

4 June 2014

Regional Director
Department of Planning - Southern Region
Level 2, State Government Offices
84 Crown Street
WOLLONGONG NSW 2520

Attention: Brett Whitworth

Dear Brett

**Subject: Planning Proposal
Inclusion of 481 Urana Road, Lavington into Schedule 1 – Additional Permitted
Uses**

At the Ordinary meeting of Council held on Monday 26 May 2014, AlburyCity resolved to forward a Planning Proposal to the NSW Department of Planning and Environment to amend *Albury Local Environmental Plan 2010* by including a former service station site into Schedule 1 – Additional Permitted Uses.

The Planning Proposal seeks to include 481 Urana Road, Lavington within Schedule 1 of ALEP 2010 for the purposes of a service station, which the site previously operated as. Given that the subject site no longer retains 'existing use rights' as defined under Section 106 of the *Environmental Planning & Assessment Act 1979* and is zoned R1 General Residential under ALEP 2010 (which prohibits service stations), there are no opportunities available to redevelop the site for service station purposes in the absence of undertaking an amendment to existing planning controls.

The attached Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment's *A Guide to Preparing Planning Proposals (October 2012)* and *A Guide to Preparing Local Environmental Plans (April 2013)*

Accordingly, AlburyCity requests that a Gateway Determination be issued for the Planning Proposal from the Minister for Planning in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*.

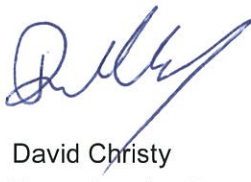


Council also requests delegation of Plan making functions, due to the minor nature of the Planning Proposal in accordance with the attached Evaluation Criteria.

Please find enclosed a copy of the Officers Report to Council, Council resolution, Planning Proposal and Evaluation Criteria for the Delegation of Plan Making Functions to assist NSW Department of Planning 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



David Christy

**Team Leader Town Planning
Planning & Environment**

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1. Council Meeting Minutes from Meeting held Monday 26 May 2014 (including Council resolution);
2. Planning & Development Committee Report held Monday 19 May 2014 – Report 6B – Albury Local Environmental Plan 2010 – Planning Proposal: Inclusion of a Former Service Station as an Additional Permitted Use into Schedule 1 – 481 Urana Road, Lavington;
3. Planning Proposal – Inclusion of Existing Service Station as a Permitted Use in Schedule 1 – *Albury Local Environmental Plan 2010*, 481 Urana Road, Lavington (May 2014);
4. Attachment 4 – Evaluation Criteria for the Delegation of Plan Making Functions.