

Gateway Determination

Planning proposal (Department Ref: PP_2019_AREGI_002_00): to amend the minimum lot size of Lot 1 DP 34495, Lot 9 DP 112693, Lots 515 - 517, 730 and 733 DP 755808, 267 Long Swamp Road, Armidale to facilitate seven small rural holding lots.

I, the Director at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Armidale Dumaresq Local Environmental Plan (LEP) 2012 to amend the minimum lot size of Lot 1 DP 34495, Lot 9 DP 112693, Lots 515-517, 730 and 733 DP 755808, 267 Long Swamp Road, Armidale to create seven small rural holding lots should proceed subject to the following conditions:

1. Prior to community and agency consultation, Council is to:
 - (a) alter the planning proposal to amend:
 - (i) Part 2 to nominate that an amendment is proposed to the Lot Size Map to change the minimum lot size of the Mays Road, road reserve adjoining the property from 40 hectares to 8 hectares;
 - (ii) Part 3 to address the Local Strategic Planning Statement;
 - (iii) Part 3 to include the justification for varying the program of staged land releases for rural small holdings nominated by the Armidale Dumaresq Rural Residential Study 2004 and supported by the New England Development Strategy 2010;
 - (iv) Attachment 2 to update the proposed Lot Size Map to correspond the requirements of condition 1 (a) (i);
 - (v) Attachment 3 to remove reference to State Environmental Planning Policy No. 44 – Koala Habitat and include discussion on State Environmental Planning Policy (Koala Habitat Protection) 2019;
 - (vi) Attachment 3 to remove reference to State Environmental Planning Policy No. 55 – Remediation of Land and amend Appendix 2 to include a discussion on section 9.1 Ministerial Direction 2.6 Remediation of Land; and
 - (vii) Attachment 3 to address section 9.1 Directions 1.5 Rural Lands and 2.1 Environment Protection Zones.
 - (a) undertake a Land Use Conflict Assessment, including a strategy to mitigate any potential impacts resulting from the proximity of the future dwellings to the Acacia Park industrial subdivision, Armidale waste transfer station and Petersons Wines;
 - (b) prepare an ecological assessment; and

- (c) prepare an Aboriginal archaeology study.
2. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 3. Consultation is required with the following public authorities:
 - Armidale Local Aboriginal Lands Council
 - Department of Environment, Energy and Science (NSW EPA)
 - Department of Planning, Industry and Environment (Division of Biodiversity Conservation)
 - Regional NSW (Department of Primary Industries - Agriculture)
 - Heritage NSW
 - NSW Rural Fire Service

Each public authority/organisation 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.
 4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).
 5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
 6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 17 day of November 2020.

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the printed name and title.

Jeremy Gray
Director, Northern Region
Planning and Assessment
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces