



New South Wales

PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Albury Local Environmental Plan 2010 (Amendment No 23)

Your ref: PP 2013_ALBUR_001_00
Our ref: e2017-322.d09

In my opinion the attached draft environmental planning instrument may legally be made.

When the environmental planning instrument is made, a map cover sheet that lists the final form of the maps adopted by the instrument should be signed by the person making the instrument.

A handwritten signature in black ink, appearing to be 'R Hodge'.

(R HODGE)
Acting Parliamentary Counsel
29 May 2018

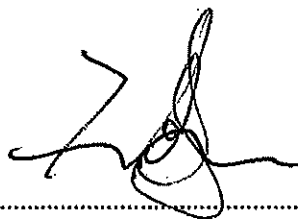


Albury Local Environmental Plan 2010 (Amendment No 23)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the
Environmental Planning and Assessment Act 1979.



.....
Frank Zaknich
General Manager
AlburyCity Council

4.6.2018

.....
Date

Signed under delegation for AlburyCity Council

As delegate for the Minister for Planning

Albury Local Environmental Plan 2010 (Amendment No 23)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Albury Local Environmental Plan 2010 (Amendment No 23)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to land at Willowbank Road, East Albury, being Part Lot 156, DP 753326, Part Lot 2, DP 999814 and Part Lot 37, DP 1007315.

4 Maps

The maps adopted by *Albury Local Environmental Plan 2010* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 Amendment of Albury Local Environmental Plan 2010

[1] Clauses 7.11 and 7.12

Insert after clause 7.10:

7.11 Development requiring the preparation of a development control plan— Willowbank Road, East Albury

- (1) The objective of this clause is to ensure that development on certain land occurs in accordance with a site-specific development control plan.
- (2) This clause applies to land at Willowbank Road, East Albury, being Part Lot 156, DP 753326, Part Lot 2, DP 999814 and Part Lot 37, DP 1007315.
- (3) Development consent must not be granted for development on land to which this clause applies unless a development control plan that provides for the matters specified in subclause (4) has been prepared for the land.
- (4) The development control plan must provide for all of the following:
 - (a) an audit of infrastructure requirements, and measures for facilitating the meeting of those requirements, including reticulated water, drainage, sewerage and road networks,
 - (b) investigation and identification of existing Aboriginal cultural heritage resources and appropriate management and mitigation measures,
 - (c) an overall landscape strategy that details landscaping requirements to assist in providing appropriate outcomes with surrounding land that improves the general aesthetics and protects and assists visual amenity,
 - (d) detailed urban design controls that establish future outcomes and expectations for development of the site, including a minimum setback of 100 metres from the Murray River,
 - (e) stormwater management measures, including water sensitive urban design principles.

7.12 Groundwater—Willowbank Road, East Albury

- (1) The objectives of this clause are as follows:
 - (a) to maintain the hydrological functions of key groundwater systems,
 - (b) to protect groundwater resources from depletion and contamination as a result of development.
- (2) This clause applies to land at Willowbank Road, East Albury, being Part Lot 156, DP 753326, Part Lot 2, DP 999814 and Part Lot 37, DP 1007315.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the following:
 - (a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),
 - (b) any adverse impacts the development may have on groundwater dependent ecosystems,
 - (c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),

- (d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) For the purposes of subclause (3) (d), appropriate measures proposed to avoid, minimise or mitigate the impacts of the development include:
 - (a) the construction of a second monitoring bore on the land, and
 - (b) the establishment of relevant groundwater parameters as baseline groundwater quality conditions.
- (5) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

[2] Schedule 1 Additional permitted uses

Insert “and identified as “1” on the Additional Permitted Uses Map” after “DP 834096” in clause 1 (1).

[3] Schedule 1, clause 2 (1)

Insert “and identified as “2” on the Additional Permitted Uses Map” after “SP 65046”.

[4] Schedule 1, clause 4 (1)

Insert “and identified as “4” on the Additional Permitted Uses Map” after “DP 1003470”.

[5] Schedule 1, clause 4A

Insert after clause 4:

4A Use of certain land at Willowbank Road, East Albury

- (1) This clause applies to land at Willowbank Road, East Albury, being Part Lot 2, DP 999814 and Part Lot 37, DP 1007315 and identified as “4A” on the Additional Permitted Uses Map.
- (2) Development for the purpose of general industries or agricultural produce industries is permitted with development consent.

[6] Schedule 1, clause 11 (1)

Insert “and identified as “11” on the Additional Permitted Uses Map” after “DP 1067319”.

Environmental Planning and Assessment Act 1979

Albury Local Environmental Plan 2010 (Amendment No 23)

AlburyCity Council
553 Kiewa Street
Albury 2640

Map Cover Sheet

The following map sheets are revoked:

Map Sheet	Map Identification Number
Land Zoning Map LZN_005	0050_COM_LZN_005_020_20140305
Lot Size Map LSZ_005	0050_COM_LSZ_005_020_20180215

The following map sheets are adopted:

Map Sheet	Map Identification Number
Land Zoning Map LZN_005	0050_COM_LZN_005_020_20180116
Lot Size Map LSZ_005	0050_COM_LSZ_005_020_20180116
Additional Permitted Uses Map APU_005	0050_COM_APU_005_020_20180116
Additional Permitted Uses Map APU_004D	0050_COM_APU_004D_010_20180116

Certified



Frank Zaknich
General Manager
AlburyCity Council

12.6.2018

[Date]

Signed under delegation for AlburyCity Council

As delegate for the Minister for Planning