

PLANNING PROPOSAL



Amendment to Albury Local Environmental Plan 2010

North of Perryman Lane and Table Top Road, Table Top

Rezone land from RU1 Primary Production Zone to RU4 Rural Small Holdings Zone and Amend the Minimum Lot Size Map

Prepared by
AlburyCity Council

January 2011

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PART 1 – OBJECTIVES OR INTENDED OUTCOMES

AlburyCity Council has resolved to prepare a Planning Proposal that seeks an amendment to the *Albury Local Environmental Plan 2010* (ALEP 2010) as it relates to the Land Use Zoning and Minimum Lot Size applicable to land located North of Perryman Lane and Table Top Road, Table Top (subject land) (as identified in **Figure 1** of Appendix A). The Planning Proposal seeks to amend the Land Use Zoning and Minimum Lot Size over the subject land from RU1 Primary Production Zone and 100ha to RU4 Rural Small Holdings Zone and 40ha respectively.

This amendment seeks to reflect existing fragmented landholdings and responds to previous submissions and representations made during the public exhibition process of ALEP 2010.

PART 2 – EXPLANATION OF PROVISIONS

This Planning Proposal seeks to amend ALEP 2010 as outlined below:

- amend the Land Zoning Map – Sheets LZN_002 and LZN_009 as it applies to the subject land located North of Perryman Lane and Table Top Road from 'RU1 Primary Production Zone' to 'RU4 Rural Small Holdings Zone' (in accordance with the proposed Land Zoning Map shown in **Figure 3** of Appendix A), and
- amend the Lot Size Map – Sheets LSZ_002 and LSZ_009 as it applies to the subject land located North of Perryman Lane and Table Top Road from '100ha' to a '40ha' minimum lot size (in accordance with the proposed Lot Size Map shown in **Figure 5** of Appendix A).

PART 3 – JUSTIFICATION

Section A - Need for the planning proposal.

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

The Planning Proposal responds to previous submissions and representations made during the public exhibition of ALEP 2010 that primarily seeks a change in land use zoning and a reduction in the minimum lot size as it applies to the subject land in recognition of existing land fragmentation, the onset of climate change, the pressures of declining terms of trade, the absence of an irrigated water supply, independent agronomist advice and anecdotal feedback that suggests that existing farming practices are no longer sustainable.

The area that is the subject of this proposal was included in the *Albury Land Use Strategy 2007* (ALUS). The ALUS recognised that agriculture now plays a small part in the Albury economy. The ALUS acknowledges that the CSIRO has predicted a climate in South East Australia that is, on average, drier and warmer than at present. This will most likely further limit the long term agricultural value of the subject land. Consequently, Figure 1 of the ALUS identifies as a long term action, the further investigation of the subject land for rural lifestyle purposes (as reproduced in **Figure 8** of Appendix A).

Extracts of the ALUS have been provided as an attachment to this Planning Proposal for information purposes (refer to Appendix C).

The moderate rural lifestyle outcomes sought by this Planning Proposal facilitate appropriate and suitable densities that reflect existing development patterns and agricultural land use trends. The ALUS acknowledges a likely declining agricultural base and recommends that investigations be undertaken to determine the long term rural lifestyle potential of the subject land, thereby providing some strategic planning support and justification to the outcomes sought by this Planning Proposal.

Only moderate rural lifestyle outcomes (i.e. 40ha minimum lot sizes) are sought by this Planning Proposal. It is reiterated that the outcomes sought respond to previous submissions and representations made during the public exhibition of ALEP 2010. Whilst the ALUS does recommend further investigation of precincts in Table Top (including the subject land) to accommodate rural lifestyle development, such investigations are geared towards accommodating higher densities (i.e. 4-6 hectares) than that sought by this Planning Proposal. Accordingly, this Planning Proposal will not prevent or prohibit the future use of the land for more intensive rural lifestyle outcomes in the future (where investigations support these outcomes).

When considering submissions received and representations made with respect to the ALEP 2010, AlburyCity engaged the services of an Independent Agronomist (email advice reproduced in Appendix C) to, amongst other things, assess the validity of claims received with regards to existing farming practices being no longer sustainable.

This assessment confirmed that commercial pastoral/livestock and broad acre cropping enterprises with a high level of management expertise would require a minimum land area of 500ha to be viable in the Albury area. Looking forward, if expectations are for similar weather patterns and commodity market prices, and allowing for the support of significant debt, then the minimum area of farmland required to farm these enterprises can be expected to remain the same, or become greater.

Independent Agronomist advice endorsed and supported representations that 500ha minimum lot sizes are required to support viable dryland commercial pastoral/livestock and broad acre cropping enterprises.

This same assessment also confirmed that horticultural enterprises with a high level of management expertise could reasonably be expected to be viable on a minimum land area of 2-40ha in the Albury area. Although, the Independent Agronomist advice did acknowledge that the current predominant farming practices undertaken on the subject land are for dryland commercial pastoral/livestock and broad acre cropping enterprises.

Accordingly, given current farming pursuits (in the absence of horticultural enterprises) none of the land holders would be expected to be viable from agricultural income alone, thereby relying on off-farm income to supplement and support on-farm operations.

Lastly, AlburyCity in considering submissions received and representations made regarding ALEP 2010, further sought the advice of the Independent Agronomist to assess whether a change in minimum lot size to 40ha (with consideration of existing subdivision patterns and current agricultural viability) would significantly affect the agricultural viability.

Based on advice received, AlburyCity determined that the impacts of land subdivision of 40ha or less on existing farming practices (being dryland commercial pastoral/livestock and broad acre cropping enterprises) would be negligible given that such enterprises are already considered not viable at current (and proposed) 100ha minimum lot sizes. In relation to either horticultural enterprises or a mix of farming enterprises that include horticultural activity, land subdivision of 40ha or less would most likely positively affect agricultural viability insofar that such a change may attract new, small land holders to the area that are seeking to pursue horticultural enterprises.

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

The proposed rezoning of the subject land from RU1 Primary Production Zone to RU4 Rural Small Holdings Zone and proposed change in minimum lot size from 100ha to 40ha is considered to be the best means of achieving the relevant objectives and intended outcomes outlined in Part 1.

This Planning Proposal has been prepared in response to previous submissions and representations made during the public exhibition of ALEP 2010. Investigations have determined this is a suitable and appropriate direction as there are no more suitable alternatives available.

3. Is there a net community benefit?

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

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

Section B - Relationship to strategic planning framework

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

The Planning Proposal is consistent with the aims and actions of the *Draft Murray Regional Strategy 2009* (DMRS), as set out in the net community benefit test contained within **Table 1** of Appendix B and as further considered in detail in **Table 2** of Appendix B.

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

The *Albury 2030 Community Strategic Plan* (Albury 2030 Plan) is Council's local Community Strategic Plan. The Albury 2030 Plan contains a number of outcomes sought under four principal themes. Strategic actions listed under each outcome of this Plan are designed to contribute towards bringing that outcome to life.

The Albury 2030 Plan includes as a strategic action under the outcome 'plan and cater for increased population growth' under the theme 'a growing economy', the following:

... 'ensure policies facilitate sustainable growth and housing choice without compromising Albury's values.'

The Planning Proposal is primarily aimed at facilitating a change in land use zoning and a reduction in the minimum lot size that reflects existing land fragmentation (development patterns), climatic conditions and economic pressures that have resulted in a declining agricultural land base. The Planning Proposal does however contribute towards achieving the abovementioned strategic action by providing more appropriate housing densities in a rural context in the form of large rural lifestyle lots that are also capable of accommodating viable horticultural enterprises.

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

The Planning Proposal is consistent, or where applicable, justifiably inconsistent with *State Environmental Planning Policies*, as set out in **Table 3** of Appendix B.

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

The Planning Proposal is consistent, or where applicable, justifiably inconsistent with Section 117(2) Ministerial Directions, as set out in **Table 4** of Appendix B.

Section C - Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Previous city-wide strategic planning documentation (i.e. ALUS) has not identified the subject land as containing threatened species, critical habitat, ecological communities or their habitat. The subject land over time has historically been used for agricultural pursuits, and consequently, is relatively clear of any vegetation with the exception of scattered paddock trees (as supported via **Figure 7** of Appendix A) which, at the minimum lot sizes proposed, can easily be accommodated so as to minimise and avoid any tree losses associated with subsequent development.

Previous environmental studies, including the *Thurgoona Threatened Species Conservation Strategy 2004*, *Albury Ranges Threatened Species Conservation Strategy 2006* and the draft *Natural Assets Strategy*, have identified desirable habitat network to be retained across the Albury LGA (including the subject land). This habitat network is shown in Figure 8 of ALUS (as reproduced in **Figure 9** of Appendix A).

It is further noted that, through the preparation and gazettal of ALEP 2010, these same habitat networks as identified in Figure 8 of ALUS have generally been excised from urban and rural lands (including the subject land) as either an E2 Environmental Conservation Zone or E3 Environmental Management Zone which are geared towards the protection, management and restoration of areas with special ecological, scientific, cultural or aesthetic values.

The Planning Proposal does not derogate from ALEP 2010 with respect to the location and spatial extent of these environmental zones (i.e. environmental corridors and linkages within the subject land have been retained as E3 Environmental Management Zone in recognition of their importance), and accordingly, the Planning Proposal has appropriate regard to any likely critical habitat or threatened species, populations or ecological communities, or their habitats.

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

The subject land is not known to be significantly affected by any other environmental issues including natural hazards such as flooding, land slip, bushfire and the like, as well as not being located within the vicinity of a heritage item.

Furthermore, the outcomes sought by the Planning Proposal are not likely to exacerbate any existing other environmental issues.

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

The outcomes sought by the Planning Proposal are not likely to exacerbate any social and economic effects currently affecting the subject land.

An analysis of existing lot sizes (as set out in **Figure 6** of Appendix A) and likely development outcomes has confirmed that the overall impact of the Planning Proposal will be minor. Should the Planning Proposal and any resultant LEP Amendment proceed to gazettal, 7 lots (being approximately 1/3 of the total land area of the subject land) could potentially be further subdivided, this may translate into a potential 13 additional lots. It is worthwhile noting that one of the existing lots capable of being further subdivided has already received development consent for a 10 lot subdivision sought during public exhibition process of ALEP 2010 under the Rural Living Zone of the previous *Hume Local Environmental Plan 2001* (which allowed for 2ha minimum and 8ha average lot sizes).

It is highlighted that based on Independent Agronomist advice already provided (as reproduced in Appendix C), it is reasonable to consider that outcomes sought by this Planning Proposal will have a negligible impact on the viability of existing dryland pastoral/livestock and broad acre cropping enterprises (already not viable). In addition, outcomes sought by this Planning Proposal will most likely have a beneficial impact on the agricultural viability of horticultural enterprises by creating opportunities, through subdivision, to attract new land holders who can bring a change in land management and farming enterprises.

As per NSW Department of Planning requirements, investigations into the regional significance of the subject land as a transition between the rural lands in the Albury and Greater Hume LGAs (as set out in **Figure 6** of Appendix A) confirms that, despite an Inner Rural Agriculture Zone and 100ha minimum lot size under *Hume Local Environmental Plan 2001*, existing lot sizes in the adjoining Greater Hume Shire lands are comparable to minimum lot sizes proposed for the subject land under the Planning Proposal (adjoining lots located in Greater Hume range between 20-40ha with the majority being approximately 40ha).

It is acknowledged that inappropriate minimum lot sizes can contribute to land use conflict insofar as once the subdivision is effected and rural settlement takes place then private amenity may overtake productive farming priorities and in so doing may create forms of land use conflict. It is noted that only moderate rural lifestyle outcomes are sought by this Planning Proposal, being 40ha minimum lot sizes (this will most likely result in only 3 additional lots being potentially created along the immediate interface). Accordingly, AlburyCity is of the view that there is minimal risk of neighbourhood issues and land use conflict that will result from subdivision facilitated by this Planning Proposal.

In further support, reference is made to the '*Report for Review of Minimum Lot Size Cowra Shire (GHD, August 2009)*' (the report) which presumes that it is self-evident that land use conflicts are reduced as property sizes increase resulting in a subsequent increase in the separation between dwellings. The report also notes recommendations of the '*Central West Rural Lands Inquiry: Review of Land Use Planning in the Central West (August 2007)*' which nominates minimum buffer distances for a range of conflict elements including spray drift, odour, noise and dust etc. The report concludes that maximum nominated buffer distances can theoretically be achieved on adjoining properties of 25ha (if residences are located in the centre of a property) and in the case of a larger property size (say 40ha) would allow for maximum nominated buffer distances where residences were not centrally located on properties. This supports a minimum lot size of 40ha as promoted in this Planning Proposal.

AlburyCity is confident the outcomes sought by this Planning Proposal do not present risk of neighbourhood issues or land use conflict.

These outcomes are:

- a change to RU4 Rural Small Holdings Zone (with similar land use permissibilities), and
- a change to 40ha minimum lot size (comparable to existing lots sizes within the subject land and wider area).

The outcomes are supported by existing *Albury Development Control Plan 2010* provisions that seek to consider the potential of further fragmentation of rural lots on the capacity for adjacent or nearby activities to continue operating unfettered by risks of impact or perceived impact from dwellings and other sensitive uses (vice versa) and therefore present little or no risk of neighbourhood issues and land use conflict.

Accordingly, economic impacts, social and regional transition issues affecting the subject land are not likely to be exacerbated by the Planning Proposal which is consistent with existing agricultural trends.

Section D - State and Commonwealth interests

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

The development outcomes sought by this Planning Proposal are not likely to place additional demands on public infrastructure. It is reiterated that outcomes sought will result in no more than 7 lots (approximately 1/3 of the total area of the subject land) with potential to be further subdivided, this may translate into a potential 13 additional lots.

The only likely infrastructure improvements that will be required as a result of the Planning Proposal will be augmentation and upgrading of several of the existing roads to accommodate any proposed development within the area however, these works would not constitute public infrastructure as they would be undertaken at the expense of the land developer as private works.

Reference is made to **Table 1** of Appendix B, relating to the Net Community Benefit Test, that further details that the public infrastructure is adequate and that further augmentation is not required to service the subject land as a result of the Planning Proposal.

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

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

It is anticipated that, pending confirmation via the Gateway Determination, the following public authorities will be consulted:

- NSW Department of Industry & Investment (formerly known as the NSW Department of Primary Industries) (DPI),
- NSW Department of Environment, Climate Change & Water (DECCW);
- NSW Rural Fire Service (RFS),
- NSW Catchment Management Authority – Murray (CMA); and
- Greater Hume Shire Council.

PART 4 – COMMUNITY CONSULTATION

Council proposes that the Planning Proposal be exhibited in accordance with the requirements of section 57 of the *Environmental Planning & Assessment Act 1979* and the NSW Department of Planning's: *A guide to preparing local environmental plans* (July 2009).

It is proposed that the Planning Proposal will be placed on public exhibition for a minimum of 28 days as the proposal is not considered to be 'low impact'. Written notification of the community consultation will be provided in a local newspaper and on Councils' website. In addition to this, affected and adjoining landowners will be notified in writing. The written notice will contain:

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

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

- The Planning Proposal;
- The Gateway determination;
- Relevant council reports;
- Albury Land Use Strategy 2007
- Independent Agronomist Report

Council staff will be available between the hours of 9.00am – 5.00pm by appointment, to discuss exhibition material. In addition, Council staff will be conducting an Information Session during the exhibition period for person(s) directly affected and the wider community to help convey and assist the understanding of the Planning Proposal and intended outcomes.

At the conclusion of the public exhibition period the Council staff will consider submissions made with respect to the Planning Proposal, prepare and forward a report to Council with a recommendation to either endorse the Planning Proposal as publicly exhibited, endorse the Planning Proposal as amended or not support the Planning Proposal.

APPENDIX A

Figure 1 – Locality Plan

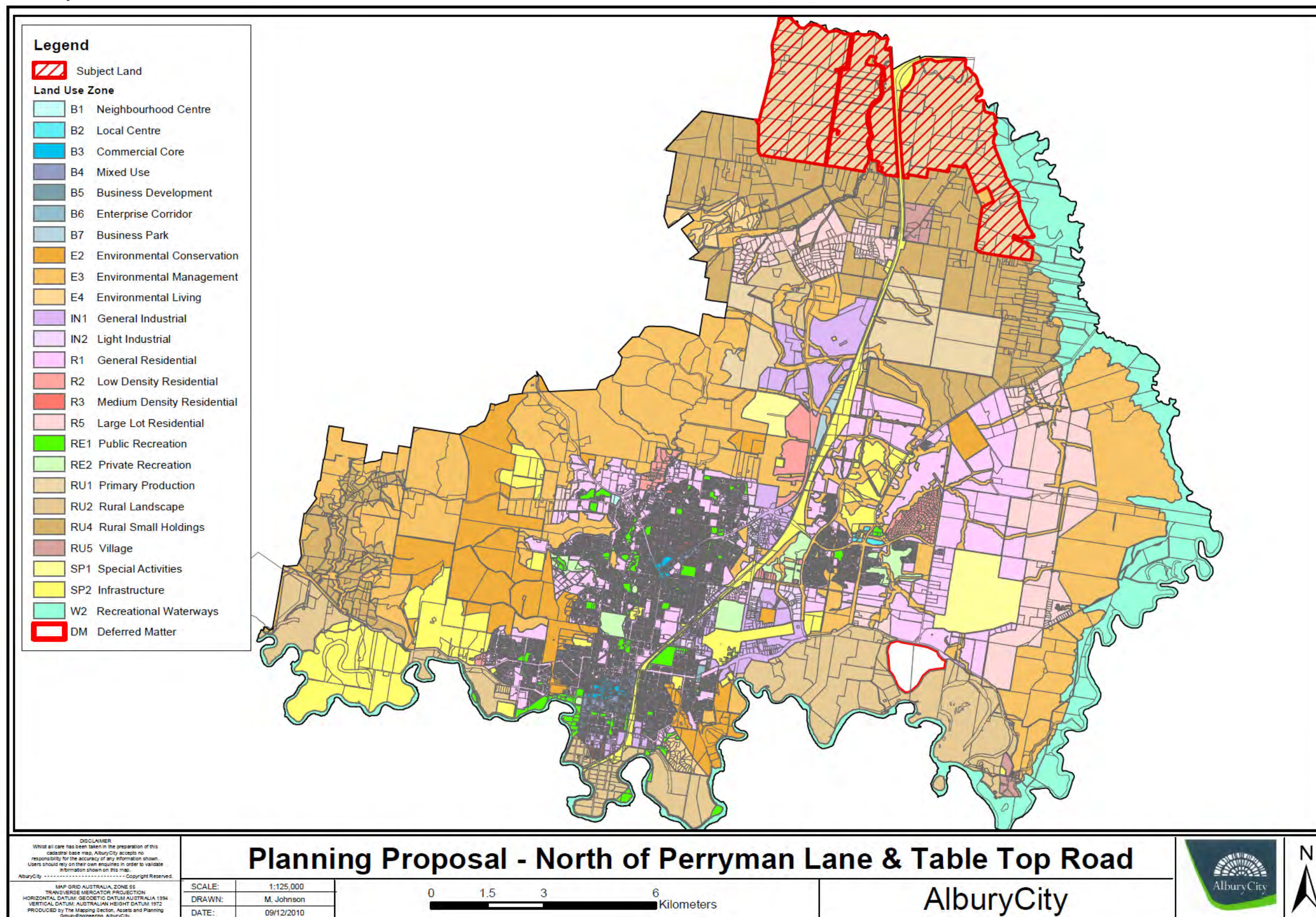
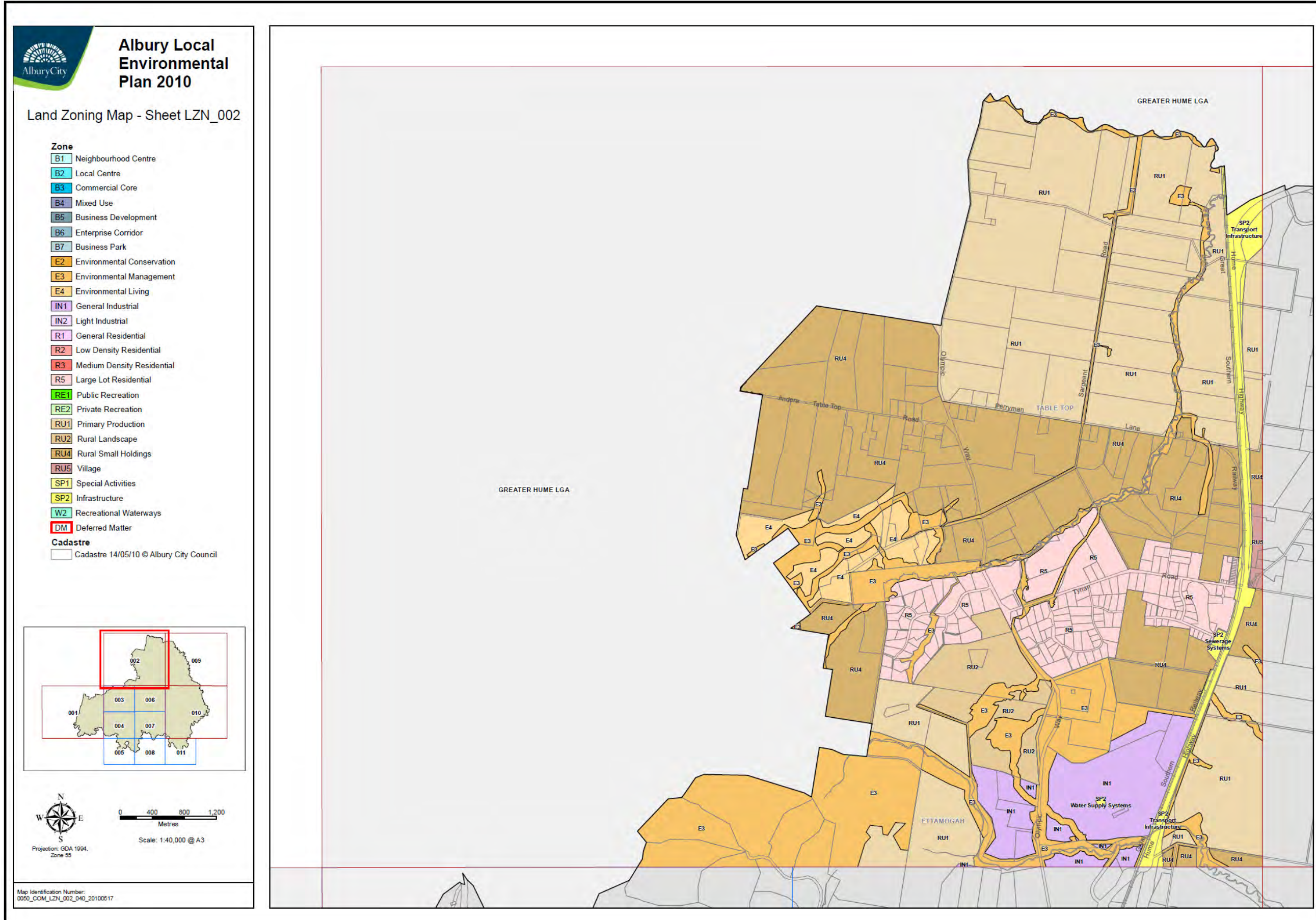


Figure 2 – Current Zoning



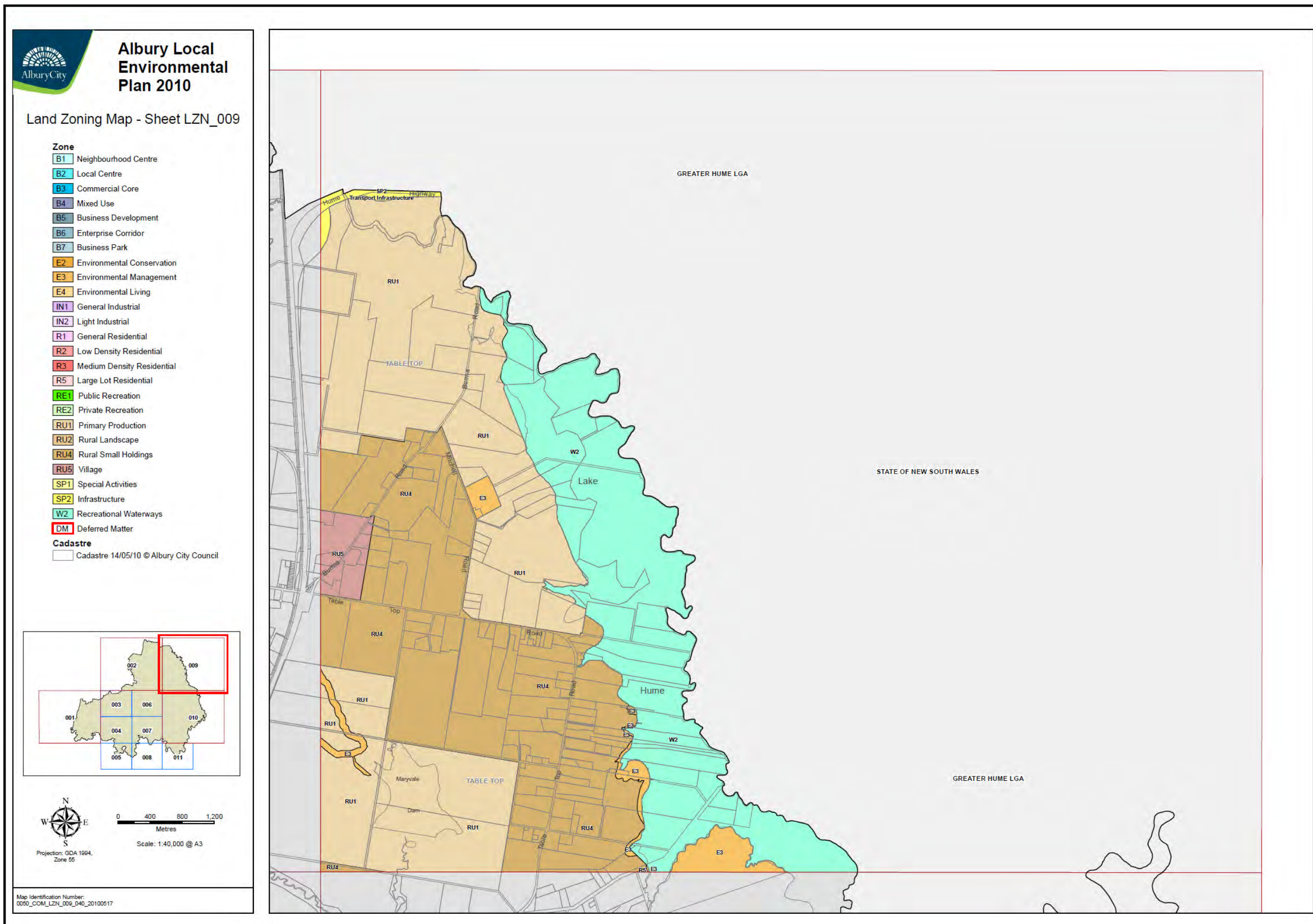
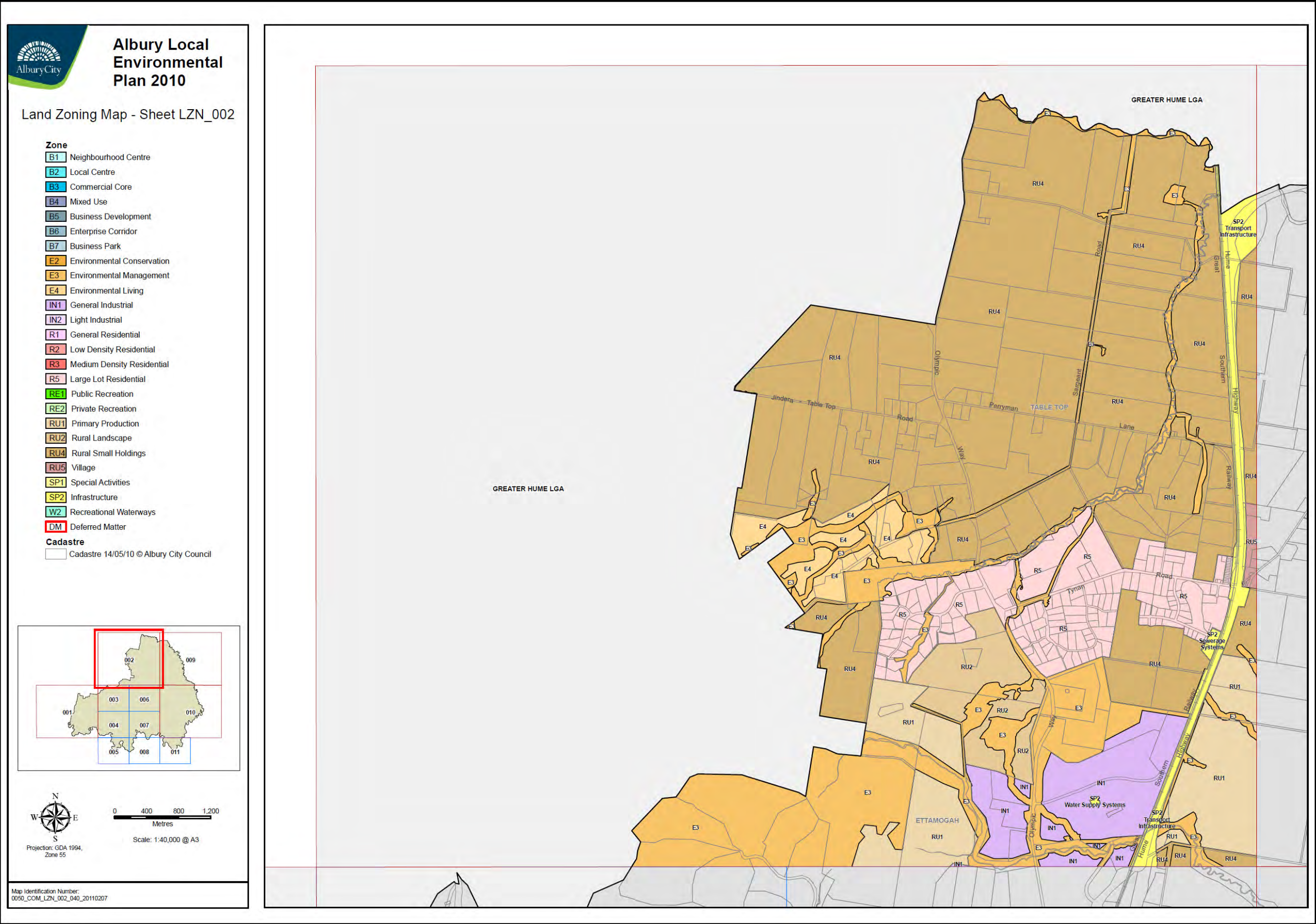


Figure 3 – Proposed Zoning



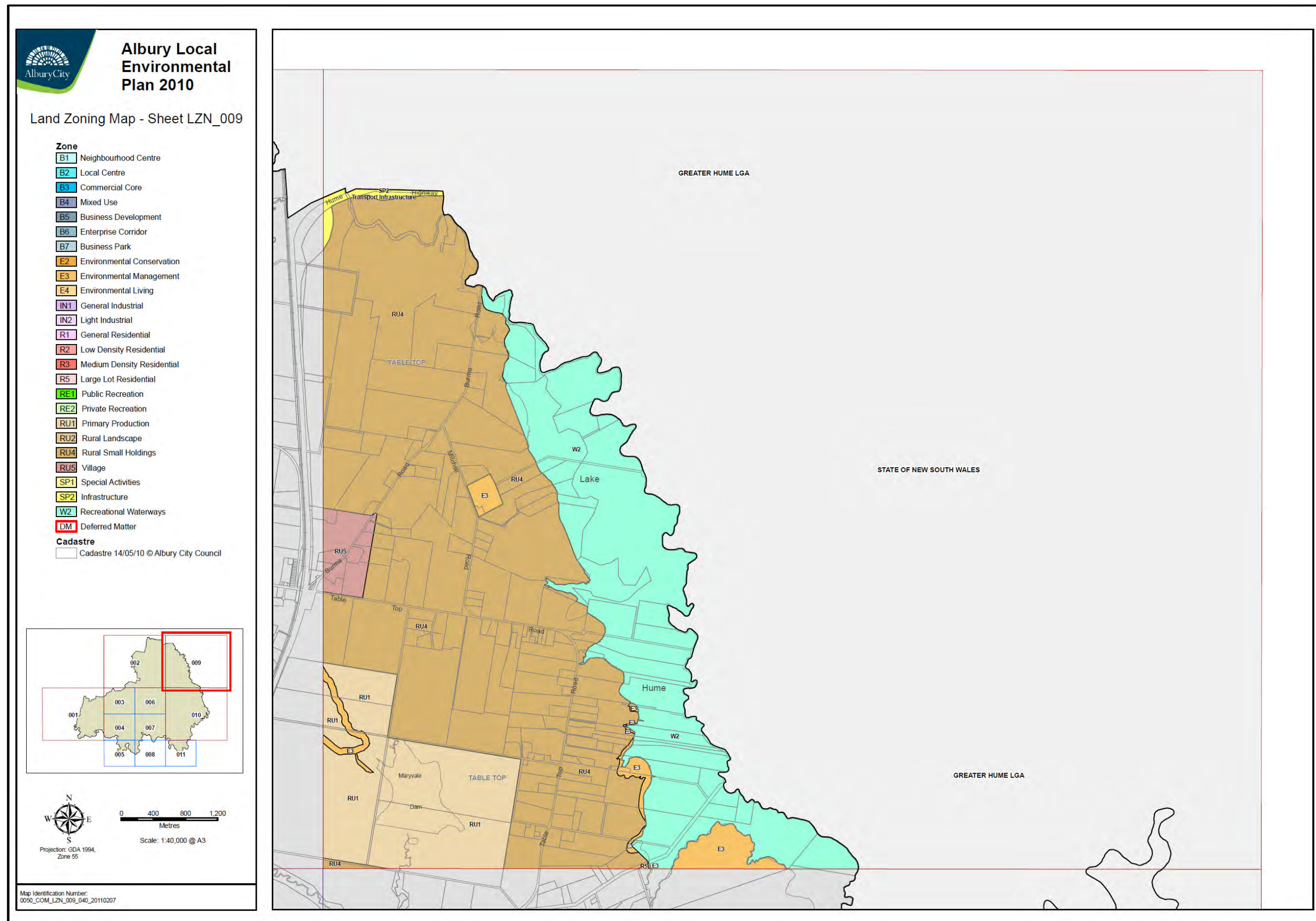
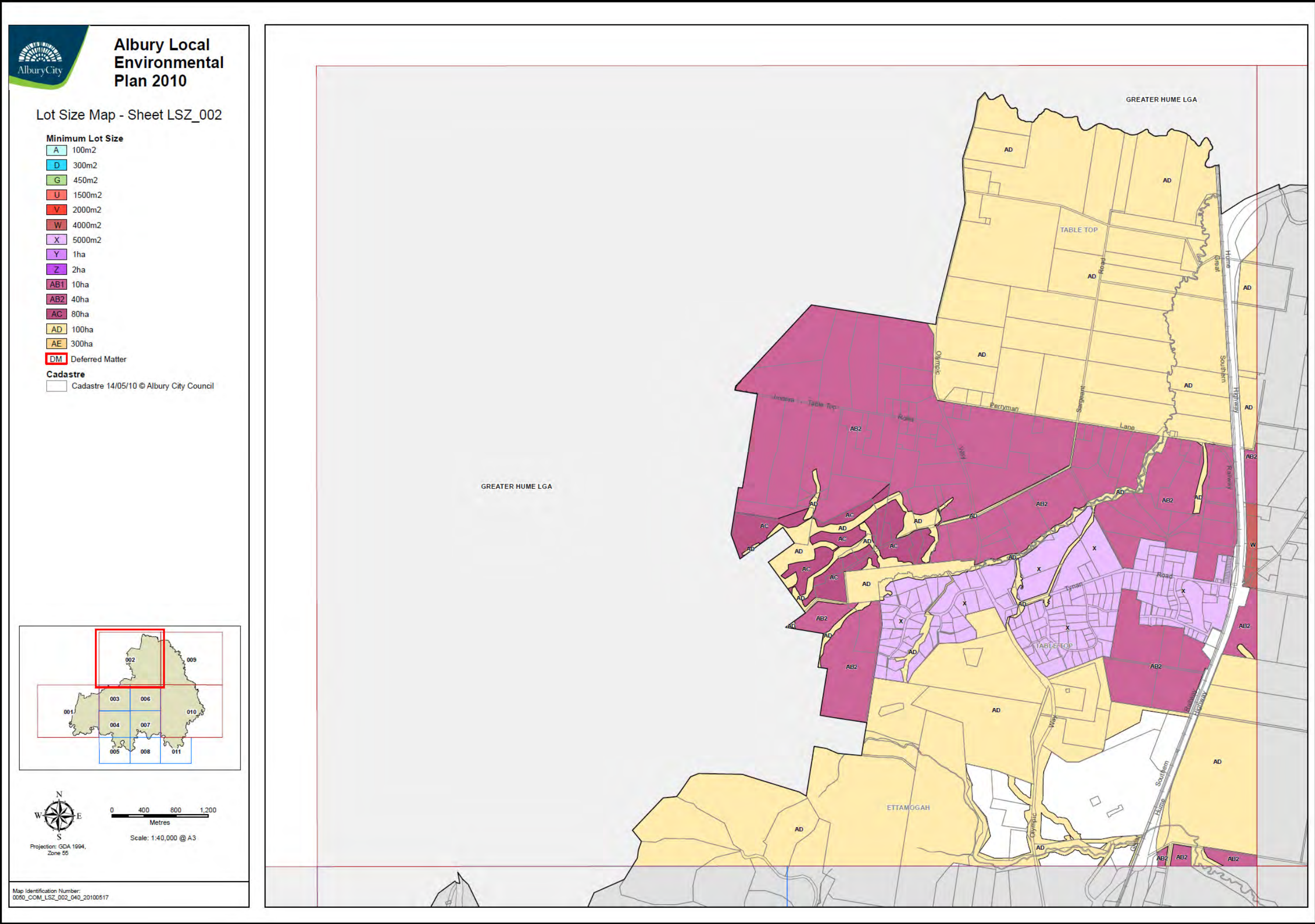


Figure 4 – Current Minimum Lot Size



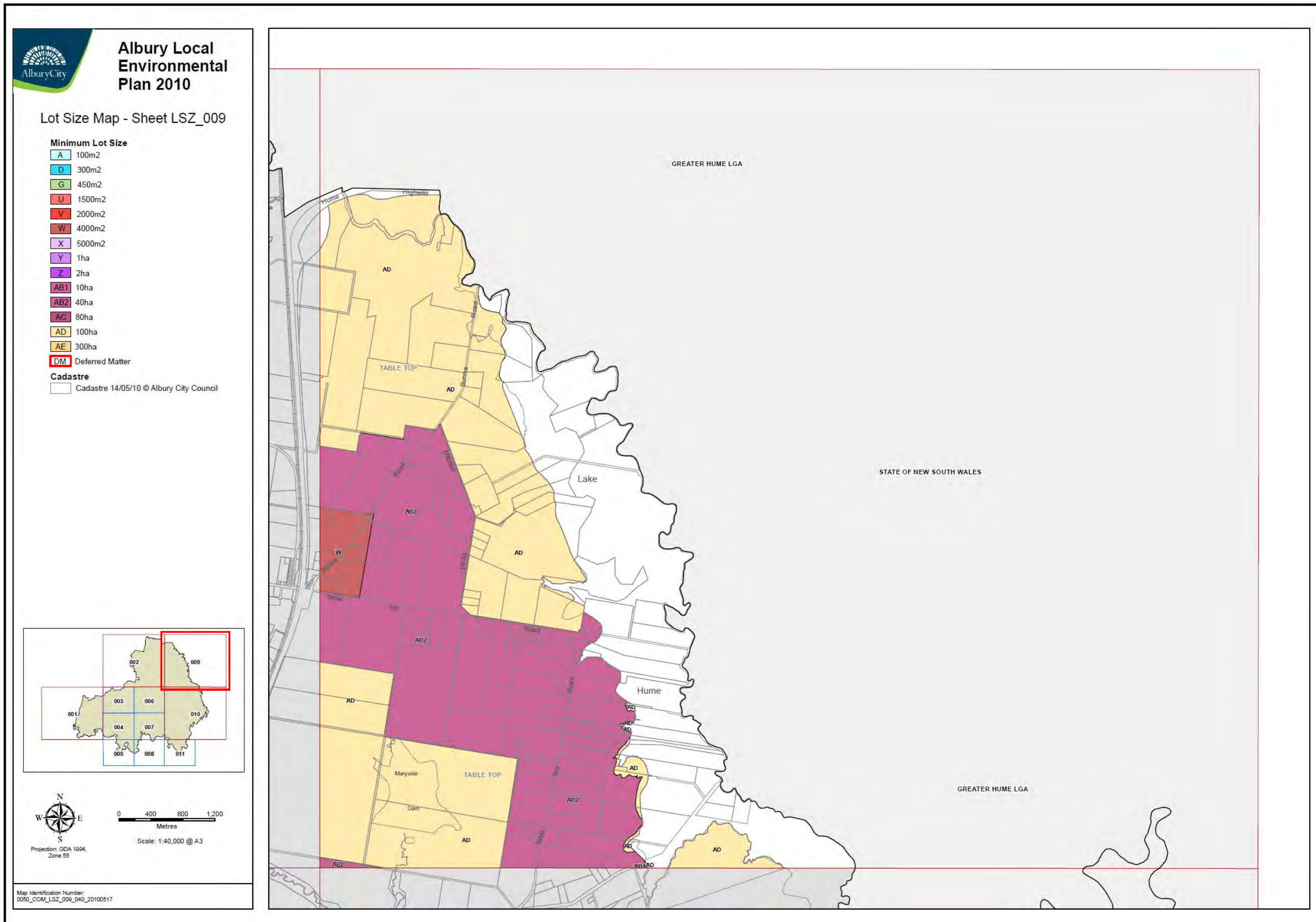
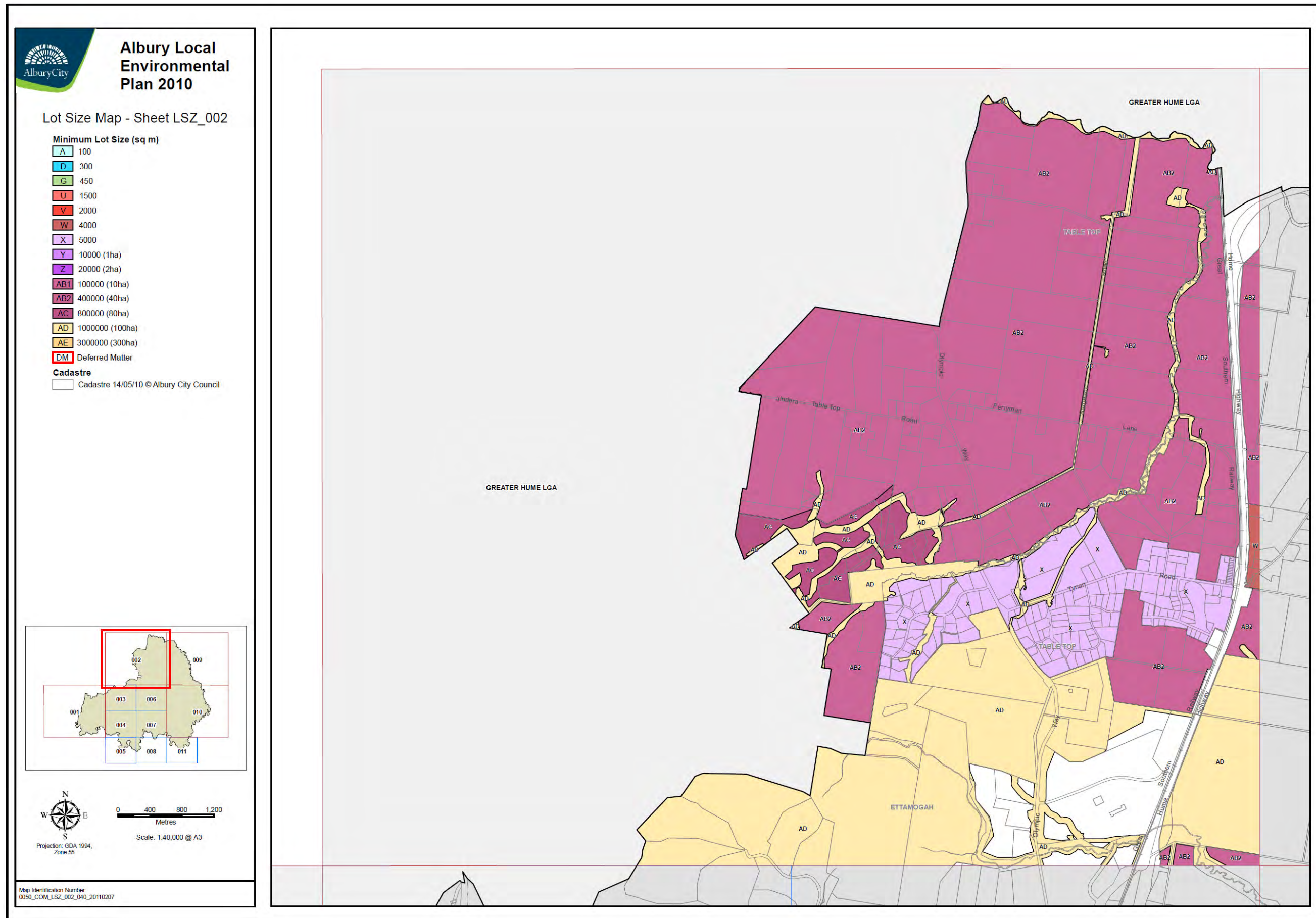


Figure 5 – Proposed Minimum Lot Size



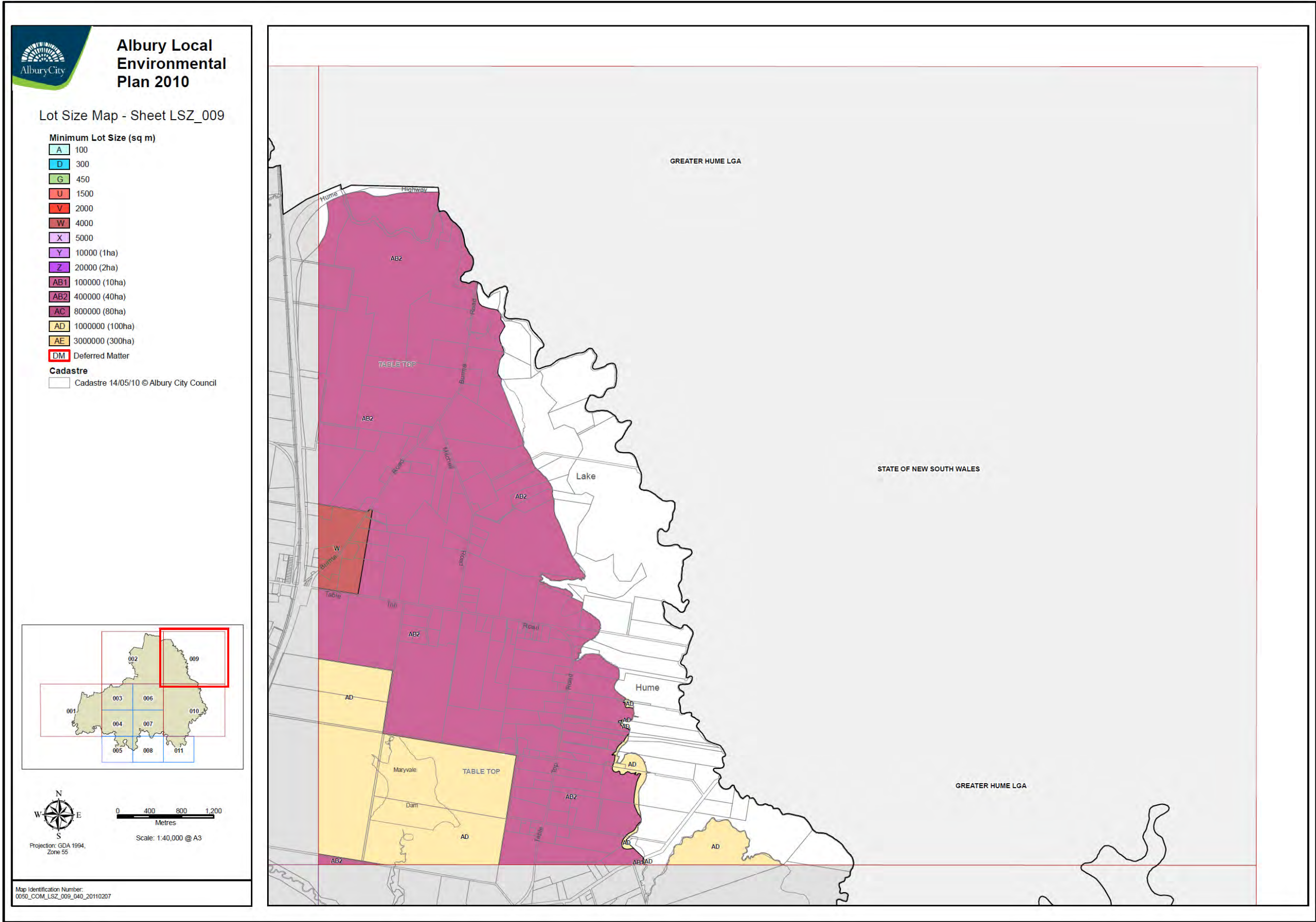


Figure 6 – Existing Land Holdings (Albury & Greater Hume LGAs)

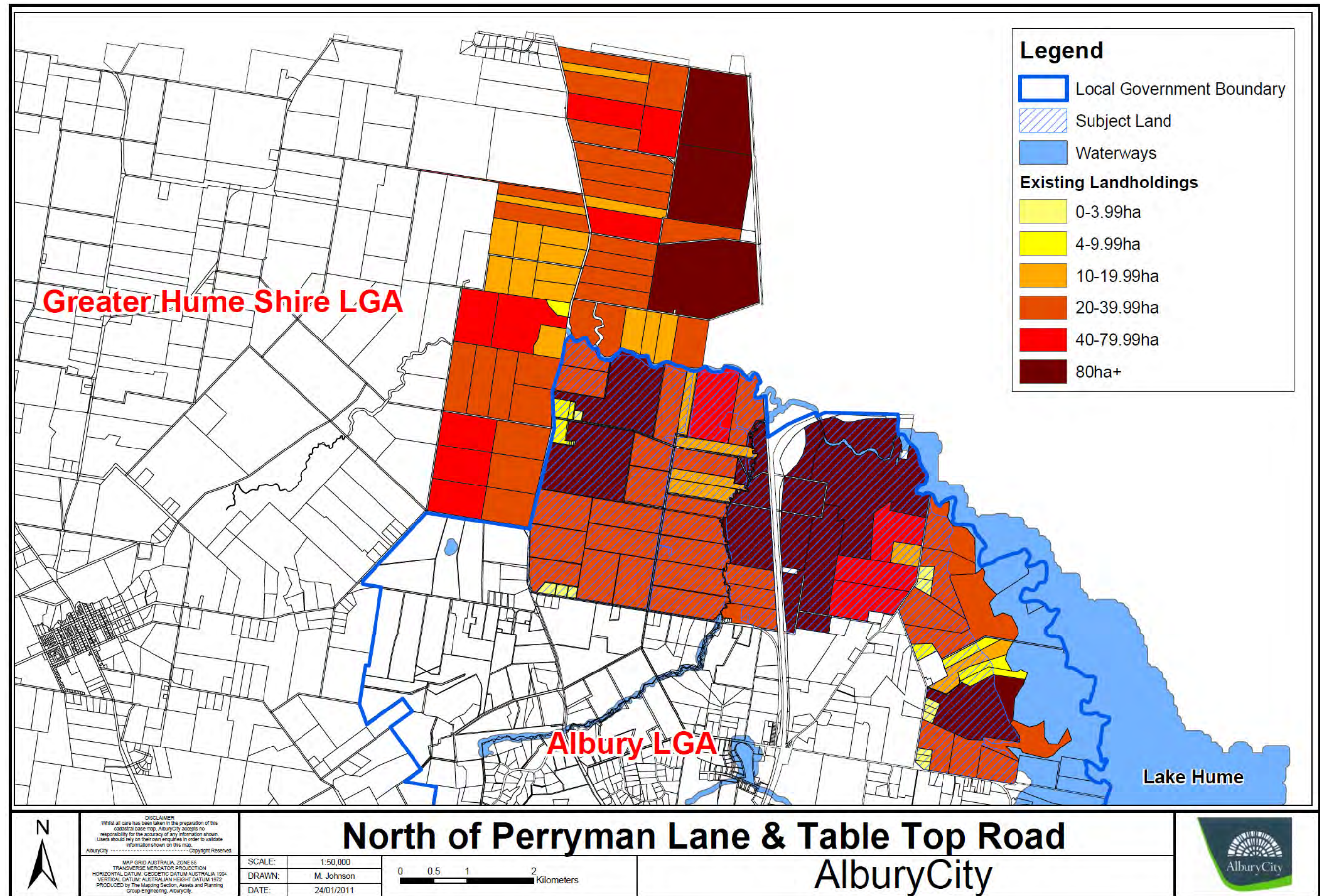


Figure 7 – Aerial Photograph

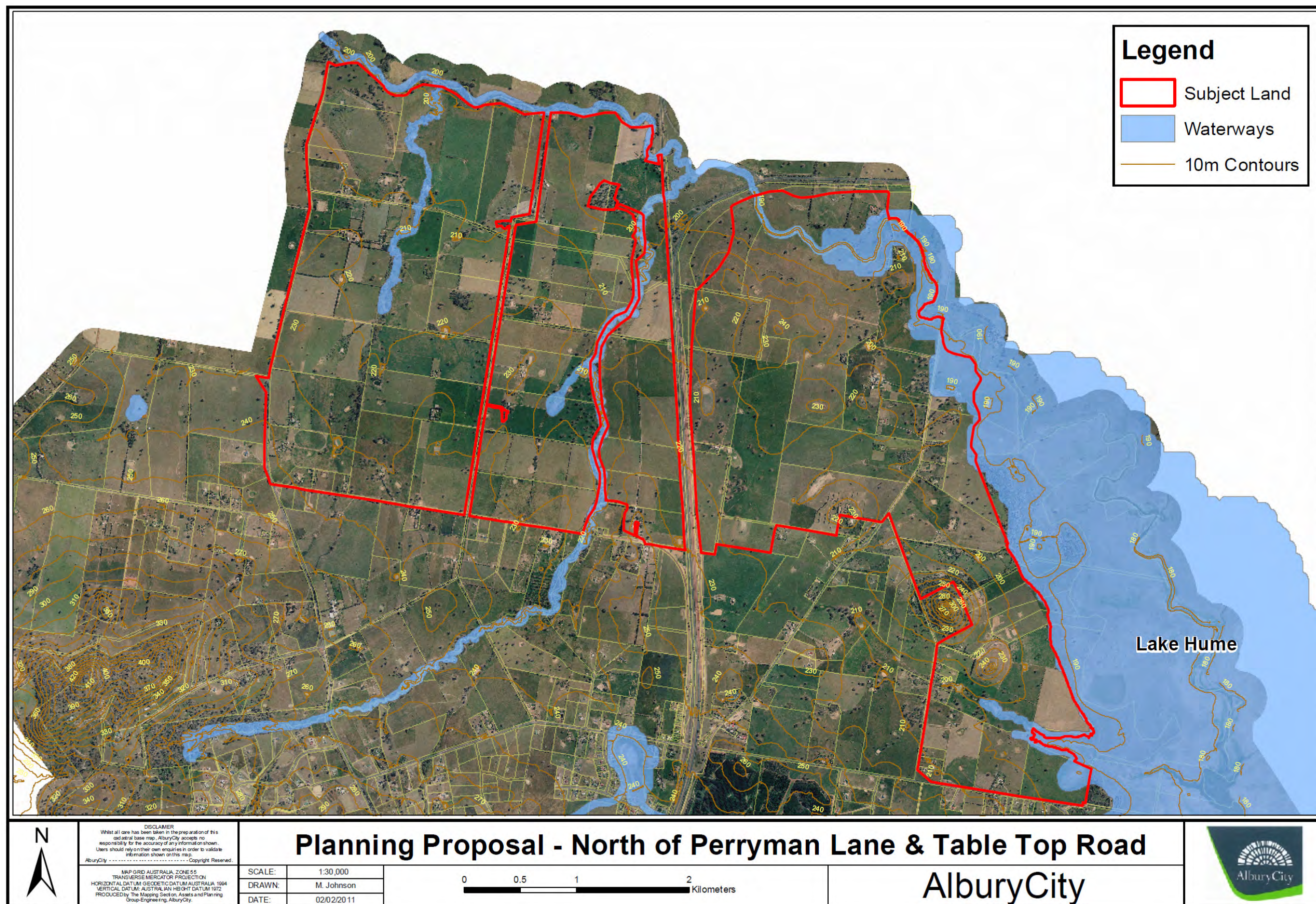


Figure 8 – Albury Land Use Strategy Plan (ALUS 2007)

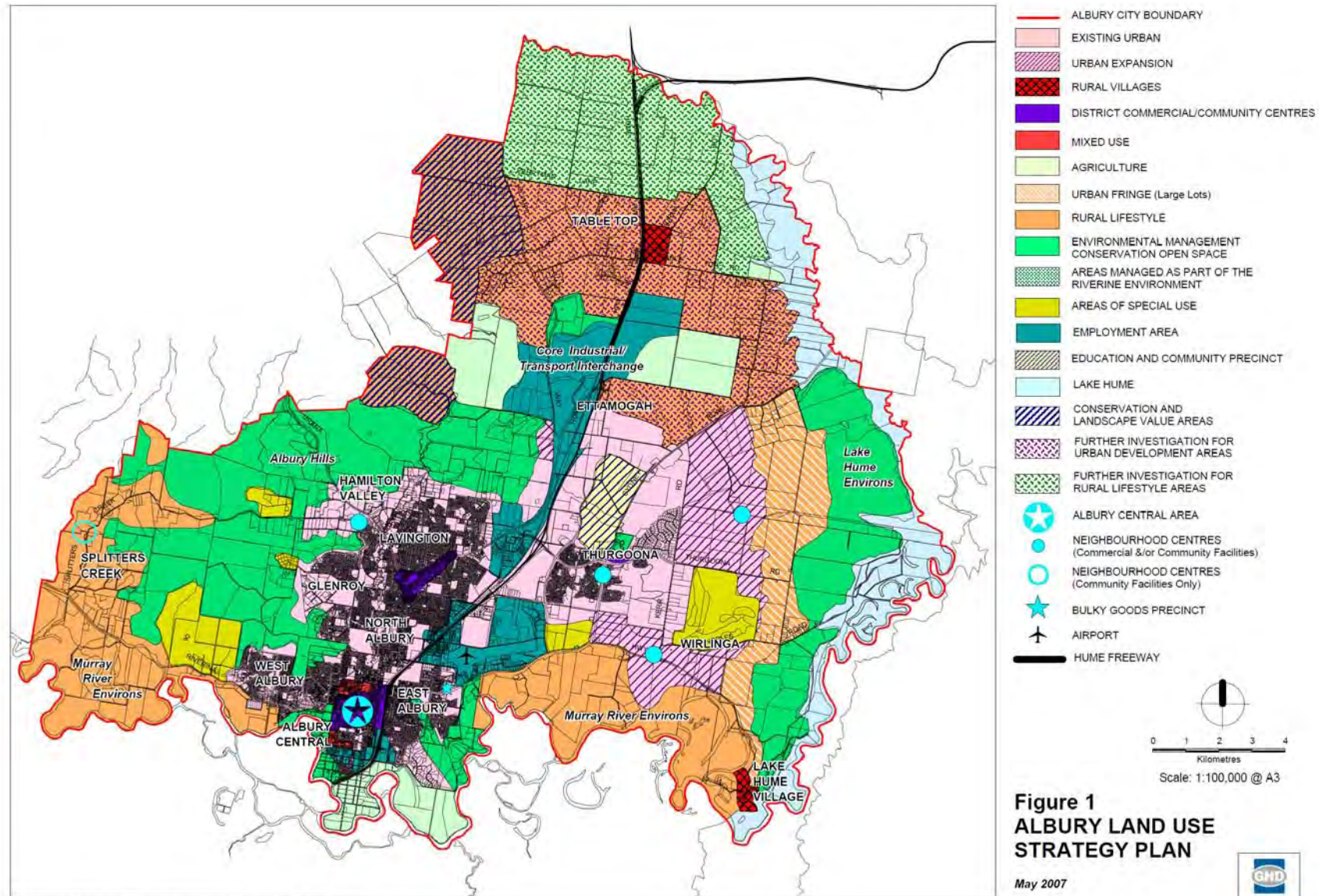
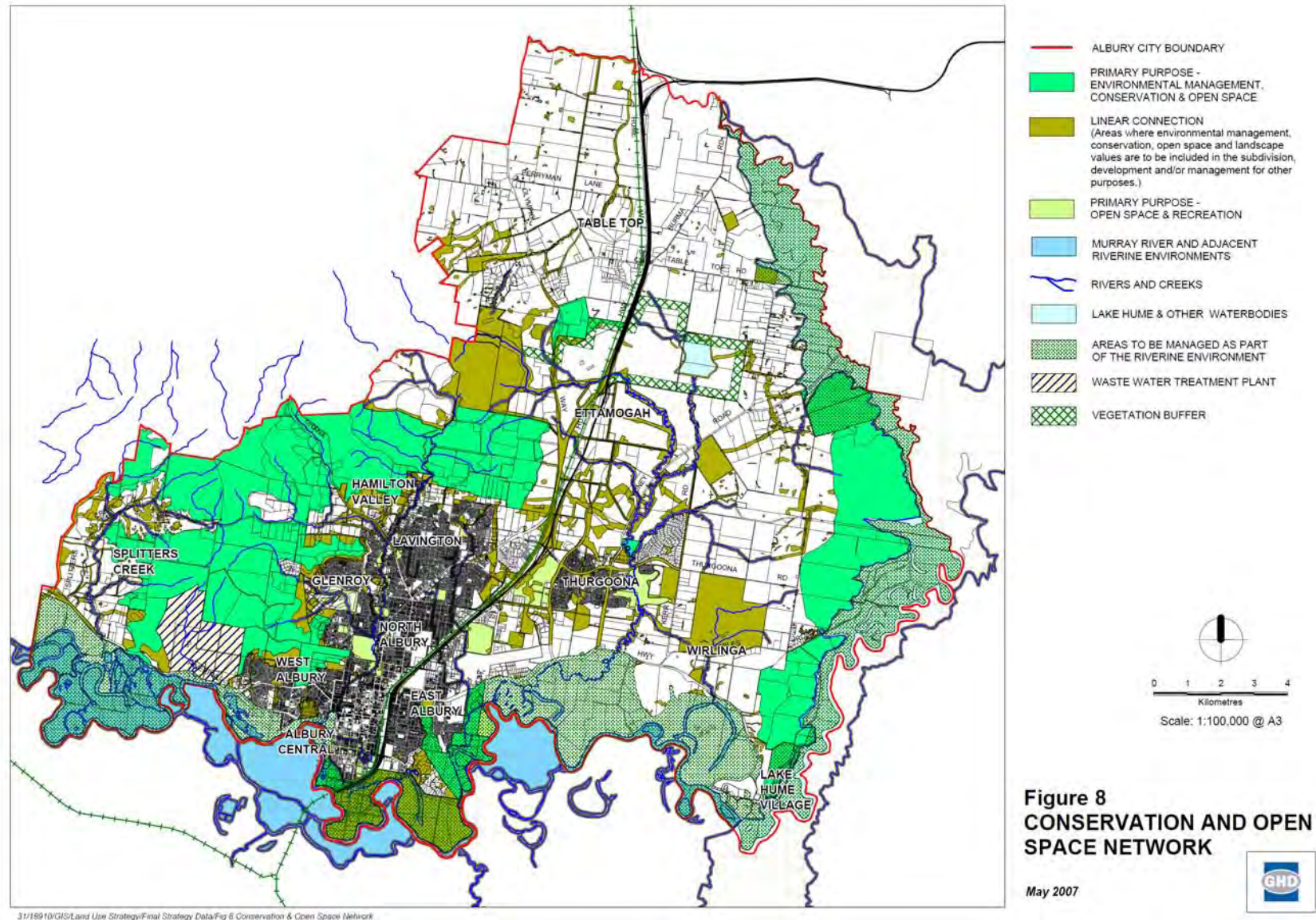


Figure 9 – Conservation and Open Space Network (ALUS 2007)



APPENDIX B

Table 1 – Net Community Benefit Test

Evaluation Criteria	Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	The Planning Proposal is consistent with the regional strategic direction, being the <i>Draft Murray Regional Strategy 2009</i> (DMRS) as follows: The Planning Proposal through the provision of large rural lifestyle lots accommodates a growing demand for such living option and responds to the DMRS listed challenges including: ▪ <i>...the different lifestyle trends driving migration and tourism, particularly for retirees, and the long term implications for the region given its strategic location close to Melbourne and lifestyle attractions...</i> Secondly, the ALUS recognises that agriculture now plays only a small part in the Albury economy. This is consistent with the 'economic development' section of the DMRS which states: ▪ <i>There are obvious subregional distinctions between various economic activities... In the eastern part of the region (focussed on the regional centres of Albury-Wodonga), manufacturing is the largest employer, including major engineering, plastics, textiles, paper and food processing industries, and is home to two of Australia's largest interstate road freight carriers and an expanding transport distribution hub.</i> Lastly, the Planning Proposal supports housing diversity, compliments existing planned release areas and helps cater for an expected growth in rural lifestyle housing demand. This is consistent with the following objective of the DMRS:

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Evaluation Criteria	Comment
Cont.	▪ <i>An estimated 10,100 additional dwellings will be needed in the Upper Murray Subregion with approximately 7,900 needed to be located in and around Albury</i> Similarly the proposal is consistent, or where relevant, justifiably inconsistent with agreed State directions including <i>State Environmental Planning Policies</i> and <i>Section 117 Ministerial Directions</i>. See Tables 2 and 3 of this Appendix for greater details.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The City of Albury has been identified as a 'Major Regional Centre' of the Upper Murray Subregion within the DMRS. The purpose of which is: <i>Major regional centres are existing centres suited to accommodate the majority of regional population growth and employment opportunities and to deliver State and regional services to the entire Region or within the centre's subregion. A concentration of medium to higher density living, business, employment, professional services, higher order shopping, warehouses, transport logistics and bulky goods operations will be located in these centres. They will be the focal point for subregional road and other transport networks.</i> This Planning Proposal supports and promotes the functions of Albury as a 'Major Regional Centre'.

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Evaluation Criteria	Comment
Is the LEP likely to create a precedent or create or change in expectations of the land owner or other land owners?	The Planning Proposal will enable further subdivision of the subject land (although limited), and accordingly, result in a minor change to land owner expectations. It is noted that the Planning Proposal is reflective of existing development patterns, agricultural trends and is the result of previous submissions received and requests made by landholders for a more representative rural zone and minimum lot size as it applies to the subject land. Furthermore, the proposal is not inconsistent with the ALUS and the DMRS recommendations.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Not relevant to the subject Planning Proposal, as there have been no other spot rezoning proposals of a similar nature in the vicinity of the subject land.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Not relevant as the Planning Proposal seeks to amend the land use zoning of the subject land from one type of rural zone to another type of rural zone. This will consequently not affect, or result in the loss of employment lands. Nevertheless the proposal will support employment generating activities within the wider Albury area by providing moderate additional housing opportunities or alternative agricultural pursuits such as horticulture generating more value for the area.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	An analysis of existing lot sizes (as set out in Figure 6 of Appendix A) and likely development outcomes has confirmed that the overall impact of the Planning Proposal will be minor, with a resultant development potential of only 13 additional lots. The proposal is unlikely to significantly affect housing supply as well as housing affordability due to the small number of potential lots that could be created. If at all the proposal will increase diversity of existing supply and cater for demand in a sector not readily available, thereby increasing choice.

Evaluation Criteria	Comment
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The Planning Proposal will have minimal impacts and/or demands on public infrastructure, outlined as follows: ▪ Existing infrastructure is adequate given the small number of potential lots that could be created. A 40ha minimum lot size will not require reticulated water or sewer to be provided as on-site water collection and effluent disposal adequately catered for at densities proposed. ▪ The proposal will have minimal impacts and/or demand upon the existing road network due to the small number of potential additional lots. The only likely infrastructure requirement may be the need to augment and upgrade the existing road network to provide appropriate and adequate vehicular access arrangements to any created lots. This will be subject to assessment at the time of any development application to subdivide being received. ▪ The subject land is approximately 10-20km from central Albury. Consequently, there are no pedestrian/cycling access routes currently provided or proposed for this area. This Planning Proposal will not have any additional demand or require the provision of pedestrian and cycling access at densities proposed. ▪ There is currently no public transport servicing the subject area based on current densities and given that only moderate development outcomes are accommodated by this Planning Proposal (limited demand), no change to existing public transport provisions are expected.

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Evaluation Criteria	Comment
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?	The low number of lots potentially generated by this proposal is not significant and will not create an adverse impact through greenhouse gas emissions.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	The area affected by the Planning Proposal is directly adjacent to the Hume Highway. This road infrastructure is an integral element in the local network and will facilitate access to local and regional centres.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	Not relevant as the subject land is not identified by the government for protection as a result of its biodiversity or environmental values and does not contain threatened species, critical habitat, ecological communities or their habitat. The subject land over time has historically been used for dryland pastoral and livestock agricultural pursuits, and consequently, is relatively clear of any vegetation with the exception of scattered paddock trees (as supported via Figure 7 of Appendix A) which, at the minimum lot sizes proposed, can easily be accommodated so as to minimise and avoid any losses associated with subsequent development. At gazettal of ALEP 2010, habitat networks as identified in Figure 8 of ALUS have been excised from urban and rural lands (including the subject land) as either E2 Environmental Conservation Zones or E3 Environmental Management Zones which are geared towards the protection, management and restoration of areas with special ecological, scientific, cultural or aesthetic value. Refer to Figures 2 and 3 for the location of environmental zoned lands. At the densities proposed (being 40ha), existing environmental issues including natural hazards such as flooding, landslip or bushfire and the like will not be exacerbated and/or result in any increased risks to property and life.

Evaluation Criteria	Comment
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The Planning Proposal is compatible/ complementary to surrounding land uses as existing and proposed zones are rural and share similar land use permissibilities. In addition, both existing and proposed minimum lot size provisions are comparable. An analysis of existing lot sizes (as set out in Figure 6 of Appendix A) and likely development outcomes has confirmed that the overall impact of the Planning Proposal will be minor and therefore compatible/complementary with its surrounds. Should the Planning Proposal and any resultant LEP Amendment proceed to gazettal, 7 lots (being approximately 1/3 of the total land area of the subject land) could potentially be further subdivided, this may translate into a potential 13 additional lots. It is worthwhile noting that one of the existing lots capable of being further subdivided has already received development consent for a 10 lot subdivision sought prior to adoption of ALEP 2010 under the Rural Living Zone of the previous <i>Hume Local Environmental Plan 2001</i> (which allowed for 2ha minimum and 8ha average lot sizes). As per NSW Department of Planning requirements, investigations into the regional significance of the subject land as a transition between the rural lands in the Albury and Greater Hume LGAs (as set out in Figure 6 of Appendix A) confirms that existing lot sizes in the adjoining Greater Hume Shire lands are comparable to minimum lot sizes proposed for the subject land under the Planning Proposal. Immediately adjoining lots located in Greater Hume Shire range between 20-40ha with the majority being approximately 40ha).

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Evaluation Criteria	Comment
Cont.	Accordingly, based on investigations undertaken, it is considered that outcomes sought by this Planning Proposal (including cumulative impacts) are moderate and more accurately reflect the current status of the land and that of its surrounds, particularly to the south and south-east. Overall the proposal will support the amenity of the wider community as well as the public domain as the proposal seeks to reflect existing landholdings and land use patterns.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	Not relevant as the proposal seeks a change in zoning from one type of rural zone to another type of rural zone. This will therefore not alter the number of retail and commercial premises operating in the area.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	Not relevant as the planning proposal relates to rural development and not commercial or industrial development.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The Planning Proposal responds to previous submissions and representations made during the public exhibition of ALEP 2010 that primarily seeks a change in land use zoning and a reduction in minimum lot size in recognition of existing land fragmentation, the onset of climate change, the pressures of declining terms of trade, the absence of an irrigated water supply, agronomist advice and anecdotal feedback that suggests that existing farming practices are no longer sustainable. The implications of not proceeding (the 'do nothing approach') will result in a land zoning and minimum lot size provision that remains at odds with existing land use trends/demands and development patterns for the subject land.

Table 2 – Consideration of Draft Murray Regional Strategy 2007

Aims: Draft Murray Regional Strategy 2009	Consistency Response/ Comment
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.	The location of the land subject of this Planning Proposal and the moderate nature of changes to both zoning and minimum lot size proposed, as well as the likely limited development outcomes will have a neutral and/or minimal impact on the Riverine environment (including the Murray River).
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.	The Planning Proposal is consistent with this objective as it seeks to create moderate rural 'lifestyle' opportunities for the subject land through a proposed change in land use zoning and minimum lot size applicable to the subject land. Analysis of existing lot sizes and likely development outcomes has confirmed that the overall impact of this proposal will however be minor, with a maximum additional development potential of only 13 lots. The proposal is consistent with this objective as it provides greater housing choice and diversity in the market, if only on a small-scale.
Prepare for and manage the significantly ageing population and ensure that new housing meets the needs of smaller households and ageing populations by encouraging a shift in dwelling mix and type.	Not relevant, the proposal seeks to reflect existing land use patterns and densities by rezoning the subject land from one type of rural zone to another type of rural zone, which better reflects the existing development patterns. High density development outcomes that cater for smaller households and ageing population needs are accommodated elsewhere in the Albury LGA.

Aims: Draft Murray Regional Strategy 2009	Consistency Response/ Comment
▪ Reinforce the role of Albury as the Region's major centre and the opportunities in taking advantage of its strategic location and emerging economic strengths, including transport, distribution, manufacturing, health services and education.	The Planning Proposal does not derogate from the aim to reinforce the role of Albury as the Region's major centre, and will in fact strengthen its role through a greater diversity of housing.
▪ Ensure an adequate supply of employment land, particularly in Albury and other major towns to accommodate a projected 3,100 new jobs.	Not relevant as the proposal does not relate to commercial or industrial development. Notwithstanding, employment lands are provided elsewhere across the Albury LGA to accommodate projected new jobs.
▪ 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.	The Planning Proposal is consistent with this aim as it seeks to insert both zoning and minimum lot size provisions that responds to and reflects the fragmented nature of existing and surrounding landholdings (existing development patterns), climate change, declining Terms of Trade, an absence of irrigated water supply, anecdotal evidence and independent agronomist advice report that suggests that existing dryland pastoral and livestock farming practices are not viable. The ALUS identifies the subject land (north of Perryman Lane and Table Top Road) as having rural lifestyle opportunities, subject to further investigation. AlburyCity is satisfied that the proposal is consistent with the long term objective/intent of ALUS and will not result in a leap-frogging of development due to the moderate nature of changes in zoning and minimum lot size proposed, and the fact that it seeks to reflect existing and surrounding development and land fragmentation. Hence the proposal is also not considered to be urban sprawl due to the confirmed low potential lot yield and no significant additional infrastructure demand.

Aims: Draft Murray Regional Strategy 2009	Consistency Response/ Comment
▪ Only consider additional development sites outside of agreed local strategies if they can satisfy the Regional Strategy's Sustainability Criteria [as provided in Appendix 1 of <i>Draft Murray Regional Strategy 2009</i>]	The ALUS identifies the subject land for 'further investigations for rural lifestyle'. Accordingly, an assessment against the DMRS sustainability criteria is not considered warranted. It is the intention of this Planning Proposal to seek a change in land use zoning and a reduction in the minimum lot size to better reflect the fragmented nature of existing and surrounding landholdings (existing development patterns), and responds to climate change, declining Terms of Trade, an absence of irrigated water supply, anecdotal evidence and independent agronomist advice that suggests that existing farming practices are not viable. Independent agronomist advice received regarding the subject land confirms limited viability for dryland pastoral/livestock agricultural pursuits. The long-term objective of ALUS is to provide for urban development (south of Perryman Lane) and rural lifestyle development (north of Perryman Lane) in the general Table Top area over a 50+ year time-horizon. It is reiterated that the subject land identified in this Planning Proposal has been flagged for rural lifestyle opportunities in the ALUS. Only moderate rural lifestyle outcomes are sought by this Planning Proposal. It should be noted that in accordance with ALUS land use recommendations, it is possible that the subject land may be further investigated for more intensive rural lifestyle outcomes in the future. This proposal will not prevent this future use or adaptation. AlburyCity is satisfied that the proposal is consistent with the long term objective/intent of ALUS and will not result in a leap-frogging of development due to the moderate changes proposed and the fact that it seeks to reflect existing and surrounding development and land fragmentation.

Aims: Draft Murray Regional Strategy 2009	Consistency Response/ Comment
▪ 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	The Planning Proposal responds to changing circumstances for settlement and agricultural activities arising, namely the long term unviable nature of traditional forms of agriculture (including dryland pastoral/livestock and cropping enterprises) on the subject land. This has resulted from long term drought, declining terms of trade, climate change impacts and the need to supplement on-farm incomes. It should be noted that outcomes sought by the Planning Proposal do not preclude traditional farming and/or other land uses including horticulture enterprises from being undertaken.
▪ 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 Aboriginal people.	Moderate changes proposed to both zoning and minimum lot size are not likely to have an impact on any existing visual, cultural, landscape, heritage values etc
▪ 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.	Not relevant. The proposal does not facilitate development outcomes that would require a contribution for State Infrastructure to be provided

Table 3 – Consideration of State Environmental Planning Policies

No.	SEPP Title	Applicable to Planning Proposal	Assessment
1	State Environmental Planning Policy – Development Standards	No, does not apply to land in the Albury LGA since gazettal of ALEP 2010	N/A
4	State Environmental Planning Policy – Development without consent & Miscellaneous Exempt & Complying Development	No, does not apply to land in the Albury LGA since gazettal of ALEP 2010	N/A
6	State Environmental Planning Policy – Number of Storeys in a Building	Applicable, applies to all land within the State	Compliant, the Planning Proposal does not derogate from the aims and method for determining the number of storeys in a building as provided in the SEPP.
14	State Environmental Planning Policy – Coastal Wetlands	No, does not apply to the Albury LGA	N/A
15	State Environmental Planning Policy – Rural Landsharing Communities	No, does not apply to the Albury LGA	N/A
19	State Environmental Planning Policy – Bushland in Urban Areas	No, does not apply to the Albury LGA	N/A
21	State Environmental Planning Policy – Caravan Parks	Not applicable	Not relevant to the Planning Proposal insofar as both the existing and proposed zoning of the subject land prohibits 'caravan parks'.
22	State Environmental Planning Policy – Shops & Commercial Premises	Not applicable	Not relevant to the Planning Proposal insofar as both the existing and proposed zoning of the subject land is not business.
26	State Environmental Planning Policy – Littoral Rainforests	No, does not apply to the Albury LGA	N/A
29	State Environmental Planning Policy – Western Sydney Recreation Area	No, does not apply to the Albury LGA	N/A

No.	SEPP Title	Applicable to Planning Proposal	Assessment
30	State Environmental Planning Policy – Intensive Agriculture	Applicable, applies to all land within the State	Not relevant, the Planning Proposal does not derogate from the development application, assessment and public participation and definitional requirements for cattle feedlots or piggeries provided in the SEPP.
32	State Environmental Planning Policy – Urban Consolidation (Redevelopment of Urban Land)	Not applicable (applies to urban land only)	N/A
33	State Environmental Planning Policy – Hazardous & Offensive Development	Not applicable	Not relevant to the Planning Proposal insofar as both the existing and proposed zoning of the subject land prohibits 'hazardous industries' and 'offensive industries'.
36	State Environmental Planning Policy – Manufactured Home Estate	Not applicable	Not relevant to the Planning Proposal insofar as both the existing and proposed zoning of the subject land prohibits 'manufactured home estates' and 'caravan parks'.
39	State Environmental Planning Policy – Spit Island Bird Habitat	No, does not apply to the Albury LGA	N/A
41	State Environmental Planning Policy – Casino Entertainment Complex	No, does not apply to the Albury LGA	N/A

No.	SEPP Title	Applicable to Planning Proposal	Assessment
44	State Environmental Planning Policy – Koala Habitat Protection	Applicable, applies to part of the Albury LGA (formerly Hume LGA)	Compliant, the Planning Proposal does not derogate from the aims, development consent requirements and operations of plans of management relating to land of potential koala habitat and/ or core koala habitat as provided in the SEPP. It is noted that to give effect to the aims of the SEPP, any affected Councils should survey land to identify areas of potential and core koala habitat and include land identified as core koala habitat within an environmental protection zone or apply special provisions to control the development of that land. AlburyCity has undertaken significant initiatives and studies to identify land considered desirable habitat network to be retained across the Albury LGA. This habitat network is shown in Figure 8 of the attached ALUS (see Appendix C). The spatial determinants and land management recommendations for this habitat network have generally been based on tree cover, connectivity and are broadly based on wildlife conservation. The principal author of some of the critical studies that have either identified and/or determined methods used to identify habitat network across the remainder of the Albury LGA (Mr Ian Davidson), has confirmed that the approach undertaken is generally consistent with the spatial determinants and land management recommendations associated with koala habitat.

No.	SEPP Title	Applicable to Planning Proposal	Assessment
44.	State Environmental Planning Policy – Koala Habitat Protection Cont.		It is further noted that, through the preparation and gazettal of ALEP 2010, these same habitat networks have been excised from urban and rural lands as either an E2 Environmental Conservation or E3 Environmental Management Zone which is geared towards the protection, management and restoration of areas with special ecological, scientific, cultural or aesthetic value. The Planning Proposal does not derogate from ALEP 2010 with respect to the location and spatial extent of environmental zones. Accordingly, Council is of the view that the SEPP has been appropriately considered as part of the preparation of the Planning Proposal.
47	State Environmental Planning Policy – Moore Park Showground	No, does not apply to the Albury LGA	N/A
50	State Environmental Planning Policy – Canal Estate Development	Not applicable	Planning Proposal does not derogate from the aims and canal estate development prohibitions as provided in the SEPP.
52	State Environmental Planning Policy – Farm Dams and Other Works in Land and Water Management Plan Areas	No, does not apply to the Albury LGA	N/A
53	State Environmental Planning Policy – Metropolitan Residential Development	No, does not apply to the Albury LGA	N/A

No.	SEPP Title	Applicable to Planning Proposal	Assessment
55	State Environmental Planning Policy – Remediation of Land	Yes, as the planning proposal will affect land that may be contaminated	Compliant, it is noted that the subject land may be contaminated by previous and current land use activities including agricultural/horticultural activities, sheep and cattle dip sites etc. The subject land has been used for extensive agricultural purposes for at least the last 50 years. A combination of both topographical constraints, limited agricultural capabilities and proximity to existing urban and village areas has generally restricted agricultural activities to low impact uses such as extensive grazing and crop or fodder production. The use of the subject land for low impact uses (over an extensive period) and given that only a moderate change in zoning is sought by the Planning Proposal enables Council to determine that the risk of land contamination is low, and determine that the subject land is suitable in its present state for all purposes permitted within the proposed zone. Consequently, Council is of the view that sufficient knowledge does exist in relation to past and present land use activities to determine that a 'preliminary investigation' and/or further detailed site investigation is not warranted at this time to support the change in zoning proposed. Although improbable it is however recognised that chemical storage and dip sites are likely to be the only potential source of contamination associated with the subject land. It is considered that such potential contamination will most likely be localised in close proximity to either existing farm buildings and/or homesteads.

No.	SEPP Title	Applicable to Planning Proposal	Assessment
55	State Environmental Planning Policy – Remediation of Land Cont.		In recognition of improbable localised contamination relating to the subject land, it is considered an appropriate response at this time to require detailed site investigations be undertaken by the land owner/ land developer as part of the development application process.
59	State Environmental Planning Policy – Central Western Sydney Regional Open Space and Residential	No, does not apply to the Albury LGA	N/A
60	State Environmental Planning Policy – Exempt & Complying Development	Not applicable – does not apply to land in the Albury LGA since gazettal of ALEP 2010	N/A
62	State Environmental Planning Policy – Sustainable Aquaculture	Applicable	Compliant, the Planning Proposal does not derogate from the aims, development consent, site location, operational and/or minimum performance requirements of aquaculture development as provided in the SEPP. In addition, the Planning Proposal does not reduce land available for aquaculture development to occur, as both the RU1 Primary Production Zone and RU4 Rural Small Holdings Zone permit aquaculture with consent.
64	State Environmental Planning Policy – Advertising & Signage	Not applicable	N/A
65	State Environmental Planning Policy – Design Quality of Residential Flat Development	Not applicable	N/A

No.	SEPP Title	Applicable to Planning Proposal	Assessment
70	State Environmental Planning Policy – Affordable Housing (Revised Schemes)	No, does not apply to the Albury LGA	N/A
71	State Environmental Planning Policy – Coastal Protection	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Affordable Rental Housing) 2009	Not applicable	N/A
	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not applicable	Planning Proposal does not derogate from the aims and development consent requirements relating to BASIX affected building(s) that seeks to reduce water consumption, greenhouse gas emissions and improve thermal performance as provided in the SEPP.
	State Environmental Planning Policy (Exempt & Complying Development Codes) 2008	Not applicable	Planning Proposal does not derogate from the aims and functions of the SEPP with respect to exempt and complying development provisions.
	State Environmental Planning Policy (Housing for Seniors & People with a Disability) 2004	Not applicable (applies to land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes)	N/A
	State Environmental Planning Policy (Infrastructure) 2007	Not applicable	Planning Proposal does not derogate from the aims, permissibility, development consent, assessment and consultation requirements, capacity to undertake additional uses, adjacent, exempt and complying development provisions as provided in the SEPP.
	State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007	No, does not apply to the Albury LGA	N/A

No.	SEPP Title	Applicable to Planning Proposal	Assessment
	State Environmental Planning Policy (Major Development) 2005	Not applicable	Planning Proposal does not derogate from the aims, major project identification, state significant site identification and development assessment and approval functions as provided in the SEPP.
	State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007	Applicable	Compliant, despite the fact that extractive industries are permitted with consent in the existing RU1 Primary Production Zone, but prohibited in the proposed RU4 Rural Small Holdings Zone, as there are no existing extractive industries located within the subject land. Furthermore, following consultation with the NSW Department of Industry and Investment (formerly known as the NSW Department of Primary Industries) undertaken pursuant to Section 62 of the Environmental Planning and Assessment Act 1979 the ALEP 2010 was revised to expand the permissibility of both mining and extractive industries across the Albury LGA where agriculture and industry may be carried out (with or without development consent) to accommodate existing known mineral resources and operations. Where the location of other known mineral resources and operations are at odds with the proposed zoning these sites have been protected by being inserted into Schedule 1 'Additional permitted uses' of the ALEP 2010.

No.	SEPP Title	Applicable to Planning Proposal	Assessment
	State Environmental Planning Policy (Rural Lands) 2008	Yes applies to the Albury LGA	Compliant, Planning Proposal does not derogate from the aims, rural planning and subdivision principles to assist the management, development and protection of rural lands, development assessment and other provisions as provided in the SEPP. The Planning Proposal is consistent with the rural planning and subdivision principles in the SEPP that seek to assist the proper management, development and protection of rural lands, reduce land use conflict and promote social, economic and environmental welfare. A response in relation to SEPP (Rural Lands) rural planning and subdivision principles is outlined as follows: ▪ moderate zone and minimum lot size changes proposed reflect existing agricultural trends (including land fragmentation, climate change, declining terms of trade, absence of an irrigated water supply etc.) land use activities and development patterns and will facilitate the orderly and economic development of rural lands at densities that will avoid potential land use conflict, ▪ comparable rural zonings, minimum lot sizes and permissible land uses have been retained to accommodate (protect) current agricultural enterprises whilst at the same time create opportunities (promote) for potential new more productive and sustainable economic pursuits including horticulture,

No.	SEPP Title	Applicable to Planning Proposal	Assessment
	State Environmental Planning Policy (Rural Lands) 2008 Cont.		Agronomist advice (as reproduced in Appendix C) has concluded that 2-40ha is a viable minimum lot size for more intensive agricultural uses such as horticulture, the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land has been accommodated through previous studies that have informed the preparation of the ALUS and guided zoning decisions under ALEP 2010 resulting in a net gain in environmental zoned land across the Albury LGA including the subject land, in addition, it is noted that at minimum lot sizes (e.g. 40ha) proposed, any natural and/or physical constraints and opportunities will be easily accommodated through development outcomes on-site, ▪ strategic planning framework supports outcomes sought by the Planning Proposal insofar as ALUS recognises a declining agricultural base in an Albury context, and consequently, identifies the subject land for further investigations to determine potential for rural lifestyle development, and ▪ consistency with applicable regional strategies (i.e. DMRS) is provided in Table 2 of Appendix B.

No.	SEPP Title	Applicable to Planning Proposal	Assessment
	State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not applicable	N/A
	State Environmental Planning Policy (Temporary Structures) 2007	Not applicable	Planning Proposal does not derogate from the aims, permissibility, development consent requirements, exempt and complying development provisions relating to temporary structures and places of public entertainment as provided in the SEPP.
	State Environmental Planning Policy (Western Sydney Employment Area) 2009	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Western Sydney Parklands) 2009	No, does not apply to the Albury LGA	N/A
	Regional Environmental Plan (deemed State Environmental Planning Policy) Murray REP No. 2 – Riverine Land	Yes applies to the Albury LGA	Compliant, Planning Proposal does not derogate from the aims, objectives, development consent, general and specific planning principles and consultation requirements as provided in the REP.

Table 4 – Consideration of Section 117(2) Ministerial Directions

No.	Direction Title	Applicable to Planning Proposal	Consistency
1. Employment and Resources			
1.1	Business & Industrial Zones	Not applicable	N/A
1.2	Rural Zones	Yes, as the Planning Proposal will affect land within an existing rural zone	Direction 4(a) The Planning Proposal does not derogate from the aims or objectives of this direction insofar as it does not seek to rezone land from a rural zone to a residential, business, industrial, village or tourist zone. Direction 4(b) It is noted that the Albury (former part Hume) LGA where the subject land is located has not been listed amongst those LGAs where this direction applies. Consequently, compliance with this direction is not required. Notwithstanding, a response in support of an increase in permissible densities as sought by the Planning Proposal is outlined as follows: - potential development outcomes from densities sought are likely to result in only a moderate/marginal increase in additional lots (potential lot yield) created on the subject land, - outcomes sought by the Planning Proposal will better reflect existing agricultural trends including, fragmented nature of existing and surrounding landholdings (existing development patterns), response to climate change, declining Terms of Trade, an absence of irrigated water supply, anecdotal evidence and independent agronomist advice that concludes that existing farming practices are already not viable

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No.	Direction Title	Applicable to Planning Proposal	Consistency
1.2	Rural Zones Cont.		▪ strategic planning framework supports outcomes sought by the Planning Proposal insofar as ALUS recognises a declining agricultural base in an Albury context, and consequently, identifies the subject land for further investigations to determine potential for rural lifestyle development, ▪ preliminary investigations into transition issues between the subject land and wider area reveals that densities sought by the Planning Proposal are comparable to existing lot sizes in the adjoining Greater Hume Shire, ▪ independent agronomist advice has been received regarding the subject land that confirms limited viability for existing dryland pastoral/livestock agricultural pursuits. More importantly, the same advice concludes that the densities sought would most likely positively affect agricultural viability for horticultural enterprises. A more detailed explanation of the above dot points are provided in Parts A and C.
1.3	Mining, Petroleum Production & Extractive Industries	Applicable	Justifiably inconsistent, despite the fact that extractive industries are permitted with consent in the existing RU1 Primary Production Zone however, prohibited in the proposed RU4 Rural Small Holdings Zone, as there are no existing extractive industries located within the subject land which renders outcomes sought by this Planning Proposal to be of minor significance.

No.	Direction Title	Applicable to Planning Proposal	Consistency
1.3	Mining, Petroleum Production & Extractive Industries Cont.		Furthermore, following consultation with the NSW Department of Industry and Investment (formerly known as the NSW Department of Primary Industries) undertaken pursuant to Section 62 of the Environmental Planning and Assessment Act 1979 the ALEP 2010 was revised to expand the permissibility of both mining and extractive industries across the Albury LGA where agriculture and industry may be carried out (with or without development consent) to accommodate existing known mineral resources and operations. Where the location of other known mineral resources and operations are at odds with the proposed zoning these sites have been protected by being inserted into Schedule 1 'Additional permitted uses' of the ALEP 2010.
1.4	Oyster Aquaculture	Not applicable	N/A
1.5	Rural Lands	Yes applies to the Albury LGA	Consistent, the Planning Proposal is not inconsistent with the aims of this direction, being to protect the agricultural production value of rural land and to facilitate orderly and economic development of rural lands. In addition, the Planning Proposal does not derogate from the rural planning and subdivision principles in SEPP (Rural Lands) that seek to assist the proper management, development and protection of rural lands, reduce land use conflict and promote social, economic and environmental welfare. A response in relation to SEPP (Rural Lands) rural planning and subdivision principles is outlined as follows:

No.	Direction Title	Applicable to Planning Proposal	Consistency
1.5	Rural Lands Cont.		▪ moderate zone and minimum lot size changes proposed reflect existing agricultural trends (including land fragmentation, climate change, declining terms of trade, absence of an irrigated water supply etc.) land use activities and development patterns and will facilitate the orderly and economic development of rural lands at densities that will avoid potential land use conflict, ▪ comparable rural zonings, minimum lot sizes and permissible land uses have been retained to accommodate (protect) current agricultural enterprises whilst at the same time create opportunities (promote) potential for new more productive and sustainable economic pursuits including horticulture, Independent Agronomist advice (as reproduced in Appendix C) has concluded that 2-40ha is a viable minimum lot size for more intensive agricultural uses such as horticulture, ▪ the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land has been accommodated through previous studies that have informed the preparation of the ALUS and guided zoning decisions under ALEP 2010 resulting in a net gain in environmental zoned land across the Albury LGA including the subject land,

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No.	Direction Title	Applicable to Planning Proposal	Consistency
1.5	Rural Lands Cont.		in addition, it is noted that at minimum lot sizes (e.g. 40ha) proposed, any natural and/or physical constraints and opportunities will be easily accommodated through development outcomes on-site, ▪ strategic planning framework supports outcomes sought by the Planning Proposal insofar as ALUS recognises a declining agricultural base in an Albury context, and consequently, identifies the subject land for further investigations to determine potential for rural lifestyle development, and ▪ consistency with applicable regional strategies (i.e. DMRS) is provided in Table 2 of Appendix B.
2. Environment and Heritage			
2.1	Environmental Protection Zones	Yes, as the planning proposal affects land identified for environment protection purposes	Consistent, as previous city-wide strategic planning documentation (including the <i>Thurgoona Threatened Species Conservation Strategy 2004</i>, <i>Albury Ranges Threatened Species Conservation Strategy 2006</i> and the <i>draft Natural Assets Strategy</i>) has identified land considered desirable habitat network to be retained across the Albury LGA. This habitat network is shown in Figure 8 of the attached ALUS (see Appendix C). The spatial determinants and land management recommendations associated within the retained and desirable habitat network have generally been based on tree cover, connectivity and are broadly based on wildlife conservation.

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No.	Direction Title	Applicable to Planning Proposal	Consistency
2.1	Environmental Protection Zones Cont.		It is further noted that, through the preparation and gazettal of ALEP 2010, these same habitat networks have been excised from urban and rural lands as either an E2 Environmental Conservation or E3 Environmental Management Zone, which is geared towards the protection, management and restoration of areas with special ecological, scientific, cultural or aesthetic value. The Planning Proposal does not derogate from ALEP 2010 with respect to the location and spatial extent of environmental zones. Accordingly, there will be no change in the protection or conservation of environmentally sensitive areas as a consequence of this Planning Proposal.
2.2	Coastal Protection	No (does not apply to land in the Albury LGA)	N/A
2.3	Heritage Conservation	Yes, applies to all Relevant Planning Authorities where a Planning Proposal is prepared	Consistent, Planning Proposal does not alter or derogate from the heritage conservation controls contained in clause 5.10 of ALEP 2010 that seeks to facilitate the conservation of items, areas, objects and places of environmental heritage significance, which is consistent with the objective of this direction.
2.4	Recreation Vehicle Areas	Not applicable	N/A
3. Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Not applicable	N/A
3.2	Caravan Parks & Manufactured Home Estates	Not applicable	N/A
3.3	Home Occupations	Not applicable	N/A
3.4	Integrating Land Use and Transport	Not applicable	N/A

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No.	Direction Title	Applicable to Planning Proposal	Consistency
3.5	Development Near Licensed Aerodromes	Not applicable	N/A
4. Hazard and Risk			
4.1	Acid Sulphate Soils	No (does not apply to land in the Albury LGA)	N/A
4.2	Mine Subsidence & Unstable Land	No (does not apply to land in the Albury LGA)	N/A
4.3	Flood Prone Land	Yes, as the planning proposal seeks to alter a zone that affects flood prone land.	Consistent, notwithstanding proximity to Lake Hume, the outcomes sought by this Planning Proposal will not exacerbate any existing environmental issues including flooding and/or result in any increased risks to property and life.
4.4	Planning for Bushfire Protection	Yes, as the planning proposal will affect land mapped as bushfire prone land	Consistent, the outcomes sought by this Planning Proposal will not exacerbate any existing environmental issues including bushfire. It is anticipated that at densities proposed any legislative requirements should be easily accommodated through subsequent development outcomes insofar as protecting life, property and environment.
5. Regional Planning			
5.1	Implementation of Regional Strategies	No (there is no regional strategy applicable to the AlburyCity LGA)	N/A
5.2	Sydney Drinking Water Catchment	No (does not apply to the AlburyCity LGA)	N/A
5.3	Farmland of State & Regional Significance on the NSW Far North Coast	No (does not apply to the AlburyCity LGA)	N/A

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No.	Direction Title	Applicable to Planning Proposal	Consistency
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No (does not apply to the AlburyCity LGA)	N/A
5.5	Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	No (does not apply to the AlburyCity LGA)	N/A
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No (does not apply to the AlburyCity LGA)	N/A
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No (does not apply to the AlburyCity LGA)	N/A
5.8	Second Sydney Airport: Badgerys Creek	No (does not apply to the AlburyCity LGA)	N/A
6. Local Plan Making			
6.1	Approval and Referral Requirements	Yes	Consistent, the Planning Proposal is not proposing to add any provisions which require referral of development applications to the Minister.
6.2	Reserving Land for Public Purposes	Not applicable	N/A
6.3	Site Specific Provisions	Not applicable	N/A
7. Metropolitan Planning			
7.1	Implementation of Metropolitan Strategy	Not applicable	N/A

APPENDIX C
Relevant Council Reports

PDC 7 – REPORTS FOR DISCUSSION

7A Draft Albury LEP 2009 (Consideration of Submissions) (40/70/0042)

DATE 12 April 2010

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

MEETING DATE Wednesday 19 April 2010

FURTHER ENQUIRIES TO Chris Graham **PHONE** 6023 8148
Planning & Economic Development

Introduction

At the Ordinary Meeting of Council on Monday, 27 April 2009, Council resolved, pursuant to Section 64 of the Environmental Planning and Assessment Act 1979 (EP&A Act), that the *Draft Albury Local Environmental Plan (LEP) 2009*, as amended, be forwarded to the Director General of Planning requesting that a certificate under Section 65 of the EP&A Act be issued, enabling the exhibition of the *Draft Albury LEP 2009*. Council also resolved that upon receipt of the certificate under Section 65 of the EP&A Act, the *Draft Albury LEP 2009* and supporting documentation be placed on public exhibition for a period of not less than 28 days.

On 28 October 2009 the NSW Department of Planning issued a Section 65 Certificate to enable the exhibition of the *Draft Albury LEP 2009*. Consequently, the *Draft Albury LEP 2009* and supporting documentation was publicly exhibited for a period of three months, commencing 7 November 2009 and concluding 29 January 2010. A public hearing was held for the *Draft Albury LEP 2009* on 4 February 2010 in relation to proposed land classification changes.

The purpose of this report is to inform Council that submissions have been received from the general public (including various interest or community based groups) and government agencies. Following further consideration of issues raised a number of changes are proposed to the *Draft Albury LEP 2009* content for which we are seeking further consideration of Council before progressing the *Draft Albury LEP 2009*.

Background

Under the planning reforms introduced by the NSW Government in September 2004, AlburyCity prepared and adopted the Albury Land Use Strategy (LUS) 2007 in December 2006 (effective in March 2007). Upon completion of the Albury LUS 2007 a comprehensive review of planning controls commenced to facilitate the delivery of Albury LUS 2007 recommendations through a statutory planning document. The *Draft Albury LEP 2009* has been prepared in accordance with the NSW Standard Instrument (Local Environmental Plans) Order 2006 (Standard Instrument).

The *Draft* Albury LEP 2009 and accompanying Albury Local Environmental Study (LES) 2008 have been the subject of previous reports to Council on 17 March 2008, 24 November 2008, and 27 April 2009 in recognition of ongoing content and subject matter changes that have been undertaken in response to various consultation phases required to progress these documents to public exhibition.

Both the *Draft* Albury LEP 2009 and accompanying Albury LES 2008 have completed the public exhibition process. The most recent consultation phase, being the presentation of the documents and supporting information, the process is nearing completion with the consideration of submissions and issues raised reported to Council represents the final step with respect to content and subject matter changes before the *Draft* Albury LEP 2009 is finalised and submitted to the NSW Department of Planning with a request for gazettal.

It is noted the *Draft* Albury LEP 2009 incorporates both the rezoning and reclassification of four parcels of Council owned land, consistent with the proposed rezoning and classification changes as contained in the *Draft* Amendment 17 to Albury LEP 2000. The process for consideration of rezoning and reclassification of these parcels is not reported here, but instead is deferred to *Draft* Amendment 17 which is reported under separate cover.

Consultation

AlburyCity has made significant effort to publicise the exhibition of the *Draft* Albury LEP 2009 and supporting documentation, in the interests of informing the community, generating awareness and encouraging feedback through submissions and Community Workshops.

The publicity campaign has involved the following:

- an open letter from the Mayor informing the general public of the upcoming public exhibition of new planning laws, which was attached to all rate notices dispatched prior to exhibition commencement;
- notification letters dispatched to land owners who were identified as being directly affected by significant zone and/or planning provision changes prior to exhibition commencement;
- notification letters dispatched to relevant Government Departments and Authorities, service providers and other key stakeholders, in addition to consultation previously undertaken in mid 2008 and reported to Council in late 2008, pursuant to Section 62 of the EP&A Act;
- a full page public notice published in the Border Mail on two occasions (prior to and during exhibition) which were further supported by other public notices regarding Community Workshops;
- 14 separate Community Workshops for general, location specific, and professional/interest group information sessions, public hearings and community forums were held in various locations across the Albury LGA (during exhibition);
- static displays containing all exhibition material were erected in the foyer of the Council Administration Building, as well as the Lavington Library, for public viewing purposes;
- all exhibition material and the ability to make an electronic submission being made available on the AlburyCity website;

- provision of a copying service for hard copies of exhibition material, in addition to free CDs containing all exhibition material being made available on request; and
- individual meetings with interest and community groups, landowners and residents.

Issues

In response to the public exhibition and publicity campaign, AlburyCity has received 93 submissions in relation to the *Draft Albury LEP 2009*. Amongst submissions received, 82 were received from individuals, nine were received from Government Departments and Authorities, service providers and other key stakeholders, two were received from various interest or community based groups and one was received from AlburyCity.

Government Departments/Authorities, service providers and key stakeholder submissions, included:

- NSW Land & Property Management Authority (LPMA) (previously known as the Dept of Lands);
- NSW Roads & Traffic Authority (RTA);
- NSW Department of Planning – Heritage Branch;
- Albury Wodonga Corporation (AWC);
- Housing NSW (previously known as the Dept of Housing);
- Industry & Investment NSW (previously known as the Dept of Primary Industries);
- Norske Skog;
- Australian Rail Track Corporation (ARTC); and
- Albury & Northside Chambers of Commerce.

Representative interest or community based group submissions, included:

- Thurgoona Progress Association, and
- South Albury Community Group.

In an effort to address issues raised, staff have prepared a summary table (*see Attachment 1 – Table 1*) of submissions received and issues raised. Where a number of similar issues have been raised from a specific area such as Table Top and Splitters Creek, these common issues and a response to each have been compiled into a specific table, being Table Top Summary of General Issues (*see Attachment 2 – Table 2*) and Splitters Creek Summary of General Issues (*see Attachment 3 – Table 3*) that are referred to (where relevant) in the summary table. This will provide clarity to Council and the community and removes excessive duplication in the summary table.

It is reiterated that AlburyCity, as part of the public exhibition process, has made its own submission on the *Draft Albury LEP 2009*. This submission generally seeks to rectify minor formatting or mapping errors that were previously not undertaken prior to public exhibition. It is further noted that the AlburyCity submission also identifies issues relating to the content and subject matter of the *Draft Albury Development Control Plan (DCP) 2009*, which is not reported here, but instead will be reported under separate cover. Issues raised, responses and recommendations associated with the AlburyCity submission have been tabled separately to assist in maintaining transparency in the process (*see Attachment 4 – Table 4*).

A considered response to each submission and the issues raised have been prepared in the abovementioned tables that include, in some instances, recommended actions involving content changes to the *Draft* Albury LEP 2009, or alternatively no changes and supporting comments for this response.

There are a number of significant issues that have created interest and concern in the community, including:

- Table Top (north of Perryman Lane) – objection to proposed minimum lot size;
- Table Top (south of Perryman Lane) – objection to proposed minimum lot size;
- Table Top (west of Olympic Way) – objection to proposed zoning and minimum lot size;
- Roads & Traffic Authority (RTA) – concerns regarding urban release area demands on existing road network;
- Australian Defence Force (ADF) – objection to proposed urban expansion around existing ADF Wirlinga Facility;
- Splitters Creek – objection to proposed minimum lot size;
- South Albury Community Group – requested expansion of the proposed B4 Mixed Use Zone and removal of the proposed R3 Medium Density Residential Zone in South Albury; and
- Thurgoona Progress Association – request for the inclusion of the RU5 Village Zone in central Thurgoona, request that appropriate provision is made for recreation, shopping, transport infrastructure and environmental buffers, request that high density residential developments be prohibited.

All of these issues have been the subject of significant community interest and comment during public exhibition. Due to the high level of interest, further detailed comment and information has been provided in the main body of this report.

TABLE TOP (NORTH OF PERRYMAN LANE)
OBJECTION TO PROPOSED 100 HECTARE MINIMUM LOT SIZE

Issue

'Development for primary production is not sustainable. Nor would it offer an aspiring hobby farmer the opportunity to move from a fringe 'hobby industry' into a 'mainstream commercial enterprise' because of the limited access to water.'

Prior to the boundary adjustment, the former Hume Shire had put in place a minimum lot size of 100 hectares for rural farm land. This lot size and the accompanying Rural Agriculture Zone of their last LEP was aimed at preserving the agricultural nature of a then, much larger surrounding rural area.

Since that time, due to the onset of climate change and the pressures of declining terms of trade, the sustainability of agriculture has dramatically changed. The previous former Hume Shire minimum lot size of 100 hectares is now no longer regarded as a viable farming area, requiring full-time off-site work to survive. The area now considered by agronomists to have any long term prospects of sustainability for primary production is in excess of 500ha.

Many of the lots are 40ha or less (some even as small as 2ha) in this area as well as the adjoining proposed E4 Environmental Living Zone and RU4 Rural Small Holdings Zone. We believe that AlburyCity should allow an interim residential lot size of 40ha across the proposed RU1, E4 and RU4 zones within the Draft Albury LEP 2009 pending completion of their previously flagged investigations into these areas.

Response

It is noted that typical farming activities located in the proposed RU1 Primary Production Zone (north of Perryman Lane) consists of broad acre farming for cropping and grazing purposes. It is further noted in the absence of an irrigated water supply, that existing farming practices are not considered sustainable by landholders.

It is acknowledged that the proposed 100 hectare minimum lot size (based on existing Hume LEP 2001) is not considered to be viable for standalone dryland farming, based on agronomist advice and anecdotal feedback.

It is noted that rural estate agents, banking institutions and consultants consider that a viable dryland farming unit size in this region is approximately 400-500 hectares.

It is also recognised that approximately a third of that area bound by Perryman Lane (south), Hume Highway (east), Olympic Way (west) and the Albury LGA boundary (north) already exhibits land fragmentation with holdings approximately 40 hectares or less (being approximately 14 of the 20 landholders) (representing approximately 30% of the total land area).

Council officers consider issues raised to be valid and warrant changes being made to zoning and minimum lot size provisions as proposed in the *Draft Albury LEP 2009*.

The *Draft Albury LEP 2009* should be amended with regard to both zoning and minimum lot size provisions so as to reflect existing farming trends/activities, the pattern of land holdings and promote viable long term use of the land. **It is recommended that the area bounded by Perryman Lane (south), Hume Highway (east), Olympic Way (west) and the Albury LGA boundary (north) in Table Top, currently proposed for RU1 Primary Production Zone and 100 hectare minimum lot size be amended to RU4 Rural Small Holdings Zone and 40 hectares respectively.**

The RU4 Rural Small Holdings Zone is appropriate, given that this zone is generally intended for land which is to be used for small scale rural and primary industry, as compared to the large scale primary industry production accommodated in the RU1 Primary Production Zone.

Notwithstanding, the change in minimum lot size recommended effectively halves that currently applying under the Hume LEP 2001 and originally proposed under the *Draft Albury LEP 2009*, such actions remain consistent with the Section 117 Ministerial Direction: 1:5 Rural Lands objective, to facilitate the orderly and economic development of rural lands for rural and related purposes because the proposed changes in zoning and minimum lot size are responsive to the changing nature of agriculture and trends, demands and issues in agriculture for the Albury LGA, which is consistent with State Environmental Planning Policy (Rural Lands) 2008 rural planning principles.

Notwithstanding, this issue has been raised by land owners in Table Top (north of Perryman Lane) it is considered to have wider implications and therefore is applicable across the remainder of the Table Top area that is also proposed for RU1 Primary Production Zone (north of Perryman Lane and Table Top Road).

Accordingly, it is recommended that both proposed zoning and minimum lot size for those parts of Table Top currently proposed RU1 Primary Production and 100 hectare be changed to RU4 Rural Small Holdings and 40 hectares respectively. This approach will also compliment and ensure consistency with adjoining proposed land use zoning and minimum lot size to the south.

TABLE TOP (SOUTH OF PERRYMAN LANE) **OBJECTION TO PROPOSED 40-80 HECTARE MINIMUM LOT SIZE**

Issue

Under the current Rural (Living) Zone in the Hume LEP 2001, subdivision is permitted to a minimum lot size of 2ha with an average of 8ha (applicable for more than one additional lot). Under the Draft Albury LEP 2009 the minimum lot size is proposed to increase to 40 hectares and in some areas 80 hectares. This is a significant reduction in the subdivision opportunities available under the current planning regime and will have significant financial implications for current landowners.

The Draft Albury LEP 2009 has the potential to 'lock up' the area for the next 20-30 years, while other vast areas are allowed to develop for urban growth. Council staff have indicated that both zoning and/or minimum lot size may be subject to change pending further investigations. However this could take an indeterminate number of years, it is highly unsatisfactory to be left in limbo as this creates uncertainty for landowners.

Response

It is acknowledged that proposed minimum lot sizes (40-80 hectares) under the *Draft Albury LEP 2009* would effectively prohibit further subdivision in the wider Table Top area and that this may in some instances result in diminished land value. It is acknowledged that central and eastern precincts of Table Top already exhibit fragmented land ownership patterns where rural-residential development dominates in some areas which can be attributed to previous/current zoning provisions.

In response AlburyCity (consistent with Albury LUS 2007 recommendations) proposes to prepare a structure plan to determine the capability of central and eastern precincts of Table Top to accommodate long term urban development and in turn potential for Table Top to continue to accommodate rural lifestyle development, with the aim of protecting the area from further lot fragmentation that would inhibit or prevent long term urban development.

It is possible, pending the outcome of such further investigations, that some subdivision potential may be reassigned to Table Top area (south of Perryman Lane) for rural lifestyle development, however, this will only occur where AlburyCity has identified an appropriate minimum lot size that does not compromise future urban development potential (where relevant).

The need to undertake a structure plan and associated investigations is warranted because the two hectare minimum and eight hectare average lot sizes currently allowed throughout much of Table Top, if carried over, would continue to fragment land ownership and compromise future long term urban development potential (where relevant). This includes significant impacts and demand on service provision.

Consequently, the minimum lot sizes proposed effectively seek to put Table Top into a holding pattern pending further investigations.

A Review of Land Use Planning in the Central West prepared by the Department of Planning (August 2007) refers to a lack of and poor planning for rural lifestyle/rural residential uses in rural areas as having contributed to and resulted in land use conflict including:

- "The inappropriate juxtaposition of land uses, and in particular the proximity of residential development to agricultural land uses can and has posed a problem by way of fettering the ability of some farmers to farm their land because of residential amenity issues notwithstanding that in many instances the agricultural use preceded the rural residential development;
- The fragmentation and loss of agricultural land to rural residential development has hampered the expansion of farming operations and resulted in the emergence of discontinuous farms where economies of scale become increasingly difficult to achieve;
- Increases in land values attributed to rural residential/rural lifestyle development and smaller holdings (essentially being valued for their residential rather than rural value) can and has limited opportunities for farmers to enter and/or expand operations to become more competitive and gain access to economies of scale;
- The ad hoc planning for and placement of rural residential on better farming country has led to the loss of productive agricultural land to lifestyle development and speculative investment."

Similarly, the recently exhibited Draft Murray Regional Strategy (DMRS) that Councils (including AlburyCity) will be required to give consideration to when preparing new planning controls proposes a number of actions with regard to settlement, housing and rural lifestyle housing that requires detailed consideration/investigation prior to allowing residential and rural lifestyle development to assist in the avoidance of abovementioned land use conflicts. In particular, the DMRS states, amongst its actions, that "Land that has been identified as having value as a future urban expansion area will not be zoned for rural lifestyle housing".

In recognition of land use conflicts that have been documented elsewhere, AlburyCity proposes to undertake further investigations in the form of a structure plan as an exercise in due diligence to assist the determination and allocation of a minimum lot size to ensure that both existing agriculture and/or future urban land use activities are not compromised. Such investigations will determine a minimum lot size, based on local circumstances and actual trends, including the existence and pattern of existing farming activities, existing pattern of holdings, current pressure for subdivision/dwellings, current pressure for change and reasons for change. The preparation of a structure plan is necessary to allow AlburyCity to consider the proper and orderly development of all areas across Table Top compared to the ad hoc site specific assessment.

It is also recognised that the proposed 40-80 hectare minimum lot sizes (pending further investigation) have the potential to prohibit further subdivision in Table Top for an indeterminate period. It is noted that a timeframe on the commencement and completion of a structure plan for Table Top has not been determined. It is recommended that such investigations be undertaken within two years of gazettal of the *Draft Albury LEP 2009* to minimise any period of uncertainty prior to AlburyCity determining a position on future development.

It should also be noted that in response to concerns raised by landholders in wider Table Top, AlburyCity staff have undertaken an audit of existing landholdings to ascertain the extent that the proposed 40-80 hectare minimum lot size will impact on subdivision potential. The audit has determined that approximately 60% of existing landholders within Table Top that are in the Rural (Living) Zone under the Hume LEP 2001 have no further subdivision potential as they have either previously been subdivided under the Hume LEP 2001 (and therefore are not permitted to further subdivide as per Clause 17(2)(1)(a)) and/or are too small to achieve the required minimum lot size (two hectares).

It is noted that after taking into account the recent influx of development applications received and approvals issued under the Hume LEP 2001, the percentage of landholders that may have no subdivision potential (should all recently approved subdivisions proceed to registration with the Land Titles Office) will increase to approximately 75% of total landholdings. Consequently, the total number of landholders restricted by the proposed 40-80 hectare minimum lot size (holding pattern pending further investigation) is not as extensive as that originally anticipated.

In recognition of existing proposed and recommended changes to minimum lot size elsewhere across Table Top, including north of Perryman Lane/ Table Top Road (100 hectares amended to 40 hectares) and west of Olympic Way (Gerogery Road) and north of Himalaya Estate (80 hectares amended to 40 hectares) it is considered appropriate that the eastern precincts of Table Top, where a proposed 80 hectare minimum lot size has been proposed, be amended to 40 hectares to both compliment and create consistency with remaining Table Top area.

In closing, with the exception of the proposed amendment in minimum lot size for the eastern precinct of Table Top from 80 hectares to 40 hectares, it is recommended that the provision(s) relating to minimum lot size for this area remain unchanged pending further investigation.

**TABLE TOP (WEST OF OLYMPIC WAY & NORTH OF HIMALAYA ESTATE)
OBJECTION TO THE PROPOSED E4 RURAL LIVING ZONE AND 80 HECTARE MINIMUM LOT
SIZE**

Issue

The Albury LUS 2007 identifies land west of the Olympic Way and north of Himalaya Estate as being an area having 'conservation and landscape values'. It is presumed that these designations have led to the allocation of the proposed E4 Environmental Living Zone.

It is not clear how land west of the Olympic Way and north of Himalaya Estate has been identified as having 'conservation and landscape values'.

Figure 8 in the Albury LUS 2007 shows that there is very little of anything of conservation value within the subject land. The Strategy does not identify any part of the subject land as being suitable for and/or warranting the allocation of an environmental zone.

For all intents and purposes, the land west of the Olympic Way and north of Himalaya Estate has the appearance of cleared cropping and grazing country that is neither significant nor insignificant in terms of landscape value.

Response

The identification of the land west of the Olympic Way (Gerogery Road), north and west of Himalaya Estate (western precinct of Table Top) as having 'conservation and landscape value' in the ALUS has been a critical determinant in the allocation of a proposed E4 Environmental Living Zone.

The query in relation to identified 'landscape and conservation value' is noted.

The spatial designation of the 'conservation and landscape value' to the subject land (being the western precinct of Table Top) was largely in response to the observation that this precinct contained significant variations in elevation (elevated land) that would render it not ideal for broad acre farming practices, and consequently, in the absence of farming pressures would most likely be affected by remnant vegetation. It is further noted that the combination of elevated and vegetated land also serves as a scenic backdrop with views/vistas to the north, north-east and east which further supports the 'conservation and landscape value' designation.

Inquiries with the consultants who prepared the Albury LUS 2007 on behalf of AlburyCity have indicated that decisions relating to the spatial extent "of the conservation and landscape value" designation were largely affected by proximity issues and the need to create a clear and appropriate delineator (ie. separation/buffer between land identified as having 'conservation and landscape value' and other areas). The Albury LGA boundary to the north and west and Gerogery Road to the east were considered to provide a more appropriate delineator between areas of 'conservation and

landscape value' and surrounding areas despite large tracts of the subject land being relatively unconstrained.

A further analysis of land constraints has been undertaken for the subject land in order to review the merits of the proposed E4 Environmental Living Zone. This has confirmed that, with the exception of some large linear connections located in the elevated areas south of Dights Forest Road and north of Himalaya Estate, the remainder of the subject land is relatively unconstrained being cleared cropping and grazing country that is not considered significant with respect to 'conservation and landscape value'.

To this extent it is recommended that both the proposed E4 Environmental Living Zone and 80 hectare minimum lot size for the western precinct of Table Top, with the exception of areas in proximity to proposed E3 Environmental Management Zone that the NSW Department of Environment, Climate Change and Water informs AlburyCity is integral to provide continued protection to such areas, be amended to RU4 Rural Small Holdings and 40 hectares respectively.

In the absence of 'conservation and landscape value' and, when considering the existing pattern of land holdings, the large areas of the western precinct of Table Top more closely resembles other areas of Table Top that have also been allocated a proposed RU4 Rural Small Holdings Zone and 40 hectare minimum lot size.

ROADS & TRAFFIC AUTHORITY (RTA)

CONCERNS REGARDING URBAN RELEASE AREA DEMANDS ON EXISTING ROAD NETWORK

Issue

RTA questions the area to be rezoned for urban release purposes. The RTA is mostly concerned with the potential for impact on the classified road network due to the increase in urban development on the eastern side of the Hume Highway and the development along the transport corridors into Albury. The Draft Albury LEP 2009 needs to provide the avenue to address this concern through the use of appropriate staging of development and funding of the required infrastructure works to maintain the efficiency and safety of both the local and classified road network. In this regard the RTA requests that the Council undertake appropriate investigation and instigate measures to ensure that the current classified road network is not adversely impacted by the changes proposed by the Draft Albury LEP 2009.

Response

The Albury LUS 2007 identifies the major district and regional level transport infrastructure requirements to accommodate the land uses proposed for the Albury LGA over the forecast lifecycle of the ALUS. The main areas requiring upgrade over the next 25 years, in order to address anticipated residential and industrial/business growth, are:

- District level roads in Thurgoona/Wirlinga,
- District level roads in Ettamogah/Table Top,
- Lake Hume Village/Heywoods Bridge,

- Riverina Highway,
- Old Sydney Road, and
- The northern area ring road.

This city-wide assessment of transport infrastructure requirements will be further supported by District and Local Structure Plan(s) for the emerging growth areas of Thurgoona and Wurlinga that will include detailed investigations to determine upgrade requirements for existing district roads and the need for new district roads to accommodate future urban development. It is anticipated that the Riverina Highway will require duplication to accommodate the traffic generated from new residential development in Thurgoona/Wurlinga and Lake Hume Village. The existing east-west road connections to central Albury are considered adequate to accommodate additional vehicular movements, notwithstanding, AlburyCity will ensure that District and Local Structure Plan(s) investigate this issue further as part of a traffic study component that accords with minimum RTA requirements.

District and Local Structure Plan(s) will be incorporated into the regime of planning controls for the Albury LGA and will be considered with respect to any development proposal.

In the interim (prior to District and Local Structure Plan(s) being prepared and adopted), Clause 6.3 of the *Draft Albury LEP 2009* requires the preparation of a site specific development control plan for development of land in an Urban Release Area that provides for, amongst other things,

...an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,...

Site specific development control plans will be required to be consistent with any District or Local Structure Plan(s) (where relevant). In response to concerns raised in relation to the funding of required infrastructure works to maintain the efficiency and safety of the local and classified road network, it should be noted that Clause 6.1 in the *Draft Albury LEP 2009* provides that adequate arrangements are made to contribute towards State public infrastructure to meet the needs that arise from subdivision and development of urban release areas.

It recommended that District and Local Structure Plan(s) that guide future urban development in Thurgoona/Wurlinga be prepared and that the Structure Plan(s) incorporate a traffic study and noise assessment component that addresses minimum RTA consideration requirements.

AUSTRALIAN DEFENCE FORCE (ADF) OBJECTION TO THE URBAN EXPANSION AROUND EXISTING ADF WURLINGA FACILITY

Issue

ADF has concerns with respect to the proposed R1 General Residential Zone and R5 Large Lot Residential Zone surrounding the ADF Wurlinga Facility.

The ADF Wirlinga Facility site is a strategically important ADF training area. The nature of the training conducted at this site is dynamic and continually changing, but does include 24 hour exercises and the use of explosives. These exercises will generate noise and dust and can potentially pose a risk to public health and safety. It is strongly recommended that if Council does rezone around this site that an appropriate buffer zone be created between our boundary and any residential development.

Response

AlburyCity acknowledges ADF concerns in relation to proposed residential zones surrounding the ADF Wirlinga Facility and potential land use conflicts that may result because of the training operations typically undertaken on the ADF Wirlinga Facility.

It is noted that land surrounding ADF sites, particularly in Wirlinga, are proposed to be zoned a combination of R1 General Residential, R2 Low Density Residential and R5 Large Lot Residential. This proposed zoning reflects Albury LUS 2007 recommendations that identify Thurgoona/Wirlinga for urban expansion purposes to provide long-term strategic growth opportunities for the Albury LGA. Areas surrounding the ADF land in Wirlinga and Ettamogah have in the past been exposed to noise associated with various training activities.

It is recognised that the proposed R1 General Residential and R5 Large Lot Residential Zone in proximity to ADF land will result in an increased exposure of the ADF activities to neighbouring residential land and potential complaint. Notwithstanding the above, AlburyCity does not support the arbitrary allocation of a transition/buffer type zone around the ADF Wirlinga Facility as requested for reasons outlined as follows:

- A transition/ buffer type zone (especially in the absence of further investigation) will sterilise land from further development which is not consistent with Albury LUS 2007 recommendations,
- It is the intention of AlburyCity to prepare District and Local Structure Plan(s), particularly for Thurgoona/Wirlinga to guide future development activities. District and Local Structure Plan(s) will, in consultation with the ADF, seek to investigate and implement appropriate measures to assist in minimising any potential land use conflicts between ongoing operations undertaken on the ADF Wirlinga Facility and surrounding proposed residential land.

It is anticipated that upon adoption, the District and Local Structure Plan(s) will be incorporated into the regime of planning controls for the Albury LGA and will be considered with respect to any development proposal.

- Clause 6.3 of the *Draft Albury LEP 2009* requires the preparation of a site specific development control plan for development of land in an Urban Release Area that provides for, amongst other things:

Investigation, identification and mitigation measures being incorporated into development design to minimise any potential impacts associated with ongoing operations undertaken on adjoining and/or adjacent to the Australian Defence Force sites in Ettamogah and Wirlinga.

There will be a requirement that site specific development control plans be consistent with any District or Local Structure Plan(s) (where relevant).

- Opportunities exist within the extensive ADF Wirlinga Site to locate training exercises to parts of that site that will minimise amenity impacts and risk to public health and safety.
- There is suitable and appropriate land available within the ADF land to provide buffers from activities undertaken on the site.

It is recommended that proposed zoning and minimum lot size provision(s) remain unchanged, however, it is also recommended that AlburyCity prepare District and Local Structure Plan(s) in the next 12-18 months to guide future development activities in Thurgoona/Wirlinga, in consultation with the ADF, that amongst other things, seeks to investigate and implement appropriate measures that assist in minimising potential land use conflict between ongoing operations undertaken on the ADF Wirlinga Facility and surrounding residential land.

Notwithstanding the above, it is also recognised that any residential development of areas surrounding the ADF Wirlinga Facility should be made aware of ADF operations to ensure that buyers are informed. It is therefore recommended that AlburyCity include advice on zoning certificates for land located within a 500 metre radius of ADF land that describes present operations of the ADF land as an 'Area of Special Activities – Military Training' to increase public awareness.

It should be noted that existing land use zoning along Kerrs Road (Albury Fringe Zone, adjacent to the ADF land) already allows dwelling house development and residential subdivision down to 450m² for single dwelling houses and 232m² for multi-unit housing involving five or more dwellings. The proposed R1 General Residential Zone that has been allocated to this area is considered to be the most comparable to current zoning and minimum lot size controls. Notwithstanding land in proximity to the ADF Facility in Wirlinga has in the past been occasionally exposed to noise associated with various training activities, conventional residential densities have been allowed under the existing Hume LEP 2001. This is indicative that the presence of the ADF is recognised in the local community.

SPLITTERS CREEK

OBJECTION TO PROPOSED 80 HECTARE MINIMUM LOT SIZE

Issue

In the Rural (Living) Zone, under the Hume LEP 2001, subdivision is permitted in Splitters Creek to a minimum lot size of 2ha with an average of 8ha (applicable for more than one additional lot). Under the Draft Albury LEP 2009 the minimum lot size is proposed to increase to 80ha. This is a significant reduction of the subdivision opportunities available under the current planning regime and will have significant financial implications for current landowners.

Landholders object to the proposed minimum lot size of 80ha (AC) as there is no supporting information in the referenced documents that provides justification for this action. The implications on landowners who purchased their land based on a planning scheme that supported development should be acknowledged rather than adversely disadvantage an area based on an 80ha blanket ban on development.

It understood that the fundamental purpose of a Planning Scheme is to provide documentation to purchasers giving certainty in their purchase and investment decisions. Many have purchased at Splitters Creek based on the current Hume LEP 2001, knowing that later on, as the need arose, some or all of our land could be subdivided to provide for our needs. In addition it must also be kept in mind that purchasers of property have paid a premium for land within this area, based on this subdivision potential.

The minimum lot size has no substantiation, other than to try and create a basis whereby development is halted. There are a substantial number of lots and proposed lots that are in the range of 2ha to 8ha and there are very few holdings above 40ha in Splitters Creek. It is obvious that the flurry of recent subdivision applications and approvals have been made from current landholders getting in before the planned changes take place, however, it is considered to be a far more sensible approach to allow development in a more organised, considered and sustainable manner, where development is allowed, as and when landholders wish to develop rather than being rushed into submitting developments, just to beat the door being closed.

Given that these decisions have significant financial implications for people, it is considered necessary that detailed justification for such decisions be provided. It is not unreasonable to ask for detailed substantiation of: Why? Exactly what is the basis for this change? Is there financial compensation or the equivalent of back zoning implications?

I would also like to see a copy of any legal advice (which should be a public document anyway) that indicates that no compensation is payable in this situation or that there is not some form of responsibility to previous written documentation that people have reasonably been reliant on.

Historic rights should be recognised and protected as this is the intent of a planning scheme in the first instance.

Response

Splitters Creek is affected by physical land constraints (including steep terrain and waterways), natural hazards (including bushfire prone land), ecological values and service issues.

It is acknowledged that proposed 80 hectare minimum lot size under the *Draft Albury LEP 2009* would effectively prohibit further subdivision in Splitters Creek and that this may, in some instances, result in diminished land value. It is acknowledged that Splitters Creek already exhibits fragmented land ownership patterns which can be attributed to previous/current zoning provisions.

It is for this reason that AlburyCity agrees that (consistent with Albury LUS 2007 observations and recommendations) Splitters Creek should be encouraged and identified as a rural lifestyle precinct, however, additional rural residential subdivision and development should be confirmed by the preparation of a local structure plan that will, amongst other things, incorporate more detailed assessment of the precinct to confirm land capability due to the aforementioned constraints.

Accordingly, AlburyCity proposes to prepare a structure plan and undertake a detailed constraints analysis because the two hectare minimum and eight hectare average lot sizes currently allowed throughout much of Splitters Creek, if carried over under the draft LEP, are not sustainable. **Consequently, it is recommended that Splitters Creek be put into a holding pattern through the proposed 80 hectare minimum lot size pending further investigation.**

It is possible, pending the outcome of structure plan investigations, that some subdivision potential may be reassigned to Splitters Creek by amendment, however, this will only occur where an appropriate minimum lot size can be identified and assigned with respect to existing land constraints (land capability).

AlburyCity is mindful that the proposed 80 hectare minimum lot size (pending further investigation) is a significant departure from current controls and has potential to prohibit subdivision in Splitters Creek for an indeterminate period. It is noted that a timeframe on the commencement and completion of a structure plan that relates to Splitters Creek has not been determined.

It is recommended that investigation be undertaken within two years of the gazettal of the Albury LEP 2009 to minimise any period of uncertainty prior to AlburyCity determining a position on future development.

It is noted that during and post public exhibition of the *Draft Albury LEP 2009*, an influx of development applications that seek to further subdivide land in Splitters Creek have been lodged with AlburyCity for determination under the existing Hume LEP 2001.

It should also be noted that in response to concerns raised by landholders in Splitters Creek, AlburyCity staff have undertaken an audit of existing landholdings to ascertain the extent that the proposed 80 hectare minimum lot size will impact on subdivision potential. This audit has found that approximately 63% of existing landholders in Splitters Creek that are in the Rural (Living) Zone under the Hume LEP 2001 currently have no further subdivision potential as their land has either previously been subdivided under the Hume LEP 2001 (and therefore are not permitted to further subdivide as per clause 17(2)(1)(a)) and/or is too small to achieve the required minimum lot size (two hectares).

After taking into account the recent influx of development applications received and approvals issued under the Hume LEP 2001, the percentage of landholders that may have no subdivision potential (should all recently approved subdivisions proceed to registration with the Land Titles Office) will increase to approximately 74% of total landholdings.

Consequently, the total number of landholders restricted by the proposed 80 hectare minimum lot size (holding pattern pending further investigation) is not as extensive as originally anticipated.

In closing, it recommended that proposed provision(s) relating to minimum lot size remain unchanged pending further investigation.

SOUTH ALBURY COMMUNITY GROUP

REQUEST FOR AN EXPANSION OF THE B4 MIXED USE ZONE IN SOUTH ALBURY

REQUEST THE REMOVAL OF THE R3 MEDIUM DENSITY RESIDENTIAL ZONE IN SOUTH ALBURY

Issue

Objection to the extent of the proposed IN1 General Industrial Zone, as it applies to South Albury, and requests that the proposed B4 Mixed Use Zone boundaries, as it applies to South Albury, be significantly expanded into those areas currently zoned Employment Area and proposed IN1 General Industrial in the Draft Albury LEP 2009 (as per South Albury Community Group Submission Map).

It is noted that there are businesses in the IN1 General Industrial Zone whose activities are more in keeping with the objectives of the B4 Mixed Use Zone such as in the Townsend – Nurigong Street locality.

Objection to the proposed change in zoning of Living Area Zone under Albury LEP 2000 to the proposed R3 Medium Density Housing Zone (south of Ebdon Street – core area bound by Kiewa, Olive, Panmure and Abercorn Street) as this is an unsatisfactory attempt to reflect the existing character. Simply, this area has been proposed R3 Zone because there is an existence of units/flats. However this does not reflect a 'desired character'.

The proposed R3 Medium Density Housing Zone is isolated from services and located some distance away from the Albury CBD, open space areas and is inadequately serviced by public transport, making residents car-dependent. Furthermore there is little development opportunities for the area as most buildings have many years of economic life remaining. The Group concludes that there are more appropriate medium density housing locations to the north, notably between Hume and Ebdon Streets, as these are large prime development blocks on which the buildings are at the end of their habitable life.

Response

It is agreed that land use activities in the area bound by Townsend Street, Nurigong Street and Oddies Creek are generally small scale operations that include, amongst other things, bulky goods premises and small scale storage facilities, etc, that are permissible uses in the B4 Mixed Use Zone.

It is also agreed that as a southern gateway to South Albury there is an opportunity to allocate a B4 Mixed Use Zone to provide opportunities for small scale mixed use developments that would encourage redevelopment and potentially provide a more attractive peripheral area to South Albury.

It is also considered that such a zone change provides a natural extension to the proposed B4 Mixed Use Zone that has already been assigned to blocks further north of Nurigong Street from Wodonga Place for the same reason. Accordingly, AlburyCity supports the requested zone change for that area bound by Nurigong Street (north), Townsend Street (east) and Oddies Creek (south)(south-west) from IN1 General Industrial Zone to B4 Mixed Use Zone.

Consequently, it is recommended that the proposed zoning of land bound by Nurigong Street (north), Townsend Street (east) and Oddies Creek (south and south west) be changed from a proposed IN1 General Industrial Zone to a proposed B4 Mixed Use Zone. It should also be noted that a 450m² minimum lot size will be applied to this area in recognition of the aforementioned zone change.

Notwithstanding the above, in accordance with the Albury LUS 2007 land use recommendations (informed by the South Albury Strategy 2004) the *Draft Albury LEP 2009* has proposed further zone changes in South Albury to assist in providing a buffer to residential areas and minimise potential land use conflict, as follows:

- land bordered by Hume Street (north), Nurigong Street (south), Wodonga Place (west) and Townsend Street (east) has been allocated a proposed B4 Mixed Use Zone (previously Employment Area Zone); and
- land along Townsend Street north of Nurigong and south of Ebden Street has also been allocated a proposed B4 Mixed Use Zone (previously Employment Area Zone).

It is anticipated that abovementioned changes will utilise the B4 Mixed Use Zone as a buffer between what is predominantly residential north of Ebden Street and what is predominantly industrial south of Ebden Street. It is noted that the B4 Mixed Use Zone is generally intended for use where a wide range of land use activities are to be encouraged, including retail, employment, residential, community and other uses.

The Albury LUS 2007 states as a strategic position that:

"...current large scale industrial activities should be located at the edges of South Albury, where access to transport is maximised, with mixed use and smaller scale industry located as a buffer to residential areas..."

The zoning proposed in the *Draft Albury LEP 2009* in the main responds to this strategic position with the allocation of the B4 Mixed Use Zone to serve as a buffer between land uses both north and south of Ebden Street.

With the exception of that area bound by Nurigong Street, Townsend Street and Oddies Creek where AlburyCity supports a further change in zoning from IN1 General Industrial Zone to B4 Mixed Use Zone, **it is strongly recommended that the location and spatial extent of the proposed IN1 General Industrial Zone (south of Ebden Street) remain unchanged in recognition of a number of large scale industrial operations that exist within this area that would otherwise become prohibited under the suggested B4 Mixed Use Zone.**

It should be noted that the Albury LUS 2007 contains many actions and recommendations that are to be carried out over the life of that strategy (being a 20-30 year time horizon). Notwithstanding, it is recommended that the spatial location of industrial zoned land south of Ebdon Street remained unchanged, this does not suggest that the long term goal of large scale industrial operations to the edge of South Albury has been dismissed, rather they are encouraged as part of a process of progressive changes over time.

In relation to the request to remove the R3 Medium Density Residential Zone from areas of South Albury (south of Ebdon Street) AlburyCity advises that the R3 Medium Density Residential Zone has been assigned south of Ebdon Street to reflect the existing development character. AlburyCity as part of a comprehensive LEP review undertook a Medium Density Housing (MDH) audit to determine appropriate locations for R3 Medium Density Residential Zones across the Albury LGA.

In assigning the proposed R3 – Medium Density Residential Zone, areas were assessed against a number of criterion, as follows:

Existing Sites:

- 50% or higher Medium Density within the surveyed area, or 25% or higher Residential Flat Buildings within the surveyed area;
- located near neighbourhood shops or local centres;
- proximity to transport links, distributor road networks;
- proximity to open space, cycle paths, natural areas;
- opportunity for new development (ie. not completely saturated);
- heritage considerations – whether MDH's/RFB's would threaten retention of heritage items/areas;
- whether existing MDH/ RFB development has or is reaching its 'use by date' and could be encouraged to redevelop with more modern MDH/ RFB development; and
- spatial separation reasonable so as not to impact upon the amenity of the surrounding areas

New Sites:

- located near core commercial centres;
- proximity to transport links, distributor road networks; and
- proximity to open space, cycle paths, natural areas, etc.

Notwithstanding the South Albury Community Group has queried the R3 Medium Density Residential Zone selection methods, AlburyCity considers that the rationale for allocating the R3 Medium Density Residential Zone to the area south of Ebdon Street remains valid because five of the eight selection criteria are relevant, in that the area already displays medium density housing traits, has proximity to transport links and open space, has dated dwelling stock where redevelopment could be encouraged and has adequate separation so as not to impact upon the amenity of surrounding areas.

Accordingly, it is recommended that the proposed R3 Medium Density Residential Zone remain unchanged.

THURGOONA PROGRESS ASSOCIATION

REQUEST FOR THE INCLUSION OF THE RU5 VILLAGE ZONE IN CENTRAL THURGOONA

REQUEST THAT APPROPRIATE PROVISION IS MADE FOR RECREATION, SHOPPING, TRANSPORT INFRASTRUCTURE AND ENVIRONMENTAL ZONE BUFFERS

REQUEST THAT HIGH DENSITY RESIDENTIAL DEVELOPMENTS BE PROHIBITED

Issue

It is requested that central Thurgoona be developed as a Village concept and not solely as a commercial centre, so that people choose to live in and visit Thurgoona for recreational, work and healthy lifestyle reasons. It is requested that an RU5 Village Zone be applied to the areas of land between Woolshed and Eight Mile Creek and down to Thurgoona Drive which are proposed to be R1 General Residential, RE1 Public Recreation and B2 Local Centre. This Village atmosphere would provide the heart of Thurgoona and reflect it as a place of healthy lifestyle for both people and the environment.

It is requested that recreation, shopping and transport infrastructure be planned for throughout the proposed large residential developments of Thurgoona/Wirlinga to service smaller localities and reduce the need for car use. That appropriate buffers are provided between identified sensitive waterways/proposed environmental zones and proposed surrounding urban zones.

That high density residential developments in the Thurgoona/Wirlinga areas such as multi-dwelling housing, high density and multi-storey developments be prohibited (unless based on clear environmental rationale). This includes prohibiting 'High density and strata title multi dwelling complexes in the R1 General Residential and R2 Low Density Residential Zones.

Response

In response to the request for a Village concept for central Thurgoona, it is important to note that the RU5 Village Zone is generally intended to cover rural villages where a mix of residential, retail and other uses is to be established or maintained. As the subject land is not rural and is more accurately described as the future geographic centre of the Albury urban area, the allocation of an RU5 Village Zone is not appropriate and therefore is not supported.

In addition, the proposed zonings that have been allocated to central Thurgoona (being B2 Local Centre, RE1 Public Recreation, E3 Environmental Management and R1 General Residential Zone) best reflect either current zoning, existing or preferred land uses as recommended by the ALUS and identified environmental values and therefore remain valid.

Accordingly, it is recommended that the proposed R1 General Residential Zone, RE1 Public Recreation Zone, E3 Environmental Management and B2 Local Centre Zone that have been allocated to central Thurgoona remain unchanged.

In relation to the request for appropriate planning provision being made for recreation, shopping, transport infrastructure and buffers between sensitive waterways/environmental zones and surrounding urban development in the Urban Release Area identified in the *Draft Albury LEP 2009*, it should be noted that AlburyCity proposes to prepare District and Local Structure Plan(s). These plans incorporate preferred locations for a hierarchy of open space facilities, preferred locations for local and neighbourhood shopping facilities, road network and off road-on road pedestrian and cycle facilities. They will also allow and encourage appropriate integration between proposed urban and environmental/ecological assets that assist conservation and appropriate measures (where required) to address potential land use conflicts (including plant and animal control) between the environmental zones and surrounding urban zones.

It is anticipated that upon adoption, the District and Local Structure Plan(s) will be incorporated into the regime of planning controls for the Albury LGA and will be considered with respect to any development proposal.

It is noted that a timeframe on the commencement and completion of a structure plan for Thurgoona/Wirringa has not been determined. It is recommended that such investigations be undertaken over the next 12-18 months in recognition that Thurgoona/Wirringa will be the focus of urban growth activities in the coming years.

In the interim (prior to District and Local Structure Plan(s) being prepared and adopted), Clause 6.3 of the *Draft Albury LEP 2009* requires the preparation of a site specific development control plan for development of land in an Urban Release Area (including Thurgoona/Wirringa) that provides for, amongst other things:

"... a network of passive and active recreational areas...

... measures to accommodate and control appropriate neighbourhood commercial and retail uses...

... an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists...

... an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain..."

In addition, in response to concerns raised in relation to appropriate buffers being provided between sensitive waterways and surrounding urban zones, it should be noted that Clause 7.8 of the *Draft Albury LEP 2009* sets out requirements relating to and prevents development on sensitive waterways identified as a 'Sensitive area' on the 'Natural Resources Sensitivity - Water Map' unless Council has

considered impact identification and mitigation measures.

The proposed District and Local Structure Plan(s) and the *Draft Albury LEP 2009* for the abovementioned reasons appropriately cater for recreation, shopping, transport infrastructure and buffers between sensitive waterways/environmental zones and proposed surrounding urban zones.

In relation to the request for the prohibition of high density residential development AlburyCity advises that the *Draft Albury LEP 2009* has been prepared consistent with the Standard Instrument. It should be noted that any text in black (including attached dwellings, multi dwelling housing, residential flat buildings) listed as permitted with consent in the *Draft Albury LEP 2009* are mandated by the State and cannot be varied or removed.

Notwithstanding, AlburyCity has introduced provision(s) into the *Draft Albury DCP 2009* (to be reported under separate cover) that include locational requirements and site requirements that must be achieved prior to a site being considered for multi dwelling housing (exceeding three or more dwellings) and/or residential flat building development in the R1 General Residential Zone. This should facilitate spatial separation between higher density residential developments and thereby ensure that concentrations/enclaves do not occur. It is noted that both the proposed District and Local Structure Plan(s) and Clause 6.3 of the *Draft Albury LEP 2009* require the preparation of a site specific development control plan for development of land in an Urban Release Area (including Thurgoona/Wirlinga) will provide an opportunity to appropriately locate higher density living around transport, open space and service nodes.

It is recommended that the permissibility of high density residential development remain unchanged.

ALBURYCITY SUBMISSION

AlburyCity, as part of the public exhibition process, has prepared a submission on the *Draft Albury LEP 2009*. This submission generally seeks to rectify minor formatting and/or mapping errors that were previously not undertaken prior to being placed on public exhibition.

Issues raised, responses and recommendations associated with the AlburyCity submission have been tabled separately to assist in maintaining transparency in the process.

One item of particular note for the Councillors is Clause 7.5 'Development in areas subject to aircraft noise' which was included in the *Draft Albury LEP 2009* on direction of the Department of Planning. The clause specifically provides reference to a 20 ANEF Noise Contour for the purposes of land use siting and building design requirements to mitigate noise associated with existing airport operations.

This clause is a model provision that has been inserted into the *Draft Albury LEP 2009* as per NSW Department of Planning directions. AlburyCity has sought a variation from this clause in recognition that existing airport noise mapping for Albury LGA does not contain a 20 ANEF contour and that both cost/time delays associated with preparing new airport noise mapping would further delay the *Draft*

Albury LEP 2009 progress. Notwithstanding the AlburyCity request for variation, the NSW Department of Planning instruction has been to proceed to public exhibition with Clause 7.5 unchanged, however, the NSW Department of Planning Policy Unit will further investigate this issue prior to gazettal.

Accordingly, it is recommended that Clause 7.5 of the *Draft Albury LEP 2009* be retained unchanged, however, it is noted that further amendment and/or content changes may be effected by the NSW Department of Planning prior to gazettal.

Options

Council must proceed with the *Draft Albury LEP 2009*. The Direction from the Minister to prepare the *Draft Albury LEP 2009* (subject to project variations that have been previously sought and endorsed by the NSW Department of Planning) states that Albury's current planning controls will be repealed in early 2010, if a new LEP is not gazetted, Albury will have no planning controls within the city boundaries. It is unclear how the NSW Department of Planning would address such a situation; however it is not an option that is considered viable for the growth and development of the city. The *Draft Albury LEP 2009* has been five years in development and will provide more certainty for landowners, the development industry and the community with the removal of speculation.

Options include:

1. adopt the *Draft Albury LEP 2009* as publicly exhibited,
2. adopt the *Draft Albury LEP 2009* subject to amendments being made as recommended,
3. make amendments to the *Draft Albury LEP 2009* in response to issues identified in submissions, or
4. take no action, this will be subject to orders and direction from the Minister of Planning and may result in removal of planning control/functions.

Conclusions

The *Draft Albury LEP 2009* has been prepared generally in accordance with the recommendations of the Albury LUS 2007, the Director-General of the NSW Department of Planning advice to Council to prepare a new LEP, the Standard Instrument, relevant State Environmental Planning Policies, Regional Environmental Plans, Ministerial Directions relating to the form and content of LEPs, relevant Practice Notes and Circulars.

The *Draft Albury LEP 2009* has been revised to address and/or resolve issues raised by relevant Government Departments and Authorities as part of the public authority consultation process undertaken in 2008. More recently, the form and content of the *Draft Albury LEP 2009* (previously endorsed) has been changed to address and/or resolve issues raised by the NSW Department of Planning representatives in order to facilitate the issue of a Section 65 certificate to publicly exhibit.

Following the most recent public exhibition of *Draft Albury LEP 2009* and consideration of submissions received, it is now proposed to undertake a final revision of the *Draft Albury LEP 2009* (consistent with the recommendation of this report) by annotation and forward both *Draft Albury LEP 2009* (with

annotated revisions) and other relevant documents to the Director-General of the NSW Department of Planning pursuant to Section 68 of the EP&A Act so that the Director-General can furnish a report to the Minister of Planning to enable the making/gazettal of the *Draft Albury LEP 2009*.

It should be noted that the resolutions provided below notwithstanding, the *Draft Albury LEP 2009* is imminent, but not yet certain, and may be amended by the NSW Department of Planning and/or the Minister for Planning prior to its making.

Recommendation

That the Committee recommends to Council that Council:

- a. note and receive the submissions;
- b. endorse recommendations contained in Tables 1 – 4 attached to this report;
- c. having exhibited *Draft Albury Local Environmental Plan (LEP) 2009*, pursuant to Section 66 of the Environmental Planning and Assessment Act 1979, and having regard to the public submissions received, Council resolve to support the making of the *Draft Albury LEP 2009* as amended by the recommendations contained in Tables 1–4 attached to this report;

Recommendations resulting in content and subject matter changes to the *Draft Albury LEP 2009* (text and mapping documents) are listed as follows:

Submission Nos. 33, 38, 48, 49, 50, 51, 52, 53, 54, 55 and 56

RECOMMENDATION

1. That the Land Zoning Map and Lot Size Map be amended for all land proposed as RU1 Primary Production Zone (north of Perryman Lane and Table Top Road) to RU4 Rural Small Holdings Zone and 40 hectares respectively.

- d. approve the making of other minor changes to the *Draft Albury LEP 2009*, as necessary, provided that such changes do not alter the substance and intent of the instrument and are of a nature that, for example relate to formatting and typographical correction, in the interest of completeness;
- e. furnish a copy of this report and other relevant information to the NSW Department of Planning, in accordance with Section 68 of the Environmental Planning and Assessment Act 1979; and advise the NSW Department of Planning that Council has complied with Sections 66, 67, 68 of the Act in relation to public involvement in the preparation of *Draft Albury LEP 2009*;
- f. approve the preparation of a report, pursuant to Section 68 of the Environmental Planning and Assessment Act 1979, and refer to the *Draft Albury LEP 2009* as amended, to the Department of Planning and request the Minister for Planning make the *Albury Local Environmental Plan 2010*; and
- g. request that the NSW Department of Planning undertake appropriate action to secure the making of the *Draft Albury LEP 2009*.

- **Attachments**

- 1. Table 1 – *Draft Albury Local Environmental Plan 2009* – Summary of Written Submissions.
- 2. Table 2 – *Draft Albury Local Environmental Plan 2009* – Table Top – Summary of General Issues.
- 3. Table 3 – *Draft Albury Local Environmental Plan 2009* – Splitters Creek – Summary of General Issues.
- 4. Table 4 – *Draft Albury Local Environmental Plan 2009* – AlburyCity Council Submission.
- 5. Graphic Document showing recommended mapping changes.
- 6. Copies of all correspondence/submissions received.

TABLE 2: DRAFT ALBURY LOCAL ENVIRONMENTAL PLAN 2009 – TABLE TOP
SUMMARY OF GENERAL ISSUES

NORTH OF PERYMAN LANE

ISSUE RAISED	RESPONSE/ COMMENT
TT4: Development for primary production is not sustainable. Nor would it offer an aspiring hobby farmer the opportunity to move from a fringe 'hobby industry' into a 'mainstream commercial enterprise because of the limited access to water. As such the use of the lot would be limited to being vacant farming land and could only be sold as such. Prior to the AlburyCity takeover, the former Hume Shire had put in place a minimum lot size of 100ha for rural farm land. This lot size and the accompanying Rural Agriculture zoning of their last LEP was aimed at preserving the agricultural nature of a then, much larger surrounding rural area. Since that time, due to the onset of climate change and the pressures of declining Terms of Trade, the sustainability of agriculture has dramatically changed. The previous former Hume Shire minimum lot size of 100ha is now no longer regarded as a viable farming area requiring full-time off-site work to survive. The area now considered by agronomists to have any long term prospects of sustainability for primary production is in excess of 500ha. As such agriculture, particularly in areas of this size no longer have prospects of commercial sustainability, leading to a change of land use. In support of a lower proposed minimum lot size reference is made to attached documentation from various local rural businesses that have made recommendations with respect to an appropriate minimum lot size for the RU1 Primary Production Zone in the Albury LGA context.	TT4: It is noted that typical farming activities located in the proposed RU1 Primary Production Zone (north of Perryman Lane) consist of broad acre farming for cropping and grazing purposes. It is further noted in the absence of an irrigated water supply that existing farming practices are not considered sustainable by landholders. That is, household income must be supplemented by off-farm income. It is acknowledged that the proposed 100 hectare minimum lot size (based on existing Hume LEP 2001 provisions) is not considered to be viable for dryland farming based on agronomist and anecdotal advice received. Rural estate agents, banking institutions and consultants consider that a viable farming unit size in an Albury context is approximately 400-500 hectares. It is also recognised that approximately a third of that area bound by Perryman Lane (south), Hume Highway (east), Olympic Way (west) and the Albury LGA boundary (north), being approximately 14 of the 20 landholders, already exhibits land fragmentation with holdings approximately 40 hectares or less. The issues identified appear to be valid and warrant changes being made to the zoning and minimum lot size provisions as proposed in the draft LEP. A change to both zoning and minimum lot size provisions in the draft LEP to reflect existing farming trends/activities and pattern of land holdings is supported. To this extent it is recommended that both the proposed zoning and minimum lot size be changed to RU4 Rural Small Holdings Zone and 40 hectares respectively. The RU4 Rural Small Holdings Zone is most appropriate given that this zone is generally intended for land which is to be used for small scale rural and primary industry as compared to the large scale primary industry production accommodated in

TABLE 2: DRAFT ALBURY LOCAL ENVIRONMENTAL PLAN 2009 – TABLE TOP
SUMMARY OF GENERAL ISSUES

ISSUE RAISED	RESPONSE/ COMMENT
These recommendations are outlined below: ▪ Paull & Scollard Real Estate Agents recommend a minimum lot size of 400ha as being appropriate for primary production purposes, ▪ Rabobank (rural banking) recommend a minimum lot size of 500ha as being appropriate for primary production purposes, ▪ John Sykes Rural Consulting recommend a minimum lot size of 500ha as being appropriate for primary production purposes and a minimum of 1000ha in the long term.	the RU1 Primary Production Zone. Notwithstanding, the change in minimum lot size recommended effectively halves that currently applying under the Hume LEP 2001 and originally proposed under the draft LEP, such actions remain consistent with Section 117 Ministerial Direction: 1:5 Rural Lands objective to facilitate the orderly and economic development of rural lands for rural and related purposes because the proposed change in zoning and minimum lot size are considered to be responsive to the changing nature of agriculture and of trends, demands and issues in agriculture for the Albury LGA which is consistent with State Environmental Planning Policy (Rural Lands) 2008 rural planning principles. Notwithstanding this issue has been raised by land owners in Table Top (north of Perryman Lane) it is considered to have wider implications and therefore is applicable across the remainder of the Table Top area that is also proposed for RU1 Primary Production Zone (north of Perryman Lane and Table Top Road). RECOMMENDATION: 1. That the proposed zoning and minimum lot size provisions for all land proposed as RU1 Primary Production Zone (north of Perryman Lane and Table Top Road) be amended to RU4 Rural Small Holdings Zone and 40 hectares respectively. Notation Please refer to Attachment 5, Page 12, <i>Draft ALEP Submission – Residents North of Perryman Lane</i> for graphic(s) that show recommended changes to Maps LZN 002 & LSZ 002.

TABLE 2: DRAFT ALBURY LOCAL ENVIRONMENTAL PLAN 2009 – TABLE TOP
SUMMARY OF GENERAL ISSUES

ISSUE RAISED	RESPONSE/ COMMENT
TT5: The saleability of our lot will be immediately affected should the draft LEP be approved, as it will become frozen in time for the life of this Plan or for a longer indefinite period of time until further investigations are undertaken for an area that is now a rural residential area. We'll be seriously financially disadvantaged due to: ▪ The denial of a basic human right or natural justice to develop our property, commensurate with what nearby landholders have been allowed to do. ▪ Not being able to subdivide the lot into smaller rural residential lifestyle lots or sell the lot without such development consent. ▪ Devaluation and detrimental impacts in terms of asset value and base, and the removal of options and flexibility in managing our properties particularly with regards to retirement planning. ▪ The potential taking away of development alternatives for landholders. It is arguably against public policy to enforce particular rules that have such a damaging effect on ratepayers. It is unfair and unjust and discriminatory against a small number of ratepayers and owners of lots within the city.	TT5: It should be clarified that the proposed 100 hectare minimum lot size is based on existing Hume LEP 2001 provisions. As such the draft LEP will have no immediate adverse impact as it reflects existing controls. Notwithstanding, in recognition of issues raised in TT4, it is considered appropriate to change proposed zoning and minimum lot size provisions in the draft LEP to reflect existing farming trends/activities and pattern of land holdings. Refer to TT4 for detailed response and recommendation. Notation Please refer to Attachment 5, Page 12, <i>Draft ALEP Submission – Residents North of Perryman Lane</i> for graphic(s) that show recommended changes to Maps LZN 002 & LSZ 002.
TT6: We request that our lot be zoned to enable the land to be subdivided into smaller rural lifestyle lots. Demand for rural residential lifestyle development within the vicinity of Albury and in particular at Table	TT6: Refer to TT4 for detailed response and recommendation. Notation

TABLE 2: DRAFT ALBURY LOCAL ENVIRONMENTAL PLAN 2009 – TABLE TOP
SUMMARY OF GENERAL ISSUES

ISSUE RAISED	RESPONSE/ COMMENT
Top, is high and it is what the community wants. This type of development would not have a negative impact on environmental values and/or wildlife with AlburyCity no longer dependent on primary production as a viable source of revenue or employment. This is further the case as AlburyCity is an urban LGA that has a limited appreciation and understanding of the issues attached to this and rural communities. By allowing rural lifestyle lots will also increase the rate revenue base for Council. Hence this area is no longer predominantly primary production focussed and has now become a rural lifestyle area.	Please refer to Attachment 5, Page 12, <i>Draft ALEP Submission – Residents North of Perryman Lane</i> for graphic(s) that show recommended changes to Maps LZN 002 & LSZ 002.
TT7: Enclosed is a map (see attached) of the area north of Perryman lane. As highlighted many of the lots are 40ha or less (some even as small as 2ha) in this area as well as the adjoining E4 and RU4 zones. We believe that the AlburyCity Council should allow an interim residential lot size of 40ha across the proposed RU1, E4 and RU4 zones within the draft LEP pending the completion of their previously flagged investigations into these areas, as this would put all landholders on the same lot size. This point is further strengthened by the fact that there are many lots of varying sizes on the southern side of Perryman Lane and western side of Gerogery Road, as a precedent has been established recently with the subdivision of land into smaller rural lifestyle lots (ranging in size from 2ha to 20ha).	TT7: It is recognised that approximately a third of that area bound by Perryman Lane (south), Hume Highway (east), Olympic Way (west) and the Albury LGA boundary (north) (being approximately 14 of the 20 landholders) already exhibits land fragmentation with holdings approximately 40 hectares or less. Accordingly it is considered warranted to change both zoning and minimum lot size provisions in the draft LEP to reflect existing farming trends/activities and pattern of land holdings. To this extent it is recommended that both proposed zoning and minimum lot size be amended to an RU4 Rural Small Holdings Zone and 40 hectares respectively. Refer to TT4 for detailed response and recommendation. Notation Please refer to Attachment 5, Page 12, <i>Draft ALEP Submission – Residents North of</i>

TABLE 2: DRAFT ALBURY LOCAL ENVIRONMENTAL PLAN 2009 – TABLE TOP
SUMMARY OF GENERAL ISSUES

ISSUE RAISED	RESPONSE/ COMMENT
	<i>Perryman Lane</i> for graphic(s) that show recommended changes to Maps LZN 002 & LSZ 002.
TT8: In the Albury Land Use Strategy 2007 (ALUS) our area was flagged as being in need of further investigation for development as a potential 'Rural Lifestyle Area'. However, due to the Council's lack of time to fully conclude their investigations into this area, this concept has been put on hold indefinitely and the previous Hume Shire LEP zoning and lot size has simply been retained. This is despite demographic, economic and climatic changes that have occurred, which is now seen as inappropriate as well as a lack of due consideration of the aspirations and reasonable expectations of existing landholders, particularly bearing in mind proposed recent adjacent land development.	TT8: The Albury Land Use Strategy 2007 (ALUS) identifies that area shown for agriculture as requiring further investigation for rural lifestyle development. The ALUS is a city-wide land use strategy that contains many actions and recommendations that are to be carried out over the life of that strategy (being a 20-30 year time horizon). There is no indication, nor valid justification that more intensive development should occur within the immediate future. Notwithstanding, as per response to TT4, it is recommended that changes to both zoning and minimum lot size provisions as proposed in the draft LEP are warranted to reflect existing farming trends/activities and the pattern of land holdings. Further investigations to effect rural lifestyle development are and continue to remain a lower priority when compared to other strategic projects and investigations recommended by the ALUS. RECOMMENDATION: 1. No further action required as outcomes provided for in TT4
TT9: We would like to draw to AlburyCity Council's attention to what we see as the benefits of allowing our area to be developed as rural lifestyle residential:	TT9: Noted. The benefits of rural lifestyle development are not ignored or irrelevant in the considerations of Councils strategic land use planning. However the orderly, planned

**TABLE 2: DRAFT ALBURY LOCAL ENVIRONMENTAL PLAN 2009 – TABLE TOP
SUMMARY OF GENERAL ISSUES**

ISSUE RAISED	RESPONSE/ COMMENT
▪ Easy road access to this area from Albury/ Wodonga via the new Hume Highway (approximately 20km from centre of Albury), ▪ Aesthetically beautiful, scenic properties located within the Council's boundaries, ▪ Increased rate revenue base should potential subdivision occur, ▪ No immediate need for AlburyCity Council to provide additional infrastructure and services as lots are connected to town water, and have ready access to telephone and power services, and With the advent of closer settlement and improved centralised water supply, the issue of natural disasters, such as the recent Gerogery fire should be reduced.	and managed development of all forms of residential areas is critical to minimising issues generated by development such as: i. Land use conflicts, ii. Demand for servicing, iii. Equitable provision of services, iv. Demand and access to support services, including school buses, road networks. RECOMMENDATION: 1. No further action required.

AlburyCity

AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

Independent Agronomist Advice

To: David Christy
Cc: Michael Keys; Chris Graham; Matt Johnson
Subject: FW: Response To Viability Of Agricultural Land Located In The Albury City Shire And North Of Perryman Lane

-----Original Message-----

From: Leon Martin [mailto:leonmartin@naturalecosystemsgroup.com]
Sent: Friday, 18 June 2010 10:23 AM
To: David Christy
Subject: Response To Viability Of Agricultural Land Located In The Albury City Shire And North Of Perryman Lane

Dear David,

Thank you for your request to provide feedback in the form of an email as an Independent Agronomist on the following issues of viability of agricultural land located in the Albury City shire and north of Perryman Lane.

I offer the following responses, and in so doing wish to make you aware that I am an adjoining land holder in the Greater Hume shire to the land area in question.

I will address your queries in the same order you have raised them.

Query No.1 -

What Council would like is an assessment of the veracity of the claims in regards to agricultural viability.

Response No.1 -

The term agricultural viability is a very general term. In my experience, agriculture is made up of pastoral/livestock, broad acre cropping and horticulture enterprises. The viability varies greatly, subject to the level of management expertise of the land holder, the capital facilities and the scope of the land and other natural resources available.

Traditionally, this land area in question has been farmed with predominantly dryland pastoral/livestock and broad acre cropping enterprises.

In the case of commercial pastoral/livestock and broad acre cropping enterprises, it is my opinion that, in current times, if this land area has been farmed with a high level of management expertise then the minimum area of farmland required for a business to have been viable will have been 500 hectares. And, looking forward, if the expectations are for similar weather patterns and commodity market prices, and allowing for the support of significant debt, then the area of farmland required can only be expected to be greater.

Alternatively, there are a few examples of local commercial horticultural enterprises. In my opinion, in current times, if this land area had been farmed with these enterprises and a high level of management expertise then the minimum area of farmland required for a business to have been viable will have been 2-40 hectares. Looking forward, if the expectations are for similar weather patterns and commodity market prices, and allowing for support of significant debt, then the area of farmland required to farm these enterprises can be expected to remain the same, or become greater.

In conclusion, all of the land holder and other submissions have referred to dryland, commercial pastoral/livestock and broad acre cropping enterprises. It is my opinion that their claims of the minimum farmland size required for business viability being 500

hectares are valid. But, in the case of horticultural enterprises or a new farming mix involving horticultural enterprises, such claims will not be valid.

Query No.2A -

Council would also appreciate advice on the following:

What, in your opinion, would be the land area required for viable agriculture in this area.

Response No.2A -

The current subdivision, market value and proximity to Albury City renders this land area highly unlikely to be purchased by any one farmer or agribusiness and amalgamated into one large viable farm, especially if it were to be managed with dryland, commercial pastoral/livestock and broad acre cropping enterprises.

In my opinion the future of this land for agricultural pursuits lies in horticultural enterprises or a mix of farming enterprises involving such enterprises.

In conclusion, it is my opinion that the land area required for viable agriculture in this area is 500+ hectares for dryland, commercial pastoral/livestock and broad acre cropping enterprises and 2-40 hectares for horticultural enterprises.

Query No.2B -

Council would also appreciate advice on the following:

With consideration to the existing subdivision pattern in this area - see attached map - would additional off-farm income be required to supplement agricultural income due to the existing subdivision pattern.

Response No.2B -

An examination of the map of the existing farm sizes reveals that 13 of the 20 current land holding areas are small, ie. 40 hectares or less, and the largest individual holding area is only 233 hectares.

In my opinion, looking forward, under the current predominant farming practices involving dryland commercial pastoral/livestock and broad acre cropping enterprises, none of the 20 land holders will be expected to be viable from agricultural income alone. Hence, if the current predominant farming practices are continued, then it is reasonable to assume that all land holders will require off-farm income to supplement agricultural income.

If Council were to encourage the adoption of commercial horticultural enterprises, or a mix of farming enterprises involving such enterprises, then it can be expected that the existing farm sizes may in future remain agriculturally viable.

Query No.2C -

Council would also appreciate advice on the following:

Would land subdivision of 40 hectares (with consideration given to the existing subdivision and current agricultural viability) significantly affect the agricultural viability of the area.

Response No.2C -

For reasons listed previously, the fate of this land area needs to change and either involve a new mix of farming enterprises in order to improve its agricultural viability, or be designated for residential lifestyle farms.

Ideally, a change to involve a new mix of farming enterprises will involve the introduction of new horticultural enterprises in combination with existing pastoral/livestock and/or broad acre cropping enterprises. In which case, land subdivision of 40 hectares or less can be beneficial. This action is likely to attract new, small land holders who can bring change in the form of new and exciting skills, practices and enterprises and assist in the change of the productivity and viability of the land area, especially in cases where it will involve horticultural enterprises.

On the other hand, land subdivision of 40 hectares or less can be detrimental as further subdivision can lead to higher land values and therefore debt servicing, directly impacting the agricultural viability of the land area.

In conclusion, considering all of the relevant factors, it is my opinion that land subdivision of 40 hectares or less is more likely to positively affect the agricultural viability of the area providing it is used for either horticultural enterprises or a mix of farming enterprises that include horticultural activity.

I hope this document adequately answers Council's queries.

If you require any clarification of these responses or do not hesitate to contact this office.

Yours faithfully,

Leon A. Martin BAgSc(Hons)
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Extracts of the Albury Land Use Strategy 2007



3. Profile

3.1 Environment

3.1.1 Physical Characteristics

Albury is located on the border of NSW and Victoria and abuts the western bank of the Lake Hume and the northern bank of the Murray River. Both of these nationally significant environmental assets are critical to Albury's identity as demonstrated by its motto of *Lifestyle on the Murray*.

Albury's riverside location has resulted in some parts of Albury being subject to heavy flooding on a periodic basis. Measures have been undertaken, however, to minimise the impact of flooding.

3.1.2 Topography

The AlburyCity municipality is contained in the south by the Murray River and associated riparian zones, in the east by Lake Hume, and in the north and west by the undulating slopes of the South Western Slopes. The edges of these slopes (Nail Can Hill and Black Range) form the backdrop to the urban area of Albury.

3.1.3 Vegetation

The timbered hilltops to the west and north of the city contain the core areas of native vegetation in the municipality. Scattered timber is located on the lower slopes and within the Murray River floodplain. A mosaic of remnant vegetation including that along streams, roadsides and in paddocks creates a network of habitat to the east and north of the city. Significant stands of remnant vegetation also exist at the edges of the Albury urban area, offering numerous habitat opportunities for flora and fauna, with some specific habitat types being unique to the area.

Most urban areas are within view of either the lower portions of hillsides or the higher heavily vegetated hilltops. This creates the impression that the natural environment is part of the city. The urban areas enjoy a close proximity to vegetated areas, including Nail Can Hill, Black Range and Eastern Hill, which is one of the strongest characteristics of Albury.

3.1.4 Climate

Albury enjoys a medium rainfall and four distinct seasons. A maximum daily temperature during January and February of over 32°C and winter temperatures of 14°C ensures a pleasant living environment and good growing conditions for agriculture. Whilst the area is occasionally affected by drought (approximately once every five years) Lake Hume ensures continual water supply to Albury, which is an enviable position for an inland Australian city.

3.2 Economic Profile

3.2.1 Output

The value of economic output in the Albury-Wodonga region has been estimated at \$5.4 billion (in 2004) with the enterprises of the region adding \$2.5 billion in value to goods and services produced.



Estimates of the output and value-adding in each industry are shown below (and the economy of AlburyCity accounts for broadly half these amounts).

Industry	Output	Value added	Share of value added
Agriculture, forestry and fishing	82	31	1%
Mining	13	7	0%
Manufacturing	1,748	534	22%
Electricity, Gas, Water	85	47	2%
Construction	323	137	6%
Wholesale Trade	254	97	4%
Retail Trade	531	280	11%
Accom, Cafes, Restaurants	186	77	3%
Transport and Storage	234	115	5%
Communication Services	108	62	3%
Finance and Insurance	210	123	5%
Property, Business Services	531	244	10%
Gov Admin, Defence	466	248	10%
Education	178	152	6%
Health, Community Services	263	207	8%
Cultural, Recreational	87	42	2%
Personal, Other Services	98	52	2%
All Industries	5,398	2,454	100%

Table 1: Estimated Output and Value-Added, Albury-Wodonga Region, 2004 (\$million)

Source: REMPLAN in Albury City Council, Albury Wodonga Economic Indicators, 2004

Manufacturing is clearly the most valuable industry in the region, accounting for 22% of the value-added total. Retailing, property, business services and Government administration are also very significant contributors to regional wealth. Albury has a robust and diversified economy, and is less vulnerable to economic change affecting particular sectors.

3.2.2 Industrial Employment

Albury's employment structure demonstrates its role as a major centre serving a wide region, and as a centre of manufacturing. The following table shows that:

- ▶ Retail trade and manufacturing industries generate the largest number of jobs for residents of Albury and its region;
- ▶ Compared with NSW as a whole, Albury has a large representation of consumer services such as retailing and health, consistent with the City's strong regional service role; and
- ▶ Compared with NSW as a whole, Albury and its region have a high representation of manufacturing workers, and manufacturing, which is clearly a key driver of the regional economy.



Industries	Albury City		Albury- Wodonga Statistical District	Share of labourforce, 2001		
	Resident labourforce, 2001	Change since 1996	Resident labourforce, 2001	Albury	Albury Wodonga	NSW
Agriculture, forestry and fishing	295	-37	1,811	2%	4%	3%
Mining	9	-12	38	0%	0%	1%
Manufacturing	3,284	464	6,853	17%	17%	12%
Electricity, Gas, Water	103	-45	203	1%	0%	1%
Construction	1,268	127	2,652	7%	6%	7%
Wholesale Trade	944	-197	1,882	5%	5%	6%
Retail Trade	3,442	407	6,806	18%	16%	14%
Accom, Cafes, Restaurants	1,110	-159	2,047	6%	5%	5%
Transport and Storage	668	-39	1,390	3%	3%	5%
Communication Services	246	-19	478	1%	1%	2%
Finance and Insurance	431	-37	861	2%	2%	5%
Property, Business Services	1,589	192	3,107	8%	7%	12%
Gov Admin, Defence	943	-85	2,906	5%	7%	4%
Education	1,473	-75	3,103	8%	7%	7%
Health, Community Services	2,195	260	4,678	11%	11%	9%
Cultural, Recreational	374	28	722	2%	2%	2%
Personal, Other Services	644	33	1,268	3%	3%	4%
Not defined or not stated	385	-178	823	2%	2%	2%
All Industries	19,379	642	41,428	100%	100%	100%

Table 2: Industry of resident workers, Albury and Region, 2001

Source: ABS, Census of Population and Housing, 2001

EMPLOYMENT SNAPSHOT

- ▶ In 2001, Albury City had 19,400 employed residents, and the region as a whole had 41,400.
- ▶ Major growth industries over the period 1996 to 2001 were manufacturing (which gained 460 workers), retail trade (410 workers), health and community services (260 workers), and property and business services (190 workers).
- ▶ Industries that experienced a decline in local workers over the period 1996 to 2001 were wholesale trade (a decline of 200 workers) and accommodation, cafés and restaurants (160 fewer workers).

3.2.3 Occupation

The occupational profile of Albury residents reflects the key local industries, with a strong representation of tradespeople and sales and manufacturing workers, and a smaller representation of managers and professionals compared with NSW as a whole. The following table shows that:



- Although the resident workforce grew by over 600 people between 1996 and 2001, the number of residents in some occupations declined, including managers and administrators (including farmers) and tradespersons; and
- Occupations that grew over the period include both skilled groups - professionals and associate professionals – and relatively unskilled groups – elementary service workers and labourers.

Occupation	Albury City		Albury-Wodonga Statistical District	Share, 2001		
	Occupation of residents, 2001	Change 1996-2001	Occupation of residents, 2001	Albury	Albury-Wodonga	NSW
Managers and Administrators	1,308	-174	3,498	7%	8%	9%
Professionals	3,279	268	8,718	17%	16%	19%
Associate Professionals	2,213	168	4,707	11%	11%	12%
Tradespersons and Related	2,818	-85	5,842	13%	14%	12%
Advanced Clerical and Service	817	-40	1,192	3%	3%	4%
Intermediate Clerical, Sales & Service	3,349	121	6,709	17%	16%	17%
Intermediate Production & Transport	1,782	-38	3,748	9%	9%	8%
Elementary Clerical, Sales & Service	2,175	263	4,227	11%	10%	9%
Labourers and Related	1,786	313	4,050	9%	10%	8%
Inadequately described or not stated	375	-120	740	2%	2%	2%
Total	19,500	639	41,429	100%	100%	100%

Table 3: Occupation of resident workers, Albury and region, 2001

Source: ABS, Census of Population and Housing, 2001

3.2.4 Unemployment

The Albury-Wodonga region as a whole has a relatively low rate of unemployment. The higher unemployment rate in Albury is believed to result from the migration of unemployed people from smaller towns or rural areas to find work and to access services in the larger town. As a result, Albury, in common with many regional cities, has a higher average rate of unemployment compared to the Australian average.

	June 2003	June 2004
Albury	7.3%	5.7%
Albury-Wodonga	5.4%	4.4%
Australia	6.2%	5.8%

Table 4: Unemployment rate in Albury and region, 2003-2004

Source: Albury City Council, Albury-Wodonga Economic Indicators, 2004:

3.2.5 Income

In the year to 2002, average individual taxable income was \$36,690 in Albury. This compares with \$39,260 in Australia as a whole, and \$41,970 in NSW as a whole (from ABS, *National Regional Profiles*,



The general outlook for manufacturing in Australia is for slow but positive employment growth, with growth in productivity generating higher rates of growth in output. Employment growth is likely to be higher in sectors such as food manufacturing and machinery production, and lower (or negative) in sectors such as textiles, clothing and footwear, and wood and paper products. Albury has examples of each of these sectors. Overall, manufacturing growth in Albury is likely to reflect the national performance, generating slow employment growth. There may well be significant closures and new investments, however, as the balance of competitive advantage shifts and company strategies change. Knowledge intensive manufacturing will become more important as Australia struggles to compete with labour rich regions, such as Asia. Precincts such as the Ettamogah Business Park, proposed near Charles Sturt University, and Environmental Technology Park at Thurgoona, will be important in generating that knowledge, harnessing new technologies and attracting the skills necessary to compete.

7.2.2 Tourism

Because of its location on the main route between Sydney and Melbourne, tourism is also a key industry for Albury. Tourism generates \$160 million per year in revenue for the Albury-Wodonga region, with over 50 hotels and motels and 15 conference centres (Albury Wodonga Economic Indicators, 2004). Many of these facilities are located in Albury to service the travellers on the Hume Highway. The City has a number of tourist attractions, including the Museum and Art Gallery, the Central Business District (CBD), the Murray River, Lake Hume and the Wonga Wetlands. It also services the attractions in the wider region such as the Alpine National Park, Beechworth, Rutherglen and the Murray River. There is likely to be continued growth in visitation to Albury as a result of growth in the number of people travelling on the Hume Freeway, investment in the cultural precinct of the CBD, and development of the Gateway Island between Albury and Wodonga. This growth will create demand for continual investment in new and upgraded accommodation. This may include new facilities in the CBD, in the "River Precinct", on the Murray River generally, and at Lake Hume to complement the established motel strip on the Hume Highway.

7.2.3 Transport and Logistics

Location has also attracted investment in transport and logistics activities to the region. In recent times, a major distribution centre for Woolworths has been developed at Wodonga and similar facilities are proposed elsewhere in the region. Investment in these types of activities typically requires large flat sites with freeway and rail access. Future investment at Albury in these activities may be restricted unless land in large flat parcels can be made available. In the longer term, transport and logistics investment at Albury-Wodonga will fluctuate in conjunction with transport costs and the logistics strategies of major firms. It is likely, however, that road, rail and air transport will be required for flexible distribution activities, and locations with all three transport modes will be advantaged.

7.2.4 Agriculture

Agriculture now plays a small part in the Albury economy directly, with only a small number of significant farms within the municipal boundaries. Large parts of the local economy, however, rely on food and fibre from the wider region. The CSIRO has predicted a climate in SE Australia that is, on average, drier and warmer than at present. This will have some impact on the productivity of farms and forests in the region and will affect the price and availability of raw materials for manufacturers. The allocation of water between uses is also likely to change and there are likely to be cost incentives to reduce water use and



to reuse water. In the Albury district, as elsewhere, the increasing cost of water will drive more water sensitive farming practices and products.

7.2.5 Regional Services

The regional centre status of Albury has attracted investment in a wide variety of higher order regional services, including:

- ▶ Major public and private hospitals and associated health services;
- ▶ A campus of the Charles Sturt University;
- ▶ National Centre for Environmental Excellence at TAFE Thurgoona;
- ▶ Regional level retailing (department stores, major peripheral sales stores and a large number of smaller speciality stores); and
- ▶ Regional offices of public and private sector organisations, such as banks, insurance companies and the tax office.

These activities service a large region covering the adjacent parts of NSW and Victoria. In particular, the Albury Central Business District (CBD) is the principal town centre for the region, accommodating higher order shops, offices, entertainment, civic and cultural functions.

The City and region have benefited from past government regionalisation policies, which have created infrastructure and investment that continue to have positive impacts on the regional economy. Future investment in regional services will depend on a growing regional population, on the continued attractiveness of Albury, and on the strategies of government and private sector organisations in regionalising service administration and delivery. The forecast is for continued regional population growth. Although the balance between Albury and Wodonga is shifting somewhat, Albury has an established infrastructure, and a major corporate presence, that make it the logical place for new investment. Defining the comparative roles of the Albury and Wodonga CBDs is required to ensure economies of scale, and retention of higher order services.

7.3 Commercial Development

AlburyCity has a retail strategy in place, which was developed by AECGroup in 2004. The key findings of the retail strategy are summarised in this section.

Albury had a total of 164,000 sq m of occupied retail floorspace in 2004. A majority of this (62%) was located in the Albury CBD, which is the largest activity centre in the region. Key retail attractors in the CBD include a department store, discount department stores and a wide variety of speciality stores, with a particularly strong representation in clothing. The Albury CBD draws from a wide region and caters mainly for comparison shopping. Lavington District Centre is a significant sub-regional centre, providing supermarkets and a discount department store. The centre serves the grocery shopping and routine comparison shopping needs of the northern suburbs of Albury and adjoining Shires. The retail provision outside these two main centres is restricted to a small shopping centre at Thurgoona and local neighbourhood centres.



11.6 Table Top

11.6.1 Current Planning

Table Top is a rural area located to the north of the Albury central area. It currently contains some rural residential development, and has the potential to accommodate additional rural residential. The following characteristics support this objective:

- ▶ Isolated from Albury by the Norske Skog Industrial area;
- ▶ Opportunity for development of small village based around the Table Top Community Hall, Primary School, tennis courts, Ettamogah Pub and Tourist facility and the Burma Road/Hume Freeway interchange. This would provide the Table Top rural residential community with a central commercial and community focus for local convenience items and services;
- ▶ A range of small rural land holdings;
- ▶ A number of small estates- Himalaya Estate/ Lara Lakes / Claremont which have an average lot size of 8ha;
- ▶ Limited agricultural value in most locations due to fragmented land ownership patterns;
- ▶ A road network that is well suited to accommodating the limited traffic volumes generated by the Table Top residents, subject to connectivity being retained in the development of the Hume Freeway; and
- ▶ Old Sydney Road is the principal access between Table Top and Thurgoona and should be retained.

11.6.2 Recommended Strategic Position

All rural lifestyle precincts in the north of the municipality should retain existing lot densities to reflect the landscape values and the topography of the area. These areas should retain long term opportunities for urban expansion beyond the life of the Strategy.

The intention of the Strategy is to minimise fragmentation in areas where future growth opportunities should be protected, where landscape or environmental values have been identified or where areas are not already subdivided for rural living. Minimum lot sizes will apply to various precincts which will reflect the existing pattern of development.

General Table Top Actions

- ▶ Investigate the potential for the eastern Table Top area, or precincts in the area, to accommodate rural lifestyle development.
- ▶ Define appropriate lot and road layouts, in the central and eastern precincts, that provide for rural lifestyle aspirations, without closing off options for long term urban expansion in the north of the Albury Municipality.
- ▶ Undertake further long term investigation for the urban development opportunities for the central and eastern precincts.
- ▶ Retain separation between Table Top and Ettamogah Industrial area.



General Table Top Actions Continued

- ▶ Initiate discussions with the Road Traffic Authority and State Rail to provide grade separation between Hume Freeway and Bowna Road.
- ▶ Prepare a local structure plan, which includes the layout of rural residential development, minimum lot size arrangements in designated locations, with the aim of protecting the area from further lot fragmentation that would prevent long term residential development, and which includes a village centre for Table Top and incorporates a limited number of higher density housing and a small commercial and community centre.
- ▶ Areas identified by Council's Natural Assets Strategy, with natural values that may contribute to a linear network of open space and conservation, should be included as considerations in the detailed design of development and land management outcomes for this locality.

Transport and Utility Infrastructure Actions

- ▶ Initiate discussions with the Road Traffic Authority and State Rail to provide grade separation between Hume Freeway and Bowna Road.
- ▶ Upgrade Old Sydney Road to accommodate projected traffic movements.

11.7 Lake Hume Village

11.7.1 Current Planning

Lake Hume Village is located to the east of the Albury central area and adjacent to Lake Hume. It has immediate frontage on the foreshore of the Lake and currently has a key role providing recreation and tourist opportunities. There is potential for these values to be further enhanced and for limited and careful development of additional and complimentary housing. It has the following characteristics that support this objective:

- ▶ Attractive waterside location;
- ▶ Sloping terrain allowing views of Lake Hume;
- ▶ Expansion is limited to areas with sufficiently gentle slope (no greater than 1 vertical metre in 10 horizontal metres to meet the requirements of Commonwealth Disability and Discrimination Legislation and will be particularly important if it becomes a key tourist and lifestyle destination);
- ▶ Proximity to Albury yet sufficiently distant to retain local community character;
- ▶ Well connected to Albury by the Riverina Highway and Wodonga by the Heywoods Bridge; and
- ▶ Close links with Bellbridge via the historic Bethanga Bridge. This currently provides local shopping for residents of Lake Hume Village and will continue to have a close relationship even if Village develops its own commercial core.