

Office of the Director General

Mr Shane Burns
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Our ref: PP_2010_ARMID_002_00 (10/01430)
Your ref: A09/4607

Dear Mr Burns,

Re: Planning Proposal to draft Amendment No. 3 to the Armidale Dumaresq LEP 2008

I am writing in response to your Council's letter dated 4 January 2010 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ('EP&A Act') in respect of the planning proposal to amend Armidale Dumaresq Local Environmental Plan 2008, comprising of three components:

Component A

- to increase the minimum lot size for subdivision in the Residential 2(a) zone from 400m² to 500m²;
- to limit the number of lots in a subdivision (over 10 lots) that are under 600m² to be no more than 25% of the new lots created;
- to retain the ability to erect dwellings on existing lots that are less than 500m²; and
- to remove the minimum lot size requirements for attached and detached dual occupancy development.

Component B

- to replace the definition of 'convenience shop' with the definition of 'neighbourhood shop' in the Standard Instrument; and
- to increase the permitted floor space area of neighbourhood shops from 75m² to 150m².

Component C

- to rezone land, 15-57 Crest Road, Armidale, from Special Uses 5(a) to Residential 2(a).

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

I have decided to amend Component A of the Planning Proposal by removing the items relating to increasing the minimum allotment size in Residential 2(a) zones; limiting the number of allotments in a subdivision under 600m²; and consequently the provision which retained the ability to erect a dwelling on allotments below 500m². In making this decision, regard was had to the fact that the current minimum allotment size in the Residential 2(a) zone has been in place since 1993 without having any significant adverse consequences.

The number of allotments which meet this minimum standard remain relatively few over a number of years and, therefore, there was insufficient strategic justification to increase the current standard and thereby restrict the range of allotment sizes. Similarly, restricting the number of allotments less than 600m² by a percentage would again reduce the range and variety of allotments without sufficient strategic justification.

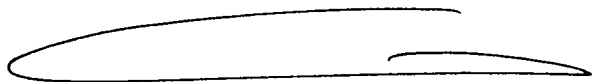
The Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act, I am satisfied that the planning proposal is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Jon Stone of the Regional Office of the Department.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ian Reynolds', written over a horizontal line.

13.2.10

Ian Reynolds
A/Director General

Gateway Determination

Planning Proposal (Department Ref: PP_2010_ARMID_002_00): to draft Amendment No. 3 to the Armidale Dumaresq Local Environmental Plan 2008, comprising of three components.

I, the A/Director General as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Armidale Dumaresq Local Environmental Plan 2008 which comprises:

Component A

- to increase the minimum lot size for subdivision in the Residential 2(a) zone from 400m² to 500m²;
- to limit the number of lots in a subdivision (over 10 lots) that are under 600m² to be no more than 25% of the new lots created;
- to retain the ability to erect dwellings on existing lots that are less than 500m²; and
- to remove the minimum lot size requirements for attached and detached dual occupancy development.

Component B

- to replace the definition of 'convenience shop' with the definition of 'neighbourhood shop' from the Standard Instrument; and
- to increase the permitted floor space area of neighbourhood shops from 75m² to 150m².

Component C

- to rezone land, 15-57 Crest Road, Armidale, from Special Uses 5(a) to Residential 2(a).

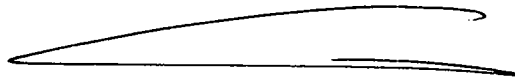
should proceed, subject to the following conditions:

1. Component A being amended to remove all items other than the proposal to remove the minimum lot size requirement for attached dual occupancy development.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning 2009) and must be made publicly available for **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs* (Department of Planning 2009).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Housing
 - NSW Rural Fire Service
 - Department of the Commonwealth responsible for aerodromes

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act.
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 13th day of February 2010.



Ian Reynolds
A/Director General
Delegate for the Minister for Planning