

Planning Proposal

Amendment to Albury Local Environmental Plan 2010

Rezoning of 745 Centaur Road (Lot A, DP 328923) & 774 Pearsall Street (Lot 25, DP 1000075), Hamilton Valley 'Lavington Sports Ground' from R1 General Residential to RE1 Public Recreation

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PART 1 – OBJECTIVES OR INTENDED OUTCOMES

AlburyCity Council has resolved to prepare a Planning Proposal as per Section 55 of the *Environmental Planning & Assessment Act 1979* (EP&A Act). The proposal seeks to rezone 745 Centaur Road (Lot A, DP 328923) and 774 Pearsall Street (Lot 25, DP 1000075), Hamilton Valley, being a portion of the Lavington Sports Ground (subject land) from R1 General Residential to RE1 Public Recreation (see **Figures 2-4** of Appendix B) under the provisions of the *Albury Local Environmental Plan 2010* (ALEP 2010).

The Planning Proposal has been prepared following the recent purchase of the subject land (being 4.58ha in size) in 2012 and in recognition of its proposed future use as a Recreation Facility (Major), which at present is prohibited under the R1 General Residential zone. The purpose of the Planning Proposal is to rezone the subject site to RE1 Public Recreation consistent with the adjoining Lavington Sports Ground and the future use of this land.

PART 2 – EXPLANATION OF PROVISIONS

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

- amend the Land Zoning Map – Sheet LZN_003 as it applies to the subject land, being 745 Centaur Road (Lot A, DP 328923) and 774 Pearsall Street (Lot 25, DP 1000075), Hamilton Valley from 'R1 General Residential Zone' to 'RE1 Public Recreation Zone' (in accordance with the proposed Land Zoning Map shown in **Figure 3** of Appendix B), &
- amend the Lot Size Map – Sheet LSZ_003 as it applies to the subject land, being 745 Centaur Road (Lot A, DP 328923) and 774 Pearsall Street (Lot 25, DP 1000075), Hamilton Valley from '300 square metres' to 'no minimum lot size' (in accordance with the proposed Lot Size Map shown in **Figure 4** of Appendix B).

PART 3 – JUSTIFICATION

Section A - Need for the planning proposal.

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

The Planning Proposal is not the result of any strategic study or report and the amendment seeks to rezone the subject land from R1 General Residential to RE1 Public Recreation.

At the time of preparing ALEP 2010, the subject land was not owned by AlburyCity and was in private ownership. Accordingly, consistent with the previous 'Living Area' zoning applicable to the site under the *Albury Local Environmental Plan 2000*, the property was zoned R1 General Residential.

Since this time however, AlburyCity has acquired both the adjoining Lavington Sports Ground, being 514 Hanna Street (Lot 28, DP 1014850 and Lots 6 & 7, DP 29682) and 774 Pearsall Street (Lot 25, DP 1000075) in 2009 and then in 2012 purchased the subject land for the expansion of the existing Lavington Sports Ground to cater for the long-term recreational and sporting needs of the Albury and wider community.

Since the purchase of the Lavington Sports Ground, Council has invested approximately \$4M in the upgrade of this facility and has committed \$3.5M in the current Council 4-year delivery program to expanding and improving this recreational facility. A draft Master Plan has been developed for the subject land (see **Appendix C**), which has been developed in consultation with stakeholders and the community and includes:

- A major upgrade of the grandstand and northern side of the facility with additional undercover seating, new change rooms to national sporting standards, toilets and function room, event, media and administration infrastructure and upgrades of existing change rooms, toilets and rooms. Improving the access around the facility is identified including additional and improved disability accessible seating and pathways.
- New multipurpose playing fields will be developed on the land to the east of the sports ground (on the subject land). To maximise usage the installation of 6 lighting poles providing lighting to the playing fields is also proposed and ancillary infrastructure such as scoreboard, coach's boxes, four wicket synthetic cricket wicket, an amenities building including change rooms, toilets, storage, kiosk and ticket gate entry (for access to the main ground) is also included.

In line with Council open space and playground planning strategies, the scope of work also includes playground and BBQ facilities located near the playing fields as part of this facility but also addressing some of the required community infrastructure for the Lavington and Hamilton Valley suburbs.

The total project cost for the above works will be in excess of \$8M.

It is noted that Council has recently sought Government grant funding to help fund the project and has been successful in the following grant applications:

- *Federal Government National Stronger Regions Funding Program* (Round 3) - \$4M;
- *NSW ClubGRANTS Funding Program* (Category 3)(following an EOI Process) – \$1M; and
- *AFL Funding Grant* - \$250,000.

The successful Government grant funding has meant that the project will now commence ahead of schedule and it is proposed that the funds allocated for 2019/20 as part of the 4-year delivery program will be brought forward through to the 2016/17 budget process.

Given the size, scale and cost of the works, Council will seek approval as part of a Development Application (including any referral to the Joint Regional Planning Panel if the works exceed \$5M) and it is anticipated that works will commence in mid-late 2016.

At present, under the R1 General Residential zoning, 'recreation facilities (outdoor)' are permitted within consent within this zone, whereas 'recreational facilities (major)' are a prohibited land use.

The definition of recreation facilities (outdoor) and recreation facilities (major) are defined in ALEP 2010 as follows:

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

Following a review of these definitions against the scale and size of proposed works and proposed future land use activities, it is considered that the development proposed for the subject land would more accurately be defined as 'recreation facility (major)', which is currently prohibited within this zone.

In recognition that the adjoining land (which is already zoned RE1 Public Recreation) has been largely developed and currently supports large-scale sporting and recreation activities on a regular/periodic basis, it is recommended that the subject land be rezoned from R1 General Residential to RE1 Public Recreation consistent with the adjoining land and future proposed land use activities.

Whilst the subject land was previously identified for rezoning as part of Council's next scheduled city-wide LEP review, the success of recent grant funding bids and Council's decision to bring forward the project in its budget process to 2016/17 has necessitated the commencement of this Planning Proposal in the interim, to effect a rezoning to RE1 Public Recreation (via an amendment to ALEP 2010).

Rezoning the subject land is therefore consistent with that of the adjoining land (to the west), future proposed land use activities and development proposals. In addition, this Planning Proposal removes any potential ambiguities, obstacles or planning policy impediments in developing this land as intended in the future.

The property is already classified as 'Operational Land' and does not require reclassification.

It is also noted that the subject Planning Proposal seeks to rezone 774 Pearsall Street (Lot 25, DP 1000075) from R1 General Residential to RE1 Public recreation. This property is currently owned by AlburyCity and contains a residential dwelling that Council currently leases. It is expected that in the long term this site will also be incorporated and form part of the wider Lavington Sports Ground redevelopment and for this reason has also been incorporated into the subject Planning Proposal.

It is acknowledged however that dwelling houses are prohibited within the RE1 Public Recreation Zone and as a consequence of the proposed change, would result in the existing dwelling needing to rely on 'Existing Use Rights' under Section 106 of the *Environmental Planning & Assessment Act 1979*. This is considered satisfactory in this instance given its long-term likely use.

Again, rezoning this property to RE1 Public Recreation is consistent with the zoning of the adjoining Lavington Sports Ground and the future use of this land.

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

AlburyCity is of the view that the current restriction created by the R1 General Residential zoning of the land is inappropriate and could prevent the future development of this land for large scale recreational purposes, which is consistent with a previously endorsed Master Plan for this site.

By amending ALEP 2010 to rezone the subject land to RE1 Public recreation, this will allow for the development/redevelopment of the site and will also be consistent with the adjoining public recreation zoning of the existing Lavington Sports Ground located immediately adjoining.

Section B - Relationship to strategic planning framework

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

The draft *Murray Regional Strategy* (yet to be adopted) is Council's relevant Regional Strategy as set out by the NSW DPE and includes as part of its aims to:

- *Reinforce the role of Albury as the Region's major regional centre and the opportunities in taking advantage of its strategic location and emerging economic strengths, including transport, distribution, manufacturing, health services and education.*

Under Section 6 – Tourism of this Plan, the following actions are relevant:

- *In preparing local strategies and local environmental plans, Councils will identify appropriate locations for tourist related development. Local environmental plans will ensure land is available for a range of tourism experiences...*
- *Where possible, sites identified for new large scale tourist related development will be in or adjacent to existing settlements;*
- *When preparing local strategies and local environmental plans councils are to assess the best locations for tourist related development and consider the ability to provide new or upgraded infrastructure and services for such development.*

The Planning Proposal is consistent with the aims of this draft Regional Strategy as it seeks to reinforce the role of Albury as the areas major regional centre through the rezoning of land for recreation facility (major) purposes.

In rezoning and redeveloping this site, the facility will become the premier sporting facility between Melbourne and Canberra and will be a major tourism drawcard for Albury. This site is already adjoining an existing major regional recreation facility and seeks to facilitate the expansion of this facility. The site is currently serviced, is located within the urban areas of Albury and already has received a substantial amount of both Council and external funding.

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

The *Albury 2030 Community Strategic Plan* is Council's local community strategic planning document. The Albury 2030 Plan includes the following strategic aims under the themes of 'A Growing Economy', 'An Enhanced Natural Environment' and 'A Caring Community':

- *Develop and strengthen the City's visitor product and infrastructure;*
- *Develop and present a range of events to attract and engage our diverse community;*
- *Review and monitor the Local Environmental Plan and the Development Control Plan with regard to outcomes within Albury 2030;*
- *Promote Albury as a major regional economy and the regional city of choice for lifestyle, career and investment opportunities; and*
- *Provide high quality open space – to support a growing population through Open Space Master Plan;*

The proposed rezoning of the subject site is consistent with the above actions, as it seeks to reinforce Albury as the major regional centre of the area by encouraging a diversity and range of visitor and tourism products. This will improve the lifestyle opportunities of residents and visitors to the city and will be achieved through the provision of high quality regional open space and recreation facilities.

5. 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 2** of Appendix A.

6. 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 3** of Appendix A.

Section C - Environmental, social and economic impact

7. 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?

Although there is a change in land use zoning recommended as part of this Planning Proposal, there are no adverse environmental impacts envisaged as a result of the Planning Proposal, as the site is already zoned for general residential purposes.

It is noted that the site is predominantly cleared, but does contain a number of scattered paddock trees at the very northern and southern edges of the site. It is acknowledged that several, or all of these trees may need to be removed to facilitate the development of this site, however this will be confirmed at the time of lodging a Development Application for the site.

Furthermore ALEP 2010 has received Biodiversity Certification under the *Threatened Species Conservation Act 1995* (TSC Act) from the NSW Office of Environment and Heritage. The primary effect of conferring certification under this Act is that any development in an 'area proposed for development' (inclusive of urban zoned land including the R1 General Residential zone) that requires development consent under Parts 4 or 5 of the EP&A Act is taken to be development that is not likely to significantly affect threatened species, populations, ecological communities or their habitats. This is due to the fact that elsewhere across the city, land designated as 'natural areas' has been zoned E2 Environment Protection or E3 Environmental Management for the ongoing maintenance and improvement of this land.

Consequently, as the existing site is already identified as an 'area proposed for development', the overall environmental impacts of the development are considered negligible and will not adversely affect threatened species, populations or ecological communities or their habitats.

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

The Planning Proposal seeks to change the zoning of the subject land from R1 General Residential to RE1 Public recreation.

It is noted that this land is already zoned for urban development purposes, gently slopes upwards towards the south, provides a natural drainage line between Centaur Road and Pearsall Street and is not identified as being flood prone.

Following a review of the site, it is acknowledged however that a small portion of this site is classified as bushfire prone (bushfire buffer). Accordingly, an assessment has been undertaken against Section 117(2) Direction 4.4 as contained within **Table 3** of Appendix A.

9. Has the planning proposal adequately addressed any social and economic effects?

As outlined above, the proposal seeks to amend ALEP 2010 to rezone the subject site from R1 General Residential to RE1 Public Recreation to allow for the future expansion of the adjoining Lavington Sports Ground. Following a review, the Planning Proposal will have an overall positive social and economic impact upon the wider Albury area as detailed below.

It is reiterated that under the current general residential zone, 'recreation facilities (major)' are a prohibited land use under ALEP 2010. Given Council's significant investment in purchasing this site, as well as recent successful Federal and State Government funding grants, in the absence of this Planning Proposal, future development of the subject land would be impeded by existing

planning policy that prohibits 'recreation facilities (major)' and associated development activities. This would result in considerable business and economic risk for Council with approximately \$5.25M in Federal, State and Australian Football League (AFL) grant funding, that has been awarded contingent on project implementation, being put at risk.

If the proposal was to proceed and the Lavington Sports Ground was extended, it has been estimated that this project will contribute \$6.5M to the regional economy during construction and an additional \$9M annually once operational.

The Lavington Sports Ground redevelopment will also deliver considerable benefits to the region as a result of Albury's increased ability to attract marquee events. The project will address a disadvantage in the region by providing community access to a premier sporting venue between Melbourne and Canberra and will create an estimated 44 jobs during construction and 83 jobs during operation.

A new multi-sports field proposed on the subject land, together with the addition of an amenities building, and appropriate disabled access to viewing areas, will enable the venue to host many school, regional, state and national sports carnivals. The additional field will also allow Council to address the playing field shortage in the region by providing local clubs with additional playing and training facilities.

Whilst it is acknowledged that the construction and use of a regional recreation facility in proximity to residents may have the potential to create amenity impacts associated with noise, light spill, car parking etc, these have already been the subject of detailed community consultation, as part of the preparation of the draft Master Plan. It is also noted that any likely impacts associated with the development of this land can be most appropriately assessed as part of a separate Development Application process.

The rezoning and subsequent redevelopment of the land will also serve to provide long term separation from R1 General Residential land to the east and the major facility being the Lavington Sportsground. As a consequence, AlburyCity is now seeking to rezone the subject site from R1 General Residential to RE1 Public Recreation. The implications of not proceeding with this Planning Proposal could be extensive, as this may prevent or restrict the level of development permitted on the subject site and put in jeopardy previously awarded grant funding, which could have an adverse social and economic impact upon Council and the wider Albury and surrounding area.

Section D - State and Commonwealth interests

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

The Planning Proposal is seeking to rezone the subject site from R1 General Residential to RE1 Public Recreation.

Given the site is already zoned for urban development purposes and is serviced by existing road, water, sewer and electricity infrastructure, the proposed rezoning for recreational purposes is

considered satisfactory in this instance and will not create any uneconomic or unreasonable demands upon infrastructure.

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

No consultation has been carried out at this stage with any State and/or Commonwealth Public Authorities or service providers (outside of grant funding applications). Notwithstanding, any consultation requirements will occur in accordance with the Gateway Determination.

It is noted however that s.117(2) *Ministerial Direction 4.4(4) – Planning for Bushfire Protection*, requires that where a Planning Proposal affects land identified as being bushfire prone, that consultation must be undertaken with the NSW Rural Fire Service (RFS).

Following a review of the subject land, it is confirmed that a very small portion of the south-east corner of the site, being 230m² in size is identified as a 'Bushfire Buffer'. Given that only a very small portion of the subject site is identified as bushfire prone, the draft Lavington Sports Ground Master Plan designations only proposes a car parking area over this portion of the land and does not relate to a Special Fire Protection Purpose under Section 100B of the *Rural Fires Act 1997*, it is considered that consultation with this agency is unnecessary in this instance due to the minor impacts of the proposed amendment.

However, should consultation be required with the NSW RFS or any other public authority, due to the very minor nature of the Planning Proposal, AlburyCity considers the Planning Proposal to be a 'low impact proposal' and will be seeking a public exhibition period of 14 days only.

See Part 5 for further details regarding community consultation.

PART 4 – MAPPING

The Planning Proposal seeks to amend the following maps in ALEP 2010:

- Land Zoning Map No. 003 (0050_COM_LZN_003_020_20140305); and
- Lot Size Map No. 003 (0050_COM_LSZ_003_020_20131220).

A copy of the Site Identification Map and draft Amended Land Zoning and Lot Size Maps are contained within **Figure 2-4** of Appendix B of this Planning Proposal for information purposes.

A Map Cover Sheet has also been prepared in support of the subject Planning Proposal.

The draft LEP maps and cover sheet have been prepared in accordance with the NSW Department of Planning & Environment's: *Standard Technical Requirements for LEP Maps* (November 2012, Version 2.0) and *Standard Technical Requirements for Spatial Datasets and Maps* (30 November 2015, Version 1.0).

PART 5 – COMMUNITY CONSULTATION

The Planning Proposal will 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* (April 2013) and any conditions of the Gateway Determination (to be issued).

As outlined above, AlburyCity considers the Planning Proposal to be a 'low impact proposal' for the purposes of public exhibition and is seeking a public exhibition period for a minimum of 14 days only, due to the relatively minor nature of the proposal and the fact that it will not have an adverse impact on services, infrastructure or the environment.

Written notification of the community consultation will be provided in a local newspaper and on Councils' website. In addition to this, any affected landowner/s 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;
- The closing date for submissions; and
- Whether the Minister has chosen to delegate Plan Making powers to Council.

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

- The Planning Proposal;
- The Gateway determination;
- Relevant council reports.

PART 6 – PROJECT TIMELINE

Table 1 provides a project timeline for the proposed amendment to ALEP 2010.

Table 1 – Project Timeline

No.	Description of Tasks	Task Commencement	Task Completion
1.	Gateway Determination Anticipated Gateway Determination (including any delegated authority)	Late January 2016	Early February 2016
2.	Public Exhibition Agency and community consultation to be undertaken as part of the formal public exhibition of the Planning Proposal in accordance with any conditions of the Gateway Determination.	Mid February 2016	Late February 2016
3.	Consider Submissions & Document Finalisation (only if submissions received) Post public exhibition, AlburyCity officers to consider, respond and report on submissions received and issues raised to Council (if any) and where necessary, recommend relevant changes to the Planning Proposal.	Late February 2016	March 2016
4.	Submission to the Department and/or Parliamentary Counsel RPA to forward Planning Proposal to the department and/or Parliamentary Counsel (if delegated) for finalisation following public exhibition (including any changes made)(if required).	Late March 2016	Early April 2016
5.	Notification Anticipated date LEP will be notified.	April 2016	April 2016

APPENDIX A

Table 2 – Consideration of State Environmental Planning Policies

No.	SEPP Title	Applicable to Planning Proposal	Consistency
1	State Environmental Planning Policy – Development Standards	No, does not apply to land in the Albury LGA since gazettal of ALEP 2010	N/A
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	N/A
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
30	State Environmental Planning Policy – Intensive Agriculture	Not applicable	N/A
32	State Environmental Planning Policy – Urban Consolidation (Redevelopment of Urban Land)	Not applicable	N/A
33	State Environmental Planning Policy – Hazardous & Offensive Industry	Not applicable	N/A
36	State Environmental Planning Policy – Manufactured Home Estate	Not applicable	N/A

No.	SEPP Title	Applicable to Planning Proposal	Consistency
39	State Environmental Planning Policy – Spit Island Bird Habitat	No, does not apply to the Albury LGA	N/A
44	State Environmental Planning Policy – Koala Habitat Protection	Not applicable	N/A
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	N/A
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
55	State Environmental Planning Policy – Remediation of Land	Not applicable	N/A
59	State Environmental Planning Policy – Central Western Sydney Regional Open Space and Residential	No, does not apply to the Albury LGA	N/A
62	State Environmental Planning Policy – Sustainable Aquaculture	Not applicable	N/A
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
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

No.	SEPP Title	Applicable to Planning Proposal	Consistency
	State Environmental Planning Policy (Affordable Rental Housing) 2009	Not applicable	N/A
	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not applicable	N/A
	State Environmental Planning Policy (Exempt & Complying Development Codes) 2008	Not applicable	N/A
	State Environmental Planning Policy (Housing for Seniors & People with a Disability) 2004	Not applicable	N/A
	State Environmental Planning Policy (Infrastructure) 2007	Not applicable	N/A
	State Environmental Planning Policy (Kosciuszko National Park–Alpine Resorts) 2007	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Kurnell Peninsula) 1989	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Major Development) 2005	Not applicable	N/A
	State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007	Not applicable	N/A
	State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	Not applicable	N/A
	State Environmental Planning Policy (Penrith Lakes Scheme) 1989	No, does not apply to the Albury LGA	N/A

No.	SEPP Title	Applicable to Planning Proposal	Consistency
	State Environmental Planning Policy (Rural Lands) 2008	Not applicable	N/A
	State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	Not applicable	N/A
	State Environmental Planning Policy (State and Regional Development) 2011	Not applicable	N/A
	State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	Not applicable	N/A
	State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not applicable	N/A
	State Environmental Planning Policy (Three Ports) 2013	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Urban Renewal) 2010	Not applicable	N/A
	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
	Murray Regional Environmental Plan No. 2 – Riverine Land (Deemed SEPP)	Not applicable	Not relevant as the subject land is not located within the boundaries of Murray REP No. 2. Notwithstanding, the Planning Proposal does not derogate from the aims, objectives, development consent, general and specific planning principles and consultation requirements as provided in the REP and will have a negligible impact upon the Riverine environment.

Table 3 – 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	Not applicable	N/A
1.3	Mining, Petroleum Production & Extractive Industries	Not applicable	N/A
1.4	Oyster Aquaculture	Not applicable	N/A
1.5	Rural Lands	Not applicable	N/A
2. Environment and Heritage			
2.1	Environmental Protection Zones	Not applicable	N/A
2.2	Coastal Protection	No (does not apply to land in Albury LGA)	N/A
2.3	Heritage Conservation	Not applicable	N/A
2.4	Recreation Vehicle Areas	Not applicable	N/A
3. Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Yes, as the planning proposal will affect land within a residential zone	Justifiably inconsistent, despite the fact that the Planning Proposal seeks to reduce the area of land zoned for residential purposes by rezoning the site from R1 General Residential to RE1 Public Recreation. Overall this will result in a net loss of 4.58ha of residential zoned land, which could accommodate up to approximately 45 residential lots based on an average of 10 lots per hectare (average in Albury).

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No.	Direction Title	Applicable to Planning Proposal	Consistency
3.1	Residential Zones Cont.		Notwithstanding the above, the subject Planning Proposal is considered satisfactory in this instance given the significant amount of residential land supply already available within Hamilton Valley and elsewhere within Albury. It is noted that at the time of preparing ALEP 2010, AlburyCity sought and were successful in rezoning over 2,000ha of previously zoned rural land for residential purposes in the suburbs of Thurgoona and Wirlinga as part of Council's identified Urban Release Area (URA). This land was in addition to approximately 1,000ha of already zoned residential land, bringing the total area of undeveloped residential zoned land within Albury to approximately 3,000ha. Due to the size of this area and long term infrastructure and service needs generated from an area of this size, Council prepared the <i>Thurgoona Wirlinga Precinct Structure Plan</i> (TWSP) to guide the growth of this area consistent with the recommendations of this Direction. This level of residential land supply is expected to cater for the next 50+ years of residential growth within Albury based on current growth and development take-up rates. Given this overall supply position, the subject land (4.5ha) represents only 0.13% of the total residential land supply within Albury. It is further noted that there is already approximately 80ha of undeveloped residential zoned land available within Hamilton Valley and therefore the overall reduction in residential zoned land within this suburb is considered relatively minor given the overall level of residential land supply contained elsewhere

3.1	Residential Zones Cont.		Furthermore, it is also worth noting that Council has recently endorsed the <i>Rural Lands Strategy for Table Top & Splitters Creek</i> (RLS), which has identified approximately 40 years supply of rural residential/rural lifestyle zoned land (2ha minimum) to also provide for alternative forms of residential housing and residential densities within Albury's rural areas. Although the Planning Proposal seeks to reduce the level of residential zoned land, the proposal does seek to facilitate the redevelopment of this land for 'recreation facility (major)' purposes to cater for the future expansion of the adjoining Lavington Sports Ground. In doing so, this will address some of the required community infrastructure for the Lavington and Hamilton Valley suburbs and will provide an additional or improved service for the residents of Albury to address the playing field shortage in the region by providing local clubs with additional playing and training facilities. This is consistent with both Council's community strategic plan and the draft Regional Strategy for the Murray Region. Overall, whilst the Planning Proposal does reduce the level of residential zoned land, it does support housing and growth through an improved availability and quality of open space, which is considered to be justifiably inconsistent with this Direction in this instance.
3.2	Caravan Parks & Manufactured Home Estates	Not applicable	N/A
3.3	Home Occupations	Not applicable	N/A

No.	Direction Title	Applicable to Planning Proposal	Consistency
3.4	Integrating Land Use and Transport	Yes because the planning proposal affects urban land zoned including land zoned for residential, business, industrial, village or tourist purposes.	Consistent because the planning proposal has regard for the two DUAP documents referenced in this Direction and only seeks to rezone the land for public recreation purposes. It is noted that the proposal is already serviced by existing road infrastructure and details regarding specific traffic requirements can be best addressed as part of the Development Application process for the development of the site.
3.5	Development Near Licensed Aerodromes	Not applicable	N/A
3.6	Shooting Ranges	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	Not applicable	N/A
4.4	Planning for Bushfire Protection	Yes because the planning proposal affects land classified as bushfire prone land	The Planning Proposal is not inconsistent with the objectives of this Direction being to protect life, property and the environment from bush fire hazards by discouraging the establishment of incompatible land uses in bushfire prone areas. It is noted that this Direction only applies, due to the fact that a small portion of the subject land (230m²) is classified as Bushfire Buffer. The proposal does not alter the normal assessment, referral and concurrence (if required) requirements for development of

No.	Direction Title	Applicable to Planning Proposal	Consistency
4.4	Planning for Bushfire Protection Cont.		land in bushfire prone areas, whilst still requiring compliance with the aims, objectives and controls of the RFS Guideline: <i>Planning for Bushfire Protection 2006</i> . Given that only a very small portion of the subject land is identified as bushfire prone, the draft Lavington Sports Ground Master Plan designations only propose a car parking area over this portion of the site as part of a larger recreation facility (major) and the future development of this land does not relate to a Special Fire Protection Purpose under Section 100B of the <i>Rural Fires Act 1997</i> . Consequently, the subject Planning Proposal does not depart from the objectives of this Direction and will not have an adverse impact upon bushfire prone land.
5. Regional Planning			
5.1	Implementation of Regional Strategies	No (there is no gazetted 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
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

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AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

No.	Direction Title	Applicable to Planning Proposal	Consistency
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
5.9	North West Rail Link Corridor Strategy	No (does not apply to the AlburyCity LGA)	N/A
6. Local Plan Making			
6.1	Approval and Referral Requirements	Yes, applies to all relevant Planning Authorities	Consistent, as the Planning Proposal is not proposing to add any provisions which require referral of Development Applications to the Minister. Notwithstanding it is noted that in rezoning the subject land from R1 General Residential to RE1 Public Recreation, this will allow for the development of the site as a recreation facility (major). Given the size, scope and cost of works involved, the Development Application may need to be referred to the to the Joint Regional Planning Policy should the works exceed \$5M in value.
6.2	Reserving Land for Public Purposes	Yes because the planning proposal affects land reserved for public purposes	Consistent, as the Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes, but rather seeks to zone land for public purposes by changing the zoning of this land from R1 General Residential to RE1 Public recreation. It is noted that the subject land was purchased in 2012 and reclassified as 'Operational Land'. Consequently, the subject Planning Proposal seeks to rezone this site consistent with the future intended

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No.	Direction Title	Applicable to Planning Proposal	Consistency
6.2	Reserving Land for Public Purposes Cont.		use of this site, being for local and regional recreational purposes, which is consistent with the aims and objectives of this Direction.
6.3	Site Specific Provisions	Not applicable	Note relevant, as the proposal does not propose any site specific planning controls.
7. Metropolitan Planning			
7.1	Implementation of Metropolitan Strategy	No (does not apply to the AlburyCity LGA)	N/A
7.2	Implementation of Greater Macarthur Land Release Investigation	No (does not apply to the AlburyCity LGA)	N/A

APPENDIX B

Figure 1 – Aerial Photograph – Locality Plan



Figure 2 – Site Identification Map

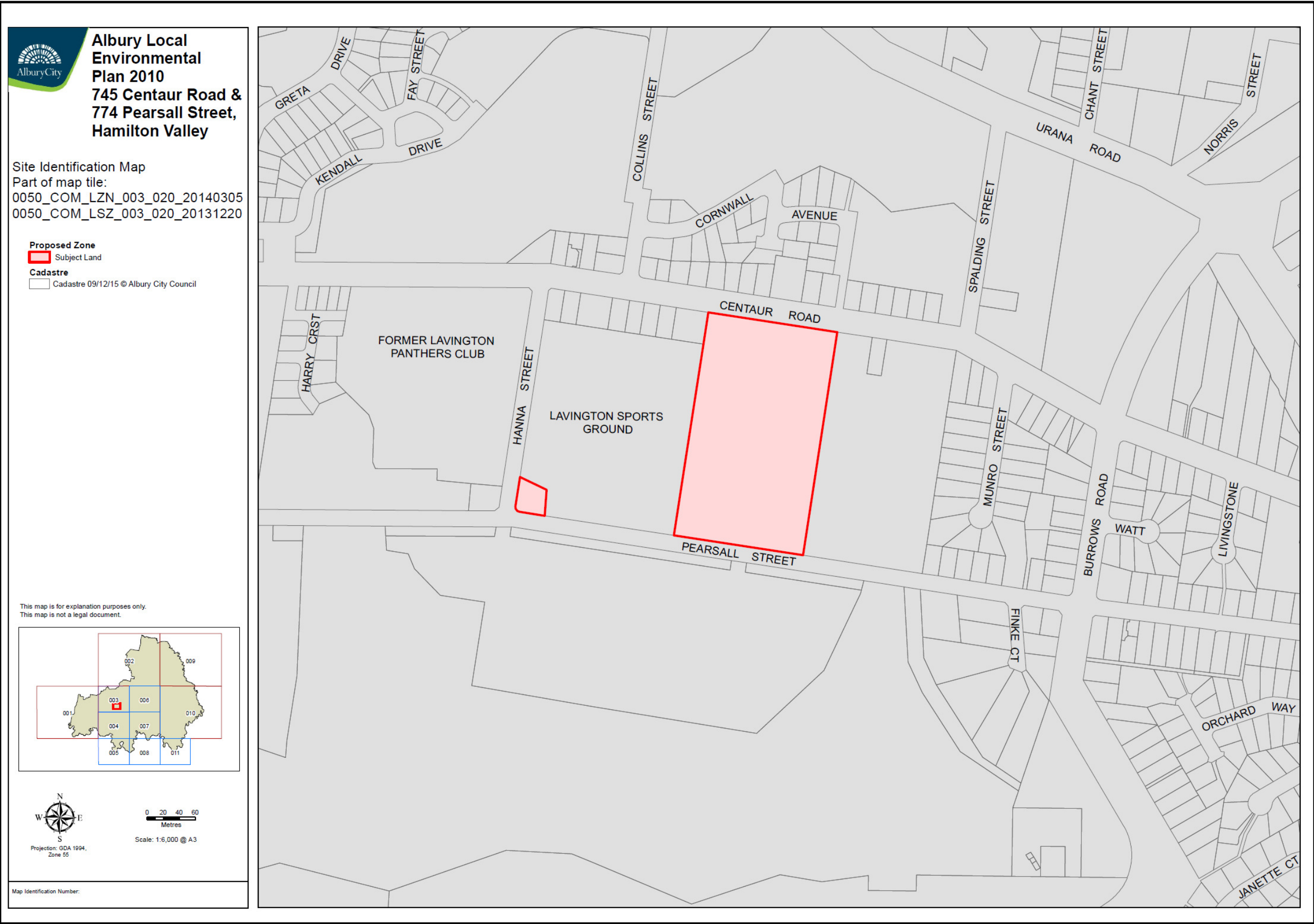
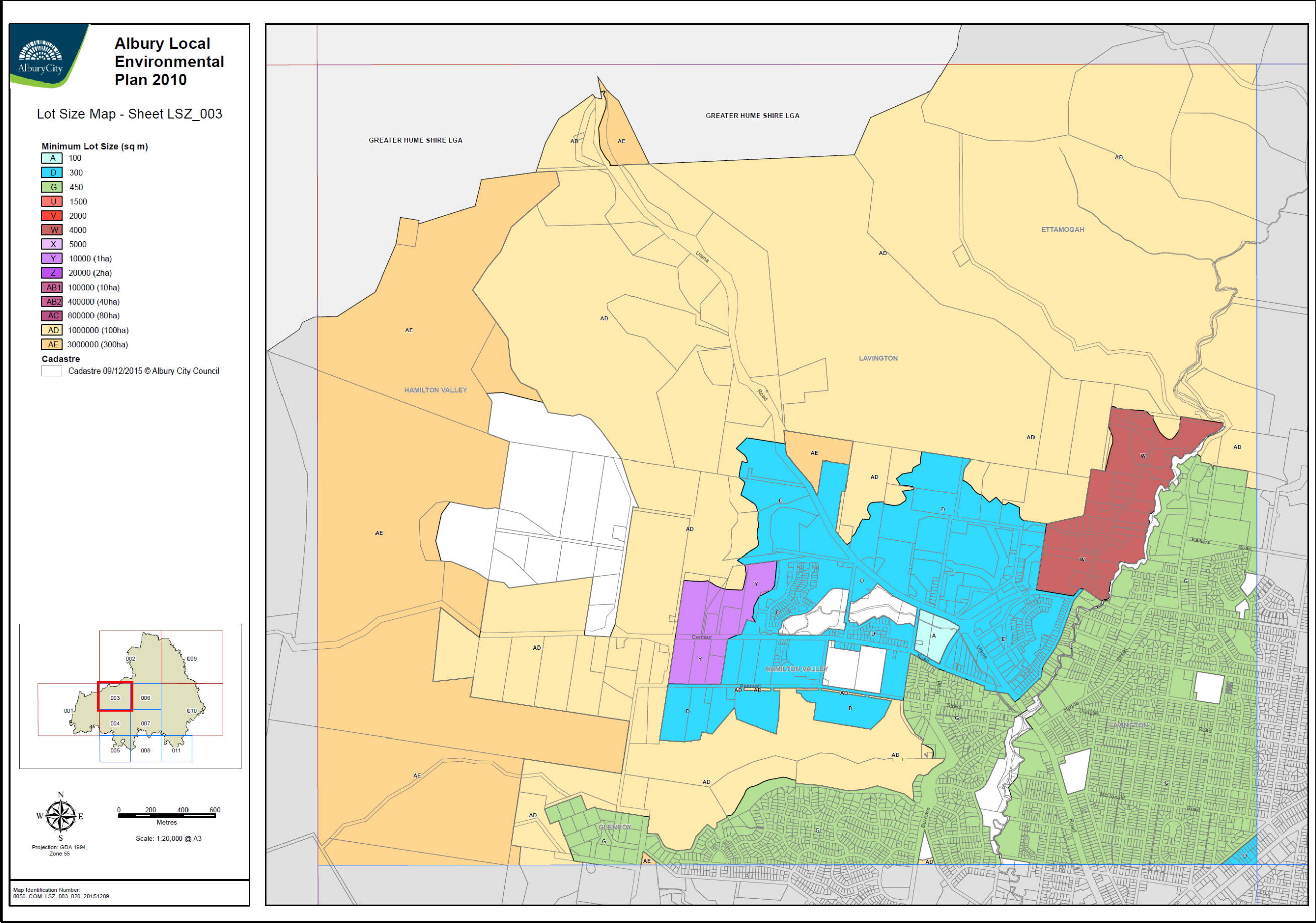


Figure 4 – Lot Size Map – Sheet LSZ_003 (As Amended)



APPENDIX C

Figure 5 – Lavington Sports Ground – Existing Site Plan

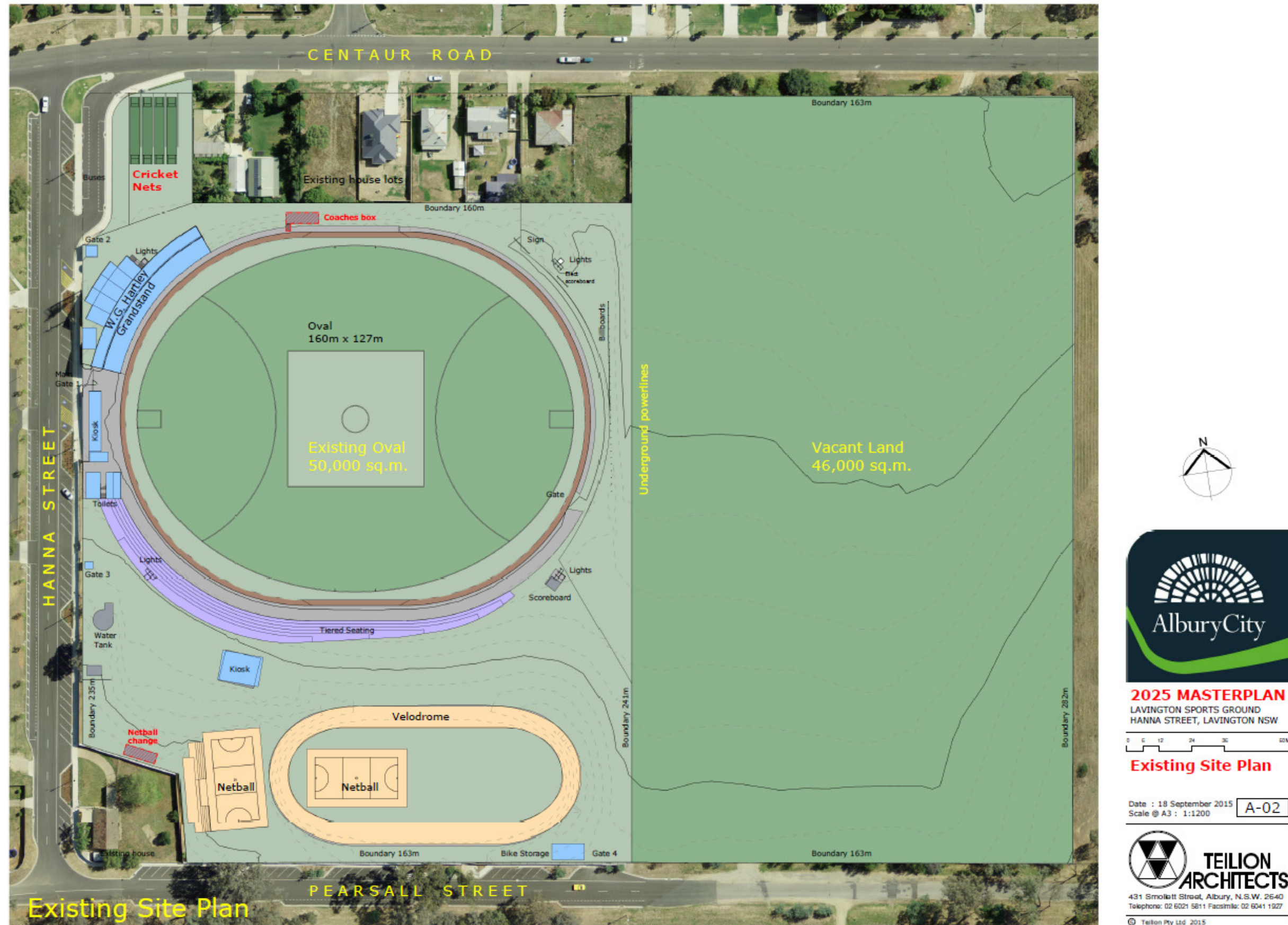


Figure 6 – Draft Lavington Sports Ground Master Plan

