



Our ref: PP_2017_ALBUR_001_00 ; (17/09245)
Your ref: FIL17/0878

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

Dear Mr Zaknich

Planning Proposal (PP_2017_ALBURY_001_00) to amend Albury Local Environmental Plan 2010

I am writing in response to Council's letter dated 28 June 2017 requesting a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the Planning Proposal to amend the Albury Local Environment Plan (ALEP) 2010 relating to the inclusion of an item in Schedule 1 – Additional Permitted Uses.

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.

I have also agreed, as delegate of the Secretary, the Planning Proposal's inconsistency with Section 117 Direction 4.3 Flood Prone Land is justified in accordance with the terms of the Direction. In relation to Section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to alter the land for public purposes on the basis that the Planning Proposal aims to provide more development opportunity for two Council owned buildings that have been unoccupied for 10 years. No further approval is required in relation to these Directions.

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 six months of 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 six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

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 timeframes outlined in this determination are not met.

Should you have any queries regarding this matter, I have arranged for Mr Haydon Murdoch of the Department's Southern Region office to assist you. Haydon can be contacted on 6229 7914.

Yours sincerely


Karen Armstrong
Director Regions, Southern
Planning Services
Department of Planning and Environment

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template

Gateway Determination

Planning Proposal (Department Ref: PP_2017_ALBUR_001_00): to amend the Albury Local Environmental Plan 2010 to include a new item in Schedule 1 – Additional Permitted Uses for Part Lot 4120 DP 1087043, Lot 1 DP 542181 and Part Lot 1 DP 1087117.

I, the Director Regions, Southern, 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 to include a new item in Schedule 1 – Additional Permitted Uses on Part Lot 4120 DP 1087043 and Lot 1 DP 542181 and Part Lot 1 DP 1087117 should proceed subject to the following conditions:

1. Prior to undertaking community consultation, the Planning Proposal is to be revised as follows:
 - (a) Prepare a LEP Additional Permitted Use Map to identify the Part lots subject to the planning proposal.
2. Community consultation is required under Sections 56(2)(c) and 57 of the Act as follows:
 - (a) the Planning Proposal must be made publicly available for a minimum of **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 5.5.2 of "*A guide to preparing local environmental plans (Department of Planning and Environment 2016)*".
3. Consultation is required with the following public authorities and organisations under Section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Office of Environment and Heritage – Heritage
 - Office of Environment and Heritage – Flood Unit

Each public authority/organisation is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the 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).



Planning & Environment

5. The timeframe for completing the LEP is to be **6 months** following the date of the Gateway determination.

Dated 6th day of July 2017

Karen Armstrong
Director Regions, Southern
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_2017_ALBUR_001_00	Planning proposal to include an item in Schedule 1 - Additional Permitted Uses - 317 and 323 Wodonga Place, South Albury - Part Lot 4120 DP 1087043, Lot 1 DP 542181 and Part Lot 1 DP 1087117

In exercising the Minister's functions under Section 59 of the Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated 6TH JULY 2017



Karen Armstrong
Director Regions, Southern
Planning Services
Department of Planning and Environment