



Mr Glen Inglis
Acting General Manager
Armidale Dumaresq Council
PO Box 75A
ARMIDALE NSW 2350

Our ref: 14/07375
Your ref: A14/6267

Dear Mr Inglis

Planning proposal to amend Armidale Dumaresq Local Environmental Plan 2012

I am writing in response to your Council's letter dated 6 May 2014 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 LEP 2012 by applying clauses 4.1AA and 4.1A to the R2 Low Density Residential Zone, permitting buildings on land zoned E4 for lots created under clause 4.1B and inclusion of a boundary adjustment clause.

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 the planning proposal's inconsistencies with S117 Directions 2.1 Environmental Protection Zones and 3.1 Residential Zones are of minor significance. No further approval is required in relation to these Directions.

Council will still need to obtain the agreement of the 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 in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. 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 6 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 six weeks prior to the projected publication date. A copy of the request should be forwarded to the department 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, please contact Mr Craig Diss of the department's regional office on 02 6701 9685.

Yours sincerely



Stephen Murray
General Manager, Northern Region
Growth Planning and Delivery

9 May 2014



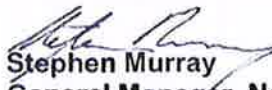
Gateway Determination

Planning proposal (Department Ref: PP_2014_ARMID_001_00): to amend Armidale Dumaresq LEP 2012 by applying clauses 4.1AA and 4.1A to the R2 Low Density Residential Zone, permitting buildings on land zoned E4 for lots created under clause 4.1B and inclusion of a boundary adjustment clause.

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 EP&A Act that an amendment to Armidale Dumaresq Local Environmental Plan (LEP) 2012 to apply clauses 4.1AA and 4.1A to the R2 Low Density Residential Zone, permit buildings on land zoned E4 for lots created under clause 4.1B and inclusion of a boundary adjustment clause should proceed subject to the following conditions:

1. 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 (Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **14 days**;
 - (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 & Infrastructure 2013)*.
2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. The NSW Rural Fire Service 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 **6 months** from the week following the date of the Gateway determination.

Dated 9th day of May 2014.


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

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Armidale Dumaresq Council 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_2014_ARMID_001_00	Planning proposal to amend Armidale Dumaresq LEP 2012 by applying clauses 4.1AA and 4.1A to the R2 Low Density Residential Zone, permitting buildings on land zoned E4 for lots created under clause 4.1B and inclusion of a boundary adjustment clause.

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

Dated *9th May* 2014


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