

Amend Albury LEP 2010 to rezone land in Willowbank Rd, South Albury, from RU2 Zone to IN1 Zone

Proposal Title :	Amend Albury LEP 2010 to rezone land in Willowbank Rd, South Albury, from RU2 Zone to IN1 Zone		
Proposal Summary :	Council seeks to amend the Land Zoning Map and Lot Size Map under Albury LEP 2010 for land described as part Lot 156 DP 753326, part Lot 2 DP 999814 and part Lot 37 DP 1007315 from RU2 Rural Landscape Zone (100 ha MLS shown on the Lot Size Map) to IN1 General Industrial Zone (no minimum lot size to be shown on the Lot Size Map).		
PP Number :	PP_2013_ALBUR_001_00	Dop File No :	13/01688

Proposal Details

Date Planning Proposal Received :	14-Jan-2013	LGA covered :	Albury City
Region :	Southern	RPA :	Albury City Council
State Electorate :	ALBURY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Willowbank Road		
Suburb :	South Albury	City :	Albury
		Postcode :	2640
Land Parcel :	Part Lot 156 DP 753326, Part Lot 2 DP 999814 and Part Lot 37 DP 1007315		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A

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MDP Number :	Date of Release :	
Area of Release (Ha)	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots : 20	No. of Dwellings (where relevant) :	0
Gross Floor Area : 0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The Council has added an Addendum to the PP prepared by the proponent to include a requirement that further information be provided as part of the Planning Proposal regarding infrastructure provision, groundwater assessment and supply/demand data on industrial land and the PP be revised prior the commencement of community consultation.**

External Supporting Notes : **Council is seeking to re-instate a former industrial zoning of the site.**

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The PP clearly states that the intended outcome of the rezoning is to re-instate the former industrial zoning over the subject land and that the IN1 General Industrial Zone is consistent with the zoning of adjacent lands to the north.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The RPA has clearly indicated that the intent of the PP is to rezone land at Willowbank Road from RU2 Rural Landscape Zone (100 MLS) to IN1 General Industrial Zone (No MLS).**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

1.5 Rural Lands

2.3 Heritage Conservation

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

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Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

**SEPP No 33—Hazardous and Offensive Development
SEPP No 55—Remediation of Land
SEPP (Infrastructure) 2007
SEPP (Rural Lands) 2008
Murray REP No. 2 - Riverine Land**

e) List any other matters that need to be considered :

DRAFT MURRAY RIVER STRATEGY

Any inconsistencies with the Draft Murray River Strategy will be addressed by the additional studies recommended by Council in the PP Addendum. These studies will clarify if the site is a suitable location for changing the RU2 Rural Landscape Zone to an IN1 General Industrial Zone.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

GENERAL

1. The planning proposal, adopted by Council (RPA), includes a Planning Proposal dated October 2012, prepared by Habitat Planning on behalf of the applicant.

2. Although Council acknowledge that the proposal does have merit, Council adopted an amendment to the PP submitted by the applicant to include and an 'Attachment 2 - 6B Addendum to the Planning Proposal'.

3. The land (approx. 8 ha) is currently used as an orchard.

4. The land was previously zoned 4(a) Industrial use under Albury LEP No 8, gazetted in 1982.

5. The Addendum to the PP requires that after the issuing of a Gateway Determination, and prior to community consultation, the following three (3) reports be prepared as part of the Planning Proposal to enable the RPA to be satisfied that the subject land is a suitable location for industrial development:

i) Technical Report to identify the options and costs associated with the provision of reticulated water and sewerage.

ii) Detailed Technical Report on geotechnical assessment of the site (impact on water supply, groundwater systems and/or salinity) to confirm that the site is capable of accommodating industrial development.

iii) A revised Traffic and Transport Report to take into account a number of traffic matters and issues raised by Council.

6. The Addendum requires the proponent to submit the source for the information on industrial land supply and demand.

S117 DIRECTION 1.1 BUSINESS AND INDUSTRIAL ZONES

The additional information requested by the RPA will enable it to clarify if the PP is consistent with the s117 Direction 1.1, i.e. to "encourage employment growth in suitable locations" (see clause (5) (b) of s117 Direction 1.1).

S117 DIRECTION 1.2 RURAL ZONES

The rezoning of rural land to IN1 General Industrial zone is inconsistent with this Direction.

The Proponent has indicated that the inconsistency is justified because;

-the land was previously zoned 4(a) Industrial use under Albury LEP No 8, gazetted in 1982 and Council is unable to clarify why the site was rezoned Environmental Protection

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Zone/Open Space Zone in subsequent LEPs before being finally zoned RU2 Rural Landscape Zone under Albury LEP 2010,

- the surrounding land use is industrial with connection to interstate transport routes,
- there is a demonstrated demand for future industrial land within the city

The additional studies requested by the RPA will determine if the site is a suitable location for an IN1 General Industrial Zone and if the inconsistency with s117 Direction 1.2 can be justified.

S117 DIRECTION 1.5 RURAL LANDS AND SEPP RURAL LANDS 2008

S117 Direction 1.5 and SEPP Rural Lands 2008 apply to the PP. The PP provides responses to the 'Rural Planning Principles' in section 7 of the SEPP. The additional studies proposed by the RPA in the Addendum of the PP will assist the RPA in addressing the consistency of the PP with one of these principles, i.e. "(d) in planning for rural areas, to balance the social, economic and environmental interests of the community".

S117 DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT

The Addendum to the PP states that consistency with the aims objectives and principles of Direction 3.4 will be substantiated by a detailed audit of the relevant aims, objectives and principles of the SEPP. The additional study on Traffic and Transport proposed by the RPA will assist in addressing the consistency of the PP with S117 Direction 3.4.

S117 DIRECTION 4.3 FLOOD PRONE LAND

The PP states that the site is within a 'flood referral area' and rezoning of land from a rural zone to an industrial zone is inconsistent with s117 Direction 4.3 Flood Prone Land.

Council has confirmed the advice in the PP that the land is protected by a flood levee and the proposed IN1 zone boundary is located at the top of the levee bank. The levee protects the land up to the 1:200 year flood event and there is sufficient freeboard ranging from 500mm-750mm above the 1:100 year flood event.

The inconsistency with s117 Direction has been justified because the land is protected by a flood levee constructed to provide flood immunity from the 1:100 year flood event, including 570mm to 750mm freeboard. The inconsistency is considered to be of minor significance.

SEPP INFRASTRUCTURE 2007

One of the aims of the SEPP Infrastructure 2007 is "improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services". The additional infrastructure studies proposed by the RPA in the Addendum of the PP will assist providing certainty on the provision of infrastructure.

SEPP 55 REMEDIATION OF LAND

1. The SEPP applies to the PP site because the current land use is identified as potentially contaminated land in Table 1 of the 'Contaminated Land Guidelines', i.e. the land is used for agriculture/horticulture.

Note: "Managing Land Contamination: Planning Guidelines" replaces "Planning Guidelines for Contaminated Land" which was published in 1995.

2. The guidelines state that "a detailed investigation is necessary when a preliminary investigation indicates that the land is contaminated or that it is, or was, formally used for an activity listed in Table 1 and a land use change is proposed that has the potential to increase the risk of exposure to contamination".

3. The objectives of a detailed investigation are to define the nature, extent and degree

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of contamination; to assess potential risk posed by contaminants to health and the environment; and to obtain sufficient information to develop a remedial action plan (RAP), if required. The PP does not include a detailed investigation.

4. The PP acknowledges that the site may potentially be contaminated with pesticides and herbicides from intensive horticulture. The PP states that although the site is potentially contaminated the impact is minimal because the proposed industrial use of the site is not a 'sensitive land use' and the site will be filled to ensure floor levels are 500mm above the 1:100 year flood level.

5. The response is not considered adequate because:

i) The SEPP does not exclude land to be rezoned industrial from a detailed investigation of contamination simply because it is not 'sensitive development'. Under the guidelines any change of land use that increases exposure to contaminated land requires a detailed investigation to determine the extent and degree of contamination.

ii) Filling the site may be unnecessary for flood management because the land is already protected from the 1:100 year flood. This may increase the risk of exposure to contaminated land.

iii) Further information is required on the potential for exposure to contamination, particularly exposure to site workers during the construction phase.

SEPP 55 MURRAY REP NO 2 RIVERINE LANDS

The subject land is within 100 metres of the Murray River and the PP is affected by the provision of the Murray REP No 2.

The land is identified as flood prone land on the Murray REP maps. The RPA has confirmed that the site is protected by a flood levee.

Under the Murray REP development "should seek to avoid land degradation processes such as erosion, native vegetation decline, pollution of groundwater or surface water, groundwater accession, salination and soil acidity". The additional information requested by Council, particularly the detailed geotechnical report, will clarify consistency with the aims and principles of the REP.

CONCLUSION

Without the additional studies requested by the RPA it is not clear at this stage if the PP is consistent with SEPP 55, Murray REP No 2 and S117 Directions 1.1, 1.2, 1.5 and 3.4.

Mapping Provided - s55(2)(d)

Is mapping provided? No

Comment : Recommend that the PP be revised prior to Community Consultation to include draft LEP maps (Land Zoning Map and Lot Size Map) consistent with the requirements of 'Standard technical requirements for LEP maps' in and accordance with section 2.4 of 'A guide for preparing planning proposal' dated October 2012.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : Council have submitted a project timeline and have indicated that the LEP for the PP will be completed by March 2014. The Council timeline includes milestones for completing the additional infrastructure and groundwater assessment studies. Council have also suggested that the RPA consult with the NSW Roads and Maritime Services (RMS).

Council has suggested that the community consultation be undertaken for 28 days and that 18 months is required to complete the PP/LEP. It is recommended that a period of

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24 months be given for completion of the PP due to the need to complete studies and to re-submit the proposal to the Department. It is further recommended that the RPA consult with the RMS, the Office of Environment and Heritage, NSW Primary Industries, and the closest adjoining LGA (Victoria) during community consultation.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **No**

If No, comment :

1. The PP has merit because it is located in close proximity to existing industrial land and was previously zoned industrial zone in 1987.

2. The recommendation by the RPA for further detailed studies to be undertaken as part of the PP and prior to community consultation is supported. These studies will address inconsistencies with s117 Direction 1.1 Business and Industrial zones, 1.2 Rural Zones, 1.5 Rural Land and 3.4 Integrating Land Use and Transport, SEPP 55 and Murray REP No 2 Riverine Land.

3. The PP does not adequately address SEPP 55. The PP has acknowledged that there is potential for land contamination from horticultural use of the land (orchard) but has not identified the level of contamination on the site, e.g. herbicides and pesticides. The SEPP and guidelines indicate that where land is potentially contaminated a detailed investigation is generally required to determine the extent and degree of land contamination.

4. The PP does not include draft LEP maps showing the amendments to the Albury LEP 2010 as required by the Guideline to preparing LEPs dated October 2012.

RECOMMENDED that the planning proposal be revised and re-submitted under section 56 (b) (2) of the Act and that the revised PP include;

- information on infrastructure provision as outlined in the Addendum to the PP,
- detailed geotechnical assessment as outlined in the Addendum to the PP,
- information on why a detailed investigation is not required under SEPP 55 to determine the extent and degree of land contamination,
- the inclusion of the source data on the supply and demand for industrial land, and
- draft LEP maps prepared in accordance with the Departments mapping requirements for Standard Instrument LEPs.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

Albury LEP 2010 is a Standard Instrument LEP notified in 2010.

Assessment Criteria

Need for planning proposal :

1. The Planning proposal is the only means to change the zone from RU2 Rural Landscape Zone to IN1 General Industrial Zone and the Council has acknowledged that the proposal has merit because it adjoins an existing industrial area to the north.

2. The RPA has not disputed that the rezoning to IN1 General Industrial Zone will re-instate an industrial zone applied to the site in 1982.

3. Although Council acknowledge that the PP has merit it has added an Addendum to the PP to include a requirement that detailed studies be undertaken as part of the Planning Proposal to address issues with infrastructure provision and groundwater impact assessment and that these studies be completed prior the commencement of community consultation.

4. The Council Addendum also seeks further information on the source data that support the claims made in the PP relating to industrial land supply, existing and forecast demand. Completion of these studies will also assist justifying inconsistencies with s117 Directions 1.1, 1.2, 1.5 and 3.5 (see previous section on 'Adequacy - s117 Directions').

5. The PP does not adequately address SEPP 55. The PP has acknowledged that there is potential for land contamination from horticultural use of the land (orchard) but has not identified the level of contamination on the site, e.g. herbicides and pesticides. The SEPP and guidelines indicate that where land is potentially contaminated land and detailed investigation is generally required to determine the extent and degree of land contamination.

6. The PP does not include draft LEP maps showing the amendments to the Albury LEP 2010 as required by the Guideline to preparing LEPs dated October 2012.

RECOMMENDATION

It is recommended that a Gateway Determination be issued subject to the following conditions:

1. That a revised planning proposal is submitted to the Department by the RPA, prior to community consultation under section 56 (b) (2) of the Act, and the revised PP is to include the following:

i) Additional technical reports as outlined in the Council Addendum to the PP, i.e.;

- report to identify the options and costs associated with the provision of reticulated water and sewerage.

- report on geotechnical assessment of the site (impact on water supply, groundwater systems and/or salinity) to confirm that the site is capable of accommodating industrial development.

- report to take into account a number of traffic matters and issues raised by Council.

ii) A response on the consistency of the PP with s117 Direction 1.1 Business and Industrial zones, 1.2 Rural Zones, 1.5 Rural Lands, 3.4 Integrating Land Use and Transport.

iii) Either a detailed investigation to determine the extent and degree of land contamination or information on why an detailed investigation is not required under SEPP 55; and

iv) Information (source data) to support the claims made in the PP relating to industrial land supply, existing and forecast demand.

2. Community consultation is to commence only when the Director General is satisfied that the revised PP is consistent with s117 Direction 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands, 3.4 Integrating Land Use and Transport, SEPP 55 and Murray REP No. 2 Riverine Lands.

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Consistency with strategic planning framework :

1. The site is not identified in any current strategic plan as industrial use.
2. The site was previously zoned industrial in 1982 under Albury LEP No. 8. The site was subsequently rezoned various non-industrial zones and is now zoned RU2 Rural Landscape Zone under Albury LEP 2010. The RPA do not dispute statements in the PP that the rezoning of the site from and Industrial Zone to a non-industrial zone from 1996 appears to have been an error.
3. Council have acknowledged that the rezoning of the site back to an industrial zone has merit because it is located south of an existing industrial zone and adjoins the Hume Highway to the west.
4. Support for the rezoning to industrial zone by the Council is however conditional on the preparation of detailed studies/information on infrastructure provision, groundwater impact assessment and submission of the source data on industrial land supply and demand prior to community consultation.
5. The additional information will clarify the strategic merit of rezoning the land to IN1 General Industrial Zone.

Environmental social economic impacts :

1. There are no significant areas of native vegetation or habitat on the site. The land is currently used for horticulture.
 2. Preliminary Groundwater Assessment by SJE Consulting (Appendix B of the PP) indicates that the current groundwater level on the site is 151.50 m AHD and that there is a high likelihood that the groundwater is directly connected to the Murray River surface flows. SJE consulting has recommended further assessment of groundwater levels and impacts closer to the detailed design stage.
- The Council have added an Addendum to the PP to require a more detailed groundwater impact assessment to determine if the site is capable of accommodating industrial land use without having an adverse impact on water resources.
3. The Council have added an Addendum to the PP to require preparation of further detailed reports prior to community consultation to address options and costs of providing reticulated water and sewer. Initial assessment indicates that upgrades to the reticulated water and sewerage network will be required but the it is unclear if the costs of the upgrades will make the development of the land economically unviable.
 4. The current PP does not adequately address SEPP 55 Remediation of land (see previous section on 'Adequacy - SEPP 55'). Additional information is required on why a detailed investigation should not be undertaken to determine the extent and degree of contamination, particularly the identification of 'hotspots' of contamination such as chemical storage and mixing areas.

Assessment Process

Proposal type :	Inconsistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	24 Month	Delegation :	DG
Public Authority Consultation - 56(2)(d) :	Murray Catchment Management Authority Office of Environment and Heritage NSW Department of Primary Industries - Agriculture NSW Department of Primary Industries - Fishing and Aquaculture Transport for NSW - Roads and Maritime Services Adjoining LGAs Other		

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **Yes**

If Yes, reasons : **The recommendation by the RPA for further detailed studies to be undertaken as part of the PP and prior to community consultation is supported. These studies will address inconsistencies with s117 Direction 1.1 Business and Industrial zones, 1.2 Rural Zones, 1.5 Rural Land and 3.4 Integrating Land Use and Transport.**

The PP does not adequately address SEPP 55 and Murray REP No 2 - Riverine Land. The PP has acknowledged that there is potential for land contamination from horticultural use of the land (orchard) but has not identified the level of contamination on the site, e.g. herbicides and pesticides. Further information on why a detailed study on land contamination is not required will more clearly address compliance with SEPP 55.

RECOMMENDED that a conditional Gateway Determination be issued requiring the preparation of a revised PP to be re-submitted to the Department under section 56 (2 (b) of the Act prior to community consultation and the revised PP include information on;
- infrastructure provision,
- assessment on impact on groundwater,
- land contamination; and
- source data verifying claims on the supply and demand for industrial land.

The revised PP is also to include revised responses to s117 Directions and SEPPs based on the additional studies and information provided in the revised PP and draft LEP maps.

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

An Addendum to the PP recommends that the following studies be undertaken prior to community consultation:

i) Technical Report to identify the options and costs associated with the provision of reticulated water and sewerage.

ii) Detailed Technical Report on geotechnical assessment of the site (impact on water supply, groundwater systems and/or salinity) to confirm that the site is capable of accommodating industrial development.

iii) A revised Traffic and Transport Report to take into account a number of traffic matters and issues raised by Council in the PP addendum.

The PP does not adequately address SEPP 55 and Murray REP No 2 - Riverine Land. The PP has acknowledged that there is potential for land contamination from horticultural use of the land (orchard) but has not identified the level of contamination on the site, e.g. herbicides and pesticides. Further information on why a detailed study on land contamination is not required will more clearly address compliance with SEPP 55. Alternatively the RPA can submit a detailed study on land contamination.

CONCLUSION AND RECOMMENDATIONS

Without the additional studies requested by the RPA it is not clear if the PP is consistent with S117 Direction 1.1, 1.2, 1.5, 3.4 and Murray REP No. 2 and the Director General cannot be satisfied that the rezoning is appropriate.

It is therefore recommended that the request by Council for the preparation and submission additional studies with the PP be supported by issuing a Gateway Determination subject to the following conditions;

1. that a revised planning proposal be prepared and submitted to the Department by the RPA prior to community consultation and the revised PP is to include the following:

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i) additional reports as outlined in the Council Addendum to the PP; and

ii) a response on the consistency of the PP with s117 Direction 1.1 Business and Industrial zones.

2. Community consultation is to commence only when the Director General is satisfied that the revised PP is consistent with s117 Direction 1.1, 1.2, 1.5, 3.4 and Murray REP No 2 - Riverine Lands.

3. Either a detailed investigation to determine the extent and degree of land contamination, particularly the identification of 'hotspots' of contamination such as chemical storage and mixing areas, or information on why a detailed investigation is not required under SEPP 55.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Albury_PP_Covering_Letter.pdf	Proposal Covering Letter	Yes
Planning_Proposal_Willowbank_Road.pdf	Proposal	Yes
Planning_Proposal_Project_Timeline.pdf	Proposal	Yes
Site_Identification_Map_005_20121126.pdf	Map	Yes
Addendum_to_Planning_Proposal_Willowbank_Rd.pdf	Proposal	Yes
Council_Minutes_20121210.pdf	Proposal	Yes
Council_Report.pdf	Proposal	Yes
Air_photo.pdf	Photograph	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Resubmit**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 2.3 Heritage Conservation**
- 3.4 Integrating Land Use and Transport**
- 4.3 Flood Prone Land**
- 6.1 Approval and Referral Requirements**
- 6.3 Site Specific Provisions**

Additional Information :

1. The Minister's delegate determine that a planning proposal to amend the Albury Local Environmental Plan 2010 to rezone land at Willowbank Road, South Albury (part lot DP 753326, part lot 2 DP 999814 and part lot 37 DP 1007315) from RU2 Rural Landscape Zone (100 ha MLS) to IN1 General Industrial Zone (no MLS) should be revised and re-submitted under section 56(2)(b) of the EP&A Act. The revised PP is to include;

i) a technical report that identifies options and costs associated with the provision of reticulated water and sewer for the proposed industrial development;

ii) a technical report on detailed geotechnical assessment to consider the potential impacts of future development on water supplies, groundwater and salinity levels;

iii) a technical report on traffic and transport as outlined in the Addendum of the planning proposal,

iv) a reference to source data to substantiate claims in the PP relating to supporting the

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demand for increased supply of industrial land,

v) Either a detailed investigation to determine the extent and degree of land contamination, particularly the identification of 'hotspots' of contamination such as chemical storage and mixing areas, or information on why an detailed investigation is not required under SEPP 55;

vi) updated responses on the consistency/inconsistency with s117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Land and SEPP (Rural Lands) 2008 and 3.4 Integrating Land Use and Transport,

v) an update on the consistency/inconsistency with SEPP 55 and the Murray REP No. 2 Riverine Lands, and

vi) draft LEP maps (Land Zoning Map and Lot Size Map) that are consistent with the requirements of 'Standard technical requirements for LEP maps'.

2. Community consultation will be required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the revised planning proposal must be made publicly available for 28 days;

(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 A guide to Preparing Local Environmental Plans (Department of Planning 2012),

(c) Community consultation is not to be undertaken until the Minister's delegate has considered the revised planning proposal re-submitted under s56 (2) (b) of the Act and has advised that consultation may commence,

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

- Murray Catchment Management Authority (NSW)
- Murray Darling Basin Authority (Commonwealth)
- Office of Environment and Heritage (NSW)
- NSW Department of Primary Industries - Fishing and Aquaculture
- Office of Environment and Heritage (NSW)
- Transport for NSW - Roads and Maritime Services (NSW)
- Closest adjoining LGA in the State of Victoria

Each public authority is to be provided with a copy of the revised 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.

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 24 months from the week following the date of the Gateway determination.

Supporting Reasons :

1. Re-submission under section 56 (2) (b) is triggered in circumstances where a additional studies/information is required to be included in a revised PP.

2. Additional studies on infrastructure and groundwater impacts prior to community consultation to determine the suitability of the site for industrial use is consistent with the requirements of the RPA (Addendum to original PP).

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3. The PP acknowledges that the land is potentially contaminated by use of the site for horticulture. Additional information is required to satisfy the requirements of SEPP 55 Land Remediation.

4. The timeframe will provide enough time for the RPA/Proponent to prepare and re-submit a revised planning proposal under section 56 (2) (b) of the Act.

Signature:

Graham Towers A/Local Planning Manager

Printed Name:

Graham Towers Date: 24/1