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Our ref: PP\_2016\_ALBUR\_001\_00 (16/01015)

Mr Frank Zaknich  
General Manager  
Albury City Council  
PO Box 323  
Albury NSW 2640

Dear Mr Zaknich

### **Planning proposal to amend Albury Local Environmental Plan 2010**

I am writing in response to your Council's letter dated 24 December 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone part of Lavington Sports Ground, Hamilton Valley, to RE1 Public Recreation Zone with no minimum lot size.

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

I have also agreed the planning proposal's inconsistency with S117 Direction 3.1 Residential Zones is of minor significance. No further approval is required in relation to this Direction.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 section 54(2)(d) of the Act if the time frames outlined in this determination are not met.



## Planning & Environment

Should you have any queries in regard to this matter, I have arranged for Mr Graham Judge of the Department's regional office to assist you. Mr Judge can be contacted on (02) 6229 7906.

Yours sincerely



15/1/16

**Linda Davis**  
**Acting General Manager**  
**Southern Region**  
**Planning Services**

Encl:  
Gateway Determination  
Written Authorisation to Exercise Delegation  
Attachment 5 – Delegated Plan Making Reporting Template

## Gateway Determination

**Planning proposal (Department Ref: PP\_2016\_ALBUR\_001\_00):** to rezone 745 Centaur Road (Lot A DP 328923) and 774 Pearsall Street (Lot 25 DP 1000075), Hamilton Valley (part of Lavington Sports Ground) to RE1 Public Recreation Zone with no minimum lot size.

I, the Acting General Manager, Southern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Albury Local Environmental Plan (LEP) 2010 to rezone 745 Centaur Road (Lot A DP 328923) and 774 Pearsall Street (Lot 25 DP 1000075), Hamilton Valley (part of Lavington Sports Ground) to RE1 Public Recreation Zone with no minimum lot size 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* as follows:
  - (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Environment 2013) and must be made publicly available for a minimum of **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 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).
2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the Act. The NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material. In accordance with s117 Direction 4.4. Planning for Bushfire Protection consultation with the NSW Rural Fire Service must be undertaken prior to community consultation.
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 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 **12 months** from the week following the date of the Gateway determination.

Dated 15<sup>th</sup> day of January 2016



Linda Davis  
Acting General Manager  
Southern Region  
Planning Services  
Department of Planning and Environment

Delegate of the Minister for Planning



## WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Albury City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

| Number               | Name                                                                                                                                                                                                                 |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PP_2016_ALBUR_001_00 | Planning proposal to rezone 745 Centaur Road (Lot A DP 328923) and 774 Pearsall Street (Lot 25 DP 1000075), Hamilton Valley (part of Lavington Sports Ground) to RE1 Public Recreation Zone with no minimum lot size |

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "A guide to preparing local environmental plans" and "A guide to preparing planning proposals".

Dated 15 / 1 / 2016

**Linda Davis**  
**Acting General Manager**  
**Southern Region**  
**Planning Services**  
**Department of Planning and Environment**