
PLANNING PROPOSAL



Amendment to Albury Local Environmental Plan 2010

Correction of a Land Use Zoning Error

**937 Waugh Road, North Albury &
Part 467 Caroline Avenue, North Albury**

Prepared by
AlburyCity Council

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PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The primary objective and intended outcome of this Planning Proposal is to correct a land use zoning error in the Albury Local Environmental Plan 2010 (ALEP 2010). The error is the incorrect public recreation zoning which exists on a number of private landholder properties, being No. 937 Waugh Road, North Albury (Lot 1, DP 1115596) and No. 467 Caroline Avenue (Part Lot A, DP 397651) (aerial photograph - locality plan shown at Figure 1). The land use zone is currently 'RE1 Public Recreation Zone'. The correct land use zone is 'R1 General Residential Zone' which is reflective of the previous and historic land use zoning of the subject land under previous planning instruments.

Investigations confirm that the previous residential zoning (Living Area Zone) of the subject land dates back to the Albury Local Environmental Plan 1995 that was gazetted 4 April 1996 and this was continued under the Albury Local Environmental Plan 2000 that was gazetted 28 July 2000.

This Planning Proposal will allow the landowner of the subject land to undertake normal domestic and other land use activities which are suited to privately owned residential zoned land (as previously applied).

PART 2 – EXPLANATION OF PROVISIONS

This Planning Proposal seeks to amend ALEP 2010 as outlined below:

- amend the Land Zoning Map – Sheet LZN_004 as it applies to the subject land, being No. 937 Waugh Road, North Albury (Lot 1, DP 1115596) and No. 467 Caroline Avenue (Part Lot A, DP 397651) from 'RE1 Public Recreation Zone' to 'R1 General Residential Zone' (in accordance with the proposed Land Zoning Map shown in Appendices), and
- amend the Lot Size Map – Sheet LSZ_004 as it applies to the subject land, being No. 937 Waugh Road, North Albury (Lot 1, DP 1115596) and No. 467 Caroline Avenue (Part Lot A, DP 397651) from 'no minimum lot size' to '450 square metres' (in accordance with the proposed Lot Size Map shown in Appendices).

PART 3 – JUSTIFICATION

It is reiterated that the primary purpose of this Planning Proposal is to correct a mapping error that resulted in the inadvertent rezoning of the subject land to 'RE1 Public Recreation Zone' when the ALEP 2010 was made.

This Planning Proposal seeks to reinstate a like residential zoning similar to that which has applied to the subject land under previous planning instruments since 4 April 1996.

Section A - Need for the planning proposal.

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

This Planning Proposal is not the result of any strategic study or report. As mentioned above, this Planning Proposal is simply being undertaken to correct a mapping error.

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

This Planning Proposal is considered the best means of achieving the relevant objectives and intended outcomes, being to reinstate a like residential zone similar to that which previously applied to the subject land. No alternatives are available.

3. Is there a net community benefit?

It is reiterated that the subject land was inadvertently rezoned to 'RE1 Public Recreation Zone' when ALEP 2010 was made. This was a mapping error as there was no specific request from the current owners to have their land rezoned and Council does not have any intention of acquiring the land for public recreation purposes.

For all intents and purposes the physical condition and use of the subject land has not changed from when it was previously zoned residential, therefore, there is no substantive change to the planning provisions. The subject land is privately owned and ownership status is not expected to alter.

Accordingly, impacts on net community benefit are considered to be neutral and therefore do not require further discussion and/or analysis in this instance.

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)?

This Planning Proposal is not inconsistent with the objectives and actions contained within the draft Murray Regional Strategy.

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* is Council's local strategic planning document.

The Albury 2030 Plan includes as one of its Strategic Actions:

Ensure policies to facilitate sustainable growth and housing choice without compromising Albury's values.

This Planning Proposal will, through the reinstatement of a like residential zoning similar to that which previously applied to the subject land, assist sustainable growth and housing choice.

This Planning Proposal will also allow the landowner of the subject land to undertake normal domestic and other land use activities which are suited to privately owned residential zoned land.

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

This Planning Proposal is consistent with State Environmental Planning Policies (refer to Table 1).

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

This Planning Proposal is consistent with Section 117 Directions, with the exception of Direction 4.3 Flood Prone Land and Direction 6.2 Reserving Land for Public Purposes where it is justifiably inconsistent (refer to Table 2).

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?

This Planning Proposal seeks to correct a mapping error by reinstating a like residential zone to that which applied to the subject land under previous planning instruments. Accordingly, likely impacts on threatened species, populations or ecological communities or their habitats are considered to be neutral.

Preliminary investigation confirms that the subject land is not significant in relation to flora and fauna values.

Notwithstanding, any proposal that seeks to further develop the subject land will be subject to development application, assessment (to consider likely impacts) and determination processes.

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

This Planning Proposal seeks to correct a mapping error by reinstating a like residential zone to that which applied to the subject land under previous planning instruments. Accordingly, likely environmental effects are considered to be neutral.

Investigations identify the subject land as a 'Flood Referral Area' on the AlburyCity Flood Referral Area Map – September 1999. A Flood Referral Area is land that may be flood affected, and

consequently, may be subject to a minimum floor level requirement. As mentioned above, any potential flood affectation on the subject land and surrounding residential zoned land is the same as that which applied under previous planning instruments, and accordingly, likely environmental effects and flood risks resulting from this Planning Proposal are considered to be neutral.

Notwithstanding, any proposal that seeks to further develop the subject land will be subject to development application, assessment (to consider likely environmental effects including flooding) and determination processes.

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

This Planning Proposal seeks to correct a mapping error by reinstating a like residential zone to that which applied to the subject land under previous planning instruments. Accordingly, likely social and economic effects on surrounding land are considered to be neutral.

The social and economic impacts of retaining the current zoning (RE1 Public Recreation) on the subject land for the current landowners is substantial insofar as, such zoning would impede their capacity to undertake normal domestic and other land use activities which are suited to privately owned residential zoned land (as previously applied).

Section D - State and Commonwealth interests

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

This Planning Proposal seeks to correct a mapping error by reinstating a like residential zone to that which applied to the subject land under previous planning instruments. Accordingly, likely demands on public infrastructure are considered to be neutral.

Notwithstanding, the subject land is located in an existing urban area, and accordingly, adequate provision of and access to existing public infrastructure is available to assist existing and ongoing land use activities and development on-site.

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

As per Part 4 – Community Consultation, Council seeks that this Planning Proposal be progressed as an expedited Amendment with no requirement for State and Commonwealth public authority consultation.

PART 4 – COMMUNITY CONSULTATION

This Planning Proposal seeks to correct a mapping error by reinstating a like residential zone to that which applied to the subject land under previous planning instruments.

The physical condition and use of the subject land has not changed from when it was previously zoned residential, therefore, there is essentially no substantive change to the planning provisions. In recognition of previous zoning applying to the subject land it is important to note that there is no community expectation that the subject land will be developed for public recreation purposes.

Accordingly, Council seeks that this Planning Proposal be progressed as an expedited Amendment to ALEP 2010 with no requirement for public exhibition and no requirement for State and Commonwealth public authority consultation.

APPENDICES

Figure 1 – Aerial Photograph – Locality Plan



Figure 2 – Albury LEP 2000 Zoning (Previous)

Note: Previous Zone 'Living Area' dates back to Albury LEP 1995 (gazetted 4 April 1996)

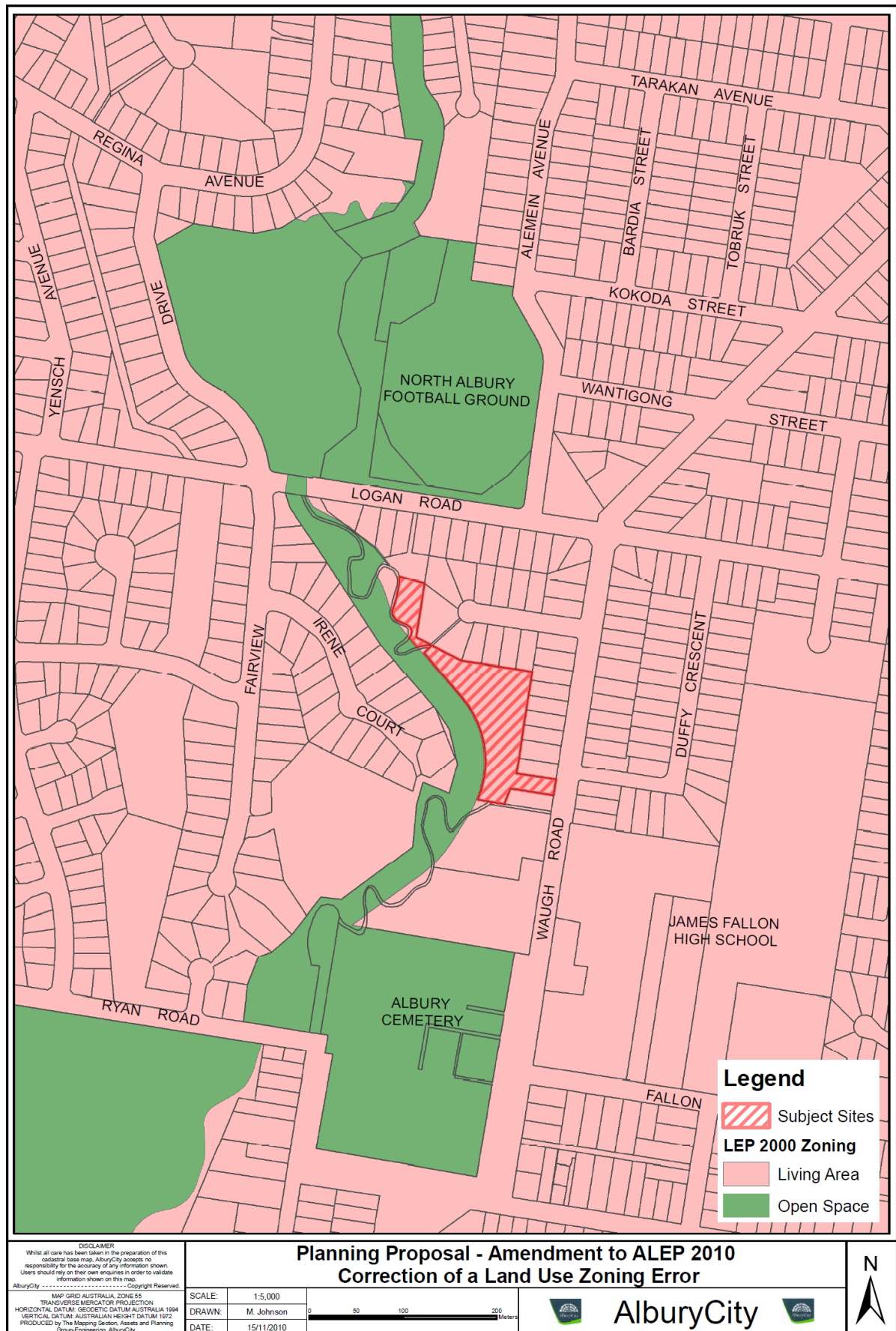
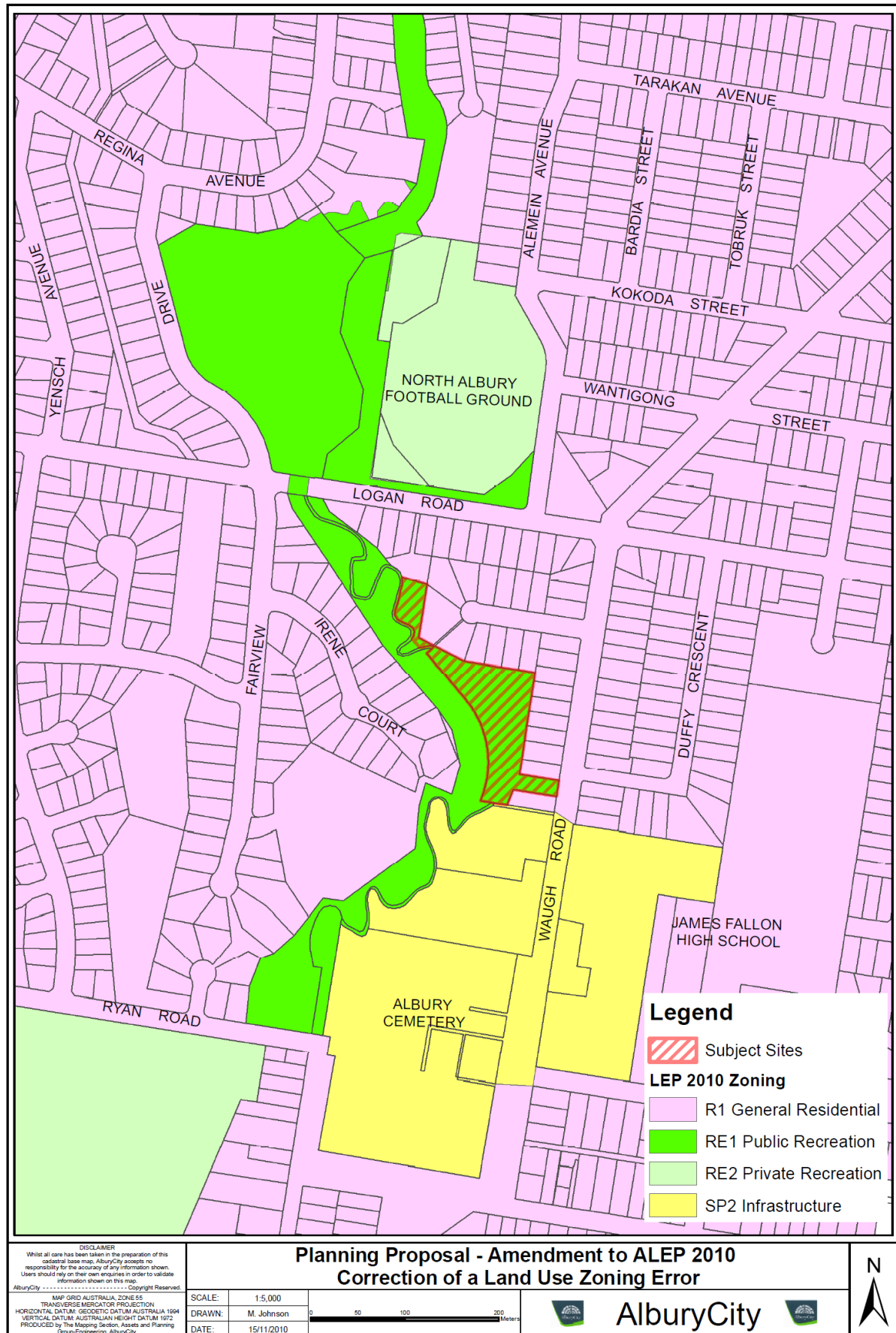


Figure 3 – Albury LEP 2010 Zoning (Current)



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Table 1 – Consideration of State Environmental Planning Policies

No.	SEPP Title	Applicable to Planning Proposal	Consistency
1	State Environmental Planning Policy – Development Standards	No, does not apply to land in the Albury LGA since gazettal of the LEP	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 the LEP	N/A
6	State Environmental Planning Policy – Number of Storeys in a Building	Not applicable	N/A
14	State Environmental Planning Policy – Coastal Wetlands	Not applicable	N/A
15	State Environmental Planning Policy – Rural Landsharing Communities	Not applicable	N/A
19	State Environmental Planning Policy – Bushland in Urban Areas	Not applicable	N/A
21	State Environmental Planning Policy – Caravan Parks	Not applicable	N/A
22	State Environmental Planning Policy – Shops & Commercial Premises	Not applicable	N/A
26	State Environmental Planning Policy – Littoral Rainforests	Not applicable	N/A
29	State Environmental Planning Policy – Western Sydney Recreation Area	Not applicable	N/A
30	State Environmental Planning Policy – Intensive Agriculture	Not applicable	N/A

No.	SEPP Title	Applicable to Planning Proposal	Consistency
32	State Environmental Planning Policy – Urban Consolidation (Redevelopment of Urban Land)	Yes, This Planning Proposal seeks to enable urban land where such land is not longer required for the purposes for which it is currently zoned	Consistent. The subject land is not and never has been required for the purposes for which it is currently zoned. It is noted that the subject land was inadvertently rezoned RE1 Public Recreation when ALEP 2010 was made. This was a mapping error as there was no specific request from the current owners to have their land rezoned and Council does not have any intention of acquiring the land for public recreation purposes. This Planning Proposal seeks to reinstate a like residential zoning similar to that which applied under previous planning instruments. The subject land is located in an existing urban area, and accordingly, adequate provision of and access to existing public infrastructure is available to assist existing and ongoing land use activities and development on-site. It is noted that the physical condition and use of the subject land has not changed from when it was previously zoned residential, therefore, there is no substantive change to the planning provisions. The subject land is privately owned and ownership status is not expected to alter. It is further noted that the subject land and surrounding residential area already has an adequate supply and readily available access to open space areas and parkland.

No.	SEPP Title	Applicable to Planning Proposal	Consistency
	State Environmental Planning Policy – Urban Consolidation (Redevelopment of Urban Land) cont.		A parkland network that caters for a broad range of recreational activities (including active and passive recreation) adjoins and is within 100-200 metre radius of the subject land. This parkland network includes: ▪ Bungambrawatha Creek bike path, ▪ Fredericks Park, ▪ Bunton Park. Accordingly, this Planning Proposal does not derogate from the aims and objectives of this SEPP, as it seeks to enable existing and ongoing residential land use activities and development on the subject land by reinstating an urban zone.
33	State Environmental Planning Policy – Hazardous & Offensive Industry	Not applicable	N/A
36	State Environmental Planning Policy – Manufactured Home Estate	Not applicable	N/A
39	State Environmental Planning Policy – Spit Island Bird Habitat	Not applicable	N/A
41	State Environmental Planning Policy – Casino Entertainment Complex	Not applicable	N/A
44	State Environmental Planning Policy – Koala Habitat Protection	Not applicable	N/A

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No.	SEPP Title	Applicable to Planning Proposal	Consistency
47	State Environmental Planning Policy – Moore Park Showground	Not applicable	N/A
50	State Environmental Planning Policy – Canal Estate Development	Not applicable	N/A
52	State Environmental Planning Policy – Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable	N/A

No.	SEPP Title	Applicable to Planning Proposal	Consistency
53	State Environmental Planning Policy – Metropolitan Residential Development	Not applicable	N/A
55	State Environmental Planning Policy – Remediation of Land	Not applicable	N/A
59	State Environmental Planning Policy – Central Western Sydney Regional Open Space and Residential	Not applicable	N/A
60	State Environmental Planning Policy – Exempt & Complying Development	Not applicable – does not apply to land in the Albury LGA since gazettal of the LEP	N/A
62	State Environmental Planning Policy – Sustainable Aquaculture	Not applicable	N/A
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
70	State Environmental Planning Policy – Affordable Housing (Revised Schemes)	Not applicable	N/A
71	State Environmental Planning Policy – Coastal Protection	Not applicable	N/A

No.	SEPP Title	Applicable to Planning Proposal	Consistency
	State Environmental Planning Policy (Affordable Rental Housing) 2009	Not applicable	N/A
	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not applicable	N/A
	State Environmental Planning Policy (Exempt & Complying Development Codes) 2008	Not applicable	N/A
	State Environmental Planning Policy (Housing for Seniors & People with a Disability) 2004	Not applicable	N/A
	State Environmental Planning Policy (Infrastructure) 2007	Not applicable	N/A
	State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable	N/A
	State Environmental Planning Policy (Major Development) 2005	Not applicable	N/A
	State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007	Not applicable	N/A
	State Environmental Planning Policy (Rural Lands) 2008	Not applicable	N/A
	State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not applicable	N/A

No.	SEPP Title	Applicable to Planning Proposal	Consistency
	State Environmental Planning Policy (Temporary Structures) 2007	Not applicable	N/A
	State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not applicable	N/A
	State Environmental Planning Policy (Western Sydney Parklands) 2009	Not applicable	N/A
	Regional Environmental Plan (deemed State Environmental Planning Policy) Murray REP No. 2 – Riverine Land	Yes, applies to the Albury LGA	Consistent It is reiterated, this Planning Proposal seeks to reinstate a like residential zoning similar to that which applied under previous planning instruments. For all intents and purposes the physical condition and use of the subject land has not changed from when it was previously zoned residential, therefore, there is no substantive change to the planning provisions. Accordingly, this Planning Proposal does not derogate from the aims, objectives, development consent, general and specific planning principles and consultation requirements as provided in the REP.