

## Planning Services

### Gateway determination report

<b>LGA</b>	Albury City Council
<b>PPA</b>	Albury City Council
<b>NAME</b>	Rezone Albury Showground from R1 General Residential Zone to RE1 Private Recreation
<b>NUMBER</b>	PP 2019 ALBUR 001 00
<b>LEP TO BE AMENDED</b>	Albury Local Environmental Plan 2010
<b>ADDRESS</b>	836 Mate Street, Albury
<b>DESCRIPTION</b>	Lot 30 DP1011904, Lot 1068 DP753326, Lot 7060 DP1023469, Lot A DP160741, Lot 112 DP827167, Lot 34 DP1011904, Lot 1 DP1065427 & Lot 1 DP726146
<b>RECEIVED</b>	18 March 2019
<b>FILE NO.</b>	IRF19/1821
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## INTRODUCTION

### Description of planning proposal

The Planning proposal seeks to amend the Albury LEP 2010 by rezoning the Albury Showgrounds from R1 General Residential to RE2 Private Recreation and exclude minimum lot size provisions which do not apply to recreation zones. The planning proposal is the result of the Albury Showground Masterplan 2018.

### Site description

The Albury Showground (identified in Figure 1), in which the planning proposal applies, is made up of the following land:

- Lot 30 DP1011904;
- Lot 1068 DP753326;
- Lot 7060 DP1023469;
- Lot A DP160741;
- Lot 112 DP827167;
- Lot 34 DP1011904;
- Lot 1 DP1065427; and

- Lot 1 DP726146.

The showground is NSW Government Crown Land, managed by the Albury Showground Crown Land Manager. The showground is approximately 22 hectares in size, spread across each of the 10 lots identified above. The site contains a number of different buildings contributing to the different functions of the Showground. These include:

- Showground pavilions;
- A caravan park;
- Dog Park;
- Carparking areas;
- Harness Racing Track and spectator area; and
- Stables.

The site plays host to a range of events, including, harness racing events, the annual Albury Show and other major events.



Figure 1 – Subject Site (Six Maps)

### Existing planning controls

Figure 2 below illustrates the existing planning controls that apply to the site. The site is currently Zoned R1 General Residential with a minimum lot size 450m<sup>2</sup>. Part Lot 30 is also a listed Environmental Heritage item in Schedule 5 of the Albury LEP 2010.

The R1 General Residential Zone Land Use table is also provided below.



Figure 2: Land Use Zone Map and Minimum Lot Size Map (Albury LEP 2011)

## **Zone R1 General Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage affordable housing.
- To encourage medium density housing that is designed to achieve a high standard of amenity.

### **2 Permitted without consent**

*Environmental protection works; Home-based child care; Home occupations*

### **3 Permitted with consent**

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Helipads; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Sewage reticulation systems; Shop top housing; Tank-based aquaculture; Water recycling facilities; Any other development not specified in item 2 or 4*

### **4 Prohibited**

*Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities; Wholesale supplies*

### **Surrounding area**

As indicated in the above figures, the site is located adjacent to an existing established residential area to the west. The Hume Highway and an existing gravel and sand industrial development is located on the eastern side of the site. There is a mixture of different land uses to the north of the site including, industry, school and residential development.

### **Summary of recommendation**

Proceed with condition – The planning proposal satisfies the relevant section 9.1 Directions and has been prepared in accordance with the relevant guidelines for the preparation of planning proposals.

## **PROPOSAL**

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### **Objectives or intended outcomes**

The planning proposal states:

*AlburyCity Council has resolved to prepare a Planning Proposal as per Section 3.33 of the Environmental Planning & Assessment Act 1979 (EPA&A Act 1979). The proposal seeks to amend the land zoning and minimum lot size provisions of Albury Showground (subject Site) currently contained within the Albury Local Environmental Plan 2010 (ALEP 2010).*

Comment: The above statement associated with the figures stated above, clearly articulates the objectives and intended outcomes of the planning proposal. The planning proposal will rezone the Albury Showground land as part of the implementation of the Albury Showground Masterplan.

### **Explanation of provisions**

The planning proposal states:

*This planning proposal seeks to amend ALEP 2010 as outlined below:*

- *Amend the Land Zoning Maps – Sheet LZN\_004 (as shown on the proposal Land Zoning Maps contained in **Figure 3** below; and*
- *Amend the Lot Size Maps – Sheet LSZ\_004 as shown on the proposed Lot Size Maps contained in **Figure 3** below.*



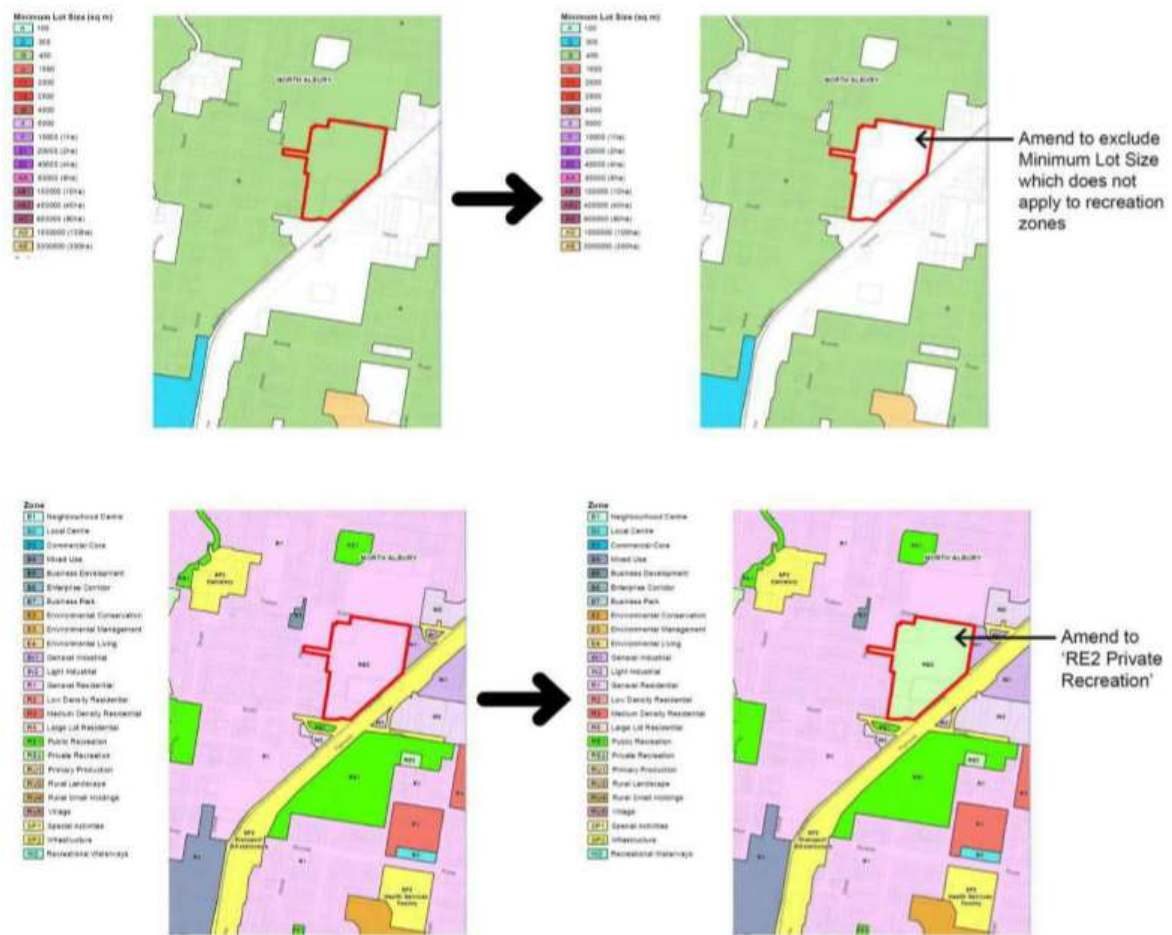


Figure 3: LEP mapping amendments (planning proposal)

Comment: The explanation of provisions has been clearly articulated in the planning proposal and do not require amendment prior to community consultation.

## Mapping

The above mapping provided in the planning proposal is considered to be adequate for community consultation.

## NEED FOR THE PLANNING PROPOSAL

The planning proposal is in response to the Albury Showground Master Plan 2018. The Master Plan guides the future management, use and development of the site, and will be an important tool in attracting much needed capital investment in asset renewal and new facilities.

Rezoning to 'RE2 Private Recreation' is the appropriate mechanism to;

- provide surety and incentive to invest in the required infrastructure as identified;
- accurately reflect existing uses on the site; and
- allow for other complimentary uses to occur on the showgrounds (overnight Caravan Park/Camping Ground on Lot 30 DP 1011904).

The planning proposal is considered to be the best means for achieving the intended outcomes.

## STRATEGIC ASSESSMENT

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### State

There is no state strategic planning framework applicable to the planning proposal.

#### **Riverina Murray Regional Plan 2036**

The planning proposal recognises the Riverina Murray Regional Plan 2036 as being applicable to the proposal. The planning proposal has adequately addressed the following Goals and Directions that specifically apply to the proposal:

- Goal 1 A growing and diverse economy
  - o Direction 7 – Promote tourism opportunities

The planning proposal will enable the continued use of the site as a caravan park. The RE2 Private Recreation zone will also enable existing tourist uses on the site to expand.

- Goal 4 – Strong, connected and healthy communities
  - o Direction 22 – Promote the growth of regional cities and local centres
  - o Direction 24 – Create a connected and competitive environment for cross-border communities
  - o Direction 28 – Deliver healthy built environments and improved urban design

The planning proposal has been prepared in accordance with the Albury Showground Masterplan 2018 which is consistent with the abovementioned regional plan goals and directions. The planning proposal supports ongoing demand for attractions in a local centre and will make a positive contribution to the wider Albury-Wodonga community.

### Local

The planning proposal has demonstrated consistency with the Albury 2030 (Community Strategic Plan) specifically the following Outcomes:

- Outcome 1.1 – Increase visitors to Albury and the surrounding region
- Outcome 1.2 – Improve visitor and residents' experiences
- Outcome 1.5 – Promote Albury for industry and business

The planning proposal provides a strategic response to maximising the existing and potential uses on the showground site. The Albury Showground Masterplan 2018 key objectives directly corresponds to the outcomes identified above.

### Section 9.1 Ministerial Directions

#### 2.3 Heritage Conservation

Direction 2.3 Heritage Conservation applies to the planning proposal as it affects item I321 Albury Showgrounds on Part Lot 30 DP 1011904 in Schedule 5 Environmental Heritage.

The proposal is considered to be CONSISTENT with this direction.

The planning proposal states:

*Clause 5.10 of the ALEP 2010 seeks to facilitate the conservation of items, areas, objects and places of environmental heritage significance which is consistent with the objective of this direction.*

*Any redevelopment of the subject land that seeks to implement recommendations of the Albury Showground Master Plan 2018 will be subject to further assessment and consideration under Clause 5.10 of ALEP 2010.*

RECOMMENDATION: The Secretary can be satisfied that the significance of the item will be conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land.

### 3.1 Residential Zones

Direction 3.1 Residential Zones applies to the planning proposal as it will affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted.

The proposal is considered to be CONSISTENT with this direction.

The planning proposal states:

*The Planning Proposal does seek to reduce the quantum of R1 General Residential Zone, it is noted that the subject land has been historically developed and is currently used primarily for Albury Showground purposes (including harness racing, caravan park and associated uses). Whilst the proposed RE2 Private Recreation Zone reduces the potential of the subject land to be developed for conventional residential purposes, this is considered to be only of minor significance given current and future intended use of the site and alternative sites.*

*The proposed zone change will enable better and more efficient use of the subject land in accordance with Albury Showground Master Plan 2018 recommendations.*

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction. The Planning proposal has been supported by a masterplan and the rezoning reflects the existing use of the site as a showground.

### 3.2 Caravan Parks and Manufactured Home Estates

This Direction does apply to the planning proposal as it will affect land or provisions relating to caravan parks.

The proposal is considered to be CONSISTENT with this direction.

The planning proposal states:

*The planning proposal seeks to introduce an RE2 Private Recreation Zone on the subject land and it is considered that this zone change will enable better and more efficient use of the subject land in accordance with Albury Showground Master Plan 2018 recommendations.*

*In addition, this Planning Proposal will, amongst other things, formalise the permissibility (via the introduction and retention of zoning) of development including Caravan Park, Camping grounds and the like.*

*This Planning Proposal is consistent with Ministerial Direction 3.2 Caravan Parks & Manufactured Homes Estates.*

RECOMMENDATION: The Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction. The site is consistent with the direction, the zoning and land use table will accurately reflect the existing caravan park use on site and will allow future activities, in accordance with the Albury Showground Masterplan.

### 3.4 Integrating Land Use and Transport

This Direction does apply to the planning proposal as it will alter a zone relating to urban land.

The proposal is considered to be CONSISTENT with this direction.

The planning proposal states:

*A review of the proposal against the two transport strategies referenced in this direction has been undertaken. Consequently, it is considered that the proposal (which relates to pre-existing allotments and associated land uses) is generally consistent with this direction and will result in only limited impacts on current transport, traffic or pedestrian arrangements.*

RECOMMENDATION: The Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction. The rezoning reflects an existing use of the site and does not present any significant changes to current arrangements.

### 4.3 Flood Prone Land

This Direction does apply to the planning proposal as it will create, remove or alter a zone or a provision that affects flood prone land.

The proposal is considered to be CONSISTENT with this direction.

The planning proposal states:

*The land, the subject of this Planning Proposal, is only affected to a very minor extent by 'Mainstream Flooding – Low Hazard' on the Flood Planning Map. This relates to a very small area in the south west corner of Part Lot 30 DP 1011904. Given the very limited flood affection, it is considered that any development of the subject land facilitated by a proposed zoning change will not adversely impact, or be impacted by, existing identified flood hazards.*

*Having regard to existing planning policy provisions that assess and regulate development on or in proximity to the flood planning area, this proposal is consistent with the conditions of this direction, outlined as follows:*

- *It does not propose and development within a floodway;*
- *It will not result in significant flood impacts to other properties given the very limited flood affectation;*
- *It does not seek to significantly intensify or increase the development of the land, but rather increase the range of uses;*
- *It will not require significant government spending on flood mitigation measures; and*



- *It does not seek to permit development that would be permitted without development consent.*

RECOMMENDATION: The Secretary can be satisfied that the consistency is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005.

#### 5.10 Implementation of Regional Plans

This Direction applies to the proposal as the land is located on land in which the Riverina Murray Regional Plan 2036 applies.

The proposal is considered to be CONSISTENT with this direction.

As discussed above the planning proposal is considered to be consistent with the Regional Plan and Council have adequately discussed its consistency in the planning proposal.

RECOMMENDATION: The Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction.

#### 6.1 Approval and Referral Requirements

This Direction does apply to the planning proposal as it applies to all public authorities.

The planning proposal identifies that development as designated development.

The proposal is considered to be CONSISTENT with this direction.

The planning proposal does not propose any additional provisions which require the referral of Development Application to the Minister or a public authority.

RECOMMENDATION: The Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction.

#### 6.2 Reserving Land for Public Purposes

This Direction does apply to the planning proposal as it will alter existing zonings or reservations of land for public purposes and requires the approval of the relevant public authority and the Secretary of the Department.

The proposal is considered to be CONSISTENT with this direction as the Gateway determination will issue the necessary approval.

The planning proposal states:

*The planning proposal is generally consistent with this direction.*

*It is noted that the subject land has already been developed and contains building infrastructure that are currently being used for Showground, Harness racing, Caravan park and other related activities that can occur on this land to support the ongoing land use activities.*

*Furthermore, the development will not reduce the amount of land for public purposes and has not been identified for any land reservation or acquisition purposes.*

**RECOMMENDATION:** The Secretary of the Department approves of the proposal to alter the zonings of land for public purposes as the new zoning will reflect the existing uses of the site and is able to better accommodate future public land uses.

### **State environmental planning policies (SEPPs)**

The planning proposal identifies the following SEPPs as applicable:

- State Environmental Planning Policy No 21 – Caravan Parks
- State Environmental Planning Policy – Advertising & Signage
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007

The abovementioned SEPPs are not considered relevant to determining the strategic merit of the planning proposal. The matters addressed in these SEPPs will be considered as part of the assessment process for a future development application if submitted after the rezoning process has concluded.

## **SITE-SPECIFIC ASSESSMENT**

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### **Social**

The planning proposal and the Albury Showground Masterplan demonstrates the social benefits from rezoning the land from R1 General Residential to RE2 Private Recreation. The rezoning allows for the existing use of the land to be accurately reflected in the Albury LEP 2010 and provides additional opportunities to expand on the existing public use of the site.

### **Environmental**

The subject site is located in an established urban area. The planning proposal does not propose to alter or change the existing use of the site, merely reflect the existing use through an appropriate land use zone. It is therefore considered that the likely impacts on the surrounding environment will be minimal.

### **Economic**

The planning proposal and Albury Showground Masterplan intends to enable the economic opportunities on the site, by accurately reflecting the existing uses. This allows for the existing operations on the site to expand.

## **CONSULTATION**

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### **Community**

The planning proposal identifies the following consultation process to be undertaken as part of the planning proposal:

- Council has been working with the Albury Showground Crown Land Manager to identify and investigate long term options for the site. This has culminated in the development of a Master Plan for Albury Showground. This was developed in consultation with key stakeholders and community representatives.

- This Planning Proposal will be exhibited in accordance with the requirements of Schedule 1, Clause 4 of the EP&A Act 1979, the NSW Department of Planning and Environment: A Guide to Preparing Local Environmental Plans (December 2018), and any conditions of the Gateway Determination (to be issued).
- The Stakeholder Engagement Plan includes provision for the following activities:
  - Notification letters dispatched to landowners and other key stakeholders identified as being directly affected by the Planning Proposal prior to exhibition commencement;
  - Public Notice published in the Border Mail;
  - Static displays containing all exhibition material for viewing purposes in the foyer of the Council Administration Building, Library, Museum, and Lavington Library;
  - All exhibition material being made available on the AlburyCity website as well as the ability to lodge online enquiries and/or submissions by email;
  - Community information session;
  - Consultation and discussion with relevant Government Agency representatives; and
  - Strategic Planning staff available (on demand or by appointment) to assist with any enquiries relating to the Planning Proposal.

### **Agencies**

No formal consultation with any agencies have been undertaken at this stage. However, the Albury Showground Master Plan was prepared in association with NSW Crown Lands as the owners of the land. To further ensure a consultation process is undertaken with NSW Crown Lands, a condition will be placed on the Gateway Determination requiring consultation.

### **TIME FRAME**

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Council has indicated the LEP can be completed within 7 months of the date a Gateway determination is issued. It is recommended that the timeframe for completing the LEP be 12 months to account for any unexpected delays in the plan making process.

### **LOCAL PLAN-MAKING AUTHORITY**

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Council has requested to be authorised as the local plan making authority to exercise the functions under section 3.36 of the Environmental Planning and Assessment Act 1979. Due to the localised nature of planning proposal, it is recommended that Council's request be supported.

### **CONCLUSION**

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The planning proposal is supported to proceed subject to conditions.

The planning proposal facilitate recommendations in the Albury Showground Masterplan, which will reflect the existing uses on the site and provide opportunity to improve the community use.

The planning proposal has been prepared in accordance with the relevant guidelines and is consistent with the relevant Section 9.1 Directions, SEPPs and strategic policies.

## RECOMMENDATION

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It is recommended that the delegate of the Secretary:

1. **agree** that the planning proposal is consistent with section 9.1 Directions 2.3 Heritage Conservation, 3.1 Residential Zones, 3.2 Caravan Parks and Manufactured Home Estates, 3.4 Integrating Land Use and Transport, 4.3 Flood Prone Land, 5.10 Implementation of Regional Plans and 6.1 Approval Referral Requirements and 6.2 Reserving Land for Public Purposes; and

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
  - NSW Crown Lands
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority



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