



Planning & Infrastructure

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Our ref: PP_2012_ALBUR_002_00 (12/09962)
 Your ref: DOC12/62754

Mr Les Tomich
 General Manager
 Albury City Council
 PO Box 323
 ALBURY NSW 2640

Dear Mr Tomich,

Planning proposal to reclassify land at Lot 33 DP 21896 Micro Avenue, East Albury and Lot 25 DP 1169423 546 Dean Street, Albury from 'community' land to 'operational' land.

I am writing in response to your Council's letter dated 5 June 2012 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the above mentioned planning proposal.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

Council is reminded of its obligations for exhibiting and conducting a public hearing when reclassifying land from 'community' to 'operational', as per the Department's LEP Practice Note PN003.

I have also agreed that the planning proposal's inconsistencies with S117 Direction 6.2 Reserving Land for Public Purposes are of minor significance. No further approval is required in relation to this Direction. In addition, no further referral is required in relation to relevant S117 Directions while the planning proposal remains in its current form.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the planning proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Graham Judge of the Regional Office of the Department on 02 6229 7900.

Yours sincerely,


Sam Haddad
 Director-General

29/6/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_ALBUR_002_00): to reclassify land at Lot 33 DP 21896 Micro Avenue, East Albury and Lot 25 DP 1169423 546 Dean Street, Albury from 'community' land to 'operational' land

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Albury Local Environmental Plan 2010 to reclassify land at Lot 33 DP 21896 Micro Avenue, East Albury and Lot 25 DP 1169423 546 Dean Street, Albury from 'community' land to 'operational' land should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is not required with public authorities under section 56(2)(d) of the EP&A Act:
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 29th day of June 2012.


Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure