

PDC 6 – REPORTS FOR DISCUSSION

6A Albury Local Environmental Plan 2010 – Planning Proposal – North of Perryman Lane and Table Top Road Table Top (FIL11/00122)

DATE 20 January 2011

CONFIDENTIAL YES ☐ NO ☒ If yes please tick one of the following reasons
Personnel Matters ☐ **Commercial** ☐ **Legal** ☐ **Security** ☐ **Personal Hardship** ☐

ITEM FOR DECISION ☒
Meeting Date Monday 14 February 2011

ITEM FOR NOTING ☐
Meeting Date

FURTHER ENQUIRIES TO Matt Johnson
Planning & Environment

PHONE 6023 8285

Introduction

This report seeks Council's endorsement of a Planning Proposal that seeks to amend the *Albury Local Environmental Plan 2010* (ALEP 2010) as it relates to land located North of Perryman Lane and Table Top Road, Table Top (subject land).

The Planning Proposal seeks to amend the Land Use Zoning and Minimum Lot Size for the subject land from RU1 Primary Production Zone and 100ha minimum lot size to RU4 Rural Small Holdings Zone and 40ha minimum lot size respectively.

Background

During public exhibition of the ALEP 2010, AlburyCity received numerous submissions from land holders regarding the land that is the subject of this proposal. The submissions primarily sought a change in land use zoning and a reduction in the minimum lot size as it applied to their land in recognition of existing land fragmentation, onset of climate change, pressures of declining terms of trade, absence of an irrigated water supply, preliminary agronomist advice and anecdotal feedback suggesting that existing farming practices are no longer sustainable.

Following consideration of submissions received and issues raised, Council resolved to support the making of ALEP 2010 subject to, amongst other things, the Land Zoning Map and Lot Size Map for the land (subject of this proposal) being amended from RU1 Primary Production Zone and 100ha minimum lot size to RU4 Rural Small Holdings Zone and 40ha minimum lot size respectively.

On Friday 13 August 2010, the NSW Minister for Planning formally made ALEP 2010. However, prior to gazettal there were several revisions made to ALEP 2010 content and subject matter (different from that previously endorsed by Council). Amongst the content changes to ALEP 2010, the reinstatement of the RU1 Primary Production Zone and 100ha minimum lot size for that land located north of Perryman Lane and Table Top Road, Table Top was included. This was in direct contrast to Council's submission.

In notifying Council of the making of ALEP 2010, the NSW Department of Planning advised that:

“The zoning of certain lands at Table Top north of Perryman Lane have been retained as RU1 Primary Production, with a minimum lot size of 100 hectares. Council’s proposals to rezone these lands to RU4 Rural Small Holdings and lower the minimum lot sizes are considered to be of such significance that they should be the subject of an individual Planning Proposal that addresses, among other issues, the regional significance of these lands as a transition between the rural lands in the Albury and Greater Hume local government areas, as well as the consistency of the proposed changes with the Rural Lands Planning Principles in the State Environmental Planning Policy (Rural Lands) and the section 117 direction 1.5 Rural Lands.”

Consequently, in response to NSW Department of Planning changes to ALEP 2010 content and subject matter and recent advice, a Planning Proposal has been prepared to progress this matter.

Conclusions

As part of the gazettal process the NSW Department of Planning has discarded previous Council changes to ALEP 2010 (post exhibition) including an amendment to the zoning and minimum lot size for the subject land from RU1 Primary Production Zone to RU4 Rural Small Holdings Zone and 100ha to 40ha respectively.

The NSW Department of Planning has further advised Council that changes proposed to both zoning and minimum lot size for the subject land are considered to be of such significance that they should be the subject of an individual Planning Proposal.

It is reiterated that changes sought and supporting rationale have already been previously endorsed by Council following public exhibition of the ALEP 2010 see (*Attachment 2*). Notwithstanding, as per NSW Department of Planning advice, a separate Planning Proposal as it relates to the subject land has been prepared to address the concerns identified by the NSW Department of Planning, explain the intended effect of outcomes sought and provide further justification for making and progressing an Amendment to ALEP 2010.

Accordingly, Council endorsement of the Planning Proposal and support to prepare other relevant documentation is sought to progress this matter.

Recommendation

That the Committee recommends to Council that Council:

- a. endorse the Planning Proposal to the Minister for Planning seeking an amendment to the Albury Local Environmental Plan 2010 that seeks to:
 - a1. amend the Land Zoning Map for the subject land from 'RU1 Primary Production Zone' to 'RU4 Rural Small Holdings Zone';
 - a2. amend the Lot Size Map for the subject land from *100 hectares* to *40 hectares*,and request that a Gateway Determination be made, pursuant to the Environmental Planning and Assessment Act 1979 (EP&A Act), and
 - b. furnish a copy of this report and other relevant information to the NSW Department of Planning, in accordance with the EP&A Act and request the Minister for Planning undertake the appropriate actions to secure the making of the amendment to the Albury Local Environmental Plan 2010 to the extent that it relates to the land use zoning and minimum lot size provisions for the subject land.
- **Attachments**
 - 1. Albury Local Environmental Plan 2010 – Planning Proposal – North of Perryman Lane (*to be tabled at the meeting*).
 - 2. Planning & Development Committee Report – *Draft* Albury LEP 2009 Consideration of Submissions dated 19 April 2010.
 - 3. NSW Department of Planning Section 70 Letter – Albury Local Environmental Plan 2010 dated 13 August 2010.
 - 4. Table 2: Draft Albury Local Environmental Plan 2009 – Table Top – Summary of General Issues – North of Perryman Lane.