

**Amend Albury LEP 2010 - Rezone part of Lavington Sports Ground, Hamilton Valley, to RE1
Public Recreation Zone**

Proposal Title : **Amend Albury LEP 2010 - Rezone part of Lavington Sports Ground, Hamilton Valley, to RE1
Public Recreation Zone**

Proposal Summary : **Albury City Council seeks to rezone 745 Centaur Road (Lot A DP 328923) and 774 Pearsall
Street (Lot 25 DP 1000075), Hamilton Valley (Lavington Sports Ground), from R1 General
Residential Zone with a 300 square metre minimum lot size to R1 Public Recreation Zone with
no minimum lot size.**

PP Number : **PP_2016_ALBUR_001_00** Dop File No : **16/01015**

Proposal Details

Date Planning Proposal Received : **11-Jan-2016** LGA covered : **Albury City**

Region : **Southern** RPA : **Albury City Council**

State Electorate : **ALBURY** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **745 Centaur Road**

Suburb : **Hamilton Valley** City : **Albury** Postcode : **2640**

Land Parcel : **Lot A DP 328923**

Street : **774 Pearsall Street**

Suburb : **Hamilton Valley** City : **Albury** Postcode : **2640**

Land Parcel : **Lot 25 DP 1000075**

DoP Planning Officer Contact Details

Contact Name : **Graham Judge**

Contact Number : **0262297906**

Contact Email : **graham.judge@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Matt Johnson**

Contact Number : **0260238173**

Contact Email : **mjohnson@alburycity.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Deanne Frankel**

Contact Number : **0242249468**

Contact Email : **deanne.frankel@planning.nsw.gov.au**

Amend Albury LEP 2010 - Rezone part of Lavington Sports Ground, Hamilton Valley, to RE1 Public Recreation Zone

Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings (where relevant) : 0
Gross Floor Area : 0	No of Jobs Created : 0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The Objectives of the PP clearly state that Albury City Council seeks to rezone 745 Centaur Road (Lot A DP 328923) and 774 Pearsall Street (Lot 25 DP 1000075), Hamilton Valley 'Lavington Sports Ground' from R1 General Residential Zone with a 300 square metre minimum lot size to R1 Public Recreation Zone with no minimum lot size.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The Explanation of Provisions clearly states that the Land Zoning Map LZN_003 and Lot Size Map LSZ_003 will be amended to rezone 745 Centaur Road (Lot A DP 328923) and 774 Pearsall Street (Lot 25 DP 1000075), Hamilton Valley 'Lavington Sports Ground' from R1 General Residential Zone with a 300 square metre minimum lot size to R1 Public Recreation Zone with no minimum lot size.**

Amend Albury LEP 2010 - Rezone part of Lavington Sports Ground, Hamilton Valley, to RE1 Public Recreation Zone

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

No other matters need to be considered

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

JUSTIFICATION FOR INCONSISTENCIES WITH S117 DIRECTIONS

S117 DIRECTION 3.1 RESIDENTIAL ZONES

This Direction does apply to the planning proposal as it will affect land within an existing residential zone.

The PP states that the proposed rezoning is justifiably inconsistent with this Direction because, although the rezoning will reduce land available for housing, there is a significant amount of residential land supply available within Hamilton Valley and Albury.

The rezoning will also facilitate the redevelopment of the land purchased by Council for a recreation facility (major) to cater for the expansion of the adjoining Lavington Sports Ground.

The PP has adequately justified the inconsistency with this Direction.

RECOMMENDATION: The Secretary can be satisfied that the inconsistency is of minor significance.

S117 DIRECTION 4.4 PLANNING FOR BUSHFIRE PROTECTION

This Direction does apply to the planning proposal as it will affect/is in close proximity to land mapped as bushfire prone land.

If this Direction applies, a condition of the Gateway will be required to consult with the NSWRFs. At this stage of the Planning Proposal, it is neither consistent nor inconsistent as the Direction requires consultation with the NSWRFs post Gateway determination and prior to exhibition.

Council has requested that no consultation be undertaken with the NSWRFs, but if required limit consultation to 14 days because of the minor nature of the PP.

The S117 Direction requires consultation with the NSWRFs prior to community consultation and there is no scope to change this requirement. There is no reason why Council cannot initiate consultation with NSWRFs immediately prior to 14 day community consultation period.

RECOMMENDATION: A condition be included in the Gateway determination that consultation must be undertaken with the NSWRFs in accordance with S117 Direction 4.4 Planning for Bushfire Protection.

Amend Albury LEP 2010 - Rezone part of Lavington Sports Ground, Hamilton Valley, to RE1 Public Recreation Zone

Note: The Secretary can be satisfied that the requirements of the Direction have been met once Council complies with this condition of the Gateway Determination that Council consult with the NSWRFSS prior to community consultation.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **There are maps and air photos that identify the site and draft LEP Maps showing the proposed change in the zone and lot size.**

The PP includes adequate maps for community consultation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council is proposing to undertake community consultation for 14 days because it considers the PP to be of minor significance and therefore a low impact proposal.**

The land is owned by Council and has been specifically acquired for public recreation (expand Lavington Sports Ground). This is a low impact PP because it will rezone public land to reflect its use for public recreation.

RECOMMENDATION

That community consultation be undertaken for 14 days because the PP is considered to be of low impact.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The PP satisfies the adequacy criteria and can proceed to assessment.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Albury LEP 2010 (Standard Instrument) was notified in 2010.**

Assessment Criteria

Need for planning proposal : **The PP is necessary because the proposed RE1 Public Recreation Zone will reflect the future use of the land for public recreation because the RE1 Zone permits recreation facility (major) with consent. A recreation facility (major) is currently prohibited under the existing R1 General Residential Zone.**

RECOMMENDATION

The PP be issued with a Gateway Determination to enable community consultation.

Amend Albury LEP 2010 - Rezone part of Lavington Sports Ground, Hamilton Valley, to RE1 Public Recreation Zone

Consistency with strategic planning framework :

The PP acknowledges that the proposal is not the result of a specific strategic study or report. The land however was not acquired by Council until after the preparation of the Council's Strategic Land use plan and the Albury LEP 2010.

The proposal is justified because the site has been specifically acquired by Council to expand the capacity of the Lavington Sports Ground to cater for the long term recreation and sporting needs of the Albury community.

Council has therefore adequately justified the need for the PP.

RECOMMENDATION

The PP be issued with a Gateway Determination to enable public exhibition.

Environmental social economic impacts :

There are unlikely to be any significant adverse environmental, social or economic impacts as a result of changing the zone from R1 General Residential Zone to RE1 Public Recreation Zone.

RECOMMENDATION

The PP be issued with a Gateway Determination to enable public exhibition.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **The PP should proceed because the change in zone to RE1 Public Recreation Zone will reflect the use of the land as a public recreation area.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name

DocumentType Name

Is Public

Amend Albury LEP 2010 - Rezone part of Lavington Sports Ground, Hamilton Valley, to RE1 Public Recreation Zone

Cover Letter.pdf	Proposal Covering Letter	Yes
Site_Identification_Map_003_Amendment_No20.pdf	Proposal	Yes
0050_COM_LSZ_003_020_20151209.pdf	Map	Yes
0050_COM_LZN_003_020_20151209.pdf	Map	Yes
0050_COM_MCS_20151209.pdf	Map	Yes
Council Meeting Minutes - Monday 21 December 2015 (2).pdf	Proposal	Yes
Council Meeting Report - Monday 21 December 2015 (2).pdf	Proposal	Yes
Attachment 4.pdf	Proposal	Yes
Planning ProposalV2 20150111.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

Additional Information : **The Acting General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Albury Local Environmental Plan 2010 to rezone 745 Centaur Road (Lot A DP 328923) and 774 Pearsall Street (Lot 25 DP 1000075), Hamilton Valley (Lavington Sports Ground), from R1 General Residential Zone with a 300 square metres minimum lot size to RE1 Public Recreation Zone with no minimum lot size, should proceed subject to the following conditions:**

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for 14 days; and
 (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing local environmental plans (Department of Planning and Infrastructure).

2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. In accordance with s117 Direction 4.4, consultation must occur prior to community consultation.

The NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material and is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

4. The time-frame for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

DELEGATION FOR PLAN MAKING

It is recommended that Council be authorised to use its delegation for plan making to complete the LEP following public consultation.

S117 DIRECTIONS

**Amend Albury LEP 2010 - Rezone part of Lavington Sports Ground, Hamilton Valley, to RE1
Public Recreation Zone**

1. It is recommended that the Acting General Manager, as delegate for the Secretary, be satisfied that the inconsistencies of the planning proposal with S117 Direction 3.1 Residential Zones are of minor significance.

2. The Acting General Manager, as delegate for the Secretary, can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance.

3. No further referral is required in relation to s117 Directions while the planning proposal remains in its current form.

Supporting Reasons:

Recommend approval of Gateway Determination and community consultation for 14 days because the PP is considered to be a low impact proposal.

Signature:

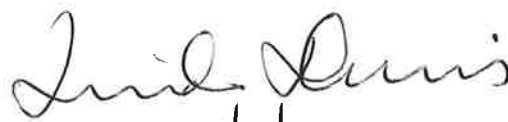


Printed Name:

Deanne Frankel

Date:

13/1/16


15/1/16

