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

Our ref: PP_2015_ALBUR_004_00 (15/16419)

Dear Mr Zaknich

Planning proposal to amend Albury Local Environmental Plan 2010

I am writing in response to your Council's letter dated 3 November 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 amend clause 4.1A Exceptions to minimum subdivision lot sizes for certain residential development.

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.

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.

Council is required to consult with the NSW Rural Fire Service in accordance with s117 Direction 4.4 Planning for Bushfire Protection. I have, however, not imposed a timeframe for consultation with the NSW Rural Fire Service because of its low impact.

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.

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



17/11/15

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_2015_ALBUR_004_00): to amend clause 4.1A Exceptions to minimum subdivision lot sizes for certain residential development.

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* that an amendment to the Albury Local Environmental Plan (LEP) 2010 amend clause 4.1A Exceptions to minimum subdivision lot sizes for certain residential development 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 *Environmental Planning and Assessment Act 1979* in accordance with s117 Direction 4.4 Planning for Bushfire Protection.
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 *Environmental Planning and Assessment Act 1979*. 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 17th day of November 2015



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_2015_ALBUR_004_00	Planning proposal to amend clause 4.1A Exceptions to minimum subdivision lot sizes for certain residential development

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 17 / 11 / 2015



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