

6 Parts of the Planning Proposal

This Planning Proposal has been prepared in accordance with Sections 3.31 of the *Environmental Planning and Assessment Act 1979* and “*A guide to preparing Planning Proposals*” prepared by the Department of Planning and Environment in December 2018.

Accordingly, the proposal is discussed in the following six parts:

- **Part 1:** Objectives or intended outcomes of the Planning Proposal.
- **Part 2:** An explanation of the provisions that are to be included in the proposed amendment.
- **Part 3:** The justification of those objectives, outcomes and the processes for their implementation.
- **Part 4:** The supporting maps which identify the aspects of the Planning Proposal.
- **Part 5:** Details of the community consultation that is to be undertaken for the Planning Proposal.
- **Part 6:** The prospective timeline.

Each of the above are addressed in the following sections of this report.

7 Part 1: Objectives or Intended 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, being *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.

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).

8 Part 2: Explanation of Provisions

8.1 Proposed Amendments Location

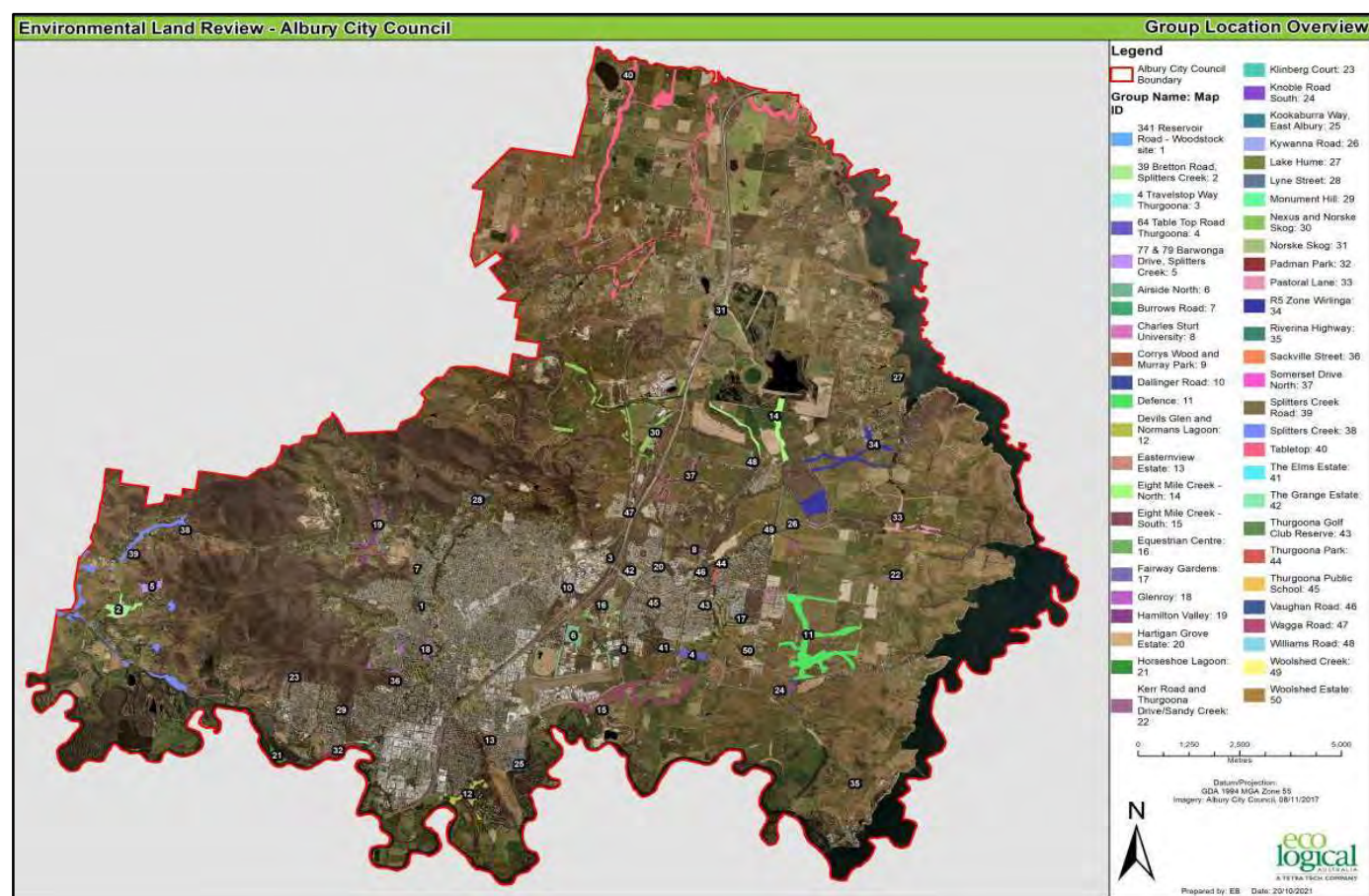
A total of 50* Site Group locations have been devised under the Albury Conservation Zoned Land Review Report (ELA 3 December 2021) (**Appendix B**). These 50* Site Groups contain the detailed locations of the 455* proposed amendments (as sought via this Planning Proposal).

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

The proposed amendment locations are outlined in full within **Appendix A**.

Figure 8.1 outlines the group locations across the Albury LGA.

Figure 8.1 Site Group Locations



Source: Eco-logical Australia

8.2 Recommended zoning changes

The Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) (**Appendix B**) 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 the 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.

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. The most appropriate land use zone and minimum lot size for the site includes utilising the surrounding land use zone and consideration of present land use activities which occur on Site. An Interactive Map (engagement mapping support tool) provides a spatial representation of all recommended amendments to both land use zone and minimum lot size for those sites included amongst Planning Proposal documentation (including any further revisions associated with NSW Department of Planning & Environment review of Planning Proposal document undertaken as part of the Gateway Determination process).

A link to the Interactive Map will be made available via the AlburyCity website during public exhibition period.

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 Report (ELA 3 December 2021). The Report findings recommended Sites for an C Zone retention (no change), inclusion or exclusion.
- The Planning Proposal has taken the approach for where ‘no change’ to land use zoning has been recommended in the Albury Conservation Zoned Lands Report (ELA 3 December 2021) to not include within the Planning Proposal.
- The Planning Proposal has taken the approach for where planning considerations prevail over Albury Conservation Zoned Lands Report (ELA 3 December 2021) recommendations primarily to retain the current land use zoning for Sites (despite a recommendation otherwise). Justification for any other outcomes sought has been provided for within **Section 9.3.2** of 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**.

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

9 Part 3: Justification for the Planning Proposal

Part 3 sets out the justification for the Planning Proposal, against the strategic planning context, considering the environmental, social and economic impacts of the Proposal.

The guidelines contain a list of questions to consider when demonstrating the justification for a Planning Proposal. Each of these questions is addressed below.

9.1 Section A: The Need for a Planning Proposal

Q1. Is the planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The Planning Proposal is a direct result of the Albury City Council Local Strategic Planning Statement (LSPS) which 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 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.

This review of Conservation Zones (formerly referred to as Environmental Zone) seeks to:

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

Q2. Is the planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

In order to achieve the intended outcomes, the Site requires amendments and adjustments to the network of Conservation Zoned (formerly referred to as Environmental Zone) land contained in the ALEP 2010.

The Planning Proposal represents the best means of achieving the amendments to the ALEP 2010.

9.2 Section B: Relationship with the Strategic Planning Framework

Q3. Will the planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Yes.

The Planning Proposal gives effect to the Riverina Murray Regional Plan 2036 (Regional Plan). The Regional Plan was released in 2017 and sets out Directions and actions for local government strategic planning. The Planning Proposal is consistent with the key directions and actions of the Regional Plan which is outlined within **Table 9.1**.

The Planning Proposal gives effect to the Albury Local Strategic Planning Statement (LSPS). The LSPS was adopted in September 2020 and sets out the 20-year vision for land use in the Albury LGA, the planning priorities and future strategic planning activities. The Planning Proposal is consistent with the Planning Priorities of the LSPS which is outlined within **Table 9.2**.

9.2.1 Strategic Merit Test

The strengthened strategic merit test criteria requires that a Planning Proposal demonstrate strategic merit against (at least one of) the following three criteria.

- 1: Consistent with the relevant district plan, or corridor/precinct plans applying to the Site, including any draft regional, district or corridor/precinct plans released for public comment*
- 2. Consistent with a relevant local council strategy that has been endorsed by the Department.*
- 3. Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.*

The Planning Proposal demonstrates consistency with Criteria 1 and 2 as set out below.

Riverina Murray Regional Plan 2036

The Riverina Murray Regional Plan was published by the Department of Planning Industry and Environment in 2017.

The below table sets out the relevant directions and provides a planning response for these.

Table 9.1 Riverina Murray Regional Plan 2036

DIRECTIONS/ ACTIONS	PLANNING PROPOSAL RESPONSE & COMMENT
<i>Direction 9: Support the forest industry</i>	<p>Consistent.</p> <p>The Planning Proposal seeks to provide zoning recommendations that would result in a net gain of 419.65 ha of Conservation Zoned (formerly referred to as Environmental Zone) lands.</p> <p>The Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) (Appendix B) and the proposed zoning recommendations seeks to address and rectify a number of anomalies with regard to Conservation Zones (formerly referred to as Environmental Zone), including in places the Conservation Zone (formerly referred to as Environmental Zone) boundary does not align with environmental values on the ground and inaccurate cadastral representations based on the recommendations of the Thurgoona Threatened Species Conservation Strategy and Albury Ranges Threatened Species Conservation Strategy.</p> <p>The Planning Proposal is consistent with Direction 9.</p>

DIRECTIONS/ ACTIONS	PLANNING PROPOSAL RESPONSE & COMMENT
<i>Goal 2: A healthy environment with pristine waterways</i>	<p>Consistent.</p> <p>The Planning Proposal seeks to provide a healthy environment with protected waterways. The Albury Conservation Lands Review Report (ELA 3 December 2021) (Appendix B) has considered any area within 40 m of a watercourse to have both habitat connectivity and environmental value characteristic. Relevant areas have been recommended for Conservation zoning, consequently maintaining the quality of the waterways in the LGA. The Planning Proposal is consistent with Goal 2.</p>
<i>Direction 13: Manage and conserve water resources for the environment</i>	<p>Consistent.</p> <p>The Planning Proposal seeks to manage water resources for the natural environment. The Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) (Appendix B) identified riparian zones are areas which provide natural pathways for movement and priority areas for future revegetation and environmental rehabilitation. Relevant areas have been recommended for Conservation zoning, consequently managing and conserving water resources for the environment. The Planning Proposal is consistent with Direction 13.</p>
<i>Direction 14: Manage land uses along key river corridors</i>	<p>Consistent.</p> <p>The Planning Proposal seeks to manage land use along key river corridors. The Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) (Appendix B) has considered any area within 40 m of a watercourse to have habitat connectivity and environmental value. Relevant areas have been recommended for Conservation zoning, consequently managing land uses along key river corridors. The Planning Proposal is consistent with Direction 14.</p>
<i>Direction 15: Protect and manage the region's many environmental assets</i>	<p>Consistent.</p> <p>The Planning Proposal seeks to provide zoning recommendations that would result in a net gain of 419.65 ha of Conservation Zoned (formerly referred to as Environmental Zone) lands. The Albury Conservation Zoned Lands Review Report (ELA 28 October 2021) (Appendix B) has outlined proposed zoning recommendations which seeks to address and rectify a number of anomalies with regard to Conservation Zones (formerly referred to as Environmental Zone) under ALEP 2010. The Planning Proposal therefore seeks to provide zoning recommendations which reflect a more accurate and updated representation of the environmental values on the ground, therefore protecting and managing the environmental lands in the LGA. The Planning Proposal is consistent with Direction 15.</p>

DIRECTIONS/ ACTIONS	PLANNING PROPOSAL RESPONSE & COMMENT
<i>Direction 16: Increase resilience to natural hazards and climate change</i>	<p>Consistent.</p> <p>The Planning Proposal seeks to conserve and increase the amount of Conservation Zoned (formerly referred to as Environmental Zone) lands in the LGA.</p> <p>Climate change is anticipated to have likely impacts on natural systems, species and ecosystems, and those that cannot adapt are likely to decline, contract or become extinct.</p> <p>The Planning Proposal therefore seeks to conserve and increase the amount of Conservation Zoned (formerly referred to as Environmental Zone) lands which will allow for the protection of areas for natural systems, species and ecosystems which may be impacted by Climate change.</p> <p>The Planning Proposal is consistent with Direction 16.</p>

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Local Strategic Planning Statements are a tool for strategic planning in NSW and provide a clear line of sight between key planning priorities in the regional and district plans with local strategic planning and delivery.

The Planning Proposal gives effect to the endorsed Local Strategic Planning Statement and its relevant matters.

Albury City Council Local Strategic Planning Statement

The Albury City Council Local Strategic Planning Statement was published by Albury City Council in 2020.

The below table sets out the Planning Priorities and provides an overview of the planning response to these.

Table 9.2 Albury Local Strategic Planning Statement

THEME/PLANNING PRIORITIES	PLANNING PROPOSAL RESPONSE & COMMENT
<i>Priority 8: Respond to our unique landscape setting</i>	<p>Consistent.</p> <p>The Planning Proposal seeks to protect and reinforce the landscape features of the LGA.</p> <p>The Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) (Appendix B) has outlined proposed zoning recommendations which would increase the amount of Conservation Zoned (formerly referred to as Environmental Zone) land in the LGA. This allows to the protection of Conservation Zoned (formerly referred to as Environmental Zone) Land and will reinforce the landscape features of the LGA.</p> <p>The Planning Proposal is consistent with Priority 8.</p>

THEME/PLANNING PRIORITIES	PLANNING PROPOSAL RESPONSE & COMMENT
<p><i>Priority 9: An enhanced natural environment</i></p>	<p>Consistent.</p> <p>The Planning Proposal seeks to enhance the natural environment of the LGA.</p> <p>Priority 9 is supported by Action 9.4 which states as follows:</p> <p><i>9.4 Implement the Environmental Zoned Land Review currently being undertaken to identify and amend mapping anomalies.</i></p> <p>This Planning Proposal and the Albury Conservation Zoned Land Review Report (ELA 3 December 2021) (Appendix B) is in direct response to Action 9.4.</p> <p>The Planning Proposal is consistent with Priority 9 and Action 9.4.</p>
<p><i>Priority 10: Adapting to the impacts of urban and natural hazards and climate change</i></p>	<p>Consistent.</p> <p>The Proposal seeks to conserve and increase the amount of Conservation Zoned (formerly referred to as Environmental Zone) lands in the LGA which will aid in the reduction of impacts from climate change.</p> <p>Increased amounts of Conservation Zoned (formerly referred to as Environmental Zone) lands will aid in the reduction of the negative impacts of the urban heat island effect. The protection of trees and tree canopy cover will help deliver a more comfortable environment for residents.</p> <p>The increase of Conservation land zoning will result in the further protection of native vegetation (and identified areas of environmental value) across the Albury LGA. Any consequential, risk of bushfire will be continued to be managed under the bushfire prone land mapping processes and controls.</p> <p>The Planning Proposal is consistent with Priority 10.</p>
<p><i>Priority 11: Protect, conserve and celebrate our natural, built and Aboriginal cultural heritage</i></p>	<p>Consistent.</p> <p>The Proposal seeks to conserve and increase the amount of Conservation Zoned (formerly referred to as Environmental Zone) lands in the LGA.</p> <p>The Planning Proposal is consistent with Priority 11.</p>

Q5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The relevant State Environmental Planning Policies are assessed below in the context of the Planning Proposal.

Table 9.3 State Environmental Planning Policies

STATE ENVIRONMENTAL PLANNING POLICIES (SEPP)	PLANNING PROPOSAL RESPONSE & COMMENT
<i>State Environmental Planning Policy (Aboriginal Land) 2019</i>	<p>Consistent.</p> <p>The Policy aims to provide for the development delivery plans for areas of land owned by Local Aboriginal Land Councils</p> <p>There is no land owned by Local Aboriginal Land Councils within the Albury LGA as designated under the SEPP.</p>
<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>	<p>Consistent.</p> <p>This Policy aims to provide streamlined assessment processes for development that complies with specified development standards.</p> <p>The Planning Proposal does not prevent the application of the SEPP.</p>
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	<p>Consistent.</p> <p>The Policy aims to facilitate the effective delivery of infrastructure across the State.</p> <p>The Planning Proposal does not prevent the effective delivery of infrastructure.</p>
<i>State Environmental Planning Policy No 55—Remediation of Land</i>	<p>Consistent.</p> <p>The Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p> <p>The Planning Proposal does not prevent a consent authority in specifying when consent is required, and when it is not required, for remediation work or development consent.</p>
<i>State Environmental Planning Policy (Primary Production and Rural Development) 2019</i>	<p>Consistent.</p> <p>The Policy aims to facilitate the development of lands for primary production and to reduce land use conflicts of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources.</p> <p>The Planning Proposal does not prevent the orderly economic use and development of lands for primary production. The Planning Proposal will reduce land use conflicts through the zoning of threatened ecological communities, native vegetation and biodiversity elements.</p>
<i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i>	<p>Consistent</p> <p>This Policy aims to protect the biodiversity values of trees and other vegetation in non-rural areas. It sets out the circumstances in which a permit is required for clearing vegetation and applies to all zoned other than RU1, RU2, RU3 and RU4. The Planning Proposal does not seek to increase the extent of land zones RU1, RU2, RU3 or RU4 in the LGA and will therefore not diminish the effectiveness of this SEPP.</p>

STATE ENVIRONMENTAL PLANNING POLICIES (SEPP)	PLANNING PROPOSAL RESPONSE & COMMENT
<i>Murray Regional Environmental Plan No. 2 – Riverine Land (Deemed SEPP)</i>	<p>The Deemed SEPP is applicable as it relates to land located within the boundaries of Murray REP No. 2</p> <p>Consistent</p> <p>The aims to ensure that appropriate consideration is given to development with the potential to adversely impact the riverine environment of the River Murray.</p> <p>This Planning Proposal does not derogate from the aims, objectives, development consent, general and specific planning principles and consultation requirements as provided in the REP.</p>

Q6. Is the planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Table 9.3 Ministerial Directions (s9.1 directions)

MINISTERIAL DIRECTIONS (S9.1 DIRECTIONS)	COMMENT & COMPLIANCE
1. Employment and Resources	
<i>1.1 Business and Industrial Zones</i>	<p>Consistent.</p> <p>The objective of Ministerial Direction 1.1 is to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres.</p> <p>The Planning Proposal will result in a minor loss of IN2 zoned land but an overall increase (albeit minor) in the extent of industrial and business-zoned land across the Albury LGA. Therefore, the proposal will not adversely impact the existing viability of industrial and business areas across the LGA.</p> <p>The intent of the proposal is to zone land for environmental protection and correct anomalies and inconsistencies under the ALEP 2010. This intent and zoning changes are justified by the Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) (Appendix B).</p>

MINISTERIAL DIRECTIONS (S9.1 DIRECTIONS)	COMMENT & COMPLIANCE
1.2 Rural Zones	<p>Consistent</p> <p>The objective of Ministerial Direction 1.2 is to protect the agricultural production value of rural land.</p> <p>Whilst the Planning Proposal will result in a net loss of Rural (RU) zoned land it is recognised that those areas that have been recommended for change to either a C2 or C3 Conservation Zone have been assessed as possessing significant habitat, floristic and ecological value and generally coincide with areas that are either heavily vegetated and/or identified as waterways. These identified attributes would generally present a constraint to agricultural practices.</p> <p>The Planning Proposal in seeking to resolve identified zoning anomalies will not derogate from the objectives of Ministerial Direction 1.2 Rural Zones.</p> <p>This intent and zoning changes are justified by the Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) (Appendix B).</p>
1.3 Mining, Petroleum Production and Extractive Industries	Not relevant.
1.4 Oyster Aquaculture	Not relevant.
1.5 Rural Lands	<p>Consistent.</p> <p>The objective of Ministerial Direction 1.5 Rural Lands is to protect the agricultural production value of rural land and to facilitate the orderly and economic use of rural lands for rural and related purposes.</p> <p>This direction applies when a planning proposal will:</p> <p style="padding-left: 40px;"><i>(a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</i></p> <p>The Planning Proposal will rezone areas which are presently zoned for rural purposes to C Zoning.</p> <p>The proposal is consistent with (4) (a) (c) of Ministerial Direction 1.5 Rural Lands which states that a planning proposal must:</p> <p style="padding-left: 40px;"><i>(a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement</i></p> <p style="padding-left: 40px;"><i>(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</i></p> <p>The Planning Proposal in seeking to resolve identified zoning anomalies will result in minor amendments and in so doing will not derogate from the objectives of Ministerial Direction 1.5 Rural Lands.</p>
2. Environment and Heritage	

MINISTERIAL DIRECTIONS (S9.1 DIRECTIONS)	COMMENT & COMPLIANCE
2.1 Environmental Protection Zones	<p>Consistent.</p> <p>The objective of Ministerial Direction 2.1 is to facilitate the protection and conservation of environmentally sensitive areas.</p> <p>The Planning Proposal seeks to increase the amount of Environmental protected zoned area.</p>
2.2 Coastal Management	<p>Not relevant.</p>
2.3 Heritage Conservation	<p>Consistent.</p> <p>The objective of Ministerial Direction 2.3 is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The Planning Proposal (supported by Appendix B - Albury Conservation Zoned Lands Review Report (ELA 3 December 2021)) recommends amendments to the Conservation Zone network. A key outcome from this Planning Proposal will be an overall net gain to Conservation Zone land (400+ ha) as proposed.</p> <p>The recommended Conservation Zone inclusions (gains) are primarily concentrated on sites with higher ecological value scores, while the exclusions (losses) are primarily concentrated on sites with lower ecological value scores. Consequently, the proposed Conservation Zone amendments will result in an overall net ecological benefit both in quantum and quality.</p> <p>This Planning Proposal will have the effect of ensuring that areas identified as having environmental sensitivity are protected and conserved through the appropriate assignment of land use zoning (primarily Conservation Zone) across the Albury LGA.</p> <p>Accordingly, this Planning Proposal supports the objectives of Ministerial Direction 2.1 Environment Protection Zones.</p>
2.4 Recreation Vehicle Areas	<p>Not relevant.</p>
2.5 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	<p>Not relevant.</p>
2.6 Remediation of Contaminated Land	<p>Consistent.</p> <p>The objective of Ministerial Direction 2.6 is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>The Planning Proposal seeks to zone land for the protection of the natural environment.</p> <p>The Planning Proposal does not increase the risk to human health and the natural environment.</p>
3. Housing, Infrastructure and Urban Development	

MINISTERIAL DIRECTIONS (S9.1 DIRECTIONS)	COMMENT & COMPLIANCE
3.1 Residential Zones	<p>Consistent.</p> <p>The objective of Ministerial Direction 3.1 is to encourage a variety and choice of housing types to provide for existing and future housing needs and to minimise the impact of residential development on the environment and resource lands. To be consistent with this direction, a Planning Proposal must not reduce the permissible residential <u>density</u> of land. The Planning Proposal will result in an overall loss of residential zoned areas across the Albury LGA but does not seek to reduce permissible residential densities.</p> <p>The Planning Proposal is supported by an underlying strategy which seeks to rationalise the zoning for, and protect, environmentally significant land in the LGA. Such land would not reasonably be able to be developed for residential purposes due to the environmental constraints and controls imposed by other pieces of legislation. The Planning Proposal does rezone land to residential zoning that does not have environmental significance to allow for residential development thereby by promoting the orderly and economic development of land for suitable residential purposes where appropriate.</p> <p>The intent of the proposal is to zone land for environmental protection and correct anomalies and inconsistencies under the ALEP 2010. This intent and zoning changes are justified by the Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) (Appendix B).</p>
3.2 Caravan Parks and Manufactured Home Estates	Not relevant.
3.3 Home Occupations	Not relevant.
3.4 Integrating Land Use and Transport	Not relevant.
3.5 Development Near Licensed Aerodromes	<p>Consistent.</p> <p>The objectives of Ministerial Direction 3.5 are to ensure the effective and safe operation of regulated airports and defence airfields are not compromised. This primarily means that development should not constitute an obstruction, hazard or potential hazard to aircraft. In addition, that development (if situated on noise sensitive land) incorporates appropriate mitigation measures so that it is not adversely affected by aircraft noise.</p> <p>This Planning Proposal seeks amendment to land use zones (primarily Conservation zones) in the vicinity of the Albury Airport. However, existing provisions and development standards including noise, height and crane notification controls remain unaffected. Consequently, the safe operation (ongoing) and viability of the Albury Airport will also remain unaffected by Planning Proposal outcomes sought.</p> <p>This Planning Proposal (via this Ministerial Direction) will require consultation (as part of the Planning Proposal process) with the Department of the Commonwealth responsible for airports and the lessee/operator of the Albury Airport prior to any decision to progress this Planning Proposal and outcomes sought.</p>

MINISTERIAL DIRECTIONS (S9.1 DIRECTIONS)	COMMENT & COMPLIANCE
3.6 Shooting Ranges	<p>Consistent.</p> <p>The objectives of Ministerial Direction 3.6 are to maintain appropriate levels of public safety and amenity, reduce land use conflict, identify and address issues when rezoning land adjacent to an existing shooting range.</p> <p>This Planning Proposal seeks amendments to land use zones (primarily Conservation zones) in proximity to the Hume Pistol Club (Urana Road, Hamilton Valley) and Australian Defence Force Facility (Knoble Road, Wirlinga). However, existing provisions remain unaffected. Consequently, the safe operation (ongoing) and viability of the Hume Pistol Club and Australian Defence Force Facility will remain unaffected by Planning Proposal on the basis that outcomes sought do not involve permitting more intensive land uses and/or land uses that are incompatible (sensitive).</p>
3.7 Reduction in non-hosted short-term rental accommodation period	<p>Not relevant.</p>
4. Hazard and Risk	
4.1 Acid Sulphate Soils	<p>Consistent.</p> <p>The objective of Ministerial Direction 4.1 is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils</p> <p>The Planning Proposal will not result in the intensification of land which is zoned for Acid Sulphate Soils which would create adverse impacts.</p>
4.2 Mine Subsidence and Unstable Land.	<p>Not relevant.</p>
4.3 Flood Prone Land	<p>Consistent.</p> <p>The objective of Ministerial Direction 4.3 is to ensure that the provisions of a local environmental plan that apply to flood prone land are commensurate with flood behaviour and include consideration of the potential flood impacts on and off the subject land</p> <p>The Planning Proposal will not result in the significant intensification of land or allow future development of land which is zoned currently zoned as flood prone under the ALEP 2010.</p>
4.4 Planning for Bushfire Protection	<p>Consistent.</p> <p>The objective of Ministerial Direction 4.4 is to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and to encourage sound management of bush fire prone areas.</p> <p>The Planning Proposal does not seek the significant intensification of land or allow future development of land which is zoned currently zoned as bushfire prone under the ALEP 2010.</p> <p>Bushfire risk and control measures are provided for under the ALEP 2010 and relevant state policies and controls.</p>

MINISTERIAL DIRECTIONS (S9.1 DIRECTIONS)	COMMENT & COMPLIANCE
5. Regional Planning	
5.1 Implementation of Regional Strategies	Revoked.
5.2 Sydney Drinking Water Catchments	Not relevant.
5.3 Farm Land of State and Regional Significance on the NSW Far North Coast	Not relevant.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not relevant.
5.5 – 5.7	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	Not relevant.
5.9 North West Rail Link Corridor Strategy	Not relevant.
5.10 Implementation of Regional Plans	<p>Consistent.</p> <p>The objective of Ministerial Direction 5.10 is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>This Planning Proposal and outcomes sought are consistent with relevant directions and actions contained in the Riverina Murray Regional Plan 2036.</p> <p>Section 9.2 of this Planning Proposal sets out relevant directions and provides a planning response to the Riverina Murray Regional Plan 2036.</p>
5.11 Development of Aboriginal Land Council Land	Not relevant.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Not relevant.

MINISTERIAL DIRECTIONS (S9.1 DIRECTIONS)	COMMENT & COMPLIANCE
6.2 Reserving Land for Public Purposes	<p>Consistent.</p> <p>The objectives of Ministerial Direction 6.2 are to facilitate the provision of public services and facilities by reserving land for public purposes and facilitate the removal of reservations of land for public purposes where no longer required for acquisition.</p> <p>This Planning Proposal and outcomes sought does not affect existing provisions and development standards relating to land reserved for certain public purposes as identified by miscellaneous provision 5.1 of ALEP 2010.</p> <p>Consequently, the Planning Proposal and outcomes sought does not derogate from the objectives and directions contained within Ministerial Direction 6.2.</p>
6.3 Site Specific Provisions	Not relevant.
7.1 Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	Revoked.
7.2 Implementation of Greater Macarthur Land Release Investigation	Revoked.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not relevant.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not relevant.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not relevant.

MINISTERIAL DIRECTIONS (S9.1 DIRECTIONS)	COMMENT & COMPLIANCE
<i>7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</i>	Not relevant.
<i>7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor</i>	Not relevant.
<i>7.8 Implementation of the Western Sydney Aerotropolis Plan</i>	Not relevant.
<i>7.9 Implementation of Bayside West Precincts 2036 Plan</i>	Not relevant.
<i>7.10 Implementation of Planning Principles for the Cooks Cove Precinct</i>	Not relevant.
<i>7.11 Implementation of St Leonards and Crows Nest 2036 Plan</i>	Not relevant.
<i>7.12 Implementation of Greater Macarthur 2040</i>	Not relevant.
<i>7.13 Implementation of the Pyrmont Peninsula Place Strategy</i>	Not relevant.

9.3 Section C: Environmental, Social and Economic Impacts

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Proposal?

9.3.1 Conservation Zoned Lands

On 3 December 2021, ELA finalised the Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) (**Appendix B**). The Report provides the results of the ecological and biodiversity-based field review and updates in support of the Planning Proposal.

The Planning Proposal has taken the approach for where ‘no change’ to land use zoning has been recommended in the ELA Report to not include within the Planning Proposal. While there is a total of 534* sites in the Conservation Zone (formerly referred to as Environmental Zone) assessment, there are several sites of interest where recommendations in this Planning Proposal (based on planning considerations) prevail over those set out in the ELA Report. These are discussed in Section 9.3.2. This is due to the need for qualitative decision making (that consider planning circumstances) which has resulted in outcomes other than that recommended by the Albury Conservation Zoned Lands Review Report (ELA 3 December 2021). Consequently, outcomes sought by this Planning Proposal will result in a net gain of 419.65* ha of Conservation Zoned (formerly referred to as Environmental Zone) land.

Overall, the Planning Proposal will result in a net gain in Conservation Zoned (formerly referred to as Environmental Zone) land in the Albury LGA. This gain will result in some limitations of potential development outcomes on sites across the Albury LGA, and also that due to environmental qualities and controls, may also limit development potential.

The Planning Proposal, due to its nature and intent, is unlikely to create any additional demand on infrastructure within the Albury LGA or the surrounding context.

The views of landowners, community members, DPIE and other stakeholders are yet to be sought through formal consultation as required by the Planning Proposal process. The formal Gateway Determination process and public exhibition of the Planning Proposal will allow for the recommendations to be addressed.

Key outcomes from this Planning Proposal is that there will be an overall net gain to C Zone land (419.65*ha) as proposed. It is further noted that recommended C Zone inclusions (gains) are primarily concentrated on sites with higher ecological value scores, and exclusions (losses) are primarily concentrated on sites with lower ecological value scores. Consequently, proposed C Zone amendments will result in an overall net ecological benefit.

Overall, it is anticipated that the Planning Proposal will not result in adverse impacts on critical habitat, threatened species, populations or ecological communities and their habitats. The Planning Proposal’s intent is to protect and conserve areas of environmental significance and areas of environmental value within the Albury LGA.

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

9.3.2 Planning considerations supporting other outcomes

The Planning Proposal outcomes are largely consistent with, and substantiated by, an analysis and assessment undertaken and documented via the Albury Conservation Zoned Lands Review Report (ELA 3 December 2021).

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 particularly where a decision has been made 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 below. 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.

The following documented site assessments seek to validate other outcomes sought (where required) on the following pages.

There also minor revisions associated with NSW Department of Planning & Environment review of Planning Proposal document undertaken as part of the Gateway Determination process.

Site 5-19, 153-156 - Padman Park Group

Sites 5-19, 153-156 listed as the Padman Park Group are outlined within **Figure 9.1**.

The ELA report proposed a zone change from RE1 Public Recreation to C3 (formerly referred to as E3) Environmental Management, justified by 'Medium/high value vegetation'.

The Planning Proposal recommends to retain the RE1 Public Recreation Zone on this Site. Justification for this outcome sought is provided within the following table.

Figure 9.1 Padman Park Group



Site	Site details	Justification
5-19, 153-156 Padman Park Group (Figure 9.1)	<p>Sites 5-19 as follows:</p> <ul style="list-style-type: none"> – Lot 7044 DP1122594 – Lot 1 DP83106, – Lot 1 DP724776, – Lot 7044 DP1122594, – Lot 1 DP724775, – Lot 2 DP41002, – Lot 1 DP83106, – Lot 1 DP83106, – Lot 3 DP772748, – Lot 1 DP724774, – Lot 4 DP772745, – Lot 3 DP41002, – Lot 7063 DP1071604. <p>Site 153-156 as follows:</p> <ul style="list-style-type: none"> – Lot 7044 DP1122594. 	<p>The ELA report proposed a zone change from RE1 Public Recreation to C3 (formerly referred to as E3) Environmental Management, justified by 'Medium/high value vegetation'.</p> <p>The Planning Proposal instead recommends the following (reasons outlined):</p> <ul style="list-style-type: none"> – The retention of the RE1 Public Recreation Zone will allow for the continuous RE zoning across this part of the foreshore of the Murray River with significant social benefits for the local community – A change in zoning will have adverse implications on the permissibility and the implementation of various infrastructure which is associated with the future recreation functions ongoing in Padman Park. <p>The Planning Proposal proposes to retain the RE1 Zone on this Site.</p>

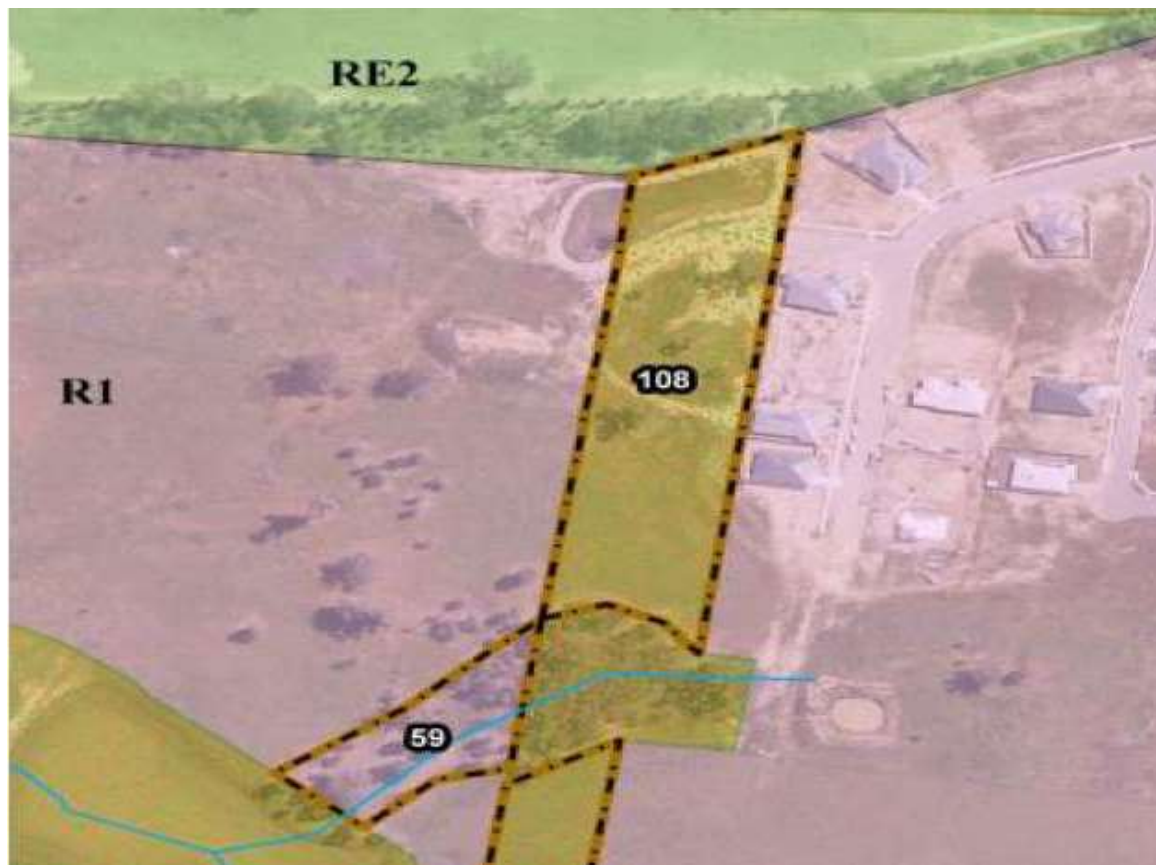
Site 108 - Woolshed Road Group

Site 108 listed as the Woolshed Road Group is outlined within **Figure 9.2**.

The ELA report proposed a zone change from C3 (formerly referred to as E3) Environmental Management to R1 General Residential, justified through a low ecological score, or 'Little or no native vegetation'.

The Planning Proposal recommends to instead retain the C3 (formerly referred to as E3) Environmental Management Zone. Justification is provided for within the following table.

Figure 9.2 Site 108: Woolshed Road Group



Site	Site details	Justification for departure
108 Woolshed Road Group	Woolshed Estate No. 7 Lot 150 DP1211983	<p>The ELA report proposed a zone change from C3 (formerly referred to as E3) Environmental Management to R1 General Residential, justified through a low ecological score, or 'Little or no native vegetation'.</p> <p>The Planning Proposal instead recommends the following (reasons outlined):</p> <ul style="list-style-type: none"> – Development consent was granted in 2016 for the subdivision of land on the Site which denotes the retention of Site 108 as an environmental reserve as a C3 (formerly referred to as E3) Zone (DA No 10.2016.34372.1). – The development consent (DA No 10.2016.34372.1) contains numerous conditions for the protection of the C3 (formerly referred to as E3) Zone and its native vegetation and fauna. – The current landowners, primarily those fronting Woolshed Drive to the east have purchased in the Woolshed Estate with the expectation that an environmental reserve would be created and retained. – The rezoning of the land to R1 General Residential would result in an adverse social impact on the existing and future landowners within the Woolshed Estate.

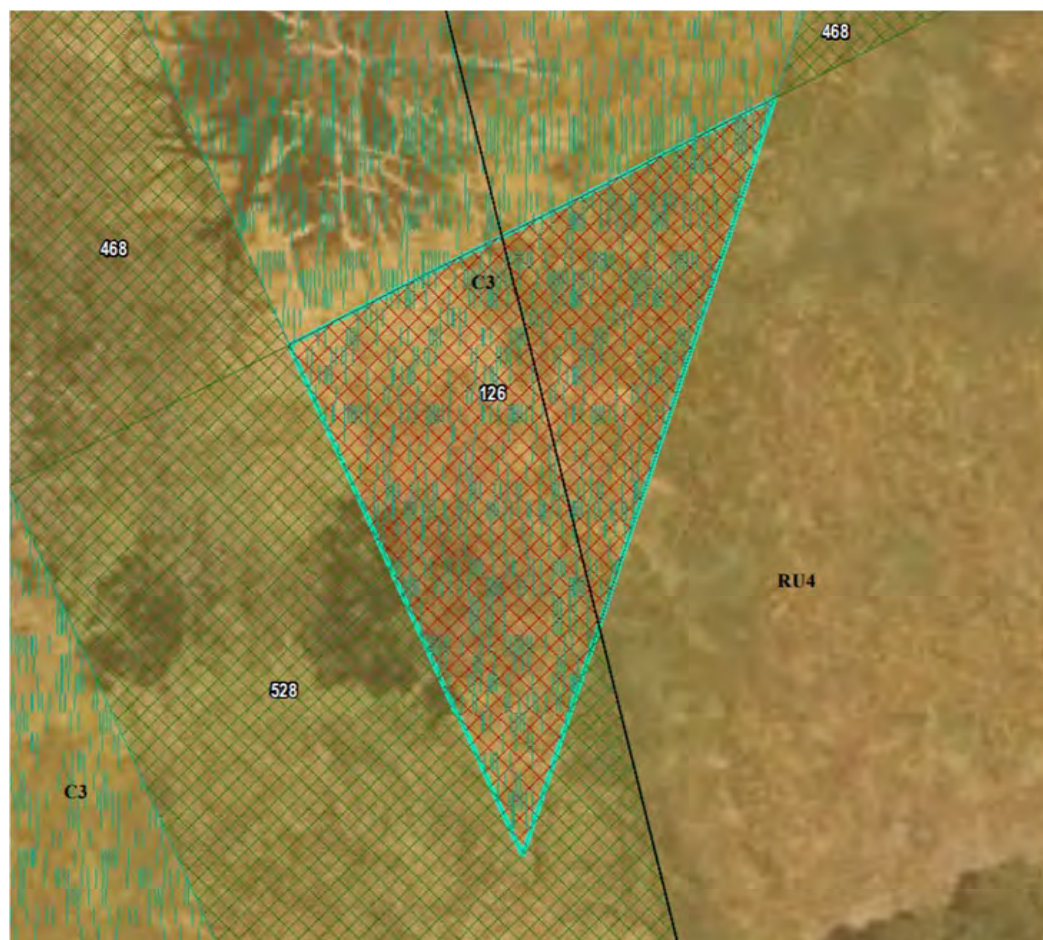
Site 126a – Tabletop Group

Site 126a listed as the Tabletop Group is outlined within **Figure 9.2a**.

The ELA report proposed a zone change from C3 (formerly referred to as E3 Environmental Management) to RU4 Primary Production Small Lots, justified through a low ecological score, or ‘Little or no native vegetation’.

The Planning Proposal recommends to instead retain the C3 (formerly referred to as E3 Environmental Management) Zone. Justification is provided for within the following table.

Figure 9.2a Site 126a Table Top Group



Site	Site details	Justification for departure
126a Tabletop Group	Dellven Drive Lot 12 DP246919	<p>The ELA report proposed a zone change from C3 (formerly referred to as E3 Environmental Management) to RU4 Primary Production Small Lots, justified through a low ecological score, or ‘Little or no native vegetation’.</p> <p>In response to DPE site query, the Planning Proposal instead recommends the following (reasons outlined):</p> <ul style="list-style-type: none"> – If Site ID 126a on Lot 12 DP246919 were to be rezoned to RU4, it would create a very small isolated patch of RU4 surrounded by C3. Suggest retaining C3 zone on Lot 12 but rezone on eastern side on Lot 104. <p>The Planning Proposal (as revised in response to DPE site queries) seeks to retain the C3 (formerly referred to as E3 Environmental Management) Zone.</p>

Site 147 - R5 Zone Wirlinga Group

Site 147 listed as the R5 Zone Wirlinga Group is outlined within **Figure 9.3**.

The ELA report proposed a zone change from R1 General Residential to C3 (formerly referred to as E3) Environmental Management, justified by high ecological value of the Site.

The Planning Proposal recommends to instead retain the R1 General Residential. Justification is provided for within the following table.

Figure 9.3 Site 147: R5 Zone Wirlinga Group



Site	Site details	Justification for departure
147 R5 Zone Wirlinga Group	Lot 1 DP103355 1	<p>The ELA report proposed a zone change from R1 General Residential to C3 (formerly referred to as E3) Environmental Management, justified by high ecological value of the Site.</p> <p>The Planning Proposal instead recommends the following (reasons outlined):</p> <ul style="list-style-type: none"> – The ELA report recommended zone change is inconsistent with Albury City Councils Planning Policy in that it reference to the outcomes and land designations sought by the Thurgoona Wirlinga Precinct Structure Plan 2013. – The Thurgoona Wirlinga Precinct Structure Plan designates the Site for a Village Centre and as Urban Release Area Residential as indicated within Figure 9.4 on the following page. The intent of the Site is to act as a residential and village centre which transitions into an Conservation Zone (formerly referred to as Environmental Zone) on surrounding sites to the North. – The Thurgoona Wirlinga Precinct Structure Plan has a key goal to increase housing yields and density across the Albury LGA. The proposed ELA recommendation for rezoning to C3 (formerly referred to as E3) Environmental Management conflicts with the intention and ability to deliver housing and village centre on the Site. <p>The Planning Proposal seeks to retain the R1 General Residential Zone.</p>

	It is noted there is opportunity to review this zoning and further consider the site's ecological value as part of the upcoming scheduled review of the Thurgoona Wirlinga Precinct Structure Plan
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Sites 304 & 305 – Nexus and Norske Skog Group

Sites 304 and 305 listed as the Nexus and Norske Skog Group is outlined within **Figure 9.3a**.

The ELA report proposed a zone change from C3 (formerly referred to as E3 Environmental Management) to IN1 General Industrial, justified through a low ecological score, or 'Little or no native vegetation'.

The Planning Proposal recommends to instead retain the C3 (formerly referred to as E3 Environmental Management) Zone. Justification is provided for within the following table.

Figure 9.3a Sites 304 & 305 Nexus and Norske Skog Group



Site	Site details	Justification for departure
304 305 Nexus & Norske Skog Group	RW Henry Drive Lot 6 DP264463	<p>The ELA report proposed a zone change from C3 (formerly referred to as E3 Environmental Management) to IN1 General Industrial Zone, justified through a low ecological score, or 'Little or no native vegetation'.</p> <p>In response to DPE site queries, the Planning Proposal instead recommends the following (reasons outlined):</p> <ul style="list-style-type: none"> – Despite being cleared and consequentially having a very low ecological value score Sites 304 & 305 are within 40 metres of a waterway located to the immediate north. – It is recommended that Sites 304 & 305, being currently zoned C3, be retained in their current zone (removed from zoning adjustments sought) and denoted as 'no change'. <p>The Planning Proposal (as revised in response to DPE site queries) seeks to retain the C3 (formerly referred to as E3 Environmental Management) Zone for Sites 304 and 305.</p>

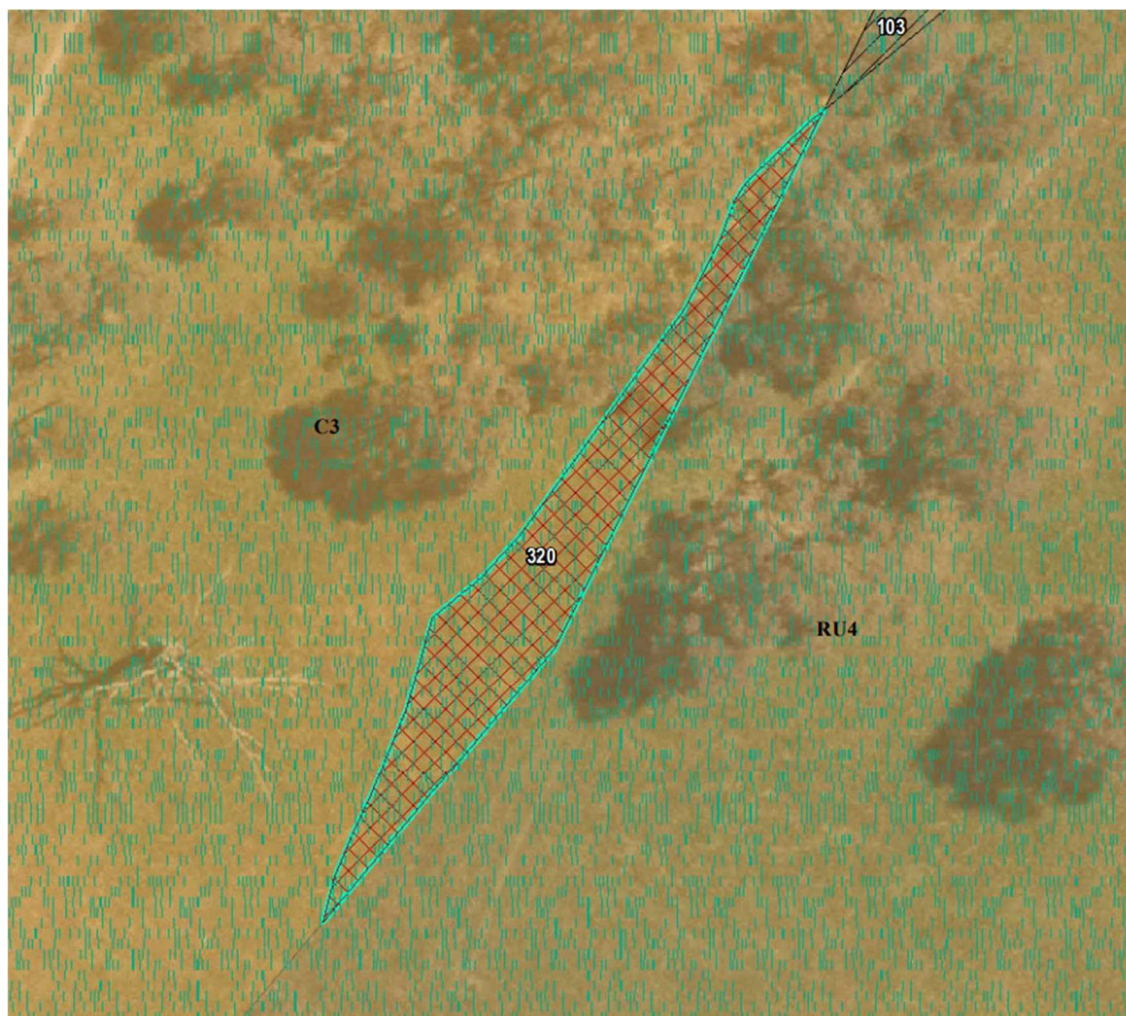
Site 320 – Splitters Creek Group

Site 320 listed as the Splitters Creek Group is outlined within **Figure 9.3b**.

The ELA report proposed a zone change from C3 (formerly referred to as E3 Environmental Management) to RU4 Primary Production Small Lots, justified through a low ecological score, or ‘Little or no native vegetation’.

The Planning Proposal recommends to instead retain the C3 (formerly referred to as E3 Environmental Management) Zone. Justification is provided for within the following table.

Figure 9.3b: Site 320 Splitters Creek Group



Site	Site details	Justification for departure
320 Splitters Creek Group	Yarallah Court Lot 6 DP1270910 (formerly Lot 12 DP1144936 & Lot 6 DP1161712)	<p>The ELA report proposed a zone change from C3 (formerly referred to as E3 Environmental Management) to RU4 Primary Production Small Lots Zone, justified through a low ecological score, or ‘Little or no native vegetation’.</p> <p>In response to DPE site queries, the Planning Proposal instead recommends the following (reasons outlined):</p> <ul style="list-style-type: none"> – DPE observations confirming vegetation presence, and accordingly, AlburyCity recommends that Site 320 be retained as C3 Zone and denoted as ‘no change’ and justified under ‘habitat connectivity’. <p>The Planning Proposal (as revised in response to DPE site queries) seeks to retain the C3 (formerly referred to as E3 Environmental Management) Zone.</p>

Site 328 – Dallinger Road Group

Site 328 listed as the Dallinger Road Group is outlined within **Figure 9.3c**.

The ELA report proposed a zone change from C3 (formerly referred to as E3 Environmental Management) to R1 General Residential, justified through a low ecological score, or 'Align with cadastre'.

The Planning Proposal recommends to instead partly retain the C3 (formerly referred to as E3 Environmental Management) Zone for the northern portion on Lot 25 DP1118211. Justification is provided for within the following table.

Figure 9.3c: Site 328 Splitters Creek Group



Site	Site details	Justification for departure
328 Dallinger Road Group	Vickers Road Court Lot 1 DP1118211 Lot 25 DP1118211	<p>The ELA report proposed a zone change from C3 (formerly referred to as E3 Environmental Management) to R1 General Residential Zone, justified through a low ecological score, or 'Align with cadastre'.</p> <p>In response to DPE site queries, the Planning Proposal instead recommends the following (reasons outlined):</p> <ul style="list-style-type: none"> – DPE observations confirming vegetation presence within reserve lands for the northern portion over Lot 25 DP1118211, and accordingly, AlburyCity recommends that Site 328 (northern portion) instead be retained as C3 Zone and denoted as 'no change' and justified under 'habitat connectivity'. <p>The Planning Proposal (as revised in response to DPE site queries) seeks to retain the C3 (formerly referred to as E3 Environmental Management) Zone for the northern portion over Lot 25 DP1118211.</p>

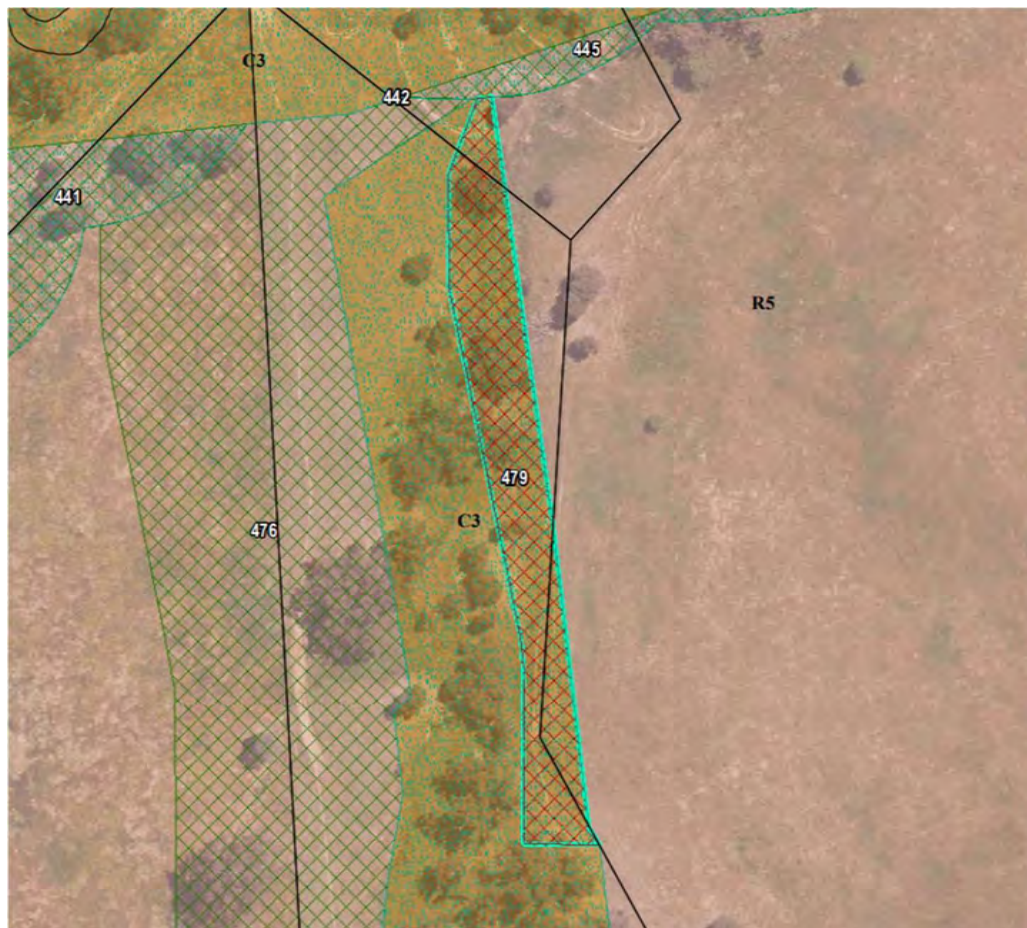
Site 479 – Tabletop Group

Site 479 listed as the Tabletop Group is outlined within **Figure 9.3d**.

The ELA report proposed a zone change from C3 (formerly referred to as E3 Environmental Management) to R5 Large Lot Residential, justified through a low ecological score, or ‘more than 40 metres from watercourse’.

The Planning Proposal recommends to instead retain the C3 (formerly referred to as E3 Environmental Management) Zone. Justification is provided for within the following table. Figure 9.3c: Site 479 – Tabletop Group

Figure 9.3d: Site 479 – Tabletop Group



Site	Site details	Justification for departure
479 Tabletop Group	Tynan Road Part Lot 3 DP1017395 Part Lot 4 DP255295 Part Lot 102 DP1055692	<p>The ELA report proposed a zone change from C3 (formerly referred to as E3 Environmental Management) to R5 Large Lot Residential Zone, justified under ‘more than 40m from a watercourse’.</p> <p>In response to DPE site queries, the Planning Proposal instead recommends the following (reasons outlined):</p> <ul style="list-style-type: none"> – The northern portion of the subject site traverses a waterway. – A rezone as currently proposed would result in an isolated sliver of R5 Zone that would be difficult (problematic) to develop. – Minor correction required that seeks to retain (no change) Site 479 in a C3 Zone in recognition of its proximity (40 metres) to a nearby waterway. <p>The Planning Proposal (as revised in response to DPE site queries) seeks to retain the C3 (formerly referred to as E3 Environmental Management) Zone.</p>

Site 147 Site: 147 R5 Zone Wirlinga Group is outlined within Figure 9.4 and is indicated by the text box and location star.

Figure 9.4 Thurgoona Wirlinga Precinct Structure Plan

8.8 The Precinct Structure Plan

Existing Land Designation	Total Hectares (ha)	Percentage of Overall Area (%)
NS 1 (Non-Specific)	16,000 ha	0.37%
NS 2 (Non-Specific)	69,700 ha	1.45%
NS 3 (Non-Specific)	4,250 ha	0.11%
NS 4 (Non-Specific)	4,220 ha	0.09%
NS 5 (Non-Specific)	7,300 ha	0.16%
NS 6 (Non-Specific)	91,000 ha	1.98%
NS 7 (Non-Specific)	7,300 ha	1.59%
NS 8 (Non-Specific)	104,800 ha	2.29%
NS 9 (Non-Specific)	7,300 ha	0.16%
NS 10 (Non-Specific)	121,100 ha	2.64%
NS 11 (Non-Specific)	104,800 ha	2.29%
NS 12 (Non-Specific)	104,800 ha	2.29%
NS 13 (Non-Specific)	104,800 ha	2.29%
NS 14 (Non-Specific)	104,800 ha	2.29%
NS 15 (Non-Specific)	104,800 ha	2.29%
NS 16 (Non-Specific)	104,800 ha	2.29%
NS 17 (Non-Specific)	104,800 ha	2.29%
NS 18 (Non-Specific)	104,800 ha	2.29%
NS 19 (Non-Specific)	104,800 ha	2.29%
NS 20 (Non-Specific)	104,800 ha	2.29%
NS 21 (Non-Specific)	104,800 ha	2.29%
NS 22 (Non-Specific)	104,800 ha	2.29%
NS 23 (Non-Specific)	104,800 ha	2.29%
NS 24 (Non-Specific)	104,800 ha	2.29%
NS 25 (Non-Specific)	104,800 ha	2.29%
NS 26 (Non-Specific)	104,800 ha	2.29%
NS 27 (Non-Specific)	104,800 ha	2.29%
NS 28 (Non-Specific)	104,800 ha	2.29%
NS 29 (Non-Specific)	104,800 ha	2.29%
NS 30 (Non-Specific)	104,800 ha	2.29%
NS 31 (Non-Specific)	104,800 ha	2.29%
NS 32 (Non-Specific)	104,800 ha	2.29%
NS 33 (Non-Specific)	104,800 ha	2.29%
NS 34 (Non-Specific)	104,800 ha	2.29%
NS 35 (Non-Specific)	104,800 ha	2.29%
NS 36 (Non-Specific)	104,800 ha	2.29%
NS 37 (Non-Specific)	104,800 ha	2.29%
NS 38 (Non-Specific)	104,800 ha	2.29%
NS 39 (Non-Specific)	104,800 ha	2.29%
NS 40 (Non-Specific)	104,800 ha	2.29%
NS 41 (Non-Specific)	104,800 ha	2.29%
NS 42 (Non-Specific)	104,800 ha	2.29%
NS 43 (Non-Specific)	104,800 ha	2.29%
NS 44 (Non-Specific)	104,800 ha	2.29%
NS 45 (Non-Specific)	104,800 ha	2.29%
NS 46 (Non-Specific)	104,800 ha	2.29%
NS 47 (Non-Specific)	104,800 ha	2.29%
NS 48 (Non-Specific)	104,800 ha	2.29%
NS 49 (Non-Specific)	104,800 ha	2.29%
NS 50 (Non-Specific)	104,800 ha	2.29%
NS 51 (Non-Specific)	104,800 ha	2.29%
NS 52 (Non-Specific)	104,800 ha	2.29%
NS 53 (Non-Specific)	104,800 ha	2.29%
NS 54 (Non-Specific)	104,800 ha	2.29%
NS 55 (Non-Specific)	104,800 ha	2.29%
NS 56 (Non-Specific)	104,800 ha	2.29%
NS 57 (Non-Specific)	104,800 ha	2.29%
NS 58 (Non-Specific)	104,800 ha	2.29%
NS 59 (Non-Specific)	104,800 ha	2.29%
NS 60 (Non-Specific)	104,800 ha	2.29%
NS 61 (Non-Specific)	104,800 ha	2.29%
NS 62 (Non-Specific)	104,800 ha	2.29%
NS 63 (Non-Specific)	104,800 ha	2.29%
NS 64 (Non-Specific)	104,800 ha	2.29%
NS 65 (Non-Specific)	104,800 ha	2.29%
NS 66 (Non-Specific)	104,800 ha	2.29%
NS 67 (Non-Specific)	104,800 ha	2.29%
NS 68 (Non-Specific)	104,800 ha	2.29%
NS 69 (Non-Specific)	104,800 ha	2.29%
NS 70 (Non-Specific)	104,800 ha	2.29%
NS 71 (Non-Specific)	104,800 ha	2.29%
NS 72 (Non-Specific)	104,800 ha	2.29%
NS 73 (Non-Specific)	104,800 ha	2.29%
NS 74 (Non-Specific)	104,800 ha	2.29%
NS 75 (Non-Specific)	104,800 ha	2.29%
NS 76 (Non-Specific)	104,800 ha	2.29%
NS 77 (Non-Specific)	104,800 ha	2.29%
NS 78 (Non-Specific)	104,800 ha	2.29%
NS 79 (Non-Specific)	104,800 ha	2.29%
NS 80 (Non-Specific)	104,800 ha	2.29%
NS 81 (Non-Specific)	104,800 ha	2.29%
NS 82 (Non-Specific)	104,800 ha	2.29%
NS 83 (Non-Specific)	104,800 ha	2.29%
NS 84 (Non-Specific)	104,800 ha	2.29%
NS 85 (Non-Specific)	104,800 ha	2.29%
NS 86 (Non-Specific)	104,800 ha	2.29%
NS 87 (Non-Specific)	104,800 ha	2.29%
NS 88 (Non-Specific)	104,800 ha	2.29%
NS 89 (Non-Specific)	104,800 ha	2.29%
NS 90 (Non-Specific)	104,800 ha	2.29%
NS 91 (Non-Specific)	104,800 ha	2.29%
NS 92 (Non-Specific)	104,800 ha	2.29%
NS 93 (Non-Specific)	104,800 ha	2.29%
NS 94 (Non-Specific)	104,800 ha	2.29%
NS 95 (Non-Specific)	104,800 ha	2.29%
NS 96 (Non-Specific)	104,800 ha	2.29%
NS 97 (Non-Specific)	104,800 ha	2.29%
NS 98 (Non-Specific)	104,800 ha	2.29%
NS 99 (Non-Specific)	104,800 ha	2.29%
NS 100 (Non-Specific)	104,800 ha	2.29%

Table 3: Land Budget Table

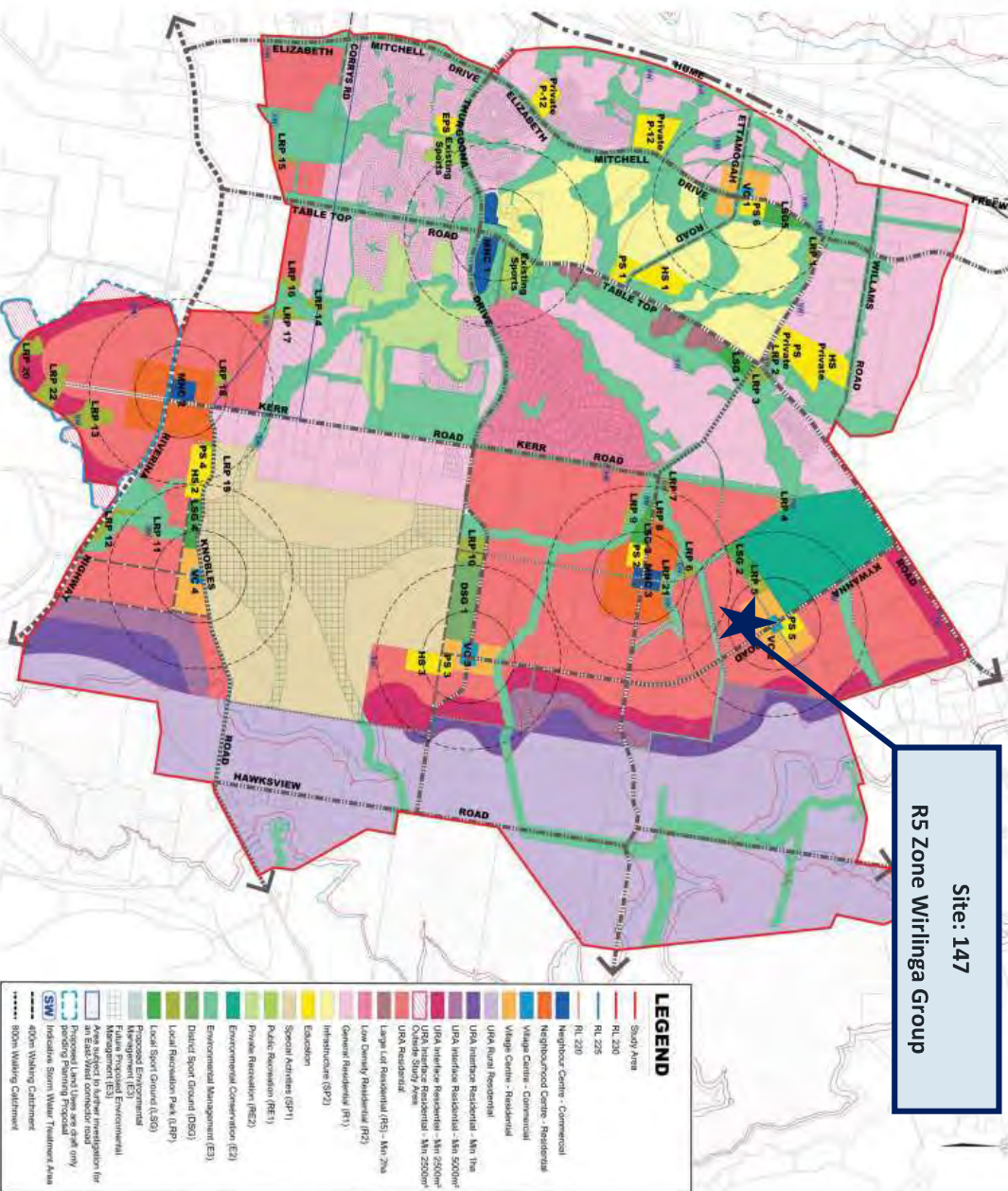


Figure 29: Precinct Structure Plan

60 8.0 Elements of the Precinct Structure Plan

Q8. Are there any other likely environmental effects as a result of the planning Proposal and how are they proposed to be managed?

The Planning Proposal does not result in any additional environmental effects, which have not been already considered.

The increase of Conservation land zoning will result in the further protection of native vegetation (and identified areas of environmental value) across the Albury LGA. Any consequential, risk of bushfire will be continued to be managed under the ALEP 2010 and relevant state policies and controls.

Q9. Has the planning Proposal adequately addressed any social and economic effects?

9.3.3 Social

The Planning Proposal will result in some limitations of potential development outcomes on sites across the Albury LGA. This may raise concern and resistance where recommendations may not be aligned with affected landowners or adjoining landowners and their expectations and aspirations for sites. This potential concern will be considered during the public exhibition of the Planning Proposal.

It is anticipated that the Planning Proposal will have an overall positive social impact as it will:

- Protect environmental areas for conservation which contribute to the natural character and setting of the Albury LGA.
- Protect environmental areas to allow the conservation of critical habitats, threatened species and ecological communities benefitting the Albury LGA, community and its visitors.
- Protect environmental areas for the long term benefitting the Albury LGA, community and its visitors.
- Protect environmental areas mitigating the negative impacts of climate change.

9.3.4 Economic

This Planning Proposal will result in some reduction in the economic value and development potential across the Albury LGA in existing zones. In some locations recommendations may not be aligned with affected landowners or adjoining landowners and their expectations and aspirations for sites. This potential concern will be considered during the public exhibition of the Planning Proposal.

It is anticipated that that the Planning Proposal will have an overall positive economic impact as it will help provide:

- The orderly and sustainable development of land across the Albury LGA without adverse impacts on the natural environment.
- Long term environmental protection boosting the sustainability of the local economy in the long term.
- Long term environmental protection without significant use of public funds or investment.
- Contribution to the natural character and setting of the Albury LGA boosting is tourism offering to visitors.

9.4 Section D: State and Commonwealth Interests

▪ Q10. Is there adequate public infrastructure for the Planning Proposal?

Yes. The Planning Proposal's intent is to rezone land to an C Zone, and consequentially, no additional demand and/or impost on infrastructure provision is anticipated by outcomes sought.

The Planning Proposal does not require nor seek the provision of public infrastructure to support its implementation.

Detailed consultation with government agencies will be conducted as part of the Gateway Determination and Planning Proposal process conducted by the Department of Planning, Industry and Environment as outlined within **Section 11**. This consultation will be considered as part of the Planning Proposal finalisation.

10 Part 4: Mapping

The Planning Proposal engagement will involve the use of an interactive map prepared for the LGA to show the 'loss' or 'gain' of the Conservation Zone (formerly referred to as Environmental Zone) as recommended by this Planning Proposal.

Individual maps for each of the 455 sites is not proposed. Instead, this Planning Proposal will defer to the interactive map (including associated site data) and the Albury Conservation Zoned Lands Review Report (ELA 3 December 2021) mapping to provide the spatial context and documented assessment to substantiate recommendations for Conservation Zone (formerly referred to as Environmental Zone) amendment.

11 Part 5: Community Consultation

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.

12 Part 6: Project Timeline

It is anticipated that the LEP amendment will be completed by Mid 2023. An indicative project timeframe is provided below.

Table 12.1 Indicative Project Timeline

STAGE	TIMEFRAME AND/OR DATE
Lodgement of Planning Proposal	August 2022
Planning Proposal referred to DPE for Gateway Determination	August 2022
Gateway Determination by DPE	October 2022
Commencement and completion of Public exhibition period	Commencement Mid November 2022 Completion Late January 2023 Anticipated timeframe for public exhibition is a minimum 28 days.
Consideration of the Planning Proposal submissions post-exhibition	February-March 2023
Submission to DPE to finalise the LEP	Mid 2023
Gazettal of LEP Amendment	Mid 2023

13 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 of and the correcting 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.
- Proposing the alignment with Biodiversity Certification as affected by ALEP 2010.
- Net gain of **419.65* ha** of Conservation Zoned (formerly referred to as Environmental Zone) land as sought by the Planning Proposal.
- Protection of critical habitat, threatened species, populations or ecological communities and their habitats across the Albury LGA.

It is respectfully requested that the Council resolve 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*.

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

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).