



Office of the Director General

Mr Michael Keys
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Our ref: PP_2012_ALBUR_004_00 (12/17927-1)
Your ref: DOC12/106729

Dear Mr Keys

Planning proposal to amend Albury Local Environmental Plan 2010

I am writing in response to your council's letter dated 7 November 2012 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 (LEP) 2010 to rezone land at Borella Road, East Albury for commercial purposes.

As delegate of the Minister for Planning and Infrastructure, 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 inconsistencies with S117 Directions 3.1 Residential Zones and 3.2 Caravan Parks and Manufactured Home Estates are of minor significance. No further approval is required in relation to these Directions.

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 as soon as possible to meet the 9 month timeframe. 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 NSW 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

19/11/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_ALBUR_004_00): to amend the Albury Local Environmental Plan 2010 to rezone land for commercial purposes.

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 rezone Lot A, DP 354713, 222 Borella Road, East Albury from R3 Medium Density Residential to B2 Local Centre zone and amend the Lot Size Map, Height of Buildings Map and Floor Space Ratio Map should proceed subject to the following conditions:

1. Prior to commencing public exhibition, Council is to amend the planning proposal to include draft LEP maps which clearly identify the proposed site and changes to the Land Zoning Map, Lot Size Map, Height of Buildings Map and Floor Space Ratio Map. Council is to ensure all mapping is prepared in accordance with the Department's Standard Technical Requirements for LEP Maps prior to finalisation of the draft LEP.
2. 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)*.
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
4. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 19th day of November 2012.



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