

19 December 2016

M/s Linda Davis
Acting Director Regions, Southern Planning Services
NSW Department of Planning & Environment
PO Box 5475
WOLLONGONG NSW 2520

Attention: Graham Judge

Dear Sir/Madam

**Subject: Request for Altered Gateway Determination
Planning Proposal (Revised): Rezoning for industrial purposes
Willowbank Road, East Albury**

At the Ordinary Council meeting held on Monday 12 December 2016, AlburyCity resolved to forward a Revised Planning Proposal (enclosed) to the NSW Department of Planning & Environment (NSW DPE) to amend Albury Local Environmental Plan 2010 (ALEP 2010) by rezoning the subject land to Part 'IN1 General Industrial' and Part 'IN2 Light Industrial'.

It is noted that the Planning Proposal was originally publicly exhibited in January-March 2016. In light of issues received during the public exhibition period, AlburyCity elected not to progress the Planning Proposal and instead sought further investigation and clarification of the issues raised from the proponent.

The Revised Planning Proposal departs from that originally publicly exhibited insofar as it seeks to respond to issues raised, in particular concerns relating to traffic, amenity, environmental impacts and the provision of an appropriate buffer between the subject and surrounding lands.

The Planning Proposal revisions are outlined as follows:

- Reconfiguration of the proposed zoning layout to enhance interface/buffer to surrounding land uses, mitigate potential amenity impacts and reduce potential conflicts, namely:
 - The eastern boundary of the proposed rezoning has been contracted westward (to retain the existing 'RU2 Rural Landscape Zone'); and
 - On remaining land (above the existing licenced levee), a Part 'IN2 Light Industrial Zone' has been introduced (east of the Schubach Street intersection) and a Part 'IN1 General Industrial Zone' has been retained (west of the Schubach Street intersection);
- Audit of infrastructure requirements to confirm works, costs and sequencing for the provision of necessary infrastructure (including reticulated water, sewer, stormwater and road network);
- Revised Traffic Impact Assessment Report (revised TIA) that reviews previous investigations, assumptions and recommendations relating to future land use activities and operating hours, confirms necessary road network improvements and sequencing, and determines capacity of the local and wider road network;
- Audit of aboriginal cultural heritage and impacts on existing vegetation on-site;
- Audit and documented response to AlburyCity and other relevant planning policies including Murray River Experience, Draft Riverina-Murray Regional Plan (formerly known as Draft Murray Regional Strategy) and the Albury Land Use Strategy 2007; and

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- Clarification provided in relation to suppositions and assertions previously made on land ownership and zoning history on the subject land.

In recognition of amendments to the Planning Proposal from that originally issued with a Gateway Determination, AlburyCity now requests an altered Gateway Determination on the Revised Planning Proposal from the Minister for Planning in accordance with Section 56 of the EP&A Act. Please find enclosed a copy of the Council resolution and Revised Planning Proposal report.

It is also requested that AlburyCity receive written authorisation to exercise delegation and the functions of the Minister for Planning under Section 59 of the EP&A Act.

The attached Revised Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and NSW DPE *A Guide to Preparing Planning Proposals* and *A Guide to Preparing Local Environmental Plans*. Likewise, all mapping associated with the Planning Proposal has been prepared in accordance with NSW DPE *Standard Technical Requirements for LEP Maps (Version 2.0)*, November 2012 and *Standard Technical Requirements for Spatial Datasets and Maps (Version 1.0)*, 30 November 2015.

AlburyCity considers the Revised Planning Proposal to be not a 'low impact proposal', and accordingly, for the purposes of a further public exhibition would be seeking a public exhibition period for a minimum of 28 days (applicable to all other planning proposals).

Please find enclosed a copy of the Officers Report to Council, Council resolution, the Revised Planning Proposal, associated LEP mapping as well as evaluation criteria for delegation of plan making functions to assist NSW DPE deliberations on this matter.

If you have any queries regarding the Revised Planning Proposal, please contact Council's Senior Strategic Planner, Chris Graham on (02) 6023 8148 or cgraham@alburycity.nsw.gov.au.

Yours faithfully



Michael Keys
Director
Planning & Environment

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1. Council Meeting Report held Monday 5 December 2016 – Item PDC 7.1 – Revised Planning Proposal – Land Rezoning, Willowbank Road, East Albury – Status Update – Re-Exhibition;
2. Extract from Minutes of the Council Meeting held 12 December 2016 – Item 7.1 (including Council resolution);
3. Planning Proposal (revised) – Rezoning for industrial purposes – Willowbank Road, East Albury (November 2016);
4. Attachment 4 – Evaluation Criteria for the Delegation of Plan Making Functions; and
5. Map Cover Sheet & Draft LEP Maps.