

**Amend Albury LEP 2010 - Reclassify Land in Milro Ave and 546 Dean St to Operational Land**

|                    |                                                                                                                                                                                 |               |          |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------|
| Proposal Title :   | Amend Albury LEP 2010 - Reclassify Land in Milro Ave and 546 Dean St to Operational Land                                                                                        |               |          |
| Proposal Summary : | Council seeks to amend Albury LEP 2010 reclassifying the following two parcels of land from Community Land to Operational Land;                                                 |               |          |
|                    | 1. Lot 33 DP 21896 Milro Avenue, East Albury - linear drainage reserve in a residential area.<br>2. Lot 25 DP 1169423 546 Dean Street, Albury - Area 56.9 m2 within Albury CBD. |               |          |
| PP Number :        | PP_2012_ALBUR_002_00                                                                                                                                                            | Dop File No : | 12/09962 |

**Proposal Details**

|                                   |                  |                      |                        |
|-----------------------------------|------------------|----------------------|------------------------|
| Date Planning Proposal Received : | 06-Jun-2012      | LGA covered :        | Albury City            |
| Region :                          | Southern         | RPA :                | Albury City Council    |
| State Electorate :                | ALBURY           | Section of the Act : | 55 - Planning Proposal |
| LEP Type :                        | Reclassification |                      |                        |

**Location Details**

|               |                   |            |        |
|---------------|-------------------|------------|--------|
| Street :      | Milro Avenue      |            |        |
| Suburb :      | East Albury       | City :     | Albury |
| Land Parcel : | Lot 33 DP 21896   | Postcode : | 2640   |
| Street :      | 546 Dean Street   |            |        |
| Suburb :      | Albury            | City :     | Albury |
| Land Parcel : | Lot 25 DP 1169423 | Postcode : | 2640   |

**DoP Planning Officer Contact Details**

|                  |                                  |
|------------------|----------------------------------|
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**DoP Project Manager Contact Details**

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## Amend Albury LEP 2010 - Reclassify Land in Milro Ave and 546 Dean St to Operational Land

### Land Release Data

|                                    |     |                                                      |     |
|------------------------------------|-----|------------------------------------------------------|-----|
| Growth Centre :                    | N/A | Release Area Name :                                  | N/A |
| Regional / Sub Regional Strategy : | N/A | Consistent with Strategy :                           | N/A |
| MDP Number :                       |     | Date of Release :                                    |     |
| Area of Release (Ha) :             |     | Type of Release (eg Residential / Employment land) : | N/A |
| No. of Lots :                      | 0   | No. of Dwellings (where relevant) :                  | 0   |
| Gross Floor Area :                 | 0   | No of Jobs Created :                                 | 0   |

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

If No, comment :

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

If Yes, comment :

### Supporting notes

Internal Supporting Notes :

External Supporting Notes :

#### 1. Lot 33 DP 21896 Milro Avenue, East Albury - linear drainage reserve

The drainage reserve currently bisects privately owned residential land at 498 Milro Avenue (see aerial photo of the site - Figure 3 of the PP). Council seeks to reclassify this drainage reserve from Community to Operational Land (all trusts, covenants and restrictions to be discharged) to enable Council to extinguish the reserve, relocate the Council infrastructure around the perimeter of the private property and then sell the reclassified land to the owner of 498 Milro Avenue.

The land is zoned R1 General Residential Zone under Albury LEP 2010 (see Figure 2 of the PP) and the PP is not seeking to rezone the land.

#### 2. Lot 25 DP 1169423 546 Dean Street, Albury - Area 56.9 m2

Council recently discovered that this small parcel of land in the Albury CBD is classified as Community Land and is dedicated as a 'Town Hall'. Lot 25 and surrounding land is being revitalised, consistent with a masterplan for the Albury CBD (City's Cultural Precinct) that includes new public open space areas and a re-furnished Art Gallery (see Aerial Photo of the site - Figure 3 of the PP). Council seeks to reclassify Lot 25 so that it is consistent with the classification and future use of adjoining Council owned land.

The land is zoned B3 Commercial Core Zone under Albury LEP 2010 (see Figure 2 of the PP) and the PP is not seeking to rezone the land.

### Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The PP clearly states that the objective of the PP is to reclassify the two parcels of land to

**Operational Land.**

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

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

Comment : **Council has indicated in the PP that both sites are to be listed in Part 2 of Schedule 4 of Albury LEP 2010 so that all trusts, covenants and restrictions are discharged.**

**Justification - s55 (2)(c)**

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

b) S.117 directions identified by RPA :

**1.1 Business and Industrial Zones**

**2.3 Heritage Conservation**

\* May need the Director General's agreement

**3.1 Residential Zones**

**3.4 Integrating Land Use and Transport**

**6.1 Approval and Referral Requirements**

**6.2 Reserving Land for Public Purposes**

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

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

d) Which SEPPs have the RPA identified?

**SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)  
Murray REP No. 2 - Riverine Land**

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

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

**s117 DIRECTION 6.2 RESERVING LAND FOR PUBLIC PURPOSES**

**The PP is inconsistent with this Direction because it seeks to "create, alter or reduce" existing reservations of land for public purposes and requires the approval of the relevant authority (in this case Albury City Council) and the Director General. The reclassification of these two sites has merit and the inconsistencies with the Direction are considered to be justified for proper development of the land and they are of minor significance.**

**RECOMMENDATION**

**That the Director General approve the inconsistencies of the PP with s117 Direction '6.2 Reserving Land for Public Purposes' on the basis that the inconsistencies are justified for the proper development of the land and are of minor significance.**

**Mapping Provided - s55(2)(d)**

Is mapping provided? **No**

Comment : **The PP does not require any amendments to the LEP Maps.**

**Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

Comment : **Part 4 of the PP has recommended that the proposal be placed on public exhibition for 28 days.**

**Council also acknowledges in the PP that a public hearing is required for the reclassification of land to Operational Land and that the hearing will be held after the close of the exhibition period in accordance with 'PN09-003 Classification and reclassification of land through a Local Environmental Plan'.**

**The timeframe for completing the LEP is recommended to be 9 months from the week**

following the date of the Gateway Determination.

### Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : Council has addressed the Director General's requirements for the reclassification of public land ( see Figure 4 A guide to preparing local environmental plans). Council has provided an adequate explanation for justifying the extinguishment of interests in both parcels of land, i.e. Lot 33 is no longer required as a drainage reserve and the reclassification the reservation of lot 25 as a 'Town Hall' is no longer relevant to the current and future use of the site.

#### RECOMMENDATION

That the Director General approve the inconsistencies of the PP with S117 Direction '6.2 Reserving Land for Public Purposes' on the basis that the inconsistencies are of minor significance.

### Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

### Proposal Assessment

#### Principal LEP:

Due Date : **August 2010**

Comments in relation to Principal LEP : **Albury SI LEP 2010 was notified on the 13 August 2010.**

#### Assessment Criteria

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Need for planning proposal :                    | <p>The PP has adequately outlined the need to reclassify the two parcels of land as follows;</p> <p>1. Lot 33 DP 21896 Milro Avenue, East Albury - linear drainage reserve</p> <p>The drainage reserve currently bisects privately owned land at 498 Milro Avenue. Council seek to reclassify this drainage reserve from Community to Operational land (all trusts, covenants and restrictions to be discharged) to enable Council to extinguish the reserve, relocate the Council infrastructure around the perimeter of the private property and then sell the reclassified land to the owner of 498 Milro Avenue.</p> <p>2. Lot 25 DP 1169423 546 Dean Street, Albury - Area 56.9 m2</p> <p>Council recently discovered that this small parcel of land is classified as Community land and is dedicated as a 'Town Hall'. Lot 25 and surrounding land is being revitalised, consistent with a masterplan for Albury City's Cultural Precinct that includes new public open space areas and re-furbished Art Gallery. Council seeks to reclassify Lot 25 so that it is consistent with the classification and future use of adjoining Council owned land.</p> |
| Consistency with strategic planning framework : | <p>1. The reclassification of Lot 33 is consistent with negotiations between Council and the owner of 498 Milro Avenue, East Albury.</p> <p>2. The reclassification of Lot 25 is consistent with the Albury CBD Masterplan.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Environmental social economic impacts :         | <p>There is unlikely to be any significant adverse environmental, social or economic impacts as a result of the reclassification of the two parcels of land.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

## Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 Month** Delegation : **DG**

Public Authority  
Consultation - 56(2)(d)  
:

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

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

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

**No internal consultation required**

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

If Yes, reasons :

## Documents

| Document File Name                           | DocumentType Name        | Is Public |
|----------------------------------------------|--------------------------|-----------|
| Cover Letter.pdf                             | Proposal Covering Letter | Yes       |
| Planning Proposal.pdf                        | Proposal                 | Yes       |
| Council Meeting Minutes.pdf                  | Proposal                 | Yes       |
| Planning & Development Committee Minutes.pdf | Proposal                 | Yes       |
| Planning & Development Committee Report.pdf  | Proposal                 | Yes       |

## Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**  
**2.3 Heritage Conservation**  
**3.1 Residential Zones**  
**3.4 Integrating Land Use and Transport**  
**6.1 Approval and Referral Requirements**  
**6.2 Reserving Land for Public Purposes**

Additional Information : **That the Director General, as delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that an amendment to the Albury Local Environmental Plan 2010 to reclassifying the following two parcels of land from Community Land to Operational Land;**

- A. Lot 33 DP 21896 Milro Avenue, East Albury - linear drainage reserve  
B. Lot 25 DP 1169423 546 Dean Street, Albury - Area 56.9 m2

should proceed subject to the following conditions:

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

- (a) the planning proposal must be made publicly available for 28 days; and  
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

2. No consultation is required with the public authorities under section 56(2)(d) of the EP&A Act:

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway Determination.

5. The Director General can be satisfied that the planning proposal is consistent with all relevant s117 Directions or that any inconsistencies are of minor significance.

6. No further referral is required in respect of s117 Directions while the planning proposal remains in its current form.

Supporting Reasons :

1. The PP is for the reclassification of land and is therefore not considered low impact in accordance with 'A guide to preparing local environmental plans'.  
2. The PP adequately justifies any inconsistencies with the relevant s117 Directions or establishes that any inconsistencies are of minor significance.

Signature:



Printed Name:

**MARK PARKER**  
**Local Planning Manager**

Date:

*13th June 2012*