



PLANNING PROPOSAL

Land rezoning

part Lot 1 DP 128086 and
part Lot 1 DP 128087 –
Riverina Highway, THURGOONA

R1 General Residential Zone
Albury Local Environmental Plan 2010

July 2011

Prepared by:

Blueprint Planning

For:

PM, MK & JM Star

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STATEMENT

This Planning Proposal relates to:

The proposed rezoning of part Lot 1 DP 128086 and part Lot 1 DP 128087 – Riverina Highway, Thurgoona from:

- “Deferred Matter” (unzoned land) and “RU2 Rural Landscape Zone” to “R1 General Residential Zone”; and
- “Deferred Matter” (unzoned land) to “RU2 Rural Landscape Zone”; and
- with consequential changes to the Land Zoning Map, Lot Size Map, and Urban Release Area Map,

under the *Albury Local Environmental Plan 2010*

This Planning Proposal has been prepared in accordance with:

- section 55 of the *Environmental Planning and Assessment Act 1979*;
- *A guide to preparing planning proposals* (Department of Planning, 2009); and
- *A guide to preparing local environmental plans* (Department of Planning, 2009)

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Document Control



Quality
ISO 9001

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1217	1	20/10/2010	Initial draft	JL
	2	25/10/2010	Draft	JL
	3	27/10/2010	Draft to ACC	JL
	4	13/05/2011	Draft for Gateway Determination following ACC, RTA & DEH consultation	JL
	5	01/07/11	Final for Gateway Determination	JL

EXECUTIVE SUMMARY

This Planning Proposal relates to land to the east of Albury with access from the Riverina Highway in the locality of Thurgoona.

This report has been prepared by Blueprint Planning on behalf of PM, MK & JM Star in support of the main rezoning change for the above land from “Deferred Matter” (unzoned land) to “R1 General Residential Zone” under the *Albury Local Environmental Plan 2010* (LEP). A minimum subdivision lot size of 450 square metres is proposed with consequential changes to the LEP’s Land Zoning Map, Lot Size Map, and Urban Release Area Map.

The objective or intended outcome of these changes is to enable the land to be developed for residential purposes.

This report has been prepared in accordance with:

- section 55 of the *Environmental Planning and Assessment Act 1979*;
- *A guide to preparing planning proposals* (Department of Planning, 2009); and
- *A guide to preparing local environmental plans* (Department of Planning, 2009).

Consideration of the Planning Proposal against the above requirements and guidelines demonstrates that the land is suitable ‘in principle’ for the proposed rezoning because:

- the rezoning of the land in the way proposed is consistent with prior strategic land use planning work carried out for the Albury municipality under the *Albury Land Use Strategy 2007* in terms of planning for the future residential growth of Thurgoona and Wurlinga; and
- the rezoning of the land in the way proposed is consistent with relevant strategies, State environmental planning policies, and directions; and
- the location, size, and area of the land proposed to be rezoned represents a considered and orderly response to site analysis and design investigations.

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WORD ABBREVIATIONS/TERMS

Land	part Lot 1 DP 128086 and part Lot 1 DP 128087 – Riverina Highway, Thurgoona proposed to be rezoned in accordance with the Planning Proposal
Planning Proposal	▪ rezoning of part of the Land from “Deferred Matter” (unzoned land) to “R1 General Residential” with a minimum subdivision lot size of 450 square metres and identification of the Land as an “Urban Release Area”; and ▪ rezoning of part of the Land from “RU2 Rural Landscape Zone” to “R1 General Residential” with a minimum subdivision lot size of 450 square metres and identification of the Land as an “Urban Release Area”; and ▪ rezoning of part of the Land from “Deferred Matter” (unzoned land) to “RU2 Rural Landscape Zone” under the LEP with a minimum subdivision lot size of 100 hectares
ALUS	<i>Albury Land Use Strategy 2007</i> (GHD, 2007)
Council; ACC	Albury City Council
DEH	Department of Environment and Heritage
Draft LEP	<i>Draft Albury Local Environmental Plan 2009</i> (superseded by the LEP)
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
ESD	ecologically sustainable development
LEP	<i>Albury Local Environmental Plan 2010</i>
LGA	local government area
Proponent	PM, MK & JM Star
RTA	Roads & Traffic Authority
SEPP	State Environmental Planning Policy
Urban Release Area	land subject to the provisions of Part 6 of the LEP

1.0 INTRODUCTION

1.1 Preliminary

This report contains word abbreviations and terms listed in the **Table of Contents** section above.

This report has been prepared in support of a request by the Proponent to Council for the main rezoning change for the Land from “Deferred Matter” (unzoned land) to “R1 General Residential Zone” under the LEP with a minimum subdivision lot size of 450 square metres.

1.2 Background

When the Draft LEP was publicly exhibited in late 2009 and early 2010 the Land was proposed to be zoned “R5 Large Lot Residential Zone”, with a 10 hectare minimum subdivision lot size, and identified in an Urban Release Area Map.

As a result of submissions to rezone the Land to R1 Residential Zone, Council’s Planning and Development Committee decided at their meeting on 19 April 2010:

C110. That the subject land be excluded from the Draft Albury LEP 2009 as a “deferred matter” which requires further consideration.

C111. That Council support the requested change in zoning for the subject land to R1 Residential Zone and 450 m² minimum lot size, subject to the preparation of supporting documentation addressing the requirements of a Local Environmental Study.

This Planning Proposal implements the beginning of the procedural requirements under section 55 of the EP&A Act to satisfy Council Minute No. C111.

1.3 Scope

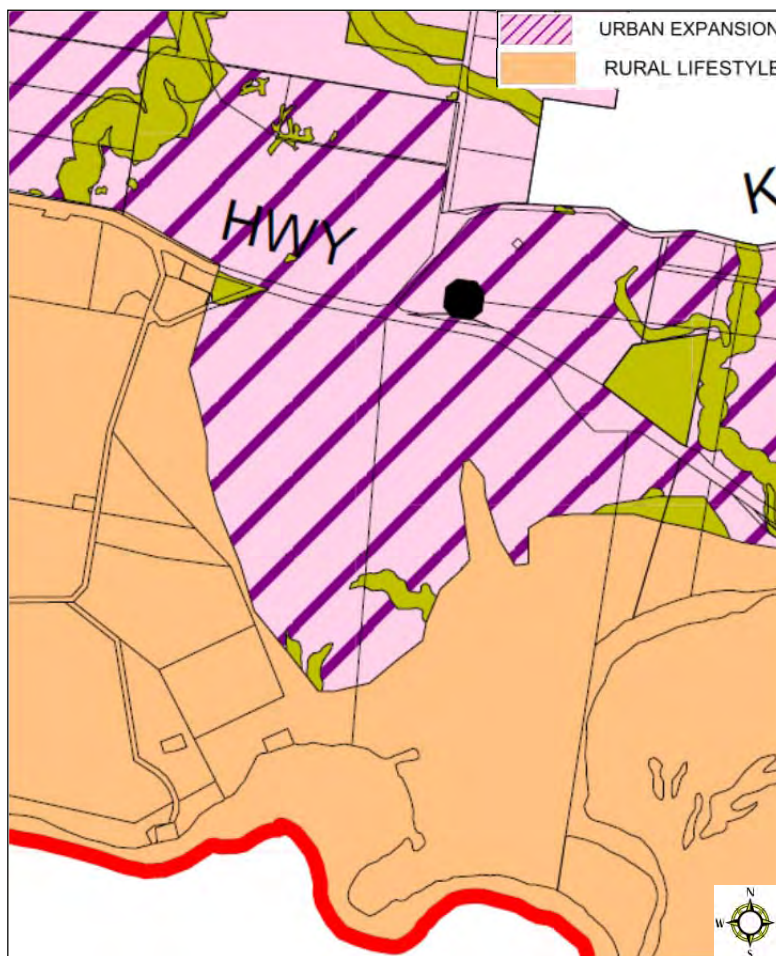
This Planning Proposal has been prepared in accordance with the legislative and guideline requirements listed in the **Statement** at the beginning of this report, and have been prepared by Blueprint Planning on behalf of the Proponent pursuant to *A guide to preparing local environmental plans* (Department of Planning, 2009, p. 5).

1.4 Site and context description

The Land is located in southern NSW approximately 7.5 kilometres to the east-northeast of the Albury CBD, with principle access from the Riverina Highway.

The Land proposed to be rezoned comprises approximately 140 hectares, subject to survey, and consists of agricultural grazing land nominated in the ALUS as “urban expansion” (Figure 12, p. 69) as shown in **Figure 1: Urban expansion plan**.

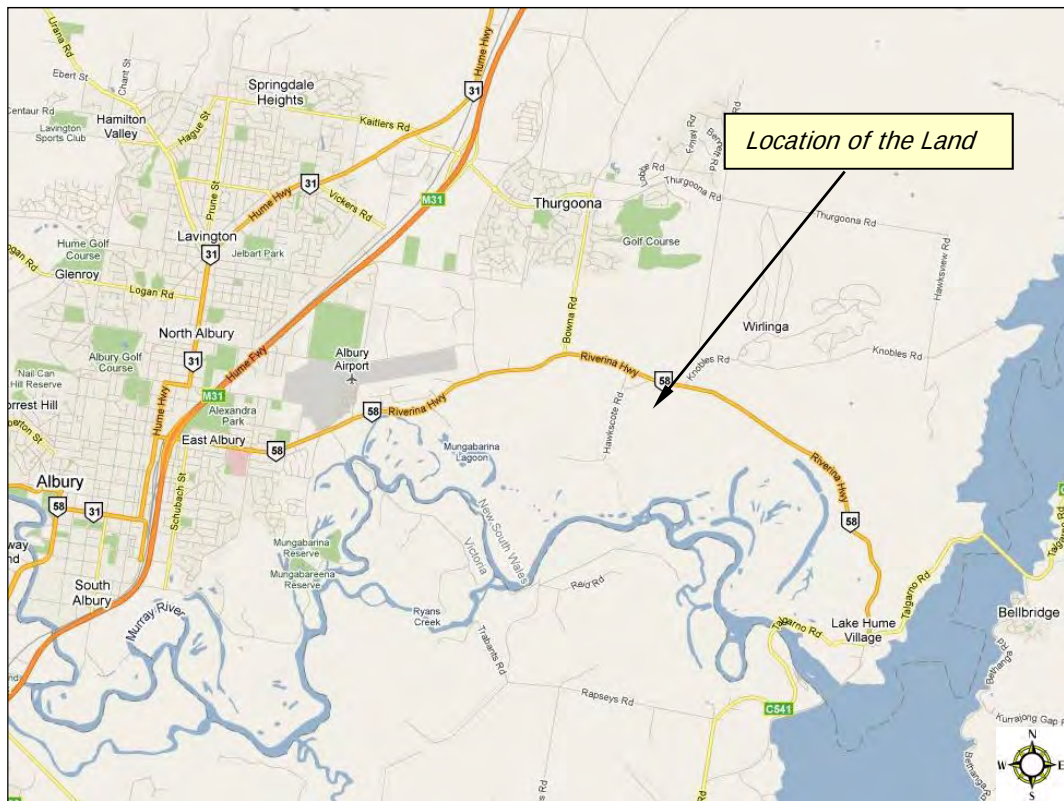
Figure 1: Urban expansion plan



Source: ALUS (2007, p. 69)

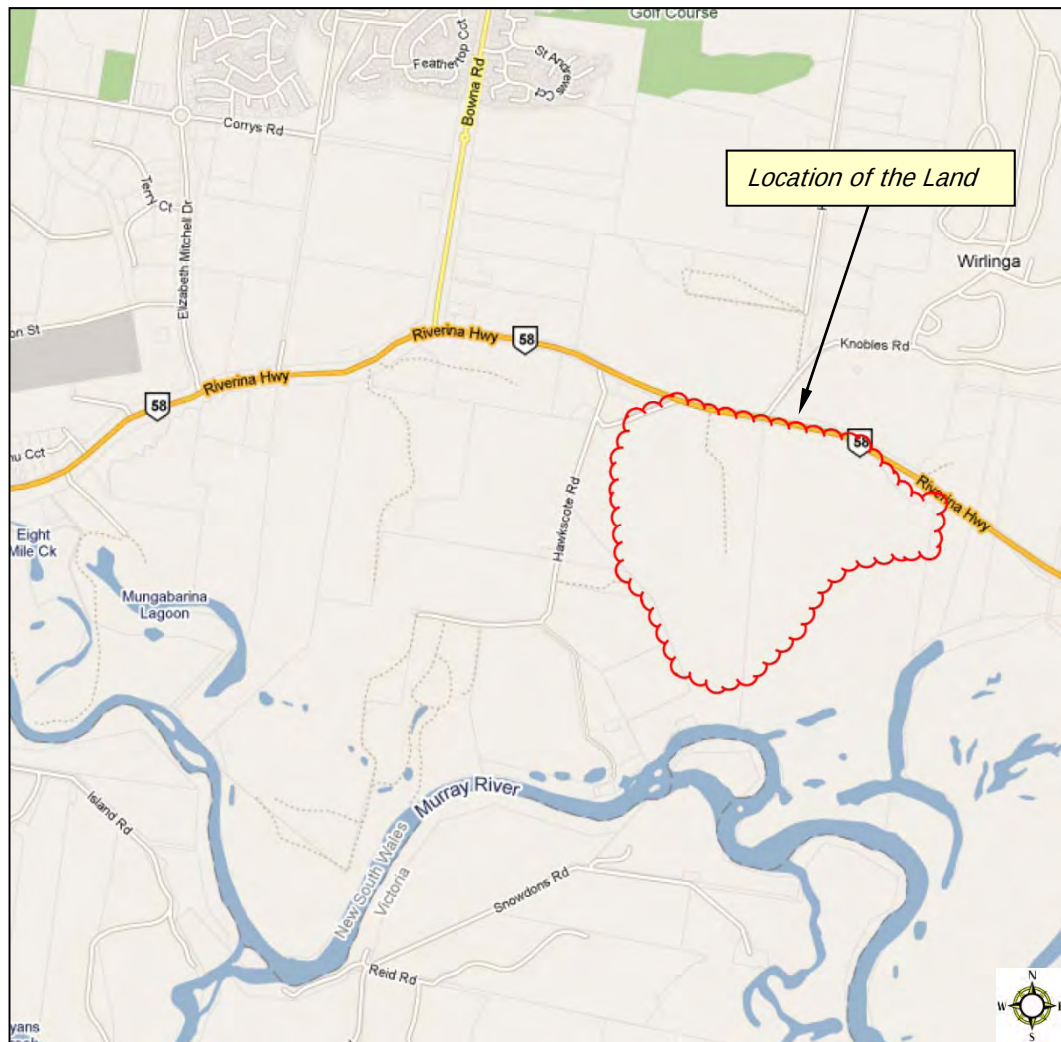
Title diagrams of the Land are shown in **Appendix A: Title diagrams**. The location of the Land is shown regionally in **Figure 2: Regional location plan**, locally in **Figure 3: Local location plan**, and an aerial photograph with cadastral boundaries is shown in **Figure 4: Aerial photograph of the Land**.

Figure 2: Regional location plan



Source: Google Maps (2011)

Figure 3: Local location plan



Source: Google Maps (2011)

Figure 4: Aerial photograph of the Land



NOTE:



DISCLAIMER
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 cadastral base map, AlburyCity accepts
 no responsibility for the accuracy of any information shown.
 Users should rely on their own enquiries in order to validate
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Scale is 1:16067
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Source: ACC (2010)

Land rezoning:
 Part Lot 1 DP 128086 and part Lot 1 DP 128087,
 Riverina Highway, Thurgoona

2.0 OBJECTIVES OR INTENDED OUTCOMES

The objective or intended outcome of this Planning Proposal is to enable the future development of land in the southern area of Thurgoona for residential purposes.

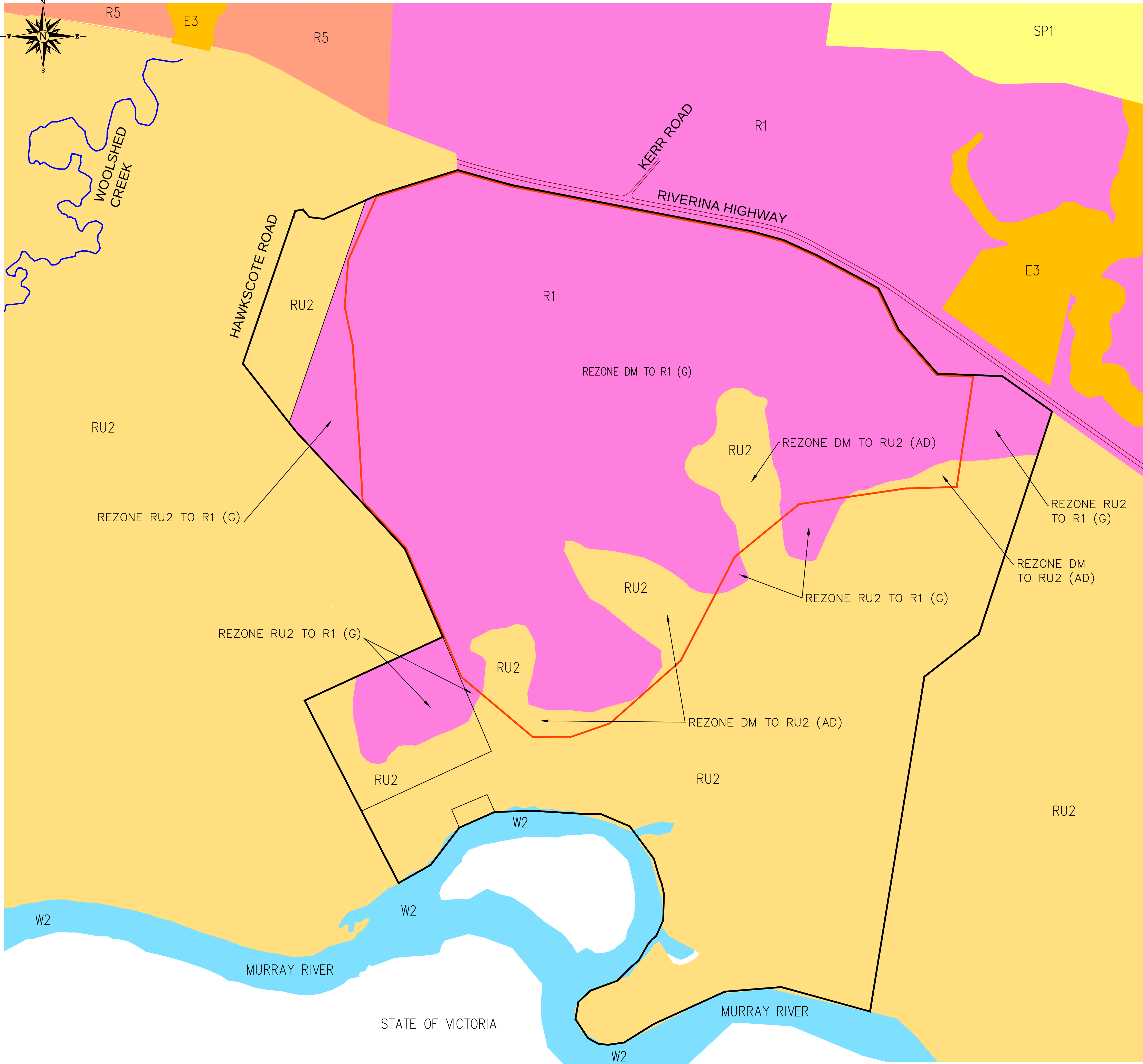
3.0 EXPLANATION OF PROVISIONS

The objectives or intended outcomes mentioned in **Section 2.0: Objectives or intended outcomes** are to be achieved by amending the LEP as shown in **Table 1: Summary of LEP amendments** and **Figure 5: Proposed land use planning analysis**.

Table 1: Summary of LEP amendments

<i>LEP map proposed to be amended</i>	<i>Effect of proposed amendment</i>
<i>Land Zoning Map No's 7 and 10</i>	Rezone parts of the Land from: - Deferred Matter (unzoned land) to R1 General Residential Zone (132.2 ha) and RU2 Rural Landscape Zone (17.4 ha); and - RU2 Rural Landscape Zone to R1 General Residential Zone (18.4 ha)
<i>Lot Size Map No's 7 and 10</i>	Apply a minimum subdivision lot size of: 450 square metres to the proposed R1 General Residential Zone; and 100 hectares to the proposed RU2 Rural Landscape Zone, consistent with the adjoining R1 General Residential Zone and RU2 Rural Landscape Zone
<i>Urban Release Area Map No's 7 and 10</i>	Apply Urban Release Area to all parts of the Land proposed to be rezoned R1 General Residential Zone, consistent with the adjoining R1 General Residential Zone

For context purposes a plan showing current land use zonings on and near the Land is provided at **Figure 6: Current land use planning analysis**.



LOCALITY PLAN



LEGEND

ALBURY LEP ZONES

E3	ENVIRONMENTAL MANAGEMENT
R1	GENERAL RESIDENTIAL
R5	LARGE LOT REIDENTIAL
RU2	RURAL LANDSCAPE
SP1	SPECIAL ACTIVITIES (DEFENCE FORCE LAND)
W2	RECREATIONAL WATERWAYS
DM	DEFERRED MATTER BOUNDARY

(G) MINIMUM LOT SIZE 450m²
(AD) MINIMUM LOT SIZE 1 000 000m² (100ha)

0	FINAL	09-05-11	NB
B	INCORPORATE BLUEPRINT COMMENTS	09-05-11	NB
A	PROPOSED LAND USE PLANNING	03-05-11	NB
REV.	AMENDMENTS	DATE	INIT.

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CLIENT:
PM, MK & JM STAR

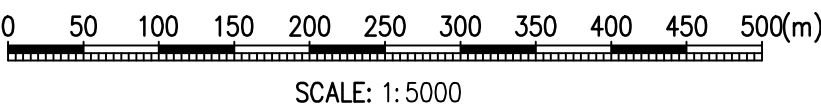
PROJECT REFERENCE: 40421

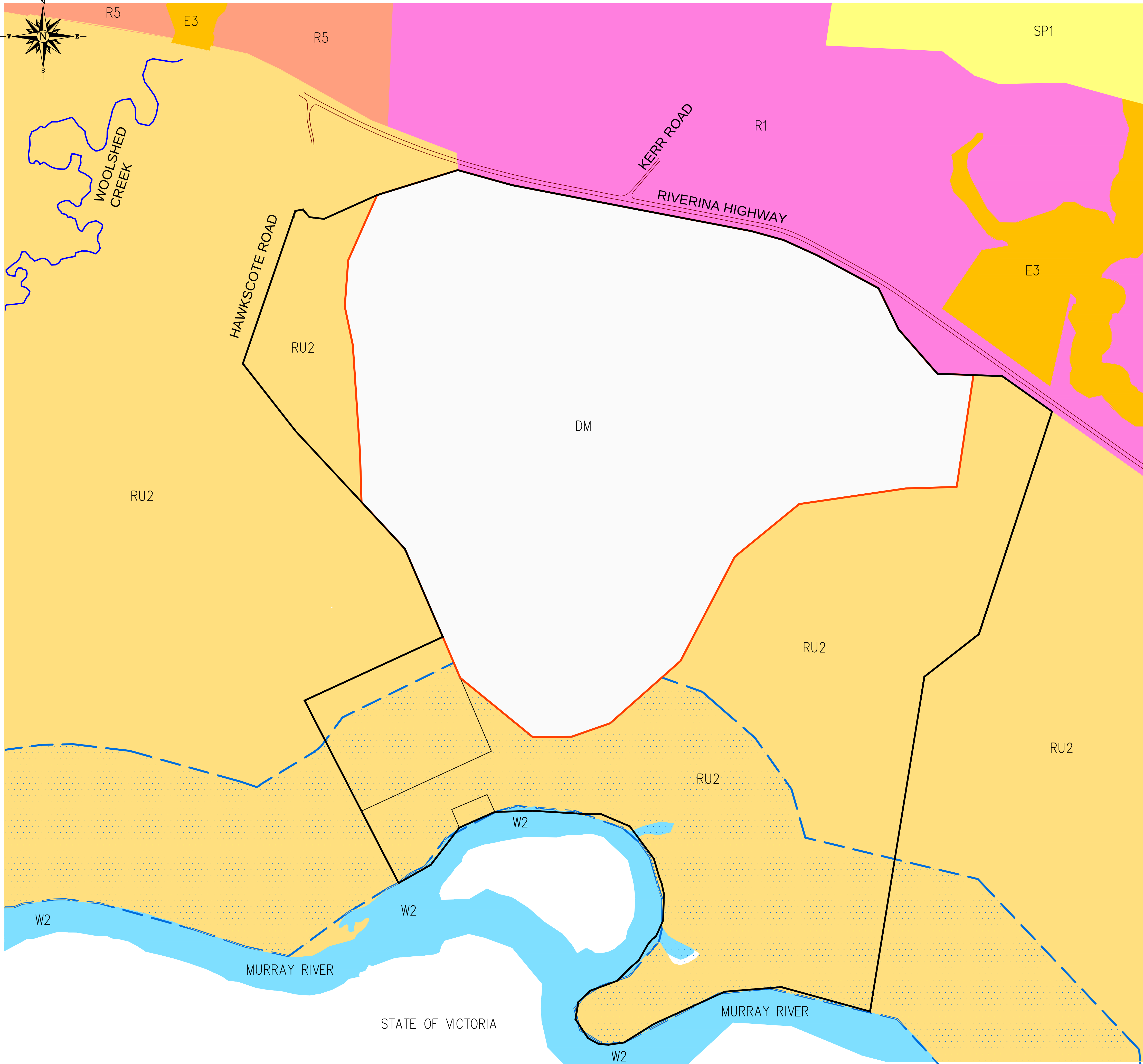


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TITLE:
**PROPOSED LAND USE PLANNING
ANALYSIS**

DESIGN: ADAM DYDE	DRAWN: NEIL BURBIDGE	A1
CHECKED: ADAM DYDE	DRAWING NO. 40421-C10	REVISION 0
SHEET: 10 OF 10		





LOCALITY PLAN



LEGEND

ALBURY LEP ZONES	
E3	ENVIRONMENTAL MANAGEMENT
R1	GENERAL RESIDENTIAL
R5	LARGE LOT RESIDENTIAL
RU2	RURAL LANDSCAPE
SP1	SPECIAL ACTIVITIES (DEFENCE FORCE LAND)
W2	RECREATIONAL WATERWAYS
DM	DEFERRED MATTER
SOURCE: ALBURY LEP 2010	
	RIVER FRONT AREA, AS DEFINED IN c7.5 OF ALBURY LEP 2010

0	FINAL	09-05-11	NB
B	INCORPORATE BLUEPRINT COMMENTS	05-04-11	NB
A	CURRENT LAND USE PLANNING	29-03-11	NB
REV.	AMENDMENTS	DATE	INIT.

PRINTED : 09/05/2011 BY: NEIL BURBIDGE
CLIENT:
PM, MK & JM STAR

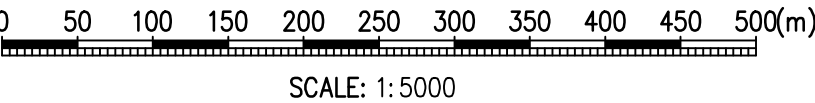
PROJECT REFERENCE: 40421



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TITLE:
CURRENT LAND USE PLANNING ANALYSIS

DESIGN: ADAM DYDE	DRAWN: NEIL BURBIDGE	A1
CHECKED: ADAM DYDE	DRAWING NO. 40421-C06	REVISION 0
SHEET: 6 OF 10		



4.0 JUSTIFICATION

4.1 Need for the planning proposal

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

4.1.1.1 Albury Land Use Strategy 2007

The Planning Proposal arises from the ALUS which is a strategic planning study and report underpinning the future development of the Albury LGA. In the ALUS the Land is identified as “urban expansion” (Figure 12, p. 69) as shown in **Figure 1: Urban expansion plan**.

The following extracts have been sourced from the ALUS to assist understanding in terms of context and support for the Planning Proposal.

Section 1.1 – Overview (p. 1):

This document provides clear direction for achieving Albury's future. It is one of the first projects, as initiated by the Planning Reforms of the New South Wales (NSW) Government in September 2004, to link strategies for achieving the community's vision and goals with specific statutory planning controls.

The Strategy provides strategic guidance for the short, medium and long-term directions of the City's growth and development through to 2030 and in some cases beyond. It builds on existing strategies undertaken by AlburyCity, or other government agencies, to provide clear land use strategy for the future. The Strategy's focus is on land use issues, instead of broad municipal issues, and how they translate into statutory controls. The main objectives of the Strategy are:

- *To plan for the growth of an expanded city area, and*
- *To address NSW Government reforms aimed at creating a more streamlined standardised planning system.*

The Strategy also supports other functions of Council such as protection of natural assets, heritage and land management.

Section 1.2 – Key Documents (p. 2):

The Strategy takes direction from the following key policy documents of Council:

- *Albury 2030 (25 year vision community plan for the future of the municipality), and*
- *AlburyCity State of the Environment Action Plan, 2004 (plan for environmental management in the municipality to 2010).*

4.1.1.2 Site analysis investigations

The Land has been the subject of preliminary and detailed site analysis investigations as follows.

Topographic analysis

From **Figure 7: Topographic analysis** it can be seen that the majority of the Land comprises slopes less than 12 % being generally suitable for residential development. Slopes between 12 and 20 % are also suitable for residential development with site specific design responses.

Soils and erosion analysis

From **Figure 8: Soils and erosion analysis** it can be seen that the majority of the Land comprises soils and stable land which are suitable for residential development. Locations of active, minor, and historic erosion areas are shown.

Flooding, drainage lines, springs, and dams analysis

From **Figure 9: Flooding, drainage lines, springs, and dams analysis** (in association with **Figure 7: Topographic analysis** and **Figure 8: Soils and erosion analysis**) it can be seen that drainage influences from the Land are generally to the southwest and southeast with the Murray River and its floodplain being the receiving water environment. 'Upstream' drainage enters the Land via three culverts bordering the Riverina Highway. The Land has a dominant central catchment which drains via an intermittent watercourse. The Land contains one other watercourse and several drainage lines, springs and seasonally wet areas. The DEH advised approximate 1-in-100 year flood level is also shown, which is subject to confirmation pending completion of a current Council flood study.

Ecological analysis

From **Figure 10: Ecological analysis** it can be seen that the Land comprises three vegetation communities being 'riverine forest/woodland', 'grassy box woodland', and 'scattered paddock trees'. Existing native vegetation over five trunk diameter classes are also shown. Environmental opportunities for consideration during future subdivision layout and design are also shown.

Preliminary Aboriginal cultural heritage assessment

From **Figure 11: Preliminary Aboriginal cultural heritage assessment** it can be seen that the Land comprises areas identified as 'high' and 'medium' potential for Aboriginal artefacts which have been identified from preliminary investigations as further detailed in **Appendix B: Preliminary Aboriginal cultural heritage assessment**. Such areas would be further investigated during analysis under Part 6 of the LEP after the Land is rezoned in accordance with the Planning Proposal.

Buildings, structures, and works analysis

In **Figure 12: Buildings, structures, and works analysis** the locations of various buildings, structures, and works are shown within and adjoining the Land. In relation to the ruins shown in the central-western part of the Land these are from a low-security Italian prisoner-of-war internment camp during World War II as described in information received from the Albury and District Historical Society Inc. in **Appendix C: Extracts of historical records** together with other related European settlement history information.

View and view catchment analysis

In **Figure 13: View and view catchment analysis** the considered 'view catchments' comprising the Land are shown. Photos of landscape perspectives of the Land when viewed from near adjoining dwellings are also shown. View catchment assessment methodology was weighted towards the public domains of the Riverina Highway and the Murray River.

Developable land analysis

Figure 14: Developable land analysis provides a cumulative analysis of residential development constraints, which include (listed in no particular order) parts of the Land with:

- slopes greater than 12 % (highlighted yellow);
- slopes greater than 20 % (highlighted dark yellow and dark red);
- high and medium potential for Aboriginal artefacts (highlighted light yellow);
- intermittent watercourses with statutory building setbacks and indicative flood-prone land (highlighted red);
- intermittent watercourses, drainage lines, stormwater overland flow paths, springs, and seasonally wet areas (highlighted light yellow); and
- easements (highlighted light yellow).

These development constraints have been categorised into 'land able to be further developed subject to further site analysis and design' and 'land with constraints'.

*The cumulative information provided in **Figure 14: Developable land analysis** has been used, in context with other strategies, state environmental planning policies, and directions discussed in this report, to underpin the proposed land rezoning information shown in **Figure 5: Proposed land use planning analysis**.*

Page 12 – 19

Please be advised that, due to their size, the maps contained in pages 12-19 have been extracted and provided under separate cover as follows:

File Name: Additional Documentation (pages 12 – 14)

- Topographic Analysis
- Soils & Erosion Analysis
- Flooding, drainage lines, springs and dam analysis

File Name: Additional Documentation (pages 15-17)

- Ecological Analysis
- Preliminary Aboriginal Cultural Heritage Assessment
- Buildings, Structures & Works Analysis

File Name: Additional Documentation (pages 18-19)

- View & View Catchment Analysis
- Developable Land Analysis

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

The rezoning of the Land from:

- Deferred Matter (unzoned land) to R1 General Residential Zone and RU2 Rural Landscape Zone; and
- RU2 Rural Landscape Zone to R1 General Residential Zone,

as detailed in **Table 1: Summary of LEP amendments**, is considered the best means of achieving the relevant objectives or intended outcomes mentioned in **Section 2.0: Objectives or intended outcomes**.

Likewise, applying a 450 square metre minimum lot size to the proposed R1 General Residential Zone and a 100 hectare minimum lot size to the proposed RU2 Rural Landscape Zone is considered to be appropriate and will be consistent with adjoining zones. Applying Urban Release Area provisions to the proposed R1 General Residential Zone will also allow for adequate public infrastructure to be investigated and made available through Part 6 of the LEP which is also consistent with adjoining R1 General Residential Zone land.

4.1.3 Is there a net community benefit?

The following Net Community Benefit Test, adapted from the *Draft Centres Policy: Planning for Retail and Commercial Development* (Department of Planning, 2009), has been prepared with detail and analysis proportionate to the size and likely impact of the Planning Proposal.

Table 2: Net Community Benefit Test

<i>Question</i>	<i>Assessment</i>
▪ <i>Will the LEP be compatible with agreed State and regional strategic directions for development in the area (e.g. land lease, strategic corridors, development within 800 metres of a transit node)?</i>	<u>Comment:</u> The Planning Proposal is compatible with regional strategic directions for development identified in the <i>Draft Murray Regional Strategy 2009</i> as follows: ▪ Albury is identified as a “major regional centre” in the “Upper Murray Subregion” (p. 13), with a focus for additional housing development (pp. 20; 21), and with a population increase of 8,100 persons expected by 2036 (p. 18); ▪ an estimated 10,100 additional dwellings will be

Question	Assessment
	needed in the Upper Murray Subregion with approximately 7,900 needed to be located in-and-around Albury (p. 18); and ▪ Council has identified significant new release areas for urban expansion to the north and east of the city, including land at Hamilton Valley, Thurgoona and, in the longer term, Wirlinga as part of its local strategic planning work and these areas will be sufficient to cater for this expected growth in housing demand (p. 18).
▪ <i>Is the LEP located in a global/ regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?</i>	<u>Comment:</u> Refer to above comments in relation to the <i>Draft Murray Regional Strategy 2009</i>.
▪ <i>Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?</i>	<u>Comment:</u> The Planning Proposal implements outcomes of the ALUS for the residential development of the Land which have been known to the Proponent and the community since the ALUS was released for comment and adopted by Council in 2006/2007. The <i>Draft Murray Regional Strategy 2009</i> was released for comment in 2009.
▪ <i>Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?</i>	<u>Comment:</u> Not relevant: There has been no other 'spot rezoning' in the locality.
▪ <i>Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?</i>	<u>Comment:</u> The Planning Proposal will facilitate permanent employment generating activity by providing additional housing opportunities for the workforce of Albury-Wodonga. The Planning Proposal will not result in a loss of employment lands – the Land is currently used for agricultural grazing purposes and zoned under the LEP as Deferred Matter.
▪ <i>Will the LEP impact upon the supply of residential land and</i>	<u>Comment:</u> The Planning Proposal will increase the supply of residential land and therefore housing supply with an additional 1,300 to 1,400 residential lots

Question	Assessment
<i>therefore housing supply and affordability?</i>	(assuming a subdivision potential of 9 lots per hectare). All things being equal, an increased supply of residential lots in a local residential land market would lower the price of residential lots in that market. It follows therefore that there would not be a negative impact to the supply of residential land, and therefore housing supply and affordability, owing to lower land development input costs. On the other hand, however, the Planning Proposal may lessen affordability for some housing on the Land owing to excellent views which may be gained from such areas which may lead to higher land prices for these lots, however may increase housing affordability for other land in the area and in the Albury City LGA in general owing to the economic forces of land supply and demand. Various land use planning tools can be exercised to temper housing affordability with one such tool being available via the master planning provisions of Part 6 of the LEP, namely that lot areas in high visual amenity locations can be reduced to limit land purchase price potential. In regard to available residential land demand and supply statistical information, the <i>Demand & Supply Forecast Report 2009</i> (ACC, 2009) was publicly exhibited with the LEP in 2009 and provided statistical information, data, and commentary relating to residential settlement patterns, emerging trends, population growth, housing demand, and existing/ proposed residential residual land supply for the Albury City LGA. In the report a take-up rate of 400 residential lots per annum was forecast (p. 6) supported by strong evidence of market-constrained residential land supply attributed to land banking (monopolisation of land supply) and pre-selling in the market (house and land packages) (pp. 1; 6; 8). In terms of staged residential land supply release, the Planning Proposal will augment the supply of forecast residential lot demand with such supply subject to staged market release in accordance with the master planning and infrastructure servicing provisions of Part 6 of the LEP. It is therefore open for Part 6 of the LEP to positively influence the supply of residential land and therefore related housing supply and affordability.

<i>Question</i>	<i>Assessment</i>
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?	<u>Comment:</u> Adequate public infrastructure either currently exists or will exist to service the Land through the master planning and infrastructure servicing provisions of Part 6 of the LEP – likewise for pedestrian and cycling access and public transport.
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?	<u>Comment:</u> The Planning Proposal will augment the development of Thurgoona and Wirlinga envisaged in the ALUS and will result in acceptable greenhouse gas emissions and operating costs of a growing Albury. The master planning and infrastructure servicing provisions of Part 6 of the LEP will allow for road safety issues to be resolved in accordance with RTA requirements for the cumulative impacts of all Urban Release Area land to the east of the Hume Freeway to be considered at the same time. The Planning Proposal to include the Land in an Urban Release Area will satisfy this RTA requirement.
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?	<u>Comment:</u> Only positive impacts are envisaged from recent and continuing Government investments in the local Hume Freeway internal bypass of Albury and regional freeway carriageway duplication projects.
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	<u>Comment:</u> The Land is wholly identified as “biodiversity certified land” under the <i>Threatened Species Conservation Act 1995</i> meaning that any development of the Land is not likely to significantly affect any threatened species, population or ecological community or its habitat. The Land is flood-prone in its south-eastern area as shown in Figure 9: Flooding, drainage lines, springs, and dams analysis. The Land not identified as “bush fire prone land” in the

Question	Assessment
<i>constrained by environmental factors such as flooding?</i>	Albury Bush Fire Prone Land Map and is not known to be contaminated from past agricultural land uses such as for example from farm chemical storage or sheep dips. Also the Land has never had an Environment Protection Licence applied to it or any part of it within the meaning of the <i>Protection of the Environment Operations Act 1997</i> .
▪ <i>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?</i>	<u>Comment:</u> The Planning Proposal implements the ALUS which has considered the strategic land use planning of the Land and all surrounding land and therefore residential land use compatibility, amenity, and surrounding public domain.
▪ <i>Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?</i>	<u>Comment:</u> Not relevant insofar as the Planning Proposal being primarily to allow residential development, however an increased population is expected to support retail and commercial competition in general.
▪ <i>If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?</i>	<u>Comment:</u> Not relevant.
▪ <i>What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?</i>	<u>Comment:</u> The public interest reasons for preparing the Planning Proposal are that at the time the <i>Draft Albury Local Environmental Plan 2009</i> was contemplated during public exhibition only a R5 Large Lot Residential Zone zoning of the Land was proposed. The Planning Proposal allows for separate consideration of a zoning for a R1 General Residential Zone. The implications of not proceeding at this time will be the generation of unwarranted uncertainty about how the master planning and infrastructure servicing provisions of Part 6 of the LEP might be resolved for the Land in concert with surrounding similarly affected land to the north.

4.2 Relationship to strategic planning framework

4.2.1 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 Planning Proposal is consistent with the aims of *Draft Murray Regional Strategy 2009*, which was publicly exhibited for comment in 2009, as set out in **Appendix D: Applicable aims of the *Draft Murray Regional Strategy 2009***.

The Planning Proposal is consistent with the actions of *Draft Murray Regional Strategy 2009* as set out in the Net Community Benefits Test above at **Table 2: Net Community Benefits Test**.

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

This Planning Proposal is consistent with Council's *Albury 2030: A community strategic plan for Albury* (April 2010) as set out in **Appendix E: Applicable aims of *Albury 2030: A Community Strategic Plan for Albury***.

4.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

The Planning Proposal is consistent with applicable state environmental planning policies as set out in **Appendix F: Applicable State Environmental Planning Policies**.

4.2.4 Is the planning proposal consistent with applicable Ministerial Directions (section 117 directions)?

The Planning Proposal is consistent with applicable directions as set out in **Appendix G: Applicable Directions under section 117(2) of the *Environmental Planning and Assessment Act 1979***.

4.3 Environmental, social and economic impact

4.3.1 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 wholly identified as “biodiversity certified land” under the *Threatened Species Conservation Act 1995* meaning that any development of the Land is not likely to significantly affect any threatened species, population or ecological community or its habitat, and none of the Land is identified as “critical habitat” under this Act.

The Land comprises three vegetation communities being ‘riverine forest/woodland’, ‘grassy box woodland’, and ‘scattered paddock trees’ and environmental opportunities for future subdivision layout and design are shown in **Figure 10: Ecological analysis**.

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

In time, the Land will be connected to all reticulated services, including reticulated water, sewerage, stormwater, electricity, natural gas, and telecommunications. A preliminary servicing strategy has been prepared in this regard and is provided at **Appendix H: Preliminary servicing strategy**. Other environmental planning issues, concerning for example traffic impact, are anticipated to be resolved via the procedural requirements of Part 6 of the LEP, including master planning for a development control plan – likewise for civil engineering issues concerning for example reticulated stormwater and sewerage servicing feasibility and design. Preliminary stormwater catchment drainage analysis has been carried out as detailed in **Figure 9: Flooding, drainage lines, springs, and dams analysis**.

In particular, the master planning and infrastructure servicing provisions of Part 6 of the LEP will allow for road safety issues to be resolved in accordance with RTA requirements for the cumulative impacts of all Urban Release Area land to the east of the Hume Freeway to be considered at the same time. The Planning Proposal includes the Land in an Urban Release Area and will satisfy this RTA requirement. On ‘first principles’ analysis there are at least two access points to the Land from the Riverina Highway that have been identified as being potentially suitable subject to detailed design. These are shown indicatively in **Figure 14: Developable land analysis**.

Given the proximity of the Land to the Murray River and its elevated nature and the likelihood that parts of the Land may be significant for Aboriginal cultural heritage a

preliminary Aboriginal cultural heritage assessment report has been prepared in accordance with relevant guidelines and is provided at **Appendix G: Applicable Directions under section 117(2) of the *Environmental Planning and Assessment Act 1979***. Further assessment work would be carried out in due course as indicated in the report.

It is highlighted that the effective control and management of stormwater runoff will be especially required given drainage influences of the Land to the south toward the Murray River and its environs. Once again, preliminary stormwater catchment drainage analysis has been carried out as detailed in **Figure 9: Flooding, drainage lines, springs, and dams analysis**.

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

4.3.3.1 Environmental effects

The Planning Proposal will protect the environment through implementation of the procedural requirements of Part 6 of the LEP, namely through master planning for a development control plan by progressing existing preliminary and detailed site analysis work, such as identifying or 'proving up':

- drainage lines and stormwater overland flow paths, and potential stormwater collection, treatment, and discharge areas;
- remnant native vegetation for protection and riparian corridors along waterways for riparian corridor linkages; and
- existing and potential erosion prone, land slip, or salinity areas.

4.3.3.2 Social and Economic Effects

The Planning Proposal will strengthen the social and economic fabric of the Thurgoona and Wirlinga area by supporting social infrastructure provision through population growth, in particular supporting the proposed "future small commercial centre" envisaged to be located to the north of the Land identified in the ALUS (Figure 12, p. 69).

4.4 State and Commonwealth interests

4.4.1 Is there adequate public infrastructure for the planning proposal?

This Planning Proposal includes amendment of Urban Release Area Map No's 7 and 10 in accordance with the plan shown in **Figure 5: Proposed land use planning analysis**.

Adequate public infrastructure for the Planning Proposal will be investigated and made available through the provisions of Part 6 of the LEP.

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

[To be inserted following issue of the gateway determination and required consultation.]

5.0 COMMUNITY CONSULTATION

[To be inserted following issue of the gateway determination and required consultation and in accordance with *A guide to preparing local environmental plans* (Department of Planning, 2009), which is proposed to consist of the following consultation:

- minimum 28 day public exhibition period;
- notification provided to adjoining and surrounding landowners who may be directly or indirectly impacted by the proposed development;
- consultation with relevant government departments and agencies, service providers and other key stakeholders;
- public notices provided in the local media i.e. Border Mail newspaper;
- static displays of the Planning Proposal and supporting material in Council public buildings, nominally: Albury City Administration Building, Kiewa Street, Albury; Albury Library Museum, Kiewa Street, Albury; and, the Lavington Library, Griffith Road, Lavington;
- electronically available via AlburyCity's website including provision for electronic submissions;

- hard copies of all documentation being made available to the community free of charge; and
- electronic copies of all documentation being made available to the community free of charge.]

APPENDIX A:

Title diagrams

LT2

PLAN OF PART POR 13 AFTER TRANSFER U 303799 BEING LAND COMPRISED IN VOL 8470 FOLS 124, 125		D P 128086 (E)	
Mun./Shire/City: <u>HUME</u>		Registered: <u>11-8-1994</u>	
Town or Locality: _____		C.A.: _____	
Parish: <u>THURGOONA</u>		Title System: <u>TORRENS</u>	
County: <u>GOULBURN</u>		Purpose: <u>DEPARTMENTAL</u>	
Reduction Ratio 1: <u>N. T. S.</u> Lengths are in metres		Ref. Map: <u>GOULBURN * (31)</u>	
		Last Plan: <u>D P 410539</u>	

8345-4-NW

EASEMENTS (A) (B) (C) & (D) ADDED IN LTO AS 14.8.1996

(A) RIGHT OF WAY 10.06 WIDE
 (B) EASEMENT FOR WATER MAIN AND TELEPHONE LINE 3.05 WIDE.
 (C) RIGHT OF WAY, EASEMENT FOR WATER MAIN AND TELEPHONE LINE 20.115 WIDE.
 (D) EASEMENT FOR ELECTRICITY PURPOSES 3.66 WIDE.

(A), (B) & (C) & (D) - D 999658
 RIGHTS OF WAY & EASEMENTS
 - SEE DP 107946



PLAN OF PARTS OF PORS 13 & 8 AFTER TRANSFER U303799 BEING LAND COMPRISED IN VOL 7846 FOLS 113, 114		DP128087	
Mun./Shire/City <u>HUME</u>		Registered: <u>11-8-1994</u>	D I D 2 0 0 0 Z
Town or Locality _____		C.A.: _____	
Parish <u>THURGOONA</u>		Title System: <u>TORRENS</u>	
County <u>GOULBURN</u>		Purpose: <u>DEPARTMENTAL</u>	
Reduction Ratio 1: <u>N.T.S.</u> Lengths are in metres		Ref. Map: <u>GOULBURN # (31)</u>	
		Last Plan: _____	
8345-4-NW			

Land rezoning:

Part Lot 1 DP 128086 and part Lot 1 DP 128087,
Riverina Highway, Thurgoona



Land rezoning:

Part Lot 1 DP 128086 and part Lot 1 DP 128087,
Riverina Highway, Thurgoona

APPENDIX B:

Preliminary Aboriginal Cultural Heritage Assessment

Hawkesote Road and Riverina Highway, Thurgoona

An aerial photograph of a rural landscape. The land is divided into several large parcels by yellow lines representing property boundaries. Some parcels are labeled with numbers: 12, 13, 10, 951, 111, 123, 57, 15, and 92100. A prominent feature is a large, irregularly shaped body of water, possibly a reservoir or a large pond, which is outlined in red. The water body has a dark, forested area in its center. The surrounding land is mostly green, indicating grass or low vegetation, with some patches of bare earth or different shades of green. The overall scene is a typical rural or undeveloped area.

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Blueprint Planning

11002

**Preliminary Aboriginal Cultural Heritage Assessment
For rezoning of part Lot 1 DP 128086 and part Lot 1 DP 128087
Hawkscoote Road and Riverina Highway
Thurgoona**

Executive Summary

Blueprint Planning is representing PM, MK & JM Star in a Planning Proposal to rezone part Lot 1 DP 128086 and part Lot 1 DP 128087 – Hawkscoote Road and Riverina Highway, Thurgoona. The rezoning proposal applies to non-flood-prone land with a setback from the Murray River rather than the entire property. It has been recognised in early planning stages that the amenity and proximity of raised level land to the river suggests a likely presence of Aboriginal objects as defined in the *National Parks and Wildlife Act 1974* (NPW Act).

This document is a preliminary Aboriginal cultural heritage study intended to: Assess the likelihood of different types of sites occurring based on previously recorded sites, a preliminary site inspection and predictive analysis; assess the opportunities and constraints for development based on the above assessment (for the benefit of the owners); and assess the implications for the current rezoning proposal in terms of the ability to manage Aboriginal cultural heritage on the property in accordance with local and state regulatory controls (for the benefit of Council in considering the rezoning application).

The assessment is based on: A desktop assessment of the regional archaeological context, known site records in a 7 x 10km area surrounding the property, and general predictive principles applying to the likelihood of sites occurring; a preliminary property inspection with targeted survey, verification of a reported scarred tree site, photographic inventory and onsite assessment of landscape features affecting the distribution of Aboriginal cultural heritage sites; and a synthesis of onsite and desktop assessments to make preliminary mapping of areas of differing Aboriginal cultural heritage archaeological sensitivity.

A site inspection recorded two new sites: One being a scarred tree and one an artefact site with 6 small quartz flakes located. The predictive assessment of the property based on GIS lead to the mapping of: 5 areas of 'high archaeological potential' where raised level land occurs within 500m of water; and some surrounding areas of 'medium archaeological potential'. These areas have been determined and mapped as a model that would require further development and testing in more detailed archaeological investigation before they could form the basis of planning decisions more detailed than the current requirement of a rezoning proposal.

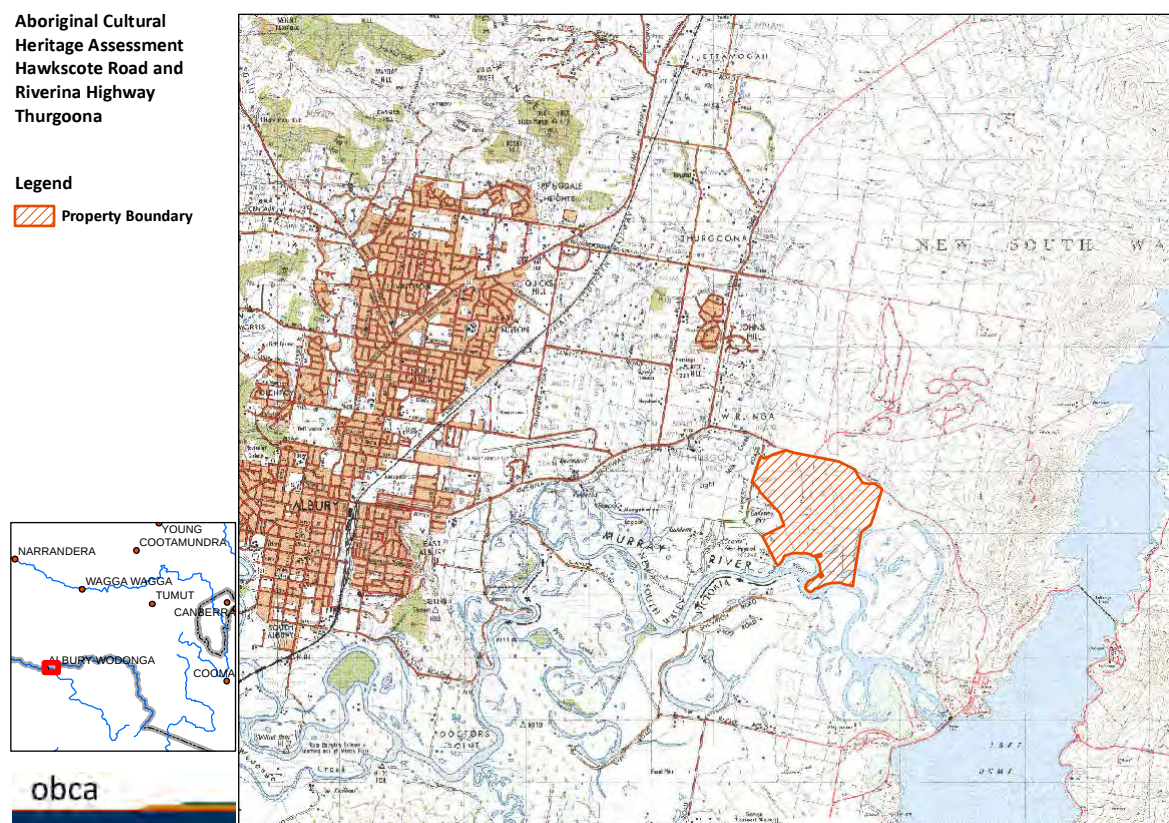
It is considered that the nature and likely extent of Aboriginal cultural heritage on the property should not preclude the rezoning. Any further development plans would be able to appropriately manage potential impacts to Aboriginal cultural heritage through the provisions of the *National Parks and Wildlife Act 1974*. It is considered that further investigation inclusive of full survey and some test excavation in collaboration with Aboriginal stakeholders will be required leading to an Aboriginal Cultural Heritage Management Plan. The Plan would outline findings, recommendations and binding undertakings. It is envisaged that DECCW would issue some Aboriginal Heritage Impact Permits (AHIPs) with consideration to the conservation and impact mitigation outlined in the Plan.

Preliminary Aboriginal Cultural Heritage Assessment **For rezoning of part Lot 1 DP 128086 and part Lot 1 DP 128087** **Hawkscode Road and Riverina Highway** **Thurgoona**

1 Introduction and Study Requirements

Blueprint Planning is representing PM, MK & JM Star in a Planning Proposal to rezone part Lot 1 DP 128086 and part Lot 1 DP 128087 – Hawkscode Road and Riverina Highway, Thurgoona. The land comprises approximately 140 hectares of grazing land approximately 7.5 kilometres to the east-northeast of the Albury CBD, with principle access from the Riverina Highway. The area marked in Figures 1 and 2 shows the full extent of the property owned by the Stars and which is assessed in this report. It should be noted that this is larger than the area proposed for rezoning, which does not include flood-prone areas of land nearest to the river. Please refer to other planning documents for an accurate delineation of the rezoning application area.

Figure 1: Location related to Albury and Lake Hume



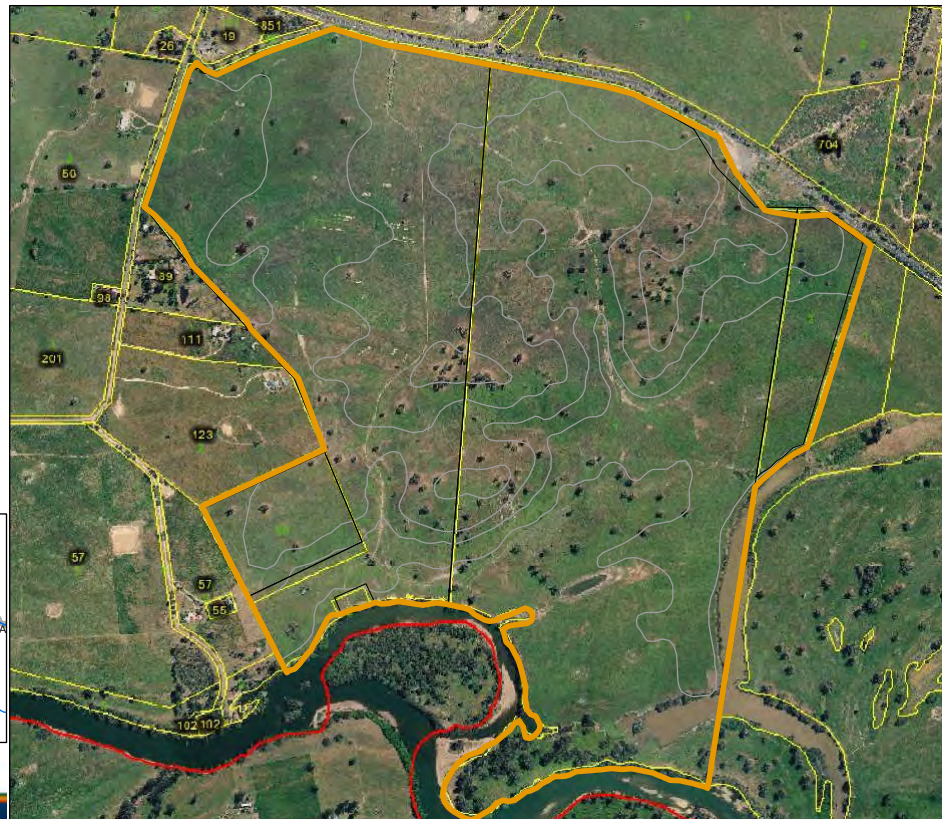
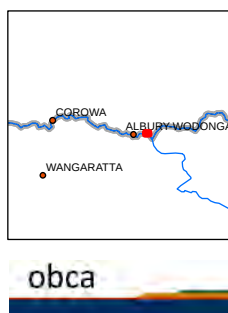
The property comprises both floodplain and raised land adjacent to the Murray River. The rezoning application only applies to raised land, which is a mix of level, undulating and steep open country currently used for grazing. The archaeological consideration of the entire area is however relevant in the way that it is

affects the likely distribution of Aboriginal cultural heritage material across the rezoning proposal area. The underlying geology is Hawksview granite (being an I-type, felsic, unfractionated granite intrusion approximately 422 million years old) with Quaternary deposits on the river floodplain (Brunker *et al.* 1970). This geology gives rise to soils typical of the Upper Slopes subregion of the Southwestern Slopes Bioregion, being shallow stony soils on steep slopes, texture contrast soils on lower slopes with alluvial soils on the floodplain (Sahukar *et al.* 2003). The vegetation is largely cleared with remnant (or potentially regenerated) white box grassy woodland in parts.

Figure 2: Aerial image of entire property with contours

**Aboriginal Cultural
Heritage Assessment
Hawkesote Road and
Riverina Highway
Thurgoona**

Legend

 **Property Boundary**

It has been recognised in early planning stages that the proximity to the river and the amenity of raised level land suggests that the presence of Aboriginal objects as defined in the *National Parks and Wildlife Act 1974* (NPW Act) is very high.

The purpose of this assessment is not to fully determine the extent of all Aboriginal cultural heritage material on the property (this not being possible without complex archaeological investigation including test excavation), but rather:

- To assess the likelihood of different types of sites occurring based on previously recorded sites, a preliminary site inspection and predictive analysis;
- To assess the opportunities and constraints for development based on the above assessment (for the benefit of the owners); and

- To assess the implications for the current rezoning proposal in terms of the ability to manage Aboriginal cultural heritage on the property in accordance with local and state regulatory controls (for the benefit of Council in considering the rezoning application).

The assessment is based on:

- A desktop assessment of the regional archaeological context, known site records in a 7 x 10km area surrounding the property, and the predictive principles applying to the likelihood of sites occurring;
- A preliminary property inspection with targeted survey, verification of a reported scarred tree site, photographic inventory and onsite assessment of landscape features affecting the distribution of Aboriginal cultural heritage sites;
- A synthesis of onsite and desktop assessments to make preliminary mapping of areas of differing likelihood of Aboriginal cultural heritage sites occurring.

A summary of legislation as it affects the management of Aboriginal cultural heritage for the current rezoning proposal and future potential stages is provided in Appendix 2.

2 Aboriginal Community Consultation

Aboriginal community consultation is a fundamental aspect of Aboriginal cultural heritage management in NSW. The Department of Environment, Climate Change and Water (DECCW) recognises that Aboriginal people are themselves the principal determinants of the significance of their heritage. For the current preliminary stage of work, formal Aboriginal community consultation is not required because no intention yet exists in relation to Aboriginal Heritage Impact Permits (AHIPs). However, in the event that further investigation or an AHIP are required, strict consultation requirements will follow the DECCW *Aboriginal cultural heritage consultation requirements for proponents 2010*. This will involve consultation with the Albury and District Local Aboriginal Land Council and a process to identify those people who according to traditional lore and custom are recognised as traditional owners for the area.

At the current stage it is proposed that a copy of this report will be sent to the Albury and District Local Aboriginal Land Council with a cover letter indicating that: The current work is a preliminary desktop assessment; that development may be proposed at a later date; and that they will be fully consulted throughout such a project.

3 Regional Archaeological Context

3.1 Aboriginal cultural context

On the basis of some of the oldest dated archaeological evidence in Australia occurring within the Murray Darling Basin, it can be assumed that Aboriginal occupation of the Albury area has spanned more than

40,000 years (O'Connell & Allen 2004), even if only seasonally during Pleistocene ('Ice Age') glacial peaks. Within that period, large scale environmental changes have been linked to both demonstrated and presumed cultural changes. The key periods are:

- Up until the end of the Pleistocene around 10,000 BP, at which time the study area would have been relatively cold and dry with large spring snow melts in the Snowy Mountains delivering massive seasonal flows down the Murray. Alluvial gravels and some aeolian (wind-blown) source bordering sand deposits will have formed during this period.
- A transition period in the early Holocene between 10,000 and 7,000 BP, with gradual warming through a time of significant climate and ecological change; and
- The mid-late Holocene period from around 7,000 BP until the present. Within this most recent period, changes can also be associated with the onset of the El Niño Southern Oscillation (ENSO) at around 5,000 BP and its intensification around 3,000 BP. During this time average temperatures and rainfall may have remained fairly similar but became more variably affected by drought and pluvial periods (El Niño and La Niña) as are experienced currently (Allen *et al.* 1996; Dai & Wigley 2000; Kotwicki & Allen 1996). The upper alluvial deposits of the floodplain and current duplex soils of the raised country will have largely formed in this period.

For the most recent pre-European period, the study area is widely accepted to have been within the traditional country of the Wiradjuri people (e.g. Tindale 1974, Knight 2002). Some authors have however suggested that Wiradjuri occupation of land as far south as the Murray River was a post-European consequence of movement from traditional lands to the north as a result of displacement by European people, although there is neither sufficient ethnohistoric documentation nor consensus for this to be certain (Jones 1991). Were this the case, it is likely that people displaced were Jeithi.

It has also been suggested that the area around Albury, known as Bungambrawatha, was a gathering place for a number of groups who would then make summer forays into the Snowy Mountains for bogong moth (*Agrotis infusa*) feasts (Tindale 1974, Jones 1991, Bell 2002; see also Flood 1980). Suggestions that this made the area unowned in a traditional sense are however not plausible. Rather, the people coming to the area would have been entering into a particular group's custodial territory, whether those custodians were Wiradjuri, Jeithi or any other group.

Regardless of tribal boundaries past or present, the role of the big rivers for Aboriginal people in NSW has more often been as places where people joined rather than boundaries where they separated. In the ever-changing cultural landscape of the last two centuries, this importance of the river has remained. With the increasing urbanisation of Aboriginal communities in NSW over the last century the focus of communities in shared places has shifted to the river towns. In the vicinity of the study area, the major focus of the Aboriginal community is in the town of Albury.

Albury and the study area are within the boundaries of the Albury and District Local Aboriginal Land Council (boundary shown in Figure 3). The Land Council represents all Aboriginal people in its area, be they descended from the traditional owners of the immediate area or elsewhere. Many people with traditional links elsewhere have developed strong historical associations with the area and consider traditional ownership only a part of a wider custodial responsibility in relation to shared Aboriginal cultural heritage. The Land Council not only has a legislative responsibility for protecting cultural heritage in the area (under

the *Aboriginal Land Rights Act 1983*) but an accountability to those among the community who consider that contemporary ties to country should not be restricted by pre-invasion cultural geography (i.e. who feel they have an entitlement and/or obligation as an Aboriginal stakeholder in the area).

3.2 Registered Aboriginal Cultural Heritage Sites in the Area

There are 29 registered sites in a 10km x 7km search area around the property (included parts of Victoria not covered in database so this does not reflect sites/km²) (AHIMS search #38445 on 16/02/2011) (Figure 3). These comprise only artefact sites (n=20; 'AFT' in Figure 3) and scarred tree sites (n=9; 'TRE' in Figure 3). Site distribution is heavily reflective of survey effort rather a likely true indication of distribution, with 4 notable concentrations:

- A cluster of 7 sites (4 with artefacts, 3 scarred trees) around the junction of the Riverina Highway and Table Top (formerly Bowna) Road, presumably dating to development-related studies in that area;
- A cluster of 9 artefact sites bordering Lake Hume recorded by Kamminga;
- A cluster of 6 artefact sites recorded by Bell to the NE of the property;
- A cluster of 4 scarred tree sites immediately to the SW of the property recorded in 1979 by Crosby.

Figure 3: AHIMS registered sites in the area

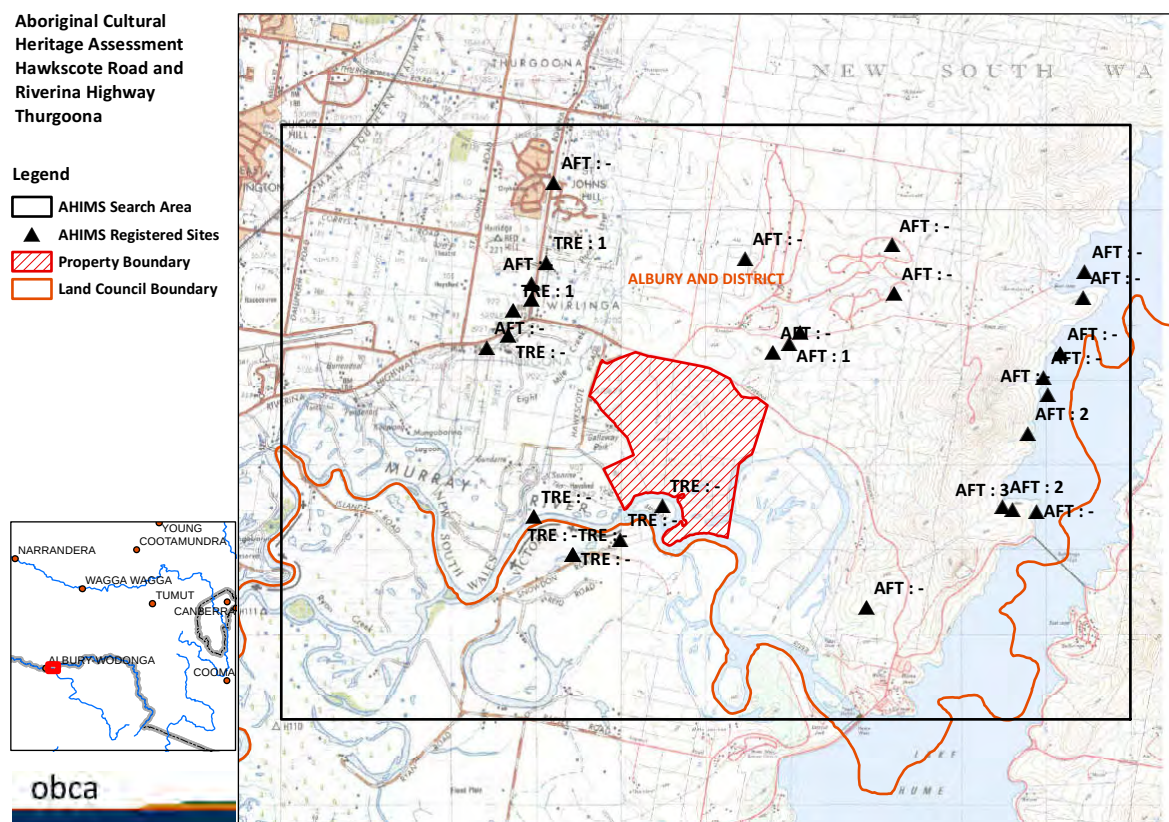


Table 1: AHIMS registered sites in surrounding 7x10km

site_id	site_name	context	permit	features	recorders	reports
60-3-0001	Thurgoona 1;	Open Site	1542	AFT : -	ASRSYS	0
60-3-0002	Thurgoona 2;	Open Site	1542	AFT : -	ASRSYS	0
60-3-0003	Thurgoona 3;	Open Site	0	AFT : -	ASRSYS	0
60-3-0013	Galloway Park;Albury;	Open Site	0	TRE : -	Crosby	0
60-3-0014	Galloway Park;Albury;	Open Site	0	TRE : -	ASRSYS	231
60-3-0015	Galloway Park;Albury;	Open Site	0	TRE : -	Crosby	231
60-3-0016	Galloway Park;Albury;	Open Site	0	TRE : -	Crosby	231
60-3-0055	TH-ST-1	Open Site	0	TRE : -	Mills	0
60-3-0056	TH-IF-1	Open Site	0	AFT : -	Mills	0
60-3-0100	mod tree 2	Open Site	0	TRE : 1	Moore	0
61-1-0001	Galloway Park;Mitta Junction;	Open Site	0	TRE : -	Crosby	1464
61-1-0002	Galloway Park;Mitta Junction;	Open Site	0	TRE : -	Crosby	1464
61-1-0102	HB-IF-1;HBIF1;	Open Site	0	AFT : -	CWAHS P/L	0
61-1-0104	WTA-1	Open Site	1706	AFT : -	Bell	0
61-1-0105	WTA-2	Open Site	0	AFT : 1	Bell	0
61-1-0106	WTA-3	Open Site	1706	AFT : 1	Bell	0
61-1-0107	WTA-4	Open Site	0	AFT : -	Bell	0
61-1-0108	WTA-5	Open Site	1706	AFT : -	Bell	0
61-1-0109	WTA-6	Open Site	0	AFT : -	Bell	0
61-1-0160	W1/D4/1	Open Site	0	AFT : -	Kamminga	0
61-1-0161	W1/D4/2	Open Site	0	AFT : 3	Kamminga	2495
61-1-0162	W1/D4/3	Open Site	0	AFT : 2	Kamminga	0
61-1-0163	W1/D4/4	Open Site	0	AFT : 2	Kamminga	0
61-1-0164	W1/D4/5	Open Site	0	AFT : -	Kamminga	0
61-1-0165	W1/D4/6	Open Site	0	AFT : -	Kamminga	0
61-1-0166	W1/D4/7	Open Site	0	AFT : -	Kamminga	0
61-1-0172	W1/D5/6	Open Site	0	AFT : -	Kamminga	0
61-1-0173	W1/D5/7	Open Site	0	AFT : -	Kamminga	0
61-3-0115	mod tree 1	Open Site	0	TRE : 1	Moore	0

The site data, while only being selectively representative of the area indicate that:

- Artefacts sites occur widely across the raised country with some association to proximity to water inclusive of a range of stream orders (the Murray, Eight Mile Creek and minor tributaries);
- Scarred trees may occur widely but show a notable association with red gums on the floodplains.

4 Property Inspection

4.1 Methods

The property was inspected on Thursday 20th January 2011 with ecologists Damian Wall and Danielle Cleland (Red-gum Environmental Consulting). The survey was targeted rather than full coverage and searched out areas of notably high potential as identified by raised level areas near to or overlooking the river and where stock or vehicle traffic had exposed areas of soil. Survey was conducted by vehicle traverse and on foot.

Any artefacts were recorded in basic length measurements and photographed (see Appendix 1), but not subject to full technical analysis or removed from their location. Locations were noted by annotation of

aerial photography and GPS waypoints accurate to $\pm 4\text{m}$.

Logging of GPS points and sketched notes over aerial photography and contour mapping was used to map landform areas and areas considered to have potential for Aboriginal cultural heritage material occurring based on as having notably high utility for Aboriginal use. The latter was measured in a largely subjective way with consideration to the levelness of the land, the aspect towards the river, proximity to water and the relative amenity of immediately proximate areas. This has also been overlaid on more objective measures of predictive factors (see Section 5).

4.2 Results

One scarred tree previously identified by the ecologists as potentially culturally scarred was inspected. This tree was found to be almost certainly a genuine example of a culturally scarred tree. One surface scatter of artefacts was located in an area of stock and vehicle traffic on the western side of the study area. These sites are described in Section 4.3 below.

It was noted (and sketch mapped) during the survey that there are a number of level areas overlooking the river, raised above the floodplain, which would have presented excellent 'camp sites' for Aboriginal people. The criteria for noting these areas, while subjective, are frequently supported through archaeological testing as being more likely to contain subsurface stone artefacts attesting to the predicted previous use. These areas can be mapped as having high or medium archaeological potential, but will not be listed formally as Potential Archaeological Deposits (PADs; a recognised but not legislatively protected site type on the AHIMS register) until after further and more systematic survey can be completed. The mapping of these areas is described in Section 5 below.

4.3 Site Descriptions

4.3.2 Scarred Tree Site – Thurgoona 001

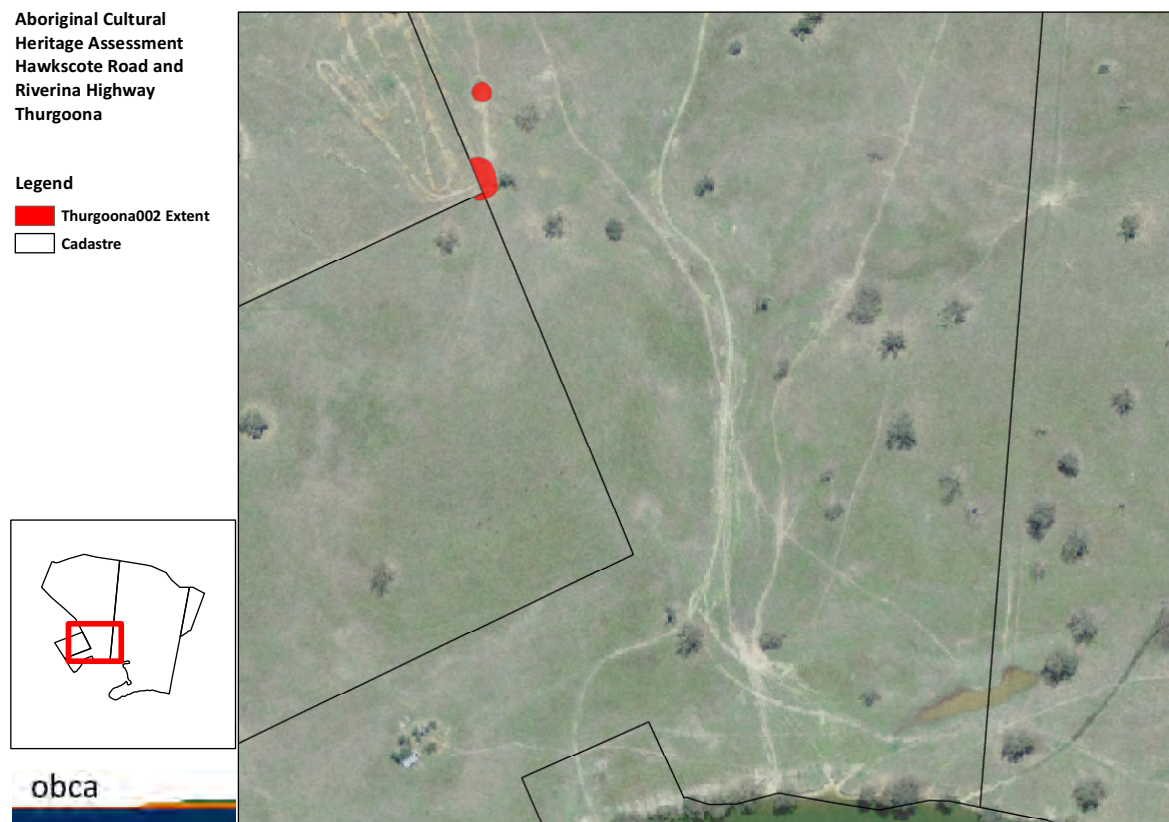
Thurgoona 001 is a river red gum (*Eucalyptus camuldensis*) that is unusually located in that it is growing on a slope rather than the floodplain – this is due to a small spring or soak seeping out on the hill slope providing the sort of soil hydrology favoured by the species. The location is shown in Figures 5 and 6. Red gums are a common species from which Aboriginal people removed bark (Long 2003, Long 2005). The tree was estimated to be over 200 years old by ecologists and therefore well within the age range expected of scarred trees in the area; it having been proposed that scarring older than 170 years is likely to be Aboriginal (Long 2003, Long 2005). More than just the tree, the scar itself is clearly very old; most of the current growth appearing to post-date the impact of the scar and having callous overgrowth potentially over at least half of the original dry face. Substantial covering callous regrowth is a common feature on mature red gums (Long 2003:8). The tree is approximately 1.8m diameter at breast height and the scar measures 70cm x 700cm at its maximum extent; the original removal likely to have been at least that length (the upper part of the original tree is now lost (see Plate 18 in Appendix 1), and with a width of around 1.5m or more.

It is a bark slab (sheet) removal scar of a length and size suitable for use as a canoe; a distance of >3m being proposed as most likely for that purpose (Long 2003:4). It is also notable that very long bark removal scars are considered unlikely to be of non-Aboriginal origin (Long 2003:11). The tree has not been previously recorded, with a record known to be in the area found to be one of several recorded in 1979 to the southwest of the property by Crosby (AHIMS # 61-1-0001) (see Figure 3). The tree will be listed as a result of this study following requirements site by S91 of the NPW Act.

4.3.1 Artefact Site – Thurgoona 002

The site to be listed as Thurgoona 002 is comprised of 6 quartz flakes within an area of $\sim 25\text{m}^2$ of exposed soil of which $\sim 11\text{m}^2$ is deflated with good potential artefact detectability (see plate 16 showing difference between potential artefact visibility in stock trampled areas and deflated soil). 5 artefacts were found within one area measuring some 30m x 5m and a further single artefact in another area of exposure some 50m further north (Figure 4). All artefacts were small quartz flakes between 5mm and 17mm (see Plates 10-15 in Appendix 1). The site is considered to represent a medium density exposure of subsurface artefacts located more because of the nature of deflated subsurface exposure than a particular density of artefacts at the location. It can be taken as indicative of the sorts of artefact distribution predictable for many parts of the study area. The site will be listed with AHIMS as a result of this study following requirements under s91 of the NPW Act.

Figure 4: Thurgoona002 artefact site extent



5 Ground-truthed Predictive Assessment

5.1 General Principles

The predictive assessment of the location of Aboriginal cultural heritage material has been well developed in Australia, particularly over the last 20 years, as a response to the needs of studies such as this where development planning requires assessment of the likelihood of subsurface artefacts occurring. It considers factors such as geomorphology, slope and proximity to resources such as fresh water. Basic principles (applying particularly to open artefact sites) include:

- That sites are most commonly located within 200m of water (depending on the area);
- That sites will still commonly occur within 500m of water or more in circumstances where other factors (like other resources or amenity factors such as those below) are present.
- That the majority of sites will be located on level areas raised from floodplains and waterlogged land, particularly on level ridges, hills and terraces;
- That the amenity of an area as judged by the above factors and others such as aspect and view needs to be considered in relation to other nearby areas that may have greater amenity.
- On degrading soils, artefacts may be more visible and therefore more frequently recorded, unless entire soil profiles are lost;
- On aggrading soils, sites will rarely be detected but may nonetheless be present and intact at depth;
- On alluvial soils of big rivers, archaeological evidence may be sparse with the exception of scarred trees because flood events will have both eroded sites (at flood peaks) and covered sites (during alluvium deposition as flood ebbs);

Thorough testing of site distribution models in the Albury area however remains to be fully done. A number of authors have commented on a surprising paucity of artefact sites in the area (Witter 1976, Crosby 1979). In some case this has been suggested to be due to the loss by erosion or burial of sites beyond detection on the alluvial margins of the river (Brown 2009), particularly on the Victorian side where the floodplain is more extensive. It might be supposed that the majority of Aboriginal activity producing an archaeological record was in these alluvial areas and a lot is therefore effectively lost. However it can also be noted that survey and excavation of raised areas near the river has been limited and that in areas where it has been done within the AHIMS search area (Figure 3), artefact sites have frequently been located.

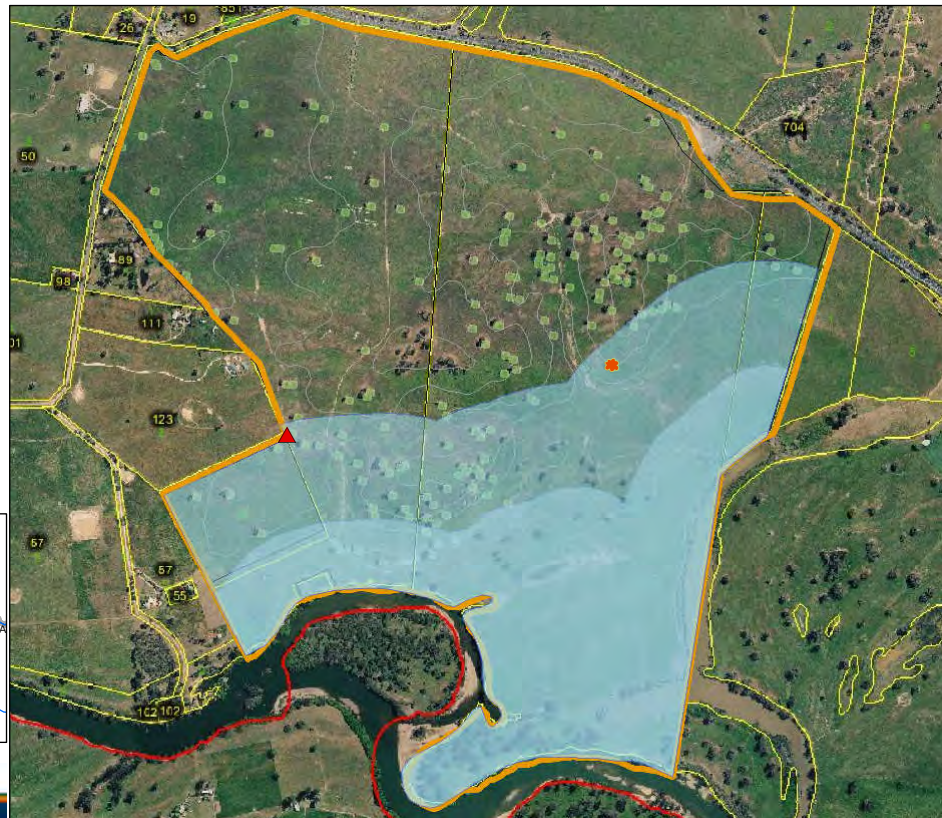
Given the extent of alluvial floodplain and great richness of riverine resources in many areas bordering the Murray, a proximity to water of 200m frequently applied in NSW and Victoria (this distance being now statutorily encoded in both states as a trigger for archaeological investigation) may be too little to adequately predict the likely presence or density of subsurface artefacts. This is to some extent justified by the location of the sites found during the preliminary survey (Figure 5). As a consequence, a distance of 500m is given weight that it would not on smaller waterways.

Figure 5: 200m and 500m distance to water

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Thurgoona

Legend

-  ScarredTree
-  ArtefactScatter
-  Property Boundary
-  200m of Water
-  500m of Water



5.2 Land Unit Mapping

The description of landforms is useful for developing the framework for archaeological prediction, testing and analysis of definable areas. It also has obvious utility in organising and identifying distinct areas of land in planning processes. Landform descriptions here are based on Speight (2009) with some variation allowed for the particular aims of archaeological predictive modelling and the variable scale and reliability of the base mapping used, being:

- 1) 1:25,000 topographic maps (Albury 8225n, Bethanga Bridge 832544) (e.g. Figure 1);
- 2) Georeferenced cadastre shapefile considered likely to be accurate to ~1m (e.g. Figure 7);
- 3) Aerial imagery manually georeferenced as an image file to (2) with accuracy of 1-10m (e.g. Figure 2, 5);
- 4) Georeferenced 0.5m contour mapping based on survey of unknown accuracy (Figure 6);

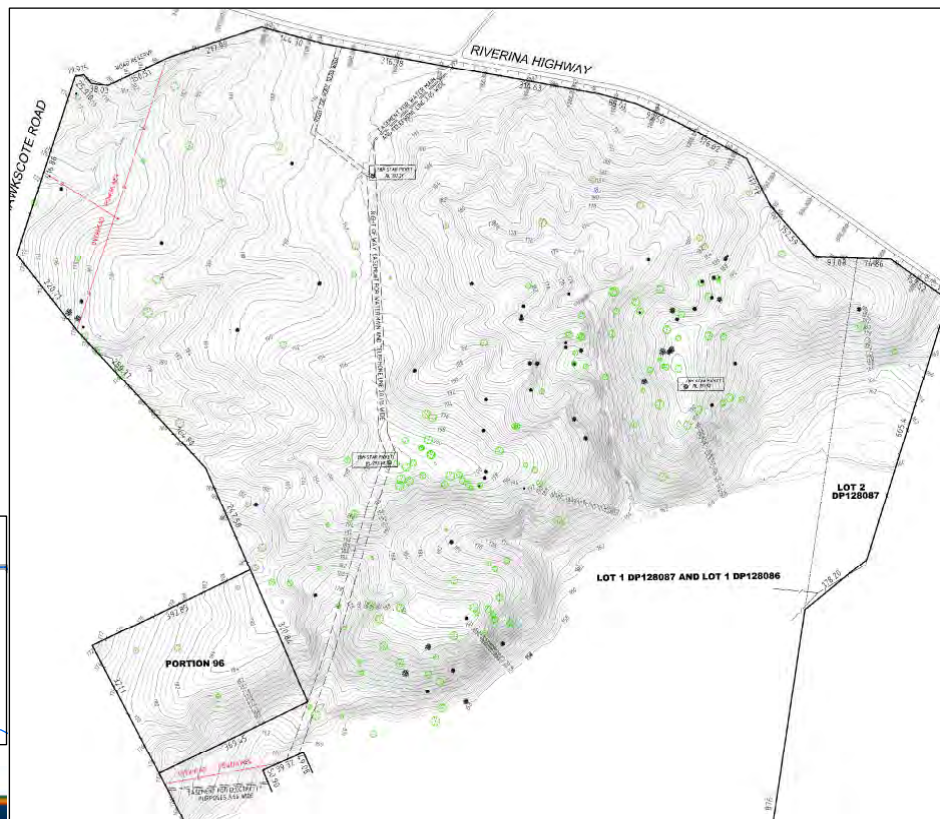
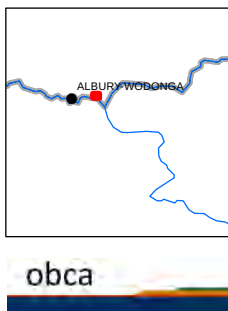
The study area is broken into two landform patterns, being 'floodplain' (level alluvial as mapped in Figure 7) and 'hills' (all the rest in Figure 7). The hill landform pattern is further subdividable with a fairly simple bipartite resolution between relatively flat (approximately mapped in green in Figure 7) and relatively sloping. It should be noted that this has been done with a lesser degree of accuracy for the current preliminary study than will be required for more detailed modelling (see Speight 2009). This is because the purpose at this stage is to predict amenity for regular use by people rather than to understand and predict geomorphological processes. More detailed landform element mapping may be required in the event of further investigation, particularly in the event of detailed amenity analysis or a refinement of a model for

testing through excavation (in part for the sake of modelling accuracy but also with consideration to the expense of excavation and the need to target testing as accurately as possible).

Figure 6: 0.5 m Contours

Aboriginal Cultural
Heritage Assessment
Hawkescote Road and
Riverina Highway
Thurgoona

0.5m Contours



5.3 Archaeological Potential Mapping

Archaeological potential mapping is based initially on determining an estimate of those areas that are raised and level using detailed current 0.5m contour mapping (see Figure 6), limited to those areas with well-spaced contours that are above the alluvial plain;

Written notes and annotated maps from fieldwork were then used to overlay areas assessed subjectively as having high potential for Aboriginal use (see Figure 8). In addition, the 200m and 500m buffered shapefiles of distance to water were overlaid. Areas of high Aboriginal cultural heritage potential were mapped to include those areas noted in fieldwork plus all level areas within 500m of water.

- **High Archaeological Potential** areas are considered highly likely to have subsurface artefacts in variable densities with an overall average of over $1/m^2$. Densities are likely to be greater in isolated locations where single or overlapping concentrations of artefacts relate to definable previous activity areas (often referred to as 'knapping floors'). Artefacts may be entirely absent in some areas. It should be pointed out that such 'artefacts' will be almost entirely waste flakes from the production and maintenance of stone tools rather than complete recognisable tools in themselves (the artefacts recorded for Thurgoona002 being likely examples).

Areas of medium potential were considered to be those level areas up to 1km from water and a 50m buffer of high potential.

- **Medium Archaeological Potential** areas are considered likely to have generally sparse and often entirely isolated occurrences of artefacts although some concentrations of material may occur. Buffering of high potential areas leads to medium potential being ascribed to some areas which further analysis may exclude on the basis of steepness of slope.

All other areas are assessed at this stage as having low potential.

- **Low Archaeological Potential** areas are predicted to have few, largely undetectable isolated occurrences of artefacts with a few possible low-medium density concentrations, particularly along minor drainage lines. For the large part however, artefact occurrences are likely to be simply consistent with the idea of a sparse 'background scatter' of material that occurs across almost the entirety of Australia.

Level alluvial areas are omitted from the analysis for two reasons: 1) these areas will not be included in the rezoning proposal; and 2) the archaeological potential of these deep alluvial areas are subject to some other factors not fully dealt with in the current model.

Figure 7: Assessment of raised level areas and floodplain

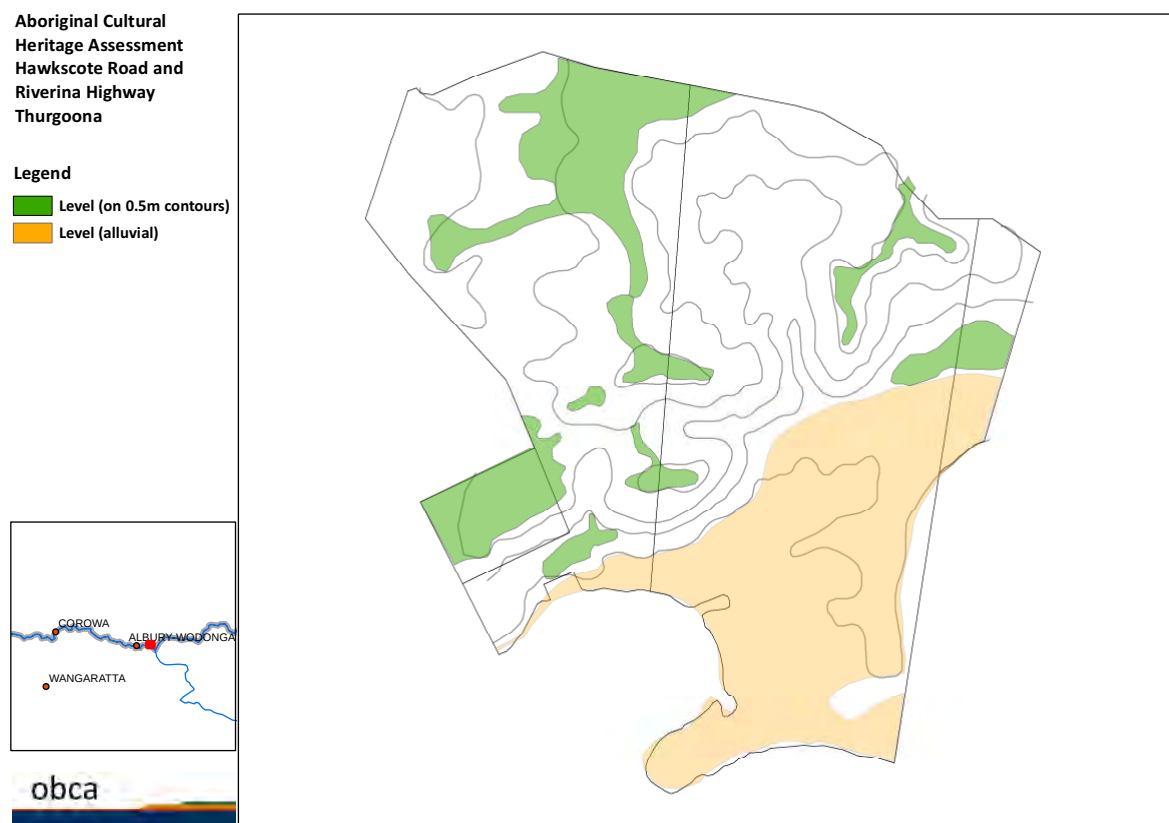
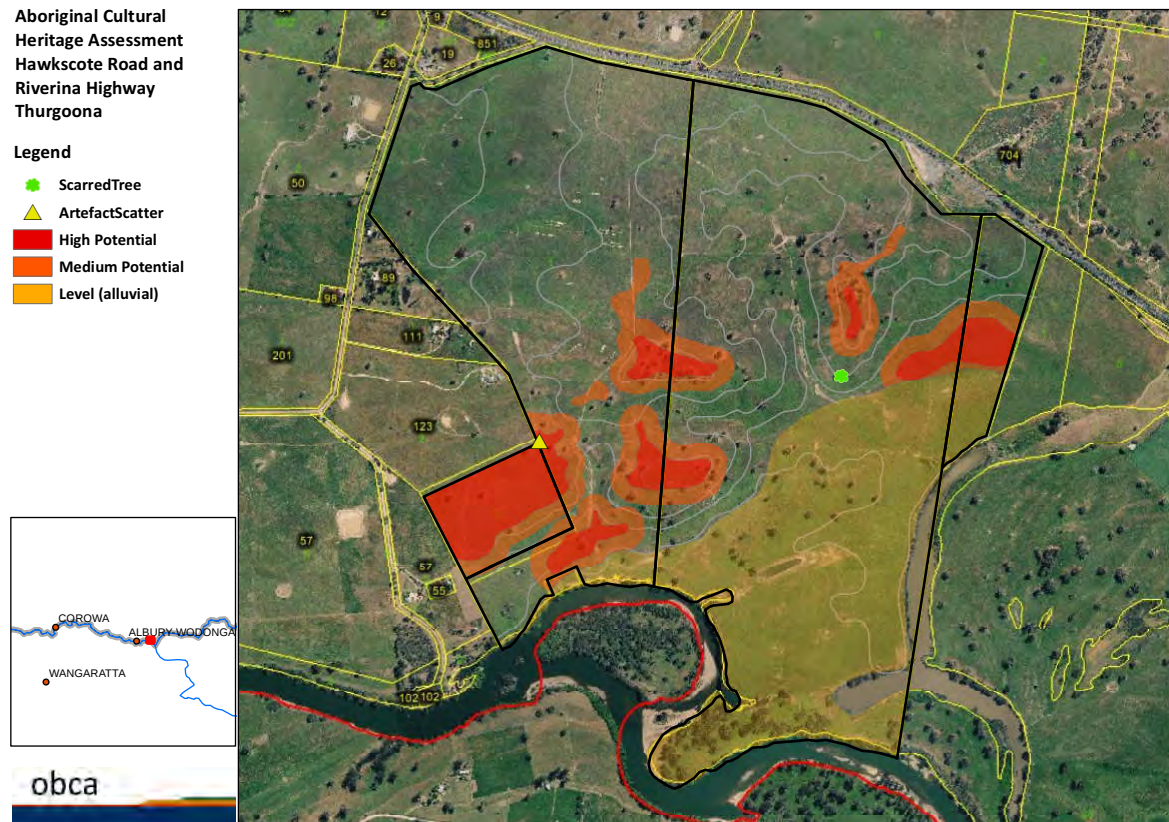


Figure 8: Estimated archaeological potential

5.4 Reliability of Mapping

It needs to be acknowledged that the archaeological predictions made at this preliminary stage relate very much to a model that requires further refinement before it could be applied with much reliability. It does however provide an initial prediction that is reliable for the broader purpose of land use planning as it relates to the consideration of the subdivision proposal and the opportunities and constraints to potential development. Intra-site land use planning (i.e. determining priorities for conservation, AHIP application(s) and more developable areas) would require further testing and development of the model.

6 Discussion and Recommendations

6.1 Relation of Aboriginal cultural heritage to rezoning proposal

While it is clear that the presence of artefacts on the property is known and that substantial numbers of subsurface artefacts are predicted to occur, this is by no means an unusual occurrence. Artefacts, being largely waste flakes rather than recognisable tools, are an essentially ubiquitous aspect of Australia's heritage. All development in Australia is likely to some extent to be done in contexts where some Aboriginal artefacts occur. It is nowhere statutorily proposed that all such artefacts are to be conserved; rather it is required that the nature and significance of such Aboriginal cultural heritage is determined through accepted archaeological standards and Aboriginal community consultation and appropriate management solutions developed. It is suggested that this occur at the development proposal stage rather than in relation to the rezoning application.

The Draft Murray Regional Strategy states as an aim to “Recognise, value and protect the cultural and archaeological heritage values of the Region for both Aboriginal and European cultures, including the visual character of rural towns and the cultural landscapes of the Aboriginal people”. Included within applicable directions under section 117(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Section 2.3 (Heritage Conservation) states that “Items, areas, objects and places of environmental heritage significance and indigenous heritage significance should be conserved”. Both significance (or heritage values) assessment and the balance between conservation and AHIP approval, while best done as early in the planning process as possible, generally occur in relation to development rather than rezoning proposal; because rezoning in and of itself has no impact on heritage significance.

More than through local regulation of the EP&A Act, the management of Aboriginal cultural heritage in NSW is largely done under the *National Parks and Wildlife Act 1974*. The way that DECCW administers the Act centres not so much on the simple issue of the presence or absence of Aboriginal objects, but rather the significance of those objects; and where conservation is identified as a priority it is the archaeological and Aboriginal community significance that is protected. DECCW therefore require that investigation is sufficient for significance to be fully definable and for conservation options to be first exhausted before an Aboriginal Heritage Impact Permit (AHIP) will be issued. As a consequence, the appropriate level of investigation is again considered to be in the context of development rather than rezoning proposal.

6.2 Further Aboriginal cultural heritage assessment requirements

Following the DECCW *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, and taking the demonstrated assumption that unidentified subsurface artefacts occur across the property in varying density, it will be required that any development is preceded by further investigation and assessment impact (see details for due diligence in Appendix 2). This is considered to require:

- A full formal survey of the property involving Aboriginal community involvement to determine the significance of the Aboriginal cultural heritage in the area both scientifically and in the views of relevant members of the Aboriginal community;
- Some subsurface testing of predictions of likely artefact distribution in line with the DECCW *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*;
- Full reporting and assessment following the above two investigations in line with DECCW requirements;
- An Aboriginal cultural heritage management plan documenting binding provisions for areas of conservation, where AHIPs are required, and the process by which the selection of these areas has been achieved.

7 References

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Appendix 1 Photographs



Plate 1: View from raised area looking south over the Murray towards the Baranduda Range



Plate 2: View west from raised part of the property



Plate 3: View east from raised central part of the property



Plate 4: View southeast from relatively raised, almost terrace-like, area in southwest corner of property over Murray



Plate 5: Similar view from a point further east to Plate 4 with view to south over Murray



Plate 6: Property entrance on northern boundary of property; view to southeast



Plate 7: Continuation of panorama in Plate 6 looking south with Baranduda Range in distance.



Plate 8: View to south of Murray river from southern part of property



Plate 9: Raised area above rocky steep slope above floodplain in east of property

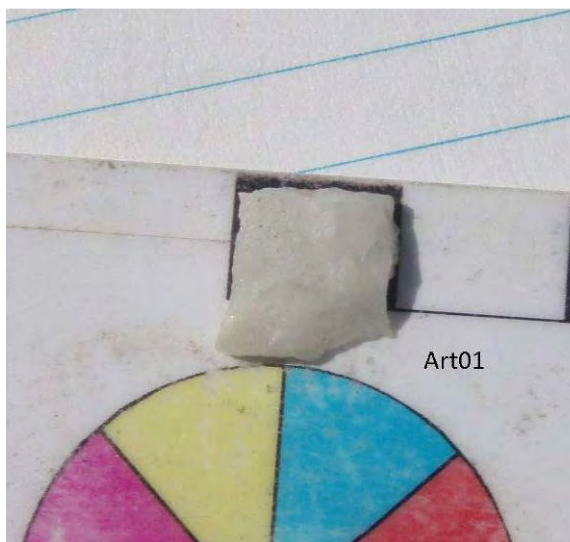


Plate 10: Artefact 01

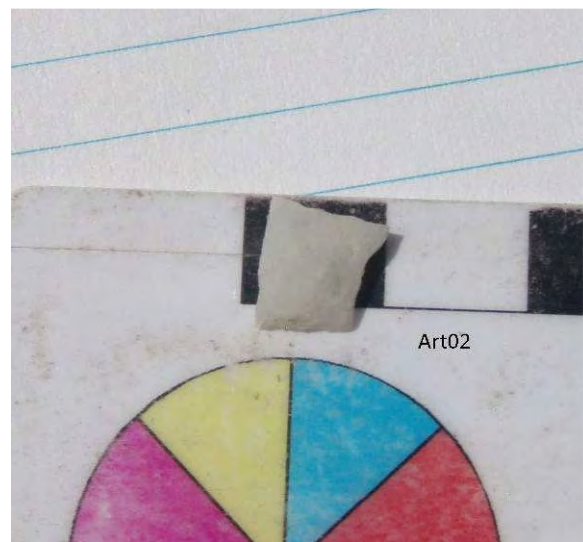


Plate 11: Artefact 02

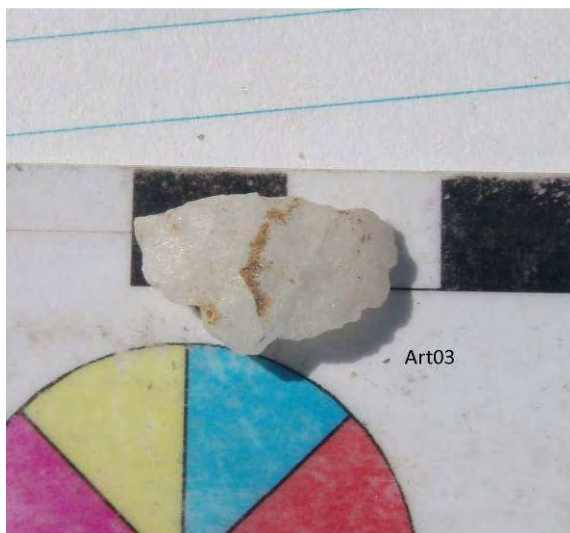


Plate 12: Artefact 03

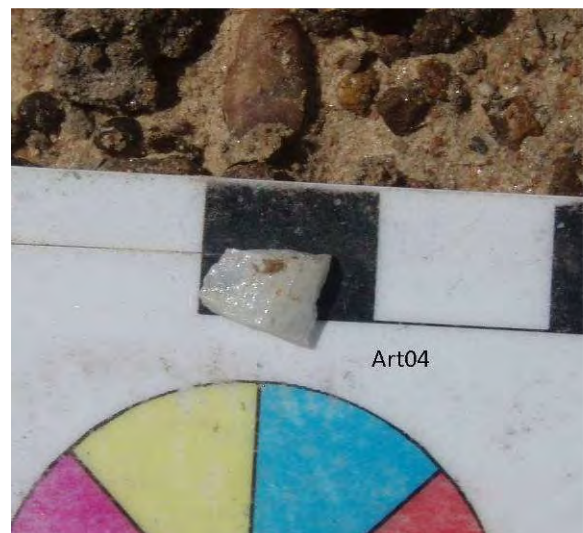


Plate 13: Artefact 04

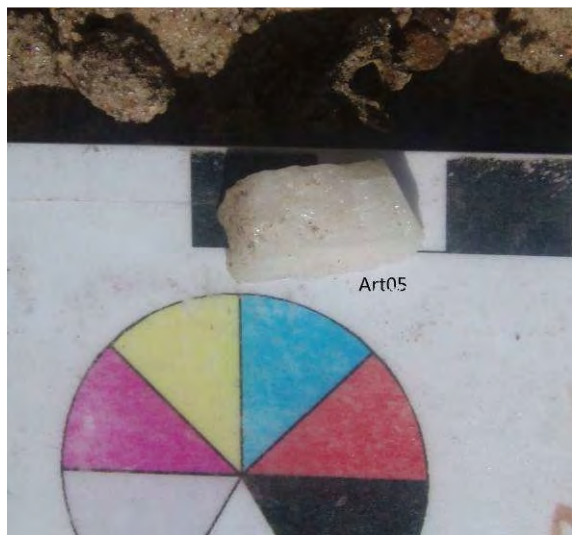


Plate 14: Artefact 05

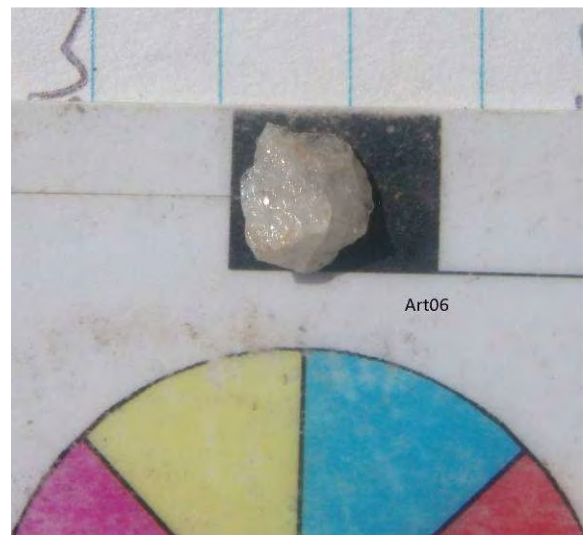


Plate 15: Artefact 06



Plate 16: View of soil disturbance where most artefacts were located at Thurgoona 002; rather than simply being exposed soil, topsoil has eroded leading to a deflation concentration of gravel and artefacts lying above underlying clayey A2 horizon.



Plate 17: A further exposure inspected in central part of property showing sandy area of soil with no visible artefacts. Such sandy areas on eastern sides of slopes are likely to represent aeolian deposits of possibly Pleistocene origin but do not appear to be deep enough to constitute dune formations



Plate 18: Scarred tree recorded during site inspection (Thurgoona 001); the person in the photo is exactly 2m tall.



Plate 19: Detail of dry face of scarred tree



Plate 20: Base of scar showing evidence of spring that allows for a river red gum to be growing on a slope



Plate 21: Old water infrastructure possibly requiring further historical heritage assessment

Appendix 2 Legislative Context

This appendix reviews the legislative framework for Aboriginal cultural heritage management as it applies to the proposal. It does not constitute legal advice.

A2.1 National Parks and Wildlife Act

The *National Parks and Wildlife Act 1974* (NPW Act) is the principal legislation managing Aboriginal heritage in NSW. To a large extent, other key statutes defer to the NPW Act with respect to Aboriginal cultural heritage management. The *National Parks and Wildlife Amendment Bill 2010* was passed in June 2010 with provisions relating to Aboriginal cultural heritage commencing by proclamation on 1 October 2010.

In the NPW Act as amended, Section 5 defines an Aboriginal Object as: “any deposit, object or material evidence (not being a handicraft for sale) relating to indigenous and non-European habitation of the area that comprises New South Wales, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction, and includes Aboriginal remains”. With the exception of a single scarred tree, this will mean small (generally buried) stone artefacts.

In place of the previous Section 90 stating that it was an offence to *knowingly* destroy, deface, damage or desecrate, or permit the destruction, defacement, damage or desecration of, an Aboriginal object or Aboriginal place, Sections 86 and 87 now create a two-tiered system of offences and defines them by ‘harm’. The precise wording relating to harm in Section 86 states that: “(1) A person must not harm or desecrate an object that the person knows is an Aboriginal object”, and “(2) A person must not harm an Aboriginal object”. S86(2) is a key 2010 amendment because it creates an offence of strict liability regardless of whether harm was done knowingly. In addition to the recent amendments separating knowing and strict liability offences, penalties are increased in “circumstances of aggravation” which are defined as: “(a) that the offence was committed in the course of carrying out a commercial activity, or (b) that the offence was the second or subsequent occasion on which the offender was convicted of an offence under this section”. Property development would therefore be a ‘circumstance of aggravation’. Penalties are outlined in the table below.

Table 1: Penalties for harm offences under NPW Act

Offence	Maximum penalty – Individual	Maximum penalty – Corporation
A person must not knowingly harm or desecrate an Aboriginal object	2,500 penalty units (\$275,000) or imprisonment for 1 year	10,000 penalty units (\$1,100,000)
	5,000 penalty units (\$550,000) or imprisonment for 2 years or both (in circumstances of aggravation)	
A person must not harm or desecrate an Aboriginal object (strict liability offence)	500 penalty units (\$55,000)	2,000 penalty units (\$220,000)
	1,000 penalty units (\$110,000) (in circumstances of aggravation)	

As common as stone artefacts are in the region and on non-alluvial soils near to the river, it is inevitable that any activity that will disturb the ground surface has the potential to harm them. The issue then turns to how that is managed through permits and the defences against prosecution set forward in Section 87 of the Act. Defences include that:

- The harm or desecration concerned was authorised by an Aboriginal Heritage Impact Permit (AHIP) and the conditions of the AHIP were not contravened. It is likely that any eventual development of the property will require AHIP(s).
- The defendant can show that due diligence had been exercised to determine whether the act or omission constituting the alleged offence would harm an Aboriginal object and reasonably determined that no Aboriginal object would be harmed. Due diligence can be demonstrated through compliance with requirements specified in the Regulation, or in a code of practice adopted or prescribed by the Regulation (i.e. *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*). Due diligence assessment on the property would lead to a conclusion that development would be likely to lead to harm.
- The defendant can show that the act or omission constituting the alleged offence is included in the Regulation as a low impact act or omission (applying only to strict liability offence under s86(2)). This would apply to some ongoing management of the land for grazing but not to any development activities.
- The Regulation also excludes activities undertaken according to the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* from the definition of harm, thereby permitting a limited amount of archaeological investigation without a permit (but within strict limitations). Some activities under this Code are likely to be required for further full assessment of the property.
- In addition to the above, defences exist in relation to certain emergency activities and in relation to an honest and reasonable mistake of fact (included in s86).

The regulation of AHIPs is detailed in Section 90 of the Act, as well as the requirement for DECCW to maintain the Aboriginal Heritage Information Management System (AHIMS) sites register. Section 91 requires that the DECCW Director-General be notified of the location of an Aboriginal object which is then registered with the NSW DECCW on the Aboriginal Heritage Information Management Service (AHIMS) database. Based on the requirements of s91, the two sites recorded during the property inspection need to have completed site recording forms submitted to DECCW.

A2.1.1 The National Parks and Wildlife Regulation 2010

The Regulation sets out measures that can be taken to provide a defence against prosecution for harm to an Aboriginal object. These measures include following the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (section 2.1.2) or other approved industry-specific due diligence code (e.g. those for forestry). The Regulation also sets the requirements for compliance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (section 2.1.3).

The Regulation also provides defence against prosecution if harm occurs in the context of certain 'low impact activities' that are either genuinely low impact or of moderate impact and seen to be of low impact if occurring on disturbed land (applied broadly and inclusive of areas that have been cleared of vegetation, ploughed or had substantial grazing involving the construction of rural infrastructure). It is important to note that the defences provided do not apply to harm done knowingly (under section 86 (1) of the Act) but only to the strict liability offence in section 86 (2) of the Act (being the offence of harming an Aboriginal

object whether or not the person is aware it is an Aboriginal object). If a person discovers an Aboriginal object in the course of undertaking any activity, low impact or otherwise, they should cease any work that may result in a knowing offence.

A2.1.2 Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW

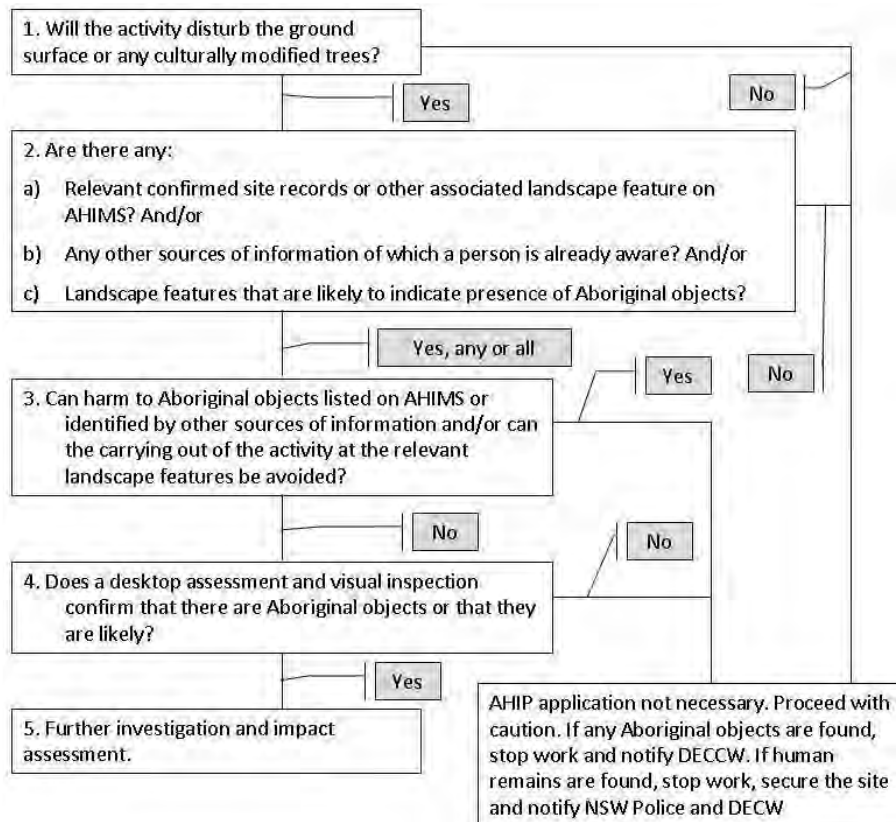
The Due Diligence Code of Practice is provided for under the *National Parks and Wildlife Regulation 2010* and was released on 13th September 2010. It is intended to assist individuals and organisations to work out whether or not the activity they are undertaking requires an Aboriginal Heritage Impact Permit (AHIP). The Code has an important legal function because it describes how a reasonable (duly diligent) determination can be made that an action will not harm an Aboriginal object. Based on provisions in the amended NPW Act, this due diligence provides a defence against prosecution if unintended harm later occurs to an object without an AHIP.

Major activities that are declared Part 3A projects under s75B of the EP&A Act are not required to follow the Code (or indeed the NPW Act other than in principle). Instead these follow the 2005 (draft) 'Part 3A EP&A Act Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation'. Where a project is approved under Part 3A of the EP&A Act and subsequent applications are sent back to Council as the consent authority to determine under Part 4 of the EP&A Act (e.g. some staged development or concept plan approvals), any Aboriginal heritage matters not already covered by the Part 3A approval may still require consideration that is either consistent with the Code or a more stringent requirement that may be set by Council.

A person may also choose to manage their own risk and rely on alternative procedures to the Code to satisfy their due diligence requirements. This would generally apply when the level of Aboriginal cultural heritage assessment otherwise undertaken is in excess of that required by the Code. For example, if a proposed activity requires environmental impact assessment under the EP&A Act which includes appropriate Aboriginal cultural heritage assessment, then due diligence could be exercised through that assessment rather than doing a separate assessment that specifically follows the steps in the Code. A Statement of Environmental Effects (SEE), a Review of Environmental Factors (REF) or an Environmental Impact Statement (EIS) under Part 4 or Part 5 of the EP&A Act are examples of reports that can be used to satisfy the due diligence process if they adequately address Aboriginal cultural heritage issues.

Low impact activities discussed above in 2.1.1 are also not required to follow the Code if they are undertaken on land that is considered to be disturbed. In fact activities in general are not expected to be subject to due diligence assessment if they are undertaken on land that has been disturbed unless the presence of known Aboriginal objects is reasonably established. Land is defined as being disturbed if it has been the subject of human activity that has changed the land's surface, being changes that remain clear and observable. While development activities are unlikely to be included with these exemptions, much of the current land management is.

The due diligence process is laid out as a stepwise method through which opportunities exist to demonstrate that no further assessment or an AHIP are required (Figure A2.1).

Figure A2.1: Due Diligence Process as presented in the Code

In the current case, while no activities are firmly enough planned to assess potential impact, it is clear that property subdivision and construction intended through the rezoning application would lead to a situation where further investigation beyond the due diligence check will be required. Such further investigation is regulated through the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (see 2.1.4 below).

A2.1.3 Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales

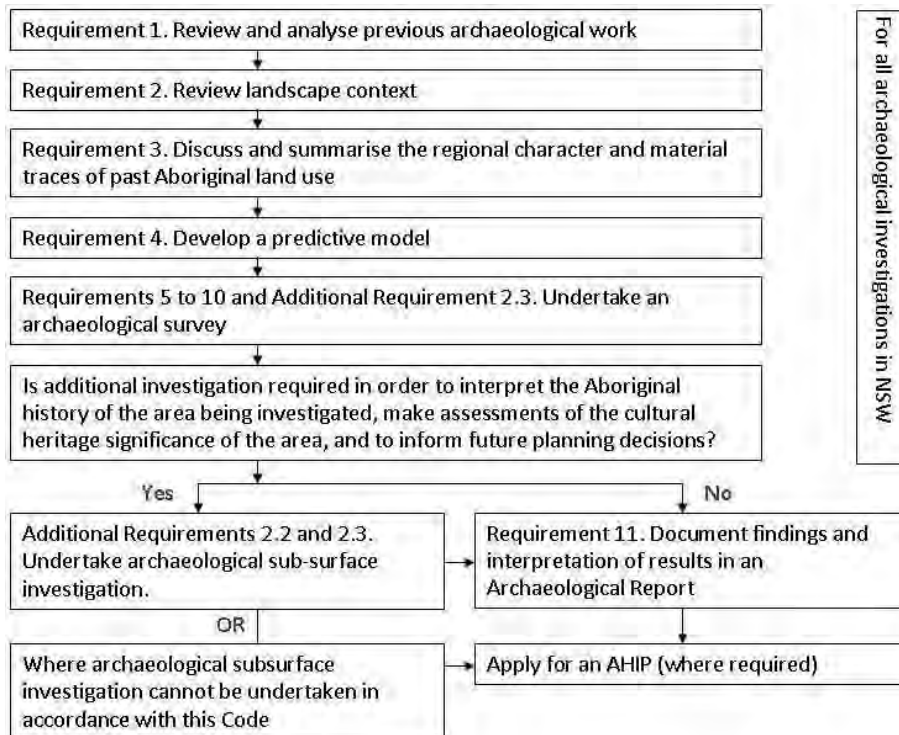
The *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* was released as a consultation draft in June 2010 and finalised on 24th September 2010. It is made legal by the *National Parks and Wildlife Amendment (Archaeological Investigations) Regulation 2010* which removes activities undertaken under the Code from the definition of harm in the NPW Act. The requirements established by the Code also need to be met if the results of it are to be used as documentation for an AHIP application. A key consequence of the introduction of the Code is that an increasing number of small archaeological investigations may be undertaken in relation to archaeological assessments required in the DA process. It is likely that further investigation in the study area would be covered by the Code.

The Code sets out general requirements applying to all archaeological investigations (see Figure A2.2). The process of following the Code is set out in terms of a step-wise manner but in reality much of it needs to be conducted concurrently. A background study needs to be undertaken considering the context of previous research (including an AHIMS register search) and the landscape features present leading to a predictive assessment of the likelihood of Aboriginal objects being present. The current report would form the basis of this and be refined by testing in further investigation. A survey is undertaken with strictly proscribed

methodological requirements that must be applied to all cases regardless of whether they are relevant on a case by case basis. These requirements provide a revision of the previously used NPWS Standards and Guidelines Kit (NPWS 1990) that are at the same time more simplified and more restrictive.

Additional requirements are included in relation to the recording (without any destructive investigation) of stone artefacts, scarred trees and other site types. Further stipulations are included about the curation, storage or reburial of artefacts recovered from sites. An additional section is provided in relation to contingencies for the discovery of human remains.

Figure A2.2: Archaeological investigation as proscribed by the Code



A2.1.4 Aboriginal cultural heritage consultation requirements for proponents 2010

The *Aboriginal cultural heritage consultation requirements for proponents 2010* are largely a response to problems that were found to exist with the previous *2005 Interim Community Consultation Requirements for Proponents*. The 2010 requirements are only strictly required in the event of an application for an AHIP. The spirit of these requirements however is that they should guide the way that consultation is done more generally. There is also a requirement to follow the Requirements up to a point in archaeological assessments done without a permit in the *Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW*.

A2.2 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) requires that environmental impacts are considered prior to land development, including impacts on Aboriginal cultural heritage objects and places. The EP&A Act is relevant in the way that it guides and regulates the consideration of environmental impacts in the planning and development process, particularly by Councils. The EP&A Act requires Council to have

their Local Environment Plan (LEP) to provide guidance on the level of environmental assessment required. Councils preparing a draft LEP that affects an Aboriginal object or place must include provisions to facilitate conservation of that object or place (see current s.117 direction no. 2.3 Heritage Conservation, which replaced s.117 direction no. 9 – Conservation and Management of Environmental and Indigenous Heritage, 2005). Amendments to the EP&A Act include requirements for councils to use a standard LEP template when developing their LEPs – Standard Instrument (Local Environmental Plans) Order 2006. A compulsory clause is included in the standard LEP template (cl.5.10) for heritage conservation, specifically for the conservation of places of Aboriginal Heritage significance – i.e. development consent is required for disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance – cl.5.10(2)(e).

Under Part 4 of the EP&A Act, Integrated development is development that requires consent and other approvals as identified in s.91(1) of the EP&A Act (for example an AHIP under the NPW Act). If it is also a 'designated development', an EIS must be prepared. Otherwise a statement of environmental effects (SEE) must accompany the application. If a Part 4 development proposal triggers the need for an AHIP (i.e. an Aboriginal object or place is known to exist in the activity area), the proposal will be assessed as integrated development. In such situations, DECCW is an approval body and must provide 'general terms of approval' to the consent authority and any development consent must be consistent with those terms. The applicant must seek approval from DECCW within three years of the date of development consent. DECCW must grant an approval that is consistent with the development consent. If an Aboriginal object is discovered after the development application is made, the development will not necessarily be assessed as integrated development (i.e. the discovery will not mean that the development is now treated as integrated). This means that the applicant must apply to DECCW separately or the applicant may choose to resubmit the development application. In most cases, including that envisaged as most likely for the current study area is that AHIP(s) will be applied for after development consent, particularly given the somewhat Catch-22 awkwardness of DECCW requiring that DAs are in place prior to issuing AHIPs (arguing that this is the only way they can be sure that proposed impacts are imminent and certain rather than having AHIPs that are sought provisionally to cover potential impact).

Part 3A projects under the EP&A Act have the requirements of the NPW Act turned off, including the harm provisions and all other regulations, codes or guidelines unless specifically required by the Department of Planning. Interagency consultation, particularly in relation to the formulation of the Director General's environmental assessment requirements, has however led to many of the main assessment requirements usually imposed by DECCW still being applied. Aboriginal cultural heritage assessments completed in Part 3A projects are typically also referred to DECCW for review. DECCW has produced the Guidelines for Aboriginal Cultural Heritage Impact Assessment & Community Consultation as a guide for procedures to be included in Aboriginal heritage assessments that accompany Part 3A applications.

The draft guidelines state that: 'all project applications must state whether or not the project is likely to have an impact on Aboriginal cultural heritage and must include information about how this assessment was made. This assessment must demonstrate that input by affected Aboriginal communities has been considered, when determining and assessing impacts, developing options, and finalising the application'. More specifically, the draft guidelines outline the following steps that should be undertaken as part of the Aboriginal cultural heritage assessment process. These include:

- Undertaking a preliminary assessment to determine if the project is likely to have an impact on Aboriginal cultural heritage (a requirement met by the current study);
- Identifying the Aboriginal cultural heritage values associated with the area through consulting with Aboriginal people with cultural knowledge or responsibilities for country in which the proposed project occurs, written and oral research and field investigations;
- Understanding the significance of the identified Aboriginal cultural heritage values;
- Assessing the impact of the proposed development on Aboriginal objects and Aboriginal places;
- Describing and justifying the proposed outcomes and alternatives; and
- Documenting the Aboriginal cultural heritage impact assessment and the conclusion and recommendations to afford appropriate protection of Aboriginal cultural heritage.

A2.3 Other peripheral legislation

The **Aboriginal and Torres Strait Islander Protection Act 1984** (Cth) does not provide blanket protection for sites of significance to indigenous Australians but rather can be invoked when a significant site is considered to be under threat of desecration and an application is made under Section 9 or 10 of the Act for the Minister for Families, Community Services and Indigenous Affairs (Cth) for a Declaration restricting activity at the site. This is generally an unlikely scenario but could eventuate if an impact permit issued under the NPW Act was opposed through application for such a Declaration relying on the fact that the Commonwealth legislation would override the state. This would most likely occur in a scenario where development opposition on environmental or political grounds had exhausted other appeals processes; in some cases this has occurred in situations where there was no expectation of long-term protection through the ATSIP Act but where the process has been used to buy time for other avenues of protest or to deliberately inflict time delays on a project.

The **Aboriginal Land Rights Act 1983** established the system of Local Aboriginal Land Councils and requires those bodies (in this case Albury and District LALC) under S52 (4): “a) to take action to protect the culture and heritage of Aboriginal persons in the Council’s area, subject to any other law, and; b) to promote awareness in the community of the culture and heritage of Aboriginal persons in the Council’s area”. LALCs are therefore under a legal obligation to seek involvement in the conservation and management of known Aboriginal heritage in their area.

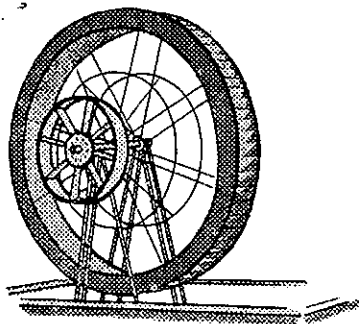
The Heritage Act 1977 (NSW) is administered by the NSW Department of Planning and may cover items or places of Aboriginal cultural heritage significance if they are listed on the State Heritage Register or are subject to an Interim Heritage Order. This can include Aboriginal sites however they would also, and usually only, be listed only on the AHIMS and managed by DECCW.

The Rural Fires Act 1997 provides an exemption from the offences of harming Aboriginal objects (under S87A of the NPW Act). This occurs where the work comprise managed bush fire hazard reduction in accordance with a *Bush Fire Hazard Reduction Certificate* issued under the Act. When Aboriginal objects are known to be present in an area, a Certificate would require reference to the document entitled *Conditions for Hazard Reduction and Aboriginal Heritage* referred to in the *Bush Fire Environmental Assessment Code for NSW* (NSW Rural Fire Service, 2006).

Exemptions to provisions for harm under S87A of the NPW Act also apply to activities carried out under the ***State Emergency and Rescue Management Act 1989*** that are reasonably necessary in order to avoid an actual or imminent threat to life or property.

APPENDIX C:

Extracts of historical records



ALBURY AND DISTRICT HISTORICAL SOCIETY

INCORPORATED

P.O. Box 822, ALBURY N.S.W 2640

May 5, 2011

Blueprint Planning & Development
"Meringa"
Table Top Road
TABLE TOP NSW 2640

Dear Mr Laycock,

Your request for research arrived while I was away but, since returning, many hours have been spent looking into uses of land by Elizabeth Mitchell, and others, and the WWII Prisoner of War Camp on the Riverina Highway at Wirlinga.

While names of occupiers are available, land use is difficult to establish and information about the Italian POW camp, relevant to your enquiry, is quite obscure. Many newspaper references about the prisoners were checked but none threw any light on land use. While apologising for the delay, we enclose information from the following sources.

The First Settlement of the Upper Murray. Dr Arthur Andrews. 1920
Pages 22-23, 48-51, 170-171 showing the boundary of the Mungabareena Run and occupation in the Thurgoona/Hawksview area by William Wyse and the Mitchell family.

Mr S.P.P. Webb's address to the Albury Historical Society May 1981. Selected pages about the Hawksview property, part of which became Hawkscote. Information includes subdivision for dairy farms, the Internment Camp, description of the original landscape, sheep and cattle farming, aerial agriculture, Wildlife Refuge, flora and fauna, droughts, floods and fires, rabbits and locusts, and goldmining.

A History of Thurgoona. Howard C. Jones (1985) pages 5, 7, 10-11, 40-41 mentioning Mrs Elizabeth Mitchell's second homestead, evidence of Aboriginal occupation and the canoe tree which is now at the Albury LibraryMuseum, Mitchell's Run, Thurgoona Homestead, Hawksview Station, Military Sites including the Italian Prisoner of War Camp at Hawkscote, Lake Hume and the new road which cuts through the Hawksview property.

On the Home Front. Albury During the Second World War. Bruce Pennay (1992) Page 38 has a slight mention of the Italian prisoners-of-war at the Hume Camp and at Bonegilla.

Border Morning Mail. Letter to the Editor. Sept. 29, 1995 from Milton Wedgwood, Bowna, who was formerly a guard at the Hume POW Hostel.

The Army at Bonegilla. 1940-1971 Dr Bruce Pennay pages 10 and 11 with Donald Friend's summary of the Hume Camp, and the years the camp was in existence.

We hope the material is helpful to you and thank you for the \$25 you sent for an hour's research. In view of the work involved it would be appreciated if you could forward the cost of an additional hour's work.

I will receive a receipt next week for the amount you have already remitted and will forward receipts to you in due course.

A handwritten signature in cursive script, reading "Helen Livsey". The ink is dark and the signature is fluid.

(Mrs) Helen Livsey
HON. RESEARCH OFFICER

This camp was the only clear space on the banks of the river above flood level for a considerable distance.

Wyse showed considerable energy, for it is recorded that within a few months he had cleared and fenced a considerable paddock, which he sowed with wheat. This must have been the first crop ever grown on the Murray, and we may imagine how anxiously it was watched near harvest time, for all stores had to be brought by dray from Yass, or even further east. The yield is not known, but it was considered satisfactory.

The Mungabareena run was never a large one, and it is believed that 200 cattle were considered sufficient to stock it. It extended from Thurgoona (the rocky place) on the east, to the Spectacle Lagoon, better known as the Sergeant's Lagoon (from Sergt. O'Neill, who resided there in later years) on the west. Northerly it was bounded by the ranges about Rockwood, where "The Pinnacle" showed the boundary.

Within a few days or weeks of Wyse's arrival, some cattle strayed, and following them, Wyse crossed the river at the ford close to his camp; thus discovering the magnificent flats about the junction of the Little River and Mitta Mitta with the main stream. Recognising their value, he immediately took possession and formed the "Bonegilla" run. This was probably the first cattle run formed in what is now Victoria. It was bounded by the Ki-e-wah or Little River on the west, the Mitta Mitta on the east, and the Hume or Murray on the north. The name "Bonegilla" has been variously said to mean "the big waterhole," "deep water," or "the big cattle camp"—all most appropriate to the situation.

As with Mungabareena, the exact date of its formation is unknown, but taking into consideration the probable time of Wyse's first arrival here, we may conclude that it was towards the end of November. This is also supported by Arthur Willis, who visited it in May, 1837, and states that "That this station had been formed eighteen months before."

The name of but one of Wyse's assistants has been preserved. This is James Gullifer, who, after living for two years on Bonegilla, went back to Sydney. However he did not settle there but returned to this district and was

CHAPTER IV.

Early in the spring of 1835, Charles Hotson Ebdon (later Sir Charles) engaged William Wyse to organise a party to take a mob of cattle and form a run on the Murray.

Several young men were engaged to assist, and Wyse took the usual track by Yass, where Edwin John Abraham then kept the furthest west post office. Reaching the Murrumbidgee, Wyse followed it as far as Cunningham, then held by Richard Guise. Here he turned south-erly and following somewhat the route of Hume and Hovell, 11 years before, pushed on till he reached the Murray, not far from the spot where Hume first discovered it.

Here he at once formed the "Mungabareena" run, which was undoubtedly the first run formed on the Murray and which covered the present site of Albury.

The date of Wyse's arrival in the district has not been recorded, but that it was at the end of October or early in November, may be gathered from two sources. These are McAllister's account of his journey from Sydney to Melbourne overland, in May 1837, and Arthur Willis's book, "A Month in the Bush," published in London in 1838. He also passed through early in May 1837, and agrees with McAllister in saying that "This run had been established eighteen months before."

Wyse fixed his camp on the bank of the river at Mungabareena, where now the Albury Waterworks stand. The name is said by Mr. J. F. H. Mitchell, of Ravenswood, an authority on the aboriginal language, to be derived from "Mun," something very large, "Gabba," tall talk, and "reena," favourable surroundings; it being the usual meeting place of the various tribes when on their annual visits to the mountains in search of the "bogong" or "bugong moths," a very favourite article of their diet. Here also they were, on these occasions, accustomed to arrange for the wives for the younger members of the tribes.

site of Albury, and he claimed to have thus opened up the direct road to Melbourne, though he admitted that Hepburn took the first cattle across.

Though these companies passed through the district, they can hardly be said to have taken part in its development, except so far as they showed the road to Melbourne to be practicable and safe.

The influence of Major Mitchell's report was immediately felt, and though it was late in the year before he returned to Sydney, many persons at once took steps towards securing some of the advantages foreshadowed. Applications for grazing licenses became more frequent, and it is known that several who later settled in this district, now commenced their preparations.

During the summer months of 1837, a constant stream of stockowners, crossed the Murray at Albury. Large mobs of sheep, cattle, and horses were to be met with every few miles on the road. New stations were rapidly formed wherever the situation appeared favourable. John Hore reached Bungil, and soon opened negotiations with the Cobham party for an exchange for Wagga, and the transaction was completed before the end of the year. In later years, Hore acquired several runs. He purchased Talgarno from Jobbins, in 1848, formed Tarramia, on the Lower Murray, bought Bethanga from Messrs Johnston, in 1854, and Cumberoona from Calder Bros soon after. About 1870, he sold Talgarno, Bethanga and Tarramia, and confined his attention to Cumberoona. He became noted for his fine herd of Durham cattle, and also as a successful horse breeder. When he died in 1895, having no family, he left a very large fortune between the numerous nephews and nieces of his wife and himself.

Mr. Charles Huon now purchased the Mungabareena run from Ebdlen, and when his sister, Mrs. Elizabeth Mitchell, became a widow shortly after, transferred it to her.

Mrs. Mitchell was the only daughter of Gabriel L. H. de Kerrileau, and had, when very young, married William Mitchell, a retired officer of the Kent Militia, who lived at Brisbane Meadows, adjoining her father's holding.

She had a young family of four sons and five daughters. The sons were Thomas, so well known as the owner

of Tangambalanga for many years, and for his gratuitous work as Protector of Aborigines there till he purchased Bringemrongo and Indi stations, on the Indi river, in 1875. He resided at Bringemrongo till his death, in 1887.

Edward, the second son, remained for some time at Brisbane Meadows, when he joined his elder brother, who was then in charge of Mungabareena. A few years later he settled at Ellerslie, somewhat to the north of Albury, and when well advanced in years, removed into town, where he died, over 80 years of age.

James, the youngest son, on his marriage in 1857, took up his residence at Tabletop, where he was well known as a successful grazier and horse owner, and for his active efforts for the advancement of the district. He died there in April, 1914, aged 79.

The third son, Mr. J. F. H. Mitchell, of Ravenswood, Victoria, is now (1919) the only survivor. Associated with the Mungabareena run from his boyhood, he lived at and managed Hawkesview for many years. He is an authority on the aboriginal language of the district, having learnt it as a boy. He has published a vocabulary of the dialect, which includes some of their songs, etc.

The daughters were, Mrs. John Dight, of Bungowanah, who survived her husband many years, and left many descendants. Mrs. Elliot Heriot, of Carabobala, Mrs. Ancrum Heriot, of Rockwood, Mrs. Bowen Jones, whose husband held Bonegilla station many years, and Mrs. Steel. They all lived long lives and are well remembered in the district.

When the run was made over to Mrs. Mitchell, her eldest son took charge. A homestead was built about two miles east of the first camp, at a spot where a rocky ridge crosses the river, and which was known to the natives as "Thurgoona," meaning "the rocky place." Some years later another house was built at Hawkesview, which is still occupied. The earlier building was destroyed by fire.

By this time a well-defined road had been opened much in the direction of the present Sydney-Albury road, and had become the usual route of overlanders.

The convenience and safety of this route was so well recognised that proposals for an overland mail were

made. The Colonial Secretary, the Hon. Deas Thompson, obtained reports from more than one source. That prepared by the Brothers Ryrie is still to be seen at the Mitchell Library, Sydney. They took stock across the Murray in 1837, and noted the various stages and watering places on the road. They mention Dutton's Battery Mt. station as 34 miles from Therry's Billabong run, then they give the distance to the Murray Crossing, where Hume first discovered the river, as sixteen miles, and describe the road to the Ovens as "good and well watered."

Arthur Willis, in his book "A Month in the Bush," published in London in 1837, mentions having visited Dutton's Battery Mt. run in company with the owner, in May, 1837. He states that Mr. Darlot was in charge, and that there were already 1000 cattle on the property, divided into breeding, bullock and heifer herds. He mentions Ebden having held a run, just south, 18 months. He crossed the river at Bungowannah, and camped on the Indigo creek, (so named from the abundance of a blue flower growing there). There the dray became bogged, and while matters were being righted, he, with a Mr. Brown, visited Bonegilla, where he states, "Ebden had the largest and strongest stockyard he had seen in the colony."

He goes on to say that "Wyse had already reaped a crop of wheat on the opposite bank of the river." This must have been on what was later known as Mrs. Eliz. Mitchell's preemptive right, and now part probably of Seymour's farm. Wyse's energy is displayed in clearing, fencing and cropping in such a short time after securing the run late in 1835, and this crop must undoubtedly have been the first grown on the Murray.

John Hepburn, also, when he returned to Sydney from his first overland trip, wrote letters to the "Colonist," newspaper pointing out the safety of the route and the necessity for an overland mail. He also sent a report to the Government in which he recommended Major Mitchell's route, showing the stages and how easy it would be to provide hay, etc., at any point. He, however, did not recognise the want of a water supply in summer between Howlong on the Murray and the Murrumbidgee.

Speculation in stock was very active, and we find stations on the Murrumbidgee changing hands at from 35/- to £3 per head of the sheep carried. Land hunger

had become fully developed among the colonists, and many large holdings were formed.

The exact sequence is unobtainable, but the following are known to have occurred during this year. Aimee Augustus Huon, who arrived at Wodonga in 1836, now took up Murra-murran-bong (grand mountain or unbroken mountain chain) on the west bank of the Kiewa river. (Ki-e-wah means sweet water) His next neighbour on the south was James Osborne, now well established at Yackandandah (Yakonda, or Yag-gan-doona—hilly country). Joseph or Joe Slack took Barnawatha or Barnawoodtha (a deaf and dumb blackfellow), but held it only a few months, before taking his stock across the Goulburn. Both William Bowman and Col. White were camped at Tarravungee during the winter, but were compelled by troubles with the natives to abandon it, though Bowman finally settled there early in the following year. A. F. Mollison also wintered with his stock on Bonther-ambo. He had 5000 sheep and 600 cattle, and moved on to the Coliban before the end of the year. Bethanga, on the Mitta, south of Talgarno, was taken by William Roberts of the Shoalhaven river, he thus securing one of the most valuable properties in this district.

John Vardy took up Thologolong (a plain with a creek) east of Bungil, for Redfern Bros. This run had been abandoned by Spalding and party in the previous year. James Wyse joined his brother, William, at Bonegilla, and with him took up Noorengong run, south of Tallangatta, for Capt. MacDonald. The name is said by Mr. J. F. H. Mitchell, to mean "a magpie," but others claim that it should be translated "a lightwood tree"; it is also said to have been the native name of the lower course of the Mitta Mitta close to the Murray. Dr. Mackay, in "Letters from Victorian Pioneers," states that when he was driven from "Myrrhee" by the natives, he took his stock to the Hume river (Nurengong). This would support the claim that the name was applied to the lower Mitta, as by no stretch of imagination could Noorengong run be said to be on the Hume.

Higher up the Murray, Rowland Shelley was busy securing a large area of country. He took Tintaldra for his brother, William; Cudgewa, for his mother; and Weramatong for himself. The latter is said to be derived from

MUNDAROO WEST (Co. Selwyn).

Adjoining Mundaroo on the west.

This was originally considered part of Mundaroo. It was held as a separate property for some time by R. S. Gabbett, and old maps show his head station here. After 1866, it appears to have merged in the Mundaroo holding, and was held by Benjamin Bell with it.

MUNGABAREENA, THURGOONA, or HAWKSVIEW (Co. Goulburn).

From "mun," something abnormally large, "gabba," very tall talk, and "reena," favourable surroundings. "Thurgoona" means a rocky place.

It was first formed by William Wyse for Chas H. Ebdon, near the end of 1835. The boundary of the run commenced on the north bank of the Murray, at the mouth of the Bungambrewatah Creek. It extended thence nearly north-westerly to "The Pinnacle," east of the township of Jindera. Thence roughly east, between "Budginigi" and "Maryvale," to the northern end of Shelley's or Hawkswiew Range, then south-easterly by the top of that range, past "Shelley's Flat and Smith's Selection" to the top of the hill, due north of Hawkswiew House. There it turned east to the bank of the river, which it followed to the point of commencement. It thus included the site of Albury. This was the first station formed on the Murray proper. The first homestead was built near the present Albury Waterworks, but it was superseded in 1839 by a second about three miles higher up the stream, where a ridge of rocks crossed the river, to which the natives applied the name "Thurgoona." Then about 1852, the present House at Hawkswiew was built.

Early in 1837, Chas. Huon purchased the run from C. H. Ebdon, and presented it to his widowed sister, Mrs. Elizabeth Mitchell. Her eldest son, Thomas, took charge and stocked it with cattle. In 1851, the area is given as 28,214 acres. The management was then taken by another son, Mr. J. F. H. Mitchell, still living at Ravenswood, in Victoria (1919). By 1874, most of it had been converted into freehold, and the estate was then sold to Elms and Scott. In 1877, it again changed hands, being purchased by Mackellar and Burnett. Burnett soon retired and Mackellar held it till 1888, when it passed to

King. Later, King sold to Hogan Bros., and from them it passed to the present holder.

MUNIMBLA (Co. Hume).

North of Piney Range run, and probably including the southern portion of Wallandool run, this run is shown on some old maps. Bailliere says that in 1866, Power and Davenport held 32,000 acres at a rent of £31, and in 1871, Ronald and McBain, pastoral financiers were credited with paying a rent of £40.

NEURENMERENMANG (Co. Selwyn).

On the north slope of Kosciusko.

Taken up by G. Sparkes after 1850, it is seldom mentioned in official lists. In 1861, gazetted forfeited for non-payment of rent by James Sparkes. In 1882, it was held by the Australian Mortgage, Land and Finance Co. H. Ricketson was in possession in 1889. It is very rough and almost entirely summer country.

OURNIE, or OURANEE (Co. Selwyn). (From "Whorn-a-ye," a small black wasp; or "Oornee," a platypus.)

Also at one time known as Glenken.

On the Murray, between Jingellic and Welaregang. It has been claimed that this run was first formed by the father of the late Granville R. M. Collins, of Kimo, etc. It is certain that in 1841, it was occupied by John Hay ("Swampy Hay") who was then managing Welaregang and was about to marry Miss Robinson of Coppabella. It is probable that he was preceded by Charles Scott, as Townsend in his map of 1848, gives the lessee as John Hay, late Charles Scott. The area then was 30,360 acres. After 1852, Shelley Bros. held it and sold it in 1858, to Elmslie and Strachan, with 1,700 cattle, for £12,000. In 1875, Alfred Chenery purchased it with 3,000 cattle and 200 horses, and sold in 1881, to Cobb and Co., the well-known coach proprietors. They in turn sold to J. and P. J. McMeekin.

OPOSSUM'POINT, or YELLOW BOY RUN (Co. Selwyn).

On the south-east of Tooma.

Taken up by Thomas Richards in 1840 or 1841, Richards died before 1848, when the lease was held in the names of his executors. His widow then married James

"HAWKSVIEW"

My Grandfather, Philip Thomas Heywood, a friend of the Hon. W.L.R. Clarke, while talking one day expressed a wish to buy a Grazing property, to fullfill a promise made to his son, P.H. Heywood who was returning from the first World War after serving with the Imperial Force with the rank of Captain.

As a result "Hawksview" was offered to him and P.T. Heywood purchased the Eastern portion including the river flats surrounding 'Hawdons' Lagoon, the Hawksview Range and the area now flooded by the Weir to Hawksview Bridge.

Excluding the inundated areas and the Weir village, the acreage amounted to approximately 4300 acres. ---3100 acres being in the name of P.T. Heywood, being the southern portion with the Homestead and 1200 acres, the northern end (known as the Hill Paddock) in the name of P.H. Heywood, his son Phil.

The Western portion of "Hawksview", except for several very small blocks at Wirlinga, but including the original "Thurgoona" homestead site was purchased by Sides Bros. of Hay and named it "Hawkcote" ¹⁹²⁴

Hawkcote was further subdivided when seven dairy farms were established western portion with Starr Bros, and Fred and Gordon Heath purchasing the remaining sections.

While talking of "Hawkcote" it is worth noting that during the second World War an Army camp occupied the higher rises.

This camp eventually became an Internment Camp occupied for the most part by Italians. These Internees seemed to have a pretty unrestricted confinement as they roamed all over "Hawksview" setting snares for any fauna they could catch.

"Hawksview"

Shearers Quarters,----Originally one building incorporating tiered bunks on either side with long table between with cooking facilities at one end, including a large brick or Bakers oven,
Now four separate buildings to comply with accommodation requirements
These buildings are not in use now and are falling into disrepair.

There are many features being lost by the passing time.

The sheep wash in Hawdons Lagoon. (has now completely disappeared)

The old plunge dip.

The signs of Horse-works.

The location of various huts, scattered around the property.

Stone Quarries, (stone used for the old Albury Gaol and other build

The "Hawksview Bridge" ----- Now submerged, giving access Bethanga, Talgarno and Upper Murray.

"Hawksview"

"Hawksview" originally, so we are led to believe, ranged from open land to the heavily wooded Hawksview ranges. River Red gums grew to great size on the river flats.

It is believed that gangs of China-men were employed to do the ring-barking and clearing.

In after thought, it seems that our forefathers were a little heavy handed with the axe.

The river flats to the East are of course inundated by weir waters. However much of the land under water remains with Hawksview as it is still freehold and/or leasehold.

The authorities owning a Flood Easement only.

Hawdons Lagoon, a series of three lagoons now, are part of the remaining flats.

Hawdon was an early Pioneer of considerable ability, apart from being a good stockman, he set up the first mail run from Sydney to Melbourne many years before the famous and well publicized Pony Express riders of North America.

With others he took a mob of cattle to Port Phillip and created the Gardiners Creek Run, where Scotch College now stands.

"Hawksview"

Hawksview is a grazing property in the main.

Hereford cattle are bred and fattened for market --- invariably commanding top prices.

Merino sheep are also bred for wool which is also in demand.

The only stock imported are the sires.

With the late Mr K.D. Watson of "De Kerileau" (part of the Wodonga Run)

"Hawksview introduced Afraal Agriculture to the District.

The aéroplanes used were Tiger Moths.

The property is a Wildlife Refuge. The lagoons being declared a sanctuary in 1925 followed by the whole property being gazetted a Wildlife refuge by Royal Proclamation in the 1940's.

Not only is all Fauna protected but also the habitat, for without it there is no fauna.

Approximately 200 species of bird have been listed and 150 to 200 Kangaroos --- Achidnas --- Platypus --- Tortoise --- Water-rats, to name a few are to be found on the Refuge.

"HAWKSVIEW"

Droughts, Floods, Bushfires and Locusts.

Have all been in evidence since the very first days.

Black Thursday 1851 practically the whole of the Riverina swept by fire.

1868, Christmas eve temperature 115degrees (41.1 cent.) Albury

Common and surrounding hills were burnt out.

Crops were grown in the bed of lagoons in 1837-8.

1844 "A great flood was experienced and the long drought broken.

1877 was noted for months without rain.

The importation of fodder during drought years introduced many weeds problems that concern us today.

Rabbits were mentioned in Albury in 1862 when a complaint was lodged on the destruction of rabbits by dingoes, followed by suggestions for the protection of the rodent.

1890's saw a great increase in numbers and legislation to control them was introduced.

Rabbits had a profound effect on the herbage ---- eating out the palatable species and allowing the non-palatable to take over --- ring-barking young trees etc.

The rabbit problem is still with us, inspite of modern technology, 1080 poison and Myxomatosis.

As an illustration, 200,000 rabbits were destroyed on "Hawkview" in the 1950's, in 3 years at a cost of 26000. (\$12,000.00) ---- Basic wage in those days approximately \$15.00.

Locusts (Grass Hoppers), Caused wide spread damage in the District in 1889.

"Hawksview"

Travelling Stock,

Mobs of 2000, 5000 and up to 15,000 were recorded as moving through, fording the river at Mitchells and elsewhere.

These travelling stock were responsible for the spread of weeds, grasses and diseases. ---- Pluro-pneumonia, a serious contagious cattle disease crossed the murray in 1861.

Foot-rot in sheep was reported and recorded in 1840 although it was a drought year.

Ebden in 1836 sent a big mob of sheep of some thousands in the care of Charles Bonney and claimed to be the first sheep across the Murray, Bonney squatted at "Glenaroua" near Broadford for 12 months to rest and shear the sheep.

"Glenaroua" as I have mentioned, was held for a number of years by my Father-in-law during the 1920's and 30's.

Gold Mining. ----- Hawksview mines of the late 1800's.

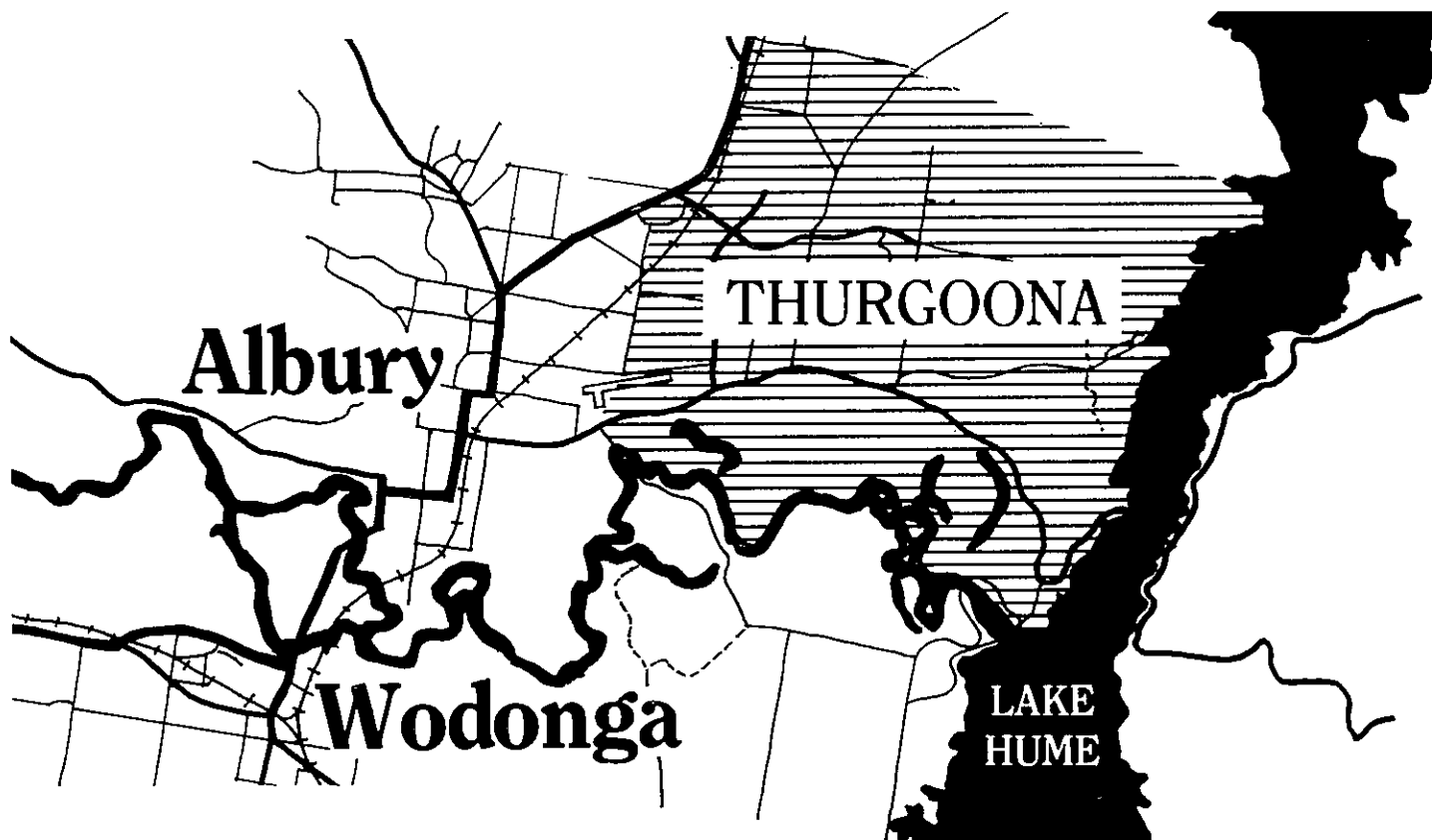
Tunnels were driven into the hills from river flat levels in an endeavor to cut the leaders that ran north and south.

The "Pride of Hume" crushing battery ---- remains still visible on the banks of the Murray when the Weir empties.

Where Is Thurgoona?

For the purpose of this study, Thurgoona has been taken to mean the area enclosed by the Murray River from the Waterworks Bridge to the Hume Weir, the shore of the lake as far as Hawksview Hill, the track

Thurgoona was the name originally applied to Mrs Mitchell's second homestead, on the river beside the present Galloway Park property. About 1850, the name "Thurgona" (with one "o") was applied to the



from there to the Bell's Reserve and Bowna Road, Spring Park to the Highway south of the Ettamogah Sanctuary, the highway to the Dallinger Industrial Estate, Dallinger Road to the airport.

The name Newtown was formerly applied to the area including Corry's Wood and the former orphanage, though it was also sometimes used to describe a wider area, even as far as Mount Pleasant and the Anglican Church. This study avoids the name Newtown except where the records describe it so.

A significant decision was made in 1862, when it was decided to call the public school Thurgoona rather than Newtown.

name of the parish for surveying purposes. The parish was south and east of the present Riverina Highway/Bowna Road line.

It is generally accepted that J.F.H. Mitchell was speaking with authority when he noted in his "Aboriginal Dictionary" that the name Thurgoona referred to a rocky ridge that crossed the Murray near the old homestead. Another interpretation is that it means "emu droppings". Similar names meant different things in Aboriginal dialects or languages, so one cannot be definite about the name here.

Road Names

Several roads and lanes in the Thurgoona district have undergone name changes over the years.

The main road, formerly called the Sydney Road, is now Bowna Road and the Riverina Highway. It has also been known as the Main South Road, the Great South Road, the Great Central Road and the Hume Highway (from about 1930 until the highway was "moved" in 1933). Before being named Bowna Road, it was called the Old Sydney Road.

Thurgoona Road (from the highway near Borg Warner to the public school) was called O'Keefe's Lane until the 1970s.

St. John's Road was first called the Newtown Lane, then Orphanage Lane.

Corry's Road was recently upgraded from Corry's Lane, but before that it was Dick's Lane. Several members of the Dick family farmed along this road. The name Corry came from Albur Corry, who farmed the area until his death in 1930.

Dallinger Road was formerly Boundary Road. This used to be the main road to Gerogery and Wagga before the present Wagga Road was formed, and was called Gerogery Road for some time.

Several lanes were called simply by the name of the farm or family they served. The upper part of Thurgoona Road, for example, was called Scheetz's Lane. Hawkview Lane has now become part of the Hume Highway.

Aboriginal Era

Evidence of Aboriginal life in the Thurgoona district before white settlement is very slight. Evidence of some temporary camp sites was found in 1976 in an archaeological investigation of sites between Bowna Road and St. John's Road. Some evidence of tool-making was found in other investigations in 1981. There is a good example of a canoe tree near Galloway Park, and possibly others near the river bank.

It is known that Aboriginals had a more permanent type of camp near the Hovell Tree, and that there was a burial ground called Yarra-Wuddah where

South Albury now is. There is no doubt the riverbank and the lagoons upstream of the Hovell Tree would have provided ample fish and water birds for food.

Aboriginals must have used the rocky part of the river-bed near Galloway Park to cross in low water.

The black people continued to live in the area after the whites arrived in 1835. According to the Border Post of October 1856, there had been several skirmishes between black and whites. However, as J.F.H. Mitchell points out, much trouble was caused among the Aboriginals themselves. The same issues of the Border Post claim that settlers always kept their huts well-supplied with loaded firearms.

Albury's first settler, Robert Brown, has recorded that there were a few blacks in the area when he arrived, but other sources, including the Mitchells, suggest they were quite numerous.

Thurgoona in the period up to about 1838 would have had plenty of kangaroos, emus, pelicans, swans, geese and ducks. Hume and Hovell did not record Aboriginals in the district, but did state that the flat lands were thinly wooded, which may have had something to do with the burnings carried out.

Among the settlers of the Border District, the Mitchells were perhaps the most closely identified with the Aboriginals. This had much to do with the fact that the Mitchell boys were quite young when they arrived at Mungabareena with their mother. They played and swam with the Aboriginals and learned much of their language and customs. The eldest son, Thomas Mitchell, dealt with the Aboriginals with tact, and in his period at Tangambalanga, became Protector of Aboriginals.

Refs. Aboriginal Archaeology of the Albury Wodonga Region, AWDC, 1982. (pamphlet).

D. Witter: Archaeological Study of Baranduda and Thurgoona, 1976.

Border Post, various issues, October 1856.

Mitchell's Run

On February 7 1837, the Mungabareena run was gazetted in the name of Capt William Mitchell, of Brisbane Meadows, near Bungonia, NSW. Mitchell died in the following September, aged 51. The licence was then transferred to his widow, Elizabeth Mitchell, but she continued to live with her large family and her aged mother at Brisbane Meadows. The eldest son, Thomas, a lad of 19, was sent to take charge of the run on the Murray. On August 14 1839, Crown Lands Commissioner Bingham visited the run and reported that with the help of one man, Mitchell had built slab huts, cultivated 25 acres (10 ha), divided the run into six sections, and had 480 cattle and four horses.

Mitchell was not quite alone, for his uncle, Paul Huon, had the Wodonga run across the river, and other squatters held runs up and down the Murray Valley. Robert Brown had his hut at the Crossing Place (Albury), which was gazetted a town in 1839, on part of the Mungabareena run. By 1839, there was also a flow of overlanders, who passed through Mitchell's run and crossed at a spot near the Hoyell Tree.

There is some confusion about how the Mitchells came to be squatting on the Mungabareena run. Dr Arthur Andrews' "The History of Albury", published in 1912, states that Paul Huon "purchased the Mungabareena run from Mr Ebdon and presented it to his sister, Mrs. Mitchell". Andrews appears to have been quoting the obituary notice of Paul Huon (Border Post, Nov. 18, 1894). The obituary of William Wise (Banner, April 26, 1901) states that Ebdon "made a present" of the run to Charles Huon, who in turn gave it to Mrs Mitchell. For the record, the runs were not owned, but held on licence from the Crown. The existence of the licence granted to William Mitchell seems to disprove the claim by Andrews.

There is not doubt that Mrs Mitchell held Mungabareena from 1837 and that Thomas ran it for her, with the help of his brothers Edward, John and James as they grew older. It is believed Mrs Mitchell travelled with the Reverend Docker's party to the Murray in September 1838 ("A Tale of Twin Cities" by Desmond Martin, 1981), though another account states she came about 1842 after the death of her mother at Brisbane Meadows.

In 1848, the Mungabareena run was in the name of Thomas Mitchell, the acreage being estimated at 35,000 acres. It is not known when the family moved from the Mungabareena homestead to a new house

called Thurgoona. One possible reason for the move was the steep riverbank at the former. Another reason might have been the desirability of moving away from the growing settlement of Albury and further away, also, from the Sydney road, which passed close to Mungabareena.

In 1851, Mrs Mitchell acquired the lease of the Table Top station and it was gazetted in the name of her son J.F.H. Mitchell. However, after the youngest son James was married in 1861, the Table Top run was transferred to him and J.F.H. took the Hawksview/Thurgoona/Mungabareena area. Thomas, the eldest son, had already begun to branch out about 1848, taking a property across the river. Subsequently he acquired runs at Tangambalanga, Kergunyah, Woomargama and Bringenbrong.

In 1857, Mrs Mitchell exercised her pre-emptive right under the land laws and bought 3727 acres of the Thurgoona and Mungabareena runs from the Crown, paying one guinea an acre, or 3913 pounds. She also bought 160 acres (portion 12, Thurgoona parish) next to the Sydney road, opposite Mount Pleasant. She still squatted on the other lands east of the Sydney road, including where the public school now is. Under the land laws, the Crown surveyors had to give her 12 months notice if they wished to put up any of this land for auction. However, in August 1857 (about the time she was negotiating to buy her 3727 acres) she agreed to waive the 12 months notice requirement. This allowed the surveyors to survey the Hawksview area (which J.F. Mitchell bought most of) and the Thurgoona Park area (bought by the Days, former lessees of Mrs Mitchell's Table Top run).

It appears the mother still retained control of the Hawksview/Thurgoona/Mungabareena station until the sons married, though there was a reconstruction of the holdings in 1859. J.F.H. Mitchell gradually acquired most of the Hawksview station area under conditional purchase, including 320 acres on which Hawksview homestead was built. He bought portions 1 — 6, 8, 9, 10 and 11 (a total of 1264 acres) at auction in 1858 at prices ranging from one pound to 26 shillings an acre, and the 320 acres of the homestead in 1864, under the Robertson Act. (The earlier portions had been bought as freehold).

Meanwhile, Edward Mitchell, another son, bought a considerable number of portions between the Sydney Road and Dallinger Road in 1854, also freehold. Later he farmed Ellerslie.

It will be seen that though the Mitchell family were forced to give up their squatting rights on much of their former huge runs, they ended up owning much

of it after the auctions. They were, of course, the wealthiest family in the district.

Refs. Margaret Carnegie, Friday Mount, Melbourne, 1973.
Contemporary newspapers.
Merrick Webb (ed): Table Top, A History of the District 1824-1984, Temora, 1984.

Thurgoona Homestead

There seems to be no record of the Thurgoona homestead, except for it being marked on some maps compiled in 1855 and 1857. These show it to be to the west of a U-shaped bend near Mrs Jean Macdonald's property, Galloway Park. Mrs Macdonald had a brick unearthed from the site by her late husband, Hector. This was probably a chimney brick, as the house was almost certainly of timber. Mrs Mitchell lived here with her children in 1840s and early 1850s. It came under attack from Aborigines in the "buckeening" incident recorded by J.F.H. Mitchell.

The site of the homestead is subject to flooding and this probably accounted for the building of Hawksview at a more elevated site above the floodplain. It is also believed the Thurgoona homestead was burned down, but whether this was before or after it was abandoned is not clear. There is no trace of it today.

The early maps show a fenced area around the homestead, and a cultivated area to the east of the gardens and bordering on Hawdon's Lagoon. It was to this point on Hawdon's Lagoon that the Albury Reserve extended.

The homestead site was included in the 3727 acres bought by Mrs Mitchell in 1857, later part of the Hawksview station.

Ref. Portion Plan for Portion 12 (1855) Lands Dept.
Portion Plan for Portion 13 (1855) Lands Dept.
Personal information from Mrs J. Macdonald.

Hawksview Station

The station dates from the time of J.F.H. Mitchell, but it has varied in size enormously over the 130

years or so. Its rich riverbank pastures were for the most part submerged by Lake Hume in 1933.

Originally, the land was part of Mrs Mitchell's Mungabareena run, for which she held a squatter's lease until the mid-1850s. Hawksview homestead (which still stands, though much altered) was built about 1852, it is believed. Soon afterwards Mitchell moved there from Thurgoona homestead. Mrs Mitchell bought her 3727 acres in 1857 for one guinea per acre. This included the Thurgoona homestead, but not the Hawksview homestead, which area she still held as a squatter. The Mitchell properties were reconstructed in 1859. The precise changes are not clear, but J.F.H. Mitchell ended up with Hawksview/Thurgoona and James Mitchell with Table Top. Thomas had already moved to Tangambalanga, while Edward later went to Ellerslie station.

Mrs Mitchell had proceeded to sell some of her land on the old Sydney Road in 1857, including the area where the Thurgoona golf course is now sited, and also land on the southern side of the present Riverina Highway. J.F.H. Mitchell had what remained of the 3727 acres. In 1858, the Crown auctioned land including Hawdon's Lagoon and other portions sited where the dump now is. These were well-watered sites, and Mitchell bought the riverside block of 502 acres for 22 shillings per acre, and the rest for mostly one pound per acre. Two blocks directly adjoining the lagoon were sold at the high price of 25 and 26 shillings per acre.

In 1864, Mitchell bought 320 acres including the homestead under conditional purchase laws, and went on to acquire several more portions as time went on.

Mitchell left Hawksview in 1874 to live at Ravenswood, and Hastings Elms and Henry Scott bought the estate. Elms lived at Hawksview.

In 1877, Elms & Scott decided to sell. The estate then consisted of 11,400 acres (see advertisement). By this time, gold was being won on the north-east part of the station, but its mainstay was the 5000 sheep and 800 cattle. It was Elms and Scott who bought some of the land from the Crown, including the present Hopefield and Summer Hill areas. Its most important asset was the 18 miles frontage to the Murray. The result of the auction is not known, but the next owners were MacKellar and Burnett. Burnett retired but MacKellar held it until 1888, when Arthur S. King leased it, with an option to buy.

War Years

Thurgoona suffered as did other rural areas during the years of World War I and World War II. There was a scarcity of agricultural and household goods and fuel shortages restricted the use of motor vehicles. In the second war, people getting used to motor transport returned to using horses.

An honor roll in the School of Arts records the names of Thurgoona men who served in World War I.

The names are:

C. Bennett (wounded)
W. Butt (killed)
J. Brown (killed)
F. Dick
G. Eberle
W. Eberle
G. Hoffman
K. Kelton
T.C. Kelso
L. Kimball (wounded)
W. Lankester (wounded)
S. McLelland
S. Maclure
A. McEachern
N. Merkel
G. Petts
J. Rosborough (killed)
H. Schneider
J. Seymour (wounded)
J. Wanklyn
C. Wanklyn (wounded)
P. White (wounded)
C. Walsh (wounded)
T. Symes (killed)

There appears to be no Thurgoona honor roll for World War II.

A Thurgoona resident, Ernest Grant, was killed while serving with the Australian Forces in Vietnam in 1966. A memorial board for Mr Grant is at the Public School and the Ernest Grant Reserve honors his memory.

Military Sites

Just before World War I, the back paddocks of Dallinger's farm at Mungabareena were used for military training as a temporary measure.

About 1927, the Commonwealth resumed a large area now occupied by the Defence Department. An important ammunition dump was built by excavating underground chambers and building strong sheds. Four brick homes were also built facing Scheetz's Lane (now an extension of Thurgoona Drive). The officer in charge just before World War II was a Lieutenant Frank Bonney. During the war, more soldiers were stationed at the site, and it was also used as a temporary transit camp, in addition to the Bonegilla and Hawkscote camps.

E.J. Coleman lost his property Currumbeene when the Commonwealth took over the area, and S.A. Gale and Harry Knoble lost part of their lands. Knoble's property was called Buckhorns.

During World War II, an Italian Prisoner of War Camp was sited at Hawkscote. This consisted of wooden sheds and other buildings. The prisoners wore red-dyed clothes to distinguish them. Mr Phil Webb remembers them walking over the adjoining lands quite freely and setting snares made from copper wire. Few could speak any English and the authorities did not worry too much about the Italians escaping.

Today the "Dump" is controlled by 311 Supply Company, and forms part of the large Army presence in Albury-Wodonga. It covers 388 hectares.

Ref. Parish maps.

Personal information from Phil Webb.

Lake Hume

Lake Hume covers a considerable part of the Parish of Thurgoona. Building work began in 1919 and had a big impact on the area. Much of the material for the earth dam came from the Hawksview quarry. Hawksview station lost its rich flats. Paddocks were transformed into a working area and the Hume Weir Village was built to house the large workforce.

The first sod was turned by the Governor General, Sir Ronald Craufurd Munro-Ferguson in 1919. The rising waters submerged Bowna and the old Hume Highway in 1933, but it was not until November 1936 that the dam was officially opened by another Governor General, Lord Gowrie.

The original dam created a lake with a full capacity of 1522 gegalitres and a full supply level of 182.9 metres. In 1950, work began to raise the level. The enlarged dam as completed in 1961 increased capacity to 3038 gegalitres, at a level of 192 metres. The latest addition included 29 spillway gates. The maximum area submerged is 202 sq km.

When completed in 1936, the dam was the largest man-made reservoir in the Southern Hemisphere. But lakes much larger than this have since been built.

The dam is situated just below the junction of the Murray and Mitta Mitta rivers. Originally it was proposed to call the lake the Mitta Mitta Reservoir, but later this was changed to Hume to honor the explorer who crossed the Murray at this point in 1824.

A 50 megawatt hydro-electric station is attached to the dam. This generates electricity from the irrigation releases.

There are considerable fluctuations in the level of the lake. The Water Resources Commission's main purpose is to provide water for the irrigation areas, but Lake Hume is increasingly becoming an important area for tourism and leisure. The lake provides excellent facilities for a variety of water sports.

In recent years, the Lake Hume Resort has been developed and the Lake Hume Aquatic Club draws a large number of visitors. Various clubs are associated with the water sports and are of sufficient quality to host national events.

One result of the building of the weir was the creation of a new road from Mt Pleasant to the dam

wall (now part of the Riverina Highway). This was formerly only a track to Hawksview and a few other properties.

Closure of the dam wall road in 1984 led to the building of a new bridge over the Murray. This is called Heywood's Bridge after the former owners of the Hawksview estate.

Ref. Hume Dam, NSW, Water Resources Commission, c. 1982.

Wirlinga Wreckers

Mr Percy Williams removed his car yard to Thurgoona in 1960 and to a large area on Bowna Road in 1964.

More than 2500 wrecked and second-hand cars were on the site at one time.

The business moved to South Albury when the AWDC acquired land that has since been developed as St. John's Green and the golf course.

Ref. Desmond Martin: A Tale of Twin Cities, Armadale, 1981.

Trout Hatchery

Norman and Alison Douglas, of Albury, established the trout hatchery on a former paddock of Hawksview. It was officially opened by the parliamentarians (Sir) David Fairbairn and Gordon Mackie on December 27th 1969.

The farm has been designed to produce fingerlings for stocking farm dams and larger-size trout for home consumption.

Cold water is piped 800 metres from the base of the Hume Weir. After use in the ponds, the water is returned to the Murray.

The trout farm is a popular tourist attraction and also houses a collection of old steam engines and agricultural machinery.

FRIENDLY ALIENS.

Sir,—Albury residents have long been renowned for the hospitality extended to troops on leave, and bearing this in mind I am confident that the object of this letter will be achieved.

Recently a large influx of troops set us a problem because of a lack of adequate recreation facilities. Appeals to Albury folk to entertain men in uniform in their homes met with a good response, culminating in the inauguration of a public register.

However, circumstances prevented this scheme being fully exploited, so may I suggest that this plan be resurrected for the benefit of the Friendly Alien Battalion stationed here? These men in a non-combatant capacity are playing their part in the fight for freedom, and are intelligent, well-behaved fellows, many of whom are gifted with musical talents above the average.

In an endeavor to take the edge off the monotony of their leisure hours, my wife and I have frequently had men from this battalion at our home. Their intelligent conversation and musical entertainment have, on each occasion, brought a new and unexpected warmth to our home, that has more than repaid us for our gesture to them.

So come on "Alburyites." As these men are of a resilient nature they will not solicit your help, so it's up to us all to take the initiative and offer them a little domestic friendship in such an enthusiastic manner as to prove that our keen sense of hospitality has not diminished.—Yours, etc.,
E. A. COLLEY.

843 Macaulay st., Albury.
20/6.42.

BMM 27 June 1942



Alexander Mair, a sketch by Dudley Moore appeared in the Border Morning Mail in 1949.

The ethnic diversity of the local population increased with the deployment to Albury of about 150 'Friendly Aliens' by the 4th Australian Employment Company to do railway transshipment duties, and later with the deployment of Italian prisoners-of-war in the district.

The transhippers were camped at the showground site which was vacated when Bonegilla opened. Townspeople saw members of the unit in the railway yards, 'transshipping, loading, lashing'.⁸⁸ Some went to Albury High School for English classes. Musicians among them gave public performances and formed an orchestra which appeared, for example, at the Red Cross ball. They were most commonly encountered in the streets, at the river and in the cinemas. They could be rowdy, drawing attention to themselves as they sang in public places, and they had to be warned against 'accosting ladies in the street'.

Their political interests were suspect, and it was noted ominously that there had been several present at an election meeting held by the Communist candidate in 1943. On the whole, however, townspeople remained aloof from the Friendly Alien war workers, even if they acknowledged their enviable skills in athletics, soccer, music, bridge and chess.⁸⁹

There would appear to have been even less opportunity to get to know the Italian prisoners-of-war, had they not been so visible in their burgundy uniforms and had they not had comparative freedom to roam the countryside. From about 1944 the prisoners were held at both the Hume camp on the Albury side of the Hume Dam and at Bonegilla on the Wodonga side.

To overcome the dearth of rural labour some prisoners were employed at farm work, and that aroused complaints that they might depress the wage rates of rural workers. Other prisoners were employed on jobs around the army camps and at Bandiana. Early in the war, before their arrival in Albury, Italians had been presented in the newspaper as cowardly 'dagoes'. That view was perceptibly softened by the regard for and sympathy with the prisoners, who were still in the district at the beginning of 1947. Familiarity bred respect.⁹⁰

There was some hostility towards other people of enemy extraction. To the north, several farming settlements like Henty had large concentrations of farmers of German origin. Their presence had provoked suspicion and calumny during and immediately after the Great War. In the late 1930s there was keen local interest in developments in Hitler's Germany and in 1937 a German study circle was established in Albury. In 1938 the local newspaper welcomed Count von Luckner on his tour to promote goodwill between the British and German peoples.

In the first years of the Second World War German-baiting was renewed and there were some internments as in the earlier conflict. By June 1940 the Border Morning Mail decided that von Luckner had been on a spying mission. It also saw fit to publish a response by the manager of the George Hotel to an anonymous letter accusing him of employing 'a full-blooded German when there are hundreds of Australians looking for work'.⁹¹

However, Alexander Mair upset many of his constituents with his call to intern all aliens, and it is not surprising that his vote at Henty dropped 13 percent at the subsequent election. There were no long-term or sustained public attacks on Germans, but in 1940 and 1941 there was some community enthusiasm for Mair's proposal.⁹²

Prisoners

I HAVE already responded to Patricia Bonnici's letter to this column regarding Italian prisoners of war in the Albury area in the 1940s. Unfortunately it was too long to be included here, so I sent it to her directly, but now, in response to Peter Ross' letter of September 20, I will attempt a briefer version.

My perspective was slightly different to Patricia's and Peter's as I was actually "a guard" at the Hume POW hostel, which was situated a mile or two further out

towards the Weir from the present turnoff to Thurgoona. Up that short steep hill and on the right the gateway and avenue of cypresses are still there. As far as I know all the POWs in the Albury area were quartered here. I don't think there was another camp in the area.

They were "bussed out" (trucks) every morning to the many sites around the area, but mainly to Bonegilla and Bandiana.

I went there late in 1945 after the Armistice (so it's almost exactly 50 years ago). The Army made the effort to get all troops back close to their homes pending demobilisation. I think I was there three or four months.

My lasting impression was of how well these people were treated, and of what a good bunch of blokes they were. My recollection was that there were some 800 of them, and there were something like six or seven of us "guarding" them.

For Yackandandah people, the late Keith Storey was one of our group. We were all sergeants except the CO who was a Lieutenant.

There was no fence around the camp, no guard on the gate. I think we had one 303 and a revolver in the Company Office safe. Our conditions were identical to the POWs. Same tin huts, same straw palliasses, same food. Our two huts were closely adjacent to theirs, and doors were never locked (ours or theirs) day or night.

Their camp CO was a warrant officer. Their only commissioned officer was their doctor (captain).

The only check on them by us was the morning parade, which they did with some discipline. Our job was to check the count and allocate them to the various trucks.

Just at this time Australians had become fully aware of the shocking treatment Australian POWs had experienced and I am still proud of the contrast, but I must stress that I know only of things at Hume Hostel at this time.

They were a very visible presence around Albury at the time and so little seems to be known about them. There were so many of them close to town, and virtually unguarded.

— MILTON WEDGWOOD,
Bowna.

BMM Sept 29, 1995

HUME CAMP. ITALIAN PRISONERS OF WAR

The Army at Bonegilla. 1940-1971 by Dr Bruce Pennay

Living at Bonegilla Camp. page 10

Donald Friend was stationed across the river at Hume Camp. 'Its heat, dust, dirt, flies, its white glaring sun, bare white slopes and hills of dry grass, mad storms, sudden cold, days and days of unutterable furnace heat and dead hot nights, gales of dry hot wind - these made up part of Hume's personality.'

Italian Prisoners of War. Page 11

From 1944 onwards some Italians were quartered at Hume Camp and at Bonegilla in a POW Control Centre. Because of the absence of shipping with which to repatriate Italian prisoners, many remained stationed in the area until at least the beginning of 1947.

APPENDIX D:

Applicable aims of the *Draft Murray Regional Strategy 2009*

Aims of the <i>Draft Murray Regional Strategy 2009</i>	Planning Proposal consistency (Upper Murray Subregion)
Protect and manage the sensitive Riverine environment of the Region's major waterways (such as the Murray River) to safeguard the future health and wellbeing of one of Australia's most important natural catchments, its associated \$1 billion agricultural industry, the needs of downstream users and the \$400 million tourism industry	<u>Consistent</u>: - reticulated sewerage services to be connected; and - reticulated stormwater collection, treatment, and discharge to be designed and implemented in accordance with best-practice guidelines.
Cater for a housing demand of 13,900 new dwellings by 2036 to accommodate the combined pressure of the forecast population increase, the needs of a significantly changing population and growing tourism demands for new dwellings	<u>Consistent</u>: Refer to relevant Net Community Benefit Test responses in Table 2: Net Community Benefit Test.
Prepare for and manage the significantly aging population and ensure that new housing meets the needs of smaller households and aging populations by encouraging a shift in dwelling mix and type	<u>Consistent</u>: The R1 General Residential Zone permits "residential care facility" development, as defined in the LEP, and Part 6 of the LEP requires "measures to encourage higher density living around transport, open space and service nodes" (clause 6.3(3)(h)).
Reinforce the role of Albury as the Region's major regional centre and the opportunities in taking advantage of its strategic location and emerging economic strengths, including transport, distribution, manufacturing, health services and education	<u>Consistent</u>: Refer to relevant Net Community Benefit Test responses in Table 2: Net Community Benefit Test.
Ensure an adequate supply of employment land, particularly in Albury and other major towns to accommodate a projected 3,100 new jobs	Not relevant.
Protect the rural landscape and natural environment by limiting urban sprawl, focusing new settlement in areas identified on local strategy maps and restricting unplanned new urban or rural residential settlement	<u>Consistent</u>: The Planning Proposal implements the ALUS.
Only consider additional development sites outside of agreed local strategies if they can satisfy the Regional Strategy's Sustainability Criteria	Not relevant.
Ensure that the land use planning system can respond to changing circumstances for settlement and agricultural activity arising from water trading, by setting a strategic framework for decisions on land use change and investment in irrigation infrastructure	Not relevant.
Recognise, value and protect the cultural and archaeological heritage values of the Region for both Aboriginal and European cultures, including the visual character of rural towns and the cultural landscapes of the Aboriginal people	<u>Consistent</u>: Refer to the Preliminary Aboriginal Cultural Heritage Assessment at Appendix B: Preliminary Aboriginal Cultural Heritage Assessment.
Where development or rezoning increases the need for State infrastructure, the Minister for Planning may require a contribution to the provision of such infrastructure, having regard to the NSW Government State infrastructure Strategy and equity considerations	<u>Consistent</u>: The Planning Proposal includes the Land in Urban Release Area Map No's 7 and 10 in accordance with Figure 5: Proposed land use planning analysis which will allow for adequate public infrastructure to be investigated and made available through the provisions of Part 6 of the LEP.

APPENDIX E:

Applicable aims of *Albury 2030: A Community Strategic Plan for Albury*

Aims of the <i>Albury 2030: A Community Strategic Plan for Albury</i>	Planning Proposal consistency (future residential growth/development)
Theme No. 1 – A Growing Economy with strategies to grow the city and increase our population so that local businesses can confidently grow and expand their workforce, and to integrate transport routes to meet the needs of our growing city and connecting Albury to the national and global economy by road, rail and air. We will enhance, promote and maintain the built environment to serve the city.	<u>Consistent:</u> The Planning Proposal is consistent with the: - Strategic Action to “Support Albury’s population growth” under the “Outcome – Plan and cater for increased population growth” (p. 6) by implementing the ALUS as applying to the Land; and - Strategic Action to develop and implement an “Integrated Transport Strategy” under the “Outcome – Integrated Transport Network for Albury” (p. 10) through strategic land use planning processes proposed under Part 6 of the LEP.
Theme No. 2 – An Enhanced Natural Environment with strategies to improve the health of the Murray River, being a leader in water and waste-water management and protecting local plants and animals.	<u>Consistent:</u> The Planning Proposal is consistent with the Strategic Action to “Adopt a Sustainability Framework for Albury that provides for a net improvement in our natural environment” under the “Outcome – Reduce Albury’s carbon footprint” (p. 14) through preliminary and detailed site analysis of the Land and strategic land use planning processes under Part 6 of the LEP.
Theme No. 3 – A Caring Community with strategies to value and celebrate knowledge and life-long learning, being recognised nationally as a provider of quality education; providing quality health care; supporting children, young people and their families; promoting positive ageing and encouraging healthy lifestyles; and recognised as a cultural and creative city that embraces and celebrates its diversity.	<u>Consistent:</u> The Planning Proposal is consistent with Strategic Actions in relation to “sporting and recreational facilities”, “open space”, “Murray River”, “ageing population”, and “Indigenous consultation” under the “Outcome – Albury offers a diverse range of facilities and activities for all ages” (pp. 23; 25-26) through preliminary and detailed site analysis of the Land and strategic land use planning processes under Part 6 of the LEP.
Theme No. 4 – A Leading Community with strategies to promote regional networking, empowering the community to contribute to the future direction of the city and providing inclusive decision making processes, particularly for young leaders.	<u>Consistent:</u> The Planning Proposal is consistent with Strategic Actions in relation to community engagement “strategies” under the “Outcome – Council consults with the community on all major changes that will affect them” (p. 31) through the public notification of this Planning Proposal.

APPENDIX F:

Applicable State Environmental Planning Policies

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
<i>Murray Regional Environmental Plan No. 2 – Riverine Land</i>	Yes, applies to riverine land being land shown on maps in the plan The nearest part of the Land to the nearest bank of the Murray River is approximately 230 metres, subject to survey	▪ The aims of the plan (clause 2) are to conserve and enhance the riverine environment of the River Murray for the benefit of all users. ▪ The following planning principles should be applied (clause 8) and taken into account when a local environmental plan is being prepared (clauses 9 and 10): ➤ General principles (clause 9) – (a) the aims, objectives and planning principles of this plan, (b) any relevant River Management Plan, (c) any likely effect of the proposed plan or development on adjacent and downstream local government areas, (d) the cumulative impact of the proposed development on the River Murray. ➤ Specific principles (clause 10) (abridged for relevance) – - o The waterway and much of the foreshore of the River Murray is a public resource. Alienation or obstruction of this resource by or for private purposes should not be supported. - o Human and stock access to the River Murray should be managed to minimise the adverse impacts of uncontrolled access on the stability of the bank and vegetation growth. - o Disturbance to the shape of the bank and riparian vegetation should be kept to a minimum in any development of riverfront land. - o Development should seek to avoid land degradation processes such as erosion, native vegetation decline, pollution of ground or surface water, groundwater accession, salination and soil acidity, and adverse effects on the quality of terrestrial and aquatic habitats. - o Measures should be taken to protect and enhance the riverine landscape by maintaining native vegetation along the riverbank and adjacent land, rehabilitating degraded sites and stabilising and revegetating riverbanks with appropriate species. - o Only development which has a demonstrated, essential relationship with the river Murray should be located in or on land adjacent to the River Murray. Other development should be set well back from the bank of the River Murray. - o New or expanding settlements (including rural-residential subdivision, tourism and recreational development) should be located: (a) on flood free land, (b) close to existing services and facilities, and (c) on land that does not compromise the potential of prime crop and pasture land to produce food or fibre. - o All decisions affecting the use or management of riverine land should seek to reduce pollution caused by salts and nutrients entering the River Murray and otherwise improve the quality of water in the River Murray.	Yes	Land comprising the Planning Proposal does not front the Murray River and so no alienation or obstruction of this resource by or for private purposes could occur. Likewise, no human access to the Murray River from the Planning Proposal part of the Land would be possible. Native vegetation located on the Land is minimal and any possible disturbance will be controlled under the LEP via the procedural requirements of Part 6 including master planning for a development control plan, as well as through clause 5.9 – <i>Preservation of trees or vegetation</i> and clause 7.5 – <i>Development on or near the Murray River</i>. None of the Land proposed to be rezoned is subject to floodwater inundation and no flood mitigation works are required. Development of the Land will avoid land degradation processes such as erosion, native vegetation removal, pollution of ground or surface water, groundwater accession, salination and soil acidity, and adverse effects on the quality of terrestrial and aquatic habitats through site analysis investigations under the LEP via the procedural requirements of Part 6 including master planning for a development control plan. The Land does not comprise prime crop and pasture land or wetlands. Stormwater runoff from the Land via identified intermittent watercourses and drainage lines as shown in Figure 9: Flooding, drainage lines, springs, and dams analysis will be controlled and managed to prevent pollution to the Murray River caused by salts and nutrients.

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
<i>SEPP (Affordable Rental Housing) 2009</i>	Yes (applies to NSW)	(a) to provide a consistent planning regime for the provision of affordable rental housing, (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards, (c) to facilitate the retention and mitigate the loss of existing affordable rental housing, (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing, (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing, (f) to support local business centres by providing affordable rental housing for workers close to places of work, (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.	Yes	The Planning Proposal does not derogate the aims of <i>SEPP (Affordable Rental Housing) 2009</i> .
<i>SEPP (Building Sustainability Index: BASIX) 2004</i>	Yes (applies to NSW)	(1) Regulations under the Act have established a scheme to encourage sustainable residential development (the BASIX scheme) under which: (a) an application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and (b) the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled. (2) The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State. (3) This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.	Yes	The Planning Proposal does not derogate the aims of <i>SEPP (Building Sustainability Index: BASIX) 2004</i> .
<i>SEPP (Exempt and Complying Development Codes) 2008</i>	Yes (applies to NSW, with minor exceptions)	This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by: (a) providing exempt and complying development codes that have State-wide application, and (b) identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and (c) identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act, and (d) enabling the progressive extension of the types of development in this Policy, and (e) providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.	Yes	The Planning Proposal does not derogate the aims of <i>SEPP (Exempt and Complying Development Codes) 2008</i> .
<i>SEPP (Housing for Seniors or People with a Disability) 2004</i>	Yes (applies to NSW, with minor exceptions)	(1) This Policy aims to encourage the provision of housing (including residential care facilities) that will: (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and (b) make efficient use of existing infrastructure and services, and (c) be of good design. (2) These aims will be achieved by: (a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and (b) setting out design principles that should be followed to achieve built form that responds to	Yes	The Planning Proposal does not derogate the aims of <i>SEPP (Housing for Seniors or People with a Disability) 2004</i> .

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
		<i>the characteristics of its site and form, and</i> <i>(c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.</i>		
<i>SEPP (Infrastructure) 2007</i>	Yes (applies to NSW)	<i>The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by:</i> <i>(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</i> <i>(b) providing greater flexibility in the location of infrastructure and service facilities, and</i> <i>(c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and</i> <i>(d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and</i> <i>(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and</i> <i>(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.</i>	Yes	The Planning Proposal does not derogate the aims of <i>SEPP (Infrastructure) 2007</i> .
<i>SEPP (Kosciuszko National Park – Alpine Resorts) 2007</i>	No			Not applicable to the Albury City LGA
<i>SEPP (Kurnell Peninsula) 1989</i>	No			Not applicable to the Albury City LGA
<i>SEPP (Major Development) 2005</i>	Yes (applies to NSW)	<i>The aims of this Policy are as follows:</i> <i>(a) to identify development to which the development assessment and approval process under Part 3A of the Act applies,</i> <i>(b) to identify any such development that is a critical infrastructure project for the purposes of Part 3A of the Act,</i> <i>(c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant sites for the benefit of the State,</i> <i>(d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes,</i> <i>(e) to rationalise and clarify the provisions making the Minister the approval authority for development and sites of State significance, and to keep those provisions under review so that the approval process is devolved to councils when State planning objectives have been achieved,</i> <i>(f) to identify development for which regional panels are to exercise specified consent authority functions.</i>	Yes	The Planning Proposal does not derogate the aims of <i>SEPP (Major Development) 2005</i> , noting that on 16 June 2011, the NSW Government introduced a Bill into the Parliament to repeal Part 3A of the EP&A Act and replace it with an alternative system for the assessment of projects of State significance.
<i>SEPP (Mining, Petroleum Production and Extractive Industries) 2007</i>	Yes (applies to NSW)	<i>The aims of this Policy are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries:</i> <i>(a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and</i> <i>(b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and</i> <i>(c) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources.</i>	Yes	The Planning Proposal does not derogate the aims of <i>SEPP (Mining, Petroleum Production and Extractive Industries) 2007</i> .
<i>SEPP (Rural Lands) 2008</i>	Yes (applies to NSW,	<i>The aims of this Policy are as follows:</i> <i>(a) to facilitate the orderly and economic use and development of rural lands for rural and related</i>	Yes	The Planning Proposal does not derogate the aims of <i>SEPP (Rural</i>

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
	except metropolitan LGAs)	<i>purposes,</i> <i>(b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,</i> <i>(c) to implement measures designed to reduce land use conflicts,</i> <i>(d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</i> <i>(e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.</i>		<i>Lands) 2008. Refer to Appendix G for expanded comment in relation to Local Planning Directions.</i>
<i>SEPP (Sydney Drinking Water Catchment) 2011</i>	No			Not applicable to the Albury City LGA
<i>SEPP (Sydney Region Growth Centres) 2006</i>	No			Not applicable to the Albury City LGA
<i>SEPP (Temporary Structures) 2007</i>	Yes (applies to NSW)	<i>The aims of this Policy are as follows:</i> <i>(a) to ensure that suitable provision is made for ensuring the safety of persons using temporary structures,</i> <i>(b) to encourage the protection of the environment at the location, and in the vicinity, of temporary structures by (among other things) managing noise, parking and traffic impacts and ensuring heritage protection,</i> <i>(c) to specify the circumstances in which the erection and use of temporary structures are complying development or exempt development,</i> <i>(d)–(f) (Repealed)</i>	Yes	The Planning Proposal does not derogate the aims of <i>SEPP (Temporary Structures) 2007</i> .
<i>SEPP (Urban Renewal) 2010</i>	No			Not applicable to the Albury City LGA
<i>SEPP (Western Sydney Employment Area) 2009</i>	No			Not applicable to the Albury City LGA
<i>SEPP (Western Sydney Parklands) 2009</i>	No			Not applicable to the Albury City LGA
<i>SEPP No. 1 – Development Standards</i>	No			Not applicable to the Albury City LGA
<i>SEPP No. 4 – Development Without Consent and Miscellaneous Exempt and Complying Development</i>	Yes (applies to NSW, with minor exceptions)	<i>(1) This Policy is designed to permit development for a purpose which is of minor environmental significance, development for certain purposes by public utility undertakings and development on certain land reserved or dedicated under the National Parks and Wildlife Act 1974 without the necessity for development consent being obtained therefor, where:</i> <i>(a) the carrying out of that development is not prohibited under the Act, except by reason only of a requirement for the obtaining of development consent before that development may be carried out, and</i> <i>(b) the development is carried out in accordance with any development standard applying in respect of the development, but without affecting any requirement to obtain consent or approval under any other Act in respect of the carrying out of development.</i> <i>(2) This Policy is also designed to regulate, as complying development throughout the State:</i> <i>(a) the conversion of fire alarm systems from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider, and</i> <i>(b) the conversion of fire alarm systems from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider, and</i> <i>(c) the conversion of fire alarm systems from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.</i> <i>(3) (Repealed)</i>	Yes	The Planning Proposal does not derogate the aims of <i>SEPP No. 4 – Development Without Consent and Miscellaneous Exempt and Complying Development</i> insofar as it applies to Albury City LGA.

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
SEPP No. 6 – Number of Storeys in a Building	Yes (applies to NSW)	<i>The aims, objectives, policies and strategies of this Policy are:</i> <i>(a) to remove any confusion arising from the interpretation of provisions in environmental planning instruments which control the height of buildings by reference to the number of storeys, floors or levels which the buildings contain, by specifying the manner in which that number is to be determined,</i> <i>(b) to facilitate the erection of buildings which conform to the topography of the land on which the buildings are erected, and</i> <i>(c) to modify the meaning of each of the words “storey”, “floor” and “level” used in an environmental planning instrument to which this Policy applies, but only:</i> <i>(i) for the purpose of the application of this Policy in relation to certain provisions of that instrument, and</i> <i>(ii) so as to exclude, for certain purposes, from the meaning of each of those words a roof (or part thereof) used as an uncovered garden, terrace or deck.</i>	Yes	The Planning Proposal does not derogate the aims of SEPP No. 6 – Number of Storeys in a Building.
SEPP No. 14 – Coastal Wetlands	No			Not applicable to the Albury City LGA
SEPP No. 15 – Rural Landsharing Communities	No			Not applicable to the Albury City LGA
SEPP No. 19 – Bushland in Urban Areas	No			Not applicable to the Albury City LGA
SEPP No. 21 – Caravan Parks	Yes (applies to NSW)	<i>(1) The aim of this Policy is to encourage:</i> <i>(a) the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and</i> <i>(b) the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and</i> <i>(c) the provision of community facilities for land so used, and</i> <i>(d) the protection of the environment of, and in the vicinity of, land so used.</i>	Yes	The Planning Proposal does not derogate the aims of SEPP No. 21 – Caravan Parks.
SEPP No. 22 – Shops and Commercial Premises	Yes (applies to NSW)	<i>The aim of this policy is to permit within a business zone:</i> <i>(a) the change of use of a building lawfully used for a particular kind of commercial premises to another kind of commercial premises or to a shop, or</i> <i>(b) the change of use of a building lawfully used for a particular kind of shop to another kind of shop or to a commercial premises,</i> <i>even though that change of use is prohibited under another environmental planning instrument, if</i> <i>(c) the consent authority is satisfied the change of use will not have more than a minor environmental effect and is in keeping with the objectives (if any) of the zone, and</i> <i>(d) development consent is obtained for the change of use from that consent authority.</i>	Yes	The Planning Proposal does not derogate the aims of SEPP No. 21 – Caravan Parks.
SEPP No. 26 – Littoral Rainforests	No			Not applicable to the Albury City LGA
SEPP No. 29 – Western Sydney Recreation Area	No			Not applicable to the Albury City LGA
SEPP No. 30 – Intensive Agriculture	Yes (applies to NSW)	<i>(1) The aims of this Policy are:</i> <i>(a) to require development consent for cattle feedlots having a capacity to accommodate 50 or more head of cattle, and piggeries having a capacity to accommodate 200 or more pigs or 20 or more breeding sows, and</i> <i>(b) to provide for public participation in the consideration of development applications for cattle feedlots or piggeries of this size, and</i> <i>(c) to require that, in determining a development application for cattle feedlots or piggeries of this size, the consent authority is to take into consideration:</i> <i>(i) the adequacy of information provided, and</i> <i>(ii) the potential for odour, water pollution and soil degradation, and</i> <i>(iii) measures to mitigate potential adverse impacts, and</i> <i>(iv) measures for the health and welfare of animals, and</i>	Yes	The Planning Proposal does not derogate the aims of SEPP No. 30 – Intensive Agriculture.

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
		(v) relevant guidelines, so as to achieve greater consistency in environmental planning and assessment for cattle feedlots and piggeries. (2) This Policy also aims to extend the definition of the term rural industry where used in environmental planning instruments so as to include within the meaning of that term composting facilities and works, including facilities and works for the production of mushroom substrate.		
SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land)	Yes (applies to NSW)	(1) This Policy aims: (a) to promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development, and (b) to implement a policy of urban consolidation which will promote the social and economic welfare of the State and a better environment by enabling: (i) the location of housing in areas where there are existing public infra-structure, transport and community facilities, and (ii) increased opportunities for people to live in a locality which is close to employment, leisure and other opportunities, and (iii) the reduction in the rate at which land is released for development on the fringe of existing urban areas. (2) The objectives of this Policy are: (a) to ensure that urban land suitable for multi-unit housing and related development is made available for that development in a timely manner, and (b) to ensure that any redevelopment of urban land for multi-unit housing and related development will result in: (i) an increase in the availability of housing within a particular locality, or (ii) a greater diversity of housing types within a particular locality to meet the demand generated by changing demographic and household needs, and (c) to specify: (i) the criteria which will be applied by the Minister to determine whether the redevelopment of particular urban land sites is of significance for environmental planning for a particular region, and (ii) the special considerations to be applied to the determination of development applications for multi-unit housing and related development on sites of such significance.	Yes	The Planning Proposal does not derogate the aims of SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land).
SEPP No. 33 – Hazardous and Offensive Development	Yes (applies to NSW)	This Policy aims: (a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and (b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Policy, and (c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and (d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and (e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any	Yes	The Planning Proposal does not derogate the aims of SEPP No. 33 – Hazardous and Offensive Development.

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
		adverse impact, and (f) to require the advertising of applications to carry out any such development.		
SEPP No. 36 – Manufactured Home Estates	Yes (applies to NSW)	(1) The aims of this Policy are: (a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and (b) to provide immediate development opportunities for manufactured home estates on the commencement of this Policy, and (c) to encourage the provision of affordable housing in well designed estates, and (d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and (e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and (f) to protect the environment surrounding manufactured home estates, and (g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.	Yes	The Planning Proposal does not derogate the aims of SEPP No. 36 – Manufactured Home Estates.
SEPP No. 39 – Spit Island Bird Habitat	No			Not applicable to the Albury City LGA
SEPP No. 41 – Casino Entertainment Complex	No			Not applicable to the Albury City LGA
SEPP No. 44 – Koala Habitat Protection	Yes	This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline: (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and (b) by encouraging the identification of areas of core koala habitat, and (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.	Yes	The Planning Proposal does not derogate the aims of SEPP No. 44 – Koala Habitat Protection, noting that the Land does not comprise “core koala habitat” or “potential koala habitat” as defined.
SEPP No. 47 – Moore Park Showground	No			Not applicable to the Albury City LGA
SEPP No. 50 – Canal Estate Development	Yes (applies to NSW)	This Policy aims to prohibit canal estate development as described in this Policy in order to ensure that the environment is not adversely affected by the creation of new developments of this kind.	Yes	The Planning Proposal does not derogate the aims of SEPP No. 50 – Canal Estate Development.
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	No			Not applicable to the Albury City LGA
SEPP No. 53 – Metropolitan Residential Development	No			Not applicable to the Albury City LGA
SEPP No. 55 – Remediation of Land	Yes (applies to NSW)	(1) The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land. (2) In particular, this 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: (a) by specifying when consent is required, and when it is not required, for a remediation work, and (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and (c) by requiring that a remediation work meet certain standards and notification requirements.	Yes	The Planning Proposal does not derogate the aims of SEPP No. 55 – Remediation of Land. For the purposes of clause 6 of SEPP No. 55 – Remediation of Land and Managing Land Contamination: Planning Guidelines (DUAP & EPA 1998) the Land: is not located within an “investigation area” which means land declared to be an investigation area by a declaration in force under Division 2 of Part 3

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
				of the <i>Contaminated Land Management Act 1997</i>, and - is not land on which development for a purpose referred to in Table 1 to the <i>Managing Land Contamination: Planning Guidelines</i> (DUAP & EPA 1998) is being, or is known to have been, carried out, namely in regard to the known previous use of the Land for: - agricultural activities – the Land is not known to have contained a sheep or cattle dip where agricultural chemicals would have been used, or - defence works – the Land is not known to have been used for any defence related works except in relation to a low-security Italian prisoner-of-war internment camp during World War II as described in Section 4.1.1.2: Site analysis investigations, Figure 12: Buildings, structures, and works analysis, Appendix C: Extracts of historical records, and Appendix G: Applicable Directions under section 117(2) of the Environmental Planning and Assessment Act 1979 (Item 2.3: Heritage Conservation).
<i>SEPP No. 59 – Central Western Sydney Regional Open Space and Residential</i>	No			Not applicable to the Albury City LGA
<i>SEPP No. 60 – Exempt and Complying Development</i>	No			Not applicable to the Albury City LGA
<i>SEPP No. 62 – Sustainable Aquaculture</i>	Yes (applies to NSW, with minor exceptions)	<i>The aims and objectives of this Policy are:</i> (a) <i>to encourage sustainable aquaculture, including sustainable oyster aquaculture, in the State, namely, aquaculture development which uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced, and</i> (b) <i>to make aquaculture development permissible in certain zones under the Standard Instrument, as identified in the NSW Land Based Sustainable Aquaculture Strategy, and</i> (c) <i>to set out the minimum site location and operational requirements for permissible aquaculture development (the minimum performance criteria), and</i>	Yes	The Planning Proposal does not derogate the aims of <i>SEPP No. 62 – Sustainable Aquaculture</i> .

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
		(d) to establish a graduated environmental assessment regime for aquaculture development based on the applicable level of environmental risk associated with site and operational factors (including risks related to climate change, in particular, rising sea levels), and (e) to apply the Policy to land-based aquaculture development and oyster aquaculture development in the State and to include facility for extension of the Policy to natural water-based aquaculture.		
SEPP No. 64 – Advertising and Signage	Yes (applies to NSW)	(1) This Policy aims: (a) to ensure that signage (including advertising): (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish, and (b) to regulate signage (but not content) under Part 4 of the Act, and (c) to provide time-limited consents for the display of certain advertisements, and (d) to regulate the display of advertisements in transport corridors, and (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors. (2) This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.	Yes	The Planning Proposal does not derogate the aims of SEPP No. 64 – Advertising and Signage.
SEPP No. 65 – Design Quality of Residential Flat Development	Yes (applies to NSW)	(1) This Policy aims to improve the design quality of residential flat development in New South Wales. (2) This Policy recognises that the design quality of residential flat development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. (3) Improving the design quality of residential flat development aims: (a) to ensure that it contributes to the sustainable development of New South Wales: (i) by providing sustainable housing in social and environmental terms, and (ii) by being a long-term asset to its neighbourhood, and (iii) by achieving the urban planning policies for its regional and local contexts, and (b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and (c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and (d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and (e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions. (4) This Policy aims to provide: (a) consistency of policy and mechanisms across the State, and (b) a framework for local and regional planning to achieve identified outcomes for specific places.	Yes	The Planning Proposal does not derogate the aims of SEPP No. 65 – Design Quality of Residential Flat Development.
SEPP No. 70 – Affordable Housing (Revised Schemes)	No			Not applicable to the Albury City LGA
SEPP No. 71 – Coastal Protection	No			Not applicable to the Albury City LGA

APPENDIX G:

Applicable Directions under section 117(2) of the *Environmental Planning and Assessment Act* **1979**

Local Planning Directions	Applicable?	Requirement	Consistency? (consistent; justifiably inconsistent; inconsistent)
1. Employment and Resources			
1.1 Business and Industrial Zones	No		
1.2 Rural Zones	Yes	<i>Land should not be rezoned from a rural zone to a residential zone unless justified in strategic terms or the rezoning is of minor significance in relation to the objective of protecting the agricultural production value of rural land</i>	<u>Consistent</u>: The proposed residential development of the Land is consistent with the ALUS in terms of balancing the agricultural significance of the Land against the social and economic interests of accommodating future urban growth; the Land is not identified as “prime crop and pasture land” (or the like) under the LEP or under the previous <i>Hume Local Environmental Plan 2001</i>; and, is not otherwise identified to be of local or regional agricultural significance in the <i>Draft Murray Regional Strategy 2009</i>. An extract from public exhibition documentation of the LEP dealt with this issue as follows: <i>The draft LEP proposes residential zoning (moderate – significant zone change) across the Albury LGA in various locations...It is acknowledged that some of these locations are presently a rural (or like) zoning under the Hume LEP 2001. Consequently, the zone changes proposed render the draft LEP inconsistent with this direction.</i> <i>Direction 1.2 Rural Zones does state however, amongst other things, that a draft LEP may be inconsistent with the terms of the direction only if Council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the draft LEP that are inconsistent are justified by a strategy which gives consideration to the objectives of this direction, identifies the land which is the subject of the draft LEP (if the draft LEP relates to a particular site or sites), and is approved by the Director-General of the Department of Planning.</i> <i>Accordingly, it is noted that zoning proposed by the draft LEP is consistent with recommendations of the Albury Land Use Strategy 2007 (ALUS) that identifies land required to meet the short, medium and long term demand for residential, business, industrial, village and tourist purposes etc. The Albury Local Environmental Study 2008 (ALES) further states that the ALUS only identifies opportunities for urban development where agriculture activities, landscape and environmental factors are not constraints. This is further supported by the Hume Shire Strategic Directions Development Control Plan 1999 (strategic directions plan)(being a key reference document for the ALUS) that, amongst other things, identifies those locations capable of producing high agricultural yields in the former Hume Shire. A Natural Resources and Constraints Plan contained within the strategic directions plan confirms that locations of High to Very High Class Agricultural Land are most prevalent in the north and west of the former Hume Shire. The strategic directions plan also identifies a declining agricultural base, the fragmentation of rural land in areas close to Albury-Wodonga, and recognition that rural land needs to be maintained in rural production according to land capability as key land use planning issues confronting the former Hume Shire.</i> <i>It is noted that those locations identified for urban expansion in the ALUS and the resultant locations identified for moderate – significant zone change in the draft LEP to accommodate residential, business and/ or industrial development across the Albury LGA does not coincide with those areas identified as being valuable agricultural land.</i> <i>In conclusion, it is strongly considered that for the above-mentioned reasons, the draft LEP will not adversely affect the agricultural production value of rural land. Accordingly, the draft LEP is considered to be justifiably inconsistent.</i>
1.3 Mining, Petroleum Production and Extractive Industries	Yes	<i>The future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials should not be compromised by inappropriate development</i>	<u>Consistent</u>: The Land and all surrounding land is not known to be affected by: - any resources or potential resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance; or - existing mines, petroleum production operations, or extractive industries.
1.4 Oyster Aquaculture	No		
1.5 Rural Lands	Yes	<i>Land should not be rezoned from a rural zone to a residential zone unless justified in strategic terms or the rezoning is of</i>	<u>Consistent</u>: The proposed residential development of the Land is consistent with the ALUS in terms of balancing the agricultural significance of the Land against the social and economic interests of accommodating future urban growth; the Land is not identified as “prime crop and pasture land”

Local Planning Directions	Applicable?	Requirement	Consistency? (consistent; justifiably inconsistent; inconsistent)
		<i>minor significance in relation to protecting the agricultural production value of rural land and facilitating the orderly and economic development of rural lands for rural and related purposes</i>	(or the like) under the LEP or the under the previous <i>Hume Local Environmental Plan 2001</i> ; and, is not otherwise identified to be of local or regional agricultural significance in the <i>Draft Murray Regional Strategy 2009</i> . In relation to the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i> , the Planning Proposal: - protects natural resources by having regard to maintaining biodiversity, protecting native vegetation and water resources, and avoiding constrained land; and - removes pressure for rural lifestyle, settlement, and housing which may impact on rural lands by providing similar development in future proposed urban environs which will contribute to social and economic wellbeing and where services and infrastructure is to be made available and with adequate capacity.
2. Environment and Heritage			
2.1 Environment Protection Zones	Yes	<i>Environmentally sensitive areas should be protected and conserved</i>	<u>Consistent</u> : The Planning Proposal will protect and conserve any identified environmentally sensitive areas through the site analysis investigations carried out as a part of the Planning Proposal as detailed in Section 4.1.1.2: Site analysis investigations and also through the master planning and development control plan procedural requirements of Part 6 of the LEP.
2.2 Coastal Protection	No		
2.3 Heritage Conservation	Yes	<i>Items, areas, objects and places of environmental heritage significance and indigenous heritage significance should be conserved</i>	<u>Consistent</u> : Given the proximity of the Land to the Murray River and its elevated nature and the likelihood that parts of the Land may be significant for Aboriginal cultural heritage a preliminary Aboriginal cultural heritage assessment report has been prepared in accordance with relevant guidelines and is provided at Appendix B: Aboriginal cultural heritage assessment . Further assessment work would be carried out in due course as indicated in the report. The low-security Italian prisoner-of-war internment camp ruins shown in the central-western part of the Land in Figure 12: Buildings, structures, and works analysis are described in information received from the Albury and District Historical Society Inc. in Appendix C: Extracts of historical records together with other related European settlement history information. Further assessment work would be carried out in due course as necessary to determine related significance although only concrete strip footings remain. The Land is not known to contain other items, areas, objects, or places of environmental heritage significance.
2.4 Recreation Vehicle Areas	Yes	<i>Sensitive land or land with significant conservation values should be protected from adverse impacts from recreation vehicles</i>	<u>Consistent</u> : No recreation vehicle areas are proposed.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	<i>A variety and choice of housing types to provide for existing and future housing needs is encouraged, as well as making efficient use of and providing access to existing infrastructure and services, and minimising the impact of residential development on the environment and resources</i>	<u>Consistent</u> : The Land and the proposed R1 General Residential Zone directly respond to the housing needs of Thurgoona and Wirlinga and infrastructure, services, environment, and resource issues through the ALUS and the master planning and development control plan procedural requirements of Part 6 of the LEP, which requires in relation to clause 6.3(3)(h) “measures to encourage higher density living around transport, open space and service nodes”.
3.2 Caravan Parks and Manufactured Home Estates	Yes	<i>Providing for a variety of housing types and opportunities for caravan parks and manufactured home estates is encouraged</i>	<u>Consistent</u> : While the Land does not contain any existing caravan parks or manufactured home estates, a variety of housing types is envisaged under the proposed R1 General Residential Zone by the ALUS.
3.3 Home Occupations	Yes	<i>The carrying out of low-impact small</i>	<u>Consistent</u> : The LEP already allows “home occupation” in the R1 General Residential Zone without

Local Planning Directions	Applicable?	Requirement	Consistency? (consistent; justifiably inconsistent; inconsistent)
		<i>businesses in dwelling houses is encouraged</i>	the need for development consent.
3.4 Integrating Land Use and Transport	Yes	<i>Ensuring that residential land has access to the existing road and cycle networks is encouraged so as to facilitate access to jobs and services by walking, cycling and public transport, and thereby reduce dependence on cars and reduce travel demand including the number of trips generated and the distances travelled, especially by car</i>	<u>Consistent</u> : The Land is located within the future urban area of Thurgoona and has ready access to the local road network, with the Riverina Highway being a 'main road'. Augmentation of the existing road and bicycle network will occur via the master planning and development control plan procedural requirements of Part 6 of the LEP.
3.5 Development Near Licensed Aerodromes	No		
3.6 Shooting Ranges	No		
4. Hazard and Risk			
4.1 Acid Sulfate Soils	No		<u>Consistent</u> : The Land is not identified as containing acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	No		<u>Consistent</u> : The Land is not identified as being subject to mine subsidence or unstable land.
4.3 Flood Prone Land	No		<u>Consistent</u> : The part of the Land proposed to be rezoned to R1 General Residential is not identified as being flood-prone as detailed in Section 4.1.1.2: Site analysis investigations and in Figure 9: Flooding, drainage lines, springs, and dams analysis .
4.4 Planning for Bushfire Protection	No		<u>Consistent</u> : The Land is not identified as being bushfire prone.
5. Regional Planning			
5.1 Implementation of Regional Strategies	No		<u>Consistent</u> : The <i>Draft Murray Regional Strategy 2009</i> is not relevant to this Direction.
5.2 Sydney Drinking Water Catchments	No		
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No		
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No		
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010.)	No		
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No		
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No		
5.8 Second Sydney Airport: Badgerys Creek	No		
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	<i>LEP provisions should encourage the efficient and appropriate assessment of development</i>	<u>Consistent</u> : The Planning Proposal only proposes land rezoning; no changes to written ordinance are proposed.
6.2 Reserving Land for Public Purposes	No		
6.3 Site Specific Provisions	Yes	<i>Unnecessarily restrictive site specific planning controls are discouraged</i>	<u>Consistent</u> : The Planning Proposal only proposes land rezoning; no changes to written ordinance are proposed.
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	No		

APPENDIX H:

Preliminary Servicing Strategy

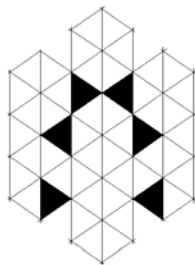
PRELIMINARY SERVICING STRATEGY

for

PLANNING PROPOSAL

Land rezoning

**of part Lot 1 DP 128086 and
part Lot 1 DP 128087 –
Riverina Highway,
THURGOONA**



**R H P M
PTY LTD**

October 2010

1. Introduction

The full servicing of the Star property located adjacent to the south side of the Riverina Highway (extending to the Murray River floodplain) and east of Hawkscote Road, will be necessary as part of any approval by Council for the site to be developed for residential purposes.

The aim of this report is to demonstrate that the existing services are all capable of servicing the proposed development or being extended to do so.

The development of this future residential area will require the extension and further development of existing services located in the Riverina Highway reserve and nearby Thurgoona area. All road access to the development area will be provided through new proposed intersections on the Riverina Highway. It is not proposed to upgrade the existing Hawkscote Road to provide additional road access to the site.

All existing infrastructure is able to be extended to service the initial development area which comprises the land rezoning application, and these services can be extended/developed further as required to cater for the total development of the property above the Murray River floodplain.

The following provides a more detailed description of the respective services and how they will be developed in concept to serve this proposed residential area.

2. Reticulated Water Supply

An existing 200 mm diameter trunk water main is located along the Riverina Highway (refer to attachment "existing services") This water main has only recently been constructed and would adequately cater for the initial development of this property. The pressure supplied by this main is adequate for the site. The duplication of this water main will be required as the development progressed in respect to supply. Connections to this and future duplicate water mains would be designed to match the road intersection/s with the highway.

3. Reticulated Sewerage

The site can be fully serviced by the newly constructed "Linda's Farm" sewage pump station located on the northern boundary of the Kensington Gardens retirement village, located east of Table Top Road. The entire

development site would be serviced by a couple of smaller pump stations linked to a larger pump station that would connect via a rising main to a new gravity main to be constructed off Kerr Road that would connect to the "Linda's Farm" sewage pump station.

All lots would gravitate to the respective sewage pump stations located within the lower gullies of the site. All pump stations would be located above the 1:100 flood level of the adjacent Murray River floodplain.

4. Drainage

All stormwater drainage from the site is to be directed towards the Murray River flood plain via existing drainage gullies. All gullies will be revegetated, shaped and stabilized as per approved design requirements. The stormwater system will require retardation and water quality areas to be constructed prior to entering the adjacent waterways and river floodplains.

The construction of ponds within the waterway/gully areas could be both online and off line depending on the location and existing vegetation. These ponds will be designed to enhance the quality of the stormwater run-off and contribute to the flora and fauna of the area.

5. Flooding

Parts of the southern area of the property are located within the Murray River flood plain. No development would be located within this area and the floodplain area would be retained in its current state.

6. Electricity

Electricity supply to the entire site will be via the adjacent underground high voltage cable located in the northern road reserve of the Riverina Highway (refer to attachment "existing services"). Connections to this cable would be located at the future road intersection/s with the highway. The entire site would be serviced via an underground reticulation system with associated kiosk type substations.

7. Gas

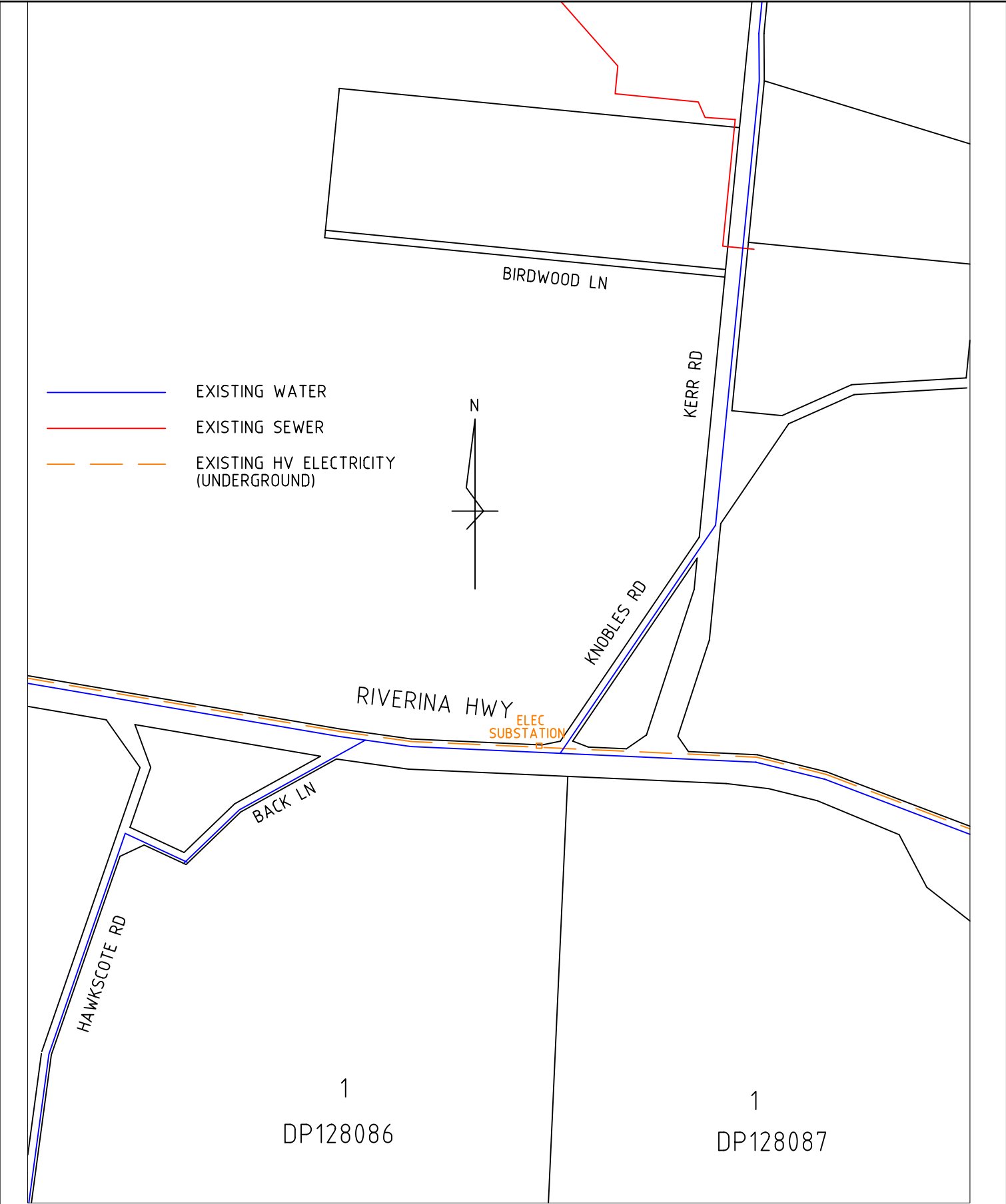
The natural gas trunk main servicing the east Thurgoona area currently ends at the intersection with Kerr Road. This main will need to be extended south along Kerr Road to the Riverina Highway to service the proposed development. This main extension would be designed to service other future development sites along Kerr Road.

8. Telephone Services

Telephone services currently exist along the Riverina Highway (refer to attachment "existing services"). These services will adequately cater for the initial development of this property and may require some upgrading depending on the total number of new lots created.

9. Conclusion

The application is for the rezoning for the subject site in order to develop fully serviced residential lots to meet the continuing lot demand within the City of Albury. This report detailed the provision of all services to the development area with the conclusion that all future lots can be adequately serviced via extensions of the existing nearby trunk supplies/services.



R H P M P.T.Y. L.T.D. P.O. BOX 1210 WODONGA. VIC 3690 PH. 060-562 099 FAX 060-562 424 Scale: 1:10,000	Designed:	AR	R. H. P. M.
	Drawn:	AR	Lot 1 DP1280886, Lot 1 DP128087 Riverina Hwy / Hawkscote Rd Thurgoona – existing services
	Checked:		
	Date:	22.10.2010	
	Drawing Number: Star1-1		SHEET 1 OF 1 A4