
PLANNING PROPOSAL



Amendment to Albury Local Environmental Plan 2010 Reclassification of land from Community to Operational

**Milro Avenue, East Albury (Lot 33, DP 21896) &
Part Albury Art Gallery – 546 Dean Street, Albury
(Lot 25, DP 1169423)**

Prepared by
AlburyCity Council

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CONTENTS

PART 1 – OBJECTIVES OR INTENDED OUTCOMES	2
PART 2 – EXPLANATION OF PROVISIONS.....	2
PART 3 – JUSTIFICATION	2
Section A - Need for the planning proposal.	2
Section B - Relationship to strategic planning framework	5
Section C - Environmental, social and economic impact.....	6
Section D - State and Commonwealth interests	7
PART 4 – COMMUNITY CONSULTATION	7
APPENDIX A	9
Figure 1 – Proposed Classifications.....	9
Figure 2 – Current Zoning	11
Figure 3 – Aerial Photo	13
APPENDIX B	15
Table 1 – Net Community Benefit Test	15
Table 2 – Consideration of State Environmental Planning Policies	19
Table 3 – Consideration of Section 117(2) Ministerial Directions.....	24
APPENDIX C	28
Deposited Plans	28
Extracts of the Albury CBD Master Plan 2009	30
Extracts of relevant NSW Government Gazettes.....	32
Development Application - Albury Art Gallery Redevelopment	35

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

AlburyCity Council has resolved to prepare a planning proposal under the provisions of Part 2, Chapter 6 of the *Local Government Act 1993* and as per Section 55 of the *Environmental Planning & Assessment Act 1979*.

The proposal seeks an amendment to the *Albury Local Environmental Plan 2010* (ALEP 2010) and involves the reclassification of Lot 33, DP 21896 – Milro Avenue, East Albury and Lot 25, DP 1169423, being part of the Albury Art Gallery – 546 Dean Street, Albury (subject sites) from ‘Community’ to ‘Operational’ land (**Figure 1**) and to discharge any trusts, covenants and restrictions of title currently applying to these sites.

PART 2 – EXPLANATION OF PROVISIONS

As per Clause 5.2 - Classification and reclassification of public land of ALEP 2010, it is proposed to insert the following provisions into Schedule 4, Part 2 – Land classified or reclassified, as operational land – interests changed of this Plan as outlined below:

Schedule 4 Classification and reclassification of public land

Part 2 Land Classified, or reclassified, as operational land – interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Milro Avenue, East Albury	Lot 33, DP 21896	
546 Dean Street (Part Albury Art Gallery), Albury	Lot 25, DP 1169423	

PART 3 – JUSTIFICATION

Section A - Need for the planning proposal.

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the result of any strategic study or report.

AlburyCity has recently been in discussions with the owners of 498 Milro Avenue, East Albury regarding the location of a Council ‘drainage reserve’ that bisects a portion of their property, effectively dividing it in two (**Figure 3**). When the original subdivision plan (see **Appendix C**) for ‘Eastern Heights Estate’ (which Milro Avenue is a part of) was approved on 29 September 1949, the subject site was classified as a ‘drainage reserve’ and under the requirements of the *Local Government Act 1919* became the ownership of the original subdivider.

Notwithstanding, under Section 50(4) and (5) of the *Local Government Act 1993*, where a drainage reserve was created after 24 November 1922 and before 15 June 1964, a local council may publish a notice in the NSW Government Gazette notifying that the land is vested in it for an estate of fee simple and is taken in the case of a drainage reserve to be held by the council for drainage purposes. The public notice to this effect was published in NSW Government Gazette No. 74 dated 11 June 2010 (see **Appendix C**) and council became the owner of the subject site with the land classified as 'Community'.

Upon ownership of this land and following discussions with the landowners of 498 Milro Avenue, AlburyCity agreed to extinguish the drainage reserve and relocate this infrastructure around the perimeter of the site, subject to the imposition of an easement being created to that effect for its ongoing protection and maintenance. It was also agreed that AlburyCity would begin the process of reclassifying the subject site from 'Community' to 'Operational' and sell the subject site for a 'peppercorn agreement' (nominal fee) to the landowners of 498 Milro Avenue, which has resulted in the subject planning proposal.

Likewise, AlburyCity Council were recently informed by the NSW Land Titles Office that it is the owner of Lot 25, DP 1169423, being 546 Dean Street (Part Albury Art Gallery (North West corner)). Accordingly, upon further investigations of this site it was discovered that the subject land is classified as 'Community' land and is dedicated as a 'Town Hall' in accordance with the NSW Government Gazette No. 63 dated 30 May 1969 (see **Appendix C**).

It is noted that in 2009 AlburyCity endorsed an Albury CBD Masterplan (see **Appendix C**) that provided amongst other things a long term planning framework for the Albury CBD and encouraged improved public open spaces. As part of the outcomes of this Masterplan, it was recommended that the adjoining QEII Square and the cultural precinct, in which the Albury Art Gallery is located, should be revitalised consistent with AlburyCity's Cultural Precinct Masterplan.

In line with these Masterplans, AlburyCity recently lodged a development application (see **Appendix C**) for a \$10.5M redevelopment of the Albury Art Gallery. The plans include increasing the space within the gallery, creating two new entrances from QEII Square and Burrows House (one of which is through the subject site) and the creation of a new gallery café that will open out into QEII Square.

Accordingly, given the current and proposed future uses of the subject site for art gallery and café purposes, the site needs to be reclassified from 'Community' to 'Operational' land and reference to 'Town Hall' needs to be removed from its title to facilitate the ongoing development and use of this site.

The subject sites are currently zoned R1 General Residential and B3 Commercial Core respectively under ALEP 2010 and are used for residential and community (art gallery) purposes. Accordingly, the main purpose of the reclassifications are to ensure that the sites can be used consistent with the surrounding land uses (i.e. residential and community purposes) now and into the future.

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

Amending ALEP 2010 to reclassify the subject sites from Community to Operational is the best means of achieving the objectives of the planning proposal. Reclassifying the land to Operational will reflect previous agreements between AlburyCity and the subject landowner regarding the relocation of Council infrastructure and will also allow for the ongoing development and redevelopment of the Albury Art Gallery.

3. Is there a net community benefit?

The Net Community Benefit Test (as set out in **Table 1** of Appendix B), adapted from the *Draft Centres Policy: Planning for Retail and Commercial Development* (Department of Planning 2009) has been prepared (as required) to determine costs and benefits associated with, and accordingly, assist with an assessment of the merits of the Planning Proposal.

This assessment confirms that the Planning Proposal has an overall net community benefit.

3A. If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

It is noted that the planning proposal does seek to extinguish interests over the subject sites as outlined below:

With regards to extinguishing the interests related to Lot 33, DP 21896 as it applies to Milro Avenue, the planning proposal seeks to remove reference to the site as a 'drainage reserve' as outlined in NSW Government Gazette No. 74 dated 11 June 2010 as the infrastructure in this reserve has since been relocated and will be replaced by a drainage easement around the perimeter of this site.

Similarly, the planning proposal seeks to extinguish the interest over Lot 25, DP 1169423 as it applies to the Albury Art Gallery to remove the previous reference contained in NSW Government Gazette No. 63 dated 30 May 1969, which dedicated the subject site as a 'Town Hall' as the site is not used for town hall purposes.

3B. The concurrence of the landowner, where the land is not owned by the relevant planning authority.

AlburyCity Council is the owner of the subject sites.

Section B - Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The draft *Murray Regional Strategy* (yet to be adopted) is Council's relevant Regional Strategy as set out by the Department of Planning and Infrastructure. Following an assessment of this document, this planning proposal is not inconsistent with the objectives and actions contained within the draft Murray Regional Strategy.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The *Albury 2030 Community Strategic Plan* is Council's local community strategic planning document. The Albury 2030 Plan includes the following strategic aims under the theme of 'a caring community':

Art Gallery – co-join the Art Gallery and Burrows House to provide increased community arts facilities;

Cultural Precinct Master Plan – progress revisions and implementation of the plan.

The proposed reclassification of Lot 33, DP 21896 as it applies to Milro Avenue is not inconsistent with the recommendations of this Plan. Likewise, the proposed reclassification of Lot 25, DP 1169423 as it applies to part of the Albury Art Gallery is consistent with the strategic aims of this Plan as it will allow for the ongoing development and redevelopment of the Albury Art Gallery for community, cultural and open space purposes.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The Planning Proposal is consistent, or where applicable, justifiably inconsistent with *State Environmental Planning Policies*, as set out in **Table 2** of Appendix B.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is consistent, or where applicable, justifiably inconsistent with Section 117(2) Ministerial Directions, as set out in **Table 3** of Appendix B.

Section C - Environmental, social and economic impact

8. 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?

The land is not identified as containing threatened species, critical habitat, ecological communities or their habitat. The proposed reclassifications relate to land currently used for stormwater drainage and public (art gallery) purposes (see **Figure 3**). Consequently, reclassifying the land will not impact on any critical habitat or threatened species as the subject sites will continue to be used for their existing purposes, being ancillary residential and art gallery purposes.

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

Any subsequent use/development of the site for private or community purposes resulting from the reclassification will not result in any environmental impacts to surrounding areas. The subject sites are not known to be flood affected, contaminated, bush fire prone, be subject to land slip, or adversely affect any adjoining heritage items.

It is noted however that Lot 25, DP 1169423 as it applies to part of the Albury Art Gallery is currently classified as Heritage Item 'I41 – Regional Art Centre' and is contained within Heritage Conservation Area 'C6 Dean Street Conservation Area' under the provisions of Schedule 5 of ALEP 2010. Whilst this site is classified as an individual heritage item, as well as being located within a heritage conservation area the proposed reclassification of this site will not adversely affect the heritage significance of this site as it purely relates to the reclassification of this site and not its redevelopment (subject to a separate development application and assessment) or sale.

10. How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal will have no material effect on the existing sites and seeks to rectify a number of anomalies related to Council-owned land.

Firstly, the proposal seeks to reclassify an existing drainage reserve that currently divides a private landowner's backyard into two. By extinguishing this drainage reserve and relocating the existing infrastructure around the perimeter of this site (subject to the imposition of an easement to that effect), this will allow AlburyCity to reclassify the subject site from Community to Operational. Upon reclassification, AlburyCity will be able to sell the subject site for a 'peppercorn agreement' (nominal fee) to the landowners of 498 Milro Avenue, who upon purchase, will benefit from the removal of a drainage reserve that currently divides their property into two and is owned by a different landowner, allowing them to better utilise their own site.

Similarly, the proposed reclassification of Lot 25, DP 1169423 will have a positive social benefit as it seeks to reclassify a small portion of the Albury Art Gallery site (56.9m²) consistent with the residual of this building and site (1107m²). In doing so, this will allow for the ongoing development and use of this facility for community, cultural and open space purposes consistent with AlburyCity's 2010 Cultural Precinct Master Plan, which seeks to link important cultural facilities in the CBD that creates a vibrant and dynamic space to engage the community, boost tourism and create opportunities for private investment.

It is noted that AlburyCity does not propose to sell Lot 25, DP 1169423 upon reclassification of this site as Operational due to its current and future use as part of the Albury Art Gallery.

Section D - State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

The planning proposal is seeking to only reclassify the subject sites from Community to Operational land and is not proposing any additional development. Nonetheless, following discussions with the landowners of 498 Milro Avenue, AlburyCity has agreed to extinguish the existing drainage reserve located over a portion of their site and relocate this infrastructure around the perimeter of this site subject to the imposition of an easement to that effect.

Concerns regarding public infrastructure related to the Albury Art Gallery have also been considered and will not be impacted upon by this proposal as the subject site is contained within a portion of the existing Albury Art Gallery and is in close proximity to existing public infrastructure (including water and sewer) should it be required. It is noted however that the Albury Art Gallery is currently the subject of a separate development application for its redevelopment with any issues pertaining to infrastructure impacts regarding this proposal to be assessed as part of this application.

Overall the impacts on infrastructure from this proposal will be negligible.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No consultation has been carried out at this stage with any State and Commonwealth Public Authorities; however, consultation will occur in accordance with the Gateway Determination.

PART 4 – COMMUNITY CONSULTATION

Council proposes that the planning proposal be exhibited in accordance with the requirements of section 57 of the *Environmental Planning & Assessment Act 1979*, section 29 of the *Local Government Act 1993*, the NSW Department of Planning's: LEP Practice Note PN09-003 *Classification and reclassification of public land through a local environmental plan* and *A guide to preparing local environmental plans* (July 2009).

It is proposed that the planning proposal will be placed on public exhibition for a minimum of 28 days as the proposal seeks to reclassify Community land. Written notification of the community consultation will be provided in a local newspaper and on Councils' website. In addition to this, adjoining landowners will be notified in writing. The written notice will contain:

- A brief description of the intended outcomes of the planning proposal;
- An indication of the land which is affected by the proposal;
- Information on where and when the planning proposal can be inspected;
- The name and address of Council for the receipt of submissions; and
- The closing date for submissions.

During the public exhibition period the following documents will be placed on public exhibition:

- The planning proposal;
- The Gateway determination;
- Relevant council reports;
- The LEP practice note: *Classification and reclassification of land through a Local Environmental Plan* (PN09-003); and

A public hearing will be required to be held as the planning proposal is reclassifying public land from Community to Operational. In accordance with the Department of Planning Circular (PN09-003) the public hearing will be held after the close of the exhibition period. Public notice of the public hearing will be sent and published at least 21 days before the start of the public hearing.

APPENDIX A

Figure 1 – Proposed Classifications



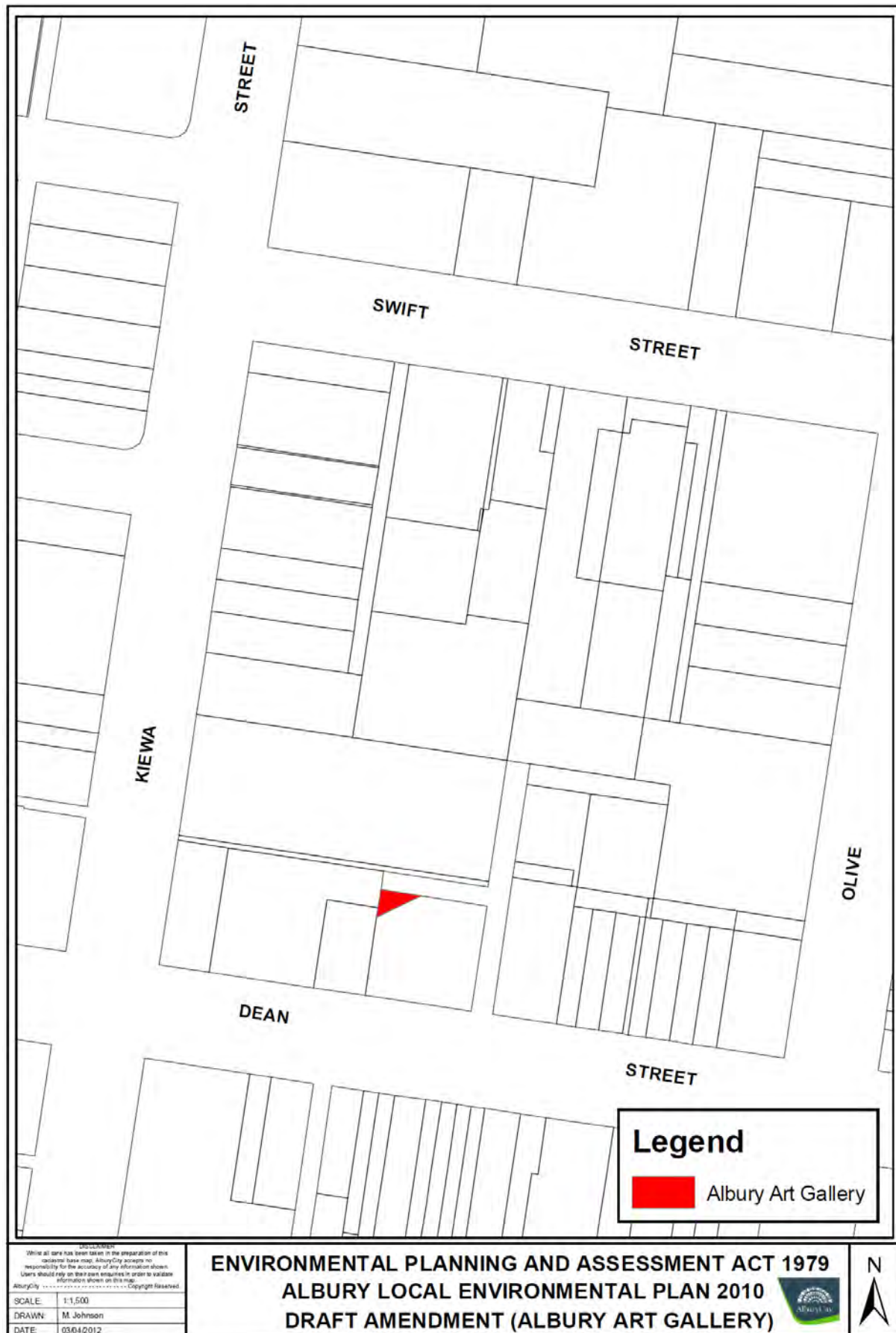


Figure 2 – Current Zoning





Figure 3 – Aerial Photo





APPENDIX B

Table 1 – Net Community Benefit Test

Evaluation Criteria	Comment
Will the LEP be compatible with agreed State and regional strategic directions for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	The Planning Proposal does not derogate from the aims of the <i>Draft Murray Regional Strategy 2009</i> (DMRS). As the proposal only relates to the reclassification of land it will have a neutral impact in terms of its compatibility with agreed state and regional strategic directions for development in the wider Albury area.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The City of Albury has been identified as a 'Major Regional Centre' of the Upper Murray Subregion within the DMRS and as outlined above will support and promote Albury as the Major Regional Centre of this region.
Is the LEP likely to create a precedent or create a change in expectations of the land owner or other land owners?	The Planning Proposal seeks to reclassify two parcels of land from 'Community' to 'Operational'. It is noted that following discussions with the landowners of 498 Milro Avenue, AlburyCity has agreed to extinguish the 'drainage reserve' as it applies to Lot 33, DP 21896 and relocate this infrastructure around the perimeter of this site, subject to the imposition of an easement to that effect. It was also agreed that AlburyCity would begin the process of reclassifying the subject site from 'Community' to 'Operational' and sell the subject site for a 'peppercorn agreement' (nominal fee) to the landowners of 498 Milro Avenue, resulting in the subject planning proposal. This is unlikely to create a precedent given the location of surrounding infrastructure and the ownership status of this infrastructure. Similarly, the subject planning proposal will not create a precedent or change in expectations for Lot 25, DP 1169423 as it applies to the Albury Art Gallery as AlburyCity currently owns the subject site and does not plan to sell it upon its reclassification.

AlburyCity
AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

Evaluation Criteria	Comment
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Not relevant to the subject Planning Proposal, as the proposal does not relate to a change in land use zoning or spot rezoning, but rather the reclassification of community-classified land.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Not relevant to the subject Planning Proposal, as the proposal does not relate to employment generating activities or employment lands, but rather the reclassification of community-classified land.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Not relevant to the subject Planning Proposal, as the proposal does not relate to a change in the supply of residential land and therefore housing supply, but rather the reclassification of community-classified land.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The planning proposal is seeking to only reclassify the subject sites from Community to Operational land and is not proposing any additional development or demands for public infrastructure. Likewise, there are no issues associated with the current availability or future availability of public transport infrastructure as the proposal only relates to the reclassification of community-classified land. Overall the impacts on infrastructure from this proposal will be negligible.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	Not relevant as the Planning Proposal only relates to the reclassification of community-classified land and will not result in a change to the car distances travelled by customers, employees or suppliers.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	The Planning Proposal will not significantly affect government investments, infrastructure or services in the area as it relates to the reclassification of community-classified land.

AlburyCity
AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

Evaluation Criteria	Comment
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	The land is not identified as containing threatened species, critical habitat, ecological communities or their habitat. The proposed reclassifications relate to land currently used for stormwater drainage and public (art gallery) purposes (see Figure 3). Consequently, reclassifying the land will not impact on any critical habitat or threatened species as the subject sites will continue to be used for their existing purposes, being ancillary residential and art gallery purposes.
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The Planning Proposal is compatible/complementary to surrounding land uses and will have no material effect on the existing sites and only seeks to rectify a number of anomalies related to Council-owned land. Firstly, the proposal seeks to reclassify an existing drainage reserve that currently divides a private landowner's backyard into two. By extinguishing this drainage reserve and relocating the existing infrastructure around the perimeter of this site (subject to the imposition of an easement to that effect), this will allow AlburyCity to reclassify the subject site and sell the subject site to the landowners of 498 Milro Avenue, who upon purchase, will benefit from the removal of a drainage reserve that currently divides their property into two. Similarly, the proposed reclassification of Lot 25, DP 1169423 will have a positive social benefit as it seeks to reclassify a small portion of the Albury Art Gallery site (56.9m²) consistent with the residual of this building and site (1107m²). In doing so, this will allow for the ongoing development and use of this facility for community, cultural and open space purposes.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	Not relevant to the subject Planning Proposal, as the proposal does not increase the number of retail and commercial premises operating in the area, but rather the reclassification of community-classified land.

AlburyCity
AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

Evaluation Criteria	Comment
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	Not relevant to the subject Planning Proposal, as the proposal does not seek to create a stand-alone proposal or centre and only relates to the reclassification of community-classified land.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The public interest reasons for preparing the draft plan will reflect previous agreements between AlburyCity and the landowner of 498 Milro Avenue regarding the relocation of Council infrastructure and will also allow for the ongoing development and redevelopment of the Albury Art Gallery. Accordingly, the main purpose of the reclassifications are to ensure that the sites can be used consistent with the surrounding land uses (i.e. residential and community purposes) now and into the future. The implications of not proceeding (the 'do nothing approach') will mean that the landowner of 498 Milro Avenue will continue to have their backyard divided by an existing drainage reserve, whilst the Albury Art Gallery will be limited in terms of its future uses due to its community-classification status.

AlburyCity
AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

Table 2 – Consideration of State Environmental Planning Policies

No.	SEPP Title	Applicable to Planning Proposal	Consistency
1	State Environmental Planning Policy – Development Standards	No, does not apply to land in the Albury LGA since gazettal of ALEP 2010	N/A
4	State Environmental Planning Policy – Development without consent & Miscellaneous Exempt & Complying Development	No, does not apply to land in the Albury LGA since gazettal of ALEP 2010	N/A
6	State Environmental Planning Policy – Number of Storeys in a Building	Not applicable	N/A
14	State Environmental Planning Policy – Coastal Wetlands	No, does not apply to the Albury LGA	N/A
15	State Environmental Planning Policy – Rural Landsharing Communities	No, does not apply to the Albury LGA	N/A
19	State Environmental Planning Policy – Bushland in Urban Areas	No, does not apply to the Albury LGA	N/A
21	State Environmental Planning Policy – Caravan Parks	Not applicable	N/A
22	State Environmental Planning Policy – Shops & Commercial Premises	Not applicable	N/A
26	State Environmental Planning Policy – Littoral Rainforests	No, does not apply to the Albury LGA	N/A
29	State Environmental Planning Policy – Western Sydney Recreation Area	No, does not apply to the Albury LGA	N/A
30	State Environmental Planning Policy – Intensive Agriculture	Not applicable	N/A

No.	SEPP Title	Applicable to Planning Proposal	Consistency
32	State Environmental Planning Policy – Urban Consolidation (Redevelopment of Urban Land)	Yes, because the Planning Proposal applies to urban zoned land and land that is no longer required for the purpose it is currently zoned or used.	Consistent as the Planning Proposal seeks to reclassify residentially zoned land that is no longer required for the purpose it is currently used (stormwater drainage purposes) due to the relocation of this infrastructure. In reclassifying the land, it will be able to be used for ancillary residential purposes.
33	State Environmental Planning Policy – Hazardous & Offensive Industry	Not applicable	N/A
36	State Environmental Planning Policy – Manufactured Home Estate	Not applicable	N/A
39	State Environmental Planning Policy – Spit Island Bird Habitat	No, does not apply to the Albury LGA	N/A
41	State Environmental Planning Policy – Casino Entertainment Complex	No, does not apply to the Albury LGA	N/A
44	State Environmental Planning Policy – Koala Habitat Protection	Not applicable	N/A
47	State Environmental Planning Policy – Moore Park Showground	No, does not apply to the Albury LGA	N/A
50	State Environmental Planning Policy – Canal Estate Development	Not applicable	N/A
52	State Environmental Planning Policy – Farm Dams and Other Works in Land and Water Management Plan Areas	No, does not apply to the Albury LGA	N/A
53	State Environmental Planning Policy – Metropolitan Residential Development	No, does not apply to the Albury LGA	N/A

No.	SEPP Title	Applicable to Planning Proposal	Consistency
55	State Environmental Planning Policy – Remediation of Land	Not applicable	N/A
59	State Environmental Planning Policy – Central Western Sydney Regional Open Space and Residential	No, does not apply to the Albury LGA	N/A
60	State Environmental Planning Policy – Exempt & Complying Development	Not applicable – does not apply to land in the Albury LGA since gazettal of ALEP 2010	N/A
62	State Environmental Planning Policy – Sustainable Aquaculture	Not applicable	N/A
64	State Environmental Planning Policy – Advertising & Signage	Not applicable	N/A
65	State Environmental Planning Policy – Design Quality of Residential Flat Development	Not applicable	N/A
70	State Environmental Planning Policy – Affordable Housing (Revised Schemes)	No, does not apply to the Albury LGA	N/A
71	State Environmental Planning Policy – Coastal Protection	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Affordable Rental Housing) 2009	Not applicable	N/A
	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not applicable	N/A

No.	SEPP Title	Applicable to Planning Proposal	Consistency
	State Environmental Planning Policy (Exempt & Complying Development Codes) 2008	Not applicable	N/A
	State Environmental Planning Policy (Housing for Seniors & People with a Disability) 2004	Not applicable	N/A
	State Environmental Planning Policy (Infrastructure) 2007	Not applicable	N/A
	State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Major Development) 2005	Not applicable	N/A
	State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007	Not applicable	N/A
	State Environmental Planning Policy (Rural Lands) 2008	Not applicable	N/A
	State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not applicable	N/A
	State Environmental Planning Policy (Temporary Structures) 2007	Not applicable	N/A
	State Environmental Planning Policy (Western Sydney Employment Area) 2009	No, does not apply to the Albury LGA	N/A

No.	SEPP Title	Applicable to Planning Proposal	Consistency
	State Environmental Planning Policy (Western Sydney Parklands) 2009	No, does not apply to the Albury LGA	N/A
	Regional Environmental Plan (deemed State Environmental Planning Policy) Murray REP No. 2 – Riverine Land	Yes applies to the Albury LGA	The Planning Proposal does not derogate from the aims, objectives, development consent, general and specific planning principles and consultation requirements as provided in the REP.

Table 3 – Consideration of Section 117(2) Ministerial Directions

No.	Direction Title	Applicable to Planning Proposal	Consistency
1. Employment and Resources			
1.1	Business & Industrial Zones	Yes, as the planning proposal will affect land within a commercial zone (B3 Commercial Core)	Consistent as the proposed reclassification will not reduce the total floor space area for employment uses and related public services. Likewise, the reclassification of the subject site is consistent with the objectives of this Direction, in particular objective 1(c) as it supports the viability of identified strategic centres. The proposal also allows for the flexible use of land within a commercial zone.
1.2	Rural Zones	Not applicable	N/A
1.3	Mining, Petroleum Production & Extractive Industries	Not applicable	N/A
1.4	Oyster Aquaculture	Not applicable	N/A
1.5	Rural Lands	Not applicable	N/A
2. Environment and Heritage			
2.1	Environmental Protection Zones	Not applicable	N/A
2.2	Coastal Protection	No (does not apply to land in the Albury LGA)	N/A
2.3	Heritage Conservation	Yes, as the planning proposal will affect a local heritage item and land located within an identified Heritage Conservation Area	Consistent, as the planning proposal does not alter or derogate from the heritage conservation controls contained in clause 5.10 of ALEP 2010 that seeks to facilitate the conservation of items, areas, objects and places of environmental heritage significance, which is consistent with the objective of this direction. Furthermore, the proposal does not involve any physical works as it only seeks to reclassify the subject land to make it easier for Council to apply for a liquor license for the subject site.

AlburyCity
AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

No.	Direction Title	Applicable to Planning Proposal	Consistency
2.4	Recreation Vehicle Areas	Not applicable	N/A
3. Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Yes, as the planning proposal will affect land within a residential zone (R1 General Residential Zone)	Consistent as the subject site is located within an established residential area within close proximity to local services such as shops and public transport. The reclassification will make more efficient use of infrastructure as it seeks to relocate an existing drainage reserve that currently divides the backyard of a private residential property in half, which following reclassification will have a positive social benefit. The planning proposal will also not have an adverse impact on environmental and resource lands as it only relates to the reclassification of community-owned land.
3.2	Caravan Parks & Manufactured Home Estates	Not applicable	N/A
3.3	Home Occupations	Not applicable	N/A
3.4	Integrating Land Use and Transport	Yes because the planning proposal affects urban land zoned for residential and business purposes	Consistent because the planning proposal has regard for the two DUAP documents referenced in this Direction and is already serviced by the local road network and public transport services in the area.
3.5	Development Near Licensed Aerodromes	Not applicable	N/A
3.6	Shooting Ranges	Not applicable	N/A
4. Hazard and Risk			
4.1	Acid Sulphate Soils	No (does not apply to land in the Albury LGA)	N/A

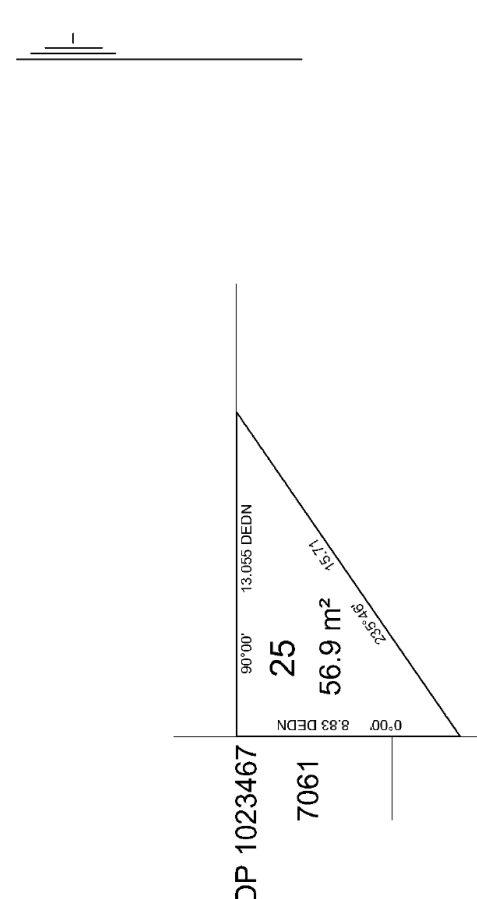
AlburyCity
AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

No.	Direction Title	Applicable to Planning Proposal	Consistency
4.2	Mine Subsidence & Unstable Land	No (does not apply to land in the Albury LGA)	N/A
4.3	Flood Prone Land	Not applicable	N/A
4.4	Planning for Bushfire Protection	Not applicable	N/A
5. Regional Planning			
5.1	Implementation of Regional Strategies	No (there is no regional strategy applicable to the AlburyCity LGA)	N/A
5.2	Sydney Drinking Water Catchment	No (does not apply to the AlburyCity LGA)	N/A
5.3	Farmland of State & Regional Significance on the NSW Far North Coast	No (does not apply to the AlburyCity LGA)	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No (does not apply to the AlburyCity LGA)	N/A
5.5	Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	No (does not apply to the AlburyCity LGA)	N/A
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No (does not apply to the AlburyCity LGA)	N/A
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No (does not apply to the AlburyCity LGA)	N/A
5.8	Second Sydney Airport: Badgerys Creek	No (does not apply to the AlburyCity LGA)	N/A

AlburyCity
AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

No.	Direction Title	Applicable to Planning Proposal	Consistency
6. Local Plan Making			
6.1	Approval and Referral Requirements	Yes	Consistent as the planning proposal is not proposing to add any provisions which require referral of development applications to the Minister.
6.2	Reserving Land for Public Purposes	Yes	Consistent, as the planning proposal does not create, alter or reduce existing zonings. It is noted however that the planning proposal does seek to facilitate the removal of reservations for public purposes. Nonetheless with regards to Lot 33, DP 21896 as it applies to Milro Avenue, the proposal only seeks to remove a community land classification in response to previous discussions between AlburyCity and the landowners of 498 Milro Avenue. At such time it was agreed that council would relocate this drainage easement (that currently divides the backyard of this property in two) around the perimeter of the property and reclassify the subject site so that it could be used for ancillary residential purposes. It is also noted that whilst the proposal does seek to change the land classification of Lot 25, DP 1169423, being 546 Dean Street (Part Albury Art Gallery) this site will continue to be used for community, cultural and open space purposes as part of the ongoing development and redevelopment of the Albury Art Gallery and will remain the property of AlburyCity.
6.3	Site Specific Provisions	Not applicable	N/A
7. Metropolitan Planning			
7.1	Implementation of Metropolitan Strategy	Not applicable	N/A

DP 1 1 6 9 4 2 3	
Registered:  19.9.2011	
Title System: OLD SYSTEM	
Purpose: LIMITED FOLIO CREATION	
Ref. Map: L9105-29_064	
Last Plan: 4-1302	
C.A. 1 6 0 3 8 7	
PLAN OF LAND COMPRISED IN	
GOV GAZ DATED 24.2.1978 FOL 672	
Lengths are in metres. Reduction Ratio - NTS	
Sheet 1 of 1 sheets	
L.G.A.: ALBURY	
LOCALITY: ALBURY	
PARISH: ALBURY	
COUNTY: GOULBURN	
THIS PLAN WAS PREPARED SOLELY TO IDENTIFY THE LAND IN THE ABOVE DEED AND THE BOUNDARIES HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL	
THIS PLAN IS NOT A CURRENT PLAN IN TERMS OF STA CONVEYANCING ACT 1919.	
PLAN USED FOR COMPILATION; Ms 46-1302	
LPI Ref.: TCB5	



DP 7 5 8 0 1 3

SEC 12

29 25

DEAN

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Extracts of the Albury CBD Master Plan 2009

02

STRATEGIES & INITIATIVES
Strategy 6: A City for Culture and Recreation

Initiative 1: QEII Square

Upgrade QEII Square, reinforcing its role as Albury's main civic community space.

Principles

- Consider the design of the open space area as a whole, including the community centre site and the rear of the church land.
- Maintain a large open grass area. (A)
- Widen the range of uses and spatial experiences within the Square to provide both intimate and open spaces.
- Increase the active edges to the Square, with opportunities to open up the Library and the Art Gallery to the central square. (B)
- Improve night-time safety through increasing opportunities for surveillance and enhanced lighting
- Incorporate new planting & high quality paving, reflective of the civic importance of this space. (C)
- Increase accessibility & pedestrian links and visually reinforce these links with appropriate tree planting. (D)
- Open library out to new outdoor court, with opportunities for a café and a custom designed children's play area. (E)
- Provide new attractive urban plaza & sensory garden edging Dean Street. (F)
- Ensure QEII Square improvements are robust and all planting is suited to the climatic conditions of Albury.



QEII Square: Illustrative plan

Albury CBD Masterplan

DB_050_U0050C_B June 2009

02 STRATEGIES & INITIATIVES

Strategy 6: A City for Culture and Recreation



View from QEII Square to Dean Street



Church facade on QE II square

- Balance the need for openness for large events with the need for more intimate spaces and variety within the square.
- A site specific masterplan for the whole civic precinct and QEII Square is a future project, to ensure all opportunities and constraints are explored in an holistic manner.
- Plans for QEII Square will need to be developed in consultation with the Cultural Precinct Advisory Committee



Edge of QEII Square east



Edge of QEII Square west



Albury museum entrance off QEII Square

Extracts of relevant NSW Government Gazettes

11 June 2010

PRIVATE ADVERTISEMENTS

2409

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

ALBURY COUNCIL

Local Government Act 1993, section 50

NOTICE is hereby given that pursuant to section 50 (4) of the Local Government Act 1993, the land described in Schedule 1 below is vested in Albury Council as Drainage Reserve. LES TOMICH, General Manger, Albury Council, PO Box 323, Albury NSW 2640.

SCHEDULE 1

Lot 33, DP 21896

[5292]

HOLROYD CITY COUNCIL

Roads Regulation 2008

Naming of Roads

PURSUANT to Clause 9 of the Roads Regulation 2008, notice is hereby given of the naming of the following two (2) new roads within the Southern Employment Lands Precinct of the Greystanes Estate, Pemulwuy:

Road Names

- Basalt Road
- Bellevue Circuit

Dated at Merrylands this 7th day of June 2010.

MERV ISMAY, General Manager, Holroyd City Council,
Memorial Avenue, Merrylands NSW 2160. [5293]

WAKOOL SHIRE COUNCIL

Roads Act 1993

Naming of Road

NOTICE is hereby given that the Wakool Shire Council, in pursuant of section 162 of the Roads Act 1993 has officially named the road as shown hereunder:

Location: In the subdivision of land situated east of Punt Road in the Barham Township being Lot 9, DP 1125914

Name: Briggs Court

CHRIS CHAPMAN, General Manager, Wakool Shire Council, Private bag 40, Moulamein NSW 2733 [5294]

ESTATE NOTICES

NOTICE of intended distribution of estate – Any person having any claim upon the estate of WILLIAM JOHN CHRISTOPHER MURRAY, late of Tuggerawong, in the State of New South Wales, who died on 10 April 2010, must send particulars of his claim to the executors, Marney Margaret Diane St Clair and Christopher John Murray c.o. Newnhams Solicitors, 233 Castlereagh Street, Sydney, within one calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 1 June 2010. NEWNHAMS Solicitors, 233 Castlereagh Street, Sydney NSW 2000, tel.: (02) 9264 7788.

[5295]

COMPANY NOTICES

NOTICE of voluntary liquidation. – Corporations Act 2001, section 491 (2). – FANNINGS HOTELS PTY LTD (in liquidation), ACN 001 170 565 – Notice is hereby given that at a meeting of Shareholders of Fannings Hotels Pty Ltd duly convened and held on the 4 June 2010 it was resolved that the company be wound up voluntarily as a Members Voluntary Liquidation and that the assets of the company may be distributed in whole or in part to the members in specie should the liquidator so desire and by ordinary resolution that Brent Antony Perkins be appointed liquidator. Dated: 4 June 2010. BRENT ANTONY PERKINS, Liquidator (Brent.p@cws.biz), Box 29, Hunter Region Mail Centre NSW 2310, tel.: (02) 4923 4000, fax: (02) 4923 4040.

[5296]

2044

NEW SOUTH WALES GOVERNMENT GAZETTE No. 63

[30 MAY, 1969

30

(2740)

Sydney, 30th May, 1969.

RESERVES FROM SALE

IT is hereby notified that in pursuance of the provisions of section 28 of the Crown Lands Consolidation Act, 1913, the Crown lands hereunder described shall be reserved from sale for the public purposes hereinafter specified, and they are hereby reserved accordingly.

T. L. LEWIS, Minister for Lands,

FOR RUBBISH DEPOT

Land District—Dunedoo; Shire—Coolah

No. 87196, Parish and Village Uarby, County Bligh, 4 acres 0 r. 20 p, portion 176. B. 4717-1570. Pks 67-1235.

FOR PUBLIC HALL

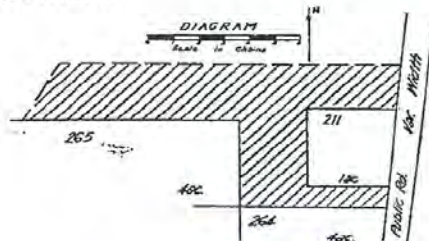
Land District and Shire—Wentworth

No. 87197, Parish Cliffs, County Wentworth, 21½ perches, being portion 35. Plan No. W. 1026-1820. Papers WLC 61-966.

FOR PUBLIC RECREATION AND RACECOURSE

Land District—Cootamundra; Shire—Jindalee

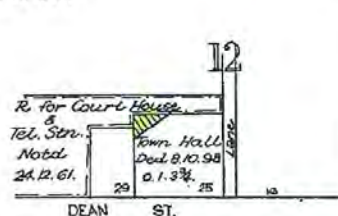
No. 87201, Parish Stockinbingal, County Bland, about 18½ acres. Portions 147, 211, 265 and area shown by hatching on diagram hereunder. Plans B. 3447, 3842 and 4808-1946. Papers P. 66-1986.



FOR TOWN HALL

Land District and City—Albury

No. 87202, Parish Albury, County Goulburn, about 2½ perches shown by hatching on diagram hereunder. Plan A. 4-1302. Pks 60-3950.



FOR PUBLIC RECREATION

Land District—Nowra; Shire—Shoalhaven

No. 87195, Parish Ulladulla, County St Vincent, 2 acres 2 roods, being the area bounded by allotments 5, 7, 8, 9 and 4, section 6 and North Street and Murrumbidgee Street, Town of Ulladulla. U. 91141. Pks 69-1023.

Land District—Tumbarumba North; Shire—Kyeamba

No. 87200, Parish Mate, County Wynyard, 2 acres, being former Oberne Public School Site. Ms 835 Wagga. Pks 67-3122.

(2744)

Sydney, 30th May, 1969.

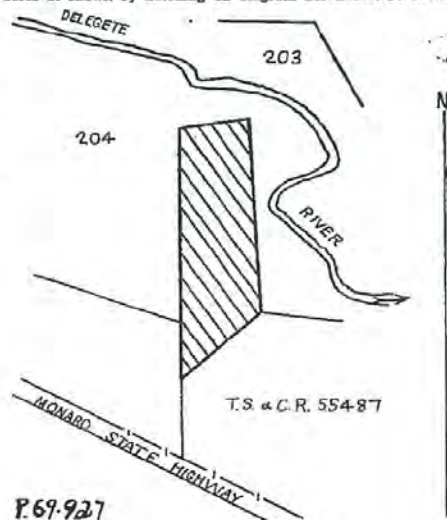
WITHDRAWAL OF TRAVELLING STOCK AND CAMPING RESERVE FROM THE CONTROL OF PASTURES PROTECTION BOARD

IT is hereby notified that, in pursuance of the provisions of section 42 of the Pastures Protection Act, 1934-1957, the part of the Travelling Stock and Camping Reserve particularized hereunder shall be and the same is hereby withdrawn from the control of the Pastures Protection Board for the district mentioned.

T. L. LEWIS, Minister for Lands.

Land Board District—Goulburn; Pastures Protection District—Bombala

Parish Currowang, County Wellesley, Reserve No. 55487 for Travelling Stock and Camping. Part withdrawn—About 4 acres as shown by hatching on diagram hereunder. P. 69-927.



PARISH CURROWANG

Scale Chains

(Placed under control, Gazette 4th June, 1934.)

(2743)

Sydney, 30th May, 1969.

NOTIFICATION PLACING A TRAVELLING STOCK AND CAMPING RESERVE UNDER CONTROL OF A PASTURES PROTECTION BOARD

IT is hereby notified that, in pursuance of the provisions of section 41 of the Pastures Protection Act, 1934-1957, the Travelling Stock and Camping Reserve particularized hereunder is hereby placed under the control of the Pastures Protection Board for the district mentioned, from the date hereof.

T. L. LEWIS, Minister for Lands.

Land Board District—Tamworth; Pastures Protection District—Tamworth

No. 27624 for Travelling Stock and Camping, Parish Gunadilly, County Buckland. P. 67-3221.

(2742)

Sydney, 30th May, 1969.

NOTIFICATION PLACING A TRAVELLING STOCK RESERVE UNDER CONTROL OF A PASTURES PROTECTION BOARD

IT is hereby notified that, in pursuance of the provisions of section 41 of the Pastures Protection Act, 1934-1957, the Travelling Stock Reserve particularized hereunder is hereby placed under the control of the Pastures Protection Board for the district mentioned, from the date hereof.

T. L. LEWIS, Minister for Lands.

Land Board District—Hay; Pastures Protection District—Norrander

No. 87160 for Travelling Stock, Parish Jurambula, County Boyd. P. 65-1126.

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FOR PARKING

Land District and Municipality—Narrabri

Parish Cooma, County White, 1 138 square metres, being allotment 2, section 34, Town Narrabri West. (R. 89341 for parking, notified 20th December, 1974.) L.B. 74-209, Moree.

FOR WAR MEMORIAL

Land District—Gosford; Shire—Wyong

Parish Tuggerah, County Northumberland, about 155.8 square metres, shown by hatching on diagram hereunder. (R. 64695, notified 3rd August, 1934.) Rds 77-597.

(3512) Sydney, 24th February, 1978.

WITHDRAWAL OF RESERVES FROM CONTROL OF PASTURES PROTECTION BOARDS

IN pursuance of the provisions of section 42 (1), Pastures Protection Act, 1934, the parts of the reserves specified hereunder are withdrawn from the control of the Pastures Protection Board for the Pastures Protection District.

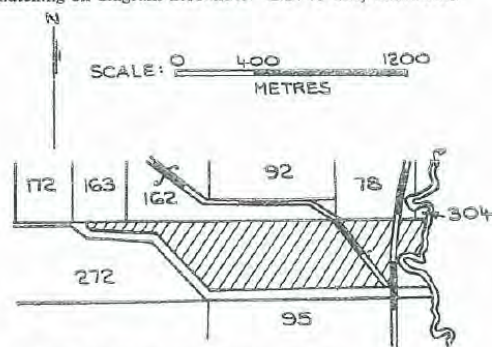
W. F. CRABTREE, Minister for Lands.

Land Board District—Dubbo; Pastures Protection District—Dubbo

Parish Dubbo, County Gordon, Reserve No. 42 286 for Travelling Stock and Camping. Part withdrawn—About 10.93 hectares, being the whole. Ten. 77-1817, L.B. 74-360, Dubbo. (Placed under control, Gazette 16th September, 1932.)

Land Board District—Tamworth; Pastures Protection District—Tamworth

Parish Burdekin, County Inglis, part Reserve No. 9997 for Camping. Part withdrawn—About 46.5 hectares shown by hatching on diagram hereunder. L.B. 73-122, Tamworth.



(Placed under control, Gazette 2nd June, 1933.)

(3583) Sydney, 24th February, 1978.

REVOCATION OF NOTIFICATIONS OF SPECIAL AREAS
 IN pursuance of the provisions of the Crown Lands Consolidation Act, 1913, the notifications of special areas are revoked in respect of the areas particularized hereunder.

W. F. CRABTREE, Minister for Lands.

Land District—Metropolitan; Shire—Sutherland

Parish—Sutherland; County—Cumberland

Special Area No. 89883, notified 27th August, 1976, at Yarrawarrah, allotment 4, section 86; allotments 6 and 10, section 87; allotment 2, section 88; allotments 7, 11 and 14, section 89; allotment 1, section 90; allotments 8, 9, 12, 17, 22, 23, 30, 32 and 34, section 91; allotment 13, section 92; allotment 3, section 93; allotments 14 and 15, section 94; allotments 6 and 7, section 105; allotments 5, 6, 7, 10, 11, 12 and 28, section 106; allotments 13 and 15, section 107; allotments 6, 7, 8, 9, 10, 11 and 12, section 108. Ten. 77-9003.

Land District—Metropolitan; Shire—Sutherland

Parish Sutherland; County—Cumberland

Special Area No. 89883, notified 27th August, 1976, at Engadine, allotments 11, 12 and 14, section 12; allotment 7, section 30; allotments 7, 8, 9 and 12, section 31; allotments 2, 5 and 6, section 34; allotments 1 and 3, section 35; allotments 6, 8, 9 and 10, section 26; allotment 2, section 51; allotment 4, section 81; allotments 5 and 8, section 97; allotments 6 and 7, section 99; allotments 5, 6 and 15, section 102; allotment 1, section 103. Tenure 77-9003.

Land District—Metropolitan; Shire—Sutherland

Parish—Sutherland; County—Cumberland

Special Area No. 89883, notified 27th August, 1976, at Heathcote, allotments 12 and 14, section 28; allotments 4 and 10, section 29. Tenure 77-9003.

Land District—Picton; City—Campbelltown

Parish—St Peter; County—Cumberland

Special Area No. 89891, notified 3rd September, 1976, at Ruse, allotment 12, section 19. Tenure 77-9003.

(3581) Sydney, 24th February, 1978.
REVOCATION OF NOTIFICATIONS OF SPECIAL AREAS
 IN pursuance of the provisions of the Crown Lands Consolidation Act, 1913, the notifications of special areas are revoked in respect of the areas particularized hereunder.

W. F. CRABTREE, Minister for Lands.

Land District—Penrith; City—Blue Mountains
Parish—Strathdon; County—Cook

Special Area No. 89892, notified 10th September, 1976, at Blaxland, allotments 1 to 4, 6, 7, 9 to 21, section 6, and allotment 3, section 7. Ten. 77-9003.

Land District—Metropolitan; Shire—Hornsby

Parish—Cowan; County—Cumberland

Special Area No. 89913, notified 1st October, 1976, at Berowra, portion 412; allotments 1, 9 and 10, section 22; allotment 11, section 23; allotments 5 and 7, section 25; allotments 2, 12, 14 and 19, section 26; allotments 1, 5, 7 and 10, section 27; allotments 4 and 5, section 27A. Ten. 77-9003.

(3557) Sydney, 24th February, 1978.
NOTIFICATION OF VESTING OF LANDS IN PURSUANCE OF THE PROVISIONS OF SECTION 37AAA, CROWN LANDS CONSOLIDATION ACT, 1913

IN pursuance of the subject provisions, I, WILLIAM FREDERICK CRABTREE, Minister for Lands, being of the opinion that—

- The lands described in the Schedule hereto are used for a purpose (other than a public reserve within the meaning of the Local Government Act, 1919), for which lands may be acquired by a council under that Act; and
- it is proper that, having regard to the purpose for which the lands are used, those lands should be vested in a council,

do by this notification vest those lands in the Council of the City of Albury for an estate in fee simple subject to the following reservations and exceptions unto Her Majesty, Elizabeth the Second, by the Grace of God Queen of Australia and Her Other Realms and Territories, Head of the Commonwealth, Her Heirs and Successors of—

- all minerals which those lands contain with full power and authority for Her Majesty, Her Heirs and Successors and such person or persons as shall from time to time be authorized by Her Majesty, Her Heirs or Successors to enter upon those lands and to search for, mine, dig and remove those minerals;
- all such parts and so much of those lands as may hereafter be required for public ways in, over and through the same to be set out by His Excellency, the Governor, for the time being of the State of New South Wales, or some person by him authorized in that respect with full power for Her Majesty, Her Heirs and Successors and for His Excellency, the Governor as aforesaid, by such person or persons as shall be by Her Majesty, Her Heirs or Successors or His Excellency, the Governor as aforesaid, authorized in that behalf to make and conduct all such public ways; and
- the right of full and free ingress, egress and regress into out of and upon those lands for the several purposes aforesaid or any of them.

This notification shall take effect on and from the date of publication of this Gazette.

Signed at Sydney, this 20th day of February, 1978.

W. F. CRABTREE, Minister for Lands.

V.S. No. 64 Ten. 74-2314.

Land District and City—Albury

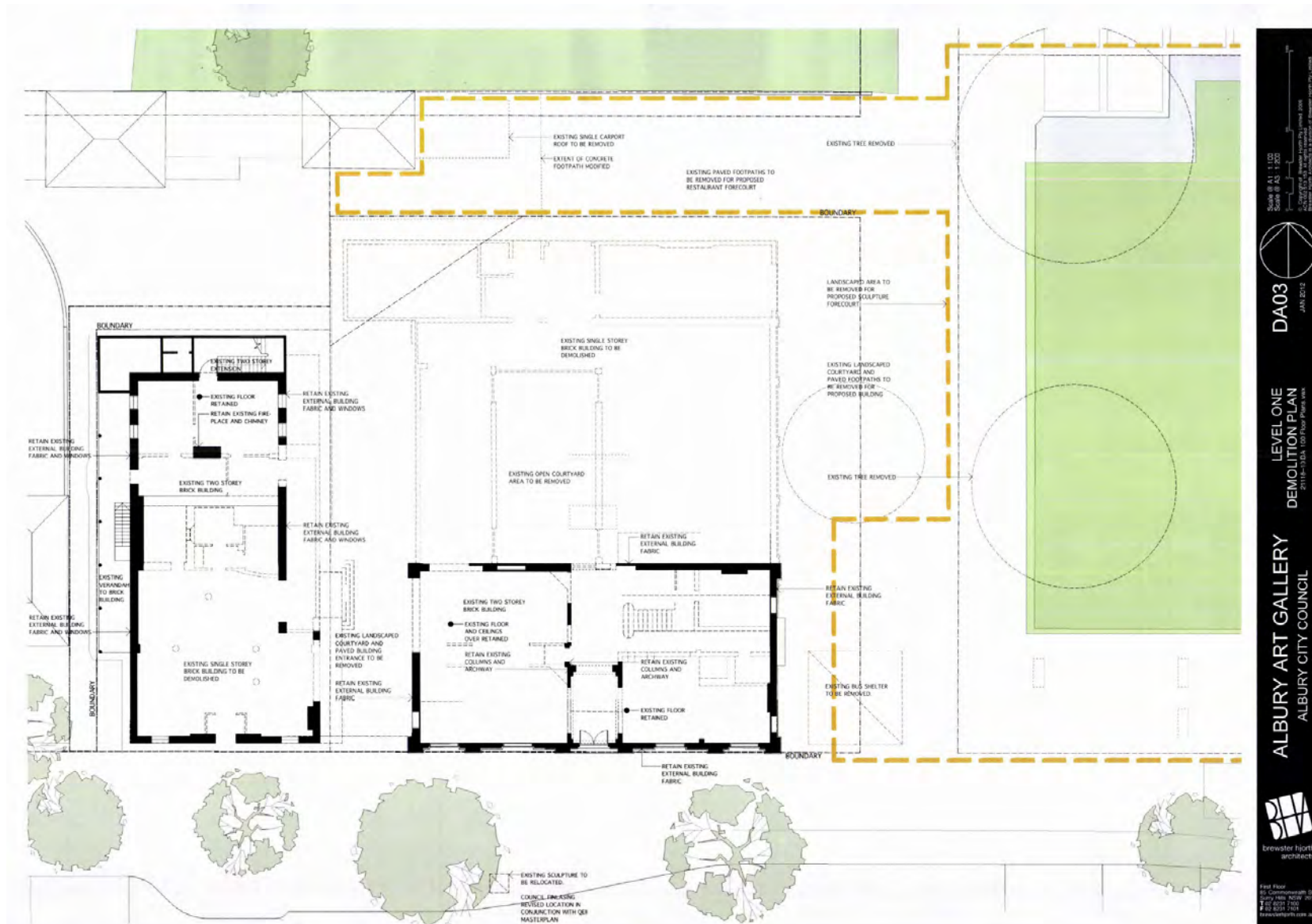
Parish Albury, County Goulburn, about 56.9 square metres in the Town of Albury, Reserve 87202 for Town Hall, notified 30th May, 1969, being the part of section 12 bounded by the northwestern boundary of allotment 25, the westerly prolongation of the northern boundary of allotment 23 and the northerly prolongation of the western boundary of allotment 25. Plan A. 4-1302.

Development Application - Albury Art Gallery Redevelopment



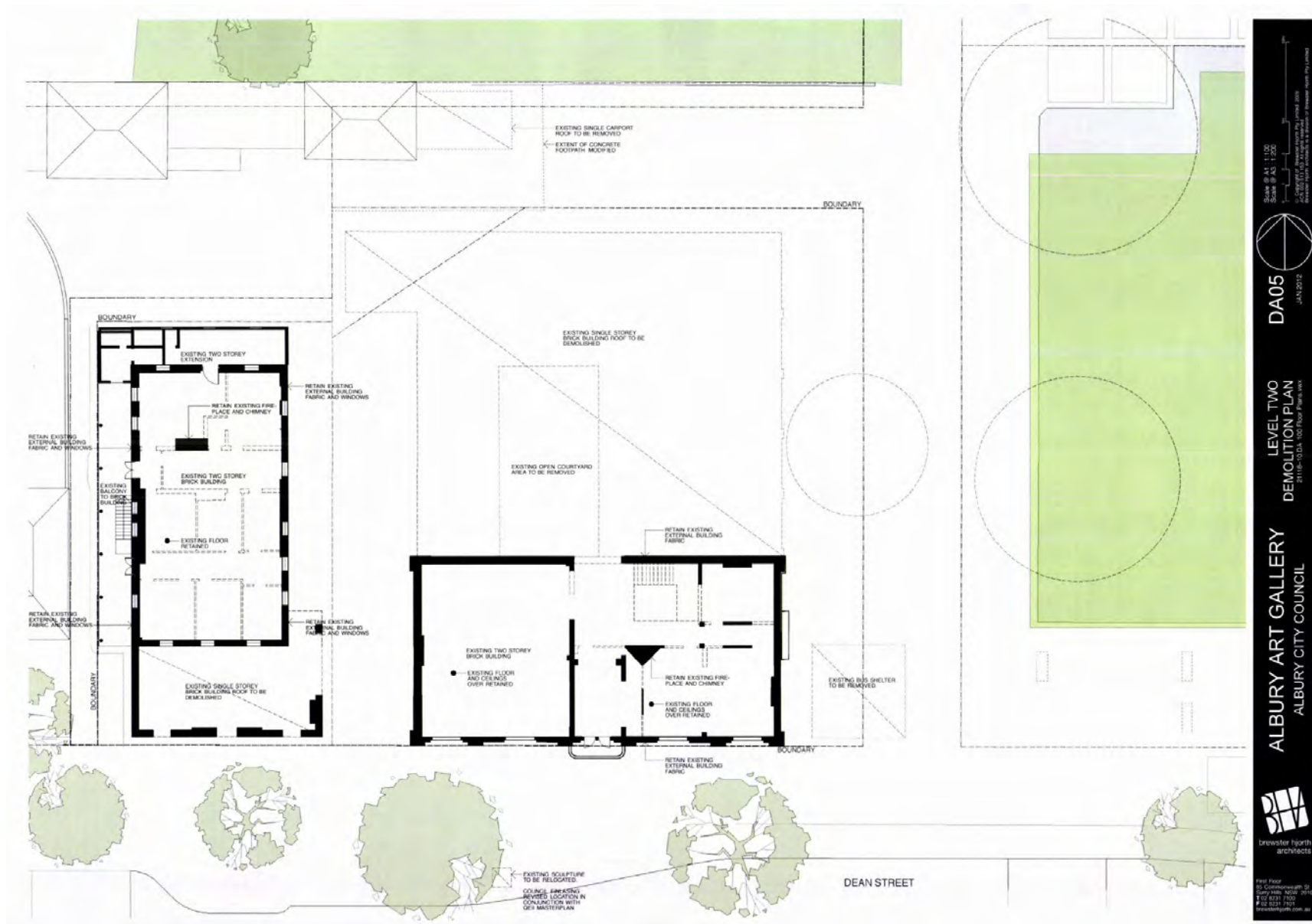
AlburyCity

AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010



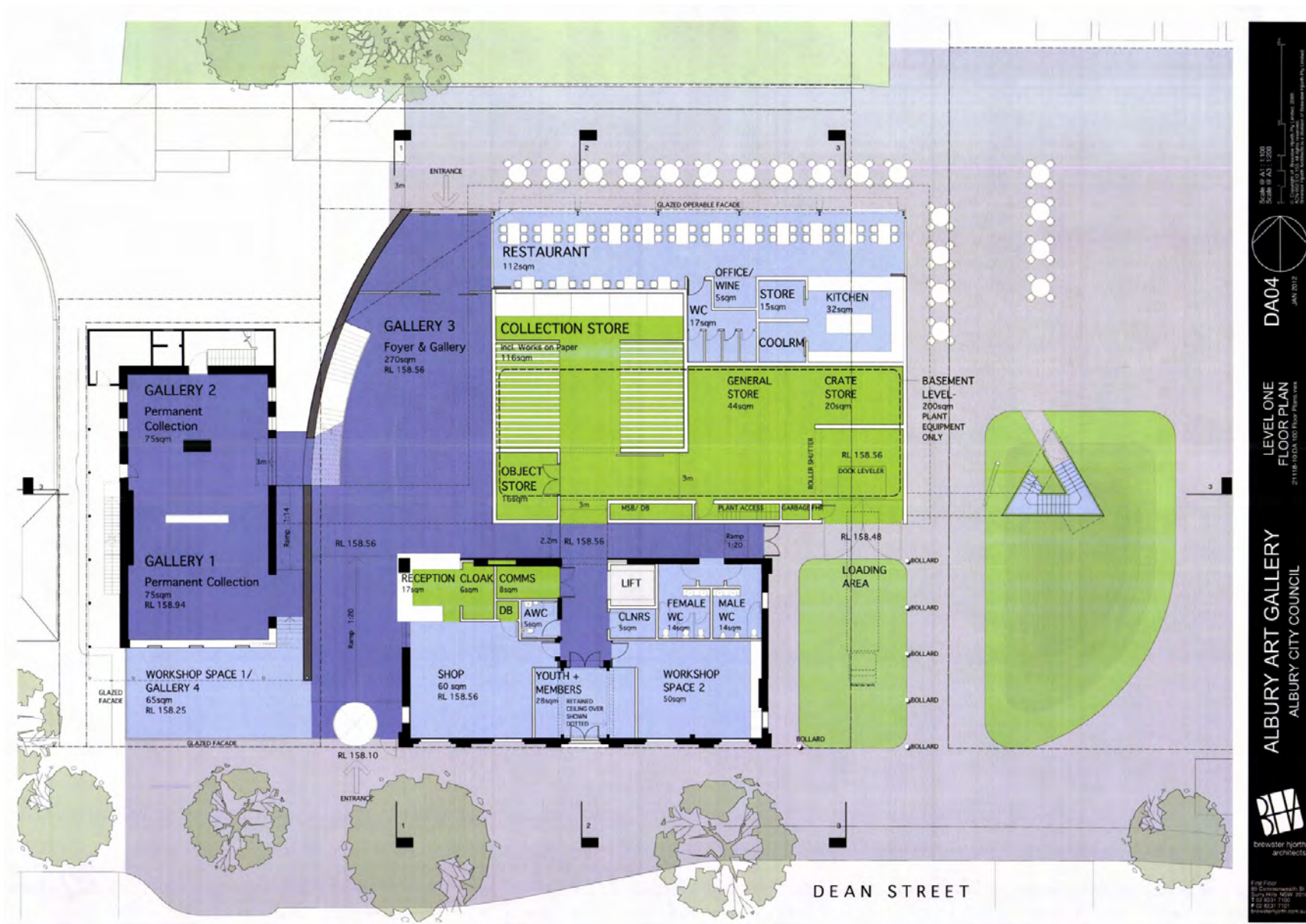
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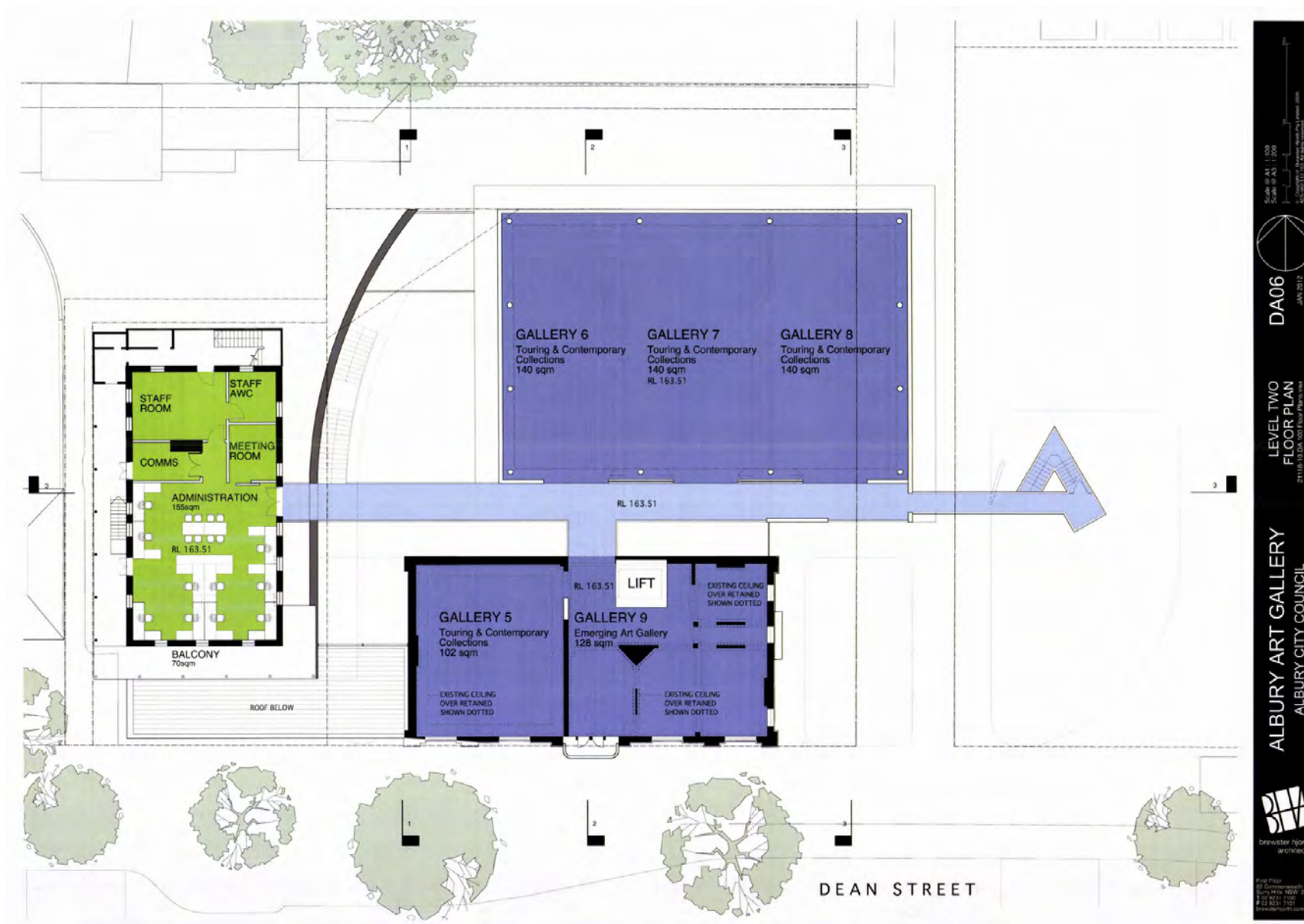
AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010



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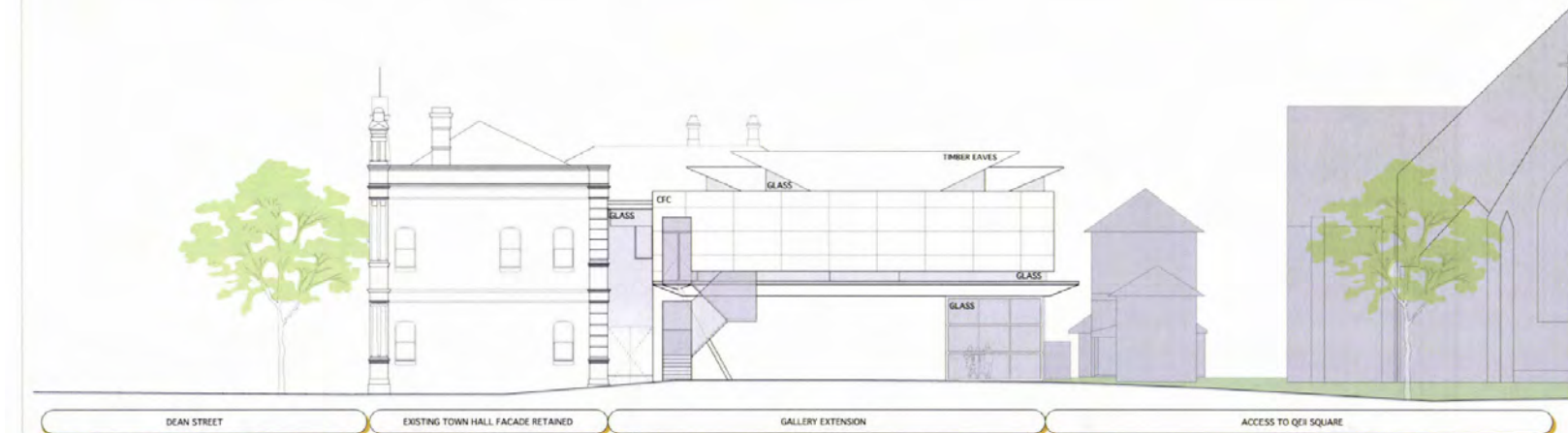
AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010







SOUTH ELEVATION



EAST ELEVATION

