

**Additional Permitted Uses - 317 & 323 Wodonga Place, South Albury - Part Lot 4120 DP 1087043 & Lot 1 DP 542181 and Part Lot 1 DP 1087117**

|                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |               |          |
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| Proposal Title :   | Additional Permitted Uses - 317 & 323 Wodonga Place, South Albury - Part Lot 4120 DP 1087043 & Lot 1 DP 542181 and Part Lot 1 DP 1087117                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |               |          |
| Proposal Summary : | <p>The planning proposal seeks to amend Schedule 1 - Additional Permitted Uses in the Albury Local Environmental Plan 2010.</p> <p>Additional Permitted Uses will be provided in a new item (Item 11A) and will apply to 317 &amp; 323 Wodonga Place, South Albury being Part Lot 4120 DP 1087043, Lot 1 DP 542181 and Part Lot 1 DP 1087117.</p> <p>Development for any of the following purposes will be permitted with consent:</p> <ul style="list-style-type: none"> <li>(a) business premises,</li> <li>(b) office premises,</li> <li>(c) function centres,</li> <li>(d) food and drink premises,</li> <li>(e) shops.</li> </ul> <p>The additional commercial land uses provide flexibility but also limit development to ensure it is compatible with surrounding land uses. This will encourage suitable development opportunities in two buildings that have been vacant for 10 years.</p> |               |          |
| PP Number :        | PP_2017_ALBUR_001_00                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Dop File No : | 17/09109 |

**Proposal Details**

|                                   |               |                      |                        |
|-----------------------------------|---------------|----------------------|------------------------|
| Date Planning Proposal Received : | 29-Jun-2017   | LGA covered :        | Albury City            |
| Region :                          | Southern      | RPA :                | Albury City Council    |
| State Electorate :                | ALBURY        | Section of the Act : | 55 - Planning Proposal |
| LEP Type :                        | Spot Rezoning |                      |                        |

**Location Details**

|               |                                           |        |        |
|---------------|-------------------------------------------|--------|--------|
| Street :      | 323 Wodonga Place                         |        |        |
| Suburb :      | South Albury                              | City : | Albury |
| Land Parcel : | Lot 1 DP 542181 and Part Lot 1 DP 1087117 |        |        |
| Postcode :    | 2640                                      |        |        |
| Street :      | 317 Wodonga Place                         |        |        |
| Suburb :      | South Albury                              | City : | Albury |
| Land Parcel : | Part Lot 4120 DP 1087043                  |        |        |
| Postcode :    | 2640                                      |        |        |

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**DoP Planning Officer Contact Details**

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**DoP Project Manager Contact Details**

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**Land Release Data**

|                                       |                                                            |
|---------------------------------------|------------------------------------------------------------|
| Growth Centre :                       | Release Area Name :                                        |
| Regional / Sub<br>Regional Strategy : | Consistent with Strategy :                                 |
| MDP Number :                          | Date of Release :                                          |
| Area of Release (Ha)<br>:             | Type of Release (eg<br>Residential /<br>Employment land) : |
| No. of Lots : 0                       | No. of Dwellings 0<br>(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 :

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

If Yes, comment :

**Supporting notes**

Internal Supporting  
Notes :

External Supporting  
Notes :

**Adequacy Assessment**

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

Is a statement of the objectives provided? Yes

Comment : The planning proposal intends to permit five additional uses on Part Lot 4120 DP 1087043, Lot 1 DP 542181 and Part Lot 1 DP 1087117. The Statement of Objectives is adequately identified in the planning proposal.

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

Is an explanation of provisions provided? Yes

Comment : The planning proposal has provided sufficient information explaining the proposed amendment to the Albury LEP 2010.

The planning proposal seeks to add Item 11A to Schedule 1 - Additional Permitted Uses, which will permit five additional uses on Part Lot 4120 DP 1087043, Lot 1 DP 542181 and Part Lot 1 DP 1087117.

No mapping is proposed to identify the part of the lots which will be subject to the additional uses. A condition on the Gateway Determination is recommended, requiring the preparation of a LEP Additional Permitted Uses Map to identify the areas.

**Justification - s55 (2)(c)**

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :  
2.3 Heritage Conservation  
4.3 Flood Prone Land  
\* May need the Director General's agreement  
6.2 Reserving Land for Public Purposes  
6.3 Site Specific Provisions

Is the Director General's agreement required? No

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

d) Which SEPPs have the RPA identified? Murray REP No. 2 - Riverine Land

e) List any other matters that need to be considered :  
SECTION 117 DIRECTIONS:

2.3 HERITAGE CONSERVATION: This Direction does apply to the planning proposal as it affects an item of environmental heritage significance.  
The proposal is considered to be CONSISTENT with this Direction.

4.3 FLOOD PRONE LAND: This Direction does apply to the planning proposal as it will create a provision that affects flood prone land.  
The proposal is considered to be INCONSISTENT with this Direction as it allows commercial land uses within the flood planning area which are zoned RE1 Public Recreation.

RECOMMENDATION: The Secretary can be satisfied that the inconsistency is of minor significance (in relation to the provisions of the planning proposal that are inconsistent).

6.2 RESERVING LAND FOR PUBLIC PURPOSES: This Direction does apply to the planning proposal as it will alter the permitted uses on the subject land and requires the approval of the relevant public authority and the Secretary of the Department.  
The proposal is considered to be CONSISTENT with this Direction as the Gateway determination will issue the necessary approval.

RECOMMENDATION: The Secretary of the Department approves of the proposal to allow additional uses within the zone.

6.3 SITE SPECIFIC PROVISIONS: This Direction does apply to the planning proposal as it allows a particular uses to be carried out.

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

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

If No, explain :

**Mapping Provided - s55(2)(d)**

Is mapping provided? No

Comment : No mapping is proposed to identify the part of the lots which will be subject to the additional uses. A condition on the Gateway Determination is recommended, requiring the preparation of a LEP Additional Permitted Use Map to identify the areas, prior to community consultation being undertaken.

**Community consultation - s55(2)(e)**

Has community consultation been proposed? Yes

Comment : The proposal will be publically exhibited for 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 :

**Proposal Assessment**

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Albury Local Environmental Plan (ALEP) 2010 standard Instrument LEP was notified in 2010.

**Assessment Criteria**

Need for planning proposal : The subject land is zoned RE1 Public Recreation under the ALEP 2010 and the variety and type of land use activities permitted within this zone is primarily limited to recreational activities. Council is seeking to allow additional commercial land use activities on the subject land to provide flexibility but also limit development to ensure it is compatible with surrounding land uses. This will encourage suitable development opportunities in two buildings that have been vacant for 10 years. Council has justified the need to include the additional uses in Schedule 1 - Additional Permitted Uses.

Consistency with strategic planning framework : The proposal is not inconsistent with any strategic framework including the Riverina Murray Regional Plan or Albury 2030 Community Strategic Plan.

Environmental social economic impacts : Council does not anticipate any adverse environmental, social or economic impacts as a result of the proposed additional permitted uses. The Planning Proposal relates to two existing unoccupied buildings.

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**Assessment Process**

Proposal type : Minor Community Consultation Period : 28 Days

Timeframe to make LEP : 6 months Delegation : RPA

Public Authority Consultation - 56(2)(d) :

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 :

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 Team Recommendation**

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

S.117 directions: 2.3 Heritage Conservation  
4.3 Flood Prone Land  
6.2 Reserving Land for Public Purposes  
6.3 Site Specific Provisions

Additional Information : It is RECOMMENDED that the Director Regions, Southern, at the Department of Planning and Environment as delegate of the Minister for Planning, determine under Section 56(2) of the Environmental Planning and Assessment Act, 1979 that an amendment to the Albury Local Environmental Plan (LEP) 2010 to add Item 11A in Schedule 1 – Additional permitted uses, to allow 5 uses with consent, should proceed subject to the following conditions:

1. Prior to undertaking community consultation, the Planning Proposal is to be revised as follows:

(a) Prepare a LEP Additional Permitted Use Map to identify the Part lots subject to the planning proposal.

#### CONSULTATION

2. Community consultation is required under Sections 56(2)(c) and 57 of the 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 local environmental plans (Department of Planning and Environment 2016).

3. Consultation is required with the following public authorities and / organisations under Section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant Section 117 Directions:

- Office of Environment and Heritage – Heritage
- Office of Environment and Heritage – Flood Unit

Each public authority/organisation 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.

4. 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).

#### TIMEFRAME

5. The timeframe for completing the LEP is to be 6 months following the date of the Gateway determination.

#### SECTION 117 DIRECTIONS

It is recommended that:

(a) The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance;

(d) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

#### SEPPS

The planning proposal is considered to be consistent with all relevant SEPPs

Supporting Reasons :

The planning proposal comprises of a minor amendment and it is suitable for Council to be authorised to use its delegation for plan making.

Signature:



Printed Name:

Hayden Murdoch

Date:

6/7/17



Deanne Frankel  
Team Leader

6/7/17