



Planning & Infrastructure

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

Our ref: PP_2013_ALBUR_005_00 (13/19784)
Your ref: DOC13/104213

Dear Mr Zaknich

Planning proposal to amend Albury Local Environmental Plan 2010

I am writing in response to your Council's letter dated 28 November 2013 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 IN1 General Industrial Zone land use table to permit *agricultural produce industries*.

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.

Council is required to consult with the NSW Rural Fire Service prior to community consultation in accordance with the Minister's s117 Direction 4.4 Planning for Bushfire Protection.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. 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 6 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,

Brett Whitworth
Regional Director
Southern Region

Planning Operations & Regional Delivery

4 December 2013



Gateway Determination

Planning proposal (Department Ref: PP_2013_ALBUR_005_00): to amend the IN1 General Industrial Zone land use table to permit 'agricultural produce industries' with consent.

I, the Regional Director, Southern Region 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 *amend the IN1 General Industrial Zone land use table to permit 'agricultural produce industries' with consent* 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 is classified as low impact as described in *A guide to preparing LEPs (Department of Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **14 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 LEPs (Department of Planning & Infrastructure 2013)*.
2. Consultation is required with the NSW Rural Fire Service **prior to community consultation** under section 56(2)(d) of the EP&A Act. The NSW Rural Fire Service 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.
3. 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).
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated

4th

day of

December

2013.

Brett Whitworth
Regional Director
Southern Region
Planning Operations & Regional Delivery
Department of Planning & 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_005_00	Planning proposal to amend the IN1 General Industrial Zone land use table to permit 'agricultural produce industries' with consent.

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 *4 December* 2013

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