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Gateway Determination Report – PP-2022-2502

Albury Conservation Zoned Lands Review

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning Proposal	1
1.1	Overview.....	1
1.2	Objectives of Planning Proposal	1
1.3	Explanation of Provisions.....	1
1.4	Site Description and Surrounding Area	3
1.5	Mapping.....	3
1.6	Background – Previous Planning Proposal	4
2	Need for the planning proposal	4
3	Strategic Assessment	5
3.1	Regional Plans.....	5
3.1.1	Riverina Murray Regional Plan 2036.....	5
3.1.2	Draft Riverina Murray Regional Plan 2041	6
3.2	Local.....	7
3.3	Section 9.1 Ministerial Directions	7
3.4	State Environmental Planning Policies (SEPPs)	10
4	Site-specific assessment	11
4.1	Environmental.....	11
4.2	Social and economic.....	11
4.3	Infrastructure	11
5	Consultation.....	12
5.1	Community	12
5.2	Agencies.....	12
6	Timeframe	12
7	Local plan-making authority	12
8	Assessment summary	12
9	Recommendation.....	13

Table 1 Reports and Plans supporting the proposal

Relevant Reports and Plans

Albury Conservation Zoned Lands Review Planning Proposal, prepared by Elton Consulting, Revision dated 27 July 2022

Environmental Zoned Lands Review Report, prepared by Eco Logical Australia, dated 28 October 2021

Agenda – Albury City Council Meeting – Monday 22 November 2021

Albury City Council Meeting Minutes – Monday 22 November 2021

Albury Local Strategic Planning Statement, adopted 14 September 2020

1 Planning Proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Albury
PPA	Albury City Council
NAME	Albury Conservation Zoned Lands Review
NUMBER	PP-2022-2502
LEP TO BE AMENDED	Albury Local Environmental Plan 2010
ADDRESS	Throughout Albury LGA
DESCRIPTION	Throughout Albury LGA
RECEIVED	28/07/2022
FILE NO.	IRF22/2843
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of Planning Proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to amend the Albury Local Environmental Plan 2010 (ALEP 2010) regarding Conservation Zones within the Albury Local Government Area (LGA).

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of Provisions

The planning proposal seeks multiple housekeeping map amendments to the ALEP 2010 Land Zoning and Lot Size Maps. The amendments are focused on rezoning further land to Conservation Zones (formerly referred to as Environmental Zones). This will ensure land identified with significant and threatened vegetation communities within the LGA are appropriately zoned to the respective C2, C3 and C4 Conservation Zones of ALEP 2010.

Eco Logical Australia (on behalf of Council) had undertaken ecological review of 534 candidate sites throughout the Albury LGA as part of the Conservation Lands Review. The ecological review led to recommendations of sites that should be retained, included and/or excluded in the classification of the Conservation Zones.

The ecological review of the candidate sites considered the dominant vegetation type, vegetation condition, threatened ecological communities, threatened species, habitat connectivity, property ownership, waterways, and field survey undertaken for some specific sites. These matters enabled Council to determine the appropriate zoning. The ecological review recommends some sites to no longer be classified as a Conservation Zone, this is due to either the sites not containing ecological significance, containing existing development and/or to appropriately align land zoning with property boundaries (cadastre). A summary of the land zoning changes are indicated below:-

Table 5.2 Recommended change in areas of land zoning

Zone	Gain in this zone (ha)*	Loss in this zone (ha)*	Net gain or loss (ha)*
B2 Local Centre	0.1	0.0	+0.1
B7 Business Park	1.6	1.5	+0.1
C2 (formerly referred to as E2) Environmental Conservation	7.7	0.4	+7.3
C3 (formerly referred to as E3) Environmental Management	563.5	151.27	+409.6
C4 (formerly referred to as E4) Environmental Living	0.1	0.0	+0.1
IN1 General Industrial	16.6	11.4	+5.2
IN1 General Industrial & IN2 Light Industrial	0.3	0.0	+0.3
IN2 Light Industrial	0.2	2.9	-2.7
R1 General Residential	22.6	80.4	-57.8
R1 General Residential & IN1 General Industrial	0.0	0.0	0.0
R2 Low Density Residential	0.3	14.5	-14.2
R5 Large Lot Residential	50.4	15.4	+35.0
RE1 Public Recreation	0.0	21.1	-21.1
RE2 Private Recreation	2.4	8.5	-6.1
RU1 Primary Production	14.6	107.5	-92.9
RU1 Primary Production & RU4 Primary Small Lots	9.0	10.3	-1.3
RU2 Rural Landscape	1.1	87.9	-86.8
RU2 Rural Landscape & IN1 General Industrial	0.0	20.5	-20.5
RU4 Primary Production Small Lots	32.2	82.0	-49.8
SP1 Special Activities	0.0	105.5	-105.5
SP2 Infrastructure	0.4	1.7	-1.3
Total	767.9	767.6	0.0

*approximate only and subject to minor changes as part of Gateway process

Figure 1 Extract of proposed land use zone changes summary (Source: Albury Conservation Zoned Lands Review July 2022)

The result being that 534 sites were assessed with 455 sites being recommended for changes and are the subject of this proposal. There will be net gain of about 419 ha of conservation land. Zones SP1, RU2, RE1 and R1 land will be reduced by about 105 ha, 87 ha, 21 ha and 80 ha respectively. The proposed rezoning under this planning proposal will require subsequent amendments to ALEP 2010 Lot Size Maps. The proposed Lot Size Maps were not provided but can be addressed as a condition for Gateway determination.

The planning proposal contains a clear explanation of methodology undertaken to identify the conservation land and adequately explains how the objectives of the proposal will be achieved.

Some of the land is zoned RE1 for public recreation purposes and owned by Council. Council advised that there is no intent to reclassify or extinguish dedications or interests in such lands.

It is agreed that the proposal results in a positive environmental outcome that will assist in protecting critical habitat, threatened species, populations and ecological communities across the Albury LGA. This will result in reasonable, orderly and economic use of land that is not impacted by environmental constraints.

Note: ALEP 2010 has clauses referencing the previous Environmental Zones (E2, E3 & E4) and should reference Conservation Zones (C2, C3 & C4). This consequential adjustment can be corrected in the drafting of this LEP amendment if required by Parliamentary Counsel.

1.4 Site Description and Surrounding Area

As a result of the ecological review of the 534 candidate sites undertaken throughout the LGA, the planning proposal relates to the rezoning of 455 sites representing approximately 767 ha or 2.5% of the Albury LGA. The sites subject to rezoning affect existing conservation, business, industrial, residential, rural, special activities and infrastructure zoned lands.

Appendix A of the planning proposal report provides a summary of the proposed site amendments, and Appendix B of the planning proposal report demonstrates the detailed ecological reviews undertaken.

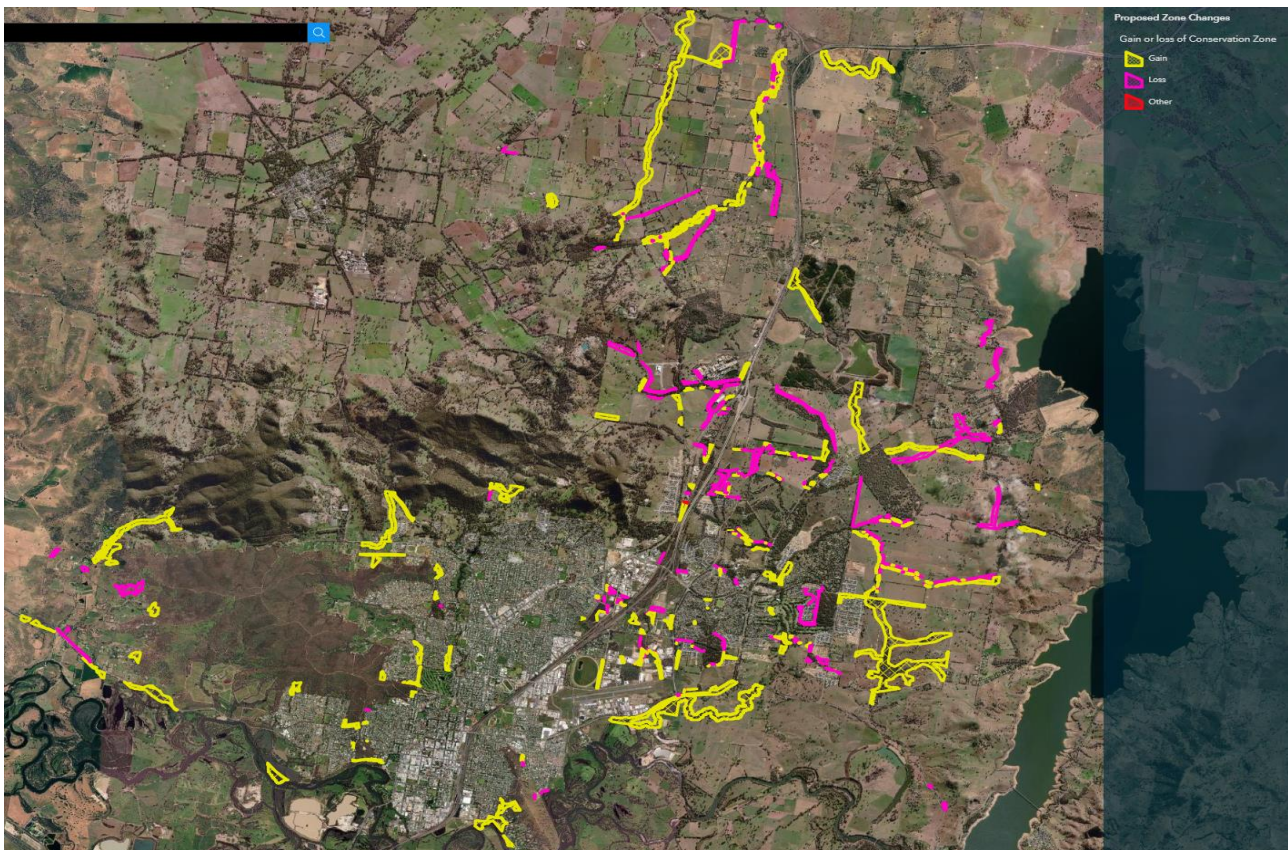


Figure 2 Extract of preliminary interactive map land use zone changes (Source: Albury City Council)

1.5 Mapping

A preliminary online interactive map was provided by Council for Gateway assessment and public exhibition indicating the proposed land use zone changes throughout the LGA. Due to the scale of the planning proposal, as well as for the ease of navigation and spatial understanding for community

consultation, the use of the interactive map for public exhibition is supported. This will also be consistent with the Department phasing to online digital mapping in lieu of finalised PDF maps for planning instruments.

A condition for Gateway determination is recommended requiring the interactive map to be amended prior to public exhibition to ensure the final sites proposed to be rezoned are in accordance with Appendix A of the planning proposal report, the proposed minimum lot size changes are demonstrated, and that the Albury LGA boundary is displayed.

Final LEP mapping with associated GIS data will be prepared prior to finalisation of the planning proposal.

1.6 Background – Previous Planning Proposal

A previous planning proposal (PP-2021-7304) was submitted by Council for Gateway determination. However, the Department deemed the planning proposal to be inadequate and was returned to Council on 8 March 2022 and subsequently withdrawn for the following reasons:

- *Further information is to be provided on 46 rezoned sites as per previous correspondence to Council;*
- *Amendments to the Minimum Lot Size for 455 sites need to be detailed and mapped; and*
- *Following s9.1 Ministerial Directions will need to be adequately addressed: 1.2 Rural Zones; 2.1 Environment Protection Zones; 3.5 Development Near Regulated Airports and Defence Airfields; 3.6 Shooting Ranges; 5.10 Implementation of Regional Plans; 6.2 Reserving Land for Public Purposes.*

The subject planning proposal (PP-2022-2502) was submitted by Council for Gateway determination in response to the issues and concerns raised by the Department in the previous planning proposal. The proposal is adequate for Gateway assessment and determination.

2 Need for the planning proposal

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

Albury City Council resolved to support the planning proposal at a Council meeting held on 22 November 2021.

The planning proposal is a direct result of Priority 9 of the Albury Local Strategic Planning Statement (LSPS). A key aim of Priority 9 is for the effective management of development to preserve significant natural areas to help protect threatened species and maintain environmental functions within the LGA.

This planning proposal is in direct response to the following actions of the LSPS:

- 9.3 *Protect environmental conservation areas through appropriate zoning.*
- 9.4 *Implement Environmental Zoned Land Review currently being undertaken to identify and amend mapping anomalies.*
- 9.7 *Maintain Biodiversity Certification of our LEP to protect areas of high biodiversity value and help achieve better environmental outcomes compared to site-by-site assessment.*

The planning proposal is consistent with the abovementioned actions as a result of a site-by-site ecological review undertaken for land throughout the Albury LGA. The planning proposal will result in a significant net increase of Conservation Zoned lands and will protect lands identified to have significant biodiversity value as required by the Biodiversity Certification issued by the Minister for Climate Change and the Environment on 25 February 2021.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Amendments and adjustments to the Conservation Zone lands within the ALEP 2010 Land Zoning maps are required in order to achieve the objectives and intended outcomes of the proposal. A planning proposal is the best and only mechanism to achieve this.

3 Strategic Assessment

3.1 Regional Plans

3.1.1 Riverina Murray Regional Plan 2036

The following table provides an assessment of the planning proposal against relevant aspects of the Riverina Murray Regional Plan 2036.

Table 3 Regional Plan assessment

Regional Objectives	Plan	Justification
Direction 1: Protect the region's diverse and productive agricultural land		<p>This direction discusses the importance of protecting the regions agricultural land from land-use conflict and fragmentation. The planning proposal report does not assess consistency with this direction despite the overall loss of agricultural zoned land (RU1, RU2 & RU4) in the Albury LGA.</p> <p>Despite the loss of agricultural zoned land, the C3 Environmental Management and C4 Environmental Living zoned land permits the undertaking of extensive agricultural activities and construction of farm buildings. In the majority of sites, the loss of rural zoned land is minor and where there is split zoned lots enables agricultural activities can still be undertaken.</p> <p>The planning proposal's intent to amend mapping anomalies of conservation zones is consistent with this direction.</p>
Direction 13: Manage and conserve water resources for the environment	13:	<p>This direction discusses the importance of protecting waterways and riparian lands, including through sensitive locating of development.</p> <p>A review of the planning proposal indicates that it is consistent with this direction as well as the following actions:</p> <p style="padding-left: 40px;">13.1 <i>Locate, design, construct and manage new developments to minimise impacts on water catchments, including downstream and groundwater sources.</i></p> <p style="padding-left: 40px;">13.2 <i>Minimise the impacts of development on fish habitat, aquaculture and waterways (including watercourses, wetlands and riparian lands) and meet the Water Quality and River Floor Objectives.</i></p> <p>The mapping amendments include the inclusion of riparian areas as conservation zones. Sites within 40m of a watercourse were included as part conservation zones due to their habitat connectivity values. The inclusion of riparian lands within the conservation zones assists the protection of waterways and preventing inappropriate development.</p> <p>The planning proposal is consistent with this direction through protecting riparian lands.</p>

Direction 14: Manage land uses along key river corridors	<p>The direction discusses the importance of directing settlement away from riverbank areas, such as along the Murray River.</p> <p>The planning proposal includes the rezoning of land along the Murray River from RU2 Rural Landscape to C3 Environmental Management (Site ID 90). There is also rezoning to conservation zones along watercourses throughout the Albury LGA. The conservation zones along riparian areas will reinforce setbacks through directing development away from riverbank areas.</p> <p>The planning proposal is consistent with this direction through protecting river and waterway corridors.</p>
Direction 15: Protect and manage the region's many environmental assets	<p>This direction outlines the importance of protecting environmental assets, especially high environmental value lands.</p> <p>The planning proposal indicates that it is consistent with this direction as well as the following actions:</p> <p>15.1 <i>Protect the high environmental value assets through local plans.</i></p> <p>15.2 <i>Minimise potential impacts arising from development in areas of high environmental value, and consider offsets or other mitigation mechanisms for unavoidable impacts.</i></p> <p>The ecological review undertaken consisted of determining ecological value scores based on reviewing the vegetation significance of the candidate sites listed in Appendix B of the planning proposal report. Candidate sites with higher ecological values were recommended to be rezoned to a Conservation Zone. The intent is to protect environmental assets by zoning such land as a conservation zone\.</p>
Direction 16: Increase resilience to natural hazards and climate change	<p>This direction discusses the importance of resilience to natural hazards and climate change.</p> <p>The planning proposal indicates that it is consistent with this direction as well as the following actions:</p> <p>16.1 <i>Locate development away from areas of known high biodiversity value, high bushfire and flooding hazards, contaminated land, and designated waterways, to reduce the community's exposure to natural hazards.</i></p> <p>16.7 <i>Update and share current information on environmental assets and natural hazards with councils to inform planning decisions.</i></p> <p>The planning proposal is recommended to be consulted to the relevant state agencies to ensure consistency with this direction.</p>

3.1.2 Draft Riverina Murray Regional Plan 2041

The draft Riverina Murray Regional Plan 2041 was on public exhibition from 28 July 2022 to 12 September 2022. The public exhibition is a key part of the draft plan's first 5-yearly review to reset priorities and extend the plan's reach to 2041.

Whilst the draft plan may be subject to change as a result of the submissions received during public exhibition, the planning proposal is generally in accordance with Objective No's. 1, 2 & 3, and its associated strategies. The planning proposal has taken into consideration land with biodiversity significance throughout the LGA, protects riverine environments and considers natural hazard resilience.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as discussed in the table below:

Table 4 Local Strategic Planning Assessment

Local Strategies	Justification
Albury Local Strategic Planning Statement 2020	<p>The planning proposal supports the following Albury LSPS priorities:</p> <ul style="list-style-type: none"> • <i>Priority 8: Respond to our unique landscape setting</i> • <i>Priority 9: An enhanced natural environment</i> • <i>Priority 10: Adapting to the impacts of urban and natural hazards and climate change</i> • <i>Priority 11: Protect, conserve and celebrate our natural, built and Aboriginal cultural heritage</i> <p>This planning proposal is also in direct response to Actions 9.3, 9.4 & 9.7 of the LSPS.</p> <p>The planning proposal is generally consistent with the Albury LSPS.</p>
Regional Natural Environment Strategy 2020-2032	<p>The Regional Natural Environment Strategy (RNES) has been developed by Albury City and City of Wodonga Councils. The strategy was jointly prepared to 'provide a cross border regional vision for the protection, management and enhancement of the natural environment.'</p> <p>The planning proposal is generally in accordance with RNES's vision, themes and objectives as a result of the ecological review undertaken throughout the Albury LGA.</p>
Rural Lands Strategy for Table Top and Splitters Creek 2015 (Department endorsed)	<p>The Rural Lands Strategy provides a plan for future land use and development in Table Top and Splitters Creek areas. The strategy notes the recommendations provided were largely based on high level investigations. Future proposed land use change in these areas will require detailed site-specific investigations. This planning proposal relating to conservation lands will be a key consideration for future development in these areas.</p>

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with the relevant section 9.1 Directions (as from 1 March 2022) are discussed below:

Note the planning proposal considered the old Direction numbering system as indicated in the table below.

Table 5 9.1 Ministerial Direction Assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
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1.1 Implementation of Regional Plans (Previously Direction 5.10)	Yes	The planning proposal is consistent with both the Riverina Murray Regional Plan 2036 and the Draft Riverina Murray Regional Plan 2041. Refer to Section 3.1 of this report.
3.1 Conservation Zones (Previously Direction 2.1)	No and justified	<p>The direction states that <i>'a planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land'</i>.</p> <p>Whilst the planning proposal will result in significant net gain of conservation zoned lands throughout the LGA, the proposal consists of removing existing conservation zoned lands that have not been assessed as being significant. The planning proposal is inconsistent with the direction as reduction of the existing conservation zoned land is proposed.</p> <p>Council states some of the areas identified for reduction of conservation zones are acceptable as they have been identified to have low ecological value scores as a result of an LGA wide ecological review and have been offset by a significant net gain of conservation zones. The assessment of the sites for conservation have been thorough and followed an acceptable methodology. Consultation with BCS will be undertaken prior to the LEP amendment being finalised.</p> <p>The delegate of the Secretary can be satisfied that the inconsistency with this direction has been justified by a study prepared in support of the planning proposal.</p>
3.2 Heritage Conservation (Previously Direction 2.3)	Yes	The planning proposal does not propose to amend the existing heritage provisions of the ALEP 2010.
4.1 Flooding (Previously Direction 4.3)	Yes	The planning proposal relates to housekeeping amendments addressing zoning anomalies throughout Albury LGA. The proposal does not result in the intensification of flood prone land. It is noted that areas within vicinity to waterways are being zoned as Conservation Zones.
4.3 Planning for Bushfire Protection (Previously Direction 4.4)	Yes	As the planning proposal consists of rezoning land in bushfire prone land, a condition for Gateway determination is recommended requiring consultation with NSW Rural Fire Service.

5.2 Reserving Land for Public Purposes (Previously Direction 6.2)	No and requires consultation	<p>The proposal will result in a reduction of zone RE1 (21 ha), SP1 (105 ha) and SP2 (1.3 ha) land. Council advised that for the zone RE 1 land classification, dedications and interests in such lands will not change and there is no request for reclassification. On balance the land may be continued to be used for recreation,</p> <p>The proposed SP1 and SP2 changes are to realign cadastre and affects Defence and CSU land. Consultation will be recommended for these organisations. The proposed changes are for conservation and environmental purposes and not for the disposal of such lands.</p> <p>At this time the inconsistency has not been resolved and approval cannot be granted to the proposed changes.</p>
5.3 Development Near Regulated Airports and Defence Airfields (Previously Direction 3.5)	Yes	<p>Land near Albury Airport will be affected by this proposal. Whilst the amendments to zones will not impact the operation of Albury Airport, a condition for Gateway determination is recommended requiring consultation with CASA. Albury City Council is the owner / operator of the airport.</p>
5.4 Shooting Ranges (Previously Direction 3.6)	Yes	<p>The planning proposal seeks to amend the land use zones of land in proximity to the Hume Pistol Club and Australian Defence Force Facility.</p> <p>The amendment to the zone will not impact on the safe operation of these sites, nor permit more intensive land uses that are incompatible.</p>
6.1 Residential Zones (Previously Direction 3.1)	No and justified	<p>The planning proposal will result in an overall loss of about 80 ha of residential zoned land across the Albury LGA through the conversion to conservation zones. The proposal does not seek to reduce permissible residential densities and residential diversity but does rezone residential land. The proposal intends to minimise impact of residential development on environment lands and make it clear where lands can be developed for residential purposes and minimise impact on environment and resource land.</p> <p>The delegate of the Secretary can be satisfied that the inconsistency has been justified by the Albury Conservation Zoned Lands Review Report (ELA 3 December 2021 as Appendix B) that supports the proposal.</p>
7.1 Business and Industrial Zones (Previously Direction 1.1)	No and justified.	<p>The planning proposal will result in a minor loss of about 2.7 ha of IN2 land with an overall increase of about 3 ha of business and industrial zoned land across the LGA. It is not proposed to adversely impact the existing viability of industrial and business zones. The inconsistency to this Direction is acceptable as it has been justified by an ecological review as part of the planning proposal and aligns land with cadastre. The delegate of the Secretary can be satisfied that the inconsistency has been justified.</p>

8.1 Mining, Petroleum Production and Extractive Industries.(Previously Direction 1.3)	Yes	The planning proposal will change the identified lands to zones C2, C3 and C4. The change to these zones does not prohibit or restrict the use the lands for mining, petroleum production and extractive industries as a form of agriculture is permitted under ALEP 2010 in each respective zone. Under SEPP (Resources and Energy) 2021 where agriculture is permitted so is mining, petroleum production and extractive industries.
9.1 Rural Zones (Previously Direction 1.2)	Yes	Appendix 1 of the planning proposal report indicates that the sites with existing rural zonings (RU1, RU2 & RU3) are not proposed to be zoned to residential, business, industrial, village or tourist zones. These sites are proposed to be zoned to Conservation Zones (C2, C3 & C4). The proposal is consistent with this Direction.
9.2 Rural Lands (Previously Direction 1.5)	No and requires consultation with DPI - Agriculture	<p>The proposal states that the outcome will result in a net loss of about 250 ha of Rural zoned land (RU1, RU2 and RU4), it is recognised that such areas have been recommended for change to either a C2 or C3 Conservation Zones and have been assessed as containing significant habitat, floristic and ecological value and generally coincide with areas that are either heavily vegetated and/or identified as waterways. Consultation with DPI – Agriculture is being recommended.</p> <p>Whilst there may be a loss of zoned agricultural land, the delegate of the Secretary can be satisfied that the inconsistency is minor as the loss is justified with significant environmental values identified on land which would not be suitable for agricultural practices.</p>

3.4 State Environmental Planning Policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 6 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Biodiversity and Conservation) 2021		Not Applicable	<p>The provisions of the SEPP applies to the clearing of land. The planning proposal is not proposing to clear land, only to rezone land to protect it for conservation.</p> <p>The proposal is consistent with this SEPP.</p>

4 Site-specific Assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 7 Environmental impact assessment

Environmental Impact	Assessment
Endangered Species	As a result of the significant net gain of Conservation Zoned lands throughout Albury LGA, it is anticipated that most endangered flora and fauna will result in protection by significantly restricting inappropriate land uses and zoned appropriately.
Waterways	The planning proposal identified all waterways throughout Albury LGA and has considered the importance of riparian corridors for future vegetation and environmental rehabilitation. As a result, land within vicinity to waterways have been proposed to be Conservation Zones. This will reduce environmental impacts and protect waterways.

4.2 Social and Economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 8 Social and economic impact assessment

Social and Economic Impact	Assessment
Loss and gain of residential, industrial, agricultural, recreational and educational land	The losses and gains have been included in the planning proposal. It is considered that any losses and gains are acceptable and justified as discussed in Section 3.3 of this report.

4.3 Infrastructure

The planning proposal relates to multiple housekeeping amendments to ensure areas within the LGA identified with significant and threatened vegetation are appropriately zoned to the respective C2, C3 or C4 land zoning. The planning proposal does not result in additional infrastructure demand to the sites subject to the proposed zoning changes.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days. Under the Local Environmental Plan Making Guideline (September 2022), the exhibition period for a standard planning proposal is twenty (20) working days (28 calendar days) and will form a condition of the Gateway determination.

5.2 Agencies

The planning proposal does not specifically identify which agencies will be consulted. It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- NSW Rural Fire Service
- Biodiversity Conservation and Science Division
- CASA
- Department of Primary Industries – Agriculture
- Department of Primary Industries – Fisheries
- Essential Energy
- Australian Department of Defence
- Albury and District Local Aboriginal Land Council
- Department of Planning and Environment – Water
- Crown Lands
- City of Wodonga
- Charles Sturt University

6 Timeframe

Council proposes a six (6) month time frame to complete the LEP. The Department recommends a time frame of nine (9) months due to the upcoming Christmas period and to ensure it is completed in line with its commitment to reduce processing times.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council advised that it wishes to exercise its functions as a Local Plan-Making Authority.

The plan making delegation should not be granted in this instance as Council is a landowner and has interest in some of the lands that are subject of this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The planning proposal seeks to rezone land to conservation within the Albury LGA.

- The proposal will result in positive outcome for environmental significant lands and will provide certainty for development on lands that are not identified as a conservation zone.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Update the Project Timeframe to reflect the submission of the proposal in August 2022 and subsequent milestones to ensure the plan is finalised within nine (9) months
- Update the planning proposal to include instances where the Albury LEP 2010 will be required to be changed to reference the new Conservation Zones within applicable clauses.
- Update the interactive map to ensure the final sites proposed to be rezoned are in accordance with Appendix A of the planning proposal, the proposed minimum lot size changes are demonstrated, and that the Albury LGA boundary is displayed.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 3.1 Conservation Zones, 6.1 Residential Zones and 7.1 Business and Industrial Zones are minor or justified.
- Note that the consistency with section 9.1 Directions 5.2 Reserving land for Public Purposes and 9.2 Rural lands are unresolved and will require consultation with the relevant organisations and DPI - Agriculture.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
 - Update the Project Timeframe to reflect the submission of the proposal in August 2022 and subsequent milestones to ensure the plan is finalised within nine (9) months
 - Update the planning proposal to include instances where the Albury LEP 2010 will be required to be changed to reference the new Conservation Zones within applicable clauses
 - Update the interactive map to ensure the final sites proposed to be rezoned are in accordance with Appendix A of the planning proposal, the proposed minimum lot size changes are demonstrated, and that the Albury LGA boundary is displayed.
2. Prior to community consultation, the planning proposal is to be revised to address conditions 1 and forwarded to the Department for review and approval.
3. Consultation is required with the following public authorities:
 - NSW Rural Fire Service
 - Biodiversity Conservation and Science Division
 - CASA
 - Department of Primary Industries – Agriculture
 - Department of Primary Industries – Fisheries
 - Essential Energy

- Australian Department of Defence
 - Albury and District Local Aboriginal Land Council
 - Department of Planning and Environment – Water
 - Crown Lands
 - City of Wodonga
 - Charles Sturt University
4. The planning proposal should be made available for community consultation for a minimum of 28 days.
5. The timeframe for completing the LEP is to be 9 months.
6. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



28 September 2022

Wayne Garnsey
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5 October 2022

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