



# **STRATEGIC ANALYSIS**

**for the**

**Draft Armidale Dumaresq LEP 2005**

*Armidale Dumaresq Council  
January 2005*



# ADDENDUM

## **Councillors' Workshops**

The Draft Armidale Dumaresq Local Environmental Plan was considered at four Councillors' Workshops held between 17 November 2004 and 17 April 2005. Some changes were made to the Draft LEP as a result of the matters raised and discussed at the Workshops and these are summarised below. Where there are differences between the following changes and the recommendations in relevant sections of the Strategic Analysis, the changes arising from the Workshops prevail and are included in the Draft LEP.

## **Development standards in the Rural 1(a) zone**

At the Workshop relaxing the development standard for subdivision for the purpose of extensive agriculture in the proposed General Rural 1(a) zone was considered. It was decided to submit to the NSW Department of Infrastructure Planning and Natural Resources (DIPNR) a proposed reduction in the minimum area standard for subdividing land that will be used for extensive agriculture and a dwelling from 400 hectares to 200 hectares, subject to consultation with the NSW Department of Primary Industries (DPI). This approach is considered reasonable given that rural development standards will be further considered in the Strategic Alliance LEP which will be prepared over the next few years.

It is proposed to change one of the criteria for creating a concessional allotment from a rural holding. The requirement that the time period for a property being in continual ownership of members of the same family has changed from "since 4 June 1985" to "for the previous 20 years".

## **Commercial activities in non-Business zones**

The need to increase available zoned land for office employment to respond to a perceived lack of affordable office space was raised. Councillors decided to support a proposal to DIPNR to permit commercial premises within Armidale on land with frontage to an arterial road (excluding the Armidale bypass) with a limit of 250m<sup>2</sup> gross floor area. A provision reflecting the decision has been included in the zone specific development controls for the following zones in the Draft LEP:

- Residential 2(a), 2(b) and 2(c) zones
- Industrial 4(a) zone.

The provision has not been included for land in the Business 3(a) zone as commercial premises are already permitted there with consent. Land in Armidale with frontage to an arterial road within the Urban Agriculture 1(d), Special Uses 5(a), Public Open Space 6(a) and Environment Protection (Prime Scenic) 7(a) zones would not include the provision because commercial development would be inappropriate and not in keeping with the character and attributes of these zones.

## **Environment Protection zones**

Following extensive discussion at the workshop it was decided to have the following Environment Protection zones around Armidale with corresponding development standards for subdivision:

- Environment Protection (Prime Scenic) 7 (a) – 4ha minimum
- Environment Protection (Support Scenic) 7 (b) – 1ha minimum.

5 April 2005



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# 1. INTRODUCTION

## 1.1 Draft Armidale Dumaresq LEP 2005

The Draft Armidale Dumaresq Local Environmental Plan 2005 (Draft LEP) applies to all of the Armidale Dumaresq local government area, which was created with the amalgamation of the former Armidale City and Dumaresq Shire Councils in February 2000. The new LEP will replace the current environmental planning instruments – Armidale LEP 1988 which applies to the former Armidale City and Dumaresq LEP No. 1 which applies to the former Dumaresq Shire. Copies of Armidale LEP 1988 and Dumaresq LEP No. 1 are contained in *Appendices A* and *B* respectively.

The current LEPs were prepared during the mid to late 1980's and have been subject to about 25 amendments each. During this time there have also been significant changes to State government legislation and requirements relating to planning matters. More recently, the Minister for Infrastructure and Planning announced as part of the government's Planning Reforms the requirement for a single LEP for each local government area as a measure to assist in reducing complexity in the planning system. It is therefore timely that Council is preparing a new single LEP for its area that will also update its planning provisions to reflect State government policies and local community expectations.

The purpose of the Draft LEP is to provide land in appropriate locations where the residents of Armidale Dumaresq can live, work, shop and participate in educational and recreational activities. The Draft LEP also seeks to preserve natural and man-made characteristics of the local government area which are valuable in terms of their biodiversity, heritage and landscape qualities and to effectively manage the natural resources of the area.

## 1.2 Timeframe

The Draft LEP will provide the direction for future landuse and development control up to 2021. While guiding landuse patterns, particularly in the short term, the Draft LEP will also provide sufficient flexibility to allow for variations in direction arising from changed circumstances over the next 17 years. It was initially envisaged that the new LEP would be reviewed regularly with the first review likely to occur 5 years following gazettal of the plan. However, during preparation of the Draft LEP, funding was made available from the Department of Infrastructure Planning and Natural Resources under its Planning Reform Program to prepare a Sub-Regional Development Strategy to underpin an integrated LEP(s) for the Armidale Dumaresq, Guyra Shire, Uralla Shire and Walcha Councils. Consequently, the anticipated review program for the Draft LEP may be changed subject to the outcomes of the Sub-Regional Development Strategy.

## 1.3 Purpose of the Strategic Analysis

The Strategic Analysis provides the background and rationale for the provisions in the Draft LEP. The findings and recommendations of the Strategic Analysis are based on an analysis of data collected, relevant guidelines, previous strategic studies, the outcomes of consultations with the local community, and comments from public authorities and relevant organisations.

The Strategic Analysis reviews the main types of landuses within Armidale Dumaresq, both the existing patterns and the likely future demand for land for different activities. The projected demand is mainly based on population projections as well as trends in the particular activities.

## 1.4 Preparation of the Draft LEP

The statutory requirements for preparing a Draft LEP are found in Part 3 of the Environmental Planning and Assessment (EPA) Act 1979. Preparation of this Draft LEP has been carried out in accordance with the requirements of the EPA Act 1979 but has also incorporated greater community engagement in the plan making process than prescribed in the legislation. The main steps in preparing the Draft LEP are shown in *Table 1*.

Important components of the plan's preparation have included:

- Preparation and exhibition of the Preliminary Armidale Dumaresq Plan 2004
- Preparation of the Armidale Dumaresq Rural Residential Study 2004
- Community consultation
- Consideration of previous studies and strategies.

### 1.4.1 Preliminary Armidale Dumaresq Plan 2004

The Preliminary Armidale Dumaresq Plan 2004 (Preliminary Plan) was prepared for the purposes of consulting with the community and Government agencies and was based on the analysis of matters contained in the Background Report to the Preliminary Plan. These matters included:

- Initial comments from government authorities on the matters that should be addressed in the Draft LEP.
- A review of strategic studies carried out in the former City and Shire local government areas since the mid-1990's. Many of these studies had been adopted in part or in full but some had not been fully implemented through the LEP process.
- An initial round of community consultation to ascertain the types of issues and matters to be addressed by the Draft LEP. Consultations were carried out with Council's Local Area Committees and representatives of the local Aboriginal community, the Armidale Interagency Group (Community) Group, representatives of the local development industry and the Armidale Environment Coalition.

The Preliminary Plan and its Background Report were exhibited from 1 August to 19 September 2003 and Council received 101 submissions from the public and 12 from government authorities.

The issues and matters raised in the submissions on the Preliminary Plan were considered to assist in preparing the Draft LEP. A review of the public submissions identified several concerns and issues which were grouped together into the following broad categories:

- Proposed industrial areas.
- Proposed rural residential zones, comprising small lot and medium holdings.
- Proposed Environment Protection Zones
- Future zonings in North-east Armidale between Waterfall Way and the New England Highway
- Additional land for Business development
- Site/development/area specific rezonings requests.
- Provision of adequate water supply and effluent disposal systems
- Proposed listing of heritage items

Comments on the Preliminary Plan were also received from the following Government agencies (as at September 2003) which identified a range of matters to be addressed in the Draft LEP:

- |  |   |
|--|---|
| ▪ Department of Infrastructure, Planning and Natural Resources (DIPNR) | ▪ Civil Aviation Safety Authority         |
| ▪ NSW Agriculture  | ▪ NSW National Parks and Wildlife Service |
| ▪ NSW Rail Estate  | ▪ CountryEnergy                           |
| ▪ Mineral Resources NSW  | ▪ NSW Roads and Traffic Authority         |
| ▪ NSW Fisheries  | ▪ NSW Rural Fire Service                  |
| ▪ NSW State Forests  | ▪ NSW Heritage Office.                    |

Some of the issues identified in the submissions on the Preliminary Plan were readily addressed while others have required considerable research. They have been considered in the relevant sections of this Report while consideration of individual submissions is summarised in *Appendix C*.

At the time the Preliminary Plan was prepared up to date information was not available on some factors that influence landuse decisions, for example land subject to flooding and the likely future availability of water and sewer infrastructure for land in and around Armidale. During 2004, this information has become progressively available and incorporated into the Strategic Analysis and subsequently reflected in the provisions of the Draft LEP.

#### **1.4.2 Armidale Dumaresq Rural Residential Study 2004**

On 28 January 2004 the State Government advised Council that it had received \$20,000 from the first round allocation of DIPNR's Planning Reform funds towards consolidation of its LEP. A review of the issues on which the funds could be spent identified a preferred project. The project considered the future use of land currently zoned Rural (Small Holdings) 1(c) under Dumaresq LEP No. 1 that may not be required for future rural residential development in the Draft LEP. The Armidale Dumaresq Rural Residential Study (EDGE land Planning, October 2004) and its recommendations have been reflected in the Draft LEP's provisions for rural residential development.

#### **1.4.3 Community consultation**

The objectives of the consultation programme for preparing the Draft LEP are:

- to evaluate the performance of the current LEPs and to assist in developing a new single LEP.
- identify key stakeholders and understand their interest in the project.
- inform the community about the preparation of the new LEP and provide opportunities for the community to raise issues for consideration during its preparation.

Preparation of the Draft LEP involved the following opportunities for community engagement:

- initial consultation with target groups within the local community as part of preparing the Preliminary Plan
- public exhibition of the Preliminary Plan and Preliminary Background Report
- consultations with target groups within the local community as part of preparing the Armidale Dumaresq Rural Residential Study 2004.

The next phase of community consultation will be public exhibition of the Draft LEP in accordance with the statutory requirements of the EPA Act 1979.

**Table 1: Preparation of the Draft LEP**

Note: Steps shown in **bold** are statutory requirements under the EPA Act 1979  
 ✓ indicates the step has been completed, as at November 2004.

	<b>Steps in procedure</b>	<b>Comments</b>
✓ 1	<b>Decision to prepare draft LEP</b>	Council resolved to prepare a Draft LEP at its meeting on 19 November 2002 (Minute No: 16.092/01).
✓ 2	<b>Notification to Director-General of decision to prepare draft LEP</b>	Director-General notified of Council's decision 7 May 2002. Notice included: <ul style="list-style-type: none"> <li>• the terms of the resolution passed by Council</li> <li>• the effect of the proposed plan in relation to matters of State or regional significance</li> <li>• the consultation procedures to be adopted by council</li> <li>• intention to prepare a Background Report to support the draft LEP.</li> </ul>
✓ 3	<b>Consult with NPWS before preparing a draft LEP if critical habitat, or threatened species, populations or ecological communities, or their habitats, will or may be affected by draft plan.</b>	The NPWS has been consulted.
✓ 4	<b>Council shall consult with</b> <ul style="list-style-type: none"> <li>• <b>public authorities or bodies, including Commonwealth and State, that may be affected by the draft plan</b></li> <li>• <b>adjoining Councils where land subject of draft plan adjoins another LGA</b></li> <li>• <b>such other persons as Council determines</b></li> <li>• <b>if provisions of draft LEP affect land to which an interim heritage order or listing on the State Heritage applies Council must consult with the NSW Heritage Council.</b></li> </ul>	Council consulted with relevant public authorities and organisations as well as adjoining local Councils.
✓ 5	Initial round of community consultation	An initial round of community consultation was carried out during April and May 2003 with specific groups within the community being asked to identify the issues that they would like to see addressed by the new LEP.
✓ 6	Councillors' workshop	A Councillors' workshop was held on 7 July 2003 to discuss the proposed provisions to be included in the Preliminary Plan. The proposed provisions were based on the outcomes of the comments from public authorities, previous studies and the initial round of community consultations.

**Table 1: Preparation of the Draft LEP, continued**

	<b>Steps in procedure</b>	<b>Comments</b>
√ 7	Preparation and exhibition of Preliminary Plan and Preliminary Background Report.	Preliminary versions of the draft plan and strategic analysis primarily prepared for the purpose of consulting with the community and public authorities in order to try and resolve issues prior to preparing the Draft LEP.
√ 8	Consideration of submissions on the Preliminary Plan from the public and from government authorities	Submissions on the Preliminary Plan have been considered and assisted with identifying issues requiring further investigation as part of preparing the Draft LEP.
√ 9	Preparation of the Armidale Dumaresq Rural Residential Study 2004.	Study carried out from June to October 2004. The recommendations have been incorporated into the rural residential provisions in the Draft LEP.
√ 10	<b>Preparation of Draft LEP</b> and explanatory Strategic Analysis.	Although an environmental study was not required under the EPA Act 1979 it was considered appropriate that a Background Report or Strategic Analysis be prepared that supports and explains the draft LEP.
11	<b>Submit to the Director-General a copy of the Draft LEP seeking a certificate to enable public exhibition of the plan in accordance with the EPA Act 1979.</b>	
12	<b>Certificate issued by the Director-General to enable exhibition of the Draft LEP</b>	
13	<b>Public exhibition of Draft LEP for at least 28 days</b>	
14	<b>Any person may make a submission during the public exhibition period</b>	
15	<b>Council considers the submissions prior to finalising the Draft LEP.</b> A public hearing may be held where requested and Council considers the issues should be subject of a hearing.	
16	<b>Submission to Director-General of the Draft LEP, including:</b> <ul style="list-style-type: none"> <li>• Details of all submissions</li> <li>• The report of any public hearing</li> <li>• Draft LEP and the reasons for any alterations</li> </ul>	
17	<b>Report by Director-General to the Minister</b>	
18	<b>The Minister may:</b> <ul style="list-style-type: none"> <li>• Make the LEP in accordance with the Draft LEP submitted</li> <li>• alter Draft LEP</li> <li>• decide not to proceed with Draft LEP</li> <li>• direct council to publicly exhibit a Draft LEP that has been altered pursuant to s.68 of the Act.</li> </ul>	

#### **1.4.4 Previous studies**

During the 1990's several studies were completed for the former Armidale City and Dumaresq Shire Councils that are relevant to the Draft LEP, including:

- Dumaresq Environmental Study – Visual Assessment (EDAW, June 1993)
- City of Armidale Environmental Protection Zone Review (Hilltop Planners – Manidis Roberts, July 1995)
- Armidale Floodplain Management Study (Lyll & Macoun Consulting Engineers, November 1994)
- Dumaresq Shire Heritage Study (EJE Town Planning, 1997).

A significant reference for preparation of the Preliminary Plan and subsequent Draft LEP is the Armidale Dumaresq Planning Strategy (UNE, 1995) which considered future demand for urban land uses in and around Armidale. The genesis of the Strategy occurred in 1992 when the Boundaries Commission requested that Armidale City and Dumaresq Shire Councils prepare a paper on issues relating to joint planning. A Joint Planning Committee was established under the chairmanship of Professor Ron Gates. Following a visit by the Minister for Planning it was agreed that the Councils embark on a joint strategic plan.

In early 1993 staff from the University of New England (UNE) School of Geography and Planning commenced work on the project as consultants to the Councils under the supervision of the Councils' planning staff, and reporting to the Joint Planning Committee. The final document was submitted to the Joint Planning Committee in January 1995.

The Armidale Dumaresq Planning Strategy was primarily concerned with the development of Armidale and its surrounds up to 2011. To ascertain future demand for different types of urban landuses and for rural residential development, the Strategy developed several scenarios based on existing landuses and projected population growth rates, settlement patterns and household sizes. It also considered constraints such as the provision of infrastructure and protection of agriculturally valuable land. Based on the outcomes of the Strategy the Joint Planning Committee identified corridors in the Shire for rural residential development and future urban development.

At its meeting on 26 June 1995 Armidale City Council decided to prepare a new LEP for the purpose of implementing the Armidale Dumaresq Planning Strategy. Dumaresq Shire Council decided on 7 July 1995 to review Dumaresq LEP No. 1 and that the review be comprehensive and include the range of matters identified in the Armidale Dumaresq Planning Strategy. When the local government amalgamation occurred in February 2000, neither Council had proceeded to gazettal of a new LEP based on the findings of the Strategy.

#### **1.4.5 Individual requests**

Since Council resolved to prepare the Draft LEP in November 2001, there have been individual requests to amend either Armidale LEP 1988 or Dumaresq LEP No. 1. In general, applicants have been advised that their request would be considered as part of the preparation of the Draft LEP. This approach was adopted to ensure that limited resources were not diverted from preparation of the Draft LEP and to consider individual requests within a strategic framework.

#### **1.4.6 Councillors' workshops**

A Councillors' workshop was held on 7 July 2003 to discuss the main findings of the draft Preliminary Plan and issues identified and discussed at the workshop were included in the Plan which was exhibited during August and September 2003. Further workshops were held to consider the findings of the Armidale Dumaresq Rural Residential Study (EDGE Land Planning, 2004) on 29 September 2004 and 7 October 2004. It is proposed to hold another Councillors' workshop prior to finalisation of the Draft LEP.

## 2. GENERAL PRINCIPLES

The main overriding principles used to guide preparation of the Draft LEP are the Principles of Ecologically Sustainable Development and the Objects of the EPA Act 1979.

Other more specific guidelines and policies were also taken into account as well as statutory requirements for plan preparation under the EPA Act 1979 and they are considered in relevant Sections of this Report.

### 2.1 Ecologically sustainable development and local government

In 1990 the Commonwealth Government suggested the following definition for Ecologically Sustainable Development (ESD) in Australia: ‘using, conserving and enhancing the community’s resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased’.

The National Strategy for Ecologically Sustainable Development (Ecologically Sustainable Development Steering Committee, 1992) was endorsed by the Council of Australian Governments on 7 December 1992. The Strategy includes a goal, core objectives and guiding principles for achieving ESD.

Under the NSW Local Government Act 1993, a Council’s charter includes the responsibility “to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development”.

The principles of ESD are defined under the Local Government Act 1993 as:

“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.”

The principles of ESD mean that in preparing the Draft LEP, environmental conservation, social equity and economic prosperity should be considered together.

## **2.2 Objects of the EPA Act 1979**

Under section 24 of the EPA Act 1979, an LEP may be made in accordance with Part 3 of the Act for the purposes of achieving any of the objects of the Act. Section 25 provides that an LEP shall state the aims, objectives, policies and strategies whereby it is designed to achieve any of the objects of the Act.

Section 5 of the EPA Act 1979 specifies the objects of the Act as follows:

- (a) to encourage:
  - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
  - (ii) the promotion and co-ordination of the orderly and economic use and development of land,
  - (iii) the protection, provision and co-ordination of communication and utility services,
  - (iv) the provision of land for public purposes,
  - (v) the provision and co-ordination of community services and facilities,
  - (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities and their habitats, and
  - (vii) ecologically sustainable development, and
  - (viii) the provision and maintenance of affordable housing, and
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government within the State, and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

The Draft LEP will be concerned with achieving all of the objects of the Act. It will apply to all of Armidale Dumaresq and will be Council’s only local plan. The local government area is large geographically and has a range of natural and man-made features as well as urban and rural landuses. The Draft LEP will aim to effectively manage and conserve the resources of Council’s area while facilitating economic development and the provision of community facilities and services.

### 2.3 Draft Blueprint Action Integration Plan for the Northern Rivers Catchment

The Draft Blueprint Action Integration Plan (BAIP) (August 2004) prepared by the Northern Rivers Catchment Management Authority has been reviewed as part of preparing the Draft LEP. The Northern Rivers Catchment comprises the former Northern Rivers, Upper North Coast and Mid North Coast catchments. Armidale Dumaresq local government area lies mainly within the former Mid North Coast Catchment.

The draft BIAP has five Programs and for each program there are Catchment and Management Targets. Each Program also has a number of Themes which are addressed by Statements of Intent and Activities.

The Land Management Program includes the following targets that are relevant to Armidale Dumaresq and the LEP:

- Catchment Target: by 2012, mechanisms in place for effective landuse planning and management addressing human settlement, sustainable development, heritage and rural production issues in a natural resource management context.
- Management Target: by 2006 a framework in place that integrates land use planning with natural resource planning and management.
- Management Target: by 2005 all new urban development and settlement planned in accordance with urban settlement strategies, and by 2012 water managed efficiently and sustainably in all urban areas.
- Management Target: by 2005 all new rural settlement planned in accordance with rural settlement strategies.

The Statements of Intent for relevant Themes under the Land Management Program and their relationship to preparation of the Draft LEP are included in *Table 2.1*.

The Draft LEP aims to achieve effective landuse planning and management. This is an ongoing process as circumstances change and more information becomes available and it is expected that the new LEP will be reviewed within 5 years of its gazettal to ensure it is still being effective.

Preparation of the Draft LEP has taken into consideration natural, social and economic factors and attempted to identify preferred landuse by integrating and balancing these factors.

The Draft LEP is a single plan for the local government area which allows for greater strategic analysis and integration of all factors affecting landuse. While it is not on a catchment basis, it is nonetheless applicable to a substantial part of the Macleay catchment.

Preparation of the Draft LEP has considered matters raised in the Themes and Statements of Intent for the Land Management Program in the Draft BAIP. However, it has not been able to strictly comply with the Activities since these are dependent on further work under the Draft BAIP.

**Table 2.1 Draft Blueprint Action Integration Plan and the Draft LEP**

Theme and Statement of Intent	Relationship with Draft LEP
<p><b>THEME 1</b> – Best practice urban and rural residential settlement.  <b>Statement of Intent</b> – future urban and rural residential settlement across the Northern Rivers to be in accordance with best practice.  <b>Activities</b></p> <ol style="list-style-type: none"> <li>1. facilitate the review and amendment of DIPNR Rural Settlement Guidelines and Urban Settlement Guidelines.</li> <li>2. implement through policy and regulations by Local Government (LEP Development in existing and new local government councils).</li> <li>3. monitor and review implementation and report.</li> </ol>	<p>The Draft LEP identifies new and future residential and rural residential areas based on consideration of relevant factors (refer to <i>Section 5: Residential development</i> and the <i>Armidale Dumaresq Rural Residential Study (2004)</i>).</p>
<p><b>THEME 2</b> – Integrated natural resource management/land use planning  <b>Statement of intent</b> – integrate natural resource management planning into land use planning processes and identify/seek opportunities for improved NRM outcomes.  <b>Activities</b></p> <ol style="list-style-type: none"> <li>1. identify the range of natural resources and environmental management plans and integrate into regional and local planning through existing legislative frameworks.</li> <li>2. develop indicators to assess current state of land use planning and the effectiveness of coordination between land use and natural resource management plans.</li> <li>3. identify opportunities for improved NRM outcomes in identified areas and introduce suitable planning measures.</li> <li>4. identify, protect and manage important sites, features and areas of Non-Aboriginal cultural heritage that have links to the past and present use of natural resources.</li> <li>5. monitor and review implementation and report.</li> </ol>	<p>The Draft LEP considers issues relating to:</p> <ul style="list-style-type: none"> <li>▪ Biodiversity (refer to <i>Section 9: Environment Protection</i>)</li> <li>▪ Rivers (refer to <i>Section 9: Environment Protection</i>)</li> <li>▪ Aboriginal Cultural Heritage (refer to <i>Section 12: Heritage</i>)</li> </ul>
<p><b>THEME 3</b> – Protection of agricultural land  <b>Statement of intent</b> – protection of agricultural land from urban and residential growth.  <b>Activities</b></p> <ol style="list-style-type: none"> <li>1. develop criteria to identify the areas of agricultural land which needs to be conserved for future agricultural use.</li> <li>2. map the agricultural reserve boundaries at a cadastral level.</li> <li>3. introduce formal regional and local planning measures to protect and exclude important agricultural land from urban or rural residential development.</li> <li>4. monitor and review implementation and report.</li> </ol>	<p>The protection of agricultural land in the rural and rural residential areas has been taken into consideration in determining suitable zonings and development controls (refer to <i>Section 10: Rural Lands</i> and the <i>Armidale Dumaresq Rural Residential Study (2004)</i>).</p>
<p><b>THEME 4 – Defining future urban and residential growth areas</b>  <b>Statement of intent</b> – define future urban and residential growth areas in accordance with environmental and agricultural limiting factors.  <b>Activities</b></p> <ol style="list-style-type: none"> <li>1. identify and map geographical areas that should never be available for urban and rural residential settlement. (Utilise available natural land attribute mapping and NRM planning as base information to develop regional settlement plans).</li> <li>2. identify critical population limiting factors for each urban area.</li> <li>3. introduce formal regional and local planning measures to give formal statutory protection to mapped areas.</li> <li>4. monitor and review implementation and report.</li> </ol>	<p>Future urban and residential growth areas have been identified in accordance with environmental and agricultural limiting factors as well as other determinants such as projected demand and availability of infrastructure (refer to <i>Section 5: Residential Development</i> and the <i>Armidale Dumaresq Rural Residential Study (2004)</i>).</p>

**Table 2.1 Draft Blueprint Action Integration Plan and the Draft LEP, continued**

Theme and Statement of Intent	Relationship with Draft LEP
<p><b>THEME 7 – Mapping and determination of priority land degradation areas and issues (hotspots)</b>  <b>Statement of intent</b> – determine priority land degradation areas and issues (hotspots) through land resource mapping.  <b>Activities</b></p> <ol style="list-style-type: none"> <li>1. complete Land Resource mapping of the NR area.</li> <li>2. determine priority land degradation areas and issues (hotspots) based on land resource mapping.</li> <li>3. review and refine determined Blueprint priority hotspots in accordance with land resource mapping.</li> </ol> <p><i>Priority Land Management Hotspots determined via blueprint process</i>  <b>Mid North Coast</b>  <i>Areas – coastal and tablelands</i>  <i>Issue and industry – sustainable grazing, urban water, roadside erosion, extractive industry.</i></p>	<p>Priority Land Management Hotspots (areas and issues) identified for the Mid North Coast included sustainable grazing on the Tablelands. The draft LEP provisions for the general rural zone includes development standards for subdivision and erection of a dwelling based on ensuring that agriculture is sustainable eg differentiates between extensive (eg. grazing) and intensive agriculture; requires farm management assessments to be submitted with a development application in most instances.</p>

## 2.4 Recommendations

It is recommended that the aims and objectives of the Draft LEP reflect the guiding principles of Ecologically Sustainable Development and the objects of the EPA Act 1979.

## 3. POPULATION PROJECTIONS

### 3.1 Introduction

Armidale Dumaresq has an area of approximately 4,235 square kilometres of which approximately 20% is either National Parks and Nature Reserves or State Forest estate. In 2001, the population of the local government area was 24,134, with most (84%) people living in Armidale. The remainder of the population mainly resided in semi-rural areas surrounding Armidale. The sparsely settled rural areas are predominantly occupied by large holdings used for wool and beef production and include the villages of Hillgrove, Wollomombi and the southern part of Ebor. The population of these villages, which are relatively small, is not available from the Australian Bureau of Statistics (ABS) Census information since the villages are included in Collector Districts considerably larger in area than the villages themselves.

Planning schemes make provision for the likely future demand for land to accommodate different types of development. For the Draft LEP the estimated land demand up to 2021 (17 years) is considered to be an appropriate timeframe for not only determining the amount of land that may be required in the future but also the most suitable locations for development to occur.

In this Section the likely demand for land is based on projected changes in population as well as other factors such as trends in household formation and settlement patterns. This is similar to the approach adopted by the Armidale Dumaresq Planning Strategy (1995) which estimated future land requirements for Armidale and surrounding semi-rural areas.

The following information is mainly derived from Census data (ABS) at the local government level over the previous twenty years. During this period the Armidale Dumaresq local government area was formed from amalgamating the former Armidale City and Dumaresq Shire Councils in February 2000. A reference in this Section to Armidale means the former Armidale City and a reference to Dumaresq is a reference to the former Dumaresq Shire. Armidale Dumaresq refers to the current local government area.

### 3.2 Population growth

#### 3.2.1 Previous population trends

To assist in determining population projections up to 2021, the population growth rates over the past 20 year period have been taken into consideration. *Table 3.1* indicates the population of Armidale Dumaresq from 1981 to 2001 and *Tables 3.2* and *3.3* show the average annual growth rates during this period.

Between 1981 and 2001 the population of Armidale Dumaresq increased by 1,134 or an average of 0.25% per annum. Population growth was not consistent during this period or across the local government area:

- the population of Armidale increased between 1981 and 1991 by an annual average rate of +1.17% and thereafter declined to 2001 by -0.62%.
- the rural and rural residential areas immediately surrounding Armidale experienced steady population growth (+1.93% p.a.) between 1991 and 2001. This trend reflects the increase in rural residential subdivision which occurred in this area during the 1990's.
- the outlying rural areas in Dumaresq experienced a steady decline (-1.12% p.a.) in population between 1991 and 2001.

**Table 3.1: Population of Armidale Dumaresq, 1981-2001**

Area	Population				
	1981	1986	1991	1996	2001
<b>Armidale</b>	<b>19,350</b>	<b>20,660</b>	<b>21,605</b>	<b>21,330</b>	<b>20,271</b>
Dumaresq Inner Area*			1,736	1,904	2,071
Dumaresq Outer Area* (including Ebor, Hillgrove, Wollomombi)			2,018	1,931	1,792
<b>Dumaresq</b>	<b>3,650</b>	<b>3,720</b>	<b>3,754</b>	<b>3,835</b>	<b>3,863</b>
Armidale and Dumaresq Inner Area			23,341	23,234	22,342
<b>Armidale Dumaresq</b>	<b>23,000</b>	<b>24,380</b>	<b>25,359</b>	<b>25,165</b>	<b>24,134</b>

Source: ABS Population Census

\* Population includes overseas visitors.

\* Dumaresq Inner Area refers to the area approximately 10 minutes drive to Armidale

\*Note: Dumaresq Shire Outer = Collector Districts 1051701-3, and 1052804\*, 1052806\*, 1052802-3\*, 1052805\*, 1052807\* (\*formerly 051704, 051705, 051706, 051707, 051708, 051710 (1991)).

Dumaresq Shire Inner = Collector Districts 1051704-7\*, 1052801\* (\*formerly 051709, 051711-14 (1991)).

**Table 3.2: Annual Population Change, Armidale Dumaresq, 1981 - 2001**

Area	Annual % Population Changes			
	1981 - 1986	1986 - 1991	1991 to 1996	1996 - 2001
<b>Armidale</b>	<b>+1.35</b>	<b>+0.91</b>	<b>-0.25</b>	<b>-0.99</b>
Dumaresq Inner Area			+1.94	+1.75
Dumaresq Outer Area			-0.86	-1.44
<b>Dumaresq</b>	<b>+0.38</b>	<b>+0.18</b>	<b>+0.43</b>	<b>+0.15</b>
Armidale and Dumaresq Inner Area			-0.09	-0.77
<b>Armidale Dumaresq</b>	<b>+1.20</b>	<b>+0.80</b>	<b>-0.15</b>	<b>-0.82</b>

**Table 3.3: Average annual growth rates, 1991 – 2001**

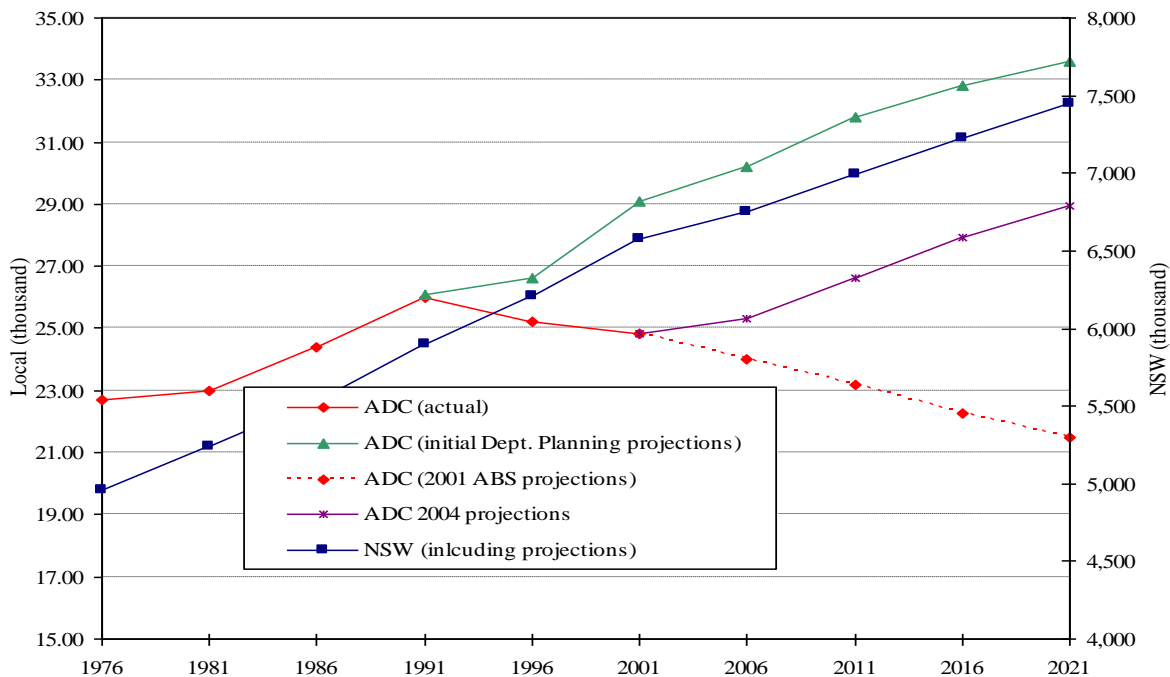
Area	Average Annual population growth (%)
<b>Armidale</b>	<b>-0.62</b>
Dumaresq Inner Area	+1.93
Dumaresq Outer Area	-1.12
<b>Dumaresq</b>	<b>+0.29</b>
Armidale and Dumaresq Inner Area	-0.43
<b>Armidale Dumaresq</b>	<b>-0.48</b>

The overall decline in population in recent years can be at least partly attributed to the economic difficulties of the 1990's in New England that were associated with a national recession, poor seasonal conditions, weak rural commodity markets and industry and government restructuring. The drought, the downturn in the rural resource sector (which was evidenced locally by the temporary closure of Hillgrove mine) and major restructuring at the University of New England (the area's main employer) no doubt contributed to the overall decline in the local population during the 1990's.

### 3.2.2 Projected population

In terms of future population trends, projections have been provided by the ABS in 2001 and the NSW Department of Planning in 1994 and are shown in *Figure 3.1*. The revised population projections for the local government area over the next 15 years by the ABS were included in its Regional Profile information. The ABS projections indicate a continuing decline in the area's total population based on the downturn in the 1990's. These are in marked contrast to the graphed 1994 "medium level" population projections developed by the NSW Department of Planning at that time, which saw the area continuing to grow to around 33,000 people by 2016.

**Figure 3.1: Population Trends and Projections, Armidale Dumaresq and NSW, 1976-2021**



Source: ABS (1976 and 2001, Regional Profile) and NSW Dept of Planning (1994)

Predicting population trends in regional centres is difficult given the uncertainties associated with economic decisions made at the international and national levels and climatic factors.

Over the past two years there have been changes in some of the factors that influence population growth. These changes include signs of possible future improvements in local economic conditions as evidenced by several multi-million dollar developments in the Armidale CBD and a recovery in the area's education, research and development role, particularly in the rural sector. There has also been a period of relative stability at the University of New England. During 2002 and 2003 there was renewed activity in the local housing market and growth in the number of students at the University of New England. The latest ABS inter-censal estimate of resident population issued in April 2002 was 24,804, representing a decrease of only 3 persons from the equivalent 2001 figure.

Council has also initiated the formation of the Economic Development Group and Armidale Regional Tourism Inc. to provide a framework for a proactive approach to both segments of the Armidale economy and have identified several projects which have commenced. Council's economic development strategy includes development policy initiatives to foster economic development and jobs growth in the area with the aim of attaining a district population of 30,000 by 2010.

Based on the above, it is considered that the outlook could be more positive than the 2001 ABS population projections would suggest.

The following population growth scenarios have been developed to assist in projecting the likely population for Armidale Dumaresq up to 2021. These growth rates are based on trends experienced during the previous 20 years:

- Low growth of -0.5% p.a. This is the annual average growth rate experienced between 1991 and 2001.
- Medium growth rate of 1.0% p.a., which is similar to the last positive growth rate experienced in Armidale Dumaresq of 1.03% between 1981 and 1991.
- High growth rate of 2.7%. This growth rate would result in the population of the Armidale district reaching 30,000 by 2010 which is an objective of Council's economic development strategy.

The changes in population under the different growth scenarios up to 2021 are shown in *Table 3.4*.

**Table 3.4 Projected population growth for Armidale Dumaresq under "low", "medium" and "high" growth scenarios, 2001 - 2021**

Scenario	Average population growth	2001	2006	2011	2015	2021	Change 2001 - 2021
Low	-0.5% p.a.	24,134	23,531	22,927	22,324	21,721	-2,413
Medium	1.0% p.a.	24,134	25,341	26,608	27,938	28,961	4,827
High	2.7% p.a.	24,134	27,392	30,650	33,908	37,166	13,032

As previously noted, it appears that there is some evidence of a turnaround in the trend over the past 10 years of a declining population, particularly in Armidale. There is also evidence of a strong local commitment to fostering economic growth. It is therefore considered reasonable to adopt a moderate population growth rate for the purpose of predicting future land requirements.

Monitoring development activity and reviewing population figures from future Census will provide a check against the projections adopted in preparing the Draft LEP. Where there is significant variance from predicted trends, the new LEP may need to be amended accordingly.

The recommended projected population is based on the medium growth rate scenario of 1.0% p.a. identified above. This rate would apply to Armidale Dumaresq. However, this is unlikely to be uniform across the local government area. The trend over the past 10 years in the rural areas surrounding Armidale of continuing population growth (average 1.93% p.a.) is considered likely to continue but at a slightly lesser rate. For the purposes of this Report the rate adopted is 1.8% p.a. Also the declining population trend (average -1.12% p.a.) in the rural areas is considered likely to persist. Within the context of an overall population growth rate for Armidale Dumaresq of 1.0% p.a., this would result in an average population increase of 1.09% p.a. for Armidale. The projected populations for the rural and urban areas of Armidale Dumaresq based on these population growth rates are shown in *Table 3.5*.



**Table 3.5: Projected population, Armidale Dumaresq, 2021**

	Average growth rate (% p.a.)	Population 2001	Population 2021	Change 2001 - 2021
Armidale	1.1	20,271	24,728	4,457
Dumaresq Inner Area	1.8	2,102	2,859	757
Dumaresq Outer Area	-1.1	1,761	1,374	- 387
<b>Armidale Dumaresq</b>	<b>1.0</b>	<b>24,134</b>	<b>28,961</b>	<b>4,827</b>

The population projections in *Table 3.5* can be used to determine the likely future demand for land for different types of development. This demand along with other factors such as settlement patterns and the suitability of the land for different types of development is combined to identify landuse zones and appropriate development standards in the Draft LEP.

### 3.3 Demographic characteristics

Some of the main demographic characteristics and issues for Armidale Dumaresq include:

- a) There are significantly higher proportions of people in Armidale Dumaresq in the 10-24 year age groups, being almost 30% of the total population, compared with an equivalent State figure of only 19.4%. These statistics are also reflected in lower percentages of married people than the State average.
- b) Armidale Dumaresq's Indigenous community at 1,241 persons or 5.19% of the 2001 population, is also two and a half times the equivalent State figure. Moreover, the proportion of Indigenous people in our community has grown by 44% (378 persons) since 1991, in a decade of overall population decline.
- c) Over 86% of the population were born in Australia and over 92% speak English at home. Both figures exceed State averages by over 15%.
- d) For Armidale Dumaresq, the 2001 Census recorded that 39% of the community were undertaking some form of study at an educational institution, with the equivalent figure for NSW as a whole only 25%. The population is also relatively well-educated in terms of both schooling and higher education.
- e) Median levels of income, housing loans and rents are below State medians.
- f) Armidale has a higher proportion of rental accommodation than for the State, reflective of the younger population profile mentioned above. While 77% of the population live in detached housing, the trend towards smaller household sizes over time is pronounced, in line with State and national trends.
- g) Armidale Dumaresq's workforce has a more pronounced 'white collar' composition than for the State as a whole.

### 3.4 Recommendations

- Based on previous trends and recent indicators and initiatives relating to economic development, that a moderate growth rate up to 2021 be adopted as the basis for determining the demand for land for different types of uses.

- A growth rate of 1.0% per annum be adopted for the local government area but the following rates apply within Council's area:
  - Armidale urban area: 1.1%
  - Semi-rural areas surrounding Armidale: 1.8%
  - Rural areas: -1.1%.

## 4. CONSTRAINTS

Natural features or events and human activities can pose constraints to different types of landuses. Some of the constraints can be absolute or partial depending on their nature and the types of development likely to be affected. This Section considers the constraints listed below. Other limitations to landuse are also considered elsewhere in this Report where they may influence the types of development and where they may occur.

The constraints that are considered in this Section that may affect the type or location of development are:

- Bushfire prone land
- Flood prone land
- Contaminated land
- Land in the vicinity of the Armidale Regional Airport and the Wastewater Treatment Plant.

### 4.1 Bushfire

#### 4.1.1 Recent legislation

On 1 August 2002, the Rural Fires and Environmental Assessment Legislation Amendment Act 2002 came into force. It amended both the EPA Act 1979 and Rural Fires Act 1997. To complement these changes the Minister for Planning issued a new section 117 Direction, G20 – Planning in Bushfire Prone Areas.

Under the legislation Councils are required to have Bushfire Prone Land (BPL) maps to use for planning and development control. In 2003 the NSW Rural Fire Service (RFS) provided Council with a BPL map certified by the Commissioner of the RFS.

The new section 117 direction directs all councils to exercise their functions under Part 3 of the EPA Act 1979 in relation to the preparation of a Draft LEP in accordance with the new Direction G20 - Planning for Bushfire Protection. Compliance of the Draft LEP with the provisions of G20 – Planning in Bushfire Prone Areas is considered in *Table 4.1*.

#### 4.1.2 Planning for Bushfire Protection (planningNSW, 2001)

Councils are required to use Planning for Bushfire Protection 2001 (planningNSW, 2001) when preparing draft LEPs and when assessing developments.

The document suggests that Councils include objectives and criteria within their LEPs to ensure that developments are adequately protected from bushfire and that impacts from protection measures do not cause unreasonable environmental damage.

Planning for Bushfire Protection identifies two main options for when a draft LEP affects a bushfire prone area. The options are excluding certain types of development or applying planning controls.

The document includes examples of developments which are unlikely to be restricted, developments which are likely to be of concern and those developments which should not be permitted on bushfire grounds. Developments on bushfire prone land that are identified as being of concern include those that are impacted upon by bushfires and require consideration before proceeding. They include:

- development where people live or work and which may require evacuation confines (eg. dwellings, places of assembly, rural landsharing communities, schools, commercial and retail premises)
- developments which can create control difficulties within their confines (eg. bulk stores of flammable material, stock and sale yards, warehouses, plantations, waste disposal and landfill depots).

Table 4.1: Draft LEP and Section 117 direction G20 – Planning in Bushfire Prone Areas

G20 - Planning in Bushfire Prone Areas	Draft LEP provisions
<p><i>Objectives</i></p> <ul style="list-style-type: none"> <li>• to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas.</li> <li>• To encourage sound management of bush fire prone areas.</li> </ul>	
<p>This direction applies to councils when preparing a draft LEP for land that is identified as bush fire prone on a bush fire prone land map.</p>	Noted.
<p>A bush fire prone land map is a map with the same meaning as in section 146 of the Act, or until such a map has been certified by the Commissioner of the NSW Rural Fire Service (RFS), a map referred to in Schedule 6 of the Act.</p>	Noted.
<p>A council must, in the preparation of a draft LEP:</p>	
<ol style="list-style-type: none"> <li>1) Consult with the Commissioner of the NSW RFS under section 62 of the Act, and take into account any comments so made;</li> <li>2) Have regard to Planning for Bushfire Protection 2001; and</li> <li>3) Where development is proposed, comply with the following provisions, as appropriate: <ol style="list-style-type: none"> <li>a) Provide an Asset Protection Zone (APZ) incorporating at a minimum: <ol style="list-style-type: none"> <li>i) An Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property; and</li> <li>ii) An Outer Protection Area managed for hazard reduction and located on the Bushland side of the perimeter road;</li> </ol> </li> <li>b) or infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW RFS. If the provisions of the draft LEP permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with;</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1) The NSW RFS was consulted under section 62 of the Act. The NSW RFS was advised of Council's decision to prepare the draft LEP and invited to provide comments. The RFS advised (19 September 2002) that Councils should prepare Bush Fire Prone Land Maps to be included within the LEP and that preparation of a draft LEP should consider paragraphs (2) and (3) of the Section 117 direction G20 – Planning for Bushfire Protection. Their response is considered under 4.1.3 <i>Comments from public authorities.</i></li> <li>2) Refer to 4.1.2 <i>Planning for Bushfire Protection (2001)</i></li> <li>3) Recommend that the matters identified in paragraphs (3) (a) – (g) be included in the Draft LEP.</li> </ol>

**Table 2: Draft LEP and Section 117 direction G20 – Planning in Bushfire Prone Areas, continued**

G20 - Planning in Bushfire Prone Areas	Draft LEP provisions
<ul style="list-style-type: none"> <li>c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks;</li> <li>d) contain provisions for adequate water supply for firefighting purposes;</li> <li>e) minimise the perimeter of the area of land interfacing the hazard which may be developed;</li> <li>f) introduce controls which avoid placing inappropriate developments in hazardous areas;</li> <li>g) introduce controls on the placement of combustible materials in the Inner Protection Area; and</li> <li>h) ensure that bushfire hazard reduction is not prohibited within the APZ.</li> </ul>	<p>The BPL maps have been used to assist in identifying areas that would unsuitable for small rural holdings (refer to <i>Armidale Dumaresq Rural Residential Study, 2004</i>).</p> <p>It is recommended that development for the purposes of “bushfire hazard reduction” may be carried out without consent in all zones. Refer to <i>4.1.3 Bushfire hazard reduction</i>.</p>
<p>If the draft local plan does not comply with the provisions listed in paragraph 3, the council must obtain written advice from the Commissioner of the NSW RFS, to the effect that, notwithstanding the non-compliance, the NSW RFS does not object to the progression of the draft LEP.</p>	<p>It is considered that the draft plan would comply with the provisions of paragraph 3. However, the draft plan should be referred to the NSW Rural Fire Service for their comments.</p>

It is recommended that these types of development on BPL should require consent so that the impact of bushfire on the development may be assessed. BPL in Armidale Dumaresq is located in the rural areas and has been used as a constraint when identifying appropriate locations for small rural holdings zones.

Developments which should not be permitted on bushfire prone land include those that may start bushfires or are a potential hazard to adjacent areas or to firefighters if they are impacted upon by bushfires. Planning for Bushfire Protection identifies these types of development as:

- power generating works
- sawmills
- junkyards
- liquid fuel depots
- offensive and hazardous industries
- chemical industries
- service stations
- ammunition storage/dumps
- fireworks manufacture/storage.

It is recommended that the Draft LEP prohibit development identified in Planning for Bushfire Protection as development which should not be permitted on bushfire prone land.

The planning principles for bushfires contained in the Planning for Bushfire Protection are similar to those in the Section 117 Direction G20 – Planning in Bushfire Prone Areas and include the additional requirement that the draft LEP should not be prepared unless it is justified by an environmental study. Preparation of the draft LEP does not include an environmental study. However, this Section considers the issue of development on bushfire prone areas within Armidale Dumaresq and makes recommendations as to how it will be addressed in the Draft LEP.

#### **4.1.3 Bushfire hazard reduction**

There are provisions for bushfire hazard reduction in both the Rural Fires Act 1997 and the EPA Act 1979. Under the Rural Fires Act 1997 “bush fire hazard reduction work” means:

- a) the establishment or maintenance of fire breaks on land, and
  - b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,
- but does not include construction of a track, trail or road.

The Act also prevents a draft LEP from prohibiting or requiring development consent for:

- emergency bush fire hazard reduction work on any land,
- managed bush fire hazard reduction work on land other than excluded land (there is no excluded land within Armidale Dumaresq), or
- emergency fire fighting act.

Under the EPA Act 1979, SEPP No. 4 – Development Without Consent and Miscellaneous Exempt and Complying Development defines bush fire hazard reduction as a reduction or modification (by controlled burning or by mechanical, chemical or manual means) of material that constitutes a bush fire hazard. Development for the purpose of bushfire hazard reduction may be carried out without consent if:

- a) the development is consistent with a bush fire management plan referred to in section 52 of the Rural Fires Act 1997 that applies to the area or locality in which it is proposed to carry out that development, and
- b) the development does not include the clearing, within the meaning of clause 7 of SEPP No. 14 – Coastal Wetlands, of land to which that Policy applies (SEPP No. 14 does not apply to Armidale Dumaresq).

The Bush Fire Risk Management Plan (Armidale Dumaresq Bush Fire Management Committee, September 2001) identifies reducing the hazard as one of the options for minimising bushfire risk.

The main difference between the definition for “bushfire hazard reduction” in the Rural Fires Act 1997 and SEPP No. 4 is that the former does not include construction of a track, trail or road. In general, Council would only require development consent for construction of a road where it connects to a public road. Internal roads on a property would not require consent but may be subject to Part 5 of the EPA Act 1979. It is therefore recommended that the Draft LEP adopt the definition of “bushfire hazard reduction” from SEPP No. 4.

Under the Rural Fires Act 1979 a bushfire hazard reduction certificate is required to carry out bushfire hazard reduction. It is considered duplication to also require development consent from Council. Therefore, it is recommended that “bushfire hazard reduction” be able to be carried out without development consent within Armidale Dumaresq.

#### 4.1.4 Comments from NSW Rural Fire Service

The RFS provided comments in its submission on the Preliminary Plan which are considered in *Table 4.2*.

**Table 4.2: Consideration of comments from RFS on the Preliminary Plan**

RFS comments	Consideration
LEP should include a reference to the need to comply with Planning for Bushfire Protection 2001 for development on bush fire prone land.	Considered unnecessary since under Section 79BA of the EPA Act 1979 a consent authority cannot grant consent to development on bushfire prone land unless the consent authority is satisfied that the development conforms to the specifications and requirements of Planning for Bushfire Protection 2001 or another document prescribed by the regulations.
A clause to be included in the LEP that provides for 20 metre Asset Protection Zones on properties that are not identified on the Bushfire Prone Land Map but may still be susceptible to bushfire.	Suggest that the clause not be included in the Draft LEP. The BPL maps map bushfire prone land. The concern is that Council would be required to determine if the land “may be susceptible” to bushfire without the expertise to form such an opinion. Alternatively Council could refer its development applications to the RFS to determine if the clause would apply.
Development on bushfire prone land that will result in any type of building that can be used for residential purposes will require consent, ie itinerant workers dwellings.	Itinerant workers dwellings are defined as the use of an existing dwelling by itinerant workers engaged in agriculture. Question the need for development consent given the dwelling exists and occupation of any other existing dwelling that may have been left vacant for some time does not require development consent. Also, by its nature it is only likely to be temporarily occupied.

## 4.2 Flooding

### 4.2.1 State Guidelines and Policies

The current manual from the State Government is the Floodplain Development Manual (1996). In 2001 the Floodplain Management Manual: the Management of Flood Liable Land (NSW Government) was released but has yet to be gazetted. The DIPNR has advised that the Draft LEP should adopt aspects of the 2001 Manual. The principles in the 2001 Manual are similar to those in the 1996 version but they are enhanced. It recognises the need to consider the full range of flood sizes, up to and including the probable maximum flood (PMF), but acknowledges that such rare floods should not preclude or unnecessarily hamper development. The 2001 Manual also introduces new terminology replacing the current definitions for flood prone land and the like and includes a freeboard component for land which may be described as being subject to flooding.

The NSW Government's Flood Prone Land Policy does not support the use of zoning to unjustifiably restrict development simply because land is flood prone. An underlying principle of the Flood Prone Land Policy is that where possible, efforts should be made to enhance the existing environmental and ecological situation and to have minimal adverse environmental impact to the natural flooding cycles of the floodplain through the construction of flood modification measures.

### 4.2.2 Armidale Floodplain Management Study (November 1994) and Armidale Floodplain Management Plan (July 1998)

The Armidale Floodplain Management Study (Lyll & Macoun Consulting Engineers, November 1994) included a draft Floodplain Management Plan for Armidale which was adopted by Council in July 1998.

The Armidale Floodplain Management Plan recommended flood mitigation measures, including zoning and building controls, to reduce potential losses. The Plan recommended the following amendments be made to Armidale LEP 1988:

Under Aims, objectives of the plan include the following objective:

*"to reduce the incidence of damages and hazard in areas subject to flooding by restricting development on flood liable land"*.

Under Definitions include:

*"Designated flood" means the flood level established by the 1% AEP flood, as determined by Council*

*"flood liable land" means that land inundated by the Designated flood*

*"floodway" means areas within the bounds of the designated flood:*

- a) *within which human life could be at risk from the passage of floodwaters and the difficulty of evacuation to flood free land, or*
- b) *which are the main flowpaths of floodwaters once the main channel has overflowed, or*
- c) *in which development may adversely affect the behaviour or passage of floodwaters, or*
- d) *in which development may be adversely affected by the passage of floodwaters, other than by immersion.*

*"Flood fringe" means that land outside the floodway which is subject to inundation by the Designated Flood.*



Include the following clause:

***Development on flood liable land***

- 1) *A person shall not carry out filling or construction of levees on flood liable land except with the consent of the council*
- 2) *A person shall not erect a building or carry out work or carry out planting or removal of vegetation on flood liable land unless the council is satisfied that the flood hazard is not increased. In particular:*
  - a) *The development would not unduly restrict the flow characteristics of floodwaters, and*
  - b) *The development would not unduly increase the level of flooding on other land in the vicinity, and*
  - c) *The structural characteristics of any building or works, the subject of the application, are capable of withstanding flooding, and*
  - d) *The building is adequately floodproofed.*
- 3) *The council shall not grant consent required by this clause unless it has taken into consideration:*
  - a) *The cumulative effect of the development on flood behaviour, and*
  - b) *The risk of pollution to the waterways caused by the development, and*
  - c) *The availability of floodfree access to the development.*
- 4) *The council may require floors of habitable rooms of a building to be erected at a height which is sufficient, in its opinion, to obviate the frequent flooding of the building.*

The Floodplain Management Study also recommended that specific flood levels should not be included in the LEP as the document would need to be re-written should they be revised in the future. Rather, reference may be made in the LEP to the “flood maps and levels in possession of Council”. In terms of rezonings of land within the floodplain the Plan recommends that Council not support rezoning requests which, once development has occurred, would result in an increase in the potential for personal and/or property damage.

The Floodplain Management Plan also recommended as part of its implementation the option of a voluntary purchase scheme of flood affected residential properties upstream of the railway on Martins Gully.

### **3.2.3 Armidale Flood Mitigation Study (1999)**

The Armidale Flood Mitigation Study (Armidale City Council, December 1999) followed on from the Armidale Floodplain Management Study (1994). It analysed the effects of flooding on all buildings within the floodplains of Dumaresq Creek, Martins Gully, Black Gully and Unnamed Gully (now Yoogoonda Gully) and used updated hydrological and hydraulic information (HEC-RAS Model) to identify flood liable properties. In total the Study concluded that 30 residential and 20 commercial premises in Armidale are affected by the 1% AEP flood event.

Recommendations of the Study that have implications for the Draft LEP are:

- The 1% AEP flood levels identified by the HEC-RAS Model be used by Council for planning purposes.
- Three (3) residences along Martins Gully and residence at 67 Niagara Street subject to high hazard flooding in a 1% AEP flood event be voluntarily acquired.

Mapping of the 1% AEP flood levels identified by the HEC-RAS Model was completed in June 2004. Proposed zonings and landuses in the Draft LEP take into account the affect of flooding on development within the floodplain to ensure that future development will not result in an increase in the potential for personal and/or property damage.

Three of the properties identified for voluntary acquisition have now been acquired by Council. The properties are located at 20 – 24 Shambrook Avenue and are zoned Residential 2 under Armidale LEP. At the time of preparing this Report there has not been a final decision on the future use of these properties. Any decision on future use of the land would require the agreement of the DIPNR as the purchase of the properties was assisted with funding from the former Department of Land and Water Conservation. It is recommended that the land be zoned for urban agriculture. This would allow a range of uses that would not be adversely impacted upon by flooding. The property at 67 Niagara Street is zoned Reservations 9 under Armidale LEP 1988, which under the circumstances is considered appropriate.

#### 4.2.4 Zoning and land subject to flooding in Armidale

Comments from the Department of Infrastructure, Planning and Natural Resources (2 October 2003) include suggestions that seek to deliver the intent of Council's 1998 Floodplain Management Plan while using the terminology contained in the 2001 Floodplain Management Manual. Consideration of the Department's suggestions is contained in *Appendix C*. The following terminology has been adopted by the Draft LEP based on the 2001 Floodplain Management Manual:

- **Flood prone land** means land that is susceptible to flooding by the probable maximum flood event as shown on maps held in the office of council.
- **Flood planning area** means the area of land below the flood planning level.
- **Flood planning level** means the flood level established by the 1% AEP flood level plus 0.5 metres freeboard, as shown on the flood planning maps held in the offices of Council.
- **Flood proofing** means a combination of measures incorporated in the design, construction and alteration of individual buildings or structures, to reduce or eliminate flood damages. The filling of the site, use of flood compatible building components and provision of waterproof shutters across openings are example of flood proofing.
- **Flood safe access** means the ability for people to safely evacuate an area subject to imminent flooding and without a need to travel through areas where water depths increase.
- **Flood risk** means potential danger to personal safety and potential damage to property resulting from flooding.
- **Freeboard** means a factor of safety used to compensate for uncertainties in the estimation of flood levels across the floodplain.

The Armidale Floodplain Management Study (1994) recommended that specific flood levels should not be included in the LEP but that a reference may be made in the LEP to "flood maps and levels in possession of Council". In terms of rezonings of land within the floodplain the Armidale Floodplain Management Plan recommends that Council not support rezoning requests which, once development has occurred, would result in an increase in the potential for personal and/or property damage.

In the Draft LEP it is not proposed to zone new areas for residential, business or industrial uses where the HEC-RAS Model flood mapping indicates the land is below the Flood Planning Level (ie. 1% AEP flood event plus 0.5 metre freeboard). Where it is proposed to change the zoning of land below the Flood Planning Level appropriate new zonings include rural and open space zones depending on the characteristics and proposed use of the land.

#### **4.2.5 Land subject to flooding in rural areas**

Outside the urban area of Armidale detailed information on flooding is not available. The Draft LEP could include broad objectives based on provisions for development on land subject to flooding in rural areas, for example requiring a flood analysis for habitable buildings within a certain distance of a watercourse. However, the characteristics of watercourses vary considerably across the local government area and consequently the likelihood of flooding on land in the vicinity of a watercourse. Under these circumstances it is considered difficult if not impractical to nominate a distance from a watercourse within which a flood analysis would be required.

The requirements for when development consent is needed and the provisions of the EPA Act 1979 ensure that the impact of flooding in rural areas can be taken into consideration for most development within 40 metres of a watercourse. During the assessment process the likelihood of flooding and the need for a flood analysis can be determined. Where the development involves excavations or affects the flow of water in a stream, river, lake or lagoon, it becomes Integrated Development under the EPA Act 1979 and requires an additional approval (permit) from DIPNR under the Rivers and Foreshores Improvements Act 1948.

To supplement these requirements for development within 40 metres of a watercourse it is suggested that a general clause be included in the Draft LEP which requires consideration of the effects of flooding on development in rural areas where Council is of the opinion that the development may be subject to flooding.

#### **4.2.5 Dambreak studies – Dumaresq and Malpas Dams**

Dambreak studies have been prepared for Dumaresq Dam (Dumaresq Dam Dambreak Study, NSW DPWS, March 2000) and Malpas Dam (Malpas Dam Dambreak Study for Armidale City Council, DPW, October 1994 and Malpas Dam Initial Risk Assessment, NSW DPW, 1996). The Malpas Dam Initial Risk Assessment Study includes Gara Dam which is downstream from Malpas Dam.

Adopting levels associated with a dambreak incident as flood planning levels is not considered to be feasible or economically or socially justifiable, particularly in the urban area of Armidale where substantial development has already occurred. However, in rural areas it is considered appropriate to prevent small lot rural residential subdivision and require development consent for habitable buildings or development which may contaminate floodwaters on land that would be affected by a dambreak. Properties in rural areas tend to be larger than those in urban areas and may have flood free land available for a development proposal. One of the factors in determining whether development consent should be granted is the warning time available for evacuating people and removing materials and property.

It is recommended that the Draft LEP include provisions for development on land subject to a Dambreak PMF, including the need for consideration of such factors as:

- the risk of pollution to the waterways caused by the development in the event of a dambreak,
- the availability of floodfree access to the development,
- the feasibility of evacuating people and removing materials and property, and
- alternative sites on the land that are suitable for the proposed development.

### 4.3 Contaminated land

Under clause 6 of SEPP No. 55 - Remediation of Land, a Draft LEP cannot include in a particular zone any of the land specified below if the inclusion of that land in that zone would permit a change of use of the land unless:

- Council has considered whether the land is contaminated;
- if the land is contaminated, Council is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used; and
- if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, Council is satisfied that the land will be remediated before the land is used for that purpose.

The land to which clause 6 applies is:

- land that is in within an investigation area declared under the Contaminated Land Management Act 1997
- land on which development for a purpose referred to in Table 1 of the contaminated land planning guidelines is being, or is known to have been carried out
- the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital – land:
  - In relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
  - On which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Council has prepared a Policy for Contaminated Land which includes a schedule of contaminated or potentially contaminated land in Armidale City. However, the schedule is not necessarily comprehensive or definitive and does not claim to deal thoroughly with the issue of contamination of properties adjacent to those listed. Likewise, inclusion of a property on the list does not necessarily imply the actual existence of contamination on the property. This can only be determined as a result of a sampling and analysis program.

At its meeting on 23 December 2002 Council considered a development application for remediation of contaminated land at the gasworks site and properties adjoining it along Beardy, Jessie and Dumaresq Streets. The development application, which Council granted consent to, included a remediation strategy involving capping and containment of contaminants on the gasworks site and capping of the residual land. It was recommended that to ensure the integrity of the proposed containment and capping strategy, that appropriate provisions be included in an LEP. Council resolved that:

Armidale Local Environmental Plan 1988 be amended to include provisions that:

- require consent for any development outside the containment cell that would penetrate the capping layer
- Council cannot grant consent to development on the site unless it has taken into consideration the impact of carrying out the development on human health and the environment resulting from the disturbance or exposure to potentially contaminated land on the site, and
- Prohibit development which would penetrate the containment cell, other than development comprising repair, maintenance or contingency works associated with the remediation strategy proposed in the development application.

At the time of preparing this Report, remediation works on the gasworks site and adjoining land had not commenced. Remediation of the gasworks site is also subject of a Voluntary Remediation Agreement under the Contaminated Land Management Act 1997 between Council and the Environment Protection Authority. The Agreement requires that the objectives for remediation are achieved by 4 December 2005. It is recommended that the Draft LEP include provisions relating to the proposed remediation of contaminated land at the gasworks site and land adjoining it in accordance with Council's resolution of 23 December 2003.

#### **4.4 Buffers or constraints on land in the vicinity of specific facilities**

Dumaresq LEP No. 1 has buffer areas for development surrounding Armidale's Wastewater Treatment Plant and Armidale Regional Airport to ensure their ongoing operation.

##### **4.4.1 Wastewater treatment plant**

It is proposed to retain the current provisions in Dumaresq LEP No. 1 for development in the wastewater treatment facility buffer on Grafton Road. The purpose of the provisions is to avoid landuse conflict between the facility and nearby development. The map identifies the buffer zone and the associated clause prohibits the erection of dwelling-houses, motels or caravan parks within the buffer zone.

##### **4.4.2 Armidale Regional Airport**

Under the current LEPs, Dumaresq LEP No. 1 includes provisions for:

- an Airport Buffer Zone around the Airport which includes limitations on the height of buildings or structures and requires consent for certain types of development within the buffer zone.
- limiting development within the ANEF (noise) contours, including consideration of the noise reduction and construction requirements of the relevant Australian Standard.

To ensure the ongoing safe and effective operation of the airport it is suggested that the Draft LEP retain the Airport Buffer Zone in the current LEP and include provisions relating to the following matters that would prevent or restrict development which may have an adverse impact on airport operations and air safety:

- Limitations on the types of development permitted within the Airport buffer zone to minimise the risk posed by obstacles to aircraft, for example preventing development which would increase the likelihood of birdstrikes.
- Requiring consultations with the Civil Aviation Safety Authority for developments that exceed height limits set by the Authority within the airport buffer zone and along the flight approaches to the airport.
- Evidence that a proponent has consulted with the Civil Aviation Safety Authority for tall structures (greater than 110 metres) irrespective of their location. This is consistent with the requirement of the Civil Aviation Safety Authority (CASA) for them to be notified of such a proposal and that they have assessed the effect of the development on aircraft operations.
- Considering the impact of lighting structures on aircraft operations in the vicinity of an aerodrome. Inappropriate lighting may cause confusion, distraction or glare to pilots in the air. The current guidelines are contained in CASA's Manual of Standards part 139 – Aerodromes, Chapter 9: Visual Aids Provided by Aerodrome Lighting.
- Restricting development that would be sensitive to aircraft noise in the vicinity of the Airport. In this respect the provisions of Section 117 Direction G16 Airport Noise should be adopted by the Draft LEP.

##### **4.4.3 Main northern railway**

The NSW Rail Infrastructure Corporation (15 July 2002) advised that noise and vibration issues should be considered when determining development applications and that appropriate provisions be included in an LEP. Similar advice was also received by the State Rail – Rail Estate (2 August 2002).

The *Interim Guidelines for Councils – Consideration of Rail Noise and Vibration in the Planning Process* (Rail Infrastructure Corporation and State Rail Authority, November 2003) provides information on likely noise and vibration impacts and preventative measures. The Guidelines:

- Suggest that noise-sensitive developments be restricted or prohibited where the impact of rail noise and vibration cannot be mitigated. A clause which is regarded as a useful model is included in the Guidelines.

- Recommend Council's should consider the area within 60 metres of an operational railway track to have the potential to be adversely affected by rail noise and vibration. Where a Draft LEP proposes to permit noise-sensitive development within 60 metres of an operational railway track, preliminary acoustical advice should be provided. The advice should determine if the proposed zoning would permit development that is likely to create an inappropriate living environment; standard acoustic controls are unlikely to achieve a suitable amenity; and specific provisions should be included in the draft planning instrument to mitigate noise and vibration impacts.
- Recommends that more site specific provisions relating to noise and vibration be included in masterplans and/or development control plans for major development proposals near the rail corridor. The detailed plans would provide the opportunity to address rail noise and vibration through setbacks, building orientation, layout, building height controls, noise barriers or rail enclosure structures.

State Rail noted that although it supports urban consolidation, the Authority wishes to avoid the situation of development intensification resulting in an increase in the number of resident problems and complaints about pre existing railway noise and vibration conditions. Rail related noise and vibration is caused by maintenance, operation, and construction activity. In general, freight trains are noisier than passenger trains and diesel locomotives produce more noise than electric locomotives. The time of day and length of exposure to train noise and vibration has an effect on the degree of public disturbance.

Suggested measures for dealing with the impact of rail related noise and vibration on proposed development include:

- zoning land for noise and vibration sensitive developments (such as places of worship, hospitals, educational institutions and residential areas) as far away as possible from the railway line can reduce potential adverse impacts of rail related noise and vibration as distance is one of the most effective mitigation measures.
- introducing buffers on vacant land near railway lines where release areas are proposed. Councils should take into account possible increases in rail traffic and amplification of existing tracks, through their local government area when allocating buffers.
- requiring mitigation measures for development which would be adversely affected by rail related noise and vibration.

In terms of proposed rezonings of land within the Draft LEP, the changes in zoning for land adjoining the railway corridor, some of which is within 60 metres of the railway tracks, are:

- rezoning land from Rural 1(c) Small Holdings under Dumaresq LEP No. 1 to either Rural Fringe or Rural Living zones under the Draft LEP.
- rezoning land within Armidale from Rural Agriculture 1(a) under Armidale LEP 1988 to Low Density Residential and Environment Protection (Scenic Support).

The minimum lot size for subdivision in these zones is 4,000m<sup>2</sup> in the Low Density Residential zone. This area should allow development to be carried out at a sufficient distance from the railway line to mitigate any effects from rail noise and vibration. Dwellings will be permitted on existing vacant lots as they are under the current Armidale LEP 1988.

It is not considered appropriate to introduce into the Draft LEP buffers near the rail line because noise assessments have not been carried out to determine the location and width of buffers that would be required. Also, the effectiveness of buffers relies on the type and volume of rail traffic which may change over time.

It is recommended that a clause be included in the Draft LEP that requires an assessment of the potential impacts on noise-sensitive development within 60 metres of a railway track and the need for appropriate mitigation measures for development that would be adversely affected by rail related noise and vibration.

## 4.5 Recommendations

### Bushfire

It is recommended that the following matters be included in the Draft LEP:

- The following clause be included in the Draft LEP based on the provisions of Section 117 Direction G20 – Planning in Bushfire Prone Areas and the guidelines in the Planning for Bushfire Protection (planningNSW, 2001):

#### **Development on bushfire prone land**

- 1) The consent authority must not grant consent to development on bushfire prone land unless it has taken into consideration:
    - a) Whether the development will place an increased demand for emergency services;
    - b) Whether the development will adversely affect other bushfire protection strategies or place other developments at risk; and
    - c) Whether the bushfire protection measures will adversely affect the environment.
  - 2) Where development is proposed, comply with the following provisions, as appropriate:
    - (a) Provide an Asset Protection Zone (APZ) wholly contained within the development site in incorporating at a minimum:
      - i) An Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property; and
      - ii) An Outer Protection Area managed for hazard reduction and located on the bushfire hazard side of the perimeter road;
    - (b) For infill development (that is development within an already subdivided area) where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service;
    - (c) Provision of adequate access to a road or fire trail network for evacuation and fire fighting purposes;
    - (d) Provision of adequate water supply for fire fighting purposes;
    - (e) Minimise the perimeter of the area of land interfacing the hazard, which may be developed; and
    - (f) Combustible materials should not be placed in the Inner Protection Area.
  - 3) Despite the provisions of this plan, the following development is prohibited on bushfire prone land:
    - a) power generating works
    - b) sawmills
    - c) junkyards
    - d) liquid fuel depots
    - e) offensive and hazardous industries
    - f) chemical industries
    - g) service stations
    - h) ammunition storage/dumps
    - i) fireworks manufacture/storage.
- The Draft LEP adopts the definition of “bushfire hazard reduction” from SEPP No. 4.
  - That development for the purposes of “bushfire hazard reduction” be able to be carried out without development consent in all landuse tables of the Draft LEP.
  - That bushfire prone land as shown on the BPL map (RFS, 2003) be identified as a constraint when determining suitable areas for residential and small lot rural residential zones.

## **Flooding**

It is recommended that the following matters be included in the Draft LEP:

- Provisions be based on the terminology in the Floodplain Management Manual (NSW Government, 2001). The definitions to include those for flood prone land, flood planning level and the flood planning area.
- The provisions based on the recommendations of the Armidale Floodplain Management Plan (1998) but with changes to the definitions and terms used so that they are consistent with those in the Floodplain Management Manual (2001). Adopt the 1% + 0.5 m AEP flood as the flood planning level (FPL).
- Provisions in the Draft LEP include controls for development on flood prone land, including the flood planning area.
- The flood planning area be considered as a constraint when determining new residential, business and industrial areas to be included in the Draft LEP. For areas within the flood planning area where it is proposed to change the zoning, land be mainly zoned for urban agriculture or open space purposes.
- The Draft LEP include provisions that Council consider the impact of flooding on development in areas where a flood study has not been carried out by Council.
- The Draft LEP include provisions for development on land in rural areas that is subject to a Dambreak PMF event requiring consent for the erection of a structure and consideration of matters such as alternative sites on the land above the PMF, potential for contamination of floodwaters, the availability of flood free access and the feasibility of evacuating people and removing materials in the event of a dambreak.

## **Contaminated land**

- The draft LEP include provisions that will ensure the structural integrity of the remediation strategy for the gasworks site and land adjoining in accordance with Council's resolution of 23 December 2002.

## **Buffers or constraints associated with specific facilities**

- Retain the current provisions in Dumaresq LEP No. 1 for the development in the vicinity of the wastewater treatment facility buffer on Grafton Road. The map identifies the buffer zone and the associated clause prohibits the erection of dwelling-houses, motels or caravan parks within the buffer zone.
- Draft LEP retain the Airport Buffer Zone in the current LEP and include provisions relating to the following matters that would prevent or restrict development which may have an adverse impact on airport operations and air safety:
  - Limitations on the types of development permitted within the Airport buffer zone to minimise the risk posed by obstacles to aircraft, for example preventing development which would increase the likelihood of birdstrikes.
  - Requiring consultations with the Civil Aviation Safety Authority for developments that exceed height limits set by the Authority within the airport buffer zone and along the flight approaches to the airport.
  - Evidence that a proponent has consulted with the Civil Aviation Safety Authority for tall structures (greater than 110 metres) irrespective of their location. This is consistent with the requirement of the Civil Aviation Safety Authority (CASA) for them to be notified of such a proposal and that they have assessed the effect of the development on aircraft operations.



- Considering the impact of lighting structures on aircraft operations in the vicinity of an aerodrome. Inappropriate lighting may cause confusion, distraction or glare to pilots in the air. The current guidelines are contained in CASA's Manual of Standards part 139 – Aerodromes, Chapter 9: Visual Aids Provided by Aerodrome Lighting.
  - Restricting development that would be sensitive to aircraft noise in the vicinity of the Airport. In this respect the provisions of Section 117 Direction G16 Airport Noise should be adopted by the Draft LEP.
- The Draft LEP include provisions requiring an assessment of the potential impacts on noise-sensitive development within 60 metres of a railway track and appropriate mitigation measures for any development that would be adversely affected by rail related noise and vibration.

## 5. RESIDENTIAL DEVELOPMENT

### 5.1 Current situation

There is a single residential zone, Residential 2, in Armidale LEP 1988 that permits a range of residential development from single dwellings to multi-unit development. These types of residential development are also permitted within the Business zones. Single dwellings are permitted on land within the Rural zones and also in the Open Space and Enterprise zones where they are ancillary to a permitted use. However, dwellings are prohibited on land within the Industrial zone.

Within the former Shire, residential areas are limited to the villages of Hillgrove, Ebor and Wollomombi, all of which are zoned Village 2(v) under Dumaresq LEP No. 1. The zone permits a wide range of urban activities, such as businesses and light industrial developments. Residential flat buildings are only permitted within the Village 2(v) zone. Single dwelling houses are permitted in the Rural and Environment Protection zones and also within the Industrial and Airport Development zones where they are ancillary to a permitted use.

The development standards for subdivision within residential zones under Armidale LEP 1988 and Dumaresq LEP No. 1 are:

- Residential 2 zone in Armidale LEP 1988 - erection of a dwelling – minimum lot size of 400m<sup>2</sup>
- Village 2(v) zone in Dumaresq LEP No. 1- subdivision – minimum lot size of 1,000m<sup>2</sup>.

Residential areas in Armidale are normally provided with full urban services. In the rural villages reticulated water supply and sewer are not available.

### 5.2 Previous studies

The Armidale Dumaresq Planning Strategy (1995) estimated that by 2011 there would be a total of approximately 10,000 households in Armidale based on a low growth rate scenario of 0.47% p.a. and an occupancy rate of 2.8 persons per household. It also estimated that existing residential land at the time could be developed for an additional 1,550 to 3,100 dwellings depending on whether the settlement patterns tended to be dispersed or were based on consolidation. The Strategy suggested that in order to balance the market there always has to be a supply of zoned and serviced land providing potential for development above that of the community's actual needs at the time. This "cushion stock" would vary with anticipated future growth. Under the low growth scenario a cushion of 15% of total housing stock was adopted.

The Strategy estimated the future land requirements for residential development over the existing provision of zoned land at the time. Based on the analysis of demand for future residential land, the Joint Planning Committee identified a preferred location for where future urban and residential land would be required in and around Armidale. *Table 5.1* shows the population thresholds for Armidale Dumaresq for residential land releases and the preferred location of the Joint Planning Committee for these releases.

The preferred location for future urban land within the City mainly comprised land zoned Rural 1(a) or 1(b) to the north and east of the existing urban area under Armidale LEP 1988. The long term future urban release area in the former Shire, referred to as the "Tilbuster Corridor", was considered to have an advantage over other areas surrounding Armidale because of its potential environmental quality (including northerly aspect and views) for development and the relative ease of providing suitable infrastructure.

**Table 5.1: Future residential land releases (Armidale Dumaresq Planning Strategy, 1995)**

Population (Armidale Dumaresq)	Land release complete (ha)	Land release (location)
28,000	Stage 2 109 ha	<ul style="list-style-type: none"> <li>• Generally land currently zoned Rural 1(b):               <ul style="list-style-type: none"> <li>- East of Cooks Road and north of Dumaresq Creek</li> <li>- Either side of Rockvale Road.</li> </ul> </li> <li>• Land currently zoned Rural 1(a) bound by Scholes Avenue, the bypass, Link Road and Glen Innes Road.</li> </ul>
30,000	Stage 3 98 ha	<ul style="list-style-type: none"> <li>• Generally land currently zoned Rural 1(b):               <ul style="list-style-type: none"> <li>- east of Cooks Road and south of Dumaresq Creek</li> <li>- bound by Scholes Avenue, the bypass, Cluny Road and Link Road.</li> </ul> </li> </ul>
36,000	Stage 4 245 ha	<ul style="list-style-type: none"> <li>• “Tilbuster Corridor” being land bound by the New England Highway, Charlston Willows public reserve and Rockvale Road.</li> </ul>

The following is a summary of the recommendations for residential development included in the Strategy:

- That investigations be carried out into the detailed suitability of lands within the Armidale City boundary identified for release at Stages 2 and 3.
- That lands as indicated on the map developed by the Joint Planning Committee be further refined as the basis for lands to be designated for future urban development. Further, that appropriate subdivision standards be identified for these and other lands within a 10-12 km radius of the City consistent with the objectives outlined elsewhere in the Strategy.
- That the Councils give consideration to the identification of areas currently sited for large lot residential or rural smallholdings subdivisions that may have longer-term potential for full urban development. Should such lands be identified, and their subdivision be permitted, that the Councils ensure that any subdivision within those lands is carried out in a way that
  - ensures that urban water and sewage disposal services can be provided to those lands, and
  - ensures that urban re-subdivision of those lands would be facilitated as the need arises.

### 5.3 Projected demand for new dwellings

Census data show there has been a decline in population between 1991 and 2001. This information was not available at the time the Armidale Dumaresq Planning Strategy (1995) was prepared. The Strategy was based on an increase in population, a trend which had occurred up until 1991. The following considers anticipated population growth based on the period from 1991 and 2001 as well as recent indicators. Aspects of the Strategy's methodology have been used to estimate demand for future residential land.

The future demand for residential land depends on the likely number of dwellings that will be required to house any increase in population and the density of future residential development. The number of dwellings that could be developed on existing residentially zoned land also needs to be taken into account. Some allowance also needs to be made for an additional or supplementary supply of land to compensate for land which is zoned residential that may not be developed to its full potential. This supplementary supply also ensures that there is still land available for residential development at the end of the timeframe for the LEP.

The projected demand for residential land considers the characteristics of the former Armidale City local government area since this is where conventional residential development has occurred. Rural residential areas surrounding Armidale are considered separately (refer to *Section 8*).

The villages of Wollomombi, Ebor and Hillgrove have numerous vacant allotments which could accommodate foreseeable growth within the current Village 2(v) zone under Dumaresq LEP No. 1 and it is not considered necessary to alter the existing zone boundaries for the Draft LEP.

### 5.3.1 Projected number of dwellings

#### Population

The Draft LEP is based on projected land demands up to 2021. The projected population for Armidale for the 20 years from 2001 and 2021 is shown in *Table 5.2*. For derivation of the estimates refer to *Section 3* of this Report.

**Table 5.2: Projected population, Armidale, 2001 - 2021**

Average population growth	2001	2006	2011	2015	2021	Change 2001-2021
1.1% p.a.	20,271	21,386	22,501	23,615	24,728	4,457

#### Household size

*Table 5.3* summarises average household sizes for Armidale between 1981 and 2001. It should be noted that even during periods where population declines new dwellings may continue to be built. This occurred in Armidale where, despite a fall in the population between 1991 and 2001, new residential subdivisions and dwellings continued to be developed. This trend, in part, can be attributed to declining household sizes.

**Table 5.3: Average household size, Armidale Dumaresq, 1981 - 2001**

Number of persons usually resident in occupied private dwellings

	1981	1986	1991	1996	2001
Armidale	3.3	3.1	3.3	2.6	2.5

Sources: Armidale Dumaresq Planning Strategy 1995  
ABS Census 1996, 2001

Figures for 1981 to 1991 - based on number of households and population.

Figures for 1996 - average household size

Figures for 2001 - number of persons usually resident in occupied private dwellings.

Household sizes in Armidale declined between 1981 and 2001 from 3.3 to 2.5 persons per household despite a slight increase between 1986 and 1991. The overall trend towards smaller household sizes over time is in line with State and national trends.

If the trend in household sizes over the past 20 years were to persist up to 2021 the average household size for Armidale would be 1.7 persons per dwelling. Although it is reasonable to assume that occupancy rates overall will continue to decline in Armidale over the next 17 years, it is unlikely that it would continue to do so at a constant rate. The figures for 1991 to 2001 in *Table 5.3* tend to support this scenario. On the basis of this assumption, it is estimated that the average household size for Armidale for the period 2001 to 2021 will be 2.3 persons per household.

Based on the above projections for population (increase of 4,457) and average household size (2.3 persons per dwelling), it is estimated that 1,938 new dwellings would be required in Armidale up to 2021 to meet the demand for housing generated by the increase in population.

### 5.3.2 Types of dwellings

New dwellings, like the current housing stock, will be a combination of detached houses on a single parcel of land and multi-unit or medium density housing. For the purposes of projecting the demand for residential land, a detached house on a single parcel of land is referred to as a “single dwelling” and the term “medium density housing” includes dual occupancies. To predict the future mix of dwellings and, therefore, residential densities, it is useful to consider recent trends in dwelling types.

Armidale accounted for 85% of occupied dwellings in Armidale Dumaresq in 2001. The three Census periods from 1991 to 2001 (refer to *Table 5.4*) indicate that the predominant type of occupied dwelling (almost 80%) in Armidale is a single dwelling. Other types of dwellings such as semi detached, row or terrace houses and town houses, flat, units or apartments accounted for one-fifth of occupied dwellings.

**Table 5.4 Types of occupied private dwellings, Armidale, 1991 – 2001**  
(number, proportion)

Dwelling type	1991		1996		2001	
Single dwelling	5,170	79%	5,431	77%	5,531	78%
Medium density *	1,230	18.8%	1,367	19.8%	1,369	19.7%
Other	144	2.2%	104	1.5%	62	0.9%
<b>Total</b>	<b>6,544</b>		<b>6,902</b>		<b>6,962</b>	

Source: ABS Census

\* Medium density includes semi detached, row or terrace houses and town houses, flat, units or apartments.

A review of Council’s register of development consents indicates that in the five years from 1999 to 2003 Council granted approval for the erection of 391 dwellings in Armidale. Of these 52% were approvals for single dwellings and 48% were for medium density housing (refer to *Table 5.5*).

**Table 5.5: Dwellings granted consent, Armidale, 1999 to 2003 inclusive**

	Single dwellings <sup>1</sup>	Medium density housing <sup>2</sup>	TOTAL
Armidale	203 (52%)	188 (48%)	391
Armidale Dumaresq	302 (61%)	192 (39%)	494

<sup>1</sup> Single dwelling means a single dwelling on a separate parcel of land.

<sup>2</sup> Medium density housing includes dual occupancies.

The Armidale Dumaresq Planning Strategy (1995) noted that between 1988 and 1992, 38% of new dwellings approved in the Armidale Dumaresq region were medium density type developments. This percentage is consistent with the proportion of medium density housing approved by Council between 1999 and 2003.

The demographic characteristics of the population explain in part some of the demand for medium density housing in Armidale. Armidale has a comparatively high proportion of young adults and tertiary students. In 2001, 24% of Armidale’s population was between the ages of 15 and 24 years compared with 13% for NSW. Nineteen percent (19%) of Armidale’s population attended a university, tertiary institution or technical or further education institution. These statistics are also consistent with the lower percentages of married people than the State average. Armidale also has a higher proportion of rental accommodation than for the State, reflective of its younger population profile.

The influence of the University of New England, particularly in terms of student accommodation, and the increasing aged population on the housing market is likely to result in the continuing trend of a significant proportion of new dwellings being in medium density type developments.

In terms of predicting the future number of new dwellings being in medium density housing developments, the previous proportion of 38% (1988-1992 and 1999-2003) may be too high for the following reasons:

- The relatively high proportion of Council approvals for medium density developments was not reflected in an increased number of occupied medium density dwellings in the 1996 or 2001 Census. This may indicate that in the late 1990's there was some oversupply of medium density dwellings in the local housing market. This coincided with a period where there was a fall in student numbers at the University of New England. The attractiveness of carrying out medium density development may diminish unless occupancy rates in existing medium density developments improve.
- More than 50% of the medium density dwellings approved in the period 1999 to 2003 were in a single development proposal for 100 lifestyle villas for the aged. This represents a significant proportion of new medium density dwellings approved in Armidale during this time. It is the largest development of this type to be proposed in Armidale over recent years and it is unlikely to be replicated on a frequent basis in the future.

Taking these factors into account, 30% is considered to be an appropriate estimate for the proportion of new dwellings being medium density houses. Therefore, of the 1,938 new dwellings that would be required to accommodate the projected increase in population, 1,357 (70%) are likely to be single dwellings and 581 (30%) are likely to be medium density dwellings.

Most medium density developments in Armidale over recent years have tended to occur as infill development within the central parts of the City close to shops, transport routes and services. There have also been some integrated housing developments for the aged on larger parcels of land on the fringe of the central urban area. In new subdivisions on the edge of the built-up area, residences have generally comprised single dwellings with occasional dual occupancy developments. These trends are likely to persist until the supply of land for medium density infill development in the central urban area is exhausted.

#### **5.4 Existing residential land stock**

In order to determine the amount and location of new residentially zoned land, an assessment is needed of the extent to which existing residentially zoned land can accommodate new dwellings.

Existing residentially zoned land can provide sites for dwellings where:

- Existing land can be redeveloped to a higher density, or urban consolidation
- Existing vacant residential allotments are built on
- Existing parcels are subdivided and built on. These parcels of land may comprise a single allotment or an aggregation of contiguous allotments.

##### **Urban consolidation**

Large lots, particularly in the central part of Armidale, provide the opportunity for further urban consolidation within the City. Redevelopment of existing parcels for multi-unit housing has been a feature of Armidale's housing development over many years and as noted above this is unlikely to change. The Armidale Dumaresq Planning Strategy (1995) estimated that in 1994 between 200 and 250 new dwellings could be accommodated as infill development without detracting from the existing townscape character. Between 1999 and 2003 an average of 16 medium density dwellings were approved each year as a result of redeveloping existing residential parcels within the urban area of Armidale. Based on these figures it is estimated that in 2001 between 88 and 138 new dwellings could have been accommodated as infill development and that most of these would be medium density dwellings.

For the purposes of this Report a figure of 120 new dwellings has been adopted to reflect the number of new dwellings that could result from redevelopment of existing residentially zoned land to a higher density.

**Existing vacant residential allotments**

At present within Armidale there are few vacant allotments which are zoned residential and have urban services. Based on aerial photography of Armidale taken in September 2001, it is estimated that at that time there were approximately 180 vacant allotments. Most of these allotments are located in subdivisions on the periphery of the built-up urban area. Assuming that about 5% of the allotments could be developed for dual occupancies, the maximum development potential of vacant residential allotments in 2001 is estimated to be 189 dwellings.

**Land zoned residential but not subdivided**

Aerial photography of Armidale indicates that in 2001 there were over 20 parcels of land zoned residential that could be subdivided for residential purposes. The total area of these parcels is 110 hectares with the area of individual parcels varying from 0.6 to 19 hectares.

In general, the tendency in Armidale has been for residential development on the periphery of the built-up area to comprise predominantly of detached dwellings on allotments with an area between 700m<sup>2</sup> and 1,500m<sup>2</sup>, with occasional dual occupancies and very few medium density developments.

For the purposes of estimating the likely lot yield from vacant residentially zoned land the following assumptions have been made for each parcel:

- On average 70% of each parcel could be occupied by residential allotments. The remainder would be required for roads, pathways, open space, drainage and so forth.
- An average area of 900m<sup>2</sup> for residential allotments
- 95% of the dwellings erected on the allotments would comprise detached housing on a single allotment of land and 5% would comprise dual occupancies.

Based on the above assumptions, the potential lot yield from vacant residentially zoned land is 820 allotments which in turn would potentially yield 861 dwellings.

**Existing residential land stock**

Based on the above estimates the projected development potential of land which is currently zoned residential is shown in *Table 5.6*.

**Table 5.6: Potential number of dwellings on existing residential land stock**

	Single dwellings	Medium density housing	Total
Urban consolidation	-	120	120
Vacant allotments	171	18	189
Vacant parcels*	779	82	861
<b>Total</b>	<b>950</b>	<b>220</b>	<b>1,170</b>

\* Vacant parcels are larger areas capable of subdivision

The analysis has estimated that up to 2021, 1,938 new dwellings will be required and that the potential yield from existing residentially zoned land within Armidale is 1,170 dwellings. Therefore, at least 770 dwellings would need to be located on new residentially zoned land.

## 5.5 Supplementary stock

To ensure there is sufficient appropriately zoned land available to meet future demand, an additional supply is required over and above the estimated amount based only on population growth. This additional or supplementary supply of land needs to be provided to meet the potential deficiency in the future supply of land that can result from land which is not developed to its projected potential. Supplementary land also ensures that at the end of the timeframe for the new LEP there will be a supply of land still available to allow development to continue until such time as a revised or new growth strategy is prepared.

The Armidale Dumaresq Planning Strategy (1995) referred to this supplementary land as “cushion stock” which is a proportion of existing housing stock. The Strategy identified the following requirements for different growth strategies:

Growth strategy	Cushion stock (% of existing housing stock)
Low (0.47% p.a.)	15.0%
Medium (0.77% p.a.)	22.5%
High (1.77% p.a.)	30.0%

For the purposes of this Report the supplementary land required is based on 25% of the existing housing stock to reflect the projected 1.1% average annual growth rate for Armidale. The 2001 Census indicates that the number of occupied private dwellings in Armidale was 6,962. Therefore, the amount of supplementary land must be able to accommodate 1,740 dwellings of which 70% (1,218) would be single dwellings and 30% (522) would be medium density dwellings.

## 5.6 Projected demand for new residential land

The number of new dwellings required to satisfy the projected demand from a modest population growth as well as a supplementary stock is estimated to be 3,678 (refer to *Table 5.7*). Taking into account the development potential of existing residential land, it is estimated that new residentially zoned land will be required to accommodate 2,500 dwellings.

**Table 5.7: Number of dwellings to be erected on new residentially zoned land**  
Number of dwellings

	Single dwelling	Medium density housing	Total
Projected demand from population projections	1,357	581	1,938
Supplementary supply	1,218	522	1,740
<b>Total demand</b>	<b>2,575</b>	<b>1,103</b>	<b>3,678</b>
Potential dwelling yield from existing residentially zoned land	950	220	1,170
<b>Number of dwellings on new residentially zoned land</b>	<b>1,625</b>	<b>883</b>	<b>2,508</b>



## 5.7 Location of new residentially zoned land in Armidale

The future location for residential development in Armidale takes into consideration:

- Community views
- Settlement patterns
- Constraints, including broad exclusion criteria and site specific constraints.

### 5.7.1 Community views

Community consultations undertaken as part of preparing the Draft LEP comprised an initial round of meetings with specific community groups and public exhibition of the Preliminary Plan.

During the initial round of community consultations the groups were advised of the recommendations of the Armidale Dumaresq Planning Strategy (1995) which included future residential areas. The Strategy identified the areas to be released as population thresholds were achieved as described in *Table 5.1*.

The Preliminary Plan contained two residential zones and an area set aside for long term future urban requirements. The main zones were:

- Residential 2(1) zone. This zone applied to land currently zoned Residential 2 or areas within the Rural Residential 1(b) zone under Armidale LEP 1988 that had already been subdivided for residential purposes. The minimum lot size for erecting a single dwelling on land within the zone was 400 square metres.
- Large Lot Residential 2(2) zone. This zone mainly applied to land zoned Rural Agriculture 1(a) or unsubdivided land zoned Rural Residential 1(b) under Armidale LEP 1988. The minimum lot size for subdivision was 4,000 square metres unless the land was located in the future urban zone.
- Future urban zone – this zone was an overlay of the Large Lot Residential 2(2) zone and the Medium Rural Holdings 1(4) zone to the northeast of Armidale. The future urban zone was used to identify land for future urban purposes. The development standards for subdivision were formulated to ensure that subdivision now would not compromise the future use of the land for urban purposes. Where the future urban overlay applied to land in the:
  - Large Lot Residential 2(2) zone, the minimum lot size for subdivision was 2 hectares except where a subdivision for at least 25 residential lots was proposed and lot sizes would be less than 1,500 square metres. This latter exception to the standard acknowledges the difficulty of forecasting exactly where and when development may occur, particularly in a regional centre that is not experiencing strong and steady growth.
  - Rural 1(4) zone, the minimum lot size for subdivision was 40 hectares. The future urban overlay applied to the “Tilbuster Corridor” identified in the Armidale Dumaresq Planning Strategy for long term urban growth.

The main issues raised during both stages of community consultations are outlined below and fell into the following categories:

- demand and supply
- large lot residential zone proposed in the Preliminary Plan
- future urban zone or overlay proposed in Preliminary Plan.

### Demand and supply

At meetings during the initial round of consultations, the view was expressed that although there may be suitably zoned land available for residential development, it was not always in a location or have the attributes to attract purchasers. There should be a range of residential development available in terms of location, types of housing and lot sizes. A shortage of rental accommodation, particularly larger dwellings for families with four or more children, and land available for purchasing for Aboriginal housing were also identified.

In response to a questionnaire to local real estate agents, a demand for larger residential lots (800m<sup>2</sup> to 1,500 m<sup>2</sup>) for single dwellings as well as land suitable for retirement units in north or south Armidale was identified. The survey also identified a demand for lots with an area greater than 1,000m<sup>2</sup> in central Armidale for multi-unit housing.

Other matters raised at meetings included the costs associated with development and the limiting affect this was having on residential subdivisions. An approach was also put forward for releasing residential land whereby expressions of interest are called from landowners wanting to subdivide their properties. A sunset clause could apply where the development would need to take place within a certain timeframe and the extent of subdivision could be controlled by adopting a cap on the number of lots that could be developed. A similar approach was adopted by Armidale City Council in the early 1990's. Amendment No 6 to Armidale LEP 1988 rezoned several large parcels of land on the urban fringe of Armidale for residential purposes based on submissions received from landowners. Subdivision of the property had to be registered with the Land Titles Office within 5 years of gazettal of Amendment No 6 (with a possible extension of 2 years where justified) otherwise the land reverted to its initial zoning.

#### **Large lot residential zone proposed in Preliminary Plan**

The submission from the Armidale and District Chamber of Commerce commented that the proposed Environment Protection (Scenic Support) 7(2) zone should be removed and replaced with a Large Lot Residential 2(2) zoning because larger block sizes are too difficult to maintain or grow additional trees on and that the Environment Protection 7(2) zone is the logical expansion of the residential areas.

Seven submissions from property owners in north-east Armidale also requested that land around Stony Ridge Road/Arundel Drive/Gordon Street/Rockvale Road and east of Cookes Road proposed to be within the Environment Protection 7(2) zone be rezoned to Residential 2(2). One submission supported the proposed Residential 2(2) and Future Urban zonings over land adjoining the northern side of Waterfall Way.

#### **Future urban zone or overlay proposed in Preliminary Plan**

Regarding land within the Large Lot Residential 2(2) zone and subject of the Future Urban overlay zone, three submissions requested that the minimum number of lots to be created be reduced from 25 to possibly 10 (one submission) or to 5 lots (2 submissions) mainly due to the costs associated with developing larger subdivisions. Three submissions requested that the maximum lot size be increased from 1,500m<sup>2</sup> to 4,000m<sup>2</sup> to allow greater flexibility and better landscaping and tree planting.

Six submissions were received relating to that part of the Rural 1(4) zone which is also within the Future Urban zone overlay. Of these 4 submissions sought to allow residential or rural residential development (2 hectare lot sizes) of land in this area. One submission opposes any further subdivision in the area in order to protect agricultural activities. One submission suggested that in order to protect the skyline along Stony Ridge Road that the land could be zoned Environment Protection 7(1) – Prime Scenic.

#### **Comment**

Community consultations indicated that alternative areas for residential development should be provided in north and south Armidale and that the trend of increasing lot sizes is likely to continue.

The requests that land identified as being in the Environment Protection (Scenic Support) zone be included in the Large Lot residential zone are considered under 5.6.3 *Constraints* and *Section 9: Environment Protection* of this Report.

Concerns regarding the limitations on subdivision in the long-term future urban area north of Armidale are considered in the *Armidale Dumaresq Rural Residential Study (2004)*.

### 5.7.2 Settlement patterns

The projected demand for new residentially zoned land is relatively modest being in line with projected population growth up to 2021. Therefore the form of urban expansion in the short to medium term is likely to be an extension of the existing urban area rather than the establishment of new suburbs that are not contiguous with existing residential areas. This approach also facilitates the economic and orderly provision of services and infrastructure. Nevertheless, for the longer term land should still be identified so that development in the short to medium term does not compromise its use for future urban purposes.

### 5.7.3 Constraints

The following considers the suitability of land that is adjacent to the established residential areas of Armidale by taking into consideration the following constraints to assist in identifying where and when new residential land should be provided up to 2021.

Some of the constraints may be absolute in that they will severely limit or prohibit residential development while others may limit, to a lesser degree, the potential for future residential development. The constraints have been split into two groups – broad exclusion criteria that identify potential residential areas and site specific constraints which may apply to land within these potential areas.

It should be noted that comprehensive information is not available regarding all of the constraints and that resources are not currently available to undertake further specific investigations. However, the relevant constraints have been considered to the extent that information is available.

### 5.7.4 Broad exclusion criteria

The following have been identified as broad exclusion criteria for residential development and have been used to identify potential residential areas shown in *Figure 5.1*:

- land not close to the existing urban area of Armidale
- land subject to flooding
- bushfire prone land
- landuses that are incompatible with residential areas
- land with prime scenic values

#### Distance from Armidale

Land adjacent to the existing urban area of Armidale is considered most appropriate for investigating potential future residential development. These investigation areas comprise land:

- within the Rural Agriculture 1(a) and Rural Residential 1(b) zones under Armidale LEP 1988,
- bound by the Armidale bypass, Golf Links Road, Moore Park Road and Uralla Road in the former Dumaresq Shire, and
- adjoining land east of Tombs Road between Waterfall Way and Dumaresq Creek in the former Dumaresq Shire.

The development controls for subdivision and erection of a dwelling in the Rural Agriculture 1(a) and Rural Residential 1(b) zones under Armidale LEP 1988 are not typical of rural areas generally because of their location within the City. There is some limited use of the land for agricultural purposes, particularly along the floodplain of Dumaresq Creek. Land adjacent to the Armidale bypass is mainly within the Rural 1(b) Arterial Road Frontage zone under Dumaresq LEP No. 1.

Generally, these investigation areas are the areas to which the other broad exclusion criteria apply.

### **Land subject to flooding**

Parts of Armidale are located on the floodplain of Dumaresq Creek and along its tributaries - Black Gully, Martins Gully and Yoogoonda Gully. Land that is below the level representing the 1% AEP flood event plus 0.5 metres (freeboard) is not considered suitable for future residential zonings. (Note: in general, land that is currently zoned Residential 2 under Armidale LEP 1988 that is below the 1% AEP + 0.5 m level will retain its residential zoning).

### **Bushfire prone land**

The Bushfire Prone Land map certified by the Commissioner of the NSW Rural Fire Service does not identify any land within the potential residential areas as being prone to bushfire.

### **Incompatible landuses**

Residential areas should not be located in proximity to activities which may adversely affect residential amenity and create landuse conflict. Landuses in Armidale which are considered to be incompatible with future residential development include:

- Areas adjacent to industrial areas, Armidale saleyards, pistol club
- Areas that have been identified for small lot rural residential development
- Land used for educational purposes.
- Land used for intensive agricultural purposes such as turf farming and viticulture.

### **Land with prime scenic values**

The “City of Armidale Environmental Protection Zone Review” (Hill Top Planners – Manidis Roberts, July 1995) investigated the appropriateness of the existing planning controls of the hills and ridges within the Armidale City local government area and devised a strategy to ensure their visual significance is either retained or enhanced over time. The Study identified lands of high scenic value that were mapped as Prime Scenic protection (refer to *Section 9: Environment Protection*). These lands maintain the natural visual ridgetop curtilage to the City and it would be inappropriate to allow urban residential subdivision and development in these areas.

The proposed Environment Protection zones are discussed in greater detail in *Section 9: Environment Protection* of this Report.

### **5.7.5 Site specific constraints**

The potential residential areas based on the broad exclusion criteria as shown in *Figure 5.1* have been further assessed in terms of the following constraints to determine their suitability:

- potential availability of urban infrastructure
- land subject to risk – geotechnical instability
- potentially contaminated land
- potential agriculturally productive land
- places of heritage significance
- environmental values including areas with scenic, wildlife, habitat and similar natural significance.

### **Potential availability of urban infrastructure**

Areas identified for future development should ensure that the provision of infrastructure remains affordable. Any foreseeable expansion of the urban area will benefit by using or extending to existing infrastructure. Residential areas, particularly where conventional residential subdivision is proposed, should be provided with reticulated water and be connected to the town’s sewer.

*Figure 1 (Appendix D)* shows those areas that can be provided with a reticulated water supply and sewer by using or extending to existing infrastructure without the need for major augmentation works. These areas would be provided with the infrastructure over the short to medium term and an order of priority (staging) has been assigned based on the most cost efficient scenario.

There are areas within Armidale that are provided with either a reticulated water supply or sewer and are not likely to be fully serviced over the short to medium term. These areas are also shown in *Figure 1, Appendix D*.

#### **Land subject to risk – geotechnical instability**

In 1992 Armidale City Council commissioned a study of geotechnical hazards within Armidale. The findings of the Report on Geotechnical Hazard Study, City of Armidale (DJ Douglas & Partners Pty Ltd, 1992) included mapping of areas within Armidale for slope instability and the potential for springs to be located. While areas of high or medium risk of geotechnical hazards were identified in the Study, the recommendations did not preclude development but suggested that certain measures or requirements be put in place where development was proposed.

*Figure 2, Appendix D* shows land within the potential residential areas where there is potential for springs to be located and *Figure 3* where there is a medium or high risk of slope instability.

An Urban Capability map prepared by the Soil Conservation Service of NSW for the northern area of Armidale identifies land which is severely limited for urban development (refer *Figure 4, Appendix D*) because it has erodible soils, steep slopes and/or is subject to flooding. The only extensive area that is severely limited is west of Cluny Road. This land has been identified as being suitable for future small lot rural residential development (refer to *Armidale Dumaresq Rural Residential Study, 2004*) rather than urban residential development.

#### **Potentially contaminated land**

Council has an information system of potentially contaminated sites within Armidale that has been identified on the basis of previous or current landuses that can result in contaminated land. However, the information system is not necessarily comprehensive or definitive and does not claim to deal thoroughly with the issue of contamination of properties adjacent to those listed. It is a starting point for more detailed investigations. Likewise the inclusion of a property on the list does not necessarily imply the actual existence of contamination on the property. This can only be determined as a result of a sampling and analysis program carried out in accordance with appropriate protocols. Until investigations are carried out it is not possible to determine the extent of contamination present and whether remediation is required for a proposed development to take place. These investigations usually occur when a development application is made for a specific proposal on the site. The information provided with the application and its assessment must be in accordance with the requirements of SEPP No. 55 – Remediation of Land.

Within the potential urban areas there are 6 sites with a total area of approximately 5.5 hectares that have been identified as being potentially contaminated. None of the sites are subject to a legal notice under the legislation administered by the Environment Protection Authority. However, their suitability for residential development cannot be determined until further investigations are undertaken to determine the degree of contamination and this would occur at the time a development application is lodged. It is considered unreasonable at this time to exclude the sites from further consideration since further investigations may find that the sites are suitable for residential purposes, or can be made so with affordable remediation work.



**Figure 5.1**  
**Potential Residential Areas**

**DISCLAIMER:**  
Information is a pictorial representation only.  
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Contours are a general indication of ground shape only.  
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### **Potential agriculturally productive land**

There are only a few parcels of land within Armidale that are used for agricultural purposes. Classification of agricultural land according to its suitability for different types of agriculture provides an indication of the agricultural value of land. Class 1 and 2 land is considered prime agricultural land and the agricultural classification maps indicate that there are a few small pockets of Class 2 land that occur mainly in lowlying areas within Armidale (refer to *Figure 5, Appendix D*).

### **Places of heritage significance**

“The Results of a Survey for Aboriginal Sites in the City of Armidale” (Sutton, 1989) which used a predictive model to locate potential archaeological sites within the Armidale City local government area. Armidale LEP 1988 identifies two Categories of land within archaeologically sensitive areas. For proposed development on Category 1 land, Council must consider the recommendations of an archaeological survey or study carried out in consultation with the National Parks and Wildlife Service. For proposed development on Category 2 land, Council must consult with and consider the recommendations of the National Parks and Wildlife Service concerning the need for archaeological investigations to be carried out.

Items of heritage significance are listed in the Schedules to the Draft LEP. While the impact of development on a heritage item may not be an absolute constraint the development should be sensitive to the heritage values of the item. This would apply particularly where residential development is proposed on land on which there is a heritage item or in proximity to a heritage item.

Potential archaeological areas and the location of heritage items within the potential residential areas are shown in *Appendix D, Figure 6*. There is only one heritage item and no conservation areas within the potential residential areas. The heritage item is Moore Park between the Armidale bypass and Uralla Road. Several of the potential residential areas have been identified as being archaeologically sensitive areas which may have Aboriginal heritage significance. Further investigations would be required at the time a development application is lodged.

### **Environmental values including scenic, wildlife and habitat**

#### *Scenic Support*

The “City of Armidale Environmental Protection Zone Review” (Hill Top Planners – Manidis Roberts, July 1995) identified lands with moderate scenic value which give support to lands of high scenic value or support the retention of existing vegetation to assist in providing green belts between various landuses. These lands with moderate scenic values were mapped as “Support Scenic Protection”. For ease of identifying areas within the Scenic Support Zone the zone the boundary follows the contour and cadastral boundaries that best approximate those boundaries recommended in the Study. Land that has been identified as Scenic Support is shown in *Section 9: Environment Protection*.

#### *Flora and fauna*

Previous studies that have considered the distribution of flora and fauna within the Armidale urban area are:

- Flora and Fauna Study: A Report to the Armidale City Council, (Bale, White and Debus, June 1996)
- Armidale Greening Plan (2003).

The Flora and Fauna Study (June 1996) included the findings from a survey undertaken in regard to species listed in the Threatened Species Conservation Act 1995. The Study identified potential or actual habitat in Armidale for species listed at the time (1996) in the Threatened Species Conservation Act 1995 and any core habitat for the purposes of SEPP No. 44 – Koala Habitat.

The recommendations of the Study that are relevant to the potential urban areas are:

- Any area of vegetation identified in Figure 5 of the Study as being of high habitat value, for which there is a proposal for clearing or thinning should be surveyed to ensure that threatened plants do not occur in areas likely to be affected. The area should also be surveyed for evidence of use by koalas and threatened bats, and, when in flower, for evidence of use by nectar-feeding birds (Swift Parrot, Regent Honeyeater, Painted Honeyeater).
- As far as practicable, relevant legislation should be used to protect existing bushland patches and corridors identified in the Study as having high habitat values from further clearing and disturbance. This action would preserve actual or potential habitat for the Square-tailed Kite, threatened nectar-feeding birds and TSC Act 1995 plant species.
- If there are development proposals on the site or in the catchment of relatively undegraded wetland areas (such as the gully near Stony Ridge Road/Arundel Drive intersection) then the area should be surveyed for the Yellow-spotted Frog.
- Where there is no reason to do otherwise, previously cleared public lands should be progressively revegetated with locally indigenous species. A high-priority for such action is the gully reserve crossing Rockvale Road south of the archery range.

The Armidale Greening Plan became a policy of Council on 22 September 2003. The primary objective of the document is to encourage the protection and enhancement of all remaining areas of native vegetation within and surrounding Armidale. A secondary objective is to consolidate and connect these areas to provide additional habitat and enhance the aesthetics of Armidale. The Plan includes a map showing proposed wildlife corridors linking native vegetation (refer to *Section 9: Environment Protection*).

### **5.7.6 Proposed residential areas**

The Draft LEP will provide for residential development up to 2021. It should also make allowance for urban expansion in the longer term.

The potential residential areas shown in *Figure 5.1* have been considered in the light of the site specific constraints in order to identify areas within Armidale that would be suitable for future conventional residential development and large lot residential development. The matters considered as well as the conclusions for each potential area are summarised in *Table 5.8*.

Conventional residential development refers to residential subdivisions with an average lot size of 900m<sup>2</sup> and areas where single detached dwellings as well as medium density development would be appropriate. Large lot residential development refers to a lot size of at least 4,000 m<sup>2</sup>. In areas that are unsewered the minimum lot size is likely to be about 2 hectares in order to provide sufficient area to allow environmentally appropriate on-site effluent disposal methods.



**Table 5.8: Consideration of potential residential areas**

AREA	POTENTIAL CONSTRAINTS	WATER AND SEWER	OTHER	COMMENT
<b>N1</b>	<ul style="list-style-type: none"> <li>▪ Southern end affected by potential spring hazard.</li> <li>▪ Tributary of Martins Gully crosses southern lot adjoining Bundarra Road.</li> <li>▪ Partly affected by slope instability.</li> </ul>	While sewer is available major augmentation works would be required to provide a reticulated water supply.	Land is in proximity to the Armidale bypass and Armidale Saleyards, both of which are potential sources of noise nuisance.	Area is not considered suitable for residential subdivision. It is unlikely that there would be sufficient distance or suitable topography to adequately mitigate potential noise impacts from the Armidale saleyards and/or the bypass for most of the land to be suitable for residential development. Also major augmentation works would be required to provide reticulated water. The land is considered to be more suitable for rural activities compatible with an urban environment.
<b>N2</b>	<ul style="list-style-type: none"> <li>▪ None known.</li> </ul>	Reticulated water supply and sewer are available.	Land is next to Armidale bypass and Dumaresq Creek floodplain.	Suitable for conventional residential subdivision. Proposals would need to include flood analysis (to ensure does not encroach on the flood planning area) and noise assessment of potential noise impacts from the bypass.
<b>N3</b>	<ul style="list-style-type: none"> <li>▪ Partly affected by potential spring hazard.</li> <li>▪ Partly affected by flooding.</li> </ul>	Part of the land is sewered. Reticulated water supply could be provided from adjoining subdivision.	Land is next to Armidale bypass and Dumaresq Creek floodplain.	Could be considered suitable for conventional residential subdivision in the longer term. Proposals would need to include flood analysis and noise assessments.
<b>N4</b>	<ul style="list-style-type: none"> <li>▪ Partly affected by potential spring hazard.</li> <li>▪ Partly affected by area of potential archaeological significance.</li> <li>▪ Site is dissected by natural drainage line (gully with 3 dams).</li> </ul>	Reticulated water supply available. A main would be required for sewer.	Land is next to Armidale bypass and may be subject to traffic noise.	Not considered suitable for conventional residential subdivision at this time due to unavailability of sewer and part of the site is affected by a gully. Consider for large lot residential subdivision. Proposals would need to include assessment of noise impacts from Armidale bypass.

AREA	POTENTIAL CONSTRAINTS	WATER AND SEWER	OTHER	COMMENT
N5	<ul style="list-style-type: none"> <li>▪ Partly affected by potential spring hazard and slope instability.</li> <li>▪ Partly affected by area of potential archaeological significance.</li> <li>▪ Part identified as actual or potential habitat for threatened species and proposed wildlife corridor.</li> <li>▪ Natural drainage line (including dam) in western part.</li> </ul>	<p>In future program for providing reticulated water and sewer. Priority provision – part 3 and part 4.</p>	<p>Land is next to Armidale bypass and may be subject to traffic noise.</p>	<p>Most of the land is considered suitable for conventional residential subdivision in short to medium term. Staging based on provision of infrastructure priorities and population growth. Proposals would need to include assessments of traffic noise from the Armidale bypass. Areas near actual or potential habitat for threatened species and the proposed wildlife corridor may need to be excluded.</p>
N6	<ul style="list-style-type: none"> <li>▪ Partly affected by potential spring hazard and slope instability.</li> <li>▪ Partly affected by flooding.</li> <li>▪ Partly affected by area of potential archaeological significance.</li> <li>▪ Part identified as actual or potential habitat for threatened species and proposed wildlife corridor.</li> <li>▪ One potential contaminated site present.</li> </ul>	<p>In future program for providing reticulated water and sewer. Priority provision – part 1, 6 and 7.</p>	<p>Land is next to Armidale bypass and may be subject to traffic noise.</p>	<p>Most of the land is considered suitable for conventional residential subdivision in short, medium and longer term. Staging based on provision of infrastructure priorities and population growth. Proposals would need to include assessments of traffic noise generated by the Armidale bypass and other constraints where applicable. Areas near actual or potential habitat for threatened species and the proposed wildlife corridor may need to be excluded.</p>

AREA	POTENTIAL CONSTRAINTS	WATER AND SEWER	OTHER	COMMENT
N7	<ul style="list-style-type: none"> <li>▪ Eastern part identified as actual or potential habitat for threatened species and proposed wildlife corridor.</li> <li>▪ Part identified as Support Scenic zone</li> <li>▪ Partly affected by potential spring hazard and slope instability.</li> <li>▪ Partly affected by flooding.</li> <li>▪ Partly affected by area of potential archaeological significance.</li> </ul>	<p>In future program for providing reticulated water and sewer. Priority provision: 2 and 5.</p>		<ul style="list-style-type: none"> <li>▪ Consider part suitable for conventional residential and part large lot residential subdivision in the short term.</li> <li>▪ Land recommended for large lot residential not be included in the future urban area given its scenic and potential habitat values.</li> <li>▪ Part environment protection (scenic support). This land also has potential habitat values.</li> </ul>
N8	<ul style="list-style-type: none"> <li>▪ Part slope instability.</li> <li>▪ Part slope/soil erosion hazard.</li> <li>▪ Almost all identified as actual or potential habitat for threatened species.</li> <li>▪ All identified as support scenic zone.</li> </ul>	<p>Lots are connected to Gara Water Main. It is Council's policy not to allow any further residential connections to this Main. Land is currently not sewerred.</p>		<p>Currently zone Rural 1(b) under Armidale LEP 1988. Consider Large Lot Residential zone so as not to significantly reduce existing subdivision potential. However, recommend that the land not be identified for future urban given its scenic and potential (or actual) habitat values.</p>
N9	<ul style="list-style-type: none"> <li>▪ Majority affected by area of potential archaeological significance.</li> <li>▪ Part identified as actual or potential habitat for threatened species.</li> <li>▪ Part subject to flooding.</li> </ul>	<p>In future program for providing reticulated water and sewer. Priority provision: 2, 3 and 4.</p>		<p>Most of the land is considered to be suitable for conventional residential subdivision in short to medium term. Staging based on provision of infrastructure priorities and population growth. Proposals would need to include assessments of constraints where applicable.</p>

AREA	POTENTIAL CONSTRAINTS	WATER AND SEWER	OTHER	COMMENT
<b>N10</b>	<ul style="list-style-type: none"> <li>▪ Partly affected by actual or potential habitat for threatened species.</li> <li>▪ Most identified in Support Scenic zone.</li> <li>▪ Partly affected by spring hazard and slope instability.</li> <li>▪ Partly within areas of potential archaeological significance.</li> </ul>	Reticulated water not available - all land is above the upper limit (1,000m contour) for reticulated water.		Currently zone Rural 1(b) under Armidale LEP 1988. Consider Large Lot Residential zone so as not to significantly reduce existing subdivision potential. However, recommend that the land not be identified for future urban given its scenic and potential (or actual) habitat values.
<b>N11</b>		Reticulated water and sewer to be provided. Priority: 1, 5 and 6.		Considered suitable for conventional residential subdivision and development in short to medium term. Staging to be based on infrastructure provision and population growth. Land on the eastern side would be on the periphery of the built up urban area and therefore lends itself to large lot residential development.
<b>N12</b>	<ul style="list-style-type: none"> <li>▪ Part Class 2 agricultural land.</li> </ul>	Reticulated water and sewer to be provided. Priority: 7 and 9.		Land above the flood level is likely to be suitable for conventional residential subdivision in the medium to longer term.
<b>N13</b>		Reticulated water to be provided. Sewer main traverses northern part of land. Priority: 10.		Land above the flood level is likely to be suitable for conventional residential subdivision in the longer term. However, its location adjacent to a main entrance to town and on the periphery of the built up urban area lends itself to large lot residential development.
<b>S1</b>	<ul style="list-style-type: none"> <li>▪ Lies partly within the Airport Buffer zone.</li> <li>▪ Part of the land is subject to flooding.</li> <li>▪ Adjoins or is in the vicinity of heritage items.</li> </ul>	Reticulated water and sewer could be provided to the land without the need for significant extensions to the existing system.		Part of the land is considered suitable for conventional residential development. However, land within the Airport buffer zone and/or is subject to flooding would be more suitable for rural activities compatible with an urban environment.

AREA	POTENTIAL CONSTRAINTS	WATER AND SEWER	OTHER	COMMENT
S2	<ul style="list-style-type: none"> <li>▪ Partly affected by proposed wildlife corridor</li> <li>▪ Partly affected by actual or potential habitat for threatened species</li> <li>▪ All identified within Scenic Support zone</li> <li>▪ Partly limited by severe drainage constraints</li> <li>▪ All subject to potential spring hazard</li> </ul>	Reticulated water is available but connecting to the sewer may be constrained.		Currently zoned Rural 1(a) under Armidale LEP 1988. Consider suitable for Environment Protection (Support Scenic) zoning given scenic and potential habitat values.
S3	<ul style="list-style-type: none"> <li>▪ Partly affected by slope instability</li> <li>▪ Partly limited by severe drainage constraints</li> <li>▪ All subject to potential spring hazard</li> </ul>	The sewerage system would not be able to cater for extensive resubdivision in St Patricks estate.	Land has already been subdivided into residential lots with an average area of 2,000 <sup>2</sup> m. Most of the lots have had dwelling-houses erected on them.	Currently zoned Rural Residential 1(b) under Armidale LEP 1988. Given existing residential development and servicing limitations on future resubdivision, a large lot residential zoning is considered appropriate.
S4	<ul style="list-style-type: none"> <li>▪ Partly affected by potentially archaeologically sensitive area</li> <li>▪ Part within Support Scenic area</li> <li>▪ Partly affected by potential spring hazard</li> <li>▪ Partly limited by severe drainage constraints</li> <li>▪ Partly affected by slope instability</li> </ul>	Reticulated water available but no sewer. Providing sewer in this area has not been identified in the short to medium term.		Land is currently zoned Rural 1(a) under Armidale LEP 1988. Given that sewer is not likely to be provided in the short to medium term and the other potential constraints, the land is considered suitable for large lot residential and environment protection zonings.
S5	<ul style="list-style-type: none"> <li>▪ Partly affected by potential spring hazard.</li> </ul>	Reticulated water is available but providing sewer would require amplification.		Suitable for residential subdivision but not for conventional subdivision. Consider for large lot residential.

AREA	POTENTIAL CONSTRAINTS	WATER AND SEWER	OTHER	COMMENT
S6	<ul style="list-style-type: none"> <li>▪ Part identified for proposed wildlife corridor</li> <li>▪ Partly affected by potential archaeological area</li> <li>▪ Part (about 65%) Class 2 Agricultural land</li> <li>▪ Partly affected by flooding.</li> </ul>	Reticulated water available but providing sewer would require amplification.		Most of the land is not considered suitable for residential development. Consider more suitable for rural activities compatible with an urban environment or small lot rural residential development.
S7	<ul style="list-style-type: none"> <li>▪ Potentially contaminated site present.</li> </ul>	Reticulated water supply is available. Connection to the sewer would require considerable (distance) extension to existing main to the north.		Due to servicing limitations, conventional residential subdivision is probably not feasible. Consider small lot rural residential to be an appropriate zoning.
S8	<ul style="list-style-type: none"> <li>▪ Partly affected by potential archaeological area</li> <li>▪ Partly affected by flooding.</li> </ul>	Reticulated water available. Sewer would require extension from northern side of Grafton Road. Priority: 8.		Most of the land is considered suitable for future residential development. Some of the land is subject to flooding and a flood analysis would be required prior to future residential development.
S9	<ul style="list-style-type: none"> <li>▪ Southern part lies within the Airport buffer zone.</li> <li>▪ Northern part in proximity to Armidale Saleyards and may be subject to noise.</li> <li>▪ Adjoins Armidale bypass and therefore may be subject to traffic noise.</li> <li>▪ Area includes heritage item and is in vicinity to another heritage item.</li> <li>▪ Part affected by potential spring hazard.</li> <li>▪ Part affected by slope instability.</li> </ul>	Significant augmentation works would be required to connect the northern part of the land to a reticulated water supply. Lots within the southern part are or can be connected to reticulated water supply and sewer.	Northern part with frontage to Bundarra Road has been considered for industrial purposes (refer to <i>Section 7: Industrial and employment generating development</i> ).	Northern part not considered suitable for residential development due to proximity to Armidale Saleyards and the need for major augmentation works to provide reticulated water. Given adjoining land uses land is considered to be more suitable for rural activities compatible with an urban environment. In the longer term part of the site could be considered for industrial development subject to availability of infrastructure and provision of buffer or similar to avoid land use conflict with surrounding development. Southern part suitable for residential development but given that it lies within the airport buffer zone, large lot residential is considered more appropriate.

AREA	POTENTIAL CONSTRAINTS	WATER AND SEWER	OTHER	COMMENT
S10	<ul style="list-style-type: none"> <li>▪ Part affected by potential spring hazard.</li> <li>▪ Eastern end affected by slope instability.</li> <li>▪ Drainage line dissects site.</li> <li>▪ Most lies within the Airport Buffer zone.</li> <li>▪ Adjoins viticulture and berry growing.</li> <li>▪ Partly within archaeologically sensitive area.</li> </ul>	Reticulated water and sewer is available to those lots fronting Uralla Road.		<p>Not considered suitable for conventional residential subdivision given the constraints that apply to the land, in particular its location within the Airport Buffer zone and at the western end its proximity to grape growing.</p> <p>Consider land with frontage to Uralla Road as being suitable for large lot residential.</p> <p>Land adjoining to the southeast is considered more suitable as small lot rural residential.</p>

## 5.8 Residential land releases

### Up to 2021

The projected demand for new dwellings up to 2021 is 2,500 (refer to *Table 5.7*). The potential lot yield from the proposed residential areas identified in *Table 5.8* is about 1,900. The potential lot yield has been estimated by:

- Taking into account the total area of the land excluding land required for roads, drainage and the like.
- It does not include consideration of the extent to which the potential constraints in *Table 5.8* applying to the land could limit dwelling yield, other than those areas known to be affected by flooding.
- The lot yield for conventional urban subdivision is based on an average lot size of 900 m<sup>2</sup>.
- The lot yield for large lot residential is based on a lot size of 4,000 m<sup>2</sup> where the land is likely to have full urban services and 2 hectares where the land is not likely to be served by a reticulated water supply and sewer.

It is considered that the future residential areas would be able to accommodate most of the new 2,500 dwellings needed, particularly allowing for medium density development on many of the potential lots. Also, dwellings will also be permitted in the Business and Environment Protection zones in Armidale so these areas could also satisfy some of the demand for new dwellings.

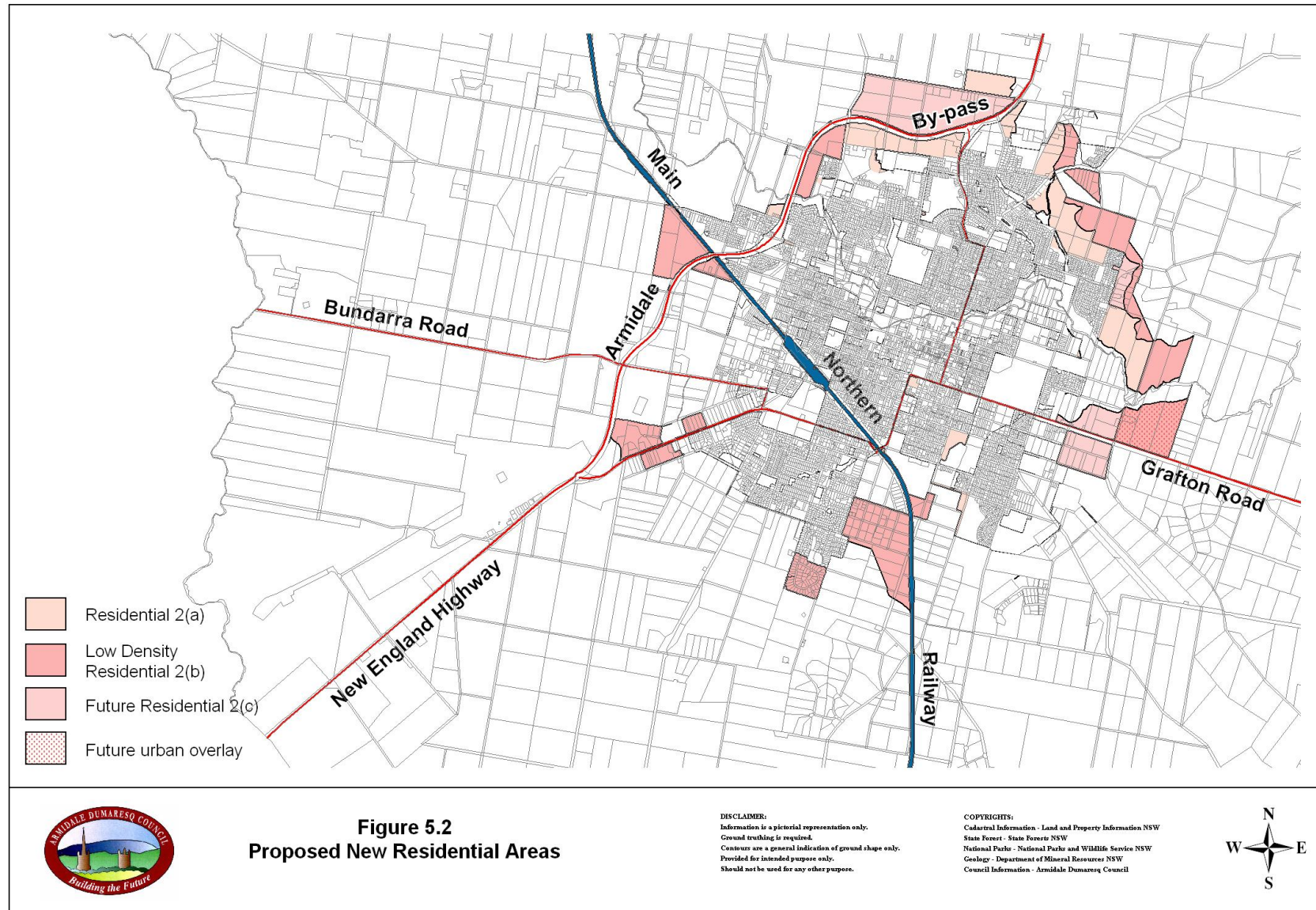
The Department of Infrastructure, Planning and Natural Resources in its comments on the Preliminary Plan (7 October 2003) advised that residential land be released in stages that are linked to actual demand to ensure the logical and efficient extension of services in a manner that will not result in unreasonable economic demands on the rest of the community.

In terms of staging the release of residentially zoned land through the LEP process, it is considered appropriate to consider the demand for residential land up to 2011, that is for the 5 to 6 year period following gazettal of the new LEP. This timeframe is consistent with the expected review of the LEP 5 years following its gazettal. The period up to 2011 would represent the first stage release of residentially zoned land. Subsequent releases would require amendments to the LEP and be linked to the uptake of residential land and changes in population growth which can be monitored through future Census results.

The areas that have been identified for residential development up to 2011 are shown in *Figure 5.2* along with future residential areas that are likely to be required between 2011 and 2021. Assuming an overall constant growth rate, the number of dwellings to meet demand up to 2011 would be approximately 1,250. It has been estimated that 930 dwellings could be erected on new residentially zoned land, and a further 125 on land zoned for large lot residential development in the areas shown in *Figure 5.2*. The staged release of residentially zoned land has been largely based on the progressive provision of infrastructure for reticulated water supply and sewer as indicated in *Table 5.8*.

The subsequent releases of residential land would occur in the areas identified as Future Residential or Future Large Lot Residential in *Figure 5.2*. However, it is considered appropriate that the Draft LEP allow for some residential subdivision to occur at anytime in the future residential areas. This would provide the flexibility necessary for regional centres not experiencing a steady population growth where the timing and location of development interest may be less than in centres experiencing steady and higher growth rates. In recent years in Armidale, substantial residential subdivisions have occurred on land not contiguous with established residential development. Future development is largely dependent on the willingness of landowners to subdivide, the financial ability to do so and the perception of what are considered to be attractive and sought-after locations. This does not always coincide with what would normally be considered to be the next logical step – that is land adjoining developed residential areas. There has also been a general acceptance by developers in relatively remote subdivisions to meet the additional costs associated with extending infrastructure.





Where there is a genuine desire to carry out residential development in the future residential areas it is considered appropriate that the Draft LEP provide for this. To ensure that development does not occur in a piecemeal fashion in these areas and that adequate services are provided at the time of development it is suggested that a minimum number of 25 lots be required. The subdivisions should be consistent with a DCP prepared for the future residential areas to ensure that a subdivision would not compromise future urban development.

The DCP should identify the approximate location of major roads and their connections to the existing road network as well as residential collector roads, the infrastructure that will be required such as water supply and sewer and the indicative location of neighbourhood shops and open space areas. The development standards for subdivision should include a minimum lot size of 2 hectares except where it is proposed to carry out a conventional subdivision of at least 25 lots the maximum lot size should be 1,500m<sup>2</sup> and full urban services should be provided.

In terms of providing a range of residential development it is recommended that residential development permitted in the Residential 2 zone of Armidale LEP 1988 be adopted by the Draft LEP. For example, having a single residential zone that permits different types of residential development and allowing dwellings and multi-unit housing in Business zones. The introduction of large lot residential development zones into the Draft LEP will also add to the range of residential lifestyles available.

### **Long term**

The Armidale Dumaresq Planning Strategy (1995) considered that the future urban release area in the former Shire, referred to as the “Tilbuster Corridor”, has an advantage over other areas surrounding Armidale because of its potential environmental quality (including northerly aspect and views) for development and the relative ease of providing suitable infrastructure, particularly water and sewer.

The Armidale Dumaresq Rural Residential Study (2004) also proposed that the “Tilbuster Corridor” be identified as the future long term urban area for Armidale. The Study recommended that the Corridor not be identified in the Draft LEP but that Council adopt the strategy as part of its long term planning. The Study also recommended that Masterplanning of the area commence in the next 5 to 10 years.

In the interim, subdivisions and other development in areas that have been identified for future urban purposes should not compromise their future use. The “Tilbuster Corridor” is located within the Rural Living Zone recommended by the Armidale Dumaresq Rural Residential Study (2004). The minimum lot size for subdivision within the Rural Living zone is 40 hectares. It is considered that this subdivision standard would be unlikely to compromise future long term development in the Corridor.

## **5.9 Rural villages**

In relation to the Village 2(v) zone that applies to Hillgrove, Wollomombi and Ebor it is recommended that a similar zone apply to these villages in the Draft LEP. The villages have not experienced sufficient population growth or development to warrant increasing the extent of the village zoning or to differentiate areas for specific types of uses such as residential, business or industrial development.

## 5.10 Recommendations

It is recommended that provision be made in the Draft LEP for the following matters relating to residential development:

- The range of residential development permitted in the Residential 2 and Business 3 zones of Armidale LEP 1988 be reflected in the corresponding zones of the Draft LEP.
- Introduce new areas of residentially zoned land as indicated in *Figure 5.2* to satisfy the projected demand for new residentially zoned land up to 2011. Subsequent releases be linked to the uptake of residential land and changes in population growth.
- Introduce a Large Lot /Low Density Residential zone as indicated in *Figure 5.2*. These areas include some of the Rural 1(a) and 1(b) zone under Armidale LEP 1988 that is not considered suitable for conventional residential subdivision, by reason of the availability of services and/or the inherent characteristics of the land.
- Identify land in the Draft LEP for future residential and large lot residential development as indicated in *Figure 5.2* to accommodate future urban growth.
- For land identified as Future Residential that the Draft LEP provide for:
  - A minimum lot size for subdivision of 2 hectares, or
  - A maximum lot size for subdivision of 1,500m<sup>2</sup> where it is proposed to carry out a conventional residential subdivision creating at least 25 lots with full urban services. The Subdivision must be consistent with a DCP prepared for the area's future residential potential.
- The Draft LEP include a minimum lot size of 4,000m<sup>2</sup> for Large Lot/Low Density Residential zone where full urban services (reticulated water and sewer) are provided. Larger lots are likely to be required where on-site effluent disposal is proposed.
- The Tilbuster Corridor (land bound by New England Highway, Rockvale Road, Tilbuster Creek and Puddledock Road) be accepted as the future urban area for Armidale in the longer term and that Master Planning for the area commence in the next 5 to 10 years.
- Prepare Development Control Plans for the Future Residential and Future Large Lot/Low Density Residential zones that include:
  - approximate location of major roads including connections to the existing road network as well as residential collector roads
  - infrastructure requirements, such as water supply and sewer
  - indicative locations for neighbourhood shops and open space areas.
- The proposed zonings in the Draft LEP for Hillgrove, Wollomombi and Ebor be similar to the current provisions for the Village 2(v) zone in Dumaresq LEP No. 1.

## **6. BUSINESS DEVELOPMENT**

### **6.1 Current situation**

Land currently zoned for business purposes comprises a centrally located area within Armidale of about 48 hectares which includes the central business district (CBD) and two separate areas:

- in Rusden Street west of the CBD comprising approximately 1.6 hectares zoned Business 3, and
- on the corner of Dumaresq and Markham Streets comprising 0.6 hectares which is zoned Business (Mixed Uses) 3(a).

There are two small shopping centres located outside the CBD at Girraween and on the campus at the University of New England. These centres are zoned Residential 2 and Special Uses 5(a) respectively. There are also several corner stores located across the City.

Over the years site specific amendments to Armidale LEP 1988 have been made to permit commercial development to occur outside the CBD and these have been mainly for the purposes of cattle breed society headquarters or professional consultancies. The amendments have not rezoned the land but have provided for the additional specified uses to be carried out with consent.

Some business activities are permitted in Residential areas within Armidale such as corner shops, groups of convenience stores, retail plant nurseries, exhibition homes and home businesses that are unlikely to affect the amenity of the neighbourhood.

Outside Armidale there are businesses such as convenience stores, service stations and refreshment rooms located in the villages of Ebor, Wollomombi and Hillgrove. These premises are generally located within the Village 2(v) zone under Dumaresq LEP No. 1.

### **6.2 Demand for business zoned land**

The Armidale Dumaresq Planning Strategy (1995) found that there is more than sufficient land available in the existing CBD to allow for an increase in retail demand associated with the projected population increases identified by the Strategy. The Strategy also commented that not only was there the potential to significantly increase existing retail space and parking provision, but also to encourage innovative residential development within and around the centre of the City.

Recommendations of the Strategy relating to the location of commercial development within Armidale included:

- future major commercial development in Armidale be contained within the existing CBD.
- the council resist pressure for establishment of large regional shopping centres on the urban fringe.
- continuation of the existing pattern of corner stores be encouraged as far as possible in new development areas.

However, community consultations undertaken during preparation of the Draft LEP identified two main issues:

- the perceived lack of suitable land zoned for Business purposes.
- the need to consolidate, improve and reinforce the existing CBD.

Concerns regarding the lack of suitably zoned land came mainly from representatives of the local development industry. These concerns were raised in the initial round of community consultation meetings and in (2) submissions on the Preliminary Plan. The issues included:

- although there may be a sufficient supply of land already zoned for business purposes within the CBD the use of land in sought after locations can be controlled by ownership. To achieve larger sites for commercial development often requires purchasing more than one property.
- new businesses seeking to establish in Armidale in recent times have tended to want larger, relatively visible sites. Some national/chain/franchises want highly visible sites, particularly along main or busy roads. Retailers are wanting larger floor spaces than traditionally required. While there are sufficient specialty shop sites in Armidale at present there is a shortage of sites able to provide 1,000 – 2,000 m<sup>2</sup> floor space
- there is a growing trend in bulky goods retailing and industrial service retail. Bulky goods retailing typically seeks larger sites along main roads.

The following considers the availability of land for business purposes within Armidale. The main investigation areas for potential business development are:

- Central Armidale - adjacent areas to the north and west of the CBD
- Girraween shopping centre
- land near the northern end of the Armidale bypass
- 146 Marsh Street
- 118 – 120 Niagara Street.

Land at the corner of Canambe Street and Grafton Road was subject of Draft Amendment No 28 to Armidale LEP 1988 at the time of preparing this Report. The land is zoned Residential and the Amendment seeks to permit a bulky goods retailing proposal and fast food outlet on the site.

### **6.2.1 Central Armidale**

Over recent years major commercial development has continued to occur on land zoned Business 3 within the centre of Armidale. A motor showroom development has been established on the corner of Markham and Dumaresq Streets, north of the CBD, which was subject of a spot rezoning from Residential 2 to Business 3(a) Mixed Uses.

The following opportunities for expanding the existing CBD were identified at meetings with the local development industry or in submissions on the Preliminary Plan:

- along Marsh Street north of Dumaresq Creek. This land is hereinafter referred to as the Marsh Street precinct and comprises properties with frontage to Marsh Street between Kirkwood Street and Erskine Street.
- rezoning land along Markham Street north of Dumaresq Creek to a similar zoning to the existing Business 3(a) (Mixed Use).
- west of the existing CBD along Rusden Street to Markham Street.
- Consider rezoning Barney and Butler Street blocks that back up to the commercial zone to Mixed Use.

The suggested expansions for the CBD put forward during community consultations are reviewed below, although significant expansion of the CBD is not considered desirable in the near future. As previously noted, there is a sufficient amount of land zoned for business activities to meet the projected population up to 2021. Limiting the expansion of Business zoned land within the centre of Armidale may encourage more efficient use of areas within the CBD. Also, the dynamics of the CBD are likely to change with the proposed development of the West End Shopping Centre and upgrading of the CBD Mall. The proposed West End Shopping Centre on the corner of Jessie and Beardy Streets includes a supermarket, large discount store and several specialty shops. There is considered to be some merit in deferring substantial rezonings to business purposes until the West End Shopping Centre is built and its impact on the existing retail and commercial dynamics of the CBD and on land surrounding the proposal are known. Substantial upgrading of the CBD Mall, which commenced in 2004, seeks to make the Mall more attractive to shoppers and the community.

Having a compact CBD area is consistent with the views expressed by residents from three of the Local Area Committees consulted during preparation of the Preliminary Plan. Residents indicated that they would prefer to see consolidation and improvements in the existing CBD and that development on the fringe or outside the CBD may lead to a decline in business activities in the town centre.

**Along Marsh Street north of Dumaresq Creek – Marsh Street precinct**

In July 2003 Council considered a development application to operate commercial premises (accountancy office) at 39 Marsh Street. The application raised the general issue of commercial or business activities along Marsh Street between Dumaresq Creek and Erskine Street. Council resolved at its meeting on 31 July 2003 (Minute No. 10.057/03) that the Marsh Street precinct be looked at when reviewing and consolidating the LEP. A public submission on the Preliminary Plan also requested that land within the Marsh Street precinct be zoned for Commercial or Mixed Use.

The land is currently zoned Residential 2 and has frontage to an arterial road, Main Road 7708. There are several businesses operating from premises along Marsh Street including a service station, motels, veterinary surgeries and a professional consultancy office although the predominant landuse is residential comprising mainly of single detached dwellings.

Possible options for commercial development in the Marsh Street precinct are identified and discussed in *Table 6.1*.

**Table 6.1: Development options for Marsh Street precinct**

Option	Comment
1. Rezone land to Business	<ul style="list-style-type: none"> <li>▪ Provides sites with high visibility to traveling public</li> <li>▪ Concern that could affect viability of CBD</li> <li>▪ CBD has been largely contained as a compact, discrete area. A rezoning would result in separate development north of the CBD and commercial ribbon development along an arterial road (Main Road 7708).</li> <li>▪ Possible adverse impacts of business development on adjoining residential properties.</li> </ul>
2. Retain Residential zoning but permit some additional business activities.	<ul style="list-style-type: none"> <li>▪ Appropriate types of business activities would be those that are unlikely to adversely affect residential amenity of the area as a result of hours of operation, traffic generation and the like.</li> </ul>
3. Allow professional consulting offices in all Residential zones.	<ul style="list-style-type: none"> <li>▪ Because of the increased opportunities for locating offices outside the CBD this may adversely affect the CBD's viability.</li> </ul>
4. No change to current situation.	<ul style="list-style-type: none"> <li>▪ The existing Residential zone already permits a range of business activities including home businesses, home occupations, home industries, motels, bed and breakfast, boarding houses, caravan parks and manufactured home estates, child care centres, convenience shops and shops with residences attached, educational establishments (including art galleries), exhibition homes, medical centres, motels, recreation facilities, refreshment rooms (but not restaurants), retail plant nurseries, and veterinary hospitals.</li> </ul>

The preferred option is to allow professional consulting rooms as an additional use on land within the Marsh Street precinct while retaining the existing residential zoning (ie. option 2).

### **Rezoning land along Markham Street north of Dumaresq Creek to a Mixed Use zone**

This land is in proximity to the proposed West End Shopping Centre development. It is considered preferable to await completion of the shopping centre so its impacts on the existing retail and commercial dynamics of the CBD and on land surrounding the proposal can be determined prior to considering any further rezonings in the area for business purposes. Furthermore, rezoning more land in this locality to Mixed Uses is likely to fragment the compact nature of the CBD which lies south of Dumaresq Creek.

### **West of the existing CBD along Rusden Street to Markham Street**

This area is between the CBD and the isolated area of land zoned Business 3 in Rusden Street towards the hospital. It is also opposite the campus of the New England Institute of Technical and Further Education. It is considered appropriate to rezone land west of the existing CBD along Rusden Street to Markham Street from Residential 2 to Business. It would result in a relatively modest expansion of the CBD, and would link the CBD with an area that is already zoned for business purposes.

### **Rezone land along Barney and Butler Street that adjoin the Business zone to Mixed Use**

A public submission on the Preliminary Plan requested that land in Barney and Butler Streets that backs up to the commercial zone be rezoned to Mixed Use. The reasons supporting the rezoning were that there is already considerable business operating in the area and that it is the logical progression of the commercial zone in the future. It would also suit further development of professional service businesses and fit with the expansion of the businesses in the Health and Wellbeing area in line with the strategy of Council's Economic Development Group.

The land subject of the rezoning is currently zoned Residential 2. While there are some businesses located within the area it is predominantly residential, comprising of single detached dwellings. As previously noted there is a sufficient amount of land zoned for business purposes in Armidale. While the area may be the logical future extension to the CBD it is considered premature to rezone the land at this time although it may be appropriate to consider some limited commercial development.

The issues regarding allowing businesses in the area are similar to those that apply to the Marsh Street precinct, namely that providing such a large number of sites for commercial development could possibly affect the viability of the CBD and the potential adverse impacts on residential amenity. The submission suggests that suitable businesses would include professional service businesses and those involved in the Health and Wellbeing area. Some of these types of businesses could be allowed for under the current Residential zoning, such as medical centres and home based businesses. Permitting professional consulting rooms in these areas would include many other similar businesses and because of their nature would be less likely to adversely affect residential amenity.

It is therefore considered appropriate at this time to retain a Residential zoning but permit professional consulting offices in this area adjacent to the existing business zones west of the CBD.

### **146 Marsh Street**

A request has been received that the land at 146 Marsh Street, comprising Lot A DP 82297 and Lot 1 DP 550492 be rezoned from Residential 2 to Business or Commercial. The property is on the corner of the New England Highway and Waterfall Way, adjacent to the current Business zone.

A service station operated continuously on the property from 1959 to 1999. The buildings have been subsequently demolished and the site is being remediated to threshold limits that will allow the development of the property for commercial purposes. A covenant included in the contract for sale of the land prevents residential use of any kind. It is proposed to develop the site for commercial purposes.

Commercial and business uses of the site are permissible despite the residential zoning while ever the existing use rights arising from the site's previous use as a service station persist. However, should existing use rights lapse, then only those uses permitted in a residential zone would be allowed. These uses are generally unsuitable given the outcomes of the remediation process for the land. This factor, along with its location on the corner of two arterial roads and other landuses in the locality, including a service station and motels, suggest that it would be appropriate to zone the site for general business purposes.

### **118-120 Niagara Street**

The land (Lot 1 DP 799192 and Lot 19 DP 7469) is located on the corner of Niagara and Rusden Streets, Armidale. The current owner of 118 Niagara Street has requested that the land be rezoned to a commercial mixed business zone and the owner at 120 has indicated that they would like similar consideration. Both sites are currently zoned Residential 2 under Armidale LEP 1988.

The premises at 120 Niagara Street are used as a service station and general carrier business. The service station is listed as a heritage item under Armidale LEP 1988. Aside from the service station there is an office, storage area and mechanical workshop. The premises at 118 Niagara are currently being used as a home business selling and displaying sheds and garages. In the past premises at 118 Niagara Street have been used for a trophy and engraving business with the residence and a chiropractic clinic.

Given the history and likely future use of 118-120 Niagara Street it is recommended that the land be rezoned to permit industrial, commercial and ongoing residential uses. The total area of the two properties is 2,700 m<sup>2</sup> which if developed for retail use could have negative impacts on the CBD as the main focus for commercial and retail activities in Armidale. It is therefore suggested that proposed retailing at 118 – 120 Niagara Street be permitted only where it is ancillary to another permitted use in the zone and that the retail floor space be less than 100m<sup>2</sup>.

### **6.2.2 Girraween shopping centre**

Girraween Shopping Centre lies outside the CBD and is currently zoned Residential 2. Given its size and range of shops as well as its location between the town centre and the University of New England the shopping centre has become well established. It is therefore considered appropriate that the land occupied by the shopping centre be zoned Business to reflect its current and likely future use rather than continuing to have development subject to the existing use provisions of the EPA Act 1979.

It is also recommended that land on the corner of Queen Elizabeth Drive and Golgotha Street (16 Queen Elizabeth Drive), which adjoins the Girraween Shopping Centre, also be rezoned from Residential 2 to Business 3. The site has an area of 3,965m<sup>2</sup> and a high visibility being on one of the major roads linking the town centre and the University.

A submission on the Preliminary Plan requested that the property adjoining the rear of 16 Queen Elizabeth Drive and the Girraween Shopping Centre also be zoned Business. The property at 49 Golgotha Street is currently zoned Residential 2. Given the size of the property and the current and likely future use of adjoining land, it is considered appropriate to rezone the property to Business.

Rezoning 16 Queen Elizabeth Drive and 49 Golgotha Street would increase the area of land available for business development at Girraween by 6,039m<sup>2</sup> or 30%.

In its submission on the Preliminary Plan DIPNR (7 October 2003) strongly recommended that additional controls be incorporated to preclude a major retail or commercial proposal from locating in the Girraween Shopping Centre that could potentially jeopardize the vitality of the CBD.



One means of precluding large scale retail or commercial development at the Shopping Centre would be to limit the floor space area of such proposals. At present the Girraween precinct includes a service station, liquor store and the shopping centre itself. The service station is located on a lot with an area of 1,597m<sup>2</sup> and the liquor store is on a 570m<sup>2</sup> lot. There are 13 lots within the Strata Plan for the shopping centre with a total area of 2,433m<sup>2</sup>, the largest having an area of 1,371m<sup>2</sup> and the remaining 12 lots an average area of 88m<sup>2</sup>.

To address the concerns raised by DIPNR it is suggested that a maximum gross floor area of 1,500m<sup>2</sup> be included in the Draft LEP for retail and commercial proposals at Girraween, including shops, commercial premises and bulky goods retailing.

### **6.2.3 Land near the northern end of the Armidale bypass**

In 2003, Council amended Armidale LEP 1988 to permit medical centres, professional consulting offices, high technology industry, and technologists consulting rooms and offices on the Angus Breed Society site (Lot 1 DP 826910) which is near the northern end of the bypass. During the public exhibition of the draft amendment, two submissions were received requesting that the additional uses permitted by the Amendment for Lot 1 be applied to the adjoining land at Lot 2 DP 826910. Council resolved at its meeting on 26 May 2003 to consider the request as part of preparing the Draft LEP.

It is considered that the additional uses requested for Lot 2 would be appropriate given the attributes of the land and land adjoining it and because such development if limited in scale or intensity, is unlikely to attract significant business away from the CBD. Given the area of Lot 2 (1.7 hectares) it is recommended that only one such additional use should be permitted to be carried out on the site. If several developments were to occur then the resulting commercial precinct could be of a size and intensity that would reduce the vitality of the CBD. The proposed commercial uses would be in addition to those allowed by the zoning of the land. It is proposed to zone Lot 2 DP 826910 Residential 2(a) in the Draft LEP.

A public submission on the Preliminary Plan requested that the additional commercial uses that would be permitted on Lots 1 and 2 DP 826910 be extended to adjacent land at Lot 132 DP 815132. Lot 132 is separated from Lots 1 and 2 by the Armidale bypass. It is not considered desirable to extend the additional commercial uses to Lot 132. Any demand for this type of development in the area is likely to be satisfied by Lots 1 and 2 which are south of the bypass and adjoin the urban area of Armidale.

### **6.2.4 Corner of Canambe Street and Grafton Road**

Council resolved at its meeting 15 December 2003 (Minute No. 10.076/03) to amend Armidale LEP 1988 to permit the use of Lots 204 and 205 DP 755808 on the corner of Canambe Street and Grafton Road for bulky goods retailing and a fast food outlet. At the time of preparing this Report the Draft Amendment was on public exhibition.

### **6.2.5 Corner or convenience stores**

Corner stores are currently permitted in residential areas under Armidale LEP 1988 and it is recommended that this be retained in the Draft LEP. It is also appropriate that single convenience stores be permitted within rural areas to serve local communities.

### 6.2.6 Villages

Hillgrove, Wollomombi and Ebor are unlikely to experience a significant increase in development to warrant differentiating areas for particular types of use (such as residential, business and industrial) and zoning them accordingly. It is recommended that retail and commercial developments be permitted within the Village zoning as currently allowed for under Dumaresq LEP No. 1.

### 6.3 Land to be zoned for business activities

*Table 6.2* summarises the proposed zones or areas for business activities in the Draft LEP and their locations are shown in *Figure 6.1*.

It should be noted that in relation to bulky goods retailing, these types of development are also permitted in the Industrial zones in the Draft LEP, including the new industrial zone along the New England Highway at the southern end of the Armidale bypass near the Airport (refer to *Section 7: Industrial and employment generating development*).

The proposed increase in land available for business activities in the Draft LEP is based on providing increased opportunities for retail and commercial activities in a range of locations while not detracting from the CBD as the main focus of commercial activities in Armidale.

It was suggested during consultations with the local development industry that the Draft LEP could include different business zonings rather than the current single zone in Armidale LEP 1988 which allows for a broad range of uses. Alternatively, a DCP could be prepared which identifies different precincts within a single Business zone.

The approach adopted by the Draft LEP is to have a single general business zone. This zone would provide for a range of businesses and other compatible landuses, including residential development.

It is also proposed to prepare a Development Control Plan for the Armidale CBD. It will be based on the Armidale CBD Draft Outline Discussion Paper (November 2001), which identified specific precincts within the CBD and the types of uses that would be appropriate for each precinct, as well as the outcomes of the CBD Upgrade and Streetscape Study prepared for Council by Environmental Partnerships consultants in 2004. While the zoning will allow a broad range of uses in order to provide flexibility, the DCP will be more specific by guiding development into appropriate locations within the CBD and detailing the issues and facilities to be addressed with any development proposal.

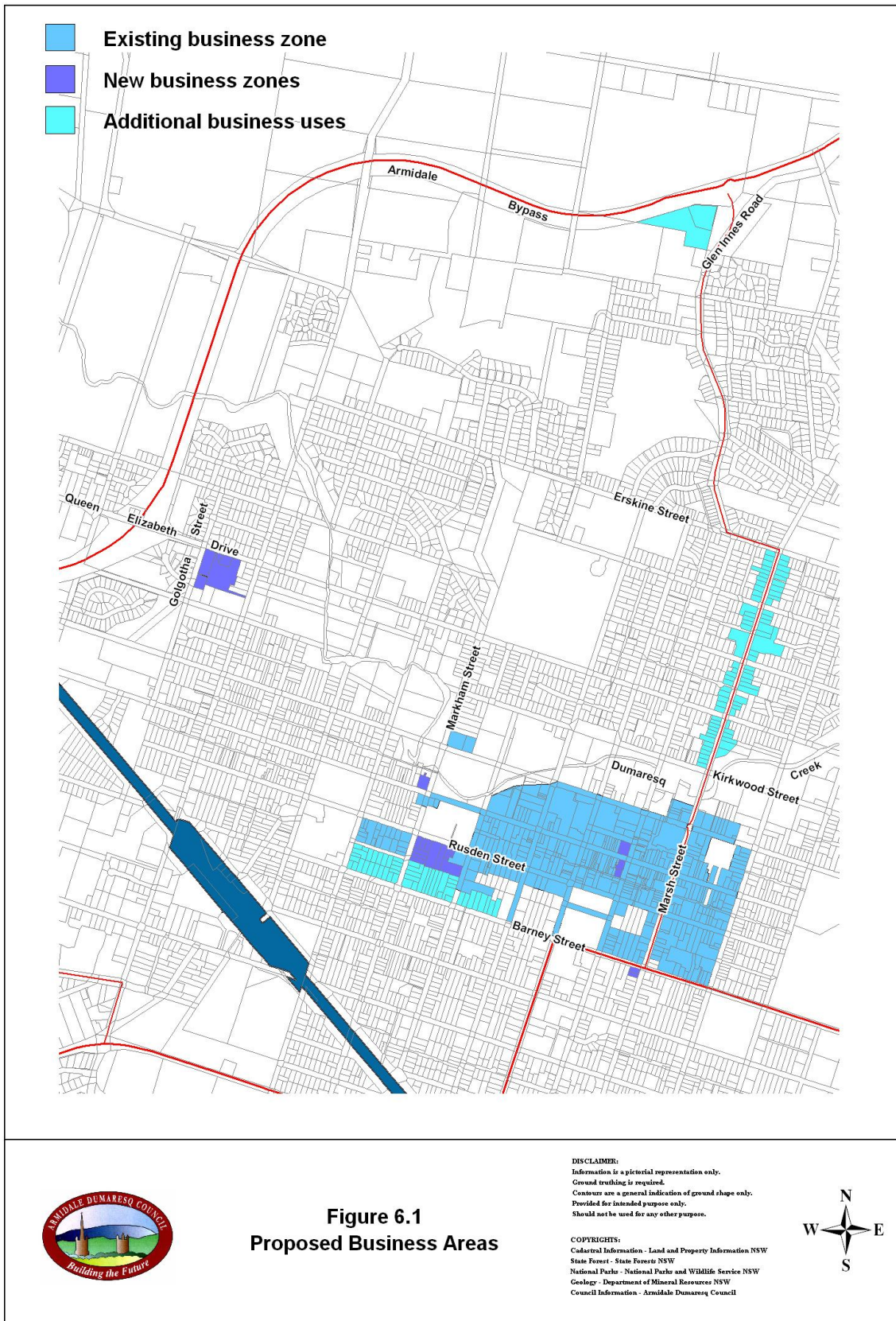
**Table 6.2: Land for business activities**

Land	Armidale LEP 1988 or Dumaresq LEP No. 1		Draft LEP	
	Zoning	Area (ha)	Zoning	Area (ha)
CBD	Business 3	48	Business 3(a)	48
Corner Markham and Dumaresq Streets	Business 3(a) - Mixed Use	0.60	Business 3(a)	0.60
Rusden Street between Markham and Butler Streets	Business 3	1.6	Business 3(a)	1.6
Rusden Street between Allingham and Markham Streets	Residential 2	1.35	Business 3(a)	1.35
Marsh Street precinct	Residential 2		Residential 2(a) and professional consulting rooms <sup>1</sup>	
Along Barney and Butler Streets that adjoin the Business zone.	Residential 2		Residential 2(a) and professional consulting rooms <sup>1</sup>	
146 Marsh Street, Lot A DP 82297 and Lot 1 DP 550492.	Residential 2	0.14	Business 3(a)	0.14
118-120 Niagara Street	Residential 2	0.27	Business 3(a)	0.27
Girraween shopping centre	Residential 2	1.37	Business 3(a) <sup>2</sup>	1.37
16 Queen Elizabeth Drive	Residential 2	0.39	Business 3(a) <sup>2</sup>	0.39
49 Golgotha Street	Residential 2	0.22	Business 3(a) <sup>2</sup>	0.22
Northern end of bypass - Lot 2 DP 826910	Rural 1(a)		Residential 2(a) and specified commercial uses <sup>3</sup> .	

Notes: 1 No change in zoning but additional permitted use for professional consulting offices.

2 Limit GFA to less than 1,500m<sup>2</sup> for shops, commercial premises and bulky goods retailing.

3 Additional permitted commercial uses are medical centres, professional consulting offices, high technology industry, and technologists consulting rooms and offices.



## 6.4 Recommendations

It is recommended that the Draft LEP make provision for the following matters relating to business development:

- that the CBD continue to be the main focus of commercial and retail development within Armidale
- the current areas zoned Business 3 or Mixed Use 3(a) be zoned for general business purposes, Business 3(a)
- rezone land west of the existing CBD along Rusden Street to Markham Street from Residential to general Business 3(a)
- permit residential development within the general Business 3(a) zone
- rezone land at 146 Marsh Street, comprising Lot A DP 82297 and Lot 1 DP 550492 from Residential 2 to Business or Commercial to reflect its previous and likely future use of the land for commercial purposes given the extent of remediation proposed for the property.
- rezone land occupied by the Girraween Shopping Centre as well as 16 Queen Elizabeth Drive and 49 Golgotha Street from Residential to Business 3(a)
- limit the scale of shops, commercial premises and bulky goods retailing at Girraween shopping centre by adopting a maximum gross floor area of 1,500 m<sup>2</sup> for such developments
- rezone 118 and 120 Niagara Street from Residential to Business 3(a) but limit the scale of retailing on the land by requiring it to be ancillary to another permitted use in the zone and limiting the floor space to 100m<sup>2</sup>.
- permit professional consulting offices on residentially zoned land:
  - with frontage to Marsh Street between Kirkwood Street and Erskine Street
  - within the area bound by Jessie, Allingham, Butler and Rusden Streets
- permit a medical centre, professional consulting office, high technology industry, or technologists consulting rooms and office on Lot 2 DP 826910 Glen Innes Road, Armidale
- convenience stores be permitted with consent in residential and rural zones
- development for retailing and commercial purposes be permitted with consent within the Village zoning applying to Hillgrove, Wollomombi and Ebor.

## 7. INDUSTRIAL AND EMPLOYMENT GENERATING DEVELOPMENT

### 7.1 Current situation

Both of the current LEPs provide for industrially zoned land. Armidale LEP 1988 also includes an Enterprise zone near the University of New England and Dumaresq LEP No. 1 has an Airport Development zone adjoining Armidale Regional Airport.

Land zoned Industrial 4 under Armidale LEP 1988 comprises two main estate areas at West Armidale and Acacia Park and two isolated areas in proximity to these estates at the Armidale Saleyards and 65 Long Swamp Road. The area of the Industrial 4 zones is approximately 145 hectares comprising:

- West Armidale 45 hectares
- Acacia Park 95 hectares (this includes Council's landfill site)
- Saleyards 3.5 hectares
- 65 Long Swamp Rd 1.9 hectares

Beyond Armidale there are two areas zoned General Industrial 4(a) under Dumaresq LEP No. 1. They are centred on Dumaresq Railway Station and the Armidale Sewerage Treatment Works and have an area of approximately 76 and 103 hectares respectively.

Both Armidale LEP 1988 and Dumaresq LEP No. 1 include Enterprise zones. In Armidale approximately 40 hectares of land is zoned Enterprise 10. It is adjacent to the University and mainly provides for high technology industries and research and other compatible employment activities. Approximately 125 hectares of land adjacent to Armidale Regional Airport is zoned Airport Development 10(a) under Dumaresq LEP No. 1. Most of this land is owned by Council and provides for development of the airport and related industries and for activities which complement the airport.

The total area of industrially zoned land in Armidale Dumaresq is approximately 490 hectares, which includes 165 hectares zoned for Enterprise or Airport Development.

### 7.2 Projected demand for industrial and employment land

The Armidale Dumaresq Planning Strategy estimated the demand for industrial land by assuming that the requirements for such land in the future would retain the same proportional relationship with population as it did at the time the Strategy was prepared. The demand for industrial land when the population was 25,334 was found to be 62 hectares. Applying the same proportional relationship to projected population figures the demand for industrial land up to 2021 is estimated to be 71 hectares (refer to *Table 7.1*).

**Table 7.1: Estimated demand for industrial land, 2001 - 2021**

Year	Population	Industrial land demand
2001	24,134	59 ha
2011	26,547	65 ha
2021	28,961	71 ha

It would appear that the projected demand for zoned industrial land could be met by the existing provision of industrially zoned land under the current LEPs, even allowing for a supplementary land supply of 25%.

Industrially zoned land that is currently available for development exceeds demand, particularly in terms of the amount of land available. The Armidale Dumaresq Planning Strategy (1995) identified that there was sufficient industrially zoned land available to meet the needs of a population up to 36,000 although this was dependent on existing land being used more efficiently with further intensification of development.

While West Armidale industrial area is a sought after location and has been continuing to develop it has not experienced the degree of intensification envisaged by the Strategy. The local development industry has indicated that West Armidale industrial area continues to be an attractive location for development compared to other industrially zoned land in Armidale and that the expansion of this area should be considered.

Acacia Park has experienced a slow take up of industrial blocks. The land at Acacia Park has been zoned industrial since 1988. In 2001, 8 of the 36 allotments which ranged between 1,000 and 8,000 m<sup>2</sup> were vacant. About 25% of the land zoned industrial is occupied by Council's Landfill site. The area of the remaining undeveloped industrially zoned land is about 50 hectares.

Development of the two main industrial areas at West Armidale and Acacia Park has resulted in the estates tending to meet different markets for industrial land. It is likely that West Armidale industrial area will continue to be characterised by light industrial uses serving the local market with some associated commercial and retail activities. Acacia Park industrial area, while providing sites for development similar to that which is occurring in West Armidale, also provides for larger scale industrial developments that rely to a lesser extent on direct customer access.

There has also been limited development within the existing Enterprise zones or on land within the General Industrial zone in the former Dumaresq Shire.

The Armidale Dumaresq Planning Strategy recommended that there should be a contingency plan for designation of broad acre industrial land should a need arise. This should be capable of economical and rapid provision of services and it should be well located with respect to the main road network. The Strategy identified two possible sites – one east of the city between Waterfall Way and the Armidale Sewerage Treatment Works and the other to the west of the City adjacent to the railway line. Only one of these localities was projected to be used. It was emphasised in the Strategy that it was not necessary to rezone the land to industrial until there is demand from a specific development.

The Strategy also suggested that an area of approximately 20 hectares could be rezoned at each end of the bypass to allow for land uses that derive benefit from highway traffic. Development would need to be appropriately controlled to ensure management of the environment and aesthetic impacts. The Strategy (p. 195) suggested that a comprehensive development strategy should be prepared for the southern 'gateway' to the City, including land opposite the airport, the airport and lands directly adjacent to the bypass that may be required to support highway uses. This development strategy should result in a specific zone being identified to cover the southern gateway. The same zone should be utilised for the northern gateway site. Any LEP planning provisions for the areas at either end of the bypass would need to be underpinned by a series of DCPs.

It appears that in terms of future industrial land, the issue is not so much about the amount of land which is required since there appears to be sufficient to meet demand, but rather other factors such as the lack of intensification, the location of industrial land and the types of development which may seek to establish in these areas. Also Council has adopted a proactive approach to encouraging economic development in its local government area. This approach includes providing areas of suitably zoned land in the Draft LEP that would be immediately available for prospective development thereby avoiding the delays associated with a rezoning process.

### 7.3 Future location of industrial land

As previously noted there is sufficient industrially zoned land currently available to meet projected demand in terms of the amount of land available. However, there are other factors such as preferred locations and types of new development which also influence demand. The following considers possible new sites and future expansions to existing industrially zoned land.

#### West Armidale

The West Armidale industrial area is likely to continue to be characterised by light industrial uses serving the local market with some associated commercial and retail activities.

During preparation of the Preliminary Plan consultations with the local development industry suggested that the expansion of the West Armidale industrial area could occur and the following possible options were identified:

- Land currently zoned residential south of Mann Street between Armidale High School and Miller Street.
- Land north of Bundarra Road between West Armidale Industrial area and the Armidale Saleyards.

These options were included in the Preliminary Armidale Dumaresq Plan 2004 along with:

- an alternative site for expansion to the West Armidale industrial estate comprising land south of Bundarra Road between the bypass and New England Girls School
- land on the north-western corner of Beardy and Golgotha Streets based on its present industrial use.
- Land at the western end of Drew Street where the owner had requested additional land be zoned industrial.

The locations of these investigation areas are shown in *Figure 7.1*.

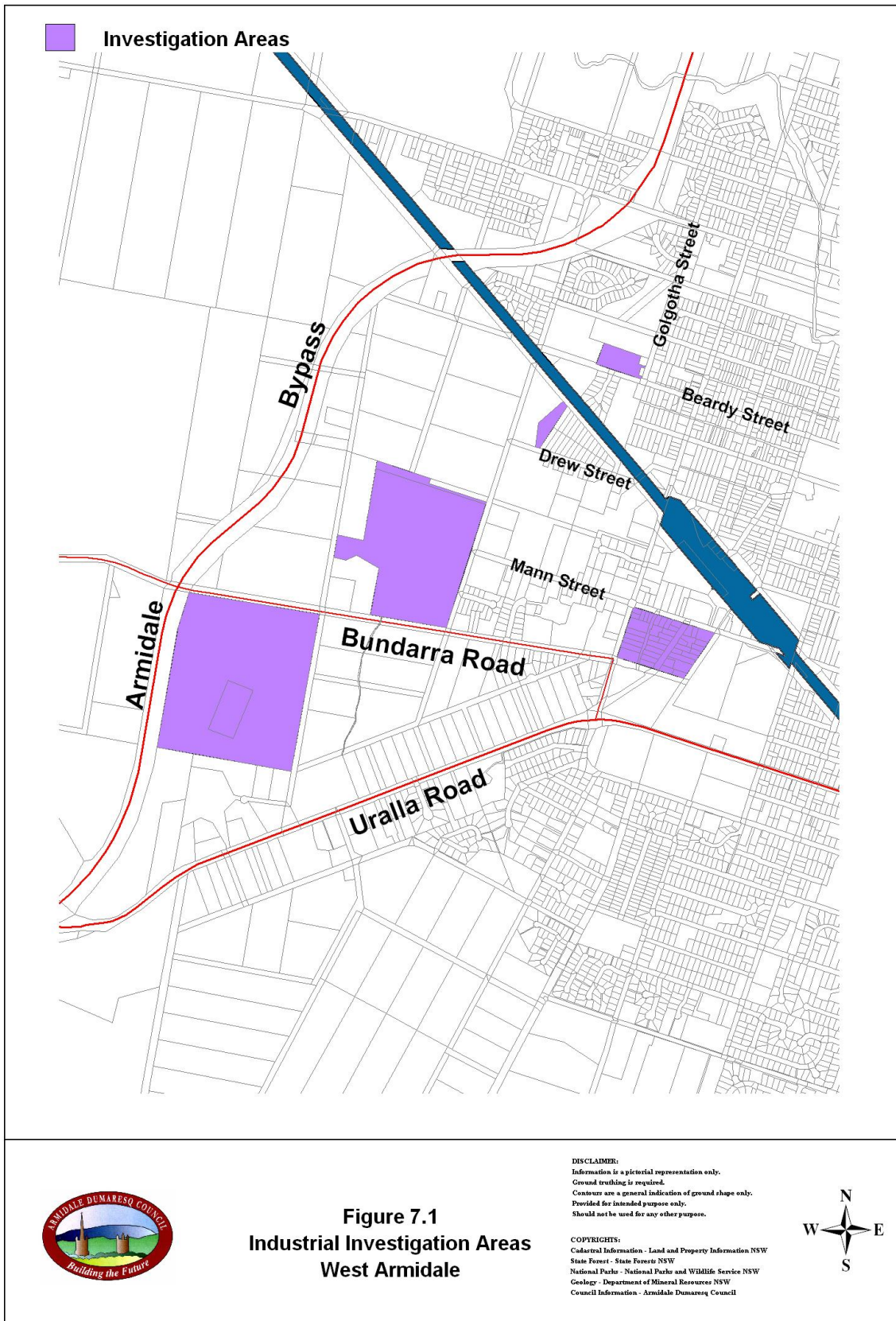
The investigation areas have been assessed taking into consideration the following factors:

- Public submissions received on the Preliminary Plan
- The response from owners of properties within the investigation areas regarding a proposed rezoning of their property.
- The availability of services, in particular reticulated water and sewer. This information was not available at the time the Preliminary Plan was prepared.
- Other constraints, such as liability to flooding. Updated flood mapping was not available when the Preliminary Plan was prepared.

Consideration of the potential industrial areas in West Armidale is summarised in *Table 7.2*. The assessment of these industrial areas has only identified one site, land on the corner of Beardy and Golgotha Streets as being suitable for rezoning to industrial purposes. The main constraints to the other sites being rezoned to industrial uses are flooding, lack of a reticulated water supply or owner objections. For areas adjoining or west of the existing industrial estate, providing a reticulated water supply would involve major augmentation works including a new pipeline from the reservoir in Garibaldi Street to the proposed industrial areas. There is no spare capacity in the existing water supply because of the fire fighting needs of the town's gas utility which has recently relocated to the West Armidale industrial area.

With respect to the potential area south of Mann Street between Miller and Stephens Streets, following consideration of the submissions on the Preliminary Plan Council resolved at its meeting on 17 November 2003 (Minute No. 10.074/03) that the land retain its residential zoning but the owner of Lot 3 DP 520645 on the corner of Mann and Stephen Streets be encouraged to submit a site specific development for the land for consideration by Council. A submission was subsequently received and is included in *Appendix E*.





The submission seeks to allow mixed uses on the site and indicates that the owner is considering developing the land for storage units. It is recommended that the Draft LEP retain the residential zoning as previously resolved by Council but permit storage sheds on the site. A concern with introducing a mixed use zoning over the land would be the range of permitted uses that may be incompatible with residences in the locality, in particular those on adjoining properties. Possible adverse impacts of a proposal for storage sheds on the amenity of nearby residences may be mitigated with appropriate measures such as hours of operation, setbacks, screening, direction of lighting and the like. It is also recommended that the proposal be exhibited with the Draft LEP and adjoining owners be notified.

### **Acacia Park**

Development of the two main industrial areas at West Armidale and Acacia Park has resulted in the estates tending to meet different markets for industrial land. Acacia Park industrial area, while providing sites for development similar to that which is occurring in West Armidale, also provides for larger scale industrial developments. There is the potential to develop 50 hectares of vacant land within Acacia Park which is currently zoned Industrial.

It is planned to close the Armidale landfill off Long Swamp Road in 2007-2008 although this period could be extended if Council's recycling and resource management strategy is successful. The landfill site has an area of about 20 hectares. Use of the site following closure of the landfill has not been identified at this time although part of the site will continue to be used for some of its present uses such as green waste collection and storage of top soil, as part of the long term waste management strategy. There may be some potential for the residue of the site to be used for industrial purposes, subject to any remediation that may be required to make the land suitable.

### **Council depot, Grafton Road**

The Council depot is located in eastern Armidale on Grafton Road and is zoned Special Uses 5(a) under Armidale LEP 1988. The site is potentially contaminated as a result of its use as a works depot.

Council is planning to consolidate its depots to the Mann Street depot and dispose of its land at Grafton Road. Investigations at its depot in Grafton Road have indicated that the site could be remediated to a level suitable for it to be used for industrial or commercial uses. The depot is next to existing residential development comprising single dwellings and a caravan park. Part of the site is also subject to flooding. It is suggested that the land zoned Special Uses 5(a) be considered for an industrial zoning. The types of use that are likely to be appropriate would include those that would not adversely impact on nearby residential amenity any more than the operation of the depot.

### **Industrially zoned land at Dumaresq Railway Station and Armidale Sewerage Treatment Works**

Land around the Dumaresq Railway Station has been zoned General Industrial 4(a) since 1985 but has not been developed for industrial purposes. The existing fertiliser storage and distribution facility near the railway station is located on Rail Estate land zoned Special Uses 5(b) Railway. The Armidale Dumaresq Planning Strategy (1995) recommended that council have a contingency plan for accommodating appropriate enterprises requiring 10 hectares or more of land, should such industries be attracted to Armidale or district. However, the Strategy recommended that a site should not be identified and zoned until the advent of a proposed development.

In its submission on the Preliminary Armidale Dumaresq Plan 2004 the Dumaresq Local Area Committee supported the removal of the General Industrial 4(a) zoning from this site, mainly due to the possible impact that future industrial development could have on Saumarez Ponds. The Armidale Dumaresq Rural Residential Study (EDGE Land Planning, 2004) has recommended that the land be zoned for Rural Living purposes.

Similarly, land zoned General Industrial 4(a) at the Armidale Sewerage Treatment Works has not been developed for industrial purposes although part of it was used in the past for the disposal of sawmill waste. In recent years much of the land has been used for agricultural activities which utilise treated effluent from the Sewage Treatment Works for irrigation. Recent Council policy initiatives to foster economic growth include assistance to rural industries (such as viticulture) that would be capable of utilising Armidale's reuse water resources, including treated effluent from the Sewage Treatment Works. This could also involve value adding activities. The current zoning of General Industrial does not reflect previous and current uses of the land and is unlikely to do so for proposed uses. The Armidale Dumaresq Rural Residential Study has included the land in the recommended Rural Living zone.

Table 7.2: Potential industrial areas in West Armidale

Land	Public submissions on Preliminary Plan	Property owner submissions	Reticulated water supply and sewer	Constraints	Other	Comment
South of Mann Street between Miller and Stephens Street	35 submissions. 34 objections from property owners. The main reason was that the area is an established residential area which would be incompatible with industrial uses. 1 submission consider only zoning properties with frontages to Mann and Miller Streets to industrial.	34 of 35 submissions. All objected to proposed industrial zoning.	Available.	Most of the land is fully developed and currently used for residential purposes.	Council resolved (17 November 2003 Minute No. 10.074/03) that the land retain its residential zoning but the owner of Lot 3 DP 520645 on the corner of Mann and Stephen Streets be encouraged to submit a site specific development for the land for consideration by Council. Proposal for rezoning to mixed use and storage sheds was submitted on behalf of the owner of Lot 3 DP 520645 (refer to <i>Appendix E</i> for the proposal).	Land has been excluded as potential industrial area with industrial zoning. However, while the Draft LEP proposes to retain the existing residential zoning it will permit the additional use for the purpose of storage sheds on Lot 3 DP 520645.

Land	Public submissions on Preliminary Plan	Property owner submissions	Reticulated water supply and sewer	Constraints	Other	Comment
Between West Armidale Industrial area and the Armidale Saleyards.	None received.	Armidale Rural Lands Protection Board acts as custodian of the land and considers it to be an integral part of the saleyard complex. The reserve is used continuously for the holding of livestock after sale where stock cannot be transported within a reasonable timeframe. The majority of the land is also subject to extreme flooding from Martins Gully. The Board does not consider the usage of the Reserve will diminish whilst livestock selling complex remains on its current site. (30/6/2004).	Sewer is available. However, reticulated water supply would require considerable works involving a new main from Garibaldi reservoir.	Site is partly subject to flooding along Martins Gully. North west corner of the site is likely to be too steep for industrial development	The land is a Crown land holding under the control of the Rural Lands Protection Board. Revocation of the current reservation for "Travelling Stock and Camping" on this land would require the concurrence of the Minister for Agriculture and the Rural Lands Protection Board. The Board considers the land to be an integral part of the saleyard complex and that its usage will not diminish whilst the saleyard remains on the site.	Recommend that land be excluded as potential industrial area given: <ul style="list-style-type: none"> <li>▪ Rural Lands Protection Board considers the Reserve is integral part of saleyards complex.</li> <li>▪ lack of infrastructure and limitations on some of the site due to flooding and slope.</li> </ul>

Land	Public submissions on Preliminary Plan	Property owner submissions	Reticulated water supply and sewer	Constraints	Other	Comment
South of Bundarra Road between the bypass and New England Girls School	16 submissions, of which 13 opposed the proposed rezoning to industrial. Main reasons were its incompatibility with surrounding landuses (educational establishments, tourist facilities, heritage item) and adverse affect on cityscape when viewed from the Armidale bypass.	Owners proposed that only part of the site with frontage to Bundarra Road be rezoned to industrial.	Sewer is available. However, reticulated water supply would require considerable works involving a new main from Garibaldi reservoir.	None known.	Council resolved (17 November 2003 Minute No. 10.074/03) that part of the site be considered as a potential industrial area as part of preparing the Draft LEP.	Recommend that land be excluded as potential industrial area given lack of infrastructure. In the future northern part of the site adjoining Bundarra Road may be appropriate for industrial uses particularly if a buffer with residential and tourist facilities on adjoining land to the south is included.
On the north-western corner of Beardy and Golgotha Streets	One submission from owner supporting proposed rezoning.	Supports rezoning.	Available.	Small section of land along western boundary subject to 1% AEP flood event.	Land is currently zoned Residential but is used for industrial purposes.	Recommend rezone to industrial.
Western end of Drew Street	One submission from the owner supporting the rezoning and requesting that adjoining land in the same ownership also be zoned industrial	Supports rezoning.	Available.	All land is within 1% flood AEP event.	At present properties zoned part Residential 2, Industrial 4 and Rural 1(a) under Armidale LEP 1988.	No new land be zoned Industrial given that all of the properties are within 1% AEP + 0.5m flood event.

## **Enterprise land**

Land within the Enterprise 10 zone (Armidale LEP 1988) is located near the University of New England which owns most of the land within this zone.

The Economic Profile of the Armidale Area (Centre of Agricultural and Regional Economics, 1999) outlines approaches to encouraging economic development and growth in Armidale focusing on the potential for growth to be built on existing structures. Suggested responses include the development of high technology manufacturing operations and high-intelligence industries, in respect of which the University could play an important role.

Although there has been limited development on land within the Enterprise 10 zone, it is considered appropriate that land zoned for high technology and similar industries be provided for in the Draft LEP particularly given that encouraging such industries is part of policy initiatives to foster local economic development. The most suitable location is considered to be land that is currently zoned for these purposes.

## **Land at either end of the Armidale bypass**

The Armidale Dumaresq Planning Strategy (1995) recommended that appropriate areas of land, totalling some 20 hectares, be set aside at each end of the bypass road for accommodating suitable employment activities attracted to highway locations. It also recommended that activities seeking to establish within the current Enterprise zone should be evaluated in the highway employment areas and land around the Armidale Regional Airport be assessed for its employment potential.

Over recent years there have been inquiries from industry and some retailing businesses seeking locations adjoining the New England Highway. The main reasons for seeking these locations have included the need for large sites that are not easily available in the urban area, proximity to a major road removing the need for trucks to travel through built-up areas, and the desire to have greater visibility than is possible in a built-up environment.

Given the level of development activity, it is unlikely that in the foreseeable future areas at both ends of the bypass would be required for industrial or employment generating development. Of the two options, land at the southern end of the bypass is considered to be the preferred option mainly because it is next to the Airport and already has established airport related activities and a business (service station incorporating a convenience store) that serves highway traffic.

The Armidale Regional Airport Masterplan (Airplan, March 2004) identifies facility requirements based on traffic projections for 2023 and an assumption on the future types of traffic (and aircraft) envisaged to operate at the Airport.

The Master Plan includes sites for possible non-aviation related commercial activity. These sites are considered to be surplus to the long-term aviation requirements of the Airport and are on land south of the terminal precinct between the runway (and its future extension) and the airport boundary. This land has the advantage of prominent exposure to the New England Highway. The Master Plan also identifies land on the north side of the runway as being surplus to long-term aviation requirements. However, it is considered to be of limited commercial value other than for agricultural use because there is currently no suitable road access and engineering services are not available (p. 39).

Based on the Masterplan there appears to be sufficient land within the Airport boundary to accommodate the services and infrastructure required for operating the Airport as well as airport related development (refer to *Section 13: Infrastructure*). The land identified in the Masterplan as being surplus to Airport needs is mainly owned by Council and is zoned Airport Development 10(a) in the current Dumaresq LEP No. 1. It is considered appropriate that land within this zone located between the Airport runway (and its future extension) and the New England Highway as well as suitable sites opposite the Airport, which would be able to connect to the future extension of water and sewer infrastructure into the area, be rezoned for industrial and employment generating development.

The types of landuses which are considered appropriate in such an industrial/employment zone include:

- Businesses that serve the travelling public
- Warehouse and similar developments which would reduce the need for heavy vehicles to travel through the City to deliver and pick up goods
- High technology industries
- Development that complements or benefits from its proximity to the airport.
- Development which will not compromise the viability of the CBD as the main focus for commercial and retail activity in the City.

Significant development would require the extension of water and sewer infrastructure which is limited in the area at present. The remaining parcels of land zoned Airport Development 10(a) to the west of the runway should be zoned Special Uses 5(a), where it lies within the Airport boundary, or to the adjoining rural zone.

Regarding land opposite the Airport on the eastern side of the New England Highway a joint submission was received on the Preliminary Plan from two property owners. The submission indicated that rezoning the land to industrial was supported for the property adjoining the highway but not for the other property. Council subsequently resolved (17 November 2003, Minute No. 10.074/03) that in the Draft LEP, Lots 12 and 13 DP 5188, being land on the eastern side of the New England Highway near the Armidale Regional Airport, not be zoned Industrial.

Development in an industrial zone near the Airport would need to ensure:

- visual and aesthetic impacts are appropriately managed given that it is a major gateway to the City,
- traffic safety along the New England Highway is maintained, and
- operation of the Airport is not adversely affected.

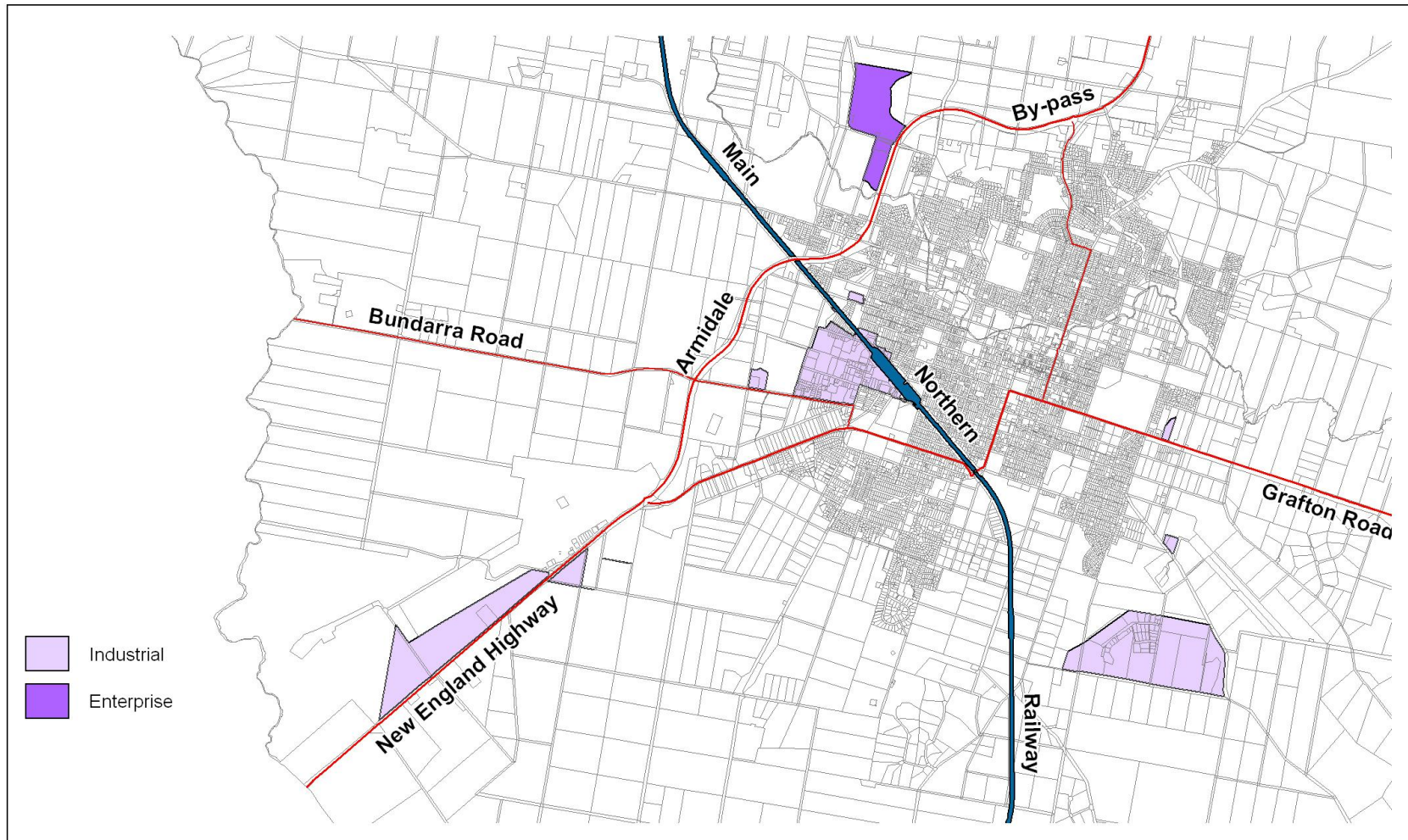
It is recommended that a development control plan should be prepared for land within this zone to ensure that potential adverse impacts are avoided and that the above matters are satisfactorily addressed.

#### **7.4 Land to be zoned for employment generating activities**

*Table 7.3* summarises the proposed zones for employment generating activities in the Draft LEP and land that will be rezoned from its current Industrial zoning to another use. The resulting Industrial and Enterprise zonings recommended for incorporation into the Draft LEP are shown in *Figure 7.2*.

Approximately 495 hectares are zoned for industrial or enterprise activities under Armidale LEP 1988 and Dumaresq LEP No. 1. It is proposed under the Draft LEP to zone about 260 hectares for industrial or employment generating activities or to allow additional development (storage units).





**Figure 7.2**  
Proposed Industrial and Enterprise Areas

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**Table 7.3: Land to be zoned for employment generating activities**

Land	Armidale LEP 1988 or Dumaresq LEP No. 1		Draft LEP	
	Zoning	Area (ha)	Zoning	Area (ha)
West Armidale	Industrial 4	45	Industrial 4(a)	45
Corner Mann Street and Stephens Street	Residential 2	0.26	Residential 2 with additional permitted use (storage sheds)	0.26
Acacia Park	Industrial 4	95	Industrial 4(a)	95
Armidale saleyards	Industrial 4	3.5	Industrial 4(a)	3.5
65 Long Swamp Road	Industrial 4	1.9	Industrial 4(a)	1.9
Corner Beardy and Golgotha Streets	Residential 2	1.4	Industrial 4(a)	1.4
15 Grafton Road	Part Residential 2 Part Special Uses 5(a) Depot	1.4	Part Residential 2(a) Part Industrial 4(a)	1.4
Surrounding Dumaresq Railway Station	General Industrial 4(a)	76	Rural residential	76
Surrounding Sewage Treatment Plant	General Industrial 4(a)	103	Rural residential	103
Land adjoining the Airport, New England Highway	Airport Development 10(a)	129	Part ▪ Industrial 4(b) ▪ Special Uses 5(a) } ▪ Rural Residential }	70 59
Land east of Airport, New England H'wy	Rural 1(b) Arterial Road Frontage	6.1	Industrial 4(b)	6.1
Madgwick Drive	Enterprise 10	40	Enterprise 10	40

While the Draft LEP will reduce the amount of land currently available for industrial and enterprise activities the land that will be available is considered to be in more appropriate locations for future employment generating development. Most of the reduction (179 hectares) in land currently zoned industrial will occur as a result of the proposed rezonings of rural land surrounding Dumaresq Railway Station and the Sewage Treatment Plant to Rural Living. There is also a considerable reduction (approximately 25 hectares) in the amount of land currently zoned Airport Development 10(a). This land will be required for operation of the Airport and lies within the current Airport boundary.

The submission from DIPNR (7 October 2004) on the Preliminary Plan sought clarification of how the investigation areas for industrial and employment generating development release for industrial purposes will be prioritised to ensure that there is not an oversupply of industrial land.

It is not proposed to stage the release of land zoned for industrial or enterprise purposes for the following reasons:

- most of the land is already zoned for industrial, enterprise or similar purposes
- the amount of land zoned for industrial and enterprise uses in the Draft LEP will represent a reduction in the amount of land zoned for these purposes in the current LEPs.
- as part of encouraging employment generating development, it is advantageous to have suitably zoned land readily available, thereby reducing the need for rezonings and associated delays to development proceeding. However, where a development requires a large site and/or isolation from surrounding urban development it would be appropriate that the suitability of a site for such a development be considered as part of a rezoning request.

## 7.6 Recommendations

Recommendations in relation to industrial and employment generating development are:

- A range of industrial and employment generating development be allowed for in the Draft LEP by providing for several areas and zonings that permit general and light industries, high technology industries, and development that would benefit from its location next to major transport infrastructure such as the Armidale Regional Airport and New England Highway.
- The staged release of land for industrial or enterprise purposes is not considered necessary since most of the land is already zoned for industrial, enterprise or similar purposes; the amount of industrial land in the Draft LEP will represent a reduction in land currently zoned for these purposes; and in terms of encouraging employment generating development it is advantageous to have suitably zoned land readily available.
- Land currently zoned Industrial 4 or Enterprise 10 under Armidale LEP 1988 be retained as industrial or enterprise areas in the Draft LEP.
- Land on the north western corner of Beardy and Golgotha Street be rezoned for industrial purposes in the Draft LEP.
- That part of the land occupied by Council's Depot at 15 Grafton Road that is within the Special Uses 5(a) zone be rezoned to Industrial 4(a) in the Draft LEP.
- Lot 3 DP 520645 on the corner of Mann and Stephen Streets retain the residential zoning as previously resolved by Council at its meeting on 17 November 2003 (Minute No. 10.074/03) but permit storage sheds on the site. The submission for the rezoning and storage shed proposal be exhibited with the Draft LEP and adjoining owners be notified.
- Land currently zoned General Industrial 4(a) under Dumaresq LEP No. 1 and surrounding the Dumaresq Railway Station and Armidale Sewerage Treatment Works be rezoned to a Rural Living zone in accordance with the recommendations of the Armidale Dumaresq Rural Residential Study (EDGE Land Planning, September 2004).
- Land fronting the highway and adjacent to the Armidale Regional Airport be zoned for industrial and employment purposes. The types of landuses which are considered appropriate in such an industrial/employment zone include:
  - Businesses that serve the travelling public, such as service stations
  - Warehouse developments that would limit the need for heavy vehicles to travel through the City to deliver and pick up goods
  - High technology industries
  - Development that complements or benefits from its proximity to the Airport.
  - Development which will not compromise the viability of the CBD as the main focus for commercial and retail activity in the City.
- A development control plan be prepared for land within the proposed industrial/employment zone near the Airport to ensure that potential adverse impacts from development (such as those related to the visual qualities of the gateway to the City, traffic on the New England highway and operation of the airport) are avoided.

## 8. RURAL RESIDENTIAL DEVELOPMENT

### 8.1 Introduction

Rural residential development refers to mainly residential lots in a rural setting outside existing villages, towns and centres. It offers a particular lifestyle to people interested in living in the countryside or on a bush homesite and includes those who wish to keep animals or grow plants. Around Armidale, rural residential lots generally range from 2 to 10 hectares for large homesites and from 10 to 40 hectares when rural activities such as keeping animals are involved.

### 8.2 Current situation

Armidale LEP 1988 and Dumaresq LEP No. 1 both have provisions for rural residential development. However, the development standards for the two zones differ significantly, particularly for subdivision, because of the predominantly urban character of land within Armidale and rural character of land within the former Dumaresq Shire.

The minimum and average areas of allotments that can be created from subdivision within the rural residential areas are summarized in *Table 8.1*. The Table includes subdivision of land zoned Rural Agriculture 1(a) by Armidale LEP 1988 because the minimum standards are similar to those for conventional rural residential subdivision.

**Table 8.1: Allotment sizes – rural residential areas under Armidale LEP 1988 and Dumaresq LEP No. 1**

LEP	Zone	Minimum area	Minimum average area
Armidale LEP 1988	Rural Agriculture 1(a)	5.0 ha	-
	Rural Residential 1(b)	0.2 ha.	0.5 ha.
Dumaresq LEP No. 1 - LEP Nos. 7 - 13 - after LEP No. 14	Rural Small Holding 1(c)	1.2 ha. 40 ha.	2.0 ha. -

#### Armidale Local Environmental Plan 1988

Rural and rural residential zones under Armidale LEP 1988 have been identified as potential residential areas and investigated for their potential to accommodate the future growth of Armidale (refer to *Section 5: Residential Development*).

#### Dumaresq Local Environmental Plan No. 1

The main provisions for rural residential development under Dumaresq LEP No. 1 are found in clause 11 which applies to land within the Rural (Small Holdings) 1(c) zone. This zone generally applies to most of the land within approximately 5 kilometres of the former Armidale City boundary. Under clause 11, the property to be subdivided must have a minimum area of 15 hectares and create 5 or more allotments with an average size of at least 2 hectares. Generally, roads within the subdivision should be sealed and lots connected to a reticulated water supply.

The Rural 1(c) zone was introduced with the gazettal of Dumaresq LEP No. 7 on 31 July 1992. The Armidale Dumaresq Planning Strategy (1995) was prepared during 1993 and 1994. The Strategy recommended that rural residential development be concentrated in areas in reasonable proximity to the City. The Strategy identified three rural-residential corridors to the north, west and south of Armidale to replace the more widespread Rural 1(c) zone surrounding Armidale.

On 22 February 1996 Council resolved to prepare Dumaresq LEP No. 14 to remove the operation of rural-residential subdivision provisions in clause 11 of Dumaresq LEP No. 1. The report to Council on 22 February 1996 noted:

- The existing Rural 1(c) zone does not provide the community with certainty for the location of new rural-residential development.
- An examination of current development consents, linen plans, constructed subdivisions and notification of property transfers reveal that allowing for continued sales of vacant rural residential allotments, the existing approved stock would last some 8.9 years (ie up to 2005)
- Despite the clear oversupply of rural-residential allotments Council continues to receive applications for rural-residential subdivisions. The recent proposals are cited in accordance with the existing LEP but are contrary to the proposed LEP. To allow this to continue is not in the interest of proper planning. Non-conformity with the strategy will exacerbate the servicing, on-going community costs and social disruption resulting from randomly located development occurring under the existing LEP.

The aim of Dumaresq LEP No. 14 was to prevent rural residential subdivision of land within Zone No. 1(c) pending the preparation of a new LEP arising from the Armidale Dumaresq Planning Strategy. The standard for the minimum area of allotments created by subdivisions of land within the Rural 1(c) zone became 40 hectares following the gazettal of Dumaresq LEP No. 14 in March 1997.

### **8.3 Armidale Dumaresq Rural Residential Study, 2004**

The Draft LEP will, in effect, reintroduce rural residential development. An analysis of the projected demand for rural residential development found that the area of land required exceeds the area of land within the Rural 1(c) under Dumaresq LEP No 1. The issue then arose as to where within the Rural 1(c) zone would it be appropriate to locate rural residential development and what would be appropriate planning controls for the residual areas.

The Armidale Dumaresq Rural Residential Study (EDGE Land Planning, 2004) considered these issues and recommended two zones covering the current Rural 1(c) zone. The two new zones are the Rural Living zone and the Rural Fringe zone (refer to the *Armidale Dumaresq Rural Residential Study, 2004*). The Study was funded by an allocation from DIPNR of Planning Reform funds to assist Council with its preparation of the Draft LEP.

The Study recommended two rural residential zones, the Rural Fringe and Rural Living zones, and the Draft LEP adopts the findings and recommendations of the Study. However, there are some minor variations to the zones recommended by the Study along the former local government boundary around Armidale. This Strategic Analysis has identified some parcels within the current Rural 1(c) and 1(b) zone as being suitable for:

- Environment Protection – north east and south west Armidale
- Low Density Residential – east Armidale either side of Dumaresq Creek, west Armidale off Shambrook Avenue and over Moore Park area
- Urban Agriculture – east Armidale along Dumaresq Creek and west Armidale near the Armidale saleyards and Armidale bypass.

The Armidale Dumaresq Rural Residential Study has suggested that these parcels be zoned Rural Living. Given the relatively small number of parcels involved and the need to provide continuity or consistency of planning controls across the former local government boundary it is considered appropriate that the zonings suggested in this Analysis be adopted by the Draft LEP.

## 9. ENVIRONMENT PROTECTION

### 9.1 Current situation

Both Armidale LEP 1988 and Dumaresq LEP No. 1 include Environment Protection zones. The zones are based on the visual qualities of the hills and ridges which form a backdrop to the urban area of Armidale and the provisions seek to protect and enhance the scenic values of these areas.

There are no specific provisions in either of the current LEPs relating to biodiversity conservation. This matter is considered as part of the development process in accordance with the requirements of the New South Wales EPA Act 1979 and Threatened Species Conservation Act 1995 as well as the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999. Part of the reason that biodiversity conservation has not been reflected in environment protection zonings is the lack of detailed information on the distribution of native species across the local government area.

The following considers possible provisions in the Draft LEP for conserving biodiversity, particularly in relation to fauna and flora, riparian areas and places with scenic values.

### 9.2 Fauna and native flora

In 2001, the NSW National Parks and Wildlife Service released the Biodiversity Planning Guide for Local Government. Council functions that are relevant to promoting biodiversity conservation include strategic planning of land use and development.

The Guide includes sample planning provisions suitable for LEPs that Councils can adopt, although they should be modified or adapted to suit local conditions and circumstances. The sample plans also include incentive provisions that facilitate biodiversity conservation on private land.

Key actions for councils identified in the Guide include:

- Revise existing planning provisions and prepare new or amended LEPs so that they reflect biodiversity planning principles outlined in the Guide.
- Identify all land zoned for urban or other development purposes with high biodiversity potential, and revise applicable planning controls.
- Adopt a policy of 'no net loss of biodiversity', incorporate the policy in planning instruments, and implement through development assessment.
- Ensure that planning controls and development decisions maintain the integrity of habitat corridors and reflect regional biodiversity context.
- Require management plans for sensitive development sites, and link these to property agreements, incentives or consent conditions.

The extent to which these suggestions may be implemented is dependent to a large extent on the availability of reliable data and mapping. There is limited mapping currently available on species and habitat distribution in Armidale Dumaresq.

The NPWS and Department of Primary Industry (Fisheries) have advised Council of threatened flora and fauna species as well as endangered populations and ecological communities listed under the Threatened Species Conservation Act 1995 that are present in Armidale Dumaresq. Some of the species and ecological communities are also listed under the Environment Protection and Biodiversity Conservation Act 1999. Threatened species and ecological communities, as well as key threatening processes, which are found in Armidale Dumaresq are listed in *Appendix F: Threatened species in Armidale Dumaresq*. Areas of critical habitat have not been identified as being within Armidale Dumaresq.

There has only been one strategic study carried out within the local government area regarding the distribution of flora and fauna and this was for the urban area of Armidale. The Flora and Fauna Study: A Report to the Armidale City Council (Bale, White and Debus, June 1996) included the findings from a survey undertaken of species listed in the Threatened Species Conservation Act 1995. The Study identified potential or actual habitat in Armidale for species listed at the time (1996) and any core habitat for the purposes of SEPP No. 44 – Koala Habitat. Given the nature of the findings, they have been used as a potential constraint to development, highlighting the need for further detailed assessments and investigations prior to a development proposal being considered. The findings have not been reflected in a specific zoning. It should also be noted that since 1996 new species have been added to the threatened species listings in the legislation and the Study may need updating if those new species are found in Armidale.

The Armidale Greening Plan became a policy of Council on 22 September 2003. The primary objective of the document is to encourage the protection and enhancement of all remaining areas of native vegetation within and surrounding Armidale. A secondary objective is to consolidate and connect these areas to provide additional habitat and enhance the aesthetics of Armidale. The Plan includes a map showing proposed wildlife corridors within Armidale (refer to *Figure 9.1*).

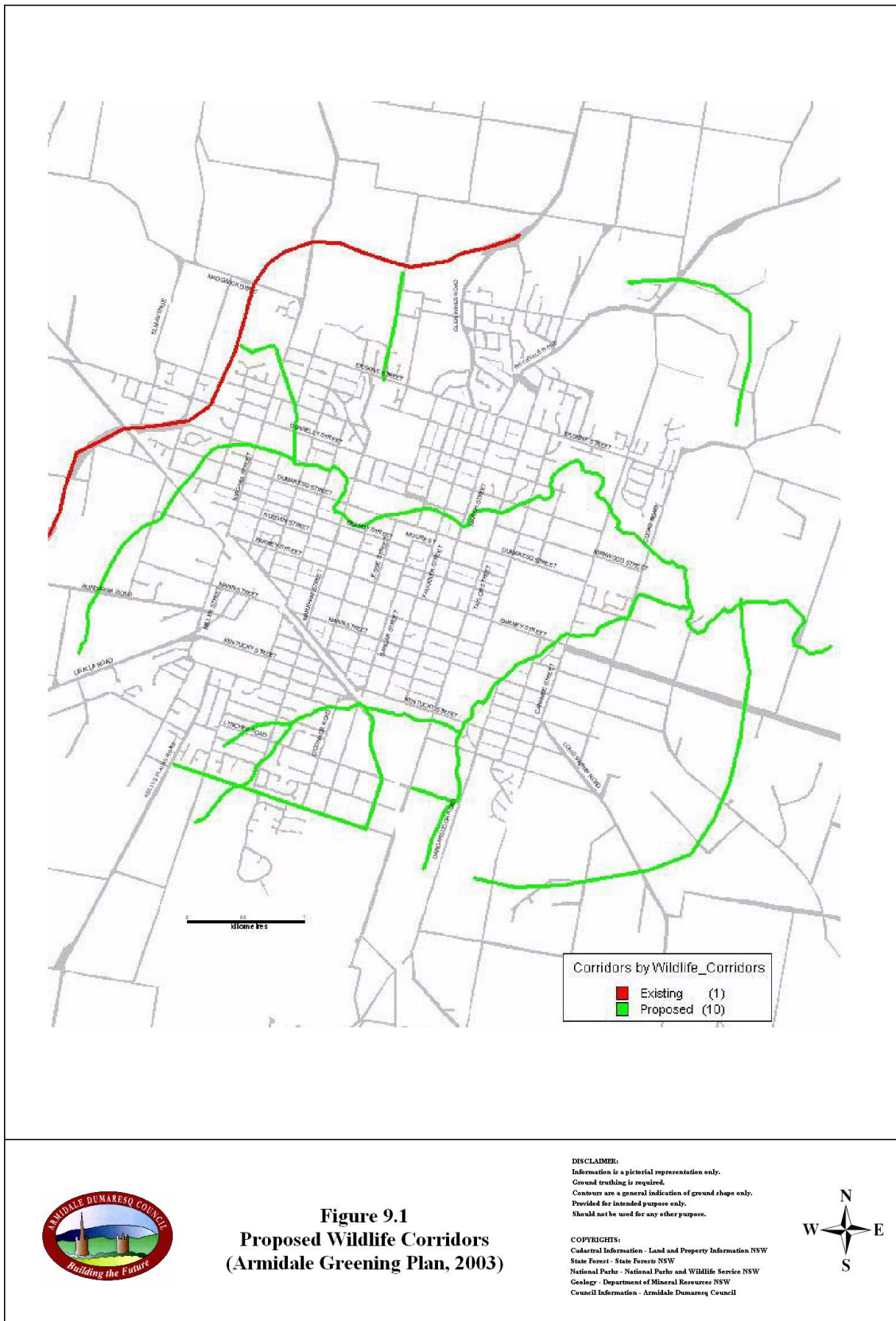
Given the lack of detailed and specific information about flora and fauna across the local government area the extent to which the actions identified in the Biodiversity Planning Guide for Local Government can be implemented through the Draft LEP are relatively limited. However, some of the tools for conserving biodiversity in the Guide which can be incorporated into the Draft LEP are summarised in *Table 9.1*.

Also, some of the areas identified in the Armidale Flora and Fauna Study as having actual or potential habitat value as well as several of the proposed wildlife corridors on the periphery of Armidale lie within areas that have been identified as having scenic values. It is proposed that these scenic areas will be within Environment Protection zones and given that they may also have native species present, the provisions for the Environment Protection zones should seek to protect any biodiversity values that may be present.

Areas outside the proposed Environment Protection zones in the Draft LEP that have been identified as having actual or potential habitat value or include proposed wildlife corridors will be within the following zones: Rural Fringe 1(c), Urban Agriculture 1(d), Residential 2(a), Low Density Residential 2(b), Industrial 4(a), Special Uses 5(a) (University of New England or School), or Public Open Space 6(a). In terms of areas with actual or potential habitat value, development proposals will continue to require a flora and fauna assessment of any likely impacts of the development. Several of the proposed wildlife corridors are along permanent or intermittent watercourses and, therefore, will be subject to the additional requirements in the proposed clauses for development within riparian buffers. The only existing wildlife corridor is land along the Armidale bypass which will be identified as an Arterial Road in the Draft LEP.

To facilitate the establishment of the proposed wildlife corridors in the Armidale Greening Plan it is recommended that suitable provisions be included in a Development Control Plan, either a specific plan for the wildlife corridors or in plans prepared for development in the relevant zones.





**Table 9.1: Biodiversity conservation provisions proposed in Draft LEP**

Actions	Proposed provisions
Use of Environment Protection zones for conserving scenic values	Both Armidale and Dumaresq LEPs currently include environment protection zones based on scenic values and these will be retained with some modifications following on from previous reviews of these zones ( <i>Refer to Section 9.4</i> ).
Referral to NPWS for land adjoining National Parks	Clause that requires applications for development adjacent to land reserved or dedicated under the NPW Act 1974 to be referred to NPWS if it has the potential to adversely impact on the reserved or dedicated land.
Identification of biodiversity corridors on land where zoning remains unchanged	Clause for development on land within riparian buffers to protect water quality and riparian vegetation (refer to <i>Section 9.3</i> ).
Exemptions for bush fire hazard reduction	Bushfire hazard reduction to be development without consent in all zones.
Subdivision controls that are linked to biodiversity assessment. Specify density limits, set vegetation retention targets or require covenants to be entered into. This is a mechanism which provides potential incentives for biodiversity conservation.	A clause that allows subdivision of land that does not meet the standard for minimum lot sizes where: <ul style="list-style-type: none"> <li>▪ The land is of environmental significance, which is defined as habitat for threatened species, populations or ecological communities (listed under the Threatened Species Conservation Act 1995),</li> <li>▪ The application is supported by a management plan for the land,</li> <li>▪ The National Parks and Wildlife Service have been consulted prior to determination of the application, and</li> <li>▪ A covenant or conservation agreement will apply to the land to ensure its biodiversity values will be protected, enhanced or conserved on a perpetual basis.</li> </ul>

### 9.3 Riparian areas

Water environments and their riparian lands perform many valuable functions, including:

- flood mitigation and stormwater removal
- water quality improvement
- provide wildlife corridors and refuges
- conserve natural biodiversity
- provide scenic landscapes and open space.

Overall water management and water conservation practices are important. Rural settlements can lead to deterioration of waterways through inappropriate extraction and management. New developments should be able to demonstrate that they are self-sufficient with regard to total water needs, that is all domestic and non-domestic water requirements.

DIPNR (7 October 2003) advises that an integrated approach to water cycle management is required so that water supply, sewerage and stormwater are planned and managed together to ensure the maximum value is obtained from the water source and that the impact of water use on environmental health is minimised. DIPNR suggested that the following wording be included for development in the Rural, Large Lot Residential and Environment Protection zones in the Draft LEP to clarify the context for an adequate water supply: “water supply must be considered adequate in the context of an integrated water cycle management plan to ensure that the quality and quantity of surface water, especially stream flow is maintained, and where

possible, enhanced". It is recommended that the advice provided by DIPNR in relation to integrated water cycle management be included in the Draft LEP.

DIPNR also advised that development in Rural Residential, Environmental Protection and Large Lot Residential zones should not increase the number of holdings that could enjoy unlicensed stock and domestic access entitlements. Domestic and stock rights are types of basic landholder rights conferred on a landholder by section 52 of the Water Management Act 2000. An increase in unlicensed water entitlements can have an adverse impact on up or downstream agricultural activities involving irrigation as well as on maintenance of necessary environmental flows.

One of the exclusion criteria used to determine suitable locations for small rural holdings development is land adjoining permanent waterways (refer to *Armidale Dumaresq Rural Residential Study, EDGE Land Planning, 2004*). By excluding these areas, the potential for increasing unlicensed water entitlements is diminished or removed. For the Environment Protection and Large Lot Residential zones it is recommended that a general provision be included in the Draft LEP that consent shall not be granted to a subdivision where it will result in additional unlicensed riparian access entitlements, comprising domestic and stock rights.

To further protect riparian areas and their contribution to water quality and streamflow a specific environment protection zone or a general clause for development in riparian areas irrespective of the zoning could be included in the Draft LEP. The feasibility of identifying and mapping major waterways is questionable within a local government area the size of Armidale Dumaresq (over 4,000 km<sup>2</sup>). The problem also arises with defining a major waterway. A more practical approach is to introduce a clause relating to the protection and enhancement of riparian areas within buffers along waterways. The suggested buffers are land within 50 metres of a permanent waterway or 20 metres of an intermittent waterway. A clear definition of "waterway" is required and it is recommended that the definition relate to creeks, rivers or the like that are named or shown as permanent watercourses on 1:25,000 topographic maps prepared by the Department of Lands. Named watercourses would include permanent and more substantial intermittent creeks. The definition would exclude the numerous minor drainage lines which occur as a result of the hilly and rugged topography of much of Armidale Dumaresq.

## **9.4 Scenic areas**

### **9.4.1 Current planning provisions**

The hills and ridges surrounding Armidale create an attractive visual setting for the city. Beyond and to the north-west of Armidale lies a further series of prominent hills and ridges which include Mount Duval which is a prominent landmark on the Armidale skyline. These hills form an important backdrop to the Armidale region. Since the mid 1970's the protection of the distinctive ridgelines surrounding the City from closer development has been part of Armidale City's planning strategies and statutory planning controls. Dumaresq Shire has had planning provisions in place to protect the visual setting of Armidale since at least 1985. There are also visually prominent hills or ridges in the rural parts of the former Shire beyond Armidale which have also been included in Environment Protection zones.

The minimum and average areas of allotments that may be created as a result of subdivision within the Environment Protection zones under the current LEPs are summarized in *Table 9.2*.

**Table 9.2: Subdivision standard (lot size) in Environment Protection zones, Armidale LEP 1988 and Dumaresq LEP No. 1**

LEP	Zone	Minimum area	Minimum average area
Armidale LEP 1988	Environmental Protection 7	-	10 hectares
Dumaresq LEP No. 1	Environment Protection (Scenic) 7(a).	4 hectares or 40 hectares, depending on location.	-

#### 9.4.2 Previous studies

During the 1990's both Armidale City and Dumaresq Shire Councils reviewed the provisions in their respective LEPs for the Environmental Protection zones.

#### **Dumaresq Environmental Study – Visual Assessment (EDAW in association with Magoffin and Deakin, June 1993)**

The Study focused on visually important ridge and hilltop areas within Dumaresq Shire and in proximity to the City of Armidale. The objective of the study was to review the areas within Environment Protection (Scenic) Zone No 7(a) and to establish the visual sensitivity of these areas around the city. The Study area did not include the series of hills and ridges beyond Armidale in the predominantly rural areas.

The goal of the study was that the hills and ridges around Armidale should be densely wooded to provide a natural landscape backdrop to the city and the various entrances to the city. The general principles for these areas were identified as:

- the removal of stock to enable natural regeneration
- the development of smaller holdings to remove the need for grazing
- permit subdivision of the land to a minimum lot size of 4 hectares
- the retention of a significant proportion of each parcel of land, of the highest elevation within that parcel, for natural regeneration
- the siting of all buildings below the skyline
- the control of building size, form, colour and materials
- the careful siting of roads, fences, power lines and other services to achieve visual integration
- the maintenance of a treed backdrop and foreground for all buildings to reduce their visual impact.

The Environment Protection (Scenic) No 7(a) Zone recommended by the Study included highly sensitive land with low visual absorption capacity where development controls to conserve and enhance the visual landscape should be implemented. The goal in this area is to conserve and enhance the ecological, visual, recreational and management values of the hills and ridges whilst allowing carefully controlled rural subdivision to occur.

Dumaresq LEP No 9, which was based on recommendations from the Dumaresq Environmental Study, was gazetted on 23 December 1994. The LEP included:

- alterations to the boundaries of the Environment Protection (Scenic) 7(a) zone in accordance with the recommendations of the Study;
- introduction of a minimum lot size of 4 hectares for parts of the Environment Protection (Scenic) 7(a) zone. Prior to Dumaresq LEP No 9 the minimum lot size for the Environment Protection (Scenic) zone was 40 hectares. For land zoned Environment protection 7(a) that was not included in Dumaresq LEP No 9, the minimum lot size remained 40 hectares.

Council also prepared Development Control Plan No. 3: Environment Protection (Scenic) Zone which aims to ensure that development is carried out in a manner which preserves, where possible, and enhances existing native vegetation in hills and ridges around Armidale, particularly for future generations.

## **City of Armidale Environmental Protection Zone Review (Hill Top Planners – Manidis Roberts, July 1995)**

The aim of the study was to investigate the appropriateness of the existing planning controls of the hills and ridges within the Armidale City local government area, document the reasons why certain lands require protection from future development, and devise a strategy to ensure the visual significance of these lands is either retained or enhanced over time, without an undue burden on either Council or the affected landowners.

The approach for reviewing zoning boundaries followed a similar process to the one used in the Dumaresq Environmental Study ( EDAW, 1993) in order to provide a consistent approach for adjoining areas along the then local government boundary.

The visual assessment was extended to include those undeveloped hillslope lands which adjoined lands zoned Environmental Protection. The following land management units were established:

- Lands of high scenic value – these lands were mapped as “Prime Scenic Protection”
- Lands with moderate scenic value which give support to lands of high scenic value or support the retention of existing vegetation to assist in providing green belts between various land uses were mapped as “Support Scenic Protection”.

The recommendations of the Study included:

- the existing boundaries of the Environment Protection zone should be amended so as to more accurately reflect their perceived purpose of maintaining the natural visual ridgetop curtilage to the City.
- existing zoning restrictions should be maintained within the revised Environment Protection zone and the owners partly compensated by some form of local rating relief. Maintain existing 10 ha average subdivision size and dwelling house provisions.
- those lands identified as being of “support scenic” quality be appropriately zoned and development controls be formulated so as to ensure the scenic quality of these lands is enhanced over time. Lot sizes should reflect the characteristics of the land, the recommended approach is linking minimum lot size with slope. The following was suggested as a guide:
  - average slopes in excess of 10% - minimum lot size of 1 hectare
  - slope between 5 and 10% - 0.5 hectares
  - slope less than 5% - 0.2 hectares.

Following public exhibition of the Final Draft Report, Armidale City Council resolved on 22 July 1996:

- that the Hilltop Planners Consultant Report on the Environment Protection (ridgetop) Areas be adopted as a basis for developing more detailed policy, including:
  - preservation of potential development opportunities under existing zoning or with past commitments by Council.
  - allowing existing uses to continue.
  - consistency of minimum lot sizes with Dumaresq Shire for “prime scenic protection” areas (ie 4 hectares).
  - flexible lot sizes with the objective of demonstrating how visual protection will be achieved.
- that the further implementation of the Environmental Protection (ridgetop) Review occur via:
  - The Comprehensive Review of the Local Environmental Plan (completion scheduled for the end of 1996).
  - Site specific Development Control Plans.

The proposed changes to Armidale LEP 1988 have been pending the preparation of the comprehensive Draft LEP.

**9.4.3 Proposed environmental protection (scenic) provisions**

**Environmental protection areas surrounding Armidale**

The fringe lands are areas where change should be sensitively managed to protect, preserve and extend forested or open corridors around the City for environmental, wildlife protection, aesthetic and recreational purposes. The long term objective would be to link those corridors with each other and with the existing open space system of the City.

Under the current planning schemes, Environmental Protection zones adjoin each other along the south-western boundary of the former local government areas. On either side of this boundary different development standards for subdivision apply under the current LEPs – minimum average of 10 hectares (Armidale LEP 1988) and minimum of 4 hectares (Dumaresq LEP No. 1. The recommended development standards for subdivision in the studies which reviewed the Environment Protection zones also recommended differing minimum lot sizes - 10 hectares average lot size in Armidale City and 4 hectares minimum in Dumaresq Shire.

It is recommended that for land adjoining or surrounding the urban area of Armidale that there be two Environment Protection zones – Prime Scenic and Support Scenic zones. To achieve a consistent approach the land identified as being in the Prime Scenic Protection area should have a minimum lot size of 4 hectares for subdivision. Subdivisions based on this development standard in the former Shire have not generally resulted in the loss of treed ridges. Smaller lot sizes tend to limit grazing which is a significant cause of vegetation loss, particularly natural regrowth.

The Study for Armidale City (Hilltop Planners, 1995) described the Support Scenic Protection Lands as having moderate scenic value and contributing to the creation of the existing landscape harmony of the City. While these lands have the ability to absorb urban activity, controls are needed to ensure such development activity would not result in the loss of visual quality. Other than in the south-east of Armidale adjacent to the Acacia Park industrial area, the proposed Support Scenic lands adjoin Prime Scenic lands.

The areas which were identified as Support Scenic by the Study are currently zoned Environment Protection 7, Rural 1(a) Agriculture, or Rural Residential 1(b) under Armidale LEP 1988. *Table 9.3* indicates the subdivision standards under Armidale LEP 1988 and those proposed by the Study (Hilltop Planners, 1995).

**Table 9.3: Minimum lot sizes for subdivision in Rural 1(a), 1(b) and Environmental Protection 7 zones, Armidale LEP 1988, and proposed by City of Armidale Environmental Protection Zone Review (1995)**

	<b>Environment Protection 7</b>	<b>Rural Agriculture 1(a)</b>	<b>Rural Residential 1(b)</b>	<b>Suggested by Environment Protection Review</b>
Minimum lot size for subdivision	10 hectares (average minimum)	5 hectares	<ul style="list-style-type: none"> <li>• 0.2 hectares</li> <li>• 0.5 hectares (average minimum)</li> </ul>	<ul style="list-style-type: none"> <li>• Slope greater than 10%: 1 hectare;</li> <li>• Slope 5% - 10%: 0.5 hectares</li> <li>• Slope less than 5%: 0.2 hectares.</li> </ul>

Lands within the slope categories suggested by the Study are shown in *Figure 9.2*.

Most of the land that has been identified as Support Scenic Protection is zoned either Environmental Protection 7 or Rural 1(a). It is recommended that the minimum lot sizes for subdivision be based on slope as suggested by the Armidale City review since it an effective mechanism by which lot sizes can reflect the characteristics of the land. However, the slope categories and land zoned should be varied as follows:

- Two slope categories for the zone comprising slope less than 10% and slope greater than 10%
- Land north of the Armidale bypass and land currently zoned Rural 1(b) that the Study recommended be zoned Scenic Support not be zoned as such in the Draft LEP.

The Study suggests that land with a slope of less than 10% be able to be subdivided into lots with a minimum area of 2,000 m<sup>2</sup>. Based on existing subdivisions within Armidale 2,000 m<sup>2</sup> is considered to be an insufficient area to encourage or maintain scenic values associated with a scenic support zone, particularly where preservation and planting of native trees is desired. It is also less than the minimum lot size standard of 4,000 m<sup>2</sup> permitted in the proposed lower density residential zone. It is considered more appropriate to have a single slope category of less than 10% with a corresponding minimum lot size for subdivision of 0.5 hectares. For land with a slope greater than 10%, the minimum lot size should be 1 hectare as suggested by the Study. It is recommended that the slope categories and minimum lot sizes be included in a Development Control Plan for development within the proposed Scenic Support zone.

Land just north of the bypass that the Study recommended should be included in the Scenic Support zone is currently zoned Environment Protection 7 or Rural 1(a) Agriculture under Armidale LEP 1988 or Rural 1(c) Small Holdings under Dumaresq LEP No. 1. Given the minimum lot sizes for subdivision that currently apply to this land, the settlement pattern in the locality and its location adjoining the southern boundaries of the proposed northern rural residential corridor, it is recommended that this land be included in the northern Rural Fringe zone.

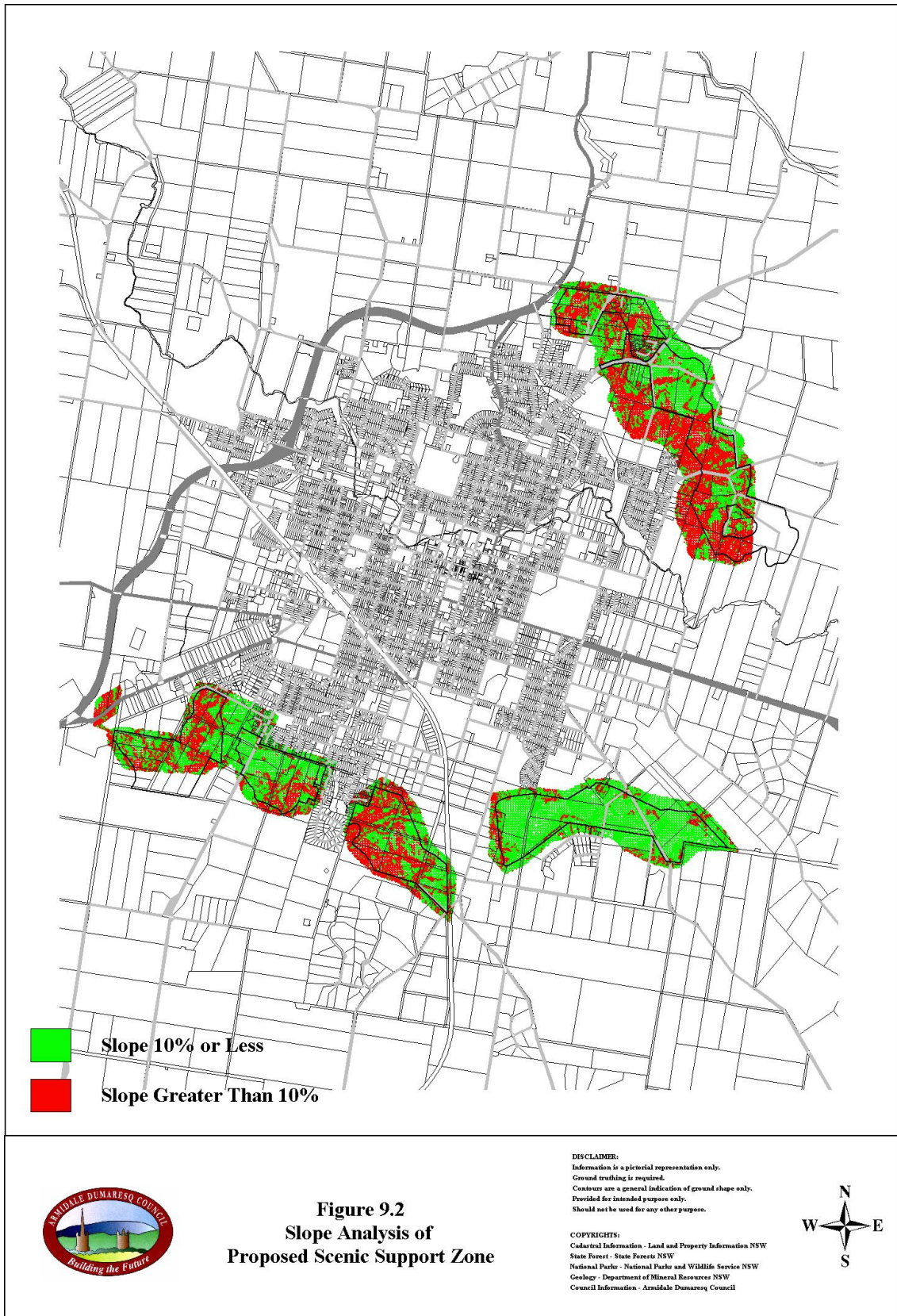
The only land which has been identified as Scenic Support that is currently zoned Rural Residential 1(b) under Armidale LEP 1988 is located in north-east Armidale. The slope of this land varies between 7% and 16% which, under the recommendations of the Review, could be subdivided to a minimum of 0.5 or 1 hectare. At present in the Rural 1(b) zone the minimum lot size for subdivision is 0.2 hectares with an average minimum of 0.5 hectares (refer to *Table 9.3*). So as not to remove current development (subdivision) rights it is recommended that the land be zoned Large Lot Residential. However, in order for it to support the scenic values of adjoining land it should not be subject to conventional residential subdivision in the future and therefore should not be included in the Future Urban zone.

It should be noted that the recommended lot sizes discussed above are minimum lot sizes. The actual size of lots within a proposed subdivision may be greater, particularly where connection to town sewer is not available. There are areas within the proposed Scenic Support zone where this infrastructure is either not available or is not planned to be provided in the short to medium term and this is likely to affect subdivision potential.

In general, for ease of identifying the boundaries of the Scenic Support Zone it is recommended that the zone boundary follow the contour and cadastral boundaries that best approximate those boundaries recommended in the City of Armidale Environmental Protection Zone Review (July 1995) and as amended by the above proposed exceptions (being land north of the Armidale bypass and land in northeast Armidale currently zoned Rural Residential 1(b)).

Proposed Environment Protection zones around Armidale are shown in *Figure 9.3*. It is also suggested that development control plans for the proposed Environment Protection zones be prepared to ensure that their scenic values are conserved and enhanced while accommodating appropriate development.







## **Environment protection areas in rural areas**

Under Dumaresq LEP No 1, the development standard for subdivision in the Environment Protection 7(a) zone is a minimum lot size of 40 hectares. It is recommended that this provision be retained in the Draft LEP along with the current subdivision controls in Dumaresq LEP No.1.

## **9.5 Tree preservation orders**

Trees make a significant contribution to the urban landscape. Clause 22 of Armidale LEP 1988 contains provisions for Tree Preservation in the former City area, and along with the provisions for Exempt Development identify when consent is required for removing, lopping or pruning a tree.

Under Dumaresq LEP No. 1 consent is required for cutting down or lopping live trees having a height of 3 metres or more in the Environment Protection 7(a) zone.

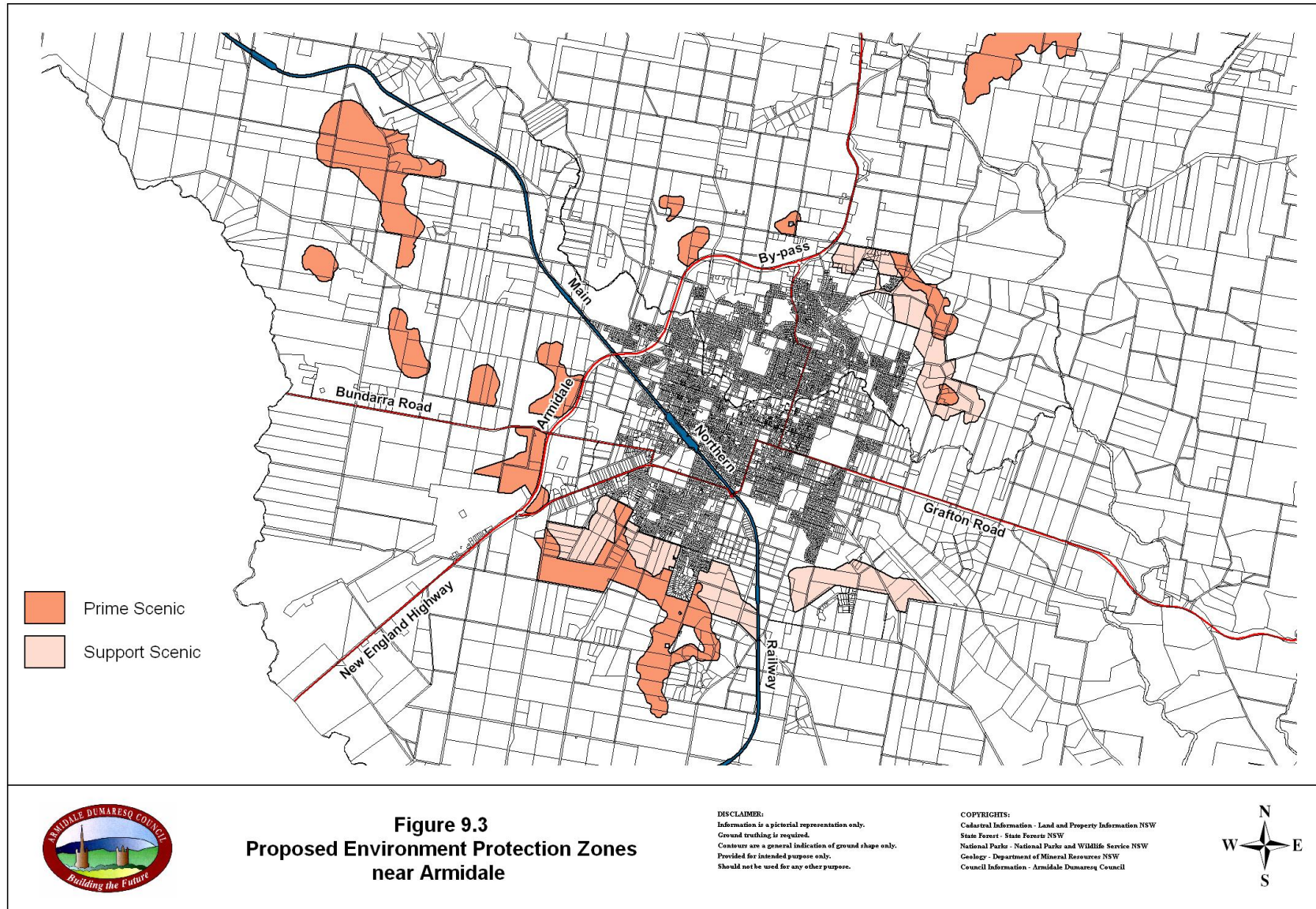
The need to retain the current provisions for Tree Preservation in Armidale under clause 22 in the Draft LEP has been reviewed.

Council's Physical Amenities Manager, who is responsible for determining applications for tree removal, has advised that only about 5% of applications are refused per annum. In each case Council was unable to detect any horticultural reasons for removal, such as structural problems or severe disease that had debilitated the tree to a point where revival was not practical or possible.

Trees in public spaces, such as streets and parklands, make an important contribution to the City's streetscapes and urban landscape generally. Since the early 1990's Council has required that street trees are provided in new subdivisions. Street tree planting in existing residential and business areas will continue to occur where 80% or more of the blocks have been built on or where there are gaps and it is practical to do so. Consideration is also being given to complete street refurbishment where there are only a few remaining street trees left. Council's Physical Amenities Manger has advised that it is doubtful that the removal of the provisions for a Tree Preservation Order in the Draft LEP would have any effect on Council's policies, such as the Armidale Greening Plan or the Armidale Streetscape Plan.

It is recommended that the current clause 22 in Armidale LEP 1988 relating to tree preservation not be included in the Draft LEP. Provisions for tree preservation would still apply to heritage items and vegetation subject of the relevant legislation, such as the Threatened Species Conservation Act 1995. In non-urban areas, the Native Vegetation Conservation Act 1997 (or its replacement, the Native Vegetation Act 2003 when it comes into effect) would apply to the removal of native vegetation. Exotic species or individual native species that are considered worthy of protection can be listed as heritage items. Furthermore, assessments of development applications will continue to consider the likely impacts where the removal of vegetation is proposed as part of the development.

However, in order to protect the scenic and possible biodiversity values of the Environment Protection zones it is recommended that the Draft LEP require consent for removing trees over a certain height within the Environment Protection zones surrounding Armidale. The removal of trees within the proposed Environment Protection zones in the rural areas will be subject to the Native Vegetation Conservation Act 1997 (or its replacement, the Native Vegetation Act 2003 when it comes into effect).



## 9.6 Recommendations

It is recommended that the Draft LEP provide for the following:

- Environment Protection zones to protect scenic values comprising Prime and Support Scenic zones for the ridges and hilltops on the fringes of Armidale and a Rural Scenic zone in the rural areas.
- The objectives for the proposed Scenic Environment Protection zones aim to protect biodiversity values that may be present.
- The boundaries of the proposed the Prime Scenic and Scenic Support zones be largely based on the findings of the Dumaresq Environmental Study – Visual Assessment (EDAW in association with Magoffin and Deakin, June 1993) and City of Armidale Environmental Protection Zone Review (Hill Top Planners – Manidis Roberts, July 1995) except for:
  - Land just north of the bypass that the Study recommended should be included in the Scenic Support zone and is currently zoned Environment Protection 7 or Rural 1(a) Agriculture under Armidale LEP 1988 or Rural 1(c) Small Holdings under Dumaresq LEP No. 1. Given the minimum lot sizes for subdivision that currently apply to this land, the settlement pattern in the locality and its location adjoining the southern boundaries of the proposed northern rural residential corridor, it is recommended that this land be included in the northern Small Lot Rural Residential corridor.
  - Land which has been identified as Scenic Support that is currently zoned Rural Residential 1(b) under Armidale LEP 1988 in north-east Armidale. So as not to remove current development (subdivision) rights it is recommended that the land be zoned Large Lot Residential. However, in order for it to support the scenic values of adjoining land it should not be subject to conventional residential subdivision in the future and therefore should not be included in the Future Urban zone.
- The following be included in the development standards for subdivision within the Prime Scenic and Scenic Support Environmental zones:
  - Prime Scenic – minimum lot size of 4 hectares
  - Support Scenic – minimum lot size related to slope of the land, ie.
    - Slope greater than 10%: 1 hectare;
    - Slope not greater than 10%: 0.5 hectares
- A requirement for consent to remove trees over a certain height within the Prime Scenic and Support Scenic Environment Protection zones in order to protect the scenic and possible biodiversity values of the hills and ridges surrounding Armidale.
- Development control plans be prepared for guiding development within the proposed Prime Scenic and Scenic Support Environmental Protection zones.
- The current Environment Protection zone in Dumaresq LEP No. 1 for hilltops and ridges in the rural areas be identified as a Rural Scenic Environment Protection zone in the Draft LEP and the minimum lot size for subdivision be retained, ie. 40 hectares.
- Referral of development applications to NPWS for land adjoining National Parks estate.
- Provisions to protect riparian areas and their contribution to water quality and streamflow. A clause be introduced that applies to development in riparian buffer areas. The buffers to comprise of land within 50 metres of a permanent waterway or 20 metres of an intermittent waterway. The “waterway” to be defined as a creek, river or the like that is a named watercourse or is shown as a permanent watercourse on 1:25,000 topographic maps prepared by the Department of Lands.

- A provision that consent shall not be granted to subdivision in the Rural Fringe, Environment Protection or Low Density Residential zones where it will result in additional unlicensed water entitlements, comprising domestic and stock rights. An increase in unlicensed water entitlements can have an adverse impact on up or downstream agricultural activities involving irrigation as well as on maintenance of necessary environmental flows.
- Provisions for Rural, Environment Protection and Low Density Residential zones requiring an integrated approach to water cycle management so that water supply, sewerage and stormwater are planned and managed together and maximum value is obtained from the water source and the impact of water use on environmental health is minimised.
- A mechanism which provides potential incentives for biodiversity conservation. A clause that allows subdivision of land that does not meet the standard for minimum lot sizes where:
  - The land is of environmental significance, which is defined as habitat for threatened species, populations or ecological communities (under Threatened Species Conservation Act 1995), and
  - The application is supported by a management plan for the land,
  - The National Parks and Wildlife Service are consulted prior to determination of the application, and
  - A covenant or conservation agreement to apply to the land to ensure its biodiversity values will be protected, enhanced or conserved on a perpetual basis.
- Suitable provisions be included in a Development Control Plan to facilitate the establishment of the proposed wildlife corridors in the Armidale Greening Plan (2003).
- The current provisions for Tree Preservation in Armidale under clause 22 of Armidale LEP 1988 not be retained in the Draft LEP. Tree preservation orders are not considered necessary in the urban area of Armidale on the basis that few applications for tree removal have been refused over the years and that existing trees and Council's policies on new plantings within public spaces, such as streets and parklands, make a significant contribution to the urban landscape.
- Consent be required for removing or altering a tree that is a heritage item or is within a heritage conservation area.

## 10. RURAL LANDS

### 10.1 Existing uses

The sparsely settled rural areas are predominantly made up of large holdings used for wool and beef production. There are also some intensive agricultural enterprises such as piggeries and horticulture. In recent years some viticulture has been established in the rural areas closer to Armidale. There is some limited agriculture, for example turf farming and horse agistment, on the floodplain of Dumaresq Creek within Armidale.

The small villages of Hillgrove, Wollomombi and Ebor are located east of Armidale within the rural areas. Several arterial roads traverse the rural areas including the Waterfall Way, New England Highway and Kempsey Road.

Aside from agriculture, landuses on rural lands include forestry, mining, extractive industries and tourist accommodation.

Approximately 20% of the local government area is National Parks and Wildlife or State Forest estate. Consequently many of the rural holdings adjoin these areas.

Prominent ridgetops and mountains surrounding Armidale, many of which are covered extensively by native trees, contribute to the scenic backdrop and approaches to Armidale. Rural residential development has occurred since 1985 in the rural areas in proximity to Armidale. Land that has been recognised for its scenic value or set aside for rural residential development are considered separately in *Armidale Dumaresq Rural Residential Study (2004)* and *Section 9: Environment Protection* of this Report.

### 10.2 Future demand for rural land

#### 10.2.1 Population

In 2001, the population of the local government area was 24,134, with most (84%) people living in Armidale. The remainder of the population mainly resided in semi-rural areas surrounding Armidale. The population of remaining rural areas, including the villages of Hillgrove and Wollomombi and the southern part of Ebor, was approximately 1,761 which represents 7% of the Armidale Dumaresq population. Because of their small size the villages are not identified separately at the collector district level of the Census and consequently their populations are not available.

The trend over the past 10 years in the outlying rural areas has been one of a declining population with an average fall over the period of 1.12% per annum. This trend is considered likely to continue (refer to *Section 3: Population projections*). The projected population for the outlying rural areas of Armidale Dumaresq is shown in *Table 10.1*.

**Table 10.1: Projected population, Dumaresq Outer Area, 2001- 2021**

	Average growth rate (% p.a.)	Population 2001	Population 2021	Change 2001 - 2021
Dumaresq Outer Area	-1.1	1,761	1,374	- 387

### 10.2.2 Landuses

Unlike urban areas, the future demand for rural land in Armidale Dumaresq is more likely to be associated with the types of landuses that may occur rather than the amount of land required to meet a projected population demand. In the future rural land will continue to be required for different types of agriculture, mining, forestry, tourism and other non-agricultural landuses.

The predominant landuse to date has been agriculture and this is likely to continue. NSW Agriculture (11 September 2003) notes that extensive grazing enterprises as well as a small amount of historic horticultural and intensive agricultural development give a clear example of the potential for sustainable development and growth in the agricultural sector for the former Shire and that some of the natural features, including soils, landforms and climate are unique and provide a basis to current and potential agricultural production.

The Department of Infrastructure, Planning and Natural Resources (November 2002, 7 October 2003) and NSW Agriculture (3 September 2002, 11 September 2003) have identified issues relating to agriculture which are to be addressed in the Draft LEP. The main issue is encouraging sustainable agriculture by:

- preventing fragmentation of agricultural land
- providing areas for rural lifestyle
- reducing the potential for landuse conflict between agricultural activities and other landuses in the locality.

### 10.3 Sustainable agriculture

One of the main objectives for development in rural areas is to ensure that agricultural land is able to sustain viable agriculture now and into the future.

The State Government's Policy for Sustainable Agriculture in New South Wales (1998) identifies the following features that are required for agriculture to be sustainable:

- respond to consumer needs for food and fibre products that are healthy and of high quality
- take full account of the costs of production, including environmental costs, and ensure its pricing reflects these costs
- protect and restore the natural resource base on which agriculture depends
- prevent adverse on-site and off-site impacts on the environment and any other sector of the community
- be flexible in order to accommodate regional differences and changing economic, environmental and social circumstances such as drought and terms of trade
- be financially viable.

In terms of financial viability, it was found that on average, a farmer's real income has halved over the last 30 years with most farms being run by one or two people with a little contract labour at busy times. There are far fewer rural workers and they often live in town. Off-farm or supplementary income is increasingly common (DUAP, November 2000).

Not all of the features required for sustainability can be addressed or provided for in a statutory landuse plan. However, there are factors affecting sustainability which can be managed through landuse controls, in particular protecting agricultural land resources and facilitating the operation of agricultural enterprises.

Traditionally, landuse plans have included provisions for protecting "prime agricultural land" which is mainly based on soil types. However, the protection of prime agricultural land is not always the highest priority when planning for sustainable agriculture. Some agriculture, including fine wool growing and some grapes thrive on poorer soils. This applies to much of the agricultural activity within Armidale Dumaresq.

For rural lands within Armidale Dumaresq it is considered more appropriate to protect functioning agriculture itself and to allow for potential agriculture in the future. Two of the main factors which have been identified that can affect the viability of locally established and potential agricultural activities are:

- fragmentation of rural land, and
- landuse conflict between agriculture and non-agricultural uses.

Fragmentation of rural land can result in holdings of an insufficient size to support viable agricultural enterprises when economic and social circumstances change. Ad hoc fragmentation of land, particularly for lifestyle purposes, increases the likelihood of conflict between residences and agricultural activities in the locality. The issues relating to fragmentation of agricultural land and the potential for landuse conflict usually only arise in association with dwellings and impacts on residential amenity.

There has already been considerable fragmentation of rural properties within the former Dumaresq Shire. *Table 10.2* summarises the number and size of holdings within the former Dumaresq Shire that are rated as farmland by Council. There are 869 rural properties of which only 83 (10%) have an area of 800 hectares or greater. A further 127 properties (15%) have an area between 400 and 800 hectares. The majority (69%) of farming properties have an area less than 200 hectares, over half (55%) of which have an area between 40 and 100 hectares.

**Table 10.2: Number and size of rural holdings, former Dumaresq Shire, August 2003**

Area (hectares)	Number	Percent
5,000 - 10,000	3	0.34
2,000 - 4,999	13	1.50
800 - 1,999	67	7.70
500 - 799	92	10.59
400 - 499	35	4.03
300 - 399	62	7.13
200 - 299	92	10.59
100 - 199	137	15.77
40 - 99 *	326	37.51
29 - 39	24	2.76
10 - 29	13	1.50
0 - 9	5	0.57
<b>Total</b>	<b>869</b>	<b>100.00</b>

\* 70 of these properties have an area of 40 – 41 hectares.

The Draft LEP should aim to assist in facilitating sustainable agriculture by ensuring that provisions relating to

- the types of landuses permitted within rural zones,
- the controls for subdivision and erection of dwellings, and
- non-agricultural landuses

do not increase the potential for fragmentation of rural land and landuse conflict.

#### **10.4 Rural zones**

Rural land is used for a range of uses, not just agriculture. For some developments the most appropriate location may be in a rural area. These developments would include those that require isolation from surrounding development; support or provide services to the local community; are associated with tourism; or involve utilisation of resources, such as forestry and minerals.

One means of limiting potential conflicts between different landuses is to demarcate areas for compatible landuses. In Armidale Dumaresq, it is considered appropriate to demarcate areas or separate zones for:

- rural residential development and the protection of areas with scenic qualities (refer to *Armidale Dumaresq Rural Residential Study, 2004* and *Section 9: Environment Protection*)
- land adjacent to urban development within Armidale that is unsuitable for residential (refer to *Table 5.8* in *Section 5: Residential development*) business or industrial development
- land within State Forest estate.

For other types of development within rural areas, demarcation of specific areas is not considered to be a practical approach given the extent of rural land within the local government area (approximately 3,000 km<sup>2</sup>) and the difficulty of predicting when and where development is likely to occur. A more effective approach would be to have a single rural zone with provisions and controls to ensure that development is appropriate to the locality and is unlikely to have adverse ecological and economic impacts.

## 10.5 Subdivision - agriculture

The main purpose of having minimum subdivision standards in rural areas is to encourage sustainable agriculture by limiting the potential for fragmentation and landuse conflict. Within rural areas subdivision can occur for the purpose of agriculture or for non-agricultural uses. The following considers subdivision for purpose of agriculture and differentiates between extensive and intensive agriculture. It also considers subdivision to facilitate the intergenerational transfer of an agricultural holding. Subdivision for non-agricultural purposes is considered under *Section 10.7 Non-agricultural uses*.

In terms of subdivision for the purpose of agriculture should ensure that the sizes of the lots to be created are sufficient to support sustainable agriculture. The minimum subdivision area should reflect the economic viability of a holding for agricultural land use under the existing production choices and current technology applicable to the locality. The area of land required will vary with different types of agricultural enterprises. It is therefore considered useful to differentiate between different types of agriculture when formulating development standards for subdivision of rural land.

Agricultural activity in the rural areas is mainly wool and beef grazing with some intensive agriculture such as piggeries, horticulture and viticulture. For the purposes of the Draft LEP it is considered appropriate to differentiate between two types of agriculture – extensive agriculture which includes grazing and intensive agriculture for more specialised activities. The following definitions are proposed:

- “extensive agriculture” means the rearing of animals using grazing as a feeding method or the growing of plants using natural rainfall (except for irrigated pasture and fodder crops), but does not include intensive livestock or intensive plant agriculture.
- “intensive livestock agriculture” means agriculture involving the keeping or breeding of livestock, poultry, or other birds, which are held for the purposes of nurturing by a feeding method other than natural grazing and includes cattle feed lots, piggeries, poultry farms and worm farms, but excludes facilities for drought or similar emergency relief or the keeping of livestock for personal enjoyment or consumption by the occupier of the land.
- “intensive plant agriculture” means the commercial cultivation of fruit, flowers, nuts, vegetables, mushrooms or turf and includes vineyards, wholesale plant nurseries or the use of hydroponic horticultural system but does not include where the produce is grown for personal household consumption or enjoyment.



### **10.5.1 Extensive agriculture**

DUAP (November 2000) acknowledges the difficulties of finding the right size for farms because of the different interpretations of sustainability. However, statistics show that in any one local government area over 80% of the value of agricultural production is usually derived from only 20% to 25% of farms. This ratio does not change in good or bad years. The average size of these top producing farms is a good indicator of the area needed for a new broad-acre farm to set up and be successful in the local government area.

NSW Agriculture (11 September 2003) advised that of the \$33M of the estimated value of agricultural operations in 1993-4, holdings that produced 85% of this total had an average area minimum of 1069 hectares. The Department considers that 1000 hectares as a minimum subdivision area reflects the commercial viability of a holding for agricultural land use and has advised that the minimum standard for subdivision be at least 800 hectares in the Draft LEP. This standard would encourage land to be retained for genuine agriculture and reduce the potential for oversized lifestyle blocks.

It is considered appropriate to adopt the minimum subdivision standard of 800 hectares generally however, provision should also be made in the Draft LEP for agriculture on smaller holdings where it can be shown that the proposal is economically and environmentally sustainable. In discussions with NSW Agriculture it has been agreed that subdivision for extensive agriculture could occur down to a minimum of 400 hectares where a development application is supported by information which substantiates the proposal and NSW Agriculture has been consulted as part of Council's assessment of the application.

Where a subdivision is for the purpose of transferring land to an adjoining owner and consolidating the newly created lot with an existing property it is not considered necessary to require a minimum lot size. The subdivision would not create any additional allotments. However the effect of the subdivision on the agricultural use of the two properties subject of the subdivision should be considered in assessing the proposal.

### **10.5.2 Intensive agriculture**

DUAP (November 2000) recommended that LEPs can encourage genuine, sustainable intensive agriculture by linking small farm subdivisions to farm plans and investment. NSW Agriculture also advised that subdivision for intensive agriculture should be linked to performance criteria that are based on matters such as:

- the proposed use being appropriate to the locality
- the economic and environmental sustainability of the proposal
- the extent to which services can be economically supplied.

Given the diversity of intensive agriculture and varying characteristics of land on which such activities could be carried out the Draft LEP should provide for flexibility in terms of development standards for subdivision. Therefore, no minimum lot size would be specified for subdivision for the purposes of carrying out intensive agriculture. Rather there could be a requirement that the proposal be substantiated with supporting information specified in the Draft LEP, for example information demonstrating that the property is sufficiently large enough to ensure less potential for conflict (eg noise, odour) with existing dwellings in the locality and the effects of intensification (eg areas for disposal of effluent and manure) can be managed. Information would also be needed outlining the economic viability of the proposed intensive agricultural activity. It is considered that an appropriate authority for assessing the economic viability of agriculture is NSW Agriculture and development applications should be referred to them for their comments.

### 10.5.3 Intergenerational transfer of property

One means of assisting the inter-generational transfer of rural properties has been to allow for concessional allotments within LEPs. The standards and requirements for concessional allotments have tended to vary between local government areas.

Over recent years the State government has advised that provisions for concessional allotments should be restricted or removed from LEPs. In 2001 DUAP advised that concessional lots were now long past their use-by-date because they have the potential to create scattered rural residential developments that are a recipe for ongoing problems for adjoining farmers.

The position of the Department of Infrastructure, Planning and Natural Resources (7 October 2003) is that concessional allotments are an inappropriate form of subdivision and provisions which enable subdivision of an existing dwelling from a holding for use by family members must not be included in the Draft LEP. This position is supported by NSW Agriculture. The main concerns regarding concessional allotments are their potential to:

- further fragment agricultural land
- exacerbate the potential for land use conflict
- escalate the demand for councils to provide increased services.

The current Dumaresq LEP No. 1 allows for the creation of one “concessional allotment” from a holding subject to satisfying certain criteria. A review of all of the subdivisions granted development consent in the former Dumaresq Shire between July 1992 and December 2002 found that of the 86 consents, only 6 were subdivisions for the purpose of creating a “concessional allotment” and of these only 4 were registered with the Land Titles Office. Very few subdivisions for the purpose of creating a concessional allotment have occurred and therefore, their contribution to land fragmentation, land use conflict and demand for council services is considered to be negligible. Further the excision of less than 4 hectares of land is unlikely to affect the agricultural viability of the residue of the holding following subdivision.

Retiring farmers and the intergenerational transfer of a property are social issues. In terms of equity there are circumstances where farmers may be disadvantaged compared to other retirees, for example those living in urban areas. These circumstances include the following:

- Farmers may want to retire, live in their family home and either sell their business or transfer it to a family member. The report to the Minister of Infrastructure, Planning and Natural Resources (February 2004) on the Review of Housing Strategy for Older People and People with a Disability, including Changes to SEPP 5 notes that “over the last two decades there has been a marked shift in Commonwealth government aged care philosophy with a renewed emphasis on “ageing in place”. ... Most people seek to remain in their own homes, even when they need some support, rather than be in a residential care setting.” Currently, it is understood that for retiring farmers wishing to access social benefits the assets test does not include the principal home and 2 hectares surrounding the home.
- Farmers may want to sell their home and move away while transferring their business to a family member. They may need the financial proceeds from the sale of their home in order to be able to relocate. Transferring the residual part of a farm to a family member may increase the preservation of agriculture given the knowledge and experience that family members may have and their commitment to continuing the family farm.

The current provisions in Dumaresq LEP No.1 for concessional allotments have resulted in minimal fragmentation of rural holdings. There are potential social benefits from permitting the excision of an existing dwelling from a holding for retiring farmers and to facilitate the intergenerational transfer of a property. However, it is acknowledged that without appropriate safeguards there is the opportunity for increased fragmentation of land and land use conflict.

Therefore it is recommended that concessional allotments be provided for in the Draft LEP and that the criteria for subdivision are similar to those in the current LEP. However, it is recommended that the current provisions be amended as shown in *Table 10.3* to reduce potential adverse impacts, particularly on preserving and encouraging sustainable agriculture.

## **10.6 Dwellings - agriculture**

The issues relating to fragmentation of agricultural land and the potential for landuse conflict usually arise where there is an existing dwelling or it is proposed to erect a dwelling on the land or in the locality. Dwellings in rural areas should only be erected in association with sustainable agriculture or permissible non-agricultural development. The following considers dwellings in association with agriculture. The erection of a dwelling in association with non-agricultural purposes is considered under *10.7 Non-agricultural uses* in this Section of the Report.

Dwelling types in rural areas comprise:

- Single dwellings, including historical dwelling entitlements and replacing existing dwellings
- Rural workers' dwellings and itinerant workers' dwellings
- Dual occupancies.

### **10.6.1 Single dwellings**

To reduce fragmentation of rural land and to avoid landuse conflict between residents and agricultural activities in the locality dwellings should only be permitted in association with sustainable agriculture. Development standards for erecting a dwelling should be the same as those for subdivision of rural land for the purpose of agriculture.

Therefore a dwelling could be erected on vacant land where the area of the holding is at least 800 hectares or the holding is or will be used for the purposes of extensive or intensive agriculture. Where it is proposed to erect a dwelling on a holding with an area less than 800 hectares that will be used for agriculture then the proposal would need to be supported with information substantiating that the agricultural use of the land is sustainable. This information would include the economic viability of the proposed agricultural activity. It is considered that the most appropriate authority for assessing the economic viability of agriculture is NSW Agriculture and, therefore, development applications should be referred to them for their comments or concurrence.

NSW Agriculture has advised that in order to ensure that a proposed dwelling will be required in association with a viable agricultural activity a staged development could be considered. A stage development would only permit a dwelling house after the proponent has demonstrated some investment in the enterprise. This would help direct hobby farmers to a rural small holding zone and away from agriculture. It is not proposed to include the suggested provisions for staged development in the Draft LEP as such requirements may be onerous for genuine agricultural enterprises starting up.

**Table 10.3: Proposed requirements for “concessional allotments”**

Current requirements in Dumaresq LEP No. 1	Proposed requirements in Draft LEP
Only one concessional allotment can be created from a holding (as it was on 26 July 1974)	Retain.
The holding has the same configuration as it did on 26 July 1974.	Retain the provision but also allow for when the configuration may have changed as a result of a minor boundary adjustment, consolidation with adjoining land or road widening.
The holding that has been owned by members of the same family since 26 July 1974.	The date (26 July 1974) be moved forward to reflect two generations. It is suggested that the date become 4 June 1985 when Dumaresq LEP No. 1 with its ‘existing holdings’ provisions came into effect.
There is an existing dwelling on the holding that was legally erected on or before 31 July 1992.	Retain.
The area of the holding is greater than 40 hectares.	Retain this provision for intensive agriculture but increase the minimum area required to 400 hectares for extensive agriculture.
The existing dwelling will be located on the “concessional allotment”.	Retain.
The area of the “concessional allotment” will be between 1 and 4 hectares	Retain.
Creation of the “concessional allotment” will not adversely affect the agricultural viability or potential of the residue of the land subdivided and the residue is capable of economically supporting an agricultural use of a type common in the locality	Retain but delete the reference to “of a type common in the locality” so as not to restrict different types of potential agriculture.
Adequate all-weather access is available, or can be made available, to both allotments.	Retain.
Where the allotment will have a frontage to a main or arterial road the frontage to that road will not be less than 200 metres.	Retain.
	Additional requirement that a development application be referred to NSW Agriculture for comments or concurrence.
	Additional requirement that where the holding to be subdivided comprises the aggregation of two or more allotments that the residue be consolidated into a single allotment.
	Additional requirement that a dwelling may only be erected on the residue of the holding if it is in accordance with the requirements in the plan for the erection of a dwelling.

Single dwellings are also permitted in rural areas where the right to erect a dwelling is retained in subsequent LEPs. These historical rights are usually referred to as “dwelling entitlements”. NSW Agriculture has expressed the concern that dwelling entitlements for agriculture anywhere in the rural zone below the minimum lot size presents the opportunity for defacto hobby farming under the guise of agriculture.

Under Dumaresq LEP No. 1 there are provisions for historical dwelling entitlements in Rural 1(a) and 1(b) zones. A dwelling can be erected on:

- a holding which has the same configuration as it did on 4 June 1985 (other than where it has been affected by consolidation with an adjoining allotment, road widening or a minor boundary adjustment); or
- the lot was created between 4 June 1985 and 31 July 1992 and a dwelling house could have been lawfully erected on the lot when it was created. The minimum area for subdivision and for erection of a dwelling between those dates was 40 hectares.

Since 31 July 1992, a dwelling can be erected on land with an area not less than 200 hectares.

The retention of dwelling entitlements in subsequent LEPs is subject of Section 117 Direction G8 Rural Zones. The direction requires that except where council can satisfy the Director that any particular provision or area should be varied or excluded having regard to the provisions of Objects of the EPA Act 1979, Draft LEPs shall retain existing provisions which enable a dwelling house to be erected on an existing parcel.

Some historical dwelling entitlements under Dumaresq LEP No. 1 date back to 1985 and it could be argued that these could be phased out (eg. by including a sunset clause) on the basis that sufficient time has passed in which to utilise such entitlements. Retaining the provisions indefinitely also increases the potential for future landuse conflict between residents on smaller lots within predominantly agricultural areas. It is proposed to review the LEP 5 years following its gazettal and this may generate amendments. Therefore, an appropriate sunset period for seeking historical dwelling entitlements is considered to be 5 years following gazettal of the LEP.

It is also considered appropriate to adopt the provisions in the Draft LEP from Dumaresq LEP No. 1 where a dwelling can be erected on a holding where it will wholly replace an existing dwelling.

### **10.6.2 Rural workers' dwellings and itinerant workers' dwellings**

In many areas farm worker numbers are diminishing and there has been a corresponding decline in the demand for rural workers' dwellings. However, provisions should be included in the Draft LEP to allow rural workers dwellings where it can be shown that they are needed in association with genuine agricultural enterprises. Where existing dwellings are used on a temporary basis by itinerant workers it is not considered necessary that development approval be required.

### **10.6.3 Dual occupancies**

There is some demand for dual occupancies within rural areas, particularly for family reasons. To ensure that such developments do not bring future pressure for inappropriate subdivision it is useful to differentiate between attached and detached dual occupancies and the minimum areas required for these proposals. In particular, for detached dual occupancies the minimum area should be equivalent to that required to carry out a 2 lot subdivision in accordance with the requirements of the LEP. The Draft LEP should also include the proviso that dwellings cannot be sold separately unless the land is subdivided in accordance with the plan. Alternatively, it could be required that the lots within a holding on which it is proposed to erect a detached dual occupancy be consolidated into a single allotment, thereby necessitating subdivision approval prior to any disposal of the dwellings. These provisions would ensure that dual occupancy developments do not contribute to fragmentation of rural properties.

## **10.7 Rural land within Armidale**

There is land within Armidale adjacent to urban development that would be unsuitable for residential (refer to *Table 5.8* in *Section 5: Residential* development) or business development. Most of the rural land within Armidale is currently zoned Rural Agriculture 1(a) under Armidale LEP 1988. This land includes:

- properties used for agricultural purposes, for example turf farming and adjustment.
- pockets of Class 2 agricultural land, particularly in lowlying and flood prone areas.
- areas adjacent to landuses where there is the potential for landuse conflict, such as land within the vicinity of the Armidale saleyards.
- areas that could not be provided with reticulated water and/or sewer unless significant augmentation works were undertaken.
- land that is subject to flooding along Dumaresq Creek and its tributaries.

Given its current use and the constraints applying to the land is suggested that the land be zoned as an urban agriculture zone. The development standards that would apply would be similar to those in the current Rural Agriculture 1(a) zone under Armidale LEP 1988, for example for subdivision the minimum lot size for the purpose of erecting a dwelling is 5 hectares.

## **10.8 Non-agricultural landuses**

Rural land can provide appropriate locations for developments other than agriculture. These may include developments which require isolation from nearby residents such as certain types of industries, generating works and landfills. It is also important that some services and facilities that support the local community, such as general stores, community halls and the like be allowed in rural areas. Given that arterial roads traverse the rural areas some developments may be appropriately located adjacent to these roads.

Tourism can provide an important contribution to the local community. In Armidale Dumaresq one of the main tourist attractions is the National Parks in the eastern part of the local government area. Farmstays and the like provide a rural experience for visitors to the area. Similarly, other types of tourist accommodation such as hotels, motels and caravan parks may be appropriate in rural areas.

Rural areas also have natural resources that can be utilised and managed such as forestry, mining and extractive resources.

### **10.8.1 Forestry**

Armidale Dumaresq includes several State Forests within its boundaries. Most are located in rural areas in the eastern part of the local government area. During the late 1990's some State Forests became National Parks and Wildlife Estate, including the smaller State Forests in proximity to Armidale. The only State Forest estate close to Armidale is the Pine Forest off Rockvale Road.

Both NPWS and State Forests have provided updated digital information on their estate boundaries. Given the specialised use of State Forest estate it is considered appropriate that a specific zoning apply to this land and that the zone boundaries coincide with those of State Forest estate. The range of uses permitted within the zone should reflect not only those activities directly related to forestry but other compatible activities such as mining and extractive industries, agricultural enterprises, some recreation facilities, and utility installations.

### **10.8.2 Mining and extractive industries**

Mineral Resources NSW advised (28/6/02) that the Draft LEP should aim to ensure that all existing extractive resource and mineral resource sites and occurrences together with haulage routes to and from these sites are protected from adjoining incompatible land uses. Also, for existing identified resources that have not as yet been developed, the Draft LEP should avoid incompatible land uses over and adjoining these identified mineral and extractive resources. The Department provided digital data for:

- the location and description of past and current mineral occurrences and deposits
- the location and brief description of extractive resource sites
- the location of all section 117 notifications for Armidale Dumaresq
- a geological map of the former Shire including detailed descriptions for each geological unit.

The maps indicate that many of the mineral deposits are located in rural areas or within National Parks or State Forest estates. Given the scattered distribution of potential mines and extractive industries, the issue of the compatibility of nearby landuses with these types of development could only be practically determined by considering the issue on the individual merits and circumstances of each proposal.

### 10.8.3 Other non-agricultural uses in rural areas

As previously noted, developments on rural land should not be restricted to those related to agriculture.

Subdivision of land and the erection of a dwelling in association with non-agricultural landuses should be based on satisfying certain criteria rather than complying with specific development standards such as minimum lot sizes. Agriculture is the main landuse in rural areas and consideration should be given to the impact of other proposals on agriculture in the vicinity. The criteria should include:

- the proposed use is economically viable having regard to the size and layout of the lot
- the proposal would not adversely affect the existing or potential capability of land in the locality to produce food or fibre
- adequate services and access are or can be made available to the land
- any dwelling is ancillary to the existing or proposed use of the land.

### 10.9 Land with frontage to an arterial road

Several arterial roads traverse the rural areas – the New England Highway, Waterfall Way, Kempsey Road, Bundarra Road and Guyra Ebor Road. It is appropriate that the Draft LEP contain provisions to assist in ensuring that the safety and efficiency of these roads are maintained.

In Dumaresq LEP No. 1 a specific zoning, Rural 1(b) (Arterial Road Frontage) applies to land within approximately 400 metres of the boundary of the road reserves for the arterial roads. The zone has similar development controls to those for the Rural 1(a) zone but includes additional requirements specifically related to development on land with frontage to an arterial road. These provisions include frontage requirements for subdivision and minimum setbacks and lot sizes for development which may potentially generate a significant volume of traffic.

The Department of Infrastructure, Planning and Natural Resources and NSW Agriculture have questioned the need for a separate zone for land with an arterial road frontage. The Section 117 Direction G8 Rural Lands requires that Draft LEPs retain existing zones and provisions relating to the control of traffic generating development or access on major road frontages unless it can be otherwise justified.

The Roads and Traffic Authority (1 October 2003) has advised that it seeks to include clauses in the Draft LEP preventing “ribbon development” along major arterial roads such as the New England Highway (State Highway No 9) and Waterfall Way (Main Road No 76) to maintain the safety and efficiency of these roads particularly in rural zones. One of the aims of the Draft LEP should be to minimise the number of road junctions and prevent individual direct access points to reduce the impact of adjacent development. The Roads and Traffic Authority also included a suggested provision to be included in the Draft LEP for development on a road forming part of the State Road network.

It is considered that adopting relevant clauses in the Draft LEP along with other provisions relating to minimum frontage sizes and the like would adequately address the concerns about the safety and efficiency of arterial roads (refer to *Section 13: Infrastructure*). The inclusion of these provisions would mean that a separate zone for land with frontage to an arterial road would no longer be required.

## 10.10 Compliance with NSW Rural Lands Policy

The Rural Lands Policy (DUAP, 2000) was compiled to assist councils in inland NSW to prepare Draft LEPs applying to rural land. The Policy includes matters to consider when preparing a Draft LEP applying to rural land, non urban or environmental protection areas or zones and these are shown in *Table 10.4*. Comments on the extent to which the approaches outlined in this Section of the Report comply with the matters for consideration under the Policy are summarised below.

**Table 10.4: Matters to consider– Rural Land (NSW Rural Lands Policy, 2000)**

Matters to consider	Comment
Justify any provisions which will enable additional rural dwellings outside designated urban or rural residential areas	The Draft LEP is unlikely to enable more dwellings in rural areas than would result under the current Dumaresq LEP No 1.
Ensure new provisions do not unreasonably increase agricultural land values	The new provisions are unlikely to unreasonably increase agricultural land values. The minimum lot size for subdivision of land for extensive agriculture has increased to 400 hectares. The range of permissible uses within the rural zones has not changed significantly from those in the current LEP.
Ensure provisions do not adversely impact on the availability of water for sustainable use	The proposed provisions are not likely to increase domestic and stock water rights. For developments requiring other water sources, these would be subject of approval or licensing from DIPNR.
Encourage the amalgamation of individual rural lots	The Draft LEP provides new provisions for amalgamating lots comprising: the aggregation of two or more lots in the case of the residual lot from subdivision for the purposes of creating a concessional allotment and for proposed detached dual occupancy developments.
Ensure that the lot sizes for agriculture are ecologically and economically sustainable	Minimum lot sizes for subdivision and/or erection of a dwelling vary depending on whether the land is to be used for extensive or intensive agriculture. The purpose is to ensure that the lot size is sufficient to support sustainable agriculture (refer to <i>Section 10.5</i> ).
Provide opportunities for a range of rural activities including intensive agricultural industry taking into account environmental impacts, land capability, existing infrastructure and services, and potential cross boundary-impacts.	Intensive agriculture is permitted subject to satisfying certain criteria (refer to <i>Section 10.5.2</i> ).
Identify and investigate the cumulative impacts of the LEP on agriculture, other landuses, water catchments, water quality, rivers, natural habitats, remnant vegetation, biodiversity and heritage	The Draft LEP includes provisions to protect and manage the environment. It is considered unlikely that there will be significant adverse cumulative impacts arising from the provisions in the Draft LEP. The predominant land use is likely to continue to be wool and beef grazing and holdings are likely to remain their current size and possibly increase. It is intended that the Draft LEP will be reviewed in 5 years and this would include an assessment of cumulative environmental impacts since the LEP's gazettal.



**Table 10.4: Matters to consider– Rural Land (NSW Rural Lands Policy, 2000), continued**

Matters to consider	Comment
Remove provisions enabling concessional allotments and enable intergenerational transfer of property without compromising the sustainable agricultural use of land.	It is proposed to retain concessional allotments in the Draft LEP for the following reasons (refer <i>Section 10.5.3</i> ): <ul style="list-style-type: none"> <li>• In the past few concessional allotments have been created</li> <li>• Criteria are specific and restricted and, therefore, likely to result in only a few genuine use of the provisions</li> <li>• Potential social benefits.</li> </ul>
<p>The council may prepare a draft LEP for land that is zoned rural, non urban or environmental protection to allow rural residential purposes or urban purposes where the land has been identified in a current:</p> <ul style="list-style-type: none"> <li>▪ rural residential strategy or</li> <li>▪ urban development strategy</li> </ul> <p>Prepared by the council and approved by the Director-General.</p> <p>The only exception to a strategy will be where council can demonstrate to the satisfaction of the Director-General</p> <ul style="list-style-type: none"> <li>▪ that the objectives for settlement listed in the Policy can be satisfied and</li> <li>▪ the alteration or removal of zoning or development control provisions is of minor significance.</li> </ul>	Refer to <i>Section 8: Rural Residential development</i> and <i>Section 9: Environment Protection</i> of this Report.

## 10.11 Recommendations

The following recommendations are made in relation to Rural Land:

- The Draft LEP include provisions for encouraging sustainable agriculture within the rural areas by preventing fragmentation of agricultural land, providing areas for rural lifestyle and reducing the potential for landuse conflict between agricultural activities and other landuses in the locality.
- The Draft LEP include the following zones relating to rural areas:
  - General rural zone
  - Rural residential zones
  - Forestry zone for land within State Forest estate. The Draft LEP permits landuses that may be compatible with forestry such as extractive industries, agricultural enterprises, recreation facilities, and utility installations.
  - An urban agriculture zone for land in Armidale.
- To acknowledge that the requirements for agriculture may vary depending on the type of agriculture being carried out by differentiating between extensive and intensive agriculture. Extensive agriculture mainly applies to grazing and plant growing which relies on natural rainfall. Intensive agriculture includes cattle feed lots, piggeries, horticulture and wholesale plant nurseries.

- The development standards for subdivision of land which is used for agriculture reflect the type of agriculture being carried out:
  - Extensive agriculture – minimum lot size 800 hectares with provision for subdivision down to 400 hectares subject to consultations with NSW Agriculture.
  - Intensive agriculture – no minimum lot size but requires the concurrence of NSW Agriculture.
- The Draft LEP does not include a minimum lot size for subdividing land for the purpose of transferring land to an adjoining property.
- The Draft LEP to include provisions for concessional allotments to facilitate intergenerational transfer of properties and to continue to provide a social benefit.
- To encourage rural lifestyle developments to locate within rural residential areas and to reduce the likelihood of landuse conflict, dwellings only be permitted within rural areas where they are in association with sustainable agriculture or other permitted landuses.
- Historical dwelling entitlements be retained by the Draft LEP but that continuation of these provisions be reviewed in 5 years as part of the overall review of the new LEP.
- The Draft LEP to include provisions for rural workers' dwellings and itinerant workers' dwellings. The latter refers to the use of existing dwellings and their temporary occupation and therefore it is not considered necessary for such developments to require development approval.
- The Draft LEP provide for dual occupancies. Where a holding comprises the aggregation of two or more lots, then for detached dual occupancies the lots should be consolidated into a single lot to restrict disposal or sale of the dwellings.
- Although agriculture is the primary landuse, certain types of non-agricultural development may be appropriate within rural areas and that the Draft LEP provide for this. The following types of development be permitted in rural zones in appropriate locations and where they will not restrict or adversely affect agricultural landuses in the locality:
  - landuses that require a degree of isolation from surrounding development, such as certain types of industries, generating facilities and landfills,
  - developments that support or provide a service to the local community such as general stores, and
  - development that is associated with tourism, such as tourist accommodation.
- The Draft LEP include an urban agriculture zone with similar development standards to the current Rural Agriculture 1(a) zone in Armidale LEP 1988 to apply to land that is currently used for or near agricultural activities, Class 2 agricultural land and non-urban land that is subject to flooding.
- Mining and extractive industries be permitted with consent in predominantly rural and forestry areas. The value of these and other natural resources be reflected in the overall objectives of the Draft LEP.
- Maintaining the safety and efficiency of arterial roads within rural areas be addressed by including relevant clauses within the Draft LEP rather than a specific arterial road frontage zone.

## 11. NATIONAL PARKS AND NATURE RESERVES

### 11.1 Current situation

A significant area, approximately 15%, of Armidale Dumaresq comprises National Parks and Wildlife Estate. Most of the estate is located in the eastern part of the local government area and includes all or parts of the New England, Cunawarra, Cathedral Rock, Carrai and Oxley Wild Rivers National Parks.

There are smaller isolated Nature Reserves closer to Armidale that were previously State Forests. These include Yina, Imbota, Duval and Boorolong Nature Reserves. These reserves were gazetted to conserve remnants of previously widespread Tablelands vegetation communities as part of the Regional Forest Agreement (RFA) process. Following gazettal, the National Parks and Wildlife Service has prepared plans of management for these Nature Reserves.

Dumaresq LEP No. 1 includes a specific zoning for National Parks and Nature Reserves. This zone is Zone No. 8(a) Existing Parks and Nature Reserves. However, the current map for the LEP does not reflect the changes in National Parks and Wildlife Estate that have occurred over recent years, including the transfer of land from State Forests to the National Parks and Wildlife Service.

### 11.2 Proposed LEP provisions

It is recommended that given the specialised use of National Parks and Reserves that a specific zoning continue to apply to this land. The National Parks and Wildlife Service (7 March 2003) has requested that all land reserved or dedicated pursuant to the provisions of the National Parks and Wildlife Act 1974 be zoned 8(a) National Park and Nature Reserves (or similar) within the Draft LEP.

The NSW National Parks and Wildlife Service has provided Council with updated digital information on their estate boundaries and it is recommended that the map for the Draft LEP be updated to reflect these changes in ownership and use. The Draft LEP should also include relevant provisions to ensure that it will not require amendments if future changes to the boundaries of National Parks and Wildlife Estate occur.

It is recommended that provisions be included in the Draft LEP that reflect the use of the land for the specific purposes for which it is reserved or dedicated under the National Parks and Wildlife Act 1974.

To avoid the situation where the LEP would require amendments if new areas are added to National Parks and Wildlife estate, it is recommended that the following clause be included in the new LEP.

It is important to ensure that National Parks and Nature Reserves are not adversely affected by development on land in the vicinity. It is recommended that the following clause be included in the Draft LEP:

#### **Development adjacent to land reserved or dedicated under the National Parks and Wildlife Act 1974**

- (a) This clause applies to land that is adjacent to land reserved or dedicated under the National Parks and Wildlife Act 1974.
- (b) The consent authority must not grant consent to an application to develop land that, according to the consent authority, has the potential to adversely impact on land reserved or dedicated under the National Parks and Wildlife Act 1974, unless:
  - (i) it has referred the application to the Director-General of the National Parks and Wildlife Service for comment. And

- (ii) it has had regard to any response notified to it by the Director-General of the National Parks and Wildlife Service within 28 days of its referral of the application.

### 11.3 Recommendations

In relation to the proposed planning controls for National Parks and Nature Reserves within Armidale Dumaresq it is recommended that:

- National Parks and Wildlife estate be represented in the Draft LEP with a specific zoning.
- The proposed development control table for the zone be:

#### **1. Zone Objectives**

*The zone objectives are:*

- a) *to identify land which is reserved or dedicated under the National Parks and Wildlife Act 1974.*
- b) *to allow for the management and appropriate use of land as provided by that Act.*

#### **1. Without development consent**

*Any land use authorized by the National Parks and Wildlife Act 1974 and any land use incidental or ancillary to such a land use.*

#### **2. Only with development consent**

*Nil.*

#### **3. Prohibited**

*Any development not included in item 2.*

- To avoid the situation where the LEP would require amendments if new areas are added to National Parks and Wildlife estate, the following clause be included in the Draft LEP.

#### ***Land reserved or dedicated under the National Parks and Wildlife Act 1974***

*Despite the other provisions of this plan, any development authorized by the National Parks and Wildlife Act 1974 (and any development ordinarily ancillary or incidental to that development) may be carried out, without development consent, on that land to which this plan applies that is reserved or dedicated under that Act.*

- To ensure that development on land adjacent to National Parks and Nature Reserves does not adversely affect the parks and reserves, the following provision be included in the Draft LEP:

#### ***Development adjacent to land reserved or dedicated under the National Parks and Wildlife Act 1974***

- a) *This clause applies to land that is adjacent to land reserved or dedicated under the National Parks and Wildlife Act 1974.*
- b) *The consent authority must not grant consent to an application to develop land that, according to the consent authority, has the potential to adversely impact on land reserved or dedicated under the National Parks and Wildlife Act 1974, unless:*
  - i) *it has referred the application to the Director-General of the National Parks and Wildlife Service for comment. And*
  - ii) *it has had regard to any response notified to it by the Director-General of the National Parks and Wildlife Service within 28 days of its referral of the application.*

## **12. HERITAGE**

### **12.1 Current situation**

Items and places of known heritage significance within Armidale Dumaresq are identified in several registers and listings including:

- Armidale LEP 1988
- Dumaresq LEP No. 1
- World Heritage List
- Register of the National Estate
- NSW State Heritage Inventory

### **12.1 Armidale LEP 1988 and Dumaresq LEP No. 1**

Heritage items and heritage conservation areas are listed in Schedule 1 of Armidale LEP 1988 and Schedule 2 of Dumaresq LEP No. 1.

Most of the heritage items and conservation areas included in the Armidale LEP 1988 are based on the findings of the Armidale Heritage Study (Perumal Murphy Pty Ltd, 1990). The LEP also includes archaeologically-sensitive areas, which may contain Aboriginal relics. These areas were identified using predictive modelling in the “The Results of a Survey for Aboriginal Sites in the City of Armidale (Sutton, 1989).

The heritage items listed in Dumaresq LEP No. 1 were included with the gazettal of the principal LEP in 1985. The listing comprises eight heritage items. Since 1985 the only additional listing was in 2000 to amend the entry for ‘Palmerston’ homestead to include the stables, garden and hawthorn hedge.

### **12.2 Potential new items and areas of heritage significance**

Many of the items listed in the current LEPs are also listed on other registers. However, there are items on the World Heritage listing, the Register of the National Estate and the NSW State Heritage Inventory that are not included in the current LEPs. There has also been a heritage study carried out for the former Dumaresq Shire by EJE Planning (1997) which identified items and areas which should be considered for inclusion in the heritage provisions for a draft LEP. Council has also received requests from individuals and recommendations from Council’s Heritage Advisor to have new heritage items added to the current LEPs.

#### **12.2.1 World heritage sites**

The Central Eastern Rainfall Reserves of Australia is on the World Heritage List. Part of the Reserves is located within Armidale Dumaresq and mainly within National Parks and Wildlife estate where the National Parks and Wildlife Service are responsible for heritage conservation and management.

### 12.2.2 Register of the National Estate

The Register of the National Estate is compiled by the Australian Heritage Commission. The Register is defined in the Australian Heritage Commission Act 1975 as “those places, being components of the natural environment of Australia or the cultural environment of Australia, that have aesthetic, historic, scientific or social significance or other special value for future generations as well as for the present community”. Entry in the Register does not directly affect the way in which private, State and local government owners manage their national estate properties. Entry of a private property in the Register does not place any direct legal constraints on the actions of its owners. They are not required to change the way in which they manage, maintain or dispose of their property and do not have to give public access to registered properties. The Commonwealth Government is the only body whose actions are directly affected as a result of listings in the Register. The Commonwealth Government is prohibited from taking any action which would adversely affect a place in the Register, unless there are no feasible and prudent alternatives to the action.

Items on the Register that are located within Armidale Dumaresq are either places that have been registered or are shown as identified places or as indicative places. An indicative place means that the place is at some stage in the assessment process and the Australian Heritage Commission has not made a decision as to whether the place should be entered in the Register. An identified place is a place where its values have been considered and the Commission has decided that it should be publicly proposed for entry in the Register and is awaiting publication in the Gazette and the press to give effect to this decision.

The following is a list of places in the Register of the National Estate that are registered or an identified place but are not included in the heritage listings of the current LEPs:

- Arthurs Seat – Bald Nobs Geological Site, Dangarsleigh Road, Armidale - registered
- Cathedral Rock National Park (1981 boundary), Guyra-Ebor Road, Ebor - registered
- Georges Creek Nature Reserve, Kempsey-Armidale Road, Lower Creek - registered
- Indigenous Places at Lower Creek (2 entries), Lower Creek (1 entry) and Ebor (1 entry) - registered
- Kunderang Proposed Nature Reserve (former), Dourallie Fire trail, Comara - registered
- Megacryst Bearing Lava Site, University of New England - registered
- New England National Park (1978 boundary), Dorrigo Road, Ebor - registered
- Hunter River Lancers Training Depot, Allingham Street, Armidale – indicative place. (The Australian Heritage Commission advised of the proposal for Interim Listing of the Depot on the Register, 24 April 2003).

It is suggested that none of the above properties require listing in the Draft LEP for the following reasons:

- Conservation of sites located within National Parks and Wildlife estate is the responsibility of the NSW NPWS.
- It is proposed that individual sites of Aboriginal heritage significance should not be listed in the Draft LEP at this time (refer to *12.3 Aboriginal heritage*).
- One of the geological sites listed (Megacryst Bearing Lava Site) is located on land owned by the University of New England and is used for research and teaching purposes. The other sites at Arthur’s Seat and Balds Nobb off the Dangarsleigh Road are used as a teaching site by local schools and the University of New England. They are prominent landscape features and it is proposed to zone them Environment Protection – Rural Scenic (refer to *Section 9: Environment Protection*). Given the scenic qualities of these sites, the proposed zoning limits the type and density of development which may occur and in doing so will reduce the likelihood of their heritage significance being adversely affected due to future development.
- The Hunter River Lancers Training Depot is on Commonwealth land. The Commonwealth Government is prohibited from taking any action which would adversely affect a place listed on the Register, unless there are no feasible and prudent alternatives to the action.

### 12.2.3 State Heritage Register

Items located within Armidale Dumaresq local government area that are listed on the State Heritage Register but are not included as heritage items under Armidale LEP 1988 or Dumaresq LEP No. 1:

- Dumaresq Railway station group, Main Northern railway, Dumaresq
- Gara River Hydro-Electric Scheme, 10 km southeast of Armidale
- Kunderang East Pastoral Station 80 km north-west of Kempsey, (Oxley Wild Rivers National Park).

It is suggested that of the above items, only the Dumaresq Railway Station group be listed as a heritage item in the draft LEP. This is supported by the recommendations of the Dumaresq Shire Heritage Study (EJE, 1997). The Gara River Hydro-Electric Scheme and Kunderang East Pastoral Station are both located within NPWS estate and, therefore, their conservation is the responsibility of the NPWS. Conservation Management Plans for both these items are being prepared by the NPWS.

### 12.2.4 Dumaresq Shire Heritage Study

In late 1995 Dumaresq Shire Council received a heritage grant from the Department of Urban Affairs and Planning to prepare a heritage study for the Shire. It was the first heritage study of the Shire to be undertaken. A Heritage Study Steering Committee was established to assist with preparing the Study and provided information to assist in identifying potential items of environmental heritage. The final report was received in March 1997.

Preparation of the Study included a community consultation programme undertaken by Council which sought nominations for potential heritage items to supplement the small inventory in Dumaresq LEP No. 1. Council then nominated those items identified through the community consultation programme for evaluation.

The Heritage Study recommended that heritage items, conservation areas and archaeologically sensitive areas be given protection under Dumaresq LEP No. 1. The new items and areas that the Study recommended should be listed as heritage items in an LEP are included in *Tables 12.1, 12.2 and 12.3*.

At its meeting on 18 February 1998, Council decided to adopt the heritage listing and recommendations arising from the Dumaresq Shire Heritage Study 1997 and to place the Study on exhibition for a period of one month for public comment. Owners of individual heritage items that the Heritage Study recommended should be identified in a draft LEP were advised of this by letter. Two submissions were received from property owners, neither of whom objected to the listing of their properties as heritage items in an LEP.

Table 12.1: Individual items to be listed as heritage items (Dumaresq Shire Heritage Study, 1997)

Street.	Building/Site Details	Property Description	Heritage Significance
<b>Bracken Street, Hillgrove</b>			
	Eleanora Mine Chimney, Former Eleanora Mine	Lot 2 DP 597107	Regional
	Baker's Creek Mine Chimney, Former Baker's Creek Mine	Crown Land	Regional
	Baker's Creek Winding Engine House, Former Baker's Creek Mine	Lot 407 DP 755834	Regional
	Baker's Creek Mine Surface Buildings, Former Baker's Creek Mine	Crown Land	Regional
	Garibaldi Mine Chimney	Crown Land	Regional
<b>Dangarsleigh Road</b>			
671	'Chevy Chase'	Lot 61, 62-64 DP 4356	Regional
<b>Dumaresq Road</b>			
	Dumaresq Railway Station	Old System Conveyance Book 261-220 (20 December 1882)	Regional
530	Dumaresq Railway Stationmaster's Residence	Lot 1 DP 792093	Local
<b>Grafton Road, Wollomombi</b>			
3138	'St Helena' Homestead	Lots 9/10, 12-18, 26, 32, 42, 53, 57/58, 73, 75/76, 96 DP 755828	Regional
<b>Grafton Road, Guy Fawkes</b>			
	'Milamba'	Lots 27,28, 49 part Lots 30, 31 DP 751462, Lot 1 DP 829336	Local
	Original Guy Fawkes Post Office, 'Milamba'	Lots 27,28, 49 part Lots 30,, 31 DP 751462, Lot 1 DP 829336	Local
	Sheep Dip, 'Milamba'	Lots 27,28, 49 part Lots 30,, 31 DP 751462 Lot 1 DP 829336	Local
7376	'Kotupna'	Lot 2 DP 830823	Regional
<b>Metz Road, Metz</b>			
	Cottage	Lot 330 DP 755834	Local
	Tattersalls Hotel Brick Outbuildings	Lot 97 DP 2345	Local
<b>New England Highway, Tilbuster</b>			
	'Lydbrook'	Lot 105 DP 755844 Lot 51 DP 706720	Regional
	'Tilbuster' Homestead	Lot 18 DP 837881	Local
<b>Newholme Road, Armidale</b>			
495	'Newholme' Homestead	Lot 2 DP 597896 Lots 2/3, 5, 7, 11/12, 18, 23/24, 27-31, 33/34, 38-50, 58/59, part Lot 60, 77, 86-90, 94, 99, 101-105, 109/110, 112-114, 117/118, 142, 145, 150, 152, 161-163, 165, 172/173, 175/176, 178/179, 181, 194/195 DP 755819	Regional
<b>Point Lookout Road, Ebor</b>			
	Cement Weir	Lot 41 DP 751462	Local



**Table 12.2: Conservation Areas (Dumaresq Shire Heritage Study, 1997)**

	<b>Details</b>	<b>Significance</b>
	<b>Hillgrove Township</b> The conservation area includes Hillgrove Cemetery and includes all items dating from first settlement to 19—ie. the conservation area to extend well west and east of Bracken Street.	Regional

**Table 12.3: Archaeological zoning plans (Dumaresq Shire Heritage Study, 1997)**

	<b>Details</b>
	<b>Metz Township</b> Include smelter area and area of all items nominated on the “Sketch Map of Metz or West Hillgrove” based on Henry Hogarth’s surveys of 1893.
	<b>Hillgrove Mines Area</b> To include Baker’s Creek, Garibaldi and Eleanora sites.
	<b>Thalgarrah Homestead Site</b> To include the original area of land of Thalgarrah Station at the time of subdivision of Thalgarrah Run.

The Dumaresq Shire Heritage Study also recommended that the Gara Gorge Historic Hydro-Electric Scheme Area, including Threlfall Walk, also be included as a heritage item in an LEP. However, it is suggested that this item does not require listing since it is within National Parks and Wildlife estate and its conservation is the responsibility of the NPWS.

The Heritage Study also identified items of potential heritage significance that required further investigation. The list of items requiring further investigation arose from the limited historical information that was available at the time the Study was prepared. The Study recommended that although there was insufficient information to permit assessment and inclusion in the Heritage Inventory for the Study they could still be protected under the Schedules to a draft LEP. Items requiring further investigation are listed in *Table 12.4*.

The potential heritage items identified by the Heritage Study also included the flumes and weirs at Blue Hole. However, this item is located within NPWS estate and therefore it is not considered necessary for it to be listed in a draft LEP.

Council’s Heritage Advisor has suggested that Dumaresq Dam be included as a heritage item in the Draft LEP because of its historical association with Armidale’s water supply; its scenic value, its cultural value as well as its value as a Nature Reserve and Recreation Area.

The Heritage Advisor also recommended that the following places be listed in the Draft LEP as having potential heritage significance:

- Armidale Pine Forest on Rockvale Road be listed as a potential heritage item in the draft LEP. Two pine forests were planted during World War 1 in 1913 but one was destroyed by fire on the coast. The Armidale Pine Forest still survives from that period and has been allowed to regenerate by natural growth apart from a small area of clear felling.
- Percy Tombs dairy, which is still intact, Gostwyck Road.
- Chevy Chase trees planted as a memorial after World War 1 (1918).

**Table 12.4: Potential heritage items requiring further investigation (Dumaresq Shire Heritage Study, 1997)**

Street No.	Building/Site Details	Property Description
<b>Black Mountain</b>		
	Church of England	
<b>Cemetery Road, Black Mountain</b>		
	Cemetery	Parish Exmouth, Portion 29.
<b>Blue Nobby Road, Enmore</b>		
22	Church	Parish Enmore Lot 163 DP 755822.
<b>Boorolong Road, Mitchells Flat</b>		
450	"Winsford Hill"	Parish Butler, Lot 6 DP 719955.
	Mile pegs	5 mile peg in road reserve.
<b>Chandler Road, Kilcoy</b>		
	Kilcoy Presbyterian Church	Parish Chandler Portion 73.
	Kilcoy Cemetery	Parish Chandler, Pt Portion 178, Pt Portion 140.
<b>Dumaresq Road</b>		
510	Ferris Cottage, Dumaresq Railway Station	
294	Green's Mud brick House	Parish Butler Lot 3, DP 247880, Lot 11 DP 749288, Parish Armidale, Lot 6 DP 715356
Cnr Boorolong Rd	Dumaresq School.	Parish Dumaresq, Lot 1 DP 723688.
	Mileposts	2, 7 and 8 mile posts within road reserve.
Cnr Boorolong Rd	Schaeffer's Cottage	Parish Butler Lot 1 DP 554362, Lot 2 DP 578302
<b>Dumaresq Dam Road</b>		
	Timber Vertical Slab Cottage (opposite school site)	
<b>Ebor Street, Ebor</b>		
27	Bank	Parish Lookout, Sec 17, Lots 4, 8-11.
<b>Grafton Road, Cooney</b>		
	"Cooney" Homestead	Parish Hillgrove, Pt Portion 110.
<b>Grafton Road, Wollomombi</b>		
	Single grave – opposite Chandler School	Portion 94, Parish Chandler
	Rifle Range	Portion 57 Parish Poganbilla
<b>Grafton Road, Hillgrove</b>		
	Hillgrove Station Shearing Shed	
	Hillgrove Cemetery	
<b>Kellys Plains Road, Kellys Plains</b>		
128	Coventry Orphanage	Parish Armidale, Lot 2 DP 531818.
579	"Haroldstan"	Parish Saumarez, Lot 13 DP 248925.
<b>Kellys Plains School Road, Kellys Plains</b>		
45-47	School	Parish Saumarez, Portion 261, Pt Portion 262.
<b>Metz</b>		
	Metz cemetery	Bound by portions 337 and 71; Misc Plan 486, Armidale; Parish of Metz; County of Sandon
<b>New England Highway, Tilbuster</b>		
12024	Tilbuster North	Parish Exmouth, Lot 1 DP 791677.

Street No.	Building/Site Details	Property Description
<b>Old Armidale Road, Boorolong</b>		
	Boorolong Homestead including early brick cottage at creek.	
<b>Old Inverell Road, Armidale</b>		
	“Cherrywood” – post and rail fence	Parish Butler, Pt Portions 2/5.
	“Milluna” – brick cottage	
89	Brick cottage	Parish Butler, Lot 10 DP 755811.
32	“Violet Hill”	Parish Butler, Pt Portions 2/3.
	Mile peg	6 mile peg.
<b>Puddledock Church Road, Puddledock</b>		
57	Church	Parish Tilbuster, Portion 140.
<b>Ray’s Road, Puddledock</b>		
	Church	
<b>Rockvale Road, Rockvale</b>		
	“Rockvale”	
	Outer Rockvale – pink building between “Rockvale” and church.	
1604	Thalgarrah Church	Parish Donald, Pt Lot 1 DP 917698.
<b>Warrane Road, Armidale</b>		
320	“Eversleigh”	Parish Albert, Lots 4, 7-9, 21-27, Pt 17, DP 755806, Lot 1, DP 127782, Lot 1 DP 127883, Parish Dumaresq, Lot 100, Pt 151 DP 755818, Lot 2 DP 232815, Lot 5 DP 245279, lot 1, DP 556913, Lot 8 DP 560082.
1188	“Warrane” homestead	Parish Sandy Creek, Lots 1, 2 DP 509352, Parish Yarrowick Lots 57, 60 DP 753672 Parish Albert, Lots 67, 83, 91, 92 113, 233 DP 753683, Pt Lots 20, 50, 51, 53 DP 755806, Parish Sobroan, Lots 2, 3, 10-12, 15, 27, 30, 31 DP 755842.
<b>Wollomombi</b>		
	Wollomombi Hotel, Kilcoy Road	
	St John’s Presbyterian Church	Parish Chandler, Portion 163.
	Smaller timber residence to NW of St John’s Church	
	Mile post	25 mile post, rear of Chandler School on Old Grafton Road, Wollomombi.
<b>Bridges</b>		
	Boorolong Creek	
	Saumarez Ponds	
	Other bridges	Very general. Numerous bridges within rural areas. Heritage Advisor has suggested that for the present this listing should only apply to timber bridges on public roads.

The owners of new heritage items and potential heritage items identified in the Dumaresq Shire Heritage Study and those proposed by Council’s Heritage Advisor were advised in writing of the proposed listings during exhibition of the Preliminary Plan.

In response to owner notification and exhibition of the Preliminary Plan several of the items which were proposed to be listed as items of potential heritage significance have not been included in the Draft LEP. The reasons for not listing include:

- Inadequate property descriptions were provided in the Dumaresq Shire Heritage Study. Some items have been difficult to locate while others have been found outside Armidale Dumaresq.
- The property owners expressed concern or questioned the reasons for listing their properties as potential heritage items.
- Items have been demolished since the Study was completed.

The items which it is not proposed to list in the Draft LEP are:

- Church of England, Black Mountain
- Timber vertical slab at 4 Dumaresq Dam Road
- “Wisford Hill”, Boorolong Road
- Mud Brick House – 294 Dumaresq Road
- “Cooney Homestead”, Grafton Road, Cooney
- Tilbuster North, New England Highway
- “Rockvale”, Rockvale Road
- Outer Rockvale, building near “Rockvale”, Rockvale Road
- Wollomombi Hotel, Kilcoy Road
- Timber residence to NW of St John’s Church
- Saumarez Ponds Creek
- Boorolong Creek bridge

Some of these items will be subject to further investigation for possible listing in the LEP in the future.

### **12.3.5 Specific requests for listing of heritage items**

In recent years the following requests have been made for specific places or buildings to be considered for listing as heritage items in Council’s LEPs:

- Correspondence (dated 24 February 1998) from Robert Curtis requesting that Council consider listing a machinery shed at “Stoneleigh”, Stoneleigh Road, Kellys Plains. The Dumaresq Heritage Committee considered the request at its meeting on 15 July 1999 and recommended that the machinery shed be included in the Shire’s list of heritage items.

Further correspondence (dated 13 May 2002) was received from Robert Curtis noting that he requested the National Trust to consider listing the shed as part of a landscape precinct which would embrace the Stoneleigh farm buildings, some of the former cultivation paddocks, the adjoining house of Gadshill and its mature exotic (mainly conifer) trees, and two large copses of mature elms. The submission suggests that the landscape precinct could be extended to include a hill of remnant mainly stringy bark Bushland and an early walnut orchard, all within the same catchment. Council’s Heritage Advisor has advised that this landscape proposal would need the support of several landholders. Such a listing would require a comprehensive heritage assessment by a suitably qualified professional. It may be more appropriate to consider the option of a future listing in an amending LEP rather than including it in the Draft LEP.

- Culvert near Gara Road which was part of the original route of Waterfall Way. Council’s Heritage Advisor has recommended that the culvert be included in the list of potential items requiring further investigation in the Draft LEP.

- McLean's Corner – southwest corner of Marsh and Dumaresq Streets, Armidale. In a submission dated 19 March 2002 Dr Pamela Watson of Heritage Futures Research noted that the three buildings represented by the archaeological remains on McLean's corner are rare surviving remnants of an interconnected suite of early colonial retail, industrial and domestic activities in a major regional centre. In order to show the actual remains, a 2 x 2m "window" from the pavement surface looking down onto a sample of the footings is proposed. The submission also notes that the site is considered to be of State Significance and is in the process of being added to the State Heritage Inventory and local LEP. It is recommended that McLean's Corner be listed as a heritage item in the LEP following its listing on the State Heritage Inventory.
- Correspondence (dated 20 September 2002) from the owner of "Yarrobindi", 54 Faulkner Street, Armidale requesting that the house and grounds of "Yarrobindi II" be listed as a heritage item in council's LEP. The submission notes that the dwelling was built in 1914 and extended to the north in 1916. Council's Heritage Advisor has recommended that "Yarrobindi" be listed as heritage item in the draft LEP.

At its meeting on 23 September 2002 Council was advised that funding had been confirmed from the Heritage Office of NSW for a project developed by the Archaeology Unit at UNE with Council's Planning staff. The project will involve the preparation of a Management Plan for (European) Archaeology, primarily in central Armidale, and it is expected that it will be completed during 2004. The Management Plan will enable sites to be identified early in the planning process, with appropriate controls regarding investigation and conservation incorporated into Council's LEP. The timeframe for completion of the project is beyond that for preparing the Draft LEP. It is suggested that when the project is completed an amending LEP could be prepared to incorporate recommendations from the project.

## **12.3 Aboriginal heritage**

### **12.3.1 Current situation**

The provisions for Aboriginal heritage in Armidale LEP 1988 reflect "The Results of a Survey for Aboriginal Sites in the City of Armidale" (Sutton, 1989) which used a predictive model to locate potential archaeological sites within the Armidale City local government area. Armidale LEP 1988 identifies two Categories of land within archaeologically sensitive areas. For proposed development on Category 1 land, council must consider the recommendations of an archaeological survey or study carried out in consultation with the National Parks and Wildlife Service. For proposed development on Category 2 land, council must consult with and consider the recommendations of the National Parks and Wildlife Service concerning the need for archaeological investigations to be carried out.

A comprehensive archaeological survey or study to assist in locating potential Aboriginal heritage sites has not been undertaken for the former Dumaresq Shire local government area. Dumaresq LEP No. 1 does not include general provisions for the conservation of Aboriginal heritage. There is a specific provision requiring Council, prior to determining a development application for rural residential subdivision under clause 11, to consider the probability of there being Aboriginal deposits on the land.

### **12.3.2 Proposed provisions for protection of Aboriginal heritage**

In relation to the existing provisions in Armidale LEP 1988 for archaeologically sensitive land the NPWS has usually advised that an archaeological survey or study should be carried out on land identified as Category 2. The effect has been that an archaeological survey or study has been carried out for most development proposals on Category 1 or 2 land. It is therefore recommended that the existing provisions relating to the location of archaeologically sensitive areas be retained in the Draft LEP but that the differentiation between category 1 and 2 land be removed, ie. an archaeological survey or study will be required on land identified as being within an archaeologically sensitive area.

In previous years the majority of Aboriginal heritage assessments in NSW have mainly focussed on archaeological surveys. Generally these assessments have not adequately identified the historical and social significance of an area to Aboriginal People or assessed the impacts of a proposed development on all heritage values.

Given the paucity of information on places which may be of Aboriginal heritage significance, particularly within the former Dumaresq Shire local government area, representatives of the local Aboriginal community were invited to attend a meeting regarding preparation of the Draft LEP. Although only one representative attended the meeting the main outcomes in relation to the Draft LEP were:

- Surveys are being undertaken in the Southern New England Landcare region to identify sites which have significant value to the Aboriginal community. Surveys have commenced in Uralla Shire and are likely to continue in other local government areas, including Armidale Dumaresq, over the next few years.
- Sites of Aboriginal significance should not be identified in an LEP without the agreement of the local Aboriginal community. The community should advise on the level and type of access to information regarding the location and details of Aboriginal places. It may be appropriate for some information to be publicly available or for access to be restricted to specific purposes, for example providing information to Council to enable it to carry out its planning functions.

In relation to identifying specific sites, it is recommended that the findings of previous and ongoing studies along with the sites on the Aboriginal Sites Register of the NPWS be collated. As new sites are identified the information can be updated. It is also recommended that a procedure or mechanism be developed with the local Aboriginal community for determining the appropriate levels of access to this information.

Given that the identification of Aboriginal sites and the setting up of an effective consultation mechanism on planning matters with the local Aboriginal are in their early stages, it is proposed that the Draft LEP only include general provisions for the conservation of Aboriginal heritage. However, as more information becomes available, future amendments to the LEP can be considered in co-operation with the local Aboriginal community.

Council's Community Social Plan (2004) recommends that a new LGA-wide Aboriginal cultural heritage study be commissioned to integrate with Council's future social and environmental planning processes. This would enable Council to update its current (1989) Aboriginal Archaeological Study in terms of geographic coverage and also cultural content. It is anticipated that this could occur in the 2006-7 financial year, to allow time for grant funding to be sought from the NSW Heritage Office, Department of Aboriginal Affairs etc.

## **12.4 Comments from public authorities**

Consideration of heritage matters as part of the preparation of the draft LEP have been provided by the following public authorities and their comments are summarised and considered below:

- NSW Heritage Office
- State Rail – Rail Estate
- Department of Land and Water Conservation
- NSW National Parks and Wildlife Service

### **NSW Heritage Office (17 July 2002)**

The Heritage Office recommended that Council updates heritage provisions within the draft LEP by implementing the NSW Heritage Office's Heritage Model Provisions. The most recent version of the Heritage Model Provisions has been endorsed by Parliamentary Counsel and planningNSW. The Heritage Office advised that Council may wish to undertake a heritage review in the future to ensure that the heritage assets of the Armidale Dumaresq LGA (including those of Aboriginal heritage significance) are identified and appropriately conserved and managed.

It is recommended that the draft LEP adopt the Heritage Model Provisions but that they be amended to reflect local circumstances.

### **NSW National Parks and Wildlife Service (received 28 August 2002)**

The NPWS has advised that for all lands within Armidale Dumaresq LGA that have recorded Aboriginal sites it is important to realise that individual sites comprise part of a much larger cultural landscape. The issue of rarity of sites within the region, Aboriginal community concerns and management strategies are major issues that need to be addressed within the LEP.

The establishment of an Aboriginal advisory committee could eliminate major issues with local government. Benefits of establishing such committees include: approved guidelines for Aboriginal heritage management, the development of community protocols for consultation, mechanisms for approval/endorsement of development applications and building better relationships with Aboriginal communities.

If Sutton's predictive modeling project used in the "Aboriginal sites in the City of Armidale 1999", then council should incorporate the model and extend the recommendations from his report into the new LEP.

NPWS recommends that new directions be addressed and incorporated into the LEP project. Some of these new directions in cultural heritage management are discussed within the Coffs Harbour and Taree Local Government Area cultural heritage management study plans.

In relation to advice from the National Parks and Wildlife Service the following comments are provided:

- information on Aboriginal sites within Armidale Dumaresq is limited. It is proposed to commence collating information from previous studies and existing registers and to update this information as new sites are identified.
- Council has had an Aboriginal advisory committee established for some years. As part of the Draft LEP process it is proposed to establish protocols for consultation and mechanisms for consulting effectively, including advice on the identification of sites and the distribution of information relating to these sites.
- Formation of the proposed consultation mechanisms will facilitate cultural heritage management in the future and provide the opportunity for preparing cultural heritage management plans.
- In relation to Sutton's predictive modelling project in the "Aboriginal Sites in the City of Armidale 1989, Armidale LEP 1988 adopted the recommendations of the Study and it is intended to incorporate similar provisions in the draft LEP.

### **National Parks and Wildlife Service (30 September 2003)**

The Background Report to the Preliminary Plan lacks detailed information regarding ecological and cultural resources. It is recommended that LGA based environmental studies be undertaken prior to the preparation of the final LEP. Items and areas of environmental value may include areas of Aboriginal Cultural Heritage. It is disappointing that the Preliminary Plan does not provide for the long-term protection of culturally sensitive areas occurring outside NPWS estate.

The Report recommends that the heritage provisions prepared by the Heritage Office be included in the Draft LEP and these provisions include protection of sites and places of Aboriginal heritage significance. Council also proposes to commission a local government area wide Aboriginal cultural heritage study to integrate with Council's future social and environmental planning processes. This would enable Council to update its current (1989) Aboriginal Archaeological Study in terms of geographic coverage and also cultural content. It is anticipated that this could occur in the 2006-7 financial year.

#### **State Rail – Rail Estate (8 August 2002)**

State Rail advised that the new LEP should continue to address the heritage items in the current LEPs that are on land vested to State Rail. It should also contain provisions allowing the approval of development otherwise not permitted if it ensures the conservation of the heritage item, similar to clause 20A of Armidale LEP and clause 23 of Dumaresq LEP.

This Report recommends that:

- the heritage items on State Rail Estate within Armidale continue to be included as heritage items under the draft LEP,
- the railway station and stationmaster's residence at Dumaresq be included as heritage items in the draft LEP, and
- the draft LEP adopts the Heritage Model Provision relating to Conservation Incentives which permits the use of a heritage item for any purpose, including a purpose which would otherwise be prohibited by the LEP.

#### **Department of Land and Water Conservation (Grafton, 17 July 2002)**

The Department advised Council that there should be:

- Protection of all identified sites of physical, mythical and/or spiritual significance to the aboriginal community and no net loss of such sites
- Culturally appropriate consultation with the aboriginal community about issues of cultural heritage be undertaken during preparation of a draft local environmental plan and whenever a change in landuse is likely including at the development assessment stage

These matters have been considered under *Section 12.3 Aboriginal heritage*.

## **12.5 Recommendations**

It is recommended that the Draft LEP include provisions that reflect the following matters:

- The proposed provisions for heritage conservation in the Draft LEP be adopted from the NSW Heritage Office's Heritage Model Provisions (August 2000) with some variations to reflect local circumstances, for example:
  - the provisions for conservation incentives in the Model Provisions, which only apply to heritage items, have been extended to include heritage conservation areas. This is consistent with the current provisions in Armidale LEP 1988.
- The following buildings or places be included as heritage items or conservation areas in the Draft LEP:
  - Existing items and conservation areas listed in Armidale LEP 1988 and Dumaresq LEP No. 1
  - The heritage items, conservation areas and archaeological areas recommended by the Dumaresq Shire Heritage Study (EJE, 1997), as shown in *Tables 12.1, 12.2 and 12.3* of this Report.
  - The areas nominated as Archaeological zoning plans by the Dumaresq Shire Heritage Study (1997) be referred to instead and be covered by the NSW Heritage Model Provisions for potential archaeological sites.



- Other items put forward by individuals:
  - Machinery shed, “Stoneleigh”, Stoneleigh Road.
  - “Yarrobindi”, 54 Faulkner Street, Armidale – house and grounds
  - Eucalypt tree, road reserve, Middlefarm Road.
- The following structures or place be listed as potential heritage items requiring further investigation in the Draft LEP:
  - Items identified in the Dumaresq Shire Heritage Study (EJE, 1997), as shown in *Table 12.4* but excluding:
    - Church of England, Black Mountain
    - Timber vertical slab at 4 Dumaresq Dam Road
    - “Wisford Hill”, Boorolong Road
    - Mud Brick House – 294 Dumaresq Road
    - “Cooney Homestead”, Grafton Road, Cooney
    - Tilbuster North, New England Highway
    - “Rockvale”, Rockvale Road
    - Outer Rockvale, building near “Rockvale”, Rockvale Road
    - Wollomombi Hotel, Kilcoy Road
    - Timber residence to NW of St John’s Church
    - Saumarez Ponds Creek
    - Boorolong Creek bridge
  - Percy Tombs dairy, Gostwyck Road.
  - Culvert near Gara Road.
  - Trees at Chevy Chase, 671 Dangarsleigh Road.
- The a clause be included in the draft LEP that consent is required for the demolition of a building or work that has been identified as a potential heritage item requiring further investigation and that consent cannot be granted unless an assessment has been made of the significance of the item.
- The areas shown on the map for Armidale LEP 1988 as archaeologically sensitive areas be retained in the Draft LEP.
- To assist in the conservation of Aboriginal heritage:
  - information on sites of Aboriginal heritage be collated and updated on an ongoing basis, and
  - a protocol be developed in consultation with the local Aboriginal community to advise Council on the listing of Aboriginal sites and on other matters relating to carrying out its planning functions, in particular the assessment of development proposals that may impact on Aboriginal heritage values.

## 13. INFRASTRUCTURE

### 13.1 Current situation

One of the purposes of a LEP is to allow for the provision, continuation and operation of physical and social infrastructure that serves the community. LEPs may also reserve land for future community purposes.

Under the current LEPs applying to Armidale Dumaresq, the provision of existing and future infrastructure is provided for in Special Uses, Open Space and Reservations zones, and specific clauses and Schedules within the LEPs.

### 13.2 Special uses zones

Armidale LEP 1988 and Dumaresq LEP No. 1 include the following Special Uses zones:

- Special Uses 5(a) – community services or for purposes indicated on the LEP map
- Special Uses 5(b) for Railways
- Special Uses 5(c) for controlled access roads.

#### 13.2.1 Community services and specific special uses

The types of landuses and activities included in the current Special Uses 5(a) zones in Armidale LEP 1988 and Dumaresq LEP No. 1 are shown in *Table 13.1*. The Table also indicates where it is proposed to make changes to the current zonings or how the use of the land is shown on the zoning map.

The way in which the use is described (in lettering) on the map is an important consideration. The Special Uses zone usually permits development for the particular purpose indicated by lettering on the zoning map as well as those associated with or ancillary to that particular purpose. Several of the proposed changes shown in *Table 13.1* broaden the description of the use to facilitate appropriate development. Other proposed changes in the Table include rezonings to reflect changes in ownership and use, particularly where disposal of public land has occurred.

A specific facility where it is proposed to make relatively significant changes to the planning provisions applying to it is the Armidale Regional Airport.

#### Armidale Regional Airport

Armidale Regional Airport is located approximately 6 kilometres to the south west of Armidale and is owned and operated by Council. The Airport provides important transport infrastructure for the region.

The Airport supports airline services to Sydney and Brisbane as well as providing other general aviation and commercial activities, including:

- flying training schools
- private itinerant, scenic and recreational flying
- agricultural aerial spraying
- aerial survey/inspection work
- aircraft maintenance, repairs and rebuilds of various aircraft types
- aviation support, eg fuel suppliers
- air freight
- commercial businesses eg road house/convenience store, café, car rental and ticketing agency.

The general and commercial activities are on sites leased from Council and are located on a narrow strip of land between the New England Highway and the main runway to the north of the main airport entry point.

The Armidale Regional Airport Masterplan (Airplan, March 2004) identified future facility requirements based on traffic projections for 2023 and assumptions on the future types of traffic (and aircraft) envisaged to operate at the Airport. The requirements include:

- a reserve to extend the main runway to the south-west by some 362 metres in order to preserve the potential for the operation of larger aircraft types up to domestic jet aircraft size, should the airlines wish to introduce these in the future.
- runway End Safety Areas in accordance with the relevant requirements
- extensions to terminal and carparking area.
- sites for possible non-aviation related commercial activity.

The Masterplan identified land at the Airport that would be surplus to long-term aviation requirements. The surplus land comprises:

- land to the south of the terminal precinct between the runway and the airport boundary. The Masterplan suggests that land between the runway and airport boundary would be available for commercial development. It is recommended that the Draft LEP include a definition of airport related development, including commercial activities, which would be appropriate on land within the Airport boundary. The definition should allow for activities associated with air freight, transportation of passengers by air or land, flight training, food outlets and accommodation for passengers and operators, maintaining or repairing aircraft and equipment and the administrative functions associated with the operation of the Airport.
- land between the future runway extension and the New England Highway. The Draft LEP proposes to zone this land for Industrial (Highway) purposes since most of the commercial development related to the operation of the Airport could be located within the boundary of the Airport (refer to *Section 7: Industrial and Employment Generating Development*).
- land on the north side of the runway. The Draft LEP proposes to zone this land to the adjoining rural zoning.

The Masterplan defines the boundary of the Airport. It is suggested that the Special uses 5(a) zone for the Airport include all land within the boundary defined in the Masterplan. This would require rezoning the following land to 5(a):

- a small parcel of land at the northeastern end of the Airport currently zoned Environment Protection (Scenic) 7(a) to accommodate a future Runway End Safety Area
- Council owned land on the northern side of the runway currently zoned 10(a) Airport Development.
- Council owned land reserved for future runway extension currently zoned Reservations 9(a) Special Uses.

Safe and effective operation of the Airport also requires limitations on development in the vicinity of or along the flight approach paths to the Airport. These limitations include noise, height and lighting which are considered under *Section 4: Constraints* of this Report.

Table 13.1 Current land proposed Special Uses zones

Current zone	Location	Description on the map	Proposed changes in Draft LEP
<b>Armidale LEP 1988</b>			
Special Uses 5(a) – Community Services	17 Fittler Road	Reservoir	Change description on the map to ‘Utilities’.
	Arundel Drive	Water Treatment Plant	<ul style="list-style-type: none"> <li>▪ Change description on the map to ‘Utilities’.</li> <li>▪ Realign zone boundary to reflect proposed subdivision of land at the WTP.</li> </ul>
	Crest Road	Duval High School	Change description to ‘Education’.
	Between Glen Innes Road and Crest Road	Presbyterian Ladies College	Change description to ‘Education’.
	Corner of Erskine Street and Rockvale Road	Ben Venue School	Change description to ‘Education’.
	Kirkwood Street (east)	O’Connor High School	Change description to ‘Education’.
	Corner of Jessie and Newton Streets	Reservoir	Change description on the map to ‘Utilities’.
	Northwest and southwest corners of Beardy and Faulkner Streets	Public buildings.	The buildings within this zone comprise the Post Office, Court House and Lands Department offices. Propose to rezone to Business 3(a) which applies to other public buildings in the CBD.
	Land off Clarkes Road and Handel Street	University of New England	Change description to ‘Education’.
	Corner of Niagara and Erskine Streets	Mirambeena School	Change description to ‘Education’.
	Corner of Niagara and Rusden Streets	Drummond School	Change description to ‘Education’.
	Land bound by Barney, Butler, Rusden and O’Dell Streets	Hospital	Nil.
	Land bound by Beardy, Markham and Allingham Streets	Technical College	Change description to ‘Education’.
	Land in Jessie Street between Rusden and Barney Streets	Church	Change description to ‘Church and Education’.
	Land bound by Tingcombe Lane and Rusden, Faulkner and Dangar Streets	Church	Nil.
	Land within block bound by Rusden, Marsh, Barney and Faulkner Streets	Church	Nil.
	Corner Barney and Dangar Streets	ACAE	The properties have been sold by the University. Smith House is now used for business purposes and accommodation. It is recommended that the land be rezoned to residential to reflect the residential use of the land. The property is a heritage item and is within the heritage conservation area. Therefore, other uses such as business (including shops) are permitted with consent if the proposal includes conservation of the item.

Current zone	Location	Description on the map	Proposed changes in Draft LEP
	Land bound by Brown, Dangar, Mann and Faulkner Streets	School	Change description to 'Education'.
	Land bound by Dangar, Mossman, Faulkner and Kentucky Streets	ACAE/UNE	Change description to 'Education'.
	Land bound by Taylor, Mann, Kennedy and Kentucky Streets (excluding northeast corner)	ACAE/UNE	The University has disposed of the land. Recommend: Lot 2 DP Open Space 6(a) to apply to Newling Oval which has been gazetted as a reserve trust by the Crown and Council is the Trust Manager. Part Residential 2(a) to facilitate residential development which is in keeping with the character of the locality. Remainder of the site Special Uses 5(a) "Community facilities".
	Corner of Mann and Kennedy Streets	Police Reserve	Change description to 'Community facilities'.
	Land bound by Barney, Douglas and Mann Streets and creek	The Armidale School	Change description to 'Education'.
	Chapel Street south of Brown Street	Newling School	Change description to 'Education'.
	Land bound by Brown, Mann and Canambe Streets and Cooks Road	The Armidale School	Change description to 'Education'.
	Corner Castledoyle Road and Mann Street	Traffic Education Centre	Change description to 'Community and education facilities'.
	Land off Galloway and Canambe Streets	Depot	Change description to 'Utilities'.
	15 Grafton Road	Depot	Proposed to rezone to Industrial 4(a) (refer to <i>Section 7: Industrial and Employment Generating Development</i> ).
	Within land bound by Galloway, Taylor and Kennedy Streets and Lynches Road	Education	Nil.
	Kentucky Street	Museum and Cultural Centre	Change description to 'Community and education facilities'.
	Land bound by the railway, and Kentucky and Taylor Streets	ACAE	Much of the land along Kentucky Street includes community and/or education uses. Zone Special Uses 5(a) with description "Community and/or educational facilities". Residue Part 6(a) open space to apply to Moran Oval playing fields and environs which have been gazetted as a reserve trust by the Crown and Council is the Trust Manager.
	Corner of Brown and O'Dell Streets	Church	Nil.
	205, 205A Mann Street (Crown land)		Assign description 'Community facilities'. Currently used by State Emergency Services.

Current zone	Location	Description on the map	Proposed changes in Draft LEP
	Land bound by Butler, Mann, Stephens and Kentucky Streets	Armidale High School	Change description to 'Education'.
	Land bound by Butler, Galloway and Kentucky Streets	Arboretum	Land is used only for open space purposes. Rezone to Public Open Space 6(a).
	Land between Uralla Road and Bundarra Roads	New England Girls School	Change description to 'Education'.
	Corner of Allingham and Garibaldi Streets	Reservoir	Change description to 'Utilities'.
	Land east of O'Connor Road and south of Lynches Road	Cemetery	Nil.
	132 Ross Street	Reservoir	Change description to 'Utilities'.
	61A The Avenue	Reservoir	Change description to 'Utilities'.
	Corner Kurrawatha Avenue and Uralla Road	Martins Gully School	Change description to 'Education'.
<b>Dumaresq LEP No. 1</b>			
Special Uses 5(a)	Kellys Plains Road School	School	Change description to 'Education'.
	On parcel between Gostwyck and Translator Roads	Transmitter tower	Change description to 'Utilities'.
	Northern end of Cafferies Road	Waste water treatment facility	Change description to 'Utilities'.
	452 Grafton Road	Electricity substation	<ul style="list-style-type: none"> <li>▪ Change the description to 'Utilities'.</li> <li>▪ The substation is on land owned by Transgrid. It is proposed to extend the existing 5(a) Special Uses zone to land adjoining the substation that is owned by Transgrid. This land is currently zoned Rural (Small Holdings) 1(c).</li> </ul>
	Southwest of Armidale bypass and New England Highway	Armidale airport	See below. Proposed changes include changing description to 'Armidale Regional Airport' as well as rezoning.

### 13.2.2 Railways

Both Armidale LEP 1988 and Dumaresq LEP No. 1 have a Special Uses 5(b) zone for Railways. The zoning applies to the Main Northern Railway Line that passes through Armidale and includes some railway infrastructure, such as sidings and stations.

State Rail (2 August 2002) requested that railway lands be given the same zoning as the adjoining lands. However, should council wish to retain a zone dedicated for railway use, it is important that subdivision be permissible with Council's consent and that the zone objectives be flexible enough to permit the economic use of State Rail's surplus lands for any purpose.

It is recommended that a specific zoning continue to apply to the Main Northern Railway Line in the Draft LEP to reflect its special use. However, to ensure a range of appropriate uses are permissible, the zone like other special use zones, should allow for development that is permitted in the adjoining zones. Subdivision should also be permitted subject to development consent.

### 13.3 Open space

Both Armidale LEP 1988 and Dumaresq LEP No. 1 have open space zones applying to public land used for recreational purposes. It is proposed to retain the existing Public Open Space zonings in the Draft LEP as well as add the following land in Armidale as identified in *Table 13.1*:

- Newling Oval
- Moran Oval and environs
- Arboretum.

Newling and Moran Ovals were part of larger parcels of land disposed of by the University of New England. The Ovals are now Crown land and Council is the Trust Manager. A public open space zoning over the Arboretum better reflects its role as a district and local passive recreation area than the current Special Uses zoning.

Recreation and associated facilities are also provided by clubs, organisations and commercial interests. It is recommended that these facilities be zoned private open space in the Draft LEP. At present, only Armidale LEP 1988 includes a private open space zone.

### 13.4 Reserved land

Council may reserve land for a range of public purposes. Some of the land currently zoned Reservations has been identified for future roads, open space, and airport runway. A review of lands zoned Reservations under the current LEPs has identified sites that it is considered should be rezoned to reflect its current or proposed use (refer to *Table 13.2*).

**Table 13.2: Land to be rezoned from Reservations**

Zoning	Property description	Purpose of reservation
<b>Dumaresq LEP No. 1</b>		
9(a) Reservations (Special Uses)	Part Lot 23 DP 1001379 and Part Lot 19 DP 817347, Armidale Regional Airport	Land reserved for runway extension at the Airport. It is owned by Council and it is proposed to rezone the land to the adjoining Special Uses 5(a) zone in the Draft LEP.
9(b) Reservations (Arterial Roads)	Part of Armidale bypass (New England Highway) in former Dumaresq Shire	Land was reserved for the bypass which has now been constructed. It is proposed to remove the 9(b) Reservations zoning and identify the land as an arterial road in the Draft LEP.

### 13.5 Crown Land

The Department of Land and Water Conservation (Grafton, 17 July 2002) advised that Crown reserves and dedications within the meaning of the Crown Lands Act 1989 should be zoned consistent with the notified public purpose of the reserve or dedication. Where development in a reserve or dedication is not consistent with the notified public purpose and any requirements in a Plan of Management adopted under the Crown Lands Act 1989 it is prohibited.

### 13.6 Classification of land under the Local Government Act 1993

The Local Government Act 1993 requires that all land vested in council (except a road or land to which the Crown Lands Act 1989 applies) to be classified as either “community” or “operational”. The purpose of classification is to identify that land which should be kept for use by the general public (community) and that land which need not be (operational), for example land that can be sold or to which there is no general public access. The classification or reclassification of public land may be made by an LEP.

Council can also remove any restrictions on the use of community land when the land is reclassified through an LEP process. For example, an LEP may remove the public reserve status of the land. From 1 January 1999 a specific clause has been required in LEPs that discharge the land from any trusts, dedications, or other limitations upon reclassification. The Governor’s approval is required to any LEP that removes restrictions on community land.

Armidale LEP 1988 and Dumaresq LEP No. 1 include provisions for the classification or reclassification of public land and it is recommended that the Draft LEP adopt the same provisions.

### 13.7 Arterial Roads

#### 13.7.1 Arterial roads

The Roads Act 1993 sets out road classifications for Main roads, State highways, freeways, controlled access roads, secondary roads, tourist roads and Tollways. Under SEPP No 11 - Traffic Generating Developments, an arterial road means a road identified in an environmental planning instrument as an arterial road, a Main Road and a Secondary Road.



In Armidale Dumaresq the following road classifications apply:

- State Highway No 9 - New England Highway
- Main Road 76 - Waterfall Way including parts of Uralla Road, Kentucky Street, Dangar Street and Barney Street Armidale.
- Main Road 75 - Kempsey Road
- Main Road 124 - Bundarra Road including part of Miller Street
- Main Road 135 - Guyra Ebor Road
- Main Road 7708 – parts of Marsh Street, Erskine Street and Glen Innes Road, Armidale.

It is also proposed to classify the Armidale bypass as a Controlled Access Road.

To be consistent with SEPP No. 11 it is recommended that the above roads be identified as arterial roads in the Draft LEP.

### **13.7.2 Development along arterial roads**

Several arterial roads traverse the rural areas including the New England Highway and Waterfall Way. It is appropriate that the Draft LEP contain provisions to assist in ensuring that the safety and efficiency of the arterial roads are maintained.

In Dumaresq LEP No. 1 a specific zoning, Rural 1(b) (Arterial Road Frontage) applies to land within 400 metres of arterial roads. The zone has similar provisions to those for the General Rural 1(a) zone but with additional requirements specifically relating to development on land with frontage to an arterial road. These provisions include minimum frontage requirements for subdivision and minimum setbacks and lot sizes for certain types of development, including those which may potentially generate a significant volume of traffic.

The Section 117 Direction G8 Rural Lands requires that Draft LEPs existing zones and provisions relating to the control of traffic generating development or access on major road frontages unless it can be otherwise justified. The RTA Guidelines for Preparation of LEPs also recommends that buffer zones should be provided between highways and adjoining properties.

The Department of Infrastructure, Planning and Natural Resources and NSW Agriculture have questioned the need for a separate zone for rural land with an arterial road frontage. It is considered that adopting appropriate clauses in the Draft LEP would adequately address issues relating to maintaining the safety and efficiency of arterial roads without the need to retain the current Rural 1(b) zone in Dumaresq LEP No. 1.

Under the EPA Act 1979 there are several provisions for controlling development along or connecting to public roads, including arterial roads. These are summarised in *Table 13.3*.

**Table 13.3: Requirements under the EPA Act 1979 for development along or connecting to public roads (EPA Act 1979)**

Provisions in EPA Act 1979	Matters or requirements
<b>EPA Model Provisions</b>	
- Clause 9	Relocation of main roads, including proposed main roads, requires the approval of the RTA.
- Clause 10	A road or other means of access which forms an intersection with a main road requires approval and the consent authority must consult with the RTA.
<b>SEPP No 11: Traffic generating developments</b>	Specifies the developments that require referral of an application to the RTA. These developments include: <ul style="list-style-type: none"> <li>▪ those that exceed certain thresholds that reflect the scale of the development or those likely to generate heavy vehicle movements, and</li> <li>▪ development that also exceeds certain thresholds and has direct vehicular or pedestrian access to an arterial road a road connecting to an arterial road if the access is within 90 metres of the alignment of the arterial road.</li> </ul>
<b>Section 91 Integrated development</b>	The RTA is an approval body for development where it requires works etc or connection of a public or private road to another road for which the RTA is the roads authority.

The Roads and Traffic Authority (1 October 2003) has advised that it seeks to include clauses in the Draft LEP preventing “ribbon development” along major arterial roads such as the New England Highway (State Highway No 9) and Waterfall Way (Main Road No 76) to maintain the safety and efficiency of these roads particularly in rural zones. The Roads and Traffic Authority included a suggested provision to be included in the Draft LEP for development on a road forming part of the State Road network:

***Impacts of development on road network infrastructure***

*Consent must not be granted to development of land to which this clause applies that, in the opinion of the consent authority, will or will be likely to generate additional vehicular traffic until the consent authority has received written advice from the Roads and Traffic Authority that arrangements satisfactory to that authority have been made relating to improvements and additions to road infrastructure in the vicinity of land to which this clause applies.*

The clause should capture development traffic generating development (which would need to be defined) that would have direct access to either:

- A road forming part of the State Road network (ie. New England Highway (State Highway No 9) and Waterfall Way (Main Road No 76), or
- A road which connects with a road referred to in (1) where access to the connecting road is within 90m (measured along the connecting road alignment) of the access point with the State Road.

It is not considered necessary to include the clause as suggested by the RTA in the Draft LEP. Existing provisions in the EPA Act 1979 require referral of applications to the RTA for their comments or approval as outlined in *Table 13.1*. Furthermore, under clause 5 of SEPP No 11 a provision in an LEP requiring a consent authority, before determining a development application, to consult with and to take into consideration in determining the application any representations of the RTA (or other authorities listed in the clause), to the extent only of the requirement, is of no force or effect.

However, it is recommended that the Draft LEP include provisions for those instances where a development application would not require referral to the RTA under the EPA Model Provisions, SEPP 11 or Section 91 of the Act to ensure that Council adequately addresses the impact of the proposal on the safety and efficiency of arterial roads and any mitigating measures which may be required to ameliorate such impacts.

The RTA Guidelines for Preparation of LEPs recommends that:

- major roads should be preserved for use by through traffic
- the number of access points onto, or intersections with, major roads should be reduced to an absolute minimum
- there should be a denial of access clause for all land abutting major roads and this land should be serviced by internal local roads, if possible, or if not by service roads, parallel to the major road.

In terms of keeping the number of access points with major roads to a minimum it is recommended that the Draft LEP retain existing provisions in Dumaresq LEP No 1 which require a minimum frontage for subdivision of land adjoining an arterial road in rural areas. A requirement for a denial of access clause for all land abutting major roads can create difficulties in instances where it can be shown that a proposed development, including appropriate mitigation measures, is unlikely to adversely affect the safety and efficiency of an arterial road. It is therefore considered that a clause similar to the following be included in the Draft LEP:

***Development along arterial roads***

- (1) *This clause applies to land:*
  - (a) *having frontage to an arterial road;*
  - (b) *which relies on an arterial road for its sole means of access; or*
  - (c) *which has access to a road which intersects with an arterial road, where the point of access is within 90 metres of the intersection of the road and the arterial road.*
  
- (2) *The Council must make an assessment of the following when considering a development application for land to which this clause applies:*
  - (a) *whether access to that land can be provided by other than the arterial road, wherever practical or essential,*
  - (b) *the amount of traffic that is generated by the development and its potential to have an impact on the traffic using the road,*
  - (c) *the access arrangements to the site and its adequacy for the proposal,*
  - (d) *the internal access and movement patterns for the development, and*
  - (e) *the potential for the development to cause ribbon development along the arterial roads.*

The RTA (1 October 2003) noted that road traffic noise can be a serious issue for residents who live close to the State Road network and that the opportunity exists to implement measures to minimise conflicts for future developments and redevelopment along existing and identified future road corridors. The RTA considers that it would be appropriate for the Draft LEP to identify land within 300 metre setback (which might be varied on the basis of noise/traffic data) from the State Road network as being potentially affected by noise. The RTA also suggests that the LEP should be supported by a local policy or DCP that sets out criteria describing when land is noise affected and internal noise levels to be achieved through appropriate subdivision design, building design and treatment.

Council currently does not have the resources to carry out a study of noise levels along the State Road network in order to determine appropriate setbacks or buffers for development along these roads. Therefore, it is suggested that the Draft LEP indicate that development along State Roads may be subject to noise and that an assessment of its likely impact on new development may be required. This would be particularly relevant to those developments which are likely to be noise sensitive, such as residential development, schools, hospitals and the like. Where noise levels are identified as likely to impact on a proposed development then the development application would need to include measures to adequately mitigate these impacts.

### **13.8 Physical infrastructure – water supply and effluent disposal**

The provision of services such as water supply, sewer, drainage and roads, is considered for different types of development within relevant Sections of this Report.

In most instances development in and around Armidale can be physically provided with urban services although the constraint of whether it would be economically feasible or efficient to do so has been considered, particularly in identifying staged releases for residential and small lot rural residential development.

In relation to effluent disposal, criteria for determining whether an on-site effluent disposal system is acceptable can include the area of land available, the type of system proposed, soil type, slope of the land and its proximity to a watercourse, and the density of settlement. The Draft LEP should require lot sizes to be of a sufficient area to dispose of effluent in such a way as to avoid adverse environmental and public health impacts. Development should also be required to consider the possible cumulative impacts of on-site effluent disposal, particularly where subdivisions are proposed.

### **13.9 Telecommunications**

The provision of telecommunications infrastructure has become essential for facilitating growth in the local economy. Advanced communication systems permit the decentralisation of a range of marketing functions and this is particularly important for regional rural centres. There is a current project underway to provide broadband IT capability to Armidale. It is recommended that development for the purposes of telecommunications facilities be permitted in all zones of the Draft LEP.

### **13.10 Recommendations**

#### **Special uses**

- The Draft LEP include the proposed changes to land currently zoned Special Uses 5(a) as identified in *Table 13.1*.

#### **Armidale Regional Airport**

- For development of land at the Armidale Regional Airport the Special Uses 5(a) zone for the Airport include all land within the boundary as shown in the Armidale Regional Airport Masterplan (Airplan, March 2004). This would require rezoning the following land to Special Uses 5(a):
  - a small parcel of additional land at the northeastern end of the Airport currently zoned Environment protection (Scenic) 7(a) to accommodate a future Runway End Safety Area
  - Council owned land on the northern side of the runway currently zoned 10(a) Airport Development
  - Council owned land reserved for future runway extension currently zoned Reservations 9(a).
- The Draft LEP include a definition of “airport related development”, including commercial activities, which would be permissible on land within the Airport boundary to avoid inappropriate development at the Airport, for example development that would be more appropriately located within the Industrial and Business zones in Armidale. The definition of airport related development should allow for activities associated with air freight, transportation of passengers by air or land, flight training, food outlets and accommodation for passengers and operators, maintaining or repairing aircraft and equipment and the administrative functions associated with the operation of the Airport.

## **Railways**

- A specific zoning apply to the Main Northern Railway Line in the Draft LEP to reflect its special use. However, to ensure a range of appropriate uses are permissible, the zone like other special use zones, is to allow for development that is permitted in the adjoining zones. Subdivision is also to be permitted subject to development consent.

## **Open space**

- The Draft LEP retain the open space zonings in Armidale LEP 1988 and Dumaresq LEP No. 1 and add the following areas to the public open space zone:
  - Newling Oval
  - Moran Oval and environs
  - Arboretum.
- Recreation and associated facilities provided by clubs, organisations and commercial interests be zoned private open space in the Draft LEP.

## **Reservations**

- The following land zoned Reservations under Dumaresq LEP No. 1 be rezoned:
  - The land set aside for the future runway extension at Armidale Regional Airport be rezoned to Special Uses 5(a)
  - The land that was reserved for the Armidale bypass, which has now been constructed, be identified as arterial road in the Draft LEP.

## **Roads**

- The Draft LEP adopt appropriate clauses to adequately address issues relating to maintaining the safety and efficiency of arterial roads without the need to retain the current Rural 1(b) zone in Dumaresq LEP No. 1.
- The Draft LEP retain existing provisions in Dumaresq LEP No 1 which require a minimum frontage for subdivision of land adjoining an arterial road in rural areas.
- A clause similar to the following be included in the Draft LEP:

### **Development along arterial roads**

- (1) This clause applies to land:
  - (a) having frontage to an arterial road;
  - (b) which relies on an arterial road for its sole means of access; or
  - (c) which has access to a road which intersects with an arterial road, where the point of access is within 90 metres of the intersection of the road and the arterial road.
- (2) The Council must make an assessment of the following when considering a development application for land to which this clause applies:
  - (a) whether access to that land can be provided by other than the arterial road, wherever practical or essential,
  - (b) the amount of traffic that is generated by the development and its potential to have an impact on the traffic using the road,
  - (c) the access arrangements to the site and its adequacy for the proposal,
  - (d) the internal access and movement patterns for the development, and
  - (e) the potential for the development to cause ribbon development along the arterial roads.

- Draft LEP indicate that development along State Roads may be subject to noise and that an assessment of its likely impact on new development may be required.

**Infrastructure – water supply and effluent disposal**

- The Draft LEP to require lot sizes to be of a sufficient area to dispose of effluent in such a way as to avoid adverse environmental and public health impacts. Development should also be required to consider the possible cumulative impacts of on-site effluent disposal, particularly where subdivisions are proposed.

**Telecommunications**

- Development for the purposes of “telecommunications facilities” be permitted in all zones of the Draft LEP.

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