



PLANNING PROPOSAL

Proposed land use zone transfer:

**E3 Environmental Management Zone &
R1 General Residential Zone
*Albury Local Environmental Plan 2010***

**'Fairway Gardens Estate' –
Fairway Gardens Drive, Snead Place, Ferrier Court & Forest Drive, THURGOONA
(part Lot 757 DP 1186094)**

Prepared by:

Blueprint Planning

For:

Fairway Gardens Thurgoona Pty Ltd

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& DEVELOPMENT

STATEMENT

This Planning Proposal relates to: land use zoning transfer within part Lot 757 DP 1186094 – Fairway Gardens Drive, Snead Place, Ferrier Court & Forest Drive, Thurgoona involving:

- the 'E3 Environmental Management Zone' and 'R1 General Residential Zone'; and
- consequential changes to the Land Zoning Map and Lot Size Map,

under 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).

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& DEVELOPMENT

Document Control



Quality
ISO 9001

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1222	1	03/05/2013	Initial draft	JL
	2	16/05/2013	Draft for ACC lodgement	JL
	3	12/06/2013	Final for ACC lodgement	JL
	4	02/07/2013	Final for ACC lodgement (updated Appendix G)	JL
	5	15/07/2013	Final for ACC lodgement (updated Lot & DP details)	JL

EXECUTIVE SUMMARY

This Planning Proposal relates to land in the Albury suburb of Thurgoona at 'Fairway Gardens Estate' which has access from Fairway Gardens Drive, Snead Place, Ferrier Court, and Forest Drive.

This report has been prepared by Blueprint Planning on behalf of Fairway Gardens Thurgoona Pty Ltd in support of a land use zoning transfer within the above land concerning the 'E3 Environmental Management Zone' and the 'R1 General Residential Zone' under the *Albury Local Environmental Plan 2010* (LEP).

The objective or intended outcome of the Planning Proposal is to enable the development of the land for residential purposes while appropriately offsetting existing land zoned for environmental purposes and providing an alternative solution for environmental connectivity.

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 land use zoning transfer because:

- the rezoning of the land is consistent with a biodiversity values assessment report prepared in consultation with the NSW Office of Environment and Heritage;
- the rezoning of the land is consistent with relevant land use planning strategies, State environmental planning policies, and directions; and
- the location, size, area, and shape of the land proposed to be rezoned represents a considered and orderly response to biodiversity values assessment analysis.

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WORD ABBREVIATIONS/TERMS

Land	part Lot 757 DP 1186094 – Fairway Gardens Drive, Snead Place, Ferrier Court and Forest Drive, Thurgoona proposed to be rezoned in accordance with the Planning Proposal
Planning Proposal	• rezoning of part of the Land from 'R1 General Residential Zone' to 'E3 Environmental Management Zone' with a minimum subdivision lot size of 100 hectares; and • rezoning of part of the Land from 'E3 Environmental Management Zone' to 'R1 General Residential Zone' with a minimum subdivision lot size of 450 square metres
AWDC	Albury-Wodonga Development Corporation (now known as Albury-Wodonga Corporation)
ALUS	<i>Albury Land Use Strategy</i> (GHD, 2007)
BVA	<i>Biodiversity Values Assessment – Planning Proposal: Proposed land use zone swap (E3 Environmental Management Zone & R1 General Residential Zone) under the Albury Local Environment Plan 2010 – 'Fairway Gardens Estate', Thurgoona</i> (Red-Gum Environmental Consulting, 22 February 2013)
Council; ACC	Albury City Council
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
LEP	<i>Albury Local Environmental Plan 2010</i>
LGA	local government area
OEH	NSW Office of Environment and Heritage
Proponent	Fairway Gardens Thurgoona Pty Ltd
RHN	Retained Habitat Network identified in the TTSCS and as applicable to the Land and the surrounding area
SEPP	State Environmental Planning Policy
TTSCS	<i>Thurgoona Threatened Species Conservation Strategy</i> (Albury-Wodonga Development Corporation, 2004)

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 a land use zoning transfer under the LEP within the Land from 'R1 General Residential Zone' to 'E3 Environmental Management Zone' with a minimum subdivision lot size of 100 hectares, and *vice versa* with a minimum subdivision lot size of 450 square metres.

1.2 Background

When the former AWDC prepared the TTSCS one of the implementation methodologies for formulating the locations of the RHN was to consider land in AWDC ownership. Depending upon biodiversity values analysis such land was then assessed for inclusion as either 'E2 Environmental Conservation Zone' or 'E3 Environmental Management Zone' under the ALUS and then in turn the LEP depending upon 'public' or 'private' land ownership of that land at the time the LEP came into force in 2010.

The part of the Land currently zoned 'E3 Environmental Management Zone' comprises the former road reserve of Thurgoona Drive before it was realigned to its current location (to the north), and, as such, the former road reserve was owned by the AWDC at the time the TTSCS was prepared and was therefore included as land for consideration as RHN.

The issue of relevance for the Planning Proposal therefore is to establish the acceptability of providing for an alternative solution to this existing location of the 'E3 Environmental Management Zone' and the aims and objectives that location is trying to serve in terms of the original RHN concept and strategy for the local area.

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* (Department of Planning & Infrastructure, 2012, pp. 4-5).

1.4 Site and context description

The Land is located in southern NSW in the Albury suburb of Thurgoona, situated approximately 6.7 kilometres to the east-northeast of the Lavington CBD, in the residential estate of 'Fairway Gardens', with access from Fairway Gardens Drive, Snead Place, Ferrier Court and Forest Drive.

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 with cadastre information is shown in **Figure 3: Aerial photograph of the Land**. A Title diagram of the Land is shown in **Appendix A: Title diagram**.

The parts of the Land proposed to be rezoned comprise approximately 8,300 square metres (subject to survey) and are described in detail in the BVA report at **Appendix B: Biodiversity Values Assessment**.

1.5 Landscaping of existing drainage reserve

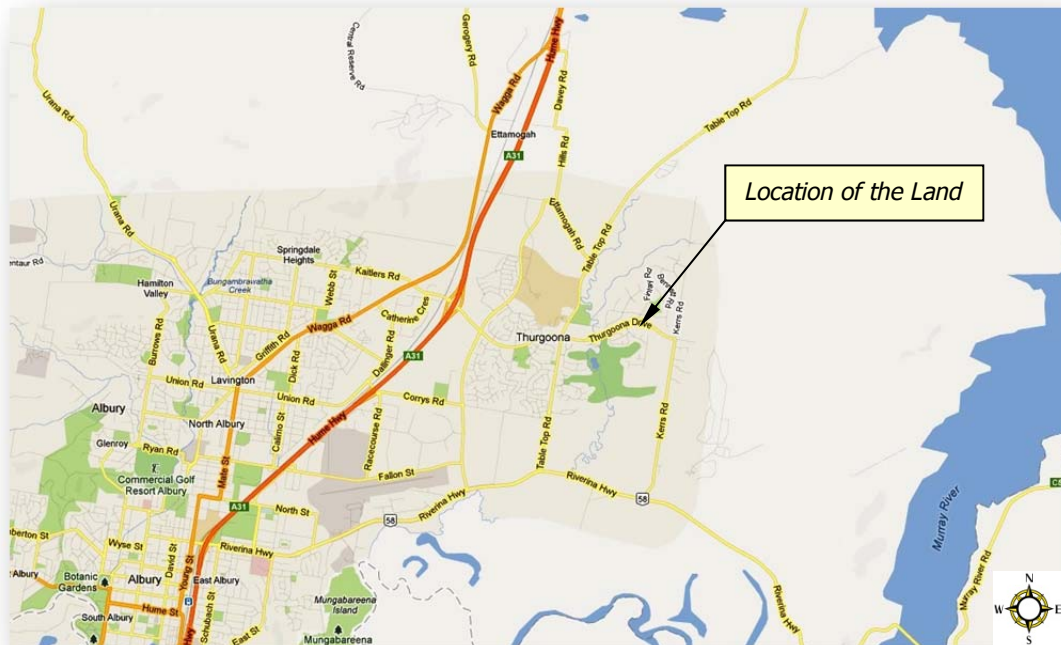
Although not a part of the Planning Proposal but related in terms of providing an alternative solution for environmental connectivity, a concept plan has been prepared for the landscaping of the 'existing drainage reserve' shown in **Figure 4: Proposed land use planning analysis**.

Landscaping would be undertaken at no cost to Council and to the satisfaction of Council.

2.0 OBJECTIVES OR INTENDED OUTCOMES

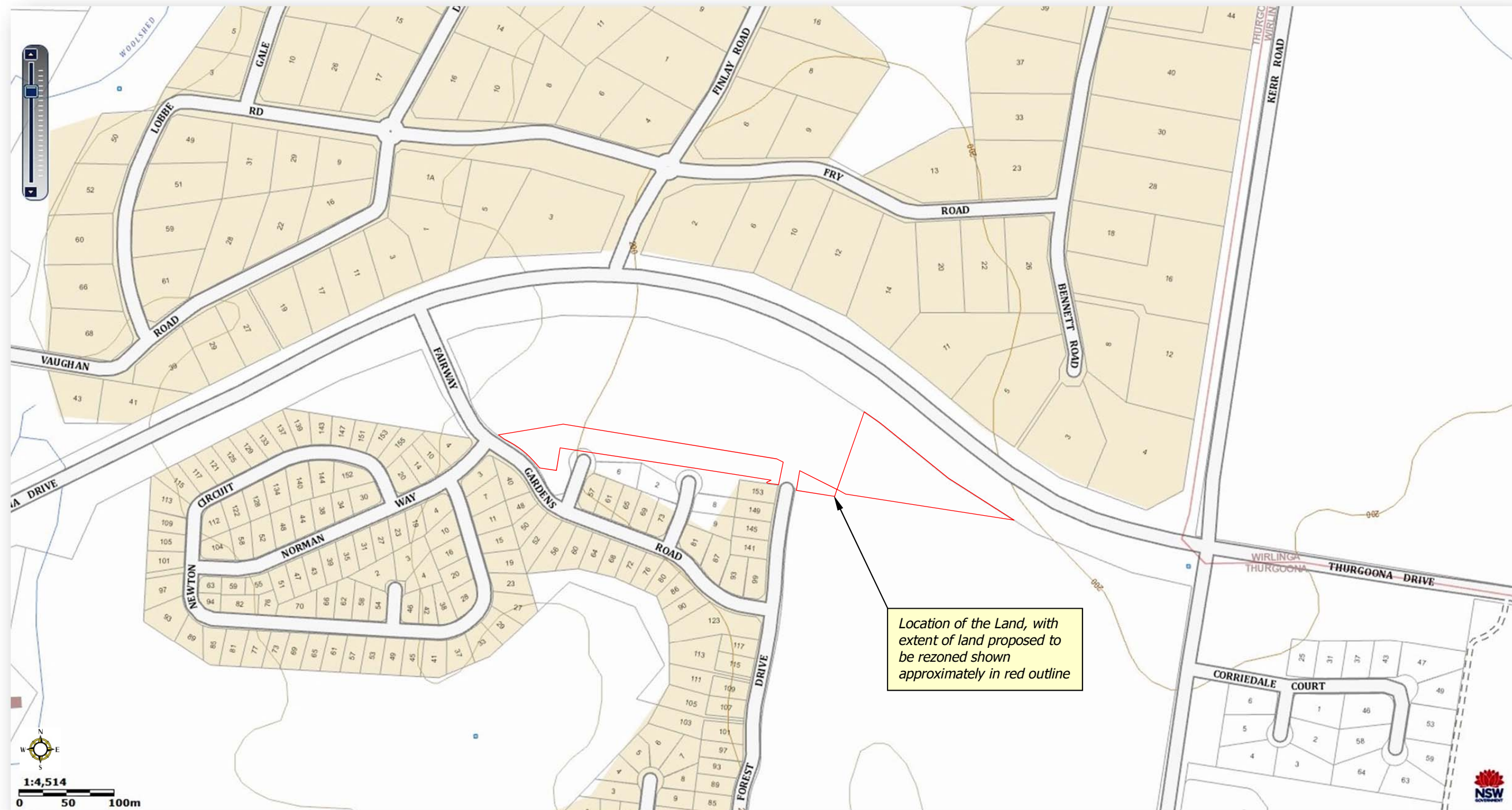
The objective or intended outcome of this Planning Proposal is to enable the development of land in the 'Fairway Gardens Estate' in Thurgoona for residential purposes while appropriately offsetting existing land zoned for environmental purposes and providing an alternative solution for environmental connectivity.

Figure 1: Regional location plan



Source: Google Maps (2013).

Figure 2: Local location plan



Source: SIX Maps (NSW Gov., 2013).

Figure 3: Aerial photograph of the Land



Source: Six Maps (NSW Gov., 2013).

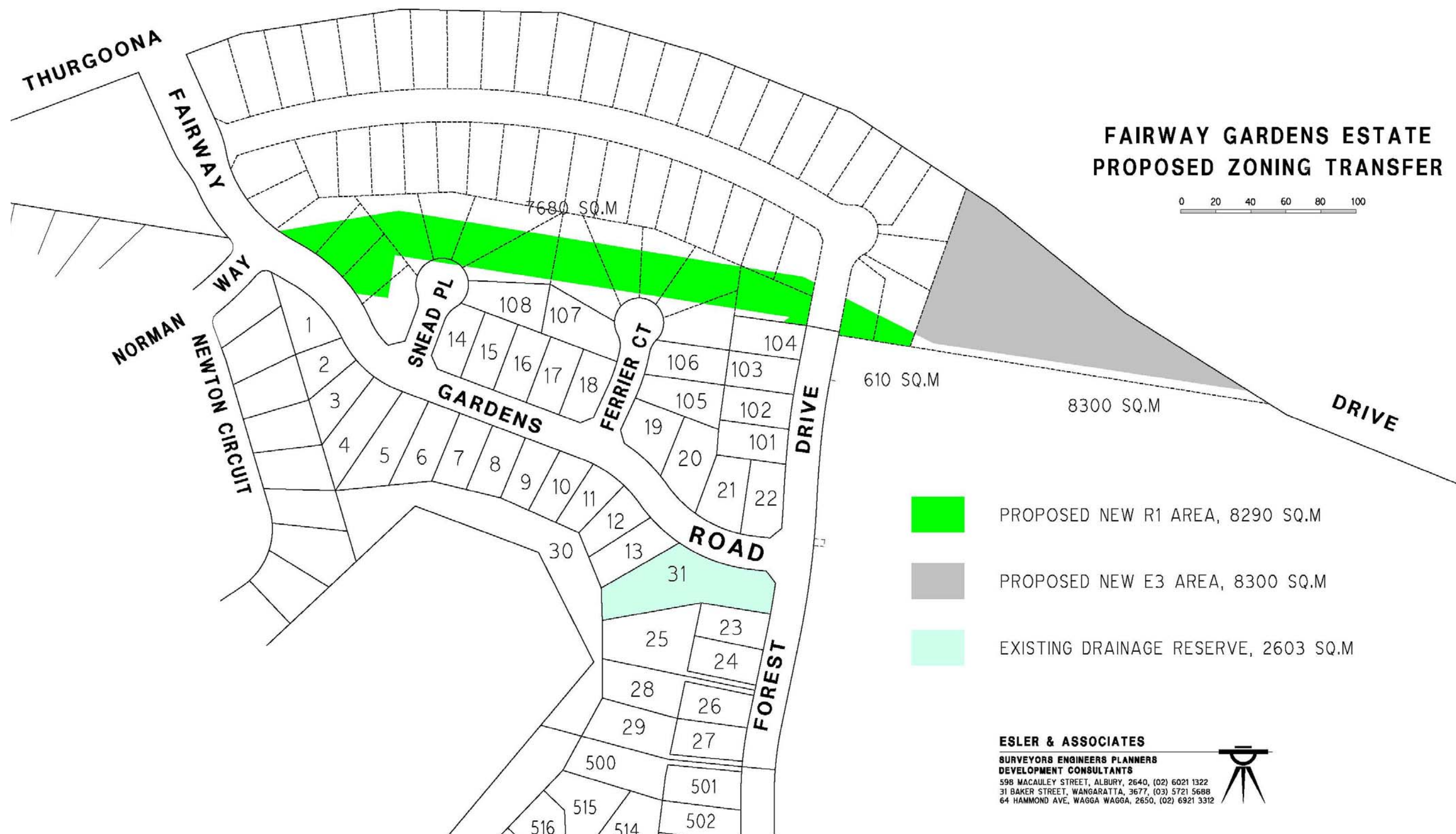
3.0 EXPLANATION OF PROVISIONS

The objectives or intended outcomes of the Planning proposal 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 amendments** and **Figure 4: Proposed land use planning analysis**.

Table 1: Summary of LEP amendments

<i>LEP map proposed to be amended</i>	<i>Effect of proposed amendment</i>
<i>Land Zoning Map No's 6 and 10</i>	Rezone parts of the Land from: • 'R1 General Residential Zone' to 'E3 Environmental Management Zone' (approximately 8,300 square metres); and • 'E3 Environmental Management Zone' to 'R1 General Residential Zone' (approximately 8,290 square metres).
<i>Lot Size Map No's 6 and 10</i>	Apply minimum subdivision lot sizes of: • 100 hectares to the proposed 'E3 Environmental Management Zone'; and • 450 square metres to the proposed 'R1 General Residential Zone', consistent with adjoining land zoned 'E3 Environmental Management Zone' and 'R1 General Residential Zone'.

Figure 4: Proposed land use planning analysis



Source: Esler & Associates (2011).

Land use zoning transfer:
'Fairway Gardens Estate' – Fairway Gardens Drive, Snead Place,
Ferrier Court and Forest Drive, Thurgoona (part Lot 757 DP 1186094)

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 Planning Proposal is a result of the BVA report provided at **Appendix B: Biodiversity Values Assessment**.

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

The rezoning of the Land from 'R1 General Residential Zone' to 'E3 Environmental Management Zone' and *vice versa* as detailed in **Table 1: Summary of LEP amendments**, 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** which is –

...to enable the development of land in the 'Fairway Gardens Estate' in Thurgoona for residential purposes while appropriately offsetting existing land zoned for environmental purposes and providing an alternative solution for environmental connectivity.

Likewise, applying a 100 hectare minimum lot size to the proposed 'E3 Environmental Management Zone' and a 450 square metre minimum lot size to the proposed 'R1 General Residential Zone' will be consistent with adjoining like zones and will therefore be appropriate.

4.3 Relationship to strategic planning framework

4.3.1 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* (Department of Planning, 2009), which was publicly exhibited for comment in 2009, as set out in **Appendix C: Applicable aims of the *Draft Murray Regional Strategy***.

Although the Planning Proposal provides for a neutral land zoning transfer of land zoned 'R1 General Residential Zone', the Planning Proposal is compatible with the actions identified in the of *Draft Murray Regional Strategy* (Department of Planning, 2009) being regional strategic directions for development as follows:

- Albury is identified as a "major regional centre" in the "Upper Murray Subregion" (p. 13), with a focus for additional housing development (pp. 20; 21), and with a population increase of 8,100 persons expected by 2036 (p. 18);
- an estimated 10,100 additional dwellings will be needed in the Upper Murray Subregion with approximately 7,900 needed to be located in-and-around Albury (p. 18); and
- Council has identified significant new release areas for urban expansion to the north and east of the city, including land at Hamilton Valley, Thurgoona and, in the longer term, Wurlinga as part of its local strategic planning work and these areas will be sufficient to cater for this expected growth in housing demand (p. 18).

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

4.3.2 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* (April, 2010) as set out in **Appendix D: Applicable aims of *Albury 2030: A Community Strategic Plan for Albury***.

The Planning Proposal is also consistent with the ALUS in terms of providing for the residential development of the Thurgoona area offset by appropriate biodiversity and habitat connectivity outcomes.

4.3.3 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**.

4.3.4 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***.

4.4 Environmental, social and economic impact

4.4.1 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?

As mentioned in the BVA at **Appendix B: Biodiversity Values Assessment** the Planning Proposal is not likely to significantly affect any threatened species, population or ecological community or its habitat as a satisfactory alternative solution to offset biodiversity values and connectivity is proposed.

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

In time, the 'R1 General Residential Zone' part of the Planning Proposal will be developed with sealed roads and will be connected to all reticulated services, including reticulated water, sewerage, stormwater, electricity, natural gas, and telecommunications. Other environmental planning issues, concerning for example traffic impact, are anticipated to be resolved via the procedural requirements of section 79C of the *Environmental Planning and Assessment Act 1979* when it comes time for a development application for residential subdivision to be lodged with Council for assessment.

4.4.3 Has the Planning Proposal adequately addressed any social and economic effects?

4.4.3.1 Environmental effects

The Planning Proposal will protect the environment through the appropriate land use zoning transfer of environmentally and residentially zoned land and provide a satisfactory alternative solution to offset biodiversity values and connectivity as articulated in the BVA report at **Appendix B: Biodiversity Values Assessment**.

4.4.3.2 Social and Economic Effects

The Planning Proposal will have neutral social and economic effects due to the area of the land use zoning transfer of environmentally and residentially zoned land being approximately the same.

4.5 State and Commonwealth interests

4.5.1 Is there adequate public infrastructure for the Planning Proposal?

Adequate public infrastructure for the Planning Proposal is currently available owing to the existing availability of reticulated services, sealed roads, and proximity to community services and facilities.

4.5.2 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 as required by the Gateway Determination issued by the Department of Planning and Infrastructure on [insert date] and in accordance with section 56(2)(d) of the *Environmental Planning and Assessment Act 1979*:

- Albury Local Aboriginal Land Council;
- Murray Catchment Management Authority; and
- Office of Environment and Heritage.

A summary table of comments received and how the comments received have been addressed are provided at **Appendix G: Summary of consultation carried out with government departments/agencies**.

5.0 MAPPING

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 with cadastral boundaries is shown in **Figure 3: Aerial photograph of the Land**. A Title diagram of the Land is shown in **Appendix A: Title diagram**.

The objectives or intended outcomes of the Planning Proposal 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 amendments** and **Figure 4: Proposed land use planning analysis**.

6.0 COMMUNITY CONSULTATION

Community consultation is required under section 56(2)(c) of the *Environmental Planning and Assessment Act 1979* and in accordance with *A guide to preparing local environmental plans* (Department of Planning & Infrastructure, 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 agency consultation (pre and post exhibition as required by Gateway Determination)</i>	3 weeks	TBD
<i>Commencement and completion dates for 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 submissions</i>	2 weeks	TBD
<i>Timeframe for the consideration of the Planning Proposal post exhibition</i>	2 weeks	TBD
<i>Date of submission to the Department of Planning & Infrastructure to finalise the LEP</i>	1 week	TBD
<i>Anticipated date Council will make the plan (if delegated)</i>	TBD	TBD
<i>Anticipated date Council will forward to the Department of Planning & Infrastructure for notification</i>	TBD	TBD

APPENDIX A:

Title diagram

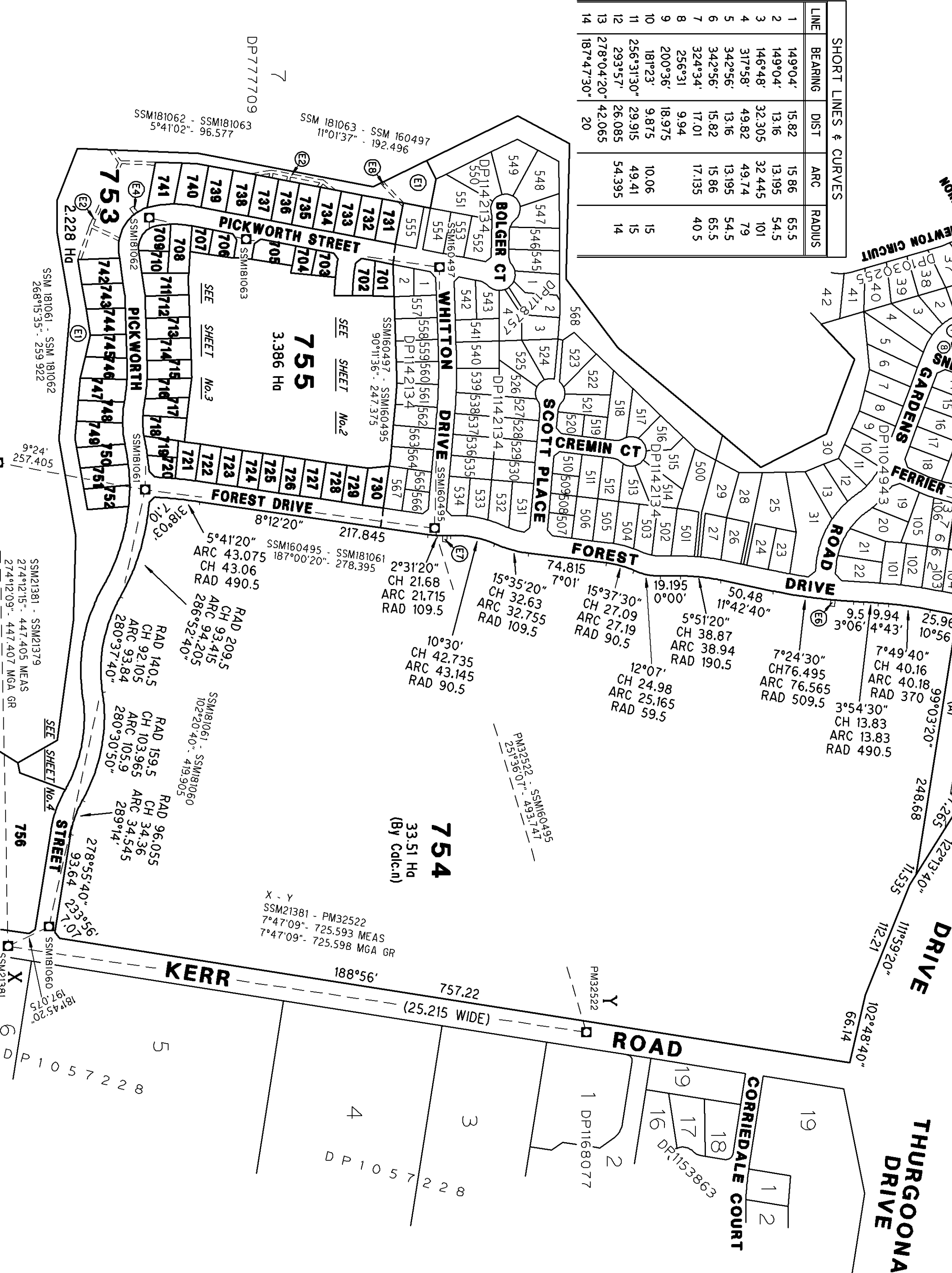
PT.757
(Part 8616m²)

PT.757
(Part 6.820Ha)

(A) LAND EXCLUDES MINERALS - T447400
(B) RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

MARK	MGA		CO-ORDINATES		CLASS	ORDER	METHOD	ORIGIN
	EASTINGS	NORTHINGS						
SSM 21379	500 701.509	6 010 105.359	C	3			SCIMS	
SSM 21381	501 147.521	6 010 072.587	C	3			SCIMS	
PM 32522	501 245.777	6 010 791.186	B	2			SCIMS	
SSM 160495	500 777.46	6 010 635.42	D				TRAVERSE	DP1142134
SSM 160497	500 530.20	6 010 636.25	D				TRAVERSE	DP1142134
SSM 181060	501 153.56	6 010 269.48	D				TRAVERSE	PLACED
SSM 181061	500 743.53	6 010 359.20	D				TRAVERSE	PLACED
SSM 181062	500 483.84	6 010 351.31	D				TRAVERSE	PLACED
SSM 181063	500 493.40	6 010 447.37	D				TRAVERSE	PLACED
SOURCE L.P.1 NSW (SCIMS) - 20 March 2013								
COMBINED SCALE FACTOR OF 0.999566								
ZONE 55								

LINE	BEARING	DIST	ARC	RADIUS
1	149°04'	15.82	15.86	65.5
2	149°04'	13.16	13.195	54.5
3	146°48'	32.305	32.445	101
4	317°58'	49.82	49.74	79
5	342°56'	13.16	13.195	54.5
6	342°56'	15.82	15.86	65.5
7	324°34'	17.01	17.135	40.5
8	256°31'	9.94		
9	200°36'	18.975		
10	181°23'	9.875	10.06	15
11	256°31'30"	29.915	49.41	15
12	293°57'	26.085	54.395	14
13	278°04'20"	42.065		
14	187°47'30"			



- (E1) EASEMENT TO DRAIN WATER VARIABLE WIDTH (ENTIRE LOT 753)
- (E2) EASEMENT TO DRAIN SEWAGE 3 WIDE
- (E3) EASEMENT FOR MULTI-PURPOSE ELECTRICAL INSTALLATION 4.2 WIDE
- (E4) EXISTING EASEMENT FOR ELECTRICITY PURPOSES 4 WIDE (VIDE DP1104943)
- (E5) EXISTING EASEMENT FOR ELECTRICITY PURPOSES 4 WIDE (VIDE DP1142134)
- (E6) EXISTING EASEMENT FOR DRAINAGE OF SEWAGE 3 WIDE (VIDE DP1169477)

M.G.A. ZONE 55

Surveyor: CHARLES FRANSEN
Date Of Survey: 19 March 2013
Surveyor's Reference: 16622dp
(2012M710(791) Partial Survey)

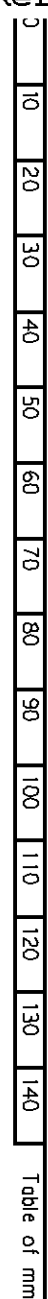
PLAN OF SUBDIVISION OF
LOT 499 DP 1142134 AND
LOT 16 DP 1057228

LGA: ALBURY
Locality: THURGOONA
Subdivision No.: 4560
Lengths are in metres
Reduction Ratio: 1 3000

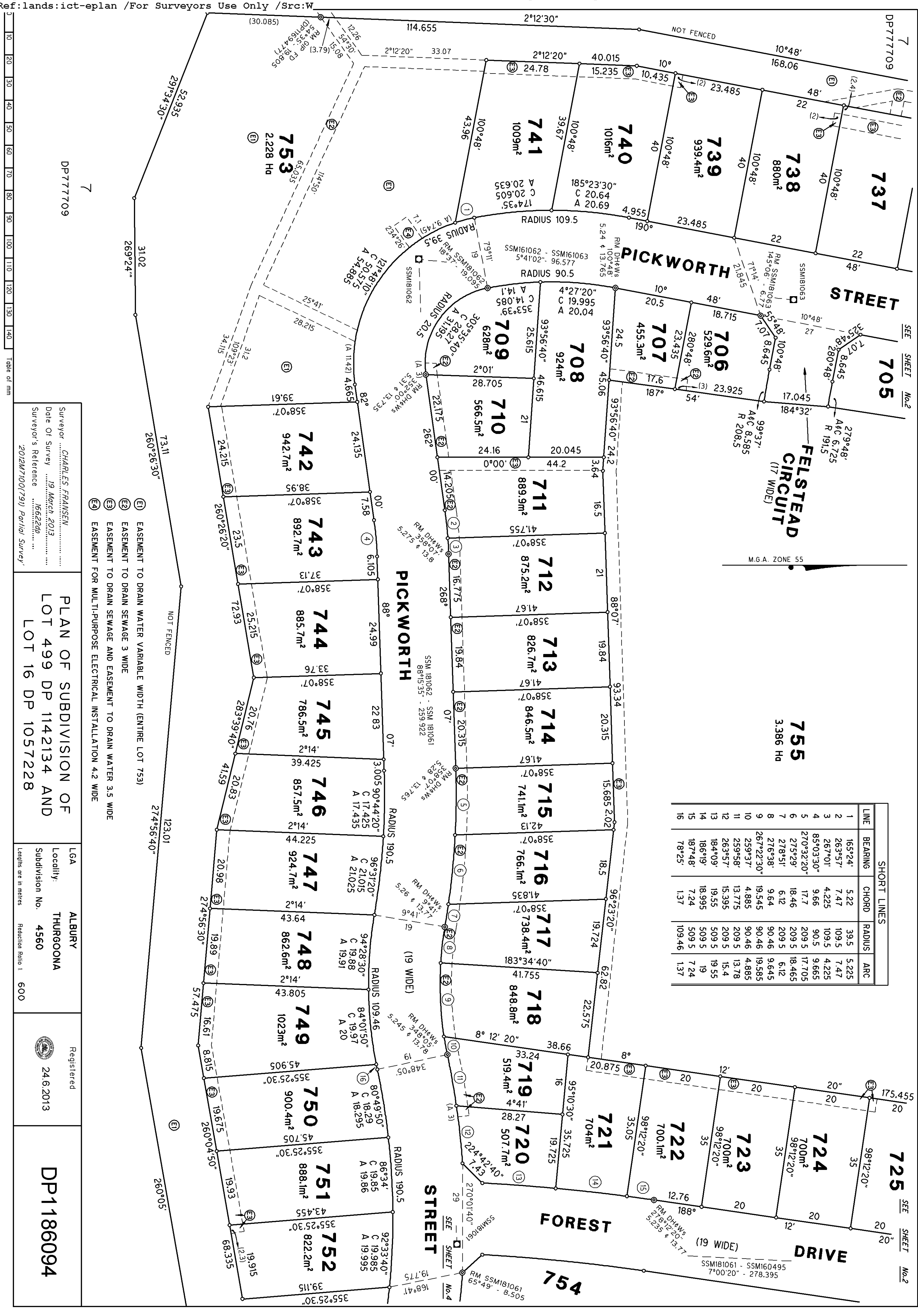
Registered
24.6.2013

DP1186094

Table of mm



DP1186094



SHORT LINES				
LINE	BEARING	CHORD	RADIUS	ARC
1	165°24'	5.22	39.5	5.225
2	263°57'	7.47	109.5	7.47
3	267°01'	4.225	109.5	4.225
4	85°03'30"	9.66	90.5	9.665
5	270°32'20"	17.7	209.5	17.705
6	275°29'	18.46	209.5	18.465
7	278°51'	6.12	209.5	6.12
8	276°38'	9.64	90.46	9.645
9	267°22'30"	19.545	90.46	19.585
10	259°37'	4.885	90.46	4.885
11	259°58'	13.775	209.5	13.78
12	263°57'	15.395	209.5	15.4
13	184°09'	19.55	509.5	19.55
14	186°19'	18.995	509.5	19
15	187°48'	7.24	509.5	7.24
16	78°25'	1.37	109.46	1.37

DP7777709

DP1186094

Surveyor CHARLES FRAENSEN

Date Of Survey 19 March 2013

Surveyor's Reference 166224p

..... 2012M7100(791) Partial Survey

PLAN OF SUBDIVISION OF

LOT 499 DP 1142134 AND

LOT 16 DP 1057228

LGA ALBURY

Locality: THURGOONA

Subdivision No. 4560

Lengths are in metres Reduction Ratio 1 600

Registered

24.6.2013

DP1186094

(X) RESTRICTION ON THE USE OF LAND NO. 7 (DP1057228)

DIAGRAM
1:3000

SEE SHEET No.1

WHITTON DRIVE
SSM160495

565 566
DP1142134
RM DH&Ws
5.33 & 13.9
5.2695513.0
DP1142134

567
278°12'20"

FOREST DRIVE

730

729

728

727

726

725

724

723

722

721

720

719

750

751

752

753

754

753

754

756

KERR ROAD

PICKWORTH ST

THURGOONA DRIVE

DP1153863

Y

PM32522

102°48'40"
66.14
RM GONE
(DP171610)

RM DH&W FD
107°53'18.9
169°35'55.40
DP171610

8°39' - 237.3

39°59'0" - 39

102°48'40"

66.14

RM GONE
(DP171610)

8°39' - 237.3

39°59'0" - 39

102°48'40"

66.14

RM GONE
(DP171610)

8°39' - 237.3

39°59'0" - 39

102°48'40"

66.14

RM GONE
(DP171610)

8°39' - 237.3

39°59'0" - 39

102°48'40"

66.14

RM GONE
(DP171610)

8°39' - 237.3

39°59'0" - 39

102°48'40"

66.14

RM GONE
(DP171610)

8°39' - 237.3

39°59'0" - 39

102°48'40"

66.14

RM GONE
(DP171610)

8°39' - 237.3

39°59'0" - 39

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PLAN FORM 6 (2012)

WARNING: Creasing or folding will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 3 sheet(s)

Office Use Only

Registered:  24.6.2013

Title System: TORRENS

Purpose: SUBDIVISION

Office Use Only

DP1186094

**PLAN OF SUBDIVISION OF
LOT 499 DP 1142134 AND
LOT 16 DP 1057228**

LGA: ALBURY

Locality: THURGOONA

Parish: THURGOONA

County: GOULBURN

Crown Lands NSW/Western Lands Office Approval

I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.

Signature:

Date:

File Number:

Office:

Survey Certificate

I, CHARLES FRANSEN

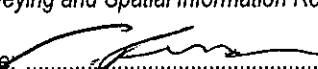
of ESLER & ASSOCIATES, 598 MACAULEY STREET, ALBURY 2640

a surveyor registered under the *Surveying and Spatial Information Act 2002*, certify that:

~~*(a) The land shown in the plan was surveyed in accordance with the *Surveying and Spatial Information Regulation 2012*, is accurate and the survey was completed on~~

*(b) The part of the land shown in the plan (*being/*excluding ^ lots 754 & 757) was surveyed in accordance with the *Surveying and Spatial Information Regulation 2012*, is accurate and the survey was completed on 19 Mar 2013, the part not surveyed was compiled in accordance with that Regulation.

~~*(c) The land shown in this plan was compiled in accordance with the *Surveying and Spatial Information Regulation 2012*.~~

Signature:  Dated: 7/5/13

Surveyor ID: 1061

Datum Line: X - Y

Type: *Urban/*Rural

The terrain is *Level-Undulating / *Steep-Mountainous.

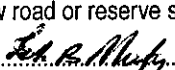
*Strike through if inapplicable.

*Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.

Subdivision Certificate

I, JOHN MULVEY, Acting Director

*Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the *Environmental Planning and Assessment Act 1979* have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.

Signature: 

Accreditation number:

Consent Authority: ALBURY CITY COUNCIL

Date of endorsement: 17 MAY 2013

Subdivision Certificate number: 4560

File number: AF13/00598

*Strike through if inapplicable.

Statements of intention to dedicate public roads, public reserves and drainage reserves.

IT IS INTENDED TO DEDICATE
PICKWORTH STREET, FELSTEAD CIRCUIT
AND FOREST DRIVE TO THE PUBLIC AS
ROAD.

Plans used in the preparation of survey/compilation.

DP1142134, DP1057228, DP777709

If space is insufficient continue on PLAN FORM 6A

Signatures, Seals and Section 88B Statements should appear on
PLAN FORM 6A

Surveyor's Reference: **16622dp**

Sheet 2 of 3 sheet(s)

Office Use Only

DP1186094

Date of Endorsement: 17 MAY 2013

- A schedule of lots and addresses - See 60(c) *SSI Regulation 2012*
- Statements of intention to create and release affecting interests in accordance with section 88B *Conveyancing Act 1919*
- Signatures and seals- see 195D *Conveyancing Act 1919*
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Lot	Street No.	Street name	Street type	Locality
731	185	Pickworth	Street	Thurgoona
732	181	Pickworth	Street	Thurgoona
733	177	Pickworth	Street	Thurgoona
734	173	Pickworth	Street	Thurgoona
735	169	Pickworth	Street	Thurgoona
736	165	Pickworth	Street	Thurgoona
737	159	Pickworth	Street	Thurgoona
738	155	Pickworth	Street	Thurgoona
739	151	Pickworth	Street	Thurgoona
740	147	Pickworth	Street	Thurgoona
741	143	Pickworth	Street	Thurgoona
742	127	Pickworth	Street	Thurgoona
743	123	Pickworth	Street	Thurgoona
744	119	Pickworth	Street	Thurgoona
745	115	Pickworth	Street	Thurgoona
746	109	Pickworth	Street	Thurgoona
747	105	Pickworth	Street	Thurgoona
748	101	Pickworth	Street	Thurgoona
749	99	Pickworth	Street	Thurgoona
750	95	Pickworth	Street	Thurgoona
751	91	Pickworth	Street	Thurgoona
752	87	Pickworth	Street	Thurgoona
753		N/A	N/A	Thurgoona
754		N/A	N/A	Thurgoona
755		N/A	N/A	Thurgoona
756		N/A	N/A	Thurgoona
757		N/A	N/A	Thurgoona



Surveyor's Reference: **16622dp**

PLAN FORM 6A (2012)

WARNING: Creasing or folding will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 3 of 3 sheet(s)

Office Use Only

Office Use Only

Registered: 24.6.2013



PLAN OF SUBDIVISION OF
LOT 499 DP 1142134 AND
LOT 16 DP 1057228

DP1186094

This sheet is for the provision of the following information as required:

- A schedule of lots and addresses - See 60(c) SSI Regulation 2012
- Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919
- Signatures and seals- see 195D Conveyancing Act 1919
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Subdivision Certificate number: 4560

Date of Endorsement: 17 MAY 2013

PURSUANT TO SECTION 88B, OF THE CONVEYANCING ACT 1919, IT IS INTENDED TO CREATE :-

- 1) EASEMENT TO DRAIN WATER VARIABLE WIDTH (ENTIRE LOT 753)
- 2) EASEMENT TO DRAIN SEWAGE 3 WIDE
- 3) EASEMENT TO DRAIN SEWAGE AND EASEMENT TO DRAIN WATER 3.5 WIDE
- 4) EASEMENT FOR MULTI-PURPOSE ELECTRICAL INSTALATION 4 WIDE
- 5) EASEMENT FOR UNDERGROUND POWERLINES 1 WIDE 4.2
- 6) RESTRICTION ON USE OF LAND.
- 7) RESTRICTION ON USE OF LAND.

Executed by Fairway Gardens Thurgoona Pty Ltd (ACN 111 723 310) by being signed by those persons who are authorised to sign for the company.

Director: Juhu-Eerik Alatalo
9 McLeish Court Wodonga
ANNI-ILONA ALATALO
70 GOLFLINKS AVE WODONGA

Secretary: Robert Henry Salisbury
682 Uralla Crescent Albury

Mortgagee under Mortgage No. AR443710
Signed at ALBURY this 24th day of
MAY 2013 for National
Australia Bank Limited ABN 12 004 044 937
by PAUL STRETTON UPTON
its duly appointed Attorney under Power of
Attorney No. 39 Book 4512

Legal 3 Attorney
Witness/Bank Officer

If space is insufficient use additional annexure sheet

Surveyor's Reference: 16622dp

APPENDIX B:

Biodiversity Values Assessment

Biodiversity Values Assessment

Planning Proposal: Proposed land use zone swap (E3
Environmental Management Zone & R1 General
Residential Zone) under the *Albury Local
Environment Plan 2010*

‘Fairway Gardens Estate’, Thurgoona

Prepared for Fairway Gardens
Thurgoona Pty Ltd

By Red-Gum Environmental Consulting

Version 3, 22nd February, 2013

BIODIVERSITY VALUES ASSESSMENT

for

Planning Proposal: Proposed land use zone swap (E3 Environmental Management Zone & R1 General Residential Zone) under the *Albury Local Environment Plan 2010*

at

**Part Lot 499 DP 1142134', 'Fairway Gardens Estate', Fairway Gardens Drive, Snead Place,
Ferrier Court & Forest Drive, Thurgoona, NSW 2640**

Prepared by



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This document is and shall remain the property of Red-Gum Environmental Consulting Pty Ltd. The document may only be used for the purposes for which it was commissioned. Unauthorized use of this document in any form whatsoever is prohibited.

Reviewed & Authorised By:  Date: 22/2/13

Damian Wall
Managing Director

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Executive Summary

- Following the site assessment and consideration of its present condition – the E3 Zone does not possess any structural components and/or features required by threatened and rare species listed under the EPBC Act, such that it would support more than opportunistic foraging or transit respite areas.
- Review of the vegetation and range of habitats present in the E3 Zone suggests that the site is not likely to support TSC Act listed flora or fauna. Those which have the 'potential' to utilize the site, would do so as defined in the point above.
- One old large remnant Red box (*Eucalyptus Polyanthemos*) exists within the E3 Zone which is currently providing a valuable nesting option for woodland birds and arboreal mammals. One Common Brushtail Possum (*Trichosurus vulpecula*) was observed using the tree during night time surveys.
- The E3 Zone is being encroached upon by adjacent residential development. The zone is predominantly mown or cleared to bare earth and is currently used to stockpile fill from building sites.
- Several noxious weeds including Patersons Curse, Saffron Thistle and St Johns Wort were recorded on the E3 Zone with one area supporting an expanding area of False Acacia, a known environmental weed.
- The area on the western end of the E3 Zone has some remnant Hedge Wattle (*Acacia paradoxa*) which is extremely important habitat for the Double-barred Finch (*Taeniopygia bichenovii*), Red-browed Finch (*Neochmia temporalis*) and Superb Fairywren (*Malurus cyaneus*). The few remaining remnant specimens have been enhanced by replacement plantings.
- Ground cover diversity in both the E3 Zone and the proposed E3 Zone (currently R1 Zone) is poor and dominated by introduced pasture weeds. Phalaris, Rye grass and pasture based weeds including St Johns Wort and Patersons Curse dominate.
- Where native grasses persist (mainly in the western lots and on the fringe of the tree line) species including Wiregrass (*Aristida ramosa*), Wallaby-grass (*Austrodanthonia sp.*) and Spear-grass (*Austrostipa verticillata*) dominate amongst a weedy coverage.
- In the proposed E3 Zone (currently R1 Zone) a power-line and gas easement runs along the northern boundary then heads south east and dissects the area. A natural gas easement also exists on site and both will restrict opportunities for revegetation in the eastern half of the proposed area.

1. Background

Fairway Gardens Thurgoona Pty Ltd are preparing a Planning Proposal for the consideration of Albury City Council (ACC) and the Office of Environment & Heritage (OEH). The submission will propose:

1. A 'Zone swap' - 8,300m² of land currently zoned 'E3' (Environmental Management Zone) for 8,290m² of R1 (General Residential Zone) to the east of the R1 site (see **Figure 1**).
2. A 'Landscaping Design' to be implemented on nearby Lot 31 (a designated 'drainage reserve') that improves west/east connectivity while minimizing fire risk to adjoining residents.

At an inception meeting on 28th November 2012, between the developers, the planning consultant (Blueprint Planning), ACC & OEH, it was agreed that OEH would require biodiversity values and connectivity assessments of both areas prior to providing formal advice to ACC. OEH confirmed the following in regard to the preparation of a Biodiversity Values Assessment:

- Assessment of existing conditions in each of the zoning swap areas.
- Connectivity Assessment.
- Preparation of a Landscaping Plan showing vegetation planting details on the drainage reserve.

2. Methodology

Three separate field assessments were conducted by Damian Wall of Red-Gum Environmental Consulting between 17th and 19th December 2012. The field assessments considered:

- 1) The overall ecological significance of both sites, with a particular emphasis on the existence (or potential for existence) of threatened species (flora and fauna), endangered ecological communities or threatened species habitat;
- 2) Any significant native vegetation, habitat values or distinct eco-tones to be retained for ecological purposes;
- 3) Any aspects of the new E3 area likely to be a management challenge to the point where the value of the proposed swap is negligible.
- 4) Selection/placement of native overstorey species for the drainage reserve that improve overall connectivity between the Thurgoona Golf Course and the Retained Habitat Block (RHB) on the eastern boundary of the site whilst minimizing fire risk.

2.1 Database & literature review

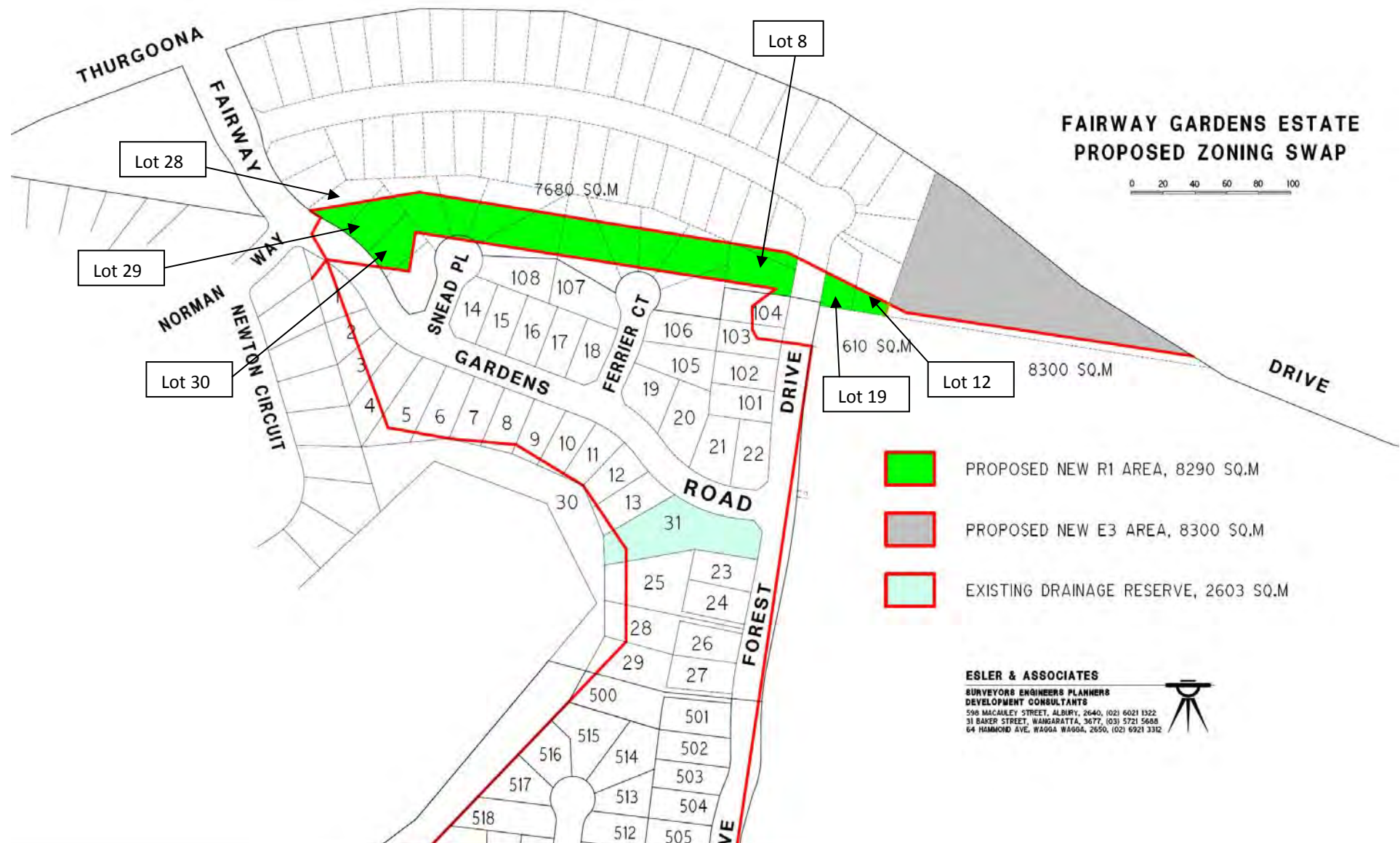
Prior to the field work component, a desktop survey and literature review was undertaken to determine the potential species present, presence or proximity of listed Threatened Species.

The desktop survey included, but was not limited to, searches of a range of biodiversity and threatened Species databases, the NSW Fauna Atlas and a review of the relevant policies and legislation pertaining to native vegetation management in NSW.

In particular, the report titled *Eight Part Test Fairway Gardens Estate (Lot 6, DP 771610), 2004*, prepared by The Johnstone Centre – Environmental Consultancy (Charles Sturt University) was reviewed extensively as their engagement considered the entire area to which this assessment pertains.

The *Thurgoona Threatened Species Conservation Strategy 2005* (TTSCS) was also considered during this assessment particularly when considering threatened species habitat requirements and landscape connectivity in the wider context.

Figure 1: Planning Proposal: Zone swap - E3 Environmental Management Zone & R1 General Residential Zone



2.2 Legislative Review

This Biodiversity Values Assessment has been conducted considering the Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth), the Threatened Species Conservation Act 1995 (NSW).

2.2.1 EPBC Act 1999

The Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) is the Australian Government's central piece of environmental legislation. The EPBC Act provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places — defined in the Act as matters of national environmental significance.

If it was determined that the proposal in its current form may have a significant impact on any matters of national environmental significance, the developer would need to apply for approval to proceed under the Act. This approval process under the Act would be in addition to any state or local government approval that might be required.

The specific questions addressed by the Biodiversity Values Assessment are whether the proposal in its current form would affect (or potentially affect) any nationally threatened animals or ecological communities, migratory animals or Ramsar wetlands.

2.1.2 Threatened Species Conservation Act 1995

The TSC Act 1995 aims to protect species, populations and ecological communities threatened with extinction in NSW. The main objectives of the TSC Act are to conserve biological diversity and promote sustainable development, prevent the extinction of native plants and animals & protect habitat that is critical to the survival of endangered species. The field work conducted to inform this Biodiversity Values Assessment considered:

- The likelihood of the proposed development resulting in initiation of a 'threatening process' as defined by the Act.
- The presence/absence of viable habitat for threatened fauna; and
- The presence/absence of threatened flora.

2.3 Limitations

There is only one discernible limitation that may affect the reliability of the assessment and that is the timing in which the field survey was conducted (early summer). Vegetation survey in summer can limit the species list to those that persist in hot and dry conditions and overlook species that are dormant.

However, Red-Gum contends that it is very unlikely that even under late winter/spring conditions, threatened forbs and orchids would be present given:

1. Extensive surveys in the past did not detect these species (i.e. the Eight Part Test),
2. Both sites are very weedy and mown and managed to a degree; and
3. The general lack of forbs, grasses and shrubs present under canopy.

3. Ecological Values of 'Zone Swap' Areas

3.1 Flora

	Proposed R1 Zone (Currently E3 Zone)	Proposed E3 Zone (Currently R1 Zone)
Ground covers	Ground cover diversity is poor, and dominated by introduced pasture weeds. The entire study area has been slashed consistently for at least the past year to 18 months and is bare in parts following development of several adjacent house lots immediately south. Phalaris (<i>Phalaris aquatica</i>), Rye grass (<i>Lolium spp.</i>) and pasture based weeds including St Johns Wort (<i>Hypericum perforatum</i>) and Patersons Curse (<i>Echium plantagineum</i>) dominate. Some False Acacia (<i>Robinia pseudoacacia</i>) also called Black locust, exists on Lots 19 & 12.	Ground covers account for 80% of the site with Phalaris and Rye dominating to the point of monoculture in parts. Other weeds, including St Johns Wort, are prevailing under the cover of the Phalaris.
Native grasses	Where native grasses persist (mainly in the western lots and on the fringe of the tree line) species including Wiregrass (<i>Aristida ramosa</i>), Wallaby-grass (<i>Austrodanthonia sp.</i>) and Spear-grass (<i>Austrostipa verticillata</i>) dominate amongst a weedy coverage.	Native grasses are scarce. Those that persist on the edge of the access tracks and slightly open areas include Wiregrass (<i>Aristida ramosa</i>) and Spear-grass (<i>Austrostipa verticillata</i>).
Forward Tree Planting	4 species of native trees align the northern fringe of the E3 Zone. The non-endemic native overstorey species are Red Spotted Gum (<i>E. mannifera</i>), Pink Flowering Yellow Gum (<i>E. leucoxylon</i>) and local natives are Blakely's Red-Gum (<i>E. blakelyi</i>) and Mugga Ironbark (<i>E. sideroxylon ssp. Sideroxylon</i>). The trees are at the southern end of lines of single species, with spacing of about 3 – 5 meters between individuals. Whilst 2 large trees were recorded, neither were hollow bearing.	4 species of native trees exist within the proposed E3 Zone. The non-endemic native overstorey species is Pink Flowering Yellow Gum (<i>E. leucoxylon</i>) and local natives are Red Stringy Bark (<i>E. macrorhyncha</i>), Mugga Ironbark (<i>E. sideroxylon ssp. Sideroxylon</i>) and Yellow Box (<i>E. melliodora</i>). The trees are in lines of single species, with spacing of about 3 – 5 meters between individuals. No old growth or mature hollow bearing trees exist on site.
Remnant veg	Lots 28 -30 have one large, hollow bearing (130cm DBH) remnant Red Box (<i>Eucalyptus polyanthemos</i>) see Figure 2, and approximately 12 naturally regenerated individuals amongst a cohort of Red Stringy Bark (<i>E. macrorhyncha</i>) individuals all less than 30cm DBH. Several mistletoe (<i>Amyema spp.</i>) are being hosted by these trees.	No remnant vegetation exists on site (however two old growth Blakely's Red-Gum exist on the fence line immediately south of the proposed E3 Zone. These individuals are already part of the E3 Zone to the south).
Other	The area on the western end of the E3 Zone has some remnant Hedge Wattle (<i>Acacia paradoxa</i>) which is extremely important habitat for the Double-barred Finch (<i>Taeniopygia bichenovii</i>), Red-browed Finch (<i>Neochmia temporalis</i>) and Superb Fairywren (<i>Malurus cyaneus</i>). The few remaining remnant specimens have been enhanced by replacement plantings.	One individual of Sticky Everlasting Daisy (<i>Xerochrysum viscosum</i>) was recorded in the forward tree planting area. No other individuals, forbs or shrub species were recorded.

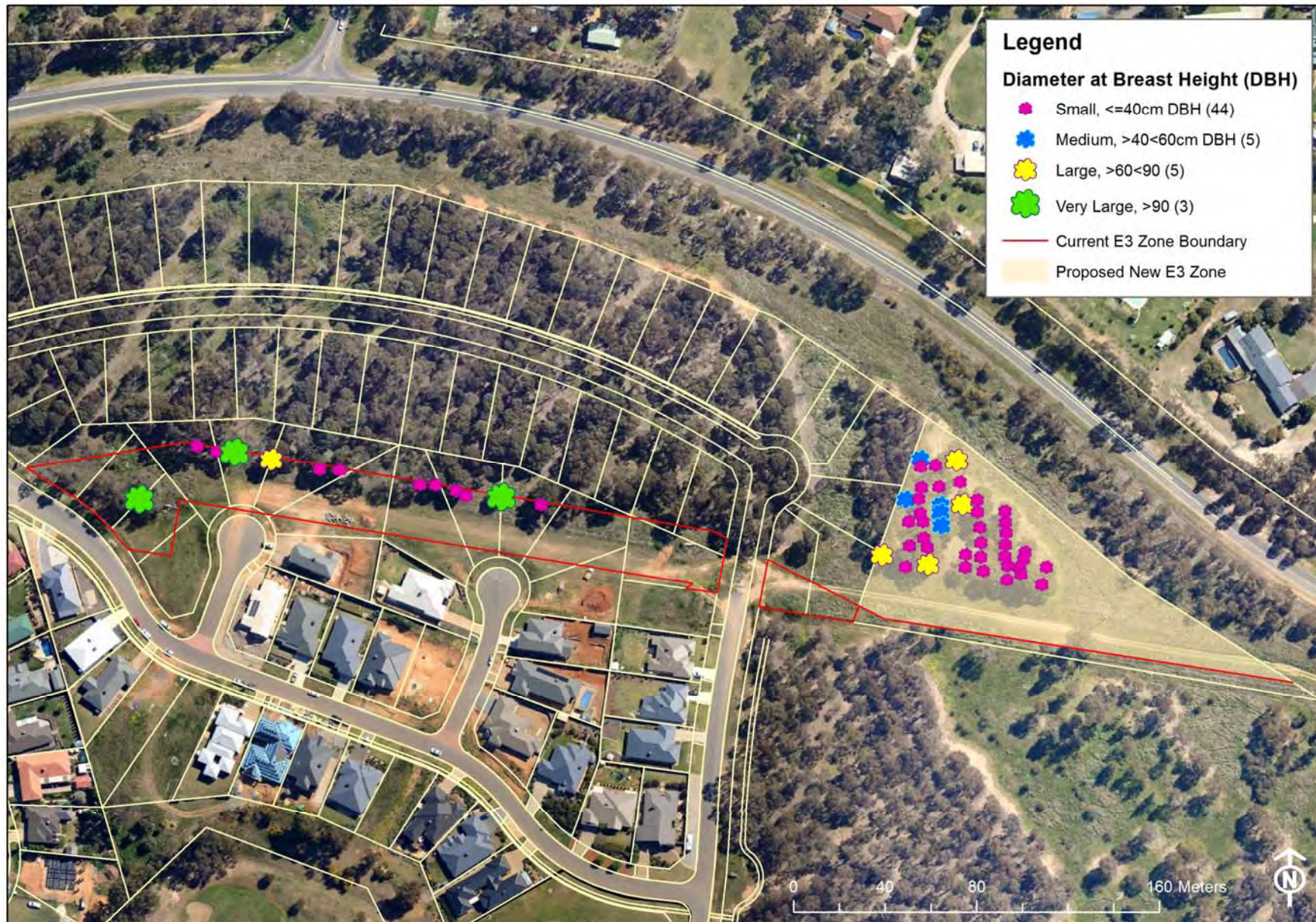
Figure 2: Tree Classes by Diameter at Breast Height (DBH)

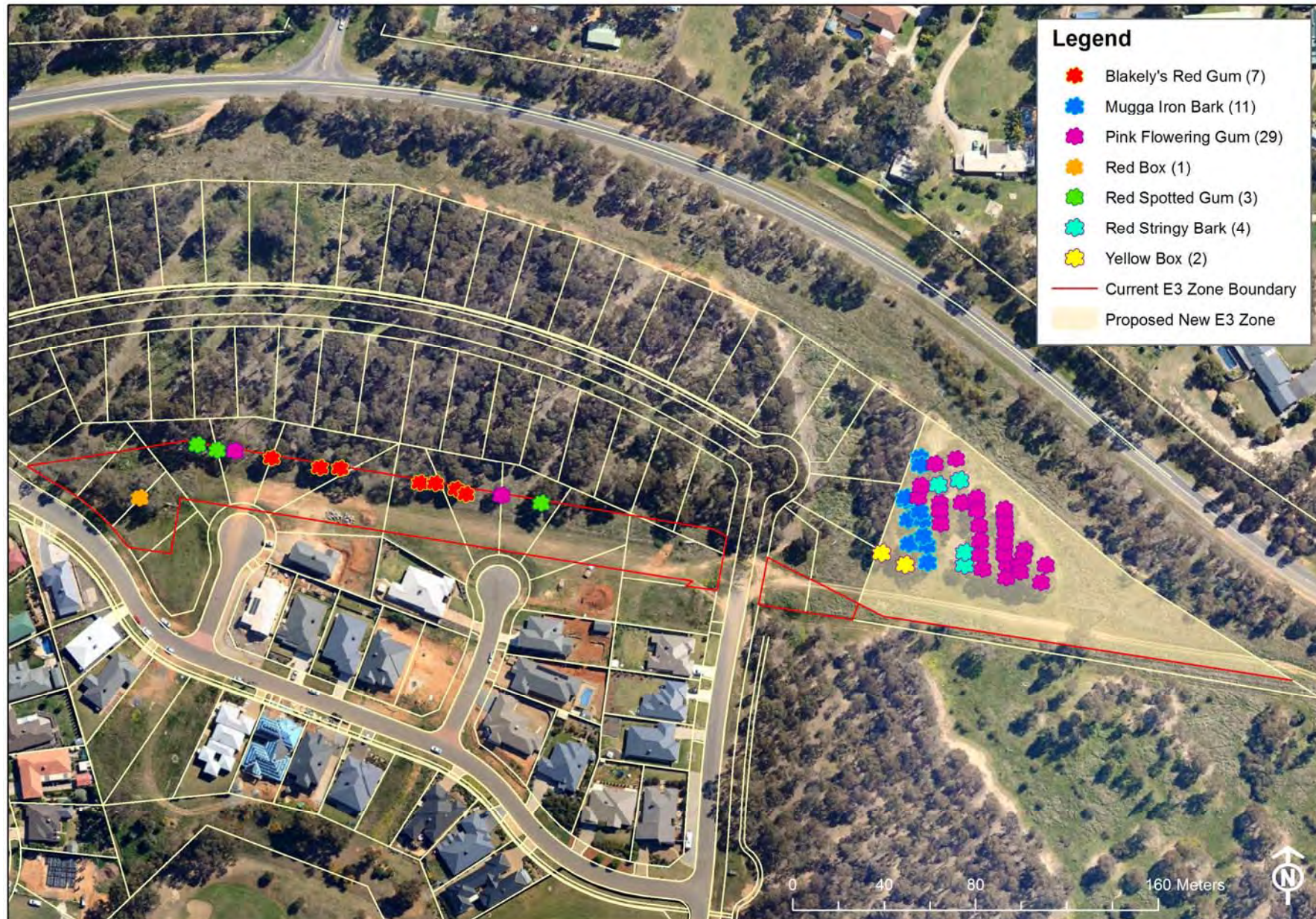
Figure 3: Tree Species

Figure 4: Endemic Native Species & Non-Endemic Native Species

3.2 Fauna

	Proposed R1 Zone (Currently E3 Zone)	Proposed E3 Zone (Currently R1 Zone)
Amphibians	No amphibians were recorded during the field work as the area does not provide suitable habitat for even commonly recorded species (i.e. the Plains Froglet (<i>Crinia parinsignifera</i>) and Spotted Marsh Frog (<i>Limnodynastes tasmaniensis</i>)). These two species were both heard off-site in the adjacent residential area.	As for the Current E3 Zone.
Reptiles	Two reptile species were recorded during the field work, the Grass Skink (<i>Lampropholis delicata</i>) and Garden Skink (<i>L. guichenoti</i>) were both recorded in the area delineated by Lots 29 & 30 on the western boundary (see figure 1). These species are locally common and not threatened.	One Eastern Brown Snake (<i>Pseudonaja textilis</i>) was recorded on the eastern edge of the forward tree planting. This species is an opportunistic feeder and is likely to be utilizing open and tree covered areas throughout the site.
Forward Tree Planting	Bird surveys were conducted on each day of the field work period. Surveys included dawn, midday, dusk and nocturnal inspection timetables. Diurnal bird surveys and opportunistic sightings revealed the presence of 11 native and 2 introduced species. Nocturnal surveys recorded 1 native species. The cleared area adjacent to the residential area yielded few species in comparison to the FTP and remnant tree area on the western edge.	Bird surveys were conducted on each day of the field work period. Surveys included dawn, midday, dusk and nocturnal inspection timetables. Diurnal bird surveys and opportunistic sightings revealed the presence of 13 native and 2 introduced species. Nocturnal surveys recorded 1 native species. Most diurnal species appear to be traversing between the large FTP block (E3 Zone) on the southern boundary of the site and the site, feeding opportunistically.
Mammals	One native, Common Brushtail possum (<i>Trichosurus vulpecula</i>) and one Rabbit (<i>Oryctolagus cuniculus</i>) were recorded during spotlighting. It is worth noting that the possum was recorded in the western corner of the site in the large remnant Red Box.	A mob of approximately 7 Eastern Grey Kangaroos (<i>Macropus giganteus</i>) were recorded traversing the site on their way to the large remnant block to the south. One bat species (unidentified) was recorded flying between the FTP and the remnant block.

3.3 Range of Available Habitats

	Proposed R1 Zone (Currently E3 Zone)	Proposed E3 Zone (Currently R1 Zone)
Old Large Trees	Lots 28 -30 have one large, hollow bearing (130cm DBH) remnant Red Box (<i>E. polyanthemus</i>), see Figure 2, which is currently home to at least one Common Brushtail Possum (<i>Trichosurus vulpecula</i>) which was recorded during night time survey. Average age of the remaining trees in the FTP is approximately 20-25 years and individual trees average 50 DBH with a 10m crown width. No hollows were visually evident on any of the trees in the FTP, however many of the species are winter flowering and would provide a valuable food source to species such as the Regent Honeyeater (<i>Anthochaera Phrygia</i>) and the Black-chinned Honeyeater (<i>Melithreptus gularis gularis</i>) – both of which have been recorded using the E3 Zone to the south east. Several mistletoe (<i>Amyema spp.</i>) are being hosted by the remnant trees in the west of the site and their associated regeneration.	No old large trees present. Two large Blakely's Red Gum (<i>E. Blakelyi</i>) exist immediately south of the site and are excellent examples of hollow-bearing mature trees. One bat species (unidentified) was recorded flying between the FTP and the remnant block and is likely to be feeding on insects and Cicada larvae which are abundant amongst the Ironbark in the FTP. Average age of the remaining trees in the FTP is approximately 20-25 years and individual trees average 50 DBH with a 10m crown width. No hollows were visually evident on any of the trees in the FTP, however many of the species are winter flowering and would provide a valuable food source to species such as the Regent Honeyeater (<i>Anthochaera Phrygia</i>) and the Black-chinned Honeyeater (<i>Melithreptus gularis gularis</i>) – both of which have been recorded using the E3 Zone to the south east.
Grassland (Open foraging areas)	In general, ground cover diversity is poor, and dominated by introduced pasture weeds. The entire study area has been slashed consistently for at least the past year to 18 months and is bare in parts following development of several adjacent house lots immediately south. Phalaris, Rye grass and pasture based weeds including St Johns Wort and Patersons Curse dominate. Where native grasses persist (mainly in the western lots and on the fringe of the tree line) species including Wiregrass (<i>Aristida ramosa</i>), Wallaby-grass (<i>Austrodanthonia sp.</i>) and Spear-grass (<i>Austrostipa verticillata</i>) dominate amongst a weedy coverage.	Ground covers account for 80% of the site with Phalaris and Rye dominating to the point of monoculture in parts. Other weeds, including St Johns Wort, are prevailing under the cover of the Phalaris. Native grasses are scarce. Those that persist on the edge of the access tracks and slightly open areas include Wiregrass (<i>Aristida ramosa</i>) and Spear-grass (<i>Austrostipa verticillata</i>).
Debris	Some debris exist in the western extent of the site surrounding the large remnant Red Box. The FTP area is devoid of large debris and firewood cutting is evident on site. One very large log (100 DBH, 5m long) has been placed in Lot 8, outside the FTP.	The FTP area is devoid of large debris and firewood cutting is evident on site.

	Proposed R1 Zone (Currently E3 Zone)	Proposed E3 Zone (Currently R1 Zone)
Understorey	This area on the western extent of the E3 Zone has some remnant Hedge Wattle (<i>Acacia paradoxa</i>) which is extremely important habitat for the Double-barred Finch (<i>Taeniopygia bichenovii</i>), Red-browed Finch (<i>Neochmia temporalis</i>) and Superb Fairywren (<i>Malurus cyaneus</i>). The few remaining remnant specimens have been enhanced by replacement plantings.	No understorey shrubs exist on site. One individual of Sticky Everlasting Daisy (<i>Xerochrysum viscosum</i>) was recorded in the forward tree planting area. No other individuals, forbs or shrub species were recorded.
Rocks	No rocky habitats present.	No rocky habitats present.
Riparian	No riparian habitats present.	No riparian habitats present.

3.4 Photo record of available habitat

3.4.1 Current E3 Zone



Plate 1: E3 Zone, from Snead Place looking east. Note mown and cleared nature of the zone and earth stockpiles from development on the adjacent R1 Zone.



Plate 2: E3 Zone, from Snead Place looking west. Note better ground covers (although weedy) and large remnant Red Box and associated regeneration in the left of the picture.



Plate 3: E3 Zone, western end, Mistletoe.



Plate 4: E3 Zone, western end, Hedge Wattle and high Phalaris load.



Plate 5: E3 Zone, from Ferrier Court looking east. Note mown ground covers, stockpiles and heavy weed load dominated by Rye and Phalaris.



Plate 6: E3 Zone, Lot 8. Large log placed outside the FTP. In isolation it provides limited habitat value, but placed correctly inside the FTP it's habitat value could be enhanced.



Plate 7: E3 Zone, Lots 12 & 19. Established False Acacia on the fenceline between the RHB and the E3 Zone. This species is regarded as an environmental weed in NSW, however it is not currently declared or considered noxious by any state Government authorities.

3.4.2 Proposed E3 Zone (Currently R1 Zone)



Plate 8: Proposed E3 Zone (currently R1 zone), FTP block. Note medium DBH (50-60cm) Ironbarks. These species are a valuable foraging resource for several threatened woodland birds that are known to use the large retained area to the south. Also note lack of debris, structure and grasses under canopy.



Plate 9: Proposed E3 Zone (currently R1 zone), northern boundary, outside FTP block. Very high weed load and power-line plus natural gas easement/former road reserve, which will restrict opportunities for revegetation.



Plate 10: Proposed E3 Zone (currently R1 zone), middle of block looking east to Thurgoona Drive intersection with Kerr Road. Note RHB in the right hand side of the photo and roadside vegetation on the left, split by an access track established for the power-line & natural gas easement (former road reserve).

4. Connectivity Assessment

Healthy, diverse ecological systems require 'connections' to keep them alive and functioning. Landscape ecologists use the concept of *connectivity* to describe a landscape's structural and functional continuity over both space and time scales.

This section of the BVA is focused on Lot 31, which is an ACC owned and managed 'drainage reserve'. The connectivity assessment considers the suitability of Lot 31 as a 'corridor' between the Thurgoona Golf Course and the RHB rather than the existing east/west linkage that is meant to be provided by the E3 Zone assessed in the previous sections. Figure 5 shows the examined corridors assessed in the field.

4.1 Surrounding Environment

4.1.1 Thurgoona Golf Course

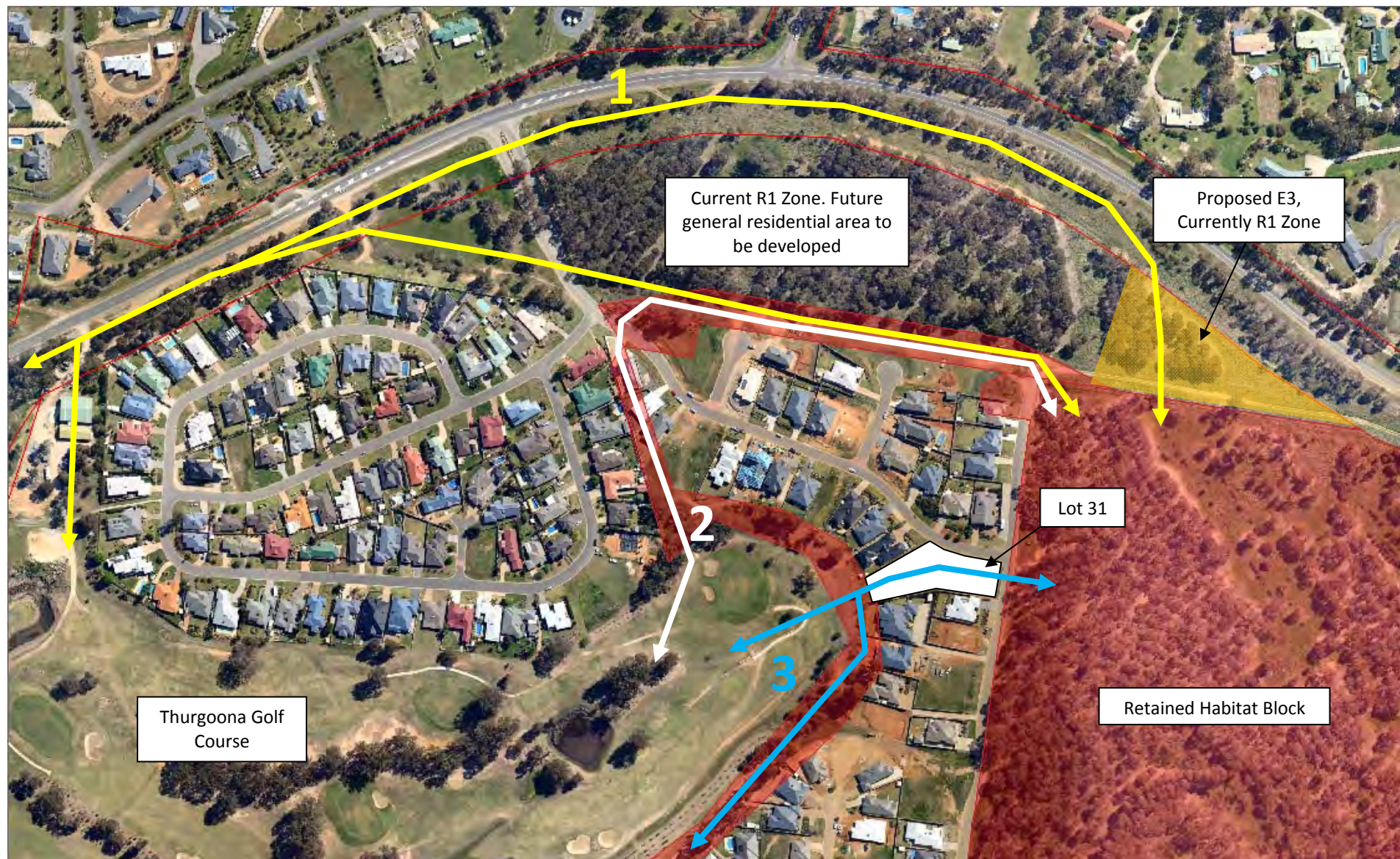
The Thurgoona Golf Course has wide, gently undulating fairways that present a mix of native grasses amongst fringing native trees (not all endemic) and mown and managed areas of naturally seeding grasses (couch and kikuyu). Fairway edges generally present established, flowering native species dominated by Bottlebrush (*Callistemon spp.*) and Paperbark (*Melaleuca spp.*).

There are several open water channels and water holes amongst trees which would be very attractive to bats, waterfowl and woodland birds alike. The golf course is home to a roaming population of Eastern Grey Kangaroos (*Macropus giganteus*) and many old large, hollow-bearing trees which are likely to support arboreal mammals (including the threatened Squirrel Glider (*Petaurus norfolcensis*) which has been recorded in the RHB). The edge of the fairways (on the perimeter of the development) are generally unmanaged, support good stands of native grass amongst high debris loads in some areas.



Plate 11: Thurgoona Golf Course, western end of Lot 31 looking south. Note established understory, large native trees and mown/managed areas.

Figure 5: Corridor Routes assessed during field work.



4.1.2 Retained Habitat Block

The RHB is a large (35 ha) area of Forward Tree Planting containing scattered remnant trees and is a known habitat for the threatened Squirrel Glider (*Petaurus norfolcensis*), Regent Honeyeater (*Xanthomyza phrygia*), Black-chinned Honeyeater (*Melithreptus gularis*), Speckled Warbler (*Chthonicola sagittatus*), Hooded Robin (*Melanodryas cucullata*) and the endangered ecological community White Box, Yellow Box Blakely's Red Gum Woodland/White Box Grassy Woodland. The RHB has been specifically created for the purpose of the protection of threatened species, endangered ecological community and their habitats.



Plate 12: RHB photos from Eight Part Test Fairway Gardens Estate.

4.1.3 Lot 31 – Designated Drainage Reserve

Lot 31 is currently owned and managed by ACC and is effectively a mown and managed passageway linking the RHB and the golf course. No native trees existing on site. Several young fruit trees have been planted along a residential fence on the north-west corner of the block and a single Callistemon shrub is in place on the western lot boundary.



Plate 13: Lot 31, eastern boundary (Forest Drive) looking west to the Thurgoona Golf Course. Note site is devoid of trees and shrubs and all grasses are mown and managed.

4.2 Corridor Values

This section compares the values of each of the assessed corridors (shown in Figure 5). The primary considerations as they relate to corridor connectivity include:

- Corridor width¹ and composition²;
- Continuity of linkages³; and
- Habitat quality⁴.

	Corridor 1 – East/West Thurgoona Drive alignment	Corridor 2 – North/South Newton Court alignment	Corridor 3 – East/West Lot 31 alignment
Corridor Width	Currently the widest corridor, 175m at the widest point. The average width along Thurgoona Drive is ~25m. The narrowest passage is the E3 Zone assessed by this report.	Both the north/south and east/west alignments are narrow (25m) and highly developed.	Approximately 40m wide at its widest point. Narrowest point of the corridor is 18m on the western end.
Corridor composition	Structurally diverse along Thurgoona Drive all the way to the RHB via the proposed new E3 Zone, currently zoned R1. Turns to open mown area after Fairway Gardens Road (current E3 Zone).	Large non-endemic native trees on the southern end of the corridor provide a good staging point. Residential area provides little to no opportunity for movement into the E3 zone running east/west.	No structure. Open mowed area.
Continuity	Corridor along the road (within the road reserve) is a continuous corridor that is unlikely to be encroached upon by development or road widening in the near future. The proposed E3 Zone, currently zoned R1, has a better opportunity for temporal longevity given the surrounding development pressure.	The north/south corridor has already been developed upon and the east/west E3 Zone (assessed by this report) is already subject to development impacts, clearing, stockpiling, rubbish etc.	The corridor requires design and revegetation to ensure continuity. Particular emphasis should be placed upon the Asset Protection Zone (APZ) rules provided by the Rural Fire Service (RFS).
Habitat quality	The Thurgoona Drive corridor provides a diverse range of habitats, including understory, grasses, debris, young and old trees. No riparian areas or alignments exist.	The trees at the southern end of the north/south corridor are healthy although of similar age and not endemic to the area. The E3 zone running east/west is devoid of structure.	No structure. Open mowed area.

¹ Generally, wide and continuous corridors are most likely to foster movements.

² All corridors, regardless of their width, must connect areas of *useful* and *varied* habitat types.

³ Corridors should maintain continuity through time. That is, they need to be robust enough to remain a viable linkage in the landscape regardless of both natural disturbances (such as insect mortality) and planned disturbances (such as residential development).

⁴ Healthy habitats in affect facilitate the movement of organisms through corridors. A structurally diverse corridor is more likely to see more successful movement of organisms.

4.3 Analysis of Corridor Options

In its current form, **Corridor 1 – East/West Thurgoona Drive alignment** provides the greatest opportunity for east/west movement from the Thurgoona Golf Course to the RHB. However, it is the longest and most indirect route and is not without its limitations from an 'ease of movement' consideration.

Corridor 1 utilises a road reserve which is narrow (20m) for the most part and exposes small mammals and foraging woodland birds to (potentially fatal) traffic along Thurgoona Drive. It also has a higher value because of the large FTP area immediately north of the existing Fairway Gardens subdivision development, however, this area is designated for removal in the future which will significantly reduce its attractiveness from a corridor perspective.

The path that moves east/west through the E3 Zone assessed by this report provides little opportunity for connectivity to the RHB in its current form and when the FTP immediately north is cleared for development, it will become redundant indefinitely.

Corridor 2 – North/South Newton Court alignment is fast becoming a redundant pathway given that development has already encroached upon the mapped E3 Zone extending north from the Thurgoona Golf Course. As the corridor path changes direction and the path moves east/west through the E3 Zone assessed by this report, it is of little value from a connectivity perspective.

Corridor 3 – East/West Lot 31 alignment is the most direct route to connect the Thurgoona Golf Course to the RHB, however in its current form, provides no opportunity for safe passage for any species other than large mobile species such as Kangaroos (*Macropus giganteus*) and maybe Brush-tail possums (*Trichosurus vulpecular*). Snakes and other reptiles may even avoid the corridor in its current form given the lack of structure and regular mowing.

To increase opportunities for connectivity between the RHB and the golf course, Corridor 3 should be designed and revegetated such that the area does not pose a fire risk to residents of the estate whilst fulfilling the requirements of an effective corridor (discussed in section 4.2).

4.4 Corridor Design

Little data currently exists on the use of corridors, and their perceived advantages have been questioned. However, most ecologists acknowledge that natural connectivity is important and should be retained before landscapes are disturbed. Figure 6 provides a concept landscaping plan for the Lot 31 drainage reserve. The design has been developed considering the following aspects:

1. The new corridors width and length cannot be altered now or into the future.
2. The specific habitat requirements of all threatened species identified in the RHB, have been considered although not all can be accommodated.
3. Species selection has been guided by the Victorian Country Fire Authority's (CFA) Landscaping for Bushfire: Garden Design and Plant Selection publication, section 5 (available at http://www.cfa.vic.gov.au/fm_files/attachments/plan_and_prepare/landscaping/section05.pdf). Although not a NSW RFS production, this document is an easy to read guide that considers several residential development scenarios and references plants that are easily found in local Albury/Wodonga nurseries.
4. Decisions on placement, density and management of plantings has been made in consultation with the NSW Rural Fire Services, Standards for Asset Protection Zones document (available at http://www.rfs.nsw.gov.au/file_system/attachments/State08/Attachment_20060130_7DE0A145.pdf).

Figure 6 is to be read in conjunction with Section 4.4.1: Landscape Plan Notes.

Figure 6: Lot 31, Drainage Reserve – Concept Landscaping Plan

4.4.1 Concept Landscape Plan Notes

The Concept Landscaping Plan has been developed referencing the NSW Rural Fire Services, *Standards for Asset Protection Zones* document. However, it should be noted that there are no "fireproof" plants and ALL plants are likely to burn in extreme fire-weather conditions. Likewise, correctly selected and located trees can *reduce* wind speed, *absorb* radiant heat and *filter* embers.

The basic principles that the Concept Landscaping Plan has been developed to reflect are:

1. Fire is rarely sustained in the tree canopy, unless there is a fire burning in the plants or leaf litter under the tree, therefore dead leaves, bark and branches as well as leaf litter from underneath trees are to be removed periodically.
2. A conscious effort has been made to avoid trees with loose, stringy or ribbon bark. Red Box (*E. polyanthemos*) is the preferred overstorey species to be utilized in this scenario as it is a winter-flowering, locally indigenous species that is widely noted for its ability to withstand dry soils for long hot periods. Although often considered slow-growing, if it is irrigated appropriately over the first 2 years and planted into a well-drained organic site, it can grow as quickly as 1200mm per year. A mature tree will have fine, dense bark and can be expected to grow up to 15m with a canopy width of 10m. Trees are to be planted such that when mature, their canopies are separated by at least 2 metres and all branches are to be pruned to a minimum of 2m above the ground to increase the vertical separation between fuel at ground level and the canopy.
3. In the absence of shrub-based plantings (which can carry fire into tree canopies), Eucalypt 'cultivars' are recommended to blend the corridor with the streetscape while providing a valuable food source for woodland birds and mammals. *Corymbia ficifolia* 'Wildfire, Sunset and Calypso' feature masses of brightly-coloured flowers produced at the ends of the branches. These cultivars are small to medium-sized trees that may reach 5-6m in height with a canopy width of 4-5m. The cultivars are to be planted and managed as per the Red Box (*E. polyanthemos*).
4. Residents should be encouraged to utilize the space as frequent use will ensure long-term management. The 1m walking trails as a design element reduces fuel loads (less available space for grasses) while segregating a transitional zone between the trees and the houses that is essentially 'defendable space' that can be mown regularly.
5. In the short-term, consideration should be given to the installation of 'Glider poles' in the drainage reserve. The corridor's effectiveness in enabling movement between the Thurgoona Golf Course and the RHB will not be fully realized until the trees are tall enough to guarantee safe passage (by arboreal mammals). A pole can be installed in the first year and provide launching points for Squirrel Gliders (*Petaurus norfolcensis*) that sometimes glide distances up to 50 meters (generally, they glide shorter distances). Once established, the trees themselves can be used to anchor or suspend rope crossings (which are designed to assist larger arboreal marsupials to cross the road).

4.5 Regular Maintenance Actions

- Clear ground fuel from underneath the trees in the 'Planting Area'.
- Prune trees with low-hanging branches, providing separation of at least 2m above the ground.
- Replace plants that die or become diseased.
- Keep plants well hydrated through watering and mulch, especially during establishment. Watering less frequently but for longer encourages the plants to develop deep roots reducing moisture loss during dry periods.
- Remove flammable objects from outside the 'Planting Area' and mow regularly.
- Remove weeds from defendable space as these often contribute to high fuel loads.

5. Appendices

Appendix A: Flora List

Common Name	Scientific Name	Native
Blakely's Red Gum	<i>Eucalyptus blakelyi</i>	Yes
Red Box	<i>Eucalyptus polyanthemos</i>	Yes
Yellow Box	<i>Eucalyptus melliodora</i>	Yes
Mugga Ironbark	<i>Eucalyptus sideroxylon ssp. sideroxylon</i>	Yes
Red Spotted Gum	<i>Eucalyptus mannifera</i>	Yes
Pink Flowering Yellow Gum	<i>Eucalyptus leucoxylon 'Rosea'</i>	Yes
Wallaby Grass	<i>Austrodanthonia sp</i>	Yes
Spear Grass	<i>Austrostipa verticillata</i>	Yes
Poa Grass	<i>Poa sp</i>	Yes
Red Leg	<i>Bothriochloa macra</i>	Yes
Sedge	<i>Carex sp</i>	Yes
Common Rush	<i>Juncus usitatus</i>	Yes
Windmill Grass	<i>Chloris truncata</i>	Yes
Cudweed	<i>Helichrysum luteoalbum</i>	Yes
Common Fireweed	<i>Senecio sp.</i>	Yes
Hedge wattle	<i>Acacia paradoxa</i>	Yes
Patterson's Curse	<i>Echium plantagineum</i>	No
Flea bane	<i>Conyza sp</i>	No
Dock	<i>Rumex obtusifolius L</i>	No
St Johns Wart	<i>Hypericum perforatum</i>	No
Yorkshire Fog Grass	<i>Holcus lanatus</i>	No
Plum Tree	<i>Prunus sp</i>	No
Rye Grass	<i>Lolium sp.</i>	No
Wild Oats	<i>Avena fatua</i>	No
Drain Flat Sedge	<i>Cyperus eragrostis</i>	No
Sheep Sorel	<i>Rumex acetosella</i>	No
Kikuyu	<i>Pennisetum clandestinum</i>	No
Phalaris	<i>Phalaris aquatica</i>	No
Cape Weed	<i>Arctotheca calendula</i>	No
Saffron Thistle	<i>Carthamus lanatus</i>	No
Dandelion	<i>Taraxacum officinale</i>	No
Slender pigeon grass	<i>Setaria parviflora</i>	No
Stink grass	<i>Eragrostis cilianensis</i>	No
Couch	<i>Cynodon dactylon</i>	No

Appendix B: Fauna List

Birds

Common Name	Scientific Name
Australian Magpie	<i>Gymnorhina tibicen</i>
Australian Raven	<i>Corvus coronoides</i>
Black Faced Cuckoo-Shrike	<i>Coracina novaellandiae</i>
Black Shouldered Kite	<i>Elanus axillaris</i>
Eastern Rosella	<i>Platycercus eximius</i>
Galah	<i>Eolophus roseicapillus</i>
Grey Shrike-Thrush	<i>Calluricincla harmonica</i>
Laughing Kookaburra	<i>Dacelo novaeguineae</i>
Magpie Lark	<i>Grallina cyanoleuca</i>
Masked Lapwing	<i>Vanellus miles</i>
Pied Currawong	<i>Streoera graculina</i>
Red Rumped Parrot	<i>Psephotus haematonotus</i>
Red Wattlebird	<i>Anthochaera carunculata</i>
Supurb Fairy-Wren	<i>Malurus cyaneus</i>
White-Plumed Honeyeater	<i>Lichenostomus penicillatus</i>
Willie Wagtail	<i>Rhipidura leucophrys</i>
Yellow Rosella	<i>Platycercus elegans flaveolus</i>
Crested Shrike-tit	<i>Falcunculus frontatus</i>
Barn Owl	<i>Tyto alba</i>
Noisy Miner	<i>Manorina melanocephala</i>
House Sparrow	<i>Passer domesticus</i>

Reptiles

Common Name	Scientific Name
Grass Skink	<i>Lampropholis delicata</i>
Garden Skink	<i>Lampropholis guichenoti</i>
Eastern Brown Snake	<i>Pseudonaja textilis</i>

Mammals

Common Name	Scientific Name
Common Brushtail Possum	<i>Trichosurus vulpecula</i>
Eastern Grey Kangaroo	<i>Macropus giganteus</i>
Rabbit	<i>Oryctolagus cuniculus</i>

Amphibians (heard off site only)

Common Name	Scientific Name
Plains Froglet	<i>Crinia parinsignifera</i>
Spotted Marsh Frog	<i>Limnodynastes tasmaniensis</i>

APPENDIX C:

Applicable aims of the ***Draft Murray Regional Strategy***

Aims of the <i>Draft Murray Regional Strategy</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>: The Land is not located on or near any waterways and the 'R1 General Residential Zone' part of the Land in the Planning Proposal will be connected to: - reticulated sewerage services; and - reticulated stormwater services.
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>: Refer to relevant responses in Section 4.3.1: 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)?
Prepare for and manage the significantly aging population and ensure that new housing meets the needs of smaller households and aging populations be encouraging a shift in dwelling mix and type	<u>Consistent</u>: The R1 General Residential Zone permits "residential care facility" development, as defined in the LEP.
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	<u>Consistent</u>: Refer to relevant responses in Section 4.3.1: 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)?
Ensure an adequate supply of employment land, particularly in Albury and other major towns to accommodate a projected 3,100 new jobs	Not relevant: The Land is not currently or proposed to be zoned for 'employment' purposes.
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: The Land is located in an established urban area.
Only consider additional development sites outside of agreed local strategies if they can satisfy the Regional Strategy's Sustainability Criteria	Not relevant: The Land is located in an established urban area.
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	<u>Consistent</u>: The 'R1 General Residential Zone' part of the Land comprises the former road reserve of Thurgoona Drive being disturbed land.
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	<u>Consistent</u>: The Planning Proposal provides for a neutral change in land zoned 'R1 General Residential Zone'.

APPENDIX D:

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

Aims of the <i>Albury 2030: A Community Strategic Plan for Albury</i>	Planning Proposal consistency (future residential growth/development)
Theme No. 1 – A Growing Economy with strategies to grow the city and increase our population so that local businesses can confidently grow and expand their workforce, and to integrate transport routes to meet the needs of our growing city and connecting Albury to the national and global economy by road, rail and air. We will enhance, promote and maintain the built environment to serve the city.	<u>Consistent</u>: The Planning Proposal is consistent with the Strategic Action to “Implement tree planting programs that reflect the character of Albury and individual suburbs” under the “Outcome – Improve visitors and residents’ experiences” (p. 5) by carrying out landscaping to improve habitat connectivity. The Planning Proposal is also consistent with the Strategic Action to “Support Albury’s population growth” under the “Outcome – Plan and cater for increased population growth” (p. 6) by implementing the objectives of the ‘R1 General Residential Zone’ under the LEP.
Theme No. 2 – An Enhanced Natural Environment with strategies to improve the health of the Murray River, being a leader in water and waste-water management and protecting local plants and animals.	<u>Consistent</u>: The Planning Proposal is consistent with the Strategic Actions to “Adopt a Sustainability Framework for Albury that provides for a net improvement in our natural environment” and “Enhance, protect and promote natural assets” under the “Outcome – Flora and Fauna measures” (p. 14) through providing for an alternative solution to the location and connectivity of land zoned ‘E3 Environmental Management Zone’ under the LEP.
Theme No. 3 – A Caring Community with strategies to value and celebrate knowledge and life-long learning, being recognised nationally as a provider of quality education; providing quality health care; supporting children, young people and their families; promoting positive ageing and encouraging healthy lifestyles; and recognised as a cultural and creative city that embraces and celebrates its diversity.	<u>Consistent</u>: The Planning Proposal is consistent with Strategic Action in relation to “open space”, under the “Outcome – Albury offers a diverse range of facilities and activities for all ages” (p. 23) through providing for an alternative solution to the location and connectivity of land zoned ‘E3 Environmental Management Zone’ under the LEP.
Theme No. 4 – A Leading Community with strategies to promote regional networking, empowering the community to contribute to the future direction of the city and providing inclusive decision making processes, particularly for young leaders.	<u>Consistent</u>: The Planning Proposal is consistent with Strategic Actions in relation to community engagement “strategies” under the “Outcome – Council consults with the community on all major changes that will affect them” (p. 31) through the 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
SEPP (Affordable Rental Housing) 2009	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 SEPP (Affordable Rental Housing) 2009.
SEPP (Building Sustainability Index: BASIX) 2004	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 SEPP (Building Sustainability Index: BASIX) 2004.
SEPP (Exempt and Complying Development Codes) 2008	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 Code, 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 SEPP (Exempt and Complying Development Codes) 2008.
SEPP (Housing for Seniors or People with a Disability) 2004	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 (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	Yes	The Planning Proposal does not derogate the aims of SEPP (Housing for Seniors or People with a Disability) 2004.

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
		(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) to identify development to which the development assessment and approval process under Part 3A of the Act applies, (b) to identify any such development that is a critical infrastructure project for the purposes of Part 3A of the Act, (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) to rationalise and clarify the provisions making the Minister the approval authority for development and sites of State significance, and to keep those provisions under review so that the approval process is devolved to councils when State planning objectives have been achieved, (f) to identify development for which regional panels are to exercise specified consent authority functions.	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 (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.	Yes	The Planning Proposal does not derogate the aims of SEPP (Mining, Petroleum Production and Extractive Industries) 2007.
SEPP (Penrith Lakes Scheme) 1989	No			Not applicable to the Albury City LGA
SEPP (Rural Lands) 2008	Yes (applies to NSW,	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	Yes	The Planning Proposal does not derogate the aims of SEPP (Rural

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
	except metropolitan LGAs)	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.		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 (Temporary Structures) 2007	Yes (applies to NSW)	The aims of this Policy are as follows: (a) to ensure that suitable provision is made for ensuring the safety of persons using temporary structures, (b) to encourage the protection of the environment at the location, and in the vicinity, of temporary structures by (among other things) managing noise, parking and traffic impacts and ensuring heritage protection, (c) to specify the circumstances in which the erection and use of temporary structures are complying development or exempt development, (d)–(f) (Repealed)	Yes	The Planning Proposal does not derogate the aims of SEPP (Temporary Structures) 2007.
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. 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	No			Not applicable to the Albury City LGA
SEPP No. 6 – Number of Storeys in a Building	Yes (applies to NSW)	The aims, objectives, policies and strategies of this Policy are: (a) to remove any confusion arising from the interpretation of provisions in environmental planning instruments which control the height of buildings by reference to the number of storeys, floors or levels which the buildings contain, by specifying the manner in which that number is to be determined, (b) to facilitate the erection of buildings which conform to the topography of the land on which the buildings are erected, and (c) to modify the meaning of each of the words "storey", "floor" and "level" used in an environmental planning instrument to which this Policy applies, but only: (i) for the purpose of the application of this Policy in relation to certain provisions of that instrument, and (ii) so as to exclude, for certain purposes, from the meaning of each of those words a roof (or	Yes	The Planning Proposal does not derogate the aims of SEPP No. 6 – Number of Storeys in a Building.

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
		<i>part thereof) used as an uncovered garden, terrace or deck.</i>		
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
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. 22 – Shops and Commercial Premises	Yes (applies to NSW)	The aim of this policy is to permit within a business zone: (a) the change of use of a building lawfully used for a particular kind of commercial premises to another kind of commercial premises or to a shop, or (b) the change of use of a building lawfully used for a particular kind of shop to another kind of shop or to a commercial premises, even though that change of use is prohibited under another environmental planning instrument, if (c) the consent authority is satisfied the change of use will not have more than a minor environmental effect and is in keeping with the objectives (if any) of the zone, and (d) development consent is obtained for the change of use from that consent authority.	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	Yes	The Planning Proposal does not derogate the aims of SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land), in particular the part of the Land proposed to be zoned

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
		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 (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.		'R1 General Residential Zone' permits <i>multi-unit housing and related development</i> in accordance with the 'objectives' to: • To provide for a variety of housing types and densities. • To encourage medium density housing that is designed to achieve a high standard of amenity.
SEPP No. 33 – Hazardous and Offensive Development	Yes (applies to NSW)	This Policy aims: (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	Yes	The Planning Proposal does not derogate the aims of SEPP No. 36 – Manufactured Home Estates.

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
		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.		
SEPP No. 39 – Spit Island Bird Habitat	No			Not applicable to the Albury City LGA
SEPP No. 44 – Koala Habitat Protection	Yes	This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline: (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and (b) by encouraging the identification of areas of core koala habitat, and (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.	Yes	The Planning Proposal does not derogate the aims of SEPP No. 44 – Koala Habitat Protection, noting that the Land does not comprise “core koala habitat” or “potential koala habitat” as defined.
SEPP No. 47 – Moore Park Showground	No			Not applicable to the Albury City LGA
SEPP No. 50 – Canal Estate Development	Yes (applies to NSW)	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.	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 Plan Areas	No			Not applicable to the Albury City LGA
SEPP No. 55 – Remediation of Land	Yes (applies to NSW)	(1) The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land. (2) 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: (a) by specifying when consent is required, and when it is not required, for a remediation work, and (b) 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 (c) by requiring that a remediation work meet certain standards and notification requirements.	Yes	The Planning Proposal does not derogate the aims of SEPP No. 55 – Remediation of Land. For the purposes of clause 6 of SEPP No. 55 – Remediation of Land and Managing Land Contamination: Planning Guidelines (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 Contaminated Land Management Act 1997; and - is not land on which development for a purpose referred to in Table 1 to the Managing Land Contamination: Planning Guidelines (DUAP & EPA 1998) is being, or is known to have been, carried out.
SEPP No. 59 – Central Western Sydney Regional Open Space and Residential	No			Not applicable to the Albury City LGA
SEPP No. 60 – Exempt and Complying Development	No			Not applicable to the Albury City LGA
SEPP No. 62 – Sustainable Aquaculture	Yes (applies to NSW, with minor exceptions)	The aims and objectives of this Policy are: (a) 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,	Yes	The Planning Proposal does not derogate the aims of SEPP No. 62 – Sustainable Aquaculture.

State Environmental Planning Policy	Applicable?	Aims of policy, if applicable?	Consistent?	Assessment
		and (b) to make aquaculture development permissible in certain zones under the Standard Instrument, as identified in the NSW Land Based Sustainable Aquaculture Strategy, and (c) to set out the minimum site location and operational requirements for permissible aquaculture development (the minimum performance criteria), and (d) 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 (e) 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.		
SEPP No. 64 – Advertising and Signage	Yes (applies to NSW)	(1) This Policy aims: (a) to ensure that signage (including advertising): (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish, and (b) to regulate signage (but not content) under Part 4 of the Act, and (c) to provide time-limited consents for the display of certain advertisements, and (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. (2) This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.	Yes	The Planning Proposal does not derogate the aims of SEPP No. 64 – Advertising and Signage.
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		
1.2 Rural Zones	No		
1.3 Mining, Petroleum Production and Extractive Industries	Yes	<i>The future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials should not be compromised by inappropriate development</i>	<u>Consistent</u> : The Land and all surrounding land is not known to be affected by: - any resources or potential resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance; or - existing mines, petroleum production operations, or extractive industries.
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 Planning Proposal provides for biodiversity values to be maintained as set out in the BVA report at Appendix B: Biodiversity Values Assessment .
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 items, areas, objects, or places of Aboriginal or European cultural heritage significance.
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 proposed 'R1 General Residential Zone' directly responds to the housing needs of Thurgoona and infrastructure, services, environment, and resource issues. The 'objectives' of the 'R1 General Residential Zone' under the LEP are: - To provide for the housing needs of the community. - To provide for a variety of housing types and densities. - To enable other land uses that provide facilities or services to meet the day to day needs of residents. - To encourage affordable housing. - To encourage medium density housing that is designed to achieve a high standard of amenity.
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> : While the Land does not contain any existing caravan parks or manufactured home estates, a variety of housing types is envisaged by the 'objectives' of the proposed 'R1 General Residential Zone' under the LEP.
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 is located within the urban area of Thurgoona and has ready access to the local road network, with Thurgoona Drive being a 'arterial road'. Augmentation of the existing road and bicycle network will occur via the master planning and development control plan procedural requirements of Part 6 of the LEP as relating to nearby land.
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 identified as containing acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	No		<u>Consistent</u> : The Land is not identified as being subject to mine subsidence or unstable land.
4.3 Flood Prone Land	No		<u>Consistent</u> : The Land is not identified as being flood-prone.
4.4 Planning for Bushfire Protection	No		<u>Consistent</u>: The whole of the Land the subject of the Planning proposal is identified as being bushfire prone in the Albury Bushfire Prone Land Map however once the land proposed to be rezoned to 'R1 General Residential Zone' is developed for residential purposes it would comprise "managed land" as defined under <i>Planning for Bushfire Protection</i> (RFS, 2006), namely – Managed Land <i>Non-vegetated or reduced vegetation areas such as: actively grazed pastures, maintained urban yards, maintained lawns, crops, orchards, vineyards, commercial nurseries, playing fields, golf course fairways, cleared parks, non-vegetated areas, formed roads and footpaths including cleared verges, waterways, etc.</i> Any development application for the subdivision of the Land would require a 'Bushfire Safety Authority' under section 100B of the <i>Rural Fires Act 1997</i> before approval of that development application.
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		
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 land rezoning; no changes to written ordinance is proposed.
6.2 Reserving Land for Public Purposes	No		[It is noted however that landscaping and habitat connectivity works on a nearby reserve is proposed.]
6.3 Site Specific Provisions	Yes	<i>Unnecessarily restrictive site specific planning controls are discouraged</i>	<u>Consistent</u> : The Planning Proposal only proposes land rezoning; no change to written ordinance is proposed.
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	No		

APPENDIX G:

Summary of consultation carried out with government departments/agencies

Government department/agency	Issue raised	Response / action
Albury Local Aboriginal Land Council	[Issues, if any, to be inserted following consultation.]	[Response/action, if any, to be inserted following consultation.]
Murray Catchment Management Authority	[Issues, if any, to be inserted following consultation.]	[Response/action, if any, to be inserted following consultation.]
Office of Environment and Heritage	Pre-lodgement consultation indicated that OEH would require biodiversity values and connectivity assessments of both areas prior to providing formal advice to ACC. OEH confirmed the following scope of work in regard to the preparation of an Biodiversity Values Assessment: - Assessments of existing conditions in each of the zoning transfer areas. - Connectivity assessment. - Preparation of a landscaping plan showing vegetation planting details on the drainage reserve. [Any additional issues, if any, to be inserted following further consultation.]	The BVA report provided at Appendix B: Biodiversity Values Assessment was prepared with comment from OEH received by letter dated 30 January 2013 as shown attached. [Any additional response/action, if any, to be inserted following further consultation.]
Roads and Maritime Services	[Issues, if any, to be inserted following consultation.]	[Response/action, if any, to be inserted following consultation.]



**Office of
Environment
& Heritage**

Your reference:
Our reference:
Contact:

Email of 9 January 2013
DOC13/2914
Tobi Edmonds
(02) 6229 7094

Mr James Laycock
Principal Planner
Blueprint Planning & Development
1035 Table Top Road
Table Top NSW 2640

Dear Mr Laycock

RE: Draft Biodiversity Values Assessment - Fairway Gardens Estate

The Office of Environment and Heritage (OEH) has reviewed the Draft Biodiversity Values Assessment (dBVA) dated 7/1/13, for the proposed 'zoning swap' for Lot 499, DP1142134 at Fairway Gardens Estate.

Overall OEH does not object to the 'zoning swap' as the dBVA has demonstrated that the biodiversity values of the land proposed to be rezoned E3 – Environmental Management will be comparable to the current E3 land proposed to be rezoned as R1 – General Residential.

The connectivity values that the current E3 land provides for fauna will be offset by the revegetation of Lot 31.

The final version of the dBVA should include a description of who will manage the new E3 land (e.g. Albury City Council or Crown Lands).

The proponent should also be aware that even though the Albury Local Environmental Plan 2010 has been Biodiversity Certified under the *Threatened Species Conservation Act 1995*, other environmental and cultural issues must still be addressed as part of any Development Application. These issues might include the *Protection of Environment Operations Act 1997* or Aboriginal Cultural Heritage (ACH) (protected under the *National Parks and Wildlife Act 1974*). Under the *National Parks and Wildlife Act 1974* the only protection from prosecution, for harming an Aboriginal Object is the possession of an 'Aboriginal Heritage Impact Permit' or the ability to demonstrate that 'Due Diligence' has been followed. For more information on Aboriginal Cultural Heritage regulation go to:
<http://www.environment.nsw.gov.au/licences/achregulation.htm>

Should you wish to discuss this matter further please contact Tobi Edmonds on (02) 6229 7094.

Yours sincerely

30/01/2013

JACKIE TAYLOR
Acting Manager Landscape and Aboriginal Heritage Protection (South)
Regional Operations Group