

Gateway Determination

Planning proposal (Department Ref: PP-2023-782): to amend the minimum lot size on part Lot 200 DP1277689, 90 Kurrawatha Avenue, Armidale.

I, the Director, Northern Region at the Department of Planning 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 Regional Local Environmental Plan 2012 to amend the minimum lot size on part Lot 200 DP1277689, 90 Kurrawatha Avenue, Armidale should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed within six months from the date of the Gateway determination.

Gateway Conditions

1. Prior to agency and community consultation:

- (a) the planning proposal is to be amended to:
 - (i) Remove reference to the proposed rezoning of the land;
 - (ii) Remove reference to 48 Kurrawatha Avenue, Armidale;
 - (iii) Remove reference to the concept subdivision (Page 55);
 - (iv) Include the outcomes of the targeted survey on *Dichanthium setosum* (Bluegrass); and
 - (v) Update the project timeframe table.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:

- (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:

- NSW Biodiversity and Conservation Division
- NSW Department of Primary Industries – Agriculture
- Armidale Local Aboriginal Land Council
- Civil Aviation Safety Authority
- Cemeteries & Crematoria NSW
- Transport for NSW

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working 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.

Dated 19 day of May 2023.



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

Delegate of the Minister for Planning and
Public Spaces