

Office of the Director General

Mr Frank Zaknich
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Albury City Council
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Our ref: PP_2013_ALBUR_001_00 (13/01688)

Dear Mr Zaknich,

Planning proposal to amend the Albury Local Environmental Plan 2010

I am writing in response to your Council's letter dated 19 December 2012 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 rezone land at Willowbank Road, South Albury from RU2 Rural Landscape to IN1 General Industrial and remove the minimum lot size applicable to the subject land.

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.

It is noted that Council has identified additional information regarding costs 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 and demand for industrial land and land contamination information as being required to support the planning proposal. Prior to undertaking public exhibition, the planning proposal is to be amended to reflect the additional work undertaken.

I have also agreed the planning proposal's inconsistency with S117 Direction 4.3 Flood Prone Land is of minor significance. No further approval is required in relation to this Direction.

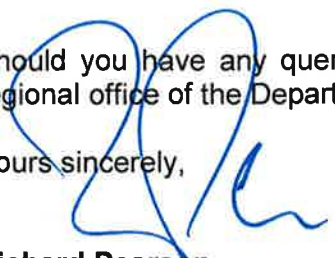
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 s54(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 Graham Judge of the regional office of the Department on 02 6229 7900.

Yours sincerely,


Richard Pearson
A/Director General

6/3/13

Gateway Determination

Planning proposal (Department Ref: PP_2013_ALBUR_001_00): to rezone land at South Albury to IN1 General Industrial and remove the applicable minimum lot size provisions.

I, the A/Director General, 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 rezone part Lot 156 DP 753326, part Lot 2 DP 999814 and part Lot 37 DP1007315 at Willowbank Road, South Albury from RU2 Rural Landscape to IN1 General Industrial and remove the minimum lot size applicable to the subject land should proceed subject to the following conditions:

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 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 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 **12 months** from the week following the date of the Gateway determination.

Dated

6

day of

March

2013.



Richard Pearson
A/Director General
Delegate of the Minister for Planning and
Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

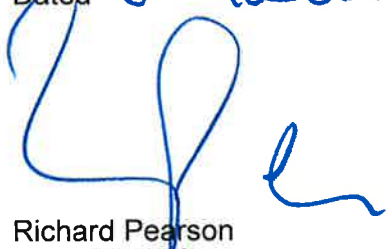
Albury City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_ALBUR_001_00	This planning proposal to rezone land at Willowbank Road, South Albury from RU2 Rural Landscape to IN1 General Industrial and remove the minimum lot size applicable to the subject land.

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

6 March 2013


Richard Pearson
A/DIRECTOR GENERAL
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_ALBUR_001_00
Date Sent to Department under s56	19/12/2013
Date considered at LEP Review Panel	31/01/2013
Gateway determination date	06/03/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: