

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

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 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'.

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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).

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.

Panel Recommendation

Recommendation Date : 31-Jan-2013

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. It is noted that Council has identified that additional information regarding the cost associated with the provision of infrastructure and reticulated water and sewer; impacts of the proposal on water supply, groundwater system and salinity, traffic and transport information; supply of and demand for industrial land is required to adequately demonstrate

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consistency or justify any inconsistency with S117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands and 3.4 Integrating Land Use and Transport and the Murray Regional Environmental Plan No 2 Riverine Land. The necessary additional information is to be obtained and the planning proposal is to be amended to reflect the outcomes of this work.

2. Council is to amend the planning proposal to include existing and proposed land zoning and lot size maps, at an appropriate scale, which clearly identify the subject site.

3. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.

4. 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012).

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

- Murray Catchment Management Authority
- Murray Darling Basin Authority
- Office of Environment and Heritage
- NSW Department of Primary Industries – Fishing & Aquaculture
- NSW Department of Primary Industries – Agriculture
- Transport for NSW – Roads and Maritime Services
- Adjoining LGAs, including LGAs in the State of Victoria

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.

6. 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).

7. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Signature:

Printed Name:



Neil McGaffin

Date:

27.2.13