



Planning



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Department Generated Correspondence (Y)

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Our ref: PP_2010_ARMID_004_00 (10/14199)
Your ref: A10/4907

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

Dear Mr Burns,

Re: Planning Proposal to amend the Armidale Dumaresq Local Environmental Plan 2008

I am writing in response to your Council's letter dated 2 July 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 the Armidale Dumaresq Local Environmental Plan 2008 to extend the Sunset Period for Certain Rural Dwellings, remove Staged Release Provisions of land zoned Rural 1(c) and correct drafting errors.

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.

The decision to extend the sunset provisions of the LEP in relation to rural dwellings has been taken to allow Council to comprehensively address the issue of existing holding in its Comprehensive LEP. It is very unlikely that any further extension of time will be favourably considered by the Gateway.

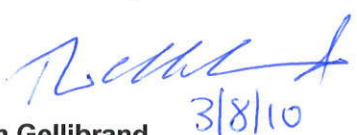
The Gateway Determination requires that the planning proposal be made publicly available for a period of 14 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 Craig Diss of the Regional Office of the Department on 02 6701 9689.

Yours sincerely,


3/8/10
Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_ARMID_004_00): to extend the Sunset Period for certain Rural Dwellings, remove Staged Release Provisions of land zoned Rural 1(c) and correct drafting errors.

I, the Deputy Director General, Plan Making & Urban Renewal 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 to:

- Removal of provisions for the staged release of land zoned 1(c) Rural Fringe to permit, with consent, large lot residential subdivision of all land within the zone;
- Extend the sunset period to permit certain rural dwellings in Zone 1(a) General Rural and Zone 1(b) Rural Living for an additional two (2) years until 15 February 2013;
- Correct a drafting error in the definition of 'existing holdings' in Zone 1(a) General Rural and Zone 1(b) Rural Living to be consistent with the definition in the former Dumaresq LEP No.1, as amended; and
- Correct a provision relating to the ability to erect a dwelling on certain land within the Zone 1(b) Rural Living by removing the inconsistent use of the terms 'lot' and 'holding';

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 (Department of Planning 2009)* and must be made publicly available for **14 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)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service
 - Commonwealth Department of Infrastructure Regional Development and Local Government

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.
3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.



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4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 3rd day of August 2010.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning