
PLANNING PROPOSAL



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

**Riverdeck Café – Noreuil Park, South Albury
(Lot 1, DP 1182825) &
Donnolley Court Drainage Reserve – Wagga Road,
Lavington (Lot 2, DP 231315)**

Prepared by
AlburyCity Council

February 2013

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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 Lot 1, DP 1182825 (formerly Lot 1, DP 1077613) – Noreuil Park, South Albury, commonly known as the ‘Riverdeck Café’ and Lot 2, DP 231315 – Wagga Road, being the Donnalley Court Drainage Reserve (subject sites) from ‘Community’ to ‘Operational’ land (**Figure 1**).

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 2 – Land classified or reclassified, as operational land – interests changed of this Plan as outlined below:

Schedule 4 Classification and reclassification of public land

Part 2 Land Classified, or reclassified, as operational land – interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Noreuil Park, South Albury	Lot 1, DP 1182825	Easement to Drain Water 3m Wide
Wagga Road, Lavington	Lot 2, DP 231315 (Donnalley Court Drainage Reserve)	

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.

The Noreuil Park foreshore includes the building commonly known as the Riverdeck Café (**Figure 3**). This lot is located adjacent to the Mitta Mitta Canoe Club and is located besides a children’s play area, as well as being located some 50m from the Murray River. The site is currently zoned RE1 Public Recreation under the provisions of ALEP 2010 (**Figure 2**).

It is noted that the Noreuil Park foreshore is one of the most popular locations in Albury for locals and tourists to visit. The foreshore is accessed by around 600,000 visitors each year, using the

foreshore as the base for swimming, walking, cycling, picnicking, canoeing and other recreational activities, whilst a number of events also use the Noreuil Park foreshore during their activities. The Oddies Creek Park Children's Adventure Playground is also in the nearby area and this has attracted many visitors since it opened in 2011. Likewise, AlburyCity are currently constructing the 'Wagirra Trail' (a bike and pedestrian pathway along the Murray River) that is planned to eventually link Wonga Wetlands to the West of Albury to Noreuil Park and eventually out to Lake Hume to the East.

The subject site has been leased on four occasions for the purposes of a cafe/kiosk since it was built in the early 2000s; however lessees have found that the restrictions of the current site and building have hampered business development. Currently this parcel is classified as Community Land and the area has a Parks Plan of Management over it and this Plan of Management is due for review in 2013/2014.

The aim of this proposal is to reclassify this parcel from Community to Operational land to facilitate the development of the Cafe. Currently the cafe only operates seasonally for six months of the year from November to April, and operations are further restricted in that timeframe due to inclement weather. Council has received feedback that a cafe beside the river at Noreuil Park that is operational throughout the year and in rainy weather would be beneficial. Investment in the site would be required to provide year round service and a more enhanced experience for residents and visitors via the construction of an undercover area or awning over the site or the like.

The *Local Government Act 1993* requires a public exhibition and submission process to lease a property every time a new lease is required on community land. There are further process obligations if the lease is more than five years. While Council would still undertake an Expression of Interest (EOI) process for new leases on operational land to ensure best value for the community, the public exhibition obligations would not be required. Hence, the process would be efficient and less time consuming. Once the parcel is classified operational, the leasing process would provide prospective lessees more certainty for their business if they invested in the site.

Whilst the proposal is not explicitly the result of a strategic study or report, relevant strategic plans that support the development of access to the Murray River and tourism in the riverside parks include:

- Murray River Experience Master Plan;
- Albury CBD Master Plan;
- Tourism and Destination Marketing Strategy; and
- Albury Local Environmental Plan 2010 (insofar as consistency with the RE1 Public Recreation Zone objectives).

In particular; the proposed reclassification is consistent with the following objectives and/or goals of the Murray River Experience:

- *Parks will cater for passive users who wish to contemplate nature in a range of landscapes to those who wish to participate in activities which include:*
 - *Cafes and Restaurants;*
 - *Commercial Hub adjacent to the river; and*
 - *River tourist facilities.*

- *Identification of potential private/public partnership opportunities to progress the master plan;*
- *Identification of potential opportunities for events, recreation pursuits, tourism ventures or development opportunities not currently accommodated in the existing corridor. This could include, but is not limited to potential sites for tourist parks, a marina, restaurants and tourist information points.*

Section 3.3 of this Masterplan provides a concept plan for the 'Central Albury Riverside Parks' (containing the subject site). Recommendation No. 14 of this Section states:

- *Noreuil Park Foreshore Improvement*
Existing user facilities at Noreuil Park foreshore are to be improved to encourage continued use of this popular open space and river access point. Improvements are to include new river beach access areas, lighting upgrade, a quality small playground, picnic facilities and improvements to the existing café.
- *Noreuil Park Foreshore*
The community is passionate about Noreuil Park and do not want to see any significant development in this area. With this in mind the proposed plan aims to provide additional public amenity including [amongst other things]:
 - *Extension of the Riverdeck Cafe;*

An extract of this concept plan is contained in **Appendix C**.

Likewise, Albury's Community Strategic Plan, *Albury 2030* also supports the proposed reclassification and has the following relevant objectives:

- Improve access to the Murray River;
- Develop and strengthen the City's visitor product and infrastructure;
- Promote bicycle travel as efficient and healthy alternative to car travel – infrastructure and businesses to support this; and
- Enhance access to the Murray River and develop experiences for the community.

A more detailed assessment of the objectives and aims of this plan are discussed in Section B, Question 5 of this report.

Overall the proposed reclassification supports the above strategic objectives of having a vibrant successful business that offers visitors refreshments at the foreshore.

Similarly, Lot 2, DP 231315 being the Donnelly Court Drainage Reserve is a small (505.85m²) irregular shaped parcel of land located off Wagga Road, Lavington. This property adjoins No. 480 Wagga Road (being 5 residential strata units) to the North and West, No. 484 Wagga Road (Southern Cross Apartment Lavington Retirement Village) to the East and No's 1 & 3 Donnelly Court (being 2 dual occupancy residential units) to the South of the subject site (**Figure 3**). The site is also currently zoned R1 General Residential under the provisions of ALEP 2010 (**Figure 2**).

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The drainage reserve comprises an open drainage channel with earth edges and a concrete base. There is a small concrete bridge constructed over the reserve between No's 480 and 484 Wagga Road providing access between these units. Access to the drainage reserve is from Wagga Road and from the adjoining properties to the east and west. Currently there are no services connected to the site, although electricity, water, sewerage, telephone and gas are available.

AlburyCity has recently been in discussions with the owners of both 480 and 484 Wagga Road, Lavington regarding the potential purchase of the subject site so that it can be incorporated and used for ancillary residential purposes associated with the adjoining residential units and retirement village. It is noted that units 3, 4 and 5 at 480 Wagga Road have already inadvertently built over this drainage easement, only so far as extending their rear boundary fences so as to enclose this area. No physical structures have been built over this easement with the exception of a dividing fence and it is the intention of the landowner of 480 Wagga Road to formalise the development over this land via the purchasing of the subject site.

Following discussions with the adjoining landowners it was agreed that AlburyCity would reclassify the subject site and extinguish the drainage reserve over this site allowing it to be sold to the adjoining landowners for a 'peppercorn agreement' (nominal fee). In return it was agreed that the adjoining landowners would replace the existing open channelled drainage reserve with an underground stormwater pipe (at their own cost) and that this would be protected by the creation of an easement over the property for its ongoing protection and maintenance.

In sum, the following works were agreed to:

- Existing open drainage reserve to be removed;
- New underground stormwater pipe to be installed;
- A swale is to be maintained to enable excess waste flow over the top;
- An easement and 88B is to be registered on the title; and
- Restrictions as to user limited use of land i.e. no structural improvements.

The benefits of undertaking these works include:

- The drainage reserve will be landscaped open space adjacent to residential dwellings;
- There is a reduced risk of personal injury through the removal of an open drainage channel;
- Council would have a new service line replacing an old service constructed at no cost; and
- The ongoing maintenance cost of maintaining this infrastructure would be significantly reduced.

Whilst the proposal is not explicitly the result of a strategic study or report, as outlined above, the overall impacts of this proposal are beneficial and allows for a more efficient use of existing council-owned infrastructure.

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 sites from Community to Operational is the best means of achieving the objectives of the planning proposal. Reclassifying the land to Operational will help facilitate the development of the Riverdeck Café and will result in a more efficient and timely leasing process of council owned buildings and land. The proposed reclassification also responds to previous agreements between AlburyCity and the adjoining landowners regarding the purchasing of a drainage reserve.

3. Is there a net community benefit?

The Net Community Benefit Test (as set out in **Table 2** of Appendix B), adapted from the *Draft Centres Policy: Planning for Retail and Commercial Development* (Department of Planning 2009) has been prepared to determine the costs and benefits associated with, and accordingly, assist with an assessment of the merits of the Planning Proposal.

This assessment confirms that the Planning Proposal has an overall net community benefit.

3A. 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 sites as Lot 1, DP 1182825 as it applies to Noreuil Park seeks to retain the existing 3m wide easement to drain water, whilst Lot 2, DP 231315 as it applies to Wagga Road has no interests over the site.

3B. The concurrence of the landowner, where the land is not owned by the relevant planning authority.

AlburyCity Council is the owner of the subject sites.

Section B - Relationship to strategic planning framework***4. 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.

5. 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 Albury 2030 Plan includes the following strategic aims under the themes of 'a growing economy' and 'a caring community':

- *A destination based tourism strategy – develop and implement this strategy to celebrate and promote the Murray River and tourism opportunities for Albury and the region;*
- *Develop and enhance tourism infrastructure – prioritise investment in community owned tourism infrastructure and then implement that priority plan;*
- *CBDs growth – support and encourage a diversity of residential and commercial development in the Albury and Lavington CBDs to activate and enliven the city;*
- *Business diversity – support and promote business opportunities across all sectors to continue to foster a diverse economic base;*
- *Murray River Experience Master Plan – make greater public use of riverside parks for a range of experiences;*

The proposed reclassification of Lot 1, DP 1182825 as it applies to Noreuil Park is consistent with the above objectives as it seeks to support tourism related development, fosters business diversity and encourages access and use of the Murray River and riverside parks. Likewise, the proposed reclassification of Lot 2, DP 231315 as it applies to the Donnelly Court drainage reserve is not inconsistent with the objectives and requirements of this Plan.

It is noted that Albury 2030 was recently reviewed. The revised plan is currently on public exhibition and will be adopted by Council in February 2013. During the community engagement process the public gave strong feedback on the following requests:

- Promote proximity to the Murray River;
- Keep the tourists in Albury;
- Better promotion of Albury as a tourist destination;
- Improve visitors and residents' experiences;
- Offer a diverse range of activities and experiences for all ages; and
- Facilitate more bike paths.

Upon review, the proposed reclassifications are also consistent and/or not inconsistent with this community feedback.

6. 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 3** of Appendix B.

7. 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 4** of Appendix B.

Section C - Environmental, social and economic impact***8. 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 reclassifications relate to land currently used for a café/kiosk and stormwater drainage purposes (see **Figure 3**). Consequently, reclassifying the land will not impact on any critical habitat or threatened species as the subject sites will continue to be used for their existing purposes, being small-scale commercial and residential purposes.

9. 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 subject sites for private or community purposes resulting from the reclassification will not result in any environmental impacts to surrounding areas. The subject sites are not known to be contaminated, bush fire prone, be subject to land slip, or adversely affect any adjoining heritage items.

It is noted however that Lot 1, DP 1182825 as it applies to the Riverdeck Café in Noreuil Park, South Albury is located on flood prone land. Notwithstanding, it is anticipated that the impacts of flooding on owners and occupiers of flood prone land will be minimal due to the marginal development outcomes likely to occur on site (tourist and café related development). It is noted that the café already operates on flood liable land and has been designed to accommodate this hazard (constructed of flood liable materials, the location of electrical outlets and powerpoints etc), as well as the fact that the proposal (being non-habitable) is the only development site within an approximate 500m radius.

A detailed assessment of the proposed reclassification with regards to flooding is provided in Table 4 as it relates to s.117 Ministerial Direction No. 4.3 – Flood Prone Land.

Issues regarding potential stormwater problems as they relate to Lot 2, DP 231315 are also noted, however these will not be exacerbated, and in fact may be improved, due to the replacement of the existing open channel drainage reserve with an underground piped system and the creation of an easement over this site.

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

The Planning Proposal will not have an adverse social or economic impact upon adjoining neighbours or the wider Albury area as detailed below.

As outlined above, the proposal seeks to reclassify Lot 1, DP 1182825 to allow for the more efficient and timely issuing of a lease over the subject site. Once the parcel is classified operational, the leasing process would provide prospective lessees greater certainty for their business if they invested in the site.

It is reiterated that currently the Riverdeck Cafe only operates seasonally from November to April, and operations are further restricted during this timeframe due to inclement weather. Council has received feedback that a cafe beside the river at Noreuil Park that is operational throughout the year and during inclement weather would be beneficial. Investment in the site would be required to provide year round service and a more enhanced experience for residents and visitors via the construction of an undercover area or awning over the site or the like.

Hence, by reclassify the abovementioned site, this would provide greater certainty to business owners and may result in the greater investment and development of this business. It is also worth noting that the existing business will not significantly extend beyond the boundaries of the existing building footprint in response to a recent minor boundary adjustment (increase of 61m² in size) and will therefore not significantly increase in size (limited to enclosing or covering the existing business for all weather purposes). It is also noted that the public toilets located on Lot 3, DP 1077613, which are accessed from the subject site will remain available to the public.

It is noted that AlburyCity does not propose to sell Lot 1, DP 1182825 upon reclassification and will maintain a degree of control over this site via a relevant lease agreement.

Similarly, the proposed reclassification of Lot 2, DP 231315 will have a positive social benefit as it seeks to reclassify the subject site and extinguish the drainage reserve over this site allowing it to be sold to the adjoining landowners for a 'peppercorn agreement' (nominal fee). In return it was agreed that the adjoining landowners would replace the existing open channelled drainage reserve with an underground stormwater pipe (at their own cost) and that this would be protected by the creation of an easement over the property for its ongoing protection and maintenance.

Overall the benefits of undertaking the proposed reclassification include:

- The drainage reserve will be landscaped open space adjacent to residential dwellings;
- There is a reduced risk of personal injury by removing an open drainage channel;
- Council would have a new service line replacing an old service constructed at no cost;
- Council maintains a right of access of this important infrastructure;
- The ongoing maintenance cost of maintaining this infrastructure would be significantly reduced; and
- Upon purchase, this will allow the adjoining landowners to formalise the inadvertent development of their land over the subject site (only so far as extending their rear boundary fences to enclose this area).

Section D - State and Commonwealth interests

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

The planning proposal is seeking to only reclassify the subject sites from Community to Operational land and will only result in minor additional development or redevelopment of the subject site. Concerns regarding public infrastructure related to the Riverdeck Café at Noreuil Park have been considered and will not be impacted upon by this proposal as the subject site is already operating as a café/kiosk and there are already adequate services available i.e. sewer, water, electricity and roads etc. It is also noted that the Planning Proposal does not seek to extinguish any interests over the subject sites as Lot 1, DP 1182825 as it retains the existing 3m wide easement to drain water.

Currently there are no services connected to Lot 2, DP 231315, although electricity, water, sewerage, telephone and gas are available. Notwithstanding, discussions with the landowners of 480 Wagga Road, AlburyCity has agreed to reclassify the subject site and extinguish the drainage reserve over this site allowing it to be sold to the adjoining landowners for a 'peppercorn agreement' (nominal fee). In return it was agreed that the adjoining landowners would replace the existing open channelled drainage reserve with an underground stormwater pipe (at their own cost) and that this would be protected by the creation of an easement over the property benefiting Council for its ongoing protection and maintenance.

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

12. 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/or Commonwealth Public Authorities or service providers; however, consultation will occur in accordance with the Gateway Determination.

PART 4 – MAPPING

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

Notwithstanding, **Appendix A** of this report contains relevant site identification maps, zoning maps and aerial photographs for information purposes.

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*, 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* (July 2009).

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;
- The LEP practice note: *Classification and reclassification of land through a Local Environmental Plan* (PN09-003); and

A public hearing will be required to be held as the planning proposal is reclassifying public land from Community to Operational. In accordance with the 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

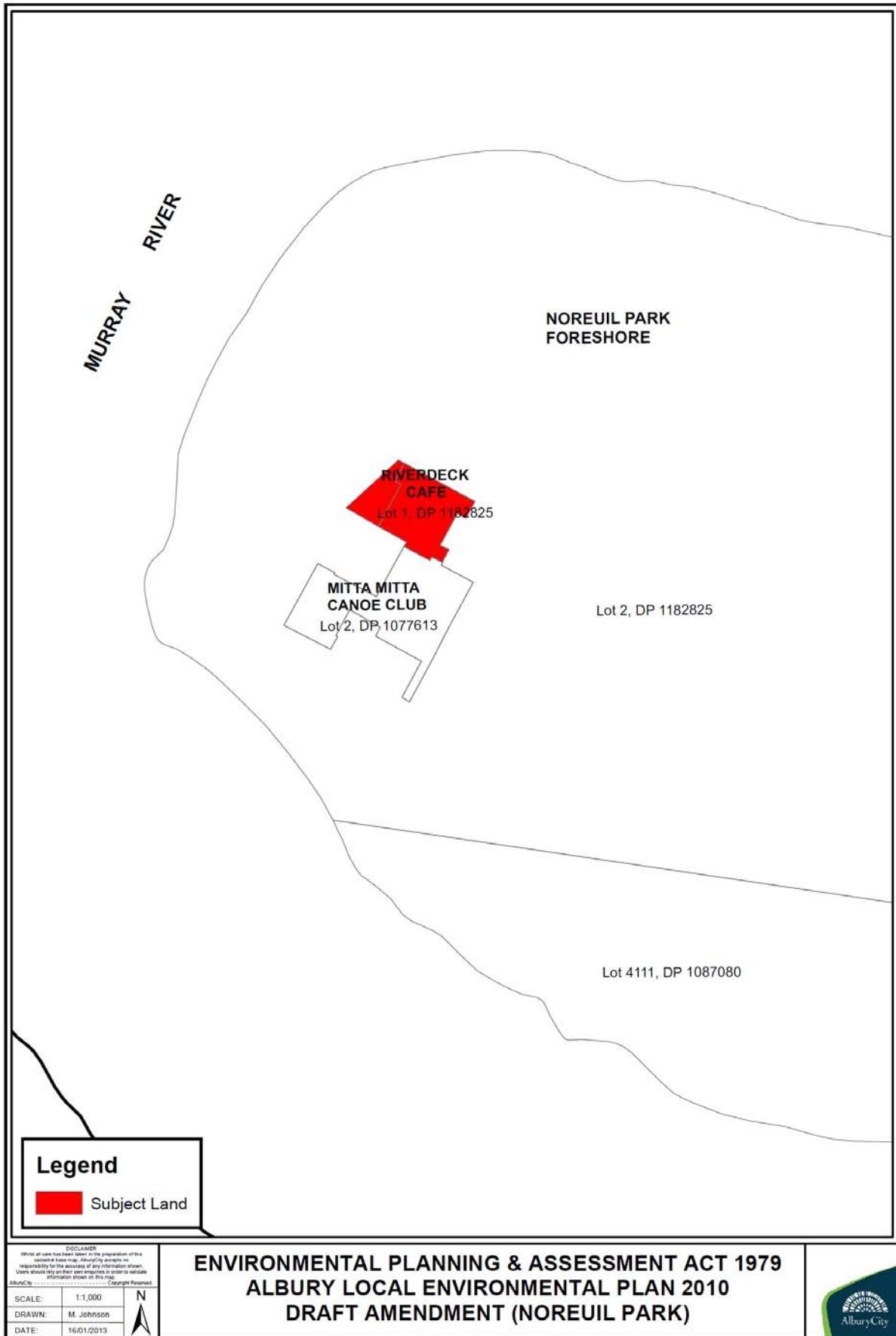
Table 1 provides a project timeline for the proposed reclassifications:

Table 1 – Project Timeline

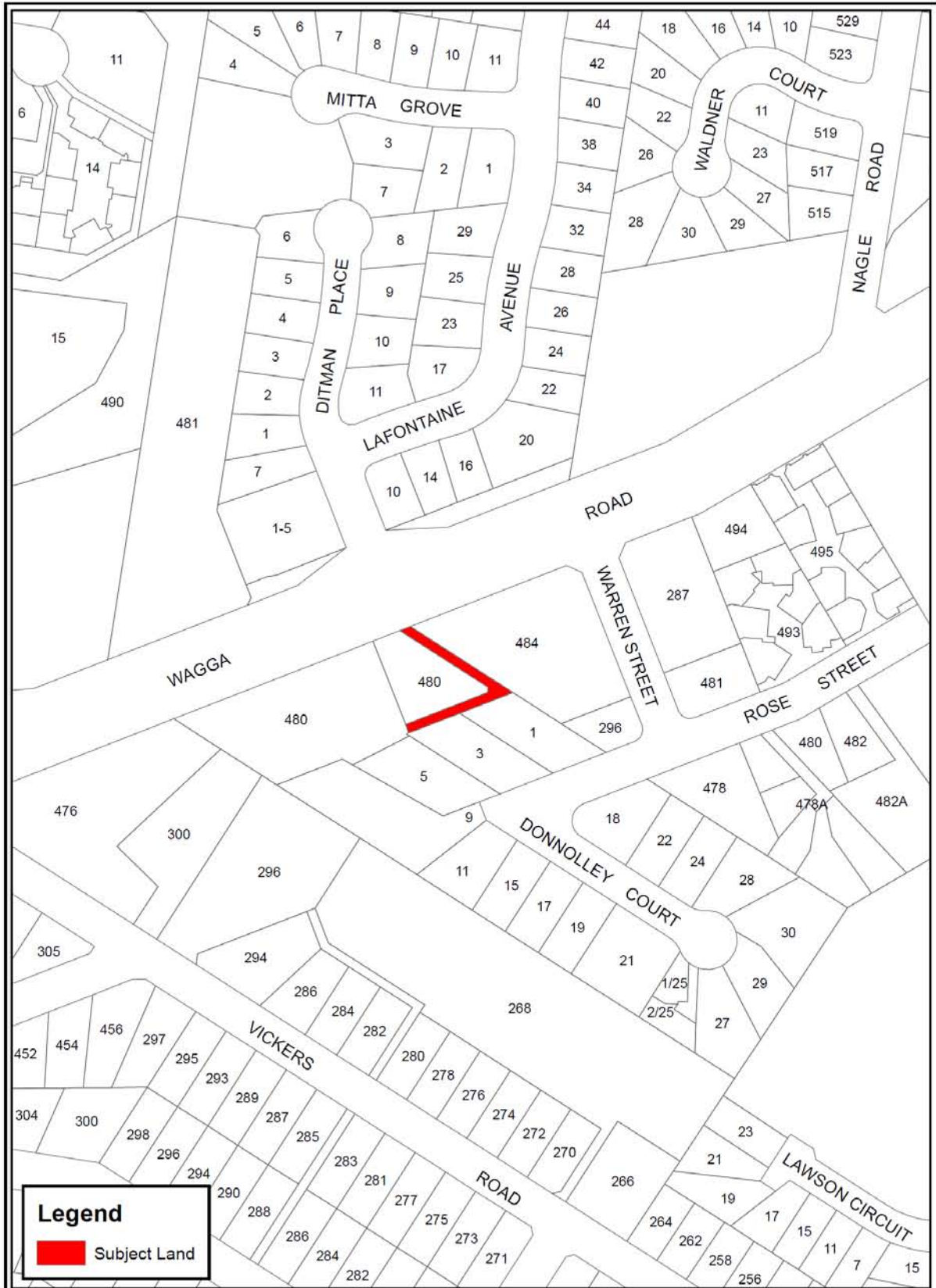
No.	Description of Tasks	Task Commencement	Task Completion
1.	Gateway Determination Anticipated Gateway Determination (including any delegated authority)	April 2013	May 2013
2.	Public Exhibition Agency and community consultation to be undertaken as part of the formal public exhibition of the Planning Proposal in accordance with any conditions of the Gateway Determination.	May 2013	June 2013
3.	Public Hearing Public Hearing to be conducted in accordance with the Local Government Act 1993 and/or any conditions of the Gateway Determination.	July 2013	July 2013
4.	Consider Submissions & Document Finalisation Post public exhibition and public hearing, AlburyCity officers to consider, respond and report on submissions received and issues raised to Council (if any) and make any relevant changes to the Planning Proposal. This process will determine, amongst other things, the following: <ul style="list-style-type: none">• whether or not to endorse and/or support the Planning Proposal; or• whether or not to endorse the Planning Proposal (as exhibited); or• whether or not to endorse the Planning Proposal (as amended).	August 2013	August 2013

5.	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).	September 2013	October 2013
6.	Notification Anticipated date LEP will be notified.	October 2013	October 2013

APPENDIX A
Figure 1 – Proposed Classifications



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Legend
 Subject Land

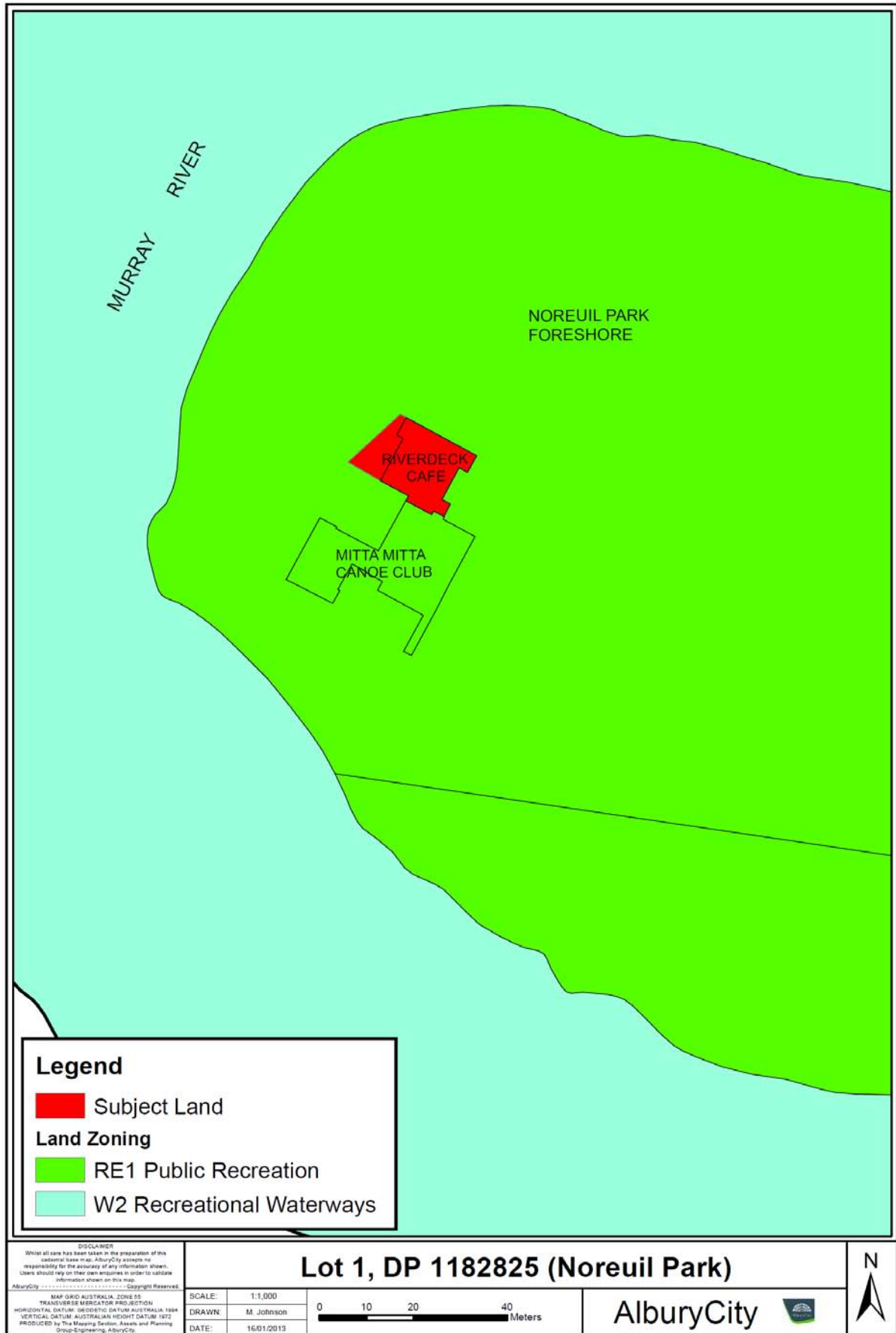
DISCLAIMER
 While all care has been taken in the preparation of this draft local environmental plan, AlburyCity accepts no responsibility for the accuracy of any information shown. Users should rely on their own enquiries in order to obtain information shown on this map.

SCALE: 1:2,500
 DRAWN: M. Johnson
 DATE: 16/01/2013

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
ALBURY LOCAL ENVIRONMENTAL PLAN 2010
DRAFT AMENDMENT (WAGGA ROAD)



Figure 2 – Current Zoning



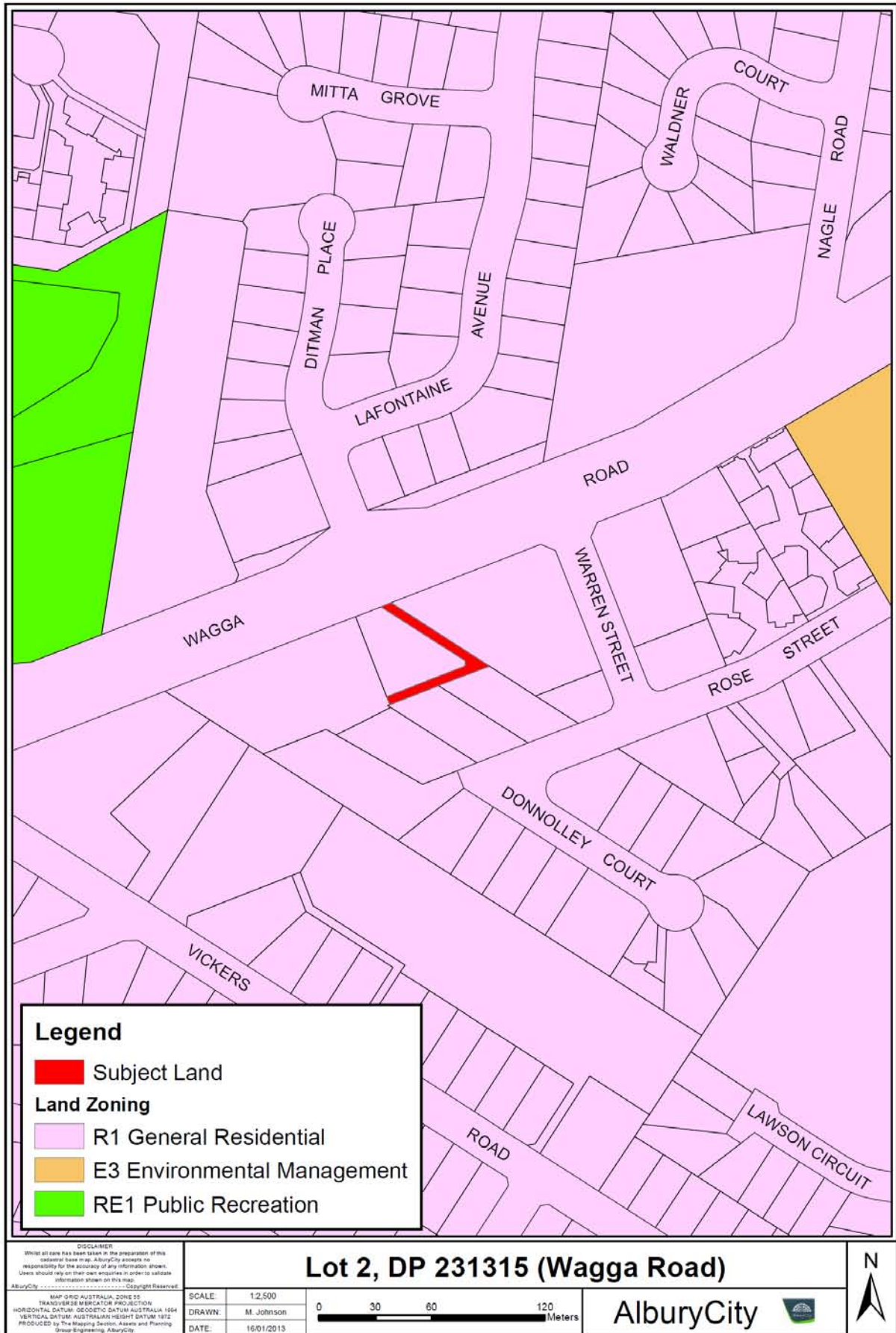


Figure 3 – Aerial Photo



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APPENDIX B

Table 2 – Net Community Benefit Test

Evaluation Criteria	Comment
<p>Will the LEP be compatible with agreed State and regional strategic directions for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?</p>	<p>The Planning Proposal does not derogate from the aims of the <i>Draft Murray Regional Strategy 2009</i> (DMRS). As the proposal only relates to the reclassification of land it will have a neutral impact in terms of its compatibility with agreed state and regional strategic directions for development in the wider Albury area.</p>
<p>Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?</p>	<p>The City of Albury has been identified as a 'Major Regional Centre' of the Upper Murray Subregion within the DMRS and as outlined above will have a neutral impact on Albury as the Major Regional Centre of this region.</p>
<p>Is the LEP likely to create a precedent or create a change in expectations of the land owner or other land owners?</p>	<p>The proposal seeks to reclassify Lot 1, DP 1182825 to allow for the more efficient and timely issuing of a lease over the subject site. Once the parcel is classified operational, the leasing process would provide prospective lessees more certainty for their business if they invested in the site. It is noted that the existing café is already operating on-site and therefore the proposal will not create a precedent or change in expectations.</p> <p>Similarly, the proposed reclassification of Lot 2, DP 231315 will not create a precedent or a change in expectations due to the unique characteristics of the subject site and adjoining properties. It is reiterated that the proposal only seeks to reclassify the subject site and extinguish the drainage reserve allowing it to be sold to the adjoining landowners for a 'peppercorn agreement'. In return it was agreed that the adjoining landowners would replace the existing open drainage reserve with an underground stormwater pipe (at their own cost) and that this would be protected by the creation of an easement over the property.</p>

Evaluation Criteria	Comment
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Not relevant to the subject Planning Proposal, as the proposal does not relate to a change in land use zoning or spot rezoning, but rather the reclassification of community-classified land.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Consistent as the Planning Proposal will seek to provide greater certainty to existing and future owners of the Riverdeck Café. This in turn may encourage the redevelopment of this business from its current seasonal use (November – April) to full year (including all weather) operation.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Not relevant to the subject Planning Proposal, as the proposal does not relate to a change in the supply of residential land and therefore housing supply, but rather the reclassification of community-classified land.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	<p>The planning proposal is seeking to only reclassify the subject sites from Community to Operational land and may only encourage minor additional development opportunities or demands for public infrastructure.</p> <p>Likewise, there are no issues associated with the current availability or future availability of public transport infrastructure as the proposal only relates to the reclassification of community-classified land.</p> <p>Overall the impacts on infrastructure from this proposal will be negligible.</p>
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	Not relevant as the Planning Proposal only relates to the reclassification of community-classified land and will not result in a change to the car distances travelled by customers, employees or suppliers.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	The Planning Proposal will not significantly affect government investments, infrastructure or services in the area as it relates to the reclassification of community-classified land.

Evaluation Criteria	Comment
<p>Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?</p>	<p>The land is not identified as containing threatened species, critical habitat, ecological communities or their habitat. The proposed reclassifications relate to land currently used for kiosk/café and stormwater drainage purposes (see Figure 3). Consequently, reclassifying the land will not impact on any critical habitat or threatened species as the subject sites will continue to be used for their existing purposes, being minor commercial and ancillary residential purposes.</p> <p>A detailed assessment of the proposal with regards to flooding is provided in Table 4 as it relates to s.117 Ministerial Direction No. 4.3 – Flood Prone Land.</p>
<p>Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?</p>	<p>The Planning Proposal is compatible/ complementary to surrounding land uses and will not have a significant material effect on the existing sites as it only seeks to reclassify two parcels of Council-owned land.</p> <p>Firstly, the proposal seeks to reclassify the existing Riverdeck Café, therefore making it easier to issue leases and providing greater certainty to business owners. As a consequence, this will encourage greater business investment resulting in an improvement of existing services, thereby improving the public domain.</p> <p>Similarly, the proposal seeks to reclassify an existing drainage reserve, which in turn will improve the public domain through the replacement of an existing open channelled drainage reserve with a piped stormwater drain therefore allowing this land to be used for ancillary residential purposes consistent with the adjoining land uses. It is further noted that this infrastructure will be protected via the creation of an easement over the subject site allowing for routine or scheduled maintenance.</p>

Evaluation Criteria	Comment
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal is consistent with this direction as it seeks to provide greater certainty and support for an existing operating kiosk/cafe, thereby potentially allowing it to expand and provide an alternative commercial premise in this area.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	Not relevant to the subject Planning Proposal, as the proposal does not seek to create a stand-alone proposal or centre and only relates to the reclassification of community-classified land.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	<p>The public interest reasons for preparing the draft plan will reflect previous agreements between AlburyCity and the landowners of 480 and 484 Wagga Road regarding the extinguishment and sale of a drainage reserve and will also allow for the ongoing development and/or redevelopment of the Riverdeck Café.</p> <p>Accordingly, the main purpose of the reclassifications is to ensure that the sites can be used consistent with the surrounding land uses (i.e. residential and minor commercial purposes) now and into the future.</p> <p>The implications of not proceeding (the 'do nothing approach') will mean that the landowners of 480 and 484 Wagga Road will continue to be divided by an open channel drainage reserve with existing developments built over this reserve, whilst any development or redevelopment of the Riverdeck Café will need to go through the lengthy Local Government Act requirements including formal public exhibition, consideration of submissions etc with regards to the issuing of a new lease, which may therefore have a negative effect upon business confidence and investment.</p>

Table 3 – 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
4	State Environmental Planning Policy – Development without consent & Miscellaneous Exempt & Complying Development	No, does not apply to land in the Albury LGA since gazettal of ALEP 2010	N/A
6	State Environmental Planning Policy – Number of Storeys in a Building	Not applicable	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
22	State Environmental Planning Policy – Shops & Commercial Premises	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

No.	SEPP Title	Applicable to Planning Proposal	Consistency
32	State Environmental Planning Policy – Urban Consolidation (Redevelopment of Urban Land)	Yes, because the Planning Proposal applies to urban zoned land and land that is no longer required for the purpose it is currently zoned or used.	Consistent as the Planning Proposal seeks to reclassify residentially zoned land currently used for stormwater drainage purposes (this will be replaced with the creation of an easement over the site). In reclassifying the land, it will be able to be used for ancillary residential purposes.
33	State Environmental Planning Policy – Hazardous & Offensive Industry	Not applicable	N/A
36	State Environmental Planning Policy – Manufactured Home Estate	Not applicable	N/A
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

No.	SEPP Title	Applicable to Planning Proposal	Consistency
60	State Environmental Planning Policy – Exempt & Complying Development	No, does not apply to land in the Albury LGA since gazettal of ALEP 2010	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
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	Consistent, the Planning Proposal does not derogate from the aims and functions of the SEPP with respect to exempt and complying development provisions.
	State Environmental Planning Policy (Housing for Seniors & People with a Disability) 2004	Yes, as the Planning Proposal affects land zoned for urban purposes and adjoins an existing Retirement Village	Consistent as the Planning Proposal seeks to reclassify Lot 2, DP 231315, to allow it to be used for ancillary residential purposes. It is noted that the purpose of the proposal is to reclassify and sell the subject site to the adjoining landowners at 480 Wagga Road and Southern Cross

No.	SEPP Title	Applicable to Planning Proposal	Consistency
	State Environmental Planning Policy (Housing for Seniors & People with a Disability) 2004 Cont.		Apartments Retirement Village to be used for ancillary residential purposes, which satisfies the aims of this policy, in particular to make efficient use of existing infrastructure and services.
	State Environmental Planning Policy (Infrastructure) 2007	Yes, as the Planning Proposal relates to land (Lot 2, DP 231315) used for drainage reserve purposes	<p>Consistent as the Planning Proposal does not derogate from the aims, permissibility, development consent, assessment and consultation requirements as provided in the SEPP.</p> <p>It is noted that the proposal seeks to reclassify and sell an existing Council drainage reserve (Lot 2, DP 231315), which could create issues regarding stormwater management. Nonetheless, it is intended that the existing open drainage channel be replaced by a piped underground system and that an easement be created over the subject site to prevent issues of stormwater drainage. It is further noted that Council would maintain the right of access over this easement.</p>
	State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007	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 (Rural Lands) 2008	Not applicable	N/A

No.	SEPP Title	Applicable to Planning Proposal	Consistency
	State Environmental Planning Policy (State and Regional Development) 2011	Not applicable	N/A
	State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	Not applicable	N/A
	State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not applicable	N/A
	State Environmental Planning Policy (Temporary Structures) 2007	Not applicable	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
	Murray Regional Environmental Plan No. 2 – Riverine Land (Deemed SEPP)	Yes applies to the Albury LGA	<p>Consistent, as 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.</p> <p>It is noted that any development of the Riverdeck Café ('tourist related facility') will need to ensure consistency with the development consent and consultation requirements as listed in this deemed SEPP.</p>

Table 4 – 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 affects an existing operating commercial business (despite not being located within a commercial zone)	Consistent, although the proposal does not affect land located within a business or industrial zone, it is noted that the proposal does affect an existing operating business, being the Riverdeck Café at Noreuil Park. Currently the café is operated seasonally between November and April for restricted days and times. By reclassifying the subject site from community to operational, this will result in a more efficient and timely leasing process of council owned buildings and land by removing some of the legislative requirements associated with community land. This in turn will provide greater certainty to the current or any future business owner who plans on investing and expanding the current business.
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 as the Planning Proposal does not relate to land zoned for environmental protection purposes	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

<i>No.</i>	<i>Direction Title</i>	<i>Applicable to Planning Proposal</i>	<i>Consistency</i>
3. Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Yes, as the planning proposal will affect land within the R1 General Residential Zone (as it applies to Lot 1, DP 1077613)	<p>Consistent, as the reclassification of the subject site (as it applies to Lot 1, DP 1182825) will make more efficient use of infrastructure as it seeks to remove an existing open channelled drainage reserve and replace it with piped underground infrastructure protected through the creation of an easement over the property.</p> <p>This will allow for the use of the subject site for ancillary residential purposes associated within the adjoining residential and aged care developments (it is noted that units 3, 4 and 5 at 480 Wagga Road already extend into this area) and will make more efficient use of existing infrastructure and services consistent with the objectives of this Direction.</p> <p>This makes more efficient use of residentially-zoned land and will also not have an adverse impact on environmental and resource lands as it only relates to the reclassification of community-owned land.</p>
3.2	Caravan Parks & Manufactured Home Estates	Not applicable	N/A
3.3	Home Occupations	Not applicable	N/A
3.4	Integrating Land Use and Transport	Yes because the planning proposal affects urban land zoned for residential 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. It is also noted that there is unlikely to be significant development generated from the reclassification of the subject sites, which will therefore not impact existing transport and traffic infrastructure.

No.	Direction Title	Applicable to Planning Proposal	Consistency
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	Yes, as the Planning Proposal relates to land classified as flood prone	<p>The Planning Proposal is not inconsistent with the objectives of this Direction, being to ensure development of flood prone land is consistent with the NSW <i>Floodplain Development Manual 2005</i>. In addition, the Planning Proposal does not derogate from the principles of the <i>Floodplain Development Manual 2005</i> and seeks to reduce the impact of flooding and flood liability on owners and occupiers of flood prone property to reduce private and public losses resulting from floods, as well as the benefits from the use, occupation and development of flood prone land.</p> <p>A response in relation to the principles of the <i>Floodplain Development Manual 2005</i> is outlined as follows:</p> <ul style="list-style-type: none"> ▪ The primary objective of this Manual is: <i>To reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property and to reduce private and public losses resulting from floods...</i> <p>The proposal is not inconsistent with this objective as it still allows for the detailed assessment of development on flood liable land via development assessment, referral and concurrence (where required).</p>

No.	Direction Title	Applicable to Planning Proposal	Consistency
4.3	<p>Flood Prone Land</p> <p>Cont.</p>		<p>It is anticipated that the impacts of flooding on owners and occupiers of flood prone land will be minimal due to the marginal development outcomes likely to occur on site (tourist and café related development). It is noted that the café already operates on flood liable land and has been designed to accommodate this hazard (flood liable materials, location of electrical outlets etc), as well as the fact that the proposal (being non-habitable) is the only development site within an approximate 500m radius.</p> <ul style="list-style-type: none"> ▪ One of the primary objectives of the Manual also states that: <i>Flood prone land is a valuable resource that should not be sterilised by unnecessarily precluding its development.</i> <p>The proposal is consistent with this objective as it seeks to reclassify a site to operational land, thereby making it easier to invest and redevelop the existing business on-site (minor extension such as awnings, canopies and the possible enclosure of the existing structure) and allowing for the efficient development of land without unnecessarily sterilising it.</p> <p>Lastly, it is also noted that the proposed reclassification maintains normal assessment, referral and concurrence (if required) requirements for development of land in flood prone areas. Likewise, Clauses 7.2 – Water, 7.4 – Flood Planning and 7.5 – Development on River Front Areas of ALEP 2010 will also appropriately control development that is subject to flooding or that will have a potentially deleterious effect upon riparian areas.</p>
4.4	<p>Planning for Bushfire Protection</p>	<p>Not applicable</p>	<p>N/A</p>

No.	Direction Title	Applicable to Planning Proposal	Consistency
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
5.5	Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	No (does not apply to the AlburyCity LGA)	N/A
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No (does not apply to the AlburyCity LGA)	N/A
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No (does not apply to the AlburyCity LGA)	N/A
5.8	Second Sydney Airport: Badgerys Creek	No (does not apply to the AlburyCity 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.

No.	Direction Title	Applicable to Planning Proposal	Consistency
6.2	Reserving Land for Public Purposes	Yes, as the Planning Proposal relates to public land	<p>Consistent, as the planning proposal does not create, alter or reduce existing zonings.</p> <p>It is noted however that the planning proposal does seek to reclassify the subject sites from 'community' to 'operational' land and facilitate the removal of the drainage reserve status over Lot 2, DP 231315.</p> <p>Nonetheless, with regards to Lot 2, DP 231315 as it applies to the Donnelly Court drainage reserve, the proposal only seeks to remove a community land classification in response to previous discussions between AlburyCity and the landowners of 480 Wagga Road. At such time it was agreed that the existing open drainage channel would be replaced with piping underground and an easement being created over the site benefiting Council. This will allow for the site to be used for ancillary residential development whilst maintaining this important infrastructure.</p> <p>Similarly, there will be a neutral impact upon Lot 1, DP 1182825 with regards to the reclassification of this land, as the site is already operating as a private business (café) under a current lease agreement with Council. The proposal is only likely to facilitate the redevelopment or extension of this private business, which will therefore improve the services that currently exist on-site.</p>
6.3	Site Specific Provisions	Not applicable	N/A
7. Metropolitan Planning			
7.1	Implementation of Metropolitan Strategy	Not applicable	N/A

AlburyCity
AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

APPENDIX C
Deposited Plans

Box:e-IDS /Doc:DP 1077613 B /Rev:18-Aug-2005 /Sts:SC.OK /Prt:19-Aug-2005 02:15 /Pgs:ALL /Seq:1 of 1
 WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS
 INTENDED TO BE CREATED PURSUANT TO SECTION 88B,
 CONVEYANCING ACT, 1919.**

ePlan
 (Sheet 1 of 1 sheets)

Plan: **DP1077613**

Plan of Subdivision of Lot A DP 312583,
 Lot 1 DP 185037 & Lot 5 DP 41002
 covered by Council's Certificate No. **3901**

**Full name and address of owner
 of the land.**

The Council Of The City Of Albury
 PO Box 323
 Albury NSW 2640

PART 1

**1. Identity of easement to be created
 and firstly referred to in the plan:**

Easement to Drain Water 3 Wide
 & Variable.

Schedule of Lots affected.

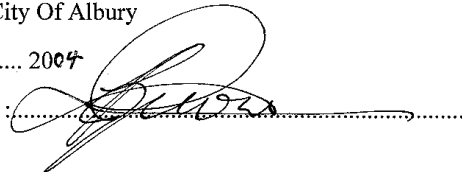
Lots Burdened.

1
 2
 3

Lots Benefited.

3
 1 & 3
 1 & 2

The Common Seal of
 The Council Of The City Of Albury
 was hereto affixed on
 the 10 day of DEC.... 2004
 in the presence of



THE SEAL OF THE CITY OF ALBURY WAS
 HEREUNTO AFFIXED IN THE PRESENCE OF

Mayor.....

Arthur Roy Frajenfelder
 ARTHUR ROY FRAJENFELDER

General Manager.....

Mark Clifford Henderson
 MARK CLIFFORD HENDERSON



REGISTERED



16-08-2005

Box:e-IDS /Doc:DP 1077613 P /Rev:18-Aug-2005 /Sta:SC.OK /Prt:19-Aug-2005 02:15 /Pgs:ALL /Seq:3 of 3
 WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

PLAN FORM 6

ePlan

CERTIFICATES, SIGNATURES AND SEALS		Sheet 1 of 1 sheet
<p>PLAN OF SUBDIVISION OF LOT A DP 312583, LOT 1 DP 185037 & LOT 5 DP 41002</p>	<p style="font-size: 24pt;">DP1077613</p>	
<p>Registered: 16-08-2005</p>		
<p style="text-align: center;">Surveying Regulation 2001</p> <p>I, Charles Fransen of Esler & Associates, 598 Macauley Street, Albury 2640 a surveyor registered under the <i>Surveying Act 2002</i>, certify that the survey represented in this plan is accurate, has been made in accordance with the <i>Surveying Regulation 2001</i> and was completed on: 11 October 2004</p> <p>The survey relates to Lots 1 & 2</p> <p>(specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)</p> <p>Signature: Dated: 22/11/04 <small>Surveyor registered under the Surveying Act 2002</small></p> <p>Datum Line: X - Y Type: Urban</p>	<p>SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads or to create public reserves and drainage reserves.</p> <p style="text-align: center;">THE SEAL OF THE CITY OF ALBURY WAS HEREUNTO AFFIXED IN THE PRESENCE OF</p> <p>Mayor: ARTHUR ROY FRAUENFELDER</p> <p>General Manager: MARK CLIFFORD HENDERSON</p> <div style="text-align: center;"> </div>	
<p style="text-align: center;">Department of Lands Approval</p> <p>I.....in approving this plan certify (Authorised Officer) that all necessary approvals in regard to the allocation of the land shown hereon have been given</p> <p>Signature:..... Date:..... File Number:..... Office:.....</p>		
<p style="text-align: center;">Subdivision Certificate</p> <p>I certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:</p> <p>the proposed <u>SUBDIVISION</u> set out herein (insert 'subdivision' or 'new road')</p> <p style="text-align: center;"></p> <p>* Authorised Person/General Manager/Accredited Certifier</p> <p>Consent Authority: <u>ALBURY CITY COUNCIL</u> Date of Endorsement: <u>10 DECEMBER 2004</u> Accreditation no: Subdivision Certificate no: <u>3901</u> File no: <u>PE 25097</u></p> <p>Note: When the plan is to be lodged electronically in Land and Property Information, it should include a signature in an electronic or digital format approved by the Registrar-General. * Delete whichever is inapplicable.</p>	<p>Use PLAN FORM 6A for additional certificates, signatures and seals</p>	

* OFFICIAL COPY

SURVEYOR'S REFERENCE: 16483

AlburyCity AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

PLAN FORM 2

SIGNATURE AND SEALS ONLY.

FOR SIGNATURES, SEALS, AND CERTIFICATES, SEE SIGNATURES FORM

DP1077613

DP1077613

Registered: 16-08-2005

C.A. SEE CERTIFICATE

Title System: TORRENS

Purpose: SUBDIVISION

Ref. Map: ALBURY SH 6 & 10

Last Plan: DP41002, DP185037, DP312583

PLAN OF SUBDIVISION OF LOT A, DP 312583, LOT 1 DP 185037 & LOT 5 DP 41002

Lengths are in metres. Refer to Clause 1.150.

LGA: ALBURY
Locality: ALBURY
Parish: ALBURY
County: GOULBURN

This is Sheet 1 of 2 in TWO sheets of this subdivision.

1. CHANGES PROPOSED
a. 1500' x 4.8000' STR. W/400' x 100' ALBURY 2040
a surveyor applied under the Survey Act, 2002
has been made in accordance with the following
provisions:
Application 2001 was considered on 20th October, 2004
and survey return is 10/1/04.

SEE SIGNATURES FORM

Signatures: A - P
Date: 16/08/2005
In Accordance with Section 100 of the Survey Act 2002

Plans used in preparation of survey/compliance:
M.S. 317 Reg. DP 29322,
DP 342581, DP 41002

PANEL FOR USE ONLY for statements of intention to create public roads, to create public reserves, to change reserves, easements, restrictions on the use of land or public easements.

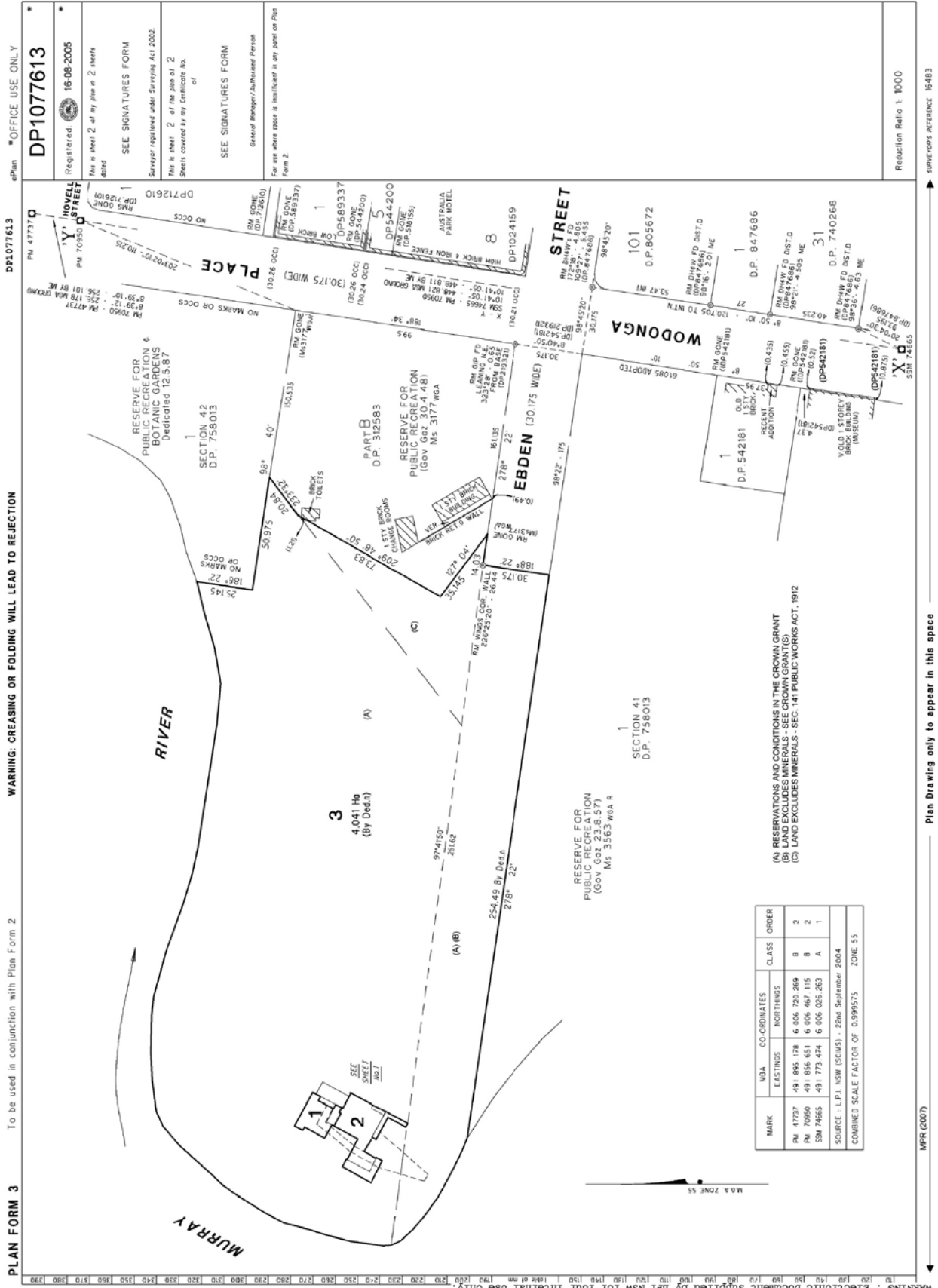
PURSUANT TO SECTION 88B, OF THE CONVEYANCING ACT 1919, IT IS INTENDED TO CREATE:-
1) EASEMENT TO DRAIN WATER
3) WIDE AND VARIABLE.

Plan Drawing only to appear in this space

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

M.P.R. (2007)

AlburyCity AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010



Schedule 2

COPY OF TITLE SEARCH



Order number: 10363752
Your Reference: 20122266
12/11/12 09:37

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 2/231315

SEARCH DATE	TIME	EDITION NO	DATE
12/11/2012	9:37 AM	1	15/10/2005

LAND

LOT 2 IN DEPOSITED PLAN 231315
AT LAVINGTON
LOCAL GOVERNMENT AREA ALBURY CITY
PARISH OF ALBURY COUNTY OF GOULBURN
TITLE DIAGRAM DP231315

FIRST SCHEDULE

ALBURY CITY COUNCIL (CA96775)

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 QUALIFIED TITLE. CAUTION PURSUANT TO SECTION 28J OF THE REAL PROPERTY ACT, 1900. ENTERED 1.10.2005 BK2061 NO417
- 3 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- * 4 THE LAND ABOVE DESCRIBED IS DRAINAGE RESERVE

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Draft Deposited Plans

PLAN FORM 6 (2012)

WARNING: Creasing or folding will lead to rejection

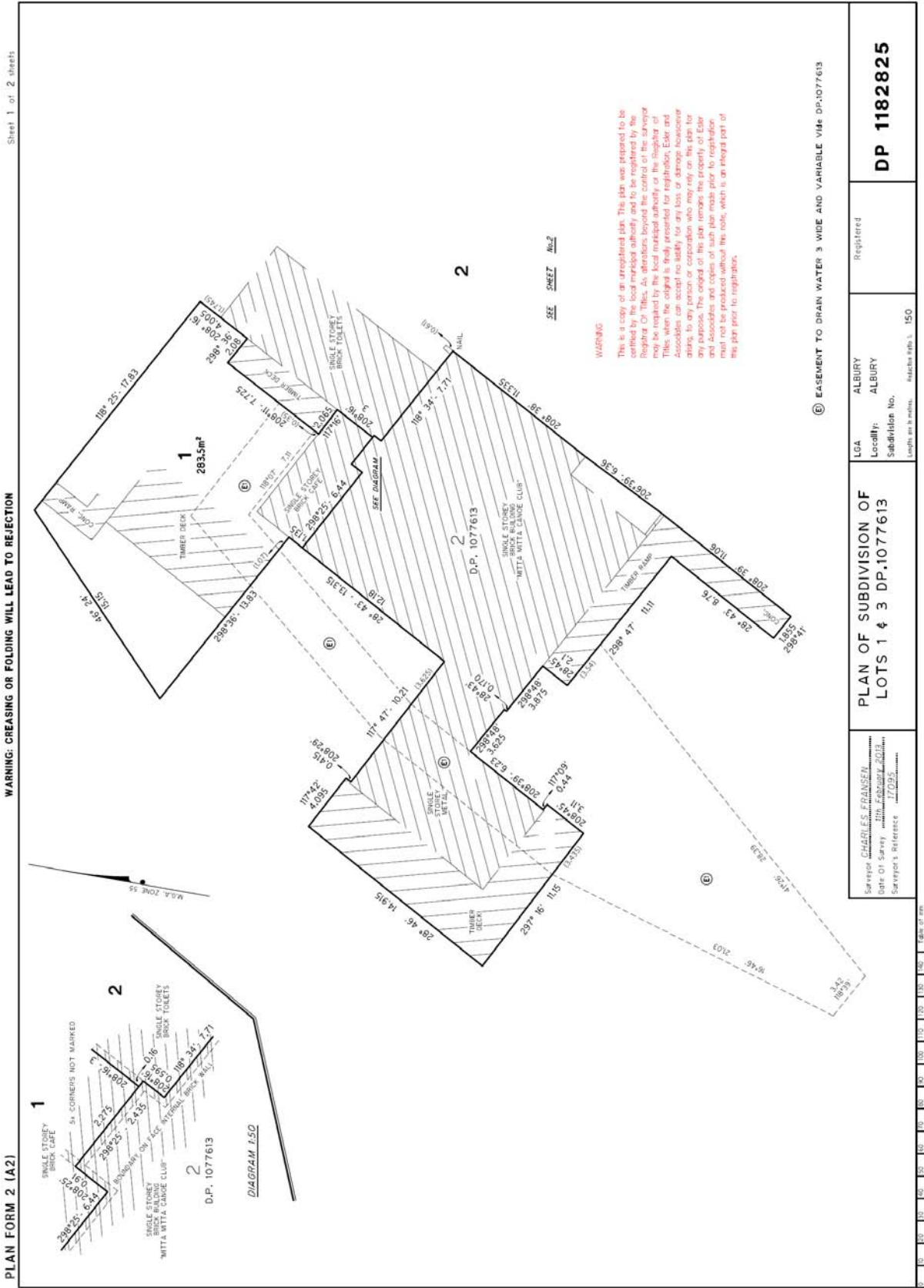
DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of sheet(s)
<p>Registered: Office Use Only</p> <p>Title System:</p> <p>Purpose:</p>	<p style="font-size: 24pt; font-weight: bold;">PP DP1182825</p>	
<p>PLAN OF SUBDIVISION OF LOTS 1 & 3 DP1077613</p>	<p>LGA: ALBURY</p> <p>Locality: SOUTH ALBURY</p> <p>Parish: ALBURY</p> <p>County: GOULBURN</p>	
<p style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</p> <p>I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature:</p> <p>Date:</p> <p>File Number:</p> <p>Office:</p>	<p style="text-align: center;">Survey Certificate</p> <p>I, CHARLES FRANSEN of ESLER & ASSOCIATES, 598 MACAULEY STREET, ALBURY 2640 a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>*(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i>, is accurate and the survey was completed on</p> <p>*(b) The part of the land shown in the plan (*being[^]excluding lot 1) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i>, is accurate and the survey was completed on, the part not surveyed was compiled in accordance with that Regulation.</p> <p>*(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2012</i>.</p> <p>Signature: Dated:</p> <p>Surveyor ID: 1061</p> <p>Datum Line: X - Y</p> <p>Type: *Urban/*Rural</p> <p>The terrain is *Level-Undulating / *Steep-Mountainous.</p> <p>*Strike through if inapplicable.</p> <p>[^]Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</p>	
<p style="text-align: center;">Subdivision Certificate</p> <p>I, *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature:</p> <p>Accreditation number:</p> <p>Consent Authority:</p> <p>Date of endorsement:</p> <p>Subdivision Certificate number:</p> <p>File number:</p> <p>*Strike through if inapplicable.</p>		
<p>Statements of intention to dedicate public roads, public reserves and drainage reserves.</p>	<p>Plans used in the preparation of survey/compilation. DP1177613</p> <p style="text-align: right;">If space is insufficient continue on PLAN FORM 6A</p>	
<p>Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p>	<p>Surveyor's Reference: 17095</p>	

PLAN FORM 6A (2012)

WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 2 of	sheet(s)															
Office Use Only	Office Use Only																	
Registered:																		
PLAN OF SUBDIVISION OF LOTS 1 & 3 DP1077613	This sheet is for the provision of the following information as required: <ul style="list-style-type: none"> A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2012</i> Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i> Signatures and seals- see 195D <i>Conveyancing Act 1919</i> Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets. 																	
Subdivision Certificate number:	Date of Endorsement:																	
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Lot</th> <th style="width: 15%;">Street number</th> <th style="width: 30%;">Street name</th> <th style="width: 15%;">Street type</th> <th style="width: 30%;">Locality</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td></td> <td></td> <td></td> <td style="text-align: center;">SOUTH ALBURY</td> </tr> <tr> <td style="text-align: center;">2</td> <td></td> <td></td> <td></td> <td style="text-align: center;">SOUTH ALBURY</td> </tr> </tbody> </table>				Lot	Street number	Street name	Street type	Locality	1				SOUTH ALBURY	2				SOUTH ALBURY
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1				SOUTH ALBURY														
2				SOUTH ALBURY														
If space is insufficient use additional annexure sheet																		
Surveyor's Reference: 17095																		

AlburyCity AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

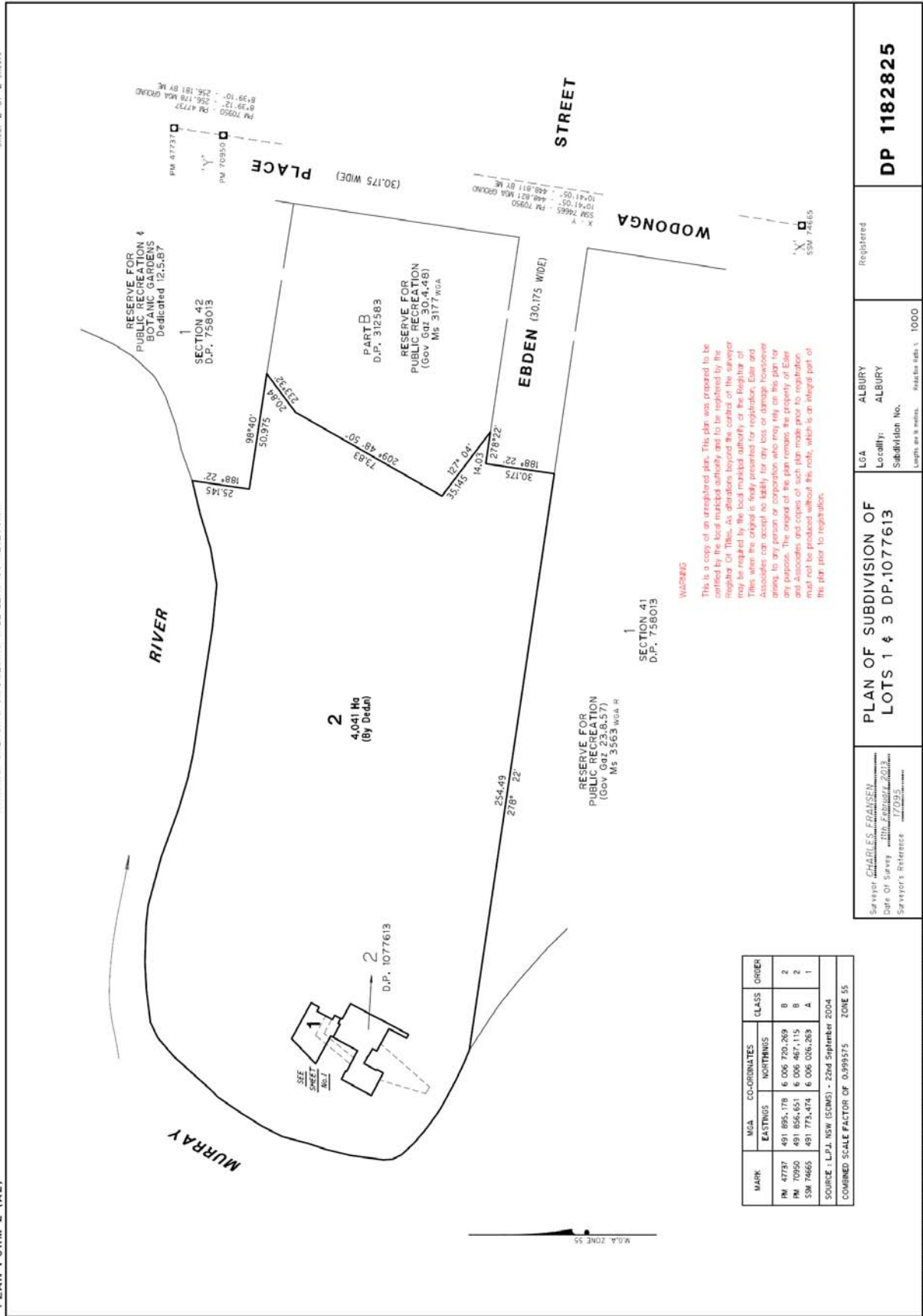


AlburyCity AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010

Sheet 2 of 2 sheets

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

PLAN FORM 2 (A2)



MARK	MGA EASTINGS	MGA NORTHINGS	CLASS	ORDER
PM 47737	491 895.178	6 006 720.269	B	2
PM 70950	491 896.651	6 006 487.115	B	2
SM 74665	491 775.474	6 006 026.283	A	1

SOURCE: L.P.A. NSW (SCMS) - 22nd September 2004
COMBINED SCALE FACTOR OF 0.999575 ZONE 55

Surveyor: CHARLES PEDERSEN
Date Of Survey: 22nd February 2011
Surveyor's Reference: 17095

LCOA ALBURY
Locality: ALBURY
Subdivision No. 1000

Registered

PLAN OF SUBDIVISION OF
LOTS 1 & 3 DP.1077613

DP 1182825

Length: 1000

Site Photo's



Donnolley Court Drainage Reserve looking South from Wagga Road



Donnolley Court Drainage Reserve and culvert looking North towards Wagga Road



Donnolley Court Drainage Reserve looking South from Wagga Road



View of rear yards of units 3, 4 and 5 at 480 Wagga Road currently built over Donnolley Court Drainage Reserve



Riverdeck Café (rear), Noreuil Park, South Albury



Riverdeck Café, Noreuil Park, South Albury



Proposed extension area of the Riverdeck Café to the existing concrete footpath (61m²)



Views towards the Murray River (Approx. 50m) from Riverdeck Café

Extract of Murray River Experience



Option Two - Smollett Street maintained, Albury Football Club relocated.



- Key:**
- Beach access
 - New BBQ/ picnic shelter
 - New road treatment
 - New spine road with associated parking
 - Pedestrian connections
 - Water f/bws
 - New feature wetland
 - New soft mulch playground
 - New riverside broadwalk
 - Levee bank
 - Revegetation zone
 - Improvement areas
 - Development areas
 - Entrance improvement point

- 1 Woodonga Place Improvement**
The masterplan recognises the completion of the bypass as a key opportunity with substantial reduction of through traffic, and proposes redevelopment of the existing road profile with the insertion of a continuous 4m wide central median that would extend the entire length of the park from Nurijong Street to Dean Street. The median would unify the street, slow traffic and enable safe crossing for pedestrians at any point. Parallel parking will be provided on both sides.
Three entry points into the new park internal road system is identified at Edden, Smollett and Hume Streets. These would be treated as similar boulevards to Woodonga Place for a short length with views along Edden and Hume Street extensions designed to terminate with glimpses of water. They would remain as traffic light controlled intersections.
- 2 Botanic Gardens Enhancement.**
Closure of Smollett Street as a through road is suggested, (subject to negotiation with road authorities) to allow partial development of a Botanic Gardens visitor car park and the balance developed as a new component of the gardens. The new section of the gardens would have high tourists / visitor attraction and some income potential. The master plan is developed with an alternative layout in the event that a bypass arrangement can't be achieved within the study timeframe. Action associated with the Conservation Management Plan should continue to be implemented throughout the gardens.
- 3 Tea House Development**
A tea house development is proposed for the Woodonga Place frontage of the Botanic Gardens.
- 4 Aquatic Centre Redevelopment**
The master plan anticipates redevelopment of the Aquatic Centre in a form that better addresses the river. This proposed expansion and revised layout is currently the subject of a separate parallel Council feasibility study. The outcome of this study is yet to be determined.
- 5 New Water Edge Promenade**
The northern section of the river bank from Hovell Street to the frontage of the Aquatic Centre is proposed to be redeveloped to provide a lower level river walk for public access by day and night. The river precinct facility could provide commercial opportunities such as quality restaurants and mooring point for the Cumberland so it can be seen from the Hume Street extension.
- 6 The Albury Football Field**
This plan can accommodate the retention or relocation of the Albury Football Club. It is important to remove all non-heritage buildings along Woodonga Place to open views into the park. The grandstand should remain as a focal point and a large open lawn should be retained so it can accommodate major events as well sporting uses. In the event that the Albury Football Club stays, alternative club facilities would be provided on the western side of the field and these facilities may be restricted in size and may involve shared use. Separate detailed study of the feasibility of two or more options for the future of the Albury Football Club is recommended.
- 7 Existing Grandstand**
The master plan recommends the restoration and completion of the Grandstand.
- 8 Possible New Multi-purpose Event Venue**
New building to accommodate club social functions to be designed to also service weddings and other events associated with Botanic Gardens. Commercial return expected.
- 9 Council Depot Site**
The master plan supports the notion of relocating this facility when economic conditions best suit Council. The site is a key opportunity for connection of town with the river. The masterplan suggests requiring active commercial and hospitality uses at ground level, with residential or tourist accommodation to say a maximum four levels above to take advantage of parkland and river views. Odour from the existing sewer pump station is limiting factor for the development of Woodonga Place Depot land. Actions to minimise the odour is imperative to the development.
- 10 New park access road**
Existing roads in the park are relatively informal and arbitrary in their layout. The proposed new road alignment is designed to incorporate existing roads where feasible.
The new park access road will provide circulation and a park parking system with footpaths carefully integrated. Sections of levee bank would be reshaped to screen views of cars within the park. The road would be a 5m wide pavement, for slow two way circulation, with 90 degree parking bays organized off its edge as needed. The road will provide access and parking for all park facilities enabling visitors to experience the park slowly and systematically by car without intruding on activity areas. It will be designed to discourage through traffic. Only maintenance vehicles would be able to leave this circulation and parking system.
- 11 New focal wetlands**
A series of artificial wetlands and water-bodies will be developed along a realigned and reshaped Oddies Creek. This wetland would introduce natural billabong habitat to the heart of the park while providing a treatment system for f/bws along the creek. Pumping of water to activate fountains and circulate water in summer is possible. New boardwalks will enable visitors to experience this special habitat which will attract bird life. The new wetlands will be designed to be an Albury entry experience by night and day.
- 12 Monument Hill**
Proposed improvement of public amenities at Monument Hill, including upgrade of public toilets, public seating, picnic tables, lookout points and trails.
- 13 Event Spaces**
Proposed multipurpose grassed event areas.
- 14 Reshaped Floodway Control**
Proposed cleanup / weed management of existing drainage including laying back of embankment and revegetation.
- 15 City Entrance Treatment**
New city entrance artwork will be incorporated into Jersey barrier treatment designed to increase views into the parkland and to the river. This could include a lighting treatment.
- 16 New Children's Play Area and Picnic Facilities**
A large regional playground is proposed in Oddies Creek parkland in view from the bridge, supported with a new access road and car park.
- 17 Noreuil Park Foreshore Improvement**
Existing user facilities at Noreuil Park foreshore are to be improved, to encourage continued use of this popular open space and river access point. Improvements are to include new river beach access areas, lighting upgrade, a quality small playground, picnic facilities and improvements to the existing cafe.
- 18 Renaming Woodonga Place**
Proposed name change of Woodonga Place to Riverside Boulevard.

