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Our ref: PP_2013_ALBUR_004_00 (13/14669)

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

Attention: Chris Graham

Dear Mr Zaknich,

Planning proposal to amend Albury Local Environmental Plan 2010

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone 395 and 423 Wagga Road, Springdale Heights to IN1 General Industrial Zone.

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

I am satisfied that the planning proposal's inconsistency with s117 Direction 1.1 Business and Industrial Zones is of minor significance. In addition I am also satisfied that Council's intention to consult with the NSW Rural Fire Service prior to community consultation will be consistent with s117 Direction 4.4 Planning for Bushfire Protection. No further referral or approval is required in relation to s117 Directions while the planning proposal remains in its current form.

Council is to exhibit a draft amendment to the Albury Land Use Strategy 2007 so that it is consistent with the proposed change of zone from residential to 'employment lands'.

The Minister delegated his plan making powers to councils 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 9 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 for administrative purposes.

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 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 Mr Graham Judge of the Southern Regional office of the Department on 02 6229 7906.

Yours sincerely



20 September 2013

Brett Whitworth
Regional Director
Southern Region
Planning Operations & Regional Delivery
As delegate of the Minister for Planning and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP_2013_ALBUR_004_00): to rezone 395 and 423 Wagga Road, Springdale Heights, to IN1 General Industrial Zone with no minimum lot size.

I, the Regional Director, Southern Regional Team at the Department of Planning and Infrastructure 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 (LEP) 2010 to:

to rezone 395 and 423 Wagga Road, Springdale Heights, to IN1 General Industrial Zone (no minimum lot size);

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 ("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 5.2 of 'A guide to preparing local environmental plans (Department of Planning and Infrastructure 2013)'.

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage
- Department of Trade and Investment (Crown Lands)
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Services
- Telstra

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.

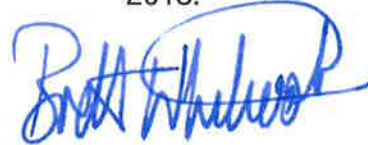
3. Consultation with the NSW Rural Fire Service is to be undertaken prior to community consultation.

4. No public hearing is required to be held into the matter 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).

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

7. The Council is to prepare draft LEP Maps that are consistent with the latest version of the "Standard technical requirements for LEP maps" and the draft maps are to be placed on public exhibition as part of community consultation.

Dated 20th day of September 2013.



Brett Whitworth
Regional Director
Southern Region
Planning Operations & Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Albury City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_ALBUR_004_00	Planning proposal to rezone 395 and 423 Wagga Road, Springdale Heights, to IN1 General Industrial Zone with no minimum lot size.

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

Dated *20 September* 2013

**Brett Whitworth
Regional Director
Southern Region
Planning Operations & Regional Delivery
Department of Planning and Infrastructure**