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Our ref: PP_2011_ALBUR_003_00 (11/13799)
Your ref: DOC11/38516

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

Dear Mr Tomich,

Re: Planning Proposal to rezone 168 hectares of land at Riverina Highway, Thurgoona, to R1 General Residential Zone and RU2 Rural Landscape Zone.

I am writing in response to your Council's letter dated 29 July 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Albury Local Environmental Plan 2010 to rezone 168 hectares of land at Riverina Highway, Thurgoona to R1 General Residential Zone (150.6 hectares) with a minimum lot size of 450 square metres; and RU2 Rural Landscape Zone (17.4 hectares) with a minimum lot size of 100 hectares.

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

Prior to proceeding to exhibition, Council is to update the planning proposal with details identified in this letter and the Gateway Determination including addressing relevant S117 Directions, providing details of any studies undertaken to inform the planning proposal, and summarising discussions and agreed outcomes with agencies. These documents are to form part of the planning proposal, and are to be submitted to the Regional Director, Southern Region, for consideration prior to community consultation under s56 (2)(c) and s57 of the Environmental Planning and Assessment Act.

It is noted that the planning proposal should be amended to also state that it proposes rezoning part of land identified as 'deferred matter' as RU2 Rural Landscape Zone.

Council is to prepare draft maps for the subject land prior to exhibition, in accordance with the Department's Standard Technical Requirements for LEP Maps. These maps are to be provided to the Regional Director for endorsement, and provided with the exhibition material

Council should also consider as part of this planning proposal the future management of land to be zoned RU2 Rural landscape; whether it can be integrated with adjoining lands; and whether the Lot Size Map needs to be amended for this purpose.

It is noted that the Preliminary Aboriginal Cultural Heritage Assessment has not been prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority. Council should consult with the Office of Environment and Heritage, and the local Aboriginal Land Council / traditional owners regarding the Aboriginal heritage assessment, and update the planning proposal to include how the planning proposal provides adequate protection for heritage items.

Consideration should be given to requirements for satisfactory arrangements under Part 6 of the Albury LEP 2010, for State road infrastructure and public educational facilities within the Thurgoona / Wirringa urban release area. Council should consult with Department of Transport, Department of Education and Communities, and Roads and Traffic Authority regarding this matter. Any outcomes should be updated in the planning proposal prior to exhibition.

Prior to proceeding to exhibition, Council is to update the planning proposal by further justifying the planning proposal's consistency with S117 Directions:

- 1.2 Rural Zones and 1.5 Rural Lands. Council should consult with Department of Primary Industries regarding matters pertaining to the loss of agricultural land.
- 1.3 Mining, Petroleum Production and Extractive Industries. Council is to consult with Department of Primary Industries (Division of Resources and Industries).
- 2.1 Environmental Protection Zones and 2.3 Heritage Conservation. Council should consult with the Office of Environment and Heritage to determine the key issues to be addressed.
- 3.1 Residential Zones.
- 3.4 Integrating Land Use and Transport.
- 4.3 Flood Prone Land. Council should update the Planning Proposal to make clear the implications of any development standards applying to these lands in the flood planning areas.

The Department notes that after consultation with the various agencies, further studies may be required. The outcomes of the consultation and the completion of additional studies may require the planning proposal to be amended prior to proceeding. Council should determine whether amendments to the planning proposal require a revised Gateway Determination. The Department will assist in facilitating this process before public exhibition and community consultation. Council should liaise with the Regional Director, Southern Region, in relation to this matter at the appropriate stage.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway 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 Southern Regional Office of the Department on 02 6229 7900.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making and Urban Renewal

13/9/11

Gateway Determination

Planning Proposal (Department Ref: PP_2011_ALBUR_003_00): to rezone 168 hectares of land at Riverina Highway, Thurgoona, to R1 General Residential Zone and RU2 Rural Landscape Zone.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Albury Local Environmental Plan 2010 to rezone 168 hectares of land at Riverina Highway, Thurgoona, to R1 General Residential Zone (150.6 hectares) with a minimum lot size of 450 square metres; and RU2 Rural Landscape Zone (17.4 hectares) with a minimum lot size of 100 hectares should proceed subject to the following conditions:

1. Council is to prepare draft maps for the subject land prior to exhibition, in accordance with the Department's Standard Technical Requirements for LEP Maps, including:
 - Draft Zoning Map;
 - Draft Minimum Lot Size Map
 - Urban Release Area Map
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Local Aboriginal Land Council
 - Catchment Management Authority (Murray)
 - Department of Education and Community
 - Office of Environment and Heritage
 - Department of Primary Industries (Agriculture)
 - Department of Primary Industries (Division of Resources and Industries)
 - Department of Transport
 - Roads and Traffic Authority
 - Murray Darling Basin

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. Prior to proceeding to public exhibition, an updated planning proposal is required to reflect additional information collated, including agency submissions and outcomes. This updated planning proposal is to be submitted to the Regional Director, Southern Region, for consideration prior to community consultation under section 56(2)(c) and section 57 of the Environmental Planning and Assessment Act.
4. 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 must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.

5. 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).
6. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Dated 13th day of September 2011.



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