

Reference: DOC15/89448
Contact: Matt Johnson



30 September 2015

Regional Director
Department of Planning & Infrastructure - Southern Region
PO Box 5475
WOLLONGONG NSW 2520

Attention: Brett Whitworth

Dear Sir

Subject: Planning Proposal: Inclusion of Clause 4.1B Minimum Subdivision Lot Sizes for Certain Split Zones

At the Ordinary Council meeting held on Monday 28 September 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 4.1B *Minimum Subdivision Lot Sizes for Certain Split Zones*.

The inclusion of this Model Clause will allow for the subdivision of land with a dual/split zoning and will address a recently identified anomaly that prevents Council from receiving or determining any Development Applications for the subdivision of land with a dual/split zone, where the property does not meet the minimum lot size requirements of all zones applying to the particular development site. This is particularly an issue given Albury's rural and environmental zones generally have a minimum subdivision lot size requirement of 100ha, which would otherwise prevent the further subdivision of land with a split zone where any one of these zones apply.

The implications and consequences of this are significant, as it prevents AlburyCity from being able to receive or determine any development applications for the subdivision of land that contains dual/split zoning, in the absence of an amendment to ALEP 2010 being undertaken. As a consequence, a number of current Development Applications for large residential subdivisions have been withdrawn pending consideration of this amendment to ALEP 2010. This has the potential to slow or restrict growth, which can have impacts on land supply and land prices.

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*.

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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.

AlburyCity considers the planning proposal to be a 'low impact proposal' for the purposes of public exhibition and given the urgency involved with the current restrictions on development, would be seeking a public exhibition period for a minimum of 14 days only, due to the relatively minor nature of the proposal, the urgency of the current restrictions on development and the fact that the proposal does not change the zoning or permitted land uses of the existing zones, whilst also not having an adverse impact on services, infrastructure or the environment.

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
Acting Director
Planning & Environment

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1. Council Meeting Minutes from Meeting held Monday 28 September 2015 (including Council resolution)
2. Report to Planning and Development Committee Meeting and Minutes held Monday 14 September 2015 – Report 6B – Albury Local Environmental Plan 2010 – Planning Proposal: Inclusion of Model Split Zone Clause;
3. Planning Proposal – Amendment to Albury Local Environmental Plan 2010 – Planning Proposal: Inclusion of Clause 4.1B Minimum Subdivision Lot Sizes for Certain Split Zones (September 2015)
4. Attachment 4 – Evaluation Criteria for the Delegation of Plan Making Functions.