

Planning Proposal

Amendment to Albury Local Environmental Plan 2010

Rezoning of land in Table Top and Splitters Creek

Prepared by
AlburyCity Council

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PART 1 – OBJECTIVES OR INTENDED OUTCOMES

AlburyCity Council has resolved to prepare a Planning Proposal as per Section 55 of the *Environmental Planning & Assessment Act 1979* (EP&A Act). The proposal seeks to amend the land zoning and minimum lot size provisions of land in Table Top and Splitters Creek (subject land) (see **Figures 1-4** of this Planning Proposal and **Figure 1** of **Appendix B**) currently contained within the *Albury Local Environmental Plan 2010* (ALEP 2010).

The Planning Proposal has been prepared consistent with the land zoning and minimum lot size recommendations of the recently Council adopted and NSW Department of Planning & Environment endorsed *Rural Lands Strategy for Table Top & Splitters Creek* (Rural Lands Strategy)(see **Appendix C**).

PART 2 – EXPLANATION OF PROVISIONS

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

- amend the Land Zoning Maps – Sheets LZN_001, LZN_002, LZN_009 & LZN_010 as per the recommendations of the Rural Lands Strategy (as shown on the proposed Land Zoning Maps contained in **Figures 1 & 3** of this Planning Proposal and **Figure 2** of **Appendix B**), and
- amend the Lot Size Maps – Sheets LSZ_001, LSZ_002, LSZ_009 & LSZ_010 as per the recommendations of the Rural Lands Strategy (as shown on the proposed Lot Size Maps contained in **Figures 2 & 4** of this Planning Proposal and **Figure 3** of **Appendix B**); and
- amend the legend of Lot Size Maps – Sheets LSZ_003, LSZ_004, LSZ_005, LSZ_006, LSZ_007, LSZ_008 & LSZ_011 as a result of the proposed changes outlined above (as shown on the proposed Lot Size Maps shown in **Figure 3** of **Appendix B**).

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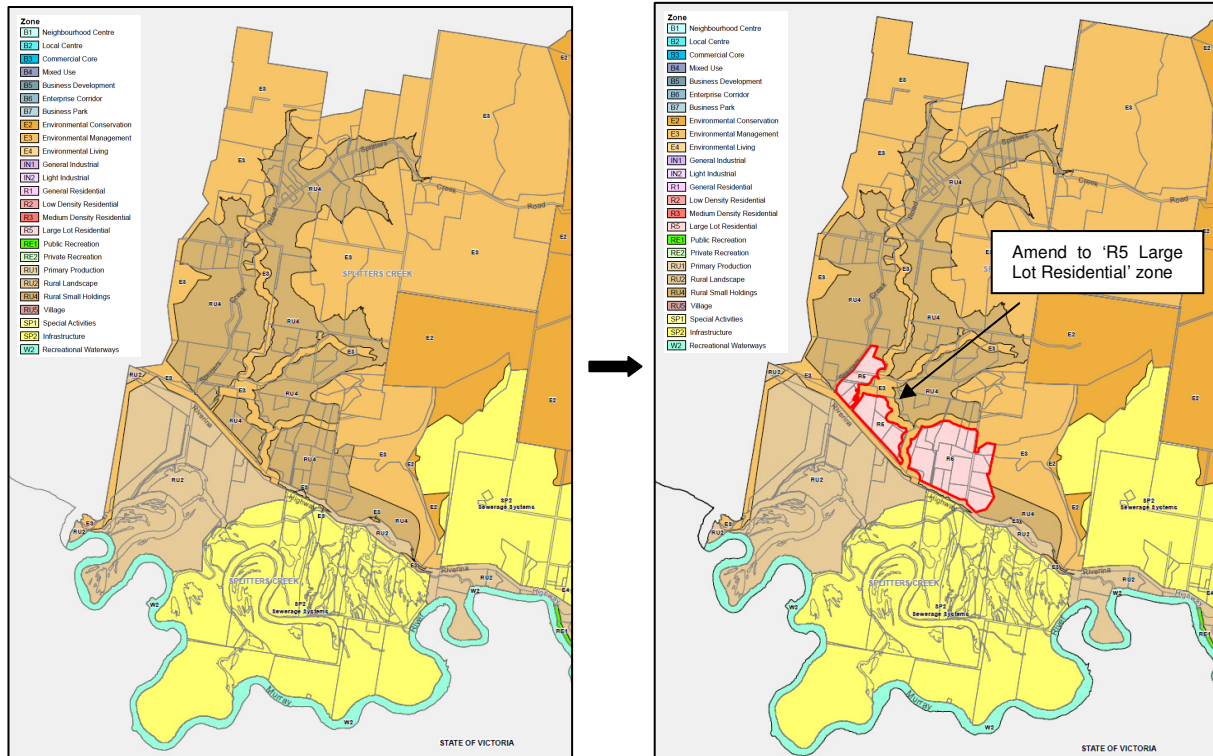


Figure 1 – Extract of zoning map indicating proposed changes sought by Planning Proposal in Splitters Creek

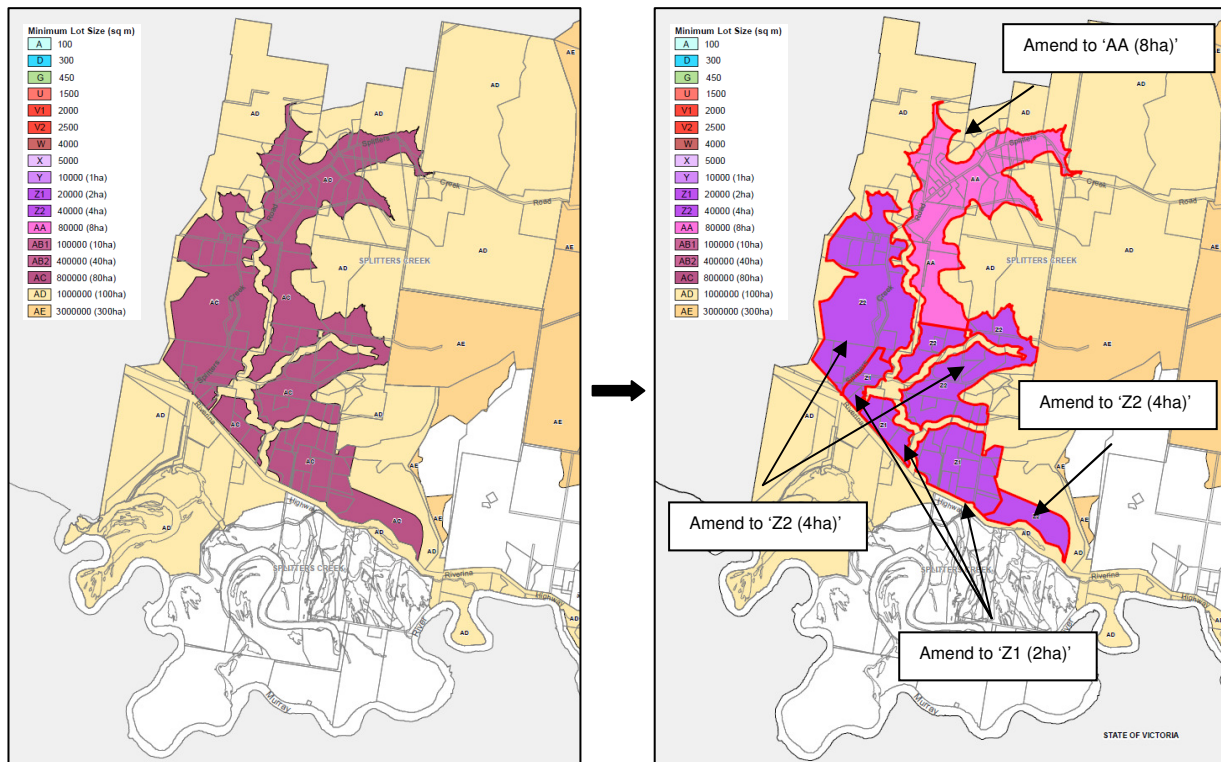


Figure 2 – Extract of lot size map indicating proposed changes sought by Planning Proposal in Splitters Creek

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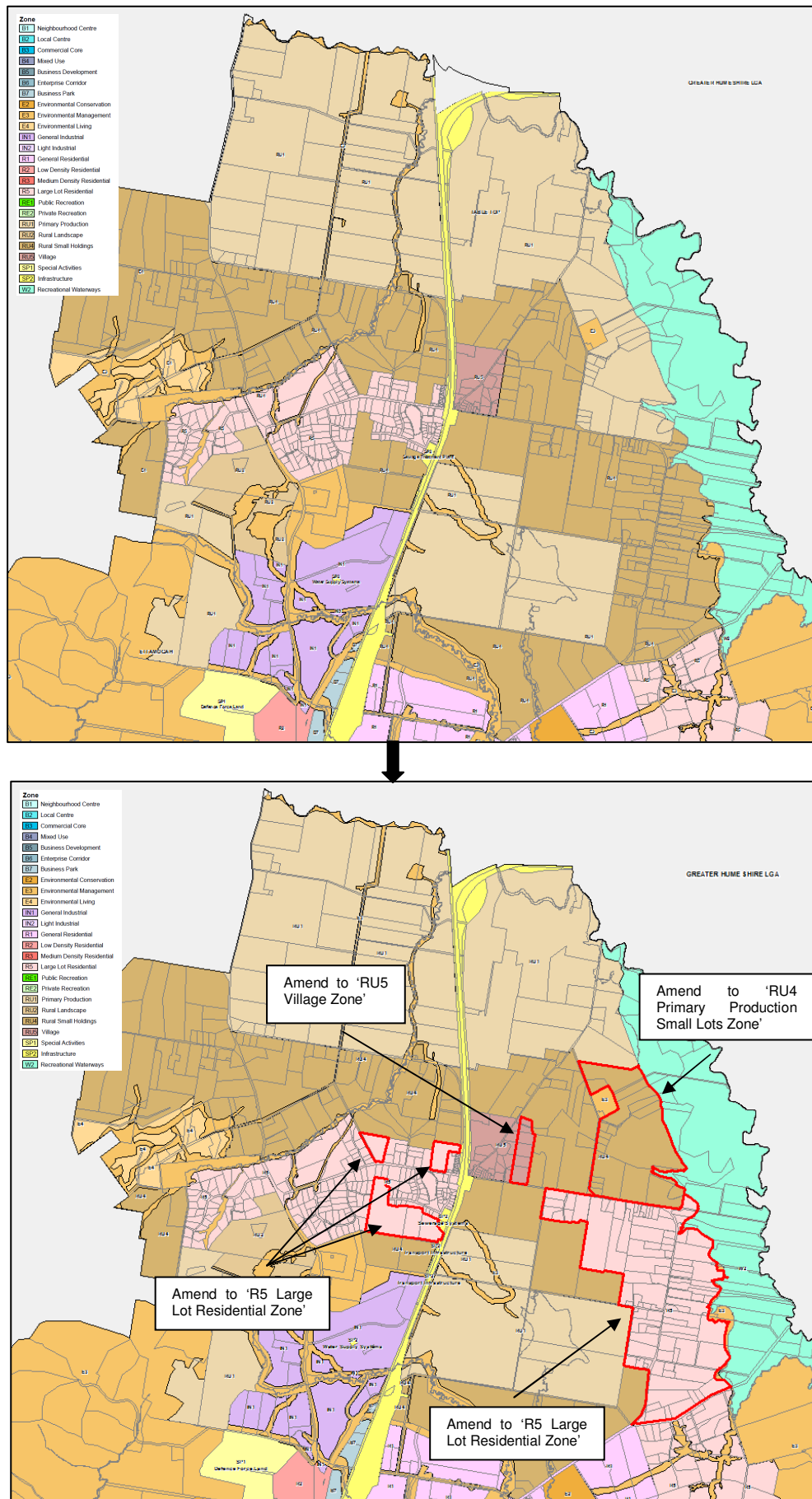


Figure 3 – Extract of zoning map indicating proposed changes sought by Planning Proposal in Table Top

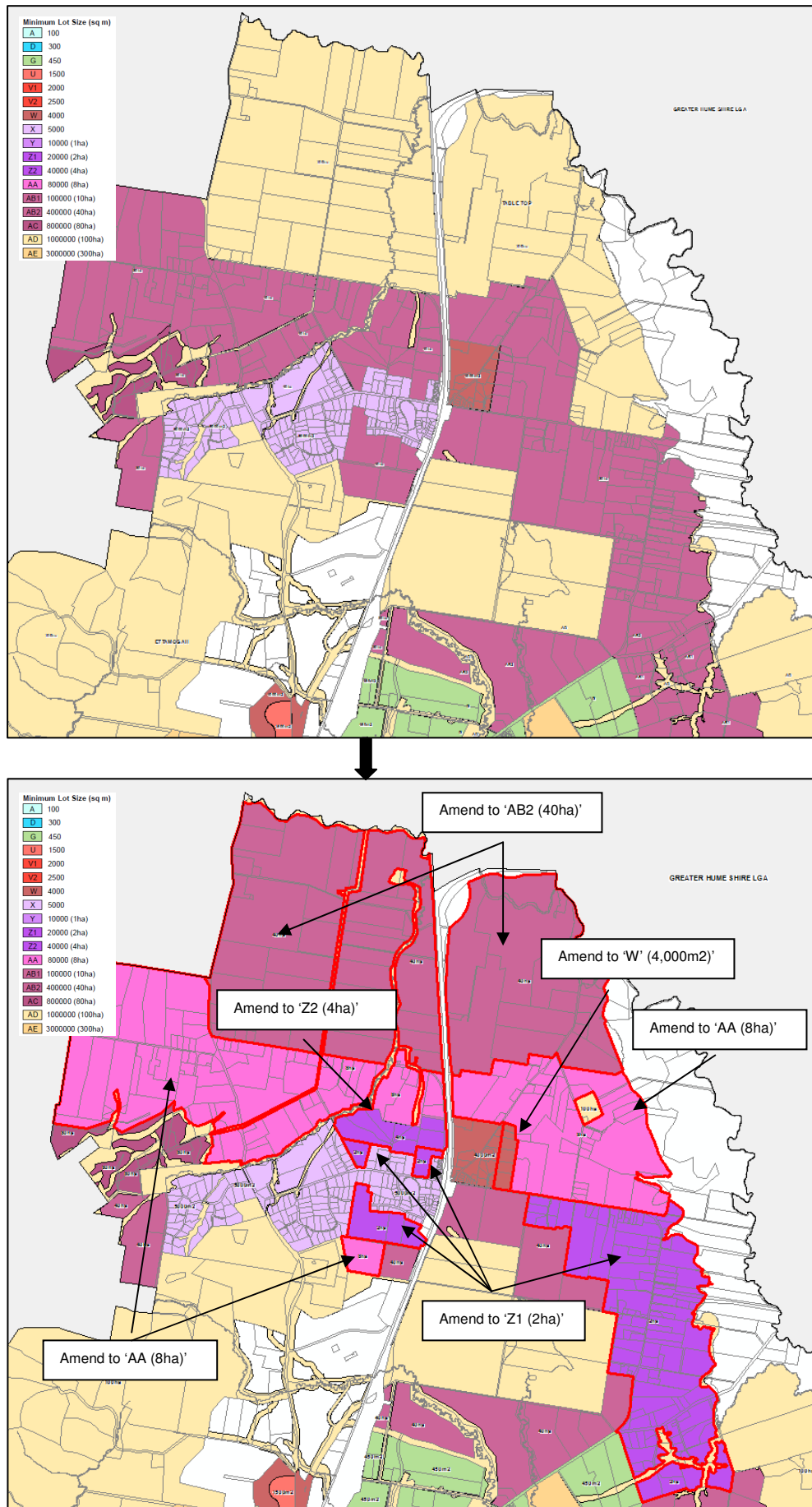


Figure 4 – Extract of lot size map indicating proposed changes sought by Planning Proposal in Table Top

PART 3 – JUSTIFICATION

Section A - Need for the planning proposal.

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

The Planning Proposal is the result of the recently Council adopted and NSW Department of Planning & Environment endorsed *Rural Lands Strategy for Table Top and Splitters Creek* (Rural Lands Strategy).

As background, local government boundary adjustments initiated in 2004 resulted in large parts of the surrounding former Hume Shire Council (including both Table Top and Splitters Creek) becoming part of the Albury Local Government Area (LGA). Consequently, AlburyCity also inherited the Hume Shire planning controls under the *Hume Local Environmental Plan 2001* that allowed for the subdivision of land down to a 2ha minimum with an 8ha average lot size in the 'Rural Living Zone' that applied across much of both Table Top and Splitters Creek.

These provisions enabled ad-hoc development and land fragmentation across much of Albury's rural areas creating the potential for land use conflict with existing agricultural pursuits, placed restrictions on future long term urban development opportunities and created issues with respect to the sustainable provision of services.

As part of AlburyCity's review of planning controls in the preparation of the *Draft Albury Local Environmental Plan 2010*, Council introduced controls to prevent any further subdivision in these areas by placing them into a 'holding pattern' pending further investigations in recognition of potential land use conflicts outlined above. In Splitters Creek, the former Rural Living areas were rezoned RU4 Primary Production Small Lots with an 80 hectare minimum lot size or E3 Environmental Management with a 100 hectare minimum lot size. In Table Top, these areas were zoned RU4 with a 40 hectare minimum lot size.

During public exhibition of the *Draft Albury Local Environmental Plan 2010* numerous submissions were received opposing the zoning and minimum lot size changes on the basis that subdivision opportunities would be reduced/removed ('locked up') for an indeterminate number of years. At this time Council resolved to support placing these areas into a holding pattern, but resolved to undertake further investigations to reconsider these provisions in the future.

The preparation, adoption and endorsement of the Rural Lands Strategy has fulfilled this commitment. The Rural Lands Strategy was subsequently prepared over a 14 month period and involved extensive consultation with all relevant persons, landowners and government agencies/public authorities.

The Rural Lands Strategy provides a systematic and documented investigation of both Splitters Creek and Table Top to inform and substantiate recommendations relating to settlement pattern, service infrastructure (including utilities and transport) and staging.

In making these recommendations, the Rural Lands Strategy takes into consideration the following:

- future long term urban development opportunities;
- identification and retention of land for suitable agricultural pursuits;
- maintaining a supply of sufficient land in appropriate locations for rural lifestyle housing that does not compromise future long term development potential, safeguards existing and ongoing agricultural pursuits, respects natural physical constraints, responds to natural hazards and respects environmental values;
- coordinated, efficient and sustainable provision and use of necessary infrastructure;
- identification and resolution of any existing and future potential land use conflicts; and
- delivery of a safe, efficient and integrated transport network.

The purpose of the Rural Lands Strategy is to inform future planning decisions and provide the framework for statutory planning controls, which will give local communities, developers and other investor's greater certainty and confidence about future development in the Table Top and Splitters Creek areas. In summary, the Rural Lands Strategy will create opportunities for rural lifestyle and large lot residential purposes, whilst protecting productive agricultural pursuits and preserving future urban development opportunities.

The Rural Lands Strategy has been achieved through a collaborative approach between the NSW Department of Planning & Environment and AlburyCity using grant monies received under the Planning Reform Fund program.

Accordingly, the Rural Lands Strategy was subsequently adopted by Council on 26 October 2015 and endorsed by the NSW Department of Planning & Environment on 17 August 2016. The subject Planning Proposal has been prepared as a result of this Rural Lands Strategy.

Consequently, a number of changes are now recommended to the land zoning and minimum lot size provisions as contained within ALEP 2010, as they relate to Table Top and Splitters Creek, consistent with the recommendations of the Rural Lands Strategy.

Informed by detailed investigations, documented analysis and technical evidence (inclusive of constraints analysis, agricultural and urban land capability assessments, rural land use survey, demand and supply assessment) an overview of the Rural Lands Strategy recommended settlement pattern, consequential amendments to ALEP 2010 and other relevant issues as they relate to Splitters Creek and Table Top are outlined below.

Splitters Creek

The Rural Lands Strategy recommends that locations lower in the Splitters Creek catchment be developed at a 2-4ha minimum lot size along the Riverina Highway and the Bretton Road area, whilst locations higher in the Splitters Creek catchment be developed at an 8ha minimum lot size at the northern end of Splitters Creek Road. Whilst this only provides moderate development outcomes (44 additional lots), settlement outcomes sought recognise environmental sensitivities by avoiding steep terrain, heavy vegetation, waterways, areas subject to erosion and pre-existing bush fire risk that warrants careful management.

For those areas proposed to have a 2ha minimum lot size, it is also proposed to rezone this land from RU4 Primary Production Small Lots Zone to R5 Large Lot Residential Zone. The balance of the existing RU4 Primary Production Small Lots Zone land will remain zoned as such.

Table Top

The Planning Proposal, consistent with the Rural Lands Strategy recommends that land located along Table Top Road and surrounding the Lara Lakes rural residential estate is recommended to be developed at a 2ha minimum lot size. This reflects historic subdivision activities and land fragmentation that has occurred under previous Hume Shire planning controls on land now recognised as being relatively flat, having direct access to the local road network and connected to reticulated water.

A small area of discrete land immediately adjoining to the north of the Lara Lakes rural residential estate be developed at a 4ha minimum lot size, which will contribute to the diversity of rural residential opportunities and provide a transition in lot sizes to larger broad-acre farming lots located to the north.

In addition, it is also recommended that land located on the northern side of Table Top Road, south side of Perryman Lane and to the west along Dights Forest Road be developed at an 8ha minimum lot size. This provides a balance in providing for a diversity of rural lifestyle opportunities and an appropriate transition between rural residential living outcomes to the south and broad-acre farming pursuits to the north. In areas of land north of Burma Road and Perryman Lane a reduction to a 40ha minimum lot size also has been recommended. This is reflective of the current range of existing lot sizes, provides some modest subdivision opportunities and does not impede existing small scale broad-acre farming pursuits.

For those areas proposed to have a 2ha minimum lot size, it is also proposed to rezone this land from RU4 Primary Production Small Lots Zone to R5 Large Lot Residential Zone with the exception of that land located immediately east of Table Top Village where an RU5 Village Zone is proposed. The balance of the existing RU4 Primary Production Small Lots Zone land will remain zoned as such.

That land currently zoned RU1 Primary Production (where a 40ha minimum lot size is recommended will remain zoned as such, with the exception of a small area of land on the northern side of Table Top Road and to the east of Mitchell Road, which is proposed to be rezoned from RU1 Primary Production to RU4 Primary Production Small Lots with an 8ha minimum lot size. This reflects existing lot sizes and previous approvals for the area, does not

create uneconomic demands on infrastructure provision and assists in providing an additional buffer between rural residential living outcomes to the south and broad-acre farming pursuits to the north.

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

The Planning Proposal is the best means of achieving the land zoning and minimum lot size recommendations as sought by AlburyCity. As outlined above, the Planning Proposal has been prepared in response to, and supported by, the recently endorsed Rural Lands Strategy.

In the absence of this Planning Proposal, the rural areas of Albury will remain in a 'holding pattern' indefinitely with limited opportunities for further subdivision or development. The impacts of this could be significant for landowners as it will provide no certainty or confidence regarding the long-term development opportunities of this land.

Section B - Relationship to strategic planning framework

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

On 21 April 2016, the NSW Department of Planning & Environment released the *Draft Riverina-Murray Regional Plan*. The draft Plan seeks to provide a strategic planning framework to guide decision making and development in the Riverina-Murray region for the next 20 years.

Whilst it is acknowledged that the *Draft Riverina-Murray Regional Plan* remains pending and in draft format, in anticipation of a likely endorsement and a Ministerial Direction requiring councils to implement the objectives and actions of the *Final Riverina-Murray Regional Plan*, a response against relevant goals, directions and actions of this Draft Plan is outlined below:

Goal 1 (Economy) – A growing economy supported by productive agriculture and sustainable use of natural resources

The *Draft Riverina-Murray Regional Plan* acknowledges rural lands and natural resources are the foundations of the region's economic growth, employment and development.

In particular, Action 1.2.2 promotes the preparation of a strategic planning framework to protect the productive values of agricultural land (including mineral/renewable energy resources) and manage land use conflicts that can result from the cumulative impacts of successive development decisions.

In addition, Action 1.3.3 seeks to avoid urban expansion and rural residential development on productive agricultural land and identified mineral and energy resources.

The Rural Lands Strategy investigations and resultant settlement recommendations (via this Planning Proposal) are consistent with this Draft Strategy and seek similar outcomes including:

- recognising the importance of agricultural lands;
- protecting agricultural and resource lands for key agricultural and other industries from inappropriate development;
- providing clear and consistent direction for the management of agricultural lands;
- providing guidance on managing the interface between agricultural lands and other land uses; and
- providing direction about the sustainable management of agricultural lands to assist the preparation of evidence based local strategies.

Goal 2 (Transport & Infrastructure) – Improve regional transport networks and utility infrastructure to support economic activity

The *Draft Riverina-Murray Regional Plan* seeks to improve transport network reliability and efficiency, make best use of infrastructure and provide ongoing network capacity to allow the region's settlements, industries and agribusinesses to grow.

In particular, Action 2.3.2 seeks to establish monitoring mechanisms to enable better demand forecasting to inform infrastructure coordination.

Rural Lands Strategy investigations and resultant settlement recommendations (via this Planning Proposal) are consistent with this Draft Strategy and seek similar outcomes including:

- an analysis of infrastructure provision necessary to service settlement recommendations for both Table Top and Splitters Creek;
- a listing of consequential infrastructure provision (including road network improvements), indicative costings, and sequencing; and
- infrastructure commitments acknowledged by Council (via the Rural Lands Strategy) to inform future AlburyCity works programs and relevant infrastructure contributions policies.

Goal 3 (Settlements) – Strong regional cities supported by a network of liveable towns and villages that meet the community's changing needs

The *Draft Riverina-Murray Regional Plan* acknowledges that population growth across the Riverina-Murray region will not be evenly distributed, with the regional cities of Albury, Wagga Wagga and Griffith projected to experience the highest rate of growth.

Accordingly, the *Draft Riverina-Murray Regional Plan* seeks to support the function of the regional cities as hubs for jobs, services and housing.

In particular, Action 3.4.1 seeks to facilitate an increased range of housing options.

In addition, Action 3.4.4 seeks to develop and implement principles (criteria) for rural residential development to avoid land use conflict, reduce the loss or alienation of agricultural lands, assist the sustainable provision of services and infrastructure and avoid adverse impacts on the environment.

Rural Lands Strategy investigations and resultant settlement recommendations (via this Planning Proposal) are consistent with this Draft Strategy and seek similar outcomes including:

- the provision of housing diversity (inclusive of rural residential and rural lifestyle options) throughout the Albury LGA to accommodate housing demands; and
- identifies and promotes principles for sustainable rural residential development through housing provision in appropriate locations that are reflective of existing environmental constraints, will not compromise existing and ongoing agricultural pursuits and other industries and not impose uneconomic demands on service and infrastructure provision.

Goal 4 (Environment) – A protected environment and a community resilient to natural hazards and climate change

The *Draft Riverina–Murray Regional Plan* recognises that the Murray River and its catchment characterises the Riverina–Murray region. The *Draft Riverina–Murray Regional Plan* also acknowledges that there are many different and competing interests at play along the Murray, including settlement, environment, agriculture and tourism, each with an arguably equal right. For this reason, the river needs to be actively managed so that it is available for both current and future users.

Rural Lands Strategy investigations and resultant settlement recommendations (via this Planning Proposal), through appropriate environmental considerations and land capability assessment, does not does not derogate or depart from goals, directions and actions sought by the *Draft Riverina –Murray Regional Plan*. In particular, it is noted that the subject land is not located within close proximity to the Murray River and will therefore not adversely affect the environmental or social functions that this waterway provides.

4. Is the planning proposal consistent with the council's local strategy or other local strategic plan?

The Planning Proposal is consistent with Council's relevant local planning strategy, being the Rural Lands Strategy, as it seeks to adopt all the land use zoning and minimum lot size recommendations as contained within this Plan.

The proposal is also consistent with Council's local community strategic plan, *Albury 2030*. The Albury 2030 Plan includes the following strategic aims under the theme of 'A Growing Economy':

- *1.3.2 – Support Albury’s population growth – ensure policies facilitate sustainable growth and housing choice without compromising Albury’s values.*
Progress development of AlburyCity Structure Plans and/or Master Plans:
 - *Thurgoona/Wirlinga;*
 - *Splitters Creek;*
 - *Lake Hume and Table Top Villages;*
 - *Table Top.*
- *1.3.3 – Review and monitor the Local Environmental Plan and the Development Control Plan with regard to outcomes within Albury 2030;*
- *1.3a – Albury Land Monitor (residential, commercial and industrial sectors) – Maintain a diversity of options amongst all sectors and continue to meet demand for opportunities for land development...; and*
- *1.5.1 – Promote Albury as a major regional economy and the regional city of choice for lifestyle, career and investment opportunities.*

The preparation and implementation of the Rural Lands Strategy for Table Top and Spliters Creek, which seeks to change the land zoning and minimum subdivision lot size provisions for Albury’s rural areas meets the aims of this theme of Albury 2030.

In particular, the rezoning of land for rural lifestyle purposes provides a diversity in housing choice, whilst protecting future long term urban development opportunities. The subject Planning Proposal also seeks to protect existing viable agricultural pursuits, limit potential land use conflicts and maintain Albury as the major economy of choice.

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

The Planning Proposal is consistent with, or where applicable, justifiably inconsistent with *State Environmental Planning Policies*, as set out in **Table 2** of Appendix A.

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

The Planning Proposal is consistent with, or where applicable, justifiably inconsistent with *Section 117(2) Ministerial Directions*, as set out in **Table 3** of Appendix A.

Section C - Environmental, social and economic impact

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

The Planning Proposal will not create any adverse environmental impacts for threatened species, populations or ecological communities or their habitats, despite a proposed change in land use zoning and minimum lot size provisions, as they apply to parts of Albury's rural areas.

Previous city-wide environmental and strategic planning documentation (including the *Thurgoona Threatened Species Conservation Strategy 2004*, *Albury Ranges Threatened Species Conservation Strategy 2006* and the *draft Natural Assets Strategy*) has identified land considered desirable habitat network for threatened species populations to be retained across the Albury LGA.

These environmental investigations subsequently informed the preparation and gazettal of ALEP 2010, which identified and excised these same habitat networks from urban and rural zoned lands and zoned them E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living Zone, which is geared towards the protection, management and restoration of areas with special ecological, scientific, cultural or aesthetic value.

The spatial determinants and land management recommendations associated within these retained and desirable habitat networks have generally been based on tree cover, connectivity and are broadly based on wildlife conservation and provide protection to critical habitat or threatened species, populations or ecological communities, or their habitats

In response to these environmental attributes/values, it is noted that the subject Planning Proposal does not seek to alter, amend or reduce the spatial location or protection requirements of any environmental zoned land as contained within ALEP 2010.

Notwithstanding, it is acknowledged that a change in land use zoning and a reduction in minimum lot size provisions does have the potential to create environmental impacts such as additional vegetation clearing, edge impacts and hazard reduction works.

Therefore, during the preparation of the recently adopted and endorsed Rural Lands Strategy, detailed consideration was given to the environmental impacts of development located within environmentally sensitive areas. One of the primary aims of this Rural Lands Strategy was to minimise the environmental impacts of development by considering appropriate settlement outcomes (land use zoning and minimum lot sizes) in response to environmental conditions, including hazard reduction requirements and any associated or likely vegetation losses associated with more intensive forms of land development.

In particular, the Planning Proposal seeks to protect the high levels of amenity and environmental values of Splitters Creek by providing for only moderate development outcomes (44 additional lots) in locations lower in the Valley that are already being used for rural lifestyle purposes and that avoid areas of environmental sensitivity.

The designation of these areas for rural residential development were chosen to reflect and respond to existing environmental conditions including an avoidance of steep terrain, heavy vegetation, waterways and areas of high hazards and erosion. Additional opportunities for rural residential development also reflect previous planning controls under the former Hume Shire (Rural Living Zone) and land that has previously been cleared or used for rural residential purposes.

Similarly, the Planning Proposal seeks to protect the environmental attributes of land in Table Top. It is reiterated that the Planning Proposal does not seek to alter, amend or reduce the spatial location of any environmental zoned land within Table Top and seeks to avoid areas of environmental significance. It is noted that the location of proposed rural residential development generally reflects previously Rural Living zoned land, as well as land that has previously been cleared/developed for agricultural and rural lifestyle purposes (outside of isolated scattered paddocks trees).

Therefore, the Planning Proposal does not seek to change the location and spatial extent of environmental zones as contained within ALEP 2010. Accordingly, the Planning Proposal will not reduce the current environmental protection methods applying to land or create any adverse impacts with regards to the protection or conservation of environmentally sensitive areas, critical habitat or threatened species, populations or ecological communities, or their habitats.

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

Flooding & potential land contamination issues

The Planning Proposal has considered other likely environmental effects as a result of the proposed land use zoning and minimum lot size changes. In particular, both Table Top and Splitters Creek are not flood prone and the likelihood for land contamination is considered low.

Nonetheless, the subject land may be contaminated by previous and current land use activities including agricultural/horticultural activities, sheep and cattle dip sites etc. However, a combination of both topographical constraints, limited agricultural capabilities and proximity to existing urban and village areas has generally restricted agricultural activities to low impact uses such as extensive grazing and crop or fodder production. Likewise, other areas currently zoned RU4 Primary Production Small Lots in both Table Top and Splitters Creek have also historically only been used for the purposes of rural lifestyle and hobby farming, rather than commercial farming activities and therefore the likelihood of land contamination is considered low.

Notwithstanding, a further assessment against matters regarding land contamination is provided in response to *State Environmental Planning Policy No. 55 (Remediation of Land)* as contained within **Table 2** of Appendix A.

Bush fire issues

Matters regarding bushfire have also been considered as part of the preparation and endorsement of the Rural Lands Strategy. It is noted that the entire area of Splitters Creek and a small portion of Table Top are classified as being bushfire prone.

As a consequence, the Rural Lands Strategy was prepared in consultation with the NSW Rural Fire Service (NSW RFS). Although during the preparation of the Rural Lands Strategy the NSW RFS did not oppose the proposed settlement recommendations, NSW RFS did identify Splitters Creek as having a pre-existing 'very high' bush fire risk rating, and consequently, emphasised that any potential increase in population needs to be managed carefully with respect to bush fire.

Accordingly, modest settlement pattern recommendations (38% growth) have already, to a large extent, responded to the existing bush fire risk by confining higher densities to areas lower in the catchment that benefit from proximity to the Riverina Highway for emergency access/egress purposes. Whilst higher in the catchment in more isolated parts of Splitters Creek, lower densities (4-8ha minimum lot sizes) have been proposed to assist in limiting future resident exposure to existing bush fire risk. Also, the larger recommended lot sizes (2-8ha) are considered sufficiently large enough to accommodate a regime of proposed bush fire protection measures relating to access/egress, asset protection zones and defendable space(s).

In addition, the Rural Lands Strategy recommended that a Bush Fire Risk Management Plan for Splitters Creek, that documents all treatments and activities that seek to manage bush fire risk, be prepared in consultation with the NSW RFS prior to any rezoning being undertaken in Splitters Creek.

A Preliminary Draft Bush Fire Risk Management Plan (Preliminary Draft Plan) has subsequently been prepared by AlburyCity in consultation with the NSW RFS and is included in **Appendix C**.

A summary of the Preliminary Draft Bush Fire Risk Management Plan content and subject matter are detailed below.

The *Splitters Creek – Bush Fire Risk Management Plan* (Preliminary Draft Plan) primarily documents all treatments, land management activities and actions undertaken and/or proposed by AlburyCity Council, other responsible agencies and person(s) to manage bush fire risk in Splitters Creek.

It is noted that the Preliminary Draft Plan defers to the *Hume Zone Bush Fire Risk Management Plan* (January 2015) in relation to investigations completed and documented, outlined as follows:

- establishing a context (clear understanding of, and agreement on the nature and scope of the issues to be solved);
- identifying the risks (describing the nature and scope of the bush fire hazard, the community and the environment within which the bush fire risk occurs);
- analysing risks (identifying the level of vulnerability of the community and/or environment to the identified hazards); and
- evaluation of risks (identified risks are prioritised and levels of acceptability for each risk are determined).

In addition to the abovementioned investigations, the Preliminary Draft Plan audits and documents treatments, land management activities and actions (inclusive of hazard reduction works, community education campaigns and property planning measures) undertaken to manage and reduce the risk of bush fire in Splitters Creek.

A Preliminary Draft Plan incorporating preliminary NSW RFS feedback and additional investigations relating to addressing access/egress requirements and determining the adequacy of water supply systems for bush firefighting purposes has been prepared.

At this time, AlburyCity is still in liaison with the NSW RFS in relation to the Preliminary Draft Plan for the purposes of refining and finalising document content and subject matter.

Accordingly, it is recommended that consultation with NSW RFS be undertaken and documented in accordance with Section 11 of this Planning Proposal relating to agency consultation processes and any condition(s) of the Gateway Determination.

It is acknowledged that the preparation, finalisation and subsequent endorsement of the Preliminary Draft Plan (by NSW RFS) provides a demonstration of land capability in Splitters Creek with respect to bush fire planning matters.

A detailed assessment and consideration of matters regarding bushfire has also been undertaken against Section 117(2) Direction 4.4 as contained within **Table 3** of Appendix A.

Matters regarding bushfire impacts within Table Top have also been assessed, but are considered low in this instance due to the low bushfire hazard rating of this land. Notwithstanding, any subsequent development proposals will be subject to normal bushfire referral requirements under s.100B of the *Rural Fires Act 1993*.

9. Has the planning proposal adequately addressed any social and economic effects?

As outlined above, the proposal seeks to create opportunities for rural lifestyle and large lot residential purposes, whilst protecting productive agricultural pursuits and preserving future urban development opportunities. Following review, it is considered that the Planning Proposal will have an overall positive social and economic impact upon the wider Albury area as detailed below.

It is reiterated that during the preparation of the *Draft Albury Local Environmental Plan 2010*, Council introduced controls to prevent any further subdivision in these rural areas by placing them into a 'holding pattern' pending further investigations in recognition of potential land use conflicts, impacts on existing agricultural pursuits, protection of future urban development opportunities, and environmental impacts. In Splitters Creek, the former Rural Living areas were rezoned RU4 Primary Production Small Lots with an 80 hectare minimum lot size or E3 Environmental Management with a 100 hectare minimum lot size. In Table Top, these areas were zoned RU4 with a 40 hectare minimum lot size.

During public exhibition of the *Draft Albury Local Environmental Plan 2010* numerous submissions were received opposing the zoning and minimum lot size changes on the basis that subdivision opportunities would be reduced/removed ('locked up') for an indeterminate number of years.

Accordingly, the purpose of preparing the Rural Lands Strategy was to inform future planning decisions and provide the framework for statutory planning controls, which will give local communities, developers and other investor's greater certainty and confidence about future development in the Table Top and Splitters Creek areas, particularly in relation to reinstating rural lifestyle housing outcomes housing outcomes into the rural landscape of Splitters Creek and Table Top.

One of the key components of the Rural Lands Strategy was the preparation of a land supply and demand analysis to determine the amount of additional lots that could be supported within these areas. The preparation of this analysis was undertaken against a number of factors such as existing levels of supply and demand in both Albury and surrounding LGA's, infrastructure provision/upgrade requirements, social, amenity and environmental impacts as well as consideration of natural hazards.

Splitters Creek

In sum, the Rural Lands Strategy seeks to increase the level of supply of rural residential lots in Splitters Creek by 44 lots. This is a 38% increase compared to the current dwelling stock in the area and will provide approximately 20.9 years of vacant land supply based on an historical take-up rate of 2 lots per annum.

The recommended settlement plan as proposed within the Rural Lands Strategy, and as sought by this Planning Proposal has been prepared following detailed consultation and engagement with landowners and relevant government agencies/public authorities.

It is noted that a number of submissions were received during the public exhibition period both opposing the level of development proposed within Splitters Creek, as well as seeking additional development outcomes within this same area.

As a consequence, the Rural Lands Strategy was subsequently revised post exhibition to better balance the competing needs of landowners within the area and provide additional modest subdivision development opportunities in appropriate locations that seek to minimise environmental impacts and address hazards (bushfire), whilst preserving the rural amenity.

Table Top

Similarly, the Rural Lands Strategy seeks to increase the level of supply of rural residential lots in Table Top by 367 lots. This is a substantial increase compared to the current dwelling stock in the area and will provide approximately 35.2 years of vacant land supply based on an historical take-up rate of 10 lots per annum.

It is acknowledged that settlement pattern recommendations and resultant proposed changes to land zoning and minimum lot size provisions will create a significant release of rural lifestyle lands in Table Top. The clear identification of rural residential/rural lifestyle growth areas is considered appropriate on the basis that this change provides greater certainty and confidence regarding long term land uses and minimises opportunities for future land use conflicts.

It is noted that proposed changes do not prevent existing agricultural practices from continuing. Importantly, however the proposed changes will restrict any potential intensification of activities that would otherwise conflict with future planned rural residential/rural lifestyle development.

The social and economic impacts of such a large change in land zoning and minimum lot size provisions could be substantial, and accordingly, were previously investigated as part of the preparation of the Rural Lands Strategy. In particular, the recommended settlement pattern seeks to balance a variety of factors including: existing land fragmentation, current agricultural activities, protect urban growth opportunities, environmental impacts, environmental hazards, land use conflicts, the level of land supply and demand and any impacts upon infrastructure provision.

Accordingly, the Rural Lands Strategy identifies and promotes principles for sustainable rural residential development through housing provision in appropriate locations that are reflective of existing environmental constraints, will not compromise existing and ongoing agricultural pursuits and other industries and not impose uneconomic demands on service and infrastructure provision.

It is further noted that the land use zoning and minimum lot size recommendations as contained within this Planning Proposal, for the most part, generally seek to reinstate (where appropriate) previous subdivision opportunities available under the former Hume Shire and provide greater certainty to landowners regarding the development potential of land.

It is also noted that there will be no adverse impacts placed upon social infrastructure such as schools and hospitals, in both Splitters Creek and Table Top, as there is capacity within existing facilities to accommodate the additional growth. Furthermore, the proposed development outcomes sought by this Planning Proposal will not place undue pressures on existing utilities and infrastructure (roads, water, sewer etc) subject to several minor upgrade works.

Likewise, the proposed change in land use zoning and minimum lot size provisions will not adversely affect items or places of European or Aboriginal Cultural Heritage significance as there are no identified items or places of heritage significance located within the subject land.

Accordingly, the rezoning and reduction in minimum lot size provisions of rural land reflects previous Council commitments to investigate the development potential of land for future long term urban and rural lifestyle development opportunities, whilst balancing the social, economic and environmental impacts of development. As a consequence, AlburyCity is now seeking to rezone the subject land as discussed earlier and as per the recommendations of **Figures 1-4** of this Planning Proposal.

The implications of not proceeding with this Planning Proposal could be extensive, as this will leave landowners within a 'holding pattern' for an indeterminate amount of time, which will create uncertainty as to the long-term development potential of land, which could have an adverse social and economic impact upon Council and the wider Albury and surrounding area.

Section D - State and Commonwealth interests

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

The Planning Proposal is seeking to rezone land from rural to rural residential/large lot residential in both Table Top & Splitters Creek. These areas are already currently serviced by existing infrastructure including roads, telecommunications and electricity, with both areas also serviced with bottled gas.

Given the location of the subject areas on Albury's fringes and the size of the current and proposed lots (2ha+), it is noted that no reticulated sewer will be provided to these areas as the size of these lots allows for the on-site disposal of sewer (such as septic or aerated). Matters regarding water supply have also been considered and are appropriate in this instance as a reticulated water supply system is currently available to large parts of Table Top (subject to augmentations/upgrades). It is noted however that no reticulated water supply system is proposed for Splitters Creek as this area is already serviced by a number of existing private water supply schemes.

Notwithstanding the above, one of the key outputs of the Rural Lands Strategy was the preparation of an Infrastructure Plan to help identify the necessary infrastructure provisions (including costs and sequencing) to accommodate the settlement pattern as recommended by the Rural Lands Strategy as implemented by this Planning Proposal, as well as any opportunities to fund the proposed works (developer contributions, council budgets etc).

In sum, the Infrastructure Plan has identified a number of intersection upgrades and bushfire management and road widening works that need to be undertaken in Splitters Creek to accommodate the proposed additional rural lifestyle development (as recommended).

Similarly, the Plan identified a number of water main, water reservoir and road and pedestrian upgrades that need to be undertaken in Table Top to accommodate the proposed additional rural lifestyle development (as recommended).

These works have been appropriately costed and staged in the Rural Lands Strategy and will form part of Council's future budgets. In addition, the subject Planning Proposal does not create any additional demands upon designated state public infrastructure.

Therefore the proposed amendments to land use zoning and minimum lot size provisions are considered satisfactory in this instance with regards to infrastructure, as it will not create any uneconomic or unreasonable demands upon infrastructure.

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

No formal consultation has been carried out at this stage with any State and/or Commonwealth Public Authorities or service providers in relation to the Planning Proposal. Notwithstanding, any consultation requirements will occur in accordance with the Gateway Determination.

Nonetheless, a number of public authorities, government agencies and service providers have already been consulted with regards to the proposed amendments to land use zoning and minimum lot size provisions, as part of the preparation of the Rural Lands Strategy. A list of the agencies that were consulted is provided below:

- NSW Department of Planning & Environment;
- NSW Office of Environment & Heritage;
- NSW Primary Industries;
- NSW Roads & Maritime Service;
- NSW Murray Local Land Services;
- NSW Rural Fire Service;
- Essential Energy – Electricity; and
- APA Group - Gas

These agencies were consulted during the initial scoping of the Rural Lands Strategy in November 2014 and were then further consulted prior to and during the formal public exhibition of the Rural Lands Strategy in May 2015. In addition, following the outcomes of a community forum, further consultation was undertaken with the NSW RFS in October 2015 in relation to ongoing concerns regarding bushfire hazards as detailed earlier in this Planning Proposal and as outlined below.

It is noted that s.117(2) *Ministerial Direction 4.4(4) – Planning for Bushfire Protection*, requires that where a Planning Proposal affects land identified as being bushfire prone, that consultation must be undertaken with the NSW Rural Fire Service (RFS).

As detailed throughout this Planning Proposal, the entire area of Splitters Creek and a small portion of Table Top are classified as being bushfire prone and accordingly, consultation with the NSW RFS will need to be undertaken.

It is reiterated that a *Preliminary Draft Bush Fire Risk Management Plan* has subsequently been prepared by AlburyCity in consultation with the NSW RFS and is included in **Appendix C**.

Consultation requirements with any other public authority will also be undertaken in accordance with any conditions of a Gateway Determination.

PART 4 – MAPPING

The Planning Proposal seeks to amend the following maps in ALEP 2010:

- Land Zoning Maps – Sheets LZN_001, LZN_002, LZN_009 & LZN_010; and
- Lot Size Maps – Sheets LSZ_001, LSZ_002, LSZ_003, LSZ_004, LSZ_005, LSZ_006, LSZ_007, LSZ_008, LSZ_009, LSZ_010 & LSZ_011.

A copy of the draft Amended Land Zoning and Lot Size Maps are contained within **Figures 2 & 3** of **Appendix B** of this Planning Proposal for information purposes.

A Map Cover Sheet has also been prepared in support of the subject Planning Proposal.

The draft LEP maps and cover sheet have been prepared in accordance with the NSW Department of Planning & Environment's: *Standard Technical Requirements for Spatial Datasets and Maps* (30 November 2015, Version 1.0).

PART 5 – COMMUNITY CONSULTATION

The Rural Lands Strategy that has informed the preparation of this Planning Proposal has involved extensive consultation with all relevant persons, landowners and government agencies/ public authorities over a 14 month period.

Notwithstanding extensive consultation undertaken to date, this Planning Proposal will be exhibited in accordance with the requirements of section 57 of the *Environmental Planning & Assessment Act 1979*, the NSW Department of Planning's: *A guide to preparing local environmental plans* (August 2016) and any conditions of the Gateway Determination (to be issued).

The Planning Proposal is not a 'low impact proposal' and consequently, for the purposes of public exhibition will be publicly exhibited for at least a minimum period of 28 days.

Written notification of the community consultation will be provided in a local newspaper and on Councils' website. In addition to this, any affected landowner/s will be notified in writing.

The written notice will contain:

- A brief description of the objectives or intended outcomes of the Planning Proposal;
- An indication of the land which is affected by the proposal;
- Information on where and when the Planning Proposal can be inspected;
- The name and address of Council for the receipt of submissions;
- The closing date for submissions; and
- Whether the Minister has chosen to delegate Plan Making powers to Council.

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

- The Planning Proposal;
- The Gateway determination;
- Relevant council reports;
- Rural Lands Strategy for Table Top and Splitters Creek;
- Splitters Creek Bush Fire Risk Management Plan.

A number of community information sessions will be held during the public exhibition period and depending on the number of submissions received, or requests received by Council, a community forum may also be conducted.

It is reiterated that a significant amount of community consultation has already been undertaken to date in relation to the proposed change in planning controls for Table Top and Splitters Creek, as part of the preparation of the Rural Lands Strategy. A summary of this consultation is provided below:

- Initial Scoping Workshop – November 2014 (general public and agency);
- Public Exhibition Information Session – May 2015 (general public and agency);
- Community Forum – August 2015;
- Further consultation with local planning consultants & Rural Fire Service – September 2015.

In total, over 230 residents and landowners attended the initial scoping workshop and information sessions with an additional 75 residents in attendance at the community forum. Overall, 40 submissions were received during the public exhibition period (including 6 from government agencies and other public authorities).

The public exhibition of this Planning Proposal provides the opportunity to reinstate rural lifestyle settlement back into both Table Top and Splitters Creek that were previously removed during the preparation of ALEP 2010, in lieu of further more detailed investigations. The public exhibition of this Planning Proposal will now provide an opportunity for further land owner, community, agency and other stakeholder engagement.

PART 6 – PROJECT TIMELINE

Table 1 provides a project timeline for the proposed amendment to ALEP 2010.

Table 1 – Project Timeline

No.	Description of Tasks	Task Commencement	Task Completion
1.	Gateway Determination Anticipated Gateway Determination (including any delegated authority)	Early November 2016	Mid-Late November 2016
2.	Public Exhibition Agency and community consultation to be undertaken as part of the formal public exhibition of the Planning Proposal in accordance with any conditions of the Gateway Determination.	Late January 2017 – Early February 2017 (Public Exhibition deferred to avoid spanning over the Christmas, New Year, School Holiday period)	Early March 2017
3.	Consider Submissions & Document Finalisation Post public exhibition, AlburyCity officers to consider, respond and report on submissions received and issues raised to Council (if any) and where necessary, recommend relevant changes to the Planning Proposal.	Early March 2017	Late April 2017
4.	Submission to the Department and/or Parliamentary Counsel RPA to forward Planning Proposal to the department and/or Parliamentary Counsel (if delegated) for finalisation following public exhibition (including any changes made)(if required).	Early May 2017	Late May 2017
5.	Notification Anticipated date LEP will be notified.	Early June 2017	Late June 2017

APPENDIX A

Table 2 – Consideration of State Environmental Planning Policies

No.	SEPP Title	Applicable to Planning Proposal	Consistency
1	State Environmental Planning Policy – Development Standards	No, does not apply to land in the Albury LGA since gazettal of ALEP 2010	N/A
14	State Environmental Planning Policy – Coastal Wetlands	No, does not apply to the Albury LGA	N/A
19	State Environmental Planning Policy – Bushland in Urban Areas	No, does not apply to the Albury LGA	N/A
21	State Environmental Planning Policy – Caravan Parks	Not applicable	N/A
26	State Environmental Planning Policy – Littoral Rainforests	No, does not apply to the Albury LGA	N/A
30	State Environmental Planning Policy – Intensive Agriculture	Not applicable	Not relevant as the planning proposal does not relate to a Development Application seeking Development Consent for a cattle feedlot nor does it reduce the area of zoned land where intensive livestock agriculture is currently permitted.
33	State Environmental Planning Policy – Hazardous & Offensive Industry	Not applicable	N/A
36	State Environmental Planning Policy – Manufactured Home Estate	Not applicable	N/A
44	State Environmental Planning Policy – Koala Habitat Protection	Applicable, applies to part of the Albury LGA (formerly Hume LGA)	Compliant, the Planning Proposal does not derogate from the aims, development consent requirements and operations of plans of management relating to land of potential koala habitat and/ or core koala habitat as provided in the SEPP.

No.	SEPP Title	Applicable to Planning Proposal	Consistency
44	State Environmental Planning Policy – Koala Habitat Protection Cont.		It is noted that to give effect to the aims of the SEPP, any affected Councils should survey land to identify areas of potential and core koala habitat and include land identified as core koala habitat within an environmental protection zone or apply special provisions to control the development of that land. AlburyCity has undertaken significant initiatives and studies to identify land considered desirable habitat network to be retained across the Albury LGA. This habitat network is zoned environmental in ALEP 2010. The spatial determinants and land management recommendations for this habitat network have generally been based on tree cover, connectivity and are broadly based on wildlife conservation. The principal author of some of the critical studies that have either identified and/or determined methods used to identify habitat networks across the remainder of the Albury LGA (Mr Ian Davidson), has confirmed that the approach undertaken is generally consistent with the spatial determinants and land management recommendations associated with koala habitat. It is further noted that, through the preparation and gazettal of ALEP 2010, these same habitat networks have been excised from urban and rural lands as either an E2 Environmental Conservation or E3 Environmental Management Zone which is geared towards the protection, management and restoration of areas with special ecological, scientific, cultural or aesthetic value.

No.	SEPP Title	Applicable to Planning Proposal	Consistency
44	State Environmental Planning Policy – Koala Habitat Protection Cont.		The Planning Proposal does not derogate from ALEP 2010 with respect to the location and spatial extent of environmental zones. Accordingly, Council is of the view that this SEPP has been appropriately considered as part of the preparation of the Planning Proposal.
47	State Environmental Planning Policy – Moore Park Showground	No, does not apply to the Albury LGA	N/A
50	State Environmental Planning Policy – Canal Estate Development	Not applicable	N/A
52	State Environmental Planning Policy – Farm Dams and Other Works in Land and Water Management Plan Areas	No, does not apply to the Albury LGA	N/A
55	State Environmental Planning Policy – Remediation of Land	Yes, as the planning proposal will affect land that may be contaminated	Compliant, it is noted that the subject land may be contaminated by previous and current land use activities including agricultural/horticultural activities, sheep and cattle dip sites etc. A portion of the subject land located north of Perryman Lane and Burma Road in Table Top (currently zoned RU1 Primary Production) has been used for extensive agricultural purposes for at least the last 50 years. A combination of both topographical constraints, limited agricultural capabilities and proximity to existing urban and village areas has generally restricted agricultural activities to low impact uses such as extensive grazing and crop or fodder production. Other areas currently zoned RU4 Primary Production Small Lots also included as part of this Planning Proposal have

No.	SEPP Title	Applicable to Planning Proposal	Consistency
55	State Environmental Planning Policy – Remediation of Land Cont.		historically only been used for the purposes of rural lifestyle and hobby farming, rather than commercial farming activities and therefore the likelihood of land contamination is considered low. The use of the subject land for low impact uses (over an extensive period) and given that only a moderate change in zoning is sought by the Planning Proposal (from RU1 with a 100ha minimum lot size to RU1 with a 40ha minimum lot size) enables Council to determine that the risk of land contamination is low, and determine that the subject land is suitable in its present state for all purposes permitted within the proposed zone. Consequently, Council is of the view that sufficient knowledge exists in relation to past and present land use activities to determine that a 'preliminary investigation' and/or further detailed site investigation is not warranted at this time to support the change in zoning/ minimum lot sizes proposed. Although improbable it is however recognised that chemical storage and dip sites are likely to be the only potential source of contamination associated with the subject land. It is considered that such potential contamination will most likely be localised in close proximity to either existing farm buildings and/or homesteads. In recognition of improbable localised contamination relating to the subject land, it is considered an appropriate response at this time to require detailed site investigations be undertaken by the land owner/ land developer as part of the development application process.

No.	SEPP Title	Applicable to Planning Proposal	Consistency
62	State Environmental Planning Policy – Sustainable Aquaculture	Applicable	Generally compliant, despite the fact that the Planning Proposal seeks to reduce the area of land zoned for either RU1 Primary Production or RU4 Primary Production Small Lots where 'aquaculture' is currently permitted. In particular, the Planning Proposal seeks to rezone land zoned RU4 Primary Production Small Lots to R5 Large Lot Residential where 'aquaculture' is prohibited, as it relates to land located north of the Riverina Highway in Splitters Creek and land located south of Table Top Road and surrounding the Lara Lakes rural residential estate in Table Top. Despite this fact, the Planning Proposal is still generally consistent with the aims, development consent, site location, operational and/or minimum performance requirements of aquaculture development as provided in the SEPP, as it still provides opportunities for sustainable aquaculture activities within Albury's RU1 and RU4 zones, which applies to a large portion of the rural zoned areas. Furthermore consultation was undertaken with the NSW Department of Primary Industries as part of the preparation of the Rural Lands Strategy. No objection was raised by this public authority during consultation given the fact that there are no known aquaculture activities currently conducted within the Albury LGA and the fact that opportunity still remains for the establishment of this form of agricultural activity within Albury's rural areas.

No.	SEPP Title	Applicable to Planning Proposal	Consistency
64	State Environmental Planning Policy – Advertising & Signage	Not applicable	N/A
65	State Environmental Planning Policy – Design Quality of Residential Apartment Development	Not applicable	N/A
70	State Environmental Planning Policy – Affordable Housing (Revised Schemes)	No, does not apply to the Albury LGA	N/A
71	State Environmental Planning Policy – Coastal Protection	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Affordable Rental Housing) 2009	Not applicable	N/A
	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not applicable	N/A
	State Environmental Planning Policy (Exempt & Complying Development Codes) 2008	Not applicable	N/A
	State Environmental Planning Policy (Housing for Seniors & People with a Disability) 2004	Not applicable	N/A
	State Environmental Planning Policy (Infrastructure) 2007	Not applicable	N/A
	State Environmental Planning Policy (Integration and Repeals) 2016	Not applicable	N/A
	State Environmental Planning Policy (Kosciuszko National Park–Alpine Resorts) 2007	No, does not apply to the Albury LGA	N/A

No.	SEPP Title	Applicable to Planning Proposal	Consistency
	State Environmental Planning Policy (Kurnell Peninsula) 1989	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007	Applicable	Compliant, despite the fact that extractive industries are permitted with consent in the existing RU1 Primary Production Zone, but prohibited in the proposed RU4 Rural Small Holdings and R5 Large Lot Residential Zones, as there are no existing extractive industries located within the subject land. Furthermore, following consultation with the NSW Department of Primary Industries undertaken pursuant to Section 62 of the EP&A Act, ALEP 2010 was revised to expand the permissibility of both mining and extractive industries across the Albury LGA where agriculture and industry may be carried out (with or without development consent) to accommodate existing known mineral resources and operations. Where the location of other known mineral resources and operations are at odds with the proposed zoning these sites have been protected by being inserted into Schedule 1 'Additional permitted uses' of the ALEP 2010. Furthermore, existing operating extractive industries were identified and protected during the preparation of the Rural Lands Strategy by preventing the intensification or establishment of sensitive land uses (rural lifestyle/ hobby farming activities) in close proximity to these existing operating businesses.
	State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	Not applicable	N/A

No.	SEPP Title	Applicable to Planning Proposal	Consistency
	State Environmental Planning Policy (Penrith Lakes Scheme) 1989	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Rural Lands) 2008	Yes applies to the Albury LGA	Consistent, the Planning Proposal is generally consistent with the aims of this direction, being to protect the agricultural production value of rural land, to facilitate orderly and economic development of rural lands and implement measures to reduce land use conflicts. In addition, the Planning Proposal does not derogate from the rural planning and subdivision principles in SEPP (Rural Lands) that seek to assist the proper management, development and protection of rural lands, reduce land use conflicts and promote social, economic and environmental welfare. In support of this Planning Proposal, a detailed consideration and response against the planning and subdivision principles of this SEPP has been provided in the Rural Lands Strategy and Appendix A of the Rural Lands Strategy Background Report. This supporting document prepared by RMCG undertook an agricultural capability assessment, rural lands survey and land use conflict risk assessment to support the proposed zoning and minimum lot size recommendations as outlined within the Rural Lands Strategy consistent with the objectives of this SEPP Notwithstanding the above, an abbreviated response in relation to SEPP (Rural Lands) rural planning and subdivision principles is outlined as follows: the land is not identified as state significant agricultural land,

No.	SEPP Title	Applicable to Planning Proposal	Consistency
	State Environmental Planning Policy (Rural Lands) 2008 Cont.		▪ Proposed zoning and minimum lot size changes reflect existing agricultural trends (including land fragmentation, climate change, declining terms of trade, absence of an irrigated water supply etc.) land use activities and development patterns and will facilitate the orderly and economic development of rural lands at densities that will avoid potential land use conflict, ▪ rural zonings, minimum lot sizes and permissible land uses have been retained across parts of Albury's rural areas to protect current agricultural enterprises whilst at the same time creating opportunities for new more productive and sustainable economic pursuits including horticulture, Independent agricultural and rural planning advice has concluded that 40ha is a viable minimum lot size for more intensive agricultural uses such as horticulture, ▪ the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land has been accommodated through the Rural Lands Strategy and previous studies that have guided zoning decisions under ALEP 2010 resulting in a net gain in environmental zoned land across the Albury LGA; and ▪ the planning proposal is consistent with the Rural Lands Strategy and draft Riverina Murray Regional Plan which recognises a low agricultural base in an Albury context.

No.	SEPP Title	Applicable to Planning Proposal	Consistency
	State Environmental Planning Policy (State and Regional Development) 2011	Not applicable	N/A
	State Environmental Planning Policy (State Significant Precincts) 2005	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Three Ports) 2013	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Urban Renewal) 2010	Not applicable	N/A
	State Environmental Planning Policy (Western Sydney Employment Area) 2009	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Western Sydney Parklands) 2009	No, does not apply to the Albury LGA	N/A
	Murray Regional Environmental Plan No. 2 – Riverine Land (Deemed SEPP)	Yes, applicable as it relates to land located within the boundaries of Murray REP No. 2	Consistent as the Planning Proposal does not derogate from the aims, objectives, development consent, general and specific planning principles and consultation requirements as provided in the REP and will have a negligible impact upon the Riverine environment. It is noted that this deemed SEPP only applies to a portion of Splitters Creek. Notwithstanding, given the relatively low levels of development that could be achieved within this area under the

No.	SEPP Title	Applicable to Planning Proposal	Consistency
	Murray Regional Environmental Plan No. 2 – Riverine Land (Deemed SEPP) Cont.		proposed planning controls (up to 44 rural lifestyle lots) and its distance from the Murray River, the Planning Proposal is considered generally consistent with the requirements of this SEPP as it will not have an adverse impact upon the Riverine environment of the Murray River.

Table 3 – Consideration of Section 117(2) Ministerial Directions

No.	Direction Title	Applicable to Planning Proposal	Consistency
1. Employment and Resources			
1.1	Business & Industrial Zones	Not applicable	N/A
1.2	Rural Zones	Yes, as the Planning Proposal will affect land within an existing rural zone	Direction 4(a) Despite the provisions of this Direction, the Planning Proposal seeks to rezone a portion of land from a rural zone to a residential zone, being the R5 Large Lot Residential zone. Direction 4(b) It is noted that the Albury (former part Hume) LGA where the subject land is located has not been listed amongst those LGAs where this direction applies. Consequently, compliance with this direction is not required. Although the land zoning and minimum lot size changes as recommended within the subject Planning Proposal are inconsistent with Clause 4(a) of this Direction, this is considered satisfactory in this instance as they have been appropriately justified via the preparation of a supporting endorsed Strategy, being the Rural Lands Strategy. The Rural Lands Strategy was prepared over a 14 month period and involved extensive consultation with all relevant landowners and government agencies/ public authorities. This Strategy was subsequently endorsed by the NSW Department of Planning & Environment on 17 August 2016 and forms the basis for the subject Planning Proposal. It is also noted that the preparation of this Planning Proposal is consistent with the objectives of the draft Riverina Murray Regional Plan as it applies to Albury.

No.	Direction Title	Applicable to Planning Proposal	Consistency
1.3	Mining, Petroleum Production & Extractive Industries	Applicable	Justifiably inconsistent, despite the fact that extractive industries are permitted with consent in the existing RU1 Primary Production Zone however, prohibited in the proposed RU4 Rural Small Holdings and R5 Large Lot Residential zones, as there are no existing extractive industries located within the subject land which renders outcomes sought by this Planning Proposal to be of minor significance. Furthermore, following consultation with the NSW Department of Industry and Investment (formerly known as the NSW Department of Primary Industries) undertaken pursuant to Section 62 of the Environmental Planning and Assessment Act 1979 the ALEP 2010 was revised to expand the permissibility of both mining and extractive industries across the Albury LGA where agriculture and industry may be carried out (with or without development consent) to accommodate existing known mineral resources and operations. Where the location of other known mineral resources and operations are at odds with the proposed zoning these sites have been protected by being inserted into Schedule 1 'Additional permitted uses' of the ALEP 2010. Furthermore, existing operating extractive industries were identified and protected during the preparation of the Rural Lands Strategy by preventing the intensification or establishment of sensitive land uses (rural lifestyle/ hobby farming activities) in close proximity to these existing operating businesses to allow for their ongoing operation.

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No.	Direction Title	Applicable to Planning Proposal	Consistency
1.4	Oyster Aquaculture	Not applicable	N/A
1.5	Rural Lands	Yes, as the Planning Proposal will affect land within an existing rural zone	Direction 3(a) The Planning Proposal seeks to rezone land within an existing rural zone to a residential zone, being the R5 Large Lot Residential zone. Direction 3(b) The Planning Proposal seeks to reduce the existing minimum lot size on land within a rural zone. Although the land zoning and minimum lot size changes as recommended within the subject Planning Proposal are inconsistent with Clauses 3(a) and 3(b) of this Direction, this is considered satisfactory in this instance as the proposal has taken into consideration the Rural Planning and Rural Subdivision Principles listed in SEPP (Rural Lands)(see above for further details). Notwithstanding, the subject Planning Proposal may be inconsistent with the terms of this Direction and have been appropriately justified via the preparation of a supporting Strategy, being the Rural Lands Strategy. The Rural Lands Strategy was prepared over a 14 month period and involved extensive consultation with all relevant landowners and government agencies/ public authorities. This Strategy was subsequently endorsed by the NSW Department of Planning & Environment on 17 August 2016 and forms the basis for the subject Planning Proposal.

No.	Direction Title	Applicable to Planning Proposal	Consistency
2. Environment and Heritage			
2.1	Environmental Protection Zones	Yes, as the planning proposal affects land identified for environment protection purposes	Consistent, as previous city-wide strategic planning documentation (including the <i>Thurgoona Threatened Species Conservation Strategy 2004</i>, <i>Albury Ranges Threatened Species Conservation Strategy 2006</i> and the <i>draft Natural Assets Strategy</i>) has identified land considered desirable habitat network to be retained across the Albury LGA. This habitat network is zoned environmental in ALEP 2010. The spatial determinants and land management recommendations associated within the retained and desirable habitat network have generally been based on tree cover, connectivity and are broadly based on wildlife conservation. It is further noted that, through the preparation and gazettal of ALEP 2010, these same habitat networks have been excised from urban and rural lands as either an E2 Environmental Conservation or E3 Environmental Management Zone, which is geared towards the protection, management and restoration of areas with special ecological, scientific, cultural or aesthetic value. In addition, during the preparation of the recently endorsed Rural Lands Strategy, detailed consideration was given to the environmental impacts of development located within environmentally sensitive areas. One of the primary aims of this Strategy was to minimise the environmental impacts of development by considering appropriate minimum lot sizes, hazard reduction requirements and any associated or likely vegetation losses associated with more intensive forms of land development.

No.	Direction Title	Applicable to Planning Proposal	Consistency
2.1	Environmental Protection Zones Cont.		Therefore the Planning Proposal does not derogate from ALEP 2010 with respect to the location and spatial extent of environmental zones. Accordingly, there will be no change in the protection or conservation of environmentally sensitive areas as a consequence of this Planning Proposal.
2.2	Coastal Protection	No (does not apply to land in Albury LGA)	N/A
2.3	Heritage Conservation	Yes, applies to all Relevant Planning Authorities where a Planning Proposal is prepared	Consistent, Planning Proposal does not alter or derogate from the heritage conservation controls contained in clause 5.10 of ALEP 2010 that seeks to facilitate the conservation of items, areas, objects and places of environmental heritage significance, which is consistent with the objective of this direction.
2.4	Recreation Vehicle Areas	Not applicable	N/A
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable, as it does not apply to the Albury LGA	N/A
3. Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Yes, as the planning proposal will affect land within a residential zone	Consistent, as the Planning Proposal seeks to rezone a portion of rural land to R5 Large Lot Residential, which supports the objectives of this Direction as outlined below: the proposal will encourage a wider variety and choice of housing types and densities within the Albury area through an increased supply of rural residential and large lot residential lots (2ha minimum lot size) for the existing and future household needs of Albury residents.

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No.	Direction Title	Applicable to Planning Proposal	Consistency
3.1	Residential Zones Cont.		▪ by rezoning land on Albury's fringe for rural residential and large lot residential purposes, this make more efficient use of existing infrastructure and services (subject to minor infrastructure upgrades) without placing undue constraints or financial pressures on Council. ▪ the planning proposal does not seek to rezone any land identified for environment protection purposes. During the preparation of the recently endorsed Rural Lands Strategy, detailed consideration was given to the environmental impacts of development located within environmentally sensitive areas. One of the primary aims of this Strategy was to minimise the environmental impacts of development by considering appropriate minimum lot sizes, hazard reduction requirements and any associated or likely vegetation losses associated with more intensive forms of land development; and ▪ the proposed location of rural residential development reflects the existing level of land fragmentation that has already occurred under previous planning instruments, whilst protecting long term urban development opportunities from further land fragmentation. The proposed land use and minimum lot size recommendations have been supported via the preparation of the Rural Lands Strategy, which included a land supply and demand analysis. This Strategy was subsequently endorsed by the NSW Department of Planning & Environment on 17 August 2016.

No.	Direction Title	Applicable to Planning Proposal	Consistency
3.2	Caravan Parks & Manufactured Home Estates	Not applicable	N/A
3.3	Home Occupations	Not applicable	N/A
3.4	Integrating Land Use and Transport	Yes because the planning proposal affects urban land zoned including land zoned for residential, business, industrial, village or tourist purposes.	Consistent because the planning proposal has regard for the two DUAP documents referenced in this Direction and only seeks to rezone land for rural residential and large lot residential purposes. It is noted that the subject land is already serviced by existing road infrastructure and will be supported by a number of road improvement upgrades (road widening) as identified within the Rural Lands Strategy.
3.5	Development Near Licensed Aerodromes	Not applicable	N/A
3.6	Shooting Ranges	Not applicable	N/A
4. Hazard and Risk			
4.1	Acid Sulphate Soils	No (does not apply to land in the Albury LGA)	N/A
4.2	Mine Subsidence & Unstable Land	No (does not apply to land in the Albury LGA)	N/A
4.3	Flood Prone Land	Not applicable	N/A
4.4	Planning for Bushfire Protection	Yes because the planning proposal affects land classified as bushfire prone land	The Planning Proposal is generally consistent with the objectives of this Direction being to protect life, property and the environment from bush fire hazards despite proposing additional development on land classified as being bushfire prone. It is acknowledged that this Direction applies as the entire area of Splitters Creek and a small portion of Table Top are classified as being bushfire prone.

No.	Direction Title	Applicable to Planning Proposal	Consistency
	Planning for Bushfire Protection Cont.		Although during the preparation of the Rural Lands Strategy the NSW RFS did not oppose the proposed settlement plan recommendations of this Strategy, it did identify Splitters Creek as having a pre-existing 'very high' bush fire risk rating, and consequently, emphasises that any potential increase in population needs to be managed carefully with respect to bush fire. Accordingly, modest settlement pattern recommendations (38% growth) have already, to a large extent, responded to the existing bush fire risk by confining higher densities to areas lower in the catchment that benefit from proximity to the Riverina Highway for emergency access/egress purposes. Whilst higher in the catchment in more isolated parts of Splitters Creek, lower densities (4-8ha minimum lot sizes) have been proposed to assist in limiting future resident exposure to existing bush fire risk. Also, the larger recommended lot sizes (2-8ha) are considered sufficiently large enough to accommodate a regime of proposed bush fire protection measures relating to access/egress, asset protection zones and defensible space/s. In addition, the Rural Lands Strategy recommended that a Bush Fire Risk Management Plan for Splitters Creek, that documents all treatments and activities that seek to manage bush fire risk, be prepared in consultation with the NSW RFS prior to any rezoning being undertaken in Splitters Creek.

No.	Direction Title	Applicable to Planning Proposal	Consistency
	Planning for Bushfire Protection Cont.		A Preliminary Draft Bush Fire Risk Management Plan for Splitters Creek (Preliminary Draft Plan) has subsequently been prepared by AlburyCity in consultation with the NSW RFS and is included in Appendix C. A summary of the Preliminary Draft Plan content and subject matter are detailed below. The Splitters Creek – Bush Fire Risk Management Plan (Preliminary Draft) primarily documents all treatments, land management activities and actions undertaken and/or proposed by Albury City Council, other responsible agencies and person(s) to manage bush fire risk in Splitters Creek.
			It is noted that the Preliminary Draft Plan defers to the Hume Zone Bush Fire Risk Management Plan (January 2015) in relation to investigations completed and documented, outlined as follows: • establishing a context (clear understanding of, and agreement on the nature and scope of the issues to be solved); • identifying the risks (describing the nature and scope of the bush fire hazard, the community and the environment within which the bush fire risk occurs); • analysing risks (identifying the level of vulnerability of the community and/or environment to the identified hazards); • evaluation of risks (identified risks are prioritised, levels of acceptability for each risk are determined);

No.	Direction Title	Applicable to Planning Proposal	Consistency
	Planning for Bushfire Protection Cont.		In addition to above listed investigations, the Preliminary Draft Plan audits and documents treatments, land management activities and actions (inclusive of hazard reduction works, community education campaigns and property planning measures) undertaken to manage and reduce the risk of bush fire in Splitters Creek. It is noted that, being a Preliminary Draft Plan document, some additional investigations relating to addressing access/egress requirements and determining the adequacy of water supply for bush fire fighting purposes are still to be undertaken and incorporated. At this time, AlburyCity is still in liaison with the NSW RFS in relation to the Preliminary Draft Plan for the purposes of refining and finalising document content and subject matter.
			Accordingly, in the absence of the Draft Preliminary Plan (inclusive of NSW RFS feedback and those investigations required to address access/egress requirements and confirm the adequacy of water supply for bush firefighting purposes) being finalised, it is recommended that such investigations be completed and documented within the Draft Preliminary Plan prior to any public exhibition of the Planning Proposal. It is acknowledged that the preparation, finalisation and subsequent endorsement of the Preliminary Draft Plan (by NSW RFS) provides a critical demonstration of land capability in Splitters Creek with respect to bush fire matters.

AlburyCity
AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

No.	Direction Title	Applicable to Planning Proposal	Consistency
	Planning for Bushfire Protection Cont.		Matters regarding bushfire impacts within Table Top have also been assessed, but are considered low in this instance due to the low bushfire hazard rating of this land. Notwithstanding, any subsequent development proposals will be subject to normal bushfire referral requirements under s.100B of the <i>Rural Fires Act 1993</i> .
5. Regional Planning			
5.1	Implementation of Regional Strategies	No (there is no gazetted regional strategy applicable to the AlburyCity LGA)	N/A
5.2	Sydney Drinking Water Catchment	No (does not apply to the AlburyCity LGA)	N/A
5.3	Farmland of State & Regional Significance on the NSW Far North Coast	No (does not apply to the AlburyCity LGA)	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No (does not apply to the AlburyCity LGA)	N/A
5.5	Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	No (does not apply to the AlburyCity LGA)	N/A
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No (does not apply to the AlburyCity LGA)	N/A
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No (does not apply to the AlburyCity LGA)	N/A
5.8	Second Sydney Airport: Badgerys Creek	No (does not apply to the AlburyCity LGA)	N/A

No.	Direction Title	Applicable to Planning Proposal	Consistency
5.9	North West Rail Link Corridor Strategy	No (does not apply to the AlburyCity LGA)	N/A
5.10	Implementation of Regional Plans	Yes because the draft Riverina Murray Regional Plan has been released by the Minister	Consistent, as the Planning Proposal does not derogate from the vision, land use strategy, goals, directions and actions contained within the <i>Draft Riverina Murray Regional Plan</i>, being the relevant Regional Plan for the Albury LGA. The four key goals of the Draft Riverina Murray Regional Plan include: ▪ Goal 1 – A Growing Economy supported by productive agricultural and sustainable use of natural resources; ▪ Goal 2 – Improved regional transport networks and utility infrastructure to support economic activity; ▪ Goal 3 – Strong Regional Cities supported by a network of liveable towns and villages; ▪ Goal 4 – A protected environment and a community resilient to natural hazards and climate change.
			A response against relevant goals, directions and actions contained within this Draft Regional Plan is provided in Part 3, Section B – Item 3 of this Planning Proposal.
6. Local Plan Making			
6.1	Approval and Referral Requirements	Yes, applies to all relevant Planning Authorities	Consistent, as the Planning Proposal is not proposing to add any provisions which require the referral of Development Applications to the Minister or a public authority.

No.	Direction Title	Applicable to Planning Proposal	Consistency
	Approval and Referral Requirements Cont.		Notwithstanding, it is noted that the subject Planning Proposal does seek to provide for additional subdivision opportunities within Albury's rural areas that are currently mapped as bushfire prone land. Accordingly, the further development of this land will trigger the requirements of s.91 of the <i>Environmental Planning & Assessment Act 1979</i> and will require referral to the NSW Rural Fire Service as an 'Integrated Development' for the issuing of General Terms of Approval. This is considered to be generally consistent with the objectives of this Direction in this instance as the Rural Lands Strategy and subsequent Planning Proposal have both been prepared in consultation with the NSW RFS via the preparation of a Bush Fire Risk Management Plan (see Appendix C).
6.2	Reserving Land for Public Purposes	Not applicable	N/A
6.3	Site Specific Provisions	Not applicable	Note relevant, as the proposal does not propose any site specific planning controls.
7. Metropolitan Planning			
7.1	Implementation of A Plan for Growing Sydney	No (does not apply to the AlburyCity LGA)	N/A
7.2	Implementation of Greater Macarthur Land Release Investigation	No (does not apply to the AlburyCity LGA)	N/A

APPENDIX B

Figure 1 – Locality Plan

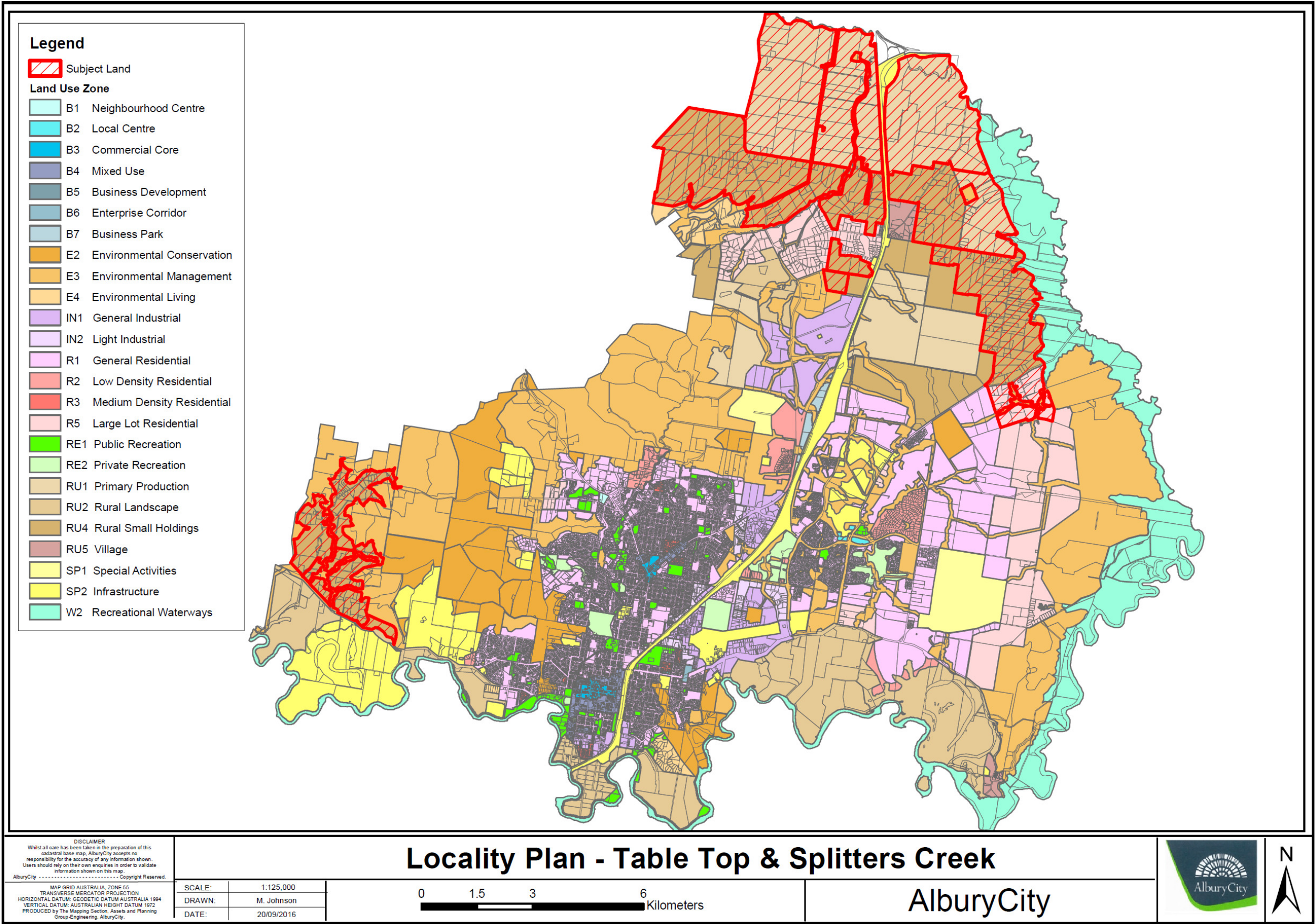
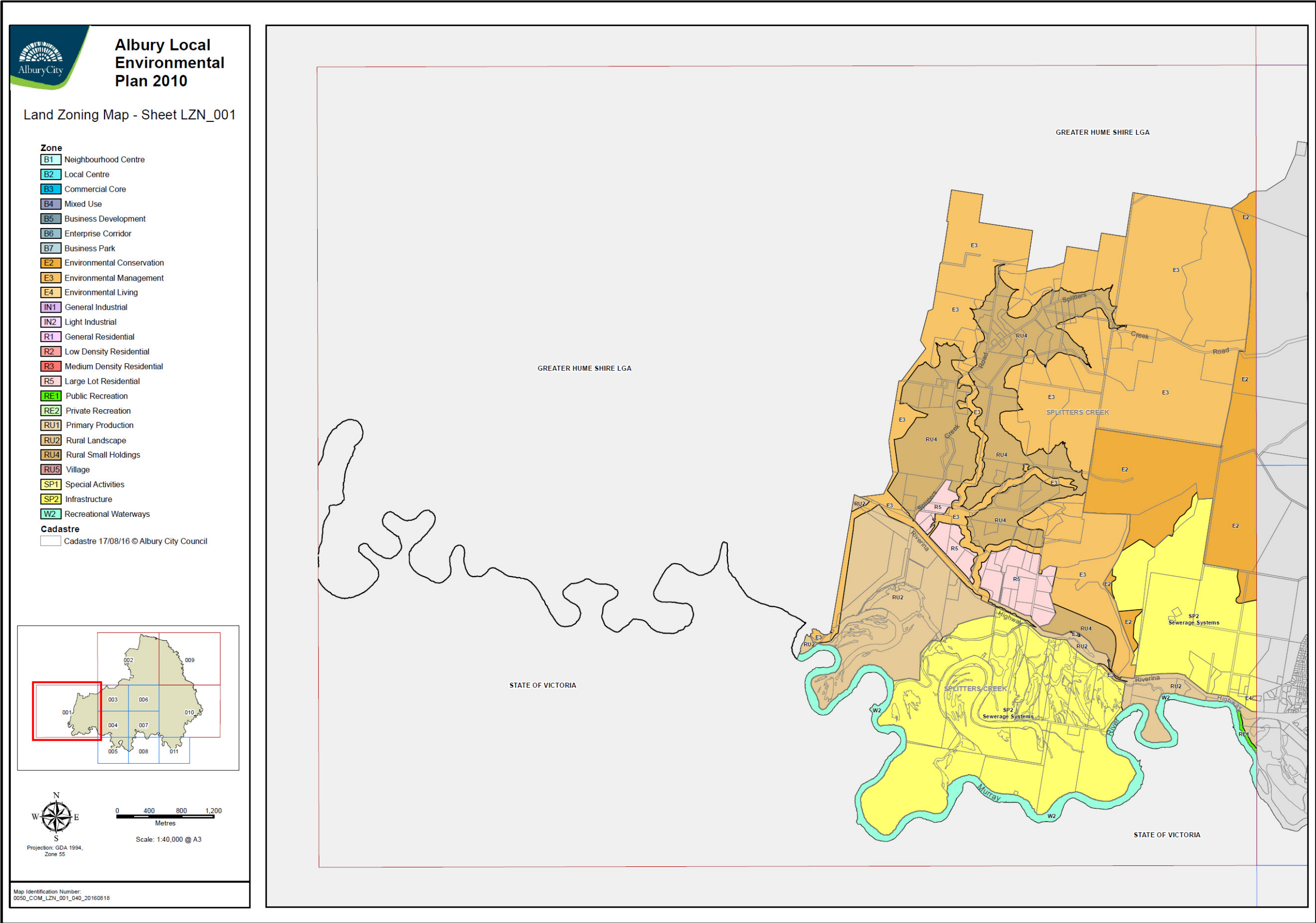
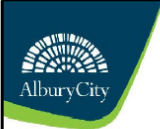


Figure 2 – Land Zoning Maps (As Amended)





**Albury Local
Environmental
Plan 2010**

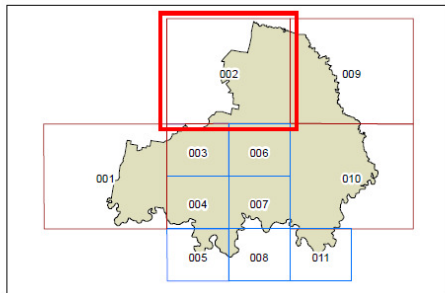
Land Zoning Map - Sheet LZN_002

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B6 Enterprise Corridor
- B7 Business Park
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Rural Small Holdings
- RU5 Village
- SP1 Special Activities
- SP2 Infrastructure
- W2 Recreational Waterways

Cadastre

- Cadastre 17/08/16 © Albury City Council



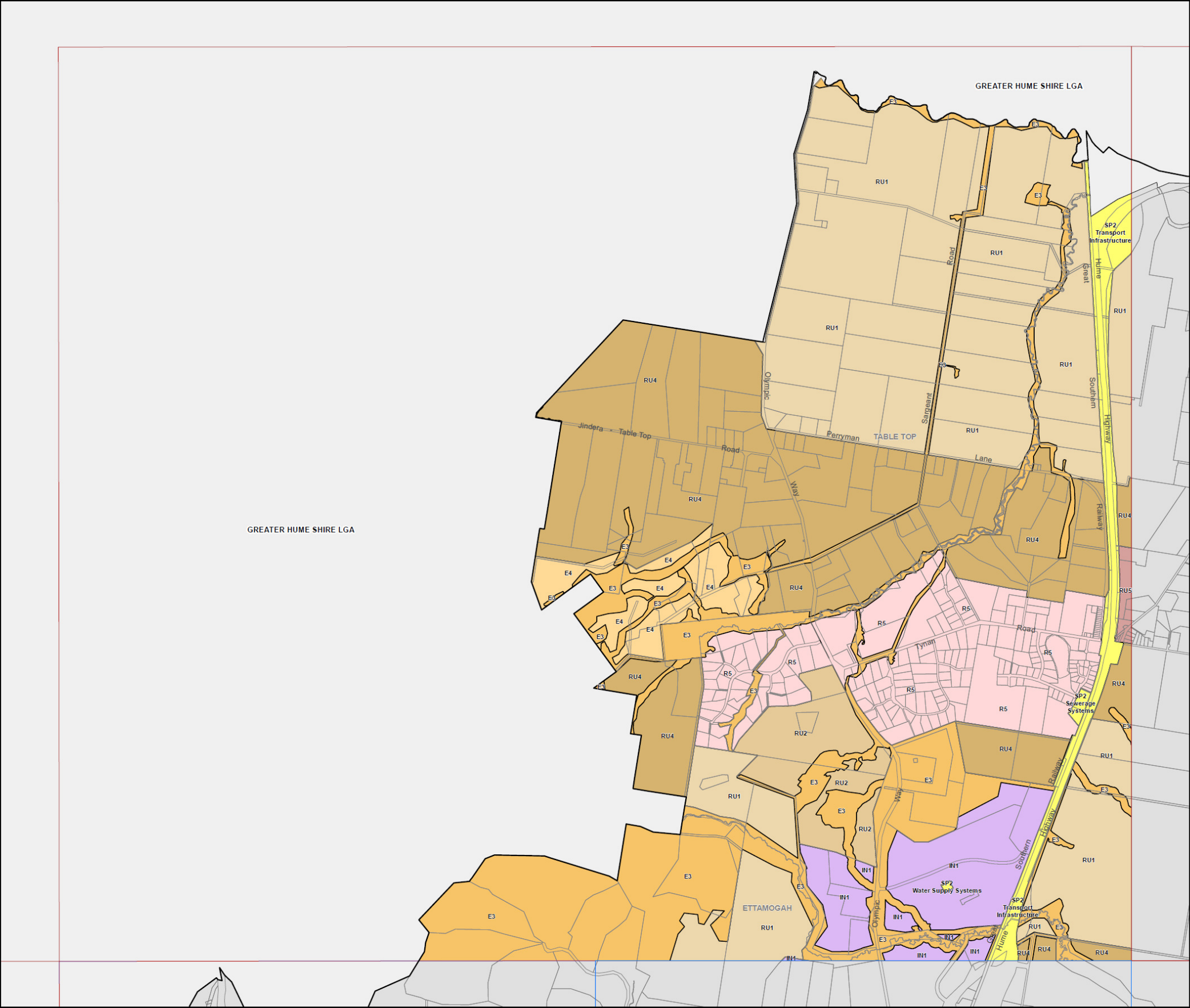


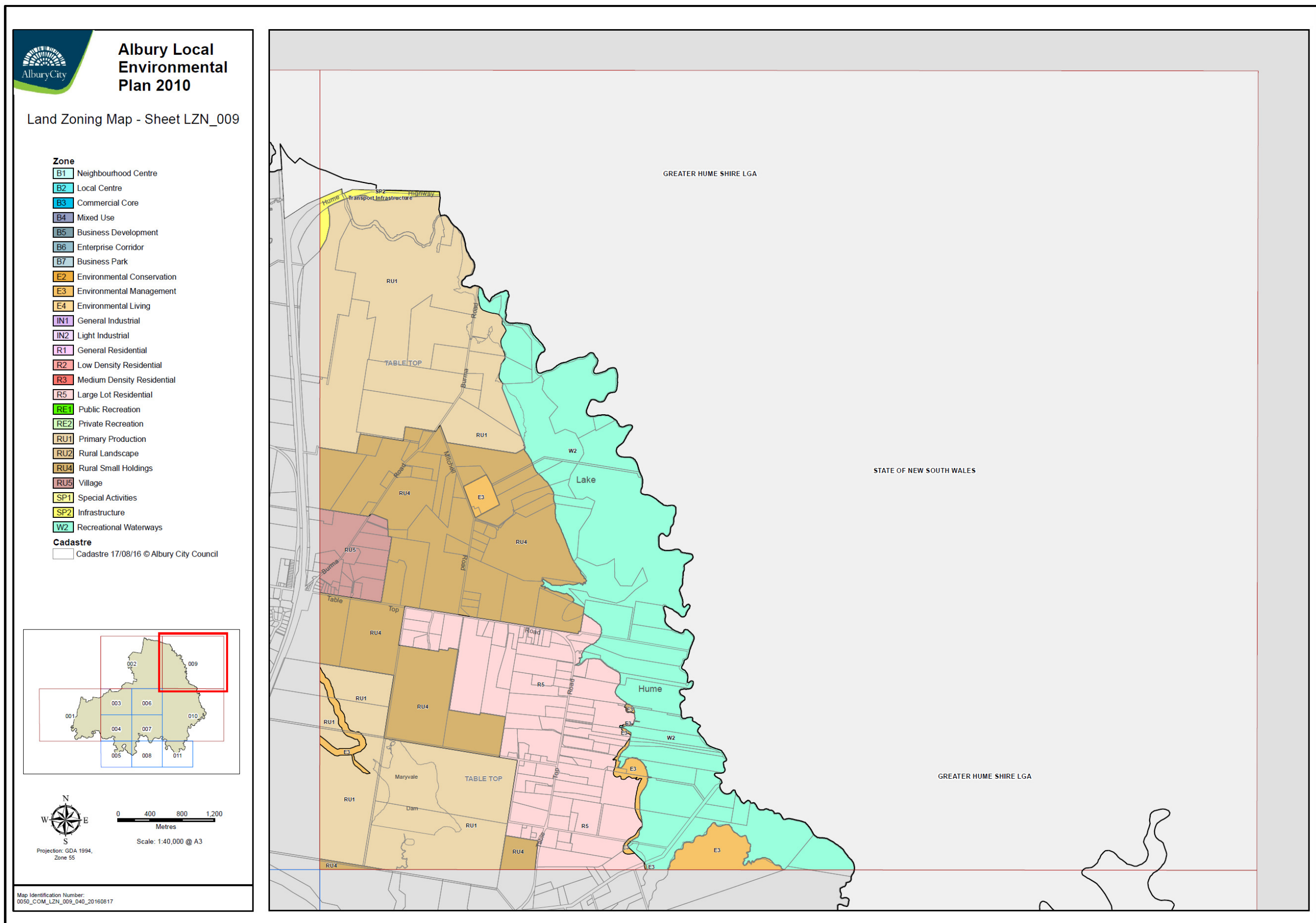
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Projection: GDA 1994,
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Map Identification Number:
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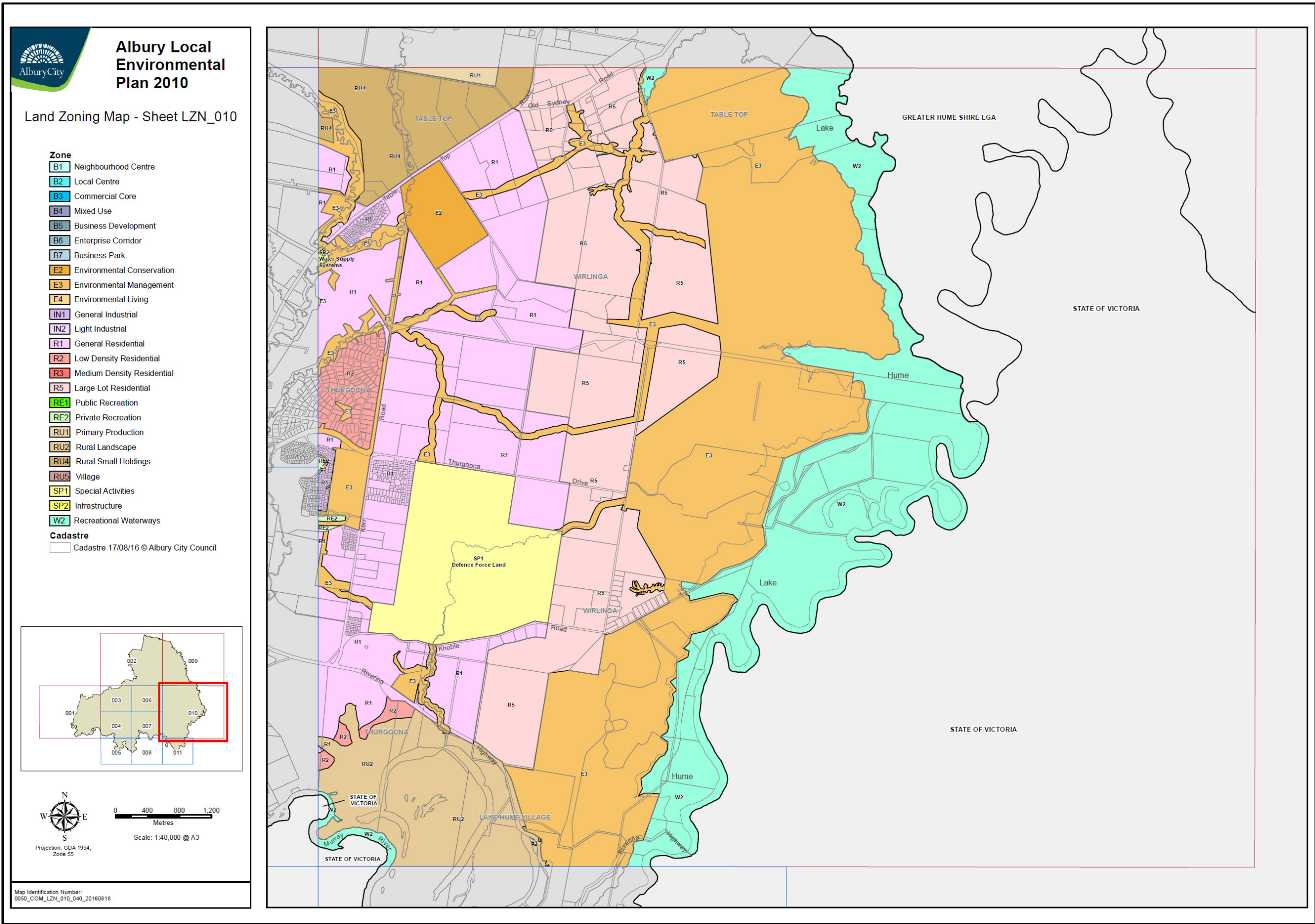
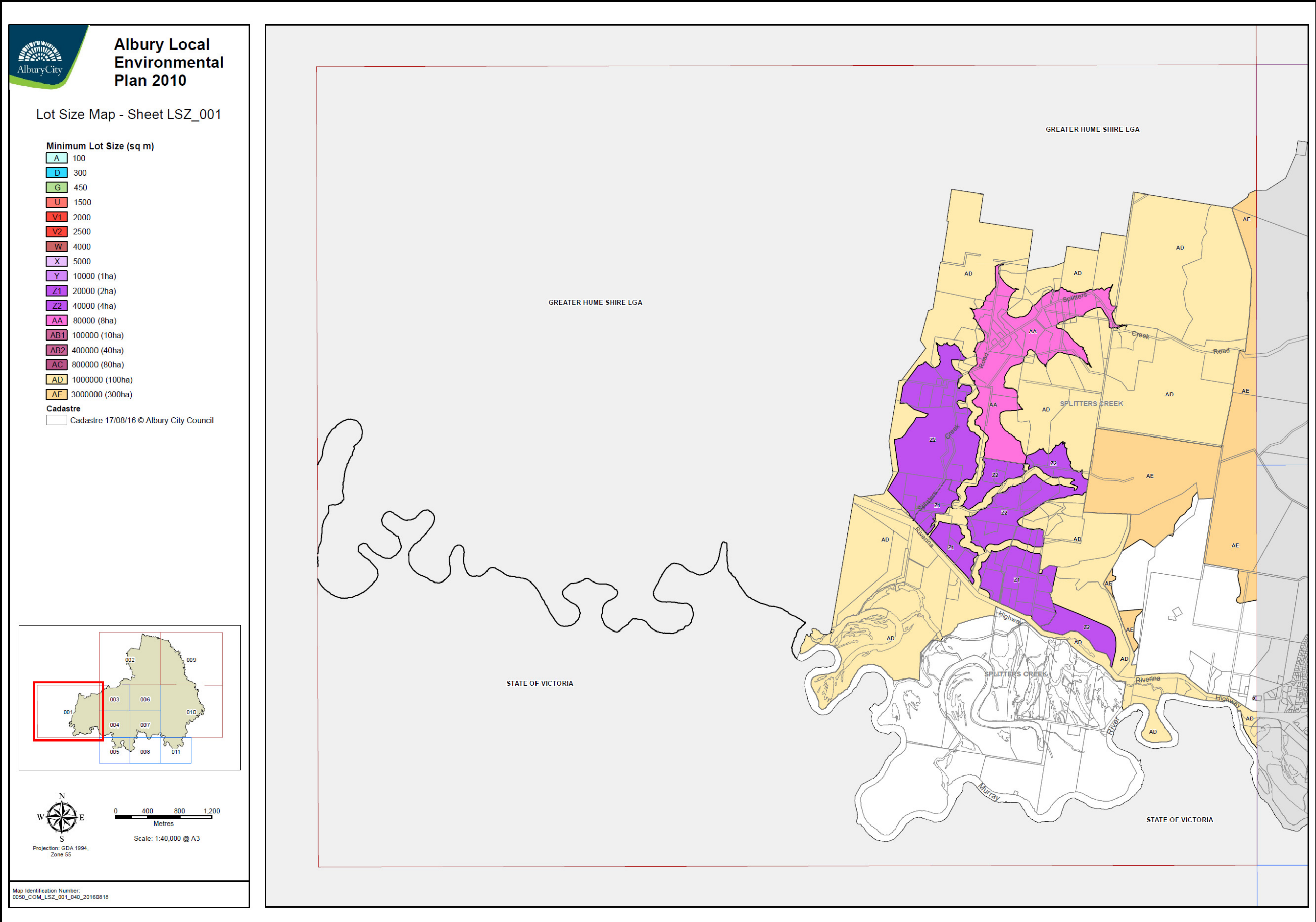
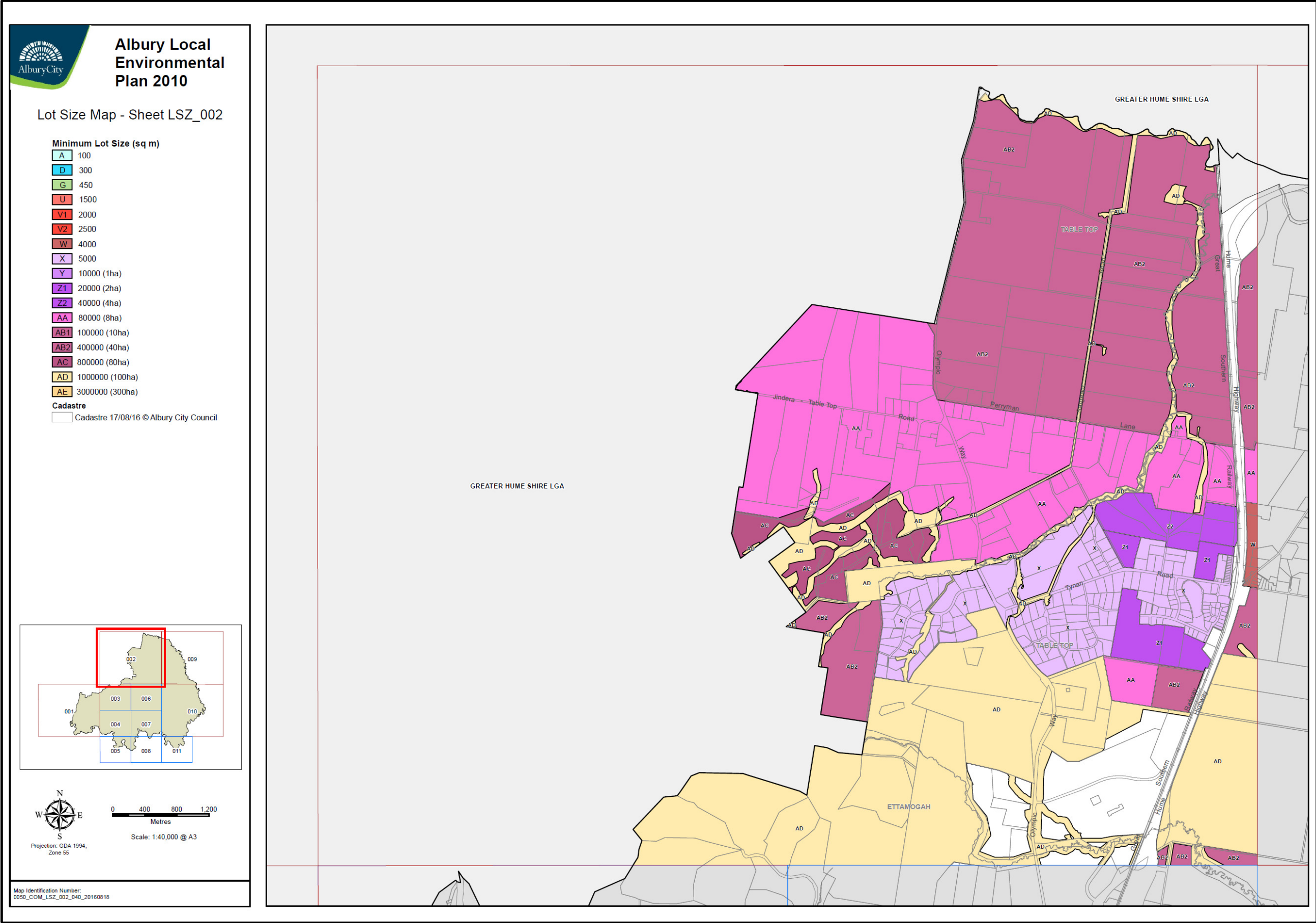
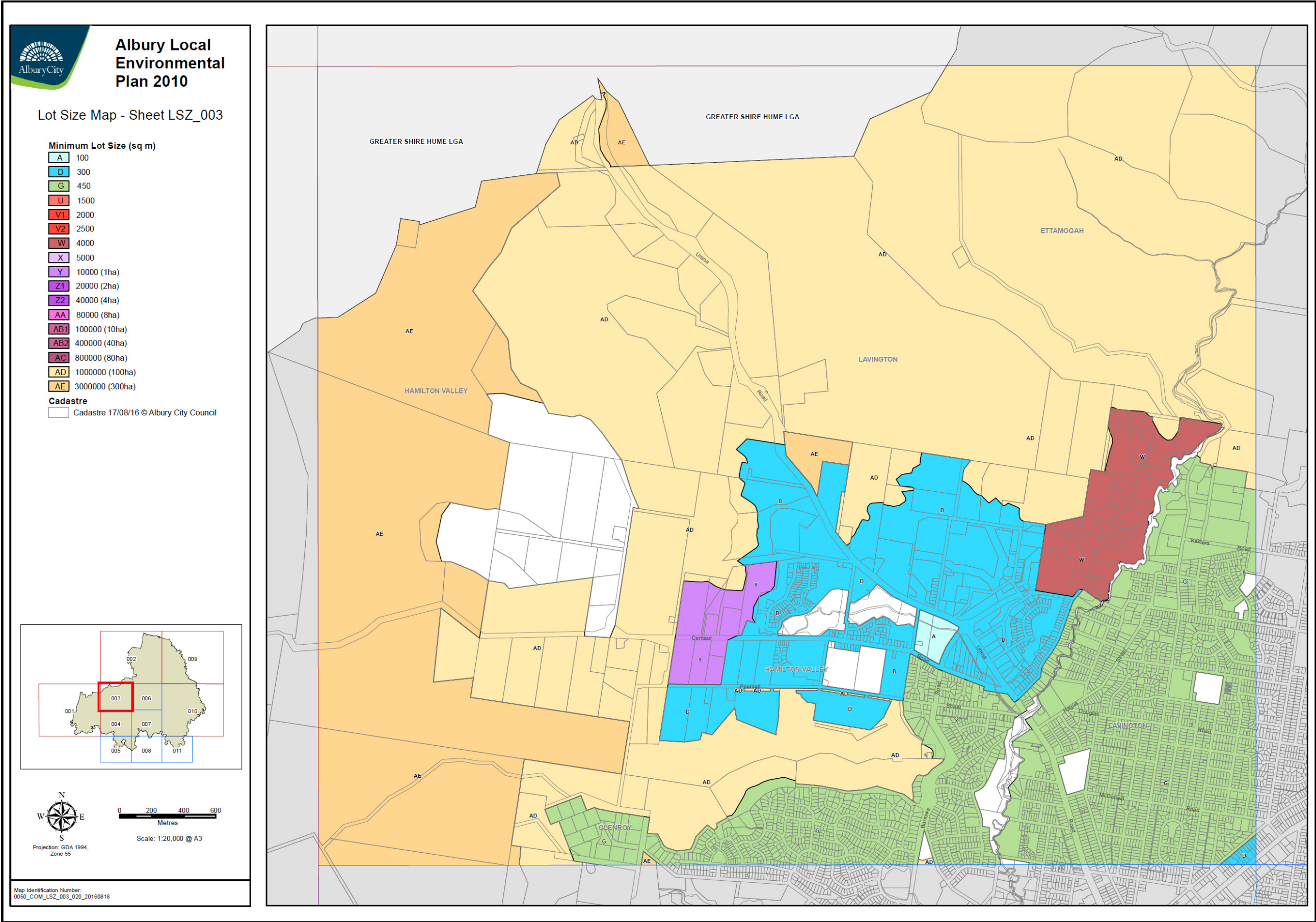
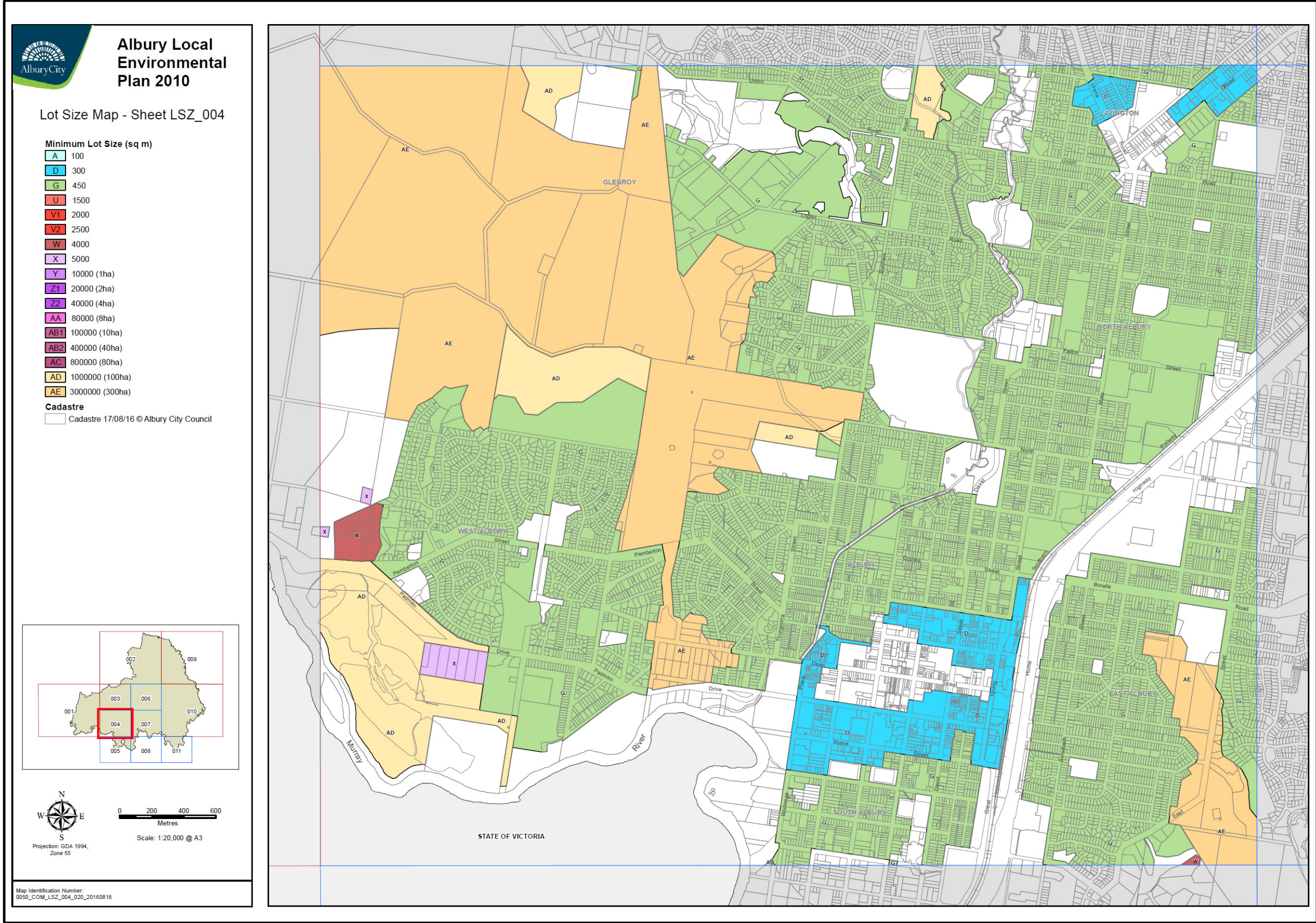


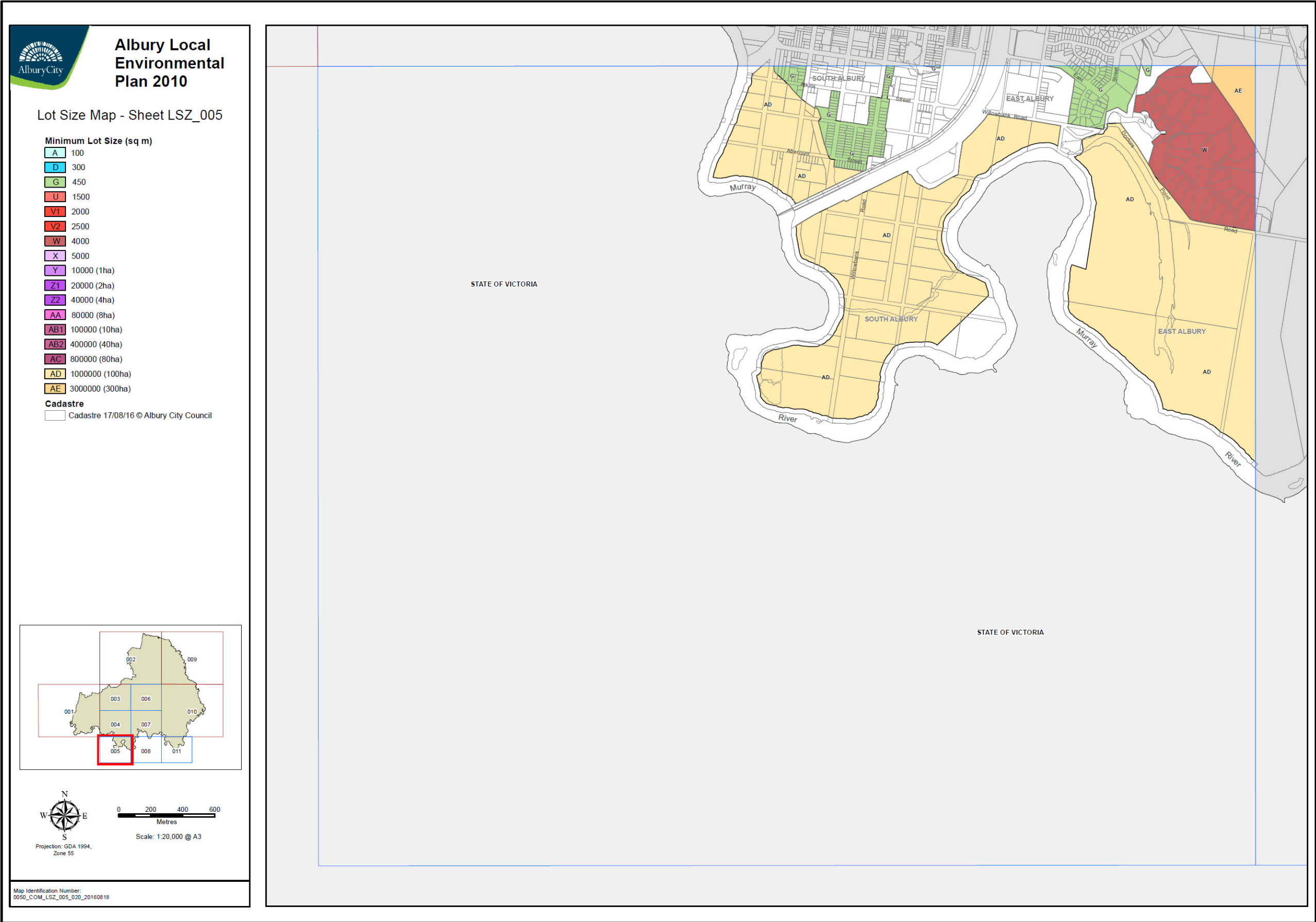
Figure 3 – Lot Size Maps (As Amended)

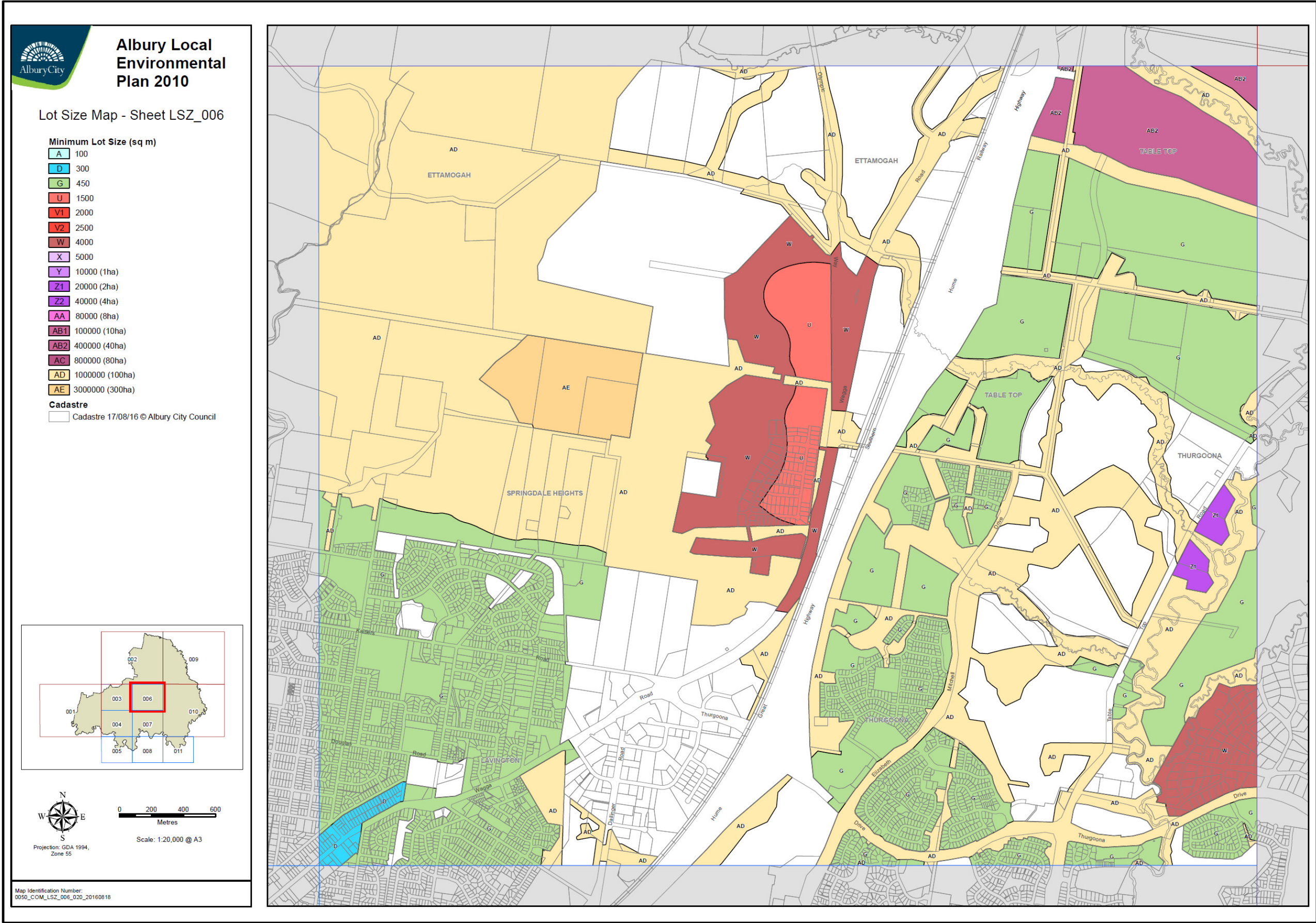


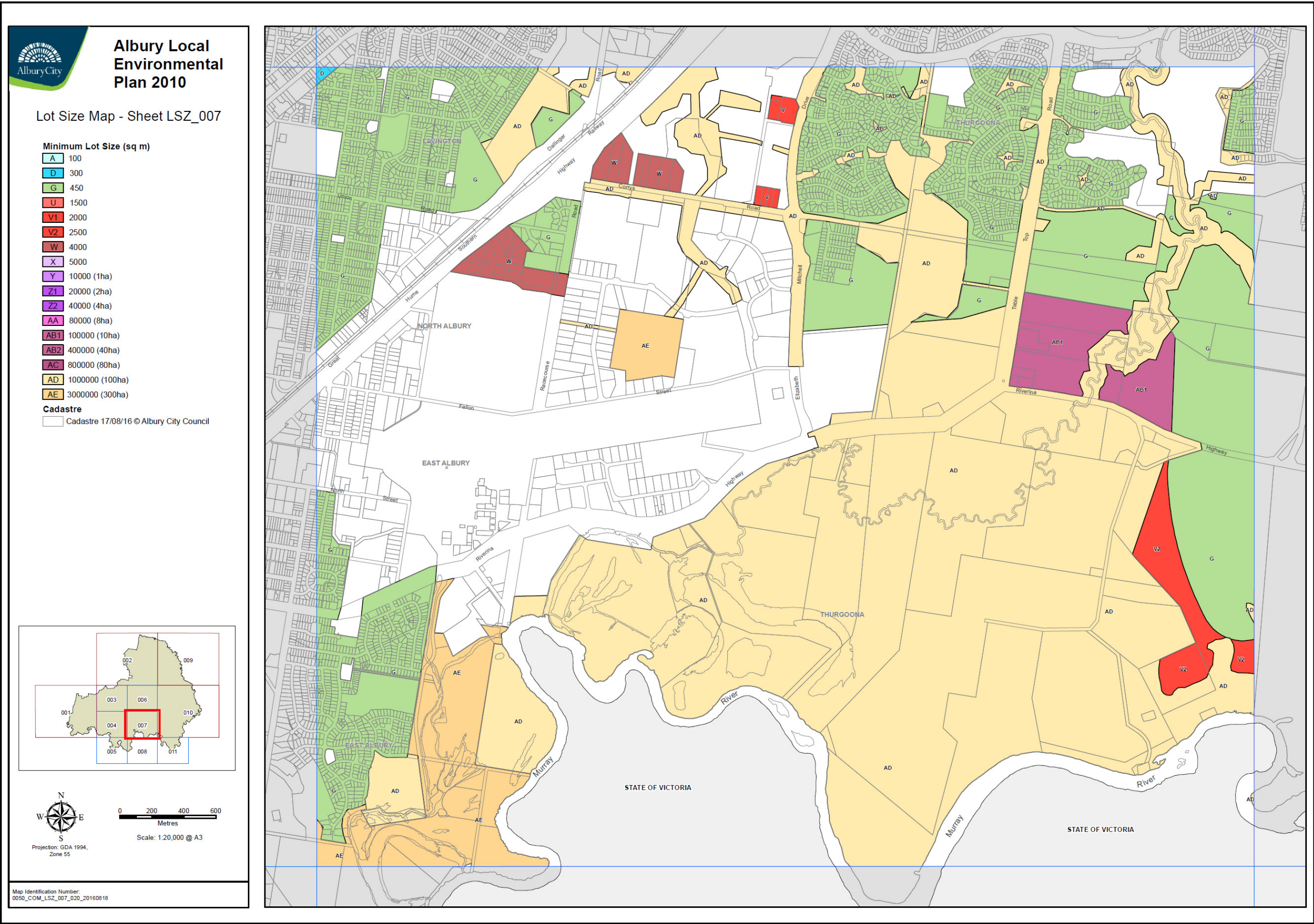














**Albury Local
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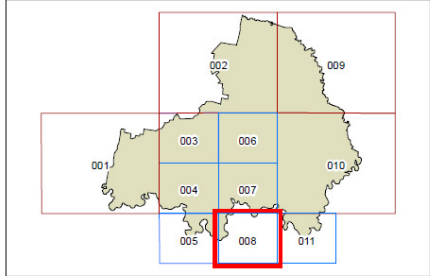
Lot Size Map - Sheet LSZ_008

Minimum Lot Size (sq m)

A	100
D	300
G	450
U	1500
V1	2000
V2	2500
W	4000
X	5000
Y	10000 (1ha)
Z1	20000 (2ha)
Z2	40000 (4ha)
AA	80000 (8ha)
AB1	100000 (10ha)
AB2	400000 (40ha)
AC	800000 (80ha)
AD	1000000 (100ha)
AE	3000000 (300ha)

Cadastre

 Cadastre 17/08/16 © Albury City Council



001 002 003 004 005 006 007 008 009 010 011



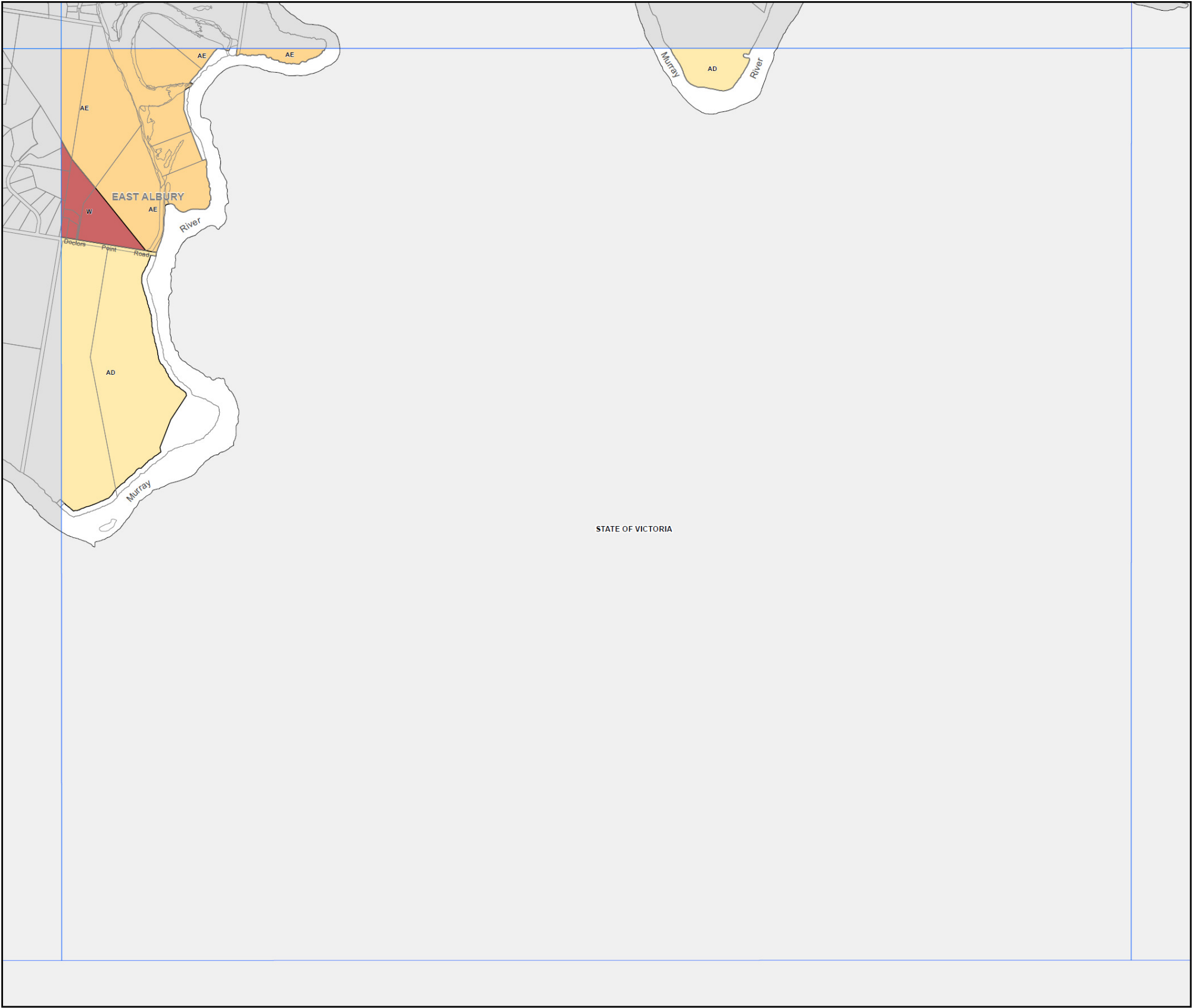
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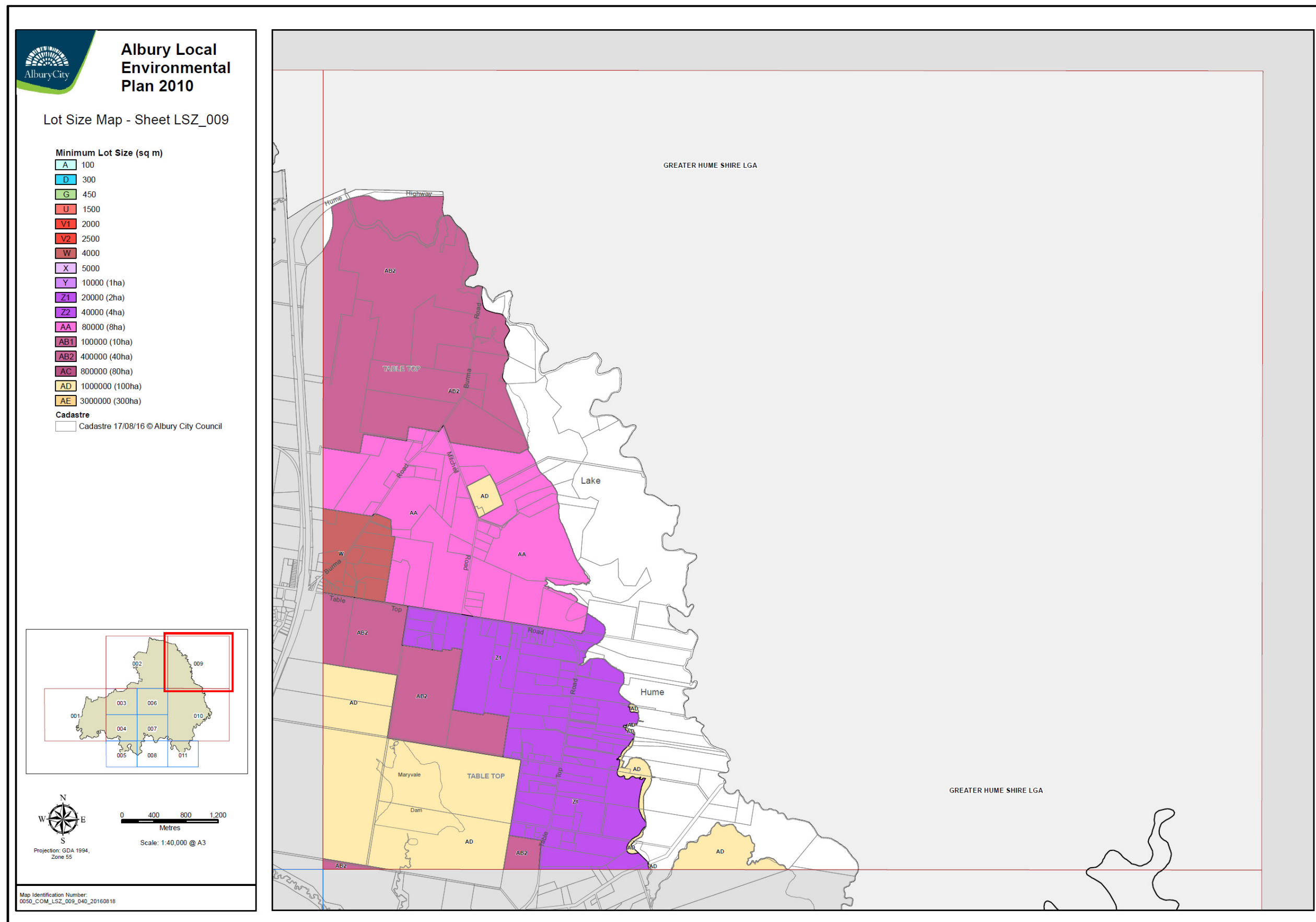


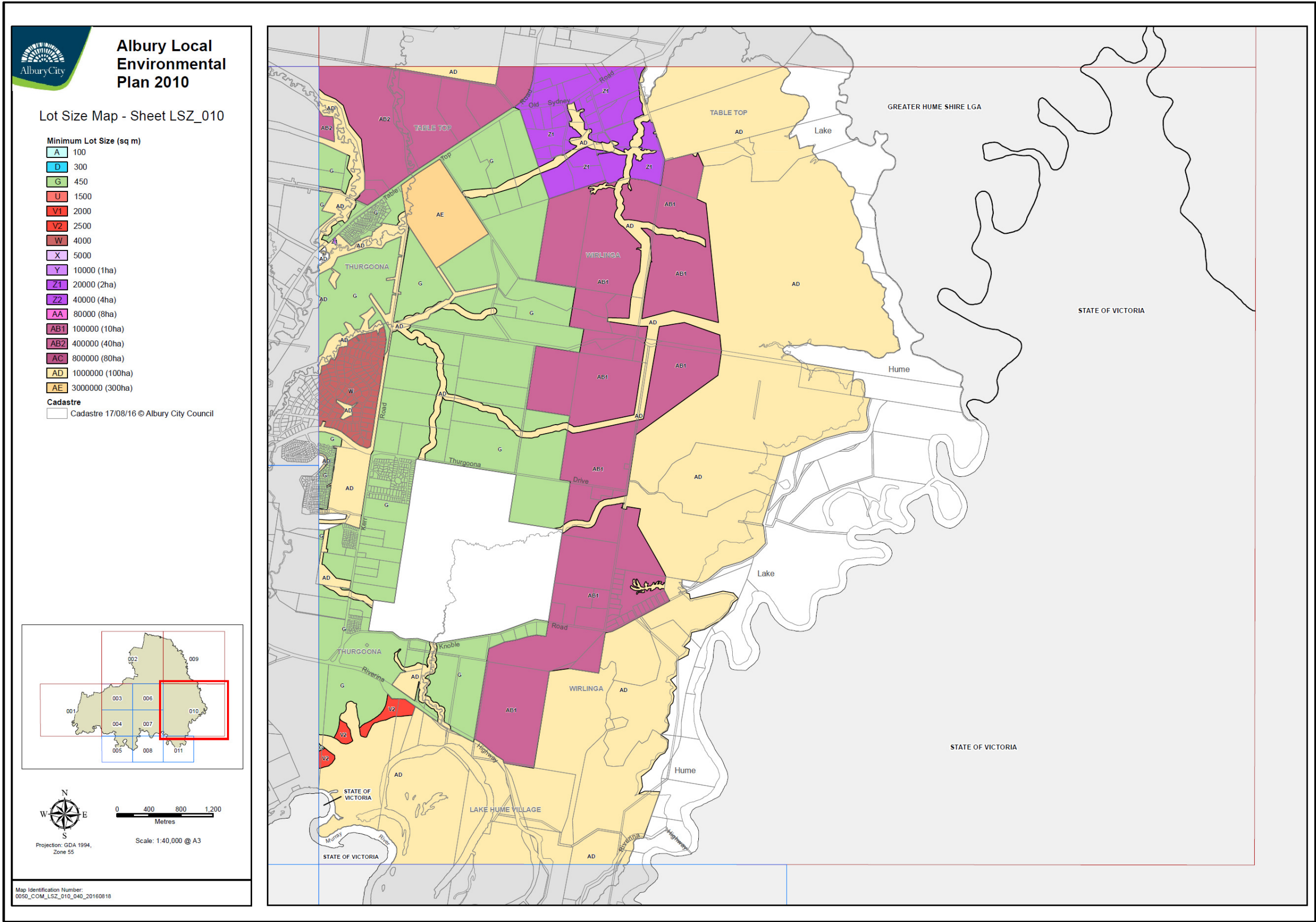
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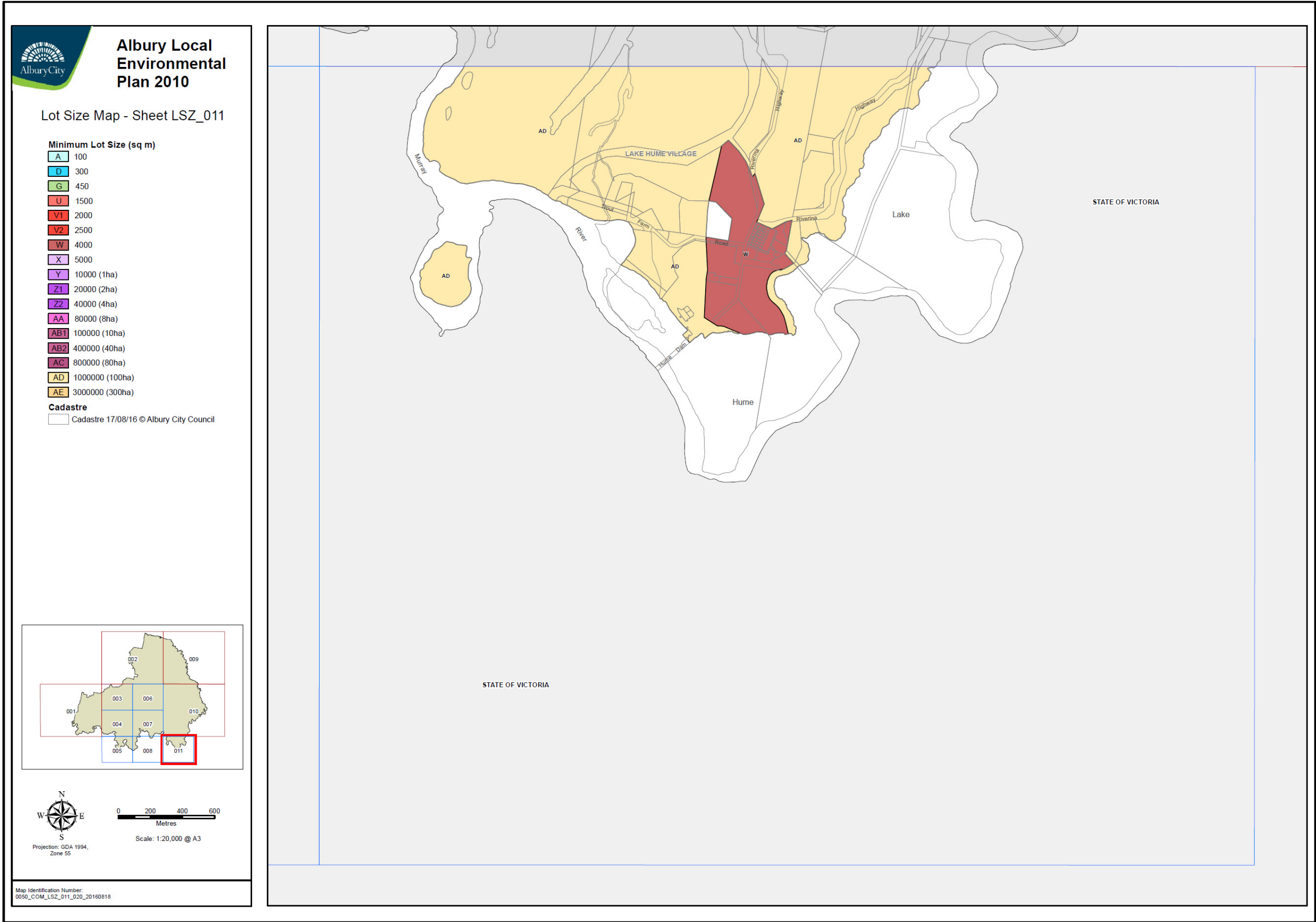
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APPENDIX C

Rural Lands Strategy for Table Top & Splitters Creek (Main Report)

(tabled separately)

Rural Lands Strategy for Table Top & Splitters Creek (Background Report)

(tabled separately)

Splitters Creek – Bush Fire Risk Management Plan (Preliminary Draft)

(tabled separately)