
PLANNING PROPOSAL



Amendment to Albury Local Environmental Plan 2010

Clause 7.5 - Development on or Near the Murray River (‘River Front Area’)

Prepared by
AlburyCity Council

December 2011

CONTENTS

PART 1 – OBJECTIVES OR INTENDED OUTCOMES	2
PART 2 – EXPLANATION OF PROVISIONS.....	2
PART 3 – JUSTIFICATION	3
Section A - Need for the planning proposal.	3
Section B - Relationship to strategic planning framework	5
Section C - Environmental, social and economic impact.....	6
Section D - State and Commonwealth interests	8
PART 4 – COMMUNITY CONSULTATION	9
APPENDIX A	10
Figure 1 – Albury Land Zoning Map (ALEP 2010)	10
Figure 2 – Albury Land Use Strategy Plan (ALUS 2007).....	11
Figure 3 – Conservation and Open Space Network (ALUS 2007)	12
APPENDIX B	13
Table 1 – Net Community Benefit Test	13
Table 2 – Consideration of Draft Murray Regional Strategy 2007	21
Table 3 – Consideration of State Environmental Planning Policies	25
Table 4 – Consideration of Section 117(2) Ministerial Directions.....	32
APPENDIX C	41
Clause 7.5 Development on or near the Murray River (ALEP 2010) (current).....	41
Letter from NSW Department of Planning & Infrastructure	43
Draft Murray Regional Strategy 2009 – Model Local Provisions	45
River Front Area Clauses in other Gazetted or Publicly Exhibited LEPs	47

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

AlburyCity Council has resolved to prepare a Planning Proposal that seeks an amendment to the *Albury Local Environmental Plan 2010* (ALEP 2010) as it relates to Clause 7.5 – Development on or Near the Murray River.

This amendment seeks to replace the current clause contained within ALEP 2010 consistent with the model local provision contained within the *Draft Murray Regional Strategy 2009* (DMRS) and other recently gazetted or publicly exhibited LEPs in the Murray Region (as reproduced in Appendix C).

PART 2 – EXPLANATION OF PROVISIONS

This Planning Proposal seeks to replace Clause 7.5 of ALEP 2010 with the following:

7.5 Development on river front areas [local]

- (1) The objectives of this clause are to:
 - (a) support the natural riverine processes, including migration of the river channel, and
 - (b) protect and improve the bed and bank stability of rivers, and
 - (c) maintain or improve the water quality of rivers, and
 - (d) protect the amenity, scenic landscape values, cultural heritage of rivers and public access to riverine corridors, and
 - (e) conserve and protect riverine corridors, including wildlife habitat.
- (2) Despite any other provision of this Plan, development may only be carried out on land in the river front area for the following purposes (provided that the purpose is permitted in the zone in which the river front area is located):
 - (a) a boat launching ramp, boat repair facility, boat shed, charter and tourism boating facility or marina,
 - (b) the extension or alteration of an existing building that is wholly or partly in the river front area (provided that the extension or alteration will be located no closer to the river bank than the existing building),
 - (c) environment protection works,
 - (d) extensive agriculture and intensive plant agriculture,
 - (e) cycleways, picnic facilities, environmental facilities, recreational areas, recreation facilities (outdoors) (provided any associated buildings will not be located within the river front area)
- (3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that:
 - (a) the appearance of the development, from both the river and adjacent river front area, will be compatible with the surrounding area, and
 - (b) the development is not likely to cause environmental harm such as:
 - (i) pollution or siltation of the river, or

- (ii) an adverse effect on surrounding uses, riverine habitat, wetland areas, flora or fauna habitats, or
- (iii) an adverse effect on drainage patterns, and
- (c) the development will only cause minimal visual disturbance to the existing landscape, and
- (d) continuous public access, and opportunities to provide continuous public access, along the river front and to the river will not be compromised, and
- (e) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of the surrounding land will be maintained.

It is also proposed to insert the following definitions for 'river' and 'river front area' into the Dictionary of ALEP 2010:

river means the Murray River.

river front area means the land between the river front building line and the bank of the nearest river or if there is no river front building line:

- (a) in Zone R5 Large Lot Residential or an urban release area - the land within 40 metres of the high bank of the river, or
- (b) in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots, Zone E2 Environmental Conservation or Zone E3 Environmental Management - the land within 100 metres of the high bank of the river.

PART 3 – JUSTIFICATION

Section A - Need for the planning proposal.

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

The Planning Proposal is not the result of any strategic study or report. The amendment seeks to replace Clause 7.5 - Development on or Near the Murray River as contained within ALEP 2010 consistent with the model provisions contained within the *Draft Murray Regional Strategy 2009* (DMRS) and other recently gazetted LEPs in the Murray Region.

Council had previously included a clause dealing with development along the Murray River in the s.68 version of ALEP 2010 that was forwarded to the NSW Department of Planning & Infrastructure (DoPI) for gazettal that during finalisation was replaced.

Upon making ALEP 2010, the Minister for Planning and Infrastructure advised that amongst other things the clause associated with development in the river front area of the Murray River was modified to ensure that it was consistent with the Standard Instrument LEP or certain model clauses.

It is noted that the abovementioned change to Clause 7.5 was made without any consultation with AlburyCity and without any detailed explanation following the completion of public exhibition. This change has the potential to significantly affect development (that is appropriate) along the Murray River due to the application of the clause within 400m of the Murray River and its relevance to the RE1 Public Recreation and RE2 Private Recreation Zone. These post-public exhibition changes may also be at odds with recent Land and Environment Court (LEC) decisions – *Friends of Turramurra Inc V Minister for Planning [2011] NSWLEC 128* insofar as making changes to an LEP following public exhibition without re-exhibiting the amended draft prior to making by the Minister of Planning & Infrastructure.

Following investigations, it appears that Clause 7.5 has been based on the model provisions contained within the draft *Murray Regional Strategy* (yet to be adopted), but is different in terms of its numerical setback requirements (400m versus 100m) and the zones that it is applicable to (expanded to include the RE1 Public Recreation and RE2 Private Recreation Zones).

Hence, the clause contained within ALEP 2010 is inconsistent with the model provision contained within the DMRS and recently gazetted and publicly exhibited LEPs within the Murray Region (as reproduced in Appendix C). As outlined in the DMRS there are ten local councils in the Murray Region – Albury, Greater Hume, Corowa, Berrigan, Murray, Conargo, Deniliquin, Wakool, Balranald and Wentworth.

Of these ten councils, five of them, being Greater Hume Shire, Balranald, Wentworth, Corowa and Murray Shire have either a gazetted LEP or publicly exhibited LEP, with a clause consistent with the DMRS in terms of setbacks from the Murray River (100m) and its application of zones (excluding the RE1 Public Recreation Zone and RE2 Private Recreation Zone).

Following an investigation of all ten local councils, AlburyCity is the only gazetted Standard Instrument LEP that is inconsistent with the model provision of the DMRS.

Accordingly, the purpose of this proposal is to make ALEP 2010 consistent with the model provisions of the DMRS and other recently gazetted or publicly exhibited LEPs in the Murray Region.

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

The proposed amendment to Clause 7.5 is considered to be the best means of achieving the relevant objectives and intended outcomes outlined in Part 1 and seeks to amend a clause that was inserted during the finalisation of draft ALEP 2010 consistent with the model provisions of the DMRS and other recently gazetted and publicly exhibited LEPs.

This Planning Proposal has been prepared in response to the requirements of the DMRS and seeks to ensure a consistent approach to planning in the Murray Region.

3. Is there a net community benefit?

The Net Community Benefit Test (as set out in **Table 1** of Appendix B), adapted from the *Draft Centres Policy: Planning for Retail and Commercial Development* (Department of Planning 2009) has been prepared (as required) to determine costs and benefits associated with, and accordingly, assist with an assessment of the merits of the Planning Proposal.

This assessment confirms that the Planning Proposal has an overall net community benefit.

Section B - Relationship to strategic planning framework

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

The Planning Proposal is consistent, or where applicable, justifiably inconsistent with the aims and actions of the *Draft Murray Regional Strategy 2009* (DMRS), as set out in the net community benefit test contained within **Table 1** of Appendix B and as further considered in detail in **Table 2** of Appendix B.

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

The *Albury 2030 Community Strategic Plan* (Albury 2030 Plan) is Council's local Community Strategic Plan. The Albury 2030 Plan contains a number of outcomes sought under four principal themes. Strategic actions listed under each outcome of this Plan are designed to contribute towards bringing that outcome to life.

The Albury 2030 Plan includes the following strategic actions under the themes of 'a growing economy' and 'a caring community':

...*'Improve access via the Murray River Experience and the Wagirra Trail project.'*

...*'Embrace and face the Murray and provide access via trails'*

...*'Make greater public use of riverside parks for a range of experiences'.*

The Planning Proposal is primarily aimed at amending clause 7.5 of ALEP 2010 consistent with the DMRS and other recently gazetted and publicly exhibited LEPs. The proposal also seeks to promote and encourage the sensible development of land along the Murray River for greater public access/use and tourist and tourist-related development without unnecessarily sterilising land by replacing the current 400m setback from the Murray River with a 100m setback requirement and removing the application of this clause from the RE1 Public Recreation Zone and RE2 Private Recreation Zone.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The Planning Proposal is consistent, or where applicable, justifiably inconsistent with *State Environmental Planning Policies*, as set out in **Table 3** of Appendix B.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is consistent, or where applicable, justifiably inconsistent with Section 117(2) Ministerial Directions, as set out in **Table 4** of Appendix B.

Section C - Environmental, social and economic impact

8. 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?

Previous and current city-wide strategic planning documents such as the *Albury Land Use Strategy 2007* (ALUS) and ALEP 2010 identified that land contained within the 'river front area' as having a potential environmental impact on the Murray River and its environs due to its proximity to the Murray River. The subject land over time has historically been used for agricultural and recreational pursuits and is not subject to significant development pressures. The proposed amendment does not seek to change the zoning or minimum lot size of the land contained within the river front area and still requires appropriate setbacks from the Murray River, which will therefore eliminate any likely adverse environmental impacts.

It is clarified that the proposal only seeks to amend a clause contained within ALEP consistent with relevant state government directions. This is seen as less restrictive or onerous and allows for the appropriate development of land that adjoins the Murray River for recreational, tourist and minor commercial uses (as they relate to tourism developments in the RE1 Public Recreation and RE2 Private Recreation Zones), which is consistent with the zone objectives of the W2 Recreational Waterways zone.

The Planning Proposal does not derogate from ALEP 2010 with respect to the location and spatial extent of environmental zones (i.e. environmental corridors and linkages) and accordingly, the Planning Proposal has appropriate regard to any likely critical habitat or threatened species, populations or ecological communities, or their habitats.

It is reiterated that of the ten local councils in the Murray Region, AlburyCity has the only Standard Instrument LEP that has been gazetted or publicly exhibited that is inconsistent with the model provision of the DMRS with regards to Development on or near the Murray River.

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

There are no other likely environmental effects to result from the planning proposal. Any development proposed within the river front area would be subject to assessment during the development application process and depending on its proximity to the Murray River will be referred to relevant public authorities for comment and if required, concurrence.

The outcomes sought by the Planning Proposal are not likely to exacerbate any existing environmental issues and it is not expected that the land located within the river front area will be subject to significant development pressures.

10. How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal will have a positive social and economic impact as it seeks to ensure a consistent approach to planning and development on or near the Murray River across the entire Murray Region.

By amending clause 7.5 of ALEP 2010, this will ensure consistency across local government areas and will also allow for sensible development to occur along the Murray River rather than a blanket-wide sterilisation of land located within 400m of the Murray River or on land contained within the RE1 Public Recreation or RE2 Private Recreation Zones.

It is acknowledged that inappropriate development located within close proximity to the Murray River could contribute to the environmental and visual qualities of this important waterway being compromised. It is noted however that following an analysis of land located within the river front area, the overall impact of the Planning Proposal will be minor due to the setbacks of existing buildings and structures on land adjoining the Murray River.

Accordingly, AlburyCity is of the view that there is minimal risk of social or environmental issues and potential land use conflict that will result from the development of land within the river front area as facilitated by this Planning Proposal. Moreover, by amending clause 7.5 of ALEP 2010 consistent with the DMRS, the clause will no longer apply to land zoned RE1 Public Recreation or RE2 Private Recreation, which will therefore allow for the sensible development of land for tourist and tourist-related development such as cafes, restaurants etc.

It is reiterated that the abovementioned change to Clause 7.5 was made without any consultation with AlburyCity and without any detailed explanation following the completion of public exhibition. This change has the potential to significantly affect development (that is appropriate) along the Murray River. These post-public exhibition changes may also be at odds with recent Land and Environment Court (LEC) decisions – *Friends of Turramurra Inc V Minister for Planning [2011] NSWLEC 128* insofar as making changes to an LEP following public exhibition without re-exhibiting the amended draft prior to making by the Minister of Planning & Infrastructure.

It is reiterated that of the ten local councils in the Murray Region, AlburyCity has the only Standard Instrument LEP that has been gazetted or publicly exhibited that is inconsistent with the model provisions as contained within the DMRS with regards to Development on or near the Murray River. By amending this clause it will ensure equity between local government areas and bring Albury in line with the approach used by other local councils in the Murray Region, which is seen to have a positive social and environmental effect in this instance.

Section D - State and Commonwealth interests

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

The issue of public infrastructure is not relevant to the subject proposal as it only seeks to amend Clause 7.5 currently contained within ALEP 2010. Nonetheless, it is noted that where development does occur in the RE1 Recreation or RE2 Private Recreation Zones, there is adequate public infrastructure, namely roads, water and sewer available to service this land.

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

It is reiterated that the proposed revised clause is consistent with the model provisions contained within the DMRS as well as other recently gazetted or publicly exhibited Standard Instrument LEPs in the Murray Region.

No formal consultation has been undertaken with any State or Commonwealth public authorities, however informal discussions held between AlburyCity and NSW Department of Planning & Infrastructure staff indicated that the NSW DoPI had no objection to the revised clause, in particular the amendment of setbacks from the Murray River from 400m to 100m as this is consistent with the recommendations contained within the DMRS.

Nonetheless, further consultation will be carried out with relevant State and Commonwealth Public Authorities in accordance with any Gateway Determination.

It is anticipated that, pending confirmation via the Gateway Determination, the following public authorities will be consulted as a minimum:

- NSW Office of Environment & Heritage (OEH);
- NSW Maritime;
- NSW Fisheries;
- Murray Darling Basin Authority; and
- NSW Catchment Management Authority – Murray (CMA).

PART 4 – COMMUNITY CONSULTATION

Council proposes that the Planning Proposal be exhibited in accordance with the requirements of section 57 of the *Environmental Planning & Assessment Act 1979* and the NSW Department of Planning's: *A guide to preparing local environmental plans* (July 2009).

It is proposed that the Planning Proposal will be placed on public exhibition for a minimum of 28 days as the proposal is not considered to be 'low impact' due to the removal of zones from the application of this clause. Written notification of the community consultation will be provided in a local newspaper and on Councils' website. In addition to this, any affected landowners will be notified in writing. The written notice will contain:

- A brief description of the intended outcomes of the Planning Proposal;
- An indication of the land which is affected by the proposal;
- Information on where and when the Planning Proposal can be inspected;
- The name and address of Council for the receipt of submissions; and
- The closing date for submissions.

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

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

Council staff will be available between the hours of 9.00am – 5.00pm by appointment, to discuss exhibition material. At the conclusion of the public exhibition period Council staff will consider submissions made with respect to the Planning Proposal, prepare and forward a report to Council with a recommendation to endorse the Planning Proposal as publicly exhibited, endorse the Planning Proposal as amended or not support the Planning Proposal.

AlburyCity

AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

APPENDIX A

Figure 1 – Albury Land Zoning Map (ALEP 2010)

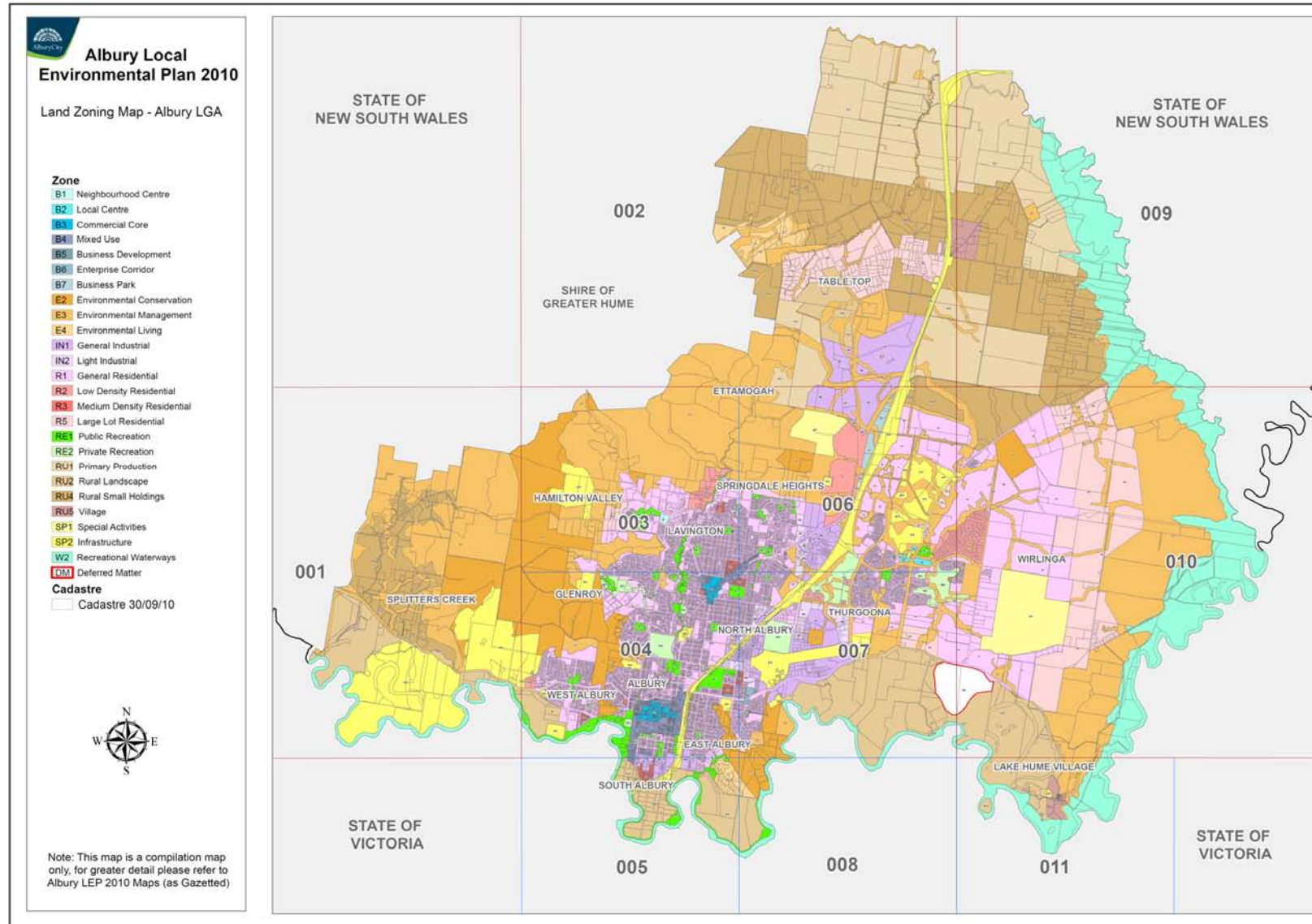


Figure 2 – Albury Land Use Strategy Plan (ALUS 2007)

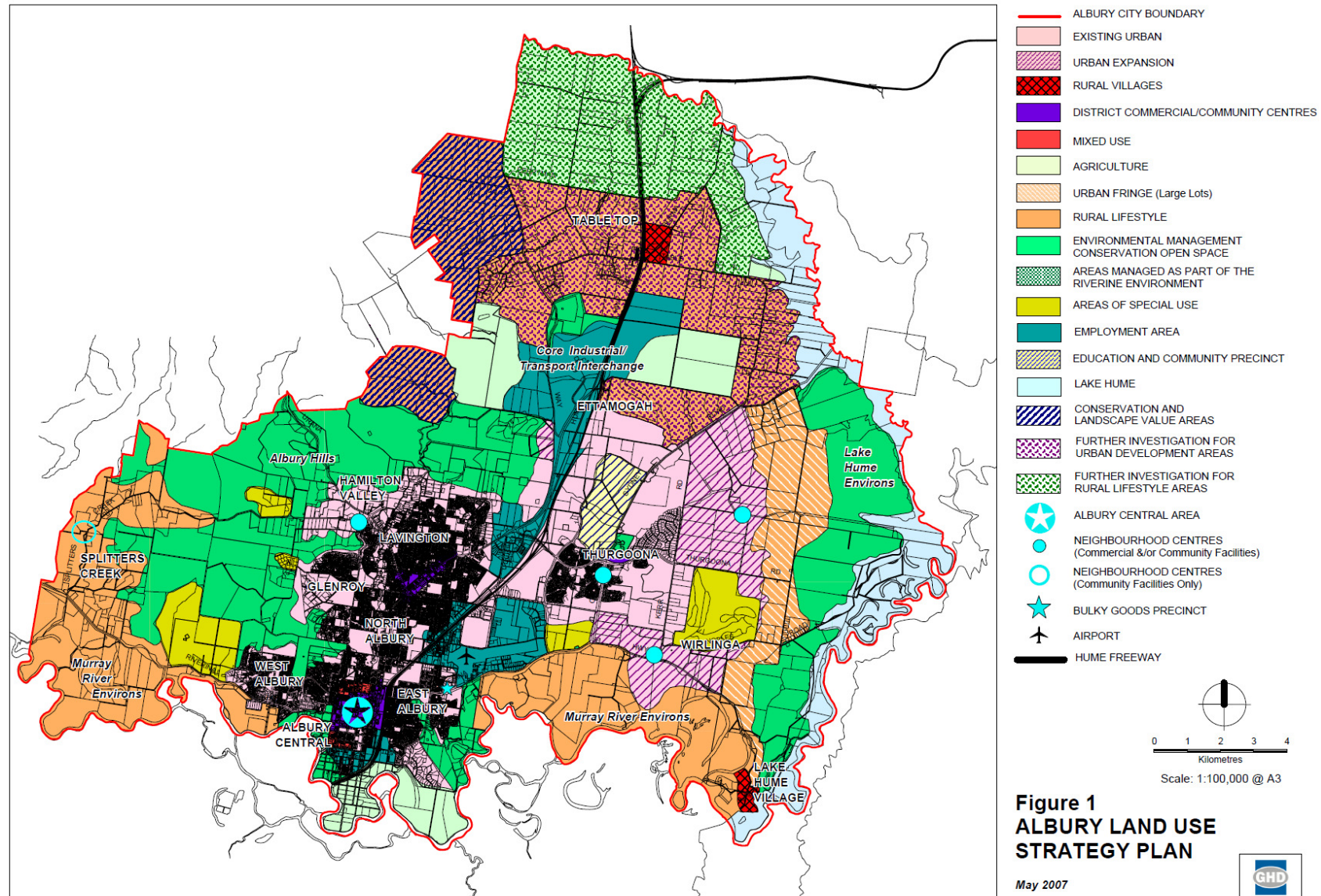
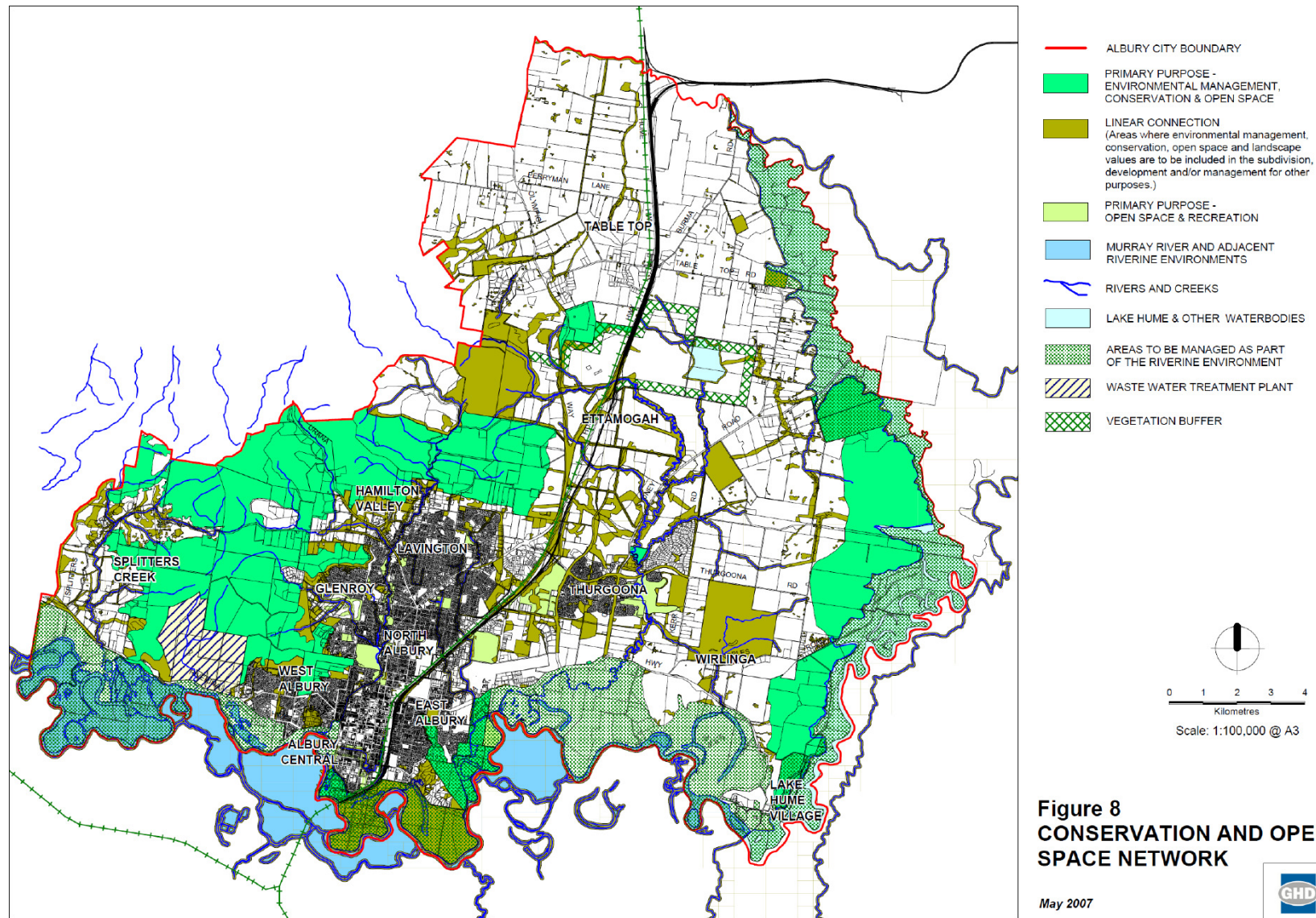


Figure 3 – Conservation and Open Space Network (ALUS 2007)



31/16910/GIS/Land Use Strategy/Final Strategy Data/Fig 8 Conservation & Open Space Network

APPENDIX B

Table 1 – Net Community Benefit Test

Evaluation Criteria	Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	The Planning Proposal is consistent with the aims of the <i>Draft Murray Regional Strategy 2009</i> (DMRS) as follows: ▪ <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...</i> Secondly, the proposal is consistent with the DMRS listed environmental challenges including: ▪ <i>Ensure that development occurs in a way that safeguards and enhances the existing environmental, biodiversity, cultural and scenic assets of the Region;</i> ▪ <i>Ensure that adverse impacts on the Riverine environment from development fronting the Murray River and its tributaries are minimised;</i> Notwithstanding, it is acknowledged that the DMRS provides the following under the heading of <i>building setbacks</i>: ▪ <i>Land close to the river and its tributaries is highly sought after for its visual amenity, microclimate and recreational opportunities. These locations are often the most environmentally sensitive and the areas most likely to retain and require native vegetation. However, land use intensification along the river and its tributaries is highly likely to lessen the ability of this area to act as a filter between land and water, destabilise parts of the river bank and reduce public access to the river for recreation.</i>

Evaluation Criteria	Comment
Cont.	▪ <i>Evidence from existing developments along the Murray River show that buildings near the river, particularly dwellings often result in increased demand for other structures and works on or near the river (such as retaining walls, moorings, boat ramps, jetties and stairs). These structures usually require excavation of the river bank, which impacts on bank stability and the waterway itself and create the need for artificial stabilisation techniques such as retaining walls.</i> In response to these issues the Planning Proposal is consistent with the outcomes of this section of DMRS insofar as: ▪ <i>The environmental values of rural lands is recognised and managed through planning controls and environmental management priorities;</i> ▪ <i>The risks from flooding are minimised. Planning controls in local environmental plans are consistent with the NSW Government's Floodplain Management Manual (2005), the NSW Flood Prone Land Policy and councils relevant floodplain risk management plan;</i> ▪ <i>The integrity of the Murray River and other major waterways is not undermined or compromised by urban development or Riverine structures. Development along major waterways will be managed to improve water quality, minimise risks from floodwater, support the natural migration of the river channel, protect scenic landscape values, protect cultural heritage, maintain bed and bank stability and conserve habitat corridors.</i>

Evaluation Criteria	Comment
Cont.	Accordingly, the proposal is consistent with the aims, environmental challenges and outcomes of the DMRS as the Planning Proposal does not seek a change in land use zoning or minimum lot size requirements and only relates to an amendment to a clause contained within ALEP 2010, which is currently inconsistent with the model provision contained within Appendix 3 of the DMRS insofar as development on river front areas. Hence, the clause currently contained within ALEP 2010 is inconsistent with the model provision contained within the DMRS and recently gazetted and publicly exhibited LEPs within the Murray Region. As outlined in the DMRS there are ten local councils in the Murray Region – Albury, Greater Hume, Corowa, Berrigan, Murray, Conargo, Deniliquin, Wakool, Balranald and Wentworth. Of these ten councils within the Murray Region, five of them, being Greater Hume Shire, Balranald, Wentworth, Corowa and Murray Shire have either a gazetted LEP or publicly exhibited LEP, with a clause consistent with the DMRS in terms of setbacks from the Murray River (100m) and its application of zones (excludes both the RE1 and RE2 zones). Following an investigation of all ten local councils, AlburyCity is the only gazetted Standard Instrument LEP that is inconsistent with the model provision of the DMRS. Accordingly, the purpose of this proposal is to make ALEP 2010 consistent with the model provisions of the DMRS and other recently gazetted or public exhibited LEPs in the Murray Region (as reproduced in Appendix C). It is also noted that the revised clause maintains the normal assessment, referral and concurrence (if necessary) requirements of ALEP 2010 and also still applies to the development of environmentally sensitive land (i.e. flood prone, threatened species).

Evaluation Criteria	Comment
Cont.	Likewise, Clauses 7.2 – Water and 7.4 – Flood Planning of ALEP 2010 will also appropriately control development that is subject to flooding or that will have a potentially deleterious effect upon riparian areas, which will therefore protect the rural landscape and natural environment. It is reiterated that the clause related to development along the Murray River was replaced post-exhibition and may also be at odds with recent Land and Environment Court decisions - <i>Friends of Turramurra Inc V Minister for Planning [2011] NSWLEC 128</i> insofar as post-exhibition changes being made to an LEP without re-exhibiting. Further discussion regarding the <i>Floodplain Development Manual 2005</i> is considered in detail in Table 4 of Appendix B. Further discussion regarding compatibility with agreed State & regional strategic directions are considered in detail in Table 2 of Appendix B.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The City of Albury has been identified as a 'Major Regional Centre' of the Upper Murray Subregion within the DMRS. The purpose of which is: <i>Major regional centres are existing centres suited to accommodate the majority of regional population growth and employment opportunities and to deliver State and regional services to the entire Region or within the centre's subregion. A concentration of medium to higher density living, business, employment, professional services, higher order shopping, warehouses, transport logistics and bulky goods operations will be located in these centres. They will be the focal point for subregional road and other transport networks.</i> This Planning Proposal supports and promotes the functions of Albury as a 'Major Regional Centre'.

Evaluation Criteria	Comment
Is the LEP likely to create a precedent or create or change in expectations of the land owner or other land owners?	The Planning Proposal seeks to replace Clause 7.5 of ALEP 2010 consistent with the model provisions of the DMRS and recently gazetted or publicly exhibited LEPs in the Murray Region. Whilst the proposal could potentially enable the further development of land within the river front area, thereby potentially creating a precedent or a change in expectations, it is not expected to be the case. It is noted that following an analysis of land located within the river front area, the overall impact of the Planning Proposal will be minor as most of the land adjoining the Murray River is zoned RE1 Public Recreation (proposed to be removed from this clause) or RU2 Rural Landscape (see Figure 1 of Appendix A) and will therefore only likely be developed for recreational, tourist or agricultural purposes. It is reiterated that the purpose of the Planning Proposal is not to encourage the further development of land within the river front area, but rather to ensure a consistent approach to planning and development in the Murray Region for development on river front areas.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Not relevant to the subject Planning Proposal, as the proposal does not relate to a change in land use zoning.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Not relevant as the Planning Proposal seeks to amend a clause contained within ALEP 2010 related to development within the river front area. Nonetheless the proposal may encourage the development of land for tourist related development along the Murray River, which is consistent with this objective.

AlburyCity
AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

Evaluation Criteria	Comment
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Not relevant as the Planning Proposal seeks to amend a clause contained within ALEP 2010 related to development within the river front area and not the supply of residential land.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The Planning Proposal will not place an additional demand on public infrastructure as the proposal relates to the amendment of a clause contained within ALEP 2010. It is noted however that AlburyCity are currently in the process of constructing the Wagirra walking and bike trail along the banks of the Murray River connecting the Wonga Wetlands in the West to Lake Hume in the East. The purpose of this project is to make the river more accessible to user groups, which the proposal is consistent with.
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?	Not relevant as the Planning Proposal seeks to amend a clause contained within ALEP 2010 related to development within the river front area.
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?	The Planning Proposal will not significantly affect government investments, infrastructure or services in the area as it primarily relates to the amendment of a clause contained within ALEP 2010.
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?	The Planning Proposal relates to land located within the river front area as defined by clause 7.5 of ALEP 2010 due to its close proximity to the Murray River and the sensitive nature of this land. For the most part, the land has been zoned recreational, agricultural or environmental in recognition of these environmental values and its location in the Murray environs. The area that is subject to Clause 7.5 is constrained by a number of environmental factors such as flooding and threatened species, however the development of this land is minimal.

AlburyCity
AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

Evaluation Criteria	Comment
Cont.	The subject land over time has historically been used for recreational and agricultural (grazing) purposes and following further investigations the overall impact of the Planning Proposal will be minor as most of the land adjoining the Murray River is zoned RE1 Public Recreation (proposed to be removed from this clause) or RU2 Rural Landscape (see Figure 1 of Appendix A) and will therefore only likely be developed for recreational, tourist or agricultural purposes. Further discussions regarding flood prone, bushfire prone and environmental lands are considered in detail in Table 4 of Appendix B.
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?	The Planning Proposal is compatible/ complementary to surrounding land uses as the proposal does not seek a change in zoning or minimum lot size, which will therefore be compatible with surrounding land uses. It is acknowledged that the proposal may result in the development of land within the river front area for recreational, tourist or agricultural purposes with consequential impacts upon the amenity and environmental values of the area. However, these will be minor and will be compatible with surrounding land uses, thereby minimising potential impacts upon the natural features of the environment through appropriate building setback requirements. The amenity of the area will also not be adversely impacted and may in fact be enhanced via the appropriate development of land for mainly tourist and tourist-related purposes. This will improve access, and encourage the greater use of the Murray River, which is consistent with both Council and State government objectives Overall the proposal will support the amenity of the wider community as well as the public domain, which may result in positive economic and tourism growth.

Evaluation Criteria	Comment
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The Planning Proposal will not significantly affect choice and competition by increasing the number of retail and commercial premises in the local area as the Planning Proposal only seeks to amend a clause contained within ALEP 2010 related to development within the river front area. Nevertheless, the proposal may encourage appropriate tourist and tourist-related commercial premises in the river front area that are complementary to the ongoing use of the Murray River.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	The Planning Proposal will not significantly affect the provision of commercial facilities into the future as the proposal only seeks to amend a clause contained within ALEP 2010 related to development within the river front area. Nevertheless, the proposal may allow tourist and tourist-related commercial premises within the river front area resulting in the creation of a 'tourist hub' that adjoins the Murray River including such uses like café's, restaurants etc.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The principal aim of the proposal is to amend clause 7.5 – Development on river front areas as contained within ALEP 2010, consistent with the model local provisions provided in the <i>Draft Murray Regional Strategy 2009</i> (DMRS) and other recently gazetted LEPs in the Murray region (as reproduced in Appendix C). The implications of not proceeding (the 'do nothing approach') will result in the unnecessary sterilisation of land that currently adjoins the Murray River (namely as it relates to the RE1 Public Recreation and RE2 Private Recreation zones) and a continued inconsistency with DMRS model provisions and recently gazetted or publicly exhibited Standard Instrument LEPs in the Murray Region.

Table 2 – Consideration of Draft Murray Regional Strategy 2007

Aims: Draft Murray Regional Strategy 2009	Consistency Response/ Comment
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.	The underlying objectives of the DMRS are to protect the sensitive environmental areas of the Murray Region, whilst continuing to maintain and encourage further population and economic growth, as well as responding to changing demographic trends such as an ageing population. Whilst it is acknowledged that the proposal does have the potential to impact upon the Riverine environment through the development of land located within the river front area, it is noted that the development outcomes likely to result from this proposal will be moderate/ marginal only and will be limited to mainly ancillary agricultural uses and tourist-related uses in proximity to existing urban and recreational areas, thereby minimising any likely potential environmental harm in this instance. The outcomes of this proposal may therefore also support agricultural enterprises via ancillary and incidental development such as dwellings and farm buildings, as well as tourist-related industries and development within the river front area, which will all have a positive economic impact and will maintain Albury's status as the Major Regional Centre of the region. It is noted that the Planning Proposal does not seek a change in land use zoning or minimum lot size requirements and only relates to an amendment to a clause contained within ALEP 2010 related to development within the river front area It is also noted that the revised clause (as proposed) maintains existing assessment, referral and concurrence (if required) dealing with applications in proximity to the Murray

Aims: Draft Murray Regional Strategy 2009	Consistency Response/ Comment
Cont.	River, whilst requirements will also still apply to the development of environmentally sensitive land (i.e. flood prone, threatened species). Likewise, Clauses 7.2 – Water and 7.4 – Flood Planning of ALEP 2010 will also appropriately control development that is subject to flooding or that will have a potentially deleterious effect upon riparian areas, which will therefore protect the rural landscape and natural environment. Overall, the proposal is considered to have minimal adverse environmental impacts, and for the most part, retains existing zoning, minimum lot size, assessment, referral and concurrence requirements as currently contained within clause 7.5 of ALEP 2010, thereby maintaining the status quo of existing planning provisions.
▪ 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.	Not relevant as the proposal does not relate to residential development or the provision of new dwellings. Notwithstanding, an adequate supply of residential land has been provided elsewhere across the Albury LGA to accommodate projected population growth and tourism demands for new dwellings.
▪ Prepare for and manage the significantly ageing population and ensure that new housing meets the needs of smaller households and ageing populations by encouraging a shift in dwelling mix and type.	Not relevant as the proposal does not relate to the provision of smaller households for an ageing population. It is noted however that other development outcomes that cater for ageing population needs are accommodated across the Albury LGA.

Aims: Draft Murray Regional Strategy 2009	Consistency Response/ Comment
▪ Reinforce the role of Albury as the Region's major centre and the opportunities in taking advantage of its strategic location and emerging economic strengths, including transport, distribution, manufacturing, health services and education.	The Planning Proposal does not derogate from the aim to reinforce the role of Albury as the Region's major centre, and will in fact strengthen its role through a more flexible approach to planning/development along the Murray River via the exclusion of the RE1 and RE2 zones from the application of this clause.
▪ Ensure an adequate supply of employment land, particularly in Albury and other major towns to accommodate a projected 3,100 new jobs.	Not relevant as the proposal does not relate to commercial or industrial development. Notwithstanding, employment lands are provided elsewhere across the Albury LGA to accommodate projected new jobs.
▪ 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.	The Planning Proposal does not derogate from the aim to protect the rural landscape and natural environment as it does not relate to a change in land use zoning, minimum lot size or urban sprawl. It is anticipated that due to the moderate/ marginal development outcomes likely to occur within the river front area (mainly agricultural and minor tourist-related), there will be minimal environmental impacts to result from development. It is noted that the revised clause (as proposed) does not change the assessment, referral and concurrence (if required) requirements, which will also still apply to the development of environmentally sensitive land (i.e. flood prone, threatened species). Likewise, Clauses 7.2 – Water and 7.4 – Flood Planning of ALEP 2010 will also appropriately control development that is subject to flooding or that will have a potentially deleterious effect upon riparian areas, which will therefore protect the rural landscape and natural environment and maintain the status quo.

Aims: Draft Murray Regional Strategy 2009	Consistency Response/ Comment
Only consider additional development sites outside of agreed local strategies if they can satisfy the Regional Strategy's Sustainability Criteria [as provided in Appendix 1 of <i>Draft Murray Regional Strategy 2009</i>]	The Planning Proposal does not derogate from the DMRS sustainability criteria as provided in Appendix 1 and does not relate to additional development sites outside of agreed local strategies. The ALUS identifies land within the river front area as 'Rural Lifestyle, environmental management conservation open space, and agriculture' (see Figure 2 of Appendix A), however as the proposal is not seeking a change in land use zoning or minimum lot size, an assessment against the DMRS sustainability criteria is not warranted.
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	Not relevant. The proposal does not relate to a change in circumstances for settlement and agricultural activity arising from water trading.
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 Aboriginal people.	Not relevant. The proposal does not relate to a cultural or archaeological heritage site, or the visual character of a rural town.
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.	Not relevant. The proposal does not facilitate development outcomes that would require a contribution for State Infrastructure to be provided

Table 3 – Consideration of State Environmental Planning Policies

No.	SEPP Title	Applicable to Planning Proposal	Assessment
1	State Environmental Planning Policy – Development Standards	No, does not apply to land in the Albury LGA since gazettal of ALEP 2010	N/A
4	State Environmental Planning Policy – Development without consent & Miscellaneous Exempt & Complying Development	No, does not apply to land in the Albury LGA since gazettal of ALEP 2010	N/A
6	State Environmental Planning Policy – Number of Storeys in a Building	Not applicable	Not relevant as the Planning Proposal only seeks to amend a clause contained within ALEP 2010 related to development within the river front area.
14	State Environmental Planning Policy – Coastal Wetlands	No, does not apply to the Albury LGA	N/A
15	State Environmental Planning Policy – Rural Landsharing Communities	No, does not apply to the Albury LGA	N/A
19	State Environmental Planning Policy – Bushland in Urban Areas	No, does not apply to the Albury LGA	N/A
21	State Environmental Planning Policy – Caravan Parks	Not applicable	Not relevant as the Planning Proposal only seeks to amend a clause contained within ALEP 2010 related to development within the river front area.
22	State Environmental Planning Policy – Shops & Commercial Premises	Not applicable	Not relevant as the Planning Proposal only seeks to amend a clause contained within ALEP 2010 related to development within the river front area.
26	State Environmental Planning Policy – Littoral Rainforests	No, does not apply to the Albury LGA	N/A
29	State Environmental Planning Policy – Western Sydney Recreation Area	No, does not apply to the Albury LGA	N/A

No.	SEPP Title	Applicable to Planning Proposal	Assessment
30	State Environmental Planning Policy – Intensive Agriculture	Applicable, applies to all land within the State	Not relevant as the Planning Proposal only seeks to amend a clause contained within ALEP 2010 related to development within the river front area and will not affect intensive agriculture. Whilst the Planning Proposal does apply to land within the RU1 Primary Production and RU2 Rural Landscape zones, its impacts will be minimal as they only relate to development along the Murray River and will therefore not impinge upon the current operations of agricultural land.
32	State Environmental Planning Policy – Urban Consolidation (Redevelopment of Urban Land)	Not applicable (applies to urban land only)	Not relevant as the Planning Proposal only relates to land in the river front area, being the RU1 Primary Production, RU2 Rural Landscape, E2 Environmental Conservation, E3 Environmental Management, RE1 Public Recreation and RE2 Private Recreation zones, none of which are urban zones.
33	State Environmental Planning Policy – Hazardous & Offensive Development	Not applicable	Not relevant as the Planning Proposal only seeks to amend a clause contained within ALEP 2010 related to development within the river front area. AlburyCity does however acknowledge that by amending Clause 7.5 of ALEP 2010 this may permit a wider array of land uses within proximity to the Murray River. Nonetheless, a review of the relevant Land Use Tables reveals that no hazardous or offensive industries are permitted within these zones.
36	State Environmental Planning Policy – Manufactured Home Estate	Not applicable	Not relevant as the Planning Proposal only seeks to amend a clause contained within ALEP 2010 related to development within the river front area.

No.	SEPP Title	Applicable to Planning Proposal	Assessment
39	State Environmental Planning Policy – Spit Island Bird Habitat	No, does not apply to the Albury LGA	N/A
41	State Environmental Planning Policy – Casino Entertainment Complex	No, does not apply to the Albury LGA	N/A
44	State Environmental Planning Policy – Koala Habitat Protection	Applicable, applies to part of the Albury LGA (formerly Hume LGA)	Compliant, the Planning Proposal does not derogate from the aims, development consent requirements and operations of plans of management relating to land of potential koala habitat and/ or core koala habitat as provided in the SEPP. It is noted that the Planning Proposal only seeks to amend a clause contained within ALEP 2010 related to development within the river front area and does not seek to change the land use zoning of land that could potentially affect koala habitats.
47	State Environmental Planning Policy – Moore Park Showground	No, does not apply to the Albury LGA	N/A
50	State Environmental Planning Policy – Canal Estate Development	Not applicable	Planning Proposal does not derogate from the aims and canal estate development prohibitions as provided in the SEPP.
52	State Environmental Planning Policy – Farm Dams and Other Works in Land and Water Management Plan Areas	No, does not apply to the Albury LGA	N/A
53	State Environmental Planning Policy – Metropolitan Residential Development	No, does not apply to the Albury LGA	N/A

No.	SEPP Title	Applicable to Planning Proposal	Assessment
55	State Environmental Planning Policy – Remediation of Land	Yes, as the planning proposal will affect land that may be contaminated	Compliant, it is noted however that some of the subject land (agricultural) may be contaminated by previous and current land use activities including agricultural/ horticultural activities, sheep and cattle dip sites etc. Nonetheless, it is noted that the Planning Proposal does not seek a change in land use zoning and only relates to an amendment to a clause contained within ALEP 2010 related to development within the river front area.
59	State Environmental Planning Policy – Central Western Sydney Regional Open Space and Residential	No, does not apply to the Albury LGA	N/A
60	State Environmental Planning Policy – Exempt & Complying Development	Not applicable – does not apply to land in the Albury LGA since gazettal of ALEP 2010	N/A
62	State Environmental Planning Policy – Sustainable Aquaculture	Applicable	Compliant, the Planning Proposal does not change the current development consent requirements contained within ALEP 2010 as they relate to sustainable aquaculture.
64	State Environmental Planning Policy – Advertising & Signage	Not applicable	N/A
65	State Environmental Planning Policy – Design Quality of Residential Flat Development	Not applicable	N/A

No.	SEPP Title	Applicable to Planning Proposal	Assessment
70	State Environmental Planning Policy – Affordable Housing (Revised Schemes)	No, does not apply to the Albury LGA	N/A
71	State Environmental Planning Policy – Coastal Protection	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Affordable Rental Housing) 2009	Not applicable	N/A
	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not applicable	Compliant, the Planning Proposal does not derogate from the aims and development consent requirements relating to BASIX affected building(s) that seeks to reduce water consumption, greenhouse gas emissions and improve thermal performance as contained in the SEPP.
	State Environmental Planning Policy (Exempt & Complying Development Codes) 2008	Not applicable	Compliant, the Planning Proposal does not derogate from the aims and functions of the SEPP with respect to exempt and complying development provisions.
	State Environmental Planning Policy (Housing for Seniors & People with a Disability) 2004	Not applicable	Compliant, the Planning Proposal does not derogate from the aims and functions of the SEPP with respect to increasing the supply and diversity of residences that meet the needs of seniors or people with a disability.
	State Environmental Planning Policy (Infrastructure) 2007	Not applicable	Compliant, the Planning Proposal does not derogate from the aims, permissibility, development consent, assessment and consultation requirements as provided in the SEPP.
	State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007	No, does not apply to the Albury LGA	N/A

No.	SEPP Title	Applicable to Planning Proposal	Assessment
	State Environmental Planning Policy (Major Development) 2005	Not applicable	Compliant, the Planning Proposal does not derogate from the aims, major project identification, state significant site identification and development assessment and approval functions as provided in the SEPP.
	State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007	Not applicable	Not relevant as the Planning Proposal only seeks to amend a clause contained within ALEP 2010 related to development within the river front area.
	State Environmental Planning Policy (Rural Lands) 2008	Yes applies to the Albury LGA	Compliant, the Planning Proposal does not derogate from the aims, rural planning and subdivision principles to assist the management, development and protection of rural lands, development assessment and other provisions as provided in the SEPP. It is noted that the Planning Proposal will not significantly affect or encourage development of agricultural land in a rural zone as it primarily relates to the amendment of a clause contained within ALEP 2010 relating to the river front area.
	State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not applicable	N/A
	State Environmental Planning Policy (Temporary Structures) 2007	Not applicable	Compliant, the Planning Proposal does not derogate from the aims, permissibility, development consent requirements, exempt and complying development provisions relating to temporary structures and places of public entertainment as provided in the SEPP.
	State Environmental Planning Policy (Western Sydney Employment Area) 2009	No, does not apply to the Albury LGA	N/A

No.	SEPP Title	Applicable to Planning Proposal	Assessment
	State Environmental Planning Policy (Western Sydney Parklands) 2009	No, does not apply to the Albury LGA	N/A
	Regional Environmental Plan (deemed State Environmental Planning Policy) Murray REP No. 2 – Riverine Land	Yes applies to the Albury LGA	Compliant, the Planning Proposal does not derogate from the aims, objectives, development consent, general and specific planning principles and consultation requirements as provided in the REP. It is noted that any subsequent development in the river front area will be referred to the relevant public authority as provided in this deemed SEPP.

Table 4 – Consideration of Section 117(2) Ministerial Directions

No.	Direction Title	Applicable to Planning Proposal	Consistency
1. Employment and Resources			
1.1	Business & Industrial Zones	Not applicable	N/A
1.2	Rural Zones	Yes, as the Planning Proposal will affect land within an existing rural zone	Direction 4(a) The Planning Proposal does not derogate from the aims or objectives of this direction insofar as it does not seek to rezone land from a rural zone to a residential, business, industrial, village or tourist zone. Direction 4(b) It is noted that the Albury (former part Hume) LGA where part of the subject land is located has not been listed amongst those LGAs where this direction applies. Consequently, compliance with this direction is not required. Notwithstanding, a response in support of an increase in permissible densities as sought by the Planning Proposal is outlined as follows: ▪ Outcomes sought by the Planning Proposal may result in only a very moderate/marginal increase in the density of development within the river front area through the development of land for tourist and tourist-related purposes. It is noted that these will be limited to recreationally zoned areas; ▪ Strategic planning frameworks support outcomes sought by the Planning Proposal insofar as the <i>Albury Land Use Strategy 2007</i>, the <i>Albury 2030 Community Strategic Plan</i> and the <i>Draft Murray Regional Strategy 2009</i>, which all recognise a need for better access to the Murray River and the promotion of tourist and tourist-related developments.

AlburyCity
AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

No.	Direction Title	Applicable to Planning Proposal	Consistency
1.3	Mining, Petroleum Production & Extractive Industries	Not applicable	N/A
1.4	Oyster Aquaculture	Not applicable	N/A
1.5	Rural Lands	Yes applies to the Albury LGA	Consistent, the Planning Proposal is not inconsistent with the aims of this Direction, being to protect the agricultural production value of rural land and to facilitate orderly and economic development of rural lands and related purposes. In addition, the Planning Proposal does not derogate from the rural planning and subdivision principles in SEPP (Rural Lands) that seek to assist the proper management, development and protection of rural lands, reduce land use conflict and promote social, economic and environmental welfare. It is reiterated that the proposal will not significantly affect or encourage development of agricultural land in a rural zone as it primarily relates to the amendment of a clause contained within ALEP 2010 relating to the river front area.
2. Environment and Heritage			
2.1	Environmental Protection Zones	Yes, as the planning proposal affects land identified for environment protection purposes	Consistent, as previous city-wide strategic planning documentation (including the <i>Albury Land Use Strategy 2007</i>, <i>Thurgoona Threatened Species Conservation Strategy 2004</i>, <i>Albury Ranges Threatened Species Conservation Strategy 2006</i> and the <i>draft Natural Assets Strategy</i>) have identified land considered desirable habitat network to be retained across the Albury LGA. This habitat network is shown in Figure 3 of Appendix A. The spatial determinants and land management recommendations associated within the retained and desirable habitat network have generally

2.1	Environmental Protection Zones		been based on tree cover, connectivity and are broadly based on wildlife conservation. It is further noted that, through the preparation and gazettal of ALEP 2010, these same habitat networks have been excised from urban and rural lands as either an E2 Environmental Conservation or E3 Environmental Management Zone, which is geared towards the protection, management and restoration of areas with special ecological, scientific, cultural or aesthetic value. The Planning Proposal does not derogate from ALEP 2010 with respect to the location and spatial extent of environmental zones. Accordingly, there will be no change in the protection or conservation of environmentally sensitive areas as a consequence of this Planning Proposal as the proposal does not seek a change in land zoning or minimum lot size. Notwithstanding, it is acknowledged that the proposal does seek to modify a development standard insofar as setback requirements from the Murray River, which could potentially impact upon the environment. Nonetheless, the impacts on this Riverine environment will be minor as the revised clause (as proposed) maintains the existing assessment requirements. Likewise, Clause 7.2 – Water of ALEP 2010 will also still apply to ensure that any development within the river front area will not have a potentially deleterious effect upon riparian areas. Overall the proposal is not expected to have a significant adverse environmental impact.
	Cont.		

AlburyCity
AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

No.	Direction Title	Applicable to Planning Proposal	Consistency
2.2	Coastal Protection	No (does not apply to land in the Albury LGA)	N/A
2.3	Heritage Conservation	Yes, applies to all Relevant Planning Authorities where a Planning Proposal is prepared	Consistent, Planning Proposal does not alter or derogate from the heritage conservation controls contained in clause 5.10 of ALEP 2010 that seeks to facilitate the conservation of items, areas, objects and places of environmental heritage significance, which is consistent with the objective of this direction.
2.4	Recreation Vehicle Areas	Not applicable	N/A
3. Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Not applicable	It is noted that the river front area as outlined within Clause 7.5 of ALEP 2010 does not apply to residential zones.
3.2	Caravan Parks & Manufactured Home Estates	Not applicable	N/A
3.3	Home Occupations	Not applicable	N/A
3.4	Integrating Land Use and Transport	Not applicable	N/A
3.5	Development Near Licensed Aerodromes	Not applicable	N/A
3.6	Shooting Ranges	Not applicable	N/A
4. Hazard and Risk			
4.1	Acid Sulphate Soils	No (does not apply to land in the Albury LGA)	N/A
4.2	Mine Subsidence & Unstable Land	No (does not apply to land in the Albury LGA)	N/A

AlburyCity
AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

No.	Direction Title	Applicable to Planning Proposal	Consistency
4.3	Flood Prone Land	Yes, as the planning proposal seeks to alter a provision applicable to land that is flood prone.	Consistent, the Planning Proposal is not inconsistent with the objectives of this Direction, being to ensure development of flood prone land is consistent with the NSW <i>Floodplain Development Manual 2005</i> and to ensure that any provisions on flood prone land are commensurate with the flood hazard and the potential impacts on and off the development site. In addition, the Planning Proposal does not derogate from the principles of the <i>Floodplain Development Manual 2005</i> that seeks to reduce the impact of flooding and flood liability on owners and occupiers of flood prone property to reduce private and public losses resulting from floods, as well as the benefits from the use, occupation and development of flood prone land. A response in relation to the principles of the <i>Floodplain Development Manual, 2005</i> is outlined as follows: ▪ The primary objective of this Manual is: <i>To reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible.</i> The proposal is not inconsistent with this objective as it will still allow for the detailed assessment of development on flood liable land via development assessment, referral and concurrence (where required).

AlburyCity
AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

No.	Direction Title	Applicable to Planning Proposal	Consistency
4.3	Flood Prone Land Cont.		It is anticipated that due to the moderate/ marginal development outcomes likely to occur within the river front area (mainly agricultural and minor tourist-related), any legislative requirements should be easily accommodated through subsequent development outcomes insofar as protecting life, property and the environment. ▪ One of the primary objectives of the Manual states that: <i>Flood prone land is a valuable resource that should not be sterilised by unnecessarily precluding its development.</i> The proposal is consistent with this objective as it seeks to replace a clause in ALEP 2010 related to development in the river front area that removes a sub-zone and allows for the efficient development of land without unnecessarily sterilising it. It is anticipated that due to the moderate/ marginal development outcomes likely to occur within the river front area (mainly agricultural and minor tourist-related), any legislative requirements should be easily accommodated through subsequent development outcomes insofar as protecting life, property and the environment. It is noted that the revised clause (as proposed) maintains normal assessment, referral and concurrence (if required) requirements for development of land in flood prone areas. Likewise, Clauses 7.2 – Water and 7.4 – Flood Planning of ALEP 2010 will also still appropriately control development that is subject to flooding or that will have a potentially deleterious effect upon riparian areas.

No.	Direction Title	Applicable to Planning Proposal	Consistency
4.3	Flood Prone Land Cont.		It is reiterated that the principal aim of the proposal is to amend clause 7.5 consistent with the model provisions of the DMRS as well as other recently gazetted and/or publicly exhibited LEPs in the Murray Region (as reproduced in Appendix C), which have all been assessed against the issue of flood prone land. Overall, the proposal is consistent with this Direction and does not significantly affect the development consent requirements of this provision in accordance with previously agreed state government directions with regards to the development or the redevelopment of flood prone land without unnecessarily sterilising land.
4.4	Planning for Bushfire Protection	Yes, as the planning proposal will affect land mapped as bushfire prone land	Consistent, the outcomes sought by this Planning Proposal will not exacerbate any existing environmental issues including bushfire as the proposal primarily relates only to the amendment of a clause contained within ALEP 2010 relating to the river front area. Whilst it is acknowledged that this may encourage the development of land that is mapped as bushfire prone, the outcomes sought by the Planning Proposal may only result in only a very moderate/marginal increase in the density of development within the river front area through the development of land for tourist and tourist-related purposes. It is anticipated that due to the moderate/marginal development outcomes likely to occur within the river front area (mainly agricultural and minor tourist-related), any legislative requirements should be easily accommodated through subsequent development outcomes insofar as protecting life, property and the environment.

AlburyCity
AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

No.	Direction Title	Applicable to Planning Proposal	Consistency
5. Regional Planning			
5.1	Implementation of Regional Strategies	No (there is no regional strategy applicable to the AlburyCity LGA)	N/A
5.2	Sydney Drinking Water Catchment	No (does not apply to the AlburyCity LGA)	N/A
5.3	Farmland of State & Regional Significance on the NSW Far North Coast	No (does not apply to the AlburyCity LGA)	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No (does not apply to the AlburyCity LGA)	N/A
5.5	Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked 18 June 2010	N/A
5.6	Sydney to Canberra Corridor	Revoked 10 July 2008. See amended Direction 5.1	N/A
5.7	Central Coast	Revoked 10 July 2008. See amended Direction 5.1	N/A
5.8	Second Sydney Airport: Badgerys Creek	No (does not apply to the AlburyCity LGA)	N/A

AlburyCity
AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

No.	Direction Title	Applicable to Planning Proposal	Consistency
6. Local Plan Making			
6.1	Approval and Referral Requirements	Yes	Consistent, the Planning Proposal is not proposing to add any provisions which require referral of development applications to the Minister or any other public authority, above what is already required for development in the river front area. The proposal therefore does not change the referral requirements of the existing clause and will essentially maintain the status quo with regards to the concurrence, consultation or referral of development applications for development within the river front area.
6.2	Reserving Land for Public Purposes	Not applicable	N/A
6.3	Site Specific Provisions	Not applicable	N/A
7. Metropolitan Planning			
7.1	Implementation of Metropolitan Strategy	Not applicable	N/A

APPENDIX C

Clause 7.5 Development on or near the Murray River (ALEP 2010) (current)

7.5 Development on or near the Murray River

- (1) The objectives of this clause are to:
 - (a) support the natural migration of the river channel, including riverine processes, and
 - (b) protect and improve the bed and bank stability of the Murray River, and
 - (c) maintain or improve the water quality of the Murray River, and
 - (d) protect the amenity, scenic landscape values, cultural heritage of the Murray River and public access to riverine corridors, and
 - (e) conserve and protect riverine corridors, including wildlife habitat.
- (2) Despite any other provision of this Plan, development consent may only be granted to development on land in the river front area for the following purposes and if the purpose is permissible on the land in the relevant zone:
 - (a) a boat launching ramp, boat repair facility, boat shed, charter and tourism boating facility or marina,
 - (b) the extension or alteration of an existing building that is wholly or partly in the river front area (provided that the extension or alteration will be located no closer to the river bank than the existing building),
 - (c) environmental protection works,
 - (d) extensive agriculture and intensive plant agriculture,
 - (e) walking trails, cycleways, picnic facilities, recreation facilities and recreation facilities (outdoors).
- (3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied of all of the following:
 - (a) the development will contribute to achieving the objectives for the zone in which the land is located,
 - (b) the appearance of the development, from both the Murray River and adjacent river front area, will be compatible with the surrounding area,
 - (c) the development is not likely to cause environmental harm such as:
 - (i) pollution or siltation of the Murray River, or
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or
 - (iii) an adverse effect on drainage patterns,
 - (d) the development will only cause minimal visual disturbance to the existing landscape,
 - (e) continuous public access, and opportunities to provide continuous public access, along the river front and to the Murray River will not be compromised,
 - (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained.

(4) In this clause:

bed, of the Murray River, means the whole of the soil of the channel in which the river flows, including the portion:

- (a) that is alternatively covered or left bare with a rise or fall in the supply of water, and
- (b) that is adequate to contain the river and its average or mean stage without reference to extraordinary freshets in the time of flood or to extreme droughts.

river bank means the limit of the bed of the Murray River.

river front area means any land within 400 metres of the high bank of the Murray River within Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone E2 Environmental Conservation, Zone E3 Environmental Management, Zone RE1 Public Recreation or Zone RE2 Private Recreation.

Letter from NSW Department of Planning & Infrastructure



Planning

Contact: Graham Judge
Phone: 6229 7906
Fax: 6229 7901
Email: graham.judge@planning.nsw.gov.au
Our ref: 09/00616-2

Mr Les Tomich
General Manager
Albury City Council
PO Box 323
ALBURY NSW 2640

Dear Mr Tomich

Subject: Albury Local Environmental Plan 2010

I refer to the above draft local environmental plan submitted to the Minister under section 69 of the Environmental Planning and Assessment Act 1979.

I am pleased to advise that the Minister has made this plan under section 70 of the Act. In accordance with section 34(5) of the Act, the plan will take effect when it is notified on the NSW Legislation website (www.legislation.nsw.gov.au).

When considering the draft plan the Minister made a number of changes to the plan to ensure that it was consistent with the Standard Instrument LEP, or certain model clauses. In particular the Minister has modified the clause associated with development in the river front area of the Murray River (clause 7.1) and development in the area affected by the Albury Airport (clause 7.4). It is considered that the Minister's changes have not changed Council's policy intentions.

The Minister has also made another change of substance to the plan:

- a) The zoning of certain lands at Table Top (north of Perryman Lane) have been retained as RU1 Primary Production, with a minimum lot size of 100 hectares. Council's proposals to rezone these lands to RU4 Rural Small Holdings and lower the minimum lot sizes are considered to be of such significance that they should be the subject of an individual Planning Proposal that addresses, among other issues, the regional significance of these lands as a transition between the rural lands in the Albury and Greater Hume local government areas, as well as the consistency of the proposed changes with the Rural Lands Planning Principles in the *State Environmental Planning Policy (Rural Lands)* and the section 117 direction 1.5 *Rural Lands*.

The area of land to the south of the Riverina Highway has been deferred to allow Council to prepare the detailed studies into its residential development potential. However, the Department urges Council to ensure that extensive consultation occur with State agencies over the capability of the land. The Department believes that this would best be progressed as a separate Planning Proposal and encourages Council to seek a gateway determination as soon as practicable.

I would like to congratulate Council and its staff for all of the hard work carried out on the plan. I recognise that the plan represents a significant body of planning work and

addresses many planning issues associated with the amalgamation of the former Albury and Hume local environmental plans.

I note that with the completion of the plan Council can now turn its planning effort to the preparation of significant strategic planning exercises at Table Top, Splitters Creek and to produce District and Local Structure Plans for Thurgoona and Wirlinga. Council also now also has the opportunity to prepare planning proposals for its industrial lands at Ettamogah as well as the two planning proposals mentioned above. The Department is willing to provide what ever assistance it can to Council to help complete these important tasks.

Finally, as the Albury LEP 2010 incorporates the proposed rezonings and reclassifications of draft Albury Local Environmental Plan 2000 (Amendment 17), that plan has been allowed to lapse consistent with the provisions of clause 12 of the *Environmental Planning and Assessment Regulation 2000*.

I look forward to continuing to work with Council on the implementation of the Albury LEP 2010.

Should you wish to discuss this advice, please feel free to call me on 4224 9455.

Yours sincerely



Brett Whitworth
Regional Director
Southern Region

13 August 2010

Draft Murray Regional Strategy 2009 – Model Local Provisions

Appendix 3

murray region —
local environmental
plan provisions



The following model local provisions relate to development on river front areas and river based development. They are to be adopted by councils when preparing the local environmental plan for their area, in accordance with the standard instrument for local environment plans and this Regional Strategy.

Note: The River Murray, for the purposes of these clauses, is defined as the waters and the bed and banks of the river, its tributaries as well as associated watercourses and waterbodies, including anabranches, lagoons, lakes, billabongs and wetlands.

Development on river front areas

- (1) The objectives of this clause are to:
- (a) support the natural migration of the river channel, including riverine processes, and
 - (b) protect and improve the bed and bank stability of rivers, and
 - (c) maintain or improve the water quality of rivers, and
 - (d) protect the amenity, scenic landscape values, cultural heritage of rivers and public access to riverine corridors, and
 - (e) conserve and protect riverine corridors, including wildlife habitat.
- (2) Despite any other provision of this Plan, development may only be carried out, with development consent, on land in the river front area for the following purposes:
- (a) a boat launching ramp, boat repair facility, boat shed, charter and tourism boating facility or marina,
 - (b) the extension or alteration of an existing building that is wholly or partly in the river front area (provided that the extension or alteration will be located no closer to the river bank than the existing building),
 - (c) environmental protection works,
 - (d) extensive agriculture and intensive plant agriculture,
 - (e) walking trails, cycleways, picnic facilities, recreation areas and recreation facilities (outdoors).
- (3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied of all the following:
- (a) the appearance of the development, from both the river and adjacent river front area, will be compatible with the surrounding area,
 - (b) the development is not likely to cause environmental harm such as:
 - (i) pollution or siltation of the river, or
 - (ii) an adverse effect on surrounding uses, riverine habitat, wetland areas, flora or fauna habitats, or
 - (iii) an adverse effect on drainage patterns,
 - (c) the development will only cause minimal visual disturbance to the existing landscape,
 - (d) continuous public access, and opportunities to provide continuous public access, along the river front and to the river will not be compromised,
 - (e) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained.

River based development

- (1) The objective of this clause is to:
- (a) Maintain and improve the quality of water in rivers,
 - (b) Protect the environmental values, scenic amenity and cultural heritage of rivers,
 - (c) Protect the stability of the bed and bank of rivers,
 - (d) Limit the impact of structures in rivers on natural riverine processes and navigability of rivers.
- (2) This clause applies to the bed and bank of a river.
- (3) Consent must not be granted for a development on land described in subclause (2) except for the following purposes:
- (a) environmental protection works,
 - (b) boat launching ramp, mooring, jetty,
 - (c) charter and tourism boating facility,
 - (d) retaining walls, steps or stairs.
- (4) Before granting consent under subclause (3), the consent authority must be satisfied that:
- (a) the development will contribute to the achieving of the objectives of the zone in which the land is located, and
 - (b) the development, or use of the development, will not increase erosion, and
 - (c) any proposed structure will not be located on an outside bend of the river, and
 - (d) the appearance of any proposed structure, from both the watercourse and the adjacent land, will be compatible with the surrounding area, and
 - (e) the development will not cause an adverse effect on riverine habitat or flora and fauna habitat, and
 - (f) the development will not cause an adverse effect on drainage or flow patterns, and



Murray Region local environmental plan provisions

(g) no more than one mooring per allotment or holding will be established.

Note: State Environmental Planning Policy (Infrastructure) 2007 may allow other uses such as waterway or foreshore management activities, flood mitigation works or soil conservation works in the bed or on the bank of a river.

Drafting direction

The following definitions must be included in the Dictionary.

bed, of a river, means the whole of the soil of the channel in which the river flows, including the portion:

- (a) that is alternatively covered or left bare with a rise or fall in the supply of water, and
- (b) that is adequate to contain the river and its average or mean stage without reference to extraordinary freshets in the time of flood or to extreme droughts.

river means the [...] River, the [...] River and the [...] River.

river front area means the land between the river front building line and the bank of the nearest river or if there is no river front building line:

- (a) in Zone R5 Large Lot Residential or an urban release area—the land within 40 metres of the high bank of the river, or
- (b) in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Rural Small Holdings, Zone RU6 Transition, Zone SP3 Tourist, Zone E2 Environmental Conservation or Zone E3 Environmental Management—the land within 100 metres of the high bank of the river.

river bank means the limit of the bed of a river.

River Front Building Line Map means the [...] Local Environmental Plan [Year] River Front Building Line Map.

river front building line means the line shown as the river front building line on the River Front Building Line Map

urban release area means an area of land shown hatched and lettered 'Urban Release Area' on the Urban Release Area Map.

Urban Release Area Map means the [...] Local Environmental Plan [Year] Urban Release Area Map.

River Front Area Clauses in other Gazetted or Publicly Exhibited LEPs

Draft Greater Hume Local Environmental Plan 2011 – Public Exhibition, 20 October 2011

6.4 Development on river front areas [local]

- (1) The objectives of this clause are to:
 - (a) support the natural riverine processes, including migration of the river channel, and,
 - (b) protect and improve the bed and bank stability of rivers, and
 - (c) manage and maintain the water quality of the rivers, and
 - (d) protect the amenity, scenic landscape values, cultural heritage of rivers and public access to riverine corridors, and
 - (e) preserve and protect riverine corridors, including wildlife habitat.
- (2) Despite any other provisions of the Plan, development may only be carried out on land in the river front area for the following purposes (provided that purpose is permitted in the zone in which the river front zone is located):
 - (a) a boat launching ramp, boat building and repair facility, boat shed, charter and tourism boating facility, marina or water recreation structure,
 - (b) the extension or alteration of an existing lawful building that is wholly or partly in the river front area (provided that the extension or alteration will be located no closer to the river bank than the existing building),
 - (c) environmental protection works,
 - (d) extensive agriculture and intensive plant agriculture,
 - (e) cycleways, picnic facilities, environmental facilities, recreation areas, recreation facilities (outdoors) (provided any associated buildings will not be located within the river front area).
- (3) If development consent is required for development for a purpose referred to in subclause (2), the development consent must not be granted under subclause (2) unless the consent authority is satisfied that:
 - (a) the appearance of the development, from the river and adjacent river front area, will be compatible with the surrounding area, and
 - (b) the development is not likely to cause environmental harm such as:
 - (i) pollution and siltation of the river, or,
 - (ii) an adverse affect on surrounding uses, riverine habitat, wetland areas, flora and fauna habitats, or,
 - (iii) an adverse impact on drainage patterns.
 - (c) the development will only cause minimal visual disturbance to the existing landscape, and
 - (d) continuous public access, and opportunities to provide public access, along the river front and to the river will not be compromised, and
 - (e) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained.

river front area means the land between the river front building line and the bank of the nearest river or if there is no river front building line:

- (a) in Zone R2 Low Density Residential, Zone R5 Large Lot Residential and Zone RU5 Village – the land within 40 metres of the high bank of the river or the full supply level of Lake Hume, or
- (b) in Zone RU1 Primary Production, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone W1 Natural Waterways and Zone W2 Recreational Waterways, - the land within 100 metres of the high bank of the river or the full supply level of Lake Hume.

Note. The river front building line is identified on the Riparian Land Map.

6.5 Development on river front areas

- (1) The objectives of this clause are to:
 - (a) support the natural riverine processes, including the migration of the river channel, and
 - (b) protect and improve the bed and bank stability of rivers, and
 - (c) manage and maintain the water quality of rivers, and
 - (d) protect the amenity, scenic landscape values, cultural heritage of rivers and public access to riverine corridors, and
 - (e) conserve and protect riverine corridors, including wildlife habitat.
- (2) Despite any other provision of this Plan, development may only be carried out on land in the river front area for the following purposes (provided that the purpose is permitted in the zone in which the river front area is located):
 - (a) a boat launching ramp, boat repair facility, boat shed, charter and tourism boating facility, marina or water recreation structure,
 - (b) the extension or alteration of an existing building that is wholly or partly in the river front area (provided that the extension or alteration will be located no closer to the river bank than the existing building),
 - (c) environmental protection works,
 - (d) extensive agriculture and intensive plant agriculture,
 - (e) cycleways, picnic facilities, environmental facilities, recreation facilities and recreation facilities (outdoors) (provided any associated buildings will not be located within the river front area).
- (3) If development consent is required for development for a purpose referred to in subclause (2), the development consent must not be granted under subclause (2) unless the consent authority is satisfied that:
 - (a) the appearance of the development, from both the river and adjacent river front area, will be compatible with the surrounding area, and
 - (b) the development is not likely to cause environmental harm such as:
 - (i) pollution or siltation of the river, or
 - (ii) an adverse effect on surrounding uses, riverine habitat, wetland areas, flora or fauna habitats, or
 - (iii) an adverse effect on drainage patterns, and
 - (c) the development will only cause minimal visual disturbance to the existing landscape, and
 - (d) continuous public access, and opportunities to provide continuous public access, along the river front and to the river will not be compromised, and
 - (e) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained.

river front area means the land between the river front building line and the bank of the nearest river or if there is no river front building line:

- (a) in Zone RU5 Village—the land within 40 metres of the high bank of the river, or
- (b) in Zone RU1 Primary Production, Zone RU3 Forestry and Zone RU4 Rural Small Holdings—the land within 100 metres of the high bank of the river.

7.3 Development on river front areas

- (1) The objectives of this clause are to:
 - (a) support the natural riverine processes, including the migration of the river channel, and
 - (b) protect and improve the bed and bank stability of rivers, and
 - (c) manage and maintain the water quality of rivers, and
 - (d) protect the amenity, scenic landscape values, cultural heritage of rivers and public access to riverine corridors, and
 - (e) conserve and protect riverine corridors, including wildlife habitat.
- (2) Despite any other provision of this Plan, development may only be carried out on land in the river front area for the following purposes (provided that the purpose is permitted in the zone in which the river front area is located):
 - (a) a boat launching ramp, boat repair facility, boat shed, charter and tourism boating facility, marina or water recreation structure,
 - (b) the extension or alteration of an existing building that is wholly or partly in the river front area (provided that the extension or alteration will be located no closer to the river bank than the existing building),
 - (c) environmental protection works,
 - (d) extensive agriculture and intensive plant agriculture,
 - (e) cycleways, picnic facilities, environmental facilities, recreation facilities and recreation facilities (outdoors) (provided any associated buildings will not be located within the river front area).
- (3) If development consent is required for development for a purpose referred to in subclause (2), the development consent must not be granted under subclause (2) unless the consent authority is satisfied that:
 - (a) the appearance of the development, from both the river and adjacent river front area, will be compatible with the surrounding area, and
 - (b) the development is not likely to cause environmental harm such as:
 - (i) pollution or siltation of the river, or
 - (ii) an adverse effect on surrounding uses, riverine habitat, wetland areas, flora or fauna habitats, or
 - (iii) an adverse effect on drainage patterns, and
 - (c) the development will only cause minimal visual disturbance to the existing landscape, and
 - (d) continuous public access, and opportunities to provide continuous public access, along the river front and to the river will not be compromised, and
 - (e) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained.

river front area means the land between the river front building line and the bank of the nearest river or if there is no river front building line:

- (a) in Zone RU5 Village—the land within 40 metres of the high bank of the river, or
- (b) in Zone RU1 Primary Production, Zone RU3 Forestry, Zone RU4 Rural Small Holdings and Zone E3 Environmental Management — the land within 100 metres of the high bank of the river.

7.6 Development on river front areas [local]

- (1) The objectives of this clause are as follows:
 - (a) to support natural riverine processes, including migration of the river channel,
 - (b) to protect and improve the bed and bank stability of rivers,
 - (c) to maintain or improve the water quality of rivers,
 - (d) to protect the amenity, scenic landscape values, cultural heritage of rivers and public access to riverine corridors,
 - (e) to conserve and protect riverine corridors, including wildlife habitat.
- (2) Despite any other provision of this Plan, development may only be carried out, with development consent, on land in the river front area for the following purposes, if the purposes are permitted in the zone in which the river front area is located:
 - (a) a boat launching ramp, boat repair facility, boat shed, charter and tourism boating facility or marina,
 - (b) the extension or alteration of an existing building that is wholly or partly in the river front area (provided that the extension or alteration will be located no closer to the river bank than the existing building),
 - (c) extensive agriculture and intensive plant agriculture,
 - (d) recreation areas and recreation facilities (outdoors), provided any associated buildings is located outside the river front area;
- (3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that:
 - (a) the appearance of the development, from both the river and adjacent river front area, will be compatible with the surrounding area, and
 - (b) the development is not likely to cause environmental harm such as:
 - (i) pollution or siltation of the river, or
 - (ii) an adverse effect on surrounding uses, riverine habitat, wetland areas, flora or fauna habitats, or
 - (iii) an adverse effect on drainage patterns, and
 - (c) the development will only cause minimal visual disturbance to the existing landscape, and
 - (d) continuous public access, and opportunities to provide continuous public access, along the river front and to the river will not be compromised, and
 - (e) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of the surrounding land will be maintained.

7.6 Development on river front areas [local]

- (1) The objectives of this clause are as follows:
 - (a) to support natural riverine processes, including migration of the river channel,
 - (b) to protect and improve the bed and bank stability of rivers,
 - (c) to maintain or improve the water quality of rivers,
 - (d) to protect the amenity, scenic landscape values, cultural heritage of rivers and public access to riverine corridors,
 - (e) to conserve and protect riverine corridors, including wildlife habitat.
- (2) Despite any other provision of this Plan, development may only be carried out, with development consent, on land in the river front area for the following purposes, if the purposes are permitted in the zone in which the river front area is located:
 - (a) a boat launching ramp, boat building and repair facility, boat shed, charter and tourism boating facility or marina,
 - (b) the extension or alteration of an existing building that is wholly or partly in the river front area (provided that the extension or alteration will be located no closer to the river bank than the existing building),
 - (c) extensive agriculture and intensive plant agriculture,
 - (d) recreation areas and recreation facilities (outdoors), provided any associated buildings is located outside the river front area;
- (3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that:
 - (a) the appearance of the development, from both the river and adjacent river front area, will be compatible with the surrounding area, and
 - (b) the development is not likely to cause environmental harm such as:
 - (i) pollution or siltation of the river, or
 - (ii) an adverse effect on surrounding uses, riverine habitat, wetland areas, flora or fauna habitats, or
 - (iii) an adverse effect on drainage patterns, and
 - (c) the development will only cause minimal visual disturbance to the existing landscape, and
 - (d) continuous public access, and opportunities to provide continuous public access, along the river front and to the river will not be compromised, and
 - (e) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of the surrounding land will be maintained.

river front area means the land between the river front building line and the bank of the nearest river or if there is no river front building line:

- (a) in Zone RU5 Village, R1 General Residential, R2 Low Density Residential, R5 Large Lot Residential, SP3 Tourism, B2 Local Centre, - the land within 40 metres of the high bank of the river, or
- (b) in Zone RU1 Primary Production, Zone RU3 Forestry and Zone E3 Environmental Management - the land within 100 metres of the high bank of the river.