



PLANNING PROPOSAL

**Inclusion of existing service station as a permitted use in Schedule 1 –
*Albury Local Environmental Plan 2010***

**481 Urana Road
LAVINGTON (Lot 3 SP 41799)**

May 2014

Prepared by:
Blueprint Planning

For:
Steven Ford

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STATEMENT

This Planning Proposal relates to:

The proposed inclusion of the existing service station at 481 Urana Road, Lavington (Lot 3 SP 41799) as a permitted use in Schedule 1 of the *Albury Local Environmental Plan 2010*.

This Planning Proposal has been prepared in accordance with:

- section 55 of the *Environmental Planning and Assessment Act 1979*;
- *A guide to preparing planning proposals* (Department of Planning & Infrastructure, 2012); and
- *A guide to preparing local environmental plans* (Department of Planning & Infrastructure, 2013).

This Planning Proposal has been prepared by:

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Document Control



Ref	Version	Date	Revision Details	Author
1338	1	11/04/14	Initial draft	JL
	2	05/05/14	Draft following ACC comment	JL

EXECUTIVE SUMMARY

This report has been prepared by Blueprint Planning on behalf of Seven Ford in support of the inclusion of the existing service station at 481 Urana Road, Lavington (Lot 3 SP 41799) as a permitted use in Schedule 1 of the *Albury Local Environmental Plan 2010*.

This Planning Proposal is necessary because in 2010 the land was rezoned to a residential zone which prohibited service stations. At this time the then service station was permitted to continue operations provided it did not cease operations for a continuous period of 12 months or more. In approximately July 2010 the Service Station ceased operations.

The objective or intended outcome of this change is to enable the continued use of the existing service station.

This report has been prepared in accordance with:

- section 55 of the *Environmental Planning and Assessment Act 1979*;
- *A guide to preparing planning proposals* (Department of Planning & Infrastructure, 2012); and
- *A guide to preparing local environmental plans* (Department of Planning & Infrastructure, 2013).

Consideration of the Planning Proposal against the above requirements and guidelines demonstrates that the land is suitable 'in principle' for the proposed reuse of 481 Urana Road, Lavington as a service station because:

- all buildings and infrastructure associated with the use of the land as a service station remain in place and is serviceable, except for company branded bowsers and signage;
- there is anecdotal market demand for a service station in the northwest Lavington area which would meet the day to day needs of local residents, businesses, and visitors; and
- the location, size, area, and shape of the land proposed for reuse as a service station represents a considered and orderly development on face value, subject to the prior consent of Albury City Council via a separate and further development application process.

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WORD ABBREVIATIONS/TERMS

Land	481 Urana Road, Lavington (Lot 3 SP 41799)
Planning Proposal	inclusion of the Land in Schedule 1 of the LEP and nomination that development for the purpose of Service Station is permitted with consent
Council; ACC	Albury City Council
DPI	Department of Planning and Infrastructure
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
LEP	<i>Albury Local Environmental Plan 2010</i>
LGA	local government area
Proponent	Steven Ford
SEPP	State Environmental Planning Policy
Service Station	a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following: (a) the ancillary sale by retail of spare parts and accessories for motor vehicles, (b) the cleaning of motor vehicles, (c) installation of accessories, (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration), (e) the ancillary retail selling or hiring of general merchandise or services or both.

1.0 INTRODUCTION

1.1 Preliminary

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

This report has been prepared in support of a request by the Proponent to Council for inclusion of the Land in Schedule 1 of the LEP with nomination that development for the purpose of Service Station is permitted with consent.

The Planning Proposal provides for the reuse of an existing facility which provides a service to meet the day to day needs of local residents, businesses, and visitors.

It is proposed that the Planning Proposal would be determined by Council under delegation from the NSW Minister for Planning.

1.2 Background

The Land was approved for use as a Service Station by Council in February 1993 via Development Consent No. 12/93. Since this time the Land has been continually used and operated as a Service Station until approximately July 2010 when Service Station operations on the Land ceased. (Use of the Land for "retail premises" as defined under the LEP continued however and remain in operation to the present day.)

In August 2010 the LEP came into force and rezoned the Land to 'R1 General Residential Zone' and identified a Service Station as 'prohibited development'.

During the period from when the LEP came in to force to approximately July 2010 the use of the Land as a Service Station was continuously carried out in accordance with 'existing use' provisions of Division 10 of Part 4 of the EP&A Act, however, pursuant to section 107(3) of the EP&A Act, as more than 12 months have passed from approximately July 2010 to the present day 'existing use' provisions formally applying to the Land have expired.

The preparation and implementation of this Planning Proposal therefore is the only legal planning way for the existing Service Station to reopen and continue operations.

1.3 Scope

This Planning Proposal has been prepared in accordance with the legislative and guideline requirements listed in the **Statement** at the beginning of this report, and

have been prepared by Blueprint Planning on behalf of the Proponent pursuant to *A guide to preparing planning proposals* (DPI, 2012, pp. 4-5).

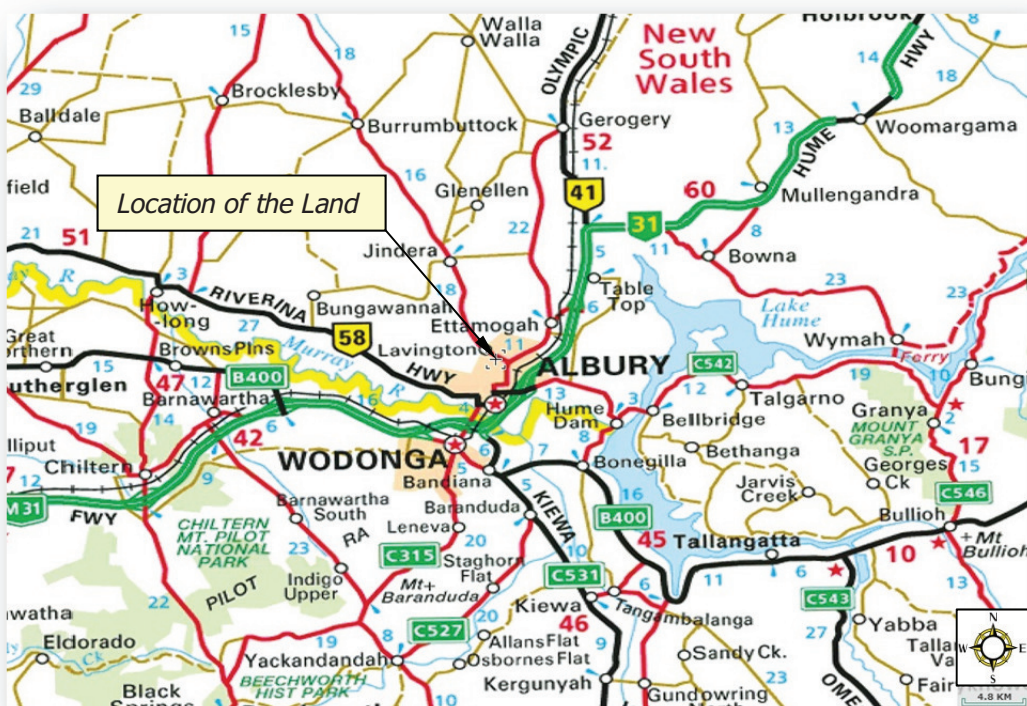
1.4 Site and context description

The Land is located in southern NSW in the Albury suburb of Lavington, situated approximately 1.5 kilometres to the northwest of the Lavington CBD 'five-ways' intersection' along Urana Road.

The location of the Land is shown regionally in **Figure 1: Regional location plan**, locally in **Figure 2: Local location plan**, and an aerial photograph of the Land is shown in **Figure 3: Aerial photograph of the Land**. Title and survey diagrams of the Land are shown in **Appendix A: Title and survey diagrams**.

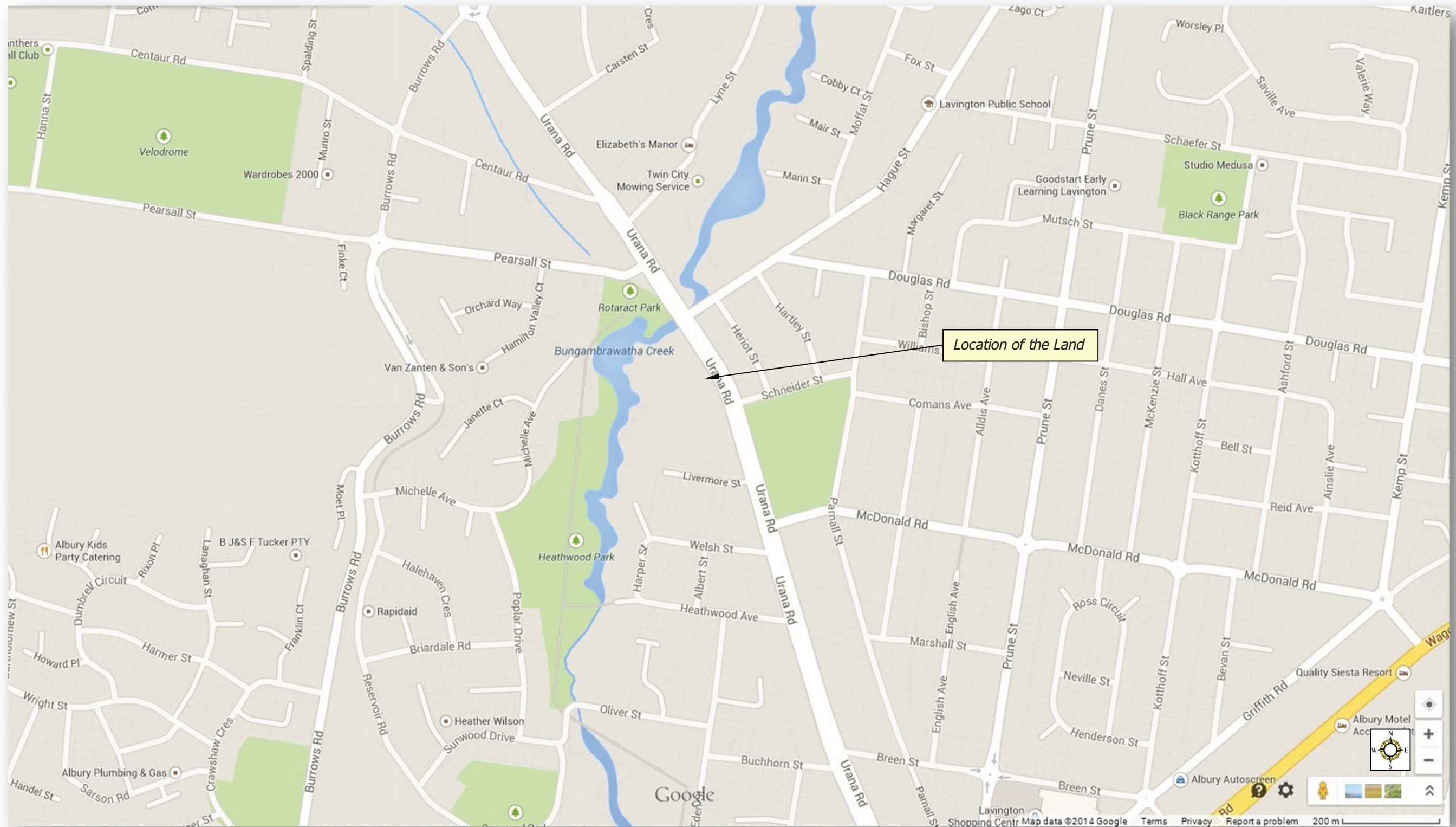
The Land is situated on level land, is 837 square metres in area, and comprises a vacant Service Station site consisting of a single-storey building and driveway bowser awning with dual road access from Urana Road as shown in **Figure 3: Aerial photograph of the Land** and **Appendix B: Photographs of the Land and surrounding area**.

Figure 1: Regional location plan



Source: Street Directory (2014).

Figure 2: Local location plan



Source: Google Maps (2014).

Figure 3: Aerial photograph of the Land



Source: Nearmap (2 February 2014).

2.0 OBJECTIVES OR INTENDED OUTCOMES

The objective or intended outcome of this Planning Proposal is to enable reuse of the existing Service Station at 481 Urana Road, Lavington.

3.0 EXPLANATION OF PROVISIONS

The objectives or intended outcomes mentioned in **Section 2.0: Objectives or intended outcomes** are to be achieved by amending the LEP as shown in **Table 1: Summary of LEP amendment**.

Table 1: Summary of LEP amendment

<i>LEP provision proposed to be amended</i>	<i>Effect of proposed amendment</i>
<i>Schedule 1 Additional permitted uses</i>	Insert – 18 Use of certain land at 481 Urana Road, Lavington (1) This clause applies to land at 481 Urana Road, Lavington, being Lot 3, SP 41799. (2) Development for the purpose of service station is permitted with consent.

4.0 JUSTIFICATION

4.1 Need for the Planning Proposal

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

The preparation of a strategic study or report has not been prepared for the Planning Proposal however this is proportional to the impact that the Planning Proposal will

have, which is considered acceptable under *A guide to preparing planning proposals* (DPI, 2012, p. 10).

It is noted that should the Planning Proposal proceed and before the Service Station could reopen that a fresh development application would need to be lodged with Council and development consent obtained.

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

The inclusion of the Land in Schedule 1 of the LEP and the nomination of Service Station as a permitted use as detailed in **Table 1: Summary of LEP amendment** is considered the best means of achieving the relevant objectives or intended outcomes of the Planning Proposal mentioned in **Section 2.0: Objectives or intended outcomes** as opposed, for example, to a 'spot rezoning' of the Land to a commercial zone.

4.2 Relationship to strategic planning framework

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

The Planning Proposal is consistent with the aims of *Draft Murray Regional Strategy 2009*, which was publicly exhibited in 2009 but not yet finalised, as set out in **Appendix C: Applicable aims of the Draft Murray Regional Strategy 2009**.

(The *Draft Metropolitan Strategy for Sydney to 2031* (NSW Government, 2013) does not apply to the Albury City LGA.)

4.2.2 Is the Planning Proposal consistent with the Council's local strategy or other local strategic plan?

This Planning Proposal is consistent with Council's *Albury 2030: A community strategic plan for Albury* (ACC, 2010) as set out in **Appendix D: Applicable aims of Albury 2030: A Community Strategic Plan for Albury**.

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

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

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

The Planning Proposal is consistent with applicable directions as set out in **Appendix F: Applicable Directions under section 117(2) of the *Environmental Planning and Assessment Act 1979***.

4.3 Environmental, social and economic impact

4.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?

Reuse of the Land as a Service Station in accordance with the Planning Proposal will comprise "biodiversity compliant development" (within the meaning of Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*) as the LEP is a "biodiversity certified EPI" (within the meaning of Part 8 of Schedule 7 of the *Threatened Species Conservation Act 1995*) meaning that any development of the Land is not likely to significantly affect any threatened species, population or ecological community or its habitat.

Any future development of the Land (none proposed or foreseen at this time beyond reuse of the Land as a Service Station) must be carried out in accordance with existing LEP clauses 5.9: *Preservation of trees or vegetation* and 5.9AA: *Trees or vegetation not prescribed by development control plan*.

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

Reuse of the Land as a Service Station in accordance with the Planning Proposal would comprise normal prior checking and testing of existing underground fuel

storage tanks and fuel line plumbing works in accordance with regulated petroleum industry guidelines and standards.

Other possible environmental effects would be investigated and documented in a fresh development application to the Council, including, for example, possible amenity impacts associated with days and hours of operation, traffic generation, noise generation, and new advertising signage etc.

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

The Planning Proposal will allow reuse of the existing Service Station at the Land which will re-provide a service to meet the day to day needs of local residents, businesses, and visitors. If the Service Station so chooses it could also offer basic goods for sale in the fashion that a corner shop in a residential area might. If it was to do this, which is considered likely, it would further meet the day to day needs of local residents, businesses, and visitors.

The extent of the above changes would not significantly impact upon the nearby Lavington CBD retail shopping precinct or any nearby social infrastructure such as public open space or public sporting facilities.

Other social and economic effects would be investigated and documented in a fresh development application to the Council, including, for example, possible amenity impacts to adjoining and nearby private and public property.

The Land is not known to be affected by any Aboriginal or European cultural heritage.

4.4 State and Commonwealth interests

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

The Land is currently supplied with adequate public infrastructure including sealed roads and reticulated services, and no extension or augmentation of existing services is required.

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

Consultation will be carried out with the following public authorities/agencies to be confirmed by the gateway determination issued by the DPI in accordance with section 56(2)(d) of the EP&A Act:

- Roads and Maritime Services.

5.0 MAPPING

The Planning Proposal does not generate or require any LEP mapping changes.

6.0 COMMUNITY CONSULTATION

Community consultation is required under section 56(2)(c) of the EP&A Act and in accordance with *A guide to preparing local environmental plans* (DPI, 2013) as follows:

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

7.0 PROJECT TIMELINE

The anticipated timeframe for processing the Planning Proposal is set out in **Table 2: Project timeline**.

Table 2: Project timeline

<i>Project milestone</i>	<i>Estimated commencement date</i>	<i>Estimated completion date</i>
<i>Anticipated commencement date (date of gateway determination)</i>	4 weeks	TBD
<i>Anticipated timeframe for the completion of required technical information</i>	1 week	TBD
<i>Timeframe for government department and agency consultation (pre and post exhibition as required by gateway determination)</i>	3 weeks	TBD
<i>Commencement and completion dates of public exhibition period</i>	4 weeks	TBD
<i>Dates for public hearing (if required)</i>	Not anticipated to be required.	Not applicable.
<i>Timeframe for consideration of public submissions</i>	2 weeks	TBD
<i>Timeframe for consideration of the Planning Proposal post exhibition</i>	2 weeks	TBD
<i>Date of submission of Planning Proposal to DPI for parliamentary counsel opinion</i>	1 week	TBD
<i>Anticipated date Council will make the plan (if delegated)</i>	TBD	TBD
<i>Anticipated date Council will forward the Planning Proposal to DPI for publication in the Government Gazette</i>	TBD	TBD

APPENDIX A:

Title and survey diagrams

COUNCIL'S CERTIFICATE

The Council of the City of **Albury** having satisfied itself that the requirements of the Strata Titles Act 1973 have been complied with, and that the requirements for the registration of plans have been complied with, it hereby certifies that the plan of the proposed subdivision is correct and that the requirements of the Strata Titles Act 1973 have been complied with.

This approval is given on the condition that the plan is correct and that the requirements of the Strata Titles Act 1973 have been complied with.

are subject to the restriction on user referred to in section 39 of the Strata Titles Act 1973.

Date **27.3.92**
Subdivision No. **2911A**

* Complete, or delete if inapplicable.

17.6.92.

SURVEYOR'S CERTIFICATE

CHARLES FRANKSEN
ESLER & ASSOC. 532 DAVID ST ALBURY

a surveyor registered under the Surveyors Act 1929, hereby certify that:

- (1) any wall, the inner surface of which corresponds substantially with any line shown on the accompanying floor plan as a boundary of a proposed lot, exists;
- (2) any floor or ceiling, the upper or under surface of which forms a boundary of a proposed lot, shown in the accompanying floor plan exists;
- (3) any wall, floor, ceiling or structural cubic space, by reference to which any boundary of a proposed lot shown in the accompanying floor plan is defined, exists;
- (4) any building containing proposed lots is erected on the land shown on the accompanying floor plan and each proposed lot shown on the accompanying floor plan is wholly within the perimeter of the parcel (except to the extent that)
- (a) the building encroaches on a public place;
- (b) the building encroaches on land other than a public place, in respect of which encroachment an appropriate easement has been created by registered instrument under section 88B of the Conveyancing Act 1919.

(5) the survey information recorded in the accompanying location plan is accurate

Signature **Charles Frankesen**
Date **28-2-92**

* Delete if inapplicable
I State whether dealing or plan, and quote registered number

This is sheet 1 of my Plan in **THREE** sheets.

Signatures, seals and statements of intention to create easements, restrictions on the use of land or positive covenants.

PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919, AND SECTION 7 (3) OF THE STRATA TITLES ACT 1973, IT IS INTENDED TO CREATE :-

1) EASEMENT TO DRAIN WATER AND SEWAGE VARIABLE WIDTH.

[Signature]



[Signature]
DIRECTOR

[Signature]
SECRETARY

PLAN OF SUBDIVISION OF LOT A D.P. 33072
AND PART OF PORTION 311

(E)

Murrumbidgee
City : ALBURY

Locality : LAVINGTON

Parish : ALBURY

County : GOULBURN

Reduction Ratio 1: 1250

Lengths are in metres



Name of, and *address for service of notices on, the body corporate
*Address required on original strata plan only.

THE PROPRIETORS STRATA PLAN No 41799
C/- 515 COSSEY STREET
ALBURY 2640

STRATA PLAN 41799

Registered:



21.7.1992

C.A. : No 2911 A OF 27.3.1992

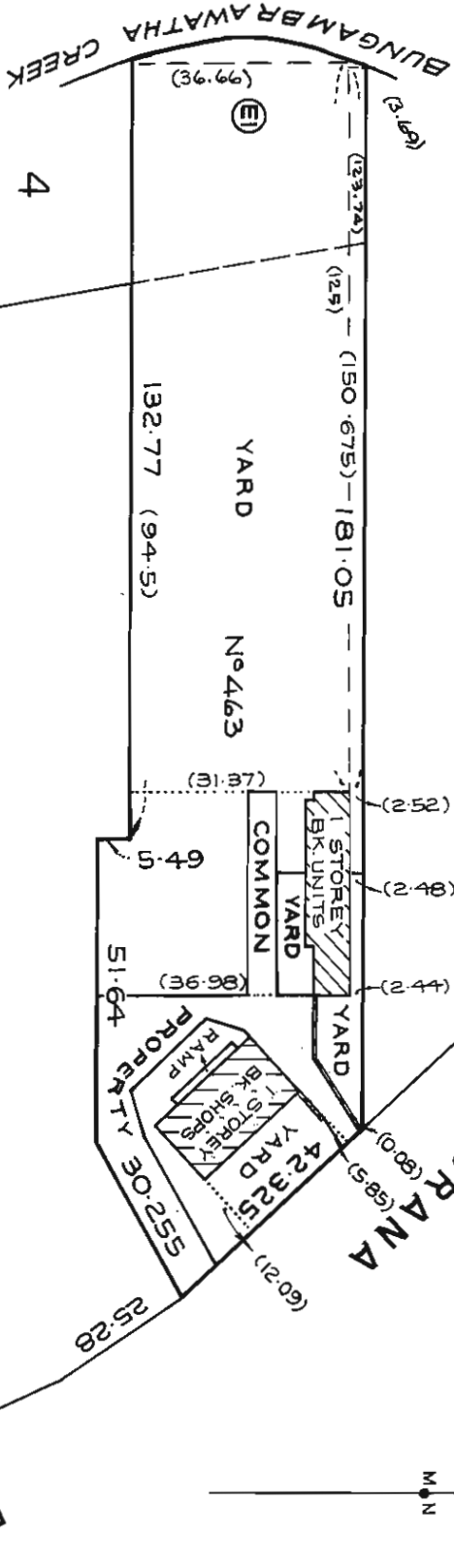
Purpose : SUBDIVISION

Ref. Map : ALBURY SH. 20

Last Plan : D.P. 33072 & PARISH

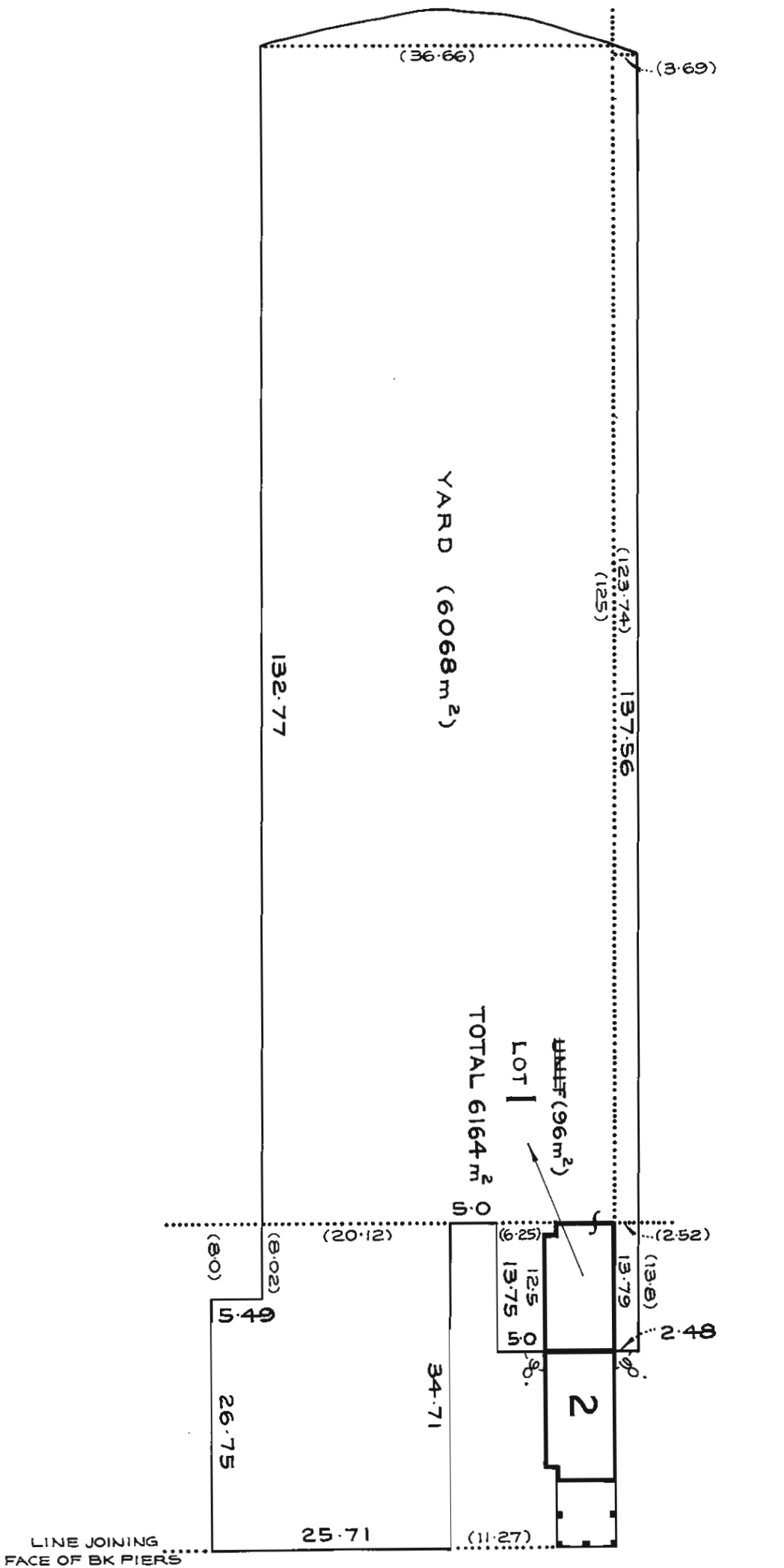
(E) EASEMENT TO DRAIN WATER AND SEWAGE
VARIABLE WIDTH.

LIVERMORE ST



STRATA PLAN 41799

*OFFICE USE ONLY



THE STRATUM OF THE YARD OF LOT 1 EXTENDS BETWEEN 10m BELOW AND 10m ABOVE THE UPPER SURFACE OF THE FLOOR OF THE RESPECTIVE ADJOINING UNIT EXCEPT WHERE COVERED.

..... DENOTES LINE OF FACE OF WALL OR AT RIGHT ANGLES TO THAT LINE.

AREAS ARE APPROXIMATE ONLY.

SCHEDULE OF UNIT ENTITLEMENT		
LOT No.	UNIT ENTITLEMENT	
1	3	3
2	3	3
3	6	6
THE AGGREGATE UNIT ENTITLEMENT 12		

Reduction Ratio 1: 600

Lengths are in metres

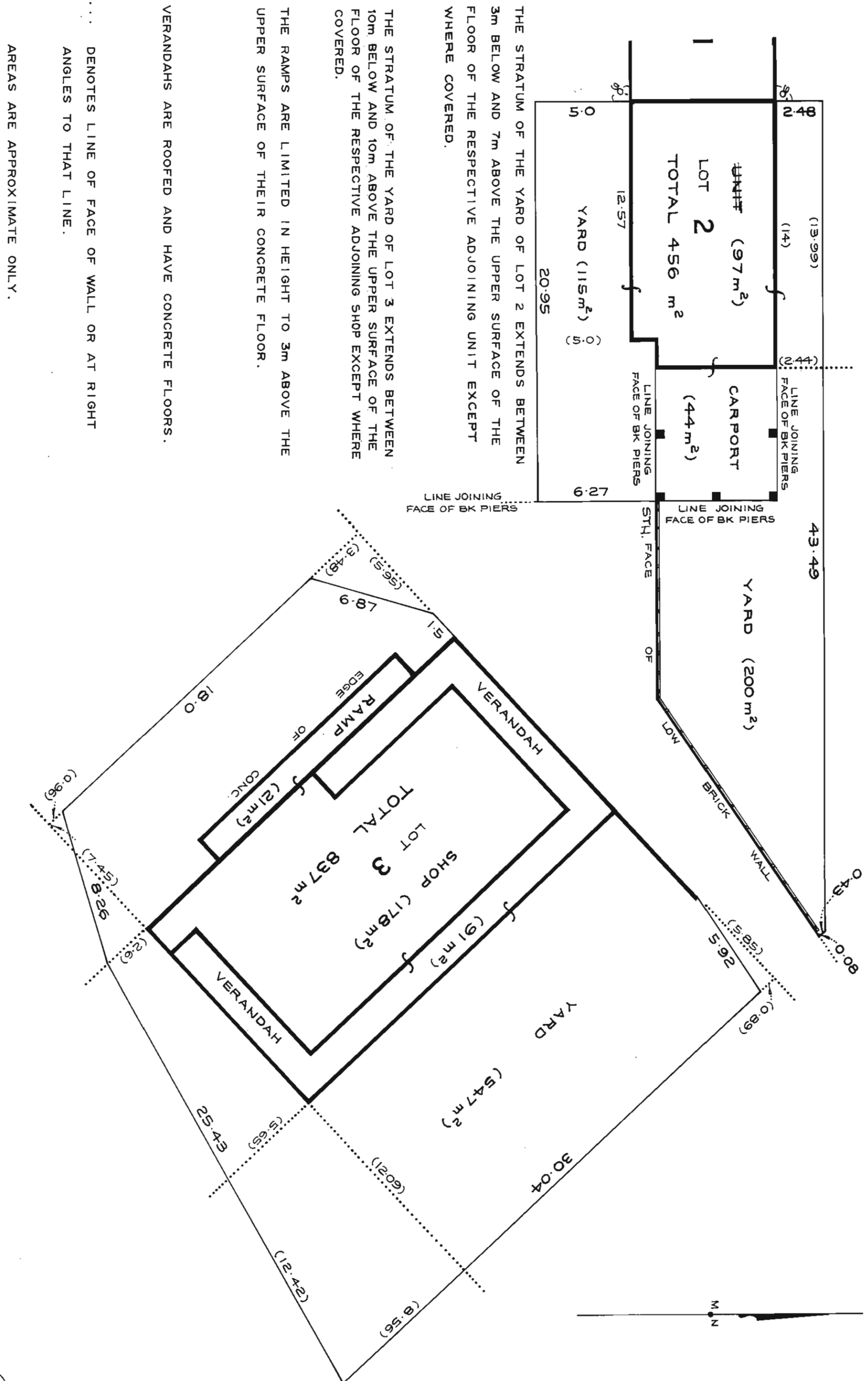
C. K. K. K.
Registered Surveyor

Council Clerk

SURVEYOR'S REFERENCE: 7124/4631

STRATA PLAN 41799

*OFFICE USE ONLY



Reduction Ratio 1: 200

Lengths are in metres

Registered Surveyor

Council Clerk

SURVEYOR'S REFERENCE: 7124/4631



REGISTERED
18/21/7/92



Secretary
Director

The Seal of Hume Building Society Ltd was hereunto affixed under the authority of a resolution of the Board in the presence of and is attested to by one of its Directors and the Secretary whose signatures are set hereto.

J. Veneris
Solicitor
& Firm

Signed in my presence by Andreas Georgiou who is personally known to me.

(S. Veneris)
(S. Veneris)

Common Property
Council of City of Albany
Name of Authority Benefited.

Schedule of Lots etc. affected

1. Identify of easement firstly referred to in the abovementioned plan.
Easement to Drain Water and Sewage variable width.

Full name and address of proprietor of the land.
ANDREAS GEORGIOU
515 Cosser Street, ALBURY
Full name and address of mortgagor of the land.
HUME BUILDING SOCIETY LTD
492 Olive Street, ALBURY

Plan.
SP41799
Plan of Subdivision of Part of Lot A D.P. 33072 and Part Portion 311.

PART 1.

Lengths are in metres
SHEET 1 OF 1 SHEET

INSTRUMENT SETTING OUT TERMS OF EASEMENTS
INTENDED TO BE CREATED
PURSUANT TO SECTION 88B, CONVEYANCING ACT, 1919

10 20 30 40 50 60 70 Table of mm 110 120 130 140

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day. 23rd July 1992



TITLE SEARCH

Title Reference: 1/SP41799

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/SP41799

SEARCH DATE	TIME	EDITION NO	DATE
11/3/2014	3:36 PM	8	16/1/2014

LAND

LOT 1 IN STRATA PLAN 41799
AT LAVINGTON
LOCAL GOVERNMENT AREA ALBURY CITY

FIRST SCHEDULE

TIGGER HOLDINGS PTY LTD (TP AI304068)

SECOND SCHEDULE (1 NOTIFICATION)

1 INTERESTS RECORDED ON REGISTER FOLIO CP/SP41799

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 11/3/2014

Land and Property Information Division

ABN: 84 104 377 806

GPO BOX 15

Sydney NSW 2001

DX 17 SYDNEY

Telephone: 1300 052 637



Land & Property Information

A division of the Department of Finance & Services

TITLE SEARCH

Title Reference: 2/SP41799

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 2/SP41799

SEARCH DATE	TIME	EDITION NO	DATE
11/3/2014	3:36 PM	8	16/1/2014

LAND

LOT 2 IN STRATA PLAN 41799
AT LAVINGTON
LOCAL GOVERNMENT AREA ALBURY CITY

FIRST SCHEDULE

TIGGER HOLDINGS PTY LTD (TP AI304068)

SECOND SCHEDULE (1 NOTIFICATION)

1 INTERESTS RECORDED ON REGISTER FOLIO CP/SP41799

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 11/3/2014

* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE.
WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.

TITLE SEARCH

Title Reference: 3/SP41799

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 3/SP41799

SEARCH DATE	TIME	EDITION NO	DATE
11/3/2014	3:36 PM	9	16/1/2014

LAND

LOT 3 IN STRATA PLAN 41799
AT LAVINGTON
LOCAL GOVERNMENT AREA ALBURY CITY

FIRST SCHEDULE

TIGGER HOLDINGS PTY LTD (TP AI304068)

SECOND SCHEDULE (2 NOTIFICATIONS)

- INTERESTS RECORDED ON REGISTER FOLIO CP/SP41799
- AD594788 LEASE TO BLAIR CLEMENTS & STEPHANIE CLEMENTS BEING
SHOP 1,469 URANA RD, LAVINGTON. EXPIRES: 30/6/2010.
OPTION OF RENEWAL: TWO OF FIVE YEARS.

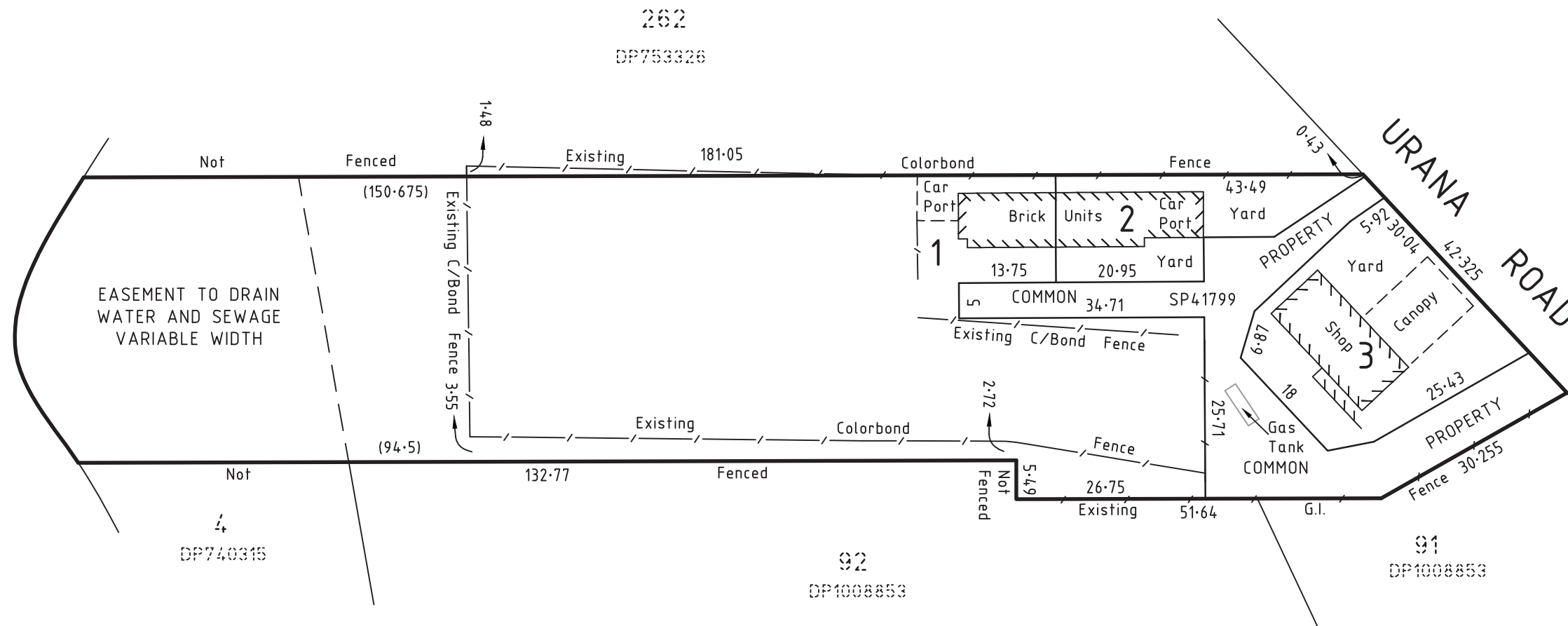
NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 11/3/2014

BUNGAMBRAWATHA
CREEK



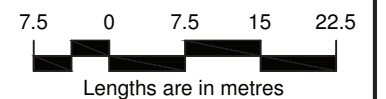
Notations

Date of Survey : 28/1/2014

This plan of re-establishment of title boundaries was completed on 12/3/2014 and has not been examined in the office of land titles.
No responsibility can therefore be accepted for any future differences in boundary definition which may result from re-surveys of adjoining lands or subsequent registration in the land titles office of new survey plans.

Plan of Existing Strata Boundaries SP41799 481 Urana Road, Lavington

Scale A3
1 : 750



Co-ordinate Datum	MGA55	Sheet	1	of	2
Drawing No.	300157P00	Version	2		
CAD Ref.	F:\30\300157\300157-SUB				
Drawn By	ES	Checked By		Date	12/3/2014
A	Sheet 2 (Aerial photo) added				9/4/2014
REV	AMENDMENT			APPROVED	DATE

spiire
Innovation in
Infrastructure

445 Townsend Street
PO Box 3400
Albury NSW 2640
T 61 2 6051 1300
spiire.com.au



Notations

Date of Survey : 28/1/2014

This plan of re-establishment of title boundaries was completed on 12/3/2014 and has not been examined in the office of land titles.

No responsibility can therefore be accepted for any future differences in boundary definition which may result from re-surveys of adjoining lands or subsequent registration in the land titles office of new survey plans.

Plan of Existing Strata Boundaries SP41799 481 Urana Road, Lavington

Scale A3
1 : 1000
10 0 10 20 30
Lengths are in metres

Co-ordinate Datum	MGA55	Sheet	2	of	2
Drawing No.	300157P00	Version	2		
CAD Ref.	F:\30\300157\300157-SUB				
Drawn By	ES	Checked By		Date	12/3/2014
A	Sheet 2 (Aerial photo) added				9/4/2014
REV	AMENDMENT			APPROVED	DATE

APPENDIX B:

Photographs of the Land and surrounding area



Photograph 1:

The Urana Road frontage of the Land (looking southwest from Urana Road adjacent the Land).



Photograph 2:

The Urana Road frontage of the Land (looking south from Urana Road adjacent the Land).



Photograph 3:

The Urana Road frontage of the Land (looking northwest from Urana Road adjacent the Land).



Photograph 4:

The existing southeastern driveway access to the Land from Urana Road (looking southwest from Urana Road adjacent the Land).



Photograph 5:

The existing northwestern driveway access to the Land from Urana Road (looking southwest from Urana Road adjacent the Land).



Photograph 6:

The southern lot boundary of the Land with adjoining land (looking west from Urana Road adjacent the Land).



Photograph 7:

The Land (looking northwest from the southeastern lot boundary corner of the Land).



Photograph 8:

The Urana Road frontage of the Land (looking northwest from the southeastern lot boundary corner of the Land).



Photograph 9:

The Urana Road frontage of the Land (looking southeast from the northwestern lot boundary corner of the Land).



Photograph 10:

The Land (looking south from the northwestern lot boundary corner of the Land).

APPENDIX C:

Applicable aims of the *Draft Murray Regional Strategy 2009*

Aims of the <i>Draft Murray Regional Strategy 2009</i>	Planning Proposal consistency (Upper Murray Subregion)
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	<u>Consistent</u>: Reticulated sewerage services are currently connected.
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	<u>Consistent</u>: The Planning Proposal provides for the reuse of an existing facility which provides a service to meet the day to day needs of local residents, businesses, and visitors.
Prepare for and manage the significantly aging population and ensure that new housing meets the needs of smaller households and aging populations by encouraging a shift in dwelling mix and type	Not relevant.
Reinforce the role of Albury as the Region's major regional centre and the opportunities in taking advantage of its strategic location and emerging economic strengths, including transport, distribution, manufacturing, health services and education	Not relevant.
Ensure an adequate supply of employment land, particularly in Albury and other major towns to accommodate a projected 3,100 new jobs	Not relevant.
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	Not relevant.
Only consider additional development sites outside of agreed local strategies if they can satisfy the Regional Strategy's Sustainability Criteria	Not relevant.
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.
Recognise, value and protect the cultural and archaeological heritage values of the Region for both Aboriginal and European cultures, including the visual character of rural towns and the cultural landscapes of the Aboriginal people	Not relevant.
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.

APPENDIX D:

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

Aims of the Albury 2030: A Community Strategic Plan for Albury	Planning Proposal consistency (future residential growth/development)
Theme No. 1 – A Growing Economy <i>This theme recognises the need to grow the city and its population so that businesses can confidently increase and expand their workforce.</i> <i>Integrated transport routes will meet the needs of this growing city and connect Albury to the national and global economy by road, rail and air. As a community, we will enhance, promote and maintain the built environment and be a leader in health and education services.</i> <i>Key outcomes have been identified by the community and the strategic actions will help bring the outcomes to life.</i>	<u>Consistent</u>: The Planning Proposal is consistent with “Strategic Action No. 1.5.6: Support and promote business and business opportunities across all sectors to continue to foster economic diversity” under “Outcome 1.5: Promote Albury for industry and business” (p. 29) by facilitating reuse of an existing business facility which will provide a service to meet the day to day needs of residents, businesses, and visitors.
Theme No. 2 – An Enhanced Natural Environment <i>This theme involves improving the health of the Murray River, being a leader in water and waste-water management and protecting local plants and animals.</i> <i>Key outcomes have been identified by the community and strategic actions will bring the outcomes and targets to life.</i> <i>Progress will be measured by working towards short and medium term targets and report results back to the Community.</i>	Not relevant.
Theme No. 3 – A Caring Community <i>This theme involves Albury being recognised as a cultural and creative city that embraces and celebrates its diversity; provides quality health care; supports young people, promotes positive ageing; encourages healthy lifestyles; values knowledge and life-long learning and is recognised nationally as a provider of quality education.</i> <i>Key outcomes have been identified by the community and strategic actions will help bring the outcomes to life.</i> <i>Progress will be measured by working together towards short and medium term targets and results will be reported back to the Community.</i>	Not relevant.
Theme No. 4 – A Leading Community <i>This theme involves establishing strong government and regional networks, empowering the community to contribute to the future direction of the city and providing inclusive decision making processes.</i> <i>Key outcomes have been identified by the community and strategic actions will bring the outcomes to life.</i> <i>Progress will be measured by working together towards short and medium term targets and reporting results back to the community.</i>	<u>Consistent</u>: The Planning Proposal is consistent with relevant Strategic Actions in relation to community engagement under “Outcome 4.1: The community is consulted on all major changes that will affect them” (p. 59) through public notification of this Planning Proposal.

APPENDIX E:

Applicable State Environmental Planning Policies

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
<i>Murray Regional Environmental Plan No. 2 – Riverine Land</i>	No (applies to riverine land being land shown on maps in the plan)			Not applicable to the Land.
<i>SEPP (Affordable Rental Housing) 2009</i>	Yes (applies to NSW)	(a) to provide a consistent planning regime for the provision of affordable rental housing, (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards, (c) to facilitate the retention and mitigate the loss of existing affordable rental housing, (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing, (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing, (f) to support local business centres by providing affordable rental housing for workers close to places of work, (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.	Yes	The Planning Proposal does not derogate the aims of <i>SEPP (Affordable Rental Housing) 2009</i> .
<i>SEPP (Building Sustainability Index: BASIX) 2004</i>	Yes (applies to NSW)	(1) Regulations under the Act have established a scheme to encourage sustainable residential development (the BASIX scheme) under which: (a) an application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and (b) the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled. (2) The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State. (3) This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.	Yes	The Planning Proposal does not derogate the aims of <i>SEPP (Building Sustainability Index: BASIX) 2004</i> .
<i>SEPP (Exempt and Complying Development Codes) 2008</i>	Yes (applies to NSW, with minor exceptions)	This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by: (a) providing exempt and complying development codes that have State-wide application, and (b) identifying, in the general exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and (c) identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act, and (d) enabling the progressive extension of the types of development in this Policy, and (e) providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.	Yes	The Planning Proposal does not derogate the aims of <i>SEPP (Exempt and Complying Development Codes) 2008</i> .
<i>SEPP (Housing for Seniors or People with a Disability) 2004</i>	Yes (applies to NSW, with minor exceptions)	(1) This Policy aims to encourage the provision of housing (including residential care facilities) that will: (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and (b) make efficient use of existing infrastructure and services, and	Yes	The Planning Proposal does not derogate the aims of <i>SEPP (Housing for Seniors or People with a Disability) 2004</i> .

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
		(c) be of good design. (2) These aims will be achieved by: (a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and (b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and (c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.		
SEPP (Infrastructure) 2007	Yes (applies to NSW)	The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by: (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and (b) providing greater flexibility in the location of infrastructure and service facilities, and (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.	Yes	The Planning Proposal does not derogate the aims of SEPP (Infrastructure) 2007.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	No			Not applicable to the Albury City LGA
SEPP (Kurnell Peninsula) 1989	No			Not applicable to the Albury City LGA
SEPP (Major Development) 2005	Yes (applies to NSW)	The aims of this Policy are as follows: (a) (Repealed) (b) (Repealed) (c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant sites for the benefit of the State, (d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes, (e) (Repealed) (f) (Repealed)	Yes	The Planning Proposal does not derogate the aims of SEPP (Major Development) 2005.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes (applies to NSW)	The aims of this Policy are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries: (a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and (b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and (b1) to promote the development of significant mineral resources, and (c) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and (d) to establish a gateway assessment process for certain mining and petroleum (oil and gas)	Yes	The Planning Proposal does not derogate the aims of SEPP (Mining, Petroleum Production and Extractive Industries) 2007.

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
		development: (i) to recognise the importance of agricultural resources, and (ii) to ensure protection of strategic agricultural land and water resources, and (iii) to ensure a balanced use of land by potentially competing industries, and (iv) to provide for the sustainable growth of mining, petroleum and agricultural industries.		
SEPP (Miscellaneous Consent Provisions) 2007	Yes (applies to NSW)	The aims of this Policy are as follows: (a) to provide that the erection of temporary structures is permissible with consent across the State, (b) to ensure that suitable provision is made for ensuring the safety of persons using temporary structures, (c) to encourage the protection of the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration, (d) to provide that development comprising the subdivision of land, the erection of a building or the demolition of a building, to the extent to which it does not already require development consent under another environmental planning instrument, cannot be carried out except with development consent.	Yes	The Planning Proposal does not derogate the aims of SEPP (Miscellaneous Consent Provisions) 2007.
SEPP (Penrith Lakes Scheme) 1989	No			Not applicable to the Albury City LGA
SEPP (Port Botany and Port Kembla) 2013	No			Not applicable to the Albury City LGA
SEPP (Rural Lands) 2008	Yes (applies to NSW, except metropolitan LGAs)	The aims of this Policy are as follows: (a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes, (b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State, (c) to implement measures designed to reduce land use conflicts, (d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations, (e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.	Yes	The Planning Proposal does not derogate the aims of SEPP (Rural Lands) 2008.
SEPP (SEPP 53 Transitional Provisions) 2011	No			Not applicable to the Albury City LGA
SEPP (State and Regional Development) 2011	Yes (applies to NSW)	The aims of this Policy are as follows: (a) to identify development that is State significant development, (b) to identify development that is State significant infrastructure and critical State significant infrastructure, (c) to confer functions on joint regional planning panels to determine development applications.	Yes	The Planning Proposal does not derogate the aims of SEPP (State and Regional Development) 2011.
SEPP (Sydney Drinking Water Catchment) 2011	No			Not applicable to the Albury City LGA
SEPP (Sydney Region Growth Centres) 2006	No			Not applicable to the Albury City LGA
SEPP (Urban Renewal) 2010	No			Not applicable to the Albury City LGA
SEPP (Western Sydney Employment Area) 2009	No			Not applicable to the Albury City LGA
SEPP (Western Sydney Parklands) 2009	No			Not applicable to the Albury City LGA
SEPP No. 1 – Development Standards	No			Not applicable to the Albury City LGA
SEPP No. 14 – Coastal Wetlands	No			Not applicable to the Albury City LGA
SEPP No. 15 – Rural Landsharing Communities	No			Not applicable to the Albury City LGA

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
SEPP No. 19 – Bushland in Urban Areas	No			Not applicable to the Albury City LGA
SEPP No. 21 – Caravan Parks	Yes (applies to NSW)	(1) The aim of this Policy is to encourage: (a) the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and (b) the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and (c) the provision of community facilities for land so used, and (d) the protection of the environment of, and in the vicinity of, land so used.	Yes	The Planning Proposal does not derogate the aims of SEPP No. 21 – Caravan Parks.
SEPP No. 26 – Littoral Rainforests	No			Not applicable to the Albury City LGA
SEPP No. 29 – Western Sydney Recreation Area	No			Not applicable to the Albury City LGA
SEPP No. 30 – Intensive Agriculture	Yes (applies to NSW)	(1) The aims of this Policy are: (a) to require development consent for cattle feedlots having a capacity to accommodate 50 or more head of cattle, and piggeries having a capacity to accommodate 200 or more pigs or 20 or more breeding sows, and (b) to provide for public participation in the consideration of development applications for cattle feedlots or piggeries of this size, and (c) to require that, in determining a development application for cattle feedlots or piggeries of this size, the consent authority is to take into consideration: (i) the adequacy of information provided, and (ii) the potential for odour, water pollution and soil degradation, and (iii) measures to mitigate potential adverse impacts, and (iv) measures for the health and welfare of animals, and (v) relevant guidelines, so as to achieve greater consistency in environmental planning and assessment for cattle feedlots and piggeries. (2) This Policy also aims to extend the definition of the term rural industry where used in environmental planning instruments so as to include within the meaning of that term composting facilities and works, including facilities and works for the production of mushroom substrate.	Yes	The Planning Proposal does not derogate the aims of SEPP No. 30 – Intensive Agriculture.
SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land)	Yes (applies to NSW)	(1) This Policy aims: (a) to promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development, and (b) to implement a policy of urban consolidation which will promote the social and economic welfare of the State and a better environment by enabling: (i) the location of housing in areas where there are existing public infra-structure, transport and community facilities, and (ii) increased opportunities for people to live in a locality which is close to employment, leisure and other opportunities, and (iii) the reduction in the rate at which land is released for development on the fringe of existing urban areas. (2) The objectives of this Policy are: (a) to ensure that urban land suitable for multi-unit housing and related development is made available for that development in a timely manner, and (b) to ensure that any redevelopment of urban land for multi-unit housing and related development will result in: (i) an increase in the availability of housing within a particular locality, or	Yes	The Planning Proposal does not derogate the aims of SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land).

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
		(ii) a greater diversity of housing types within a particular locality to meet the demand generated by changing demographic and household needs, and (c) to specify: (i) the criteria which will be applied by the Minister to determine whether the redevelopment of particular urban land sites is of significance for environmental planning for a particular region, and (ii) the special considerations to be applied to the determination of development applications for multi-unit housing and related development on sites of such significance.		
SEPP No. 33 – Hazardous and Offensive Development	Yes (applies to NSW)	<i>This Policy aims:</i> (a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and (b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Policy, and (c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and (d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and (e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and (f) to require the advertising of applications to carry out any such development.	Yes	The Planning Proposal does not derogate the aims of SEPP No. 33 – Hazardous and Offensive Development.
SEPP No. 36 – Manufactured Home Estates	Yes (applies to NSW)	(1) The aims of this Policy are: (a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and (b) to provide immediate development opportunities for manufactured home estates on the commencement of this Policy, and (c) to encourage the provision of affordable housing in well designed estates, and (d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and (e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and (f) to protect the environment surrounding manufactured home estates, and (g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.	Yes	The Planning Proposal does not derogate the aims of SEPP No. 36 – Manufactured Home Estates.
SEPP No. 39 – Spit Island Bird Habitat	No			Not applicable to the Albury City LGA
SEPP No. 44 – Koala Habitat Protection	No			Not applicable to the Albury City LGA
SEPP No. 47 – Moore Park Showground	No			Not applicable to the Albury City LGA
SEPP No. 50 – Canal Estate Development	Yes (applies to NSW)	<i>This Policy aims to prohibit canal estate development as described in this Policy in order to ensure that the environment is not adversely affected by the creation of new developments of this kind.</i>	Yes	The Planning Proposal does not derogate the aims of SEPP No. 50 – Canal Estate Development.
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management	No			Not applicable to the Albury City LGA

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
<i>Plan Areas</i>				
<i>SEPP No. 55 – Remediation of Land</i>	Yes (applies to NSW)	(1) <i>The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.</i> (2) <i>In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:</i> (a) <i>by specifying when consent is required, and when it is not required, for a remediation work, and</i> (b) <i>by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</i> (c) <i>by requiring that a remediation work meet certain standards and notification requirements.</i>	Yes	The Planning Proposal does not derogate the aims of <i>SEPP No. 55 – Remediation of Land</i>. For the purposes of clause 6 of <i>SEPP No. 55 – Remediation of Land and Managing Land Contamination: Planning Guidelines</i> (DUAP & EPA, 1998) the Land: - is not located within an “investigation area” which means land declared to be an investigation area by a declaration in force under Division 2 of Part 3 of the <i>Contaminated Land Management Act 1997</i>; and - is land on which development for a purpose referred to in Table 1 to the <i>Managing Land Contamination: Planning Guidelines</i> (DUAP & EPA, 1998) is being, or is known to have been, carried out, namely in regard to the known previous use of the Land for a service station.
<i>SEPP No. 59 – Central Western Sydney Regional Open Space and Residential</i>	No			Not applicable to the Albury City LGA
<i>SEPP No. 62 – Sustainable Aquaculture</i>	Yes (applies to NSW, with minor exceptions)	<i>The aims and objectives of this Policy are:</i> (a) <i>to encourage sustainable aquaculture, including sustainable oyster aquaculture, in the State, namely, aquaculture development which uses, conserves and enhances the community’s resources so that the total quality of life now and in the future can be preserved and enhanced, and</i> (b) <i>to make aquaculture development permissible in certain zones under the Standard Instrument, as identified in the NSW Land Based Sustainable Aquaculture Strategy, and</i> (c) <i>to set out the minimum site location and operational requirements for permissible aquaculture development (the minimum performance criteria), and</i> (d) <i>to establish a graduated environmental assessment regime for aquaculture development based on the applicable level of environmental risk associated with site and operational factors (including risks related to climate change, in particular, rising sea levels), and</i> (e) <i>to apply the Policy to land-based aquaculture development and oyster aquaculture development in the State and to include facility for extension of the Policy to natural water-based aquaculture.</i>	Yes	The Planning Proposal does not derogate the aims of <i>SEPP No. 62 – Sustainable Aquaculture</i> .
<i>SEPP No. 64 – Advertising and Signage</i>	Yes (applies to NSW)	(1) <i>This Policy aims:</i> (a) <i>to ensure that signage (including advertising):</i> (i) <i>is compatible with the desired amenity and visual character of an area, and</i> (ii) <i>provides effective communication in suitable locations, and</i> (iii) <i>is of high quality design and finish, and</i> (b) <i>to regulate signage (but not content) under Part 4 of the Act, and</i> (c) <i>to provide time-limited consents for the display of certain advertisements, and</i>	Yes	The Planning Proposal does not derogate the aims of <i>SEPP No. 64 – Advertising and Signage</i> .

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
		(d) to regulate the display of advertisements in transport corridors, and (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.		
SEPP No. 65 – Design Quality of Residential Flat Development	Yes (applies to NSW)	(1) This Policy aims to improve the design quality of residential flat development in New South Wales. (2) This Policy recognises that the design quality of residential flat development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. (3) Improving the design quality of residential flat development aims: (a) to ensure that it contributes to the sustainable development of New South Wales: (i) by providing sustainable housing in social and environmental terms, and (ii) by being a long-term asset to its neighbourhood, and (iii) by achieving the urban planning policies for its regional and local contexts, and (b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and (c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and (d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and (e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions. (4) This Policy aims to provide: (a) consistency of policy and mechanisms across the State, and (b) a framework for local and regional planning to achieve identified outcomes for specific places.	Yes	The Planning Proposal does not derogate the aims of SEPP No. 65 – Design Quality of Residential Flat Development.
SEPP No. 70 – Affordable Housing (Revised Schemes)	No			Not applicable to the Albury City LGA
SEPP No. 71 – Coastal Protection	No			Not applicable to the Albury City LGA

APPENDIX F:

Applicable Directions under section 117(2) of the *Environmental Planning and Assessment Act* **1979**

Local Planning Directions	Applicable?	Requirement	Consistency? (consistent; justifiably inconsistent; inconsistent)
1. Employment and Resources			
1.1 Business and Industrial Zones	No		Although the Land is not located in a business or industrial zone, the Planning Proposal does seek to (re)permit commercial development, which is otherwise consistent with this Direction.
1.2 Rural Zones	No		
1.3 Mining, Petroleum Production and Extractive Industries	No		
1.4 Oyster Aquaculture	No		
1.5 Rural Lands	No		
2. Environment and Heritage			
2.1 Environment Protection Zones	Yes	<i>Environmentally sensitive areas should be protected and conserved</i>	<u>Consistent</u> : The Land is not known to contain any environmentally sensitive areas and the Planning Proposal does not derogate the objective of this Direction.
2.2 Coastal Protection	No		
2.3 Heritage Conservation	Yes	<i>Items, areas, objects and places of environmental heritage significance and indigenous heritage significance should be conserved</i>	<u>Consistent</u> : The Land is not known to contain any items, areas, objects or places of Aboriginal or European cultural heritage significance and the Planning Proposal does not derogate the objective of this Direction.
2.4 Recreation Vehicle Areas	Yes	<i>Sensitive land or land with significant conservation values should be protected from adverse impacts from recreation vehicles</i>	<u>Consistent</u> : No recreation vehicle areas are proposed.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	<i>A variety and choice of housing types to provide for existing and future housing needs is encouraged, as well as making efficient use of and providing access to existing infrastructure and services, and minimising the impact of residential development on the environment and resources</i>	<u>Consistent</u> : The Land contains an existing Service Station previously approved by Council and the Planning Proposal provides for the reuse of this facility which will provide a service to meet the day to day needs of local residents, businesses, and visitors. This is consistent with an 'objective' of the R1 General Residential Zone which is <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents</i> . To re-open the Service Station related environmental effects would be re-investigated and documented in a fresh development application to the Council, including, for example, possible amenity impacts associated with days and hours of operation, traffic generation, noise generation, and new advertising signage etc.
3.2 Caravan Parks and Manufactured Home Estates	Yes	<i>Providing for a variety of housing types and opportunities for caravan parks and manufactured home estates is encouraged</i>	<u>Consistent</u> : The Land does not contain any existing caravan parks or manufactured home estates and the Planning Proposal does not derogate the objective of this Direction.
3.3 Home Occupations	Yes	<i>The carrying out of low-impact small businesses in dwelling houses is encouraged</i>	<u>Consistent</u> : The LEP already allows "home occupation" in the 'R1 General Residential Zone' without the need for development consent.
3.4 Integrating Land Use and Transport	Yes	<i>Ensuring that residential land has access to the existing road and cycle networks is encouraged so as to facilitate access to jobs and services by walking, cycling and public transport, and thereby reduce dependence on cars and reduce travel demand including the number of trips generated and the distances travelled, especially by car</i>	<u>Consistent</u> : The Land has access to the local road network, with Urana Road being a 'main road' under control of the RMS. To re-open the Service Station, related environmental effects would be re-investigated and documented in a fresh development application to the Council, including, for example, possible traffic impacts associated with days and hours of operation, traffic generation, dual commercial and residential use of one accessway etc.
3.5 Development Near Licensed Aerodromes	No		

Local Planning Directions	Applicable?	Requirement	Consistency? (consistent; justifiably inconsistent; inconsistent)
3.6 Shooting Ranges	No		
4. Hazard and Risk			
4.1 Acid Sulfate Soils	No		<u>Consistent</u> : The Land is not known to contain acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	No		<u>Consistent</u> : The Land is not known to be subject to mine subsidence or to be unstable land.
4.3 Flood Prone Land	No		<u>Consistent</u> : Current updated Council flood mapping does not identify the Land as flood prone land.
4.4 Planning for Bushfire Protection	No		<u>Consistent</u> : The Land is not identified as bushfire prone land.
5. Regional Planning			
5.1 Implementation of Regional Strategies	No		<u>Consistent</u> : The <i>Draft Murray Regional Strategy 2009</i> is not relevant to this Direction.
5.2 Sydney Drinking Water Catchments	No		
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No		
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No		
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010.)	No		
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No		
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No		
5.8 Second Sydney Airport: Badgerys Creek	No		
5.9 North West Rail Link Corridor Strategy	No		
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	<i>LEP provisions should encourage the efficient and appropriate assessment of development</i>	<u>Consistent</u> : The Planning Proposal only proposes a change to Schedule 1 of the LEP.
6.2 Reserving Land for Public Purposes	No		
6.3 Site Specific Provisions	Yes	<i>Unnecessarily restrictive site specific planning controls are discouraged</i>	<u>Consistent</u> : The Planning Proposal only proposes a change to Schedule 1 of the LEP.
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	No		
