

Albury City Council seeks to amend the Land Zoning Map and Lot Size Map under Albury LEP 2010 to implement the Albury Rural Lands Strategy for Table Top and Splitters Creek.

Proposal Title : Albury City Council seeks to amend the Land Zoning Map and Lot Size Map under Albury LEP 2010 to implement the Albury Rural Lands Strategy for Table Top and Splitters Creek.

Proposal Summary : Albury City Council seeks to amend the Land Zoning Map and Lot Size Map under Albury LEP 2010 to implement the Albury Rural Lands Strategy for Table Top and Splitters Creek.

The proposal will amend the Land Zoning Map and Lot Size Map as follows;

TABLE TOP

- 24 ha rezoned from RU4 Primary Production Small Lots Zone (40 ha minimum lot size) to RU5 Village Zone (4,000 square metre minimum lot size). 60 x 4,000 square metre additional serviced house lots or 7 x 2 ha un-serviced house lots.

Note: Council has advised that section 9.2.3 of Albury Development Control Plan 2010 imposes 2 ha minimum lot size on land that will have an on-site sewerage management system. The 2 ha minimum lot size for the RU5 Village Zone under Albury DCP 2010 is consistent with the Albury Rural Lands Strategy for Table Top and Splitters Creek.

- 703 ha rezoned from RU4 Primary Production Small Lots Zone (40 ha minimum lot size) to R5 Large Lot Residential Zone (2 ha minimum lot size). 263 additional residential house lots.

- 1,889 ha zoned RU1 Primary Production Zone changed from 100 ha minimum lot size to 40 ha minimum lot size. 11 additional rural house lots.

- 75 ha RU4 Primary Production Small Lots Zone changed from 40 ha minimum lot size to 4 ha minimum lot size. 10 additional rural lots.

- 1,472 ha of RU4 Primary Production Zone Small Lots changed from 40 ha minimum lot size to 8 ha minimum lot size. 76 additional rural house lots.

SPLITTERS CREEK

- 93 ha rezoned from RU4 Primary Production Small Lots Zone (80 ha minimum lot size) to R5 Large Lot Residential Zone (2 ha minimum lot size). 12 additional residential house lots.

- 271 ha of RU4 Primary Production Zone Small Lots changed from 80 ha minimum lot size to 4 ha minimum lot size. 29 additional rural house lots.

- 149 ha of RU4 Primary Production Zone Small Lots changed from 80 ha minimum lot size to 8 ha minimum lot size. 3 additional rural house lots.

PP Number : PP_2016_ALBUR_002_00

Dop File No :

16/14214

Proposal Details

**Date Planning
Proposal Received :** 07-Nov-2016

LGA covered :

Albury City

Region : Southern

RPA :

Albury City Council

State Electorate : ALBURY

Section of the Act :

55 - Planning Proposal

Albury City Council seeks to amend the Land Zoning Map and Lot Size Map under Albury LEP 2010 to implement the Albury Rural Lands Strategy for Table Top and Splitters Creek.

LEP Type : Precinct

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **The planning proposal applies to land outlined in red on Figures 1 and 2 (Splitters Creek) in the planning proposal**

Street :

Suburb :

City :

Postcode :

Land Parcel : **The Planning proposal applies to land outlined in red on Figures 3 and 4 (Table Top) in the planning proposal**

DoP Planning Officer Contact Details

Contact Name : **Graham Judge**

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RPA Contact Details

Contact Name : **Chris Graham**

Contact Number : **0260238148**

Contact Email : **cgraham@alburycity.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Deanne Frankel**

Contact Number : **0242249468**

Contact Email : **deanne.frankel@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub **N/A**

Consistent with Strategy : **N/A**

Regional Strategy :

MDP Number :

Date of Release :

Area of Release (Ha) **820.00**

Type of Release (eg **Residential**

:

Residential /
Employment land) :

No. of Lots : **0**

No. of Dwellings **312**

(where relevant) :

Gross Floor Area : **0**

No of Jobs Created : **0**

The NSW Government **Yes**

Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Albury City Council seeks to amend the Land Zoning Map and Lot Size Map under Albury LEP 2010 to implement the Albury Rural Lands Strategy for Table Top and Splitters Creek.

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The planning proposal clearly indicates that the proposal seeks to amend the land zoning and minimum lot size provisions applying to land in Table Top and Splitters Creek as part of the implementation of the "Rural Lands Strategy for Table Top and Splitters Creek" adopted by Council and endorsed by the Department.**

The changes to the Albury LEP 2010 will generate;

- an additional 300 residential house lots and 97 additional rural house lots at Table Top; and**
- 12 additional residential house lots and 32 additional rural house lots at Splitters Creek.**

A further 53 house lots may potentially be created at Table Top on land proposed to be zoned RU5 Village if Table Top Village is provided with reticulated sewerage.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal indicates that Council proposes amending the Land Zoning Map (LZN) and Lot Size Map (LSZ) as shown in Figures 1, 2, 3 and 4 of the planning proposal. These figures are intended to show the current zones and lot sizes and the proposed changes to the zones and lot size on land at Table Top and Splitters Creek.**

Council has confirmed that the planning proposal will make the following map changes;

TABLE TOP

- 24 ha rezoned from RU4 Primary Production Small Lots Zone (40 ha minimum lot size) to RU5 Village Zone (4,000 sq metre minimum lot size).

- 703 ha rezoned from RU4 Primary Production Small Lots Zone (40 ha minimum lot size) to R5 Large Lot Residential Zone (2 ha minimum lot size).

- 1,889 ha zoned RU1 Primary Production Zone changed from 100 ha minimum lot size to 40 ha minimum lot size.

- 75 ha RU4 Primary Production Small Lots Zone changed from 40 ha minimum lot size to 4 ha minimum lot size.

- 1,472 ha of RU4 Primary Production Zone Small Lots changed from 40 ha minimum lot size to 8 ha minimum lot size.

SPLITTERS CREEK

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- 93 ha rezoned from RU4 Primary Production Small Lots Zone (80 ha minimum lot size) to R5 Large Lot Residential Zone (2 ha minimum lot size).

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- 149 ha of RU4 Primary Production Zone Small Lots changed from 80 ha minimum lot size to 8 ha minimum lot size.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP No 62—Sustainable Aquaculture

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Rural Lands) 2008

Murray REP No. 2 - Riverine Land

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

SECTION 117 DIRECTIONS:

1.2 RURAL ZONES: This Direction does apply to the planning proposal as it will affect land within an existing or proposed rural zone.

The proposal is considered to be **INCONSISTENT** with this direction as it proposes to rezone land from a rural zone to a residential zone and contains provisions that will increase the permissible density of land within a rural zone (other than an existing town or village).

The planning proposal is consistent with the Albury Council's 'Rural Lands Strategy for Table Top and Splitters Creek' that was endorsed by the Delegate of the Secretary on the 17 August 2016. The protection of agricultural production and prime agricultural land was considered as part of the preparation of the adopted Strategy.

RECOMMENDATION: The Secretary can be satisfied that the inconsistency is justified by a strategy that gives consideration to the objective of the Direction, identifies the subject land, and has been approved by the Secretary of the Department.

1.3 MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES:

This Direction does apply because the change of zones will restrict resource extraction in the proposed RU5 Village Zone. However Council has indicated that there are no

known significant mining or petroleum resources within the study area and the protection of known extractive industries was considered as part of the preparation of the adopted Strategy. Council has concluded that the inconsistency is of minor significance.

RECOMMENDATION: The Secretary can be satisfied that the inconsistency is of minor significance.

1.5 RURAL LANDS: This Direction does apply to the planning proposal as it will affect land within an existing or proposed rural or environmental protection zone/proposes to change the existing minimum lot size on land within a rural or environmental protection zone.

The planning proposal is consistent with the Albury Council's 'Rural Lands Strategy for Table Top and Splitters Creek' that was endorsed by the Delegate of the Secretary on the 17 August 2016. The Strategy has considered the Rural Planning Principles and the Rural Subdivision principles.

RECOMMENDATION: The Secretary can be satisfied that any inconsistency with this Direction has been justified by a strategy approved by the Secretary of the Department.

2.1 ENVIRONMENT PROTECTION ZONES: This Direction does apply to all planning proposals.

Substantial areas of Splitters Creek are currently zoned E2 Environmental Conservation Zone and E3 Environmental Management Zone under Albury LEP 2010 and Council does not intend amending environmental zones.

The proposal is considered to be **CONSISTENT** with this direction because it does not intend to amend any environmental zones or remove provisions that protect and conserve environmentally sensitive areas.

RECOMMENDATION: The Secretary can be satisfied that the planning proposal is consistent with this Direction.

2.3 HERITAGE CONSERVATION: This Direction does apply to the planning proposal as it affects items, places, buildings, works, relics movable objects or precincts of environmental heritage significance.

The proposal is considered to be **CONSISTENT** with this direction. It does not intend changing and controls applying to heritage conservation areas or heritage items.

RECOMMENDATION: The Secretary can be satisfied that the planning proposal is consistent with this Direction.

3.1 RESIDENTIAL ZONES: This Direction does apply to the planning proposal as it will affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted.

The planning proposal is consistent with the Albury Council's 'Rural Lands Strategy for Table Top and Splitters Creek' that was endorsed by the Delegate of the Secretary on the 17 August 2016.

The proposal is considered to be **CONSISTENT** with this direction.

RECOMMENDATION: The Secretary can be satisfied that the planning proposal is consistent with this Direction.

3.4 INTEGRATING LAND USE AND TRANSPORT: This Direction does apply to the planning proposal as it will create/alter/remove a zone/provision relating to urban land

(including land zoned for residential, business, industrial, village or tourist purposes).

The planning proposal is consistent with the Albury Rural Lands Strategy for Table Top and Splitters Creek' that was endorsed by the Delegate of the Secretary on the 17 August 2016.

The proposal is considered to be **CONSISTENT** with this direction.

RECOMMENDATION: The Secretary can be satisfied that the planning proposal is consistent with this Direction.

4.4 PLANNING FOR BUSHFIRE PROTECTION: This Direction does apply to the planning proposal as it will affect land mapped as bushfire prone land.

The planning proposal is consistent with the 'Albury Rural Lands Strategy for Table Top and Splitters Creek' that was endorsed by the Delegate of the Secretary on the 17 August 2016. The Strategy specifically addresses issues associated with bushfire hazard and risk.

At this stage of the process the planning proposal is neither consistent nor inconsistent as the Direction requires consultation with the NSWRFs post Gateway determination and prior to exhibition.

RECOMMENDATION: The Secretary can to be satisfied that the requirements of the Direction have been met because it is recommended that a condition be included in the Gateway determination that consultation must be undertaken with the Rural Fire Service in accordance with the Direction.

5.1 IMPLEMENTATION OF REGIONAL STRATEGIES: This Direction does not apply to the planning proposal because no Regional Strategy applies to the land.

DRAFT RIVERINA MURRAY REGIONAL PLAN APRIL 2016

The Department has exhibited the draft Riverina Murray Regional Plan and is now considering the submissions, including recording and analysing the issues and examining the suggested changes to the draft Plan. The planning proposal has specifically addressed the goals of the draft regional plan.

The draft Strategy recognises and promotes Albury as a regional centre and supports new rural residential development that is identified in a strategic plan endorsed by the Department (Draft Settlement Planning Principles).

The planning proposal is consistent with the draft Strategy because areas identified for rural residential development in the planning proposal are consistent with the 'Albury Rural Lands Strategy for Table Top and Splitters Creek' that has been endorsed by the Delegate of the Secretary on the 17 August 2016.

RECOMMENDATION: The Secretary can be satisfied that the planning proposal is consistent with this Direction.

6.1 APPROVAL AND REFERRAL REQUIREMENTS:

The planning proposal is consistent with this Direction because it does not propose provisions that require the concurrence, consultation or referral of development applications to the Minister or a public authority.

RECOMMENDATION: The Secretary can be satisfied that the planning proposal is consistent with this Direction.

STATE PLANNING POLICIES

Albury City Council seeks to amend the Land Zoning Map and Lot Size Map under Albury LEP 2010 to implement the Albury Rural Lands Strategy for Table Top and Splitters Creek.

SEPP 44 - Koala Habitat

No environmental protection zones will be amended by the planning proposal.

Council is of the view that SEPP 44 has been appropriately considered as part of the preparation of the Planning Proposal. Council has previously undertaken initiatives and studies to identify land considered desirable habitat and zoned environmental protection across the LGA. As a consequence of this work the Office of Environment and Heritage approved Bio-certification of the LEP in 2010.

SEPP 55 -Remediation of Land

Council has determined that the risk of land contamination is low because of the historical use of the land (rural/rural residential/peri-urban).

Council has also concluded that detailed site investigations on land contamination will be undertaken by landowners/developers as part of the development application process.

SEPP 62 Sustainable Agriculture

Not considered relevant because there are no known aquaculture activities currently conducted within the Albury LGA.

SEPP Mining, Petroleum Production and Extractive Industries

The planning proposal is compliant with the SEPP. Council has indicated that there are no known significant mining or petroleum resources within the study area.

Existing operating extractive industries requiring protection were identified as part of the preparation of the 'Albury Rural Lands Strategy for Table Top and Splitters Creek' that was endorsed by the Delegate of the Secretary on the 17 August 2016.

SEPP (Rural Lands) 2008

The planning proposal is consistent with the Albury Council's 'Rural Lands Strategy for Table Top and Splitters Creek' that was endorsed by the Delegate of the Secretary on the 17 August 2016. The Strategy has considered the Rural Planning Principles and the Rural Subdivision principles outlined in the SEPP.

MURRAY REP No 2 (Riverine Land)

The SEPP only affects a small portion of the study area located at Splitters Creek. The Planning Proposal is considered to be generally consistent with the REP because of the low number of additional rural residential (44) and it is unlikely that there will be any adverse impacts upon the riverine environment of the Murray River.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

Council has prepared draft LEP Maps consistent with the Department's LEP Mapping guidelines.

Figures 1,2,3 and 4 of the planning proposal are intended to identify the proposed changes to the Land Zoning Map and Lot Size Map. The labels on these Figures identifying the current and proposed zones and lot sizes are difficult to read.

Council has not provided details on the description of land affected by the planning proposal, e.g. Lot and Deposited plans. This information is also likely to be requested by PC when a request is made to make the draft LEP.

Recommendation:

It is recommended that Council revise the planning proposal to:

- Amend Figures 1,2,3 and 4 to improve their legibility prior to community consultation.
- Provide information on the description of the land (Lot and Deposited Plan) affected by

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amendments to the Land Zoning Map and Lot Size Map.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has acknowledged that the planning proposal is not 'low impact' and the minimum period for community consultation should be 28 days.**

Recommendation:

The community consultation be undertaken for a minimum of 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **Apart from improving the legibility of Figures 1,2,3 and 4 (see recommended Gateway Condition above) the proposal meets the requirements of the Department's "A guide to preparing planning proposals August 2016".**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Albury SI LEP was notified in 2010.**

Assessment Criteria

Need for planning proposal : **The planning proposal is the only means to implement the outcomes of the Albury Rural Land Strategy for Table Top and Splitters Creek 2015 adopted by Council and endorsed by the Delegate of the Secretary on the 17 August 2016.**

Albury City Council seeks to amend the Land Zoning Map and Lot Size Map under Albury LEP 2010 to implement the Albury Rural Lands Strategy for Table Top and Splitters Creek.

Consistency with strategic planning framework :

The planning proposal is generally consistent with the Albury Rural Land Strategy for Table Top and Splitters Creek adopted by Council and endorsed by the Delegate of the Secretary on the 17 August 2016.

PROPOSED RU5 VILLAGE ZONE AND 4,000 SQUARE METRE MINIMUM LOT SIZE

The planning proposal proposes rezoning land to the east of Table Top Village to an RU5 Village Zone with a 4,000 square metre MLS consistent with the minimum lot size applied existing land zoned RU5 Village within Table Top Village. The Strategy, including the Table Top Precinct Plan, recommends an RU5 Village zone with a 2 ha minimum lot size for this 24 ha area of land. The 2 ha minimum lot size was adopted by the Strategy in recognition that Albury City will not be extending sewer infrastructure to Table Top Village at this stage.

Additional information provided by Council states that section 9.2.3 of Albury Development Control Plan 2010 requires a 2 ha minimum lot size in Table Top Village, including the proposed additional RU4 Village Zone, if the land is to be serviced by an on-site sewage management system. On that basis Council's current and proposed planning controls applying to Table Top Village are consistent with Council's endorsed strategy.

Recommendation;

That Council be required to revise the planning proposal to clarify that, although the planning proposal will apply a 4,000 sq m minimum lot size to the eastern extension of Table Top Village (proposed RU5 Village Zone), section 9.2.3 of the Albury Development Control Plan 2010 requires a 2 ha minimum lot size for lots if the land is to be serviced by an on-site sewage management system.

Environmental social economic impacts :

The planning proposal seeks to implement the outcomes of the Albury Rural Land Strategy for Table Top and Splitters Creek adopted by Council and endorsed by the Delegate of the Secretary on the 17 August 2016.

One of the key components of the Strategy was undertaking a land supply and demand analysis (economic opportunity) for additional rural lots and determine the limitations on the supply of additional land available for rural housing development after identifying environmental, social (amenity) and infrastructure constraints.

The planning proposal therefore reflects the outcomes of a strategic process that seeks to balance the demand for smaller rural lots, residential and rural housing and minimising the environmental, economic and impacts on supply.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	28 Days
Timeframe to make LEP :	0 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Murray Catchment Management Authority Office of Environment and Heritage NSW Department of Primary Industries - Agriculture NSW Department of Primary Industries - Minerals and Petroleum NSW Rural Fire Service Transport for NSW - Roads and Maritime Services State Emergency Service Adjoining LGAs		

Albury City Council seeks to amend the Land Zoning Map and Lot Size Map under Albury LEP 2010 to implement the Albury Rural Lands Strategy for Table Top and Splitters Creek.

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

The planning proposal implements the Albury Rural Lands Strategy for Table Top and Splitters Creek endorsed by the delegate for the Secretary on the 17 August 2016.

Recommendation;

That Council place the Albury Rural Lands Strategy for Table Top and Splitters Creek on exhibition with the planning proposal as supporting documentation.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal Rezoning of land in Table Top and Splitters Creek.pdf	Proposal	Yes
Rural Lands Strategy for Table Top and Splitters Creek Executive Summary.pdf	Study	Yes
Extract_Part 9_Albury DCP_Lot Size and Wastewater.pdf	Proposal	Yes
Locality Plan.pdf	Proposal	Yes
Table_Top_Settlement_Plan.pdf	Map	Yes
Splitters_Creek_Settlement_Plan.pdf	Map	Yes
DPE_Endoresment_of_Strategy_August_2016.pdf	Determination Document	Yes
Council_Meeting_Report_10_October_2016.pdf	Proposal	Yes
Minutes_Council_Meeting_24_October_2016.pdf	Proposal	Yes
Council_Covering_Letter_Nov_2016.pdf	Proposal Covering Letter	Yes
LSZ_001_Amendment_No21.pdf	Map	Yes
LSZ_002_Amendment_No21.pdf	Map	Yes
LSZ_004_Amendment_No21.pdf	Map	Yes
LSZ_005_Amendment_No21.pdf	Map	Yes
LSZ_006_Amendment_No21.pdf	Map	Yes
LSZ_007_Amendment_No21.pdf	Map	Yes
LSZ_008_Amendment_No21.pdf	Map	Yes
LSZ_009_Amendment_No21.pdf	Map	Yes
LSZ_010_Amendment_No21.pdf	Map	Yes
LSZ_011_Amendment_No21.pdf	Map	Yes
LSZ_003_Amendment_No_21.pdf	Map	Yes
LZN_001_Amendment_No21.pdf	Map	Yes
LZN_002_Amendment_No21.pdf	Map	Yes
LZN_009_Amendment_No21.pdf	Map	Yes
LZN_010_Amendment_No21.pdf	Map	Yes

Albury City Council seeks to amend the Land Zoning Map and Lot Size Map under Albury LEP 2010 to implement the Albury Rural Lands Strategy for Table Top and Splitters Creek.

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements

Additional Information : The Acting General Manager Director General, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to Albury Local Environmental Plan 2010 that seeks to implement the 'Albury Rural Lands Strategy for Table Top and Splitters Creek 2015' should proceed subject to the following conditions:

1. The zone and lot size labels in Figures 1, 2, 3 and 4 in the Planning Proposal are to be revised prior to community consultation to clearly show the proposed changes to the Land Zoning Map and Lot Size Map.

2. The Planning Proposal is to be revised prior to community consultation to include a table describing the land (Lot and Deposited Plans) affected by the proposed changes to the Land Zoning Map and Lot Size Map).

3. The planning proposal is to be revised prior to community consultation to include information on the implications of section 9.2.3 Waste Water Management in 'Albury Development Control Plan 2010' on the minimum lot size applied to land proposed to be zoned RU5 Village Zone at Table Top and that is proposed to be serviced by an onsite sewage management system.

4. A copy of the revised planning proposal is to be provided to the Department prior to community consultation.

5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and,

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2016).

6. The 'Albury Rural Lands Study for Table Top and Splitters Creek 2015' and the letter endorsing the Strategy from the Department of Environment and Planning dated 17 August 2016 are to be placed on public exhibition with the planning proposal (supporting documentation) as part of community consultation.

7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- Office of Environment and Heritage
- NSW Rural Fire Service (in accordance with s117 Direction 4.4 Planning for Bushfire Protection)
- Murrumbidgee Catchment Management Authority
- NSW Environment Protection Authority

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- NSW Primary Industries – Office of Water
- NSW Primary Industries – Agriculture
- NSW Department of Industry - Lands
- NSW Department of Industry – Resources and Energy
- Transport for NSW – Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

8. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

9. The LEP maps shall be prepared in accordance with the Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment, 2015).

10. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.

SECTION 117 DIRECTIONS

1.2 RURAL ZONES:

The Secretary's delegate can be satisfied that the inconsistency with s117 Direction 1.2 Rural Zones is justified by a strategy that gives consideration to the objective of the Direction, identifies the subject land, and is approved by the Secretary of the Department.

1.3 MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES:

The Secretary's delegate can be satisfied that the inconsistency with s117 Direction 1.3 Mining, Petroleum Production and Extractive Industries is of minor significance.

1.5 RURAL LANDS

The Secretary can be satisfied that the any inconsistency with s117 Direction 1.5 Rural Lands has been justified by a strategy approved by the Secretary of the Department.

4.4 PLANNING FOR BUSHFIRE PROTECTION

The Secretary can to be satisfied that the requirements of s117 Direction 4.4 Planning for Bushfire Protection have been met because a condition is included in the Gateway determination that consultation should be undertaken with the Rural Fire Service in accordance with the Direction.

DELEGATION

Council be authorised to use its delegation for plan-making.

Supporting Reasons :

Signature:



Printed Name:

Deanne Frankel

Date:

21/11/16