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Department Generated Correspondence (Y)

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Our ref: PP_2012_ALBUR_001_00 (11/22657)
Your ref: DOC11/71690

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

Dear Mr Tomich,

Re: Planning proposal to amend the Albury LEP 2010 by replacing clause 7.5 - 'Development on or near the Murray River' with a new clause that is consistent with the Department's Model Clause for 'Development on river front areas' contained in the 'exhibited draft Murray Regional Strategy'

I am writing in response to your Council's letter dated 21 December 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 LEP 2010 by replacing clause 7.5 - 'Development on or near the Murray River' with a new clause that is consistent with the Department's Model Clause for 'Development on river front areas' contained in the 'exhibited draft Murray Regional Strategy', and other recently published or exhibited LEPs within the Murray Region.

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.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 2.1 Environmental Zones are of minor significance. No further approval is required in relation to this Direction.

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,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

7/2/12

Gateway Determination

Planning proposal (Department Ref: PP_2012_ALBUR_001_00): to amend the Albury LEP 2010 by replacing clause 7.5 - 'Development on or near the Murray River' with a new clause that is consistent with the Department's Model Clause for 'Development on river front areas' contained in the 'exhibited draft Murray Regional Strategy', and other recently published or exhibited LEPs within the Murray Region.

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 replace clause 7.5 - 'Development on or near the Murray River' with a new clause that is consistent with the Department's Model Clause for 'Development on river front areas' contained in the 'exhibited draft Murray Regional Strategy', and other recently published or exhibited LEPs within the Murray Region 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 required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - Murray Catchment Management Authority
 - NSW Department of Primary Industries – Fishing and Aquaculture

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

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 7th day of February 2012.



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