



PLANNING PROPOSAL

Land rezoning

**222 Borella Road, East Albury
(Lot A DP 354713)**

**“R3 Medium Density Residential Zone” to “B2 Local Centre Zone” –
*Albury Local Environmental Plan 2010***

September 2012

Prepared by:

Blueprint Planning

For:

Davis Sanders Homes

© Copyright 2012

Blueprint Planning & Development Pty Ltd
trading as **Blueprint Planning**

This work is copyright. Apart from any use permitted under the *Copyright Act 1968* (Cwth), no part may be reproduced without the written permission of Blueprint Planning.

Disclaimer:

Neither Blueprint Planning nor any member or employee of Blueprint Planning takes responsibility in any way whatsoever to any person or organisation (other than that for which this report has been prepared) in respect of the information set out in this report, including any errors or omissions therein. Blueprint Planning is not liable for errors in plans, specifications, documentation or other advice not prepared or designed by Blueprint Planning.

T: 02 6023 6844

E: office@blueprintplanning.com.au

W: www.blueprintplanning.com.au



blueprint | **PLANNING**
& DEVELOPMENT

STATEMENT

This Planning Proposal relates to: The proposed rezoning of 222 Borella Road, EAST ALBURY (Lot A DP 354713) from –

“R3 Medium Density Residential Zone” to “B2 Local Centre Zone”, with consequential changes to the Land Zoning Map, Lot Size Map, Height of Buildings Map, and Floor Space Ratio Map –

under the *Albury Local Environmental Plan 2010*.

This Planning Proposal has been prepared in accordance with:

- section 55 of the *Environmental Planning and Assessment Act 1979*;
- *A Guide to Preparing Planning Proposals* (Department of Planning, 2009); and
- *A Guide to Preparing Local Environmental Plans* (Department of Planning, 2009).

This report has been prepared by: James Laycock
BUrbRegPlan (NE), MBA (CS), MPIA, CPP
Town Planning Consultant
Blueprint Planning
Blueprint Planning & Development Pty Ltd
1035 Table Top Road, TABLE TOP NSW 2640



Document Control



Ref	Version No.	Date	Revision Details	Author
1117	1	30/05/2012	Initial draft	JL
	2	16/08/2012	Draft	JL
	3	11/09/2012	Draft	JL
	4	24/09/2012	Draft	JL

EXECUTIVE SUMMARY

This Planning Proposal relates to land in the East Albury local centre commercial precinct.

This report has been prepared by Blueprint Planning on behalf of Davis Sanders Homes in support of a land use zoning change from “R3 Medium Density Residential Zone” to “B2 Local Centre Zone” under the *Albury Local Environmental Plan 2010* (LEP), with consequential changes to the LEP’s Land Zoning Map, Lot Size Map, Height of Buildings Map, and Floor Space Ratio Map.

Adjoining land within the East Albury local centre commercial precinct is already zoned “B2 Local Centre Zone”.

The objective or intended outcome of these changes is to enable the land to be developed for local centre commercial purposes.

This report has been prepared in accordance with:

- section 55 of the *Environmental Planning and Assessment Act 1979*;
- *A Guide to Preparing Planning Proposals* (Department of Planning, 2009); and
- *A Guide to Preparing Local Environmental Plans* (Department of Planning, 2009).

Consideration of the Planning Proposal against the above requirements and guidelines demonstrates that the land is suitable for the proposed rezoning because:

- the rezoning of the land in the way proposed is consistent with relevant strategies, State environmental planning policies, and directions; and
- the location, size, and area of the land proposed to be rezoned represents a considered and orderly response to site analysis and design investigations in regard to the East Albury local centre commercial precinct.

TABLE OF CONTENTS

STATEMENT	iii
EXECUTIVE SUMMARY	iv
TABLE OF CONTENTS	v
1.0 INTRODUCTION	1
1.1 Preliminary	1
1.2 Scope of this report	1
1.3 Site and context description.....	1
2.0 OBJECTIVES OR INTENDED OUTCOMES	2
3.0 EXPLANATION OF PROVISIONS.....	3
4.0 JUSTIFICATION.....	5
4.1 Need for the Planning Proposal	5
4.1.1 Is the Planning Proposal a result of any strategic study or report?	5
4.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	5
4.1.3 Is there a net community benefit?.....	6
4.2 Relationship to strategic planning framework.....	9
4.2.1 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)?	9
4.2.2 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?	10
4.2.3 Is the Planning Proposal consistent with applicable state environmental planning policies?.....	10
4.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (section 117 directions)?.....	10
4.3 Environmental, social and economic impact	10
4.3.1 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?	10
4.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?..	10
4.3.3 How has the Planning Proposal adequately addressed any social and economic effects?.....	11
4.4 State and Commonwealth interests	11
4.4.1 Is there adequate public infrastructure for the Planning Proposal?	11
4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	11
5.0 COMMUNITY CONSULTATION	12

FIGURES/TABLES

Figure 1:	Regional location plan.....	2
Figure 2:	Local location plan.....	3
Figure 3:	Aerial photograph of the Land	4
Table 1:	Summary of LEP amendments.....	5
Table 2:	Net Community Benefit Test.....	6

APPENDICES

Appendix A:	Title diagram
Appendix B:	Summary of development controls that will be applicable to the Site after rezoning
Appendix C:	Applicable aims of the Draft Murray Regional Strategy 2009
Appendix D:	Applicable aims of Albury 2030: A Community Strategic Plan for Albury
Appendix E:	Applicable State Environmental Planning Policies
Appendix F:	Applicable Directions under section 117(2) of the EP&A Act

WORD ABBREVIATIONS/TERMS

Land	222 Borella Road, East Albury (Lot A DP 354713) proposed to be rezoned in accordance with the Planning Proposal
Planning Proposal	• rezoning of the Land from “R3 Medium Density Residential Zone” to “B2 Local Centre Zone” under the LEP; and • consequential changes to LEP maps, including showing the Land as “B2 Local Centre Zone” on the Land Zoning Map, and removal of the Land from the: ➤ Lot Size Map; ➤ Height of Buildings Map; and ➤ Floor Space Ratio Map
Council	Albury City Council
DCP	<i>Albury Development Control Plan 2010</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
LEP	<i>Albury Local Environmental Plan 2010</i>
LGA	local government area
Proponent	Davis Sanders Homes
SEPP	State Environmental Planning Policy

1.0 INTRODUCTION

1.1 Preliminary

This report contains word abbreviations and terms listed in the **Table of Contents** section above.

This report has been prepared in support of a request by the Proponent to Council for rezoning of the Land from “R3 Medium Density Residential Zone” to “B2 Local Centre Zone” with consequential changes to relevant LEP maps.

1.2 Scope of this report

This Planning Proposal report has been prepared in accordance with the legislative and guideline requirements listed in the **Statement** at the beginning of this report, and have been prepared by Blueprint Planning on behalf of the Proponent pursuant to *A Guide to Preparing Local Environmental Plans* (Department of Planning, 2009, p. 5).

1.3 Site and context description

The Land is located in East Albury approximately 1.9 kilometres to the east-northeast of the Albury CBD and on the periphery of the East Albury local centre commercial precinct.

The Land has dual road frontages, with principle access from a service road adjoining Borella Road (Riverina Highway) and rear lane access from an unnamed lane.

The Land is rectangular in shape, has a north-south axis, has road frontages of 15.088 metres and side boundaries of 62.363 metres with an area of 935.8 square metres, and has a northerly aspect with a variable slope of approximately 2-5 percent.

Currently constructed on the Land is a single-storey detached dwelling and outbuildings in poor states of repair. The dwelling is not known to be of any heritage significance.

Reticulated water, sewer, stormwater, electricity, natural gas, and telecommunications are connected to the Land. Both of the roads along the southern and northern frontages of the Land are sealed.

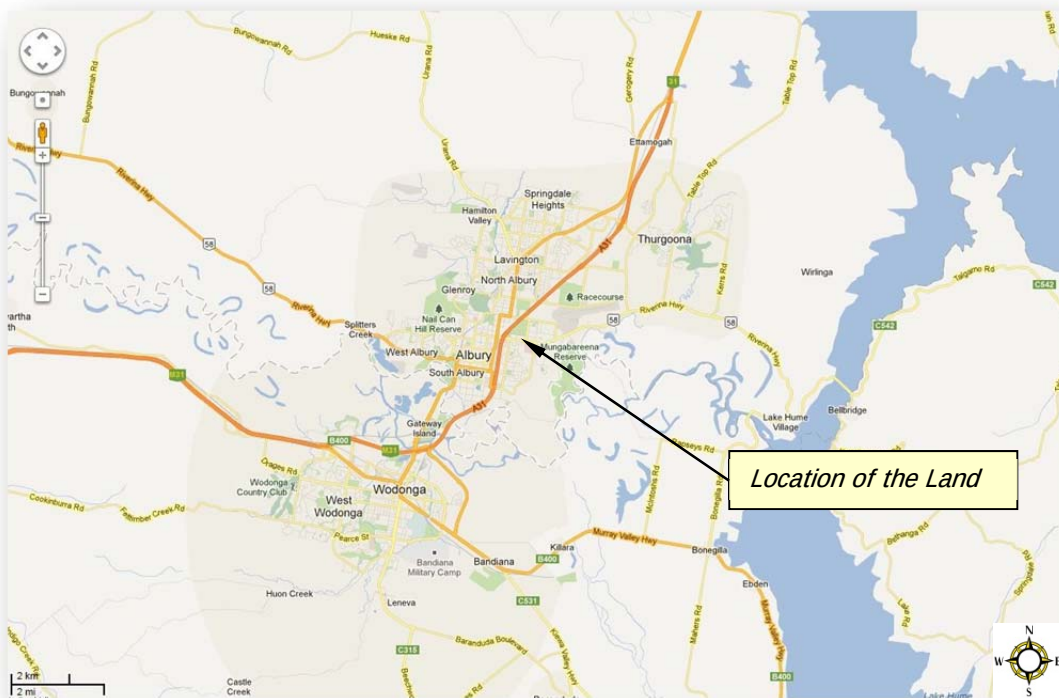
A Title diagram of the Land is shown in **Appendix A: Title diagram**. The location of the Land is shown regionally in **Figure 1: Regional location plan**, locally in

Figure 2: Local location plan, and an aerial photograph of the Land with cadastral boundaries is shown in **Figure 3: Aerial photograph of the Land**.

2.0 OBJECTIVES OR INTENDED OUTCOMES

The objective or intended outcome of the Planning Proposal is to enable the Land to be developed for commercial purposes consistent with the “B2 Local Centre Zone” under the LEP.

Figure 1: Regional location plan

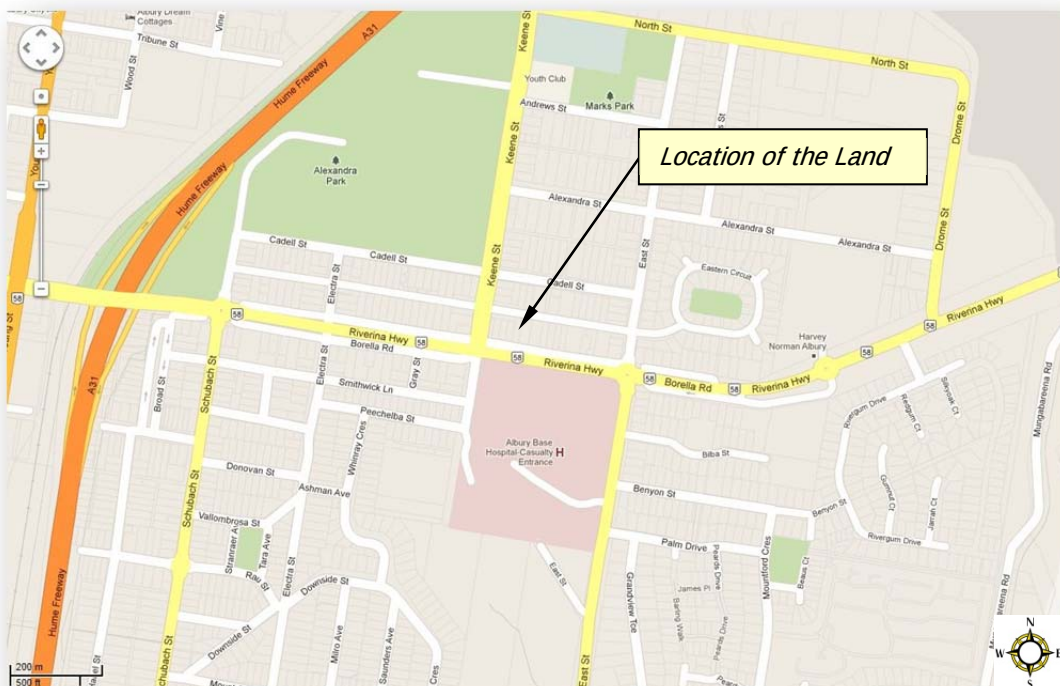


Source: Google Maps (2012)

3.0 EXPLANATION OF PROVISIONS

The objective or intended outcome of the Planning Proposal mentioned in **Section 2.0: Objectives or intended outcomes** is proposed to be achieved by amending the LEP as shown in **Table 1: Summary of LEP amendments**.

Figure 2: Local location plan



Source: Google Maps (2012)

Figure 3: Aerial photograph of the Land



Source: Nearmap (April, 2011)

Table 1: Summary of LEP amendments

<i>LEP map proposed to be amended</i>	<i>Effect of proposed amendment</i>
<i>Land Zoning Map No. 4</i>	Rezone the Land from “R3 Medium Density Residential Zone” to “B2 Local Centre Zone”
<i>Lot Size Map No. 4</i>	Remove the Land from being affected by a minimum lot size (consistent with adjoining land zoned “B2 Local Centre Zone”)
<i>Height of Buildings Map No. 4C</i>	Remove the Land from being affected by a maximum building height (consistent with adjoining land zoned “B2 Local Centre Zone”)
<i>Floor Space Ratio Map No. 4C</i>	Remove the Land from being affected by a maximum floor space ratio (consistent with adjoining land zoned “B2 Local Centre Zone”)

4.0 JUSTIFICATION

4.1 Need for the Planning Proposal

4.1.1 Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not a result of any specific strategic study or report; however the Planning Proposal is generally consistent with the *Albury Land Use Strategy* (GHD, 2007) in regard to recommended actions to foster economic development in existing local commercial centres (p. 31).

4.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The rezoning of the Land from “R3 Medium Density Residential Zone” to “B2 Local Centre Zone” as detailed in **Table 1: Summary of LEP amendments**, is considered to be the best available means of achieving the objective or intended

outcome mentioned in **Section 2.0: Objectives or intended outcomes**.

Likewise, removing the Land from being affected by a minimum lot size, a maximum building height, and a maximum floor space ratio is considered to be appropriate and will be consistent with adjoining land zoned "B2 Local Centre Zone".

4.1.3 Is there a net community benefit?

Yes. The following Net Community Benefit Test adapted from the *Draft Centres Policy: Planning for Retail and Commercial Development* (Department of Planning, 2009) has been prepared, with detail and analysis proportionate to the size and likely impact of the Planning Proposal listed in accordance with *A Guide to Preparing Planning Proposals* (Department of Planning, 2009, p. 4).

Table 2: Net Community Benefit Test

Question	Assessment
<i>Will the LEP be compatible with agreed State and regional strategic directions for development in the area (e.g. land lease, strategic corridors, development within 800 metres of a transit node)?</i>	<u>Comment:</u> There are no specific State or regional strategic directions for development that are especially applicable to the East Albury area, however the Planning Proposal is compatible with general regional strategic directions for development identified in the <i>Draft Murray Regional Strategy 2009</i> as follows: - Albury is identified as a "major regional centre" in the "Upper Murray Subregion" (p. 13), with a focus for additional housing development (pp. 20; 21), and with a population increase of 8,100 persons expected by 2036 (p. 18); - 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 (p. 18); and - Council has identified significant new release areas for urban expansion to the north and east of the city, including land at Hamilton Valley, Thurgoona and, in the longer term, Wirlinga as part of its local strategic planning work and these areas will be sufficient to cater for this expected growth

Question	Assessment
	in housing demand (p. 18). The Planning Proposal compliments the above strategic directions for housing by providing for the additional development of “B2 Local Centre Zone” land in the East Albury local centre commercial precinct which will in turn support local housing needs.
• <i>Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?</i>	<u>Comment:</u> Refer to above comments as applicable in relation to the <i>Draft Murray Regional Strategy 2009</i>.
• <i>Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?</i>	<u>Comment:</u> No. The Land is the last existing lot within the East Albury local centre commercial precinct which has dual road frontage, and therefore any further westward expansion of the precinct is unlikely based on cadastral lot layout and design circumstances.
• <i>Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?</i>	<u>Comment:</u> Not relevant: There has been no other ‘spot rezoning’ in the locality.
• <i>Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?</i>	<u>Comment:</u> The Planning Proposal will facilitate permanent employment generating activity by providing additional commercial opportunities in the East Albury local centre commercial precinct. The Planning Proposal will not result in a loss of employment lands – the Land is currently used for residential purposes.
• <i>Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?</i>	<u>Comment:</u> The Planning Proposal provides for the rezoning of one (1) existing residentially zoned lot to a commercial zone which is considered to be of minor significance in terms of the loss of residentially zoned land.
• <i>Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access?</i>	<u>Comment:</u> Reticulated water, sewer, stormwater, electricity, natural gas, and telecommunications are connected to the Land. Both of the roads along the southern and northern frontages of the Land are sealed.

Question	Assessment
<i>Is public transport currently available or is there infrastructure capacity to support future public transport?</i>	Pedestrian and cycling access and bus public transport is available.
<i>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?</i>	<u>Comment:</u> The Land is located within the East Albury local centre commercial precinct within the urban area of East Albury. The Planning Proposal will therefore not result in changes to existing car distances travelled by customers, employees and suppliers travelling to the East Albury local centre commercial precinct.
<i>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?</i>	<u>Comment:</u> Only positive impacts are envisaged from recent and continuing Government investments in the local Hume Freeway internal bypass of Albury and regional freeway carriageway duplication projects.
<i>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?</i>	<u>Comment:</u> No. The Land is not known to be environmentally constrained in any manner.
<i>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?</i>	<u>Comment:</u> The Planning Proposal will allow for the Land to be developed in accordance with the “B2 Local Centre Zone” under the LEP and relevant guidelines under the DCP. The ‘objectives’ of the B2 Local Centre Zone and the ‘objectives’ and ‘controls’ from the DCP relevant to the B2 Local Centre Zone are listed in Appendix B: Summary of development controls that will be applicable to the Site after rezoning. These zone objectives and development guidelines will control and guide the future development of the Land. Appendix B also provides a summary of the

Question	Assessment
	matters for consideration under section 79C of the <i>Environmental Planning and Assessment Act 1979</i> when a development application is assessed.
• <i>Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?</i>	<u>Comment:</u> Yes. The Planning Proposal will allow for the Land to be developed in accordance with the “B2 Local Centre Zone” under the LEP (refer to zone ‘objectives’ above).
• <i>If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?</i>	<u>Comment:</u> The Planning Proposal will allow for the Land to be developed in accordance with the “B2 Local Centre Zone” under the LEP and be consolidated with the East Albury local centre commercial precinct.
• <i>What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?</i>	<u>Comment:</u> The public interest reasons for preparing the Planning Proposal are to maximise the efficiency and effectiveness of the East Albury local centre commercial precinct to provide for the needs of the East Albury community consistent with the “B2 Local Centre Zone” under the LEP. The implications of not proceeding with the Planning Proposal at this time will be the loss of developing additional East Albury local centre commercial precinct land with the resultant loss of related benefits to the local community.

4.2 Relationship to strategic planning framework

4.2.1 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)?

Yes. The Planning Proposal is consistent with the aims of *Draft Murray Regional Strategy 2009*, which was publicly exhibited for comment in 2009, as set out in **Appendix C: Applicable aims of the *Draft Murray Regional Strategy 2009***. The Planning Proposal is consistent with the actions of *Draft Murray Regional Strategy 2009* as set out in the Net Community Benefits Test above at **Table 2: Net Community Benefits Test**.

4.2.2 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Yes. The Planning Proposal is consistent with Council's *Albury 2030: A Community Strategic Plan for Albury* (Albury City Council, 2010) as set out in **Appendix D: Applicable aims of *Albury 2030: A Community Strategic Plan for Albury*.**

4.2.3 Is the Planning Proposal consistent with applicable state environmental planning policies?

Yes. The Planning Proposal is consistent with applicable state environmental planning policies as set out in **Appendix E: Applicable State Environmental Planning Policies.**

4.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (section 117 directions)?

Yes. The Planning Proposal is consistent with applicable directions as set out in **Appendix F: Applicable Directions under section 117(2) of the EP&A Act.**

4.3 Environmental, social and economic impact

4.3.1 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?

No. The Land comprises developed urban land with no known critical habitat or threatened species, populations or ecological communities, or their habitats present.

4.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

No. The future development of the Land under the provisions of the "B2 Local Centre Zone" will be subject to the normal statutory environmental planning and assessment framework applicable under the LEP and DCP.

4.3.3 How has the Planning Proposal adequately addressed any social and economic effects?

The future development of the Land under the provisions of the “B2 Local Centre Zone” will be subject to the applicable statutory environmental planning and assessment framework under the LEP. This framework is supported by development guidelines under the DCP which, as well as the LEP, consider environmental, social and economic effects.

Given the Land and adjoining land uses there are no reasonable grounds to not expect that a satisfactory design solution would be available for the future commercial development of the Land which would be consistent with relevant considerations under the LEP and DCP.

4.4 State and Commonwealth interests

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

Yes. The Land is already connected to all reticulated services, including reticulated water, sewer, stormwater, electricity, natural gas, and telecommunications, with sealed road access to its southern and northern boundaries.

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

[To be inserted following consultation under section 56(2)(d) of the EP&A Act as required by the Gateway Determination issued by the Department of Planning and Infrastructure on [insert].]

[Consultation is likely to be required by the Department of Planning and Infrastructure with the following public authority:

- Transport, Roads and Maritime Services.]

5.0 COMMUNITY CONSULTATION

[Community consultation about the Planning Proposal is likely to be required by the Department of Planning and Infrastructure via a Gateway Determination under section 56(2)(c) of the EP&A Act and in accordance with *A Guide to Preparing Local Environmental Plans* (Department of Planning, 2009) as follows:

- 28 day public exhibition period;
- notification provided to adjoining and surrounding landowners who may be directly or indirectly impacted;
- consultation with relevant government departments and agencies, service providers and other key stakeholders;
- public notices provided in the local media i.e. the Border Mail newspaper;
- static displays and supporting material provided in public buildings, nominally: Albury City Administration Building, Kiewa Street, Albury; Albury Library Museum, Kiewa Street, Albury; and, the Lavington Library, Griffith Road, Lavington;
- notification on AlburyCity's website including provision for electronic submissions; and
- electronic and hard copies of all documentation made available to the community free of charge.]

APPENDIX A:

Title diagram

D 489823

M.A.M.

FR 354713

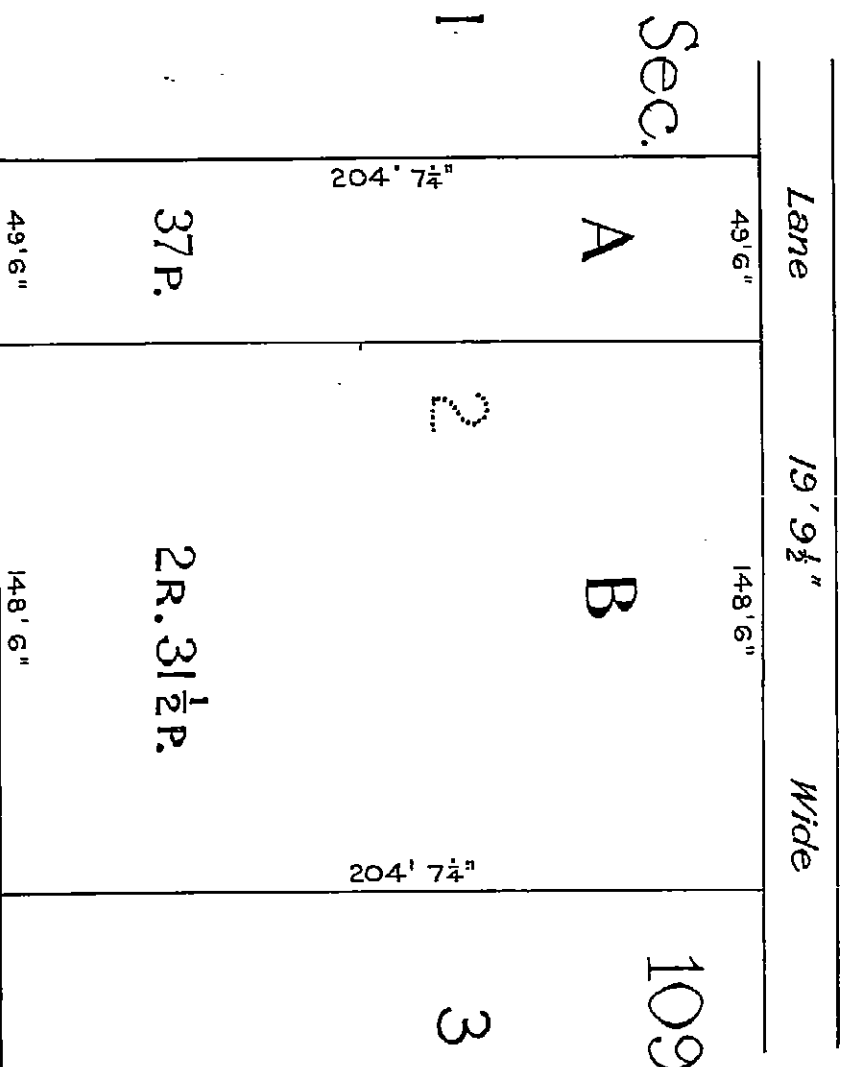
PLAN

of Subdivision of Allotment 2 Section 109
being the land comprised in C^o Grant Vol 505 Fol. 119

TOWN OF ALBURY

Parish of Albury County of Goulburn

Scale 50ft. to an inch



SYDNEY

R.D.

Misco. Plan of Subdn. (R.P.)
Regd. No. 54713

Approved by the Council of the
Municipality of Albury and covered
by Town Clerk's Certificate No. 516
dated 25th Feb'y. 1946.
[Signature]
Town Clerk

I certify that this plan has been compiled from
the information shown in C^o Grant Vol 505 Fol. 119
and is correct.
[Signature]
Surveyor registered under the Surveyors Act,
1929.

This is the plan marked "A" referred to in *[illegible]*
Dated 12th March 1946

[Signature]
W. J. Cummins

[Signature]
B. A. Rose

Signatures of parties to be made in this margin



CONVERSION TABLE ADDED IN
DEPARTMENT OF LANDS

DP 354713

FEET	INCHES	METRES
4	7 1/4	1.403
19	2 3/8	5.852
19	9 1/2	6.033
49	2 3/8	14.996
49	6	15.088
148	6	45.263
204	7 1/4	62.363
AC RD P		SQ M
- - 37		935.8
- 2 31 1/2		2820

I, Bruce Richard Davies, Registrar General for New South Wales, certify
that this negative is a photograph made as a permanent record of a
document in my custody this 8th day of August, 1978

1

APPENDIX B:

Summary of development controls that will be applicable to the Site after rezoning

DEVELOPMENT CONTROL	COMMENT
<i>Albury Local Environmental Plan 2010 – B2 Local Centre Zone: Objectives of zone</i>	
<i>To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.</i> <i>To encourage employment opportunities in accessible locations.</i> <i>To maximise public transport patronage and encourage walking and cycling.</i> <i>To ensure that the densities for commercial development reflect the needs of the local community and the capacity of the existing road and transport network.</i>	Section 79C(1)(a)(i) of the EP&A Act requires that in determining a development application Council must take into consideration the LEP. In this case, clause 2.3(2) of the LEP requires that Council must have regard to the objectives for development in a zone when determining a development application. The 'objectives' listed opposite apply to the B2 Local Centre Zone and will apply to the Site once rezoned.

Albury Development Control Plan 2010 – Part 11.6.1: Building Envelope – B2 Local Centre Zone

Objectives

- 1. To promote consistency in the scale of development with that of the surrounding low-density residential landscape.*

Controls

- i. Buildings are not to exceed a maximum building height of 9 metres.*
- ii. The minimum setback to the primary street frontage is nil.*
- iii. Side setbacks to adjoining properties in the B2 Local Centre Zone shall respond to the adjoining development and may be a nil setback.*
- iv. Side setbacks to zones, other than the Commercial Zones, shall be a minimum of 6 metres.*

Albury Development Control Plan 2010 – Part 11.6.2: Design Considerations – B2 Local Centre Zone

Objectives

- 1. To promote active and attractive business activity within the zone.*
- 2. To ensure designs and landscaping treatments are coordinated with that of any Residential Zone/s surrounding the centre.*
- 3. To minimise the visual, traffic and noise impacts of the centre upon the surrounding residential area.*

Section 79C(1)(a)(iii) of the EP&A Act requires that in determining a development application Council must take into consideration the DCP. In this case, Part 11.6 of the DCP requires that Council must have regard to development guidelines for the B2 Local Centre Zone in terms of 'building envelope' and 'design considerations'. The guidelines listed opposite apply to the B2 Local Centre Zone and will apply to the Site once rezoned.

Controls

- i. The continuity of retail, business premises and shop fronts in the existing local centres are to be maintained.*
- ii. New retail development within this zone is to promote an enhanced pedestrian environment through attractive façades and frontage treatments that open up onto the street.*
- iii. Car parking shall be accessed only from the rear or side of buildings via existing public car parks, laneways or secondary streets, and should be concealed from view. Off-street car parking areas shall be provided in accordance with the standards outlined in Part 17 of this DCP, which relates to Off Street Car Parking.*
- iv. Continuous weather-protection is to be provided above shop fronts in the form of awnings or overhanging balconies.*
- v. Passive surveillance of all public places is to be promoted by ensuring appropriate orientation of shops, offices and dwellings.*
- vi. Development on large lots should distribute floor space into well articulated structures that are composed of separate wings or interconnected buildings.*

1 SECTION 79C MATTERS FOR CONSIDERATION

Section 79C of the *Environmental Planning & Assessment Act, 1979* contains a number of Matters of consideration that all development applications must be assessed against. The following is an extract of this legislation:

79C Evaluation

(1) Matters for consideration-general.

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and
- (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

Note. See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Note. If a biobanking statement has been issued in respect of a development under Part 7A of the *Threatened Species Conservation Act 1995*, the consent authority is not required to take into consideration the likely impact of the development on biodiversity values.

(2) **Compliance with non-discretionary development standards-development other than complying development**

If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

- (a) is not entitled to take those standards into further consideration in determining the development application, and
- (b) must not refuse the application on the ground that the development does not comply with those standards, and
- (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,

and the discretion of the consent authority under this section and section 80 is limited accordingly.

(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:

- (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 80 is not limited as referred to in that subsection, and
- (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Note. The application of non-discretionary development standards to complying development is dealt with in section 85A (3) and (4).

(4) **Consent where an accreditation is in force**

A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.

(5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

(6) **Definitions**

In this section:

- (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
- (b) ***non-discretionary development standards*** means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

Notation

This extract is current at the date of printing of this DCP, but should not be relied upon. Please refer to the Environmental Planning and Assessment Act, 1979 to clarify the status of this document.

APPENDIX C:

Applicable aims of the *Draft Murray Regional Strategy 2009*

Aims of the <i>Draft Murray Regional Strategy 2009</i>	Planning Proposal consistency (Upper Murray Subregion)
• <i>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</i>	<u>Consistent</u>: Reticulated sewerage and stormwater services already connected to the Land.
• <i>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</i>	<u>Consistent</u>: Refer to relevant Net Community Benefit Test responses in Table 2: Net Community Benefit Test.
• <i>Prepare for and manage the significantly aging population and ensure that new housing meets the needs of smaller households and aging populations by encouraging a shift in dwelling mix and type</i>	Not relevant.
• <i>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</i>	<u>Consistent</u>: Refer to relevant Net Community Benefit Test responses in Table 2: Net Community Benefit Test.
• <i>Ensure an adequate supply of employment land, particularly in Albury and other major towns to accommodate a projected 3,100 new jobs</i>	<u>Consistent</u>: Refer to relevant Net Community Benefit Test responses in Table 2: Net Community Benefit Test.
• <i>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</i>	Not relevant.
• <i>Only consider additional development sites outside of agreed local strategies if they can satisfy the Regional Strategy's Sustainability Criteria</i>	Not relevant.
• <i>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</i>	Not relevant.
• <i>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 the Aboriginal people</i>	Not relevant.
• <i>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</i>	Not relevant.

APPENDIX D:

Applicable aims of *Albury 2030: A Community Strategic Plan for Albury*

Aims of the <i>Albury 2030: A Community Strategic Plan for Albury</i>	Planning Proposal consistency (future residential growth/development)
Theme No. 1 – A Growing Economy with strategies to grow the city and increase our population so that local businesses can confidently grow and expand their workforce, and to integrate transport routes to meet the needs of our growing city and connecting Albury to the national and global economy by road, rail and air. We will enhance, promote and maintain the built environment to serve the city.	<u>Consistent:</u> The Planning Proposal is consistent with all Strategic Actions, in particular the: • Strategic Action to increase “Business diversity” under the “Outcome – Promote Albury for industry and business” (p. 10) by supporting and promoting business opportunities across all sectors to continue to foster a diverse economic base; and • Strategic Action to “Develop and implement the Economic Development Strategy” under the “Outcome – Promote Albury for industry and business” (p. 10-11) to encourage new commercial firms to Albury/Wodonga.
Theme No. 2 – An Enhanced Natural Environment with strategies to improve the health of the Murray River, being a leader in water and waste-water management and protecting local plants and animals.	<u>Consistent:</u> The Planning Proposal is consistent with all Strategic Actions, in particular the Strategic Action to provide for “Resource efficient building design and refurbishment” under the “Outcome – Albury is prepared for changing environmental conditions” (p. 20) through providing for appropriate infill commercial development opportunities.
Theme No. 3 – A Caring Community with strategies to value and celebrate knowledge and life-long learning, being recognised nationally as a provider of quality education; providing quality health care; supporting children, young people and their families; promoting positive ageing and encouraging healthy lifestyles; and recognised as a cultural and creative city that embraces and celebrates its diversity.	<u>Consistent:</u> The Planning Proposal is consistent with all Strategic Actions.
Theme No. 4 – A Leading Community with strategies to promote regional networking, empowering the community to contribute to the future direction of the city and providing inclusive decision making processes, particularly for young leaders.	<u>Consistent:</u> The Planning Proposal is consistent with Strategic Actions in relation to community engagement “strategies” under the “Outcome – Council consults with the community on all major changes that will affect them” (p. 41) through the public notification of this Planning Proposal.

APPENDIX E:

Applicable State Environmental Planning Policies

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
<i>SEPP (Affordable Rental Housing) 2009</i>	Yes (applies to NSW)	(a) to provide a consistent planning regime for the provision of affordable rental housing, (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards, (c) to facilitate the retention and mitigate the loss of existing affordable rental housing, (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing, (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing, (f) to support local business centres by providing affordable rental housing for workers close to places of work, (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.	Yes	The Planning Proposal does not derogate the aims of <i>SEPP (Affordable Rental Housing) 2009</i> .
<i>SEPP (Building Sustainability Index: BASIX) 2004</i>	Yes (applies to NSW)	(1) Regulations under the Act have established a scheme to encourage sustainable residential development (the BASIX scheme) under which: (a) an application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and (b) the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled. (2) The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State. (3) This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.	Yes	The Planning Proposal does not derogate the aims of <i>SEPP (Building Sustainability Index: BASIX) 2004</i> .
<i>SEPP (Exempt and Complying Development Codes) 2008</i>	Yes (applies to NSW, with minor exceptions)	This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by: (a) providing exempt and complying development codes that have State-wide application, and (b) identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and (c) identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act, and (d) enabling the progressive extension of the types of development in this Policy, and (e) providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.	Yes	The Planning Proposal does not derogate the aims of <i>SEPP (Exempt and Complying Development Codes) 2008</i> .
<i>SEPP (Housing for Seniors or People with a Disability) 2004</i>	Yes (applies to NSW, with minor exceptions)	(1) This Policy aims to encourage the provision of housing (including residential care facilities) that will: (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and (b) make efficient use of existing infrastructure and services, and (c) be of good design. (2) These aims will be achieved by: (a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and	Yes	The Planning Proposal does not derogate the aims of <i>SEPP (Housing for Seniors or People with a Disability) 2004</i> .

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
		(b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and (c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.		
SEPP (Infrastructure) 2007	Yes (applies to NSW)	The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by: (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and (b) providing greater flexibility in the location of infrastructure and service facilities, and (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.	Yes	The Planning Proposal does not derogate the aims of SEPP (Infrastructure) 2007.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	No			Not applicable to the Albury City LGA
SEPP (Kurnell Peninsula) 1989	No			Not applicable to the Albury City LGA
SEPP (Major Development) 2005	Yes (applies to NSW)	The aims of this Policy are as follows: (a), (b) (Repealed) (c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant sites for the benefit of the State, (d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes. (e), (f) (Repealed)	Yes	The Planning Proposal does not derogate the aims of SEPP (Major Development) 2005.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes (applies to NSW)	The aims of this Policy are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries: (a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and (b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and (c) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources.	Yes	The Planning Proposal does not derogate the aims of SEPP (Mining, Petroleum Production and Extractive Industries) 2007.
SEPP (Penrith Lakes Scheme) 1989	No			Not applicable to the Albury City LGA
SEPP (Rural Lands) 2008	Yes (applies to NSW, except metropolitan LGAs)	The aims of this Policy are as follows: (a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes, (b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State, (c) to implement measures designed to reduce land use conflicts, (d) to identify State significant agricultural land for the purpose of ensuring the ongoing	Yes	The Planning Proposal does not derogate the aims of SEPP (Rural Lands) 2008.

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
		<i>viability of agriculture on that land, having regard to social, economic and environmental considerations, (e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.</i>		
<i>SEPP (SEPP 53 Transitional Provisions) 2011</i>	No			Not applicable to the Albury City LGA
<i>SEPP (State and Regional Development) 2011</i>		<i>The aims of this Policy are as follows: (a) to identify development that is State significant development, (b) to identify development that is State significant infrastructure and critical State significant infrastructure, (c) to confer functions on joint regional planning panels to determine development applications.</i>	Yes	The Planning Proposal does not derogate the aims of <i>SEPP (State and Regional Development) 2011</i> .
<i>SEPP (Sydney Drinking Water Catchment) 2011</i>	No			Not applicable to the Albury City LGA
<i>SEPP (Sydney Region Growth Centres) 2006</i>	No			Not applicable to the Albury City LGA
<i>SEPP (Temporary Structures) 2007</i>	Yes (applies to NSW)	<i>The aims of this Policy are as follows: (a) to ensure that suitable provision is made for ensuring the safety of persons using temporary structures, (b) to encourage the protection of the environment at the location, and in the vicinity, of temporary structures by (among other things) managing noise, parking and traffic impacts and ensuring heritage protection, (c) to specify the circumstances in which the erection and use of temporary structures are complying development or exempt development, (d)–(f) (Repealed)</i>	Yes	The Planning Proposal does not derogate the aims of <i>SEPP (Temporary Structures) 2007</i> .
<i>SEPP (Urban Renewal) 2010</i>	No			Not applicable to the Albury City LGA
<i>SEPP (Western Sydney Employment Area) 2009</i>	No			Not applicable to the Albury City LGA
<i>SEPP (Western Sydney Parklands) 2009</i>	No			Not applicable to the Albury City LGA
<i>SEPP No. 1 – Development Standards</i>	Yes (applies to NSW, with minor exceptions)	<i>This Policy provides flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the Act.</i>		The Planning Proposal does not derogate the aims of <i>SEPP No. 1 – Development Standards</i> .
<i>SEPP No. 4 – Development Without Consent and Miscellaneous Exempt and Complying Development</i>	Yes (applies to NSW, with minor exceptions)	<i>(1) This Policy is designed to permit development for a purpose which is of minor environmental significance, development for certain purposes by public utility undertakings and development on certain land reserved or dedicated under the National Parks and Wildlife Act 1974 without the necessity for development consent being obtained therefor, where: (a) the carrying out of that development is not prohibited under the Act, except by reason only of a requirement for the obtaining of development consent before that development may be carried out, and (b) the development is carried out in accordance with any development standard applying in respect of the development, but without affecting any requirement to obtain consent or approval under any other Act in respect of the carrying out of development. (2) This Policy is also designed to regulate, as complying development throughout the State: (a) the conversion of fire alarm systems from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider, and</i>	Yes	The Planning Proposal does not derogate the aims of <i>SEPP No. 4 – Development Without Consent and Miscellaneous Exempt and Complying Development</i> insofar as it applies to Albury City LGA.

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
		(b) the conversion of fire alarm systems from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider, and (c) the conversion of fire alarm systems from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider. (3) (Repealed)		
SEPP No. 6 – Number of Storeys in a Building	Yes (applies to NSW)	The aims, objectives, policies and strategies of this Policy are: (a) to remove any confusion arising from the interpretation of provisions in environmental planning instruments which control the height of buildings by reference to the number of storeys, floors or levels which the buildings contain, by specifying the manner in which that number is to be determined, (b) to facilitate the erection of buildings which conform to the topography of the land on which the buildings are erected, and (c) to modify the meaning of each of the words “storey”, “floor” and “level” used in an environmental planning instrument to which this Policy applies, but only: (i) for the purpose of the application of this Policy in relation to certain provisions of that instrument, and (ii) so as to exclude, for certain purposes, from the meaning of each of those words a roof (or part thereof) used as an uncovered garden, terrace or deck.	Yes	The Planning Proposal does not derogate the aims of SEPP No. 6 – Number of Storeys in a Building.
SEPP No. 14 – Coastal Wetlands	No			Not applicable to the Albury City LGA
SEPP No. 15 – Rural Landsharing Communities	No			Not applicable to the Albury City LGA
SEPP No. 19 – Bushland in Urban Areas	No			Not applicable to the Albury City LGA
SEPP No. 21 – Caravan Parks	Yes (applies to NSW)	(1) The aim of this Policy is to encourage: (a) the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and (b) the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and (c) the provision of community facilities for land so used, and (d) the protection of the environment of, and in the vicinity of, land so used.	Yes	The Planning Proposal does not derogate the aims of SEPP No. 21 – Caravan Parks.
SEPP No. 22 – Shops and Commercial Premises	Yes (applies to NSW)	The aim of this policy is to permit within a business zone: (a) the change of use of a building lawfully used for a particular kind of commercial premises to another kind of commercial premises or to a shop, or (b) the change of use of a building lawfully used for a particular kind of shop to another kind of shop or to a commercial premises, even though that change of use is prohibited under another environmental planning instrument, if (c) the consent authority is satisfied the change of use will not have more than a minor environmental effect and is in keeping with the objectives (if any) of the zone, and (d) development consent is obtained for the change of use from that consent authority.	Yes	The Planning Proposal does not derogate the aims of SEPP No. 21 – Caravan Parks.
SEPP No. 26 – Littoral Rainforests	No			Not applicable to the Albury City LGA
SEPP No. 29 – Western Sydney Recreation Area	No			Not applicable to the Albury City LGA
SEPP No. 30 – Intensive Agriculture	Yes (applies to NSW)	(1) The aims of this Policy are: (a) to require development consent for cattle feedlots having a capacity to accommodate 50 or more head of cattle, and piggeries having a capacity to accommodate 200 or more pigs or 20 or more breeding sows, and	Yes	The Planning Proposal does not derogate the aims of SEPP No. 30 – Intensive Agriculture.

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
		(b) to provide for public participation in the consideration of development applications for cattle feedlots or piggeries of this size, and (c) to require that, in determining a development application for cattle feedlots or piggeries of this size, the consent authority is to take into consideration: (i) the adequacy of information provided, and (ii) the potential for odour, water pollution and soil degradation, and (iii) measures to mitigate potential adverse impacts, and (iv) measures for the health and welfare of animals, and (v) relevant guidelines, so as to achieve greater consistency in environmental planning and assessment for cattle feedlots and piggeries. (2) This Policy also aims to extend the definition of the term rural industry where used in environmental planning instruments so as to include within the meaning of that term composting facilities and works, including facilities and works for the production of mushroom substrate.		
SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land)	Yes (applies to NSW)	(1) This Policy aims: (a) to promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development, and (b) to implement a policy of urban consolidation which will promote the social and economic welfare of the State and a better environment by enabling: (i) the location of housing in areas where there are existing public infra-structure, transport and community facilities, and (ii) increased opportunities for people to live in a locality which is close to employment, leisure and other opportunities, and (iii) the reduction in the rate at which land is released for development on the fringe of existing urban areas. (2) The objectives of this Policy are: (a) to ensure that urban land suitable for multi-unit housing and related development is made available for that development in a timely manner, and (b) to ensure that any redevelopment of urban land for multi-unit housing and related development will result in: (i) an increase in the availability of housing within a particular locality, or (ii) a greater diversity of housing types within a particular locality to meet the demand generated by changing demographic and household needs, and (c) to specify: (i) the criteria which will be applied by the Minister to determine whether the redevelopment of particular urban land sites is of significance for environmental planning for a particular region, and (ii) the special considerations to be applied to the determination of development applications for multi-unit housing and related development on sites of such significance.	Yes	The Planning Proposal does not derogate the aims of SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land).
SEPP No. 33 – Hazardous and Offensive Development	Yes (applies to NSW)	This Policy aims: (a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and (b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Policy, and	Yes	The Planning Proposal does not derogate the aims of SEPP No. 33 – Hazardous and Offensive Development.

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
		(c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and (d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and (e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and (f) to require the advertising of applications to carry out any such development.		
SEPP No. 36 – Manufactured Home Estates	Yes (applies to NSW)	(1) The aims of this Policy are: (a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and (b) to provide immediate development opportunities for manufactured home estates on the commencement of this Policy, and (c) to encourage the provision of affordable housing in well designed estates, and (d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and (e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and (f) to protect the environment surrounding manufactured home estates, and (g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.	Yes	The Planning Proposal does not derogate the aims of SEPP No. 36 – Manufactured Home Estates.
SEPP No. 39 – Spit Island Bird Habitat	No			Not applicable to the Albury City LGA
SEPP No. 41 – Casino Entertainment Complex	No			Not applicable to the Albury City LGA
SEPP No. 44 – Koala Habitat Protection	Yes	This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline: (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and (b) by encouraging the identification of areas of core koala habitat, and (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.	Yes	The Planning Proposal does not derogate the aims of SEPP No. 44 – Koala Habitat Protection, noting that the Land does not comprise “core koala habitat” or “potential koala habitat” as defined.
SEPP No. 47 – Moore Park Showground	No			Not applicable to the Albury City LGA
SEPP No. 50 – Canal Estate Development	Yes (applies to NSW)	This Policy aims to prohibit canal estate development as described in this Policy in order to ensure that the environment is not adversely affected by the creation of new developments of this kind.	Yes	The Planning Proposal does not derogate the aims of SEPP No. 50 – Canal Estate Development.
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	No			Not applicable to the Albury City LGA
SEPP No. 55 – Remediation of Land	Yes (applies to NSW)	(1) The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land. (2) In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment: (a) by specifying when consent is required, and when it is not required, for a remediation	Yes	The Planning Proposal does not derogate the aims of SEPP No. 55 – Remediation of Land. For the purposes of clause 6 of SEPP No. 55 – Remediation of Land and Managing Land Contamination: Planning

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
		work, and (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and (c) by requiring that a remediation work meet certain standards and notification requirements.		<i>Guidelines</i> (DUAP & EPA 1998) the Land: - is not located within an “investigation area” which means land declared to be an investigation area by a declaration in force under Division 2 of Part 3 of the <i>Contaminated Land Management Act 1997</i>; and - is not land on which development for a purpose referred to in Table 1 to the <i>Managing Land Contamination: Planning Guidelines</i> (DUAP & EPA 1998) is being, or is known to have been, carried out.
<i>SEPP No. 59 – Central Western Sydney Regional Open Space and Residential</i>	No			Not applicable to the Albury City LGA
<i>SEPP No. 60 – Exempt and Complying Development</i>	No			Not applicable to the Albury City LGA
<i>SEPP No. 62 – Sustainable Aquaculture</i>	Yes (applies to NSW, with minor exceptions)	<i>The aims and objectives of this Policy are:</i> (a) to encourage sustainable aquaculture, including sustainable oyster aquaculture, in the State, namely, aquaculture development which uses, conserves and enhances the community’s resources so that the total quality of life now and in the future can be preserved and enhanced, and (b) to make aquaculture development permissible in certain zones under the Standard Instrument, as identified in the NSW Land Based Sustainable Aquaculture Strategy, and (c) to set out the minimum site location and operational requirements for permissible aquaculture development (the minimum performance criteria), and (d) to establish a graduated environmental assessment regime for aquaculture development based on the applicable level of environmental risk associated with site and operational factors (including risks related to climate change, in particular, rising sea levels), and (e) to apply the Policy to land-based aquaculture development and oyster aquaculture development in the State and to include facility for extension of the Policy to natural water-based aquaculture.	Yes	The Planning Proposal does not derogate the aims of <i>SEPP No. 62 – Sustainable Aquaculture</i> .
<i>SEPP No. 64 – Advertising and Signage</i>	Yes (applies to NSW)	(1) <i>This Policy aims:</i> (a) to ensure that signage (including advertising): (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish, and (b) to regulate signage (but not content) under Part 4 of the Act, and (c) to provide time-limited consents for the display of certain advertisements, and (d) to regulate the display of advertisements in transport corridors, and (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors. (2) <i>This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.</i>	Yes	The Planning Proposal does not derogate the aims of <i>SEPP No. 64 – Advertising and Signage</i> .
<i>SEPP No. 65 – Design Quality of Residential Flat Development</i>	Yes (applies to NSW)	(1) <i>This Policy aims to improve the design quality of residential flat development in New South Wales.</i>	Yes	The Planning Proposal does not derogate the aims of <i>SEPP No. 65 –</i>

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
		(2) This Policy recognises that the design quality of residential flat development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. (3) Improving the design quality of residential flat development aims: (a) to ensure that it contributes to the sustainable development of New South Wales: (i) by providing sustainable housing in social and environmental terms, and (ii) by being a long-term asset to its neighbourhood, and (iii) by achieving the urban planning policies for its regional and local contexts, and (b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and (c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and (d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and (e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions. (4) This Policy aims to provide: (a) consistency of policy and mechanisms across the State, and (b) a framework for local and regional planning to achieve identified outcomes for specific places.		Design Quality of Residential Flat Development.
SEPP No. 70 – Affordable Housing (Revised Schemes)	No			Not applicable to the Albury City LGA
SEPP No. 71 – Coastal Protection	No			Not applicable to the Albury City LGA
Murray Regional Environmental Plan No. 2 – Riverine Land	Yes, applies to riverine land being land shown on maps in the plan	- The aims of the plan (clause 2) are to conserve and enhance the riverine environment of the River Murray for the benefit of all users. - The following planning principles should be applied (clause 8) and taken into account when a local environmental plan is being prepared (clauses 9 and 10): - General principles (clause 9) – (a) the aims, objectives and planning principles of this plan, (b) any relevant River Management Plan, (c) any likely effect of the proposed plan or development on adjacent and downstream local government areas, (d) the cumulative impact of the proposed development on the River Murray. - Specific principles (clause 10) (abridged for relevance) – - Water quality ➤ All decisions affecting the use or management of riverine land should seek to reduce pollution caused by salts and nutrients entering the River Murray and otherwise improve the quality of water in the River Murray.	Yes	The Planning Proposal does not derogate the aims or planning principles of <i>Murray Regional Environmental Plan No. 2 – Riverine Land</i>. Stormwater runoff from the Land is controlled and managed via a reticulated stormwater drainage system to prevent pollution to the Murray River caused by salts and nutrients.

APPENDIX F:

Applicable Directions under section 117(2) of the EP&A Act

Local Planning Directions	Applicable?	Requirement	Consistency? (consistent; justifiably inconsistent; inconsistent)
1. Employment and Resources			
1.1 Business and Industrial Zones	Yes	<i>Employment growth in suitable locations should be encouraged and the viability of identified strategic centres should be supported</i>	<u>Consistent</u> : The proposed commercial development of the Land is consistent with encouraging employment growth in the East Albury local centre precinct and will not impact upon the viability of the Albury CBD or Lavington CBD commercial centres.
1.2 Rural Zones	No		
1.3 Mining, Petroleum Production and Extractive Industries	Yes	<i>The future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials should not be compromised by inappropriate development</i>	<u>Consistent</u> : The Land and all surrounding land, being established urban land, is not known to be affected by: - any resources or potential resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance; or - existing mines, petroleum production operations, or extractive industries.
1.4 Oyster Aquaculture	No		
1.5 Rural Lands	No		
2. Environment and Heritage			
2.1 Environment Protection Zones	Yes	<i>Environmentally sensitive areas should be protected and conserved</i>	<u>Consistent</u> : The Land and all surrounding land, being established urban land, is not known to be environmentally sensitive.
2.2 Coastal Protection	No		
2.3 Heritage Conservation	Yes	<i>Items, areas, objects and places of environmental heritage significance and indigenous heritage significance should be conserved</i>	<u>Consistent</u> : The Land, being established urban land, is not known to contain items, areas, objects, or places of environmental or indigenous heritage significance.
2.4 Recreation Vehicle Areas	Yes	<i>Sensitive land or land with significant conservation values should be protected from adverse impacts from recreation vehicles</i>	<u>Consistent</u> : The Land, being established urban land, is not known to be sensitive land or land with significant conservation values. No recreation vehicle areas are proposed.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	<i>A variety and choice of housing types to provide for existing and future housing needs is encouraged, as well as making efficient use of and providing access to existing infrastructure and services, and minimising the impact of residential development on the environment and resources</i>	<u>Justifiably inconsistent</u> : The Planning Proposal provides for the rezoning of one (1) existing residentially zoned lot to a commercial zone which is considered to be of minor significance in terms of the loss of residentially zoned land.
3.2 Caravan Parks and Manufactured Home Estates	Yes	<i>Providing for a variety of housing types and opportunities for caravan parks and manufactured home estates is encouraged</i>	<u>Justifiably inconsistent</u> : The Planning Proposal provides for the rezoning of one (1) existing residentially zoned lot to a commercial zone which is considered to be of minor significance in terms of the loss of residentially zoned land, and the Land does not contain an existing caravan park or a manufactured home estate.
3.3 Home Occupations	Yes	<i>The carrying out of low-impact small businesses in dwelling houses is encouraged</i>	<u>Consistent</u> : The Planning Proposal is not proposing to change any written ordinance in the LEP, and, in any case, the LEP already allows "home occupation" in the B2 Local Centre Zone without the need for development consent.
3.4 Integrating Land Use and Transport	Yes	<i>Ensuring that commercial land has access to existing road and cycle networks is encouraged so as to facilitate access to jobs and services by walking, cycling and public transport, and thereby reduce dependence on cars and reduce travel demand including the number of trips generated and the distances travelled, especially by car</i>	<u>Consistent</u> : The Land is located within the existing urban area of East Albury and has ready access to local road, bus, bicycle, and footpath networks.
3.5 Development Near Licensed Aerodromes	No		

Local Planning Directions	Applicable?	Requirement	Consistency? (consistent; justifiably inconsistent; inconsistent)
3.6 Shooting Ranges	No		
4. Hazard and Risk			
4.1 Acid Sulfate Soils	No		<u>Consistent</u> : The Land is not identified as containing acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	No		<u>Consistent</u> : The Land is not identified as being subject to mine subsidence or unstable land.
4.3 Flood Prone Land	No		<u>Consistent</u> : The Land is not identified as being flood prone.
4.4 Planning for Bushfire Protection	No		<u>Consistent</u> : The Land is not identified as being bush fire prone.
5. Regional Planning			
5.1 Implementation of Regional Strategies	No		<u>Consistent</u> : The <i>Draft Murray Regional Strategy 2009</i> is not relevant to this Direction.
5.2 Sydney Drinking Water Catchment	No		
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No		
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No		
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010.)	No		
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No		
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No		
5.8 Second Sydney Airport: Badgerys Creek	No		
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	<i>LEP provisions should encourage the efficient and appropriate assessment of development</i>	<u>Consistent</u> : The Planning Proposal is not proposing to change any written ordinance in the LEP.
6.2 Reserving Land for Public Purposes	Yes	<i>Facilitate the provision of public services and facilities by reserving land for public purposes</i>	<u>Consistent</u> : The Planning Proposal does not change, create, alter or reduce any zones or reservations for public purposes.
6.3 Site Specific Provisions	Yes	<i>Unnecessarily restrictive site specific planning controls are discouraged</i>	<u>Consistent</u> : The Planning Proposal is not proposing to change any written ordinance in the LEP.
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	No		
