

PLANNING PROPOSAL



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

14 Kambora Court, Lavington

Prepared by
AlburyCity Council

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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* (LEP) and involves the reclassification of Lot 7, DP 264529 Kambora Court, Lavington (the subject site) from Community to Operational land (**Figure 1**). This will enable Council the option of selling the site.

PART 2 – EXPLANATION OF PROVISIONS

As per Clause 5.2 - Classification and reclassification of public land of the LEP, it is proposed to insert the following provision into Schedule 4, Part 2 – Land classified or reclassified, as operational land – interests changed of the LEP.

Schedule 4 Classification and reclassification of public land

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Kambora Court, Lavington	Lot 7, DP 264529	Easement to Drain Sewage 2 Wide Easement to Drain Sewage & Water 3 Wide

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. The reclassification of the land is proposed to allow Council the option of selling the land in the future to the Sisters of Mercy, who adjoin the subject site either side.

Currently the subject site is a Public Reserve and is used as a 'pocket park'. However, the public reserve of 1,186m² has neither facilities, trees or landscaping and does not appear to be actively used by residents. The reserve can only be accessed via Kambora Court and does not connect directly to neighbourhoods to the north, east and south.

The subject site is zoned R3 Medium Density Housing under the LEP and is currently not being used for open space purposes. In order for Council to have greater options in the management of the subject site it is proposed to reclassify it as Operational.

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

Amending the LEP to reclassify the subject land from Community to Operational is the best means of achieving the objectives of the planning proposal. Reclassifying the land to Operational will allow Council greater options in the management of the site. Reclassification will also allow the site to be potentially utilised for residential or community facility purposes consistent with the objectives of the R3 Medium Density Residential zone.

Consideration was given to including the Planning Proposal as part of the Comprehensive LEP process, however due to the advanced progression of the proposed instrument it was considered appropriate to continue progression of the Comprehensive LEP and to defer the matter so that the timeframes of the Comprehensive LEP could be met. This delay and separation also provides greater transparency and openness to the community.

3. Is there a net community benefit?

There are currently no significant public interests on the land and there will be a net positive benefit for the community if the land was reclassified and sold. The loss of this community space would be offset by the benefits to the community received from the payment of monies for the sale of the land, which will be used to improve and upgrade community facilities at the nearby Urana Road Oval.

The potential purchasers of the site are a not for profit organisation who are seeking to expand their existing services to the community through acquisition of a larger site. The continuing operation of these support services in this location will improve and increase the local presence of this organisation and the benefits provided to the community as a result.

4. 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.

The reclassification of the land does not extinguish any interests in the land.

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

AlburyCity Council are the owner of the land.

Section B - Relationship to strategic planning framework

6. 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. The strategy identifies a need to cater for an extra 8000 people and 13,900 new dwellings across the region over the period to 2036. The subject land is currently zoned as R3 Medium Density Residential. Reclassifying the site to Operational will allow the site to be sold and developed for appropriate residential or community facility purposes which are permissible in the R3 Medium Density Residential zone.

The Planning Proposal is consistent with the draft Murray Regional Strategy, particularly with the following actions:

Provide adequate Greenfield and infill development opportunities where services are available

If the sale of the subject site takes place it is proposed that the site will be developed for residential or community facility purposes.

7. 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 as one of its Strategic Actions:

Improve access for civic buildings, transportation, community facilities and parks for people with disabilities, ageing population, those with chronic illness, families and young people

The proposed reclassification will allow for the expansion and development of a community facility to be carried out in a residential area that services the local residents, particularly those with physical and intellectual disabilities.

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

The planning proposal is consistent with State Environmental Planning Policies (**Table 1**).

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

The planning proposal is consistent with Section 117 Directions (**Table 2**).

Section C - Environmental, social and economic impact

10. 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 subject site is cleared (**see Appendices**) and following inspection does not contain any significant vegetation. Reclassifying the land will not impact on any critical habitat or threatened species on the subject site or in surrounding areas.

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

Subsequent development of the site for residential and community purposes resulting from the reclassification and any potential sale will not result in any environmental impacts to surrounding areas. The subject site is not known to be flood affected, contaminated, bush fire prone, be subject to land slip, or contain, or be within the vicinity of a heritage item.

Additional studies are not required at this stage to support the reclassification as no development is proposed. Nevertheless any future development which did occur would need to submit a development application, which will require more detailed investigation and assessment.

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

The reclassification will result in a loss of informal public open space; however, the subject site is zoned R3 Medium Density Residential and not RE1 Public Recreation under the LEP. The social impact of this has been deemed to be low as the current space does not contain any playground equipment, shade or other provisions to encourage the use of the site for recreational use. There are other more significant sites that are more suitable and centrally located that provide for passive and active recreational use.

By reclassifying the land to Operational, Council has the option of selling the subject site to the adjoining Sisters of Mercy, who provide valuable community services for persons with physical and intellectual disabilities.

Reclassifying the subject land to operational will also impact positively on Council financially if it were sold. The loss of this community space would be offset by the benefits to the community received by the payment of monies for the sale of the land that will be used to improve and upgrade community facilities at the nearby Urana Road Oval.

Section D - State and Commonwealth interests

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

The planning proposal is seeking to reclassify the site only and is not proposing additional development. The subject site is located at the end of Kambora Court, which will provide vehicular access to the site (**see Appendices**) and there is adequate public infrastructure (including water and sewer) available.

14. 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.

Prior to a preliminary report being presented to Council on this matter notice was given of Council's intent to reclassify and dispose of this land was given to all adjoining and nearby property owners. No responses were received in relation to the proposal.

APPENDICES

Figure 1 – Proposed Classification

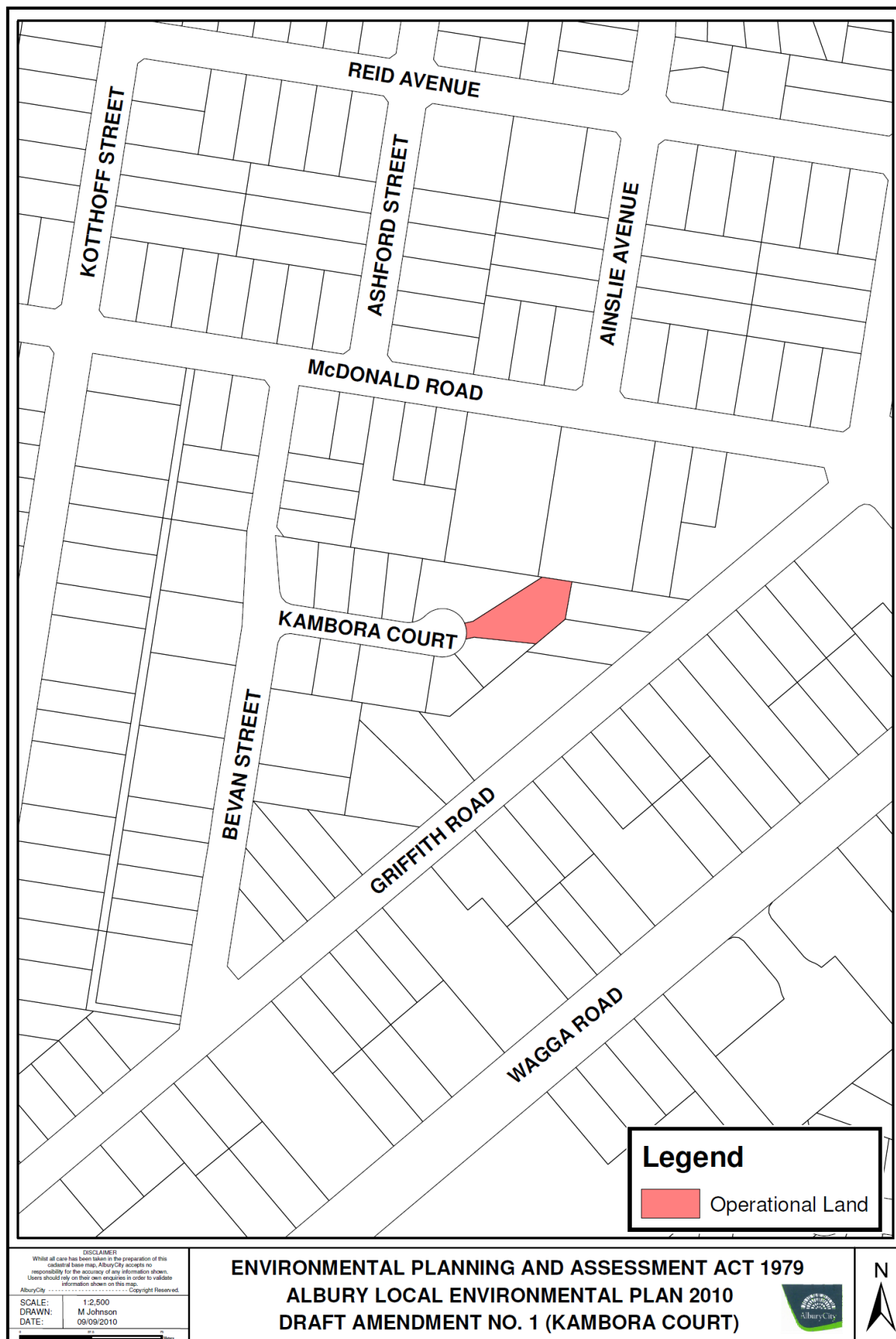


Figure 2 – Current Zoning

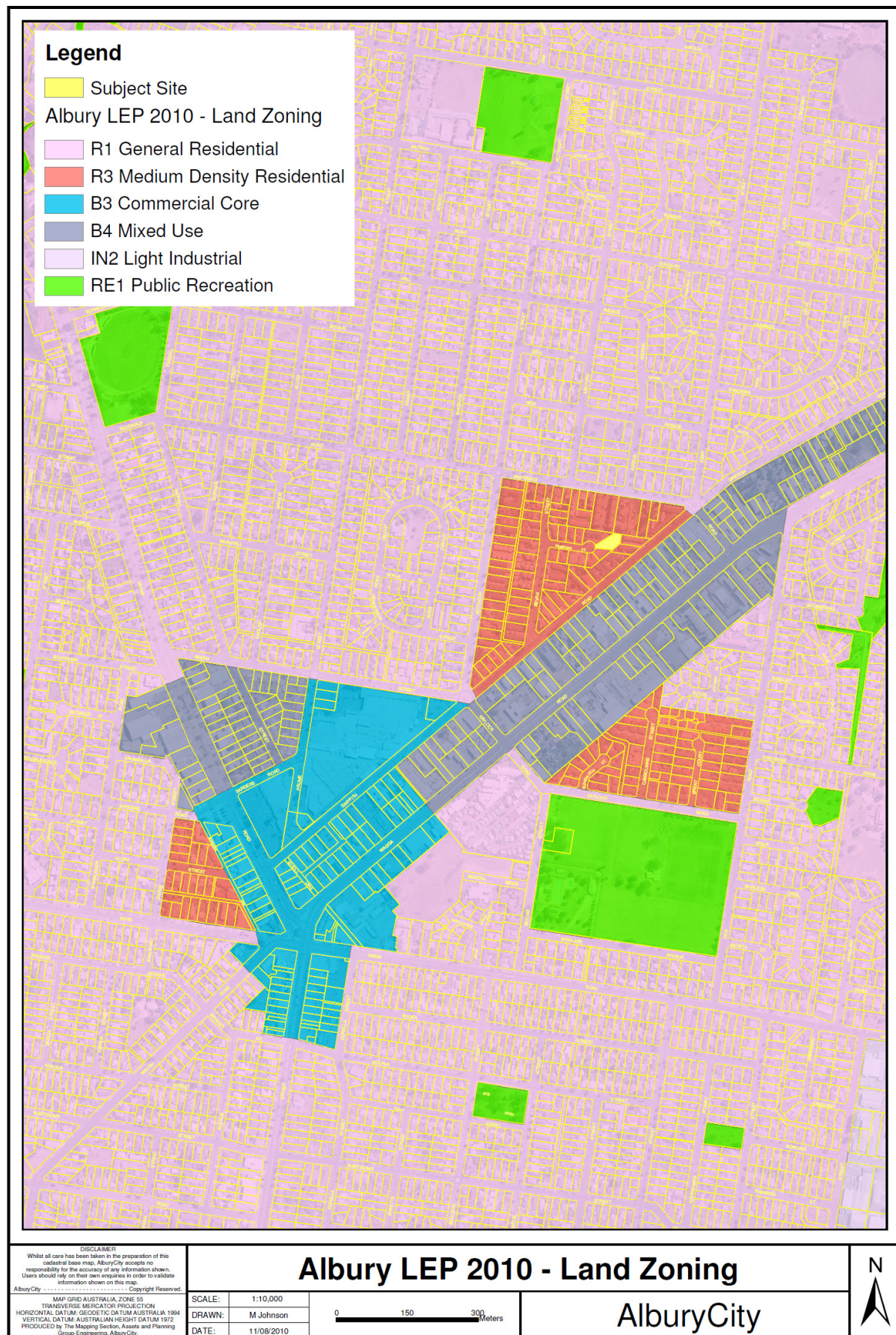


Figure 3 – Locality Plan

