

Amend Albury LEP 2010 - Rezone Lot A DP 354713 222 Borella Rd, Albury to B2 Local Centre Zone

Proposal Title :	Amend Albury LEP 2010 - Rezone Lot A DP 354713 222 Borella Rd, Albury to B2 Local Centre Zone		
Proposal Summary :	Council seeks to amend the Albury LEP 2010 to rezone Lot A DP 354713, 222 Borella Road, East Albury, from R3 Medium Density Zone to B2 Local Centre Zone and to; 1. amend the Lot Size Map from '450m²' to no MLS, 2. amend the Height of Buildings Map from '16 metre' to no maximum building height, and 3. amend the Floor Space Ratio Map from '2:1 floor space ratio' to no restriction on floor space.		
PP Number :	PP_2012_ALBUR_004_00	Dop File No :	12/17927-1

Proposal Details

Date Planning Proposal Received :	08-Nov-2012	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 :	222		
Suburb :	Borella Road	City :	East Albury
		Postcode :	2640
Land Parcel :	Lot A DP 354713		

DoP Planning Officer Contact Details

Contact Name :	Graham Judge
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RPA Contact Details

Contact Name :	Matt Johnson
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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :	N/A	Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	800.00	No of Jobs Created :	0

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

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes : The rezoning will enable the expansion of an existing commercial centre.

External Supporting Notes :

Adequacy Assessment

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

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

Comment : Allow land to be developed as part of an adjoining commercial centre.

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

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

Comment : Changes in zone, minimum lot size, floor space ratio and height of buildings.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 2.4 Recreation Vehicle Areas**
- 3.1 Residential Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**

3.3 Home Occupations
3.4 Integrating Land Use and Transport
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions

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

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

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards
SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development
SEPP No 6—Number of Storeys in a Building
SEPP No 21—Caravan Parks
SEPP No 30—Intensive Agriculture
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 33—Hazardous and Offensive Development
SEPP No 36—Manufactured Home Estates
SEPP No 50—Canal Estate Development
SEPP No 55—Remediation of Land
SEPP No 62—Sustainable Aquaculture
SEPP No 64—Advertising and Signage
SEPP No 65—Design Quality of Residential Flat Development
SEPP No 70—Affordable Housing (Revised Schemes)
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Major Projects) 2005
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP (Rural Lands) 2008
SEPP (Temporary Structures and Places of Public Entertainment) 2007
Murray REP No. 2 - Riverine Land

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

The PP is consistent with the draft Murray Regional Strategy.

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

If No, explain :

The planning proposal (PP) has indicated that the PP is inconsistent with s117 Directions 3.1 Residential Zones and 3.2 Caravan Parks and Manufactured Home Estates. The PP has justified any inconsistency with the directions on the basis that the change of zone on Lot A DP 354713 from R3 Medium Density Residential Zone to B2 Local Centre Zone 'is of minor significance'.

Recommendation

That the Director General can be satisfied that the inconsistencies with s117 Direction 3.1 and 3.2 on the basis that the inconsistencies are of minor significance.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

The RPA has provided maps that identify the site but have not provided draft LEP Maps as required by s55(2)(e) of the EPA Act 1979'

"(d) if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,".

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Recommendation:

That the Gateway Determination include a condition that Council prepare draft amending LEP Maps as part of the public exhibition of the PP.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The Council accepts that community consultation likely to be recommended through the Gateway will be 28 days. This is considered appropriate.**

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? **No**

If No, comment : **The RPA has provided maps with the PP that identify the subject site but they have not provided draft LEP Maps as required by s55(2)(e) of the EPA Act 1979;**

"(d) if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,".

RECOMMENDATION:

That the Gateway Determination include a condition that Council prepare draft amending LEP Maps (LZN,LSZ,HOB and FSR maps) as part of the public exhibition of the PP.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Albury LEP 2010 is a Standard Instrument LEP notified in 2010.**

Assessment Criteria

Need for planning proposal :

The PP has justified the need for the PP to rezone Lot A (area of 935.8 m2) to B2 Local Centre Zone on the basis that the site adjoins land also zoned B2 Local Centre Zone that has been developed as as local East Albury shopping centre.

Both the adjoining B2 zoned land and the subject site are owned by the same landowner and it is the intention of the landowner to develop Lot A to extend the existing local shopping centre.

Consistency with strategic planning framework :

The PP is consistent with the strategic planning framework by retaining the shopping centre as a local shopping precinct in East Albury.

Environmental social economic impacts :

There are unlikely to be any adverse environmental or economical impacts as a result of changing the R3 Medium Density Zone to B2 Local Centre Zone.

The shift of the boundary of the B2 Local Centre Zone will potentially have a local impact on the amenity of the adjoining residential land to the west when Lot A is developed as an

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extension to the shopping centre (noise and overshadowing). Council, however, has a 6 metre building setback policy under the Albury DCP that applies to development on land zoned B2 Local Centre Zone and where it adjoins land zoned residential. The building setback is an attempt to try and ameliorate potential amenity impacts of any B2 commercial development on adjoining residential development.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 Month** Delegation : **DG**

Public Authority
Consultation - 56(2)(d)

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

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

If no, provide reasons :

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
Cover_Letter.pdf	Proposal Covering Letter	Yes
Planning_Proposal.pdf	Proposal	Yes
Council_Minutes_20121022.pdf	Proposal	Yes
Council_report_20121008.pdf	Proposal	Yes
Planning_Committee_Minutes_20121008.pdf	Proposal	Yes
Site_Identification_Map_004_20121107.pdf	Map	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
1.3 Mining, Petroleum Production and Extractive Industries
2.1 Environment Protection Zones
2.3 Heritage Conservation

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- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information :

The Director General, as delegate of the Minister for Planning and Infrastructure, has determined under section 56 (2) of the EP&A Act that an amendment to the Albury Local Environmental Plan 2010 to rezone 222 Borella Road, East Albury (Lot A DP 354713) from R3 Medium Density Zone to B2 Local Centre Zone and including other subsequent changes to the Lot Size Map, Height of Buildings Map and Floor Space Ratio Map 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 28 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 October 2012).

2. In accordance with section 55 (2) (d) of the EP&A Act the RPA must prepare draft LEP maps showing the proposed changes to the Land Zoning Map, Lot Size Map, Height of Buildings Map and Floor Space Ratio Map to be placed on public exhibition as part of the community consultation.

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 timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

5. The Director General can be satisfied that the inconsistencies with s117 Directions 3.1 Residential Zones and 3.2 Caravan Parks and Manufactured Home Estates are of minor significance.

6. The Director General can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are only of minor significance.

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

Supporting Reasons :

- 1. The PP is considered to be a routine spot rezoning and community consultation is required for 28 days.
- 2. Draft LEP Maps are required to be part of the planning proposal in accordance with section 55 (2) (d) of the EP&A Act.

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

8th November 2012