

Amend Albury LEP 2010 to reclassify Riverdeck Cafe (Lot 1 DP 1182825) and Drainage Reserve (Lot 2 DP 231315) to Operational Land

Proposal Title :	Amend Albury LEP 2010 to reclassify Riverdeck Cafe (Lot 1 DP 1182825) and Drainage Reserve (Lot 2 DP 231315) to Operational Land		
Proposal Summary :	Albury City Council seeks to amend Part 2 of Schedule 4 in Albury LEP 2010 to reclassify the following two parcels of land from Community Land to Operational Land: 1. Riverdeck Cafe, Noreuil Park (Lot 1 DP 1182825), South Albury. The land is currently zoned RE1 Public Recreation Zone. No change in zone is proposed; and 2. Donnolley Court Drainage Reserve (Lot 2 DP 231315), Wagga Road, Lavington. The land is currently zoned R1 General Residential Zone. No change of zone is proposed.		
PP Number :	PP_2013_ALBUR_002_00	Dop File No :	13/06099

Proposal Details

Date Planning Proposal Received :	11-Apr-2013	LGA covered :	Albury City
Region :	Southern	RPA :	Albury City Council
State Electorate :	ALBURY	Section of the Act :	55 - Planning Proposal
LEP Type :	Reclassification		

Location Details

Street :	Noreuil Park		
Suburb :	South Albury	City :	Albury
Land Parcel :	Lot 1 DP 1182825		Postcode : 2640
Street :	Wagga Wagga Road		
Suburb :	Lavington	City :	Albury
Land Parcel :	Lot 2 DP 231315		Postcode : 2640

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DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Matt Johnson**
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DoP Project Manager Contact Details

Contact Name : **Mark Parker**
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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 :		Date of Release :	
Area of Release (Ha)		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

NOREUIL PARK

Council has leased the Riverdeck Cafe since its construction in 2000. The current classification of the land as Community Land has, however, created restrictions on the leasing arrangements and the further development of the Cafe. The reclassification of land occupied by the Riverdeck Cafe to 'Operational Land' will facilitate future development of the Cafe and improve the leasing arrangements. Council intends extinguishing all interests except for a 3 metre wide drainage easement.

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DONNOLLEY COURT DRAINAGE RESERVE

Units 3,4 and 5 of 480 Wagga Road have inadvertently built boundary fences over this drainage reserve. The reclassification of this small parcel of land (505.85m²) to Operational Land will enable adjoining landowners (residential units and retirement village) to purchase the land to rectify this encroachment. The proposed purchasers of the land have agreed to replace the existing open channelled drain with an underground water pipe and will retain an easement over the property to ensure the ongoing protection and maintenance of the drain. Council intends extinguishing all interests to enable the sale of the land to adjoining landowners. Council intends to create a new drainage easement over the land after it is reclassified and before selling the land.

DELEGATION OF PLAN MAKING FUNCTIONS

Council has requested Authorization to use its delegation to make the plan and has completed and submitted an evaluation form for delegation of plan making functions.

Adequacy Assessment

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

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

Comment : The PP clearly outlines the objectives of the LEP amendment to reclassify land from Community to Operational.

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

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

Comment : Council proposes amending Part 2 of Schedule 4 of Albury LEP 2010 to reclassify the land to Operational. All interests are to be extinguished except for a drainage easement over the Noreuil Park Reserve.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

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

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

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

Murray REP No. 2 - Riverine Land

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

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

If No, explain :

s117 DIRECTION 6.2 RESERVING LAND FOR PUBLIC PURPOSES

The PP seeks to extinguish reservations applying to land zoned RE1 Public Recreation. However, the zone will not be changed and continue to be used for public purposes.

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RECOMMENDATION:

The Director General can be satisfied that any inconsistencies with the Direction have been justified by Council and are only of minor significance.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **No LEP maps are proposed to be amended.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed a 28 day consultation period. However, the PP is considered to be low impact and should be exhibited for only 14 days.**

RECOMMENDATION

That community consultation be 14 days because the PP is considered to be 'low impact'.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **Council has provided additional information in accordance with the Department's requirements for the reclassification of land. The Council proposes to extinguish all interests in both sites except for a drainage easement over the Noreuil Park Reserve.**

A drainage easement will be created over the Donnolley Court Drainage Reserve after the land has been reclassified to ensure ongoing protection and maintenance of the drain after the land is sold.

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Albury standard instrument was notified in 2010.**

Assessment Criteria

Need for planning proposal : **Council has clearly outlined why there is a need to reclassify the two sites to Operational Land.**

Consistency with strategic planning framework : **The planning proposal is not inconsistent with any local, state or regional planning strategies.**

Environmental social economic impacts : **There is unlikely to be any significant adverse environmental, social or economic impacts as a result of the reclassification of the two sites to 'Operational Land'.**

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Assessment Process

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

Timeframe to make LEP : **6 Month** Delegation : **RPA**

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
Planning Proposal - Noreuil ParkRiverdeck Cafe & Wagga Road.pdf	Proposal	Yes
Cover_Letter.pdf	Proposal Covering Letter	Yes
Planning_Development_Committee_Minutes.pdf	Proposal	Yes
Planning_Development_Committee_Report.pdf	Proposal	Yes
Council_Meeting_Minutes.pdf	Proposal	Yes
Evaluation_Criteria_delegation_of_plan_making_functions.pdf	Proposal	No

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.3 Flood Prone Land**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**

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Additional Information : That the Director General, as delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that an amendment to the Albury Local Environmental Plan 2010 to reclassify the following two parcels of land from Community Land to Operational Land;

1. Riverdeck Cafe, Noreuil Park, South Albury (Lot 1 DP 1182825),
2. Donnoley Court Drainage Reserve, Wagga Road, Lavington (Lot 2 DP 231315)

should proceed subject to the following conditions:

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

- (a) the planning proposal must be made publicly available for 14 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing local environmental plans (Department of Planning and Infrastructure 2012).

2. No consultation is required with the public authorities under section 56(2)(d) of the EP&A Act.

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 6 months from the week following the date of the Gateway determination.

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

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

Supporting Reasons : The PP is considered to be a 'low impact' proposal.

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

18th April 2013