



Planning



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Department Generated Correspondence (Y)

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Our ref: PP_2010_ALBUR_002_00 (10/19316)
Your ref: 10/38642

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

Dear Mr Tomich,

Re: Planning Proposal in relation to housekeeping amendments to the Albury LEP 2010

I am writing in response to your Council's letter dated 29 September 2010 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act"). The planning proposal intends to amend the Albury Local Environmental Plan 2010 in respect to the B4 Mixed Use Zone Land Use Table by adding the following as permitted uses; attached dwellings, caravan parks, dual occupancies, dwelling houses, group homes, hostels, multi-dwelling housing, residential flat buildings and semi-detached dwellings; and to revise Schedule 2 (Exempt Development) to amend the first entry relating to "Signage - under awning signs" to "Signage - bracket signs".

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

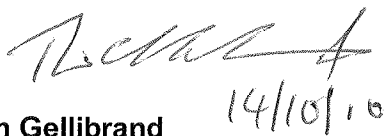
As not all of the amendments proposed in the planning proposal were exhibited for public comment, it is considered that the use of s73A to progress this proposal is not appropriate.

The amending Local Environmental Plan (LEP) is to be finalised within 6 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

Gateway Determination

Planning Proposal (Department Ref: PP_2010_ALBUR_002_00): to amend the B4 Mixed Use Zone Land Use Table to permit attached dwellings, caravan parks, dual occupancies, dwelling houses, group homes, hostels, multi-dwelling housing, residential flat buildings and semi-detached dwellings; and to revise Schedule 2 (Exempt Development) to amend the first entry relating to "Signage - under awning signs" to "Signage - bracket signs".

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Albury Local Environmental Plan 2010 to amend the B4 Mixed Use Zone Land Use Table to permit attached dwellings, caravan parks, dual occupancies, dwelling houses, group homes, hostels, multi-dwelling housing, residential flat buildings and semi-detached dwellings; and to revise Schedule 2 (Exempt Development) to amend the first entry relating to "Signage - under awning signs" to "Signage - bracket signs" 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 14th day of October 2010.



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