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Department Generated Correspondence (Y)

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Our ref: PP_2011_ALBUR_004_00 (11/15708)
Your ref: DOC11/47506

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

Dear Mr Tomich

Re: Planning Proposal to amend Albury LEP 2010 to permit 'Bulky goods premises' in the B6 Enterprise Corridor Zone

I am writing in response to your Council's letter dated 29 August 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Albury Local Environmental Plan 2010 to permit 'Bulky goods premises' in the B6 Enterprise Corridor Zone.

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.

As the planning proposal seeks to rectify an anomaly within the B6 Enterprise Corridor Land Use Table, to permit with consent 'bulky goods premises' as it was exhibited in the draft Albury Local Environmental Plan 2009, and reflect Council's intent in its subsequent section 68 submission, no consultation is required with public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act.

The Director General's delegate has agreed that the planning proposal is consistent with S117 Directions 1.1 Business and Industrial Zones and 3.4 Integrating Land Use. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway 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,

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_ALBUR_004_00): to amend Albury LEP 2010 to permit 'Bulky goods premises' in the B6 Enterprise Corridor Zone.

I, the Deputy Director General, Plan Making & Urban Renewal 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 amend Albury LEP 2010 to permit 'Bulky goods premises' in the B6 Enterprise Corridor Zone 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for 14 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. No consultation is 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 6 months from the week following the date of the Gateway determination.

Dated 13th day of September 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure