

25 June 2015

Regional Director
Department of Planning & Infrastructure - Southern Region
Level 2
State Government Offices
84 Crown Street
WOLLONGONG NSW 2520

Attention: Brett Whitworth

Dear Sir

Subject: Planning Proposal: Inclusion of Clause 4.2AA Exceptions to Minimum Lot Sizes for Certain Rural Subdivisions

At the Ordinary Council meeting held on Monday 22 June 2015, AlburyCity resolved to forward a Planning Proposal (enclosed) to the NSW Department of Planning & Environment (NSW DPE) to amend *Albury Local Environmental Plan 2010* (ALEP 2010) by including the previously endorsed NSW DPE Model Clause *4.2AA Exceptions to Minimum Lot Sizes for Certain Rural Subdivisions*.

The inclusion of this NSW DPE Model Clause will allow for the subdivision of land less than the minimum lot size for non primary production purposes (excluding dwelling houses and dual occupancies) and will allow for the more flexible use of land within Albury's rural zones (subject to council consent).

The attached Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Department of Planning's *A Guide to Preparing Planning Proposals* and *A Guide to Preparing Local Environmental Plans*.

Accordingly, AlburyCity requests a Gateway Determination on the Planning Proposal from the Minister for Planning in accordance with Section 56 of the EP&A Act. Please find enclosed a copy of the Council resolution and Planning Proposal report.

It is also requested that AlburyCity receive written authorisation to exercise delegation and the functions of the Minister for Planning under section 59 of the EP&A Act.



Due to the minor nature of the Planning Proposal and the fact it is a model clause that does not affect the permissibility's for rural zoned land or reduce the amount of rural zoned land under ALEP 2010, AlburyCity requests that a Gateway Determination be issued with no public exhibition period.

This is generally consistent with s.73A(1)(c) of the EP&A Act as it relates to a matter that will not have any significant adverse impact on the environment or adjoining land for the reasons outlined in the attached Planning Proposal. It is reiterated that this is a NSW DPE Model Clause, which has been adopted by a number of other NSW Council's and the likely impacts of the development are considered low.

Alternatively, should the Minister consider that the proposal does require public exhibition, AlburyCity considers the Planning Proposal to be 'low impact' and would seek a public exhibition period for a minimum of 14 days, due to its relatively minor nature.

Please find enclosed a copy of the Council resolution, Officers Report to Council's Planning & Development Committee and the Planning Proposal to assist NSW Department of Planning and Environment deliberations on this matter.

If you have any queries regarding the Planning Proposal, please contact Council's Strategic Planner, Matt Johnson on (02) 6023 8173 or mjohnson@alburycity.nsw.gov.au.

Yours faithfully



David Christy

Town Planning Team Leader
Planning & Environment

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1. Council Meeting Minutes from Meeting held Monday 22 June 2015 (including Council resolution);
2. Report to Planning and Development Committee Meeting and Minutes held Monday 15 June 2015 – Report 6B – Albury Local Environmental Plan 2010 – Planning Proposal: Inclusion of Model Rural Subdivision Clause;
3. Planning Proposal – Amendment to Albury Local Environmental Plan 2010 – Planning Proposal: Inclusion of Clause 4.2AA Exceptions to Minimum Lot Sizes for Certain Rural Subdivisions (May 2015
4. Attachment 4 – Evaluation Criteria for the Delegation of Plan Making Functions.