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

Our ref: PP\_2016\_ALBUR\_002\_00 (16/14678)

Dear Mr Zaknich

**Planning proposal to amend Albury Local Environmental Plan 2010  
PP\_2016\_ALBUR\_002\_00 – Table Top and Splitters Creek**

I am writing in response to your Council's letter dated 3 November 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to implement the *Albury Rural Lands Strategy for Table Top and Splitters Creek 2015*.

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 that, as delegate of the Secretary, the planning proposal's inconsistencies with s117 Directions 1.2 Rural Zones, 1.3 Mining, Petroleum and Extractive Industries and 1.5 Rural Lands are either of minor significance or are consistent with the *Albury Rural Lands Strategy for Table Top and Splitters Creek 2015* adopted by Council and endorsed by the Secretary. No further approval is required in relation to these Directions.

I have also agreed that the planning proposal will be consistent with s117 Direction 4.4 Planning for Bushfire Protection once Council consults with the NSW Rural Fire Service in accordance with that Direction. No further approval is required in relation to this Direction.

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 12 months of the date of the Gateway determination. 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 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 Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Graham Judge of the Department's regional office to assist you. Mr Judge can be contacted on (02) 6229 7906.

Yours sincerely



28/11/16

**Linda Davis**  
**Acting Director Regions, Southern**  
**Planning Services**

Encl:  
Gateway Determination  
Written Authorisation to Exercise Delegation  
Attachment 5 – Delegated Plan Making Reporting Template

## Gateway Determination

*Planning proposal (Department Ref: PP\_2016\_ALBUR\_002\_00): to amend Albury Local Environmental Plan 2010 to implement the Albury Rural Lands Strategy for Table Top and Splitters Creek 2015.*

I, the Acting 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* (the Act) that an amendment to the Albury Local Environmental Plan (LEP) 2010 to implement the *Albury Rural Lands Strategy for Table Top and Splitters Creek 2015* should proceed subject to the following conditions:

1. The zone and lot size labels in Figures 1, 2, 3 and 4 in the Planning Proposal are to be revised prior to community consultation to clearly show the proposed changes to the Land Zoning Map and Lot Size Map.
2. The Planning Proposal is to be revised prior to community consultation to include a table describing the land (Lot and Deposited Plans) affected by the proposed changes to the Land Zoning Map and Lot Size Map).
3. The planning proposal is to be revised prior to community consultation to include information on the implications of section 9.2.3 Waste Water Management in *Albury Development Control Plan 2010* on the minimum lot size applied to land proposed to be zoned RU5 Village Zone at Table Top and that is proposed to be serviced by an onsite sewage management system.
4. A copy of the revised planning proposal is to be provided to the Department prior to community consultation.
5. 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 LEPs* (Department of Planning and Environment 2016).
6. The *Albury Rural Lands Study for Table Top and Splitters Creek 2015* and the letter endorsing the Strategy from the Department of Environment and Planning dated 17 August 2016 are to be placed on public exhibition with the planning proposal (supporting documentation) as part of community consultation.



7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
- Office of Environment and Heritage
  - NSW Rural Fire Service (in accordance with s117 Direction 4.4 Planning for Bushfire Protection)
  - Murrumbidgee Catchment Management Authority
  - NSW Environment Protection Authority
  - NSW Primary Industries – Office of Water
  - NSW Primary Industries – Agriculture
  - NSW Department of Industry - Lands
  - NSW Department of Industry – Resources and Energy
  - Transport for NSW – Roads and Maritime Services

Each public authority 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.

8. 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).
9. The LEP maps shall be prepared in accordance with the Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment, 2015).
10. The timeframe for completing the LEP is to be **12 months** from the date of the Gateway determination.

Dated 28<sup>th</sup> day of November 2016



**Linda Davis**  
**Acting 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_2016_ALBUR_002_00	Planning proposal to amend Albury Local Environmental Plan 2010 to implement the <i>Albury Rural Lands Strategy for Table Top and Splitters Creek 2015</i>

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

Dated 28 / 11 / 2016

**Linda Davis**  
**Acting Director Regions, Southern**  
**Planning Services**  
**Department of Planning and Environment**

