

3 November 2015

Regional Director
Department of Planning & Environment - Southern Region
PO Box 5475
WOLLONGONG NSW 2520

Attention: Graham Judge

Dear Sir

Subject: Planning Proposal: Amendment of Clause 4.1A Exceptions to Minimum Subdivision Lot Sizes for Certain Residential Development

Council previously sought via letter dated 7 October 2015 that a Gateway Determination be issued by the NSW Department of Planning & Environment (NSW DPE) to insert draft Clause 4.1C into the *Albury Local Environmental Plan 2010* (ALEP 2010) to allow for the subdivision of land less than the minimum lot size for dual occupancy developments.

In response to recent advice received from relevant NSW DPE regional staff, AlburyCity has decided to amend existing Clause 4.1A of ALEP 2010 rather than adopt a new Clause, as this would achieve the same outcome and rectify an anomaly identified in the previously drafted clause.

Accordingly, at the Ordinary Council meeting held on Monday 26 October 2015, AlburyCity resolved to forward a revised Planning Proposal (enclosed) to the NSW DPE to amend ALEP 2010 by amending existing Clause 4.1A *Exceptions to Minimum Subdivision Lot Sizes for Certain Residential Development* as currently contained within this Plan.

The amendment of this Clause seeks to allow for the subdivision of land less than the minimum lot size shown on the minimum lot size map of ALEP 2010 for dual occupancy purposes in the R1 General Residential, R3 Medium Density Residential and B4 Mixed Use Zones, which are currently permitted with consent in these zones.

Given the fact that these types of residential development are already permitted within Albury's residential and mixed use zones and have been approved as part of either a Community Title or Strata Title subdivision development, the impacts of the proposal are considered minimal and still require



compliance with the relevant controls of the *Albury Development Control Plan 2010* (i.e. car parking, setbacks, building heights etc).

The attached revised Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Department of Planning's *A Guide to Preparing Planning Proposals* and *A Guide to Preparing Local Environmental Plans*.

Accordingly, AlburyCity requests that the previously forwarded Planning Proposal be substituted for the current revised Proposal and that a Gateway Determination be issued for the revised Planning Proposal from the Minister for Planning in accordance with Section 56 of the EP&A Act. Please find enclosed a copy of the Council resolution and revised Planning Proposal report.

It is also requested that AlburyCity receive written authorisation to exercise delegation and the functions of the Minister for Planning under section 59 of the EP&A Act.

AlburyCity considers the revised planning proposal to be a 'low impact proposal' for the purposes of public exhibition and is seeking a public exhibition period for a minimum of 14 days only, due to the relatively minor nature of the proposal and the fact that the proposal does not change the zoning or permitted land uses of the existing zones, whilst also not having an adverse impact on services, infrastructure or the environment.

Please find enclosed a copy of the Council resolution, Officers Report to Council's Planning & Development Committee and the revised Planning Proposal to assist NSW Department of Planning and Environment deliberations on this matter.

If you have any queries regarding the Planning Proposal, please contact Council's Strategic Planner, Matt Johnson on (02) 6023 8173 or mjohnson@alburycity.nsw.gov.au.

Yours faithfully



Michael Keys

**Director
Planning & Environment
AlburyCity Council**

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1. Council Meeting Minutes from Meeting held Monday 26 October 2015 (including Council resolution)

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2. Report to Planning and Development Committee Meeting and Minutes held Monday 19 October 2015 – Report 6C – Albury Local Environmental Plan 2010 – Planning Proposal: Exceptions to Minimum Subdivision Lot Sizes for Certain Residential Development (Dual Occupancy);
 3. Planning Proposal – Amendment to Albury Local Environmental Plan 2010 – Planning Proposal: Amendment to Clause 4.1A Exceptions to minimum subdivision lot sizes for certain residential development (October 2015);

 4. Attachment 4 – Evaluation Criteria for the Delegation of Plan Making Functions.