segment 1850, adjacent to 33-125 Saumarez Road Armidale; to be completed in accordance with the Works Authorisation Deed between Council and the Roads and Maritime Services dated 3 March 2016.

## Schedule 2

The payment amount for all payments to be made by the developer under this Planning Agreement shall be adjusted annually on 1 June (the "Review Date"). The method of adjustment to be applied is by reference to the Consumer Price Index using the following method:-

\$X x CPI2

\_\_\_\_\_ = \$Y

CPI1

Where:-

\$X is the payment amount applicable in the year just ended.

CPI1 is the Consumer Price Index number for Sydney (all groups) for the March quarter in the year immediately preceding the Review Date (if applicable) or commencement date.

CPI2 is the Consumer Price Index number for Sydney (all groups) for the March quarter in the current year.

\$Y is the new payment amount to be applied.

- (a) The Council shall calculate new payment amount after each Review Date and give the Company written notice of the new payment amount.
- (b) In the event of the Consumer Price Index number for Sydney (all groups) being discontinued, the Council and the Company will by agreement substitute another Index which serves the same purpose.

15051/75804



**Attachment 1: Office of Environment and Heritage letter date 20 February 2017**





Office of  
Environment  
& Heritage

Our Ref: DOC16/649351  
Your Ref: 16ARM-5079

The Administrator  
Armidale Regional Council  
PO Box 75A  
Armidale NSW 2350

Attention: Mr Greg Meyers

Dear Mr Tiley

**Re: Planning Proposal 7 – Armidale Regional Airport Industrial Park Development – Airport East**

Thank you for your letter dated 21 December 2016 about the proposed rezoning of land to facilitate the construction of the Armidale Regional Airport Industrial Park Development, seeking comments from the Office of Environment and Heritage (OEH). I appreciate the opportunity to provide ongoing input.

The OEH's Senior Conservation Planning Officer Ms Nicky Owner visited the Airport East planning area on Wednesday 15 February 2017 after gaining approval to enter the property. This inspection was conducted to gain an appreciation of the types and condition of the vegetation and habitat features present, and to inform our response to council on Planning Proposal 7.

Based on the results of our inspection and our review of the revised Flora and Fauna Assessment prepared by SLR dated 19 December 2016, we provide the following comments and recommendations for council's consideration.

Vegetation mapping

We note that the mapping of vegetation types and Endangered Ecological Communities (EECs) in the planning area has been revised as recommended in our letter of 12 September 2016.

As part of the revision of vegetation mapping, it appears that the labelling of vegetation types within SLR's Flora and Fauna Assessment has been reversed, as evidenced during our examination of 2015 and 2016 versions of vegetation maps. Following a telephone discussion with SLR's Mr Jeremy Pepper, we understand that this reversal was made following the identification of a GIS map labelling error. With this knowledge, we are satisfied with the revised vegetation mapping conducted for the planning area, including the revised locations occupied by each EEC type present.

Locked Bag 914 Coffs Harbour NSW 2450  
Federation House, Level 8, 24 Moonee Street  
Coffs Harbour NSW 2450  
Tel: (02) 6659 8200 Fax: (02) 6659 8281  
ABN 30 841 387 271  
[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)



We agree with the identification and labelling of the Biometric Vegetation Types (BVTs) identified in the planning area, including NR300 – Ribbon Gum – Rough-barked Apple – Yellow Box grassy woodland of the New England Tableland Bioregion, and NR127 – Blakely's Red Gum – Yellow Box grassy open woodland of the New England Tableland Bioregion.

#### Use of the BioBanking Assessment Methodology 2014

Although the OEH has not been given an opportunity to review the data entered into the BioBanking Credit Calculator, we are generally satisfied with the total ecosystem credit requirement presented in the SLR report. Based on the revised Flora and Fauna Assessment, 224 ecosystem credits are required to offset the loss of NR300 (ribbon gum grassy woodland) and 26 ecosystem credits are required to offset the loss of NR127 (Blakely's red gum woodland) in the planning area (Airport East) – refer to Table 1 below.

Table 1 – Ecosystem credit requirements

Vegetation Type	Airport East (credit requirement)	Airport West (credit requirement)**	Combined credit requirement (east + west)	Total Credits Available on proposed offset sites**	Total credit balance
Ribbon Gum grassy woodland (NR186)	224	45	269	49	-220
Blakely's Red Gum woodland (NR300)	26	89	115	213	98
Total	250	134	384	262	-122

\*\* As calculated by EcoLogical Australia

#### Proposed Offset

The OEH supports the intention of the owners of the Airport East site, and the council as the owner of the Airport West site, to jointly establish an offset site over nearby land to compensate for the loss of native vegetation resulting from the future development of the Armidale Airport Park (comprising of the Airport East and Airport West land parcels).

The number of credits required to offset the loss of vegetation at the Airport East site and the Airport West site are set out in Table 1 above. In addition, Table 1 lists the total number of credits generated at the offset site following the protection of the mapped extent of the two EECs present.

Unfortunately, the calculations in Table 1 indicate that there is a total ecosystem credit deficit for ribbon gum grassy woodland of 220 credits at the proposed offset site (based on the ribbon gum credit requirements for both the Airport East and West sites).

However, given both vegetation types on the offset site belong to the same 'New England Grassy Woodland' vegetation class, both vegetation types are considered to be matching ecosystem credit types for the purposes of the BioBanking Assessment Methodology. This means that the surplus credits available for Blakeley's red gum grassy open woodland can be used to satisfy the ribbon gum grassy woodland credit requirement. This reduces the total outstanding credit deficit to 122 credits.

To further assist in overcoming this deficit, the OEH recommends that assisted regeneration be undertaken to restore the cleared areas present on Lot 21 to a suitable vegetation type (either Blakely's red gum woodland or ribbon gum grassy woodland). This work is likely to substantially increase the ecosystem credit value of the offset site to a point that the impact of development at both the Airport East and Airport West sites will be appropriately and adequately offset.

#### Protecting and managing the offset site


While we recognise that there is no legal requirement for the offset site to be protected and managed in accordance with a BioBanking Agreement, we suggest that the owners of the offset lands consider making an application for such an agreement. BioBanking Agreements ensure that lands over which the agreement is made are protected in perpetuity. They also provide landowners with a regular and ongoing income to enable active management of the biodiversity values present.



Whilst a BioBanking Agreement is the OEH's preferred mechanism for securing an offset site, should this not be a viable option, we would be satisfied with the rezoning of the offset site to E3 – Environmental Management to reflect its conservation value, along with a commitment to the preparation of an accompanying vegetation management plan (VMP) to be implemented in perpetuity. The VMP must provide for ongoing management and restoration so that the offset site can adequately offset the permanent loss of vegetation resulting from the construction of the proposed Armidale Airport Park. The commitment to prepare a VMP for the offset site for its management in perpetuity should be secured with Voluntary Planning Agreement or other suitable mechanism at this early stage of the Armidale Airport Park proposal.

If you have any further questions about this issue, Ms Nicky Owner, Senior Conservation Planning Officer, Regional Operations, OEH, can be contacted on 6659 8254 or at [nicky.owner@environment.nsw.gov.au](mailto:nicky.owner@environment.nsw.gov.au).

Yours sincerely

 20 February 2017

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

Contact officer: NICKY OWNER  
6659 8254







## Draft Planning Agreement

### Armidale Regional Council and Sorenta Pty Ltd and Mr Peter Anthony Maguire

### Explanatory Note

#### Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft planning agreement (the **Planning Agreement**) prepared under Subdivision 2 of Division 7.1 of Part 7 of the *Environmental Planning and Assessment Act 1979* (the **Act**).

This explanatory note has been prepared jointly by the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000* (the **Regulation**).

#### Parties to the Planning Agreement

The parties to the Planning Agreement are Armidale Regional Council (the **Council**) and Sorenta Pty Ltd and Mr Peter Anthony Maguire (the **Developer**).

#### Description of the Subject Land

The Planning Agreement applies to the land comprising Lot 1 DP 1173995, Lot 1 DP 1195163 and Lot 14 DP 5188, 10558 New England Highway and 19 Kia Ora Road, Armidale (the **Land**).

#### Description of the Planning Proposal

A proposal to amend Armidale Dumaesq Local Environmental Plan 2012 by rezoning the Subject land to IN2 Light Industrial and altering the minimum lot size from 40 hectares to 1000 m2. (the **Planning Proposal**).

#### Summary of Objectives, Nature and Effect of the Planning Agreement

In connection with the Planning Proposal, the parties have agreed to enter into the Planning Agreement.

The terms of the Planning Agreement require the Developer to make monetary contributions for:

1. a new roundabout currently under construction servicing the New England Highway, Armidale Regional Airport, Airport Subdivision and the Land ("the roundabout");
  2. the extension of the National Broadband Network;
  3. the provision of open space and;
  4. the provision of land and vegetation management for bio-banking
- (as detailed below).



In addition the developer is to undertake all the works of road closure and reconnection to close the intersections of Kia Ora Road and Mills Road with the New England Highway and to reconnect both roads to New England Highway at the roundabout.

These elements are collectively referred to as the **‘Development Contribution’**.

In general terms the Development Contribution is to be provided to Council timed to reflect the impact that the release of development of lots in the resultant industrial subdivision will have on the demand for roads and infrastructure in the area.

The biobanking contribution is to be paid in part as a lump sum at the commencement of the subdivision, for the provision of the land (the land utilisation contribution) and per lot for vegetation management as lots in the subdivision are released (the vegetation management contribution).

In any event the whole contribution is to be paid within 12 years of the grant of development consent for the industrial subdivision whether or not all lots in the subdivision have been released.

Unless the subsequent Development Application for the site triggers the Biodiversity Offset Scheme, then the “BioBanking Contribution” will not be required, and instead an offset will be provided by the Developer, as determined following application of the Biodiversity Assessment Method (BAM) by an Accredited Person, and in accordance with the requirements of the Biodiversity Conservations Act (BC Act). This offset credit requirement, or part thereof, under the BC Act must be provided from the available “BioBanking Contribution” surplus located on Council land.

### **Contribution Details**

The Developer must pay to Council the following Development Contribution:

- (1) 38% of the cost of the works to construct the roundabout after deducting State and Federal Government Grants (Roundabout Contribution);
- (2) The amount of \$43,400 for the National Broadband Network extension (NBN Contribution);
- (3) The amount of \$157,370 for embellishment of existing open space (Open Space Contribution).
- (4) The amount of \$294,779 for the cost of a BioBanking/vegetation offset. The contribution is identified in two components as the land utilisation contribution and the vegetation management contribution (together the “BioBanking Contribution”). Unless the subsequent Development Application for the site triggers the Biodiversity Offset Scheme, then the \$294,779 “BioBanking Contribution” will not be required, and instead an offset will be provided by the Developer, as determined following application of the Biodiversity Assessment Method (BAM) by an Accredited Person, and in accordance with the requirements of the Biodiversity Conservations Act (BC Act). This offset credit requirement, or part thereof, under the BC Act must be provided from the available “BioBanking Contribution” surplus located on Council land.



The Developer shall undertake all work required to close the existing intersections of the New England Highway and each of Kia Ora Road and Mills Road and reconnect Kia Ora Road and Mills Road to the roundabout at its cost (Road Closure and Reconnection Costs).

## **Assessment of Merits of Planning Agreement**

### **The Planning Purpose of the Planning Agreement**

In accordance with section 7.4(2) of the Act, the Planning Agreement has the following public purposes:

- the provision of (or the recoupment of the cost of providing) improved road access or other infrastructure relating to land.
- the conservation and enhancement of the natural environment.
- the funding of dedication of land to ongoing biodiversity conservation.
- the funding of the recurrent cost of vegetation management to replace vegetation and habitat lost due to development of the land.

The Council and the Developer have assessed the Planning Agreement and both hold the view that the provisions of the Planning Agreement provide a reasonable means of achieving the public purposes set out above.

### **How the Planning Agreement Promotes the Public Interest**

The Planning Agreement promotes the public interest by ensuring that an appropriate contribution is made towards the provision of infrastructure, to facilitate ease of traffic access for road safety.

In particular, the Council and the Developer consider that the Planning Agreement enables the retention and improvement of existing infrastructure to improve both traffic movement and traffic safety in the vicinity of the Land.

The Planning Agreement is in the public interest because the roundabout and the reconnection of the existing roads will result in an improved level of service.

### **How the Planning Agreement Promotes the Objects of the Act**

The Planning Agreement promotes the objects of the Act by:

- encouraging the promotion and co-ordination of the orderly and economic use and development of land.
- facilitating ecologically sustainable development by integrating relevant social considerations

The Planning Agreement promotes the objects of the Act set out above by requiring the Developer to make a contribution towards infrastructure in the vicinity of the Land.

The Developer's offer to contribute to the roundabout construction will have a positive public impact as it will facilitate ease of traffic access to a high standard of traffic safety.

The making of land available for the establishment of vegetation and the funding of ongoing maintenance enables the replacement and enhancement of biodiversity values in the area of the land as it is developed into industrial sites.



### **How the Planning Agreement Promotes the Elements of the Council's Charter**

The Planning Agreement promotes the elements of Council's Charter under Section 8 of the Local Government Act 1993 (NSW) by providing funding for works and requiring the Council to provide the contribution referred to in this Explanatory Note for the following purposes:-

- to provide adequate, equitable and appropriate services for the community by contributing to the funding a safer form of intersection treatment in proportion to the level of vehicular traffic expected to be attracted to use the intersection and its associated roads.
- to ensure that existing services and facilities being the local road networks adjacent to the New England Highway for access to Armidale Airport and industrial land are managed efficiently and effectively for traffic safety and convenience;
- that as the custodian and trustee of public assets, in this case the local road network, Council effectively plans for, accounts for and manages the assets for which it is responsible. The roundabout at the intersection has been recognised as being desirable. The contribution will protect and enhance the public asset which is the local road network.

### **Conformity with the capital works program**

The installation of the roundabout had not previously been included in Council's capital works program, although the traffic management needs for this developing locality in Armidale have been under consideration. The Developer will make a substantial contribution to the works required at that intersection which accelerates the delivery of such infrastructure. The construction of the roundabout sits comfortably with the adopted priorities of the Council's Capital Works Program.

### **Requirements relating to Subdivision or Construction or Occupation Certificates**

The Planning Agreement provides that the Development Contribution must be provided to Council prior to or associated with the issue of the subdivision certificates for the proposed industrial lots to be developed.

15051/77392



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**From:**  
**Sent:** Sunday, 19 August 2018 5:38 PM  
**To:** Council  
**Subject:** Wood Heaters

I understand Council is considering a new policy regarding wood heaters and the air pollution in our city.

I have been increasingly concerned about air pollution in Armidale for a long time--increasing the more I read about the health risks and about the impact of greenhouse gas emissions. Over these years, we have had numerous studies and experiments to educate people both about the dangers and how to use stoves more efficiently but pollution continues to exceed the maximum level recommended and even that level over time will have negative effects on vulnerable people.

Two years ago we moved into a new house. At the same time several new wood heaters were installed in our street. We have always slept with our window open at night but that is now impossible. The smell of smoke is overwhelming from about 7pm at night, peaking sometime in the early morning. When we tried leaving the window open, we found ourselves coughing when we woke in the morning. As older residents, this feels particularly dangerous.

We have a new, passive solar house with double glazed windows and thick insulation in the walls and ceiling. Over this winter, we have only turned our aircon heater on once. The temperature in the house doesn't drop below 18 degrees before bedtime and usually stays about 20 degrees. Evidence from our house demonstrates the folly of allowing wood heaters in new homes. A wood heater would rapidly become too hot and require owners to open windows. Judiciously placed aircons (heat pumps) would be far cheaper to operate and more effective.

As for older heaters that already exist, it should be priority of Council to seek government funding to offer support to families to replace wood heaters with efficient heat pumps, as they have in other communities with lower emissions .

Council should also lobby the Federal Government with respect to creating far more rigorous standards on wood heaters, ratings that reflect actual use rather than perfect laboratory use.



**From:** [REDACTED]  
**Sent:** Friday, 17 August 2018 8:26 PM  
**To:** Council  
**Subject:** WOOD HEATERS

Good evening, Armidale Council,

I would like to support the position being taken by Dr. Dorothy Robinson in relation to requesting that Council take a stance and not permit wood heaters being installed in new homes in our Region. In fact, not only in new homes, but in those homes where the heating needs are being re-evaluated, and encouraging, most emphatically, that they look at alternative methods. As a chronic asthmatic, the smoke from the wood heaters in town affects me somewhat severely every winter and I am continually wishing for the warmer weather. Unfortunately, the Tablelands is the area which I can tolerate the best. We have changed from a Lopi Wood Heater in our previous residence in Reginald Avenue (despite its effectiveness in heating the whole home) to gas central heating and a split system Toshiba air conditioner in our current home.

May I further suggest that if Council is not convinced to provide support, they invite relevant persons from Launceston, Tasmania (a comparative area to Armidale) to address Council (and interested persons) at earliest opportunity.

Thankyou

Sent from Mail for Windows 10



**From:**  
**Sent:** Sunday, 19 August 2018 9:10 PM  
**To:** Council  
**Cc:** Simon Murray; Dorothy Robinson  
**Subject:** wood heater policy

Hello,

I understand that council is reviewing its wood heater policy. I have lived in Armidale since 2009 and in that time I have observed that council has had an apparently ineffective policy of educating residents about the dangers of woodsmoke and good operation of wood heaters. I note from the council website that some sort of policy has existed since at least 2003. When I came here I was shocked at the high levels of air pollution in central Armidale in winter. Since 2009 I have watched as absolutely nothing has changed with regard to air pollution. These current and past council policies and actions have been frankly an absurdly pointless exercise in my view. After this time of apparent concern of the council, and attempts to reduce woodsmoke pollution, it is obvious that woodsmoke cannot be reduced in this town without action to actively remove woodfires and prohibit new wood burners in homes. Yet, I see now that council regularly approves new wood heaters in this town, therefore adding more woodsmoke to the atmosphere. This practice should be stopped immediately.

I wonder why I am required to write to council to ask for such an obvious and simple thing as the right to breath clean air, and that in a country like Australia with adequate resources and infrastructure. How is that council and many in the local community feels it is OK to actively allow people to severely pollute the air I breath, endangering my and others' health? In writing this letter, I feel like that I am under pressure to provide evidence to support my views and justification for my request above. However, I will not waste my time doing that because I know council must be aware of the damaging health effects of the current high levels of air pollution in Armidale.

I request that council take immediate action to reduce woodsmoke in Armidale. This can be the only sensible and right policy for the community as a whole. This action should include a prohibition on new wood heaters in Armidale and support for people to remove existing wood heaters.

Yours sincerely,



(4)

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**From:**  
**Sent:** Tuesday, 21 August 2018 8:54 AM  
**To:** Council  
**Subject:** submission about new wood stoves

Dear sir/madam

I have been living in Armidale for over 15 years. I have been concerned for much of that time about the level of woodsmoke pollution, which I understand poses significant risks to health. It is not apparent to me that the Council is demonstrating the commitment to this issue that I believe it should. I understand that one issue coming up lies in regulation of new wood stoves. The Council should take the most restrictive approach that it can: it should limit new wood stoves to the cleanest possible replacements and take whatever measures it can to discourage their introduction, such as provision of relevant information on their risks. More generally, the Council should be doing more to proactively encourage and if necessary penalise those who do not burn cleanly, and to encourage transition to non-polluting forms of heating, such as reverse-cycle airconditioners.

Regards

Armidale



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**From:**  
**Sent:** Wednesday, 15 August 2018 3:05 PM  
**To:** Council  
**Subject:** FW: woodsmoke pollution

Please consider this a submission on council's draft POL 134 - air quality and local approvals for solid fuel heating appliances

regards

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**Date:** 15 August 2018 at 1:02:21 pm AEST  
**To:** Simon Murray <[SMurray@armidale.nsw.gov.au](mailto:SMurray@armidale.nsw.gov.au)>  
**Cc:** Dorothy Robinson <[DRobinson@armidale.nsw.gov.au](mailto:DRobinson@armidale.nsw.gov.au)>, Peter Bailey <[PBailey@armidale.nsw.gov.au](mailto:PBailey@armidale.nsw.gov.au)>, Jon Galletly <[JGalletly@armidale.nsw.gov.au](mailto:JGalletly@armidale.nsw.gov.au)>, Debra O'Brien <[DOBrien@armidale.nsw.gov.au](mailto:DOBrien@armidale.nsw.gov.au)>, Margaret O'Connor <[MOconnor@armidale.nsw.gov.au](mailto:MOconnor@armidale.nsw.gov.au)>, Bradley Widders <[BWidders@armidale.nsw.gov.au](mailto:BWidders@armidale.nsw.gov.au)>, S  
**Subject:** woodsmoke pollution

Dear Simon

Re the recent article in the Northern Daily Leader about woodsmoke pollution, it's very clear - and has been for many years - that Armidale has an extreme air pollution problem on most winter nights - much higher than the World Health Organisation recommends. Something like the Launceston program would help. Also, it wouldn't be too hard to employ a few people specifically to find the main polluters and provide them with information on how to minimise their pollution. Repeated failure to comply would then lead to fines, with consideration given for offenders' capacity to pay.

Let's finally get on with it please - the health in our town continues to suffer.



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**From:**  
**Sent:** Wednesday, 5 September 2018 5:26 PM  
**To:**  
**Subject:** FW: woodsmoke pollution - perhaps this could also be included as a submission on our draft policy?

Please note

Regards

W armidaleregional.nsw.gov.au  
135 Rusden Street | PO Box 75A Armidale NSW 2350

**ARMIDALE**  
Regional Council

**evocities**  
REGIONAL CITY LIVING

**From:** Dr D L Robinson [mailto:drd.robinson@gmail.com]  
**Sent:** Wednesday, 5 September 2018 3:35 PM

**Subject:** Fwd: woodsmoke pollution - perhaps this could also be included as a submission on our draft policy?

This has been sent to all councillors and refers to our draft woodsmoke policy, so perhaps it could also be included as a submission?

When people take the time and trouble to express their opinions, we should listen.

With thanks and kind regards,  
Dorothy

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**Date:** 4 September 2018 at 9:05:21 pm AEST  
**To:** Debra O'Brien <[DOBrien@armidale.nsw.gov.au](mailto:DOBrien@armidale.nsw.gov.au)>, Simon Murray <[SMurray@armidale.nsw.gov.au](mailto:SMurray@armidale.nsw.gov.au)>  
**Cc:** Dorothy Robinson <[DRobinson@armidale.nsw.gov.au](mailto:DRobinson@armidale.nsw.gov.au)>, Peter Bailey <[PBailey@armidale.nsw.gov.au](mailto:PBailey@armidale.nsw.gov.au)>, Jon Galletly <[JGalletly@armidale.nsw.gov.au](mailto:JGalletly@armidale.nsw.gov.au)>, Margaret O'Connor <[MOconnor@armidale.nsw.gov.au](mailto:MOconnor@armidale.nsw.gov.au)>, Bradley Widders



<BWidders@armidale.nsw.gov.au>, Sally Thorsteinsson <sally.thorsteinsson@armidale.nsw.gov.au>

VOLUME \_\_\_\_\_ , NUMBER \_\_\_\_\_

Judy

\_\_\_\_\_, Electorate Office

NorthernTablelands <ElectorateOffice.NorthernTablelands@parliament.nsw.gov.au>

**Subject:** Re: woodsmoke pollution

Dear Debra,

Thank you for replying to me. — I am glad he raised this matter with the Council.

The smoke is a problem and we must ensure that people use existing wood heaters properly.

Regards,

Armidale

On 16 Aug 2018, at 9:09 am, [REDACTED] wrote:

Thanks, \_\_\_\_\_ for your understanding and support.

It's clear that the silent majority does need to become less silent. I've sent only one email on this issue in the decades I lived here, and was silent even when my infant son was rushed to Emergency at the hospital with bronchiolitis one winter's night, and when my asthmatic neighbour and friend Avellis Ellery died before her time another polluted winter's night. But with my son still coughing continuously through winters 13 years later and my neighbour enduring flus that go for more than a month, it's clearly time to speak up.

As I've said to the Mayor in response to his polite email, I'm not an advocate of a complete ban on woodheaters (although I know that many people are). I just think that people who don't use them well shouldn't continue to get away with it. I also believe that any new heaters simply add to the problem, and so should not be permitted. I understand that this is also a matter for the state government, as noted several years ago by Alan Joynt in his Submission into the Senate Inquiry into the Health Impacts of Air Quality ([http://webcache.googleusercontent.com/search?q=cache:5mbeCW\\_hi6wJ:www.aph.gov.au/DocumentStore.ashx%3Fid%3Df49b7f3a-7d98-4944-af3a-dd2c30ecf923+&cd=5&hl=en&ct=clnk&gl=au&client=firefox-b](http://webcache.googleusercontent.com/search?q=cache:5mbeCW_hi6wJ:www.aph.gov.au/DocumentStore.ashx%3Fid%3Df49b7f3a-7d98-4944-af3a-dd2c30ecf923+&cd=5&hl=en&ct=clnk&gl=au&client=firefox-b)

Regards

**From:** Debra O'Brien <DOBrien@armidale.nsw.gov.au>

**Date:** Wednesday, 15 August 2018 at 9:22 PM

Simon Murray <SMurray@armidale.nsw.gov.au>

**Cc:** Dorothy Robinson <[DRobinson@armidale.nsw.gov.au](mailto:DRobinson@armidale.nsw.gov.au)>, Peter Bailey <[PBailey@armidale.nsw.gov.au](mailto:PBailey@armidale.nsw.gov.au)>, Jon Galletly <[JGalletly@armidale.nsw.gov.au](mailto:JGalletly@armidale.nsw.gov.au)>, Margaret O'Connor <[MOconnor@armidale.nsw.gov.au](mailto:MOconnor@armidale.nsw.gov.au)>, Bradley Widders <[BWidders@armidale.nsw.gov.au](mailto:BWidders@armidale.nsw.gov.au)>

**Subject:** Re: woodsmoke pollution

Dear N



Thank you for your email.

I agree wholeheartedly that this is a serious issue that Council must do whatever it can to fix. One of our key responsibilities is to protect that the health and safety of our community where we can. As you probably realise one of our greatest obstacles to this is intensive lobbying from the wood heating industry who prioritises its profit motive over the safety of the community.

The data is clear and unambiguous. We have a problem, and there are many solutions that can be applied. It just takes the will - and when there is insufficient will then people power must be applied. Thank you for applying some of that pressure. Keep it up.

Regards

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**Date:** 15 August 2018 at 1:02:21 pm AEST

**To:** Simon Murray <[SMurray@armidale.nsw.gov.au](mailto:SMurray@armidale.nsw.gov.au)>

**Cc:** Dorothy Robinson <[DRobinson@armidale.nsw.gov.au](mailto:DRobinson@armidale.nsw.gov.au)>, Peter Bailey <[PBailey@armidale.nsw.gov.au](mailto:PBailey@armidale.nsw.gov.au)>, Jon Galletly <[JGalletly@armidale.nsw.gov.au](mailto:JGalletly@armidale.nsw.gov.au)>, Debra O'Brien <[DOBrien@armidale.nsw.gov.au](mailto:DOBrien@armidale.nsw.gov.au)>, Margaret O'Connor <[MOconnor@armidale.nsw.gov.au](mailto:MOconnor@armidale.nsw.gov.au)>, Bradley Widders <[BWidders@armidale.nsw.gov.au](mailto:BWidders@armidale.nsw.gov.au)>

**Subject:** woodsmoke pollution

Dear Simon

Re the recent article in the Northern Daily Leader about woodsmoke pollution, it's very clear - and has been for many years - that Armidale has an extreme air pollution problem on winter nights - much higher than the World Health Organisation recommends. Something like the Launceston program would help. Also, it wouldn't be too hard to employ a few people to find the main polluters and provide them with information on how to minimise their pollution. Repeated failure to comply would then lead to fines, with consideration given for offenders' capacity to pay.

Let's finally get on with it please - the health in our town is suffering.

Regards

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**From:**  
**Sent:** Tuesday, 7 August 2018 10:26 PM  
**To:** Council  
**Subject:** questions re draft POL134 for solid fuel heaters

Dear Council staff

Thank you for reviewing the existing policy, proposing improvements, putting the draft on exhibition and seeking submissions.

1. Please could you explain why the exhibition dates for this draft policy end tomorrow although submissions may be lodged until 22 August?

I am just making a preliminary submission now with a view to making a further submission before 22 August. I hope you can answer my questions below now to assist me in making a submission.

Reducing smoke pollution in Armidale from wood-burning heaters is very important. The existing policy may have achieved something but it clearly isn't yet achieving very much since our air quality is still dangerous and above national guidelines for much of the winter in many parts of town. A stronger Council policy is needed as one part of the solution. Residents also have their own parts to play in building support for change in their own heating practices or by their peers.

I am pleased to see that tighter limits are proposed on the claimed emission levels of the models of heaters that may be approved. However the draft policy is confusing.

2. Why is it proposed to have a higher standard for appliances without catalytic converters than for those with converters?

Given Armidale's awful unhealthy air quality, my first thought is that the lowest practical level of emissions should be required for every new heater regardless of whether or not it has a converter. By setting different standards Council will influence which heater models people buy. I don't know what catalytic converters in wood heaters do in practice. I am very concerned about emissions of methane and nitrous oxides which are far worse greenhouse gases than CO<sub>2</sub> so choosing heaters less prone to produce these would be good (and operating them to minimise production of nasty gases would be good too). I am also very concerned about efficiency of wood heating. If heaters with catalytic converters were consistently 1.875 times as efficient as those without (when used in homes not just in one test situation) then so long as people burnt that much less wood and didn't heat their homes to a higher temperature the particulate emissions of heaters just meeting the proposed requirements would be similar.

3. How much do catalytic converters affect efficiency of heat production and is this a consistent effect? Do they significantly change the amounts of methane or NO<sub>x</sub> produced/kg burnt in common operating situations, if so what are these effects? Can you give me a link to information of this sort?

I notice that the explanatory note under 3.2.1 refers to a maximum emission level of 1.0g/kg. I understand that there are many models of heater that are lower than this.

4. Why has a maximum emission level of 1.0g/kg not been proposed in the preceding parts of the draft policy, or an even lower level, for heaters with catalytic converters?

Only highly efficient heaters should be used. If people insist on buying a wood heater and burning wood they should burn as little as possible in order to minimise demand for more wood to be removed from places where it is valuable, especially as wildlife habitat and as stored carbon, and to minimise gas emissions as well as smoke. I am therefore pleased to see that the draft proposed to increase the measured efficiency that is required but I am



concerned that an efficiency as low as 60 % is considered acceptable. I request it be raised to higher than this, perhaps 67%. Can some of the lowest emission heaters can achieve this?

I am pleased to see that Council is proposing the same improved standard for heaters installed outside the Armidale urban area, minus the requirement to apply for approval and demonstrate that compliance. Smoke is not good for anyone. This simplifies things and means appliance suppliers should not have non-complying heaters on the shop floor tempting town people to buy a more polluting one.

Regards



(7)

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**From:**  
**Sent:** Tuesday, 21 August 2018 11:35 PM  
**To:** Council  
**Subject:** POL 134 solid fuel heaters  
**Attachments:** questions re draft POL134 for solid fuel heaters (11.1 KB)

Dear Councilors, CEO and staff,

I submit the following views in relation to the draft Policy 134 for solid fuel heaters that is currently on exhibition in addition to the views included in my attached preliminary submission. My thanks to [redacted] for answering some of the questions in my preliminary submission.

Thank you for reviewing the existing policy and strengthening it.

I support the objectives of the draft policy including the aim of reaching the national air quality standard by 2020, so long as reaching that standard means never exceeding the ambient daily standard in any part of Armidale when there is no reason other than a major bushfire or dust storm.

I do not think that the proposed policy is likely to achieve this objective: it does not take a strong enough approach. The policy will improve air quality but only marginally and slowly because many people will keep using old heaters in smoky ways and all new heaters will still put out some smoke.

Unfortunately many Armidale people reside, work or exercise in areas where the air quality exceeds the national standard for several days in a row as well as greatly exceeding that level for several hours on many other nights. Armidale's air quality is quite unacceptable. It would still be unhealthy if we only reduced the wood smoke enough to keep the average PM2.5 levels each day below the standard because the standard allows for averaging of night, morning and afternoon readings – night readings can still be quite unhealthy. Given how bad our air quality is, achieving the standard by 2020 would be an achievement but we should also aim for cleaner air meeting a tighter standard by a later date.

The policy should require that only the highest efficiency and least polluting heaters available are installed. Letting people have a wide range of choices is inappropriate in this circumstance – if people want to buy a polluter they should put up with it not looking as pretty as something more polluting or less efficient. If possible, the efficiency standard in the policy should be higher than 60%. The heaters' particle emission standard should definitely be no higher than 1.0 g/kg burnt for any type of heater and 0.8 for catalytic combustors, but I would prefer that the limit for ordinary heaters was lower than 1.0 g/kg.

I like the idea of having the same standard for heaters installed within and outside Armidale so there is least confusion and the local suppliers can focus on just offering the least polluting and most efficient models. If I understood the policy correctly, the main difference between the urban and no urban areas is that approval to install them is not needed. If Council is not prepared to

More should be done to get rid of wood heaters, stop lighting wood fires in the remaining fireplaces and to encourage people to both improve insulation and use other forms of heating efficiently.

Local businesses should contribute to this by not offering for sale any solid fuel heaters that are more polluting than the cleanest available. I gather that Council cannot ban installation of new solid fuel heaters entirely so it is better to have a local retailer who does offer the least polluting wood heater possible than have no local supplier making people go to other towns where the suppliers would not be aware of or care about Armidale's pollution and rules. Council should put more publicity and effort into raising community awareness so that few people want to buy wood heaters and the local suppliers should try to get most of their income from selling other products, not



from selling polluters. Armidale's Council and Armidale's suppliers should be leading the way in demanding that manufacturers to produce the most efficient and least polluting heaters possible.

Armidale people should all be trying to live their own lives in ways that do not impinge on the health of others and co-operating to support fellow residents to do so. People building new homes, extending or renovating houses should give a great deal of attention to insulation, draught-proofing and alternative means of heating so they can economically avoid use of fires and wood heaters.

Council should not approve any solid fuel heaters in new, extended or substantially renovated homes within Armidale. The new solid fuel heaters should only be less-polluting replacements for old wood heaters. I realise that many old homes are not only poorly insulated but expensive to properly insulate (I haven't worked out how to insulate my walls yet) and some are designed in such a way that a lot of heat is needed to create and maintain a warm living room so people who have access to firewood don't want to change to electricity that they expect will be more expensive. Sometimes the alternatives are not more expensive than a new wood heater and getting the wood. What we need is a program to help these people to achieve the best possible solution for their circumstance – this means many options of helping people in diverse ways, aiming for fewer wood fires to be lit, for less hours and to be more efficient and less smoky when they are lit while being sufficiently warm, and concurrently achieving improved health or reduced health risks for people living in areas that are currently often smoky. Launceston reduced its smoke and health problems so Armidale can too. They used financial incentives (offers of money) to persuade people that they should remove wood heaters. This should be one of the things Armidale does.

Council should be prepared to refuse to approve installation of solid fuel heaters where there is no demonstrated need for them. People should show that they have considered alternatives and that they understand the smoke and health problems including operational factors that contribute to smoke like keeping them on overnight. People should be discouraged from installing one that is bigger than needed since this may burn more wood than necessary (or be more polluting if they try to just have a little fire and don't get it burning well and efficiently).

As stated in my preliminary submission, I am very concerned about the environmental impacts of firewood collection. We do not have an ecologically sustainable firewood supply. It would be possible to grow one but this has not happened – most firewood being burnt now was a habitat of a type that is not common enough and is decreasing so this affects many of our native species from invertebrates to birds, reptiles and mammals.

I therefore encourage you to work to resolve two problems as quickly as is reasonably possible – our air quality and our unsustainable use of logs and dead trees.

Yours sincerely





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**From:** [REDACTED]  
**Sent:** Saturday, 4 August 2018 8:38 AM  
**To:** Council  
**Subject:** Submission to council on wood smoke restrictions

Dear Armidale council,

I have heard that new looser restrictions on wood heater emissions will be discussed soon. I would like to make a submission for stronger restrictions, as I am very concerned about the health of my daughter breathing in the smoke from wood heaters every morning. It's a shame that such a lovely town is so polluted during winter. I think the better approach from council would be multi-faceted and include restrictions on new wood heaters installed, incentives to switch to solar-powered air-conditioners, and more policing of wood sellers (to stop them selling such wet wood).

All the best.



(9)

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**From:**  
**Sent:** Monday, 6 August 2018 7:32 AM  
**To:** Council  
**Subject:** Air Pollution - Armidal

Armidale Council,

I'd like to make a submission regarding your air emission quality standards, in particular regarding looser restrictions on wood heater emissions.

I've recently moved here with my wife and young daughter, and believe Armidale is a wonderful town. Set in a picturesque location, and surrounded by some of the most amazing natural wonders Australia has to offer, I believe we're incredibly fortunate to be living here.

The only thing that lets the city down is it's high level of air pollution. As one of Australia's most polluted cities, Armidale's reputation is tarnished by something that the local population and council directly influence. /

I have spent time ; across Africa and the Middle East, and I know first-hand the health impact that air quality has on a local population. I have experienced first-hand the health and economic impacts resulting from exposure to high levels of pollutants in places such as Afghanistan and South Sudan.

When it comes to Armidale, the long term effects of air pollution likely have a serious economic impact too. A study by environment NSW into the health costs of Air pollution in Sydney estimated conservatively that healthcare costs resulting from air pollution were over \$700 million, or \$28,000 per tonne of pollutant. The full study can be found here:

<https://www.environment.nsw.gov.au/~media/OEH/Corporate%20Site/Documents/Air/air-pollution-economics-health-costs-greater-sydney-metropolitan-region-050623.ashx>

Whilst not immediate, incentives for the local community to reduce its reliance on wood heaters, and curb the amount of emissions wood heaters would slowly bring down health care costs, improve the health of the local population and ultimately the reputation of this beautiful city.

Policies and incentives could target various demographics, and start with restrictions on the sale of wet wood for those reliant on wood heaters, then later include subsidies for air conditioner installation and a tax for the installation of new wood heaters.

I look forward to your response and consideration of the matter.

Regards,

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(10)

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**From:** [redacted]  
**Sent:** Friday, 3 August 2018 1:58 PM  
**To:** Council  
**Cc:** Simon Murray  
**Subject:** Response to Armidale Council Draft Local Approvals Policy  
**Attachments:** Armidale Council Draft Local Approvals Policy Response.pdf

Good Afternoon

Please see attached.

Kind Regards





Draft Local Approvals Policy for Solid Fuel Heating Appliances  
 Armidale Regional Council  
 PO Box 75a  
 Armidale, NSW 2350

By email: <[council@armidale.nsw.gov.au](mailto:council@armidale.nsw.gov.au)>

Dear Sir/Madam,

I would like to thank the Armidale Regional Council for providing the Australian Home Heating Association (AHHA) with an opportunity to comment on the *Draft Local Approvals Policy for Solid Fuel Heating Appliances*.

As the peak industry body representing the solid fuel heating industry, we believe the AHHA is well placed to offer considered views on the appropriate regulation for the sector. To that end, the AHHA supports the inclusion of the Australian Standards for wood heaters into enforceable state-wide regulation – coupled with education and enforcement, this action will have the most tangible impact on wood heater emissions. Further, while we appreciate this opportunity to comment, the policy document claims there has been ongoing dialogue with relevant industry groups - we do not recall any times in the past where we have been asked to comment on wood heater policy settings, despite repeated efforts to engage Council and its staff.

We believe the below feedback should be incorporated into Armidale Regional Council's Draft Local Approvals Policy for Solid Fuel Heating Appliances:

- The AHHA strongly supports the inclusion of the Australian Standard into enforceable regulation, the AHHA notes the 2019 Standard is being suggested by Council – we commend this move.
- Armidale Regional Council must update its data sources – a cost-benefit analysis from 2011 is not an appropriate evidence base from which to develop a new policy regime.
- In section 3.1, Armidale Council suggests that appliances "must have a certificate issued by a body approved by the EPA..." The AHHA seeks clarification on this point, as we are not aware that NSW EPA has neither nominated nor approved such a body. We would suggest this is clearly clarified in the final policy.
- We note the Explanatory Memorandum refers to multiple emissions standards for wood heaters. To remove any shadow of doubt, we believe the emissions standard (1.5g/kg) contained in the 2019 Australian Standard should be the only figure included in the final regulation – this will ensure that all stakeholders, including council, industry and consumers, have 100 per cent clarity on what is permitted.
- The AHHA advises against the polluter pays regulatory framework contained in 3.2.3 for two reasons:
  - Education is a far more effective way to reduce excessive wood heater emissions. In the AHHA's experience, the use of incorrect fuel is the primary cause of excessive emissions. The AHHA believes that education is best placed to rectify these issues and we stand ready to discuss with Armidale Regional Council on best-practice education programmes.

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f @AHHA.woodheat

The AHHA  
 supports the  
 activities of





- Armidale would benefit from a council-funded and industry-advised change-out programme. Many Armidale properties contain open fireplaces or old wood heater units, which are less efficient than modern wood heaters. To that end, a well-targeted change out programme that swaps out old, less efficient wood heaters for new ones will help improve air quality in Armidale.
- The AHHA seeks further detail about the requirement for information about "minimum air settings" to be marked on any wood heater unit – as the AHHA is unclear about the purpose or policy goal behind this request.
- The enforcement regime proposed by Armidale Regional Council is unscientific and not fit-for purpose. Rather than the regime proposed, the AHHA suggests that enforcement activities focus on education and the inspection of wood yards, as this will ensure that consumers are using the correct fuel. Targeted enforcement action along these lines will ensure that Council gets the most out its compliance operations. Further, the AHHA does not believe that open fire places and modern wood heaters should be treated the same way for the purposes of enforcement – these products operate in completely different ways and should be treated as such by Council staff.

The AHHA is committed to working constructively with Armidale Regional Council to improve air quality. We strongly believe these practical suggestions will help Armidale Regional Council meet its stated policy goal, without onerous regulation on industry or consumers. The AHHA would welcome the opportunity to speak further about the contents of our submission. I can be contacted on 08 8132 1577 to arrange a meeting.

Yours faithfully,



**Demi Brown**  
General Manager  
Australian Home Heating Association Inc.

#### About the AHHA

The AHHA is the peak industry body representing over 250 manufacturers, retailers, installers, maintenance companies and the firewood sector in the solid fuel heating industry, which employs over 10,000 Australians nationwide. Most of our members are small and medium sized businesses. In rural and regional areas in particular, solid fuel heating is a popular and affordable source of home heating.

CC: Mayor Simon Murray <[smurray@armidale.nsw.gov.au](mailto:smurray@armidale.nsw.gov.au)>

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 @AHHA\_woodheat

The AHHA  
supports the  
activities of





**From:** [redacted]  
**Sent:** Wednesday, 5 September 2018 2:20 PM  
**To:** Council  
**Subject:** Wood heater policy, Armidale  
**Attachments:** Johnston F\_Launceston project.pdf

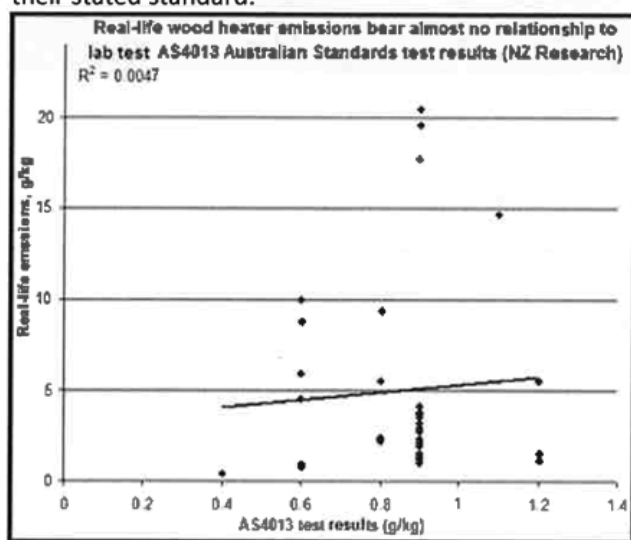
Dear Armidale Regional Council,

We write belatedly to submit our request that Armidale Council considers the following issues in respect to its policy on domestic energy use: POL134\_-\_DRAFT\_Local\_Approvals\_Policy\_for\_Solid\_Fuel\_Heating\_Appliances

Firstly, I like to congratulate the Armidale council on the development and planned review of this policy and it's recognition of the gravity of the this issue affecting air quality. We feel that Armidale council have an opportunity to strengthen its policy in order that it better protects your community, especially those who don't have the means to protect themselves.

We would propose:

1. The council strengthens its criteria for approval of new wood heaters to include only those whose testing has corroborated the safety claims around emissions and efficiency.
  - a. We note that despite the promotion of Australian standards, many heaters on the market breach their stated standard:



2. The council amplifies its efforts to educate the community on the health impact of wood smoke in order to inspire behaviour change and adopt your policy
3. The council develops a response plan for when the air quality measured exceeds safe standards, which has happened over 19 days in one residential area in Armidale. This might include community engagement in a 'citizen science' fashion to discuss solutions to reduce the causative contributors to these poor air quality exceedances.

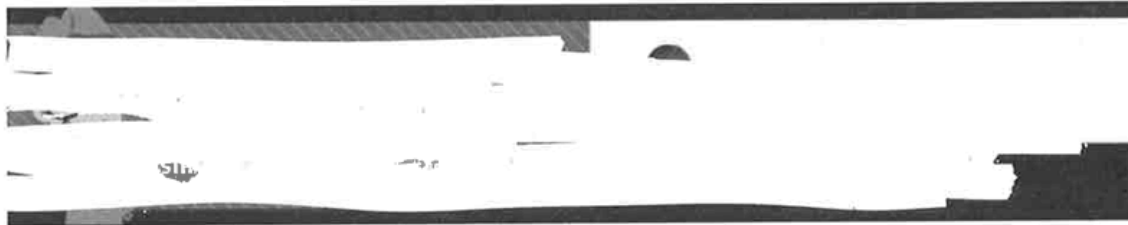
I supports the 11%, 2.5 million people with asthma in Australia through targeted services, critical advocacy and investment in leading research and extends this support to over 500,000 people per year. Air quality is one of our key policy priorities as it is a unique area which most people don't have any control over and which we know is linked to respiratory illness prevalence and exacerbation as well as premature death. We are confident that collaboration with government policy makers will result in tangible improvement for people with asthma and beyond, in the quality of the air that they breathe, the ability to ward off illness and the opportunity to lead a happy and fulfilling life.



Please see an article which describes a case study in Launceston, their initiatives in this area and the results gained.

I note that the consultation period has expired but hope that you will consider our contribution. I would be happy to discuss this and other issues with you at your discretion.

Kind regards,



...ustralia's first peoples and value their cultural knowledge, strength and resilience in our work to improve the lives of  
a. We acknowledge the traditional custodians of the lands on v ... and pay respect to Elders, past  
and present and the Aboriginal and Torres Strait Islander people in our community.

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## RESEARCH

# Evaluation of interventions to reduce air pollution from biomass smoke on mortality in Launceston, Australia: retrospective analysis of daily mortality, 1994-2007

 OPEN ACCESS

Fay H Johnston *research fellow*<sup>1</sup>, Ivan C Hanigan *research associate*<sup>2,3</sup>, Sarah B Henderson *epidemiologist*<sup>4</sup>, Geoffrey G Morgan *associate professor*<sup>5,6</sup>

<sup>1</sup>Menzies Research Institute Tasmania and Rural Clinical School, University of Tasmania, Tasmania, Australia; <sup>2</sup>National Centre for Epidemiology and Population Health, Australian National University; <sup>3</sup>School of Plant Science, University of Tasmania, Tasmania, Australia; <sup>4</sup>British Columbia Centre for Disease Control, Vancouver, Canada; <sup>5</sup>University Centre for Rural Health-North Coast, University of Sydney, Sydney, Australia; <sup>6</sup>Northern New South Wales Local Health District, New South Wales, Australia

## Abstract

**Objective** To assess the effect of reductions in air pollution from biomass smoke on daily mortality.

**Design** Age stratified time series analysis of daily mortality with Poisson regression models adjusted for the effects of temperature, humidity, day of week, respiratory epidemics, and secular mortality trends, applied to an intervention and control community.

**Setting** Central Launceston, Australia, a town in which coordinated strategies were implemented to reduce pollution from wood smoke and central Hobart, a comparable city in which there were no specific air quality interventions.

**Participants** 67 000 residents of central Launceston and 148 000 residents of central Hobart (at 2001 census).

**Interventions** Community education campaigns, enforcement of environmental regulations, and a wood heater replacement programme to reduce ambient pollution from residential wood stoves started in the winter of 2001.

**Main outcome measures** Changes in daily all cause, cardiovascular, and respiratory mortality during the 6.5 year periods before and after June 2001 in Launceston and Hobart.

**Results** Mean daily wintertime concentration of PM<sub>10</sub> (particulate matter with particle size <10 µm diameter) fell from 44 µg/m<sup>3</sup> during 1994-2000 to 27 µg/m<sup>3</sup> during 2001-07 in Launceston. The period of improved air quality was associated with small non-significant reductions in annual mortality. In males the observed reductions in annual mortality were larger and significant for all cause (-11.4%, 95% confidence interval

-19.2% to -2.9%; P=0.01), cardiovascular (-17.9%, -30.6% to -2.8%; P=0.02), and respiratory (-22.8%, -40.6% to 0.3%; P=0.05) mortality. In wintertime reductions in cardiovascular (-19.6%, -36.3% to 1.5%; P=0.06) and respiratory (-27.9%, -49.5% to 3.1%; P=0.07) mortality were of borderline significance (males and females combined). There were no significant changes in mortality in the control city of Hobart.

**Conclusions** Decreased air pollution from ambient biomass smoke was associated with reduced annual mortality in males and with reduced cardiovascular and respiratory mortality during winter months.

## Introduction

Despite a vast amount of literature on the health effects of air pollution, few studies have investigated shifts in outcomes with public health interventions to improve ambient air quality. Previous examples of such studies include reduced smoke pollution in winter from biomass in a small community in Montana,<sup>1</sup> the temporary closure of a steel mill in Utah,<sup>2,3</sup> the reduction of the sulphur content of petrol in Hong Kong,<sup>4</sup> the cessation of coal sales in Dublin,<sup>5</sup> and the evaluation of more gradual improvements in urban air quality in Germany,<sup>6</sup> Switzerland,<sup>9</sup> and the United States.<sup>10</sup> These studies have reported decreases in a wide range of health outcomes associated with reductions in exposure to air pollution, including respiratory symptoms, mortality, and premature birth, and they have helped to quantify the health benefits of improved air quality. We assessed changes in mortality associated with an intervention to reduce ambient biomass smoke from domestic wood heaters.

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Extra material supplied by the author (see <http://www.bmj.com/content/346/bmj.e8446?tab=related#webextra>)

Appendix 1: Sensitivity analysis showing influence of varying width of moving average used to smooth daily mortality data in reference population of Tasmania

Appendix 2: Analyses using single combined models with an interaction term for the period\*city effect to statistically compare results for individual cities



## RESEARCH

Biomass smoke is produced by the combustion of organic matter and includes emissions from domestic solid fuel use and landscape fires, with both indoor and outdoor sources contributing to the global burden of mortality.<sup>11 12</sup> While most research on the health effects of biomass smoke has concentrated on fine particulate matter (with particle size <2.5 µm diameter; PM<sub>2.5</sub>) as the primary pollutant of concern, the complex smoke mixture contains numerous toxic co-pollutants, including volatile organic compounds and gases.<sup>13</sup> The toxicology and epidemiology of biomass smoke have been less well characterised than that of particulate emissions from industry and transportation.<sup>14</sup> Exposure to ambient biomass smoke, however, has been clearly associated with adverse respiratory outcomes and mortality,<sup>14</sup> and evidence is emerging for associations with adverse cardiovascular outcomes.<sup>15 16</sup> Intervention studies in Central America have replaced open cooking fires in dwellings with vented stoves to reduce indoor pollution from biomass smoke. Reported health improvements in the intervention groups include fewer respiratory symptoms,<sup>17</sup> lower blood pressure,<sup>18</sup> and babies with higher birth weights.<sup>19</sup> In Canada, an intervention using air filters to reduce indoor particulate matter from wood heaters found that biological markers of inflammation and endothelial dysfunction were reduced,<sup>20</sup> while in the US a 5 µg/m<sup>3</sup> reduction in outdoor fine particulate matter from biomass smoke was associated with reduced wheeze and respiratory infections in children.<sup>1</sup>

We assess the mortality changes associated with improvements to air quality after coordinated government interventions to reduce ambient air pollution from indoor wood stoves in the Tasmanian city of Launceston. We also use the same methods on a comparable population in the Tasmanian city of Hobart, which did not have any air quality interventions. We compared daily annual and wintertime all cause, cardiovascular, and respiratory mortality rates during a 6.5 year period of documented poor air quality in Launceston, with a 6.5 year period of improved air quality that followed the government funded interventions.

## Methods

### Setting

The Australian state of Tasmania (population 472 000 in 2001) is an island to the south of the continent, characterised by a colder and wetter climate than the rest of the Australia. Launceston (population 67 000 in 2001) is the second largest city in Tasmania and serves as the regional capital and tertiary medical referral centre for the northern part of the state. Hobart (population 148 000 in 2001) is the capital of Tasmania and the tertiary medical referral centre for the southern part of the state (fig 1).

During the late 1980s and early 1990s, wood stoves became increasingly popular for home heating throughout Tasmania. The impact on air quality was particularly severe in Launceston, which is in a river valley where both topographical and meteorological conditions limit atmospheric dispersion of air pollution (fig 2).<sup>21</sup> During the 1990s, 66% of Launceston households used domestic wood stoves as the main source of heating,<sup>22</sup> and emissions from these accounted for an estimated 85% of particulate air pollution in winter.<sup>23</sup> The absolute number of wood heaters was estimated to be 17 500 in the year 2000.<sup>24</sup>

### Pollution monitoring

In response to the perceived worsening of air quality in Launceston, a comprehensive monitoring campaign was started in 1991 to describe the spatial pattern of air pollution and to

select the most appropriate site for long term monitoring of air quality. Simultaneous daily monitoring of concentrations of particulate matter less than 10 µm in diameter (PM<sub>10</sub>) was conducted at five sites in 1991-93 with gravimetric sampling methods.<sup>25</sup> Measurements were found to be highly correlated with each other, except at one site to the east of the city where lower concentrations of particulate matter were generally recorded.<sup>25</sup> After these studies a representative site was selected for ongoing monitoring of the air quality of central Launceston and the 24 hour PM<sub>10</sub> concentration was measured on a one in six day cycle from 1994 to 1997. Starting in May 1997 measurements were taken daily during winter, and starting in June 2001 measurements were taken daily all year. The study population was drawn from four statistical local areas (SLAs) within the city of Launceston for which the long term monitoring site was known to be representative.<sup>25</sup> We report PM<sub>10</sub> because this was the only size fraction that was measured throughout the study period. Since 2001, however, concentrations of PM<sub>2.5</sub> have also been measured and these data show that the mean daily concentrations of PM<sub>2.5</sub> are highly correlated with the concentrations of PM<sub>10</sub>, accounting for 50% of the annual average and 65% of the wintertime average.<sup>26</sup>

### Interventions

The history of use of wood heaters, air pollution, and public health interventions in Launceston (fig 3) has been fully documented elsewhere.<sup>22 24</sup> Local governments started responding to concerns about air quality in 1994 after a detailed air quality study conducted by an expert working group from 1991 to 1993.<sup>25</sup> These responses included the distribution of educational leaflets and the start of forecasts of wintertime air quality by the Bureau of Meteorology. They coincided with a state-wide marketing campaign by the local electricity supplier, promoting electricity as an affordable and non-polluting alternative (as most power in Tasmania is generated from hydroelectric power stations). During the 1990s there was a gradual decline in the proportion of homes heated primarily by wood throughout Tasmania and a gradual increase in the proportion heated by electricity.<sup>27</sup> While air pollution slowly began to improve during this time period,<sup>22</sup> substantive improvements in air quality did not occur until the start of coordinated government interventions in 2001. These included the Launceston Wood Heater Replacement Program, a \$A2.05m (£1.34m, €1.66m) intervention funded through the Australian Natural Heritage Trust in July 2001 to June 2004.<sup>22</sup> This scheme greatly accelerated the general trend for home owners to replace wood with electricity as their primary source of domestic heating. By the end of the programme, the prevalence of wood stoves in Launceston had fallen from 66% to 30% of all households.<sup>22</sup> Follow-up surveys indicated that many wood heaters were decommissioned during this time without support from the government programme.<sup>22</sup> In addition to facilitating an overall reduction in the prevalence of wood heaters, the interventions also contributed to reducing pollution through improved operation of existing wood heaters by media advertising by the local council, school based education campaigns, and employment of environmental officers through the local council to monitor chimneys and provide targeted education, and, if necessary, infringement notices to home owners whose chimneys continued to emit excessive amounts of smoke after initial educational contact. A marked improvement in wintertime air quality coincided with the start of these interventions as illustrated by the photos in figure 2 and the PM<sub>10</sub> data in figure 3.



## Meteorological data

We obtained data on daily weather from the Bureau of Meteorology for three weather stations in central Launceston and five weather stations in central Hobart.<sup>28</sup> For each city we calculated the average of the daily mean temperature and humidity inversely weighted by the distance of each weather station from the population weighted centre of the city.<sup>29</sup>

## Population and outcome data

Population estimates were derived from the estimated resident population datasets available from the Australian Bureau of Statistics.<sup>30</sup> These were linearly interpolated by day between the estimated populations on 30 June of each census year (1991, 1996, 2001, and 2006) for the 14 year period from 1994 to 2007. Estimates were derived for Launceston, Hobart, and the rest of Tasmania.

Mortality data were obtained from Australian Bureau of Statistics. These data undergo considerable auditing for quality before being released for publication.<sup>31 32</sup> Causes of death were categorised according to the international classification of diseases (ICD) coding<sup>33</sup> into all cause (non-trauma), cardiovascular, and respiratory deaths (table 1). Mortality data from January 1994 to November 2007 were included in the analysis. ICD coding changed from version 9 to version 10 during the study period, and we followed the mapping of the Australian National Casemix and Classification Centre to ensure that extracted codes included the same causes of death before and after the change in coding.<sup>33</sup> Hospital admissions data were provided by the Tasmania Department of Health and Human Services and were used to identify epidemics of respiratory infections by extracting the daily counts for admissions for pneumonia and flu (ICD9-9 480-487 or 507; ICD-10 J10-18 and J69-70).

## Statistical analyses

We calculated annual concentrations of PM<sub>10</sub> with one in six day sampling for the 1994-2000 period and daily monitoring data for the 2001-07 period. Winter (June, July, and August) PM<sub>10</sub> concentrations were calculated from daily monitoring data from 1997. We used *t* tests to compare mean annual and wintertime concentrations from before and after the intervention periods.

Daily direct age standardised mortality rates for all of Tasmania, Launceston, and Hobart, were calculated and aggregated to describe the annual and wintertime mortality rates in the periods before and after the intervention (table 2).

The effect of the intervention on all cause, cardiovascular, and respiratory mortality was assessed with age stratified time series Poisson regression models. The periods before and after the intervention were included as an indicator variable, and the interpolated age specific populations were used as an offset.<sup>34</sup> All models controlled for the effects of meteorology, epidemics of respiratory infections, and secular trends in daily mortality in Tasmania with the following equation:

$$\log(O_{ij}) = \text{period} + \text{age}_i + T_1 + T_{1,2} + H_1 + H_{1,2} + \text{DOW}_i + \text{flu}_i + \text{SecularTrend} + \text{offset}(\log(\text{Pop}_{ij}))$$

where:  $O_{ij}$  = observed number of cases on day<sub>*i*</sub> in age<sub>*j*</sub>; period = indicator variable for periods before and after the intervention; age = age groups by 15 year intervals to age 74, then 5 year intervals to 84, and ages ≥85;  $T_1$  = daily mean temperature (°C);  $T_{1,2}$  = average of three day lagged temperature day<sub>*i*</sub> (°C);  $H_1$  = daily mean dew point (°C);  $H_{1,2}$  = average of three day lagged dew point (°C); flu = indicator variable for days when the 14

day moving average of hospital admissions for flu and pneumonia in Tasmania exceeded the 95th centile; SecularTrend = the 150 day moving average of the daily directly standardised cause specific mortality rates for Tasmania (excluding the intervention population of Launceston); and  $\text{Pop}_{ij}$  = interpolated population on day<sub>*i*</sub> in age<sub>*j*</sub>.

We conducted an identical statistical analysis for the control city of Hobart, after excluding its population from the data used to calculate secular mortality trends in Tasmania. We also conducted a subgroup analysis by sex.

We tested the sensitivity of our results to the use of different smoothing windows to calculate the state-wide secular trends in mortality; the definition of epidemics of respiratory infections (based on deaths from respiratory infections rather than hospital admissions for pneumonia or influenza); the use of indirect and direct age standardised mortality rates in the Poisson regression models (instead of age stratified regression); the inclusion of the winter of 2001 in the period before the intervention rather than the period after the intervention; and the use of the population of Northern Tasmania (where Launceston is situated) rather than all of Tasmania as the reference population for secular mortality trends.

## Results

Air quality changed significantly over the study period (fig 3). The annual mean concentration of PM<sub>10</sub> before the intervention was 23.7 µg/m<sup>3</sup>, based on the one in six day measurement cycle in 1997-2000 (n=237). This was higher (*P*<0.001) than the annual mean of 18.4 µg/m<sup>3</sup> after the intervention, based on the average of daily measurements in 2001-07 (n=2039). There was also a significant (*P*<0.001) decrease in the wintertime mean concentration of PM<sub>10</sub> from 43.6 µg/m<sup>3</sup> before the intervention period to 27.0 µg/m<sup>3</sup> after the intervention (fig 3).

The mean annual number of all cause deaths in Launceston was 577, 42% (243) of which were cardiovascular and 9% (54) of which were respiratory (table 1).

There was a general trend towards reduced all cause, cardiovascular, and respiratory mortality throughout Tasmania during the study period, with the greatest magnitude observed for cardiovascular mortality (table 2). The reduction in respiratory mortality rates during winter months was larger in Launceston than in Hobart and the rest of Tasmania (table 2).

We assessed the changes in mortality associated with the period of improved air quality (1 July 2001 to 30 December 2007) for the entire year and for winter months only after adjusting for the influence of daily meteorology, respiratory epidemics, population age structure, and secular mortality trends (table 3). In the intervention community of Launceston, the period of improved air quality was associated with non-significant reductions in cardiovascular and respiratory mortality, which were not generally observed in the non-intervention community city of Hobart. In males, however the reductions in mortality in Launceston were large and significant for all cause (-11.4%, 95% confidence interval -19.2% to -2.9%; *P*=0.01), cardiovascular (-17.9%, -30.6% to -2.8%; *P*=0.02), and respiratory (-22.8%, -40.6% to 0.3%; *P*=0.05) mortality.

When we restricted analyses to the winter months, the reductions in cardiovascular (-19.6%, -36.3% to 1.5%; *P*=0.06) and respiratory (27.9%, -49.5% to 3.1%; *P*=0.07) mortality (males and females combined) were of borderline significance (table 3). There were no significant mortality changes in the non-intervention community of Hobart (table 3).



## Sensitivity analyses

Our results were sensitive to the window of smoothing that we used to calculate the secular trends in mortality in the rest of Tasmania. We tested a range of smoothing intervals from a 30 day moving average increasing in units of 30 days to a 300 day moving average. When we applied moving average intervals of 120 days or fewer, the point estimates for the effect of the intervention corresponded to greater reductions in mortality (see appendix 1). At smoothing intervals of 120 days or longer, the point estimates were more stable but the width of the confidence intervals gradually increased. For this reason we have taken a conservative approach and report results from analyses using a moving average interval of 150 days.

These results were robust to different methods of demographic adjustment and the different definitions of respiratory epidemics. We found similar results when we repeated the analysis with the winter of 2001 included in the period before rather than in the period after the intervention. When we used data from Northern Tasmania instead of all of Tasmania to determine secular mortality trends, there was a slightly greater reduction in mortality associated with the period after the intervention in Launceston.

## Discussion

### Summary of main findings

Improved air quality after coordinated interventions in the study community of Launceston, Tasmania, was associated with reductions in all cause, cardiovascular, and respiratory mortality. This trend was greatest for wintertime cardiovascular and respiratory mortality. In sex specific analyses of annual mortality, associations were stronger and of greater magnitude in males.

### Strengths and limitations of the study

Examples of population level environmental interventions are rare. The major strength of this study was our ability to investigate whether an intervention to reduce outdoor biomass smoke from domestic wood heaters was associated with a measurable reduction in mortality. Another strength was our ability to compare effects between the intervention population (Launceston) and a control population (Hobart). We report the results of independent statistical models for each city because this fulfilled our objective of assessing whether the intervention was associated with mortality changes in Launceston. Combined models using pooled data from both cities with an interaction term indicated that the differences between the two populations were significant for the reduction in annual cardiovascular mortality (males and females combined) and for annual all cause mortality in men (see appendix 2). An important limitation was the relatively small study population, which reduced the statistical power of our study. Although the magnitude of most associations was relatively large, confidence intervals were wide. This was especially the case for respiratory outcomes which comprised just 10% of all deaths.

### Potential confounding factors

We were able to measure and adjust for known and measurable confounders such as age, temperature, humidity, and respiratory epidemics. It is challenging, however, to separate the influence of secular trends in mortality. We included smooth daily mortality data from all of Tasmania to adjust for secular trends because the entire state has similar distributions of health outcomes, socioeconomic status, and demographic structure.<sup>35</sup>

The changing prevalence of population risk factors through time, such as smoking and diabetes, is likely to have been similar.<sup>35</sup>

### Comparison with other studies

We found three similar intervention studies. In a comparable intervention in the community of Libby, Montana, older wood heaters were exchanged with new, less polluting models during in the winter of 2006-07. Concentrations of fine particulate matter (PM<sub>2.5</sub>) fell from a mean of 27.2 µg/m<sup>3</sup> in the two winters before the intervention to 19.7 µg/m<sup>3</sup> for two winters after. The respiratory health of children was assessed by repeated annual surveys of their parents. A reduction of 5 µg/m<sup>3</sup> in PM<sub>2.5</sub> was associated with a 27% (95% confidence interval 3% to 45%) reduction in wheeze and even larger reductions in respiratory infections, including flu (52%, 43% to 61%) and throat infections (45%, 29% to 58%).<sup>1</sup>

Other studies have evaluated changes in mortality after interventions to reduce the sulphur content of petrol in Hong Kong and after the ban of coal sales for domestic heating in Dublin. In Hong Kong there was a documented 45% decline in mean ambient concentration of sulphur dioxide over five years, with no significant change in the ambient concentration of particulate matter after the intervention.<sup>6</sup> The reported outcomes were a 2.1% (0.9% to 3.3%) decrease in all cause mortality, a 3.9% (6.2% to 1.6%) decrease in respiratory mortality, and a 2.0% (3.7% to 0.3%) decrease in cardiovascular mortality. These effects are small compared with our reported decrease in cardiovascular mortality, but they are more precise given the much larger population of Hong Kong compared with Launceston. As with our study, the observed decreases were higher during the colder months of the year. The Hong Kong study, however, did not include a non-intervention population to help disentangle any influence of long term trends in mortality. A second study evaluated the cessation of coal sales in Dublin, which resulted in 16% and 64% declines in wintertime concentrations of sulphur dioxide and black smoke, respectively. While associated declines in both respiratory and cardiovascular mortality were reported,<sup>7</sup> these data are currently being reanalysed.<sup>36</sup>

### Further research

Our results contribute to the emerging evidence for an association between exposure to biomass smoke and cardiovascular mortality. One time series study reported association between daily cardiovascular mortality and ambient biomass smoke pollution from wood heaters<sup>15</sup> and another reported an association between biomass smoke from bushfires and out of hospital cardiac arrests.<sup>37</sup> Other studies, however, have had inconclusive results, and further research is needed.<sup>38-40</sup>

### Conclusions and implications for policy

Observational studies are often the only practical option for evaluating the efficacy of population scale interventions. Adjustment for known and unknown confounding variables in observational studies is challenging. Given the clear and consistent difference in results between the intervention and the non-intervention populations, our findings suggest that the improved air quality in Launceston was associated with reductions in mortality. Furthermore, these results are consistent with the available literature concerning particulate air pollution.<sup>41</sup> Our findings highlight the potential for important public health gains from interventions to reduce ambient pollution from biomass smoke.



**What is already known on this topic**

Though much research has shown the adverse effects of air pollution on health, few studies have investigated shifts in health outcomes associated with public health interventions to improve ambient air quality

A previous intervention study found that reduced outdoor wood smoke was associated with improvements in children's respiratory health

**What this study adds**

Coordinated interventions, including community education, law enforcement, and incentives to reduce pollution from domestic wood heaters, substantially improved winter air quality in Launceston, Tasmania

The period of improved air quality was associated with an overall trend towards reduced cardiovascular and respiratory mortality

We thank Douglas Dockery and Mark Clements for their support in development of the statistical methods. Grant Williamson assisted with preparation of the figures. James Markos provided the photographs used in figure 2.

Contributors: FHJ conceived the study, contributed to study design, and prepared the manuscript. ICH contributed to study design, conducted the analyses, and contributed to the manuscript. SBH and GGM contributed to study design and preparation of the manuscript. All authors read and approved the manuscript. All authors had full access to all of the data in the study and can take responsibility for the integrity of the data and the accuracy of the data analysis. FHJ and ICH are guarantors.

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Competing interests: All authors have completed the ICMJE uniform disclosure form at [www.icmje.org/doi\\_disclosure.pdf](http://www.icmje.org/doi_disclosure.pdf) (available on request from the corresponding author) and declare: no support from any organisation for the submitted work; no financial relationships with any organisations that might have an interest in the submitted work in the previous three years; no other relationships or activities that could appear to have influenced the submitted work.

Ethical approval: This study was approved by the ANU human research ethics committee (2008/199) and the Tasmanian human research ethics committee (H0010047).

Data sharing: No further data are available.

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## Tables

Table 1| Mean number of deaths for all cause, cardiovascular, and respiratory mortality in Launceston, Tasmania, 1994-2007

Mortality	ICD codes*	Annual	Winter
All cause	ICD-9 <800; ICD-10 A00-R99	577	158
Cardiovascular	ICD-9 390-459; ICD-10 I00-I99 (excl I67.3, I68, I88, I97.8, I97.9, I98), G45 (excl G45.3), G46, M30, M31, R58	243	68
Respiratory	ICD-9 codes 460-519; ICD-10 J00-J99 (excl J95.4-J95.9), R09.1, R09.8	54	17

\*ICD (international classification of diseases) coding changed from version 9 to version 10 during study period. We followed mapping of National Casemix and Classification Centre to ensure that extracted codes included same causes of death before and after change in coding.<sup>33</sup>



Table 2| Annual and wintertime age standardised mortality in Tasmania, Launceston, and Hobart during calendar years 1994-2000 and 2001-07, before and after intervention to improve air quality in Launceston

	Deaths per 1000 person years		
	1994-2000	2001-07	Percent decrease (95% CI)
<b>All Tasmania</b>			
All cause mortality:			
All year	8.33	7.12	14.6 (5.2 to 24.0)
Winter	9.32	7.88	15.5 (6.4 to 24.6)
Cardiovascular mortality:			
All year	3.73	2.65	28.9 (5.6 to 42.2)
Winter	4.28	2.96	31.1 (18.6 to 43.7)
Respiratory mortality:			
All year	0.78	0.62	20.5 (8.3 to 32.7)
Winter	1.00	0.76	22.9 (7.6 to 38.3)
<b>Launceston</b>			
All cause mortality:			
All year	8.57	7.42	13.4 (2.9 to 24.0)
Winter	9.20	8.08	16.0 (3.9 to 28.2)
Cardiovascular mortality:			
All year	3.88	2.74	29.5 (14.0 to 45.1)
Winter	4.52	2.96	34.4 (22.5 to 6.4)
Respiratory mortality:			
All year	0.86	0.64	24.6 (4.7 to 44.6)
Winter	1.16	0.76	33.0 (4.6 to 61.4)
<b>Hobart</b>			
All cause mortality:			
All year	8.25	7.22	12.5 (3.4 to 21.5)
Winter	9.52	8.12	14.7 (5.1 to 24.2)
Cardiovascular mortality:			
All year	3.58	2.68	25.2 (12.6 to 37.7)
Winter	4.16	2.96	28.6 (14.7 to 42.5)
Respiratory mortality:			
All year	0.76	0.64	15.7 (0.5 to 30.9)
Winter	1.00	0.88	12.3 (-13.4 to 7.9)



Table 3| Percentage change\* in all cause, cardiovascular, and respiratory mortality in Launceston and Hobart, Tasmania, from January 1994-May 2001 to June 2001-November 2007. Years 2001-07 correspond with period of improved air quality after series of coordinated interventions in Launceston

	Launceston (intervention)		Hobart (control)	
	Percent change (95% CI)	P value	Percent change (95% CI)	P value
<b>All year—males and females combined</b>				
All cause mortality	-2.7 (-8.7 to 3.7)	0.40	1.4 (-3.0 to 6.0)	0.54
Cardiovascular mortality	-4.9 (-15.5 to 7.0)	0.40	0.9 (-7.1 to 9.6)	0.83
Respiratory mortality	-8.5 (-23.2 to 9.0)	0.32	4.8 (-7.4 to 18.6)	0.50
<b>All year—males</b>				
All cause mortality	-11.4 (-19.2 to -2.9)	0.01	0.7 (-5.4 to 7.2)	0.82
Cardiovascular mortality	-17.9 (-30.6 to -2.8)	0.02	-7.1 (-16.8 to 3.8)	0.19
Respiratory mortality	-22.8 (-40.6 to 0.3)	0.05	3.4 (-13.1 to 24.4)	0.67
<b>All year—females</b>				
All cause mortality	2.7 (-5.3 to 11.4)	0.52	-0.7 (-6.3 to 5.2)	0.80
Cardiovascular mortality	2.3 (-12.2 to 19.3)	0.77	3.6 (-7.6 to 16.2)	0.54
Respiratory mortality	1.0 (-18.9 to 24.4)	0.96	-1.4 (-15.5 to 15.1)	0.86
<b>Wintertime—males and females combined</b>				
All cause mortality	2.2 (-14.1 to 11.3)	0.73	-2.0 (-10.2 to 6.9)	0.64
Cardiovascular mortality	-19.6 (-36.3 to 1.5)	0.06	-7.0 (-20.8 to 9.2)	0.38
Respiratory mortality	-27.9 (-49.5 to 3.1)	0.07	8.0 (-16.9 to 40.4)	0.60

\*Adjusted for age structure, meteorological conditions, and secular mortality trends in Tasmania.



## Figures



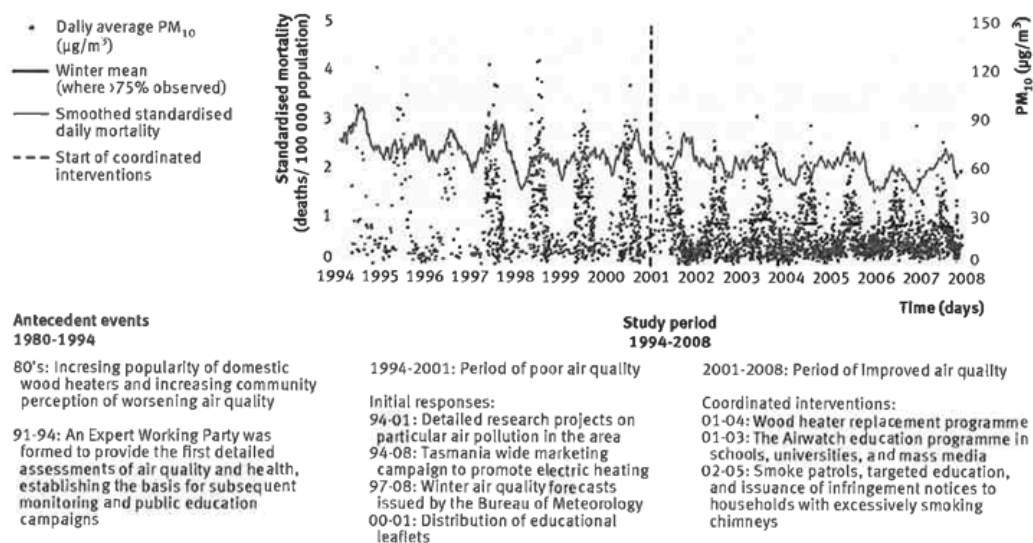
**Fig 1** Map of Tasmania showing location of Launceston (intervention city) and Hobart (control)



**Fig 2** Launceston, Tasmania, showing reduced visibility associated with smoke from domestic wood heaters (left) and same view on clear day (right)



## RESEARCH



**Fig 3** Air quality interventions, air quality data, and directly aged standardised mortality in Launceston, Tasmania 1991-2007



[REDACTED]

[REDACTED]



(12)



ARMIDALE 2350  
20 August, 2018

C.E.O.,  
Armidale Regional Council,  
hand-delivered Armidale

Re: submission from New England Greens  
Armidale Tamworth to ARC concerning Draft  
Local Approvals Policy for Solid Fuel Heating  
Appliances

Dear Ms Law,

Please find attached a hard-copy of  
our submission. An electronic copy (for inclusion  
in Council papers) will also be forwarded  
to you.

Best regards,



Submission to Armidale Regional Council's consideration of 'Draft Local Approvals Policy for Solid Fuel Heating Appliances-POL134'.

appreciates the opportunity to take part in this important discussion.

notes the observation in the Draft Policy on the effects on health of short and long-term exposure:

*Short-term exposure to high levels of wood smoke may cause eye and respiratory tract irritation, aggravate asthma or worsen heart disease, while long term exposure to particulate matter can decrease lung function while increasing the risk of developing heart and lung diseases...'(P3/13).*

wishes to stress that there is no duration at which exposure to wood-smoke, of whatever level, is safe and urges that Council undertake more effective smoke patrols and provide information to ensure proper seasoning and storage of wood, and maintenance of solid fuel burners.

We note Council's claim that *the EPA has confirmed that a prohibition of the installation of Solid Fuel Appliances is not possible under the current legislative framework in New South Wales (p5).*

However, as in the initial draft policy prepared for the 27 June Council Meeting, council can specify stricter limits for any wood heaters installed in the Armidale Urban Area.

Indeed, the Local Government Act, s158 sets out the format for a policy adopted under part 3 of s89. It must contain 3 sections; 1) exempt development; 2) criteria which Council must use to give or refuse an approval; and 3) other matters relating to approvals.

Given the requirement for intergeneration equity and the precautionary principle - where significant environmental harm is expected because of the many exceedances of National Air Quality Standards, council should adopt a policy of refusing to approve any application for solid fuel heaters with emissions ratings over, say 0.3 or 0.4 g/kg, where the applicant has not obtained the consent of all nearby residents likely to be affected by the smoke (measurements show that a single wood heater can increase PM2.5 pollution at houses 200 metres away) or where the applicant is not prepared to sign a declaration that if monitoring shows unhealthy levels of pollution due to the operation of the heater, the applicant will instead use non-polluting heating.

There are currently 2 wood heaters with emissions ratings when burning hardwood of no more than 0.3 g/kg, 8 rated 0.4 g/kg or less and 19 with emissions ratings of 0.5 g/kg or less. When New Zealand introduced stricter emissions than the AS4013 limit, industry soon responded by developing models to meet the requirements. Given Armidale's current exceedances of National Air Quality standards, if residents want to install new wood heaters, every possible effort should be made to minimise the resultant damage to the health of other residents. Council should also liaise with NSW Health to ask Standards Australia why the current emissions limit does not represent a safe level of pollution and what can be done to ensure that this totally unacceptable situation is corrected.

Armidale Regional Council should also recognise that the wood-smoke hazard is such a danger to the health of the Armidale population, particularly children and the elderly.



The NSW Government should be reminded that it has a legal obligation to put strategies in place to reduce emissions to achieve The National Air Pollution Standard. The National Air Pollution Standard for PM2.5 (very small particulate matter) is 25 ug/m3 over a one day period and an annual average of 8 ug/m3 over a year. In 2025, stricter standards of 20 ug/m3 (daily average) and 7 ug (annual average) will apply. Pollution exceeding the standard is allowed only in exceptional events such as bushfires or continent scale windblown dust. According to the EPA wood smoke may cause up to 85% of particle pollution in Armidale. There have been 28 occasions from 1 May- 12 August 2018 at the OEH monitoring station in Armidale when levels of PM2.5 have exceeded the National Air Pollution Standard, 25 at the Council's monitoring site at the Library and 49 exceedances at the Australian Air Quality Group's monitoring station in south Armidale.

The average daily level of PM2.5 since 1 May at the OEH station is 19.2 ug/m3 (almost 2.5 times the allowable level) and a shocking 30.6 ug/m3 at the south Armidale station: 3.8 times the allowable level! This means that south Armidale's wintertime air quality is worse than Hong Kong, Seoul, Mexico City or Singapore.

We draw attention to the fact that other Councils, including Singleton and Muswellbrook, which experience significantly less pollution than Armidale, have recently provided rebates of \$1,500 to residents who wish to replace wood heaters with non-polluting heating. In 2017/18 \$84,000 was provided by the NSW Government to Muswellbrook and Singleton Councils. Another \$62,235 for 2018/19 was announced on 29 July 2018. We ask as a matter of urgency that our local MP be requested by ARC to put the case to the NSW Government for immediate approval of similar rebates in Armidale, and that sufficient funds are allocated to provide rebates to all residents who wish to take up the offer.

ARC should provide accurate information about the financial advantages of reverse cycle air-conditioning over wood heating. ARC should not encourage the misleading notion that the replacement of old wood heaters with new will solve the problem; you cannot change the topography of Armidale and real-life emissions from wood heaters do not fulfil the promise of laboratory tests.

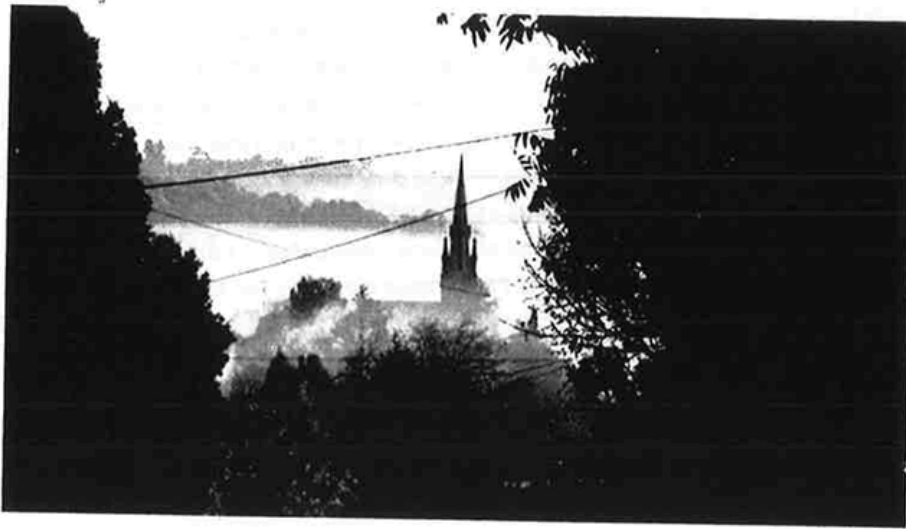
As long ago as 2016, Starfish Initiatives applied for funding to demonstrate that reverse-cycle air conditioning systems *are affordable (cheaper than buying a wood heater), cause less global warming (zero in households that use green power) and have lower running costs than buying firewood*.

Submission 27 January 2017 Clean Air for NSW Consultation, appendix 'Cloud Valley Clearing',

[www.epa.nsw.gov.au/your-environment/air/-/media/EPA/Corporate%20Site/resources/air/submissions2017/Starfish-Initiatives.ashx](http://www.epa.nsw.gov.au/your-environment/air/-/media/EPA/Corporate%20Site/resources/air/submissions2017/Starfish-Initiatives.ashx)

Starfish Initiatives further observes: **The only proven way of reducing woodsmoke and improving health is to work on replacing wood heaters with non-polluting heating systems. This is the advice of the NSW Chief Medical Officer who considers modern wood heaters so detrimental to health she supports banning and phasing them out in built-up urban areas (Gilmore, 2014).** ('Cloud Valley Clearing' p. 2)





If no other sources of funding are available, council should reallocate funds from the economic development budget for this important demonstration project. If nothing is done, the fact that Armidale cannot meet National Air Pollution standards is likely to significantly hinder the economic development of the region. This recent

image of Armidale encapsulates our message: the first impression of the misty spires of Armidale is an illusion; these mists are, in fact, toxic smog.

<https://www.northerndailyleader.com.au/story/5573365/armidales-air-quality-worse-than-hong-kong-and-singapore/>

In view of the serious health and economic implications of not meeting National Air Quality Standards, this policy and progress towards meeting the required standards should be reviewed at the end of the winter in 2019.



13.

**From:** [REDACTED]  
**Sent:** Wednesday, 22 August 2018 9:42 PM  
**To:** Council  
**Subject:** Local Approvals Policy for Solid Fuel Heating Appliances

Comments on Local Approvals Policy for Solid Fuel Heating Appliances – POL134 Version VIII # June 2018

Armidale needs a better Approval Policy on Solid Fuel heating Appliances. This draft sets out the policy objectives and the principles of ecological sustainable development to consider in determining applications. However the proposed strategies don't seem to reflect these principles especially regarding reduced exposure to toxic fine particle pollution and improving community health

The policy needs to better engage the community by providing more information on latest research on health effects of particle pollution. Recent scientific studies are especially worrying. In Sweden, researchers (<http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0198283>) have found that even small levels of woodsmoke is linked to significant increase in risk of dementia. The 'Growing up on New Zealand' study found that woodstoves increased the risk of hospital emergency treatment for children under 3 (<https://www.ncbi.nlm.nih.gov/pubmed/28841505>).

Tasmanian researchers found that hospital admissions for heart failure (HF, the leading cause of hospitalisation for adults aged over 65 years) started to increase as soon as woodsmoke PM2.5 exceeded 4 ug/m3, much less than the current Australian PM2.5 standard of 25 ug/m3 (<https://bmjopen.bmj.com/content/8/5/e021798>)

A recent study by cardiologists in the UK (<https://www.qmul.ac.uk/media/news/2018/smd/new-research-links-low-levels-of-air-pollution-with-serious-changes-in-the-heart-.html>) found that even previously thought safe levels of air pollution are linked to heart abnormalities similar to early stages of heart failure. According to the lead researcher "Air pollution should be seen as a modifiable risk factor. Doctors and the general public all need to be aware of their exposure when they think about their heart health, just like they think about their blood pressure, their cholesterol and their weight."

Already this winter there have been 29 exceedances of the National Air Quality Standard recorded at the air monitoring station. Also the network of Purple Air monitors have a recorded a pattern of particle pollution similar to what was measured in 1996 (<http://adsabs.harvard.edu/abs/2007AtmEn..41.5464R>).

You would think then that the Council who have the responsibility of duty of care for the community would do more to reduce the air pollution caused almost exclusively by woodsmoke in Armidale. If someone becomes seriously ill do the Councillors bear the responsibility for not taking the air pollution more seriously? Personally I notice I have developed a persistent cough this winter. On one occasion I foolishly cycled back from town on a smoky evening and was coughing for a couple of hours afterwards.

Relying on the AS4013 standard as the benchmark for new installations has two main problems. First the standard is based on laboratory measurements and tests have shown that real-life use emissions are much higher, even if carefully operated by the user. Second the standard is effectively set by the wood heating industry since they have veto on the relevant Standards Australia committee. Also the technical review commissioned by Standards Australia documented concerns about the influence of industry representatives in committees.

New houses are also built to higher standards of energy efficiency and should have no need for wood heaters. the problem being that they are too difficult to control when it gets too warm, resulting in presumably the owners turning them down and creating large amounts of smoke. But I still see them being installed in new developments. In my area it is no longer possible to go for a walk during the day without



coming across pockets of smoke from both new and old heaters.

Therefore the policy needs to set a much lower emission standard for new installations which better reflects the real-life emission expected - an order of magnitude less would seem appropriate.

Note, there is some confusion about proposed level in the policy document. In Parts 3.1 (outside urban area) and 3.2 in urban area after 1 Sept. 2019) it states the emission factor according to AS4013 must not be greater than 1.5 g/kg. But in the explanatory Information following it refers to the AS4013 standard as having a maximum test emission level of 4g /kg, and that the policy requires all new heater installations should have maximum emission level of 1 g/kg, depending on location.

A Federal Government web page advises: 'However, do not use wood fired heaters in urban areas because of the air pollution they create, and the emissions associated with transporting firewood to urban areas.' <http://www.yourhome.gov.au/energy/heating-and-cooling>.

The policy needs to take account of density of existing heaters and the needs of nearby residents before approving a new installation. Neighbours should be consulted and have an opportunity to object. What if the neighbour is elderly, or has an asthmatic child whose health could be seriously compromised? Remember that, despite all installations since 2005 being required to have much lower emissions ratings than currently allowed in Armidale, the 'Growing up on New Zealand' study found that even 1 woodstove per hectare increased by 7% the risk of hospital emergency treatment for children under 3 (<https://www.ncbi.nlm.nih.gov/pubmed/28841505>). Is this acceptable?

When council approves a new wood heater, it has a moral duty to devote whatever resources are required to ensure that the health or lifestyle of nearby residents does not suffer. This includes ensuring that neighbours are provided with air pollution monitors on request and environmental health officers are available to witness and deal with unhealthy emissions, even when the plume of smoke is less than the 10 metres required to meet the definition of excessive smoke.

Without an effective policy which takes these issues on board, people may have no alternative but to move out of town, or not come here in the first place. That is what I intend to do before next winter. I have heard several people in person, as well as in radio interviews say they have done likewise.



(14)

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**From:**  
**Sent:** Wednesday, 22 August 2018 5:14 PM  
**To:** Council  
**Subject:** Submission on Draft POLICY POL134

dear Council Administrator,

*I do hope you will accept this late submission on the above draft wood fire pollution policy.*

*On the basis of the information in your draft document, set out below, and the clear declaration that Armidale already suffers from serious winter air pollution, due to its topography, it would seem that any reasonable person would have justification in refusing the installation of any new air polluting wood burning fires. Indeed, to comply with item 3 under s68, Council would seem to have an obligation to refuse all new installations that are likely to further pollute the sections of the Armidale airshed subject to PM2.5 or other pollutant exceedences, caused by existing wood fire appliances*

“The Local Government Act 1993 requires that Council approval must be obtained for domestic oil or solid fuel heater appliance installations.

This part of the Policy outlines Council’s local regulatory requirements for the installation of solid fuel heating appliances.

In particular, this Part of the Policy is a ‘Local Approvals Policy’ under Part 3 of Chapter 7 of the Local Government Act 1993 and its related Regulation.

The NSW Local Government Act 1993 prescribes what Council can require in relation to the installation of solid fuel appliances, specifically in terms of construction standards.

Moreover under current legislation, Council has no power to ban the installation of Solid Fuel Heating Appliances;

although under The Local Government Act 1993, Council has the powers to consider a number of matters when assessing an application made under S68 for the installation of a Solid Fuel Heating Appliance.

Under Section 89 of the Local Government Act 1993 when determining an application under S68 Council must take into account a number of matters for consideration. Such matters relevant to this Locals Approval Policy include; i.

1. The Principles of Ecologically Sustainable Development (further discussed in 3.2.3) ii.
2. The Protection of the Environment iii.
3. The Protection of Public Health , safety and convenience “

*So, while an outright ban on new wood fire installations may not be legal under current legislation, it would seem clear that Council has no obligation to approve either. In fact an obligation to reject.*

*thank you,*

NSW

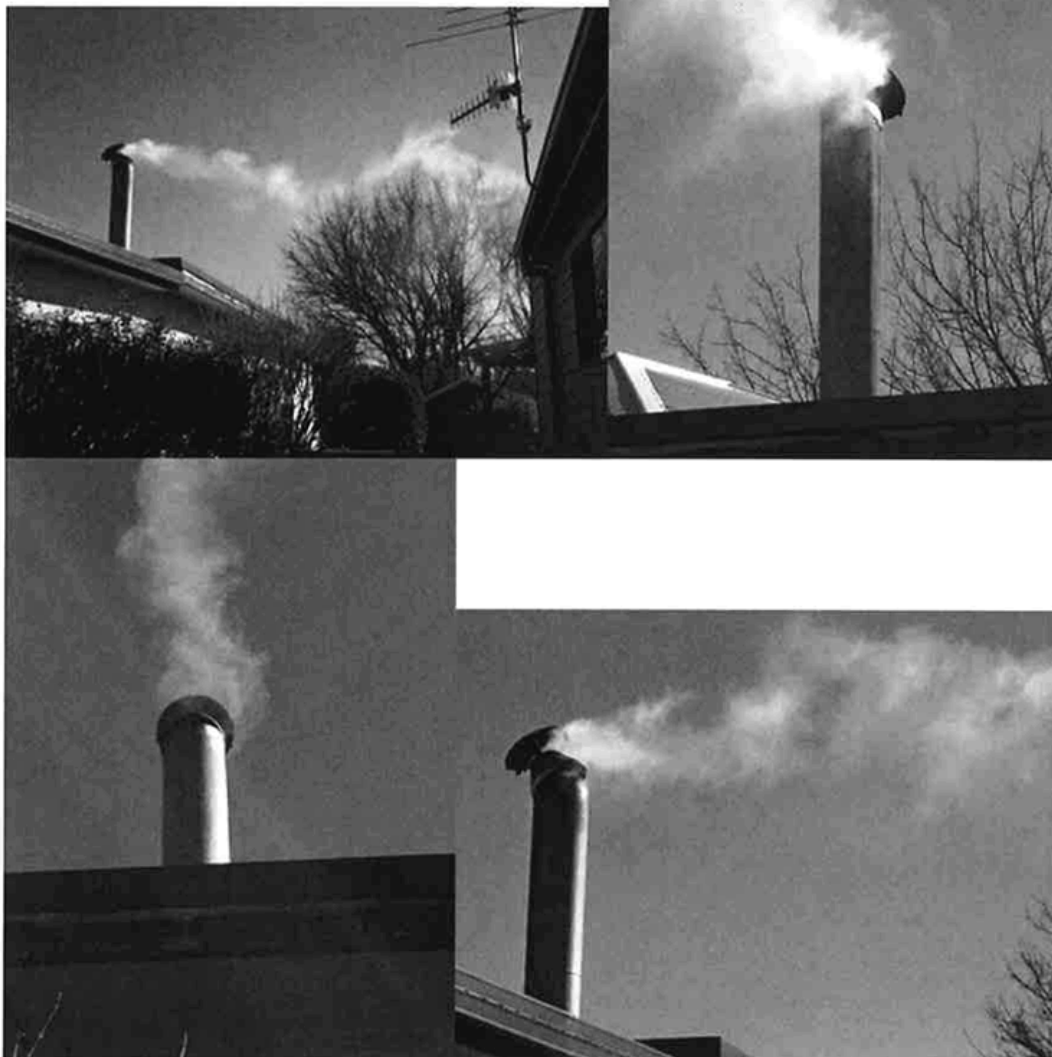


15

**Christopher Bonning**

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**From:** >  
**Sent:** Wednesday, 22 August 2018 3:34 PM  
**To:** Council  
**Subject:** SUBMISSION ON THE DRAFT SOLID FUEL HEATING POLICY

**TO WHOM IT MAY CONCERN**

I am very concerned about the effectiveness of the solid fuel heating policy. The photos I have submitted are of my neighbour's chimney. The second photo was taken in September 2017, the others were taken this morning, at 8.30 am and 11.30 am. The effect of this has meant closing all doors in the evening as the smoke comes into my house, sometimes I can smell it in the front bedroom. When the fire is on I cannot work in the garden as it wafts across my back yard. The frustration also increases anxiety.

I did report this to the council a few years ago with very little result. I have spoken to the owner with no resolution. I also am now using an asthma puffer for emphysema, so the smoke exacerbates this condition.



I walk around Armidale a lot in the early morning and the general smoke haze is appalling. Move to the country and take in the fresh air!

Surely the health issues alone and the consequent drain on the Health System should be motivation enough to attempt to correct this.

Yours sincerely



## **DRAFT Local Approvals Policy for Solid Fuel Heating Appliances – POL134**

### **Submission: Australian Air Quality Group**

#### **Policy background – factually incorrect, can't achieve aims**

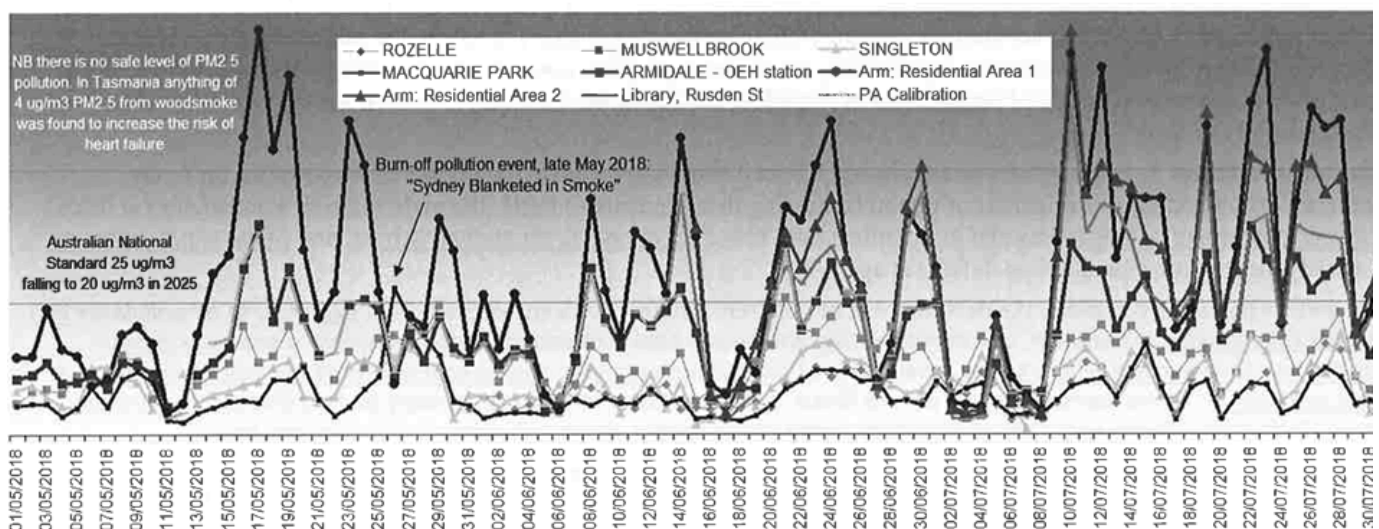
*“Insanity: doing the same thing over and over again and expecting different results” (Einstein & others)*

Nothing in the policy has even the slightest hope of achieving its stated aims, which include:

- To improve community health and life expectancy by reducing exposure to toxic fine particle, air Particulate Matter 2.5 micron, (PM<sub>2.5</sub>) pollution in the Armidale urban area, to assist in reaching relevant national air quality advisory standards by 2020.
- To implement this Policy in a manner which is fair to our community, balancing consideration of local climate, environmental sustainability, and community health.

The policy is also factually incorrect. Australia's PM<sub>2.5</sub> air quality standard was **made mandatory in 2016**. No exceptions are permitted, apart from events directly related to bushfire, jurisdiction-authorised hazard reduction burning or continental-scale windblown dust - [soe.environment.gov.au/theme/ambient-air-quality/topic/2016/national-air-quality-standards](http://soe.environment.gov.au/theme/ambient-air-quality/topic/2016/national-air-quality-standards)

**Recommendation 1. Many residential areas of Armidale do not comply with the mandatory PM<sub>2.5</sub> standard. Council should therefore apply for whatever funds are needed to ensure compliance as soon as possible.**



### **Local Approvals Policy for Solid Fuel / Wood Heaters**

The policy states that under Section 89 of the Local Government Act 1993, when determining an application under S68, Council **must take into account** a number of matters for consideration. The matters relevant to this Local Approvals Policy include;

- The Principles of Ecologically Sustainable Development (further discussed in 3.2.3)
- The Protection of the Environment
- The Protection of Public Health, safety and convenience

In this regard Council will prescribe maximum design emission levels for devices through s68 determination approval conditions.

**Principles of Ecologically Sustainable Development.** The draft policy explains that under s.89(1)(c) of the Local Government Act 1993, Council is required to consider the principles of Ecologically Sustainable Development in determining applications:

“Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

- the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

- careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
- an assessment of the risk-weighted consequences of various options,



- (b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations,
- (c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,
- (d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:
- (i) polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,
- (ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,
- (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.”

**Conclusion 1.** In view of the fact that (as explained below), the current draft policy does not take into account the principles of Ecologically Sustainable Development, also fails to protect the environment and fails to protect public health, safety and convenience, the current draft policy appears to be illegal.

**Recommendation 2: Polluter-pays principle.** A peer-reviewed research study reported estimated health costs of wood heater pollution in Armidale averaging more than \$4,000 per heater per year [1]. Given the polluter-pays principle described above, all new wood heater installations should be required to cover the health costs of their pollution. If the published peer-reviewed study of health costs in Armidale is considered inadequate, council should commission its own updated study of health costs.

**Recommendation 3: Inter-generational equity.** Council should investigate the impact of woodsmoke on future generations, including an evaluation of research showing that exposure to PAH (the main toxin in woodsmoke) is linked genetic damage in babies (measured in umbilical cord blood), reduced IQ on starting school, and behavioural problems (anxiety, depression and attention deficit) at age 6-7.

As well as potentially harming the development of children’s brains, evidence suggests that exposure to air pollutants can cause inflammation in the brain, can damage brain and neural networks and influence behaviour – see air pollution increases crime in cities – here’s how. Low levels of air pollution are also said to cost the economy billions of dollars in lost productivity. We’re learning that, at severe levels, pollution clearly impacts respiratory and cardiovascular function,” says Graff Zivin. “Those same impacts at more subtle levels simply impair our ability to do every day tasks.”

**Recommendation 4: Protection of Public Health, safety and convenience.** Tasmanian researchers found that hospital admissions for heart failure (HF, the leading cause of hospitalisation for adults aged over 65 years) started to increase as soon as woodsmoke PM2.5 from exceeded 4 ug/m3, a tiny fraction of the current Australian PM2.5 standard of 25 ug/m3 (which Armidale has already exceeded 15 times this year at the NSW Government station). In the Tasmanian study, an increase of 10 ug/m3 in daily average PM2.5 pollution was found to increase hospital admissions for heart failure by 29%.

Tasmanian researcher, Dr Fay Johnston, who reported that a 40% reduction in woodsmoke pollution in Launceston described woodsmoke particles as worse than car exhausts. Canadian research found that when most of the pollution came from wood burning, a 5 ug/m3 increase in PM2.5 pollution was associated with a 19% increased risk of heart attacks for people aged 65 and older, noting “the association was stronger when more of the air pollution came from wood burning.”

Swedish researchers have also identified a link with dementia “We have seen that people who live in areas where wood-fire stoves are common run a greater risk of being affected (by dementia), and that also goes for people who live next to someone who uses wood-fire stoves,” said Anna Oudin, a researcher in occupational and environmental medicine at Umea University’s department of public health and clinical medicine. “The risk for residents living in areas with the highest rate of smoke from wood fires to be hit by dementia, or dementia-related diseases, was 30% higher compared to other residents in the town of Umea. “In households that had their own wood-fire stoves the risk was 70% higher.” The abstract of the journal paper shows that exposure of just 1 ug/m3 of woodsmoke PM2.5 pollution increased the risk of dementia by 55%.

Woodsmoke reduces the ability of the lungs to fight infection, a fact demonstrated in animals. When mice were forced to breathe woodsmoke for 6 hours at levels not much higher than we get in Armidale and then challenged with a respiratory bug, 21% were dead 2 weeks later compared to only 5% that breathed oil furnace fumes for the same period of time or clean air.

The “Growing up in New Zealand” study found that every additional modern woodstove per hectare increased by 7% the risk children under 3 would need hospital emergency treatment. Thankfully, most will recover, but as demonstrated by a study in Utah study, 26 children died of acute lower respiratory infections [2].

The NSW Asthma Foundation warned that: wood smoke emissions in winter pose a bigger immediate health danger in built up urban areas than cars or cigarettes.

**Given all the above research, increased use of wood stoves in Armidale City is not consistent with the protection of public health and safety.**



### **Recommendation 5: Part 3.2, Guidance Criteria to be considered by Council in deciding whether to grant approvals for the installation of Solid Fuel Heating Appliances within the Armidale Urban Area.**

A. Instead of the proposed limit of 1.5 g/kg, a much lower limit of 0.1 g/kg should apply to the all new houses and houses that do not currently have a wood heater in the Armidale Urban Area. Measurements of real-life emissions in New Zealand shows that heaters with average AS4013 rating of 0.85 g/kg have real-life emissions of 6.6 g/kg (see graph and table in the Appendix). Average real-life emissions from a brand new heater burning Armidale's average of 4 tonnes/year therefore amount to 26.4 tonnes/year. This is as much as 1,760 petrol cars (with typical emissions of 1 gram PM2.5 per 1,000 km) each travelling 15,000 km a year.

As noted above, daily average woodsmoke PM2.5 pollution of just 4 ug/m3 was shown to increase the risk of hospital admission for heart failure and an increase of 10 ug/m3 increased it by 29%. With some residential areas subject to totally unacceptable health-hazardous PM2.5 levels of 40 ug/m3 or more (see graph above), substantially higher than the legally-permitted maximum, permitting new installations with PM2.5 emissions equivalent to 1,760 petrol cars, or those with emissions like the ones shown in Appendix 3 is totally unacceptable.

B. For houses or buildings that already have a wood heater, the emissions limit for replacement heaters should be 0.4 or 0.5 g/kg. There are 19 stoves on the market with emissions ratings of no more than 0.5 grams PM2.5 per kg of firewood burned, 8 stoves with ratings of 0.4 g/kg or less and two rated 0.3 g/kg or less. Applicants should provide evidence that owners and tenants of all properties within 100 metres of the proposed installation agree to it, and have been provided with a comprehensive leaflet about the health effects of woodsmoke.

C. For all installations, the top of the flue shall be at least 1 metre above the height of all buildings within a 30 metre radius.

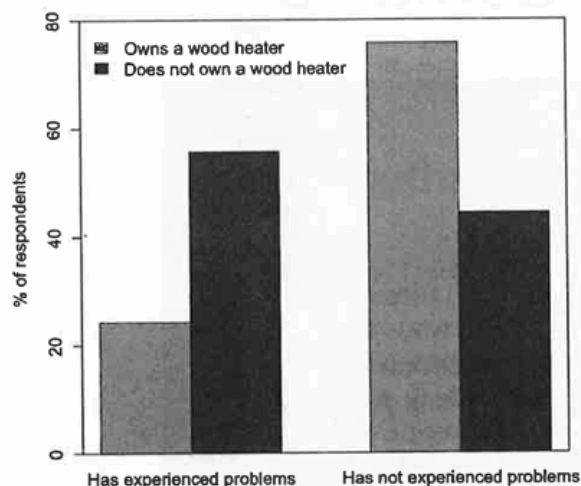
D. All applicants should be informed about the adverse health impacts, including the increased risks to unborn children, and increased risk of heart attacks, strokes and dementia and also asked to explain how the impact of the heater on nearby residents will be minimized and what other heating options have been considered.

E. The applicant should also sign a declaration that if monitoring shows unhealthy levels of pollution due to the operation of the heater, the applicant will instead use non-polluting heating.

### **Recommendation 6. Protecting residents from excessive smoke from existing heaters.**

Council's policies permitted the installation of wood heaters, so council has a Duty of Care to minimize the damage to resident's health, including responding promptly to complaints about woodsmoke.

#### **Experienced problems with wood heater smoke from other houses**



A survey of Armidale and the New England Region in 2012 carried out by UNE's Institute for Rural Futures and Southern New England Landcare found that nearly 60% of respondents who lived in houses without wood heaters experienced problems with smoke from other houses (see chart left).

It is just as important for council to address the needs of the 50% of houses that don't use wood heating, and the health of the entire community as the vocal wood heating lobby. Indeed, spending 10% of the estimated health of wood heating on cleaning up the air would be a wise investment.

Council should make it a priority to lobby all levels of government for funds to solve the problem and, until they are forthcoming, use its own funds to offer significant subsidies to replace wood heaters with affordable non-polluting heating that will also reduce global warming.

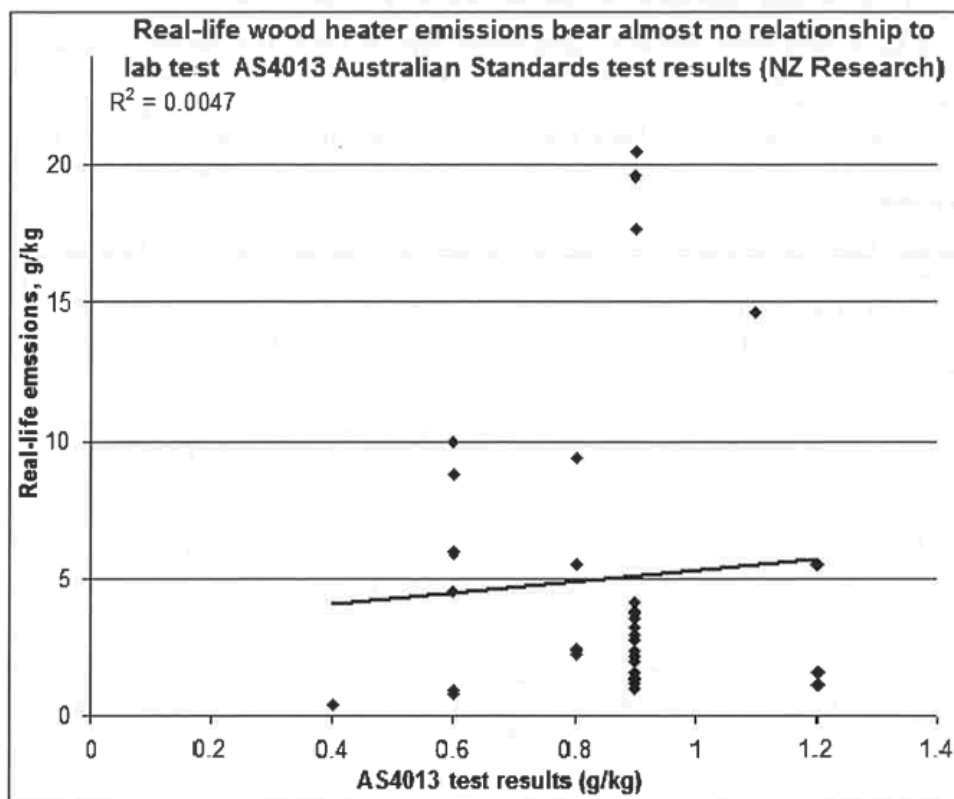
**Council should provide evidence of repeated failures to meet air quality standards over many years[3] as prima facie evidence of an urgent need for immediate action.**

Council could consider asking its employees, in the interests of public health, to report excessive smoke emissions whenever they see them. Residents should also be encouraged to report excessively smoky chimneys and informed by multiple media outlets that know that council will respond promptly to complaints and that a statutory declaration, coupled with video evidence of excessive smoke emissions, should be considered adequate to require owners to fix the problem within 21 days, after which fines could be levied if any council employee also observes excessive smoke.

Council should advocate that the definition of excessive emissions be extended to include high Purple Air PM2.5 measurements downwind of a wood heater with visible smoke extending towards another resident's property. Council officials should also use the Purple Air monitors to identify local hot-spots where excessive emissions are likely to occur.



## Appendix 1. Relationship between real-life emissions and AS4013 lab test results



## Appendix 2. Summary slide from a talk by Dr Fay Johnston.

Dr Johnston's research, published in the British Medical Journal, showed that a 40% reduction in winter reduced deaths in winter from respiratory disease by 28% and cardiovascular disease by 20%.

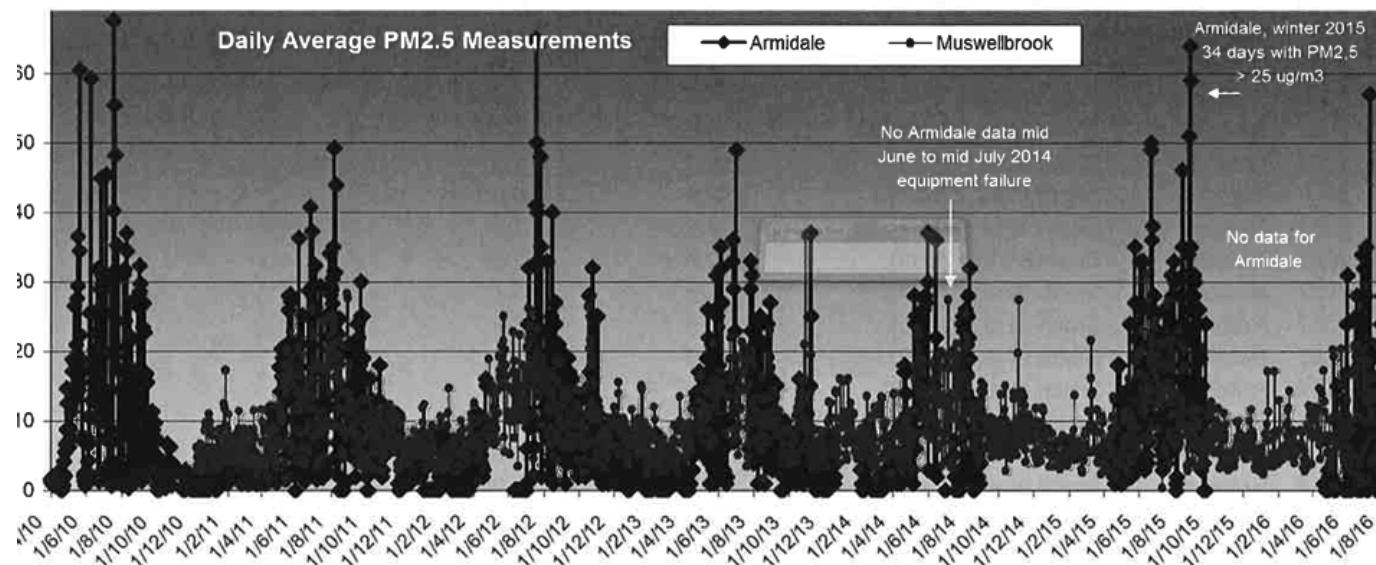
# What has worked for Tasmania?



- Remove heaters ✓
- Improved heater emission standards ✗
- Education / improve use ✗
- Retro-fit catalyst technology ✗



**Appendix 3. PM2.5 measurements in Armidale in previous years and photos of emissions (observed at this level for much longer than required for the definition of excessive smoke, and in one case over 8 hours) from new heaters installed in Armidale that meet the current Australian Standard**





## Appendix 4 Summary of AS4013 vs Real-Life Test Results in NZ

	Source	AS4013, g/kg	Real life, g/kg	Ratio
2009	Christchurch (Bluett & Meyer 2011b)	0.6	6.9	11.6
2009	Christchurch (Bluett & Meyer 2011b)	0.8	6.6	8.3
2009	Christchurch (Bluett & Meyer 2011b)	0.6	10.5	17.5
2009	Christchurch (Bluett & Meyer 2011b)	0.9	23.0	25.5
2009	Christchurch (Bluett & Meyer 2011b)	1.2	1.9	1.6
2009	Christchurch (Bluett & Meyer 2011b)		5.8	
2007	Nelson Smith et al., (2009)	0.6	1.0	1.6
2007	Nelson Smith et al., (2009)	1.2	1.3	1.1
2007	Nelson Smith et al., (2009)	0.4	0.5	1.2
2007	Nelson Smith et al., (2009)	0.6	1.1	1.8
2007	Nelson Smith et al., (2009)	0.9	1.2	1.3
2007	Nelson Smith et al., (2009)	0.6	5.7	9.5
2007	Rotorua Smith et al., (2009)	0.9	1.8	2.0
2007	Rotorua Smith et al., (2009)	0.9	1.4	1.6
2007	Rotorua Smith et al., (2009)	0.8	2.8	3.5
2007	Rotorua Smith et al., (2009)	0.9	3.1	3.5
2007	Rotorua Smith et al., (2009)	0.9	3.6	4.0
2007	Rotorua Smith et al., (2009)	0.9	2.9	3.2
2007	Taumarunui Smith et al., (2009)	0.9	2.7	2.9
2007	Taumarunui Smith et al., (2009)	0.8	3.1	3.8
2007	Taumarunui Smith et al., (2009)	0.8	13.8	17.3
2007	Taumarunui Smith et al., (2009)	0.9	28.9	32.1
2007	Taumarunui Smith et al., (2009)	0.8	3.1	3.9
2007	Taumarunui Smith et al., (2009)	0.9	5.7	6.3
2006	Tokoroa (Kelly et al., 2007b)	0.9	4.3	4.7
2006	Tokoroa (Kelly et al., 2007b)	0.9	4.6	5.1
2006	Tokoroa (Kelly et al., 2007b)		11.2	
2006	Tokoroa (Kelly et al., 2007b)	0.9	4.3	4.7
2006	Tokoroa (Kelly et al., 2007b)	0.9	4.9	5.5
2006	Tokoroa (Kelly et al., 2007b)	0.9	3.0	3.3
2006	Tokoroa (Kelly et al., 2007b)	0.9	3.8	4.2
2006	Tokoroa (Kelly et al., 2007b)	0.9	2.4	2.7
2006	Tokoroa (Kelly et al., 2007b)	0.9	3.6	4.0
2003/04	Christchurch or Nelson	0.6	11.9	19.8
2003/04	Christchurch or Nelson	1.1	18.1	16.5
2003/04	Christchurch or Nelson	1.2	7.0	5.8
2003/04	Christchurch or Nelson	0.9	26.1	29.0
<b>Grand Mean</b>		<b>0.85</b>	<b>6.6</b>	<b>7.7</b>

### Additional References

1. Robinson, D.L., J.M. Monro, and E.A. Campbell, *Spatial variability and population exposure to PM2.5 pollution from woodsmoke in a New South Wales country town*. Atmospheric Environment, 2007. **41**: p. 5464–5478.
2. AAQG, *Children & Health*. Available at: <http://woodsmoke.3sc.net/children>, 2018.
3. Robinson, D.L., *What makes a Successful Woodsmoke-Reduction Program?* Air Quality and Climate Change, 2016. **50**(3-4).



(11)

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**From:**  
**Sent:** Wednesday, 22 August 2018 1:48 AM  
**To:** Council  
**Cc:** Cr Dorothy Robinson(External)  
**Subject:** Proposed Wood Heater Policy

To the Armidale Regional Council:

We are based in

is a ten-member, science-based organization composed of physicians, public health professionals and policy experts dedicated to protecting human health from environmental harms through research, education and the promotion of sound public policy. is not a membership organization and therefore all of its support comes from foundations and committed individuals does not receive any funds from businesses or corporations.

published a new research report titled *The Harmful Effects of Wood Smoke and the Growth of Recreational Wood Burning*.

The report shows evidence of the harmful effects of wood smoke.

**"The particles contained in wood smoke can have a strongly negative effect on human health and can cause lung diseases, cardiovascular events, and cancer,"** stated Yale University Professor John Wargo, PhD, first author of this report. "These health effects can occur at air pollution levels well below regulatory standards."

Wood smoke poses a serious danger to human health. It is known to cause and exacerbate many pulmonary and cardiovascular diseases, and these illnesses are the primary causes of mortality in the U.S. Despite convincing scientific evidence of health hazards, most governments have failed to effectively regulate wood burning, and wood smoke now constitutes nearly 30 percent of airborne particle pollution in a number of urban areas during winter months.

The research presented in this report concludes that the health risks associated with wood-smoke exposure are **serious**. Finally, the report suggests a variety of policy and behavioral changes that could significantly reduce human exposures and health loss from inhaling wood smoke.

Here are links to the material:

Press release - <http://www.ehhi.org/woodsmoke-exposures-release.php>

Introduction to the report - <http://www.ehhi.org/woodsmoke-intro.pdf>

Recommendations to government and individuals - <http://www.ehhi.org/woodsmoke-exposures-recs.pdf>

Full text of the report - <http://www.ehhi.org/woodsmoke-exposures.pdf>

You can review the profiles of our Board, including the author of this report, on page 2 of the report or at <http://www.ehhi.org/about-us.php>

The health and mortality impacts of inhaling wood smoke are facts, not speculation.



We hope you will take this information under consideration for policies regulating the installation of new wood heaters, as well as older appliances already installed, and restrict or prohibit their use. Your decision to do so will have a beneficial health impact upon your residents in Armidale.

Sincerely,

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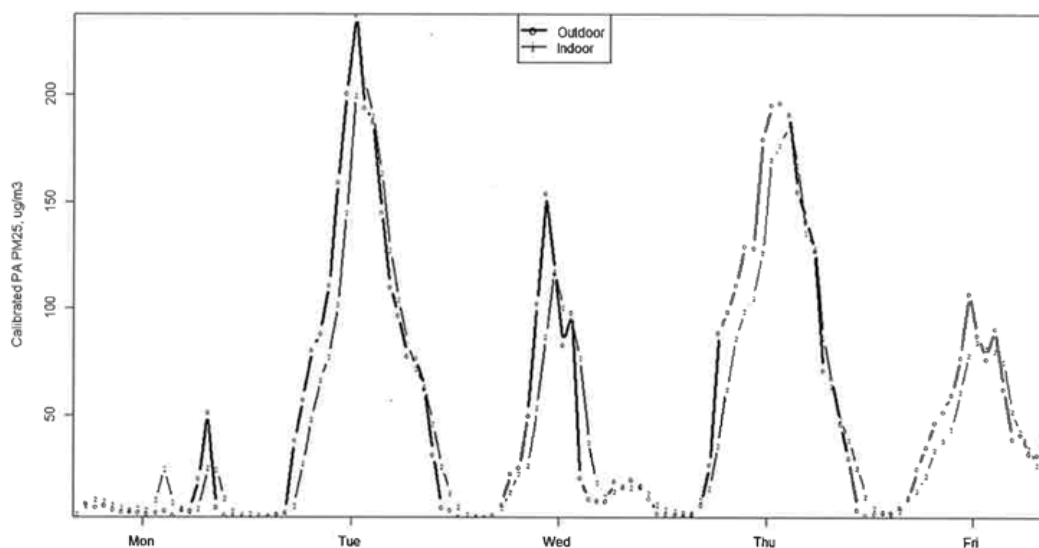
it

Armidale Regional Council  
Rusden St  
Armidale 2350  
21/8/18

To Whom it may concern,

I am very concerned about woodsmoke at my residence at the indoor / outdoor reading in my home.

The chart below is



I ask that you take urgent action to reduce wood smoke in Armidale.

This could include banning new and replacement wood heaters, giving subsidies to home owners to transition from wood to other heating.

Encouraging improved insulation will also reduce heating costs, and could be supported by council.

Even with these measures it will take perhaps 20 years to make the change away from wood heating. It is urgent that this process begin immediately

Yours Sincerely



19

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**From:** [redacted]@armidale.nsw.gov.au  
**Sent:** Tuesday, 21 August 2018 8:16 PM  
**To:** Council  
**Subject:** Air quality

To Armidale Regional Council

I am writing to you regarding the quality of air in Armidale, and its effect particularly on young children.

If you lack the capacity to legislate on this problem, perhaps the Council could subsidise air filters in all houses where people suffer from winter asthma and other lung problems, and particularly of pregnant women as the consequences to the foetus in the first trimester of exposure to woodsmoke is 'pretty dire'.

Yours faithfully,



20

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**From:** n>  
**Sent:** Tuesday, 21 August 2018 5:33 PM  
**To:** Council  
**Subject:** Submission on Council's Draft Policy for Solid Fuel Heating Appliances

I am writing to make a submission on Council's Draft Policy for Solid Fuel Heating Appliances.

I recently had a conversation with Carol Hicklenton (Carol Davies), former Sustainability and Development Coordinator at Armidale Council. According to Carol, no wood heater, even a modern, Standard 4012-compliant one, will emit safe and reasonable levels of woodsmoke unless it is operated properly.

Obviously there are too many people in Armidale who do not operate their stoves properly, regardless of whether the stoves are old or new. This is evident from the offensive sight and smell of pollution in the air on a typical winter's morning. Apparently Council does try to reach out to offenders, but this does not seem to be solving the problem. This suggests that the Council is experiencing challenges in managing this serious issue -- a problem which diminishes community health and quality of living, and which influences people's decisions regarding whether they want to live here.

Unless the pollution emitted from existing wood stoves can be reduced to a safe level, it would be unwise to permit the installation of new ones, which will only exacerbate the problem.

Therefore I submit that **no new wood heaters** be permitted to be installed in Armidale until and unless woodsmoke emissions are significantly improved.

Sincerely,

Armidale 2018



21

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**From:** I  
**Sent:** Tuesday, 21 August 2018 5:24 PM  
**To:** Council  
**Subject:** Submission on council's air quality policy f

Adam Marshall claimed (Prime News, Thursday, 9 August) that removal of wood burning fires from homes would not solve the air quality problem.! Surely an absurd statement and one that should be challenged - if burning wood in wood fires is not the source of wood smoke pollution then what is?

We previously lived [redacted], but the inconsiderate actions of an immediate neighbour, who allowed wood fire to smoulder from April to September each year, forced us to move to rural area, at some cost.

Appeals to neighbour for consideration and eventual visits to neighbour from Council officers, with usual advice on correct burning, only served to create ill-will and the need for our re-location.

Reality was, we could not pat our Labrador pups without raising soot from their coats! On another occasion our son left bathroom window open resulting in smoke alarms to activate within home.

Surely, past due that ADC takes strong, even punitive, action on health issues from wood smoke in urban areas. Clean air as important as clean drinking water and the question of litigation/class action must surely arise in time.

Kind regards,



22

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**From:**  
**Sent:** Tuesday, 21 August 2018 11:19 AM  
**To:** Council  
**Subject:** Submission on Wood Heater Policy  
**Importance:** Low

To the Armidale Regional Council CEO and Councillors.

With reference to the ARC's proposed new Wood Heater Policy:

Proposals to introduce a Policy only perpetuates the Armidale firewood and wood heater use. This Policy will "promote and increase the responsible and efficient use of resources to meet the heating energy needs in homes in the City of Armidale" and "improve community health and life expectancy by reducing exposure to toxic fine particle, air Particulate matter 2.5 micron (PM2.5) pollution in the Armidale urban area." The claims are totally spurious.

Firstly, this policy does not address the fact that existing wood heaters are responsible for the smog which contaminates Armidale's atmosphere (owners of fireplaces are affected indoors, as well, by miniscule particles.) Allowing "improved" wood heaters in new homes does not address the current dire problem, only contributes to it.

The insidious nature of woodsmoke particles, according to the World Health Organisation, affects our brains and hearts as well as lungs. "The particles are so small they enter our homes even when all doors and windows are shut" besides moving around in the open.

Secondly, the Policy sounds like an advertising campaign for the wood heater and firewood industry. The campaign should be quite different, and should be directing it towards this smog-inducing Armidale industry (which is no better than the tobacco industry's worst days of propaganda). Why not encourage the members of this Armidale industry to change over to supply and installation of other forms of heating, such as reverse-cycle air conditioning? As it is electronically controlled, it is an economical form of heating and useful for cooling in summer.

It is ironic that, despite the awareness that Armidale seriously needs to increase its population and establish industries to promote industries which support a productive, profitable economy, the Armidale Regional Council is supporting policies which can only lead to residents leaving the town. For the effects by smoke on health here not only affect children and the elderly, everyone is affected by smog sooner or later. I am horrified to see the young people football training at night on the fields. Go and see it!



23.

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**From:**  
**Sent:** Tuesday, 21 August 2018 1:21 PM  
**To:** Council  
**Subject:** Public submission

Dear Council

I believe we need to pay more attention to reducing woodsmoke emissions in Armidale.

I think that the State Government have a larger role to play and need to subsidise electricity to persons living in valley towns with woodsmoke issues. There needs to be an incentive to reduce wood fires.

The new wood heaters need to produce less emissions.

Thank you



Applies to:	Planning and Environment
Responsible Stream:	Service Delivery
Responsible Officer:	Service Leader Sustainability and Development
Legislation	Local Government Act 1993 as amended Local Government (General) Regulation 2005 Protection of the Environment Operations Act 1997 Protection of the Environment (Clean Air) Regulation 2010
Adoption Date/History:	<i>Version I - 10.010/03* of 24 February 2003</i> <i>Version II - 10.048/06* 25 November 2006</i> <i>Version III - 131/10 – 7 June 2010</i> <i>Version IV – 253/11 – 22 August 2011</i> <i>Version V – # May 2013</i> <i>Version VIII # June 2018</i>
CEO Approval Date	XX Month Year
TRIM File Number:	INT/2017/XXXXX
Review Date:	January 2022

## Policy Objectives

- To promote and increase the responsible and efficient use of resources to meet energy needs in homes in the City of Armidale.
- To improve community health and life expectancy by reducing exposure to toxic fine particle, air Particulate Matter 2.5 micron, (PM<sub>2.5</sub>) pollution in the Armidale urban area, to assist in reaching relevant national air quality advisory standards by 2020.



- To apply local regulation having regard to relevant standards and legislation.
- To implement this Policy in a manner which is fair to our community, balancing consideration of local climate, environmental sustainability, and community health.
- To provide a Local Approvals Policy under Part 3 of the Local Government Act 1993 in relation to the approval for the Installation of Solid Fuel Heating devices.

## Strategies

To utilise a range of strategies in pursuit of the above objectives, including:

- Consistent and clear assessment of applications to Council for approval to install solid fuel (including wood fuel) heating appliances, under relevant legislation.
- Providing clear information and procedures for ensuring compliance with relevant legislation;

## Part 1 - Policy Background

### Why do we need this Policy?

Given the cold winter climate of Armidale and the need to maintain warmth and comfort for residents, the Policy seeks to address home heating needs for the future. Heating can consume a large proportion of household energy budgets. By increasing reliance on renewable energy sources, such as solar energy, households can not only reduce recurrent energy costs, but also ensure that our community is helping to address environmental issues, including climate change.

At present, many of Armidale residents also continue to rely on solid fuel (wood) heaters for home heating. However, the smoke generated from these appliances contains a complex mixture of gases and fine particles, which together cause local air pollution. The level of pollutants in wood smoke emitted from a home heater varies, depending on factors such as the type, operation and maintenance of the heating appliance, as well as the quality of the firewood used.

NSW Health advises that *“Wood-burning heaters make a substantial contribution to air pollution in NSW”*<sup>1</sup>. Generally, though, Armidale’s level of wood smoke pollution is greater than other similar communities, due to its valley topography, high pressure meteorological conditions (low wind and cloud cover) and severe cold temperatures in winter months. These factors create an optimum environment for a temperature inversion layer, effectively ‘trapping’ wood smoke pollution in the creeklands and slopes on either side of Armidale’s urban area, especially on winter mornings.

Wood smoke pollution of our local airshed is a serious health risk, particularly to certain groups in the community, such as the elderly and the young. State and Commonwealth health agencies<sup>2</sup> have reported that fine particles from wood smoke and other toxins can cause various health problems leading to increased mortality. Short-term exposure (over hours or days) to high levels of wood smoke may cause eye and respiratory tract irritation, aggravate asthma or worsen heart disease, while long term exposure to particulate matter can decrease lung function while increasing the risk of developing heart and lung diseases like angina and chronic bronchitis.

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<sup>1</sup> [http://www.health.nsw.gov.au/factsheets/environmental/wood\\_smoke\\_pub.html](http://www.health.nsw.gov.au/factsheets/environmental/wood_smoke_pub.html) accessed at 7 December 2012.

<sup>2</sup> Ibid, and for example DEH, 2004, *Health Impacts of Ultrafine Particles: Desktop Literature Review and Analysis*, Department of Environment and Heritage, Australian Government.



Likewise, the Australian Lung Foundation advises that particle pollution from all sources and especially from wood smoke, is harmful to our lungs and recommends the use of alternative measures to wood heaters for domestic climate control <sup>3</sup>.

Finally, a cost benefit study completed for the NSW Government in 2011 estimated the health costs associated with wood smoke for NSW as a whole as over \$8Billion over the next 20 years <sup>4</sup>.

### What has Council done to date?

Mindful of these issues, and increasing community consciousness about the need for responsible environmental management, community health and energy efficiency, Council has worked on many initiatives from the mid-1990's onwards. These have been intended to improve ambient air quality in Armidale and at the same time increase the knowledge and uptake of evolving and sustainable domestic energy products and services. In particular, Council has:

- Provided significant financial incentives, such as interest free loans and subsidies for insulation and new heating systems/technologies;
- Undertaken a range of public education and related media programs on domestic energy efficiency, including the construction of a display home;
- Obtained related Government funding to supplement local program resources;
- Monitored air quality in Armidale and regularly reported the results to the community;
- Conducted smoke patrols and issued abatement notices for excessively smoking chimneys; and
- Maintained a dialogue with relevant Government agencies and industry groups, including making submissions for future actions and initiatives.

### The Challenge Remains

Local air quality measurements by Council indicate that in winter 2017, Armidale was still experiencing air pollution instances above national recommended levels for fine air particle (2.5 Microns - PM<sub>2.5</sub>) concentrations <sup>5</sup>.

This is of concern, but not altogether surprising, as most housing stock in Armidale pre-dates the initiatives listed above, and home heating and other energy systems are only occasionally replaced. Moreover, most of the older housing stock was developed without regard to passive solar and other energy efficient housing techniques that are now readily available to home builders.

Council's role in local education and appropriate financial support therefore remains critical, alongside State/Federal Government action to subsidise retrofitting existing housing for improved energy efficiency. Further, while legislated arrangements prescribe the maximum requirements Council can make in relation to some relevant matters for this Policy (e.g. the NSW 'BASIX' scheme for energy and water efficiency in new housing) appropriate local regulation is still possible in some areas, as outlined in this document.

This Policy has been developed and reviewed within this context.

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<sup>3</sup> <http://www.lungfoundation.com.au/lung-information/patient-educational-material/fact-sheets/100-health-impacts-of-wood-smoke>, accessed at 7 December 2012.

<sup>4</sup> AECOM, *Economic Appraisal of Wood Smoke Control Measures*, AECOM Australia 2011, p46, NPV based on PM<sub>10</sub> and volatile organic compound measurements, for the period 2010-2030.

<sup>5</sup> National Environmental Protection Measure for Ambient Air Quality, 2003 as amended, National Environment Protection Council – see :<http://www.comlaw.gov.au/Details/C2004H03935> . The current advisory standards for maximum concentrations of fine particles are 25 µg/m<sup>3</sup> averaged over one day and 8 µg/m<sup>3</sup> over a year.



## Part 2 - Policy Initiatives

### Overview

Council's position remains to accept and consider applications for the use of Solid Fuel Appliances within the Local Government Area as a avenue is available under S68 of the Local Government Act 1993 for a applicant to do so. Legal advice available to Council in developing this policy and liaison with the NSW Environmental Protection Authority has confirmed that a prohibition of the installation of Solid Fuel Appliances is not possible under the current legislative framework in New South Wales.

Council will continue to encourage the community to consider alternative approaches to home heating and home design which minimise the potential for pollution and encourage the use of renewable resources. This section outlines a range of initiatives to be used in pursuit of the objectives of this Policy.

## Part 3 - Local Approvals Policy for Solid Fuel / Wood Heaters

### Background

The Local Government Act 1993 requires that Council approval must be obtained for domestic oil or solid fuel heater appliance installations. This part of the Policy outlines Council's local regulatory requirements for the installation of solid fuel heating appliances. In particular, this Part of the Policy is a 'Local Approvals Policy' under Part 3 of Chapter 7 of the Local Government Act 1993 and its related Regulation.

The NSW Local Government Act 1993 prescribes what Council can require in relation to the installation of solid fuel appliances, specifically in terms of construction standards. Moreover under current legislation, Council has no power to ban the installation of Solid Fuel Heating Appliances; although under The Local Government Act 1993, Council has the powers to consider a number of matters when assessing an application made under S68 for the installation of a Solid Fuel Heating Appliance.

Under Section 89 of the Local Government Act 1993 when determining an application under S68 Council must take into account a number of matters for consideration. Such matters relevant to this Locals Approval Policy include;

- i. The Principles of Ecologically Sustainable Development (further discussed in 3.2.3)
- ii. The Protection of the Environment
- iii. The Protection of Public Health , safety and convenience

With consideration of the above matters, under Section 98 of the Local Government Act 1993 Council may grant an approval subject to conditions ancillary to the core purpose of the activity. In this regard Council will prescribe maximum design emission levels for devices through s68 determination approval conditions. (See Part 3.2.1 below).



### **Why is an Approval required?**

Unlike most other domestic appliances, these devices can have significant implications for householders and their neighbours.

Solid fuel heater installation needs to be carried out in accordance with the Building Code of Australia (BCA) and relevant Australian Standards in order to avoid fire risk in buildings, for example. In addition, the selection and installation of solid fuel heating devices can have implications for local air quality. Thus the choice of a device with lower particulate emission levels, and the correct design and installation of a flue for discharging emissions is also important.

All these factors are taken into consideration in the approval process, as is the use of an appropriately qualified and experienced installer. Under the Act, financial penalties may be imposed by the Courts for installations undertaken without Council approval. Moreover, installations that are carried out without approval may also void a building's fire insurance cover.

The subsequent operation of these devices and selection of good quality, dry firewood is also critical to minimising wood smoke and maintaining a clean, healthy environment. Poor and negligent Heater operation can also be regulated by Council, if required, under the Protection of the Environment Operations Act 1997.



### Part 3.1: Exemptions - Are there any exemptions applicable in relation to approvals for solid fuel/wood heaters?

Approval to install a solid fuel heating appliance is not required outside of the Armidale Urban area (see Appendix 1) subject to the following conditions;

1. The appliance must have a certificate issued by a body approved by the EPA and certifying that all heaters of that model:
  - comply with Standard 4012 Domestic solid fuel burning appliance - Method for determination of power output and efficiency and Standard 4013 AS/NZS 4013 – Domestic Solid fuel burning appliances - Method of determination of flue gas emission, and
  - have an overall average efficiency of not less than 60% as tested and calculated in accordance with Standard 4012, and
  - have an appliance particulate emission factor, as tested and calculated in accordance with Standard 4013, not greater than:
    - A. 1.5 g/kg (for heaters without catalytic combustors), or
    - B. 0.8 g/kg (for heaters with catalytic combustors).
2. Be installed by a suitably experienced and qualified person in accordance with the requirements of the National Construction Code Australia, AS/NZS 2918 – Domestic Solid fuel burning appliances – Installation, and with consideration of guidelines outlined in the NSW EPA document “Selecting, installing and operating Domestic Fuel Heaters. (see a copy on Council’s Website within the Solid Fuel Heaters section.)

### Part 3.2: Guidance Criteria to be considered by Council in deciding whether to grant approvals for the installation of Solid Fuel Heating Appliances within the Armidale Urban Area.

#### 3.2.1. Particulate emissions and burn efficiency per Australian Standards

In considering applications for the installation of solid fuel (including wood) heating appliances Council will take into consideration the relevant Australian/New Zealand Standards applicable to the design and installation of such appliances which are current at the date that the application is made to Council (\* see notes overleaf).

The Armidale urban area is defined for the purpose of this clause as the following land use zones in Council’s current Local Environmental Plan (see Map, Appendix 1):

- |                              |                                                                                                              |
|------------------------------|--------------------------------------------------------------------------------------------------------------|
| • R1 General Residential     | • E4 Environmental Living                                                                                    |
| • R2 Low Density Residential | • IN1 General Industrial                                                                                     |
| • B2 Local Centre            | • 4(a) Industrial and IN2 Light Industrial                                                                   |
| • B3 Commercial Core         | • SP2 Infrastructure (excluding Sewerage Treatment Plant and Waterfall Way Electricity Transmission Station) |
| • B4 Mixed Use               | • RE1 Public Recreation (excluding Charlston)                                                                |



- B5 Business Development
- B7 Business Park
- Willows)
- RE2 Private Recreation

**From 1 September 2019, for any solid fuel heater (including Pellet Heater) to be installed within the Armidale urban area, as defined above:**

**Must have a certificate issued by a body approved by the EPA and certifying that all heaters of that model:**

- (i) comply with Standard 4012 Domestic solid fuel burning appliance - Method for determination of power output and efficiency and Standard 4013 AS/NZS 4013 – Domestic Solid fuel burning appliances - Method of determination of flue gas emission, and**
- (ii) have an overall average efficiency of not less than 60% as tested and calculated in accordance with Standard 4012, and**
- (iii) have an appliance particulate emission factor, as tested and calculated in accordance with Standard 4013, not greater than:**
  - A. 1.0g/kg (for heaters without catalytic combustors), or**
  - B. 0.8 g/kg (for heaters with catalytic combustors).**



Explanatory Information: All solid fuel appliances (with the exception of pellet heaters) sold for domestic installation must carry a compliance plate and details of their emissions test results under AS 4013. The Standard specifies a maximum test emission level of 4g/kg, expressed as grams per kilograms of wood burnt; with the lower the grams of particulate emitted the less potential for pollution. Likewise, the Policy requires more efficient burning devices measured as the percentage of heat output/energy input per AS 4012.

Given our local circumstances as outlined in this document, Council's Policy requires that all new heater installations within the Armidale Urban area (including pellet heaters and multi-fuel heaters) shall only involve devices with a maximum test emission level of 1.0g/kg, depending on location.

While Council is aware that there are concerns about testing methods under the Standards and will lobby for this issue to be addressed, for the time being this Policy requires that all appliances to be used in our local area are selected from better performing devices..

Details are often recorded on the back of appliances and visible in the retailer's showroom. Manufacturers should ensure this information and the minimum air setting ( $\text{mm}^3$ ) is shown in this way or can be provided with audit/specification documents to accompany applications for new installations.

**These requirements will be kept under review to take account of evolving device manufacture and availability, as well as changes in applicable legislation and standards. Council may also consider the introduction of stricter standards for installations in new homes which have received energy efficiency certification under the NSW BASIX scheme.**

\*Note: At the time of publication of this Policy, relevant Australian/New Zealand Standards for solid fuel burning appliances included:

AS/NZS 2918 – Domestic Solid fuel burning appliances – Installation

AS/NZS 3689 – Domestic Solid fuel burning appliances – Design and Construction

AS/NZS 4012 - Domestic solid fuel burning appliance - Method for determination of power output and efficiency

AS/NZS 4013 – Domestic Solid fuel burning appliances - Method of determination of flue gas emission

AS/NZS 4886 - Domestic solid fuel burning appliance - Pellet heaters - Determination of flue gas emission

AS/NZS 5078 – Domestic solid fuel burning appliances - Pellet heaters - Method for determination of power output and efficiency

AS/NZS 60335.2.102 - Household and similar electrical appliances - Safety - Particular requirements for gas, oil and solid-fuel burning appliances having electrical connections.

### **3.2.2. Building Code of Australia (BCA)**

Under the relevant legislation (cl.69, Local Government (General) Regulation 2005), new installations of solid fuel (including wood fuel) heating appliances must also comply with Part 3.7.3 of the Code (Housing Provisions, Class 1 and 10 buildings) and Part G2 of the BCA for other classes of buildings. Again, to ensure your installation meets the relevant standards, Council recommends the work is undertaken by an appropriately qualified and experienced installer.



### 3.2.3. Principles of Ecologically Sustainable Development

Under s.89(1)(c) of the Local Government Act 1993, Council is also required to consider these principles in determining applications:

*“Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:*

- (a) the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.*

*In the application of the precautionary principle, public and private decisions should be guided by:*

- (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
- (ii) an assessment of the risk-weighted consequences of various options,*
- (b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations,*
- (c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:*
  - (i) polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
  - (ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
  - (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.”*



### **Part 3.3: Other matters relating to approvals for the installation of solid fuel heating appliances in Armidale Regional Council Local Government Area.**

#### *Pre Application*

- Prior consultation with neighbours about proposed installations is recommended and may allow relevant concerns to be addressed in an amicable fashion.
- Installations in houses on steep hills should also be given careful consideration, as cold air flowing from high ground into valleys may carry smoke from houses positioned uphill to those downhill. The NSW EPA Publication “Selecting, Installing and Operating Domestic Fuel Heaters” gives detailed guidance in relation to flue positioning in relation to neighbouring dwellings. Also, the pooling of cold air in valleys can cause smoke to be trapped near the ground and drawn into homes that have a fire burning. In areas where any of these situations is likely to occur, home owners should consider alternatives to solid fuel heating.
- Installations in homes where the home is surrounded by one or multiple double storey dwellings should be carefully considered by the installer. Higher flues may have to be installed to ensure that smoke emissions do not cause a smoke nuisance to neighbours. Dwelling openings such as bedroom and living rooms windows on second storey dwellings may be impacted by smoke being emitted at lower levels from neighbouring properties. This scenario can also apply where a dwelling is located on a lower level to neighbouring dwellings due to site slopes, topography etc. The NSW EPA Publication “Selecting, Installing and Operating Domestic Fuel Heaters” gives detailed guidance in relation to flue positioning in relation to neighbouring dwellings. (see a copy on Council’s Website within the Solid Fuel Heaters section.)

#### *During Assessment*

- Council will seek confirmation from applicants for wood heater installations that they have considered other forms of heating and heat conservation measures.

#### *Post Application*

- Council will provide and maintain an installation compliance checklist for residents, appliance installers and inspectors of such installations, based on AS/NZS 2918 and Part G2 of the Building Code of Australia. Council will need to be satisfied that the installer in each case has relevant knowledge and experience to undertake the required work and will inspect installations when advised they are complete.
- Council will supply educational information to applicants with all approvals issued. This material will cover the correct operation of solid fuel (including wood fuel) heating appliances and appropriate fuel selection and storage, as well as advice about rights and responsibilities for operators and their neighbours.

#### *Other Considerations*



- Council will continue to lobby relevant Government agencies to introduce improved arrangements to discourage installations without approval and to improve design standards to limit harmful emissions from appliances.
- In the administration of approvals for the installation of solid fuel (including wood fuel) heating appliances, Council will monitor evolving experience and practice and have regard to the other matters outlined in this Policy and to changes in legislation and standards in this field.

#### **Part 4 - Enforcement**

Appropriate action is required to support the approval requirements under s.68 of the Local Government Act 1993 to install wood heaters, and also to support the reduction in excessive smoke production in actively burning fires. Initial investigations and dialogue with the community will be conducted with courtesy and compassion before any legal action is considered. The Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations Act (Clean Air) Regulation 2010 is the appropriate legislation that regulates domestic air pollution and any investigations and enforcement will be conducted consistent with the framework of this legislation.

#### **Solid Fuel Heater Installations**

Council Officers will conduct roadside visual audits, dependant on the annual availability of staff resources, to help check on heater operation and whether approvals exist for heaters that may have been installed.

Council Officers will apply the following process where solid fuel heaters have been installed with no approval:

- request the owner to show written cause and explain their actions;
- a requirement to have the installation surveyed and reported on by a qualified fitter including compliance with relevant Standards and local approvals policy;
- to have the installation altered, moved, replaced or removed;
- consider action for an offence under s.626 of the Act, attracting fines, via the Local Court, of up to 20 (twenty) penalty points (\$2,200 as at the time of completing this Policy).

Council reserves the right to issue appropriate cautions to installers of illegally-fitted wood heaters where appropriate.











Name	Short Summary of issue(s) raised	Staff Comment	Suggested Change to Policy
Patsy Asch	'(there should be) far more rigorous standards on wood heaters.'	Case for amendment of policy with stricter standards.	All submissions for discussion.
Merryn Twemlow	'the smoke from the wood heaters affects me somewhat severely (sic)...' 'Follow examples of Launceston.'	Case for amendment of policy with stricter standards.	
Mark Conroy	'I request that council take immediate action to reduce woodsmoke...'	Case for amendment of policy with stricter standards.	
Eric Ghosh	'...Council should take the most restrictive approach that it can: it should limit new wood stove to the cleanest possible replacements...'	Case for amendment of policy with stricter standards.	
Marty Branagan	'Armidale has extreme air pollution on winter nights...' '...its clearly time to speak up.'	Case for amendment of policy with stricter standards.	
Bleile	'The smoke is a problem...'	Case for amendment of policy with stricter standards.	
Kate Boyd	'I do not think the proposed policy is likely to achieve this objective (national air quality standard); it does not take a strong enough approach.'	Case for amendment of policy with stricter standards.	
Lili Paquet	'I would like to make a submission for stronger restrictions...'	Case for amendment of policy with stricter standards.	
Samuel Duncan	'As a member of the military I have spent time deployed to various locations across Africa and The Middle east and I know first hand the health impact that air quality has on a local population.'	Case for amendment of policy with stricter standards.	
Home Heat Association	'...we believe the	Case to keep higher	



	emissions standard (1.5g/kg) contained in the 2019 Australian Standard should be the only figure included in the final regulation...'	emissions standard.	
Anthony Flynn c/o Asthma Australia	'We feel that Armidale Council have an opportunity to strengthen its policy in order that is better protects your community.'	Case for amendment of policy with stricter standards.	
Elizabeth O'Hara New England Greens	'...council should adopt a policy of refusing to approve any application for solid fuel heaters with emissions rating over, say 0.3 or 0.4 g/kg...'	Case for amendment of policy with stricter standards.	
Ed Campbell	'Relying on AS4013, there are 2 problems, the standard is based on lab measurements and tests have shown real life use emissions are much higher, the standard is effectively set by the wood heating industry.'	Case for amendment of policy with stricter standards.	
William Thomson	'Armidale already suffers from serious winter air pollution...'	Case for amendment of policy with stricter standards.	
Cheryl Landers	'..the health issue alone and the consequent drain on the Health System should be motivation enough to correct this (wood smoke pollution).'	Case for amendment of policy with stricter standards.	
Australian Air Quality Group	'Council should not repeat the failed policies of the past, but consider the cost of inaction, and the additional cost of continuing to allow new, excessively-polluting wood	Case for amendment of policy with stricter standards.	



	heaters...'		
Patricia Taylor, Deputy Director of Environment and Health.	'The health and mortality impacts of inhaling wood smoke are facts, not speculation...restrict or prohibit wood heaters...'	Case for amendment of policy with stricter standards.	
Pat Schultz	'I ask that you take urgent action to reduce wood smoke in Armidale.'	Case for amendment of policy with stricter standards.	
Gaynor McGrath	'Council could subsidise air filter in all house where people suffer from winter asthma...'	Case for amendment of policy with stricter standards.	
Cindy Schneider	'Unless the pollution emitted from existing wood stoves can be reduced to a safe level, it would be unwise to permit the installation of new ones...'	Case for amendment of policy with stricter standards.	
Jim Brown	'Surely, past due that ADC takes strong, even punitive, action on health issues from wood smoke in urban area.'	Case for amendment of policy with stricter standards.	
Dora Koops	'...the policy sounds like an advertising campaign for the wood heater and firewood industry.'	Case for amendment of policy with stricter standards.	
Sonia Broun	'The new wood heaters need to produce less emissions.'	Case for amendment of policy with stricter standards.	

## Summary:

22 submissions presenting a case for Council to amend the Policy to include higher standards for wood heaters, 1 submission asking for no higher emission limit on new heaters.



## Community Wellbeing Advisory Committee - Terms of Reference

### Name

The name of the Committee is the Community Wellbeing Advisory Committee.

### Council Portfolio

Organisational Service Level – Customer and Community Services  
Program – Community Services

### Establishment

The committee is established under section 355 of the NSW Local Government Act 1993 which states:

*A function of a council may, subject to this Chapter, be exercised: (b) by a committee of the council.*

### Term of the Committee

The committee will function until the next Armidale Regional Council election in September 2020.  
The Council reserves the right to dissolve the committee at any time by a resolution of the Council.

### Delegations

The committee has no specific delegations from the Council.

### Financial Arrangements

Unless expressly resolved by Council, the committee has no powers to commit or expend any Council funds.

### Purpose

Council recognises that the conditions in which people live, work, learn and play influences the wellbeing they can achieve. Improved wellbeing outcomes can be achieved, for example, through coordinated and strategic health planning, increased participation in sport, leisure and the arts, well-designed built and natural environments, effective community safety initiatives, expanded educational, employment and life-long learning opportunities, promoting healthy lifestyles, encouraging civic engagement and promoting improved living standards.

The core responsibilities of the committee are to:

- provide input into the strategic direction of the Armidale Regional Council;
- provide input to the Delivery Program Strategies (4 Year) and Operational Plan Actions (annual) aligned with the committee focus;
- consider the potential social, economic, environmental and financial impacts (sustainability) of the committee recommendations;
- engage the community and stakeholders on matters being considered by the committee;
- consider and advise the Council on any matter referred to the committee.



The primary responsibilities of the committee are to:

- make recommendations to Council, that if supported, would lead to improved community wellbeing and social inclusion outcomes and address factors causing social exclusion;
- analyse and interpret local evidence, health and wellbeing indicators, health status and demographics;
- assist in identifying existing or emerging health and wellbeing priorities for the community, with a focus on those more vulnerable people experiencing poor health;
- develop an annual Community Wellbeing Action Plan which includes health and wellbeing initiatives that are both measurable and achievable;
- develop a cross sectional partnership approach with community health providers, service providers and supporting agencies; and
- facilitate a collaborative health and wellbeing network.

### **Membership**

The committee will be comprised of the following broad representation:

1. Councillors (3)
2. EACH (representing Youth) (1)
3. University of New England (1)
4. NSW Police (1)
5. Young People and Families (1)
6. Armidale Family Support Service (1)
7. Disability Advocacy NSW (2)
8. The Hub, Guyra (1)
9. Homes North (1)
10. SSI (Refugees) (1)
11. Backtrack Youthworks (1)
12. BEST Employment (2)
13. Department of Education (1)
14. Armidale Women's Homelessness Support Service (1)
15. Hunter New England Health (1)
16. Department of Family & Community Services (1)
17. Ministers Fraternal (1)
18. Armidale Regional Community Drug and Alcohol Team (CDAT) (1)
19. Armidale Regional Youth Advisory Committee (1)
20. Aboriginal Community Member/Organisation Representative (1)
21. Aged Care Service (1)
22. Local Mental Health Organisation (1)
23. Community Representative (1)
24. Armidale Neighbourhood Centre (1)



The Council may appoint additional community representatives where appropriate. It is anticipated that membership should be available to a broad range of social and community interests.

The Chief Executive Officer and other Council staff may attend committee meetings, on the invitation of the chairperson.

### **Chairperson**

The Council will appoint a councillor as the chairperson of the committee.

### **Executive Officer**

The Executive Officer will be the Service Leader directly responsible for the organisational program.

The responsibilities of the Executive Officer are to:

- provide executive support to the committee;
- prepare the meeting agenda and minutes;
- prepare a report to the council containing the minutes and, providing staff comment on the recommendations made by the committee;
- provide to the committee the outcome and resolutions of the Council regarding each recommendation; and
- prepare an Annual Report on the committee's activities.

### **Reporting**

The committee will report to the Council.

### **Frequency of Meetings**

The committee will meet at least quarterly, with capacity for additional meetings as needed.

Meeting schedules will be determined by the chairperson, in consultation with committee members.

### **Implementation Principles**

- **Service:** maintain seamless service delivery to communities
- **Opportunity:** embrace opportunities to improve services and infrastructure for communities
- **Cohesion:** bring together and build on the strengths of strategies, structures, staff and systems
- **Engagement:** inform and involve communities, staff and other partners, in planning and implementing change
- **Integrity:** ensure ethical, open and accountable governance and administration
- **Respect:** value the knowledge and contributions of staff, communities and other partners

### **Organisational Principles**

- **Governance:** focus on the corporate governance processes and internal support services of council as an organisation. Governance includes the internal structures, information systems and policies that ensure an efficient and effective operation while being open and transparent to all stakeholders.
- **Infrastructure:** focus on the physical assets under council's care and management, which are necessary for the effective functioning of the community. These assets include utility and transport services, as well as public buildings and recreational facilities.



- **Services:** focus on the programs within the council aimed at our local people and communities. It is about maintaining and where possible improving people's social, cultural and economic wellbeing, through programs which contribute to making our community a healthy and prosperous one, where people enjoy a sense of belonging and security. This principle is also concerned with the care and custodianship of the physical environment of our area, and interactions with the environment beyond our boundaries.

**Code of Conduct**

The Model Code of Conduct applies to the members of the committee.



**Code of Meeting Practice**

The Council's Code of Meeting Practice shall guide the meeting procedures of the committee.

**Remuneration of Members**

Members of the committee will not be remunerated for meeting attendance and no reimbursement of travel expenses will be payable, unless in special circumstances.

**Media Liaison**

All enquiries should be directed to the Media and Communication Team.

**Meeting Protocol**

Arrangements for meetings will be as follows:

- the agenda and supporting material will be circulated at least three (3) business days prior to a meeting;
- any supporting material or papers that are confidential will be clearly marked as such and remain confidential to members;
- any general business items tabled during meetings will be short, requiring no more than five (5) minutes' presentation or discussion;
- meetings will be run in a fair and independent manner and support open and constructive dialogue;
- minutes will be circulated within seven (7) days of each meeting;
- minutes of the meeting will be submitted to the Council as soon as possible after the meeting; and
- a quorum of members is required at all meetings and shall be 50% plus one of all voting members

**Standard Agenda Items**

Agendas will be determined by the Chairperson. As a minimum, agendas will include the following standard items:

- meeting open and apologies;
- confirmation of previous minutes and matters arising;
- declarations of interest;
- reports on priority actions;
- reports and advice on local views and emerging issues;
- specific items varying from meeting to meeting;
- review of relevant meeting actions or follow up requirements (action log); and
- formal close.





## COMMUNITY WELLBEING COMMITTEE

Held on

Thursday, 6 December 2018  
2.30pm

at

Function Room, Council Administration  
Building, 135 Rusden Street, Armidale

**PRESENT:** Cr O'Brien, Cr Robinson, Ms Cheryl Cooper, Ms Penny Lamaro, Mr Kye Single, Ms Jillian Macleod, Ms Maree McKenzie (by phone), Ms Samantha Airs, Ms Caitlin Smith, Mr Patrick Cavanagh, Ms Chris Hietbrink, Ms Robbie Passmore.

**IN ATTENDANCE:** Ms Krista Schmidt (ARC), Ms Aimee Hutton (ARC), Ms Alice Cleaver (ARC), Ms Jane Davies (ARC),

MINUTES



**1 Apologies**

Ms Margaret Sims, Cr Ian Tiley, Ms Christine Foord (Disability Advocacy NSW), Ms Emily Paul (ARYAC), Ms Helen Sutherland (Disability Advocacy NSW)

**2 Confirmation of Previous Minutes****CONFIRMATION OF THE MINUTES OF THE COMMUNITY WELLBEING COMMITTEE MEETING HELD ON 25 OCTOBER 2018**

**Moved: Caitlin Smith      Seconded: Krista Schmidt**

**That the minutes be taken as read and be accepted as a true record of the Meeting.**

CARRIED

**3 Declarations of Interest**

Nil

**4 Business Arising****4.1 Action Priority List**

*Ref: AINT/2018/26328 (ARC16/1052)*

ACTION: Aimee to finalise review of the Action Priority List with changes as discussed and distribute to members.

**4.2 Drought Assistance Funding**

**Moved: Dorothy Robinson      Seconded: Chris Hietbrink**

- a) **That Council provide information about sources of possible assistance to all residents along with rates notices, including notices of arrears.**
- b) **That Council recommend to the Joint Organisation of Councils that they contact Rotary and other organisations raising funds for drought relief, to offer assistance in distributing funds and identifying community needs and also consider the possibility of setting up a telephone hotline/one-stop-shop to simplify the process of finding help and assistance when people are in need.**

CARRIED

**5 Administration Reports**



Nil

## 6 General Business

### 6.1 Australian Local Government Association - All Politics is Local

*Ref: AINT/2018/26325 (ARC16/1052)*

#### **RECOMMENDATION:**

That the Committee note the attached document, in particular, Initiatives 4,7,8 and 11.

ACTION: Due to time constraints, this item will be moved to the next meeting for discussion.

### 6.2 Request from Armidale Domestic and Family Violence Steering Committee Group

*Ref: AINT/2018/26327 (ARC16/1052)*

**Moved: Penny Lamaro Seconded: Maree McKenzie**

**That the Community Wellbeing Advisory Committee supports the installation of highway signage which conveys the message that the Armidale community does not tolerate domestic and family violence.**

CARRIED

### 6.3 Armidale Neighbourhood Centre Committee Membership

**Moved: Dorothy Robinson Seconded: Chris Hietbrink**

**That the Armidale Neighbourhood Centre be included as a member of the Community Wellbeing Advisory Committee and that the Terms of Reference be amended to reflect this change.**

CARRIED

### .7.1 DroughtHub Website

The Committee asked that the DroughtHub website information be distributed to Committee members.

ACTION: Aimee to distribute website information to Committee members.

### 7.2 Health Representative for Committee

The Committee discussed who may be an appropriate representative for Health on the Wellbeing Committee. Aimee advised contact had been made with Hunter New England Health, but no representatives had nominated to date.

Cr Robinson advised she would forward contact details for Healthwise.

ACTION: Cr Robinson to forward contact details for Healthwise to Aimee.

Aimee to send invitation of membership to Healthwise.



**7.3 Cycle Path Lighting**

The Committee asked after the progress of a funding application for lighting the cycle path in Armidale from Markham to Donnelly Streets.

ACTION: Aimee to make enquiries within Council as to the status of the funding application.

**7.4 NSW Rape Crisis Dunny Door Campaign**

Alice Cleaver advised that Council had given approval to support the NSW Rape Crisis Dunny Door Campaign. This would involve applying stickers to the back of every toilet door in every public toilet across the region.

There being no further business the Chairperson declared the meeting closed at 4.04pm.





## COMMUNITY WELLBEING COMMITTEE

Held on

Thursday, 31 January 2019  
3.00pm

at

Function Room, Council Administration  
Building, 135 Rusden Street

**PRESENT:** Cr O'Brien (Chairperson), Cr Robinson, Ms Penny Lamaro, Mr Kye Single, Ms Jillian Macleod, Ms Maree McKenzie, Ms Samantha Airs, Ms Caitlin Smith, Mr Patrick Cavanagh, Ms Chris Hietbrink, Ms Robbie Passmore, Ms Laura Murray, Ms Emily Fraiser (Centacare), Ms Christine Foord, Mr Chris Jordan, Ms Emily Paul, Ms Margaret Sims, Ms Gail Easton (Australian Drug Foundation).

**IN ATTENDANCE:** Ms Jane Davies, Ms Sally Schofield, Mrs Aimee Hutton (Minute Taker)

MINUTES



**1 Apologies**

Mrs Cheryl Cooper  
Mr Darren Stevenson – no longer able to be UNE representative  
Mrs Alice Cleaver  
Ms Lisa Waters  
Mr Kye Single  
Cr Ian Tiley

**2 Confirmation of Previous Minutes****CONFIRMATION OF THE MINUTES OF THE COMMUNITY WELLBEING COMMITTEE MEETING  
HELD ON 6 DECEMBER 2018**

**Moved: Chris Hietbrink    Seconded: Caitlin Smith**

**That the minutes be taken as read and be accepted as a true record of the Meeting.**

CARRIED

**3 Declarations of Interest**

Nil

**4 Business Arising****4.1 Community Wellbeing Action Plan**

*Ref: AINT/2019/02092 (ARC16/1052)*

**Moved: Jane Davies    Seconded: Christine Foord**

**That the Action Priority List as attached to this report form the basis of the 2019 Community Wellbeing Action Plan.**

CARRIED

**5 Administration Reports**

Nil

**6 General Business****6.1 Australian Local Government Association - All Politics is Local**

*Ref: AINT/2018/26325 (ARC16/1052)*

**Moved: Margaret Sims    Seconded: Jillian MacLeod**

**That the Committee strongly supports the initiatives as detailed in the Australian Local Government Association Federal Election Initiatives publication. In particular, the Committee seeks action from Council to support initiatives 4,5,7,8 and 11.**

CARRIED

**ACTION:** Committee members to email Crs O'Brien and Robinson with comments around how these initiatives are relevant to the Armidale region.



**6.2 Armidale Community Drug Action Team***Ref: AINT/2019/02093 (ARC16/1052)***Moved: Margaret Sims****Seconded: Laura Murray****That the Committee support the reinvigoration of the Armidale Community Drug Action Team.**

CARRIED

ACTION: Link to Alcohol and Drug Foundation website included as requested: -

<https://adf.org.au/>**There being no further business the Chairperson declared the meeting closed at 4.10pm.**

As discussed prior to the meeting, 2019 Community Wellbeing Meeting Dates

31 January 2019	3pm
28 March 2019	3pm
30 May 2019	3pm
25 July 2019	3pm
26 September 2019	3pm
28 November 2019	3pm