



# Albury Conservation Zoned Lands Review

Planning Proposal

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**Client:** Albury City Council

**Date:** 27 July 2022

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<b>Date</b>	27 July 2022
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<b>Version</b>	FINAL
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# Contents

<b>EXECUTIVE SUMMARY</b>	<b>4</b>
<b>1 INTRODUCTION</b>	<b>7</b>
1.1 Purpose of Report	7
1.2 Disclaimer	7
1.3 Background	7
1.4 Objective of this Planning Proposal	8
<b>2 THE SITE</b>	<b>10</b>
2.1 Context & Location	10
2.2 Site Location	11
<b>3 CURRENT PLANNING CONTROLS</b>	<b>12</b>
3.1 Zoning	12
<b>4 LEGISLATION AND PLANNING POLICIES INFORMING THIS PLANNING PROPOSAL</b>	<b>15</b>
4.1 <i>The Environmental Planning and Assessment Act 1979</i>	15
4.2 Riverina Murray Regional Plan 2036	15
4.3 Albury City Council Local Strategic Planning Statement	16
4.4 Local Plans and Strategies	17
<b>5 PLANNING PROPOSAL DESCRIPTION</b>	<b>18</b>
5.1 Project Description	18
5.2 Project Methodology	18
5.3 Recommended Zoning Changes	21
<b>6 PARTS OF THE PLANNING PROPOSAL</b>	<b>23</b>
<b>7 PART 1: OBJECTIVES OR INTENDED OUTCOMES</b>	<b>24</b>
<b>8 PART 2: EXPLANATION OF PROVISIONS</b>	<b>25</b>
8.1 Proposed Amendments Location	25
8.2 Recommended zoning changes	25
<b>9 PART 3: JUSTIFICATION FOR THE PLANNING PROPOSAL</b>	<b>27</b>
9.1 Section A: The Need for a Planning Proposal	27
9.2 Section B: Relationship with the Strategic Planning Framework	28
9.2.1 Strategic Merit Test	28
9.3 Section C: Environmental, Social and Economic Impacts	41
9.3.1 Conservation Zoned Lands	41
9.3.2 Planning considerations supporting other outcomes	42
9.3.3 Social	53
9.3.4 Economic	53
9.4 Section D: State and Commonwealth Interests	53

<b>10</b>	<b>PART 4: MAPPING</b>	<b>54</b>
<b>11</b>	<b>PART 5: COMMUNITY CONSULTATION</b>	<b>55</b>
<b>12</b>	<b>PART 6: PROJECT TIMELINE</b>	<b>56</b>
<b>13</b>	<b>CONCLUSION</b>	<b>57</b>

## FIGURES

Table 1.1	Supporting documentation	9
Figure 2.1	Albury LGA	10
Figure 2.2	Albury LGA	11
Table 3.1	Conservation Zones (formerly referred to as Environmental Zone) in the ALEP 2010	13
Table 5.1	Recommended gain and loss of land	21
Table 5.2	Recommended change in areas of land zoning	21
Figure 8.1	Site Group Locations	25
Table 9.1	Riverina Murray Regional Plan 2036	28
Table 9.2	Albury Local Strategic Planning Statement	30
Table 9.3	State Environmental Planning Policies	32
Table 9.3	Ministerial Directions (s9.1 directions)	33
Figure 9.1	Padman Park Group	43
Figure 9.2	Site 108: Woolshed Road Group	44
Figure 9.2a	Site 126a Table Top Group	45
Figure 9.3	Site 147: R5 Zone Wirlinga Group	46
Figure 9.3a	Sites 304 & 305 Nexus and Norske Skog Group	48
Figure 9.3b:	Site 320 Splitters Creek Group	49
Figure 9.3c:	Site 328 Splitters Creek Group	50
Figure 9.3d:	Site 479 – Tabletop Group	51
Figure 9.4	Thurgoona Wirlinga Precinct Structure Plan	52
Table 12.1	Indicative Project Timeline	56

## APPENDICES

A	Proposed Amendments	59
B	Albury Conservation Zoned Lands Review Report (ELA 3 December 2021)	60



# Executive Summary

This Planning Proposal (PP) has been prepared by Elton Consulting a WSP company, on behalf of Albury City Council (the proponent) and is submitted to Albury City Council (Council) (as the local planning authority).

This PP seeks to amend the *Albury Local Environmental Plan 2010* (ALEP 2010) as it relates to Conservation Zones within the Albury Local Government Area (LGA).

## Disclaimer

In light of the Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021, 'Environment Protection Zones' have been omitted and are instead referred to as 'Conservation Zones' (C Zone). Accordingly, 'E1 National Parks and Nature Reserves', 'E2 Environmental Conservation', 'E3 Environmental Management' and 'E4 Environmental Living' zones have been omitted from the matter relating to Conservation Zones and are instead referred to as 'C1 National Parks and Nature Reserves' (C1), 'C2 Environmental Conservation' (C2), 'C3 Environmental Management' (C3) and 'C4 Environmental Living' (C4) zones respectively.

## Background

Since the implementation of the ALEP 2010, a number of anomalies have been discovered with regard to Conservation Zones (formerly referred to as Environmental Zone), for example:

- In places the Conservation Zone (formerly referred to as Environmental Zone) boundary does not align with environmental values on the ground.
- Some of the anomalies are the result of cadastral representations based on the recommendations of the Thurgoona Threatened Species Conservation Strategy and Albury Ranges Threatened Species Conservation Strategy prepared by the Albury Wodonga Corporation in 2004 which may be outdated.
- Not all the alignments have been ground-truthed or updated to reflect recent developments.

Council undertook a preliminary audit of Conservation Zoned (formerly referred to as Environmental Zone) lands across the LGA to identify areas where zoning might be changed in light of the above anomalies and lack of ground truthing.

Council then engaged Eco Logical Australia (ELA) (via Elton Consulting – WSP) to review and update this audit, substantiating Conservation Zoning (formerly referred to as Environmental Zone) recommendations, as well as identifying any additional areas where zoning changes should be considered. See Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) at **Appendix B**.

The Albury City Council Local Strategic Planning Statement (LSPS) was published in 2020. The LSPS contains the following Planning Priority:

- **Priority 9: An enhanced natural environment**

A key aim of Priority 9 is for the effective management of development to preserve significant natural areas to help protect threatened species, maintain environmental functions within the LGA.

Priority 9 is supported by Action 9.4 which states:

**9.4 Implement the Environmental Zoned Land Review currently being undertaken to identify and amend mapping anomalies.**

This Planning Proposal and the Albury Conservation Zoned Lands Review Report (**Appendix B**) is in direct response to Action 9.4 of the LSPS.

## The Proposal

The Planning Proposal seeks to amend the *Albury Local Environmental Plan 2010* (ALEP 2010) as it relates to Conservation Zones (formerly referred to as Environmental Zone) within the Albury Local Government Area (LGA).

There are three Conservation Zones (formerly referred to as Environmental Zone) identified in the ALEP 2010:

- C2 (formerly referred to as E2) Environmental Conservation;

- C3 (formerly referred to as E3) Environmental Management; and
- C4 (formerly referred to as E4) Environmental Living.

The process for reaching the proposed amendments to the ALEP 2010 were as follows:

- A total of 534 candidate sites were selected across the LGA for an ecological review under the Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) (**Appendix B**).
- The ELA Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) (**Appendix B**) recommended sites for C Zone retention, inclusion or exclusion under this Planning Proposal.
- The Planning Proposal has taken the approach for where ‘no change’ (retention) has been recommended in the ELA Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) to not include within the Planning Proposal.
- The Planning Proposal has taken the approach to further validate where planning considerations have prevailed over Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) recommendations particularly where a decision has been made to retain the current zoning. Justification for this has been provided for within the Planning Proposal.
- The Planning Proposal proposes to amend zoning across 455 sites across the Albury LGA. These sites are listed in full in **Appendix A**.
- The Planning Proposal will result in a net gain of **419.65 ha\*** of Conservation Zoned (formerly referred to as Environmental Zone) land.

\*approximate only and subject to minor changes as part of Gateway process

## Intended Planning Proposal Outcomes

The objective of this Planning Proposal is to support the amendment of ALEP 2010 as it relates to Conservation Zones (formerly referred to as Environmental Zone) within the Albury LGA. There are three Conservation Zones (formerly referred to as Environmental Zone) identified in the ALEP 2010, either *C2 (formerly referred to as E2) Environmental Conservation*, *C3 (formerly referred to as E3) Environmental Management* or *C4 (formerly referred to as E4) Environmental Living*.

Council has undertaken a review of its Conservation Zones (formerly referred to as Environmental Zone) to:

- Identify and correct anomalies in the ALEP 2010; and
- Inform any necessary amendments, adjustments (inclusions or exclusions) to the network of Conservation Zoned (formerly referred to as Environmental Zone) land.
- To better align with the Biodiversity Certification (as affected by the ALEP 2010).

The objective of this Planning Proposal is to allow the amendment of the ALEP 2010 as it relates to Conservation Zones (formerly referred to as Environmental Zone) within the Albury LGA.

As a result of the Planning Proposal, there will be consequential amendments to minimum lot sizes across the Albury LGA. Where the Planning Proposal proposes to amend land to a different land use zone the prevailing minimum lot size for surrounding land in the proposed land use zone will apply. Subject to the Gateway Determination and prior to exhibition these consequential amendments will be denoted.

## Summary of Key Issues

The proposal results in a net gain of 419.65 ha of Conservation Zoned (formerly referred to as Environmental Zone) land. Most of the Conservation Zone (formerly referred to as Environmental Zone) gains accrue to C3 (formerly referred to as E3) Environmental Management zone, with the largest losses being to SP1 Special Activities zone (105.5 ha net loss to conservation zonings), RU2 Rural Landscape (87.9ha net loss to conservation zonings) and R1 General Residential zone (80.4 ha net loss to conservation zonings).

Overall, the Planning Proposal results in a positive environmental impact as it will protect critical habitat, threatened species, populations or ecological communities and their habitats across the Albury LGA. At the same time, it will provide for the reasonable, orderly and economic use of land not impacted by environmental constraints in accordance with the objects of the *Environmental Planning and Assessment Act 1979*.

## Stakeholder and Community Engagement

Division 3.4 of the *Environmental Planning and Assessment Act 1979* requires the relevant planning authority to consult with the community in accordance with the gateway determination. It is anticipated that the Planning Proposal will be required to be publicly exhibited for a minimum 28 days in accordance with the requirements of the Department of Planning and Infrastructure guidelines “*A Guide to Preparing Local Environmental Plans.*”

It is anticipated that the public exhibition would be notified by way of:

- Notification letters dispatched to affected and adjoining landowners, key stakeholders and other interested parties prior to exhibition commencement;
- Notification letters and associated documentation dispatched to relevant Government Agencies for comment and review;
- Public notice published in the Border Mail;
- Exhibition material for viewing purposes in the foyer of the Council Administration Building, Library Museum and Lavington Library;
- Exhibition material being made available on the Albury City website ability to lodge submissions online or (by e-mail or post);
- Albury City website information will include an Interactive Map that will enable community and stakeholders to view the spatial information and underlying data (including area, address, ecological value score, recommended zoning and justification);
- Community Information Session(s) (including online option) to be held during the public exhibition period providing opportunity to seek further information and/or provide any feedback; and
- Strategic Planning staff available via phone, email or meeting (by appointment) to assist with any inquiries relating to the Planning Proposal.

## Conclusion

This planning proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant guidelines prepared by the NSW Department of Planning, Industry and Environment including “*A Guide to Preparing Local Environmental Plans*” and “*A Guide to Preparing Planning Proposals*”.

Overall, the intent of the Planning Proposal seeks the following:

- Identification and correction of anomalies in the ALEP 2010.
- Proposing the necessary amendments, adjustments (including inclusions or exclusions) to the network of Conservation Zoned (formerly referred to as Environmental Zone) land.
- Accurate identification of Conservation Zone (formerly referred to as Environmental Zone) lands to better align with Biodiversity Certification as affected by ALEP 2010.
- Protection of critical habitat, threatened species, populations or ecological communities and their habitats across the Albury LGA.

It is intended to forward this planning proposal to the Department of Planning, Industry and Environment for LEP Gateway Determination, under Section 56 of the *Environmental Planning and Assessment Act 1979*.

# 1 Introduction

## 1.1 Purpose of Report

This Planning Proposal has been prepared by Elton Consulting, a WSP company, on behalf of Albury City Council (as proponent) and is submitted to Albury City Council (Council) (as local planning authority).

The Planning Proposal seeks to amend the *Albury Local Environmental Plan 2010* (ALEP 2010) as it relates to Conservation Zones (formerly referred to as Environmental Zone) within the Albury Local Government Area (LGA). There are three Conservation Zones (formerly referred to as Environmental Zone) identified in the ALEP 2010:

- C2 (formerly referred to as E2) Environmental Conservation;
- C3 (formerly referred to as E3) Environmental Management; and
- C4 (formerly referred to as E4) Environmental Living.

Council is undertaking a review of its Conservation Zones (formerly referred to as Environmental Zone) to:

- Identify and correct anomalies in the ALEP 2010; and
- Inform any necessary amendments, adjustments (including inclusions or exclusions) to the network of Conservation Zoned (formerly referred to as Environmental Zone) land.
- To better align with the Biodiversity Certification (as affected by the ALEP 2010).

Council has undertaken an audit of Conservation Zoned (formerly referred to as Environmental Zoned) lands across the LGA to identify areas where conservation zoning might be changed. Council engaged Eco Logical Australia (ELA) (via Elton Consulting – WSP) to review and update this audit, substantiating environmental zoning recommendations, as well as identifying any additional areas where zoning changes should be considered.

This Planning Proposal enables the proposed changes to the Conservation Zone (formerly referred to as Environmental Zone) under the ALEP 2010.

## 1.2 Disclaimer

In light of the Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021, 'Environment Protection Zones' have been omitted and are instead referred to as 'Conservation Zones' (C Zone). Accordingly, 'E1 National Parks and Nature Reserves', 'E2 Environmental Conservation', 'E3 Environmental Management' and 'E4 Environmental Living' zones have been omitted from the matter relating to Conservation Zones and are instead referred to as 'C1 National Parks and Nature Reserves' (C1), 'C2 Environmental Conservation' (C2), 'C3 Environmental Management' (C3) and 'C4 Environmental Living' (C4) zones respectively.

## 1.3 Background

Since the implementation of the ALEP 2010, a number of anomalies have been discovered with regard to Conservation (c) Zones, for example:

- In places the C Zone boundary does not align with environmental values on the ground.
- Some of the anomalies are the result of dated cadastral representations based on the recommendations of the:
  - Thurgoona Threatened Species Conservation Strategy; and
  - Albury Ranges Threatened Species Conservation Strategy prepared by the Albury Wodonga Corporation in 2004.
- Not all the alignments have been ground-truthed or updated to reflect recent developments.

Council undertook a preliminary audit of Conservation Zones (formerly referred to as Environmental Zone) lands across the LGA to identify areas where conservation zoning might be changed in light of the above anomalies and lack of ground truthing.

Council then engaged ELA (via Elton Consulting – WSP) to review and update this audit, substantiating conservation zoning recommendations, as well as identifying any additional areas where zoning changes should be considered. See Albury Conservation Zoned Lands Review Report at **Appendix B**.

The Albury City Council Local Strategic Planning Statement (LSPS) was published in 2020. The LSPS contains the following Planning Priority:

– **Priority 9: An enhanced natural environment**

A key aim of Priority 9 is for the effective management of development to preserve significant natural areas to help protect threatened species, maintain environmental functions within the LGA.

Priority 9 is supported by Action 9.4 which states:

**9.4 Implement the Environmental Zoned Land Review currently being undertaken to identify and amend mapping anomalies.**

This Planning Proposal and the Albury Conservation Zoned Lands Review Report (**Appendix B**) is in direct response to Action 9.4 of the LSPS.

## 1.4 Objective of this Planning Proposal

This Planning Proposal seeks to amend the ALEP 2010 to facilitate a zoning change to some of the Conservation Zoned (formerly referred to as Environmental Zoned) land in the Albury LGA. This Planning Proposal sets out the proposed zoning changes and provides appropriate justification for these amendments on environmental, economic and social grounds. The amendments will be confirmed following public exhibition.

A total of 534 candidate sites were selected across the LGA for initial investigation. It should be noted that there is a difference in the number of sites investigated by ELA in the Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) (**Appendix B**) and the number of sites which have been recommended for an C Zone amendments under this Planning Proposal.

This Planning Proposal has taken the approach of discounting sites on which:

- ‘no change’ has been recommended in the ELA report; or
- where planning considerations have prevailed over Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) recommendations to retain the current zoning based on planning principles (and therefore also resulting in no change).

The Albury Conservation Zoned Lands Review Report maps and associated site data and recommendations provides both the spatial context and documented assessment that validates C Zone recommendations. Further an Interactive map will be provided to support any public exhibition process for landowners and any other interested stakeholders to individually review and consider the recommendations for their land and provide submissions to Council for consideration. If required, further investigations will be carried out by Council (as part of the submission consideration process) prior to finalising the LEP amendment.

The Planning Proposal is consistent with the requirements of Part 3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and has been prepared in accordance with DPIE’s *A guide to preparing Planning Proposals*, and *A guide to preparing local environmental plans* (2018).

The Planning Proposal provides the following:

- Overview of the subject sites.
- Identification of the relevant Environmental Planning Instruments (EPIs) and the broad strategic context of the Proposal;
- Statement of the objectives and intended outcomes of the rezoning;
- Thorough justification of the Proposal against the questions set out in the above-mentioned guidelines, demonstrating that the Proposal is in the public interest, and is worthy of approval;
- Details of the community consultation to be undertaken; and
- A project timeline detailing anticipated timeframe for the plan-making process.



This report and supporting technical studies have been developed by a multi-disciplinary team to assess and adequately address the strategic and site-specific merit of the proposal at this preliminary stage.

This Planning Proposal is to be read in conjunction with the supporting documents listed in **Table 1.1** below.

**Table 1.1    Supporting documentation**

Document	Prepared by	Date
Albury Conservation Zoned Lands Review Report	Eco Logical Australia Pty Ltd	3 December 2021

**Note:**  
Any amendment to Albury Local Environmental Plan 2010 as initiated by this Planning Proposal will also include updates to reference the new Conservation Zones within applicable clauses (including 4.1AA, 4.1B, 4.2A, 4.2B, 7.3, 7.5 and Schedule 2 Exempt Development: Signage - Wall Signs) in accordance with Gateway Determination condition 1(b) (dated 5 October 2022).

## 2 The Site

### 2.1 Context & Location

The City of Albury LGA is located within the Riverina region of NSW. The LGA Covers an area of 30 594.6ha. The LGA is located 460km to the south west of the Greater Sydney Region and 260km to the north East of Melbourne.

The LGA is bound by the following:

- Greater Hume LGA to the North, East and West.
- State of Victoria to the East and South.

The LGA in relation to the NSW State is outlined within **Figure 2.1**.

**Figure 2.1 Albury LGA**



Source: ALEP 2010

## 2.2 Site Location

The Planning Proposal relates to Conservation Zones (formerly referred to as Environmental Zone) across the Albury LGA.

A total of 534 candidate sites were selected across the LGA for investigation. It should be noted that there is a difference in the number of sites investigated by ELA in the Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) (**Appendix B**) and the number of sites which have been recommended for an C Zone amendments under this Planning Proposal.

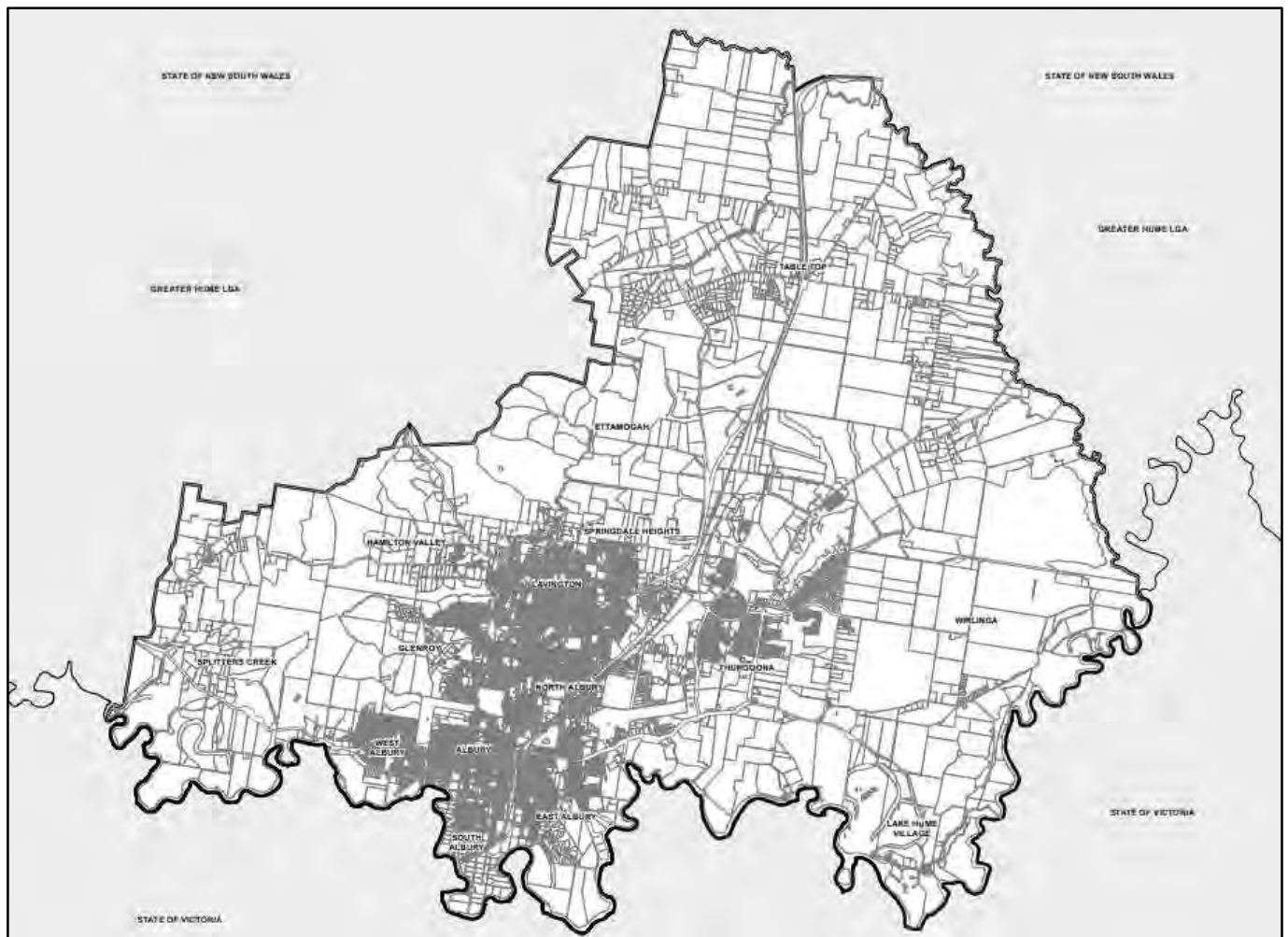
This Planning Proposal has taken the approach of discounting sites on which:

- 'no change' has been recommended in the ELA report; or
- where planning considerations have prevailed over Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) recommendations to retain the current zoning based on planning principles (and therefore also resulting in no change).

Accordingly, a total number of 455 individual potential sites are subject to this Planning Proposal. Therefore, the broader Site is considered as the entirety of the LGA. The 455 individual sites are discussed in greater detail within **Appendix A** and **Appendix B**.

The LGA is outlined within **Figure 2.2**.

**Figure 2.2 Albury LGA**



Source: ALEP 2010

## 3 Current Planning Controls

This Planning Proposal has been prepared having regard to the existing planning framework under the ALEP 2010. The aims of the ALEP 2010, which have guided the preparation of the Planning Proposal, are as follows:

- (a) to give effect to the desired outcomes, principles and actions contained in the Council's adopted strategies and policy documents, and*
- (b) to promote sustainable urban development by providing for efficient management of urban growth and resource utilisation, and*
- (c) to promote a city for the people, with a high level of social and physical amenity and a diversity of activities and uses, and*
- (d) to maintain or improve biodiversity across Albury, and to avoid significant impacts on matters of environmental significance*

The Planning Proposal gives effect to these objectives.

- The proposal is consistent with and gives effect to the LSPS. It delivers on Priority 9 and Action 9.4, which provides for the implementation of the Environmental Zoned Lands Review which has been undertaken to resolve C Zone anomalies via land zoning (and consequential lot size) mapping amendments under ALEP 2010.
- The proposal seeks to correct and amend a number of anomalies which have been discovered with regard to Conservation Zones (formerly referred to as Environmental Zone) within ALEP 2010. The Proposal will allow for the greater protection and mitigation of potential impacts on areas of environmental significance across the LGA. In so doing, the proposal will assist in maintaining or improving existing biodiversity across the LGA.
- The proposal will support the potential redevelopment of land that does not accommodate any identified environmental attributes to meet the social and economic needs of the community. This represents a more efficient use of available land within the LGA.

The Planning Proposal is consistent with the aims of the ALEP 2010.

### 3.1 Zoning

This Planning Proposal primarily focuses on validating adjustments to land use zoning on that land currently zoned as C2 (formerly referred to as E2) *Environmental Conservation*, C3 (formerly referred to as E3) *Environmental Management* and C4 (formerly referred to as E4) *Environmental Living*. The Objectives of these zones and additional information are outlined within **Table 3.1**.

**Table 3.1 Conservation Zones (formerly referred to as Environmental Zone) in the ALEP 2010**

Zone	Objectives	Permitted Uses	Additional Information
<b>C2 (formerly referred to as E2) Environmental Conservation</b>	<ul style="list-style-type: none"> <li>– To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.</li> <li>– To prevent development that could destroy, damage or otherwise have an adverse effect on those values.</li> <li>– To ensure the long term viability of populations of threatened species, populations and ecological communities by protecting and improving the condition of wildlife habitats.</li> </ul>	<p><b>Permissible without consent</b> <i>Environmental protection works</i></p> <p><b>Permissible with consent</b> <i>Environmental facilities; Information and education facilities; Recreation areas; Roads; Signage</i></p> <p><b>Prohibited</b> <i>All other land uses</i></p>	<p>Clause 7.3 of the ALEP 2010 Protected Regrowth applies to the regrowth of native vegetation on all land in the C2 (formerly referred to as E2) zone</p> <p>Clearing of native vegetation on rural land is legislated by the <i>Local Land Services Act 2013</i> (Land Services Act) and the <i>Biodiversity Conservation Act 2016</i> (Biodiversity Conservation Act).</p> <p>Clearing of native vegetation in urban areas and land zoned for environmental protection is legislated by the <i>NSW State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> (Vegetation SEPP) and the Biodiversity Conservation Act 2016.</p> <p>The SEPP ensures the biodiversity offset scheme (established under the Land Management and Biodiversity reforms) applies to all clearing of native vegetation that exceeds the offset thresholds in urban areas and environmental conservation zones that does not require development consent.</p>
<b>C3 (formerly referred to as E3) Environmental Management</b>	<ul style="list-style-type: none"> <li>– To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.</li> <li>– To provide for a limited range of development that does not have an adverse effect on those values.</li> <li>– To ensure the long term viability of populations of threatened species, populations and ecological communities by protecting and improving the condition of wildlife habitats and wildlife corridors.</li> <li>– To allow appropriate land uses in close proximity to the Landfill Buffer Area</li> </ul>	<p><b>Permissible without consent</b> <i>Environmental protection works; Home occupations</i></p> <p><b>Permissible with consent</b> <i>Aquaculture; Boat launching ramps; Boat sheds; Community facilities; Dual occupancies (attached); Dwelling houses; Environmental facilities; Extensive agriculture; Farm buildings; Group homes; Home-based child care; Information and education facilities; Jetties; Recreation areas; Recreation facilities (indoor); Roads; Signage; Water recreation structures</i></p> <p><b>Prohibited</b> <i>All other land uses</i></p>	<p>Clause 7.3 of the ALEP 2010 Protected Regrowth applies to the regrowth of native vegetation on all land in the E3 (formerly referred to as E2) zone.</p> <p>Clearing of native vegetation on rural land is legislated by the Land Services Act and the Biodiversity Conservation Act.</p> <p>Clearing of native vegetation in urban areas and land zoned for environmental protection is legislated by the Vegetation SEPP and the Biodiversity Conservation Act 2016.</p> <p>The SEPP ensures the biodiversity offset scheme (established under the Land Management and Biodiversity reforms) applies to all clearing of native vegetation that exceeds the offset thresholds in urban areas and</p>



Zone	Objectives	Permitted Uses	Additional Information
			environmental conservation zones that does not require development consent.
<b>C4</b> (formerly referred to as E4) <b>Environmental Living</b>	<ul style="list-style-type: none"> <li>– To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.</li> <li>– To ensure that residential development does not have an adverse effect on those values.</li> <li>– To ensure the long term viability of populations of threatened species, populations and ecological communities by protecting and improving the condition of wildlife habitats and wildlife corridors</li> </ul>	<p><b>Permissible without consent</b></p> <p><i>Environmental protection works; Home occupations</i></p> <p><b>Permissible with consent</b></p> <p><i>Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Environmental facilities; Extensive agriculture; Farm buildings; Group homes; Home-based child care; Home businesses; Information and education facilities; Jetties; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Schools; Signage; Water recreation structures</i></p> <p><b>Prohibited</b></p> <p><i>All other land uses</i></p>	Clearing of native vegetation in urban areas and land zoned for environmental protection is legislated by the Vegetation SEPP and the Biodiversity Conservation Act 2016..

**Note:**

Any amendment to Albury Local Environmental Plan 2010 as initiated by this Planning Proposal will also include updates to reference the new Conservation Zones within applicable clauses (including 4.1AA, 4.1B, 4.2A, 4.2B, 7.3, 7.5 and Schedule 2 Exempt Development: Signage - Wall Signs) in accordance with Gateway Determination condition 1(b) (dated 5 October 2022).

## 4 Legislation and Planning Policies Informing this Planning Proposal

### 4.1 The Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (the Act) is the principal planning legislation within NSW and sets out the structure of environmental planning and assessment within the State. It contains a range of 'Objects' at Clause 1.3, which are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment*

The Planning Proposal will:

- Allow for proper management, development and the conservation of the States Natural resources as it relates to the areas under the Conservation Zones (formerly referred to as Environmental Zone) of the ALEP 2010.
- Allow for the facilitation of ecologically sustainable development which has the proper environmental consideration as it relates to the areas under the Conservation Zones (formerly referred to as Environmental Zone) of the ALEP 2010.
- Allow for the orderly and economic use and development of appropriate land within the LGA.
- Allow for the protection of the natural environment, which includes the conservation of threatened ecological communities within the LGA.
- Allow community participation during the exhibition stages.

As such, this Planning Proposal accords with the relevant Objects of the Act.

### 4.2 Riverina Murray Regional Plan 2036

The Riverina Murray Regional Plan 2036 (Regional Plan) was released in 2017 and sets out Directions and actions for local government strategic planning.

The Regional Plan outlines the following matters of relevance to the Planning Proposal:

- Protection of environmental assets is important to the communities and the economic and environmental wellbeing of the region.

- Potential high environmental value areas have been mapped by the NSW Office of Environment and Heritage (now NSW Department of Planning, Industry & Environment - Environment, Energy and Science).

The Regional Plan contains the following Directions of relevance to the Planning Proposal:

- **Direction 14: Manage land uses along key river corridors**

Direction 14 concerns the river corridors. Actions 14.1-3 require the implementation of strategies to manage development on waterfronts through riverfront setbacks and consideration and assessment of potential impacts of new development on biodiversity along river corridors, including the Murray River, and managing offsets.

- **Direction 15: Protect and manage the region's many environmental assets**

Direction 15 is concerned with the protection and management of the region's environmental assets, particularly areas with high environmental values such as native vegetation, riparian land, wetlands, and threatened species, populations or ecological communities.

Action 15.2 of the Regional Plan states that [in land use planning], there is a need to '*minimise potential impacts arising from development in areas of high environmental value, and consider offsets or other mitigation mechanisms for unavoidable impacts*'.

- **Direction 16: Increase resilience to natural hazards and climate change**

Similarly, under Direction 16 - increasing resilience to natural hazards and climate change - Action 16.1 requires that development, including new urban release areas be located away from areas of known high biodiversity value. Action 16.7 requires updating and sharing current information on environmental assets and natural hazards with Councils to inform planning decisions.

These Regional Plan Directions have guided the preparation of the Albury Conservation Zoned Lands Review Report (ELA 3 December 2021)(**Appendix B**) and subsequent review of the Conservation Zones (formerly referred to as Environmental Zone) in ALEP 2010 (via this Planning Proposal).

A full strategic assessment of the Regional Plan is provided within **Section 9** of this Planning Proposal.

## 4.3 Albury City Council Local Strategic Planning Statement

The Albury LSPS was adopted in September 2020 and was informed by the NSW Government's *Riverina Murray Regional Plan*, the *Two Cities One Community Plan*, the *Albury Community Strategic Plan* and *Thurgoona Wirringa Precinct Plan*. The LSPS sets out a 20-year vision for land use in the Albury LGA, the planning priorities and future strategic planning activities.

The LSPS outlines the following of relevance to the Planning Proposal:

- Environment, recreation and waterways zones make up 38% of the land use zones in the LGA.
- The vision for the LGA includes the protection, maintenance and enhancement of the natural environment and unique landscape setting of features such as the Murray river and Lake Hume, and to provide important biodiversity, habitat, corridors and links to support local wildlife.
- The LSPS does not propose any major changes to the current land use strategy or directions for the LGA.

The LSPS sets out Planning Priorities which outline the timing for review of existing strategies and 'gaps' to strengthen the planning framework including the following relevant to the Planning Proposal:

- **Priority 8: Respond to our unique landscape setting**

Priority 8 outlines that future planning is to protect and reinforce the unique landscape of the LGA. Action 8.1 requires Council to deliver the Regional Environment Strategy. The Regional Natural Environment Strategy is to enhance and improve connectivity of native vegetation and natural areas to help protect threatened species and maintain environmental functions.

- **Priority 9: An enhanced natural environment**

Priority 9 outlines that the effective management and preservation of significant natural areas which will help protect threatened species and maintain environmental functions. Priority 9 is supported by Action 9.4 which states as follows:

*9.4 Implement the Environmental Zoned Land Review currently being undertaken to identify and amend mapping anomalies.*

This Planning Proposal and the Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) (**Appendix B**) is in direct response to Action 9.4.

Further actions are provided for under Priority 9, including Action 9.7 which sets out the maintenance of Biodiversity Certification under the ALEP 2010 to protect areas of high biodiversity value and help better achieve environmental outcomes compared to site-by-site assessment.

These LSPS Priorities and Actions have helped guide the preparation of Albury Conservation Zoned Lands Review Report (ELA 3 December 2021)(**Appendix B**) and subsequent review of the Conservation Zones (formerly referred to as Environmental Zone) in ALEP 2010.

## 4.4 Local Plans and Strategies

This Planning Proposal has also been informed by the following Local Plans and Strategies:

- **Two Cities One Community** which is a 2017 partnership between the Albury City Council and the City of Wodonga. The partnership sees both Councils working together to realise a shared vision to plan, develop and grow the Albury-Wodonga Region.
- **Thurgoona Wirlinga Precinct Structure Plan 2013** which sets out the location of the majority of new residential precincts to the north east of Albury CBD. The Structure Plan is relevant to the Planning Proposal due to coordinated allocation of land for new residential growth in locations that do not impact the important local landscape values including hilltops, 'greenbelts', Lake Hume and the River Murray.
- **Albury 2030 Community Strategic Plan** identified a need for a framework to protect the local flora and fauna that forms Albury's biodiversity. The Biodiversity Strategy was also developed as an obligation in conjunction with Biodiversity Certification of the ALEP 2010. The Strategy assists Council in meeting State and Commonwealth legislative obligations. This Strategy coincided with NSW biodiversity legislation reforms in 2016 and was developed as part of the Regional Natural Environment Strategy.
- **Regional Natural Environment Strategy** is the result of collaboration between Albury and Wodonga LGAs that sets out priorities via the Two Cities One Community Partnership. A key goal of the Strategy is to develop a regional biodiversity strategy in which natural resource management is considered in a single strategic framework. The Regional Natural Environment Strategy will identify Albury Wodonga's significant biodiversity assets, the major threats to these assets, as well as key actions in relation to managing biodiversity.

# 5 Planning Proposal Description

## 5.1 Project Description

The Planning Proposal seeks to amend the ALEP 2010 as it relates to Conservation Zones (formerly referred to as Environmental Zone) within the Albury LGA. Specifically, the Planning Proposal relates to the following three Conservation Zones (formerly referred to as Environmental Zone) identified in the ALEP 2010, either *C2 (formerly referred to as E2) Environmental Conservation*, *C3 (formerly referred to as E3) Environmental Management* or *C4 (formerly referred to as E4) Environmental Living*.

Council is undertaking a review of its Conservation Zones (formerly referred to as Environmental Zone) to:

- Identify and correct anomalies in the ALEP 2010; and
- Inform any necessary amendments, adjustments (including inclusions or exclusions) to the network of Conservation Zoned (formerly referred to as Environmental Zone) land.
- To better align with the Biodiversity Certification (as affected by the ALEP 2010).

Council has undertaken an audit of Conservation Zoned (formerly referred to as Environmental Zone) lands across the LGA to identify areas where conservation zoning might be changed. Council then engaged ELA (via Elton Consulting – WSP) to review and update this audit, substantiating conservation zoning recommendations, as well as identifying any additional areas where zoning changes should be considered.

This Planning Proposal provides for the Conservation Zone (formerly referred to as Environmental Zone) changes to ALEP 2010 to be undertaken.

## 5.2 Project Methodology

### Review of Data Sources

Prior to the commencement of the project, Council identified a number of candidate sites across separate locations. The following information was provided to ELA and reviewed:

- Geographic Information System (GIS) maps which included:
  - Details of Sites including possible zoning changes.
  - Supporting information including vegetation mapping, waterway mapping, significant environmental areas, hollow-bearing trees and threatened species records.
- Maps which indicated the following:
  - Candidate sites and recommended zoning changes.
  - Office of Environment and Heritage (now DPIE) comments.
  - Rapid assessment sheet detailing ecological, planning considerations and recommended zoning changes.
- High resolution aerial imagery.

Prior to the commencement of the of any field surveys, the relevant data, mapping and comments were reviewed.

### Identifying Additional Candidate Sites

Information and data sources used for identifying additional candidate sites included:

- Candidate sites requested for review by Council.
- Candidate sites suggested by OEH/DPIE.
- Candidate sites identified by ELA via GIS analysis.

Full details on the identification of additional candidate sites are provided for in the Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) (**Appendix B**).



## Prioritising Sites for Field Verification

ELA chose a representative sample of Sites for field surveys. Sites identified as the highest priorities for field verification were:

- Candidate sites specifically requested for review by Council.
- Candidate sites suggested by OEH/DPIE or where key comments are provided on other sites.

Additional candidate sites were selected to ensure a good geographic and environmental coverage of the LGA. Candidate Sites which were not visited during field surveys were subject to desktop analysis using GIS and Environmental Systems Research Institute (ESRI) mapping.

## Field Survey

Field Surveys were undertaken by an ELA Senior Ecologist during 2018. Field surveys were undertaken at the candidate sites that had been specifically requested for review by Council, and all candidate sites suggested by OEH/DPIE.

Full details on the field surveys are outlined in the Albury Conservation Zoned Lands Review Report (**Appendix B**).

## Site Assessments & Assessment Criteria

Site assessments were undertaken based on the results of the field survey (where applicable), the desktop review of GIS mapping, and reviews of aerial imagery.

The assessment criteria for each site is outlined and summarised below:

- **Dominant Vegetation Type**

This was derived from the field survey where possible. For sites that were not visited, the dominant vegetation type was assessed using a combination of aerial imagery, the results of nearby field survey, and the vegetation mapping produced to assist with the original biodiversity certification proposal for the ALEP 2010 in 2009.
- **Vegetation Condition**

This was derived from the field survey where possible. For sites that were not visited, vegetation condition was assessed using a combination of the recent aerial imagery, the results of nearby field survey and 2009 mapping. This analysis categorised native vegetation into three condition levels being:

  - High: native overstorey present and >50% native plant cover in the understorey.
  - Medium: native overstorey present with a crown cover that is at least 4% of the area and <50% native plant cover in the understorey.
  - Low: scattered paddock trees and small tree clumps over exotic pasture or ploughed fields.
- **Threatened Ecological Communities**

Which were identified by the field survey where possible; for sites that were not visited, Threatened Ecological Communities were assessed using a combination of aerial imagery, the results of nearby field survey, and 2009 vegetation mapping. Threatened Ecological Communities are vegetation types which are listed as threatened under NSW or Commonwealth Legislation.
- **Threatened Species**

Which were assessed using a combination of field survey results and database records provided by Council.
- **Habitat connectivity**

Which were assessed via a combination of field survey, inspection of aerial imagery, and Councils Significant Environmental Area mapping, which identified areas of native vegetation and habitat/movement corridors.
- **Hollow Baring Trees**

These were assessed by using a combination of field survey results and mapping provided by Council.

Full details on the site assessments and assessment criteria are outlined in the Albury Environmental Zoned Lands Review Report (**Appendix B**).

## Scoring Sites

Upon completion of the assessments as outlined above, candidate sites were scored using detailed analysis and methodology. These scores were then summed-up to obtain a total ecological value score, which serves as an index to the ecological value of a site. Full details on the scoring of sites is outlined within the Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) (**Appendix B**).

## Zoning Recommendations

Zoning recommendations have been derived from a combination of quantitative data and qualitative considerations. Sites with higher ecological value scores ( $>3$ ) were considered suitable for Conservation Zoning, and sites with lower ecological value scores ( $\leq 3$ ) were considered suitable for non-Conservation Zoning.

To reflect the combination of quantitative data and qualitative considerations used to derive zoning recommendations, each site was assigned to one or more categories that summarised the rationale for its inclusion in, or exclusion from, Conservation Zoned (formerly referred to as Environmental Zone) land.

The categories are outlined below:

- **Categories for inclusion in Conservation Zones (formerly referred to as Environmental Zone):**
  - Medium/high value vegetation: The site supports vegetation of medium or high value.
  - Unusual ecological value: The site has unusual ecological value.
  - Habitat connectivity: The site is within 40 m of a watercourse or otherwise has value as a habitat/movement corridor.
  - Floodway: The site is in a floodway and cannot be developed.
  - Alignment with cadastre: The zoning of the site is anomalous with reference to the cadastre (the site is a small [ $<1$  ha] non-Environmental-zoned sliver in a land parcel that is otherwise zoned Environmental).
- **Categories for exclusion from Conservation Zones (formerly referred to as Environmental Zone):**
  - Already developed: The site is already developed, DA approved on site or allocated for roads.
  - Low ecological value: The site supports little or no native vegetation.
  - More than 40 m from watercourse: The site is currently zoned Environmental for riparian connectivity but is more than 40 m from a watercourse.
  - Alignment with cadastre: The zoning of the site is anomalous with reference to the cadastre (the site is a small [ $<1$  ha] Environmental-zoned silver in a land parcel that is otherwise zoned non-Environmental).

Some sites meet criteria for both inclusion and exclusion. Full details on the zoning recommendations of sites is outlined within the Albury Conservation Zoned Lands Review Report (**Appendix B**).

## Results

The results of the assessment cover the following:

- Field Survey Results including:
  - Threatened species.
  - Hollow bearing Trees.
  - Water Course Mapping.
- Synthesis of the data collected including:
  - Maps.
  - Summary of site data.
  - Results of field survey.
  - Updated Rapid Assessment Sheets.

- Site photos.

The detailed results are outlined within the Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) (**Appendix B**). These results formed the basis for the recommended zoning changes.

## 5.3 Recommended Zoning Changes

The zoning recommendations are presented in Section 8 of this Planning Proposal, as well as provided in the Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) (**Appendix B**).

The Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) recommendations are largely based on ecological considerations, however, there are circumstances where planning considerations have prevailed over these recommendations to retain the current zoning based on planning principles (therefore resulting in no change).

These sites and the planning considerations that support other outcomes sought have been identified and are documented in this Planning Proposal within Section 9.3.2. In most instances, planning considerations seek to recognise areas that are already developed, resolve any inconsistencies with existing planning policy and/or retain land use permissibility to support existing zone functions. These are discussed in greater detail within **Section 9.3.2**.

The Planning Proposal (factoring in where planning considerations have prevailed over Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) recommendations) results in a net gain of 419.65ha\* of Conservation Zoned (formerly referred to as Environmental Zone) land.

**Table 5.1 Recommended gain and loss of land**

Zoning	Gain/Loss (ha)
Total gain (Conservation Zones (formerly referred to as Environmental Zone)) ha	571.3*
Total loss (Conservation Zones (formerly referred to as Environmental Zone)) ha	151.67*
Net gain by recognition of outcomes sought by the Planning Proposal	419.65*

\*approximate only and subject to minor changes as part of Gateway process

**Table 5.2** below, shows the changes in areas of land zonings. Most of the gain (409.6\* ha) would accrue to C3 (formerly referred to as E3) Environmental Management zone, with the largest losses being to SP1 Special Activities zone (105.5\* ha net loss to conservation zonings), RU2 Rural Landscape (87.9ha\* net loss to conservation zonings) and R1 General Residential zone (80.4\* ha net loss to conservation zonings).

Where C Zones are proposed to be removed from a Site the most appropriate land use zone for the Site has been included in lieu. This process has included utilising the surrounding land use to the Site and the consideration of what present land use exists and activities that occur on the relevant Site.

**Table 5.2 Recommended change in areas of land zoning**

Zone	Gain in this zone (ha)*	Loss in this zone (ha)*	Net gain or loss (ha)*
B2 Local Centre	0.1	0.0	+0.1
B7 Business Park	1.6	1.5	+0.1
C2 (formerly referred to as E2) Environmental Conservation	7.7	0.4	+7.3

C3 (formerly referred to as E3) Environmental Management	563.5	151.27	+409.6
C4 (formerly referred to as E4) Environmental Living	0.1	0.0	+0.1
IN1 General Industrial	16.6	11.4	+5.2
IN1 General Industrial & IN2 Light Industrial	0.3	0.0	+0.3
IN2 Light Industrial	0.2	2.9	-2.7
R1 General Residential	22.6	80.4	-57.8
R1 General Residential & IN1 General Industrial	0.0	0.0	0.0
R2 Low Density Residential	0.3	14.5	-14.2
R5 Large Lot Residential	50.4	15.4	+35.0
RE1 Public Recreation	0.0	21.1	-21.1
RE2 Private Recreation	2.4	8.5	-6.1
RU1 Primary Production	14.6	107.5	-92.9
RU1 Primary Production & RU4 Primary Small Lots	9.0	10.3	-1.3
RU2 Rural Landscape	1.1	87.9	-86.8
RU2 Rural Landscape & IN1 General Industrial	0.0	20.5	-20.5
RU4 Primary Production Small Lots	32.2	82.0	-49.8
SP1 Special Activities	0.0	105.5	-105.5
SP2 Infrastructure	0.4	1.7	-1.3
<b>Total</b>	<b>767.9</b>	<b>767.6</b>	<b>0.0</b>

\*approximate only and subject to minor changes as part of Gateway process