



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

Our ref: PP_2015_ARMID_001_00 (15/05759)
Your ref: A13/6135

Attention: Kathy Martin

Dear Mr Wilcox

Planning proposal to amend Armidale Dumaresq Local Environmental Plan 2012

I am writing in response to your Council's letter dated 26 March 2015 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 rezone Lot 10 and part of Lot 9, DP 836850, and the adjoining road reserve, 53A The Avenue and 134-162 Ross Street, Armidale, from E4 Environmental Living to R1 General Residential and amend the minimum lot sizes across the site to cater for the change in land zoning.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with S117 Direction 2.1 Environmental Protection Zones is of minor significance. No further approval is required in relation to this Direction.

Council will still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 section 54(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, I have arranged for Mr Craig Diss of the Department's regional office to assist you. Mr Diss can be contacted on (02) 6701 9685.

Yours sincerely

 10 April 2015
Stephen Murray
General Manager, Northern Region
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2015_ARMID_001_00): to rezone Lot 10 and part of Lot 9, DP 836850, and the adjoining road reserve, 53A The Avenue and 134-162 Ross Street, Armidale, from E4 Environmental Living to R1 General Residential and amend the minimum lot sizes across the site to cater for the change in land zoning.

I, the General Manager, Northern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that an amendment to the Armidale Dumaresq Local Environmental Plan (LEP) 2012 to rezone Lot 10 and part of Lot 9, DP 836850, and the adjoining road reserve, 53A The Avenue and 134-162 Ross Street, Armidale, from E4 Environmental Living to R1 General Residential and amend the minimum lot sizes across the site to cater for the change in land zoning should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning and Infrastructure 2013).
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage
 - NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.
5. Prior to public exhibition an updated time line detailing the tasks associated with an authorisation to exercise plan making delegations shall be included in the Planning Proposal.

Dated

10th

day of

April

2015



Stephen Murray
General Manager, Northern Region
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Armidale Dumaresq is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2015_ARMID_001_00	Planning proposal to rezone Lot 10 and part of Lot 9, DP 836850, and the adjoining road reserve, 53A The Avenue and 134-162 Ross Street, Armidale, from E4 Environmental Living to R1 General Residential and amend the minimum lot sizes across the site to cater for the change in land zoning

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated *16 April* 2015


Stephen Murray
General Manager, Northern Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning