
PLANNING PROPOSAL



Amendment to Albury Local Environmental Plan 2010 Reclassification of land from Community to Operational

**Former Lavington Library – 329 Griffith Road,
Lavington (Part Lots 1 & 2, DP 1194751) (Former Lot 1,
DP 823309)**

Prepared by
AlburyCity Council

September 2014

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PART 1 – OBJECTIVES OR INTENDED OUTCOMES

AlburyCity Council has resolved to prepare a planning proposal under the provisions of Part 2, Chapter 6 of the *Local Government Act 1993* and as per Section 55 of the *Environmental Planning & Assessment Act 1979*.

The proposal seeks an amendment to the *Albury Local Environmental Plan 2010* (ALEP 2010) and involves the reclassification of 329 Griffith Road, Lavington, being Part Lots 1 & 2, DP 1194751 (former Lot 1, DP 823309), which is the site of the former Lavington Library (subject site) from 'Community' to 'Operational' land (see **Appendix A**). No other interests are proposed to be changed that currently apply to the site.

PART 2 – EXPLANATION OF PROVISIONS

As per Clause 5.2 - Classification and reclassification of public land of ALEP 2010, it is proposed to insert the following provisions into Schedule 4, Part 1 – Land classified or reclassified, as operational land – no interests changed of this Plan as outlined below:

Schedule 4 Classification and reclassification of public land

Part 1 Land Classified, or reclassified, as operational land – no interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
329 Griffith Road, Lavington (Former Lavington Library)	Part Lots 1 and 2, DP 1194751	

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 not the result of any strategic study or report.

Notwithstanding, the subject site has been the focus of a previous Council report dated 25 November 2013 regarding its future development and/or use. It is noted that the former Lavington Library site is made up of two historical land parcels, both of which have different land classifications as follows:

Lot 1, DP 823309 – Community Land; and
Lot 2, DP 600575 – Operational Land.

Following a Council resolution, adjustments to the boundary of Lot 2 were undertaken to address the issue of the building being positioned across two property titles. This ensured the protection of Council's water and sewer infrastructure assets and the retention of existing access arrangements. Following the completion of this boundary adjustment, the subject site is now known as Part Lots 1 & 2, DP 1194751 with both of these lots containing a portion of community and operational land (see **Appendix A**). These adjustments were also required to enable Council to enter into a formal lease of the property, with the building now commercially leased.

The purpose of the planning proposal is to rectify this dual land classification and reclassify a portion of both lots from community to operational land.

It is noted that the current classification of former Lot 1, DP 823309 as 'Community Land' is an anomaly in that the land has been used for operational purposes since the library was first constructed. For example, it incorporates a Right of Way and delivery vehicle access via the Prune Street extension, which affords commercial benefit to owners of the adjoining land. In order to rectify this anomaly Council has prepared the current planning proposal.

Accordingly, given the current and proposed future uses of the subject site for commercial purposes, a portion of the subject site needs to be reclassified from 'Community' to 'Operational' land.

The subject site is currently zoned B3 Commercial Core under ALEP 2010 and is used for commercial and community purposes. Accordingly, the main purpose of the reclassification is to ensure that the site can be used consistent with the surrounding land uses (i.e. commercial and community purposes) now and into the future.

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

Amending ALEP 2010 to reclassify the subject site from Community to Operational is the best means of achieving the objectives of the planning proposal. Reclassifying the land to Operational will reflect previous Council resolutions and will enable the property to be leased.

2A. If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

The planning proposal does not seek to extinguish any interests over the subject site.

2B. The concurrence of the landowner, where the land is not owned by the relevant planning authority.

AlburyCity Council is the owner of the subject site.

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)?

The draft *Murray Regional Strategy* (yet to be adopted) is Council's relevant Regional Strategy as set out by the Department of Planning and Infrastructure. Following an assessment of this document, this planning proposal is not inconsistent with the objectives and actions contained within the draft Murray Regional Strategy.

4. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The *Albury 2030 Community Strategic Plan* is Council's local community strategic planning document.

The proposed reclassification of Part Lots 1 & 2, DP 1194751 (being former Lot 1, DP 823309) is not inconsistent with the recommendations of this Plan.

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

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

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

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

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 land is not identified as containing threatened species, critical habitat, ecological communities or their habitat. The proposed reclassification relates to land currently used for passive open space and community and commercial purposes. Consequently, reclassifying the land will not impact on any critical habitat or threatened species as the subject site will continue to be used for its existing purpose.

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

Any subsequent use/development of the site for private or community purposes resulting from the reclassification will not result in any environmental impacts to surrounding areas. The subject site is not known to be flood affected, contaminated, bush fire prone, be subject to land slip, or adversely affect any adjoining heritage items.

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

The planning proposal will have no material effect on the existing site and seeks to rectify an existing anomaly related to Council-owned land.

The proposal seeks to reclassify the subject site consistent with the adjoining land classification applying to a majority of the former Lavington Library building. In doing so, this will enable a commercial lease to be entered into for the use of this building into the future and will help facilitate the use and/or redevelopment of this site.

It is noted that AlburyCity does not propose to sell Part Lots 1 & 2, DP 1194751 upon reclassification as Operational, due to its current and future use. It is also noted that all existing restrictions and interests (easements) over the land will remain, in particular the vehicular access way to the adjoining Coles car park and commercial tenancies to the west of the subject site.

Section D - State and Commonwealth interests

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

The planning proposal is seeking to only reclassify the subject site from Community to Operational land and is not proposing any additional development. It is also noted that all existing restrictions and interests (easements) applying over the land will be retained as part of the reclassification and the site has readily available access to services and utilities including roads, water and sewer.

Overall the impacts on infrastructure from this proposal will be negligible.

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

No consultation has been carried out at this stage with any State and Commonwealth Public Authorities; however, consultation will occur in accordance with the Gateway Determination if required.

PART 4 – MAPPING

The proposal does not seek a change in LEP mapping as it only relates to the reclassification of community-classified land.

PART 5 – COMMUNITY CONSULTATION

Council proposes that the planning proposal be exhibited in accordance with the requirements of section 57 of the *Environmental Planning & Assessment Act 1979*, section 29 of the *Local Government Act 1993* and the NSW Department of Planning's: LEP Practice Note PN09-003 *Classification and reclassification of public land through a local environmental plan* and *A guide to preparing local environmental plans* (April 2013).

It is proposed that the planning proposal will be placed on public exhibition for a minimum of 28 days as the proposal seeks to reclassify Community land. Written notification of the community consultation will be provided in a local newspaper and on Councils' website. In addition to this, adjoining landowners will be notified in writing. The written notice will contain:

- A brief description of the 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; and
- The closing date for submissions.

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

- The planning proposal;
- The Gateway determination;
- Relevant council reports; and
- The LEP practice note: *Classification and reclassification of land through a Local Environmental Plan* (PN09-003).

A public hearing will be required to be held as the planning proposal is reclassifying public land from Community to Operational. In accordance with Department of Planning Circular PN09-003, the public hearing will be held after the close of the exhibition period. Public notice of the public hearing will be sent and published at least 21 days before the start of the public hearing.

PART 6 – PROJECT TIMELINE

Table 1 provides a project timeline for the proposed reclassifications:

Table 1 – Project Timeline

No.	Description of Tasks	Task Commencement	Task Completion
1.	Gateway Determination Anticipated Gateway Determination (including any delegated authority)	November 2014	November 2014
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. A public hearing will also be held after the close of the public exhibition period.	November 2014	December 2014
3.	Consider Submissions & Document Finalisation (only if any objections received) Post public exhibition, AlburyCity officers to consider, respond and report on any objections received and issues raised to Council and make any relevant changes to the Planning Proposal.	January 2015	February 2015
4.	Submission to the Department and/or Parliamentary Counsel RPA to forward Planning Proposal to the department and/or Parliamentary Counsel for finalisation following public exhibition (including any changes made).	March 2015	March 2015
5.	Notification Anticipated date LEP will be notified.	March 2015	March 2015

APPENDIX A

Figure 1 – Proposed Classifications



APPENDIX B

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
15	State Environmental Planning Policy – Rural Landsharing Communities	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
29	State Environmental Planning Policy – Western Sydney Recreation Area	No, does not apply to the Albury LGA	N/A
30	State Environmental Planning Policy – Intensive Agriculture	Not applicable	N/A
32	State Environmental Planning Policy – Urban Consolidation (Redevelopment of Urban Land)	Not applicable	N/A
33	State Environmental Planning Policy – Hazardous & Offensive Industry	Not applicable	N/A
36	State Environmental Planning Policy – Manufactured Home Estate	Not applicable	N/A

No.	SEPP Title	Applicable to Planning Proposal	Consistency
39	State Environmental Planning Policy – Spit Island Bird Habitat	No, does not apply to the Albury LGA	N/A
44	State Environmental Planning Policy – Koala Habitat Protection	Not applicable	N/A
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	Not applicable	N/A
59	State Environmental Planning Policy – Central Western Sydney Regional Open Space and Residential	No, does not apply to the Albury LGA	N/A
62	State Environmental Planning Policy – Sustainable Aquaculture	Not applicable	N/A
64	State Environmental Planning Policy – Advertising & Signage	Not applicable	N/A
65	State Environmental Planning Policy – Design Quality of Residential Flat Development	Not applicable	N/A
70	State Environmental Planning Policy – Affordable Housing (Revised Schemes)	No, does not apply to the Albury LGA	N/A

No.	SEPP Title	Applicable to Planning Proposal	Consistency
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 (Kosciuszko National Park – Alpine Resorts) 2007	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Kurnell Peninsula) 1989	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Major Development) 2005	Not applicable	N/A
	State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007	Not applicable	N/A
	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	Not applicable	N/A
	State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (State and Regional Development) 2011	Not applicable	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	Not applicable	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
	Regional Environmental Plan (deemed State Environmental Planning Policy) Murray REP No. 2 – Riverine Land	Yes applies to the Albury LGA	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.

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	Yes, as the planning proposal will affect land within a commercial zone (B3 Commercial Core)	Consistent as the proposed reclassification will not reduce the total floor space area for employment uses and related public services. Likewise, the reclassification of the subject site is consistent with the objectives of this Direction, in particular objective 1(c) as it supports the viability of identified strategic centres. The proposal also allows for the flexible use of land within a commercial zone.
1.2	Rural Zones	Not applicable	N/A
1.3	Mining, Petroleum Production & Extractive Industries	Not applicable	N/A
1.4	Oyster Aquaculture	Not applicable	N/A
1.5	Rural Lands	Not applicable	N/A
2. Environment and Heritage			
2.1	Environmental Protection Zones	Not applicable	N/A
2.2	Coastal Protection	No (does not apply to land in the Albury LGA)	N/A
2.3	Heritage Conservation	Not applicable	N/A
2.4	Recreation Vehicle Areas	Not applicable	N/A
3. Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Not applicable	N/A
3.2	Caravan Parks & Manufactured Home Estates	Not applicable	N/A
3.3	Home Occupations	Not applicable	N/A

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AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

No.	Direction Title	Applicable to Planning Proposal	Consistency
3.4	Integrating Land Use and Transport	Yes because the planning proposal affects urban land zoned for residential and business purposes	Consistent because the planning proposal has regard for the two DUAP documents referenced in this Direction and is already serviced by the local road network and public transport services in the area.
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	Not applicable	N/A
5. Regional Planning			
5.1	Implementation of Regional Strategies	No (there is no 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

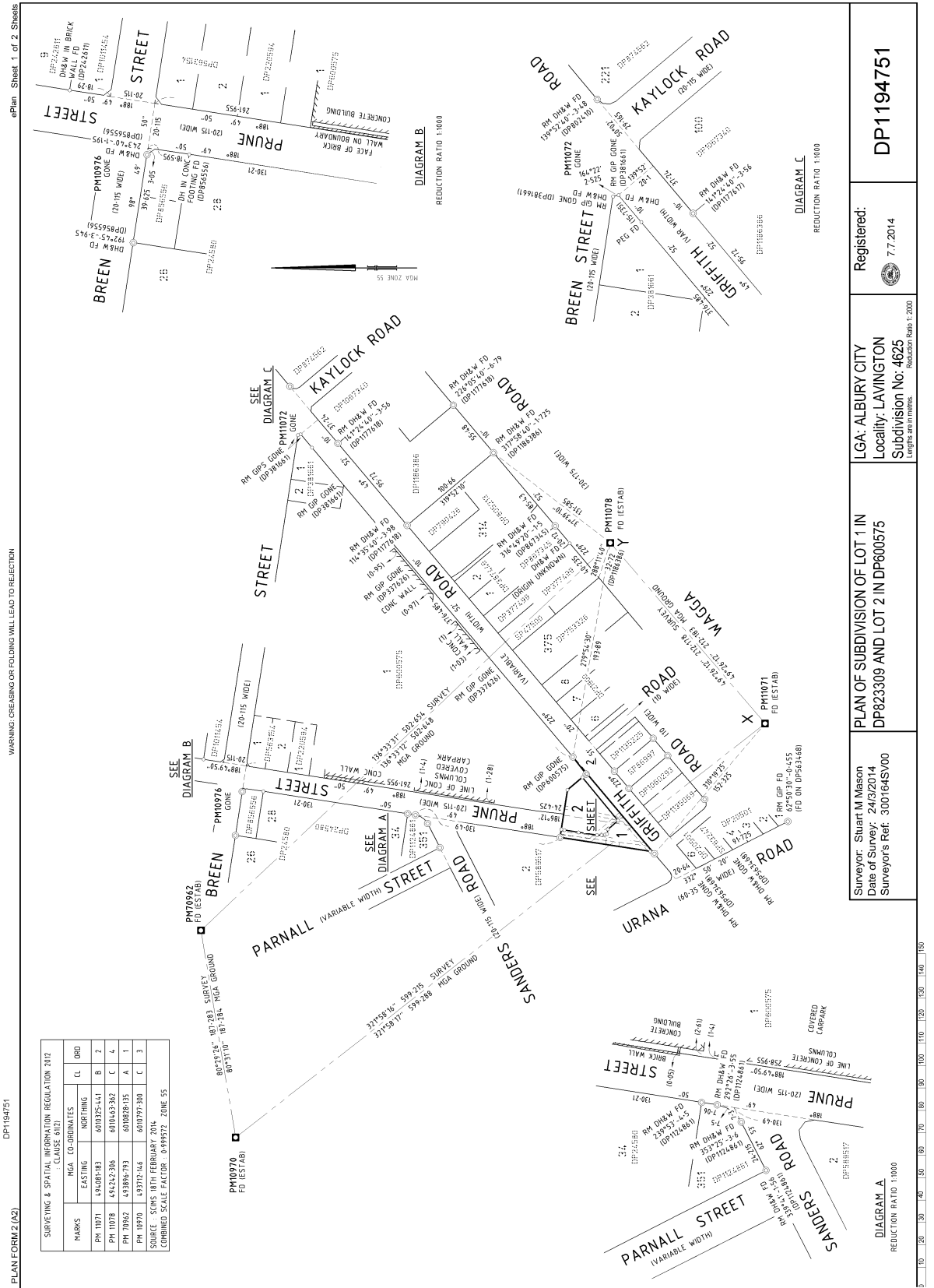
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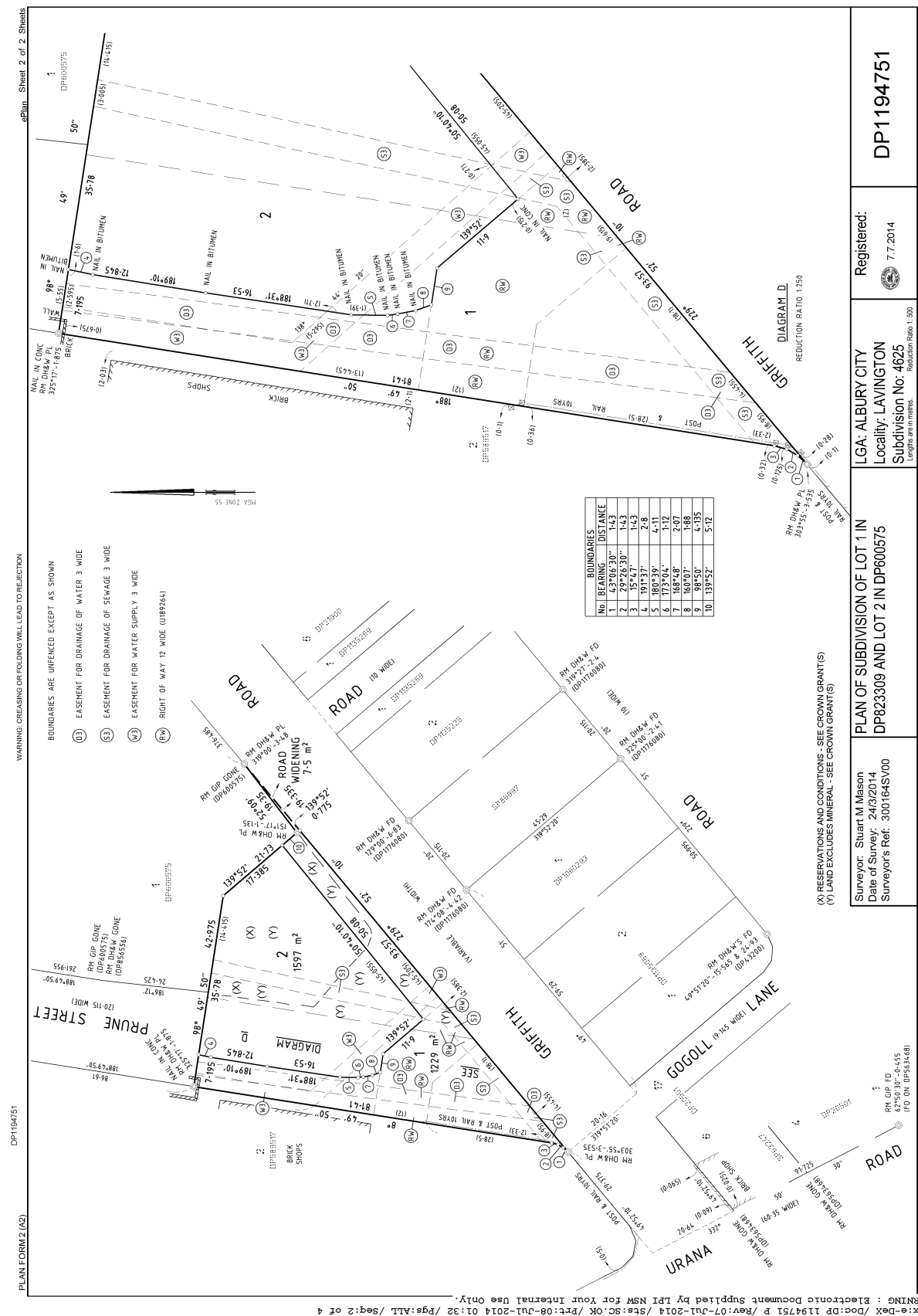
No.	Direction Title	Applicable to Planning Proposal	Consistency
5.5	Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	No (does not apply to the Albury LGA)	N/A
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No (does not apply to the Albury LGA)	N/A
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No (does not apply to the Albury LGA)	N/A
5.8	Second Sydney Airport: Badgerys Creek	No (does not apply to the Albury LGA)	N/A
6. Local Plan Making			
6.1	Approval and Referral Requirements	Yes	Consistent as the planning proposal is not proposing to add any provisions which require referral of development applications to the Minister.
6.2	Reserving Land for Public Purposes	Yes	Consistent, as the planning proposal does not create, alter or reduce existing zonings. Although the planning proposal does seek to reclassify the subject site from community to operation land, it is noted that all existing restrictions and interests (namely easements) that currently apply to the site are not proposed to be extinguished as part of this reclassification.
6.3	Site Specific Provisions	Not applicable	N/A
7. Metropolitan Planning			
7.1	Implementation of Metropolitan Strategy	Not applicable	N/A

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AlburyCity AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

Current Deposited Plans & Land Titles





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AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

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ePlan

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE
CREATED OR RELEASED, AND OF PROFITS A PRENDRE, RESTRICTIONS ON
THE USE OF LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED
PURSUANT TO SECTION 88B, CONVEYANCING ACT, 1919**

(Sheet 1 of 2 Sheets)

Plan:
DP1194751

Plan of Subdivision of
Lot 1 in DP823309 and
Lot 2 in DP600575
Covered by Subdivision
Certificate no.: 9625
Dated: 28 APRIL 2014

Full name and address of the owner
of the Land:

ALBURY CITY COUNCIL
ABN 92 965 474 349
553 Kiewa Street
Albury NSW 2640

Part 1 (Creation)

Number of item shown in the intention panel on the plan.	Identity of easement, profit a prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities:
1	Easement for Drainage of Water 3 wide	1	Albury City Council
2	Easement for Drainage of Sewage 3 wide	1 & 2	Albury City Council
3	Easement for Water Supply 3 wide	1 & 2	Albury City Council

APPROVED BY THE COUNCIL OF THE
ALBURY CITY



Authorised Officer

AlburyCity

AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

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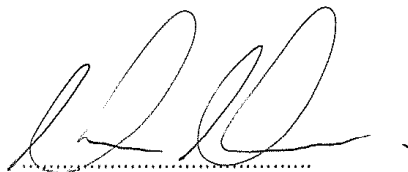
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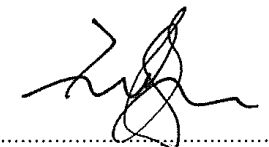
Plan:
DP1194751

Plan of Subdivision of
Lot 1 in DP823309 and
Lot 2 in DP600575
Covered by Subdivision
Certificate no.: 4625
Dated: 28 APRIL 2014

THE SEAL of ALBURY CITY COUNCIL ABN 92 965 474 349
Was affixed in accordance with Reg 400 Local Government (General)
Regulation 2005 and witnessed by the following persons:




.....
KEVIN MACK
Mayor


.....
FRANK ZANICH
General Manager

APPROVED BY THE COUNCIL OF THE
ALBURY CITY

REGISTERED



7.7.2014


.....
Authorised Officer