

Gateway Determination

Planning proposal (Department Ref: PP-2021-4173) to create a consolidated local environmental plan for the Armidale Regional Council Local Government Area.

I, the Director, Northern Region 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 amendment to the Armidale Dumaresq Local Environmental Plan (LEP) 2012 to create a consolidated local environmental plan for the Armidale Regional Council Local Government Area should proceed subject to the following conditions:

1. Prior to agency and community consultation, the planning proposal is to be updated to:
 - a) revise the objectives and intended outcomes of the proposal to clearly articulate that the proposal will create a consolidated local environmental planning instrument for the Armidale Regional Local Government Area by amending the Armidale Dumaresq Local Environmental Plan 2012 to include provisions from the Guyra LEP 2012 and the Standard Instrument – Principal Local Environmental Plan 2006 and correct a number of existing anomalies;
 - b) include a statement acknowledging that final drafting for all clauses will be subject to legal opinion and recognise that the clauses as proposed may not be as reflected within the final LEP;
 - c) remove the 'Draft' Watermark on all documentation;
 - d) note that the proposed amendment relating to clause 4.1C, relating to land included in Zone RU3 Forestry under the Guyra LEP 2012 is outside the Armidale Regional Council LGA boundary;
 - e) revise the Explanation of Provisions to include a summary table containing a list of the proposed amendments and a justification for each of these changes;
 - f) revise the planning proposal to identify the key linkage between the goals and objectives of the planning proposal and the broader strategic framework established by the Local Strategic Planning Statement; and
 - g) include maps, for the purposes of public exhibition, showing the current and proposed minimum lot size amendments relating to zoning anomalies; and
 - h) revise the Land Use Table for Zone E2 Environmental Conservation to ensure that it reflects the intent of the zone.

2. The amended planning proposal shall be submitted for review and approval of the Department, prior to commencement of community and/or agency consultation.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
4. 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:
 - NSW Rural Fire Service
 - National Parks and Wildlife Service
 - Biodiversity Conservation Division
 - Heritage NSW
 - Armidale Local Aboriginal Land Council
 - Guyra Local Aboriginal Land Council
 - Department of Primary Industries – Agriculture
 - NSW Mining, Exploration and Geoscience
 - Transport for NSW (road and rail)
 - Crown Lands

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.

5. 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).
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 4 day of August 2021.

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

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

Delegate of the Minister for Planning
and Public Spaces